

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.

A. 24E



PD, PU

T, 8S

15

RECORDED

APR 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4765
WATER RIGHT NO. 36-07460N

This is to certify that: **BRAD FIFE**
SALLY FIFE
149 E 800 N
RUPERT ID 83350

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.20 CFS	41.9 AF
COMMERCIAL	01/01 to 12/31	0.20 CFS	1.6 AF
	Totals	0.20 CFS	43.5 AF

SOURCE

GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 15, Township 08S, Range 24E
MINIDOKA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 24E 15 NWNE

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

APR 18 1996

TRANSFER NO. 4765
WATER RIGHT NO. 36-07460N

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. The right holder shall not use water under this approval for a dairy operation larger than 1,000 milking cows and 200 dry cows.
7. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. the right holder shall obtain prior approval of the department relative to the type of measuring device.
8. The remainder of Right No. 36-07460K is identified as 36-07460M and is limited to a diversion rate of 10.74 cfs, an annual diversion volume of 2,416 af, and irrigation of 604 acres each year.
9. The acres which are no longer authorized for irrigation under Right No. 36-07460M are specifically described as follows:
3 acres in the SWSE and 8 acres in the SESE, S28, T07S, R14E.

Dated this 11th day of

April

, 1996

J. Glen Saxton

Chief, Water Alloc. Bureau

APR 18 1996

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4765

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAR 20 1996

Name of applicant: Paul & Sally Eife Phone 532-4168
Post Office address 149 E 800 N, Rupert, ID 83350

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes We have purchased a portion of this right for use in a dairy to be built on our property.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
36-07460 3-25-1944 0.20 cfs Stockwater 1-1 to 12-31
41.9 ~~40.5~~ AFA " " to "
0.20 cfs Commercial 1-1 to 12-31
1.6 ~~3.0~~ AFA " " to "
2. Total amount of water being transferred 0.20 cubic feet per second and/or 43.5 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	NW	NE	15	8S	24E	Minidoka	

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	
8S	24E	15		C,S															

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Well & pump, pipeline to corrals & dairy barn

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

Land will no longer be irrigated.

d. Remarks:

Dairy will be known as B & B Heifers. Up to 1000 milking cattle & 200 dry stock will be watered.

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 _____

APR 18 1996

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. T36-07460K Pending Transfer No. 4761

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	10.94 CFS	2460.0 AF

SOURCE

GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION:

SWNWSE , Sec. 21, Township 07S, Range 14E
 SWNWNE , Sec. 28, Township 07S, Range 14E
 NWSWSE , Sec. 28, Township 07S, Range 14E
 GOODING County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 14E 20	SESE 33			33
21	SWSW 33	NESE 33	NWSE 33	
	SWSE 33	SESE 33		165
28	SWNE 17	SENE 39	NWNW 33	
	SWNW 35	SENE 13	NESW 35	
	NWSW 38	SWSW 26	SESW 26	
	NESE 40	NWSE 35 28	SWSE 39	
	SESE 8			384
29	NENE 33			33

Total number of acres irrigated: 615

CONDITIONS/REMARKS:

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

Altona, Oregon
 APR 18 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. X36-07460H on file with the Idaho Department of Water Resources.

d. Transfer No. 4051 & STIPULATION which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice.

☐ Warranty Deed

☒ Other amended Stipulation, Deed of Sale

3. Source of water Groundwater tributary to _____

4. Date or priority 3-25-1974

5. Water is used for the following purpose:

amount 11.47 cfs for Irrig. purposes from 4-1 to 10-31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 11.47 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	SE	21	7S	14E	Gooding	
	SW	NW	NE	28	"	"	"	
	NW	SW	SE	"	"	"	"	

8. 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	
7S	14E	20																33	33
		21											33		33	33	33	33	165
		28			17	39		33	35	13	35	38	26	26	40	35	39	39	415
		29	33																33

APR 18 1996

Total acres 646

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe See stipulation in file

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.20 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	
<u>75</u>	<u>14E</u>	<u>28</u>															<u>3</u>	<u>8</u>	<u>11</u>

Total acres 11

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 11.29 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	
<u>75</u>	<u>14E</u>	<u>28</u>			<u>17</u>	<u>39</u>		<u>33</u>	<u>35</u>	<u>13</u>	<u>35</u>	<u>38</u>	<u>26</u>	<u>26</u>	<u>40</u>	<u>35</u>	<u>26</u>	<u>31</u>	<u>404</u>
		<u>29</u>	<u>33</u>																<u>33</u>
		<u>20</u>																<u>33</u>	<u>33</u>
		<u>21</u>																	<u>165</u>

Total acres 635

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.

A. 24E



PD, PU

T. 8S

15

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Stockwater</u>	<u>0.20/41.9</u>	<u>45 needed</u>	<u>1-1</u> to <u>12-31</u>
	<u>Commercial</u>	<u>0.20/1.6</u>	<u>"</u>	<u>"</u> to <u>"</u>

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

Water will be contained on the property; will be land applied if needed.

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.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of January, 19 96.

[Signature]
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by J.F. Stanton Date 1-29-96 Protest filed by None

Prelim. check by CS Fee \$100. 50/88/8

Receipted by JS Date 1-29-96

Published in Sq. - 20. Press, Gooding Leader Co. Copies of protest forwarded by _____

Pub. dates 2/19 & 2/26/96, 2/21 & 2/28/96 Hearing held by _____ Date _____

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

_____ rec'd. _____ by Ad

Copy of transfer sent to lien holder _____

RECEIVED

JAN 30 1996

JAN 30 1996

Department of Water Resources
Southern Region

DEED OF SALE

I, Mike Branchflower, am the owner of a portion of Snake River Basin Adjudication Claim 36-07460C. For value received, I do hereby sell and convey unto Brad Fife the following described portion of this claim:

0.20 cfs appurtenant to 11 acres
(8 ac. in SE/SE & 3 ac. in SW/SE)
in Sec. 28 T. 7S R. 14E

Said water will be transferred to a dairy in the NW/NE Sec. 15 T. 8S R. 24E. This sale is contingent upon approval of this transfer by the Idaho Dept. of Water Resources.


Mike Branchflower

Date 1/29/96


Brad Fife

Date 1/29/96

RECEIVED

JAN 29 1996

Department of Water Resources
Southern Region

APR 18 1996

T # 4765



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 12, 1996

BRAD FIFE
SALLY FIFE
149 E 800 N
RUPERT ID 83350

RE: Transfer of Water Right No. 36-07460N

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4765). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson'.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

APR 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: C SKINNER Date: 11/1/80

1. Right number 36-07460 Applicant Brad +/or Sally F. Le

2. Type of right: ☐ Decree ☐ License ☒ Claim

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use

☒ Other CHANGE NATURE AND PERIOD OF USE AND SPLIT RIGHT

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

NEED COPY OF
BRANCHFLOWER'S MODIFIED
STIPULATION IN FILE.

h. ☒ Check for expansion in use of right. Comments

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NONE

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district?

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ~~1~~ Approve

2. ☐ Deny

3. Conditions* See memo 3/27/90

4. By Adm Date 3/27/90

Date _____

3/27/96

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MAR 2 1996

** All uses within Watermaster Districts require special conditions.*

Department of Water Resources

T# 4765

WR0749NP
No. T36-07460N

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/04/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRAD FIFE	03/25/1974	STOCKWATER	01/01 12/31	0.200 CFS	41.90 AFA
C	SALLY FIFE		COMMERCIAL	01/01 12/31	0.200 CFS	1.60 AFA
	149 E 800 N					
	RUPERT ID 83350					
	(208) 532-4168					
TOTAL DIVERSION:					0.200 CFS	43.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R24E S15 NWNE MINIDOKA County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
08S	24E	15	:					:					:					:					:
			:	S				:					:					:					:

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Pou County: MINIDOKA

Other Rights: NONE

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The right holder shall not use water under this approval for a dairy operation larger than 1,000 milking cows and 200 dry cows. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. the right holder shall obtain prior approval of the department relative to the type of measuring device.

The remainder of Right No. 36-07460K is identified as 36-07460M and is limited to a diversion rate of 10.74 cfs, an annual

Remarks: diversion volume of 2,416 af, and irrigation of 604 acres each year.

The acres which are no longer authorized for irrigation under Right No. 36-07460N are specifically described as follows:
3 acres in the SWSE and 8 acres in the SESE, S28, T07S, R14E.

Dates: App. Received: 01/29/1996 Priority Date: 03/25/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/26/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
ACREAGE DISTRIBUTION ON LICENSE APPEARS TO BE INCORRECT, AS WE
HAVE NOT CHANGED THE IRRIGATION SYSTEM SINCE WE BOUGHT THE FARM
IN 1979.

LAND IN SESW SEC. 21 & NENW SEC. 28 WAS DRIED UP IN 1982 SO SENE
& NESE SEC. 29 COULD BE IRRIGATED. APPLICATION FOR PERMIT WAS
MADE IN 1985 TO COVER THESE LANDS.

WATER RIGHT SPLIT: TRANSFER #3684

JANSS-- 13.16 CFS, A36-07460A

BRANCHFLOWER--1.04 CFS, A36-07460B

Date: 12/23/1991 User-ID: CLELLAND Subject: TRANSFER 3767 INFO
THE RECOMMENDATIONS LISTED HERE ARE THE SAME AS IN R36-07460A.
HOWEVER, TRANSFER 3767 HAS BEEN ALLOWED SINCE THE PERIOD OF
FIVE YEAR NON-USE OF PORTIONS OF THIS RIGHT RANGED FROM 1987 TO
1991 AND THE TRANSFER WAS FILED IN 1990. IT APPEARS THAT IS THE
LAST PENDING TRANSFER AGAINST THE FORFEITED/ABANDONED PORTION OF
THIS RIGHT. ANY FURTHER TRANSFERS ON THE NON-IRRIGATED PORTION OF
THIS RIGHT SHOULD NOT BE ALLOWED.

Date: 03/18/1994 User-ID: SKAGGS Subject: TRANSFER NO. 4051
Transfer No. 4051 was filed to change the point of diversion and
the place of use under a portion of Right No. 36-07460C,
splitting the right into parts H and J. The transfer was
processed using the SRBA Claim as recommended to the court and
will be stored under an X prefix on the water right database
pending conclusion of the adjudication.

Date: 01/31/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4761
T# 4761 filed on 12/22/95 proposes to add diversion point(s),
change place of use, change nature of use, change period of use,
and split right.

T# 4761 proposes to convert a portion of the right from irr. to
dairy use.

Two (2) points of diversion within NWNWNW, S22, T8S, R25E.

One (1) point of diversion within NWNENW, S22, T8S, R25E.

One new well will be drilled.

Comments: Date: 01/31/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4761
T# 4761 proposes to split 0.55 cfs off from X36-07460H; split
portion will become Part L and untransferred portion (10.94 cfs)
will become Part K.
Based on adjusted rates per SRBA stipulation agreement.

Date: 02/08/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4765
T# 4765 filed on 1/29/96 proposes to to add diversion point(s),
change place of use, change nature of use, change period of use,
and split water right.
T# 4765 proposes to split 0.20 cfs from water right no.X36-07460H
Therefore the untransferred portion (10.74 cfs)has been assigned
the suffix of 36-07460M and the 0.20 cfs involved in T#4765 is
assigned the suffix of 36-07460N (Fife)
Also refer to T# 4761 filed by Steve &/or Brent Whitesides for a
portion (0.55 cfs) of Water Right No.X36-07460H; the 0.55 cfs is
assigned the split suffix of 36-07460L; the untransferred portion
is assigned the split suffix of 36-07460K.
Stored under an X prefix pending conclusion of the adjudication.

Audit: 02/08/96 MBALDWIN 04/04/96 PSKAGGS 04/04/96 PSKAGGS

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

Notice is hereby given that BRAD &/OR SALLY FIFE, 149 E 800 N; RUPERT ID 83350 have applied to the Department of Water Resources to change the following described water right pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4765.

The purpose of this application is to convert a portion of the water right from irrigation to dairy use. This change will result in the addition of point(s) of diversion, a change in the place of use and the period of use as well as split the water right.

PROPOSED CHANGES:

Proposed Water Right No. 36-07460N with a priority date of 3/25/1974 will be used from 1/1 to 12/31 for 1200 head stockwater use (0.20 cfs) and dairy barn commercial use (0.20 cfs). Proposed point of diversion is within NW1/4NW1/4NE1/4, S15, T8S, R24E; Minidoka County and to be used within NW1/4NE1/4, S15, T8S, R24E. A total of 0.20 cfs of water will be transferred. Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 11, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on February 19 and 26, 1996.

executed the same.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

)
) ss
)

I, Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in which said paper is of general circulation therein. Deponent certifies that the printed notice attached hereto was duly published according to the provisions of the South Idaho Press for 1000 consecutive week(s), the issue dated February 19, 1996, and ending with the issue of March 19, 1996.

I, Kary D. Miller, on the day of March in the year of 1996 before me, a Notary Public, appeared Kary D. Miller, known or identified to me to be the person named in the within instrument, and being by me first duly sworn, she acknowledged the contents therein are true, and acknowledged to me that she executed the same.

Kary D. Miller
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 42.12

Notary Fee .50

Total Cost 42.62

OK
MB
3/7/96

APR 18 1996

RECEIVED

MAR 06 1996

Department of Water Resources
Southern Region

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

RECEIVED

MAR 06 1996

Department of Water Resources
Southern Region

County of Cassia)
STATE OF IDAHO) ss

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager 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 100 consecutive week(s), commencing with the issue dated February 19 1996, and ending with the issue dated February 29 1996.

Kary D. Miller

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 1st day of March in the year of 1996 before me, a Notary Public, personally appeared Kary D. Miller, 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.

Laura K. Burns

Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 42.12

Notary Fee .50

Total Cost 42.62

OK
MB
3/7/96

RECORDED

APR 18 1996

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 29 1996

State of Idaho }
County of Gooding } ss.

Patty Nance Department of Water Resources
Southern Region, being first duly
sworn, deposes and says that she is the printer (publisher) of the Gooding County
Leader, a newspaper published every week in Gooding, County of Gooding, State of
Idaho; that said newspaper has been continuously and uninterruptedly published for
a period of seventy-eight consecutive weeks prior to the first publication of the
annexed notice, and is a newspaper qualified to publish legal notices as provided by
act of the 1919 session of the legislature of the State of Idaho, known as House Bill
145; that the annexed advertisement was published once each week for
2 consecutive issues in said newspaper proper and not in a
supplement; that the date of the first publication of said advertisement was on the
21 day of Feb., 1996.
and the date of the last publication was on the 28 day of
Feb., 1996.

Subscribed and sworn to before me this 28th day of
February, 1996.
(SEAL)

Norma W. Use
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

affidavit fee \$2.25

Lines tabular at _____ 6¢/Pica

482.63 Lines straight at 24.13 5¢/Pica

482.63 Subsequent lines at 19.31 4¢/Pica

TOTAL COST 45.69

COPY OF NOTICE

(Paste Here)

Chg. Water Right
TITLE OF NOTICE 36-07460N

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Chg. Water Right
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that BRAD
&/OR SALLY FIFE, 149 E 800 N;
RUPERT ID 83350 have applied to the
Department of Water Resources to
change the following described water
right pursuant to Section 42-222 of
IDAHO CODE and further described as
Transfer No. 4765.

The purpose of this application is to
convert a portion of the water right
from irrigation to dairy use. This
change will result in the addition of
point(s) of diversion, a change in the
place of use and the period of use as
well as split the water right.

PROPOSED CHANGES:

Proposed Water Right No. 36-07460N
with a priority date of 3/25/1974 will be
used from 1/1 to 12/31 for 1200 head
stockwater use (0.20 cfs) and dairy barn
commercial use (0.20 cfs). Proposed
point of diversion is within
NW1/4NW1/4NE1/4, S15, T8S, R24E;
Minidoka County and to be used within
NW1/4NE1/4, S15, T8S, R24E. A total
of 0.20 cfs of water will be transferred.
Any protest against approval of the
proposed changes must be filed with the
Department of Water Resources,
Southern Region, 222 Shoshone Street
East, Twin Falls, ID 83301 together
with a protest fee of \$25.00 on or before
March 11, 1996. The protestant must
also send a copy of the protest to the
applicant.

Karl J. Dréher, Director

Published in the Gooding County
Leader on 2/21 & 2/28/96.

No 5990

2453

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Karl J. Dreher, Director

Published in the South Idaho Press on 2/19 & 2/26/96.

RECORDED

APR 18 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

February 9, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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
Sr. Secretary

Enclosure

RECORDED

APR 18 1996

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

February 9, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MAGIC VALLEY PUBLISHING CO
ATTN Gooding County Leader
PO BOX 468
JEROME ID 83338

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We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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Karl J. Dreher, Director

Published in the South Idaho Press on 2/19 & 2/26/96 and in the Gooding County Leader on 2/21 & 2/28/96.

RECORDED

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

February 9, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

BRAD &/OR SALLY FIFE
149 E 800 N
RUPERT ID 83350

Re: Application for Transfer No. 4765 (36-07460 Part)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the South Idaho Press for 2/19 and 2/26/96. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you 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.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant. We are currently awaiting the submittal of a Modified Stipulation by Mr. Branchflower that would meet this requirement.

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

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

RECORDED

APR 18 1996

MEMORANDUM

TO: Fife Transfer File (Claim X36-07460H)

FROM: Corey Skinner *CS*

DATE: February 1, 1996

SUBJECT: Staff Review

The enclosed transfer application, filed by Brad &/or Sally Fife, seeks to modify (convert some irrigation use to stock and commercial use for a dairy) a portion of claim X36-07460H that has been split from claim 36-07460C. Mike Branchflower and Janss Farms own claim 36-07460C, and Branchflower's portion (3.43 cfs for 193 acres) will be described in a modified stipulation that is to be submitted sometime in the near future. A copy of this modified stipulation needs to be placed in this transfer application file once it is received by the department. This modified stipulation was requested in a 01/24/96 letter from Douglas Jones, of IDWR, to Mike Branchflower. This document, when submitted, should suffice as proof of the validity of claim 36-07460C (and subsequent transfers, including claim X36-07460H which is the base for this transfer).

It should be noted that transfer # 4761 has also been filed in order to transfer a portion of Mike Branchflower's portion of claim X36-07460H. Transfer # 4761 seeks to convert 0.55 cfs used to irrigate 31 acres in the SESE $\frac{1}{4}$ of Section 28, Township 07S, Range 24E. The enclosed transfer application, filed by the Fifes, seeks to convert 0.20 cfs used to irrigate 8 acres in the SESE $\frac{1}{4}$ of Section 28 (T07S, R14E) and 3 acres in the SWSE $\frac{1}{4}$ of Section 28 (T07S, R14E). If transfer # 4761 and the enclosed transfer, filed by the Fifes, are approved, the untransferred portion of claim X36-07460H should read as follows.....

10.74 cfs for the irrigation of 604 acres with 36 irrigated acres in the SWSE $\frac{1}{4}$ of S28, T07S, R14E and zero irrigated acres in the SESE $\frac{1}{4}$ of S28, T07S, R14E.

Other than the copy of the modified stipulation that needs to be submitted, as discussed in the first paragraph of this memo, and possible effects due to pending transfer # 4761, the enclosed transfer application is complete and pretty straight forward. There appears to be no expansion in the conversion from irrigation use to stockwater and commercial use. In addition, there are no existing water rights that could cause overlap problems at the new proposed place of use.

APR 1 8 1996

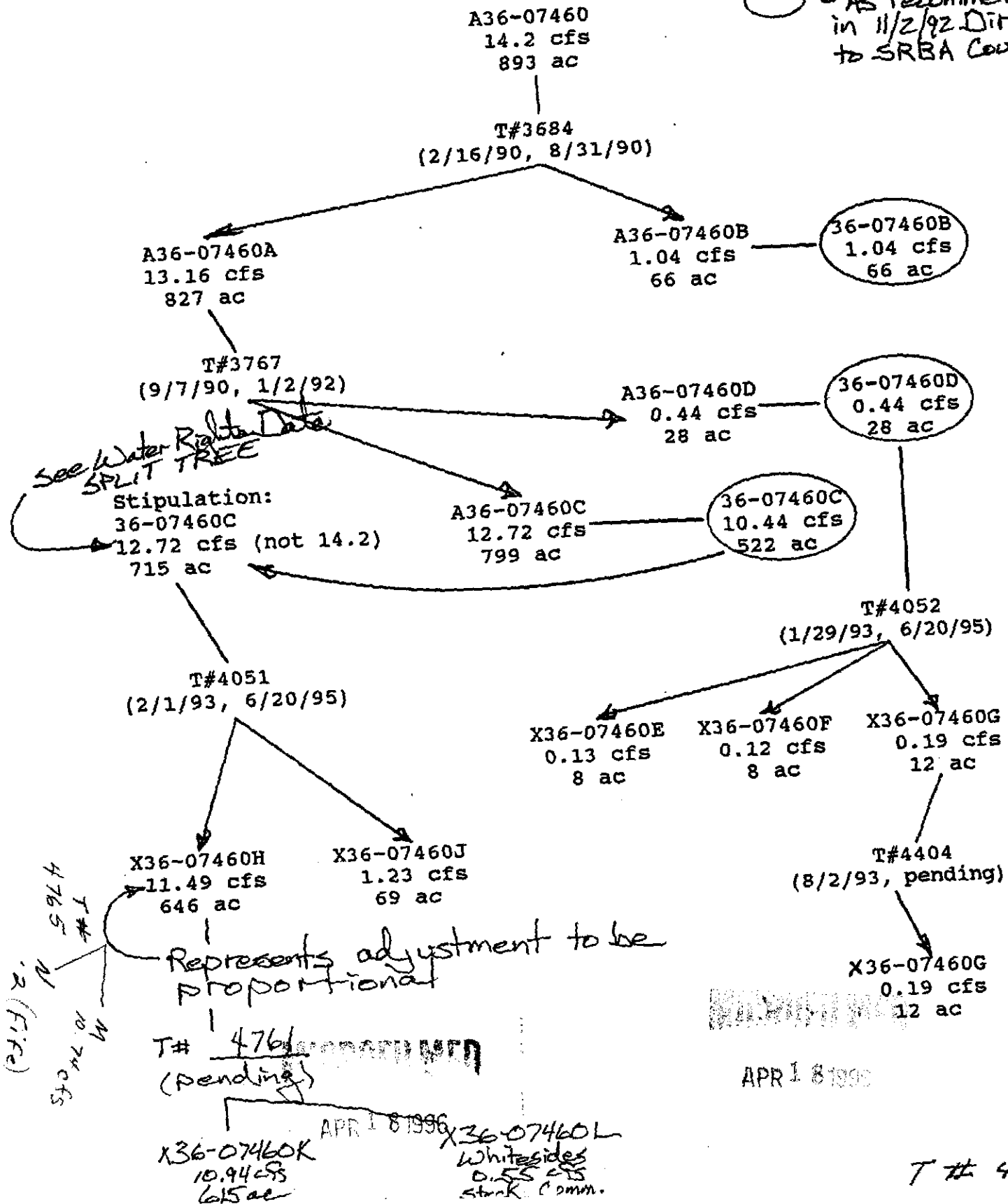
APR 1 8 1996

T # 4765

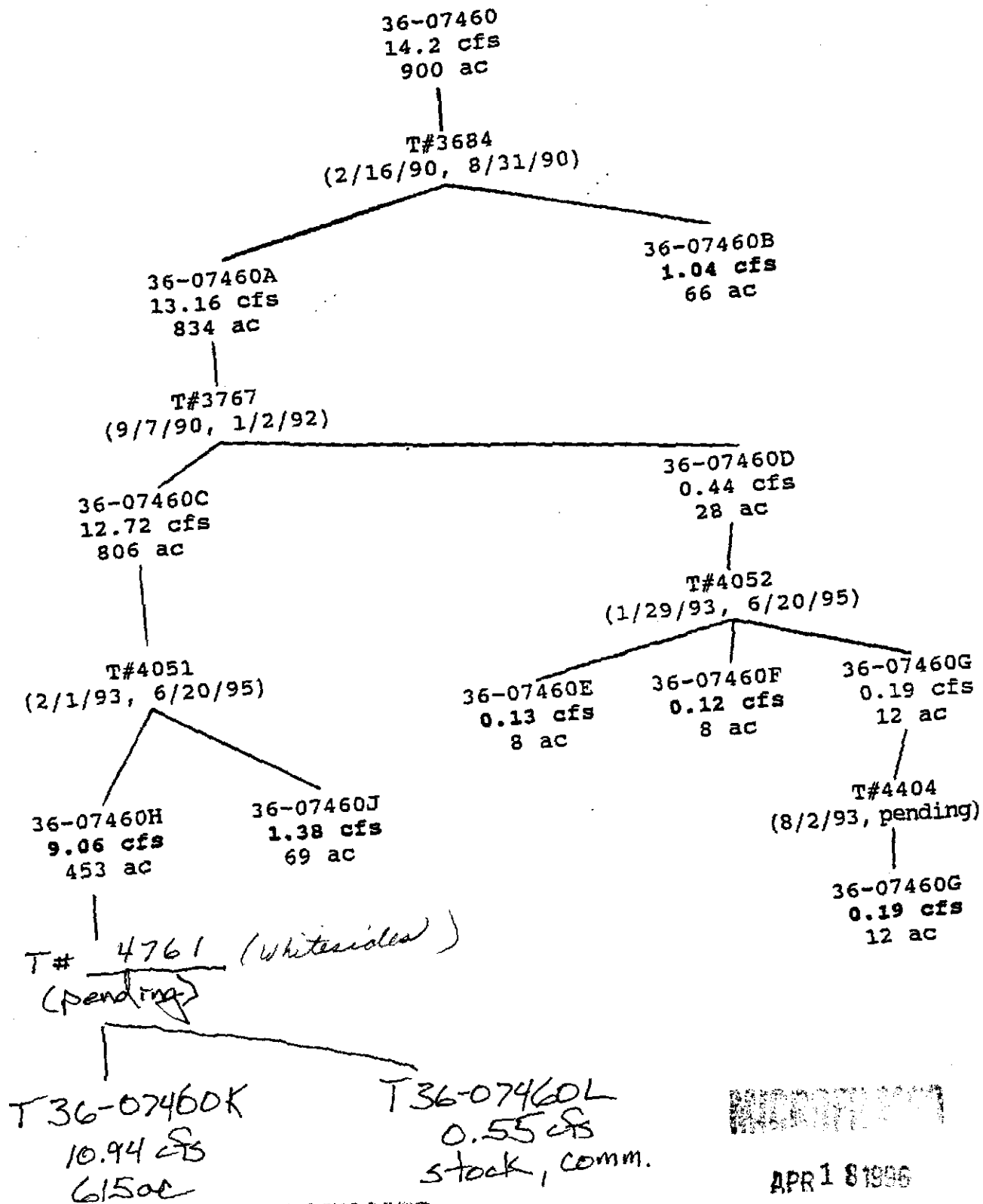
SPLIT TREE Adjudication Data (Combined Structure)

[accounts for as-recommended & as stipulated in SRBA subcase]

○ = As recommended
in 11/2/92 Dir. Rpt.
to SRBA Court



SPLIT TREE
Water Rights Data
(Present Structure)



APR 18 1996

T# 4765

RECEIVED
FEB 17 1983
Department of Water Resources
District Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7460 Priority March 25, 1974 Amount 14.2 cfs

THIS IS TO CERTIFY, that Janss Investment Corp.
of Thousand Oaks, California, has complied with the terms and conditions of Permit
No. 36-7460 issued pursuant to Application for Permit dated March 25, 1974
and has submitted proof to the Department of Water Resources on February 2, 1979
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 14.2 of water from a groundwater 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>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>14.2</u> cfs and	<u>3600.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 14.2 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
3600.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28; Twp. 7S, Rge. 14E in the County of Gooding

Description and location of place of use:

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 $\frac{1}{4}$	
7S	14E	20																	33
		21											40	40	33	33	40	33	219
		28	33	40	38	39	40	40	40	40	40	38	35	39	40	35	39	39	615
		29	33																33

Total number of acres irrigated 900

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of January, 19 83.


Director

36-7460

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEXDATE: 08/08/95
PAGE: 1WATER RIGHT
NUMBER

NAME

CFS

36-07460

Split into 36-07460A & B.

36-07460A

Split into 36-07460C & D by Trans. #3767.

36-07460B

BRANCHFLOWER , MIKE

1.04

36-07460C

JANSS INVESTMENT CORP.

12.72

36-07460D

BRANCHFLOWER , MIKE

0.44

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/08/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

T36-07460G2 BRANCHFLOWER , MIKE

0.19

pending xfer

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/08/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

X36-07460E	BRANCHFLOWER , MIKE	0.13
X36-07460F	BRANCHFLOWER , MIKE	0.12
X36-07460G	BRANCHFLOWER , MIKE	0.19
X36-07460H	JANSS FARMS	9.06
X36-07460J	BRANCHFLOWER , MIKE	1.38

water right database (not adj.) reflection
of transfers approved since Director's report
was prepared.

Post-It® Fax Note	7671	Date 8/8	# of pages 4
To Mary		From [Signature]	
Co/Dept.		Cc.	
Phone #		Phone #	
Fax #		Fax #	