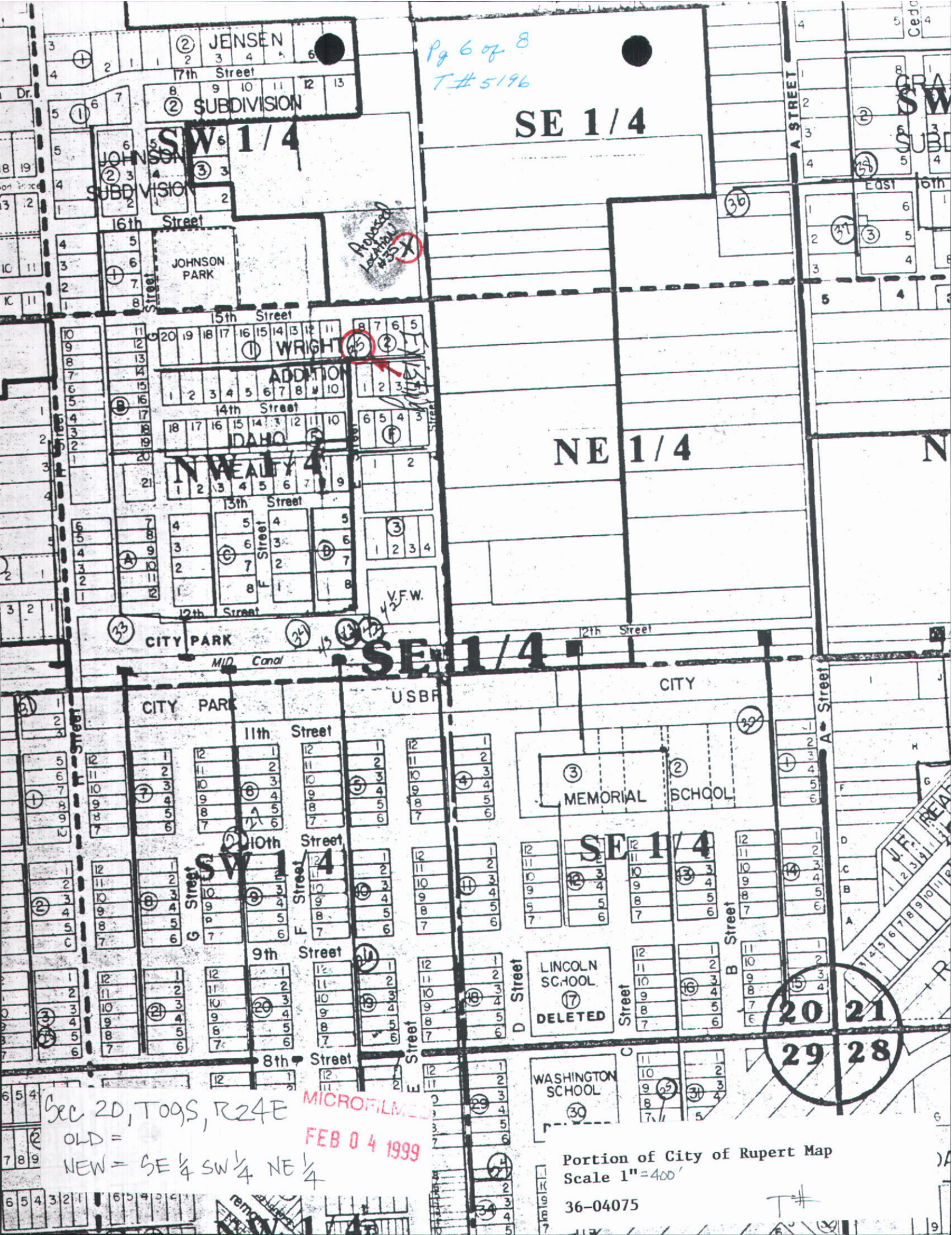


Pg 6 of 8  
T# 5196



JENSEN  
17th Street  
SUBDIVISION  
SW 1/4

SE 1/4

JOHNSON PARK

15th Street  
WRIGHT  
ADDITION

14th Street  
IDAHO  
NWE 1/4

13th Street  
VFW

12th Street  
CITY PARK

MID Canal  
SE 1/4

CITY PARK  
USBR

11th Street  
SW 1/4

10th Street  
SW 1/4

9th Street  
SW 1/4

8th Street  
SW 1/4

MEMORIAL SCHOOL

SE 1/4

LINCOLN SCHOOL  
DELETED

WASHINGTON SCHOOL

20 21  
29 28

Sec 20, T09S, R24E  
OLD =  
NEW = SE 1/4 SW 1/4 NE 1/4  
MICROFILMED  
FEB 04 1999

Portion of City of Rupert Map  
Scale 1"=400'  
36-04075

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.

RANGE 24 E.

TOWNSHIP 09 S.

20

20

NW 1/4

NE 1/4

SW 1/4

SE 1/4

20

20

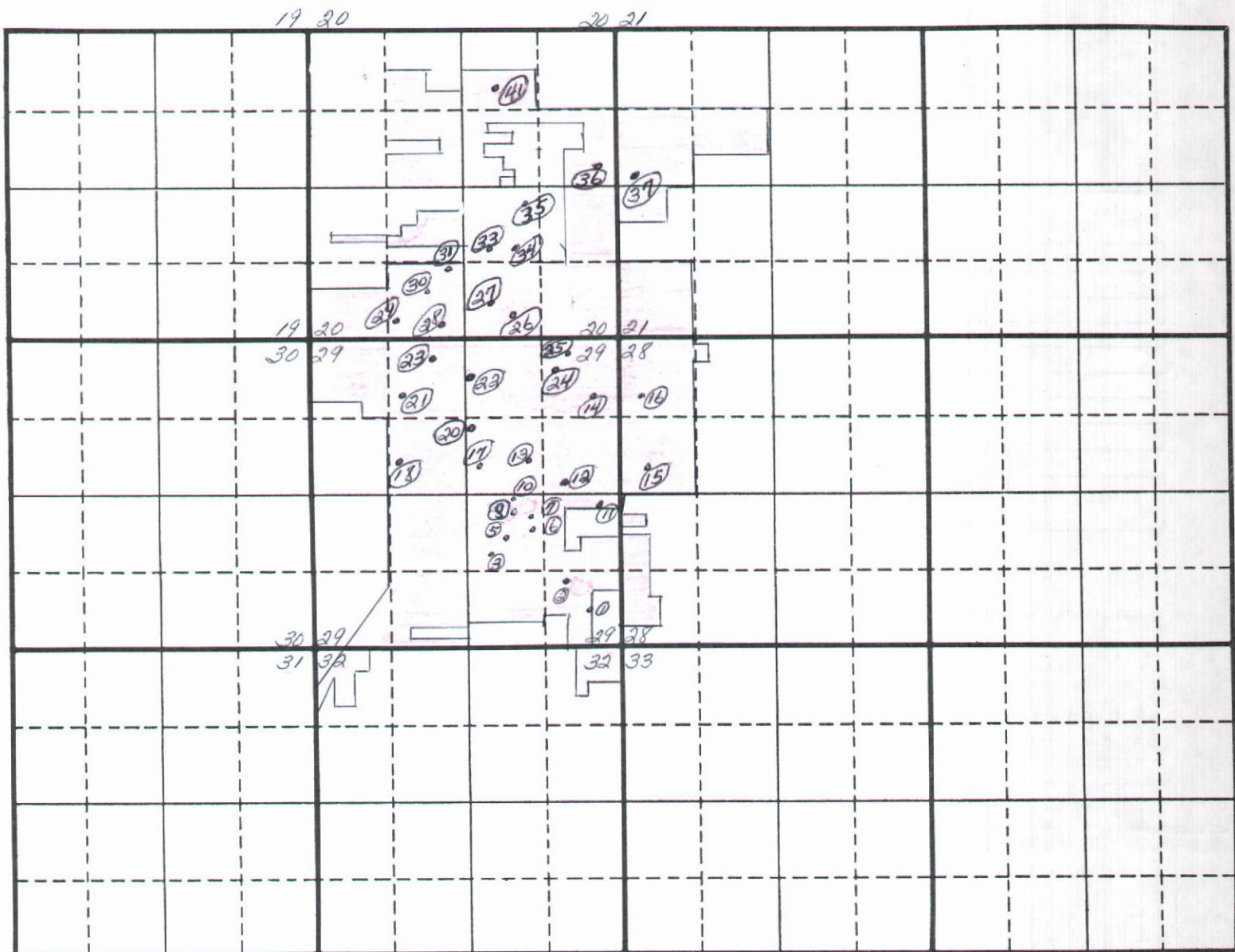
Replacement point of diversion TOWN 09 S. R. 24 E. Sec 20 SE SW NE  
Existing point of diversion TOWN 09 S. R. 24 E. S 20 NE NW SE

MICROFILMED  
FEB 04 1999

4" = 1 mi

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

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Minidoka ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

W. F. "Bill" Whitton  
(Claimant)

Sworn to before me this 6<sup>th</sup> day of June, 1979.

Donald C. Boutwell  
Notary Public  
Residing at Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

|                                          |                     |                     |              |      |
|------------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>maria</u>                 | Date <u>7-6-79</u>  | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>DM</u>               | Date <u>6-13-79</u> |                     | claimant by: |      |
| \$20.00 fee received by <u>maria</u>     | Date <u>6-12-79</u> | <u>13259</u>        |              |      |
| Published in <u>minidoka county news</u> |                     | <u>20-06-73228</u>  |              |      |
| Dates <u>7/2 &amp; 8/9/79</u>            |                     |                     |              |      |

RECEIVED

SEP 17 1979

# MINIDOKA COUNTY NEWS

Department of Water Resources  
Southern District Office

RUPERT, IDAHO

## AFFIDAVIT OF PUBLICATION

County of Minidoka, )  
 ) ss.  
STATE OF IDAHO, )

Donald R. Frey, being first

duly sworn, deposes and says that he is the

Editor of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

Two consecutive weeks, commencing with the issue dated August 30, 1979, and ending with the issue dated Sept. 6, 1979.

Donald R. Frey  
Subscribed and sworn to before me this

Norma M. Peterson day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public

Cost of Publication \$15.17

Notary Fee \_\_\_\_\_

Total Cost \_\_\_\_\_

NOTARY PUBLIC RESIDING AT  
RUPERT, IDAHO. MY COMMISSION  
EXPIRES JUNE 21, 1981

## CLAIMS TO WATER RIGHTS

### NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:  
36-4075

CITY OF RUPERT  
BOX 426, CITY HALL, RUPERT, ID 83350  
Source: GROUNDWATER  
Priority Date: 04/01/1940  
Amount: 33.00 CFS  
Diversion Point: NENE SENE SESW NWSE  
Sec 20 T 09S R 24 E SWSE Sec 20 T  
09S R 24E SWNW Sec 21 T 09S R 24E  
NENE NWNE Sec 29 T 09S R 24E  
SWNE SENE NENW SENW Sec 29 T 09S R  
24E NESE NWSE SESE Sec 29 T 09S R 24E,  
NWNW SWNW Sec. 28 T 09S R 24 E  
Minidoka Co.

Use: IRRIGATION (33.00 CFS) from 04/01 to 10/31

Place of Use: NENE NWNE SWNE SENE  
NENW NWNW SENW NESW SWSW  
SESW NESE NWSE SWSE SESE Sec 29  
T 09S R 24E NWNW SWNW NWSW  
SWSW Sec 28 T 09S R 24E SWNW SENW  
NWSW SWSW Sec 21 T 09S R 24E NWNE  
SWNE SENE NENW SENW NESW NWSW  
SWSW SESW NESE NWSE SWSE SESE  
Sec 20 T 09S R 24E NENE NWNW Sec  
32 T 09S R 24E FOR 1090 ACRES

Diversion Means: WELLS AND PUMPS

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

/s/C. STEPHEN ALLRED, Director  
No. 937-August 30, September 6, 1979.

MICROFILMED

RECEIVED

AUG 22 1979

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka, )  
 ) ss.  
STATE OF IDAHO, )  
Donald R. Frey, being first

duly sworn, deposes and says that he is the  
Editor of The Minidoka County  
News, a weekly newspaper published at Rupert,  
Idaho, in the county aforesaid, and that the paper  
is of general circulation therein. Deponent further  
states that the printed notice attached hereto was  
duly published according to law in the regular  
weekly editions of The Minidoka County News for

Two consecutive weeks, commencing  
with the issue dated August 9, 1979, and  
ending with the issue dated August 16, 1979.

Subscribed and sworn to before me this

21 day of Aug, 1979.

June Jensen, Notary Public

Cost of Publication \$15.17

Notary Fee

Total Cost

CLAIMS TO WATER RIGHTS

NOTICE OF CLAIMS  
TO WATER RIGHTS

Notice is hereby given that the following  
claim(s) to water right(s) have been established  
by diversion and application to beneficial use:  
36-4075

CITY OF RUPERT  
BOX 426, CITY HALL, RUPERT, ID 83350

Source: GROUNDWATER

Priority Date: 04/01/1940

Amount: 33.00 CFS

Diversion Point: NWNE SENE SESW NWSE  
Sec 20 T 09S R 24 E SWSE Sec 20 T  
09S R 24E SWNW Sec 21 T 09S R 24E  
NENE NWNE Sec 29 T 09S R 24E  
SWNE SENE NENW SENW Sec 29 T 09S R  
24E NESE NWSE SESE Sec 29 T 09S R 24E,  
MINIDOKA Co. NW NW, ~~SE~~ SW NW, ~~SE~~ <sup>28</sup>

Use: IRRIGATION (33.00 CFS) from 04/01/19 <sup>95</sup>  
to 10/31 <sup>24E</sup>

Place of Use: NENE NWNE SWNE SENE  
NENW NWNW SENW NESW SWSW  
SESW NESE NWSE SWSE SESE Sec 29  
T 09S R 24E NWNW SWNW NWSW  
SWSW Sec 28 T 09S R 24E SWNW SENW  
NWSW SWSW Sec 21 T 09S R 24E NWNE  
SWNE SENE NENW SENW NESW NWSW  
SWSW SESW NESE NWSE SWSE SESE  
Sec 20 T 09S R 24E NENE NWNW Sec  
32 T 09S R 24E FOR 1090 ACRES

Diversion Means: WELLS AND PUMPS

Any exception to any claim of water right  
may be filed with the Director of the Idaho  
Department of Water Resources, 1041 Blue  
Lakes Blvd. North, Twin Falls, Idaho 83301.

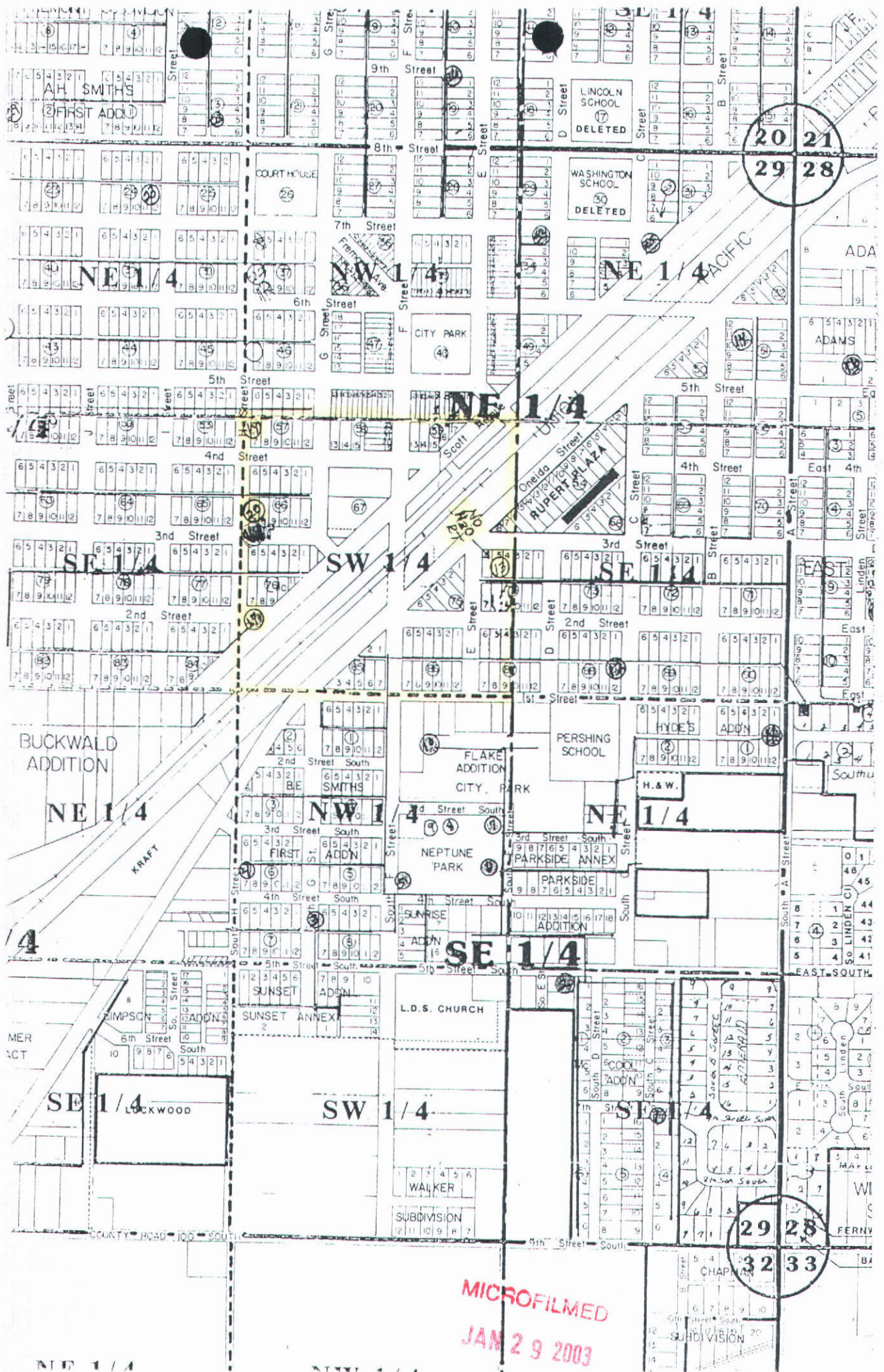
/s/C. STEPHEN ALLRED, Director  
No. 937-August 9, 16, 1979.

MICROFILMED

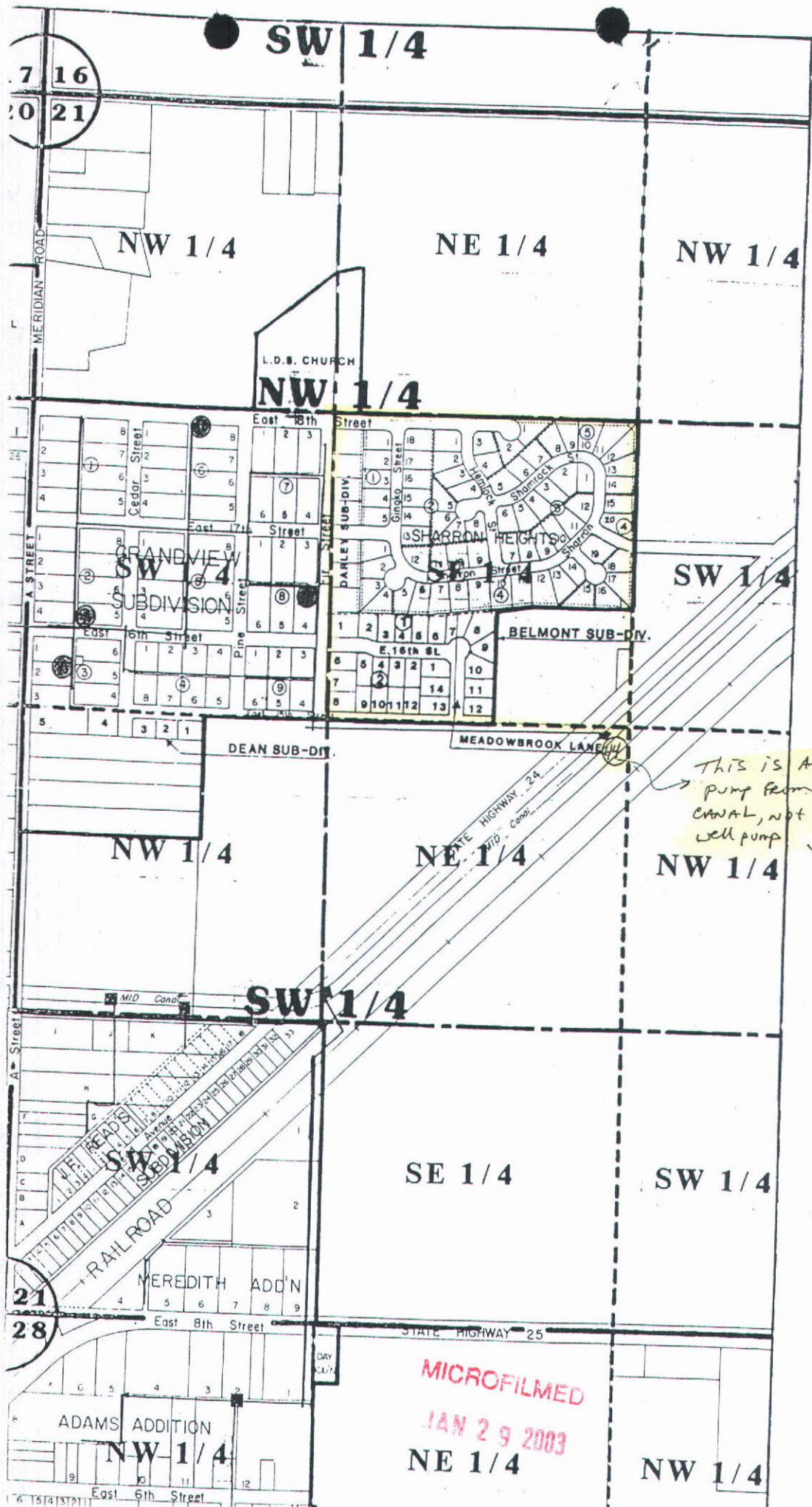
called in  
correction  
8/22/79

ok  
mayor

City of  
Rupert  
9524E



MICROFILMED  
JAN 29 2003



City of  
Rupert  
9S24E

THIS IS A  
pump from  
CANAL, not A  
well pump

MICROFILMED  
JAN 29 2003  
NE 1/4

98-031

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT**

No. T# 5196

Notice is hereby given that the City of Rupert, PO Box 426; RUPERT ID 83350 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5196 is to change point of diversion by replacing an existing well which has failed. **PRESENTLY**, Snake River Basin Adjudication Recommended Water Right No. 36-04075 based on beneficial use (Total of 27.00 cfs) with a priority date of 12/31/1955 is diverted from a well located within NW1/4SE1/4, S20, T09S, R24E (one of 33 existing wells located within parts of Sections 20, 21, 28 & 29, T09S, R24E; Minidoka County used for municipal use within the city limits of Rupert, ID.)

**PROPOSED CHANGE**

The applicant wishes to drill a new well within SW1/4NE1/4, S20, T09S, R24E to replace the failed well located within NW1/4SE1/4, S20, T09S, R24E; Minidoka County; all existing points of diversion will continue to be used for municipal use. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 13, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 1/26 & 2/2 1998.

\*\*\*\*\*

RECEIVED

MAY 29 2002

2002 MAY 28 PM 4: 40

Department of Water Resources

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)  
) ORDER OF PARTIAL DECREE  
)  
) For Water Right 36-04075  
)

On April 3, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-04075 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 28, 2002



ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

MICROFILM

MAY 29 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**AMENDED**

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 36-04075

2002 MAY 28 PM 4:40

DISTRICT COURT-SRBA  
TWIN FALLS CO, IDAHO  
FILED \_\_\_\_\_

NAME AND ADDRESS: CITY OF RUPERT  
PO BOX 426  
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 27.00 CFS

PRIORITY DATE: 12/31/1955

POINT OF DIVERSION: T09S R24E S20 Within Minidoka County

SENWNE  
SESWNE  
SESENE  
NESESW  
SWSESW  
SESESW  
SWNWSE  
SENWSE  
SESWSE  
NESESE  
SWSE  
S21 SWSWNW  
SESENW  
S28 SWSWNW  
SWSWNW  
S29 NENENE  
NWNENE  
SESENE  
NWSWNE  
SWSWNE  
SWSENE  
NENENW  
SWNENW  
NWSBNW  
NENESE  
NENWSE  
SWNWSE  
SENWSE  
NWSSESE  
SESESE  
NWNE  
SWNE

TWO POINTS OF DIVERSION LOCATED IN T90S, R24E, S20, NESESW.  
THREE POINTS OF DIVERSION LOCATED IN T09S, R24E, S29, SENWSE.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Municipal      | 04-01 TO 10-31 | 27.00 CFS |

PLACE OF USE:  
PLACE OF USE WITHIN SERVICE AREA OF THE CITY OF RUPERT MUNICIPAL  
WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW.

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

THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE  
TO THE IDAHO DEPARTMENT OF WATER RESOURCES FROM ALL AUTHORIZED

MICROFILMED

JAN 27 2003

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

THE RIGHT HOLDER SHALL USE THE AVAILABLE ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED UNDER THIS RIGHT.

THIS RIGHT SHALL NOT BE USED IF THE SURFACE WATER RIGHTS APPURTENANT TO THE PLACE OF USE ARE SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE DUE TO THE VOLUNTARY ACTIONS OF THE CITY OF RUPERT.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

*Roger Burdick*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 MAY 28 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 36-04075

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-04075 was mailed  
on May 28, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CITY OF RUPERT  
Represented by:  
JOSEPHINE P. BEEMAN  
409 WEST JEFFERSON STREET  
BOISE, ID 83702  
Phone: 208-331-0950

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
05/28/02

MICROFILMED

JAN 29 2011

• •

This  
Right has been  
Decreed in the  
SRBA.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

**\*\*AMENDED\*\***

**\*\*AMENDED\*\***

**TRANSFER NO. 5196**  
**WATER RIGHT NO. 36-04075**

This is to certify that: **CITY OF RUPERT**  
**PO BOX 426**  
**RUPERT ID 83350**

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| MUNICIPAL             | 04/01 to 10/31       | * 27.00 CFS           |

SOURCE

GROUNDWATER

Priority: 12/31/1955

LOCATION OF POINT(S) OF DIVERSION:

SEWNNE , Sec. 20, Township 09S, Range 24E  
SESWNE , Sec. 20, Township 09S, Range 24E  
SESENE , Sec. 20, Township 09S, Range 24E  
NESESW , Sec. 20, Township 09S, Range 24E  
SWSESW , Sec. 20, Township 09S, Range 24E  
SESESW , Sec. 20, Township 09S, Range 24E  
SWNWSE , Sec. 20, Township 09S, Range 24E  
SEWNSE , Sec. 20, Township 09S, Range 24E  
SWSE , Sec. 20, Township 09S, Range 24E  
SESWSE , Sec. 20, Township 09S, Range 24E  
NESESE , Sec. 20, Township 09S, Range 24E  
SWSWNW , Sec. 21, Township 09S, Range 24E  
SESENW , Sec. 21, Township 09S, Range 24E  
SWNWNW , Sec. 28, Township 09S, Range 24E  
SWSWNW , Sec. 28, Township 09S, Range 24E  
NENENE , Sec. 29, Township 09S, Range 24E  
NWNENE , Sec. 29, Township 09S, Range 24E  
SENESE , Sec. 29, Township 09S, Range 24E  
NWNE , Sec. 29, Township 09S, Range 24E  
SWNE , Sec. 29, Township 09S, Range 24E  
NWSWNE , Sec. 29, Township 09S, Range 24E  
SWSWNE , Sec. 29, Township 09S, Range 24E  
SWSENE , Sec. 29, Township 09S, Range 24E  
NENENW , Sec. 29, Township 09S, Range 24E  
SWNENW , Sec. 29, Township 09S, Range 24E

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

LOCATION OF POINT(S) OF DIVERSION:

NWSENW , Sec. 29, Township 09S, Range 24E  
NENESE , Sec. 29, Township 09S, Range 24E  
NENWSE , Sec. 29, Township 09S, Range 24E  
SWNWSE , Sec. 29, Township 09S, Range 24E  
SENWSE , Sec. 29, Township 09S, Range 24E  
NWSESE , Sec. 29, Township 09S, Range 24E  
SESESE , Sec. 29, Township 09S, Range 24E  
MINIDOKA County

PLACE OF USE: See Remarks \*\*

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 5196 does not confirm Claimed Right 36-04075.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. The well located within NENWSE, S20, T09S, R24E that was previously used under Right 36-04075 shall be abandoned in a manner which complies with Department well abandonment rules.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 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.
- \* 6. The total instantaneous diversion of water from all points of diversion under Transfer 5196 shall not exceed 27.00 cfs.
7. Water used under Right 36-04075 is combined with water from Minidoka Irrigation District.
8. The right holder shall use the available allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
9. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use due to the voluntary actions of the city of Rupert.
10. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- \*\* 13. Place of use is located within the city of Rupert.

MINIDOKA COUNTY

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

CONDITIONS OF APPROVAL AND REMARKS

14. Approval of Transfer 5196 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
15. Two points of diversion are located in NESESW, S20, T09S, R24E.
16. Two points of diversion are located in SENWSE, S29, T09S, R24E.
17. Two points of diversion are located in SENWSE, S29, T09S, R24E.
18. Rights 36-07863 and 36-15491 are also diverted through the same points of diversion.

Dated this 15<sup>th</sup> day of March, 1999.

  
Chief, Water Allocation Bureau

REPROFILMED  
MAR 13 1999

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|                                 |                                     |
|---------------------------------|-------------------------------------|
| IN THE MATTER OF TRANSFER NO. ) |                                     |
| 5196 IN THE NAME OF CITY OF )   | <b>ORDER GRANTING</b>               |
| RUPERT )                        | <b>PETITION FOR RECONSIDERATION</b> |
| _____ )                         |                                     |

On January 20, 1999, the Department of Water Resources ("the department") issued Transfer No. 5196 ("the transfer") as a Preliminary Order in the name of city of Rupert ("the city") subject to certain conditions and limitations

On February 5, 1999, counsel for the city filed a petition for reconsideration.

**ORDER**

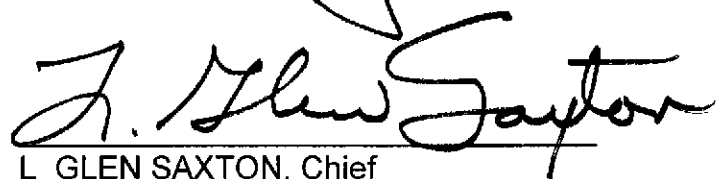
The department has reviewed the petition and HEREBY ORDERS that the petition is **GRANTED** under the following terms.

1. Granting of the petition does not represent department agreement with any provision of the petition.
2. The department retains jurisdiction of this matter to allow time for the city to provide information to the department for its review and consideration including the following:
  - a. The extent to which the city has used Minidoka Irrigation District ("district") water in connection with the city's low pressure municipal irrigation system.
  - b. The number of district shares provided to the city and the amount of water each share represents in terms of cubic feet per second and acre feet.
  - c. The number of acres the city has irrigated using district water and where those acres are located.
  - d. The time period during which the city uses district shares.
  - e. Any other appropriate data relative to the use of irrigation district water by the city.

MICROFILMED

3. The city shall provide the information to the department within sixty (60) days of the date of this order.

Dated this 17<sup>th</sup> day of February, 1999.



L. GLEN SAXTON, Chief  
Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

This is to certify that: **CITY OF RUPERT**  
**PO BOX 426**  
**RUPERT ID 83350**

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| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| MUNICIPAL             | 04/01 to 10/31       | * 27.00 CFS           |

SOURCE

GROUNDWATER

Priority: 12/31/1955

LOCATION OF POINT(S) OF DIVERSION:

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NESESW , Sec. 20, Township 09S, Range 24E  
SWSESW , Sec. 20, Township 09S, Range 24E  
SESESW , Sec. 20, Township 09S, Range 24E  
SWNWSE , Sec. 20, Township 09S, Range 24E  
SENWSE , Sec. 20, Township 09S, Range 24E  
SWSE , Sec. 20, Township 09S, Range 24E  
SESWSE , Sec. 20, Township 09S, Range 24E  
NESESE , Sec. 20, Township 09S, Range 24E  
SWSWNW , Sec. 21, Township 09S, Range 24E  
SESENW , Sec. 21, Township 09S, Range 24E  
SWNWNW , Sec. 28, Township 09S, Range 24E  
SWSWNW , Sec. 28, Township 09S, Range 24E  
NENENE , Sec. 29, Township 09S, Range 24E  
NWNENE , Sec. 29, Township 09S, Range 24E  
SENENE , Sec. 29, Township 09S, Range 24E  
NWNE , Sec. 29, Township 09S, Range 24E  
SWNE , Sec. 29, Township 09S, Range 24E  
NWSWNE , Sec. 29, Township 09S, Range 24E  
SWSWNE , Sec. 29, Township 09S, Range 24E  
SWSENE , Sec. 29, Township 09S, Range 24E  
NENENW , Sec. 29, Township 09S, Range 24E  
SWNENW , Sec. 29, Township 09S, Range 24E

WICH OF LAMED

21 11 19

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

LOCATION OF POINT(S) OF DIVERSION:

NWSENW , Sec. 29, Township 09S, Range 24E  
NENESE , Sec. 29, Township 09S, Range 24E  
NENWESE , Sec. 29, Township 09S, Range 24E  
SWNWSE , Sec. 29, Township 09S, Range 24E  
SENWSE , Sec. 29, Township 09S, Range 24E  
NWSESE , Sec. 29, Township 09S, Range 24E  
SESESE , Sec. 29, Township 09S, Range 24E  
MINIDOKA County

PLACE OF USE: See Remarks \*\*

CONDITIONS OF APPROVAL AND REMARKS

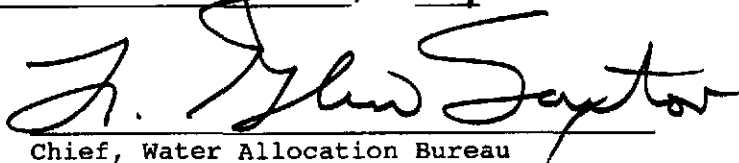
1. Approval of Transfer 5196 does not confirm Claimed Right 36-04075.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. The well located within NENWSE, S20, T09S, R24E that was previously used under Right 36-04075 shall be abandoned in a manner which complies with Department well abandonment rules.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 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.
- \* 6. The total instantaneous diversion of water from all points of diversion under Transfer 5196 shall not exceed 27.00 cfs.
7. Water used under Right 36-04075 is combined with water from Minidoka Irrigation District.
8. The right holder shall use the full available allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
9. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use due to the voluntary actions of the right holder.
10. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- \*\* 13. Place of use is located within the city of Rupert.

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

CONDITIONS OF APPROVAL AND REMARKS

14. Approval of Transfer 5196 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
15. Two points of diversion are located in NESES, S20, T09S, R24E.
16. Two points of diversion are located in SENWSE, S29, T09S, R24E.
17. Two points of diversion are located in SENWSE, S29, T09S, R24E.
18. Rights 36-07863 and 36-15491 are also diverted through the same points of diversion.

Dated this 20<sup>th</sup> day of January, 1999.

  
Chief, Water Allocation Bureau

SD-06111-2 Basin: 36 Sorting Water Right: 04075

| S<br>E<br>L | Water<br>Right No. | Name<br>Last, First | O<br>W<br>N | Priority<br>Date | STG/<br>STS | Source      | Use<br>Desc | S<br>Y<br>S |
|-------------|--------------------|---------------------|-------------|------------------|-------------|-------------|-------------|-------------|
| -           | 36-04075           | CITY OF RUPERT      | C           | 04/01/1940       | S/          | GROUNDWATER | IRR         | WR          |
| -           | X36-04075          | CITY OF RUPERT      | C           | 12/31/1955       | S/          | GROUNDWATER | MUNI        | WR          |
| -           | 36-04075           | CITY OF RUPERT      | C           | 12/31/1955       | J/          | GROUNDWATER | MUNI        | AJ          |
| -           | A36-04075          | CITY OF RUPERT      | C           | 04/01/1940       | S/          | GROUNDWATER | IRR         | AJ          |
| -           | R36-04075          | CITY OF RUPERT      | C           | 12/31/1955       | J/          | GROUNDWATER | MUNI        | AJ          |

\* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)  
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu \_\_\_\_\_)

MICROFILMED

1999 04 04

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5196

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

**RECEIVED  
AUG 03 1998**

Department of Water Resources

Name of applicant City of Rupert Phone (208) 436-9600  
Post Office address PO Box 426 Rupert, ID 83350

**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion    ☐ Add diversion point(s)    ☐ Change place of use  
☐ Change nature of use    ☐ Change period of use    ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Existing well failure. Not enough land available to re-drill at existing site.

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

- | 1. Right Number | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use                |
|-----------------|-------------------|-----------------------|------------------|------------------------------|
| <u>36-04075</u> | <u>12/31/1955</u> | <u>27.00 CFS</u>      | <u>Municipal</u> | <u>04-01</u> to <u>10-31</u> |
| _____           | _____             | _____                 | _____            | _____ to _____               |
| _____           | _____             | _____                 | _____            | _____ to _____               |
| _____           | _____             | _____                 | _____            | _____ to _____               |
2. Total amount of water being transferred \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion.

| Lot | ¼  | ¼  | ¼  | Sec. | Twp | Rge | County   | Local name for diversion    |
|-----|----|----|----|------|-----|-----|----------|-----------------------------|
|     | SE | SW | NE | 20   | 09S | 24E | Minidoka | I.D.W.R. Site Tag #A0003335 |
|     |    |    |    |      |     |     |          |                             |
|     |    |    |    |      |     |     |          |                             |
|     |    |    |    |      |     |     |          |                             |

5. Lands irrigated or place of use: Within The City Limits of Rupert, ID (Minidoka County)

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

Total acres \_\_\_\_\_

**PART 1****6 General Information:**

- a. Description of diversion system System includes approximate 39 shallow (approx. 25 ft) 6 inch vertical turbine pumps. (5 to 7½ H.P. motors) Distributed through 12 inch mainline used in combination with water purchased from Minidoka Irrigation District.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages or contracts? Yes NO (No) If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer  
The place of use will not change.

**d. Remarks:**

The following water rights are also diverted through points of diversion described in 6a above: 36-07863 and 36-15491. Pending approval the new well will be drilled and the old well will be abandoned per IDWR guidelines.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No \_\_\_\_\_

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

*Minidoka*  
SEP 11 1976

## PART 2

TRANS NO. 3 76

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-04075

STAGE: BENEFICIAL USE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| MUNICIPAL             | 04/01 to 10/31       | 33.00 CFS             |

SOURCE

GROUNDWATER

Priority: 12/31/1955

LOCATION OF POINT(S) OF DIVERSION:

SENWNE , Sec. 20, Township 09S, Range 24E  
 SESENE , Sec. 20, Township 09S, Range 24E  
 NESESW , Sec. 20, Township 09S, Range 24E  
 SWSESW , Sec. 20, Township 09S, Range 24E  
 SESESW , Sec. 20, Township 09S, Range 24E  
~~NENWSE , Sec. 20, Township 09S, Range 24E~~  
 SWNWSE , Sec. 20, Township 09S, Range 24E  
 SENWSE , Sec. 20, Township 09S, Range 24E  
 SWSE , Sec. 20, Township 09S, Range 24E  
 SESWSE , Sec. 20, Township 09S, Range 24E  
 NESESE , Sec. 20, Township 09S, Range 24E  
 SWSWNW , Sec. 21, Township 09S, Range 24E  
 SESENW , Sec. 21, Township 09S, Range 24E  
 SWNWNW , Sec. 28, Township 09S, Range 24E  
 SWSWNW , Sec. 28, Township 09S, Range 24E  
 NENENE , Sec. 29, Township 09S, Range 24E  
 NWNENE , Sec. 29, Township 09S, Range 24E  
 SENENE , Sec. 29, Township 09S, Range 24E  
 NWNE , Sec. 29, Township 09S, Range 24E  
 SWNE , Sec. 29, Township 09S, Range 24E  
 NWSWNE , Sec. 29, Township 09S, Range 24E  
 SWSWNE , Sec. 29, Township 09S, Range 24E  
 SWSENE , Sec. 29, Township 09S, Range 24E  
 NENENW , Sec. 29, Township 09S, Range 24E  
 SWNENW , Sec. 29, Township 09S, Range 24E  
 NWSENW , Sec. 29, Township 09S, Range 24E  
 NENESE , Sec. 29, Township 09S, Range 24E  
 NENWSE , Sec. 29, Township 09S, Range 24E  
 SWNWSE , Sec. 29, Township 09S, Range 24E  
 SENWSE , Sec. 29, Township 09S, Range 24E

*Failed  
delete from  
list*

*Add to list: SE SW NE Sec 20 9S 24E*

MICROFILMED  
 FEB 04 1992

Claim No. 36-04075

LOCATION OF POINT(S) OF DIVERSION:

SENWSE , Sec. 29, Township 09S, Range 24E  
NWSESE , Sec. 29, Township 09S, Range 24E  
SESESE , Sec. 29, Township 09S, Range 24E  
MINIDOKA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. USE OF THIS RIGHT IS COMBINED WITH WATER FROM MINIDOKA IRRIGATION DIST.
2. 2 POINTS OF DIVERSION LOCATED IN NESESW, S20, T09S, R24E.
3. 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
4. 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
5. PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
6. USE OF THIS RIGHT WITH RIGHT NO. 36-07863 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 36.83 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

MICROFILM --  
FEB 04 1989

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 5196

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 36-04075 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_3. Source of water Ground water tributary to \_\_\_\_\_4. Date or priority 12/31/1955

## 5. Water is used for the following purpose:

amount 27.00 CFS for Municipal purposes from 4-01 to 10-31  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 27.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

## 7. Point(s) of Diversion: See attachment "A"

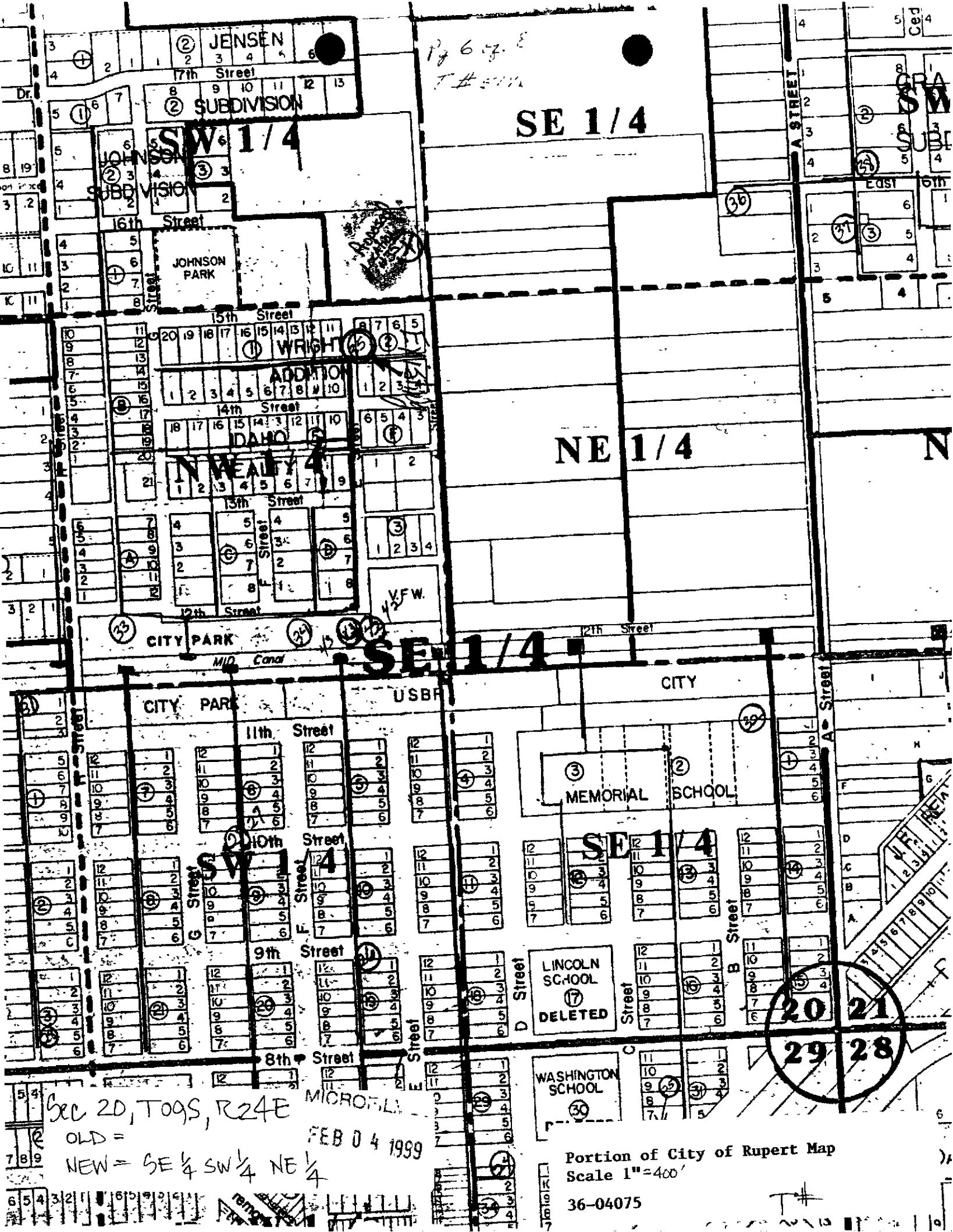
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |     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

## 8. Lands irrigated or place of use: Within the City Limits of Rupert, ID (Minidoka County)

| Twp | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|-----|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|     |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

## 9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_



Pg 6 of 8  
T# 5774

SE 1/4

SW 1/4

NE 1/4

SE 1/4

SW 1/4

SE 1/4

Sec 20, T09S, R24E

OLD =

NEW = SE 1/4 SW 1/4 NE 1/4

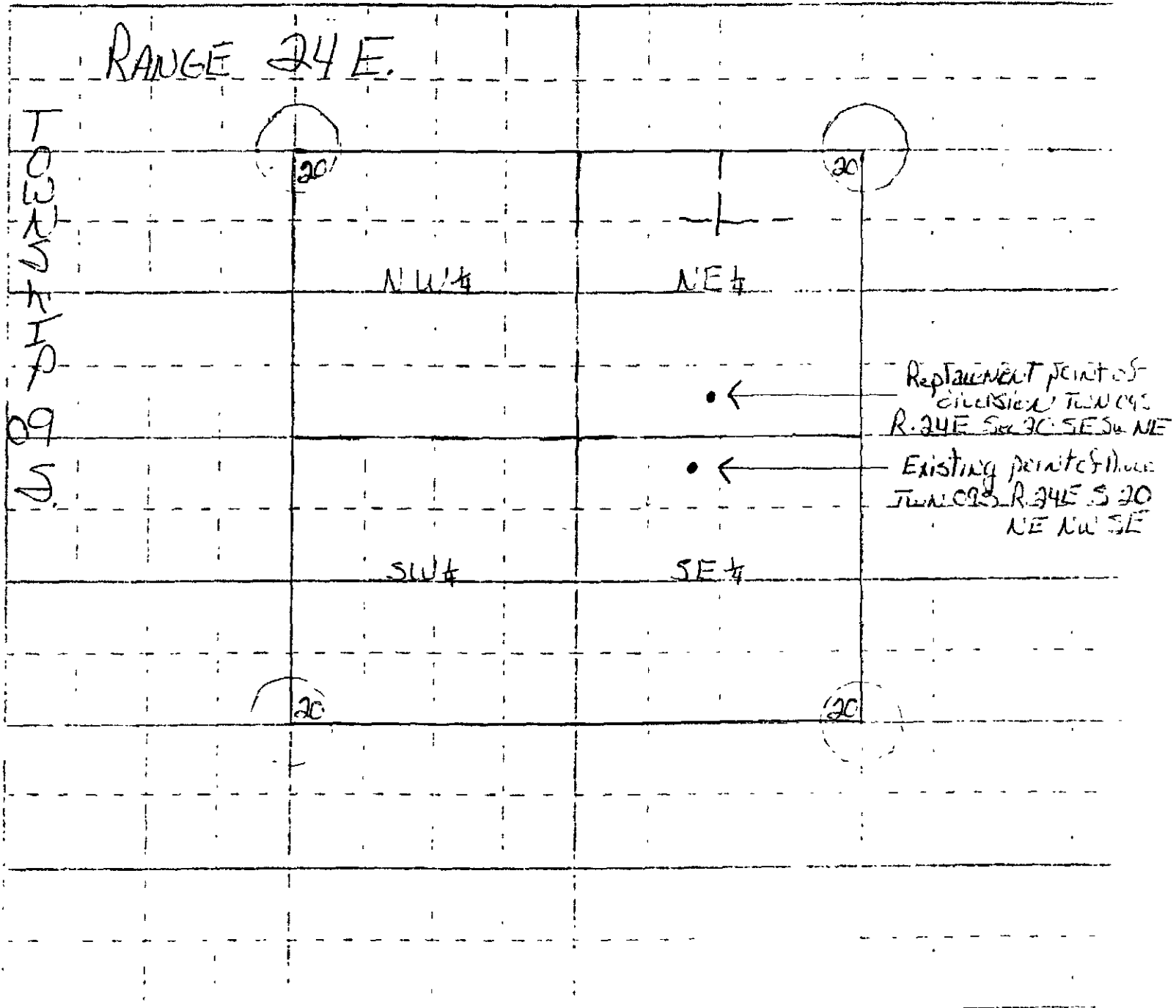
FEB 04 1999

Portion of City of Rupert Map  
Scale 1"=400'

36-04075

**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.



MICROFILMED  
 FEB 04 1978

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

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

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

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

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

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

Dennis M. [Signature]

(Signature of Applicant)

Subscribed and sworn to before me this 16th day of January, 19 98.

Markene Fredrickson

(Notary Public)

My commission expires 10-12-2000

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 2 attachments

Received by GLS Date 8 Jan 98

Protest filed by None

Prelim check by GLS Fee \$100 S020820

Received by GLS Date 8 Jan 98

Published in Sp. Ed. Press

Copies of protest forwarded by \_\_\_\_\_

Pub dates 01/26 & 2/2/98

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on N/A

Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd.

by Adm

Copy of transfer sent to lien holder \_\_\_\_\_

**RECEIVED****JAN 08 1998**

Department of Water Resources  
Southern Region

RECEIVED  
FEB 04 1998

Attachment "A" point of diversion

AJS856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW107 NOV - 3 11:54 AM DATE NOV-3-1997  
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-04075

NAME & ADDRESS: CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 27.00 CFS

PRIORITY DATE: 12/31/1955

POINT OF DIVERSION: T09S R24E S20

Within MINIDOKA County

|     |        |
|-----|--------|
|     | SENESE |
|     | SESENE |
|     | NESESW |
|     | SWSESW |
|     | SESESW |
|     | NENWSE |
|     | SWNWSE |
|     | SENWSE |
|     | SWSE   |
|     | SESWSE |
|     | NESESE |
| S21 | SWSWNW |
|     | SESENW |
| S28 | SWNWNW |
|     | SWSWNW |
| S29 | NENENE |
|     | NWNESE |
|     | SENESE |
|     | NWNE   |
|     | SWNE   |
|     | NWSWNE |
|     | SWSWNE |
|     | SUSENE |
|     | NENENW |
|     | SWNENW |
|     | NWSENE |
|     | NENESE |
|     | NENWSE |
|     | SWNWSE |
|     | SENWSE |
|     | SESWSE |
|     | NWSESE |
|     | SESESE |

MICROFILMED  
FEB 04 1998

T# 5196

Attachment "A" continued points of diversion

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-3-1997  
PAGE: A-2-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 36-04075 (CONT)

POINT OF DIVERSION: (CONT)

TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S20, NESESW.

TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S29, SENWSE.

TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S24, SENWSE.

## PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
MUNICIPALPERIOD OF USE  
04-01 10-31QUANTITY  
27.00 CFS

PLACE OF USE:

PLACE OF USE IS WITHIN THE CITY LIMITS OF RUPERT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
MINIDOKA IRRIGATION DIST.THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 36-07863 AND 36-15491.

RECOMMENDATION

NOV 6 1997

  
SPECIAL MASTER

MICROFILM

FEB 04 1994

T # 5196

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-04075

NAME & ADDRESS: CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 27.00 CFS

PRIORITY DATE: 12/31/1955

POINT OF DIVERSION: T09S R24E S20 Within MINIDOKA County

SENWNE  
SESENE  
NESESW  
SWSSEW  
SESESW  
NENWSE  
SWNWSE  
SENWSE  
SWSE  
SESWSE  
NESESE  
S21 SWSWNW  
SESESW  
S28 SWNNWW  
SWSWNW  
S29 NENENE  
NWNENE  
SENESE  
NWNE  
SWNE  
NWSWNE  
SWSWNE  
SWSENE  
NENENW  
SWNENW  
NWSENW  
NENESE  
NENWSE  
SWNWSE  
SENWSE  
SENWSE  
NWSESE  
SESESE

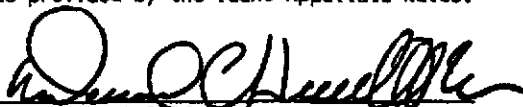
TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S20, NESESW.  
TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S29. SENWSE.  
TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S24 SENWSE.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|-------------------------------|----------------|---------------|-----------|
|                               | MUNICIPAL      | 04-01 10-31   | 27.00 CFS |

PLACE OF USE:  
PLACE OF USE IS WITHIN THE CITY LIMITS OF RUPERT.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

1998 JAN 02 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 36-04075

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-04075 was mailed  
on January 02, 1998, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

STATE OF IDAHO  
Represented by:  
CLIVE STRONG  
OFFICE OF ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-4449  
Phone: 208-334-2400

US DEPARTMENT OF JUSTICE  
Represented by:  
DAVID HARDER  
U.S. DEPARTMENT OF JUSTICE  
550 W FORT STREET BOX 033  
BOISE, ID 83724  
Phone: 202-272-5749

CERTIFICATE OF MAILING

PAGE 1  
01/02/98

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE  |
|                | ) |                          |
| Case No. 39576 | ) | For Water Right 36-04075 |
| _____          | ) |                          |

On November 6, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-04075 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 1998.



DANIEL C. HURLBUTT, JR.  
Presiding Judge  
Snake River Basin Adjudication

**This right has been  
superceded by  
a Decree.**

**All actions above this point  
are based on the decreed  
version of this right.**

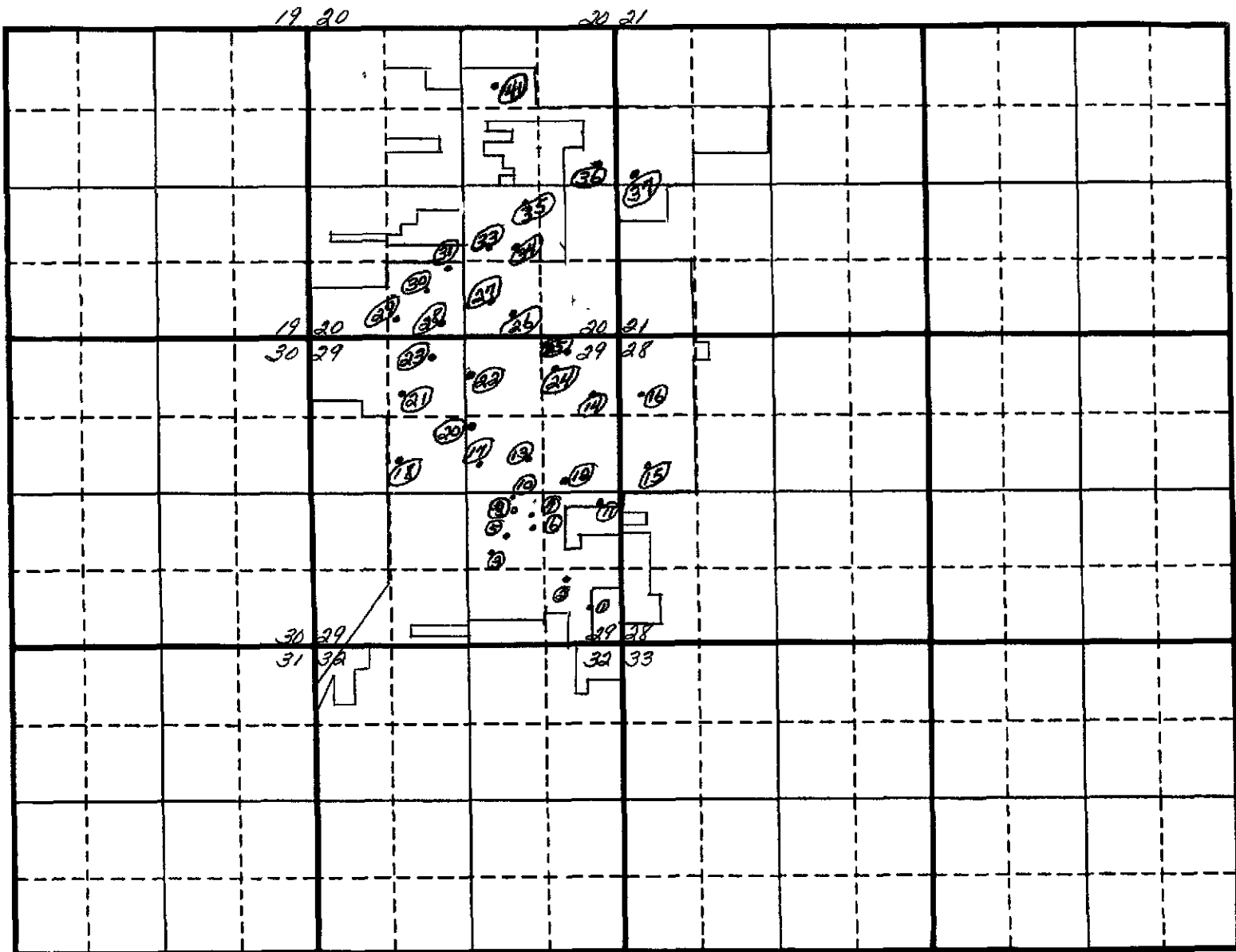
**PRINTED**

JUN 8 1973

**The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.**

(7) If you are claiming water as a member of an organization, list name of organization: Municipal

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Minidoka ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

W. F. "Bill" Whitton  
(Claimant)

Sworn to before me this 6<sup>th</sup> day of June, 1979.

Donald C. Bonting  
Notary Public  
Residing at Superior, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

|                                          |                     |                    |              |      |
|------------------------------------------|---------------------|--------------------|--------------|------|
| Received by <u>marya</u>                 | Date <u>7-6-79</u>  | Exception filed by | Forwarded to | Date |
| Prelim. check by <u>ADM</u>              | Date <u>6-13-79</u> |                    | claimant by: |      |
| \$20.00 fee received by <u>marya</u>     | Date <u>6-12-79</u> | <u>13259</u>       |              |      |
| Published in <u>minidoka county news</u> |                     | <u>20-6-79</u>     |              |      |
| Dates <u>7/2 &amp; 8/9/79</u>            |                     |                    |              |      |

# IRRIGATION WELLS

| NO.           | POINT<br>OF<br>DIVERSION | LOCATION                               | DESCRIPTION               | NUMBER                 | CAPACITY              |
|---------------|--------------------------|----------------------------------------|---------------------------|------------------------|-----------------------|
| 1             | SESE 29                  | So. "C" & 7th McCool Addn.             | 5 H.P. Fairbanks Morse    | 4103551001             | 300 g.p.m.            |
| 2             | SESE 29                  | So. "D" & 5th McCool Addn.             | 5 H.P. Westinghouse       | 1439290                | 300 g.p.m.            |
| 3             | NWSE 29                  | So. "G" & 4th                          | 5 H.P. Westinghouse       | 434                    | 300 g.p.m.            |
| <del>4</del>  | <del>NWSE 29</del>       | <del>So. "H" &amp; 4th &amp; 3rd</del> | <del>5 H.P. G.E.</del>    | <del>EEJ 1108027</del> | <del>300 g.p.m.</del> |
| 5             | NWSE 29                  | So. "F" & 4th                          | 5 H.P. Fairbanks Morse    | I33148                 | 300 g.p.m.            |
| 6             | NWSE 29                  | So. "E" & So. 3rd & 4th                | 7½ H.P. G.E.              | EE5507372              | 300 g.p.m.            |
| 7             | NWSE 29                  | So. 3rd & So. "E"                      | 5 H.P. Fairbanks Morse    | F371929                | 300 g.p.m.            |
| 8             | NWSE 29                  | So. 3rd & So. "E" & So. "F"            | In for repairs            |                        | 150 g.p.m.            |
| <del>9</del>  | <del>NWSE 29</del>       | <del>So. "E" &amp; So. 3rd</del>       | <del>In for repairs</del> |                        | <del>200 g.p.m.</del> |
| 10            | NWSE 29                  | So. "F" & 1st & 2nd So.                | 5 H.P. Fairbanks Morse    | 2KV1015P               | 300 g.p.m.            |
| 11            | NESE 29                  | 2nd & 2nd South                        | 5 H.P. G.E.               | XGJ 6805398            | 300 g.p.m.            |
| 12            | SENE 29                  | "C" & 1st                              | 5 H.P. G.E.               | HGJ811321              | 500 g.p.m.            |
| 13            | SWNE 29                  | "E" St. & 2nd & 3rd                    | 5 H.P. Fairbanks Morse    |                        | 500 g.p.m.            |
| 14            | NENE 29                  | 6th & "A" & "B"                        | 5 H.P. Westinghouse       | 4-22V08                | 500 g.p.m.            |
| 15            | SWNW 28                  | "E" & Maple                            | 5 H.P. Fairbanks Morese   | F133154                | 500 g.p.m.            |
| 16            | NWNW 28                  | "A" & East 6th                         | 5 H.P.                    |                        | 500 g.p.m.            |
| 17            | SWNE 29                  | Scott Ave & 2nd St.                    | 7½ H.P. G.E.              | EEJ507371              | 500 g.p.m.            |
| 18            | SENE 29                  | "K" St. & 3rd                          | 5 H.P. Fairbanks Morse    | F133169                | 500 g.p.m.            |
| <del>19</del> | <del>SWNE 29</del>       | <del>4th &amp; "H" St.</del>           | <del>5 H.P. G.E.</del>    | <del>5K215E63312</del> | <del>500 g.p.m.</del> |
| 20            | SWNE 29                  | "H" St. & 5th                          | 5 H.P. G.E.               | KgJ680469              | 500 g.p.m.            |
| 21            | NENW 29                  | "K" & 6th St.                          | 5 H.P. Fairbanks Morse    | F276445                | 500 g.p.m.            |
| 22            | NWNE 29                  | "H" & 7th                              | 5 H.P. Fairbanks Morse    | F30965                 | 500 g.p.m.            |
| 23            | NENW 29                  | "I" St. & 7th & 8th                    | 5 H.P. Fairbanks Morse    | F60832                 | 500 g.p.m.            |
| 24            | NENE 29                  | 7th & "D" St.                          | 5 H.P. G.E.               | VD3709                 | 500 g.p.m.            |
| 25            | NENE 29                  | "C" 7th & 8th                          | 5 H.P. G.E.               | MCJ1220327             | 500 g.p.m.            |
| 26            | SWSE 20                  | 9th & "E" St.                          | 5 H.P. Fairbanks Morse    | F60810                 | 500 g.p.m.            |
| 27            | SWSE 20                  | "H" St. & 8th                          | 5 H.P. Fairbanks Morse    | PDJ 6726285            | 500 g.p.m.            |
| 28            | SESW 20                  | "H" & 8th                              | 5 H.P. Fairbanks Morse    | F121931                | 500 g.p.m.            |
| 29            | SESW 20                  | "K" & 8th                              | 5 H.P. Fairbanks Morse    | F258670                | 500 g.p.m.            |
| 30            | SESW 20                  | "I" St. & 10th & 11th                  | 5 H.P. Fairbanks Morse    | F60804                 | 500 g.p.m.            |
| 31            | SESW 20                  | 11th & "H" & "I"                       | 5 H.P. G.E.               | 2656875006             | 500 g.p.m.            |
| 32            | SESE 20                  | 11th & "A" & "B"                       | In for repair             |                        | 500 g.p.m.            |
| 33            | NWSE 20                  | 12th & "F" & "G"                       | In for repair             |                        | 500 g.p.m.            |
| 34            | NWSE 20                  | 12th St.                               | 5 H.P. Fairbanks Morse    | F431181                | 500 g.p.m.            |

# IRRIGATION WELLS

| NO.           | POINT<br>OF<br>DIVERSION | LOCATION                 | DESCRIPTION                           | NUMBER             | CAPACITY              |
|---------------|--------------------------|--------------------------|---------------------------------------|--------------------|-----------------------|
| 35            | NWSE 20                  | "E" St.                  | 5 H.P. Fairbanks Morse                | F348649            | 500 g.p.m.            |
| 36            | SENE 20                  | 16th St.                 | 3 H.P. U.S. Motor                     | 2313690            | 500 g.p.m.            |
| 37            | SWNW 21                  | East 16th St.            | 5 H.P. G.E.                           | UHI 6878607        | 500 g.p.m.            |
| <del>38</del> | <del>SWNW 21</del>       | <del>16th St.</del>      | <del>In for repair</del>              | <del></del>        | <del>500 g.p.m.</del> |
| <del>39</del> | <del>SWNW 21</del>       | <del>16th St.</del>      | <del>7 1/2 H.P. Fairbanks Morse</del> | <del>F255450</del> | <del>500 g.p.m.</del> |
| <del>40</del> | <del>SWNW 21</del>       | <del>East 18th St.</del> | <del>5 H.P. Fairbanks Morse</del>     | <del>F434212</del> | <del>500 g.p.m.</del> |
| *41           | NWNE 20                  | B.V. 18th Street         | 100 H.P. G.E.                         | KEJ1001149         | 600 g.p.m.            |

\*Changing from domestic to irrigation

The drilling date, with the following exceptions, were drilled prior to 1963.

- #4 - 1964
- #9 - 1976
- #19 - 1971
- #32 - 1964
- #38 - 1968
- #39 - 1968
- #40 - 1968

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FEB 21 1977

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SEP 17 1979

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka, )  
 ) ss.  
STATE OF IDAHO, )

Donald R. Frey, being first

duly sworn, deposes and says that he is the

Editor of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

Two consecutive weeks, commencing with the issue dated August 30, 1979, and ending with the issue dated Sept. 6, 1979.

Donald R. Frey  
Subscribed and sworn to before me this

day of \_\_\_\_\_, 19\_\_\_\_.

Thomas M. Peterson Notary Public

Cost of Publication \$15.17

Notary Fee \_\_\_\_\_

Total Cost \_\_\_\_\_

NOTARY PUBLIC RESIDING AT  
RUPERT, IDAHO MY COMMISSION  
EXPIRES JUNE 21, 1981

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AUG 22 1979

called in  
correction  
8/22/79

MINIDOKA COUNTY NEWS  
RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka, )  
 ) ss.  
STATE OF IDAHO, )

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Two consecutive weeks, commencing with the issue dated August 9, 1979, and ending with the issue dated August 16, 1979.

Donald R. Frey

Subscribed and sworn to before me this

21 day of Aug, 1979.

June Jensen, Notary Public

Cost of Publication \$15.17

Notary Fee

Total Cost

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mays

28  
95  
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MICROFILMED

This  
Right has been  
Decreed in the  
SRBA.

MICROFILMED  
JAN 29 2003

## MEMORANDUM

February 23, 2000

TO: Allen Merritt, Jim Stanton

cc: City of Rupert Water Distribution File *cyh*  
Water Right file 36-04075

FROM: Cindy Hodges

RE: City of Rupert Transfer No 5196

I've analyzed the recent City of Rupert transfer of water right no. 36-04075 to rectify the points of diversion reported to the Department under the Water Measurement Program with the points listed on the transfer and associated right no. 36-07863. I've found that 38 of the 39 irrigation wells operated and reported by the City of Rupert are accurately represented under these two rights, leaving a shortfall which the City should be advised of.

According to a city plat map and annual reporting records in the Water Distribution file, there are 4 irrigation wells situated in SWNE Sec 29, T09 S R24E. Only three points are included in this QQ on transfer 5196, and the point of diversion is not shown on 36-07863. The points of diversion are identified as irrigation well nos. 13, 17, 19 and 20. Well 19 is located in NWSWNE S29 and Well 17 is located in SWSWNE S29. One other well is described in SWNE. Since there are no multiple points of diversion listed for this description in the transfer conditions, one of the two remaining wells, nos. 13 or 20, are not covered by the transfer.

No diversions occurred from well no. 19 in 1995 through 1999 according to the City's annual diversion reports. If 10-acre tract descriptions can be overlooked for compliance purposes, there were only 3 wells operating in SWNE S29 in those years and so I don't believe there is an issue of unauthorized use at this time. If the City of Rupert is maintaining well 19 for future use, some additional water right housekeeping is in order to add a fourth point of diversion in SWNE S29. If not, the well should be abandoned.

A second inconsistency found on Transfer 5196 is the point of diversion located in SESENW S21. Per the plat map, there is no irrigation well at this location, only a canal pump. Pam Skaggs indicated to me that, although the original intent of the transfer may not have been to establish or confirm a well at this location, the point of diversion is now a part of the right and the City could potentially have a new well constructed there.

Water Distribution will not take any action against the City of Rupert as long as Well no. 19 remains unused. However, it would be appropriate for the Regional Office to advise the City of any required water right action.

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JAN 29 2003

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JAN 29 2003

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| 1 | 6 | 7 | 5 | 4 | 3 | 2 | 1 | E |
|---|---|---|---|---|---|---|---|---|

IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

Office Use Only  
Inspected by \_\_\_\_\_  
Twp \_\_\_\_\_ Rge \_\_\_\_\_ Sec \_\_\_\_\_  
\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4  
Lat \_\_\_\_\_ Long. \_\_\_\_\_ : \_\_\_\_\_

1. WELL TAG NO. D 0008067  
 DRILLING PERMIT NO 36-99-S-0032 200  
 Other IDWR No. WR 36-04075

2. OWNER: City of Rupert  
Name \_\_\_\_\_  
Address PO Box 424  
City Rupert State ID Zip 83350

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

Deepening well

Twp 9 North ☐ or South ☒  
Rge. 24 East ☒ or West ☐  
Sec. 20  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
Gov't Lot \_\_\_\_\_ County Mundaka  
Lat \_\_\_\_\_ Long \_\_\_\_\_  
Address of Well Site 523 9th St  
City Rupert

(Give at least name of road + distance to Road or Landmark)

Lt. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub \_\_\_\_\_ Name \_\_\_\_\_

**4. USE:**

☐ Domestic    ☐ Municipal    ☐ Monitor    ☒ Irrigation  
☐ Thermal    ☐ Injection    ☐ Other

**5. TYPE OF WORK** check all that apply (Replacement etc)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD

☒ Air Rotary    ☐ Cable    ☐ Mud Rotary    ☐ Other

## 7. SEALING PROCEDURES

| SEAL/FILTER PACK |          |           | AMOUNT           | METHOD          |
|------------------|----------|-----------|------------------|-----------------|
| Material         | From     | To        | Sacks or<br>Bags |                 |
| <i>bentonite</i> | <i>0</i> | <i>20</i> | <i>20</i>        | <i>overlaid</i> |
|                  |          |           |                  |                 |
|                  |          |           |                  |                 |

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) \_\_\_\_\_  
Was drive shoe seal tested? ☐ Y ☒ N How? \_\_\_\_\_

**8. CASING/LINER:**

| Diameter | From | To | Gauge | Material | Casing                              | Liner                    | Welded                              | Threaded                 |
|----------|------|----|-------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 12       | +2   | 20 | 250   | steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12       | 45   | 50 | 250   | steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|          |      |    |       |          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Length of Headpipe 22' Length of Tailpipe 5'

## 9. PERFORATIONS/SCREENS

Perforations \_\_\_\_\_ Method \_\_\_\_\_  
Screens \_\_\_\_\_ Screen Type SSIT 304

| From | To | Slot Size | Number | Diameter | Material | Casing                   | Liner                    |
|------|----|-----------|--------|----------|----------|--------------------------|--------------------------|
| 20   | 35 | 30        |        | 12"      | SST      | <input type="checkbox"/> | <input type="checkbox"/> |
| 35   | 45 | 45        |        | 12"      | SST      | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |

## 10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

18 ft below ground Artesian pressure \_\_\_\_\_ lb.  
Depth flow encountered \_\_\_\_\_ ft. Describe access port or  
control devices well cap

## 11. WELL TESTS:

☐ Pump    ☐ Bailer    ☐ Air    ☐ Flowing Artesian

| Yield gal./min | Drawdown | Pumping Level | Time |
|----------------|----------|---------------|------|
|                |          |               |      |
|                |          |               |      |
|                |          |               |      |

Water Temp \_\_\_\_\_ Bottom hole temp. \_\_\_\_\_

Water Quality test or comments.

Depth first Water Encounter 18

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

| Bore Dia                                                                                                                                                                       | From          | To            | Remarks: Lithology, Water Quality & Temperature | Y | N            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|-------------------------------------------------|---|--------------|
| 18                                                                                                                                                                             | 0             | 20            | clay & fine sand                                |   | X            |
| 18                                                                                                                                                                             | 20            | 40            | good gravel & sand                              | X |              |
| <del>18</del>                                                                                                                                                                  | <del>40</del> | <del>50</del> | <del>clay</del>                                 |   | <del>X</del> |
| 18                                                                                                                                                                             | 40            | 45            | gravel & sand                                   | X |              |
| 18                                                                                                                                                                             | 45            | 50            | clay                                            |   | X            |
| <p><i>Finished</i></p> <p>RECEIVED<br/>JUL 20 1999<br/>Department of Water Resources</p> <p>RECEIVED<br/>MAY 28 1999<br/>Department of Water Resources<br/>Southern Region</p> |               |               |                                                 |   |              |

Completed Depth 50' (Measurable)  
Date Started May 1, '99 Completed May 4, '99

### 13. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the ng was removed.

Company Name High Plain Firm No. 299  
Firm Official Marcus Frank Date 5-19-99  
and  
Driller or Operator \_\_\_\_\_ Date MICROELECTRONICS

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



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 25, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

RE: Water Right 36-04075 (Transfer 5196)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Amended Transfer of Water Right for the above referenced water right (Transfer 5196). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

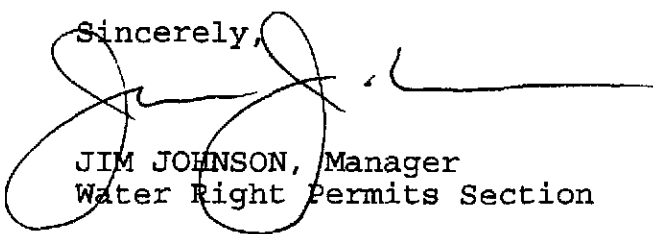
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

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

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

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

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt  
Enclosures

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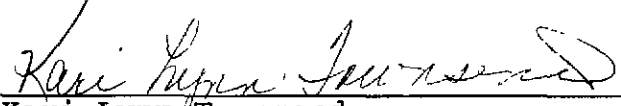
APR 1 1999

**CERTIFICATE OF MAILING**

I hereby certify that on the 25th day of **March**, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

**WATER RIGHT 36-04075 (Transfer 5196)**

**CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350**

  
\_\_\_\_\_  
Kari Lynn Townsend  
Secretary

MICROFILMED  
APR 13 1999

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

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

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

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

### **ORAL ARGUMENT**

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

APR 13 1999

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

APR 13 1999



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

February 24, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

RE: Transfer 5196

Dear Water Right Holder(s):

Enclosed please find an Order issued by the department  
Granting Petition for Reconsideration.

If you have any questions regarding this matter, please call  
me at 327-7047.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosure

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APR 13 1999

Josephine P. Beeman  
Beeman & Hofstetter, P.C.  
608 West Franklin Street  
P. O. Box 1427  
Boise, Idaho 83701-1427  
(208) 388-8900  
Fax (208) 388-8400

Attorney for City of Rupert

RECEIVED  
FEB 05 1999  
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| IN THE MATTER OF TRANSFER NO.      | ) | Transfer 5196               |
| 5196 IN THE NAME OF CITY OF RUPERT | ) |                             |
|                                    | ) |                             |
|                                    | ) | <b>APPLICANT'S PETITION</b> |
|                                    | ) | <b>FOR RECONSIDERATION</b>  |

The City of Rupert respectfully submits the following Petition for Reconsideration with the Idaho Department of Water Resources ("IDWR") regarding issuance of Transfer 5196 on Water Right 36-04075. This Petition concerns the following three conditions included in the approved transfer:

Condition 7: Water used under Right 36-04075 is combined with water from Minidoka Irrigation District.

Condition 8: The right holder shall use the full available allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.

Condition 9: This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use due to the voluntary actions of the right holder.

Condition 7 suggests that the municipal water right under Transfer 5196 is a "supplemental" right. Based on this apparent assumption, Conditions 8 and 9 then severely restrict the use of the municipal right. Condition 8 requires that ground water under 36-04075 must be used with water from the Minidoka Irrigation District. Condition 9 prohibits the use of

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FEB 12 1999

municipal ground water if the surface water irrigation right is transferred off the land. The City of Rupert seeks removal of Conditions 7, 8, and 9 to the approved transfer based on the following reasons:

1. The municipal right under Transfer 5196 should not be determined to be supplemental to water supplied by a third entity, Minidoka Irrigation District, under contract with the United States. The findings stated in Conditions 7, 8, and 9 were not based upon an investigation of the Minidoka Irrigation District right. Instead, they were apparently based upon a general remark in the director's reports which read, "USE OF THIS RIGHT IS COMBINED WITH WATER FROM MINIDOKA IRRIGATION DISTRICT" (hereinafter "Minidoka remark"). That remark appeared in the SRBA director's reports and then was changed to explanatory material in the Special Master's Report and Recommendation.

The SRBA field examiner was aware that some of the City of Rupert's low pressure municipal irrigation system used water from the Minidoka Irrigation District. However, the investigation of 36-04075 did not include an investigation of the extent to which the Minidoka Irrigation District water could be or was being used in conjunction with the City of Rupert's low pressure municipal irrigation system.

The Minidoka remark (with certain modifications) was carried over into the approved transfer. The problem is that during the transition, the Minidoka remark was given added meaning. Conditions 7, 8, and 9, when read together, suggest that 36-04075 is a supplemental right, over the entire place of use. In reality, however, IDWR has made no investigation as part of the transfer to determine the extent to which the wells under Transfer 5196 are actually used with Minidoka rights. There is no indication how many acres the Minidoka water was used on,

or where those acres are located, or the time period during which they were used. Until these questions and others are answered and until an adequate investigation of these matters is performed, the approved transfer should not include Conditions 7, 8, and 9.

2. Conditions 7, 8, and 9 are also outside the scope of the transfer. The purpose of this transfer was to allow the City of Rupert to change the point of diversion for one of the 36 wells in 36-04075. The well failed, and there was not enough land available to redrill at the existing site.

Conditions 7, 8, and 9, however, go outside the scope of the change of point of diversion and add a new condition to the City of Rupert's municipal irrigation system. The addition of a new condition extending beyond the scope of the transfer is unjustified.

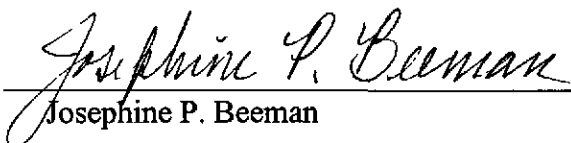
3. The water rights claimed by the Minidoka Irrigation District have not yet been finally determined in the SRBA. Any determination that municipal ground water rights are supplemental to Minidoka Irrigation District water rights would have to await determination of the Minidoka claims in the SRBA. It is inappropriate to address these SRBA matters in the context of this transfer.

For relief, the City of Rupert requests that Conditions 7, 8, and 9 be removed from the approved transfer.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of February, 1999.

BEEMAN & HOFSTETTER, P.C.

By:

  
Josephine P. Beeman

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APR 13 1999

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5<sup>th</sup> day of February, 1999, I caused a true copy of the foregoing **APPLICANT'S PETITION FOR RECONSIDERATION** to be served by the method indicated on the following:

City of Rupert

P. O. Box 426

Rupert, ID 83350

\* U.S. Mail ☐ Fed Ex ☐ Fax ☐ Hand Delivery

Idaho Dept of Water Resources

Adjudication Bureau

P. O. Box 83720

Boise, Idaho 83720-0098

FAX - 327-7866

\* U.S. Mail ☐ Fed Ex ☐ Fax ☐ Hand Delivery

  
\_\_\_\_\_  
Josephine P. Beeman

D\1778\2654



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

January 22, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

RE: Water Right 36-04075 (Transfer 5196)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5196). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

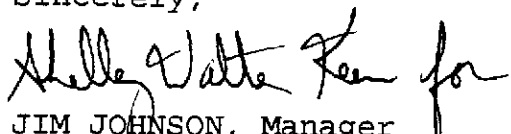
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

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

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

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

Sincerely,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt  
Enclosures

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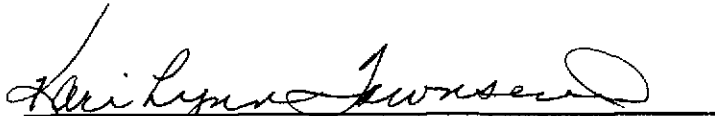
FEB 04 1999

**CERTIFICATE OF MAILING**

I hereby certify that on the 22nd day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**WATER RIGHT 36-04075 (Transfer 5196)**

**CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350**

  
Kari Lynn Townsend  
Secretary

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FEB 04 1999

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

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

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

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

### **ORAL ARGUMENT**

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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FEB 04 1999

### 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.

# BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

January 15, 1999

*Via Facsimile 327-7866*

Pamela S. Skaggs  
Senior Water Rights Agent  
Idaho Department of Water Resources  
P. O. Box 83720  
Boise, ID 83720-0098

Re: Draft Approval Transfer 5196 – City of Rupert  
Our File No. 1778.1

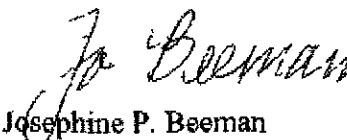
Dear Ms. Skaggs,

As you know, Phil Rassier currently is assisting us with certain matters relating to the draft approval for Transfer 5196. We will continue to keep you informed of the status of our discussions with Phil Rassier. In the interim, if you have any questions about the status of this matter, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Josephine P. Beeman

DLH:ja  
D 1778633

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FEB 04 1999

36-04075

# BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone (208) 388-8900

Facsimile (208) 388-8400

E-mail: beehof@micron.net

December 22, 1998

*Via Facsimile 327-7866*

Pamela S. Skaggs  
Senior Water Rights Agent  
Idaho Department of Water Resources  
P. O. Box 83720  
Boise, ID 83720-0098

Re. Draft Approval Transfer 5196 – City of Rupert  
Our File No. 1778.1

Dear Ms. Skaggs:

We received your December 11, 1998 letter regarding the draft approval for Transfer 5196. As we discussed on the telephone yesterday, we would like an additional period of time to review the transfer and to respond. You indicated that you would extend the response period until January 15, 1999. Accordingly, we will contact you by January 15, 1999 with any comments we may have.

Thank you for your consideration in granting this extension.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Dana L. Hofstetter

DLH:ja  
DN17782595

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FEB 04 1999



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

December 11, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Josephine Beeman  
608 W. Franklin St.  
Boise, ID 83702

RE: Draft Approval Transfer 5196  
City of Rupert

Dear Jo:

Enclosed you will find the draft approval of the transfer we discussed on the telephone the other day. I appreciate your prompt assistance in providing the requested information.

I will withhold the transfer from further processing to allow for your response. Please review the transfer and respond with any questions within 10 days of receipt. If no response is received the transfer will be forwarded for final approval.

Sincerely,

A handwritten signature in cursive script that reads "Pamela S. Skaggs".

Pamela S. Skaggs

Sr. Water Rights Agent

Enclosure

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FEB 04 1999

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

DRAFT

This is to certify that: CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| MUNICIPAL             | 04/01 to 10/31       | * 27.00 CFS           |

SOURCE

GROUNDWATER

Priority: 12/31/1955

LOCATION OF POINT(S) OF DIVERSION:

SEWNNE , Sec. 20, Township 09S, Range 24E  
SESWNE , Sec. 20, Township 09S, Range 24E  
SESENE , Sec. 20, Township 09S, Range 24E  
NESESW , Sec. 20, Township 09S, Range 24E  
SWSESW , Sec. 20, Township 09S, Range 24E  
SESESW , Sec. 20, Township 09S, Range 24E  
SWNWSE , Sec. 20, Township 09S, Range 24E  
SEWNSE , Sec. 20, Township 09S, Range 24E  
SWSE , Sec. 20, Township 09S, Range 24E  
SESWSE , Sec. 20, Township 09S, Range 24E  
NESESE , Sec. 20, Township 09S, Range 24E  
SWSWNW , Sec. 21, Township 09S, Range 24E  
SESENW , Sec. 21, Township 09S, Range 24E  
SWNWNW , Sec. 28, Township 09S, Range 24E  
SWSWNW , Sec. 28, Township 09S, Range 24E  
NENENE , Sec. 29, Township 09S, Range 24E  
NWNENE , Sec. 29, Township 09S, Range 24E  
SENESE , Sec. 29, Township 09S, Range 24E  
NWNNE , Sec. 29, Township 09S, Range 24E  
SWNE , Sec. 29, Township 09S, Range 24E  
NWSWNE , Sec. 29, Township 09S, Range 24E  
SWSWNE , Sec. 29, Township 09S, Range 24E  
SWSENE , Sec. 29, Township 09S, Range 24E  
NENENW , Sec. 29, Township 09S, Range 24E  
SWNENW , Sec. 29, Township 09S, Range 24E

DRAFT

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FEB 04 1999

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

LOCATION OF POINT(S) OF DIVERSION:

NWSENW , Sec. 29, Township 09S, Range 24E  
NENESE , Sec. 29, Township 09S, Range 24E  
NENWSE , Sec. 29, Township 09S, Range 24E  
SWNWSE , Sec. 29, Township 09S, Range 24E  
SENWSE , Sec. 29, Township 09S, Range 24E  
NWSESE , Sec. 29, Township 09S, Range 24E  
SESESE , Sec. 29, Township 09S, Range 24E  
MINIDOKA County

PLACE OF USE: See Remarks \*\*

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 5196 does not confirm Claimed Right 36-04075.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. The well located within NENWSE, S20, T09S, R24E that was previously used under Right 36-04075 shall be abandoned in a manner which complies with Department well abandonment rules.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 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.
- \* 6. The total instantaneous diversion of water from all points of diversion under Transfer 5196 shall not exceed 27.00 cfs.
7. Water used under Right 36-04075 is combined with water from Minidoka Irrigation District.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
9. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
10. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- \*\* 13. Place of use is located within the city of Rupert.

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FEB 04 1999

TRANSFER NO. 5196  
WATER RIGHT NO. 36-04075

DRAFT

CONDITIONS OF APPROVAL AND REMARKS

14. Approval of Transfer 5196 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
15. Two points of diversion are located in NESESW, S20, T09S, R24E.
16. Two points of diversion are located in SENWSE, S29, T09S, R24E.
17. Two points of diversion are located in SENWSE, S29, T09S, R24E.
18. Rights 36-07863 and 36-15491 are also diverted through the same points of diversion.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

DRAFT

\_\_\_\_\_  
Chief, Water Allocation Bureau

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FEB 04 1999

## MEMORANDUM

**TO:** File 36-04075

**FROM:** Pam Skaggs<sup>CS</sup>/State Office

**SUBJECT:** Transfer 5196

**DATE:** December 11, 1998

---

Transfer 5196 changes a point of diversion under Right 36-04075. One of the existing wells failed and the applicant proposes to drill a replacement well.

The applicant was contacted through their attorney, Jo Beeman, and information was requested regarding the use of surface water with this groundwater right. Dennis Andrew, Water Superintendent of the City of Rupert, provided information regarding the surface groundwater relationship. The city has piped laterals from MID canals and when the surface water is not sufficient the wells are turned on. The wells remain on once started and any excess water during occasional wet periods flows back to the canals.

Recommended conditions include non-confirmation of claim, drilling permit conditions, well abandonment requirements, multiple points of diversion/measuring devices, annual reporting requirements, supplemental groundwater conditions, water quality requirements, right-of-way and standard transfer conditions.

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FEB 04 1999

# TRANSFER REVIEW SHEET

(07-98)

Transfer # 5196

Date Reviewed 12-04-98 *CS*

Right(s) 36-04075 - SRBA Recommendations - "R" records.

\_\_\_\_\_

\_\_\_\_\_

☒ WRQ/Split Summary ☒ <sup>NAP</sup> SRBA Status NA Run POU Comparison Report

☒ Change P/D C: Add P/D D: Change P/U E: Change Nature of Use  
F: Change Period of Use G: Other H: Change P/D & Add P/D  
I: Change P/D & P/U J: Add P/D & Change P/U

Proof of Ownership NA - Municipal P/D change

Transfer ☒ All of Right \_\_\_\_\_ Portion of Right

Resulting Split(s) None

Check Transfer Against Recorded Right

Season/Vol. NA

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

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

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

(4) Per SRBA recommendation - Reduced from 33.00 cts to 27.00 cts & transfer application.

(7) Remove NENWSE & add SESWNE in Section 20

Contacted Jo Beeman 12-7-9-98 - Dismissed use of surface water & conditional draft will be sent before forwarding for approval.

Irr. use combined with water from Minidoka IRR District New Well (No DP found)

Transfer Remarks W50, W57, W58 modified WB4

Conditions 046, 067, 065, 079, 081, 07, 08, T17

\_\_\_\_\_

\_\_\_\_\_

Database/Processing Notes modified per Phil Kasser + Jo Beeman. Standard \_\_\_\_\_ Non-Standard ☒

Copy to an "X" prefix pending final decree. ☒ Delete ☒

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

Database Updated Following Approval CS Memo/Form Files Deleted CS

01-20-97

| OWNER<br>CODE | NAME & ADDRESS                                                    | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C             | CITY OF RUPERT<br>PO BOX 426<br>RUPERT ID 83350<br>(208) 436-9600 | 12/31/1955       | MUNICIPAL | 04/01 10/31           | 27.000 CFS        |                     |
|               |                                                                   |                  |           |                       | TOTAL DIVERSION:  | 27.000 CFS          |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

| Point(s) of Diversion: | T09S R24E S20 | SENNW  | SESWNE | SESENE  | NESESW  | MINIDOKA County |
|------------------------|---------------|--------|--------|---------|---------|-----------------|
|                        | S20           | SWSESW | SESESW | SWNWSE  | SENNWSE | MINIDOKA County |
|                        | S20           | SWSE   | SESWSE | NESESE  |         | MINIDOKA County |
|                        | S21           | SWSWNW | SESENW |         |         | MINIDOKA County |
|                        | S28           | SWNNW  | SWSWNW |         |         | MINIDOKA County |
|                        | S29           | NENENE | NWNENE | SENE    | NWNE    | MINIDOKA County |
|                        | S29           | SWNE   | NWSWNE | SWSWNE  | SWSENE  | MINIDOKA County |
|                        | S29           | NENENW | SWNENW | NWSENW  | NENESE  | MINIDOKA County |
|                        | S29           | NENWSE | SWNWSE | SENNWSE | NWSESE  | MINIDOKA County |
|                        | S29           | SESESE |        |         |         | MINIDOKA County |

Pou County:

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 067 - The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code. *available*
- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right, and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use due to the voluntary actions of the right holder.
- 081 - Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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 5196 shall not exceed 27.00 cfs.

\* 01-19-99 CB

Remarks: Approval of Transfer 5196 does not confirm Claimed Right 36-04075.  
Place of use is located within the city of Rupert.  
Approval of Transfer ~~4075~~<sup>5196</sup> does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.  
Water used under Right 36-04075 is combined with water from Minidoka Irrigation District.  
The well located within NENWSE, S20, T09S, R24E that was previously used under Right 36-04075 shall be abandoned in a manner which complies with Department well abandonment rules.  
Two points of diversion are located in NESESW, S20, T09S, R24E.  
Two points of diversion are located in SENWSE, S29, T09S, R24E.  
Two points of diversion are located in SENWSE, S29, T09S, R24E.  
Rights 36-07863 and 36-15491 are also diverted through the same points of diversion.

Dates: App. Received: 01/08/1998 Priority Date: 12/31/1955  
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: 05/15/1992 User-ID: THORNTON Subject: ASSOCIATED RIGHTS  
THIS RIGHT AND 36-07863 ARE USED STRICTLY FOR MUNICIPAL IRRIGATION. OTHER CITY OF RUPERT MUNICIPAL RIGHTS ARE USED FOR INDOOR USES.

Date: 05/15/1995 User-ID: SSHERMAN Subject: NAME CHANGE  
NOTICE OF APPEARANCE FOR JO BEEMAN REC'D 04/07/95.

Date: 07/11/1995 User-ID: SSHERMAN Subject: NOTICE OF APPEARANCE  
NOA REC'D 04/07/95 FOR JO BEEMAN, DATA ENTERED 05/15/95 SIMPLY AS 'NAME CHANGE'.

Date: 07/12/1995 User-ID: SSHERMAN Subject: CORRECTED OWNER CODE  
CORRECTED OWNER CODE FOR DIRECTOR'S REPORT OWNER TO "D".

Date: 07/26/1995 User-ID: TFAWCETT Subject: OWNER CODE CORRECTED  
OWNER CODE CHANGE TO "D" BASED ON RECEIPT OF NOTICE OF APPEARANCE. OWNER HAS NOT CHANGED: "D" CODE CHANGED BACK TO "C" 7-26-95 TF.

Date: 08/01/1995 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE  
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. BEEMAN CHANGED FIRM, RETAINED CLIENTS, PER COURT LETTER DATED 7/7/95.

Date: 12/07/1998 User-ID: PSKAGGS Subject: TRANSFER 5196

WR0749NP  
No. T36-04075

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/07/98  
PAGE: 3

=====  
Comments: Date: 12/07/1998 User-ID: PSKAGGS Subject: TRANSFER 5196  
Transfer 5196 changes a point of diversion under Right 36-04075.

Audit: 01/16/98 MBALDWIN 02/08/98 CLEARFLD 12/07/98 PSKAGGS

AJ5809NP  
No. R36-04075

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/07/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | CITY OF RUPERT | 12/31/1955       | MUNICIPAL | 04-01 10-31           | 27.00 CFS         |                     |
| TOTAL DIVERSION: |                |                  |           |                       | 27.00 CFS         |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

| Point(s) of Diversion: | T09S R24E S20 | SENE   | SESENE                            | NESESW | SWSESW | MINIDOKA County |
|------------------------|---------------|--------|-----------------------------------|--------|--------|-----------------|
|                        | S20           | SESESW | <del>SENE</del> <i>SENE - Add</i> | SWWSE  | SENESE | MINIDOKA County |
|                        | S20           | SWSE   | SESENE                            | NESESE | SENESE | MINIDOKA County |
|                        | S21           | SWSWNW | SESENE                            |        |        | MINIDOKA County |
|                        | S28           | SWWNNW | SWSWNW                            |        |        | MINIDOKA County |
|                        | S29           | NENENE | NWNE                              | SENE   | NWNE   | MINIDOKA County |
|                        | S29           | SWNE   | NWSE                              | SWSE   | SWSE   | MINIDOKA County |
|                        | S29           | NENENW | SWNENW                            | NWSE   | SENESE | MINIDOKA County |
|                        | S29           | NENWSE | SWNWSE                            | SENESE | SENESE | MINIDOKA County |
|                        | S29           | NWSESE | SESESE                            |        |        | MINIDOKA County |

POU County:

Other Rights: 36-07863 AND 36-15491

Conditions of Approval:

- S16 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- MINIDOKA IRRIGATION DIST.

Remarks: POD TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S20, NESESW.  
TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S29. SENWSE  
TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S24 SENWSE.

POU PLACE OF USE IS WITHIN THE CITY LIMITS OF RUPERT.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 36-07863 AND 36-15491.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 05/15/1992 User-ID: THORNTON Subject: ASSOCIATED RIGHTS  
THIS RIGHT AND 36-07863 ARE USED STRICTLY FOR MUNICIPAL  
IRRIGATION. OTHER CITY OF RUPERT MUNICIPAL RIGHTS ARE USED FOR

=====

Comments: Date: 05/15/1992 User-ID: THORNTON Subject: ASSOCIATED RIGHTS  
INDOOR USES.

Date: 05/15/1995 User-ID: SSHERMAN Subject: NAME CHANGE  
NOTICE OF APPEARANCE FOR JO BEEMAN REC'D 04/07/95.

Date: 07/11/1995 User-ID: SSHERMAN Subject: NOTICE OF APPEARANCE  
NOA REC'D 04/07/95 FOR JO BEEMAN, DATA ENTERED 05/15/95 SIMPLY AS  
'NAME CHANGE'.

Date: 07/12/1995 User-ID: SSHERMAN Subject: CORRECTED OWNER CODE  
CORRECTED OWNER CODE FOR DIRECTOR'S REPORT OWNER TO "D".

Date: 07/26/1995 User-ID: TFAWCETT Subject: OWNER CODE CORRECTED  
OWNER CODE CHANGE TO "D" BASED ON RECEIPT OF NOTICE OF  
APPEARANCE. OWNER HAS NOT CHANGED: "D" CODE CHANGED BACK TO "C"  
7-26-95 TF.

Date: 08/01/1995 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE  
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE  
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A  
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT  
OWNER CHANGE. BEEMAN CHANGED FIRM, RETAINED CLIENTS, PER COURT  
LETTER DATED 7/7/95.

Audit: 08/06/97 CFRITSCH

# SRBA

## SUBCASE SUMMARY REPORT 36-04075

[Return to SRBA Home Page](#)

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SRBA  
12-04-1998

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-04075      FILE#: 00278  
CLAIMANT: CITY OF RUPERT  
STATUS: MOTION: ALTER/AMEND  
WATER SOURCE: GROUNDWATER,  
ISSUES: PURPOSE OF USE DESCRIPTION  
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.  
CONSUMPTIVE USE  
WATER RIGHT RECOMMENDATION  
PRIORITY DATE

### \*\*\*\* PARTIES INVOLVED \*\*\*\*

|                          |                           |
|--------------------------|---------------------------|
| CITY OF RUPERT           | ATTY: JOSEPHINE P. BEEMAN |
| US DEPARTMENT OF JUSTICE | ATTY: DAVID HARDER        |
| CITY OF POCATELLO        | ATTY: JOSEPHINE P. BEEMAN |
| IDWR                     | ATTY: CLIVE STRONG        |

### \*\*\*\* ROA ENTRIES \*\*\*\*

|            |                                                                                                                                                                                                                                                                                                            |    |                 |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------|
| 04-30-1993 | OBJECTION 1 F/B U.S. DEPT OF JUSTICE                                                                                                                                                                                                                                                                       | RF | 09-01-1993 0001 |
| 09-01-1993 | RESPONSE TO OBJ 1 F/B CITY OF POCATELLO                                                                                                                                                                                                                                                                    |    | 0001            |
| 09-10-1993 | RESPONSE TO OBJ 1 F/B IDWR                                                                                                                                                                                                                                                                                 |    | 0002            |
| 11-04-1993 | ORDER OF REFERENCE APPOINTING TERRENCE DOLAN<br>SPECIAL MASTER IN REPORTING AREA 3 (B-36)                                                                                                                                                                                                                  |    |                 |
| 12-30-1993 | ORDER SETTING SUBCASE FOR SCHEDULING<br>CONFERENCE                                                                                                                                                                                                                                                         | HS | 02-08-1994 1115 |
| 02-08-1994 | HEARING HELD                                                                                                                                                                                                                                                                                               | HH | 02-08-1994 1115 |
| 02-08-1994 | MINUTES                                                                                                                                                                                                                                                                                                    |    |                 |
| 02-09-1994 | STIPULATION TO BE FILED BY 3/18/94                                                                                                                                                                                                                                                                         | ?? |                 |
| 02-09-1994 | LODGED: CITY OF POCATELLO'S SCHEDULING<br>CONFERENCE MEMORANDUM                                                                                                                                                                                                                                            |    |                 |
| 03-24-1994 | STIPULATION TO WITHDRAW OBJECTION                                                                                                                                                                                                                                                                          |    |                 |
| 04-19-1994 | ORDER STAYING PROCEEDINGS IN SUBCASES IN<br>R.A. 1,2 &3 AND STAYING THE OBJECTION AND<br>PERIOD AS TO THE DIR RPT OF THE U.S. &<br>TRIBAL NONCONSUMPTIVE CLAIMS & THE DIR RPT<br>FOR THE 1990 FORT HALL INDIAN WATER RIGHTS<br>AGREEMENT AND STAYING PROCEEDINGS IN<br>TWIN FALLS COUNTY CASE 39576 (DL13) | OT |                 |
| 04-27-1994 | AMENDED ORDER STAYING PROCEEDINGS IN SUBCASES<br>IN REPORTING AREAS 1, 2 AND 3 & STAYING<br>THE OBJECTION PERIOD OF THE DIR'S RPT OF<br>THE U.S. & TRIBAL NON-CONSUMPTIVE CLAIMS &<br>STAYING PROCEEDINGS IN TWIN FALLS COUNTY<br>CASE NO, 39576 (DL19)                                                    |    |                 |
| 12-07-1994 | ORDER LIFTING STAY IN REPORTING AREAS 1, 2<br>AND 3; AND TWIN FALLS COUNTY CASE NO.<br>39576, AND CONTNUING STAY OF DIRECTOR'S<br>REPORTS ABSTRACTING FEDERAL RESERVED WATER                                                                                                                               | OL |                 |

|            | RIGHTS                                                                                                                                               | (DL43) |                 |  |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------|--|
| 03-07-1995 | ORDER DISMISSING UNITED STATES' OBJECTION;<br>DISMISSING UNITED STATES AS A PARTY; AND                                                               |        |                 |  |
| 03-07-1995 | REQUIRING STANDARD FORM 5                                                                                                                            | ZZ     | 04-07-1995      |  |
| 04-06-1995 | STIPULATED MOTION TO EXTEND DATE TO FILE<br>STANDARD FORM 5 FOR WATER RIGHT 36-04075                                                                 | MG     | 04-07-1995      |  |
| 04-06-1995 | NTC OF APPEARANCE OF JOSEPHINE BEEMAN FOR<br>THE CITY OF RUPERT IN SUBCASE 36-04075                                                                  |        |                 |  |
| 04-06-1995 | STIPULATED WITHDRAWAL OF CITY OF POCAATELLO<br>AS A PARTY TO SUBCASE                                                                                 |        |                 |  |
| 04-07-1995 | ORDER GRANTING STIPULATED WITHDRAWAL OF CITY<br>OF POCAATELLO AS PARTY TO SUBCASE AND<br>STIPULATED MOTION TO EXTEND DATE TO FILE<br>STANDARD FORM 5 |        |                 |  |
| 09-08-1995 | MOTION TO EXTEND TIME TO FILE SF5<br>FILED BY CITY OF RUPERT                                                                                         | MG     | 09-12-1995      |  |
| 09-12-1995 | AFFIDAVIT OF JOSEPHINE P. BEEMAN IN SUPPORT<br>MOTION TO EXTEND FILE DATE OF SF5 FILED<br>BY THE CITY OF RUPERT                                      | MG     | 09-12-1995      |  |
| 09-12-1995 | ORDER GRANTING CITY OF RUPERT'S MOTION TO<br>EXTEND TIME TO FILE STANDARD FORM 5                                                                     |        |                 |  |
| 11-15-1995 | MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR<br>IN THE ALTERNATIVE MOTION FOR LEAVE TO<br>FILE LATE OBJECTIONS & MEMO IN SUPPORT                       | MG     | 11-15-1995      |  |
| 11-27-1995 | NOTICE SETTING HEARING<br>MOTION TO FILE AMENDED CLAIM OR LATE<br>OBJECTIONS                                                                         | HS     | 02-23-1996 1000 |  |
| 02-23-1996 | HEARING HELD/MTN TO FILE LATE                                                                                                                        | HH     | 02-23-1996 1000 |  |
| 02-23-1996 | MINUTES FILED ON HEARING HELD                                                                                                                        |        |                 |  |
| 02-23-1996 | STANDARD FORM 5 DUE                                                                                                                                  | 6B     | 03-29-1996 0500 |  |
| 02-27-1996 | ORDER GRANTING MOTION TO FILE LATE<br>OBJECTIONS F/B CITY OF RUPERT                                                                                  |        |                 |  |
| 02-27-1996 | OBJ 02 F/B CITY OF RUPERT                                                                                                                            | RB     | 04-12-1996 0002 |  |
| 02-10-1997 | ORDER SETTING SCHEDULING CONFERENCE                                                                                                                  | SS     | 03-07-1997 1100 |  |
| 02-25-1997 | ORDER VACATING & RESETTING SCHEDULING CONF                                                                                                           | SS     | 04-08-1997 0200 |  |
| 03-10-1997 | NOTICE OF CHANGE OF FIRM ADDRESS                                                                                                                     |        |                 |  |
| 04-08-1997 | HEARING HELD-SCHEDULING CONFERENCE                                                                                                                   | SH     | 04-08-1997 0200 |  |
| 04-08-1997 | MINUTES FILED-SCHEDULING CONFERENCE                                                                                                                  |        |                 |  |
| 04-09-1997 | ORDER SETTING STATUS CONFERENCE                                                                                                                      | US     | 06-18-1997 0900 |  |
| 06-18-1997 | HEARING HELD-STATUS CONFERENCE                                                                                                                       | UH     | 06-18-1997 0900 |  |
| 06-18-1997 | MINUTES FILED-STATUS CONFERENCE                                                                                                                      |        |                 |  |
| 06-19-1997 | SCHEDULING CONFERENCE SET                                                                                                                            | SS     | 08-15-1997 1000 |  |
| 08-15-1997 | HEARING HELD-SCHEDULING CONFERENCE                                                                                                                   | SH     | 08-15-1997 1000 |  |
| 08-15-1997 | MINUTES FILED-SCHEDULING CONFERENCE                                                                                                                  |        |                 |  |
| 08-18-1997 | TRIAL SCHEDULING ORDER                                                                                                                               | TV     | 11-20-1997 1000 |  |
|            | PRETRIAL SET                                                                                                                                         | PV     | 11-05-1997 0100 |  |
| 11-05-1997 | STANDARD FORM 5 FILED                                                                                                                                |        | 11-05-1997      |  |
| 11-06-1997 | ORDER VACATING PRE-TRIAL AND TRIAL                                                                                                                   |        |                 |  |
| 11-06-1997 | REPORT & RECOMMENDATION OF MASTER                                                                                                                    | CB     | 12-29-1997      |  |
| 11-06-1997 | NOTICE OF ISSUANCE - FINAL R & R                                                                                                                     |        |                 |  |
| 11-06-1997 | CERTIFICATE OF MAILING - FINAL R & R                                                                                                                 |        |                 |  |
| 12-24-1997 | MOTION TO ALTER OR AMEND MASTER'S REPORT                                                                                                             | MF     | 12-24-1997      |  |
| 12-24-1997 | AFFIDAVIT OF DENNIS ANDREW IN SUPPORT OF<br>MOTION TO ALTER OF AMEND                                                                                 |        | 12-24-1997      |  |
| 01-21-1998 | NOTICE OF ADMINISTRATIVE PROCEEDING                                                                                                                  | AZ     | 01-21-1998      |  |

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[Return to SRBA Home Page](#)

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**SPLIT RIGHT SUMMARY**  
**12/4/98**  
**TRANSFER 5196**

SD-0611-2 Basin: 36 Starting Water Right: 04075

| S | Water     | Name           | O | Priority   | STG/ | Use         | S    |
|---|-----------|----------------|---|------------|------|-------------|------|
| L | Right No. | Last, First    | N | Date       | STS  | Desc        | S    |
| - | 36-04075  | CITY OF RUPERT | C | 04/01/1940 | S/   | GROUNDWATER | IRR  |
| - | T36-04075 | CITY OF RUPERT | C | 12/31/1955 | J/   | GROUNDWATER | MUNI |
| - | 36-04075  | CITY OF RUPERT | C | 12/31/1955 | J/   | GROUNDWATER | MUNI |
| - | A36-04075 | CITY OF RUPERT | C | 04/01/1940 | S/   | GROUNDWATER | IRR  |
| - | R36-04075 | CITY OF RUPERT | C | 12/31/1955 | J/   | GROUNDWATER | MUNI |

## IDWR TRANSFER ANALYSIS SHEET

APPLICANT

City of Rupert

TRANSFER NO. 5196

1. Right number(s)

36-04075

2. Type of right

☒ Decree ☐ License ☒ Statutory Claim (WR)  
☒ SRBA Beneficial Use Claim (BJ)

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☐ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: OLD WELL ABANDON IN ORDER TO DRILL

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose  
☒ Period ☒ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use

Comments:

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: \_\_\_\_\_

CITY OF  
RUPERT

T5196

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

j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) \_\_\_\_\_

k. \_\_\_\_\_ Comment letters \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes N/A Water District # \_\_\_\_\_  
Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY GLS DATE 14 Jan 98  
SRBA SUPERVISOR REVIEW BY JS DATE 3/5/98  
PUBLICATION REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_

1. Legal Notice electronically sent to DWRO3::VAULT ☒ Yes @ 346 pm (1/20/98)

2. COMMENT LETTERS copy of Pg 1 to AJ ☒ Yes 1/20/98

Watermaster recommendation requested on N/A, Received on \_\_\_\_\_

Other comments letters - send to the following name(s) & address(es): \_\_\_\_\_

3. Transfer published correctly? ☒ Yes \_\_\_\_\_ No

4. Affidavit of publication received? ☒ Yes \_\_\_\_\_ No

5. Protests received? \_\_\_\_\_ Yes ☒ No; Acknowledgement sent? \_\_\_\_\_ Yes

6. Copies made for Region file (see attached supplemental page)? \_\_\_\_\_ Yes

### RECOMMENDED ACTION

1. ☒ Approve

2. \_\_\_\_\_ Deny due to \_\_\_\_\_

3. Conditions (special conditions in Water Districts) \_\_\_\_\_

4. By AP Also see attached memo for recommendation dated: 2/24/98  
Date 2/24/98

FROM: Allen Merritt 

DATE: February 24, 1998

TO: Transfer File No. 5196  
Water Right(s): 36-04075

RECEIVED

AUG 03 1998

In the Name of: City of Rupert

SUBJECT: Review and Recommendation

Department of Water Resources

This transfer requests redrilling of a well due to failure of an old well. The water right has numerous wells but this transfer only deals with replacement of one. After the transfer the right should continue to list the numerous other points of diversion.

The application was advertised without protest.

#### RECOMMENDATION

I recommend that the transfer be approved subject to the following conditions:

- Subject to the drilling permit requirement.
- Subject to public water supply system requirements as may be appropriate. (Note that the well will most likely only be used for irrigation.)
- Subject to SRBA (Note that objection has been filed on this recommendation; see attached SRBA summary report.)

NOTED

11/11/98

M E M O T O F I L E

**FROM:** Georgia Satterlee  
**DATE:** 15 January 1998  
**RE:** Transfer per 36-04075,-07863

City of Rupert submits an application for transfer proposing to re-drill a new well since the existing well has failed. Due to limited land, the new well will be drilled approximately 400 feet north-east of the existing well. The old p/d is Section 20, T09S, R24E NENWSE $\frac{1}{4}$ . The new p/d will be Section 20, T09S, R24E SESWNE $\frac{1}{4}$ . The city is aware of the abandonment procedures required by the department.

This approval of transfer will add a new well to the existing low pressure irrigation system serving the city.

Conditions for approval:

- the development of one well must comply with drilling permit requirements.

- use is strictly for municipal irrigation.

- a measuring device with a totalizing meter must be maintained as part of the diversion works.

- associated rights will have a total combined diversion rate limited to 36.83 cfs and a total combined annual consumptive use volume of 1080 AF.

- use is combined with water from Minidoka Irrigation District.

RECEIVED

JAN 16 1998

# SRBA

## SUBCASE SUMMARY REPORT 36-04075

Return to SRBA Home Page

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SRBA  
02-24-1998

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-04075      FILE#: 00278  
CLAIMANT: CITY OF RUPERT  
STATUS: MOTION: ALTER/AMEND  
WATER SOURCE: GROUNDWATER,  
ISSUES: PURPOSE OF USE DESCRIPTION  
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.  
CONSUMPTIVE USE  
WATER RIGHT RECOMMENDATION  
PRIORITY DATE

\*\*\*\* PARTIES INVOLVED \*\*\*\*

|                          |                           |
|--------------------------|---------------------------|
| CITY OF RUPERT           | ATTY: JOSEPHINE P. BEEMAN |
| US DEPARTMENT OF JUSTICE | ATTY: DAVID HARDER        |
| CITY OF POCA TELLO       | ATTY: JOSEPHINE P. BEEMAN |
| IDWR                     | ATTY: CLIVE STRONG        |

\*\*\*\* ROA ENTRIES \*\*\*\*

|            |                                                                                                                                                                                                                                                                                                            |    |            |      |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|------|
| 04-30-1993 | OBJECTION 1 F/B U.S. DEPT OF JUSTICE                                                                                                                                                                                                                                                                       | RF | 09-01-1993 | 0001 |
| 09-01-1993 | RESPONSE TO OBJ 1 F/B CITY OF POCA TELLO                                                                                                                                                                                                                                                                   |    |            | 0001 |
| 09-10-1993 | RESPONSE TO OBJ 1 F/B IDWR                                                                                                                                                                                                                                                                                 |    |            | 0002 |
| 11-04-1993 | ORDER OF REFERENCE APPOINTING TERRENCE DOLAN<br>SPECIAL MASTER IN REPORTING AREA 3 (B-36)                                                                                                                                                                                                                  |    |            |      |
| 12-30-1993 | ORDER SETTING SUBCASE FOR SCHEDULING<br>CONFERENCE                                                                                                                                                                                                                                                         | HS | 02-08-1994 | 1115 |
| 02-08-1994 | HEARING HELD                                                                                                                                                                                                                                                                                               | HH | 02-08-1994 | 1115 |
| 02-08-1994 | MINUTES                                                                                                                                                                                                                                                                                                    |    |            |      |
| 02-09-1994 | STIPULATION TO BE FILED BY 3/18/94                                                                                                                                                                                                                                                                         | ?? |            |      |
| 02-09-1994 | LODGED: CITY OF POCA TELLO'S SCHEDULING<br>CONFERENCE MEMORANDUM                                                                                                                                                                                                                                           |    |            |      |
| 03-24-1994 | STIPULATION TO WITHDRAW OBJECTION                                                                                                                                                                                                                                                                          |    |            |      |
| 04-19-1994 | ORDER STAYING PROCEEDINGS IN SUBCASES IN<br>R.A. 1,2 &3 AND STAYING THE OBJECTION AND<br>PERIOD AS TO THE DIR RPT OF THE U.S. &<br>TRIBAL NONCONSUMPTIVE CLAIMS & THE DIR RPT<br>FOR THE 1990 FORT HALL INDIAN WATER RIGHTS<br>AGREEMENT AND STAYING PROCEEDINGS IN<br>TWIN FALLS COUNTY CASE 39576 (DL13) | OT |            |      |
| 04-27-1994 | AMENDED ORDER STAYING PROCEEDINGS IN SUBCASES<br>IN REPORTING AREAS 1, 2 AND 3 & STAYING<br>THE OBJECTION PERIOD OF THE DIR'S RPT OF<br>THE U.S. & TRIBAL NON-CONSUMPTIVE CLAIMS &<br>STAYING PROCEEDINGS IN TWIN FALLS COUNTY<br>CASE NO, 39576 (DL19)                                                    |    |            |      |
| 12-07-1994 | ORDER LIFTING STAY IN REPORTING AREAS 1, 2<br>AND 3; AND TWIN FALLS COUNTY CASE NO.<br>39576, AND CONTNUING STAY OF DIRECTOR'S<br>REPORTS ABSTRACTING FEDERAL RESERVED WATER<br>RIGHTS (DL43)                                                                                                              | OL |            |      |

|            |                                                                                                                                                     |          |                                                  |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------|
| 03-07-1995 | ORDER DISMISSING UNITED STATES' OBJECTION;<br>DISMISSING UNITED STATES AS A PARTY; AND                                                              |          |                                                  |
| 03-07-1995 | REQUIRING STANDARD FORM 5                                                                                                                           | ZZ       | 04-07-1995                                       |
| 04-06-1995 | STIPULATED MOTION TO EXTEND DATE TO FILE<br>STANDARD FORM 5 FOR WATER RIGHT 36-04075                                                                | MG       | 04-07-1995                                       |
| 04-06-1995 | NTC OF APPEARANCE OF JOSEPHINE BEEMAN FOR<br>THE CITY OF RUPERT IN SUBCASE 36-04075                                                                 |          |                                                  |
| 04-06-1995 | STIPULATED WITHDRAWAL OF CITY OF POCATELLO<br>AS A PARTY TO SUBCASE                                                                                 |          |                                                  |
| 04-07-1995 | ORDER GRANTING STIPULATED WITHDRAWAL OF CITY<br>OF POCATELLO AS PARTY TO SUBCASE AND<br>STIPULATED MOTION TO EXTEND DATE TO FILE<br>STANDARD FORM 5 |          |                                                  |
| 09-08-1995 | MOTION TO EXTEND TIME TO FILE SF5<br>FILED BY CITY OF RUPERT                                                                                        | MG       | 09-12-1995                                       |
| 09-12-1995 | AFFIDAVIT OF JOSEPHINE P. BEEMAN IN SUPPORT<br>MOTION TO EXTEND FILE DATE OF SF5 FILED<br>BY THE CITY OF RUPERT                                     | MG       | 09-12-1995                                       |
| 09-12-1995 | ORDER GRANTING CITY OF RUPERT'S MOTION TO<br>EXTEND TIME TO FILE STANDARD FORM 5                                                                    |          |                                                  |
| 11-15-1995 | MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR<br>IN THE ALTERNATIVE MOTION FOR LEAVE TO<br>FILE LATE OBJECTIONS & MEMO IN SUPPORT                      | MG       | 11-15-1995                                       |
| 11-27-1995 | NOTICE SETTING HEARING<br>MOTION TO FILE AMENDED CLAIM OR LATE<br>OBJECTIONS                                                                        | HS       | 02-23-1996 1000                                  |
| 02-23-1996 | HEARING HELD/MTN TO FILE LATE                                                                                                                       | HH       | 02-23-1996 1000                                  |
| 02-23-1996 | MINUTES FILED ON HEARING HELD                                                                                                                       |          |                                                  |
| 02-23-1996 | STANDARD FORM 5 DUE                                                                                                                                 | 6B       | 03-29-1996 0500                                  |
| 02-27-1996 | ORDER GRANTING MOTION TO FILE LATE<br>OBJECTIONS F/B CITY OF RUPERT                                                                                 |          |                                                  |
| 02-27-1996 | OBJ 02 F/B CITY OF RUPERT                                                                                                                           | RB       | 04-12-1996 0002                                  |
| 02-10-1997 | ORDER SETTING SCHEDULING CONFERENCE                                                                                                                 | SS       | 03-07-1997 1100                                  |
| 02-25-1997 | ORDER VACATING & RESETTING SCHEDULING CONF                                                                                                          | SS       | 04-08-1997 0200                                  |
| 03-10-1997 | NOTICE OF CHANGE OF FIRM ADDRESS                                                                                                                    |          |                                                  |
| 04-08-1997 | HEARING HELD-SCHEDULING CONFERENCE                                                                                                                  | SH       | 04-08-1997 0200                                  |
| 04-08-1997 | MINUTES FILED-SCHEDULING CONFERENCE                                                                                                                 |          |                                                  |
| 04-09-1997 | ORDER SETTING STATUS CONFERENCE                                                                                                                     | US       | 06-18-1997 0900                                  |
| 06-18-1997 | HEARING HELD-STATUS CONFERENCE                                                                                                                      | UH       | 06-18-1997 0900                                  |
| 06-18-1997 | MINUTES FILED-STATUS CONFERENCE                                                                                                                     |          |                                                  |
| 06-19-1997 | SCHEDULING CONFERENCE SET                                                                                                                           | SS       | 08-15-1997 1000                                  |
| 08-15-1997 | HEARING HELD-SCHEDULING CONFERENCE                                                                                                                  | SH       | 08-15-1997 1000                                  |
| 08-15-1997 | MINUTES FILED-SCHEDULING CONFERENCE                                                                                                                 |          |                                                  |
| 08-18-1997 | TRIAL SCHEDULING ORDER<br>PRETRIAL SET                                                                                                              | TV<br>PV | 11-20-1997 1000<br>11-05-1997 0100<br>11-05-1997 |
| 11-05-1997 | STANDARD FORM 5 FILED                                                                                                                               |          |                                                  |
| 11-06-1997 | ORDER VACATING PRE-TRIAL AND TRIAL                                                                                                                  |          |                                                  |
| 11-06-1997 | REPORT & RECOMMENDATION OF MASTER                                                                                                                   | CB       | 12-29-1997                                       |
| 11-06-1997 | NOTICE OF ISSUANCE - FINAL R & R                                                                                                                    |          |                                                  |
| 11-06-1997 | CERTIFICATE OF MAILING - FINAL R & R                                                                                                                |          |                                                  |
| 12-24-1997 | MOTION TO ALTER OR AMEND MASTER'S REPORT                                                                                                            | MF       | 12-24-1997                                       |
| 12-24-1997 | AFFIDAVIT OF DENNIS ANDREW IN SUPPORT OF<br>MOTION TO ALTER OF AMEND                                                                                |          | 12-24-1997<br>12-24-1997                         |
| 01-21-1998 | NOTICE OF ADMINISTRATIVE PROCEEDING                                                                                                                 | AZ       | 01-21-1998                                       |

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Return to SRBA Home Page

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

County of Cassia     )  
                              ) ss  
STATE OF IDAHO        )

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated January 26 1998, and ending with the issue dated February 2 1998.

Ruth Holmes

STATE OF IDAHO        )  
COUNTY OF            )  
MINIDOKA             )

On this 2nd day of February in the year of 1998 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Janna K. Burns

Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 54.12

Affidavit Fee 5.00

Total Cost 59.12

**FEB 04 1998**

Department of Water Resources  
Southern Region

NOTED

FEB 04 1998

No. TF 5196

Notice is hereby given that the City of Rupert, PO Box 426; RUFERT ID 83350 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5196 is to change point of diversion by replacing an existing well which has failed. PRESENTLY, Snake River Basin Adjudication Recommended Water Right No. 36-04075 based on beneficial use (Total of 27.00 cfs) with a priority date of 12/31/1955 is diverted from a well located within NW1/4SE1/4, S20, T09S, R24E (one of 33 existing wells located within parts of Sections 20, 21, 28 & 29, T09S, R24E; Minidoka County used for municipal use within the city limits of Rupert, ID.)

#### PROPOSED CHANGE

The applicant wishes to drill a new well within SW1/4NE1/4, S20, T09S, R24E to replace the failed well located within NW1/4SE1/4, S20, T09S, R24E; Minidoka County; all existing points of diversion will continue to be used for municipal use. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301, together with a protest fee of \$25.00 on or before February 15, 1996 for the consideration by the Department for its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 2/2/1996.

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT**

**No. T# 5196**

Notice is hereby given that the City of Rupert, PO Box 426; RUPERT ID 83350 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5196 is to change point of diversion by replacing an existing well which has failed. PRESENTLY, Snake River Basin Adjudication Recommended Water Right No. 36-04075 based on beneficial use (Total of 27.00 cfs) with a priority date of 12/31/1955 is diverted from a well located within NW1/4SE1/4, S20, T09S, R24E (one of 33 existing wells located within parts of Sections 20, 21, 28 & 29, T09S, R24E; Minidoka County used for municipal use within the city limits of Rupert, ID.)

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Karl J. Dreher, Director

Published in the South Idaho Press on  
01/26 & 02/02/98.

RECEIVED

FEB 13 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
No. T# 5196

Notice is hereby given that the City of Rupert, PO Box 426; RUPERT ID 83350 has applied to the Department of Water Resources for changes to a water right.

The purpose of Transfer No. 5196 is to change point of diversion by replacing an existing well which has failed.

**PRESENTLY,** Snake River Basin Adjudication Recommended Water Right No. 36-04075 based on beneficial use (Total of 27.00 cfs) with a priority date of 12/31/1955 is diverted from a well located within NW1/4SE1/4, S20, T09S, R24E (one of 33 existing wells located within parts of Sections 20, 21, 28 & 29, T09S, R24E; Minidoka County used for municipal use within the city limits of Rupert, ID.)

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Karl J. Dreher, Director

Published in the South Idaho Press on 01/26 & 02/02/98.

RECEIVED

2000 01 26



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 20, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

**If you cannot publish the notice on the proposed dates, please contact us immediately.**

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin  
Sr. Secretary

Enclosure

NOTED 1/22/98

1/22/98



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 16, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

ATTN DENNIS ANDREW  
CITY OF RUPERT  
PO BOX 426  
RUPERT ID 83350

Re: Application for Transfer No. 5196 (36-04075)

Dear Mr. Andrew:

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

This office has scheduled advertising the application in The South Idaho Press for 01/26 and 02/02/98.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

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

Very truly yours,

Georgia Satterlee  
Water Resource Agent

GS:mb

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

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1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3578

AUGUST 23, 1979

CITY OF RUPERT  
BOX 426  
CITY HALL  
RUPERT

ID 83350

RE: Claim No. 36-4075

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 filing and advertising of the claim does not confirm the water right 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 supporting 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,

LOREN O. HOLMES  
Southern Region Supervisor

Enclosure

Department of Water Resources

Date. Started 12-8-93 Completed 12-13-93

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 36-4075 Applicant City of Rupert

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- NA ☐ Exceptions processed.

By Loren O'Halloran Date 8-20-79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jim Date 9/24/79

RECORDED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

36-4025-

CITY OF RUPERT

BOX 426, CITY HALL, RUPERT, ID 83350

Source: GROUNDWATER

Priority Date: 04/01/1940

Amount: 33.00 CFS

Diversion Point: NWNE SENE SESW NWSE Sec 20 T 09S R 24E  
SWSE Sec 20 T 09S R 24E SWNW Sec 21 T 09S R 24E NENE NWNE  
Sec 29 T 09S R 24E  
SWNE SENE NENW SENW Sec 29 T 09S R 24E  
NESE NWSE SESE Sec 29 T 09S R 24E, MINIDOKA Co.  
NWNW SWNW Sec 28 9S - 24E

Use: IRRIGATION (33.00 CFS) from 04/01 to 10/31

Place of Use: NENE NWNE SWNE SENE NENW NWNW SENW NESW SWSW SESW NESE NWSE SWSE  
SESE Sec 29 T 09S R 24E NWNW SWNW NWSW SWSW Sec 28 T 09S R 24E  
SWNW SENW NWSW SWSW Sec 21 T 09S R 24E NWNE SWNE SENE NENW SENW  
NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 20 T 09S R 24E NENE  
NWNW Sec 32 T 09S R 24E FOR 1090 ACRES

Diversion Means: WELLS AND PUMPS

Any exception to any claim of water right may be filed with  
the Director of the Idaho Department of Water Resources, 1041 Blue  
Lakes Blvd. North, Twin Falls Idaho 83301.

C. STEPHEN ALLRED

Director

Published ~~8/2 & 8/9/79.~~

8/30 & 9/6/79

**NOTICE OF CLAIMS  
TO WATER RIGHTS**

Notice is hereby given that the following  
claim(s) to water right(s) have been established  
by diversion and application to beneficial use.

36-4075

CITY OF RUPERT

BOX 426, CITY HALL, RUPERT, ID 83350

Source: GROUNDWATER

Priority Date: 04/01/1940

Amount: 33.00 CFS

Sec 20 - T9S R 24E

Diversion Point: NWNE SENE SESW NWSE

NWNW SWNW Sec 28 T 09S R 24E/SWSE

Sec 20 T 09S R 24E SWNW Sec 21 T 09S R

24E NENE NWNE Sec 29 T 09S R 24E

SWNE SENE NENW SENW Sec 29 T 09S R

24E NESE NWSE SESE Sec 29 T 09S R 24E,

MINIDOKA Co.

Use: IRRIGATION (33.00 CFS) from 04/01  
to 10/31

Place of Use: NENE NWNE SWNE SENE

NENW NWNW SENW NESW SWSW

SESW NESE NWSE SWSE SESE Sec 29

T 09S R 24E NWNW SWNW NWSW

SWSW Sec 28 T 09S R 24E SWNW SENW

NWSW SWSW Sec 21 T 09S R 24E NWNE

SWNE SENE NENW SENW NESW NWSW

SWSW SESW NESE NWSE SWSE SESE

Sec 20 T 09S R 24E NENE NWNW Sec

32 T 09S R 24E FOR 1090 ACRES

Diversion Means: WELLS AND PUMPS

Any exception to any claim of water right  
may be filed with the Director of the Idaho  
Department of Water Resources, 1041 Blue  
Lakes Blvd. North, Twin Falls, Idaho 83301.

/s/ C. STEPHEN ALLRED, Director  
No. 937-August 2, 9, 1979.

*called in  
correction*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

JULY 20, 1979

Minidoka County News  
623 Fremont Avenue  
Rupert, Idaho 83350

Gentlemen:

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 AUGUST 20, 1979.

Yours truly,

Mary A. Hill  
Secretary

Encl.



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans  
Governor

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

C. Stephen Alired  
Director

July 19, 1979

City of Rupert  
City Hall  
Box 426  
Rupert, Idaho 83350

Re: 2 Application for Permit - 1 Claim to a Water Right - 1 Amendment

Gentlemen:

Enclosed is your receipt No. 13259 for check No. 22-321 in the amount of \$210.00 for the above referenced applications which was received in this office July 6, 1979.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl:



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3570

June 14, 1979

Don Courtright  
City of Rupert  
Box 426  
Rupert, Idaho 83350

Dear Mr. Courtright:

Please find enclosed the Claim to a Water Right and the Application for Permit in which I spoke to on the phone on June 14, 1979.

As we discussed, please break down the acreages listed on the Application into 40 acres tracts and put them in item 6 on the Claim and item 8 on the application. Also, when returning these to our office please enclose the required filing fee of <sup>20.00</sup> \$200.00.

Please find enclosed your original check in the amount of \$220.00, check number 92-321.

If you have any questions concerning this matter please feel free to contact our office.

Sincerely,

Allen D. Merritt  
Water Resource Analyst

ADM:marya

Encl:

ENCLOSURE