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MAY 19 1998

Department of Water Resources
Southern Region

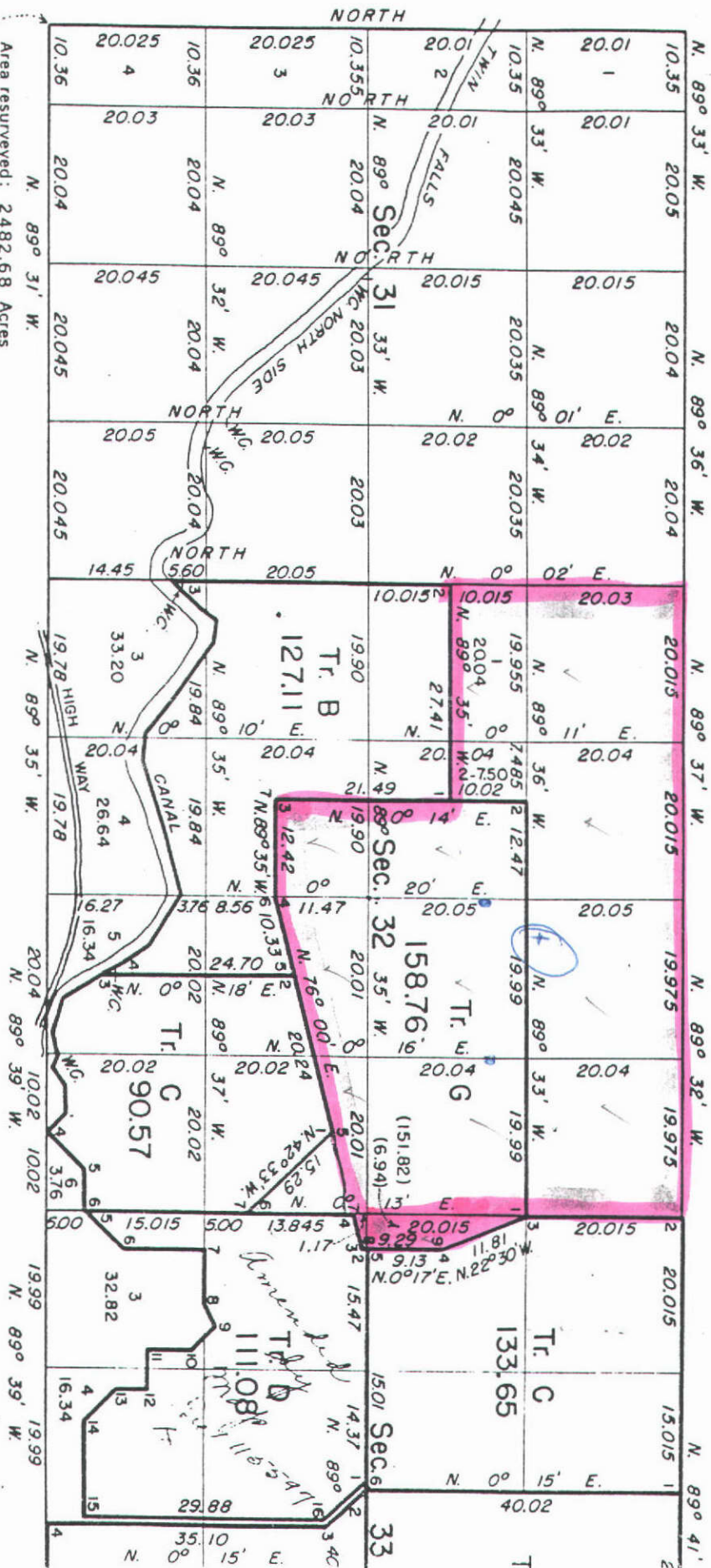
T82, R19E S32/33

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

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SEP 11 2002

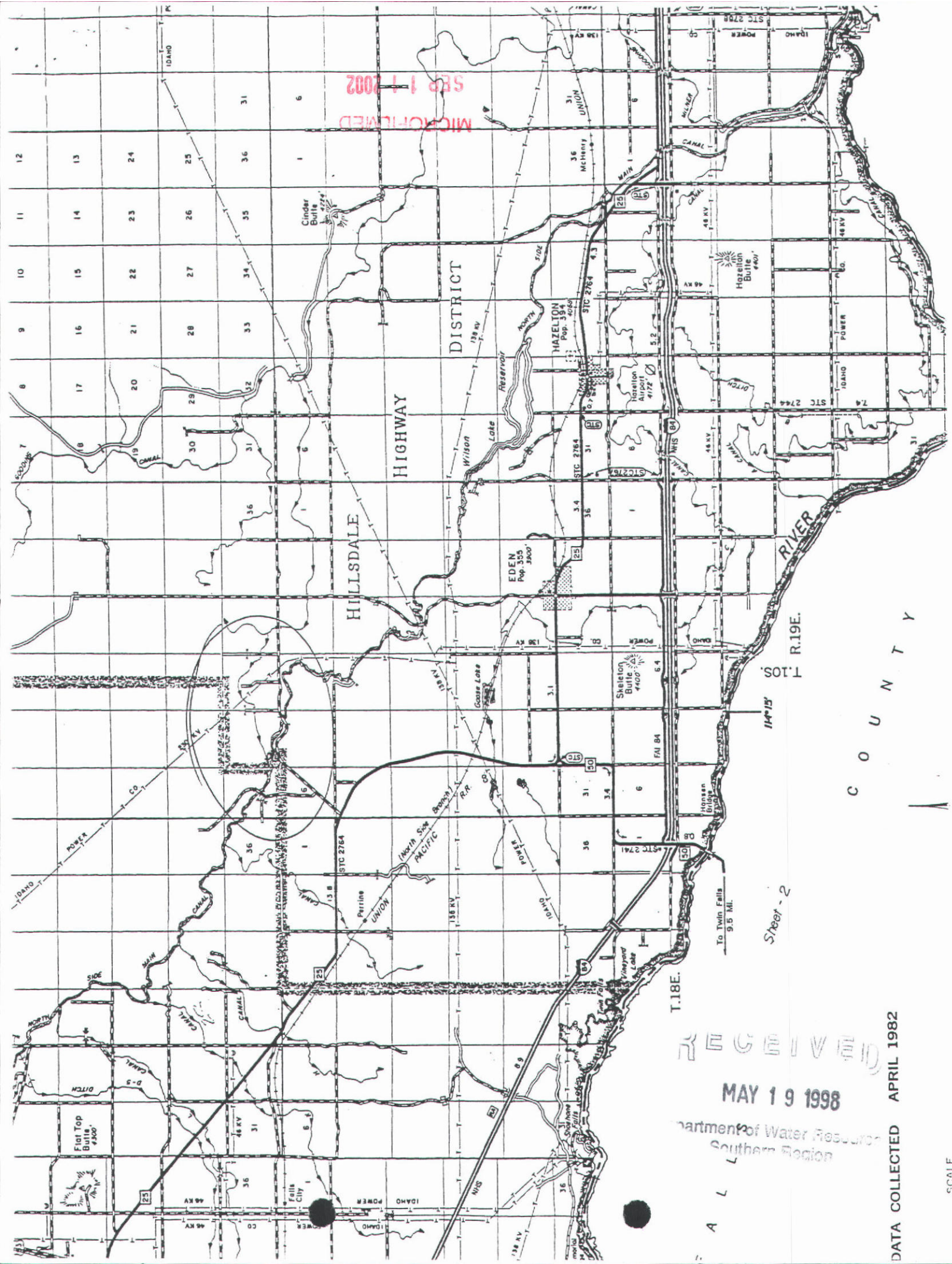


Area resurveyed: 2482.68 Acres

Latitude 42° 41' N.
Longitude 114° 17' W.



Scale in chains.



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Department of Water Resources
Southern Region

Sheet - 2

MAY 19 1998

DATA COLLECTED APRIL 1982

SCALE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69759

This is to certify that: DEAN T DIMOND
1454 HWY 25
JEROME ID 83338
(208)825-5055

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>
36-2460	WR/Decreed	01/11/1961	4.72 cfs	N/A	236.0	322.0	GROUND WATER
36-7614	WR/Decreed	05/08/1976	1.26 cfs	N/A	86.0	322.0	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>
36-2460	NO	NO	YES	NO	NO	NO
36-7614	NO	NO	YES	NO	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>
36-2460	36-2460	4.72 cfs	N/A	236.0	322.0		N/A	N/A	N/A	N/A
36-7614	36-7614	1.26 cfs	N/A	86.0	322.0		N/A	N/A	N/A	N/A
TOTALS		4.72 cfs	1288 af	N/A	322.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of August, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 36-7614
As Modified by Transfer No. 69759

In accordance with the approval of Transfer No. 69759, Water Right No. 36-7614 is now described as follows.

Right Holder: DEAN T DIMOND
 1454 HWY 25
 JEROME ID 83338

And

EDEN C DIMOND
 1454 HWY 25
 JEROME ID 83338

Priority Date: 05/08/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.26 CFS	
			1.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 32 Twp 08S Rge 19E JEROME 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 19E 32	31.0	40.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0				5.0	16.0			317.0
08S 19E 33							5.0										5.0

Total Acres: 322

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 86 acres within the place of use described above in a single irrigation season.
2. Rights 36-2460, 36-7614 and 36-15986 when combined shall not exceed a total annual maximum diversion volume of 1288 af at the field headgate, and the irrigation of 322 acres in a single irrigation season.
3. Use of this right with right No. 36-2460 is limited to a total combined diversion rate of 4.72 cfs and a total combined annual diversion volume of 1288 af.

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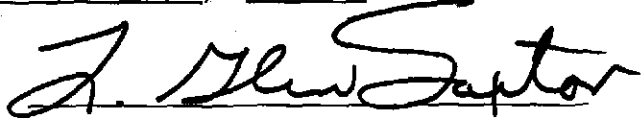
WATER RIGHT NO. 36-7614
As Modified by Transfer No. 69759

CONDITIONS OF APPROVAL

4. Right No. 36-2460 is also diverted through the point of diversion described above.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Well location as shown on USGS quad map appears to be in the SWNWNE instead of the SENENW S32, T08S, R19E
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 30th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 11 2002

WATER RIGHT NO. 36-2460
As Modified by Transfer No. 69759

In accordance with the approval of Transfer No. 69759, Water Right No. 36-2460 is now described as follows.

Right Holder: DEAN T DIMOND
 1454 HWY 25
 JEROME ID 83338

And

EDEN C DIMOND
 1454 HWY 25
 JEROME ID 83338

Priority Date: 01/11/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	4.72 CFS	
			4.72 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 32 Twp 08S Rge 19E JEROME 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 19E 32	31.0	40.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0				5.0	16.0			317.0
08S 19E 33							5.0										5.0

Total Acres: 322

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 236 acres within the place of use described above in a single irrigation season.
2. Rights 36-2460, 36-7614 and 36-15986 when combined shall not exceed a total annual maximum diversion volume of 1288 af at the field headgate, and the irrigation of 322 acres in a single irrigation season.
3. Use of this right with right No. 36-2460 is limited to a total combined diversion rate of 4.72 cfs and a total combined annual diversion volume of 1288 af.

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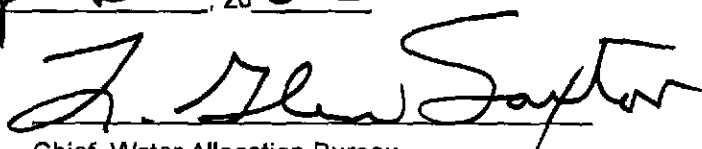
WATER RIGHT NO. 36-2460
As Modified by Transfer No. 69759

CONDITIONS OF APPROVAL

4. Right No. 36-2460 is also diverted through the point of diversion described above.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Well location as shown on USGS quad map appears to be in the SWNWNE instead of the SENENW S32, T08S, R19E
9. 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than SRBA partial decree date.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 30th day of August, 2002


Chief, Water Allocation Bureau

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SEP 13 2002

Form 42-208/42-1409(6) February 3, 1997

MAY 19 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 36-02460 & 36-07614
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Max Auker & Wendy A. Auker
358-B Hwy 25 Jerome, ID 83338
4. New Owner/Claimant(s) Dean T. Dimond & Eden C. Dimond
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 1454 Hwy 25
City, State and ZIP Code Jerome, ID 83338
New Telephone Number () _____
5. Date you acquired the property May 15, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Dean T. Dimond
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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SEP 2 1 2002

WARRANTY DEED

983179

For Value Received

MAX L. AUKEK and WENDY A. AUKEK, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DEAN T. DIMOND and EDEN C. DIMOND, husband and wife
Address: 1454 HWY 25, JEROME, ID 83338RECORDED AT THE REQUEST
Land Title & Escrow, Inc.
MAY 15 3 41 PM '98
JEROME, IDAHO
FEES 6.00 DE [Signature]

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

See attached Exhibit "A"

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Interim and Recordable Contract, dated May 14, 1949, recorded May 25, 1949 in Book 143 Page 54 as Instrument Number 106061, Jerome County records.

Power Line Easement dated July 30, 1949, recorded June 10, 1950 in Book 142 Page 210 as Instrument Number 109540, Jerome County records.

Power Line Easement, dated February 2, 1965, recorded May 4, 1965 in Book 168 Page 486 as Instrument Number 163625, Jerome County records.

Power Line Easement dated April 24, 1968, recorded December 3, 1968 in Book 184 Page 216 as Instrument Number 178882, Jerome County records.

Power Line Easement, dated May 20, 1974, recorded November 22, 1974 in Book 184 Page 975 as Instrument Number 208823, Jerome County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 1998

[Signature]
MAX L. AUKEK[Signature]
WENDY A. AUKEKSTATE OF IDAHO)
) ss.
COUNTY OF Jerome)

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MAY 19 1998

Department of Water Resource
Southern RegionOn this 15th day of May, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MAX L. AUKEK and WENDY A. AUKEK, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.TERRI McBRIDE
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT RUPERT, ID
MY COMMISSION EXPIRES 2-5-2002[Signature]
Notary Public
Residing at:

EXHIBIT "A"

PARCEL NO. 1

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32 and 33: Tract "G", EXCEPTING THEREFROM that portion lying South of L
21.

PARCEL NO. 2

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32: Lots 1 and 2; N $\frac{1}{2}$ N $\frac{1}{2}$.

Subject to:

Existing easements for road, highway, ditches, canals, laterals and power and transmission lines, as shown in document dated August 7, 1980, recorded August 7, 1980 as Instrument Number 251624, Jerome County records.

Power Line Easement dated March 24, 1983, recorded July 8, 1983 as Instrument Number 274653, Jerome County records.

Right of Way Option dated December 14, 1988, recorded January 4, 1989 as Instrument Number 314172, Jerome County records.

Right of Way Easement dated December 5, 1990, recorded December 6, 1990 as Instrument Number 323414, Jerome County records.

Mortgages in favor of the United States of America acting through the Farmers Home Administration which the Grantees by acceptance of this Deed assume and agree to pay the balance thereof.

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Department of Water Resources
Southern Region

RECEIVED

MAY 19 1998

Department of Water Resources
Southern Region

T82, R 19E S32/33

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

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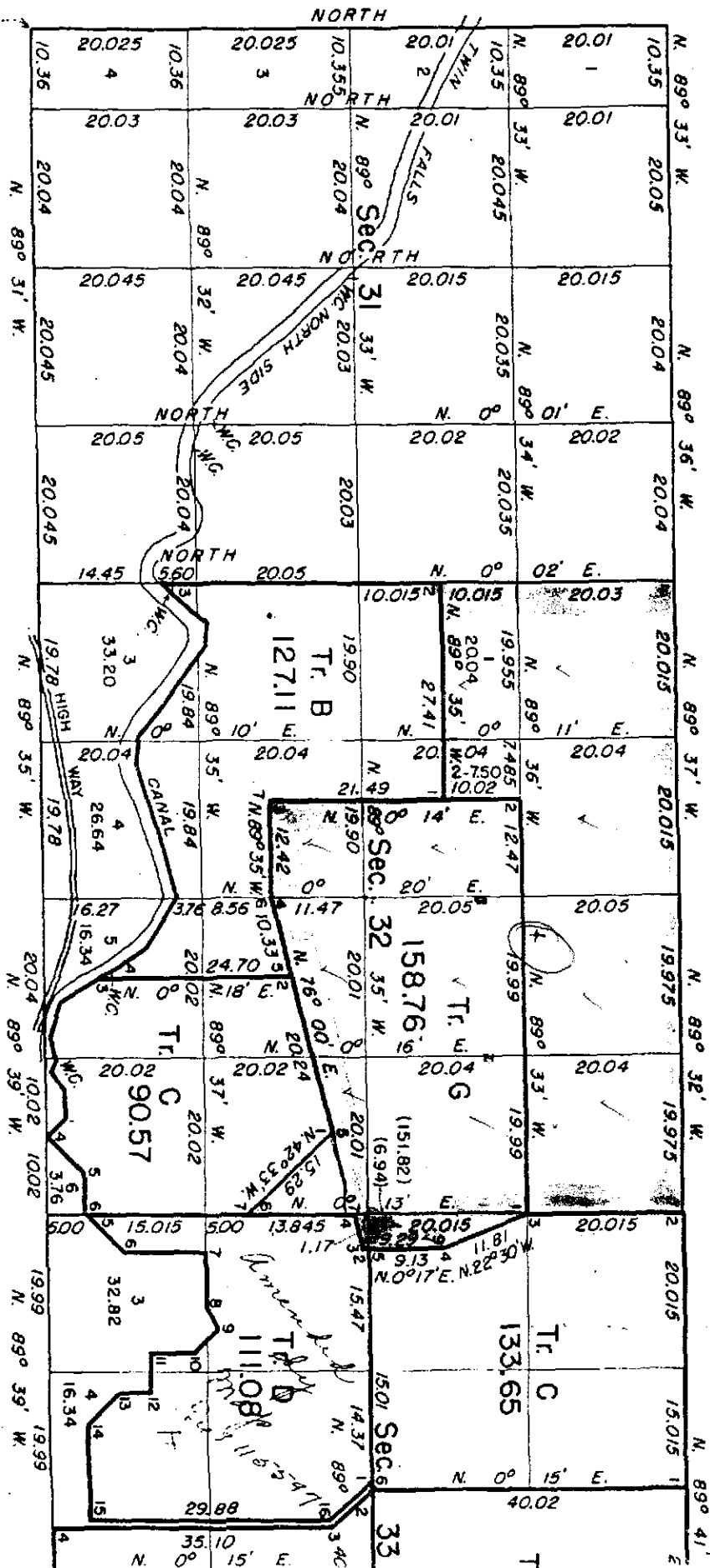
SEP 11 2002

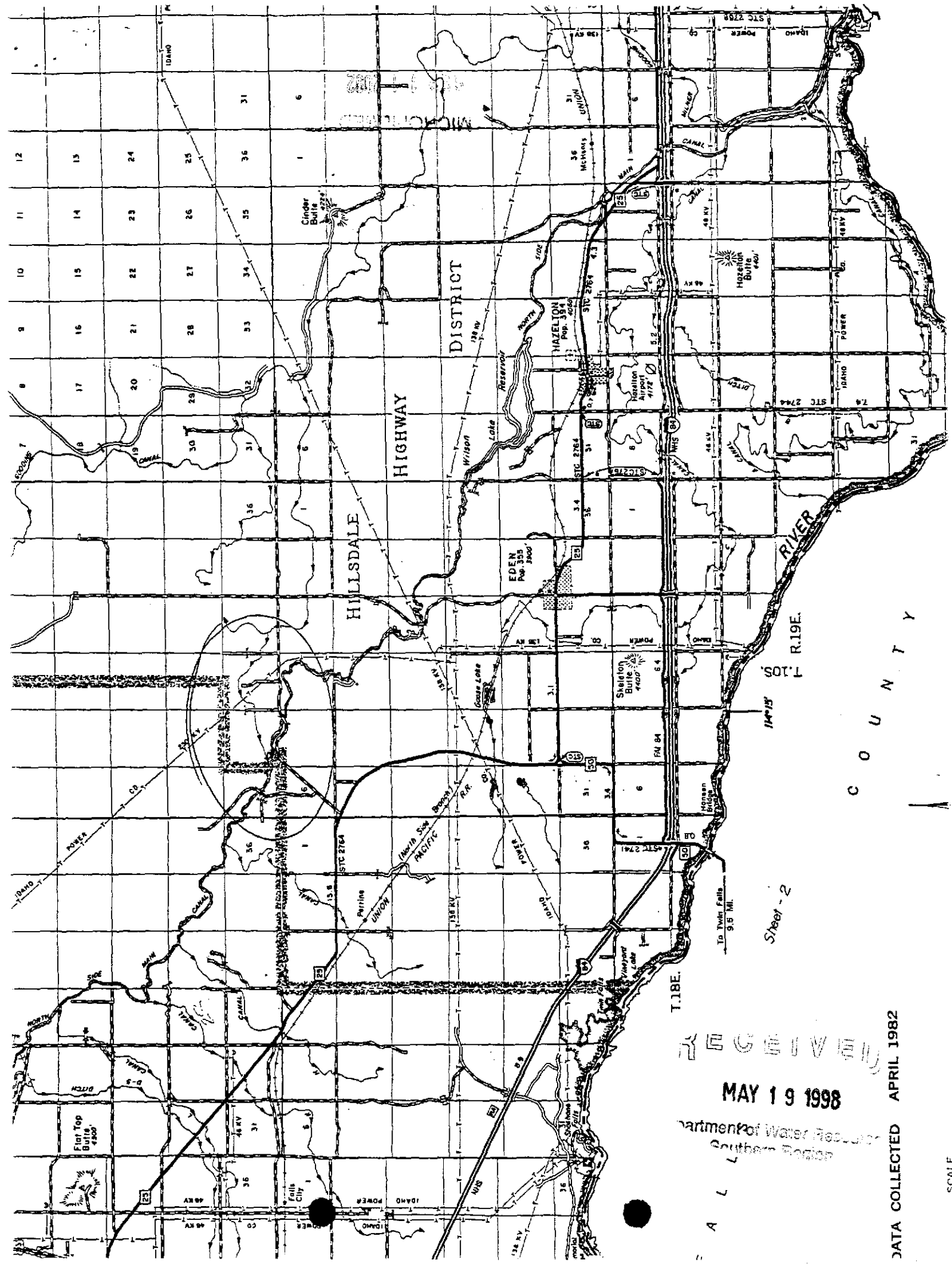
ic declination
E *

Area resurveyed: 2482.68 Acres

Latitude 42° 41' N.
Longitude 114° 17' W.

Scale in chains.
10 5 0 10 20 40 80





RECEIVED

MAY 19 1998

Department of Water Resources
Southern Region

DATA COLLECTED APRIL 1982

SCALE

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)

Water Right 36-07614

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on February 24, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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 August 27, 2001

MICROFILMED

 SEP 11 2001
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

August 27, 2001

MAX L AUKER
WENDY A AUKER
358E STATE HWY 25
JEROME, ID 83338

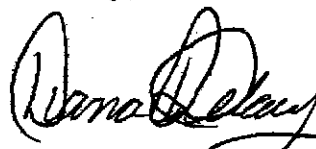
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-07614. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on February 24, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED
AUG 1 1 2002

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

1998 FEB 24 PM 12:03

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07614

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: MAX L AUKER
WENDY A AUKER
358E STATE HWY 25
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 1.26 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02460 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.72 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF.

PRIORITY DATE: 05/08/1976

POINT OF DIVERSION: T08S R19E S32 SENENW Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.26 CFS

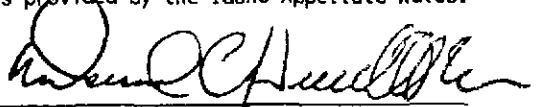
PLACE OF USE:	IRRIGATION	Within JEROME County			
	T08S R19E S32	NENE 31	NWNE 37	SWNE 40	SENE 40
		NENW 40	NWNW 38	SWNW 20	SENW 33
		NESW 14	NESE 5	NWSE 15	
	S33	NWNW 4	SWNW 5		
	322 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-02460 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 322.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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.


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

MEMORANDUM

TO: FILE 36-07614
FROM: VAULT
RE: TRANSFER # 69759
DATE: 6-13-02

=====

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

FILE # 36-02460

MICROFILMED
SEP 11 2002

MEMORANDUM

To: File 36-15986

From: Sharla

Date: March 22, 2002

Re: Permit Processing

This application is for use of waste water through an agreement with American Falls Reservoir District #2. Waste water (AFRD calls it incidental operation spillage) will be diverted (no pump) from lateral 21 past AFRD's last diversion into the applicant's settlement pond. The waste water now ends up in the North Side Canal Co. lateral where the sediment has been a problem. Waste water will then be pumped from the settlement pond via a 20 hp pump (designed for 1800 gpm) to a second pond where the waste water is to be mixed with ground water (pumped from two wells under rights 36-2460 and 36-7614). The mixed waste water/ground water will then be pumped through a mainline to three center pivots and a number of wheel lines and hand lines. The waste water will be spread over a total of 322 acres

The place of use on the application and the place of use decreed in 1998 for 36-2460 and 36-7614 are slightly different. The differences are 37 acres in NWNE and 15 acres in NWSE, S32 and 4 acres in NWNW, S33 on the existing rights versus the actual use of 40 acres in NWNE and 16 acres in NWSE, S32 and no acres in the NWNW, S33. In speaking with Mr. Dimond, he told me that a previous owner of the farm (Mr. Waters -- who sold to Auker's who in turn sold to Dimond's) for a time had a line running to the NWNW, S33. When he sold to Auker's, that use stopped. I have confirmed with the county assessor that Mr. Waters is still the current owner of those 4 acres in the NWNW, S33. Mr. Dimond further told me that he has obtained in writing a statement from Mr. Waters' explaining that the 4 acres are no longer watered under those rights and that he has no problem with Mr. Dimond filing a transfer of the two existing ground water rights to correct the error. Mr. Dimond has also asked the bank who holds the lien on his farm loan to provide a statement giving their consent to a transfer. Mr. Dimond has been diligent in his efforts to get all the rights to match in legal descriptions and ownership. The change of ownership form submitted in 1998 has not been processed yet due to the 4 acres in the NWNW, S33 discrepancy. The ownership change can be accomplished with the approval of the transfer.

This application was processed by regional staff as being mitigated by the decreased pumping of ground water under rights 36-2460 and 36-7614; they are the primary water source for the 322 acres and the waste water is to be used to supplement the ground

MICROFILMED
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water when it is available. There may be some years that no waste water is available past AFRD's last diversion; other years the applicant may be able to pump it from the settlement pond the whole season and not have to turn on the pumps at the wells.

After discussing all of the above with the applicant, I recommend the permit be issued, not as something that is being mitigated, but rather as an application that can be reviewed for approval on a "case-by-case" basis because protection and furtherance of the public interest requires consideration and approval of the application irrespective of the general drought related moratorium as stated in the Amended Moratorium Order for the ESRPA. In this case, eliminating sediment in NSCC's lateral is certainly in the public interest and so is the reduction of ground water withdrawals when the waste water is available.

I recommend approval of the permit with the following conditions in addition to necessary standard conditions:

Totalizing measuring devices of a type acceptable to the department and to the watermaster of Water District 130 shall be installed and maintained on the pump at the settling pond and on the ground water wells.

Use of this right and ground water rights 36-2460 and 36-7614 are limited to a combined total annual diversion of 1288 acre feet and the irrigation of a total of 322 acres.

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