

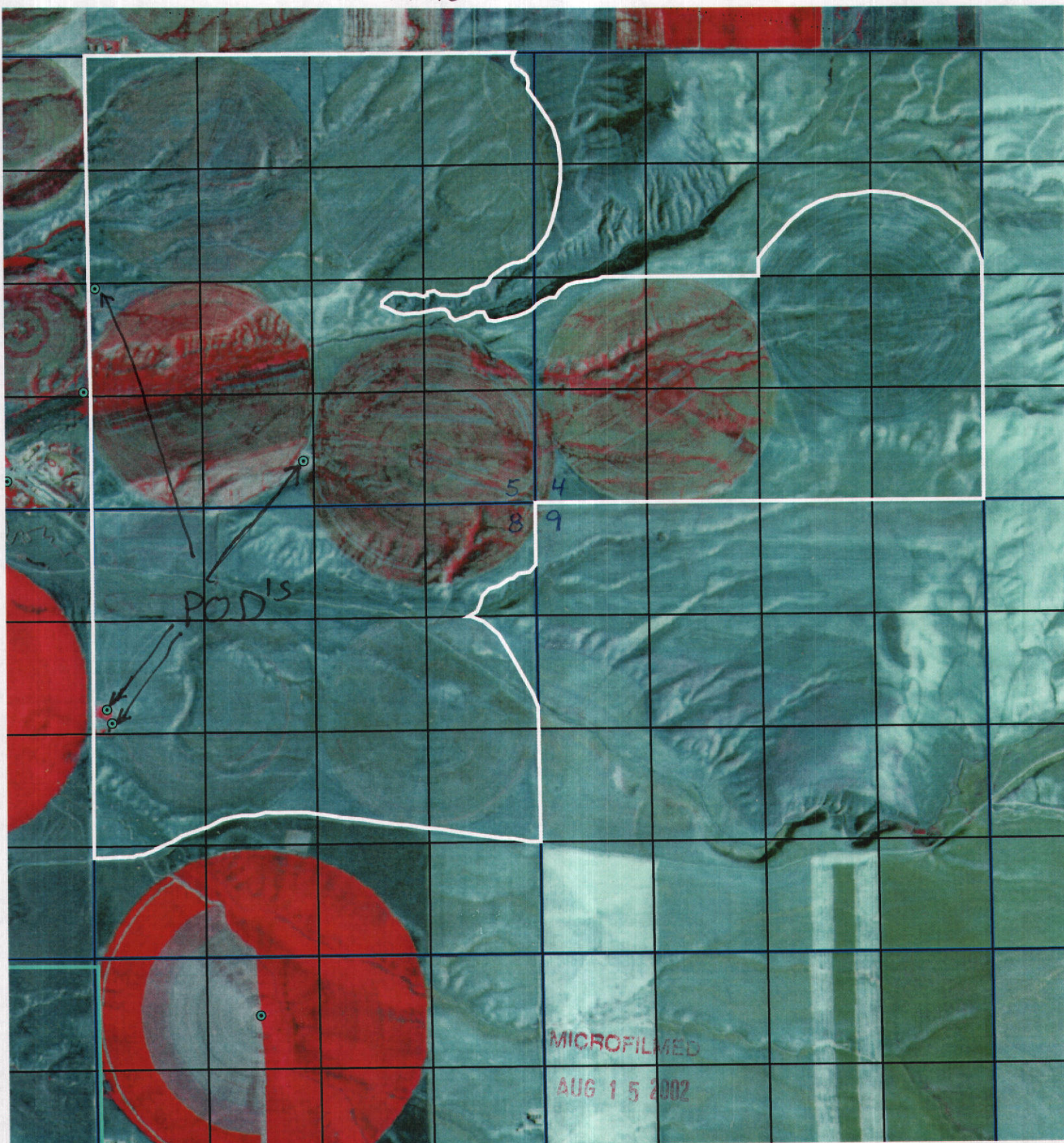
Transfer 69257

T10S, R28E

Londie Brothers

W.R. #43-7042

1440 acre place of use



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69257

This is to certify that: CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY UT 84120  
(801)968-4943

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**

| Right   | Origin/Basis | Priority   | Rate      | Volume    | Acres | Total   | Source       |
|---------|--------------|------------|-----------|-----------|-------|---------|--------------|
| 43-7042 | WR/Decreed   | 07/25/1973 | 17.06 cfs | 5762.4 af |       | 1,437.0 | GROUND WATER |

**Purpose of Transfer (Changes Proposed)**

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 43-7042        | NO    | NO  | YES | NO      | NO            | NO            |

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

| Existing Right | New No. (changed portion) | Transfer Rate    | Transfer Volume  | Acre Limit     | Total Acres    | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|------------------|------------------|----------------|----------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 43-7042        | 43-7042                   | 17.06 cfs        | 5750.4 af        | 1,437.0        | 1,440.0        | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| <b>TOTALS</b>  |                           | <b>17.06 cfs</b> | <b>5750.4 af</b> | <b>1,437.0</b> | <b>1,440.0</b> | <b>N/A</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 22<sup>nd</sup> day of July, 2002

*[Signature]*  
Chief, Water Allocation Bureau

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AUG 9 5 2002

**WATER RIGHT NO. 43-7042**  
**As Modified by Transfer No. 69257**

In accordance with the approval of Transfer No. 69257, Water Right No. 43-7042 is now described as follows.

**Right Holder:** CONDIE BROTHERS  
 4625 W 4100 S  
 WEST VALLEY CITY UT 84120

**Priority Date:** 07/25/1973

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 17.02 CFS             | 5,748.0 AF    |
| DOMESTIC              | 01/01       | 12/31     | 0.04 CFS              | 2.4 AF        |
|                       |             |           | 17.06 CFS             | 5,750.4 AF    |

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

|              |                                             |
|--------------|---------------------------------------------|
| GROUND WATER | NWNWSW Sec. 5 Twp 10S Rge 28E CASSIA County |
| GROUND WATER | SESESW Sec. 5 Twp 10S Rge 28E CASSIA County |
| GROUND WATER | SWSWNW Sec. 8 Twp 10S Rge 28E CASSIA County |
| GROUND WATER | SWSWNW Sec. 8 Twp 10S Rge 28E CASSIA 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   |        |
| 10S 28E 4   |      |      | 22.0 | 22.0 |      | 3.6  | 5.4  |      | 40.0 | 38.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 371.0  |
| 10S 28E 5   | 38.0 | 40.0 | 40.0 | 38.0 | 40.0 | 41.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 30.0 | 38.0 | 40.0 | 40.0 | 625.0  |
| 10S 28E 8   | L 1  | L 2  |      |      | L 3  | L 4  |      |      |      |      |      |      |      |      |      |      |        |
|             | 33.0 | 40.0 | 40.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 29.0 | 38.0 | 2.0  |      | 38.0 | 32.0 |      |      | 444.0  |

Total Acres: 1440

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10S 28E 8   |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

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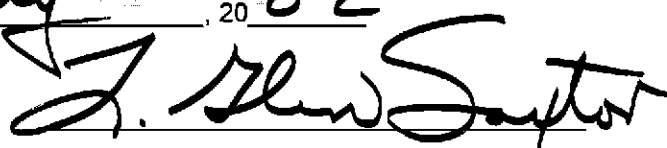
**WATER RIGHT NO. 43-7042**  
**As Modified by Transfer No. 69257**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 1437.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Right 43-7042 shall not exceed 17.06 cfs, nor a total combined annual volume of 5750.4 af.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
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 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.
9. Domestic use is for 2 homes.

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 22<sup>nd</sup> day of July, 2002

  
Chief, Water Allocation Bureau

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AUG 15 2002

NOV 23 2001

Department of Water Resources

Page 1

Transfer No. 69257

Receipt No. 5024108

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

**1. Applicant Information** CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY UT 84120  
(801)968-4943  
*cell - 801-560-8089*

Will this transfer result in an ownership change? ☐ Yes ☒ No

**2. Current Water Right****Part 2 Attached for Each Right**

|         | Origin/Basis | Rate        | Volume    | Acres   | Total   | Source       |
|---------|--------------|-------------|-----------|---------|---------|--------------|
| 43-7042 | AJC/License  | * 17.06 cfs | 5762.4 af | 1,437.0 | 1,437.0 | GROUND WATER |

*Note: 2/2 acres being moved - fee is based on 2.5 cfs J.F.*

**3. Purpose of Transfer (Change Proposed)****Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

| Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---------|-------|-----|-----|---------|---------------|---------------|
| 43-7042 | NO    | NO  | YES | NO      | NO            | NO            |

**Describe the reason for the proposed changes**

to move water to more suitable ground

**4. FOR CHANGES IN NATURE OF USE ONLY**

**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

**B. Describe the effects on other water uses resulting from the proposed change**

**5. Total Amounts Transferred**

|         | Rate      | Acres   | Total   | Volume    |
|---------|-----------|---------|---------|-----------|
| 43-7042 | 17.06 cfs | 1,440.0 | 1,440.0 | 5762.4 af |
| TOTAL   | 17.06 cfs | 1,440.0 | 1,440.0 |           |

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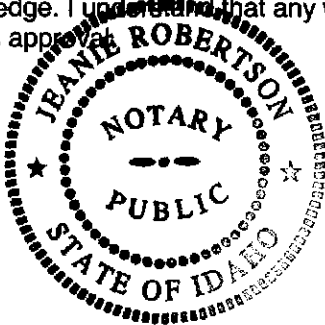
JUN 13 2002

(69257)

Transfer No. 69257  
Receipt No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



*Stallings Budie - Part -*  
*R.H.* (Signature of Applicant)  
*Tartan & Condie Bros*  
(Title or Office)

Subscribed and sworn to before me this 9<sup>th</sup> day of July, 2001.

*Jeanie Robertson*  
(Notary Public)

My commission expires 9-23-06

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AUG 15 2002

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

**Current Water Right No.** 43-7042

**Priority Date:** 07/25/1973  
**Origin:** Adjudication Claim  
**Basis:** License  
**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15 11/15    | 17.02 CFS             | 5,760.0 AFA   |                    |
| DOMESTIC              | 01/01 12/31    | 0.04 CFS              | 2.4 AFA       |                    |
| Total Diversion       |                | 17.06 CFS             | 5,762.4 AFA   |                    |

Source and Point(s) of Diversion:

| <u>Source</u> | <u>Twp</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4 of 1/4</u> | <u>Lot</u> | <u>County</u> |
|---------------|------------|--------------|----------------|--------------------------|------------|---------------|
| GROUND WATER  | 10S        | 28E          | 5              | NWNWSW                   |            | CASSIA        |
| GROUND WATER  | 10S        | 28E          | 5              | SESESW                   |            | CASSIA        |
| GROUND WATER  | 10S        | 28E          | 8              | SWSWNW                   |            | CASSIA        |
| GROUND WATER  | 10S        | 28E          | 8              | SWSWNW                   |            | CASSIA        |

**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   |        |
| 10S | 28E | 4   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 560.0  |
|     |     |     | L1   | L2   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
| 10S | 28E | 5   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 41.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 641.0  |
|     |     |     | L1   | L2   |      |      |      | L3   | L4   |      |      |      |      |      |      |      |      |      |        |
| 10S | 28E | 8   | 37.0 | 40.0 |      |      | 40.0 | 39.0 | 40.0 | 40.0 |      |      |      |      |      |      |      |      | 236.0  |

Total Acres: 1437

**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10S | 28E | 8   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |

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MAR 15 2002

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Conditions/Remarks:

1. 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. SECTION 42-1412(6), IDAHO CODE.
2. TWO POINTS OF DIVERSION LOCATED IN T10S, R28E, S08, SWSWNW.

## Documentation of Ownership of the Current Place of Use

## Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

☒ Yes - Federal Land Bank

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

place of use is being moved to more suitable location

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES land is in crp

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AUG 15 2002

Transfer No. 69257

Receipt No. \_\_\_\_\_

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

**Proposed Water Right No. 43-7042**

Priority Date: 07/25/1973

Origin: Adjudication Claim

Basis: License

Status: Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15 11/15    | 17.02 CFS             | 5,760.0 AFA   |                    |
| DOMESTIC              | 01/01 12/31    | 0.04 CFS              | 2.4 AFA       |                    |
| Total Diversion       |                | 17.06 CFS             | 5,762.4 AFA   |                    |

Source and Point(s) of Diversion:

| <u>Source</u> | <u>Twp</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4 of 1/4</u> | <u>Lot</u> | <u>County</u> |
|---------------|------------|--------------|----------------|--------------------------|------------|---------------|
| GROUND WATER  | 10S        | 28E          | 5              | NWNWSW                   |            | CASSIA        |
| GROUND WATER  | 10S        | 28E          | 5              | SESESW                   |            | CASSIA        |
| GROUND WATER  | 10S        | 28E          | 8              | SWSWNW                   |            | CASSIA        |
| GROUND WATER  | 10S        | 28E          | 8              | SWSWNW                   |            | CASSIA        |

Describe the proposed diversion system**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   |        |       |
| 10S | 28E | 4   |      |      | 22.0 | 22.0 |      | 3.6  | 5.4  |      |      | 40.0 | 38.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0   | 371.0 |
| 10S | 28E | 5   | 38.0 | 40.0 | 40.0 | 38.0 | 40.0 | 41.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 30.0 | 38.0 | 40.0 | 40.0   | 625.0 |
|     |     |     | L1   | L2   |      |      | L3   | L4   |      |      |      |      |      |      |      |      |      |      |        |       |
| 10S | 28E | 8   | 33.0 | 40.0 | 40.0 | 33.0 | 40.0 | 39.0 | 40.0 | 40.0 | 29.0 | 38.0 | 2.0  |      |      | 38.0 | 32.0 |      |        | 444.0 |

Total Acres: 1440

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AUG 15 2012

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**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10S | 28E | 8   |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

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AUG 15 2002

Transfer 69257

T10S, R28E

Londie Brothers

W.R. #43-7042

1440 acre place of use



PERSON  
AUG 1



MARTELL HOLLAND, ASSESSOR  
1459 OVERLAND AVENUE  
BURLEY, IDAHO 83318  
PH: 878-3540

2001

**ASSESSMENT NOTICE**

& ESTIMATE OF TAX

THIS IS NOT A BILL.  
DO NOT PAY.

**T69257**

PARCEL DESCRIPTION:

N1/2NE, NW1/4  
S 8 T 10 R 28;  
\*1975 SUN VALLEY 14/54\*  
MOVED MH TO MH# FOR 2001

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

CONDIE GEORGE P, ETAL  
4625 WEST 4100 SOUTH  
WEST VALLEY CITY UT 84120

Appeals of your property value must be filed in  
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 46-00

Parcel Number: RP 10S28E080000 A

**ASSESSED VALUE OF YOUR PROPERTY**

| CURRENT DESCRIPTION                | LOTS/ACRES     | LAST YEAR'S VALUE | CURRENT YEAR'S VALUE |
|------------------------------------|----------------|-------------------|----------------------|
| 3 DRY AGR                          | 219.500 AC     | 33,364            | 33,364               |
| 5 DRY GRAZING                      | 19.000 AC      | 608               | 608                  |
| 10 RURAL HOMESITE                  | 1.000 AC       | 4,600             | 4,600                |
| 19 WASTE                           | .500 AC        |                   |                      |
| 32 RURAL IMP ON AG                 |                | 28,977            | 28,977               |
| 46 MANUFACTURED HS                 |                | 5,392             |                      |
| <b>SUBTOTAL:</b>                   | <b>240.000</b> | <b>72,941</b>     | <b>67,549</b>        |
| <b>LESS HOMEOWNERS EXEMPTION:</b>  |                |                   |                      |
| <b>NET TAXABLE PROPERTY VALUE:</b> |                | <b>72,941</b>     | <b>67,549</b>        |

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

**ESTIMATED PROPERTY TAXES**

| TAXING DISTRICTS                        | LAST YEAR'S TAXES | CURRENT YEAR'S<br>ESTIMATED TAXES | PHONE NUMBER | DATE OF PUBLIC<br>BUDGET HEARING |
|-----------------------------------------|-------------------|-----------------------------------|--------------|----------------------------------|
| COUNTY                                  | 239.08            | 221.42                            | 208-878-1004 | 09/03/2001                       |
| SCH DIST 381                            | 481.50            | 445.90                            | 208-226-5173 | 06/25/2001                       |
| BURLEY HWY                              | 110.86            | 102.64                            | 208-678-5322 | 08/09/2001                       |
| FLOOD DIST 15                           | 26.12             | 24.20                             |              | No Response                      |
| <b>SUBTOTAL:</b>                        | <b>857.56</b>     | <b>794.18</b>                     |              |                                  |
| <b>FEES:</b>                            | <b>60.00</b>      | <b>60.00</b>                      |              |                                  |
| <b>TOTAL PROPERTY TAXES &amp; FEES:</b> | <b>917.56</b>     | <b>854.18</b>                     |              |                                  |

**THIS IS NOT A BILL. DO NOT PAY.**

See the back of this Notice for details.

MARTELL HOLLAND, ASSESSOR  
1459 OVERLAND AVENUE  
BURLEY, IDAHO 83318  
PH: 878-3540

2001

**ASSESSMENT NOTICE**

& ESTIMATE OF TAX

THIS IS NOT A BILL.  
DO NOT PAY.

**T69257**

PARCEL DESCRIPTION:

ALL  
S 5 T 10 R 28;

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

CONDIE GEORGE P, ETAL  
4625 WEST 4100 SOUTH  
WEST VALLEY CITY UT 84120

Appeals of your property value must be filed in  
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 46-00

Parcel Number: RP 10S28E050000 A

**ASSESSED VALUE OF YOUR PROPERTY**

| CURRENT DESCRIPTION         | LOTS/ACRES | LAST YEAR'S VALUE | CURRENT YEAR'S VALUE |
|-----------------------------|------------|-------------------|----------------------|
| 3 DRY AGR                   | 624.900 AC | 94,985            | 94,985               |
| 5 DRY GRAZING               | 18.000 AC  | 576               | 576                  |
| SUBTOTAL:                   |            | 95,561            | 95,561               |
| LESS HOMEOWNERS EXEMPTION:  |            |                   |                      |
| NET TAXABLE PROPERTY VALUE: |            | 95,561            | 95,561               |

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

**ESTIMATED PROPERTY TAXES**

| TAXING DISTRICTS             | LAST YEAR'S TAXES | CURRENT YEAR'S<br>ESTIMATED TAXES | PHONE NUMBER | DATE OF PUBLIC<br>BUDGET HEARING |
|------------------------------|-------------------|-----------------------------------|--------------|----------------------------------|
| COUNTY                       | 313.24            | 313.24                            | 208-878-1004 | 09/03/2001                       |
| SCH DIST 381                 | 630.82            | 630.82                            | 208-226-5173 | 06/25/2001                       |
| BURLEY HWY                   | 145.24            | 145.24                            | 208-678-5322 | 08/09/2001                       |
| FLOOD DIST 15                | 34.22             | 34.22                             |              | No Response                      |
| SUBTOTAL:                    |                   | 1,123.52                          |              |                                  |
| FEES:                        |                   | 1,123.52                          |              |                                  |
| TOTAL PROPERTY TAXES & FEES: |                   | 1,123.52                          |              |                                  |

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**THIS IS NOT A BILL. DO NOT PAY.**

See the back of this Notice for details.

AUG 15 2002

MARTELL HOLLAND, ASSESSOR  
1459 OVERLAND AVENUE  
BURLEY, IDAHO 83318  
PH: 878-3540

2001

**ASSESSMENT NOTICE**

& ESTIMATE OF TAX

THIS IS NOT A BILL.  
DO NOT PAY.

**T69257**

PARCEL DESCRIPTION:

LOT 2 LOT 4 SWNW  
S 4 T 10 R 28

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

CONDIE GEORGE P. ETAL

4625 WEST 4100 SOUTH  
WEST VALLEY CITY UT 84120

Appeals of your property value must be filed in  
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 46-00

Parcel Number: RP 10528E040600 A

**ASSESSED VALUE OF YOUR PROPERTY**

| CURRENT DESCRIPTION         | LOTS/ACRES | LAST YEAR'S VALUE | CURRENT YEAR'S VALUE |
|-----------------------------|------------|-------------------|----------------------|
| 3 DRY AGR                   | 91.600 AC  | 13,923            | 13,923               |
| 5 DRY GRAZING               | 29.000 AC  | 928               | 928                  |
| SUBTOTAL:                   | 120.600    | 14,851            | 14,851               |
| LESS HOMEOWNERS EXEMPTION:  |            |                   |                      |
| NET TAXABLE PROPERTY VALUE: |            | 14,851            | 14,851               |

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

**ESTIMATED PROPERTY TAXES**

| TAXING DISTRICTS             | LAST YEAR'S TAXES | CURRENT YEAR'S<br>ESTIMATED TAXES | PHONE NUMBER | DATE OF PUBLIC<br>BUDGET HEARING |
|------------------------------|-------------------|-----------------------------------|--------------|----------------------------------|
| COUNTY                       | 48.68             | 48.68                             | 208-878-1004 | 09/03/2001                       |
| SCH DIST 381                 | 98.02             | 98.02                             | 208-226-5173 | 06/25/2001                       |
| BURLEY HWY                   | 22.56             | 22.56                             | 208-678-5322 | 08/09/2001                       |
| FLOOD DIST 15                | 5.32              | 5.32                              |              | No Response                      |
| SUBTOTAL:                    | 174.58            | 174.58                            |              |                                  |
| FEES:                        |                   |                                   |              |                                  |
| TOTAL PROPERTY TAXES & FEES: | 174.58            | 174.58                            |              |                                  |

**THIS IS NOT A BILL. DO NOT PAY.**

See the back of this Notice for details.





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

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 43-07042

NAME AND ADDRESS: CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY, UT 84120

SOURCE: GROUND WATER

QUANTITY: 17.06 CFS  
5762.40 AFY

PRIORITY DATE: 07/25/1973

POINT OF DIVERSION: T10S R28E S05 NWNWSW Within Cassia County  
SESESW  
S08 SWSWNW  
SWSWNW

TWO POINTS OF DIVERSION LOCATED IN T10S, R28E, S08, SWSWNW.

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                 |
|----------------------------|----------------|----------------|--------------------------|
|                            | Irrigation     | 03-15 TO 11-15 | 17.02 CFS<br>5760.00 AFY |
|                            | Domestic       | 01-01 TO 12-31 | 0.04 CFS<br>2.40 AFY     |

| PLACE OF USE: | Irrigation                      | Within Cassia County |
|---------------|---------------------------------|----------------------|
|               | T10S R28E S04 LOT 1 (NENE) 40.0 | LOT 2 (NWNE) 40.0    |
|               | SWNE 40.0                       | SENE 40.0            |
|               | LOT 4 (NWNW) 40.0               | SWNW 40.0            |
|               | NESW 40.0                       | NWSW 40.0            |
|               | SWSW 40.0                       | SESW 40.0            |
|               | NESE 40.0                       | NWSE 40.0            |
|               | SWSE 40.0                       | SESE 40.0            |
|               | S05 LOT 1 (NENE) 40.0           | LOT 2 (NWNE) 40.0    |
|               | SWNE 40.0                       | SENE 40.0            |
|               | LOT 3 (NENW) 40.0               | LOT 4 (NWNW) 41.0    |
|               | SWNW 40.0                       | SENW 40.0            |
|               | NESW 40.0                       | NWSW 40.0            |
|               | SWSW 40.0                       | SESW 40.0            |
|               | NESE 40.0                       | NWSE 40.0            |
|               | SWSE 40.0                       | SESE 40.0            |
|               | S08 NENE 37.0                   | NWNE 40.0            |
|               | NENW 40.0                       | NWNW 39.0            |
|               | SWNW 40.0                       | SENW 40.0            |
|               | 1437.0 Acres Total              |                      |
|               | Domestic                        | Within Cassia County |
|               | T10S R28E S08 SWNW              |                      |

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

MICROFILMED  
AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 23, 2002

CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY UT 84120

RE: Transfer No.: 69257 - Water Right 43-7042 - 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.

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,

for Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

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JUL 25 2002

**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 69257 - WATER RIGHT 43-7042**

**CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY UT 84120**

  
Kari Lynn Townsend  
Secretary

**MICROFILMED**

**AUG 15 2002**

**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.

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AUG 15 2002

# TRANSFER REVIEW SHEET

(07-02)

TRANSFER # 69257

DATE REVIEWED 11-28-2002 CG

SPLIT      POD      ADD POD      POU ☒ PERIOD      or NATURE      of USE

ALL OF RIGHT(S) ☒ W=Water Right C=SRBA Claim R=SRBA Recommendation

|                  |          |          |          |          |
|------------------|----------|----------|----------|----------|
| <u>W/43-7042</u> | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |
| <u>/</u>         | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |
| <u>/</u>         | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |
| <u>/</u>         | <u>/</u> | <u>/</u> | <u>/</u> | <u>/</u> |

PART OF RIGHTS(S)

(Unchanged)

(Changed)

|          |    |          |          |
|----------|----|----------|----------|
| <u>/</u> | to | <u>/</u> | <u>/</u> |
| <u>/</u> | to | <u>/</u> | <u>/</u> |
| <u>/</u> | to | <u>/</u> | <u>/</u> |
| <u>/</u> | to | <u>/</u> | <u>/</u> |
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| <u>/</u> | to | <u>/</u> | <u>/</u> |
| <u>/</u> | to | <u>/</u> | <u>/</u> |
| <u>/</u> | to | <u>/</u> | <u>/</u> |

Standard Season 3-15 to 11-15

Standard Volume 4.0 / 3.0

- (1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5)      Volume  
 (6) ☒ Source (7) ☒ P/D (8)      P/U (9) ☒ Proof/Owner (10) ☒ Map  
 (11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion  
 WM/Rcvd

(5) Standard Vol.  $4 \times 1437 = 5748 \text{ af}$   
 (8) Rearrange acres w/in same sections - 1437 acres w/in 1440 acre PP/U

Conditions/Remarks WB4, T17, W27, D1Q, R64, T07, T08, T19  
DOM - 2 Hemes

WRs for Update Comments -NA-

Database Updated to Reflect Final Action 7-22-2002 CG

## IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Condie Bros

TRANSFER NO.

69257

1. Right number(s)

43-7042

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: \_\_\_\_\_

4. Check Existing  
Right:

☒ Source ☒ Priority ☐ Amount ☒ Purpose  
☐ Period ☐ SRBA Claim  
☐ Description of original point(s) of diversion  
☐ Description of original place of use  
☒ Overlapping rights on original place of use

Comments:

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☐ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None apparent

69257

- i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): \_\_\_\_\_
- j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Original SRBA claim for 1437 acres - amended to 1440 to reflect license - transfer is recommendation is for 1437 J.F. for 1440
- k. ☒ Comment letters ☐ Yes ☐ No  
 If yes ☐ Water District #  
☐ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY J.F.  
 SRBA SUPERVISOR REVIEW BY \_\_\_\_\_  
 PUBLICATION REVIEW BY \_\_\_\_\_

DATE 9-19-01  
 DATE \_\_\_\_\_  
 DATE \_\_\_\_\_

1. Legal Notice electronically sent to DWR03::VAULT ☐ Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 11/16/01
- Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_
- Other comments letters - send to the following name(s) & address(es): \_\_\_\_\_

3. Transfer published correctly? ☒ Yes ☐ No
4. Affidavit of publication received? ☒ Yes ☐ No
5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes
6. Copies made for Region file (see attached supplemental page)? ☐ Yes

**RECOMMENDED ACTION**

1. ☒ Approve
2. ☐ Deny due to \_\_\_\_\_
3. Conditions (special conditions in Water Districts) \_\_\_\_\_

Also see attached memo for recommendation dated: 11/20/01

4. By [Signature] Date 11/20/01

RECEIVED

NOV 23 2001

Department of Water Resources

# MEMO

FROM: Allen Merritt



DATE: November 20, 2001

TO: Transfer File No. T69257

In the name of: Condie Brothers

Water Right(s): 43-07042

**SUBJECT: Review and Recommendation**

This right has recently been recommended in the SRBA. The transfer proposes to change the place of use. In the recent SRBA review they determined that the right or lands have been in CRP for an extended period of time. (See notes in file) Although the water has not been used for a time forfeiture does not appear to be an issue.

The transfer was processed without protest.

## **Recommendation**

I recommend that this transfer be approved subject to the following conditions:

- T19 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.
- T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- W27 This right is limited to the irrigation of 1437 acres within the place of use described above in a single irrigation season.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- W01 Domestic use is for 2 homes.

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AUG 15 2002

A43-07042

7/9/63

20.0 cfs

1437 Ac.

- The claim was originally filed based on a permit in 1989.
- The licensing field exam was done in 1987
  - They were having financial difficulties at the time and asked and were given permission to have field exam done by "theoretical," since it would be very expensive to turn water on just for a measurement...
- Licensed in 1990 for 17.06 cfs and 1440 Ac.
  - Typo on license for 17.02 in. and 0.02 dom for a total of 17.06 cfs? (changed domestic to 0.04 cfs)
- Put into CRP program from 87-96
- confirmed with ASC 3 in 99 that they had signed up for CRP for another ten years
- License is significantly different than claim
  - N $\frac{1}{2}$  of S $\frac{1}{2}$  of Section 8 was claimed but notes in licensing l.c. seem to indicate those 209 acres were licensed to another w/option to buy and were covered by another permit.
- License put more acres in N $\frac{1}{2}$  of Section 4
- did GIS per talk with claimant during field exam and came up with 1351 Ac.
- will recommend as licensed
- amended claim per license (amended it up to 1440 Ac. in PDU-original claim was for 1437 Ac. reduced it back in recommendation...

no water right!

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AUG 15 2002

✓ #69257  
o. 43-7042

FILE PROGR  
Gondie Bras

43-7042

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES 11/20/2001  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY UT 84120

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 17.06 CFS  
5,762.4 AFY

PRIORITY DATE: 07/25/1973

POINT OF DIVERSION:

T10S R28E S5 NWNWSW Within CASSIA County

T10S R28E S5 SESESW Within CASSIA County

T10S R28E S8 SWSWNW Within CASSIA County

T10S R28E S8 SWSWNW Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T10S, R28E, S08, SWSWNW.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>            |
|-----------------------|----------------------|----------------------------|
| IRRIGATION            | 03/15 11/15          | 17.020 CFS<br>5,760.00 AFY |
| DOMESTIC              | 01/01 12/31          | 0.040 CFS<br>2.40 AFY      |

PLACE OF USE:

IRRIGATION Within CASSIA County

|                          |      |                          |      |
|--------------------------|------|--------------------------|------|
| T10S R28E S04 Lot 1 NENE | 40.0 | T10S R28E S04 Lot 2 NWNE | 40.0 |
| T10S R28E S04 SWNE       | 40.0 | T10S R28E S04 SENE       | 40.0 |
| T10S R28E S04 Lot 4 NWNW | 40.0 | T10S R28E S04 SWNW       | 40.0 |
| T10S R28E S04 NESW       | 40.0 | T10S R28E S04 NWSW       | 40.0 |
| T10S R28E S04 SWSW       | 40.0 | T10S R28E S04 SESW       | 40.0 |
| T10S R28E S04 NESE       | 40.0 | T10S R28E S04 NWSE       | 40.0 |
| T10S R28E S04 SWSE       | 40.0 | T10S R28E S04 SESE       | 40.0 |
| T10S R28E S05 Lot 1 NENE | 40.0 | T10S R28E S05 Lot 2 NWNE | 40.0 |
| T10S R28E S05 SWNE       | 40.0 | T10S R28E S05 SENE       | 40.0 |
| T10S R28E S05 Lot 3 NENW | 40.0 | T10S R28E S05 Lot 4 NWNW | 41.0 |
| T10S R28E S05 SWNW       | 40.0 | T10S R28E S05 SENW       | 40.0 |
| T10S R28E S05 NESW       | 40.0 | T10S R28E S05 NWSW       | 40.0 |
| T10S R28E S05 SWSW       | 40.0 | T10S R28E S05 SESW       | 40.0 |
| T10S R28E S05 NESE       | 40.0 | T10S R28E S05 NWSE       | 40.0 |
| T10S R28E S05 SWSE       | 40.0 | T10S R28E S05 SESE       | 40.0 |
| T10S R28E S08 NENE       | 37.0 | T10S R28E S08 NWNE       | 40.0 |
| T10S R28E S08 NENW       | 40.0 | T10S R28E S08 NWNW       | 39.0 |
| T10S R28E S08 SWNW       | 40.0 | T10S R28E S08 SENW       | 40.0 |

DOMESTIC Within CASSIA County

T10S R28E S08 SWNW

1437 ACRES TOTAL

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

MICROFILMED

AUG 15 2002

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

Water Right 43-7042

1

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AUG 15 2002

# Proof of Publication

## The Post Register

RECEIVED

NOV 15 2001

Department of Water Resources  
Southern Region

OK  
MB  
11/16/01

State of Idaho  
County of Bonneville

I, ~~Danac Jacobsen~~ or Robert Park, first being duly sworn, depose and say: That I am the ~~Production~~  
~~Supervisor~~ or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho,  
publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post  
Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register,  
established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the  
First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly,  
prior to consolidation, for more than twelve consecutive months and said Post Register having been published  
continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of  
notice hereinafter referred to.

See  
Reverse  
Side

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said  
Post Register for 2 consecutive (days) weeks, first publication having been made on the 25TH day of OCTOBER,  
2001, last publication having been made on the 1ST day of NOVEMBER 2001 at the said notice was published in the  
regular and entire issue of said paper on the respective dates of publication, and that such notice was published in  
the newspaper and not in a supplement.

*Robert Park*

Subscribed and sworn to before me, this 14TH day of NOVEMBER 2001

*Cathy von Borstel*  
Notary Public

My commission expires January 10, 2003

March 5, 2002

MICROFILMED

AUG 15 2002

#### LEGAL NOTICE

Notice is hereby given that several application(s) for transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Cassia & Minidoka Counties as listed below:

CONDIE BROTHERS, 4625 W 4100 S, WEST VALLEY CITY UT 84120, has filed **Application for No. 69257** on 7/9/01 for diversion of a total of 17.06 cfs from ground water for irrigation of a 1440 acre permissible place of use which includes a change the place of use for 212 acres to more suitable ground located 19 miles North and 7-8 miles East of Malta OR (0.5-2.5 miles South and 1-2 miles East of Raft River Store).

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit [www.idwr.state.id.us](http://www.idwr.state.id.us) with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 12, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director  
Published: Oct 25, Nov 1, 2001

OK  
ms  
11/16/01

MICROFILMED

2002 1 5 2002

# Post Register

GOOD MORNING!

333 Northgate Mile  
Idaho Falls, ID 83401  
(208) 522-1800  
November 7, 2001

Department of Water Resources  
1341 Fillmore Street Suite 200  
Twin Falls ID 83301  
208-736-3033

RECEIVED

NOV 15 2001

Department of Water Resources  
Southern Region

RECEIVED

NOV - 9 2001

Department of Water Resources  
Southern Region

Account # : 546

Published: October 25, November 1, 2001

Legal Notice: Legal Notice Condie Brothers T# 69257

Please refer to Invoice # or Ad # 159456

PO #

TOTAL COST: \$55.77

OK  
MB  
11/16/01

PLEASE INCLUDE ACCOUNT # AND AD # WITH YOUR PAYMENT  
THANK YOU

MICROFILMED

AUG 15 2002

TRIBUNE PUBLISHING COMPANY, INC.  
The Lewiston Morning Tribune  
505 C St., P.O.Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

## LEGAL ADVERTISING INVOICE

SOLD TO: DEPT OF WATER RESOURCES  
1341 FILLMORE STREET, SUITE 20  
TWIN FALLS ID 833013380

Date 11/01/2001 INVOICE NO. 278432  
Account No. 446620  
Description 278432 Notice is hereby

Times 2 Lines 39

RECEIVED

Tab. Lines \_\_\_\_\_

NOV 07 2001

Department of Water Resources  
Southern Region

\$ 58.31

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

OK  
MB  
11/8/01

## AFFIDAVIT OF PUBLICATION

278432  
Notice is hereby given that an application for transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Cassia & Minidoka Counties as listed below:  
CONDIE BROTHERS, 4625 W 4100 S, WEST VALLEY CITY UT 84120, has filed Application for No. 69257 on 7/9/01 for diversion of a total of 17.06 cfs from ground water for irrigation of a 1440 acre permissible place of use which includes a change the place of use for 212 acres to more suitable ground located 19 miles North and 7-8 miles East of Malta OR (0.5-2.5 miles South and 1-2 miles East of Raft River Store).  
For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit [www.idwr.state.id.us](http://www.idwr.state.id.us) with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St. Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 12, 2001. The protestant must also send a copy of the protest to the applicant.  
Karl J. Dreher, Director  
Published in the Lewiston Morning Tribune on 10/25 & 11/01/01.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 278432 Notice is attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 10/25, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 10/25/2001, and the last publication thereof being on the 11/01/2001, and said 278432 Notice is was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

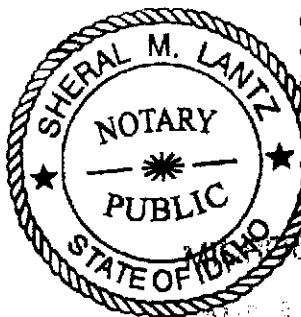
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 5th day of Nov in the year of 2001, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Sheral M Lantz  
Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires June 4, 03

RECEIVED

NOV 05 2001

Department of Water Resources  
Southern Region 001-445

# SOUTH IDAHO PRESS BURLEY, IDAHO AFFIDAVIT OF PUBLICATION

County of Cassia )  
 ) ss  
STATE OF IDAHO )

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated October 22, 2001 and ending with the issue dated October 29, 2001.

*Ruth Anne Holmes*

STATE OF IDAHO )  
COUNTY OF )  
Cassia )

On this 29th day of October in the year of 2001 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

**ANN HARPER  
NOTARY PUBLIC  
STATE OF IDAHO**

*Ann Harper*  
Notary Public for Idaho

Residing at: Burley, Idaho

My commission expires: 9-14-2007

Cost of Publication 140.14

Affidavit Fee 5.00

Total Cost 145.14

MICROFILMED

300 E 10 2002

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OK  
MB  
11/5/01

# The Idaho Statesman

RECEIVED

NOV 05 2001

P.O. Box 40, Boise, Idaho 83707-0040

Department of Water Resources  
Southern Region

## LEGAL ADVERTISING PROOF OF PUBLICATION

|                                                                                            |                |                                    |                                           |
|--------------------------------------------------------------------------------------------|----------------|------------------------------------|-------------------------------------------|
| Account #<br>208-<br>736-3033                                                              | DTI#<br>549842 | Identification<br>TRANSFER # 69257 | Amount:<br>\$ 63.84                       |
| Send by:<br>MARY BALDWIN                                                                   | P.O. #<br>NT   | Rate<br>NT                         | Run Dates<br>OCTOBER 25, NOVEMBER 1, 2001 |
| IDAHO DEPT. WATER RESOURCES, SOUTH<br>1341 FILLMORE ST., SUITE 200<br>TWIN FALLS, ID 83301 |                |                                    | Number of Lines<br>39                     |
|                                                                                            |                |                                    | Affidavit<br>1                            |
|                                                                                            |                |                                    | Legal #<br>11799                          |

### LEGAL NOTICE APPLICATION FOR TRANSFER

Notice is hereby given that an application for transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Cassia & Minidoka Counties as listed below:

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Karl J. Dreher, Director

Pub. Oct. 25, Nov. 1, 2001 11799

CK  
MB  
11/5/01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for:

TWO

☒ consecutive weekly ☐ single  
☐ consecutive daily ☐ odd skip  
insertion(s)

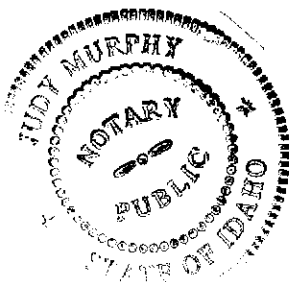
beginning with the issue of: OCTOBER 25, 2001

and ending with the issue of: NOVEMBER 1, 2001

*Janice Hildreth*

STATE OF IDAHO )  
 )ss  
COUNTY OF ADA )

On this 2 day of NOVEMBER in the year of 2001 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 11/6/04

*Judy Murphy*

NOTARIZED 11/6/04

RECEIVED

NOV 05 2001

Department of Water Resources  
Southern Region

No 43359

## Affidavit of Publication

STATE OF IDAHO }  
COUNTY OF TWIN FALLS } SS.

I, Ruby Auferherke being first duly sworn upon oath, depose  
and say that I am principal clerk of the TIMES-NEWS, published daily at  
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping  
attached, was published in the regular and entire issue of said newspaper, and not in any supplement  
thereof, for two consecutive weeks,  
commencing with the issue dated October 25, 2001,  
and ending with the issue dated November 1, 2001.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO  
COUNTY OF TWIN FALLSOn this 1st day of November in the year 2001, before me,

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

LINDA CAPPS-McGUIRE  
NOTARY PUBLIC  
STATE OF IDAHO

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires:

5-19-03

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NOV 15 2001

OK  
MB  
11/5/01

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Karl J. Dreher, Director

Published in the Times News on 10/25 & 11/01/01

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|                                                                                                |                            |                                        |                                 |
|------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------|---------------------------------|
| REMITTANCE ADDRESS<br><b>THE TIMES-NEWS - LEGAL</b><br>P.O. BOX 548, TWIN FALLS, ID 83303-0548 |                            | BILL TO<br><b>DEPT WATER RESOURCES</b> |                                 |
| AD NUMBER<br><b>327265</b>                                                                     | CLASS<br><b>0050 LEGAL</b> | SALESPERSON<br><b>5</b>                | BILLING DATE<br><b>11/01/01</b> |
| AD DESCRIPTION<br><b>WATER RIGHT CONDIE BROTHERS , T# 69257</b>                                |                            | START DATE<br><b>10/25/01</b>          | LINES<br><b>0</b>               |
| PUBLICATION<br><b>4 THE TIMES NEWS LEGAL</b>                                                   | INSERTIONS<br><b>2</b>     | STOP DATE<br><b>11/01/01</b>           |                                 |
| FLAT CHARGE                                                                                    |                            | NET AMOUNT<br><b>85.64</b>             | GROSS AMOUNT                    |
| TOTAL AD CHARGE                                                                                |                            | <b>85.64</b>                           |                                 |
| DAYS RUN                                                                                       |                            |                                        |                                 |
| PURCHASE ORDER<br><b>legal</b>                                                                 |                            | <b>PAY THIS AMOUNT</b>                 | <b>85.64</b>                    |
|                                                                                                |                            |                                        | <b>85.64*</b>                   |

OK MB  
11/5/01

RECEIVED  
NOV 05 2001  
Department of Water Resources  
Southern Region

**THE TIMES-NEWS - LEGAL**  
P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

|                                               |                       |                          |                                  |
|-----------------------------------------------|-----------------------|--------------------------|----------------------------------|
| AD NUMBER<br>327265                           | CLASS<br>050<br>LEGAL | START DATE<br>10/25/01   | STOP DATE<br>11/01/01            |
| AD DESCRIPTION<br>WATER RIGHT CONDIE BROTHERS |                       | BILLING DATE<br>11/01/01 | TELEPHONE NUMBER<br>208-736-3033 |

GROSS AMOUNT OF  
85.64  
DUE AFTER

VISA    MASTERCARD

|                           |  |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|--|
|                           |  |  |  |  |  |  |  |  |
| <u>CREDIT CARD NUMBER</u> |  |  |  |  |  |  |  |  |

EXPIRATION DATE:        /        /

SIGNATURE: \_\_\_\_\_

DEPT WATER RESOURCES  
1341 FILLMORE, SUITE 200  
TWIN FALLS, ID

83301

**Abstract**

MICROFILMED

AUG 15 2002

|                       |  |
|-----------------------|--|
| TOTAL AMOUNT DUE      |  |
| 85.64                 |  |
| ENTER AMOUNT ENCLOSED |  |
| ED                    |  |

20400000003272650000000000000000856400000085643



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380  
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 22, 2001

ATTN GEORGE PHILLIP CONDIE  
CONDIE BROTHERS  
4625 W 4100 S  
WEST VALLEY CITY UT 84120

RE: Application for Transfer No.(s) 69257

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application(s). Please refer to the number(s) in all correspondence regarding the above referenced application(s).

Since the application(s) involves the diversion of 10.0 cfs or greater as specified in Sections 42-203A & 42-222 of the Idaho Code, the Department is required to publish notice of the application(s) in the newspaper designated for the county in which the point of diversion is located as well as the major newspaper in each of the Department of Water Resources' administrative regions.

Therefore, this office has scheduled advertising the application(s) in the South Idaho Press for 10/22 & 10/29/01 and also in the Idaho Statesman, Post Register, Lewiston Morning Tribune, & Times News on 10/25 & 11/01/01. The final date for submitting protests is November 12, 2001.

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

In addition, please provide the names and addresses of all partners and designation of the managing partner, if any. (Rule 035.03.b, i). This information must be received prior to completion of the Regional Review and Recommendation.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin  
Administrative Assistant

MICROFILMED  
AUG 15 2002

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Karl J. Dreher, Director

Published in the South Idaho Press on 10/22 & 10/29/01.

MICROFILMED  
AUG 15 2012

IDAHO DEPARTMENT OF WATER RESOURCES  
1341 FILLMORE STREET-STE# 200  
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

October 18, 2001

**ATTN KAY MOORE**  
SOUTH IDAHO PRESS  
230 E MAIN ST  
BURLEY ID 83318

**Dear Ms. Moore:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin  
Administrative Assistant

**MICROFILMED**

**AUG 15 2002**

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Karl J. Dreher, Director

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MICROFILMED

AUG 15 2002

IDAHO DEPARTMENT OF WATER RESOURCES  
1341 FILLMORE STREET-STE# 200  
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

October 18, 2001

**ATTN: JANICE HILDRETH-LEGALS**  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

Dear Janice:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin  
Administrative Assistant

MICROFILMED  
OCT 15 2002

IDAHO DEPARTMENT OF WATER RESOURCES  
1341 FILLMORE STREET-STE# 200  
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

October 18, 2001

**ATTN Karen**  
LEWISTON MORNING TRIBUNE  
505 C STREET  
LEWISTON ID 83501

**Dear Karen:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin  
Administrative Assistant

MICROFILMED

AUG 15 2002



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

October 18, 2001

ATTN: Kathy-LEGALS DEPT  
POST REGISTER  
PO BOX 1800  
IDAHO FALLS ID 83401

Dear Kathy:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin  
Administrative Assistant

Enclosure

MICROFILMED  
AUG 15 2002

Notice is hereby given that an application for transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Cassia & Minidoka Counties as listed below:

CONDIE BROTHERS, 4625 W 4100 S, WEST VALLEY CITY UT 84120, has filed Application for No. 69257 on 7/9/01 for diversion of a total of 17.06 cfs from ground water for irrigation of a 1440 acre permissible place of use which includes a change the place of use for 212 acres to more suitable ground located 19 miles North and 7-8 miles East of Malta OR (0.5-2.5 miles South and 1-2 miles East of Raft River Store). For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit [www.idwr.state.id.us](http://www.idwr.state.id.us) with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 12, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 10/25 & 11/01/01

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2001 11 5 2001



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 18, 2001

ATTN LEGALS DEPT  
TIMES NEWS  
PO BOX 548  
TWIN FALLS ID 83303-0548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

**If you cannot publish the notice on the proposed dates, please contact us immediately.**

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin  
Administrative Assistant

Enclosure

MICROFILMED  
OCT 18 2002

## STAFF ANALYSIS SUPPLEMENT

☐

At the grid address listed on application.

☐

Local Description of new proposed site:

19 miles ~~N~~ S and 7-8 miles ~~E~~ W of Malta

(City or local landmark).

or (0.5 miles - 2.5 miles S and  
1 mile - 2 miles E of Roff River  
Stone)☐

Other:

Transfer is changing the place of  
use for 212 acres. The purpose  
of this change is to move water to  
more suitable ground on the applicants  
property.

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