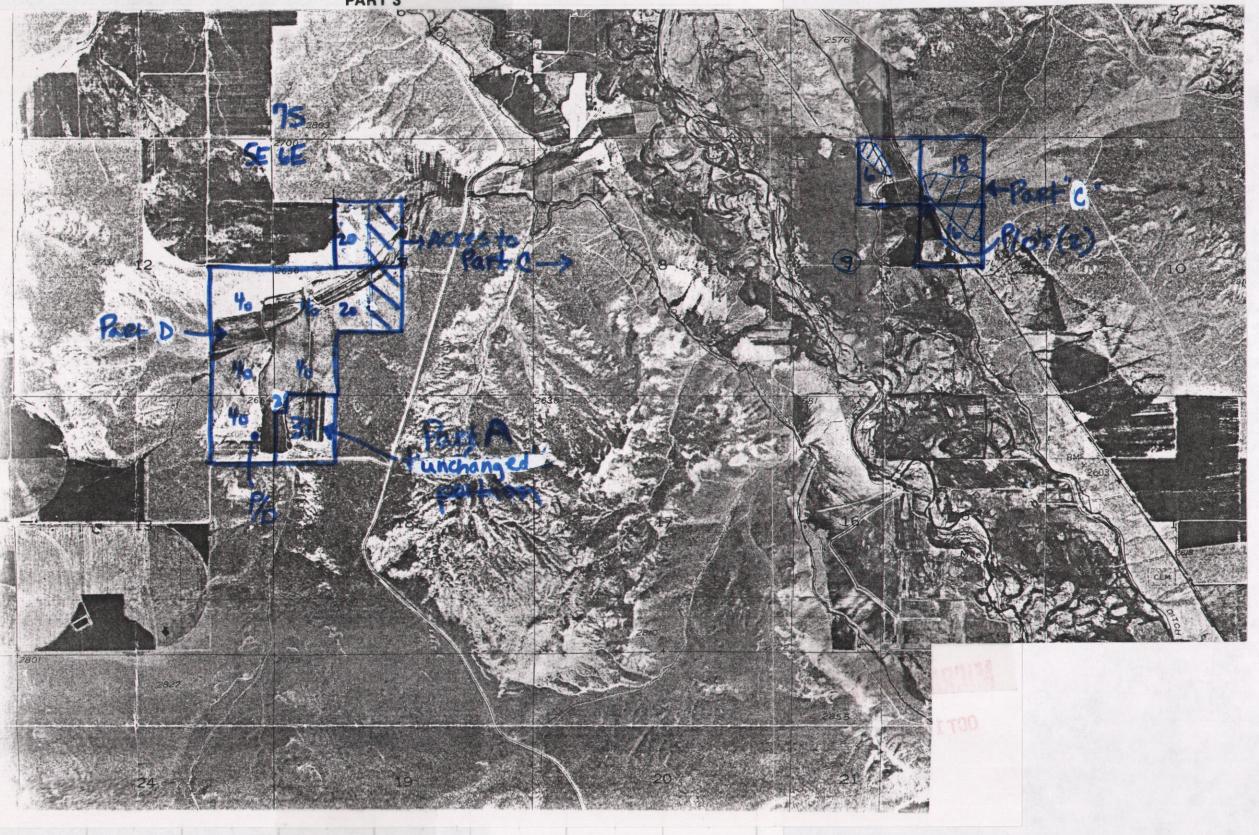
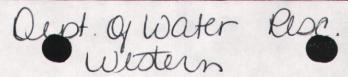


STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3





THE OWYHEE AVALANCHE

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)	
COUNTY OF OWYHEE)	SEP 2 3 1990
I, Joe E. Aman, being first duly sworn, depose and say:	Department of Water Resources Western Regional Office
 That I am a citizen of the United States of America, mentioned was and now over the age of twenty-one years, in the proceedings hereinafter mentioned. 	
2. That during the time of the publication of the notice her now am the publisher of The Owyhee Avalanche , a new printed and published weekly, on Wednesday of each ar Homedale, County of Owyhee and State of Idaho.	spaper of general circulation
3. That the said The Owyhee Avalanche has been printed and uninterruptedly in said County during a period of me prior to the first publication of the attached notice.	
4. That said notice of which a printed copy, taken from said was published in the regular issue thereof, and not a	d newspaper, is hereto affixed, supplement thereto, in said
newspaper, in <u>YWO (2)</u>	
(consecutive) calendar weekly issue(s) of said newspaper,	in the following date(s):
July 3 ! 11, 1990	at \$
0	
2416	CAPILLA CO
	200112
	10V 2 6 1990
Signed / Des Caric	
	1
Subscribed and sworn to before me this $\frac{24}{10}$ day of $\frac{1}{10}$	Sept. A.D., 19_90
Chris Bahem	in and for the State of Idaho
	Residing at Homedale, Idaho mmission expires April 1996

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Joyce Livestock Co. of Sinker Creek has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, and Period of Use of groundwater and surface water. The rights sought to be changed are evidenced by Claims and License, and are recorded as follows:

57-40069B
Amount: 6.4 cfs
Priority Season: 7/15/1919
1/15 to 5/15
Source of Diversion: Fossil
Creek T4S R2W S27 NE1/4
NE1/4
Place of Use: T4S R2W S14
SE1/4,
S23 NW1/4 NE1/4, E1/2
NW1/4, NE1/4 SW1/4
51-4006

Amount: 3.0 cfs
Priority Season: 3/1/1963
3/1 to 11/1
Source of Diversion:
Groundwater T7S R6E S18
NW1/4 NW1/4
Place of Use: T7S R5E S12
E1/2 SE1/4 S13 NE1/4
NE1/4
T7S R6E S7 SE1/4 NW1/4,
W1/2 SW1/4, NE1/4 SW1/4
S18 NW1/4 NW1/4

51-7052B

Amount: 2.0 cfs
Priority Season: 3/17/1970
Source of Diversion:
Groundwater T7S R5E S13
NE1/4 NE1/4
Place of Use: T7S R5E S12
E1/2 SE1/4 S13 NE1/4
NE1/4
T7S R6E S7 SE1/4 NW1/4

T7S R6E S7 SE1/4 NW1/4, W1/2 SW1/4, NE1/4 SW1/4 S18 NW1/4 NW1/4

The water is used for irrigation purposes.

TO BE CHANGED AS FOLLOWS

All of the water is to be diverted from a new well located in NW1/4 SE1/4 S16 T3S R1W, B.M., Owyhee County, and will be used for irrigation of 320 acres located within T3S R1W S16 N1/2, N1/2 SW1/4; S17 NE1/4 SE1/4, B.M., with season from 4/1 to 11/1.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before July 23, 1990.

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2 inches equal 1 mile.								
Map should show the local				on and	the place	e of use of th	e water by	40-acre subd
section, township and range of the	e public lar	nd survey	system.					
State of Idaho)						
County of Owghee) ss.)						
Be it known that the under	rsianed, be	ina duly s	sworn, de	eposes ar	d savs th	nat he, she, the	v subscribe	d the foregoin
to a water right, together with a								
affiant's knowledge.					4	10	Da.	
					- Xe	Roy	(Claimant)	
Sworn to before me this 1	ST day	of 17	PRIL			, 19	P3.	
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My commission expires	3/24	184						
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Received by	Date	4-5-8.) E	xception	filed by:	Fow	arded to	Dat

PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho:

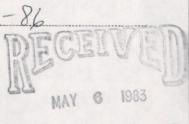
That the annexed notice was published in said newspaper once a week and every week for 2.5 consecutive weeks, the first publication being on the 27 day of April , 1983, and the last publication being on the 4 day of

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this .

My commission expires

(SEAL)



Department of Water Resources Western Regional Office



The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

AMENDED 51-4006

DAVIS, LE ROY R P.O. BOX 121, BRUNEAU,

ID 83604

Source: GROUNDWATER Priority Date: 03/01/1963 Diversion Pt: NWNW Sec 18 T

07S R 06E

Use: IRRIGATION (3.00 CFS) In: NESE SESE Sec 12 T 07S R 05E NENE Sec 13 T 07S R 05E SENW NESW NWSW SWSW Sec 07 T 07S R 06E NW NW Sec 18 T 07S R 06E FOR 320 ACRES

55-4103

BURGHARDT CO. P.O. BOX 69, GRAND VIEW, -ID 83624

Source: HOUSE CREEK trib. to NIP AND TUCK CREEK NIP AND TUCK CREEK trib. to DEEP CREEK

Priority Date: 03/15/1920 Diversion Pt: SWNE SENE Sec 33 T 09S R 03W NESW Sec

34 T 09S R 03W

Use: IRRIGATION (4.60 CFS) In: SWNW NESW NWSW SESW SWSE Sec 34 T 09S R 03W NWNE SWNE NENW Sec 03 T 10S R 03W FOR 230 ACRES

U.S. DEPT. OF INTERIOR BUREAU OF LAND MGMT. IDAHO STATE OFFICE, 3380 AMERICANA TERRACE, BOISE, ID 83706

Source: OWYHEE RIVER, WEST FORK trib. to OWY-EE RIVER

Priority Date: 10/31/1967 Diversion Pt: NENW Sec 30 T 11S R 04W NENE Sec 25 T 11S

Use: STOCKWATER (0.03 CFS)

WILDLIFE (0.02 CFS) RECREATION (0.02 CFS) In: NENW Sec 30 T 115 R 04W

BURGHARDY GOL O BOX 69, GRAND VIEW,

Source: ANNE VALLEY CREEK trib. to HURRY BACK CREEK

Priority Date: 01/01/1940 Diversion Pt: SESE Sec 23 T 095 R 03W

se: IRRIGATION (4.60 CFS) PRRIGATION STORAGE 780.0 AF HRRIGATION FROM STOR-

AGE (80.0 AF) In: NENE SENE NESE Sec 26 T 09S R 03W SWNW NWSW

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					For	Departm	ent Use	Only				

PROOF OF PUBLICATION

STATE OF IDAHO
County of Owyhee s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 26 day of 26 leading, 1974, and the last publication being on the 26 day of 26 leading, 1974;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventyeight consecutive weeks prior to the first publication of the attached notice.

PUBLISHER

Subscribed and sworn to before me this 2 6 day of Le C.

197.4.

NOTÁRY PUBLIC

My commission expires 9-10-76

(SEAL)



NOTICE OF CLAIM

No. 51 - 4006

LE ROY R. DAVIS given that Bruneau, ID has filed a claim diversion and application to per second of water from a point of diversion in the NW14.

B. M. Owyhee County.

The water is claimed to be for irrigation of 320 acres with use is within the E1/2SE1/4. Sec. 13, T. 7 S., R. 5 E1/4NW14. Sec. 13, T. 7 S., R. 6 E., SW14. Sev. 18, T. 7 S., R. 6 E., SW14. Sev. 18, T. 7 S., R. 6 E., SW14. Sev. 18, T. 7 S., R. 6 E., SW14. Sev. 18, T. 7 S., R. 6 E., SW14. Sev. 18, T. 7 S., R. 6 E., SW14. Sev. 18, T. 7 S., R. 6 E., B. M.; SE1/4NW14, N1/2- 16, E., B. M.; SE1/4NW14, N1/2- 16, B. M.

Of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, R. KEITH HIGGINSON, Director.

Published in the Owyhee 1974, and Dec. 86 1974.

MICROFILMED

The Owyree Avalanche P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

	Public in and for the State of Idaho	1111 0 7 4007
Subscribed and sworn to me this 25th day of _	June A.D., 19 <u>97</u>	RECEIVED
Signed		well listed above plus additional unrecorded Davis well in NENE S13 to irrigate 282 combined acres west of Hot Creek Rd. in S12 & 13, T7S R5E and S7 & 18, T7S R6E. Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before July 7, 1997. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director 6/18&25/97
(consecutive) calendar weekly issue(s) of said news	paper, in the following date(s):	wells and move water from 40 acres in S9 (near Hot Springs Rd.) to irrigate 40 acres in S7 (about 2 miles to the west), all within T7S R6E. Use Davis
4. That said notice of which a printed copy, tak affixed, was published in the regular issue thereof, said newspaper, in	and not a supplement thereto, in	PROPOSED CHANGE Transfer leased water back to Davis from Bachman. Cease irrigation use under the 2 rights from 2 Colyer/Bachman
3. That the said The Owyhee Avalanche has bee ously and uninterruptedly in said County during a weeks prior to the first publication of the attached	period of more than seventy-eight	rights is limited to 5.00 cfs. Davis had leased some of this water in previous Transfers #3760 & #4798 that defined the above rights.
2. That during the time of the publication of the and now am the publisher of The Owyhee Avalance tion printed and published weekly, on Wednesday of Homedale, County of Owyhee and State of Idaho.	he, a newspaper of general circula-	T7SR6E (2 Colyer/Bachman wells) to irrigate 282 combined acres in portions of S12 & 13, T7S R5E and S7, 9, & 18, T7S R6E. Total diversion for both
1. That I am a citizen of the United States of An mentioned was and now over the age of twenty-one in the proceedings hereinafter mentioned.		License #51-07052B, priority 3-17-1970, 2.36 cfs. Both rights divert water from wells in NENE S13, T7S, R5E (1 Davis well) and NWNE S9,
I, Joe E. Aman, being first duly sworn, depose and	say:	County. Statutory Claim #51- 04006B, priority 3-1-1963, 2.64 cfs.
COUNTY OF OWYHEE)		for the following ground water irrigation rights in Owyhee
STATE OF IDAHO)		water Resources to change the Point of Diversion and Place of Use pursuant to I.C. § 42-222

111 1

513

Commission expires April 22, 2002

0 15

WATER RESOURCES WESTERN REGION

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT,
TRANSFER NO. 5096
Notice is given that SUSAN
H. DAVIS of 3272 Gekeler

#D201, Boise, ID 83706 has

The Owynee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

) ss

STATE OF IDAHO

COUNTY OF OWYHEE)
, Joe E. Aman, being first duly sworn, depose and say:
1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.
2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche , a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.
3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.
4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in
said newspaper, in Three (3)
April 17 & 24,1996 RECEIVED MAY 8 2 1996 MAY 8 2 1996
2 1996
WATER RESOURCES WATER REGION
WATER REGION WESTERN REGION
Signed
Subscribed and sworn to me this 24th day of April A.D., 19 96
Maine Black
Notary Public in and for the State of Idaho Residing at Homedale, Idaho Commission expires August 18 2001

PROPOSED CHANGE OF WATER RIGHT

NO. 51-04006B 51-07052B TRANSFER NO. 4798

Notice is hereby given that Susan H. Davis, HC 85 Box 121, Bruneau, ID 83604, has applied to the Department of Water Resources to add two points of diversion and change the place of use to the following water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RE-CORDED

No. 51-04006B
Basis Statutory Claim
Date of Priority 03/01/1963
Source Ground Water
Amount 2.64 cfs
Use Irrigation

Point of Div NWSE, T03S R01W, Sec 16

Place of Use NE, NW, N1/2 SW, Sec 16, NESE, Sec 17, T03S R01W, 282 acres total

No. 51-07052B
Basis License
Date of Priority 03/17/1970
Source Ground Water
Amount 2.36 cfs
Use, Point of Div, and Place

of Use same as above
THE ABOVE WATER
RIGHTS TO BE CHANGED AS
FOLLOWS PURSUANT TO
TRANSFER NO. 4798

No. 51-4006B & 51-07052B Point of Div

NWNE, Sec 9, T07S R06E 2 pts)

NENE, Sec 13, T07S R05E Place of Use SENW, NESW, W1/2 SW, Sec 7, W1/2 NE, NENW, Sec 9, NWNW, Sec 18, T07S R06E, E1/2 SE, Sec 12, NENE, Sec 13, T07S R05E, 282 acres total.

Any protest against approval of the proposed change of water rights application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before May 6, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher Director Publish April 17 and 24, 1996 WR5747NP

IDAHO PARTMENT OF WATER RESOURCE WATER RIGHTS NUMBER INDEX

DATE: 03/20/98 PAGE: 1

WATER RIGHT NUMBER	NAME C						
51-04006	SPLIT INTO 51-04006A & B BY TRANS. 3760.						
51-04006A	DAVIS , LE ROY	0.36					
51-04006B	DAVIS , SUSAN H	2.64					

. .

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5096 WATER RIGHT NO(S). 51-04006B/51-07052B

This is to certify that: SUSAN H DAVIS

3272 GEKELER #D201 BOISE ID 83706

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION <u>RATE</u>	ANNUAL <u>VOLUME</u>
Right No. 51-04006E	3 :		
IRRIGATION	04/01 to 10/31	2.64 CFS	1115.4 AF
Priority: 03/01/1	1963		
Right No. 51-07052F	3 :		
IRRIGATION	04/01 to 10/31	2.36 CFS	977.1 AF
Priority: 03/17/3	.970		
	TOTAL:	* 5.00 CFS	* 1128.0 AF

SOURCE GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 05E OWYHEE County

PLACE OF USE: IRRIGATION

TWN RGE	SEC		Į	CRES		į	ACRES		<u> </u>	ACRES	TOTAL
07S 05E	12		NESE	40		SESE	40				80
	13		NENE	40							40
06E	7		SENW	40		NESW	40	Lot	3 (WSW)	40	
		Lot 4	(SWSW)	40							160
	18	Lot 1	(WNWN)	2							2
					Total	number	r of	acres :	irrigated:	:	282

CONDITIONS OF APPROVAL AND REMARKS

- 1. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
- 2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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TRANSFER NO. 5096 WATER RIGHT NO(S). 51-04006B/51-07052B

CONDITIONS OF APPROVAL AND REMARKS

- 3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 5. 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.
- 6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5096 shall not exceed 5.00 cfs, nor a total combined annual volume of 1128.0 af.
- * 8. Rights 51-04006B and 51-07052B when combined shall not exceed a total annual diversion volume of 1128.0 af at the field headgate.
 - 9. Approval of Transfer 5096 does not confirm Claimed Right 51-04006B.

10. Two points of diversion are located within NENE, S13, T07S, R05E.

Dated this 20 day of _______, 1998

Chief, Water Allocation Bureau

Page____of__4__

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Transfer No. <u>5096</u>

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

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JUL 2 2 1997

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Page 2 of 4	_	PART 1, CONTINUED	Transfer No
6. General inform	nation:	•	
9		or □ see Attachment): Z	wells sonnklor
_ Itraation	under Divots	or □ see Attachment): Z S and houdlese	
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		5% () 6	
b. Remarks (or L	see Attachment)	: P/D in Section 9 +	o be aropped.
Land	s in our throi	ugh 1999	
	PLEASE RI	EAD THIS SECTION CA	REFULLY
is there a current If yes, please cor	lien, mortgage or deed on plete Part 2, item 6.	of trust on the property?Ye	s No
Has any portion of the state of	of this right(s) undergone sch an explanation of cir	e a period of 5 or more consecutive cumstances and label it as noted in	e years of non-use? YesNo
in use of the righ understand that I	t(s), and that the information	ation contained in this application i accuracy and completeness of the a	ge does not constitute an enlargement s true to the best of my knowledge. I application even though I may have
. ' I understand that	any willful misrepresent	ation made in this application may	result in voiding the transfer approval.
		(Signature and Title of Applica	ner Sacrès
		(o.g.,	-201
Subscribed and s	worn before me on this_	13 day of May	, 19 <u>97</u> .
		Ach Harris (Signature of Notary Public)	
(seal)		(Signature or Notary 1 aprile)	
		My commission expíres: 10	2-8-2605
	FOR D	DEPARTMENT USE ONL	.Y ——————
Tı	ansfer contains	pages and attachme	nts
Re	eceived by _ CXL	Date 5-13-97 Fee 1	00
R	aceinted by	Date 5-13-97 # W	1022357 ACT 13 73





Page 3 of 4

Transfer No. <u>5096</u>

APPLICATION FOR TRANSFER OF WATER RIGHT ADDITIONAL DOCUMENTATION PART 2

ATT	ACHED (Required)
_	1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks).
Intori	plete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR mation Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each orting document as an attachment (A, B, etc.). Place a check mark by each item completed.
ATTA	CHED (enter "/" or "N/A" for each item as advised by IDWR staff)
N/A	_ 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
MA	_ 3. Written description of present system and changes required to accommodate the proposed transfer.
	4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
<u>\</u>	a) proposed water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
<u>`</u>	b) unchanged portion of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
M/A	c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
7	5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right. (For Bachman portion)
N/A	6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.

- continued on reverse side -

2. Comments from county planning and zoning organization for county in which proposed water use will

8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded

differences and submit supporting evidence and/or affidavits to substantiate your explanation.

or current water use practices if any differences exist between any of these three categories. Explain any

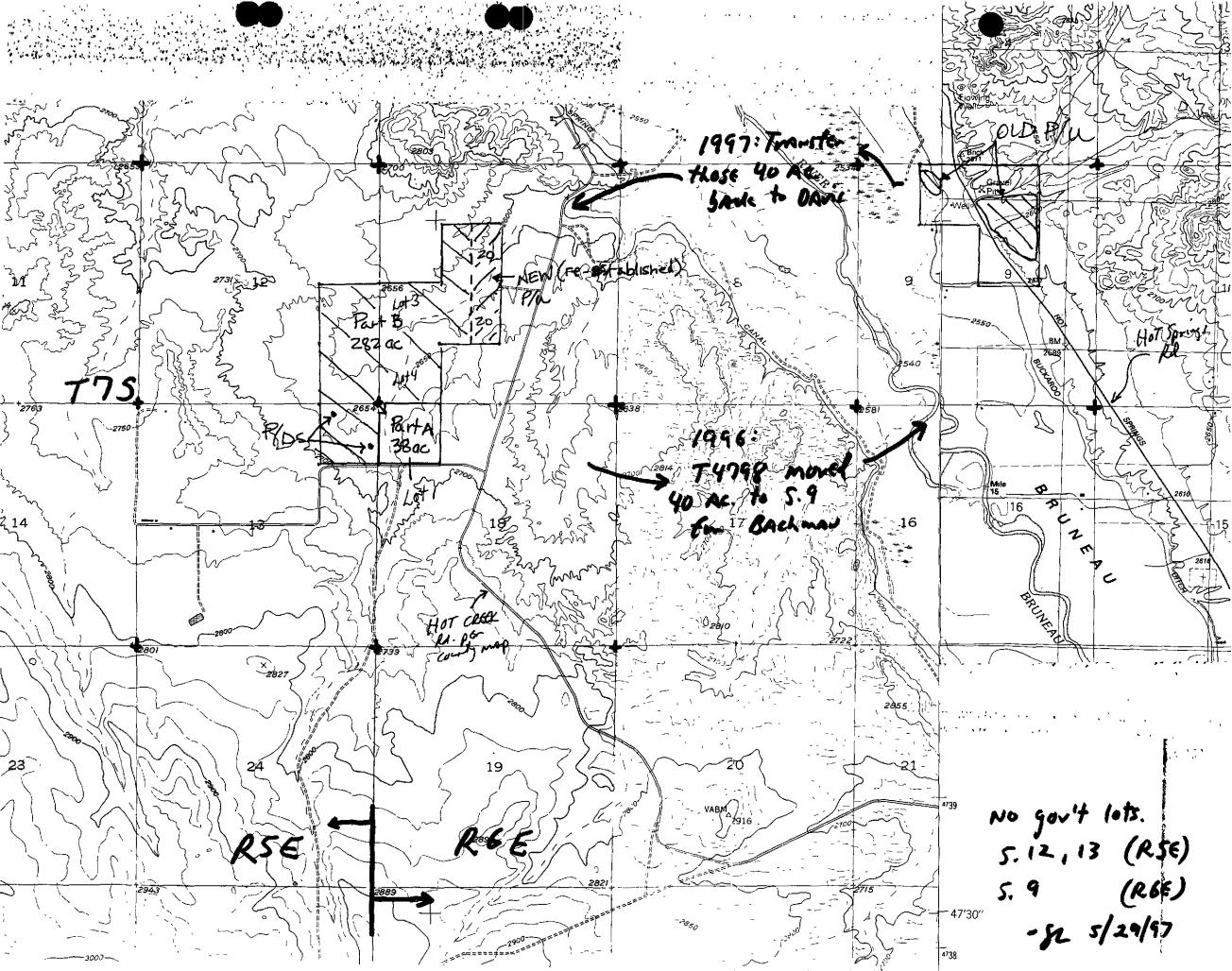
Ash Ga

Page 4	of 4
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DO MARTINA

PART 2, CONTINUED

	9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:
<u> </u>	a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
\perp	b) pump power records
	c) water master records and/or comments if use is within a water district
	d) irrigation crop reports
\bot	e) reports from other government agencies and/or qualified consultants
	f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
$\frac{1}{2}$	g) describe any defenses to forfeiture - CRP, extension of time, etc CRP entol(ment through
	h) otherlist other verification documentation for the water right below:
	Water transfer agreement termination case and release of rights
V/A	10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.
<u> </u>	11. Identify any other documentation that clarifies the transfer application:
	Transfer 4798 for Supporting documents- see file



PARCEL NO: RP07S06E090600A

YEAR BILL# 96 2ND 5732 TAX 345.69

* I_A_X__R_E_M_I_N_D_E_R *

TOTAL 345.69 BARBARA WRIGHT TAX COLLECTOR OWYHEE COUNTY COURTHOUSE MURPHY, IO 83650 208-495-1158 OR 337-4222

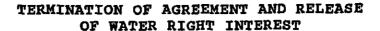
> DATE PRINTED: 4/30/97 RP0183603 A

-î

TOTAL DUE: 345.69 VALID THROUGH: 6/20/97

BACHMAN FRANK & CINDY PO BOX 186 COLYER RD BRUNEAU ID 83604 Peleased portion

Atterdacet



According to the terms of an Agreement entered into on 6-17-96 between Frank and Cindy Bachman and Susan Davis, this statement shall serve as written termination of that agreement. There has not been a crop planted this season so no damage will be caused to Bachmans.

This statement shall also serve as a formal release back to Susan Davis of all right, title and interest in portions of water right nos. 51-04006 and 51-07052, in the amount of 40 acres and 0.71 cfs (35.5 inches), which were transferred to Bachman's property pursuant to Transfer 4798, approved August 30, 1996. The above portions of these rights are to be transferred back to property owned by Susan Davis.

Frank Bachman
Frank Bachman
Subscribed and sworn before me on this 15th day of Man, 1997.
Signature of Notary Public
My commission expires: $6/18/38$



WATER TRANSFER AGREEMENT

This agreement is made and entered into this 1st day of May, 1996, by and between Susan H. Davis, HC 85 Box 121, Bruneau, Idaho, 83604, hereinafter referred to as ("Davis") and Frank and Cindy Bachman, PO Box 186, Bruneau, Idaho, 83604, hereinafter referred to as ("Bachman").

This Agreement shall remain in effect until terminated in writing by either party. The Agreement can not be terminated during the crop season. (April 1 to November 15). Termination can occur at the end of the irrigation season or anytime prior to the beginning of the irrigation season. The terms of this Agreement is as follows:

- 1. Davis agrees to transfer to Bachman under water right 51-4006 and 51-7052 a total of .71 cfs (35.5 inches) to irrigate 40 acres.
- 2. "Application for Transfer of Water Right" filed with the Department of Water Resources which describes the transfer, the place of use, and the original right is attached and is made a part of this Agreement.
- 3. For the consideration of the use of 35.5 inches of groundwater transferred to the Bachman property, Bachman agrees to

Attankment D (2 pss) pay Davis \$500.00 per year, with payment due on or before April 1 of each year.

- Bachman also agrees to file any documents required by the Idaho Department of Water Resources to effect a transfer back to Davis, upon completion or termination of this Agreement.
- 5. Bachman agrees to put the water to beneficial use and therefore not jeopardize any loss in the right transferred to Bachman due to forfeiture which could occur from the lack of use.

This Agreement shall be in effect only when final approval is granted by the Idaho Department of Water Resources. Should final approval occur after June 1, 1996, no use of the transferred water will occur due to lack of time to produce a crop, therefore the water would be put to use in 1997 and the first payment due at that time as outlined above.

All parties agree they have reviewed this Agreement and understand the contents.

Susan Davis Date Frank J. Backers Cindy Backman

Western

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

TRANSFER OF WATER RIGHT

SFP 0 4 1996

TRANSFER NO. 4798 WATER RIGHT NO(S). 51-04006B/51-07052B WATER RESOURCES WESTERN REGION

This is to certify that: SUSAN H DAVIS HC 85 BOX 121 BRUNEAU ID 83604

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION <u>RATE</u>	ANNUAL VOLUME
Right No. 51-04006	в:		
IRRIGATION	04/01 to 10/31	2.64 CFS	1115.4 AF
Priority: 03/01/	1963		
Right No. 51-07052	в:		
IRRIGATION	04/01 to 10/31	2.36 CFS	977.1 AF
Priority: 03/17/	1970		
	TOTAL:	5.00 CFS	* 1128.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 05E NWNE , Sec. 9, Township 07S, Range 06E OWYHEE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC			<u>ACRES</u>			ACRES	3		ACRES	<u>TOTAL</u>
07S	05E	12		nese	40		SESE	40				80
		13		NENE	40							40
	06E	₇ 7		SENW	20		NESW	20	Lot	: 3(NWSW)	40	
	10/	/'	Lot	4 (SWSW)	40							120
		79		NWNE	18		SWNE	16		NENW	6	40
	14	* 18		WWW	2							2
/	, ,					Total	numbe	r of	acres	irrigated	l :	282

Attachment E

TRANSFER NO. 4798 WATER RIGHT NO(S). 51-04006B/51-07052B

CONDITIONS OF APPROVAL AND REMARKS

- 1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 5. 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.
- 6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4798 shall not exceed 5.00 cfs, nor total combined annual volume of 1128.0 af for the irrigation of 282.0 total combined acres in a single irrigation season.
 - Approval of this transfer in no way confirms Statutory Claim No. 51-04006B.

9. Two points of diversion are located within NWNE, S09, T07S, R06E.

Dated this 31 day of

Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 51-04006B & 51-07052B

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4798

DATE: July 18, 1996

Transfer No. 4798 was filed to change and add points of diversion, and change the place of use under Right Nos. 51-04006B and 51-07052B.

Previous Transfer No. 3760 moved these rights as leased for a temporary period of time. This transfer application reflects the expiration of that lease and the reorganization of the rights. Region staff discussed the proposal with state office staff resulting in this single application reflecting the entire rights as described under Part Bs.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include irrigation overlap, right-of-way, multiple points of diversion/measuring devices, combined limits and standard transfer conditions.

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4798
WATER RIGHT NO(S). 51-04006B/51-07052B

This is to certify that: SUSAN H DAVIS

HC 85 BOX 121

BRUNEAU ID 83604

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION <u>RATE</u>	annual <u>Volume</u>
Right No. 51-04006	04/01 to 10/31	2.64 CFS	1115.4 AF
Priority: 03/01/ Right No. 51-07052			
IRRIGATION Priority: 03/17/	04/01 to 10/31	2.36 CFS	977.1 AF
	TOTAL:	5.00 CFS	* 1128.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 05E

NWNE , Sec. 9, Township 07S, Range 06E

OWYHEE County

PLACE OF USE:	IRRIGATION				
TWN RGE SEC		ACRES	<u>ACRES</u>	ACRES	TOTAL
07S 05E 12	NESE	40	SESE 40		80
13	NENE	40			40
06E 7	SENW	20	NESW 20 Lot	3 (NWSW) 40	
	Lot 4(SWSW)) 40			120
9	NWNE	18	SWNE 16	NENW 6	40
18	WNW	2			2
		Total	number of acres	irrigated	"I PRET
					3 6 82 17 Kg.

OCT 1 0 1996

TRANSFER NO. 4798 WATER RIGHT NO(8). 51-04006B/51-07052B

CONDITIONS OF APPROVAL AND REMARKS

- This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 5. 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.
- 6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4798 shall not exceed 5.00 cfs, nor total combined annual volume of 1128.0 af for the irrigation of 282.0 total combined acres in a single irrigation season.
 - 8. Approval of this transfer in no way confirms Statutory Claim No. 51-04006B.

9. Two points of diversion are located within NWNE, S09, T07S, R06E.

Dated this 31 day of

Chief, Water Alloc. Bureau

11 0 1996

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Page	e of	Transfer No	
		PART 1	
	deneral information	• •	
а	Description of diversion system E	usting wells @ Davis & Bachman Farm	5
	contracts? Yes	ose to transfer the water right subject to any liens, deeds of trust, mort No. If yes, provide a notarized statement from the holder of the lie	n, deed of
	trust, mortgage or contract agreeing	to the proposed changes * existing lease controct has exp not necessary to still the free controct has exp rrigated if the place of use is changed pursuant to this transfer:	ored b byceli
C.	Describe the affect on the land now if	art Bare being Irugated under 57-7522	provisi
	Lands at Davis E	rm (original P/m) are in CRP through 199	`
	Lands at Bachman	ranch are currently being irrigated fr. Bru	neonR
d.	Remarks ⁻	B BUB6 23604 (
	Lessee of Part D=	Frank & Cindy Bachman, Bruneau. Tw	<u>S</u>
	right to be used	to supplement Bruneau Buckaroo Dit	<u>ch rig</u> t
		101 to 51-4048 = 51-4049 for a total of 11	<u>Oac</u>
	Irrigation from 9to	und water.	
	ACTION OF THE D	DIRECTOR, DEPARTMENT OF WATER RESOURCES	
7	This is to certify that I have examined A	pplication for Transfer of Water Rights No.	
	•	, subject to the following limitations and cond	itions.
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Vitr	ness my hand this	day of	
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WR0749NP No. 51-04006B

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 08/02/95 PAGE:

PRIORITY USE PERIOD DIVERSION DIVERSION CODE NAME & ADDRESS DATE WATER USE FROM TO. RATE VOLUME C JOYCE LIVESTOCK CO 03/01/1963 IRRIGATION 03-01 11-01 2.640 CFS SINKER CREEK MURPHY ID 83650 TOTAL DIVERSION: 2.640 CFS Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLAIM Point(s) of Diversion: T03S R01W S16 NWSE **OWYHEE County** Place of use Legal Description for: IRRIGATION NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESH NUSH SWSW SESW : NESE NWSE SWSE SESE : R S : Lt Ac Lt --- --- -- ; ----- ----- ; ----- ; ----- ----- ; ----- ; ----- ----- ; ----- ----- ; -----03s 01W 16 : 35 10 10 : 40 40 40 30 : 30 10 280.0 03s 01W 17 : 40 40.0 TOTAL ACRES 320.0 282 tot Pou County: OWYHEE Other Water Rights with Same Point(s) of Diversion and Source: 51-07052B 57-07522 Other Water Rights Listing Overlapping Place(s) of use: 51-07052B 57-00172 57-00174A 57-00176 57-00181 57-02015 57-07522

Conditions of Approval:

101 - Approval of this transfer in no way confirms the right(s) claimed.

107 - The change authorized by this transfer shall be accomplished

within one (1) year of the date of this approval.

TO8 - Failure to comply with the conditions of this transfer is cause

· for the director to issue an order to show cause why the approval

of the transfer should not be rescinded.

The groundwater rights under this transfer are limited to the Remarks: diversion of 5.0 cfs for irrigation of (282) acres of the 320

acres described above.

Within 30 days of the approval of this transfer, the applicants shall describe the location of the 282 acres which are to be irrigated from the new groundwater point of diversion. If the acres proposed for irrigation are not described, the department

will assign the place of use.

A transfer application shall be filed with the department before the water rights can revert back to the original place of use and point of diversion and a new water right approved before

use can continue at the new point of diversion and place of use.

Priority Date:

03/01/1963

+

Dates: App. Received: Proof Due Date:

Proof Made Date: Exam Made Date: Exam Sent to S.O.: OCT 1 0 1996





WR0749NP No. 51-04006B

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 08/02/95

Misc:

Water District Number:

Field Exam Fee:

Comments: Date: 10/07/1991 User-ID: MILLER Subject: TRANSFER NO. 3760

Audit:

03/26/92 CURTIS

OCT 1 0 1996

Form	222.	•
12-92		





age of	STATE OF IDAHO
	DEDARTMENT OF WATER RESOURCE

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

DE	SCRIPT	ION OF	RIGH	HT AS	RECC	RDE	D												
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Total acres





DATE: 08/02/95 WR0749NP IDAHO DEPARTMENT OF WATER RESOURCES No. 51-07052B PAGE: WATER RIGHT PROFILE REPORT

PRIORITY USE PERIOD DIVERSION DIVERSION OWNER CODE NAME & ADDRESS DATE WATER USE FROM RATE VOLUME 2.360 CFS C JOYCE LIVESTOCK CO 03/17/1970 IRRIGATION 03-01 11-01

> 2.360 CFS TOTAL DIVERSION:

Water Source: GROUNDWATER Tributary to:

Point(s) of Diversion: T03S R01W S16 NWSE OWYHEE County

Place of use Legal Description for: IRRIGATION NE

MENE NUME SUME SEME : NEMW NUMW SWMW SEMW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : R S : Lt Ac Lt --- --- -- : ----- ----- ----- : ----- : ----- : -----03s 01w 16 : 10 10 : 40 40 40 30 : 10 30 280.0

40 40.0 03S 01W 17 : TOTAL ACRES 320.0

Pou County: OWYHEE

Other Water Rights with Same Point(s) of Diversion and Source:

51-04006B 57-07522

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

51-04006B 57-00172 57-00174A 57-00176 57-00181 57-07522 57-02015

Conditions of Approval:

TO1 - Approval of this transfer in no way confirms the right(s) claimed.

TO7 - The change authorized by this transfer shall be accomplished

 within one (1) year of the date of this approval. TOS - Failure to comply with the conditions of this transfer is cause

- for the director to issue an order to show cause why the approval

- of the transfer should not be rescinded.

Remarks: Trans. 3760.

> The groundwater rights under this transfer are limited to the diversion of 5.0 cfs for irrigation of 282 acres of the 320

acres described above.

Within 30 days of the approval of this transfer, the applicants shall describe the location of the 282 acres which are to be irrigated from the new groundwater point of diversion. If the acres proposed for irrigation are not described, the department will assign the place of use.

When combined with all other rights, this transfer shall provide

no more than 5.0 af/acre.

A transfer application shall be filed with the department before the water rights can revert back to the original place of use and point of diversion and a new water right approved before use can continue at the new point of diversion and place of use.

Stage: LICENSE

.33 40ac = .245 280ac = 2.065





WR0749NP DATE: 08/02/95 IDAHO DEPARTMENT OF WATER RESOURCES No. 51-07052B PAGE: WATER RIGHT PROFILE REPORT

Dates: App. Received:

Misc:

Proof Due Date: Exam Made Date: Priority Date: Proof Made Date: 03/17/1970

Licensed Date: 06/21/1979

Exam Sent to S.O.:

Water District Number:

Field Exam Fee:

Comments: Date: 10/07/1991 User-ID: MILLER Subject: TRANSFER NO. 3760

Audit: 03/26/92 CURTIS

Form	1-222

Form 1-222	
Page of	



Tunnafar	NI.	
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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

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Total acres

AJ0749NP No. A51-04006

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT (REGIONAL)

DATE: 04/04/96 PAGE:

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CODE		PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SUSAN H DAVIS RICHARD M DAVIS	03/01/1963	IRRIGATION	03-15 11-15	3.00 CFS	
Ü	BOX 121 BRUNEAU ID 83604 (208) 845-2438		-	OTAL DIVERSION: ONSUMPTIVE USE:	3.00 CF\$	1120.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLAIM

SKBA claims have not been updated from earlier Transfer

Point(s) of Diversion: T07S R06E S18 SWNWNW **OWYKEE County**

Place of use Legal Description for: IRRIGATION

NE NENE NUNE SUNE SENE : NENW NUNW SUNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : TRS: Lt Ac L 07s 05E 12 : 40 40 ; 80.0 07s 05E 13 : 40.0 07S 06E 7: 160.0 07s 06E 18: 40.0 40 TOTAL ACRES 320.0

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: A51-07052

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

A51-07052

Remarks: GEN AC. DIV. RATE=150 IN.

Objection Filed Date: 01/21/1985 Dates: Exam Made Date: Verified Date:

Field Inspection Flag: Misc: Water District Number:

Presumption Flag:

AJ0749NP No. A51-07052

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT (REGIONAL)

DATE: 04/04/96

PAGE:

OWNER CODE	R NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
	SUSAN H DAVIS RICHARD M DAVIS	03/17/1970	IRRIGATION	03-01 11-01	2,68 CFS	
_	BOX 121 BRUNEAU ID 83604 (208) 845-2438			TOTAL DIVERSION: CONSUMPTIVE USE:	2.68 CFS	1120.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T07S R05E S13 SENENE **OWYHEE County**

Place of use Legal Description for: IRRIGATION

NE NENE NUME SUME SENE : NENU HUNG SUNU SENU : NESU NUSU SUSU SESU : NESE NUSE SUSE SESE : TRS: Lt Ac L 07s 05E 12: 40 : 80.0 07s 05E 13: 40.0 07S 06E 7: 40 : 160.0 07s 06E 18: 40 40.0 TOTAL ACRES 320.0

POU County: OWYHEE

Non-Irrigation Uses: NONE Other Rights: A51-04006

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

A51-04006

Conditions of Approval:

Verified Date: Objection Filed Date: Dates: Exam Made Date: 03/12/1985

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

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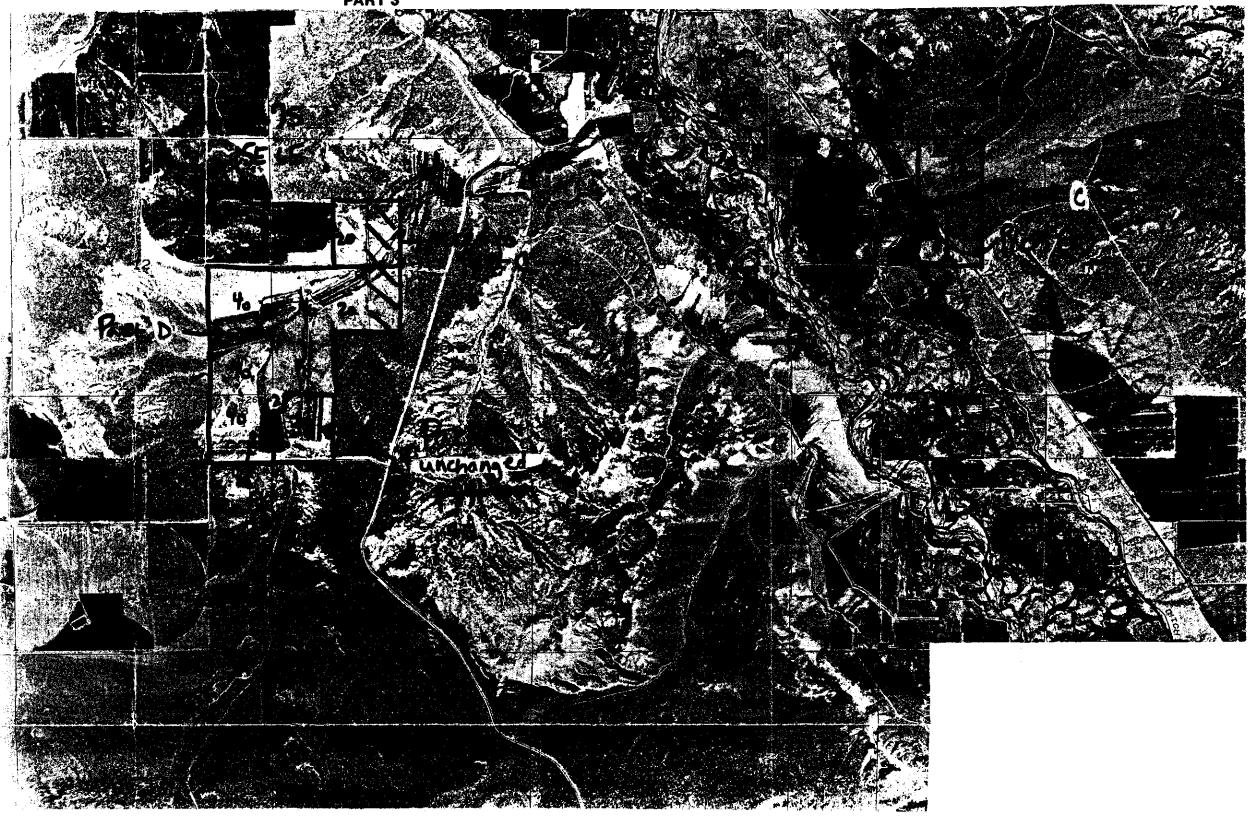


Transfer No. ____

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3



Page of			Transfer No
	PART 3		
B. CHANGES IN NATURE OF USE NA			
1 New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			to
			to
2. Quantity and quality of return flows and loc	cation of discharge:		
Describe effects on other water uses result	ing from the proposed o	change	
I hereby assert that no one will be injured	by such change and the	at the change does not con	stitute an enlargement in use
•	•	_	
of the original right. The information contained	in this application is th	be to the best of my knowle	uge
I understand that way willful misrepresenta	tions made in this appli	cation may result in voiding	its approval.
	X Dusc	en H. He	2015
	2 nd	(Signature of Applicar	nt)
Subscribed and sworn to before me this	<i>U</i>	_day of	, 19 <u>95</u> .
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D OF		(Notary Public)	
Subscribed and sworn to before me this	8		
	R DEPARTMENT	JSE ONLY	
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Natermaster recommendation requested on		Recommended for	🖾 approval 🔲 💮 denial
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YEAR BILL# TAX 94 2ND 5401 52.44 OWYHEE COUNTY COURTHOUSE TOTAL MURPHY, ID 83650 52.44 208-495-1158 OR 337-4222

> DATE PRINTED: 5/01/95 RP0182604 A

TOTAL DUE: 52.44 VALID THROUGH: 6/20/95
RETURN ENVELOPE ENCLOSED FOR YOUR CONVENIENCE
PLEASE ENCLOSE STUB WITH PAYMENT

LOT 1 18 75 6E

DAVIS SUSAN H
HC 85 BOX 121
BRUNEAU

ID 83604-9702

PARCEL NO: RP07S05E128400A * I A X B E M I N D E B *

BARBARA WRIGHT TAX COLLECTOR
OWYHEE COUNTY COURTHOUSE
TOTAL MURPHY, ID 83650

YEAR BILL# TAX 94 2ND 5301 101.07

101AL 101.07

208-495-1158 OR 337-4222

DATE PRINTED: 5/01/95 RP0182605 A

TO

TOTAL DUE: 101.07 VALID THROUGH: 6/20/95
RETURN ENVELOPE ENCLOSED FOR YOUR CONVENIENCE
PLEASE ENCLOSE STUB WITH PAYMENT

E2SE 12 7S 5E

DAVIS SUSAN H HC 85 BOX 121 BRUNEAU

ID 83604-9702

PARCEL NO: RP07S05E130001A

* I A X R E M I N D E R *

BARBARA WRIGHT TAX COLLECTOR

OWYHEE COUNTY COURTHOUSE MURPHY. ID 83650

YEAR RTII# TAX 94 2ND 5302 37.46 TOTAL 37.46

208-495-1158 08 337-4222

DATE PRINTED: 5/01/95 Α

RP0182602

TOTAL DUE:

37.46 VALID THROUGH: 6/20/95

RETURN ENVELOPE ENCLOSED FOR YOUR CONVENIENCE

PLEASE ENCLOSE STUB WITH PAYMENT

NENE 13 75 5E

DAVIS SUSAN H HC 85 BOX 121 BRUNEAU

ID 83604-9702

PARCEL NO: RP07S06E074200A

* T A X R E M I N D E R *

BARBARA WRIGHT TAX COLLECTOR OWYHEE COUNTY COURTHOUSE

MURPHY. ID 83650 TOTAL

TAX YEAR BILL# 94 2ND 5382

677.22

677.22

208-495-1158 OR 337-4222

DATE PRINTED: 5/01/95

RP0182606 Α

TOTAL DUE:

677.22 VALID THROUGH: 6/20/95

RETURN ENVELOPE ENCLOSED FOR YOUR CONVENIENCE

PLEASE ENCLOSE STUB WITH PAYMENT

SENW.NESW.LOTS 384 7 7S 6E

DAVIS SUSAN H HC 85 BOX 121 BRUNEAU

ID 83604-9702



LEASE, made this 30th day of May, 1990, between SUSAN H. DAVIS, a widow, hereinafter designated as the Owner, and JOYCE LIVESTOCK COMPANY, a Limited Partnership acting by and through Paul Nettleton, its general partner, hereinafter designated as the Lessee;

WITNESSETH: That for and in consideration of the covenants and agreements herein mentioned to be kept and performed by the Lessee, the Owner does hereby lease, let and demise to the Lessee the right to the use of five (5) cfs (250 inches) of water, which water is now and shall remain appurtenant to the following described real property which is owned by the Owner, located in the County of Owyhee, and state of Idaho, and particularly described as follows:

The East Half of the Southeast Quarter of Section Twelve and the Northeast Quarter of the Northeast Quarter of Section Thirteen, Township Seven South, Range Five East, Boise Meridian;

The Southeast Quarter of the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section Seven and the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section Eighteen, Township Seven South, Range Six East, Boise Meridian;

TO HAVE AND TO HOLD said water right during the irrigation season of the year 1990 and 1991, which irrigation season commences on March 1st and ends on November 1st of each year, and this lease is subject to renewal for the year 1992 upon the terms hereinafter provided.

Note: Lease renewed for 1992 also 1993 per Paul Nettleton.

1. GOVERNMENT SET-ASIDE PROGRAM. It is understood that the Owner's land is now in a Government Set-Aside Program and that it is therefore unnecessary for the Owner to use said water on her own land, but anything in this

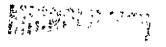
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lease to the contrary notwithstanding, IT IS HEREBY AGREED that said water right shall remain appurtenant to the Owner's land and that this lease is executed subject to all applicable rules and regulations of the Idaho Department of Water Resources and shall be subject to the approval of the Idaho Department of Water Resources.

- 2. RENT. The Lessee shall pay to the Owner as rent for the use of said water the sum of \$2,500.00 per year for the use of said water during the irrigation season from March 1st to November 1st of each year. Rent for the irrigation season of the year 1990 has been paid at the time of the execution of this lease. Rent for the irrigation season in 1991 shall be paid on or before March 1, 1991.
- 3. LESSEE'S LAND. It is understood that the Lessee is leasing the Owner's water right for use upon the following described lands owned by the Lessee, located in the County of Owyhee, State of Idaho, and described as follows:

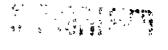
Portions of the Northeast Quarter of the Northeast Quarter, the Northwest Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, the Northwest Quarter of the Northwest Quarter of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the Southwest Quarter and the Northwest Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section Sixteen and the Northeast Quarter of Section Seventeen, all in Township Three South, Range One West, Boise Meridian, containing approximately 320 acres.

4. LESSEE'S USE OF SAID WATER. During the term of this lease the Lessee agrees to put all of said water to beneficial use and not to waste the same. The Lessee further agrees to comply with the rules and regulations



of the Idaho Department of Water Resources pertaining to the use of said water for irrigation purposes.

- 5. NO ASSIGNMENT OR SUBLEASE. The Lessee shall not assign this lease or sublet any part of said water rights without first obtaining the written consent of the Owner.
- 6. REPRESENTATIONS OF PARTIES. Both the Owner and the Lessee hereby represent to the other that he or she has the legal power and right to enter into and perform this lease and is the owner or is empowered to represent the owner of the respective tracts of land above described as being affected by this lease and that neither is aware of any actions, suits or proceedings pending that would adversely affect the lands herein described or the right to the use of said water.
- REMEDIES FOR DEFAULT. If default be made in the 7. payment of the rent hereby reserved or any part thereof or in the performance of any of the other terms and conditions hereof on the part of the Lessee to be kept and performed, then the Owner shall first give the Lessee fifteen day's notice in writing specifying wherein the Lessee has failed to comply with the terms hereof and which said notice may be delivered to Paul Nettleton, as general partner of Joyce Livestock Company, Murphy, Idaho, personally, or may be sent to the said Lessee by registered or certified mail, addressed to the Lessee in care of the said Paul Nettleton, Murphy, Idaho. If sent by mail, said notice shall be deemed served upon the Lessee upon the date it is deposited in the United States mails with postage prepaid, certified or registered and addressed as above mentioned. If the Lessee fails to correct said default within said fifteen-day period, then the





Owner may without further notice declare this lease terminated, in which event the Lessee's right to the use of the Owner's water shall immediately and without further notice terminate at once. In the event it becomes necessary for either of the parties hereto to place this lease in the hands of an attorney for enforcement of his rights hereunder after default of the other party, or to institute legal proceedings for enforcement of such rights, then the party not in default, or the prevailing party in case of suit, shall be entitled to recover reasonable attorney's fees in addition to any other damages allowed by law.

- 8. OPTION TO RENEW. The Lessee shall have and is hereby granted an option to renew this lease for another term of one year, which shall be the irrigation season for the year 1992, upon the same terms and conditions as are herein specified, option to renew accepted. In the event the Lessee desires to exercise this option renew, the Lessee shall notify the Owner in writing of such intention on or before March 1, 1992.
- 9. COVENANT. The Owner hereby covenants that the Lessee performing the terms and conditions hereof shall peacefully and quietly have, hold and enjoy the use of said water during each irrigation season covered by this lease.

IN WITNESS WHEREOF, the said parties have hereunto set their hands the day and year in this agreement first above written.

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OWNER,

JOYCE LIVESTOCK COMPANY,

A Limited Partnership,

Paul Nettleton, General Partner

LESSEE.

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DCT 1 (1996

STATE OF IDAHO,

On this 3/1 day of May, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared SUSAN H. DAVIS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

STATE OF IDAHO, COUNTY OF Elivery ss.

On this 3/11 day of////, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared PAUL NETTLETON, known to me to be the general partner of the partnership known as Joyce Livestock Company, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for Idaho Residing at 11 Idaho

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STATE OF IDAHO **DEPARTMENT OF WATER RESOURCES**

Transfer No. 3760 HT APPROVED APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

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PART 1

a	Description of diversion system WELL - ELECTRIC MOTOR + PUMP - PIPE
	Description of diversion system
	LINE TO PRESSURE PUMPING POND
b	. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, o
	contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of
	trust, mortgage or contract agreeing to the proposed changes
С	Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
400	88- LITTLE AFFECT - PASTURE LAND HAS GONE LOLE LAST
	4 YEARS DUE TO LOW WATER
1906	\$ 51-1052. Land is idle due to enrollment in CRP. Water right is moved to new
	location on a temporary basis, while new application for permit awaits trust water re
d	Remarks
	Applicant requests that water rights revert to original locations, Pld, etc
	after 3 years.
	——————————————————————————————————————
	A OTION OF THE DIRECTOR DEPARTMENT OF WATER RECOURCES
	ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES
	This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008 APPROVED in part, and DENIED in part.
	This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008 and application is herebyAPPROVED in part and DENIED in part.
And <u>1.</u>	This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008 said application is herebyAPPROVED in part and DENIED in part. Application for transfer of Water Right No. 57-4008 is denied.
And 1.	This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008 said application is hereby APPROVED in part and DENIED in part. Application for transfer of Water Right No. 57-4008 is denied. Application for transfer of Water Right Nos. 51-4006 and 51-7052 is approved subject
And <u>1.</u>	This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008 said application is hereby APPROVED in part and DENIED in part. Application for transfer of Water Right No. 57-4008 is denied. Application for transfer of Water Right Nos. 51-4006 and 51-7052 is approved subject to the conditions and limitations as stated in the attached Department of Water
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And 1. 2.	This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008 said application is hereby Application for transfer of Water Right No. 57-4008 is denied. Application for transfer of Water Right Nos. 51-4006 and 51-7052 is approved subject to the conditions and limitations as stated in the attached Department of Water Resources ORDER dated November 13, 1990.
And 1. 2.	This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008 said application is hereby APPROVED in part and DENIED in part. Application for transfer of Water Right No. 57-4008 is denied. Application for transfer of Water Right Nos. 51-4006 and 51-7052 is approved subject to the conditions and limitations as stated in the attached Department of Water
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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

DESCRIPTION OF RIGHT AS RECORDED 1. Right evidenced by a. Decree No Decreed to In case of Ossued by the Idaho Department of Water Resources. c. Claim No. #57 - 0 408 on file with the Idaho Department of Water Resources. d. Transfer No. Altah 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 Source of water POS61L CREEK Water is used for the following purpose: amount Colver 10 12 13 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 1919 Water is used for the following purpose: amount Colver 10 12 15 10 1							(A	ttac	h on	e co	py f	or e	ach i	ight)					
a. Decree No	. DES	SCRIPT	ION O	F RIGI	HT AS	RECO	RDE	D												
through the lidaho Department of Water Resources. c. Claim No. #57-0408 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 tributary to SHAKE REVER. 4. Date or priority July 15, 1949 5. Water is used for the following purpose: amount Cytyck for Err purposes from 1/15 to 5/15 (claid-ch) O. 17 ch for Dom purposes from 1/15 to 12/31 (claid-ch) O. 17 ch for Shock purposes from 1/1 to 12/31 (claid-ch) O. 17 ch for Shock purposes from 1/1 to 12/31 (cate-ch) O. 17 ch for Shock purposes from 1/1 to 12/31 (1. Rig	ht evide	nced b	y.																
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c. Claim No. \$\frac{157 - 0.4008}{\text{transfer No.}}\$ on file with the Idaho Department of Water Resources. d. Transfer No. \$\text{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 \$\text{Tributary to SNAKE KIVER}\$ 3. Source of water FOS6 IL CREEK tributary to SNAKE KIVER 4. Date or priority \$\frac{14}{3}\$ for \$\frac{15}{2}\$ for \$\frac{15}{		dated _						in .							count	y of .				
d Transfer No	b.	License	No _	<u> </u>)\$8	sued l	y the	ldaho	Depa	rtme	nt of \	Nater I	Resou	rces.
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 Source of water F056 IL CREEK Date or priority July 15, 1919 Water is used for the following purpose: amount. LYCL for LYC purposes from 1/15 to 5/15 (cfs/ac-ft) cfs/ac-ft) cfs/ac-ft) cfs/ac-ft) cfs/ac-ft) amount 0.12 cfs for Stock purposes from 1/1 to 12/3) (cfs/ac-ft) amount of water under right C-7 cubic feet per second and/or acre-feet per annum. Point(s) of Diversion: Lot 1/4 1/4 Sec. Twp Rige County Local name for diversion NE NE 27 YS ZW Onyhee Twp Rige. Sec. NE 1/4 NW 1/4 SW 1/4 SW 1/4 SE 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/4 NO 1/6 1/6 0 NUV 1/4 5 1/990 1/6 0	c.	Claim N	lo	#5°	7 - <u>C</u>	40	08	<u> </u>			_ on f	ile wi	th the	Idaho	Depa	ırtme	nt of V	Vater i	Resou	rces.
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9. Describe any other water rights used for the same purpose as described above Now											•	-37 1/4	Try To Sol	Vilentele		-		al acre	es	320

Lands irrigated or place of use NP. Rge. Sec. NE 1/4 NW 1/4 SW 1/4 SE 1/4 Totals NP. Rge. Sec. NE 1/4 NW 1/5 SE 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/4 NW 1/4 NW 1/4 SE 1/4 NW																				
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Page _	フ	of	10	



APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A.	DES	CRIPTI	ON OF	RIGH	IT AS	REÇO	KDED	i											
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2.									perty t						purte	enant	or oth	er do	cuments which
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5	Wate	er is use	ed for t	he foll	owing	purpo	se:												
6	(cfs/ amo (cfs/ amo (cfs/	ac-ft) unt ac-ft) unt ac-ft)				_ for _ _ for _	<u></u> -			pur	poses	from from					_ to _ _ to _		t per annum.
7.	Poin	t(s) of I	Diversi	on	,											_			
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	ſwp.	Rge.	Sec		NE	1/4	SE 1/4			SE 1/4	NE ¼		SW ¼		40	NW ¼	SW 1/4	-	
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	Twp.	Rge. 5€	Sec 12 13	NE ¼	NE	1/4	SE '4 1		1 % SW 4			NW ¼	SW ¼		40	NW ¼	SW 14	-	80 40
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9 Describe any other water rights used for the same purpose as described above _

Total acres ____38_

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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

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IWP.	Hge.	Sec	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW 14	SW 😘	SE 14	NE ¼	NW 1/4	SW 1/4	SE ¼	NE ¼	NW ¼	SW ¼	SE 1/4	lotais
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		13	40																40
75	6E	7					<u> </u>			40	40	40	40						160
		18					<u> </u>	2_			L_				<u> </u>				2
		<u> </u>	<u> </u>	<u> </u>	<u> </u>		<u> </u>					<u> </u>	<u> </u>		<u> </u>		<u> </u>		<u> </u>
																			202

51-705ZA

Total acres _____

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

1	amount 0. 32	for Iv	purposes from3	to 11/1
••	(cfs/ac-ft)			**
	amount (cfs/ac-ft)	_ tor	purposes from	10
	amount	_ for	_purposes from	to

2 Point(s) of Diversion: No Change

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

3 Lands irrigated or place of use.

Turn	Dan	C 4 5		NE	7/4			NV	1 1/4			SW	1/4			SE	1/4		Totals
Twp	Rge.	Sec	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW 4	SW ¼	SE 14	NE ¼	NW 4	SW ¼	SE 4	NE ¼	NW ¼	SW ¼	SE ¼	101413
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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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.

plu 57-040083 51. 04006B 51. 07052 B

PARSUNE (WELL)

735

RIW

MICROFILMED NOV 2 6 1990

PART 3

B. CHANGES IN NATURE UP USE			
1 New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			to
			to
Quantity and quality of return flows and loc	cation of discharge		
Describe effects on other water uses resulti	ing from the proposed o	change	
	<u></u>		
I hereby assert that no one will be injured t			_
of the original right. The information contained		•	
I understand that any willful misrepresentat		_	its approval
	Joyce Lives	toch Co. by: 4	rul Hiller, gene
	lan	(Signature of Applicant)
Subscribed and sworn to before me this	(7=	_day of _APRIL	, 19 <u>70</u>
		and a total	
		(Notary Public)	
My commission expires		-	
FO	R DEPARTMENT I	USE ONLY	
ransfer contains // pages and	Several attachme	nts	
Received by Date _	6/11/1990	Protest filed by	
	500 WOIZZS	<u> </u>	
Receipted by Date	6/11/990		
Published in <u>Recycle Caralanche</u>		Copies of protest forwar	ded by
Pub dates		Hearing held by	Date
Natermaster recommendation requested on	N/A	Recommended for Z	approval D denia
rec'd		by DRT	
Copy of transfer sent to lien holder		441841	MED
		Mily	⁶ 1990
_		,	

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	
FOR TRANSFER NO. 3760 OF) ORDER APPROVING TRANSFER
WATER RIGHT NO.s 51-4006,) IN PART AND
51-7052, & 57-4008 IN THE	DENYING TRANSFER IN PART
NAME OF JOYCE LIVESTOCK CO.))

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3760 filed pursuant to Section 42-222, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

- 1. On June 11, 1990 Joyce Livestock Co. (applicants) filed an application with the department to transfer 6.40 cfs of water under right no.s 51-4006, 51-7052 & 57-4008. The application proposed changing point of diversions, place of use and period of use for all three rights. The application further proposed changing the source of water under right no. 57-4008 from Fossil Creek to a groundwater source.
- 2. Groundwater rights no.s 51-4006 and 51-7052 which are presently owned by Susan H. Davis, are both appurtenant to the same 320 acres of land in Township 7S, Range 5E, and Township 7S, Range 6E.
- 3. Transfer no. 3760 proposes to move a total of 5.00 cfs and 282 acres under right no.s 51-4006 and 51-7052 to land owned by the applicants in Township 3S, Range 1W. The applicants propose to divert a total of 6.40 cfs of groundwater under this etwo

NOV 2 6 1990

rights and right no. 57-4008 to irrigate a total of 320 acres at the new place of use.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water ... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

- 2. Section 42-222, Idaho Code does not provide authority for the director of the department to approve transfer applications which propose to transfer the source of water from surface water to groundwater.
- 3. Approval of the proposed source change of right no. 57-4008 may constitute an enlargement in the use of this right since water from Fossil Creek has not been a reliable source of water during some irrigation seasons. If water used under the right is diverted from a groundwater source, then the applicants will divert more water during the irrigation season.
- 4. The proposed transfer of water from Fossil Creek to a groundwater well under right no. 50 10 10 10 be denied.

NOV 2-6-1990

5. The transfer of right no.s 51-4006 and 57-7052 should be approved, but limited to the diversion of no more than 5.00 cfs for the irrigation of no more than 282 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3670 of Water Right No. 57-4008 is DENIED, and Application of Transfer No. 3670 of Water Right No.s 51-4006 and 51-7052 is approved subject to the following conditions:

- 1. The groundwater rights under this transfer are limited to the diversion of 5.0 cfs for irrigation of 282 acres of the 320 acres described above.
- 2. Within 30 days of the approval of this transfer, the applicants shall describe the location of the 282 acres which are to be irrigated from the new groundwater point of diversion. If the acres proposed for irrigation are not described, the Department will assign the place of use.
- 3. When combined with all other rights, this transfer shall provide no more than 5.0 acre-feet per acre.
- 4. A transfer application shall be filed with the Department before the water rights can revert back to the original place of use and point of diversion and a new water right approved before use can continue at the new point of diversion and place use.
- 5. Approval of this transfer in no way confirms the rights claimed.
- 6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this

day of

1990.

L. GLEN SAXTON, Chief

Water Allocation Bureau

54,440



Department of Water Resources Western Regional Office

LEASE OF WATER RIGHTS

LEASE, made this 30th day of May, 1990, between SUSAN H. DAVIS, a widow, hereinafter designated as the Owner, and JOYCE LIVESTOCK COMPANY, a Limited Partnership acting by and through Paul Nettleton, its general partner, hereinafter designated as the Lessee;

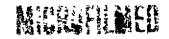
WITNESSETH: That for and in consideration of the covenants and agreements herein mentioned to be kept and performed by the Lessee, the Owner does hereby lease, let and demise to the Lessee the right to the use of five (5) cfs (250 inches) of water, which water is now and shall remain appurtenant to the following described real property which is owned by the Owner, located in the County of Owyhee, State of Idaho, and particularly described as follows:

The East Half of the Southeast Quarter of Section Twelve and the Northeast Quarter of the Northeast Quarter of Section Thirteen, Township Seven South, Range Five East, Boise Meridian;

The Southeast Quarter of the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section Seven and the Northwest Quarter of the Northwest Quarter of Section Eighteen, Township Seven South, Range Six East, Boise Meridian;

TO HAVE AND TO HOLD said water right during the irrigation season of the year 1990 and 1991, which irrigation season commences on March 1st and ends on November 1st of each year, and this lease is subject to renewal for the year 1992 upon the terms hereinafter provided.

1. GOVERNMENT SET-ASIDE PROGRAM. It is understood that the Owner's land is now in a Government Set-Aside Program and that it is therefore unnecessary for the Owner to use said water on her own land, but anything in this



NOV 7 6 1990

Altachment A

lease to the contrary notwithstanding, IT IS HEREBY AGREED that said water right shall remain appurtenant to the Owner's land and that this lease is executed subject to all applicable rules and regulations of the Idaho Department of Water Resources and shall be subject to the approval of the Idaho Department of Water Resources.

- 2. RENT. The Lessee shall pay to the Owner as rent for the use of said water the sum of per year for the use of said water during the irrigation season from March 1st to November 1st of each year. Rent for the irrigation season of the year 1990 has been paid at the time of the execution of this lease. Rent for the irrigation season in 1991 shall be paid on or before March 1, 1991.
- 3. LESSEE'S LAND. It is understood that the Lessee is leasing the Owner's water right for use upon the following described lands owned by the Lessee, located in the County of Owyhee, State of Idaho, and described as follows:

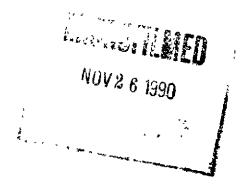
Portions of the Northeast Quarter of the Northeast Quarter, the Northwest Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, the Northwest Quarter of the Northwest Quarter, the Northwest Quarter of the Northwest Quarter of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section Sixteen and the Northeast Quarter of the Southeast Quarter of Section Seventeen, all in Township Three South, Range One West, Boise Meridian, containing approximately 320 acres.

4. LESSEE'S USE OF SAID WATER. During the term of this lease the Lessee agrees to put all of said water to beneficial use and not to waste the same. The Lessee further agrees to comply with the rules and regulations

NOV 2 6 1990

of the Idaho Department of Water Resources pertaining to the use of said water for irrigation purposes.

- 5. NO ASSIGNMENT OR SUBLEASE. The Lessee shall not assign this lease or sublet any part of said water rights without first obtaining the written consent of the Owner.
- 6. REPRESENTATIONS OF PARTIES. Both the Owner and the Lessee hereby represent to the other that he or she has the legal power and right to enter into and perform this lease and is the owner or is empowered to represent the owner of the respective tracts of land above described as being affected by this lease and that neither is aware of any actions, suits or proceedings pending that would adversely affect the lands herein described or the right to the use of said water.
- 7. REMEDIES FOR DEFAULT. If default be made in the payment of the rent hereby reserved or any part thereof or in the performance of any of the other terms and conditions hereof on the part of the Lessee to be kept and performed, then the Owner shall first give the Lessee fifteen day's notice in writing specifying wherein the Lessee has failed to comply with the terms hereof and which said notice may be delivered to Paul Nettleton, as general partner of Joyce Livestock Company, Murphy, Idaho, personally, or may be sent to the said Lessee by registered or certified mail, addressed to the Lessee in care of the said Paul Nettleton, Murphy, If sent by mail, said notice shall be deemed served upon the Lessee upon the date it is deposited in the United States mails with postage prepaid, certified or registered and addressed as above mentioned. If the Lessee fails to correct said default within said fifteen-day period, then the



Owner may without further notice declare this lease terminated, in which event the Lessee's right to the use of the Owner's water shall immediately and without further notice terminate at once. In the event it becomes necessary for either of the parties hereto to place this lease in the hands of an attorney for enforcement of his rights hereunder after default of the other party, or to institute legal proceedings for enforcement of such rights, then the party not in default, or the prevailing party in case of suit, shall be entitled to recover reasonable attorney's fees in addition to any other damages allowed by law.

- 8. OPTION TO RENEW. The Lessee shall have and is hereby granted an option to renew this lease for another term of one year, which shall be the irrigation season for the year 1992, upon the same terms and conditions as are herein specified, option to renew accepted. In the event the Lessee desires to exercise this option renew, the Lessee shall notify the Owner in writing of such intention on or before March 1, 1992.
- 9. COVENANT. The Owner hereby covenants that the Lessee performing the terms and conditions hereof shall peacefully and quietly have, hold and enjoy the use of said water during each irrigation season covered by this lease.

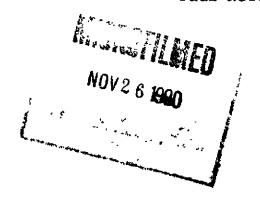
IN WITNESS WHEREOF, the said parties have hereunto set their hands the day and year in this agreement first above written.

OWNER,

JOYCE LIVESTOCK COMPANY, A Limited Partnership,

Paul Nettleton, General Partner,

LESSEE.



COUNTY OF Mus.) ss.

On this 20 day of MM, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared SUSAN H. DAVIS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

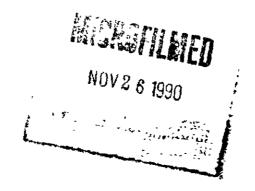
Notary Public for Idaho Residing at Man Idaho

COUNTY OF MANO, SS.

on this day of ____, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared PAUL NETTLETON, known to me to be the general partner of the partnership known as Joyce Livestock Company, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Residing at How Hand





THE OWYHEE AVALANCHE

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

)ss COUNTY OF OWYHEE)	SEP 23 1990
I, Joe E. Aman, being first duly sworn, depose and say:	Department of Water Resources
 That I am a citizen of the United States of America, mentioned was and now over the age of twenty-one years, in the proceedings hereinafter mentioned. 	and at all times hereinafter not a party to nor interested
2. That during the time of the publication of the notice her now am the publisher of The Owyhee Avalanche , a new printed and published weekly, on Wednesday of each as Homedale, County of Owyhee and State of Idaho.	spaper of general circulation
 That the said The Owyhee Avalanche has been printed and uninterruptedly in said County during a period of me prior to the first publication of the attached notice. 	
4. That said notice of which a printed copy, taken from said was published in the regular issue thereof, and not a	d newspaper, is hereto affixed, supplement thereto, in said
newspaper, in \(\frac{100}{2} \)	
(consecutive) calendar weekly issue(s) of said newspaper,	in the following date(s):
July 3 & 11, 1990	
	AUT IL MILE
	NOV & 6 1990
Signed Scarce	
21115	$A_{i} \sim A_{i} \qquad Q_{0}$
Subscribed and sworn to before me this 24 day of \(\)	<u>Sept.</u> A.D., 19_90
Notary Public	e in and for the State of Idaho Residing at Homedale, Idaho ommission expires April 1996



Notice is hereby given that Joyce Livestock Co. of Sinker Creek has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, and Period of Use of groundwater and surface water. The rights sought to be changed are evidenced by Claims and License, and are recorded as follows:

57-40069B
Amount: 6.4 cfs
Priority Season: 7/15/1919
1/15 to 5/15
Source: of Diversion: Fossil
Creek T4S R2W S27 NE1/4
NE1/4
Place of Use: T4S R2W S14
SE1/4,
S23 NW1/4 NE1/4, E1/2
NW1/4, NE1/4 SW1/4
51-4006
Amount: 3.0 cfs

Amount: 3.0 cfs
Priority Season: 3/1/1963
3/1 to 11/1
Source of Diversion:
Groundwater T7S R6E S18
NW1/4 NW1/4
Place of Use: T7S R5E S12
E1/2 SE1/4 S13 NE1/4
NE1/4
T7S R6E S7 SE1/4 NW1/4,
W1/2 SW1/4 NE1/4 SW1/4

Priority Season: 3/17/1970 Source of Diversion: Groundwater T7S R5E S13 NE1/4 NE1/4 Place of Use: T7S R5E S12 E1/2 SE1/4 S13 NE1/4

NE1/4 T7S_ROB_S7_SE1/4-NW1/4, W1/2 SW1/4, NE1/4 SW1/4 S10 NW1/4 NW1/4

The water is used for irrigation purposes.

TO BE CHANGED AS FOLLOWS

All of the water is to be diverted from a new well located in NW1/4 SE1/4 S16 T3S R1W, B.M., Owyhee County, and will be used for irrigation of 320 acres located within T3S R1W S16 N1/2, N1/2 SW1/4; S17 NE1/4 SE1/4, B.M., with season from 4/1 to 11/1.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before July 23, 1990.





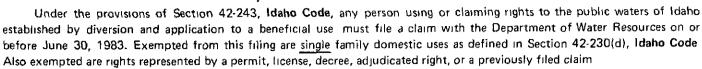
Claim No

Amended 51~4006

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Amended



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PROOF OF **PUBLICATION**

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho:

That the annexed notice was published in said newspaper once a week and every week for L Doonsecutive weeks, the first publication being on the 27 day of Agral , 198 3, and the last publication being on the 4 day of May,

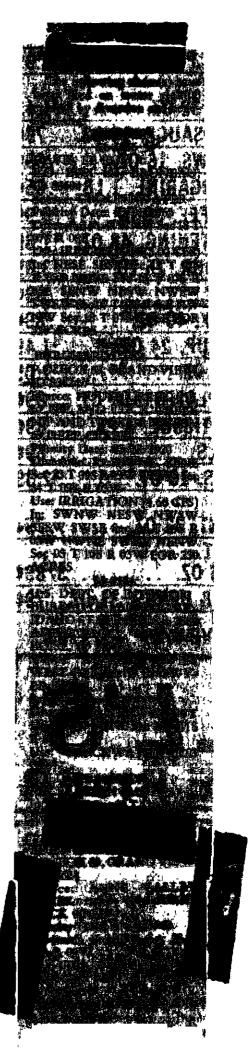
That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this .

My commission expir

(SEAL)





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

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5 Dec 1974

I, am a witness, that the water, described on claim to a Water Right by LeRoy Davis, has been used from the well by pumping and irrigation since 1963.

Joe E. Black Ross 49 Hammett, Addho I. C. H Loop am a witness, that the water, described on claim to a Water Right by LeRoy Davis, has been used from the well by pumping and irrigation since 1963.

R+B. ROX177 Bruman.



STATE OF IDAHO
County of Owyhee

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 2 consecutive weeks, the first publication weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the consecutive weeks and the conse

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventyeight consecutive weeks prior to the first publication of the attached notice.

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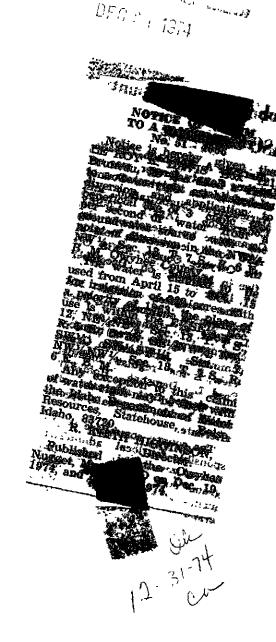
Subscribed and sworn to before me this Zhe day of Le.

197. 4.

NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)



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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 23, 1998

PHILIP E. BATT GOVERNOR

KARL J. DREHER DIRECTOR

SUSAN H DAVIS 3272 GEKELER #D201 BOISE ID 83706

RE: Water Rights 51-04006B/51-07052B (Transfer 5096)

Dear Ms Davis:

Enclosed is a copy of your approved Amended Transfer of Water Right for the above referenced water rights (Transfer 5096). 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.

Sincerely,

JIM JOHNSON, Manager

Water/Right Permits Section

JJ:klt

Enclosures

TE.

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of March, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

WATER RIGHTS 51-04006B/51-07052B (Transfer 5096)

SUSAN H DAVIS 3272 GEKELER #D201 BOISE ID 83706

Kari Lynn Townsend

Secretary'

AFE TO THE

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:

<u>PETITION FOR RECONSIDERATION</u>

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.

PREORD2.DOC 4/2/97

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.

MEMORANDUM

TO: FILES 51-04006B & 51-07052B

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5096

DATE: March 18, 1998

Transfer 5096 changes the place of use and adds a point of diversion under Rights 51-04006B and 51-07052B.

The change reflects the return of 40 acres of leased water right to the original place of use and identification of a second existing well used on this system. Release agreement was provided from the land owner who temporarily leased the rights.

Recommended conditions include future annual reporting, multiple points of diversion/measuring devices, combined limits, non-confirmation of claim, irrigation overlap and standard transfer conditions.

TRANSFER REVIEW SHEET (06-97)

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WR0749NP No. T51-04006B

OWNER

CODE

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

WATER USE

USE PERIOD FROM TO DIVERSION RATE

DIVERSION VOLUME

DATE: 03/17/98

PAGE:

C SUSAN H DAVIS

03/01/1963 IRRIGATION

PRIORITY

DATE

·----04/01 10/31

2.640 CFS

1115.40 AFA

3272 GEKELER #0201

BOISE ID 83706

TOTAL DIVERSION:

2.640 CFS

1115.40 AFA

(208) 338-5203

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T078 R05E S13

NENE

OWYHEE County

Place of use Legal Description for: IRRIGATION

NAME & ADDRESS

NE NU

SW

NENE NUNE SUNE SENE : NENU NUNU SUNU SENU : NESU NUSU SUSU SESU : NESE NUSE SUSE SESE : R S : Lt Ac

01-02

SE

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40 : 80.0 : 40.0

07S 05E 13: 07S 06E 7:

40 : 40 03-40 04-40

: 160.0

TOTAL ACRES

2.0 282.0

Pou County: OWYHEE

07\$ 06E 18 :

Conditions of Approval:

DAM - After specific notification by the department, the right holder

გუშ - shall install a <u>suitable measuring device</u> or shall enter into an

- agreement with the department to determine the amount of water

- diverted from power records and shall annually report the

- information to the department.

R64 - This right when combined with all other rights shall provide no

- more than 0.02 cfs per acre nor more than 4.0 afa per acre at the

- field headgate for irrigation of the lands above.

TO7 - The right holder shall accomplish the change authorized by this

transfer within one (1) year of the date of this approval.

TOS - Failure of the right holder to comply with the conditions of this

- transfer is cause for the Director to rescind approval of the

transfer.

T09 - 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.

T17 - Prior to diversion of water under this approval, the right holder

- shall provide a means of measurement acceptable to the Department

- from all authorized points of diversion which will allow

- determination of the total rate of diversion.

Remarks: GEN

The total instantaneous diversion of water from all points of diversion under Transfer 5096 shall not exceed 5.00 cfs, nor a total combined annual volume of 1128.0 af.

Rights 51-040068 and 51-070528 when combined shall not exceed a total annual diversion volume of 1128.0 af at the field headgate. WR0749NP No. T51-04006B

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 03/17/98

PAGE: 2

Remarks: Approval of Transfer 5096 does not confirm Claimed Right

51-04006B.

Two points of diversion are located within NENE, \$13, T07S, R05E.

Dates: App, Received: Priority Date: 03/01/1963

Proof Due Date: Proof Made Date: Exam Made Date: Exam Sent to S.O.:

Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/07/1991 User-ID: MILLER Subject: TRANSFER NO. 3760

Date: 07/18/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4798 Transfer No. 4798 was filed to change & add points of diversion

and change the place of use under Right Nos. 51-04006B &

51-07052B.

Date: 03/17/1998 User-ID: PSKAGGS Subject: TRANSFER 5096 Transfer 5096 adds a point of diversion & changes the place of

use under Rights 51-04006B & 51-07052B.

Audit: 06/13/97 STAYLOR 06/18/97 PSKAGGS 03/17/98 PSKAGGS

WR0749NP No. T51-07052B

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 03/17/98

PAGE:

OWNER	₹	PRIORITY		USE PERIOD	DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE	WATER USE	FROM TO	RATE	VOLUME
			•••••			
C	SUSAN H DAVIS	03/17/1970	1RRIGATION	04/01 10/31	2.360 CFS	977.10 AFA
	3272 GEKELER #D201					
	BOISE ID 83706		ī	TOTAL DIVERSION:	2.360 CFS	977.10 AFA
	(208) 338-5203					

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: TO7s ROSE \$13 NENE OWYHEE County

Place of use Legal Description for: IRRIGATION

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																		TO	TAL ACR	ES		282.0

Pou County: OWYHEE

Conditions of Approval:

- 034 After specific notification by the department, the right holder
- by8 shall install a suitable measuring device or shall enter into an
 - agreement with the department to determine the amount of water
 - diverted from power records and shall annually report the
 - information to the department.
- R64 This right when combined with all other rights shall provide no
 - more than 0.02 cfs per acre nor more than 4.0 afa per acre at the
 - field headgate for irrigation of the lands above.
- TO7 The right holder shall accomplish the change authorized by this
 - transfer within one (1) year of the date of this approval.
- TOB Failure of the right holder to comply with the conditions of this
 - transfer is cause for the Director to rescind approval of the
 - transfer.
- TO9 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.
- T17 Prior to diversion of water under this approval, the right holder
 - shall provide a means of measurement acceptable to the Department
 - from all authorized points of diversion which will allow
 - determination of the total rate of diversion.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer 5096 shall not exceed 5.00 cfs, nor a total combined annual volume of 1128.0 af.

Rights 51-040068 and 51-070528 when combined shall not exceed a total annual diversion volume of 1128.0 af at the field headgate.

WR0749NP No. T51-07052B

Remarks:

Dates:

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

03/17/1970

DATE: 03/17/98

NO. T51-07052B WATER RIGHT PROFILE REPORT PAGE: 2

Two points of diversion are located within NENE, S13, TO7S, RO5E.

Priority Date:

Proof Due Date: Proof Made Date: Exam Made Date: Exam Sent to S.O.:

Licensed Date: 06/21/1979

App. Received:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/07/1991 User-ID: MILLER Subject: TRANSFER NO. 3760

Date: 07/18/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4798 Transfer No. 4798 was filed to change & add points of diversion and change the place of use under Right Nos. 51-040068 &

51-07052B.

Date: 03/17/1998 User-ID: PSKAGGS Subject: TRANSFER 5096 Transfer 5096 adds a point of diversion & changes the place of

use under Rights 51-04006B & 51-07052B.

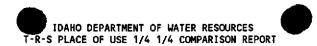
Audit: 03/17/98 PSKAGGS 03/17/98 PSKAGGS

DATE: 03/17/98 PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS) (QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

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WR0725NP (OD-725)



DATE: 03/17/98 PAGE: 2

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS) (QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

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		DAVIS, RICHARD M	C	•	•			
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FORM 222a

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT Ju	SAN H. Davis transfer no. 5096
INITIAL ALLOC SRBA SUPERVIS	OR REVIEW BY DATE 5/24/47 DATE 6-6-87
1. Right number(s) 51-04006B 51-0705ZB
2. Type of right	Decree License Statutory Claim SRBA Beneficial Use Claim
3. Purpose of tr	ansfer Change P/D Add P/D Change P/U Change N/U Change Source Split Right Other:
4. Check Existing Right:	Period SRBA Claim Description of original point(s) of diversion Description of original place of use Overlapping rights on original place of use
5. Check Proposed	Right for amount of land &/or water transferred: Also see attached memo for more analysis information All of right
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. <u>/</u>	Description of place of use
e. <u>/</u>	Map showing P/D & P/U after transfer
f	Correct notarized signature and \$100 fee
g. ∠	Map showing P/D & P/U after transfer Correct notarized signature and \$100 fee Proof of ownership of right &/or land from which water is transferred
h. <u>/</u>	Expansion in use of right - Comments: None Apparent -
	WATER for the 40 Doves on BACKMAN site (5.9) WAS
	nut used in 1996 to should must present problems
	to must It have to pain rite (C7)

		Transfer No.	, Page 2
i. <u>/</u>	Existing rights from stransferred to; right		
	NONE		
NEW TRANSFER will amond claims to math now configuration	SRBA claim(s) - Comment SRBA claim; differences SRBA claim? any owners Explain)	s between existing wat	er right and
Amend claims to	Claime AS1-04006B	; AS1-070528 NUV	REFlect T. 4798 ISSH
k. <u>/</u>	بير /٩٩٤. Comment letters If yes	Yes No Water District Other, see #2 and address	# below for name
PUBLICATION RET	71EW		
1. Legal Notice e	lectronically sent to DW	WRO3::VAULT?	Yes
2. COMMENT LETTERS	5		
Watermaster	recommendation requests	ed on, Receiv	red on
Other commen	nts letters:	See attached info	ormation
3. Transfer publis	shed correctly?	Yes No	
4. Affidavit of pu	blication received?	Yes No	
5. Protests receiv	red? Yes No;	Acknowledgement sent	:? Yes
6. Data entry of a	pplication completed?	Yes	
			RECEIVED
RECOMMENDED ACT			JUL 2 🤈 1997
1. Approve	See attached memo	D	epartment of Water Resources
2 Deny due to			sparinisti of trater risosocio
Standard	cial conditions in Water Fransfer conditions		
4. By 6ary 5		Date	77
FILE FORWARDING			
1. Copies made for	Region file (see attack	hed supplemental page)	? Yes
2. File forwarded	to S.O.: by	date	 _

The there is already a white the
for our shoff for there 2 Rights
fince to 4798 was tiked 1995 ?

Since to 4798 was tiked 1995 ? For any put place any a stuff in that efter the on shelf- see 51-04006B/51-07052B juscotoli-51-04006 File. - 82

FORM 222a/suppl 1/97

SUPPLEMENTAL STAFF ANALYSIS SHEET

Donic

TRANSFER NO. 5096	WORDPERFECT FILENAME // VIS
COPY FOR WATE	R RIGHT <u>AND</u> ADJUDICATION FILES:
for allocation &	ormation to make filing understandable in Region file adjudication uses. Indicate items to be copied below. irst four items where present.
~	LEGAL NOTICE
\checkmark	TRANSFER ANALYSIS SHEET (FORM 222a)
~	TRANSFER APPLICATION INCLUDING MAP Attack. A THE
<u>~</u>	REVIEWER'S ANALYSIS MEMO IF PREPARED S/29/97 memo REVIEWER'S ADDITIONAL MAPS/DIAGRAMS
<u>~/A</u>	REVIEWER'S ADDITIONAL MAPS/DIAGRAMS
<u> ~/A</u>	REVIEWER'S ADDITIONAL COMPUTER REPORTS
4	OWNERSHIP VERIFICATION - ALWAYS INCLUDE IF ANY OUESTIONS ABOUT OWNERSHIP ARE FOUND RE SRBA CLAIM SHOWNERSHIP CHANGE, SPLITS, ODD SITUATIONS ETC.)
N/A	OTHER ITEMS - LIST THESE BELOW OR ON BACK AS NEEDED

AVOID COPIES WHERE CAN -

excess profile reports; oversized documents; numerous application attachments unless are clarifying maps, explanations etc.; easements $\hat{\mathbf{x}}$ other agreements unless are essential to understanding the application.

COPIES TO BE MADE JUST BEFORE FORWARD FILE TO S.O., AND DISCARD THIS FORM BEFORE FORWARDING FILE

The Owynee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

) ss

STATE OF IDAHO

COUNTY OF OWYHEE

,
I, Joe E. Aman, being first duly sworn, depose and say:
1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.
2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.
3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.
4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in
said newspaper, in Two (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s) June 18 and 25, 1997
Signed
Subscribed and sworn to me this 25th day of June A D., 1997
Shirly Martinal

Notary Public in and for the State of Idaho

156 9 h 17:

Residing at Homedale, Idaho

Commission expires April 22, 2002

WATER RIGHT, TRANSFER NO. 5096

Notice is given that SUSAN H. DAVIS of 3272 Gekeler #D201, Boise, ID 83706 has applied to the Department of Water Resources to change the Point of Diversion and Place of Use pursuant to I.C. § 42-222 for the following ground water irrigation rights in Owyhee County.

Statutory Claim #51-04006B, priority 3-1-1963, 2.64 cfs.

License #51-07052B, priority 3-17-1970, 2.36 cfs.

Both rights divert water from wells in NENE S13, T7S, R5E [1 Davis well] and NWNE S9, T7SR6E (2 Colyer/Bachman wells) to irrigate 282 combined acres in portions of S12 & 13, T7S R5E and S7, 9, & 18, T7S R6E. Total diversion for both rights is limited to 5.00 cfs. Davis had leased some of this water in previous Transfers #3760 & #4798 that defined the above rights.

PROPOSED CHANGE

Transfer leased water back to Davis from Bachman. Cease irrigation use under the 2 rights from 2 Colyer/Bachman wells and move water from 40 acres in S9 (near Hot Springs Rd.) to irrigate 40 acres in S7 (about 2 miles to the west), all within T7S R6E. Use Davis well listed above plus additional unrecorded Davis well in NENE S13 to irrigate 282 combined acres west of Hot Creek Rd. in S12 & 13, T7S R5E and S7 & 18, T7S R6E.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before July 7, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director 6/18825/97

RECEIVED

JUN 2 7 1997

WATER RESOURCES WESTERN REGION

MEMORANDUM

TO: FILE

FROM: STEVE LESTER

DATE: MAY 29, 1997

RE: TRANSFER REVIEW FOR RIGHT NOS. 51-04006B & 51-07052B

This 1997 transfer application seeks to return 40 acres of leased water from Bachman land to Davis land that is enrolled in CRP. Davis previously leased some of the water in these rights per Transfers 3760 and 4798 ("T4798"). The latter transfer involved the Bachman lease.

It appears that the water was not used by Bachman. T4798 was approved in August, 1996. Page 2 of Attachment D indicates that the approval came too late to be of beneficial use. Bachman is returning the water to Davis on 40 additional acres in SENW and NESW S7, presumably within the Davis CRP land previously documented in the transfer files. No other rights are identified for the 40 acres to which Davis proposes to move this water.

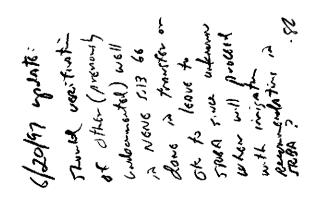
Attachments B and C document Bachman's S9 ownership and release of the water back to Davis. Attachment D is a copy of the lease agreement from T4798.

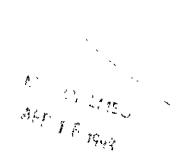
Note that both Davis wells in NENE S13 already exist - one identified as P/D in T4798 and another previously unidentified well. The combined rights will remain limited to 5.00 cfs and 1128 afa for 282 acres.

Since Bachman did not use the 40 acres worth of water, it does not present an expansion problem to move it back to Davis land even if some/all of the Bachman acres are covered by other rights (possibly the case per POU Comparison Report).

RECOMMENDATIONS

The transfer looks approvable within the limits already specified in T4798. No expansion or injury is noted. Verification of use and other typical transfer issues either do not apply or have been addressed in previous transfers. Non-use of water on the Davis land can be excused by CRP enrollment, which is thought to be valid through 1999. Transfer approval will automatically amend the SRBA claims (currently mirror T4798 details) without apparent complications.





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DEPARTMENT OF WATER ADMINISTRATION

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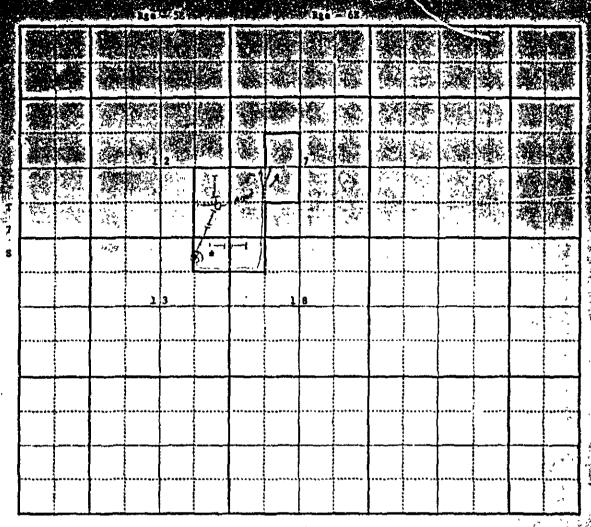


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-8c 5/29/97

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(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS) (QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS -- CHECK THE DATA BASE RECORDS)

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DATE April 29, 1997 CUSTOMER SUSAN DAVIS 3272 Gekeler Boise Id 83706 338-5203

SUBJECT: TRANSFER REFERRAL

to Water appropriations

Steve,

Susan came in today and had questions these transfers that I couldn't answer for her. (I briefly talked to Cindy about this and advised me to refer this to your program) This is what Susan related to me.

- She originally filed a transfer from her CRP lands to Jovce Livestock, then later filed a Transfer to get those lands back to her that was leased by Joyce Live stock.
- In the process Frank Bachman wanted to get 40 of those acres transferred to him. Now he doesn't want the 40 acres of water.
- So she brought a copy of the transfer in that she believed Cindy had done to Transfer all of the lands back to her, and to include the 40 acres going to Bachman in which he was going to lease.
- She still wants the portion in the transfer that she was transferring back to her lands to happen, but now to include the 40 acres that originally were going to Frank Bachman to also go back to her lands since Frank doesn't want to lease the water anymore.
- Please contact her ASAP.

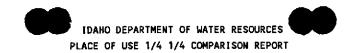
Attachments:

Copy of her written transfer Transfer File from our vault

Circly Mass Follow of a this wer.

program reference
Antes,

想得 主持 100 年



DATE: 05/28/97

PAGE: 3

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS) (QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

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AJ5809NP No. A51-04006B

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/28/97

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C SUSAN	H DAVIS	03/01/1963	IRRIGATION	03-15 11-15	3.00 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	2.64 CFS	1115.40 AFA 987.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T07S R05E S13

NENE

OWYHEE County

R06E S09 NUNE **OWYHEE County**

Place of use Legal Description for: IRRIGATION

ME NU SU SF NENE NUNE SUNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : T R S : Lt Ac Lt A SUM ; ; ! 07S 05E 12 : 80.0 07S 05E 13 : 40.0 20 : 20 03-40 04-40 120.0 07S 06E 7: 18 16 06 40.0 07s 06E 9: 07S 06E 18: 02 2.0 TOTAL ACRES 282.0

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: A51-07052B

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

A51-07052B

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

A51-00003 A51-00004B A51-00005 A51-04006 A51-04006A A51-04004B A51-04049 A51-07052 A51-07052A A51-07052B A51-10271 A51-10350 R51-00004B

Conditions of Approval:

R31 - This right when combined with all other rights shall provide no

- more than .02 cfs per acre nor more than 4.0 afa per acre for the

- Lands above.

TO4 - Approval of this transfer in no way grants any right-of-way or

- easement for use of a delivery system owned by person(s) other

- than the right owner.

TO7 - The change authorized by this transfer shall be accomplished

- within one (1) year of the date of this approval.

TOB - Failure to comply with the conditions of this transfer is cause

- for the director to issue an order to show cause why the approval

- of the transfer should not be rescinded.

TO9 - Approval of this transfer does not preclude the opportunity for

- review of the validity of the water right(s) in the ongoing

Both SRBA claims = T. 4798 configuration so claims

N/A to legal notice.



IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/28/97

2

PAGE:

Conditions of Approval:

AJ5809NP

No. A51-04006B

- Snake River Basin Adjudication.

T17 - Prior to diversion of water under this approval, the right holder

- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow
- determination of the total rate of diversion.

Remarks: GEN CLAIM AMENDED PER TRANSFER NO. 4798 APPROVED 8/30/96.

SEE ALSO ADDITIONAL CONDITIONS OF APPROAL AS LISTED ON THE COPY

OF APPROVED TRANSFER NO. 4798 IN FILE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4798 SHALL NOT EXCEED 5.00 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 1128.0 AF FOR THE IRRIGATION OF 282.0 TOTAL COMBINED ACRES IN A SINGLE IRRIGATION SEASON. APPROVAL OF THIS TRANSFER IN NO WAY CONFIRMS STATUTORY CLAIM NO.

51-04006B.

TWO POINTS OF DIVERSION ARE LOCATED WITHIN NWNE, SO9, TO7S, ROSE.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

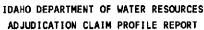
Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:





PAGE: 3 No. A51-07052B

PRIORITY USE PERIOD DIVERSION DIVERSION CUNER FROM TO CODE NAME & ADDRESS DATE WATER USE RATE VOLUME 03/17/1970 IRRIGATION C SUSAN H DAVIS 03-01 11-01 2.68 CFS --------

TOTAL DIVERSION:

2.36 CFS

977.10 AFA 987.00 AFA

DATE: 05/28/97

CONSUMPTIVE USE:

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

AJ5809NP

T07S R05E S13

R06E S09

NENE NWNE **OWYHEE County OWYHEE County**

Place of use Legal Description for: IRRIGATION

NF NU SU.

NEME NUME SUME SEME : MENU NUMU SUMU SEMU : MESU NUSU SUSU SESU : MESE NUSE SUSE SESE : 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 --- --- : : : ---- : : ---- : : ----- : ----- : ----- : ----- : ----- : : ----- : : ----- : : ----- : : -----07S 05F 12 : 40 • 80.0 07\$ 05E 13 : : 40.0 : • 20 : 20 03-40 04-40 : 120.0 07S 06E 7: : : 06 : 40.0 07S 06E 9 : 18 16 : : : 02 07S 06E 18 : : : 2.0 TOTAL ACRES 282.0

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: A51-04006

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

A51-04006B

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

A51-00003 A51-00004B A51-00005 A51-04006 A51-04006A A51-04006B A51-04048 A51-04049 A51-07052 A51-07052A

A51-10271 A51-10350 R51-00004B

Conditions of Approval:

R31 - This right when combined with all other rights shall provide no

- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- TO4 Approval of this transfer in no way grants any right-of-way or
 - easement for use of a delivery system owned by person(s) other
 - than the right owner.
- TO7 The change authorized by this transfer shall be accomplished
 - within one (1) year of the date of this approval.
- TOB Failure to comply with the conditions of this transfer is cause
 - for the director to issue an order to show cause why the approval
 - of the transfer should not be rescinded.
- TO9 Approval of this transfer does not preclude the opportunity for
 - review of the validity of the water right(s) in the ongoing







DATE: 05/28/97

4

PAGE:

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT

Conditions of Approval:

- Snake River Basin Adjudication.

T17 - Prior to diversion of water under this approval, the right holder

- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow
- determination of the total rate of diversion.

CLAIM AMENDED PER TRANSFER NO. 4798 APPROVED 8/30/96. Remarks: GEN

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY

OF APPROVED TRANSFER NO. 4798 IN FILE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4798 SHALL NOT EXCEED 5.00 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 1128.0 AF FOR THE IRRIGATION OF 282.0 TOTAL COMBINED ACRES IN A SINGLE IRRIGATION SEASON.

APPROVAL OF THIS TRANSFER IN NO WAY CONFIRMS STATUTORY CLAIM NO.

51-04006B.

TWO POINTS OF DIVERSION ARE LOCATED WITHIN NWNE, S09, T07S, R06E.

Verified Date:

Exam Made Date:

Objection Filed Date:

Misc:

Dates:

Field Inspection Flag: Water District Number:

Presumption Flag:



State Saho DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190 FAX (208) 334-2348

PHILIP E. BATT GOVERNOR

June 13, 1997

KARL J. DREHER DIRECTOR

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on June 18 and 25, 1997, in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before July 7, 1997

Yours truly,

Sue Taylor

Secretary, Office Coordinator

Enclosure



Notice is given that SUSAN H. DAVIS of 3272 Gekeler #D201, Boise ID 83706 has applied to the Department of Water Resources to change the Point of Diversion and Place of Use pursuant to I.C. § 42-222 for the following ground water irrigation rights in Owyhee County:

Statutory Claim #51-04006B, priority 3-1-1963, 2.64 cfs. **License #51-07052B**, priority 3-17-1970, 2.36 cfs.

Both rights divert water from wells in NENE S13, T7S R5E (1 Davis well) and NWNE S9, T7S R6E (2 Colyer/Bachman wells) to irrigate 282 combined acres in portions of S12 & 13, T7S R5E and S7, 9, & 18, T7S R6E. Total diversion for both rights is limited to 5.00 cfs. Davis had leased some of this water in previous Transfers #3760 & #4798 that defined the above rights.

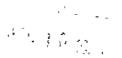
PROPOSED CHANGE

Transfer leased water back to Davis from Bachman. Cease irrigation use under the 2 rights from 2 Colyer/Bachman wells and move water from 40 acres in S9 (near Hot Springs Rd.) to irrigate 40 acres in S7 (about 2 miles to the west), all within T7S R6E. Use Davis well listed above plus additional unrecorded Davis well in NENE S13 to irrigate 282 combined acres west of Hot Creek Rd. in S12 & 13, T7S R5E and S7 & 18, T7S R6E.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before July 7, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avanlanche on June 18 and 25, 1997.





State of Ida

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000 Phone: (208) 327-7900 FAX: (208) 327-7866

> PHILIP E. BATT GOVERNOR

KARL J. DREHER

August 30, 1996

SUSAN H DAVIS HC 85 BOX 121 BRUNEAU ID 83604

Transfer of Water Right Nos. 51-04006B/51-07052B RE:

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4798). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Also, 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 to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. you acquire a water right or change your mailing address AFTER July 1, 1996, you must nofify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

JIM JOHNSON, Manager

Water Right/Permits Section

JJ:ph

Enclosure

OCT 1 0 1996

MEMORANDUM

TO: FILE NOS. 51-04006B & 51-07052B

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4798

DATE: July 18, 1996

Transfer No. 4798 was filed to change and add points of diversion, and change the place of use under Right Nos. 51-04006B and 51-07052B.

Previous Transfer No. 3760 moved these rights as leased for a temporary period of time. This transfer application reflects the expiration of that lease and the reorganization of the rights. Region staff discussed the proposal with state office staff resulting in this single application reflecting the entire rights as described under Part Bs.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include irrigation overlap, right-of-way, multiple points of diversion/measuring devices, combined limits and standard transfer conditions.

TRANSFER REVIEW SHEET (04-96)

ransfer # 4798	Date Reviewed 07-18-96
ight(s) <u>51-07052B</u>	
ωκο // Print Split Summary	Run POU Comparison Report
:Change P/D C:Add P/D D:Change :Change Period of Use G:Other :Change P/D & P/U	P/U E:Change Nature of Use H:Change P/D & Add P/D J:Add P/D & Change P/U
roof of Ownership Lease - temporary Tax notices - Cover all except 76	USE-apportenent to Davis Proporty
ransferAll of Right esulting Split(s) NONE- Per discu- staft. Recommend all under PartB	ssien + decision between Region + 5.0.
neck Transfer Against Recorded R	ight Season/Vol. <u>//4.0</u>
1)Priority (2)Use (3)	Season (4)Rate (5)Volume
6) Source (7)P/D (8)P/	U (9) Proof/Owner (10) Map
11) NO Water District (12) YesPerti	
D Recommend standard season 4-1	
Standard Vol 4x382= 1/28ata Change P/1)	< 2.64×213×1.9835=1/15.4afa
Existing wells - Rts devoloped as p	<u>Systems</u>
ransfer Remarks Modify 51-64006B onditions TOIDRZI, TOY, TO7, TO8, TO Delete Claum Remark From 51-670	2P/DS NWNE 59 WBY Combined Limits - 282 Acres + 11- D9, T17
	ndard Non-Standard
R_Reports File Dwvis.tis; File Deleted 5-30	Transfer Memo Complete V
Approval Cover Letter Stands	

WR0749NP No. T51-04006B

CODE

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

USE PERIOD FROM TO

DIVERSION RATE

DIVERSION

DATE: 07/18/96

PAGE:

VOLUME

C SUSAN H DAVIS

PRIORITY. DATE

WATER USE ------

04/01 10/31

2.640 CFS 1115.40 AFA

HC 85 BOX 121

03/01/1963 IRRIGATION

TOTAL DIVERSION:

2.640 CFS

1115.40 AFA

BRUNEAU 1D 83604 (208) 845-2438

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T07S R05E S13

NENE

OWYHEE County

R06E S09

NWNE

OWYHEE County

Point of Diversion Name(s):

Rate

T07S R05E S13

R06E S09

DAVIS WELL

NE NE NW NE

COLYER WELLS (BACHMAN)

Place of use Legal Description for: IRRIGATION

NAME & ADDRESS

:

:

:

:

:

:

Number

TRS: Lt Ac L --- --- : ----- : ----- ---- ---- : ---- : ---- ---- : ---- : ---- ---- : ---- ---- : ----- : ----- : ----- : -----

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40 : 80.0

07s 05E 13 : 40 07s 06E 7:

07S 06E 18 :

20

20 : 20 03-40 04-40

: 40.0 : 120.0

> 40.0 : 2.0

TOTAL ACRES

282.0

Pou County: OWYHEE

07S 06E 9 :

Other Water Rights with Same Point(s) of Diversion and Source:

51-07052A T51-07052B

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

18 16

51-00004B 51-00005 51-04006A 51-04048 51-04049 51-07052A T51-07052B

Conditions of Approval:

R31 - This right when combined with all other rights shall provide no

- more than .02 cfs per acre nor more than 4.0 afa per acre for the

- tands above.

TO4 - Approval of this transfer in no way grants any right-of-way or

- easement for use of a delivery system owned by person(s) other

- than the right owner.

107 - The change authorized by this transfer shall be accomplished

- within one (1) year of the date of this approval.

TO8 - Failure to comply with the conditions of this transfer is cause

- for the director to issue an order to show cause why the approval

- of the transfer should not be rescinded.

TO9 - Approval of this transfer does not preclude the opportunity for

WR0749NP No. T51-040068

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 07/18/96

PAGE: 2

Conditions of Approval:

- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.
- T17 Prior to diversion of water under this approval, the right holder
 - shall provide a means of measurement acceptable to the Department
 - from all authorized points of diversion which will allow
 - determination of the total rate of diversion.

Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer No. 4798 shall not exceed 5.00 cfs, nor total combined annual volume of 1128.0 af for the irrigation of 282.0 total combined acres in a single irrigation season.

Approval of this transfer in no way confirms Statutory Claim No. -51-040068.

Two points of diversion are located within NWNE, S09, T07S, R06E.

Dates: App. Received: Priority Date: 03/01/1963

Proof Due Date: Proof Made Date: Exam Made Date: Exam Sent to S.O.:

Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/07/1991 User-ID: MILLER Subject: TRANSFER NO. 3760

Date: 07/18/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4798 Transfer No. 4798 was filed to change & add points of diversion and change the place of use under Right Nos. 51-040068 &

51-070528.

Audit: 03/27/96 CHODGES 07/18/96 PSKAGGS 07/18/96 PSKAGGS

WR0749NP No. T51-070528

IDAHO DEPARTMENT OF WATER RESOURCES

DATE: 07/18/96 WATER RIGHT PROFILE REPORT PAGE: 1

USE PERIOD PRIORITY DIVERSION DIVERSION CODE NAME & ADDRESS DATE WATER USE FROM TO VOLUME RATE -------------04/01 10/31 2.360 CFS C SHEAN H DAVIS 03/17/1970 IRRIGATION 977.10 AFA HC 85 BOX 121 -----BRUNEAU ID 83604 TOTAL DIVERSION: 2.360 CFS 997.10 AFA (208) 845-2438

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

NENE Point(s) of Diversion: T078 R05E S13 **OWYHEE County** R06E S09 NWNE OWYHEE County

Point of Diversion Name(s):

Name Rate Number

T07S R05E S13 DAVIS WELL NE NE

R06E S09 NW NE COLYER WELLS (BACHMAN)

Place of use Legal Description for: IRRIGATION

NENE NUNE SUNE SENE : MENU NUNU SUNU SENU : NESU NUSU SESU : NESE NUSE SUSE SESE : 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 .

07S 05E 12: 80.0 07S 05E 13 : 40 40.0 07S 06E 7: 20 : 20 03-40 04-40 : 120.0 07S 06E 9: 18 16 06 : : 40.0 07S 06E 18: 02 : 2.0

TOTAL ACRES 282.0

Pou County: OWYHEE

Other Water Rights with Same Point(s) of Diversion and Source:

51-07052A T51-04006B

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

51-00004B 51-00005 51-04006A 51-04048 51-04049 51-07052A T51-04006B

Conditions of Approval:

R31 - This right when combined with all other rights shall provide no

- more than .02 cfs per acre nor more than 4.0 afa per acre for the

- lands above.

TO4 - Approval of this transfer in no way grants any right-of-way or

- easement for use of a delivery system owned by person(s) other

- than the right owner.

TO7 - The change authorized by this transfer shall be accomplished

- within one (1) year of the date of this approval.

TOB - Failure to comply with the conditions of this transfer is cause

- for the director to issue an order to show cause why the approval

- of the transfer should not be rescinded.

T89 - Approval of this transfer does not preclude the opportunity for

WR0749NP No. T51-07052B

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 07/18/96

PAGE: 2

Conditions of Approval:

- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.
- T17 Prior to diversion of water under this approval, the right holder
 - shall provide a means of measurement acceptable to the Department
 - from all authorized points of diversion which will allow
 - determination of the total rate of diversion.

Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer No. 4798 shall not exceed 5.00 cfs, nor total combined annual volume of 1128.0 af for the irrigation of 282.0 total combined acres in a single irrigation season. Approval of this transfer in no way confirms Statutory Claim No. 51-040068.

Two points of diversion are located within NWNE, S09, T07S, R06E.

Dates: App. Received: Priority Date: 03/17/1970

Proof Due Date: Proof Made Date:

Exam Made Date: Exam Sent to S.O.:

Licensed Date: 06/21/1979

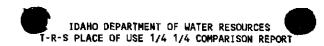
Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/07/1991 User-ID: MILLER Subject: TRANSFER NO. 3760

Date: 07/18/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4798 Transfer No. 4798 was filed to change & add points of diversion and change the place of use under Right Nos. 51-04006B &

51-07052B.

Audit: 07/18/96 PSKAGGS 07/18/96 PSKAGGS 07/18/96 PSKAGGS



DATE: 07/18/96

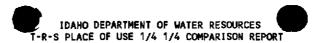
PAGE:

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS) (QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

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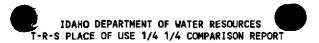
Multiple surface ourlap + 2 aw nights belonging to the lesser used of the criginal per. T#3760 temperary in nature—waiting for other ownights to leappined.

T#47 ዓ8



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*																		
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IDAHO DEPARTMENT OF WATER RESOURCES T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

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IDAHO DEPARTMENT OF WATER RESOURCES T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

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s E Water	sin: 51 Starting W	O W	Priority	07052 STG/		Use	s Y
L Right No.	Last, First	N	Date	STS	Source	Desc	S
_ 51-07052 _ 51-07052A _ 51-07052B _ T51-07052B	DAVIS, LEROY R JOYCE LIVESTOCK CO DAVIS, SUSAN H	c c	00/00/0000 03/17/1970 03/17/1970 03/17/1970	L/ L/	GROUNDWATER GROUNDWATER GROUNDWATER	IRR IRR IRR	WR WR WR WR
_ A51-07052 _ - -	DAVIS, SUSAN H DAVIS, RICHARD M	C C	03/17/1970	L/	GROUNDWATER	IRR	AJ

SD-	-0611-2 Bas	sin: 51	Starting	Wate O	er Right:	04006	5		s
E	Water	Nam	ne .	W	Priority	STG	•	Use	Y
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-	51-04006	~~~~~~			00/00/0000	 /Z			WR
_		D	2011	_		•	an arminates man		
	51~04006A	DAVIS, LE	ROY		03/01/1963		GROUNDWATER	IRR	WR
	51-04006B	JOYCE LIVE	ESTOCK CO	С	03/01/1963	S/	GROUNDWATER	IRR	WR
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_	A51-04006	DAVIS, SUS	AN H	Ç	03/01/1963	S/	GROUNDWATER	IRR	AJ
_		DAVIS, RIC	HARD M	С		•			





STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT Jue	an Davis TRANSFER NO. 4798	
INITIAL ALLOCAT SRBA SUPERVISOR		
1. Right number(s)	51-400:, 51-7052	
2. Type of right	Decree License Statutory Claim SRBA Beneficial Use Claim	
3. Purpose of tran	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	
6. Check Proposed	Right for amount of land &/or water transferred:	
7 /A1	so see attached memo for more analysis information	
<th>All of right</th> <th></th>	All of right	
	Part of right (NOTE! Part B should be filled in <u>only</u> if part of right is <u>owned</u> by the applicant)	
c. <u>/</u> 1	Description of point(s) of diversion	
d. <u>/</u> 1	Description of place of use	
e. <u>/</u> 1	Map showing P/D & P/U after transfer	
f	Correct notarized signature and \$100 fee	
	Proof of ownership of right &/or <u>land</u> from which water is transferred	
h. <u>/</u>	Expansion in use of right - Comments:	
-	REC =	
-	RECEIVE MAY 1 1996 Department of Water Resource	D es

Na _k			Transfer No.	, Page 2
	i. /		me source, on land water number(s): 22 9 4	
		have Bruneau	Bulkaroo di	tel 40
	j. <u>/</u>	SRBA claim; differences SRBA claim? any ownersh	s (NOTE! Approved transfe between existing water r ip or other outstanding i	ight and
	k	Use within a Water Dist	rict? Yes No	ct #
	1	Other comment letters? in item #2 for publicat	If yes, list name and add ion review.	ress below
PU	BLICATION REV	VIEW BY ST		
1.	Legal Notice e	lectronically sent to DW	RO3::VAULT Yes	s
2.	COMMENT LETTERS	5		
	Watermaster	recommendation requester	d on NA, Received	on
			e following name(s) & add:	
з.	Transfer publis	shed correctly?	Yes No	
4.	Affidavit of pu	ublication received?	✓ Yes No	
5.	Protests receiv	red?Yes∕No;	Acknowledgement sent?	Yes
6.	Copies made for	Region file (see attack	ned supplemental page)?	Yes
RE	COMMENDED ACT	!ION		
1.	Approve			
2.	Deny due to	·		
3.	Conditions (spe	cial conditions in Water	Districts)	
4.	By Dr		Date <u>5/8/96</u>	

The Owynee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

OWNER OF TOATTO

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)
I, Joe E Aman, being first duly sv	worn, depose and say:
	nited States of America, and at all times hereinafter age of twenty-one years, not a party to nor interested intioned.
and now am the publisher of The	ublication of the notice hereinafter mentioned, I was Owyhee Avalanche , a newspaper of general circulation of Wednesday of each and every week, in the City of State of Idaho
3 That the said The Owyhee A ously and uninterruptedly in said weeks prior to the first publication	Avalanche has been printed and published continu- l County during a period of more than seventy-eight n of the attached notice
	printed copy, taken from said newspaper, is hereto lar issue thereof, and not a supplement thereto, in
said newspaper, in	Three (3)
(consecutive) calendar weekly issu	ue(s) of said newspaper, in the following date(s):
April 17 & 24,1996	
MAY 0 2 1996	
HEOD.	
MAY 0 2 1350	
WATER REGION WESTERN REGION	
Signed	Cu-
Subscribed and sworn to me this	
<u> </u>	i black
	Notary Public in and for the State of Idaho Residing at Homedale, Idaho Commission expires August 1812001

PROPOSED CHANGE OF () WATER RIGHT

NO. 51-04006B 51-07052B TRANSPER NO. 4798

Notice is hereby given that Susan H. Davis, HC 85 Box 121, Bruneau, ID 83604, has applied to the Department of Water Resources to add two points of diversion and change the place of use to the following water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RE-CORDED

No. 51-04006B
Basis Statutory Claim
Date of Priority 03/01/1963
Source Ground Water
Amount 2.64 cfs
Use Irrigation
Point of Div NWSE, T03S

Point of Div NWSE, T03S R01W, Sec 16

Place of Use NE, NW, N1/2 SW, Sec 16, NESE, Sec 17, T03S R01W, 282 acres total

03S R01W, 282 acres total No. 51-07052B Basis License Date of Priority 03/17/1970 Source Ground Water Amount 2.36 cfs

Use, Point of Div, and Place of Use same as above

THE ABOVE WATER RIGHTS TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 4798

No. 51-4006B & 51-07052B

LUKO I ASSITORATION

NENE, Sec 13, T07S R05E Place of Use SENW, NESW, W1/2 SW, Sec 7, W1/2 NE, NENW, Sec 9, NWNW, Sec 18, T07S R06E, E1/2 SE, Sec 12, NENE, Sec 13, T07S R05E, 282 acres total.

Any protest against approval of the proposed change of water rights application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before May 6, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher Director Publish April 17 and 24, 1998



NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 51-04006B & 51-07052B TRANSFER NO. 4798

Notice is hereby given that Susan H. Davis, HC 85 Box 121, Bruneau ID 83604, has applied to the Department of Water Resources to add two points of diversion and change the place of use to the following water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RECORDED

51-04006B No.

Statutory Claim Basis

Date of Priority 03/01/1963 Ground Water Source Amount 2.64 cfs Irrigation Use

Point of Div NWSE, T03S R01W, Sec 16

NE, NW, N1/2 SW, Sec 16, NESE, Sec 17, Place of Use

T03S R01W, 282 acres total

51-07052B No. License Basis Date of Priority 03/17/1970 Ground Water Source 2.36 cfs Amount

Use, Point of Div, and Place of Use same as above

THE ABOVE WATER RIGHTS TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 4798

51-04006B & 51-07052B No.

Point of Div NWNE, Sec 9, T07S R06E (2 pts)

NENE, Sec 13, T07S R05E

SENW, NESW, W1/2 SW, Sec 7, W1/2 NE, NENW, Place of Use

Sec 9, NWNW, Sec 18, T07S R06E, E1/2 SE, Sec 12, NENE, Sec 13, T07S R05E, 282 acres

total.

Any protest against approval of the proposed change of water rights application must be filed with the Department of Water Resources. Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before May 6, 1996. The protestant must also send a copy of the protest to the applicant.

> Karl J. Dreher Director

Published in the Owyhee Avalanche on April 17 and 24, 1996.

OCT 1 0 1936

MEMORANDUM

March 12, 1996

TO: Pam Skaggs and Jim Johnson

THROUGH: Dave Tuthill

FROM: Cindy HodgesOy

RE: Pending Transfer #4798 DAVIS

The attached copy of application for transfer is not in line with the currently adopted practice of "one transfer per system". The transfer was proposed as shown because the applicant wished to accomplish two actions: first, to return to her land the portion of two rights which had been temporarily leased to Joyce Livestock in 1990, and to subsequently lease to a third party a 40 acre share of the same rights.

Rather than propose sequential transfers, which would likely cause confusion and would certainly create much duplication of effort in analysis, we have allowed this application to propose a simultaneous change in place of use. This is obviously advantageous for the applicant as well, and will produce the same result with less paperwork. Unlike some other applications for transfer which propose dual changes for two parties, the applicant is requesting both changes and will retain control of all portions of the rights. Therefore, there should be no question of our authority to make modifications to either split.

We are forwarding a courtesy copy of this application for your information in advance of advertising. Presently, the application has been returned to the applicant for final approval (see attached correspondence). If either of you have a more expeditious idea for processing this type of proposal, please let us know.

Note to reviewer: Pam & Jim reviewed and suggested we computy even further by not spiriting the right at all, and having pact B infact by a changed P/h & P/D. So-hight want to keep this in mind when advertising. Might make for a Smaller ad to "hump" all info. Also-SRBA claims never changed first time around because intent was temporary—doesn't seem necessary to talk around this in advertising.

MEMORANDUM

RECEIVED

MAR 1 4 1996

March 12, 1996

Department of Water Resources

TO:

Pam Skaggs and Jim Johnson

THROUGH:

Dave Tuthill

FROM:

Cindy HodgesOx

RE:

Pending Transfer

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Croposed Transfer

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We are forwarding a courtesy copy of this application for your information in advance of advertising. Presently, the application has been returned to the applicant for final approval (see attached correspondence). If either of you have a more expeditious idea for processing this type of proposal, please let us know.

Format approval all in one piece "Part B".

3 Pds - 2.82 Acres

pn JJ & telecen with Cindy H. 3-14-96

CONVERSATION MEMORANDUM

TO: File 51-4006

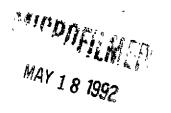
FROM: Sharla

DATE: May 7, 1992

RE: Telecon Concerning Proof of Completed Transfer

On this date, I contacted Paul Nettleton of Joyce Livestock Co. to confirm the completion of the transfer approved last year. A response to my correspondence of 3/26 had not been received.

Mr. Nettleton informed me that he thought the completed proof form had been returned to me, however, they recently moved offices and it is possible the paperwork was lost in the shuffle. The **transfer** has been completed and groundwater is being used this year to irrigate the place of use.



e was a me wage



State of I DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000 Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 26, 1992

Joyce Livestock Co. Sinker Creek Murphy, ID 83650

RE: Approved Transfer No. 3760/Water Right No(s). 51-04006B/07052B

Dear Water Right Holder(s):

On November 19, 1990, the Department approved an application for transfer of the above referenced water right(s). A copy of the transfer as approved has been enclosed for your reference. One of the conditions of approval of this transfer was that the authorized change(s) be accomplished within one year of the date of approval.

Please complete and return the enclosed form to confirm that the transfer has been accomplished. If the approved transfer has not been completed or is only partially complete, please provide an explanation why the changes have not been made and given an expected date for completion. The form must be returned to this office within 15 days of the date of this letter. If you wish to return the form by FAX, the number is (208)327-7866.

Please contact me if you have questions concerning this matter.

Sincerely,

SHARLA CURTIS Water Resource Agent

Enclosure



PART A

-

ORIGINAL



State of Saho DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 20, 1990

RE: Transfer of Water Right Nos. 51-4006/7052 57-4008

Joyce Livestock Co. Sinker Creek Murphy, ID 83650

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Trans. No. 3760). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON

Water Rights Supervisor

JJ:blm

Enclosure

MICKUFILMED NOV 2 & 1990

Comment of the same of the sam

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: October 12, 1990

RE: TRANSFER NO. 3760/RT. NO.S 51-4006, 51-7052 & 57-4008

Dave Tuthill's memo of 7/22/90 adequately describes the intent of this transfer. I essentially agree with Dave's memo but I am hesitant to recommend that the department allow the proposed transfer of claim no. 57-4008 (i.e.; allowing the surface claim to be diverted from a groundwater source).

Although our database does not list other rights with Fossil Creek as a source, I raise the question that the transfer of 57-4008, even though it may be a temporary transfer, would be an expansion of the original claim since the non-diverted water would be available for downstream users on Sinker Creek. Furthermore, I question whether there is any precedent for approving a transfer from a surface water source to a groundwater source. I don't believe Section 42-222 provides authorization to change a source, particulary from surface water to groundwater.

I would recommend that the department allow the transfer of the two groundwater filings (51-4006 and 51-7052), and deny the transfer of claim no. 57-4008. This will allow the applicant to irrigate up to 282 acres from the new supplemental groundwater well. I believe that the applicant should have sufficient surface water rights to cover, for a full season, the 38 acres within the 320 acre land base that can not legally be irrigated with the two transferred groundwater rights. Before denying the transfer of 57-4008, we could perhaps contact the applicant and ask why the other appurtenant surface rights can not be used to cover the 38 acres for an entire season.

Finally, I question whether we should view this as a temporary transfer, as recommended by Dave, or treat it as a permanent transfer and require that another transfer be filed in order for the rights to revert back to their original place of use etc. As I understand it, the department has approved 'temporary transfers' in the past without changing water rights in the database to reflect the approved transfer. This causes some problems which need not be identified here, but lead me to recommend that transfer no. 3760 should be treated as a permanent transfer. On the other hand, this transfer if treated as permanent, will require splitting of severals water rights as well as renumbering two of the split portions beginse the restrict messy use is in a different basin. In short, we have a transfer messy

transfer which, if considered permanent, will require considerable database changes now and when the second transfer is filed to revert the rights back to the place of origin.

In discussing this matter with both Jim and Gary, it has been recommended that we create a temporary file in the database which shows the rights as reflected by the approved transfer. Although certain data entry will be required at the time the transfer is first approved, including creation of split rights, the temporary database files will allow us to avoid renumbering rights and will result in far less database changes when a second transfer is filed and the rights revert back to the place of origin. Furthermore, we achieve the objective of having the database properly reflect all approved transfers.

At this time, I recommend that the department partially approve the application, subject to the conditions below. I further recommend that we treat this as a permanent transfer, and thus suggest the use of condition no. 5 below to replace the conditions recommend by Dave Tuthill (the water right lease agreement does not really specify an expiration date).

- 1. The department approves the transfer of water right no.s 51-4006 and 51-7052, and denies the transfer of right no. 57-4008.
- 2. Approval of this transfer in no way confirms the rights claimed.
- 3. The groundwater rights under this transfer are limited to the diversion of 5.0 cfs for irrigation of 282 acres of the 320 acres described above.
- 4. When combined with all other rights, this transfer shall provide no more than 5.0 acre-feet per acre.
- 5. A transfer application shall be filed with the Department before the water right can revert back to the original place of use and point of diversion and a new water right approved before use can continue at the new point of diversion and place use.
- 6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Note: Database changes will be made after approval of transfer. Database must be programmed to accept new prefix code for temporary transfers.

NOV 2 6 1990

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIA	L REVIEW BY:
1	Right number 57-04008 Applicant Juyce Livestock Co. 51-04006 51-07052
2	Type of right □ Decree ☑ License ☑ Claim
3	Purpose of transfer: Change point of diversion 🗆 Add diversion point(s) 🕒 Change place of use
	Other <u>setsun</u> is source
4.	Check:
	a G Source Priority G Amount G Purpose G Period of use
	b
	c Description of original place of use
5	Amount of land &/or water transferred
	a □ All of right
	b Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
	c. P Check description of point(s) of diversion.
	d. P Check description of place of use.
	e & Check map (shows p d. and p.u after transfer). MAP Shows > 10 per in 5. 16 SWNG but assume
	e & Check map (shows p d. and p.u after transfer). MAP Shows > 10 Me. 13 1. 16 Start is correct f. & Check for correct signature, notarization, and fee.
re attached	g 🖂 Check proof of ownership of right &/or land from which water is transferred
11 11 -	h. Check for expansion in use of right. Comments
	i. © Check for existing water rights from same source, on land water is being transferred to
	Right number(s) None for a pour water
	1. 🖼 Is use within a Watermaster District? 🖻 Yes 🗆 No
	If yes, what district? 57-D Sinker Comment letter sent I Yes I No N/A since proposi- PROCESSING REVIEW BY The Open Comment letter sent I Yes I No Grandwarter use
FINAL	PROCESSING REVIEW BY GROWN WE GROWN WE WE
1	Watermaster recommendation requested on NA Received on
2,	Is transfer published correctly? Yes D No
3.	Protest received? Yes No MMENDED ACTION OCT 0 1990 OCT 0 1990
RECO	Protest received?
1.	Approve and of Water "
2	□ Deny Departmen*
3	Conditions Lands from which water is removed by this transfer shall
	not be irrigated from any source. (2) This temporary transfer shall expire,
	and the watershall return to their original places of use, when the Lease of By Date 9/27/90
4	By
_ -,	Water Rights between Susan H. Davis and Joyce Livestock Company terminates.
* All u	ses within Watermaster Districts require special conditions

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Tayes Livertrale Co.

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MEMORANDUM

TO: File for Application for Transfer in the Name of Joyce Livestock Co.

FROM: Dave Tuthill Da

DATE: July 22, 1990

RE: Information Relative to the Filing of the Application

Mr. Paul Nettleton of Joyce Livestock Co. desired to drill a well to provide supplemental groundwater for surface irrigated ground, and discovered that the point of diversion was located hydraulically upstream from Swan Falls. Thus, his new appropriation must be viewed as trust water.

He filed an Application for Permit that will be reviewed as a request for trust water in a few years. Meanwhile, in order to begin to use the water this irrigation season, he sought other water rights to transfer to the site. He opted to transfer, on a temporary basis, a water right from Fossil Creek that has only received a small amount of water in drought years. When Mr. Nettleton visited the office to make the appropriate application for transfer, I advised him that the transfer of water from Fossil Creek would not be sufficient to enable the supplemental use of groundwater on the 320 acres of property as proposed.

As a result, Mr. Nettleton entered into a contract whereby he is leasing water on a temporary basis from Susan H. Davis, whose land is presently in the Conservation Reserve Program. As Mr. Nettleton plans to divert only as much as 5.0 cfs, this is the limit of the amount of water purchased from Mrs. Davis. As the Davis water rights totaled 5.68 cfs on 320 acres, the prorata number of acres that use 5.0 cfs is 282 acres. The Application for Transfer thus shows that a total of 5.0 cfs is desired to be transferred from 282 acres. The remainder of the water for the 320 acres is presumed to be provided by the Fossil Creek water right.

In this transaction, the amount of water that should be ascribed to the surface water right and the groundwater right is debatable. However, an important aspect of this transaction is that the transfer is specifically requested to be temporary. Because the amount of water obtained by Mr. Nettleton is at least very close to the needed amount, any field work to determine a refined computation of available flows appears to be unwarranted, and the proposal appears to be acceptable.



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Nos. 57-4008B, 51-4006 and 51-7052

Notice is hereby given that Joyce Livestock Co. of Sinker Creek has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, and Period of Use of groundwater and surface water. The rights sought to be changed are evidenced by Claims and License, and are recorded as follows:

Right	Amount	Priority Season	Source Diversion	Place of Use	
57-4008В		7/15/1919 1/15 to 5/15	Fossil Creek T4S R2W S27 NE1/4NE1/4	T4S R2W S14 SE1/4, S23 NW1/4NE1/4, E1/2NW1/4, NE1/4SW1/4	4
51-4006		3/1/1963 3/1 to 11/1	Groundwater T7S R6E S18 NW1/4NW1/4	T7S R5E S12 E1/2SE1/4 S13 NE1/4NE1/4 T7S R6E S7 SE1/4NV1/4, W1/2SW1/4, NE1/4SW1/4 S18 NW1/4NW1/4	4
51-7052B	2.0 cfs	3/17/1970	Groundwater T7S R5E S13 NE1/4NE1/4	Same as 51-4006	

The water is used for irrigation purposes.

TO BE CHANGED AS FOLLOWS

All of the water is to be diverted from a new well located in NW1/4SE1/4 S16 T3S R1W, B.M., Owyhee County, and will be used for irrigation of 320 acres located within T3S R1W S16 N1/2, N1/2SW1/4; S17 NE1/4SE1/4, B.M., with season from 4/1 to 11/1.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before July 23, 1990.

R. Keith Higginson Director

Published in the Owyhee Avalanche on 7/4 and 7/11/1990.



NOV 2 6 1990

Boise, Idaho 83705 (208) 334-2190

JUNE 27, 1990

Owyhee Avalanche P.O. Box 97 Homedale, ID 83628

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JULY 23, 1990.

Yours truly,

GAIL GARRETT Secretary

Encl.



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HR400 'NP (00-21)

IDAHO DEPARTMENT OF HATER RESOURCES HATER RIGHTS HICROFICHE BY PLACE OF USE

EI8 A

DATE: J3/03/90 PAGE: 6716

THP RNG	SECT	TRA		LOT	ACRES	HATER-USE-CODE	HATER RIGHT NO.	LAST NAME	<u>0</u> 5TG	PRIORITY DATE	HATER SOURCE
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MR400 I NP 1DAHO DEPARTMENT OF MATER RESOURCES DATE: 03/03/90 (00-21) HATER RIGHTS HICROFICHE EV PLACE OF USE PAGE: 6721 0_STG PRIORITY THP RNG SECT TRACT LOT ACRES HATER HATER HATER-USE-CODE RIGHT NO. SOUF ĈE 075 06E 6 51-00052A 51-00052B HAHES 04/01/1897 BRUNEAU RIVER 04/01/1897 BRUNEAU RIVER ΥÜΤ МI 40.0 T NH 51-00053 HAHES Ď NH 40.0 01.04.43 04/01/1905 BRUNEAU RIVER 51-02149 51-02210 TURNER GLINESKI 09/15/1959 GROUNDWATER 03/25/1966 GROUNDWATER NH NH 6.0 01 40.0 HISAN 51-00050A 51-00050B 01,04,43 HAHES 04/01/1875 BRUNEAU RIVER 04/01/1875 BRUNEAU RIVER ПH 40.0 01,04,43 SE SE NH 51-00051A 40.0 01.04.43 HAHES 04/01/1876 BRUNEAU RIVER HAHES 04/01/1876 BRUNEAU RIVER 04/01/1897 BRUNEAU RIVER NH 40.0 51-000518 ΝIJ 40.0 0 .04.43 51-00052A 記を記せ HAHES NU 40.0 51-00052B 04/01/1897 SRUNEAU RIVER ΩI n NH 40.0 01 .04,43 51-00053 51-02149 MITES 04/01/1905 BRUNEAU RIVER 09/15/1959 GROUNDHATER NH O TURNER SH 2.0 01 51-02210 GLINESKI 03/25/1966 GROUNDHATER HISAH HOT SPRINGS DITCH NE NE 51-0731 03/22/1989 BRUNEAU RIVER 01.04,43 TURNER 40.0 51-00042 Ð 04/01/1875 BRUNEAU RIVER 0420121876 BRUNEAU RIVER 0420121897 BRUNEAU RIVER 01,04,43 51-00043 51-00044 TURNER TURNER NĒ 40.0 40.0 NĒ 40.0 01.04,43 51~00045 TURNER Ď 04/01/1905 BRUNEAU RIVER 51-07317 51-02209 HOT SPRINGS DITCH GLINESKI 03/22/1989 BRUNEAU RIVER 03/25/1966 GROUNDHATER NH 13.0 01 Ōī HISAH 51-04006 51-07052 03/01/1963 CROUNDHATER 03/17/1970 GROUNDHATER NN 40.0 DAVIS 40.0 DAUIS 01 51-04006 51-07052 51-04006 NE 03/01/1963 GROUNDHATER SH 40.0 01 DAVIS DAVIS DAVIS NĒ 03/17/1970 GROUNDHATER 03/01/1963 GROUNDHATER 40 B ŌΙ द्या 40.0 01 NH ŜН 51-07052 DAVIS 03/17/1970 GROUNDHATER 40.0 D1 51-04006 51-07052 03/01/1963 GROUNDHATER 03/17/1970 GROUNDHATER まるという STI SEE 40.0 DAVIS DAVIS 40.0 40.0 51-07152 DAVIS 01 08/25/1980 GROUNDHATER 51-07152 51-0006 51-00062 51-00062 08/25/1980 GROUNDHATER 04/01/1876 BRUNEAU RIVER 40.0 DAVIS 40 0 01.04.43 NOBLE NE 01,04,43 NH MOBLE 04/01/1897 BRUNEAU RIVER 40.0 NH 40.0 40.0 01.04.43 <u>ROBERT NOBLE EST</u> 04/01/1905 BRUNEAU RIVER 01.04,43 04/01/18.6 BRUNEAU RIVER 04/01/1897 BRUNEAU RIVER SH NOBLE A ME 51-00061 51-00062 01.04,43 40.0 NOBLE 01.04.43 ROBERT NOBLE EST 04/31/1905 BRUNEAU RIVER 40.0 51-00060 NOBLE 04:01:1876 BRUNEAU RIVER 01,04,43 04/01/1897 BRUNEAU RIVER 40.0 NE 01.04.43 51~00061 NOBLE Ð 51-00062 46.0 01.04.43 ROBERT NOBLE EST 04/01/1905 ARLNEAU RIVER 51-00060 NOBLE 04/01/1876 _ INEAU RIVER 40.0 01.04,43 D 51-00061 NE 40 0 01,04,43 NOBLE D 04/01/1897 BRUNEAU RIVER NE 01.04.43 51-00062 ROBERT NOBLE EST 40.0 04/01/1905 BRUNEAU RIVER 51-07152 DAVIS 08/25/1980 GROUNDHATER 08/25/1980 GROUNDHATER NH 40.0 01 SH 51-07152 DAVIS 40.0 01 А 40.0 Ωī 51-07119 BERRY 07/13/1977 GROUNDHATER

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	Identification N	lo	
AMENDED	Claim No	57-4008	
	Map No		

STATE OF IDAHO DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form) Joyce Livestock Company Murphy, Idaho post office address. 2. The point of diversion is in <u>NE</u> ¼ of <u>NE</u> _1/4 Section ____27 Township_ Fossil Creek _____ B.M. located on ____ (name of source) Snake River **Owyhee** tributary to ... in. 3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use. a. Date of priority claimed: amount: 6.4 c.f.s. or 1600 acre feet July 15, 1919 amount: _____ c.f.s. or _____acre feet amount: __ ___c.f.s. or_____acre feet __c.f.s, or_____acre feet. Total claimed____ b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed: use Irrigation period of use from Jan. 15 to May 15 __(both dates inclusive) period of use from Jan. 1 Domestic Dec. 31 (both dates inclusive) Stockwater Jan. 1 Dec. 31 period of use from_ (both dates inclusive)

03E	period or use from	101		(both dates inclusive).
Description of diverting we	orks:	, , , , , , , , , , , , , , , , , , ,		•
a. Surface water diversion	n dam and/or <u>headgate:</u> i	material is composed	of <u>cemen</u>	<u>it</u>
	,	; length is5	feet; heig	ht is 2 feet
width at bottom is1.	5 feet; with at top is	1.5 feet; exp	ain any increas	e in diversion capac
ity since structure was first	feet; with at top is t buil, giving dates and estin	mated capacities	Marii ke	ira.
	,		117	
		,	19:30	· , · ;
b. Underground water divi	erting works: is well flowi	ng or pumped_flow	ing spring	; depth of well is
feet; diameter	of well isinches;	type of pump is		
capacity of pump is	erfing works: is well flowi of well isinches; g.p.m.; name and addr	ess of well driller is_	Sand Street or Street or Street	11.84
		-		

	Conv	ĕying	if so,	give	dates oth of	and e	i to p	iece d	f use	is1	's mi	XX	SI F wid	dth of	F ditch	at to	p is	4	feet;
•	fieck mexi type	is	14 ength	_feet	; mate	erial :	throughts p	gh wi	hich o fuse _; gr	litch p is ade o	f pipe	isfe	et; dia 1000	imete feet i	soi r of p	1 ipe lii	ne is_		inches;
	ing d	lete an	d dim	ension	ns if p	oossib	ole	1	no c	hang	es t	o co	mple	tion	of	work	.s		
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		on of		oir by	40-8			-	-	•								•	describe
		here be									it was	s first	built.			, if	so, ç	jive d	lates and
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5. a.	. Where	e wate		sed fo	or irriç			crib e	area		ed by			ubdiv	risions	<u> </u>		total	acres:
	. Where	e wate	r is o	sed fo	or irriç		n, des	cribe N		irriga	red by	\$٧	ocre s			<u> </u>	EV4		acres:
			r is o	sed fo	or irriç	pation	n, des	cribe N	area	irriga		\$٧	V1/4			SI	EV4		<u> </u>
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	RANGE	sec.	r is o	sed fo	or irriç	pation	n, des	cribe N	area	irrigat SEV4	NEV4	\$٧	V1/4		NEV4	SI NW1/4	EV4 SW1/4	SE1/4	160
	RANGE	sec.	r is o	sed fo	or irriç	pation	n, des	cribe N	area	irrigat SEV4	NEV4	\$٧	V1/4		NEV4	SI NW1/4	EV4 SW1/4	SE1/4	160
5. a.	RANGE 2W	14 23	NOEVA	NWW 40	er irrig	say4), des	NWV4	area W1/4 SW1/4	seu 40	NEV4 40	Tot	sww.	mber	NEW 40 of acr	NW14 40 es to	swi/4 40	SEV4	160 160

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interests in the clitch are life	known) The other users and their respective
(meresis in the unith are (ii	KIOWIY
	vatering, give number of each kind of stock watered numbers vary
	estic or municipal purposes give number of families served one irrigator working
-	purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the in	initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities	
The priority date c	etails of your claim which you feel need clarification or additional explanation laimed herein is based on that of Permits R-151 and 14154/
57-2119.	
As the flow of both	creek and springs varies from year to year and season to
	figures can be given. All available water is used at all
	has been since the ranch was developed. No doubt, Mr.
	the impression that all necessary forms had been complete
and recorded.	
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the of the transfers	igned being duly sworn, deposes and says that he they subscribed th
1	igned, being duly sworn, deposes and says that he, the subscribed the together with all attached information, and that the matters and facts therein an
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Sworn to before me this	together with all attached information, and that the matters and facts therein an lowledge. Jayou Livestock Company Claimant day of Notary Public Residing at South Sand
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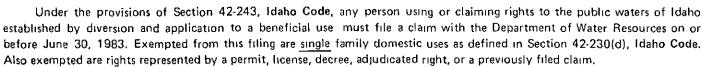


Amended Claim No 51-4006

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Amended



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Map should show the location of the point of diversion and the place of use of the water by 40-acre subsection, township and range of the public land survey system. State of Idaho) ss. County of See it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregot a water right, together with all attached information, and that the matters and facts therein are true to the both section.								· · · · · · · · · · · · · · · · · · ·						
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Department of Water Resources

WATER RIGHT LICENSE

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State of Idaho Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL	REVIEW	BY:	668	·	
Rigl	ht Number	51-40		Applicant _	Davis
	NOTE:	IF ANY OF	THE ITEMS B.	ELOW ARE MISSING	G, THE CLAIM IS
		INCOMPLET	TE AND MUST	BE RETURNED IM	MEDIATELY TO
		THE CLAIM	ANT ALONG	WITH THE APPROP	RIATE COVER
		LETTER.			
CHECK:					
	Name and	l address.			
	Date of p	riority. (Chec	k for a date pa	st the mandatory filin	ng dates.) (One date only.)
	Source.				
	Quantity,	use, period.			
	Point(s) o	f diversion.			
	Location	of use.			
	Signature	/notarization/	fee.		
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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES Western Region

Statehouse Boise, Idaho 83720 (208) 334-2190

MRY 18, 1983

LE ROY R. DAVIS P.O. BOX 121 BRUNEAU

ID 83604

RE: Claim No. 51-4006

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filins and advertisins of the claim does not confirm the water risht claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or surporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly



51=4006_

DAVIS, LE ROY R.

P.O. BOX 121, BRUNEAU, ID 83604

Source: GROUNDWATER

Priority Date: 03/01/1963

Diversion Pt: NWNW Sec 18 T 075 R 06E

Use: IRRIGATION

(3.00 CF5)

In: NESE SESE Sec 12 T 075 R 05E NENE Sec 13 T 075 R 05E SENW NESW NWSW SWSW

Sec 07 T 075 R 06E NWNW Sec 18 T 075 R 06E FOR 320 ACRES



IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

<u>Initials</u>	Date	Item
10	4/21/83	Original form entered
	 -	Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
	-	Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Keypunched by State Office
		
		
		



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

BEGELMED

Mailing address: Statehouse Boise, Idaho 83720 (208) 334-4440

APR 4 1983

no check - b.

March 15, 1983

LeRoy R. Davis Box 121 Bruneau, ID 83604

Re: Claim No. 51-4006

Dear Mr. Davis:

This office is currently reviewing claims to existing water rights that have been filed throughout the state. We note that the above-referenced claim filed in your name, copy enclosed, shows a date of first use of 1963. Please notice that on the claim there is a note which indicates that a claim is not acceptable on a groundwater source with a priority later than March 25, 1963.

Enclosed we are sending to you a new Claim to a Water Right. If the date of first use of the water was prior to March 25, 1963, please complete this claim and submit it as an amended claim to a water right. If, on the other hand, the date of first use was after March 25, 1963, then you will need to complete and submit the enclosed Application for Permit to develop a valid water right for your irrigation system.

If you have any questions about this matter, please contact our Western Regional office located at 450 W. State St., 3rd floor, Boise. The telephone number is 334-2190.

Sincerely,

DAVID R. TUTHILL, JR., P.E.

Supervisor, Water Allocation Section

DRT:sc

Enclosures

cc: Western Region

APR 200

Department of Victor Resources
Western Regional Office

Please process the attacked amended water right Dave

(No fa regs for amaded fain)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court

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Roy Davis
Bruneau, Id.
83664



Dept of Water Resources

State Chice

450 u state st.
130 se, Id.

83720

MICROSIANED



DAVIS, LE ROY R.

P.O. BOX 121, BRUNERU, ID 83604

Source: GROUNDWATER

Priority Date: 03/01/1963

Diversion Pt: NWNW Sec 18 T 075 R 06E

Use: IRRIGATION

(3.00 CFS)

In: NESE SESE Sec 12 T 075 R 05E NENE Sec 13 T 075 R 05E SENW NESW NWSW SWSW

Sec 07 T 075 R 06E NUNU Sec 18 T 075 R 06E FOR 320 ACRES



$\underline{\textbf{I}}\,\,\underline{\textbf{D}}\,\,\underline{\textbf{A}}\,\,\underline{\textbf{H}}\,\,\underline{\textbf{0}}\quad\,\underline{\textbf{D}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{P}}\,\,\underline{\textbf{A}}\,\,\underline{\textbf{R}}\,\,\underline{\textbf{I}}\,\,\underline{\textbf{M}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{N}}\,\,\underline{\textbf{I}}\quad\,\underline{\textbf{0}}\,\,\underline{\textbf{F}}\quad\,\underline{\textbf{W}}\,\,\underline{\textbf{A}}\,\,\underline{\textbf{I}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{R}}\quad\,\underline{\textbf{R}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{S}}\,\,\underline{\textbf{0}}\,\,\underline{\textbf{U}}\,\,\underline{\textbf{R}}\,\,\underline{\textbf{C}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{S}}$

WATER RIGHT DATA ENTRY LOG

<u>Initials</u>	Date	Item
jp	4/7/83	Original form entered
<u>JP</u>		Edit Report Correct
		·
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
	vor der die der der versche der	Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Keypunched by State Office
		
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March 15, 1983

Box 121 Bruneau, ID 83604

Re: Claim No. 51-4006

Dear Mr. Davis:

This office is currently reviewing claims to existing water rights that have been filed throughout the state. We note that the above-referenced claim filed in your name, copy enclosed, shows a date of first use of 1963. Please notice that on the claim there is a note which indicates that a claim is not acceptable on a groundwater source with a priority later than March 25, 1963.

Enclosed we are sending to you a new Claim to a Water Right. If the date of first use of the water was prior to March 25, 1963, please complete this claim and submit it as an amended claim to a water right. If, on the other hand, the date of first use was after March 25, 1963, then you will need to complete and submit the enclosed Application for Permit to develop a valid water right for your irrigation system.

If you have any quastions about this matter, please contact our Western Regional office located at 450 W. State St., 3rd floor, Boise. The telephone number is 334-2190.

Sincerely.

MAVID R. TUTHILL, JR., P.E. Supervisor, Water Allocation Section

DET: se

Hiclosures

cc: Western Region

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

<u>Initials</u>	<u>Date</u>	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
	-	Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
#	12.1072	Keypunched by State Office
		
		
		
		
		
		



- DATA ENTRY -

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Recor														
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	Present Owner: _													
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3.	Address: P.O. City: Brush	rau	Sta	ate:	10	Zip:	83604							
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	B. Tributary of	V	20											
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	B. Status (D,L,	R,C,A,I,	F - leave blar	nk if v	alid):									
	C. Priority Date													
	D. County: 73													
	E. Total Divers		: <i>3</i> .											
	F. Total Diversion Volume:													
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	H. Water Distric	ct:												
	I. DLE/Carey Act	t (D,C o	r blank):											
	J. Right Basis	(for adj	udication cla	ims A,B	,C only)	:								
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14. Diversion Means (brief narrative):

8. Use Code: A

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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN DISTRICT --- ANNEX 3

Cecil D. Andrus Governor

R. Keith Higginson Director Statehouse Boise, Idaho 83720 (208) 384-2190

January 6, 1975

Leroy R. Davis Box 121 Bruneau, ID 83604

Re: Claim to a Water Right No. 51-4006

Dear Mr. Davis:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P.E. Western District Engineer

KHF: cla

MCROFILMED

STATE OF IDAHO DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus Governor

R Keith Higginson Director

Statehouse Annex 2 Boise Idaho 83707 (208) 384-2215 Western District Office



Water Right: Administrate Water Resource In 1990 to 1990 Dam and Resease (Site Water Well Dollar Waste Disposal Wells Stream Channel Protection

December 13, 1974

Owwhee Nugget Marsing, ID 83639

Re: Application for Permit No. 02-7180 - Norman L. Meyers

02-7181 - Douglas Hadlev

02-7182 - Roger G. Young

51-4006 - Le Roy R. Davis

57-7129 - James R. G/or Larry Munro

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid "

(signature of claimant)

Sincerely.

Bill submidded 12-31-74

NOTICE OF CLAIM TO A WATER RIGHT

No. <u>51-4006</u>

Notice is hereby given that _	LE ROY R. DAVIS
- Box 121, Bruneau, ID	
	established by diversion and application
to beneficial use of cu	bic feet per second acre feet of water
from a groundwater source	
with the point of diversion in the	NW4NW4, Sec. 18, T. 7 S, R. 6 B, B.M.
Owyhee County	•
The water is claimed to be us	ed from April 15 to Oct. 15
forirrigation of 320 acres	
with a priority of	<u> </u>
the place of use is within the	SEL, Sec. 12, NELNEL, Sec. 13, T. 7 S, R. 5
R.M. GRINIS NIGUS SUSSISS. SAC.	7, NW, NW, Sec. 18, T. 7 S, R. 6 E, B.M.
Any exception to this claim o	of water right may be filed with the Idaho
Department of Water Resources, Sta	tehouse, Boise, Idaho, 83720.
	R. KEITH HIGGINSON
	Director
But I to I to at a	
Published in theOwyhee Nu	eget, Mersing, ID
OR 70- 10 1074	and Dec 26 1974



STATE OF IDAHO DEPARTMENT OF WATER ADMINISTRATION

WESTERN DISTRICT OFFICE

Cecil D. Andrus Governor

R. Keith Higginson

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2190



Water Rights Administration
Water Resource Investigations
-Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Changes Protection
Geothermal Resources

December 10, 1974

Le Roy R. Davis Box 121 Bruneau, ID 83604

Dear Mr. Davis:	
Enclosed is your Receipt No. 15353 in the amount of \$ 10.00	for
Claim to a Water Right No. 51-4006 which was received in this o	ffice
on Becember 9, 1974	
Sincerely,	

CATHY L. ATKINSON Stenographer

CLA:c

Enclosure

MICROFILMED