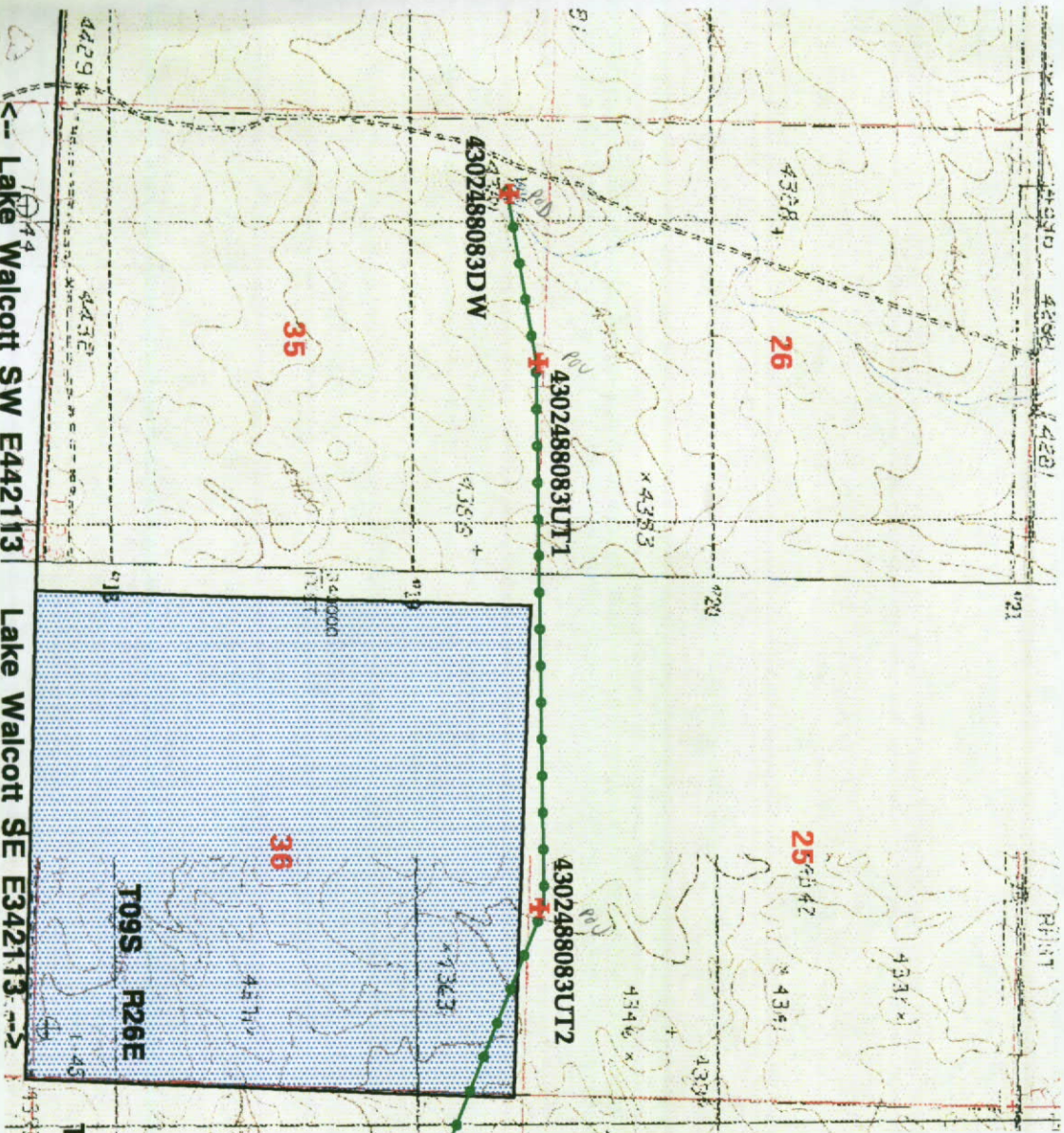


T# 5337

SRBA CLAIMS: BASIN 43
Lake Walcott SW E442113 and
Lake Walcott SE E342113
Map 1 (west) of 2

SRBA CLAIM THAT IS NOT FOR
INSTREAM USE



- Point Determined by GPS
- Digitized Point
- Area Determined by GPS (reservoir, etc)
- Digitized Area (reservoir, etc)
- Pipeline Determined by GPS
- Digitized Pipeline (Not Actual Route)
- Ditch Determined by GPS
- Digitized Ditch (Not Actual Route)
- Surface Ownership
- BIA
- BLM
- DOI
- MIL
- NPS
- PRIVATE
- STATE
- USFS
- USFWS
- WATER
- Public Land Survey System

- 10 DIGIT # - BLM Identification # for Claim
- D - Point of Diversion (POD)
- U - Place of Use (POU)
- DU - POD and POU
- (Represented by one point since they are very close and not distinguishable on a 1:24000 map)
- S - Spring
- Sm - Stream
- W - Well
- T - Trough
- R - Reservoir
- P - Pond
- L - Lake
- Pl - Playa

No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by the BLM.

1:24000

bufo: lgaiprjects/water/rights/12
 ipole: allrba4302488083w.apr
 UTM ZONE 12 - DATUM NAD27

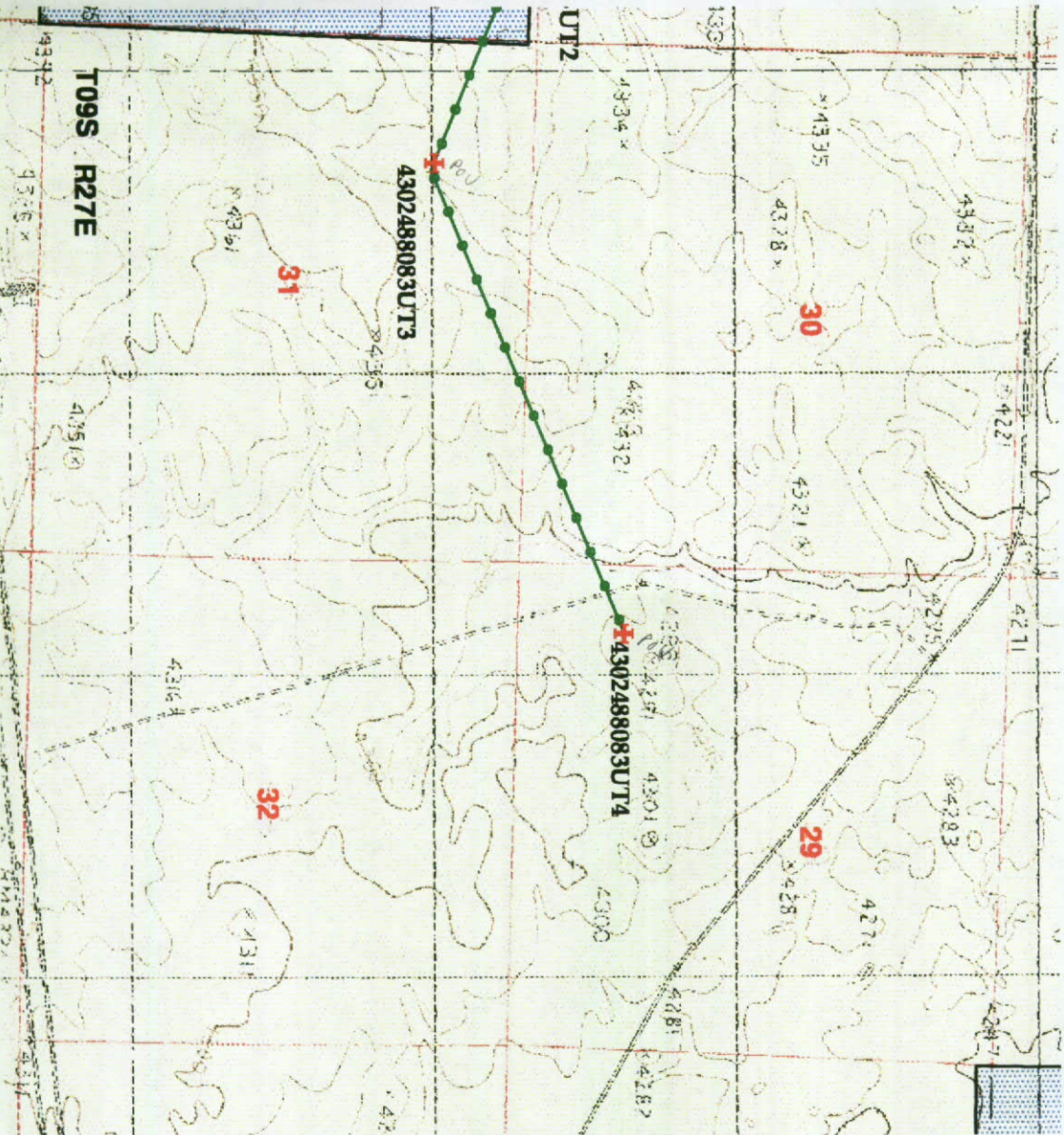


APR 1999

T#5337

**SRBA CLAIMS: BASIN 43
Lake Walcott SE E342113
Map 2 (east) of 2**

**SRBA CLAIM THAT IS NOT FOR
INSTREAM USE**



- + Point Determined by GPS
- Area Determined by GPS (reservoir, etc)
- Digitized Area (reservoir, etc)
- Pipeline Determined by GPS
- Digitized Pipeline (Not Actual Route)
- Ditch Determined by GPS
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1:24000

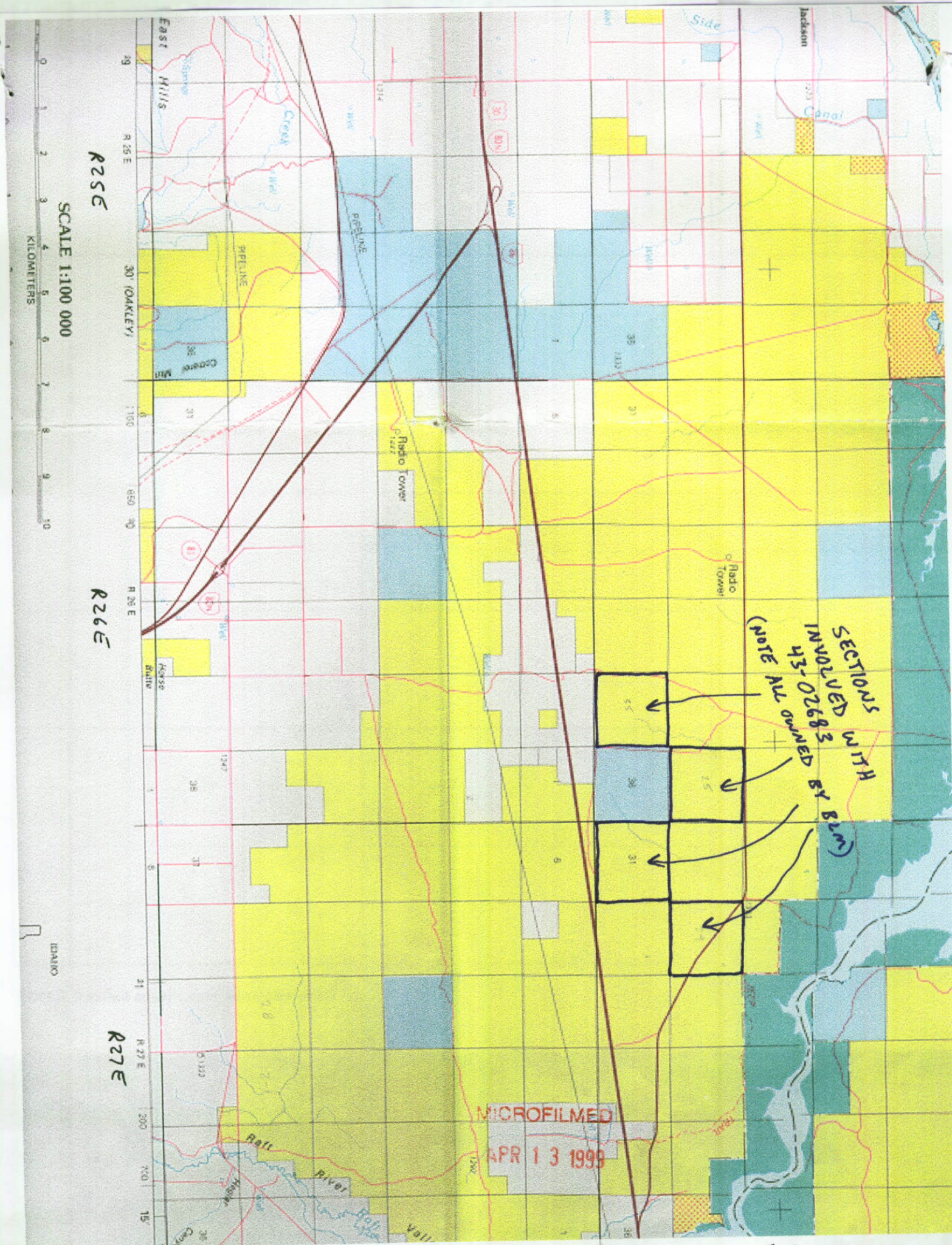
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/pbls/12/4302488083e.apr
UTM ZONE 12 - DATUM NAD27



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

RECEIVED
JUL 30 1998

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



T105

T095

T#5337

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
43-02683	US DEPT OF INTERIOR	C	05/09/1960	L/	GROUNDWATER	STOCK	WR	
X43-02683	AMERICA ACTING THROUGH, UNITED STATES OF	C	05/09/1960	L/	GROUNDWATER	STOCK	WR	
43-02683	AMERICA ACTING THROUGH, UNITED STATES OF	C	05/09/1960	L/	GROUNDWATER	STOCK	AJ	
A43-02683	AMERICA ACTING THROUGH, UNITED STATES OF	C	05/09/1960	L/	GROUNDWATER (HWY W	STOCK	AJ	
						WILDLF		

MICROFILMED
APR 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5337
WATER RIGHT NO. 43-02683

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 837091657

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	10.1 AF

SOURCE

GROUNDWATER

Priority: 05/09/1960

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 35, Township 09S, Range 26E
CASSIA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09S	26E	25	SWSE
		35	NWNE
27E	29		SWSW
	31	Lot 1 (NWNW)	

CONDITIONS OF APPROVAL AND REMARKS

1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

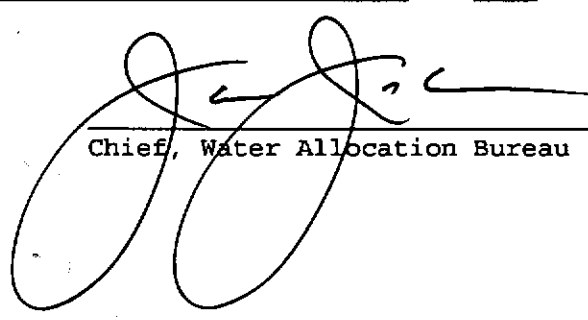
APR 13 1999

TRANSFER NO. 5337
WATER RIGHT NO. 43-02683

CONDITIONS OF APPROVAL AND REMARKS

4. The quantity of water identified under this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.
6. The place of use is identified as BLM ID #4302488083.

Dated this 25TH day of MARCH, 1999.



Chief, Water Allocation Bureau

MICROFILMED

APR 13 1999

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5337

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JUL 30 1998

PART 1

RECEIVED

MAR 08 1999

Department of Water Resources

Name of applicant Bureau of Land ManagementDepartment of Water Resources
Phone (208) 677-6626Post Office address 15 East 200 South, Burley, Idaho 83318

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To more equally distribute livestock use in the area.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- 43-02683 May 9, 1960 0.03 CFS Stockwater Jan. 1 to Dec. 31
- _____ to _____
- _____ to _____
- _____ to _____
2. Total amount of water being transferred 0.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	NW	35	9S	26E	Cassia	Highway Well #4

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	26E	35		S															
9S	26E	25															S		
9S	27E	31						Lot 1											
9S	27E	29										S							

MICROFILMED

APR 13 1999

Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system Well, 2 HP submersible pump, 1 1/2" PVC pipeline, and troughs.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
- _____
- _____
- _____
- _____
- d. Remarks:
- _____
- _____
- _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

MICROFILMED
APR 13 1980

PART 2

TRANS NO. 5337

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 43-02683

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.03 CFS

SOURCE

GROUNDWATER

Priority: 05/09/1960

LOCATION OF POINT(S) OF DIVERSION:NENWNW , Sec. 35, Township 09S, Range 26E
CASSIA CountyPLACE OF USE: STOCKWATERTWN RGE SEC

09S 26E 35 NWNW

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. BLM RECORD ID = 4302488083
HIGHWAY WELL #3
500/CATTLE 1500/SHEEP

MICROFILMED

APR 13 1999

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

PART 2
(Attach one copy for each right)

RECEIVED

JUL 30 1998

Department of Water Resources
 Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 43-02683 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Public Land

3. Source of water groundwater tributary to _____

4. Date or priority May 9, 1960

5. Water is used for the following purpose:

amount 0.03 CFS for stockwater purposes from Jan. 1 to Dec. 31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.03 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	35	9S	26E	Cassia	Highway Well #4

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	26E	35						S											

MICROFILMED

APR 13 1999

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED

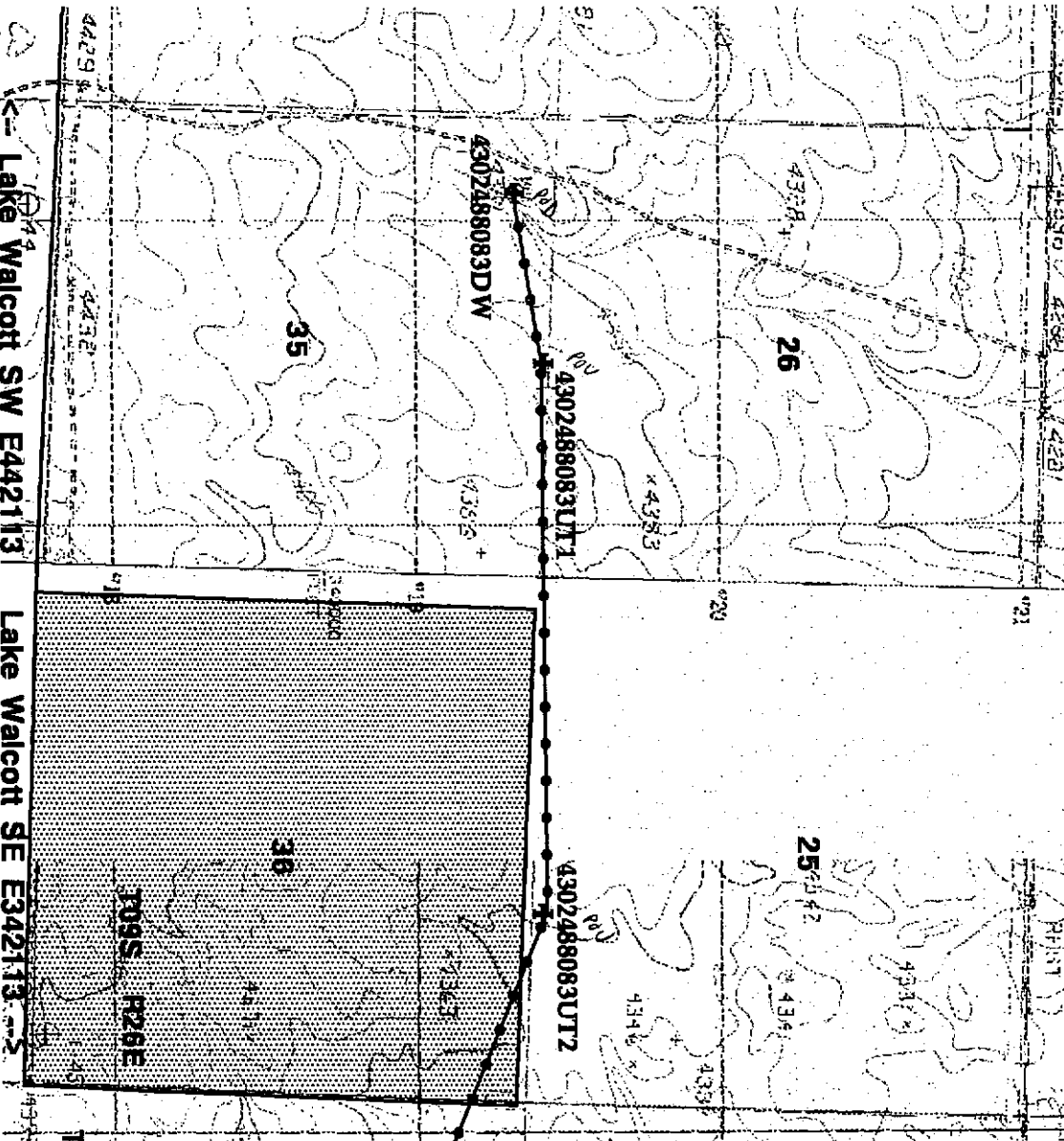
APR 13 1999

Total acres _____

T# 5337

SRBA CLAIMS: BASIN 43
Lake Walcott SW E442113 and
Lake Walcott SE E342113
Map 1 (west) of 2

SRBA CLAIM THAT IS NOT FOR
INSTREAM USE



- ✦ Point Determined by GPS
- ✦ Digitized Point
- ▨ Area Determined by GPS (reservoir, etc)
- ▨ Digitized Area (reservoir, etc)
- ▨ Pipeline Determined by GPS
- ▨ Digitized Pipeline (Not Actual Route)
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- ▨ Digitized Ditch (Not Actual Route)
- ▨ Surface Ownership
- ▨ BIA
- ▨ BLM
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- ▨ NPS
- ▨ PRIVATE
- ▨ STATE
- ▨ USFS
- ▨ USFWS
- ▨ WATER
- ▨ Public Land Survey System

- 10 DIGIT # - BLM Identification**
for Claim
- D - Point of Diversion (POD)
 - U - Place of Use (POU)
 - DU - POD and POU
- (Represented by one point since they are very close and not distinguishable on a 1:24000 map)
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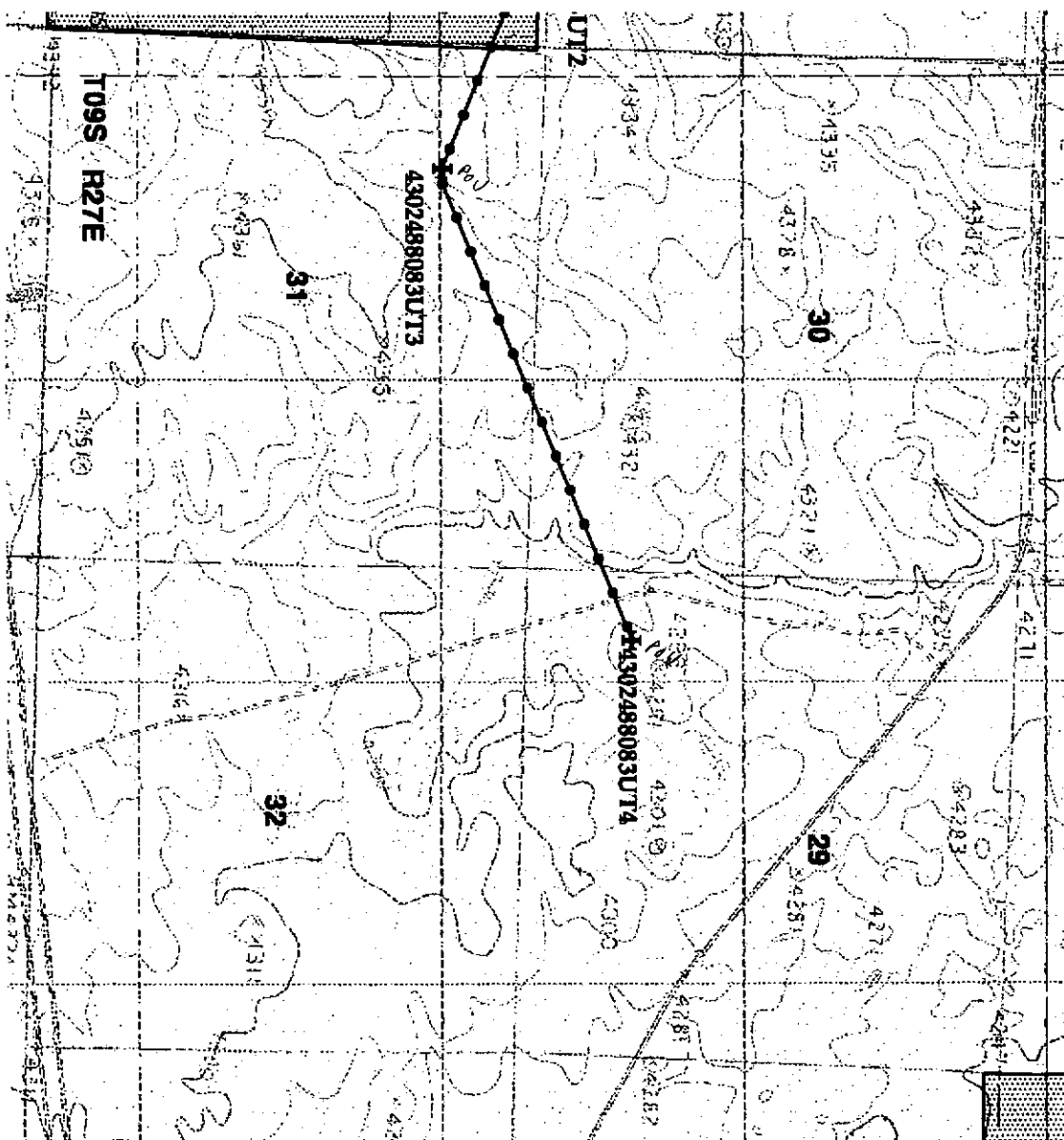
No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by the BLM.

1:24000

bufo: lpslprojsect/water/rights/12
 ipole: all/ha4302488083w.apr
 UTM ZONE 12 - DATUM NAD27



**SRBA CLAIM THAT IS NOT FOR
INSTREAM USE**



- | Symbol | Description |
|--------|---|
| | Point Determined by GPS |
| | Digitized Point |
| | Area Determined by GPS (reservoir, etc) |
| | Digitized Area (reservoir, etc) |
| | Pipeline Determined by GPS |
| | Digitized Pipeline (Not Actual Route) |
| | Ditch Determined by GPS |
| | Digitized Ditch (Not Actual Route) |
| | Surface Ownership |
| | BIA |
| | BLM |
| | DOI |
| | MIL |
| | NPS |
| | PRIVATE |
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| | USFS |
| | USFWS |
| | WATER |
| | Public Land Survey System |

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U - Place of Use (POU)

DU - POD and POU

(Represented by one point since they are very close and not distinguishable on a 1:24,000 map)

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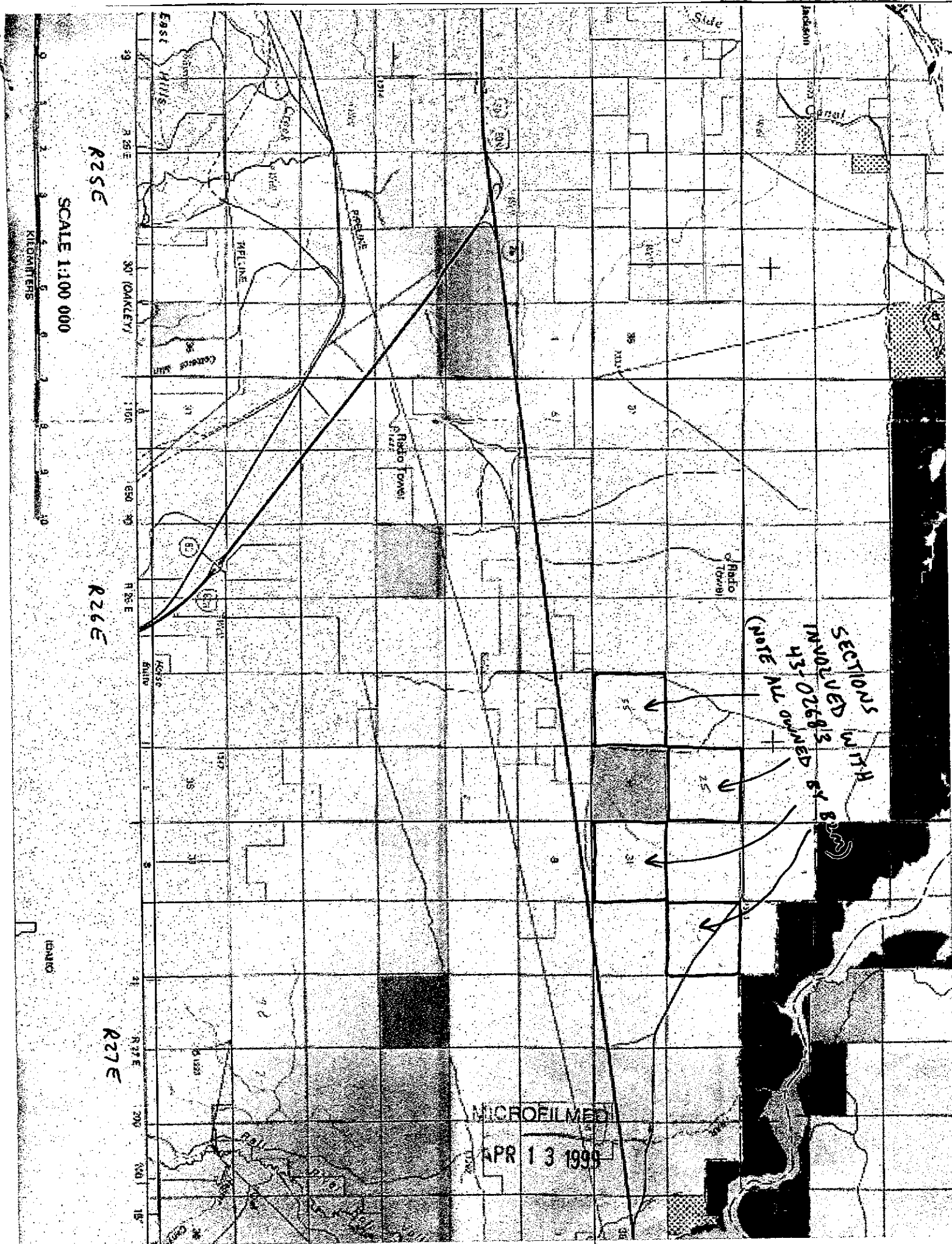
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plots all/egs/4302488083.apr
UTM_ZONE 12 - DATUM NAD27



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

RECEIVED
JUL 30 1998

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



T105 T095 T#5337

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

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

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

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

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

Steven R. Davis Hydrologist
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of July, 1998.

Glenn R. Navarro
(Notary Public)

My commission expires 12-23-2002

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 0 attachments

Received by MB Date 7/30/98 Protest filed by Nue

Prelim. check by CS Fee 100.00 5021386

Receipted by CS Date 7/30/98

Published in The South Ill. Press Copies of protest forwarded by _____

Pub. dates 11/9 & 11/16/98 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by AB

Copy of transfer sent to lien holder _____

MICROFILMED

APR 13 1999

Approval of State Reclamation Engineer

The number of this permit is D 1342

Recorded in Book 3 Page D 1342 Approved May 10, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before Completed

Witness my hand this 10th day of May, 19 60

Geo. H. Carter

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE Governor of the State of Idaho, and ARNOLD WILLIAMS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th day of May, 19 60

Countersigned:

STATE OF IDAHO

By _____ Secretary of State.

By _____ Governor.

No. D <u>1342</u>	PERMIT	Water License No. D <u>1342</u>	TO <u>Bureau of Land Management</u>	Amount <u>.03</u> Sec. Feet	Place of Use <u>NW1/4 Sec. 35, T. 9 S., R. 26 E., B.M.</u>	Purpose <u>Range livestock</u>	Date of Priority <u>May 9, 1960</u>	Recorded <u>May 10, 1960</u>	In Book <u>3</u> of Licenses, Page <u>1342</u>
Date of first receipt at office of State Reclamation Engineer <u>8:00 A.M. May 9, 1960</u>	Returned to applicant for correction	Corrected application received	STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	Source of Supply <u>Highway Well # 4</u>					
Fees \$ <u>1.00</u>									

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D 1342 Priority May 9, 1960 Amount .03 c.f.s.

This is to certify that Bureau of Land Management of Burley, Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Highway Well # 4 under Use Permit No. D 1342, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume D 3 of Licenses, at page D 1342, on the 10th day of May, 19 60

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS THE SEAL and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 10th day of May, 19 60

MICROFILMED

APR 13 1999

Geo. H. Carter

State Reclamation Engineer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: Water Right 43-02683 (Transfer 5337)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5337). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

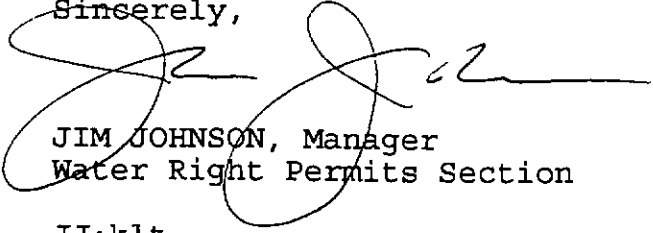
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

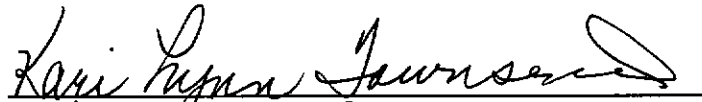
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of **March, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 43-02683 (Transfer 5337)

**UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657**


Kari Lynn Townsend
Secretary

**MICROFILMED
APR 13 1999**

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MICROFILMED
APR 13 1999

MEMORANDUM

TO: File 43-02683

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5337

DATE: March 18, 1999

Transfer 5337 changes the place of use under Right 43-02683 in order to include all the existing troughs. The system has been modified to more equally distribute livestock use in the area.

This right was recommended in the SRBA Director's Report as licensed under D-Permit #1342. BLM filed an objection in order stay the proceedings and allow time for this transfer to change the place of use to reflect the existing system. Region Adjudication staff, Kelly Christensen, discussed the objection with BLM staff to clarify this matter.

Recommended conditions include common grazing allotment limits, SRBA non-confirmation of historic use & 13,000 gpd limit, and standard transfer conditions.

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APR 13 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5337

Date Reviewed 03-18-99

Right(s) 43-02683 - As recommended in SRBA

Objections filed to stay proceedings to process Xfer per KKL. (see memo)
☒ WRQ/Split Summary ☒ SRBA Status NA Run POU Comparison Report

B:Change P/D C:Add P/D

☒ D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership Yes per BLM ownership map + Cassia Co. Assessor per C.S. @ region.

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol.

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) Volume

(6) ☒ Source (7) ☒ P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion

(5) ^{Cattle} (500 x 12 = 6000 gpd) + ^{Sheep} (1500 x 2 = 3000 gpd) = 9000 gpd x 365 = 3285000 gpd year
 3285000 gallons / 325,850 = 10.1 gal < YBR

(8) Change P/U to include 4 troughs.

BLM ID#4302488083 Hwy #3 Well

Transfer Remarks N11 + N13 per SRBA recommendations

Conditions R37, T07, T08, J09

Already Recommended

Database/Processing Notes

Standard ☒ Non-Standard ☒

Standard T file - Copy to "X" prefix

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

SRBA

SUBCASE SUMMARY REPORT 43-02683

Return to SRBA Home Page

SRBA
03-18-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 43-02683 FILE#: 00033
CLAIMANT: USDI BLM
STATUS: AT ISSUE
WATER SOURCE: GROUNDWATER,
ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.

**** PARTIES INVOLVED ****

USDI BLM
USDI BLM

ATTY: US DEPARTMENT OF JUSTICE
ATTY: LEE LEININGER

**** ROA ENTRIES ****

07-02-1998 OBJ 01 F/B USDI BLM
02-22-1999 NOTICE SETTING INITIAL HEARING

RB 09-01-1998 0001
1S 04-06-1999 0130

Return to SRBA Home Page

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
43-02683	US DEPT OF INTERIOR	C	05/09/1960	L/	GROUNDWATER	STOCK	WR
T43-02683	US DEPT OF INTERIOR	C	05/09/1960	L/	GROUNDWATER	STOCK	WR

43-02683	AMERICA ACTING THROUGH, UNITED STATES OF	C	05/09/1960	L/	GROUNDWATER	STOCK	AJ
A43-02683	AMERICA ACTING THROUGH, UNITED STATES OF	C	05/09/1960	L/	GROUNDWATER (HWY W	STOCK	AJ
						WILDLF	

2683

IDWR TRANSFER ANALYSIS SHEET

APPLICANT USDI - BLM

TRANSFER NO. 5337

1. Right number(s) 43-02683

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: SRBA CLAIM HAS BEEN RECOMMENDED TO COURT
AS LICENSED, OBJECTED TO ON 07/06/98, THERE ARE NO
OVERLAPPING WATER RIGHTS

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 OK PER BLM MAP AND CASSIA COUNTY ASSESSOR'S OFFICE
- h. ☒ Expansion in use of right - Comments: ? PROBABLY
NOT, AS LONG AS LIVESTOCK NUMBERS ARE KEPT
THE SAME

RECEIVED

MAR - 8 1999

Department of Water Resources

9/8/98
15

i. X Existing rights from same source, on land water is being transferred to; right number(s): _____

NONE

j. X 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) CLAIM RECOMMENDED AS LICENSED,

OBJECTED TO IN 02/02/98

k. X Comment letters _____ Yes X No
If yes _____ Water District # _____
Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY P. SKINNER
SRBA SUPERVISOR REVIEW BY KKC
PUBLICATION REVIEW BY _____

DATE 09/08/98
DATE 2/4/99
DATE _____

1. Legal Notice electronically sent to DWR03::VAULT _____ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 11/2/98

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: 12/28/98

4. By APK

Date 12/28/98

RECEIVED

INTEROFFICE MEMORANDUM

March 10 1999

Department of Water Resources

TO: TRANSFER FILE NO. 5337 - 5338
cc. A43-02683 & A43-02706 (legal dept for objection review)
FROM: KELLY K CHRISTENSEN KKC
SUBJECT: ADJUDICATION REVIEW OF TRANSFER
DATE: 03/04/99

Both transfers add to the existing pipeline and trough system to increase grazing efficiency. As neither the diversion rate nor number of livestock using the system is being increased, no enlargement is evident. I talked with Steve Davis (BLM Burley office) about the transfers and he indicated that the changes are already accomplished and that the transfers are just to bring the records into line with the existing systems.

On 07-02-1998 objections to the place of use for each right were filed with the Snake River Basin Adjudication Court to stay proceedings so that the changes proposed in the transfers could be included within the decrees for each right. Again, this information is based upon the conversation with Steve Davis on March 4, 1999.

As the transfers are the mechanism to settle the objections, the adjudication legal department should be notified upon the approval of the transfers. At this time I was told that Roxanne Brown was managing the adjudication process for the objections on these rights.

Therefore, I recommend that the transfers proceed as they stand.

MICROFILMED

APR 13 1999

FROM: Allen Merritt 

DATE: December 28, 1998

TO: Transfer File No. 5337
Water Right(s): 43-02683

5338
43-02706

In the Name of: BLM

SUBJECT: Review and Recommendation

These two transfers involve change of place of use associated with two stockwater systems. The purpose of the change of place of use is to better distribute the stock over the grazing area.

Both transfers were advertised without protest.

RECOMMENDATION

I recommend that both transfers be approved.

MICROFILMED

APR 13 1999

T# 5337

WATER RIGHT NO. 43-02683

MICROFILMED
APR 13 1999

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

RECEIVED
NOV 17 1998
Department of Water Resources
Southern Region

County of Cassia)
) ss
STATE OF IDAHO)

Ruth 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 November 9 1998, and ending with the issue dated November 16 1998.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 16th day of November in the year of 1998 before me, a Notary Public, personally appeared Ruth 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.



Anna K Burns
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 67.32
Affidavit Fee 5.00
Total Cost 72.32

OK
MB
11/17/98

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APR 13 1999

98-480

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS**

Notice is hereby given that the USDI-BUREAU OF LAND MANAGEMENT, 15 E 200 S; BURLEY ID 83318 has filed two (2) applications with the Department of Water Resources for changes to the places of use to more equally distribute livestock use in the area for the rights listed below.

Transfer No. 5337:

PRESENTLY, Licensed Water Right No. 43-02683 (0.03 cfs) with a priority date of 05/09/1960 is both diverted from groundwater and used for stockwater within NW1/4NW1/4, S35, T09S, R26E; Cassia County.

PROPOSED CHANGE

The applicant wishes to record the place of use as within NW1/4NE1/4, S35 & SW1/4SE1/4, S25, both T09S, R26E and within Lot 1 (NW1/4NW1/4), S31 & SW1/4SW1/4, S29, both T09S, R27E; Cassia County.

Transfer No. 5338:

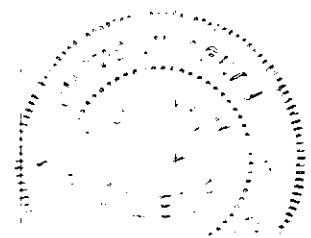
PRESENTLY, Licensed Water Right No. 43-02706 (0.02 cfs) with a priority date of 01/10/1968 is diverted from groundwater within NE1/4SE1/4, S28, T10S, R27E; Cassia County for stockwater within SE1/4NW1/4, S27 & NW1/4SE1/4, S28; all T10S, R27E; Cassia County.

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Karl J. Dreher, Director

Published in the South Idaho Press on
November 9th and 16th, 1998.



LEGAL
STATEMENT

MEMBER OF ASSOCIATED PRESS
South Idaho Press
ESTABLISHED 1904
230 EAST MAIN BOX 190
BURLEY, IDAHO 83318

PHONE 678-2201

PUBLISHED
DAILY
MONDAY
THRU
FRIDAY
AND SUNDAY
MORNINGS

DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, IDAHO 83301-3380

RECEIVED

NOV 17 1998

Department of Water Resources
Southern Region

TERMS:
ALL ACCOUNTS
DUE AND
PAYABLE ON
20TH OF MONTH
FOLLOWING CHARGE

98-480

\$ 72.32

Please detach this stub and mail with your remittance. Your cancelled check serves as your receipt.

DATE	DESCRIPTION	TIMES RAN	LINES	COST PER LINE	CHARGES	BALANCE
BALANCE FORWARD						
11/16	Notice of Proposed change of Water Rights "USDI BLM Burley" Affidavit Fee	2	51	1.32	67.32	67.32
					5.00	72.32
	43-02683, T# 5337					
	43-02706, T# 5338					

OK
MB
11/17/98

\$ 72.32

Thank
You

▲
PAY LAST
AMOUNT IN
THIS COLUMN

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SOUTH IDAHO PRESS
BURLEY, IDAHO

APR 13 1999

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Karl J. Dreher, Director

Published in the South Idaho Press on
11/09 & 11/16/98.

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APR 13 1999



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

November 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

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
Sr. Secretary

Enclosure

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APR 13 1999

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Karl J. Dreher, Director

Published in the South Idaho Press on 11/09 & 11/16/98.

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OK
APL



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

October 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN STEVEN R DAVIS HYDROLOGIST
USDI-BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

Re: Applications for Transfer Nos. 5337 (43-02683) & 5338 (43-02706)

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your Applications for Transfer.

This office has scheduled advertising the applications in the South Idaho Press for 11/09 and 11/16/98. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you 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.

State Office personnel will conduct a complete review prior to final processing of an application and will notify you of the outcome of this review.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

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APR 13 1999