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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67120

This is to certify that. ALICE TRAIL
RT 1 BOX 66
KING HILL ID 83633
(208)366-2188

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-2107B	AJC/License	04/14/1955	6.26 cfs	N/A		613.0	LITTLE CANYON CREEK
61-2228B	AJC/License	01/21/1955	N/A	1252 af		613.0	LITTLE CANYON CREEK
61-4079	AJC/Beneficial Use	04/01/1967	0.71 cfs	141 af	47.0	613.0	LITTLE CANYON CREEK
61-4123C	WR/Decreed	11/06/1957	N/A	71.5 af		613.0	LITTLE CANYON CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-2107B	NO	YES	YES	NO	NO	NO
61-2228B	NO	YES	YES	NO	NO	NO
61-4079	NO	YES	YES	NO	NO	NO
61-4123C	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-2107B	61-2107B	6.26 cfs	N/A	N/A	933.0					
61-2228B	61-2228B	N/A	1252 af	N/A	933.0					
61-4079	61-4079	0.71 cfs	141 af	47.0	933.0					
61-4123C	61-4123C	N/A	71.5 af	N/A	933.0					
COMBINED										
TOTALS		6.97 cfs	1337.5 af	360	933		N/A	N/A	N/A	N/A

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NOV 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67120

Detailed Water Right Description(s) attached

Dated this 28th day of October, 20 03

Barry Spackman
Chief, Water Allocation Bureau

MICROFILMED SCANNED
NOV 20 2003 ~~NOV 16 2003~~

WATER RIGHT NO. 61-2228B
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No. 67120, Water Right No. 61-2228B is now described as follows

Right Holder: LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: January 21, 1955

Source: LITTLE CANYON CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	04/01	to 11/01		1,252.0 AF
IRRIGATION STORAGE	01/01	to 12/31		<u>1,252.0 AF</u>
				1,252.0 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NENE Sec. 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 09E 16	35 0	40 0	41 0	32 0	40 0	40 0	40 0	40 0	40 0	40 0	40 0	40 0	29 0	41 0	41 0	35 0	614 0
05S 09E 21	40 0		39 0	40 0									40 0	40 0	40 0	40 0	279 0
05S 09E 28		40 0															40 0

Total Acres: 933

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61-D
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion

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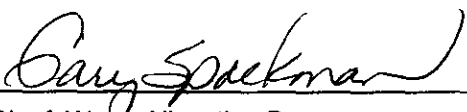
NOV 20 2003

WATER RIGHT NO. 61-2228B
As Modified by Transfer No. 67120

- 3 Rights 61-2228B and 61-4079 when combined shall not exceed a total annual storage volume of 1266 af
- 4 Rights 61-2228B and 61-2107B when combined shall not exceed irrigation of 313 acres
- 5 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres.
- 6 After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120
- 7 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- 8 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
- 9 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above.
- 10 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
- 11 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 12 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- 13 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree
- 14 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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

Dated this 28th day of October, 20 03



Chief, Water Allocation Bureau

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NOV 20 2003

SCANNED



WATER RIGHT NO. 61-2107B
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No. 67120, Water Right No. 61-2107B is now described as follows.

Right Holder: ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: April 14, 1955

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	6.26 CFS	
			6.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NENE Sec. 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 09E 16	35.0	40.0	41.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	41.0	41.0	35.0	614.0
05S 09E 21	40.0		39.0	40.0									40.0	40.0	40.0	40.0	279.0
05S 09E 28		40.0															40.0

Total Acres: 933

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61-D.
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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WATER RIGHT NO. 61-2107B
As Modified by Transfer No. 67120

- 3 Rights 61-2107B and 61-2228B when combined shall not exceed irrigation of 313 acres
4. Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres.
- 5 After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- 7 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above.
- 8 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
- 9 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
- 10 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication
- 11 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree
- 12 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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

Dated this 28th day of October, 20 03


Chief, Water Allocation Bureau

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NOV 20 2003

SCANNED

11/20/03

WATER RIGHT NO. 61-4123C
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No. 67120, Water Right No. 61-4123C is now described as follows.

Right Holder: ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: November 06, 1957

Source: LITTLE CANYON CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	11/16 to 03/16			71.5 AF
IRRIGATION FROM STORAGE	03/15 to 11/15			<u>71.5 AF</u>
				71.5 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NENE Sec 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 09E 16	35.0	40.0	41.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	29.0	41.0	41.0	35.0	614.0
05S 09E 21	40.0		39.0	40.0									40.0	40.0	40.0	40.0	279.0
05S 09E 28		40.0															40.0

Total Acres: 933

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NOV 20 2003

SCANNED
 11-16-03

WATER RIGHT NO. 61-4123C
As Modified by Transfer No. 67120

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61-D
- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 61-4123C and 61-4123D when combined shall not exceed a total annual storage volume of 71 5 af.
- 4 Rights 67-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres
- 5 After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120.
- 6 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above.
- 7 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree
- 10 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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

Dated this 28th day of October, 20 03


Chief, Water Allocation Bureau

MICROFILMED
NOV 20 2003

SCANNED
2003-11-20

WATER RIGHT NO. 61-4079
As Modified by Transfer No. 67120

In accordance with the approval of Transfer No. 67120, Water Right No. 61-4079 is now described as follows.

Right Holder: LEE T TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Or

ALICE TRAIL
 RT 1 BOX 66
 KING HILL ID 83633

Priority Date: April 01, 1967

Source: LITTLE CANYON CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	03/15	to 11/15		141 0 AF
IRRIGATION STORAGE	01/01	to 12/31		<u>141.0 AF</u>
IRRIGATION	03/15	to 11/15	<u>0.71 CFS</u> 0 71 CFS	141 0 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE CANYON CREEK NENE Sec. 29 Twp 04S Rge 10E ELMORE County

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	09E	16	35 0	40 0	41 0	32 0	40 0	40 0	40 0	40 0	40 0	40 0	40 0	40 0	29 0	41 0	41 0	35 0	614 0
05S	09E	21	40 0		39 0	40 0									40 0	40 0	40 0	40 0	279 0
05S	09E	28		40 0															40 0

Total Acres: 933

CONDITIONS OF APPROVAL

- 1 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61-D

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NOV 20 2003

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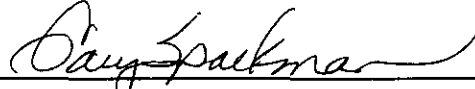
NOV 20 2003

WATER RIGHT NO. 61-4079
As Modified by Transfer No. 67120

- 2 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion
- 3 Rights 61-2228B and 61-4079 when combined shall not exceed a total annual storage volume of 1266 af.
- 4 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage
- 5 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C are diverted through the point of diversion described above.
- 6 This right is limited to the irrigation of 47 acres within the place of use described above in a single irrigation season
- 7 Rights 61-2107B, 61-2228B, 61-4079 and 61-4123C when combined shall not exceed irrigation of 360 acres
- 8 After specific notification by the Department, the right holder, by June 10 of each year, shall identify in writing to the Department or to the Watermaster the particular 360 acres to be irrigated during the irrigation season pursuant to Transfer 67120.
- 9 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 10 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 11 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- 12 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree
- 13 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively

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

Dated this 28th day of October, 20 03


Chief, Water Allocation Bureau

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NOV 20 2003

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Page 1 of 1

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. _____

REFERENCES

APPLICATION FOR TRANSFER OF WATER RIGHT

MAR 15 2003

PART 1

WATER.
WESTERN HILL, IND.

Name of applicant ALICE IRWIN Phone 366-7100

Post Office address KE 1, Box 666, KING HILL, TD K36 33

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes ALLOW FOR A PERMISSABLE PLACE OF USE TO INCLUDE 320 ADDITIONAL ACRES WITHOUT AN INCREASE IN THE AMOUNT OF WATER. ROTATION OF FIELDS WILL OCCUR FROM YEAR TO YEAR.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
61-02107B	4-14-55	10.26 CFS	IRRIGATION	4-1 to 11-1
61-02228B	1-21-55	1252 AF	IRRIG. STORAGE	1-1 to 12-31
61-04079	4-1-67	.21 CFS	IRRIG. FROM STOR.	4-1 to 11-1
61-04123B	3-2-57	141 AF	IRRIGATION	3-15 to 11-15
		71.5 AF	IRRIG. STORAGE	1-1 to 12-31
			IRRIG. FROM STOR.	3-15 to 11-15
			IRRIG. STORAGE	11-16 to 3-16
			IRRIG. FROM STOR.	3-15 to 4-15

2. Total amount of water being transferred 6.97 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water LITTLE CANYON CREEK tributary to SNAKE RIVER

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

* 6. General Information:

*a. Description of diversion system There is a small diversion dam on Little Canyon Creek which allows water to flow thru a canal to a larger reservoir. From the reservoir water flows thru a ditch before entering a pipeline that supplies gravity pressure for a sprinkler system.

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

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

NO CHANGE

d. Remarks:

ALL RIGHTS, WHEN COMBINED, SHOULD BE LIMITED TO 300 ACRES OF IRRIGATION IN A SINGLE IRRIGATION SYSTEM.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

MICROFILMED

NOV 20 2003

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

2003 NOV 21 AM 10 49

In Re SRBA)
Case No 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-02107B

NAME AND ADDRESS ALICE TRAIL
LEE T TRAIL
RT 1 BOX 66
KING HILL, ID 83633

RECEIVED
NOV 24 2003

SOURCE: LITTLE CANYON CREEK TRIBUTARY: SNAKE RIVER

Department of Water Resources

QUANTITY 6 26 CFS

PRIORITY DATE: 04/14/1955

POINT OF DIVERSION: T04S R10E S29 NENE Within Elmore County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	6 26 CFS

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

PLACE OF USE	Irrigation	Within Elmore County
T05S R09E S16	NENE 35.0	NWNE 40.0
	SWNE 41.0	SENE 32 0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40 0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 29.0	NWSE 41 0
	SWSE 41.0	SESE 35.0
S21	NENE 40 0	SWNE 39.0
	SENE 40.0	NESE 40.0
	NWSE 40.0	SWSE 40.0
	SESE 40.0	
S28	NWNE 40.0	
933.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO 61-2228B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 313 ACRES IN A SINGLE
IRRIGATION SEASON

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 61-2228B, 61-4079 AND
61-4123C.

THE APPROPRIATOR MUST, BY JUNE 10 OF EACH YEAR, IDENTIFY IN
WRITING TO IDWR THE PARTICULAR 360 ACRES TO BE IRRIGATED DURING
THE IRRIGATION SEASON PURSUANT TO TRANSFER 67120

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER 67120 WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

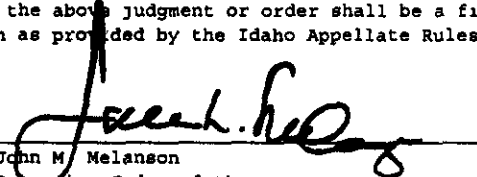
SRBA Partial Decree Pursuant to I.R.C P. 54(b) (continued)

OTHER PROVISIONS (continued)

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


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2003

ALICE TRAIL
LEE T TRAIL
RT 1 BOX 66
KING HILL ID 83633

RE: Transfer No.: 67120 - Water Rights 61-2107B, 61-4123C, 61-4079, 61-2228B
Transfer Approval Notice

Dear Water Right Holder(s):

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

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

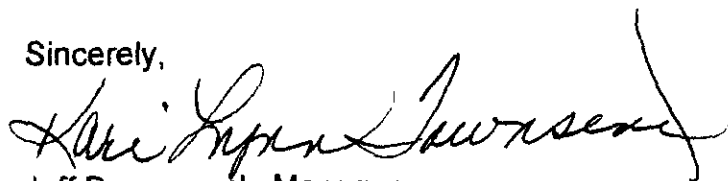
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

[Handwritten signature]
MICROFILMED
OCT 29 2003

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

NOV 20 2003

SCANNED

2003

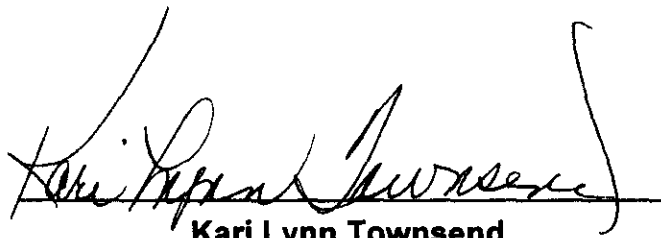
CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 67120

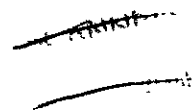
WATER RIGHTS 61-4123C, 61-2107B, 61-4079, 61-2228B

**ALICE TRAIL
LEE T TRAIL
RT 1 BOX 66
KING HILL ID 83633**

A handwritten signature in cursive script, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
NOV 20 2003**

Two horizontal handwritten scribbles or marks, possibly initials or a signature, located in the bottom right corner of the page.

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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



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

October 7, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JIM ALLEN
WATERMASTER
RT 1 BOX 14 C
KING HILL ID 83633

RE: TRANSFER OF WATER RIGHTS 61-2107B, 61-2228B, 61-4079, 61-4123C
(Transfer 67120)

Dear Jim:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 67120) in the names of Alice Trail and Lee T. Trail.

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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NOV 20 2003



MEMORANDUM

Date: October 27, 2003
To: Transfer 67120 File
From: Jeff Peppersack
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to increase a permissible place of use under existing natural flow and storage rights from Little Canyon Creek. Four rights are involved, one is decreed in the SRBA and three are being held in the SRBA pending approval of this transfer. Right 61-2228B is the main storage right from Blair Trail Reservoir. Right 61-2107B is the main natural flow right from the creek. Right 61-4079 is a storage and flow right for an additional 47 acres and right 61-4123C (decreed) is additional storage from the maintenance reservoir on-stream. The total acre limit associated with the four rights is 360 acres and the proposal will increase the PPU to 933 acres. The transfer will also correct an error in the point of diversion as previously recorded for the rights involved. This transfer was advertised without protest. Review of this transfer relied primarily on SRBA recommendations.

- **Authority to File:** SRBA records indicate applicant is the owner of the water rights involved in the transfer. Also verified using county taxlot information.
- **Water Right Validity:** Right 61-4123C was recently decreed in the SRBA, the other three rights involved are recommended as licensed or claimed. Forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** Change in point of diversion is a correction based on actual location. Change in place of use increases permissible place of use and will require limits to avoid injury due to possible enlargement.
- **Enlargement of Use:** None, if limits are applied as proposed to avoid expansion of irrigated acres.
- **Local Public Interest:** Transfer was advertised with no protests received. Comments from watermaster and others do not oppose.
- **Beneficial Use/Conservation of Water Resources:** No change from historical use.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

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NOV 20 2003

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will be conducted. If future monitoring is deemed to be advantageous, abandonment of the wells will be completed in accordance with IDWR at the end of the valuable data collection period.

4. Implementing Actions

a. Reclamation will:

(1) Construct and abandon all monitoring wells to meet or exceed the requirements of IDWR Adopted Well Construction Standards, including any special requirements for a designated Area of Drilling Concern or included as a condition of approval of a drilling permit, unless at a specific well construction site the Standards are inappropriate or unnecessary and a written waiver of specific standards is sought and obtained from IDWR.

(2) Have at least one employee at the well construction site at any and all times well construction is occurring that has experience and training needed to qualify for a drilling license in the State of Idaho or a geologist/hydrologist experienced in drilling methods and local hydrologic conditions.

(3) Notify IDWR immediately if unexpected artesian pressures or thermal (85 degree or warmer) waters are encountered or the drilling plan is otherwise significantly altered.

(4) Submit information to IDWR at least ten days prior to commencing construction plans including diameter, depth, casing and sealing schedules, expected lithology, and other information needed to evaluate the adequacy of planned construction. Information shall also be submitted on the purpose of the well, when it is to be constructed and when it will be abandoned.

(5) Apply for a drilling permit pursuant to Section 42-235, Idaho Code, for all monitoring wells Reclamation intends to construct that are not planned as part of a cooperative agreement or contract with IDWR.

(6) Will provide IDWR a well drillers log within 30 days of completion.

(7) Repair or abandon any monitoring well at the request of IDWR when repair or abandonment is determined by the Director of IDWR to be necessary to prevent waste and contamination.

IDWR will:

(1) Consider information submitted pursuant to paragraph a(4) to satisfy the drilling permit requirement of Section 42-235, Idaho Code, for any monitoring well drilled under a cooperative agreement or contract with IDWR.

(2) Consider the licensing requirement of Section 42-238, Idaho Code, to be in compliance with paragraph a(4).

(3) Consult with Reclamation on the application of construction standards to specific wells.

5. Principal Contacts

The principal contacts are:

Reclamation
Ryan Hedrick
230 Collins Road
Boise Id, 83702
(208) 383-2281
rhedrick@pn.usbr.gov

IDWR
John Carlson
1301 N. Orchard
Boise Id, 83706
(208) 327-7936