

No Color
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JUL 29 2003

[Signature] # 68993

FILE PROGRESS SUMMARY
Department of Water Resources

APPLICANT:

H. Eversen Darcy

WATER RIGHT NO.

36-2676 elat

INIT.	DATE	COMMENT
cel	1/26/01	Stopped to John Freitag
JF	04/02/01	Correct Water Right records are now available on enterprize for data entry
JF	04/13/01	To MB for advertising
AD	5/4/01	Draft 2d to MB
MB	5/7/01	Pub. Sch - SIP 5/14 + 5/21/01; GCL 5/17 + 5/24/01; 6/4/01
MB	5/7/01	Pub. off rec. (SIP 5/23/01) GCL (5/31/01)
MB	5/7/01	Prepared Ltrs - Notice of Prot + Prot. Ack.
MB	6/25 + 26/03	Scanned & profiled file to date
AD	7/20	Drafted Appeal
MB	7/11/03	Rec. Withdrawal of Protest
MB	7/22/03	Sent letter to all Parties re: Protest withdrawal + processing procedure.
AD	7/25/03	To MB + forward.

Transfer Review Sheet

Applicant Bushman Transfer # T68993 Amended

Rights Involved with Transfer:

WR# _____

AJ# _____

Right ID Correct? Y or N Y or N Y or N Y or N Y or N Y or N

Split? Y or N Y or N Y or N Y or N Y or N Y or N

Unchanged # _____

Changed # _____

Area of Concern: _____

Comment Letters:

	Date Requested	Date Received
Watermaster: District _____	_____	_____
Fish & Game _____	_____	_____
Canal Company _____	_____	_____
Stream Channel _____	_____	_____
City _____	_____	_____
DEQ _____	_____	_____
County _____	_____	_____
Department of Ag _____	_____	_____
Other _____	_____	_____

Divy Shapes

<u>SDE:</u>		Shape Updated		Shape Updated
Right Number	POD ID #		POU ID #	
<u>26-15571</u>	<u>594601</u>	<u>✓</u>	<u>Stock ✓ 681542</u>	
	<u>594602</u>	<u>✓</u>	<u>Com ✓ 681543</u>	
	<u>594603</u>	<u>✓</u>		
<u>26-15572</u>	<u>594604</u>	<u>✓</u>	<u>Stock ✓ 681544</u>	
	<u>594605</u>	<u>✓</u>	<u>Com ✓ 681545</u>	
	<u>594606</u>	<u>✓</u>		
<u>26-10640</u>	<u>534272</u>	<u>✓</u>	<u>Stock ✓ 681777</u>	
	<u>534273</u>	<u>✓</u>	<u>Dam ✓ 489658</u>	
	<u>574274</u>	<u>✓</u>		
<u>26-15569</u>	<u>594598</u>	<u>✓</u>	<u>Stock ✓ 681776</u>	
	<u>594599</u>	<u>✓</u>	<u>Com ✓ 681775</u>	
	<u>594600</u>	<u>✓</u>		
<u>37-21133</u>	<u>594607</u>	<u>✓</u>	<u>Stock ✓ 681546</u>	
	<u>594608</u>	<u>✓</u>	<u>Com ✓ 681547</u>	
	<u>594609</u>	<u>✓</u>		

WR# _____

Right ID Correct?	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N

Split? Y or N Y or N Y or N Y or N Y or N Y or N

Unchanged #	Unchanged %	Unchanged Count	Unchanged Total	Unchanged Ratio	Unchanged Ratio %
1	100.00%	1	1	1.0000	100.00%

Changed # _____

Area of Concern: _____

Date Requested

Watermaster: District _____

Fish & Game

Canal Company _____

Stream Channel

City _____

DEQ

County _____

Department of Ag

Other _____

Date Received

Shaper

Shape Updated

Right Number

POD ID #

Updated

POU ID #

Shape
Updated

37-2104

594591

✓

Inv. 68179

✓

Mit 681384

☒

77-21132

594749

Inv. 681526

☒

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-10640

1996 NOV 22 AM 9:14
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: JOHN R BUSMAN
SHERRY BUSMAN
RT 2
2304 E 3200 S
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/01/1978

POINT OF DIVERSION: T08S R16E S07 SESW Within GOODING County

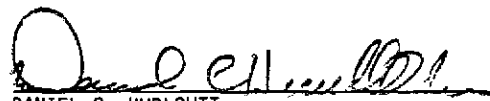
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T08S R16E S07 SESW

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: NOV 22 1996


DANIEL C. HURLBUTT
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.

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.

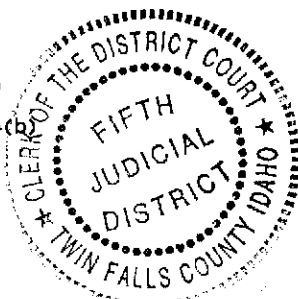
ROBERT S. FORT

CLERK OF THE DISTRICT COURT

By 
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-10640

DATED: NOV 22 1996


DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication



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SEP 03 2003

Merritt, Allen

From: Young, Norm
Sent: Tuesday, February 20, 2001 5:21 PM
To: Merritt, Allen
Cc: Saxton, Glen; Tuthill, Dave; Shaff, Don; Rassier, Phil
Subject: RE: Busman Dairy

Allen:

After considerable review and discussion with you and other staff here at the state office, I am not willing to agree that Freitag's memo agrees with my understanding of department policy toward incremental expansion of projects using exempt domestic wells -even prior to 1995. The March 6, 1991 Adjudications Memo #23 on Pages 3 and 4 (the language you drew to my attention) describes that each of the separate uses from a single well must meet the requirements of Section 42-111, Idaho Code. While it doesn't address the opposite situation where separate wells are drilled to add increments to an exempted use, the guidance still seems clear that developing in phases does not avoid the need to get a permit. Similar guidance is given in a June 4, 1980, Administrator's memo.

While I do not think Freitag's memo is an accurate representation of department policy that existed in the 1988 to 1994 period when Bussman received the drilling permits, it does appear that sufficient confusion existed that in fairness to Mr. Bussman, he should be given the opportunity to obtain a water right sufficient to cover his operation (reference Steve Clelland's memo dated December 2, 1996). Freitag's memo indicates that a transfer is presently pending for Bussman. Is this intended to cover a planned expansion? Can it be used to cover the present operation? Where are we at in processing? Does it appear approvable?

If you want to discuss further, give me a call.

Norm

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SEP 03 2003

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Duane Darryl TRANSFER NO. 68993

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: _____

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

68993

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

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 Freid DATE 04/9/01
SRBA 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 5/8/01

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly? X Yes _____ No

4. Affidavit of publication received? X 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) _____

X Also see attached memo for recommendation dated: _____

4. By AP

Date 7/25/03

Approval Updates Completed 7-25-03

6/3/94

COMMUNICATION DOCUMENTATION

Claim No. A16-10640

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

IDWR Employee/Agent Steve Clelland *Sc*

December 2, 1996 3:12pm

NAME:

JOHN BUSMAN CAMEIN

RE:

PARTIAL DECREE - INFO

HE WAS CONCERNED ABOUT THE PARTIAL DECREE ON PART OF HIS WELLS AND NONE ON THE REST. AFTER REVIEWING THE PAPERS HE BROUGHT IN I FOUND HE HAD A SRBA CLAIM 36-10640 FOR THE WELL AT HIS HOUSE. IN 1988 HE ADDED ANOTHER WELL FOR SOME STOCKWATER FOR HEIFERS UNDER DRILLING PERMIT #36-88-S-034. IN 1994 HE ADDED ANOTHER WELL FOR USE IN THE BARN AREA AND AS A BACKUP WELL UNDER DRILLING PERMIT #36-94-S-0052-000. THIS SYSTEM APPEARS TO HAVE BEEN DEVELOPED IN STAGES AND IN ACCORDANCE WITH THE DEPARTMENTS PROCEDURES.

4/30/

County with Rockwell, Sr.

1. Date on map use @ Beckley

2. Map of zones @ Beckley

7. If available County CAO staff

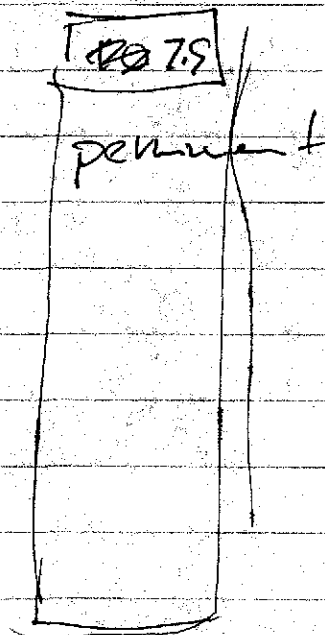
7. Good map of dirty site

3. 20

Split Mitigation zones

60

$$20 \text{ zones} \times 2.98 = 59.8$$
$$\frac{59.8}{6.4} \div 3.0 \approx 21 \text{ zones}$$



Staged
Net

~~10~~

0.93

2

6. Document agreement for Beckley

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SEP 11 2003

01/12/01

Went out to Busman Dairy and
confirmed its location. T08S, R16E, S07
SWSW

01/17/00

* called Gooling county assessors and
confirmed land ownership by Busman
* Called and left mess. w/ Busman's

01/18/00

* John Busman called said he was
running the dairy on 3 wells
1 for the house 1 for the barn
and 1 for the stock water.
he ~~also had~~ ^{stated he has} ~900 - 1000 head
at this facility. He also said he is
looking to buy water from Del Kohle.
I told him to speak w/ Kohle
~~and the~~ regarding the status of
filing a transfer and then to
call me back.

* I spoke with Allen Merritt regarding
the ~~my~~ conversation with John Busman
and Allen ~~he~~ said I should go out
to the Bus. dairy to see how the system
works get pump info etc.
basically a field exam. also
find out when the wells were
drilled. ~~and~~

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SEP 03 2003

T68993

Transfer

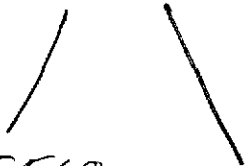
68 993

20 acres

0.161 cfs

33 afa

36-07158



36-15568

36-15569

20 acres

0.125 cfs

18.6 afa

36-7044



36-15570

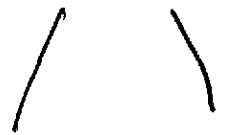
36-15571

20 acres

0.067 cfs

8.4 afa

36-2676



36-15572

36-15573

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SEP 03 2003

T68993