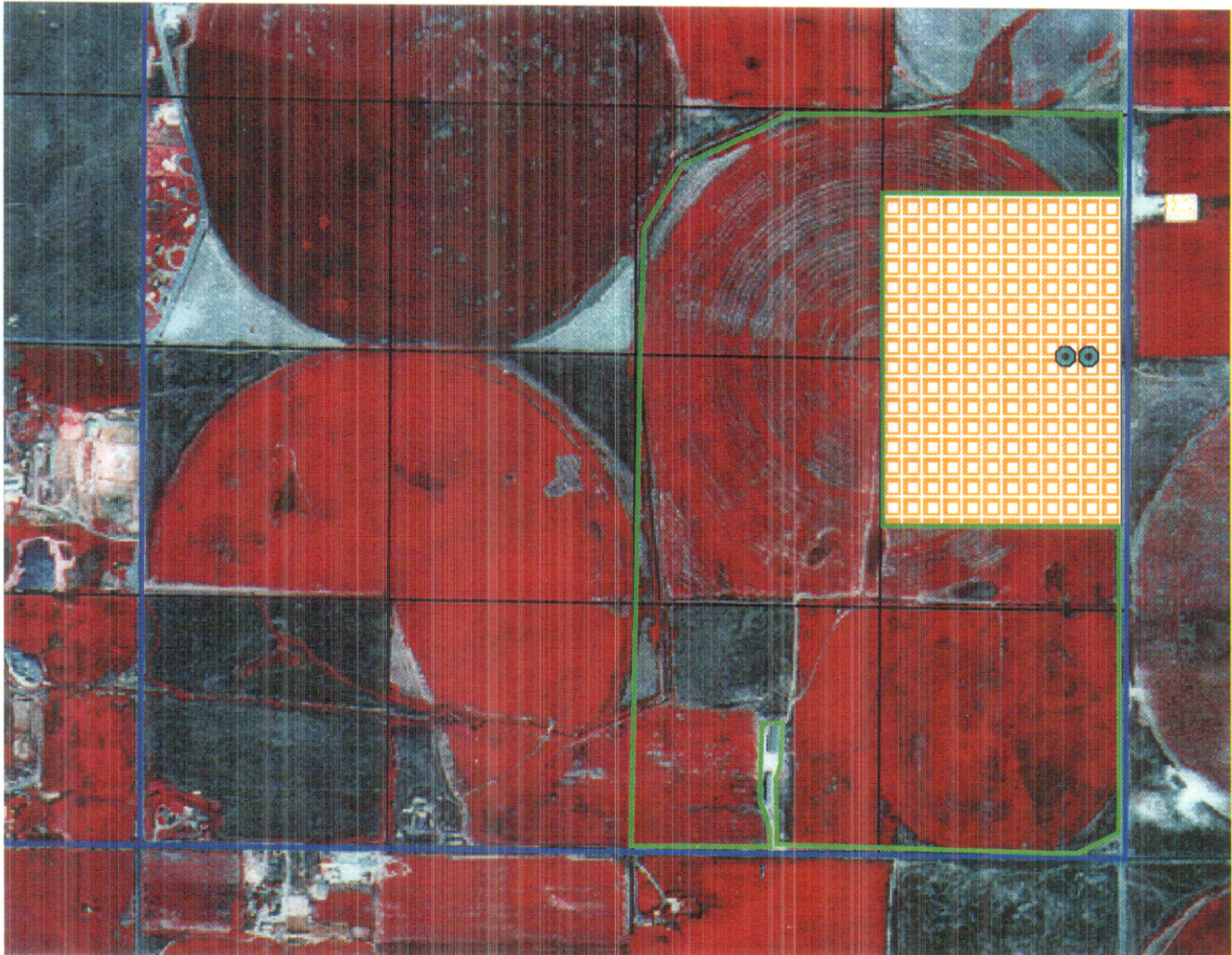
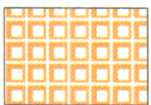


APP. FOR TRANSFER - THOMAS WARNER
SEC. 36 T. 7S R. 15E



● Dairy Wells (Approx. Location)



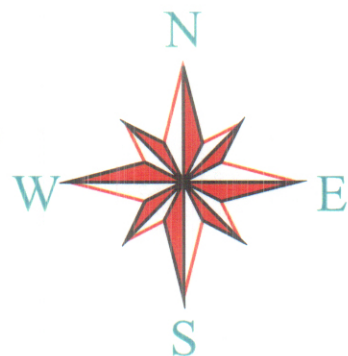
Dairy Site - Barn & Corrals



Wastewater Application Area

Prepared By J E Stanton
12-22-99

MICROFILMED
OCT 02 2002



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED
JUL - 5 2002

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 67034/5614)
IN THE NAME OF THOMAS WARNER)

DEFAULT ORDER

Department of Water Resources

This matter having come before the Idaho Department of Water Resources ("Department") as Application for Transfer, the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 30, 1999 Thomas Warner, ("applicant") filed Application for Transfer No. 67034/5614 ("application") with the Department proposing to modify water rights associated with lands in Gooding County, Idaho.
2. The Department advertised the application on January 6 and 13, 2000. The application was subsequently protested by Lee Helper and Don Cogger. The Department has held the application pending resolution of the contested case.
3. On February 22, 2002 the Department corresponded with the applicant inquiring of his continuing interest in the application. The applicant did not respond to the inquiry.

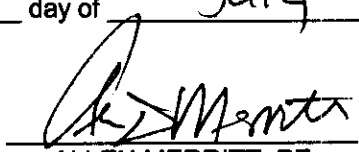
CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default for Failure to Respond to a written inquiry.
2. On June 21, 2002 the Department sent a Notice of Proposed Default to the applicant; the applicant did not respond.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 67034/5614 is **SET ASIDE** and **DISMISSED** without further consideration by the Department as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 2nd day of July, 2002.


ALLEN MERRITT, PE
Southern Region Manager (Presiding Officer)

MICROFILMED

OCT 22 2002

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of July, 2002 a true and correct copy of the above and foregoing Default Order was forwarded with all required charges prepared, to the parties as listed:

Mary Baldwin

Secretary

THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

LEE HALPER
331 S 230 W
JEROME ID 83338

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

DON COGGER
1387 HANKINS RD N
TWIN FALLS ID 83301-8187

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

MICROFILMED

OCT 02 2002

Page 7 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5614/67034

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

PART 1

DEC 17 1999

Department of Water Resources
Bozeman CenterName of applicant Thomas Warner Phone 536-6402
Post Office address 3040 S 2300 E, Wendell, ID 83355

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 rights
2. Describe the reason for the proposed changes Convert a portion of water right from irrigation to stockwater & commercial uses in a new dairy to be built on the property.

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>36-07213B</u>	<u>12-30-1971</u>	<u>1.03/154.1</u>	<u>Stockwater</u>	<u>1-1</u> to <u>12-31</u>
		<u>"</u>	<u>Commercial</u>	<u>"</u> to <u>"</u>
				to
				to

2. Total amount of water being transferred 1.03 cubic feet per second and/or 154.1 acre-feet per annum.3. Source of water Groundwater tributary to4. Point(s) of Diversion: ** Deleted Per Applicant 12-22-99

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>SE</u>	<u>NE</u>	<u>36</u>	<u>7S</u>	<u>15E</u>	<u>Gooding</u>	<u>2 wells - exact location unclear</u>
		<u>NE</u>	<u>NE</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	
		<u>S</u>						

5. Lands irrigated or place of use: * Land application of wastewater

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>15E</u>	<u>36</u>			<u>C, S</u>										<u>C, S</u>				
		<u>36</u>			<u>*</u>	<u>*</u>					<u>**</u>	<u>**</u>	<u>**</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>		
											<u>**</u>	<u>**</u>	<u>**</u>						

MICROFILMED

DEC 17 2002

PART 1

6. General Information:

a. Description of diversion system Two connected wells & pumps, storage tank, pipelines to 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 will not be irrigated - will be covered with dairy

d. Remarks:

It may take up to 5 years to fully develop this dairy. Land will be irrigated until it is needed for corrals, roads, etc.

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:

MICROFILMED

OCT 02 2002

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

PART 2

TRANS NO. 5614

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-07213

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.80 CFS	960.0 AF

SOURCE

GROUNDWATER

Priority: 12/30/1971

LOCATION OF POINT(S) OF DIVERSION:NESWSE , Sec. 36, Township 07S, Range 15E
GOODING CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 15E 36	SWNE 40	SENE 40	NESW 40	
	NWSW 40	NESE 40	NWSE 40	240
		Total number of acres irrigated:		240

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. RIGHT NO. 36-07486 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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OCT 9 2 2002

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

No If yes, describe _____**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 1.03 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount 154.1 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: As licensed/decree

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>15E</u>	<u>36</u>				<u>25.7</u>									<u>25.7</u>				<u>51.4</u>

Total acres _____

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

1. amount 3.77 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount 754.4 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: As Decreed

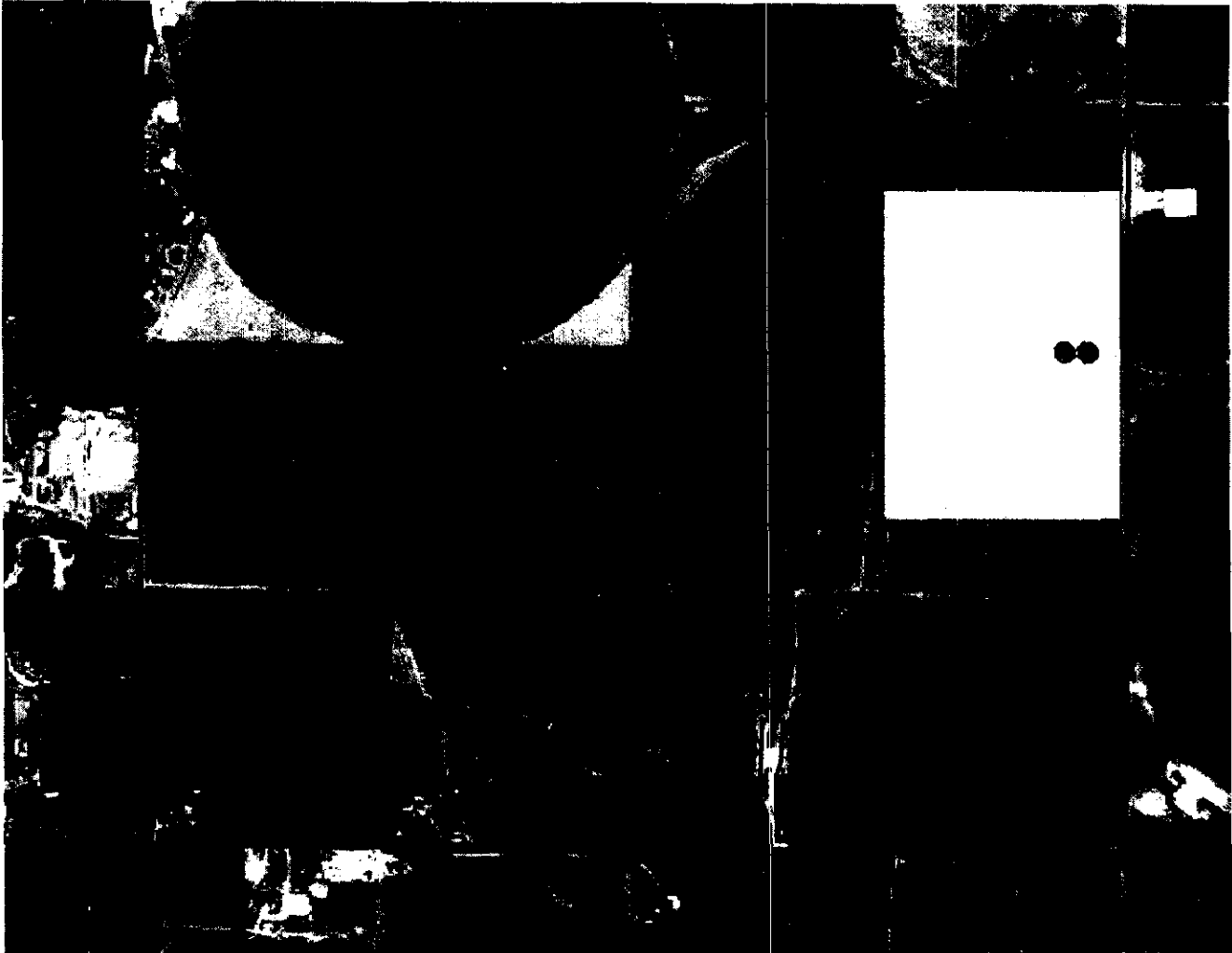
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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>15E</u>	<u>36</u>			<u>40</u>	<u>14.3</u>					<u>40</u>	<u>40</u>			<u>14.3</u>	<u>40</u>			<u>188.6</u>

MICROFILMED
OCT 10 2 2002

APP. FOR TRANSFER - THOMAS WARNER
SEC. 36 T. 7S R. 15E



● Dairy Wells (Approx. Location)

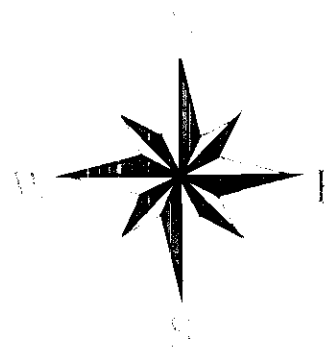


Dairy Site - Barn & Corrals



Wastewater Application Area

Prepared By J E Stanton
12-22-99



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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Commercial/Stock water</u>	<u>45 acre</u> <u>1.03/154.1</u>	<u>45 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.

Thomas E. Warner

(Signature of Applicant)

Subscribed and sworn to before me this 30th day of August, 19 99.

J. E. Stanton

(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 1 attachmentsReceived by J. E. Stanton Date 8-30-99 Protest filed by _____Prelim. check by JS Fee \$100. 5022503Receipted by JS Date 8-30-99Published in Good & Co. News Copies of protest forwarded by _____Pub. dates 01/00 + 01/00/2000 Hearing held by _____ Date _____Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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

In Re SRBA)

Water Right 36-07213

Case No. 39576)

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

A *Partial Decree* was entered for the above-captioned irrigation water right on December 30, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 03-15 11-15

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

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated August 27, 2001

Roger Burdick

ROGER BURDICK

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07213

1997 DEC 30 AM 9:42

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 4.8 CFS
960.0 AFY

PRIORITY DATE: 12/30/1971

POINT OF DIVERSION: T07S R15E S36 NESWSE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.8 CFS 960.0 AFY

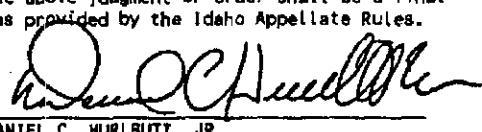
PLACE OF USE:	IRRIGATION	Within GOODING County		
	T07S R15E S36	SWNE 40 NESE 40	SENE 40 NWSE 40	NESW 40 NWSW 40
	240 ACRES TOTAL			

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07213

PAGE 1
DEC-15-1997

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Comment Report

Application ID 67034

RECEIVED

JUL - 5 2002

Department of Water Resources

1. mbaldwin 7/3/2002 Comment/Analysis

Comment: Default Order issued 7/2/02-no response to continued interest inquiry.

RECEIVED
JUL 11 2002
DEPT. OF WATER RESOURCES

T# 5614

APPLICANT:

Thomas Warner

WATER RIGHT NO.

36-072/3 B

[illegible]

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1541 Fillmore Street, Suite 200

Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

JUN 26 2002

Department of Water Resources
Southern Region



U.S. POSTAGE 1680 PB-3524253
3330 \$00.34 JUN 21 2002
3174 MAILED FROM ZIP CODE

MICROFILMED
JUN 27 2002

Re-sent 6/26/02

DON COGGER
2923 S 2200 E
WENDELL ID 83355

COGG923 833552215 1001 06 06/24/02
RETURN TO SENDER
COGGER SR DONALD
1387 HANKINS RD N
TWIN FALLS ID 83301-8187
RETURN TO SENDER

83301-3380 833553145



T 67034



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

June 21, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

Re: **Protested** Application for Transfer No. 67034 (5614) filed on 8/30/99

Dear Mr. Warner:

The enclosed "Notice of Proposed Default Order" has been prepared pursuant to Rules of Procedure 700 through 702 listed below. Pursuant to Rule of Procedure 701 the applicant must petition within seven (7) days from the date of service to prevent the issuance of the default order. Rules of Procedure 053 through 057 may have bearing on responding to this notice.

700. NOTICE OF PROPOSED DEFAULT AFTER FAILURE TO APPEAR OR RESPOND (Rule 700). If an applicant or claimant or appellant, petitioner, protestant, complainant, or moving party fails to appear at the time and place set for hearing, or prehearing conference, on an application or claim or appeal, petition, complaint, or motion, or fails to respond to a written information inquiry, the presiding officer may serve upon all parties a notice of a proposed default order denying the application or claim or appeal, petition, complaint, or motion. The notice of a proposed default order shall include a statement that the default order is proposed to be issued because of a failure of the applicant or claimant or appellant, petitioner, complainant or moving party to appear at the time and place set for hearing or prehearing conference, or to respond to the information inquiry. The notice of proposed default order may be mailed to the last known mailing address of the party proposed to be defaulted. (4-5-00)

701. SEVEN DAYS TO CHALLENGE PROPOSED DEFAULT ORDER (Rule 701). Within seven (7) days after the service of the notice of proposed default order, the party against whom it was filed may file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered. (7-1-93)

702. ISSUANCE OF DEFAULT ORDER (Rule 702). The agency shall promptly issue a default order or withdraw the notice of proposed default order after expiration of the seven (7) days for the party to file a petition contesting the default order or receipt of a petition. If a default order is issued, all further proceedings necessary to complete the contested case shall be conducted without participation of the party in default (if the defaulting party is not a movant) or upon the results of the denial of the motion (if the defaulting party is a movant). All issues in the contested case shall be determined, including those affecting the defaulting party. Costs may be assessed against a defaulting party. (7-1-93)

053. COMMUNICATIONS WITH AGENCY (Rule 53). All written communications and documents that are intended to be part of an official record for a decision in a contested case must

be filed with the officer designated by the agency. Unless otherwise provided by statute, rule, order or notice, documents are considered filed when received by the officer designated to receive them, not when mailed, or otherwise transmitted. (7-1-93)

054. IDENTIFICATION OF COMMUNICATIONS (Rule 54). Parties' communications addressing or pertaining to a given proceeding should be written under that proceeding's case caption and case number, if applicable. General communications by other persons should refer to case captions, case numbers, permit or license numbers, or the like, if this information is known. (7-1-93)

055. SERVICE BY AGENCY (Rule 55). Unless otherwise provided by statute or these rules, the officer designated by the agency to serve rules, notices, complaints, and orders issued by the agency may serve these documents by regular mail or by certified mail, return receipt requested, to a party's last known mailing address or by personal service. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is deposited in the United States mail, or the Statehouse mail if the party is a State employee or State agency. The officer designated by the agency to serve documents in a proceeding must serve all orders and notices in a proceeding on the representatives of each party designated pursuant to these rules for that proceeding and upon other persons designated by these rules or by the agency. (4-5-00)

056. COMPUTATION OF TIME (Rule 56). Whenever statute, these or other rules, order, or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday or a legal holiday, the act may be done on the first day following that is not Saturday, Sunday or a legal holiday. (7-1-93)

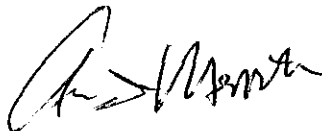
057. ADDITIONAL TIME AFTER SERVICE BY MAIL (RULE 57). Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, three (3) days shall be added to the prescribed period. This rule, however, shall not extend the time for filing a protest, a petition for reconsideration of a preliminary, recommended or final order before the agency, the time for filing exceptions with the agency head to a preliminary or recommended order, or the time for filing an appeal with the district court from a final decision of the agency. (4-5-00)

All "Administrative Rules" of the Department may be found at the following internet address:

<http://www2.state.id.us/adm/adminrules/rules/idapa37/37index.htm>

If you have any questions regarding this matter please feel free to contact me at this office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 67034/5614)
IN THE NAME OF THOMAS WARNER)
_____)

**NOTICE OF
PROPOSED DEFAULT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department") as Application for Transfer, the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 30, 1999 Thomas Warner, ("applicant") filed Application for Transfer No. 67034/5614 ("application") with the Department proposing to modify water rights associated with lands in Gooding County, Idaho.
2. The Department advertised the application on January 6 and 13, 2000. The application was subsequently protested by Lee Heper and Don Cogger. The Department has held the application pending resolution of the contested case.
3. On February 22, 2002 the Department corresponded with the applicant inquiring of his continuing interest in the application. The applicant did not respond to the inquiry.

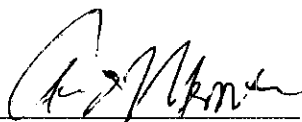
CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default for Failure to Respond to a written inquiry.
2. The Department should enter a Notice of Proposed Default for Failure to Respond to a written request for information about the application and for failure to show a continuing interest in the application.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **SETTING ASIDE** Application for Transfer No. 67034/5614 as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 21st day of June, 2002.

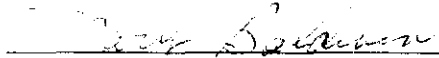


ALLEN MERRITT, PE
Southern Region Manager (Presiding Officer)

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of June, 2002 a true and correct copy of the above and foregoing Notice of Proposed Default Order was forwarded with all required charges prepared, to the parties as listed:



Secretary

THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

Hand delivered	_____
U.S. Mail-Regular	__x__
U.S. Mail-Certified	__x__
Fax	_____

LEE HALPER
331 S 230 W
JEROME ID 83338

Hand delivered	_____
U.S. Mail-Regular	__x__
U.S. Mail-Certified	_____
Fax	_____

DON COGGER
2923 S 2200 E
WENDELL ID 83355

Hand delivered	_____
U.S. Mail-Regular	__x__
U.S. Mail-Certified	_____
Fax	_____

MICROFILMED

JUN 21 2002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: *AM/T # 67034*
36-7213 B

THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

COMPLETE THIS SECTION

DELIVERY

A. Signature

X *Jessie Warner* ☐ Agent
☒ Addressee

B. Received by (Printed Name)

Jessie Warner

C. Date of Delivery

*6-22-02*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

RECEIVED
JUN 22 2002
FBI - MED

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7002 0460 0000 7276 2412

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

MICROFILMED

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



CERTIFIED MAIL RECEIPT
(Domestic Mail Only) No Insurance

700 0460 0000 7276 2412

WENDELL, ID 83355 **OFFICIAL USE**

Postage	0.34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.94

UNIT ID: 0372

2002
Postmark
Clerk: NANCY B
06/21/02

Sent To

Street,
or P.O. Box

City, St.

THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

MICROFILMED

2 2002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: *AM/T# 67034*



THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*)

☐ Yes

2. Article Number

(*Transfer from service label*)

7002 0460 0000 7276 2412

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

MICROFILMED

OCT 8 2 2002

IDWR TRANSFER ANALYSIS SHEET

5614/67034

APPLICANT Thomas Warner

TRANSFER NO. _____

1. Right number(s) 36-07213 B

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

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

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

Comments: _____

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

☒ Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred see previous transfer
- h. ☒ Expansion in use of right - Comments: N/A

5614/67034

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

N/A

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 A. Esten DATE 12-23-99
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT _____ Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 12/27/99

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 Default Order dated 7-2-2002 Set Aside + Dismissed transfer.

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

_____ Also see attached memo for recommendation dated: _____

4. By _____ Date _____



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

February 22, 2002

Thomas Warner
3040 S 2300 E
Wendell, ID 83355

RE: Transfer Application No. 5614

Dear Mr. Warner:

As you may recall several years ago you filed an application to transfer a portion of an irrigation water right to a new use of stockwater and commercial use associated with a dairy. Protests were filed against the application by Lee Halper and Don Cogger. To date no conference or hearing has been held regarding this protested matter.

The purpose of this letter is to inquire of your continued interest in your application. Please let me know within **30 days** of your continued interest.

Do you want to withdraw the application? Do you want our office to continue to hold the application? Do you want to schedule a conference and/or a hearing? What dates are you available to hold a conference?

If you have questions, please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

MICROFILMED

OCT 11 2002



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 3, 2000

JUDY DAUBNER ADMINISTRATOR
GOODING CO PLANNING & ZONING
PO BOX 417
GOODING ID 83330

RE: Application for Transfer No. 5614 (36-07213B)-Thomas Warner

Dear Mrs. Daubner:

Per your 2/28/00 request, please find enclosed informational documents including a copy of the application for Transfer and protests filed with the Department .

If this office can be of additional assistance, please feel free to contact us.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

:MB

MICROFILMED

OCT 3 2 2002

GOODING COUNTY PLANNING AND ZONING COMMISSION

JUDY DAUBNER
ADMINISTRATOR

624 Main Street
P.O. Box 417
Gooding, ID 83330
(208)934-5958

February 28, 2000

L. Glen Saxton, PE
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83720-7866

RECEIVED
FEB 29 2000
Department of Water Resources
Curtis Center

Allen Merritt, PE
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Application for transfer in the name of Thomas Warner Dairy
Application for siting permit, Gooding County

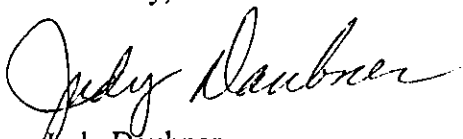
Dear Mr. Saxton and Mr. Merritt:

Relative to the above referenced application for siting permit by Thomas Warner Dairy, the Planning and Zoning Commission has passed a motion to reopen the hearing on the above referenced dairy in order to augment the information presented at the January hearing.

A special hearing has been set for March 22, 2000. It would be greatly appreciated if you would provide copies of any and all correspondence, reports, studies, or other research relative to the above transfer in connection with this siting permit to this office. I would appreciate receiving this information by March 15 in order that I may get the information to the Planning and Zoning Board to review prior to the hearing.

If you have any questions, please call the Planning and Zoning Administrator's office at 934-5958. Your assistance will be greatly appreciated.

Sincerely,



Judy Daubner
Administrator

MICROFILMED

FEB 29 2000

75614
Protested

AFFIDAVIT of PUBLICATION

State of Idaho
County of Gooding

RECEIVED

ss. FEB 09 2000

JAN 19 2000

Department of Water Resources
Southern Region

Norma DeVoe

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
6th day of January, 192000

and that date of the last publication was on the 13th day of

January, 192000

On this 13th day of January

in the year of 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 acknowledge to me that she executed
the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/05

7315/29707
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

43.31 Lines tabular at 3.25 7.5¢/Pica

686.82 Lines straight at 44.64 6.5¢/Pica

730.13 Subsequent lines at 40.16 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 90.30

Transfer #s 5613+5614
E OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that two appli-
cations for transfer have been filed
with the Department of Water
Resources for changes to water rights
as described below.

Transfer No. 5613 filed by Niko A. &
Gwendolyn P. Tzanakakis, 2809-A
SOUTH 900 E; HAGERMAN ID
83332 per Snake River Basin
Adjudication (SRBA) Court Order
requests to change place of use and
re-combine three rights into one single
right which affects the following
recorded rights with a priority date of
03/08/1902 which are diverted from
Weatherby Springs tributary to
Billingsley Creek within NESW, S30,
T07S, R14E via Bar S Ditch to Curren
Ditch to North Pipeline Canal for irri-
gation within NENE, S27, T07S,
R13E; Gooding County.

Right No.	Amt (cfs)	Acres
36-00033H	0.13	4.9
36-00033J	0.06	2.4
36-00033K	0.06	2.2

F	Transfer No. 5613 proposes to diver	
	0.25 cfs within NESW, S30, T07S,	
	for irrigation of 5.9 acres within	
	NENE, S27, T07S, R13E; Gooding	
7	County using re-combined	2a
7	Designated Right No. 36-00033G.	
7	Transfer No. 5614 by Thomas	2a
7	Warner, 3040 S 2300 E; WENDELL	
7	ID 83355 requests to convert part of	
	an irrigation right to stockwater/com-	
	mercial uses within a new dairy by	
	drying up 51.4 acres using Right No.	2a
	36-07213 recorded with priority date	
	of 12/30/1971 from groundwater with-	
	in SWSE, S36 for irrigation of 240	
	acres within S36, all T07S, R15E;	
	Gooding County. Transfer No. 5614	
	proposes to divert 1.03 from two new	
	wells within S36, (exact location	
	unknown-either SENE or NESE) for	
	stockwater/commercial uses within	
	NE & S1/2, S36, all T07S, R15E;	
	Gooding County. The remainder (3.77	
	cfs) being Designated Right No. 36-	
	07213A will continue to irrigate 188.6	
	acres at the original site.	
	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 January 25, 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: 1/8 - 1/13. G29707	

Enrolled
MB
2/1/00



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

February 4, 2000

THOMAS WARNER
3040 S 2300 E
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5614

Dear Mr. Warner:

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.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

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 wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

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

AM:MB

Enclosure(s)

MICROFILMED



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

February 4, 2000

LEE HALPER
331 S 230 W
JEROME ID 83338

DON COGGER
2923 S 2200 E
WENDELL ID 83355

RE: APPLICATION FOR TRANSFER NO. 5614 (Warner)

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.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

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)

MICROFILMED

APR 11 2000

JAN 25 2000

Department of Water Resources
Southern RegionIDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

1. Matter being protested TRANSFER 5614
2. Protestant/Representative: Lee Halper 331 S 230 W
Jerome, ID. 83338 208-324-2240
3. Basis of protest: Protestant requires proof of IC 42-222 issues
and states that the transfer is not in the public interest.
Additionally, there are questions as to the legality of the historic
use, beneficial use and possibly forfeiture issues as well as issues
of 42-203A.
4. A withdrawal of this transfer or modification thereof and other
conditions placed upon this transfer could 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 25th day of JANUARY, ~~1999~~ 2000



Protestant

FOR DEPARTMENT USE ONLY

Received by JH Date 1-25-00 Time 3:23 pm

\$25.00 fee Receipted by JH # S022762 Date 1-25-00

IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

1. Matter being protested TRANSFER 5614
2. Protestant/Representative: Don Cogger 2923S 2200E
Wendell, Idaho 536-2423// Lee Halper 331 S 230 W
Jerome, ID. 83338 208-324-2240
3. Basis of protest: Protestant requires proof of IC 42-222 issues
and states that the transfer is not in the public interest.
Additionally, there are questions as to the legality of the historic
use, beneficial use and possibly forfeiture issues as well as issues
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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 25th day of JANUARY, ~~1999~~ 2000

Lee Halper for Don Cogger
Protestant

FOR DEPARTMENT USE ONLY

Received by JP Date 1-25-00 Time 3:33 pm

5022762

\$25.00 fee Received by JP # 5022762 Date 1-25-00

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that two applications for transfer have been filed with the Department of Water Resources for changes to water rights as described below.

Transfer No. 5613 filed by Niko A. & Gwendolyn P. Tzanakakis, 2809-A SOUTH 900 E; HAGERMAN ID 83332 per Snake River Basin Adjudication (SRBA) Court Order requests to change place of use and re-combine three rights into one single right which affects the following recorded rights with a priority date of 03/08/1902 which are diverted from Weatherby Springs tributary to Billingsley Creek within NESW, S30, T07S, R14E via Bar S Ditch to Curren Ditch to North Pipeline Canal for irrigation within NENE, S27, T07S, R13E; Gooding County:

<u>Right No.</u>	<u>Amt (cfs)</u>	<u>Acres</u>
36-00033H	0.13	4.9
36-00033J	0.06	2.4
36-00033K	0.06	2.2

Transfer No. 5613 proposes to divert 0.25 cfs within NESW, S30, T07S, R14E for irrigation of 5.9 acres within NENE, S27, T07S, R13E; Gooding County using re-combined Designated Right No. 36-00033G.

Transfer No. 5614 by Thomas Warner, 3040 S 2300 E; WENDELL ID 83355 requests to convert part of an irrigation right to stockwater/commercial uses within a new dairy by drying up 51.4 acres using Right No. 36-07213 recorded with priority date of 12/30/1971 from groundwater within SWSE, S36 for irrigation of 240 acres within S36, all T07S, R15E; Gooding County. Transfer No. 5614 proposes to divert 1.03 from two new wells within S36, (exact location unknown-either SENE or NESE) for stockwater/commercial uses within SENE & NESE, S36 using Designated Right No. 36-07213B. Dairy wastewater will be land applied within NE & S½, S36, all T07S, R15E; Gooding County. The remainder (3.77 cfs) being Designated Right No. 36-07213A will continue to irrigate 188.6 acres at the original site.

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 January 25, 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.

Karl J. Dreher, Director

Published in the Gooding County Leader on 01/06 & 01/13/2000.

Omitted
by
Newspaper

MAILED



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

December 29, 1999

MAGIC VALLEY PUBLISHING
ATTN: **Gooding County Leader**
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.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

MEMO

TO: File

DATE: 12/23/1999

FROM: J E STANTON

SUBJECT: App. for Transfer, Thomas Warner

I previously reviewed this right for T. 4924, which was approved but later withdrawn. Since this transfer is quite similar to that one, I do not plan to visit the property again. Although the irrigation well on this farm serves two licenses (both of which were involved in the original transfer), it is not really a ppu. Both rights are for 1" / acre, with no flow restrictions or overlaps between the two. So there is really no reason to involve the other right in the transfer; Pam Skaggs concurs.

Although the present irrigation system covers land in the SW ¼ Sec. 36, this land is not included in the area for wastewater disposal. There is a small subdivision in the SW/NW Sec. 36, and county rules require that no wastewater be applied within ½ mile of a subdivision. Mr. Warner told me that he is fully prepared to comply with this rule, so I have changed his application accordingly (he was not aware of this rule when he originally filed the transfer, but told me about it when we spoke in my office yesterday).

I showed him my GIS map, and he pointed out to me exactly what is being irrigated at this time. Some areas that were dry in 1987 have been decreed as irrigated, and some areas that were decreed are not irrigated. In the NW corner of the SW/NE, an irrigation canal cuts off several acres. These acres were sold some time ago, and are partly watered by a pivot owned by someone else. About 1 acre in the very SE corner of the section is a dry rockpile, and there is a stackyard in the SW/SE that is not watered. There are also section roads that prevent the outside tracts from being full 40's. But the transfer only deals with the dairy, so I have not attempted to change the untransferred portion of this right. All of the proposed dairy site is presently irrigated, which is mainly what is important here. We should be able to approve this transfer as we did the last one.

MICROFILMED

DATE 1/11/01

T# 5614

FILE NUMBER ----- example
REVIEWER ----- jcs

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 2400
NUMBER OF NONMILKING CATTLE ----- 358
IF LAAGOON 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 ----- 1.56
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 1.56
NONMILKING CATTLE @12 GPD/HD ----- 0.08
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 0.08
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 1.65

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE @35 GPD/HD ----- 94.1
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 95.0
NONMILKING CATTLE @12 GPD/HD ----- 4.8
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * --- 5.4
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 100.4

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.5
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 127.4
TOTAL ----- 128.1

TOTAL DIVERSION VOLUME -----

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
MILKING ----- 13.9
NONMILKING ----- 0.0
TOTAL ----- 13.9
COMMERCIAL ----- 16.0
TOTAL CONSUMPTIVE USE ----- 29.9

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

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

PUMP HORSEPOWER (HP) ----- PUMP 1 7.50 PUMP 2 0.00 PUMP 3 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.

$$127.4 \times 5/12 = 53.1 + 0.8 = 53.7$$
$$228.1 \div 3.0 \text{ AFA/AC} = 56.4 \text{ AC to be dried up}$$

T# 5614



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**

August 30, 1999

Gooding County Planning & Zoning Office
PO Box 417
Gooding, ID
83330

Dear Sirs;

This letter is to inform you that Thomas Warner has filed an application for a water transfer to provide water for a dairy to be built on their property in Sec. 36 T. 7S R. 15E. If you have questions, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

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SEP 1 1999

7-5614

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Relinquished

TRANSFER OF WATER RIGHT

TRANSFER NO. 4924
WATER RIGHT NO(S). 36-07213B/36-07486B

This is to certify that: **VANDERHAM DAIRY**
85 S 300 W
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. 36-07213B :			
STOCKWATER	01/01 to 12/31	0.51 CFS	102.3 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	37.3 AF
Priority: 12/30/1971			
SUBTOTAL:		0.70 CFS	139.6 AF
Right No. 36-07486B :			
STOCKWATER	01/01 to 12/31	0.23 CFS	47.2 AF
COMMERCIAL	01/01 to 12/31	0.09 CFS	17.2 AF
Priority: 06/27/1974			
SUBTOTAL:		0.32 CFS	64.4 AF
TOTAL:		* 1.02 CFS	* 204.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

** SENE , Sec. 36, Township 07S, Range 15E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 15E 36 SENE NESE

PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 15E 36 SENE

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TRANSFER NO. 4924
WATER RIGHT NO(S). 36-07213B/36-07486B

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer No. 4924 shall not exceed 1.02 cfs, nor total combined annual volume of 204.0 af.
6. The proposed dairy operation under this approval shall comply with applicable zoning and use ordinances of Jerome County.
7. The remainder of Right No. 36-07213 is identified as 36-07213A and is limited to a diversion rate of 3.82 cfs, an annual diversion volume of 764.4 af and irrigation of 191.1 acres each year.
8. The remainder of Right No. 36-07486 is identified as 36-07486A and is limited to a diversion rate of 1.76 cfs, an annual diversion volume of 351.6 af and irrigation of 87.9 acres each year.
9. Prior to use of water for irrigation purposes under Right Nos. 36-07213A and 36-07486A the right holder shall install a measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
10. The acres which are no longer authorized for irrigation under Right Nos. 36-07213A and 36-07486A are specifically described as follows: 12 acres in the SENE and 39 acres in the NESE, S36, T07S, R15E, B.M.
- * 11. Right Nos. 36-07213A and 36-07486A in combination shall not exceed the total combined irrigation of 279.0 acres specifically described as follows: 35 acres in SWNE, 27 acres in SENE, 40 acres in NESW, 33 acres in NWSW, 31 acres in SESW, 40 acres in NWSE, 36 acres in SWSE, 37 acres SESE, S36, T07S, R15E, B.M.
- * 12. The portion of Right No. 36-07213 in excess of Right No. 36-07213A and this transfer approval in the amount of 0.28 cfs and 14 acres, and the portion of Right No. 36-07486 in excess of Right No. 36-07486A and this transfer approval in the amount of 0.32 cfs and 16 acres, shall be considered abandoned through approval of Transfer No. 4924.

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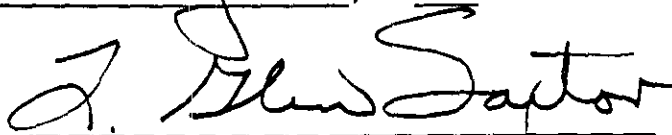
TRANSFER NO. 4924
WATER RIGHT NO(S). 36-07213B/36-07486B

CONDITIONS OF APPROVAL AND REMARKS

13. Prior to use of water for dairy purposes under Right Nos. 36-07213B and 36-07486B, the right holder shall install a suitable measuring device at each point of diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

** 14. Two points of diversion are located within SENE, S36, T07S, R15E, B.M.

Dated this 7th day of January, 1997.


Chief, Water Alloc. Bureau

UNRECORDED

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

THOMAS WARNER
3040 S 2300 E
WENDELL, ID 83355

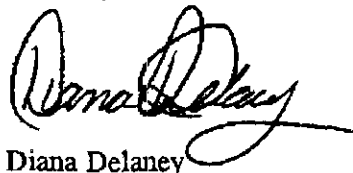
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-07213. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

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

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on December 30, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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2002