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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69339

This is to certify that: **HOWARD L MORRIS**

1101 E 2900 S
HAGERMAN ID 83332
(208)837-6213

And/Or

RHONDA K MORRIS
1101 E 2900 S
HAGERMAN ID 83332
(208) 837-6213

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 36-16105 | WR/Decreed | 12/03/1966 | 1.6 cfs | N/A | 80.3 | 258.6 | GROUND WATER |
| 36-16107 | WR/Decreed | 02/18/1971 | 0.87 cfs | N/A | | 258.6 | GROUND WATER |
| 36-16103 | WR/Decreed | 10/18/1968 | 2.07 cfs | N/A | 141.3 | 258.6 | GROUND WATER |
| 37-10793 | WR/Decreed | 06/11/1938 | 0.08 cfs | N/A | | | GROUND WATER |

Purpose of Transfer (Changes Proposed)

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-16105 | YES | YES | YES | NO | YES | YES |
| 36-16107 | YES | YES | YES | NO | YES | YES |
| 36-16103 | YES | YES | YES | NO | YES | YES |
| 37-10793 | NO | NO | NO | YES | NO | NO |

Summary of Water Rights After the Approved Change

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-16105 | 37-20854 | 0.18 cfs | 15.6 af | N/A | N/A | 36-15719 | 1.42 cfs | N/A | 71.5 | 230.3 |
| 36-16107 | 37-20856 | 0.09 cfs | 7.2 af | N/A | N/A | 36-15723 | 0.78 cfs | N/A | N/A | 230.3 |
| 36-16103 | 37-20855 | 0.23 cfs | 27.4 af | N/A | N/A | 36-15721 | 1.84 cfs | N/A | 125.8 | 230.3 |
| 37-10793 | 37-10793 | 0.08 cfs | 14.6 af | N/A | N/A | | N/A | N/A | N/A | N/A |
| TOTALS | | 0.40 cfs | 64.8 af | N/A | N/A | | 2.62 | 921.2 | N/A | 230.3 |

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MAR 26 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69339

Detailed Water Right Description(s) attached

Dated this 13th day of January, 2003

J. Dan Saylor
Chief, Water Allocation Bureau

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WATER RIGHT NO. 37-10793
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 37-10793 is now described as follows.

Right Holder: HOWARD L MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

And

RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

Priority Date: June 11, 1938

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER | 01/01 | to 12/31 | 0.04 CFS | 13.4 AF |
| DOMESTIC | 01/01 | to 12/31 | 0.04 CFS | 1.2 AF |
| | | | 0.08 CFS | 14.6 AF |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

PLACE OF USE: STOCKWATER

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 06S 14E 36 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | X |

PLACE OF USE: DOMESTIC

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 06S 14E 36 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | X |

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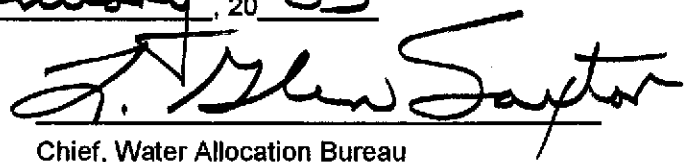
WATER RIGHT NO. 37-10793
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

1. Domestic use is for 1 household.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-20854, 37-20855, 37-20856, and 37-10793 shall not exceed 0.40 cfs, nor a total combined annual volume of 64.8 afa.
3. Prior to the diversion and use of water under Transfer approval 69339, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

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MAR 26 2003

WATER RIGHT NO. 36-15721
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 36-15721 is now described as follows.

Right Holder: VIVIAN K LARSEN
 129 S 2900 E
 PAUL ID 83347

JOHN C LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: October 18, 1968

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION | 03/01 | to 10/31 | 1.84 CFS | |
| | | | 1.84 CFS | |

LOCATION OF POINT(S) OF DIVERSION:

NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|------|------|------|----|----|----|------|----|----|------|------|-----|------|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 08S 22E 19 | | | 26.9 | 15.6 | | | | | 20.0 | | | 11.7 | 29.3 | 9.1 | 22.5 | | 135.1 |
| 08S 22E 30 | | | 21.2 | 34.0 | 40.0 | | | | | | | | | | | | 95.2 |

Total Acres: 230.3

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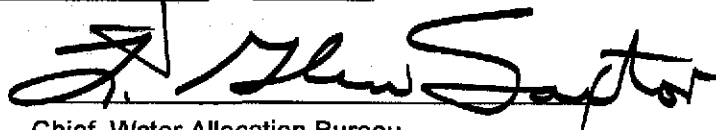
WATER RIGHT NO. 36-15721
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 125.8 acres within the place of use described above in a single irrigation season.
2. Rights 36-15719 and 36-15721 when combined shall not exceed 1.84 cfs.
3. Rights 36-15719, 36-15721, and 36-15723 when combined shall not exceed a total diversion rate of 2.62 cfs, a total annual maximum diversion volume of 921.2 af at the field headgate, and the irrigation of 230.3 acres.
4. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the originating approval/SRBA partial decree date.
6. Rights 36-15719, 36-15721, 36-15723, 36-16104, 36-16106, and 36-16108 are all diverted through the point(s) of diversion described above.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 20 03


Chief, Water Allocation Bureau

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MAR 26 2003

WATER RIGHT NO. 37-20855
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 37-20855 is now described as follows.

Right Holder: HOWARD L MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

And

RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

Priority Date: October 18, 1968

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER | 01/01 | 12/31 | 0.23 CFS | 27.4 AF |
| COMMERCIAL | 01/01 | 12/31 | 0.23 CFS | 27.4 AF |
| | | | 0.23 CFS | 27.4 AF |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

PLACE OF USE: STOCKWATER

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 06S 14E 36 | | | | | | | | | | | | | | | X | | |

PLACE OF USE: COMMERCIAL

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 06S 14E 35 | | | | X | | | | | | | | | X | X | X | X | |
| 06S 14E 36 | | | | | | | | | X | X | | | X | X | X | X | |

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MAR 26 2003

WATER RIGHT NO. 37-20855
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

1. Rights 37-20854 and 37-20855 when combined shall not exceed a total diversion rate of 0.23 cfs.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-20854, 37-20855, 37-50856, and 37-10793 shall not exceed 0.40 cfs, nor a total combined annual volume of 64.8 afa subject to the scheduled limits described below.
3. Beginning on the date of approval of Transfer 69339, Rights 37-20854, 37-20855 and 37-20856 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Years 1 through 6 the rights are limited to 32.0 afa.
Years 7 through 9 the rights are limited to 36.5 afa.
Years 10 through 14 the rights are limited to 38.8 afa.
Years 15 through 18 the rights are limited to 41.1 afa.
Years 19 through 26 the rights are limited to 43.4 afa.
Years 27 through 34 the rights are limited to 45.7 afa.
Years 35 through 42 the rights are limited to 48.0 afa.
Years 43 and beyond the rights are limited to 50.2 afa.
4. Prior to the diversion and use of water under Transfer approval 69339, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Commercial use is for a dairy with barn located in the NWSE, S36, T6S, R14E.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

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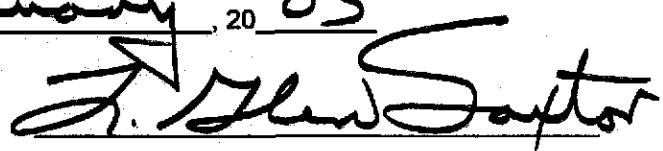
WATER RIGHT NO. 37-20855
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

11. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. Use of water under this right may be affected by an agreement between the protestant and the right holder.
13. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from this transfer approval. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003



Chief, Water Allocation Bureau

MICROFILMED

MAR 26 2003

WATER RIGHT NO. 36-15723
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 36-15723 is now described as follows.

Right Holder: VIVIAN K LARSEN
129 S 2900 E
PAUL ID 83347

JOHN C LARSEN
129 S 2900 E
PAUL ID 83347

Priority Date: February 18, 1971

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION | 04/01 | to 10/31 | 0.78 CFS | |
| | | | 0.78 CFS | |

LOCATION OF POINT(S) OF DIVERSION:

NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|------|------|------|----|----|----|------|----|----|----|------|------|-----|------|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 08S 22E 19 | | | 26.9 | 15.6 | | | | | 20.0 | | | | 11.7 | 29.3 | 9.1 | 22.5 | 135.1 |
| 08S 22E 30 | | | 21.2 | 34.0 | 40.0 | | | | | | | | | | | | 95.2 |

Total Acres: 230.3

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MAR 26 2003

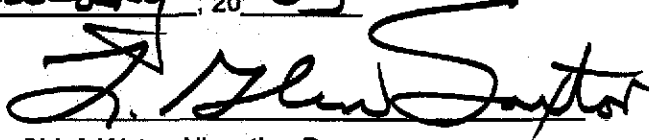
WATER RIGHT NO. 36-15723
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

1. Rights 36-15719, 36-15721, and 36-15723 when combined shall not exceed a total diversion rate of 2.62 cfs, a total annual maximum diversion volume of 921.2 af at the field headgate, and the irrigation of 230.3 acres.
2. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the originating approval/SRBA partial decree date.
4. Rights 36-15719, 36-15721, 36-15723, 36-16104, 36-16106 and 36-16108 are all diverted through the point(s) of diversion described above.
5. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 26 2003

WATER RIGHT NO. 36-15719
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 36-15719 is now described as follows.

Right Holder: VIVIAN K LARSEN

129 S 2900 E
 PAUL ID 83347

JOHN C LARSEN
 129 S 2900 E
 PAUL ID 83347

Priority Date: December 03, 1966

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION | 03/01 | 10/31 | 1.42 CFS | |
| | | | 1.42 CFS | |

LOCATION OF POINT(S) OF DIVERSION:

NWNWSE Sec. 19 Twp 08S Rge 22E MINIDOKA County

NESWNE Sec. 30 Twp 08S Rge 22E MINIDOKA County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|------|------|------|----|----|----|------|----|----|------|------|-----|------|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 08S 22E 19 | | | 26.9 | 15.6 | | | | | 20.0 | | | 11.7 | 29.3 | 9.1 | 22.5 | | 135.1 |
| 08S 22E 30 | | | 21.2 | 34.0 | 40.0 | | | | | | | | | | | | 95.2 |

Total Acres: 230.3

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MAR 26 2003

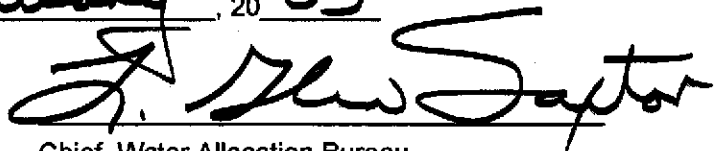
WATER RIGHT NO. 36-15719
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 71.5 acres within the place of use described above in a single irrigation season.
2. Rights 36-15719 and 36-15721 when combined shall not exceed 1.84 cfs.
3. Rights 36-15719, 36-15721, and 36-15723 when combined shall not exceed a total diversion rate of 2.62 cfs, a total annual maximum diversion volume of 921.2 af at the field headgate, and the irrigation of 230.3 acres.
4. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the originating approval/SRBA partial decree date.
6. Rights 36-15719, 36-15721, 36-15723, 36-16104, 36-16106, and 36-16108 are all diverted through the point(s) of diversion described above.
7. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 26 2003

WATER RIGHT NO. 37-20854
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 37-20854 is now described as follows.

Right Holder: HOWARD L MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

And

RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

Priority Date: December 03, 1966

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL | 01/01 | 12/31 | 0.18 CFS | 15.6 AF |
| STOCKWATER | 01/01 | 12/31 | 0.18 CFS | 15.6 AF |
| | | | 0.18 CFS | 15.6 AF |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 06S 14E 35 | | | | X | | | | | | | | | X | X | X | X | |
| 06S 14E 36 | | | | | | | | | X | X | | | X | X | X | X | |

PLACE OF USE: STOCKWATER

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 06S 14E 36 | | | | | | | | | | | | | | | X | | |

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MAR 26 2003

WATER RIGHT NO. 37-20854
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

1. Rights 37-20854 and 37-20855 when combined shall not exceed a total diversion rate of 0.23 cfs.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-20854, 37-20855, and 37-20856 shall not exceed 0.40 cfs, nor a total combined annual volume of 64.8 afa subject to the scheduled limits described below.
3. Beginning on the date of approval of Transfer 69339, Rights 37-20854, 37-20855 and 37-20856 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.
 - Years 1 through 6 the rights are limited to 32.0 afa.
 - Years 7 through 9 the rights are limited to 36.5 afa.
 - Years 10 through 14 the rights are limited to 38.8 afa.
 - Years 15 through 18 the rights are limited to 41.1 afa.
 - Years 19 through 26 the rights are limited to 43.4 afa.
 - Years 27 through 34 the rights are limited to 45.7 afa.
 - Years 35 through 42 the rights are limited to 48.0 afa.
 - Years 43 and beyond the rights are limited to 50.2 afa.
4. Prior to the diversion and use of water under Transfer approval 69339, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Commercial use is for a dairy with barn located in the NWSE, S36, T6S, R14E.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
10. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

MICROFILMED

MAR 26 2003

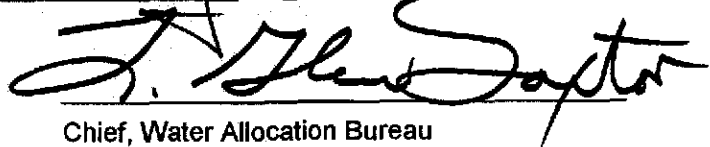
WATER RIGHT NO. 37-20854
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

11. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12. Use of water under this right may be affected by an agreement between the protestant and the right holder.
13. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from this transfer approval. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2003


Chief, Water Allocation Bureau

MICROFILMED

MAR 26 2003

WATER RIGHT NO. 37-20856
As Modified by Transfer No. 69339

In accordance with the approval of Transfer No. 69339, Water Right No. 37-20856 is now described as follows.

Right Holder: HOWARD L MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

And

RHONDA K MORRIS
 1101 E 2900 S
 HAGERMAN ID 83332

Priority Date: February 18, 1971

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL | 01/01 | 12/31 | 0.09 CFS | 7.2 AF |
| STOCKWATER | 01/01 | 12/31 | 0.09 CFS | 7.2 AF |
| | | | 0.09 CFS | 7.2 AF |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

GROUND WATER NWSE Sec. 36 Twp 06S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 06S 14E 35 | | | | X | | | | | | | | | X | X | X | X | |
| 06S 14E 36 | | | | | | | | | X | X | | | X | X | X | X | |

PLACE OF USE: STOCKWATER

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 06S 14E 36 | | | | | | | | | | | | | | | X | | |

MICROFILMED
 MAR 26 2003

WATER RIGHT NO. 37-20856
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 37-20854, 37-20855, and 37-20856 shall not exceed 0.40 cfs, nor a total combined annual volume of 64.8 afa subject to the scheduled limits described below.
2. Beginning on the date of approval of Transfer 69339, Rights 37-20854, 37-20855 and 37-20856 when combined are limited to the following schedule of allowed diversion volume. The diversion of water shall be evenly distributed throughout the authorized season of use, except that minor variations are allowed for seasonal fluctuations in water requirements. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Years 1 through 6 the rights are limited to 32.0 afa.
Years 7 through 9 the rights are limited to 36.5 afa.
Years 10 through 14 the rights are limited to 38.8 afa.
Years 15 through 18 the rights are limited to 41.1 afa.
Years 19 through 26 the rights are limited to 43.4 afa.
Years 27 through 34 the rights are limited to 45.7 afa.
Years 35 through 42 the rights are limited to 48.0 afa.
Years 43 and beyond the rights are limited to 50.2 afa.
3. Prior to the diversion and use of water under Transfer approval 69339, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. *Commercial use is for a dairy with barn located in the NWSE, S36, T6S, R14E.*
8. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
9. Prior to the diversion of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

MICROFILMED

MAR 26 2003

WATER RIGHT NO. 37-20856
As Modified by Transfer No. 69339

CONDITIONS OF APPROVAL

10. Prior to the diversion of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. Use of water under this right may be affected by an agreement between the protestant and the right holder.
12. The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from this transfer approval. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13 day of January, 2003


Chief, Water Allocation Bureau

MICHOPLAND

MAR 28 2003



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

December 23, 2003

Kevin Lott
General Manager
Traveler's Oasis Truck Plaza
1017 South 1150 East
Eden, Idaho 83325

Re: Request for Variance of Measuring Device Requirements for Approved Water Right Transfer 69053

Dear Mr. Lott :

This letter is in response to your request for variance of flow meter requirements for the transfer referenced above. Based on a review of Water District 130 watermaster's investigation and recommendations, IDWR (Idaho Department of Water Resources) **GRANTS** the request for continued use of the Kent propeller meter on well E0006990.

The watermaster for Water District 130 is responsible for enforcing stipulations of approved transfers pertaining to measurement device requirements. It should be noted that variance approvals may be subject to re-evaluation by the watermaster on an annual basis, and may or may not be approved for a subsequent year.

Please contact me at 208-327-5407 if you have any questions or concerns with this matter.

Sincerely,

Steve Burrell
Engineer
Water Distribution Section

c: Cindy Yenter - Water District 130 watermaster

MICROFILMED
JAN 15 2004

MEMORANDUM

June 26, 2003

36 - 15637
15719

RECEIVED

JUN 27 2003

Department of Water Resources

TO: Transfer File 69053
Water Right nos. 36-15637, 36-15639, 36-15641

FROM: Cindy Yenter, Watermaster Water District 130 *Cy*

RE: Memo Recommending Approval of Variance of a Device Requirement

A request for variance has been received from Kevin Lott, General Manager of the Travelers' Oasis Truck Plaza in Eden, Idaho. Transfer 69053 contains conditions of approval requiring an approved measuring device and data logger to be installed on an existing well. Mr. Lott requests a variance to continue using the meter which is presently installed on the system.

I have conducted a field check of this flow meter and operating system. The system pumps from a single well to an array of pressure tanks and serves a truck stop, restaurant, convenience store and food court, trucker lounge and showers and a few outdoor faucets for patron use. There is no irrigation use.

The flow meter which is installed on the system is of an undetermined age, but is operating well within specified accuracy limits. A timed volume test using a standard polysonic meter resulted in a calibration factor of 1.03 (2.9% below standard). The flow meter is installed upstream of the pressure tanks and is therefore not subject to low velocity flow. The system operates at a flow of approximately 35 gallons per minute in a cyclic pattern. The odometer capacity (100 million gallons) is sufficient to prevent rollover. There is no instantaneous flow scale, but a sweep hand may be timed to determine an approximate rate of flow.

Odometer readings are taken on a daily basis by the maintenance supervisor or his staff. Readily available data indicate that total withdrawals from Jan 30, 2003 to April 17, 2003 were 2.9 acre-feet. Projected over a full year, total withdrawals are about 15 acre-feet. The authorized transferred volume is 23.7 acre-feet.

I RECOMMEND APPROVAL of this request for variance, with the conditions that all reporting is submitted in a complete and timely fashion, and the meter be re-tested in two years.

MICROFILMED
JAN 15 2004

DLW

TRAVELERS' OASIS TRUCK PLAZA

HOME OF THE
GARDEN OF EDEN



Convenience Stores

RECEIVED

JUN 27 2003

Department of Water Resources

State of Idaho
Water District 130
1341 Fillmore St STE 200
Twin Falls, Idaho 83301-3380

Cindy Yenter,

I am formally requesting a waiver for installation on a new flow meter. After your inspection of our meter and other documentation, I am under the understanding that our current meter is sufficient and meets the current regulations. Thank you for your time.

Sincerely,

Kevin Lott
General Manager
Travelers' Oasis Truck Plaza

RECEIVED

APR 21 2003

Department of Water Resource
Southern Region

MICROFILMED

JAN 15 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water Measurement Program

1998 WATER MEASURING DEVICE CERTIFICATION

District W150 Inventory Date Inventory Examiner PCC ok? Yes/no

Date of test 4-17-03 Person performing test CY-ENTER Exam complete? (Yes)/no

| | |
|--------------------|--|
| Name: | <u>DAN WILLIE</u> |
| Water Right No: | <u>X69053</u> |
| Legal Description: | T <u> </u> R <u> </u> Sec. <u> </u> $\frac{1}{4}$ <u> </u> $\frac{1}{4}$ <u> </u> $\frac{1}{4}$ |
| Site Tag No: | <u>E0006990</u> |
| Diversion Name: | <u>Truck Stop Well (Travellers OASIS)</u> |

Current Owner

Name WILLIE, DAN Phone
 Last, First, MI
Address City State Zip

Operator (if leased or operated by someone else)

Name VIC CHITTOCK Phone 825-4147
 Last, First, MI
 Maint. Supervisor 731-4868

SECTION I WELL SITE IDENTIFICATION

Global Positioning System Data:

Data Collection Filename Offset

IDWR Site Tag Identification No. E0006990

Site Tag location description: meter coupling

PLS/USGS Locator

Diversion Name:

For Department/District Use Only

Received by Date
Reviewed by Date
Data Entry by Date

MICROFILMED
JAN 15 2004

SECTION II INSTALLED METER INFORMATION

| METER AND MOUNTING PIPE INFORMATION | | | |
|-------------------------------------|--|--|--|
| Motor HP | 10 | Volume Units | Acre-Feet <u>Gallons</u> Other(specify) |
| Meter Install Date | | Volume Multiplier | 10 |
| Manufacturer | KENT | Installation location | Excl Good <u>Fair</u> Poor |
| Meter Type | PROP | Pipe material | SS |
| Meter Model | ? | Outside Diameter | 2.14 |
| Serial Number | ? | Wall Thickness | .08 |
| Size (nominal) | 1 1/2 | Inside Diameter | |
| Measure Flow Rate? | (circle one) <u>Yes</u> No | Dist. of straight pipe upstream from meter | 4" |
| Measurement Units | (Sweep) (circle one) CFS <u>GPM</u> Other(specify) | Dist. of Straight pipe downstream from meter | 4" |
| Flow rate Multiplier | 1 | Std Meter Type | <u>Sonic Pyg Collins Hall</u> Anub Dye/chem Other |
| Measure Cumulative Volume? | (circle one) <u>Yes</u> No | Std. Meter Confidence | Excl <u>Good</u> Fair Poor 2% 5% 10% >10% X |

Are multiple flowmeters used to measure diversions from this well? Yes / No

If so, how many? _____ (Attach separate form for each meter checked and/or calibrated)

If this meter measures diversions from multiple wells, names and locations of other wells: _____

SECTION III CERTIFICATION FOR CALIBRATION OF A WATER MEASUREMENT METER

See back page for instructions.

Measurement No. 1 (M_1) is the measured rate of flow from the permanently installed flow meter.

Measurement No. 2 (M_2) is the measured rate of flow from the measuring device being used to check the flow for the calibration. This method or device must be accurate to within $\pm 5\%$ error. Describe below the method and equipment used to perform this measurement.

$$\text{Percent Difference} = (M_1 - M_2) \div M_2 \times 100 = \pm \% \quad (\text{Acceptable is within } \pm 10\%) \quad (\text{equation 1})$$

$$\text{Calibration Multiplier} = M_2 \div M_1 \quad (\text{equation 2})$$

Is flowmeter installed according to manufacturer's specifications? Yes / No / Unsure

Describe any apparent problems with installation or operation _____

Flowmeter accuracy prior to any adjustments: _____ Totalizer reading _____

Flowmeter accuracy after final adjustment: _____ Totalizer reading _____

Flowmeter calibration multiplier: _____

Water Level Data

Does the well have access to measure water levels? Yes / No

Is this well part of USGS, IDWR, or another network of water level monitoring wells? Yes / No

Static Water Level _____ ft Pumping Water Level _____ ft (at condition _____)

Date _____

Date _____

FLOWMETER ACCURACY CALIBRATION TABLE

| Owners meter (totalizer reading) | Time | Total Gallons | Ave. Flow Rate - GPM (M ₁) | Standard total gallons | Average flow rate (M ₂) | Percent diff. (±) | Comments and adjustments |
|--|-------|------------------|--|---------------------------|---|-------------------------|-----------------------------|
| 57441670 | 10.23 | 340 | 33.2 | 342 | 34.2 | -2.9% | |
| 57442010 | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Notes, Comments or Calculations:

Speed = 4780 (99.4%) Signal = 3 bars

Several outside faucets & indoor showers turned on to overcome storage capacity & keep pump running for test.

Sketch and or photograph of installation:

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature C. J. Genter
(person performing measurements)

Date 4-17-03

MICROFLOW

1000 1 1 1000

DAN WILLIE - TRAVELERS OASIS WELL, EDEN ID

LOG NAME:E0006990

START :04-17 14:33

END :04-17 14:43

INTERVAL:00:01:00

4/17/2003 14:33

+3.627E+0 ft/s
+3.481E+1 gal/m
+TOTAL 0000000 gal
NORMAL

4/17/2003 14:39

+3.489E+0 ft/s
+3.349E+1 gal/m
+TOTAL 0000209 gal
NORMAL

4/17/2003 14:34

+3.616E+0 ft/s
+3.471E+1 gal/m
+TOTAL 0000034 gal
NORMAL

4/17/2003 14:40

+3.522E+0 ft/s
+3.380E+1 gal/m
+TOTAL 0000243 gal
NORMAL

4/17/2003 14:35

+3.676E+0 ft/s
+3.528E+1 gal/m
+TOTAL 0000069 gal
NORMAL

4/17/2003 14:41

+3.454E+0 ft/s
+3.315E+1 gal/m
+TOTAL 0000276 gal
NORMAL

4/17/2003 14:36

+3.637E+0 ft/s
+3.490E+1 gal/m
+TOTAL 0000105 gal
NORMAL

4/17/2003 14:42

+3.344E+0 ft/s
+3.209E+1 gal/m
+TOTAL 0000309 gal
NORMAL

4/17/2003 14:37

+3.666E+0 ft/s
+3.518E+1 gal/m
+TOTAL 0000140 gal
NORMAL

4/17/2003 14:43

+3.376E+0 ft/s
+3.240E+1 gal/m
+TOTAL 0000341 gal
NORMAL

4/17/2003 14:38

+3.625E+0 ft/s
+3.479E+1 gal/m
+TOTAL 0000175 gal
NORMAL

AVG FLOW

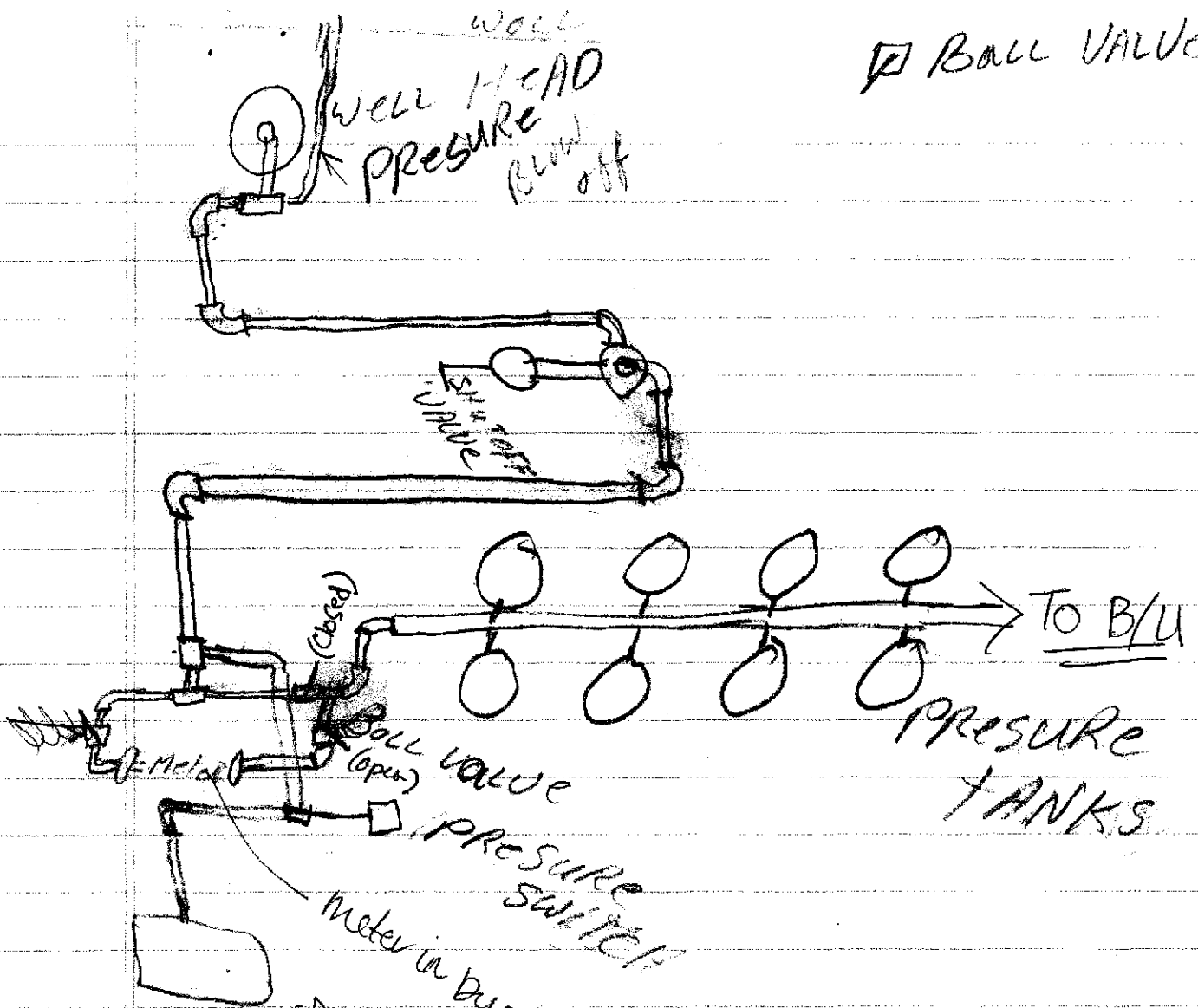
34.1 gpm

0.08 cfs

MICROFILMED

JAN 15 2004

□ BALL VALVE



meter in bypass loop which could
be extended to give adequate
upstream/downstream
pipe length if necessary

MICROFILMED

JAN 15 2004



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

February 12, 2003

DANIEL L WILLIE
1017 S 1150 E
EDEN ID 83325

JOHN C LARSEN
VIVIAN K LARSEN
129 S 2900 E
PAUL ID 83347

RE: Transfer No.: 69053 - Water Right 36-15721, 36-15719, 36-15723, 36-15636
thru 36-15641 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED
MAR 26 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for Pamela S. Skaggs
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: Clear Springs Foods Inc., c/o John Simpson, Barker Rosholt Simpson LLP
Christopher H. Meyer, Givens Pursley

MICROFILMED
MAR 26 2003

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69053

WATER RIGHTS 36-15721, 36-15719, 36-15723, 36-15636 thru 36-15641

**DANIEL L WILLIE
1017 S 1150 E
EDEN ID 83325**

**CLEAR SPRINGS FOODS INC
C/O JOHN SIMPSON
BARKER ROSHOLT SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139**

**JOHN C LARSEN
VIVIAN K LARSEN
129 S 2900 E
PAUL ID 83347**

**CHRISTOPHER H MEYER
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
MAR 26 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

2-10-2003

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Amelia J. Willie TRANSFER NO. 69053

1. Right number(s) 36-2676 etc

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☒ Split Right
☒ Other: change period of use

4. Check Existing Right: ☒ Source ☒ Priority ☐ Amount ☐ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: See attached Split flow chart.

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

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None apparent

(69053)

- i. _____ Existing rights from same source, on land water is being transferred to; right number(s): _____
36-8766, 36-8767, 36-7095
- j. _____ SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

- k. _____ Comment letters _____ Yes ☒ No
If yes _____ Water District #
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY John Treacy DATE 04/30/01
 SRRA SUPERVISOR REVIEW BY _____ DATE _____
 PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly? ☒ Yes ☐ No
4. Affidavit of publication received? ☒ Yes ☐ No
5. Protests received? ☒ Yes ☐ No; *(with letter)* Acknowledgement sent? ☐ Yes
6. Copies made for Region file (see attached supplemental page)? ☐ Yes

RECOMMENDED ACTION

1. Approve
2. Deny due to _____
- _____
3. Conditions (special conditions in Water Districts)

Also see attached memo for recommendation dated: _____

4. By Adm Date 2/6/03

FEB 10 2003

✓ # 69053

FILED PROGRESS
Daniel L. Willie

WATER RIGHT NO

36-2676 etc

[illegible]

TRANSFER REVIEW SHEET

Trans # 69053

Date Reviewed 1/28/03

Right No(s). * 36-15719 36-15721 36-15723
Split? Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes _____

(Split)

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with S.O.)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U _____ Lien Holder Release _____

GROUNDWATER:

DRILLING PERMIT

All wells -046
DP upgrade req'd Y N (contact GW)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
SUPPLEMENTAL - 100-105 (where there are other uses besides irrigation)

WITHIN ESPA - 113-114-116 (mitigation) ✓
- 115 (meas. Device) ✓

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

SURFACE WATER:

WD - R05 (WD# _____) WM comments rec'd _____
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WB, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
STANDARD VOLUME _____ af/ac
CONSUMPTIVE USE VOLUME _____ af/ac

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - >1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:
T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)
T20 - use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated ✓ Approval form printed ✓ Shape files created ✓
Special Mailing Instructions (cc's, etc) ✓
Final database update after approval ✓ *Comment to WR No(s) - NA -
E-Mail to AS - Mitigation Comment to Splits -
36-16113/16114/16116 + 16124.
Portion of Each Rt used for mitigation -
Mitigation Comment to WRs 36-2400
36-7139, 36-7920 & 36-14807
AS P... were in...

Merritt, Allen

From: Merritt, Allen
Sent: Wednesday, January 29, 2003 2:54 PM
To: Skaggs, Pam
Cc: Knowles, Corbin; Del Kohtz (E-mail)
Subject: Willie transfer

Kevin Lott from the truck stop called. He indicated Mr. Willie wanted him to call me. We discussed that I needed ownership records for the place of use. In discussing the business name he indicated that they created recently created an LLC and it is in the name of "Danso". I looked it up and it is there.

Another issue we discussed was Corbin going out and doing the FE. I told him Corbin would be contacting them soon asking questions about the use and probably taking information about the wells and probably tag and GPS them. He indicated that there is now only one well. He indicated that there used to be two but one was in the parking lot near gas tanks and they abandoned it. He indicated that there is one large well serving the truck stop that serves the permits and the transfer. He indicated there is a small domestic type well in back of the property serving a truck repair shop. He indicated that well is not connected to the truck stop and they do not plan to connect it. As I recall when we issued the drilling permit it was intended to be separate and not part of the permits. I requested that Mr. Willie write us a letter and request the transfer be modified to just one well.

We will need to correct the transfer approval.

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MAR 26 2003

SCANNED

JAN 29 2003

MEMORANDUM

Date: January 27, 2003
To: Transfer 69053
From: amerritt
Re: Evaluation of Sufficiency

Evaluation of Sufficiency of Information Submitted (Transfer 69053 in the name of Dan Willie)

This transfer initially proposes to dry up 8.75 acres of land (rounded to 8.8 by IDWR), which is a portion of a PPU of 372 acres on the Larsen Farm. The water used for irrigation is proposed to be converted to commercial uses at an existing truck stop covered under decree 36-7045 and permits 36-8766 and 36-8767. The transfer moves the water across the ESPA approximately 23 miles down gradient toward the SW to the site of the truck stop where the water will be combined with the existing rights. The transfer does not propose to drill any new wells at the site of the truck stop but to divert the water from the existing wells. The water being transferred is assumed to be totally consumptive. Note that permit 36-8767 was processed on the basis that it was non-consumptive with documentation in file showing water is wasted through drain fields back to ground water.

Authority to File:

The subject land involved in transfer is owned by John and Vivian Larsen. The file contains an agreement for purchase and sale of subject lands from John and Vivian Larsen to Del Kohtz. Also in the file is an agreement for purchase and sale of 0.10 cfs of water from subject rights from Del Kohtz to Dan Willie. (0.10 cfs equates to 8.8 acres of the original place of use)

The subject land involved in the mitigation plan is owned by Vernon and Marilyn Phillips. The file contains an agreement for purchase and sale of subject lands from Vernon and Marilyn Phillips to Del Kohtz. Also in the file is an agreement for purchase and sale of 68.5 af of appurtenant water rights from Del Kohtz to Dan Willie. 68.5 afa equates to 30.2 acres of the original place of use based on the historical use volume of 2.27 afa/acre.

Water Right Validity:

All rights involved in the transfer have been recently decreed in the SRBA with dates of partial decrees ranging from 12/ 1996 to 1/1998. Forfeiture does not appear to be an issue. Included with the application are documents evidencing the recent use of the irrigation rights in years 1996 through 2000.

All rights involved for mitigation are recommended in the SRBA pending before the court. Included in the file are documents evidencing the recent use of the irrigation rights in years 1994, 1995 and 1998 through 2002. The three rights based on licenses were partially decreed; however, due to a typographical error, they were returned to the court to be corrected and have not yet been re-decreed. The fourth right is an enlargement right objected to by parties over the enlargement language. This objection is still pending before the SRBA court.

Injury to Other Water Rights:

Included with the application is a proposed mitigation plan prepared by Brockway Engineering. The plan is based on modeling of the ESPA and involves a stepped reduction of use of the mitigation rights

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MAR 26 2003

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MEMORANDUM

at the Phillips farm. The plan acknowledges the historical use of the Larsen rights and acknowledges the reduced volume available to be pumped at the truck stop.

Enlargement of Use:

Due to the irrigation rights being changed to commercial needs an analysis of the historical use information has been made for both the Larsen and Phillips farms. Based on this analysis the consumptive use allowable to be transferred from the Larsen farm should be limited to no more than 2.69 afa per acre of dried up land for conversion of nature of use. The 8.75 (8.8 acres as rounded) yields 23.7 afa at the truck stop. Likewise, the Phillips farm should be limited to no more than 2.27 afa per acre when figuring the consumptive impacts of the historical irrigation and how it will be used for mitigation.

Local Public Interest:

The truck stop has existed for many years and continues to provide jobs and tax base for local economy. No adverse impacts identified. Transfer is based on total consumption of water however it is likely a large portion of water diverted will be returned to aquifer through drain field since use of water at truck stop generates waste water from showers, cooking, cleaning and other activities at the truck stop.

Beneficial Use/Conservation of Water Resources:

No Issue Identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

The application has been advertised and protested by Clear Springs. Negotiations continue regarding withdrawal of the protest.

Other issues: Ownership of the proposed place of use needs to be included in the file and the ownership record for all rights at the proposed truck stop may need to conform to land ownership.

Proposed use within WD 130 so need Watermaster comments.

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01/24/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-16113
NAME AND ADDRESS: DAN WILLIE
1017 S 1150 E
EDEN ID 83325
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.200 CFS
RIGHTS 36-16113, 36-16114, 36-16116 AND 36-16124 ARE LIMITED TO COMBINED
DIVERSION RATE OF 0.37 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME
OF 120.8 AF.
PRIORITY DATE: 11/11/1959
POINT OF DIVERSION:
T08S R21E S24 NESESW Within JEROME County
T08S R21E S24 NENESE Within JEROME County
PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION | 03/15 11/15 | 0.200 CFS |

PLACE OF USE: IRRIGATION Within JEROME County

| | | | |
|---------------|-----------|---------------|----------|
| T08S R21E S24 | SWNE 26.0 | T08S R21E S24 | NESE 4.2 |
|---------------|-----------|---------------|----------|

30.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9.8 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND
WHEN COMBINED WITH RIGHTS 36-16114, 36-16116 AND 36-16124 IS
LIMITED TO 30.2 ACRES.

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

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. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

RIGHTS 36-16111, 36-16112, 36-16113, 36-16114, 36-16115, 36-16116,
36-16123, AND 36-16124 ARE DIVERTED THROUGH POINTS OF DIVERSION
DESCRIBED ABOVE.
RIGHT NO 36-16124 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

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

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-2400.

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01/24/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-16123
NAME AND ADDRESS: MARILYN L PHILLIPS
282 N 750 W
PAUL ID 83347

VERNON C PHILLIPS
282 N 750 W
PAUL ID 83347

SOURCE: GROUND WATER
QUANTITY: 0.420 CFS

TRIBUTARY:

RIGHTS 36-16111, 36-16112, 36-16115 AND 36-16123 ARE LIMITED TO COMBINED DIVERSION RATE OF 6.29 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2047.2 AF.

PRIORITY DATE: 05/26/1971

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T08S R21E S24 NENESE Within JEROME County
T08S R21E S24 NESWSE Within JEROME County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION | 03/15 11/15 | 0.420 CFS |

PLACE OF USE: IRRIGATION Within JEROME County

| | | | | | |
|---------------------|------|------|---------------------|------|------|
| T08S R21E S24 | NESW | 40.0 | T08S R21E S24 | SESW | 40.0 |
| T08S R21E S24 | NESE | 35.8 | T08S R21E S24 | NWSE | 40.0 |
| T08S R21E S24 | SWSE | 40.0 | T08S R21E S24 | SESE | 40.0 |
| T08S R21E S25 | NENE | 40.0 | T08S R21E S25 | NWNE | 40.0 |
| T08S R21E S25 | SWNE | 31.0 | T08S R21E S25 | NENW | 40.0 |
| T08S R22E S25 | SENE | 20.0 | T08S R22E S25 | SENW | 14.0 |
| T08S R22E S30 Lot 1 | NWNW | 40.0 | T08S R22E S30 Lot 2 | SWNW | 35.0 |
| T08S R22E S30 Lot 3 | NWSW | 16.0 | | | |

511.8 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 34.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND WHEN COMBINED WITH RIGHTS 36-16112, 36-16115 AND 36-16111 IS LIMITED TO 511.8 ACRES.

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

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MAR 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7045

WATER RIGHT NUMBER: 36-7045

Owner Type Name and Address
 Current Owner WILLIE-HUNZEKER ENTERPRISES
 1017 S 1150 E
 EDEN, ID 83325
 (208)825-4147

*Existing @
Truck stop*

Priority Date: 11/15/1968

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| COMMERCIAL | 1/01 to 12/31 | 0.040 CFS | 1.80 AF |
| FIRE PROTECTION | 1/01 to 12/31 | 0.100 CFS | |
| | <u>Total Diversion:</u> | 0.140 CFS | 1.80 AF |

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4NW1/4 Sec. 12, Twp 10S, Rge 18E, B.M.
 JEROME County

Place of Use

COMMERCIAL

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 10S 18E 12 | | | | | X | | | | | | | | | | | | |

FIRE PROTECTION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 10S 18E 12 | | | | | X | | | | | | | | | | | | |

Conditions of Approval:

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

Remarks:

MICHOPLAND

MAR 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7045

1. Explanatory PROPERTY IS ALSO KNOWN AS OASIS TRUCK STOP.
2. Purpose of Use COMMERCIAL USE IS TRUCK STOP, CAFE & STORE.
3. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN SENENW S 12, T10S, R18E.

Comments:

1. BEDKE 1/16/1991 NB-STAFF REVIEW
Comment:

2. WORSTELL 10/7/1991 COPIED FROM REMARKS
Comment: 2 WELLS, 1 SYSTEM, SAME PRIORITY.

3. MERRITT 10/15/1991 ALLOW WHAT WAS LICENSED. SYSTEM SEEMS TO HAVE BEEN EXPANDED.
Comment: THE SYSTEM AND USE HAS APPEARS TO HAVE EXPANDED SINCE ORIGINAL LICENSE. CLAIM APPEARS TO HAVE ATTEMPTED TO EXPAND DIVERSION RATE FOR COMMERCIAL USE; THIS HAS BEEN DISALLOWED. RECOMMENDATION BASED ON ORIGINAL LICENSED AMOUNT. APPEARS THAT EXPANSION NEEDS TO BE COVERED UNDER NEW PERMIT.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/16/1997
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

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MAR 26 2003

John A. Rosholt
John K. Simpson
Amy D. Chestnut
BARKER ROSHOLT & SIMPSON, LLP
1221 W. Idaho, Suite 600
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034
ISB #1037, 4242, 5904

Attorneys for Protestant Clear Springs Foods, Inc.

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NUMBER 69053 in the Name of
DAN WILLIE,
Water Right Nos. 36-07044, 36-02676,
36-0718

NOTICE OF WITHDRAWAL

Protestant, CLEAR SPRINGS FOODS, INC., by and through its attorneys of record,
Barker Rosholt & Simpson, LLP, and the applicant Dan Willie, by and through his attorney of
record, Givens Pursley, LLP hereby withdraw the protest filed in regards to the Application for
Transfer Number 69053 in the Name of Dan Willie.

This withdrawal is conditioned upon representations by the Department of Water
Resources regarding its preliminary review of the transfer consistent with Department policy and
the Stipulation attached as Exhibit A. Clear Springs Foods, Inc. hereby withdraws its protest
without prejudice, and based upon the Department issuing a Decision in the above-mentioned
transfer consistent with the parties' Stipulation.

Clear Springs Foods has not waived its right to protest any other applications filed subsequently by the Applicant.

DATED this _____ day of January, 2003.

BARKER ROSHOLT & SIMPSON, LLP

By _____
John K. Simpson

GIVENS PURSLEY LLP

By 
Christopher H. Meyer

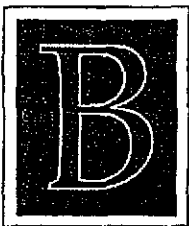
CERTIFICATE OF MAILING

I hereby certify that on this ____ day of January, 2003, I served a copy of the foregoing
NOTICE OF WITHDRAWAL, by depositing same in the United States mail, postage prepaid, in
an envelope, addressed to the following:

Christopher H. Meyer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701

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

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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 02 2003

Givens Pursley, LLP

December 2, 2002

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street
Twin Falls, ID 83301

Karl Dreher
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83720

John Simpson
Barker Rosholt & Simpson
P.O. Box 2139
Boise, ID 83701

Chris Meyer
Givens Pursley
P.O. Box 2720
Boise, ID 83701

Subject: Mitigation Plan Dan Willie Truck Stop Transfer 69053

Dear Gentlemen:

Enclosed is a revised mitigation plan for the Dan Willie Transfer No 69503. The application for transfer proposed drying up 8.75 acres at the Larsen farm which would have allowed a transfer of 3.0 af/a of consumptive use or 26.25 af. Subsequent to that time, the historical consumptive use has been determined by the Department on the Larsen farm to be 2.69 acre feet per acre. With the dry up of 8.75 acres, the new allowed transferable consumptive use would be 23.5 af/a.

With the reduction in allowable consumptive use of 10 percent and the subsequent reduction in pumping to mitigate the hydrologic impacts on the springs entering the Snake River in the Milner-King Hill reach, the applicant cannot extract sufficient ground water to meet the requirements of the truck stop. Therefore, the applicant is proposing to dry up additional acreage at the Phillips farm to mitigate for the make up for the consumptive use reduction and to mitigate for the hydrologic effects on the springs. The historical

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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MAR 26 2003

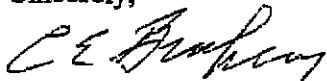
consumptive use on the Phillips farm, located adjacent to the Larsen farm, has been determined to be 2.27 af/a.

The hydrologic analysis was performed with the modified Effects spreadsheet utilizing negative pumping at the Phillips farm to simulate the effect of drying up additional acres. For the analysis, it was assumed that water from 8.75 irrigated acres would be dried up at the Larsen farm under the transfer to achieve a continuous annual pumped transferable volume of 23.5 af/a. This 23.5 acre feet annual volume pumped would begin in 2003 and would not be decreased.

This analysis shows that the net effect on the Milner-King Hill springs can be mitigated by drying up an additional 30.2 acres at the Phillips farm for a period of two years after the commencement of new pumping in 2003. After this two year period, the required dry up of acres at the Phillips farm will decrease based on the attached schedule. The remaining acres could be irrigated beginning in 2005, sold and transferred, or offered for rent in the Water Bank.

A Stipulation Regarding Mitigation with acreage dry up schedule and graph of the achieved net depletion is attached

Sincerely,



Charles E. Brockway P.E. PhD.

Enclosures

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MAR 26 2003

Table 1

Proposed Pumping Schedule with Additional Mitigation with Dried-Up Acres

Applicant: Willie Ground Water Model Node 06,16

Transfer Number 69267

Simulated Volume 100 af/year
33.3 af/trimester

Acres dried up to tra 8.75 acres

Allowed C.U. transfe 2.69 af/a

Volume Transferred 23.54 af/year 2.69 af/a dried up
7.8 af/trimester

Additional Dried Up Acres-Phillips farm

Allowed C.U. transfe 2.27 af/a Phillips

Volume Transferred 240.0 af/year 2.27 af/a dried up
80.0 af/trimester

Acres Dried up 105.7 acres Phillips

| Begin | Years End | Number | Additional Mitigation | | Acres Dried Up | Annual Pumping | | | Allowed Pumping af/year |
|-------|--------------|--------|-----------------------|-----------------|-------------------|----------------|----------------------|----------------------|-------------------------------|
| | | | Simulated Af/yr | Actual Af/yr | | af/trimester | Simulated af/year | Percent Reduction | |
| 2003 | 2004 | 2 | 291 | 68.5 | 30.2 | 33.333 | 100.0 | 0.00 | 23.5 |
| 2005 | 2008 | 4 | 204 | 48.0 | 21.2 | 33.333 | 100.0 | 0.00 | 23.5 |
| 2009 | 2014 | 6 | 82.5 | 19.4 | 8.6 | 33.333 | 100.0 | 0.00 | 23.5 |
| 2015 | >>>>> | | 75 | 17.7 | 7.8 | 33.333 | 100.0 | 0.00 | 23.5 |

Additional mitigation will require drying up of 30.2 acres to secure an additional 68.5
acre feet of mitigation water for 2 years and then reduced acre feet for the remainder of time
based on the schedule.

After the first 2 years of drying up 30.2 acres the water from the reduced acres
can be sold and transferred or offered for rental through the Water Bank.

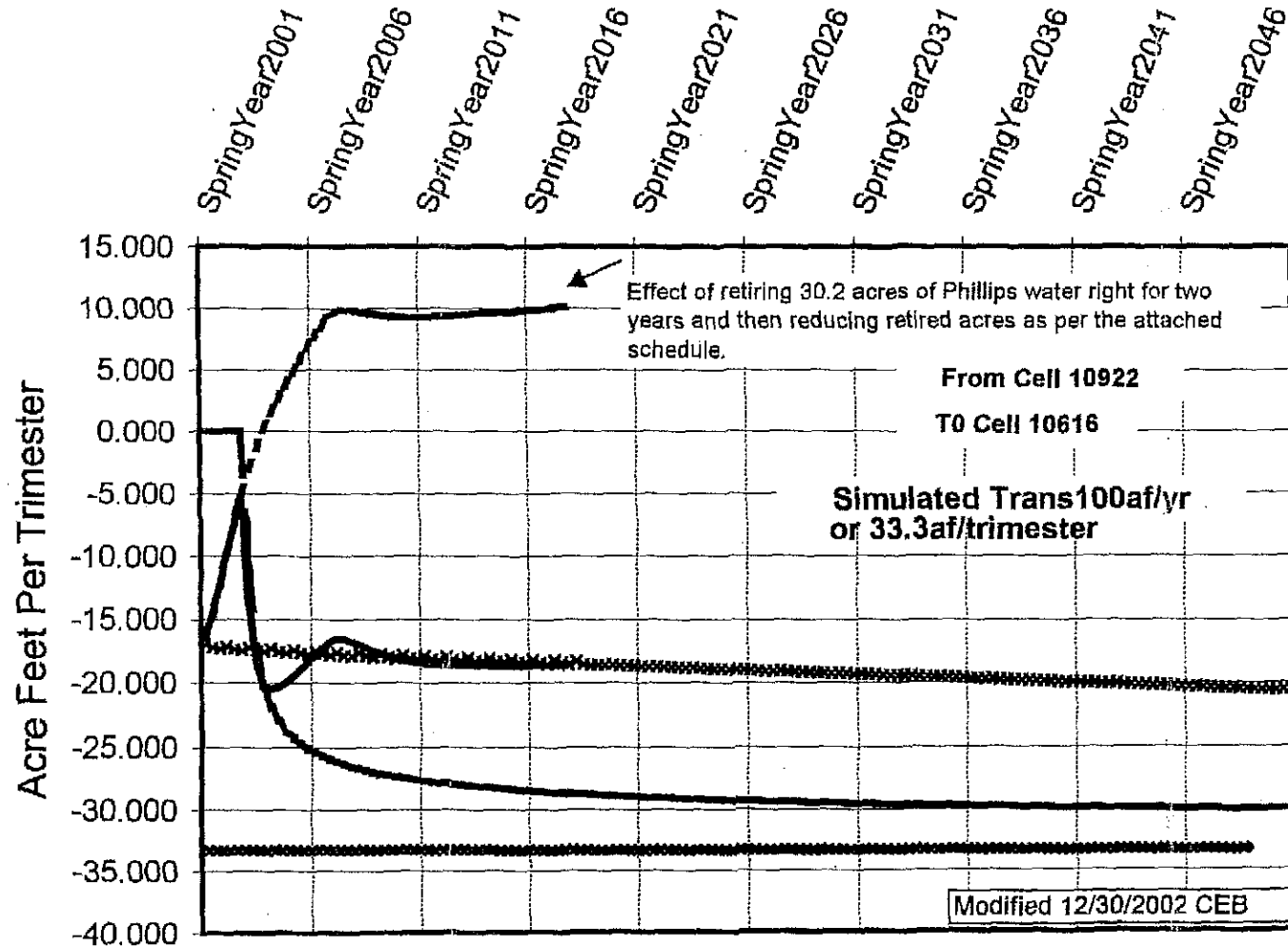
Hydrologic Response--Milner to King Hill Reach

Applicant:

Willie

Transfer No.

69053



— Net Effects - - - Pumping Effects FROM * Pumping Effects TO x Continuous Pumping FROM —◆— Pumping

Stipulations Regarding Mitigation
Transfer Number 69053
Dan Willie
December 2, 2002

1. Mitigation

The Applicant has agreed to reduce pumping of those water rights under this water right transfer and/or to dry up additional previously irrigated acreage at a nearby location (Phillips farm) in a quantity sufficient to assure that no additional impact to the Milner to King Hill reach is experienced. The quantity of reduced pumping and/or additional dry-up has been calculated and agreed to by the Parties. This reduction in pumping is in addition to the reduction resulting from the calculation of the consumptive use component of the water rights. The quantity of reduced pumping for each year and/or additional dryup is set out in the table(s) appended hereto. These mitigation requirements will be incorporated by the Department into the transfer approval and set out as permanent conditions on the affected water rights.

2. Monitoring of mitigation requirements

Discharge from the new well(s) will be monitored by the Applicant, in accordance with the Director's new water right transfer guidance or other applicable requirements as determined by the Director. The quantity of pumped volumes will be reported annually to IDWR .

3. Positive impacts on other reaches

The Department does not currently have a mechanism in place to recognize the positive impacts that a transfer may have on other river reaches within the Eastern Snake Plain Aquifer. The Applicant and the Protestant have agreed that no "reach credits" will be recognized in conjunction with the approval of this transfer at this time. The Parties have agreed, however, that if such "reach credits" are recognized in the future by the Department or other appropriate entity, the Applicant retains the right to apply for such credits based on this transfer. Likewise, the Protestant retains the right to oppose their recognition. If and when such credits are subsequently recognized, they will accumulate only from that point in time forward.

4. No reopening of mitigation calculation

The Applicant and the Protestant have agreed that the quantification of the mitigation obligation (as set out in the attached table(s)) will be permanent. The quantity of mitigation will not be subject to re-opening, re-examination, or re-calculation, except by mutual agreement and approval by the Department. This restriction applies even in the event that new data, new modeling or other information becomes available.

MICHAEL
MAR 26 2003

5. Substitute mitigation

As specified above, the mitigation will be provided in the form of reduced pumping and/or additional dry-up. No other method of achieving the mitigation may be substituted by the Applicant, except upon approval of the Department of an application for modification of the mitigation requirement as provided for by law. Moreover, the Protestant shall be given notice of such application.

In any event, the Protestant will not be required to accept any substitute form of mitigation that is less effective than the original mitigation. Specifically, any substitute mitigation must be "in kind" (meaning that it must provide a substitute supply of water—rather than some other kind of compensation—to make up for the depletions caused by the transfer), "in time" (meaning that the make-up water must be provided so as to reach the impacted area at the appropriate time to respond to the depletion caused by the transfer), and "in place" (meaning that the replacement must provide water to same area as the depletions are experienced). Finally, the substitute mitigation must provide water to the depleted impacted areas with the same degree of certainty and reliability as the original mitigation.

6. Consumptive use

The parties recognize that this transfer is premised upon the assumption of 100 percent consumptive use of water by the dairy. Consequently, the Applicant will be free to improve the efficiency of water use in the future or make other changes under those rights that reduce or eliminate any return flows, without providing further mitigation.

MICROFILM

MAR 26 2002

NOTICE OF PROPOSED CHANGES OF WATER RIGHT

Notice is hereby given that several applications have been submitted to the Idaho Department of Water Resources for changes to ground water rights as follows:

GLENN WARD DAIRY and WARD LAND & LIVESTOCK, 227 E 400 S; BURLEY ID 83318, have filed Application No. 69152 as follows:

Right No. 45-7733
Priority 8/27/79
Use COMMERCIAL (0.33 CFS)
STOCKWATER (0.33 cfs)
Total Amount: 0.33 CFS/128.0 AFA
Point(s) of Diversion: NENE & NWNE S15 T11S R23E
Place of Use: S15 T11S R23E

Right No. 36-7870A
Priority 8/27/79
Use IRRIGATION (0.13 CFS/52.0 AFA)
Point(s) of Diversion: SWNWNW S10 T10S R20E
Place of Use: 13 acres within S10 T10S R20E

Transfer proposes adding a fourth existing well to dairy facility currently served by water right 45-7733. In addition, irrigation right 36-7870A is proposed to be transferred to dairy site to provide additional water for dairy use. Transfer proposes to change (0.13 cfs) of irrigation use by drying up 13 acres within NENW S10 T10S R20E; **Jerome County** to stockwater uses within NE S15 and commercial uses within S14; both T11S R23E by diverting a total of 0.46 cfs/167 afa from an existing well within NENE and three (3) existing wells within NWNE; both S15 T11S R23E; **Cassia County**.

JOHN H WIGHT, PO BOX 621; MALTA ID 83342 has filed Application No. 69192 as follows:

Right No. 43-4107
Priority: 7/30/35
Use STOCKWATER (0.03 cfs)
IRRIGATION (1.20 cfs)
Total Amount: 1.20 CFS/240.0 AFA
Point(s) of Diversion: SWSWSE S1 T13S R26E
Place of Use: 60 acres within S01 T13S R26E

The purpose of the transfer is to irrigate 20 acres with ground water which currently has Cassia Creek surface water that is only available in the spring and creating a permissible place of use for the ground water using Proposed Right No. 43-13037 totaling 0.40 cfs/80 afa consisting of (0.40 cfs irrigation and 0.01 cfs stockwater) [split from Parent Right No. 43-4107] for irrigation of the 33 acre permissible place of use within S12 T13S R26E.

*Several applications for changes have been filed on the following group of ground water rights with points of diversion within NWNWSE S19 & NESWNE S30 T08S R22E for irrigation of 372 acres within S19 & S30 T08S R22E; **Minidoka County**:

Right No. 36-2676
Priority 12/3/66
Use: IRRIGATION (2.32 CFS)

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MAR 26 2003

Right No. 36-7044
Priority 10/18/68
Use: IRRIGATION (3.00 CFS)

Right No. 36-7158
Priority 2/18/71
Use: IRRIGATION (1.25 CFS)

SAWTOOTH DAIRY, 301 8TH AVE N; BUHL ID 83316 has filed Application No. 69125 for changes to the water rights listed *above and also includes:

Right No. 36-14863
Priority 3/1/60
Use: DOMESTIC (0.04 CFS)
STOCKWATER (0.07 cfs)
Total Amount 0.11 CFS
Point(s) of Diversion & Place of Use: SESE S29 T07S R17E

The transfer proposes to dry up 6.7 acres within SWSE S19 T08S R22E; **Minidoka County** and to divert a combined total of 0.186 cfs/30.5 afa from one existing and one new well to be drilled within SESE S29 T07S R17E for year round uses for domestic/stockwater within SESE and in a commercial dairy within E1/2SE1/4 S29 T07S R17E; **Jerome County** by using the following listed rights:

Proposed Right No. 36-15653 (0.04 cfs/6.21 afa) [split from 36-2676]
Proposed Right No. 36-15651 (0.05 cfs/11.0 afa) [split from 36-7044]
Proposed Right No. 36-15655 (0.02 cfs/2.79 afa) [split from 36-7158]
Proposed Right No. 36-14863 (0.15 cfs/14.56 afa)

UR FARMS, 363 N 300 W; JEROME ID 83338 has filed Application No. 69120 for changes to the water rights *listed above and also includes:

Right No. 36-8549
Priority: 6/28/90
Use: STOCKWATER (0.09 cfs)
COMMERCIAL (0.09 cfs)
Total Amount: 0.09 CFS/17.6 AFA
Point(s) of Diversion and Place of Use: NWNE S34 T07S R16E

The transfer proposes to dry up 18.7 acres within S1/2 S19 T08S R22E; **Minidoka County** and to divert a combined total of 0.302 cfs/73.6 afa from one existing and one new well to be drilled within NWNE S34 T07S R16E for year round uses for stockwater within NWNE and in a commercial dairy within N1/2, both S34 T07S R16E; **Jerome County** by using the following listed rights:

Proposed Right No. 36-15644 (0.117 cfs/17.5 afa) [split from 36-2676]
Proposed Right No. 36-15645 (0.15 cfs/30.7 afa) [split from 36-7044]
Proposed Right No. 36-15647 (0.063 cfs/7.8 afa) [split from 36-7158]
Proposed Right No. 36-8549 0.09 cfs/17.6 afa)

DAN WILLIE, 1017 S 1150 E; EDEN ID 83325 has filed Application No. 69053 for changes to the water rights *listed above and proposes to dry up 8.75 acres within NWSE S19 T08S R22E; **Minidoka County** for year round uses in a commercial truck stop within NENW S12 T10S R18E; **Jerome County**. A combined total of 0.10 cfs/26.25 afa will be diverted from two (2) existing wells within NENW S12 T10S R18E; **Jerome County** by using the following listed water rights:

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Proposed Right No. 36-15639 (0.05 cfs/8.19 afa) [split from 36-2676]
Proposed Right No. 36-15637 (0.070 cfs/14.4 afa) [split from 36-7044]
Proposed Right No. 36-15641 (0.029 cfs/3.66 afa) [split from 36-7158]

LARRY GULICK, 329 S 300 E; JEROME ID 83338 has filed Application No. 69127 for changes to the water rights *listed above and also includes:

Right No. 36-8507

Priority: 2/1/90

Use STOCKWATER (0.06 cfs)
COMMERCIAL (0.02 cfs)

Total Amount: 0.06 CFS/18.6 AFA

Point(s) of Diversion and Place of Use: SENE S04 T09S R17E

Transfer proposes to dry up 2.0 acres within SWSE S19 T08S R22E within **Minidoka County** for year round stockwater use within SENE and existing commercial dairy uses within S1/2NE; both S04 T09S R17E; **Jerome County**. A combined total of 0.083 cfs/24.6 afa will be diverted from one existing well and one new well to be drilled within SENE S04 T09S R17E; **Jerome County** by using the following listed water rights:

Proposed Right No. 36-15659 (0.012 cfs/1.9 afa) [split from 36-2676]
Proposed Right No. 36-15657 (0.016 cfs/3.3 afa) [split from 36-7044]
Proposed Right No. 36-15661 (0.007 cfs/0.8 afa) [split from 36-7158]
Proposed Right No. 36-8507 (0.06 cfs/18.6 afa)

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before July 30, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the South Idaho Press on 7/9 & 7/16/01.

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IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

July 5, 2001

ATTN KAY MOORE
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Dear Ms. Moore:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 30, 2001. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, REAL ESTATE DIVISION 12TH FLOOR E., #537-9318, 50 EAST NORTH TEMPLE; SALT LAKE CITY UT 84150-6320 has filed Application No. 69185 for changes to the following ground water rights within JEROME County described as follows:

Point(s) of Diversion: SESESW S14, NENENE & NENENW S23; all T07S R17E
Place of Use: (307 acres) within S13, S14, S23, S24; all T07S R17E

Right No. 36-15558
Priority 11/5/1961
Use: IRRIGATION (1.48 CFS)

Right No. 36-15560
Priority 2/18/1959
Use: IRRIGATION (1.25 CFS)

Right No. 36-15562
Priority 8/19/1965
Use: IRRIGATION (1.37 CFS)

Right No. 36-15564
Priority 2/26/1979
Use: IRRIGATION (0.96 CFS)

The purpose of the transfer is to record only one (1) point of diversion within NENENE, S23 for the above rights with a diversion of a combined total of 4.06 cfs for irrigation of 307 acres within Sections 13, 14, 23, & 24; all T07S R17E.

Notice is hereby given that the following applications have also been filed with the Department concerning rights with points of diversion within Jerome County listed as follows:

GLENN WARD DAIRY and WARD LAND & LIVESTOCK, 227 E 400 S; BURLEY ID 83318, have filed Application No. 69152 which proposes to move Right 36-7870A with a priority of 8/27/79 for irrigation (0.13 cfs on 13 acres) from **Jerome County to Cassia County** for expansion of an existing dairy.

SAWTOOTH DAIRY, 301 8TH AVE N; BUHL ID 83316 has filed Application No. 69125 which proposes to dry up 6.7 acres within SWSE S19 T08S R22E; **Minidoka County** and to divert a combined total of 0.186 cfs/30.5 afa from one existing and one new well to be drilled within SESE S29 T07S R17E for year round uses for domestic/stockwater within SESE and in a commercial dairy within E1/2SE1/4 all S29 T07S R17E; **Jerome County** by using the following listed rights:

Proposed Right No. 36-15653 (0.04 cfs/6.21 afa) [split from 36-2676, priority 12/3/66]
Proposed Right No. 36-15651 (0.05 cfs/11.0 afa) [split from 36-7044, priority 10/18/68]
Proposed Right No. 36-15655 (0.02 cfs/2.79 afa) [split from 36-7158, priority 2/18/71]
Proposed Right No. 36-14863 (0.15 cfs/14.56 afa)

UR FARMS, 363 N 300 W; JEROME ID 83338 has filed Application No. 69120 which proposes to dry up 18.7 acres within S1/2 S19 T08S R22E; **Minidoka County** and to divert a combined total of 0.302 cfs/73.6 afa from one existing and one new well to be drilled within NWNE S34 T07S R16E for year round uses for stockwater within NWNE and in a commercial dairy within N1/2, both S34 T07S R16E; **Jerome County** by using the following listed rights:

Proposed Right No. 36-15649 (0.117 cfs/17.5 afa) [split from 36-2676]

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MAR 26 2003

Proposed Right No. 36-15645 (0.15 cfs/30.7 afa) [split from 36-7044]
Proposed Right No. 36-15647 (0.063 cfs/7.8 afa) [split from 36-7158]
Proposed Right No. 36-8549 0.09 cfs/17.6 afa)

DAN WILLIE, 1017 S 1150 E; EDEN ID 83325 has filed Application No. 69053 which proposes to dry up 8.75 acres within NWSE S19 T08S R22E; **Minidoka County** for year round uses in a commercial truck stop within NENW S12 T10S R18E; **Jerome County**. A combined total of 0.10 cfs/26.25 afa will be diverted from two (2) existing wells within NENW S12 T10S R18E; **Jerome County** by using the following listed water rights:

Proposed Right No. 36-15639 (0.05 cfs/8.19 afa) [split from 36-2676]
Proposed Right No. 36-15637 (0.070 cfs/14.4 afa) [split from 36-7044]
Proposed Right No. 36-15641 (0.029 cfs/3.66 afa) [split from 36-7158]

LARRY GULICK, 329 S 300 E; JEROME ID 83338 has filed Application No. 69127 which proposes to dry up 2.0 acres within SWSE S19 T08S R22E within **Minidoka County** for year round stockwater use within SENE and existing commercial dairy uses within S1/2NE; both S04 T09S R17E; **Jerome County**. A combined total of 0.083 cfs/24.6 afa will be diverted from one existing well and one new well to be drilled within SENE S04 T09S R17E; **Jerome County** by using the following listed water rights:

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Proposed Right No. 36-15657 (0.016 cfs/3.3 afa) [split from 36-7044]
Proposed Right No. 36-15661 (0.007 cfs/0.8 afa) [split from 36-7158]
Proposed Right No. 36-8507 (0.06 cfs/18.6 afa)

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against a proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before July 30, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the North Side News on 7/12 & 7/19/01.

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MAR 26 2003

MB-norma-nsn-Ecover-lds-5-tr

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033

Fax#: 736-3037

July 5, 2001

ATTN: Norma
MAGIC VALLEY PUBLISHING
North Side News
PO BOX 468
JEROME ID 83338

Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 30, 2001. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

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MAR 26 2003

Idaho Department of Water Resources Receipt


Receipt ID S023603

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

| Amount | Description | Fund | FD | PCA | SO |
|----------|-------------|------|----|-------|------|
| \$100.00 | TRANSFERS | 0229 | 21 | 64106 | 1155 |



Signature Line (Dept. Representative)

MICROFILMED

MAR 26 2003

04/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 36-7045

| | |
|-------------------|-----------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | WILLIE-HUNZEKER ENTERPRISES |
| | 1017 S 1150 E |
| | EDEN, ID 83325 |
| | (208)825-4147 |

Priority Date: 11/15/1968
Basis: Decreed
Status: Active

Source Tributary to
GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| COMMERCIAL | 1/01 | 12/31 | 0.04 CFS | 1.8 AFA | |
| FIRE PROTECTION | 1/01 | 12/31 | 0.1 CFS | | |
| Total Diversion | | | 0.14 CFS | 1.8 AFA | |

Location of Point(s) of Diversion:

GROUND WATER SENENW Sec. 12 Township 10S Range 18E JEROME County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL JEROME County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 10S | 18E | 12 | | NENW | | | | | | | | | | |

Place of Use Legal Description: FIRE PROTECTION JEROME County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 10S | 18E | 12 | | NENW | | | | | | | | | | |

Conditions of Approval:

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

Remarks:

1. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN SENENW S 12, T10S, R18E.
2. Purpose of Use COMMERCIAL USE IS TRUCK STOP, CAFE & STORE.
3. Explanatory PROPERTY IS ALSO KNOWN AS OASIS TRUCK STOP.

Comments:

| <u>Author</u> | <u>Date</u> | <u>Subject</u> | <u>Comment</u> |
|---------------|-------------|-----------------|-----------------------------------|
| BEDKE | 1/16/91 | NB-STAFF REVIEW | NB-STAFF REVIEW |
| WORSTELL | 10/7/91 | COPIED FROM | 2 WELLS, 1 SYSTEM, SAME PRIORITY. |

| | | | |
|---------|----------|---|--|
| MERRITT | 10/15/91 | REMARKS ALLOW WHAT WAS LICENSED. SYSTEM SEEMS TO HAVE BEEN EXPANDED. | THE SYSTEM AND USE HAS APPEARS TO HAVE EXPANDED SINCE ORIGINAL LICENSE. CLAIM APPEARS TO HAVE ATTEMPTED TO EXPAND DIVERSION RATE FOR COMMERCIAL USE; THIS HAS BEEN DISALLOWED. RECOMMENDATION BASED ON ORIGINAL LICENSED AMOUNT. APPEARS THAT EXPANSION NEEDS TO BE COVERED UNDER NEW PERMIT. |
|---------|----------|---|--|

Dates:

Licensed Date:
 Decreed Date: 12/16/1997
 Permit Proof Due Date:
 Permit Proof Made Date:
 Permit Approved Date:
 Permit Moratorium Expiration Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Application Received Date:
 Protest Deadline Date:
 Number of Protests: 0

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

04/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

WATER RIGHT NO. 36-8766

| | |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | TRAVELERS OASIS |
| Current Owner | DAN WILLIE |
| | 1017 S 1150 E |
| | EDEN, ID 83325 |
| | (208)825-4147 |

Priority Date: 06/08/1997
Status: Active

Source Tributary to
GROUND WATER

| | | | | | |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| COMMERCIAL | 1/01 | 12/31 | 0.11 CFS | | |
| Total Diversion | | | 0.11 CFS | | |

Location of Point(s) of Diversion:

GROUND WATER NENW Sec. 12 Township 10S Range 18E JEROME County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL JEROME County

| | | | | | | | | | | | | | | |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
| 10S | 18E | 12 | | NENW | | | | | | | | | | |

Conditions of Approval:

1. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.

Remarks:

1. General Two points of diversion are located within NENW, S12, T10S, R18E.
Commercial use is for a convenience store, restaurant and service station and does not include lawn, garden, landscape, or other types of irrigation.
Rights 36-07045, 36-08766, and 36-08767 when combined, shall not exceed a total diversion rate of 0.11 cfs nor a total annual diversion volume of 15.0 AF for commercial use.

Comments:

| | | | |
|---------------|-------------|-------------------------|--|
| <u>Author</u> | <u>Date</u> | <u>Subject</u> | <u>Comment</u> |
| CZIMMER | 7/7/97 | MORATORIUM | This application proposes the use of 0.11 cfs within the boundaries of the Eastern Snake River Plain |
| M | | EXEMPTION | Moratorium area. Evidence within the file verifies this use occurred before 1987. Therefore, under the |
| | | | moratorium guidelines this use is exempt from moratorium limitations. |
| VAULT | 12/29/97 | Proof of Beneficial Use | Proof of Beneficial Use Rcvd |
| | | Rcvd | |

Dates:

Proof Due Date: 12/01/1997
Proof Made Date: 12/24/1997
Approved Date: 08/12/1997
Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 05/16/1997
Protest Deadline Date:
Number of Protests: 0

04/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

WATER RIGHT NO. 36-8767

| | |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | TRAVELERS OASIS |
| Current Owner | DAN WILLIE |
| | 1017 S 1150 E |
| | EDEN, ID 83325 |
| | (208)825-4147 |

Priority Date: 06/19/1997
Status: Active

Source Tributary to
GROUND WATER

| | | | | | |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| COMMERCIAL | 1/01 | 12/31 | 0.11 CFS | | |
| Total Diversion | | | 0.11 CFS | | |

Location of Point(s) of Diversion:

GROUND WATER NENW Sec. 12 Township 10S Range 18E JEROME County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL JEROME County

| | | | | | | | | | | | | | | |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
| 10S | 18E | 12 | | NENW | | | | | | | | | | |

Conditions of Approval:

1. 068 This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.

Remarks:

1. General Two points of diversion are located within NENW, S12, T10S, R18E. Commercial use is for a convenience store, restaurant and service station and does not include lawn, garden, landscape, or other types of irrigation. Rights 36-07045, 36-08766, and 36-08767 when combined, shall not exceed a total diversion rate of 0.11 cfs nor a total annual diversion volume of 15.0 AF for commercial use.

Comments:

| | | | |
|---------------|-------------|-------------------------------|---|
| <u>Author</u> | <u>Date</u> | <u>Subject</u> | <u>Comment</u> |
| CZIMMER M | 7/7/97 | MORATORIUM EXEMPTION | This application proposes the use of 0.11 cfs within the boundaries of the Eastern Snake River Plain Moratorium area. Evidence within the file verifies this use occurred before 1987. Therefore, under the moratorium guidelines this use is exempt from moratorium limitations. |
| VAULT | 12/29/97 | Extension of Time Received | Extension of Time Received |
| MBALDWI N | 6/19/98 | PROOF OF BENEFICIAL USE | Proof of Beneficial Use was received at Southern Region on 6/19/98 and forwarded to the State Office for processing. |
| VAULT | 6/22/98 | Proof of Beneficial Use | Proof of Beneficial Use Rcvd |

Rcvd

Dates:

Proof Due Date: 12/01/1998
Proof Made Date: 06/19/1998
Approved Date: 08/12/1997
Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 05/27/1997
Protest Deadline Date:
Number of Protests: 0
Field Exam Date:
Date Sent to State Off:
Date Received at State Off:

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

MEMORANDUM

TO: FILE 36-15719
FROM: VAULT
RE: TRANSFER # 69339
DATE: 1.13.03

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-16103

MICROFILMED
MAR 26 2003