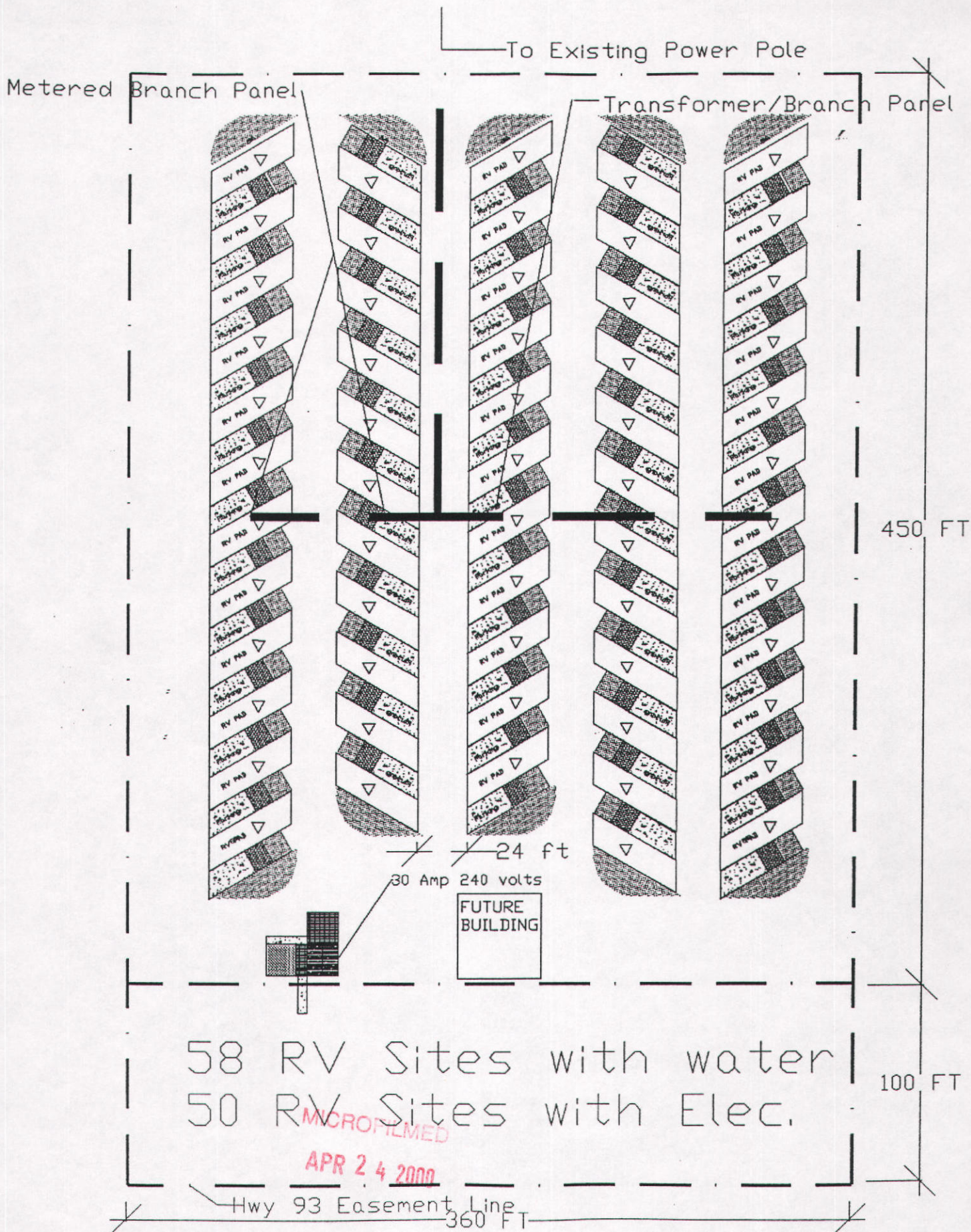
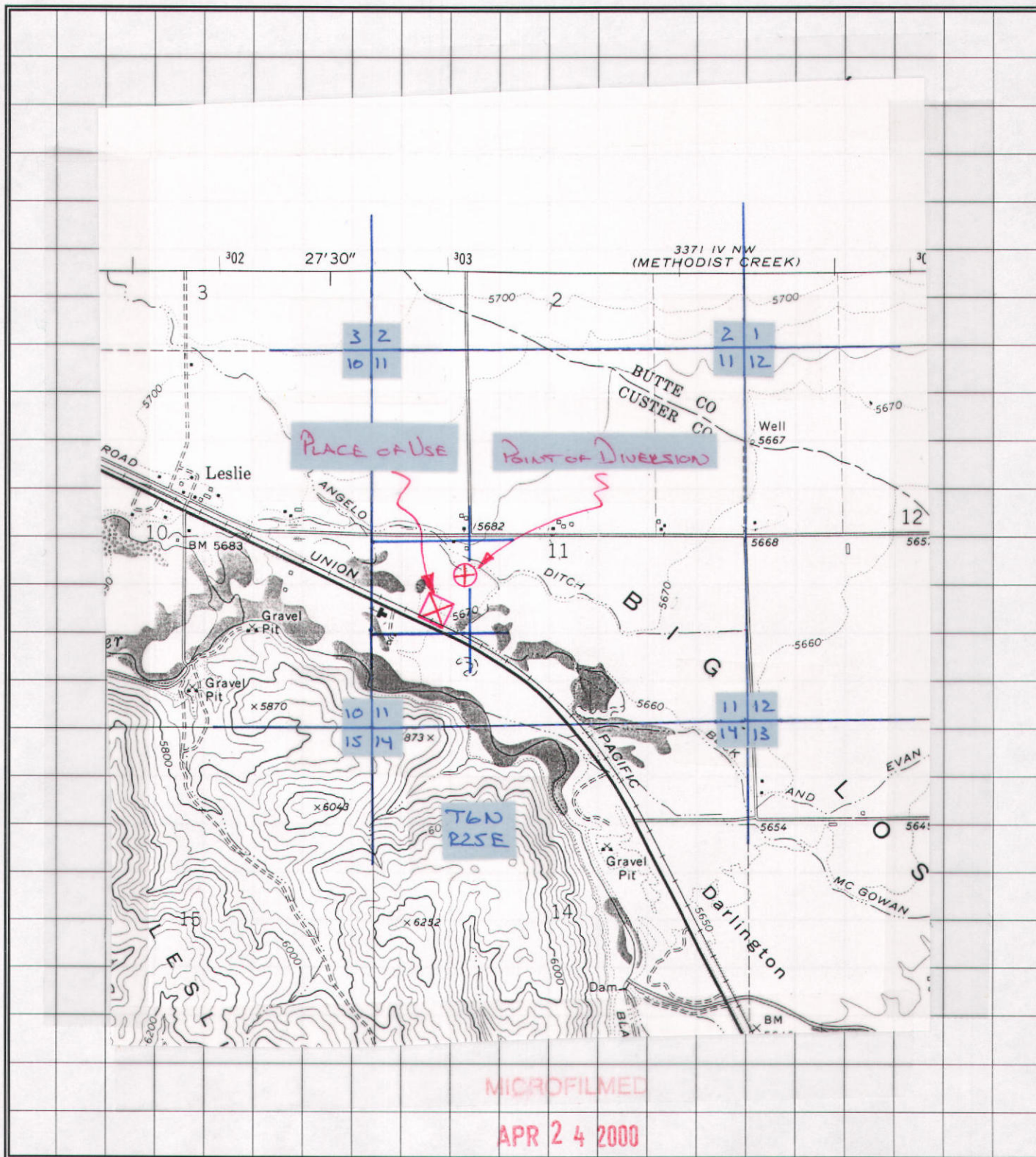
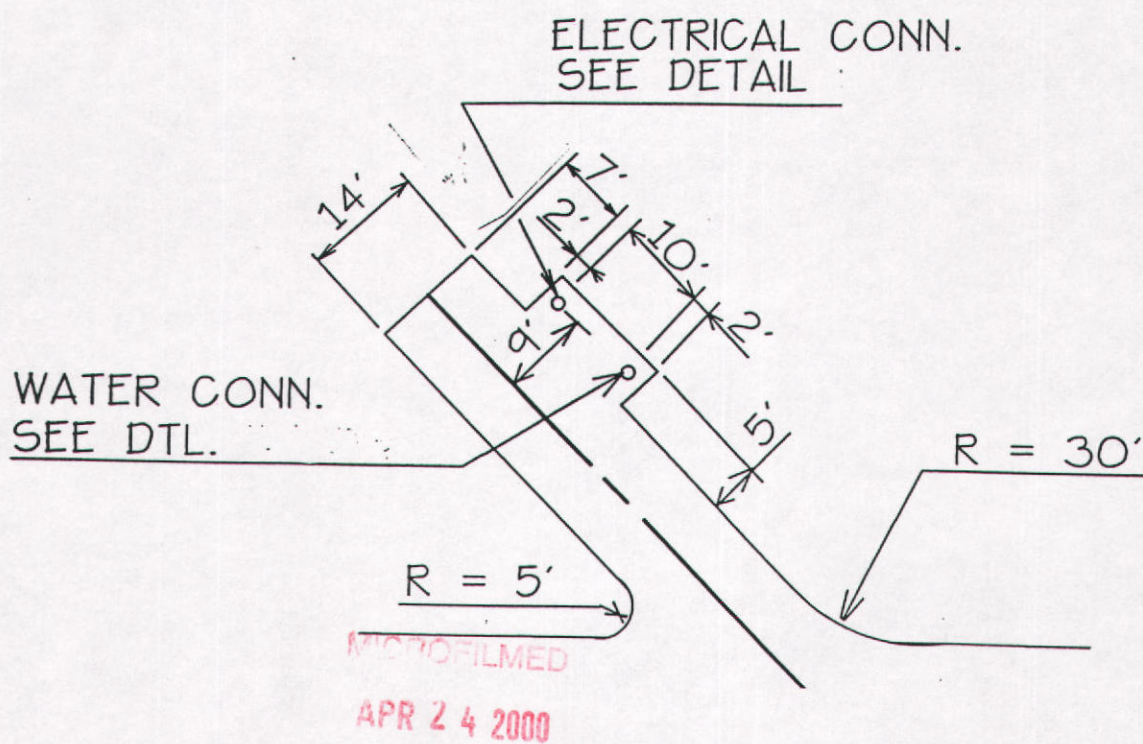
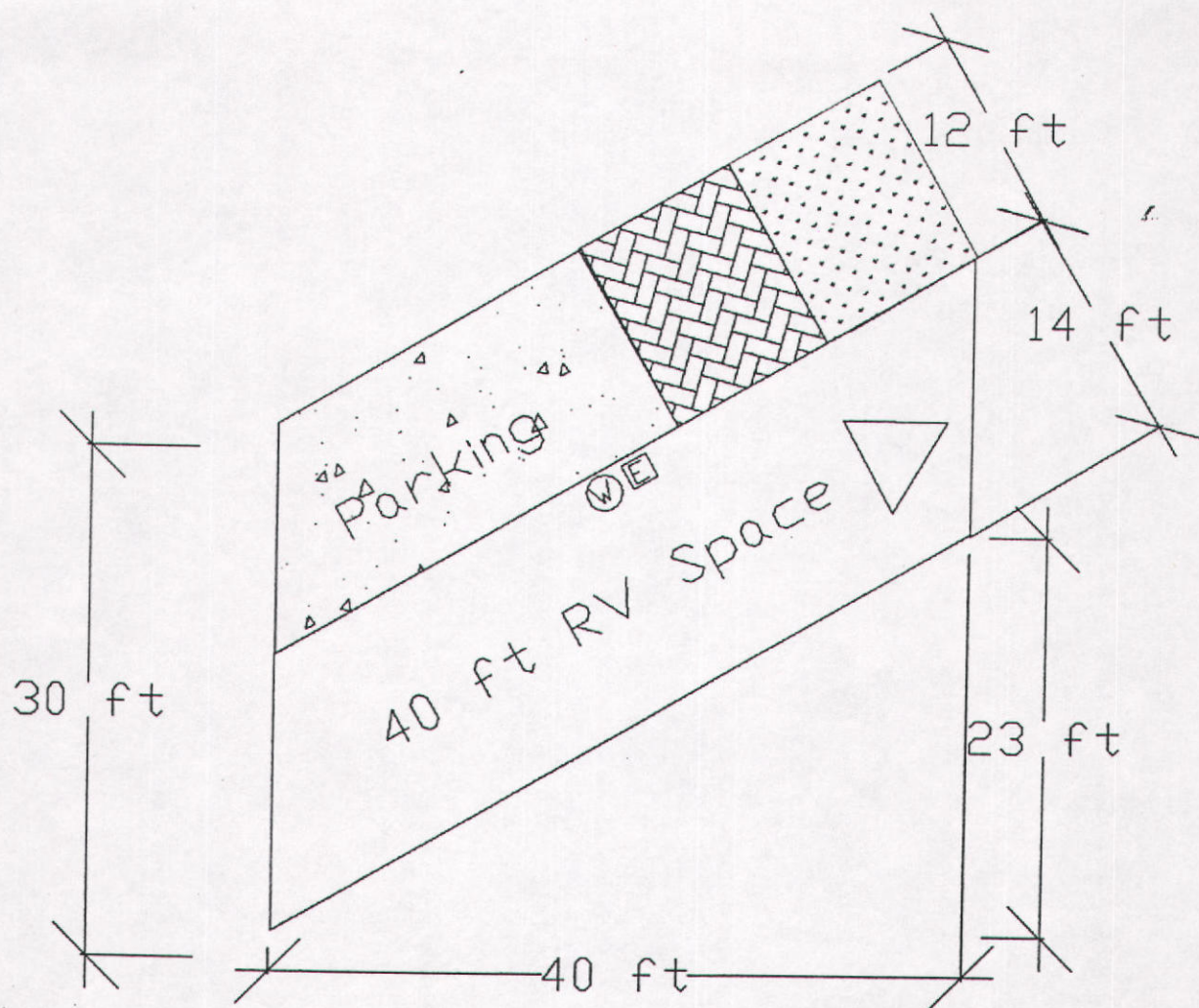




STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 3

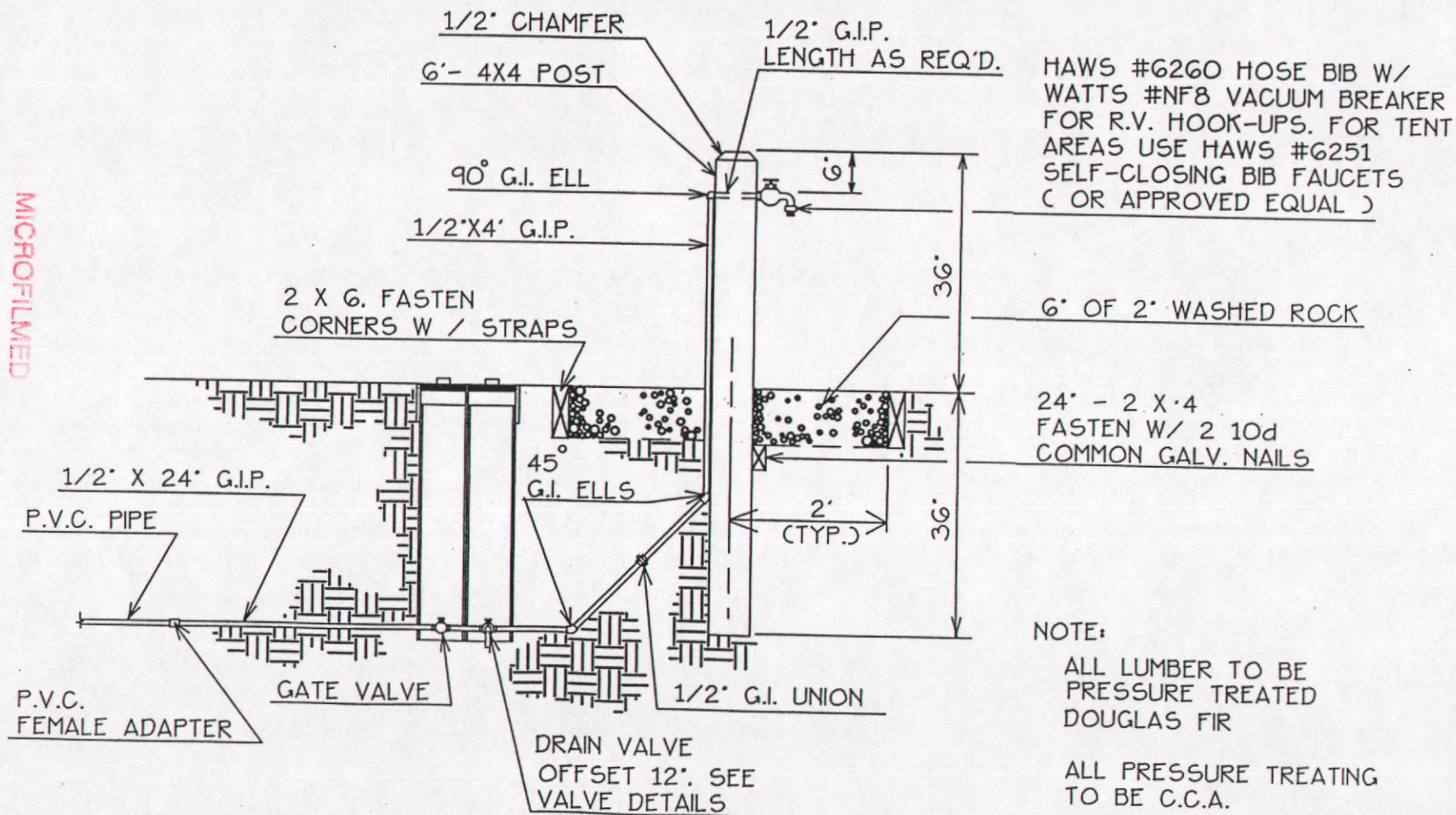
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in Part 1. Clearly depict the land by section, township, and range number.





APR 24 2000

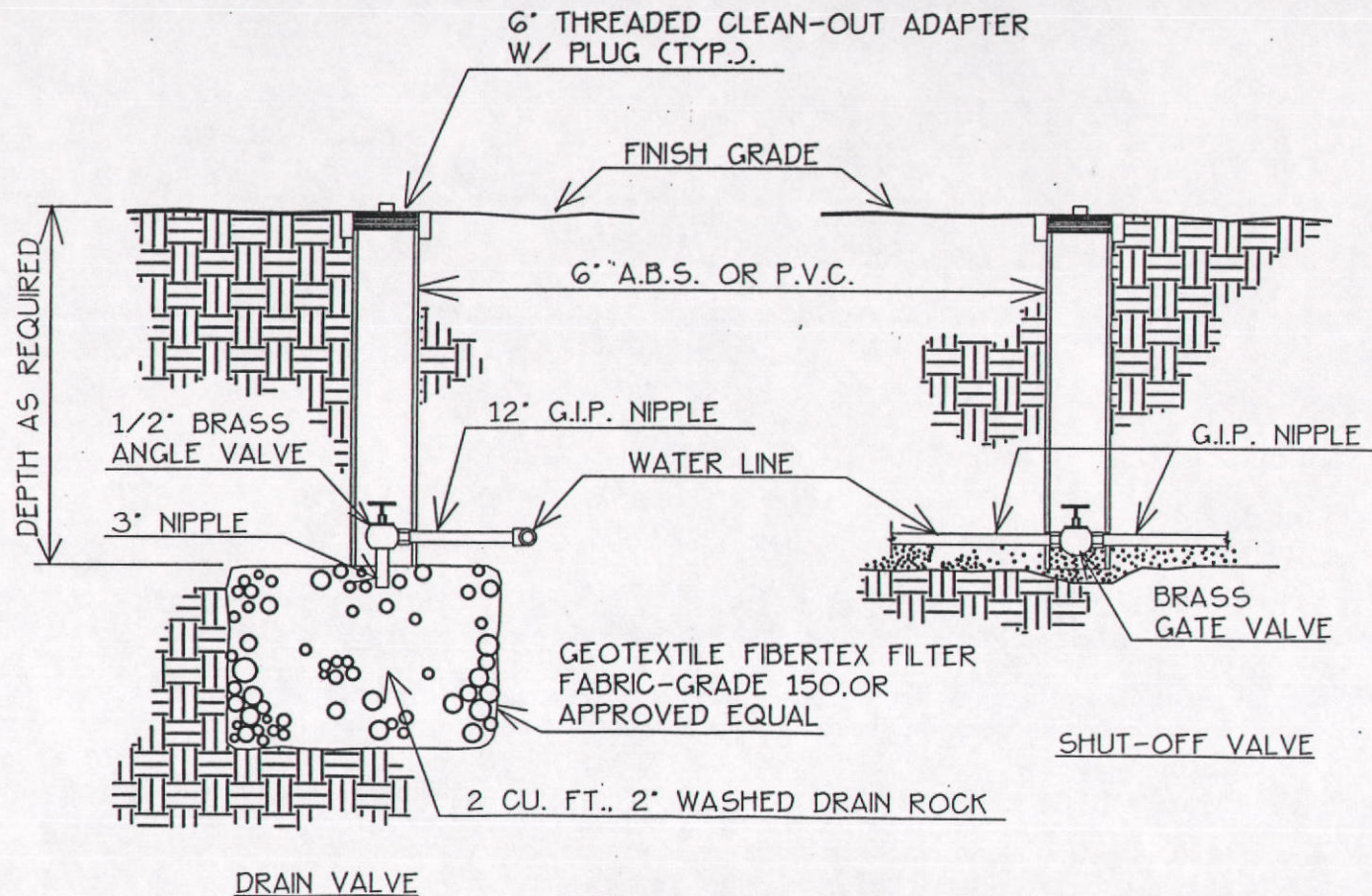
MICROFILMED



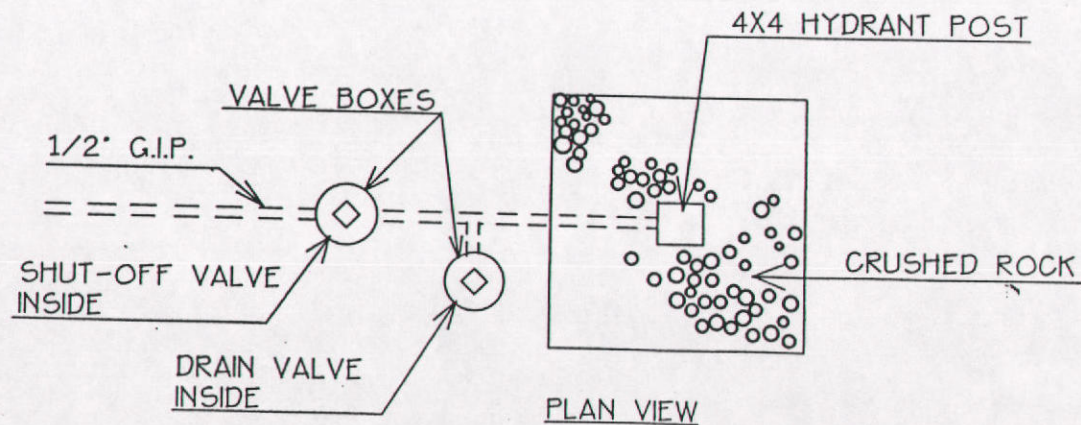
WATER CONNECTION DETAIL

N.T.S.

MICROFILMED
APR 24 2000

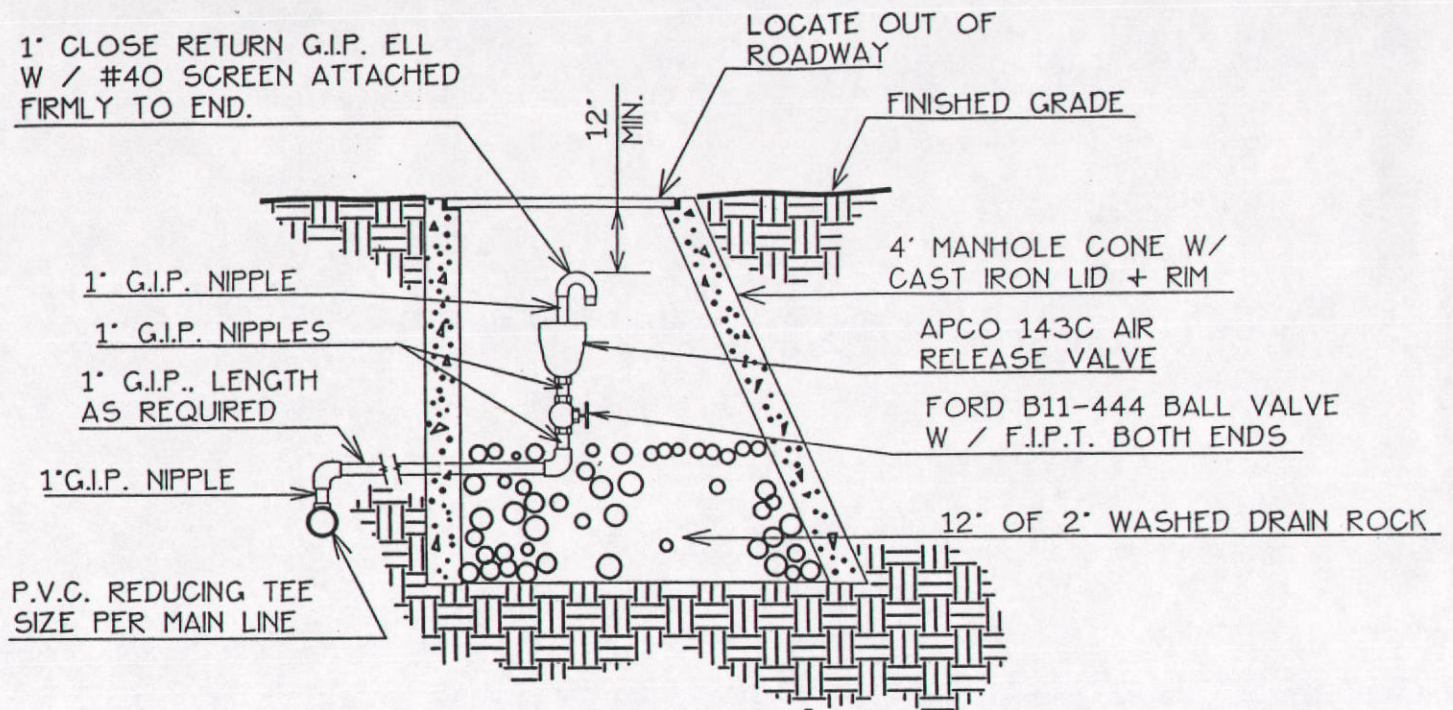


VALVE DETAILS



VALVE LOCATION

N.T.S.



AIR RELEASE VALVE DETAIL

N.T.S.

MICROFILMED
APR 24 2000

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

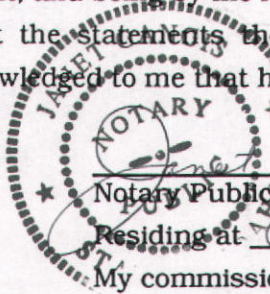
I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated April 8 1999 and ending with
the issue dated April 15 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 15th day of April in the
year of 1999 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.



Notary Public for Idaho

Residing at Challis

My commission expires: 4/30/04

RECEIVED

APR 16 1999

Department of Water Resources
Eastern Region

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5434

Notice is hereby given that Dar-
rell and/or Karen Wilburn, RT 1
Box 46, Darlington, ID 83255, has
applied to the Department of Wa-
ter Resources to change the na-
ture of use of a groundwater
source. The right sought to be
changed is evidenced by decree
and recorded as follows:

Decree No.: 34-10522

Source: Groundwater

Amount: 0.09 cfs

Priority: 01/25/1988

Point of Diversion(s): NWSW,
SEC 11 T06N R25E, Custer
County

The water is used for stockwater
within NWSW SEC 11 T06N R25E,
B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to change
the nature of use from stockwater
to commercial for a 58 unit RV
park. The same well will be used.

Any protests against approval of
the proposed changes must be
filed with the Idaho Department of
Water Resources, 900 N Skyline
Dr. Ste A, Idaho Falls, ID 83402,
together with a protest fee of
\$25.00 on or before April 26,
1999. The protestant must also
send a copy of the protest to the
applicant.

KARL J. DREHER
Director

Published on April 8 & 15, 1999.

MICROFILMED

APR 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5434
WATER RIGHT NO. 34-10522

This is to certify that: **KAREN WILBURN**
DARRELL WILBURN
RT 1 BOX 46
DARLINGTON ID 83255

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	05/01 to 11/01	0.09 CFS	5.4 AF

SOURCE

GROUNDWATER

Priority: 01/25/1988

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 11, Township 06N, Range 25E
CUSTER County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 25E 11 NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The quantity of water decreed for this water right is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

10090.11.
10090.11.
10090.11.

TRANSFER NO. 5434
WATER RIGHT NO. 34-10522

CONDITIONS OF APPROVAL AND REMARKS

6. Commercial use is for a 58-unit recreational vehicle park, and shower and bathroom facility.
7. Commercial use does not include lawn, garden, landscape, or other types of irrigation.

Dated this 20th day of April, 2000.

J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

SEP 24 2000

DEC 24 1999

Page 1 of 1

Department of Water Resources
Eastern Region STATE OF IDAHO

Transfer Number

5434

RECEIVED.

T 622 1009

Department of Water Resources

APPLICATION FOR TRANSFER OF A WATER RIGHT

PART 1

Name of applicant Darrell and/or Karen Wilburn Phone. (208) 588-2618
Mailing address: Route 1, Box 46, Darlington, Idaho 83255

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add point of diversion(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other:

2 Describe the reason for the proposed changes: Applicants wish to change nature of use from stock-water to commercial use for a 58-unit RV park and small commercial building with two showers and toilets for the park. Use will include 1/2 acre of lawn watering around commercial building.

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

- | <u>Right Number</u> | <u>Priority</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Nature of Use</u> | <u>Period of Use</u> |
|---------------------|-------------------|------------------------------|----------------------|-----------------------|
| 34-10522 | 01/25/1988 | 0.09 cfs | Commercial | 1-May to 1-Nov |
| | | | | to |
| | | | | to |
| | | | | to |

2 Total amount of water being transferred: 0.09 cfs and/or 5.4 ac-ft per annum

3 Source of water. **Groundwater** tributary to:

4 Point(s) of diversion:

[illegible]

5 Land irrigated or place of use:

[illegible]

11. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 8

Total acres:

SECRET

T 5434

PART 1

6. General information:

- a Description of diversion system: Well, pump and pipelines to 58 RV spaces and commercial building with two showers and toilets for patrons. Commercial building will include small lawn area (not to exceed 1/2 acre) adjacent to building.
- b. Are the lands from which you propose to transfer the water right(s) subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes Y No
If yes, provide a notarized statement from the holder of the lien, deed to 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: _____

ACTION OF THE DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights Number _____
And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by:

- a. Decree No 34-10522 Decreed to: Darrel and Karen Wilburn
in the case of: State of Idaho vs. United States et al
dated: December 3, 1996 in Fifth District Court county of: Twin Falls
- b. License No.: _____ issued by the Idaho Department of Water Resources
- c. Claim No.: _____ on file with the Idaho Department of Water Resources
- d. Transfer No.: _____ which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as Attachment "A". Check appropriate descriptor below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water: Groundwater tributary to: _____4. Date of priority: January 25, 1988

5 Water is used for the following purpose.

amount 0.09 cfs for Stockwater purposes from 1-Jan to 31-Dec
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6 Total amount of water under this right: 0.09 cfs cfs and or _____ ac-ft per annum

7. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion
		NW	SW	11	~~25E~~	~~6N~~	Custer	
					6N	25E		

8. Land irrigated or place of use:

			NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	25E	11										S							

Total acres: _____

9 Describe any other water rights used for the same purposes as described above: None

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, please describe: _____

PART 2

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion

3. Land irrigated or place of use:

			NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: _____

C DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion

3. Land irrigated or place of use:

			NE				NW				SW				SE				Totals
Twp	Rge.	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: _____

Attachment A

Conversion from stockwater use to commercial:

1. From information provided by applicant:

- Estimated maximum of 240 campers in park when full
- Park is in use from May 1 to November 1 (184 days)

2. From IDWR Field Examiner's Handbook:

- Estimated daily use per camper is 35 gpd
- 400 cattle under present right use 5.4 afa

3. Other assumptions:

- 1/2 acre lawn requires ~ 0.6 afa

4. Calculations:

$240 \text{ campers} * 35 \text{ gpd/camper} * 184 \text{ days/year} = 1,545,600 \text{ gallons/year}$

$(1,545,600 \text{ gallons/year}) / 325,850 \text{ gallons/acre-foot} = 4.74 \text{ afa}$

$4.74 \text{ afa (camper use)} + 0.6 \text{ afa (lawn watering)} = 5.34 \text{ afa}$

5. Conclusion:

- 5.4 afa provided by present stock water right is more than 5.34 afa needed by proposed RV park allowing enough water for proposed conversion.

Transfer 34-10522
Darrell and/or Karen Wilburn

MAKE CHECK PAYABLE TO:
CUSTER COUNTY TAX COLLECTOR
P.O. BOX 350
HALLIS, IDAHO 83226

1998 TAX BILL/RECEIPT

PARCEL NUMBER
RP06N25F114802A
42,898

BILL# 4497 CODE AREA 9-00 L

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	
AX 201.97	TAX 201.97	TAX 403.94		42,898
ATE	LATE	LATE		
NT	INT	INT		
OST	COST	COST		
OT	TOT	TOT	TOT ACS	160.730

WILBURN DARRELL G
& WILBURN KAREN L
RT 1 BOX 46
DARLINGTON ID 83255

TRACT 371,419
TRACT 85-39
SEC 11 T6N 25E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001823945	78.24
SCHOOL #182	.003885244	166.66
LOST RIVER HWY	.000655763	28.12
B.L.R. CEMETERY	.000214273	9.18
SO. CUSTER FIRE	.000755991	32.42
MACKAY LIBRARY	.000320278	13.74
L. R. HOSP	.001512986	64.90
S. C. AMBULANCE	.000249294	10.68
MACKAY MOS ABAT	.000000000	
AMOUNT DUE	.009417774	403.94

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

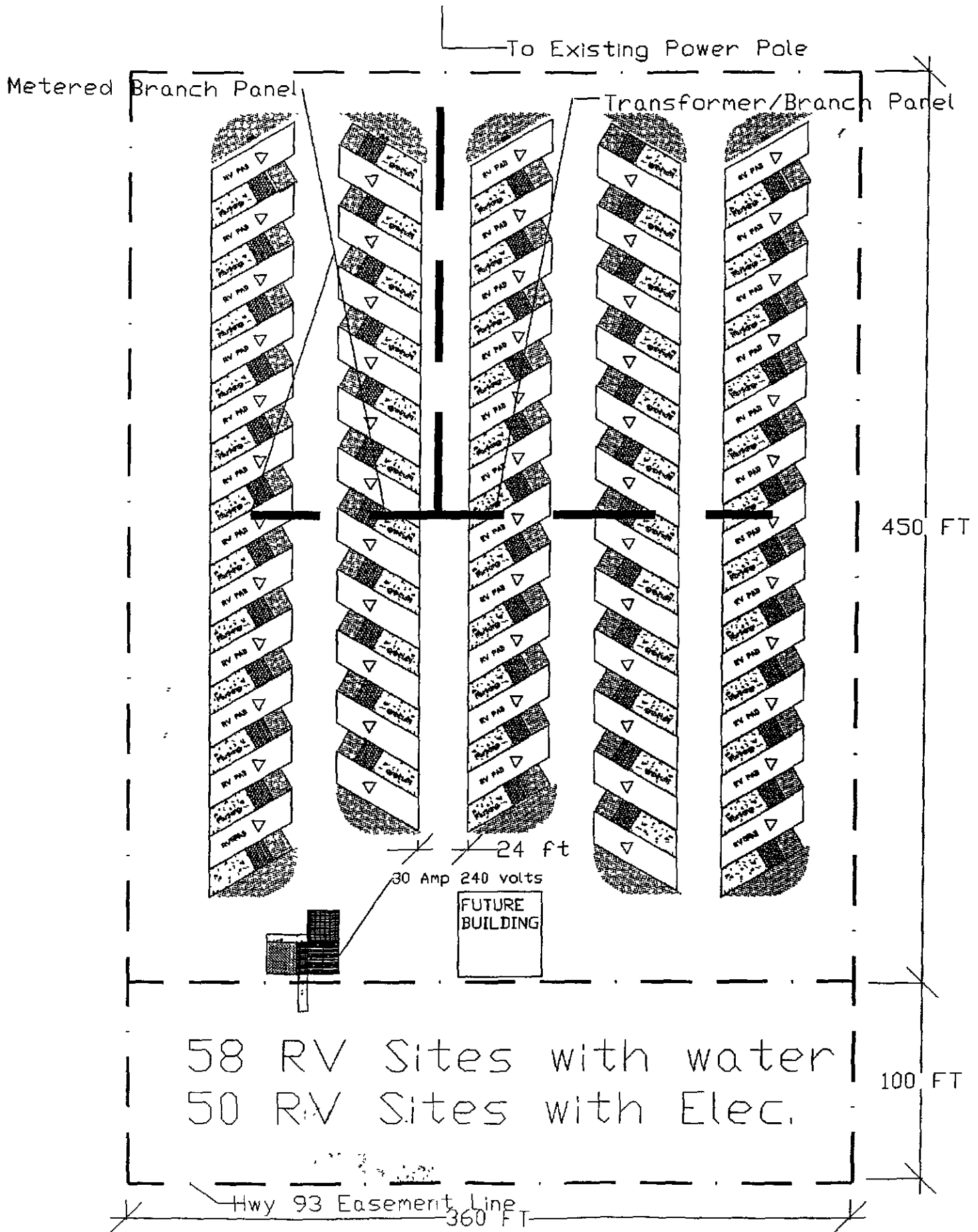
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE

KEEP TOP PORTION FOR YOUR RECORDS

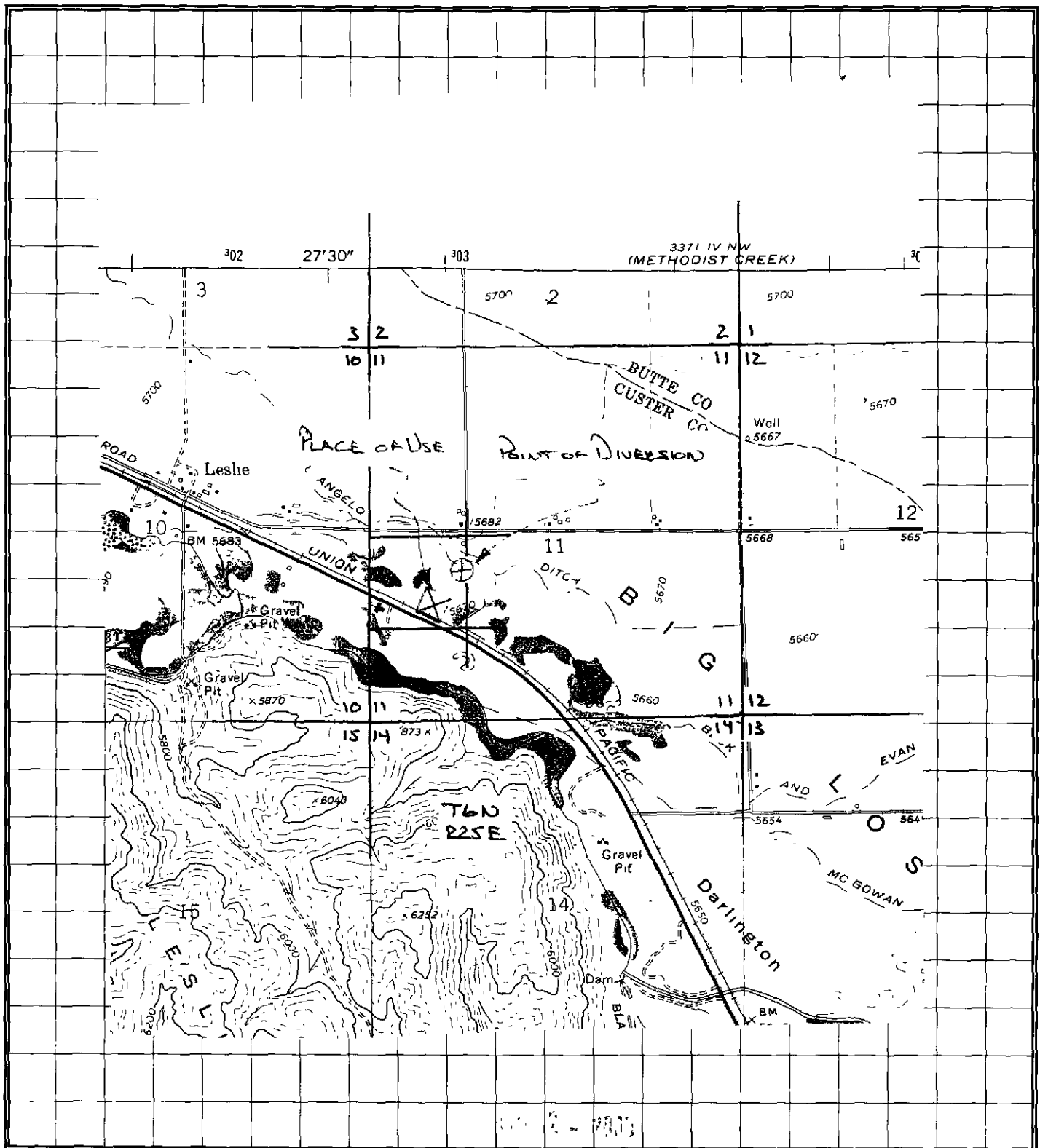
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

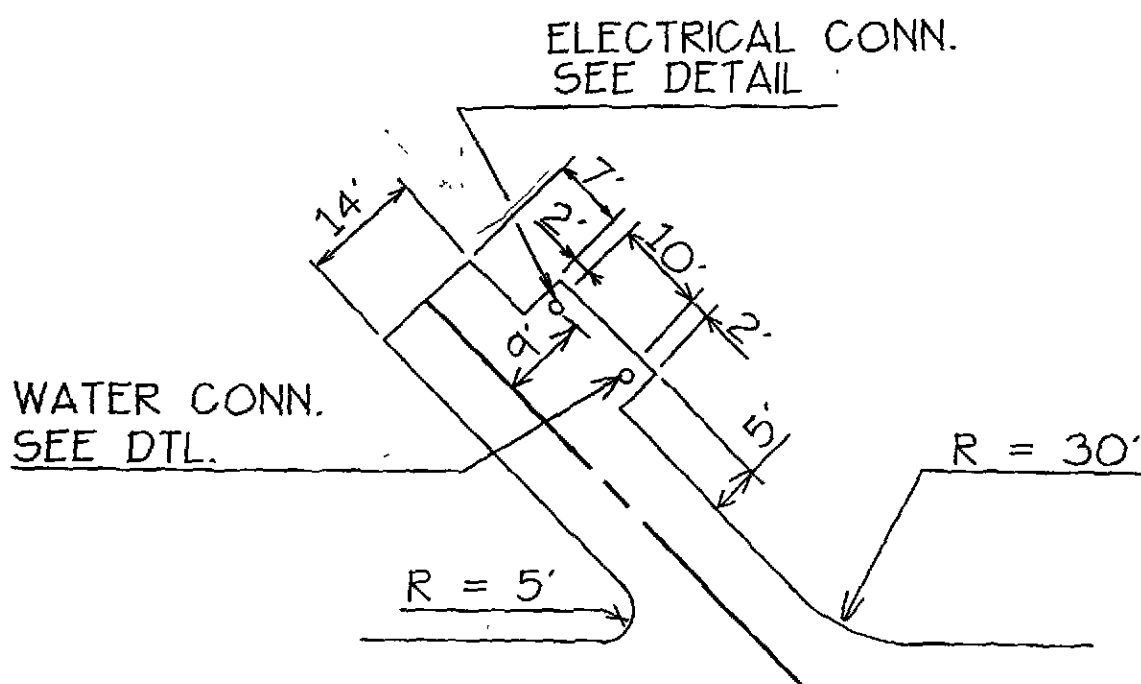
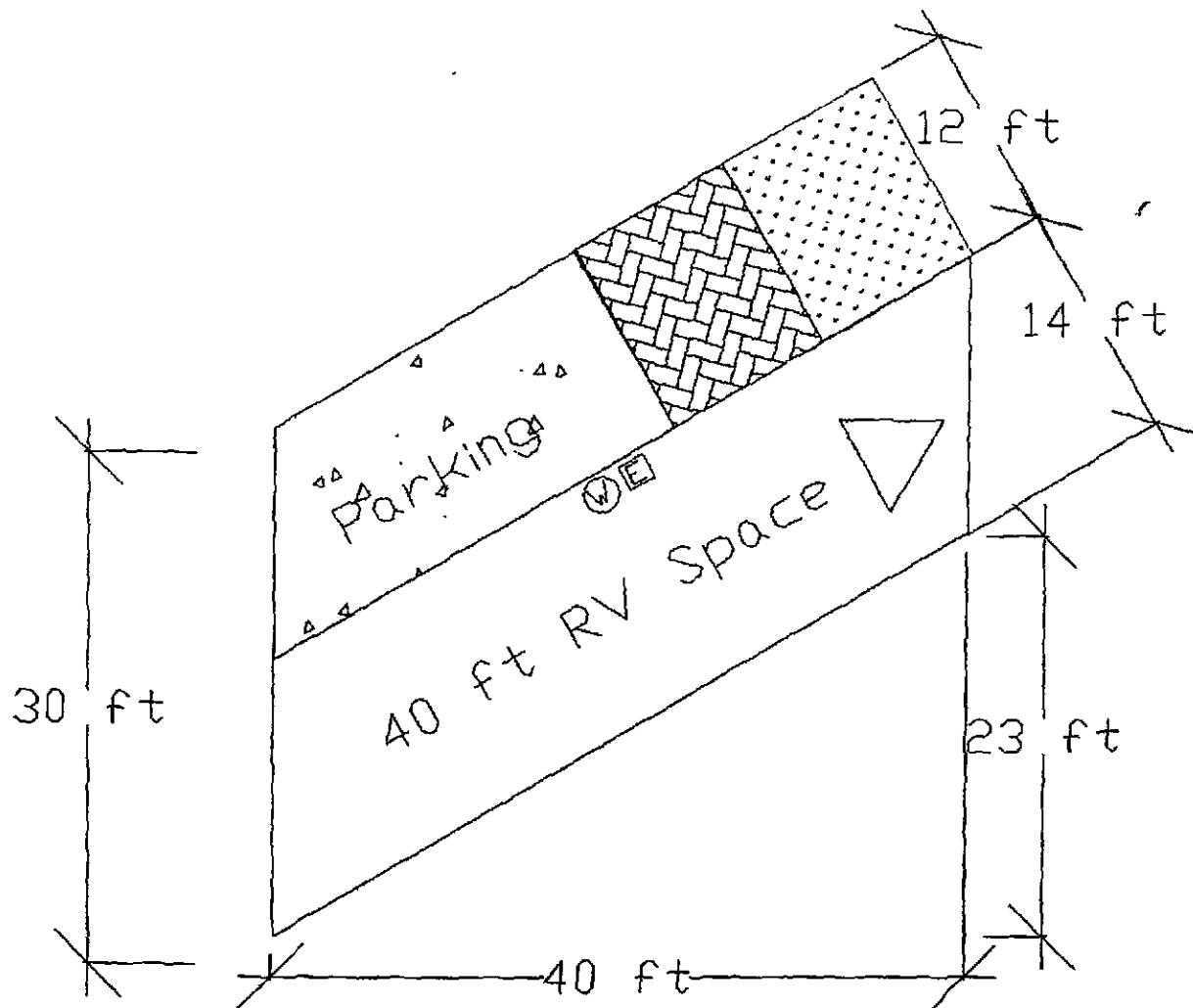
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

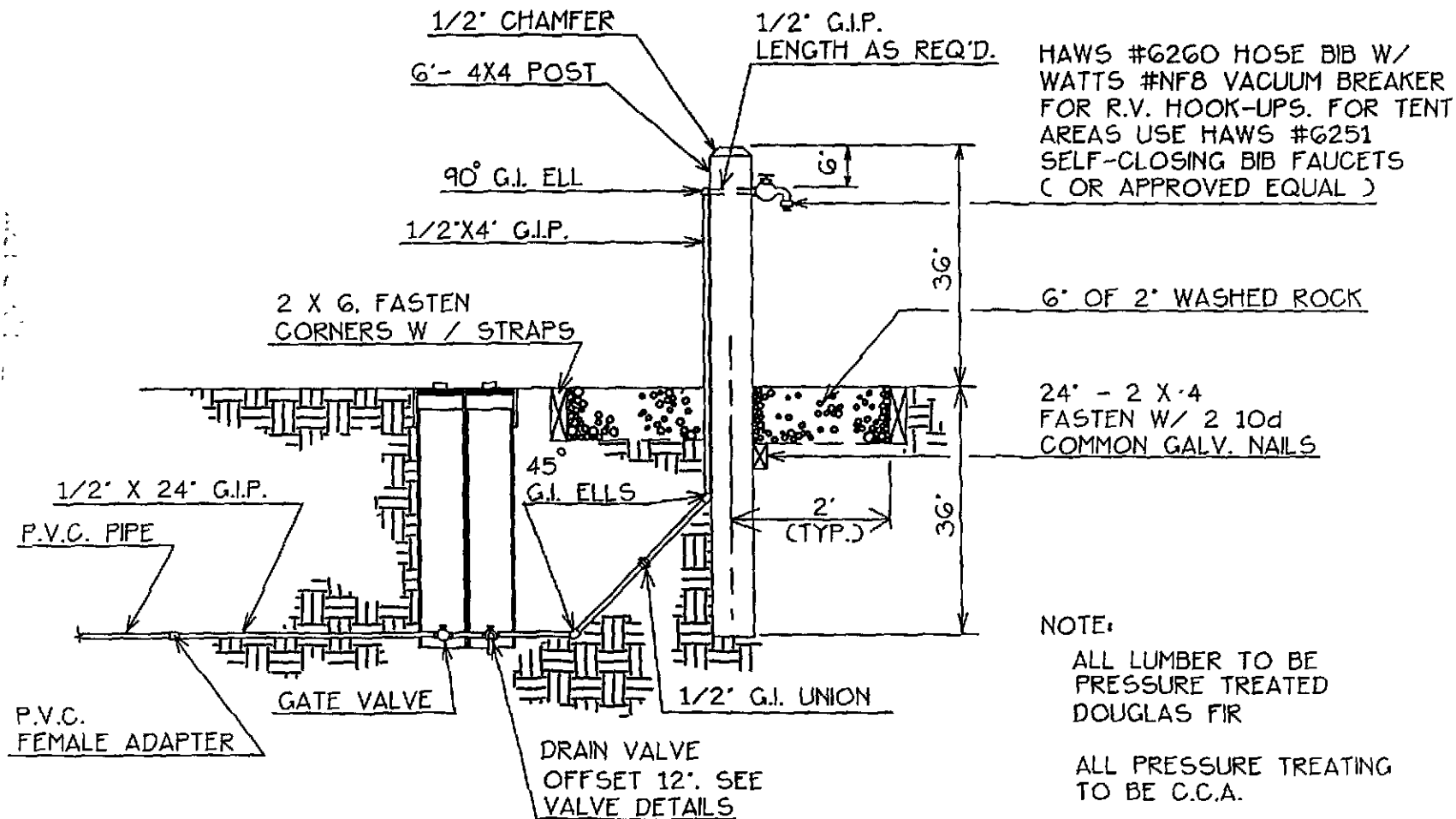


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in Part 1. Clearly depict the land by section, township, and range number.

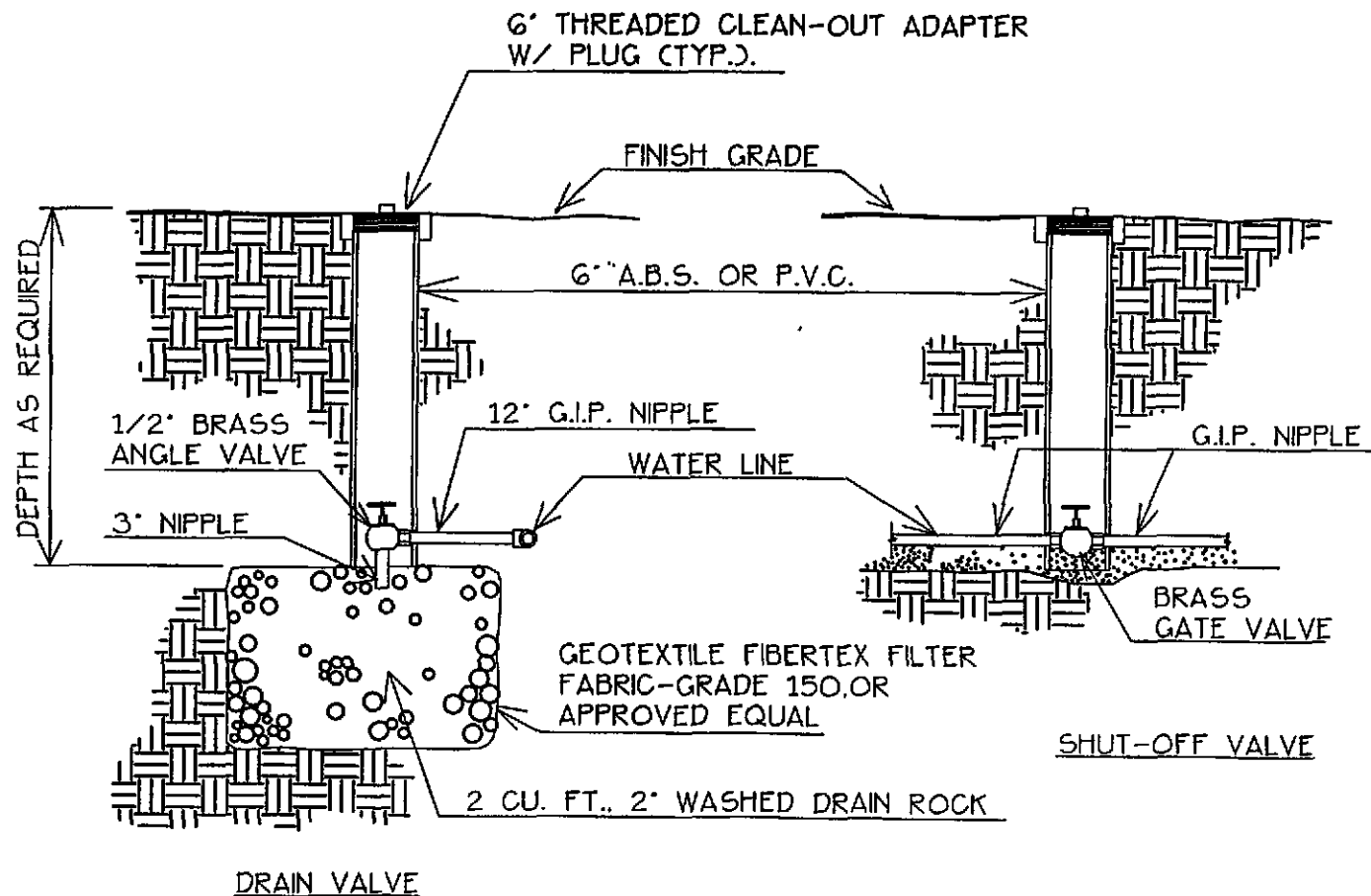




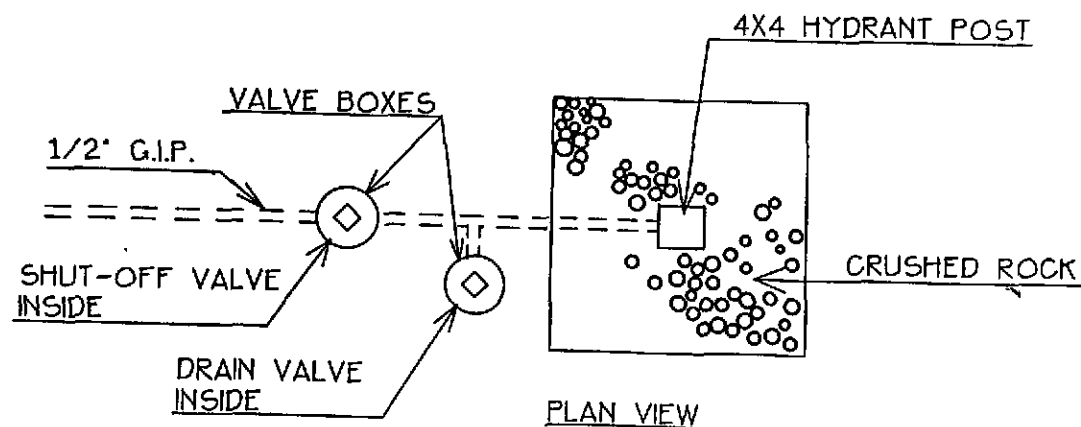


WATER CONNECTION DETAIL

N.T.S.



VALVE DETAILS



VALVE LOCATION

N.T.S.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-10522

1996 FEB -3 PM 10:54
DISTRICT COURT
FIFTH JUDICIAL DISTRICT
TWIN FALLS, IDAHO

NAME & ADDRESS: DARRELL WILBURN
KAREN WILBURN
808 RYKER RIDGE RD
RAMONA CA 92065

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/25/1988

POINT OF DIVERSION: T06N R25E S11 NWSW Within CUSTER County

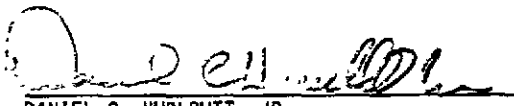
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE: STOCKWATER Within CUSTER County
T06N R25E S11 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

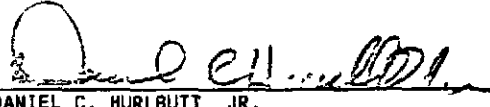
DATED: DEC 3 1996


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

RULE 54(b) CERTIFICATE

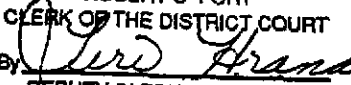
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

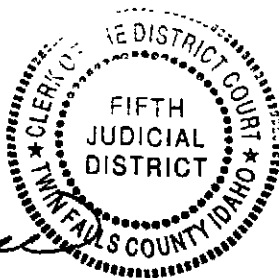
DATED: DEC 3 1996


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

State of Idaho
County of Twin Falls ss
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-10522

ROBERT S FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



MICROFILM PAGE - 1
NOV-18-1996
395 2 + 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KAREN WILBURN
DARRELL WILBURN
RT 1 BOX 46
DARLINGTON ID 83255

RE: Water Right 34-10522 (Transfer 5434)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5434). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

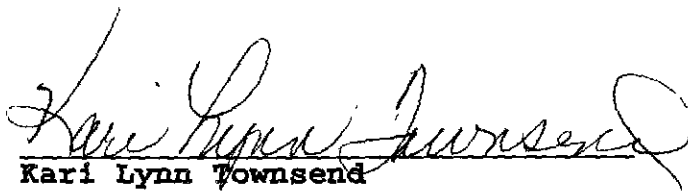
2000-04-20
3:28 PM

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of April, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 34-10522 (Transfer 5434)

**KAREN WILBURN
DARRELL WILBURN
RT 1 BOX 46
DARLINGTON ID 83255**


Kari Lynn Townsend
Secretary

RECEIVED
APR 24 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person. (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

NOTED - LME

APR 24 2000

ORAL ARGUMENT

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

FINAL ORDER

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when (a) the petition for reconsideration is disposed of, or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code

RECEIVED
SEP 27 2003

MEMORANDUM

TO: File 34-10522

FROM: Pam Skaggs 

SUBJECT: Transfer 5434

DATE: April 19, 2000

Transfer application 5434 specifically listed ½ acre of irrigation as part of the proposed commercial use. Evaluation of the change in nature of use found that including irrigation use would expand the consumptive use of the water right. The evaluation with the application noted 0.6 af volume associated with the irrigation as standardly assigned for exempt domestic uses with a home. The commercial use, and specifically the RV park, does not qualify under the domestic exemption, unless the right were reduced to 0.04 cfs and 2,500 gpd which would reduce the total volume. The inclusion of any irrigation use would expand the consumptive use of the right.

I discussed the problem with Harold Jones of our Eastern Region office, and he contacted the applicant. After discussing the matter, the applicant said that they didn't really intend to irrigate that much and would prefer to drop the use from the application. Since the use was not visible within the commercial use, the approval appears the same. A condition of recommended approval specifically states that commercial use does not include irrigation uses.

The change from stockwater for 400 head of cattle to commercial use at the RV camp does not expand the use of the right. The total diversion volume is limited to 5.4 afa associated with the original use. Both stockwater and the authorized commercial use are considered relatively non-consumptive. No expansion occurs through approval of this transfer.

34-10522-1

APR 24 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5434

Date Reviewed 04-15-2000
CS

Right(s) 3440522 SRBA Decree

☒ WRQ/Split Summary ☒ ^{Decreed} SRBA Status NA Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use ☒ Other H:Change P/D & Add P/D
I:Change P/D & P/U STOCK to COMM J:Add P/D & Change P/U

Proof of Ownership SRBA Decree 97 tax notice (140 Acres in Sec 11) ☒ by region.

Transfer ☒ All of Right _____ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31 Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) _____ Use (3) _____ Season/W61 (4) _____ Rate (5) _____ Volume
(6) ☒ Source (7) _____ P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) NA Water District (12) Yes Pertinent Conditions (13) ? Expansion
N08 + N05 (W42)

(2) Change STOCK to COMM that includes IRR - Problem w/expansion of 6.1 OUT
(3) Reduce season for Commercial to 5-1 to 11-1 and standard IRR season

4-19-00 HWS talked with the applicant about the irrigation use described on app.
Applicant requested we drop IRR portion + proceed w/approval of commercial
- use only.

No change to legal

(7) Existing well per attached well Drillers Report - STOCK well would need upgrade
+ may need to drill new well per DEQ letter dated 4-29-99 to meet requirements.

Transfer Remarks W42 COMM use is for... W44

Conditions 046, 081, T07, T08
W4 + DEQ

Database/Processing Notes _____ Standard ☒ Non-Standard _____
T file

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

Change Evaluation on Back this page CS 04-20-2000

			Div.	C.U.		
Before	.09 cfs	STOCK/400	5.4 ata /	—	365 days	
Proposed After	.09 cfs	COMM/240 Campers	Max. 5.4	4.7 " /	—	
		(.6 like DOM)	.5 Acre Landscape	6 " /	1.3	184 days
			5.3 /	1.3		

Doesn't meet DOM exemption - 'does not include mobile home parks or commercial...
w/ 1/2 acre IRR

Actual Proposed

.09 cfs

COMM
IRR

Max
240 Campers
.5 Acre

4.7 ata /

1.8 ata / 1.3 ata
6.5 ata / 1.3 ata

184 days
213 days

Uses could be adjusted

5.4 - 1.8 (IRR) = 3.6 for Comm. but still have > C.U. factor w/ IRR

Drop IRR per HWS + App. 4-19-07

.. unless meet div rate + vol limits of (1) (b) 2.04 + 2500 gpd.
2500 x 184 days = 1.4 ata < 5.4 for STOCK

SRBA

SUBCASE SUMMARY REPORT 34-10522

[Return to SRBA Home Page](#)

SRBA
04-14-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 34-10522 FILE#: 00000
CLAIMANT: WILBURN, KAREN & DARRELL
STATUS: PD UNDELIVERED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

KAREN & DARRELL WILBURN C PRO SE

**** ROA ENTRIES ****

12-03-1996	PARTIAL DECREE FILED	12-03-1996
12-03-1996	CERTIFICATE OF MAILING - PARTIAL DECREE	
12-10-1996	PARTIAL DECREE RETURNED UNDELIVERABLE	12-10-1996

[Return to SRBA Home Page](#)

MICROFILMED
APR 24 2000

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-10522	WILBURN, DARRELL	C	01/25/1988	D/	GROUNDWATER	P DECR	WR
	WILBURN, KAREN	C					
T34-10522	WILBURN, DARRELL	C	01/25/1988	D/	GROUNDWATER	COMMER	WR
	WILBURN, KAREN	C					

*34-10522	WILBURN, DARRELL	C	01/25/1988	D/	GROUNDWATER	P DECR	AJ
	WILBURN, KAREN	C					
A34-10522	WILBURN, DARRELL	C	01/25/1988	P/	GROUNDWATER	STOCK	AJ
	WILBURN, KAREN	C					



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

RECEIVED

DIRK KEMPTHORNE
GOVERNOR

May 17, 1999

MAY 21 1999

KARL J. DREHER
DIRECTOR

Department of Water Resources

Darrell Wilburn
RT 1 Box 46
Darlington ID 83255

Mr. Wilburn:

Enclosed is a memorandum from the Division of Environmental Quality. As you can see you will need to contact Carlin Feisthamel at the Idaho Falls office about well requirements for the RV park.

I will place the transfer application on hold until the DEQ requirements are addressed.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ::sc

RECORDED

APR 24 2000



April 29, 1999

MEMORANDUM

TO: Harold W. Jones, Water Rights Supervisor, Department of Water Resources

FROM: Carlin Feisthamel, Water Quality Engineer, Division of Environmental Quality

SUBJECT: **Application for Transfer of Water Right #34-10522**

We have reviewed the application for transfer of water right for the proposed 58-unit RV park in Darlington. The following items will need to be addressed in order to meet DEQ approval:

Plans and Specifications:

- ◆ Since the RV park will contain 58 units it will be considered a "public water system." All public water systems must submit, for approval, a complete set of plans and specifications for the proposed water system prior to construction. The plans and specifications must be prepared and certified by a professional engineer licensed to practice in the state of Idaho.

Minimum Well Standards:

- ◆ All wells used as a domestic water supply source must meet all of the minimum standard well requirements for public drinking water systems. Generally, stock water wells do not meet these minimum well standards, and are not acceptable as a public drinking water source of supply.

Well Site Approval:

- ◆ The DEQ shall be consulted prior to design and construction regarding a proposed well location as it relates to required separation between existing and potential sources of contamination and groundwater development.

All of these items will need to be addressed before the DEQ will approve the proposed water system. If you have any questions feel free to contact me.

APR 29 1999

APR 24 2000

3-25-99
T5434

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 34-10522 Applicant Wilburn

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 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 _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NA
j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No Sent Copy to Greg Eiser at DEQ, IF
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____
4. By EDC Date 5/14/99

* All uses within Watermaster Districts require special conditions.

T5434

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 16 1999

Department of Water Resources
Eastern Region

State of Idaho, County of Custer, ss:

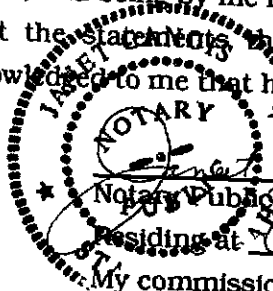
1, Ruth E. Burchell, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated April 8 1999 and ending with
the issue dated April 15 1999.

Ruth E. Burchell

STATE OF IDAHO

COUNTY OF CUSTER

On this 15th day of April in the
year of 1999 before me, a Notary Public,
personally appeared Ruth E. Burchell
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.



Notary Public for Idaho
Residing at Challis

My commission expires: 4/30/04

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5434

Notice is hereby given that Dar-
rell and/or Karen Wilburn, RT 1
Box 46, Darlington, ID 83255, has
applied to the Department of Wa-
ter Resources to change the na-
ture of use of a groundwater
source. The right sought to be
changed is evidenced by decree
and recorded as follows:

Decree No.: 34-10522

Source: Groundwater

Amount: 0.09 cfs

Priority: 01/25/1988

Point of Diversion(s): NWSW,
SEC 11 T06N R25E, Custer
County

The water is used for stockwater
within NWSW SEC 11 T06N R25E,
B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to change
the nature of use from stockwater
to commercial for a 58 unit RV
park. The same well will be used.

Any protests against approval of
the proposed changes must be
filed with the Idaho Department of
Water Resources, 900 N Skyline
Dr. Ste A, Idaho Falls, ID 83402,
together with a protest fee of
\$25.00 on or before April 26,
1999. The protestant must also
send a copy of the protest to the
applicant.

KARL J. DREYER
Director

Published on April 8 & 15, 1999.

MICROFILMED

APR 24 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 31, 1999

**CHALLIS MESSENGER
PO BOX 405
CHALLIS ID 83226**

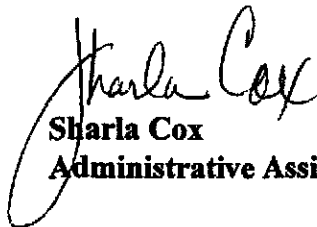
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

**Please send the affidavit of publication and publication billing to this office before
APRIL 26, 1999.**

Respectfully submitted,



**Sharla Cox
Administrative Assistant**

Enc.

MICROFILMED

APR 24 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5434

Notice is hereby given that Darrell and/or Karen Wilburn, RT 1 Box 46, Darlington, ID 83255, has applied to the Department of Water Resources to change the nature of use of a groundwater source. The right sought to be changed is evidenced by decree and recorded as follows:

Decree No.: 34-10522 Source: Groundwater
Amount: 0.09 cfs Priority: 01/25/1988
Point of Diversion(s): NWSW, SEC 11 T06N R25E, Custer County
The water is used for stockwater within NWSW SEC 11 T06N R25E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to change the nature of use from stockwater to commercial for a 58 unit RV park. The same well will be used.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before April 26, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Challis Messenger on April 8 and 15, 1999.

FILED

APR 24 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**DEPARTMENT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS ID 83402**

RE: Applications for Transfer #5434

Dear Greg:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 26, 1999, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

A handwritten signature in black ink that reads "Harold W. Jones".

**Harold W. Jones
Water Right Supervisor**

HWJ: sc

Enc.

MIC 2000

APR 24 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DARRELL AND/OR KAREN WILBURN
RT 1 BOX 46
DARLINGTON ID 83255

RE: Application for Transfer #5434

Dear Applicant:

This office is currently in the process of advertising the application in the Challis Messenger on April 8 and 15, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the 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.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MAILED

APR 24 2000