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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER )  
NO. 69342 IN THE NAME OF )  
HELEN F ASHCRAFT )  
\_\_\_\_\_ )

**PRELIMINARY ORDER  
CORRECTING TRANSFER  
APPROVAL**

FINDINGS OF FACT

1. On July 26, 2001, Helen F. Ashcraft (applicant) filed Application for Transfer No. 69342 (transfer) to change the point of diversion and place of use for water rights 31-7176, 31-11609, 31-11611 and 31-11724.
2. On October 2, 2002 the Department approved the transfer showing the following condition incorrectly identifying Right 31-11724 as 31-11727.

Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

3. The transfer approval also showed the following condition incorrectly identifying the combined number of acres to be irrigated in a single irrigation season under Rights 31-11609 and 31-11611 as **4.06** acres rather than **40.6** acres.

Rights 31-11609 and 31-11611 when combined shall not exceed a total combined diversion rate of 0.56 cfs and the irrigation of **4.06** acres in a single irrigation season.

CONCLUSIONS OF LAW

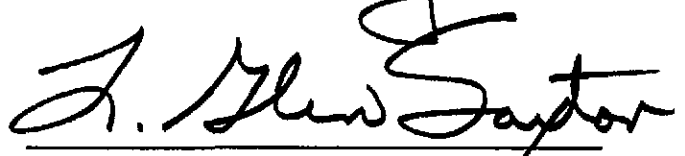
1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

2. The transfer approval incorrectly describes the affected water right numbers and the combined acre limitation under two of the affected water rights.
4. The Department should correct the transfer approval to correctly identify the affected water rights and their proper combined limitations.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 69342 is **CORRECTED** by changing the conditions to identify Right 31-11724 as affected by the transfer and to identify a combined irrigation limitation of 40.6 acres under rights 31-11609 and 31-11611.

Dated this 26<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 69342**

This is to certify that: **HELEN F ASHCRAFT**  
 2983 E 2000 N  
 SUGAR CITY ID 83448  
 (208) 356-3533

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 31-7176      | WR/Decreed          | 01/02/1976      | 1.78 cfs    | 465.5 af      |              | 133.0        | GROUND WATER  |
| 31-11609     | WR/Decreed          | 02/22/1951      | 0.56 cfs    | 98.7 af       | 28.2         | 40.6         | GROUND WATER  |
| 31-11611     | WR/Decreed          | 07/22/1983      | 0.21 cfs    | 43.4 af       | 12.4         | 40.6         | GROUND WATER  |
| 31-11724     | WR/Decreed          | 03/20/1956      | 0.47 cfs    | 150.5 af      |              | 43.0         | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 31-7176               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 31-11609              | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 31-11611              | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 31-11724              | NO           | YES        | YES        | NO             | NO                   | NO                   |

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

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 31-7176               | <b>31-7176</b>                   | 1.78 cfs             | 465.5 af               | 133.0             | 217.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-11609              | <b>31-11609</b>                  | 0.56 cfs             | 98.7 af                | 28.2              | 217.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-11611              | <b>31-11611</b>                  | 0.21 cfs             | 43.4 af                | 12.4              | 217.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 31-11724              | <b>31-11724</b>                  | 0.47 cfs             | 150.5 af               | 43.0              | 217.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                  | <b>2.81 cfs</b>      | <b>758.1 af</b>        | <b>216.6</b>      | <b>217</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 2<sup>nd</sup> day of October, 2002

*[Signature]*  
 Chief, Water Allocation Bureau

MICROFILMED  
 OCT 15 2002

**WATER RIGHT NO. 31-11724**  
**As Modified by Transfer No. 69342**

In accordance with the approval of Transfer No. 69342, Water Right No. 31-11724 is now described as follows.

**Right Holder:** HELEN F ASHCRAFT And  
 BOYD B ASHCRAFT  
 2983 E 2000 N  
 SUGAR CITY ID 83448

**Priority Date:** March 20, 1956

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.47 CFS              | 150.5 AF      |
|                       |             |           | 0.47 CFS              | 150.5 AF      |

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

GROUND WATER NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON 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   |        |
| 06N 36E 4   |    |    |    |    |    | 34.0 |    |    |    |    |    |      |      |      |      |      | 34.0   |
| 07N 36E 32  |    |    |    |    |    | L 4  |    |    |    |    |    |      | 35.0 | 30.0 | 28.0 | 31.0 | 124.0  |
| 07N 36E 33  |    |    |    |    |    |      |    |    |    |    |    | 35.0 | 24.0 |      |      |      | 59.0   |

Total Acres: 217

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
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. This right is limited to the irrigation of 43 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

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 OCT 15 2002

**WATER RIGHT NO. 31-11724**  
**As Modified by Transfer No. 69342**

**CONDITIONS OF APPROVAL**

6. Rights 31-11609, 31-11611 and 31-11724 are also diverted through the point of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2<sup>nd</sup> day of October, 2002

  
Chief, Water Allocation Bureau

MICROFILMED

OCT 15 2002

**WATER RIGHT NO. 31-7176**  
**As Modified by Transfer No. 69342**

In accordance with the approval of Transfer No. 69342, Water Right No. 31-7176 is now described as follows.

**Right Holder:** HELEN F ASHCRAFT And  
 BOYD B ASHCRAFT  
 2983 E 2000 N  
 SUGAR CITY ID 83448

**Priority Date:** January 02, 1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 1.78 CFS              | 465.5 AF      |
|                       |             |           | 1.78 CFS              | 465.5 AF      |

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

GROUND WATER                      NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON 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   |        |
| 06N 36E 4   |    |    |    |    |    | 34.0 |    |    |    |    |      |      |      |      |      |      | 34.0   |
| 07N 36E 32  |    |    |    |    |    | L 4  |    |    |    |    |      |      | 35.0 | 30.0 | 28.0 | 31.0 | 124.0  |
| 07N 36E 33  |    |    |    |    |    |      |    |    |    |    | 35.0 | 24.0 |      |      |      |      | 59.0   |

Total Acres: 217

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
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. This right is limited to the irrigation of 133 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

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OCT 15 2002

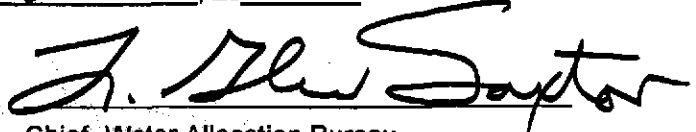
**WATER RIGHT NO. 31-7176**  
**As Modified by Transfer No. 69342**

**CONDITIONS OF APPROVAL**

6. Rights 31-11609, 31-11611 and 31-11724 are also diverted through the point of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2<sup>nd</sup> day of October, 2002

  
Chief, Water Allocation Bureau

MICROFILMED  
OCT 15 2002

**WATER RIGHT NO. 31-11609**  
**As Modified by Transfer No. 69342**

In accordance with the approval of Transfer No. 69342, Water Right No. 31-11609 is now described as follows.

**Right Holder:** HELEN F ASHCRAFT And  
 BOYD B ASHCRAFT  
 2983 E 2000 N  
 SUGAR CITY ID 83448

**Priority Date:** February 22, 1951

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 04/01 to 11/01        | 0.56 CFS              | 98.7 AF       |
|                       |                       | 0.56 CFS              | 98.7 AF       |

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

GROUND WATER                      NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON 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   |        |
| 06N 36E 4   |    |    |    |    |    | 34.0 |    |    |    |    |      |      |      |      |      |      | 34.0   |
|             |    |    |    |    |    | L 4  |    |    |    |    |      |      |      |      |      |      |        |
| 07N 36E 32  |    |    |    |    |    |      |    |    |    |    |      |      | 35.0 | 30.0 | 28.0 | 31.0 | 124.0  |
| 07N 36E 33  |    |    |    |    |    |      |    |    |    |    | 35.0 | 24.0 |      |      |      |      | 59.0   |

Total Acres: 217

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
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. This right is limited to the irrigation of 28.2 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

MICROFILMED  
 OCT 15 2002

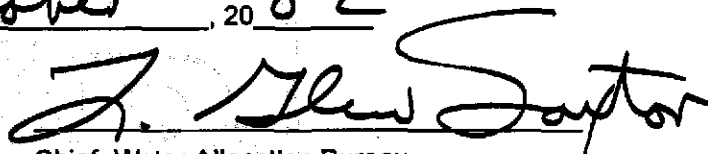
**WATER RIGHT NO. 31-11609**  
**As Modified by Transfer No. 69342**

**CONDITIONS OF APPROVAL**

6. Rights 31-7176, 31-11611 and 31-11724 are also diverted through the point of diversion described above.
7. Rights 31-11609 and 31-11611 when combined shall not exceed a total combined diversion rate of 0.56 cfs and the irrigation of 4.06 acres in a single irrigation season.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. Right 31-11611 is an enlargement of Right 31-11609 pursuant to Section 42-1426, Idaho Code.

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 2<sup>nd</sup> day of October, 2002

  
Chief, Water Allocation Bureau

MICROFILMED  
OCT 15 2002

**WATER RIGHT NO. 31-11611**  
**As Modified by Transfer No. 69342**

In accordance with the approval of Transfer No. 69342, Water Right No. 31-11611 is now described as follows.

**Right Holder:** HELEN F ASHCRAFT    And  
 BOYD B ASHCRAFT  
 2983 E 2000 N  
 SUGAR CITY ID 83448

**Priority Date:** July 22, 1983

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 04/01 to 11/01        | 0.21 CFS              |               |
|                       |                       | 0.21 CFS              | 43.4 AF       |

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

GROUND WATER                      NENENE Sec. 5 Twp 06N Rge 36E JEFFERSON 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   |        |       |
| 06N | 36E | 4   |    |    |    |    | 34.0 |    |    |    |    |      |      |    |    |      |      |      |        | 34.0  |
| 07N | 36E | 32  |    |    |    |    | 1.4  |    |    |    |    |      |      |    |    | 35.0 | 30.0 | 28.0 | 31.0   | 124.0 |
| 07N | 36E | 33  |    |    |    |    |      |    |    |    |    | 35.0 | 24.0 |    |    |      |      |      |        | 59.0  |

Total Acres: 217

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
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. This right is limited to the irrigation of 12.4 acres within the place of use described above in a single irrigation season.
5. Rights 31-7176, 31-11609, 31-11611 and 31-11727 when combined shall not exceed a total diversion rate of 2.81 cfs, a total annual maximum diversion volume of 758.1 af at the field headgate, and the irrigation of 216.6 acres within the place of use described above in a single irrigation season.

MICROFILMED

OCT 15 2002

**WATER RIGHT NO. 31-11611**  
**As Modified by Transfer No. 69342**

**CONDITIONS OF APPROVAL**

6. Rights 31-7176, 31-11609 and 31-11724 are also diverted through the point of diversion described above.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. Rights 31-11609 and 31-11611 when combined shall not exceed a total combined diversion rate of 0.56 cfs and the irrigation of 4.06 acres in a single irrigation season.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. Right 31-11611 is an enlargement of Right 31-11609 pursuant to Section 42-1426, Idaho Code.

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 2nd day of October, 2002

  
Chief, Water Allocation Bureau

MICROFILMED  
OCT 15 2002

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. 19576 )  
 )  
 ) Water Right 31-11611

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DISTRICT COURT-5TH JUDICIAL DISTRICT  
TWIN FALLS, IDAHO  
FILED

NAME AND ADDRESS: BOYD B ASHCRAFT SHELTER TRUST  
1195 1100 N  
SHELLEY, ID 83274  
  
HELEN ASHCRAFT  
2983 E 2000 N  
SUGAR, ID 83448

SOURCE: GROUND WATER

QUANTITY: 0.21 CFS  
43.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-11609 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.56 CFS.

PRIORITY DATE: 07/22/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T07N R36E S33 NWNWSW Within Jefferson County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY              |
|-------------------------------|----------------|----------------|-----------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.21 CFS<br>43.40 AFY |

PLACE OF USE: Irrigation Within Jefferson County  
T07N R36E S32 NESE 38.6  
S33 NWSW 2.0  
40.6 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 31-11609 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 40.6 ACRES IN A SINGLE  
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-11609  
PURSUANT TO SECTION 42-1426, IDAHO CODE.  
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).

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*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

MICROFILMED  
OCT 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

February 27, 2003

HELEN F ASHCRAFT  
BOYD B ASHCRAFT  
2983 E 2000 N  
SUGAR CITY ID 83448

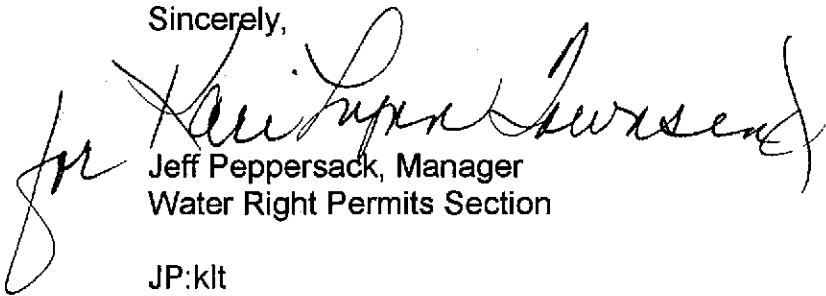
RE: Preliminary Order in the Matter of Application for Transfer 69342

Dear Interested Parties:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

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

Sincerely,

  
Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures

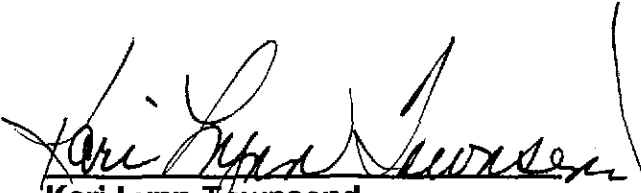
MICROFILMED  
MAR 17 2003

## CERTIFICATE OF SERVICE

I hereby certify that on **February 27, 2003**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

**RE: Transfer 69342**

**HELEN F ASHCRAFT  
BOYD B ASHCRAFT  
2983 E 2000 N  
SUGAR CITY ID 83448**

  
Kari Lynn Townsend  
Secretary

MICROFILMED

MAR 17 2003

**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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**MEMORANDUM**

**TO:** FILE 31-11611  
**FROM:** VAULT  
**RE:** TRANSFER # 69342  
**DATE:** 10.2.02

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

**FILE #** 31-07176

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OCT 13 2002