

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5424
WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
36-02668/~~36-02565B~~/36-15167B/36-15170B

This is to certify that: DARRELL JAMES BAKER
655 N 900 E
RUPERT ID 83350

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02190B : Priority: 02/25/1953 IRRIGATION	03/15 to 11/15	0.08 CFS	32.0 AF
Right No. 36-02453B : Priority: 11/17/1960 IRRIGATION	04/01 to 10/31	0.70 CFS	190.0 AF
Right No. 36-13065B : Priority: 03/15/1981 IRRIGATION	03/15 to 11/15	0.16 CFS	54.0 AF
	SUBTOTAL:	0.70 CFS (*1)	244.0 AF
Right No. 36-02467 : Priority: 01/24/1961 IRRIGATION	03/15 to 11/15	4.00 CFS	1540.0 AF
Right No. 36-02668 : Priority: 11/18/1966 IRRIGATION	05/15 to 09/15	4.79 CFS	2196.0 AF
	SUBTOTAL:	4.79 CFS (*2)	2196.0 AF (*2)
Right No. 36-02565B : Priority: 02/11/1963 IRRIGATION	04/01 to 11/01	0.38 CFS	116.0 AF

MICROFILMED

AUG 20 2003

MICROFILMED

APR 25 2000

Important Information About Your Water Right

January 17, 2002

Darrell James Baker
655 N 900 E
Rupert, ID 83350

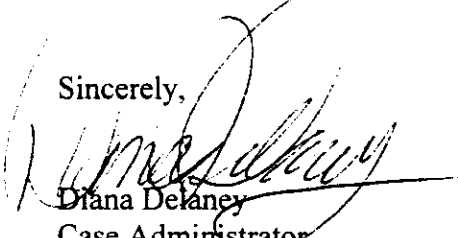
Dear Water Right Claimant(s):

This letter accompanies a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc*** (hereinafter "***Order***") issued for water right number 36-02565. Following the issuance of the ***Partial Decree*** for water right 36-02565 the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water right 36-02565B, which represents a water right resulting from the split of water right 36-02565. If you are not the current owner, please contact IDWR immediately at:

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 water right 36-02565. 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). The ***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 water right 36-02565, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-02565.) 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 this water right. The original of the ***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 on the same date that the ***Partial Decree*** was originally issued and therefore does not supercede any administrative changes occurring after that date.

Sincerely,


Diana Delaney
Case Administrator

MICROFILMED
AUG 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5424
WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
36-02668/~~36-02565B~~/36-15167B/36-15170B

This is to certify that: DARRELL JAMES BAKER
655 N 900 E
RUPERT ID 83350

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02190B :			
Priority: 02/25/1953			
IRRIGATION	03/15 to 11/15	0.08 CFS	32.0 AF
Right No. 36-02453B :			
Priority: 11/17/1960			
IRRIGATION	04/01 to 10/31	0.70 CFS	190.0 AF
Right No. 36-13065B :			
Priority: 03/15/1981			
IRRIGATION	03/15 to 11/15	0.16 CFS	54.0 AF
SUBTOTAL:		0.70 CFS (*1)	244.0 AF
Right No. 36-02467 :			
Priority: 01/24/1961			
IRRIGATION	03/15 to 11/15	4.00 CFS	1540.0 AF
Right No. 36-02668 :			
Priority: 11/18/1966			
IRRIGATION	05/15 to 09/15	4.79 CFS	2196.0 AF
SUBTOTAL:		4.79 CFS (*2)	2196.0 AF (*2)
Right No. 36-02565B :			
Priority: 02/11/1963			
IRRIGATION	04/01 to 11/01	0.38 CFS	116.0 AF

ORIGINAL FILE -
MICROFILMED
APR 25 2000

TRANSFER NO. 5424
 WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
 36-02668/36-02565B/36-15167B/36-15170B

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-15167B :			
Priority: 06/07/1951			
IRRIGATION	03/15 to 11/15	0.04 CFS	12.0 AF
Right No. 36-15170B :			
Priority: 06/29/1971			
IRRIGATION	03/15 to 11/15	0.01 CFS	4.8 AF
SUBTOTAL:		0.05 CFS	12.0 AF (*3)
TOTAL:		6.00 CFS (*4)	2600.0 AF (*4)

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 19, Township 07S, Range 26E
 SENENW , Sec. 30, Township 07S, Range 26E
 NESENW , Sec. 30, Township 07S, Range 26E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S 26E 19	SWNE 32	SENE 37	Lot 4 (SWSW) 23	
	SESW 35	NESE 40	NWSE 40	
	SWSE 40	SESE 40		287
30	NENE 30	NWNE 40	SWNE 40	
	SENE 33	NENW 36	Lot 1 (NWNW) 39	
Lot 2 (SWNW)	33	SENW 33	NESW 7	
	NESE 33	NWSE 39		363
Total number of acres irrigated:				650 (*5)

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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED
 APR 25 2000

MICROFILMED
 AUG 20 2003

TRANSFER NO. 5424
WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
36-02668/36-02565B/36-15167B/36-15170B

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- (*5) 5. Right 36-02190B is limited to the irrigation of 8.0 acres in the place of use described above in a single irrigation season.
- (*5) 6. Right 36-02453B is limited to the irrigation of 47.5 acres in the place of use described above in a single irrigation season.
- (*5) 7. Right 36-13065B is limited to the irrigation of 13.5 acres in the place of use described above in a single irrigation season.
- (*1) 8. Rights 36-02453B and 36-13065B when combined shall not exceed a total diversion rate of 0.70 cfs.
9. Right 36-13065B is based on an enlargement of Right 36-02453B pursuant to Section 42-1426, Idaho Code.
- (*5) 10. Right 36-02467 is limited to the irrigation of 385.0 acres in the place of use described above in a single irrigation season.
- (*5) 11. Right 36-02668 is limited to the irrigation of 549.0 acres in the place of use described above in a single irrigation season.
- (*2) 12. Rights 36-02467 and 36-02668 when combined shall not exceed a total diversion rate of 4.79 cfs, a total annual maximum diversion volume of 2196.0 af at the field headgate, and the irrigation of 549.0 acres.
- (*5) 13. Right 36-02565B is limited to the irrigation of 29.0 acres in the place of use described above in a single irrigation season.
- (*5) 14. Right 36-15167B is limited to the irrigation of 3.0 acres in the place of use described above in a single irrigation season.
- (*5) 15. Right 36-15170B is limited to the irrigation of 3.0 acres in the place of use described above in a single irrigation season.
- (*3) 16. Rights 36-15167B and 36-15170B when combined shall not exceed a total annual maximum diversion volume of 12.0 af at the field headgate, and the irrigation of 3.0 acres.
- (*4) 17. The total instantaneous diversion of water from all points of diversion under Transfer 5424 shall not exceed 6.00 cfs, nor total combined annual volume of 2600.0 af at the field headgate for the irrigation of 650.0 acres.
18. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before and after the described season is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

MICROFILMED
APR 25 2000

MICROFILMED
AUG 20 2003

TRANSFER NO. 5424
WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
36-02668/36-02565B/36-15167B/36-15170B

CONDITIONS OF APPROVAL AND REMARKS

19. Pursuant to Section 42-1412(6), Idaho Code, Rights 36-02190B, 36-02467, 36-02565B, 36-02668, 36-15167B and 36-15170B are subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
20. A single point of diversion is located on or near the line between SENENW and NESENW, S30, T07S, R26E.

Dated this 3rd day of

April, 2000

J. Glen Saylor

Chief, Water Allocation Bureau

MICROFILMED
APR 25 2000

MICROFILMED

AUG 20 2003

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 36-02565

1998 JAN 15 AM 11:23

FILED
JAN 15 1998
TWIN FALLS, IDAHO

NAME & ADDRESS: ETHEL M ORTON
RT 2
HEYBURN ID 83336

SOURCE: GROUNDWATER

QUANTITY: 4.05 CFS
1232.0 AFY

PRIORITY DATE: 02/11/1963

POINT OF DIVERSION: T08S R27E S05 SENESE Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.05 CFS 1232.0 AFY

PLACE OF USE:	IRRIGATION	Within BLAINE County
T08S R27E S04	SWSW 40	SESW 40
S05	SESW 40	NESE 39
	SESE 31	NWSE 38
S09	NWNW 40	SWSE 40
308 ACRES TOTAL		

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

MEMORANDUM

TO: FILE 36-02565B
FROM: VAULT
RE: TRANSFER # 5424
DATE: 4.5.00

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-02190B

MICROFILMED
APR 25 2000

MICROFILMED
AUG 20 2003

FROM: Allen Merritt *Am*

DATE: July 13, 1999

TO: Transfer File No. 5424

	In Transfer	Unchanged	Original Owner
Water Right(s):	36-02190B	36-02190A	Jentzch & Kearl
	36-02453B	36-02453A	D J Baker
	36-13065B	36-13065A	"
	36-02565B	36-02565A	Orton
	36-15167B	36-15167A	Jentzsch
	36-15170B	36-15170A	"
	36-02467		D J Baker
	36-02668		"

In the Name of: D J Baker

TO: Transfer File No. 5425

Water Right 36-02565A

In the Name of: Orton

SUBJECT: Review and Recommendation

These two transfers are related. Transfer 5424 deals with five separate farms. The concept is drying up acres on four of these farms and moving the rights to the fifth farm for increase of use at that farm. Transfer 5425 deals with one of the four farms where acres are being dried up. Transfer 5425 reconfigures the remaining lands to be irrigated at that site..

These transfers were advertised without protest. GIS shapes for the lands involved in these transfers have been created and reside on IDWR604 D:/Basins/B36/transfer folder.

Transfer 5425

The base right was recently decreed. See Skinner's 3/16/99 memo.

RECOMMENDATION

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

-Use subject to measurement and reporting of use through Measurement or Groundwater District.

Transfer 5424

Many of the base rights have been decreed except for two with objections by BLM that appear to have been approved. See Skinner's

MICROFILMED
APR 25 2000

MICROFILMED
OCT 07 2003

3/16/99 memo. We have held this transfer since June to get clearance from the BLM for reconfiguring the irrigated lands in lot 4, Sec 2 T07S, R24E. We received it 7/12/99.

RECOMMENDATION

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

-Use subject to measurement and reporting of use through Measurement or Groundwater District.

MICROFILMED

OCT 07 2003

MICROFILMED

APR 25 2000

NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

Notice is hereby given that two (2) Applications for Transfer have been filed with the Department of Water Resources to make changes to several water rights.

PRESENTLY, Water Right No. 36-02190 (1.60 cfs) with a priority date of 02/25/1953 is diverted from groundwater within SE1/4SW1/4 & NW1/4SE1/4, S26; SE1/4NE1/4, NE1/4SW1/4, & NE1/4SE1/4, S35 for irrigation for irrigation of 160 acres within parts of S35, all T06S, R24E; Minidoka County.

PRESENTLY, Water Right No. 36-02453 (3.79 cfs) with a priority date of 11/17/1960 and Water Right No. 36-13065 (0.84 cfs) are diverting a combined total of 3.79 cfs from groundwater within NW1/4SE1/4, S03 for irrigation of 330 acres within parts of Sections 2 & 3, all T07S, R24E; Minidoka County.

PRESENTLY, Water Right No. 36-02467 (4.00 cfs) with a priority date of 01/24/1961 and Water Right No. 36-02668 (4.79 cfs) are diverting a combined total of 4.79 cfs from groundwater within NE1/4SE1/4, S19; E1/2NW1/4, S30 for irrigation of 549 acres within parts of Sections 19 and 30, all T07S, R26E; Blaine County.

PRESENTLY, Water Right No. 36-02565 (4.05 cfs) with a priority date of 02/11/1963 is diverted from groundwater within NE1/4SE1/4, S05 for irrigation of 308 acres within parts of Sections 4, 5, & 9, all T08S, R27E; Blaine County.

PRESENTLY, Water Right No. 36-15167 (8.00 cfs) with a priority date of 06/07/1951 and Water Right No. 36-15170 (1.82 cfs) with a priority date of 06/29/1971 are diverting a combined total of 9.82 cfs from groundwater within SE1/4NE1/4, SE1/4NW1/4, SW1/4SE1/4, S06 for irrigation of 656 acres within parts of Sections 5 & 6, all T07S, R25E; Minidoka County.

Transfer No. 5424 filed by DARRELL JAMES BAKER, 655 N 900 E; RUPERT ID 83350 proposes to combine rights 36-02467 & 36-02668 (549 acres) with 8 acres from 36-02190; 61 acres from 36-02453 & 36-13065; 29 acres from 36-02565 and 3 acres from 36-15167 & 36-15170 to irrigate a total of 650 acres from existing wells; Blaine County using the following listed rights:

<u>Water Right No.</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
36-02190B	02/25/1953	0.08
36-02453B	11/17/1960	0.70
36-02565B	02/11/1963	0.38
36-02467	01/24/1961	4.00
36-02668	11/18/1966	4.79

36-13065B	03/15/1981	0.16
36-15167B	06/07/1951	0.04
36-15170B	06/29/1971	0.01

The remainder of the above listed rights (Portion A) with the exception of Right No. 36-02565A will continue to be diverted as PRESENTLY listed above minus 101 acres being dried up.

Transfer No. 5425 filed by ORTONS' LIMITED PARTNERSHIP, 635 CHAD DRIVE; REXBURG ID 83440 proposes to record present place of use:

Designated Water Right No. 36-02565A (3.67 cfs) will be diverted from the existing well within NE1/4SE1/4, S05 for irrigation of 279 acres within parts of Sections 4, 5, & 9, all T08S, R27E; Blaine County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before April 19, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 03/31 & 04/07/99.

MEMORANDUM

TO: FILE 36-02565

FROM: PAM SKAGGS

RE: TRANSFER # 5424

DATE: 3/26/99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 36-02190.

MICROFILMED

OCT 07 2003

MICROFILMED

APR 25 2000