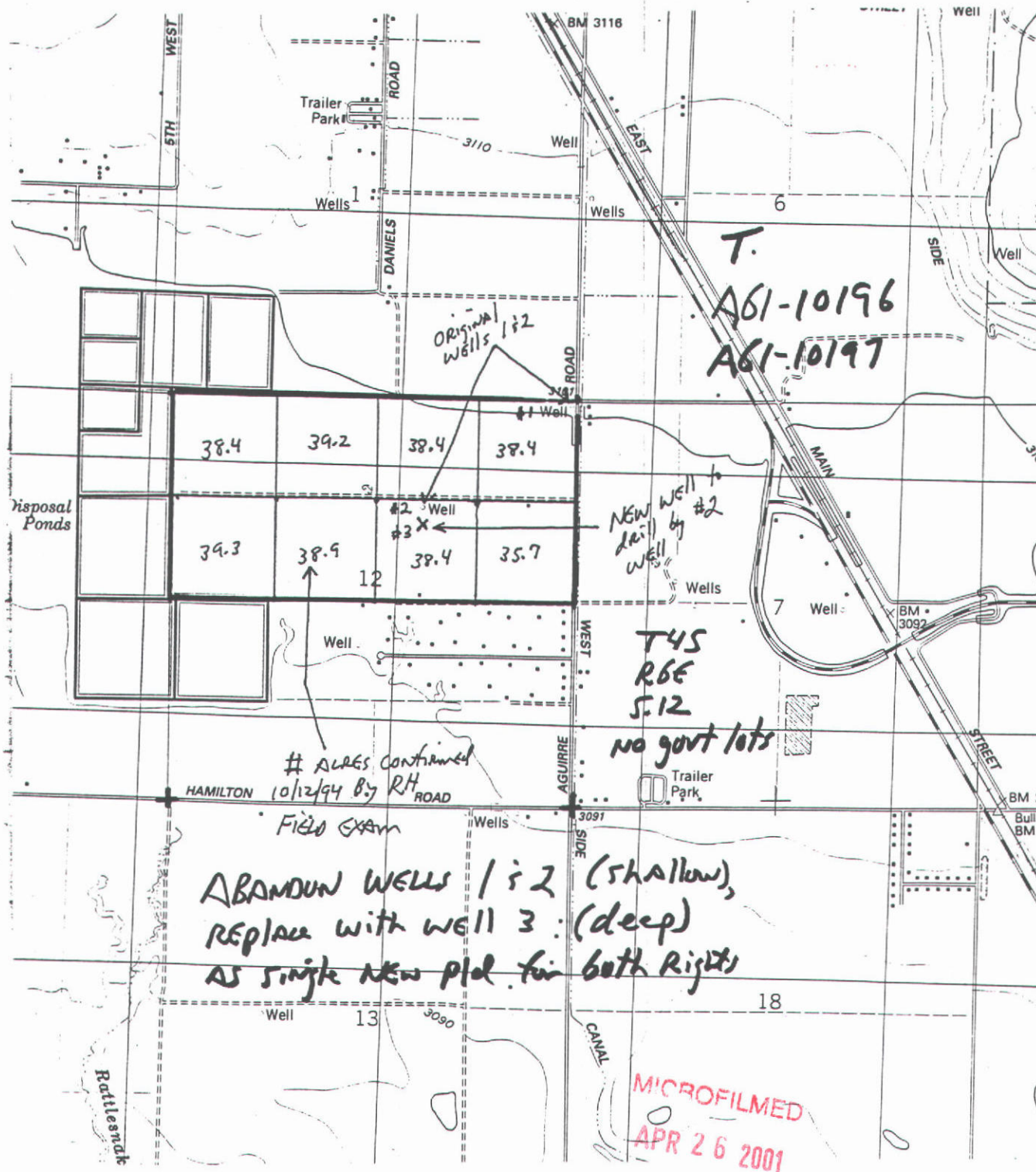


**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

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





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 |
|-------------------|--------------------------|-------|-------------------|--------------------------|-------|
| A61-10196         | TO W.O. 9-26-00          |       |                   |                          |       |
| A61-10197         |                          |       |                   |                          |       |
| A61-10198         | P.D. 2-25-03             |       |                   |                          |       |
| A61-10195         | P.D. 1-30-78             |       |                   |                          |       |

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 SAMARA 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

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Department of Water Resources

*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<br>(cubic feet per second or acre-feet per annum) | Description<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(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)

*Victor Hofen*

*ALBERT HOFER 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. *C050569*

Processed by \_\_\_\_\_ AJ

Date \_\_\_\_\_

WR \_\_\_\_\_

Date \_\_\_\_\_

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**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 25<sup>th</sup> day of April, 2001

  
\_\_\_\_\_  
KARL J DREHER  
Director

SEE ATTACHMENT "A" ON WELL DRILLING PERMIT  
NO. 768684 Tag No D18239

**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  
APR 26 2001

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

IN THE MATTER OF TRANSFER NO. )  
4552 IN THE NAME OF VICTORIA )  
HOFER )  
\_\_\_\_\_ )

**PRELIMINARY ORDER**

WHEREAS, on February 14, 1996, the Department of Water Resources ("Department") issued a Final Order approving Application for Transfer No. 4552 filed in the name of Victoria Hofer with certain conditions of approval; and

WHEREAS, Condition of Approval No. 10 required the right holder to complete changes authorized by the transfer within two (2) years of the date of issuance of the Final Order; and

WHEREAS, on December 29, 1997, the Department issued an order extending the time to February 14, 2001, to complete the changes; and

WHEREAS, on September 11, 2000, Victor A. Hofer, the authorized representative of the right holder, visited the Department seeking an additional extension of time in which to complete the changes authorized by the transfer; and

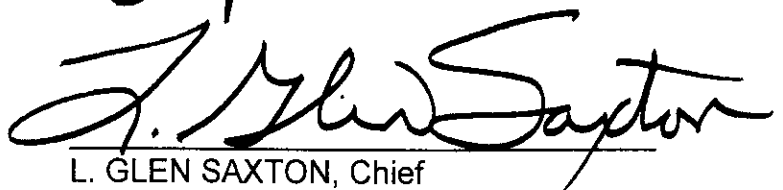
WHEREAS, the right holder's representative explained that water has been diverted from the original points of diversion subsequent to approval of the transfer thus preventing allegations of forfeiture through non-use even though the new deeper well authorized by the transfer has not yet been constructed; and

WHEREAS, the right holder's representative has shown good cause why the new well has not yet been constructed and that an extension of time should be granted;

**ORDER**

NOW THEREFORE, IT IS HEREBY ORDERED that the time for completion of changes authorized by the Transfer No. 4552 is extended to **February 14, 2002**.

Dated this 13<sup>th</sup> day of September, 2000.



L. GLEN SAXTON, Chief  
Water Allocation Bureau

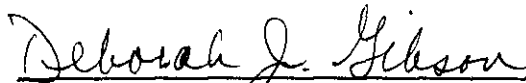
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SEP 25 2001

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of September, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

VICTOR HOFER  
590 SAMARRA DR  
MOUNTAIN HOME ID 83647



Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

IN THE MATTER OF TRANSFER NO. 4552  
OF WATER RIGHTS 61-10196 & 61-10197  
NAME OF VICTORIA HOFER

APR 26 2001

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

IN THE MATTER OF APPLICATION FOR )  
TRANSFER NO. 4552 OF SNAKE RIVER )  
BASIN ADJUDICATION CLAIM NOS. )  
A61-10196 AND A61-10197 IN THE )  
NAME OF VICTORIA HOFER )

**FINAL ORDER**

On December 19, 1995, the hearing officer for the Idaho Department of Water Resources (department) issued a Recommended Order in connection with the above captioned matter. Protestants filed a Petition for Reconsideration which the department partially approved on January 5, 1996, resulting in changes to Conditions of Approval Nos. 5 and 7. Based upon his understanding of the law and the facts in this matter, the Director makes the following Findings of Fact, Conclusions of Law and Final Order:

**FINDINGS OF FACT**

1. On February 6, 1995, Victoria Hofer (applicant) filed Application for Transfer No. 4552 (application) involving Snake River Basin Adjudication (SRBA) Claim Nos. A61-10196 and A61-10197 with the department. The applicant proposes to drill an irrigation well into the deeper regional aquifer in the SW1/4NE1/4 Section 12, T4S, R6E, B.M. to replace two (2) shallow irrigation wells commonly referred to as "trench wells". The trench wells are about 20 feet deep and the claimed priority of use is April 1, 1930. The applicant proposes to drill the replacement well to a depth of about 600 feet. (Note: All specific land descriptions in this Recommended Order are located within T4S, R6E, B.M.).

2. The department subsequently advertised the application which was protested by Charles J. Olson, Splendid Acres Water & Sewer Association c/o Rick Clendenning and Ron Leydet.

3. On November 28, 1995, the department conducted a hearing in the matter in Mountain Home, Idaho. The applicant was present and was represented by Philip R. Miller, attorney at law. Protestants Charles J. Olson, Rick Clendenning for Splendid Acres Water & Sewer Association and Ron Leydet were present and represented themselves.

4. Issues raised by the Protestants include the following:

- a. The proposed changes will injure other water rights.

ORDER - Pg 1

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APR 25 2001

- b. The proposed changes will constitute an enlargement in use of the original right.

5. Exhibits offered and accepted as a part of the record include the following:

- a. Applicant's Exhibit A - Application for Transfer No. 4552.
- b. Applicant's Exhibit B - Lease and Ownership documents.
- c. Applicant's Exhibit C - Corporation Warranty Deed from the City of Mountain Home to John Victor Aguirre dated February 12, 1979.
- d. Applicant's Exhibit D - IDWR Adjudication Claim Profile Reports.
- e. Applicant's Exhibit E - Letter dated February 1, 1995 to Victoria Hofer from Steve Lester.
- f. Applicant's Exhibit F - Letter dated April 12, 1995 from John J. Barrutia.
- g. Applicant's Exhibit G - Statement of Fred Hines dated May 12, 1995.
- h. Applicant's Exhibit H - Statement of Rex C. Kite dated April 25, 1995.
- i. Applicant's Exhibit I - Idaho Power Company Power Line Easement dated January 22, 1940.
- j. Applicant's Exhibit J - Photograph of irrigated land.
- k. Applicant's Exhibit K - Well Flow Evaluation Project.
- l. Applicant's Exhibit L - Photographs of discharge from trench wells.
- m. Applicant's Exhibit M - Miscellaneous Power Records for the applicant's wells - 1981 thru 1995.
- n. Applicant's Exhibit N - Letter dated May 30, 1995, to Victoria Hofer from Sherl L. Chapman.
- o. Applicant's Exhibit O - Statement of Robert Korb Regarding the Development of Wells on the Victor Aguirre Farm.

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- p. Applicant's Exhibit P - Agreement for Sale of Real Property.
- q. Applicant's Exhibit Q - Lease between City of Mountain Home and Mrs. Maria Aguirre and John Aguirre, dated January 24, 1966.
- r. Protestant's Exhibit 1 - Tax Assessment Notice dated June 1994 for N1/2 Section 12, T4S, R6E, B.M.
- s. Protestant's Exhibit 2 - Illustrations depicting land transactions in connection with the NE1/4 Section 12.
- t. Protestant's Exhibit 3 - Pump Test Summary.
- u. Protestant's Exhibit 4 - Well Driller's Report for David Olson.
- v. Protestant's Exhibit 5 - Parma Water Lifter Information.
- w. Protestant's Exhibit 6 - Well Driller's Report - Charles Olson.
- x. Protestant's Exhibit 7 - Basis of Protest - Forrest Freer.
- y. Protestant's Exhibit 8 - Idaho Power Records of Forrest Freer - (Summary of power used at trench wells from 1967 to 1994).
- z. Protestant's Exhibit 9 - Idaho Power Company billings for Forrest Freer's trench wells.
- aa. Protestant's Exhibit 10 - Certificate of Owners signed by Donn L. Dahl and Robert C. Nack.
- bb. Protestant's Exhibit 11 and 12 - Warranty Deed.
- cc. Protestant's Exhibit 13 and 14 - Warranty Deed.
- dd. Protestant's Exhibit 15 - Deed of County Property.
- ee. Protestant's Exhibit 16 - Idaho Power Company Records for the applicant's wells.

6. Notices of Claims to a Water Right filed by the applicant in the SRBA claim the following:

Ident no.: A61-10196  
Source: Groundwater  
Priority: April 1, 1930  
Rate of div: 1.43 cubic feet per second (cfs)

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Use: Irrigation - 315 acres Stockwater - 100 head  
beef cattle  
Pt of div: NE1/4NE1/4 and SW1/4NE1/4 Sec. 12  
Place of use: N1/2 Sec. 12

Ident no.: A61-10197  
Source: Groundwater  
Priority: April 1, 1930  
Rate of div: 3.01 cfs  
Use: Irrigation - 315 acres  
Stockwater - 100 head beef cattle  
Pt of div: NE1/4NE1/4 and SW1/4NE1/4 Sec. 12  
Place of use: N1/2 Sec. 12

7. The northeast 160 acres of the applicant's property (NE1/4 Section 12) was acquired by the applicant's father, Victor Aguirre (Aguirre), in 1939. In 1940, Aguirre constructed and diverted water from two (2) trench wells, one being located in the NE1/4NE1/4 Section 12 and the other located in the SW1/4NE1/4 Section 12. Mountain Home Irrigation District delivers water to this 160 acre tract at 3 acre feet (AF) per acre when the water is available.

8. Beginning in 1966, John Aguirre (son of Victor Aguirre) leased 160 acres in the NW1/4 Section 12 from the City of Mountain Home (city) and in June 1969, entered into an agreement with the city to purchase the tract. On February 12, 1979, the city issued a warranty deed to John Aguirre for the tract.

9. At the hearing held on November 28, 1995, the applicant stipulated that the priority of use of water diverted from the trench wells for irrigation of the land in the NE1/4 Section 12 should be 1940, rather than 1930 as previously claimed. The applicant also stipulated that the priority of use of water from the trench wells on the land in the NW1/4 Section 12 was not 1930 as previously claimed and stated that the priority could be no earlier than 1966. The applicant has not filed amended SRBA claims but plans to do so.

10. Trench wells are commonly used in the Mountain Home area and consist of excavations to a depth of approximately 20 feet creating a trench to expose water. The trenches vary in length up to 1/2 mile and provide water from the "perched aquifer" which lies under the Mountain Home area including the applicant's property. The wells store some ground water. Once this stored water is pumped out, usually within a few hours, the water levels in the trenches decrease with a subsequent decrease in the diversion rate which can be pumped from the trench wells.

11. Bob Korb (Korb), the renter of the applicant's property from 1980 to 1994 commingled water diverted from the trench wells with water delivered by the Mountain Home Irrigation District and used the combined water for irrigation of the applicant's land.

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12. Korb estimates that in 1980, when he first rented the applicant's land, about 120 acres of the NW1/4 of Section 12 had been previously irrigated by predecessors. He rebuilt the pumps which diverted water from the trench wells but did not change them. He also subsequently improved the land by leveling and filling depressions and draws so that he could irrigate additional land in the NW1/4 Section 12.

13. During the summer of 1995, the rates of flow diverted from the applicant's trench wells by a Parma Water Lifter pump with a 3.0 horsepower (HP) motor and a Parma Water Lifter pump with a 7.5 HP motor were measured to be a total of approximately 4.34 cfs. The static water level in the trench well located in the NE1/4NE1/4 Section 12 was 52 inches which drew down to 96 inches. The static water level in the trench well located in the SW1/4NE1/4 Section 12 was 98 inches which drew down to 120 inches. The pumping was conducted over a 20 to 30 minute period.

14. The owner of three (3) trench wells near the applicants property testified that it takes several hours of pumping to remove stored water from the wells and to obtain a sustainable rate of diversion. The sustainable rate is much less than the initial rate of flow which can be pumped from the wells.

15. The amount of power used to pump water from the applicant's trench wells is as follows:

| YEAR | KWH   |
|------|-------|
| 1981 | 5,350 |
| 1982 | ----- |
| 1983 | 2,106 |
| 1984 | 859   |
| 1985 | 7,794 |
| 1986 | 6,050 |
| 1987 | ----- |
| 1988 | 1,878 |
| 1989 | 6,159 |
| 1990 | ----- |
| 1991 | ----- |
| 1992 | ----- |
| 1993 | ----- |
| 1994 | 1,283 |

Note: The designation of "-----" above indicates that the KWH hour information is not available and does not mean that pumping did not occur in a particular year for which KWH are not shown.

16. Using the assumptions described below, the annual volumes of water pumped for the applicant's wells are estimated to be as follows:

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**ASSUMPTIONS:**

- a) Consider the Idaho Power Company power consumption records as representative of the applicant's past water use from the trench wells, (See Protestant's Exhibit 16).
- b) Assume a pump-motor efficiency of 40% for the 3.0 HP and 7.5 HP Parma Water Lifter pump-motor systems of the applicant, (See Protestant's Exhibit No. 5).
- c) Assume a fixed pumping head (lift) of 10 feet.
- d) Based on actual Idaho Power Co. records, assume a 4.0 KW maximum demand for the 7.5 HP motor and a 3.0 KW maximum demand for the 3.0 HP motor. (See Protestant's Exhibit 16).
- e) Calculate volume using the following equations,

$$Q = \text{HP}(8.8)e/H, \quad V = 2Qt, \quad t = \text{KWH}/(\text{KW} \times 24)$$

where

|     |                            |
|-----|----------------------------|
| Q   | = discharge in cfs         |
| HP  | = horsepower               |
| e   | = efficiency               |
| H   | = head in feet             |
| V   | = volume in Acre feet (AF) |
| t   | = time in days             |
| KWH | = kilowatt hours           |
| KW  | = kilowatts                |

**VOLUME CALCULATIONS:**

Based on the assumptions described above and upon information provided at the hearing, the department has calculated the total volumes shown below:

| Year | Energy Use (KWH) |       | Time (Days) |       | Volume (AF) |       | Total Vol<br>AF |
|------|------------------|-------|-------------|-------|-------------|-------|-----------------|
|      | 3HP              | 7.5HP | 3HP         | 7.5HP | 3HP         | 7.5HP |                 |
| 1981 | 1970             | 3380  | 27.4        | 35.2  | 61.9        | 116.2 | 178.1           |
| 1983 | 1876             | 230   | 26.1        | 2.4   | 59.0        | 7.9   | 66.9            |
| 1984 | 859              | 0     | 11.9        | 0     | 27.0        | 0     | 27.0            |
| 1985 | 3934             | 3860  | 54.6        | 40.2  | 123.7       | 132.8 | 256.5           |
| 1986 | 2165             | 3885  | 30.1        | 40.5  | 68.1        | 133.6 | 201.7           |
| 1988 | 0                | 1878  | 0           | 19.6  | 0           | 64.6  | 64.6            |
| 1989 | 3417             | 2742  | 47.5        | 28.6  | 107.4       | 94.3  | 201.7           |
| 1994 | 1055             | 228   | 14.7        | 2.4   | 33.2        | 7.8   | 41.0            |

17. Protestant Splendid Acres Water & Sewer Association diverts water from two deep wells drilled into the regional aquifer to total depths of 500 feet and 550 feet. One of the wells is within 1/4 mile of the applicant's proposed well. The association is concerned that the new well might cause injury to its use of water. Some of the association members also have shallow wells.

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18. Recharge of water to the shallow perched aquifer which underlies much of the Mountain Home area is from Rattlesnake Creek, Canyon Creek, leakage from the Mountain Home Reservoir and application of irrigation water in the general area. The regional water table occurs at a much greater depth (approximately 300 to 400 feet) in the basalts beneath Mountain Home. The general direction of ground water flow in the area is to the south and southwest.

19. The perched aquifer exists due to widespread clay interbeds between basalt flows underlying the Mountain Home area. Some water in the perched aquifer recharges the deeper perched aquifer due to downward movement from the perched system.

20. A number of shallow wells in the Mountain Home area have been deepened during the past decade primarily due to effects of the drought. In general, water available from the perched aquifer is more limited in extent and is less reliable during the irrigation season than water in the deeper regional aquifer.

21. The proposed change of diversion from the perched aquifer to the deeper regional aquifer will improve water availability for other existing users of the shallow perched aquifer.

#### CONCLUSIONS OF LAW

1. Section 42-202, Idaho Code, provides in pertinent part as follows:

In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of the land proposed to be irrigated, with the total acreage to be reclaimed as near as may be; provided, that no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second of the normal flow for each fifty (50) acres of land to be so irrigated unless it can be shown to the satisfaction of the department of water resources that a greater amount is necessary.

2. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

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APR 26 2001

3. Section 42-229, Idaho Code, provides in pertinent part as follows:

The right to the use of ground water of this state may be acquired only by appropriation. Such appropriation may be perfected by means of the application permit and license procedure as provided in this act; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act {March 23, 1963} it may be perfected under such method of appropriation. (Bracketed material added).

4. Section 42-1426, Idaho Code, provides in pertinent part as follows:

Enlargements have been done with the knowledge of other water users, and water has been distributed based upon the right as enlarged. Junior water users made appropriations based upon a water system that reflected these enlarged uses. Thus the legislature further finds and declares that it is in the public interest to waive the mandatory permit requirements for these enlargements in use prior to the commencement of a general adjudication, so long as such enlargements in use did not increase the rate of diversion of the original water right or exceed the rate of diversion for irrigation provided in section 42-202, Idaho Code, after the enlargement of use, and the enlargement of use did not reduce the quantity of water to other water rights existing on the date of the enlargement in use.

5. Water diverted from the trench wells by the applicant and the applicant's predecessors provides a supplemental source of water which only when combined with water delivered by the Mountain Home Irrigation District provided sufficient water for the irrigation of the applicant's property.

6. The rate of flow measured from the applicant's wells during the summer of 1995 was conducted when the trench wells contained stored water, and hence, the measured discharge rate of 4.34 cfs is not a sustainable rate of flow available from the wells on a continuous basis.

7. The perched aquifer and regional aquifer are interconnected, but the degree of interconnection at a specific location in the Mountain Home area is not known. This is the case since the downward movement of water is directly affected by the location and nature of the clay interbeds encountered above the regional aquifer. The widely differing water levels in wells in close proximity to each other also indicate differences in location of clay interbeds and the degree of downward water movement.

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MICROFILMED

APR 26 2001

8. The applicant's right to use the trench wells for supplemental irrigation of the applicant's property should be determined in terms of the largest volume of water the applicant or her predecessors have diverted from the wells. The largest volume of water, according to the records available, was 256 AF of water which was diverted from the wells in 1985.

9. The proposed transfer will not injure other water rights if the change is properly conditioned and limited as shown below.

10. The proposed change will not constitute an enlargement in use of the original right if the applicant does not divert more water than the maximum volume which has been diverted from the trench wells for supplemental irrigation use, as conditioned below.

11. The proposed transfer does not conflict with the local public interest.

12. The application is consistent with the conservation of water resources within Idaho.

13. The department should approve the application with certain conditions and limitations.

#### ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 4552 involving SRBA Claim Nos. A61-10196 and A61-10197 is APPROVED subject to the following conditions and limitations:

1. For land in the NE1/4 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. (See application form).
- 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 under this transfer approval for irrigation and stockwater purposes shall not exceed 256 AF. Of this volume, 1.4 AF is for stockwater.

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- 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 NW1/4 Section 12, the following shall apply unless the SRBA court determines that the applicant 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 NW1/4 Section 12 shall not exceed 155.8 acres. (See application form).
- c) The rate of diversion when combined with the rate of diversion to the NE1/4 Section 12 shall not exceed 3.05 cfs.
- d) The maximum annual volume of water which may be diverted under this approval when combined with the volume authorized for diversion to the NE1/4 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 NW1/4 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 under this approval, 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 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. This approval authorizes stockwater for a total of 100 range cattle.

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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 NE1/4 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 this right and shall only divert ground water under this right when water from the appurtenant surface water rights can not be delivered to the right holder.

9. The rate of diversion of water for irrigation under this right 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. The change authorized by this approval shall be accomplished within two (2) years of the date of this order.

11. Failure of the right holder or any successor-in-interest to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.

12. Approval of this transfer does not confirm the water right(s) claimed and does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

DATED this 14<sup>th</sup> day of February, 1996.

  
\_\_\_\_\_  
KARL J. DREHER, Director

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## CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20<sup>th</sup> day of February, 1996,  
I mailed a true and correct copy, postage prepaid, of the foregoing  
FINAL ORDER to the following:

Victoria Hofer  
710 S 10th E  
Mountain Home, ID 83647

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

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

Ron Leydet  
P.O. Box 521  
Mountain Home, ID 83647

Philip Miller Esq.  
THOMPSON ASHCROFT BURNHAM  
P.O. Box 506  
Mountain Home, ID 83647

  
JULIE L. YARBROUGH  
Senior Secretary

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4552  
CLAIM NO(S). A61-10196/A61-10197

This is to certify that: VICTORIA HOFER  
710 S 10TH E  
MOUNTAIN HOME ID 83647

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> |
|-----------------------|------------------------|-----------------------|----------------------|
| Claim No. A61-10196 : |                        |                       |                      |
| IRRIGATION            | 04/01 to 10/31         | 3.02 CFS              | 254.6 AF             |
| STOCKWATER            | 01/01 to 12/31         | 0.03 CFS              | 1.4 AF               |
| Priority: 04/01/1940* |                        |                       |                      |
|                       | <b>TOTAL:</b>          | <b>3.05 CFS</b>       | <b>256.0 AF</b>      |
| Claim No. A61-10197 : |                        |                       |                      |
| IRRIGATION            | 04/01 to 10/31         | 3.02 CFS              | 254.6 AF             |
| STOCKWATER            | 01/01 to 12/31         | 0.03 CFS              | 1.4 AF               |
| Priority: 04/01/1966* |                        |                       |                      |
|                       | <b>TOTAL:</b>          | <b>3.05 CFS</b>       | <b>256.0 AF</b>      |
|                       | <b>COMBINED TOTAL:</b> | <b>3.05 CFS</b>       | <b>256.0 AF</b>      |

\*Until and unless determined otherwise by the Snake River Basin Adjudication Court.

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 12, Township 04S, Range 06E  
ELMORE County

Claim No. A61-10196 :

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 04S                              | 06E        | 12         | NENE 38.4    | NWNE 38.4    | SWNE 38.4    | 150.9        |
|                                  |            |            | SENE 35.7    |              |              | 150.9        |
| Total number of acres irrigated: |            |            |              |              |              | 150.9        |

PLACE OF USE: STOCKWATER, same as IRRIGATION use

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TRANSFER NO. 4552  
CLAIM NO(S). A61-10196/A61-10197

Claim No. A61-10197 :

PLACE OF USE: IRRIGATION

| <u>TWN</u> <u>RGE</u> <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 04S 06E 12                       | NENW 39.2    | NWNW 38.4    | SWNW 39.3    | 155.8        |
|                                  | SENE 38.9    |              |              | 155.8        |

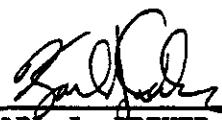
Total number of acres irrigated: 155.8

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Claim Nos. A61-10196 and A61-10197 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4552.

Dated this 14<sup>th</sup> day of February, 1996.

  
KARL J. DREHER, Director

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**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

Transfer No. 4552

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

Name of applicant Victoria Hofer Phone 587-9643  
Post Office address 710 S. 10th E. Mtn Home ID 83647
**A. PURPOSE OF TRANSFER**

- ☒ Change point of diversion    ☐ Add diversion point(s)    ☐ Change place of use  
☐ Change nature of use    ☐ Change period of use    ☐ Other \_\_\_\_\_
- Describe the reason for the proposed changes Proposes to Abandon 2 shallow wells  
(about 20' deep) & replace with a single deep well (about 600' deep)  
due to continued declining output of existing shallow diversions.

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

- | 1. Right Number  | Priority        | Amount<br>(cfs/ac-ft)   | Nature<br>of Use  | Period of Use              |
|------------------|-----------------|-------------------------|-------------------|----------------------------|
| <u>A61-10196</u> | <u>4/1/1930</u> | <u>1.43</u> <u>1.43</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
|                  |                 | <u>.035</u>             | <u>Stockwater</u> | <u>1/1</u> to <u>12/31</u> |
| <u>A61-10197</u> | <u>4/1/1930</u> | <u>3.01</u> <u>3.01</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
|                  |                 | <u>.035</u>             | <u>Stockwater</u> | <u>1/1</u> to <u>12/31</u> |
- Total amount of water being transferred 4.44 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
  - 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                                      |
|----------|----------|-----------|-----------|-----------|-----------|-----------|---------------|---------------------------------------------------------------|
| <u>-</u> | <u>-</u> | <u>SW</u> | <u>NE</u> | <u>12</u> | <u>45</u> | <u>6E</u> | <u>E/more</u> | <u>Deep well shown as #3 on</u><br><u>map (pg. 7 of Appl)</u> |
|          |          |           |           |           |           |           |               |                                                               |
|          |          |           |           |           |           |           |               |                                                               |
|          |          |           |           |           |           |           |               |                                                               |

## \* 5. Lands irrigated or place of use:

| Twp.      | Rge.      | Sec.      | NE 1/4      |             |             |             | NW 1/4      |             |             |             | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals       |
|-----------|-----------|-----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|
|           |           |           | NE 1/4      | NW 1/4      | SW 1/4      | SE 1/4      | NE 1/4      | NW 1/4      | SW 1/4      | SE 1/4      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |              |
| <u>45</u> | <u>6E</u> | <u>12</u> | <u>38.4</u> | <u>38.4</u> | <u>38.4</u> | <u>35.7</u> | <u>39.2</u> | <u>38.4</u> | <u>29.3</u> | <u>39.9</u> |        |        |        |        |        |        |        |        | <u>306.7</u> |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |
|           |           |           |             |             |             |             |             |             |             |             |        |        |        |        |        |        |        |        |              |

\* NOTE SAME P/O & P/L for both claims for irrigation;  
Stockwater p/L per claim noted above.

Total acres 306.7

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## PART 1

## General Information:

Description of diversion system Replace 2 shallow wells with having Norma watermeter  
& 6" discharge pipes with deep well, pump(s) & mainline.

Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

No change in irrigated acres.

NOTE - both claims listed 315 acres but 10/12/94 SRBA  
exam confirmed 306.7 acres as shown on pg. 1 of  
the Application? Stockwater plan also will not change.

## Remarks:

Drilling Permit Appl. is pending at Western Region.

Applicant must also submit 2 well abandonment applications in  
this process (This done - these apps with drilling ap.)

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

Application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

My hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

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|                  |          |            |
|------------------|----------|------------|
| TOTAL DIVERSION: | 1.43 CFS | 945.00 AFA |
| CONSUMPTIVE USE: |          |            |

**Stage: BENEFICIAL USE**  
**ELMORE County**

**TOTAL ACRES**

●●

Other Water Rights with Same Point(s) of Diversion and Source:

**A61-10421    A63-02188    A63-02214    A63-19893    A63-20139**

**Dates:**                      **Exam Made Date:**                      **Verified Date:**

Misc: Water District Number: 61A Field Inspection Flag:  
Presumption Flag:

AMENDED

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

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

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

## 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

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

## 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

#### 2. Point(s) of Diversion:

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

#### 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

#### 2. Point(s) of Diversion:

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

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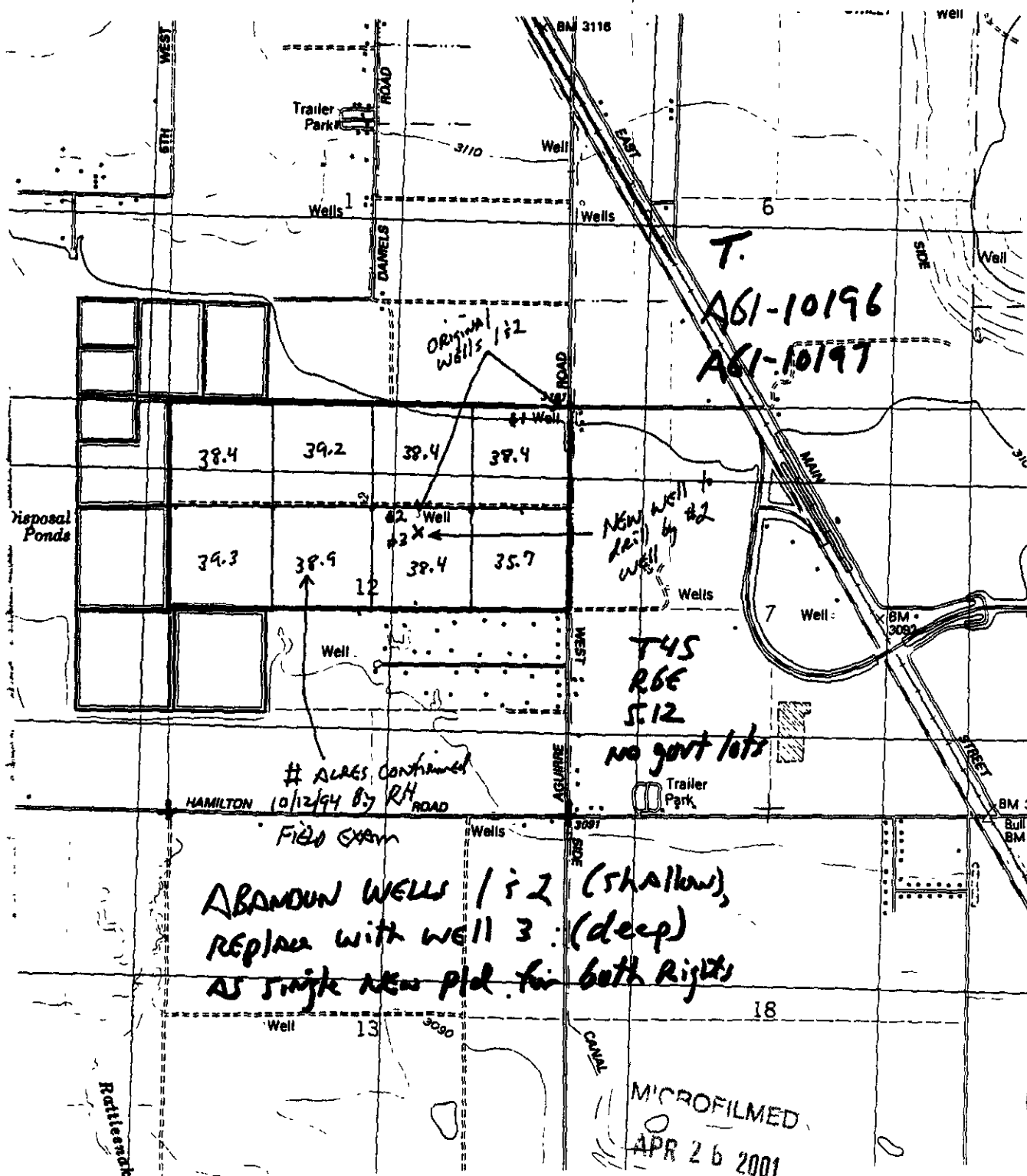
#### 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

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



PART 3

B. CHANGES IN NATURE OF USE - N/A

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

|  |  |  |  |    |
|--|--|--|--|----|
|  |  |  |  | to |
|  |  |  |  | to |

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

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

*William H. Hoyer*  
(Signature of Applicant)

day of FEB. 19 95

*Ron Howerton*  
Residing at Boise, Idaho  
My Commission Expires December 8, 2000  
(Notary Public)

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 3 attachments

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Published in \_\_\_\_\_

Pub. dates \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_

Recommended for ☐ approval ☐ denial

by \_\_\_\_\_

rec'd. \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

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 61-10196

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

SOURCE: GROUNDWATER

QUANTITY: 3.05 CFS  
256.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-10197 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: 04/01/1940

POINT OF DIVERSION: T04S R06E S12 SWNE Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 3.02 CFS<br>254.60 AFY |
|                               | Stockwater     | 01-01 TO 12-31 | 0.03 CFS<br>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. 61-10197 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. 61-10197 & 61-10198 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A  
SINGLE IRRIGATION SEASON.

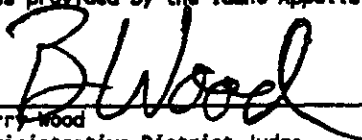
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150.9 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 23 2001

**Nelson, Dan**

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**From:** Spackman, Gary  
**Sent:** Wednesday, July 16, 2003 1:57 PM  
**To:** Nelson, Dan  
**Cc:** Harrington, Helen  
**Subject:** FW: Hofer Transfer - MH GW Advisory Committee Needs More Information

Dan,

Please read and, if necessary, review the file to answer the questions asked. Don't write anything yet, let's discuss a course of action.

Gary

-----Original Message-----

**From:** Harrington, Helen  
**Sent:** Wednesday, July 16, 2003 1:17 PM  
**To:** Spackman, Gary  
**Subject:** Hofer Transfer - MH GW Advisory Committee Needs More Information

Hi, Gary. I don't know if you've seen the minutes from the meeting, but there is an item which I told the committee I would work on. The Hofer transfer was discussed. No one came to represent the applicant. There were a number of questions that I was unable to answer; the committee tabled any action on this transfer until they have more information. They need additional information on the following items:

1. Did the original transfer require cease using the trench wells, or were they ordered abandoned?
2. If they were ordered to cease using them, as ordered by an IDWR Order, can this transfer override an Order? How can they come back and ask to use them since they were ordered to stop using them?
3. Are trench wells just wastewater transfer points? Perhaps a clearer picture of what exactly a "trench well" is would be good.

It might be worthwhile to have Dan be present at the next meeting to answer some of these questions, and perhaps let the applicant know that there are questions the committee would like answered.

If my questions aren't clear, give me a call.

FYI -- Steve Reynolds came to the meeting and discussed his proposal for exchanging land. He is going to give you a call and work with you to put something together which the committee can take a look at.

Hope all is well and you are looking forward to your future with joy and high expectations!

Helen Harrington  
IDWR Hydrology Section  
208-327-7950

MICRO, ILME

JUL 17 2003

# P/D SEARCH FOR T4S R6E S12 NENE

| Basin | Sequence | Basin   | Priority<br>Date | Rate(cfs) | Volume(ac) | Source       | Water Use(s)              | Source Table                                                        | Source Table |
|-------|----------|---------|------------------|-----------|------------|--------------|---------------------------|---------------------------------------------------------------------|--------------|
| 61    | 10196    | Decreed | 4/1/1940         | 3 05      | 256        | GROUND WATER | IRRIGATION,<br>STOCKWATER | HOFER JR,<br>ALBERT (Current),<br>HOFER, VICTOR<br>ALBERT (Current) | wrWaterRight |
| 61    | 10197    | Decreed | 4/1/1966         | 3 05      | 256        | GROUND WATER | IRRIGATION,<br>STOCKWATER | HOFER JR,<br>ALBERT (Current),<br>HOFER, VICTOR<br>ALBERT (Current) | wrWaterRight |

# P/D SEARCH FOR T18N R6E S12 SWNE

| Basin | Sequence | Basis   | Priority<br>Date | Rate(cfs) | Volume(ac) | Source       | Water Use(s)              | Source Table                                                        | Source Table       |
|-------|----------|---------|------------------|-----------|------------|--------------|---------------------------|---------------------------------------------------------------------|--------------------|
| 61    | 10196    | Decreed | 4/1/1940         | 3.05      | 256        | GROUND WATER | IRRIGATION,<br>STOCKWATER | HOFER JR,<br>ALBERT (Current),<br>HOFER, VICTOR<br>ALBERT (Current) | wrWaterRight       |
| 61    | 10197    | Decreed | 4/1/1966         | 3.05      | 256        | GROUND WATER | IRRIGATION,<br>STOCKWATER | HOFER JR,<br>ALBERT (Current);<br>HOFER, VICTOR<br>ALBERT (Current) | wrWaterRight       |
| 61    | 10198    | Decreed | 4/1/1930         | 1         |            | WASTE WATER  | IRRIGATION                | HOFER JR,<br>ALBERT (Current),<br>HOFER, VICTOR<br>ALBERT (Current) | wrWaterRight       |
| 61    | 11964    |         | 1/5/1965         | 1         | 276        | GROUND WATER | IRRIGATION                |                                                                     | xtToWaterRightList |

| Year | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 | 2043 | 2044 | 2045 | 2046 | 2047 | 2048 | 2049 | 2050 | 2051 | 2052 | 2053 | 2054 | 2055 | 2056 | 2057 | 2058 | 2059 | 2060 | 2061 | 2062 | 2063 | 2064 | 2065 | 2066 | 2067 | 2068 | 2069 | 2070 | 2071 | 2072 | 2073 | 2074 | 2075 | 2076 | 2077 | 2078 | 2079 | 2080 | 2081 | 2082 | 2083 | 2084 | 2085 | 2086 | 2087 | 2088 | 2089 | 2090 | 2091 | 2092 | 2093 | 2094 | 2095 | 2096 | 2097 | 2098 | 2099 | 2100 | 2101 | 2102 | 2103 | 2104 | 2105 | 2106 | 2107 | 2108 | 2109 | 2110 | 2111 | 2112 | 2113 | 2114 | 2115 | 2116 | 2117 | 2118 | 2119 | 2120 | 2121 | 2122 | 2123 | 2124 | 2125 | 2126 | 2127 | 2128 | 2129 | 2130 | 2131 | 2132 | 2133 | 2134 | 2135 | 2136 | 2137 | 2138 | 2139 | 2140 | 2141 | 2142 | 2143 | 2144 | 2145 | 2146 | 2147 | 2148 | 2149 | 2150 | 2151 | 2152 | 2153 | 2154 | 2155 | 2156 | 2157 | 2158 | 2159 | 2160 | 2161 | 2162 | 2163 | 2164 | 2165 | 2166 | 2167 | 2168 | 2169 | 2170 | 2171 | 2172 | 2173 | 2174 | 2175 | 2176 | 2177 | 2178 | 2179 | 2180 | 2181 | 2182 | 2183 | 2184 | 2185 | 2186 | 2187 | 2188 | 2189 | 2190 | 2191 | 2192 | 2193 | 2194 | 2195 | 2196 | 2197 | 2198 | 2199 | 2200 | 2201 | 2202 | 2203 | 2204 | 2205 | 2206 | 2207 | 2208 | 2209 | 2210 | 2211 | 2212 | 2213 | 2214 | 2215 | 2216 | 2217 | 2218 | 2219 | 2220 | 2221 | 2222 | 2223 | 2224 | 2225 | 2226 | 2227 | 2228 | 2229 | 2230 | 2231 | 2232 | 2233 | 2234 | 2235 | 2236 | 2237 | 2238 | 2239 | 2240 | 2241 | 2242 | 2243 | 2244 | 2245 | 2246 | 2247 | 2248 | 2249 | 2250 | 2251 | 2252 | 2253 | 2254 | 2255 | 2256 | 2257 | 2258 | 2259 | 2260 | 2261 | 2262 | 2263 | 2264 | 2265 | 2266 | 2267 | 2268 | 2269 | 2270 | 2271 | 2272 | 2273 | 2274 | 2275 | 2276 | 2277 | 2278 | 2279 | 2280 | 2281 | 2282 | 2283 | 2284 | 2285 | 2286 | 2287 | 2288 | 2289 | 2290 | 2291 | 2292 | 2293 | 2294 | 2295 | 2296 | 2297 | 2298 | 2299 | 2300 | 2301 | 2302 | 2303 | 2304 | 2305 | 2306 | 2307 | 2308 | 2309 | 2310 | 2311 | 2312 | 2313 | 2314 | 2315 | 2316 | 2317 | 2318 | 2319 | 2320 | 2321 | 2322 | 2323 | 2324 | 2325 | 2326 | 2327 | 2328 | 2329 | 2330 | 2331 | 2332 | 2333 | 2334 | 2335 | 2336 | 2337 | 2338 | 2339 | 2340 | 2341 | 2342 | 2343 | 2344 | 2345 | 2346 | 2347 | 2348 | 2349 | 2350 | 2351 | 2352 | 2353 | 2354 | 2355 | 2356 | 2357 | 2358 | 2359 | 2360 | 2361 | 2362 | 2363 | 2364 | 2365 | 2366 | 2367 | 2368 | 2369 | 2370 | 2371 | 2372 | 2373 | 2374 | 2375 | 2376 | 2377 | 2378 | 2379 | 2380 | 2381 | 2382 | 2383 | 2384 | 2385 | 2386 | 2387 | 2388 | 2389 | 2390 | 2391 | 2392 | 2393 | 2394 | 2395 | 2396 | 2397 | 2398 | 2399 | 2400 | 2401 | 2402 | 2403 | 2404 | 2405 | 2406 | 2407 | 2408 | 2409 | 2410 | 2411 | 2412 | 2413 | 2414 | 2415 | 2416 | 2417 | 2418 | 2419 | 2420 | 2421 | 2422 | 2423 | 2424 | 2425 | 2426 | 2427 | 2428 | 2429 | 2430 | 2431 | 2432 | 2433 | 2434 | 2435 | 2436 | 2437 | 2438 | 2439 | 2440 | 2441 | 2442 | 2443 | 2444 | 2445 | 2446 | 2447 | 2448 | 2449 | 2450 | 2451 | 2452 | 2453 | 2454 | 2455 | 2456 | 2457 | 2458 | 2459 | 2460 | 2461 | 2462 | 2463 | 2464 | 2465 | 2466 | 2467 | 2468 | 2469 | 2470 | 2471 | 2472 | 2473 | 2474 | 2475 | 2476 | 2477 | 2478 | 2479 | 2480 | 2481 | 2482 | 2483 | 2484 | 2485 | 2486 | 2487 | 2488 | 2489 | 2490 | 2491 | 2492 | 2493 | 2494 | 2495 | 2496 | 2497 | 2498 | 2499 | 2500 | 2501 | 2502 | 2503 | 2504 | 2505 | 2506 | 2507 | 2508 | 2509 | 2510 | 2511 | 2512 | 2513 | 2514 | 2515 | 2516 | 2517 | 2518 | 2519 | 2520 | 2521 | 2522 | 2523 | 2524 | 2525 | 2526 | 2527 | 2528 | 2529 | 2530 | 2531 | 2532 | 2533 | 2534 | 2535 | 2536 | 2537 | 2538 | 2539 | 2540 | 2541 | 2542 | 2543 | 2544 | 2545 | 2546 | 2547 | 2548 | 2549 | 2550 | 2551 | 2552 | 2553 | 2554 | 2555 | 2556 | 2557 | 2558 | 2559 | 2560 | 2561 | 2562 | 2563 | 2564 | 2565 | 2566 | 2567 | 2568 | 2569 | 2570 | 2571 | 2572 | 2573 | 2574 | 2575 | 2576 | 2577 | 2578 | 2579 | 2580 | 2581 | 2582 | 2583 | 2584 | 2585 | 2586 | 2587 | 2588 | 2589 | 2590 | 2591 | 2592 | 2593 | 2594 | 2595 | 2596 | 2597 | 2598 | 2599 | 2600 | 2601 | 2602 | 2603 | 2604 | 2605 | 2606 | 2607 | 2608 | 2609 | 2610 | 2611 | 2612 | 2613 | 2614 | 2615 | 2616 | 2617 | 2618 | 2619 | 2620 | 2621 | 2622 | 2623 | 2624 | 2625 | 2626 | 2627 | 2628 | 2629 | 2630 | 2631 | 2632 | 2633 | 2634 | 2635 | 2636 | 2637 | 2638 | 2639 | 2640 | 2641 | 2642 | 2643 | 2644 | 2645 | 2646 | 2647 | 2648 | 2649 | 2650 | 2651 | 2652 | 2653 | 2654 | 2655 | 2656 | 2657 | 2658 | 2659 | 2660 | 2661 | 2662 | 2663 | 2664 | 2665 | 2666 | 2667 | 2668 | 2669 | 2670 | 2671 | 2672 | 2673 | 2674 | 2675 | 2676 | 2677 | 2678 | 2679 | 2680 | 2681 | 2682 | 2683 | 2684 | 2685 | 2686 | 2687 | 2688 | 2689 | 2690 | 2691 | 2692 | 2693 | 2694 | 2695 | 2696 | 2697 | 2698 | 2699 | 2700 | 2701 | 2702 | 2703 | 2704 | 2705 | 2706 | 2707 | 2708 | 2709 | 2710 | 2711 | 2712 | 2713 | 2714 | 2715 | 2716 | 2717 | 2718 | 2719 | 2720 | 2721 | 2722 | 2723 | 2724 | 2725 | 2726 | 2727 | 2728 | 2729 | 2730 | 2731 | 2732 | 2733 | 2734 | 2735 | 2736 | 2737 | 2738 | 2739 | 2740 | 2741 | 2742 | 2743 | 2744 | 2745 | 2746 | 2747 | 2748 | 2749 | 2750 | 2751 | 2752 | 2753 | 2754 | 2755 | 2756 | 2757 | 2758 | 2759 | 2760 | 2761 | 2762 | 2763 | 2764 | 2765 | 2766 | 2767 | 2768 | 2769 | 2770 | 2771 | 2772 | 2773 | 2774 | 2775 | 2776 | 2777 | 2778 | 2779 | 2780 | 2781 | 2782 | 2783 | 2784 | 2785 | 2786 | 2787 | 2788 | 2789 | 2790 | 2791 | 2792 | 2793 | 2794 | 2795 | 2796 | 2797 | 2798 | 2799 | 2800 | 2801 | 2802 | 2803 | 2804 | 2805 | 2806 | 2807 | 2808 | 2809 | 2810 | 2811 | 2812 | 2813 | 2814 | 2815 | 2816 | 2817 | 2818 | 2819 | 2820 | 2821 | 2822 | 2823 | 2824 | 2825 | 2826 | 2827 | 2828 | 2829 | 2830 | 2831 | 2832 | 2833 | 2834 | 2835 | 2836 | 2837 | 2838 | 2839 | 2840 | 2841 | 2842 | 2843 | 2844 | 2845 | 2846 | 2847 | 2848 | 2849 | 2850 | 2851 | 2852 | 2853 | 2854 | 2855 | 2856 | 2857 | 2858 | 2859 | 2860 | 2861 | 2862 | 2863 | 2864 | 2865 | 2866 | 2867 | 2868 | 2869 | 2870 | 2871 | 2872 | 2873 | 2874 | 2875 | 2876 | 2877 | 2878 | 2879 | 2880 | 2881 | 2882 | 2883 | 2884 | 2885 | 2886 | 2887 | 2888 | 2889 | 2890 | 2891 | 2892 | 2893 | 2894 | 2895 | 2896 | 2897 | 2898 | 2899 | 2900 | 2901 | 2902 | 2903 | 2904 | 2905 | 2906 | 2907 | 2908 | 2909 | 2910 | 2911 | 2912 | 2913 | 2914 | 2915 | 2916 | 2917 | 2918 | 2919 | 2920 | 2921 | 2922 | 2923 | 2924 | 2925 | 2926 | 2927 | 2928 | 2929 | 2930 | 2931 | 2932 | 2933 | 2934 | 2935 | 2936 | 2937 | 2938 | 2939 | 2940 | 2941 | 2942 | 2943 | 2944 | 2945 | 2946 | 2947 | 2948 | 2949 | 2950 | 2951 | 2952 | 2953 | 2954 | 2955 | 2956 | 2957 | 2958 | 2959 | 2960 | 2961 | 2962 | 2963 | 2964 | 2965 | 2966 | 2967 | 2968 | 2969 | 2970 | 2971 | 2972 | 2973 | 2974 | 2975 | 2976 | 2977 | 2978 | 2979 | 2980 | 2981 | 2982 | 2983 | 2984 | 2985 | 2986 | 2987 | 2988 | 2989 | 2990 | 2991 | 2992 | 2993 | 2994 | 2995 | 2996 | 2997 | 2998 | 2999 | 3000 | 3001 | 3002 | 3003 | 3004 | 3005 | 3006 | 3007 | 3008 | 3009 | 3010 | 3011 | 3012 | 3013 | 3014 | 3015 | 3016 | 3017 | 3018 | 3019 | 3020 | 3021 | 3022 | 3023 | 3024 | 3025 | 3026 | 3027 | 3028 | 3029 | 3030 | 3031 | 3032 | 3033 | 3034 | 3035 | 3036 | 3037 | 3038 | 3039 | 3040 | 3041 | 3042 | 3043 | 3044 | 3045 | 3046 | 3047 | 3048 | 3049 | 3050 | 3051 | 3052 | 3053 | 3054 | 3055 | 3056 | 3057 | 3058 | 3059 | 3060 | 3061 | 3062 | 3063 | 3064 | 3065 | 3066 | 3067 | 3068 | 3069 | 3070 | 3071 | 3072 | 3073 | 3074 | 3075 | 3076 | 3077 | 3078 | 3079 | 3080 | 3081 | 3082 | 3083 | 3084 | 3085 | 3086 | 3087 | 3088 | 3089 | 3090 | 3091 | 3092 | 3093 | 3094 | 3095 | 3096 | 3097 | 3098 | 3099 | 3100 | 3101 | 3102 | 3103 | 3104 | 3105 | 3106 | 3107 | 3108 | 3109 | 3110 | 3111 | 3112 | 3113 | 3114 | 3115 | 3116 | 3117 | 3118 | 3119 | 3120 | 3121 | 3122 | 3123 | 3124 | 3125 | 3126 | 3127 | 3128 | 3129 | 3130 | 3131 | 3132 | 3133 | 3134 | 3135 | 3136 | 3137 | 3138 | 3139 | 3140 | 3141 | 3142 | 3143 | 3144 | 3145 | 3146 | 3147 | 3148 | 3149 | 3150 | 3151 | 3152 | 3153 | 3154 | 3155 | 3156 | 3157 | 3158 | 3159 | 3160 | 3161 | 3162 | 3163 | 3164 | 3165 | 3166 | 3167 | 3168 | 3169 | 3170 | 3171 | 3172 | 3173 | 3174 | 3175 | 3176 | 3177 | 3178 | 3179 | 3180 | 3181 | 3182 | 3183 | 3184 | 3185 | 3186 | 3187 | 3188 | 3189 | 3190 | 3191 | 3192 | 3193 | 3194 | 3195 | 3196 | 3197 | 3198 | 3199 | 3200 | 3201 | 3202 | 3203 | 3204 | 3205 | 3206 | 3207 | 3208 | 3209 | 3210 | 3211 | 3212 | 3213 | 3214 | 3215 | 3216 | 3217 | 3218 | 3219 | 3220 | 3221 | 3222 | 3223 | 3224 | 3225 | 3226 | 3227 | 3228 | 3229 | 3230 | 3231 | 3232 | 3233 | 3234 | 3235 | 3236 | 3237 | 3238 | 3239 | 3240 | 3241 | 3242 | 3243 | 3244 | 3245 | 3246 | 3247 | 3248 | 3249 | 3250 | 3251 | 3252 | 3253 | 3254 | 3255 | 3256 | 3257 | 3258 | 3259 | 3260 | 3261 | 3262 | 3263 | 3264 | 3265 | 3266 | 3267 | 3268 | 3269 | 3270 | 3271 | 3272 | 3273 | 3274 | 3275 | 3276 | 3277 | 3278 | 3279 | 3280 | 3281 | 3282 | 3283 | 3284 | 3285 | 3286 | 3287 | 3288 | 3289 | 3290 | 3291 | 3292 | 3293 | 3294 | 3295 | 3296 | 3297 | 3298 | 3299 | 3300 | 3301 | 3302 | 3303 | 3304 | 3305 | 3306 | 3307 | 3308 | 3309 | 3310 | 3311 | 3312 | 3313 | 3314 | 3315 | 3316 | 3317 | 3318 | 3319 | 3320 | 3321 | 3322 | 3323 | 3324 | 3325 | 3326 | 3327 | 3328 | 3329 | 3330 | 3331 | 3332 | 3333 | 3334 | 3335 | 3336 | 3337 | 3338 | 3339 | 3340 | 3341 | 3342 | 3343 | 3344 | 3345 | 3346 | 3347 | 3348 | 3349 | 3350</ |
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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](http://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

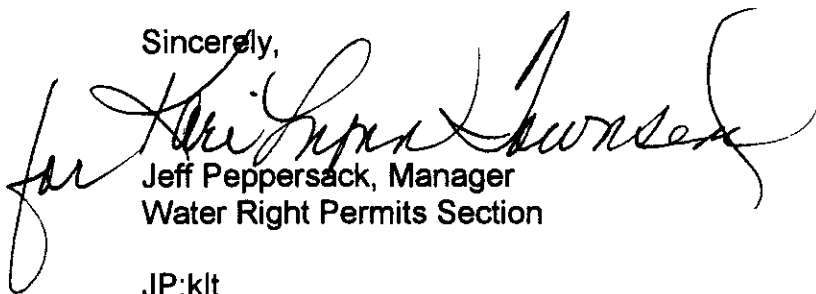
Dear Water Right Holder(s):

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](http://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

APR 27 2001

Printed 04/25/2001  
Ident No 768684  
Well Tag No. D0018239  
Well ID # 340677  
Receipt # W027466  
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

## 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

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 NE $\frac{1}{4}$ , 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 NW $\frac{1}{4}$ , 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 NW $\frac{1}{4}$ , Section 12 shall not exceed 155.8 acres
  - c) The rate of diversion when combined with the rate of diversion to the NE $\frac{1}{4}$ , 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 NE $\frac{1}{4}$ , 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 NW $\frac{1}{4}$ , 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

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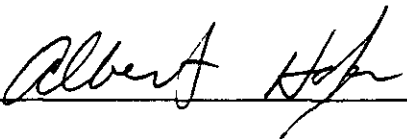
b 2001

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 25<sup>th</sup> day of April, 2001

  
\_\_\_\_\_

FILED

APR 26 2001

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No G-10

• Print your name, address, and ZIP Code in this box •

DEBORAH J GIBSON  
DEPARTMENT OF WATER RESOURCES  
1301 N. ORCHARD ST.  
BOISE, ID 83706-2237

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SEP 20 2000  
APR 26 2001

Department of Water Resources

43



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- ☐ Complete items 1 and/or ☐ additional services  
Complete items 3, 4a, and  
☐ Print your name and address on the reverse of this form so that we can return this card to you  
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit  
☐ Write "Return Receipt Requested" on the mailpiece below the article number  
☐ The Return Receipt will show to whom the article was delivered and the date delivered

I also wish ☐ receive the following service ☐ or an extra fee):

- 1 ☐ Addressee's Address  
2 ☐ Restricted Delivery

3 Article Addressed to:

VICTOR HOFER  
590 SAMARRA DR  
MOUNTAIN HOME ID 83647

4a. Article Number

7099 3220 0006 2688 1461

4b Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7 Date of Delivery

T4552 (61-10196)

5 Received By: (Print Name)

VICTOR HOFER

6. Signature (Addressee or Agent)

Victor Hofer

8. Addressee's Address (Only if requested and fee is paid)

APR 26 2001

Thank you for using Return Receipt Service.



## 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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 15, 2001

Al Hofer  
1155 South 5<sup>th</sup> West  
Mountain Home, ID 83647

**RE: TRANSFER NO. 4552 - VICTORIA HOFER**

Dear Mr. Hofer:

This letter follows up our telephone conversation today in connection with the above referenced transfer in which you raised several questions about the transfer.

My review of the transfer approval noted the following items and specific conditions with which you must comply:

- The intent of the transfer was to replace the use of the trench wells. Hence, Condition of Approval No. 3 in the order specifically requires discontinued use of the trench wells upon completion of the new deep well.
- The maximum amount of land that can be irrigated from the new well is 150.9 acres located in the specific tracts described on the transfer document.
- The maximum rate of diversion authorized under the transfer when combined with surface water can not exceed 3.02 cfs. The maximum volume authorized for diversion from the new well when considered together with surface water can not exceed 256 AF per year.
- You have to maintain ownership of the shares you own of Mountain home Irrigation District surface water and must use all of that allotment together with ground water you pump from the new well.
- Before water may be diverted from the new well, a measuring device must be installed which is capable of measuring both the rate of diversion and the total volume of water diverted.
- Failure to comply with conditions of approval of the transfer is cause to void approval of the transfer.

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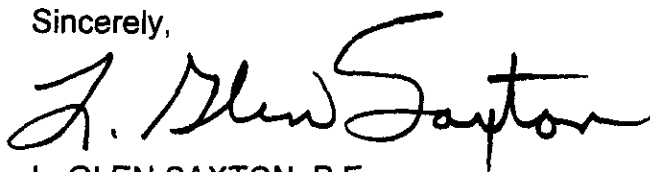
You also inquired whether a water right is needed to irrigate an adjoining 20 acre tract. The answer is that a water right is required for any new use of water in Idaho with the exception of single family domestic use from a ground water source.

On November 9, 1982, the department issued an order establishing the Mountain Home Ground Water Management Area. The management area was designated since water availability in the area was approaching critical. Since your property is located within the management area, it is very unlikely that the department would approve a new permit for the use of ground water for new irrigation in the area.

As a side note, if the ownership of the water right is now in a different name than Victoria Hofer, the name on the claims need to be changed to that of the new owner. To determine if you need to make this change, you should contact Jan Shurte in the department's Western Regional office at 2735 Airport Way in Boise, phone (208) 334-2190.

Enclosed are copies of the transfer document and a copy of the Final Order approving the transfer. If you have questions, please feel free to contact me or the department.

Sincerely,



L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

Encl: 2

c: IDWR - W. Region  
Rob Whitney  
Jan Shurte

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APR 26 2001

7099 3220 0006 2688 1461

**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only. No Insurance)

(000)

Article Sent To:

*Vicki - Hofer*

To: ☐

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(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees

\$

*9/14/00*

Postmark  
Here

Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No., or PO Box No.

*590 Samarra Dr.*

City, State, ZIP+4

*Mon. Home, Id. 83647*

PS Form 3800, July 1999

See Reverse for Instructions

### **Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

### **Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail
- Certified Mail is not available for any class of international mail
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail For valuables, please consider Insured or Registered Mail.

- For an additional fee, a Return Receipt may be requested to provide proof of delivery To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee Endorse mailpiece "Return Receipt Requested" To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery"

- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail

**IMPORTANT: Save this receipt and present it when making an inquiry.**



**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

DIRK KEMPTHORNE  
GOVERNOR

September 14, 2000

KARL J. DREHER  
DIRECTOR

VICTOR HOFER  
590 SAMARRA DR  
MOUNTAIN HOME ID 83647

Re: Transfer No. 4552

Dear Water Right Holder(s):

The Department of Water Resources (the department) has issued the enclosed preliminary order. Pursuant to Section 67-5243, Idaho Code, it can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

If you have any questions, please call me at (208)327-7953.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosures

Cc: Regional Office

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SEP 26 2001

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(Required by Rule of Procedure 730 02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the 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 Water Resource 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

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**APR 26 2001**

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SEP 11 2003

Department of Water Resources

ATT. GLEN SEXTON

I VIC HOFFER SON OF VICTORIA HOFFER AM  
ASKING FOR AN EXTENSION OF 1 year ON  
MAY WATER RIGHT TRANSFER #4552. I'm sorry  
TO SAY we HAVE BEEN unable TO complete  
any work AT ALL ON this matter. my mother  
DIED SEPT 1 with a 3 year illness. IF  
I could get a 1 year extension IT  
would make a great difference. please  
consider this.

Thank you

VICTORIA HOFFER



VICTOR HOFFER

590 SARMACKA DR

MTN HOME IDAHO

20647

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APR 26 2004

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SEP 11 2000

Department of Water Resources

POWER OF ATTORNEY - General

KNOW ALL MEN BY THESE PRESENTS: That I, VICTORIA HOFER, have made, constituted and appointed, and by these presents do make, constitute and appoint VICTOR ALBERT HOFER, of Mountain Home, Idaho, my true and lawful attorney for me and in my name, place and stead, and for my use and benefit, to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, interests, dividends and demands whatsoever as are now or shall hereafter become due, owing, payable or belonging to me, and to have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, and to compromise and agree for the same and to make releases or other sufficient discharges for the same, and for me and in my name, to make, seal and deliver; to bargain, contract, agree for, purchase, receive and take lands, tenements, hereditaments and to lease, let, demise, bargain, sell, remise, release, convey and mortgage lands, tenements and hereditaments upon such terms and conditions and under such covenants as he shall think fit; also, to bargain and agree for, buy, sell, mortgage and in any and every way and manner deal in and with goods, wares and merchandise and to make, do and transact all and every kind of business of whatsoever name or nature, and also for me and in my name and as my act and deed to sign, seal, execute, deliver and acknowledge such deeds, leases, indentures, agreements, mortgages, notes, releases and satisfactions and such other instruments in writing of whatsoever kind or nature as may be necessary or proper in the premises;

HEREBY GIVING AND GRANTING unto my said attorney full right, power and authority to do and perform every act and

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APR 26 2001

thing whatsoever requisite or necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue of these presents.

This power of attorney shall not be affected by the disability of the principal.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of October, 1985.

Victoria Hofer  
Victoria Hofer

STATE OF IDAHO     )  
                          )     ss.  
COUNTY OF ELMORE )

On this 23rd day of October, 1985, before me, the undersigned, a Notary Public in and for said state, personally appeared VICTORIA HOFER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Jay R. Tiedley  
Notary Public for Idaho  
Residing at Mountain Home, ID

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APR 26 2001

# SRBA

## SUBCASE SUMMARY REPORT 61-10196

[Return to SRBA Home Page](#)

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SRBA  
09-11-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-10196      FILE#: 00000  
CLAIMANT: HOFER, VICTORIA  
STATUS: UNOBJECTED TO W/R  
WATER SOURCE: GROUNDWATER,

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

VICTORIA HOFER                      C PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

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[Return to SRBA Home Page](#)

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APR 26 2001



AJ5809NP  
No. 61-10196

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/11/00  
PAGE: 2

Remarks:

IRRIGATION OF A COMBINED TOTAL OF 306.7 ACRES IN A SINGLE  
IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHT NOS. 61-10197 & 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 150.9 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP STOCKWATER, 100 RANGE CATTLE  
RIGHT NO. 61-10197 IS ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE.

Dates:

Exam Made Date: 10/12/1994

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 61A

Field Inspection Flag:  
Presumption Flag:

Comments:

Date: 11/18/1998 User-ID: RHOMERTO Subject: TRANSFER NOTES:  
THIS RECOMMENDATION IS BASED ON THE APPROVAL AND COMPLETION OF  
THE TERMS AND CONDITIONS OF TRANSFER NO. 4552.

Date: 11/22/1998 User-ID: AUJ10-JS Subject: AUJ10 CONDITION UPDATE  
CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART  
OF RECORD THRU AUJ10.

Audit:

11/05/98 RHOMERTO 11/18/98 RHOMERTO 11/19/98 RHOMERTO 11/20/98 SBOCK  
11/21/98 AUJ10-JS 02/11/99 CPDShaff 02/18/99 ADT-DSHA



Remarks:

under this transfer approval for irrigation and stockwater purposes shall not exceed 256.0 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. 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.  
Prior to diversion and use of water under this approval, 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 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.  
This approval authorizes stockwater for a total of 100 range cattle.  
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 NE, S12, T04S, R06E, 8.M.  
The change authorized by this approval shall be accomplished within two (2) years of the date of the Final Order.  
Failure of the right holder or any successor-in-interest to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.  
Claim Nos. A61-10196 and A61-10197 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4552.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 61A Field Inspection Flag:  
Presumption Flag:

Comments: Date: 02/06/1995 User-ID: SLESTER Subject: TRANSFER NO. 4552  
Applicant proposes to change point of diversion from two shallow wells (about 20' deep) to a single deep well (about 600' deep). Two existing wells are in NENE and SENE Section 12, while new well to be drilled will be in SWNE Section 12. The change in P/D

AJ5809NP  
No. X61-10196

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/11/00  
PAGE: 3

Comments: Date: 02/06/1995 User-ID: SLESTER Subject: TRANSFER NO. 4552  
is from shallow to deep aquifer in the Mtn. Home Ground Water  
Management Area and is being advertised to address concerns about  
shifting from one aquifer depth to another.

Audit: 02/20/96 PSKAGGS

# SRBA SUBCASE SUMMARY REPORT 61-10197

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SRBA  
09-11-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-10197      FILE#: 00000  
CLAIMANT: HOFER, VICTORIA  
STATUS: UNOBJECTED TO W/R  
WATER SOURCE: GROUNDWATER,

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

VICTORIA HOFER      C PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

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Return to SRBA Home Page

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61-10196  
61-10197  
12-29-97/Extension to  
12-14-01

MICROFILMED  
APR 26 2001

AJ5809NP  
No. 61-10197

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/11/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME    |
|------------------|----------------------------------------------------------------------------|------------------|--------------------------|----------------------------|------------------------|------------------------|
| C                | VICTORIA HOFER<br>710 S 10TH E<br>MOUNTAIN HOME ID 83647<br>(208) 587-9643 | 04/01/1966       | IRRIGATION<br>STOCKWATER | 04-01 10-31<br>01-01 12-31 | 3.020 CFS<br>0.030 CFS | 254.60 AFA<br>1.40 AFA |
| TOTAL DIVERSION: |                                                                            |                  |                          |                            | 3.050 CFS              | 256.00 AFA             |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04S R06E S12

S1NE

ELMORE County

Place of use Legal Description for: IRRIGATION

| NE         |         | NW    |       | SW    |       | SE    |             |
|------------|---------|-------|-------|-------|-------|-------|-------------|
| NE         | SE      | NW    | SW    | NE    | SE    | NW    | SW          |
| T R S      | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac       |
| 04S 06E 12 | : 40    | 40    | 38    | 37    | : 40  | 40    | 40          |
|            |         |       |       |       |       |       | TOTAL ACRES |
|            |         |       |       |       |       |       | 315.0       |

Place of use Legal Description for: STOCKWATER

| NE         |         | NW    |       | SW    |       | SE    |             |
|------------|---------|-------|-------|-------|-------|-------|-------------|
| NE         | SE      | NW    | SW    | NE    | SE    | NW    | SW          |
| T R S      | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac       |
| 04S 06E 12 | : S     | S     | S     | S     | : S   | S     | S           |
|            |         |       |       |       |       |       | TOTAL ACRES |
|            |         |       |       |       |       |       | 315.0       |

POU County: ELMORE

Conditions of Approval:

- W05 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM MOUNTAIN HOME IRRIGATION DISTRICT.
- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
  - WATER RIGHT NO. SOURCE
  - NONE
  - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
    - WATER RIGHT NO. SOURCE
    - NONE
    - ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks: QNT 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.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 61-10196 IS LIMITED TO THE

AJ5B09NP  
No. 61-10197

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/11/00  
PAGE: 2

Remarks:

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.

EXP STOCKWATER, 100 RANGE CATTLE  
RIGHT NO. 61-10196 IS ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: 10/12/1994 Verified Date: Objection Filed Date:

Misc: Water District Number: 61A Field Inspection Flag:  
Presumption Flag:

Comments: Date: 11/18/1998 User-ID: RHOBERTO Subject: TRANSFER NOTES:  
THIS RECOMMENDATION IS BASED ON THE APPROVAL AND COMPLETION OF  
THE TERMS AND CONDITIONS OF TRANSFER NO. 4552.

Date: 11/22/1998 User-ID: AUU10-JS Subject: AUU10 CONDITION UPDATE  
CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART  
OF RECORD THRU AUU10.

Audit: 11/05/98 RHOBERTO 11/18/98 RHOBERTO 11/19/98 RHOBERTO 11/20/98 SBOCK  
11/21/98 AUU10-JS 02/11/99 CPDSHAFF 02/18/99 ADT-DSHA



Remarks:

d) The maximum annual volume of water which may be diverted under this approval when combined with the volume authorized for diversion to the NE, S12, T04S, R06E, shall not exceed a total of 256.0 af.

e) The season of use for irrigation purposes is April 1 to October 31 each year.

f) The NW, S12, T04S, R06E 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.

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.

Prior to diversion and use of water under this approval, 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 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.

This approval authorizes stockwater for a total of 100 range cattle.

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 NE, S12, T04S, R06E, B.M.

The change authorized by this approval shall be accomplished within two (2) years of the date of the Final Order.

Failure of the right holder or any successor-in-interest to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.

Claim Nos. A61-10196 and A61-10197 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4552.

|           |                            |                        |                            |
|-----------|----------------------------|------------------------|----------------------------|
| Dates:    | Exam Made Date:            | Verified Date:         | Objection Filed Date:      |
| Misc:     | Water District Number: 61A | Field Inspection Flag: |                            |
|           |                            | Presumption Flag:      |                            |
| Comments: | Date: 02/06/1995           | User-ID: SLESTER       | Subject: TRANSFER NO. 4552 |

AJ5809NP  
No. X61-10197

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/11/00  
PAGE: 5

Comments:

Date: 02/06/1995 User-ID: SLESTER Subject: TRANSFER NO. 4552  
Applicant proposes to change point of diversion from two shallow  
wells (about 20' deep) to a single deep well (about 600' deep).  
Two existing wells are in NENE and SWNE Section 12, while new  
well to be drilled will be in SWNE Section 12. The change in P/D  
is from shallow to deep aquifer in the Mtn. Home Ground Water  
Management Area and is being advertised to address concerns about  
shifting from one aquifer depth to another.

Audit: 02/20/96 PSKAGGS



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

December 29, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

VICTORIA HOFER  
710 S 10TH E  
MOUNTAIN HOME ID 83647

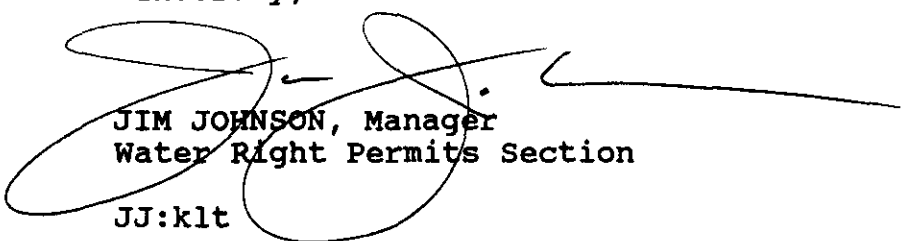
RE: Water Rights 61-10196 & 61-10197

Dear Ms Hofer:

The enclosed Order Granting Extension of Time to Complete Transfer is being sent as you requested in your letter of December 16, 1997.

If you have any questions regarding this matter, please do not hesitate to call our office.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosure

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APR 26 2001

Dec. 16/1997

RECEIVED

DEC 22 1997

Department of Water Resources

To: State of Idaho  
Department of Water Resources,

I am writing to you to request an extension of 3 to 5 years time on my irrigation well permit for transfer No. 4552 of Snake River Basin Adjudication Claim No. A61-10196 and A61-10197 in the name of Victoria Hafer.

Because of the 8 years of drought with its short crops and the unusual amount of expense that I have had in obtaining my well permit I have been unable to develop my irrigation well at this time.

I have been renting my 320 acre farm to Mr. Tim Corder for the last 3 years, but he has only been using 160 acres each year because he is raising mostly row crops and is uncertain that he could finish watering the total acreage with the present Mt. Home water rights every year.

I don't want to lose my water rights that I've worked so hard for. With the extension I can get the well into production. By then I will have recovered from the 8 years of drought, and will have a dependable source of water even in the short water years.

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APR 26 2001

Thank you for your consideration  
Vicky Hafer

**MEMORANDUM**

**To:** Pam Skaggs  
**From:** L. Glen Saxton *WLS*  
**RE:** **FILING OF TRANSFER ON SRBA CLAIMS**  
**Date:** November 17, 1997

On this date, Victoria Hofer visited this office seeking an extension of time in which to complete the changes authorized in approved transfer no. 4552 which was filed on SRBA Claim Nos. A61-10196 and A61-10197. Ms. Hofer plans to submit a written request to me.

Please obtain a copy of the transfer from western region in order that the state office will have a permanent file here for future reference to the final order, transfer and the conditions of approval.

As you indicated, this one apparently just slipped through the process without the state office keeping a copy for our records.

*Requested copies from Western 11-18-97 JS*

**MICROFILMED**  
**APR 26 2001**

**State of Idaho  
DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

**FAX TRANSMITTAL COVER SHEET****FAX # (208) 334-2348****DATE:** 12-24-97**TO:** Pam Skaggs**FROM:** Western**DOCUMENT DESCRIPTION:**Final Order E. T. Skaggs  
61-10196 & 61-10197**TOTAL PAGES SENT:** 16 + COVER SHEET**CONTACT:** \_\_\_\_\_

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APR 26 2001

-- Celebrating Our Centennial Year of Service to Idaho 1895-1995 --

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FEB 14 1997

Department of Water Resources

February 20, 1996

Attached is a copy of the FINAL ORDER in the matter of Application for Transfer No. 4552 of Snake River Basin Adjudication Claim Nos. A61-10196 and A61-10197 in the name of Victoria Hofer

Copies forwarded to:

IDWR NORTHERN - Bob Haynes

IDWR SOUTHERN - Allen Merritt

IDWR EASTERN - Ron Carlson / Skip Jones

IDWR WESTERN - Dave Tuthill

Legal Division - Phil Rassier

Adjudication Bureau - Dave Shaw

Information Officer - Dick Larsen

---

Water Allocation Bureau - Glen Saxton

Water Distribution Section - Gary Spackman

Water Allocation Section - Jim Johnson

PLEASE ROUTE:

Darla Block  
Brenda Chapman  
Roberta Loveall  
Sharla Curtis  
Shelley Keen  
Scott King

Tim Luke  
Kris Rhodes  
Burke Scholer  
Pam Skaggs  
Cindy Zimmerman

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**State of Idaho****DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

February 20, 1996

PHILIP E. BATT  
GOVERNORKARL J. DREHER  
DIRECTOR

RE: In the Matter of Application for Transfer No. 4552 of Snake River Basin Adjudication Claim Nos. A61-10196 and A61-10197 on the name of Victoria Hofer

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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:

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~ Celebrating Our Centennial Year of Service to Idaho 1905-1995 ~  
MICROFILMED

APR 26 2001

- (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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

#### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

#### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

Pg 3

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APR 26 2001

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

RECEIVED  
NOV 19 1997

Department of Water Resources

INITIAL REVIEW BY: CJH

APPLICANT HOFFER

1. Right number 61-10196/10197
2. Type of right: ☐ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☒ Change of point of diversion ☐ Add diversion point(s) ☐ Change of place of use  
☐ Change nature of use ☐ Other \_\_\_\_\_
4. Check:
  - a. ☒ Source ☐ Priority ☐ Amount ☐ Purpose ☐ Period of use ☐ SRBA claim
  - 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.
  - h. ☒ Check for expansion in use of right. Comments Possible greater availability of flows from deeper aquifer - No expansion in acres
  - i. ☐ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) No overlaps except with water/MH irrigation
  - j. ☒ SRBA claim. Comments SRBA exam conducted 10/12/94. Transfer filed based on exam results for 4 acres.
  - k. ☐ Is use within Water District? ☐ Yes ☒ No ground water  
If yes, what district? \_\_\_\_\_ Comment letter sent ☐ Yes ☐ No
  - l. ☐ Legal notice electronically transmitted to DWR03::Vault?

NOTE: Please refer to attached thoughts regarding possible injury, etc

sent to sue ☒

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 \_\_\_\_\_ Date \_\_\_\_\_

\*All uses within Water Districts require special conditions.