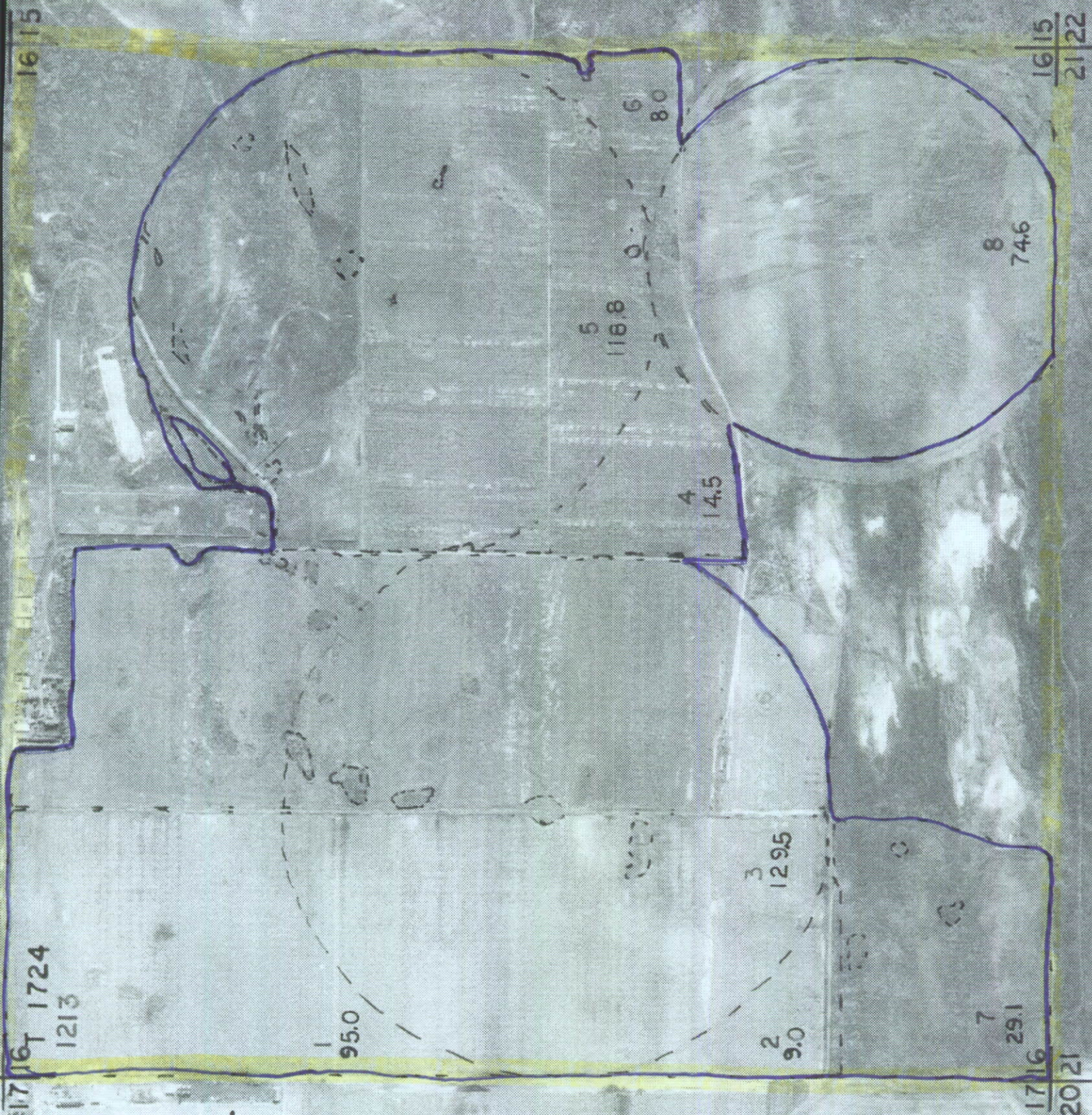


R26E
T8S
S16

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T. 8S

R. 26E

S. 16

S. 17

S. 16

S. 16

S. 17



 Proposed Permissible Place of Use
(Limited to 425 acres of irrigation per year)

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FEB 25 2002

Prepared By J E Stanton 11-26-01

1986/87 NAPP Data

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69569

This is to certify that: RICHARD F POTEET And/Or
SHERMA F POTEET
788 E 800 N
RUPERT ID 83350
(208)531-4090

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
36-2089	WR/Decreed	03/28/1950	4.84 cfs	1700.0 af		425.0	GROUND WATER
36-10852	WR/Decreed	01/01/1968	0.14 cfs			425.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

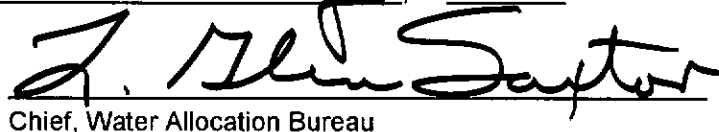
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-2089	NO	NO	YES	YES	NO	NO
36-10852	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-2089	36-2089	4.84 cfs	1700.0 af	425.0	499.0		N/A	N/A	N/A	N/A
36-10852	36-10852	0.14 cfs		425.0	499.0		N/A	N/A	N/A	N/A
TOTALS		4.98 cfs	1700.0 af	425.0	499.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of February, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 36-2089
As Modified by Transfer No. 69569

In accordance with the approval of Transfer No. 69569, Water Right No. 36-2089 is now described as follows.

Right Holder: RICHARD F POTEET And
 SHERMA F POTEET
 788 E 800 N
 RUPERT ID 83350

Priority Date: 03/28/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	4.84 CFS	1,700.0 AF
			4.84 CFS	1,700.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESW Sec. 16 Twp 08S	Rge 26E	BLAINE County
GROUND WATER	NESWNE Sec. 17 Twp 08S	Rge 26E	BLAINE County
GROUND WATER	SENWSE Sec. 17 Twp 08S	Rge 26E	BLAINE 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 26E 16	12.0	13.0	40.0	39.0	33.0	39.0	39.0	40.0	39.0	39.0	38.0	4.0	37.0	36.0	17.0	34.0	499.0

Total Acres: 499

CONDITIONS OF APPROVAL

1. Rights 36-2089 and 36-10852 when combined shall not exceed the total instantaneous diversion of water from all points of diversion of 4.98 cfs, nor a total annual maximum diversion volume of 1700.0 af at the field headgate, and the irrigation of 425.0 acres.
2. 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.
3. 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.
4. Approval of Transfer 69569 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.

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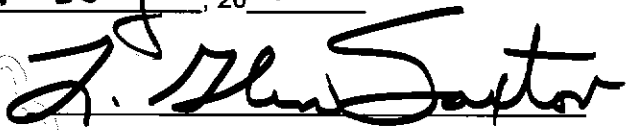
WATER RIGHT NO. 36-2089
As Modified by Transfer No. 69569

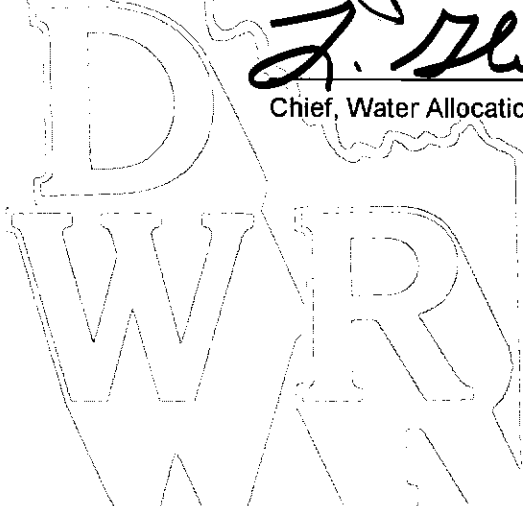
CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 19th day of February, 2002


Chief, Water Allocation Bureau



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FEB 25 2002

WATER RIGHT NO. 36-10852
As Modified by Transfer No. 69569

In accordance with the approval of Transfer No. 69569, Water Right No. 36-10852 is now described as follows.

Right Holder: RICHARD F POTEET And
 SHERMA F POTEET
 788 E 800 N
 RUPERT ID 83350

Priority Date: 01/01/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.14 CFS	
			0.14 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESW Sec. 16 Twp 08S Rge 26E	BLAINE County
GROUND WATER	NESWNE Sec. 17 Twp 08S Rge 26E	BLAINE County
GROUND WATER	SENWSE Sec. 17 Twp 08S Rge 26E	BLAINE 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 26E 16	12.0	13.0	40.0	39.0	33.0	39.0	39.0	40.0	39.0	39.0	38.0	4.0	37.0	36.0	17.0	34.0	499.0

Total Acres: 499

CONDITIONS OF APPROVAL

1. Rights 36-2089 and 36-10852 when combined shall not exceed the total instantaneous diversion of water from all points of diversion of 4.98 cfs, nor a total annual maximum diversion volume of 1700.0 af at the field headgate, and the irrigation of 425.0 acres.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
3. 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.
4. 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 the date of this approval.

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WATER RIGHT NO. 36-10852

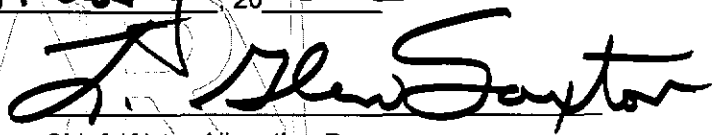
As Modified by Transfer No. 69569

CONDITIONS OF APPROVAL

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. Approval of Transfer 69569 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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 19th day of February 2002


Chief, Water Allocation Bureau

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Page 1

Department of Water Resources

Transfer No. 69569

Receipt No. 5024445

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

1. Applicant Information SHERMA POTEET
788 E 800 N
RUPERT ID 83350
(208)531-5362
AND/OR

RICHARD F POTEET
788 E 800 N
RUPERT ID 83350
(208)531-4090

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Department of Water Resources
Southern Region

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

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

	Origin/Basis	Rate	Volume	Acres	Total	Source
36-2089	WR/Decreed	4.84 cfs	1700.0 af	425.0	425.0	GROUND WATER
36-10852	WR/Decreed	0.14 cfs	1700.0 af			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
36-2089	NO	NO	YES	YES	NO	NO
36-10852	NO	NO	YES	YES	NO	NO

Describe the reason for the proposed changes

Allow 2 wells owned by neighbor to be tied into system for maximum efficiency of system operation.
We will share the 3 wells as needed..

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

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

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
36-2089	4.84 cfs	425.0	499.0	1700.0 af

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69569

Page 2

36-10852	0.14 cfs		499.0	1700.0 af
TOTAL	4.98 cfs	425.0	499.0	1,700.0 af

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FEB 25 2002

Transfer No. 69569
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.



Paul J. Loh

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 26th day of November, 2001.

J. E. Stanton

(Notary Public)

My commission expires 10-25-2006

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FEB 25 2002

Transfer No. 69569
 Receipt No. _____

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

Current Water Right No. 36-2089

Priority Date: 03/28/1950
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	4.84 CFS	1,700.0 AFA	
	Total Diversion	4.84 CFS	1,700.0 AFA	

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	26E	16	SWNESW		BLAINE

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	26E	16			25.0	25.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	5.0	4.0	37.0	37.0	25.0	35.0	425.0

Total Acres: 425

Conditions/Remarks:

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

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Page 5

Documentation of Ownership of the Current Place of Use

Tax Notice

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

Proposed place of use is presently irrigated in excess of decreed place of use. Transfer will bring water rights up to date, with the understanding that annual irrigation will be limited to 425 acres.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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

Current Water Right No. 36-10852

Priority Date: 01/01/1968

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Trib

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.14 CFS		
	Total Diversion	0.14 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	26E	16	NESW		BLAINE

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	26E	16			25.0	25.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	5.0	4.0	37.0	37.0	25.0	35.0	425.0

Total Acres: 425

Conditions/Remarks:

- Right Nos. 36-02089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual diversion volume of 1700.0 af, and the irrigation of 425.0 acres.
The well previously used under Right No. 36-10852 shall be abandoned in a manner which complies with Department well abandonment rules.
- This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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Page 2

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

Current Water Right No. 36-10852

Documentation of Ownership of the Current Place of Use

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

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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Transfer No. 69569

Receipt No. _____

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

Proposed Water Right No. 36-2089

Priority Date: 03/28/1950

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	4.84 CFS	1,700.0 AFA	
	Total Diversion	4.84 CFS	1,700.0 AFA	

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	26E	16	SWNESW		BLAINE
GROUND WATER	08S	26E	17	NESWNE		BLAINE
GROUND WATER	08S	26E	17	SENWSE		BLAINE

Describe the proposed diversion system

Point of Diversion # 1 Existing well owned by Richard Poteet

Point of Diversion # 2 Existing well owned by Terry Miller

Point of Diversion # 3 Existing Well owned by Terry Miller

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 26E 16	12.0	13.0	40.0	39.0	33.0	39.0	39.0	40.0	39.0	39.0	38.0	4.0	37.0	36.0	17.0	34.0	499.0

Total Acres: 499

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

Proposed Water Right No. 36-10852

Priority Date: 01/01/1968

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.14 CFS	1,700.0 AFA	
	Total Diversion	0.14 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	26E	16	SWNESW		BLAINE
GROUND WATER	08S	26E	17	NESWNE		BLAINE
GROUND WATER	08S	26E	17	SENWSE		BLAINE

Describe the proposed diversion system

Point of Diversion # 1 Existing well owned by Richard Poteet

Point of Diversion # 2 Existing well owned by Terry Miller

Point of Diversion # 3 Existing Well owned by Terry Miller

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	26E	16	12.0	13.0	40.0	39.0	33.0	39.0	39.0	40.0	39.0	39.0	38.0	4.0	37.0	36.0	17.0	34.0	499.0

Total Acres: 499

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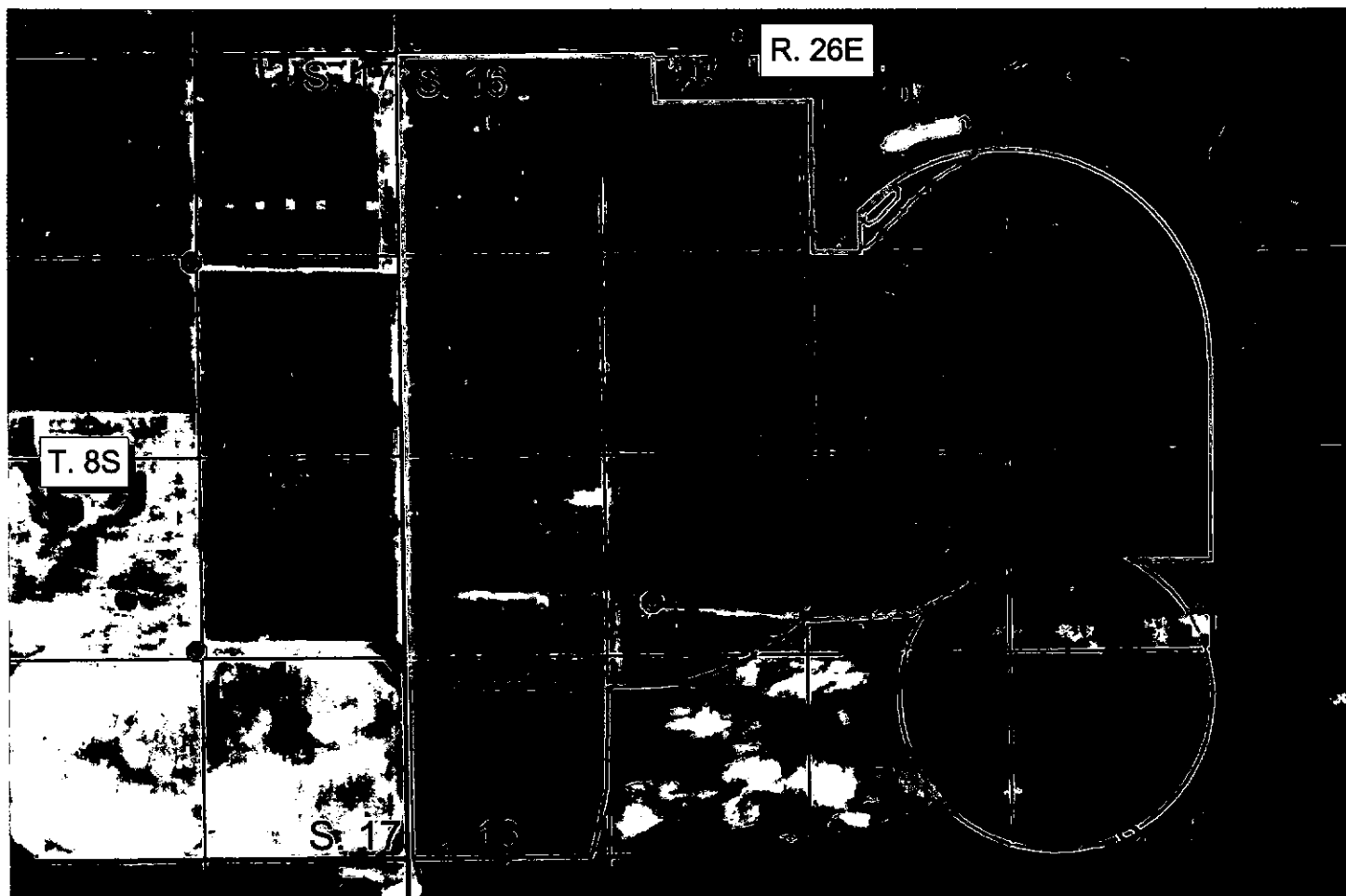
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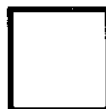
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IDAHO DEPARTMENT OF WATER RESOURCES

App for Transfer - Richard Poteet



Section Lines

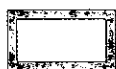
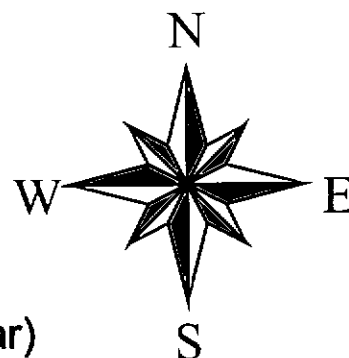


Quarter/Quarter Lines

General Location: 4 miles SE of Minidoka



Existing Points of Diversion (3)

Proposed Permissible Place of Use
(Limited to 425 acres of irrigation per year)

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Department of Water Resources
Southern Region

T69569

A G R E E M E N T

THIS AGREEMENT made and entered into this 26 day of November, 2001 by and between Richard F. Poteet of 800 North, 775 East, Minidoka, Idaho 83345, and Terry Miller of 1175 East, 800 North, Rupert, Idaho 83350.

WITNESSETH:

WHEREAS, Richard F. Poteet is the owner of certain lands located in Section 16 of Township 8 South, Range 26 East of the Boise Meridian, Blaine County, Idaho, which are watered by a well and pump located in SWNESW of said section; and

WHEREAS, Terry Miller is the owner of certain lands located in Section 17 of Township 8 South, Range 26 East of the Boise Meridian, Blaine County, Idaho, which are watered by a well and pump located in SENWSE of said section, and a second well and pump located in NESWNE of said section; and

WHEREAS, both properties will be benefited by the landowners' ability to divert water to each landowner's property from any of the said pumps, and the course of good husbandry will be promoted thereby.

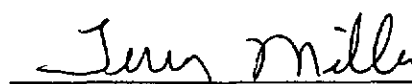
NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed by and between Poteet and Miller that both Poteet and Miller will have access to and full use of the wells and pumps of the other, and said wells and pumps may be used to irrigate any of the above-referenced lands owned by Poteet and Miller.

IT IS FURTHER AGREED by and between the parties hereto that this Agreement will continue for so long as it is mutually beneficial to the parties hereto and that the Agreement may be terminated by one of the parties by giving written notice of termination at least three (3) months prior to the date of termination.

IT IS FURTHER AGREED by and between the parties hereto that the purpose of this Agreement is for the sharing of the wells and pumps above referenced, and that no interest in said wells and pumps, water rights or the lands above described are conveyed to the other party by this Agreement.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


Richard Poteet


Terry Miller

AGREEMENT

-1-

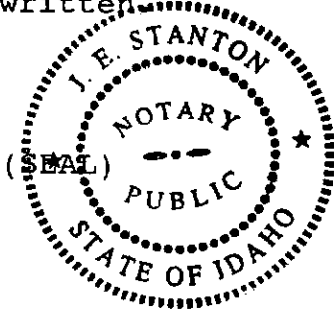
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FEB 25 2002

STATE OF IDAHO)
County of Twin Falls) ss.

On this 26th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Poteet, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

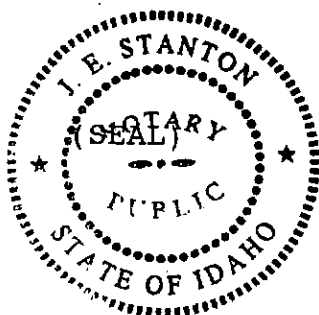


J. E. Stanton
Notary Public for Idaho
Residing at: Twin Falls, ID
My commission expires: 10-25-2006

STATE OF IDAHO)
County of Twin Falls) ss.

On this 26th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Terry Miller, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



J. E. Stanton
Notary Public for Idaho
Residing at: Twin Falls, ID
My commission expires: 10-25-2006

AGREEMENT

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FEB 25 2002

PARCEL NUMBER
8215831501559306

2000 TAX BILL/RECEIPT

MAKE CHECK PAYABLE TO:

VICKI L. DICK

BLAINE COUNTY TAX COLLECTOR

206 1ST AVE SO., SUITE 205

HAILEY, IDAHO 83333

1ST HALF DUE

TAX 1,078.12

LATE

INT

COST

TOT

2ND HALF DUE

TAX 1,078.12

LATE

INT

COST

TOT

CODE AREA 54-00

BILL# 18468

FULL DUE

TAX 2,156.24

LATE

INT

COST

TOT

TOT MV

253,145

AMOUNT

TAXING DISTRICT

STATE .000000000

COUNTY .001024224

AMBULANCE .000125589

RECREATION .000132220

REC. BOND .000000000

SCHOOL DIST #51 .004173567

SCHOOL BOND .000240512

L W RIVER LIBR .000226325

MINIDOKA FIRE .000190589

MINIDOKA BOND .000604605

DISTRICT TOTAL .006715231

M.V. GROUND WATER

AMOUNT DUE

AMOUNT

259.28

31.78

33.48

1,056.52

60.85

57.44

48.24

153.04

1,700.64

455.60

2,156.24

POTTEET RICHARD F & SHERMA F

758 E 800 N

RUPEET

ID 83350

ALL SEC 15

85 25E

1958 FALCON 12X60

1973 BROADMORE 24X60

35 RIVER RANCH 80000

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE

APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE

RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT

SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX
RELATED QUESTIONS CALL (208) 798-5530

T69568

MICROFILMED

FEB 25 2002

MAKE CHECK PAYABLE TO:

VICKI L. DICK

BLAINE COUNTY TAX COLLECTOR

206 1ST AVE SO., SUITE 205

HAILEY, IDAHO 83333

1ST HALF DUE

TAX 1,014.86

LATE

INT

COST

TOT

2ND HALF DUE

TAX 1,014.86

LATE

INT

COST

TOT

FULL DUE

TAX 2,029.72

LATE

INT

COST

TOT

2001 TAX BILL/RECEIPT

BILL# 18606

CODE AREA 54-00

L

I

TOT MV

241,76

PARCEL NUMBER

RP08S260166930

210,04

30,81

MICROFILMED
FEB 25 2002

TOT ACS

640.00

TAXING DISTRICT

STATE

COUNTY

AMBULANCE

RECREATION

REC. BOND

SCHOOL DIST #61

SCHOOL BOND

L W RIVER LIBR

MINIDOKA FIRE

MINIDOKA BOND

DISTRICT TOTAL

M.V. GROUND WATER

AMOUNT DUE

RATE

.000000000

.000968504

.000150820

.000126507

.000000000

.004008277

.000228705

.000233018

.000131613

.000663653

.006511097

AMOUNT

734.1

6.4

30.5

969.0

55.2

56.3

31.8

160.4

1,574.1

455.6

2,029.7

35

RIVER RANCH

80000

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE

APPLIED TO THE OLDEST DELINQUENT YEAR.

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PERSONAL CHECKS ARE YOUR RECEIPT

SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX
RELATED QUESTIONS CALL (208) 788-5530

789569

2001 DEC -3 PM 4:29
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 36-02089
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 4, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, 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 *Supplemental Director's Report*.

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

PERIOD OF USE: 03-15 to 11-15

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

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

MICROFILMED

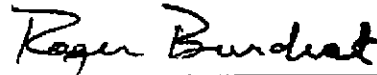
FEB 25 2002

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify 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 December 3, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02089

1997 DEC -4 AM 10:24
DISTRICT COURT-5
TWIN FALLS, IDAHO
FILED

NAME & ADDRESS: RICHARD F POTEET
SHERMA F POTEET
788 EAST 800 NORTH
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.84 CFS
1700.0 AFY

PRIORITY DATE: 03/28/1950

POINT OF DIVERSION: T08S R26E S16 SWNESW Within BLAINE County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
4.84 CFS
1700.0 AFY

PLACE OF USE: IRRIGATION
T08S R26E S16

425 ACRES TOTAL

Within BLAINE County			
SWNE 25	SENE 25	NENW 32	NWNW 40
SWNW 40	SENW 40	NESW 40	NWSW 40
SWSW 5	SESW 4	NESE 37	NWSE 37
SWSE 25	SESE 35		

CONSUMPTIVE USE: 1275.0 AFY

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

RULE 54(b) CERTIFICATE

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2002

RICHARD F POTEET
SHERMA F POTEET
788 E 800 N
RUPERT ID 83350

RE: Transfer No.: 69569 - Water Rights 36-2089, 36-10852
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,

for Kari Lynn Townsend
Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED

FEB 25 2002

JP:klt
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on February 20, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69569 - WATER RIGHTS 36-2089 & 36-10852

**RICHARD F POTEET
SHERMA F POTEET
788 E 800 N
RUPERT ID 83350**


Kari Lynn Townsend
Secretary

**MICROFILMED
FEB 25 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).

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FEB 25 2002

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 169569

DATE REVIEWED 2-14-2002 28

SPLIT ___ POD ___ ADD POD ☒ POU ☒ PERIOD ___ or NATURE ___ of USE

ALL OF RIGHT(S) ☒ W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>W/36-2089</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>W/36-10852</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)		(Unchanged)	(Changed)
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 3-15 to 11-15

Standard Volume 4.0/3.0

- (1) ☒ Priority (2) ☒ Use (3) Season/W61 (4) ☒ Rate (5) ☒ Volume
 (6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner Tax Notice (10) ☒ Map
 (11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion w/limits
 Magic Valley GWD Dist.
 WM/Rcvd

- W61-36-10852 to standard.
 (3) Retain decreed standard season of use per Amended Partial Decree 12-3-2001
 (7) Add 2 P/Ds on Miller property per Use Agreement attached to app.
 (8) Create 499 acre P/U

Phone #s 531-4090 Office 531-5362 Home Same Address - Both Applicants.

3 existing IRP wells

Farm Credit Services letter agreeing to proposed change as long as mts. not moved off of land in 85 26E Sec 16. 11-20-2001

Conditions/Remarks W27/425-W35-WB4 C67, R64, W57, T07, T08, T19
36-10852 - W61, W62

W36 per region recommendations

WRs for Update Comments NA

Database Updated to Reflect Final Action 2-19-2002 28

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Richard J. Polak TRANSFER NO. 69569

1. Right number(s) 36-2089 etc

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

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☒ Other: Create PPU (actually change existing)

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 computer record

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: App increases size of existing farm, but annual limit will still be 425 acres.

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

None

j. N/A 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)

Both rights have been decreed

k. ☒ Comment letters ☒ Yes ☐ No
If yes ☒ Water District #
☒ Lienholder, others, see #2 in file
below for name and address

INITIAL ALLOCATION REVIEW BY J. Folton
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE 12-5-01
DATE _____
DATE _____

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

2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 12/01/01

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: 2/5/02

4. By As Date 2/5/02

RECEIVED

FEB - 7 2002

Department of Water Resources

MEMO

FROM: Allen Merritt



DATE: February 5, 2002

TO: Transfer File No. T69569
In the name of: Poteet

TO: Transfer File No. T69570
In the name of: Miller

SUBJECT: Review and Recommendation

These two transfers are related and should be processed together. The relationship is the desire of the applicants to share the same wells. Two of the wells are owned by Miller and one well is owned by Poteet. The transfers deal with creating this well sharing agreement and in addition the Poteet transfer creates a 499 acre PPU limited to irrigation of 425 acres in any one season.

The transfers were processed without protest.

The rights involved in these transfers have been recommended and decreed in the SRBA. The Poteet right 36-10852 has gone through a recent approved transfer T4913 which moved rate of diversion from stockwater to be used for irrigation. Shoulder language was added to Poteet rights as part of this recommendation.

Recommendation

I recommend that these transfers be approved subject to the following conditions:

TRANSFER 69569 (Poteet)

WATER RIGHT NO. 36 2089

- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- 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

FEB 25 2002

- W35 Rights 36-2089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual maximum diversion volume of 1700 af at the field headgate, and the irrigation of 425 acres in any one season.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- 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 the date of this approval.

WATER RIGHT NO. 36 10852

- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- 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.
- W35 Rights 36-2089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual maximum diversion volume of 1700 af at the field headgate, and the irrigation of 425 acres in any one season.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- 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 the date of this approval.

TRANSFER 69570 (Miller)

WATER RIGHT NO. 36 2105A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.

MICROFILMED

FEB 25 2002

- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- 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.
- W35 Rights 36-2105A and 36-2538A when combined shall not exceed a total diversion rate of 2.54 cfs, a total annual maximum diversion volume of 514.4 af at the field headgate, and the irrigation of 128.6 acres in any one season.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- 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 the date of this approval.

WATER RIGHT NO. 36 2342A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.
- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- 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.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted

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through the point(s) of diversion described above.

- 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 the date of this approval.

WATER RIGHT NO. 36 2538A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.
- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- 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.
- W35 Rights 36-2105A and 36-2538A when combined shall not exceed a total diversion rate of 2.54 cfs, a total annual maximum diversion volume of 514.4 af at the field headgate, and the irrigation of 128.6 acres in any one season.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- 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 the date of this approval.

WATER RIGHT NO. 36 7823A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.
- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a

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delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.

- 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.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- 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 the date of this approval.

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PH 69569

FILE PROGRAM
 NT: Richard L. Pateet

36-2089 etc

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STAFF ANALYSIS SUPPLEMENT

_____ miles N/S and 4 miles ^{SE} ~~SW~~ of Minidoka
(City or local landmark).



Other:

[illegible]

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 20, 2001

RICHARD F. &/OR SHERMA POTEET
788 E 800 N
RUPERT ID 83350

RE: Application for Transfer No. 69569

Dear Applicants:

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 Wood River Journal for 12/26/01 and 01/02/02. 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. (January 14, 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.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) 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

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Publish: Wood River Journal---December 24, 2001 and January 2, 2002.

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that several Applications for Transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Blaine County, as listed below:

THE SMET-PLEASANTS FAMILY TRUST, PO BOX 1469; SUN VALLEY ID 83353 filed **Application No. 69417** on September 26, 2001 for diversion of 1.12 cfs from ground water. The purpose of the transfer is to change point of diversion, drill a new well, and split two rights for irrigation of 56 acres located 2 miles northwest of Gannett, Idaho, on Gannett Road.

RICHARD F. POTEET, 788 E 800 N; RUPERT ID 83350 filed **Application No. 69569** on November 26, 2001 for diversion of 4.98 cfs from ground water for irrigation of 425 acres located 4 miles SE of Minidoka, ID. The purpose of the transfer is to allow 2 wells owned by neighbor to be tied into system for maximum efficiency of system operation via sharing of 3 wells also involved in Companion Transfer No. 69570.

TERRY MILLER, 1200 E 800 N; RUPERT ID 83350, filed **Application No. 69570** on November 26, 2001 for diversion of 6.54 cfs from ground water for irrigation of 331 acres located 4 miles SE of Minidoka, ID. The purpose of the transfer is to add 1 well from adjacent farm to the system for maximum efficiency of system operation via sharing of 3 wells also involved in Companion Transfer No. 69569. One well owned by Mr. Miller has been abandoned and removed from irrigation system.

HENRY BURDICK, C/O JAMES SPECK- ATTORNEY, PO BOX 987; KETCHUM ID 83340, filed **Application No. 69589** on November 21, 2001 for re-diversion of 0.092 cfs from ground water for irrigation of 1.0 acre located 5 ¼ miles North and ¼ mile East of Hailey, ID. The purpose of the transfer is to record the purchase of a portion of a surface water right diverted from the Big Wood River tributary to Malad River, transported via Hiawatha Canal and re-diverted from a well. A remnant of the right will be left in the Hiawatha Canal for seepage losses and 1.0 irrigated acre will be dried up for the mitigation.

For specific details regarding the applications, 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 January 14, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 12/26/01 & 01/02/02.

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

December 20, 2001

ATTN: ROCHELLE-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Rochelle:

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

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**Farm Credit Services**

1305 Albion Avenue
P.O. Box 1168
Burley, Idaho 83318
208/678-6650 FAX 208/678-6653

November 20, 2001

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

Re: Water Rights Transfer for Richard R. Poteet, pertaining to
Section 16, Township 8 South, Range 26 East Boise Meridian

To Whom It May Concern:

Richard F. Poteet has contacted our office requesting a letter of consent for a pending water right transfer within the above referenced legal description. Richard is also requesting an Alternate Point of Diversion be established off property on ground owned by Terry D. Miller. Both of the requests are for the purpose of compliance and better efficiency in watering the above described farm property. Farm Credit Services, which holds the above underlying land under mortgage, does not object and gives its consent to both the transfer and establishment of an alternate point of diversion as long as no water rights are transferred off the property described.

Should there be any additional questions or concerns, please give me a call.

Sincerely,

Robert E. Blakeslee
Branch Manager

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