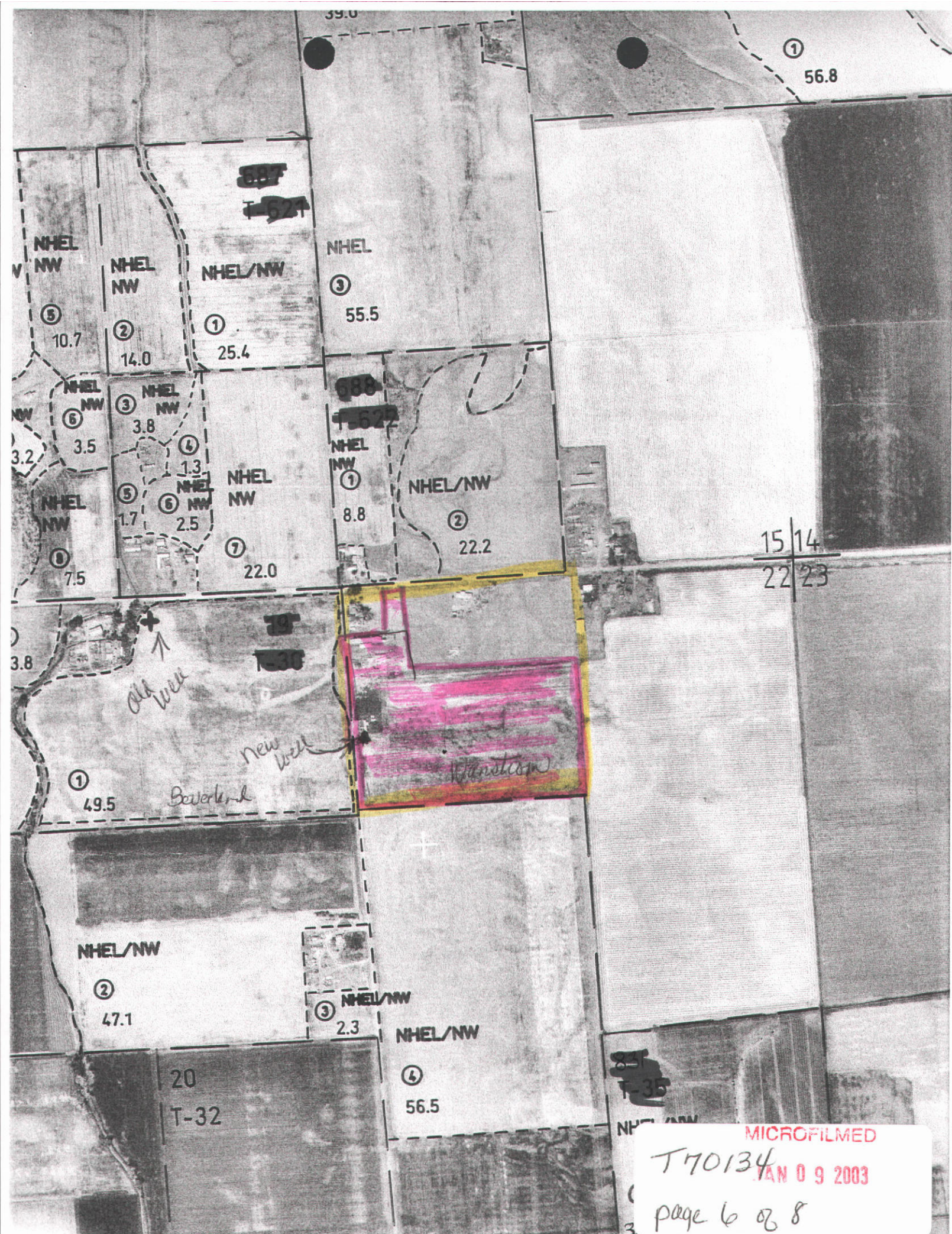
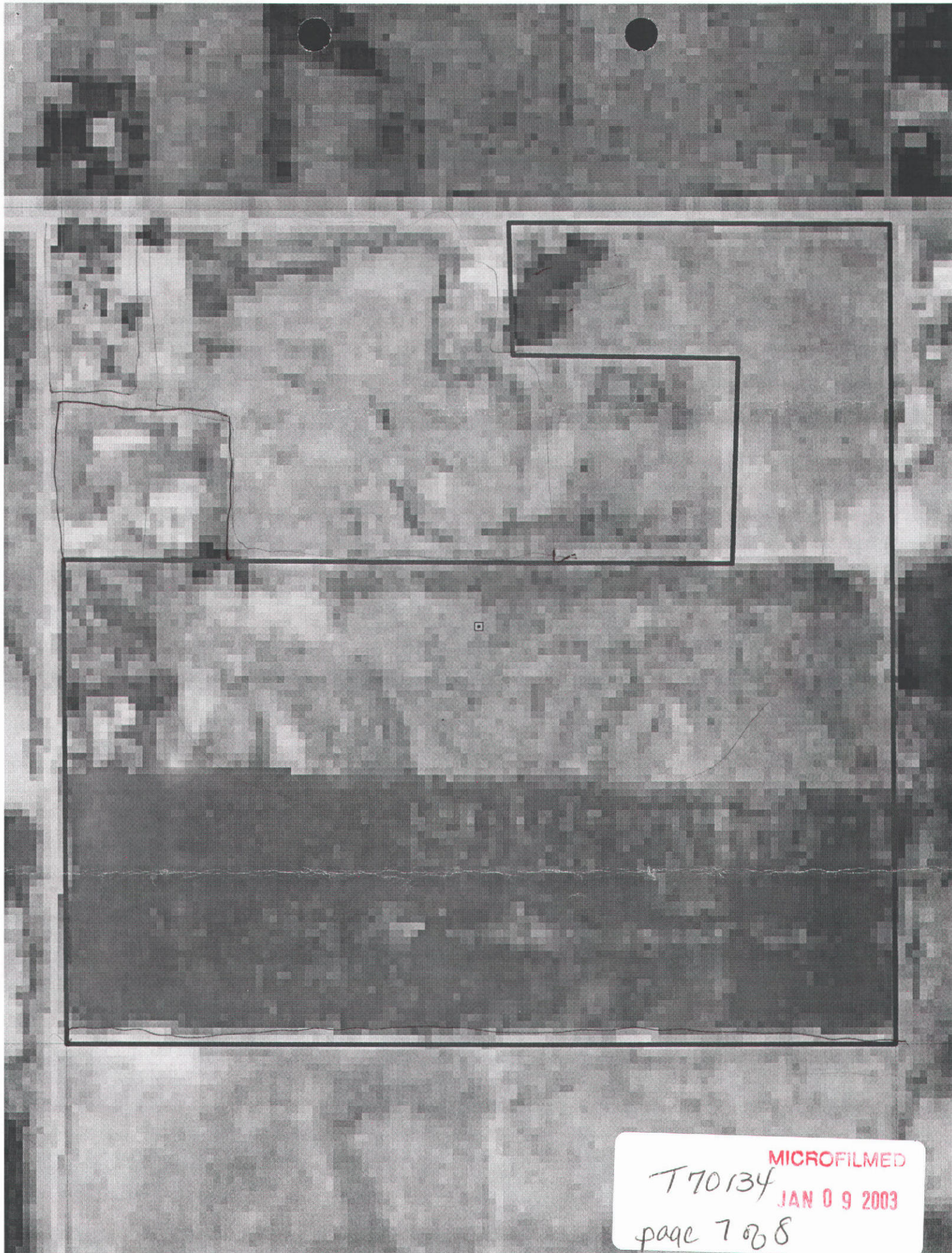




T70134 MICROFILMED

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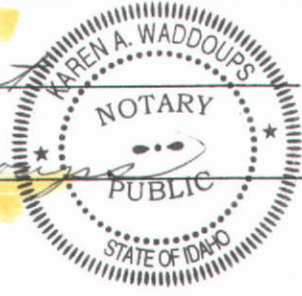
PART 3

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.

Nancy Wanstrom  
(Signature of Applicant)  
Subscribed and sworn to before me this 26 day of August, 20 02  
Karen A. Waddoups  
(Notary Public)  
My commission expires Sept 1, 2005



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments  
Received by HWT Date 8-30-02 Protest filed by \_\_\_\_\_  
Prelim. Check by \_\_\_\_\_ Fee 250.00  
Receipted by HWT #EO28110 Date 8-30-02  
Published in Arco Advertiser Copies of protest forwarded by \_\_\_\_\_  
Pub. Dates Sept 12 & 19, 2002 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial  
\_\_\_\_\_ received by BDR

Copy of transfer sent to lien holder \_\_\_\_\_  
MICROFILMED  
JAN 09 2003  
JAN 09 2003

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock  
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 SEPT. 12, 2002

and ending with the issue dated

SEPT. 19, 2002  
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 19th day of September

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

personally appeared

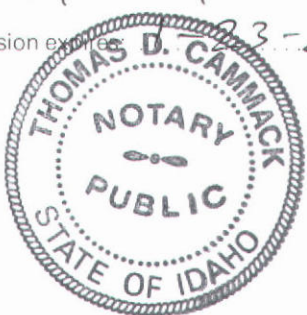
Colleen Babcock

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, Id

My commission expires 7-23-2004



NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
TRANSFER NO. 70134

DAVID E WANSTROM or NANCY W  
WANSTROM, RT 1 BOX 1A, MOORE ID  
83255, has filed Application No. 70134 for  
changes to the following water rights within  
BUTTE County:

Right No. 34-2435B

Priority: 7/26/1961

Source: GROUND WATER

Use: IRRIGATION (28.5 acres)

0.51 CFS 99.8 AFA

Total Amount: 0.51 CFS 99.8 AFA

Point(s) of Diversion: NWNENW S22 T05N  
R26E

Place of Use: S22 T05N R26E

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

The applicants are changing the point of  
diversion to a new well on their property in  
the NWNE SEC 22 T5N R26E.

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 September 30, 2002. The  
protestant must also send a copy of the  
protest to the applicant.

KARL J. DREHER, Director

Published on Sept. 12 and 19, 2002.



MICROFILMED

JAN 09 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 70134

This is to certify that: DAVID E WANSTROM Or  
NANCY W WANSTROM  
RT 1 BOX 1A  
MOORE ID 83255  
(208)554-3103

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 34-2435B     | WR/Decreed          | 07/28/1961      | 0.505 cfs   | 99.8 af       |              | 28.5         | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 34-2435B              | NO           | YES        | NO         | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|---------------------------------|----------------------|------------------------|-------------------|--------------------|-----------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 34-2435B              | 34-2435B                        | 0.51 cfs             | 99.8 af                | N/A               | 28.5               |                                   | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                 | <b>0.51 cfs</b>      | <b>99.8 af</b>         | <b>N/A</b>        | <b>28.5</b>        |                                   | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of December, 2002  
  
Chief, Water Allocation Bureau

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JAN 09 2003

**WATER RIGHT NO. 34-2435B**  
**As Modified by Transfer No. 70134**

In accordance with the approval of Transfer No. 70134, Water Right No. 34-2435B is now described as follows.

**Right Holder:** DAVID E WANSTROM And  
NANCY W WANSTROM  
RT 1 BOX 1A  
MOORE ID 83255

**Priority Date:** July 26, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.51 CFS              | 99.8 AF       |
|                       |             |           | 0.51 CFS              | 99.8 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NWNE Sec. 22 Twp 05N Rge 26E BUTTE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N 26E 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 28.5   |

Total Acres: 28.5

**CONDITIONS OF APPROVAL**

1. Rights 34-462B and 34-2435B when combined shall not exceed a total diversion rate of 0.73 cfs, and the irrigation of 28.5 acres.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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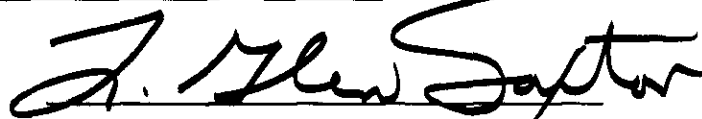
**WATER RIGHT NO. 34-2435B**  
**As Modified by Transfer No. 70134**

**CONDITIONS OF APPROVAL**

6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 9 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13<sup>th</sup> day of December, 2002

  
Chief, Water Allocation Bureau

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JAN 10 2003

Page 1 of 8

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 70134

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant DAVID OR NANCY LANSTROM Phone 208-554-3103

Post Office address Rt. 1 Box 1A Moore, ID 83255

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 \_\_\_\_\_

RECEIVED

NOV 4 2002

Department of Water Resources

- 2 Describe the reason for the proposed changes It will be more efficient to drill a well on our place of use to eliminate transmission losses from the original well.

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

| 1 | Right Number    | Priority         | Amount (cfs/ac-ft) | Nature of Use     | Period of Use               |
|---|-----------------|------------------|--------------------|-------------------|-----------------------------|
|   | <u>34-2435B</u> | <u>7-26-1961</u> | <u>0.505 cfs</u>   | <u>Irrigation</u> | <u>4-15</u> to <u>10-15</u> |
|   |                 |                  |                    |                   | to                          |
|   |                 |                  |                    |                   | to                          |
|   |                 |                  |                    |                   | to                          |

2. Total amount of water being transferred 0.505 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4       | 1/4       | Sec       | Twp       | Rge        | County       | Local name for diversion |
|-----|-----|-----------|-----------|-----------|-----------|------------|--------------|--------------------------|
|     |     | <u>NW</u> | <u>NE</u> | <u>22</u> | <u>5N</u> | <u>26E</u> | <u>Butte</u> |                          |
|     |     |           |           |           |           |            |              |                          |
|     |     |           |           |           |           |            |              |                          |
|     |     |           |           |           |           |            |              |                          |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |      |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |      | Totals |
|-----|-----|-----|------|------|----|----|------|----|----|----|------|----|----|----|------|----|----|------|--------|
|     |     |     | NE   | NW   | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE   |        |
| 5N  | 26E | 22  |      | 28.5 |    |    |      |    |    |    |      |    |    |    |      |    |    | 28.5 |        |
|     |     |     |      |      |    |    |      |    |    |    |      |    |    |    |      |    |    |      |        |
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|     |     |     |      |      |    |    |      |    |    |    |      |    |    |    |      |    |    |      |        |

Microfilm

Total Acres 28.5

70134

PART 1

6 General Information

a Description of diversion system Well + pump to sprinklers

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

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 \_\_\_\_\_

MICROSOFT

JAN 09 2003

For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2435B

WATER RIGHT NUMBER: 34-2435B

| <u>Owner Type</u> | <u>Name and Address</u>                                              |
|-------------------|----------------------------------------------------------------------|
| Original Owner    | ALFRED L KING                                                        |
|                   | , ID                                                                 |
| Current Owner     | NANCY WANSTROM<br>RT 1 BOX 107<br>MOORE, ID 83255<br>(208)554-3103   |
| Current Owner     | DAVID E WANSTROM<br>RT 1 BOX 107<br>MOORE, ID 83255<br>(208)554-3103 |
| Original Owner    | SEYMOUR BEVERLAND<br><br>MOORE, ID 83255                             |

Priority Date: 07/26/1961

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/15 to 10/15           | 0.505 CFS             | 99.80 AF             |
|                       | <u>Total Diversion:</u> | 0.505 CFS             | 99.80 AF             |

Location of Point(s) of Diversion

|              |                 |                                |
|--------------|-----------------|--------------------------------|
| GROUND WATER | NW1/4NE1/4NW1/4 | Sec. 22, Twp 05N, Rge 26E, B.M |
| BUTTE County |                 |                                |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   | NW | SW | SE | Totals |
|-----|-----|-----|------|----|----|----|--------|
| 05N | 26E | 22  | NE   | NW | SW | SE | 28.5   |
|     |     |     | 28.5 |    |    |    |        |

Total Acres 28.5

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks

MICROFILMED

JAN 17 2004

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 34-2435B

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-00462B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.73 CFS.
2. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. 34-02435A AND 34-02449B.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 34-00462B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.5 ACRES IN A SINGLE IRRIGATION SEASON

Comments

1 ESRBA 5/5/1992 NOTICE OF ERROR

Comment A NOTICE OF ERROR WAS RECEIVED, BUT IT REQUESTED NO CHANGES TO THIS RIGHT. CONTACT WAS MADE, BUT NO CHANGES RESULT. \*\*\*\*\* S.W. KEEN

Dates and Other Information:

Licensed Date:

Decreed Date 1/20/1998

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date

Formal Action Date:

State or Federal: S

Owner Name Connector OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre.

Decree Defendant

Decree Plaintiff:

Civil Case Number:

Judicial District

Swan Falls Trust or Nontrust

Swan Falls Dismissed.

DLE Act Number

Carey Act Number.

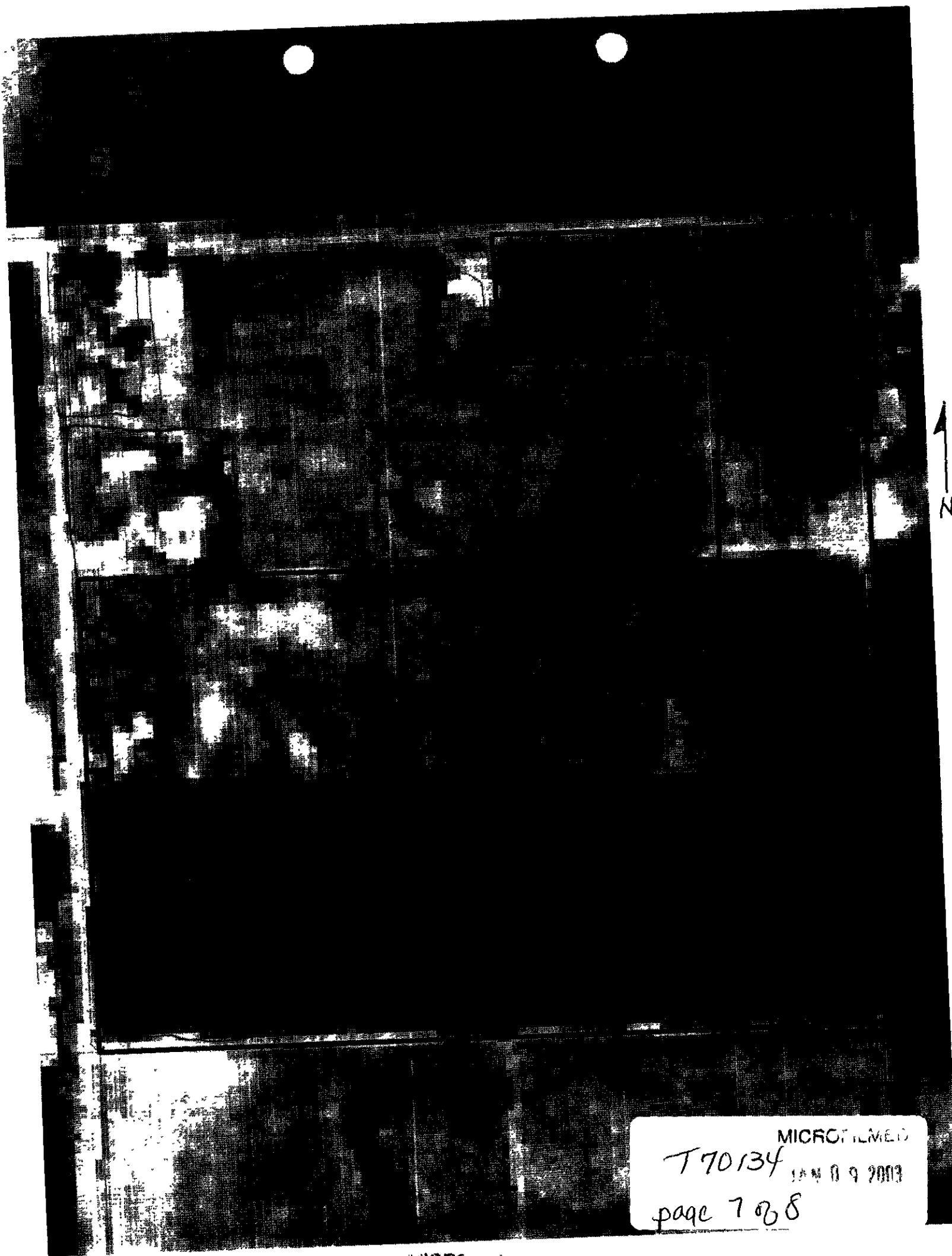
Mitigation Plan: False

STANDARD

111

T70134 MICROFILMED  
page 5 of 8





N

MICROFILMED  
T70134  
JAN 09 2003  
page 7 of 8

## PART 3

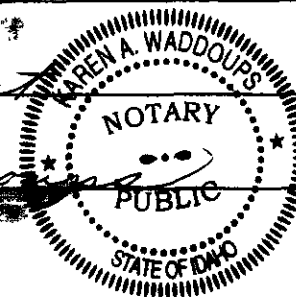
## B. CHANGES IN NATURE OF USE

- 1 New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_
- 2 Quantity and quality of return flows and location of discharge:  
 \_\_\_\_\_  
 \_\_\_\_\_
3. Describe effects on other water uses resulting from the proposed change:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 26 day of August, 20 02  
Nancy Johnston  
Karen A. Waddoups  
 My commission expires Sept 1, 2005



## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments  
 Received by HUT Date 8-30-02 Protest filed by \_\_\_\_\_  
 Prelim. Check by \_\_\_\_\_ Fee 250  
 Receipted by HUT # E028110 Date 8-30-02  
 Published in Bevo Advertiser Copies of protest forwarded by \_\_\_\_\_  
 Pub. Dates Sept 12 & 19, 2002 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
 Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ received \_\_\_\_\_ by RDC

Copy of transfer sent to lien holder \_\_\_\_\_

IAN 09 2003

MICROFILMED  
 IAN 09 2003

ATTACHMENT T 70/34  
/ OF /

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

## Important Information About Your Water Right

December 14, 2001

NANCY WANSTROM  
DAVID E WANSTROM  
3384 W 3200 N  
MOORE, ID 83255

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 34-02435B. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

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

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on January 20, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney  
Case Administrator

MICROFILMED

JAN 19 2003

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

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

Water Right 34-02435B

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

A *Partial Decree* was entered for the above-captioned irrigation water right on January 20, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 04-01 10-31

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

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

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

RULE 54(b) CERTIFICATE

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

Dated December 14, 2001

  
ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

MICROFILMED

IAN 0 9 2003

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

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 34-024358

1997 JAN 29 PM 2:38

DISTRICT 1-SRBA  
PL. 1111, BOARD

NAME & ADDRESS:

NANCY WANSTROM  
DAVID E WANSTROM  
RT 1 BOX 107  
MOORE ID 83255

SOURCE:

GROUNDWATER

QUANTITY:

0.505 CFS  
99.8 AFY

RECEIVED

JAN 30 1997

Department of Water Resources

USE OF THIS RIGHT WITH RIGHT NO. 34-004628 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.73 CFS.

PRIORITY DATE:

07/26/1961

POINT OF DIVERSION:

T05N R26E S22

NWNEW

Within BUTTE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
Irrigation Season

QUANTITY  
0.505 CFS  
99.8 AFY

PLACE OF USE:

IRRIGATION  
T05N R26E S22  
28.5 ACRES TOTAL

Within BUTTE County  
NWNE 28.5

USE OF THIS RIGHT WITH RIGHT NO. 34-004628 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 28.5 ACRES IN A SINGLE  
IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

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

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 34-024358

PAGE 1  
JAN-9-1998

MICROFILMED  
JAN 09 2003



**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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 18, 2002

DAVID E WANSTROM  
NANCY W WANSTROM  
RT 1 BOX 1A  
MOORE ID 83255

RE: Transfer No.: 70134 - Water Right 34-2435B - 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,

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

JP:klt

Enclosure(s)

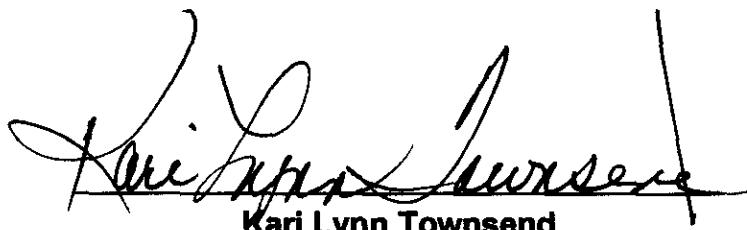
MICROFILMED  
JAN 09 2003

**CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 70134 - WATER RIGHT 34-2435B**

**DAVID E WANSTROM  
NANCY W WANSTROM  
RT 1 BOX 1A  
MOORE ID 83255**

  
**Kari Lynn Townsend  
Secretary**

**MICROFILMED  
JAN 09 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).

MICROFILMED  
JAN 09 2003

### **FINAL ORDER**

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

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

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

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

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

# TRANSFER REVIEW SHEET

Trans # 70134

Date Reviewed 12-12-2002 38

Right No(s).\* 34-2435B

Split? Y N Y N Y N Y N Y N Y N Y N  
SRBA Decree

AREA OF CONCERN: No Yes Outside Modeling ESPA PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u  
 Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with State Office personnel)

*Check for Partial Decree issuance, etc. since time of application entry*  
and Decree needs pulled to WR - Fix App R+TD X

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U ✓ Lien Holder Release NA per Application.

## GROUNDWATER:

### DRILLING PERMIT

All wells 046  
 DP upgrade req'd Y N (contact GW personnel)

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 (irr = only use) -065-104

SUPPLEMENTAL (irr + other uses) - 100-105

## SURFACE WATER:

WD - R05 (WD#       ) WM comments rec'd       

≤ 0.20 cfs/others - R02, 01P or No MD

> 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON 4-1 to 10-31 (use X61 if extended season)

STANDARD VOLUME 3.5 af/ac

CONSUMPTIVE USE VOLUME 2.5 af/ac

## 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) vol only  
 STOCKWATER - R37 (all BLM/USFS) R59  
 MINING - 054-106  
 FISH PROP - 029(70'S 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 - measure all p/d's (used with WB4)  
 T18 - Special T17 & R43 combined -  
       multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

X27 - Number of acres/season in ppu

X35 - Combined totals of multiple rts

34-462B (BLR.) .73 cfs + 28.5 acres  
(.0256 cfs/acre)

X49 - 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 ✓ Approval form printed ✓ Shape files created ✓

Special Mailing Instructions (cc's, etc)

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

12-18-2002  
38

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

8-30-02

T# 70134

INITIAL REVIEW BY: DC

RECEIVED

NOV - 4 2002

Department of Water Resources

1. Right number 34-2435B Applicant Waustray
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.

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 NON

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

Right number(s) Big Lost River

- k. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
- If yes, what district? 34

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\* \_\_\_\_\_

4. By DC Date 10/29/02

\*All uses within Watermaster District require special conditions

70134

Shape file made!  
Juf

**AFFIDAVIT OF PUBLICATION**

I, *Colleen Babcock*

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 *SEPT. 12, 2002*

and ending with the issue dated

*SEPT. 19, 2002*  
*Colleen Babcock*

STATE OF IDAHO

COUNTY OF BUTTE

On this *19th* day of *September*

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

personally appeared

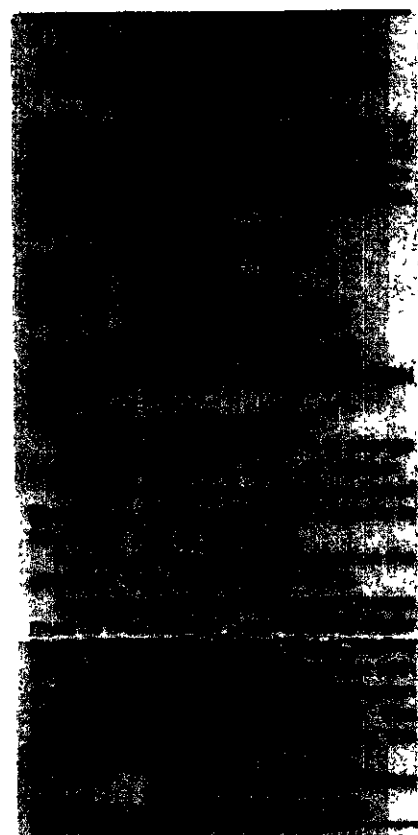
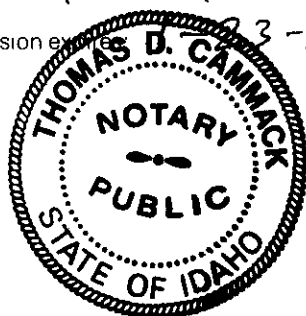
*Colleen Babcock*

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, Id*

My commission expires



*Received*  
*9/20/02*  
*SC*

**MICROFILMED**

**JAN 09 2003**



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

September 04, 2002

DAVID E WANSTROM  
NANCY W WANSTROM  
RT 1 BOX 1A  
MOORE ID 83255

RE: Application for Transfer No 70134  
Water Right No(s) 34-2435B

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 Sept 12 and 19, 2002. Submittal of protests to this application will be allowed for a period ending ten days (October 1, 2002) 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.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

  
Harold W Jones  
Water Right Supervisor

HWJ:sc

MICROFILMED

JAN 09 2003



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

September 04, 2002

**Legal Notice Department**  
ARCO ADVERTISER  
PO BOX C  
ARCO ID 83213

RE: Transfer No. 70134  
Water Right No(s). 34-2435B

**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 September 30, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant



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JAN 09 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70134

DAVID E WANSTROM or NANCY W WANSTROM, RT 1 BOX 1A, MOORE ID 83255, has filed Application No. 70134 for changes to the following water rights within BUTTE County

Right No. 34-2435B

Priority 7/26/1961

Source GROUND WATER

Use IRRIGATION (28.5 acres) 0.51 CFS 99.8 AFA

Total Amount 0.51 CFS 99.8 AFA

Point(s) of Diversion NWNENW S22 T05N R26E

Place of Use S22 T05N R26E

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

The applicants are changing the point of diversion to a new well on their property in the NWNE SEC 22 T5N R26E.

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 September 30, 2002. The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

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