

TOWNSHIP 1 NORTH RANGE 27 EAST OF THE BOISE MERIDIAN, IDAHO

BUTTE COUNTY 023

IDAHO FALLS DISTRICT SEC 3

STATUS OF PUBLIC
LAND AND MINERAL

MT PLAT

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1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The History of the United States of America". The author is "John Adams". The date is "1776".

2. The second part of the document is a table of contents. It lists the chapters of the document and the page numbers where they begin. The chapters are "The Declaration of Independence", "The Constitution", "The Bill of Rights", "The Federalist Papers", and "The American Revolution". The page numbers are 1, 10, 20, 30, and 40 respectively.

3. The third part of the document is the main body of the text. It contains the full text of the document, including the Declaration of Independence, the Constitution, the Bill of Rights, the Federalist Papers, and the American Revolution. The text is written in a formal, legalistic style, and is organized into chapters and sections.

4. The fourth part of the document is a bibliography. It lists the sources used in the document, including books, articles, and other documents. The sources are listed in alphabetical order, and include the names of the authors and the titles of the works.

5. The fifth part of the document is an index. It lists the topics covered in the document, and the page numbers where they are discussed. The index is organized alphabetically, and includes the names of the authors and the titles of the works.

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USE PLATS:

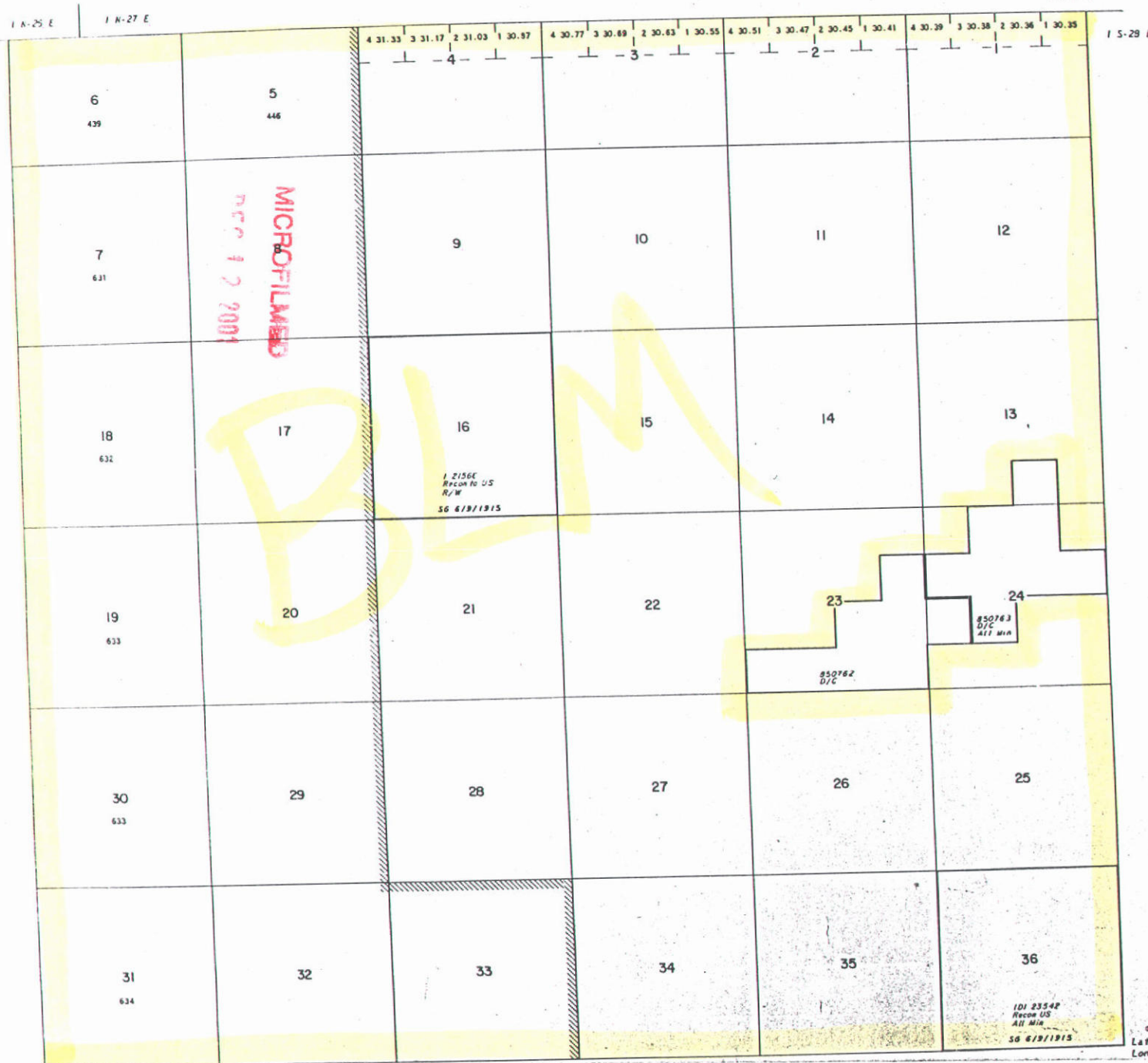
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Long. 113°14' W

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36 6/9/1913

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STATUS OF PUBLIC LAND AND MINERAL RESOURCES

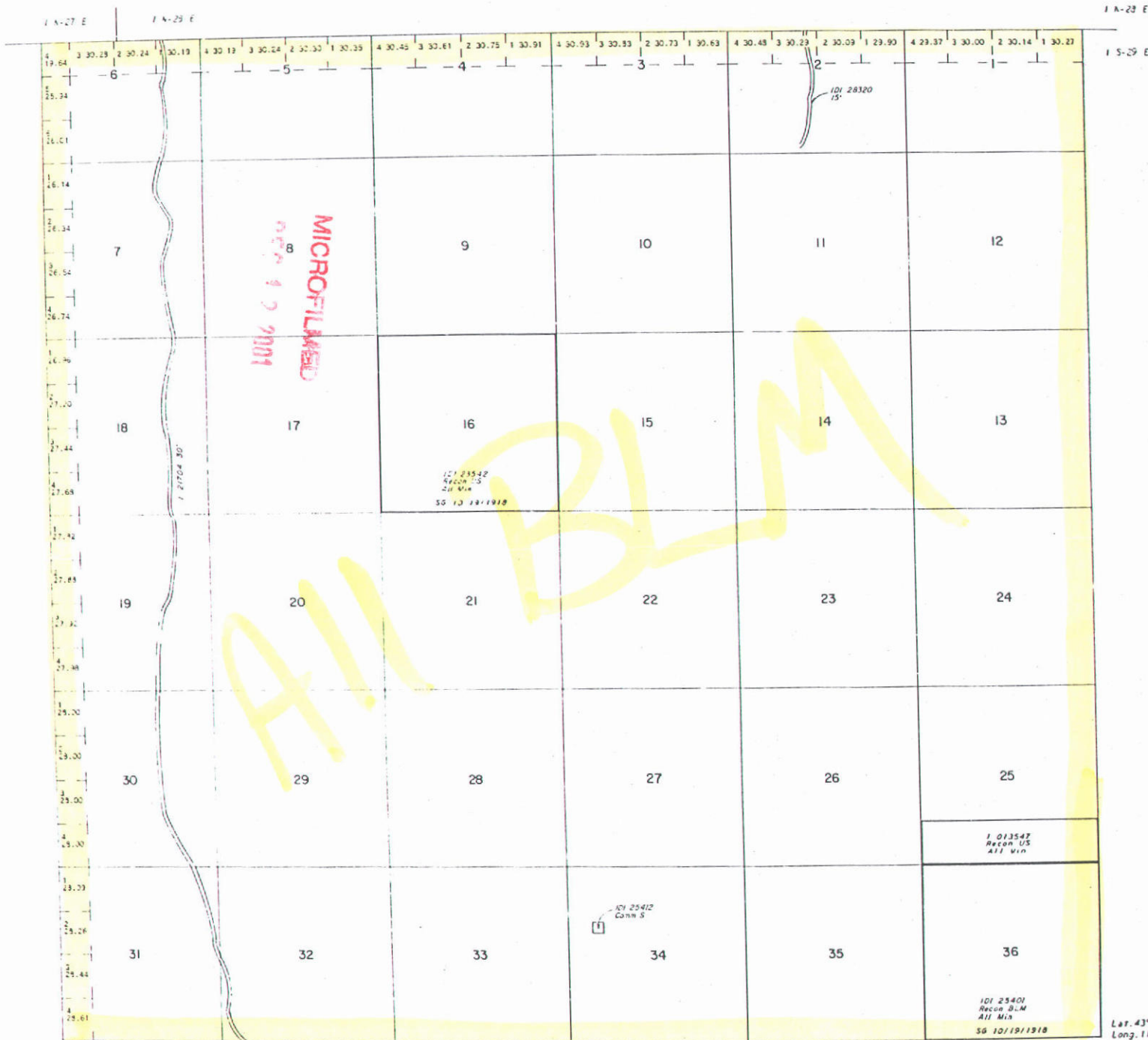
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FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USE PLATS:

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USE PLATS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69362

This is to certify that: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
C/O DEENA TEEL
1405 HOLLIPARK DR
IDAHO FALLS ID 83401
(208)524-7500

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
36-7466	WR/Decree	04/10/1974	0.10 cfs	16.2 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

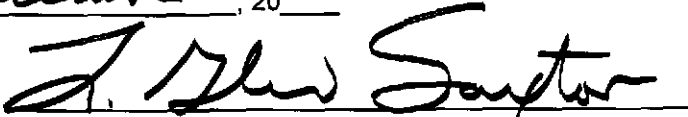
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-7466	NO	YES	YES	NO	NO	NO

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
36-7466	36-7466	0.10 cfs	16.2 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.10 cfs	16.2 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of December, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 36-7466
As Modified by Transfer No. 69362

In accordance with the approval of Transfer No. 69362, Water Right No. 36-7466 is now described as follows.

Right Holder: US DEPT OF INTERIOR
 BUREAU OF LAND MANAGEMENT
 C/O DEENA TEEL
 1405 HOLLIPARK DR
 IDAHO FALLS ID 83401

Priority Date: 04/10/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	12/31	0.01 CFS	0.2 AF
STOCKWATER	01/01	12/31	0.10 CFS	16.0 AF
			0.10 CFS	16.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNE Sec. 22 Twp 01N Rge 27E BUTTE County

PLACE OF USE: WILDLIFE & 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	
01N 27E 16														X			
01N 27E 22					X										X		
01N 27E 25									X								
01N 27E 27							X										
01N 27E 34				X													
01N 27E 36													X				
01S 27E 12						X											
01S 28E 6															X		
01S 28E 18													X				
01S 28E 19															X		
01S 28E 28			X														
01S 28E 31				X													

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DEC 12 2001

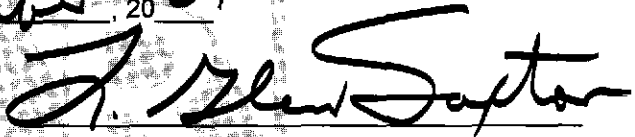
WATER RIGHT NO. 36-7466
As Modified by Transfer No. 69362

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right for stockwater and wildlife use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. System also known as Fingers Butte Well, Smith Allotment Pipeline Project, BLM Record No. 3603488174.

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 6th day of December, 2001


Chief, Water Allocation Bureau

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DEC 12 2001

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Fingers Butte Well
with Allotment Pipeline)

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69362

RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

c/o Deena Teel

Department of Water Resources
Southern Region

Name of applicant U.S.D.I., Bureau of Land Management Phone (208) 524-7500
Post Office address 1405 Hollipark Dr., Idaho Falls, ID 83401

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use NOV 11 2001
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Additional places of use need to be added to describe eleven new troughs. The point of diversion and one place of use appear to have been erroneously claimed in the wrong location on the original filing.

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|----------------------------|-------------------|---------------------|
| <u>36-07466</u> | <u>4/10/1974</u> | <u>0.1 cfs/16.0 ac-ft.</u> | <u>Stockwater</u> | <u>0101 to 1231</u> |
| | | <u>0.01 cfs/0.2 ac-ft.</u> | <u>Wildlife</u> | <u>0101 to 1231</u> |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred 0.10 cubic feet per second and/or 16.20 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	22	01N	27E	Butte	Fingers Butte Well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01N	27E	16																	
		22					S/W										S/W		
		25									S/W								
		27									S/W								
		34					S/W												
		36													S/W				

continued on next page

(69362)

Total acres 1

PART 1

6. General Information:

a. Description of diversion system Groundwater well with pipeline to eleven troughs. Water is hauled to two troughs

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

d. Remarks:

This license has been partially decreed in the SRBA.

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 _____, 19 _____

5. Lands irrigated or place of use: (continued)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	27E	12					S/W												
	28E	06															S/W		
		18												S/W					
		19															S/W		
		28			S/W														
		31				S/W													

Total acres 0

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DEC 12 2001

SRBA

DIRECTORS REPORT 36-07466

[Return to SRBA Home Page](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-07466

Name and Address: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

Source: GROUNDWATER

Quantity: .10 CFS
16.20 AFY

Priority Date: 04-10-1974

Diversion Point: T01N R27E S22 NWNE Within Butte County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Wildlife	01-01 TO 12-31	.01 CFS
			.20 AFY
	Stockwater	01-01 TO 12-31	.10 CFS
			16.00 AFY

Place of Use: Stockwater Within Butte County
T01N R27E S16 NESE
S22 NWNE NENW

Wildlife
Same as Other Use

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

BLM RECORD ID = 3603488174

[Return to SRBA Home Page](#)

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-7466

Priority Date: 04/10/1974
Origin: Water Right
Basis: License
Status: Active

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01 12/31	0.10 CFS	16.0 AFA	
WILDLIFE	1/01 12/31	0.01 CFS	0.2 AFA	
Total Diversion		0.10 CFS	16.2 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	01N	27E	22	NWNE		BUTTE

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	
01N 27E 16																	X
01N 27E 22			X		X												

Conditions/Remarks:

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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DEC 19 2000

Inserted by J.F.

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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DEC 7 2 1981

PART 3

8. CHANGES IN NATURE OF USE

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

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

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

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

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

Subscribed and sworn to before me this 26 day of April, 2001

(Signature of Applicant)

Acting Field
Manager

(Notary Public)

My commission expires

11-25-2002

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HUT Date 4-26-01Protest filed by NonePrelim. check by _____ Fee \$100Receipted by HUT #E026665 Date 4-26-01

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on NARecommended for ☒ approval ☐ denial

rec'd.

by Am

Copy of transfer sent to lien holder _____

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TOWNSHIP 1 NORTH RANGE 27 EAST OF THE BOISE MERIDIAN, IDAHO

BUTTE COUNTY 023

IDAND FALLS DISTRICT SEC 3

STATUS OF PUBLIC LAND AND MINERAL

MT PLAT

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5 30.96																							
6 39.06 025636 d/c																							
1 39.14																							
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1 39.41																							
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4 39.47	1 21566 Reason US R/W 50 6/8/1915																						
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4 39.99	101 235-02 Reason US All Win 50 6/8/1915																						

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USE PLATS:

Protraction Diagram No 3. 12/2/1964

BUTTE COUNTY
IDAHO FALLS DISTRICT SEC 3

STATUS OF PUBLIC LAND AND MINERAL RESOURCES

MT PLAT

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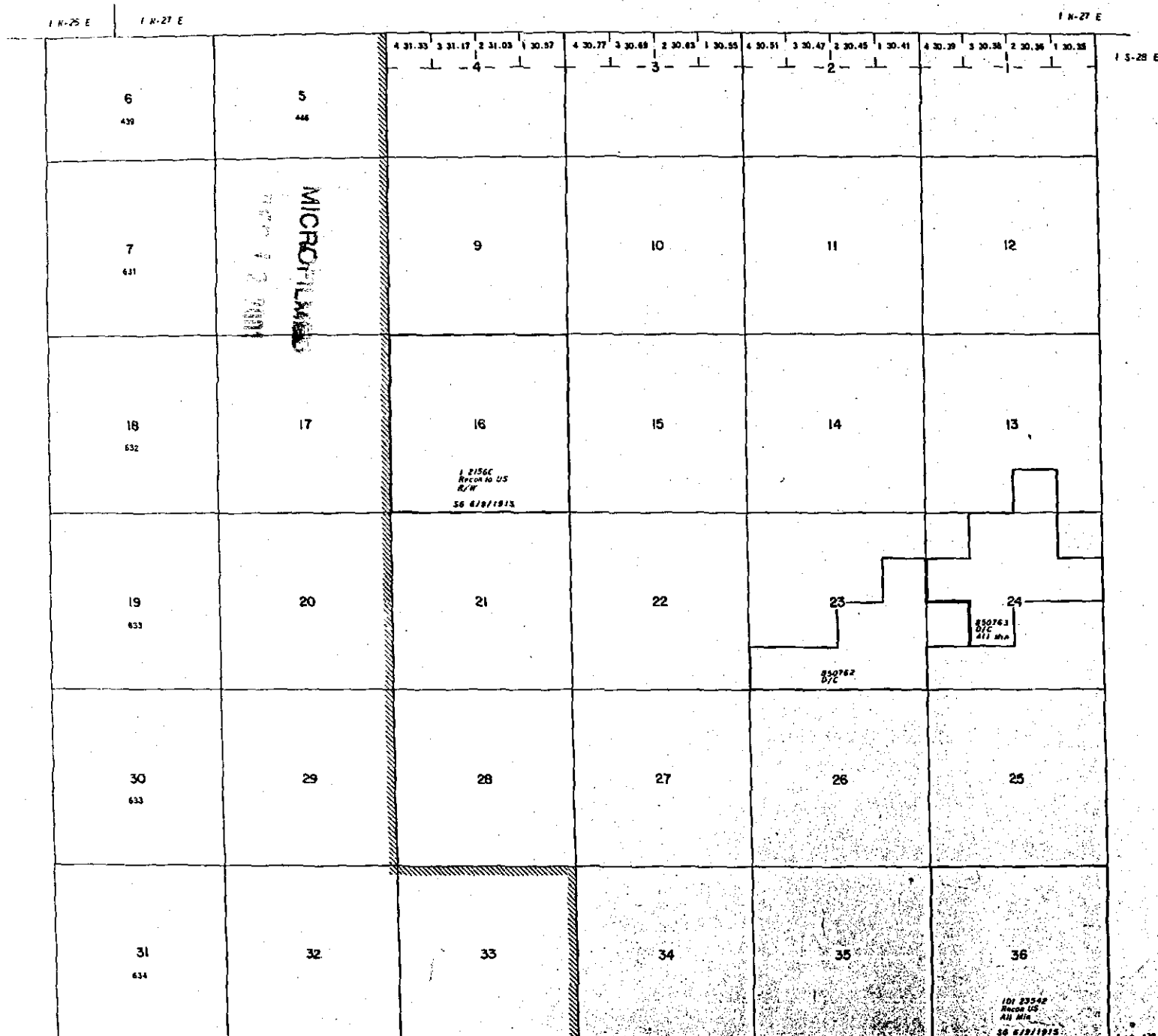
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FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

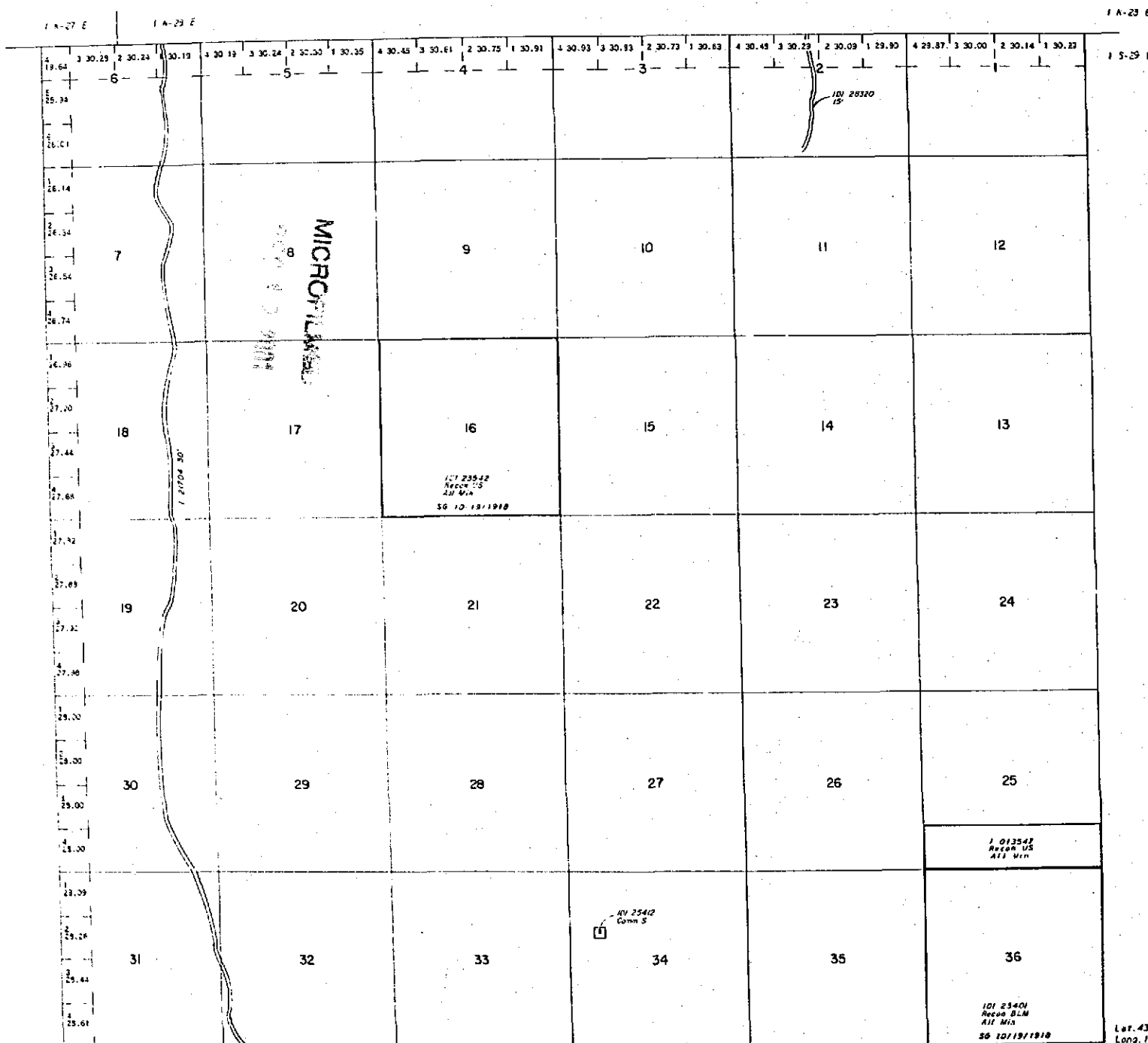
CURRENT TO	CURRENT TO

USE PLAYS

Lat. 43° 17' 18"
Long. 117° 14'



MT PLAT

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FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

N **USE PLATS:**

Lat. 43° 17' 15" N
Long. 113° 9' E

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 36-07466

1998 MAR 20 AM 11:56
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE: GROUNDWATER

QUANTITY: 0.1 CFS
16.2 AFY

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

PRIORITY DATE: 04/10/1974

POINT OF DIVERSION: T01N R27E S22 NWNE Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.1 CFS
			16.0 AFY
	WILDLIFE	01-01 12-31	0.01 CFS
			0.2 AFY

PLACE OF USE: STOCKWATER Within BUTTE County
T01N R27E S16 NESE
S22 NWNE NENW

Place of use for WILDLIFE is same as STOCKWATER

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.

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

SRBA DECREE

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07466

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DEC 12 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

December 6, 2001

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
C/O DEENA TEEL
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

RE: Transfer No.: 69362 - Water Right 36-7466 - 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.

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

Sincerely,

Camela S. Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt
Enclosure(s)

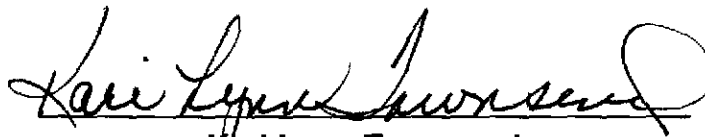
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DEC 12 2001

CERTIFICATE OF MAILING

I hereby certify that on December 6, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69362 - WATER RIGHT 36-7466

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
C/O DEENA TEEL
1405 HOLLIPARK DR
IDAHO FALLS ID 83401**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
DEC 12 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 (IDAPA Rules 302 and 303).

DEC 12 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 # 69362

DATE REVIEWED 12-5-2001 38

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

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

<u>W136-7499</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>
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<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 (12) Yes Pertinent Conditions (13) No Expansion w/conditions

⑦ Change legal - correction - same well.
⑧ Add trough locations

P/D aka Fingers Butte Well

Conditions/Remarks R37, W62, T67, T08, T19
Smith allotment Pipeline Project #3603488174

WRs for Update Comments NA

Database Updated to Reflect Final Action 12-6-2001 38

IDWR TRANSFER ANALYSIS SHEET

APPLICANT W. S. L. SLM TRANSFER NO. 69 362

1. Right number(s) 36-7466

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
☒ Permitted ☒ 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: Adding more watering troughs - No increase in volume or flow

(69362)

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)

Partially Dereed

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

INITIAL ALLOCATION REVIEW BY John Freitag DATE 8-30-01
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::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; 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: 11/28/01

4. By [Signature] Date 11/28/01

MEMO

FROM: Allen Merritt *Am*

DATE: November 28, 2001

TO: Transfer File No. T69362

In the name of: **BLM**

Water Right(s): 36-7466

SUBJECT: **Review and Recommendation**

The data entry of this application appears to be modifying the SRBA Claim however it should be noted that the right has been partially decreed in the SRBA and any transfer approval should modify the partial decree. The transfer proposes to spread out water from a well in a pipeline network to various troughs in an allotment with no increase in volume or flow.

The transfer was processed without protest.

Recommendation

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

WATER RIGHT NO. 36 7466

- T19 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.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- W62 The quantity of water decreed for this water right for stockwater and wildlife use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
- GEN BLM RECORD ID = 3603488174 STOCKWATER, 1200 RANGE CATTLE; WILDLIFE, VARIABLE NUMBER

MICROFILMED
DEC 12 2001

FILE PROGRESS SUMMARY

APPLICANT

WATER RIGHT NO.

36-7466

[illegible]

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof.

for 2 consecutive weeks, commencing with

the issue dated Nov. 8, 2001

and ending with the issue dated

Nov. 15, 2001
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 15th day of November

in the year of 2001, before me, a Notary Public,

personally appeared

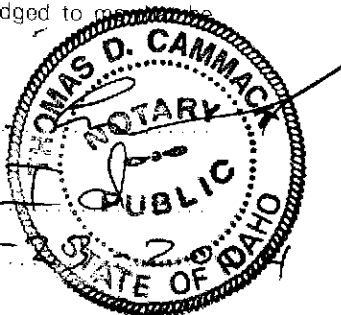
Colleen Babcock

known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Cammack
Notary Public for Idaho

Residing at Arco

My commission expires: 1-23-2002



NOTICE OF PROPOSED
CHANGE TO WATER RIGHTS

Notice is hereby given that an applica-
tion for transfer have been filed with the
Idaho Department of Water Resources for
changes to water rights within Butte
County, as listed below:

US DEPT OF INTERIOR, BUREAU OF
LAND MANAGEMENT, C/O DEENA TEEL,
1405 HOLLIPARK DR, IDAHO FALLS ID
83401 filed Application No. 69362 on 4/
26/01 for the purpose of correcting re-
corded point of diversion and places of
use. Transfer proposes to record a diver-
sion of 0.10 cfs from ground water (Fin-
gers Butte Well) located within NWSWNE,
S22, T01N, R27E for stockwater and wild-
life uses within portions of Sections 16,
22, 25, 27, 34, & 36 T01N R27E; a portion
of S12, T01S, R27E and portions of Sec-
tions 6, 18, 19, 28 & 31, T01S, R28E.

For specific details regarding the
application(s), please contact IDWR South-
ern Regional Office at 208-736-3033 or
visit www.idwr.state.id.us with detail pro-
vided under "New Water Right Applica-
tions". Protests may be submitted based
on the criteria of Sec 42-222, Idaho Code.
Protests against approval must be filed with
IDWR, Southern Region, 1341 Fillmore St.-
Suite 200; Twin Falls, ID 83301 with a
protest fee of \$25.00 for each application
on or before November 26, 2001. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the Arco Advertiser on 11/8
& 11/15/01.

RECEIVED

NOV 23 2001

Department of Water Resources
Southern Region

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DEC 12 2001

The
Arco Advertiser, Inc.
P.O. Box 803 • Arco, ID 83213



INVOICE

DATE	INVOICE NO.
11/8/2001	1101129

BILL TO:

IDAHO DEPT OF WATER RESOURCES.
1341 FILLMORE ST, SUITE 200
TWIN FALLS ID 83301

RECEIVED

NOV 23 2001

Department of Water Resources
Southern Region

TERMS

Net 30

DATE	DESCRIPTION	AMOUNT
11/8/2001	LEGAL NOTICE PROPOSED CHANGE TO WATER RIGHTS - BLM	31.92
11/15/2001	LEGAL NOTICE PROPOSED CHANGE TO WATER RIGHTS - BLM <i>T#69362</i>	27.36
MICROFILMED		
DEC 12 2001		
TOTAL		<i>OK MB 11/23/01</i> \$59.28

edited-tr-69362-BLM-butte-County

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an application for transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Butte County, as listed below:

US DEPT OF INTERIOR, BUREAU OF LAND MANAGEMENT, C/O DEENA TEEL, 1405 HOLLIPARK DR, IDAHO FALLS ID 83401 filed Application No. 69362 on 4/26/01 for the purpose of correcting recorded point of diversion and places of use. Transfer proposes to record a diversion of 0.10 cfs from ground water (Fingers Butte Well) located within NWSNE, S22, T01N, R27E for stockwater and wildlife uses within portions of Sections 16, 22, 25, 27, 34, & 36 T01N R27E; a portion of S12, T01S, R27E and portions of Sections 6, 18, 19, 28 & 31, T01S, R28E.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 26, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Arco Advertiser on 11/8 & 11/15/01.

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SEP 12 2001

e-cover-letter-arco-advertiser

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

Fax#: 736-3037

October 31, 2001

ATTN: LEGALS DEPT
ARCO ADVERTISER
PO BOX C
ARCO ID 83213

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



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 31, 2001

USDI-BLM
C/O DEENA TEEL
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

RE: Application for Transfer No.(s) 69362

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the Arco Advertiser for 11/8 and 11/15/01. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (November 26, 2001)

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

DEC 12 2001

State of Idaho
Department of Water Resources

RECEIVED

MAY 14 1975

WATER RIGHT LICENSE

License of Water Right No. 36-7466 Priority April 10, 1974 Department of Water Resources
Am Southern District Office

THIS IS TO CERTIFY, that the Bureau of Land Management
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 36-7466 issued pursuant to Application for Permit dated April 10, 1974,
and has submitted proof to the Department of Water Resources on June 3, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.10 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
<u>Stockwater</u> from	<u>Jan. 1</u>	to <u>Dec. 31</u>	at <u>0.10</u> cfs and	<u>16</u> acre feet	
<u>Wildlife</u> from	<u>Jan. 1</u>	to <u>Dec. 31</u>	at <u>0.01</u> cfs and	<u>0.2</u> acre feet	
	from	to	at	cfs and	
(both dates inclusive)					

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
16.2 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22,
Twp. 1 N, Rge. 27 E, B.M. in the County of Butte

Description and location of place of use: (Fingers Coop Well)

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N	27 E	16													X				
		22		X			X												

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of
May, 19 75.

Director