

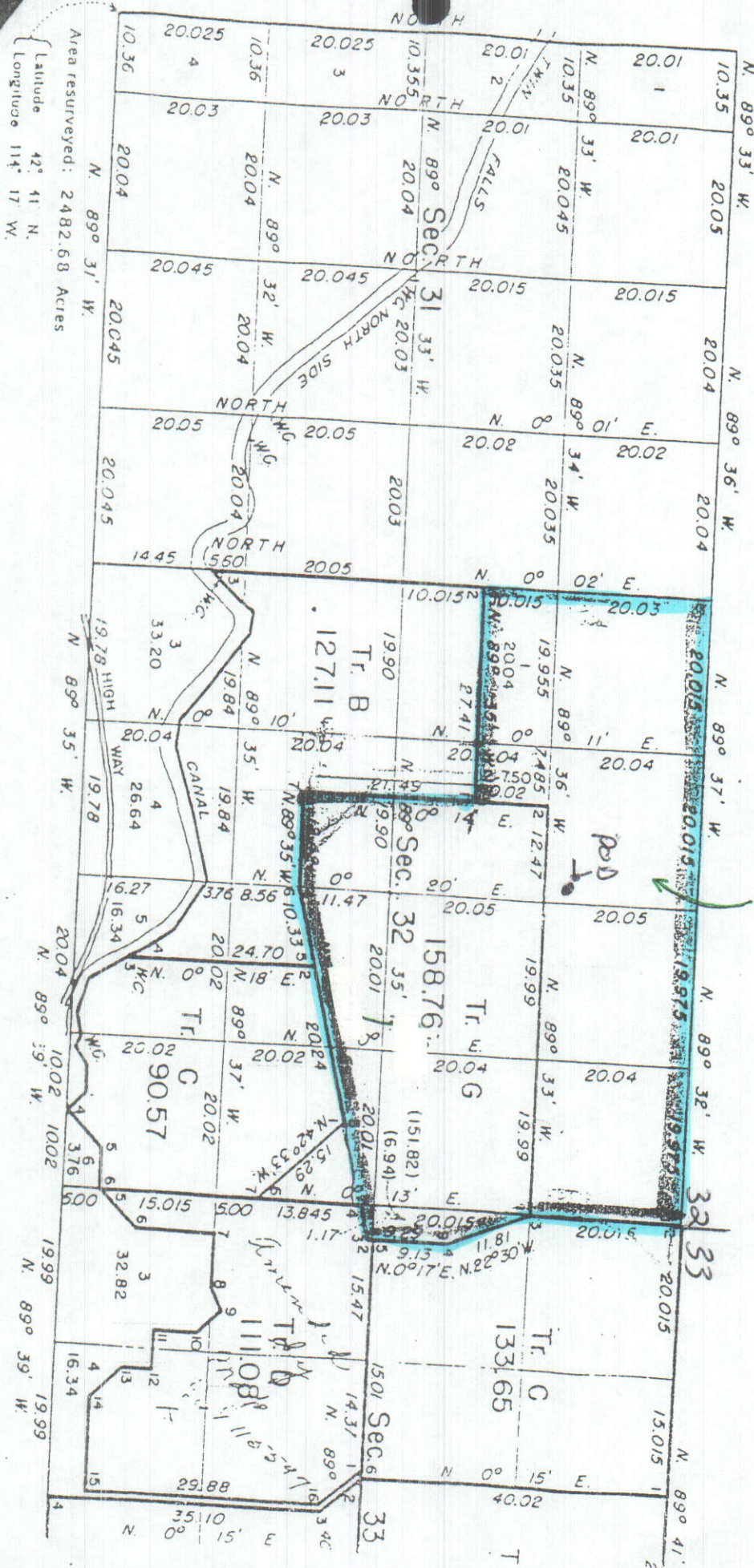
T69759

MICROFILMED

SEP 11 2002

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

MICROFILMED
SEP 11 2002



RECEIVED

MAY 19 1998

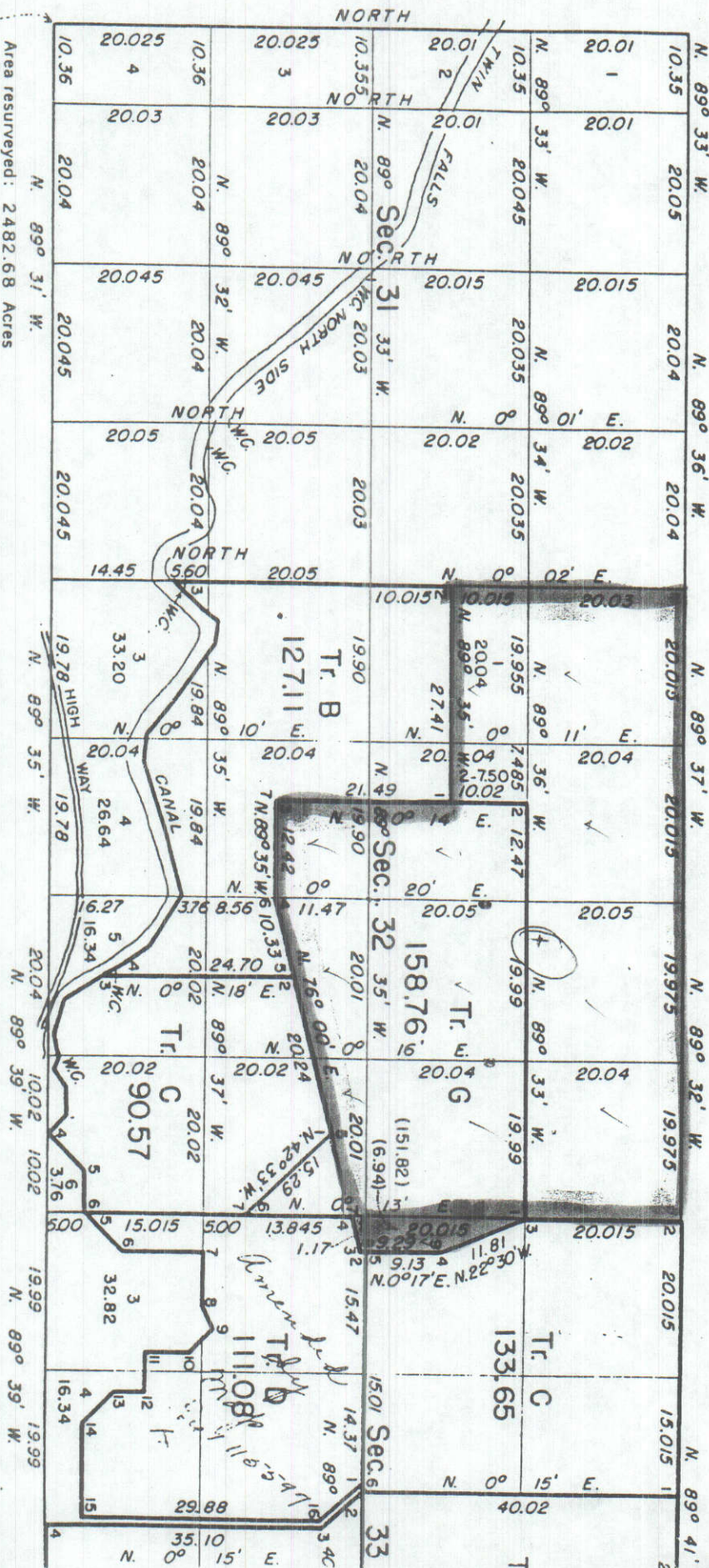
Department of Water Resources
Southern Region

T82, R 19 E S 32 / 33

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

MICROFILMED
SEP 11 2002

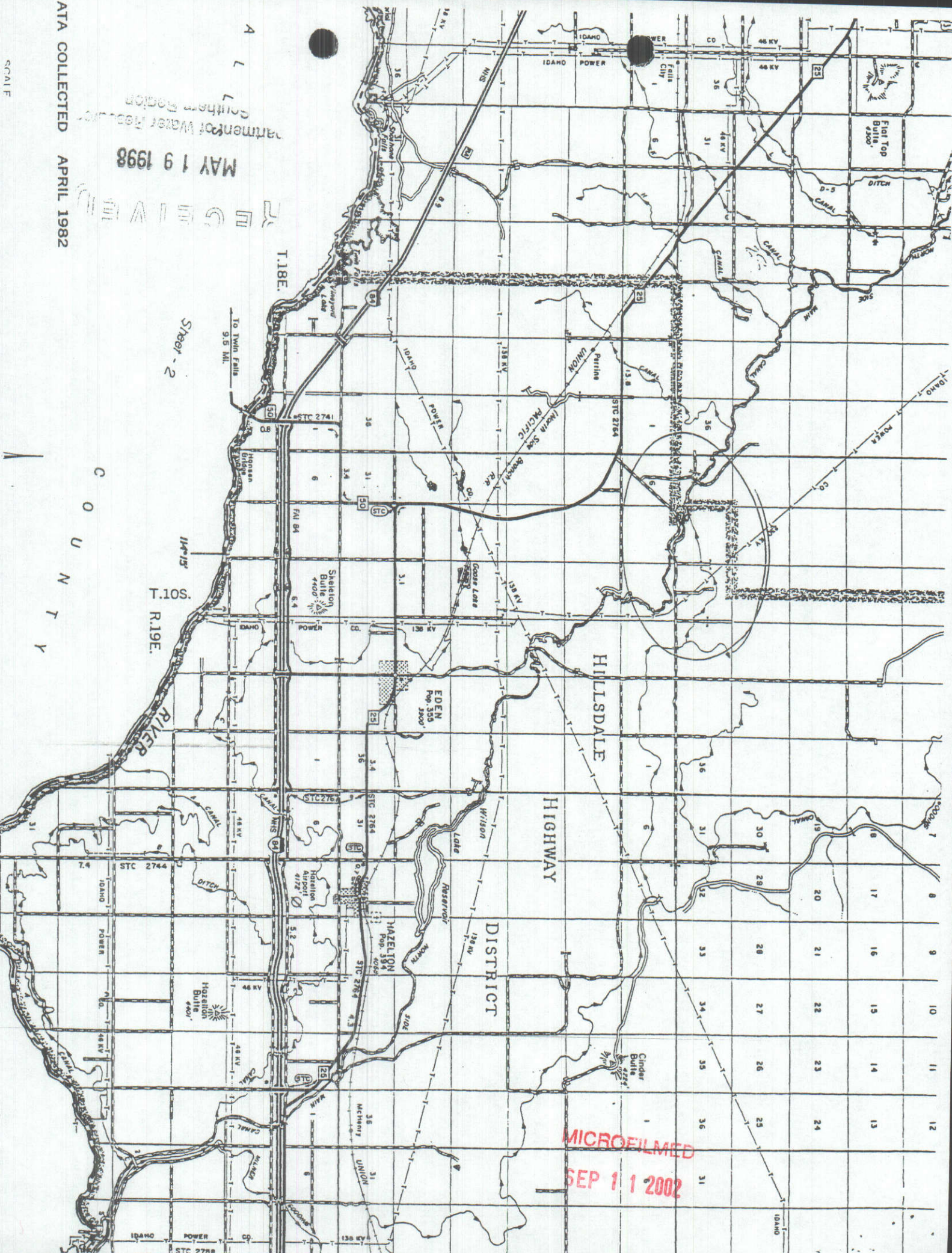


Area resurveyed: 2482.68 Acres

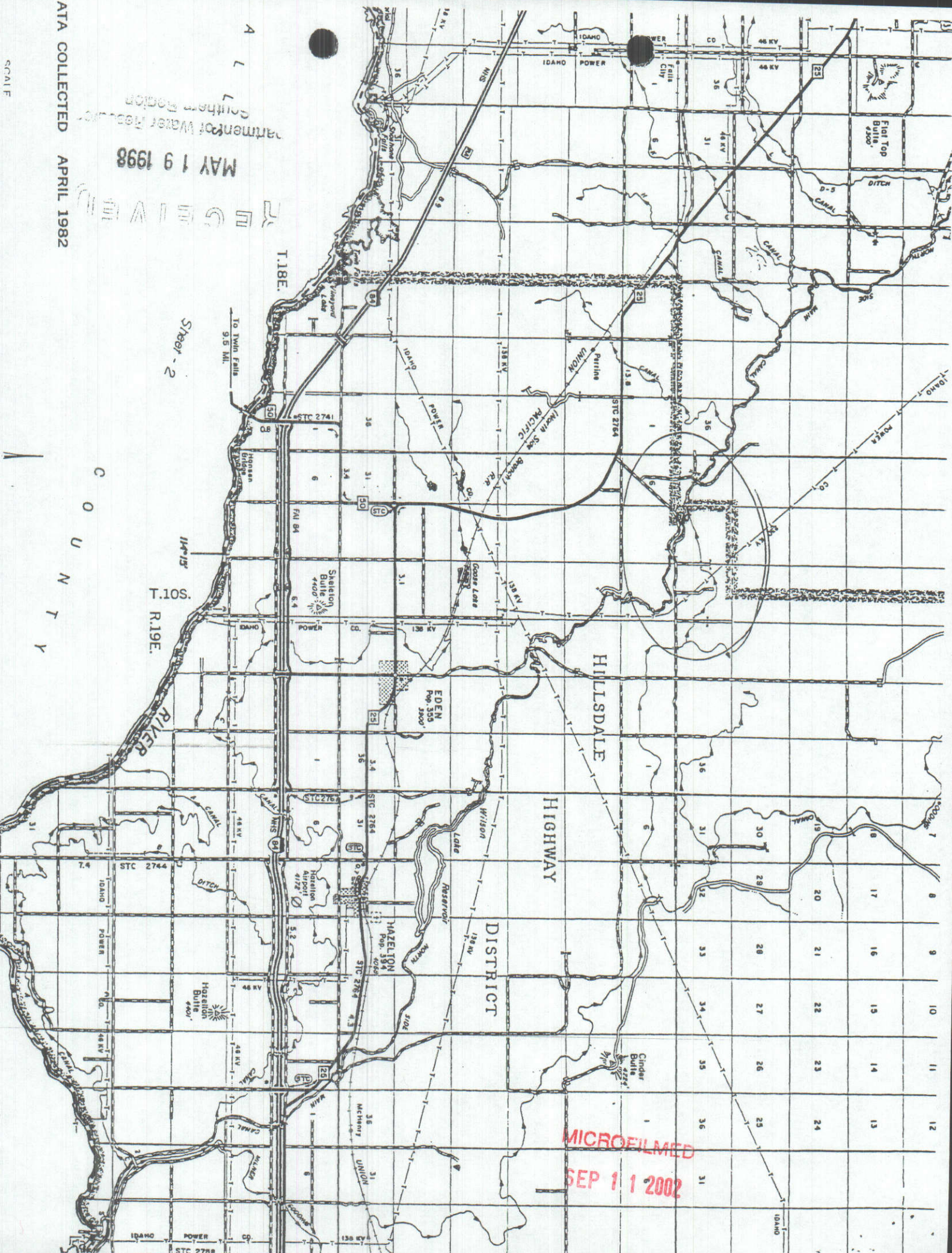
Latitude 42° 41' N.
Longitude 114° 17' W.

Declination





MICROFILMED
SEP 11 2002



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69759

This is to certify that: DEAN T DIMOND
1454 HWY 25
JEROME ID 83338
(208)825-5055

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
36-2460	WR/Decreed	01/11/1961	4.72 cfs	N/A	236.0	322.0	GROUND WATER
36-7614	WR/Decreed	05/05/1976	1.26 cfs	N/A	86.0	322.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

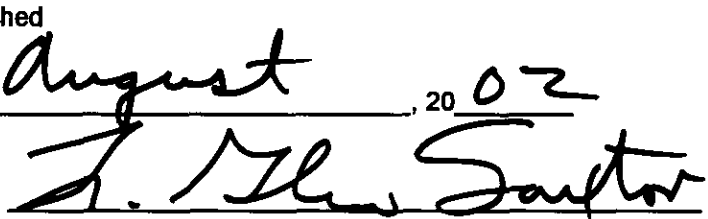
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-2460	NO	NO	YES	NO	NO	NO
36-7614	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (changed portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-2460	36-2460	4.72 cfs	N/A	236.0	322.0		N/A	N/A	N/A	N/A
36-7614	36-7614	1.26 cfs	N/A	86.0	322.0		N/A	N/A	N/A	N/A
TOTALS		4.72 cfs	1288 af	N/A	322.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 11 2002

WATER RIGHT NO. 36-7614
As Modified by Transfer No. 69759

In accordance with the approval of Transfer No. 69759, Water Right No. 36-7614 is now described as follows.

Right Holder: DEAN T DIMOND
 1454 HWY 25
 JEROME ID 83338

And

EDEN C DIMOND
 1454 HWY 25
 JEROME ID 83338

Priority Date: 05/08/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.26 CFS	
			1.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER SENENW Sec 19 Twp 08S Rge 19E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 19E 32	31.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	50	16.0			317.0
08S 19E 33							50						5.0

Total Acres: 322

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 86 acres within the place of use described above in a single irrigation season.
2. Rights 36-2460, 36-7614 and 36-15986 when combined shall not exceed a total annual maximum diversion volume of 1288 af at the field headgate, and the irrigation of 322 acres in a single irrigation season.
3. Use of this right with right No. 36-2460 is limited to a total combined diversion rate of 4.72 cfs and a total combined annual diversion volume of 1288 af.

MICROFILMED
 SEP 11 2002

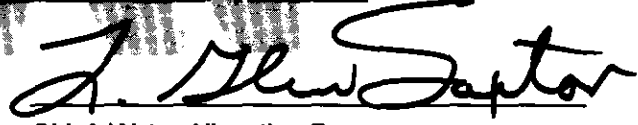
WATER RIGHT NO. 36-7614
As Modified by Transfer No. 69759

CONDITIONS OF APPROVAL

4. Right No. 36-2460 is also diverted through the point of diversion described above.
5. 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.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Well location as shown on USGS quad map appears to be in the SWNWNE instead of the SENENW S32, T08S, R19E
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 30th day of August 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 11 2002

WATER RIGHT NO. 36-2460
As Modified by Transfer No. 69759

In accordance with the approval of Transfer No. 69759, Water Right No. 36-2460 is now described as follows.

Right Holder: DEAN T DIMOND
 1454 HWY 25
 JEROME ID 83338

And

EDEN C DIMOND
 1454 HWY 25
 JEROME ID 83338

Priority Date: 01/11/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	4.72 CFS	
			4.72 CFS	

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER SENENW 34th 23Twp 08S Rge 19E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				SE				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 19E 32	31.0	40.0	40.0	40.0	40.0	5.0	5.0	14.0	5.0	16.0			317.0
08S 19E 33							5.0						5.0

Total Acres: 322

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 236 acres within the place of use described above in a single irrigation season.
2. Rights 36-2460, 36-7614 and 36-15986 when combined shall not exceed a total annual maximum diversion volume of 1288 af at the field headgate, and the irrigation of 322 acres in a single irrigation season.
3. Use of this right with right No. 36-2460 is limited to a total combined diversion rate of 4.72 cfs and a total combined annual diversion volume of 1288 af.

MICROFILMED
 SEP 11 2002

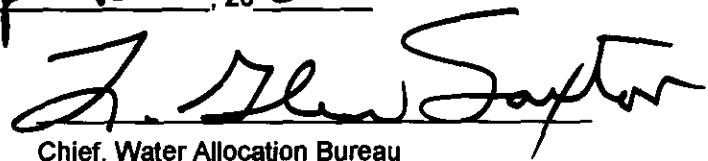
WATER RIGHT NO. 36-2460
As Modified by Transfer No. 69759

CONDITIONS OF APPROVAL

4. Right No. 36-2460 is also diverted through the point of diversion described above.
5. 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.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Well location as shown on USGS road map appears to be in the SWNWNE instead of the SENENW S32, T08S, R19E.
9. 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 extended. The use of water before 4/1 and after 11/1 is subordinate to all water rights having an unobordinated early or late irrigation use and a priority date earlier than SRBA partial decree date.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the right or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court and shall become no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 30th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 11 2002

RECEIVED

AUG - 6 2002

Page 1

Department of Water Resources

Transfer No. 69759

Receipt No. 5024970

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information DEAN DIMOND
1454 HWY 25
JEROME ID 83338
(208)825-5055

RECEIVED

MAY 31 2002

Department of Water Resources
Southern Region

Will this transfer result in an ownership change? X Yes _____ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
36-7614	WR/Decreed	1.26 cfs		322.0	86.0	GROUND WATER
36-2460	WR/Decreed	4.72 cfs		322.0	236.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-7614	NO	NO	YES	NO	NO	NO
36-2460	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Change place of use for four acres to more accurately describe where water is being used.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

NA

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

NA

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
36-7614	1.26 cfs	86.0	322.0	
36-2460	4.72 cfs	236.0	322.0	
TOTAL	4.72 cfs	322.0	322.0	1,288.0 af

MICROFILMED

SEP 11 2002

(69759)

Transfer No. 69759

Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

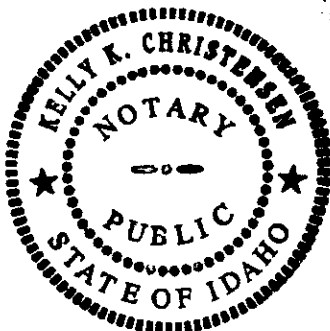
Dean Diamond
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 20th day of Mar, 2002.

Kelly K. Christensen
(Notary Public)

My commission expires 3-11-04



MICROFILMED
SEP 11 2002

Transfer No. 69759

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-7614

Priority Date: 05/08/1976

Origin: Water Right

Basis: Decreed

Status: Closed

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	1.26 CFS		
	Total Diversion	1.26 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	19E	32	SE	NW	JEROME

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	19E	32	31.0	37.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0					5.0	15.0		313.0
08S	19E	33						4.0	5.0										9.0

Total Acres: 322

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHT NO. 36-02460 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.72 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF.
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02460 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 322.0 ACRES IN A SINGLE IRRIGATION SEASON.
- 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. SECTION 42-1412(6), IDAHO CODE.

MICROFILMED

SEP 11 2002

Page 4

4. RIGHT NO. 36-02460 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

4 acres will be dried up in the NWNW of section 33.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

MICROFILMED
SEP 11 2002

Transfer No. 69759

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-2460

Priority Date: 01/11/1961

Origin: Water Right

Basis: Decreed

Status: Closed

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	4.72 CFS		
	Total Diversion	4.72 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	19E	32	SE	NW	JEROME

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	19E	32	31.0	37.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0					5.0	15.0	313.0	
08S	19E	33						4.0	5.0									9.0	

Total Acres: 322

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-07614 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.72 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 236 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02460 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 322.0 ACRES IN A SINGLE IRRIGATION SEASON.

MICROFILMED

SEP 11 2002

Page 6

4. 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. SECTION 42-1412(6), IDAHO CODE.
5. RIGHT NO. 36-07614 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

4 acres will be dried up in the NWNW of section 33.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

MICROFILMED

SEP 11 2002

Transfer No. 69759
 Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-7614

Priority Date: 05/08/1976

Origin: Water Right

Basis: Decreed

Status: Closed

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.26 CFS		
	Total Diversion	1.26 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	19E	32	SENE	NW	JEROME

Describe the proposed diversion system

Point of Diversion # 1 WELL AND PUMP

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	19E	32	31.0	40.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0					5.0	16.0		317.0
08S	19E	33						5.0											5.0

Total Acres: 322

MICROFILMED

SEP 11 2002

Transfer No. 69759

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 36-2460

Priority Date: 01/11/1961

Origin: Water Right

Basis: Decreed

Status: Closed

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	4.72 CFS		
	Total Diversion	4.72 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	19E	32	SENENW		JEROME

Describe the proposed diversion system

Point of Diversion # 1 WELL AND PUMP

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	19E	32	31.0	40.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0					5.0	16.0		317.0
08S	19E	33							5.0										5.0

Total Acres: 322

MICROFILMED

SEP 11 2002

T69759

MICROFILMED

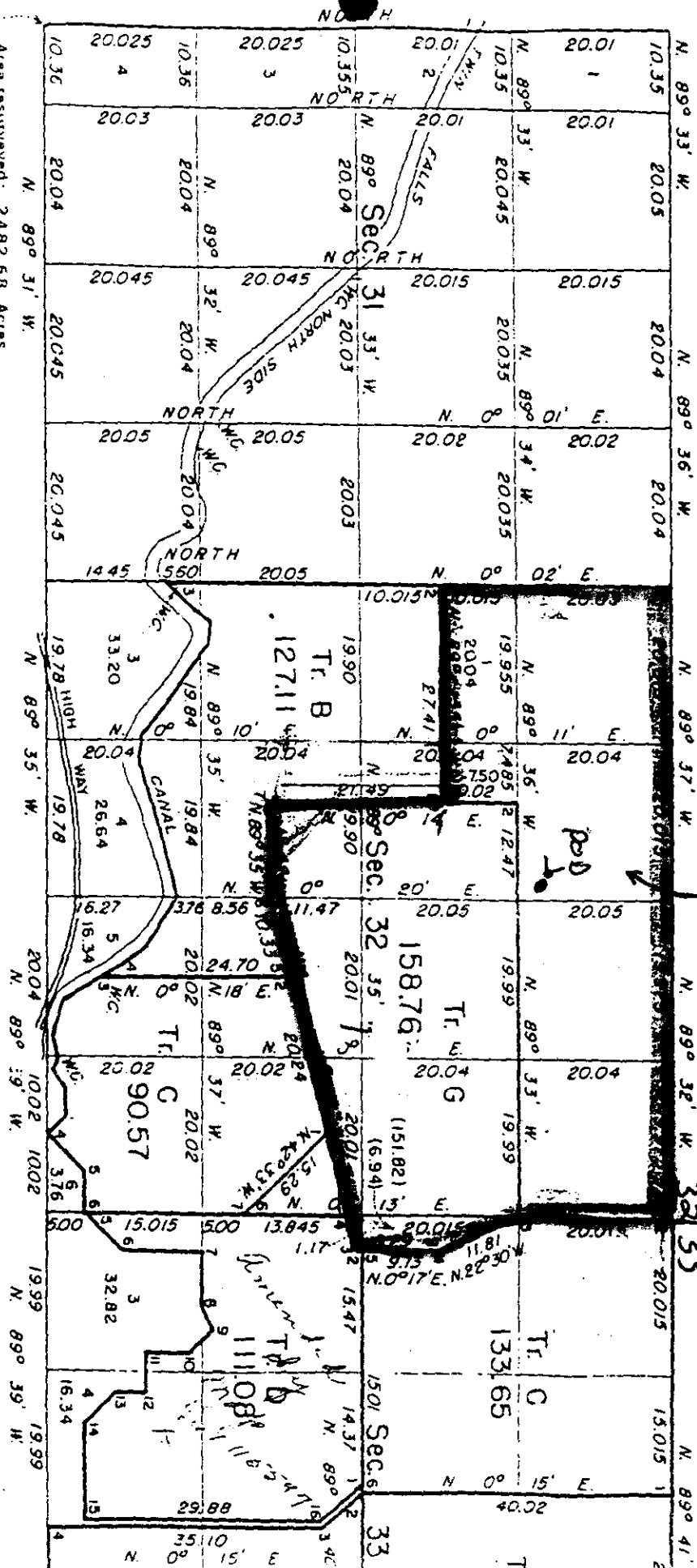
SEP 11 2002

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

"This plat is made solely for the purpose of assisting in locating the land, and the company assures no liability for variations, if any, with an actual survey."

85 19 1/2 Section 32 & 33

MICROFILMED
SEP 11 2002



Area resurveyed: 2482.68 Acres
Latitude 42° 41' N.
Longitude 114° 17' W.

WARRANTY DEED

T69759

983179

MAX L. AUKER and WENDY A. AUKER, husband and wife

hereby called the Grantor, hereby grants, bargains, sells and conveys unto

DEAN T. DIMOND and EDEN C. DIMOND, husband and wife

Address: 1454 HWY 25, JEROME, ID 83338

RECORDED AT THE REQUEST
Land Title & Escrow, Inc.

MAY 15 3:41 PM '98

JEROME, IDAHO

FEES 6.00 DEER

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

See attached Exhibit "A"

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Interim and Recordable Contract, dated May 14, 1949, recorded May 25, 1949 in Book 143 Page 54 as Instrument Number 106061, Jerome County records.

Power Line Easement dated July 30, 1949, recorded June 10, 1950 in Book 142 Page 210 as Instrument Number 109540, Jerome County records.

Power Line Easement, dated February 2, 1965, recorded May 4, 1965 in Book 168 Page 486 as Instrument Number 163625, Jerome County records.

Power Line Easement dated April 24, 1968, recorded December 3, 1968 in Book 184 Page 216 as Instrument Number 178882, Jerome County records.

Power Line Easement, dated May 20, 1974, recorded November 22, 1974 in Book 184 Page 975 as Instrument Number 208823, Jerome County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 1998

Max L. Auker
MAX L. AUKER

Wendy A. Auker
WENDY A. AUKER

STATE OF IDAHO

COUNTY OF Jerome

On this 15th day of May, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MAX L. AUKER and WENDY A. AUKER, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

TERRI McBRIDE
★ NOTARY PUBLIC ★
STATE OF IDAHO
COMMISSION EXPIRES 5-2002

Notary Public
Residing at:

MICROFILMED

SEP 11 2002

RECEIVED

MAY 19 1998

Department of Water Resources
Bozeman, Montana

APR-04-02 THU 09:50 PM

T69759

PARCEL NO. 1

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32 and 33: Tract "G", EXCEPTING THEREFROM that portion lying South of Section 21.

PARCEL NO. 2

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32: Lots 1 and 2; N½N½.

Subject to:

Existing easements for road, highway, ditches, canals, laterals and power and transmission lines, as shown in document dated August 7, 1980, recorded August 7, 1980 as Instrument Number 251624, Jerome County records.

Power Line Easement dated March 24, 1983, recorded July 8, 1983 as Instrument Number 274653, Jerome County records.

Right of Way Option dated December 14, 1988, recorded January 4, 1989 as Instrument Number 314172, Jerome County records.

Right of Way Easement dated December 5, 1990, recorded December 6, 1990 as Instrument Number 323414, Jerome County records.

Mortgages in favor of the United States of America acting through the Farmers Home Administration which the Grantees by acceptance of this Deed assume and agree to pay the balance thereof.

RECEIVED

MAY 19 1998

Department of Water Resources
Southern Region

MICROFILMED

SEP 11 2002

Brent T. Robinson, Esq.
 LING, NIELSEN & ROBINSON
 Attorneys at Law
 P.O. Box 396
 Rupert, Idaho 83350
 Telephone No. (208) 436-4717
 Fax No. (208) 436-6804

Attorneys for Plaintiff

FILED - DISTRICT COURT 9 6 1 3 4 6

CLERK OF DISTRICT COURT

1000 01 01 53

Land Title & Escrow, Inc.

DUANE SMITH, CLERK MAR 23 12 10 PM '96

Handwritten signature

DEPUTY

JEROME, IDAHO

FEES 27.00 SET *Handwritten signature*

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

RANDAL J. WATERS,

Plaintiff,

vs.

DEBBIE J. WATERS,

Defendant.

Case No. CV 94-00645 D

JUDGMENT AND DECREE
OF DIVORCE

THIS CAUSE came before the court for hearing upon the request of the Plaintiff and the Defendant on the 20 day of March, 1995. Counsel for the Plaintiff advised the court that the parties had reached an agreement resolving all issues before the court, and that the Plaintiff, by and through his attorney, Brent T. Robinson of the firm Ling, Nielsen & Robinson, and the Defendant, by and through her attorney, Alfred E. Barrus, have stipulated to entry of a Judgment and Decree of divorce.

The court having reviewed the Property Settlement Agreement entered into between the Plaintiff and Defendant finds

Judgment and Decree of Divorce - 1

MICROFILMED

SEP 11 2002

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW

RUPERT, IDAHO 83350

1 the agreement satisfactorily provides for a resolution of all
2 issues relating to this matter.
3

4 It appearing to the court that the Property Settlement
5 Agreement heretofore presented by the parties is proper that the
6 Defendant is not in the Armed Forces of the United States; and
7 that the Plaintiff and Defendant are entitled to a Judgment and
8 Decree of Divorce from each other.

9 Now, therefore, by reason of the law and the premises
10 aforesaid, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

11 1. That Plaintiff and Defendant shall be and they are
12 hereby awarded a decree of divorce absolute from each other, that
13 the bonds of matrimony heretofore existing are dissolved and
14 terminated in every respect, and each party is restored to the
15 status of a single person.

16 2. That the Property Settlement Agreement entered into
17 between the Plaintiff and Defendant dated the 9th day of March,
18 1995, submitted into evidence and now on file herein, is hereby
19 approved, ratified, confirmed, adopted and fully incorporated
20 into and made a part of this decree.

21 3. That the Defendant's prior name, i.e. Debbie J.
22 Aldrich, shall be and the same is hereby restored to her.

23 DATED this 11th day of March, 1995.

24
25 LARRY R. DUFF
26 Larry R. Duff
27 Magistrate Judge
28

Judgment and Decree of Divorce - 1

MICROFILMED

SEP 11 2002

PROPERTY SETTLEMENT AGREEMENT

* * * * *

THIS AGREEMENT is made and entered into this 9th day of March, 1995, by and between FANDAL J. WATERS, herein referred to as "husband"; and DEBBIE J. WATERS, herei. referred to as "wife".

DECLARATIONS

Husband and wife hereby declare as follows:

(1) They were married on the 14th day of February, 1990, and ever since that time have been and are now husband and wife.

(2) As a result of disputes and unhappy differences occurring and persisting between them, they have been separated and living apart.

(3) That an action for divorce is now pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Minidoka, as Case No. CV 94-00345D, said action having been filed on the 23rd day of August, 1994, wherein husband is the Plaintiff and wife is the Defendant.

(4) There have been no children born issue of the marriage of the parties.

(5) The parties intend, and it is the purpose of this agreement to fully resolve all issues in dispute and to provide a fair and equitable division of all property of the parties.

(6) To insure each party has been fully informed and advised of their rights and responsibilities, each of them has retained and has been represented by independent legal counsel in connection with the divorce action and the negotiations for and the drafting of this agreement. Husband has been represented in these proceedings by Brent T. Robinson of the firm Ling, Nielsen & Robinson, P.O. Box 296, Rupert, Idaho 83350; and Wife has been represented in the proceedings by Alfred E. Barrus, Attorney at Law, P.O. Box 487, Burley, Idaho 83318.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements of the parties hereto, it is hereby understood and agreed as follows:

AGREEMENTS

1. Division of Property - Property Apportioned to Wife.

There is hereby transferred, set over, assigned, and con-

Property Settlement Agreement - 1

MICROFILMED

SEP 11 2002

firmed to wife as her sole and separate property, free and clear of any and all claims of the husband, all of the following real and personal property:

Real Property:

NONE.

Personal Property:

savings account
console television
stereo
double bed - except box springs and mattress
(2) children's beds
dressers
living room set consisting of couch, loveseat and recliner
misc. dishes, silverware and linens
coffee table
end table
lamps
freezer
sewing machine
college fund for wife's children
1991 Grand Am automobile
VCR and tapes
Kirby vacuum
trampoline
pictures and misc. decorations
(2) desks
Nintendo and games
(2) mountain bikes
(2) children's bikes
aquarium
(1) house dog
wife's personal clothing and affects and
those of her minor children
1973 International pickup, VIN: 3H1C0CHB45065 (green)
Chinook camper
gas barbecue grill
all pig feeders, including automatic feeder and waterer
all chicken feeders and waterers
dog run
(1) black bull
Sears Lifestyle "700" exercise bike
stove
refrigerator
washer and dryer
dining room set
double bed

In addition, husband shall pay wife the sum of \$10,000.00 upon execution of this agreement.

Property Settlement Agreement - 2

MICROFILMED

SEP 11 2002

Each of items of property set aside and transferred to wife is assigned to, taken and accepted by her with any and all encumbrances and other obligations to which such item may be subject. Wife shall pay and discharge all such encumbrances and obligations and hold husband free and harmless therefrom.

2. Division of Property - Property Apportioned to Husband.

There is hereby transferred, set over, assigned, and confirmed to husband as his sole and separate property, free and clear of any and all claims of the wife, all of the following real and personal property:

REAL PROPERTY:

PARCEL NO. 1:

Township 9 South, Range 19 East, Boise Meridian, Jerome County, State of Idaho

Section 9. Lot 3; SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{4}$.

PARCEL NO. 2:

Township 8 South, Range 19 East, Boise Meridian, Jerome County, State of Idaho

Section 33: Farm Unit "C", Tract "C"

PERSONAL PROPERTY:

(2) refrigerators
washer and dryer
portable television
dinner set
Kenwood stereo
black top dresser
box springs and mattresses
couch
chair
misc. household goods and appliances
misc. dishes, silverware and linens
recliner
rocking chair
lawn mower
tools
garden equipment
all farm equipment, machinery, implements, irrigation equipment and tools, including but not limited to those items listed on Exhibit "A"
all livestock, except 1 black bull awarded to wife
(2) cattle dogs
farm products on hand or in storage
old freezer

Property Settlement Agreement

MICRO

dishwasher

microwave

stove

console television

all trucks & pickups, including but not limited to:

1961 Chevrolet dump truck

1975 IHC dump truck

1975 IHC flatbed truck

1980 Chevrolet hoist truck

1980 IHC hoist truck

1981 IHC hoist truck

1984 IHC hoist truck

1980 IHC truck

1954 Chevrolet boom truck

1974 Chevrolet truck

1978 Chevrolet truck

1977 Chevrolet 3/4 ton 4 x 4 pickup

1979 Chevrolet 3/4 ton 4 x 4 pickup

1989 Chevrolet 3/4 ton 4 x 4 pickup

1991 Chevrolet 1 ton dual 4 x 4 pickup

1994 GMC 3/4 ton 4 x 4 pickup

1994 Chevrolet 3/4 ton 4 x 4 pickup

(2) 1971 IHC pickups

1972 IHC pickup

1974 IHC pickup

1985 Chevrolet one-ton truck

1980 GMC one-ton truck

motorcycles

sprinkler equipment

rolltop desk

husband's personal clothing and affects

Toshiba satellite system

1987 Chevrolet Suburban, or some other vehicle obtained

on trade-in of 1987 Chevrolet Suburban

any and all other property not specifically awarded to wife

Each of item of property set aside and transferred to husband is assigned to, taken and accepted by him with any and all encumbrances and other obligations to which such items may be subject. Husband shall pay and discharge all such encumbrances and obligations and hold wife free and harmless therefrom.

3. Assignment of Debts.

Husband shall pay all outstanding debt-related debts, including the operating line at Farmers National Bank, the indebtedness owed to Joe Salisbury for the contract on land, and the indebtedness owed to Rita Parist for the contract on the residence and land, and any other debt-related property, all incurred by him during the marriage.

PROPERTY SCHEDULE ATTACHED

MICROFILMED

SEP 11 2002

Wife shall pay all outstanding debts of the community of whatsoever kind or nature incurred prior to the commencement of this action, and any other separate property debts incurred by her during the marriage.

4. Attorney's Fees.

Husband and wife shall each assume, pay and fully satisfy their respective attorney's fees and costs incurred in all matters relating to the prosecution and defense of the divorce action, and the negotiations for and preparation of this agreement, and subsequent proceedings necessary for dissolution of the marriage.

5. Effect of Judgment and Decree of Divorce.

The terms of this agreement shall be fully incorporated into a Judgment and Decree of Divorce which shall provide that the terms of this agreement shall be approved, ratified, confirmed, adopted, and incorporated into and made a part of the Judgment and Decree of Divorce. By entering into this agreement both parties agree to the entry of a Judgment and Decree of Divorce in this matter.

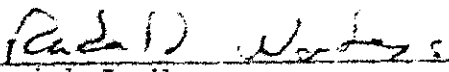
6. Execution of Necessary Documents.

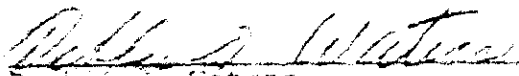
The parties, and each of them, shall hereafter execute any and all instruments necessary to carry out the terms of this agreement.

7. Binding Effect.

This agreement shall be binding on the parties and their respective heirs, executives, administrators, and assigns.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.


Randal J. Waters


Debbie J. Waters

Property Settlement Agreement - 5

MICROFILMED

SEP 11 2002

RP09S19E020021A 2001 WATERS, HAROLD D TRACT B & TRACT C 122.197 LD 20 JEROME COUNTY 627.90
 BILL# 8263 1651 HUNT RD SEC 2 T9 R19 40.432 IM 210 SCHOOL #262 819.98
 TAX CODE 5-00 JEROME ID 83338 C/S F H A 264.12
 192.90 AC 18,333 HD 600 FIRST SEG. FIRE 188.70
 144,296 700 COLLEGE SQ. ID. 122.74
 720 JER AMBULANCE 23.30
 740 VALLEY REC DIST 82.90
 994 REFUSE FEE 60.00
 2,189.64

BILLED TO: WATERS, HAROLD D

1651

HUNT RD

93338

2,189.64

RP08S19E284104A 2001 WATERS, RANDY NMSW 800 LD 20 JEROME COUNTY 3.48
 BILL# 7019 233 SOUTH 1450 EAST SEC 28 T8 R19 4.54
 TAX CODE 41-00 JEROME ID 83338 40.0 AC .98
 700 COLLEGE SQ. ID. .68
 720 JER AMBULANCE .12
 740 VALLEY REC DIST .46
 800 10.24

BILLED TO: WATERS, RANDY

10.24

RP08S19E284650A 2001 WATERS, RANDY SWSM, W1/2E1/2SW, 2,400 LD 20 JEROME COUNTY 10.44
 BILL# 7020 233 SOUTH 1450 EAST S1/2S1/2S1/2NW, W1/2E1/2E1/2SW 13.64
 TAX CODE 41-00 JEROME ID 83338 SEC 28 T8 R19 2.94
 120.0 AC 2.04
 720 JER AMBULANCE .34
 740 VALLEY REC DIST 1.34
 2,400 30.84

BILLED TO: WATERS, RANDY

30.84

RP08S19E332404A 2001 WATERS, RANDY TRACT C 63,853 LD 20 JEROME COUNTY 354.5
 BILL# 7038 233 SOUTH 1450 EAST SEC 33 T8 R19 463.5
 TAX CODE 5-00 JEROME ID 83338 133.65 AC 149.3
 10,564 HD 600 FIRST SEG. FIRE 106.6
 700 COLLEGE SQ. ID. 69.3
 720 JER AMBULANCE 13.1
 740 VALLEY REC DIST 46.8
 994 REFUSE FEE 60.0
 1,263.8

BILLED TO: WATERS, RANDY

1,263.8

MP08S0E210001AA 2001 WATERS, TIM 1972 CHAMPION 12X55 S/W 4,000 LD 20 JEROME COUNTY 17.4
 BILL# 862 1931 HUNT ROAD VIN: 3739 4,000 IM 210 SCHOOL #262 22.7
 TAX CODE 17-00 JEROME ID 83338 500 HAZELTON CEM. .3
 700 COLLEGE SQ. ID. 3.4
 720 JER AMBULANCE .6
 740 VALLEY REC DIST 2.2
 994 REFUSE FEE 60.4
 1676 E 202 S 83338

BILLED TO: WATERS, TIM

1676

E 202

S 83338

MICRO

Form 42-28/42-1006 February 3, 1997

MAY 19 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 36-02460 & 36-07614
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Max Auker & Wendy A. Auker
358-B Hwy 25 Jerome, ID 83338
4. New Owner/Claimant(s) Dean T. Dimond & Eden C. Dimond
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 1454 Hwy 25
City, State and ZIP Code Jerome, ID 83338
New Telephone Number () _____
5. Date you acquired the property May 15, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Dean T. Dimond
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

MICROFILMED

SEP 11 2002

WARRANTY DEED

9 8 3 1 7 9

For Value Received

MAX L. AUKEK and WENDY A. AUKEK, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DEAN T. DIMOND and EDEN C. DIMOND, husband and wife
Address: 1454 HWY 25, JEROME, ID 83338RECORDED WITH REQUEST
Land Title & Escrow, Inc.
May 15 3 41 PM '98
JEROME, IDAHO
FEES *6.00* *Stest*

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

See attached Exhibit "A"

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Interim and Recordable Contract, dated May 14, 1949, recorded May 25, 1949 in Book 143 Page 54 as Instrument Number 106061, Jerome County records.

Power Line Easement dated July 30, 1949, recorded June 10, 1950 in Book 142 Page 210 as Instrument Number 109540, Jerome County records.

Power Line Easement, dated February 2, 1965, recorded May 4, 1965 in Book 168 Page 486 as Instrument Number 163625, Jerome County records.

Power Line Easement dated April 24, 1968, recorded December 3, 1968 in Book 184 Page 216 as Instrument Number 178882, Jerome County records.

Power Line Easement, dated May 20, 1974, recorded November 22, 1974 in Book 184 Page 975 as Instrument Number 208823, Jerome County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 1998

Max L. Auker
MAX L. AUKEK*Wendy A. Auker*
WENDY A. AUKEKSTATE OF IDAHO)
) ss.
COUNTY OF Jerome)

RECEIVED

MAY 19 1998

Department of Water Resources
Southern Region

MICROFILMED

SEP 11 2002

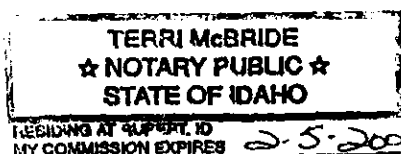
On this 15th day of May, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MAX L. AUKEK and WENDY A. AUKEK, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.*Terri McBride*
Notary Public
Residing at:

EXHIBIT "A"

PARCEL NO. 1

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32 and 33: Tract "G", EXCEPTING THEREFROM that portion lying South of Section 21.

PARCEL NO. 2

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32: Lots 1 and 2; N½N½.

Subject to:

Existing easements for road, highway, ditches, canals, laterals and power and transmission lines, as shown in document dated August 7, 1980, recorded August 7, 1980 as Instrument Number 251624, Jerome County records.

Power Line Easement dated March 24, 1983, recorded July 8, 1983 as Instrument Number 274653, Jerome County records.

Right of Way Option dated December 14, 1988, recorded January 4, 1989 as Instrument Number 314172, Jerome County records.

Right of Way Easement dated December 5, 1990, recorded December 6, 1990 as Instrument Number 323414, Jerome County records.

Mortgages in favor of the United States of America acting through the Farmers Home Administration which the Grantees by acceptance of this Deed assume and agree to pay the balance thereof.

MICROFILMED
SEP 1 2002

RECEIVED

MAY 19 1998

Department of Water Resources
Southern Region

RECEIVED

MAY 19 1998

Department of Water Resources
Southern Region

T82, R 19 E S 32 / 33

DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

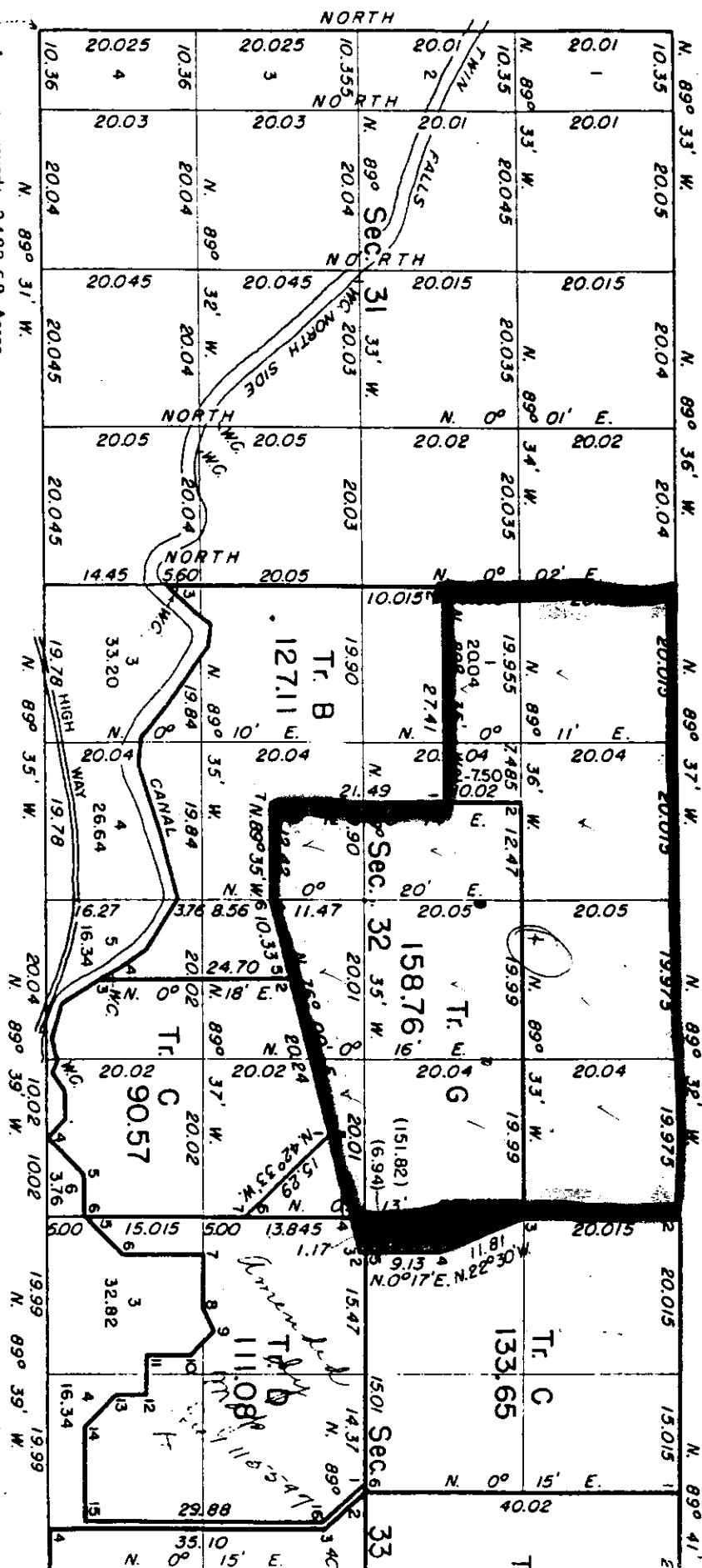
MICROFILMED

SEP 11 2002

Declination
E

Area resurveyed: 2482.68 Acres

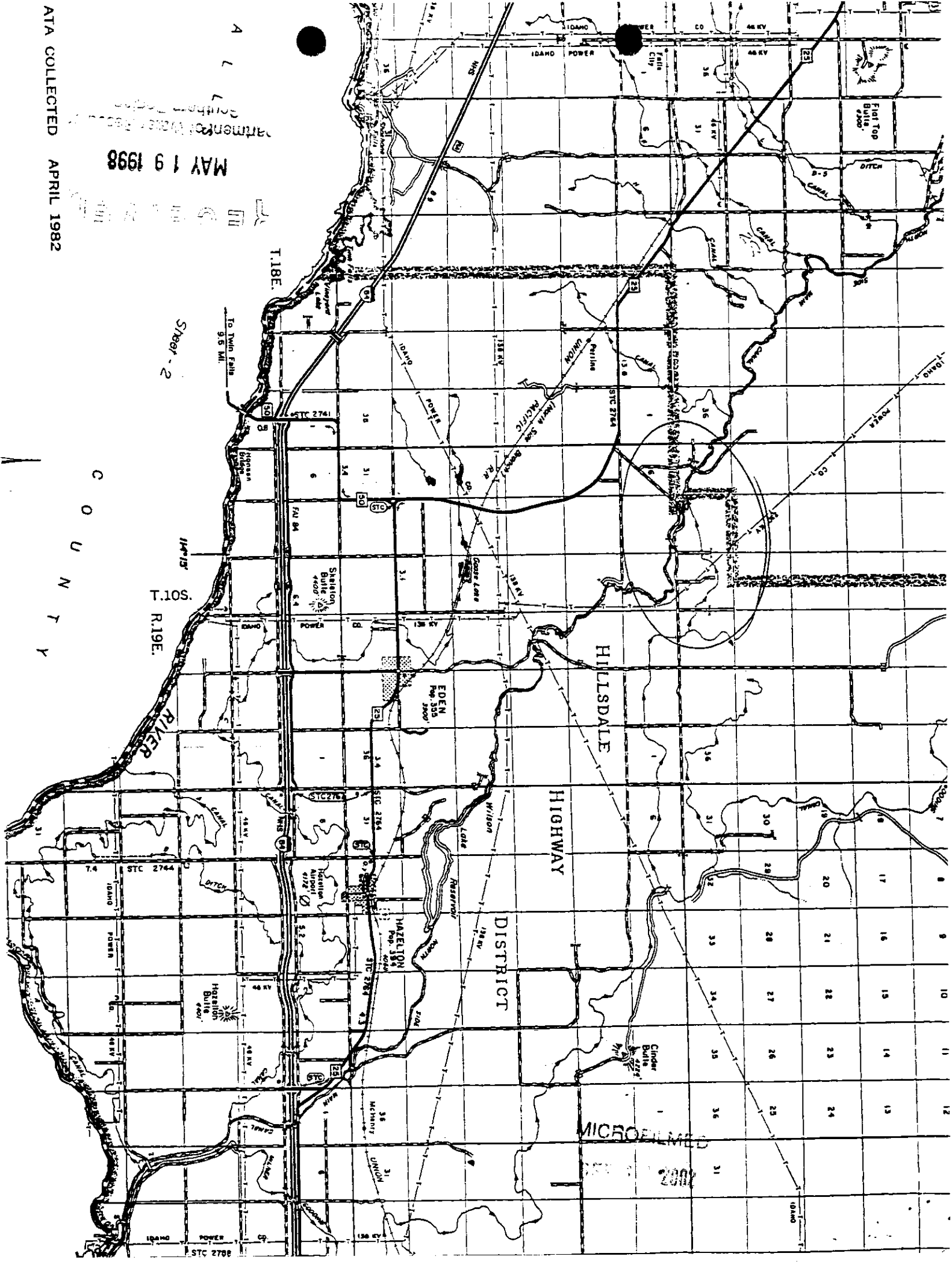
Latitude 42° 41' N.
Longitude 114° 17' W.



ATA COLLECTED APRIL 1982

MAY 19 1998

Department of Water Resources
Southern Region



MICROFILMED
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)

Water Right 36-02460

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 February 24, 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: 04-01 11-01

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT. ccc

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

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

Important Information About Your Water Right

August 27, 2001

WENDY A AUKER
MAX L AUKER
358E STATE HWY 25
JEROME, ID 83338

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 36-02460. 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 February 24, 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,

A handwritten signature in dark ink, appearing to read "Diana Delaney". The signature is stylized and cursive. To the right of the signature, there is a circular stamp that says "MICROFILMED" and a date stamp "2002".

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 36-02460

1998 FEB 24 PM 12:03

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: WENDY A AUKER
MAX L AUKER
358E STATE HWY 25
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.72 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07614 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.72 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF.

PRIORITY DATE: 01/11/1961

POINT OF DIVERSION: T08S R19E S32 SENENW Within JEROME County

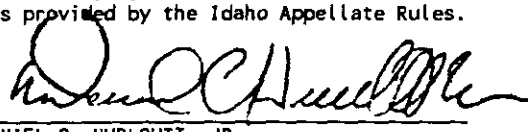
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.72 CFS

PLACE OF USE:	IRRIGATION	Within JEROME County			
T08S R19E S32	NENE 31	NWNE 37	SWNE 40	SENE 40	
	NENW 40	NWNW 38	SWNW 20	SENW 33	
	NESW 14	NESE 5	NWSE 15		
S33	NWNW 4	SWNW 5			
322 ACRES TOTAL	NENE 31				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 236 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-02460 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 322.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

MICROFILMED



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

September 3, 2002

DEAN T DIMOND
EDEN C DIMOND
1454 HWY 25
JEROME ID 83338

RE: Transfer No.: 69759 - Water Rights 36-2460, 36-7614 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED
SEP 11 2002

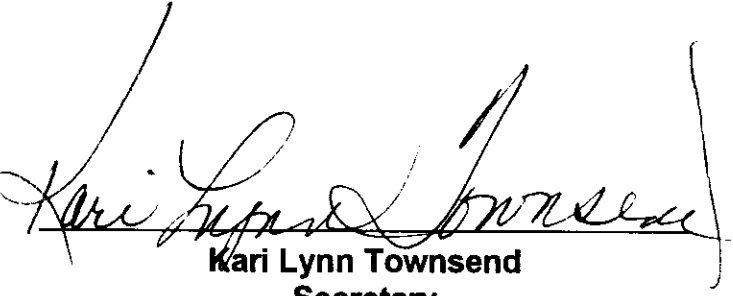
JP:klt
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69759 - WATER RIGHTS 36-2460, 36-7614

**DEAN T DIMOND
EDEN C DIMOND
1454 HWY 25
JEROME ID 83338**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 11 2002**



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

September 3, 2002

CINDY YENTER
WATERMASTER
IDWR SOUTHERN REGION OFFICE
1341 FILLMORE ST #200
TWIN FALLS ID 83301-3380

RE: TRANSFER OF WATER RIGHTS 36-2460, 36-7614 - (Transfer 69759)

Dear Cindy:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 69759) in the names of Dean T. and Eden C. Dimond.

If you have any questions, please call me at 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 11 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Dean Demond

TRANSFER NO.

69759

1. Right number(s)

36-2460-36-7614

2. Type of right

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

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

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

Comments:

See memo

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

☐ Also see attached memo for more analysis information

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

69759

Database updated to reflect approved transfer on 8-30-02 Qs

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

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

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

INITIAL ALLOCATION REVIEW BY
SRBA SUPERVISOR REVIEW BY
PUBLICATION REVIEW BY

DATE 6-4-02
DATE _____
DATE _____

1. Legal Notice electronically sent to DWR03::VAULT Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ Yes *c. 5/22*

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly? Yes No
4. Affidavit of publication received? Yes No
5. Protests received? Yes No; Acknowledgement sent? Yes
6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. ☒ Approve

2. Deny due to

- ### 3. Conditions (special conditions in Water Districts)

Also see attached memo for recommendation dated:

- 4. By**

Date

RECEIVED

AUG - 6 2002

Department of Water Resources

MEMO

FROM: Allen Merritt



DATE: August 2, 2002

TO: Transfer File No. T69759

In the name of: Dean Dimond

Water Right(s): 36-2460 and 36-7614

SUBJECT: Review and Recommendation

This transfer proposes to change the location of 4 acres of watered land that was irrigated from the applicants system but owned by someone else and place it on land owned by the applicant. Included in the file is a release from Randy Waters who owns the 4 acres in the NWNW S33. This place of use also is covered by a recently issued permit 36-15986. This permit is for use of wastewater in lieu of use of the ground water rights subject of this transfer.

The application was advertised without protest.

I recommend the application be approved subject to conditions:

WATER RIGHT NO. 36 2460

- GEN Use of this right with right No. 36-7614 is limited to a total combined diversion rate of 4.72 cfs and a total combined annual diversion volume of 1288 af.
- GEN Right No. 36-7614 is also diverted through the point of diversion described above.
- W27 This right is limited to the irrigation of 236 acres within the place of use described above in a single irrigation season.
- W35 Rights 36-2460, 36-7614 and 36-15986 when combined shall not exceed a total annual maximum diversion volume of 1288 af at the field headgate, and the irrigation of 322 acres in a single irrigation season.
- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- W61 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 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than SRBA partial decree date.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

AUG 14 2002

T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is 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.

WATER RIGHT NO. 36 7614

GEN Use of this right with right No. 36-2460 is limited to a total combined diversion rate of 4.72 cfs and a total combined annual diversion volume of 1288 af.

GEN Right No. 36-2460 is also diverted through the point of diversion described above.

W27 This right is limited to the irrigation of 86 acres within the place of use described above in a single irrigation season.

W35 Rights 36-2460, 36-7614 and 36-15986 when combined shall not exceed a total annual maximum diversion volume of 1288 af at the field headgate, and the irrigation of 322 acres in a single irrigation season.

01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.

T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is 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.

MICROFILMED

APR 11 2002

AFFIDAVIT of PUBLICATION

RECEIVED

JUN 25 2002

State of Idaho } ss.
County of Jerome

Department of Water Resources
Southern Region

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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

13th day of June, 2002, and the date of the last publication was on the 20th day of June, 2002.

Norma DeVoe

On this 20th day of June, in the year of 2002, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

9217/41613

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 8.0¢/Pica

550.69 Lines straight at 38.55 7.0¢/Pica

550.69 Subsequent lines at 33.04 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 74.09

COPY OF NOTICE

(Paste Here)

Diamond + BLCC
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I.D.W.R.

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that two Applications for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Jerome County:

DEAN DIMOND, 1454 HWY 25; JEROME ID 83338 filed Application No. 69759 on 5/31/02 for diversion of a combined total of 4.72 cfs. The purpose of the transfer is to more accurately describe a 322 acre farm located 3 miles West and 6 miles North of Eden, ID irrigated with ground water rights 36-2640 and 36-7614 co-mingled with Right 36-15986 (wastewater).

BLUE LAKES COUNTRY CLUB, PO BOX 582; TWIN FALLS ID 83303-0582 filed Application No. 69913 on 5/20/02 for diversion of 0.05 cfs. The purpose of the transfer is to add an alternate point of diversion from Springs tributary to Alpheus Creek for irrigation of 2 acres around the facility.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-738-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 1, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

PUB: 6/13 - 6/20 N41613

MICROFILMED

SEP 11 2002

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that two Applications for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Jerome County:

DEAN DIMOND, 1454 HWY 25; JEROME ID 83338 filed Application No. 69759 on 5/31/02 for diversion of a combined total of 4.72 cfs. The purpose of the transfer is to more accurately describe a 322 acre farm located 3 miles West and 6 miles North of Eden, ID irrigated with ground water rights 36-2640 and 36-7614 co-mingled with Right 36-15986 (wastewater).

BLUE LAKES COUNTRY CLUB, PO BOX 582; TWIN FALLS ID 83303-0582 filed Application No. 69913 on 5/20/02 for diversion of 0.05 cfs. The purpose of the transfer is to add an alternate point of diversion from Springs tributary to Alpheus Creek for irrigation of 2 acres around the facility.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 1, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the North Side News on 6/13 & 6/20/02.

MICROFILMED

SEP 11 2002

OK
P
8/16/02

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

June 5, 2002

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

Dear Norma:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

SEP 11 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2002

DEAN DIMOND
1454 HWY 25
JEROME ID 83338

RE: Application for **Transfer No. 69759** (Water Right Nos. 36-2460 & 36-7614)

Dear Mr. Dimond:

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the **North Side News** on 6/13 & 6/20/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (July 1, 2002)

If an application is protested, the applicant 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 the applicant of the outcome of this review.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED
SEP 11 2002

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: T69759

Applicant Name: Dean Dimond

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
- *Standard measuring/reporting/water district jurisdiction*
 - *Limits of use consistent with Permit 36-15986*
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comment:

Dated: June 5, 2002

Water District 130


Cindy J. Yenter, Watermaster

MICROFILMED

SEP 11 2002



T69759

United States
Department of
Agriculture

Farm and Foreign
Agricultural
Services

Farm Service
Agency

Jerome County
Farm Service Agency
20 W 100 S
Jerome, ID 83338

May 28, 2002

RECEIVED

MAY 30 2002

Department of Water Resources
Southern Region

TO: DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

ATTN: John Freitag
Water Resource Agent

FROM: 
Rita Ayers, Farm Loan Officer, USDA FSA

SUBJECT: Transfer of Water - WATERS, R. to DIMOND, D.

This letter is notification to the Department of Water Resources that the USDA, Farm Service Agency is aware of the pending transfer of 4.72 CFS to the property that originally belonged to Max Auker and was assumed by Dean T. Dimond. The Farm Service Agency has been the lien holder of the property for both parties.

The Farm Service Agency approves of the transfer.

If you have any questions or need further information, please do not hesitate to call me at 324-4325, Ext. 3006.

MICROFILMED
USDA is an Equal Opportunity Employer

SEP 11 2002

MEMORANDUM

To: File 36-15986

From: Sharla

Date: March 22, 2002

Re: Permit Processing

This application is for use of waste water through an agreement with American Falls Reservoir District #2. Waste water (AFRD calls it incidental operation spillage) will be diverted (no pump) from lateral 21 past AFRD's last diversion into the applicant's settlement pond. The waste water now ends up in the North Side Canal Co. lateral where the sediment has been a problem. Waste water will then be pumped from the settlement pond via a 20 hp pump (designed for 1800 gpm) to a second pond where the waste water is to be mixed with ground water (pumped from two wells under rights 36-2460 and 36-7614). The mixed waste water/ground water will then be pumped through a mainline to three center pivots and a number of wheel lines and hand lines. The waste water will be spread over a total of 322 acres

The place of use on the application and the place of use decreed in 1998 for 36-2460 and 36-7614 are slightly different. The differences are 37 acres in NWNE and 15 acres in NWSE, S32 and 4 acres in NWNW, S33 on the existing rights versus the actual use of 40 acres in NWNE and 16 acres in NWSE, S32 and no acres in the NWNW, S33. In speaking with Mr. Dimond, he told me that a previous owner of the farm (Mr. Waters -- who sold to Auker's who in turn sold to Dimond's) for a time had a line running to the NWNW, S33. When he sold to Auker's, that use stopped. I have confirmed with the county assessor that Mr. Waters is still the current owner of those 4 acres in the NWNW, S33. Mr. Dimond further told me that he has obtained in writing a statement from Mr. Waters' explaining that the 4 acres are no longer watered under those rights and that he has no problem with Mr. Dimond filing a transfer of the two existing ground water rights to correct the error. Mr. Dimond has also asked the bank who holds the lien on his farm loan to provide a statement giving their consent to a transfer. Mr. Dimond has been diligent in his efforts to get all the rights to match in legal descriptions and ownership. ~~The~~ change of ownership form submitted in 1998 has not been processed yet due to the 4 acres in the NWNW, S33 discrepancy. The ownership change can be accomplished with the approval of the transfer.

This application was processed by regional staff as being mitigated by the decreased pumping of ground water under rights 36-2460 and 36-7614; they are the primary water source for the 322 acres and the waste water is to be used to supplement the ground

MICROFILMED

MAR 27 2002

water when it is available. There may be some years that no waste water is available past AFRD's last diversion; other years the applicant may be able to pump it from the settlement pond the whole season and not have to turn on the pumps at the wells.

After discussing all of the above with the applicant, I recommend the permit be issued, not as something that is being mitigated, but rather as an application that can be reviewed for approval on a "case-by-case" basis because protection and furtherance of the public interest requires consideration and approval of the application irrespective of the general drought related moratorium as stated in the Amended Moratorium Order for the ESRPA. In this case, eliminating sediment in NSCC's lateral is certainly in the public interest and so is the reduction of ground water withdrawals when the waste water is available.

I recommend approval of the permit with the following conditions in addition to necessary standard conditions:

Totalizing measuring devices of a type acceptable to the department and to the watermaster of Water District 130 shall be installed and maintained on the pump at the settling pond and on the ground water wells.

Use of this right and ground water rights 36-2460 and 36-7614 are limited to a combined total annual diversion of 1288 acre feet and the irrigation of a total of 322 acres.

MICROFILMED

SEP 11 2002

T69759

March 20, 2002

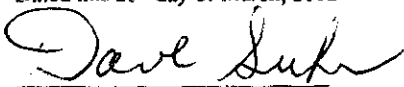
Idaho Department of Water Resources
Twin Falls, Idaho

Attn: John

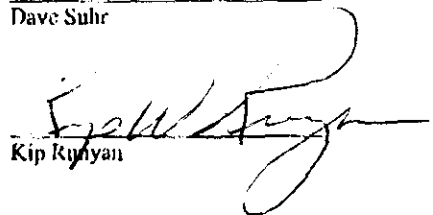
Re: Water Right No's 36-02460 & 36-07614

We, Dave Suhr and Kip Runyan, are Mortgage holders on the real property owned by Dean Dimond in Jerome County.

We do hereby consent to the transfer the 4 acres of water in the NW1/4NW1/4 of Section 33 in Township 8 South Range 19 East of the Boise Meridian, Jerome County, Idaho To Dean Dimond's property.

Dated this 20th day of March, 2002

Dave Suhr



Kip Runyan

MICROFILMED

SEP 11 2002

T69759

February 1, 2002

Idaho Department of Water Resources
Twin Falls, Idaho

Attn: John

Re: Water Right No's 36-02460 & 36-07614

I, Randy Waters, aka Randal J. Waters, whose address is 233 South 1450 East Jerome, Idaho, do hereby declare that I am the fee simple title holder of Tract C (being the NW1/4NW1/4) in Section 33 Township 8 South Range 19 East of the Boise Meridian, Jerome County, Idaho.

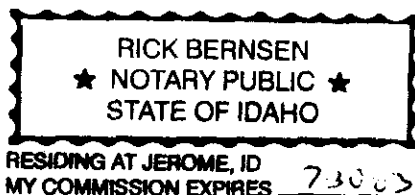
I also declare and request that the 4 acres of water in the NW1/4NW1/4 of said Section 33 and described in Water Right No. 36-07614 & 36-02460, be transferred to Dean T. Dimond and Eden C. Dimond, whose address is 1454 St. Hwy 25 Jerome, Idaho.

Also attached is a copy of my Divorce Decree and Property Settlement Agreement, with Debbie J. Waters, dated March 9, 1995, wherein I was awarded Farm Unit C in said Section 33.

Randy Waters
Randy Waters aka Randal J. Waters

State of Idaho)
)ss
County of Jerome)

On this 18th day of March in the year of 2002 before me a Notary Public, personally appeared Randy Waters, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



[Signature]
Notary Public
Resides in

My Commission expires 7-30-SEP 11 2002

MICROFILMED

Comment Report

36-15986

Legal Notice Remarks

Comment: Location is 3 miles west and 6 miles north of Eden Idaho.

Transfer is proposing to change four acres of irrigation from groundwater.

MICROFILMED

SEP 11 2002

Comment Report
Application ID 69759

6/4/2002 Comment/Analysis

Transfer is proposing to change POU for 4 acres for rights 36-2460 and 36-7614.

Rights 36-2460 and 36-7614 are used together with right 36-15986 (wastewater).

MICROFILMED

SEP 11 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-15986

WATER RIGHT NUMBER: 36-15986

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEAN DIMOND 1454 HWY 25 JEROME, ID 83338 (208)825-5055

Priority Date: 01/17/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4SE1/4	Sec. 32, Twp 08S, Rge 19E, B.M.
JEROME County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	19E	32	31.0	40.0	40.0	40.0	40.0	38.0	20.0	33.0	14.0				5.0	16.0			317.0
									L 1	L 2									
08S	19E	33							5.0										5.0

Total Acres: 322

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 020 Use of water under this right is affected by an agreement between the applicant and the American Falls Reservoir District #2.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.

Remarks:

1. General This right does not authorize the irrigation of land not previously irrigated from ground water under rights 36-7614 and 36-2460 as historically used.

MICROFILMED

SEP 11 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-15986

2. Rights 36-2460, 36-7614 and 36-15986 when combined are limited to a combined total annual diversion volume of 1288 acre feet and the irrigation of a total of 322 acres.

Comments:

Dates and Other Information:

Permit Proof Due Date: 4/1/2003
Permit Proof Made Date:
Permit Approved Date: 3/29/2002
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 130
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Swan Falls Trust or Nontrust: True
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

MICROFILMED
SEP 11 2002