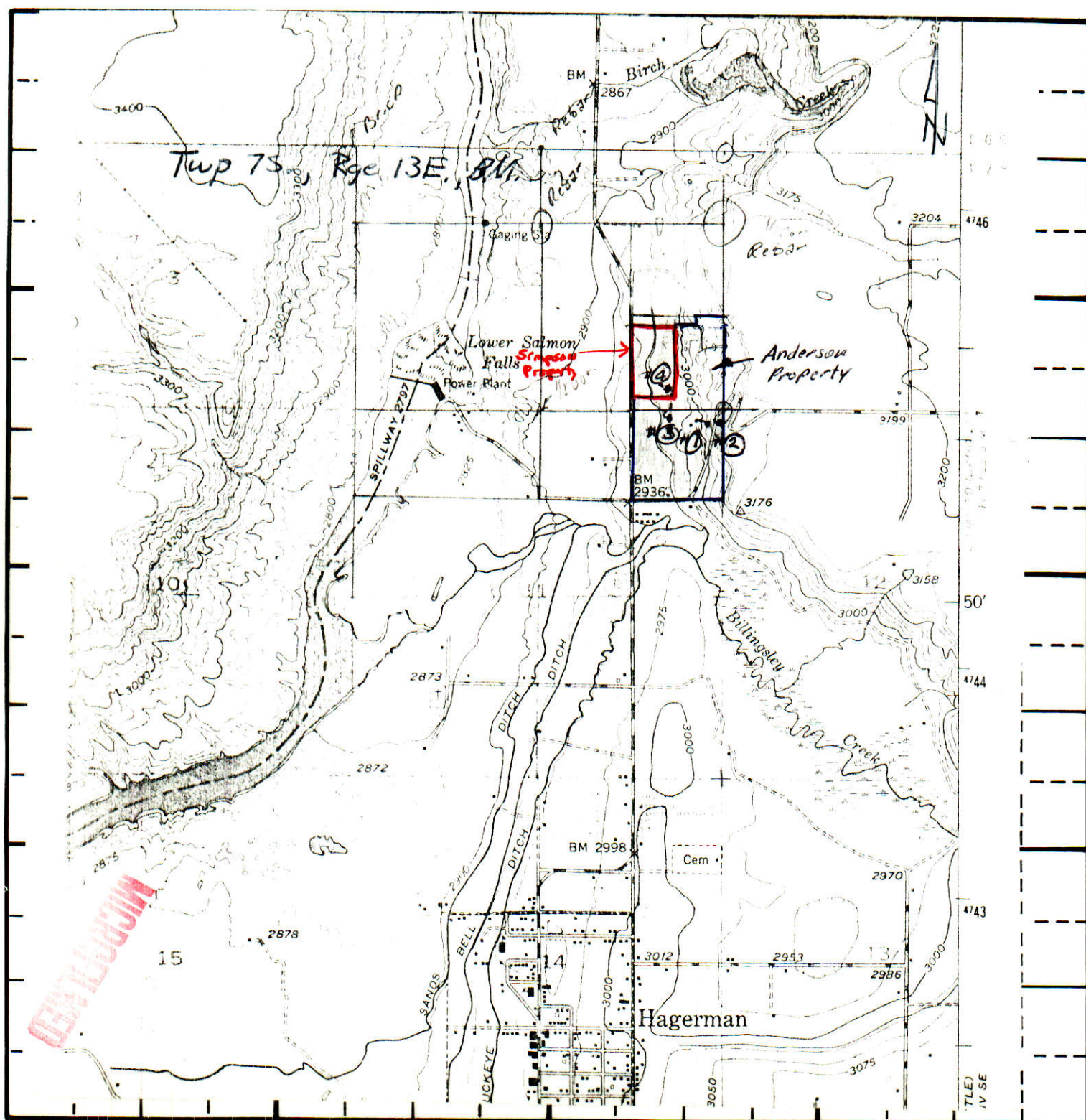


c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
Spring #1,2																			
7S.	13E.	11	40																40
7S.	13E.	2																21.8	21.8
Spring #4																			
7S.	13E.	2																14.2	14.2

Total number of acres to be irrigated 76

- Describe any other water rights used for the same purpose as described above. 36-0071
Billingsley Cr. via the John Bell ditch
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D-10199

WARRANTY DEED

For Value Received

Anita Andersen, a widow, an undivided one-half interest, Sharon Dillon an undivided one-fifth interest, Jackie Ray Andersen, an undivided one-fifth interest and Terry Lynn Andersen by Anita Andersen, his attorney-in-fact, the grantors, do hereby grant, bargain, sell and convey unto an undivided one-tenth interest

Owen Simpson and Josephine Simpson, husband and wife and George R. Kneeland the grantees, whose current address is

Hagerman and Sun Valley, Idaho, respectively the following described premises, in

Gooding

County Idaho, to-wit:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 2: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence West 1235.90 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Easterly right of way boundary of U.S. Highway No. 30;

Thence North along said right of way boundary, 54.66 feet on the arc of a non-tangent curve to the left with a radius of 22,968.82 feet, a central angle of 0°08'11" and a chord which bears North 0°09'13" East, 54.66 feet to the True Point of Beginning;

Thence Northwesterly along said right of way boundary 113.78 feet on the arc of a curve to the left with a radius of 22,968.82 feet, a central angle of 0°17'02" and a chord which bears North 0°03'23" West, 113.78 feet;

Thence North 0°11'54" West, 407.27 feet along said right of way boundary to a point of curvature;

Thence Northwestly along said right of way boundary 250.00 feet on the arc of a spiraled curve to the left, the radius of the circular curve being 3,869.72 feet and having a spiral angle of 1°52'30" and a chord which bears North 0°40'17" West a distance of 250.00 feet to the point of curve to spiral (P.C.S.);

Thence Northwesterly 262.93 feet on the arc of a curve to the left with a radius of 3869.72 feet, a central angle of 3°53'35" and a chord which bears North 4°02'56" West, 262.88 feet;

Thence North 87°49'47" East, 422.31 feet;

Thence South 1°21'21" East, 210.74 feet;

Thence North 89°45'52" East, 216.49 feet;

Thence South 3°29'41" East, 818.61 feet;

Thence South 88°05'22" West, 670.75 feet to the True Point of Beginning.

TOGETHER WITH an easement for ingress and egress over a 30.00 foot wide strip of land described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence West 1235.90 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Easterly right of way boundary of U.S. Highway No. 30;

Letter

Albany

Cooney & Alameda

State of California

Hagerman

Gooding

State of Idaho

Thirty-two thousand and no/100 (\$32,000.00).....

These and other items evolved at first following described property situate in Gooding County.

together with all appurtenances, including 100 inches of water from the John Bell Ditch, 5 inches of water from Spring # 1, 10 inches of water from Spring # 2, 20 inches of water from Spring # 3 and 15 inches of water from Spring # 4, all as decreed with a priority date of June 28, 1881.

TOGETHER with all and singular the tenements, appurtenments, and expences therewith brought in or to be brought in, the number and measure, manner and form of the same, and the nature, quality, and extent of the said property, as well the law in that behalf made.

[illegible]

ALLIES, AMERICA, the ... has ... to ... this ...

X

State of California

County of Alameda

On this 11th day of June 1969, before me, the undersigned notary public in and for said state, personally appeared

~~RAY THOMAS~~ Marjorie Justice Thomas

known by me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

I certify that I have read to said party the foregoing instrument and he has acknowledged to me that he executed the same for the purposes and consideration therein expressed.



Jo Anne M. Lotspeich
Notary Public for the State of California

Residing at Berkeley

Indexed _____
Filed in said state _____

INDEXED
55619

WARRANTY DEED

State of Idaho
County of Gooding
I hereby certify that this instrument was
filed for record at the request of

Mrs. Anderson

at 35 minutes past 3

o'clock P.M.

July 18, 1975
in my office and recorded in

Book _____

Page _____

of the record of

Margaret F. Clements

County Recorder

By *Ann S. Smith*

Deputy

Return to

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

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

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

of said advertisement was on the 31 day of MARCH

1982, and the date of the last publication was on the 7

day of APRIL, 1982

Subscribed and sworn to before me this 7

day of APRIL, 1982
(SEAL)

Cindy Davis
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	84	
Number of Insertions	2	
Lines tabular at	142	315c
Lines straight at	84	21c
Subsequent lines at	84	15c
TOTAL COST		44.52

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

NO. 36-0072

36-0073

36-0074

36-0075

Owen &/or Josephine Simpson & Anita Andersen &/or George Kneeland &/or Sharon Dillon, &/or Jackie Ray Andersen, &/or Terry Lynn Andersen of Hagerman, Idaho, have applied to the Department of Water Resources for a change of place of use and nature of use of rights from Springs. The rights sought to be changed are evidenced by rights decreed to Willa A. Justice in the case of New International Mortgage Banking Company vs Idaho Power dated March 22, 1932 in District Court, Gooding County, and are recorded as follows:

36-0072

0.1 cfs from Spring #1 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0073

0.2 cfs from Spring #2 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0074

0.4 cfs from Spring #3 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0075

0.3 cfs from Spring #4 within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M.

These rights are jointly used to irrigate 76 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M., and used for domestic purposes with a common priority of June 26, 1881.

RIGHTS TO BE CHANGED AS FOLLOWS:

36-0072, - 36-0073, - 36-0074 shall be used to irrigate 61.8 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M. and for existing domestic purposes.

36-0075 shall be used to irrigate 14.2 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M. and to supply a new domestic use of one household.

Any protest against the approval of the above proposed changes of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before April 19, 1982.

/s/ A. KENNETH DUNN
Director

PUB: 3-31, 4-7, 1982

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Justice, Willa A.		0.1	36-0072
2652	Kneeland, et al.		0.1	36-0072

T
R
A
N
S
F
E
R

----- JUSTICE, WILLA A. 0.1

36-0072

2652

Knockland, et al 0.1

36-0072

CHANGE NATURE OF USE

Water Right No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

George Kneeland, &/or Sharon Dillon, &/or Jackie Ray Andersen, &/or Terry Lynn
Name of applicantOwen &/or Josephine Simpson & Anita Andersen &/or Phone 837-4876 Andersen
Post Office address Rt. #2 Hagerman, Ida. 83332

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
36-0072 tru 0075
a. Decree No. _____ Decreed to Willa A. Justice
Banking (Name)
in case ofNew International Morgage vs Idaho Power Co. Inc.
Southern Div.
dated inMarch 22, 1932 in District Court county of Gooding
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Willa A. Justice
To Marjorie Justice Thomas To Anita Andersen etal To Owen Simpson
and George Kneeland (Conveyances Attached)

3. Source of water Springs #1,#2,#3,#4 tributary to Billingsley Creek
4. Date of priority June 26, 1881

5. Water is used for the following purposes:
36-0072 amount 0.1 cfs for Domestic& Irrig. purposes from Period of use to
36-0073 amount 0.2 cfs for Irrigation purposes from not listed on Decree. to
36-0074 amount 0.4 cfs for Irrigation purposes from " to "
36-0075 0.3 cfs Irrigation (month/day — both dates inclusive) "

6. Total amount of water under right: a. 1.0 cubic feet per second
&/or
b. Spring #1, #2, #3. acre feet per annum
7. Location of original point of diversion is NE ¼ of NE ¼ of Section 11
Township 7S. Range 13 E. B.M. in Gooding County
Additional points of diversion, if any Spring #4 SE¼ SE¼
Section 2, Twp. 7S. Rge. 13E.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S.	13E.	2																36	36
7S.	13E.	11	40																40

Total number of acres to be irrigated 76

9. Describe any other water rights used for the same purpose as described above 36-0071 Billingsley
Creek
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 0.7cfs from springs #1, #2, #3.
- a. Amount of water to be diverted ~~0.3 cfs from spr. #4~~ c.f.s. &/or _____ acre feet
- b. Description of diverting works Head box and pipeline for Domestic use
Earth diversion ditch for irrigation.
- c. Describe the reasons for the proposed changes Mrs. Andersen has sold 14.24 acres
of the original place fo use to the Simpsons and desires to
divide the water by giving them the total rights to spring #4
while retaining the total rights to Springs #1, #2, .
The Simpsons also intend to use Spring #4 for Domestic use.

2. Change in point of diversion No change

Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County

Additional points _____

3. Change in place of use

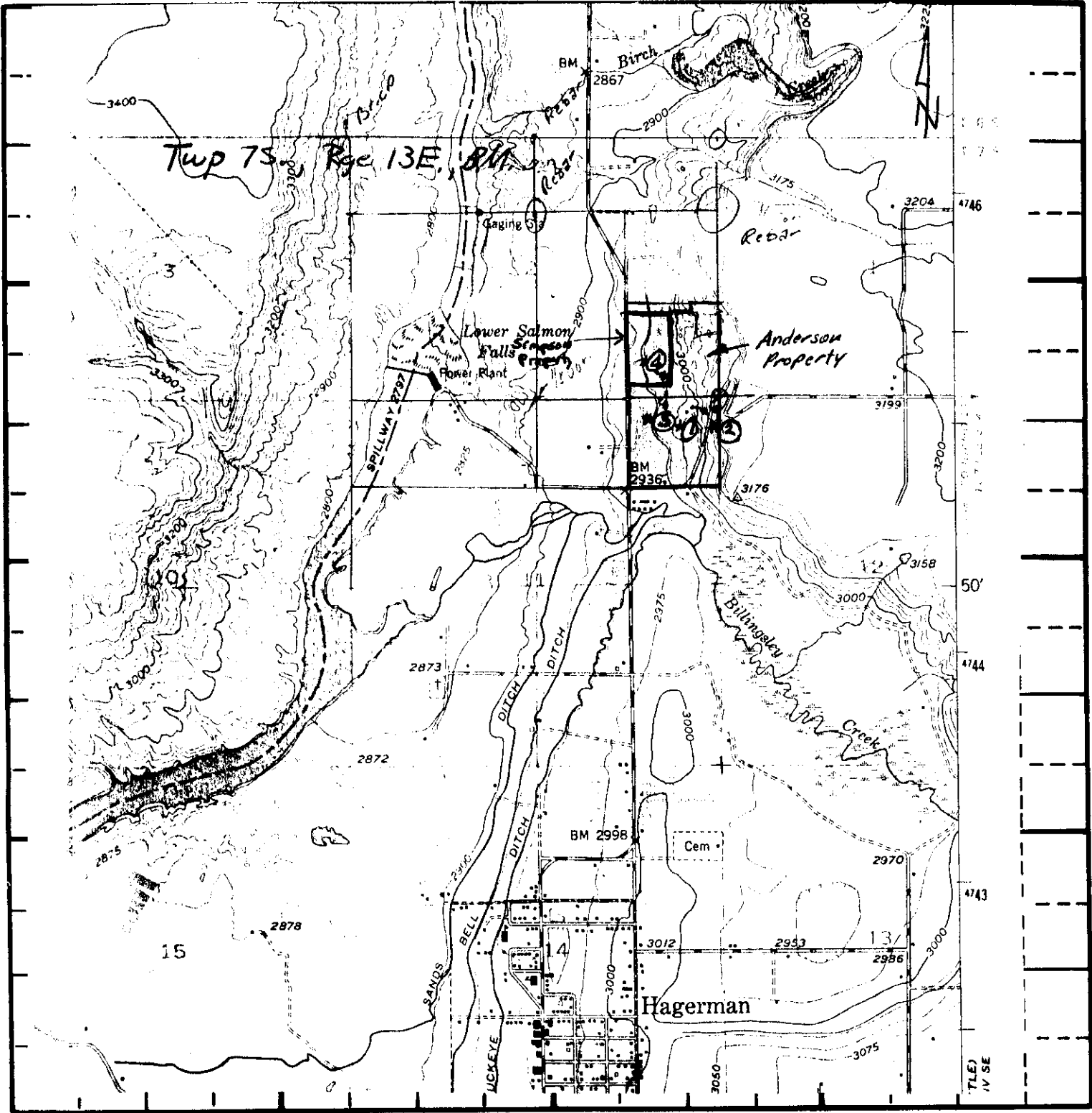
- a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Very little affect as all previous lands will still be
irrigated however all sources will ^{no} longer be combined

c. Describe the land place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Spring #1,2																			
7S.	13E.	11	40																40
7S.	13E.	2																21.8	21.8
Spring #4																			
7S.	13E.	2																14.2	14.2

Total number of acres to be irrigated 76

4. Describe any other water rights used for the same purpose as described above. 36-0071
Billingsley Cr. via the John Bell ditch
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

D. REMARKS

Anita Andersen (a widow) has $\frac{1}{2}$ interest in 76 acre Tract along with Sharon Dillon $\frac{1}{5}$ interest, Jackie Ray Andersen $\frac{1}{5}$ interest and Terry Lynn Andersen $\frac{1}{10}$ interest.

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 willfull misrepresentations made in this application may result in voiding its approval.

Anita Andersen
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of January, 19 83

Phyllis M. Custer
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-0072, 36-0073, 36-0074
36-0075 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Right 36-0075 is changed as follows: 0.28 cfs for irrigation of 14 acres and 0.02 cfs for domestic use located within $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 2, Twp. 7S, Rge. 13E. No more than 56.0 acre feet per annum shall be diverted for irrigation nor more than 0.8 acre feet per annum shall be diverted for domestic use.
2. Use of water under these rights is subject to control by the watermaster of State Water District No. 36A, Billingsley Creek.

Witness my hand this 14th day of January, 19 83

L. Glen Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>maria</u>	Date <u>3/10/82</u>	Protest filed by <u>None</u>
Prelim. check by <u>maria</u>	Fee <u>50.⁰⁰ \$ 22076</u>	
Receipted by <u>maria</u>	Date <u>3/10/82</u>	
Published in <u>Quading Co. Leader</u>		Copies of protest forwarded by <u> </u>
Pub. dates <u>3/31 + 4/7/82</u>		Hearing held by <u> </u> Date <u> </u>
Watermaster recommendation requested on <u>3/10/82</u>		Recommended for <u>approval</u> denial
<u> </u> rec'd. <u>3/26/82</u>		by <u>ADR gln DMR</u>

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
10-0068 JONES,	12.5 Spring	Feb. 1, 1888	Weatherby Springs;
10-0069 DANIEL	1 Spring	Feb. 1, 1888	Weatherby Springs;
			(Hoagland Tunnel)
13-0070	.5 Unnamed Spring	April 1, 1905	Unnamed Spring

(Said unnamed spring arises on the east boundary line of Lot 2 of the property hereinafter described.)

Lots 1, 2, 3 and 4 and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 30, Twp. 7 S. R. 14 E. B. M. and the E $\frac{1}{2}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M. excepting therefrom Tax No. 1 more particularly described as follows, to-wit:

Beginning at the southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; thence running east 397 feet; thence northwesterly to a point distant 1870 feet on section line from SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section; thence south 1870 feet to place of beginning, containing 9.5 acres.

0072 JUSTICE,	2. Billingsley Creek	June 26, 1881	John Bell Ditch
0073 WILLA A.	.1 Spring	June 26, 1881	Spring No. 1
0074	.2 Spring	June 26, 1881	Spring No. 2
0075	.4 Spring	June 26, 1881	Spring No. 3
	.3 Spring	June 26, 1881	Spring No. 4;

(Spring No. 1 arises below the public highway on the north part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11. Spring No. 2 arises above said public highway on the north part of said forty acre tract of land. Spring No. 3 arises below the Justice road on the line between said forty acre tract of land and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2 and Spring No. 4 arises about 100 yards north of Spring No. 3 on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 2, all in Twp. 7 S. R. 13 E. B. M.)

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, both in Twp. 7 S. R. 13 E. B. M. excepting from said section 2 a certain portion thereof conveyed to John W. Glauner on November 25, 1924, which portion is more particularly described as follows, to-wit:

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet, thence east parallel to the north boundary line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 832 feet; thence north 208 feet; thence West along the north boundary line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, Township and Range 832 feet to the point of beginning.

36-0076 LEWELLEN, ROY, AND NETTIE M. LEWELLEN	.6 Billingsley Creek	June 26, 1881	John Bell Ditch;
	Beginning at the southeast corner of Lot 2, Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence west along the south boundary of said Lot 2, 7.8 chains to the east boundary of the Hagerman-Bliss Highway; thence north along said east boundary 6.63 chains; thence north 86 degrees 37 minutes east 3.71 chains; thence north 70 degrees 37 minutes east 3.34 chains; thence north 84 degrees 28 minutes east 1.21 chains; thence south 67 degrees 22 minutes east 1.23 chains; thence south 8 degrees 00 minutes east 1.7 chains; thence south 36 degrees 07		

Analysis of Transfer
by Allen Merritt
3/15/82

BEFORE TRANSFER						
Portion	Acres	Use	Rate	Rate/Acre	Volume	C.U.
Parcel A	(61.8)	Irrigation	0.81	0.0132	247.2	162.8
		Domestic	<u>?</u>	<u>NA</u>	<u>?</u>	<u>?</u>
Total			0.81		247.2	162.8
Parcel B	(14.2)	Irrigation	<u>0.19</u>	<u>0.0132</u>	<u>56.8</u>	<u>37.4</u>
Total			0.19	0.0132	56.8	37.4
TRANSFER REQUEST						
Parcel A	(61.8)	Irrigation	0.70	0.0113	247.2	162.8
		Domestic	<u>?</u>	<u>NA</u>	<u>?</u>	<u>?</u>
Total			0.70		247.2	162.8
Parcel B	(14.2)	Irrigation	0.30	0.0211	56.8	37.4
		Domestic	<u>0.02</u>	<u>NA</u>	<u>0.6</u>	<u>0.6</u>
Total			0.30		57.4	38.0
RECOMMENDED APPROVAL						
Parcel A	(61.8)	Irrigation	0.70	0.0113	247.2	162.8
		Domestic	<u>?</u>	<u>NA</u>	<u>?</u>	<u>?</u>
Total			0.70		247.2	162.8
Parcel B	(14.0)	Irrigation	0.28	0.0200	56.0	36.8
		Domestic	<u>0.02</u>	<u>NA</u>	<u>0.6</u>	<u>0.6</u>
Total			0.30		56.6	37.4

Note that that the Domestic Use for Parcel A was not defined in the calculation but is known to exist and may be covered in the Decree. The Domestic use in Parcel B does not yet exist and will be covered if transfer is approved.

Domestic use calculations based on 500 gal/day/household.

Irrigation C.U. based on 2.63 A.F./acre/annum.
Irrigation Vol. based on 4.00 A.F./acre/annum.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Application For Transfer of Water Right
Supplemental Information for
CHANGE IN NATURE OF USE

1. Fully complete Form 222. Type or print in ink "CHANGE IN NATURE OF USE" at the top of page 1. If no change in point of diversion or place of use is desired, so note under items C.2 and/or C.3. C.

2. Describe fully the new use to which the water is intended to be applied (see sample calculations on reverse side):

a. Nature of use: Domestic use for one household from spring # 4.

In addition to irrigation of 14.2 acres.

b. Rate of flow: .02 cfs

c. Hours per day and days per year that the flow will be diverted:

365 days per year, hours per day are variable.

d. Season of use: The new use will be year round.

e. Return flows from the use: (quantity and quality of return flows, and location of discharge):

None

3. Describe positive and negative effects on other waterusers predicted to result from the proposed change in nature of use. Other water users will not be affected.

H-10199

WARRANTY DEED

For Value Received

Anita Andersen, a widow, an undivided one-half interest, Sharon Dillon an undivided one-fifth interest, Jackie Ray Andersen, an undivided one-fifth interest and Terry Lynn Andersen by Anita Andersen, his attorney-in-fact, the grantors, do hereby grant, bargain, sell and convey unto an undivided one-tenth interest

Owen Simpson and Josephine Simpson, husband and wife and George R. Kneeland the grantees, whose current address is

Hagerman and Sun Valley, Idaho, respectively the following described premises, in

Gooding

County Idaho, to-wit:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 2: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence West 1235.90 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Easterly right of way boundary of U.S. Highway No. 30;

Thence North along said right of way boundary, 54.66 feet on the arc of a non-tangent curve to the left with a radius of 22,968.82 feet, a central angle of 0°08'11" and a chord which bears North 0°09'13" East, 54.66 feet to the True Point of Beginning;

Thence Northwesterly along said right of way boundary 113.78 feet on the arc of a curve to the left with a radius of 22,968.82 feet, a central angle of 0°17'02" and a chord which bears North 0°03'23" West, 113.78 feet;

Thence North 0°11'54" West, 407.27 feet along said right of way boundary to a point of curvature;

Thence Northwestly along said right of way boundary 250.00 feet on the arc of a spiraled curve to the left, the radius of the circular curve being 3,869.72 feet and having a spiral angle of 1°52'30" and a chord which bears North 0°40'17" West a distance of 250.00 feet to the point of curve to spiral (P.C.S.);

Thence Northwesterly 262.93 feet on the arc of a curve to the left with a radius of 3869.72 feet, a central angle of 3°53'35" and a chord which bears North 4°02'56" West, 262.88 feet;

Thence North 87°49'47" East, 422.31 feet;

Thence South 1°21'21" East, 210.74 feet;

Thence North 89°45'52" East, 216.49 feet;

Thence South 3°29'41" East, 818.61 feet;

Thence South 88°05'22" West, 670.75 feet to the True Point of Beginning.

TOGETHER WITH an easement for ingress and egress over a 30.00 feet wide strip of land described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence West 1235.90 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the Easterly right of way boundary of U.S. Highway No. 30;

THE STATE OF CALIFORNIA, County of Alameda, 6 Day of June 1969

Marjorie Justice Thomas, ~~WIFE~~
Albany, County of Alameda, State of California

Marvin Andersen and Anita Andersen, husband & wife
Hagerman, County of Gooding, State of Idaho

Thirty-two thousand and no/100 (\$32,000.00)....

of the following described property situate in Gooding County,

NE 1/4, Section 14, and SE 1/4, Section 2,
All in Twp. 7 S., R. 13 E., S. 14 N.

together with all appurtenances, including 100
inches of water from the John Bell Ditch, 5
inches of water from Spring # 1, 10 inches of
water from Spring # 2, 20 inches of water from
Spring # 3 and 15 inches of water from Spring
4, all as decreed with priority date of
June 28, 1881.

with all the right, title, interest, and appurtenances thereto in any way connected with the premises and the water right and the right to use the same for the purpose of irrigation and for the purpose of domestic use and for the purpose of stock raising and for the purpose of any other purpose whatsoever.

TO HAVE AND TO HOLD the above premises and the water right and the right to use the same for the purpose of irrigation and for the purpose of domestic use and for the purpose of stock raising and for the purpose of any other purpose whatsoever to the heirs and assigns of the said Marvin Andersen and Anita Andersen, their heirs and assigns forever.

IN WITNESS WHEREOF, the said Marvin Andersen and Anita Andersen have hereunto set their hands and seals the day and date first above written.

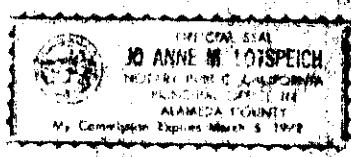
State of California
County of Alameda

On this 26th day of June 1969, before me the undersigned notary public and the said Marjorie Justice Thomas

~~WARRANT~~ Marjorie Justice Thomas

has appeared before me and acknowledged to me that she is the person who executed the within instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

I, the undersigned, being duly sworn, certify that my official seal and the day in year in this certificate are true and correct.



Jo Anne M. Loitspeich
Notary Public for the State of California

Residing at _____

55618
WARRANT DEED

County of Alameda
I hereby certify that this instrument is
filed for record to the request of

Mrs. Anderson

at _____ minutes past _____

July 18, 1970

Book _____ of the records of the

Margaret F. Clemens

County of Alameda

By *Anderson*

Return to _____

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

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

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

of said advertisement was on the 31 day of MARCH

1982, and the date of the last publication was on the 7

day of APRIL, 1982

Subscribed and sworn to before me this 7

day of APRIL, 1982
(SEAL)

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>84</u>	<u>84</u>
Number of Insertions	<u>2</u>	<u>2</u>
Lines tabular at	<u>142</u>	<u>31.50</u>
Lines straight at	<u>84</u>	<u>21.00</u>
Subsequent lines at	<u>84</u>	<u>17.64</u>
TOTAL COST		<u>44.52</u>

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

NO. 36-0072

36-0073

36-0074

36-0075

Owen &/or Josephine Simpson & Anita Andersen &/or George Kneeland &/or Sharon Dillon, &/or Jackie Ray, Andersen, &/or Terry Lynn Andersen of Hagerman, Idaho, have applied to the Department of Water Resources for a change of place of use and nature of use of rights from Springs. The rights sought to be changed are evidenced by rights decreed to Willa A. Justice in the case of New International Mortgage Banking Company vs Idaho Power dated March 22, 1932 in District Court, Gooding County, and are recorded as follows:

36-0072

0.1 cfs from Spring #1 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0073

0.2 cfs from Spring #2 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0074

0.4 cfs from Spring #3 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0075

0.3 cfs from Spring #4 within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M.

These rights are jointly used to irrigate 76 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M., and used for domestic purposes with a common priority of June 26, 1881.

RIGHTS TO BE CHANGED AS FOLLOWS:

36-0072, - 36-0073, - 36-0074 shall be used to irrigate 61.8 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M. and for existing domestic purposes.

36-0075 shall be used to irrigate 14.2 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M. and to supply a new domestic use of one household.

Any protest against the approval of the above proposed changes of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before April 19, 1982.

/s/ A. KENNETH DUNN
Director

PUB: 3-31, 4-7, 1982

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
60068 JONES, 60069 DANIEL	12.5 Spring 1 Spring	Feb. 1, 1888 Feb. 1, 1888	Weatherby Springs Weatherby Springs (Hoagland Tunnel)
60070	.5 Unnamed Spring	April 1, 1906	Unnamed Spring

(Said unnamed spring arises on the east boundary line of Lot 2 of the property hereinafter described.)

Lots 1, 2, 3 and 4 and the E $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, Twp. 7 S. R. 14 E. B. M. and the E $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M. excepting therefrom Tax No. 1 more particularly described as follows, to-wit:

Beginning at the southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; thence running east 397 feet; thence northwesterly to a point distant 1870 feet on section line from SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section; thence south 1870 feet to place of beginning, containing 9.5 acres.

6072 JUSTICE, 6073 WILLA A. 6074 6075	2. Billingsley Creek .1 Spring .2 Spring .4 Spring .3 Spring	June 26, 1881 June 26, 1881 June 26, 1881 June 26, 1881 June 26, 1881	John Bell Ditch Spring No. 1 Spring No. 2 Spring No. 3 Spring No. 4;
--	--	---	--

(Spring No. 1 arises below the public highway on the north part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11. Spring No. 2 arises above said public highway on the north part of said forty acre tract of land. Spring No. 3 arises below the Justice road on the line between said forty acre tract of land and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2 and Spring No. 4 arises about 100 yards north of Spring No. 3 on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Sec. 2, all in Twp. 7 S. R. 13 E. B. M.)

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, both in Twp. 7 S. R. 13 E. B. M. excepting from said section 2 a certain portion thereof conveyed to John W. Glauner on November 25, 1924, which portion is more particularly described as follows, to-wit:

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet, thence east parallel to the north boundary line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 832 feet; thence north 208 feet; thence West along the north boundary line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, Township and Range 832 feet to the point of beginning.

36-6076 LEWELLEN, ROY, AND NETTIE M. LEWELLEN	.6 Billingsley Creek	June 26, 1881	John Bell Ditch
	Beginning at the southeast corner of Lot 2, Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence west along the south boundary of said Lot 2, 7.8 chains to the east boundary of the Hagerman-Bliss Highway; thence north along said east boundary 6.63 chains; thence north 86 degrees 37 minutes east 3.71 chains; thence north 70 degrees 37 minutes east 3.34 chains; thence north 84 degrees 28 minutes east 1.21 chains; thence south 67 degrees 22 minutes east 1.33 chains; thence south 8 degrees 00 minutes east 1.7 chains; thence south 36 degrees 07		



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

November 28, 2003

Layne Osborne
966 Justice Grade
Hagerman, ID 83332

FILE COPY

Re: Water Rights Nos. 36-00071B, 36-00072, 36-00073, and 36-00074

Dear Mr. Osborne:

I have reviewed your letter dated November 22, 2003, and I both appreciate and understand your frustration. There are many people, including myself, that are very concerned about the declining spring flows in the Thousand Springs area.

There is no single factor that is the cause for the declines in spring flows. While certain ground water diversions clearly affect discharges from springs in the Thousand Springs area, improvements in efficiencies of surface water irrigation have resulted in substantial reductions of recharge to the Eastern Snake Plain Aquifer ("ESPA") and these reductions in recharge are more significant than ground water diversions. With the further loss of recharge resulting from reduced surface water supplies during the last four consecutive years of drought, the discharge from many springs has declined to levels that have not been observed over the last decade or longer. Of course, this does not mean that you are not entitled to seek administration of water rights junior in priority to your 1881 rights.

I have enclosed print outs from our database for the four water rights held by you and Judy Osborne. All of the rights authorize the irrigation of certain lands through November 30 of each year. Since the irrigation season is essentially over, a delivery call for distribution of water for irrigation uses under your rights is not practical. However, as you describe in your November 22 letter, each of your four water rights also authorize year-round uses for stockwater and two of your water rights, water rights nos. 36-00073 and 36-00074, authorize year-round use for domestic purposes.

Water right no. 36-00071B authorizes year-round diversion of 0.02 cfs from Billingsley Creek for stockwater. In your letter, you did not describe the supply of water available for this right. Consequently, I presume that the flow of water in Billingsley Creek is adequate to fill this right.

Water right no. 36-00072 authorizes year-round diversion of 0.02 cfs from what's called "Spring No. 1" for stockwater. Again, you did not describe the supply of water available for this

MICROFILMED

right in your letter. Therefore, I also presume that the flow of water from this spring is adequate to fill this right.

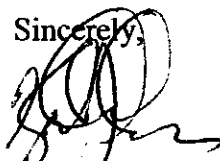
Water right no. 36-00073 authorizes the year-round diversion of 0.04 cfs for stockwater and 0.04 cfs for domestic purposes, as required to satisfy both uses but not to exceed 13,000 gallons per day, from what's called "Spring No. 2." If this spring is discharging 10 gpm or 0.02 cfs, as you described in your letter, it may still be sufficient to provide the maximum authorized volume of 13,000 gallons per day even though the spring discharge may be less than the maximum diversion rate authorized. Consequently, more information is needed concerning use of water under this right.

Water right no. 36-00074 authorizes the year-round diversion of 0.04 cfs for stockwater and 0.04 cfs for domestic purposes, as required to satisfy both uses but again not to exceed 13,000 gallons per day, from two sources called "Spring" and "Spring No. 3." As for water right no. 36-00073, the spring discharge of 0.04 cfs that you described in your letter may still be sufficient to provide the maximum authorized volume of 13,000 gallons per day even though the spring discharge may be less than the maximum diversion rate authorized. Again, more information is needed concerning use of water under this right.

Lastly, you have asked for information about how to make a "CALL ON WATER." I have enclosed a copy of rules promulgated by the Department of Water Resources in 1994 and affirmed by the legislature captioned "Rules for Conjunctive Management of Surface and Ground Water Resources." These rules are applicable in all instances where a delivery call is made by the holder of a senior priority surface or ground water right against the holder(s) of junior priority ground water rights. Rule 30 applies to delivery calls against the holder(s) of junior priority ground water rights that are not in an organized water district, and Rule 40 applies to delivery calls against the holder(s) of junior priority ground water rights that are in an organized water district. There is an organized water district, Water District No. 130, on the ESPA immediately above the Thousand Springs area.

If you wish to pursue this matter further, I would suggest that you contact Cindy Yenter, the watermaster for Water District No. 130. Ms. Yenter can be reached at the Department's regional office in Twin Falls, 1341 Filmore Street, Suite 200, telephone no. (208) 736-3033.

Sincerely,



Karl U. Dreher
Director

Enclosures (5)
copy w/o enclosures to: Cindy Yenter – IDWR, Twin Falls

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NOV 29 2003



"Genuine Idaho"

RECEIVED

NOV 25 2003

Department of Water Resources

Karl Dreher
Director, Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

FILE COPY

November 19, 2003

SeaPac of Idaho owns and operates the Magic Springs Fish Hatchery and holds the following water right numbers associated with this property: 36-7072 (Priority Date of 9/5/69), 36-7866 (Priority Date of 7/11/79) and 36-8356 (Priority Date of 5/9/88). Spring flow rates from the Thousand Springs area have declined substantially from originally recorded flow rates and the Magic Springs facility is currently operating at 70% of its licensed flow. Spring flow reductions in the Thousand Springs Reach occurred during the same period of time that significant ground water pumping capacity was being developed across the Eastern Snake Plain Aquifer.

SeaPac of Idaho cooperated with IDWR wishes and was a signatory to the Interim Stipulated Agreement for the past two years while the Idaho Department of Water Resources was to study the issue. SeaPac of Idaho now believes the IDWR has had time to study this issue and it is time for the Department to take those actions required to protect the rights of the senior priority surface water rights holders in the Thousand Springs Reach.

SeaPac of Idaho has reviewed the Preliminary Mitigation Plan of North Snake Ground Water District and Magic Valley Ground Water District as submitted to your Department and dated October 9, 2003. We believe the Mitigation Plan as written only extends the period of time senior priority water right holders must endure without any option to protect their water rights by making a call as allowed for under Idaho law. The Mitigation Plan offers no realistic remedy to senior priority water right holders in the form of meaningful improvements to spring flows, nor does it offer any financial redress for the loss of business operations to senior priority holders while at the same time allowing unabated operation of businesses holding junior priority water rights.

It is now time for the Idaho Department of Water Resources to step forward and take those actions required to remedy the damage being done to senior priority water right holders by junior priority ground water users on the Eastern Snake Plain Aquifer.

Gary Marquardt



Operations Manager

idwr1103

MICROFILMED

SeaPac of Idaho

November 22, 2003

RECEIVED

NOV 24 2003

Department of Water Resources

Karl J. Dreher

Idaho Department of Water Resources

P.O. Box 83720

Boise, Idaho 83720-0098

FILE COPY

I am writing this letter because of my concern for my water rights which all date back to 1881. They are:

36-000⁷¹~~17~~B - 36-00072 - 36-00073 - 36-00074

Spring 35-00074 used to irrigate 35 acres with a 25-horse pump. When I bought my place on the Justice Grade, there was the 25 horse plus a 5 horse pump which was added in 1989 to bring water up from the John Bell Ditch to help supply water to the 25 horse pump. I sold the 25-horse pump, and bought the 5-horse pump to irrigate 8 acres that was all the spring could water at that time(1989). Now the spring cannot supply enough water for the 5-horse pump, so the 5-horse pump has been removed. The spring is only producing 20 g.p.m. now or .04 cfs. It has a right of .4 cfs for irrigation.

Spring 36-00073 is my domestic and stock water spring. It has a right of .04 cfs domestic, .04 cfs stock water and .2 cfs for irrigation. It has gone down drastically also. It actually lies above the 36-00074 springs. Higher the spring is the more significant the drop in flow is. It is flowing 10 g.p.m. or .022 cfs as of November 2003. Come next spring, as you know, the low time of the year, it will flow less than that.

My neighbors have all had to dig wells to replace the spring water they use for domestic. They are John Ward, Mildred Culbertson, Bob Hunt, Rudy Kipp and the Billingsley Creek Lodge all on the Justice Grade.

I am not receiving enough water in my spring to satisfy my domestic and stock water rights. I feel you have not done anything to help the springs. They just keep producing less. I'm tired of spending money because of my springs not producing what their rights call for. I bought this place for premium money because of these springs and their value. Therefore I would like to know how to make a **CALL ON WATER** for spring 36-00073 for my domestic and stock water. All my neighbors would like to know

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where they stand also. Please respond immediately so if your response is not satisfactory I can make a CALL ON WATER before the New Year.

I feel I have suffered enough from your neglect in keeping these springs flowing adequately. So now I think you and the pumpers on top should address my situation.

Layne Osborne
966 Justice Grade

Hagerman, ID 83332

1-208-837-6332



① letter rec'd 11/20
response next
few days

MICROFILMED

APR 11 2003

January 17, 1983

RE: Water Right Nos. 36-0072, 36-0073, 36-0074 and 36-0075

George Kneeland &/or Joseph Simpson &/or Anita Andersen &/or Owen Simpson
&/or Sharon Dillon &/or Jackie Ray Andersen &/or Terry Lynn Andersen
Route #2
Hagerman, ID 83332

Dear Ladies and Gentlemen:

Enclosed is a copy of your approved application for transfer of the above referenced water rights (Transfer No. 2652). Be sure to note the conditions of approval on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ADM

1. Right number _____ Applicant KNEELAND, Geo &/or et al
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other Change in nature of use
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Possible expansion in new use for domestic and also increase in diversion rate/acre on 14.2 acre parcel.
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Other decreed rights
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☐ No
If yes, what district? 36

FINAL PROCESSING REVIEW BY: ADM

1. Watermaster recommendation requested on 3/23/82 Received on 3/26/82
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Reduce acres irrigated on parcel B to 14.0 acres.
(See 3/15/82 Memo regarding analysis)
Under jurisdiction of watermaster of Dist 36

4. By ADM Date 6/7/82
See attached sheet for conditions of approval
* All uses within Watermaster Districts require special conditions.
9-16-82

RECEIVED
JUN 10 1982
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 10, 1982

RE: Water Right Nos. 36-0072, 36-0073, 36-0074 and 36-0075

George Kneeland, Sharon Dillon, Jackie Ray Andersen,
Terry Lynn, Owen &/or Josephine Simpson and Anita Andersen
Route #2
Hagerman, ID 83332

Dear Water Users:

We are in the final processing of your application for transfer of the above referenced water rights. Before we approve the said transfer we must inform you that the transfer of one of the water rights (36-0075) changes the nature of use of the right from irrigation only to irrigation and domestic use. The transfer cannot result in an expansion of the water right, therefore, the lands irrigated under the right must be reduced by 0.2 of an acre to allow for the domestic use.

Water Right 36-0075 is a decreed right for spring #4 which has been used to irrigate 14.2 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Twp. 7S, Rge. 13E. As a result of this application for transfer 0.02 cfs will be added for domestic use. Therefore, the irrigated land must be reduced from 14.2 acres to 14.0 acres.

We can make the appropriate changes on the transfer application, however we felt we should advise you of our intent prior to approval. If you have any reason why we should not make the said change, please let us know on or before December 10, 1982. If you have any questions on this matter, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

INTER-DEPARTMENT MEMO — 1

FROM ~~JIM~~
TO ~~DAVE~~
SUBJECT TRANSFER

yes, let's notify them
that .2 acre must be dried up
if we honor their request & approve the app.
Dave 9/28/82

DATE 9-16-82

This transfer involves 4 decreed rights
1 right is proposing a change in nature
of use which requires a 0.2 acre reduction
of the irrigated land. I have prepared a
condition of approval which defines and limits
the right after the transfer.

Are we required to notify the applicants
of the reduction in acreage before we process
the transfer?

SIGNATURE

CONDITIONS OF APPROVAL

Right 36-0075 is changed as follows:

0.28 cfs for irrigation of 14 acres and
0.02 cfs for domestic use located
within SE⁴ SE⁴ SEC 2 T7S R13E. No more
than 56.0 ACREFEET/ANNUUM SHALL BE DIVERTED
FOR IRRIGATION NOR MORE THAN 0.8 ACRE
FEET /ANNUUM SHALL BE DIVERTED FOR
DOMESTIC USE.

05(36A Billingsley Creek)

Jim 9-16-82

WORK SHEET FOR TRAN NO. 2652

Right 36-0075 AFTER TRANSFER

0.28 IRRIGATION

14.0 SESE S2

0.02 DOMESTIC

TT/3E

— Volume —

$$.28 \times 1.9835 \times 245 = 136.1 \text{ AF/A}$$

$$4 \text{ AF/A} \times 14.0 = 56 \text{ AF/A} *$$

$$4 \text{ AF/A} \times .2 \text{ AC} = 0.8 \text{ AF/A}$$

* USE ON Transfer condition

JIM 9-16-82

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 26-0072, 0073, 0074, 0075

RECOMMENDATION OF WATERMASTER

RECEIVED

MAR 26 1982

Department: Water Resources
Southern District Office

I, Geo. H. Lemmon, watermaster of Hagerman,
of Water District No. 36-A, County of Gooding, State of Idaho,
whose address is Box 218
have read the attached copy of the application for transfer of water right for Willie
A. Justice, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: O.K.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons:

Dated at 3-25-82, Idaho, this _____ day of _____ 19 ____.

Hagerman, Idaho

Geo. H. Lemmon
(signature)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

March 23, 1982

George Lemon
Watermaster District 36
Hagerman, Idaho 83331

Re: Application for Transfer of Water Right No. 36-0072, 36-0073, 36-0074, 36-0075

Dear Mr. Lemon

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN C. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

NO. 36-0072
36-0073
36-0074
36-0075

Owen &/or Josephine Simpson & Anita Andersen &/or George Kneeland &/or Sharon Dillon, &/or Jackie Ray Andersen, &/or Terry Lynn Andersen of Hagerman, Idaho, have applied to the Department of Water Resources for a change of place of use and nature of use of rights from Springs. The rights sought to be changed are evidenced by rights decreed to Willa A. Justice in the case of New International Mortgage Banking Company vs Idaho Power dated March 22, 1932 in District Court, Gooding County, and are recorded as follows:

36-0072

0.1 cfs from Spring #1 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0073

0.2 cfs from Spring #2 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0074

0.4 cfs from Spring #3 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0075

0.3 cfs from Spring #4 within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M.

These rights are jointly used to irrigate 76 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M., and used for domestic purposes with a common priority of June 26, 1881.

RIGHTS TO BE CHANGED AS FOLLOWS:

36-0072, - 36-0073, - 36-0074 shall be used to irrigate 61.8 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M. and for existing domestic purposes.

36-0075 shall be used to irrigate 14.2 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M. and to supply a new domestic use of one household.

Any protest against the approval of the above proposed changes of the rights described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before April 19, 1982.

A. KENNETH DUNN
Director

March 31

7

Published in Gooding County Leader on ~~April 1~~ and April 8, 1982.

Alto
4/1/82

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHTS**

NO. 36-0072

36-0073

36-0074

36-0075

Owen &/or Josephine Simpson & Anita Andersen &/or George Kneeland &/or Sharon Dillon, &/or Jackie Ray Andersen, &/or Terry Lynn Andersen of Hagerman, Idaho, have applied to the Department of Water Resources for a change of place of use and nature of use of rights from Springs. The rights sought to be changed are evidenced by rights decreed to Willa A. Justice in the case of New International Mortgage Banking Company vs Idaho Power dated March 22, 1932 in District Court, Gooding County, and are recorded as follows:

36-0072

0.1 cfs from Spring #1 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0073

0.2 cfs from Spring #2 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0074

0.4 cfs from Spring #3 within NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M.

36-0075

0.3 cfs from Spring #4 within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M.

These rights are jointly used to irrigate 76 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M., and used for domestic purposes with a common priority of June 26, 1881.

**RIGHTS TO BE CHANGED
AS FOLLOWS:**

36-0072, - 36-0073, - 36-0074 shall be used to irrigate 61.8 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T7S, R13E, B.M. and for existing domestic purposes.

36-0075 shall be used to irrigate 14.2 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T7S, R13E, B.M. and to supply a new domestic use of one household.

Any protest against the approval of the above proposed changes of the rights described above must be filed with the Idaho Department

of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before April 19, 1982.

/s/ A. KENNETH DUNN
Director

PUB: 3-31, 4-7, 1982

*AD
may
3/6/82*

March 19, 1982

Gooding County Leader
Box 50
Gooding, Idaho 83330

Re: Notice of Proposed Change of Water Right No. 37-2544
Gentlemen: 38-0072,0073,0074,0075

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

Bill submitted: _____