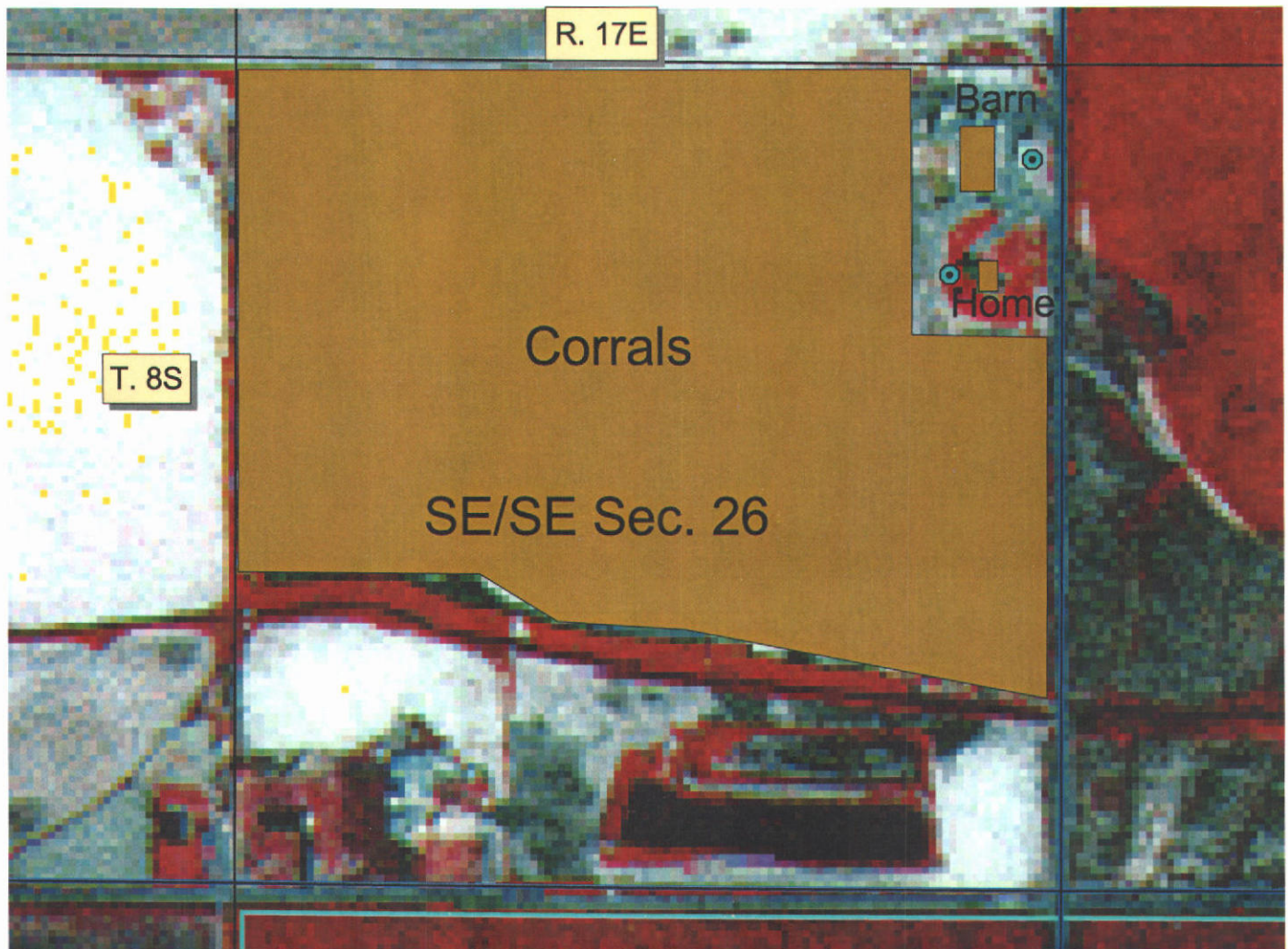
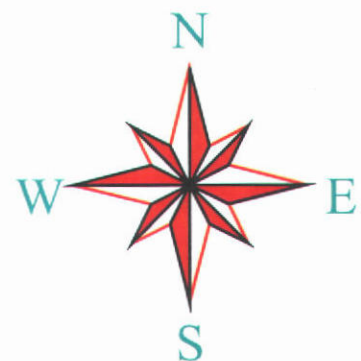


RIVERVIEW DAIRY - CLOSEUP VIEW



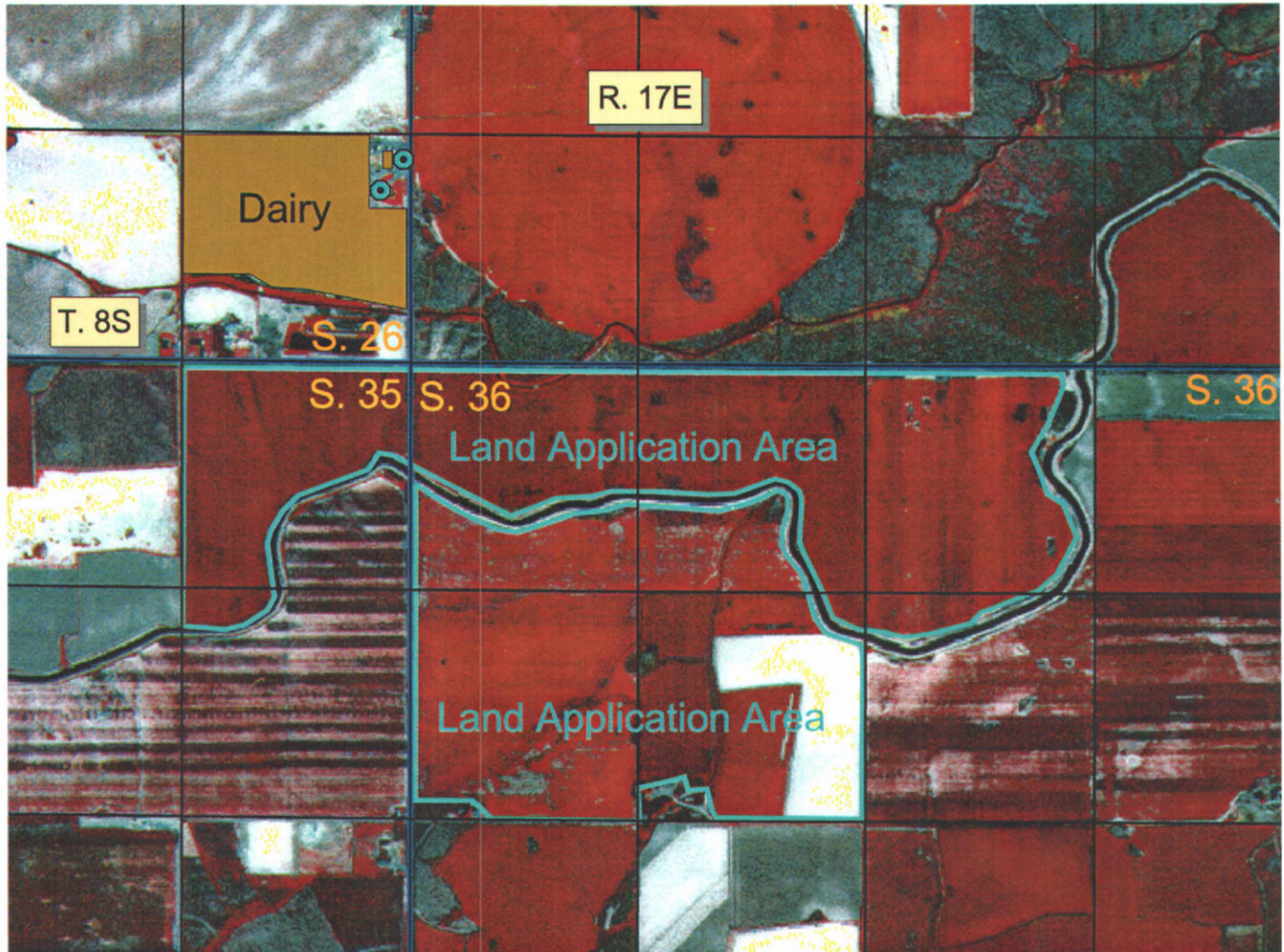
● Wells



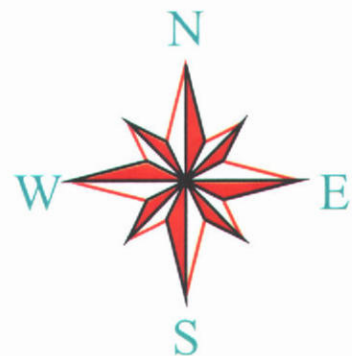
Prepared By J E Stanton
3-27-00

MICROFILMED
JUL 25 2000

APP FOR TRANSFER - RIVERVIEW DAIRY



● Dairy Wells



Prepared By J E Stanton
3-27-00

MICROFILMED
JUL 28 2000

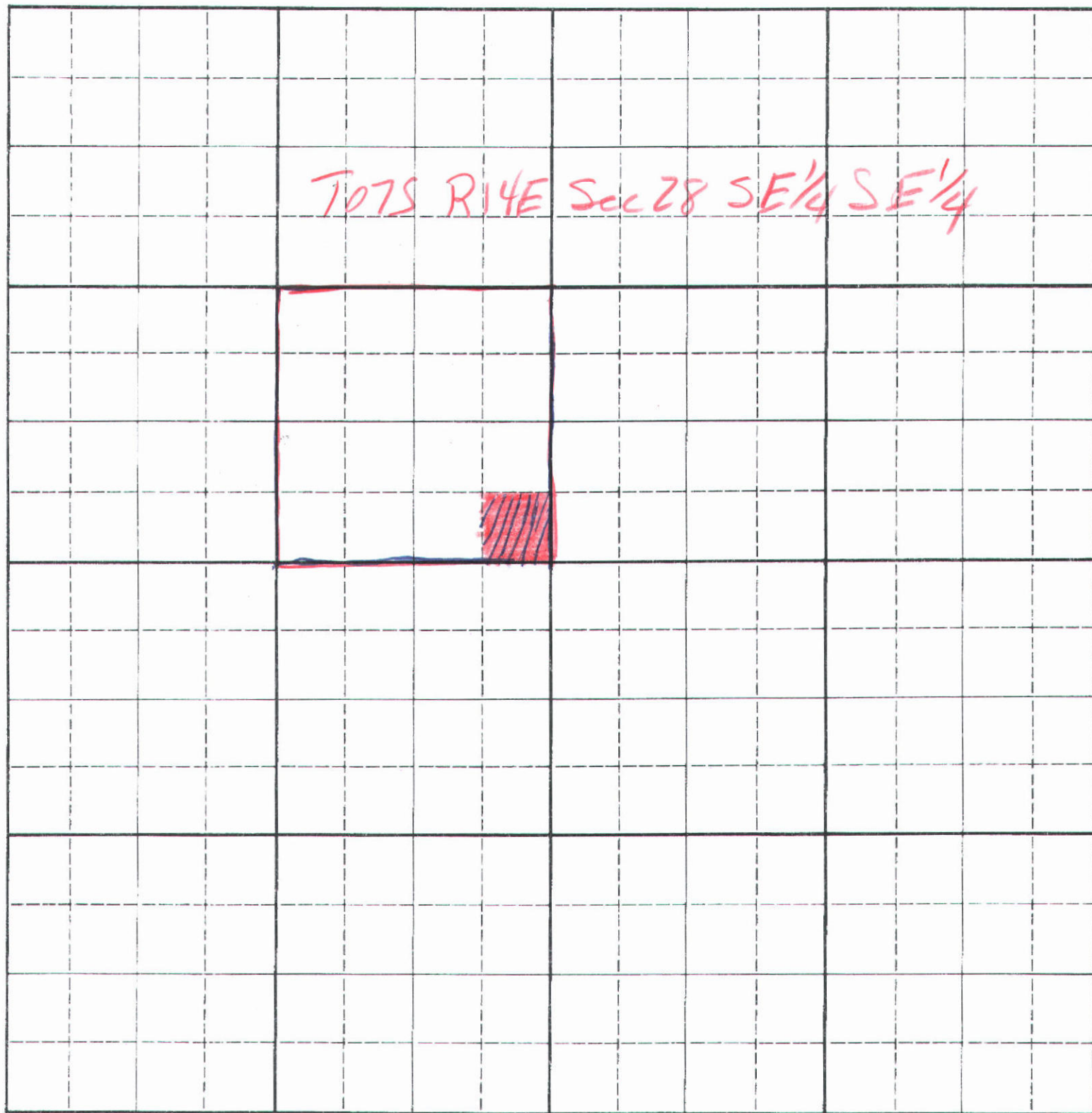
TOWNSHIP
-08 SOUTH

RANGE 17 EAST

Hand-drawn sketch of a rectangular structure, possibly a building or a container. It has a door on the left side and a window on the right side. The dimensions are labeled as 1000 (width) and 1000 (height). The sketch is drawn on a grid background.

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JUL 26 2000

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.



SCALE: 2 Inches equal 1 mile. Draw plan in Ink.

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JUL 26 2000

Pg 5 of 6

T# 5290

A. 15E

T. 9S

Bar # cornals
PDS

MICROFILMED
JAN 27 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5697
WATER RIGHT NO(S) . 36-07460AG/36-14988

This is to certify that: **RIVERVIEW DAIRY**
179 S 500 E
JEROME ID 83338

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>
Right No. 36-07460AG:			
Priority: 03/25/1974			
STOCKWATER	01/01 to 12/31	0.18 CFS	30.0 AF
COMMERCIAL	01/01 to 12/31	0.18 CFS	30.0 AF
		<u>0.18 CFS</u>	<u>30.0 AF</u>
Right No. 36-14988 :			
Priority: 12/31/1983			
STOCKWATER	01/01 to 12/31	0.07 CFS	13.4 AF
COMMERCIAL	01/01 to 12/31	0.07 CFS	13.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
		<u>0.07 CFS</u>	<u>14.6 AF</u>
TOTAL:		* 0.25 CFS	44.6 AF *

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NESESE , Sec. 26, Township 08S, Range 17E
JEROME County

PLACE OF USE: STOCKWATER & DOMESTIC

TWN RGE SEC
08S 17E 26 SESE

PLACE OF USE: COMMERCIAL

TWN RGE SEC
08S 17E 26 SESE
35 NENE
36 NWNE
NWNW

SENE
SWNE
SWNW
NENW
SENW

MICROFILMED

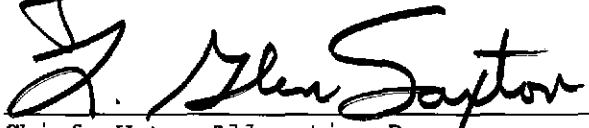
JUL 25 2000

TRANSFER NO. 5697
WATER RIGHT NO(S). 36-07460AG/36-14988

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 6. The total instantaneous diversion of water from all points of diversion under Transfer 5697 shall not exceed 0.25 cfs, nor a total combined annual volume of 44.6 af.
7. The quantity of water decreed for Right 36-14988 for stockwater and domestic uses is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
9. Commercial use is for a dairy located within the SESE, S26, T08S, R17E.
10. Domestic use is for 1 home.
11. Two (2) points of diversion are located within the NESESE, S26, T08S, R17E.
12. The place of use is includes Parcel No. RL08S17E269001.

Dated this 14th day of July, 2000.


Chief, Water Allocation Bureau

MICROFILMED

JUL 26 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5677
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 05 2000

PART 1 MAY 23 2000

Department of Water Resources
Southern Region

Name of applicant Riverview Dairy Department of Water Resources Phone 644-1059
Post Office address 1795 500 E, Jerome, ID 83338

1. 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 _____
2. Describe the reason for the proposed changes Provide water for expansion of an existing dairy

3. 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>36-07460AG</u> | <u>3-25-1974</u> | <u>0.18/30.0</u> | <u>Stock water</u> | <u>1-1</u> to <u>12-31</u> |
| | | | <u>Commercial</u> | <u>"</u> to <u>"</u> |
| <u>36-14988</u> | <u>12-31-1983</u> | <u>0.07/14.6</u> | <u>Stock water</u> | <u>"</u> to <u>"</u> |
| | | | <u>Commercial</u> | <u>"</u> to <u>"</u> |
| | | | <u>Domestic</u> | |
2. Total amount of water being transferred 0.25 cubic feet per second and/or 44.6 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
	NE	SE	SE	26	85	17E	Jerome	2 existing wells

5. Lands irrigated or place of use: * Land Application Area

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	
85	17E	26																S.C.	
																		D	
		35	*			*													
							*	*	*	*									
		36		*	*		*	*	*	*									

MICROFILMED
JUL 20 2000

PART 1

6. General Information:

- a. Description of diversion system Main well & pump for dairy, Domestic well provides backup supply for dairy via connecting mainline.
- 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:
Will not be irrigated in the future.
- d. Remarks:
This application replaces Transfer 5526, which was denied.

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 _____.

MICROFILMED
JUL 26 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. T36-07460AG

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.18 CFS

SOURCE

GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 22, Township 07S, Range 15E
GOODING CountyPLACE OF USE:CONDITIONS/REMARKS:

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

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

_____To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

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 _____MICROFILMED
JUL 26 2000

PART 2

TRANS NO. **T#5697****A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 36-14988

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.07 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.07 CFS

SOURCE

GROUNDWATER

Priority: 12/31/1983

LOCATION OF POINT(S) OF DIVERSION:SESESE , Sec. 26, Township 08S, Range 17E
JEROME CountyPLACE OF USE:

STOCKWATER

				NE				NW				SW				SE																			
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
08S	17E	26	:																																

DOMESTIC

---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
08S	17E	26	:																																

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. RL08S17E269001
STOCKWATER, 350 FEEDER CATTLE W/ DAIRY BARN.

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

MICROFILMED
JUL 26 2000

Page 5 of 8

TRANS NO.

T#5697

Claim No. 36-14988

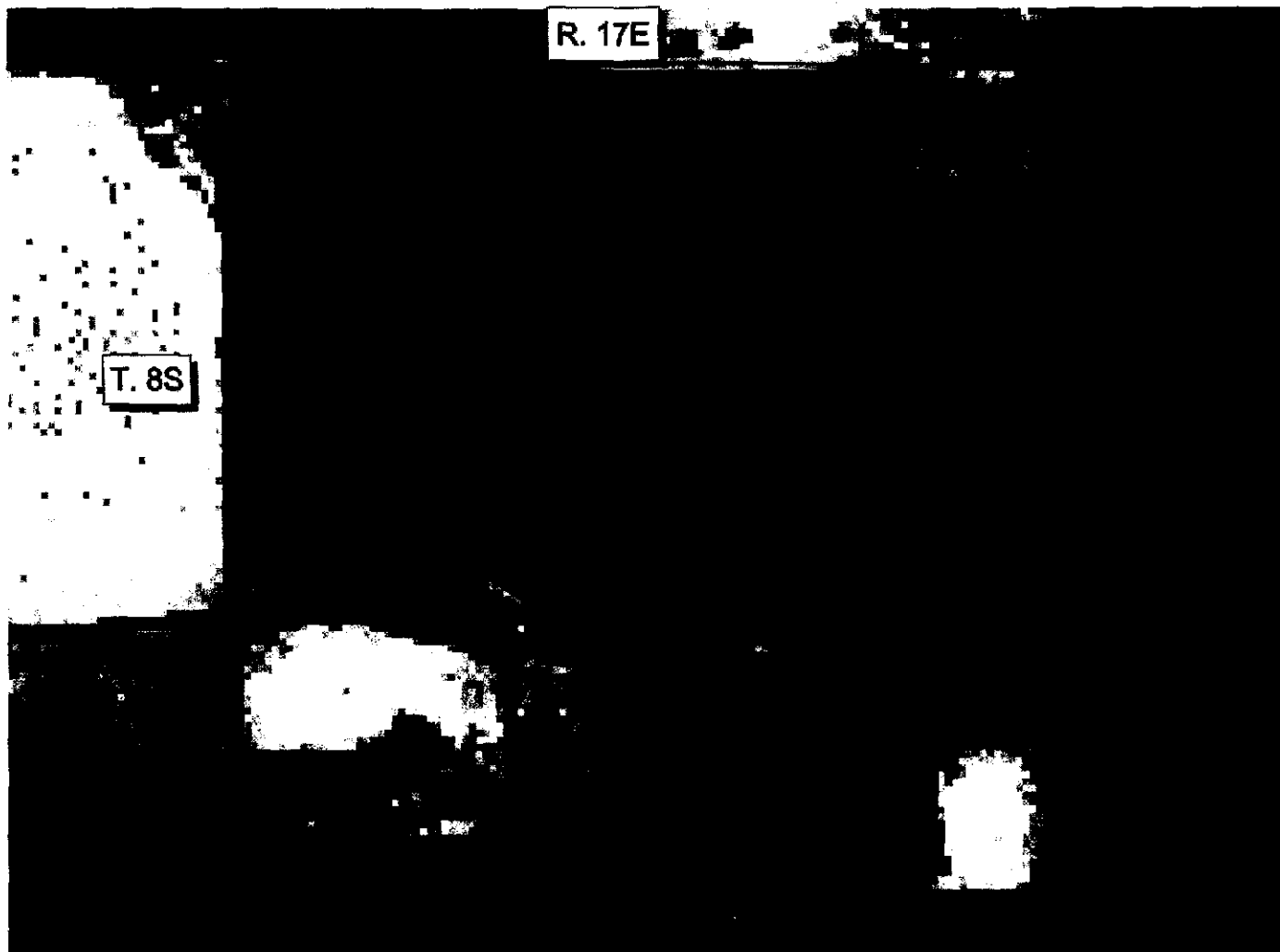
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe:

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:

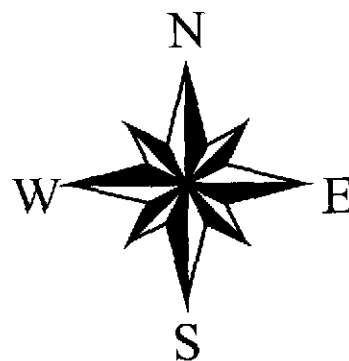
☒ Tax Notice ☐ Warranty Deed ☐ Other _____

MICROFILMED
JUL 26 2000

RIVERVIEW DAIRY - CLOSEUP VIEW



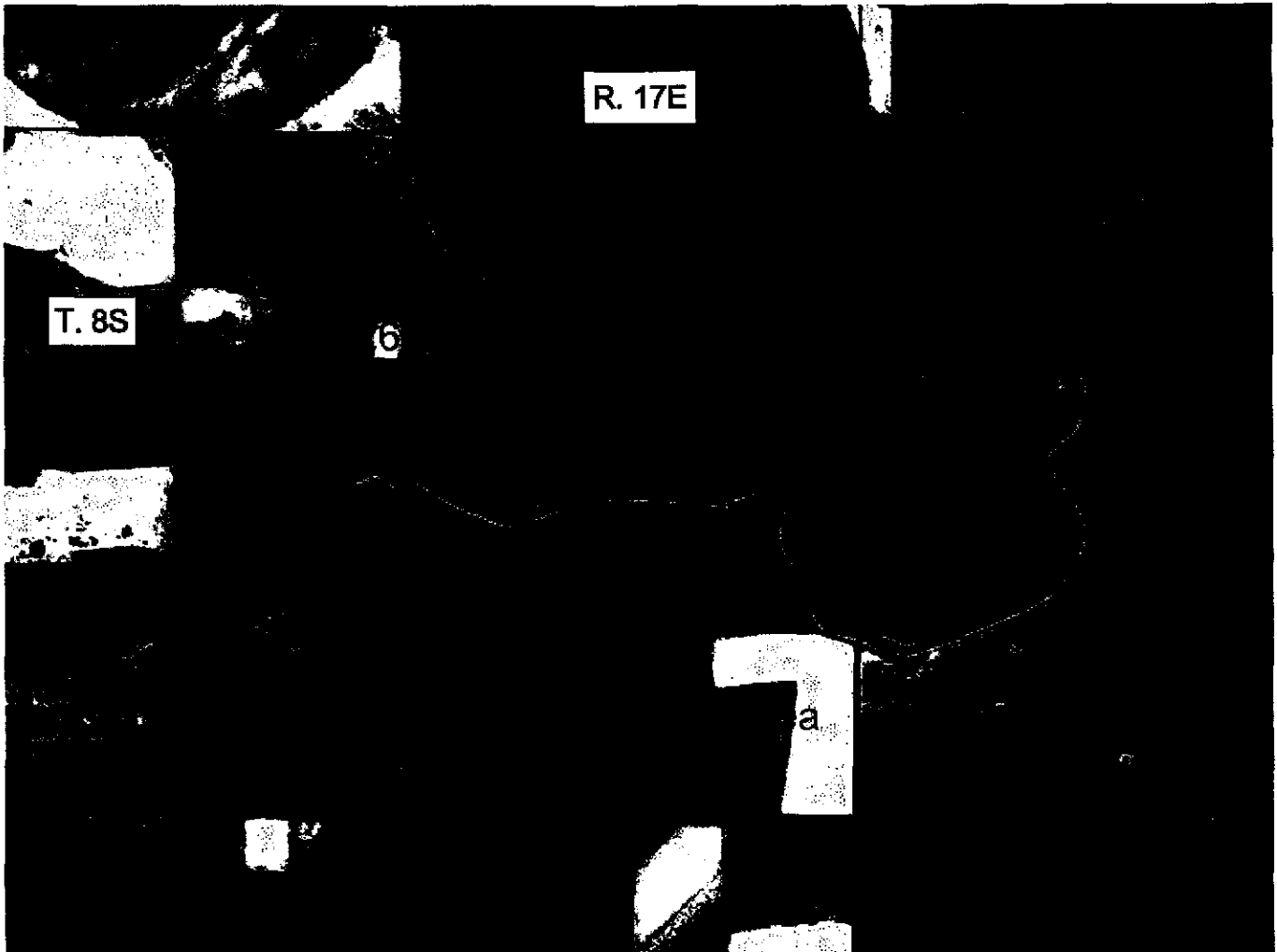
● Wells



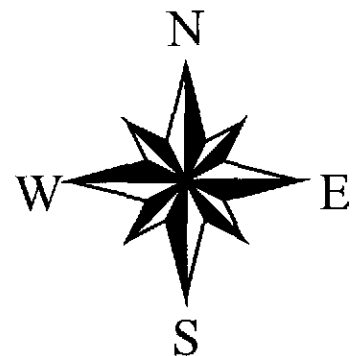
Prepared By J E Stanton
3-27-00

MICROFILMED
JUL 26 2000

APP FOR TRANSFER - RIVERVIEW DAIRY



● Dairy Wells



Prepared By J E Stanton
3-27-00

MICROFILMED

JUL 28 2000

PART 3

I # **5697**

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Stockwater & Commercial Use</u>	<u>0.25/44.6</u>	<u>295 needed</u>	<u>1-1</u> to <u>12-31</u>
				to _____

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

Water will be ponded & land applied as needed.

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

Should have no effect

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 5th day of January, 2000.

[Signature]
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 4 attachments

Received by J. Feltanton Date 1-5-00 Protest filed by None

Prelim. check by JP Fee \$100. 5022736

Received by JP Date 1-5-00

Published in North Side News Copies of protest forwarded by _____

Pub. dates 4/27 & 5/4/00 Hearing held by _____ Date _____

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

_____ rec'd. _____ by [Signature]

Copy of transfer sent to lien holder _____

MICROFILMED
JUL 25 2000

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this

Dec 29, 1979

by and between

Del Kohz

(hereinafter "Seller"), and

River View Dairy

(hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers do hereby agree to buy from the Sellers 10 in inches of Idaho Water License # X36-07460 AC and the water appurtenant thereto, for \$ per inch.

2. The total purchase price shall be \$ ⁰⁰ The entire purchase price shall be paid on the closing date described in paragraph 5 below, less earnest money paid \$1870⁰⁰

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department. If the application is not approved, this Agreement shall become null and void. A copy of the Application for Transfer of Water Right is attached hereto as Exhibit "A" and incorporated herein by said reference.

MICROFILMED

JUL 25 2000

4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price to Seller shall take place at the law offices of Ling, Nielsen and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyer's receipt of approval from the Department of the application for transfer.

5. The Buyers shall be given possession and use of the water license and the water appurtenant thereto, upon closing.

6. In the event that the Buyers are unable to close this transaction for any reason, the Buyers agree that they will execute any documents necessary to transfer the water license back to the Sellers.

7. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

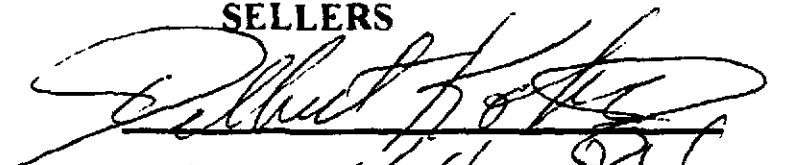
8. Each party agrees to pay one-half of any costs incurred in executing this document.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

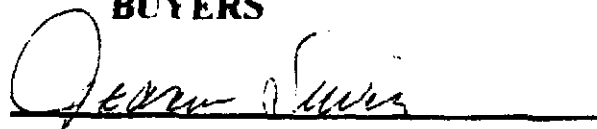
OTHER PROVISIONS

IN WITNESS WHEREOF the parties have caused their names to be
subscribed on the dates set forth above.

SELLERS


1135 Valley Rd So.
Eden, IL 83325

BUYERS


Beverly Day

MICROFILM
JUL 26 2000

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this Dec 15, 1999
by and between Mike Branchflower
(hereinafter "Seller"), and De/Koltz (hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers

do hereby agree to buy from the Sellers 10 inches of Idaho Water
X36-07460 MAC
License # 74 and the water appurtenant thereto, for
\$ 1.75 per inch.

2. The total purchase price shall be \$. The entire purchase price shall be paid on the closing date described in paragraph 5 below, less earnest money paid.

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department. If the application is not approved, this Agreement shall become null and void. A copy of the Application for Transfer of Water Right is attached hereto as Exhibit "A" and incorporated herein by said reference.

MICHAEL J. KOLTZ
JUL 26 2000

4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price to Seller shall take place at the law offices of Ling, Nielsen and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyer's receipt of approval from the Department of the application for transfer.

5. The Buyers shall be given possession and use of the water license and the water appurtenant thereto, upon closing.

6. In the event that the Buyers are unable to close this transaction for any reason, the Buyers agree that they will execute any documents necessary to transfer the water license back to the Sellers.

7. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Each party agrees to pay one-half of any costs incurred in executing this document.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

OTHER PROVISIONS

Seller agrees to lease water to
Water Resources Water Bank. Buyer agrees
to pay Seller — per year until this
transfer is accomplished.

IN WITNESS WHEREOF the parties have caused their names to be
subscribed on the dates set forth above.

SELLERS

[Signature]

BUYERS

[Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 2000

RIVERVIEW DAIRY
179 S 500 E
JEROME ID 83338

RE: TRANSFER OF WATER RIGHTS 36-07460AG/36-14988 (Transfer 5697)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5697). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Samuel S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
JUL 28 2000

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of July, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 47-36-07460AG/36-14988
(Transfer 5697)

RIVERVIEW DAIRY
179 S 500 E
JEROME ID 83338


Kari Lynn Townsend
Secretary

MICROFILMED
JUL 26 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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

(10-99)

Transfer # 5697

Date Reviewed 07-13-2000

Right(s) X36-07460AG - Transferred Portion of Part C SRBA recommendation.
36-14988 - Decreased

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
 F:Change Period of Use G:Other H:Change P/D & Add P/D
 I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Agreement For Purchase & Sale of WR - Branch/Hwy Over to Kohtz, Kohtz to Riverview Dairy

Transfer ☒ All of Right ☐ Portion of Right
 Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season NA to NA Standard Volume 4.0 / 3.0

(1) ☒ Priority (2) ☐ Use (3) ☐ Season/W61 (4) ☒ Rate (5) ☐ Volume
 (6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ ^{WRs} Proof/Owner (10) ☒ Map
West ESRA MD / North Snake GWD Dist.
 (11) NA Water District (12) Yes Pertinent Conditions (13) NO Expansion w/limits.

(2) Change 36-07460AG from IRR to COMM & STOCK for dairy expansion.
 (3) Allow yr. round use for dairy.
 (5) Vol. limited to standard 3.0 gpd/acre 3x10 = 30 gpd
36-14988 limited to max. vol @ 13,000 gpd = 14.6 gpd
 (7) Add/Change 2 P/Ds
 (8) Change P/U - Include land app.

2 existing wells

Transfer Remarks (WB 2) 36-14988 COMM/Dairy Parcel No. B108517E269001
DOM / Home SESE, S26 (WB 4) (WB 8)
 Conditions 106, 082, 107, 108 067 T11
ADM

Database/Processing Notes ☒ Standard ☒ Non-Standard ☒
Delete originals & Copy F Files to blank F X prefix Delete T's
"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
 Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

07-14-2000
 38

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-14988	EGGINK, NELVIN	C	12/31/1983	D/	GROUNDWATER	P. DECR	WR
	EGGINK, BERNICE	C					
T36-14988	RIVERVIEW DAIRY	C	12/31/1983	D/	GROUNDWATER	DOMEST STOCK COMMER	WR

*36-14988	EGGINK, NELVIN	C	12/31/1983	D/	GROUNDWATER	P. DECR	AJ
	EGGINK, BERNICE	C					
A36-14988	EGGINK, NELVIN	C	12/31/1983	J/	GROUNDWATER	DOMEST	AJ
	EGGINK, BERNICE	C				STOCK	

SRBA

SUBCASE SUMMARY REPORT 36-14988

Return to SRBA Home Page

SRBA
06-16-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-14988 FILE#: 00000
CLAIMANT: EGGINK, NELVIN & BERNICE
STATUS: PD UNDELIVERED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

NELVIN & BERNICE EGGINK C PRO SE

**** ROA ENTRIES ****

11-22-1996	PARTIAL DECREE FILED	11-22-1996
11-22-1996	CERTIFICATE OF MAILING - PARTIAL DECREE	
11-25-1996	PARTIAL DECREE RETURNED UNDELIVERABLE	11-25-1996

Return to SRBA Home Page

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JUL 26 2000

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Quinnview Dairy

TRANSFER NO. 5697

1. Right number(s) 36-07460 etc

2. Type of right ☒ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: 36-14988 has been decreed. 36-07460 AG has been declared valid
but not yet decreed. No site visit planned. Recommend approval.

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: _____

i. ☒

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

j. ☒

SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. ☒

Comment letters

If yes

Yes ☒

No

Water District #

Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY Jeff Horton
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____DATE 3-27-00

DATE _____

DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☐ Yes

2. COMMENT LETTERS

Copy of Pg 1 to AJ ☐ YesWatermaster recommendation requested on N/A, Received on _____

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

3. Transfer published correctly? ☒ Yes ☐ No4. Affidavit of publication received? ☒ Yes ☐ No5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes6. Copies made for Region file (see attached supplemental page)? ☐ Yes**RECOMMENDED ACTION**1. ☒ Approve2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: 5/18/004. By ADNDate 5/18/00

MEMO

RECEIVED

FROM: Allen Merritt



MAY 23 2000

DATE: May 18, 2000

TO: Transfer File No. 5697

Department of Water Resources

Water Right(s): T36-07460AG
T36-14988

In the Name of: **Riverview Dairy**

SUBJECT: Review and Recommendation

This application moves in a piece of the old Branchflower right (36-07460AG for 0.18 cfs for irrigation of 10 acres) for expansion at an existing dairy. The dairy site has an existing decreed D&S right (36-14988). The transfer ties both rights together out of two existing wells and also identifies the place of use for the land application of waste water from the dairy.

The application was advertised without protest.

Review of the original SRBA claim for 36-14988 finds that there was 1 home and 350 cows and a dairy. This would probably exceed 13,000 gpd depending on the situation. I would recommend the full volume for 13000 gpd or 14.6 afa.

Recommendation

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

- Right 36-07460AG and 36-14988 shall be changed pursuant to this transfer request but are limited as follows:
 - Right 36-14988 is limited to no more than 13,000 gpd and 14.6 afa and 0.07 cfs for domestic use for one house and stockwater use both located within the SESE S26, T08S, R17E.
 - Right 36-07460AG is limited to 0.18 cfs and 30.0 afa for stockwater and commercial uses at the dairy with places of use as described on the application.
 - Both rights may be diverted from any of two existing wells as described on the application.
 - When combined both rights are limited to 0.25 cfs and 44.6 afa.
- No new wells are authorized to be drilled under this approval.
- Subject to other federal, state or county requirements as may be appropriate.
- Both wells shall have measuring devices installed and use is subject to measurement and reporting to the West ESPA Measurement District.
- Applicant shall file a copy of deed showing final purchase of 36-07460AG with the department as soon as purchase is final.

MICROFILMED

JUL 26 2000

FILE PROGRESS SUMMARY

APPLICANT: Interview diary WATER RIGHT NO. 36-07460 etc

WATER RIGHT NO. 36-07460 etc

[illegible]

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 05 2000

Department of Water Resources
Southern Region

State of Idaho } ss.
County of Jerome

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, 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 27th day of April, 2000 and the date of the last publication was on the 4th day of May, 2000

On this 4th day of May, 2000, before me, a Notary Public, personally appeared Norma DeVoe, 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/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome
My commission expires: 12/3/05

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X

18563 Lines tabular at 13.92 7.5¢/Pica
105806 Lines straight at 68.77 6.5¢/Pica
124369 Subsequent lines at 68.40 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 153.34

COPY OF NOTICE

(Paste Here)

T# 5,569,5716,5715
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that three applications have been filed with the Department of Water Resources for changes to water rights in Gooding and Jerome Counties as described below.

Transfer No. 5697 by Five New Dairy, 1795 S 500 E; JEROME ID 83338 involves Right No. T36-07460AG (0.18 cfs) recorded with priority date of 03/25/1974 from ground water within SWSW, S22, T07S, R15E; for irrigation; Gooding County and Right No. 36-14988 recorded with priority date of 12/31/1983 from ground water within SESE, S26, T08S, R17E and used there for stockwater (0.07 cfs) and Domestic (0.04 cfs); Jerome County. The applicant proposes to divert a combined total of 0.25 cfs from two existing wells within SESE, S26, T08S, R17E; Jerome County for stockwater, commercial & domestic uses in the expansion of an existing dairy located within SESE, S26, T08S, R17E; Jerome County. Dairy wastes will be land applied within NE, S35 and within NW and W1/2NE, both S36, T08S, R17E. Transfer No. 5716 by Joe & Sondra Agueda, 326 E 400 N; JEROME ID 83338 involves Right No. 36-04157 (1.00 cfs) recorded with priority date of 06/01/1956 from ground water within Lot 3 (NWSW), S30, T07S, R15E for irrigation of 50 acres at the same site; Gooding County and Right No. 36-14860 (0.09 cfs) recorded with priority date of 12/31/1942 from ground water within SESW, S27, T07S, R17E and used at the same site for domestic (0.04 cfs) & stockwater (0.09 cfs); Jerome County. The applicants wish to divert a combined total of 0.30 cfs from two existing wells within SESW, S27 for stockwater (0.30 cfs) & domestic (0.04 cfs) uses there and also commercial uses (0.30 cfs) within SWSE, S27 & N1/2NE, S34; all T07S, R17E; Jerome County. A total of 15 irrigated acres will be dried up within SWSW, S30, T07S, R15E for the conversion to stockwater/commercial uses in the expansion of an existing dairy; the remained (0.70 cfs) as Designated Right No. 36-04157E will continue to irrigate 35 acres at the original site. Transfer No. 5715 by Douglas Glendenning, PO Box 228; JEROME ID 83338 involves several ground water rights as described:

Rt No.	(cfs)	Use	Priority	POD	County
36-08545	0.09	Stockwater	04/26/1990	NWNE, S02, T08S, R16E	Jerome
	0.09	Commercial			
36-14786	0.02	Stockwater	06/01/1935	NENE, S16, T08S, R16E	Jerome
	0.04	Domestic			
36-14789	0.04	Domestic	06/10/1977	NENE, S16, T08S, R16E	Jerome

The applicant proposes to divert a combined total of 0.28 cfs from existing wells within SENW & two (2) within SWNE for domestic use (0.04 cfs) within SENW, stockwater uses (0.11 cfs) within SWNE & SENW, and commercial uses (0.09 cfs) within SWNE; Commercial/stockwater wastes will be land applied within SWNE & SENW, all S02; T08S, R16E; Jerome County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before May 15, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

/s/ Karl J. Dreher, Director
PUB: 4/27 - 5/4

N30843

Nº 8365

RECORDED

30843

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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	0.09	Commercial			
36-14786	0.02	Stockwater	06/01/1935	NENE, S16, T08S, R16E	Jerome
	0.04	Domestic			
36-14789	0.04	Domestic	06/10/1977	NENE, S16, T08S, R16E	Jerome

The applicant proposes to divert a combined total of 0.28 cfs from existing wells within SENW & two (2) within SWNE for domestic use (0.04 cfs) within SENW, stockwater uses (0.11 cfs) within SWNE & SENW, and commercial uses (0.09 cfs) within SWNE; Commercial/stockwater wastes will be land applied within SWNE & SENW, all S02; T08S, R16E; Jerome County.

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Karl J. Dreher, Director

Published in the North Side News on 04/27 & 05/04/00.

MICROFILMED
JUL 26 2000



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

April 19, 2000

MAGIC VALLEY PUBLISHING
ATTN: **North Side News**
PO BOX 468
JEROME ID 83338

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.

*Also faxed to you today
Th*

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

Mary Baldwin

Administrative Assistant

Enclosure

MICROFILMED

JUL 28 2000

IDAHO DEPARTMENT OF WATER RESOURCES

FILE # or NAME _____ Riverview Dairy
 REVIEWER _____ C. Skinner
 DATE _____ 06-Aug-99

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 1000
 NUMBER OF NONMILKING CATTLE _____ 350
 IF LAGOON IS AEROBIC, ENTER ITS SURF ACE AREA IN A CRES;
 IF ANAEROBIC, ENTER ZERO _____ 0.0
 EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 0
 ENTER 1 FOR MANUAL COW WASHING, 2 R AUTOMATIC, OR 3 IF
 SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH CO.
 NUMBER OF MILKINGS PER DAY _____ 3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS): ***

MILKING CATTLE @35 GPD/HD _____ 0.65
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 0.65
 NONMILKING CATTLE @12 GPD/HD _____ 0.08
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 0.08
 TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.74

DIVERSION VOLUME (AFA):

STOCKWATER
 MILKING CATTLE @35 GPD/HD _____ 39.2
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 40.0
 NONMILKING CATTLE @12 GPD/HD _____ 4.7
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 5.4
 TOTAL (BASED UPON ROUNDED NUMBERS) _____ 45.4

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.5
 PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
 CATTLE WASHING BASED UPON METHOD OF WASHING _____ 1.7
 TOTAL _____ 2.3

TOTAL DIVERSION VOLUME _____ 47.7

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
 MILKING _____ 5.8
 NONMILKING _____ 0.0
 TOTAL _____ 5.8

COMMERCIAL _____ 0.0

TOTAL CONSUMPTIVE USE _____ 5.8

THEORETICAL FLOW ESTIMATION

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	0.00	0.00	
LIFT (FT) _____	0	0	
DISCHARGE PRESSURE (PSI) _____	0	0	
FRICTION LOSSES (FT) _____	0.0	0.0	

CALCULATIONS

THEORETICAL FLOW RATE (CFS) ** _____ 0.00 0.00 0.00

DIVERSION VOLUME (AFA) *** _____ 0.0 0.0 0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY DAY OF THE YEAR.

**** BASED ON 2 HOUR DIVERSION TO MEET VOLUME

Dev.: M Sterling
 Mod.: ADM & KGC
 Mod.: 8/5/94 DRJ

BASED ON INFORMATION
 OBTAINED FROM JEANNE
 SERVISS ON ~~8/5/99~~

8/5/99 P.S.

MICROFILMED

JUL 26 2000

5697
 T#5526

FILE NUMBER _____ example
REVIEWER _____ jes

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 350
NUMBER OF NONMILKING CATTLE _____ 0
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____ 4.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH C
NUMBER OF MILKINGS PER DAY _____ 3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.23
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.26
NONMILKING CATTLE @12 GPD/HD _____ 0.00
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.00
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.26

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD _____ 13.7
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 16.0
NONMILKING CATTLE @12 GPD/HD _____ 0.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * 0.0
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 16.0

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.5
PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 0.6
TOTAL _____ 1.2

TOTAL DIVERSION VOLUME _____ 17.2

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING _____ 2.3
NONMILKING _____ 0.0
TOTAL _____ 2.3

COMMERCIAL _____ 1.2

TOTAL CONSUMPTIVE USE _____ 3.5

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	7.50	0.00	0.00
LIFT (FT) _____	50	0	0
DISCHARGE PRESSURE (PSI) _____	40	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____	0.32	0.00	0.00
DIVERSION VOLUME (AFA) ** _____	234.9	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

JUL 26 2000
MICROFILMED
T# 5697



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

March 27, 2000

Riverview Dairy
179 S 500 E
Jerome, ID
83338

RE: App. for Transfer #5697

Dear Sirs;

I have completed the initial review of your proposed transfer, and have passed it on to our senior secretary for advertising. A copy of the application is enclosed for your records. If you have questions or comments, let me know as soon as possible.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

JUL 25 2000

T # 5697



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

January 5, 2000

Riverview Dairy
179 S 500 E
Jerome, ID
83338

Dear Mrs. Serviss;

I have completed the preliminary GIS maps for your transfer filed earlier today. One map shows the possible corral area, the barn, and the two wells, while the other map shows the area for possible wastewater disposal. Please review these maps to be sure that they are correct. If you find errors, let me know so that I can make the necessary changes.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED
JUL 26 2000

T # 5697

WR5809NP
No. T36-07460AG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/05/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ANTHONY BULL 2866 S 2000 E WENDELL ID 83355 (208) 536-6666	03/25/1974	IRRIGATION	04/01 10/31	0.180 CFS	
TOTAL DIVERSION:					0.180 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R15E S22

SWSW

GOODING County

Pou County:

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Dates: App. Received: 05/01/1997 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 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

Comments: Date: 03/18/1994 User-ID: SKAGGS Subject: TRANSFER 4051
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 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,
under a portion of Right 36-07460H, splitting the right into
Parts K & L. Based on adjusted rates per SRBA stipulation
agreement. SEE X36-07460K & X36-07460L.

Date: 02/08/1996 User-ID: MBALDWIN Subject: TRANSFER 4765
T# 4765 filed on 1/29/96 proposes to add diversion point(s),
change place of use, change nature of use, change period of use,
under a portion of Right X36-07460K, splitting the right into
parts M & N. SEE X36-07460M & X36-07460N.

Date: 10/01/1997 User-ID: PSKAGGS Subject: TRANSFER 5114
Transfer No. 5114 changes the point of diversion, place, season &
nature of use under a portion of Right No. X36-07460M, splitting
the right into Parts P & Q. SEE RIGHTS X36-07460P & X36-07460Q.

Date: 12/16/1997 User-ID: PSKAGGS Subject: TRANSFER 5160
Transfer 5160 adds a point of diversion, changes the nature,
season & place of use under all of Right 36-10656 & a portion of
Right X36-07460P, splitting the right into parts R & S.
SEE RIGHTS X36-07460R, X36-07460S & X36-10656.

Date: 10/16/1998 User-ID: PSKAGGS Subject: TRANSFER 5098
Transfer 5098 changes & adds points of diversion, changes the
place, nature & season of use of a portion of Right 34-07460R
identified as Part V. The remaining unchanged portion of Part R
was split into Parts T & U by ownership as identified by SRBA
stipulation agreement.

Date: 06/08/1999 User-ID: PSKAGGS Subject: TRANSFER 5321
Transfer 5321 changes the points of diversion, place, nature &
season of use under a portion of Right X36-07460U, splitting the
right into Parts W & X.

Date: 06/09/1999 User-ID: PSKAGGS Subject: TRANSFER 5316
Transfer 5316 adds/changes the points of diversion, changes the
place nature & season of use under a portion of Right 36-07460W
(splitting the right into Parts Y & Z), and adds a second point
of diversion under Right 37-08055.

Date: 06/14/1999 User-ID: PSKAGGS Subject: TRANSFER 5320
Transfer 5320 changes the points of diversion, place, nature &
season of use under a portion of Right 36-07460Y, splitting the
right into Parts AA & AB, and combining the use with Right

Comments: Date: 06/14/1999 User-ID: PSKAGGS Subject: TRANSFER 5320
36-08379 to serve a dairy.

Date: 06/14/1999 User-ID: PSKAGGS Subject: TRANSFER 5352
Transfer 5352 adds/changes the point of diversion, changes the
place, season and nature of use under a portion of Right
36-07460AA, splitting the right into Parts AC & AD.

Date: 06/15/1999 User-ID: PSKAGGS Subject: TRANSFER 5367
Transfer 5367 changes the point of diversion, place, nature &
season of use under a portion of Right 36-07460AE, splitting the
right into Parts AE & AF.

Date: 06/15/1999 User-ID: PSKAGGS Subject: TRANSFER 5368
Transfer 5368 changes the points of diversion, place, nature &
season of use under a portion of Right 36-07460AE, splitting the
right into Parts AG & AH.

Date: 06/16/1999 User-ID: PSKAGGS Subject: TRANSFER 5290
Transfer 5290 changes the points of diversion, place, nature &
season of use under Right 36-07460AG.

Date: 01/05/2000 User-ID: MBALDWIN Subject: WITHDRAWN TRANSFER
T# 5290 was withdrawn on 12/30/1999.

Audit: 06/16/99 PSKAGGS 06/16/99 PSKAGGS 06/17/99 PSKAGGS 50/00/10 MBALDWIN

DATE: 01/05/00
PAGE: 4

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

Comments: Date: 11/26/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
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 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 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,
under a portion of Right 36-07460H, splitting the right into
Parts K & L. Based on adjusted rates per SRBA stipulation
agreement. SEE X36-07460K & X36-07460L.

Date: 02/08/1996 User-ID: MBALDWIN Subject: TRANSFER 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,
under a portion of Right X36-07460K, splitting the right into
parts M & N. SEE X36-07460M & X36-07460N.

Date: 10/01/1997 User-ID: PSKAGGS Subject: TRANSFER 5114
Transfer No. 5114 changes the point of diversion, place, season &
nature of use under a portion of Right No. X36-07460M, splitting
the right into Parts P & Q. SEE RIGHTS X36-07460P & X36-07460Q.

Date: 12/16/1997 User-ID: PSKAGGS Subject: TRANSFER 5160
Transfer 5160 adds a point of diversion, changes the nature,
season & place of use under all of Right 36-10656 & a portion of
Right X36-07460P, splitting the right into parts R & S.
SEE RIGHTS X36-07460R, X36-07460S & X36-10656.

Date: 10/16/1998 User-ID: PSKAGGS Subject: TRANSFER 5098
Transfer 5098 changes & adds points of diversion, changes the
place, nature & season of use of a portion of Right 34-07460R
identified as Part V. The remaining unchanged portion of Part R
was split into Parts T & U by ownership as identified by SRBA
stipulation agreement.

Date: 06/08/1999 User-ID: PSKAGGS Subject: TRANSFER 5321

Comments: Date: 06/08/1999 User-ID: PSKAGGS Subject: TRANSFER 5321
Transfer 5321 changes the points of diversion, place, nature &
season of use under a portion of Right X36-07460U, splitting the
right into Parts W & X.

Date: 06/09/1999 User-ID: PSKAGGS Subject: TRANSFER 5316
Transfer 5316 adds/changes the points of diversion, changes the
place nature & season of use under a portion of Right 36-07460W
(splitting the right into Parts Y & Z), and adds a second point
of diversion under Right 37-08055.

Date: 06/14/1999 User-ID: PSKAGGS Subject: TRANSFER 5320
Transfer 5320 changes the points of diversion, place, nature &
season of use under a portion of Right 36-07460Y, splitting the
right into Parts AA & AB, and combining the use with Right
36-08379 to serve a dairy.

Date: 06/14/1999 User-ID: PSKAGGS Subject: TRANSFER 5352
Transfer 5352 adds/changes the point of diversion, changes the
place, season and nature of use under a portion of Right
36-07460AA, splitting the right into Parts AC & AD.

Date: 06/15/1999 User-ID: PSKAGGS Subject: TRANSFER 5367
Transfer 5367 changes the point of diversion, place, nature &
season of use under a portion of Right 36-07460AE, splitting the
right into Parts AE & AF.

Date: 06/15/1999 User-ID: PSKAGGS Subject: TRANSFER 5368
Transfer 5368 changes the points of diversion, place, nature &
season of use under a portion of Right 36-07460AE, splitting the
right into Parts AG & AH.

Audit: 06/16/99 PSKAGGS

WR0749NP
No. T36-07460AG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RIVERVIEW DAIRY	03/25/1974	STOCKWATER	01/01 12/31	0.180 CFS	30.00 AFA
	179 S 500 E		COMMERCIAL	01/01 12/31	0.180 CFS	30.00 AFA
	JEROME ID 83338					
	(208) 644-1059					
TOTAL DIVERSION:					0.180 CFS	30.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R17E S26 NESESE JEROME County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
08S	17E	26	:																	S

Place of use Legal Description for: COMMERCIAL

08S	17E	26	:																	C
08S	17E	35	:	C				C												
08S	17E	36	:		C	C			C	C	C	C								

Pou County: JEROME

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Dates: App. Received: 03/25/1974 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

Comments: Date: 12/23/1991 User-ID: CLELLAND Subject: TRANSFER 3767 INFO
THE RECOMMENDATIONS LISTED HERE ARE THE SAME AS IN R36-07460A.
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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 4761
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change place of use, change nature of use, change period of use,
under a portion of Right 36-07460H, splitting the right into
Parts K & L. Based on adjusted rates per SRBA stipulation
agreement. SEE X36-07460K & X36-07460L.

Date: 02/08/1996 User-ID: MBALDWIN Subject: TRANSFER 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,
under a portion of Right X36-07460K, splitting the right into
parts M & N. SEE X36-07460M & X36-07460N.

Date: 10/01/1997 User-ID: PSKAGGS Subject: TRANSFER 5114
Transfer No. 5114 changes the point of diversion, place, season &
nature of use under a portion of Right No. X36-07460M, splitting
the right into Parts P & Q. SEE RIGHTS X36-07460P & X36-07460Q.

Date: 12/16/1997 User-ID: PSKAGGS Subject: TRANSFER 5160
Transfer 5160 adds a point of diversion, changes the nature,
season & place of use under all of Right 36-10656 & a portion of
Right X36-07460P, splitting the right into parts R & S.
SEE RIGHTS X36-07460R, X36-07460S & X36-10656.

Date: 10/16/1998 User-ID: PSKAGGS Subject: TRANSFER 5098
Transfer 5098 changes & adds points of diversion, changes the
place, nature & season of use of a portion of Right 34-07460R
identified as Part V. The remaining unchanged portion of Part R
was split into Parts T & U by ownership as identified by SRBA
stipulation agreement.

Date: 06/08/1999 User-ID: PSKAGGS Subject: TRANSFER 5321
Transfer 5321 changes the points of diversion, place, nature &

Comments: Date: 06/08/1999 User-ID: PSKAGGS Subject: TRANSFER 5321
season of use under a portion of Right X36-07460U, splitting the
right into Parts W & X.

Date: 06/09/1999 User-ID: PSKAGGS Subject: TRANSFER 5316
Transfer 5316 adds/changes the points of diversion, changes the
place nature & season of use under a portion of Right 36-07460W
(splitting the right into Parts Y & Z), and adds a second point
of diversion under Right 37-08055.

Date: 06/14/1999 User-ID: PSKAGGS Subject: TRANSFER 5320
Transfer 5320 changes the points of diversion, place, nature &
season of use under a portion of Right 36-07460Y, splitting the
right into Parts AA & AB, and combining the use with Right
36-08379 to serve a dairy.

Date: 06/14/1999 User-ID: PSKAGGS Subject: TRANSFER 5352
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place, season and nature of use under a portion of Right
36-07460AA, splitting the right into Parts AC & AD.

Date: 06/15/1999 User-ID: PSKAGGS Subject: TRANSFER 5367
Transfer 5367 changes the point of diversion, place, nature &
season of use under a portion of Right 36-07460AE, splitting the
right into Parts AE & AF.

Date: 06/15/1999 User-ID: PSKAGGS Subject: TRANSFER 5368
Transfer 5368 changes the points of diversion, place, nature &
season of use under a portion of Right 36-07460AE, splitting the
right into Parts AG & AH.

Date: 03/27/2000 User-ID: JSTANTON Subject: TRANSFER NO. 5697
Application proposes to provide water for expansion of an
existing dairy in the SE/SE Sec. 26 by converting one water right
from irrigation to stockwater & commercial uses. There are 2
existing wells in this tract to provide the needed water.

Audit: 03/27/00 JSTANTON

WR0749NP
No. T36-14988

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RIVERVIEW DAIRY 179 S 500 E JEROME ID 83338 (208) 644-1059	12/31/1983	STOCKWATER	01/01 12/31	0.070 CFS	13.40 AFA
			COMMERCIAL	01/01 12/31	0.070 CFS	13.40 AFA
			DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.070 CFS	14.60 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T08S R17E S26

NESESE

JEROME County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08S	17E	26	:															S	:

Place of use Legal Description for: COMMERCIAL

08S	17E	26	:															C	:
08S	17E	35	:	C				C											:
08S	17E	36	:		C	C			C	C	C	C							:

Place of use Legal Description for: DOMESTIC

08S	17E	26	:															D	:
-----	-----	----	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---	---

Pou County: JEROME

Other Rights: IRRIG. FROM THE NORTH SIDE CANAL CO.

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: GEN PARCEL NO. RL08S17E269001
STOCKWATER, 350 FEEDER CATTLE W/ DAIRY BARN.

Dates: App. Received: Priority Date: 12/31/1983
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. T36-14988

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/27/00
PAGE: 2

=====
Comments: Date: 10/02/1996 User-ID: D&S-DSHA Subject: D&S CONDITION CODE UPDATE
CONDITION CODE N11 ADDED
CONDITION CODE N13 ADDED

Date: 03/27/2000 User-ID: JSTANTON Subject: TRANSFER NO. 5697
Application proposes to provide water for expansion of an
existing dairy in the SE/SE Sec. 26 by converting one water right
from irrigation to stockwater & commercial uses. There are 2
existing wells in this tract to provide the needed water.

Audit: 03/27/00 JSTANTON

APPLICATION FOR TRANSFER OF WATER RIGHT

Name of applicant RioerView Dairy Phone 644-1659
Post Office address 1795 South Jerome, Id 83338

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Increase cone numbers and provide water for existing permits - allow for increased permit

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
X36-07460 AC	05/25/1974	0.18 cfs/40 AFA	Stockwater	04/01 to 10/31
36-14988	12/31/1983	0.07 cfs	S/C Dam	01/01 to 12/31
				to
				to

2. Total amount of water being transferred 0.25 cubic feet per second and/or 5 ~~NAFPA~~ acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1**6. General Information:**

a. Description of diversion system 2 Domestic Wells with pumps & pipes.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? no 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:

acres will be no longer irrigated

d. Remarks:

Domestic use is for one house with yard-irrigation to lawn area. Waste water is transported to neighbors when needed on a yearly basis. Locations changes according to cropping.

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 _____

MICROFILMED

JUL 26 2000

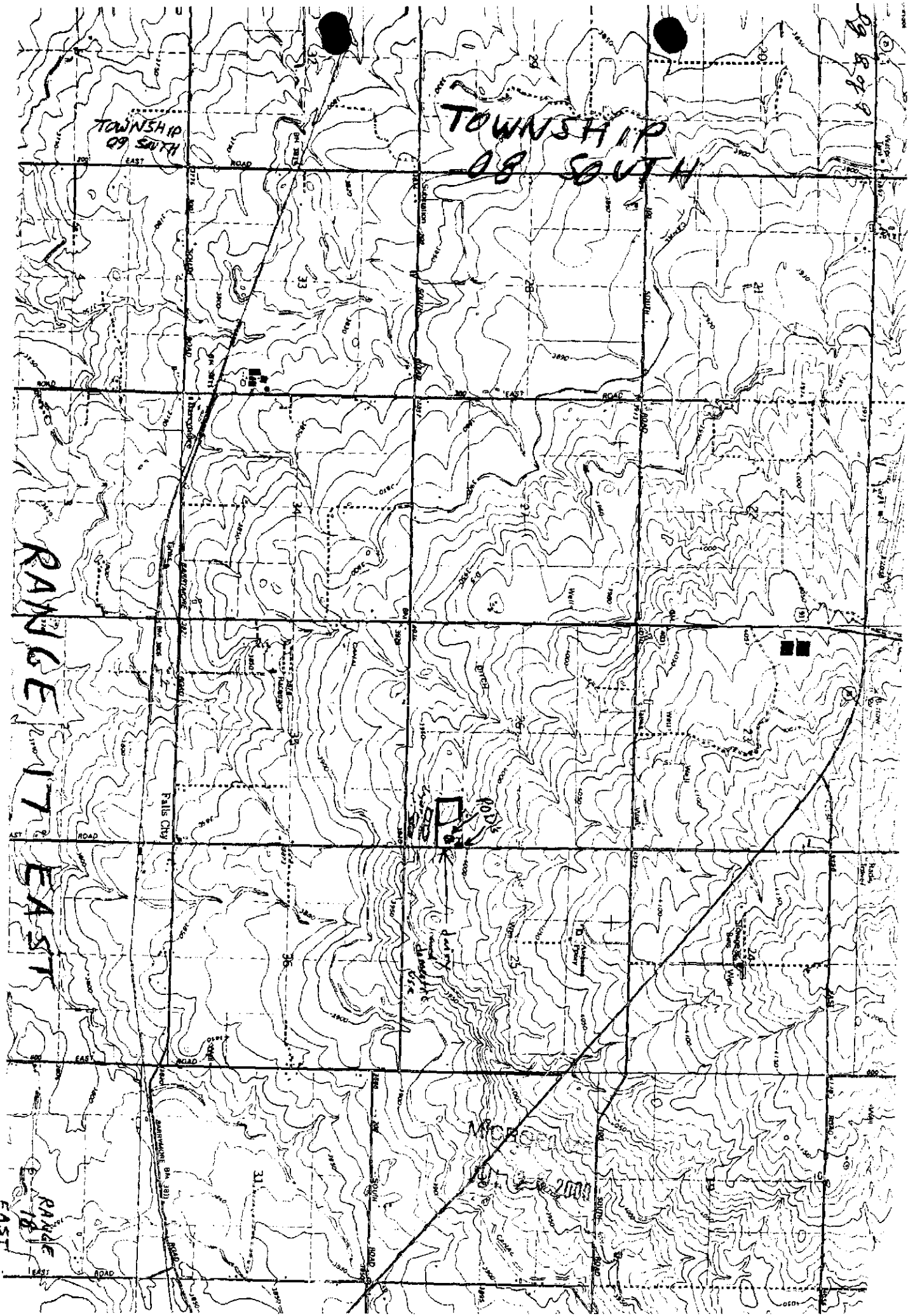
pg 8 of 8

TOWNSHIP
08 SOUTH

TOWNSHIP
09 SOUTH

RANGE
17 EAST

RANGE
18 EAST



To DEL KOATZ

From PAM SHAGGS

Co./Dept.

Co.

Page ____ of ____

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. X36-07460AG

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	04/01 to 10/31	0.18 CFS

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

NE				NW				SW				SE					
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
T	R	S	: 1t	Ac	1t	Ac	1t	Ac	1t	Ac	1t	Ac	1t	Ac	1t	Ac	:
-----																:	
07S 14E 28 :																:	
														10	:	10.0	
														TOTAL ACRES	:	10.0	

CONDITIONS/REMARKS:

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

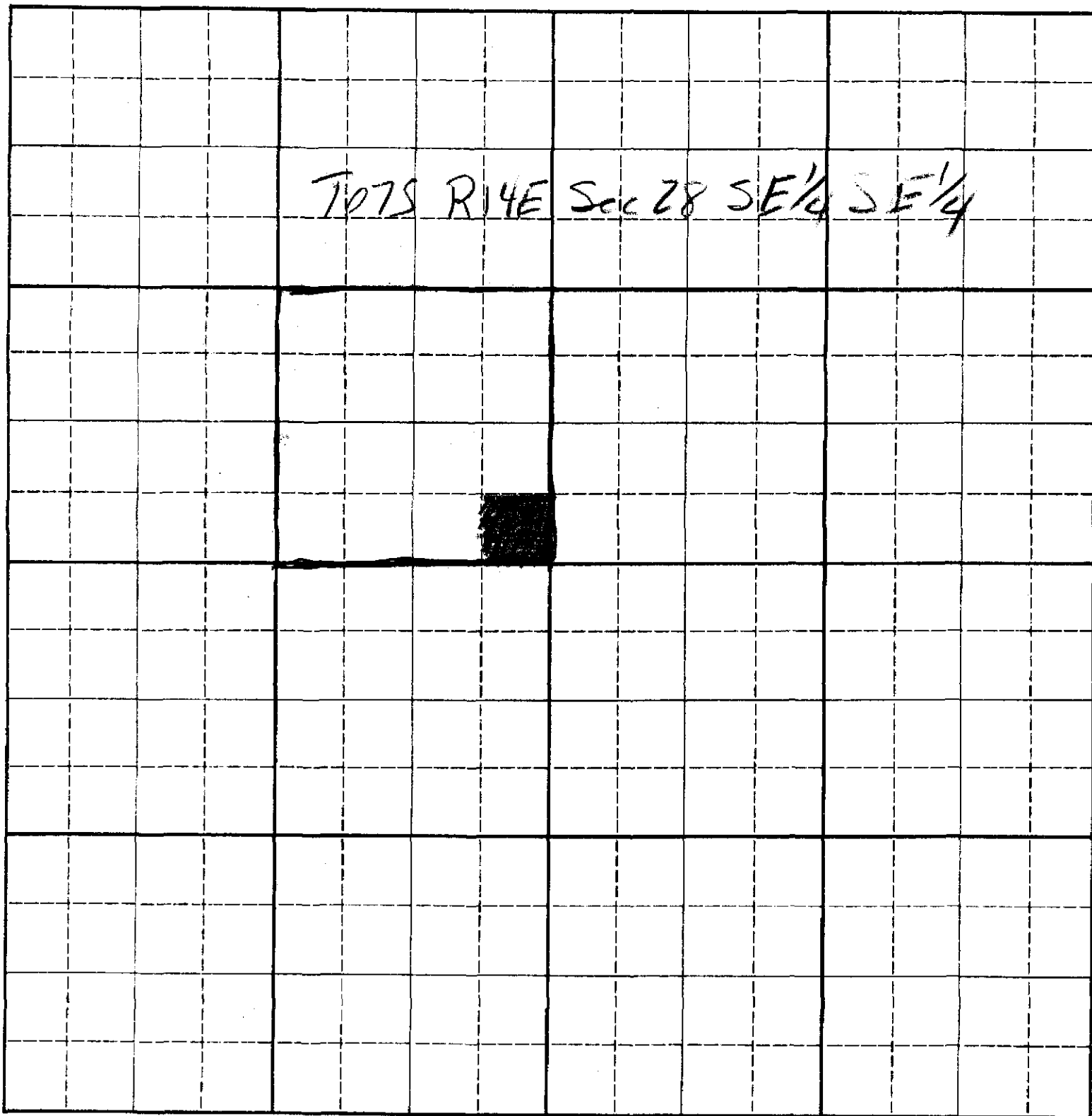
Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

MICROFILMED

JUL 26 2000

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.



SCALE: 2 Inches equal 1 mile. Draw plan in ink.

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PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-14988

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.07 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.07 CFS

SOURCE

GROUNDWATER

Priority: 12/31/1983

LOCATION OF POINT(S) OF DIVERSION:

SESESE , Sec. 26, Township 08S, Range 17E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 17E 26 SESE

PLACE OF USE: DOMESTIC

TWN RGE SEC

08S 17E 26 SESE

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. RL08S17E269001
STOCKWATER, 350 FEEDER CATTLE W/ DAIRY BARN.

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JUL 26 2000

Page ____ of ____

TRANS NO.

Water Right No. **X36-07460AG**

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 _____

MICROFILMED
JUL 26 2000

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

.. 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.

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JUL 26 2000

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

No

4. If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

→ This is the case

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

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

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Stockwater/Commercial</u>	<u>0.18/40 AFA</u>	<u>as needed</u>	<u>01/01 to 12/31</u>
				to _____

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

All water retained on property

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

none

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 of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

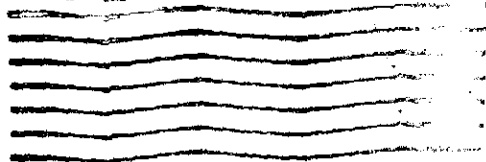
Copy of transfer sent to lien holder _____

MICROFILMED

JUL 26 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED



REASON CHECKED
Unclaimed.....
Unknown.....
Insufficient address.....
Moved, left no address.....
No such post office in state.....
Do not remain in this envelope.....

DALE POMRENKE
2800 N WENDELL RD
WENDELL ID 83355

Department of Water Resources
Southern Region

JAN 07 2000

RECEIVED

2524 Gerifone
Baldwell Rd
JAN 7 2000
MED



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

January 5, 2000

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**ANTHONY BULL
2866 S 2000 E
WENDELL ID 83355**

Re: Application for Transfer No. 5290 (X36-07460U)

Dear Mr. Bull:

This office acknowledges receipt of your request to withdraw the above referenced application. This action classifies the Application as null, void and of no further consideration by the Idaho Department of Water Resources.

By copy of this letter, the protestant(s) have been informed of this action. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'A. D. Merritt'.

**Allen D. Merritt, P.E.
Regional Manager**

AM:MB

Enclosure

To: STATE OF IDAHO
DEPT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

RECEIVED

DEC 30 1999

Department of Water Resources
Southern Region

Gentlemen:

I/we wish to withdraw Application for ^{transfer} ~~Permit/To/Appropriate~~
the Public Waters of the State of Idaho, No. 5290
filed in the name of Anthony Bull.

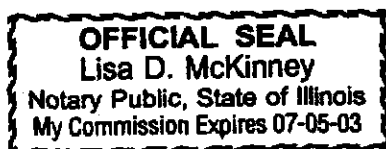
Dated this 27th day of December, 1999.

Anthony Bull
Name

Title

Address

Address



Lisa D. McKinney
12-27-99

RECEIVED

JAN 13 2000

CERTIFICATE OF MAILING

Department of Water Resources

I hereby certify that on the 5th day of January, 2000 a true and correct copy of the foregoing letter acknowledging Withdrawal of Application for Transfer No. 5290 was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:

Mary Baldwin

Secretary

RECEIVED

JAN 27 2000

Department of Water Resources
Southern Region

DON EGBERT
PO BOX 518
WENDELL ID 83355

LEE ANN MASON
2771 N WENDELL RD
WENDELL ID 83355

WILLIAM C MORROW
1928 E 2800 S
WENDELL ID 83355

AUGUSTUS SORICHTA
1919 E 2800 S
WENDELL ID 83355

JOHN HALL
1988 E 2800 S
WENDELL ID 83355

EARL R BLAIR
2848 S HWY 46
WENDELL ID 83355

MITCHELL W BUNN
2012 E 2874 S
WENDELL ID 83355

✓ DALE POMRENKE
2800 N WENDELL RD
WENDELL ID 83355

DONALD ICKE
2854 S HWY 46
WENDELL ID 83355

ATTN GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

● JRN SERVICE REQUESTED

RECEIVED

JAN 07 2000

Department of Water Resources
Southern Region

EARL R BLAIR
2848 S HWY 46
WENDELL ID 83301

83355X3017



MICROFILMED
JAN 27 2000

BLAIR 46 83355 2000 1A98 05 01/08/00
FORWARD TIME EXP RTN TO SEND
BLAIR
1959 E 2800 S
WENDELL ID 83355-3102

RETURN TO SENDER



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

January 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ANTHONY BULL
2866 S 2000 E
WENDELL ID 83355

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Very truly yours,

A handwritten signature in black ink, appearing to read 'A. D. Merritt'.

Allen D. Merritt, P.E.
Regional Manager

AM:MB

Enclosure

To: STATE OF IDAHO
DEPT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

RECEIVED

DEC 30 1999

Department of Water Resources
Sawtooth Region

Gentlemen:

I/we wish to withdraw Application for ^{transfer} ~~Permit/To/Approprate/~~
the Public Waters of the State of Idaho, No. 5290
filed in the name of Anthony Bull.

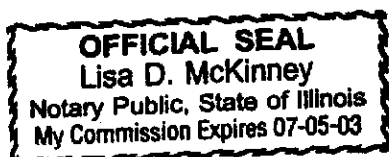
Dated this 27th day of December, 1999.

Anthony Bull
Name

Title

Address

Address



Lisa D. McKinney
12-27-99

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Mary Baldwin

Secretary

RECEIVED

JAN 07 2000

Department of Water Resources
Southern Region

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PO BOX 518
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ATTN GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355



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

January 5, 2000

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GOVERNOR

KARL J. DREHER
DIRECTOR

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WENDELL ID 83355

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Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

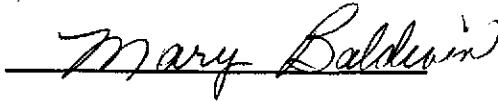
Enclosure

MICROFILMED

JAN 27 2000

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of January, 2000 a true and correct copy of the foregoing letter acknowledging Withdrawal of Application for Transfer No. 5290 was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:



Secretary

DON EGBERT
PO BOX 518
WENDELL ID 83355

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2854 S HWY 46
WENDELL ID 83355

ATTN GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

MICROFILMED

JAN 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5290

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 07 2000

PART 1

Name of applicant Anthony Bull Phone 536 6666
Post Office address 2866 S 2000 E, Wendell, ID 83355

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 Convert a portion of this right from irrigation to commercial and stockwater use in a new dairy to be built.

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

1. Right Number AG Priority 2-25-1974 Amount (cfs/ac-ft) 0.18 cfs Nature of Use Stockwater Period of Use 1-1 to 12-31
X36-074604
38.0 AFA
0.02 cfs Commercial " to "
2.0 AFA
 2. Total amount of water being transferred 0.18 cubic feet per second and/or 40.0 acre-feet per annum.
 3. Source of water Groundwater tributary to _____
 4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	15E	22																	

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Main well & backup well, pressure tanks, pipelines to dairy barn & stock 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 ☒ 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 is not irrigated & will not be irrigated in the future. Right is still valid under SABA findings.
- d. Remarks:
Dairy will milk 896 cows as allowed by Gooding Co, P&Z rules.
Although the IDWR dairy program shows that the proposed dairy needs 37.5 AFA, I want to be able to use the full 40 AFA that I am buying if needed.

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:

RECEIVED
JAN 27 2000

Witness my hand this _____ day of _____, 19____.

MICROFILMED

JAN 27 2000

PART 2

TRANS NO. 5290

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. T36-07460U

STAGE: LICENSE

BENEFICIAL USEPERIOD OF USEDIVERSION RATE

IRRIGATION

04/01 to 10/31

2.08 CFS

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: IRRIGATIONTWN RGE SECACRES

07S 14E 28

SWNE 2.9

NWSE 14.4

ACRES

SENE 39

SWSE 27

ACRES

NESE 34.1

TOTAL

117.4

Total number of acres irrigated:

117.4

107.4

after

T#5290

CONDITIONS/REMARKS:

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

MICROFILMED
 JAN 27 2000

after 3-Way split
 T # 5098

(1.90) after T# 5290

after T# 5290

PART 2

TRANS NO. 5290

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. X36-07460R

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	10.39 CFS	2338.0 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</u>	<u>RGE</u>	<u>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	SENW 13	NESW 35	
			NWSW 38	SWSW 26	SESW 26	
			NESE 34.1	NWSE 21.4	SWSE 36	353.5
		29	NENE 33			33

Total number of acres irrigated: 584.5

CONDITIONS/REMARKS:

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

MICROFILMED
 JAN 27 2000

*Before
 3 way Split
 T #5098*

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

_____ If yes, describe _____

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 0.18 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount 40.0 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 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>7S</u>	<u>14E</u>	<u>28</u>															<u>10</u>		<u>10</u>

Total acres 10

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

1. amount 10.21 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

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

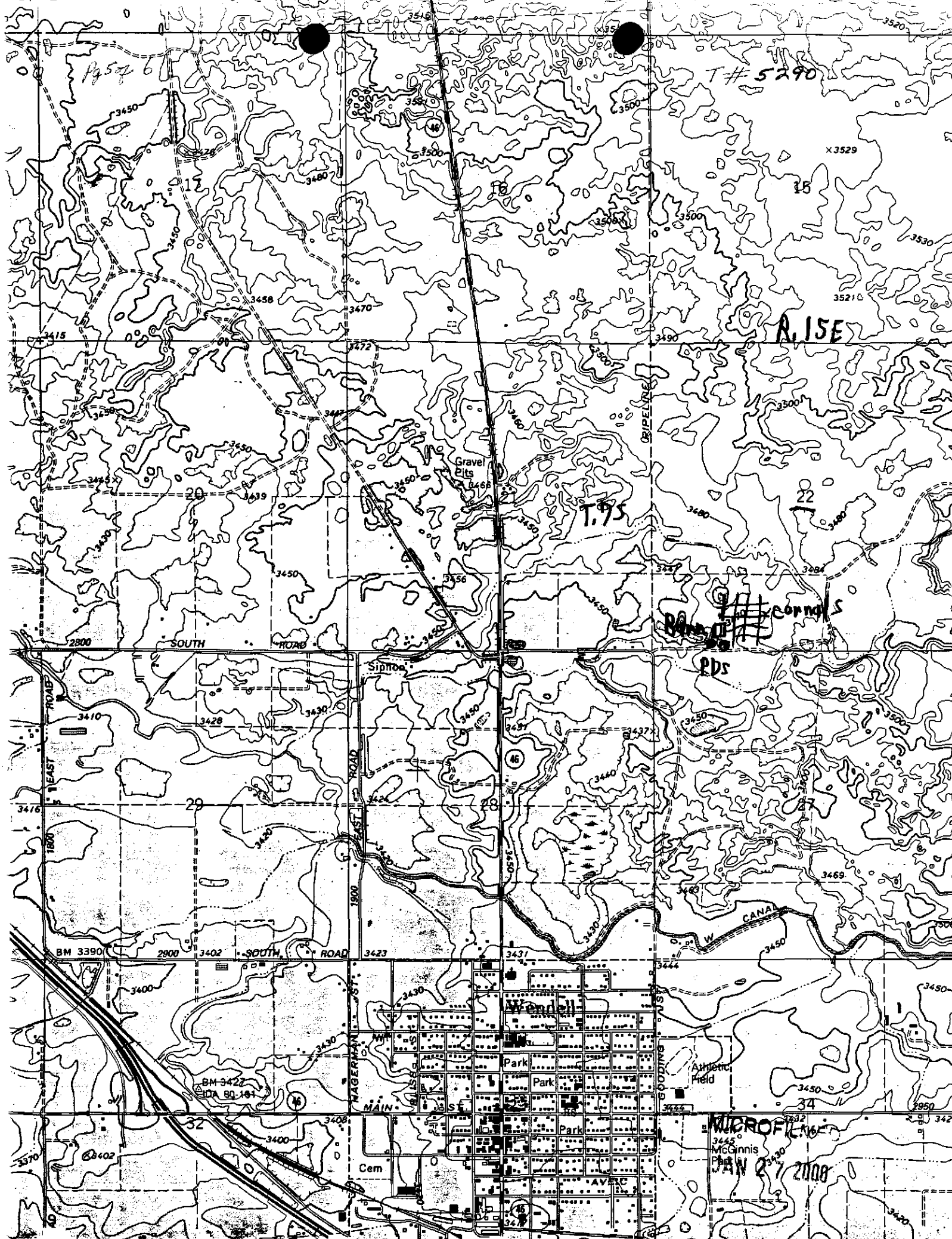
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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>7S</u>	<u>14E</u>	<u>20</u>																<u>33</u>	<u>33</u>
		<u>21</u>											<u>33</u>		<u>33</u>	<u>33</u>	<u>33</u>	<u>33</u>	<u>165</u>
		<u>28</u>							<u>33</u>	<u>25</u>	<u>13</u>	<u>35</u>	<u>38</u>	<u>26</u>	<u>26</u>	<u>34.1</u>	<u>21.4</u>	<u>26</u>	<u>343.5</u> ^{329.4}
		<u>29</u>	<u>33</u>																<u>33</u>

14.1 acres sold to Black Butte, AS.

Total acres 574.5 ^{560.4}



T# 5290

R. ISE

T. 95

comp S
PDS

MICROFILMED
JAN 27 2008

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>0.16/38.0</u>	<u>95 needed</u>	<u>1-1</u> to <u>12-31</u>
	<u>Commercial</u>	<u>0.02/2.0</u>	<u>"</u>	<u>"</u> to <u>"</u>

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

Water will be ponded & land applied as needed to meet EPA requirements

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

Should have no effect.

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.

Anthony Bull

(Signature of Applicant)

Subscribed and sworn to before me this 20th day of April, 19 98.

J. K. Stanton

(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by J. K. Stanton Date 4-20-98

Protest filed by _____

Prelim. check by J. K. Stanton Fee \$100. \$0210/0

Receipted by J. K. Stanton Date 4-20-98

Published in Leading Co. Leader

Copies of protest forwarded by _____

Pub. dates 7/9 & 7/16/98

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

RECEIVED

MICROFILMED

APR 20 1998

JAN 27 2000

Department of Water Resources
Southern Region

RECEIVED

APR 20 1998

Department of

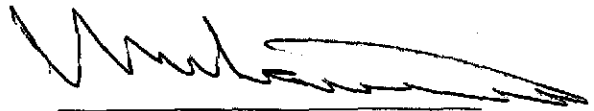
April 15, 1998

For sufficient consideration, I, Michael Branchflower, hereby transfers to Anthony Bull 10
acres of water Right No. 36-07460M.

Twp. 7S. Rge. 14E. Sec. 28 SE. 1/4.

SW. 1/4

10



Michael Branchflower

MICROFILMED
JAN 27 2000

T#5290

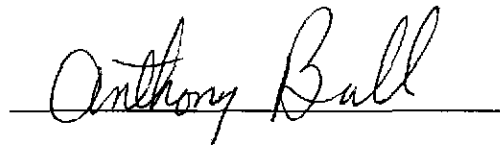
RECEIVED

APR 20 1998

Department of Water Resources
Southern Region

April 15, 1998

Anthony Bull agrees to pay Michael and Kathy Branchflower \$800.00 per acre for 10 acres of Water Right No. 36-07460M, upon receiving approval of transfer, from Dept. Of Water Resource, Boise, Idaho.

A handwritten signature in cursive script that reads "Anthony Bull". The signature is written over a horizontal line.

Anthony Bull

MICROFILMED

JAN 27 2000

T# 5290

To: STATE OF IDAHO
DEPT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

RECEIVED

DEC 30 1999

Department of Water Resources
Southern Region

Gentlemen:

I/we wish to withdraw Application for ^{transfer} ~~Permit~~ ~~To~~ ~~Appropriate~~ ~~Use~~
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filed in the name of Anthony Bull.

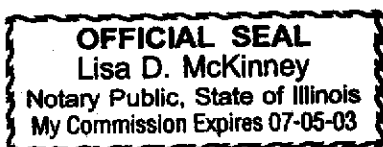
Dated this 27th day of December, 1999.

Anthony Bull
Name

Title

Address

Address



Lisa D. McKinney
12-27-99

MICROFILMED
JAN 27 2000

MAILING LIST
TR# 5290, X36-07460Y

Applicant:

ANTHONY BULL
2866 S 2000 E
WENDELL ID 83355

Protestants:

DON EGBERT
PO BOX 518
WENDELL ID 83355

WILLIAM C MORROW
1928 E 2800 S
WENDELL ID 83355

JOHN HALL
1988 E 2800 S
WENDELL ID 83355

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2848 S HWY 46
WENDELL ID 83355

Protestants, Cont.

DALE POMRENKE
2800 N WENDELL RD
WENDELL ID 83355

ATTN GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

MICROFILMED

JAN 27 2020

JAN 07 2000

✓ # 5290

APPLICANT:

WATER RIGHT NO.

X36-074606

[illegible]

~~MICROFILMED~~

JAN 27 2000

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested T# 5290 Anthony Bull
2. Name of protestant X36-07460 PART John Hall
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1988 E 2800 S Wendell ID 83355
5. Service telephone no. 208 536 6590
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached pages RECEIVED
JUL 27 1998
Department of Water Resources
Southern Region
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 27th day of July, 19 98.

RECEIVED

SEP 18 1998

Department of Water Resources
Southern Region

PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

JAN 27 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by MB Date 7/27/98 Time 3:30 pm
\$25.00 fee Receipted by MB # 50 21371 Date 7/27/98

MICROFILMED

JAN 27 2000

RECEIVED

SEP 18 1998

Department of Water Resources
Southern Region

RECEIVED

JUL 27 1998

Department of Water Resources
Southern Region

Basis of protest:

- 1.) Two new commercial wells within the proposed proximity of our well could adversely affect the supply to our well. A number of wells in the area went dry several years ago.
- 2.) At a time when there is much concern about decreasing aquifer water levels, transferring surface water irrigation rights to commercial underground pumping rights does not seem to be in the best interest of the community.
- 3.) Our water level in our well is at approximately 160 feet. The area consists of porous lava and sand. There are numerous "sink holes" in the area, which historically have absorbed any amount of irrigation water. East of us are pits where all top soil or loose soil was removed for construction of the Gooding Highway. Irrigation water which has run into these pits is quickly absorbed into the ground. We are concerned that a lagoon constructed in one of these pits, and used to service almost a thousand cows, could

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JAN 27 2000

Attachment, HALL

Very easily pollute our well water,
and those of neighbors and
possibly the City of Wendell.

4.) After we had our well dug,
we had to have it redug and
cased to 100 feet to prevent
sitting and pollution from
moving ground water. We don't
know if the shallower moving
ground water, which may easily be
polluted, may at some point
combine with deeper ground water,
with the possibility of wide
spread pollution. We do know
that water from Niagra Springs,
which used to be pure, is no
longer safe for human consumption.

5.) Long term implications of
dramatically increasing numbers of
dairy cows in Gooding, Jerome
and Twin Falls County, ought to
be assessed, and assurance of
safe and adequate ground water
be given - Areas such as Chino, CA
have found dairy pollution to be
extremely detrimental to ground water
~~quality~~ quality.



Mr John Hall
1908 E. 2800th S.
Wendell, ID. 83355

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JAN 27 2000



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN HALL
1988 E 2800 S
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

Dear Mr. Hall:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The original of the protest and attachment you filed with the Department are enclosed for your **SIGNATURE**; please return both documents to this office as soon as possible.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

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SEP 18 1998

Department of Water Resources
Southern Region

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JAN 27 2005



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ANTHONY BULL
2866 S 2000 E
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290 (X36-07460 Pt)

Dear Mr. Bull:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

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JAN 27 2000

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?
2. Will the proposed transfer constitute an enlargement in the use of the original right?
3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

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JAN 27 2000



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

August 10, 998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DON EGBERT
PO BOX 518
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

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JAN 27 2000



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM C MORROW
1928 E 2800 S
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

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Enclosure(s)

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JAN 27 2000



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MITCHELL W BUNN
2012 E 2874 S
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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Southern Region Manager

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JAN 27 2000



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August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD ICKE
2854 S HWY 46
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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Allen D. Merritt, P.E.
Southern Region Manager

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JAN 27 2000



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE ANN MASON
2771 N WENDELL RD
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

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JAN 27 2000



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUSTUS SORICHTA
1919 E 2800 S
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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Southern Region Manager

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JAN 27 2000



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August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL R BLAIR
2848 S HWY 46
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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Southern Region Manager

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JAN 27 2000



State of Idaho

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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DALE POMRENKE
2800 N WENDELL RD
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN GWEN ROST MAYOR
CITY OF WENDELL
PO BOX 208
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

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Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

MICROFILMED

JAN 27 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested Proposed change of water right T#5290 by Anthony Bull

Name of protestant

Don Egbert

RECEIVED

JUL 27 1998

Protestant's representative for service (If different than protestant)

Department of Water Resources
Southern Region

Service mailing address

P.O. Box 518 Wendell Id 83355

Service telephone no.

536-6473

Basis of protest (including statement of facts and law upon which the protest is based)

This protest is filed upon the provision of Idaho Code §42-203(A), §42-222, and other laws of the United States and State of Idaho.

1. The proposed transfer would reduce the quantity of water under existing water rights.
2. The water supply is insufficient for the proposed use.
3. The proposed use conflicts with the local public interest.
4. The proposed use is contrary to conservation of water resources within the State of Idaho.

5. The change in use would constitute an enlargement in use. *(additional pages may be attached to describe the nature of the protest)*

What would resolve your protest?

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also certify that I have served a copy of this protest upon the applicant.

Signed this 27 day of July, 1998

Don Egbert
PROTESTANT

PROTESTANT'S REPRESENTATIVE

Receipt # SD 21369

JAN 27 2000

MB

7/27/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested Proposed change of water right, TH 5290 by Anthony Bull

Name of protestant William C. Morrow

RECEIVED

Protestant's representative for service (If different than protestant)

JUL 27 1998

Department of Water Resources
Southern Region

Service mailing address 1928 E 2800 S Wendell ID 83355

Service telephone no. 536-2391

Basis of protest (including statement of facts and law upon which the protest is based)

This application to divert water for a dairy is a very bad idea because the water table in the area is unstable. Within the last 10 years, 7-9 wells have run dry. A deep well as required by a dairy would deplete the water level.

(additional pages may be attached to describe the nature of the protest)

What would resolve your protest? For Anthony Bull to withdraw application or to have application to divert water denied.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 27th day of July, 19 98

MICROFILMED

JAN 27 2000

PROTESTANT

PROTESTANT'S REPRESENTATIVE

Receipt #
5021370
7/27/98
MB



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

August 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN HALL
1988 E 2800 S
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5290-Anthony Bull

Dear Mr. Hall:

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Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

MICROFILMED

JAN 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

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1. Matter being protested T# 5290 Anthony Bull
 2. Name of protestant X36-07460 PART John Hall
 3. Protestant's representative for service (If different than protestant)

 4. Service mailing address 1988 E 2800 S Wendell ID 83355
 5. Service telephone no. 208 536 6590
 6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached pages **RECEIVED**
JUL 27 1998
Department of Water Resources
Southern Region
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

SIGNATURE

Signed this 27th day of July, 19 98

PROTESTANT

MICROFILMED

PROTESTANT'S REPRESENTATIVE

JAN 27 2000

NOTE:

0002 2 2 NVT

A protestant is required to file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by MB Date 7/27/98 Time 3:30 pm
\$25.00 fee Receipted by MB # 50 21371 Date 7/27/98

RECEIVED

JUL 27 1998

Basis of protest:

Department of Water Resource
Southern Region

- 1.) Two new commercial wells within the proposed proximity of our well could adversely affect the supply to our well. A number of wells in the area went dry several years ago.
- 2.) At a time when there is much concern about decreasing aquifer water levels, transferring surface water irrigation rights to commercial underground pumping rights does not seem to be in the best interest of the community.
- 3.) Our water level in our well is at approximately 160 feet. The area consists of porous lava and sand. There are numerous "sink holes" in the area, which historically have absorbed any amount of irrigation water. East of us are pits where all top soil or loose soil was removed for construction of the Gooding Highway. Irrigation water which has run into these pits is quickly absorbed into the ground. We are concerned that a lagoon constructed in one of these pits, and used to service almost a thousand cows, could

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JAN 27 2000

Very easily pollute our well water,
and those of neighbors and
possibly the City of Wendell.

4.) After we had our well dug,
we had to have it redug and
cased to 100 feet to prevent
sitting and pollution from
moving ground water. We don't
know if the shallower moving
ground water, which may easily be
polluted, may at some point
combine with deeper ground water,
with the possibility of wide-
spread pollution. We do know
that water from Niagra Springs,
which used to be pure, is no
longer safe for human consumption.

5.) Long term implications of
dramatically increasing numbers of
dairy cows in Gooding, Jerome
and Twin Falls County, ought to
be assessed, and assurance of
safe and adequate ground water
be given. Areas such as Chino, CA
have found dairy pollution to be
extremely detrimental to ground water
~~quality~~ quality.

MICROFILMED

JAN 27 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Application Transfer No. 5290 Name Anthony BULL

Matter being protested Change of Water Right T #529

Name of protestant Augustus SORICHTA

RECEIVED

Protestant's representative for service (If different than protestant)

JUL 27 1998

SHERRI SORICHTA

Department of Water Resources
Southern Region

Service mailing address 1919 E 2800 S WENDELL ID 83355

Service telephone no. 536-6794

Basis of protest (including statement of facts and law upon which the protest is based)

Our drinking water (well) is our concern. we have had problem in the 80's we were without water for days. because of the water table then in 91-92 we were without it for weeks till we had to re drill - in June we had sand again we were without water till it was work on and for now cleaned up. it seems this area

(additional pages may be attached to describe the nature of the protest)

What would resolve your protest?

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 25 day of JULY, 19 98

Receipt #
5021375
7/27/98
MB

Augustus SORICHTA
PROTESTANT

MICROFILMED

Sherri SORICHTA
PROTESTANT'S REPRESENTATIVE

JAN 27 2000

may not be able to handle a large change
as he would like to make it seem that
each new place or business has changed
the water for us and at our expense - we
are afraid of chemicals and bacteria that
can pass through our drinking water. these
along with lower land value is why
we didn't & still don't want a commercial
dairy Please NO Change

MICROFILMED

JAN 27 2008

Attachment, SORICHTA

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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Matter being protested proposed change of water right T#5290 by Anthony Bull

Name of protestant Earl R Blair

RECEIVED

Protestant's representative for service (If different than protestant)

JUL 27 1998

Department of Water Resources
Southern Region

Service mailing address 2848 S. Hwy 46, Wendell, Id. 83355

Service telephone no. 208-536-6338

Basis of protest (including statement of facts and law upon which the protest is based)

This protest is filed upon the provision of Idaho Code §42-203(A), §42-222, and other laws of the United States and State of Idaho.

1. The proposed transfer would reduce the quantity of water under existing water rights.
2. The water supply is insufficient for the proposed use.
3. The proposed use conflicts with the local public interest.
4. The proposed use is contrary to conservation of water resources within the State of Idaho.

5. The change in use would constitute an enlargement in use. *(additional pages may be attached to describe the nature of the protest)*

What would resolve your protest? Do not give permit for new

wells

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also certify that I have served a copy of this protest upon the applicant.

Signed this 27 day of July, 1998

Earl R Blair
PROTESTANT

Receipt #

SO 21376

7/27/98

MB

MICROFILMED

PROTESTANT'S REPRESENTATIVE JAN 27 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

JUL 23 1998

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Pub; 7/7/16 § 22021 Notice of Proposed Change of Water right T#5290
Matter being protested Transfer # 5290/Water right #36-074604/in the name of Anthony Bull

Name of protestant Dale Pomrenke 2800 N. Wendell Rd. Wendell, ID.

Protestant's representative for service (If different than protestant)



Dale Pomrenke
2800 N. Wendell Rd.
Wendell, ID 83355

Service mailing address 2800 N. Wendell Rd Wendell, ID. 83355

Service telephone no. (208) 536-2734

Basis of protest (including statement of facts and law upon which the protest is based)

In the past the drilling of new wells in this area has put
Sand, Silt & Sediment in my domestic well.
"Dairy waste in my drinking water does not Appeal to me!"

(additional pages may be attached to describe the nature of the protest)

What would resolve your protest? Move New Dairy's 100 miles from
any residents not pertaining to said Dairy's.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20th day of July, 19 98

Receipt #
5021362
7/24/98

Dale Pomrenke PROTESTANT
MICROFILMED
JAN 27 2000

PROTESTANT'S REPRESENTATIVE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested T#5290 - ANTHONY BULL PROPOSED CHANGE OF WATER RIGHT
#36-07460U (2.08 cfs)

Name of protestant CITY OF WENDELL

Protestant's representative for service (If different than protestant)

GWEN ROST - MAYOR

Service mailing address P.O. BOX 208 WENDELL, ID 83355

Service telephone no. (208) 536-5161

Basis of protest (including statement of facts and law upon which the protest is based)

- (1) THE PROPOSED CHANGE IN USE AND POINT OF DIVERSION IS NOT IN THE PUBLIC INTEREST.
- (2) THE PROPOSED CHANGE IS, OR WILL AMOUNT TO, AN INCREASE IN USE. THE APPLICANT WILL STILL BE ABLE TO USE THE EXISTING WELL AND WILL ALSO PUMP (AT A MINIMUM) 1.8 CFS FROM TWO (2) ADDITIONAL WELLS, APPARENTLY YEAR-ROUND.
- (3) PROPOSED USE MAY CONTAMINATE CITY OF WENDELL'S WATER SUPPLY.
- (4) Proposed use is speculative.

(additional pages may be attached to describe the nature of the protest)

What would resolve your protest? A DENIAL OF THE PROPOSED CHANGE WOULD RESOLVE THIS PROTEST.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22 day of JULY, 19 98

MICROFILMED

CITY OF WENDELL, IDAHO

JAN 27 2000

PROTESTANT

PROTESTANT'S REPRESENTATIVE

Gwen Rost
GWEN ROST, MAYOR
CITY OF WENDELL, IDAHO

6

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested I # 5290 K3C - 07460 Anthony Bull

Name of protestant Mitchell W. Dunn

JUL 27 1998

Protestant's representative for service (If different than protestant) Department of Water Resources
Southern Region

Service mailing address 2012 E 2874 S Wendell, ID 83355

Service telephone no. 208 536-2351

Basis of protest (including statement of facts and law upon which the protest is based)

Anthony Bull's Proposal is 1/2 mile to the North of my Domestic well, my Domestic well is 1/2 mile to the North by North East of the East well of the City of Wendell. I Am in Protest of this Application (See Attached)

(additional pages may be attached to describe the nature of the protest)

What would resolve your protest? An agreement and bond from Anthony to purchase my and my wife's property if his proposal adversely affects our current values or quality of life.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 27th day of July, 1998

Receipt #
SO 21372
7/27/98
MB

Mitchell W. Dunn
PROTESTANT MICROFILMED

JAN 27 2003

PROTESTANT'S REPRESENTATIVE

Because of the Likelihood of this
Adversely Affecting my Domestic
Well and that of the City of
Wendell. When my well was Drilled
Mr. Nelson of Eaton Drilling told me
that we drilled into the same stream
of water that feeds the City of
Wendell.

RECEIVED

JUL 27 1998

Department of Water Resources
Southern Region

MICROFILMED

JAN 27 2000

Attachment, BUNN

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested proposed change of water right T#5290 by Anthony Bull

Name of protestant Donald Icke

Protestant's representative for service (If different than protestant)

JUL 27 1998

Department of Water Resources
Southern Region

Service mailing address 2854 S. Hwy 46, Wendell, Idaho 83355

Service telephone no. (208) 536-2294

Basis of protest (including statement of facts and law upon which the protest is based)

This protest is filed upon the provision of Idaho Code §42-203(A), §42-222, and other laws of the United States and State of Idaho.

1. The proposed transfer would reduce the quantity of water under existing water rights.
2. The water supply is insufficient for the proposed use.
3. The proposed use conflicts with the local public interest.
4. The proposed use is contrary to conservation of water resources within the State of Idaho.

5. The change in use would constitute an enlargement in use. *(additional pages may be attached to describe the nature of the protest)*

What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 27 day of July, 1998

Donald Icke
PROTESTANT
MICROFILMED

JAN 27 2000
PROTESTANT'S REPRESENTATIVE

Receipt #
5021373
MB
7/27/98

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested Proposed change of water right T#5290 by Anthony Bull

Name of protestant _____

RECEIVED

Protestant's representative for service (If different than protestant) _____

JUL 27 1998

Department of Water Resources

Southern Region

Service mailing address _____

2221 N Wendell Rd Wendell, Id 83355

Service telephone no. _____

208-536-6262

Basis of protest (including statement of facts and law upon which the protest is based)

This protest is filed upon the provision of Idaho Code §42-203(A), §42-222, and other laws of the United States and State of Idaho.

1. The proposed transfer would reduce the quantity of water under existing water rights.

2. The water supply is insufficient for the proposed use.

3. The proposed use conflicts with the local public interest.

4. The proposed use is contrary to conservation of water resources within the State of Idaho.

5. The change in use would constitute an enlargement in use. (additional pages may be attached to describe the nature of the protest)

What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 27 day of July, 1998

Receipt #

502137 MICROFILMED

7/27/98 JAN 27 2000

MB

PROTESTANT

PROTESTANT'S REPRESENTATIVE

INTER-DEPARTMENT MEMO

TO: File T# 3290

SUBJECT: _____

FROM: AdmDATE: 7/29/58

Mr. Bull came in asking questions about protests. I gave him handout of copy of rules of procedure.

MICROFILMED

JAN 27 2000

☐ For your information☐ Response requiredAdm
signature

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Anthony Bull

TRANSFER NO.

5290

1. Right number(s)

X36-074607C

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☒ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☒ Split Right
☒ Other: change period of use

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments:

App. is based on untransferred portion of right per
stipulated agreement in SRBA. No site inspection planned.

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None requested

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

None

j. ✓ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

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

INITIAL ALLOCATION REVIEW BY J.F. Stanton DATE 4-21-98
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes @ 3:17 (7/1/98)

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 7/1/98

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly? _____ Yes _____ No

4. Affidavit of publication received? _____ Yes _____ No

5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. _____ Approve

2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

_____ Also see attached memo for recommendation dated: _____

4. By _____ Date _____

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

JUL 23 1998

Department of Water Resources
Southern Region

Patty Nance

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 supplement; that the date of the first publication of said advertisement was on the

9th

day of

July

1998

and that date of the last publication was on the

16th

day of

July

1998

Patty Nance

On this 22nd day of July

in the year of 1998, before me, a Notary Public, personally appeared

Patty Nance

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 acknowledge to me that she executed the same.

Norma DeVoe

Notary Public for Idaho

Residing at

Norma

My commission expires:

3/6/01

6828 / 22021
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 7¢/Pica

519.75 Lines straight at 31.19 6¢/Pica

519.75 Subsequent lines at 25.99 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 59.43

T# 5290- Bull
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, T/ 5290

Notice is hereby given that ANTHONY BULL, 2866 S 2000 E; WENDELL ID 83355 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5290 is to change a portion of the right from irrigation to stockwater & commercial use for a new dairy by drying up 10 acres. PRESENTLY, Licensed Water Right No. 36-07460U (2.08 cfs) with a priority date of 03/25/1974 is diverted from groundwater within NW1/4SE1/4, S21; NW1/4NE1/4 & SW1/4SE1/4, S28 for irrigation of 117.4 acres within parts of S28; all T07S, R14E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a combined total of 0.18 cfs from two (2) new wells within SW1/4SW1/4 for stockwater use within S1/2SW1/4 & commercial dairy use within SW1/4SW1/4, all S22, T07S, R15E; Gooding County. Remaining Right 36-07460U re-numbered 36-07460W (1.90 cfs), will continue to irrigate 107.4 acres within parts of S28, T07S, R14E; Gooding County. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 27, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub: 7/7/98 G22021

PUE (Ida) 7-8 7-8 7-8 in: 7¢/Pica 6¢/Pica 5¢/Pica

22021

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JAN 27 2000

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT, T# 5290**

Notice is hereby given that ANTHONY BULL, 2866 S 2000 E; WENDELL ID 83355 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5290 is to change a portion of the right from irrigation to stockwater & commercial use for a new dairy by drying up 10 acres. **PRESENTLY**, Licensed Water Right No. 36-07460U (2.08 cfs) with a priority date of 03/25/1974 is diverted from groundwater within NW1/4SE1/4, S21; NW1/4NE1/4 & SW1/4SE1/4, S28 for irrigation of 117.4 acres within parts of S28; all T07S, R14E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a combined total of 0.18 cfs from two (2) new wells within SW1/4SW1/4 for stockwater use within S1/2SW1/4 & commercial dairy use within SW1/4SW1/4, all S22, T07S, R15E; Gooding County. Remaining Right 36-07460U re-numbered 36-07460W (1.90 cfs), will continue to irrigate 107.4 acres within parts of S28, T07S, R14E; Gooding County. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 27, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County
Leader on 7/9 & 7/16/98.

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JAN 27 2000



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

July 1, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

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.

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

MICROFILMED

JAN 27 2000

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
T# 5290

Notice is hereby given that ANTHONY BULL, 2866 S 2000 E; WENDELL ID 83355 has applied to the Department of Water Resources for changes to a water right.

The purpose of Transfer No. 5290 is to change a portion of the right from irrigation to stockwater & commercial use for a new dairy by drying up 10 acres.

PRESENTLY, Licensed Water Right No. 36-07460U (2.08 cfs) with a priority date of 03/25/1974 is diverted from groundwater within NW1/4SE1/4, S21; NW1/4NE1/4 & SW1/4SE1/4, S28 for irrigation of 117.4 acres within parts of S28; all T07S, R14E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a combined total of 0.18 cfs from two (2) new wells within SW1/4SW1/4 for stockwater use within S1/2SW1/4 & commercial dairy use within SW1/4SW1/4, all S22, T07S, R15E; Gooding County.

Remaining Right 36-07460U re-numbered 36-07460W (1.90 cfs), will continue to irrigate 107.4 acres within parts of S28, T07S, R14E; Gooding County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 27, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 7/9 & 7/16/98.

MICROFILMED

JAN 27 2000



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

July 1, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ANTHONY BULL
2866 S 2000 E
WENDELL ID 83355

Re: Application for Transfer No. 5290

Dear Mr. Bull:

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

This office has scheduled advertising the application in the Gooding County Leader 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 an 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.

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.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

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JAN 27 2000

FILE NUMBER _____ dbenson
REVIEWER _____ jes

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 900
NUMBER OF NONMILKING CATTLE _____ 0
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO _____ 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 1
NUMBER OF MILKINGS PER DAY _____ 2

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.58
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.58
NONMILKING CATTLE @12 GPD/HD _____ 0.00
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.00
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.58

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD _____ 35.3
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 36.0
NONMILKING CATTLE @12 GPD/HD _____ 0.0
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.0
TOTAL (BASED UPON ROUNDED NUMBERS) _____ 36.0

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.4
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ---- 1.0
TOTAL ----- 1.5

TOTAL DIVERSION VOLUME ----- 37.5

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING ----- 5.2
NONMILKING ----- 0.0
TOTAL ----- 5.2

COMMERCIAL ----- 0.0

TOTAL CONSUMPTIVE USE ----- 5.2

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	5.00	7.60	0.00
LIFT (FT) _____	175	175	0
DISCHARGE PRESSURE (PSI) _____	5	40	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * -----	0.17	0.17	0.00
DIVERSION VOLUME (AFA) ** -----	119.5	125.1	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

* DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
DAY OF THE YEAR.

JAN 27 2008

MICROFILMED

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

MEMORANDUM

TO: Jim Johnson and Transfer #5098 and Water Right 36-07460 Files

FROM: Corey Skinner *CS*

DATE: June 25, 1998

SUBJECT: Three Way Split of Water Right X36-07460R

Base water right 36-07460, and its subsequent split portions, has had a unique history. The base right has been split numerous times by approved water right transfers. In an Amended Stipulation Agreement (signed 02/21/1996 by Nicholas B. Spencer/Brent King on behalf of IDWR) the Department and Michael and Kathy Branchflower stipulated and agreed to the elements of water right 36-07460C. Peter Janss, representing Janss Farms signed this Amended Stipulation Agreement in addition to the Branchflower's attorney, Kevin Trainor, who signed on behalf of Mr. and Mrs. Branchflower. This agreement defined the elements of water right 36-07460C as originally used by its owner, Janss Farms. The agreement specified that water right 36-07460C was for the diversion of 12.72 cfs of groundwater from three wells for the irrigation of 715 total acres. In addition, the agreement stipulated that of this 12.72 cfs and 715 acres, 3.43 cfs and 193 acres were sold to Michael and Kathy Branchflower. The agreement also stipulated that the Branchflower's would be filing transfer applications to move their portion to another place of use.

Mr. and Mrs. Branchflower have proceeded to sell various pieces of their 3.43 cfs and 193 acre portion of water right 36-07460C to various individuals. These new owners have then filed transfer applications with the Department which has resulted in numerous splits of water right 36-07460C. Since the Amended Stipulation Agreement defined one right (36-07460C) that was owned by two parties, all of water right 36-07460C (and its subsequent remaining portions) has served as the base right for the numerous transfers and splits. Basically, splits have been, and are being, performed on Mr. Branchflower's portion of 36-07460C, but Janss's portion of 36-07460C has been trailing along with the remaining (untransferred) portions. These numerous splits have been accomplished, but I have some concern(s) regarding using the entire (one piece owned by Janss & another piece owned by Branchflower) 36-07460C untransferred portions as the base rights for these, and future, transfers and splits.

The first concern relates to being able to communicate what the remaining untransferred portion of water right 36-07460C actually is. Currently, water right record X36-07460R represents the remaining (untransferred) portion of 36-07460C. Numerous people are involved with working with this right. These people include IDWR staff, Mr. Branchflower, people who may be considering

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JAN 27 2000

purchasing part of this right from Mr. Branchflower, consultants, law firms, etc. If someone requests information relating to just Mr. Branchflower's or Janss Farms's water right, a record (proof report, copy of last transfer, etc.) of X36-07460R is not going to clearly indicate the information requested.

For example, an individual contacts a Department office requesting information relating to water rights in the name of Janss Farms. If the information that this individual desires is the Janss portion of 36-07460, a record of X36-07460R is currently the most appropriate information. However, if the individual is assisted by an IDWR agent who is not familiar with the history of the right, the agent would spend a great deal of effort in tracking down X36-07460R. Assuming the agent could find this record, the individual now has a record of a right (X36-07460R) that shows an owner other than Janss Farms and amounts (rates, volumes, acres) quite different than the information they actually desire.

A second example, and one in which I have personally experienced, relates to the difficulty in explaining what the base right for a transfer application (namely how to complete Part 2 of a transfer application) should be to an individual who has recently purchased a portion of Mr. Branchflower's portion of right 36-07460C. Without being familiar with the history or recent developments involving the right, this is very difficult to figure out, let alone try to explain to someone. This often results in transfer applications that are based on interpretations of the base right, portion being transferred, and untransferred portion. Additional work for people involved with the application, including Department personnel, and an increase in the overall processing time of such an application is the end result.

Another concern I have with basing transfers off of a base right that includes both the Branchflower and Janss remaining (untransferred) portion of 36-07460C relates to the possible future end result. As Mr. Branchflower continues to sell off portions of his portion of the base right and transfer applications are subsequently approved, Branchflower's portion of 36-07460C will be reduced. Ideally, Mr. Branchflower will someday sell or move his last remaining portion of 36-07460C and the remaining (untransferred) portion will correspond to the Janss Farms portion of 36-07460C. Unfortunately, since the elements that define Mr. Branchflower's portion are basically numerical values (# of cfs, acres, and volume), rounding of these values has occurred, and will occur in the future. This will undoubtedly result in the last remaining (untransferred) portion not corresponding to the Janss Farms portion of 36-07460C defined in the Amended Stipulation Agreement.

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Obviously, I think that something should be done to address the concerns I have discussed. There are several possible "solutions" to address these, and other, concerns with this practice of basing transfers off of a base water right that is clearly owned by more than one party. It appears to me that the most obvious, and probably easiest, "solution" would be to split the remaining (untransferred) portion of the Janss and Branchflower right into two pieces. Note that this was attempted by Mr. Branchflower in a Notice of Change of Water Right Ownership that was submitted to the Department in May of 1997. There are several pending transfer applications based on the remaining Branchflower portion of 36-07460C (part of X36-07460R). Since Transfer #5098 (filed by Black Butte Properties) is "next in line" in the series of these applications, I encourage the Department to take the following action:

1. Split water right record X36-07460R into three portions (based on Transfer # 5098 and the May 1997 change of ownership form) as shown on the enclosed split tree and as follows:

-07460T in the name of Janss Farms for 8.06 cfs and 453 acres

-07460U in the name Mike &/or Kathy Branchflower for 2.08 cfs and 117.4 acres.

-07460V in the name of Black Butte Properties for 0.25 cfs and 56.3 AfA for various pond uses (note 80 AfA may be allowed for storage). ***

*** NOTE: If the Black Butte Transfer (#5098) is approved right T36-07460V will have to be renumbered to a new Basin 37 water right number. If the Black Butte Transfer is denied record "-07460V" will be removed, and the "-07460U" amounts will have to be adjusted".

2. Split future "Branchflower transfers" off of "-07460U" and its subsequent remaining (untransferred) portions.
3. Coordinate these, and all other 36-07460, splits with the Snake River Basin Adjudication records and notify the appropriate people. For example, try to keep the suffixes the same on the SRBA recommendations, and future decrees, so individuals will not have a transfer approval document that says right "36-07460X" and a decreed SRBA water right that says right "36-07460Y". It also might not be a bad idea to notify Janss Farms and the Branchflowers of the splitting and subsequent renumbering of the rights.

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JAN 27 2000

WATER 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 JANS INVESTMENT CORP.

12.72

36-07460D BRANCHFLOWER , MIKE

0.44

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JAN 27 2009

6747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEXDATE: 06/23/98
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	THIS RIGHT SPLIT INTO PARTS K AND L THRU TRANSFER NO. 4761.	
X36-07460J	BRANCHFLOWER , MIKE	1.23
X36-07460K	THIS RIGHT SPLIT INTO PARTS M AND N THRU TRANSFER NO. 4765.	
X36-07460L	WHITESIDES , STEVE WHITESIDES , BRENT	0.55
X36-07460M	RIGHT SPLIT INTO PARTS P & Q THRU APPROVED TRANSFER NO. 5114.	
X36-07460N	FIFE , BRAD FIFE , SALLY	0.20
X36-07460P	RIGHT SPLIT INTO PARTS R & S THRU APPROVED TRANSFER 5160.	
X36-07460Q	SEE RIGHT NO. 37-08865	
X36-07460R	BRANCHFLOWER , KATHY BRANCHFLOWER , MICHAEL G	10.39
X36-07460S	DINIS , MANUEL DINIS , MARIA	0.11

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WR5747NP

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WATER RIGHT
NUMBER

NAME

CFS

T36-07460T ~~BRANCHFLOWER, MICHAEL C~~ JANS

8.06 2.08

T36-07460U ~~BLACK BUTTE PROPERTIES LLC~~ BRANCHFLOWER

2.08 2.68

T36-07460 U- Black Butte Properties

0.25

T# 5098

Post-It™ brand fax transmittal memo 7671

of pages > 3

To: Mary Southern	From: Sam S.O.
Co: EDWR	Co: EDWR
Dept:	Phone #: 327-7943
Fax #	Fax #

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JUN 27 2000

WENDELL, ID 83355-9998



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6/24/98

Department of Water Resource
Northern Division

JUN 24 1998

FILE
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Postage Due 50¢

State of Idaho
Dept of Water Res.
1341 Fillmore St. Ste #200
Twin Falls, ID 83301-3380

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

☒ No account number on mail
☐ Account number illegible

Addressee's Name

Michael G. Branchflower

Old Address (Include
apartment or suite number)

1401 E. 3100 S.

City, State, and ZIP Code

Wendell, ID 83355

New Address (Include
apartment or suite number)

P.O. Box 392

City, State, and ZIP Code

Wendell, ID 83355-0392

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).
☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address ☐ No such street ☐ No such number
☐ Refused ☐ Attempted, not known ☐ Unclaimed

PS Form 3547, June 1995

Sent to P.O. Skaggs @ S.O. (6/24/98)

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JAN 27 2000

SUMMARY OF RECORDED S~~U~~ITS AS OF 06/25/98
REGARDING PARTS OF THE JANSS/BANCHFLOWER
WATER RIGHT RESULTING FROM THE
1996 AMENDED STIPULATION AGREEMENT
(continued from D.Jones split tree revised 02/26/97)
PREPARED 06/25/98 BY C. SKINNER

X36-07460M

10.74 cfs for 604 acres (2416 Afa)
Janss portion: 8.06 cfs for 453 acres (1812 Afa)
*Branchflower portion: 2.68 cfs for 151 acres (604 Afa)

*Extension of Time to Avoid Forfeiture on Branchflower
portion was approved on 10/03/96 allowing until
10/31/2001 to resume beneficial use of the right.

Approved Transfer #5114

X36-07460Q
renumbered to
X37-08865
0.24 cfs and 54 Afa
for Stockwater & Commerci
(Pereira DBA T & S Dair

X36-07460P

10.50 cfs for 590.5 acres (2362 Afa)
Janss portion: 8.06 cfs for 453 acres (1812 Afa)
Branchflower portion: 2.44 cfs for 137.5 acres (550 Afa)

Approved Transfer #5160

X36-07460S
0.11 cfs and 24 Afa
for Stockwater & Commerci
(Manuel &/or Maria Dini

X36-07460R

10.39 cfs for 584.5 acres (2338 Afa)
Janss portion: 8.06 cfs for 453 acres (1812 Afa)
Branchflower portion: 2.33 cfs for 131.5 acres (526 Afa)

Pending Transfer #5098

T36-07460V
Note this right nes
to be renumbered to
Basin 37 right numb
0.25 cfs and 56.3 A
for misc. pond use
(Black Butte Propertie

T36-07460T
8.06 cfs for 453 acres (1812 Afa)
Janss Farms
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JAN 27 2000

T36-07460U
2.08 cfs for 117.4 acres (469.6 Afa)
Mike &/or Kathy Branchflower

NOTE: Further justification for the three way split resulting fr
pending transfer #5098 could be the Notice of Change of Water Rig

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

[Signature]

36-7460

WR5747NP

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WATER 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

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WATER RIGHT
NUMBER

NAME

CFS

T36-07460G2 BRANCHFLOWER , MIKE

0.19

pending xfer

WR5747NP

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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 #	