

1- dug diversion 12"  
1- dug diversion 16"

MICROFILMED

MAR 20 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69630

This is to certify that: SYDNEY L DOWTON AND/OR  
KAREN A DOWTON  
PO BOX 7  
ELLIS ID 832350007  
(208)876-4225

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
72-4069	WR/Decreed	06/01/1915	0.42 cfs		21.2	265.0	ELLIS CREEK
72-4228	WR/Decreed	06/01/1919	8.91 cfs		99.0	265.0	SALMON RIVER
72-7383	WR/Decreed	05/02/1980	2.35 cfs	410.6 af	117.3	265.0	SALMON RIVER
72-10171	WR/Decreed	06/01/1982	0.97 cfs		48.7	265.0	SALMON RIVER

**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>
72-4069	NO	NO	NO	YES	NO	NO
72-4228	NO	NO	NO	YES	NO	NO
72-7383	NO	NO	NO	YES	NO	NO
72-10171	NO	NO	NO	YES	NO	NO

**Summary of Water Rights After the Approved Change**

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-4069	<b>72-4069</b>	0.42 cfs	87.0 af	21.2	265.0		N/A	N/A	N/A	N/A
72-4228	<b>72-4228</b>	8.91 cfs	353.2 af	99.0	265.0		N/A	N/A	N/A	N/A
72-7383	<b>72-7383</b>	2.35 cfs	410.6 af	117.3	265.0		N/A	N/A	N/A	N/A
72-10171	<b>72-10171</b>	0.97 cfs	170.4 af	48.7	265.0		N/A	N/A	N/A	N/A
<b>TOTALS</b>		<b>11.68 cfs</b>	<b>947.0 af</b>	<b>265.0</b>	<b>265.0</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Detailed Water Right Description(s) attached

Dated this 8<sup>th</sup> day of April, 2002

*L. Glen Sactor*  
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 72-4069**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-4069 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 06/01/1915

**Source:** ELLIS CREEK  
 \* GROUND WATER

**Tributary:** SALMON RIVER  
 ELLIS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.42 CFS	74.2 AF
STOCKWATER	01/01	to 12/31	0.23 CFS	12.8 AF
			0.42 CFS	87.0 AF

**LOCATION OF POINT(S) OF DIVERSION:**

ELLIS CREEK SWSWNW Sec. 26 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER 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	
16N 20E 25						7.8 L2											7.8
16N 20E 26	33.0 L1	31.0	21.0 L3				11.0 39.0		38.0	27.0	29.0 2.7 L9 L7		13.0 L4				244.7
16N 20E 34	9.1 L1																9.1
16N 20E 35						3.4 L2											3.4

Total Acres: 265

**PLACE OF USE:** STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 20E 25						X L2											
16N 20E 26	X L1	X	X L3				X X		X	X	X L9	X L7		X L4			
16N 20E 34	X L1																
16N 20E 35						X L2											

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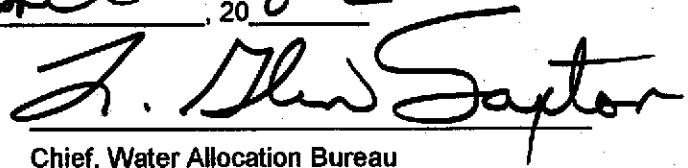
**WATER RIGHT NO. 72-4069**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

- \*1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from Ellis Creek at the point of diversion described above.
2. This right is limited to the irrigation of 21.2 acres within the place of use described above in a single irrigation season.
- \*3. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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. 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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 72-4228**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-4228 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 06/01/1919

**Source:** SALMON RIVER  
 \* GROUND WATER

**Tributary:** SNAKE RIVER  
 SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.02 CFS	6.7 AF
IRRIGATION	04/01	to 10/31	8.91 CFS	346.5 AF
			8.91 CFS	353.2 AF

**LOCATION OF POINT(S) OF DIVERSION:**

SALMON RIVER Lot 5 NWNESE Sec. 34 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER County

**PLACE OF USE: STOCKWATER**

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 20E 25						X L2											
16N 20E 26	X L1	X	X L3				X	X	X	X	X	X		X L4			
16N 20E 34	X L1																
16N 20E 35						X L2											

**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	
16N 20E 25						7.8 L2											7.8
16N 20E 26	33.0 L1	31.0	21.0 L3				11.0	39.0	38.0	27.0	29.0 L9	2.7 L7		13.0 L4			244.7
16N 20E 34	9.1 L1																9.1
16N 20E 35						3.4 L2											3.4

Total Acres: 265

**CONDITIONS OF APPROVAL**

- Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Salmon River at the point of diversion described above.
- This right is limited to the irrigation of 99.0 acres within the place of use described above in a single irrigation season.

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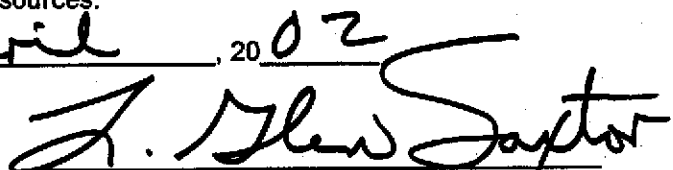
**WATER RIGHT NO. 72-4228**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

3. Right 72-10171 is an enlargement of Right 72-4228 pursuant to Section 42-1426, Idaho Code.
- \*4. Rights 72-4228 and 72-10171 when combined shall not exceed a total diversion rate of 8.91 cfs from the Salmon River or 6.45 cfs from ground water.
- \*5. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.
6. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.
9. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

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OCT 04 2002

**WATER RIGHT NO. 72-7383**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-7383 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 05/02/1980

**Source:** SALMON RIVER  
 \* GROUND WATER

**Tributary:** SNAKE RIVER  
 SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	2.35 CFS	410.6 AF
			2.35 CFS	410.6 AF

**LOCATION OF POINT(S) OF DIVERSION:**

SALMON RIVER Lot 5 NWNESE Sec. 34 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER 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	
16N 20E 25						7.8 L 2											7.8
16N 20E 26	33.0 L 1	31.0	21.0 L 3				11.0	39.0	38.0	27.0	29.0 L 9	2.7 L 7		13.0 L 4			244.7
16N 20E 34	9.1 L 1																9.1
16N 20E 35						3.4 L 2											3.4

Total Acres: 265

**CONDITIONS OF APPROVAL**

- \*1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Salmon River at the point of diversion described above.
2. This right is limited to the irrigation of 117.3 acres within the place of use described above in a single irrigation season.
- \*3. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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**WATER RIGHT NO. 72-7383**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03-19-2001.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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. 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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

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OCT 04 2002



**WATER RIGHT NO. 72-10171**  
**As Modified by Transfer No. 69630**

In accordance with the approval of Transfer No. 69630, Water Right No. 72-10171 is now described as follows.

**Right Holder:** KAREN A DOWTON AND/OR  
 SYDNEY L DOWTON  
 PO BOX 7  
 ELLIS ID 83235

**Priority Date:** 06/01/1982

**Source:** SALMON RIVER  
 \* GROUND WATER

**Tributary:** SNAKE RIVER  
 SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.97 CFS	170.4 AF
			0.97 CFS	170.4 AF

**LOCATION OF POINT(S) OF DIVERSION:**

SALMON RIVER Lot 5 NWNESE Sec. 34 Twp 16N Rge 20E CUSTER County

\* GROUND WATER Lot 9 SESWSW Sec. 26 Twp 16N Rge 20E CUSTER 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	
16N 20E 25						7.8											7.8
						L 2											
16N 20E 26	33.0	31.0	21.0				11.0	39.0	38.0	27.0	29.0	2.7		13.0			244.7
	L 1		L 3								L 9	L 7		L 4			
16N 20E 34	9.1																9.1
	L 1																
16N 20E 35						3.4											3.4
						L 2											

Total Acres: 265

**CONDITIONS OF APPROVAL**

1. Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Salmon River at the point of diversion described above.
2. This right is limited to the irrigation of 48.7 acres within the place of use described above in a single irrigation season.
3. Right 72-10171 is an enlargement of Right 72-4228 pursuant to Section 42-1426, Idaho Code.
4. Rights 72-4228 and 72-10171 when combined shall not exceed a total diversion rate of 8.91 cfs from the Salmon River or 6.45 cfs from ground water.
5. Rights 72-4069, 72-4228, 72-7383 and 72-10171 when combined shall not exceed a total diversion rate of 11.68 cfs from surface water diversions or 6.45 cfs from ground water diversion, a total annual maximum diversion volume of 947.0 af at the field headgate, for the irrigation of 265.0 acres and stockwater use.

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 OCT 04 2002

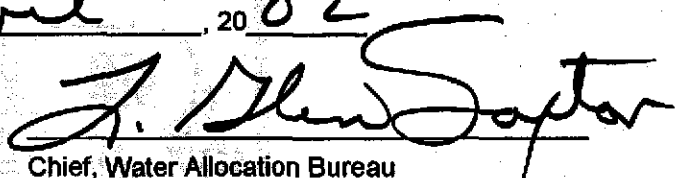
**WATER RIGHT NO. 72-10171**  
**As Modified by Transfer No. 69630**

**CONDITIONS OF APPROVAL**

6. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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. 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.

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 8<sup>th</sup> day of April, 2002

  
Chief, Water Allocation Bureau

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MAR 20 2001

Department of Water Resources

2001 MAR 19 AM 8:48  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

**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**

**ORDER OF PARTIAL DECREE**


**For Water Right 72-07383**

On January 4, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 72-07383 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAR 19 2001.

  
\_\_\_\_\_  
ROGER BURDICK  
Presiding Judge of the  
Snake River Basin Adjudication

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 72-07383

2001 MAR 19 AM 8:48

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: KAREN A DOWTON  
SYDNEY M DOWTON  
PO BOX 7  
ELLIS, ID 83235

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.35 CFS  
410.60 AFY

PRIORITY DATE: 05/02/1980

POINT OF DIVERSION: T16N R20E S34 LOT 05 (NWNESE) Within Custer County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
04-15 TO 10-15

QUANTITY  
2.35 CFS  
410.60 AFY

RECEIVED  
MAR 20 2001  
Department of Water Resources

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE  
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 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 Custer County

T16N R20E S25 LOT 02 (NWNW) 7.8  
S26 LOT 01 (NENE) 33.0  
LOT 03 (SWNE) 21.0  
SENE 39.0  
NWSW 27.0  
LOT 07 (SESW) 2.7  
S34 LOT 01 (NENE) 9.1  
S35 LOT 02 (NWNW) 3.4  
265.0 Acres Total

NWNE 31.0  
SWNW 11.0  
NESW 38.0  
LOT 09 (SWSW) 29.0  
LOT 04 (NWSE) 13.0

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117.3 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS 72-04228, 72-04069 AND 72-10171  
IS LIMITED TO A COMBINED TOTAL OF 265.0 ACRES 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).

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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.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

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JAN 3 2002

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MAR 20 2001

Department of Water Resources

2001 MAR 19 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right (s): 72-07383

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 72-07383 was mailed  
on March 19, 2001, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

USDI BLM

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

KAREN A DOWTON  
SYDNEY M DOWTON

Represented by:  
WILLIAM G. MYERS III  
PO BOX 2527  
BOISE, ID 83701-2527  
Phone: 208-342-5000

MICROFILMED DIANA DELANEY  
OCT 04 2002 Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
03/19/01

MEMORANDUM

Date: January 23, 2003

To: Transfer Nos. 69636 and 69630

From: Jeff Peppersack

Re: Proposed Diversion Construction – Jerry Foster

The attached is a diagram of plan for construction of diversion works for one or both of these transfers (details provided by Jerry Foster were limited). The transfers approved a change in points of diversion from the river to wells near the river. Apparently the wells are not working out due to poor production so the driller, Jerry Foster, has proposed excavation near the banks of the river as diagrammed.

I called Jerry Foster to let him know that the change would be ok regarding water right concerns as long as the locations are still consistent with the authorized water rights. I indicated that he should discuss the proposal with Rob Brochu with Army Corps prior to proceeding to discuss any 404 permit concerns.

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Attention : MARK SLIFKA

From : Jerry Foster - Driller  
768 - 2677

Pages 2 including this.

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JAN 21 2003

Department of Water Resources

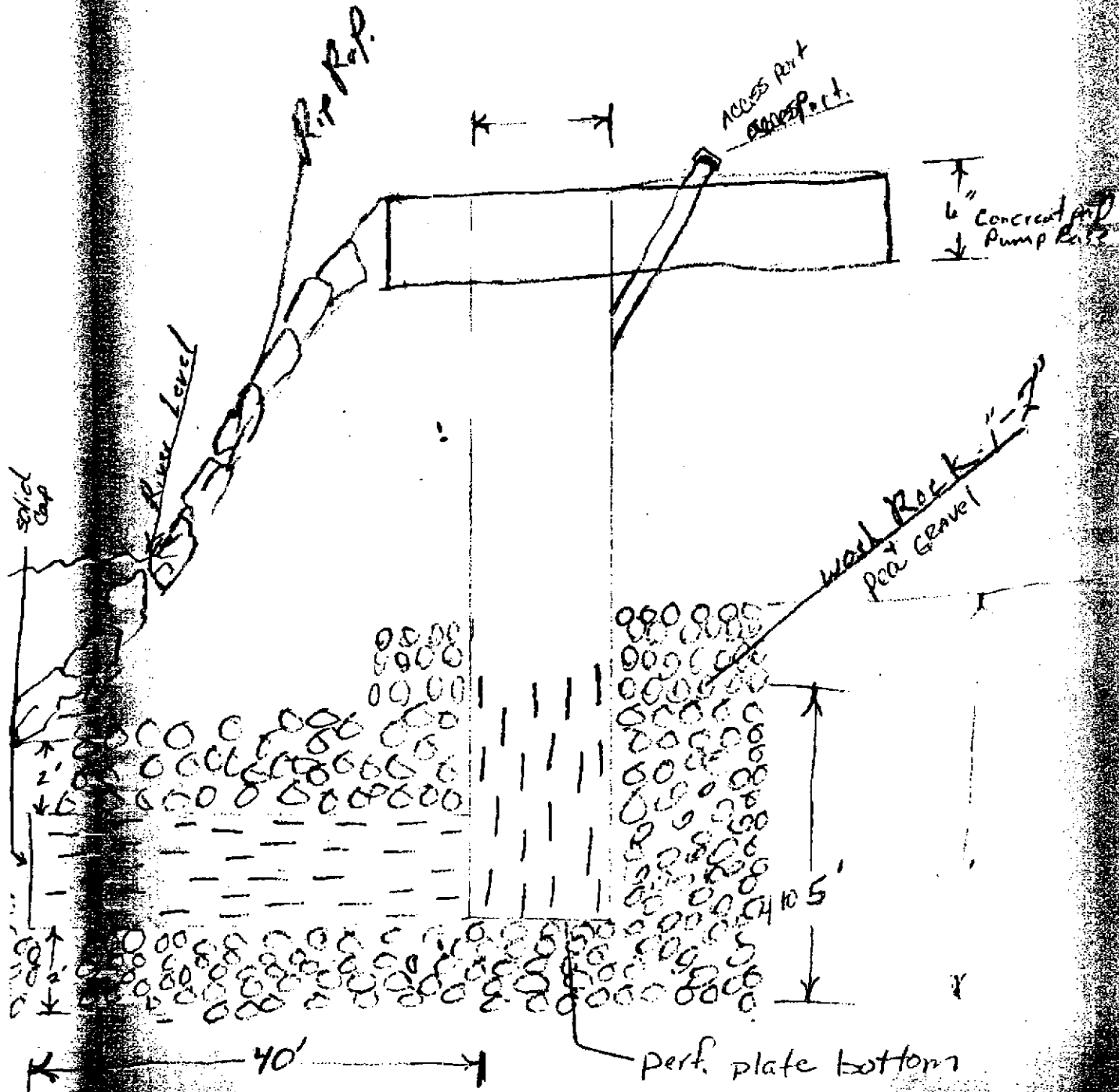
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MAR 20 2003





1- dug diversion 12"  
1- dug diversion 16"



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MAR 20 2003

**MEMORANDUM**

**TO:** FILE 72-07383

**FROM:** VAULT

**RE:** TRANSFER # 69630

**DATE:** 3/22/02

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

**FILE #** 72-04069

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OCT 04 2002