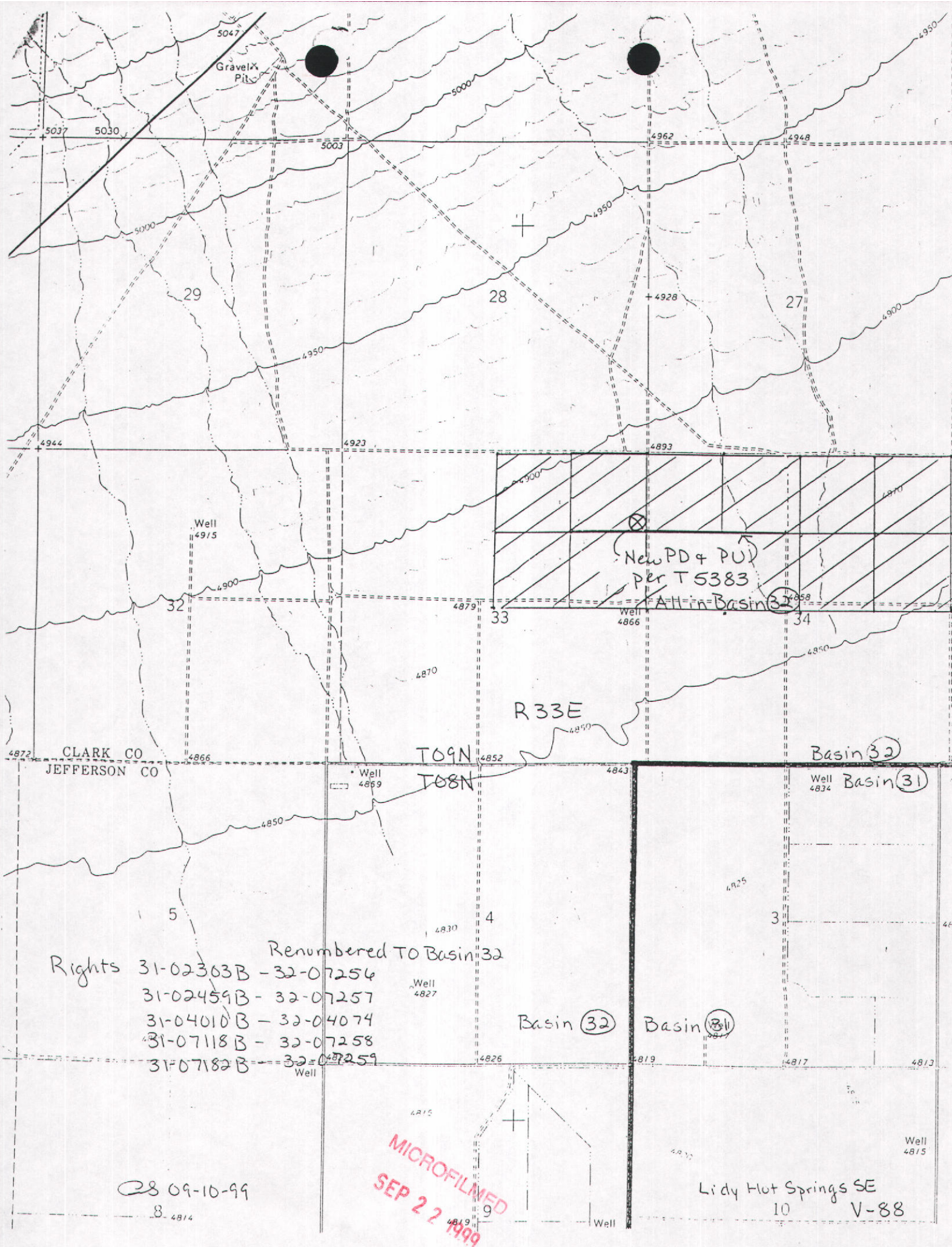




STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5383

WATER RIGHT NO(S). 31-02303B/31-02459B/31-04010B/31-07118B  
~~31-07182B~~/32-02104B/32-02105B/32-02117B/32-02119B/32-02133B  
32-07259 32-07011B/32-07090B

This is to certify that: STEPHEN V ZWEIFEL  
PAMELA W ZWEIFEL  
546 E 2500 N  
MONTEVIEW ID 83435

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> |
|-------------------------------------------------------------|----------------------|-----------------------|----------------------|
| Right No. 31-02303B :<br>IRRIGATION<br>Priority: 10/06/1951 | 04/15 to 10/15       | 0.61 CFS              | 136.5 AF             |
| Right No. 31-02459B :<br>IRRIGATION<br>Priority: 06/23/1955 | 04/15 to 10/15       | 0.75 CFS              | 135.1 AF             |
| Right No. 31-04010B :<br>IRRIGATION<br>Priority: 05/30/1959 | 04/15 to 10/15       | 0.09 CFS              | 32.7 AF              |
| Right No. 31-07118B :<br>IRRIGATION<br>Priority: 04/09/1974 | 04/01 to 11/01       | 1.17 CFS              | 245.0 AF             |
| Right No. 31-07182B :<br>IRRIGATION<br>Priority: 01/22/1976 | 04/01 to 11/01       | 0.19 CFS              | 42.0 AF              |
| Right No. 32-02104B :<br>IRRIGATION<br>Priority: 04/05/1961 | 04/01 to 11/01       | 0.41 CFS              | 91.0 AF              |
| Right No. 32-02105B :<br>IRRIGATION<br>Priority: 03/13/1961 | 04/01 to 11/01       | 0.55 CFS              | 122.5 AF             |
| Right No. 32-02117B :<br>IRRIGATION<br>Priority: 05/14/1964 | 05/24 to 09/24       | 0.48 CFS              | 129.5 AF             |
| Right No. 32-02119B :<br>IRRIGATION<br>Priority: 11/05/1965 | 04/01 to 11/01       | 0.91 CFS              | 168.0 AF             |

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SEP 22 1999

**TRANSFER NO. 5383**  
**WATER RIGHT NO(S). 31-02303B/31-02459B/31-04010B/31-07118B**  
**31-07182B/32-02104B/32-02105B/32-02117B/32-02119B/32-02133B**  
**32-07011B/32-07090B**

Right No. 32-02133B :  
 IRRIGATION 04/01 to 11/01 0.76 CFS 168.0 AF  
 Priority: 04/02/1964

Right No. 32-07011B :  
 IRRIGATION 04/01 to 11/01 0.72 CFS 161.0 AF  
 Priority: 03/29/1972

Right No. 32-07090B :  
 IRRIGATION 04/01 to 11/01 0.83 CFS 185.5 AF  
 Priority: 03/20/1978

**TOTAL: 6.73 CFS 1427.8 AF**

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 33, Township 09N, Range 33E  
 CLARK County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 09N        | 33E        | 33         | NENE 34      | NWNE 34      | SWNE 34      |              |
|            |            |            | SENE 34      |              |              | 136          |
|            |            | 34         | NENE 34      | NWNE 34      | SWNE 34      |              |
|            |            |            | SENE 34      | NENW 34      | NWNW 34      |              |
|            |            |            | SWNW 34      | SENW 34      |              | 272          |

Total number of acres irrigated: \* 408

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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TRANSFER NO. 5383

WATER RIGHT NO(S). 31-02303B/31-02459B/31-04010B/31-07118B  
31-07182B/32-02104B/32-02105B/32-02117B/32-02119B/32-02133B  
32-07011B/32-07090B

CONDITIONS OF APPROVAL AND REMARKS

- \* 7. Right 31-02303B is limited to the irrigation of 39.0 acres within the place of use described above in a single irrigation season.
- \* 8. Right 31-02459B is limited to the irrigation of 38.6 acres within the place of use described above in a single irrigation season.
- \* 9. Right 31-04010B is limited to the irrigation of 48.0 acres within the place of use described above in a single irrigation season.
- \* 10. Rights 31-02459B and 31-04010B when combined shall not exceed the irrigation of 48.0 acres.
- \* 11. Right 31-07118B is limited to the irrigation of 70.0 acres within the place of use described above in a single irrigation season.
- \* 12. Right 31-07182B is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.
- \* 13. Right 32-02104B is limited to the irrigation of 26.0 acres within the place of use described above in a single irrigation season.
- \* 14. Right 32-02105B is limited to the irrigation of 35.0 acres within the place of use described above in a single irrigation season.
- 15. Rights 32-02104B and 32-02105B when combined shall not exceed a total diversion rate of 0.55 cfs.
- \* 16. Right 32-07011B is limited to the irrigation of 46.0 acres within the place of use described above in a single irrigation season.
- \* 17. Right 32-07090B is limited to the irrigation of 53.0 acres within the place of use described above in a single irrigation season.
- 18. Rights 32-02104B, 32-02105B, 32-07011B and 32-07090B when combined shall not exceed a total diversion rate of 1.77 cfs.
- \* 19. Right 32-02117B is limited to the irrigation of 31.0 acres within the place of use described above in a single irrigation season.
- \* 20. Rights 32-02104B, 32-02105B, 32-02117B, 32-07011B and 32-07090B when combined shall not exceed a total annual maximum diversion volume of 500.5 af at the field headgate and the irrigation of 143.0 acres.
- \* 21. Right 32-02119B is limited to the irrigation of 48.0 acres within the place of use described above in a single irrigation season.
- \* 22. Right 32-02133B is limited to the irrigation of 48.0 acres within the place of use described above in a single irrigation season.
- 23. Approval of Transfer 5383 does not confirm Claimed Right 31-04010B.

Dated this 16<sup>th</sup> day of

August, 19 99

*J. Shaw Saxton*  
Chief, Water Allocation Bureau

MICROFILMED  
AUG 23 1999 SEP 22 1999



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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 17, 1999

STEPHEN V ZWEIFEL  
PAMELA W ZWEIFEL  
546 E 2500 N  
MONTEVIEW ID 83435

RE: TRANSFER OF WATER RIGHTS <sup>32-07256</sup> ~~31-02303B~~/31-02459B/  
31-04010B/31-07118B/31-07182B/32-02104B/32-02105B/  
32-02117B/32-02119B/32-02133B/32-07011B/32-07090B  
(Transfer 5383)

Dear Mr. & Mrs. Zweifel:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5383). 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.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

*for*   
Jeff Peppersack, Manager  
Water Right Permits Sections

JP:klt

Enclosures

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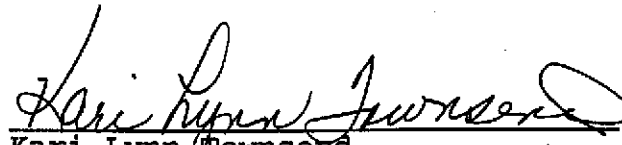
SEP 22 1999

**CERTIFICATE OF MAILING**

I hereby certify that on the 17th day of August, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 31-02303B/31-02459B/  
31-04010B/31-07118B/31-07182B/32-02104B/32-02105B/  
32-02117B/32-02119B/32-02133B/32-07011B/32-07090B  
(Transfer 5383)

STEPHEN V ZWEIFEL  
PAMELA W ZWEIFEL  
546 E 2500 N  
MONTEVIEW ID 83435

  
Kari Lynn Townsend  
Secretary

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SEP 22 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.

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### 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.

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## MEMORANDUM

32-07259

**TO:** Files 31-02303/02459/04010/07118/07182, 32-02104/02105/02117/02119/  
02133/07011 & 07090.

**FROM:** Pam Skaggs/*P*State Office

**SUBJECT:** Transfer 5383

**DATE:** August 11, 1999

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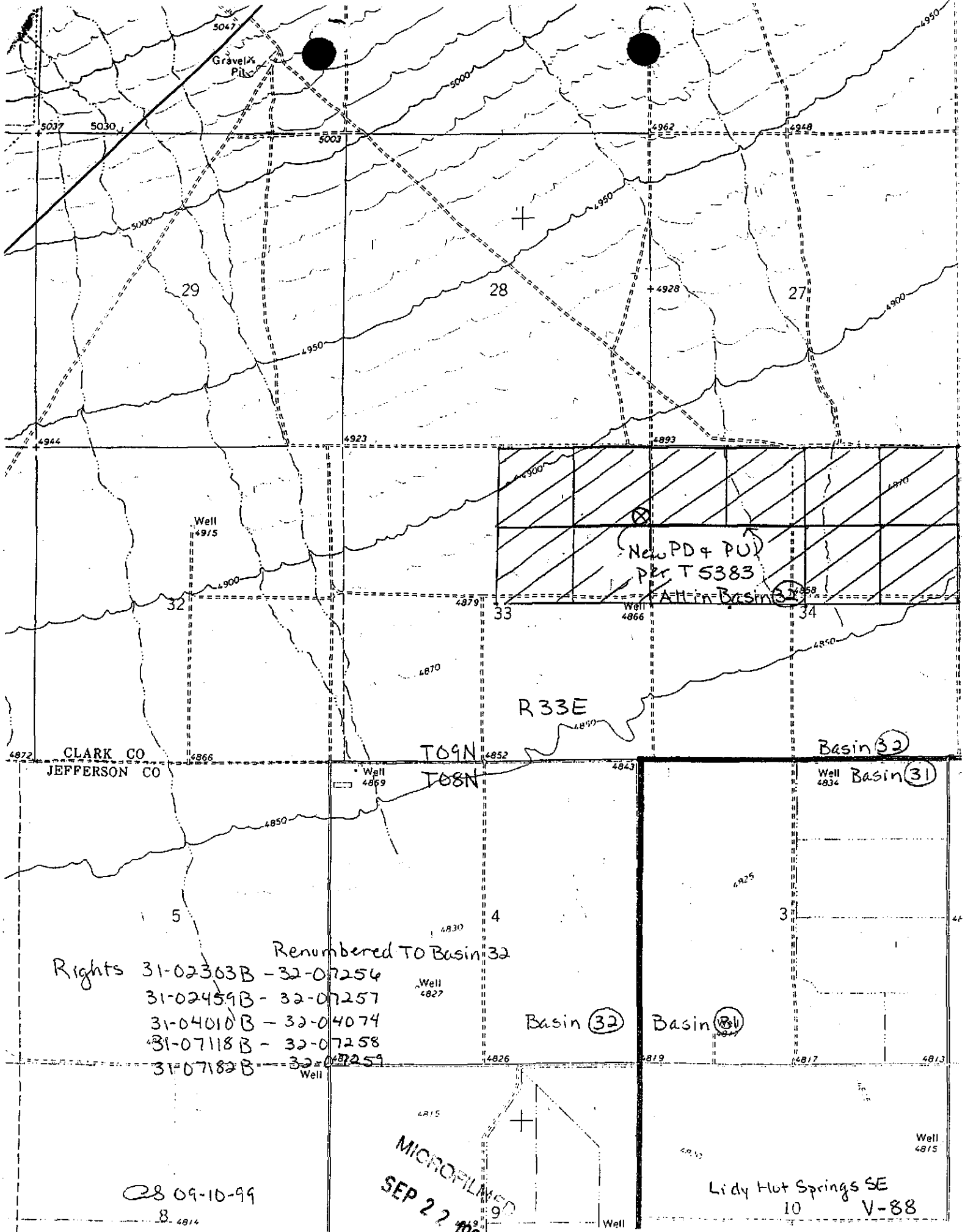
Transfer 5383 changes the point of diversion and place of use under a portion of each of the above referenced rights, splitting each right into Parts A and B. The applicant is installing center pivots and transferring the remaining corner acres to consolidate in a 408.0 acre permissible place of use.

Region staff evaluated use of these rights by system, identified required need at the original sites, and recommended the portions available for transfer under each right and combination of rights for the new place of use. Some of the rights were limited by combined right conditions for rates of diversion and overlapping acres. The transfer proposes to move a total of 6.73 cfs of groundwater to irrigate 408.0 total acres.

Recommended conditions include drilling permit requirements, measuring & annual reporting, permissible place of use limits, combined right limits, non-confirmation of statutory claim, irrigation overlap and standard transfer conditions.

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Gravel Pit

New PD & PU  
per T 5383

All in Basin 32

Basin 32

Well 4834 Basin 31

Basin 32

Basin 33

Lidy Hot Springs SE  
10 V-88

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SEP 22 1999

08 09-10-99

8 4814

Renumbered TO Basin 32

Rights 31-02303B - 32-07254  
31-02459B - 32-07257  
31-04010B - 32-04074  
31-07118B - 32-07258  
31-07182B - 32-07259

Well 4827

Well

Well

Well 4815

4815

90

T09N  
T08N

R33E

CLARK CO  
JEFFERSON CO

Well 4915

Well 4866

Well 4869

Well 4834

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