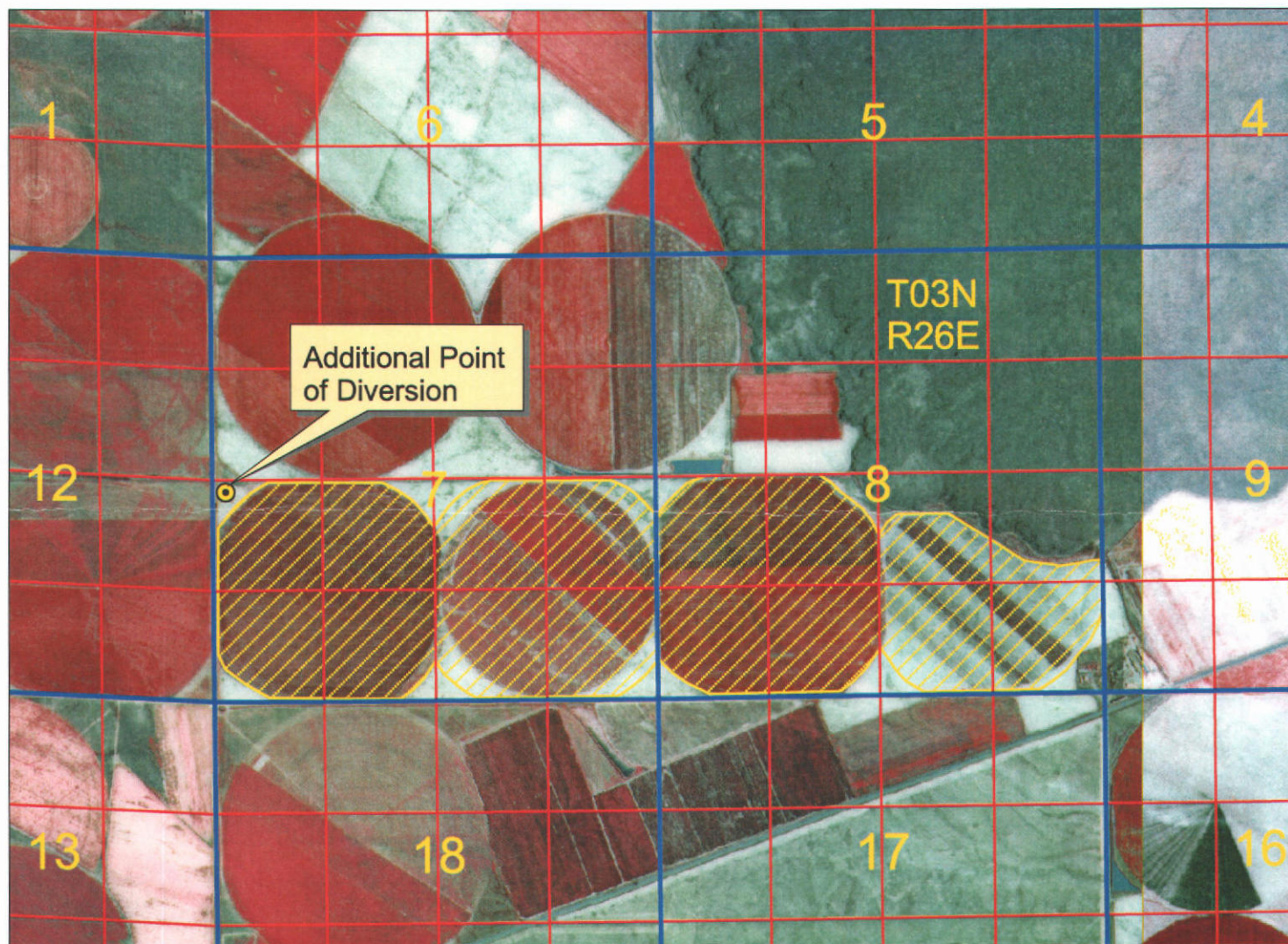




State of Idaho
Department of Water Resources
Eastern Region
Transfer 34-7118B



0.5 0 0.5 1 1.5 Miles

1:24000



- Point(s) of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

MICROFILMED
 MAR 24 2003

GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepared by: P. Meyer
 Date: March 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 08 2004

Department of Water Resources
Eastern Region

Notice of Security Interest in a Water Right

And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

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

Water Right No(s) 34-7118B, 34-7186A And 34-7186B

Adjudication Claim No(s) _____

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

- A) Evidence of the security interest This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water right or claim in question, **WITH ATTACHED LEGAL DESCRIPTION**
- B) A **FEE** of \$25.00 per water right or adjudication claim.

2 Name and Mailing Address of Person or Company holding Security Interest

ZIONS FIRST NATIONAL BANK

2460 SOUTH 3270 WEST

WEST VALLEY CITY, UT 84119

3. Name of Water Right Owner/Claimant(s) W. Gary & Pamela A. Rogers
2900 West 2072 North
Arco, Idaho 83213

4 Expiration Date of Notification Period 05-01-2019

5 Is this a Renewal of Request for Notification? ☐ YES ☒ NO

6 Signature(s) (and title if applicable) _____ Zions Bank By. Bill Hudson _____

Bill Hudson

Vice-President

For Office Use Only

Received by Katy JACKSON Date 9/9/04 Fee \$75.00
 Received by Katy JACKSON Date 9/9/04 Receipt No ED30231
 Processed by _____ AJ Date _____ WR _____ Date _____

SUPPORT DATA

IN FILE # 34-7118B

Department of Water Resources

SEP 13 2004

RECEIVED

RECORDATION REQUESTED BY:

ZIONS FIRST NATIONAL BANK
BLACKFOOT BRANCH
1 RIVERSIDE PLAZA, P.O. BOX 945
BLACKFOOT, ID 83221

WHEN RECORDED MAIL TO:

Zions First National Bank
Loan Servicing Group - UT RDWG 0187
2460 South 3270 West
West Valley City, UT 84119

COPY

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE



00000000000009002074006012004

THIS MODIFICATION OF MORTGAGE dated June 1, 2004, is made and executed between W. GARY ROGERS and PAMELA A. ROGERS, Husband and Wife (referred to below as "Grantor") and ZIONS FIRST NATIONAL BANK, whose address is 1 RIVERSIDE PLAZA, P.O. BOX 945, BLACKFOOT, ID 83221 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated May 3, 2004 (the "Mortgage") which has been recorded in BUTTE County, State of Idaho, as follows:

Recorded May 5, 2004, as Entry No. 0040621 in the Recorder's Office of Butte County, State of Idaho.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in BUTTE County, State of Idaho:

SEE ATTACHED EXHIBIT "A" TOGETHER WITH ANY AND ALL WATER RIGHTS NOW OWNED OR HEREAFTER ACQUIRED WHICH ARE APURTENANT THERETO

The Real Property or its address is commonly known as 3 MILES SW OF ARCO BY HIGHWAY 93, ARCO, ID 83213. The Real Property tax identification number is RP03N26E074800A & RP03N26E084805A

MODIFICATION. Lender and Grantor hereby modify the Mortgage as follows:

Legal Description is hereby amended to include all water rights as described on the attached Exhibit A, and all Fixtures are hereby added to the Mortgage.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorser to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION. A. This commitment is conditional upon loan proceeds not being used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity

B. All guaranteed lenders will be required to monitor compliance of these requirements as part of their servicing responsibilities. During loan servicing contacts the Borrower's compliance is to be reviewed and analyzed. If the Borrower violates 7 C.F.R. Part 1940, Subpart G, Exhibit M requirements, the loan will be in default.

C. If loan applicants' farm properties contain any highly erodible land, wetland, or converted wetland, the lender will include the following provisions in its debt and security loan instruments:

Default shall also exist if any loan proceeds are used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland to produce or to make possible the production of an agricultural commodity, further explained in 7 CFR Part 1940, Subpart G, Exhibit "M".

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED JUNE 1, 2004.

MODIFICATION OF MORTGAGE
(Continued)

Loan No: 9002

Page 2

GRANTOR:

x W. Gary Rogers
W. GARY ROGERS

x Pamela A Rogers
PAMELA A ROGERS

LENDER:

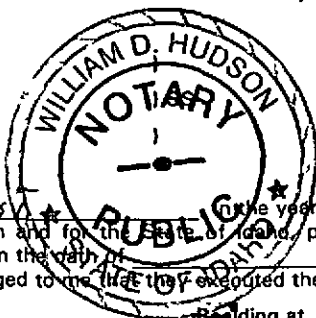
ZIONS FIRST NATIONAL BANK

x Paul E Jordan
Authorized Signer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF BINGHAM



On this 25 day of August, in the year 2004, before me William D Hudson, a notary public in and for the State of Idaho, personally appeared W. GARY ROGERS and PAMELA A ROGERS, known or identified to me (or proved to me on the oath of William D Hudson), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public for Idaho

Residing at _____

My commission expires _____

MY COMMISSION EXPIRES MAY 6, 2006

Notary Public

Residing At Blackfoot, Idaho

LENDER ACKNOWLEDGMENT

STATE OF Idaho

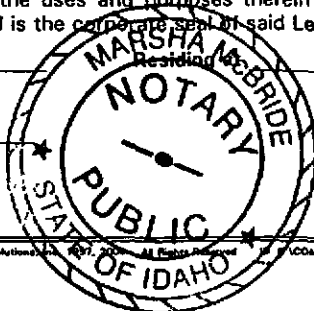
COUNTY OF Blaine

)
) SS
)

On this 25 day of August, in the year 2004, before me Marsha McBride, a notary public in and for the State of Idaho, personally appeared Paul E Jordan, known or identified to me (or proved to me on the oath of Marsha McBride), to be manager, authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Lender, duly authorized by the Lender through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute said instrument and that the seal affixed is the corporate seal of said Lender.

Notary Public for Idaho

My commission expires 5/26/10



Residing at Blackfoot

GARY ROGERS

WATER RIGHTS

Together with any and all water rights now owned or hereafter acquired which are appurtenant thereto.

34-7118B 530 acres of Decreed Groundwater, Priority Date 11-24-1975 for 10.61 CFS

34-7186A 141 acres of License Waste Water 05-16-1977 for 2.09 CFS

34-7186B 144 acres for License Waste Water 05-16-1977 for 2.09 CFS

Irrigation Equipment:

U.S. Motor, Serial #C602207-690 150 hp

Aurora Turbine Pump

G.E. Elec. Motor, Serial #DHJ426140, 150 hp

Johnston Turb.

G.E. Elec. Motor, Serial #JTJ916284, 40 hp

Johnston Turbine

G.E. Elec. Motor, Serial #KTJ1007326, 40 hp

Johnston Turbine

G.E. Elec. Motor, Serial #HTJ826271, 40 hp

Johnston Turbine

G.E. Elec. Motor, Serial #HTJ826273, 40 hp

Johnston Turbine

Buried Main Line, PVC

Valley Pivot, Serial #35381

Valley Pivot, Serial #35385

Valley Pivot, Serial #38324

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69836

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant **Gary Rogers**

Post Office address **PO Box 476, Arco ID 83213**

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 ☐ Other _____
2. Describe the reason for the proposed changes. Applicant wishes to add a point of diversion to existing system.

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

- | | | | | |
|---|-------------------|---------------------------|----------------------|-----------------------|
| 1. <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
| 34-07118B | 11/24/1975 | 10.61 cfs | Irrigation | 04/01 to 10/31 |
| 2. Total amount of water being transferred 10.61 cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water Groundwater tributary to | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres 530.0

MICAC

1940

69836

PART 1

6. General Information:

- a. Description of diversion system Two wells to canal system to sprinkler system for irrigation of cropland. Additional point of diversion will be adjacent to the place of use and will be directly connected to the pivot system for irrigation.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X 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:

None.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____

For the Director

MHC

Page 1

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

Current Water Right No. 34-7118B

Priority Date: 11/24/1975

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: GROUND WATER

Trib

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15 10/15	10.61 CFS		
	Total Diversion	10.61 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	05N	26E	32	SESWSE		BUTTE
GROUND WATER	05N	26E	32	SENWSE		BUTTE

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	7									37.0	36.0	36.0	37.0	36.0	36.0	36.0	36.0	290.0
												L 3	L 4						
03N	26E	8									33.0	36.0	36.0	36.0	8.0	23.0	34.0	34.0	240.0

Total Acres: 530

Conditions/Remarks:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1855 AF.
COMBINED RIGHT NOS.: 34-07186A AND 34-07186B.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 530 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-07186A AND 34-07186B.

RECEIVED
MAY 22 2001

Page 2

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

Current Water Right No. 34-7118B

Documentation of Ownership of the Current Place of Use

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

Yes Lienholder Release is coming

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

NA

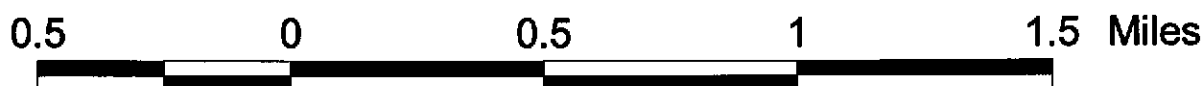
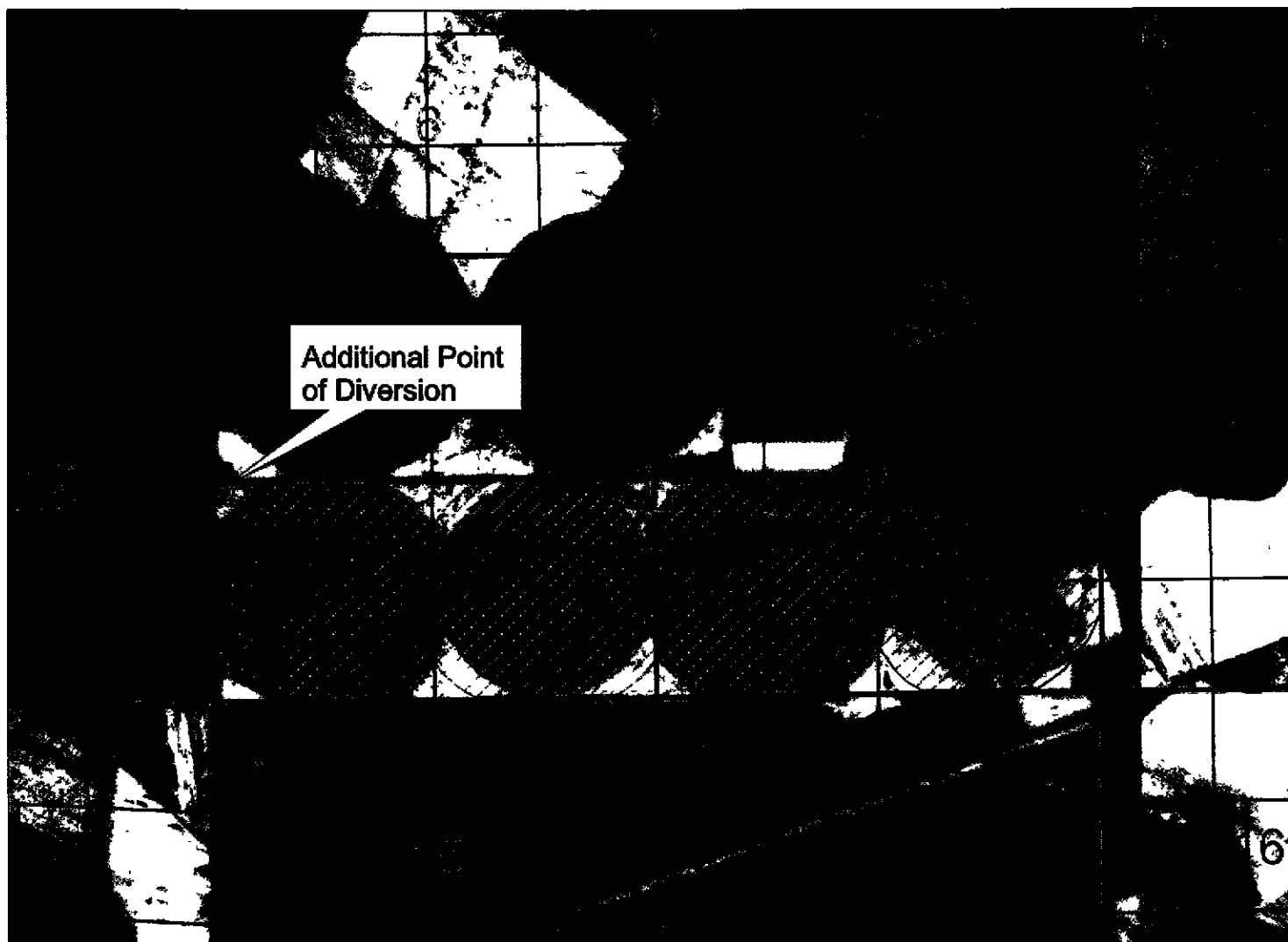
To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

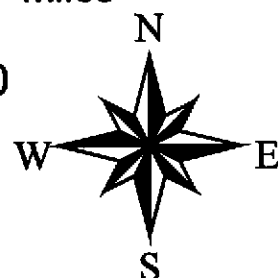
M.C. ...
M.C. ...



State of Idaho
Department of Water Resources
Eastern Region
Transfer 34-7118B



1:24000



- Point(s) of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepared by: P. Meyer
 Date: March 2002

B. CHANGES IN NATURE OF USE

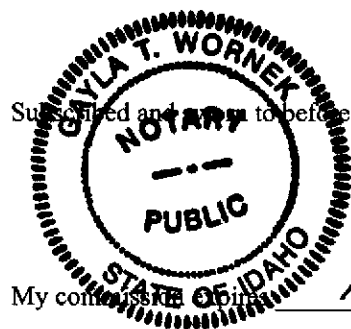
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ 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



Dany Rogers
(Signature of Applicant)

Subscribed and sworn to before me this 3 day of April, 2002.

Gayla T. Wornek
(Notary Public)

My commission expires 1-3-2008

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by HWT Date 4-4-02 Protest filed by _____

Prelim. Check by _____ Fee 650.00

Received by HWT # E021606 Date 4-4-02

Published in Arco Advertiser, Post Register, Times News, ID Statesman, Lewiston Tribune Copies of protest forwarded by _____

Pub. Dates May 2 & 9 2002 Hearing held by _____ Date _____

Watermaster recommendations requested on 4/22/02 Recommended for ☒ approval ☐ denial

_____ received 5/22/02 by SC M. L. C.

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF 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 the rights described in part 1. Clearly depict the land by section, township and range number.

Scale 2 inches equal 1 mile Draw plan in ink.

NOTED
FEB 1 1961

PAPE CHECK PAYABLE TO:
 BUTTE COUNTY TAX COLLECTION
 P.O. BOX 121, ARCO, ID 83213

2001 TAX BILL/RECEIPT

1001 1001
 1003421074000A
 121.371

STILLS 1750 CODE AREA 4-00 L

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOTAL	121.371
TAX 955.60	TAX 955.60	TAX 1,911.20		
LATE	LATE	LATE		
INT	INT	INT		
COST	COST	COST		
TOT	TOT	TOT	TAX 1,400	113.270

ROGERS W GARY
 & ROGERS PAMELA A
 PO BOX 475
 ARCO ID 83213-0476

TAXING DISTRICT	RATE	AMOUNT
STATE	.0000000000	
COUNTY	.005153326	976.16
SCHOOL "111"	.017652615	338.71
CEMETERY	.003104034	23.64
FIRE	.010514777	74.62
LIBRARY	.000188011	71.30
HOSP DIST	.001537511	184.62
AMOUNT DUE	.015746726	1,911.20

52
 SEC 7

*pd 1st half
 CH # 0387
 12-20-01
 for Paul Turner
 PL by: P Rogers*

*** 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

COPY

RECEIPT NOT VALID UNTIL CHECK CLEARS BANK
 THANK YOU

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

ROGERS, W GARY

COPY

2001
 1210

2ND HALF

AMOUNT DUE 955.60

BUTTE COUNTY
 RPO3N26F074000A
 4-00

LATE
 INT

T 69836
 ATTACHMENT 1 OF 2

MICRO

MADE CHECK PAYABLE TO:
BUTTE COUNTY TAX COLLECTION
P.O. BOX 121, ARCO, ID 83213

2001 TAX BILL/RECEIPT
BILLS 1784 CODE AREA 4-00

00000000000000000000
00000000000000000000
117.943

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOTAL	
TAX	943.55	TAX	943.55	TAX	1,887.10		117.943
LATE		LATE		LATE			
INT		INT		INT			
CUST		CUST		CUST			
TOT		TOT		TOT			

ROGERS W GARY
8 ROGERS PAMELA A
PO BOX 476
ARCO ID 83213-0476

TAXING DISTRICT	RATE	AMOUNT
STATE	.0000000000	
COUNTY	.005150026	612.26
SCHOOL 1111	.007600026	917.08
CITY	.000100055	23.74
FIRE	.000014777	73.68
LIBRARY	.000056001	70.48
WSP DIST	.011537561	186.26
AMOUNT DUE	.015746724	1,887.10

S2 EXCEPTING 8821219
SEC 3

Pl 10 half
Ch# 0387
12-20-01
Don Herb. Thorne
Pl By: 1 Rogers

*** 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
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KEEP TOP PORTION FOR YOUR RECORDS
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

COPY

RECEIPT NOT VALID UNTIL CHECK CLEARS BANK
THANK YOU

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

ROGERS, W GARY

COPY

2001
1784

2ND HALF

AMOUNT DUE 943.55

BUTTE COUNTY
PO BOX 126002405A
4-00

LATE
INT

T 69836
ATTACHMENT 2 OF 2

TWIN FALLS OFFICE
(208) 734-7510
Fax: (208) 734-4115
133 Shoshone Street North
P. O. Box 389
Twin Falls, ID 83303-0389

John C. Hepworth
John T. Lezamiz
Robyn M. Brody
Benjamin J. Cluff
V. Lane Jacobson
Wm. L. Nungester, Of Counsel

H E P W O R T H , L E Z A M I Z & J A N I S , C O .
L A W O F F I C E S

- ESTABLISHED 1952 -

BOISE OFFICE
(208) 343-7510
Fax: (208) 342-2927
537 West Bannock Street
P. O. Box 2582
Boise, ID 83701-2582

J. Charles Hepworth*
John J. Janis

*Member CA Bar

April 11, 2002

Department of Water Resources
c/o Gary and Pamela Rogers
Post Office Box 476
Arco, Idaho 83213

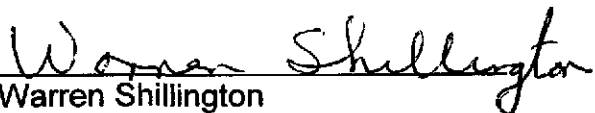
Re: Shillington
File No. 92-1-428.6

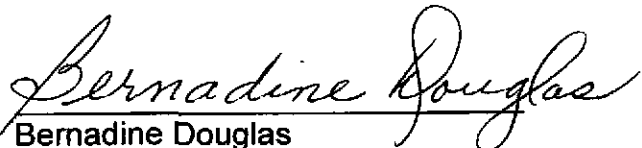
To whom it may concern:

Bernadine Douglas and Warren Shillington d/b/a Moccasin Ridge Farms authorizes the proposed application to transfer the point of diversion for water rights 34-7118 and 34-7186 appurtenant to or used in conjunction with the real property described upon Exhibit "A" attached.

This limited authorization does not represent any waiver of our lien priority on the real property described upon Exhibit "A".

Very Truly Yours,


Warren Shillington


Bernadine Douglas

Reply to Twin Falls office

Section 7: S $\frac{1}{4}$ EXCEPT: County road.

TRACT B:

Township 3 North, Range 26 E.B.M., Butte County, Idaho

Section 8: S $\frac{1}{4}$, EXCEPTING THEREFROM: A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ described as: Beginning at the SE corner of said Section 8; thence S. 89°44'48" W. 366.67 feet along the Southerly boundary of said Section 8; thence N. 3°01'27" E. 456.03 feet; thence N. 69°41'36" E. 357.17 feet to a point on the Easterly boundary of Section 8; thence S. 0°45'28" E. 577.78 feet along the Easterly boundary of said Section 8 to the real point of beginning. EXCEPT: County road. ALSO EXCEPT: A tract of land generally described as being a portion of SE $\frac{1}{4}$ of Section 8, Township 3 North, Range 26 E.B.M., Butte County, Idaho, being more particularly described as follows: Commencing at the SE corner of Section 8, Township 3 North, Range 26 E.B.M., from which the SW corner of the SE $\frac{1}{4}$ of said Section 8 (the S $\frac{1}{4}$ corner) bears S. 89°44'48" W. 2649.21 feet; thence along the South line of Section 8 and on or along the centerline of a County road, S. 89°44'48" W. a distance of 366.60 feet to the Point of Beginning; thence S. 89°44'48" W. 543.62 feet along said South line to a point; thence leaving said County road centerline and said South section line, N. 54°46'00" E. a distance of 417.68 feet to a point; thence N. 46°14'58" E. a distance of 313.61 feet to a point; thence S. 3°01'39" W. a distance of 456.07 feet to the point of beginning, said point lying on or along said centerline of County road and said South line of Section 4. EXCEPT: County road.

ALSO EXCEPT: A tract of land generally described as being a portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 3 North, Range 26 E.B.M., Butte County, Idaho, being more particularly described as follows: Beginning at the SW corner of the SE $\frac{1}{4}$ Section 8, Township 3 North, Range 26 E.B.M.; (The S $\frac{1}{4}$ corner); from which the SE corner of said Section 8 bears N. 89°44'48" E. 2649.21 feet and the SW corner of said Section 8 bears S. 89°44'54" W. 2628.05 feet; thence along the South line of the SW $\frac{1}{4}$ of Section 8 and on or along the centerline of a County road S. 89°44'54" W. a distance of 434.86 feet to a point; thence leaving said County road centerline and said South line N. 41°28'25" E. a distance of 608.02 feet to a point; thence N. 26°20'03" E. a distance of 264.21 feet to a point; thence S. 33°11'08" E. a distance of 307.50 feet to a point; thence S. 44°55'49" E. a distance of 112.45 feet to a point; thence S. 52°35'05" E. a distance of 325.07 feet to a point; thence S. 64°11'48" E. a distance of 349.15 feet to a point lying on or along the centerline of a County road and the South line of the SE $\frac{1}{4}$ of said Section 8; thence S. 89°44'48" W. a distance of 905.28 feet on or along said centerline and South line to the Point of Beginning. EXCEPT: County road.

EXHIBIT A

TRACT C:

A tract of land generally described as being a portion of SE¼ of Section 8, Township 3 North, Range 26 E.B.M., Butte County, Idaho, being more particularly described as follows: Commencing at the SE corner of Section 8, Township 3 North, Range 26 E.B.M., from which the SW corner of the SE¼ of said Section 8 (the S¼ corner) bears S. 89°44'48" W. 2649.21 feet; thence along the South line of Section 8 and on or along the centerline of a County road, S. 89°44'48" W. a distance of 366.60 feet to the Point of Beginning; thence S. 89°44'48" W. 543.62 feet along said South line to a point; thence leaving said County road centerline and said South section line, N. 54°46'00" E. a distance of 417.68 feet to a point; thence N. 46°14'58" E. a distance of 313.61 feet to a point; thence S. 3°01'39" W. a distance of 456.07 feet to the point of beginning, said point lying on or along said centerline of County road and said South line of Section 4. EXCEPT: County road.

A tract of land generally described as being a portion of SE¼SW¼ of Section 8, Township 3 North, Range 26 E.B.M., Butte County, Idaho, being more particularly described as follows: Beginning at the SW corner of the SE¼ Section 8, Township 3 North, Range 26 E.B.M.; (The S¼ corner); from which the SE corner of said Section 8 bears N. 89°44'48" E. 2649.21 feet and the SW corner of said Section 8 bears S. 89°44'54" W. 2628.05 feet; thence along the South line of the SW¼ of Section 8 and on or along the centerline of a County road S. 89°44'54" W. a distance of 434.86 feet to a point; thence leaving said County road centerline and said South line N. 41°28'25" E. a distance of 608.02 feet to a point; thence N. 26°20'03" E. a distance of 264.21 feet to a point; thence S. 33°11'08" E. a distance of 307.50 feet to a point; thence S. 44°55'49" E. a distance of 112.45 feet to a point; thence S. 52°35'05" E. a distance of 325.07 feet to a point; thence S. 64°11'48" E. a distance of 349.15 feet to a point lying on or along the centerline of a County road and the South line of the SE¼ of said Section 8; thence S. 89°44'48" W. a distance of 905.28 feet on or along said centerline and South line to the Point of Beginning. EXCEPT: County road.

EXHIBIT A

MICROFILMED

1964 - 1965

RECEIVED

FEB - 7 2002

Department of Water Resources

2002 FEB -6 PM 2: 11

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	For Decreed Water Right 34-07118
	)	(Split administratively into water rights 34-07118A & 34-
	)	07118B.)
Case No. 39576	)	
_____	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
	)	INCORPORATING INTO PARTIAL DECREE AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for water right 34-07118 ("decreed water right") on December 16, 1997. The period of use element therein 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. On June 24, 1999, the Idaho Department of Water Resources (IDWR) filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* ("*Supplemental Director's Report*"), which included irrigation period of use recommendations for the decreed water right. No objections were filed and the time for filing objections has expired. Following the issuance of the *Supplemental Director's Report*, the decreed water right was split administratively into multiple water rights designated as 34-07118A and 34-07118B ("split water rights").¹

¹ Some or all of these split water rights may have again been split or affected by subsequent administrative proceedings. However, this *Order* only amends the *Partial Decree* that was issued for the decreed water right and does not affect any administrative changes to the water right occurring subsequent to the entry of the *Partial Decree*.

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

PERIOD OF USE: 04-01 to 11-1

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

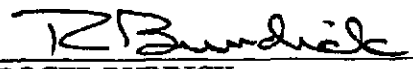
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have 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: 2-5-02


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

Important Information About Your Water Right

February 5, 2002

Gary Rogers
3403 N Hwy 93
Moore, ID 83255

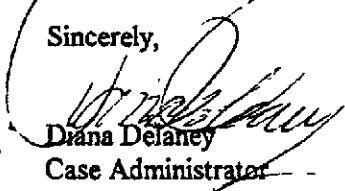
Dear Water Right Claimant(s):

This letter accompanies a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") issued for water right number 34-07118. Following the issuance of the *Partial Decree* for water right 34-07118, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water right 34-07118B,¹ which represents a water right resulting from the split of water right 34-07118. If you are not the current owner, please contact IDWR immediately at:

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 water right 34-07118. 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). The *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 water right 34-07118, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 34-07118.) 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 this water right. The original of the *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 on the same date that the *Partial Decree* was originally issued and therefore does not supercede any administrative changes occurring after that date.

Sincerely,


Diana Delaney

Case Administrator

¹ If water right 34-07118B is not listed as one of the split rights in the caption of the accompanying *Order*, it is because one of the captioned split rights was again split. This resulted in more split water rights including your water right. However, for purposes of the *Order*, these subsequently split rights need not be addressed, as they are not affected by the *Order*. If you have questions regarding your water right please contact IDWR.

MICROFILMED

MAR 24 2002

FILE _____

1945 4 2102



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 15, 2004

GARY W ROGERS
3403 N HWY 93
MOORE ID 83255

RE: Change of Ownership for Water Rights 34-7118B, 34-7186A & 34-7186B

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence adding a Security Interest in the name of Zions First National Bank to the ownership of the above referenced water rights. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports 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,

for Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:kit

Enclosure

cc: ZIONS FIRST NATIONAL BANK
2460 S 3270 W
SALT LAKE CITY UT 84119



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2003

GARY ROGERS
PO BOX 476
ARCO ID 83213

RE: Transfer No.: 69836 - Water Right 34-7118B - Transfer Approval Notice

Dear Water Right Holder(s)

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

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

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

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

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

Sincerely,

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

JP:klt

Enclosure(s)

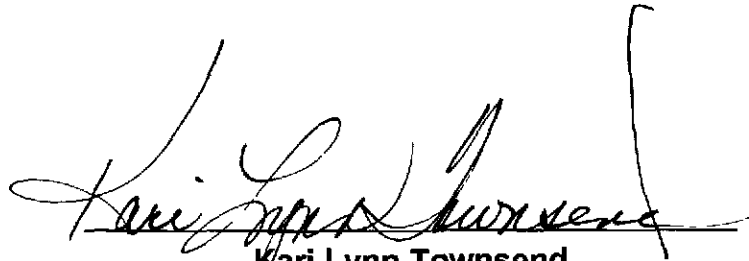
MAIL ROOM

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below.

RE: TRANSFER NO. 69836 - WATER RIGHT 34-7118B

**GARY ROGERS
PO BOX 476
ARCO ID 83213**



**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 7, 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37 01 01302 and 37 01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

APR 26 2009

MEMORANDUM

Date: February 05, 2003
To: Transfer 69836
From: dcarlson
Re: transfer evaluation

This transfer proposes to drill a new well next to the POU. Old wells(2) will be used also.

Authority to File:

Applicant provided the tax notices and is the SRBA water right holder.

Water Right Validity

All rights involved have been recently been decreed in the SRBA
Forfeiture does not appear to be an issue.

Injury to Other Water Rights.

No injury issues identified. POD added No protests

Enlargement of Use:

There is no evidence of enlargement of use

Local Public Interest:

No issues identified

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222
Idaho Code preventing processing of this application.

The application was advertised. No protests

MICROFILMED

MAR 14 2003

Trans # 69836

TRANSFER REVIEW SHEET

Date Reviewed 2/5/2003Right No(s). * 34-7118BSplit? Y N Y N Y N Y N Y N Y NAREA OF CONCERN: No/Yes NA

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of useRightID's of From & To records correct? X Y N (resolve with S.O.)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Lien Holder Release yes

GROUNDWATER:

DRILLING PERMIT

All wells 046
DP upgrade req'd Y N (contact GW)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL

- 065-104 (where irrigation is the only use)

SUPPLEMENTAL

- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)
- 115 (meas. Device)

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
< 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - > 1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined -
multiple pds in WDProtested - 020-X19
Water Quality - 106-R07X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rtsX49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:
T09 - on-going SRBA (no Dir Rpt
or Recomm yet)
T19 - replaces C18
(if at Recommendation
or Partial Decree stage)T20 - use only on unchg'd rts
not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated DC Approval form printed 28 Shape files created DC

Special Mailing Instructions (cc's, etc)

Final database update after approval 28 *Comment to WR No(s). NA

2-5-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T# 69836

INITIAL REVIEW BY: HWT

1. Right number 34-07118B Applicant GARY ROGERS

2. Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s)
☐ Change place of use ☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☐ Amount ☐ Purpose ☒ Period of use

b. ☐ Description of original point of diversion.

c. ☐ Description of original place of use.

OKAY - EAC

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. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☐ Check map (shows p.d. and p.u. after transfer).

g. ☐ Check for correct signature, notarization, and fee.

h. ☐ Check proof of ownership of right &/or land from which water is transferred.

i. ☐ Check for expansion in use of right. Comments _____

* Only adding P.D.
No need to add other
Statewide
Hwy

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? WD 34 - Day Reservoir

Send Copy

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☒ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* WATER MEASUREMENT REQUIREMENT
WATERMASTER CONTROL

4. By RDC Date 6/5/02

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION FORM

Transfer Application No: 69836

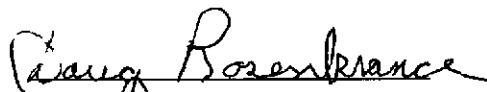
Water Right No(s): 34-7118B

Transfer Applicant's Name: GARY ROGERS

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 26 day of April.


Signature

MICROFILMED

MAY 2 2002

RECEIVED

MAY 22 2002

Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

I, Vickie Christensen
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated May 2, 2002

and ending with the issue dated

May 9, 2002
Vickie Christensen

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 9 day of May

in the year of 2002, before me, a Notary Public,

personally appeared

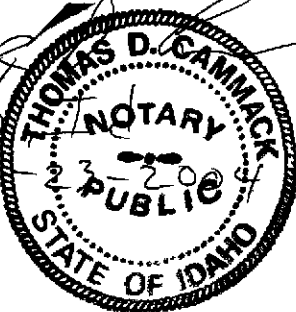
Vickie Christensen

known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Cammack
Notary Public for Idaho

Residing at Arco

My commission expires



LEGAL NOTICE

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

TRANSFER NO. 69836

GARY ROGERS, PO BOX 476, ARCO ID
83213, has filed Application No. 69836 for
changes to the following water rights within
BUTTE County:

Right No. 34-7118B

Priority 11/24/1975

Source GROUNDWATER

Use IRRIGATION (530 acres) 10.61 CFS

Total Amount 10.61 CFS

Point(s) of Diversion

SESWSE S32 T05N R26E

SESWSE S32 T05N R26E

Place of Use S7 T03N R26E

S8 T03N R26E

The purpose of the transfer is to change
a portion of the above rights as follows:

The applicant is adding a point of diver-
sion to this system which will be a well in
the NWSW SEC 7 T03N R26E. This location
is adjacent to the places of use.

Protests may be submitted based on the
criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change
must be filed with the Department of Water
Resources, Eastern Region, 900 N Skyline
Dr Ste A, Idaho Falls ID 83402, together
with a protest fee of \$25.00 for each appli-
cation on or before May 20, 2002. The
protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director

Published on May 2 and 9, 2002

MICROFILMED

MAY 24 2004

5/22/02

FAX

May 7, 2002

To: Sharla Cox - IDWR - Eastern Regional Office
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3839

Re: Application for Transfer No. 69836 for Gary Rogers

Hi Sharla:

Our office reviewed the above water right application for transfer from the IDWR New Water Rights filing report dated April 29, 2002 (copy attached).

Our MTP (copy attached) shows:

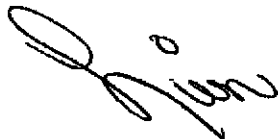
Proposed Right No. 34-07188B

POD: T03N R26E S07 NWNWSW may be missing a lot number.

We are just providing this for your information.

Thank you.

Have a nice day!



cc: Deena Teel - BLM - Idaho Falls FO
Fax # (208) 524-7505

Pages: 6 (includes cover sheet)

MICHAEL J. BUCK

MAY 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 22, 2002

DOUG ROSENKRANCE, 34
PO Box 53
Mackay, ID 83251

RE: Application for Transfer 69836
Water Right Number(s) 34-7118B

DOUG ROSENKRANCE, 34 :

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office within May 20, 2002.

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

Sincerely,


Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

MAILED
MAY 21 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GARY ROGERS
PO BOX 476
ARCO ID 83213

RE: Application for Transfer No 69836
Water Right No(s) 34-7118B

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Arco Advertiser on May 2 and 9, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the 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

MAIL ROOM

APR 25 2002



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Legal Notice Department

ARCO ADVERTISER

PO BOX C

ARCO ID 83213

RE: Transfer No. 69836
Water Right No(s). 34-7118B

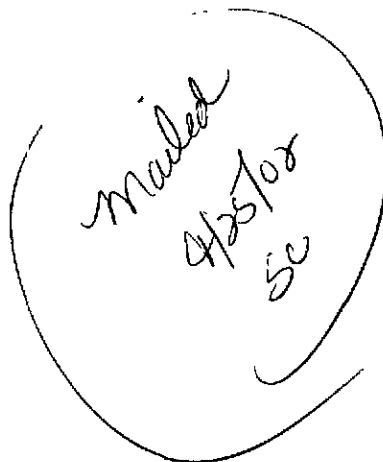
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 20, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICHAEL J. COX
APR 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69836

GARY ROGERS, PO BOX 476, ARCO ID 83213, has filed Application No. 69836 for changes to the following water rights within BUTTE County:

Right No. 34-7118B

Priority 11/24/1975

Source GROUND WATER

Use IRRIGATION (530 acres) 10.61 CFS

Total Amount 10.61 CFS

Point(s) of Diversion SENWSE S32 T05N R26E
SESWSE S32 T05N R26E

Place of Use S7 T03N R26E
S8 T03N R26E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is adding a point of diversion to this system which will be a well in the NWSW SEC 7 T03N R26E. This location is adjacent to the places of use.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 2 and 9, 2002

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4/25/02