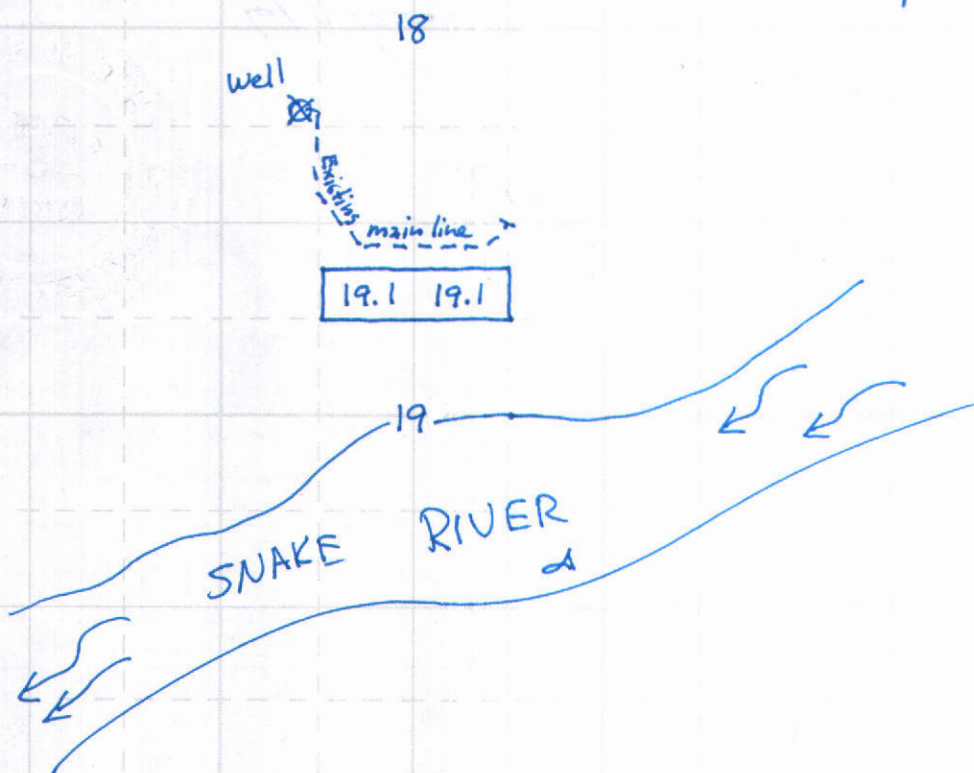


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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.

Twp. 10S., Rge. 22E.



MICROFILMED
AUG 05 1999

22E

10

11

8S.

PERMISSIBLE
PLACE OF
USE

MICROFILMED
AUG 05 1983

15

700

NORTH

14

23

39

37

35

38

37

39

40

40

40

40

40

40

39

38

39

40

40

40

40

37

40

40

40

38

36

39

39

37

POD

CLAIM

INIT

T. R. S. Q/Q

P/D

PHOTO BB 28 (NW)

DT. & ID. 1984

19

20

Wells

NORTH

Well

4326

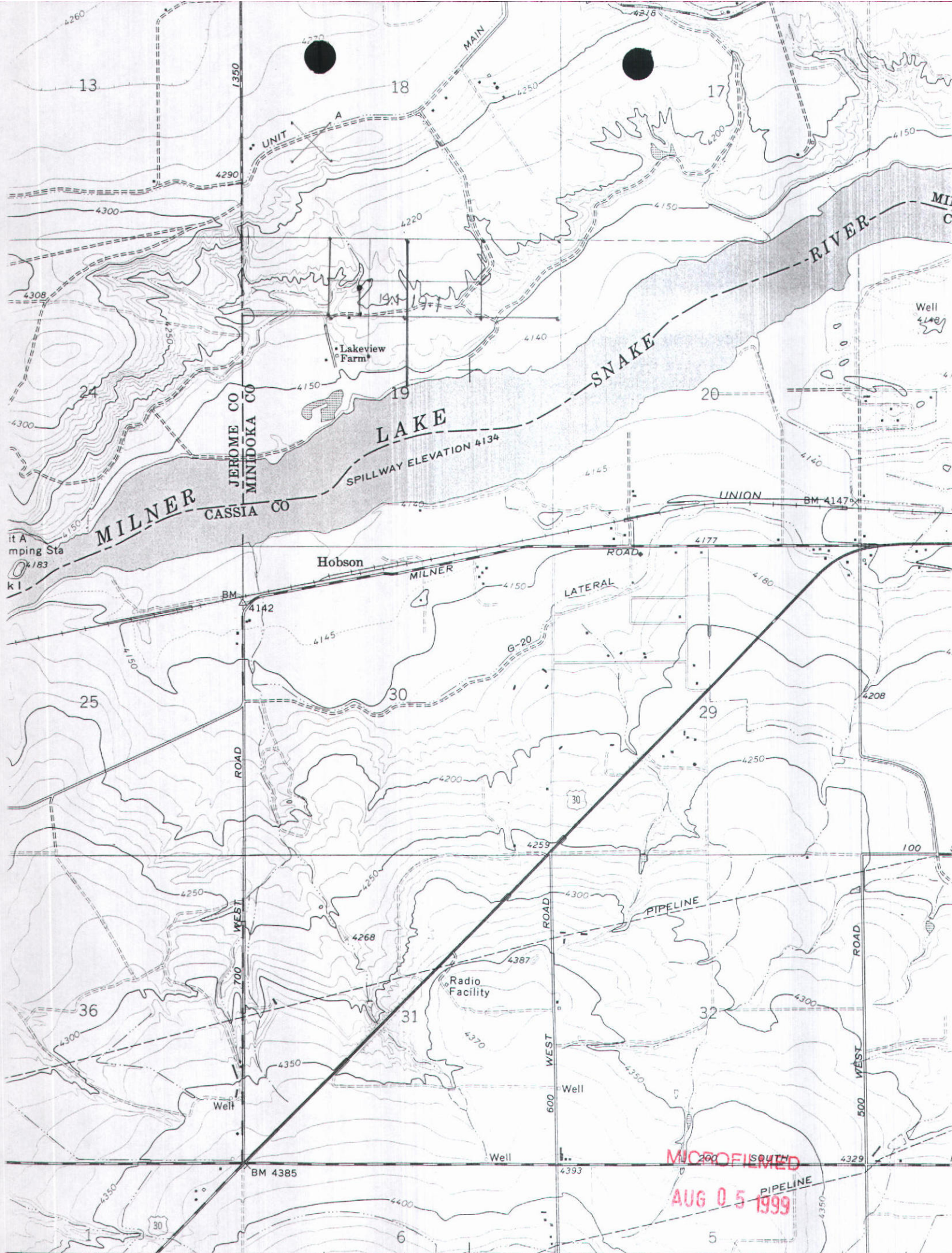
4292

4260

600

MICROFILMED
JAN 28 1993

T#4855



MILNER

LAKE

Snake

RIVER

CASSIA CO

JEROME CO
MINDOKA CO

Lakeview Farm

Hobson

MILNER

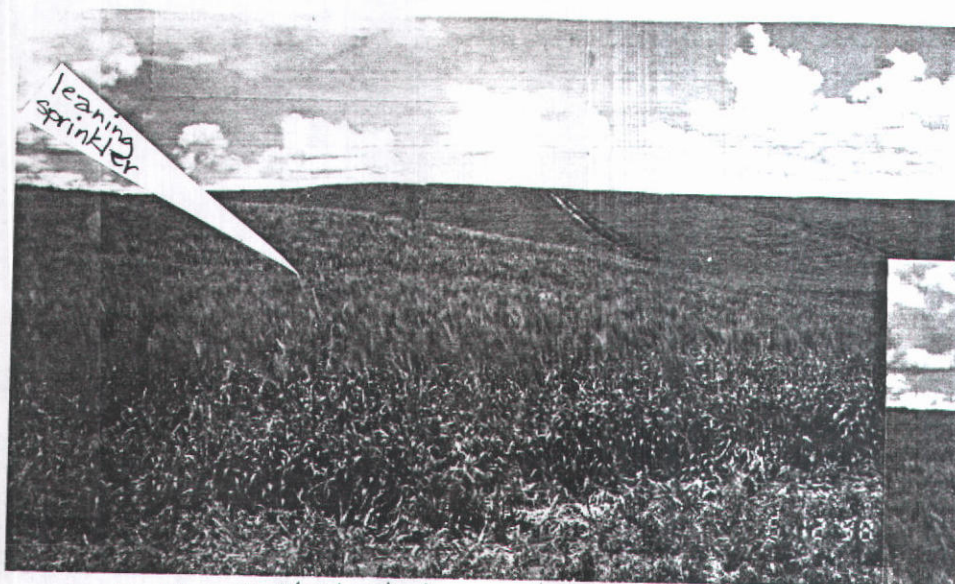
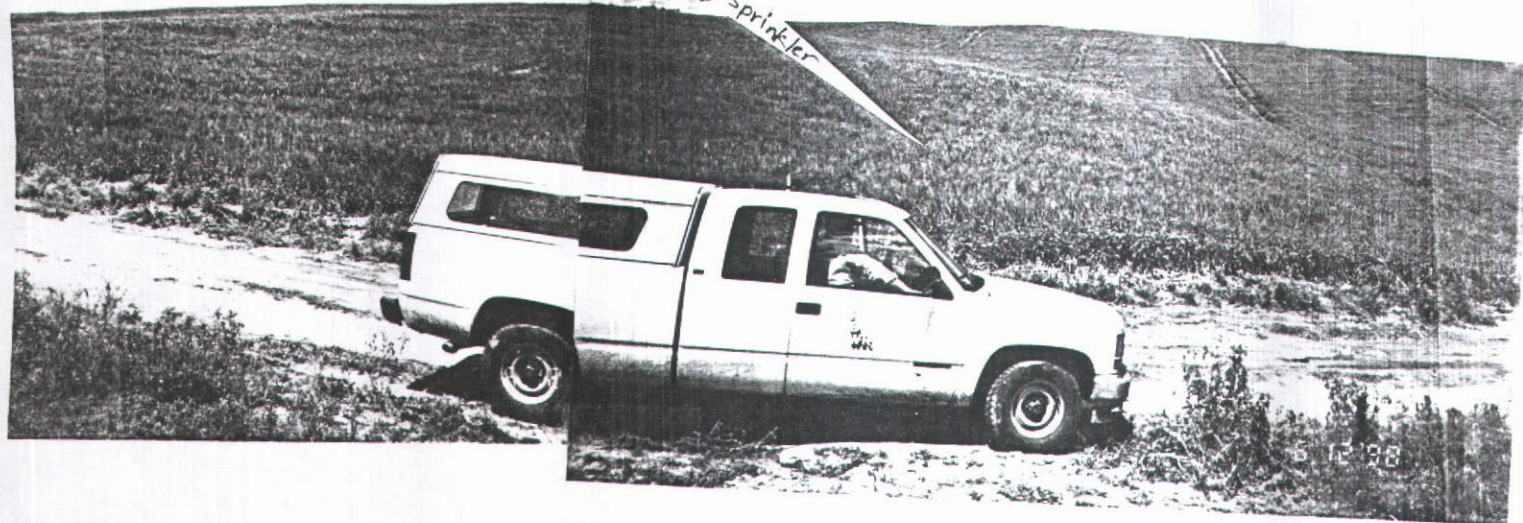
LATERAL

Radio Facility

PIPELINE

PIPELINE

MICROFILMED
AUG 05 1999



LOOKING NW'LY IN ALL VIEWS
STANDING @ SE Cor of SE1/4 Sec 19.
THREE VIEWS of area that
appears to have been
watered.

See map next
page w/ Red Arrow.

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AUG 05 1999

Vandalism Violation

2/2

PHOTO LOOKING S'LY

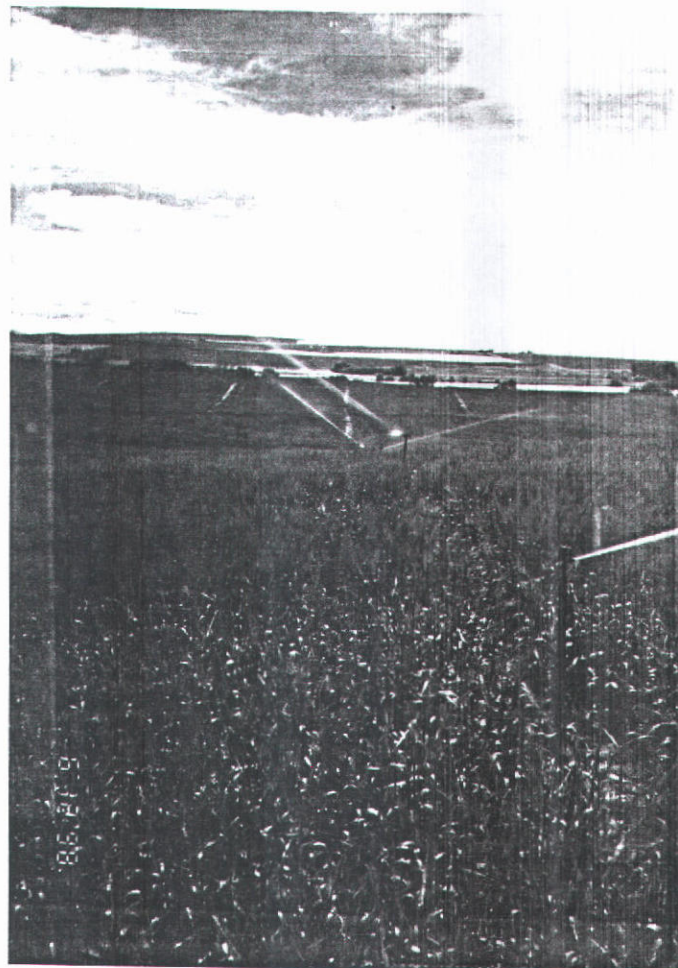
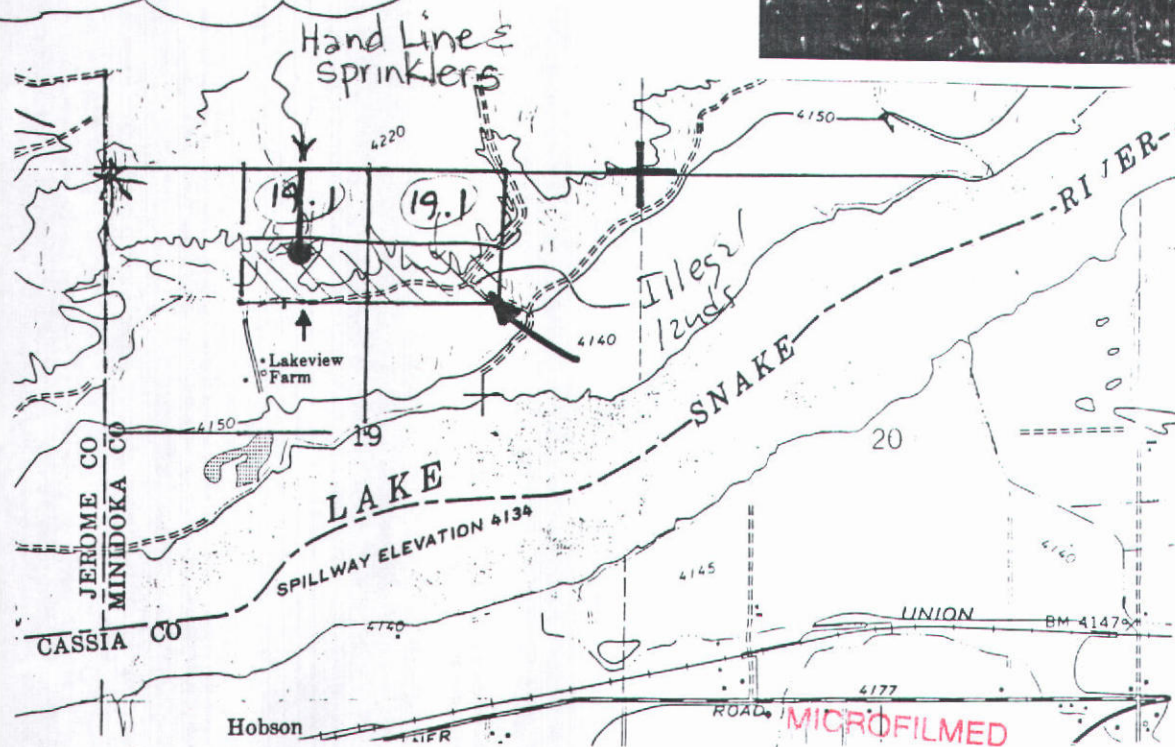


PHOTO TAKEN @ AREA
ON MAP MARKED W/
RED DOT.

PARKED @ BLACK
ARROW, WALKED IN TO
FIELD. PACED 500' ±
TO AREA WHERE PHOTO
WAS TAKEN.

Hand Line Is From North.
End of Sprinkler line is
@ end of Red Dot.



RED
ARROW
SEE
PG 1/2

AUG 05 1999

Vandever
Vidation

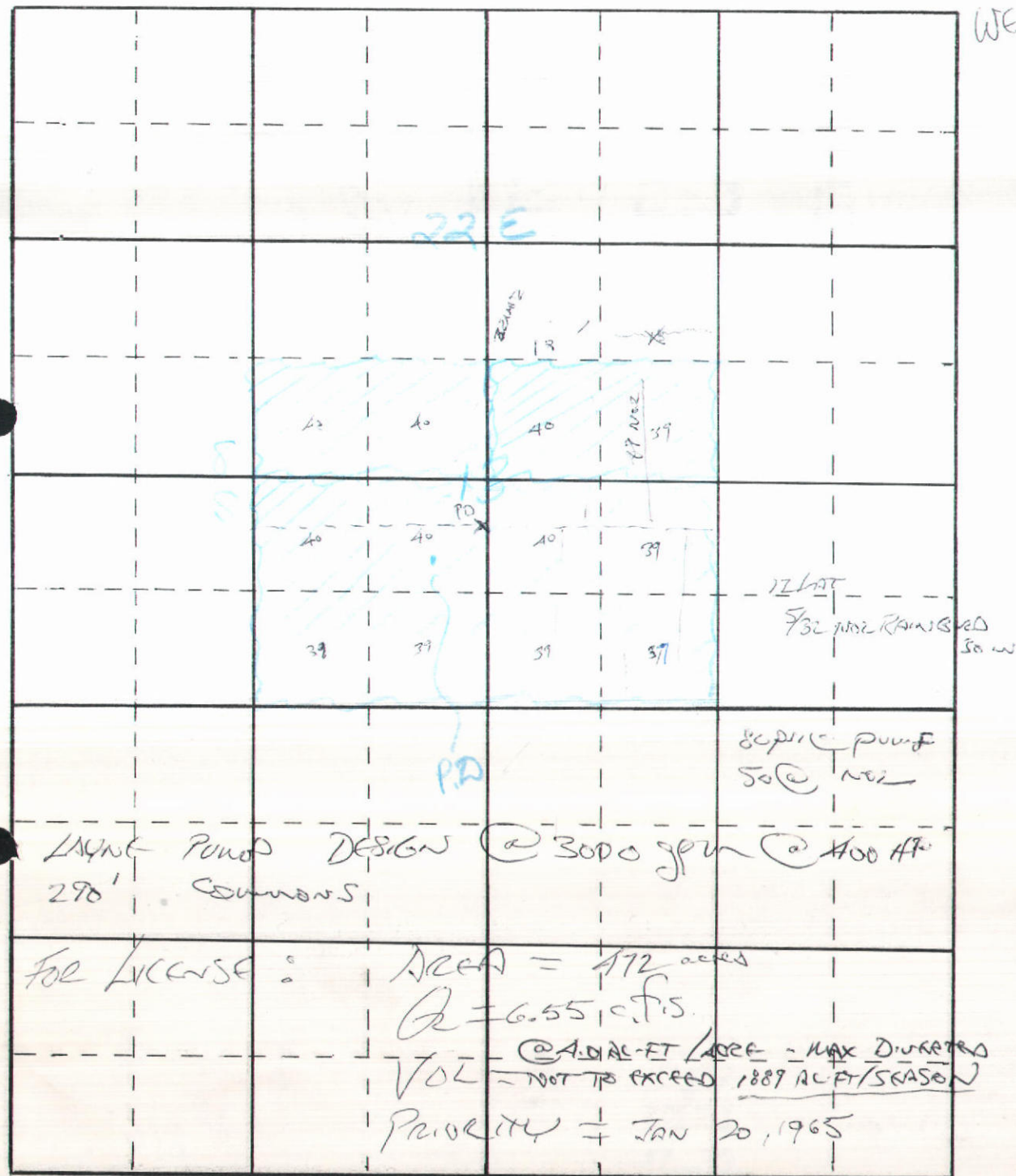
WED

32192 36-2600

Land to be irrigated or place of use:			
TWP.	RGE.	SEC.	Description
8 S	22 E	13	S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ 480 acres

Filed: January 20, 1965 Made: June 11, 1969
Due: January 29, 1970 Priority: January 20, 1965

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)



RECEIVED

JUL 31 1969

Department of Reclamation

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Ruth DeThomas, 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 July 8, 19 69 and
ending with the issue dated July 15, 19 69.

Subscribed and sworn to before me this
25th day of July, 19 69
Dora Hunter Notary Public

Cost of Publication \$11.27

Notary Fee _____

Total Cost \$11.27

NOTICE OF EXISTING WATER PERMIT

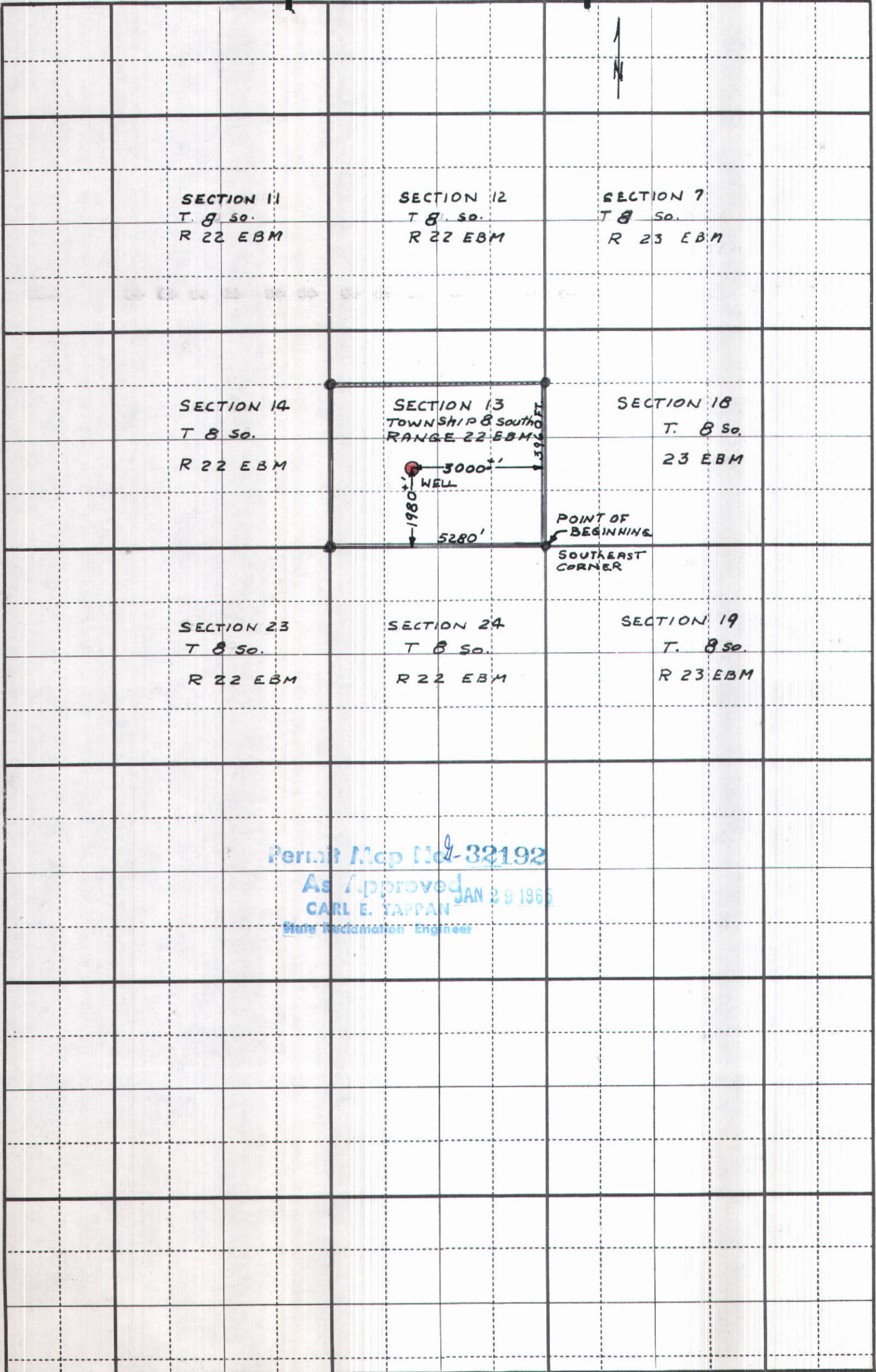
Notice is hereby given that
L. A. Gillette, Jr., Route No.
1, Box 96, Paul, Idaho, has re-
ceived an approved permit
No. G-32192 issued by the
Idaho State Reclamation De-
partment authorizing the di-
version of 7.0 cubic feet per
second of water from a
ground source subject to all
prior rights. The priority to
be established under this per-
mit is January 20, 1965 and
the permit was approved Jan-
uary 29, 1965. Water is to be
diverted by well, pump, mot-
or and sprinkler system from
a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 13, T. 8 S, R. 22 E, B. M.,
Minidoka County to be used
for irrigation in the S $\frac{1}{2}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec.
13, T. 8 S, R. 22 E, B. M.
Proof of the application of
the water to beneficial use is
to be submitted to the De-
partment on or before Jan-
uary 29, 1970. Any protests
against the issuance of a li-
cense for the above referenc-
ed permit should be filed
with the Department of Rec-
lamation within ten (10) days
of the last date of publica-
tion of this notice or prior to
the licensing of the permit.
Licensing may commence
prior to the date beneficial
use proof is due without
further notice.

R. KEITH HIGGINSON
State Reclamation Eng-
ineer

No. 608 — Published in the
Minidoka County News, Rup-
ert, Idaho on July 8 and July
15, 1969.

32192

36-2606



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 36-02600

1993 JUN 15 AM 11:28

36-02600-0000
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: PERRY GILLETTE
JERRY GILLETTE
RANDY GILLETTE
750 W 745C N
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 6.55 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-11412 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.55 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2168 AF.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
COMBINED DIVERSION RATE OF 14.56 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 4432 AF. COMBINED RIGHT NOS.: 36-07046,
36-07435 & 36-11412.

PRIORITY DATE: 01/20/1965

POINT OF DIVERSION: T08S R22E S12 SWSWE Within MINIDOKA County
S13 NENMW
SENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	6.55 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County		
T08S R22E S12		NENE 39	NWNE 37	SWNE 40
		NESW 37	NWSW 39	SESW 38
		NESE 40	NWSE 40	SESE 40
S13		NENE 40	NWNE 37	SWNE 40
		NENW 38	NWNW 39	SENE 37
		NESW 40	NWSW 40	SESE 40
		NESE 38	NWSE 40	SESW 39
S14		NENE 23		SESE 37
1108 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 472 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON
AND WHEN COMBINED WITH RIGHT 36-11412 IS LIMITED TO 542 ACRES.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1108 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07046, 36-07435 AND
36-11412.

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02600

PAGE 1
DEC-29-1997

MICROFILMED

OCT 15 2002

This
Right has been
Decreed in the
SRBA.

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 07/13/99

TIME: 16:35:48

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-02600	GILLETTE, JR., L. A.	C		01/20/1965	L/	GROUNDWATER	IRR	WR
X36-02600A	GILLETTE, JERRY	C		01/20/1965	L/	GROUNDWATER	IRR	WR
	GILLETTE, PERRY	C						
	GILLETTE, RANDY	C						
X36-02600B	VANDEVER, BILLIE C	C		01/20/1965	L/	GROUNDWATER	IRR	WR

36-02600	GILLETTE, PERRY	C		01/20/1965	L/	GROUNDWATER	IRR	AJ
	GILLETTE, JERRY	C						
	GILLETTE, RANDY	C						
A36-02600	GILLETTE, JERRY	C		01/20/1965	L/	GROUNDWATER	IRR	AJ
	GILLETTE, PERRY	C						
	GILLETTE, RANDY	C						
R36-02600	GILLETTE, PERRY	C		01/20/1965	L/	GROUNDWATER	IRR	AJ
	GILLETTE, JERRY	C						
	GILLETTE, RANDY	C						

MICROFILMED

AUG 05 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4855
WATER RIGHT NO(S). 36-02600B/36-07435B

This is to certify that: **BILLIE C VANDEVER**
413 S 1250 W
HEYBURN ID 83336

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02600B :			
IRRIGATION	04/01 to 10/31	0.18 CFS	52.0 AF
Priority: 01/20/1965			
Right No. 36-07435B :			
IRRIGATION	04/01 to 10/31	0.35 CFS	100.8 AF
Priority: 01/25/1974			
TOTAL:		* 0.53 CFS	* 152.8 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 18, Township 10S, Range 22E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	22E	19	NWNE 19.1	NENW 19.1		38.2
Total number of acres irrigated:						* 38.2 **

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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AUG 05 1999

TRANSFER NO. 4855
WATER RIGHT NO(S). 36-02600B/36-07435B

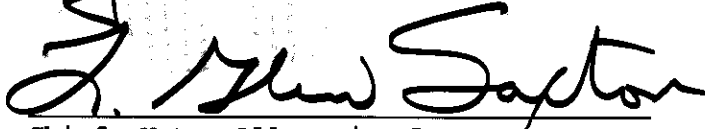
CONDITIONS OF APPROVAL AND REMARKS

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right 36-02600B is limited to the irrigation of 13.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right 36-07435B is limited to the irrigation of 25.2 acres in the place of use described above in a single irrigation season.
- * 8. Rights 36-02600B, 36-07435B and 36-07108 when combined shall not exceed a total diversion rate of 1.94 cfs, a total annual maximum diversion volume of 608.0 af at the field headgate, and the irrigation of 190.2 acres.
9. Rights 36-02600A, 36-07435A, 36-07046 and 36-11412 when combined shall not exceed a total diversion rate of 14.03 cfs, a total annual maximum diversion volume of 4279.2 af at the field headgate, and the irrigation of 1069.8 acres.
10. The acres which are no longer authorized for irrigation are are specifically described as follows: 6.6 acres in NWNE, 5.6 acres in SWNE, 4.5 acres in NESW, 2.5 acres in NWSE and 6.0 acres in SWSE, S12, and 6.5 acres each in SWNW and NWSW, S13, T08S, R22E.
11. The change authorized under Transfer 4855 is temporary and shall expire on November 1, 2002 unless a written contract is filed with the department extending the period of use. When the approval has expired the rights will return to their previous use with Rights 36-07046 and 36-11412.

Dated this 12th day of

July

19 99



Chief, Water Allocation Bureau

MICROFILMED

AUG 05 1999

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4855

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JUL - 7 1999

PART 1

Department of Water Resources

Name of applicant Billie C. Vandever Phone 208 678 2779Post Office address 413 S. 1250 W. Heyburn ID 83336

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 Split rights
2. Describe the reason for the proposed changes Irrigate farm ground recently purchased. Water to be transferred temporarily since lands where water is presently appropriate is in CRP.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-------------------|------------------|--------------------|-------------------|----------------------------|
| <u>36-02600 B</u> | <u>1/20/1965</u> | <u>0.18 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| <u>36-07435 B</u> | <u>1/25/1974</u> | <u>0.35 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.53 cubic feet per second and/or 152.8 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	NW	SW	18	10S	22E	Minidoka	

5. Lands irrigated or place of use:

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	
10S	22E	19		19.1			19.1												38.2

MICROFILMED
AUG 11 1999Total acres 38.2

PART 1

6. General Information:

- a. Description of diversion system Existing well with 200 H.P. pump used for License 36-07108 will be used for irrigation of these lands by extending handlines on to property.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land the water is being removed from by agreement is presently in the corners where the pivots do not cover and the land is in CRP.
- d. Remarks:
This transfer is a temporary transfer based on agreement dated 5/16/1996 between Three G's Farms and Billie C. Underer. (Attached)

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____.

MICROFILMED

JUG 05 1999

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 36-02600

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	6.55 CFS

SOURCE

GROUNDWATER

Priority: 01/20/1965

LOCATION OF POINT(S) OF DIVERSION:

SWSWSE , Sec. 12, Township 08S, Range 22E
 NENWNW , Sec. 13, Township 08S, Range 22E
 SENESW , Sec. 13, Township 08S, Range 22E
 MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	22E	12	NENE 39	NWNE 37	SWNE 40	
			SENE 40	NESW 37	NWSW 39	
			SWSW 35	SESW 38	NESE 40	
			NWSE 40	SWSE 40	SESE 40	465
		13	NENE 40	NWNE 37	SWNE 40	
			SENE 37	NENW 38	NWNW 39	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 36	SESW 39	
			NESE 38	NWSE 40	SWSE 39	
			SESE 37			620
		14	NENE 23			23

Total number of acres irrigated: 1108

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 472 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 36-11412 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).
5. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION

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 AUG 05 1999

Claim No. 36-02600

DESCRIBED ABOVE: 36-11412, 36-07435 & 36-07046.

6. USE OF THIS RIGHT WITH RIGHT NO. 36-11412 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.55 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2168 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1626 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 542 ACRES IN A SINGLE IRRIGATION SEASON.
7. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.56 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4432 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3324 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 1108 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07046, 36-07435 & 36-11412.

MICROFILMED
AUG 05 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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. 36-02600 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 Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 1/20/1965

5. Water is used for the following purpose:

amount 6.55 cfs for Irrigation purposes from 4/1 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 6.55 cubic feet per second and/or 1889 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	13	8S	22E	Minidoka	

8. Lands irrigated or place of use:

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	
8S.	22E.	13			40	39			40	40	40	40	39	39	39	40	39	37	472

Total acres 472

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.18 cfs for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	13	8S.	22E	Minidoka	

3. Lands irrigated or place of use:

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	
8S.	22E	13							6.5				6.5						13

Total acres 13**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 6.37 for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	13	8S	22E	Minidoka	

3. Lands irrigated or place of use:

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	
8S.	22E	13			40	39			33	40	40	33	39	39	39	40	39	37	459

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AUG 05 1999

Total acres 459

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 36-07435

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	5.03 CFS

SOURCE

GROUNDWATER

Priority: 01/25/1974

LOCATION OF POINT(S) OF DIVERSION:

SWSWSE , Sec. 12, Township 08S, Range 22E
 NENWNW , Sec. 13, Township 08S, Range 22E
 SENESW , Sec. 13, Township 08S, Range 22E
 MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	22E	12	NENE 39	NWNE 37	SWNE 40	
			SENE 40	NESW 37	NWSW 39	
			SWSW 35	SESW 38	NESE 40	
			NWSE 40	SWSE 40	SESE 40	465
		13	NENE 40	NWNE 37	SWNE 40	
			SENE 37	NENW 38	NWNW 39	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 36	SESW 39	
			NESE 38	NWSE 40	SWSE 39	
			SESE 37			620
		14	NENE 23			23
						1108

Total number of acres irrigated: 1108

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.56 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4432 AF.
4. COMBINED RIGHT NOS.: 36-02600, 36-07046 AND 36-11412.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 353 ACRES WITHIN

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Claim No. 36-07435

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON
AND TO 1108 ACRES WHEN COMBINED WITH THE RIGHTS LISTED BELOW.

6. COMBINED RIGHTS 36-11412, 36-02600 & 36-07046.

7. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 36-11412, 36-02600 & 36-07046.

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

PART 2

(Attach one copy for each right)

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. 36-07435 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 Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 1/25/1974

5. Water is used for the following purpose:

amount 5.03 cfs for Irrigation purposes from 4/1 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 5.03 cubic feet per second and/or 1436 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	12	8S	22E	Minidoka	

8. Lands irrigated or place of use:

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	
8S	22E	12	39	40	40	40					40				40	40	40	40	359

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Total acres 359

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

It yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount (cts/ac-ft)

for -

Invitations

purposes from

$$\frac{1}{b}$$

to

10/31

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE %				NW %				SW %				SE %				Totals	
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %		
85	22E	12			6.6	5.6								4.5				2.5	6.0	25.2

Total acres

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

1. amount—

for

८६।५२३।१४

purposes from

7

01-

10/3

2. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	12	8S	22E	Minidoka	

3. Lands irrigated or place of use:

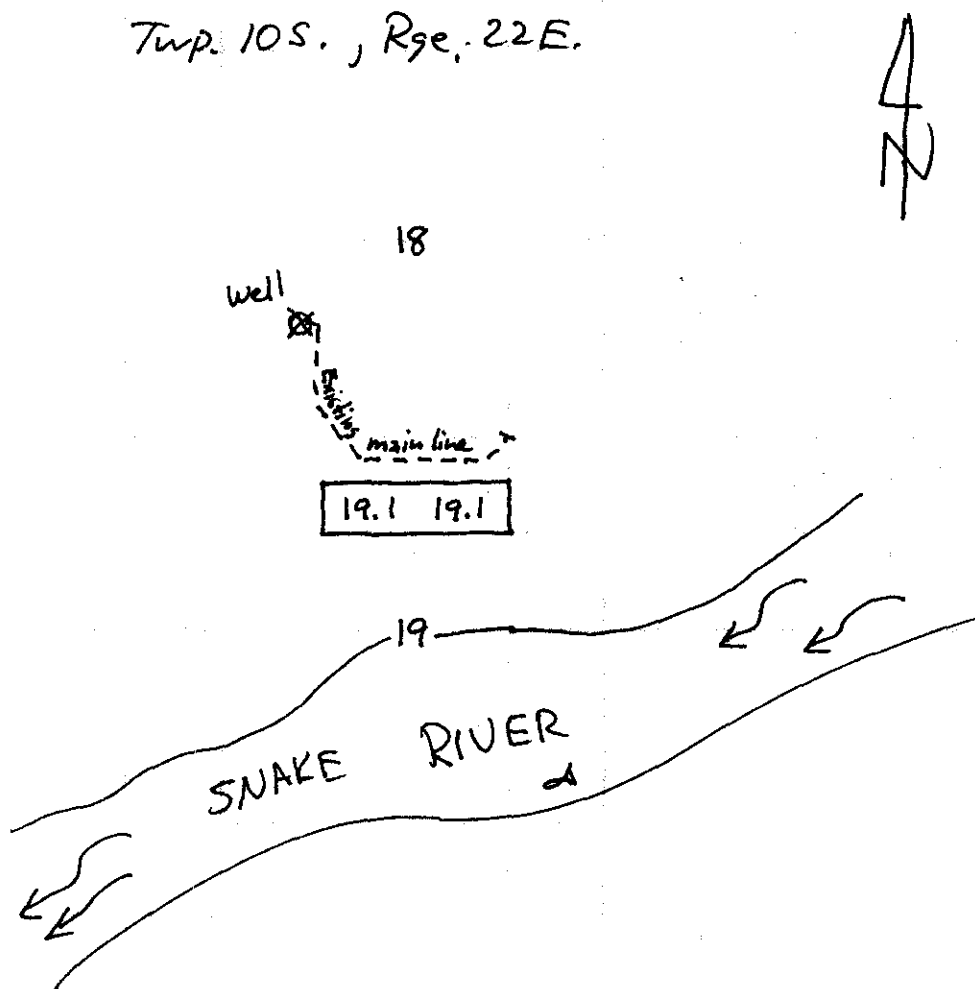
[illegible]

Total Acres

333.8

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.



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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and 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.

Billie C Vandewer
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of May, 19 96.

[Signature]
(Notary Public)

My commission expires 6/30/2000

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 6 attachments

Received by AD Date 5/16/96

Protest filed by Muz (See file)

Prelim. check by J. Patton Fee 100.00 # 5017190

All withdrawn

Receipted by AD Date 5/16/96

Published in S. S. Press

Copies of protest forwarded by _____

Pub. dates 7/1 & 7/8/96

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by AD

Copy of transfer sent to lien holder _____

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13-23-26.

76

+ 13

WAYNE BROWN

367435.

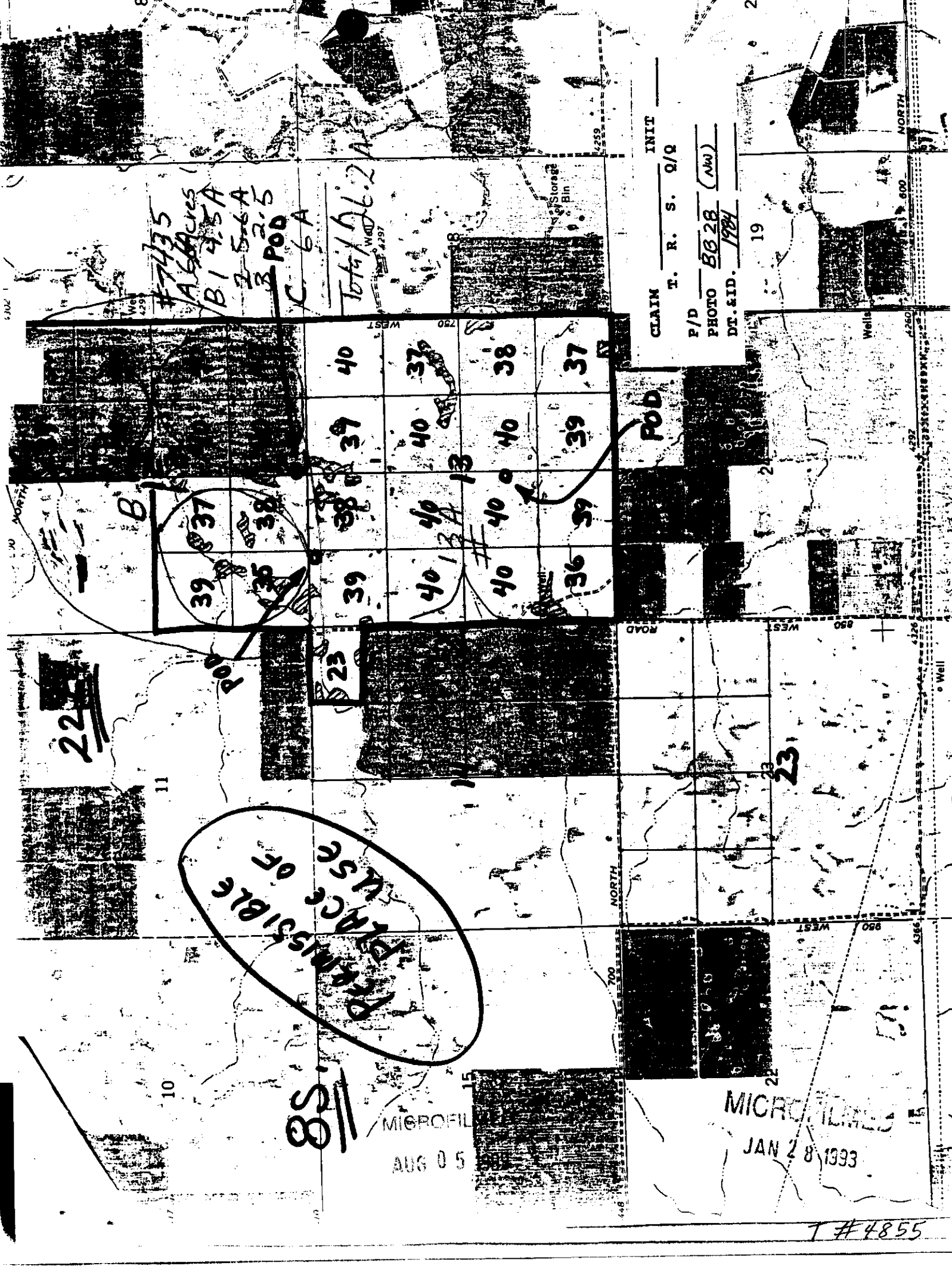
36'S - RANDY.

30

LA. 36'S RANDY.

362600.

10



#7435
A 6 Acres
B 1 4.5 A
2 5.6 A
3 2.5
POB
C 6 A

Total 16.2 A

CLAIM INIT
T. R. S. Q/Q
P/D PHOTO B328 (AW)
DT. & ID. 1984

POSSIBLE
PLACE OF
USE

85

MICROFILM
AUG 0 5 1984

MICROFILMED
JAN 28 1993

T #4855

RECEIVED

Temporary Water Transfer Agreement

JUN 28 1999

Department of Water Resources
Southern Region

This agreement entered into this day the 25th of June, 1999, between Three G's Farms hereafter referred to as Grantor, and Billie C. Vandever, hereafter referred to as Grantee, consists of the following:

The Grantor grants to Grantee a temporary water transfer from # 36-2600 water license and # 36-7435 water license, the total of 40 acres of water rights to be used in addition to water rights of Grantee as per water license # 36-07108.

This transfer of water is temporary, starting as of the date of this agreement and ending the fifteenth day of November, two thousand and 02, at which time the water rights transferred shall automatically return to previous property and license holder.

If there are any expenses incurred by Grantor, as a result of this agreement, the Grantee shall reimburse Grantor for said expenses.

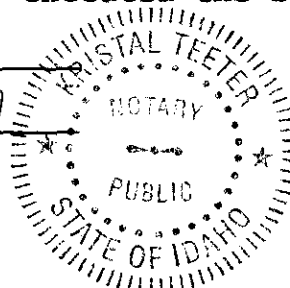
THREE G'S FARMS

BILLIE C. VANDEVER

On this 25 day of June in the year of 1999, before me, Randy Kristal Teeter, personally appeared Billie C. Vandever and Randy Gillette known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary

Reside & Expiration



MICROFILMED
AUG 05 1999

Temporary Water Transfer Agreement

This agreement entered into this day the 16th of May, 1996, between Three G's Farms hereafter referred to as Grantor, and Billie C. Vandever, hereafter referred to as Grantee, consists of the following:

The Grantor grants to Grantee temporary water transfer from # 36-2600 water license and # 36-7435 water license, the total of 40 acres of water rights to be used in addition to water rights of Grantee as per water license # 36 07108.

This transfer of water is temporary, starting as of the date of this agreement and ending the fifteenth day of November, nineteen hundred and ninety eight, at which time the water rights transferred shall automatically return to previous property and license holder.

If there are any expenses incurred by Grantor, as a result of this agreement, the Grantee shall reimburse Grantor for said expenses.

THREE G'S FARMS

Terry Gooch

BILLIE C. VANDEVER

Billie C. Vandever

MICROFILMED

AUG 05 1999

placed
6/28/96

State of Idaho)
County of Minidoka) ss.

On this 16th day of May in the
year of 1996, before me Kenneth G. Cooper, Notary Public,

personally appeared JERRY GILLENTE & BILLIE VANDEUSEN

known to me (or proved to me on the oath of _____

_____) to be the person whose

name is subscribed to the within instrument, and acknowledged
to me that he (or they) executed the same.

Notary

Reside

Expire Date

Kenneth G. Cooper
PAID IDAHO
1-4-2000

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AUG 05 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4855 IN THE)
NAME OF BILLIE C. VANDEVER)
_____)

**ORDER
CANCELLING HEARING**

The department has scheduled a hearing in the above captioned matter in Rupert, Idaho at 9:00 a.m. on July 7, 1998.

On June 10, 1998, the parties through their respective counsel submitted a stipulation to the department jointly seeking to delay the scheduled hearing.

IT IS THEREFORE HEREBY ORDERED as follows:

1. The hearing scheduled at East Minico Jr. High School in Rupert, Idaho at 9:00 a.m. on July 7, 1998 in connection with the above referenced matter is **CANCELLED**.
2. Before the department reschedules a hearing in the matter, counsel of record shall jointly identify proposed dates for the hearing and shall submit the dates to the hearing officer for review and approval. The proposed dates shall be far enough in advance of the hearing to provide adequate time for the parties to schedule and complete discovery (if allowed), arrange for and exchange proposed exhibits and prepared testimony, identify and limit witnesses, discuss settlement offers, make settlement offers, and address other matters which may expedite orderly conduct and disposition of the proceeding or its settlement.

Dated this 10th day of June, 1998.



L. GLEN SAXTON
Hearing Officer

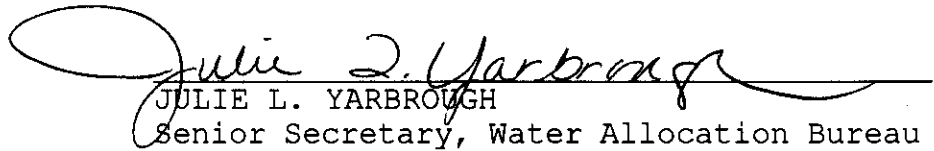
MICROFILMED
AUG 05 1999

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 11th day of June, 1998, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

Norman M Semanko
ROSHOLT ROBERTSON AND TUCKER
PO Box 1906
Twin Falls ID 83303-1906

Kent Fletcher
FLETCHER LAW OFFICE
1200 Overland Ave
PO Box 248
Burley ID 83318-0248


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

THIS RIGHT HAS BEEN SUPERCEDED BY ~~A DECREE~~
the Director's Report

CASE NAME SRBA

DECREE DATE 10-26-92

SEE DECREE FILE NO. _____

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AUG 05 1999

ALL ACTIONS TAKEN BEYOND THIS POINT HAVE BEEN BASED ON THE
DECREED VERSION OF THIS RIGHT & MAY MODIFY THE DECREED RIGHT.

WATER LICENSE

Water License No. G-32192/36-2600 Priority January 20, 1965 Amount 6.55 c.f.s.

THIS IS TO CERTIFY, that L. A. GILLETTE, JR., of Paul, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 20, 1965; that Permit G-32192/36-2600 was issued pursuant to said application; that the proposed works were completed on or about June 9, 1969, with a storage/or carrying capacity of 6.55 c.f.s., said works consisting of well, motor, pump and sprinkler system; and that on June 9, 1969, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1889 acre feet per season, with a maximum rate of diversion of 6.55 cubic feet per second of the waters of ground water, tributary of, for the purpose of Irrigation from April 1 to October 31; and for from to; and for from to; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NE 1/4 SW 1/4, Sec. 13, T. 8 S, R. 22 E, B.M., and other additional points, in the County of Minidoka; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 1889 acre feet per year.

Description and location of place of use:

TWP.	RANGE	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	
8 S	22 E	13			40	39			40	40	40	40	39	39	39	40	39	37	472

Total number of acres irrigated 472

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the Seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

16 day of October, 19 69.

[Signature] State Reclamation Engineer

36 2600

32192 36-2600

APPLICATION FOR PERMIT 36-2600

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40333
Permit No. G- 32192
District No.

1. Name of Applicant: **L. A. Gillette, Jr.**
 Rt. #1, Box 96
 Postoffice address: **Paul** County: **Minidoka** State: **Idaho**
2. Quantity of water claimed: **seven second feet**
 - (a) Rate of withdrawal in cubic feet per second _____ or Idaho
 Miners' inches _____ or gallons per minute
 - (b) Annual withdrawal in acre feet per annum _____
3. Source of water supply: **Subterranean**
4. Location of point of diversion or well is in the **NE** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **13**
 Twp. **8 S.**, Rge. **22 E.**, B.M., County of **Minidoka**
5. Water is to be used for: **Irrigation**
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section _____, Twp. _____
 Rge. _____, B.M. _____
 - (b) Waste water or sewage effluent is to be returned to _____
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B.M. _____
7. Kind of works: **350 HP Motor, kind of pump has not been determined at this time - Sprinkler system will be used.**
8. Estimated cost of works: **\$ 50,000**
9. (a) Is reservoir to be used? **No**
 (b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is **5** years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: _____
 (b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____
 (d) Names and addresses of directors: _____
 - II. The financial resources of the applicant are (a) Cash onhand: \$ _____
 (b) Treasury stock: _____ (c) Bonds to be issued: _____
 (d) Other resources: _____
12. The land to be irrigated is described in the following tabulation: _____
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**
 - (a) _____ (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) **7.0** (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

✓

Identification No. _____

Permit No. G-32192

RECEIVED

JUN 11 1965

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder L.A. GILLETTE, Jr.
b) Post Office Address Route 1, Box 96, Paul, Idaho

2. Permit Number G-32192

3. Date of Priority that you are prepared to establish January 29, 1965

4. a) Source from which water was appropriated Subterranean well

b) Location of the point of diversion: NE 1/4 SW 1/4, Section 13

Township 8 South, Range 22 East Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

amount 6.6 cfs for irrigation purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated _____ cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: By use of an orifice and the pressure on the nozzle and the number of nozzles on the sprinkling system sprinkling the land hereinafter described.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 400 H.P. motor, 20in. well casing, depth of well, 400 ft.

b) Describe the type and size of measuring device which you have installed at your point of diversion: There is no measuring device; the water is measured by the number and pressure on the nozzles of the sprinkling system.

c) Give well drillers name and address and date the well was completed Ray Commons, Rupert, Idaho; completed April 1965

mre/gms

32192

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8 S	22 E	13			40	40			40	40	40	40	40	40	40	40	40	40	480 ✓

Total number of acres irrigated 480 Acres

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

June 9th 1969 (Date) L. A. Galt (Signature)

State of Idaho)
County of Cassia) ss.

On this 9th day of June, 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Samuel H. Jackson
Notary Public residing at Burley, Idaho

My commission expires May 12, 1970.

This
Right has been
Decreed in the
SRBA.

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OCT 15 2002



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

July 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BILLIE C VANDEVER
413 S 1250 W
HEYBURN ID 83336

RE: Water Rights 36-02600B/36-07435B (Transfer 4855)

Dear Mr. Vandever:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 4855). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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

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

Sincerely,

L. Glen Saxton
for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosures

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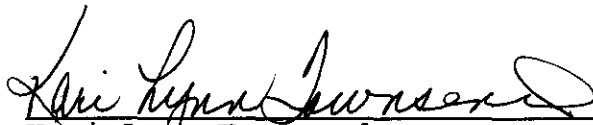
AUG 05 1999

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of July, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHTS 36-02600B/36-07435B (Transfer 4855)

**BILLIE C VANDEVER
413 S 1250 W
HEYBURN ID 83336**


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 05 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Files 36-02600 & 36-07435

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 4855

DATE: July 12, 1999

Transfer 4855 changes the point of diversion and place of use under a portion of Rights 36-02600 and 36-07435, splitting each right into Parts A and B. The transfer was protested and an agreement reached among the parties.

This transfer is an effort to legalize irrigation of 38.2 acres that have been developed in excess of Right 36-07108. The applicant has acquired portions of these rights through a temporary water right transfer agreement effective until the end of the 2002 irrigation season. The rights will then automatically return to their original use prior to the transfer, unless a new agreement has been filed with the department authorizing continued use by the applicant.

Recent SRBA recommendations of these transferred rights identify two other rights used on the same common system, 36-07046 and 36-11412. Conditions have been recommended by region staff to address the reduction in irrigation under all four (4) rights associated with the 38.2 acres removed from irrigation use.

Recommended conditions include protest agreement, measuring & annual reporting, irrigation overlap, permissible place of use limits, combined right limits of both the transferred and unchanged portions of these rights, specific acres removed from irrigation, temporary approval term and standard transfer conditions.

MICROFILMED

AUG 05 1999

(07-98)

Date Reviewed 07-09-99

✓ WRQ/Split Summary ✓ *Partial Deere - Not fully updated* SRBA Status ✓ Run POU Comparison Report

Proof of Ownership WRS Agreement - SRBA

Resulting Split(s) A & B each rt.

Check Transfer Against Recorded Right Season/Vol. C/40

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

(11) NA ^{West ESPAMD} Water District (12) Yes Pertinent Conditions ^{per SZBA} (13) No Expansion ^{w/limits}

⑦ Change P/D - Existing well & system

(8) Channel P/C - Split right

Reduce use under all 4 rts by condition per ADM memo.

36-02600	6.55 cts	472 acres	(1888) aka	74855 SRBA - .53 cts / 38.2 acres / 152.8 a/c Remaining Combined Rt Limits = 14.83 cts 1069.8 acres 4279.2 a/c
-07646	2.98	218 "	(852)	
-07435	5.03	353	(1412)	
-11412	(.84)	70	(280)	
	14.56 cts	1108 acres	4432 aka	

Transfer Remarks WD7/Specific Ares W35/ 36-02600B/7435 B + 81105 11412 (as above)
 Conditions 020, 067, R14, T07, T08 Auto Rework Condition per ADM Memo
Protest Agreement

Standard ~~Non-Standard~~ ✓

Copy approved versions to "X" prefix - Call-up - 01-2002 - comments to base rts.

Comments to 36-07046 & 36-1412 - Condition limiting use.

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

Database Updated Following Approval ✓ Memo/Form Files Deleted ✓

2400A+B AJ - comments - +R 36-02600 / Comments to 36-07046 + 11/12 ✓
7435A+B " " " " " - +R 3807-13-99

Don't clear
original -

Temp. Approval
Expires 11-01-2002

3807-13-99

WR0749NP
No. T36-02600B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILLIE C VANDEVER 413 S 1250 W HEYBURN ID 83336 (208) 678-2779	01/20/1965	IRRIGATION	04/01 10/31	0.180 CFS	52.00 AFA
TOTAL DIVERSION:					0.180 CFS	52.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T10S R22E S18 NWSW MINIDOKA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
10S	22E	19	:		19			:	19				:					:					:	38.2	
TOTAL ACRES																							38.2		

Pou County: MINIDOKA

Conditions of Approval:

- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.
- 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.
- R64 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- 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.

Remarks: GEN Right 36-02600B is limited to the irrigation of 13.0 acres in the place of use described above in a single irrigation season. Right 36-07435B is limited to the irrigation of 25.2 acres in the place of use described above in a single irrigation season. Rights 36-02600B, 36-07435B and 36-07108 when combined shall not exceed a total diversion rate of 1.94 cfs, a total annual maximum diversion volume of 608.0 af at the field headgate, and the irrigation of 190.2 acres. Rights 36-02600A, 36-07435A, 36-07046 and 36-11412 when combined shall not exceed a total diversion rate of 14.03 cfs, a total annual maximum diversion volume of 4279.2 af at the field headgate, and the irrigation of 1069.8 acres. The acres which are no longer authorized for irrigation are are specifically described as follows: 6.6 acres in NWNE, 5.6 acres in SWNE, 4.5 acres in NESW, 2.5 acres in NWSE and 6.0 acres

Remarks: in SWSE, S12, and 6.5 acres each in SWNW and NWSW, S13, T08S,
R22E.
The change authorized under Transfer 4855 is temporary and shall
expire on ~~December~~ ^{November} 1, 2002 unless a written contract is filed
with the department extending the period of use. When the
approval has expired the rights will return to their previous use
with Rights 36-07046 and 36-11412.

Dates: App. Received: 05/16/1996 Priority Date: 01/20/1965
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: 06/30/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS WR IS EXPANDED UNDER CLAIM A36-11412.

Date: 07/09/1999 User-ID: PSKAGGS Subject: TRANSFER 4855
Transfer 4855 changes the point of diversion & place of use under
a portion of Rights 36-02600 & 36-07435, splitting each right
into Parts A & B. Rights 36-07046 & 36-11412 are also affected
by this transfer approval & conditions.

Audit: 06/18/96 MBALDWIN 07/16/96 MBALDWIN 02/08/98 CLEARFLD 07/09/99 PSKAGGS
07/12/99 PSKAGGS

WR0749NP
No. T36-074358

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILLIE C VANDEVER 413 S 1250 W HEYBURN ID 83336 (208) 678-2779	01/25/1974	IRRIGATION	04/01 10/31	0.350 CFS	100.80 AFA
TOTAL DIVERSION:					0.350 CFS	100.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T10S R22E S18 NWSW MINIDOKA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
10S	22E	19	:		19	:		19	:			:								38.2
TOTAL ACRES																			38.2	

Pou County: MINIDOKA

Conditions of Approval:

- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.
- 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.
- R64 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- 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.

Remarks: GEN Right 36-074358 is limited to the irrigation of 25.2 acres in the place of use described above in a single irrigation season. Rights 36-026008, 36-074358 and 36-07108 when combined shall not exceed a total diversion rate of 1.94 cfs, a total annual maximum diversion volume of 608.0 af at the field headgate, and the irrigation of 190.2 acres. Rights 36-02600A, 36-07435A, 36-07046 and 36-11412 when combined shall not exceed a total diversion rate of 14.03 cfs, a total annual maximum diversion volume of 4279.2 af at the field headgate, and the irrigation of 1069.8 acres. The acres which are no longer authorized for irrigation are are specifically described as follows: 6.6 acres in NWNE, 5.6 acres in SWNE, 4.5 acres in NESW, 2.5 acres in NWSE and 6.0 acres in SWSE, S12, and 6.5 acres each in SWNW and NWSW, S13, T08S, R22E.

Remarks: The change authorized under Transfer 4855 is temporary and shall expire on November 1, 2002 unless a written contract is filed with the department extending the period of use. When the approval has expired the rights will return to their previous use with Rights 36-07046 and 36-11412.

Dates: App. Received: 05/16/1996 Priority Date: 01/25/1974
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: 01/25/1996 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.
*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS

Date: 07/09/1999 User-ID: PSKAGGS Subject: TRANSFER 4855
Transfer 4855 changes the point of diversion & place of use under
a portion of Rights 36-02600 & 36-07435, splitting each right
into Parts A & B. Rights 36-07046 & 36-11412 are also affected
by this transfer approval & conditions.

Audit: 06/18/96 MBALDWIN 07/16/96 MBALDWIN 02/08/98 CLEARFLD 07/09/99 PSKAGGS
07/12/99 PSKAGGS

WR0749NP
No. T36-02600A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PERRY GILLETTE	01/20/1965	IRRIGATION	04/01 10/31	6.370 CFS	
C	RANDY GILLETTE					
	PAUL ID 83347			TOTAL DIVERSION:	6.370 CFS	
C	JERRY GILLETTE					
	RT 2 BOX 2512					
	PAUL ID 83347					
	(208) 532-4559					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R22E S13

NESW

MINIDOKA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																			
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM			
08S	22E	12	:	39		30		34		40		:						32		39		35		38		:	40		37		34		40	: 439.8	
08S	22E	13	:	40		37		40		37		:	38		39		33		40		:	40		33		36		39	:	38		40		39	: 607.0
08S	22E	14	:	23								:									:											: 23.0			
																														TOTAL ACRES			1069.8		

Pou County: MINIDOKA

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: GEN THIS RIGHT IS LIMITED TO THE IRRIGATION OF 459 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-11412 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2). THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-11412, 36-07435A & 36-07046. USE OF THIS RIGHT WITH RIGHT NO. 36-11412 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.37 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2116 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1587 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 529 ACRES IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.03 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4279.2 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3209.4 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 1069.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07046, 36-07435A & 36-11412.

WR0749NP
No. T36-02600A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/12/99
PAGE: 2

=====
Dates: App. Received: Priority Date: 01/20/1965
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: 06/30/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS WR IS EXPANDED UNDER CLAIM A36-11412.

Date: 07/09/1999 User-ID: PSKAGGS Subject: TRANSFER 4855
Transfer 4855 changes the point of diversion & place of use under
a portion of Rights 36-02600 & 36-07435, splitting each right
into Parts A & B. Rights 36-07046 & 36-11412 are also affected
by this transfer approval & conditions.

Audit: 06/18/96 MBALDWIN 02/08/98 CLEARFLD 07/09/99 PSKAGGS 07/12/99 PSKAGGS
07/12/99 PSKAGGS

WR0749NP
No. T36-07435A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/12/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERRY GILLETTE RT 2 BOX 2512 PAUL ID 83347	01/25/1974	IRRIGATION	04/01 10/31	4.680 CFS	
					TOTAL DIVERSION:	4.680 CFS
C	RANDY GILLETTE PAUL ID 83347 (208) 532-4559					
C	PERRY GILLETTE PAUL ID 83347					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R22E S12 SWSE MINIDOKA County
S13 NWNW NESW MINIDOKA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
08S	22E	12	:	39	30	34	40	:				32	39	35	38	:	40	37	34	40	439.8	
08S	22E	13	:	40	37	40	37	:	38	39	33	40	:	40	33	36	39	:	38	40	39	607.0
08S	22E	14	:	23				:					:					:				23.0
																			TOTAL ACRES	1069.8		

Pou County: MINIDOKA

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: GEN THIS RIGHT IS LIMITED TO THE IRRIGATION OF 327.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-11412, 36-02600A & 36-07046.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.03 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4279.2 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3209.4 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 1069.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-07046, 36-02600A & 36-11412.

Dates: App. Received: Priority Date: 01/25/1974
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: 01/25/1996 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.
*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS

Date: 07/09/1999 User-ID: PSKAGGS Subject: TRANSFER 4855
Transfer 4855 changes the point of diversion & place of use under
a portion of Rights 36-02600 & 36-07435, splitting each right
into Parts A & B. Rights 36-07046 & 36-11412 are also affected
by this transfer approval & conditions.

Audit: 06/18/96 MBALDWIN 02/08/98 CLEARFLD 07/09/99 PSKAGGS 07/12/99 PSKAGGS
07/12/99 PSKAGGS 07/12/99 PSKAGGS

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
T08S R22E S 12		6.6 5.6 Acres Out for Transfer 4.5 2.5 6.0 25.2																
*3602600	GROUNDWATE :	39	37	40	40	:	:	37	39	35	38	:	:	40	40	40	40	465
R3602600	GROUNDWATE :	39	37	40	40	:	:	37	39	35	38	:	:	40	40	40	40	465
3607046	GROUNDWATE :	:	:	:	:	:	:	:	40	40	40	:	:	:	:	:	:	120
*3607046	GROUNDWATE :	39	37	40	40	:	:	37	39	35	38	:	:	40	40	40	40	465
A3607046	GROUNDWATE :	:	:	:	:	:	:	:	40	40	40	:	:	:	:	:	:	120
R3607046	GROUNDWATE :	39	37	40	40	:	:	37	39	35	38	:	:	40	40	40	40	465
3607435	GROUNDWATE :	39	40	40	40	:	:	:	:	:	:	:	:	40	40	40	40	359
*3607435	GROUNDWATE :	39	37	40	40	:	:	:	37	39	35	38	:	:	40	40	40	465
A3607435	GROUNDWATE :	39	40	40	40	:	:	:	40	:	:	:	:	40	40	40	40	359
R3607435	GROUNDWATE :	39	37	40	40	:	:	:	37	39	35	38	:	:	40	40	40	465
T3607435A	GROUNDWATE :	39	33	34	40	:	:	:	35	:	:	:	:	40	37	34	40	332
3607678	GROUNDWATE :	:	:	:	:	:	:	40	40	40	40	:	:	:	:	:	:	160
*3607678	GROUNDWATE :	:	:	:	:	:	:	40	40	40	40	:	:	:	:	:	:	160
A3607678	GROUNDWATE :	:	:	:	:	:	:	40	40	40	40	:	:	:	:	:	:	160
*3611412	GROUNDWATE :	39	37	40	40	:	:	:	:	:	:	:	:	37	39	35	38	465
--86 MAP--	C67Q-BB-19 :	39	39	39	39	:	:	42	42	40	40	:	:	40	40	40	40	633

T08S R22E S 13		6.5				6.5				Total Acres Out for Transfer				38.2				13
3602600	GROUNDWATE :			40	39			40	40	40	40	39	39	39	40	39	37	472
*3602600	GROUNDWATE :	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
A3602600	GROUNDWATE :			40	39			40	40	40	40	39	39	39	40	39	37	472
R3602600	GROUNDWATE :	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
T3602600A	GROUNDWATE :			40	39			33	40	40	33	39	39	39	40	39	37	458
3607046	GROUNDWATE :		1				40	40										81
*3607046	GROUNDWATE :	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
A3607046	GROUNDWATE :		1				40	40										81
R3607046	GROUNDWATE :	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
*3607435	GROUNDWATE :	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
R3607435	GROUNDWATE :	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
*3611412	GROUNDWATE :	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
A3611412	GROUNDWATE :	40	39															79
--86 MAP--	C67Q-BB-19 :	40	39	39	42	40	42	40	39	40	39	39	39	40	40	40	41	639

T10S R22E S 19		19.1	19.1	Proposed P/U				(38.2)				
A010000720	SNAKE RIVE :	:	:	:	:	:	:	40	42	:	82	
0100014	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:	
A0100014	SNAKE RIVE :	93-11	74-10	74-7	:	93-6	:	74-32	74-33	74-17	:	116
0100228	SNAKE RIVE :	:	:	:	:	:	:	04-1	03-1	:	:	
0100229	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:	

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
0102073	SNAKE RIVE :													04-3	03-12 :			15			
A0102073	SNAKE RIVE :													04-3	03-12 :			15			
A0110214	SNAKE RIVE :													04-4	03-13 :			17			
A0110225	SNAKE RIVE :			93-1				93-2										3			
T36026008	GROUNDWATE :			19				19										38			
3607108	GROUNDWATE Vandever			9				15 05-46										70			
*3607108	GROUNDWATE :			10				11 05-43										64			
A3607108	GROUNDWATE :			9				15 05-46										70			
R3607108	GROUNDWATE :			10				11 05-43										64			
T36074358	GROUNDWATE :			19				19										38			
--86 MAP--	C31Q-BB 77 :			38				14										69			
NO QTRS	MAPPING	Lot01-35		Lot02-20		Lot03-09		Lot04-01		Lot05-45		Lot05-45		Lot07-37		Lot08-25		Lot09-13		Lot10-13	
--86 MAP--	C67Q-BB 77 :			37				17												71	
NO QTRS	MAPPING	Lot01-25		Lot02-16		Lot03-08		Lot04-01		Lot05-46		Lot05-46		Lot07-48		Lot08-32		Lot09-15		Lot10-29	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T 4855

INITIAL REVIEW BY: J F Stanton

1. Right number 36-02600, 7435 Applicant Vandever, Billie
2. Type of right: ☐ Decree ☒ License ☒ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Split rights
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments N/A
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: Ad

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☒ Yes ☐ No - withdrawn 6-11-99

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* See memo 6/29/95
4. By Ad Date 6/29/95

FROM: Allen Merritt *AM*

DATE: June 29, 1999

TO: Transfer File No. 4855

Water Right(s): 36-02600 part

36-07435 part

In the Name of: Billie C. Vandever

RECEIVED

JUL - 7 1999

SUBJECT: Review and Recommendation

Department of Water Resources

This transfer was filed back in 1996 to cover land added to an existing system without the aid of a water right. The lands were subject of a NOV. The transfer is based on leasing 40 acres worth of water right from a farm to the north where some corners have not been irrigated. The original lease was to end in 1998.

The transfer was protested by several parties including the parents of the applicant. A conference was held but due to other legal matters between parties no hearing was ever held although it was scheduled. The parties ultimately negotiated a settlement and withdrawal of protests.

Since the original filing several of the involved rights have been decreed. The issue of affect on reducing total PPU at the Gillette with other rights in same PPU was identified early on in conversations with Gillette and it was requested they acknowledge in writing but this was never done.

On 6/28 Billie C. Vandever indicated the measuring device had been installed.

RECOMMENDATION

I recommend the transfer be approved with the following conditions:

-This transfer is subject to private agreement between applicant and protestants dated June 11th 1999.

-This transfer allows for irrigation of 38.2 acres and when combined with right 36-07108 is limited to the total irrigation of 190.2 acres. When rights 36-02600B and 36-07435B are combined with 36-07108 there shall not be an increase in diversion capacity beyond 1.94 cfs nor an increase in diversion volume of 608 afa.

-The portions of subject rights untransferred by Three G's Farms (36-02600A & 36-07435A) when combined with 36-07046 and 36-11412 are limited to irrigation of no more than 1069.8 acres with 14.03 cfs and 4279.2 afa.

-The use under this transfer is subject to measurement and reporting of use through the West ESPA Measurement District.

MICROFILMED

AUG 05 1999

-This transfer is temporary in nature and at the of the irrigation season of the year 2002 the rights shall revert back to the original PPU unless a written contract is filed with the department extending the contract period.

MICROFILMED

AUG 05 1999

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
NORMAN M. SEMANKO
PATRICK D. MADIGAN
TIMOTHY J. STOVER

Twin Falls Office
142 3rd Ave. North
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TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

JUN 22 1999

Department of Water Resources
Southern Region

June 21, 1999

Allen Merritt, PE
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

VIA FACSIMILE and MAIL

Re: Billie C. Vandever -- Application for Transfer No. 4855

Dear Allen:

This letter is a follow-up to your telephone call this morning.

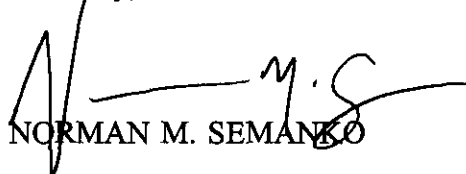
I spoke with Billie Vandever late this morning, after he had spoken with you. Regarding Mrs. Harrison's complaint, Billie Vandever again informed me that he is irrigating his SRBA-decreed acres, but not the "new" acres included in the transfer application. He told me that he had related the same information to you. There is no provision in the settlement agreement between the parties which limits Billie's right to irrigate the authorized acres from the well. A copy of Billie's partial decree is enclosed.

We understand your concern that placement of the measuring device might improve the situation and are moving ahead diligently on this front. As promised, please find enclosed a copy of the measurement and metering plan devised by Chuck Brockway which was submitted to Billie Vandever. Billie has scheduled to put the device in place later today. We hope this will provide some greater level of comfort to the parties. More importantly, we trust that this action will help facilitate Billie's still-pending transfer application.

As before, we encourage IDWR to process the transfer application as soon as possible so that this matter can be resolved.

Thank you for your cooperation.

Sincerely,


NORMAN M. SEMANKO

06219902.NMS

Enclosures

cc: Kent Fletcher

MICROFILMED

AUG 05 1999

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

1997 DEC 29 PM 3:30

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07108

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: BILLIE C VANDEVER
VICKI VANDEVER
RT 1
HEYBURN ID 83336

SOURCE: GROUNDWATER

QUANTITY: 1.94 CFS
608.0 AFY

PRIORITY DATE: 01/12/1970

POINT OF DIVERSION: T10S R22E S18 SENWSW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	1.94 CFS 608.0 AFY

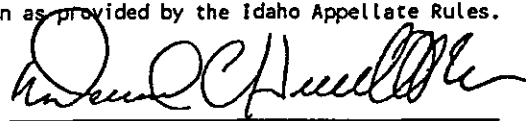
PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T10S R22E S18	NESW 22	NWSW 10	SWSW 43	SESW 6
		NWSE 7			
	S19	NWNE 10	NENW 11	Lot 5 (NWNW)43	
	152 ACRES TOTAL				

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.
PROPERTY IS ALSO KNOWN AS TRACTS H, J & K, S18, T10S, R22E AND
TRACT A, S19, T10S, R22E.

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

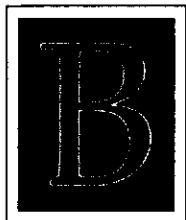
MICROFILMED

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07108

AUG 05 1999

PAGE 1
DEC-17-1997

RECEIVED JUN 16 1999



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

June 14, 1999

Mr. Norman Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83301

Re: Vandever water right transfer / protest resolution
Project No. 253-01-1998

Dear Norm:

I made an inspection of Mr. Vandever's irrigation well today, with the intent of documenting the existing configuration of the well string and making recommendations for the installation of an instantaneous and totalizing flow meter.

The pump is a 200 HP vertical turbine with a rated discharge of 845 gpm (1.88 cfs) at 555 feet TDH. The discharge piping is 8-inch steel and no existing flow meter is installed. The pipe splits into two 45-degree branches 84 inches downstream of the discharge head and connects with mainlines running north and south from the well. I am enclosing a drawing showing the existing condition of the well string.

For the measurement of both instantaneous discharge and total volume withdrawn, I recommend a propeller-type meter manufactured by McCrometer. This is a common meter used in irrigation applications throughout Idaho. The manufacturer recommends that the meter be installed with 5 to 10 diameters of unobstructed pipe upstream of the propeller and 1 diameter downstream of the meter flange. Obstructions include bends, valves, tees, or other appurtenances that alter the velocity pattern. Given the length of the meter itself, insufficient pipe length exists between the well flange and the first downward bend. Therefore, the manufacturer's specs cannot be met with the existing pipeline.

I recommend modifying the pipe as shown in the second enclosed drawing. Specifications for the pipe and meter are shown on the drawing. The main discharge pipe should be replaced with a level 8-inch steel pipe which extends about 10 feet from the well and connects to the existing cross pipe with a 90-degree bend, a short vertical section, and a tee. The meter should then be placed the full 10 diameters downstream of the well. This layout will provide the maximum possible accuracy for this system.

MICROFILMED

AUG 05 1999

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

I talked with Mr. Vandever during the inspection and indicated to him my recommended layout. Please do not hesitate to call if you have any questions.

Sincerely,

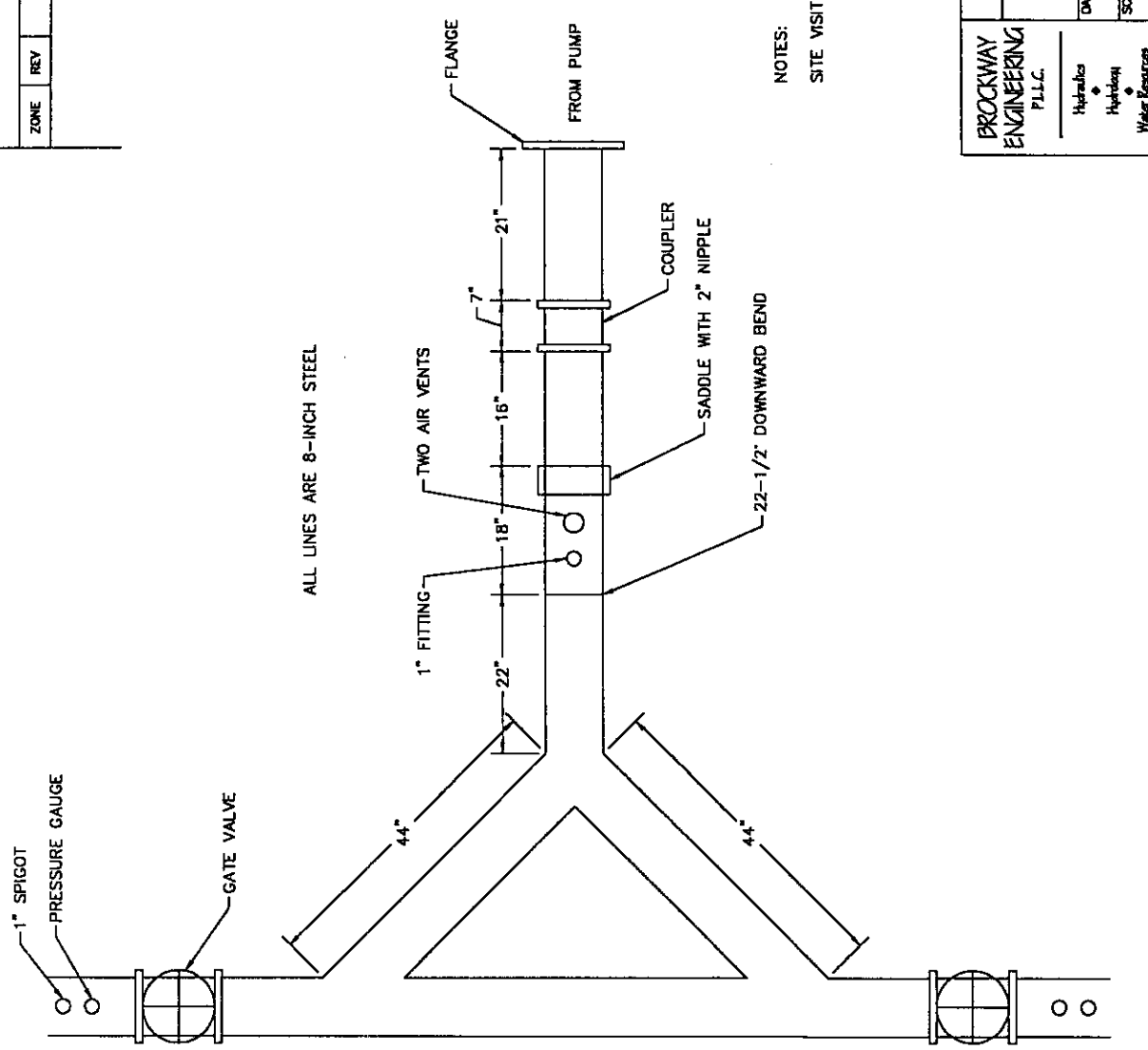

Charles G. Brockway, P.E.

cc: Kent Fletcher, Atty. for Protestants

MICROFILMED

AUG 05 1999

REVISIONS			DATE	APPROVED
ZONE	REV	DESCRIPTION		



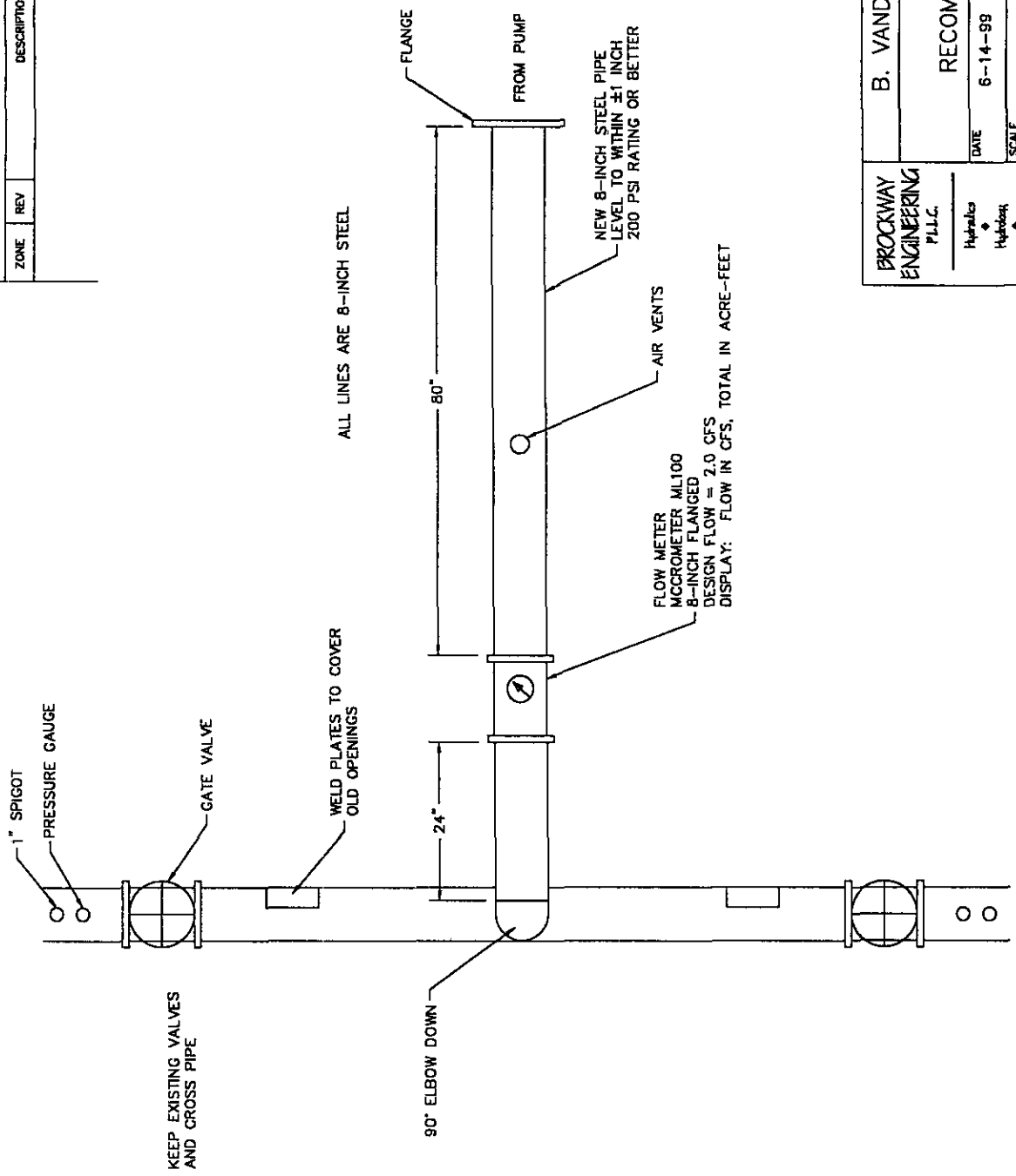
MICROFILMED
AUG 05 1999

NOTES:

SITE VISIT MADE 6-14-99 BY C. G. BROCKWAY, P.E.

BROCKWAY ENGINEERING P.L.L.C.		B. VANDEVER IRRIGATION WELL	
Hydraulics • Hydrology • Water Resources		BURLEY, IDAHO EXISTING WELL STRING	
DATE	6-14-99	DRAWN	CGB
SCALE	NONE	SHEET	1 OF 2

MICROFILMED
 AUG 05 1999
 PROFESSIONAL ENGINEER
 STATE OF IDAHO
 9195
 2-14-79
 CHARLES G. BROCKWAY



ALL LINES ARE 8-INCH STEEL

KEEP EXISTING VALVES AND CROSS PIPE

BROCKWAY ENGINEERING PLLC		B. VANDEVER IRRIGATION WELL	
Hydraulics • Hydrology • Water Resources		BURLEY, IDAHO	
DATE 6-14-99		DRAWN CGB	
SCALE NONE		SHEET 2 OF 2	



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

June 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NORMAN M SEMANKO ESQ
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Protested Application for Transfer No. 4855, (36-02600B, 36-07435B) VANDEVER

Dear Mr. Semanko:

This office acknowledges receipt of the Withdrawal of Protests and Settlement Agreement in the above referenced matter.

The issue of the protests has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

cc: Billie C. Vandever, Jr.

MICROFILMED

AUG 05 1999

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

June 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KENT FLETCHER ESQ
PO BOX 248
BURLEY ID 83318-0248

RE: Application for Transfer No. 4855 (36-02600B, 36-07435B)-
VANDEVER

Dear Mr. Foster:

This office acknowledges receipt of the withdrawal of the protests filed on behalf of your clients against the above referenced application via a Settlement Agreement.

The issue of the protests has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with you or your clients unless information is requested.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

cc: Billie Vandever, Sr; Hawley & Clay Harrison, Martin Muecke,
Russell Pincock, John Meade, Dwight Lee, Timothy Eilers

MICRO

AUG 05 1999

MAILING LIST

Re: TR# 4855 (VANDEVER, Billie C.)
36-02600B, 36-07435B

Applicant:

BILLIE C VANDEVER *jr*
413 S 1250 W
HEYBURN ID 83336

Legal Counsel for Applicant:

NORMAN M SEMANKO ESQ
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

Protestants:

BILLIE L VANDEVER *jr*
1350 W 550 S
BURLEY ID 83318

DWIGHT LEE
1190 W 400 S
HEYBURN ID 83336

HAWLEY A HARRISON JR
450 S 1250 W
HEYBURN ID 83336

TIMOTHY C EILERS
1109 W 300 S
HEYBURN ID 83336

CLAY E HARRISON
350 S 1250 W
HEYBURN ID 83336

Legal Counsel for Protestants:

KENT FLETCHER ESQ
PO BOX 248
BURLEY ID 83318 -6248

MARTIN MUECKE
1250 W 300 S
HEYBURN ID 83336

RUSSELL PINCOCK
299 S 1150 W
HEYBURN ID 83336

JOHN L MEADE
1150 W 375 S
HEYBURN ID 83336

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AUG 05 1999

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
NORMAN M. SEMANKO
PATRICK D. MADIGAN
TIMOTHY J. STOVER

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED

JUN 11 1999

Department of Water Resources
Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

JUN 11 1999

Department of Water Resources
Southern Region

June 11, 1999

Allen Merritt, PE
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

HAND DELIVERED

Re: Billie C. Vandever -- Application for Transfer No. 4855

Dear Allen:

As we discussed earlier this week, please find enclosed a Withdrawal of Protests and Settlement Agreement in the above-referenced matter.

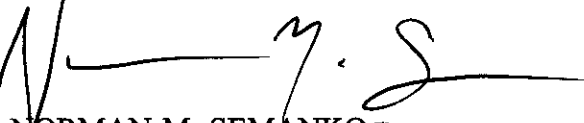
As you will recall, a pre-hearing conference was held in this matter on May 18, 1998 and a hearing with Glen Saxton was scheduled for July 7, 1998. The hearing was subsequently canceled by the parties in favor of negotiating a mutually agreeable solution. These efforts have been successful and the enclosed documents serve to fully resolve the protests that were filed in opposition to our client's transfer application.

As you can see, the parties have agreed that the Settlement Agreement should be considered as a request that IDWR include the provisions of the agreement as conditions of approval or that IDWR's approval contain a condition noting that use of water under the transfer is subject to an agreement between the parties.

Since this matter has now been resolved by the parties, we urge you to complete processing of the application and approve the transfer as soon as possible.

Thank you for your cooperation.

Sincerely,



NORMAN M. SEMANKO
MICROFILMED

06119902.NMS

Enclosures

cc: L. Glen Saxton
Kent Fletcher
Billie C. Vandever

AUG 05 1999

1
2
3 Norman M. Semanko
4 ROSHOLT, ROBERTSON & TUCKER
5 P. O. Box 1906
6 Twin Falls, Idaho 83703-1906
7 Telephone: (208) 734-0700
8 nms.99\vandever\withdraw

9
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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4855)

WITHDRAWAL OF PROTESTS

Billie C. Vandever,
Applicant

Billie L. Vandever, Hawley Harrison,
Clay Harrison, Martin Muecke,
Russell Pincock, John Meade,
Dwight Lee, Timothy Eilers,
Protestants

COME NOW, Billie L. Vandever, Hawley Harrison, Clay Harrison, Martin Muecke,
Russell Pincock, John Meade, Dwight Lee, and Timothy Eilers, Protestants in the above-
captioned matter, and hereby withdraw their protests to Application for Permit No. 4855.

DATED this 11 day of June, 1999.

"PROTESTANTS"


Billie L. Vandever


Russell Pincock

1
2
3 Hawley A. Harrison, Jr.
4 Hawley A. Harrison, Jr.

5 John L. Meade
6 John L. Meade

7 Clay E. Harrison
8 Clay E. Harrison

9 Withdrawal Objection
10 Dwight Lee

11 Martin Muecke
12 Martin Muecke

13 Timothy C. Eilers
14 Timothy C. Eilers

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on this 11 day of June, 1999, I caused a copy of the
17 foregoing WITHDRAWAL OF PROTEST to be served upon the following persons by depositing
18 same in the mail, postage prepaid, addressed to the following:

19 Kent Fletcher
20 FLETCHER LAW OFFICE
21 P.O. Box 248
22 Burley, ID 83318-0248
23 Attorney for Protestants

24 NORMAN M. SEMANKO
25
26

MICROFILMED
AUG 05 1999

SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into between BILLIE C. VANDEVER of Heyburn, Idaho (hereinafter "the Applicant"), and BILLIE L. VANDEVER of Hazelton, Idaho, HAWLEY A. HARRISON, JR. of Heyburn, CLAY E. HARRISON of Heyburn, MARTIN MUECKE of Heyburn, RUSSELL PINCOCK of Heyburn, JOHN L. MEADE of Heyburn, DWIGHT LEE of Heyburn, and TIMOTHY C. EILERS of Heyburn (hereinafter "the Protestants").

WHEREAS, the Applicant owns Water Right No. 36-07108, in the amount of 1.94 cubic feet per second (cfs) and an annual volume of 608 acre-feet per year (afy), which authorizes the irrigation of 152 acres, as evidenced by a partial decree entered in the Snake River Basin Adjudication on December 29, 1997; and

WHEREAS, the Applicant has filed Application for Transfer No. 4855 with the Idaho Department of Water Resources ("IDWR"), proposing to move .53 cfs/152.8 afy of Water Right License Nos. 36-02600 and 36-07435 by drying up 38.2 acres on lands owned by Three G's Farms (Jerry Gillette and/or Perry Gillette and/or Randy Gillette) and allowing irrigation of 38.2 acres on the Applicant's property; and

WHEREAS, the Protestants are owners of various wells used for domestic purposes; and

WHEREAS, the Protestants have filed protests with IDWR in opposition to Application for Transfer No. 4855; and

WHEREAS, the parties desire to resolve the protests on agreeable terms.

NOW THEREFORE, in consideration of the mutual promises below, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Quantity of Water. The Applicant agrees not to divert more than a combined total of 1.94 cfs and 608 afy under Water Right No. 36-07108 and Transfer No. 4855. The approval of Application for Transfer No. 4855 will not allow the Applicant to divert more water than he is currently authorized to divert under Water Right No. 36-07108 (i.e., 1.94 cfs and 608 afy). Applicant's diversion shall not lower Protestants' existing static water levels.

2. Place of Use. Upon approval of Application for Transfer No. 4855, the Protestants agree and understand that the Applicant shall have the right to irrigate an additional 38.2 acres, as indicated in Application for Transfer No. 4855. The Applicant's combined place of use under Water Right No. 36-07108 and Transfer No. 4855 shall not exceed 190.2 acres.

3. Installation of Measuring Device. Upon approval of Application for Transfer No. 4855, a measuring device approved by IDWR and the Protestants' hydrologist, Dr. Charles E. Brockway, shall be installed by the Applicant at the Applicant's expense. The meter shall measure diversion rate, cumulative flows and static water level and shall be installed to manufacturer's specifications.

4. Verification of Measuring Device. The parties agree that IDWR shall verify the installation of the measuring device by the Applicant. The Applicant agrees that the Protestants shall have the right to have Dr. Brockway verify the installation, as well, if they so desire, at the Protestants' expense.

5. Monitoring of Diversions. Upon approval of Application for Transfer No. 4855, the Applicant agrees that the Protestants shall have the right to have Dr. Brockway or other representative of Protestants, monitor the Applicant's diversion (i.e., read the meter) during reasonable times, including June, July and August; provided that, the Applicant's farming operation and crop shall not be disturbed. The Applicant agrees and understands that violations will be reported to IDWR. The monitoring shall be in addition to any monitoring performed by IDWR, a ground water district or water measurement district, and shall be at the Protestants' expense.

6. Reporting of Diversions. Upon approval of Application for Transfer No. 4855, the Applicant agrees to report his diversions, including diversion rate and diversion volume, to IDWR on a monthly basis during the irrigation season.

7. Damages from Diversion. Upon approval of Application for Transfer No. 4855, the Applicant agrees to be responsible for all future damages occurring to the Protestants' wells as a result of the Applicant's diversion under Transfer No. 4855. The Applicant shall pay all costs of deepening wells, adding pumps or other costs incurred by Protestants as a result of Applicant's diversion or shall cease pumping as authorized by the approval of the application. Notwithstanding the foregoing, the Applicant shall not be responsible for damage occurring to the Protestants' wells as a result of diversions made by those other than the Applicant.

8. Withdrawal of Protests. Upon execution of this Agreement, the Protestants agree to withdraw their protests to approval of Application for Transfer No. 4855, and the execution of this Agreement shall be deemed as a withdrawal of said protests. The parties further agree to file a copy of this Settlement Agreement with IDWR. Such filing shall be deemed a request that IDWR include the provisions of this Agreement as conditions to the approval of Application for Transfer No. 4855, or that IDWR's transfer approval contain a condition noting that the use of water under Transfer No. 4855 is subject to an agreement between the parties.

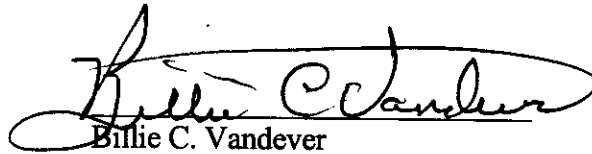
9. Entire Agreement. This Agreement is the entire agreement between the parties.

10. Attorney Fees. In the event that either party is required to enforce the terms of this Agreement in an administrative or judicial proceeding, the prevailing party shall be entitled to a reasonable attorney fee from the losing party.

11. Binding Nature. This Agreement shall be binding on the parties and their successors and assigns.

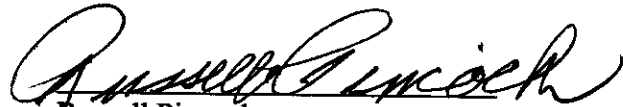
DATED THIS 11 day of JUNE, 1999.

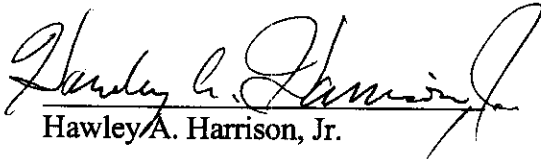
"APPLICANT"

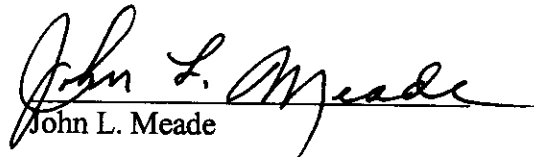

Billie C. Vandever

"PROTESTANTS"

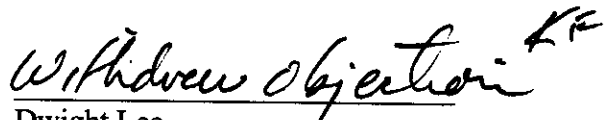

Billie L. Vandever

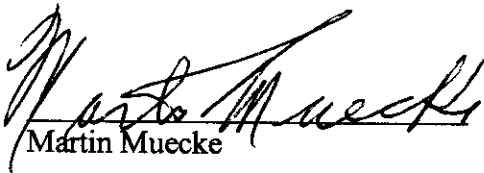

Russell Pincock

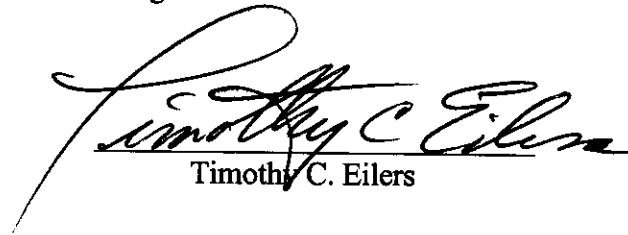

Hawley A. Harrison, Jr.


John L. Meade


Clay E. Harrison


Dwight Lee

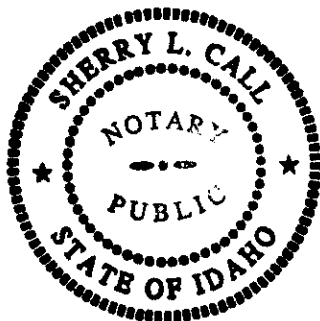

Martin Muecke


Timothy C. Eilers

STATE OF IDAHO)
)ss.
County of _____)

On the 11th day of June, 1999, before me, a Notary Public, in and for said County and State, personally appeared BILLIE C. VANDEVER, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

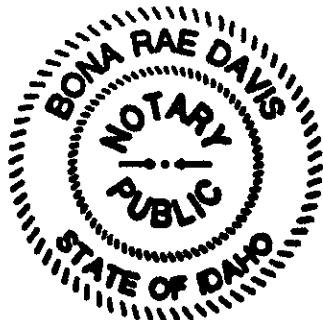


Sherry L. Call
NOTARY PUBLIC FOR IDAHO
Residing at: Twain Falls, Id
My commission expires: 3/03/04

STATE OF IDAHO)
)ss.
County of Cassia)

On the 18th day of May, 1999, before me, a Notary Public, in and for said County and State, personally appeared BILLIE L. VANDEVER, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

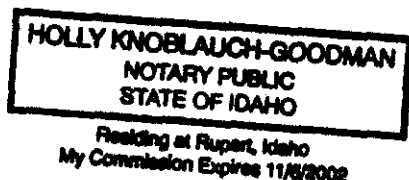


Bona Rae Davis
NOTARY PUBLIC FOR IDAHO
Residing at: Burley
My commission expires: 7/5/2002

STATE OF IDAHO)
)ss.
County of Cassia)

On the 20th day of May, 1999, before me, a Notary Public, in and for said County and State, personally appeared HAWLEY A. HARRISON, JR., known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

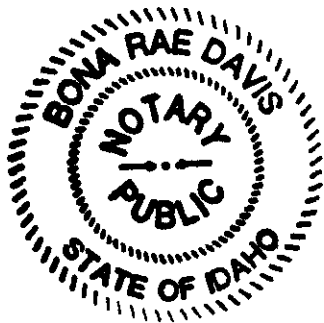


Holly Knoeblauch-Goodman
NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

STATE OF IDAHO)
)ss.
County of Cassia)

On the 28th day of May, 1999, before me, a Notary Public, in and for said County and State, personally appeared CLAY E. HARRISON, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

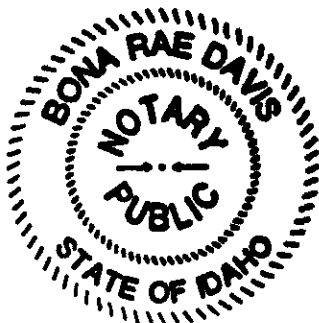


Bona Rae Davis
NOTARY PUBLIC FOR IDAHO
Residing at: Barley
My commission expires: 7/3/2002

STATE OF IDAHO)
)ss.
County of Cassia)

On the 25th day of May, 1999, before me, a Notary Public, in and for said County and State, personally appeared MARTIN MUECKE, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

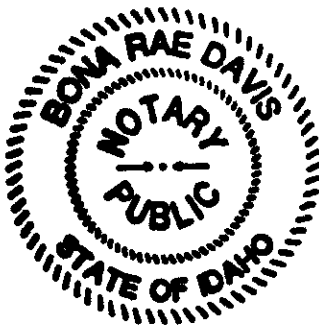


Bona Rae Davis
NOTARY PUBLIC FOR IDAHO
Residing at: Burley
My commission expires 7/5/2002

STATE OF IDAHO)
)ss.
County of Cassia)

On the 18th day of May, 1999, before me, a Notary Public, in and for said County and State, personally appeared RUSSELL PINCOCK, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

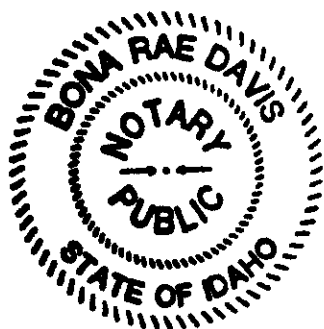


Bona Rae Davis
NOTARY PUBLIC FOR IDAHO
Residing at: Burley
My commission expires 7/5/2002

STATE OF IDAHO)
)ss.
County of Cassia)

On the 3rd day of June, 1999, before me, a Notary Public, in and for said County and State, personally appeared JOHN L. MEADE, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Bona Rae Davis
NOTARY PUBLIC FOR IDAHO
Residing at: Barley
My commission expires: 7/3/2002

STATE OF IDAHO)
)ss.
County of _____)

On the ____ day of _____, 1999, before me, a Notary Public, in and for said County and State, personally appeared DWIGHT LEE, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

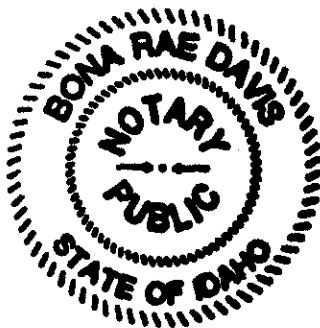
NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

STATE OF IDAHO)

County of Cassia)ss.

On the 17th day of May, 1999, before me, a Notary Public, in and for said County and State, personally appeared TIMOTHY C. EILERS, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Bona Rae Davis
NOTARY PUBLIC FOR IDAHO

Residing at: Boley

My commission expires: 7/5/2002

VANDEVER.AGR

MICROFILMED

AUG 05 1999

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE

June 1, 1999 8:53am

CUSTOMER

Harrison, Mrs. Hawley

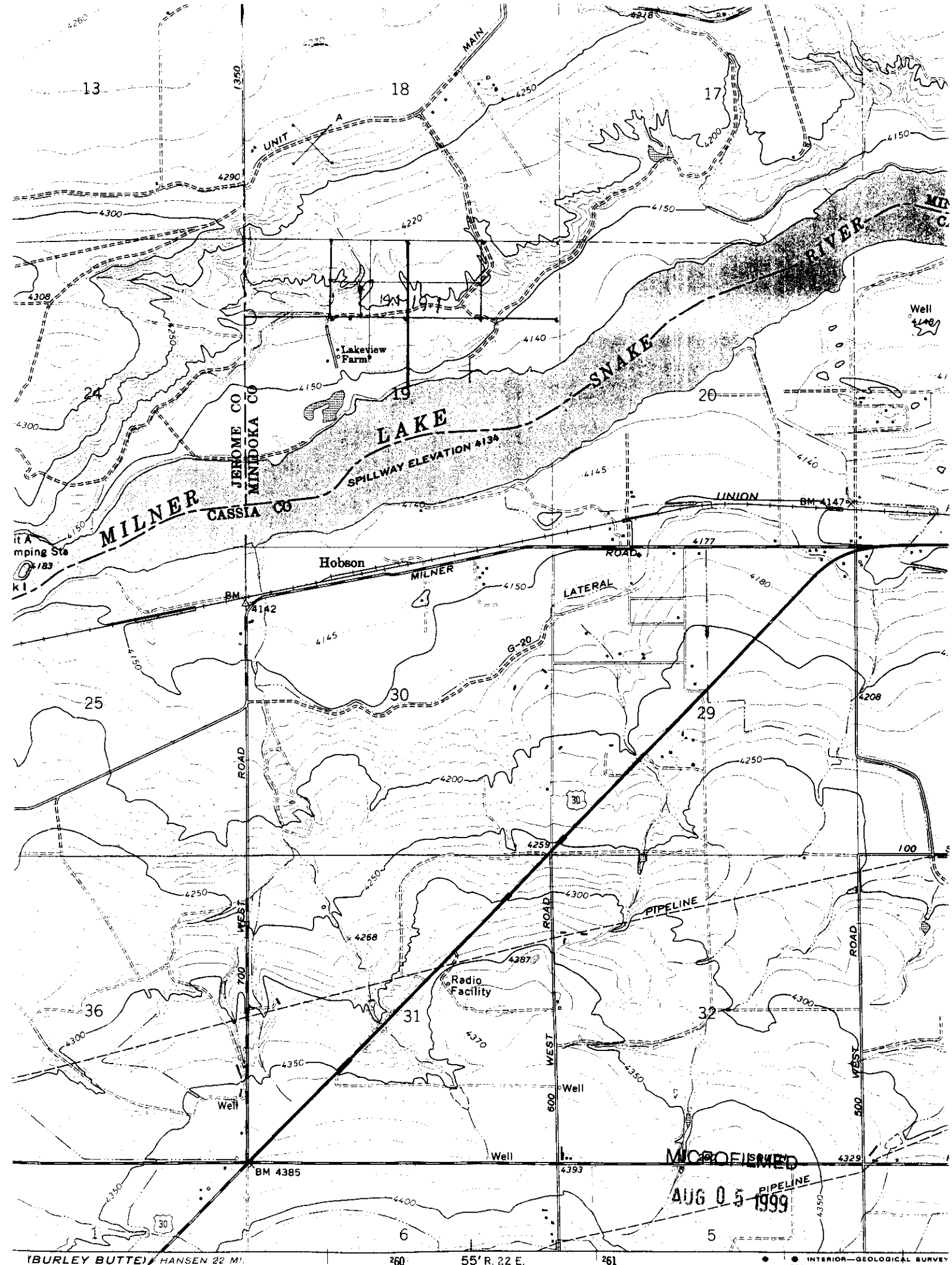
SUBJECT: Vandever Jr

phone call (x) walk-in (.)

Phone 678-7931, she called late in the day on Friday 28 May 1999, she said Billy Jr. was watering the land still pending approval of either agreement &/or transfer, out of the well. I was told this morning to check it out. I called Mrs. Harrison and she said that as of this a.m. Billy Jr. was not irrigating out of the well but using canal shares. I asked how she could tell the difference and she said she couldn't but her husband could. Was he there, I asked? No, she said. I requested her to call the next time when Jr. is irrigating and, if I am here, I will go out.

MICROFILMED

AUG 05 1999



MICROFILMED
AUG 05 1999

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

June 12, 1998 3:55pm

CUSTOMER

VANDEVER

SUBJECT: ALLEDGE VIOLATION

phone call (X) walk-in (.)

Mrs. H.A. Harrison called at 1100 hrs., Corey Skinner took the call. She said Billie started watering the acres yesterday. She said there were 5 lines on. Today, I arrived at 1430 hrs. Mr. Vandever, SR. showed me the area(s) in question. I took photos, returned to office and delineated on a map the areas I photographed.

MICROFILMED
AUG 05 1999

11/10

Leaning Sprinkler



LOOKING NW'LY IN ALL VIEWS
STANDING @ SE Cor of GENWINE Sec 19.
THREE VIEWS of area that
appears to have been
watered.

See map next
page w/ Red Arrow.

MICROFILMED

AUG 05 1999

Vanderer Violation

2/2

PHOTO LOOKING S'LY

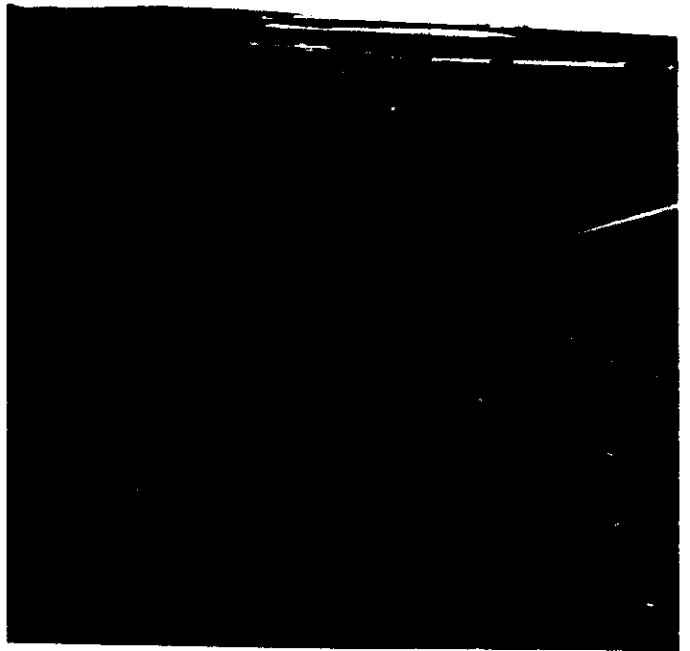
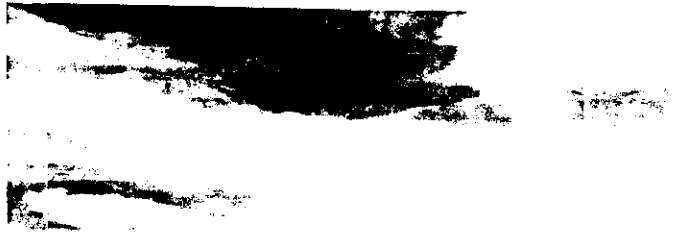
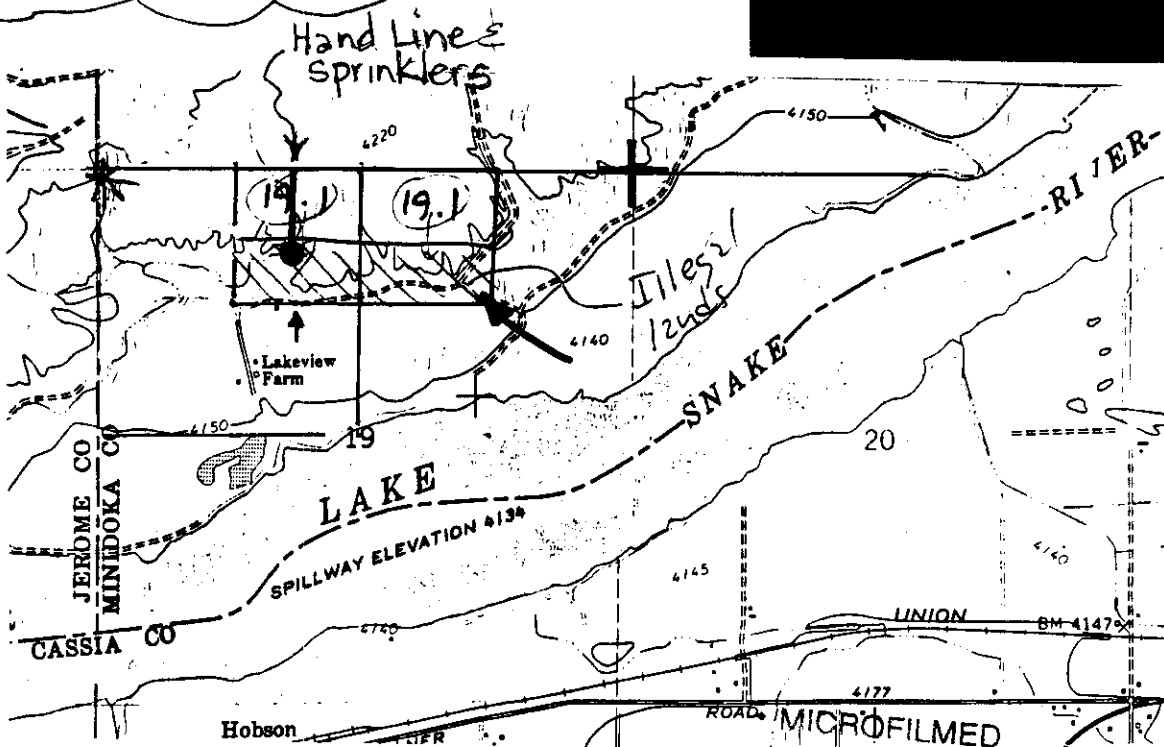


PHOTO TAKEN @ AREA
ON MAP MARKED W/
RED DOT.

PARKED @ BLACK
ARROW, WALKED IN TO
FIELD. PACED 500' ±
TO AREA WHERE PHOTO
WAS TAKEN.

Hand Line Is From North.
End of Sprinkler line is
@ end of Red Dot.



RED
ARROW
SEE
PG 1/2

AUG 05 1999

Vandever
Vidation



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

RECEIVED

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUN 12 1998

June 10, 1998

Department of Water Resources
Southern Region

RE: In the Matter of Application for Transfer No. 4855
in the name of Billie C. Vandever

Dear Interested Parties:

I have enclosed a copy of the Order Cancelling
Hearing set for July 7, 1998, in the above referenced
matter.

If you have any questions concerning the enclosed
document, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH, Senior Secretary
Water Allocation Bureau

Enclosure

c: IDWR - Southern Region

MICROFILMED
AUG 05 1999

AP-

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4855 IN THE)
NAME OF BILLIE C. VANDEVER)
_____)

**ORDER
CANCELLING HEARING**

The department has scheduled a hearing in the above captioned matter in Rupert, Idaho at 9:00 a.m. on July 7, 1998.

On June 10, 1998, the parties through their respective counsel submitted a stipulation to the department jointly seeking to delay the scheduled hearing.

IT IS THEREFORE HEREBY ORDERED as follows:

1. The hearing scheduled at East Minico Jr. High School in Rupert, Idaho at 9:00 a.m. on July 7, 1998 in connection with the above referenced matter is **CANCELLED**.
2. Before the department reschedules a hearing in the matter, counsel of record shall jointly identify proposed dates for the hearing and shall submit the dates to the hearing officer for review and approval. The proposed dates shall be far enough in advance of the hearing to provide adequate time for the parties to schedule and complete discovery (if allowed), arrange for and exchange proposed exhibits and prepared testimony, identify and limit witnesses, discuss settlement offers, make settlement offers, and address other matters which may expedite orderly conduct and disposition of the proceeding or its settlement.

Dated this 10th day of June, 1998.


L. GLEN SAXTON
Hearing Officer

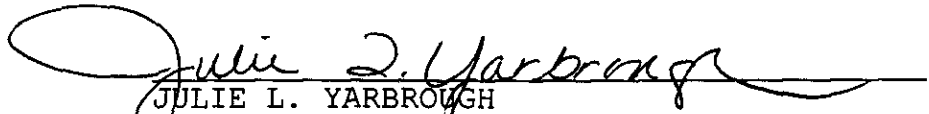
MICROFILMED
AUG 05 1999

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 11th day of June, 1998, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

Norman M Semanko
ROSHOLT ROBERTSON AND TUCKER
PO Box 1906
Twin Falls ID 83303-1906

Kent Fletcher
FLETCHER LAW OFFICE
1200 Overland Ave
PO Box 248
Burley ID 83318-0248


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Kent Fletcher
FLETCHER LAW OFFICE
1200 Overland Avenue
P.O. Box 248
Burley, Idaho 83318-0248
678-3250
678-2548 (fax)
Attorney for Protestants

RECEIVED

JUN 10 1998

Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4855)

Billie C. Vandever,)
Applicant)

STIPULATION FOR
CONTINUANCE OF HEARING

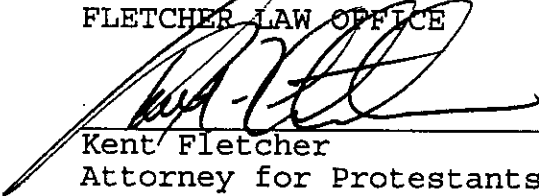
Billie L. Vandever, Hawley)
Harrison, Clay Harrison, Martin)
Muecke, Russell Pincock, John)
Meade, Dwight Lee, Timothy Eilers,)
Protestants)

Kent Fletcher on behalf of Protestants and Norman M.
Semanko on behalf of Applicant, Billie C. Vandever, stipulate that
the hearing currently set for Tuesday, July 7, 1998 at 9:00 o'clock
a.m. may be continued to a date convenient to counsel and the
Department. The grounds for this Stipulation are that Applicant and
Protestants need additional time to prepare for the hearing and to
allow expert witnesses to review the issues pending in this matter.

1
2
3 It is requested that the hearing be set following September
4 1, 1998.

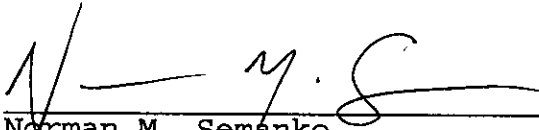
5 DATED this 4 day of June, 1998.

6 FLETCHER LAW OFFICE

7 
8 Kent Fletcher
9 Attorney for Protestants
10 P.O. Box 248
11 Burley, Idaho 83318-0248

12 DATED this 8 day of June, 1998.

13 ROSHOLT, ROBERTSON & TUCKER

14 
15 Norman M. Semanko
16 Attorney for Applicant
17 P.O. Box 1906
18 Twin Falls, Idaho 83303-1906
19
20
21
22
23
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25
26
27
28

MICROFILMED
AUG 05 1999

Kent Fletcher
FLETCHER LAW OFFICE
1200 Overland Avenue
P.O. Box 248
Burley, Idaho 83318-0248
678-3250
678-2548 (fax)
Attorney for Protestants

RECEIVED

JUN 05 1998

Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4855)

Billie C. Vandever,)
Applicant)

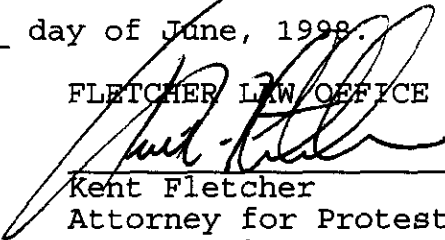
NOTICE OF APPEARANCE

Billie L. Vandever, Hawley)
Harrison, Clay Harrison, Martin)
Muecke, Russell Pincock, John)
Meade, Dwight Lee, Timothy Eilers,)
Protestants)

Please take notice that Kent Fletcher of Fletcher Law
Office appears on behalf of Protestants, Billie L. Vandever, Hawley
Harrison, Clay Harrison, Martin Muecke, Russell Pincock, John Meade,
Dwight Lee, and Timothy Eilers, in the above entitled matter.

DATED this 4 day of June, 1998.

FLETCHER LAW OFFICE


Kent Fletcher
Attorney for Protestants
P.O. Box 248
Burley, Idaho 83318-0248

MICROFILMED

AUG 05 1999

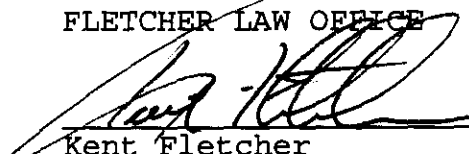
CERTIFICATE OF MAILING

I hereby certify that on the 4 day of June, 1998, I served a copy of the foregoing NOTICE OF APPEARANCE upon the following:

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, Idaho 83303-1906

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to the above named person at the above address, his last known address.

FLETCHER LAW OFFICE


Kent Fletcher
Attorney for Protestants
P.O. Box 248
Burley, ID 83318-0248

MICROFILMED
AUG 05 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 4855

Billie C. Vandever,
Applicant

Billie L. Vandever, Hawley Harrison,
Clay Harrison, Martin Muecke,
Russell Pincock, John Meade,
Dwight Lee, Timothy Eilers,
Protestants

NOTICE OF HEARING

SOURCE: groundwater

COUNTY: Minidoka

On May 16, 1996 Billie C. Vandever, applicant, filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants.

The conference held by the department on May 18, 1998 did not resolve the matter of protest.

THEREFORE, the Department has scheduled the matter for hearing on Tuesday-July 7, 1998 at 9:00 a.m. in the Library, East Minico Junior High Building, 1805 "H" Street-Rupert, ID.

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

IT IS FURTHER NOTED, in accordance with IDAPA Rule of Procedure 37.01.01606, all parties have agreed to exchange witness lists and copies of documents that may be offered as exhibits to each party and to the presiding officer on or before June 26, 1998.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 21st day of May, 1998.


Allen D. Merritt, P.E.
Southern Region Manager

MICROFILMED
AUG 05 1999

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of May, 1998 a true and correct copy of the foregoing Notice of Hearing was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary Baldwin
Secretary

BILLIE C VANDEVER
413 S 1250 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

NORMAN M SEMANKO ESQ
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

BILLIE L VANDEVER
1350 W 550 S
BURLEY ID 83318

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

HAWLEY A HARRISON JR
450 S 1250 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

CLAY E HARRISON
350 S 1250 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

MARTIN MUECKE
1250 W 300 S
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

RUSSELL PINCOCK
299 S 1150 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

JOHN L MEADE
1150 W 375 S
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

DWIGHT LEE
1190 W 400 S
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

TIMOTHY C EILERS
1109 W 300 S
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x
Fax _____

MICROFILMED
AUG 05 1999

Is your RETURN ADDRESS complete?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: *TR 4855*

4a. Article Number

1789

BILLIE C VANDEVER
413 S 1250 W
HEYBURN ID 83336

- 4b. Service Type
- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

NOV 28 89

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)
Billie C Vandever

6. Signature (Agent)

PS Form **3811**, December 1991

*U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



AUG 05 1999

Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

MICROFILMED



MAY 26 1998

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ADJUSTED

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: TR 4855

4a. Article Number

NORMAN M SEMANKO ESQ
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

03-1906
MICROFILM

05198

Addresser's Address (Only if requested)

Addresser's Address (Only if requested)

Addresser's Address (Only if requested)

5. Signature (Addressee) -----
 6. Signature (Agent) -----

5. Signature (Addressee) -----
 6. Signature (Agent) -----

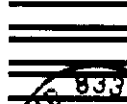
PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

MAY 27 1998
DEPT. OF WATER RESOURCES
SOUTHERN REGION

MAY 5 1998
MICROFILMED

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1841 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

TR 4855

4a. Article Number

1791

BILLIE L VANDEVER
1350 W 550 S
BURLEY ID 83318

MICROFILMED
AUG 05

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991

*U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

Official Business

MAY 27 1998

MICROFILMED

RECEIVED
MAY 27 1998
Department of Water Resources
Southern Region

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1941 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ADDRESS completed?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

1792

3. Article Addressed to: TR 4855

HAWLEY A HARRISON JR
450 S 1250 W
HEYBURN ID 83336

MICROFILM
AUG 05 1991

4. Service Type

- ☒ Registered ☐ Insured
☒ Certified ☐ COB
☐ Signature Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-22-98

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

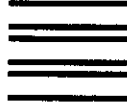
PS Form 3811, December 1991

*U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

MAILED
AUG 6 1988
MAY 26 1988
MICROFILMED
U.S. DEPARTMENT OF THE INTERIOR

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ADDRESS completed

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *TR 4855*

4a. Article Number

1793

CLAY E HARRISON
350 S 1250 W
HEYBURN ID 83336

MACROFILM

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-22-98

85

8. Addressee's Address (Only if requested and fee is paid)

5-22-98

85

Signature (Addressee)

Signature (Agent)

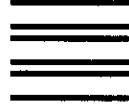
PS Form 3811, December 1991

*U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

Aug 5 1998
MICROFILMED

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

MAR 26 1998

Print your name, address and ZIP Code here
IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ADDRESS completed

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

1794

3. Article Addressed to:

TR 4855

MARTIN MUECKE
1250 W 300 S
HEYBURN ID 83336

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

Dec 27 1998

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

Martin Muecke

PS Form 3811, December 1991

©U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

MAY 28 1998
AUG 05 1999
MICROFILMED

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your RETURN ADDRESS completed?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

7R 4855

4a. Article Number

1795

RUSSELL PINCOCK
299 S 1150 W
HEYBURN ID 83336

WINCHOC LIMITED

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-27-98

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991

*U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

AUG 05 1998

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

DEPT. OF WATER RESOURCES

MAY 28 1998

Department of Water Resources
Southern Region

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Your RETURN ADDRESS completed on the reverse side.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: *TR #855*

4a. Article Number

1796

JOHN L MEADE
1150 W 375 S
HEYBURN ID 83336

NOV 05 1998
AIR MAIL

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-32-98

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)
 e. Signature (Agent)
John L Meade

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RECEIVED
MAY 26 1993
MICROFILM
AUG 05 1993
DEPARTMENT OF WATER RESOURCES

Print your name, address and ZIP Code here
IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your **RETURN ADDRESS** completed on the

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

1797

3. Article Addressed to: TR 4855

DWIGHT LEE
1190 W 400
HEYBURN ID 83338

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-22-98

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)
Dwight Lee

6. Signature (Agent)

PS Form 3811, December 1991

*U.S. GPO: 1989-352-714

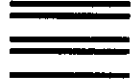
DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

Print your name, address and ZIP Code here

• IDAHO DEPARTMENT OF WATER RESOURCES
1941 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

Is your **RETURN ADDRESS** completed?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **TR 4855**

4a. Article Number

1798

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

TIMOTHY C EILERS
1109 W 3085
HEYBURN ID 83336

7. Date of Delivery

5-22-98 RS

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

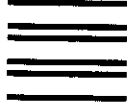
Don Eilers

PS Form **3811**, December 1991 *U.S. GPO: 1983-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

Official Business

MAY 26 1998 8661
AUG 05 1998 6561
MICROFILMED

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2 Shoshone Street East • Twin Falls, Idaho • 83301-6105



~~BONNIE ARKQOSH
C/O C/TOM ARKQOSH ESQ
PO BOX 72
GOODING ID 83930~~



NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ Registered
☐ Insured
☐ COD
☐ Certified

Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	1788 ✓	Melvin Osborn Am/5-14-98	32	13	10	27						
2	1789 ✓	Billie C Vandever Aug. 4m/5-21-98										
3	1790 ✓	Norm Samanto, Esq.										
4	1791 ✓	Billie L Vandever										
5	1792 ✓	Hawley Harrison Jr										
6	1793 ✓	Clay Harrison										
7	1794 ✓	Martin Muecke										
8	1795 ✓	Russell Pincock										
9	1796 ✓	John Meade										
10	1797 ✓	Leighton Lee										
11	1798 ✓	Timothy Gilers										
12												
13												
14												
15												
Total Number of Places Listed by Sender		Total Number of Places Received at Post Office		POSTMASTER, PER (Name of receiving employee)								

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

MICROFILMED
Aug 5 1999

REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

PS Form 3877, Feb. 1982

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U. S. GOVERNMENT PRINTING OFFICE: 1984-443-136



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 20, 1998

ATTN SYLVIA LUJAN
EAST MINICO JR HIGH
1805 H STREET
RUPERT ID 83350

Dear Sylvia:

This is a follow-up to our telephone conversation to confirm the reservation of the Library for a meeting to be held by this office on July 7 & 8, 1998 from 9:00 a.m.- 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Senior Secretary

MICROFILMED

AUG 05 1999

From: DWR60::AMERRITT 18-MAY-1998 12:16:54.67
To: DWR03::GSAXTON
CC: AMERRITT
Subj: Vandever pre-hearing conference

FROM: Allen Merritt DATE: May 18, 1998
TO: Transfer File #4855
In the Name of Billie C. Vandever

SUBJECT: Pre-hearing conference

This day I conducted a pre-hearing conference for the subject transfer. Billie C. Vandever and his wife Vicki were present and were represented by Norm Semanko. The following protestants were present: Timothy Eilers
Clay Harrison
Emma & Hawley Harrison
John Meade
Martin Muecke
Billie L. & Virginia Vandever (applicant's parents)
Russell Pincock

Protestant, Dwight Lee was not present. He was reported to be temporarily in California.

The applicant explained the application and the protestants described their concerns. All protestants indicated that they felt that their domestic wells would be injured. Apparently when the original Vandever well was developed they contend that it affected their wells. Many of the wells have had to be recently deepened so any new burden on the system they feel will injure their domestic wells. The domestic wells range from 1/4 mile to 2 miles away from the Vandever irrigation well.

At the conference Billie C. indicated that it was his intention not to increase diversion capacity but only to irrigate the extra acres.

Other issues include conservation of water. (Harrisons contend that irrigation of land has washed sediment on to their land so application is not in good conservation application of water.)

Another issue is the ownership of the intended point of diversion. There is a dispute between Billie L. & Billie C. over ownership of the home place and they have recently been to court over this issue. Billie C. indicated prior to the conference being set that this had been resolved. At the conference Virginia Vandever indicated that the decision is expected soon but it is not yet resolved. She expects that her son will get the place but questioned whether we would issue a transfer if the place was returned to Billie L. & her. I told her the transfer would not decide ownership but approval may bear on the ownership. I told her that if the ownership in the well was obtained in her and her husbands name that any approval of the transfer would not in itself force them to allow their son use of the well. That would be the matter of some other proceeding.

After discussion of the matter it was determined that the applicant

wanted to proceed and the protestants did not want to withdraw. We then discussed setting a hearing. It was determined that July 7th would work for all attending. We also discussed exchange of documents and witness lists. We decided that mailing by June 26th as a deadline would work. During the discussion Mrs. Harrison asked about video tapes. I called Glen and discussed this matter. It was decided that if she makes copies and provides the parties copies prior to hearing (June 26th) as well as takes care of the video equipment at the hearing it would be ok.

I provided copies of rules for all who wanted one. We then ended the conference.

MICROFILMED

AUG 05 1999

Glen 2021266

June 29 - July 1

July ⑦ - 9

Chas Hamilton 1 1/2 - 2 miles, domestic
concess

Harley Hamilton 1/4 mile domestic
1/2 mile domestic

333 - 375

pump 410 - 420' pumply from

2 miles water

Tim Eilers - 2 1/2 miles, injury

John Merde 2 miles, injury domestic

Mutler Maercke 420' deep domestic
2 miles

Virginia
Mrs. Vanderer - ownership

Bill Vanderer Sr. - Expansion of
old well capacity

lower, 350 - 475
@ same place (Sus. house)

Russell Pincott 2 miles, - lowering water
400' table.

MICROFILMED

AUG 05 1999

RE: TR# 4855 (36-02600 etc); VANDEVER, Billie C.

PLACE: IDWR Conference Rm; Southern Regional Office

DATE: Monday-May 18, 1998 at 9:00 a.m.

CONFERENCE OFFICER: Allen D. Merritt

ASSISTED BY:

PLACE: IDWR Conference Rm; Southern Regional Office

DATE: Monday-May 18, 1998 at 9:00 a.m.

CONFERENCE OFFICER: Allen D. Merritt

ASSISTED BY:

ROSTER OF ATTENDANCE

[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 4855

Billie C. Vandever,
Applicant

Billie L. Vandever, Hawley Harrison,
Clay Harrison, Martin Muecke,
Russell Pincock, John Meade,
Dwight Lee, Timothy Eilers,
Protestants

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: groundwater

COUNTY: Minidoka

On May 16, 1996 Billie C. Vandever, applicant, filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants.

The Department has set the matter of protest for conference on Monday-May 18, 1998 at 9:00 a.m. in the Conference Room, Idaho Department of Water Resources Southern Regional Office, 1341 Fillmore Street, Suite 200; Twin Falls, ID 83301.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 1st day of May, 1998.


Allen D. Merritt, P.E.
Regional Manager

MICROFILMED

AUG 05 1999

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of May, 1998 a true and correct copy of the foregoing Notice of Pre-hearing Conference was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary Baldwin
Secretary

BILLIE C VANDEVER
413 S 1250 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

BILLIE L VANDEVER
RT 2 BOX 130-L
HAZELTON ID 83335

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

HAWLEY A HARRISON JR ✓
450 S 1250 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

CLAY E HARRISON ✓
350 S 1250 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

MARTIN MUECKE ✓
RT 1 BOX 1422
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

RUSSELL PINCOCK ✓
299 S 1150 W
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

JOHN L MEADE ✓
1150 W 375 S
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

DWIGHT LEE
1190 W 400 S
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

TIMOTHY C EILERS ✓
1109 W 300 S
HEYBURN ID 83336

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

MICROFILMED

AUG 05 1999

FROM: Allen Merritt

DATE: April 27, 1998

TO: TRANSFER 4855 FILE

SUBJECT: PHONE CALL REQUESTING PRE-HEARING CONFERENCE

ON THIS DAY VICKIE VANDEVER CALLED AND INDICATED THAT THEY HAD RESOLVED OWNERSHIP PROBLEMS AND WANTED TO GO THE NEXT STEP IN SETTLING THE TRANSFER. I ASKED IF THEY WANTED A PRE-HEARING CONFERENCE AND THEY INDICATED THEY DID. I ASKED WHEN THEY WERE AVAILABLE AND SHE SAID ANYTIME.

MICROFILMED

AUG 05 1999

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

June 13, 1997 8:07am

CUSTOMER

Vandever Violation

SUBJECT: T36-02600B,-07435B

phone call (x) walk-in (.)

Photos compiled, dated, with descriptions.

cc: files/ADM

MICROFILMED

AUG 05 1999

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

June 11, 1997 11:17am

CUSTOMER

Vandever, Billy C.

SUBJECT: T36-02600B, -07435B

phone call (x) walk-in (.)

I went out to the place of use in Sec 19, T10S, R22E; it appears that water is being diverted to the property, took photos from the same point of observation as last year (the SW corner, looking NE'ly). Photos will be developed and in the file by 13 June 1997.

cc: files/ADM

MICROFILMED

AUG 05 1999

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
June 10, 1997 9:17am

CUSTOMER
Vandever (mother of Billy C.)

SUBJECT: **T36-02600B,-07435B**
phone call (x) walk-in (.)

Mrs. Vandever 678-4686
Mrs. Vandever (mother) called to say Billie C. Vandever is irrigating the land that is still pending approval of transfer. I am slated to go to Boise this a.m., if ADM does not get another person to go out today, I will go out first thing tomorrow morning.

MICROFILMED

AUG 05 1999

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

May 27, 1997 12:55pm

CUSTOMER

VANDEVER Violation

SUBJECT: T36-02600B,-07435B

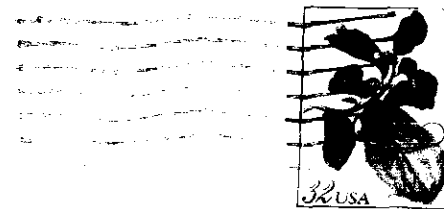
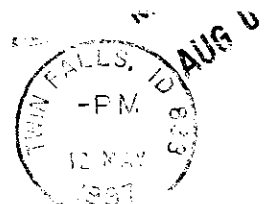
phone call (X) walk-in (.)

Mrs. Vandever 678-4686 Neighbor Mrs. Harrison 678-7931
Mrs. Harrison called per Mrs. Vandever (mother). I called Mrs. Vandever and the following is documented:
Suspect Billie C. Vandever of irrigating the land that is still pending approval of transfer.
Mr. and Mrs. Vandever (mother and father of Billie) are not absolutely sure the land is being irrigated and they will call me in the next 24-36 hrs. with an update. If the land is being irrigated, I will go out immediately to document w/ photographs.

MICROFILMED

AUG 05 1999

Billie C./ Vicki Vandever
413 South 1250 West
Heyburn, Idaho 83336



RECEIVED

MAY 13 1997

Department of Water Resources
Southern Region

Idaho Dept of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho

83301-3380

Attn: Mr. Merritt

RECEIVED

MAY 13 1997

Department of Water Resources
Southern Region

May 10, 1997

Idaho Dept. of Water Resources

Dear Mr. Merritt,

We have received your letter dated May 5, 1997. We still do not have water rights on the 38.2 acre farm we have previously discussed.

We do not intend to put water on this farm until we have the necessary water transfer approval.

We are still having negotiations on this matter. We do not want this pending transfer dropped, and we will notify you when we can proceed with the transfer of water.

Hopefully when water is actually turned on and the parties that are protesting see that this farm is not being watered you will not have to be bothered until we have our "ducks in place". Thank you for your patience with us.

Sincerely,

Billie C. Vander

MICROFILMED
MAY 5 1999



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 5, 1997

Billie C. &/or Vicki Vandever
413 S 1250 W
Heyburn, ID 83336

RE: Protested Transfer #4855
Plans for 1997 Season

Dear Mr. & Mrs. Vandever:

As you know, our office continues to hold your application for transfer No. 4855 filed last year for irrigation of approximately 38.2 acres of land within the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Twp. 10S, Rge. 22E, B.M., in Minidoka County. As you know the application has not been approved and is being held because numerous parties have filed protests against approval of the transfer. Last year I inquired as to whether you wished to proceed to have a conference &/or hearing with regards to this application. At that time I was told by Mrs. Vandever that due to negotiations &/or litigation you did not wish to proceed to have the matter set for conference &/or hearing.

Recently our office has received several inquiries from protestants as to the status of the transfer. I believe these inquiries have been prompted by recent field work observed on the subject lands by the protestants.

At this point I would like to know if you now wish to proceed to hearing with regards to your pending transfer or do you wish to withdraw the application. Additionally, I would like to know what your present plans are with regards to irrigation of the subject lands. **Please respond to our office within 10 days of the date of this letter as to the status of your project and your desire for the disposition of your pending transfer.**

Please note that the department still does not have a water right identified which would allow irrigation of these lands. To irrigate these lands is illegal and will result in fines &/or court action by the department.

If you have questions, please feel free to contact our office.

Sincerely,


Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton & Tim Luke - IDWR (State Office)
Protestants

MICROFILMED
AUG 05 1999

MEMORANDUM

TO: FILE TR #4855, 36-02600B, 7435B (Billie Vandever)
 FROM: Mary Baldwin
 DATE: April 30, 1997
 SUBJECT: Status of Transfer app.

I received a telephone inquiry from one of the protestants, Timothy Eilers (Tele # 438-5118) regarding the status of this protested transfer application.

He stated that he had not received any recent correspondence from the Department nor has he had contact by the applicant and was wondering if the transfer had been approved.

He also stated that the applicant had already seeded a crop this spring on the property in question but WAS NOT YET irrigating.

He would appreciate hearing from the Department as soon as possible.

For <u>Allen</u>	☒
Date <u>Tues</u>	Time <u>8:44</u>
While You Were Out	
M <u>Mr Harrison</u>	
Of	
Phone <u>678-7931</u>	
AREA CODE	NUMBER EXTENSION
Telephoned ☒	Please Call ☒
Came To See You ☐	Will Call Again ☐
Returned Your Call ☐	Wants To See You ☐
Message <u>Protested Vandever transfer.</u>	
<u>Wants hearing set.</u>	
Signed <u>J</u>	

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AUG 05 1999

From: DWR60::AMERRITT 16-SEP-1996 10:09:50.83
To: DWR03::GSAXTON
CC: AMERRITT
Subj: PHONE CONVERSATION WITH VICKI VANDEVER

PER YOUR REQUEST, I PHONED MRS. VANDEVER THIS DAY AND ASKED ABOUT THEIR INTENTIONS REGARDING THE CONSENT AGREEMENT AND SCHEDULING A PRE-HEARING CONFERENCE.

SHE INDICATED THAT YOU SHOULD BE GETTING THE CONSENT AGREEMENT AND CIVIL PENALTY MONEY IN THE MAIL SOON. SHE INDICATED SHE PUT IT IN THE MAIL YESTERDAY.

AS FOR SCHEDULING A PRE-HEARING CONFERENCE FOR THE PROTESTED TRANSFER SHE INDICATED THAT THEY ARE WORKING TO FINALIZE OWNERSHIP PAPERS FOR THE FARM AND WANTED TO GET THAT COMPLETED BEFORE PROCEEDING WITH THE PROTEST PROBLEM. SHE INDICATED THAT THEY WOULD LET ME KNOW WHEN TO SCHEDULE A CONFERENCE.

ALLEN

RECEIVED

AGREEMENT

AUG 15 1996

Department of Water Resources
Southern Region

This agreement between Billie L. Vandever and Virginia R. Vandever, heretofore referred to as Sellers, and Billie C. Vandever and Vicki Vandever heretofore referred to as Buyers. Sellers agree to sell the following described property to Buyers:

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 24: NW $\frac{1}{4}$ SE $\frac{1}{4}$; Lots 1 and 4

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 17: Lot 3 and Tract J

Section 18: Tract L

Section 19: Lots 6,7,8,9 and 10 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPTING THEREFROM the following described Tract:

Beginning at the corner of Sections 18 and 19, Township 10 South, Range 22 East of the Boise Meridian and Sections 13 and 14, Township 10 South, Range 21, East of the Boise Meridian, Minidoka County, Idaho; thence South to North high water line of the Milner Reservoir; thence in an Easterly direction along high water line for 390 feet to the True Point of Beginning;
Thence in an Easterly direction along high water line for 1614 feet, more or less, to a point of intersection of any existing North and South road extended to the high water line of the Milner Reservoir;
Thence along said road in a Northerly direction for 660 feet,
Thence in a Westerly direction on a line parallel with the North shore line of the Milner Reservoir for 1500 feet;
Thence in a Southerly direction for 660 feet, more or less, to the True Point of Beginning.

Section 20: Lots 4 and 5

PARCEL NO. 3:

TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 18: Tract A, EXCEPTING THEREFROM the following described Tracts:

TRACT NO. 1:

Beginning at the Northwest corner of Tract A and the Northeast corner of Tract B;
Thence South 3°24' East 1630.86 feet along the line between Tract A and Tract B to a point which is the brass cap between

AUG 05 1996

Tract B and Tract F;
 Thence North 62°15'22" East 1460.55 feet to a point;
 Thence North 69°11'22" East 344.93 feet to a point;
 Thence North 0°38'45" West 308.74 feet to a point on Lateral D;
 Thence North 59°10' West 994.16 feet along Lateral "D" to a
 point on the county road right of way;
 Thence North 89°30' West 367.62 feet along section line to
 the quarter corner of said Section 18;
 Thence North 89° 31' 30" West 487.08 feet along section line to
 the True Point of Beginning

TRACT NO. 2:

Beginning at the North quarter section corner of said Section
 18, said corner marked by a 5/8 inch rebar; thence south 89°
 30' East (Basis for Bearing) along the section line for
 367.62 feet to a P.K. nail; thence South 59°10' East along
 the centerline of an irrigation lateral for 994.16 feet to a
 1/2 inch rebar which shall be the Point of Beginning;
 Thence South 0°04'50" West (South 0°38'45" East recorded) for
 301.16 feet to a 1/2 inch rebar;
 Thence South 47°09'49" East for 542.76 feet to the centerline
 of the main canal;
 Thence North 4°53'00" West for 636.15 feet;
 Thence South 85°08' West for 248.16 feet;
 Thence North 59°10' West for 112 feet to a 1/2 inch rebar which
 is the point of Beginning.

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY,
 IDAHO

Section 18: Tracts H, J and K

Section 19: Tract A and Lot 5

Including, houses, trailers, sheds, corrals, grainries, and all
 irrigation equipment on said property.

Buyers agree to purchase above described properties with payments as
 follows: (Purchase Price \$485,596.61; January 1, 1989 Down payment \$40,000.)

Balance \$445,596.61	
November 1, 1989, \$10,000	January 1, 1990, \$30,028.90
November 1, 1990, \$10,000	January 1, 1991, \$30,028.90
November 1, 1991, \$10,000	January 1, 1992, \$30,028.90
November 1, 1992, \$20,000	January 1, 1993, \$30,028.90
November 1, 1993, \$20,000	January 1, 1994, \$30,028.90
November 1, 1994, \$20,000	January 1, 1995, \$30,028.90
November 1, 1995, \$20,000	January 1, 1996, \$30,028.90
November 1, 1996, \$20,000	January 1, 1997, \$30,028.90
November 1, 1997, \$20,000	January 1, 1998, \$30,028.90
November 1, 1998, \$20,000	January 1, 1999, \$30,028.90
November 1, 1999, \$20,000	January 1, 2000, \$30,028.90
November 1, 2000, \$20,000	January 1, 2001, \$30,028.90

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AUG 05 1999

November 1, 2001, \$20,000	January 1, 2002, \$30,028.90
November 1, 2002, \$20,000	January 1, 2003, \$30,028.90
November 1, 2003, \$20,000	January 1, 2004, \$30,028.90
November 1, 2004, \$20,000	January 1, 2005, \$30,028.90
November 1, 2005, \$20,000	January 1, 2006, \$30,028.90
November 1, 2006, \$20,000	January 1, 2007, \$30,028.90
November 1, 2007, \$20,000	January 1, 2008, \$30,028.90
November 1, 2008, \$12,243.42	January 1, 2009, \$30,028.90
	January 1, 2010, \$10,491.00
	January 1, 2011, \$10,491.00
	January 1, 2012, \$10,491.00
	January 1, 2013, \$10,491.00
	January 1, 2014, \$10,491.00
	January 1, 2015, \$10,491.00
	January 1, 2016, \$10,491.00
	January 1, 2017, \$10,491.00
	January 1, 2018, \$10,491.00
	January 1, 2019, \$10,491.00
	January 1, 2020, \$10,491.00
	January 1, 2021, \$10,491.00
	January 1, 2022, \$10,491.00
	January 1, 2023, \$10,491.00
	January 1, 2024, \$10,491.00
	January 1, 2025, \$10,491.00
	January 1, 2026, \$10,491.00
	January 1, 2027, \$10,491.00
	January 1, 2028, \$10,491.00

A total purchase price of \$485,596.61.

Seller agrees to use moneys paid by buyer to make scheduled payments to Farmers Home Administration, and to Thurlow Smith to satisfy debts on said property.

If at anytime Seller and Buyer agree to make early payoff or additional payment to seller. Payoff Schedule B. must be used in place of original agreed payment schedule A. Seller has option of A or B as he desires when confronted with additional payments or payoff other than original schedule A payments.

Schedule A

Purchase Price	\$485,596.61
F.H.A.	\$176,660.00
Thurlow Smith	\$164,355.16
Balance	\$144,581.45
Downpayment	\$ 40,000.00
New Balance	\$104,581.45

@ 18% interest

Schedule B

Purchase Price	\$588,000
F.H.A.	\$176,660.00
Thurlow Smith	\$164,355.16
Balance	\$246,984.84
Downpayment	\$ 40,000.00
New Balance	\$206,984.00

@ 7% interest

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AUG 05 1999

Schedule A Part II and Schedule B Part II Numbers are the same.

Schedule A Part II and Schedule B Part II

November 1, 1989	\$10,000.00	January 1, 1990	\$30,028.90
" 1, 1990	\$10,000.00	" 1, 1991	\$30,028.90
" 1, 1991	\$10,000.00	" 1, 1992	\$30,028.90
" 1, 1992	\$20,000.00	" 1, 1993	\$30,028.90
" 1, 1993	\$20,000.00	" 1, 1994	\$30,028.90
" 1, 1994	\$20,000.00	" 1, 1995	\$30,028.90
" 1, 1995	\$20,000.00	" 1, 1996	\$30,028.90
" 1, 1996	\$20,000.00	" 1, 1997	\$30,028.90
" 1, 1997	\$20,000.00	" 1, 1998	\$30,028.90
" 1, 1998	\$20,000.00	" 1, 1999	\$30,028.90
" 1, 1999	\$20,000.00	" 1, 2000	\$30,028.90
" 1, 2000	\$20,000.00	" 1, 2001	\$30,028.90
" 1, 2001	\$20,000.00	" 1, 2002	\$30,028.90
" 1, 2002	\$20,000.00	" 1, 2003	\$30,028.90
" 1, 2003	\$20,000.00	" 1, 2004	\$30,028.90
" 1, 2004	\$20,000.00	" 1, 2005	\$30,028.90
" 1, 2005	\$20,000.00	" 1, 2006	\$30,028.90
" 1, 2006	\$20,000.00	" 1, 2007	\$30,028.90
" 1, 2007	\$20,000.00	" 1, 2008	\$30,028.90
" 1, 2008	\$12,243.42	" 1, 2009	\$30,028.90
		" 1, 2010	\$10,491.00
		" 1, 2011	\$10,491.00
		" 1, 2012	\$10,491.00
		" 1, 2013	\$10,491.00
		" 1, 2014	\$10,491.00
		" 1, 2015	\$10,491.00
		" 1, 2016	\$10,491.00
		" 1, 2017	\$10,491.00
		" 1, 2018	\$10,491.00
		" 1, 2019	\$10,491.00
		" 1, 2020	\$10,491.00
		" 1, 2021	\$10,491.00
		" 1, 2022	\$10,491.00
		" 1, 2023	\$10,491.00
		" 1, 2024	\$10,491.00
		" 1, 2025	\$10,491.00
		" 1, 2026	\$10,491.00
		" 1, 2027	\$10,491.00
		" 1, 2028	\$10,491.00

Whenever seller should die, scheduled payments to Seller from Buyer are to be forgiven and terminated. Buyer pays taxes on said property to Seller, and Seller likewise agrees to pay those moneys to the respective County Assessors.

Buyer also agrees to lease to Seller, house and forty acres East of the river farm shop for one dollar per year for as long as Seller desires.

If one of the Sellers die, the other must continue with this agreement.

Seller also agrees to give Buyer first option to purchase the following described property; unless Seller desires to give said property to family member.

AUG 05 1999

Beginning at the corner of Sections 18 and 19, Township 10 South, Range 22 East of the Boise Meridian and Sections 13 and 14, Township 10 South, Range 21, East of the Boise Meridian, Minidoka County, Idaho; Thence South to the North high water line of the Milner Reservoir; thence in an Easterly direction along the high water line for 390 feet to the True Point of Beginning;
Thence in an Easterly direction along high water line for 1614 feet, more or less, to a point of intersection of any existing North or South road extended to the high water line of the Milner Reservoir;
Thence along said road in a Northerly direction for 660 feet'
Thence in a Westerly direction on a line parallel with the North shore line of the Milner Reservoir for 1500 feet;
Thence in a Southerly direction for 660 feet, more or less, to the True Point of Beginning.

This agreement is binding on all heirs of the two parties. The payment for lease on Kaysworm property will be paid by buyer to seller who in turn will pay the payment to the Kaysworm party. Use of the two drinking water wells and corrals and graineries is granted to seller by buyer.

Sellers

Buyers

Billie J. Vandewer

Billie Vandewer

Virginia K. Vandewer
Notary Public

Vicki Vandewer

December 31, 1988
Wm. Gene Hansen
Paul, Idaho

MICROFILMED

AUG 05 1999

August 14, 1996

TIMELINE FOR VANDEVER NOV & TRANSFER APPLICATION

DATE	ACTION
5/9/96	Phone call from Mrs. Billie L. Vandever to ADM complaining of son's action.
5/9/96	Phone call from H.A. Harrison to DJ complaining of potential illegal water use.
5/10/96	Field visit by ADM. Land being cleared and leveled.
5/10/96	Letter sent to Billie C. Vandever warning of violation if land irrigated without water right.
5/14/96	Phone call from mother indicating her son using water at night.
5/16/96	Billie C. Vandever visits office & files transfer application.
5/17/96	Transfer applic. staffed by Stanton with questions about what rights should be included.
5/19/96	Phone call from Harrison complaining of illegal use.
5/19/96	Field visit by ADM verifying use of water.
5/24/96	Letter of complaint from Harrison about illegal use.
5/28/96	Letter to Gillette, copy to Vandever, from ADM asking for clarification about rights being leased to Vandever.
6/13/96	Office visit by Jerry Gillette to clarify rights involved and affect on other rights. He indicated he would provide documentation about other partners going along with lease. (Not yet submitted)
6/21/96	Letter to Vandever from ADM acknowledging Gillette response.
6/21/96	NOV signed by NYoung and sent with letter by Saxton.
6/28/96	Field visit by ADM & GS. Land being irrigated.
7/1 & 7/8	Transfer advertised. Protest period ends 7/18.
7/16/96	Transfer Protested by Billie L. Vandever (father).
7/17/96	Transfer Protested by H.A. Harrison.

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AUG 05 1999

7/17/96 Transfer Protested by Clay Harrison.
7/17/96 Transfer Protested by Martin Muecke.
7/17/96 Transfer Protested by Russell Pincoch.
7/17/96 Transfer Protested by John Meade.
7/17/96 Transfer Protested by Dwight Lee.
7/17/96 Transfer Protested by Timothy Eilers.
7/29/96 Letter to Vandever from John Homan warning of court
action and advising to respond to set compliance
conference.
7/31/96 Field visit by GS. Land being irrigated.
8/5/96 Letter from Vandever requesting compliance
conference.
8/6/96 Letter to Vandever setting compliance conference for
8/15.
8/13/96 Field visit by ADM. Sprinklers off. Grain appears
to be ready for harvest.

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AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

BILLIE C VANDEVER
413 S 1250 W
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855

Dear Mr. Vandever:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

BILLIE L VANDEVER
RT 2 BOX 130-L
HAZELTON ID 83335

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

HAWLEY A HARRISON JR
450 S 1250 W
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

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Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

CLAY E HARRISON
350 S 1250 W
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

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Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MARTIN MUECKE
RT 1 BOX 1422
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

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If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

RUSSELL PINCOCK
299 S 1150 W
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

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Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JOHN L MEADE
1150 W 375 S
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

DWIGHT LEE
1190 W 400 S
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

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Very truly yours,

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Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

July 25, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

TIMOTHY C EILERS
1109 W 300 S
HEYBURN ID 83336

RE: APPLICATION FOR TRANSFER NO. 4855, 36-02600B, 36-07435B
(Billie C. Vandever)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

AUG 05 1999

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

JUL 18 1996

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-311, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer No. 4855
2. Name of protestant Timothy C. Eilers
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1109 W 300S, Heyburn Id. 83336
5. Service telephone no. 208-438-5118
6. Basis of protest (including statement of facts and law upon which the protest is based)
Causing injury to domestic water right by lowering of water level in domestic wells which has dropped in recent years causing additional expense to domestic users. I have had to lower my pumping depth in 1994/see
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Denial of Transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 18 day of July, 19 96

Timothy C. Eilers
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
AUG 05 1999

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by PLS Date 18 July 96 Time 1337 hrs.
\$25.00 fee Received by PLS # 5019356 Date 18 July 96

MICROFILMED
AUG 05 1999

INVOICE

Allen Pump, Inc.
922 South 1900 East
Hazelton, Idaho 83335

Date	Invoice
9 May 94	1226

Bill To: Tim Eilers
320 South 1100 West
~~Paul, Idaho 83347~~
Heyburn 83336

PO Number	Terms	Project
	Net 10	

Quantity	Description	Rate	Amount
1	10P4F02T 1 1/2hp Pump 2L9312-4080 1M93K	852.00	852.00
1	5-year Sta-rite warranty	25.00	25.00
2	Scotch 33+ tape	3.25	6.50
3	No. 10 Sta-kon Connectors	0.25	0.75
1	1 1/4" bell reducer	2.55	2.55
1	1" x 6" nipple	1.50	1.50
1	1 1/2 hp Sta-rite panel	85.00	85.00
3	labor	30.00	90.00
6	No. 8 sta-kon connectors	0.60	3.60
21	1 1/4" x 21' galvanized pipe	1.50	31.50
21	No. 8-3 wire	1.75	36.75
1	labor 1990	30.00	30.00
<i>pd by mail ck# 7129 5-17-94</i>			
Thank you for your business. Your 5-year warranty will come by mail from Sta-rite, Inc.		TOTAL:	1,165.15

BALANCE DUE: 1,165.15

MICROFILMED
AUG 05 1999

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

JUL 17 1996

Department of Water Resources

This form may be used to file a protest with the department under sections 42-106B, 42-203A, 42-204B, 42-205, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Billie C Vandever Water transfer 4955
 2. Name of protestant Dwight Lee
 3. Protestant's representative for service (If different than protestant)

 4. Service mailing address 1190 West 400 South Heyburn, Id. 83336
 5. Service telephone no. 678-7955
 6. Basis of protest (including statement of facts and law upon which the protest is based)
Lack of water in aquifer

- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Disallow transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 17 day of July, 19 96.

PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

AUG 05 1999

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by MB Date 7/17/96 Time 330 pm
\$25.00 fee Received by MB # 5019345 Date 7/17/96

MICROFILMED
AUG 05 1999

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

JUL 17 1996

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if the protestant provides the same information.

Department of Water Resources
Southern Region

1. Matter being protested _____
2. Name of protestant John S Meade
3. Protestant's representative for service (If different than protestant) _____
4. Service mailing address 1150 West 375 South Heyburn, Id. 83336
5. Service telephone no. 678-7953
6. Basis of protest (including statement of facts and law upon which the protest is based)
Lack of water in aquifer
7. What would resolve your protest? Deslow Transfer

(additional pages may be attached to describe the nature of the protest)

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 17 day of July, 1996.

John S. Meade
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
AUG 05 1996

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by MB Date 7/17/96 Time 3:30 pm
\$25.00 fee Receipted by MB # 5019344 Date 7/17/96

MICROFILMED

AUG 05 1999

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

JUL 17 1996

This form may be used to file a protest with the department under sections 42-108B, 42-202A, 42-203A, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Bullier C Vandever
2. Name of protestant Russell Concock
3. Protestant's representative for service (if different than protestant)

4. Service mailing address 2995 1150 W Heyburn ID 83336
5. Service telephone no. 438-5609

6. Basis of protest (including statement of facts and law upon which the protest is based)

Lack of water in aquifer
There is well going dry all around us

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest?

Russell transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 17 day of July, 1996.

Russell Concock
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
AUG 05 1999

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by MB Date 7/17/96 Time 3:30 pm
\$25.00 fee Receipted by MB # 5019343 Date 7/17/96

MICROFILMED
AUG 05 1999

RECEIVED

JUL 17 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

Department of Water Resources

Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer Application No. 4855 in the name of Bellie R Vandever
2. Name of protestant Martin Muecke
3. Protestant's representative for service (If different than protestant)
4. Service mailing address RT 1 Box 1422 Heyburn, ID 83336
5. Service telephone no. 738-5649

6. Basis of protest (including statement of facts and law upon which the protest is based)

The water table has dropped in this area since the well was put in. Our ^{Domestic} well had to be lower 2 times since we homesteaded in 1957. All the ^{A+B} wells in this area have dropped.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Stop putting new well and stop increasing existing wells

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of July, 1996.

Martin Muecke
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
AUG 05 1999

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by MB Date 7/17/96 Time 330 pm
\$25.00 fee Received by MB # 5019346 Date 7/17/96

MICROFILMED

AUG 05 1999

MARTIN OR LORRAINE MUECKE
RT. 1, BOX 1422 PH. 438-5849
HEYBURN, ID 83336

92-155/1241
040203638

1365

DATE July 16, 1996

PAY TO THE ORDER OF Dept of Water Resources Office
Southern Region

\$ 25.00
Twenty five no 100 DOLLARS

MEMO Transfer no 4855
protest of Billie Vorden

12410155504 020363 8 1365

BOY BANK of Idaho
Post Office
P.O. Box 900
Paul, Idaho 83347
1-800-878-8283

SAFETY PAPER

MICROFILMED
AUG 05 1999

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

JUL 17 1996

Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203B, 42-203C, 42-203D, 42-203E, 42-203F, 42-203G, 42-203H, 42-203I, 42-203J, 42-203K, 42-203L, 42-203M, 42-203N, 42-203O, 42-203P, 42-203Q, 42-203R, 42-203S, 42-203T, 42-203U, 42-203V, 42-203W, 42-203X, 42-203Y, 42-203Z, 42-204, 42-205, 42-206, 42-207, 42-208, 42-209, 42-210, 42-211, 42-212, 42-213, 42-214, 42-215, 42-216, 42-217, 42-218, 42-219, 42-220, 42-221, 42-222, 42-223, 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water Right TRANSFER #4855
 2. Name of protestant Clay E. Harrison
 3. Protestant's representative for service (If different than protestant)

 4. Service mailing address 350 S. 1250 W. Heyburn, Id. 83336
 5. Service telephone no. 438-5165
 6. Basis of protest (including statement of facts and law upon which the protest is based)
The water table in this area has Reached a critical level. Further depletion of the aquifer will drop the water level so my domestic well can no longer pump water.
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? denying the water transfer and limiting the amount of water this well can draw from the aquifer.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 17 day of July, 19 96.

Clay E Harrison
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

AUG 05 1999

NOTE:

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INSTRUCTIONS

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2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by TF Date 7/17/96 Time 4:00 pm
\$25.00 fee Received by MB # 5019351 Date 7/18/96

MICROFILMED
AUG 05 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

JUL 17 1996

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested TRANSFER of Water # 4855 Billie C. Vandevier
2. Name of protestant Hawley A. Harrison, JR.
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 450 S. 1250 W Heyburn, Id 83336
5. Service telephone no. (208) 678-1931
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attachment

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Do not Issue Permit #4855

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16th day of July, 19 96.

Hawley A. Harrison, Jr.
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
AUG 05 1999

NOTE:

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INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by TF Date 7/17/96 Time 4:00 p.m.
\$25.00 fee Receipted by MB # 5019352 Date 7/18/96

MICROFILMED

AUG 05 1999

#6 BASIS OF PROTEST

ISSUE #1) ARE OTHER WATER RIGHTS INJURED BY THE TRANSFER?

YES. This is a critical water area. The water table has dropped 85 feet since the original well has been pumped. The Hawley A. Harrison, Jr. well has been re-drilled 75 to 90 feet since the well was drilled in 1957. The Byron E. Mineer well went dry in 1983 and had to be re-drilled approximately 85 feet. Most all of the domestic and a number of irrigation wells in a 12 mile square mile area have become non-productive. The withdrawal of additional water from the Vandever well would be detrimental to the domestic water supply in this area.

ISSUE #2) DOES THE CHANGE CONSTITUTE AN ENLARGEMENT IN THE USE OF THE ORIGINAL WATER RIGHT?

YES. The original water right was for 125", it was increased to approximately 150" by an amendment. .53 cfs would increase it to more than 200".

ISSUE #3) IS THE CHANGE CONSISTENT WITH THE CONSERVATION OF WATER RESOURCES WITHIN THE STATE OF IDAHO?

NO. The Snake River aquifer is over subscribed and additional land should not be put in production to be irrigated by ground water.

ISSUE #4) DOES THE CHANGE CONFLICT WITH THE LOCAL PUBLIC INTEREST?

YES. With the water table in this area being lowered consistently by excessive pumping and the cost of approximately \$3000.00 to re-drill a well when it dries up, is an economical burden for the other water rights holders in this area. Mr. Billie C. Vandever is in flagrant violation of the Idaho Water Law as he has been irrigating the land in question since June 1, 1996 without a permit.

MICROFILMED
AUG 05 1999

Hawley Harrison - Att.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

JUL 16 1996

Department of Water Resources
 Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer # 4855 Billie C Vandoren
2. Name of protestant Billie C Vandoren
3. Protestant's representative for service (If different than protestant)

4. Service mailing address Route # 2 Box 1306 Hazelton ID 83335
5. Service telephone no. 678-4686

6. Basis of protest (including statement of facts and law upon which the protest is based)

see attached sheet,

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? we object to this transfer
nothing would resolve it. Except this
transfer would be denied.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16th day of July, 1996.

Billie C Vandoren
 PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

AUG 05 1999

NOTE:

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INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. 4855 in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by C SKINNER Date 07/16/96 Time 2:10 pm
\$25.00 fee Receipted by C.S. # 5019341 Date 07/16/96

MICROFILMED
AUG 05 1999

We are the owners of the well to which this water right is to be transferred to. To add this additional water to be pumped from our well would constitute a breach in the contract we have because it would be adding 38 acres more ground to be watered than we agreed to when we drilled the well. We cannot agree to let water from our well be diverted to some other individual's ground, and we do not feel anyone has a legal right to do this. We feel changes would inevitably have to be made in the well itself to adequately water that much acreage and we will never agree to that. The well is pumping to capacity now and the pressure is low at the present time while this illegal pumping is going on.

7-16-96 Billie L. Henderson

RECEIVED

JUL 16 1996

Department of Water Resources
Southern Region

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AUG 05 1999

SOUTH IDAHO PRESS
BURLEY, IDAHO

96-321

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

Notice is hereby given that BILLIE C. VANDEVER, 413 S 1250 W; HEYBURN ID 83336 has filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4855 is to temporarily transfer water to irrigate farm ground recently purchased by changing point of diversion, place of use and splitting water rights.

Water Right No. 36-02600B (0.18 cfs) with a priority date of 1/20/1965 and Water Right No. 36-07435B (0.35 cfs) with a priority date of 1/25/1974 will be diverted from an existing well within SE1/4NW1/4SW1/4, S18, T10S, R22E; Minidoka County to irrigate 38.2 acres within NW1/4NE1/4, NE1/4NW1/4, S19, T10S, R22E. A total of 0.53 cfs of water is being transferred.

Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 18, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 1 1996

Department of Water Resources
Southern Region

I, first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in which the paper is of general circulation therein. Deponent has read the printed notice attached hereto was duly published according to the provisions of the South Idaho Press for 100 consecutive week(s), the issue dated July 1, 1996, and ending with the issue of July 1, 1996.

Kary D Miller

Published in the South Idaho Press on July 1st of 1996 in the year of 1996 before me, a Notary Public, personally appeared Kary D Miller, 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.

Laura K. Bunn
Notary Public for Idaho

Residing at: Keyed, Idaho

My commission expires: 6-28-2000

Cost of Publication 34.50

Notary Fee 50

Total Cost 35.00

OK
MB
7/12/96

RECEIVED

Experts are analyzing the data
that will help
ing it from Utah and Nevada, in
day and Wednesday - and are
shington - as Idaho Power did
ditional power from Oregon and

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

RECEIVED

County of Cassia)
) ss
STATE OF IDAHO)

JUL 12 1996

Department of Water Resources
Southern Region

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager 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 two consecutive week(s), commencing with the issue dated July 1 1996, and ending with the issue dated July 8 1996.

Kary D Miller

STATE OF IDAHO)
COUNTY OF)
Minidoka)
)

On this 11th day of July in the year of 1996 before me, a Notary Public, personally appeared Kary D Miller, 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.

Jana K Burns
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 34.50
Notary Fee .50
Total Cost 35.00

OK
MB
7/12/96

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AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

June 21, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

BILLIE C VANDEVER
413 S 1250 W
HEYBURN ID 83336

Re: Application for Transfer No. 4855 (36-02600 Pt, 36-07435 Pt)

Dear Mr. Vandever:

The Department of Water Resources acknowledges receipt of your Application for Transfer and acknowledges Mr. Gillette's response to my May 28th letter.

This office has scheduled advertising the application in The South Idaho Press for 7/1 and 7/8/96. The advertisement 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. Please note that to divert water before final approval is not authorized.

Prior to sending your application to the department's state office for final review, please provide evidence showing authorization to use the well as the transfer proposes has been granted by the owner of record of the land which the well is appurtenant.

Once forwarded to the state office, their 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,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

MICROFILMED

AUG 05 1999

FROM: Allen Merritt

DATE: June 21, 1996

TO: Transfer File #4855

SUBJECT: Conversation with Jerry Gillette

On around ^{June} July 13th Jerry Gillette came in and acknowledged the implications of processing the application as drafted on the other rights in his PPU. I told him that if approved we would reduce the size of the PPU for the other affected rights. He understood that would be the case. We also discussed the need to document in the file the other partners going along with the agreement. He said he would provide that information.

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**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

Notice is hereby given that BILLIE C. VANDEVER, 413 S 1250 W; HEYBURN ID 83336 has filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4235 is to temporarily transfer water to irrigate farm ground recently purchased by changing point of diversion, place of use and splitting water rights.

Water Right No. 36-02600B (0.18 cfs) with a priority date of 1/20/1965 and Water Right No. 36-07435B (0.35 cfs) with a priority date of 1/25/1974 will be diverted from an existing well within SE1/4NW1/4SW1/4, S18, T10S, R22E; Minidoka County to irrigate 38.2 acres within NW1/4NE1/4, NE1/4NW1/4, S19, T10S, R22E. A total of 0.53 cfs of water is being transferred.

Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 18, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on
7/1 & 7/8/96.

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AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

June 19, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

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. If time allows, please submit a galley proof for review before publication.

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.

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

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

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AUG 05 1999

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that BILLIE C. VANDEVER, 413 S 1250 W; HEYBURN ID 83336 has filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4855 is to temporarily transfer water to irrigate farm ground recently purchased by changing point of diversion, place of use and splitting water rights.

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Karl J. Dreher, Director

Published in the South Idaho Press on 7/1 & 7/8/96.

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AUG 05 1999

OK
AD—



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

May 29, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

H. A. HARRISON
450 S 1250 W
HEYBURN ID 83336

RE: Protest on Billie C Vandever transfer

Dear Mr Harrison:

We have received your letter, dated 5/24/96, in which you state your objection against approval of the Vandever transfer. The letter has been placed in the transfer file for future reference. However, in order for your input to be considered an official "protest" you will need to complete the attached form and submit it with a \$25 protest fee. The protest process will provide you with an opportunity to participate in a conference &/or hearing and to present your facts and evidence.

Review of the transfer application has not been completed, it has not been assigned a transfer number, and it is not going to be advertized in the next week. I believe that your letter adequately identifies the matter to which you object and would suffice for information requested in item #1. However, you may wish hold off filing the official protest form until the matter is advertised in the South Idaho Press and you can then reference the specific transfer number to eliminate any ambiguity.

Item #6 requests information about the basis or nature of the protest. The enclosed brochure lists the four issues which IDWR can consider in a contested transfer. In addition to, or in place of, your entries in item #6 you may choose to attach a copy of your 5/24 letter to the form and reference it in item #6.

Please note that you need to send the applicant a copy of the protest form. If you have any questions please contact us.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

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AUG 05 1999

enc

cc: Allen Merritt
file

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May 24, 1996

MAY 29 1996

Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, Id. 83301

Department of Water Resources
Southern Region

Re: Irrigation Well
Sec. 18 & 19 T10S. R. 22E
Minidoka Co. Idaho
Owner: Billie L. Vandever
Renter: Billie C. Vandever

Mr. Allan Merritt,

In April of 1996, Billie C. Vandever purchased a 40 acre parcel of ground, removed the brush and planted grain and now proposes to transfer water from another water right to this well to irrigate this parcel of ground. This 40 acres was not included in the A & B Irrigation District project because it is class 8 ground and it has never had a water right. Billie C. Vandever plans to pump water for this 40 acres from the pump that has a water right for 150 acres making 190 acres which is over 25% increase over his allotment.

We are opposed to this increase in water removed from the aquifer. The above irrigation well is in a critical water area. Every household in the area has had to deepen their domestic well from 40 to 80 feet and the water table has dropped from 75 to 100 feet. Most of the domestic wells in the area have had to be re-drilled and we are reaching a critical level again.

We request that Billie C. Vandever be prohibited from pumping more water from this well than is in his original water right and that a flow meter be installed and monitored.

We vehemently protest this increased water right and any increase in water drawn from this well.

Ed. Lammie, Jr.
450 ~~South~~ 1250 West
Hyden, Idaho 83336

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AUG 05 1999

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MAY 29 1996

Department of Water Resources
Southern Region

May 24, 1996

Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, Id. 83301

Re: Irrigation Well
Sec. 18 & 19 T10S. R. 22E
Minidoka Co. Idaho
Owner: Billie L. Vandever
Renter: Billie C. Vandever

Mr. Gary Jones,

In April of 1998, Billie C. Vandever purchased a 40 acre parcel of ground, removed the brush and planted grain and now proposes to transfer water from another water right to this well to irrigate this parcel of ground. This 40 acres was not included in the A & B Irrigation District project because it is class 6 ground and it has never had a water right. Billie C. Vandever plans to pump water for this 40 acres from the pump that has a water right for 150 acres making 190 acres which is over 25% increase over his allotment.

We are opposed to this increase in water removed from the aquifer. The above irrigation well is in a critical water area. Every household in the area has had to deepen their domestic well from 40 to 80 feet and the water table has dropped from 75 to 100 feet. Most of the domestic wells in the area have had to be re-drilled and we are reaching a critical level again.

We request that Billie C. Vandever be prohibited from pumping more water from this well than is in his original water right and that a flow meter be installed and monitored.

We vehemently protest this increased water right and any increase in water drawn from this well.

H. L. Vandever

450 South 1250 West

Heyden Idaho 83336

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AUG 05 1999

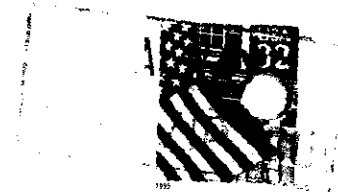
HA Harrison, Jr.
450 S 1250 W
Heyburn, Id 83336

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AUG 05 1999

ATT: Gary Jones

MICROFILMED
AUG 05 1999

IDAHO DEPARTMENT OF WATER RESOURCES
222 Shoshone E.
Twin Falls, Id. 83301



RECEIVED

MAY 29 1996

Department of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 28, 1996

Jerry Gillette
Three G's Farms
Rt 2 Box 2512
Paul, ID 83347

RE: Application for transfer by Billie C. Vandever

Dear Mr. Gillette:

As you know our office has received an application for transfer in the name of Billie C. Vandever proposing to move portions of licenses 36-02600 and 36-07435 reported to be owned by Three G's Farms. The transfer is based on an agreement dated May 16th, 1996 whereby Mr. Vandever is granted the use of a portion of the above described rights until November 15, 1998. The application proposes to dry up 38.2 acres in pivot corners on your land and allow irrigation of 38.2 acres on the Vandever property.

A review of the water rights finds that these rights are presently being recommended in the Basin 36 Director's Report in the Snake River Basin Adjudication (SRBA) within a permissible place of use (PPU) totalling 1108 acres. This PPU also has rights 36-07046 and 36-11412 appurtenant. All rights are being recommended in the name of Jerry Gillette &/or Perry Gillette &/or Randy Gillette.

In processing transfers in the test basins of the SRBA we have been given direction that normally all rights included in a PPU must be proportionately transferred if a transfer is proposed. However, if it is your desire only to deal with licenses 36-02600 and 36-07435, please note that in doing so, the PPU for rights 36-07046 and 36-11412 will also be reduced by 38.2 acres.

To move forward with the pending application I request that you:

Work out an agreement with Vandever to transfer proportionate shares of all four rights appurtenant to PPU and file amended transfer application,

or

acknowledge in writing that reduction of PPU to 1069.8 acres for rights 36-07046 and 36-11412 is acceptable.

Additionally, since the SRBA claims are in the name of Jerry/Perry/Randy Gillette please provide documentation of how this ownership relates to Three G's Farms and

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provide evidence that Jerry can act for all interests.

Please respond within 10 days of the date of this letter.

Please also note that the transfer proposes to be temporary in nature; ie, rights to be moved back after 1998. For this to happen it will be necessary to file another transfer to move the rights back after 1998. It is not clear who is responsible to get this done but this needs to be worked out between you and Mr. Vandever.

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

Sincerely, .



Allen Merritt, PE
Southern Region Manager

CC: Billie C. Vandever

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AUG 05 1999

From: DWR60::AMERRITT 18-MAY-1996 13:17:18.35
To: DJONES
CC: AMERRITT
Subj: vandever transfer applic

doug

jim stanton has looked the transfer application over and says it cannot be processed as drafted. i disagree. could you look into this with jim johnson. my thoughts are that since the agreement specifies two specific rights we should honor the agreement. just because it is in a ppu we should not be limited to deal with all the rights. i think we can work around the situation with conditions.

thanks!! the file is on my desk.

allen

see you on wednesday.

TO: Allen Merritt

DATE: May 17, 1996

FROM: Jim Stanton

SUBJECT: Billie Vandever App. for Transfer

Upon review of this application, two problems immediately became evident. As this is in a Director's Report basin, the transfer needs to be based on the SRBA rights. Also, this is a permissible place of use; all four rights on the system must be involved. I have therefore prepared a new application to reflect the proper methodology. Since the agreement with Gillette does not reflect all of these rights, it may need to be redone. You may want to have Mr. Vandever OK the replacement application.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Billie C. Vandever Phone 678-2179
Post Office address 412 S 1250 W, Heyburn, ID 83336

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 Split rights
2. Describe the reason for the proposed changes Move water from CRP ground to new P/U for 3 years. This will cover the recent expansion of applicant's irrigation system.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-----------|--------------------------|------------------------------|----------------------------|
| 36-026008 | 1-20-1965 | 0.23 cfs | Irrig. | 4-1 to 10-31 |
| 36-070468 | 12-9-1968 | 0.10 cfs | " | " to " |
| 36-074568 | 1-25-1974 | 0.17 cfs | " | " to " |
| 36-114128 | 4-1-1984 | 0.03 cfs | " | " to " |
| 2. Total amount of water being transferred | | 0.50 | cubic feet per second and/or | 152.8 acre-feet per annum. |
| 3. Source of water | | Groundwater tributary to | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 28.2

DRAFT

PART 1**6. General Information:**

a. Description of diversion system Existing well & 200 hp motor, pump, extended main-
line to new P/U. License 36-07108 covers this well.

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. 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:

Old P/U is pivot corners & is in CRP thru 1998.

d. Remarks:

These water rights should revert to the original property after 11-15-
1998.

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 _____.

MICROFILMED

AUG 05 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-02600 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 Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 1-20-1965

5. Water is used for the following purpose:

amount 6.55 cfs for Irrig. purposes from 4-1 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 6.55 cubic feet per second and/or 1888 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	12	8S	22E	Minidoka	
	NE	NW	NW	13	"	"	"	
	SE	NE	SW	"	"	"	"	

8. Lands irrigated or place of use: ppu of 472 acres/annum

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	
8S	22E	12	37	37	40	40					37	39	35	38	40	40	40	40	465
		13	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
		14	23																23

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AUG 05 1999

Total acres 1108

9. Describe any other water rights used for the same purpose as described above 36-07435, 11412, 7046

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.23 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2, A, 7

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

3. Lands irrigated or place of use: ppu of 16.3 ac/ft/annum

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	
8S	22E	13							6.5			6.5							13
		12		6.6	5.6					4.5					2.5	6.0			25.2

Total acres 38.2**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 6.32 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2, A, 7

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

3. Lands irrigated or place of use: ppu not to exceed 455.7 ac/annum

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	
8S	22E	12	39	30.7	34.4	40					32.5	39	35	38	40	32.5	34	40	439.8
		13	40	37	40	37	38	39	33.5	40	40	33.5	36	39	38	40	39	37	607
		14	23																23

Total acres 1069.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-07046 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 Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 12-9-1968

5. Water is used for the following purpose:

amount 2.98 cfs for Irrig. purposes from 4-1 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 2.98 cubic feet per second and/or 852 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	12	8S	22E	Minidoka	
	NE	NW	NW	13	"	"	"	
	SE	NE	SW	"	"	"	"	

8. Lands irrigated or place of use: ppu of 213 acres/annum

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	
8S	22E	12	39	37	40	40					37	37	35	38	40	40	40	40	465
		13	40	37	40	37	38	37	40	40	40	40	36	39	38	40	37	37	620
		14	23																23

MICROFILMED
 AUG 15 1999

Total acres 1108

9. Describe any other water rights used for the same purpose as described above 36-02600, 36-7435, 11412

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.10 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use: PPU of 7.3 acres/annum

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	
85	22E	13							6.5			6.5							13
		12		6.6	5.6						4.5					2.5	6.0		25.2

Total acres 38.2

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

1. amount 2.88 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use: PPU not to exceed 205.7 ac/annum

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	
85	22E	12	39	30.4	34.4	40					32.5	39	35	38	40	37.5	34	40	439.8
		13	40	37	40	37	38	39	33.5	40	40	32.5	26	29	38	40	39	37	607
		14	23																23

MICROFILMED

AUG 05 1999

Total acres 1067.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-07435 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 Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 1-25-1974

5. Water is used for the following purpose:

amount 5.03 cfs for Irrig. purposes from 4-1 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 5.03 cubic feet per second and/or 1412 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	12	85	22E	Minidoka	
	NE	NW	NW	13	"	"	"	
	SE	NE	SW	"	"	"	"	

8. Lands irrigated or place of use: ppu of 353 acres/annum

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	
85	22E	12	39	37	40	40					37	37	35	38	40	40	40	40	465
		13	40	37	40	37	38	37	40	40	40	40	36	37	38	40	37	37	620
		14	23																23

MICROFILMED
AUG 15 1999

Total acres 1108

9. Describe any other water rights used for the same purpose as described above 36-02600, 11412, 7046

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.17 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use: PPU of 12.2 acres/annum

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	
85	22E	13							6.5			6.5							13
		13		6.6	5.6						4.5					2.5	6.0		25.2

Total acres 38.2

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

1. amount 4.86 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use: PPU not to exceed 340.8 ~~acres~~ acres/annum

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	
85	22E	12	39	30.4	34.4	40					32.5	39	35	38	40	37.5	34	40	439.8
		13	40	37	40	37	38	39	33.5	40	40	33.5	36	39	38	40	39	37	607
		14	23																23

Total acres 1069.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 36-11412 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 Agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 4-1-1984

5. Water is used for the following purpose:

amount 0.84 cfs for Irrig. purposes from 4-1 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 0.84 cubic feet per second and/or 280 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	12	8S	22E	Minidoka	
	NE	NW	NW	13	"	"	"	
				"	"	"	"	

8. Lands irrigated or place of use: PPU of 70 acres/annum

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	
8S	22E	12	39	37	40	40					37	39	35	38	40	40	40	40	465
		13	40	37	40	37	38	39	40	40	40	40	36	39	38	40	39	37	620
		14	33																33

MICROFILMED
 AUG 8 5 1999

Total acres 1108

9. Describe any other water rights used for the same purpose as described above 36-02600, 7435, 7046

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.03 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.7

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

3. Lands irrigated or place of use: PPU of \$2.4 gcras/yr/annum

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	
85	22E	13							6.5			6.5							13
		12		6.6	5.6					4.5					2.5	6.0			25.2

Total acres 38.2

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

1. amount 0.81 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.7

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

3. Lands irrigated or place of use: PPU not to exceed 67.6 acres/yr/annum

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	
85	22E	12	39	30.4	34.4	40					32.5	39	35	38	40	32.5	34	40	432.8
		13	40	37	40	37	38	39	33.5	40	40	33.5	36	39	38	40	39	37	607
		14	23																23

Total acres 1069.8

MICROFILMED
AUG 05 1999

Billie C. Vandever Transfer PPU Methodology

1. Rights - 36-02600	6.55 cfs	472-ac PPU
36-07435	5.03 cfs	353-ac PPU
36-11412	0.84 cfs	70-ac PPU
	~~11.58~~	
36-07046	2.98 cfs	213-ac PPU
	<u>14.56 cfs</u>	<u>1108 ac</u>

2. Problem - Move water from 38.2 acres to new PPU

3. Method - $38.2 \text{ ac} \div 1108 \text{ ac} = 3.448\%$

3.448% of	36-02600 =	0.23 cfs	on	16.3 ac
" of	36-07046 =	0.10 cfs	on	7.3 ac
" of	36-07435 =	0.17 cfs	on	12.2 ac
" of	36-11412 =	0.03 cfs	on	2.4 ac
		<u>0.50 cfs</u>	on	<u>38.2</u>

MICROFILMED
AUG 05 1993

WELL DRILLER'S REPORT JUL 28 1993

State law requires that this report be filed with the Director, Department of Natural Resources, within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

October 16, 1969

Re: Permit Nos. G-32192/36-2600 and G-33370/36-2669

Mr. L. A. Gillette, Jr.
Route 1, Box 96
Paul, Idaho 83347

Dear Mr. Gillette:

Enclosed you will find your Water Licenses issued on the
above numbered permits.

Very truly yours,

C. Stephen Allred, Acting Deputy
State Reclamation Engineer

CSA:kh

Enclosures

32192
36-2600

October 6, 1969

Re: Permit No. G-32192/36-2600

L. A. Gillette, Jr.
Route 1, Box 96
Paul, Idaho 83347

Dear Mr. Gillette:

A representative from this department made an examination of your works covered by permit 36-2600. The works were found capable of producing 6.55 c.f.s. of which 6.55 c.f.s. can be recognized as beneficially used and licensed under Idaho law. The water is used for irrigation of 472 acres within S¹NE¹, S¹NW¹, S¹ Sec. 13, T. 8 S., R. 22 E., B. M.

If you disagree with the findings, please advise within 10 days. Otherwise a license will be issued showing the findings as set forth in this letter.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:kh

Form 9
32192
36-2600

Source of supply SUBTERRANEAN
a tributary of _____
Location of P.D.(s) NELSON SFE 13 85 22 E

Water is used for IRRIGATION
Quantity of water found 6.55 c.f.s.
How was the measurement made? Based upon average nozzle pressures & size
Measurement calculations _____

$$Q = \left(\frac{12 \text{ L.A.P.}}{448.8 \text{ gpm}} \right) \left(\frac{49 \text{ nozzle}}{1} \right) \left(\frac{1.48 \text{ gpm @ 50 PSI}}{1} \right) = 6.55 \text{ c.f.s.}$$

Diversion works description and diagram

100 HP GEELER MOTOR # 04221008 - P5
LAWNE PUMP # 44169
12" DISCHARGE - 12" GATE VALVE - CHECK VALVE
UNDERGROUND MAIN LINE EAST & WEST
INTERCONNECTED WITH 36-2669 200 HP
WILLOUGHBY ELEVATOR # 1380565, LAWNE PUMP
44329

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated _____

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

NA

Who represented the permit holder at the examination?

MR L. A. GILLETTE

Recommended allowance for licensing 6.55 c.f.s.

Description of required amendments. Comments. _____

SEE MAP FOR LR INTENTION

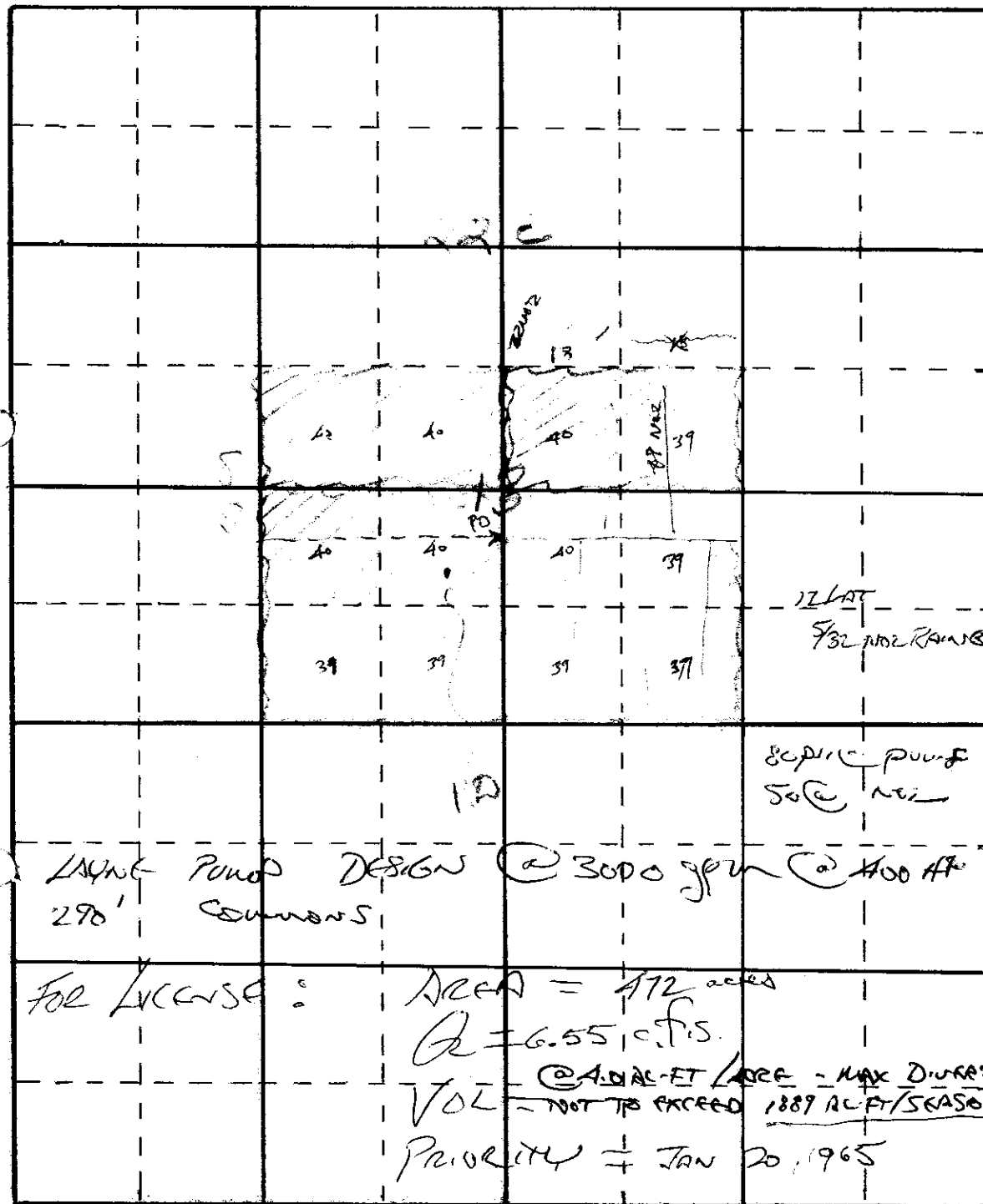
Report checked? _____

Examination date 9-25-69

Signature

Don R. Reynolds

PLAT D2



CALL THE NOTE

Permit No. 36-2600

Name of Applicant L. A. Gillette, Jr., Rt. 1, Box 96, Paul, Ida.

Source of Water Subterranean

a tributary of

Location of P.D. NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 8S., R. 22E., B.M.,
Minidoka County

Water is used for Irrigation

Quantity of water claimed: Permit 7.0 c.f.s. Depositions 6.6 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works There is no measuring device; the water is measured by the number and pressure on the nozzles of the sprinkling system. 400 H.P. motor, 20 in. well casing, depth of well, 400 ft.

Land to be irrigated or place of use:				Description
TWP.	RGE.	SEC.		
8 S	22 E	13	S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ 480 acres	

Total acreage 480

Filed: January 20, 1965 Made: June 11, 1969

Due: January 29, 1970 Priority: January 20, 1965

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

32192
36-2600

RECEIVED

Dear Sirs,

Department of Reclamation

3 Sept. 1969

PH-438-5629
436 492A

In regards to your letter of 5 Aug. 1969
pertaining to our well permits no. G 32192 & G 33370,
you stated an ^{field} examiner must come & make
a field examination. Time is wasting and
we must have this done by 1970. So please
help us complete this. Thank you.

36-260
CB100

(Mrs. L.A. Gillette)

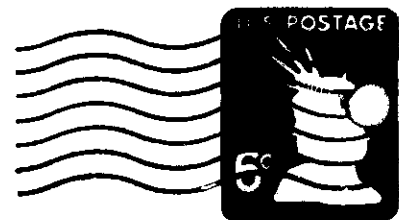
9-16-69

DR

Examined DR

Mrs. L.A. Gillette

MR. L. A. GILLETTE
Rt. 1, Box 96
Paul, Idaho 83347



State of Idaho
Dept. of Reclamation
Statehouse Annex 2
Boise, Idaho 83707

0090-98
06100

August 5, 1969

Re: Permit No. G-32192

L. A. Gillette, Jr.
Rt. 1, Box 96
Paul, Idaho 83347

Dear Mr. Gillette:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

*Exam typed
9-9-69 sc
CANNOT
FIND
EXAM
9-12-69 gms*

32192

36-2600

JUL 17 1969

Department of Reclamation

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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

Ruth DeThomas, 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 July 8, 1969 and
ending with the issue dated July 15, 1969.

Subscribed and sworn to before me this

25th day of July, 1969

John Hunter Notary Public

Cost of Publication \$11.27

Notary Fee

Total Cost \$11.27

32192

36-2608

June 26, 1969

Re: Permit Nos. G-32192 and G-33370

L. A. Gillette, Jr.
Rt. 1, Box 96
Paul, Idaho 83347

Dear Mr. Gillette:

Enclosed you will find that we are returning the modifying orders for the above referenced permits. As these orders modify the original contents and requirements of said permits, they should be attached to same.

Also we have enclosed a copy of the letter to the newspaper in which we have caused the legal notice to be published for permits G-32192 and G-33370. Please note that you are required to obtain an affidavit of publication and submit it to the Department.

Prior to the issuance of the licenses a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the systems. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Orders

Copy of letter to newspaper

32192

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that L. A. Gillette, Jr., Route No. 1, Box 96, Paul, Idaho, has received an approved permit No. G-32192 issued by the Idaho State Reclamation Department authorizing the diversion of 7.0 cubic feet per second of water from a ground source subject to all prior rights. The priority to be established under this permit is January 20, 1965 and the permit was approved January 29, 1965. Water is to be diverted by well, pump, motor and sprinkler system from a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 8 S, R. 22 E, B. M., Minidoka County to be used for irrigation in the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 13, T. 8 S, R. 22 E, B. M. Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 29, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

No. 608 — Published in the Minidoka County News, Rupert, Idaho on July 8 and July 15, 1969.

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

June 26, 1969

Re: Permit Nos. G-32192 and G-33370
L. A. Gillette, Jr.

Minidoka County News
625 Fremont Ave.
Rupert, Idaho 83350

Gentlemen:

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

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

The expense of the publication is to be paid by L. A. Gillette, Jr., Rt. 1, Box 96, Paul, Idaho, 83347,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notice (2)
cc: L. A. Gillette

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

32192

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that L. A. Gillette, Jr., Route # 1, Box 96,

Paul, Idaho, has received an approved permit No.

G-32192 issued by the Idaho State Reclamation Department authorizing the diversion ~~AKKAGE~~ of 7.0 cubic feet per second ~~AKKAGE~~ of water from a ground water source,

subject to all prior rights. The priority to be established under this permit is

January 20, 1965 and the permit was approved January 29, 1965.

Water is to be diverted by well, pump, motor and sprinkler system

from a point within the NE1/4, Sec. 13, T. 8 S, R. 22 E, B.M.,

Minidoka County

to be used for irrigation

in the S1/4, S1/4, SW1/4, SE1/4, Sec. 13, T. 8 S, R. 22 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 29, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Minidoka County News, Rupert, Idaho on

July 8 and July 15, 1969.

State Reclamation Engineer:

Permit No. G-32192

You are hereby authorized to have the attached notice published at may expense in the Minidoka County News of Rupert, Idaho; published in the county in which the works are situated.

L. A. Gillette Jr.
(Signature)

Paul, Idaho
(Address)

17 June 1969
(Date)

32192

June 12, 1969

Re: Permit Nos. G-32192 and G-33370

C
O
P
Y

L. A. Gillette, Jr.
Route # 1, Box 96
Paul, Idaho

Dear Mr. Gillette:

We acknowledge receipt of your affidavits submitted as proof of beneficial use for permits G-32192 and G-33370.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof.

The enclosed orders modify your permits to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notices to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:DR
Enc: Orders
Advertising packages

32192

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32192)

in the name of L. A. Gillette, Jr.)

Route # 1, Box 96, Paul, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

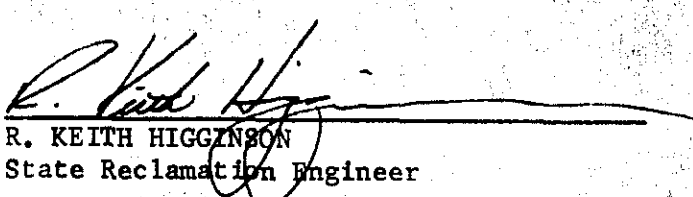
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32192 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 13TH day of JUNE, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32192

RECEIVED

JUN 11 1969

Department of Reclamation
AREA CODE 208
TELEPHONE 878-5574

NIELSON, NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 367
BURLEY, IDAHO 83318

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit Nos. G-33370 & G-32192

Gentlemen:

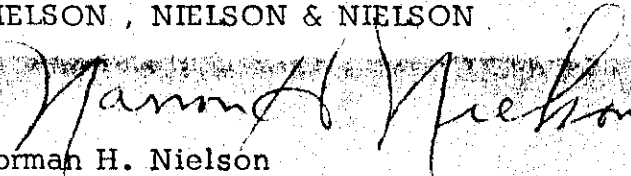
Enclosed you will find the Proof of Application of Water to Beneficial Use under Permit Nos. G-33370 and G-32192.

Would you please process these Proof of Applications? This property is located in Minidoka County.

If you have any questions in regard to the same, would you please let me know?

Very truly yours,

NIELSON, NIELSON & NIELSON


Norman H. Nielson

NHN:nw
Encl.

32192

DRILL RECORD

COMMONS & KING DRILLING COMPANY

Phone 438-8831 or 438-4841

Rupert, Idaho

P.O. Box 128

Drilled For L. I. Gillette Jr. Address Paul, Idaho

Date Started Jan. 27, 1965 Date Finished March 19, 1965 Well #

Size and Depth of Well 20" Well, 402' Deep

Section 32° 13' Township 8-8 Range 22°

Drilled By Jack Tanner and Helper Bill Caulfield

Struck Water at 305' Ft., and it stands at 293' Ft.

Used Casing as Follows: 8' 9" of 24" Casing

From	Depth	To	Formation
0	6'		Top soil and hard pan
6	15		Gray lava, boulders
15	43		Light gray lava, hard
43	48		Brown lava, loose
48	81		Gray lava boulders, loose
81	88		Brown lava, loose
88	109		Gray lava, solid
109	128		Brown lava, loose
128	145		Gray lava, solid
145	165		Brown lava, loose
165	175		Gray lava, solid
175	188		Light brown sandy clay
188	230		Gray lava, solid
230	250		Brown lava, loose
250	280		Gray lava, loose
280	350		Brown lava, loose
350	360		Gray lava, solid
360	370		Red Clay
370	390		Red & black lava, loose, lost 50% of Cuttings
390	395		Yellow clay
395	402		Black lava, loose, lost 90% of cuttings

*This is well log for well on
Permit No 32192*

RECORDED

DEC 27 1966

Department of Reclamation

Signature

R. Common

32192

February 8, 1965

Re: Permit No. G-32192

Mr. L. A. Gillette, Jr.,
Rt. #1, Box 96,
Paul, Idaho.

Dear Mr. Gillette:

We enclose Permit No. G-32192 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9064 which was issued covering payment in the amount of \$ 6.50 for the filing fee of the above mentioned permits ~~together with a~~ \$1.50 refund.

Very truly yours,

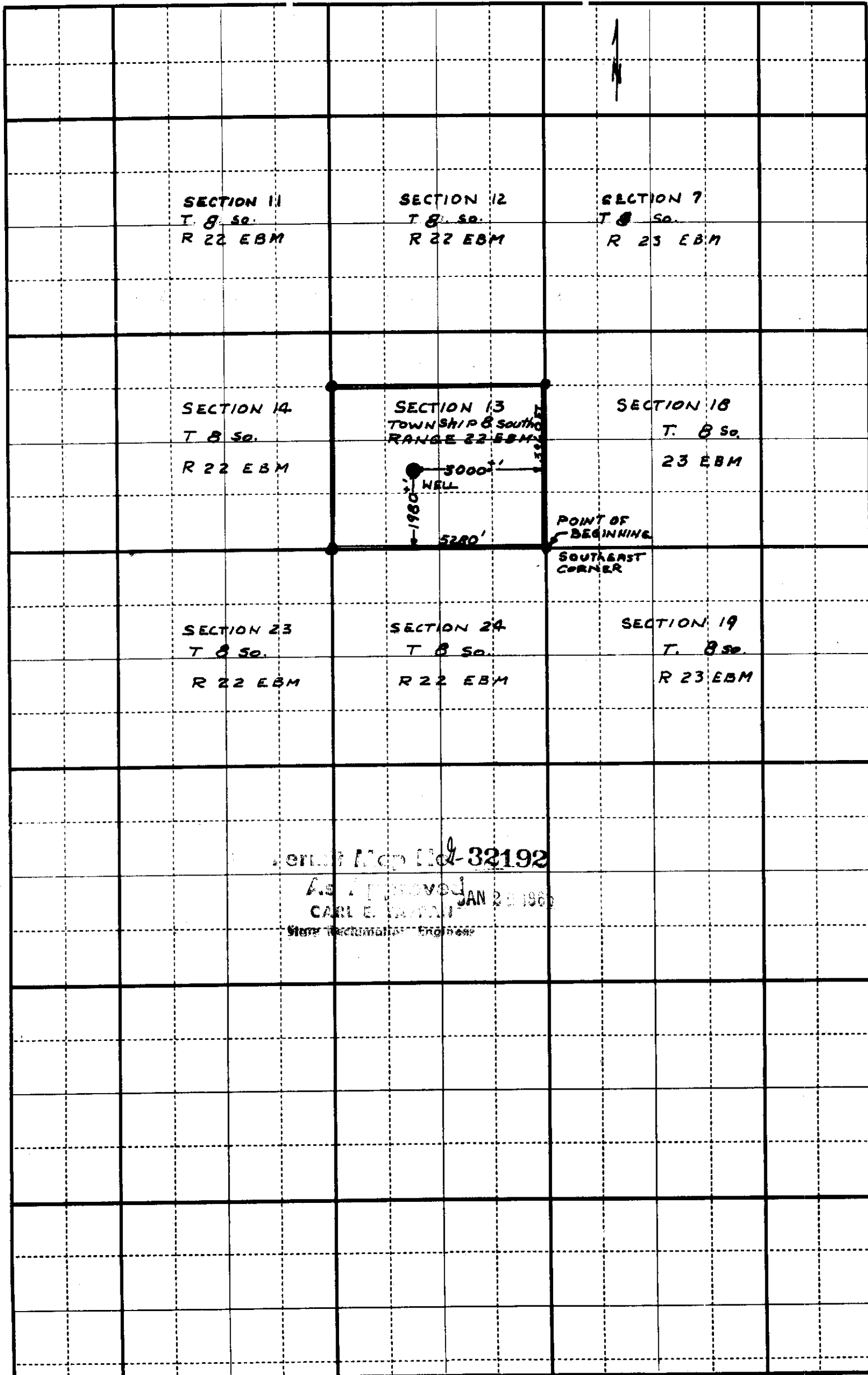
CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

P.S. You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

32192



Original Map No. 32192
A.S. APPROVED
CARL E. SUTTON
State Reclamation Engineer
JAN 28 1960

CREASON & CREASON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350

H. V. CREASON
C. H. CREASON

January 19, 1965

BOX 935
436-4131

RECEIVED
JAN 20 1965

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Gentlemen:

At the request of L. A. Gillette, Jr., we enclose herewith Application for Permit to appropriate the subterranean waters of the state of Idaho in duplicate, together with maps in duplicate and Mr. Gillette's check in the sum of \$8.00.

Trusting you will find this in order and if there be further requirements, kindly advise this office.

Yours very truly

CREASON & CREASON



H. V. Creason

HVC:hc

Encls.

32192