

68533

(previously 5850)

Form 222
1-87

RECEIVED

FEB 09 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 12nd.
version
replaced
6/30/03Name of Applicant Rocky Mountain Land & Cattle, LLC Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion 61-00356 and 61-00357 ☐ Add diversion point(s) ☒ Change place of use- all rights
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes More efficient irrigation by means of additional pivot sprinkler systems.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>A37-20344</u>	<u>01/25/1904</u>	<u>1.24 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>61-00356</u>	<u>01/07/1901</u>	<u>6.40 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>61-00357</u>	<u>01/07/1901</u>	<u>490.0 AFY</u>	<u>Irrigation storage</u>	<u>01-01</u> to <u>12-31</u>
		<u>490.0 AFY</u>	<u>Irrigation from storage</u>	<u>03-15</u> to <u>11-15</u>
		<u>13.60 cfs</u>	<u>Diversion to storage</u>	<u>10-15</u> to <u>07-01</u>
<u>61-02242</u>	<u>07/28/1966</u>	<u>.94 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>61-02243</u>	<u>07/26/1966</u>	<u>1.60 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>61-07231</u>	<u>10/04/1968</u>	<u>1.20 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>

2. Total amount of water being transferred 24.98 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Clover Creek for A37-20344, King Hill Creek for 61-00356 and 61-00357, Groundwater for 61-02242, 61-02243 and 61-07231 tributary to Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	SW	8	5S	11E	Elmore	A37-20344
	NW	NW	SW	26	4S	10E	Elmore	61-00356 and 61-00357
	NE	SW	NE	6	5S	11E	Elmore	61-02242, 61-02243 and 61-07231

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	10E	1	40.1	40	30	40.2									31	1.4		14	197.6
		12	4																4.0
5S	11E	5									28	31	40	14					113.0
		6		34	12.5	13	41	31.3	30.1	40	40	31	25	35	33	32	30	34.5	462.4

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WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Rocky Mountain Land & Cattle, LLC Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

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	<u>61-00356</u>	<u>01/07/1901</u>	<u>6.40 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
	<u>61-00357</u>	<u>01/07/1901</u>	<u>490.0 AFY</u>	<u>Irrigation storage</u>	<u>01-01</u> to <u>12-31</u>
			<u>490.0 AFY</u>	<u>Irrigation from storage</u>	<u>03-15</u> to <u>11-15</u>
			<u>13.60 cfs</u>	<u>Diversion to storage</u>	<u>10-15</u> to <u>07-01</u>
	<u>61-02242</u>	<u>07/28/1966</u>	<u>.94 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
	<u>61-02243</u>	<u>07/26/1966</u>	<u>1.60 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
	<u>61-07231</u>	<u>10/04/1968</u>	<u>1.20 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>

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5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	10E	1	40.1	40	30	40.2									31	1.4		14	197.6
		12	4																4.0
5S	11E	5									28	31	40	14					113.0
		6		34	12.5	13	41	31.3	30.1	40	40	31	25	35	33	32	30	34.5	462.4

RECEIVED

NOV 15 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

SEP 25 2000

WATER RESOURCES
WESTERN REGION

Name of Applicant Rocky Mountain Land & Cattle, LLC Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

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	<u>61-00356</u>	<u>01/07/1901</u>	<u>6.40 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
	<u>61-00357</u>	<u>01/07/1901</u>	<u>13.60 cfs</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
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2. Total amount of water being transferred 24.98 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Clover Creek for A37-20344, King Hill Creek for 61-00356 and 61-00357, Groundwater for 61-02242, 61-02243 and 61-07231 tributary to Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	SW	8	5S	11E	Elmore	A37-20344
	NW	NW	SW	26	4S	10E	Elmore	61-00356 and 61-00357
	NE	SW	NE	6	5S	11E	Elmore	61-02242, 61-02243 and 61-07231

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	10E	1	40.1	40	30	40.2									31	1.4		14	197.6
		12	4																4.0
5S	11E	5									28	31	40	14					113.0
		6		34	12.5	13	41	31.3	30.1	40	40	31	25	35	33	32	30	34.5	462.4

	7	36	20	10	19	18	17										120.0
	8						23	6		5.3							34.3

Total Acres 930.04

6. General Information:

- a. Description of diversion system Headgates, ditches, reservoir, pumps and mainline for surface water rights; well and pump for groundwater rights
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
Some of the land now irrigated will be dry and some of the presently dry land will be irrigated because of the configuration of the pivots. There will be no change in total acres irrigated.
- 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 _____, 2000.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(ATTACH ONE COPY FOR EACH RIGHT)
SEE ATTACHMENTS FOR IDWR RECOMMENDATION OR SRBA CLAIM

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. _____ 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 _____

3. Source of Water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

SCANNED

Total Acres _____

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

SEP 24 2009

WR0749NP
No. 37-02006C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/10/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	F. W. FRICKE KING HILL ID 83633	01/25/1904	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.920 CFS	
C	H. W. HAVER					
TOTAL DIVERSION:					1.920 CFS	

Water Source: CLOVER CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R11E S10 NENW

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
05S	11E	7	:	04-1	:	02-1	03-1	:				:	04-1	:		

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:

37-02006D 37-02439 37-04039 37-04112

Remarks: GEN TRANS. 247. P/U INCOMPLETE, ACRES IRRIGATED UNKNOWN.

Dates: App. Received: Priority Date: 01/25/1904
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date: 05/01/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/28/88 CONVERT

WR0749NP
No. 37-02006D

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/10/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT E. ROBERTSON RT. 1 KING HILL ID 83633	01/25/1904	IRRIGATION	00/00 00/00	1.960 CFS	
					TOTAL DIVERSION:	1.960 CFS

Water Source: CLOVER CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R11E S08

NWSW

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
05S	11E	7			04-I		1						05-I				
05S	11E	8								01-I							

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:

37-02006C 37-02439 37-04039 37-04112

Remarks: GEN TRANS. 247. P/U INCOMPLETE, ACRES IRRIGATED UNKNOWN.

Dates: App. Received: Priority Date: 01/25/1904
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/01/1979

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/28/88 CONVERT

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1

WR0749NP
No. 61-00356

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/10/00
PAGE: 1

OWNER		PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE		FROM	TO	RATE	VOLUME
C	VICTOR WALKER	01/07/1901	IRRIGATION	00/00	00/00	6.400 CFS	
TOTAL DIVERSION:						6.400 CFS	

Water Source: KING HILL CREEK Tributary to: SNAKE RIVER Stage: DECREED

Place of use Legal Description for: IRRIGATION

NE										NW				SW				SE																			
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---	
05S	10E	1	:								I	:																							:		
05S	11E	6	:						I	:		:			I		I	:		I		I	:					I		I	:				:		

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:
37-04112 61-00354 61-02242 61-02243

Dates: App. Received: Priority Date: 01/07/1901
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 61F Field Exam Fee:

Audit: 05/06/80 05/01/88 CONVERT

WR0749NP
No. 61-00357

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/10/00
PAGE: 1

OWNER		PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE		FROM	TO	RATE	VOLUME
C	VICTOR WALKER	01/07/1901	IRRIGATION STORAGE	00/00	00/00		
			IRRIGATION FROM STORAGE	00/00	00/00		
			DIVERSION TO STORAGE	00/00	00/00	13.600 CFS	
TOTAL DIVERSION:						13.600 CFS	

Water Source: KING HILL CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
05S	10E	1	:				I	:				:			
05S	11E	6	:			I		:	I	I		:		I	

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:

37-04112 61-00354 61-00356 61-02242 61-02243

Dates: App. Received: Priority Date: 01/07/1901
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 61F Field Exam Fee:

Audit: 05/06/80 05/01/88 CONVERT 11/18/94 SCURTIS

3E

WR0749NP
No. 61-02242

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/10/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHELBY'S LAND & CATTLE INC. TWIN FALLS ID 83301	07/28/1966	IRRIGATION	04/01 10/31	0.940 CFS	235.00 AFA
TOTAL DIVERSION:					0.940 CFS	235.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05S R11E S06

SWNE

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE		
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM
05S	11E	6	:	:	:	:	:	:	:	:	:	:	:	:	:	:	47.0
TOTAL ACRES																47.0	

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-02243 61-07231

Other Water Rights Listing Overlapping Place(s) of use:
61-00356

Conditions of Approval:

016 - See remarks for additional conditions of approval.

Remarks: GEN SUBJECT TO THE CONDITION THAT THE MAXIMUM RATE OF DIVERSION SHALL
NOT EXCEED 2.54 CFS WHEN COMBINED WITH LICENSE 33039/37-2742.
LICENSE NO. 33039/37-2742 HAS BEEN CHANGED TO 61-2243.

Dates: App. Received: Priority Date: 07/28/1966
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 12/03/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

3F

WR0749NP
No. 61-02243

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/10/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHELBY'S LAND & CATTLE INC. TWIN FALLS ID 83301	07/26/1966	IRRIGATION	04/01 10/31	1.600 CFS	400.00 AFA
TOTAL DIVERSION:					1.600 CFS	400.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05S R11E S06 SWNE

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05S	11E	6	:			03	:			33	:	35		07	:			02				80.0
TOTAL ACRES																				80.0		

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-02242 61-07231

Other Water Rights Listing Overlapping Place(s) of use:
37-04112 61-00356

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Remarks: GEN SUBJECT TO THE CONDITION THAT THE MAXIMUM RATE OF DIVERSION SHALL
NOT EXCEED 2.54 CFS WHEN COMBINED WITH LICENSE 33038/37-2795.
LICENSE NO. 33038/37-2795 HAS BEEN CHANGED TO 61-2242.

Dates: App. Received: Priority Date: 07/26/1966
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 12/03/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

WR0749NP
No. 61-07231

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/10/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOE T. SHELBY 2406 HILLCREST DRIVE TWIN FALLS ID 83301	10/04/1968	IRRIGATION	04/01 10/31	1.200 CFS	300.00 AFA
TOTAL DIVERSION:					1.200 CFS	300.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05S R11E S06 SWNE

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
05S	11E	6	:	02-20		40	:					:				60.0
TOTAL ACRES															60.0	

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-02242 61-02243

Other Water Rights Listing Overlapping Place(s) of use:
61-00349 61-00349A

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Dates:	App. Received:	Priority Date:	10/04/1968
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	12/10/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 02/20/85 05/01/88 CONVERT

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

- A. Draw a map or attach a USGS map indication 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.

SEE ATTACHED MAP																			
------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. CHANGES IN NATURE OF USE

1.

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

2. Quantity and quality of return flows and location of discharge:
No change

3. Describe effects on other water uses resulting from the proposed change:
No effects

I hereby asset 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.

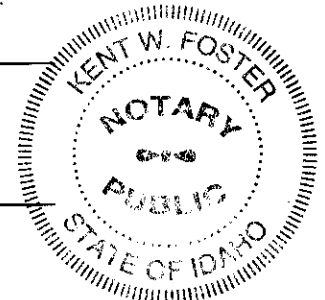
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 21st day of September, 2000.

[Signature]
(Signature of Applicant)

[Signature]
Notary Public

My Commission Expires 11/20/2004

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and _____ attachments

Received by lg Date 9/25/00 Protest filed by _____

Prelim. check by lg Fee \$100

Receipted by KB Date 2/3/00 W026111

Published in Mtn Home News Copies of protest forwarded by _____

Pub. dates 10-18 & 25-00 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____



United States
Department of
Agriculture

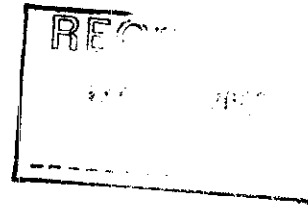
Farm
Service
Agency
March 15, 2000

Gooding/Camas County FSA Office
219 University Av
Gooding, ID 83330-6155
PHONE: (208) 934-8472
FAX: (208) 934-4327

KENT FOSTER
P.O. BOX 50130
IDAHO FALLS, ID 83405

Certified Acres from 1989 Aerial Photograph from Tract 515, T5S, R10E
Sections 1, 2, 11, & 12.

Field # 1 20.5
2 104.1
3 10.6
4 63.3
5 23.3



6 22.5
TOTAL= 244.3 acres

No change noted from 1999 Aerial Slide from Tract 515, T5S, R10E

Certified Acres from 1989 Aerial Photograph from Tract 512, T5S, R11E,
Sections 1 & 12, and T5S, R11E, Sections 5, 6, 7, & 8.

Field # 1 14.6	# 7 3.0	# 13 43.3	# 19 9.6
# 2 70.2	# 8 13.0	# 14 102.4	# 20 19.7
# 3 32.0	# 9 26.1	# 15 9.6	# 21 22.0
# 4 19.5	# 10 181.1	# 16 34.1	# 23 15.6
# 5 98.0	# 11 6.5	# 17 9.4	# 24 5.5
# 6 6.3	# 12 91.7	# 18 41.3	# 25 1.9

TOTAL = 876.4 acres

AN EQUAL OPPORTUNITY EMPLOYER

John W. Brown
Program Technician



United States
Department of
Agriculture

Farm
Service
Agency

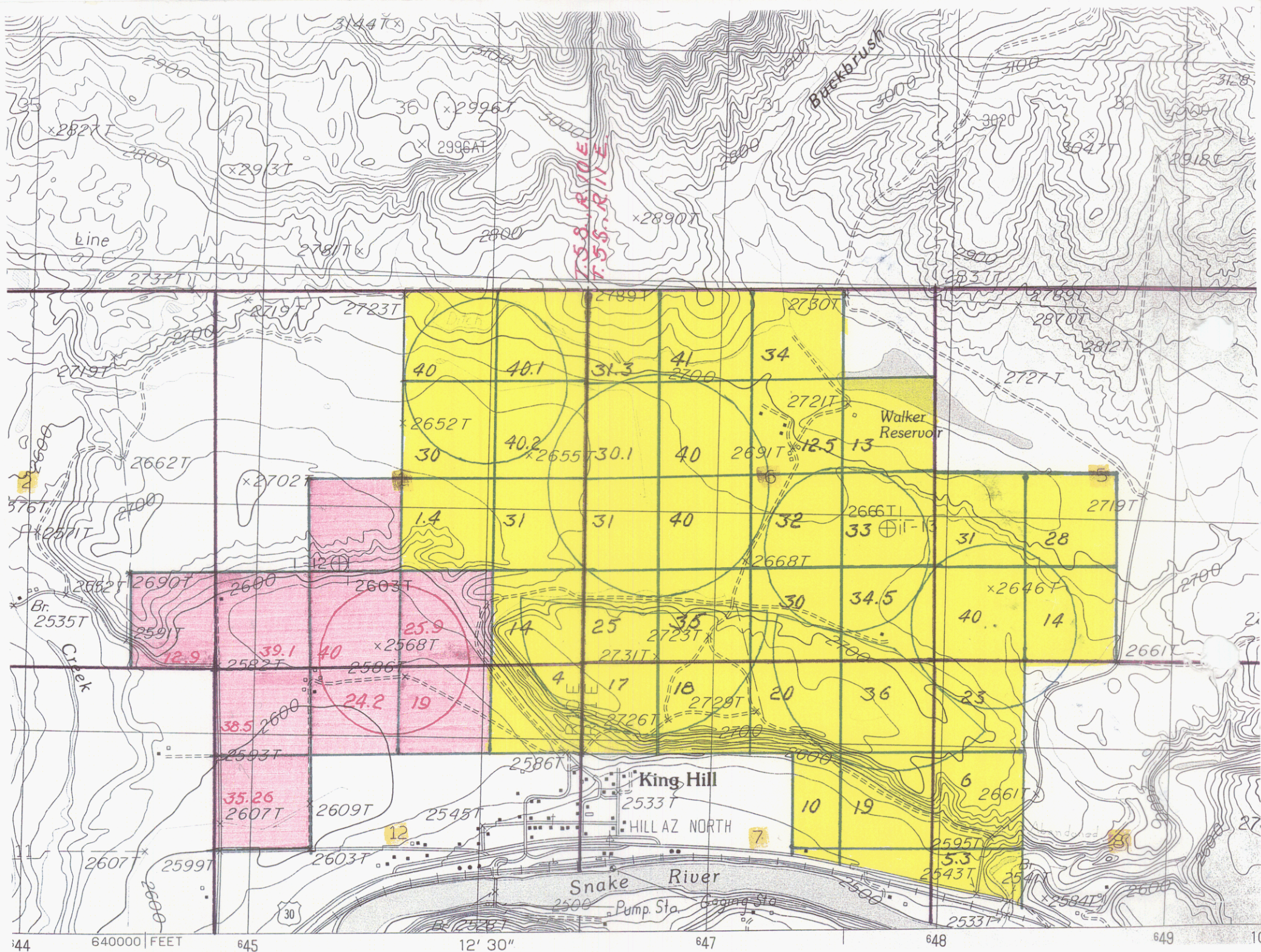
Gooding/Camas County FSA Office
219 University Av
Gooding, ID 83330-6155
PHONE: (208) 934-8472
FAX: (208) 934-4327

Certified Acres from 1999 Aerial Slide from Tract 515, T5S, R11E,
Sections 1 & 12, and T5S, R11 E, Sections 5, 6, 7, & 8.

Field # 2	70.2	# 17	9.4
# 3	32.0	# 18	41.3
# 4	19.5	# 19	13.1
# 5	91.1	# 20	19.7
# 6	6.3	# 21	22.0
# 7	3.0	# 23	15.6
# 8	13.0	# 24	5.5
# 9	31.9	# 25	3.2
# 10	181.1	# 26	5.1
# 11	6.5	# 27	5.2
# 12	92.7	# 28	7.3
# 13	43.3	# 29	2.5
# 14	80.5	# 30	12.7 (no crop shown)
# 15	9.6	# 31	19.1 (no crop, just measured)
# 16	34.1		
<u>TOTAL=</u>		<u>896.5 acres</u>	

AN EQUAL OPPORTUNITY EMPLOYER

Jim W. Moore
Program Technician

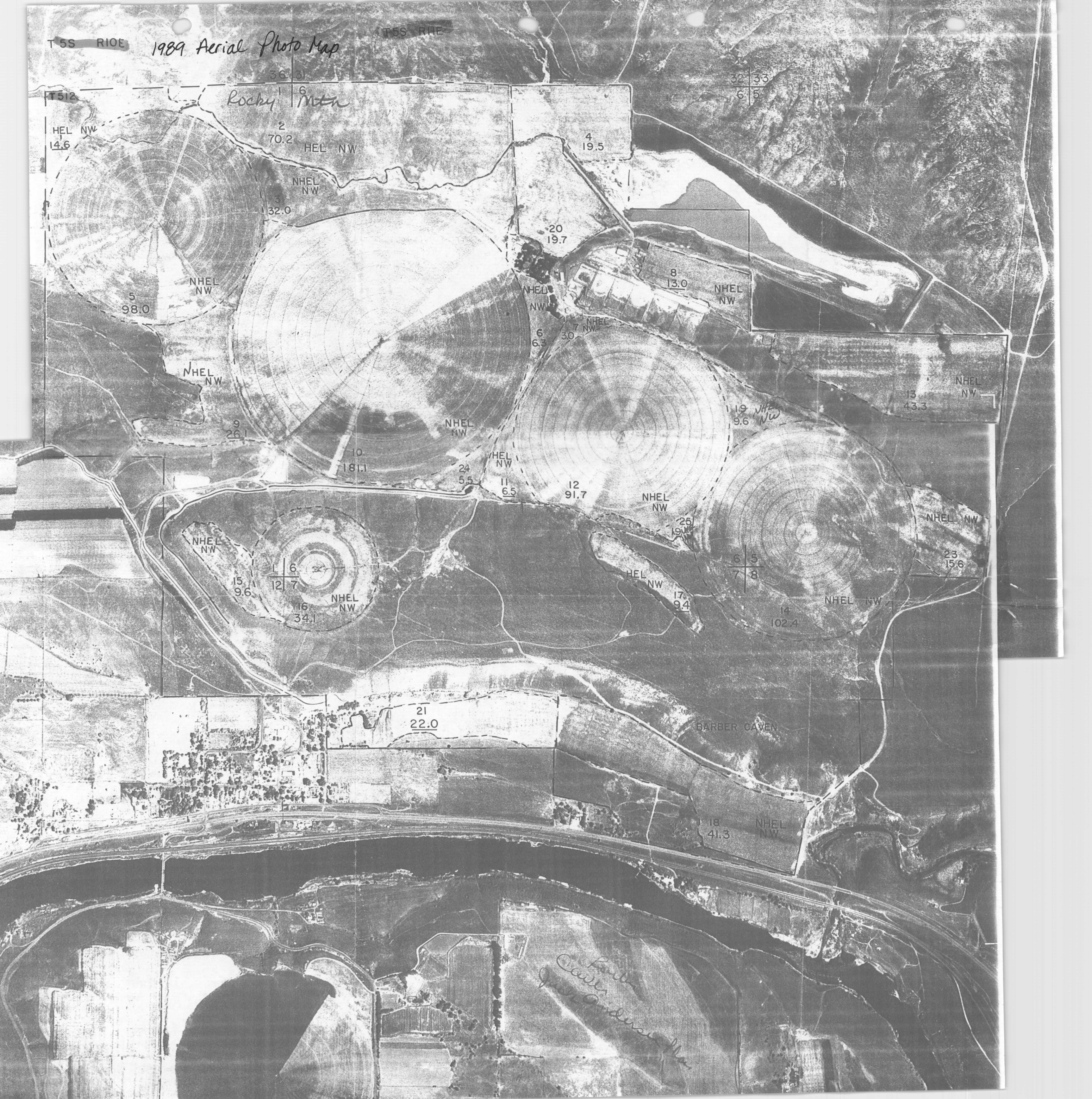


A

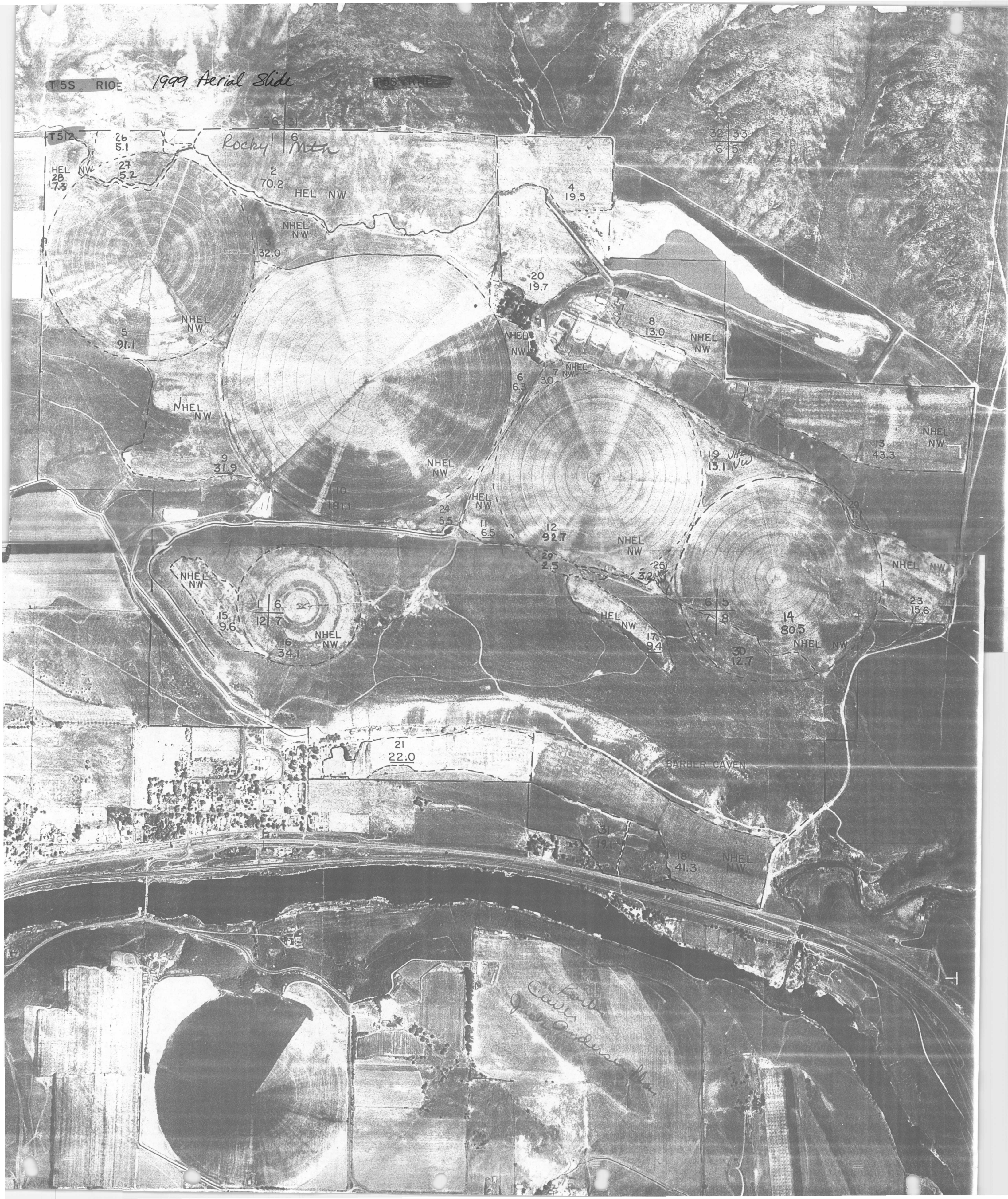
T 5S R 10E

1989 Aerial Photo Map

T 5S R 10E



1999 Aerial Slide



B

Aerial Photo

1989 - 1999

No change in acreage

R 10E

Rocky Mtn

NHEU

4
63.3

20.5 NHEU

2.1

11.12

6 NHEU

22.5

5 NHEU

23.3

NHEU

2

104.1

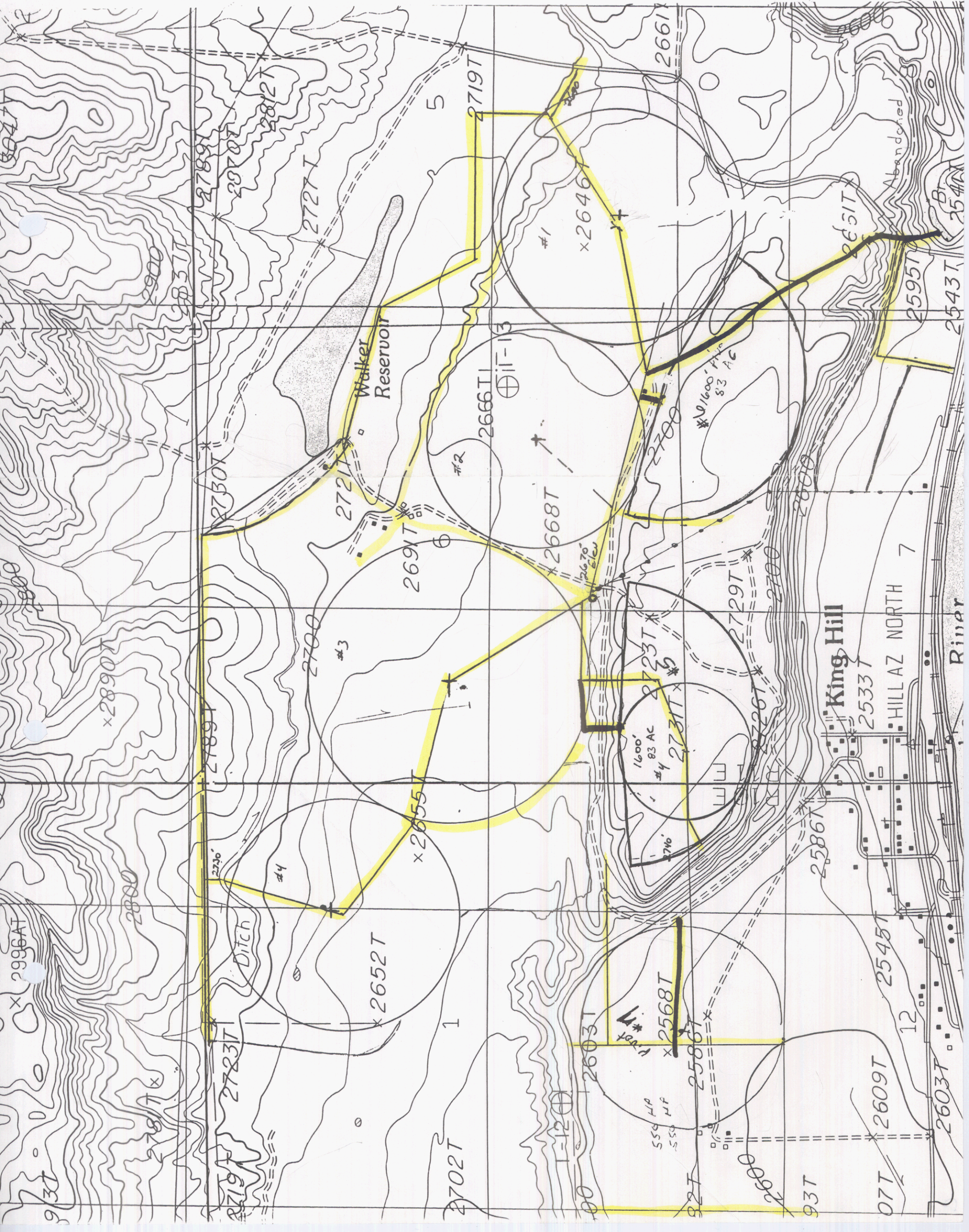
3
10.6 NHEU

1 6
12 7

Probably will
be a transfer
from the
11/30/01

SS

Cooper



Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FAJER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

SEP 25 2000

**WATER RESOURCES
WESTERN REGION**

September 13, 2000

Attn: Lori Graves
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer of Rocky Mountain Land & Cattle, LLC

Dear Lori:

I just received the long awaited letter from Doug Jones. I have never heard back from Bill Ringert since my letter to him of May 16, 2000, although I did speak with him by phone a few days before that. We have prepared and are enclosing a draft of an amended application for your review. Please let us know if other changes need to be made. I have not included a Part 2 since you will have better information than we do at this point for Part 2.

Doug's preliminary recommendation splits the former Clover Creek water right claim A37-02006E into two pieces. Our number is now apparently A37-20344. I am enclosing a copy of the letter and attachments we received from Doug just in case you don't have this information.

It appears that Doug's interpretation at this point is that on Rocky Mountain Land and Cattle, LLC (hereafter RML&C) land, there are 44 acres irrigated and hence .88 CFS. Doug's 44 acres are about the same as the 41.3 acres shown in the 1987 ASCS photo. However, when we received the maps from the current Farm Service Agency in Gooding, they also showed a field Number 31 with 19.1 acres adjacent to the 41.3 acres. Stan Phelps had provided me with a similar map on which he has written "Approx. 18". When I asked him about it, Stan said approximately that much land had been irrigated as pasture on addition to the crop lands, both before and since 1987, although not every year. Doug doesn't seem convinced; he visited the land personally and says it isn't currently irrigated and doesn't appear to have been.

D

I am not sure how important the extra 18 or 19 acres is. I thought when I spoke with Doug that we would be most concerned with having enough acres, but now that I have reviewed the file again, I suspect acres will not be the problem, but rather enough water under the right to provide whatever the pump in Clover Creek actually produces. I don't know how much that is and Doug didn't seem to know either. I suspect the matter will require more investigation on our part. Although we are not yet in the adjudication process for Basin 37, I decided to claim 62 acres and 1.24 CFS under Number A37-20034 in the transfer, at least initially.

The whole matter is also complicated by the King Hill Irrigation District water. I know we decided we can't include the District Right (7-04112) in the transfer, but it is of great significance so far as the irrigation of the land is concerned. The best I can determine at this time is that RML&C is irrigating 1,165.26 acres total with the combination of King Hill Irrigation District water, the Basin 61 rights (King Hill Creek and ground water rights) and the Clover Creek right (now A37-20344). 234.86 acres is irrigated exclusively with water from the Irrigation District, but the balance of 930.4 acres is sprinkled from a common mainline system into which Irrigation District water, King Hill Creek water, ground water and Clover Creek water is all injected. The Basin 61 rights (King Hill Creek and ground water) have been recommended as being appurtenant to a combined total of 767.2 acres. The Clover Creek water (from Basin 37) may be appurtenant to 44 acres (although we have alleged 62). We were last informed by Gardner Brown (manager of King Hill Irrigation District) that Irrigation District water is appurtenant to a total of 585.04 acres of the RML&C land. As you can see from the map enclosed with the application, the District water is used exclusively on 234.86 acres and the other 350.54 acres would be an undivided proportion of the 930.4 acres irrigated with the combination of rights.

We think the 930.4 needs to be a permissible place of use for the Basin 61 rights (61-00356, 00357, 02242, 02243, and 07231) and the Basin 37 right (A37-20034), but wanted it to be clear that District water is also used to provide a sufficient amount to irrigate the entire 930.4 acres under the common irrigation system. Since we cannot apply to transfer or change the Irrigation District's right in any manner, and since the District is not willing to take action at this time, our application does not attempt to deal with the District's water right. But District water is clearly crucial to the operation of RML&C's farming of the 1,165.26 total acres, and we hope the explanatory material in this letter will be helpful.

Lori Graves
September 13, 2000
Page 3

We will look forward to hearing from you as to what else we need to do and will certainly appreciate your continued assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kent", written in a cursive style.

Kent W. Foster

Enlosures

G:\WPDATA\KWF\2368\LoriGraves.0913.ltr.wpd



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

COPY

RECEIVED

SEP 25 2000

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

9/7/2000

Kent Foster
Holden, Kidwell, Hahn & Crapo
PO BOX 50130
Idaho Falls ID 83405

RE: Rocky Mountain Land & Cattle Owner Change and pre-Transfer Review

Dear Mr. Foster,

At long last I have completed the above listed administrative activities and am forwarding my results. Enclosed are computer printouts for the portion of the original SRBA claim that appears to be appurtenant to the land RML&C purchased from Barber-Caven Ranches, as well as a map that approximates the division of the lands (see analysis below). Please review the materials for completeness and accuracy. If there is a problem or question please contact me.

Review of the right to assist in the transfer process was difficult. Older administrative transfers have resulted in database and paper record confusion. To summarize the trail somewhat:

- 1) Right was licensed for 3.88 cfs for use on 194 acres.
- 2) A transfer in about 1912 shifted acres eastward.
- 3) A transfer in 1959 split the right and established the pump in Clover Creek for 1.96 cfs, no acres given.
- 4) SRBA claim, A37-02006E, filed "recombining" parts specifying 3.88 cfs for use on 320 acres.

The SRBA claim included some ambiguities such as identifying each tract as 40 acres in size regardless of Gov't lot size, including area on the south side of the Snake River, the Snake River itself and in King Hill, and including railroad and highway rights of way and other exclusions. Taking the claim at face value the property description was superimposed as best as possible and the proportionate areas were assigned to each part along with the pro rata diversion flow rate.

A geographic information system analysis was completed that was based on aerial photography taken in 1987. The GIS analysis was then field checked on 8/17/00 and confirmed with conversations with RML&C manager Stan Phelps and Barber-Caven representative Jim Chambers. An examination of the USGS Orthophotographic Quadrangle map for the King Hill

RECEIVED SEP 11 2000

Area, based on 1976 aerial photograph, confirms that the character of the area in question is similar to that depicted in the 1987 aerial photograph. It is my conclusion that right 37-02006 has been used on 44 acres of the claimed place of use. Other areas within the claimed place of use are either nonirrigated or have been irrigated with King Hill Irrigation District shares for decades. The 44 acres irrigated are wholly contained in the property purchased by RML&C.

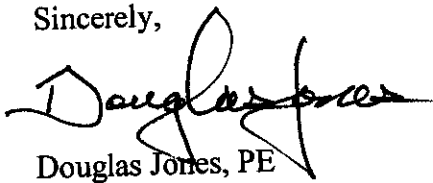
Based on the photographic and verbal information used to reach this determination I am developing preliminary recommendations for the claim parts. My recommendation for the part owned by RML&C, assigned identification A37-20344, will be limited to 44 acres and 0.88 cfs diversion from Clover Creek. The balance of the claimed area has either never been irrigated or has been partially forfeited through nonuse between the years 1976 and 2000.

The portion retained by Barber-Caven, assigned identification A37-20343, will be recommended as disallowed by partial forfeiture for nonuse between the years 1976 and 2000. Some questions as to ownership of the land to which this right is claimed further complicates the analysis of the validity of the right.

My field review documented a new pumping station has been constructed on Clover Creek by RML&C. This station consists of two 125 hp pumps feeding a 12" mainline. The mainline heads upslope to the upper bench and Clover Creek water was observed to be applied to land that does not have Clover Creek-source water right(s). Be advised that use of the rights for irrigation of land other than that to which it is recorded is a violation of Idaho statutes. Please take steps to prevent inappropriate diversion and use of water.

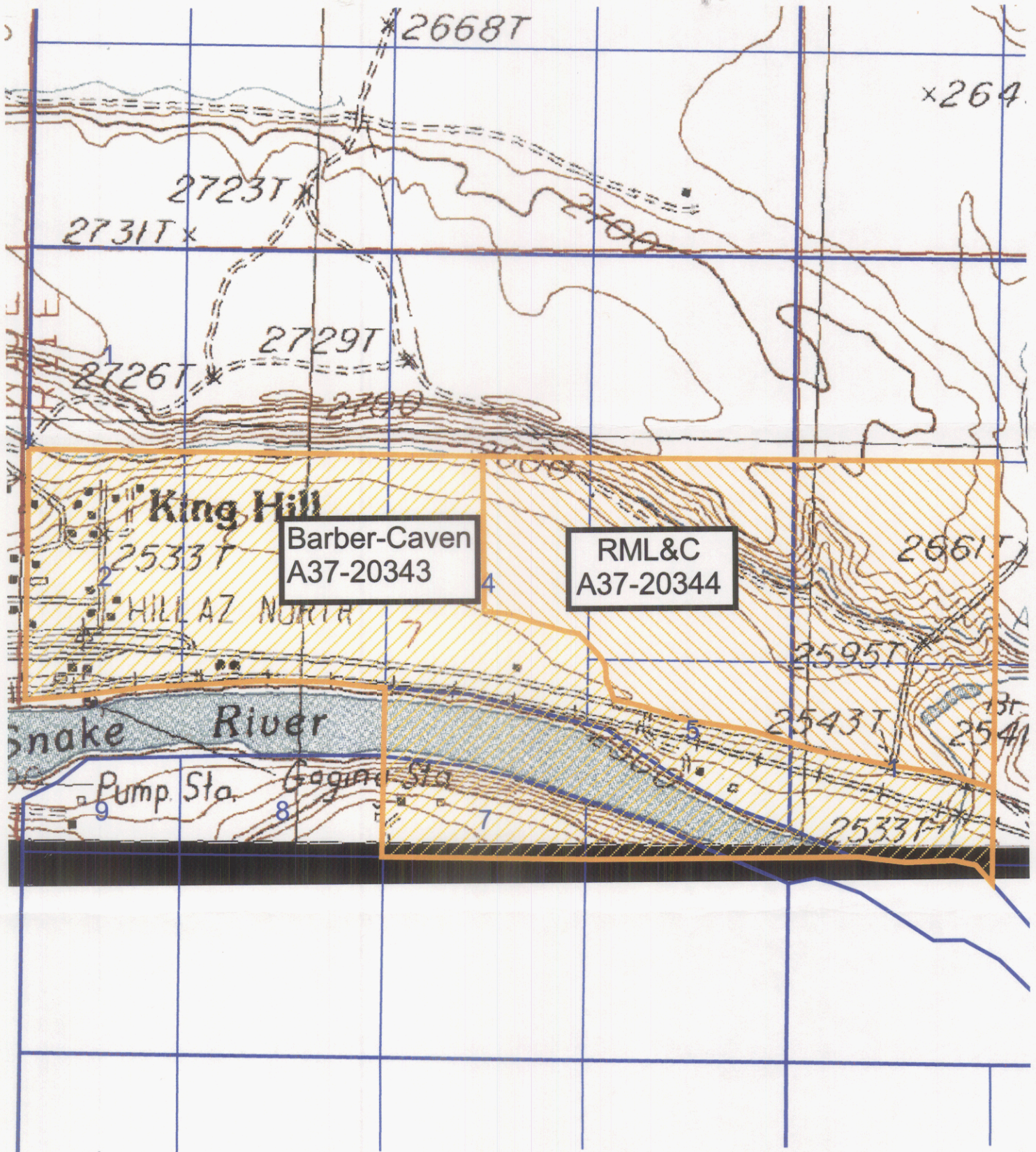
Again, if you have questions or need further assistance please contact me. Thank you for your patience and attention to this matter.

Sincerely,



Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

CC RML&C
PO Box 23
Hagerman



- Subject Property
- Point(s) of Diversion
- Section Lines
- Quarter/Quarter Lines

A37-02006E
Post-Owner Change



8/21/00, D Jones

A37-02006E claimed place
of use and designated
acres

Rocky Mountain Land and Cattle
portion of irrigated area as indicated
by Owner Change submittals: 44ac.



2640 Feet



8/2000
D. Jones