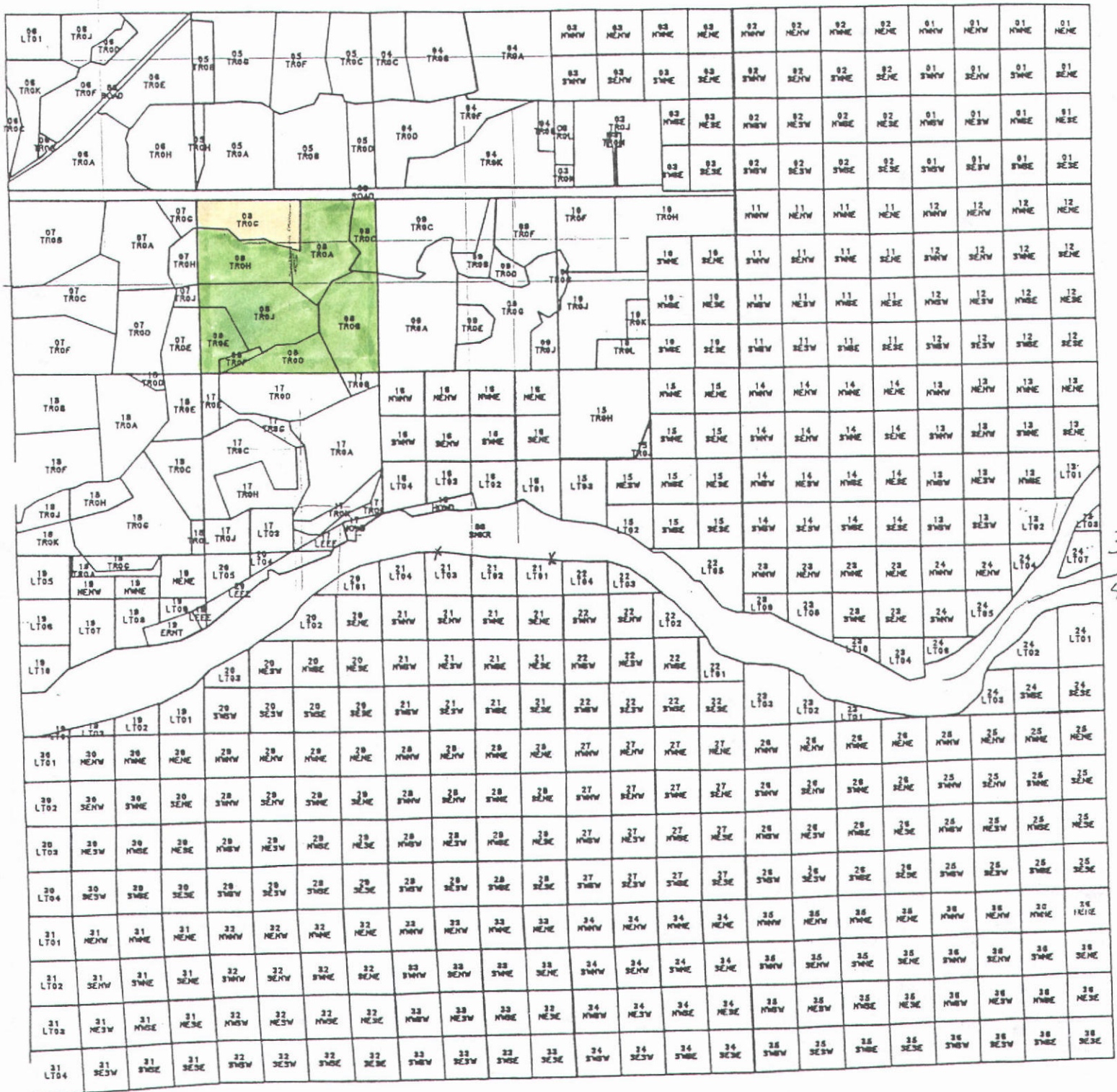


10S22E

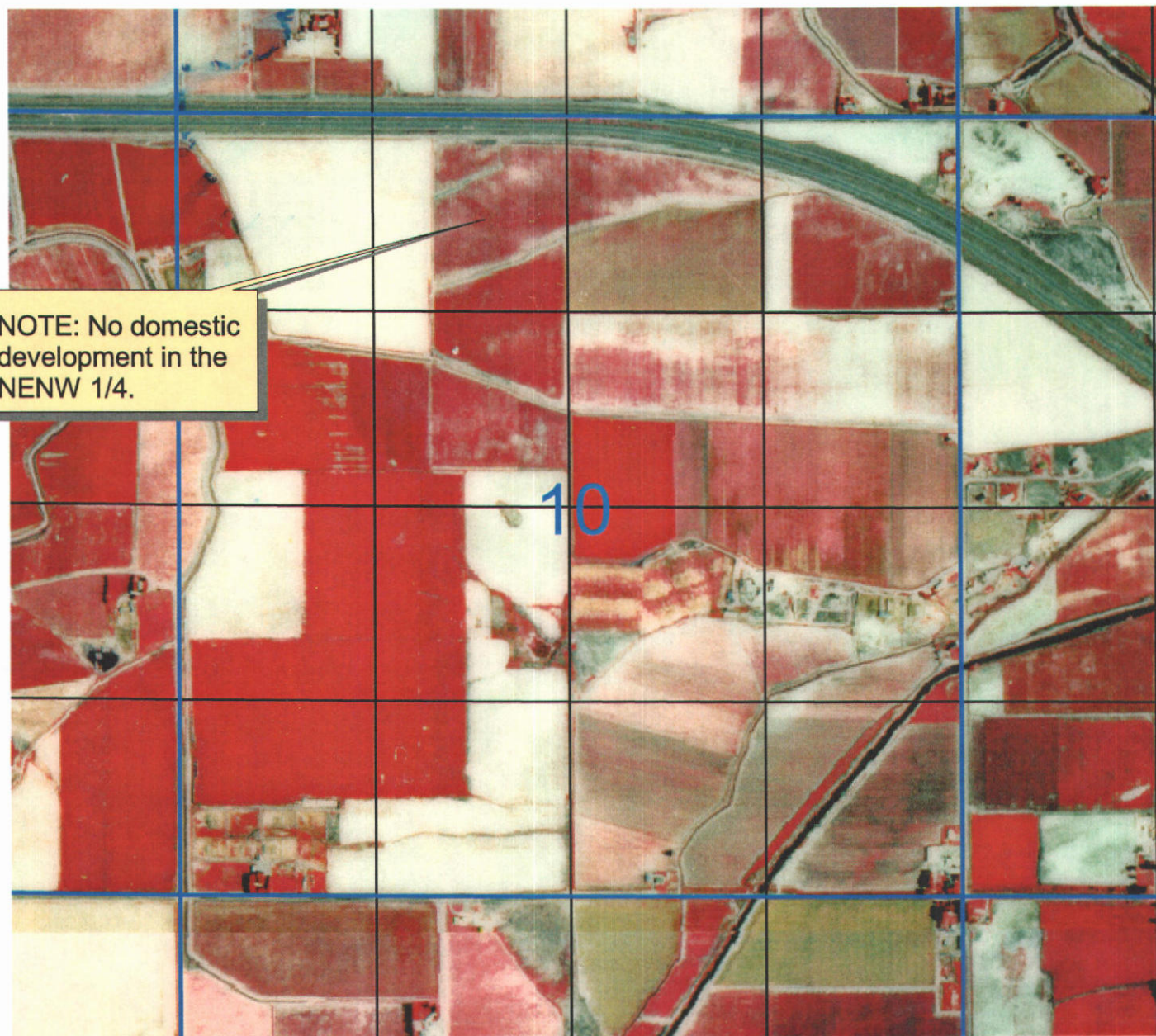


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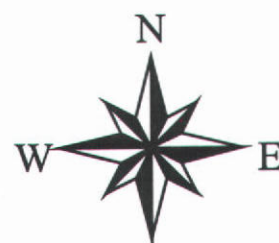
JUN 14 2001

T#5836

Township 10 South, Range 22 East, Section 10



9/5/2000
P. SKINNER
MICROFILMED
JUN 14 2001



T#5836

00-388

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS**

Notice is hereby given that two (2) applications have been filed with the Department of Water Resources for changes to water rights within Minidoka County as described below.

Transfer No. 5832 by Randall &/or Jean Fife, 52 W 800 N; RUPERT ID 83350 involves Right No. 36-07704 (1.76 cfs) recorded with priority date of 05/12/1977 from ground water within Lot 3 (NENW) for irrigation of 88 acres within N1/2, all S03, T09S, R24E. The applicant requests to convert to commercial/stockwater uses in an existing dairy within NW by drying up nine (9) acres within SENW by using Designated Right No. 36-07704B (0.18 cfs). Transfer No. 5832 proposes diversion from the same existing well listed above with land application of dairy wastes within NWNE & NW; all S03, T09S, R24E. The remaining portion, Designated Right No. 36-07704A (1.58 cfs) will continue to irrigate 79 acres at the original site.

Transfer No. 5836 by Kenneth & Darrellyn Williams, 1203 W 300 S; HEYBURN ID 83336 involves Right No. 36-12054 (0.08 cfs) recorded with priority date of 05/19/1959 from ground water within NENW for stockwater (0.04 cfs) and domestic (0.04 cfs) uses within NENW, all S10. Transfer No. 5836 proposes to correctly record historical diversion point of diversion and historical place of use within NENW, S08; all T10S, R22E.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before November 17, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the South Idaho Press on
October 30 and November 6, 2000.

030 100900

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68519

This is to certify that: DARRELLYN J WILLIAMS And
KENNETH L WILLIAMS
1203 W 300 S
HEYBURN ID 83336
(208)438-2753

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

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
36-12054	WR/Decreed	05/19/1959	0.08 cfs			N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

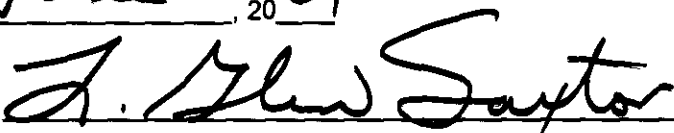
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-12054	NO	NO	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-12054	36-12054	0.08 cfs	1.5 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.08 cfs	1.5 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 14 2001

WATER RIGHT NO. 36-12054
As Modified by Transfer No. 68519

In accordance with the approval of Transfer No. 68519, Water Right No. 36-12054 is now described as follows.

Right Holder: DARRELLYN J WILLIAMS And
 KENNETH L WILLIAMS
 1203 W 300 S
 HEYBURN ID 83336

Priority Date: 05/19/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.04 CFS	1.2 AF
STOCKWATER	01/01	to 12/31	0.04 CFS	0.3 AF
			0.08 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENW Sec. 8 Twp 10S Rge 22E MINIDOKA County

PLACE OF USE: DOMESTIC

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 22E 8					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	
10S 22E 8					X												

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stockwater and domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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JUN 14 2001

WATER RIGHT NO. 36-12054
As Modified by Transfer No. 68519

CONDITIONS OF APPROVAL

4. Domestic use is for 1 home.
5. Place of use is located within Parcel No. RP 10S22E0800G0.

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 June, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 14 2001

PART 1

i. General Information:

a. Description of diversion system Domestic Well at the home, consisting of a well, motor and pump,
with line to stock water tank adjacent to the home on the premises.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XXXX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Not affected by this change since the water from the domestic well
was never used in Section 10, Twp 8. S., Rge. 22 EBM, Minidoka County,
Idaho, but was always used in Section 8, Twp. 10 S, Rge. 22 EBM,
Minidoka County, Idaho.

d. Remarks:

The purpose of this Application is to correct an error made by
John H. St. Marie for Water Right 36-12054 wherein Mr. St. Marie
incorrectly listed the place of diversion and use in Section 10,

Township 8 South, Range 22 EBM; whereas the actual location is Sec. 8,
TWP 10 S., Range 22 EBM

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____

MICROFILMED

, 19 _____

JUN 14 2001

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-12054

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.08 CFS

SOURCE

GROUNDWATER

Priority: 05/19/1959

LOCATION OF POINT(S) OF DIVERSION:NENENW , Sec. 10, Township 10S, Range 22E
MINIDOKA CountyPLACE OF USE:

STOCKWATER

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

DOMESTIC

---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---
10S	22E	10	:					:	D				:					:					:								

CONDITIONS/REMARKS:

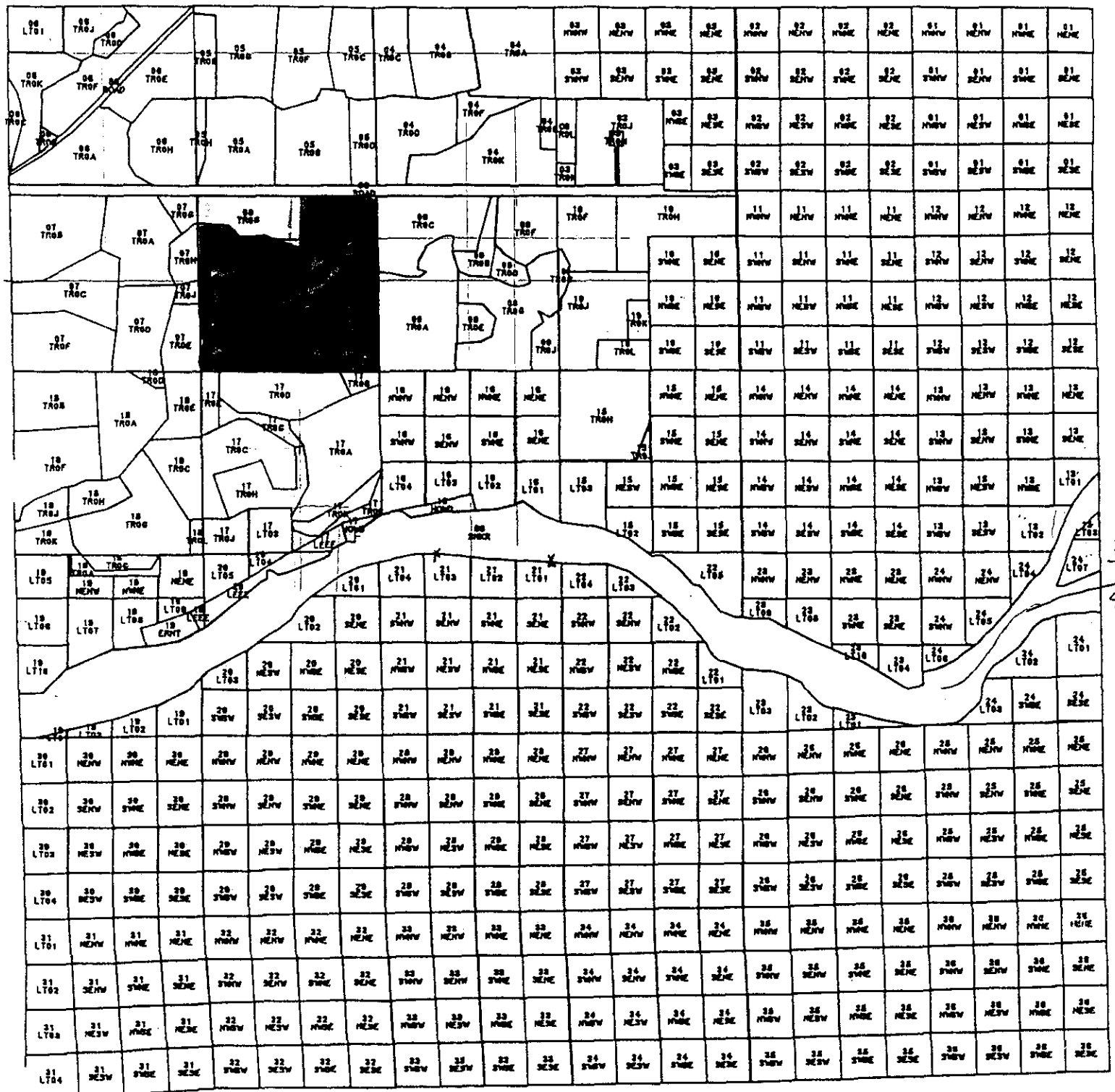
1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. RP 10S22E0800G0.
4. STOCKWATER, 7 HEAD

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

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JUN 14 2001

10S22E



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JUN 14 2001

T#5836

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map

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JUN 14 2001

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

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

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

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

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

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

Kenneth L. Williams Darrellyn J. Williams
 Kenneth L. Williams Darrellyn J. Williams (Signature of Applicant)
 Subscribed and sworn to before me this _____ day of August, 2000, ~~xxx~~

Jim Brown
 (Notary Public)
 My commission expires October 31, 2000

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 4 attachments

Received by P. SKINNER Date 9/1/2000 Protest filed by None

Prelim. check by P. SKINNER Fee \$100.00 5023370

Received by P. SKINNER Date 9/1/2000

Published in So. Ill. Press Copies of protest forwarded by _____

Pub. dates 10/30 & 11/6/00 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by Jim

Copy of transfer sent to lien holder _____

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JUL 14 2001

Township 10 South, Range 22 East, Section 10

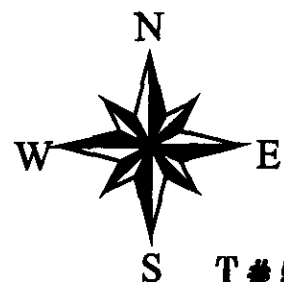
NOTE: No domestic
development in the
NE1/4.

9/5/2000

A. SKINNER

MICROFILMED

JUN 14 2001



T#5836

448830
COPY

WARRANTY DEED

RECEIVED
SEP 01 2000
Department of Water Resources
Southern Region

FOR VALUE RECEIVED, JOSEPHINE M. ST. MARIE, a widow, the Grantor, does hereby grant, bargain, sell and convey to KENNETH W. L. WILLIAMS and DARRELLYN J. WILLIAMS, husband and wife, whose present address is 1203 West 300 South, Heyburn, ID 83336, the Grantees, the following described premises, located in Minidoka County, Idaho, to-wit:

The real property described on Exhibit
"A" attached hereto and by this reference
made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that Grantor is the owner in fee of said premises, that said premises are free from all encumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

DATED this 25th day of July, 2000.

Instrument # 448830

MINIDOKA COUNTY RUPERT, IDAHO
2000-07-28 02:00:27 No. of Pages: 3
Recorded for: RUPERT LAND TITLE
DUANE SMITH Fee: 9.00
Ex-Officio Recorder Deputy

Josephine M. St. Marie
Josephine M. St. Marie

STATE OF IDAHO)
County of Minidoka) ss.

On this 25th day of July, 2000, before me the undersigned Notary Public in and for said State, personally appeared Josephine M. St. Marie known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

(SEAL)

WILLIAM T. GOODMAN
NOTARY PUBLIC
STATE OF IDAHO

William T. Goodman
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 12/24/04

Name: 00448830.000
Dimensions: 2528 x 3274 pixels

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JUL 14 2001

T#5836

EXHIBIT "A"

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

SECTION 8:

Part of Farm Tract G, more particularly described as follows:

Beginning at Tract Corner No. 2 of Farm Tract G in said Section 8, said corner marked by a U.S.B.R. iron pipe with brass cap on top; thence North 89°19'14" West along the north line of farm Tract G (south right of way of Interstate 84) for a distance of 96.35 feet to a ½ inch rebar which shall be the Point of Beginning; thence South 02°11'15" West for a distance of 336.43 feet to a ½ inch rebar; thence North 83°23'12" West for a distance of 41.79 feet to a ½ inch rebar; thence North 59°55'36" West for a distance of 66.59 feet to a ½ rebar; thence North 82°24'41" West for a distance of 35.80 feet to a point on the centerline of a concrete irrigation ditch; thence North 88°43'33" West along the centerline of a concrete ditch and its extension for a distance of 356.93 feet to a ½ inch rebar; thence North 16°44'08" East for a distance of 107.36 feet to a ½ inch rebar; thence North 29°07'57" East for a distance of 152.59 feet to a ½ inch rebar; thence North 47°26'48" East for a distance of 40.43 feet to a ½ inch rebar; thence North 84°55'32" East for a distance of 59.60 feet to a ½ inch rebar; thence North 00°40'46" East for a distance of 20.29 feet to a ½ inch rebar on the north line of farm Tract G; thence South 89°19'14" East along said line for a distance of 309.73 feet to the Point of Beginning; together with A 20 foot irrigation easement over a portion of farm Tract G, more particularly described as follows:

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

SECTION 8:

Part of Farm Tract G, more particularly described as follows:

Beginning at Tract Corner No. 2 of Farm Tract G in said Section 8, said corner marked by a U.S.B.R. iron pipe with brass cap on top; thence North 89°19'14" West along the north line of Farm Tract G (south right of

Name: 00448830.001

Dimensions: 2528 x 3280 pixels

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1998 1 4 2002

way of Interstate 84) for a distance of 96.35 feet to a ¼ rebar; thence South 02°11'15" West for a distance of 316.43 feet to the Point of Beginning; thence along the following lines and being 20 foot wide and to the right of said lines; thence South 87°42'46" East for a distance of 561.16 feet to the east line of Farm Tract G; thence South 02°17'27" West along said line for a distance of 1029.38 feet to a U.S.R.S. iron pipe (witness corner) with a brass cap on top; thence South 02°17'27" West continuing along said line for a distance of 172.28 feet; thence North 77°55'11" West for a distance of 628.56 feet; thence North 69°27'52" West for a distance of 66.47 feet; thence North 59°56'28" West for a distance of 51.56 feet; thence North 56°04'21" West for a distance of 378.55 feet; thence North 69°19'21" West for a distance of 69.15 feet; thence North 88°28'13" West for a distance of 70.20 feet; thence South 85°23'32" West for a distance of 266.83 feet; thence North 72°02'40" West for a distance of 67.73 feet; thence South 04°59'33" East for a distance of 59.66 feet to the south line of Farm Tract G (centerline of F lateral) which is the termination of said easement.

SUBJECT TO: An Access Easement reserved to the Grantor for access to said Farm Unit G, Tract G described as follows:

Beginning at Tract Corner No. 2 of Farm Tract G in Section 8 of T. 10 S., R.22 E., B.M., said corner marked by a U.S.B.R. iron pipe with brass cap on top; thence North 89°19'14" West along the north line of Farm Tract G (south right of way of Interstate 84) for a distance of 125.99 feet to the Point of Beginning; thence South 00°48'56" West for a distance of 334.07 feet; thence North 83°23'12" West for a distance of 20.10 feet to a ¼ rebar; thence North 00°48'56" seconds East for a distance of 331.99 feet to the north line of Farm Tract G; thence South 89°19'14" East along said line for a distance of 20.00 feet to the Point of Beginning;

AND ALSO SUBJECT TO: An Easement in favor of Idaho Power Company, a corporation, recorded May 12, 1958, in Book 36 Deeds, page 452, for an electric power line, and

ALSO SUBJECT TO: An Easement recorded June 18, 1964, as Instrument No. 172242 in favor of the State of Idaho for highway purposes.

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT
I.R.C.P. 54(b) FOR
Water Right 36-12054

DEC 10 PM 2:31

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: JOHN H ST MARIE
RT 1 BOX 1419
HEYBURN ID 83336

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/19/1959

POINT OF DIVERSION: T10S R22E S10 NENENW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

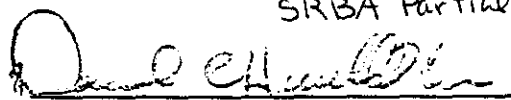
PLACE OF USE: STOCKWATER Within MINIDOKA County
T10S R22E S10 NENW

DOMESTIC Within MINIDOKA County
T10S R22E S10 NENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: DEC 10 1996

SRBA Partial Decree

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

RULE 54(b) CERTIFICATE

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

DATED: DEC 10 1996

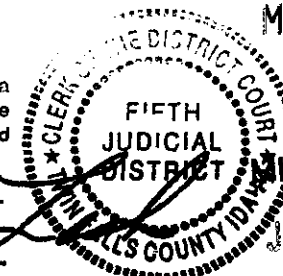

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-12054

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



MAY 22 1997

PAGE 1
NOV-26-1996

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JUN 14 2001



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

June 13, 2001

DARRELLYN J WILLIAMS
KENNETH L WILLIAMS
1203 W 300 S
HEYBURN ID 83336

RE: Transfer No.: 68519 - Water Right 36-12054 - Transfer Approval Notice

Dear Water Right Holder:

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.

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

Sincerely,

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

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JUN 14 2001

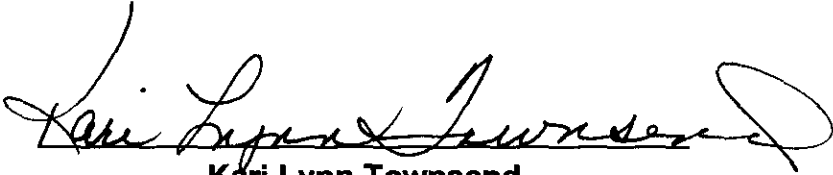
JP:klt
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on June 14, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68519 - WATER RIGHT 36-12054

**DARRELLYN J WILLIAMS
KENNETH L WILLIAMS
1203 W 300 S
HEYBURN ID 83336**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 14 2001**

**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).

MICROFILMED
JUN 14 2001

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.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 5836/68519

DATE REVIEWED 6-13-01 28

SPLIT POD ☒ ADD POD POU ☒ PERIOD or NATURE of USE

ALL OF RIGHT(S) W Water Right C=SRBA Claim R=SRBA Recommendation

<u>W 136-12054</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season NA to

Standard Volume NA /

- (1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) Volume
 (6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map
 (11) NA Water District NA Magic Valley GW Dist. (12) Yes Pertinent Conditions Deer (13) No Expansion W/limits
WM/Rcvd

(5) Standard DOM vol = 1.2 cfs 7 head stock (Dairy barn on map) = .3 cfs
 (7) & (8) Change from Section 10 to Section 8. Correction/No physical change.
Existing Well

Conditions/Remarks POU aka Parcel # RP 10522E080060
W62, T07, T08
DOM use for 1 home.

WRs for Update Comments NA

Database Updated to Reflect Final Action

SRBA

SUBCASE SUMMARY REPORT 36-12054

[Return to SRBA Home Page](#)

SRBA
06-13-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-12054 FILE#: 00000
CLAIMANT: ST MARIE, JOHN H
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

JOHN H ST MARIE

C PRO SE

**** ROA ENTRIES ****

12-10-1996 PARTIAL DECREE FILED
12-10-1996 CERTIFICATE OF MAILING - PARTIAL DECREE

12-10-1996

[Return to SRBA Home Page](#)

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JUN 14 2001

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Kenneth L. Williams

TRANSFER NO. 5836

68519

1. Right number(s)

36-12054

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: _____

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: TRANSFER FILED TO CORRECT DECREE

POD & POV. NOTE THAT PARCEL # ON RIGHT

BEING TRANSFERRED IS 10522E 080060 AND GIS

SHOWS NO DOMESTIC DEVELOPMENT AT DECREE PLACE
OF USE.

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 PROOF GIVEN FOR "ACTUAL" POV
- h. ☒ Expansion in use of right - Comments: _____

NONE APPARENT

68519

5836

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

JUST AIR WATER

- 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)

RIGHT BEING TRANSFERRED IS SRBA DECREE

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

INITIAL ALLOCATION REVIEW BY A. SKINNER DATE 9/5/2000
 SRBA SUPERVISOR REVIEW BY _____ DATE _____
 PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ✓ Yes 10/23/00
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 10/20/00

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; 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 AD Date 11/21/05

RECEIVED

NOV 24 2000

MEMO

Department of Water Resources

FROM: Allen Merritt 

DATE: November 21, 2000

TO: Transfer File No. 5836

In the name of: Kenneth and Darrellyn Williams

Water Right(s): 36-12054

SUBJECT: **Review and Recommendation**

This transfer corrects an error made in the SRBA D&S process. The transfer changes the P/D & P/U for a D&S decree.

The transfer was processed without protest.

Recommendation

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

- Same conditions as on decree.
- No new well or use to be established.

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JUN 14 2001

T # 5836

FILE PROGRESS SUMMARY

APPLICANT: Kenneth L. Williams

WATER RIGHT NO. 36-12054

[illegible]

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

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is a legal clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated October 30, 2000, and ending with the issue dated November 6, 2000.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 10th day of November in the year of 2000 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Kay Moore

Notary Public for Idaho

Residing at: Paul, Idaho

My commission expires: 09-20-2001

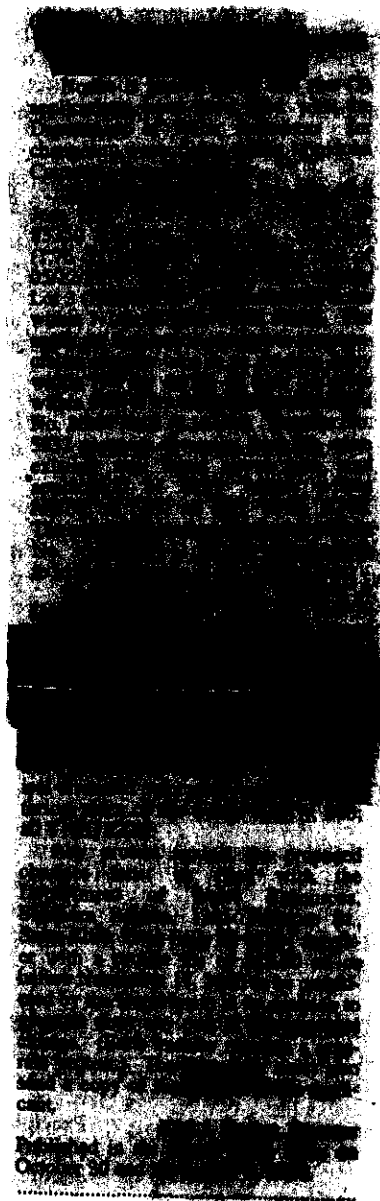
Cost of Publication 67.32
Affidavit Fee 5.00
Total Cost 72.32

OK
MB
11/13/00

RECEIVED
NOV 08 2000
Department of Water Resources
Southern Region

MICROFILMED

JUN 14 2001



NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that two (2) applications have been filed with the Department of Water Resources for changes to water rights within Minidoka County as described below.

Transfer No. 5832 by Randall &/or Jean Fife, 52 W 800 N; RUPERT ID 83350 involves Right No. 36-07704 (1.76 cfs) recorded with priority date of 05/12/1977 from ground water within Lot 3 (NENW) for irrigation of 88 acres within N½, all S03, T09S, R24E. The applicant requests to convert to commercial/stockwater uses in an existing dairy within NW by drying up nine (9) acres within SENW by using Designated Right No. 36-07704B (0.18 cfs). Transfer No. 5832 proposes diversion from the same existing well listed above with land application of dairy wastes within NWNE & NW; all S03, T09S, R24E. The remaining portion, Designated Right No. 36-07704A (1.58 cfs) will continue to irrigate 79 acres at the original site.

Transfer No. 5836 by Kenneth & Darrellyn Williams, 1203 W 300 S; HEYBURN ID 83336 involves Right No. 36-12054 (0.08 cfs) recorded with priority date of 05/19/1959 from ground water within NENW for stockwater (0.04 cfs) and domestic (0.04 cfs) uses within NENW, all S10. Transfer No. 5836 proposes to correctly record historical diversion point of diversion and historical place of use within NENW, S08; all T10S, R22E.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before November 17, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. **(Each transfer requires a separate protest.)** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 10/30 & 11/6/00.

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JUN 16 2001

PK
20~



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

October 23, 2000

**ATTN LEGALS DEPT
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318**

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

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SUN 14 2001

WILLIAM T. GOODMAN
ALAN GOODMAN
RICK BOLLAR
NICOLE L. ARBOGAST

LAW OFFICE
Goodman and Bollar
CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350 - 0020

AREA CODE 208
TELEPHONE NO.
436-4774
FAX
(208) 436-4837

August 31, 2000

RECEIVED
SEP 01 2000
Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Filmore Street - Suite 200
Twin Falls, ID 83301-3380

Attn: Mr. Corey Skinner, P.E.

Re: Water Right Number 36-12054, John H. and Josephine St. Marie

Dear Mr. Skinner:

I am forwarding to you the Application for Transfer of Water Right regarding the above Water Right pursuant to your letter to me dated August 7, 2000.

Enclosed are the following:

1. Application for Transfer of Water Right
2. Check from Land Title for \$100.00
3. Property Survey Map showing location of facilities concerning water from well to property
4. Copy of the recorded Warranty Deed from the Estate of John H. St. Marie to Kenneth L. and Darrellyn J. Williams

If any further information or documents are required to transfer the Water Right to the correct location and place the same in the name of Mr. and Mrs. Williams, please let me know.

Very truly yours,

GOODMAN & BOLLAR



William T. Goodman

WTG:KH
Encl.

MICROFILMED

JUN 14 2001

T#5836



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 7, 2000

William T. Goodman
Goodman and Bollar
717 7th Street
Box D
Rupert, ID 83350-0020

Dear Mr. Goodman:

Please find enclosed a package of information that you recently submitted to Trish Fawcett of this office involving water right 36-12054, currently in the name of John St. Marie. This package of information consists of a "Notice of Change of Water Right Ownership" form, a copy of a deed, a copy of a plat map, and a \$100.00 check (check #24427) from Land Title and Escrow.

It appears that you are attempting to change the recorded point of diversion and place of use of water right 36-12054 from Section 10 to Section 08 in Township 10 South, Range 22 East. In order to change the recorded points of diversion, or place of use, of a water right, a water right transfer application must be filed. I have enclosed one of these applications, along with the instructions, for your reference and possible use. I have also enclosed a transfer application form that I have partially completed for your reference and possible use. A transfer application can also be used to change the ownership of a water right. Therefore, if a transfer application is filed, and eventually approved, there will be no need to file a "Notice of Change of Water Right Ownership".

Please be aware, that as part of the transfer application, the applicant must provide proof of ownership of the right being transferred, a map showing the proposed point of diversion and place of use, the necessary filing fee, and other information that the Department may require.

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, P.E.
Water Resource Engineer

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Enclosures

JUN 14 2001

T#5836

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

5023370

Date:

Time:

9/ 1/2000

14:41:55

Received

From:

LAND TITLE AND ESCROW

Type of Payment

Program A cct

Amount

TRANSFER APPLICATION (WILLIAMS)	64106	229 21 1155	100.00
---------------------------------	-------	-------------	--------

Total

\$

100.00

CHECK

24427

Region: SOUTHERN

Signature:

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JUN 14 2000