

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

FEB 28 2003

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

FEBRUARY 19, 26, 2003

SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27th day of February in the year of 2003 before me, a

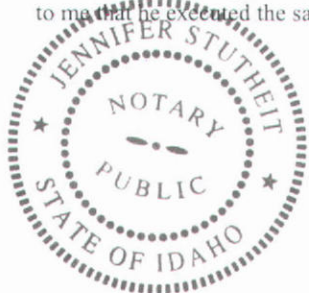
Notary Public, personally appeared JOE E. AMAN

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Jennifer Stutheit
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 1-3-2009



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70276

DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650
JOHN D EDWARDS
PO BOX 91
MURPHY ID 83650, has filed
Application No. 70276 for changes
to the following water rights within
OWYHEE County:

Right No. 57-1B

Priority 4/1/1881

Source SINKER CREEK

Use IRRIGATION (244 acres) 5.14 CFS

Total Amount 5.14 CFS

Point(s) of Diversion S21 T03S R01W

Place of Use S14 T03S R01W

S15 T03S R01W

S22 T03S R01W

S23 T03S R01W

Right No. 57-2295

Priority 8/3/1966

Source GROUND WATER

Use IRRIGATION (31 acres)
0.62 CFS 139.5 AFA

Total Amount 0.62 CFS 139.5 AFA

Point(s) of Diversion S15 T03S R01W

S22 T03S R01W

Place of Use S22 T03S R01W

S23 T03S R01W

Right No. 57-2236

Priority 12/11/1959

Source GROUND WATER

Use IRRIGATION (160 acres) 3.20 CFS 1,098.0 AFA

Total Amount 3.20 CFS 1,098.0 AFA

Point(s) of Diversion S15 T03S R01W

S22 T03S R01W

Place of Use S14 T03S R01W

S15 T03S R01W

S22 T03S R01W

S23 T03S R01W

Remark: Applicant proposes a combined sprinkler irrigation system using Sinker Creek water diverted in the SENE S21 and ground water diverted from two existing wells in the SESW S15 and NENW 22 and one proposed well in the NENW S22. When combined, the rights are limited to 5.14 cfs and irrigation of 244 acres within a 304 acre permissible place of use in sections 14, 15, 22 and 23 T3S R1W.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before March 10, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

2/19,26/03

MICROFILMED
MAR 16 2004

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.

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

Sincerely,

Camela S Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

Enclosure(s)

cc: Matt J. Howard
Attorney at Law
PO Box 190012
Boise, ID 83719

MICROFILMED
MAR 16 2004

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70276 - WATER RIGHTS 57-1B, 57-2236, 57-2295

**JOHN D EDWARDS
DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650**

**MATT J HOWARD
ATTORNEY AT LAW
PO BOX 190012
BOISE ID 83719**



**Kari Lynn Townsend
Secretary**

MICROFILMED
MAR 15 2004

**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).

MICROFILMED
MAR 16 2004

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.



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

April 11, 2003

NICK IHLI
WATERMASTER
PO BOX 25
MURPHY ID 83650

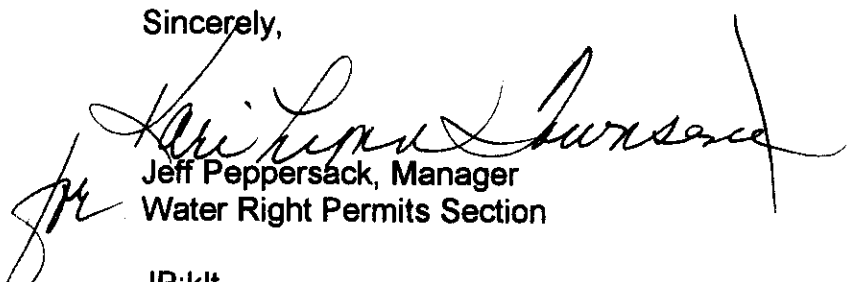
RE: TRANSFER OF WATER RIGHTS 57-1B, 57-2236, 57-2295 - (Transfer 70276)

Dear Nick:

Enclosed is a copy of the recently approved **amended** Transfer of Water Right for the above referenced water rights (Transfer 70276) in the names of Deborah S. Edwards and/or John D. Edwards.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
MAR 16 2004

MATT J. HOWARD
ATTORNEY AT LAW

RECEIVED

APR 3 2003

Department of Water Resources

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

April 1, 2003

VIA U.S. MAIL AND FACSIMILE (327-7866)

Idaho Department of Water Resources

1301 N. Orchard St.

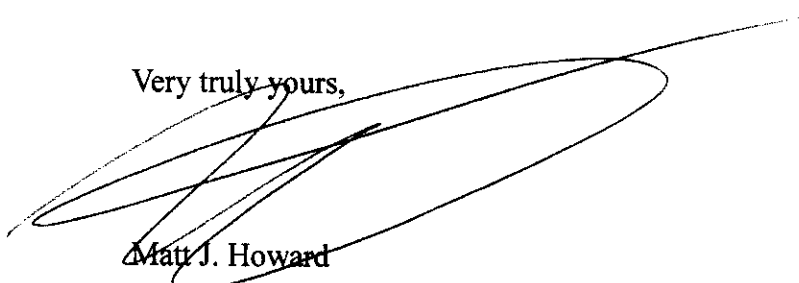
Boise, ID 83706-2237

RE: In the Matter of Transfer No. 70276 – John and Deborah Edwards

Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter is the following: Petition for Reconsideration. I have enclosed an additional copy of that document that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,


Matt J. Howard

Enclosures

Cc: Clients

MICROFILMED

MAR 16 2004

RECEIVED

APR - 3 2003

Department of Water Resources

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for John and Deborah Edwards

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHTS IN THE)
NAME OF JOHN AND DEBORAH) PETITION FOR RECONSIDERATION
EDWARDS, TRANSFER NO. 70276)
)
)
)
)
)

PETITION

The applicants, John and Deborah Edwards, by and through their attorney, Matt J. Howard, hereby petition the Idaho Department of Water Resources (IDWR) for correction of the season of use dates set forth in Transfer Order No. 70276 issued on March 18, 2003 ("Transfer Order"). Specifically, the Transfer Order states that the season of use for water right nos. 57-2236 and 57-2295 is "3/15 to 11/15." The SRBA partial decrees, however, set forth a season of use of "3/1 to 11/15" for the water rights at issue.

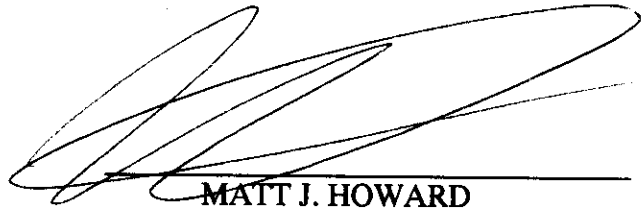
RELIEF REQUESTED

The applicants respectfully request that the Transfer Order be amended to (1) correct the season of use for water right nos. 57-2236 and 57-2295 consistent with the partial decrees, and (2) remove condition No. 8 which limits early season irrigation.

MICROFILMED

APR 15 2004

DATED this 7 day of April, 2003.

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

MATT J. HOWARD
Attorney for Applicants

MATT J. HOWARD**ATTORNEY AT LAW**

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

RECEIVED**APR - 1 2003**

EMAIL MHOWARD@FIBERPIPE.NET

Department of Water Resources

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Jeff Peppersack	Matt J. Howard
COMPANY	DATE
IDWR	April 1, 2003
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER
327-7866	4
RE:	
Transfer No. 70276 - John & Deborah Edwards	
NOTES/COMMENTS:	

CONFIDENTIAL & PRIVILEGED INFORMATION

This facsimile is confidential & privileged. It is for use of the individual(s) named on this cover sheet. If you are not the intended recipient, do not read this facsimile. Any further inspection, dissemination, or copying of this facsimile is prohibited. If you have received this facsimile by error, please notify us by phone immediately, and we will arrange for it to be returned to us. Thank you for your cooperation.

MAR 15 2004

MATT J. HOWARD**ATTORNEY AT LAW**

P. O. BOX 190012

BOISE, IDAHO 83719

TELEPHONE (208) 333-0622

FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

April 1, 2003

VIA U.S. MAIL AND FACSIMILE (327-7866)

Idaho Department of Water Resources

1301 N. Orchard St.

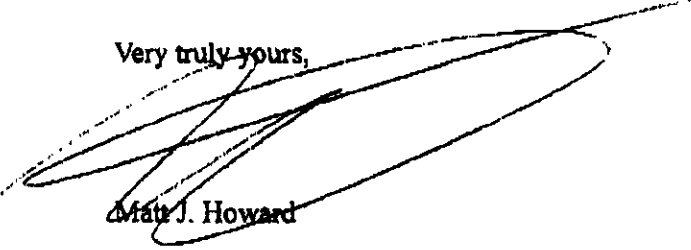
Boise, ID 83706-2237

RE: In the Matter of Transfer No. 70276 – John and Deborah Edwards

Dear Clerk:

Enclosed for filing with the Idaho Department of Water Resources in the above-referenced matter is the following: Petition for Reconsideration. I have enclosed an additional copy of that document that I would ask that you conform and return to me in the enclosed envelope. Thank you very much.

Very truly yours,


Matt J. HowardEnclosures
Cc: ClientsMICROFILMED
MAR 16 2004

MATT J. HOWARD
Attorney at Law
P. O. Box 190012
Boise, Idaho 83719
Telephone: (208) 333-0622
Facsimile: (208) 333-8409

Attorney for John and Deborah Edwards

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHTS IN THE)
NAME OF JOHN AND DEBORAH) PETITION FOR RECONSIDERATION
EDWARDS, TRANSFER NO. 70276)
)

PETITION

The applicants, John and Deborah Edwards, by and through their attorney, Matt J. Howard, hereby petition the Idaho Department of Water Resources (IDWR) for correction of the season of use dates set forth in Transfer Order No. 70276 issued on March 18, 2003 ("Transfer Order"). Specifically, the Transfer Order states that the season of use for water right nos. 57-2236 and 57-2295 is "3/15 to 11/15." The SRBA partial decrees, however, set forth a season of use of "3/1 to 11/15" for the water rights at issue.

RELIEF REQUESTED

The applicants respectfully request that the Transfer Order be amended to (1) correct the season of use for water right nos. 57-2236 and 57-2295 consistent with the partial decrees, and (2) remove condition No. 8 which limits early season irrigation.

PETITION FOR RECONSIDERATION - 1

COPY

MICROFILMED

MAR 16 2004

DATED this 1 day of April, 2003.

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

MATT J. HOWARD
Attorney for Applicants

PETITION FOR RECONSIDERATION - 2

MICROFILMED

MAR 15 2004

MEMORANDUM

DATE: March 31, 2003

TO: Transfer Application 70276

FROM: Shelley W. Keen ^{SWK}

RE: Season of Use and Annual Volume

This morning attorney Matt Howard called to ask about the season of use for Rights 57-2236 and 57-2295 on the approval for Transfer 70276. Both rights received a re-decree changing the season of use to 3/1 to 11/15, but the transfer approval left the season as 3/15 to 11/15 with a "shoulder" condition allowing for subordinated use from 3/1 to 3/14. I could find no documented reason for retaining the 3/15 to 11/15 season, so I told Matt it may have been an oversight.

Matt also asked about the approved volume of 720 AFY for Right 57-2236, which had a decreed volume of 1098 AFY. I told Matt that I could find no documentation explaining the change, but that I believe the decreed volume was probably an error and that 720 AFY, or 4.5 af/acre, is probably more appropriate for a ground water right diverted and applied via mainline and sprinklers.

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MAR 16 2004

RECEIVED

JAN 22 2003

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 21 PM 3 53

**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	)	Water Right 57-2236
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, NUNC PRO TUNC

A *Partial Decree* was entered for the above-captioned irrigation water right on June 20, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-01 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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).

MICROFILMED

MAR 16 2004

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated January 21, 2003



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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MAR 16 2004

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JUN 23 1997

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

Department of Water Resources
Adjudication Bureau

In Re SRBA)
Case No. 39576)
_____)

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

1997 JUN 20 PM 2:15

Water Right 57-02236

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: JOHN D EDWARDS
DEBORAH S EDWARDS
PO BOX 93
MURPHY ID 83650

SOURCE: GROUNDWATER

QUANTITY: 3.2 CFS
1098.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 57-00001B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.14 CFS.

PRIORITY DATE: 12/11/1959

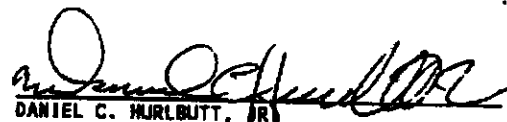
POINT OF DIVERSION: T03S R01W S15 SESW Within OMYHEE County
S22 NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 3.2 CFS 1098.0 AFY
-------------------------------	------------------------------	------------------------------------	-----------------------------------

PLACE OF USE:	IRRIGATION	Within OMYHEE County			
	T03S R01W S14	NWSW 3.0	SWSW 22.0		
	S15	SESW 22.0	NESE 1.0	NWSE 2.0	SWSE 37.0
	S22	SESE 39.0			
	S23	NENE 15.0	NWNE 11.0	NENW 5.0	
	160.0 ACRES TOTAL	NWNW 3.0			

USE OF THIS RIGHT WITH RIGHT NO. 57-00001B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 244 ACRES IN A SINGLE
IRRIGATION SEASON.

DATED: JUN 20 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

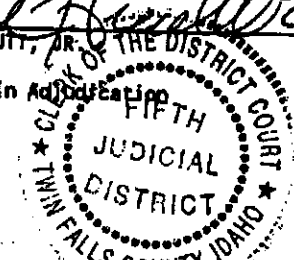
RULE 54(b) CERTIFICATE

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.

DATED: JUN 20 1997

PARTIAL DECREE PURSUANT
TO I.R.C.P. 54(b) FOR
Water Right 57-02236

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a true and correct copy of the original on file in the above entitled matter.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
ADJUTANT CLERK



RECEIVED

JUN 23 1997

Department of Water Resources
Adjudication Bureau

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-02295

1997 JUN 20 PM 2:

DISTRICT COURT-SR
TWIN FALLS CO., IDAH
FILED _____

NAME & ADDRESS: JOHN D EDWARDS
DEBORAH S EDWARDS
PO BOX 93
MURPHY ID 83650

SOURCE: GROUNDWATER

QUANTITY: 0.62 CFS
139.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 57-000018 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.14 CFS.

PRIORITY DATE: 08/03/1966

POINT OF DIVERSION: T03S R01W S15 SESW Within Owyhee County
S22 NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 0.62 CFS 139.5 AFY
-------------------------------	------------------------------	------------------------------------	-----------------------------------

PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T03S R01W S22	SWNE 4.0	SENE 12.0	NWNW 4.0	SENE 3.0
	S23	SWNW 8.0			
	31.0 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NO. 57-000018 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 244 ACRES IN A SINGLE
IRRIGATION SEASON.

DATED: JUN 20 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

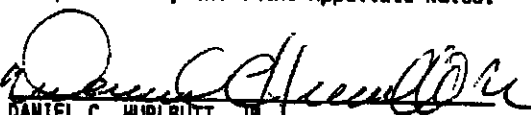
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DATED: JUN 20 1997

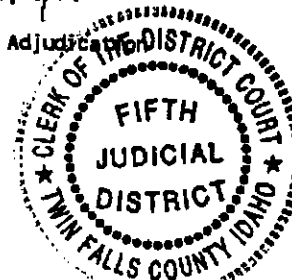
MILWAUKEE

MAR 16 2004


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-02295

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK





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

March 19, 2003

JOHN D EDWARDS
DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650

RE: Transfer No.: 70276 - Water Rights 57-1B, 57-2236, 57-2295
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.

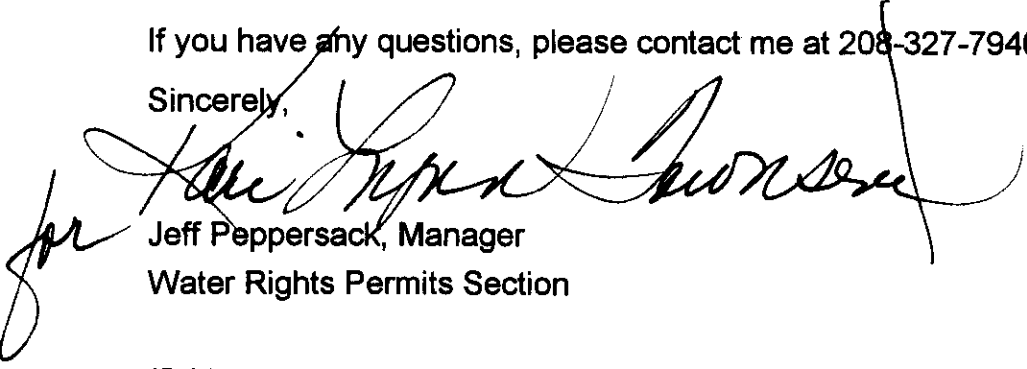
MICROFILMED

APR 15 2004

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.

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

Sincerely,



Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: Matt J. Howard, Attorney at Law
PO Box 190012
Boise, ID 83719

MICROFILMED

MAR 16 2004

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70276

WATER RIGHTS 57-1B, 57-2236, 57-2295

**JOHN D EDWARDS
DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650**

**MATT J HOWARD
ATTORNEY AT LAW
PO BOX 190012
BOISE ID 83719**



**Kari Lynn Townsend
Secretary**

MICROFILM

MAR 16 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



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

March 18, 2003

NICK IHLI
WATERMASTER
PO BOX 25
MURPHY ID 83650

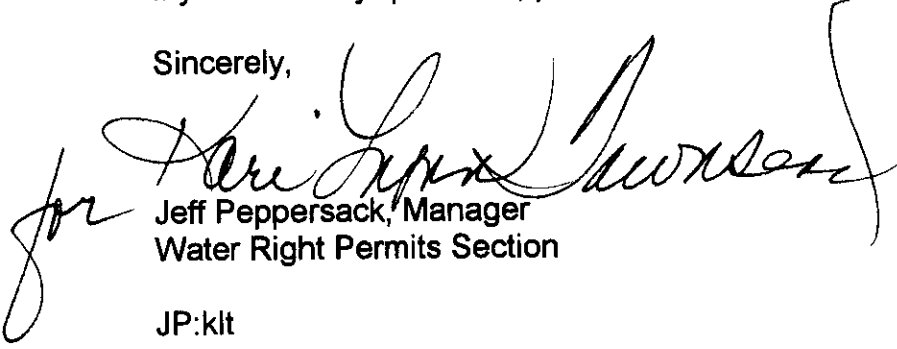
RE: TRANSFER OF WATER RIGHTS 57-1B, 57-2236, 57-2295 - (Transfer 70276)

Dear Nick:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 70276) in the names of Deborah S. Edwards and/or John D. Edwards.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAR 16 2004

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

FEB 28 2003

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

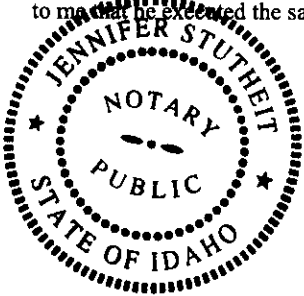
FEBRUARY 19, 26, 2003

SIGNED:

STATE OF IDAHO
COUNTY OF OWYHEE

On this 27th day of February in the year of 2003 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stuthert
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 1-3-2009

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70276

DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650
JOHN D EDWARDS
PO BOX 91
MURPHY ID 83650, has filed
Application No. 70276 for changes
to the following water rights within
OWYHEE County:
Right No. 57-1B
Use IRRIGATION (244 acres) 5.14
CFS

Total Amount 5.14 CFS
Point(s) of Diversion S21 T03S
R01W

Place of Use S14 T03S R01W
S15 T03S R01W
S22 T03S R01W
S23 T03S R01W
Right No. 57-2295

Priority 8/3/1966

Source GROUND WATER

Use IRRIGATION (31 acres)
0.62 CFS 139.5 AFA

Total Amount 0.62 CFS 139.5 AFA

Point(s) of Diversion S15 T03S
R01W

S22 T03S R01W
Place of Use S22 T03S R01W
S23 T03S R01W
Right No. 57-2236

Priority 12/11/1959

Source GROUND WATER

Use IRRIGATION (160 acres) 3.20
CFS 1,098.0 AFA

Total Amount 3.20 CFS 1,098.0
AFA

Point(s) of Diversion S15 T03S
R01W

S22 T03S R01W
Place of Use S14 T03S R01W
S15 T03S R01W
S22 T03S R01W
S23 T03S R01W

Remark: Applicant proposes a
combined sprinkler irrigation
system using Snake Creek water
diverted in the SENE S21 and
ground water diverted from two
existing wells in the SESEW S15
and NENEW 22 and one proposed
well in the NENEW S22. When
combined, the rights are limited to
5.14 cfs and irrigation of 244 acres
within a 304 acre permissible place
of use in sections 14, 15, 22 and 23
T03S R01W.

Protests may be submitted based
on the criteria of Sec 42-222, Idaho
Code.

Any protest against the proposed
change must be filed with the
Department of Water Resources,
Western Region, 2735 Broadway,
Boise ID 83705, with a
protest fee of \$200 for each
application on or before March 10,
2003. The protestant must also
send a copy of the protest to the
applicant.

KARL J DREHER, Director

2/19,26/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2003

RECEIVED

FEB 27 2003

WATER RESOURCES
WESTERN REGION

NICK IHLI
WATER DISTRICT 57D
PO BOX 25
MURPHY ID 83650

Re: Application for Transfer No. 70276 in the Name of John &/or Deborah Edwards.

Dear Mr. Ihli:

Enclosed is a copy of the above-referenced application for transfer. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

Recommendation form was not included, however I have no objection to the Application for Transfer No. 70276, as presented to me.

Dated at Murphy, Idaho, this 24th day of February, 2003.

Nick Ihli, Watermaster, Dist, No. 57-D
Sinker Creek

MICROFILMED

MAR 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2003

NICK IHLI
WATER DISTRICT 57D
PO BOX 25
MURPHY ID 83650

Re: Application for Transfer No. 70276 in the Name of John &/or Deborah Edwards.

Dear Mr. Ihli:

Enclosed is a copy of the above-referenced application for transfer. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lori Graves'.

Lori Graves

LG:lm

Encl: Copy of Application

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MAR 16 2004

Mattson, Lisa
To: eleitzin@idfg.state.id.us

February 19, 2003

ERIC LEITZINGER
STATE OF IDAHO
DEPT OF FISH & GAME

Re: Application for Water Right No. 78-12190 in the Name of Tony &/or Billie Cesario.
Application for Water Right No. 57-11619 in the Name of Bruce &/or Terry Reuck.
Application for Water Right No. 65-22765 in the Name of David Little Farms.
Application for Water Right No. 65-22764 in the Name of Brandon Howerton.
Application for Transfer No. 70276 in the Name of John &/or Deborah Edwards.
Application for Transfer No. 70262 in the Name of Ballentyne Ditch Co.
Application for Transfer No. 70266 in the Name of New Union Ditch Co.
Application for Transfer No. 70275 in the Name of Boulder Meadows Irrigation Inc.
Application for Transfer No. 70376 in the Name of David Little Farms.

Dear Mr. Leitzinger:

Attached are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by March 10, 2003.

If you have any questions regarding the application, please contact the following agents at this office:

Dan Nelson:

Application for Water Right No. 78-12190 in the Name of Tony &/or Billie Cesario.
Application for Water Right No. 57-11619 in the Name of Bruce &/or Terry Reuck.

Lori Graves:

Application for Water Right No. 65-22765 in the Name of David Little Farms.
Application for Water Right No. 65-22764 in the Name of Brandon Howerton.
Application for Transfer No. 70276 in the Name of John &/or Deborah Edwards.
Application for Transfer No. 70262 in the Name of Ballentyne Ditch Co.
Application for Transfer No. 70266 in the Name of New Union Ditch Co.
Application for Transfer No. 70275 in the Name of Boulder Meadows Irrigation Inc.
Application for Transfer No. 70376 in the Name of David Little Farms.

Sincerely,

Lisa Mattson
Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax

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MAR 15 2004



57-11619.pdf



78-12190.pdf



65-22765.pdf



65-22764.pdf



Application.pdf



Application.pdf



Applictation.pdf



Application.pdf

70276



Application
amended.pdf

70262

70266

70275

70376

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MAR 16 2004

MATT J. HOWARD
ATTORNEY AT LAW

P. O. BOX 190012
BOISE, IDAHO 83719
TELEPHONE (208) 333-0622
FACSIMILE (208) 333-8409

EMAIL: MHOWARD@FIBERPIPE.NET

October 18, 2002

RECEIVED

OCT 21 2002

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, Idaho 83705

RE: Edwards Ranch - Water Right Applications (Basin 57)

Dear Clerk:

Enclose for filing are the following:

1. Application for Permit (ground water);
2. Application for Permit (Sinker Creek);
3. Application for Permit (unnamed stream); and
4. Application for Transfer of Water Right nos. 57-1B, 57-2236, 57-2295 to create a permissible place of use and add an additional ground water point of diversion.

Also, enclosed is a check in the amount of \$1,440.00 as payment of the filing fees for the above-mentioned applications. Also, enclosed is an additional copy of the above-mentioned documents that I would ask that you conform and return to me in the enclosed envelope. Please copy this office with all communications concerning the applications. Thank you.

Very truly yours,

Matt J. Howard

Enclosures
Cc: Client

MICROFILMED

MAR 16 2004

When recorded return to:
John D. & Deborah S. Edwards
c/o Mountaintop, Miller & Cummings LLP
500 Broadway Avenue - Suite 400
Boise, Idaho 83706

Handwritten signature
575

OWYHEE COUNTY RECORDER
DEPUTY
JAN HUNTLEY JR.

97 JAN 22 PM 3

FILED-RECORDED

220804

WARRANTY DEED

Warranty deed made this 20th day of January, 1997 between O. K. Hackley Jr. and Rita Hackley, husband and wife ("Grantor") and John D. Edwards and Deborah S. Edwards, husband and wife, whose address is 65579 Wolf Creek Lane, North Powder, Oregon 97867 ("Grantee,") witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant bargain, sell, convey, and confirm unto Grantee and their heirs and assigns forever, all of the following described real estate situated in the County of Owyhee, State of Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in Aeneas appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the property, as well in law as in equity.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and their heirs and assigns forever.

And Grantor and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, their heirs, and assigns against Grantor and their heirs and against all and every person or persons whomsoever, lawfully claiming the same.

IN WITNESS WHEREOF, Grantor has hereunto set their hands on the day and year first above written.

O. K. Hackley Jr.
O. K. Hackley Jr.
Rita Hackley
Rita Hackley

(113427.03 docwarranty.wpd)

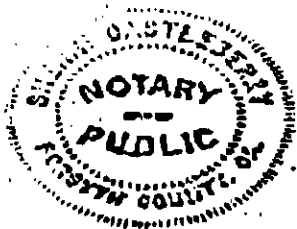
MICROFILMED
MAR 15 2004

Attachment A1

STATE OF Georgia)
COUNTY OF Fulton) ss.

On this 20th day of January, in the year 1997, before me Shirley C. Anthony, a Notary Public in and for said state, personally appeared O.K. HACKLEY JR. AND RITA HACKLEY whose name is subscribed to the within instrument, and acknowledged to me that they 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.



Shirley C. Anthony
Notary Public for the State of Georgia
Residing at Fulton Co.

Notary Public, Fulton County, Georgia
My Commission Expires May 12, 1997

WARRANTY DEED - 2

MICHAEL

MAR 16 2003

AZ

EXHIBIT A

The land referred to in this Commitment is described as follows:

Parcel I:

In Township 3 South, Range 1 West, B. M., Owyhee County, Idaho

Section 14: West Half of the Northwest Quarter of the Southeast Quarter (W1/2NW1/4SE1/4),
East Half of the Northwest Quarter of the Southwest Quarter (E1/2NE1/4SW1/4), Northwest Quarter of the
Northeast Quarter of the Southwest Quarter (NW1/4NE1/4SW1/4),
North Half of the Northwest Quarter of the Southwest Quarter (N1/2NW1/4SW1/4)

Section 15: Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE1/4NE1/4SE1/4),
West Half of the Northwest Quarter of the Southeast Quarter (W1/2NE1/4SE1/4), West Half of the Southeast
Quarter of the Southeast Quarter (W1/2SE1/4SE1/4), West Half of the Southeast Quarter (W1/2SE1/4),
East Half of the Southwest Quarter (E1/2SW1/4)

Section 22: North Half of the Northwest Quarter (N1/2NW1/4),

Southeast Quarter of the Northwest Quarter (SE1/4NW1/4),

West Half of the Southwest Quarter of the Northeast Quarter (W1/2SW1/4NE1/4), Northeast Quarter of the
Northwest Quarter of the Northeast Quarter (NE1/4NW1/4NE1/4),

Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4NE1/4),
West Half of the Northwest Quarter of the Northeast Quarter (W1/2NW1/4NE1/4)

PARCEL II:

In Township 3 South, Range 1 West, B. M., Owyhee County, Idaho

Section 14: East Half of the Northwest Quarter of the Southeast Quarter (E1/2NW1/4SE1/4),
Northeast Quarter of the Southeast Quarter (NE1/4SE1/4),

South Half of the Southeast Quarter (S1/2SE1/4),

South Half of the Southwest Quarter (S1/2SW1/4),

South Half of the Northwest Quarter of the Southwest Quarter (S1/2NW1/4SW1/4),

Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW1/4NE1/4SW1/4)

Section 15: East Half of the Southeast Quarter of the Southeast Quarter (E1/2SE1/4SE1/4),
Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE1/4NE1/4SE1/4)

Section 22: Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4NE1/4),

Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE1/4NW1/4NE1/4),

South Half of the Northeast Quarter of the Northeast Quarter (S1/2NE1/4NE1/4),

East Half of the Southwest Quarter of the Northeast Quarter (E1/2SW1/4NE1/4), Southeast Quarter of the Northeast
Quarter (SE1/4NE1/4)

Section 23: Northwest Quarter (NW1/4)

MICROFILM

MAR 15 2004

A3

STATE OF IDAHO

District Court

Snake River Basin Adjudication

P.O. Box 2707

Twin Falls, ID 83303-2707

Correction →

P.O. Box 91
Murphy, ID 83650



HAND DELIVERED

RECEIVED

APR 2

Department of

John D. Edwards

Deborah S. Edwards

~~93~~

Murphy ID 83650

707

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MAR 16 2004