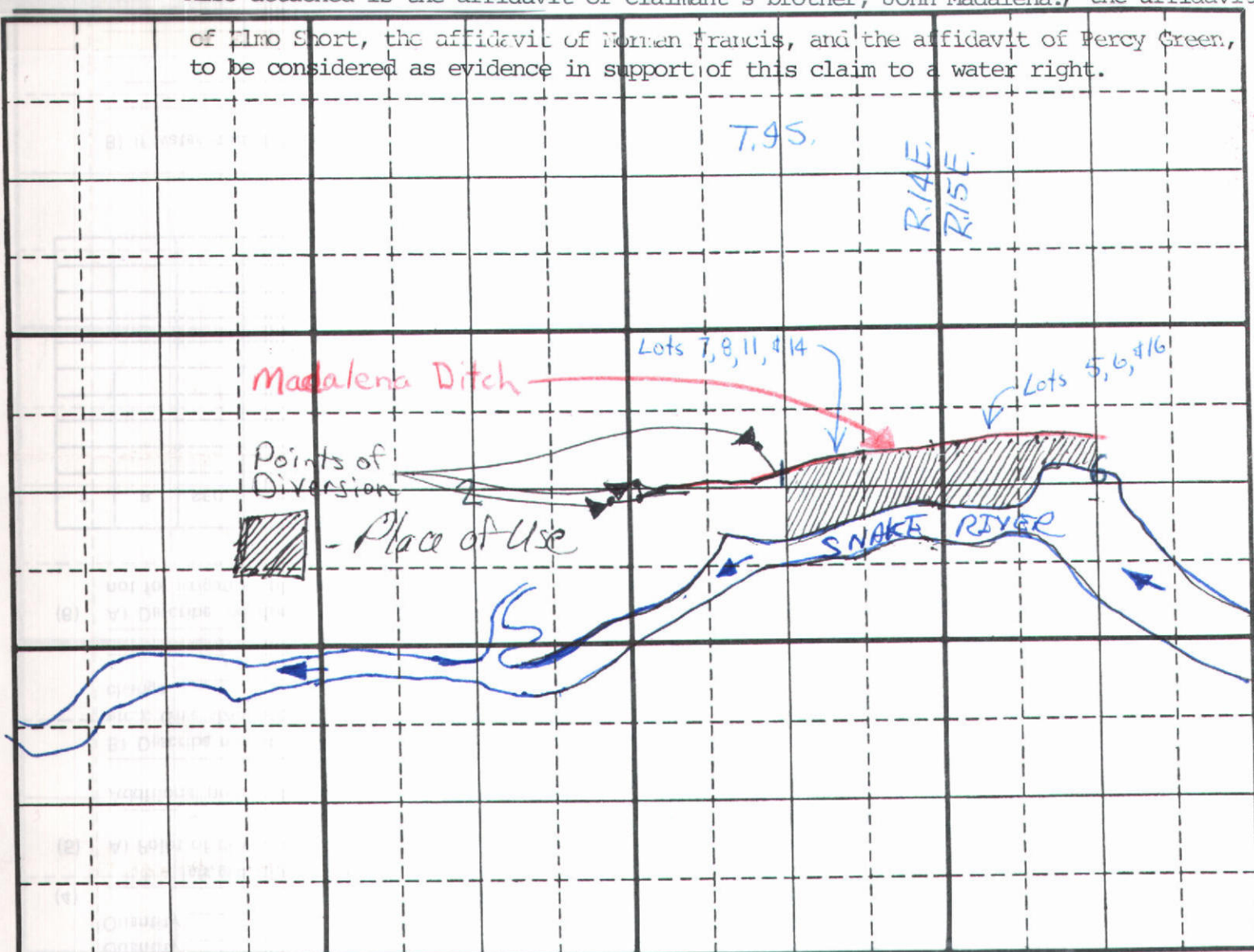


(8) Remarks Attached to this form is a notice posted by claimant's father under the old water laws of the State of Idaho, in which it is indicated that the water which is the subject matter of this claim was diverted and used on the lands in question by claimant's father as early as January of 1893.
Also attached is the affidavit of claimant's brother, John Madalena, the affidavit of Elmo Short, the affidavit of Norman Francis, and the affidavit of Percy Green, to be considered as evidence in support of this claim to a water right.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
 County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 23rd day of May, 1979.

Louis Madalena
 (Claimant)
D. Brent Norton
 Notary Public
 Residing at Buhl Idaho

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by marisa Date 6-18-79 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by ADM Date 7-10-79 claimant by: _____
 \$20.00 fee received by marisa Date 6-18-79 # B233
 Published in spading county leader Thousand Springs farm marisa 8 23/79
 Dates 6/24 8/4/79

LEGAL (257) le

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:

35-4076

MADALENA, LOUIS

ROUTE 4, BUHL, ID 83316

Source: CLEAR LAKES

SPRING tributary to
CLEAR LAKES

Priority Date: 01/01/1893

Amount: 5.00 CFS

Diversion Point: LOT 03 Sec

02 T 09S R 14E LOT 12 LOT 06

Sec 01 T 09S R 14E,

GOODING Co.

Use: IRRIGATION (5.00

CFS) from 03/01 to 11/15

STOCKWATER (0.50 CFS)

from 01/01 to 12/31

DOMESTIC (3.00 CFS) from

01/01 to 12/31

POWER (3.00 CFS) from

01/01 to 12/31

Place of Use: LOT 07 LOT 08

LOT 11 LOT 14 Sec 01 T 09S R

14E LOT 05 LOT 06 LOT 16

Sec 06 T 09S R 15E FOR 111

ACRES

Diversion Means: DIVERS-

ION DAMS TO OPEN

GRAVITY FLOW DITCHES

TO PLACE OF USE.

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301.

/s/ C. Stephen Allred
Director

Pub: 8-2, 9

*ok
maybe
1/24/99*

Important Information About Your Water Right

August 27, 2001

STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE, ID 83352

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 36-04076. 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 January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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 36-04076

1997 JUL 15 PM 3:05

FILED

NAME & ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES
SPRINGS SNAKE RIVER

QUANTITY: 3.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 116.0 CFS. COMBINED RIGHT NOS.:
36-04148B, 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C.

PRIORITY DATE: 01/01/1893

POINT OF DIVERSION: T09S R14E S01 LOT 7 (SWSWNE) Within GOODING County
LOT 8 (SWSENE)
LOT 8 (SESENE)
LOT 5 (SESNNW)
LOT 13 (SESENN)
S02 LOT 5 (SESENE)
R15E S06 LOT 5 (SWSNNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.59 CFS
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T09S R14E S01	Lot 7 (SWNE) 7	Lot 8 (SENE) 8	Lot 11 (NESE) 9	Lot 14 (NWSE) 14
	R15E S06	Lot 5 (SNNW) 10	Lot 6 (SENN) 2	Lot 16 (NNSW) 7	
	57 ACRES TOTAL				
	STOCKWATER	Within GOODING County			
	T09S R14E S01	Lot 7 (SWNE)	Lot 8 (SENE)	Lot 11 (NESE)	Lot 14 (NWSE)
	R15E S06	Lot 5 (SNNW)	Lot 6 (SENN)	Lot 16 (NNSW)	
	DOMESTIC	Within GOODING County			
	T09S R14E S01	Lot 7 (SWNE)			

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

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



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

• •

This
Right has been
Decreed in the
SRBA.

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-04076

1997 JUL 15 PM 10:05

NAME & ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES
SPRINGS SNAKE RIVER

QUANTITY: 3.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 116.0 CFS. COMBINED RIGHT NOS.:
36-041488, 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C.

PRIORITY DATE: 01/01/1893

POINT OF DIVERSION: T09S R14E S01 LOT 7 (SWSWNE) Within GOODING County
LOT 8 (SWSENE)
LOT 8 (SESENE)
LOT 5 (SESNNW)
LOT 13 (SESENN)
S02 LOT 5 (SESENE)
R15E S06 LOT 5 (SWSNNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.59 CFS
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T09S R14E S01 Lot 7 (SWNE) 7 Lot 8 (SENE) 8 Lot 11 (NESE) 9 Lot 14 (NWSE) 14
R15E S06 Lot 5 (SNNW) 10 Lot 6 (SENN) 2 Lot 16 (NWSW) 7
57 ACRES TOTAL

STOCKWATER Within GOODING County
T09S R14E S01 Lot 7 (SWNE) Lot 8 (SENE) Lot 11 (NESE) Lot 14 (NWSE)
R15E S06 Lot 5 (SNNW) Lot 6 (SENN) Lot 16 (NWSW)

DOMESTIC Within GOODING County
T09S R14E S01 Lot 7 (SWNE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

12-29-97
Original
SRBA Partial Decree

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-04076

PAGE 1
DEC-29-1997

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Louis Madalena (Name of Claimant)
Route #4, Buhl, Idaho 83316 (Mailing Address) Telephone No. None (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority. (When was the water first applied to a beneficial use) January 1, 1893

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)
Clear Lakes Spring tributary to Clear Lakes

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc)	(Both dates inclusive) (Mo., Day) (Mo., Day)	
Quantity	5 cfs	Use irrigation	Period of Use From 3/1	To 11/15
Quantity	0.5 cfs	Use stock watering	Period of Use From 1/1	To 12/31
Quantity	3 cfs	Use domestic use	Period of Use From 1/1	To 12/31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 5 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion (Location of point where water is diverted from its source)
Lot 8 & Sec 2 Twp 9 So. Rge 14 E. B.M., County of Gooding
Additional points of diversion Lot 12, Section 1, Township 9 So., Range 14 E., B.M.,
County of Gooding, Lot 6, Section 1, Township 9 So., Range 14 E., B.M., Gooding Co.

B) Describe means of diversion of water. (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Water is diverted by means of a diversion dam after which the water is transported through an open ditch to claimant's property.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S.	14E.	1	Lot 7			11 acres													11
9S.	15E.	6	Lot 5			17 acres													17
9S	14E	1	Lot 8			13 acres													13
9S	14E	1	Lot 14			24 acres													24
9S	14	1	Lot 11			12 acres													12
9S	15	6	Lot 6			17 acres													17
9S	15	6	Lot 16			17 acres													7

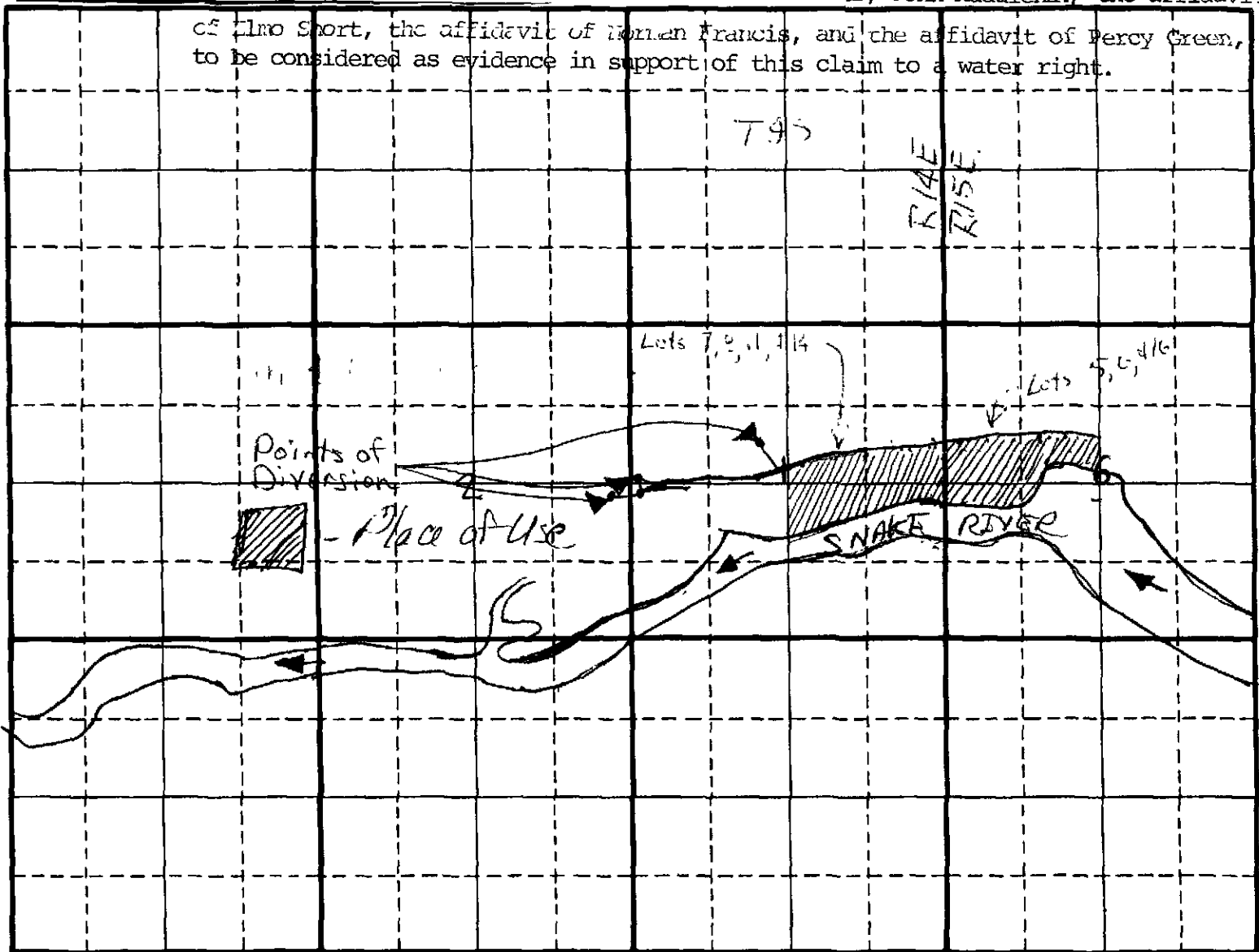
No. of acres 100

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Said water has been used for general domestic household use as well as use in operating a water wheel used to run a grindstone, cream separator, and buzz saw. Also, the water is used on a year around basis for stock watering.

NOTE. Include here the type and number of stock watered approximately 70 head beef cattle

(7) If you are claiming water as a member of an organization, list name of organization not applicable

(8) Remarks Attached to this form is a notice posted by claimant's father under the old water laws of the State of Idaho, in which it is indicated that the water which is the subject matter of this claim was diverted and used on the lands in question by claimant's father as early as January of 1893.
Also attached is the affidavit of claimant's brother, John Madalena, the affidavit of Elmo Short, the affidavit of Norman Francis, and the affidavit of Percy Green, to be considered as evidence in support of this claim to a water right.



Scale 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 23rd day of May, 1979.

Louis Madalena
 (Claimant)

D. Brent Norton
 Notary Public
 Residing at Buhl Idaho

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by <u>marie</u>	Date <u>6-18-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ADM</u>	Date <u>7-10-79</u>		claimant by:	
\$20.00 fee received by <u>marie</u>	Date <u>6-18-79</u>			
Published in <u>granger county leader</u>		<u>thousand springs farm map</u>		<u>8-23-79</u>
Dates <u>12 & 19, 1979</u>				



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

June 18, 1979

D. Brent Martens
Hepworth, Nungester & Felton
Attorneys at Law
P.O. Box 589
Buhl, Idaho 83316

Re: Claim to a Water Right - Louis Madalena

Dear Mr. Martens:

Please find enclosed the claim to a water right filed in the name of Louis Madalena.

As we discussed in our phone conversation of June 18, 1979, our office requires that the legal description of the lands irrigated be broken down.

For each government lot please list the number of acres that are irrigated in each description. Also, indicate on the map how lots are located.

I am holding all other documents pertaining to the claim, so please address your response to me so that I might complete processing of the claim.

If you have any questions please feel free to contact me.

Sincerely,

Allen D. Merritt
Water Resource Analyst

ADM:marya

Encl:

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Twin Falls)

COMES NOW your affiant, John Madalena, being duly sworn upon oath, and says as follows:

That your affiant is a resident of Gooding County, State of Idaho, and is the brother of the claimant, Louis Madalena. Your affiant was born in March 1907, in Gooding County, Idaho, and has lived in Gooding County throughout his lifetime.

That your affiant, as a boy and as a young man, lived on that property now owned by his brother, Louis Madalena, and has throughout his lifetime worked upon and continues to work upon that property owned by Louis Madalena. Your affiant has read the Claim To A Water Right filed by Louis Madalena with the State of Idaho, Department of Water Resources, and finds the contents contained therein to be true and correct to the best recollection of your affiant.

John Madalena
John Madalena

SUBSCRIBED AND SWORN TO before me this 17 day of May, 1979.

D. Brent Marten
Notary Public for Idaho
Residing at Buhl Idaho

AFFIDAVIT

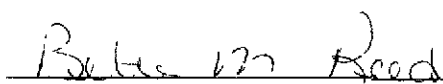
STATE OF IDAHO)
) ss.
County of Twin Falls)

COMES NOW your affiant, Elmo Short, being duly sworn upon oath, and says as follows:

That your affiant is familiar with the location of the property now owned by Louis Madalena, and located to the north of the Snake River in Gooding County, and directly north of the City of Buhl, Idaho. From 1940 through 1943 I worked for Clear Lakes Ranch owned by Mr. Otis Syster. Property owned by Clear Lakes Ranch bordered that property now owned by Louis Madalena. During the years I did some of the irrigating for Clear Lakes Ranch. I was familiar with the open ditch which conveyed water to the Madalena property. The water in that ditch had its' source at springs located near the Snake River Trout Company facilities. Although I cannot give an estimate as to the quantity of water which was generally conveyed through the ditch to the Madalena property, I do recall that it was generally full and carrying all it could safely handle.


Elmo Short

SUBSCRIBED AND SWORN TO before me this 22 day of May, 1979.


Notary Public for Idaho
Residing at Wendell

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Twin Falls)

COMES NOW your affiant, Norman Francis, being first
duly sworn upon oath, and says as follows:

That your affiant is a resident of the City of Wendell County of Gooding, State of Idaho. I am acquainted with Louis Madalena, and am familiar with the location of the property now owned by him, and located on the north side of the Snake River in Gooding County, and to the north of Buhl, Idaho. Beginning in 1933 and through 1944 I worked for Snake River Trout Company which is located near that property now owned by Louis Madalena. During those years, water was diverted from springs located near the Snake River Trout Company facilities and conveyed to an open ditch to the Madalena property. On numerous occasions during those years, I had the opportunity to observe the quantity of water being carried by that open ditch. Although, I cannot recall measuring the water in that ditch, it is my estimate that it was at all times carrying at least 5 cfs of water.

Norman Francis

SUBSCRIBED AND SWORN TO before me this 21st day of
May, 1979.

Notary Public for Idaho
Residing at

2071

STATE OF IDAHO)
County of Twin Falls) ss.

COMES NOW your affiant, Percy Green, being duly sworn upon oath, and says as follows:

That your affiant is familiar with the open ditch which Louis Madalena uses to convey water to his property in Gooding County, Idaho, and near the city of Buhl, Idaho. That from about 1929 through 1941, your affiant worked for Snake River Trout Company which is also located in Gooding County, Idaho, and is near the property now owned by Louis Madalena. The water used by the Snake River Trout Company, at that time, had its origin in springs located in the general vicinity of those springs diverted and used on the Madalena property.

That a Mr. Jack Tingy was the manager of Snake River Trout Company at the time I was associated with that concern. When working near the head end of the Madalena ditch, Mr. Tingy would on a number of occasions caution me not to interfere with the head of water which was diverted to the Madalena property. On many many occasions during these years when I was associated with Snake River Trout Company, I would have occasion to observe the head of water diverted into and running down the Madalena ditch to the property now owned by Louis Madalena. While I do not recall measuring that water, it is my fair estimate that it was carrying on a regular full time basis, any where from 6 to

10 cfs. Generally, the ditch was full, and was carrying all the water it could safely convey.

Percy M. Green
Percy Green

SUBSCRIBED AND SWORN TO before me this 18 day of
May, 1979.

Leah Ann
Notary Public for Idaho
Residing at Idaho

NOTICE.

-:-

Notice is hereby given that I the undersigned, a citizen of the United States over the age of twenty one years do hereby locate my claim in accordance with the laws of the United States and of the State of Idaho all of the water of a certain spring rising on lot 1 of Section 2 and all of the water of a spring rising on lot 2 of Section 2, and all of the water rising in a spring on lot 4, of Section 2, in Town 5 North, Range 1 East for the purpose of irrigating Lots 7 & 8 of Section 2 in said Town, and hence, said water to be taken by open ditches to and upon said lands, a copy of this notice having been this day posted at each one of said springs above described, this January 2, 1893



J. F. Parsons

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Erma Crumpton, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 2 day of August

19 29, and the date of the last publication was on the 9

day of August, 19 29

Erma Crumpton

Subscribed and sworn to before me this 9

day of August, 19 29.
(SEAL)

Madala
8/15/29

Garrett
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		<u>42</u>
Number of Insertions		<u>1</u>
Lines tabular at	315c	
Lines straight at	<u>42</u> 21c	<u>10 02</u>
Subsequent lines at	<u>42</u> 15c	<u>2 20</u>
TOTAL COST		<u>12 22</u>

COPY OF NOTICE

(Paste Here) *

36-4076

TITLE OF NOTICE

Madala

PLAINTIFF ATTORNEY

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use: 2

36-4076

MADALENA, LOUIS
ROUTE 4, BUHL, ID 83316

Source. CLEAR L A K E S
SPRING tributary to
CLEAR LAKES

Priority Date 01/01/1893

Amount: 5.00 CFS

Diversion Point: LOT 08 Sec

02 T 09S R 14E LOT 12 LOT 06

Sec 01 T 09S R 14E,

GOODING Co.

Use: IRRIGATION (5.00

CFS) from 03/01 to 11/15

STOCKWATER (0.50 CFS)

from 01/01 to 12/31

DOMESTIC (3.00 CFS) from

01/01 to 12/31

POWER (3.00 CFS) from

01/01 to 12/31

Place of Use: LOT 07 LOT 08

LOT 11 LOT 14 Sec 01 T 09S R

14E LOT 05 LOT 06 LOT 16

Sec 06 T 09S R 15E FOR 111

ACRES

Diversion Means: DIVERS-

ION DAMS TO OPEN

GRAVITY FLOW DITCHES

TO PLACE OF USE.

Any exception to any

claim of water right may be

filed with the Director of the

Idaho Department of Water

Resources, 1041 Blue Lakes

Blvd. North, Twin Falls,

Idaho 83301.

/s/ C. Stephen Allred
Director

3, Pub 8-2, 9

Nº 2145

This
Right has been
Decreed in the
SRBA.

MILWAUKEE

DATE: 11-Oct-1989

TO: File 36-08393, Madalena

SUBJECT: Outcome of pre-hearing conference on Oct 10, 1989

The applicant indicated that it was his intent to use existing flows diverted under right no. 36-4076 for the additional use of fish propagation.

The protestant has filed exception to claim 36-4076 and maintains that 5 cfs is not available and that the capacity of the ditch is less than 5 cfs and that the applicant cannot show an existing beneficial use for 5 cfs.

The applicant requested that the department hold the application without action until the claim is adjudicated. Once the extent of the existing right is determined, the application may be amended to appropriate the decreed amount.

Department of Water Resources
Southern Region Office

JAN - 6 - 1980

RECEIVED

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

PROTEST OF APPLICATION NO. 36-08393 LOUIS MADALENA

COMES NOW CLEAR SPRINGS TROUT COMPANY and protests
the above-captioned application for permit on the following
grounds:

1. That the 5 c.f.s. applied for fish propagation
is licensed and used by Clear Springs Trout Company for that
same purpose. Basis of the claim by Clear Springs Trout
Company being the following:

License #	Priority Date	Quantity Appropriated
A36-02703	November 23, 1933	40.0 c.f.s.
A36-02048	April 11, 1938	20.0 c.f.s.
A36-04013	January 1, 1940	14.0 c.f.s.
A36-04013A	September 15, 1955	15.0 c.f.s.
A36-04013B	February 4, 1964	31.0 c.f.s.
A36-07148	January 31, 1971	1.67 c.f.s.

2. That the point of alleged diversion is on
property owned by Clear Springs Trout Company.

3. That said application for permit is based upon
Louis Madalena's claim to a water right, No. 36-4076, which:

(a) Claims the right to use 5 c.f.s. (250 miner's
inches) for the irrigation of 111 acres of land between March 1
and November 15 of each year. Your protestant questions
whether or not 250 miner's inches of water can be put to a
beneficial use on such ground as may be available for
cultivation and also questions whether or not the irrigation
season runs from March 1 to November 15, or whether said

LAW OFFICES
H&L
Hepworth,
Nungester,
& Iczamiz

1 irrigation season, as well as said number of inches, should be
2 reduced to when said water could be put to beneficial use;

3 (b) Claims .5 c.f.s. (25 miner's inches) for
4 stock watering year around and 3 c.f.s. (150 miner's inches)
5 for domestic use year round. Your protestant questions whether
6 or not said water can be put to the beneficial use, as claimed.
7 The claim of right also makes reference to the use of the water
8 wheel to run a grindstone, cream separator, and buzz saw. Your
9 protestant is informed and believes that said equipment has not
10 worked since the 1950s.

11 4. Your protestant is also informed and believes
12 that sufficient springs are located upon the Madalena property
13 to fulfill the applicant's needs and that the diversion points
14 located on the protestant's property and the water therefrom is
15 not needed by applicant to fulfill water claimed in Claim No.
16 36-4076.

17 5. That the application will increase the time
18 limit and use of the water claimed in Claim No. 36-4076.

19 6. At this time, there is a ditch leading from the
20 protestant's property to Madalena's property which flows less
21 than three (3) C.F.S. of water, and is shut off during the
22 winter season and does not flow year round. In the event the
23 Department finds this water necessary to fill Madalena's
existing water right, protestant would ask that the Department
determine the amount of water which protestant must allow to

1 flow through this ditch and the time of the year which said
2 water must be allowed to flow, said time not to exceed from
3 April 15 to October 15 of each year.

4 DATED This 6th day of January, 1989.

5
6 CLEAR SPRINGS TROUT COMPANY

7
8 By: *Wm. B. Nungester*
9 Wm. B. Nungester

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lake Blvd. N.
Twin Falls, Idaho 83301
(208) 734-0378

AUGUST 22, 1979

LOUIS MADALENA
ROUTE 4
BUHL

ID 83316

RE: Claim No. 36-4876

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filings and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure

WEAVER & DYKAS

Attorneys at Law

130 N. BROADWAY

BUHL, IDAHO 83316

PHONE (208) 543-8268

ROBERT C WEAVER

FRANK J DYKAS
REGISTERED PATENT
TRADEMARK ATTORNEY

September 18, 1979

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

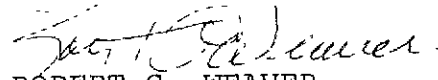
Re: Claim to Water Right No. 36-4076 -
Louis Madalena

ATTENTION: Loren O. Holmes
Southern Region Supervisor

Dear Mr. Holmes:

I have had some correspondence from D. Brent Martens regarding Mr. Madalena's claim and he has further sent me a copy of the original claim. It would appear from the original claim to a water right that the water right is for a total of 5 c.f.s. of water to be used for various purposes on Mr. Madalena's property and apparently there was a mistake in the publication as to other uses totaling 11 c.f.s. of water. With the understanding that the water right is only a total of 5 second feet and not 11½ as I had previously mentioned in my exception to the water right, Thousand Springs Trout Farm, Inc., would withdraw their exception to the claim to water right because they have always felt that Mr. Madalena does have a 5 c.f.s. claim to water on his property.

Sincerely yours,


ROBERT C. WEAVER

RCW:sh

cc: Mr. D. Brent Martens
Mr. Mike Fennen

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 36-4076 Applicant MADALENA, Louis

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Loen O Palmer Date 8-23-79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jen Date 8/31/79



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

C. Stephen Allred
Director

August 23, 1979

Mr. Brent D. Martens
Attorney at Law
P.O. Box 589
Buhl, Idaho 83316

Re: Claim to a Water Right - No. 36-4076 - Louis Madalena

Dear Mr. Martens:

We are enclosing a copy of an affidavit in opposition to your claim to a water right filed in behalf of Louis Madalena. The following is a quote from the provisions under which this claim has been filed (Sec. 42-225b, Idaho Code):

442-225b. Recording of claims by Department, Corrections
"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 23, 1979

Mr. Robert C. Weaver
Attorney at Law
130 N. Broadway
Buhl, Idaho 83316

Re: Claim to a Water Right No. 36-4076 - Louis Madalena

Dear Mr. Weaver:

We are in receipt of your exception to a Claim to a Water Right filed by Louis Madalena, Buhl, Idaho. The following excerpt from Section 42-225b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed.

Section. 42-225b. Recording of Claims by Department ---Corrections---

At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the authority to take the above action has been delegated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

In the Matter of Louis Madalena) EXCEPTION TO
Permit No. 36-4076) CLAIM TO WATER RIGHT

* * * * *

BE IT KNOWN That Thousand Springs Trout Farm, Inc. takes exception to the claim of water right filed by the above named applicant and seeks a clarification of the same as follows:

(1) The claim shows an amount of 5 second feet of water and then goes on to delineate the use of the water as 5 second feet for irrigation, $\frac{1}{2}$ second foot for stock water, 3 second feet for domestic and 3 second feet for power.

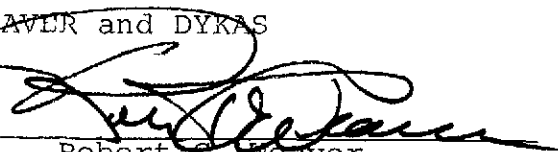
Thousand Springs Trout Farm acknowledges the fact that the applicant has 5 second feet of water for irrigation or for whatever purpose and the applicant has previously used said water but the total of the waters shown as use total $11\frac{1}{2}$ second feet of water. In the event the notice of claim is for a total of 5 second feet with reuse of the waters for the various purposes outlined under the use provision of the application, the protestant would have no cause to take exception to the claim.

This protestant has upon its property the place of diversion of the applicant or claimant and knows of its own knowledge that no more than a total of 5 second feet of water have been diverted to the claimant.

The protestant would seek a clarification by the Department in this claim of water right by the claimant.

DATED This ____ day of August, 1979.

WEAVER and DYKAS

By 

Robert C. Weaver

Attorneys for Protestant
Thousand Springs Trout Farm

WEAVER & DYKAS

Attorneys at Law

130 N. BROADWAY

BUHL, IDAHO 83316

PHONE (208) 543-8268

ROBERT C. WEAVER

FRANK J. DYKAS
REGISTERED PATENT
TRADEMARK ATTORNEY

August 16, 1979

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Gentlemen:

Enclosed please find an Exception to the Claim to Water Right filed by Mr. Madalena, claim No. 36-4076 and also a copy of my letter to Mr. Madalena asking him to either clarify through my office or the department what he intends as the discrepancy between the amounts of water shown in use and the amount of water shown as being claimed.

As I informed Mr. Madalena, it appears he is only attempting to take 5 second feet of water and claiming portions of that water for different uses, but in the event he is claiming $11\frac{1}{2}$ second feet of water I would like very much to have this matter clarified because it is Thousand Springs' position that he has no claim other than the 5 second feet of water claim which they do not deny and would withdraw the exception to the claim if that were made known to them.

I wonder if you could be of assistance to us in getting this clarified in the hopes that we wouldn't have to adjudicate something as simple as this.

Thank you for your attention to this matter.

Sincerely yours,



ROBERT C. WEAVER

RCW:sh

Enc.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

July 23, 1979

Hepworth, Nungester & Fillmore
Attorneys at Law
1020 Main
Buhl, Idaho 83316

Re: Claim to a Water Right No. 36-4076 - Louis Madalena

Gentlemen:

Enclosed is your receipt No. 13233 for check No. 92-274 in the amount of \$20.00 for the above referenced Claim to a Water Right which was received in this office June 13, 1979.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use.

36-4026-

MADALENA, LOUIS

ROUTE 4, BUHL, ID 83316

Source: CLEAR LAKES SPRING tributary to CLEAR LAKES

Priority Date: 01/01/1893

Amount: 5.00 CFS

Diversion Point: LOT 08 Sec 02 T 09S R 14E LOT 12 LOT 06 Sec 01 T 09S R 14E,
GOODING Co.

Use: IRRIGATION	(5.00 CFS)	from 07/01 to 11/15
STOCKWATER	(0.50 CFS)	from 01/01 to 12/31
DOMESTIC	(3.00 CFS)	from 01/01 to 12/31
POWER	(3.00 CFS)	from 01/01 to 12/31

Place of Use: LOT 07 LOT 08 LOT 11 LOT 14 Sec 01 T 09S R 14E LOT 05 LOT 06
LOT 16 Sec 06 T 09S R 15E FOR 111 ACRES

Diversion Means: DIVERSION DAMS TO OPEN GRAVITY FLOW DITCHES TO PLACE OF USE.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 8/2 & 8/9/79.

LEGAL 53701e

**NOTICE OF CLAIMS
TO WATER RIGHT**

Notice is hereby given
that the following claims to
water rights have been
established by diversion and
application to be used for:

33-4073

MADALENA LOUIS
ROUTE 4 SUITE 12 83313
Source CLEAR LAKES
SPRING Gravity Flow
CLEAR LAKES

Priority Date 01/01/1890

Amount 5.00 CFS

Diversion Point LOT 08 Sec

02 T 09S R 14E LOT 13 LOT 28

Sec 01 T 05S R 14E

GOODING

Use IRRIGATION (5.00

CFS) from 03/01 to 11/15

STOCKWATER (5.00 CFS)

from 01/01 to 12/31

DOMESTIC (5.00 CFS) from

01/01 to 12/31

POWER (5.00 CFS) from

01/01 to 12/31

Place of Use LOT 07 LOT 02

LOT 11 LOT 14 Sec 01 T 09S R

14E LOT 05 LOT 06 LOT 16

Sec 06 T 09S R 14E FOR 111

ACRES

Diversion Means DIVERS-

ION DAMS TO OPEN

GRAVITY FLOW DITCHES

TO PLACE OF USE.

Any exception to any

claim of water right may be

filed with the Director of the

Idaho Department of Water

Resources, 241 Blue Lakes

Blvd North, Twin Falls,

Idaho 83301.

/s/ C. Steven Wilson

Director

Pub 8-2.9

*ok
meyer
7/24/99*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 20, 1979

Goodins County Leader
P.O. Box 56
Goodins, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 20, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3370

C. Stephen Allred
Director

June 18, 1979

D. Brent Martens
Hepworth, Nungester & Felton
Attorneys at Law
P.O. Box 589
Buhl, Idaho 83316

Re: Claim to a Water Right - Louis Madalena

Dear Mr. Martens:

Please find enclosed the claim to a water right filed in the name of Louis Madalena.

As we discussed in our phone conversation of June 18, 1979, our office requires that the legal description of the lands irrigated be broken down.

For each government lot please list the number of acres that are irrigated in each description. Also, indicate on the map how lots are located.

I am holding all other documents pertaining to the claim, so please address your response to me so that I might complete processing of the claim.

If you have any questions please feel free to contact me.

Sincerely,

Allen D. Merritt
Water Resource Analyst

ADM:marya

Encl:

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER — 1020 MAIN
Post Office Box 589
BUHL, IDAHO 83316
TELEPHONE (208) 543-4368

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS
JEFFREY E. ROLIG
JOHN T. LEZAMIZ
JOHN C. HOHNHORST

June 12, 1979

TWIN FALLS OFFICE
Twin Falls Bank & Trust Building
Post Office Box 399
Twin Falls, Idaho 83301
Telephone (208) 734-7510

OUR FILE NUMBER

Terry Blau
Senior Water Resource Agent
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

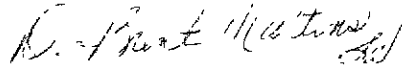
RE: Madalena Claim to a water right.

Dear Terry:

Again, find enclosed our claim to water right on behalf of Louis Madalena. Also find supporting affidavits. If anything further is needed, please advise.

Very Truly yours,

HEPWORTH, NUNGESTER & FELTON



D. Brent Martens

DBM/lw
Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

C. Stephen Allred
Director

June 8, 1979

D. Brent Martens
Hepworth, Nungester & Felton
Attorneys at Law
Box 589
Buhl, Idaho 83316

Re: Claim to a Water Right - Louis Madalena

Dear Mr. Martens:

I am returning this claim and check as per our telephone conversation of June 7, 1979.

Please return the claim with a check in the amount of \$20.00 and the affidavit referring to the priority date claimed.

Sincerely,

TERRY G. BLAU
Senior Water Resource Agent

TGB:marya

Encl:

easting	northing
683869	4726871
683886	4726843
684027	4726904
683919	4726834
684235	4726918
683945	4726818
683570	4726947

JUL 28 2003

3000
New Clear Lakes Grade (approximate location)

3200

683570

683869

683886

683919

683945

684027

684235

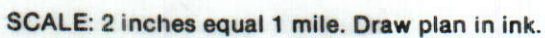
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594

LEVEE

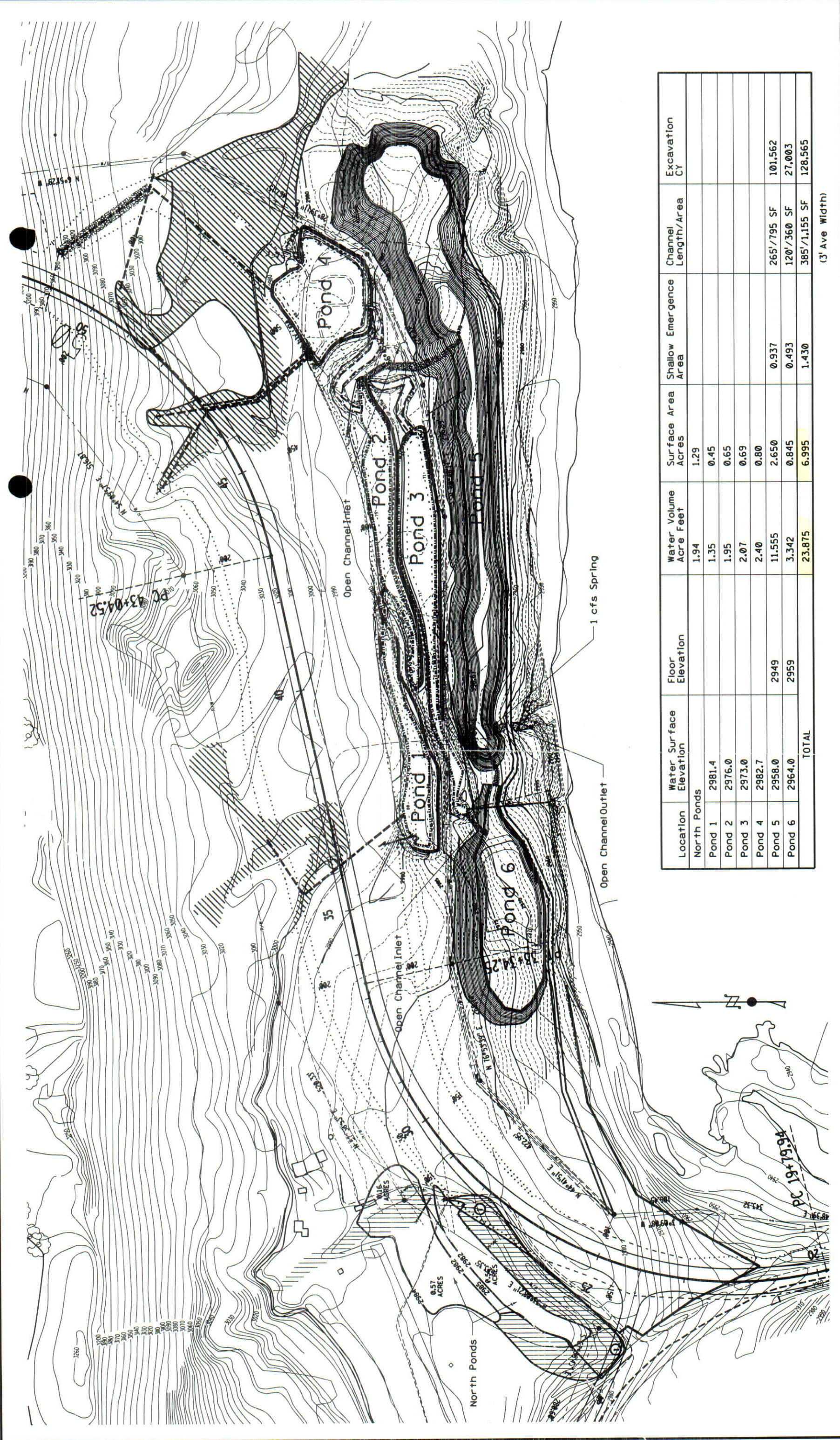
Rapids

AUG 20 2003

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



k. SEE ATTACHMENT 2, FOR MORE
DETAIL RELATING TO PLACE OF USE.



Location	Water Surface Elevation	Floor Elevation	Water Volume Acre Feet	Surface Area Acres	Shallow Emergence Area	Channel Length/Area	Excavation CY
North Ponds			1.94	1.29			
Pond 1	2981.4		1.35	0.45			
Pond 2	2976.0		1.95	0.65			
Pond 3	2973.0		2.07	0.69			
Pond 4	2982.7		2.40	0.80			
Pond 5	2958.0	2949	11.555	2.650	0.937	265'/795 SF	101.562
Pond 6	2964.0	2959	3.342	0.845	0.493	120'/360 SF	27.003
TOTAL			23.875	6.995	1.430	385'/1,155 SF (3' Ave Width)	128.565

NO. DATE BY		REVISIONS DESCRIPTION		DESIGNED		CADD FILE NO. 0000p01.dgn		DRAWING DATE: 8-19-97		IDaho TRANSPORTATION DEPARTMENT		FEDERAL AID PROJECT NO.		FORM CATALOG NO. ITD-1766	
				DESIGN CHECKED						IDaho		COUNTY Twin Falls		KEY NUMBER cirlike	
				DETAILED						CLEAR LAKE GRADE ECOLOGICAL BANK				SHEET OF	
				DWG. CHECKED						REGION 10 IDAHO					

Attachment 2

C9S14E

08 LT10	08 LT09	08 LT08	08 LT01	05 LT04	05 LT03	05 LT02	05 LT01	04 LT02	04 LT01	03 LT04	03 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01						
08 LT05	08 SENW	08 SWNE	08 SESE	05 SWNW	05 SENW	05 SWNE	05 SESE	04 SWNW	04 LT05	04 LT04	04 LT03	04 LT02	04 LT01	03 SWNW	03 SENW	03 SWNE	03 SESE	02 SWNW	02 SENW	02 SWNE	02 SESE	01 LT05	01 LT06	01 LT07	01 LT08		
08 LT06	08 NESW	08 NWSE	08 NESE	05 NWNW	05 NESW	05 NWSE	05 NESE	04 NWNW	04 LT06	04 LT05	04 LT04	04 LT03	04 LT02	03 NWNW	03 NESW	03 NWSE	03 NESE	02 NWNW	02 NESW	02 NWSE	02 SESE	01 LT06	01 LT07	01 LT08	01 LT09		
08 LT07	08 SESW	08 SWE	08 SESE	05 SESW	05 SESE	05 SWE	05 SESE	04 SESW	04 LT07	04 LT06	04 LT05	04 LT04	04 LT03	03 SESW	03 SESE	03 SWE	03 SESE	02 SESW	02 SESE	02 SWE	02 SESE	01 LT07	01 LT08	01 LT09	01 LT10		
07 LT01	07 NENW	07 NANE	07 NENE	08 NWNW	08 NENW	08 NANE	08 NENE	01 NWNW	01 NENW	01 NANE	01 NENE	10 LT01	10 LT02	11 LT01	11 LT02	11 LT03	11 LT04	12 NWNW	12 NENW	12 NANE	12 NENE	13 NWNW	13 NENW	13 NANE	13 NENE		
07 LT02	07 SENW	07 SWNE	07 SESE	08 SWNW	08 SENW	08 SWNE	08 SESE	01 SWNW	01 SENW	01 SWNE	01 SESE	10 SWNW	10 SENW	11 SWNW	11 SENW	11 SWNE	11 SESE	12 SWNW	12 SENW	12 SWNE	12 SESE	13 SWNW	13 SENW	13 SWNE	13 SESE		
07 LT03	07 NESW	07 NWSE	07 NESE	08 NWNW	08 NESW	08 NWSE	08 NESE	01 NWNW	01 NESW	01 NWSE	01 NESE	10 NWNW	10 NESW	11 NWNW	11 NESW	11 NWSE	11 NESE	12 NWNW	12 NESW	12 NWSE	12 NESE	13 NWNW	13 NESW	13 NWSE	13 NESE		
07 LT04	07 SESW	07 SWE	07 SESE	08 SESW	08 SESE	08 SWE	08 SESE	01 SESW	01 SESE	01 SWE	01 SESE	10 SESW	10 SESE	11 SESW	11 SESE	11 SWE	11 SESE	12 SESW	12 SESE	12 SWE	12 SESE	13 SESW	13 SESE	13 SWE	13 SESE		
18 LT01	18 NENW	18 NANE	18 NENE	17 NWNW	17 NENW	17 NANE	17 NENE	16 NWNW	16 NENW	16 NANE	16 NENE	15 NWNW	15 NENW	15 NANE	15 NENE	14 NWNW	14 NENW	14 NANE	14 NENE	13 NWNW	13 NENW	13 NANE	13 NENE	14 NWNW	14 NENW	14 NANE	14 NENE
18 LT02	18 SENW	18 SWNE	18 SESE	17 SWNW	17 SENW	17 SWNE	17 SESE	16 SWNW	16 SENW	16 SWNE	16 SESE	15 SWNW	15 SENW	15 SWNE	15 SESE	14 SWNW	14 SENW	14 SWNE	14 SESE	13 SWNW	13 SENW	13 SWNE	13 SESE	14 SWNW	14 SENW	14 SWNE	14 SESE
18 LT03	18 NESW	18 NWSE	18 NESE	17 NWNW	17 NESW	17 NWSE	17 NESE	16 NWNW	16 NESW	16 NWSE	16 NESE	15 NWNW	15 NESW	15 NWSE	15 NESE	14 NWNW	14 NESW	14 NWSE	14 NESE	13 NWNW	13 NESW	13 NWSE	13 NESE	14 NWNW	14 NESW	14 NWSE	14 NESE
18 LT04	18 SESW	18 SWE	18 SESE	17 SESW	17 SESE	17 SWE	17 SESE	16 SESW	16 SESE	16 SWE	16 SESE	15 SESW	15 SESE	15 SWE	15 SESE	14 SESW	14 SESE	14 SWE	14 SESE	13 SESW	13 SESE	13 SWE	13 SESE	14 SESW	14 SESE	14 SWE	14 SESE
19 LT01	19 NENW	19 NANE	19 NENE	20 NWNW	20 NENW	20 NANE	20 NENE	21 NWNW	21 NENW	21 NANE	21 NENE	22 NWNW	22 NENW	22 NANE	22 NENE	23 NWNW	23 NENW	23 NANE	23 NENE	24 NWNW	24 NENW	24 NANE	24 NENE	25 NWNW	25 NENW	25 NANE	25 NENE
19 LT02	19 SENW	19 SWNE	19 SESE	20 SWNW	20 SENW	20 SWNE	20 SESE	21 SWNW	21 SENW	21 SWNE	21 SESE	22 SWNW	22 SENW	22 SWNE	22 SESE	23 SWNW	23 SENW	23 SWNE	23 SESE	24 SWNW	24 SENW	24 SWNE	24 SESE	25 SWNW	25 SENW	25 SWNE	25 SESE
19 LT03	19 NESW	19 NWSE	19 NESE	20 NWNW	20 NESW	20 NWSE	20 NESE	21 NWNW	21 NESW	21 NWSE	21 NESE	22 NWNW	22 NESW	22 NWSE	22 NESE	23 NWNW	23 NESW	23 NWSE	23 NESE	24 NWNW	24 NESW	24 NWSE	24 NESE	25 NWNW	25 NESW	25 NWSE	25 NESE
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20 LT01	20 NENW	20 NANE	20 NENE	28 NWNW	28 NENW	28 NANE	28 NENE	29 NWNW	29 NENW	29 NANE	29 NENE	30 NWNW	30 NENW	30 NANE	30 NENE	31 NWNW	31 NENW	31 NANE	31 NENE	32 NWNW	32 NENW	32 NANE	32 NENE	33 NWNW	33 NENW	33 NANE	33 NENE
20 LT02	20 SENW	20 SWNE	20 SESE	28 SWNW	28 SENW	28 SWNE	28 SESE	29 SWNW	29 SENW	29 SWNE	29 SESE	30 SWNW	30 SENW	30 SWNE	30 SESE	31 SWNW	31 SENW	31 SWNE	31 SESE	32 SWNW	32 SENW	32 SWNE	32 SESE	33 SWNW	33 SENW	33 SWNE	33 SESE
20 LT03	20 NESW	20 NWSE	20 NESE	28 NWNW	28 NESW	28 NWSE	28 NESE	29 NWNW	29 NESW	29 NWSE	29 NESE	30 NWNW	30 NESW	30 NWSE	30 NESE	31 NWNW	31 NESW	31 NWSE	31 NESE	32 NWNW	32 NESW	32 NWSE	32 NESE	33 NWNW	33 NESW	33 NWSE	33 NESE
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31 LT01	31 NENW	31 NANE	31 NENE	32 NWNW	32 NENW	32 NANE	32 NENE	33 NWNW	33 NENW	33 NANE	33 NENE	34 NWNW	34 NENW	34 NANE	34 NENE	35 NWNW	35 NENW	35 NANE	35 NENE	36 NWNW	36 NENW	36 NANE	36 NENE	37 NWNW	37 NENW	37 NANE	37 NENE
31 LT02	31 SENW	31 SWNE	31 SESE	32 SWNW	32 SENW	32 SWNE	32 SESE	33 SWNW	33 SENW	33 SWNE	33 SESE	34 SWNW	34 SENW	34 SWNE	34 SESE	35 SWNW	35 SENW	35 SWNE	35 SESE	36 SWNW	36 SENW	36 SWNE	36 SESE	37 SWNW	37 SENW	37 SWNE	37 SESE
31 LT03	31 NESW	31 NWSE	31 NESE	32 NWNW	32 NESW	32 NWSE	32 NESE	33 NWNW	33 NESW	33 NWSE	33 NESE	34 NWNW	34 NESW	34 NWSE	34 NESE	35 NWNW	35 NESW	35 NWSE	35 NESE	36 NWNW	36 NESW	36 NWSE	36 NESE	37 NWNW	37 NESW	37 NWSE	37 NESE
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RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 2045442

Date: 3/15/2000
Time: 15:15:06

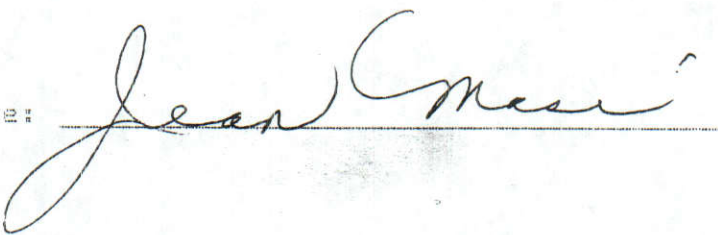
Received
From: STATE OF IDAHO DEPT OF TR

	Type of Payment	Program A cct	Amount
NEFICIAL USE	# 36-04076	56104	229 21 1155
			175.00

CHECK 926124

Total \$ 175.00

Region: STATE

Signature: 

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APR 03 2002

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 36-04076

1998 JUN 15 PM 12:05

*From
letter dated*

Feb 18, 1998

*Charles A Campbell
Sr. En. Planner.*

NAME & ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

SOURCE: SPRINGS
SPRINGS

TRIBUTARY: CLEAR LAKES
SNAKE RIVER

QUANTITY: 3.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 116.0 CFS. COMBINED RIGHT NOS.:
36-04148B, 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C.

PRIORITY DATE: 01/01/1893

POINT OF DIVERSION: T09S R14E S01

LOT 7 (SWSNE)
LOT 8 (SWSNE)
LOT 8 (SESENE)
LOT 5 (SESNNW)
LOT 13 (SESENNW)
LOT 5 (SESENE)
LOT 5 (SWSNNW)

Within GOODING County

S02
R15E S06

clear lakes
clear lake 36-0408 AS per only one from transfer 5169

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
STOCKWATER
DOMESTIC 1 HOME

PERIOD OF USE
Irrigation Season.
01-01 12-31
01-01 12-31

QUANTITY
3.59 CFS
0.02 CFS
0.04 CFS

PLACE OF USE:

IRRIGATION

T09S R14E S01
R15E S06
57 ACRES TOTAL

Within GOODING County
Lot 7 (SWNE) 7 Lot 8 (SENE) 8 Lot 11 (NESE) 9 Lot 14 (NWSE) 14
Lot 5 (SNNW) 10 Lot 6 (SENNW) 2 Lot 16 (NNSW) 7

STOCKWATER

T09S R14E S01
R15E S06

Within GOODING County
Lot 7 (SWNE) Lot 8 (SENE) Lot 11 (NESE) Lot 14 (NWSE)
Lot 5 (SNNW) Lot 6 (SENNW) Lot 16 (NNSW)

DOMESTIC

T09S R14E S01

Within GOODING County
Lot 7 (SWNE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

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Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-04076	A36-04076				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) State of Idaho, Idaho Transportation Dept.
P.O. Box 2A, Shoshone, ID 83352
4. New Owner/Claimant(s) State of Idaho, Idaho Fish and Game Commission
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 25
- City, State and ZIP Code Boise ID 83707-0025
- New Telephone Number (208) 334-3700
5. Date you acquired the property November 27, 2002

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Steven M. Thayer, Secretary
Idaho Fish & Game Commission

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by TF Date 8.1.03 Fee \$25.00
 Received by TF Date 8.1.03 Receipt No. 8026023
 Processed by _____ AJ Date _____ WR _____ Date _____

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AUG 20 2003

Project STP-RS-2709(006)

Key No. C03586

Parcel No. 2 Parcel ID No. 0041609

WARRANTY DEED

Instrument # 198036

GOODING, G. GOODING, IDAHO

2002-12-02 04:22:36 No. of Pages: 5

Recorded for : IDAHO TRANSPORTATION DEPT

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: \$000

THIS INDENTURE, Made this 27th day of November, 2002, between the STATE OF IDAHO, IDAHO TRANSPORTATION DEPARTMENT, by and through the IDAHO TRANSPORTATION BOARD, Grantor and STATE OF IDAHO, IDAHO FISH AND GAME COMMISSION, 600 South Walnut, P.O. Box 25, Boise, Idaho 83707-0025, Grantee.

WITNESSETH:

That the Grantor, for value received, does, by these presents hereby grant, bargain, sell, and convey unto the Grantee, its heirs and assigns forever, the following described parcel of land situated in the County of Gooding, State of Idaho, to-wit:

A parcel of land being all of Government Lot 16 and those portions of Government Lots 5 and 6, lying Southerly of the Snake River Canyon Rim, all in Section 6, Township 9 South, Range 15 East, Boise Meridian, situated in Gooding County, State of Idaho;

Together with all of Government Lot 11 and that portion of Government Lot 14, lying Northeasterly of the Southwesterly right of way line of Clear Lake Road and all of those portions of Government Lots 7 and 8, lying Southerly of the Snake River Canyon Rim, all in Section 1, Township 9 South, Range 14 East, Boise Meridian, in said Gooding County;

EXCEPTING from both of the above parcels any portion thereof lying within the boundaries of the tract of land as described in that certain Warranty Deed dated November 17, 1993 and recorded December 1, 1993 as Instrument No. 154976, records of said Gooding County;

Also conveyed herewith are the rights to an approximate 3.5 cubic feet per second of Spring Water or that amount, if different as a result of the pending Snake River Adjudication.

The Snake River Canyon Rim is at approximate elevation 3250 feet at the East end of the above conveyed property and 3200 feet at the West end of said conveyed property.

Page 1

RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

May 9, 2002

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Department of Water Resources
Southern Region

WARRANTY DEED

Project STP-RS-2709(006)

Key No. C03586

Parcel No. 2 Parcel ID No. 0041609

Total area conveyed by this instrument is approximately 88.97 acres.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging to and in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and estate, right, title, and interest in and to the said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the Grantee, its heirs, and assigns forever, and the said Grantor, and its successors and assigns, and the premises in the quiet and peaceable possession of said Grantee, its heirs and assigns, and all and every person and persons whomsoever, lawfully claiming or to claim by, through or under the Grantor, the same shall and will warrant and by these presents forever defend.

Subject to the following restrictions:

PROHIBITED USES. No uses shall be made of the Property and no activities shall be conducted on the property which are inconsistent with the Ecological Bank purposes including the following:

The change, disturbance, alteration, or impairment of the significant relatively natural ecological features and values or the destruction of other natural resource features.

The manipulation, diversion, or other alteration of natural waters courses, or other bodies of water; the construction of ponds, the drainage of surface or subsurface waters; the rip-rapping of bodies of water, and any uses or activities which would pollute or degrade the surface or subsurface waters on or underlying the Property.

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

May 9, 2002

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Department of Water Resources
Southern Region

WARRANTY DEED

Project STP-RS-2709(006)

Key No. C03586

Parcel No. 2 Parcel ID No. 0041609

The changing of the topography of the Property by placing on it any soil, dredging spoils, land fill, or other material.

The removal, cutting or destruction of native vegetation, including the taking or harvesting of timber, and the conversion of native vegetation to new exotic cover species.

The growing of crops, including but not limited to fruits, forage and timber, and the raising of livestock, including but not limited to cattle, goats, llamas, sheep, pigs, wild game mammals, deer, and exotic birds.

The establishment of any commercial or industrial uses.

The construction or placing of buildings, camping accommodations, mobile homes, trailers, signs, billboards or other advertising material.

The filling, dumping, excavating, draining, dredging, mining, drilling, removing, or the exploring for or extracting of minerals, hydrocarbons, soils, sands, gravel, rock or any other material on or below the surface of the Property.

The dumping or other disposal of noncompostable refuse, trash, unsightly or toxic materials, or agrichemicals.

The application of biocides, defoliants, or chemical fertilizers.

Fishing and Hunting for commercial purposes or of animals afforded protected status under applicable laws or regulation, and trapping.

The use of snowmobiles, all-terrain vehicles, motorized or other motor vehicles on the Property except to use motor vehicles from time to time on non-riparian areas of the Property provided that such use shall be in a manner as to prevent any material adverse impact on the Ecological Bank values of the Property.

Construction of any new roads, bridges or vehicle trails.

Construction of any new horse trails or walking trails.

Title to the forgoing real estate was acquired by the State of Idaho, Idaho Fish and Game Commission with financial assistance from the U.S. Fish

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

May 9, 2002

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Department of Water Resource
Southern Region

WARRANTY DEED

Project STP-RS-2709(006)
Key No. C03586
Parcel No. 2 Parcel ID No. 0041609

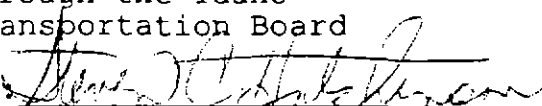
and Wildlife Service of the Department of the Interior. The federal assistance was provided pursuant to the federal Aid in Wildlife Restoration Act of 1937.

The federal assistance of acquisition of the real estate was conditioned upon use restrictions as set forth in FA Grant Agreement W-9-L-5 and includes the following restrictions on the use of the real estate: Title to the land shall be registered in fee simple, free and clear of all encumbrances save and except those reservations, exceptions and encumbrances which in the opinion of the Service do not jeopardize the purpose for which the land is acquired;

Real property acquired in fee title with FA funds shall be administered in accordance with the terms and conditions of the project proposal for the long-term conservation and management of the ecosystem and the fish and wildlife dependent thereon. Otherwise, it shall be subject to reversion to the United States Fish and Wildlife Service (USFWS), or a property of equal monetary and wildlife value will be purchased to replace it, or the USFWS will be reimbursed for its investment.

IN WITNESS WHEREOF, The Grantor has hereunto executed these presents on the day and year first above written.

STATE OF IDAHO, Acting by and
through the Idaho
Transportation Board

BY: 
STEVEN C. HUTCHINSON,
Assistant Chief Engineer
(Development)

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

May 9, 2002

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AUG 01 2003
Department of Water Resources
Southern Region

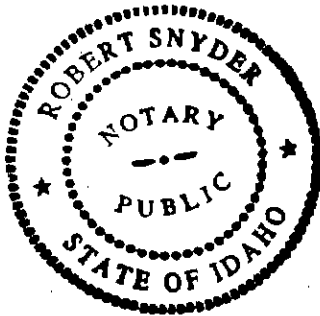
WARRANTY DEED

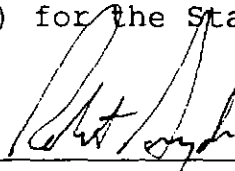
Project STP-RS-2709(006)
Key No. C03586
Parcel No. 2 Parcel ID No. 0041609

STATE OF IDAHO)
) ss.
County of Ada)

On this 27th day of November, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared STEVEN C. HUTCHINSON, known to me to be the Assistant Chief Engineer (Development) for the State of Idaho, Idaho Transportation Department, by and through the Idaho Transportation Board, whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such Assistant Chief Engineer (Development) for the State of Idaho.

(SEAL)





Notary Public for Idaho
Residing at Boise
My commission expires 03-05-08

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Southern Region

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

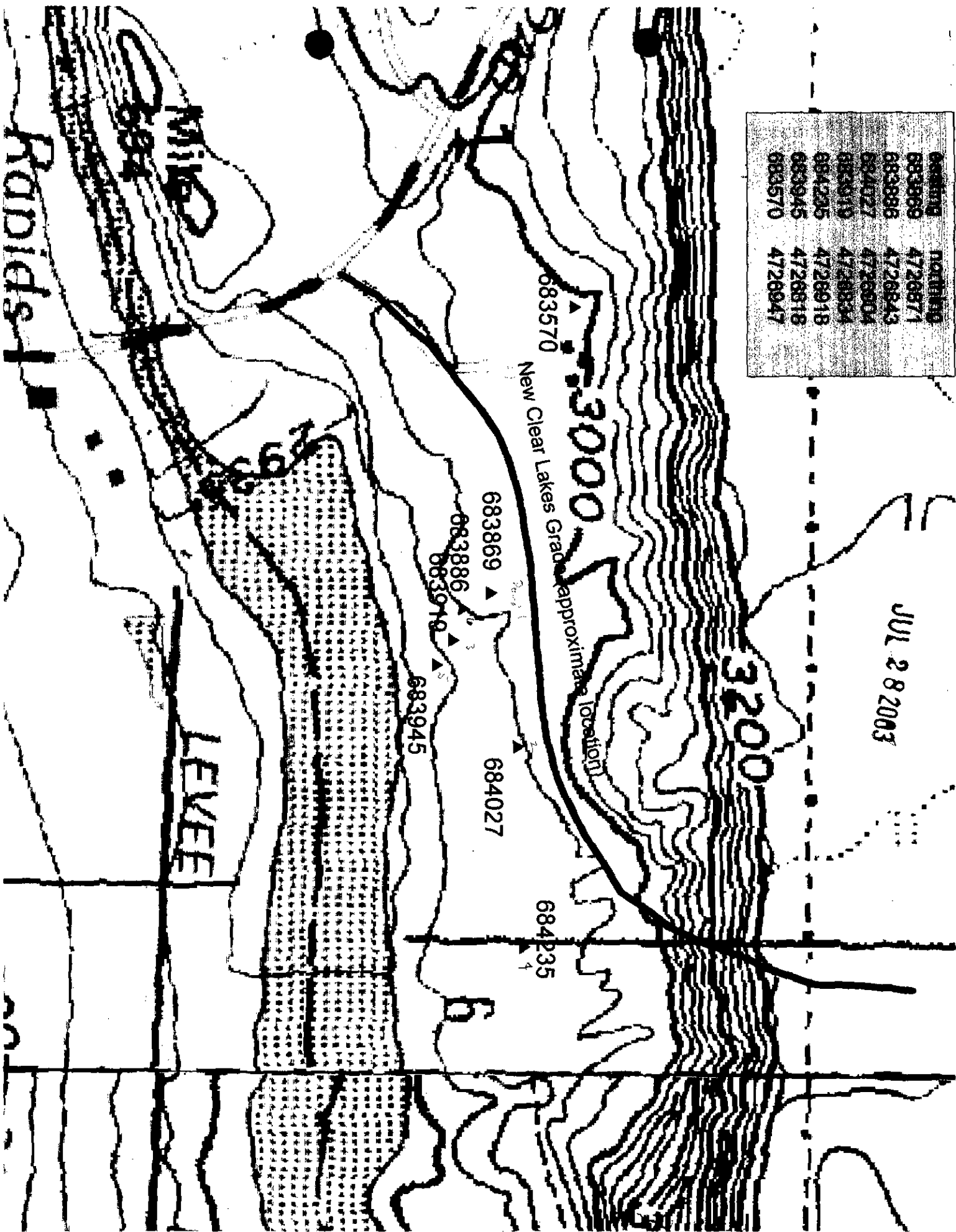
May 9, 2002

MICROFILMED

AUG 23 2002

easting	northing
683868	4726871
683886	4726843
684027	4726904
683919	4726834
684235	4726818
683945	4726818
683570	4726947

JUL 28 2003



Locations of points of diversion for ponds at the Clear Lakes Grade property

GPS description:

<u>Easting</u>	<u>Northing</u>	<u>Diversion</u>
683869	4726871	Pond 1
683886	4726843	Pond 6
684027	4726904	Pond 2
683919	4726834	Pond 3
684235	4726918	Pond 4
683945	4726818	Pond 5
683570	4726947	House on northwest side of grade.

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Southern Region

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AUG 20 2000

WARRANTY DEED

Project No. STP-RS-2709(008) & WETLANDS
Key No. 3586
Parcel No. 2 (Wetlands), Id. Nos. 3586L09 & 0037526

THIS INDENTURE, Made this 29th day of SEPTEMBER 1994, between
LUDELL WALDRON, guardian and conservator of THE ESTATE OF LOUIS M.
MADALENA, a protected person, Grantor, and the STATE OF IDAHO, IDAHO
TRANSPORTATION DEPARTMENT, by and through the IDAHO TRANSPORTATION BOARD,
3311 West State Street, Boise, Idaho 83703, Grantee.

WITNESSETH, That the said Grantor, for value received, does grant,
bargain, sell, convey and confirm unto the said Grantee, all the following
described real property situated in County of Gooding, State of Idaho,
to-wit:

A parcel of land being all of Government Lot 16 and those
portions of Government Lots 5 & 6, lying Southerly of the Snake
River Canyon Rim, all in Section 6, Township 9 South, Range 15
East, Boise Meridian, situated in Gooding County, State of Idaho;

Together with all of Government Lot 11 and that portion of
Government Lot 14, lying Northeasterly of the Southwesterly right
of way line of Clear Lake Road and all those portions of
Government Lots 7 & 8, lying Southerly of the Snake River Canyon
Rim, all in Section 1, Township 9 South, Range 14 East, Boise
Meridian, in said Gooding County;

EXCEPTING from both of the above parcels any portion thereof
lying within the boundaries of the tract of land as described in
that certain Warranty Deed dated November 17, 1993 and recorded
December 1, 1993 as Instrument No. 154976, records of said
Gooding County;

Also conveyed herewith are the rights to approximately 3.5 cubic
feet per second of Spring Water or that amount, if different, as
a result of the pending Snake River Adjudication.

The Snake River Canyon Rim is at approximate elevation 3250 feet
at the East end of the above conveyed property and 3200 feet at
the West end of said conveyed property.

The Total area conveyed by this instrument is approximately 88.97
acres.

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

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AUG 29 2001

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Southern Region

WARRANTY DEED

Project No. STP-RS-2709(008) & WETLANDS
Key No. 3586
Parcel No. 2 (Wetlands), Id. Nos. 3586L09 & 0037526

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The said Grantor has hereunto set his hand and seal the day and year first above written.

Lu Dell Waldron
LUDELL WALDRON, guardian &
conservator of the Estate of Louis
M. Madalena, a protected person

STATE OF IDAHO)
County of TWIN FALLS) ss.

On this 29TH day SEPTEMBER, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared LUDELL WALDRON, guardian and conservator of the Estate of Louis Madalena, a protected person, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such guardian and conservator.

RECEIVED

(SEAL)

AUG 01 2003

Department of Water Resources
Southern Region

Robert C. Slater
Notary Public for IDAHO
Residing at TWIN FALLS
My commission expires 11/1/99

Page 2

RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT I.C. 67-2301

MICROFILMED

AUG 1 2003

WARRANTY DEED

Project No. RS-2709(6)
Key No. 3586
Parcel No. 2, Id. No. 3586L02

THIS INDENTURE, Made this 17 day of Nov., 1993, between
MICHAEL MADALENA, guardian and conservator of the ESTATE OF LOUIS M.
MADALENA, protected person, Grantor, and the WEST POINT HIGHWAY DISTRICT
NO. 4, Rt. 1, Box 30-A, Wendall, Idaho 83355, Grantee.

WITNESSETH, That the said Grantor, for value received, does grant,
bargain, sell, convey and confirm unto the said Grantee, all the following
described real property situated in County of Gooding, State of Idaho,
to-wit:

A parcel of land being on both sides of the centerline of the
Clear Lakes Grade Highway, Project No. RS-2709(6) Highway Survey
as shown on the plans thereof now on file in the office of the
Idaho Transportation Department, and being a portion of
Government Lots 1, 7, 8, 11, and 14 of Section 1, Township 9
South, Range 14 East, Boise Meridian, and a portion of Government
Lots 4, 5, and 16 of Section 6, Township 9 South, Range 15 East,
Boise Meridian, which includes all of the right of way granted to
the West Point Highway District as described in Instrument No.
22296, recorded June 29, 1967, and is a portion of that certain
tract described in Instrument No. 42645, dated December 20, 1926,
and Instrument No. 60309, recorded July 2, 1976, and Instrument
No. 63639, recorded March 10, 1977, and Instrument No. 103790,
recorded September 28, 1983, all in the records of Gooding
County, Idaho, more particularly described as follows, to-wit:

Commencing at the E $\frac{1}{4}$ corner of Section 1, Township 9 South, Range
14 East, Boise Meridian;

thence North 0°35'05" West along the East line of said Section 1
a distance of 143.0 feet to a point Southeasterly and radially
478.13 feet from Station 46+44.07 of said Clear Lakes Grade
Highway, Project No. RS-2709(6) Highway Survey and being the Real
Point of Beginning;

thence South 66°45'32" West - 224.32 feet to a point
Southeasterly and radially 450.0 feet from Station 45+00 of said
Highway Survey;

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AUG 01 2003

Department of Water Resources
Southern Region

Page 1

RECORD AT THE REQUEST OF THE STATE OF IDAHO

FEE EXEMPT - I.C. 67-2301

AUG 20 2003

11-17-93
This is a photo-
copy of the orig.
The orig. will be
held by the
Sec. 1:1 feet
upon release
By Mike
Feltner

WARRANTY DEED

Project No. RS-2709(6)

Key No. 3586

Parcel No. 2, Id. No. 3586L02

thence South 80°40'17" West - 296.89 feet to a point
Southeasterly and radially 400.0 feet from Station 43+04.52 of
said Highway Survey;

thence South 89°17'07" West - 990.67 feet to a point that bears
South 12°21'42" East - 200.0 feet from Station 33+34.25 of said
Highway Survey;

thence South 76°53'39" West - 268.14 feet to a point
Southeasterly and radially 150.0 feet from Station 30+00 of said
Highway Survey;

thence South 44°41'51" West - 422.95 feet to a point
Southeasterly and radially 100.0 feet from Station 25+00 of said
Highway Survey;

thence South 3°09'08" East - 186.45 feet to a point in the
Easterly line of Government Lot 14 of said Section 1 that is
Easterly and radially 156.15 feet from Station 22+89.92 of said
Highway Survey;

thence South 8°48'39" West continuing along said Easterly lot
line 343.32 feet to a point that bears North 76°13'22" East -
69.96 feet from Station 19+10.33 of said Highway Survey;

thence South 42°18'39" West - 105.64 feet to a point that bears
South 76°13'22" West - 17.71 feet from Station 18+51.39 of said
Highway Survey;

thence South 69°48'39" West - 12.47 feet to a point that bears
South 76°13'22" West - 30.0 feet from Station 18+50 of said
Highway Survey, said point is on the Westerly line of the right
of way granted for the construction of a bridge over the Snake
River under Project No. S-2709(3) Highway Survey;

thence North 13°46'38" West - 198.36 feet to a point in the
Easterly line of those certain tracts described in Instrument No.
128592, recorded July 28, 1987, and Instrument No. 133027,
recorded August 3, 1988, records of said Gooding County, that is
Westerly and radially 32.75 feet from Station 20+45.88 of said
Highway Survey;

thence Northerly along a 788.51 foot radius curve left 49.77 feet
to a point Westerly and radially 39.56 feet from Station 20+90.24
of said Highway Survey;

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE-EXEMPT - I.C. 67-2301

AUG 29 2003

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Department of Water Resources
Southern Region

WARRANTY DEED

Project No. RS-2709(6)
Key No. 3586
Parcel No. 2, Id. No. 3586L02

thence South 72°36'24" West - 10.0 feet to a point Westerly and radially 49.37 feet from Station 20+91.22 of said Highway Survey;

thence Northwesterly along a 778.51 foot radius curve left 582.39 feet to a point Northwesterly and radially 447.55 feet from Station 24+12.86 of said Highway Survey;

thence North 29°53'45" East - 15.0 feet to a point Northwesterly and radially 443.89 feet from Station 24+22.41 of said Highway Survey;

thence North 60°16'37" West - 73.91 feet to a point in the West line of said Government Lot 14 that is Northwesterly and radially 515.83 feet from Station 24+33.24 of said Highway Survey;

thence North 0°41'43" East along said West lot line - 57.15 feet to a point that is Northwesterly and radially 532.79 feet from Station 24+66.98 of said Highway Survey;

thence South 60°16'37" East - 101.79 feet to a point Northwesterly and radially 432.89 feet from Station 24+52.16 of said Highway Survey;

thence North 29°53'45" East - 15.0 feet to a point Northwesterly and radially 429.95 feet from Station 24+64.30 of said Highway Survey;

thence South 67°38'43" East - 280.60 feet to a point Northwesterly and radially 150.0 feet from Station 24+50 of said Highway Survey;

thence North 33°08'21" East - 523.35 feet to a point Northwesterly and radially 150.0 feet from Station 29+00 of said Highway Survey;

thence North 57°38'53" East - 520.33 feet to a point in a line parallel with and 200.0 feet Northerly from the centerline and bears North 12°21'42" West from Station 33+34.25 of said Highway Survey;

thence North 77°38'18" East along said parallel line 970.27 feet to a point opposite Station 43+04.52 of said Highway Survey;

thence North 54°09'57" East - 516.87 feet to a point Northwesterly and radially 200.0 feet from Station 50+00 of said Highway Survey;

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

AUG 20 2003

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Department of Water Resources
Southern Region

WARRANTY DEED

Project No. RS-2709(6)
Key No. 3586
Parcel No. 2, Id. No. 3586L02

thence North 23°36'19" East - 351.71 feet to a point that bears North 89°16'10" West - 150.0 feet from Station 54+43.89 of said Highway Survey;

thence North 6°23'06" East - 778.0 feet to the Southeast corner of the tract of land as described in that certain Warranty Deed recorded October 20, 1980 as Instrument No. 85847 records of said Gooding County, which bears North 89°16'10" West - 73.34 feet from Station 62+18.10 of said Highway Survey;

thence North 0°35'05" East along the East line of said tract 650.0 feet to the Northeast corner thereof which is also the Northwest corner of Section 6, Township 9 South, Range 15 East, Boise Meridian;

thence South 89°20'55" East along the North line of said Section 6 a distance of 149.93 feet to a point that bears South 89°16'10" East - 74.93 feet from Station 68+68.31 of said Highway Survey;

thence South 2°17'10" East - 1426.39 feet to a point that bears South 89°16'10" East - 150.0 feet from Station 54+43.89 of said Highway Survey;

thence South 6°51'29" East - 629.22 feet to a point Southeasterly and radially 400.0 feet from Station 50+00 of said Highway Survey;

thence South 28°39'11" West - 467.15 feet to a point Southeasterly and radially 500.0 feet from Station 47+00 of said Highway Survey;

thence South 66°45'32" West - 90.81 feet to the Real Point of Beginning.

Highway Station Reference: 18+50 to 68+68.31

The area above described contains approximately 44.23 acres, 4.10 acres of which are acknowledged to be a portion of a public road.

The bearings as shown in the above land description, unless otherwise noted, are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the Central Zone of Idaho.

WARRANTY DEED

Project No. RS-2709(6)
Key No. 3586
Parcel No. 2, Id. No. 3586L02

Any right of way fencing to be constructed is not necessarily intended to designate the property line and any variance between the location of right of way fencing and the actual property line as herein described shall not be construed as a modification or alteration of this description.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The said Grantor has hereunto set his hand and seal the day and year first above written.


MICHAEL MADALENA, guardian and
conservator of the Estate of
Louis M. Madalena, a protected
person

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Department of Water Resources
Southern Region

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
MICRO FEE EXEMPT -I.C. 67-2301

AUG 20 2003

WARRANTY DEED

Project No. RS-2709(6)
Key No. 3586
Parcel No. 2, Id. No. 3586L02

STATE OF Idaho)
County of Twin Falls) ss.

On this 17th day of November, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL MADALENA, guardian and conservator of the Estate of Louis Madalena, a protected person, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as such guardian and conservator.

(SEAL)

Janet M. Shark
Notary Public for Idaho
Residing at Boise Idaho
My commission expires 6-18-97

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Department of Water Resources
Southern Region

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RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT -I.C. 67-2301
MICHAEL

AUG 20 2003

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 02/16/00

TIME: 14:50:28

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-04076	MADALENA, LOUIS	C		01/01/1893	S/	CLEAR LAKES SPRING	IRR STOCK DOMEST	WR
X36-04076	STATE OF IDAHO	C		01/01/1893	D/	SPRINGS SPRINGS	WILDLF REC AES WILD S REC S AES S	WR
36-04076	STATE OF IDAHO	C		01/01/1893	D/	SPRINGS SPRINGS	P DECR	AJ
A36-04076	STATE OF IDAHO	C		01/01/1893	S/	CLEAR LAKES SPRING	IRR STOCK DOMEST	AJ
R36-04076	STATE OF IDAHO	C		01/01/1893	D/	SPRINGS SPRINGS	P DECR	AJ

MICROFILMED

2000 02 16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5169
WATER RIGHT NO. 36-04076

This is to certify that: **STATE OF IDAHO**
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

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>
WILDLIFE	01/01 to 12/31	3.59 CFS	826.0 AF
RECREATION	01/01 to 12/31	3.59 CFS	826.0 AF
AESTHETIC	01/01 to 12/31	3.59 CFS	826.0 AF
WILDLIFE STORAGE	01/01 to 12/31		23.9 AF
RECREATION STORAGE	01/01 to 12/31		23.9 AF
AESTHETIC STORAGE	01/01 to 12/31		23.9 AF
Totals		* 3.59 CFS	** 826.0 AF

SOURCE

SPRINGS
SPRINGS

TRIBUTARY OF

CLEAR LAKES
SNAKE RIVER

Priority: 01/01/1893

LOCATION OF POINT(S) OF DIVERSION: Lot 7 (SWSWNE), Sec. 1, Township 09S, Range 14E
Lot 8 (SWSENE), Sec. 1, Township 09S, Range 14E
Lot 8 (SESENE), Sec. 1, Township 09S, Range 14E
Lot 5 (SESWNW), Sec. 1, Township 09S, Range 14E
Lot 13 (SESENW), Sec. 1, Township 09S, Range 14E
Lot 5 (SESENE), Sec. 2, Township 09S, Range 14E
Lot 5 (SWSWNW), Sec. 6, Township 09S, Range 15E
GOODING County

PLACE OF USE: WILDLIFE

TWN RGE SEC

09S 14E	1	Lot 7 (SWNE)	Lot 8 (SENE)	Lot 11 (NESE)
		Lot 14 (NWSE)		
15E	6	Lot 5 (SWNW)	Lot 6 (SENW)	Lot 16 (NWSW)

PLACE OF USE: RECREATION & AESTHETIC, same as WILDLIFE use

MICROFILMED

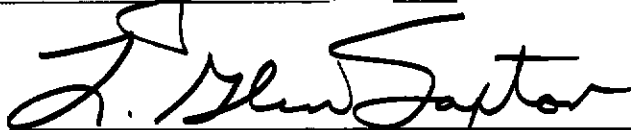
APR 9 3 2002

TRANSFER NO. 5169
WATER RIGHT NO. 36-04076

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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 4. Right 36-04076 is limited to a total annual maximum diversion volume of 826.0 af.
- * 5. The portion of Right 36-04076 used for conveyance losses is 0.38 cfs.
6. The pond system authorized under this approval shall not exceed a 7.0 acre surface area and 1.5 acres of emergent vegetation.
7. No valid water right with a priority date of October 6, 1997 or earlier from the same source or a conjunctively administered source, shall be subject to reduced diversion and beneficial use of water in order to satisfy a call or other action based on Right 36-04076 outside of its historic irrigation season.
8. Rights 36-02048, 36-02703, 36-04013A, 36-04013B, 36-04013C, 36-04076 and 36-04148B when combined shall not exceed a total diversion rate of 116.0 cfs.

Dated this 16th day of February, 2000.


Chief, Water Allocation Bureau

MICROFILMED

APR 03 2001

OCT 6 1997

Page 1 of 6STATE OF IDAHO Department of Water Resources Transfer No. 5169
DEPARTMENT OF WATER RESOURCES Region

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

MAY 28 1999

PART 1

Department of Water Resources

Name of applicant State of Idaho, Transportation Department Phone 334-8812
886-7823Post Office address PO Box 2-A, Shoshone ID 83352-0820

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 Period of use
2. Describe the reason for the proposed changes Developing wetlands wildlife area with pond system.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-04076</u>	<u>01-01-1893</u>	<u>3.59 cfs</u>	<u>Wildlife, Recreation & Aesthetic</u>	<u>01-01</u> to <u>12-31</u>
		<u>23.9 af</u>	<u>Wildlife, Recreation & Aesthetic Storage</u>	<u>01-01</u> to <u>12-31</u>
				to
				to

2. Total amount of water being transferred 3.59 cubic feet per second (and/or 23.9 ^{Storage} acre-feet per annum.3. Source of water Springs tributary to Clear Lakes + Snake River4. Point(s) of Diversion: No Change / As recorded.

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

5. Lands irrigated or place of use: All new uses located within same QQs as original Irrigation 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	
9S	14E	1			<u>Lot 1</u> X	<u>Lot 3</u> X									<u>Lot 11</u> X	<u>Lot 14</u> X			—
	15E	6						<u>Lot 5</u> X	<u>Lot 6</u> X		<u>Lot 16</u> X								—

MICROFILMED

APR 03 2002

Total acres

PART 1

6. General Information:

a. Description of diversion system Spring collection system into irrigation ditch, diverted by pipe to stream and pond system in wetland area. (See Attachments 1 & 2).

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:
NA - Changing nature of use on same place of use; irrigation will cease.

d. Remarks:
Wetland system already partially developed (2 sets of ponds) & applicant plans to develop additional ponds (#5 & 6 identified on Attachment 2.)

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

APR 03 2002

1381

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-04076

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	3.59 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		3.59 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRINGS	CLEAR LAKES
SPRINGS	SNAKE RIVER

Priority: 01/01/1893

LOCATION OF POINT(S) OF DIVERSION:

Lot 7(SWSWNE), Sec. 1, Township 09S, Range 14E
Lot 8(SWSENE), Sec. 1, Township 09S, Range 14E
Lot 8(SESENE), Sec. 1, Township 09S, Range 14E
Lot 5(SESWNW), Sec. 1, Township 09S, Range 14E
Lot 13(SESENE), Sec. 1, Township 09S, Range 14E
Lot 5(SESENE), Sec. 2, Township 09S, Range 14E
Lot 5(SWSWNW), Sec. 6, Township 09S, Range 15E

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>
09S	14E	1	Lot 7(SWNE) 7	Lot 8(SENE) 8	Lot 11(NESE) 9	
			Lot 14(NWSE) 14			38
	15E	6	Lot 5(SWNW) 10	Lot 6(SENW) 2	Lot 16(NWSW) 7	19
Total number of acres irrigated:						57

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
09S	14E	1	Lot 7(SWNE)	Lot 8(SENE)	Lot 11(NESE)
			Lot 14(NWSE)		
	15E	6	Lot 5(SWNW)	Lot 6(SENW)	Lot 16(NWSW)

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
09S	14E	1	Lot 7(SWNE)

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APR 03 2002

Claim No. 36-04076

CONDITIONS/REMARKS:

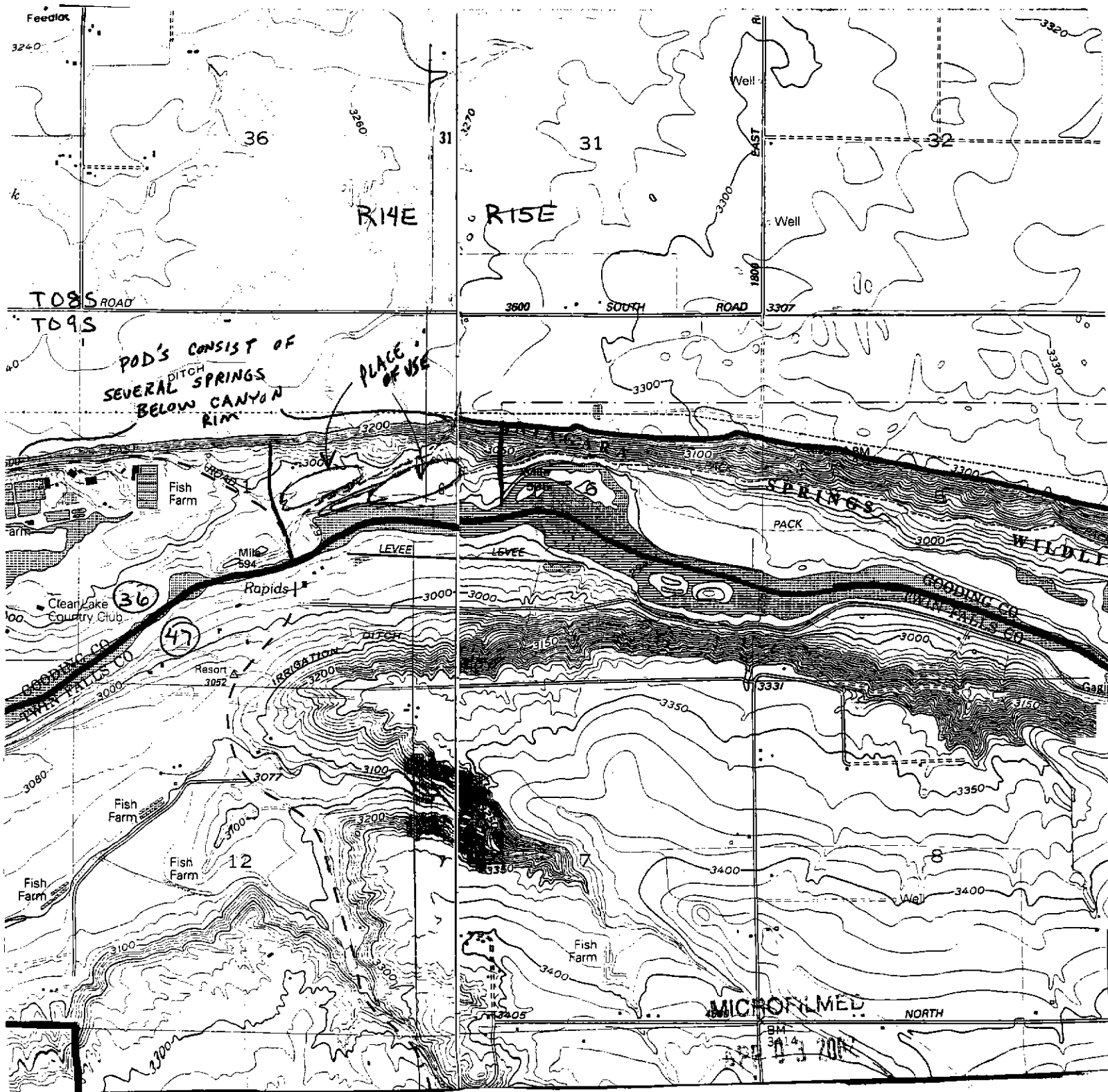
1. 0.38 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
2. A DIVERSION RATE OF 3.21 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED IN T09S, R14E, S02, SESENE LT5 AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS FROM THIS DIVERSION IS LIMITED TO 116.0 CFS.
4. OTHER RIGHT NOS.: 36-04148B, 36-02048, 36-02703, 36-04013A, 36-04013B & 36-04013C.
5. SOURCES FOR THIS RIGHT ARE SPRINGS TRIBUTARY TO CLEAR LAKES AND SPRINGS TRIBUTARY TO SNAKE RIVER.

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APR 03 2002

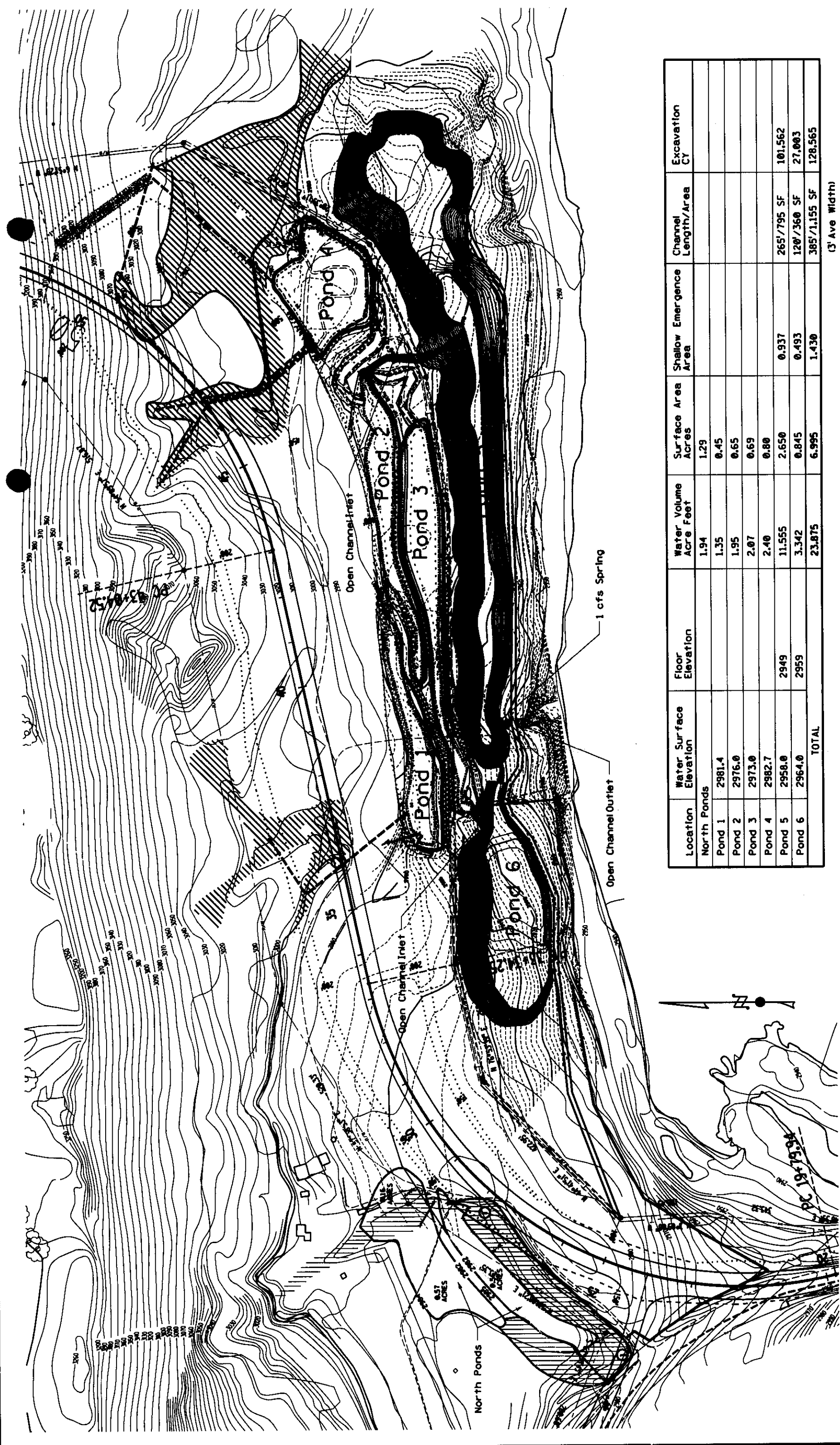
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

SEE ATTACHMENT 2, FOR MORE
 DETAIL RELATING TO PLACE OF USE.



Location	Water Surface Elevation	Floor Elevation	Water Volume Acres Feet	Surface Area Acres	Shallow Emergence Area	Channel Length/Area	Excavation CY
North Ponds			1.94	1.29			
Pond 1	2981.4		1.35	0.45			
Pond 2	2976.0		1.95	0.65			
Pond 3	2973.0		2.07	0.69			
Pond 4	2982.7		2.40	0.80			
Pond 5	2958.0	2949	11.555	2.650	0.937	265'/795 SF	101,562
Pond 6	2964.0	2959	3.342	0.845	0.493	120'/360 SF	27,003
TOTAL			23.875	6.995	1.430	385'/1,155 SF	128,565

(3' Ave Width)

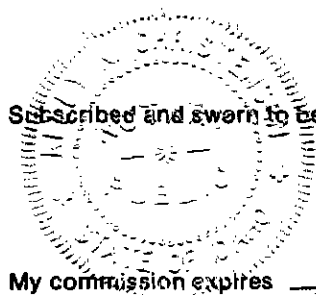
NO. DATE BY		REVISIONS DESCRIPTION		DESIGNED		CADD FILE NO. 0000p01.dgn		DRAWING DATE: 8-19-97		IDaho TRANSPORTATION DEPARTMENT		FEDERAL AID PROJECT NO.		FORM CATALOG NO. ITD-1766	
Δ				DESIGN CHECKED						CLEAR LAKE GRADE ECOLOGICAL BANK		COUNTY Twin Falls		KEY NUMBER crlrke	
Δ				DETAILED						REGION 10		IDAHO		SHEET OF	
Δ				DWG. CHECKED										Attachment 2	

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

- | 1 | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|--|-----------------------|-----------------|----------------|
| | Wildlife, Recreation & Aesthetic | 3.59 cfs | 24/365 | 01-01 to 12-31 |
| | Wildlife, Recreation & Aesthetic Storage | 23.9 cfs | 24/365 | 01-01 to 12-31 |
2. Quantity and quality of return flows and location of discharge:
Wildlife, Recreation & Aesthetic flows continuously through wetland systems available from irrigation ditch and discharges directly into Snake River in an existing channel.
3. Describe effects on other water uses resulting from the proposed change:
No other users between applicant's diversion & river. No change from original diversion system. Less consumptive uses will return more water to river, including seepage from wetlands system that should drain directly to river.

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] SR. ENVIRO. PLANNER
 (Signature of Applicant)

Subscribed and sworn to before me this 3rd day of Nov, 1997.

[Signature]
 (Notary Public)

My commission expires 3-2-98

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments

Received by C. SKINNER Date 10/06/97

Prelim. check by C. SKINNER Fee 100.00 SO20642

* Received by C. SKINNER Date 10/20/97

Published in Gooding Co. Leader

Pub. dates 12/10 & 12/17/97

Watermaster recommendation requested on N/A

Protest filed by -North Snake Gained water Dist
(withdrawn 5/19/99 by stipulation)

Copies of protest forwarded by ✓

Hearing held by NA Date

Recommended for ☒ approval ☐ denial

by AD

Copy of transfer sent to lien holder

* FILING FEE DID NOT ARRIVE IN SOUTHERN REGION
 OFFICE UNTIL 10/20/97

RECEIVED

APR 03 2002

OCT 21 1997

Department of Water Resources
 Southern Region

C9S14E

[illegible]

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09S 15E

[illegible]

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APR 03 2002

Clear Lake Grade Ecological Banking Project

Created Wetlands Opportunity in the
Central Snake River Canyon

MICHAEL J. [unclear]

APR 9 3 2002

ATTACHMENT 1

Created Wetlands in the Canyon

ITD's Clear Lake Grade Mitigation Project of 1995

Idaho Transportation Department, District 4 (ITD), completed in the summer of 1995, mitigative created and enhanced wetlands at Clear Lake Grade. The wetlands are performing as high quality functional wetlands in a comparatively short time frame. The wetlands system was constructed with federal, state and local funds under Project# STP-RS-2709(006), Key# 3586. The mitigation efforts were conducted under the authority of U.S. Army Corps of Engineers (ACE) Permit #NPW 071-OYC-4-004984, and Idaho Department of Water Resources (IDWR) Permit #36-S-38. The created wetlands were constructed to mitigate for impacts from the construction of a new grade (FAS-2709).

In an effort to preserve and enhance the beneficial aspects of spring flows and wetland areas, canyon spring flows were diverted from an existing irrigation ditch. These flows are piped into created and/or enhanced wetlands constructed within the highway right-of-way. Restoration and vegetation of wetlands areas was also accomplished. The success of the wetlands areas has been notable. Native varieties of native wetlands and upland plants dispersed throughout the mitigation site are flourishing.

	Compensation Type	
Riparian Enhancement Area	Enhancement	0.69 acres
Wetland Compensation Area#1	Restoration and Creation	1.79 acres
Wetland Compensation Area #2	Creation	1.31 acres
Wetland Compensation Area #3	Creation	0.80 acres
Total		4.59 acres

All actions compensate for affected wetlands functions and values at a 1.8:1 ratio by area and, at an approximate 2:1 ratio when judged by the criterion of compensatory wetlands providing the same quality and quantity of wetlands functions and values as those adversely affected by the project.

The mitigation wetlands are functioning well within the parameters that one would expect for a young system. The vegetation planted around the edges is well established. The open water areas are well vegetated with *Chara* and show very few areas with open bottoms. Under the requirements of the ACE permit, the mitigation wetlands are superior to the control wetlands in terms of species diversity, species density, and cover (Hoag, 1997).

ITD's Clear Lake Grade Banking Project of 1998

General authority for the proposed Ecological Banking Project follows Federal Highway Administration guidelines for Federal-aid participation in the establishment and support of wetland mitigation banks.

- The Intermodal Surface Transportation Efficiency Act of 1992 (ISTEA).

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APP 03 1992

- The Memorandum of Agreement for Development and Use of a Wetlands Bank in Idaho (revised May 2, 1994).
- Operating Procedures for Development and Use of a Wetland Bank in Idaho (revised May 2, 1994).
- Clean Water Act (33 USC 1251 et seq.)
- National Environmental Policy Act (42 USC 4321 et seq.)
- Preservation of the Nation's Wetlands (DOT Order 5660.1A)
- Mitigation of Environmental Impacts to Privately Owned Wetlands (23 CFR 777)
- Lake Protection Act (Idaho Code ss 58-104[9] and ss 58-142 et seq.)

Based upon several factors, Clear Lakes Grade is selected as the best available site for Ecological Banking for the southern portion of ITD District 4, Snake River Drainage Basin.

- Available water resources at more than three cubic feet per second
- ITD owned property with vehicular access prohibited
- Clear Lake Grade Banking site adjoins State Wildlife Management Area, interagency management of area has already been informally established
- Success of the existing mitigation created wetlands project virtually guarantees success of the expanded wetlands system
- Test pond exhibited good water retention capacity in existing soils
- Natural vegetative colonization from readily available source of diverse wetlands vegetation
- Relatively low cost of construction
- Proposed open channel design will greatly reduce maintenance needs for entire wetlands system
- Greatly reduce risk of existing berm failure impacts to Snake River
- Ensure perpetual preservation of the 89 acre tract for biodiversity and public recreation

The proposed design for Clear Lake Grade Wetlands enlargement will provide more than 11 acre-feet storage capacity. The emergent zone will encompass approximately 1.2 acres, and approximately 1.4 acres will serve as a fishery.

Hydrophytic and aquatic vegetation, upland vegetation, and transitional vegetation will colonize the new wetlands system via wind, connected flows, and animal transference. The proposed design includes initial pond bank stabilization by willow plantings. Waddles, cuttings, and rooted saplings will be emplaced at waters edge to prevent wave-action erosion and quickly provide refugia and shading. Non-intrusive grass will be seeded in all disrupted soils to prevent noxious weed infestation. Existing vegetative material will provide excellent species diversity, as diversity in the existing created wetlands is excellent.

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Connected flows between the existing and proposed created wetlands are key to natural vegetation establishment. Vegetative cover establishment within two years of completion of the proposed ponds is anticipated based upon the high survival rate and colonization of plantings and seedlings associated with the existing wetlands ponds.

Interagency Coordination and the Clear Lake Banking Team

Interagency coordination and cooperation for the expanded created wetlands proposal has been excellent. An onsite field review of the proposed ecological bank was conducted on January 14, 1997. Members of the banking team attending included;

Alison Beck-Haas, U.S. Fish and Wildlife Service

John Olson, U.S. Environmental Protection Agency

Mary Gray and Ross Blanchard, Federal Highway Administration

Rob Brochu, U.S. Army Corps of Engineers

Mike McMasters, Idaho Division of Environmental Quality

Terry Blau, Idaho Department of Water Resources

Dave Parrish, Idaho Department of Fish and Game

Bruce Lium, Ph.D., American Water Resources Company

Jon Schierman, Idaho Transportation Department

Chuck Carnohan, Idaho Transportation Department

Banking team members unable to attend the field review meeting, but intimately involved with the project include;

Chris Hoag, National Resource Conservation Service

Chris and Mike O'Brien, The Nature Conservancy

Mary Gray and Ross Blanchard, Federal Highway Administration

Discussions and meetings held during conceptual and preliminary development have been most productive. Team members will be encouraged to oversee the construction of the proposed ecological bank. Since all members of the banking team have expertise in various disciplines, their input before, during, and after construction will be invaluable. This collaborative approach will enable Clear Lake to become a truly dynamic, natural-like system.

The Banking Team will remain intact perpetually as represented by the entities. Designated team members may change over time with agency staffing alterations. Each current Banking Team member shall thoroughly indoctrinate and familiarize new team members as may become necessary.

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Assurance of Perpetuity

The existing mitigative wetlands at Clear Lake are protected into perpetuity under the previously mentioned permits from ACE and IDWR. Additionally, ITD guarantees that the proposed Clear Lake Grade Ecological Bank will be perpetually preserved and protected. Should property ownership change to another governmental agency, such as IDFG, or a recognized environmental non-governmental agency, such as Nature Conservancy, assurance of perpetuity will remain guaranteed by deed restrictions, covenant, or similar legally binding instrument.

No change of ownership may occur without full knowledge and consensus by the banking team. Furthermore, mitigative rights to the ecological bank will remain with ITD perpetually. Any and all mitigative debits from the bank will be processed through ITD and the banking team, regardless of property ownership.

Ecological Bank Funding for Construction

ITD will construct the proposed Ecological Bank at Clear Lake Grade Using state and federal funds. The cost of construction will be minimized through innovative techniques capitalizing on available vegetative resources onsite. In addition, volunteer efforts towards wetland enhancement will be encouraged. The proposed project site offers a materials site for excavation of approximately 92,500 cubic yards of material. ITD will evaluate the dollar value and cost of excavation before project construction. This may allow more productive spending of limited available funds on desirable habitat and aesthetic aspects for the ecological bank.

Use of the Bank for Mitigative Purposes

The banking team will be involved in all debit transactions concerning the ecological bank at Clear Lake. Area and characterization of the mitigation needs will be matched to the ecological bank as closely as possible excepting the first two mitigation uses which will be arbitrarily assigned. Best professional opinion will be utilized in the determination of particular tracts of created wetlands debited for specific mitigation needs. An "as built" map will be created reflecting actual conditions at the ecological bank. ITD will then delineate the area of debit for a selected mitigative need, and record it on the map digitally. All interested parties will be provided with a full description of the transaction and the updated map for each transaction. Exception to this procedure may be allowed with concurrence of the Banking Team.

Clear Lake Ecological Bank will be utilized for ecological impact mitigation when opportunity for onsite mitigation of highway projects impacts is unfeasible or impractical from an environmental quality perspective. Most likely candidates for Clear Lake Ecological Bank debit assignment for environmental impacts associated with highway projects include:

- Urban and/or commercial areas where mitigation efforts would be of little ecological value
- Exceedingly small mitigation requirements for project impacts, and
- Nonjurisdictional wetland impacts

Banking Team consultation will be required, and consensus obtained, before any mitigative designation. The areal extent of debit requirements and specific location of debits shall be agreed upon by consensus of the Banking Team for each debit event. This process will continue until all of the Clear Lake Ecological Bank has been committed to mitigate for unavoidable transportation project environmental impacts.

MICHAEL

APR 23 2002

The ecological bank is envisioned for use primarily by ITD for mitigative needs. There will be consideration given to other public entities for possible debits if needs are substantiated, the banking team concurs, and ITD is compensated for the debit value.

Monitoring and Functional Evaluation

Chris Hoag, Wetland Plant Ecologist with the NRCS Aberdeen Plant Materials Center is currently monitoring the existing created wetlands at Clear Lake. Under the authority of a Memorandum Of Agreement between ITD and NRCS, monitoring will be conducted on an annual basis. The monitoring report will be provided to the banking team members for comment. Monitoring will until such time that the banking team members agree that quality and function of the wetlands system is acceptable. Monitoring methodologies will follow the terms of the MOA (see attachment).

Mitigation Requirements for Construction Design

The proposed created ecological bank is currently associated with two ITD projects for direct mitigation. Cameron's Corner- Rupert SH 25, Jct. SH 24, West (Project No. STP-7812(101) Key No. 5406) and, Junction US 30/93 to Twin Falls (Project No. F-2391(055) Key No. 1045). Cameron's Corner will affect a small nonjurisdictional wetland this impact will be mitigated under Executive Order 11990. The impacts will encompass less than 1/4 acre of poor quality wetlands. Junction US 30/93 to Twin Falls will encroach on two small live streams. Stream alteration impacts and minimal wetlands impacts will be mitigated at Clear Lake. Mary Gray, FHWA, Rob Brochu, ACE, and Terry Blau, IDWR, have agreed to use the Clear Lake Bank for mitigating impacts for these projects.

Due to the fact current mitigation needs in District 4, Snake River Drainage, are small- there are few constraints for the design of Clear Lake Ecological Bank. Therefore, creative design and multifunctional considerations are included in the design. These multifunctional attributes include open stream channel riffles and runs, deep pools as cold water fisheries habitat; shallow pools for warm water fisheries habitat, emergent wetlands, and a subsurface spring inlet flow. Also, be aware that the attached drawing is preliminary. Modifications to the preliminary plan toward a natural-like system are anticipated. Directed by conditions encountered during construction, construction design changes will be adopted as appropriate.

Banking Team Consensus

By the attached letters of response and consensus, the representatives of the involved entities constituting the Clear Lake Ecological Banking Team, consent and agree to the Clear Lake Ecological Bank as described in this document. This agreement shall not restrict or confine the project. Conversely, this agreement is to serve as a bridging tool for the enhancement and betterment of the project with interdisciplinary work towards a dynamic wetlands system serving the South Central Idaho Snake River Drainage.

MICHAEL J. JONES
APR 11 2002

WARRANTY DEED

RECEIVED

DEC 23 1994

Project No. STP-RS-2709(008) & WETLANDS

Key No. 3586

Parcel No. 2 (Wetlands), Id. Nos. 3586L09 & 0037526

Department of Water Resources

THIS INDENTURE, Made this 29th day of SEPTEMBER 1994, between
LUDELL WALDRON, guardian and conservator of THE ESTATE OF LOUIS M.
MADALENA, a protected person, Grantor, and the STATE OF IDAHO, IDAHO
TRANSPORTATION DEPARTMENT, by and through the IDAHO TRANSPORTATION BOARD,
3311 West State Street, Boise, Idaho 83703, Grantee.

WITNESSETH, That the said Grantor, for value received, does grant,
bargain, sell, convey and confirm unto the said Grantee, all the following
described real property situated in County of Gooding, State of Idaho,
to-wit:

A parcel of land being all of Government Lot 16 and those
portions of Government Lots 5 & 6, lying Southerly of the Snake
River Canyon Rim, all in Section 6, Township 9 South, Range 15
East, Boise Meridian, situated in Gooding County, State of Idaho;

Together with all of Government Lot 11 and that portion of
Government Lot 14, lying Northeasterly of the Southwesterly right
of way line of Clear Lake Road and all those portions of
Government Lots 7 & 8, lying Southerly of the Snake River Canyon
Rim, all in Section 1, Township 9 South, Range 14 East, Boise
Meridian, in said Gooding County;

EXCEPTING from both of the above parcels any portion thereof
lying within the boundaries of the tract of land as described in
that certain Warranty Deed dated November 17, 1993 and recorded
December 1, 1993 as Instrument No. 154976, records of said
Gooding County;

Also conveyed herewith are the rights to approximately 3.5 cubic
feet per second of Spring Water or that amount, if different, as
a result of the pending Snake River Adjudication.

The Snake River Canyon Rim is at approximate elevation 3250 feet
at the East end of the above conveyed property and 3200 feet at
the West end of said conveyed property.

The Total area conveyed by this instrument is approximately 88.97
acres.

Page 1

RECORD AT THE REQUEST OF THE STATE OF IDAHO

FEE EXEMPT -I.C. 67-2301

SEP 23 2002

WARRANTY DEED

Project No. STP-RS-2709(008) & WETLANDS
Key No. 3586
Parcel No. 2 (Wetlands), Id. Nos. 3586L09 & 0037526

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The said Grantor has hereunto set his hand and seal the day and year first above written.


LUDELL WALDRON, guardian &
conservator of the Estate of Louis
M. Madalena, a protected person

STATE OF IDAHO)
County of TWIN FALLS) ss.

On this 29TH day SEPTEMBER, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared LUDELL WALDRON, guardian and conservator of the Estate of Louis Madalena, a protected person, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such guardian and conservator.

(SEAL)


Notary Public for IDAHO
Residing at TWIN FALLS
My commission expires 11/1/99

Page 2

RECORD AT THE REQUEST OF THE STATE OF IDAHO
FEE EXEMPT - I.C. 67-2301

APR 03 2002

MICROFILMED

Important Information About Your Water Right

August 27, 2001

STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE, ID 83352

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 36-04076. 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 January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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 36-04076

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 January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 03-15 11-15

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

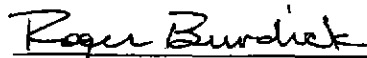
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

RULE 54(b) CERTIFICATE

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

Dated August 27, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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 36-04076

1999 JUN 15 PM 12:05

NAME & ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES
SPRINGS SNAKE RIVER

QUANTITY: 3.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 116.0 CFS. COMBINED RIGHT NOS.:
36-041488, 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C.

PRIORITY DATE: 01/01/1893

POINT OF DIVERSION: T09S R14E S01 LOT 7 (SWSWNE) Within GOODING County
LOT 8 (SWSENE)
LOT 8 (SESENE)
LOT 5 (SESWNW)
LOT 13 (SESENW)
S02 LOT 5 (SESENE)
R15E S06 LOT 5 (SWSWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.59 CFS
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T09S R14E S01 Lot 7 (SWNE) 7 Lot 8 (SENE) 8 Lot 11 (NESE) 9 Lot 14 (NWSE) 14
R15E S06 Lot 5 (SNNW) 10 Lot 6 (SENW) 2 Lot 16 (NWSW) 7
57 ACRES TOTAL

STOCKWATER Within GOODING County
T09S R14E S01 Lot 7 (SWNE) Lot 8 (SENE) Lot 11 (NESE) Lot 14 (NWSE)
R15E S06 Lot 5 (SNNW) Lot 6 (SENW) Lot 16 (NWSW)

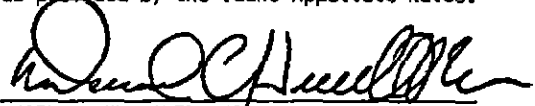
DOMESTIC Within GOODING County
T09S R14E S01 Lot 7 (SWNE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

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



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 12, 2003

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

RE: Change of Ownership for Water Right 36-4076

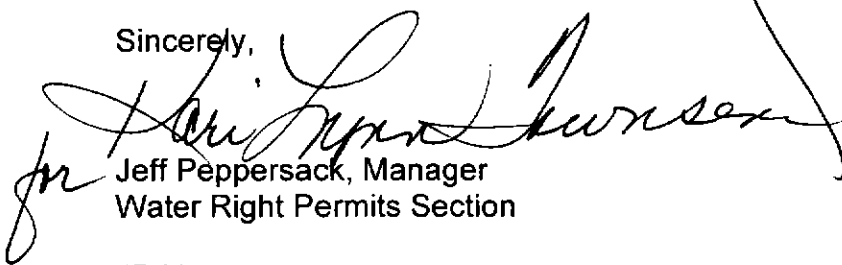
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

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 this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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100 JUL 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**AUG - 5 2003**

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-04076	A36-04076	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s). In question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) State of Idaho, Dept. of Transportation
PO Box 2A, Shoshone ID 83352
4. New Owner/Claimant(s) State of Idaho, Dept. of Fish and Game
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 25
- City, State and ZIP Code Boise, ID 83707
- New Telephone Number (208) 334-3700
5. Date you acquired the property 11/27/2002

RECEIVED**AUG 01 2003**Department of Water Resources
Southern Region

MICROFILMED

AUG 26 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Cynthia A. Robinson
(include title if applicable) Staff Biologist
for Steven Huffaker, Director

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>[Signature]</u>	Date <u>8/1/03</u>	Fee <u>25.00</u>	
Receipted by <u>[Signature]</u>	Date <u>8/1/03</u>	Receipt No. <u>5026023</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

RECEIVE

AUG 01 2003

Department of Water Resources
Southern Region

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AUG 20 2003



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, Idaho 83707-0025

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

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AUG 01 2003

Department of Water Resources
Southern Region

July 31, 2003

Idaho Department of Water Resources
Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RE: Change of ownership for water right 36-04076

To Whom It May Concern:

I have enclosed a completed Change of Ownership form for water right 36-04076 and a check (#70111) for payment of filing fees. Please return a receipt for payment so I can clear this matter with our accounting office. Thank you.

Sincerely,

Cindy Robertson
Staff Biologist
281-2715

c: Scott Gamo, Magic Valley Region

receipt sent
8/1/03
[Signature]

Keeping Idaho's Wildlife Heritage



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

April 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DEPARTMENT OF TRANSPORTATION
STATE OF IDAHO
PO BOX 2-A
SHOSHONE ID 83352

RE: TRANSFER NO. 5169 OF WATER RIGHT NO. 36-04076

Gentlemen:

Returned is the "Proof of Beneficial Use" ("proof") form which you submitted to the department on March 15, 2000, in connection with the above referenced transfer of water right. The form is being returned to you, since there is no requirement to file a proof form and associated fee in connection with a transfer of a water right. Proofs are only required in connection with a water right permit which will become a license after the proof is submitted and the permitted use has been examined by department staff.

The license examination fee of \$175 which you submitted with the proof will be returned to you under separate cover in about two weeks.

As further explanatory information for you, the transfer approved by the department on February 16, 2000, authorizes you to make the changes to the water right which are described on the transfer document. At this point, you can proceed to make the authorized changes to the water right.

If you have questions, please feel free to contact the department.

Sincerely,

DEBORAH DREW-ELLIS
Administrative Assistant

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APR 11 2002

Encl: 1

c: IDWR - Region
Debbie Allen

3/1/00

FOR OFFICE USE ONLY
Amt. of Fee \$: 175.00
Receipt No. 048442
Receipt By: DM
Date Received: 3-5-00

MAR 15 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR 15 2000

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 36-04076 Telephone No. (208) 886-7800

2. Name of Permit Holder(s): STATE OF IDAHO DEPT. OF TRANSPORTATION

3. Mailing Address: P.O. Box 2-A

City SHOSHONE State ID Zip 83352

4. Source of Water: SPRINGS If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Wildlife, Recreation, Aesthetic

6. Total rate of diversion and/or volume for which proof is submitted: 3.59 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No _____

Has the measuring device been installed?

Yes ☒ or No _____

8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: CHUCK CARNONAN Telephone Number: 886-7823

Address: Box 2-A SHOSHONE, ID 83352

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Sr. Environmental Planner Date: 3-1-00

(include your title, if on behalf of company or organization)

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APR 03 2002

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 2048442

Date: 3/15/2001
Time: 15:15:06

Received
From: STATE OF IDAHO DEPT OF TR

	Type of Payment		Program A cct	Amount
INEFICIAL USE	# 36-04076	56104	229 21 1155	175.00

CHECK

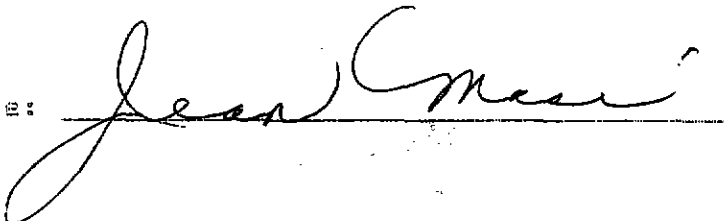
926124

Total

*

175.00

Region: STATE

Signature: 

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APR 03 2002



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

February 17, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

RE: Water Right 36-04076 (Transfer 5169)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5169). 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,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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APR 03 2002

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of February, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 36-04076 (Transfer 5169)

**STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352**


**Kari Lynn Townsend
Secretary**

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APR 11 2002

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MEMORANDUM

TO: Right 36-04076 *JS*
FROM: Pam Skaggs/State Office
SUBJECT: Transfer 5169
DATE: February 16, 2000

Transfer 5169 changes the nature and season of use under Right 36-04076. The applicant is the current owner of land originally developed as a small farm. This right's historical use was recently evaluated by the SRBA to include 57 acres of irrigation, 1 home and stockwater for 50 range cattle.

The applicant is developing a wetland project to mitigate the impact of this and other roadway projects. Part of the project has already been constructed and the transfer covers the entire proposed pond system. Six proposed ponds will have a storage capacity of 23.9 af and a surface area of 7.0 acres. Irrigation will cease entirely and the flow associated with this right will continue to provide year round wildlife, recreation and aesthetic flow through the wetland pond system.

The change in nature of use will result in a net reduction of consumptive use. In order to avoid expansion by allowing year round use, the total diversion volume is limited to historical use. The original use was evaluated as a result of the protest by North Snake Groundwater District identifying 826.0 afa as the historic annual diversion volume and agreed to as part of the stipulation agreement. The higher than average volume was justified when the location and system were evaluated. Region staff concurs with this recommendation.

Recommended conditions include agreed upon conditions from the stipulation, combined right limits from the SRBA partial decree, measuring and annual reporting and standard transfer conditions.

Change in Nature of Use Evaluation

	Rate	Uses	Div. Vol.	C.U. Vol.
Before	3.59 cfs	57.0 acres 50cattle/1home	783.0 afa <u>43.0 afa</u> 826.0 afa	171.0 afa <u>0.0 Afa</u> 171.0afa
After	3.59 cfs	W/R/A Flow Storage Ponds	826.0 afa <u>23.9 afa</u> 826.0 afa	0.0 afa <u>21.0 afa</u> 21.0 afa

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TRANSFER REVIEW SHEET

(10-99)

Transfer # 5169

Date Reviewed 2-14-2000

Right(s) 36-04076 - SRBA Partial Decree - Resubmitted

☒ WRQ/Split Summary ☒ Resubmitted/Partial Decree
☒ 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

☒ Other

H:Change P/D & Add P/D

I:Change P/D & P/U

Change Nature

J:Add P/D & Change P/U

Proof of Ownership SRBA Decree & Warranty Deed covers P/D & includes water right (3.5 spring water.)

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NDNF

Check Transfer Against Recorded Right:

Standard Season (245 Days)
3-15 to 11-15

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 ☒ Proof/Owner ⑩ ☒ Map

NSGWD District/WestESPA WMD Dist.

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion w/limits

① Condition per Stipulation outside TBR season.

② Change to Width/Re/Acs Flow & storage

③ Allow yr. round use w/ subordinate priority outside TBR season.

⑤ Storage Vol limited to Pond System Capacity of 23.9 abpd per proposal.

Stipulation limits flow to (826 abpd) High Vol. due to evaluation of historic use

⑦ As decreed per stipulation

⑧ Per app & stipulation

Letter 2-18-98 to amend app. to remove P/D Listed Lots, S.D.2, 9S, 14E. - Same as Partial Decree per Stipulation. - Carry decreed conditions/Combine Rt (limit. (W35)

Transfer Remarks Stip. Conditions #7 & 8 - 38 cfs for conveyance (W35)

Conditions 067, T07, T08

Database/Processing Notes

Standard ☐ Non-Standard ☒

T file copied to an "X" prefix. Delete T & remark to base WR. ☒

Send copy of Approval to Jo Beeman as attorney for NSGWD & protestant.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

CS 02-14-2000

SRBA

SUBCASE SUMMARY REPORT 36-04076

Return to SRBA Home Page

SRBA
02-14-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-04076 FILE#: 00529
CLAIMANT: IDAHO TRANSPORTATION DEPART.
STATUS: PD ISSUED
WATER SOURCE: SPRINGS, CLEAR LAKES

**** PARTIES INVOLVED ****

IDAHO TRANSPORTATION DEPAR C PRO SE

**** ROA ENTRIES ****

12-07-1993	CHANGE OF ADDRESS FILED	
02-22-1995	SUBSTITUTION OF PARTY ID. TRANS. FOR MADALENA	
01-15-1998	PARTIAL DECREE FILED	01-15-1998
01-15-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT	

Return to SRBA Home Page

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APR 03 2002

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-04076	MADALENA, LOUIS	C	01/01/1893	S/	CLEAR LAKES SPRING	IRR STOCK DOMEST	WR	
136-04076	STATE OF IDAHO	C	01/01/1893	J/	SPRINGS SPRINGS	WILDLF REC AES WILD S REC S AES S	WR	
36-04076	STATE OF IDAHO	C	01/01/1893	D/	SPRINGS SPRINGS	P DECR	AJ	
A36-04076	STATE OF IDAHO	C	01/01/1893	S/	CLEAR LAKES SPRING	IRR STOCK DOMEST	AJ	
R36-04076	STATE OF IDAHO	Supplemental Dir. Report C	01/01/1893	D/	SPRINGS SPRINGS	P DECR	AJ	

Condition C18 added

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APR 03 2002

TS169

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

RECEIVED

JUN 07 1999

Department of Water Resources

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

June 3, 1999

RECEIVED

JUN 04 1999

Department of Water Resources
Southern Region

Allen D. Merritt, P.E.

Southern Region Manager

Idaho Department of Water Resources

1341 Fillmore Street, Suite 200

Twin Falls, ID 83301-3380

Re: Transfer No. 5169 (36-04076-ID)
B&H File No. 1780.2a

Dear Mr. Merritt:

Thank you for your May 20, 1999 letter advising me of the status of the above-referenced matter. I request that you continue to include me on the mailing list until this matter is concluded and a final decision is issued.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

BEEMAN & HOFSTETTER, P.C.

Jo Beeman
Josephine P. Beeman

JPB:cbs

D:\1780\2\2855

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APR 03 2002

IDWR TRANSFER ANALYSIS SHEET

J # 5169

APPLICANT

Edna D. Drenth

TRANSFER NO.

36-04076

1. Right number(s)

36-04076

2. Type of right

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

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

BASED
ON SRBA
RECOMMENDATION

NO OVERLAPPING RIGHTS.

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 NO CHANGE

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:

YEAR ROUND DIVERSION RATE ?

RECEIVED

MAY 28 1999

Department of Water Resources

i. X

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

NONEj. XSRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) BASE RIGHT FORTRANSFER BASED ON SRBA RECOMMENDATIONk. X

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

INITIAL ALLOCATION REVIEW BY A. SKINNER
 SRBA SUPERVISOR REVIEW BY _____
 PUBLICATION REVIEW BY _____

DATE 10/31/97
 DATE _____
 DATE _____

1. Legal Notice electronically sent to DWR03::VAULT

Copy to AS

✓ Yes @ 9:06 (12/4) 97
✓ Yes 12/4/97

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly?

X Yes _____ No

4. Affidavit of publication received?

X Yes _____ No5. Protests received? X Yes _____ No; Acknowledgement sent?X Yes

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

X Yes

RECOMMENDED ACTION

1. X Approve

Protest withdrawn 5/19/99

2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

X Also see attached memo for recommendation dated: 5/26/994. By AgDate 5/26/99

FROM: Allen Merritt *Am*
TO: Transfer File No. 5169
Water Right(s): 36-04076

DATE: May 26, 1999

In the Name of: State of Idaho Transportation Department

SUBJECT: Review and Recommendation

This transfer involves the change of nature of use of a right recently decreed in the SRBA. The right was originally for irrigation of 57 acres and stockwater and domestic use from waters diverted from numerous springs in the area. The ranch was purchased by IDT and a new road built across the property. Much of the original P/U has been obliterated by the roadway and the area not obliterated has been turned into a mitigation bank project for wildlife/recreation/aesthetic purposes. The bank will be used to mitigate other IDT project impacts throughout Southern Idaho.

The transfer was advertised and received a protest from the North Snake Groundwater District. A conference was held which did not resolve the issues. A hearing was scheduled but the parties finally ironed out an agreement prior to the hearing and it was canceled.

The agreement defines the right element by element which appears to be something that IDWR could accept and approve the right accordingly.

RECOMMENDATION

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

- Modify the right according to agreement.
- Subject to agreement.
- Install measuring devices on all points of diversion and measure and report use.

***Note that no GIS shapefiles have been created for the proposed transfer. This may need to be done on final approval by S.O.

MICROFILMED

APR 03 2002

FILE PROGRESS SUMMARY

T# 5169

APPLICANT: Ada Irons Leff

WATER RIGHT NO. 36-04076

INIT.	DATE	COMMENT
ack	10/21/97	Stopped to Corey
PS	10/31/97	REVIEWED APPLICATION, DISCOVERED APPLICATION WAS NOT SIGNED AND NOTARIZED, EVERYTHING ELSE SEEMED OK. INFORMED CHUCK CARNAHAN OF ITD ABOUT NEED TO SIGN AND NOTARIZE APPLICATION. HE SAID HE WOULD BE IN.
PS	11/03/97	CHUCK CARNAHAN STOPPED BY AND SIGNED AND NOTARIZED APPLICATION. GAVE APPLICATION TO MARY TO PREPARE ADVERTISING
MB	12/2/97	Adv. Sch - GL 12/10 & 12/17/97; 12/29/97
MB	12/19/97	Pub. aff. re.
MB	12/29/97	Prot Rec
MB	1/5/98	Prot ack Rtr Sent
PS	1/20/98	SPOKE WITH CHUCK CARNAHAN ^(RETURN CALL) REGARDING APPLICATION AND PROTEST. MR. CARNAHAN INQUIRED ABOUT THE POSSIBILITY OF REMOVING A POINT OF DIVERSION FROM THE APPLICATION.
MB	2/19/98	Copy of file sent to J. Leeman, ESQ
PS	2/19/98	Received letter from Chuck Carnahan requesting the deletion of a POD and clarification of source/tributary on the enclosed application
MB	1/22/99	Conf. Notice sent for 2/18/99 @ 10:00
AM	2/18/99	Conf. Held
AM	2/19/99	HRG. Notice sent - 4/1/99 @ 10:00 a.m.
MB	5/19/99	Prot. Withdrawal received
MB	5/20/99	Ltr. ack. Withdrawal of prot. sent + notification of applicant.
MB	5/20/99	to ADM for signoff
AD-	5/25/99	f. mng & forward to S.D.



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

May 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

RE: Application for Transfer No. 5169 (36-04076)

Dear Applicants:

We have received a withdrawal of the protest on behalf of the North Snake Ground Water District against approval of the above referenced application.

Since they were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

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

CC:
PETER AMPE
OFFICE OF ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

MICROFILMED
JUN 11 1999



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

May 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOSEPHINE P BEEMAN
BEEMAN & HOFSTETTER PC
PO BOX 1427
BOISE ID 83701-1427

RE: Application for Transfer No. 5169 (36-04076-ID Dept of Transportation)

Dear Ms. Beeman:

This office acknowledges receipt of the withdrawal of the protest filed on behalf of the North Snake Ground Water District against the above referenced application.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

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

AM:MB

MICROFILMED

APR 23 1999



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED

MAY 21 1999

Department of Water Resources
Southern Region

May 20, 1999

Allen D. Merritt
IDWR Southern Region
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

Re: Application for Transfer No. 5169

Dear Mr. Merritt:

Enclosed for filing with IDWR is the original **Stipulation** in the above referenced matter. If you have any questions, please contact Pete Ampe at (208) 334-4125.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Kelly R. Jennings".

KELLY R. JENNINGS
Natural Resources Division

Enclosure
LTRFRM.DOC

MICROFILMED
APR 29 2002

ALAN G. LANCE
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

PETER J. AMPE
Deputy Attorney General
Natural Resources Division
700 West Jefferson Street, Room 210
P. O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Fax: (208) 334-2690

Attorneys for Applicant
Idaho Transportation Department

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
Telephone: (208) 388-8900
Fax: (208) 388-8400
beehof@micron.net

Attorneys for Protestant
North Snake Ground Water District

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

In the Matter of the Application For)
Transfer No. 5169 (36-04076))

IDAHO TRANSPORTATION)
DEPARTMENT,)
Applicant,)

and)

NORTH SNAKE GROUND)
WATER DISTRICT,)
Protestant.)

RECEIVED

MAY 21 1999

Department of Water Resources
Southern Region

STIPULATION

This Stipulation is made by and between the State of Idaho, Transportation Department
("ITD") and the North Snake Ground Water District ("NSGWD"), hereinafter referred to
collectively as "Signatories".

MICROFILMED
APR 03 2002

ORIGINAL

RECITALS

WHEREAS, in the Fall of 1997, ITD applied to the Idaho Department of Water Resources ("IDWR") to transfer the period of use and nature of use for Water Right No. 36-04076 ("Transfer No. 5169"); and

WHEREAS, on or about December 29, 1997, the NSGWD filed a *Protest* to Transfer No. 5169; and

WHEREAS, the Signatories desire to resolve matters relating to Water Right No. 36-04076 and Transfer No. 5169;

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth herein, ITD and NSGWD agree and stipulate to the approval of Transfer No. 5169 based on the following terms and conditions:

(1) The "name and address" of Water Right No. 36-04076 shall remain as decreed in the Snake River Basin Adjudication ("SRBA"). See Exhibit A attached hereto.

(2) The "source" of Water Right No. 36-04076 shall remain as decreed in the SRBA. See Exhibit A attached hereto.

(3) The total "quantity" for Water Right No. 36-04076 shall remain 3.59 cubic feet per second ("cfs"). The approval for Transfer No. 5169 shall include a limitation that the total volume diverted shall not exceed 826 acre-feet per year ("afy"). The approval for Transfer No. 5169 shall include a condition that 0.38 cfs of the total quantity of 3.59 cfs is designated for conveyance losses in delivery of the right. The combined use limitation under "quantity" shall remain as it was decreed in the SRBA and shall be included as a provision in the approval of Transfer No. 5169. See Exhibit A attached hereto.

MICROFILMED

APR 03 2002

(4) The "priority date" of Water Right No. 36-04076 shall remain as decreed in the SRBA. See Exhibit A attached hereto.

(5) The "point of diversion" of Water Right No. 36-04076 shall remain as decreed in the SRBA. See Exhibit A attached hereto.

(6) The "purpose and period of use" of Water Right No. 36-04076 shall be designated in the approval of Transfer No. 5169 as follows:

Purpose of Use	Period of Use	Quantity
Wildlife	Jan 1 - Dec 31	3.59 cfs / 826 afy
Recreation	Jan 1 - Dec 31	3.59 cfs / 826 afy
Aesthetics	Jan 1 - Dec 31	3.59 cfs / 826 afy
Storage	Jan 1 - Dec 31	3.59 cfs / 826 afy

(7) The "place of use" for all purposes of use of Water Right No. 36-04076 shall be described in the approval for Transfer No. 5169 as having the following permissible place of use:

T9S R14E S1: Lot 7 (SWNE), Lot 8 (SENE), Lot 11 (NESE), Lot 14 (NWSE)
T9S R15E S6: Lot 5 (SWNW), Lot 6 (SENW), Lot 16 (NWSW)

A condition shall be included in the approval for Transfer No. 5169 limiting the place of use to 7 acres of pond surface area and 1.5 acres of emergent vegetation within the permissible place of use.

(8) The following limitation shall be included in the approval for Transfer No. 5169:

No valid water right with a priority date of October 6, 1997 or earlier from the same source or a conjunctively administered source, shall be subject to reduced diversion and beneficial use of water in order to satisfy a call or other action based on Water Right No. 36-04076 outside of its historic irrigation season.

MICROFILMED

APR 03 2002

(9) IDWR may include such additional conditions in the approval of Transfer No. 5169 as IDWR deems necessary, and such additional conditions shall not affect the validity of this Stipulation.

(10) The Signatories agree this Stipulation is entered into and executed voluntarily by all parties in good faith and without any fraud, misunderstanding, overreaching, misrepresentation or duress. Both parties participated in drafting this Stipulation.

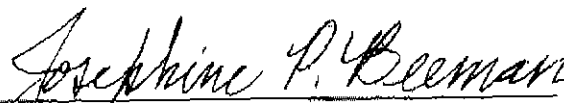
(11) The Signatories agree this document contains the agreement between the parties with respect to Transfer No. 5169 in full and incorporates and takes precedence over any prior agreement between the Signatories in this matter, whether oral or written.

(12) This Stipulation shall not be changed orally, nor shall it be deemed modified in any way by the act of any of the Signatories.

(13) The Signatories agree that each shall bear their own costs and fees incurred in connection with this matter.

(14) If any provision of this Stipulation is held to be invalid, illegal or unenforceable in any respect, such shall not affect any other provision hereof and this Stipulation shall be construed as if such invalid, illegal or unenforceable provision had never been included herein, all other terms and provisions remaining effective and in force to the fullest extent permitted by law.

DATED this 19th day of May, 1999.


JOSEPHINE P. BEEMAN, Attorney for
North Snake Ground Water District

DATED this 19th day of May, 1999.


PETER J. AMPE, Deputy Attorney General
Attorney for Idaho Transportation Department
APR 23 2002

MAR. -02'99(TUE) 15:01

ATT. GEN. NATURAL RESOURCES

TEL: 208 334 2690

P. 002

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

IN RE 388A
Case No. 38876

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-06076

1999 JUN 15 PM 10:05

NAME & ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83452

SOURCE: SPRINGS
SPRING

TRIBUTARY: CLEAR LAKES
SHANE RIVER

QUANTITY: 3.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 118.0 CFS, COMBINED RIGHT NOS. 1
36-041480, 36-02048, 36-02703, 36-04073A, 36-04013R, & 36-04013C.

PRIORITY DATE: 01/01/1993

POINT OF DIVERSION: 1066 R146 S01 LOT 7 (SEWNNE)
LOT 8 (SEWNE)
LOT 9 (SEWNE)
LOT 5 (SEWNW)
LOT 13 (SEWNW)
LOT 5 (SEWNE)
LOT 5 (SEWNW)
R158 S04

Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
STOCKWATER
DOMESTIC & HOME

PERIOD OF USE
IRRIGATION 000000
01-01 12-31
01-01 12-31

QUANTITY
3.59 CFS
0.02 CFS
0.04 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
1066 R146 S01 Lot 7 (SEWNNE) 7 Lot 8 (SEWN) 8 Lot 11 (SEWN) 9 Lot 14 (SEWN) 16
R158 S04 Lot 5 (SEWNW) 10 Lot 6 (SEWN) 2 Lot 10 (SEWN) 7
STOCKWATER Within GOODING County
1066 R146 S01 Lot 7 (SEWNNE) Lot 8 (SEWN) Lot 11 (SEWN) Lot 14 (SEWN)
R158 S04 Lot 5 (SEWNW) Lot 6 (SEWN) Lot 10 (SEWN)
DOMESTIC Within GOODING County
1066 R146 S01 Lot 7 (SEWNNE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

MICROFILMED

APR 03 2002

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-06076

EXHIBIT A
Stipulation
Transfer No. 5169
Page 1 of 2

PAGE 1
DEC-29-1997

MAR. -02' 99 (TUE) 15:02

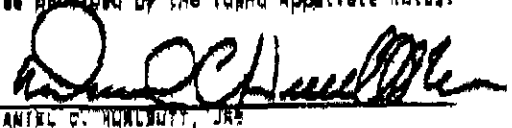
ATTN: GEN. NATURAL RESOURCES

TEL: 208 334 2690

P.003

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. HUALCUTT, JR.
 PRESIDING JUDGE
 Snake River Basin Adjudication

MICROFILMED

APR 03 2002

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
 Water Right 36-04076

EXHIBIT A
 Stipulation
 Transfer No. 5169
 Page 2 of 2

PAGE 2
 REC-29-1007

STATE OF IDAHO
Office of the Attorney General
Statehouse, Room 210
Boise, Idaho 83720-1000
(208) 334-2400
Fax (208) 334-2690

Transmittal Cover

Date: May 19, 1999

To: Allen D. Merritt
Manger
Southern Region, IDWR
(208) 736-3037

From: Peter Ampe
Deputy Attorney General
Natural Resources Division

re: In Re Application for Transfer No. 5169 (36-04076)

Message: Attached is an executed stipulation to fully resolve the transfer. The original will follow by US mail.

Thank you.

Total Number of Pages (Including This Page): 7

Please Advise Of Any Deficiency In This Transmission

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.

MICROFILMED

APR 13 2002

ALAN G. LANCE
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

PETER J. AMPE
Deputy Attorney General
Natural Resources Division
700 West Jefferson Street, Room 210
P. O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Fax: (208) 334-2690

Attorneys for Applicant
Idaho Transportation Department

Josephine P. Beeman
Dana L. Holstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
Telephone: (208) 388-8900
Fax: (208) 388-8400
beehof@micron.net

Attorneys for Protestant
North Snake Ground Water District

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

In the Matter of the Application For)
Transfer No. 5169 (36-04076))

IDAHO TRANSPORTATION)
DEPARTMENT,)

Applicant,)

and)

NORTH SNAKE GROUND)
WATER DISTRICT,)

Protestant.)

STIPULATION

This Stipulation is made by and between the State of Idaho, Transportation Department ("ITD") and the North Snake Ground Water District ("NSGWD"), hereinafter referred to collectively as "Signatories".

RECITALS

WHEREAS, in the Fall of 1997, ITD applied to the Idaho Department of Water Resources ("IDWR") to transfer the period of use and nature of use for Water Right No 36-04076 ("Transfer No. 5169"); and

WHEREAS, on or about December 29, 1997, the NSGWD filed a *Protest* to Transfer No. 5169; and

WHEREAS, the Signatories desire to resolve matters relating to Water Right No. 36-04076 and Transfer No. 5169;

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth herein, ITD and NSGWD agree and stipulate to the approval of Transfer No. 5169 based on the following terms and conditions:

(1) The "name and address" of Water Right No. 36-04076 shall remain as decreed in the Snake River Basin Adjudication ("SRBA"). See Exhibit A attached hereto.

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T9S R14E S1: Lot 7 (SWNE), Lot 8 (SENE), Lot 11 (NESE), Lot 14 (NWSE)
T9S R15E S6: Lot 5 (SWNW), Lot 6 (SENW), Lot 16 (NWSW)

A condition shall be included in the approval for Transfer No. 5169 limiting the place of use to 7 acres of pond surface area and 1.5 acres of emergent vegetation within the permissible place of use.

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MICROFILMED
APR 03 2002

(9) IDWR may include such additional conditions in the approval of Transfer No. 5169 as IDWR deems necessary, and such additional conditions shall not affect the validity of this Stipulation.

(10) The Signatories agree this Stipulation is entered into and executed voluntarily by all parties in good faith and without any fraud, misunderstanding, overreaching, misrepresentation or duress. Both parties participated in drafting this Stipulation.

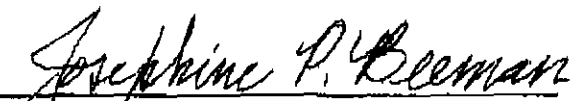
(11) The Signatories agree this document contains the agreement between the parties with respect to Transfer No. 5169 in full and incorporates and takes precedence over any prior agreement between the Signatories in this matter, whether oral or written.

(12) This Stipulation shall not be changed orally, nor shall it be deemed modified in any way by the act of any of the Signatories.

(13) The Signatories agree that each shall bear their own costs and fees incurred in connection with this matter.

(14) If any provision of this Stipulation is held to be invalid, illegal or unenforceable in any respect, such shall not affect any other provision hereof and this Stipulation shall be construed as if such invalid, illegal or unenforceable provision had never been included herein, all other terms and provisions remaining effective and in force to the fullest extent permitted by law.

DATED this 19th day of May, 1999.


JOSEPHINE P. BEEMAN, Attorney for
North Snake Ground Water District

DATED this 19th day of May, 1999.


PETER J. AMPE, Deputy Attorney General
Attorney for Idaho Transportation Department

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-04076

NAME & ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES
 SPRINGS SNAKE RIVER

QUANTITY: 3.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 116.0 CFS. COMBINED RIGHT NOS.:
36-04148B, 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C.

PRIORITY DATE: 01/01/1893

POINT OF DIVERSION: T09S R14E S01 LOT 7 (SWSWNE) Within GOODING County
 LOT 8 (SWSENE)
 LOT 8 (SESENE)
 LOT 5 (SESWNW)
 LOT 13 (SESENW)
 S02 LOT 5 (SESENE)
 R15E S06 LOT 5 (SWSWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	3.59 CFS
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T09S R14E S01	Lot 7 (SWNE) 7	Lot 8 (SENE) 8	Lot 11 (NESE) 9	Lot 14 (NWSE) 14
R15E S06	Lot 5 (SWNW) 10	Lot 6 (SENW) 2	Lot 16 (NWSW) 7	
57 ACRES TOTAL				

STOCKWATER Within GOODING County

T09S R14E S01	Lot 7 (SWNE)	Lot 8 (SENE)	Lot 11 (NESE)	Lot 14 (NWSE)
R15E S06	Lot 5 (SWNW)	Lot 6 (SENW)	Lot 16 (NWSW)	

DOMESTIC Within GOODING County

T09S R14E S01	Lot 7 (SWNE)			
---------------	--------------	--	--	--

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

MICROFILMED

APR 9 1992

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

P. 006

2434 50, 100

P. 002

Water Rights 26-00076

3.00 CFB

Within SCOTT'S County

QUANTITY	
3.50	CFS
4.02	AFM
0.06	CFS

LOC 14 (NW) 14

LOS 16 PHOENIX

ה'תשס"ח

MAY. -19' 99(WED) 17:58

ATT. GEN. NATURAL RESOURCES

TEL:208 334 2690

P.007

Sent by:BEEMAN AND HOFSTETTER -18-99 07:07PM

from 208 334 2690

Page 7/7

MAR. -02' 99(TUE) 13:02

ATT. GEN. NATURAL RESOURCES

TEL:208 334 2690

P.003

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 S. HOWLETT, JUDGE
PROBATE JUDGE
Snake River Basin Adjudication

PARTIAL ORDER PURSUANT TO I.R.C.P. 54(b)
Water Right 34-04076

EXHIBIT A
MICROFILMED
Stipulation
Transfer NO. 5168
Page 2 of 2
2002

PAGE 1
35C-20-1007

P 010

TEL 3344988

TEL 334 2690

NOV -03 08 (MON) 17:17

MAILING LIST

TR# 5169 (36-04076)

Applicant:

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

Legal Counsel for Applicant:

PETER AMPE
OFFICE OF ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

Protestant:

NORTH SNAKE GROUND WATER DISTRICT

Legal Counsel for Protestant:

JOSEPHINE P BEEMAN ESQ
BEEMAN & HOFSTETTER PC
PO BOX 1427
BOISE ID 83701-1427

MICROFILMED

APR 03 2002

3/31/99

66- called of indicated parties
have settled as agreement to
withdraw protest.

Hearing is cancelled.

I had my call to cancel room.

AD

MICROFILMED

APR 23 2002

RECEIVED

MAR 22 1999

Department of Water Resources

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900
(208) 388-8400 (Facsimile)
beehof@micron.net

Attorneys for the North Snake Ground Water District

**BEFORE THE
IDAHO DEPARTMENT OF WATER RESOURCES**

In the Matter of)
) **NORTH SNAKE GROUND WATER**
Transfer No. 5169) **DISTRICT'S WITNESS AND EXHIBIT LISTS**
_____)

The North Snake Ground Water District ("NSGWD"), by and through its counsel of record, Beeman & Hofstetter, P.C., submits this listing of witnesses and exhibits for hearing on its Protest to the Application for Transfer No. 5169.

Witnesses

1. Terry Scanlan
Scanlan Engineering
600 East River Park Lane, Suite 105
Boise, Idaho 83706
2. Steve Clelland
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

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3. Allen Merritt
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

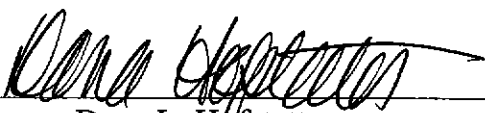
Exhibits

1. Idaho Department of Water Resources ("IDWR") Snake River Basin Adjudication ("SRBA") files for Water Right No. 36-04076.
2. Idaho Department of Water Resources Transfer No. 5169 files.
3. Idaho Department of Water Resources files for License No. 36-04076.
4. U.S. Department of Agriculture aerial photographs of the place of use for 1964 through 1988, inclusive.
5. November 11, 1998 letter from Charles E. Brockway to Terry Scanlan (copy attached).
6. Table 1 of Appendix B of July 1, 1996 IDWR Report to the SRBA District Court regarding Water Right No. 36-00106 (copy attached).

The Applicant and the Department already should have access to the documents which are referenced above but which are not attached hereto. Upon request, the NSGWD will provide copies of any document. At hearing, additional copies of all exhibits will be available.

DATED this 19th day of March, 1999.

BEEMAN & HOFSTETTER, P.C.

By 
Dana L. Hofstetter

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of March, 1999, I caused to be served copies of the foregoing **North Snake Ground Water District's Witness and Exhibit Lists** by U.S. Mail, postage prepaid:

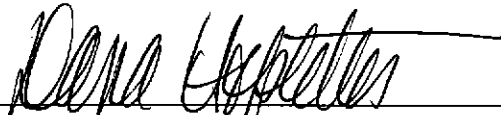
Original to:

Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Copies to:

Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

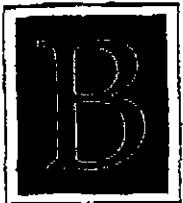
Peter Ampe
State of Idaho
P. O. Box 83720
Boise, ID 83720-0010



Dana L. Hofstetter

D:\1780\2\Protests\2724

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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

November 11, 1998

Terry Scanlan
Scanlan Engineering
600 East River Park Lane
Boise ID 83706

Subject: Hagerman Consumptive Use Data

Dear Terry:

Attached is the Hagerman consumptive use data which we have been using and which I believe IDWR has been using for excess flow analyses. It is the Bliss Allen and Brockway(1983) data adjusted to Hagerman for temperature and elevation.

Let me know if you need anything else.

Sincerely,

Charles E. Brockway
cc: Pat Brown

enclosure

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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Exhibit 5

pliss Consumptive Use (Allen and Brockway) Adjusted to Hagerman

	11	8										
App.Depth	15.38	26.92	38.46	53.85	69.23	92.31	115.4	142.3	161.5	176.9	192.3	
Peak to M	1.154	1.123	1.123	1.108	1.092	1.077	1.061	1.046	1.038	1.031	1.023	
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total			
Alfalfa Hay												
Root Depth		5.00	5.00	5.00	5.00	5.00	5.00	5.00				
MEAN CU	0.00	3.62	6.58	7.62	7.19	5.60	3.84	1.34	1087.			
MEAN IR	0.00	3.25	5.94	6.99	7.03	5.46	3.60	1.02	1007.			
STDEV CU		0.29	0.46	0.41	0.21	0.25	0.27	0.12	30.0			
STDEV IR		0.57	0.77	0.89	0.37	0.51	0.49	0.39	54.0			
Dry Beans												
Root Depth		0.50	1.25	2.00	2.00	2.00	2.00	2.00				
MEAN CU	0.00	0.50	2.13	3.39	7.63	5.15	0.81	0.00	289.1			
MEAN IR	0.00	0.50	1.72	2.98	7.50	5.02	0.64	0.00	550.6			
STDEV CU			0.15	0.18	0.23	0.23	0.06		15.0			
STDEV IR			0.40	0.53	0.35	0.44	0.28		31.0			
Field Corn												
Root Depth		0.75	1.50	3.00	3.00	3.00	3.00	3.00				
MEAN CU	0.00	0.75	2.13	3.81	7.96	6.87	4.38	1.11	805.6			
MEAN IR	0.00	0.75	1.66	3.33	7.80	6.71	4.15	0.81	750.5			
STDEV CU			0.15	0.21	0.24	0.30	0.31	0.10	20.0			
STDEV IR			0.43	0.61	0.38	0.57	0.52	0.36	36.0			
Silage Corn												
Root Depth		0.75	1.50	3.00	3.00	3.00	3.00	3.00				
MEAN CU	0.00	0.75	2.13	3.81	7.96	6.87	4.38	0.00	772.3			
MEAN IR	0.00	0.75	1.66	3.33	7.80	6.71	4.15	0.00	726.5			
STDEV CU			0.15	0.21	0.24	0.30	0.31		19.0			
STDEV IR			0.43	0.61	0.38	0.57	0.52		38.0			
Sweet Corn												
Root Depth		0.75	1.50	3.00	3.00	3.00	3.00	3.00				
MEAN CU	0.00	0.75	2.13	3.67	7.74	6.61	0.00	0.00	622.4			
MEAN IR	0.00	0.75	1.66	3.20	7.58	6.45	0.00	0.00	583.9			
STDEV CU			0.15	0.20	0.23	0.29			16.0			
STDEV IR			0.43	0.60	0.38	0.55			34.0			
Peas												
Root Depth		1.00	2.00	2.00	2.00	2.00	2.00	2.00				
MEAN CU	0.00	1.00	4.03	7.10	3.10	0.00	0.00	0.00	483.0			
MEAN IR	0.00	1.00	3.55	6.56	2.99	0.00	0.00	0.00	437.2			
STDEV CU			0.24	0.38	0.09				17.0			
STDEV IR			0.53	0.78	0.21				39.0			
Potatoes												
Root Depth		1.00	2.00	2.00	2.00	2.00	2.00	2.00				
MEAN CU	0.00	1.00	2.29	6.01	7.43	5.77	3.44	0.00	812.9			
MEAN IR	0.00	1.00	1.93	5.58	7.31	5.66	3.26	0.00	768.2			
STDEV CU			0.16	0.32	0.22	0.26	0.24		21.0			
STDEV IR			0.37	0.63	0.32	0.44	0.39		39.0			
Sugar Beets												
Root Depth		1.50	3.00	3.00	3.00	3.00	3.00	3.00				
MEAN CU	0.00	1.50	2.13	4.07	8.43	7.31	5.08	2.64	958.6			
MEAN IR	0.00	1.50	1.66	3.57	8.27	7.15	4.83	2.31	888.9			
STDEV CU			0.15	0.22	0.25	0.32	0.36	0.24	23.0			
STDEV IR			0.44	0.63	0.40	0.60	0.57	0.48	45.0			
Spring Grain												
Root Depth	0.00	1.50	3.00	3.00	3.00	3.00	3.00	3.00				
MEAN CU	0.00	1.50	5.34	8.73	7.30	1.52	0.00	0.00	751.5			
MEAN IR	0.00	1.50	4.83	8.15	7.17	1.42	0.00	0.00	700.5			

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STDEV CU	0.25	0.37	0.47	0.22	0.07			23.0
STDEV IR	0.78	0.62	0.89	0.34	0.27			46.0
Winter Grain								
Root Depth	1.00	1.50	3.50	3.50	3.50	3.50	3.50	
MEAN CU	1.04	5.14	7.10	8.75	7.04	1.37	0.00	924.3
MEAN IR	0.60	4.55	6.48	8.13	6.91	1.25	0.00	850.4
STDEV CU	0.16	0.43	0.49	0.47	0.21	0.06		31.0
STDEV IR	0.34	0.49	0.78	0.93	0.35	0.28		58.0
Pasture								
Root Depth	2.00	2.00	2.00	2.00	2.00	2.00	2.00	
MEAN CU	0.00	1.49	5.47	6.73	6.81	5.73	4.52	1090.
MEAN IR	0.00	1.04	4.89	6.16	6.67	5.58	4.28	1015.
STDEV CU	0.29	0.38	0.36	0.20	0.25	0.32	0.27	29.0
STDEV IR	0.55	0.67	0.80	0.34	0.50	0.53	0.51	51.0
Vegetables								
Root Depth		2.50	2.50	2.50	2.50	2.50		
MEAN CU	0.00	0.00	2.16	4.58	6.81	5.93	4.01	720.3
MEAN IR	0.00	0.00	1.81	4.19	6.70	5.81	3.82	684.9
STDEV CU			0.15	0.25	0.20	0.26	0.28	18.0
STDEV IR			0.36	0.54	0.30	0.45	0.43	32.0
END_OF_FILE								

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Table 1

80th Percentile values of monthly ET estimated for
the Hagerman Valley adjusted from the Bliss station
(mm/day)

	MO	ETR	ALPH.	BEANS	CORN	SILCO	S.CRN	PEAS	POTAT	SHEET	SGRAN	WGRAN	PAST.	VEGES
AVE ET	4	5.28	3.30					1.60	1.58	1.58	1.65	4.82	3.27	
TMP ADJ	4	5.68	3.55					1.72	1.70	1.70	1.77	5.18	3.52	
ALT ADJ	4	5.75	3.59					1.74	1.72	1.72	1.80	5.25	3.56	
STDD ET	4	0.47	0.29					0.14	0.14	0.14	0.15	0.43	0.29	
ADJ STDD	4	0.80	0.49					0.24	0.24	0.24	0.26	0.73	0.49	
80PCT ET	4	6.42	4.01					1.94	1.92	1.92	2.01	5.86	3.97	
AVE ET	5	6.79	6.29	2.04	2.04	2.04	2.04	3.85	2.19	2.04	5.11	6.79	5.23	2.07
TMP ADJ	5	7.18	6.65	2.16	2.16	2.16	2.16	4.07	2.31	2.16	5.40	7.18	5.53	2.19
ALT ADJ	5	7.27	6.73	2.18	2.18	2.18	2.18	4.12	2.34	2.18	5.47	7.27	5.60	2.21
STDD ET	5	0.49	0.46	0.15	0.15	0.15	0.15	0.28	0.16	0.15	0.37	0.49	0.38	0.15
ADJ STDD	5	0.80	0.75	0.25	0.25	0.25	0.25	0.44	0.26	0.25	0.61	0.80	0.62	0.25
80PCT ET	5	7.94	7.37	2.39	2.39	2.39	2.39	4.51	2.56	2.39	5.98	7.94	6.12	2.42
AVE ET	6	8.41	7.32	3.26	3.66	3.66	3.53	6.82	5.77	3.91	8.39	8.41	6.47	4.40
TMP ADJ	6	8.82	7.68	3.42	3.84	3.84	3.70	7.15	6.05	4.10	8.80	8.82	6.79	4.62
ALT ADJ	6	8.93	7.77	3.46	3.89	3.89	3.75	7.24	6.13	4.15	8.91	8.93	6.87	4.67
STDD ET	6	0.47	0.41	0.18	0.21	0.21	0.20	0.38	0.32	0.22	0.47	0.47	0.34	0.25
ADJ STDD	6	1.27	1.11	0.49	0.57	0.57	0.54	1.03	0.88	0.59	1.27	1.27	0.97	0.68
80PCT ET	6	10.00	8.71	3.87	4.36	4.36	4.20	8.11	6.85	4.65	9.98	10.00	7.69	5.24
AVE ET	7	8.54	6.94	7.37	7.68	7.68	7.47	2.99	7.17	8.14	7.05	6.80	6.57	6.57
TMP ADJ	7	8.89	7.22	7.67	7.99	7.99	7.78	3.11	7.46	8.47	7.34	7.08	6.84	6.84
ALT ADJ	7	9.00	7.31	7.77	8.09	8.09	7.87	3.15	7.56	8.58	7.43	7.17	6.92	6.92
STDD ET	7	0.26	0.21	0.23	0.24	0.24	0.23	0.09	0.22	0.25	0.22	0.21	0.20	0.20
ADJ STDD	7	0.58	0.47	0.51	0.53	0.53	0.51	0.20	0.49	0.56	0.49	0.47	0.44	0.44
80PCT ET	7	9.49	7.71	8.20	8.54	8.54	8.30	3.32	7.97	9.05	7.84	7.56	7.30	7.30
AVE ET	8	7.18	5.41	4.97	6.63	6.63	6.38		5.57	7.06	1.47	1.32	5.53	5.72
TMP ADJ	8	7.50	5.65	5.19	6.92	6.92	6.66		5.82	7.37	1.53	1.38	5.77	5.97
ALT ADJ	8	7.59	5.72	5.23	7.01	7.01	6.74		5.89	7.46	1.55	1.40	5.84	6.05
STDD ET	8	0.33	0.25	0.23	0.30	0.30	0.29		0.26	0.32	0.07	0.06	0.23	0.26
ADJ STDD	8	0.70	0.53	0.49	0.64	0.64	0.62		0.55	0.68	0.13	0.13	0.53	0.55
80PCT ET	8	8.18	6.17	5.66	7.54	7.54	7.26		6.35	8.04	1.68	1.50	6.29	6.51
AVE ET	9	5.60	3.67	0.77	4.19	4.19			3.29	4.86			4.32	3.85
TMP ADJ	9	5.90	3.87	0.81	4.42	4.42			3.47	5.12			4.55	4.04
ALT ADJ	9	5.97	3.92	0.82	4.47	4.47			3.51	5.19			4.61	4.09
STDD ET	9	0.41	0.27	0.06	0.31	0.31			0.24	0.36			0.32	0.28
ADJ STDD	9	0.66	0.43	0.10	0.50	0.50			0.39	0.58			0.52	0.45
80PCT ET	9	6.53	4.28	0.90	4.39	4.39			3.84	5.67			5.04	4.47
AVE ET	10	3.73	1.26		1.34					2.48			2.88	
TMP ADJ	10	4.02	1.36		1.42					2.67			3.10	
ALT ADJ	10	4.07	1.37		1.43					2.70			3.14	
STDD ET	10	0.35	0.12		0.10					0.24			0.27	
ADJ STDD	10	0.47	0.16		0.14					0.32			0.36	
80PCT ET	10	4.46	1.51		1.35					2.98			3.43	

ET and standard deviation data (AVE ET and STDD ET) for Bliss weather station taken from Appendix B (unpublished) of Brockway, C.E., and R.G. Allen, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute.

Adjustments to standard deviation (ADJ STDD) based on Allen & Brockway Report, pp. 18, and Allen, R.G., and J.L. Wright, 1983, Variation Within Measured and Estimated Consumptive Use Requirements: Proceedings of the Irrigation and Drainage Specialty Conference of the American Society of Agricultural Engineers, Jackson Hole, Wyoming, July 20-22, 1983, pp. 1-12.

Temperature adjustment (TMP ADJ) based on temperature differences between Bliss and Hagerman and temperature sensitivity of ET estimates given in Brockway, C.E., D.S. Johnson, J.L. Wright, and A.L. Colner, 1983, Remote Sensing for Irrigated Crop Water Use - Phase 1, Water Resources Research Institute, pp. 101-107.

Altitude adjustment (ALT ADJ) based on Doorenbos, J., and W.D. Pruitt, 1977, Crop Water Requirements, Food and Agriculture Organization of the United Nations, p. 59.

80th percentile ET values (80PCT ET) calculated based on Walpole, R.E., and R.N. Meyers, 1985, third edition, PROCAS LETT AND STATISTICS FOR ENGINEERS AND SCIENTISTS, New York: Macmillan Publishing Company, pp. 132-144 and 574.

Exhibit 6

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APR 03 1995

ALAN G. LANCE
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

PETER J. AMPE
Deputy Attorney General
Natural Resources Division
700 W. Jefferson Street, Room 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
FAX: (208) 334-2690

RECEIVED
MAR 22 1999
Department of Water Resources
Southern Region

Attorneys for Protestant Idaho Department of Fish and Game

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF	)	IDAHO DEPARTMENT OF
TRANSFER NO. 5169	)	TRANSPORTATION'S WITNESS AND
	)	EXHIBIT LIST
In the name of	)	
IDAHO DEPARTMENT OF	)	
TRANSPORTATION	)	
_____	)	

Comes now Applicant, Idaho Department of Transportation, through counsel and pursuant to the Hearing Officer's *Notice of Hearing* (February 19, 1999) and submits this witness list and exhibit list:

The Idaho Department of Transportation reserves the right to modify this list, as necessary.

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Witness List:

Chuck Carnohan
Environmental Specialist
Idaho Department of Transportation
P.O. Box 2-A
Shoshone, ID 83352

Any witness identified by Protestant.

Any witness necessary for rebuttal.

Exhibit List:

Any document which is part of the SRBA claim file or part of the IDWR transfer file for the above water right.

Protestants have previously received a complete copy of each file.

DATED this 19th day of March, 1999.

ALAN G. LANCE
Attorney General



PETER J. AMDE
Deputy Attorney General
Natural Resources Division

MICROFILMED
APR 9 1999

RECEIVED
MAR 22 1999
Department of Water Resources
Southern Region

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of March, 1999, I caused to be served a true and correct copy of the foregoing IDAHO DEPARTMENT OF TRANSPORTATION'S WITNESS AND EXHIBIT LIST, postage prepaid, to the following:

Dana Hofstetter
Beeman and Hofstetter, P.C.
P.O. Box 1427
Boise, ID 83701-1427

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

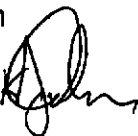


PETER J. AMPE
Deputy Attorney General

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APR 23 1999

MEMORANDUM

To: L. Glen Saxton
From: Karl J. Dreher 
RE: **APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410**
Date: March 18, 1999

You are hereby appointed as hearing officer and are authorized to represent the department as provided by IDAPA Rule 37.01.01410 (Procedure Rule 410) in the following matter:

**IN THE MATTER OF APPLICATION FOR TRANSFER NO. 5169 IN THE NAME
OF IDAHO TRANSPORTATION DEPARTMENT**

Date: April 1, 1999
Time: 10:00 a.m.
Location: Obenchain Community Room
264 Main Avenue South
Twin Falls, ID

MICROFILMED
SEP 23 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 5169	)	
IDAHO DEPT. OF TRANSPORTATION,	)	NOTICE OF HEARING
Applicant	)	
	)	SOURCE: Springs
NORTH SNAKE GROUND WATER DISTRICT,	)	Tributary to Clear Springs,
Protestant	)	Snake River
	)	COUNTY: Gooding

On October 6, 1997 the Idaho Department of Transportation, applicant, filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho, specifically Water Right No. 36-04076. The Department has received a protest against the approval of said application from the above captioned protestant. The conference held by the department on February 18, 1999 did not resolve the matter of protest.

The Department has scheduled the matter for hearing on Thursday-April 1, 1999 at 10:00 a.m. in the Obenchain Community Room, at 264 Main Ave South, Twin Falls ID. Participants are cordially requested to use the WEST entrance to the building which faces the one-way Second Avenue South street. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the department. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be Glen Saxton.

IT IS FURTHER NOTED, in accordance with IDAPA Rule of Procedure 37.01.01606, all parties have agreed to exchange witness lists and copies of documents that may be offered as exhibits to each party and to the presiding officer on or before March 19, 1999. If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing 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 ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 19th day of February, 1999.


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

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APR 1 2002

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of February, 1999 a true and correct copy of the foregoing Notice of Hearing was forwarded by U.S. Certified Mail to the parties listed:

Mary G. Baldwin
Secretary

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

PETER AMPE
OFFICE OF ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

NORTH SNAKE GROUND WATER
DISTRICT
c/o JOSEPHINE P BEEMAN ESQ
BEEMAN & HOFSTETTER PC
PO BOX 1427
BOISE ID 83701-1427

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705 6 3 2002

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of February, 1999 a true and correct copy of the foregoing Notice of Hearing was forwarded by U.S. Certified Mail to the parties listed:

Mary G. Baldwin
Secretary

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

PETER AMPE
OFFICE OF ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

NORTH SNAKE GROUND WATER
DISTRICT

c/o JOSEPHINE P BEEMAN ESQ
BEEMAN & HOFSTETTER PC
PO BOX 1427
BOISE ID 83701-1427

MICROFILMED

APR 6 3 2002

Printed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, a, and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ATTN: CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

4a. Article Number

1819

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

5. Date of Delivery

CONFIRMED 2/22/99

6. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

JS Haw

6. Signature (Agent)

JS Haw

Is your RETURN A

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RECEIVED

FEB 23 1999

Department of Water Resources
Southern Region

MICROFILMED

Print your name, address and ZIP Code here

APR 8 3 2002

**IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380**

sted on the reverse side?

Is your RETURN

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **TR # 5169**

4a. Article Number

1820

PETER AMPE
OFFICE OF ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0020

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

MICROFILMED

APR 03 2002

RECEIVED

FEB 23 1999

Department of Water Resources
Southern Region

Print your name, address and ZIP Code here

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **TR # 5769**

4a. Article Number

18 21

JOSEPHINE P BEEMAN ESQ
BEEMAN & HOFSTETTER PC
PO BOX 1427
BOISE ID 83701-1427

b. Service Type

☒ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

Date of Delivery

2002 FEB 23 1999

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RECEIVED

FEB 24 1999

**Department of Water Resources
Southern Region**

MICROFILMED

APR 03 2002

Print your name, address and ZIP Code here

**IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380**

MICROFILMED
APR 03 2004

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.



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

February 19, 1999

KARL J. DREHER
DIRECTOR

COPY

ATTN SANDI STANDLEY
OBENCHAIN COMMUNITY ROOM
264 MAIN AVE SOUTH
TWIN FALLS ID 83301

Dear Sandi:

This letter is to confirm the reservation of the Obenchain Main Avenue Community Room for **Thursday-April 1, 1999 from 10:00 a.m.- 5:00 p.m.**

If you have any questions please feel free to contact me or Allen Merritt, the Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Administrative Assistant

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, February 18, 1999 3:49 PM
To: 'pampe@ag.stat.id.us'; 'beehof@micron.net'; 'ccarno@ltd.state.id.us'
Cc: Merritt, Allen

I have talked with Glen Saxton, hearing officer, regarding setting the hearing for the IDT transfer. Unfortunately he is out of the country the week of March 24th but is available for April 1. We talked about setting it in Boise on 4/1 but the conference rooms are taken at the State Office. I have tentatively arranged a room in Twin Falls and will be sending out notices soon.

If there is not settlement I propose that the parties exchange witness lists and copies of exhibits ten days before the hearing.

Allen

Dana L. Hofstetter

Attorney at Law

Beerman & Hofstetter, P.C.
608 West Franklin Street
Boise, Idaho 83702-5509

Phone: (208) 388-8900
Fax: (208) 388-8400
E-mail: beehof@micron.net

OFFICE OF
ATTORNEY GENERAL



ALAN G. LANCE
ATTORNEY GENERAL

PETER J. AMPE
DEPUTY ATTORNEY GENERAL
NATURAL RESOURCES DIVISION

700 W. JEFFERSON STREET, ROOM 210, 83702
P.O. BOX 83720, BOISE, IDAHO 83720-0010
(208) 334-4125, FAX (208) 334-2690
e-mail pampe@ag.state.id.us

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 5169

IDAHO DEPT. OF TRANSPORTATION,
Applicant

NORTH SNAKE GROUND WATER DISTRICT,
Protestant

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Springs
Tributary to Clear Springs,
Snake River
COUNTY: Gooding

On October 6, 1997 the Idaho Department of Transportation, applicant, filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho, specifically Water Right No. 36-04076. The Department has received a protest against the approval of said application from the above captioned protestant.

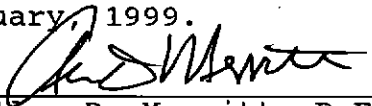
The Department has set the matter of protest for conference on **Thursday-February 18, 1999 at 10:00 a.m.** in the Idaho Department of Water Resources Conference Room, 1341 Fillmore Street, Suite #200; Twin Falls, Idaho.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference 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 conference, please advise the department within (10) days prior to the conference.

Dated this 22nd day of January, 1999.


Allen D. Merritt, P.E.
Regional Manager

MICROFILMED

1999 2 18 2002

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of January, 1999 a true and correct copy of the foregoing Notice of Pre-hearing Conference was forwarded by U.S. Regular Mail to the parties listed:

Mary Baldwin
Secretary

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

NORTH SNAKE GROUND WATER
DISTRICT
c/o JOSEPHINE P BEEMAN ESQ
BEEMAN & HOFSTETTER PC
PO BOX 1427
BOISE ID 83701-1427

See update
PETER AMPE
OFFICE OF ATTORNEY GENERAL
PO BOX 7129
BOISE ID 83707-1129

MICROFILMED

APR 25 2002

For

Allen

Urgent ☐

Date

1-20-99

Time

2:36 pm

While You Were Out

M

Peter Ampe

Of

AG office

Phone

334-4125

AREA CODE

NUMBER

EXTENSION

Telephoned ☒

Please Call ☐

Came To See You ☐

Will Call Again ☐

Returned Your Call ☐

Wants To See You ☐

Message

*wants hearing ASAP,
negotiations with protestant are
stalled.*

2/16 not 2001

Signed

js

TRANSMITTAL COVER SHEET

TO: Jo Beeman

Fax # 388-8400

TOTAL PAGES SENT: 7
(including cover sheet)

DOCUMENT DESCRIPTION: 6 pg - Transfer app # 5169
ID. Dept of Trans.

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: 0 Please remit to the above address.

SENDER: Jim STANTON

COMMENTS: _____

MICROFILMED
APR 03 2002

TRANSMISSION VERIFICATION REPORT

TIME : 08/11/1998 08:22
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

08/11 08:20
912083888400-244305
00:02:12
07
OK
STANDARD
ECM

MICROFILMED
APR 9 1 2002

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

February 19, 1998

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

RECEIVED
FEB 20 1998
Idaho Department of Water Resources
Twin Falls, Idaho

Re: ~~Transfer~~ No. 5169 (Water Right No. 36-04076)
Our File No. 1780.2

Dear Mr. Merritt:

The North Snake Ground Water District (Protestant) and the Idaho Transportation Department (Claimant) are discussing conditions to the proposed transfer which could resolve the current protest. As a part of our discussions, I have asked Pam Skaggs at the state office for the Idaho Department of Water Resources to provide me with a copy of the Department's standard conditions for transfers. I received that document by e-mail yesterday and will forward it to Mary York, the Deputy Attorney General at the Idaho Transportation Department. I have also offered to draft condition language once I have discussed ITD's proposal with the North Snake Ground Water District.

Please let us know if there are any further questions from IDWR regarding our negotiations.

Sincerely,

BEEMAN & HOFSTETTER, P.C.


Josephine P. Beeman

MICROFILMED

NOV 13 1998

JPB:ja

cc: Mary York (myork@itd.state.id.us)

D:\1780\2\1990

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 36-04076

1998 JAN 15 PM 12:05

From
letter dated

Feb 18, 1998

Charles A Campbell
Sr. En. Planner.

NAME & ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 2A
SHOSHONE ID 83352

SOURCE: SPRINGS TRIBUTARY: CLEAR LAKES
SPRINGS SNAKE RIVER

QUANTITY: 3.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 116.0 CFS. COMBINED RIGHT NOS.:
36-041488, 36-02048, 36-02703, 36-04013A, 36-04013B, & 36-04013C.

PRIORITY DATE: 01/01/1893

POINT OF DIVERSION: T09S R14E S01 LOT 7 (SWSWNE) Within GOODING County
LOT 8 (SWSENE)
LOT 8 (SESENE)
LOT 5 (SESNNW)
LOT 13 (SESENW)
S02 LOT 5 (SESENE)
R15E S06 LOT 5 (SWSNNW)
clear lake 36-04076 as per o-ly one from transfer 5169

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION
STOCKWATER
DOMESTIC 1 HOME

PERIOD OF USE
Irrigation Season.
01-01 12-31
01-01 12-31

QUANTITY
3.59 CFS
0.02 CFS
0.04 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T09S R14E S01 Lot 7 (SWNE) 7 Lot 8 (SENE) 8 Lot 11 (NESE) 9 Lot 14 (NWSE) 14
R15E S06 Lot 5 (SNNW) 10 Lot 6 (SENNW) 2 Lot 16 (NWSW) 7
57 ACRES TOTAL

STOCKWATER Within GOODING County
T09S R14E S01 Lot 7 (SWNE) Lot 8 (SENE) Lot 11 (NESE) Lot 14 (NWSE)
R15E S06 Lot 5 (SNNW) Lot 6 (SENNW) Lot 16 (NWSW)

DOMESTIC Within GOODING County
T09S R14E S01 Lot 7 (SWNE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-04076

MICROFILMED
APR 03 2002

PAGE 1
DEC-29-1997

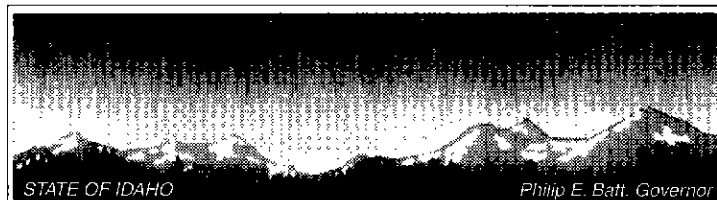
RULE 54(b) CERTIFICATE

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

FEB 19 1998



TRANSPORTATION DEPARTMENT

February 18, 1998 DISTRICT 4 • P.O. BOX 2A • SHOSHONE, ID • 83352-0820 • (208) 886-7800

Corey Skinner
Idaho Department of Water Resources
1341 Fillmore, Ste. 200
Twin Falls, ID 83301-3380

**RE: REQUEST FOR DIVERSION DELETION & RECEIVING STREAM
CORRECTION, Transfer No. 5169 (36-04076)**

Dear Mr. Skinner:

As per our telephone conversation of date, this letter serves as a request from Idaho Transportation Department, District 4 (District), to delete a listed diversion point from the above referenced Transfer. For the sake of accuracy, should IDWR grant this request, the Transfer should also delete the receiving waters noted as Clear Lakes.

Diversion Point s02 Lot05(SESENE) located north of Clear Lake Foods Trout Hatchery has not been diverted to serve beneficial use on the subject Clear Lake Grade property historically. It is not foreseen that the diversion point will be utilized for wetland functions at the Clear Lake Grade Ecological Bank.

Therefore, District 4 requests that the diversion point be deleted from Transfer No. 5169 (36-04076).

Furthermore, since Diversion Point s02 Lot05(SESENE) is the only diversion which is a tributary of Clear Lakes, District requests that this receiving water be deleted from the transfer.

Please call me should you have any questions or need further information.

Sincerely,

Charles A. Carnohan
Senior Environmental Planner

MICROFILMED

APR 8 2002

From: DWR06::"chodges@idwr.state.id.us" 13-FEB-1998 09:02:25.05
To: cskinner@idwr.state.id.us ('Skinner, Corey')
CC:
Subj: Clear Lake Grade Post Script

I spoke with Shelley Keen last night regarding "worst case scenario" for =
this transfer, to see what options we might be able to offer in the event =
IDWR elects to deny the non-irrigation season expansion of the transfer. =
Unfortunately, the more I think about that the more plausible it becomes. =
Shelley confirmed your analysis that, at the very least, in order to get a =
= year-round use at the decreed priority, rate of flow would have to be =
reduced in order that allowable annual volume is not exceeded. With the =
addition of that new spring, the end result may be a net increase in rate of=
= flow through the system.

Protest resolution notwithstanding, if non-irrigation season use cannot be =
= approved, or if the new spring causes flow and/or volume to exceed the right=
= after the transfer, Shelley feels that a new non-consumptive right might be =
= approvable to augment the existing right. The new application could be =
filed for non-irrigation season use only, or for year-round use for =
additional flow, depending on the destiny of the transfer. In either event, =
the consumptive use would be covered by the transferred right.

I didn't really go over these options with Chuck, and, you may have already=
= thought of them. If this goes to conference and the subject comes up, ITD =
may be able to use a new filing to their advantage, to wit, they would agree=
= to eliminate non-irrigation season use and file a new application if NSGWD =
would withdraw their protest and agree not to protest a new filing.

Good luck!

MICROFILMED

SEP 03 2002

From: DWR06::"chodges@idwr.state.id.us" 13-FEB-1998 08:34:38.04
To: CCarnoha@itd.state.id.us (Chuck Carnohan)
CC: cskinner@idwr.state.id.us ('Skinner, Corey')
Subj: RE: Clear Lake Grade: Transfer No. 5169

Hello, Chuck;

I visited with Corey at our Southern Region to let him know that discussion =
= was taking place regarding the protest. The original transfer application =
is still at the Region due to the protest and will remain there until the =
protest is resolved. ITD needs to coordinate with Southern any resolutions =
= which are arrived at between applicant and protestant. If a protest =
conference is necessary, it will be conducted by the Region.

Corey and I also looked at the water right POD list with respect to the =
presently captured spring and concluded that the 10-acre location of that =
spring is already represented on the POD list. Therefore, you do not need =
= to modify the list to include this point of diversion in the transfer. We =
= might only need to clarify that the existing spring will be added to the =
system.

In order to delete the point of diversion in Section 02 and its Clear Lake =
= tributary, an amendment will need to be filed to the transfer application. =
This must be processed by the Region at this time. Corey and I agreed that =
an amendment calling for a reduction in PODs should not require =
re-advertising of the transfer; Corey is checking with the Regional Manager =
= to confirm that. Corey is expecting you to contact him to file the =
amendment.

I will try and follow progress on this; however, I don't really need to be =
= involved again except to confirm that the measuring device(s) have been =
installed. Please contact me if you would like us to review plans for the =
construction of the new outlet weir.

MICROFILMED

APR 13 1998

From: DWR06::"beehof@micron.net" 19-FEB-1998 10:15:06.13
To: Allen Merritt <dwr06::ameritt>
CC:
Subj: Transfer No. 5169

State of ID.

Jo was wondering if we could get a copy of the file on Transfer No. 5169
(Water Right No. 36-04076). Our mailing address is

Beeman & Hofstetter, P.C.
P. O. Box 1427
Boise, Idaho 83701-1427

Could you e-mail us back to confirm. Thanks.

--

Joyce E. Angell, PLS
Boise, Idaho
beehof@micron.net

From: DWR60::MBALDWIN 19-FEB-1998 13:32:20.36
To: MBALDWIN,DWR06::"BEEHOF@MICRON.NET"
CC:
Subj: COPY OF TRANSFER NO. 5169 (36-04076) filed in the name of State of Idaho

Per your request, I will mail a copy of the file to you today along with a
billing statement.

MICROFILMED

APR 03 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

January 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

RE: APPLICATION FOR TRANSFER NO. 5169 (36-04076)

Dear Mr. Carnohan:

Enclosed is a copy of a protest 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)

MICROFILMED
APR 03 1992



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

January 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352-0820

RE: APPLICATION FOR TRANSFER NO. 5169 (36-04076)

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Very truly yours,

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

AM:MB
Enclosure(s)

MICROFILMED

APR 5 1998



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

January 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOSEPHINE P BEEMAN ESQ
BEEMAN & HOFSTETTER PC
PO BOX 1427
BOISE ID 83701-1427

RE: APPLICATION FOR TRANSFER NO. 5169, (36-04076)-Idaho Dept. of
Transportation

Dear Ms. Beeman:

The protest against the approval of the above referenced application filed on behalf of your client, the North Snake Ground Water District, 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)

MOCK-1520
JAN 10 2002

North Snake Ground Water District

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900
(208) 388-8400 (Facsimile)
beehof@micron.net

RECEIVED
DEC 29 1997
Department of Water Resources
Southern Region

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

In the Matter of) **PROTEST TO TRANSFER NO. 5169**
)
Transfer No. 5169 (36-04076))
_____)

This protest to Transfer No. 5169 for water right 36-04076 is submitted on behalf of the North Snake Ground Water District on the bases that the proposed transfer would injure other water rights, would constitute an enlargement of the use of the original right, would be inconsistent with the conservation of water resources in Idaho, would be contrary to the local public interest, and/or would affect the agricultural base of the local area.

A \$25.00 check is submitted simultaneously to cover the protest fee.

DATED this 29th day of December, 1997.

BEEMAN & HOFSTETTER, P.C.

By

Josephine P. Beeman
Josephine P. Beeman

MICROFILMED

DEC 30 1997
Receipt # CO 41011
12/30/97
State office -

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of December, 1997, I caused to be served copies of the foregoing **Protest to Transfer No. 5169** by the methods indicated below:

Original Via Courier

Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Via Facsimile

Idaho Department of Water Resources
Southern Region
(208) 736-3037

Via U. S. Mail

State of Idaho
Transportation Department
P. O. Box 2-A
Shoshone, ID 83352

D:\1780\2\1890

Josephine P. Beeman
Josephine P. Beeman

RECEIVED
DEC 29 1997
Department of Water Resources
Southern Region
MICROFILMED
1998 12 29

RECEIVED
DEC 29 1997
Department of Water Resources
Southern Region

BEEMAN & HOFSTETTER, P.C. 208-388-8800 PH. 208-388-8400 FAX P.O. BOX 1427 BOISE, ID 83701-1427		92-372/1231 383	0888
Pay to the Order of <u>Idaho Department of Water Resources</u>		Date <u>12-29-97</u>	
Twenty-Five and no/100		\$ 25.00**	
Dollars			
U.S. BANK 1-800-US BANKS			
U.S. BANK OF IDAHO			
For <u>1780.2 (Transfer #5169)</u>		<i>Josephine P. Beeman</i>	
⑆123103729⑆ 383 7000 258⑈ 0888			

© 1997 American GUARDIAN SAFETY BLUE INK

MICROFILMED
APR 13 2002

Data System Down
Approx. 12/23 - 12/30/97

RECEIVED

DEC 29 1997

Department of Water Resources

North Snake Ground Water District

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
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JAN 02 1998

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BEEMAN & HOFSTETTER, P.C.

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Josephine P. Beeman

MICROFILMED

DEC 31 2002

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Boise, Idaho 83706

Via Facsimile

Idaho Department of Water Resources
Southern Region
(208) 736-3037

Via U. S. Mail

State of Idaho
Transportation Department
P. O. Box 2-A
Shoshone, ID 83352



Josephine P. Beeman

D:\1780\2\1890

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

DEC 18 1997

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

10th day of December, 1997.

and the date of the last publication was on the 17th day of

December, 1997.

Patty Nance

Subscribed and sworn to before me this 18th day of December, 1997.

(SEAL)

Norma A. Doe
NOTARY PUBLIC

#6686/18818
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

affidavit fee 2.25

736.31 Lines tabular at _____ 7¢/Pica

736.31 Lines straight at 44.18 6¢/Pica

736.31 Subsequent lines at 36.82 5¢/Pica

TOTAL COST 83.25

RECEIVED

DEC 18 1997

COPY OF NOTICE

(Paste Here)

75169

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. T# 5169

Notice is hereby given that the State of Idaho, Transportation Department, PO Box 2-A; SHOSHONE ID 83352 has applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5169 is to change from irrigation use to a wetland wildlife area by drying up 57 irrigated acres. PRESENTLY, Snake River Basin Adjudication Beneficial Use Claim No. 36-04076 (3.59 cfs) with a priority date of 01/01/1893 is diverted from springs tributary to Clear Lakes and Snake River within Lot 7 (SW1/4NE1/4), Lot 8 (SE1/4NE1/4-two points), Lot 5 (SW1/4NW1/4), Lot 13 (SE1/4NW1/4), all S01, T09S, R14E; Lot 5 (SE1/4NE1/4), S02, T09S, R14E; LOT 5 (SW1/4NW1/4), S06, T09S, R15E; Gooding County for domestic and stockwater use as well as irrigation of 57 acres within parts of S01, T09S, R14E and parts of S06, T09S, R15E; Gooding County.

PROPOSED CHANGE

The applicant wishes to divert a total of 3.59 cfs/23.9 afa of water from Springs tributary to Clear Lakes & the Snake River at the same points of diversion as listed above. The new uses as listed below will be within the same place of use as originally irrigated but will be used from 01/01-12/31:

Use	Amount
Wildlife	3.59 cfs
Recreation	3.59 cfs
Aesthetic	3.59 cfs
Wildlife Storage	23.9 afa
Recreation Storage	23.9 afa
Aesthetic Storage	23.9 afa

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 December 29, 1997 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 12/10 & 12/17/97.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

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Karl J. Dreher, Director

Published in the Gooding County
Leader on 12/10 & 12/17/97.

MICROFILMED

APR 03 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

December 4, 1997

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.

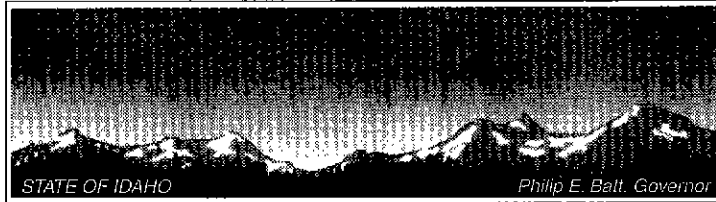
Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

APR 03 2002



TRANSPORTATION DEPARTMENT
DISTRICT 4 • P.O. BOX 2A • SHOSHONE, ID • 83352-0820 • (208) 886-7800

October 3, 1997

RECORDED

OCT 06 1997

Corey Skinner, EIT
Idaho Department of Water Resources
1341 Fillmore Street, Ste. 200
Twin Falls, ID 83301-3380

Department of Water Resources
Southern Region

**RE: CHANGE OF USE TO WATER RIGHT NO. 36-04076; CLEAR
LAKE ECOLOGICAL BANK Project No. STP-RS-2709(006) Key
No. 3586**

Dear Corey:

Enclosed you will find the completed IDWR Application For Transfer Of Water Right. Also enclosed is a copy of the memo provided to ITD District 4 Business Manager requesting the required \$100.00 application fee.

I hope that the documents provided suffice to expedite the timely conclusion of this water right issue. It would be appreciated if the process of transfer/change of use commence upon receipt of this letter. You indicated that the process could not begin until such time that you receive the money. I plead that since ITD and IDWR are both State Agencies under similar State oversight, some modicum of interagency cooperation could be justified and the application process started immediately without application funding in-hand. Should you require more information or have any questions regarding this needed change of use, please call me at (208) 886-7823.

Sincerely,

MICROFILMED

APR 03 2002

Charles A. Carnohan
Senior Environmental Planner

OFFICE OF
ATTORNEY GENERAL



ALAN G. LANCE
ATTORNEY GENERAL



CHARLES A. CARNOHAN, M.S.
SENIOR ENVIRONMENTAL PLANNER

MARY V. YORK
DEPUTY ATTORNEY GENERAL
CONTRACTS AND ADMINISTRATIVE LAW DIVISION
IDAHO TRANSPORTATION DEPARTMENT

3311 WEST STATE STREET
P.O. BOX 7129, BOISE, ID 83707-1129
(208) 334-8815, FAX (208) 334-4498

STATE OF IDAHO
TRANSPORTATION DEPARTMENT
P.O. BOX 2-A
SHOSHONE, IDAHO 83352-0820
OFFICE PHONE
(208) 886-7832
FAX (208) 886-7895

Equal Opportunity Employer -

MEMORANDUM

TO: ITD Application for Transfer of Water Right (36-04076) File
FROM: Corey Skinner/S
DATE: October 31, 1997
SUBJECT: Staff Review

The enclosed transfer application, filed by the Idaho Transportation Department, seeks to change the nature and period of use of a water right (36-04076) that is appurtenant to the property that is located near, and under, the recently completed Clear Lakes Grade, north of Buhl. Pam Skaggs, of IDWR's state office, assisted ITD representatives with preparing the transfer application for submittal (see 10/25/97 memo in application file).

The water right, 36-04076, involved with the application has been recommended in the Snake River Basin Adjudication for the total diversion of 3.59 cfs (0.38 cfs of the diversion rate is limited to conveyance losses) from various springs located below the north rim of the Snake River Canyon near the Clear Lakes Grade, north of Buhl. The recommended uses for this particular right were irrigation, stockwater, and domestic uses for property located along, and under, the new Clear Lakes Grade.

At one time this property was a small farm, and the right involved with this transfer application was used to irrigate the property (orchards, pasture, etc.). As part of the process of constructing the new Clear Lakes Grade, ITD obtained the property and the appurtenant water right. The property is no longer irrigated, but to mitigate destruction of various wetlands (both on the property & other properties), ITD constructed some wetlands and ponds on the property. The enclosed water right transfer seeks to modify water right 36-04076 to cover the new wetland use(s).

The transfer application is pretty straight forward since there are no overlap, ownership, or SRBA issues to contend with. About the only potential problem relates to the entire water right being proposed to be diverted year round, instead of just during the irrigation season as recommended to the SRBA court. There should be a drastic decrease in the overall consumptive use after the proposed transfer due to the property no longer being irrigated, but the recording of this year round diversion (at the same original rate) could perhaps possibly be viewed as a potential expansion in the overall diversion volume. However, the vast majority of the overall diversion rate could be viewed as non consumptive since the water is basically just flowing through a system on its way to the nearby river. This new wetland use more than likely probably occurred (incidentally) during, and long before, the property was irrigated as recommended to the SRBA court under right 36-04076.

MICROFILMED

APR 03 2002

**IDAHO
TRANSPORTATION
DEPARTMENT**

Memo

RECEIVED

OCT 06 1997

Department of Water Resources
Southern Region

To: Marilyn Johnson

From: Chuck Carnohan *cc*

CC: Scott Malone

Date: 10/03/97

Re: Transfer of Water Right # 36-04076 – Clear Lake Ecological Bank
Project No. STP-RS-2709(006) Key No. 3586 WA No. T854230

Dear Mare:

The water right at the above referenced mitigation site must be altered to accurately reflect the use of water for wetlands, wildlife habitat, etc. The current right reflects that ITD owns the right for irrigation, stock water, and domestic purposes. If we do not use the water for the intended use under the right, we could loose the right altogether. Therefore, to protect a sizeable investment and mandatory mitigation area, ITD must request a change in use of the existing water right.

Pursuant to Idaho Code 42-221, the application fee for this process is \$100.00 payable to IDWR. Send the warrant to Idaho Department of Water Resources, Attention Corey Skinner, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380.

Should you have questions or require further information, please let me know.

attachments

GENERAL EVALUATION OF CHANGE IN NATURE OF USE

Transportation Department Transfer Application

Pam Skaggs 09-25-97

	<u>Rate</u>	<u>Acres</u>	<u>Volume</u> <u>Diversion/Consumptive</u>
Before Transfer:			
36-04076			
Irrigation	3.59 cfs		
	(-0.38 cfs for conveyance use)		
	3.21 cfs	57 acres	228.0 af/171.0 af
Stockwater	0.02 cfs	(50 range cattle)	0.7 af/ 0.0 af
Domestic	0.04 cfs	(1 farmstead)	0.6 af/ 0.0 af
Total	3.59 cfs	57 acres	229.3 af/171.0 af

After Transfer:

36-04076			
Wildlife	3.59 cfs	-----	-----/ 0.0 af
Recreation	3.59 cfs	-----	-----/ 0.0 af
Aesthetic	3.59 cfs	-----	-----/ 0.0 af
	(-0.38 cfs for conveyance use)		
Wildlife Storage-----		(7 acres)	23.9 af/ 21.0 af
Recreation Storage-----		(7 acres)	23.9 af/ 21.0 af
Aesthetic Storage-----		(7 acres)	23.9 af/ 21.0 af
Total	3.59 cfs	-----	23.9 af/ 21.0 af

This transfer application proposes a change in nature of use that reduces all parameters of the water right except the diversion rate and season of use. The ponds surface area is 7.0 acres and total pond capacity is 23.9 af. Assuming the consumptive use through evaporation and seepage of the pond system is equal to 7 acres of irrigation, a reduction of both diversion and consumptive use volumes occurs.

Storage is a year round use filling the ponds and is more than compensated by the cessation of irrigation. Wildlife, recreation and aesthetic uses as proposed are basically nonconsumptive uses of water flowing through the wetlands project and returning directly to the river. Whatever seepage may occur should also drain directly to the adjacent river according to the applicant's initial hydrologic investigation.

The net result of this transfer appears to be a reduction in consumptive use of water allowing year round use as described above. Further review of the application will be done by the Southern Region office in order to identify any other related problems.

MICROFILMED

APR 03 2002

MEMORANDUM

RECEIVED

SEP 29 1997

Department of Water Resources
Southern Region

TO: ALLEN MERRITT/SOUTHERN REGION

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: TRANSPORTATION DEPT. TRANSFER APPLICATION

DATE: September 25, 1997

=====

Chuck Carnohan, Idaho Transportation Department (Shoshone office), and Mary York, Office of Attorney General ITD, came to my office with information regarding the Clear Lake Grade Ecological Banking Project to apply for a transfer. The wetlands project is related to changes made in the nearby roadway. I assisted them with completing the application to describe the change in use that has already occurred & included the additional ponds planned.

Attached is a general evaluation of the change proposed to Right No. 36-04076 under this transfer application. It is a broad look at the proposed change, but it appears that the 57 acres of irrigation will more than compensate for the proposed new uses. I know that your staff will review and evaluate the project specifics & let me know if you find any problems.

Chuck was going to submit this application as soon as possible, but may require additional time to submit the fee. I wanted to provide my notes to you separately as reference for when the application is filed. Thanks for your always thorough, concise information & recommendations with transfer applications.

MICROFILMED

APR 03 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

December 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN CHUCK CARNOHAN
ID DEPT OF TRANSPORTATION
PO BOX 2-A
SHOSHONE ID 83352

Re: Application for Transfer No. 5169 (36-04076)

Dear Applicants:

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

This office has scheduled advertising the application in The Gooding County Leader for 12/10 and 12/17/97.

The advertisement(s) 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.

Sincerely yours,

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

cs:mb

MICROFILMED

APR 03 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. T# 5169

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Karl J. Dreher, Director

Published in the Gooding County Leader on 12/10 & 12/17/97.

MICROFILMED

APR 03 2002

OK
A2