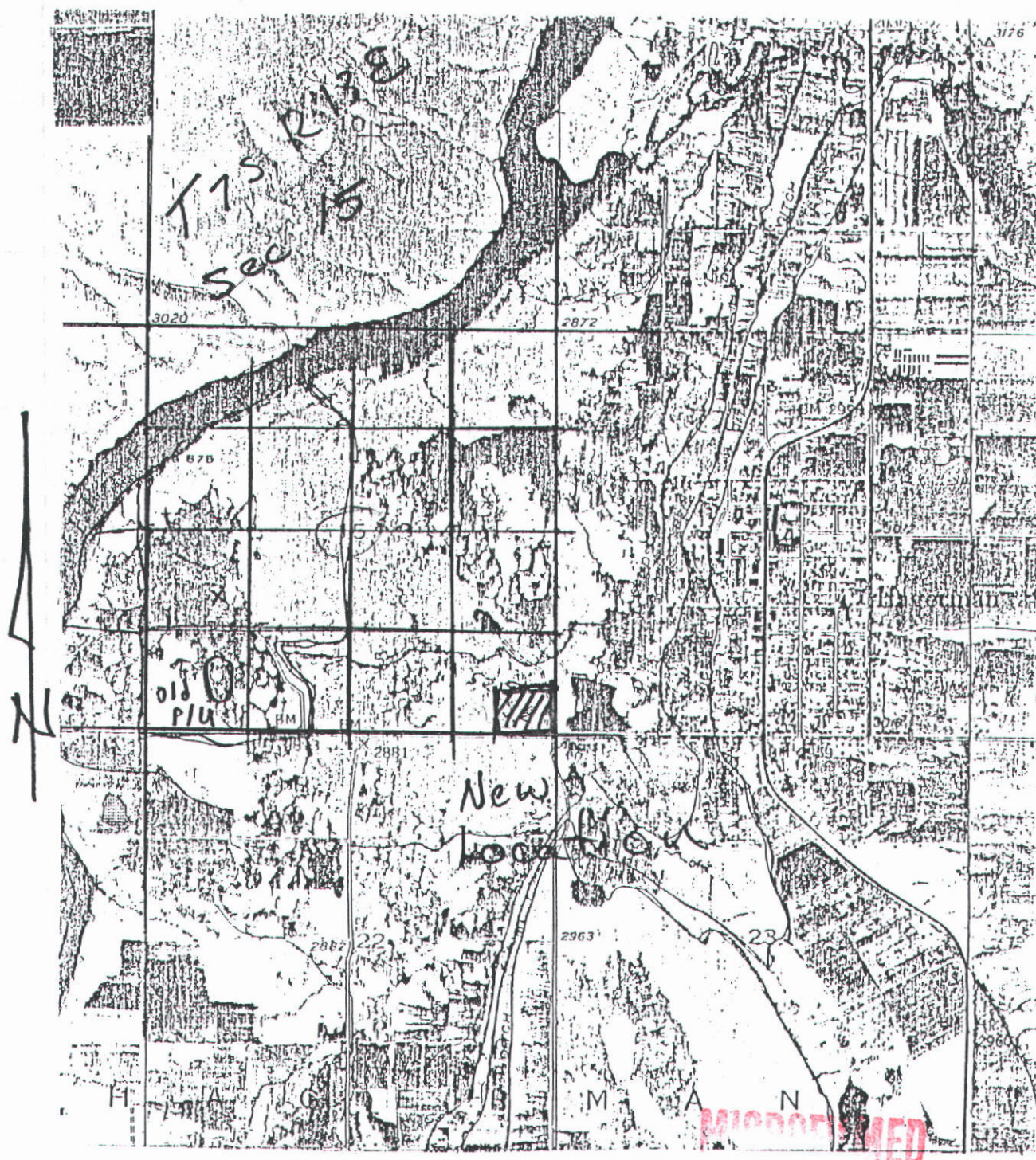


**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- 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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NOV - 7 2003

Department of Water Resources

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

2003 NOV 6 PM 4 24

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

In Re SRBA

Case No. 39576

)  
) ORDER OF PARTIAL DECREE

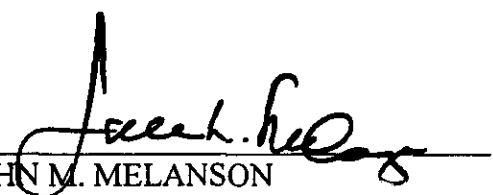
)  
) For Water Right 36-00192

On July 1, 2003, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 36-00192 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 6, 2003.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED

2003 NOV 6 PM 4 24

In Re SRBA )  
 )  
Case No. 39576 )

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

Water Right 36-00192

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING  
C/O PAM WASCHER  
PO BOX 334  
HAGERMAN,, ID 83332-0334

SOURCE: LOWER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 15.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE LOSSES  
DURING THE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO 26.4 CFS  
FOR IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR  
DOMESTIC USE AND 6.34 CFS FOR WILDLIFE USE.  
USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES  
DURING THE NON-IRRIGATION SEASON.  
USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE  
BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 04/01/1906

THE PORTION OF COMBINED WATER RIGHT NOS. 36-133 AND 36-192 IN  
EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS  
SUBORDINATED TO ALL GROUND WATER RIGHTS WITH PRIORITY DATES OF  
DECEMBER 31, 1999 OR EARLIER.

POINT OF DIVERSION: T07S R13E S36 SENWSE Within Gooding County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY  |
|-------------------------------|------------------|----------------|-----------|
|                               | Stockwater       | 01-01 TO 12-31 | 1.03 CFS  |
|                               | Wildlife         | 02-15 TO 11-30 | 6.34 CFS  |
|                               | Wildlife Storage | 01-01 TO 12-31 | 2.50 CFS  |
|                               | Domestic         | 01-01 TO 12-31 | 0.28 CFS  |
|                               | Irrigation       | 02-15 TO 11-30 | 15.00 CFS |

| PLACE OF USE: | Stockwater       | Within Gooding County |
|---------------|------------------|-----------------------|
|               | T07S R13E S15    | SESE                  |
|               | S16 LOT 6 (SWSE) | LOT 6 (SESE)          |
|               | S21 LOT 1 (NENE) | LOT 1 (NWNE)          |
|               | LOT 5 (SENE)     |                       |
|               | S22              | NWNE                  |
|               |                  | SENE                  |
|               |                  | NWNW                  |
|               |                  | SENE                  |
|               |                  | NWSE                  |
|               |                  | SESE                  |
|               | S23              | SENE                  |
|               |                  | NWSW                  |
|               |                  | SWSE                  |
|               | S25              |                       |
|               | S26              | SWNE                  |
|               |                  | NWSW                  |
|               |                  | SWSE                  |
|               |                  | SESE                  |
|               | S27              | NWNE                  |

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

PLACE OF USE (continued)

|                     |        |                       |
|---------------------|--------|-----------------------|
|                     | SWNE   | SENE                  |
|                     | NESE   | NWSE                  |
| S35                 | NENE   | NWNE                  |
|                     | SENE   |                       |
| S36                 | NENW   | NWNW                  |
|                     | SWNW   | SENW                  |
|                     | NESW   | NWSW                  |
|                     | SWSW   | SESW                  |
|                     | NWSE   | SWSE                  |
|                     | SESE   |                       |
| Wildlife            |        | Within Gooding County |
| T07S R13E S21 LOT 1 | (NENE) |                       |
| S22                 | NENW   | NWNW                  |
| S36                 | NWNW   | NESW                  |
|                     | SESW   | NWSE                  |
|                     | SWSE   |                       |
| Wildlife Storage    |        | Within Gooding County |
| T07S R13E S22       | NENW   |                       |
| Domestic            |        | Within Gooding County |
| T07S R13E S21 LOT 5 | (SENE) |                       |
| S22                 | NENE   |                       |

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION AND MINING CO.  
USE OF THIS RIGHT WITH RIGHT NO. 36-133 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

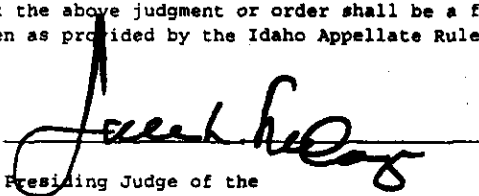
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-133 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-133 INCLUDING ANY TRANSFERS OF THESE WATER RIGHTS.

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

RULE 54(b) CERTIFICATE

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

  
Presiding Judge of the  
Snake River Basin Adjudication

2003 NOV 06 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

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

CERTIFICATE OF MAILING

Water Right(s): 36-00192

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-00192 was mailed  
on November 06, 2003, with sufficient first-class postage prepaid  
to the following:

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

STATE OF IDAHO  
Represented by:  
CLIVE STRONG  
NATURAL RESOURCES  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400

BIG BEND IRRIGATION & MINING  
Represented by:  
JOHN K. SIMPSON  
205 N 10TH ST, STE 520  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

CERTIFICATE OF MAILING

SCANNED

NOV 10 2003

PAGE 1  
11/06/03

N SNAKE GROUND WATER DIST, MAY  
NORTH SNAKE GROUND WATER DIST

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

IDAHO DEPT OF FISH & GAME  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

JULIE MURPHY  
Chief Deputy Clerk

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

---

Page 1 of 12STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3880APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

APPROVED

Name of applicant Big Bend Mining & Irrigation Co. & Mining Co. Phone 837-6164  
Post Office address c/o Richard L. Cook, Rt. 1 Box 22, Hagerman, ID 83332

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Sale of water from one stockholder to another Change  
P/U has occurred so that some formerly-dry ground can now be irrigated. Original  
P/U for 10 acres was sold without water shares.  
\* On as determined by SRBA

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

| 1. Right Number | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use   | Period of Use               |
|-----------------|-------------------|-----------------------|--------------------|-----------------------------|
| <u>36-00133</u> | <u>12-17-1903</u> | <u>20.0*</u>          | <u>Irrigation*</u> | <u>3-15</u> to <u>11-15</u> |
| <u>36-00192</u> | <u>4-1-1906</u>   | <u>15.0*</u>          | <u>Irrigation</u>  | <u>3-15</u> to <u>11-15</u> |
| _____           | _____             | _____                 | _____              | _____ to _____              |
| _____           | _____             | _____                 | _____              | _____ to _____              |

2. Total amount of water being transferred 35.0\* cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Upper & Lower Tucker Springs tributary to Riley Creek
4. Point(s) of Diversion: No Change

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

## 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 |        |
| 75   | 13E  | 15   |      |      |      |            |      |      |      |      |      |      | 10   |      |         |      | 10   | 20   |        |
|      |      | 16   |      |      |      |            |      |      |      |      |      |      |      | 10   |         | 4    | 15   | 29   |        |
|      |      | 21   |      |      |      | 17.5<br>15 |      |      |      |      |      |      |      |      |         |      |      | 15   |        |
|      |      | 22   | 3    | 4    | 30   | 25         | 5    |      | 37   | 27   |      |      |      | 3    | 20      |      | 8    | 192  |        |
|      |      | 23   |      |      |      |            |      |      | 25   |      |      |      |      |      |         |      |      | 25   |        |
|      |      | 26   |      | 10   | 17   |            |      |      |      |      |      |      |      |      | 10      | 7    | 10   | 54   |        |
|      |      | 27   | 18   | 7    | 25   | 22         |      |      |      |      |      |      |      | 12   | 5<br>12 |      |      | 99   |        |

Total acres 434

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

a. Description of diversion system Existing diversions into Big Bend Ditch, re-diversion  
from Ditch

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:

Land will no longer be irrigated

d. Remarks:

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

This is to certify that I have examined Application for Transfer of Water Rights No. 36-00133/00192

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

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this

16<sup>th</sup>

day of

FEBRUARY

, 19 93

J. Glen Saylor  
CHIEF, WATER ALLOCATION BUREAU

APR 08 1993

CONDITIONS OF APPROVAL  
Transfer of Water Rights  
Nos. 36-00133/00192

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre for the lands above.
6. The combined annual volume of water under these rights shall not exceed 1736.0 acre feet.

Dated this 16<sup>th</sup> day of February, 1993.

J. Peter Santor  
for Chief, Water Alloc. Bureau

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APR 08 1993

**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. 36-00133 Decreed to Big Bend Irrigation & Mining Co.  
in case of New International Mortgage Bank vs. Idaho Power Company, ET AL.  
dated 3-22-1932 in U.S. District Court County of Southern District
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Upper Tucker Springs tributary to Riley Creek

4. Date or priority 12-17-1903

5. Water is used for the following purpose:

amount 20.0 cfs for Irrigation purposes from \_\_\_\_\_ to \_\_\_\_\_  
(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 \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SE  | SE  | 36   | 7S   | 13E  | Gooding | Big Bend Ditch           |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. Lands irrigated or place of use: Historic 1/4 as determined by SRBA

| 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 |        |
| 7S   | 13E  | 15   |        |        |        |        |        |        |        |        |        |        | 10     | 10     |        |        |        |        | 20     |
|      |      | 16   |        |        |        |        |        |        |        |        |        |        |        |        | 17 1/2 |        | 4      | 15     | 37     |
|      |      | 21   |        |        |        | 17 1/2 |        |        |        |        |        |        |        |        |        |        |        |        | 15     |
|      |      | 22   | 3      | 4      | 30     | 25     | 5      |        | 37     | 27     |        |        |        |        | 33     | 20     |        | 8      | 192    |
|      |      | 23   |        |        |        |        |        |        | 25     |        |        |        |        |        |        |        |        |        | 25     |
|      |      | 26   |        | 10     | 17     |        |        |        |        |        |        |        |        |        |        | 16     | 7      | 10     | 33     |
|      |      | 27   | 18     | 7      | 25     | 22     |        |        |        |        |        |        |        |        | 12     | 15     |        |        | 434    |

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

36-00133 APR 08 1993

**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. 36-00192 Decreed to Big Bend Irrigation & Mining Co.  
in case of New International Mortgage Bank vs. Idaho Power Company, Et AL.  
dated 3-22-1932 in U.S. District Court county of Southern Division
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water Lower Tucker Springs tributary to Riley Creek4. Date or priority 4-1-1906

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

amount 15.0 cfs for Irrig. purposes from \_\_\_\_\_ to \_\_\_\_\_  
(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 15.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.7. Point(s) of Diversion: As determined in SRBA

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | SE  | NW  | SE  | 36   | 7S   | 13E  | Gooding | Big Bend Ditch           |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

8. Lands irrigated or place of use: Historic P/U as determined in SRBA

| 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 |        |
| 7S   | 18E  | 15   |        |        |        |        |        |        |        |        |        |        | 10     | 10     |        |        |        |        | 20     |
|      |      | 16   |        |        |        |        |        |        |        |        |        |        |        |        | 10     |        | 4      | 15     | 29     |
|      |      | 21   |        |        |        | 15     |        |        |        |        |        |        |        |        |        |        |        |        | 15     |
|      |      | 22   | 3      | 4      | 30     | 25     | 5      |        | 37     | 27     |        |        |        |        | 33     | 20     |        | 8      | 192    |
|      |      | 23   |        |        |        |        |        |        | 35     |        |        |        |        |        |        |        |        |        | 25     |
|      |      | 26   |        | 10     | 17     |        |        |        |        |        |        |        |        |        |        | 10     | 7      | 10     | 54     |
|      |      | 27   | 18     | 7      | 25     | 22     |        |        |        |        |        |        |        |        | 12     | 15     |        |        | 99 434 |

9. Describe any other water rights used for the same purpose as described above 36-00192

**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. R36-00/33 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Tupper Springs, Upper tributary to Riley Creek

4. Date or priority 12-17-1903

5. Water is used for the following purpose:

amount 8.68 cfs for Irrigation purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount 0.06 cfs for Domestic purposes from 1-1 to 12-31  
(cfs/ac-ft)  
amount 0.23 cfs for Stockwater purposes from 1-1 to 12-31  
(cfs/ac-ft)

6. Total amount of water under right 8.68 cubic feet per second and/or 1736 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     | NW  | SE  | SE  | 36   | 7S   | 13E  | Gooding | Big Bend Ditch           |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

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 |        |
| 7S   | 13E  | 15   |        |        |        |        |        |        |        |        |        |        | 10     | 10     |        |        |        |        | 20     |
|      |      | 16   |        |        |        |        |        |        |        |        |        |        |        |        | 14 3/4 |        | 4      | 14 3/4 | 29     |
|      |      | 21   |        |        |        | 14 3/4 |        |        |        |        |        |        |        |        |        |        |        |        | 15     |
|      |      | 22   | 3      | 4      | 30     | 25     | 5      |        | 37     | 27     |        |        |        |        | 33     | 20     |        | 8      | 192    |
|      |      | 23   |        |        |        |        |        |        | 25     |        |        |        |        |        |        |        |        |        | 25     |
|      |      | 26   |        | 10     | 17     |        |        |        |        |        |        |        |        |        |        | 10     | 7      | 10     | 54     |
|      |      |      | 27     | 18     | 7      | 25     | 22     |        |        |        |        |        |        |        | 12     | 15     | 23     | 27     | 424    |

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

R36-00/192

APR 08 1993

**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. R36-00/92 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Tucker Springs, Lower tributary to Riley Creek

4. Date or priority 4-1-1906

5. Water is used for the following purpose:

amount 8.68 cfs for Irrigation purposes from 3-15 to 11-15  
(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 8.68 cubic feet per second and/or 1736 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|----|----|----|------|------|------|---------|--------------------------|
|     | SE | NW | SE | 36   | 75   | 13E  | Gooding | Big Bend Ditch           |
|     |    |    |    |      |      |      |         |                          |
|     |    |    |    |      |      |      |         |                          |

8. Lands irrigated or place of use:

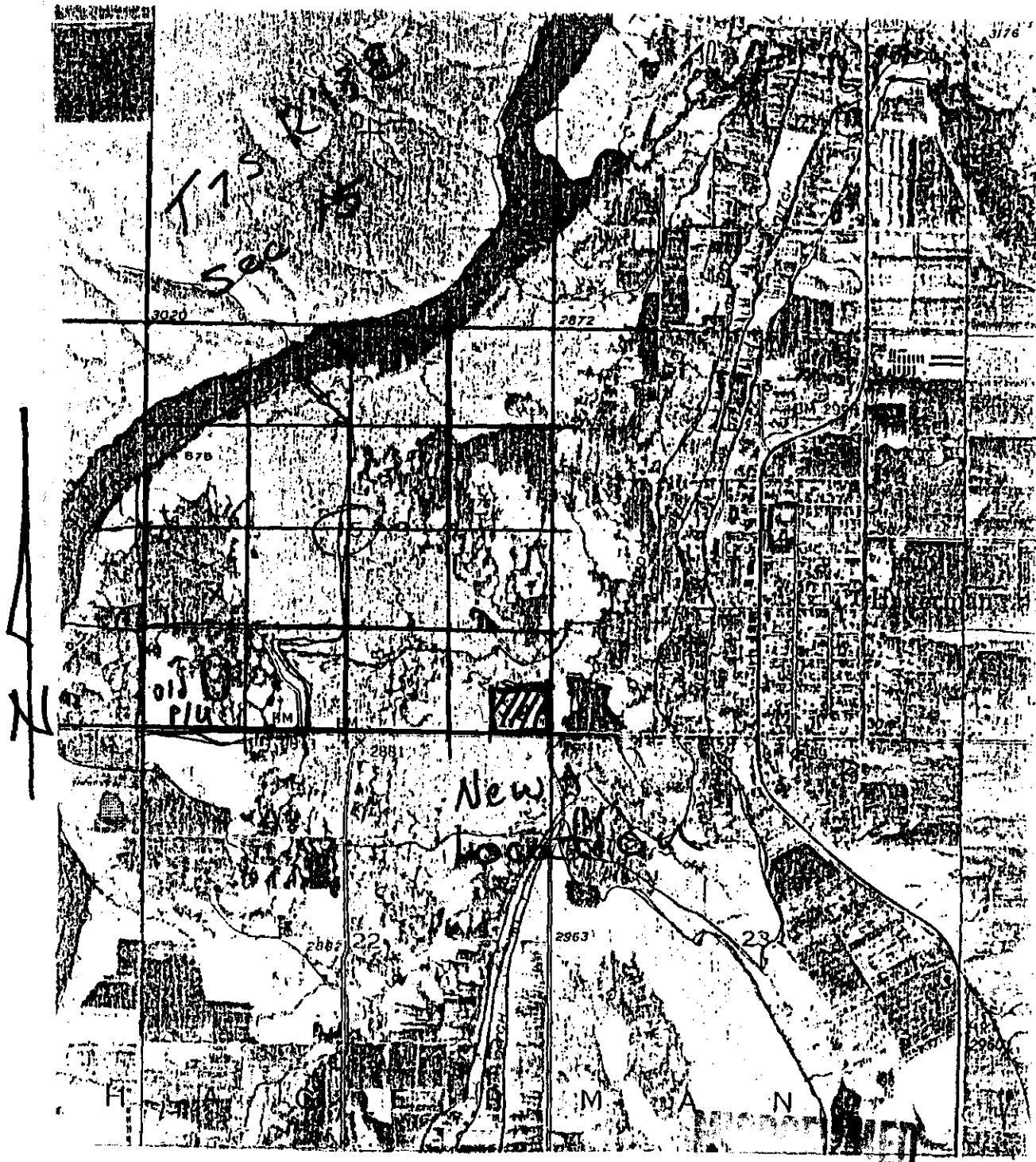
| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | 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 |        |
| 75   | 13E  | 15   |      |      |      |      |      |      |      |      |      |      | 10   | 10   |      |      |      |      | 20     |
|      |      | 16   |      |      |      |      |      |      |      |      |      |      |      |      | 10   |      | 4    | 15   | 29     |
|      |      | 21   |      |      |      | 15   |      |      |      |      |      |      |      |      |      |      |      |      | 15     |
|      |      | 22   | 3    | 4    | 30   | 25   | 5    |      | 37   | 27   |      |      |      |      | 33   | 20   |      | 8    | 192    |
|      |      | 23   |      |      |      |      |      | 25   |      |      |      |      |      |      |      |      |      |      | 25     |
|      |      | 26   |      | 10   | 17   |      |      |      |      |      |      |      |      |      |      | 10   | 7    | 10   | 54     |
|      |      | 27   | 18   | 7    | 25   | 22   |      |      |      |      |      |      |      |      |      |      |      |      | 99     |

APR 08 1993  
Total acres 99 434

9. Describe any other water rights used for the same purpose as described above R36-00/33

**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.



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

| 1 | New Nature of Use | Amount<br>(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.

Subscribed and sworn to before me this 15th day of April, 1991.

Richard L. Lloyd  
(Signature of Applicant)

Clare C. Lloyd  
President

Mary G. Baldwin  
(Notary Public)

My commission expires 10/16/1992

**FOR DEPARTMENT USE ONLY**

Transfer contains 12 pages and 0 attachments

Received by M. Baldwin Date 4-15-91

Protest filed by \_\_\_\_\_

Prelim. check by J. F. Linton Fee 50.00 5013232

Received by M. Baldwin Date 4-15-91

Published in Gooding Co. Leader

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

Pub. dates 12/11 & 12/18/91

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

Watermaster recommendation requested on 11-26-91

Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. 12-10-91

by LA

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

**RECORDED**

APR 08 1993

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE  
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE  
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a  
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E

| NAME                                                                    | AMOUNT OF WATER<br>IN SECOND FEET<br>AND SOURCE | PRIORITY OF<br>APPROPRIA-<br>TION               | DIVERSION<br>POINT                                           |
|-------------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------|
| 36-0057<br>36-0058<br>36-0059<br>HAGERMAN<br>WATER USERS<br>ASSOCIATION | 5 Spring<br>11.2 Spring<br>20 Springs           | April 7, 1906<br>April 7, 1906<br>April 7, 1906 | Spring No. 1;<br>Spring No. 2;<br>Numerous small<br>springs; |

(Said Spring No. 1 is located about the center of the north side of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec. 13, Twp. 7 S. R. 13 E. B.M.; Spring No. 2 is located about the center of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 18, Twp. 7 S. R. 14 E.B.M. Said numerous small springs are located about 100 yards north of the "Big Springs", the source of the water supply of the Big Spring Water Users Association.)

RECORDED

8 1993

BIG BEND IRRIGATION AND MINING COMPANY

It is hereby ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Big Bend Irrigation and Mining Company, a corporation, is the owner of, and entitled to the use of, and the right to use for irrigation and domestic purposes the following amounts of water, to-wit:

36-6133

Twenty (20) second feet of the waters of what is commonly known as the large Thompson, or Tucker, spring, being situate in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, the place of diversion being at said spring and by means of a tunnel, flume and ditch and other necessary diversion works built and constructed at said spring and conveying the same through such ditch to and upon the lands hereinafter described for the irrigation of the same and for the watering of stock and other domestic use. The priority of said water right to be, and is, fixed as the 17th day of December,

36-0192

1903. Also all of the waters of what is known as the smaller Thompson, or Tucker, Spring, situate in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 36, Twp. 7 South, Range 13 East, B. M. in Gooding County, Idaho, and estimated to flow 15 second feet, with a priority of April 1, 1906. That said water is diverted at said spring by means of a dam and ditch directly into said ditch, being the same ditch diverting and carrying the waters from the large Thompson, or Tucker, spring hereinbefore described and conveying the same to the hereinafter described lands of the stockholders of the defendant and cross complainant, Big Bend Irrigation and Mining Company, and used for the irrigation thereof and for domestic purposes.

Said water of said two water rights is hereby made appurtenant to and to be used upon and in the irrigation of the follow-

pany's further and separate answer and counterclaim filed herein, and the underground flow and sources supplying said water rights, are neither concerned in nor affected by this action or by this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the plaintiff, defendants, cross-complainants, counter-claimants, and intervenors and their attorneys, agents, servants, and employees and any and all persons acting in aid of or for any of said parties, and any persons in privity with or claiming under any of said parties and each and every of them are hereby forever enjoined and restrained from in any manner interfering with or diverting or using the waters of said Billingsley Creek, and/or said Riley Creek, and/or the Springs, adjudication of which has been made herein, excepting in accordance with the terms of this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That each party to this action shall pay his own costs.

Made in open Court this 22nd day of March, 1932.

Charles C. Cavanah

District Judge.

RECORDED  
MAR 23 1932

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

MICROFILMED  
JUL 13 2 2004



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
ALAN G. LANCE

RECEIVED

NOV 18 1998

Department of Water Resources

November 17, 1998

Terrence A. Dolan  
Special Master  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

Re: Subcase Nos. 36-00133 and 36-00192

Dear Special Master Dolan:

The above referenced subcases are set for trial December 10, 1998. The Idaho Department of Fish and Game is an objector in these subcases. However, as you may recall from the pretrial conference held in these subcases on May 12, 1998, Fish and Game's concerns have been addressed and are no longer at issue. As I recall, the dispute at this point involves the place of use and will not affect Fish and Game's interests.

As Fish and Game no longer has any issues remaining in these subcases, at this time Fish and Game does not intend to participate in the trial.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "P. J. Ampe".

PETER J. AMPE  
Deputy Attorney General  
Natural Resources Division

PJA/kvj  
cc: Lloyd J. Webb  
IDF&G  
IDWR

L8321nab.doc

Natural Resources Division  
P.O. Box 83720, Boise, Idaho 83720-0010  
Telephone: (208) 334-2400, FAX: (208) 334-2690  
Located at 700 W. Jefferson Street, Suite 210

MICROFILMED

JUN 02 2004

**MEMORANDUM**

**TO: File 36-00192**  
**FROM: Sharla**  
**DATE: January 28, 1993**  
**RE: Trans. #3880**

See file 36-00133 for all correspondence regarding the above referenced transfer.

**MICROFILMED**

APR 08 1993