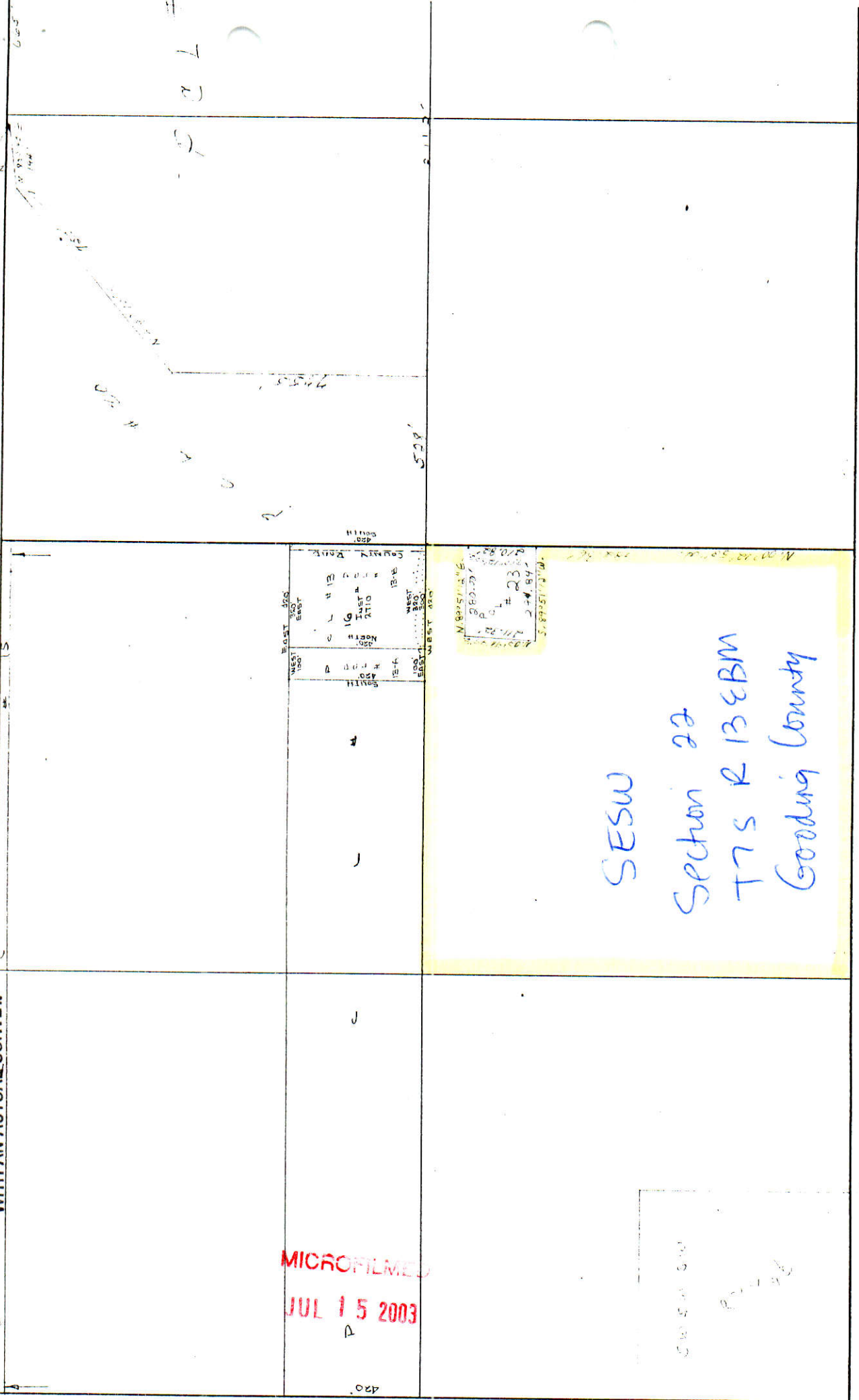


THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE LAND, AND THE CO.
ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY,
WITH AN ACTUAL SURVEY.

MICROFILMED
JUL 15 2003
P

SESU
Section 22
T7S R13E BM
Gooding County



T# 5340



4-5 2003

i. ☒

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

N/A

j. ☒

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

Rights have been re-decreed in SRBA

k. ☒

Comment letters

If yes

☒
☒

Yes

☒ No

Water District # 36-A

Lienholder, others, see #2 below for name and address

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

DATE

10-30-98

DATE

DATE

1. Legal Notice electronically sent to DWRO3::VAULT

☒ Yes @ 10:18 (11/4/98)

2. COMMENT LETTERS

Copy of Pg 1 to AJ

☒ Yes 11/3/98

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

WITHDRAWN 5-9-2003

2. ☐ Deny due to

Database updates complete

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: _____

4. By _____

Date _____

AFFIDAVIT c PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

NOV 23 1998

Department of Water Resources
Southern Region

T# 5340-Peterson
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT, T# 5340
Notice is hereby given that ORLAND
PETERSON, 2779 S 850 E;
HAGERMAN ID 83332 has applied to
the Department of Water Resources for
changes to the rights listed below.
The purpose of Transfer No. 5340 is to
re-associate points of diversion and
place of use of two water rights.
PRESENTLY, the rights are diverted
from Billingsley Creek via the Bell &
Buckeye Ditches within
N W 1/4 S E 1/4 N E 1/4 &
S E 1/4 S E 1/4 N E 1/4, S11, T07S, R13E;
Gooding County. PRESENTLY,
Decreed Water Right No. 36-00024
(0.87 cfs) with a priority date of
03/30/1884 is used for irrigation of 34
acres within S E 1/4 S W 1/4, S22, T07S,
R13E; Gooding County. PRESENTLY,
Decreed Water Right No. 36-00087
(2.40 cfs) with a priority date of
03/30/1884 is used for irrigation of 31
acres within N E 1/4 N W 1/4, S27, T07S,
R13E; Gooding County.

PUB (Idah PROPOSED CHANGES
7-8 pt. per line straight 7¢/Pica
7-8 pt. per line tabular 6¢/Pica
7-8 pt. per line successive
insertions 5¢/Pica

No. 6945

23580
MICROFILMED
JUL 15 2003

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

2 consecutive issues in said newspaper proper and not in
supplement; that the date of the first publication of said advertisement was on the
12th day of November, 1998
and that date of the last publication was on the 19th day of
November, 1998.

On this 20th day of November
in the year of 1998, before me, a Notary Public, personally appeared
Patty Nance, known or identified to me to be the person
whose name subscribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledge to me that she executed
the same.

Storrie De Voe
Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

#6945/23580
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

_____ Lines tabular at _____ 7¢/Pica
693 Lines straight at 41.58 6¢/Pica
693 Subsequent lines at 34.65 5¢/Pica

Affidavit Fee

2.25

TOTAL COST

78.48

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

RECEIVED

MAY 12 2003

RECEIVED
MAY - 9 2003
Department of Water Resources
Boise, Idaho

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-24					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Orland Peterson
2779 S 850 E , Hagerman, ID 83332
4. New Owner/Claimant(s) Robert Bradley Gisler
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
755 E. 2800 S.
City, State and ZIP Code Hagerman, ID 83332
New Telephone Number ()
5. Date you acquired the property May 7, 2003

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JUL 15 2003

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Robert Bradley Gisler
Robert Bradley Gisler

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

MICROFILMED

JUL 15 2003

For Office Use Only

Received by <u>[Signature]</u>	Date <u>5/9/03</u>	Fee <u>25.00</u>
Received by <u>[Signature]</u>	Date <u>5/9/03</u>	Receipt No. <u>5025830</u>
Processed by <u>[Signature]</u> AJ	Date _____	WR _____ Date _____

WARRANTY DEED

#GG-04429

For Value Received

Paul Orland Peterson , an unmarried man

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

Robert Bradley Gisler, a single man

Address: 755 E. 2800 S., Hagerman, ID 83332

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

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 22: SE¼SW¼

EXCEPTING THEREFROM a parcel of Land located in the SE¼ SW¼, more particularly described as follows:

Beginning at the Southeast corner of said SE¼SW¼;
Thence North 00°12'53" West a distance of 982.86 feet along the Easterly boundary of said SE¼SW¼
to the TRUE POINT OF BEGINNING;
Thence South 89°51'12" West a distance of 294.84 feet;
Thence North 03°48'45" East a distance of 211.32 feet;
Thence North 89°51'12" East a distance of 280.00 feet to the Easterly boundary of said SE¼SW¼;
Thence South 00°12'53" East a distance of 210.82 feet along the Easterly boundary of said SE¼SW¼
to the TRUE POINT OF BEGINNING.

SUBJECT to the rights of a public road which affects the Easterly 25.00 feet thereof.

SUBJECT TO:

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

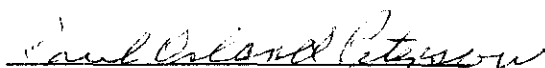
Taxes for 2003 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments levied or to be levied by any local irrigation district.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right Number 36-24 for .87CFS with the Idaho Department of Water Resources.

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

Dated: May 2, 2003


Paul Orland Peterson

Instrument # 200647

GOODING, GOODING, IDAHO

2003-05-07

02:10:33

No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 6.00

MICROFILMED

JUL 15 2003

Page 2 of Warranty Deed

STATE OF Wyoming)
) ss.
COUNTY OF SHERIDAN)

On this 6TH day of **May, 2003**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Paul Orland Peterson**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

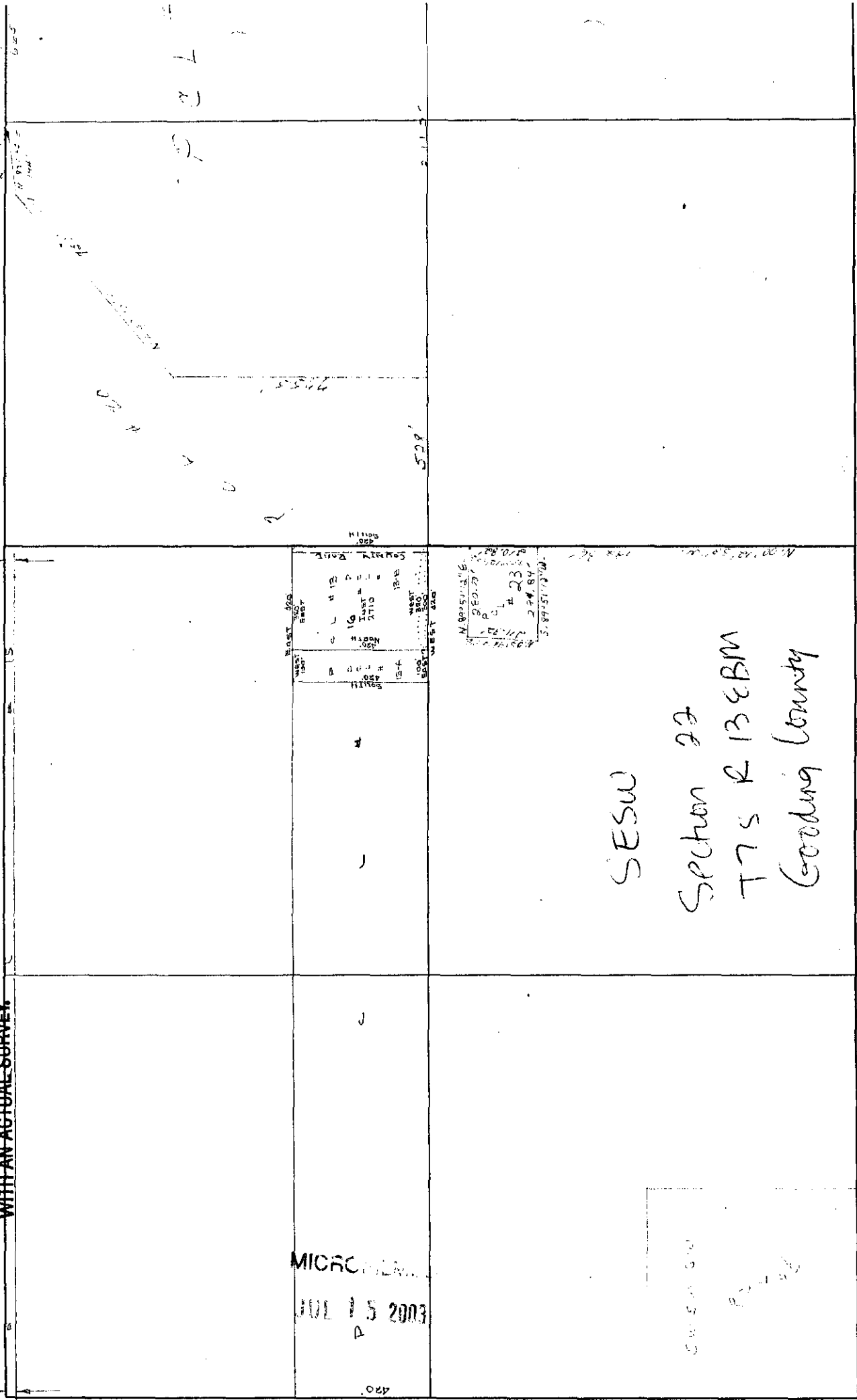


Melody Martin
Notary Public
Residing at: SHERIDAN, WY
My Commission expires: 11-25-2006

MICROFILMED

MAY 15 2003

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE LAND, AND THE CO.
ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY,
WITH AN ACTUAL SURVEY.



MICROFILMED
JUL 15 2003

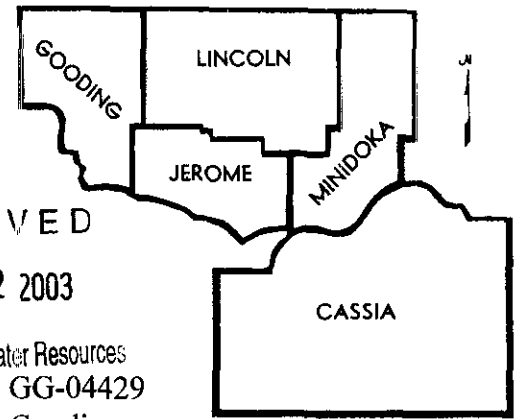
Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY

RECEIVED

MAY 12 2003

Department of Water Resources
REFER TO: GG-04429
OFFICE: Gooding



May 8, 2003

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

RE: Robert Bradley Gisler/Paul Orland Peterson

Dear John:

Please find enclosed our check #17228 in the amount of \$25.00 representing change of ownership fees on the above referenced. I have also enclosed the withdrawal of the Transfer of Application #5340 you requested, the original change of ownership form, a copy of the recorded Warranty Deed and a plat map of the property. Please let me know if you need anything further.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

A handwritten signature in black ink that reads "Becky Shubert".

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

RECEIVED
MAY - 9 2003
Department of Water Resources
Southern Basin

MICROFILMED

JUL 15 2003

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

In Re SRBA)
)
)

Case No. 39576)

Water Right 36-00024

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 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, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 02-15 11-30

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

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

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

RULE 54(b) CERTIFICATE

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

Dated August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JUL 15 2003

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

Important Information About Your Water Right

August 27, 2001

ORLAND PETERSON
2779 S 850 E
HAGERMAN, ID 83332

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-00024. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order*** in combination with the ***Partial Decree*** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of the water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued the same date that the ***Partial Decree*** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED

111 15 2003

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

1997 DEC 29 PM 3:39

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00024

DISTRICT 3 JUDICIAL - SRSA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: ORLAND PETERSON
2779 S 850 E
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.87 CFS

PRIORITY DATE: 03/30/1884

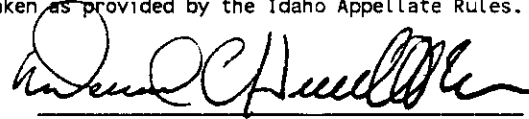
POINT OF DIVERSION: T07S R13E S11 NWSENE Within GOODING County
SESENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.87 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R13E S22	SESW 34
	34 ACRES TOTAL	

RULE 54(b) CERTIFICATE

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



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

MICROFILMED
DEC 16 1997

36-A

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

In Equity No. 1602

D E C R E E

WIDEREAS, The above entitled action having heretofore been
submitted to the court upon pleadings and stipulations of fact,
on file herein, and WHEREAS, the court being duly advised in the
premises, and having made its findings of fact and conclusions of
law:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of
the land described in the complaint of the plaintiff, and in the
answers, cross-complaints, and counter-claims of the defendants and
interveners, and each of them, is semi-arid in character and requires
the artificial application of water or irrigation in order to produce
thereon ordinary agricultural crops; that said land is situate in
what is known as the Hagerman Valley, east of and adjacent to the
Snake River, and that the same lies between the rim rock, or canyon
wall, to the east of the Snake River and said Snake River; that the
subsoil of said valley underlying said valley and all of the same is
shattered, fissured lava flow, upon which has been deposited layers
of clay and gravel, interspersed with water worn boulders, fragments
of rock, and the soil is composed mainly of decomposed lava rock,
oxidized lava rock and sand, and that owing to the nature of the
soil and subsoil, the coarse texture and the mechanical composition
of the soil and its free drainage, the said land and all of the land

MICROFILMED

MAY 28 1995

MICROFILMED

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
36-0022 BIG SPRING WATER USERS ASSOCIATION, a corporat- ion ✓	12.9 Spring 5 Spring	March 21, 1901 April 1, 1911	Big Spring; (Durfee-Secor Tunnel) Big Spring; (Durfee-Secor Tunnel)
(Said Big Spring is located on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 7 S. R. 14 E. B. M.)			
36-0024 BLACKHART, CHARLES R. AND IZMA C. BLACKHART ✓	2.4 Billingsley Creek .3 Billingsley Creek SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch Buckeye Ditch;
36-0025 BLACKHART, MABEL ✓	2.4 Billingsley Creek .4 Billingsley Creek SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch; Buckeye Ditch;
36-0026 BLACKHART, MABEL ✓	2.4 Billingsley Creek .4 Billingsley Creek SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch; Buckeye Ditch;
36-0027 BLACKHART, MABEL ✓	2.4 Billingsley Creek .4 Billingsley Creek SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch; Buckeye Ditch;
36-0028 BOYER, EM- ERSON, AND ETHEL BOYER ✓	2 Riley Creek SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M.	Oct. 1, 1908	Pipe Ditch re- ferred to in paragraph 7 of these Findings;
36-0029 BOYER, LEE, and ALICE BOYER ✓	2 Spring (Said Three Springs is located immediately east of the east boundary line of the Dan Jones' Ranch about one- eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.) SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 24, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.	Feb. 17, 1896	Three Springs;
36-0030 BRAILSFORD A. H., AND BEATRICE E. BRAILSFORD ✓	8 Len Lewis Spring W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 26, Twp. 7 S. R. 13 E. B. M.	Sept. 1, 1889	Brailsford Owens Ditch;
36-0031 BRIGGS, E. G., AND EDNA C. BRIGGS ✓	.5 Riley Creek 1 Riley Creek (The diversion point of said Conyers Ditch is on Riley Creek 100 yards below the diversion point of said Hunt Ditch described in paragraph 7 of these Findings.)	May 1, 1883 May 1, 1883	Hunt Ditch; Conyers Ditch;

4
MAY 28 1996

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2003

ROBERT BRADLEY GISLER
755 E 2800 S
HAGERMAN ID 83332

RE: Change of Ownership for Water Right 36-24

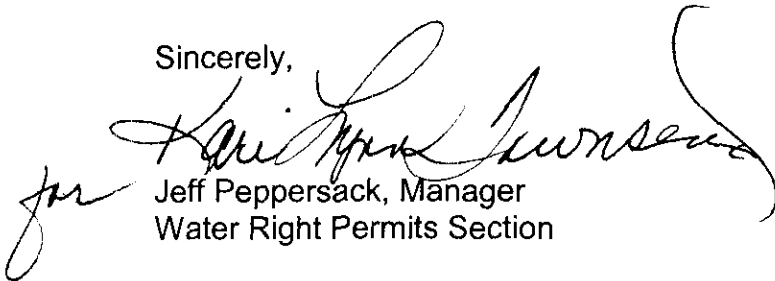
Dear Water Right Holder(s):

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

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

Townsend, KariLynn

From: Stanton, Jim
Sent: Thursday, May 22, 2003 9:58 AM
To: Townsend, KariLynn
Subject: RE: RE: Transfer #5340

KariLynn - The transfer was withdrawn on 5-9-03. See T. 66761 for more info.

-----Original Message-----

From: Townsend, KariLynn
Sent: Thursday, May 22, 2003 9:13 AM
To: Stanton, Jim
Subject: RE: Transfer #5340

Hi Jim . . .

We received a Notice of Change in Water Right Ownership for WR # 35-24 on May 12, 2003. The seller is Orland Peterson and the buyer is Robert Bradley Gisler. The file was in the "Protested Transfer" drawer in the vault and has apparently been there since Nov. 1998.

The application for transfer was filled out by you on 9-16-98. There is a letter to Jo Beeman from Allen Merritt dated 12-4-98 in which Allen suggests Mr. Peterson contact Jo Beeman in an attempt to resolve the matter without action by the Department.

I talked to Allen this morning to find out if the application had been withdrawn and he said he thought so but that I should talk with you to make sure of the status.

Please call me or e-mail me with whatever info is available.

Thanks, Jim. :) :) :)

Kari Lynn



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

RECEIVED

JUN - 7 2003 DIRK KEMPTHORNE
GOVERNOR

Department of Water Resources

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

MAY 30 2003

Department of Water Resources
Southern Region

☐ Water Right Number(s): 36-24

☐ Old Mailing Address: 2999 South

850 East

Hagerman Id 83332

☐ New Mailing Address: 1862 Zuni Dr.

Shelburne Id 82801-8834

☐ New Telephone Number: (307) 672-9693

☐ Signature of Claimant(s): Deland Peterson

Date: 05-29-03

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

MICROFILMED



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

May 20, 2003

RECEIVED

MAY 21 2003

Department of Water Resources

ORLAND PETERSON
1862 ZUNI DR
SHERIDAN WY 82801-5834

Re: Application for **Transfer No. 5340/66761**

Dear Mr. Peterson:

This office acknowledges receipt of your request to withdraw the above referenced application.

This action classifies the Application as null, void and of no further consideration by the Idaho Department of Water Resources.

By copy of this letter, the protestant(s) have been informed of this action.

If you have any questions or if this office can be of further assistance, please feel free to contact us. Also, please complete & return the enclosed Address Change Form.

Very truly yours,

John Freitag
Sr. Water Resource Agent

cc:
THE NORTH SNAKE GROUND WATER DISTRICT
C/O JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES
409 WEST JEFFERSON ST
BOISE ID 83702-6049

NOT MICROD



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

RECEIVED

MAY 21 2003

Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 13, 2003

ORLAND PETERSON
2779 S 850 E
HAGERMAN ID 83332

RECEIVED

MAY 20 2003

Department of Water Resources
Southern Region

Re: Application for **Transfer No. 5340/66761**

Dear Mr. Peterson:

This office acknowledges receipt of your request to withdraw the above referenced application.

This action classifies the Application as null, void and of no further consideration by the Idaho Department of Water Resources.

By copy of this letter, the protestant(s) have been informed of this action.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

John Freitag
Sr. Water Resource Agent

cc:
THE NORTH SNAKE GROUND WATER DISTRICT
C/O JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES
409 WEST JEFFERSON ST
BOISE ID 83702-6049



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

MAY 14 2

Department of Water

Withdraw the above r

of no further consic

med of this action.

her assistance, ple

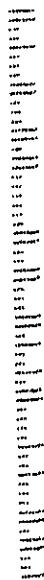
83301-3380 1802

RETURN TO SENDER
SHERIDAN WY 83601-5634
1802 ZUNI DR
PETERSON, ORLAND
RETURN TO SENDER
1802 1 / 05/15/03

RECEIVED

MAY 20 2003

Department of Water Resources
Southern Region



May 5, 2003

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

RECEIVED

MAY - 9 2003

Department of Water Resources
Southern District

new # 66761

In reference to Transfer of Application #5340, dated September 1998, in regards to changing the point of diversion, I, Paul Orland Peterson, do hereby withdraw my request at this time.

Sincerely,

Paul Orland Peterson
Paul Orland Peterson

MICROFILMED

JUL 15 2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5340

66761

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

MAY 14 2003

Department of Water Resources

Name of applicant Orland PetersonPhone 837-4453Post Office address 2779 S 850 E, Hagerman, ID 83332**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use

☐ Change nature of use☐ Change period of use☒ OtherSplit right, create PPH

2. Describe the reason for the proposed changes Move water out of the Bell Ditch to reduce high maintenance costs associated with the use of this ditch. Water left in this ditch is distributed via pump & sprinklers. Water taken thru the Buckeye Ditch will be used for gravity irrigation.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
1) <u>36-00024B</u>	<u>3-30-1884</u>	<u>0.59 cfs</u>	<u>Irrig.</u>	<u>3-15 to 11-15</u>
2) <u>36-00087</u>	<u>"</u>	<u>2.40 cfs</u>	<u>"</u>	<u>" to "</u>
<u>36-00024B</u>	<u>"</u>	<u>0.28 cfs</u>	<u>"</u>	<u>" to "</u>

2. Total amount of water being transferred 3.27 cubic feet per second and/or acre-feet per annum.

3. Source of water Billingsley Creek tributary to Sage River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
2) <u>SE</u>	<u>SE</u>	<u>NE</u>	<u>11</u>	<u>75</u>	<u>13E</u>	<u>Gooding</u>		<u>Headgate & Buckeye Ditch</u>
<u>NW</u>	<u>NE</u>	<u>NE</u>	<u>27</u>	<u>"</u>	<u>"</u>	<u>"</u>		<u>R-div. from Buckeye Ditch</u>
2) <u>NW</u>	<u>SE</u>	<u>NE</u>	<u>11</u>	<u>"</u>	<u>"</u>	<u>"</u>		<u>Headgate & E.M. Bell Ditch</u>
<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>22</u>	<u>"</u>	<u>"</u>	<u>"</u>		<u>Re-diversion from Bell Ditch to pump</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
75	13E	22											20					20	
75	13E	27					31											31	
		22											14					14	
																		45	
THORP, N																			
2-3003																			
			MICROFILMED																
			1981																

Total acres 65

5340/66761

PART 1

6. General Information:

a. Description of diversion system 1) Headgate & E. M. Bell Ditch, headgate & pipeline from Ditch to pump & sprinklers. 2) Headgate & Buckeye Ditch; headgate & pipeline into old channel of Bell Ditch, headgates & ditches from old channel to gravity irrigation.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

The amount requested in the Bell Ditch includes 0.46 cfs to run 50 7/64" sprinklers at 50 psi, plus 0.13 cfs for conveyance loss.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

WITHDRAWN

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

JAN 13 2009

PART 2

TRANS NO. 5346

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-00024

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.87 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BILLINGSLEY CREEK	SNAKE RIVER

Priority: 03/30/1884

LOCATION OF POINT(S) OF DIVERSION: NWSENE , Sec. 11, Township 07S, Range 13E
SESENE , Sec. 11, Township 07S, Range 13E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	13E	22	SESW	34		34
Total number of acres irrigated:						34

CONDITIONS/REMARKS:

1. WATER IS DELIVERED THROUGH THE BELL AND BUCKEYE DITCHES.

WITHDRAWN

MICROFILMED
MAY 15 2003

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-00087

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	2.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BILLINGSLEY CREEK	SNAKE RIVER

Priority: 03/30/1884

LOCATION OF POINT(S) OF DIVERSION:NWSENE , Sec. 11, Township 07S, Range 13E
SESENE , Sec. 11, Township 07S, Range 13E
GOODING CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	13E	27	NENW	31		31
Total number of acres irrigated:						31

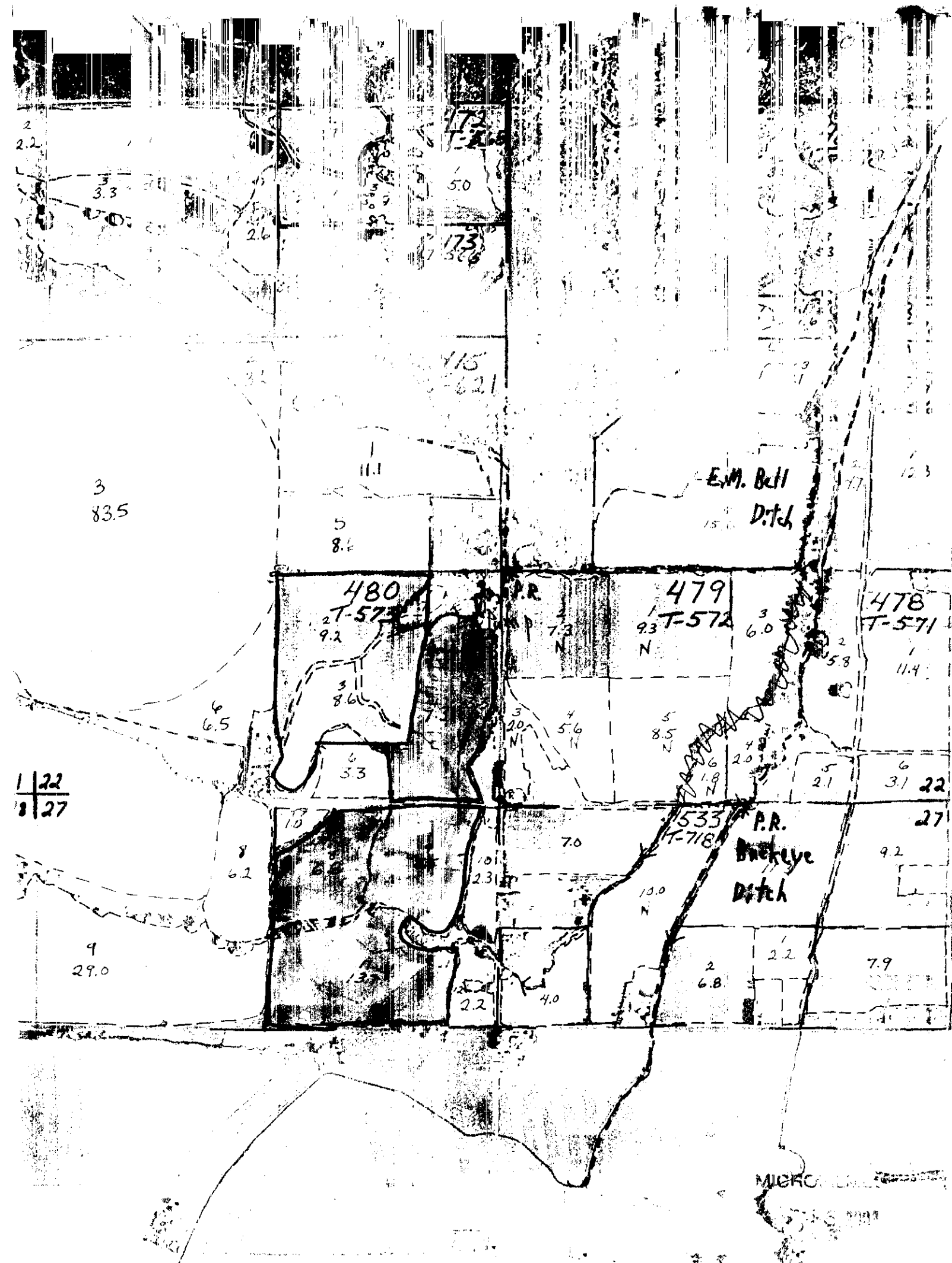
CONDITIONS/REMARKS:

1. WATER IS DELIVERED THROUGH THE BELL AND BUCKEYE DITCHES.

WITHDRAWN

MICROFILMED

JUN 15 2001



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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

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

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.

Orlando Peterson
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of September, 19 98.

J. P. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 0 attachments

Received by J. P. Stanton Date 9-16-98 Protest filed by _____

Prelim. check by J. P. Fee \$100. 5021499

Received by J. P. Date 9-16-98

Published in Gooding Co. Leader Copies of report forwarded by _____

Pub. dates 11/12 & 11/19/98 Hearing held by _____ Date _____

Watermaster recommendation requested on 11/2/98 Recommended for ☐ approval ☐ denial

_____ rec'd. 11/19/98 by _____

Copy of transfer sent to lien holder _____

MICROFILMED

SEP 15 2003

RECEIVED

SEP 17 1998

Department of Water Resources
Southern Region

3/7/02

Mr. Jack Wright a realtor from Hagerman called for Mr. Peterson about my 2/22/02 letter. Mr. Peterson is 80 yrs old and was having difficulty in understanding.

In looking thru the application it appears water is being shuffled within the original place of use. Mr. Wright indicated that the water has always been used the way the transfer proposes.

Mr. Wright indicated he would talk with Mr. Peterson some more and get back with me regarding setting a Conference.

MICROFILMED



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

February 22, 2002

Orland Peterson
2779 S 850 E
Hagerman, ID 83332

RE: Transfer Application No. 5340

Dear Mr. Peterson:

As you may recall several years ago you filed an application to transfer the way irrigation water rights from Billingsley Creek were to be diverted and used. A protest was filed against the application by The North Snake Ground Water District. To date no conference or hearing has been held regarding this protested matter.

The purpose of this letter is to inquire of your continued interest in your application. Please let me know within **30 days** of your continued interest.

Do you want to withdraw the application? Do you want our office to continue to hold the application? Do you want to schedule a conference and/or a hearing? What dates are you available to hold a conference?

If you have questions, please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

MICROFILMED

JUL 10 2002

TO: File

DATE: December 4, 1998

FROM: Jim Stanton

SUBJECT: App. for Transfer #5340, Orland Peterson

Today I spoke with Mr. Peterson concerning the protest of his transfer. I also spoke to Jo Beeman, attorney for the protestant. They were unclear on certain aspects of the transfer, so I will send he a complete copy in hopes of clarifying their concerns and getting the protest withdrawn.

During my conversation with the applicant, he told me that he has a second rediversion point from the Buckeye Ditch for the land that is gravity irrigated. This point is where the Ditch makes a sharp turn to the west in the SW/SW/NE Sec. 27. A small ditch runs back to the north to join the rediversion ditch that was listed on the transfer. Since it is not a requirement to list rediversion points, Allen did not feel that failure to list the second point in the transfer would preclude his use of it in the future. We may want to show the second p. r. in the file somewhere, but it does not appear that an amended application is needed. He made no mention of this second site when he was showing me his irrigation system prior to filling out the application.

MICROFILMED

DEC 10 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

December 4, 1998

PHILIP E. BATT
GOVERNOR

ORLAND PETERSON
2779 S 850 E
HAGERMAN ID 83332

KARL J. DREHER
DIRECTOR

RE: APPLICATION FOR TRANSFER NO. 5340 (36-00024A, 36-00024B, 36-00087)

Dear Mr. Peterson:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

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

AM:MB

Enclosure(s)

MICROFILMED

JAN 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 4, 1998

PHILIP E. BATT
GOVERNOR

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

KARL J. DREHER
DIRECTOR

RE: APPLICATION FOR TRANSFER NO. 5340, 36-00024A, 36-00024B, 36-00087
Orland Peterson

Dear Ms. Beeman:

The protest against the approval of the above referenced application filed on behalf of the North Snake Ground Water District has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

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If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

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

AM:MB

Enclosure(s)

MICROFILMED

DEC 15 2001

RECEIVED

DEC 03 1998

Department of Water Resources
Southern Region

RECEIVED

NOV 30 1998

Department of Water Resources

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

Attorneys for North Snake Ground Water District

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

In the Matter of Transfer No. 5340) Case No. _____
)
) **REQUEST FOR CLARIFICATION OR, IN**
_____) **THE ALTERNATIVE, PROTEST TO**
) **TRANSFER NO. 5340**

The North Snake Ground Water District, by and through its counsel of record, Josephine P. Beeman and Dana L. Hofstetter of Beeman & Hofstetter, P.C., files this REQUEST FOR CLARIFICATION OR, IN THE ALTERNATIVE, PROTEST TO TRANSFER NO. 5340, pursuant to *Idaho Code* § 42-222(1). The North Snake Ground Water District, established pursuant to *Idaho Code*, Title 42, Chapter 52, includes land irrigated by ground water in Jerome, Gooding, and Lincoln Counties.

The North Snake Ground Water District requests clarification: (1) that the proposed transfer will take into account the portions of these rights that are associated with conveyance losses as designated in the Snake River Basin Adjudication Director's Report; and (2) that after

MICROFILMED

11/30/98
10:40:00
RCS

the proposed transfer, the conveyance loss portions of the rights are not to be used for irrigation.

Otherwise, the North Snake Ground Water District would protest this transfer.

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

RESPECTFULLY SUBMITTED this 30th day of November, 1998.

BEEMAN & HOFSTETTER, P.C.

By


Dana L. Hofstetter

MICROFILMED

MICROFILMED

CERTIFICATE OF SERVICE

I hereby certify that on the **30th** day of November, 1998, I caused to be served copies of the foregoing **REQUEST FOR CLARIFICATION OR, IN THE ALTERNATIVE, PROTEST TO TRANSFER NO. 5340** by the methods indicated below:

Original Via Courier (with filing fee)

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

Via Facsimile

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

Via U. S. Mail

Orland Peterson
2779 South 850 East
Hagerman, ID 83332



Dana L. Hofstetter

D:\1780\2\2551

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

RECEIVED
NOV 30 1998
Department of Water Resources

COPY

Attorneys for North Snake Ground Water District

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

In the Matter of Transfer No. 5340) Case No. _____
)
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MICROFILMED

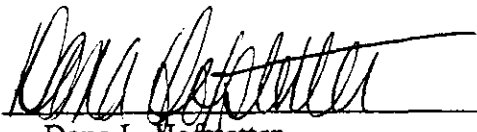
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BEEMAN & HOFSTETTER, P.C.

By 
Dana L. Hofstetter

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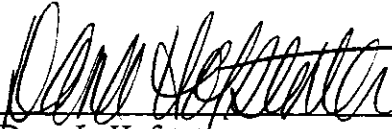
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Via Facsimile

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

Via U. S. Mail

Orland Peterson
2779 South 850 East
Hagerman, ID 83332



Dana L. Hofstetter

DAI780\2551

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C044003

Date: 11/30/1998
Time: 16:30:28

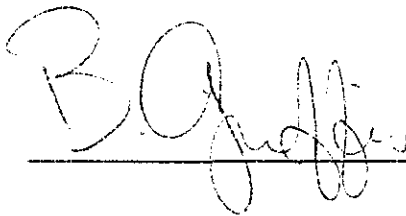
Received
From: BEEMAN & HOFSTETTER

Type of Payment	Program A cct	Amount
APPLICATION FOR PROTEST TR# 5340	56103 229 21 1155	25.00

CHECK 1362

Total \$ 25.00

Region: STATE

Signature: 

MICROFILMED
11 5 2003

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

Attorneys for North Snake Ground Water District

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

In the Matter of Transfer No. 5340) Case No. _____
)
)
) **REQUEST FOR CLARIFICATION OR, IN**
 _____) **THE ALTERNATIVE, PROTEST TO**
) **TRANSFER NO. 5340**

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MICRON
 11/30/98

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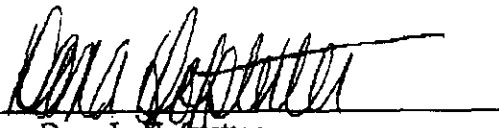
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BEEMAN & HOFSTETTER, P.C.

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of November, 1998, I caused to be served copies of the foregoing **REQUEST FOR CLARIFICATION OR, IN THE ALTERNATIVE, PROTEST TO TRANSFER NO. 5340** by the methods indicated below:

Original Via Courier (with filing fee)

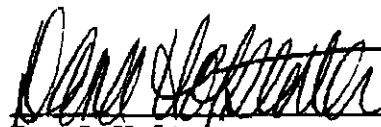
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Via Facsimile

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

Via U. S. Mail

Orland Peterson
2779 South 850 East
Hagerman, ID 83332



Dana L. Hofstetter

D:\1780\2\2551

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Coland Pitzer

TRANSFER NO.

5340

1. Right number(s)

36 000249 - 00087 - 000248

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

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:

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 Confirmed 10-30-98 by Gooding County assessor
- h. ☒ Expansion in use of right - Comments: _____

N/A

5340/66761

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

N/A

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

Rights have been re-decreed in SRBA

k. ☒ Comment letters: ☒ Yes ☒ No
If yes ☒ Water District # 36-A
Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY G. Galt
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE 10-30-98
DATE _____
DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☒ Yes @ 12:18 (11/4/98)

2. COMMENT LETTERS _____ Copy of Pg 1 to AJ ☒ Yes 11/3/98

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 WITHDRAWN 5-9-2003

2. ☒ Deny due to Database updates complete

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: _____

4. By _____ Date _____

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho
County of Gooding } ss.

NOV 23 1998

Department of Water Resources
Southern Region

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

2 consecutive issues in said newspaper proper and not in
supplement; that the date of the first publication of said advertisement was on the
12th day of November, 1998

and that date of the last publication was on the 19th day of
November, 1998

On this 20th day of November
in the year of 1998, before me, a Notary Public, personally appeared
Patty Nance, known or identified to me to be the person
whose name subscribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledge to me that she executed
the same.

Shelma Lee Doe
Notary Public for Idaho
Residing at Idaho

My commission expires: 3/6/01

#6945/23580
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

_____ Lines tabular at _____ 7¢/Pica
693 Lines straight at 41.58 6¢/Pica
693 Subsequent lines at 34.65 5¢/Pica

Affidavit Fee 2.25
TOTAL COST 78.48

T# 5340-Peterson

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT, T# 5340
Notice is hereby given that ORLAND
PETERSON, 2779 S 850 E;
HAGERMAN ID 83332 has applied to
the Department of Water Resources for
changes to the rights listed below.
The purpose of Transfer No. 5340 is to
re-associate points of diversion and
place of use of two water rights.
PRESENTLY, the rights are diverted
from Billingsley Creek via the Bell &
Buckeye Ditches within
NW 1/4 SE 1/4 NE 1/4 &
SE 1/4 SE 1/4 NE 1/4, S11, T07S, R13E;
Gooding County. PRESENTLY,
Decreed Water Right No. 36-00024
(0.87 cfs) with a priority date of
03/30/1884 is used for irrigation of 34
acres within SE 1/4 SW 1/4, S22, T07S,
R13E; Gooding County. PRESENTLY,
Decreed Water Right No. 36-00087
(2.40 cfs) with a priority date of 31
03/30/1884 is used for irrigation of 31

PUB acres within NE 1/4 NW 1/4, S27, T07S,
(Idah R13E; Gooding County.
PROPOSED CHANGES
7-8 pt. per line straight 7¢/Pica
7-8 pt. per line tabular 6¢/Pica
7-8 pt. per line successive
insertions 5¢/Pica

No. 6945

23580
MICROFILMED

RECEIVED

NOV 19 1998

Department of Water Resources
Southern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 36-000024
36-00087

T#5340
Orland Peterson

RECOMMENDATION OF WATERMASTER

I, Frank C. Erwin, watermaster of Hagerman,
of Water District No. 36-A, County of Gooding, State of Idaho,
whose address is 2628 South 975 East, Hagerman, Id. 83332
have read the attached copy of the application for transfer of water right for
Orland Peterson, 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: The Buckeye Ditch Company
has to approve transfer of water from
Bell Ditch

OR

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

Dated at Hagerman, Idaho, this 18th day of November 19 98.

Frank C. Erwin
(signature)

MICROFILMED

JUL 15 2000

Please use reverse side if needed.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT, T# 5340

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the Department of Water Resources for
changes to the rights listed below.

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place of use of two water rights.

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from Billingsley Creek via the Bell &
Buckeye Ditches within
NW 1/4 SE 1/4 NE 1/4 &
SE 1/4 SE 1/4 NE 1/4, S11, T07S, R13E;
Gooding County. **PRESENTLY**,
Decreed Water Right No. 36-00024
(0.87 cfs) with a priority date of
03/30/1884 is used for irrigation of 34
acres within SE 1/4 SW 1/4, S22, T07S,
R13E; Gooding County. **PRESENTLY**,
Decreed Water Right No. 36-00087
(2.40 cfs) with a priority date of
03/30/1884 is used for irrigation of 31
acres within NE 1/4 NW 1/4, S27, T07S,
R13E; Gooding County.

PROPOSED CHANGES

The applicant wishes to divert 0.59 cfs
using designated Right No. 36-00024A
within NW 1/4 SE 1/4 NE 1/4, S11 via the
Bell Ditch to irrigate 20 acres within
SE 1/4 SW 1/4, S22. The applicant also
wishes to divert combined designated
Right No. 36-00024B (0.28 cfs) and
Right No. 36-00087 (2.40 cfs) via the
Buckeye Ditch within
SE 1/4 SE 1/4 NE 1/4, S11 to irrigate 45
acres within SE 1/4 SW 1/4, S22 and
NE 1/4 NW 1/4, S27, all locations in
T07S, R13E; Gooding County. Any
protest against the proposed changes
must be filed with the Department of
Water Resources, Southern Region,
1341 Fillmore St., Suite 200; Twin
Falls, ID 83301 together with a protest
fee of \$25.00 on or before November 30,
1998 to be considered by the
Department in its decision to grant or
deny any part of the proposed change.
The protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County
Leader on 11/12 & 11/19/98.

MICROFILM



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

November 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN **Gooding County Leader**
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

NOV 13 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
T# 5340

Notice is hereby given that ORLAND PETERSON, 2779 S 850 E; HAGERMAN ID 83332 has applied to the Department of Water Resources for changes to the rights listed below.

The purpose of Transfer No. 5340 is to re-associate points of diversion and place of use of two water rights.

PRESENTLY, the rights are diverted from Billingsley Creek via the Bell & Buckeye Ditches within NW1/4SE1/4NE1/4 & SE1/4SE1/4NE1/4, S11, T07S, R13E; Gooding County.

PRESENTLY, Decreed Water Right No. 36-00024 (0.87 cfs) with a priority date of 03/30/1884 is used for irrigation of 34 acres within SE1/4SW1/4, S22, T07S, R13E; Gooding County.

PRESENTLY, Decreed Water Right No. 36-00087 (2.40 cfs) with a priority date of 03/30/1884 is used for irrigation of 31 acres within NE1/4NW1/4, S27, T07S, R13E; Gooding County.

PROPOSED CHANGES

The applicant wishes to divert 0.59 cfs using designated Right No. 36-00024A within NW1/4SE1/4NE1/4, S11 via the Bell Ditch to irrigate 20 acres within SE1/4SW1/4, S22. The applicant also wishes to divert combined designated Right No. 36-00024B (0.28 cfs) and Right No. 36-00087 (2.40 cfs) via the Buckeye Ditch within SE1/4SE1/4NE1/4, S11 to irrigate 45 acres within SE1/4SW1/4, S22 and NE1/4NW1/4, S27, all locations in T07S, R13E; Gooding County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 30, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 11/12 & 11/19/98.

MICROFILMED

1998-11-19



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

November 3, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

ORLAND PETERSON
2779 S 850 E
HAGERMAN ID 83332

Re: Application for Transfer No. 5340 (36-00024, 36-00087)

Dear Mr. Peterson:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the Gooding County Leader for 11/12 and 11/19/98. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

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NOV 15 2000



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

November 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRANK ERWIN WATERMASTER
WATER DISTRICT #36-A
2628 S 975 E
HAGERMAN ID 83332

Re: Application for Transfer of Water Right Nos. 36-000024, 36-00087 (T# 5340, Orland Peterson)

Dear Mr. Erwin:

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

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(s) and return to this office.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

MICROFILMED

NOV 5 1998

TO: File

DATE: October 30, 1998

FROM: Jim Stanton

SUBJECT: App. for Transfer, Orland Peterson

I met with Mr. Peterson on September 16 to look over his water system prior to preparing an application for transfer. Although the SRBA recommendations show both the Bell & Buckeye Ditches as diversion works for both of his water rights, this is not the case. The transfer will not actually change anything, but will clarify how the system is actually used. He could object to the SRBA findings, but has decided not to do that. Mr. Peterson told me that his income is quite limited, so he is trying to save the high maintenance costs in the Bell Ditch by moving as much of his water as possible to the cheaper Buckeye Ditch. I'm not sure this transfer is necessary to accomplish that, but he seems to think it will solve this problem. I see no harm in approving the transfer, as it puts down on paper what the SRBA should have done in the first place. Although the transfer does describe two water systems, this seemed reasonable when I put the application together, and Allen has accepted this idea.

MICROFILMED

JUL 11 2001

T #5340