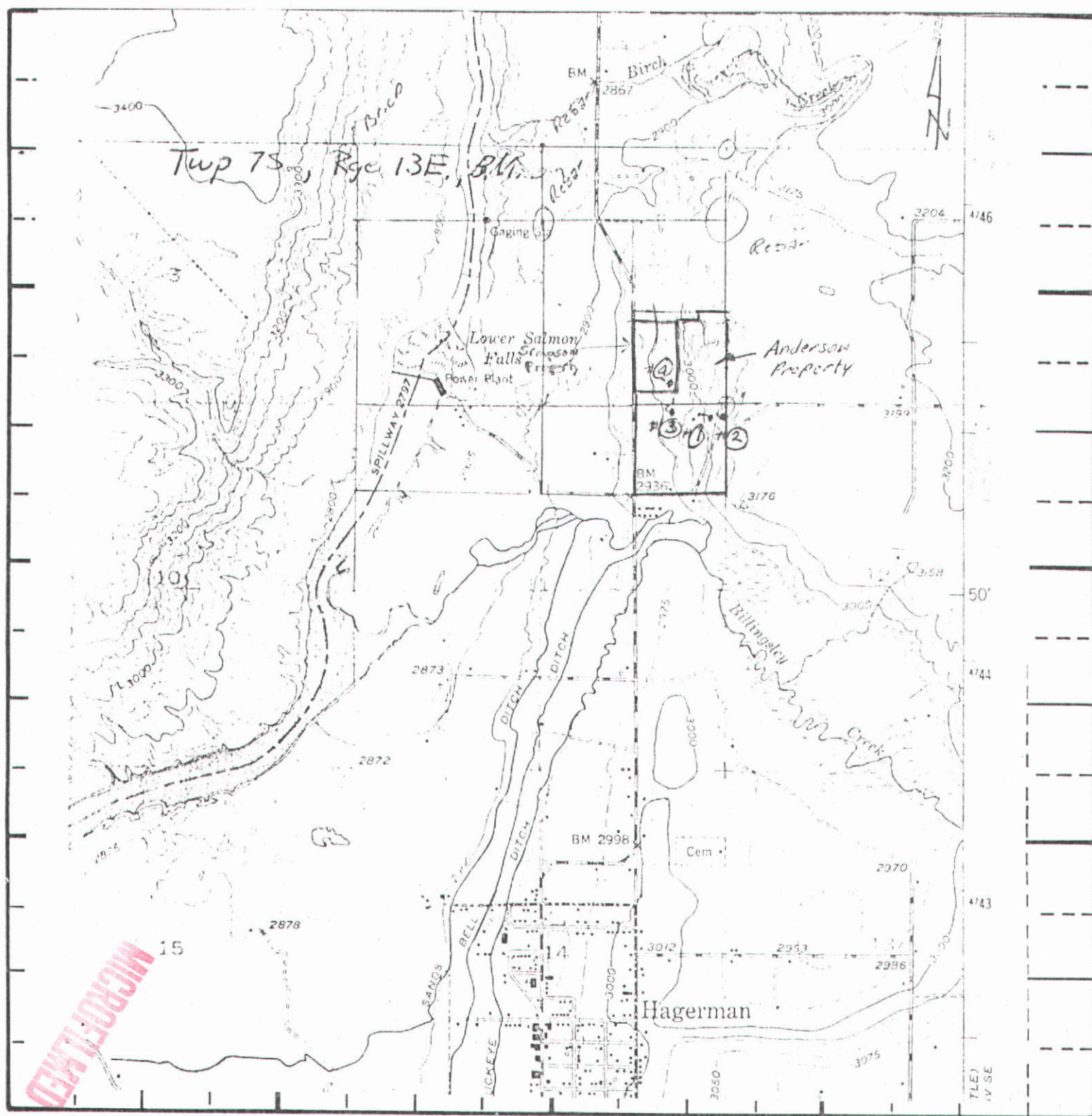


c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Spring #1,2	7S.	13E.	11	40															40
	7S.	13E.	2															21.8	21.8
Spring #4	7S.	13E.	2															14.2	14.2

Total number of acres to be irrigated 76

- Describe any other water rights used for the same purpose as described above. 36-0071
Billingsley Cr. via the John Bell ditch
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Justice, Willa A.		0.2	36-0073
2652	Kneeland, et al.		0.2	36-0073

T R

A

N

S

F

E

R

~~Justice, W. H. A.~~

~~0.2~~

~~36-0073~~

26 52

Kneeland, et al.

0.2

36-0073

CHANGE NATURE OF USE

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

George Kneeland, &/or Sharon Dillon, Jackie Ray Andersen, Terry Lynn
Name of applicant Owen &/or Josephine Simpson & Anita Andersen &/or Andersen Phone 837-4876 Andersen
Post Office address Rt. #2 Hagerman, Ida. 83332

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**36-0072 tru 0075

a. Decree No. _____ Decreed to Willia A. Justice
Banking (Name)
in case of New International Morgage vs Idaho Power Co. Inc.
Southern Div.
dated in March 22, 1932 in District Court county of Gooding
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed

or other evidence of ownership of the land to which the right is appurtenant Willia A. Justice
To Marjorie Justice Thomas To Anita Andersen etal To Owen Simpson
and George Kneeland (Conveyances Attached)

3. Source of water Springs #1, #2, #3, #4 tributary to Billingsley Creek

4. Date of priority June 26, 1881

5. Water is used for the following purposes:

36-0072 amount 0.1 cfs for Domestic & Irrig. purposes from Period of use to
36-0073 amount 0.2 cfs for Irrigation purposes from not listed on Decree. to
36-0074 amount 0.4 cfs for Irrigation purposes from " to "
36-0075 0.3 cfs Irrigation (month/day — both dates inclusive)

6. Total amount of water under right: a. 1.0 cubic feet per second
&/or
b. Spring #1, #2, #3. acre feet per annum

7. Location of original point of diversion is NE 1/4 of NE 1/4 of Section 11

Township 7S. Range 13 E. B.M. in Gooding County

Additional points of diversion, if any Spring #4, SE 1/4 SE 1/4
Section 2, Twp. 7S. Rge. 13E.

8. Lands irrigated or 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	
7S.	13E.	2																36	36
7S.	13E.	11	40																40

Total number of acres to be irrigated 76

Describe any other water rights used for the same purpose as described above 36-0071 Billingsley
Creek

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years
of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. 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	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

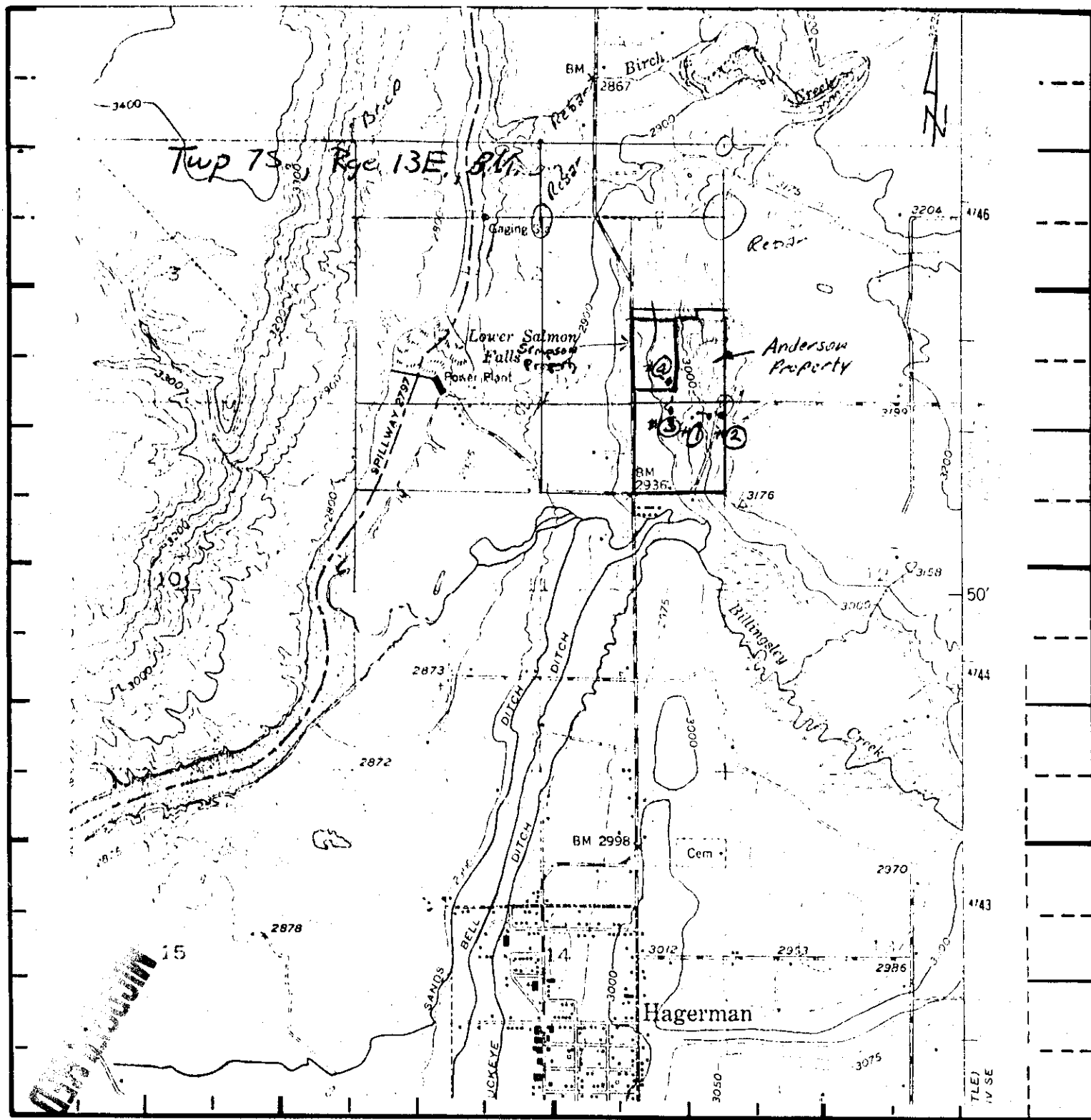
1. General Information 0.7cfs from springs #1, #2, #3.
- a. Amount of water to be diverted ~~0.3 cfs from spr. #4~~ c.f.s. &/or _____ acre feet
- b. Description of diverting works Head box and pipeline for Domestic use
Earth diversion ditch for irrigation.
- c. Describe the reasons for the proposed changes Mrs. Andersen has sold 14.24 acres
of the original place fo use to the Simpsons and desires to
divide the water by giving them the total rights to spring #4
while retaining the total rights to Springs #1, #2, .
The Simpsons also intend to use Spring #4 for Domestic use.
2. Change in point of diversion No change
- Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Change in place of use
- a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Very little affect as all previous lands will still be
irrigated however all sources will ~~on~~ longer be combined

c. Describe the land place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Spring #1,2	7S.	13E.	11	40															40
	7S.	13E.	2															21.8	21.8
Spring #4	7S.	13E.	2															14.2	14.2

Total number of acres to be irrigated 76

4. Describe any other water rights used for the same purpose as described above. 36-0071
Billingsley Cr. via the John Bell ditch
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

Anita Andersen (a widow) has $\frac{1}{2}$ interest in 76 acre Tract along with Sharon Dillon $\frac{1}{5}$ interest, Jackie Ray Andersen $\frac{1}{5}$ interest and Terry Lynn Andersen $\frac{1}{10}$ interest.

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 willfull misrepresentations made in this application may result in voiding its approval.

Anita Andersen
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of January, 1982.

Phyllis M. Custer
(Notary Public)

My commission expires July

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-0072, 36-0073, 36-0074
36-0075 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Right 36-0075 is changed as follows: 0.28 cfs for irrigation of 14 acres and 0.02 cfs for domestic use located within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 7S, Rge. 13E. No more than 56.0 acre feet per annum shall be diverted for irrigation nor more than 0.8 acre feet per annum shall be diverted for domestic use.
2. Use of water under these rights is subject to control by the watermaster of State Water District No. 36A, Billingsley Creek.

Witness my hand this 14th day of January, 19 83.

J. Glen Sayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by marya Date 3/10/82
Prelim. check by marya Fee 50.00 # 22076
Receipted marya Date 3/10/82
Published Gooding Co. Leader
Pub. dates 3/31 + 4/7/82
Watermaster recommendation requested on 3/10/82
rec'd. 3/26/82

Protest filed by None
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by ADW DMB

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
6-cc68 JONES, 6-cc69 DANIEL	13.5 Spring 1 Spring	Feb. 1, 1888 Feb. 1, 1888	Weatherby Springs Weatherby Springs (Hoagland Tunnel)
3-cc70	.5 Unnamed Spring	April 1, 1905	Unnamed Spring

(Said unnamed spring arises on the east boundary line of Lot 2 of the property hereinafter described.)

Lots 1, 2, 3 and 4 and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 30, Twp. 7 S. R. 14 E. B. M. and the E $\frac{1}{2}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M. excepting therefrom Tax No. 1 more particularly described as follows, to-wit:

Beginning at the southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; thence running east 397 feet; thence northwesterly to a point distant 1870 feet on section line from SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section; thence south 1870 feet to place of beginning, containing 9.5 acres.

cc72 JUSTICE, cc73 WILLA A. cc74 cc75	2. Billingsley Creek .1 Spring .2 Spring .4 Spring .3 Spring	June 26, 1881 June 26, 1881 June 26, 1881 June 26, 1881 June 26, 1881	John Bell Ditch Spring No. 1 Spring No. 2 Spring No. 3 Spring No. 4;
--	--	---	--

(Spring No. 1 arises below the public highway on the north part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11. Spring No. 2 arises above said public highway on the north part of said forty acre tract of land. Spring No. 3 arises below the Justice road on the line between said forty acre tract of land and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2 and Spring No. 4 arises about 100 yards north of Spring No. 3 on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 2, all in Twp. 7 S. R. 13 E. B. M.)

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, both in Twp. 7 S. R. 13 E. B. M. excepting from said section 2 a certain portion thereof conveyed to John W. Glauner on November 25, 1924, which portion is more particularly described as follows, to-wit:

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet, thence east parallel to the north boundary line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 832 feet; thence north 208 feet; thence West along the north boundary line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, Township and Range 832 feet to the point of beginning.

16-cc76 LEWELLEN, ROY, AND NETTIE H. LEWELLEN	.6 Billingsley Creek	June 26, 1881	John Bell Ditch
--	----------------------	---------------	-----------------

Beginning at the southeast corner of Lot 2, Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence west along the south boundary of said Lot 2, 7.8 chains to the east boundary of the Hagerman-Bliss Highway; thence north along said east boundary 6.63 chains; thence north 86 degrees 37 minutes east 3.71 chains; thence north 70 degrees 37 minutes east 3.34 chains; thence north 84 degrees 28 minutes east 1.21 chains; thence south 67 degrees 22 minutes east 1.23 chains; thence south 8 degrees 00 minutes east 1.7 chains; thence south 36 degrees 07

RECORDED

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 28, 2003

FILE COPY

Layne Osborne
966 Justice Grade
Hagerman, ID 83332

Re: Water Rights Nos. 36-00071B, 36-00072, 36-00073, and 36-00074

Dear Mr. Osborne:

I have reviewed your letter dated November 22, 2003, and I both appreciate and understand your frustration. There are many people, including myself, that are very concerned about the declining spring flows in the Thousand Springs area.

There is no single factor that is the cause for the declines in spring flows. While certain ground water diversions clearly affect discharges from springs in the Thousand Springs area, improvements in efficiencies of surface water irrigation have resulted in substantial reductions of recharge to the Eastern Snake Plain Aquifer ("ESPA") and these reductions in recharge are more significant than ground water diversions. With the further loss of recharge resulting from reduced surface water supplies during the last four consecutive years of drought, the discharge from many springs has declined to levels that have not been observed over the last decade or longer. Of course, this does not mean that you are not entitled to seek administration of water rights junior in priority to your 1881 rights.

I have enclosed print outs from our database for the four water rights held by you and Judy Osborne. All of the rights authorize the irrigation of certain lands through November 30 of each year. Since the irrigation season is essentially over, a delivery call for distribution of water for irrigation uses under your rights is not practical. However, as you describe in your November 22 letter, each of your four water rights also authorize year-round uses for stockwater and two of your water rights, water rights nos. 36-00073 and 36-00074, authorize year-round use for domestic purposes.

Water right no. 36-00071B authorizes year-round diversion of 0.02 cfs from Billingsley Creek for stockwater. In your letter, you did not describe the supply of water available for this right. Consequently, I presume that the flow of water in Billingsley Creek is adequate to fill this right.

Water right no. 36-00072 authorizes year-round diversion of 0.02 cfs from what's called "Spring No. 1" for stockwater. Again, you did not describe the supply of water available for this

DEC 11 2003

right in your letter. Therefore, I also presume that the flow of water from this spring is adequate to fill this right.

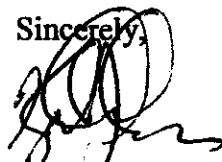
Water right no. 36-00073 authorizes the year-round diversion of 0.04 cfs for stockwater and 0.04 cfs for domestic purposes, as required to satisfy both uses but not to exceed 13,000 gallons per day, from what's called "Spring No. 2." If this spring is discharging 10 gpm or 0.02 cfs, as you described in your letter, it may still be sufficient to provide the maximum authorized volume of 13,000 gallons per day even though the spring discharge may be less than the maximum diversion rate authorized. Consequently, more information is needed concerning use of water under this right.

Water right no. 36-00074 authorizes the year-round diversion of 0.04 cfs for stockwater and 0.04 cfs for domestic purposes, as required to satisfy both uses but again not to exceed 13,000 gallons per day, from two sources called "Spring" and "Spring No. 3." As for water right no. 36-00073, the spring discharge of 0.04 cfs that you described in your letter may still be sufficient to provide the maximum authorized volume of 13,000 gallons per day even though the spring discharge may be less than the maximum diversion rate authorized. Again, more information is needed concerning use of water under this right.

Lastly, you have asked for information about how to make a "CALL ON WATER." I have enclosed a copy of rules promulgated by the Department of Water Resources in 1994 and affirmed by the legislature captioned "Rules for Conjunctive Management of Surface and Ground Water Resources." These rules are applicable in all instances where a delivery call is made by the holder of a senior priority surface or ground water right against the holder(s) of junior priority ground water rights. Rule 30 applies to delivery calls against the holder(s) of junior priority ground water rights that are not in an organized water district, and Rule 40 applies to delivery calls against the holder(s) of junior priority ground water rights that are in an organized water district. There is an organized water district, Water District No. 130, on the ESPA immediately above the Thousand Springs area.

If you wish to pursue this matter further, I would suggest that you contact Cindy Yenter, the watermaster for Water District No. 130. Ms. Yenter can be reached at the Department's regional office in Twin Falls, 1341 Filmore Street, Suite 200, telephone no. (208) 736-3033.

Sincerely,



Karl U. Dreher
Director

Enclosures (5)
copy w/o enclosures to: Cindy Yenter - IDWR, Twin Falls

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"Genuine Idaho"

RECEIVED

NOV 25 2003

Department of Water Resources

Karl Dreher
Director, Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

FILE COPY

November 19, 2003

SeaPac of Idaho owns and operates the Magic Springs Fish Hatchery and holds the following water right numbers associated with this property: 36-7072 (Priority Date of 9/5/69), 36-7866 (Priority Date of 7/11/79) and 36-8356 (Priority Date of 5/9/88). Spring flow rates from the Thousand Springs area have declined substantially from originally recorded flow rates and the Magic Springs facility is currently operating at 70% of its licensed flow. Spring flow reductions in the Thousand Springs Reach occurred during the same period of time that significant ground water pumping capacity was being developed across the Eastern Snake Plain Aquifer.

SeaPac of Idaho cooperated with IDWR wishes and was a signatory to the Interim Stipulated Agreement for the past two years while the Idaho Department of Water Resources was to study the issue. SeaPac of Idaho now believes the IDWR has had time to study this issue and it is time for the Department to take those actions required to protect the rights of the senior priority surface water rights holders in the Thousand Springs Reach.

SeaPac of Idaho has reviewed the Preliminary Mitigation Plan of North Snake Ground Water District and Magic Valley Ground Water District as submitted to your Department and dated October 9, 2003. We believe the Mitigation Plan as written only extends the period of time senior priority water right holders must endure without any option to protect their water rights by making a call as allowed for under Idaho law. The Mitigation Plan offers no realistic remedy to senior priority water right holders in the form of meaningful improvements to spring flows, nor does it offer any financial redress for the loss of business operations to senior priority holders while at the same time allowing unabated operation of businesses holding junior priority water rights.

It is now time for the Idaho Department of Water Resources to step forward and take those actions required to remedy the damage being done to senior priority water right holders by junior priority ground water users on the Eastern Snake Plain Aquifer.

Gary Marquardt

Operations Manager

idwr1103

SeaPac of Idaho MICROFILMED

DEC 11 2003

November 22, 2003

RECEIVED

NOV 24 2003

Department of Water Resources

Karl J. Dreher

Idaho Department of Water Resources

P.O. Box 83720

Boise, Idaho 83720-0098

FILE COPY

I am writing this letter because of my concern for my water rights which all date back to 1881. They are:

36-000¹¹~~17~~B - 36-00072 - 36-00073 - 36-00074

Spring 35-00074 used to irrigate 35 acres with a 25-horse pump. When I bought my place on the Justice Grade, there was the 25 horse plus a 5 horse pump which was added in 1989 to bring water up from the John Bell Ditch to help supply water to the 25 horse pump. I sold the 25-horse pump, and bought the 5-horse pump to irrigate 8 acres that was all the spring could water at that time(1989). Now the spring cannot supply enough water for the 5-horse pump, so the 5-horse pump has been removed. The spring is only producing 20 g.p.m. now or .04 cfs. It has a right of .4 cfs for irrigation.

Spring 36-00073 is my domestic and stock water spring. It has a right of .04 cfs domestic, .04 cfs stock water and .2 cfs for irrigation. It has gone down drastically also. It actually lies above the 36-00074 springs. Higher the spring is the more significant the drop in flow is. It is flowing 10 g.p.m. or .022 cfs as of November 2003. Come next spring, as you know, the low time of the year, it will flow less than that.

My neighbors have all had to dig wells to replace the spring water they use for domestic. They are John Ward, Mildred Culbertson, Bob Hunt, Rudy Kipp and the Billingsley Creek Lodge all on the Justice Grade.

I am not receiving enough water in my spring to satisfy my domestic and stock water rights. I feel you have not done anything to help the springs. They just keep producing less. I'm tired of spending money because of my springs not producing what their rights call for. I bought this place for premium money because of these springs and their value. Therefore I would like to know how to make a **CALL ON WATER** for spring 36-00073 for my domestic and stock water. All my neighbors would like to know

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DEC 11 2003

where they stand also. Please respond immediately so if your response is not satisfactory I can make a CALL ON WATER before the New Year.

I feel I have suffered enough from your neglect in keeping these springs flowing adequately. So now I think you and the pumpers on top should address my situation.

Layne Osborne
966 Justice Grade

Hagerman, ID 83332
1-208-837-6332



① letter rec'd 11/20
response next
few days

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INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 12/15/1982

TO Files 36-0073, 36-0074, 36-0075

SUBJECT Transfer No. 2652

See Water Right File No. 36-0072 for all correspondence regarding the above referenced transfer.

SIGNATURE