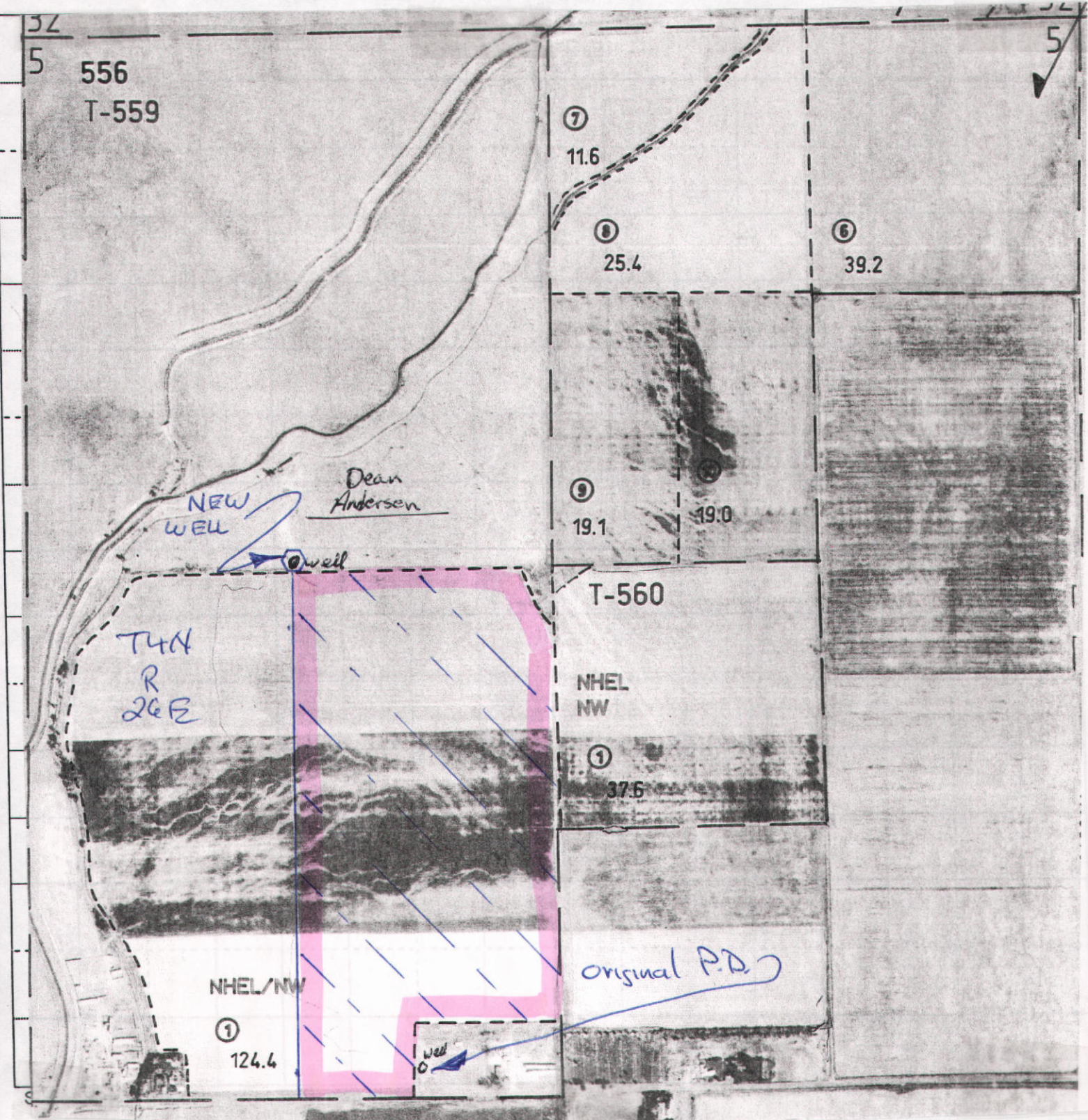


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

T69673

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.



MICROFILMED
OCT 17 2002

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 FEB. 14, 2002

and ending with the issue dated

FEB. 21, 2002

Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 22nd day of March

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

personally appeared

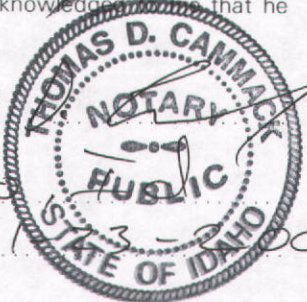
Colleen Babcock

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 that he
executed the same.

Thomas
Notary Public for Idaho

Residing at Arco

My commission expires: 3-2004



LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69673

JAY A. ANDERSEN, RT 1 BOX 41, MOORE
ID 83255, has filed Application No. 69673
for changes to the following water rights
within BUTTE County:

Right No. 34-2416B

Priority 5/16/1961

Source GROUND WATER

Use IRRIGATION (67 acres)

1.34 CFS 234.5 AFA

Total Amount

1.34 CFS 234.5 AFA

Point(s) of Diversion SWSESW S5 T04N
R26E

Place of Use S5 T04N R26E

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

The applicant intends to transfer his
point of diversion to an existing well in the
SWNW SEC 5 T04N 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 March 04, 2002. The protes-
tant must also send a copy of the protest to
the applicant.

KARL J. DREHER, Director

Published on February 14 and 21, 2002

MICROFILMED

OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69673

This is to certify that: JAY A ANDERSEN
RT 1 BOX 41
MOORE ID 83255
(208)527-3431

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>
34-2416B	WR/Decreed	05/16/1961	1 34 cfs	234 5 af		67 0	GROUND WATER

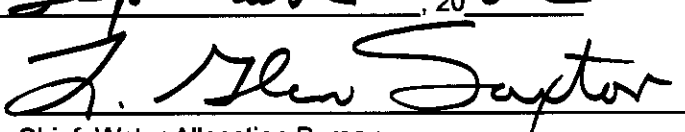
Purpose of Transfer (Changes Proposed)

<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>
34-2416B	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>
34-2416B	34-2416B	1.34 cfs	234.5 af	N/A	67.0		N/A	N/A	N/A	N/A
TOTALS		1.34 cfs	234.5 af	N/A	67.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of September, 2002

 Chief, Water Allocation Bureau

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DEC 17 2002

WATER RIGHT NO. 34-2416B
As Modified by Transfer No. 69673

In accordance with the approval of Transfer No. 69673, Water Right No. 34-2416B is now described as follows.

Right Holder: JAY A ANDERSEN
 RT 1 BOX 41
 MOORE ID 83255

Priority Date: 05/16/1961

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	1.34 CFS	234.5 AF
		1.34 CFS	234.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER **SWNW** Sec. 5 Twp 04N 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	
04N 26E 5									39.0			28.0					67.0

Total Acres 67

CONDITIONS OF APPROVAL

- 1 Rights 34-117D, 34-377B, 34-615, 34-2416B and 34-10669 when combined shall not exceed a total diversion rate of 3.518 cfs, a total annual maximum diversion volume of 469.0 af at the field headgate, and the irrigation of 134.0 acres.
- 2 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34
- 3 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- 4 This right does not grant any right-of-way or easement across the land of another.
- 5 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- 6 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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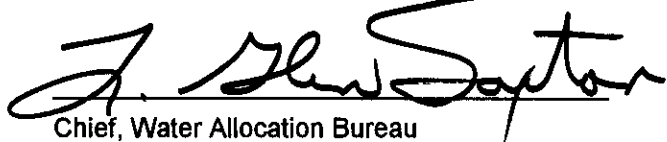
OCT 17 2002

WATER RIGHT NO. 34-2416B
As Modified by Transfer No. 69673

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
8. 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 18th day of September, 2002


Chief, Water Allocation Bureau

MICROFILMED
OCT 17 2002

57 290 Sur

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69673

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

me of Applicant JAY A. ANDERSEN Phone 208-527-3341

st Office address Rt 1 Box 41 Moore, ID 83255 RECEIVED

~~RECEIVED~~

MAR 28 2001

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 _____

Department of Water Resources

2. Describe the reason for the proposed changes An existing well north of my property & owned by my son Dean can better irrigate our ground.

. 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> |
|------------------------|-----------------|---------------------------|----------------------|----------------------|
| 34-2416B | 5/16/1961 | 1.34 cfs | Irrigation | 4-1 to 10-31 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred 1.34 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]

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17 2002

Total Acres 67

(69673)

PART 1

6. General Information:

a. Description of diversion system _____

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 _____.

MICROFILMED

For the Director OCT 17 2002

Page 1

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

Current Water Right No. 34-2416B**Priority Date:** 05/16/1961**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	4/01 10/31	1.34 CFS	234.5 AFA	
Total Diversion		1.34 CFS	234.5 AFA	

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	04N	26E	5	SWSESW		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	
04N	26E	5																	67.0

Total Acres: 67

Conditions/Remarks:

- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 134 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-00117D, 34-00377B, 34-00615 AND 34-02416B.
- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.518 CFS. COMBINED RIGHT NOS. 34-00117D, 34-00377B, 34-00615 AND 34-02416B.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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. SECTION 42-1412(6), IDAHO CODE.

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OCT 17 2002

page 4 of 6

769673

Page 2

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

Current Water Right No. 34-2416B

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?

NA.

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?

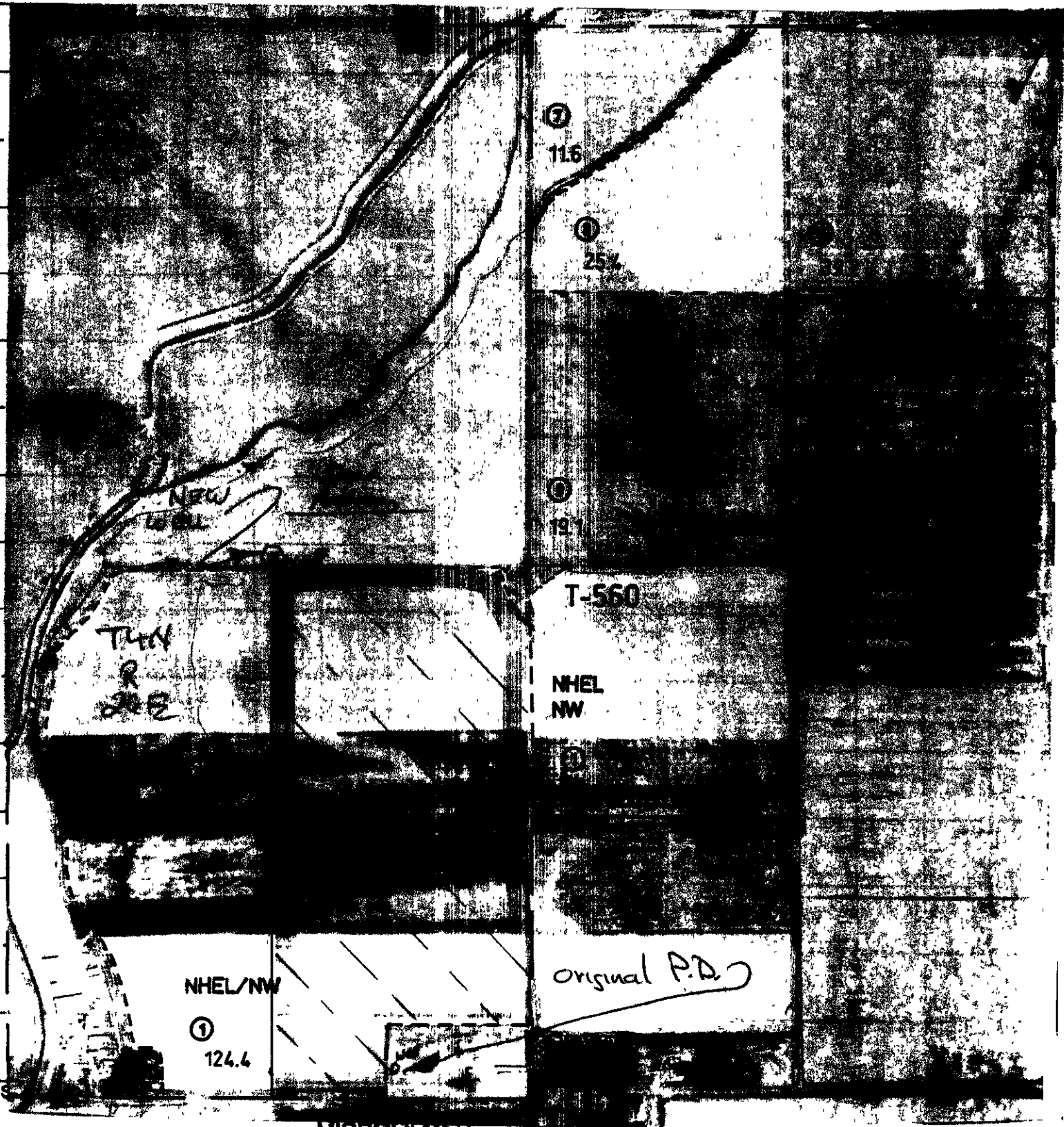
NO

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OCT 17 2002

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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.



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OCT 17 2002

CHANGES IN NATURE OF USE

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

Quantity and quality of return flows and location of discharge:

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.

Jay A. Anderson
(Signature of Applicant)

Subscribed and sworn to before me this 30 day of January, 2002

Berkman Shontz
(Notary Public)

My commission expires 4-17-03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments
Received by HWT Date 2-04-02 Protest filed by _____
Prelim. Check by _____ Fee \$290.00
Receipted by HWT # E027417 Date 2-04-02
Published in Arvo Advertiser Copies of protest forwarded by _____
Pub. Dates Feb 14 & 21, 2002 Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ by _____

Copy of transfer sent to lien holder _____

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JAN 11 2002

CHECK PAYABLE TO: 2001 TAX BILL/RECEIPT PARCEL NUMP
E COUNTY TAX COLLECTOR RP04N26E054
BOX 121, APC1, ID 83213 BILL# 2161 CODE AR 4-00 L 54
I 65

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	
301.66	TAX 301.66	TAX 1,603.32	HM-	119
	LATE	LATE		22
	INT	INT	NET MV	97
	COST	COST	WAC	5
	TOT	TOT	TOT ACS	143

ANDERSEN JAY A
RT 1 BOX 41
MOORE ID 83255

TAXING DISTRICT	RATE	AM
STATE	.000000000	
COUNTY	.005159026	50
SCHOOL #111	.007652425	74
CEMETERY	.000194854	1
FIRE	.000614777	5
LIBRARY	.000588031	5
HCSP DIST	.001537561	14
DISTRICT TOTAL	.015746724	1,52
SOLID WASTE FEE		7
AMOUNT DUE		1,60

NE4SW4

FR NW4SW4 T# 28-82
FR SE4SW4 T# 29-82
SW4SW4

FR NW4SW4 T#121

FR SE4SW4 T# 122; SEC 5

*** IMPORTANT ***

PLEASE READ BOTH FRONT AND BACK

*** MONTHLY PAYMENTS ARE ACCEPTED ***

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

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

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

RECEIPT NOT VALID UNTIL CHECK CLEARS BANK
THANK YOU

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

ANDERSEN, JAY A

MICROFILMED

OCT 17 2002

2ND HALF

AMOUNT DUE 801.66

E COUNTY
N26E054800A
-00

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

E PAID

CHECK #

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

ANDERSEN, JAY A

PAID

CHK NO 4643

DATE 12-20-01

AMOUNT DUE

E.O. Scan & Print

801.66

1,60

BUTTE COUNTY
RP04N26E054800A
4-00

LATE
INT
COST
TOT

LATE
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID

CHECK #

NO. 0037845

RECORDED

FEB 04 2002

10:30 AM
BUTTE COUNTY RECORDER
Sally W. Welch

EASEMENT

29 JANUARY 2002

I, Dean Andersen give Jay. A. Andersen an easement through my property the North West Quarter of Section 5 to a well site.

The legal description of well site is:

South West quarter of the North West quarter of Sec. 5-Township 4 North Range 26 East of Butte County, Idaho.

Dean Andersen

STATE OF IDAHO
COUNTY OF BUTTE SS

On this day of In the
year 2002 :before me, a Notary Public, personally appeared

known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged to me that
he executed the same.

Notary Public

Residing at

Idaho

MICROFILMED
OCT 17 2002

T 69673
ATTACHMENT 2 OF 2

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT IN THE NAME)
OF 34-0246B, -0246C)
M. TODD PERKES)
Jay & Dean Andersen)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for Butte County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code, and

WHEREAS, on June 26, 2001 Jay & Dean Andersen submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

- 1 Diversion and use of right no(s). 34-246B, -246C is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order
- 2 This temporary change approval does not authorize construction of a new well as a new point of diversion
- 3 This temporary change approval may only be used to provide a

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OCT 17 2002

MICROFILMED
AUG 08 2001

replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

- 4 Right(s) 34-246B, -246C are limited to the irrigation of a total of 107 acres in a single irrigation season
- 5 This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
- 6 The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
- 7 This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
- 8 The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
- 9 The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
- 10 This temporary change approval expires on 10-15-01 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 27th day of June, 2001


AUTHORIZED PERSON
IDWR

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AUG 08 2001

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OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

RECEIVED

(To change point of diversion, place of use or purpose of use)

JUN 26 2001

Department of Water Resources
Eastern RegionName of Applicant Jay Andersen & Dean Andersen Phone 527-3650Post Office Address Rt 1 Box 40 Moore IDA 83255

A. PURPOSE OF TRANSFER

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

2. Describe the proposed change(s) and the reason(s) thereof Adding point of diversion to facilitate delivery of water

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-2416C</u>	<u>5-16-1961</u>	<u>1.6</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
<u>34-2416B</u>	<u>5-16-1961</u>	<u>1.340</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>

2. Total amount of water being transferred 2.140 cubic feet per second and/or 307.5 acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Unit No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	1/4	2nd	5	4N	26E	Butte	
		SE	1/4	—	5	4N	26E		

5. Lands irrigated or place of use: Same ground

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	5														40			34-2416C
		5								39			28						34-2416B

Total Acres 107

MICROFILMED

OCT 17 2002

MICROFILMED

AUG 08 2001

Tadde
Parks
well

6. General Information:

- a. Who owns the water right to be changed? Dean Andersen
- ☒ Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
not changing place of use
- d. Has the water right sought to be transferred been used this year? no If yes, explain _____
- e. Absent the changes, how would the right be used for the remainder of the year? not possible to get water to place of use without transfer/change of POD.
- f. Describe other water rights used for the same purpose.
surface water
- g. Remarks: this transfer will be used when the surface water right is shut off due to drought

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an endangerment 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.

Jay A. Andersen
M. Togo Parker
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-26-01 Fee \$ 50.00

Receipted 6-26-01 # EO26863 Recommended: ☒ approve _____ deny _____

Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-09

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

X Water master control

Witness my hand this 27th day of June, 2001.

[Signature]
For the Director

MICROFILMED
MICROFILMED
OCT 17 2002
AUG 08 2001

Important Information About Your Water Right

December 14, 2001

JAY A ANDERSEN
JEAN P ANDERSEN
RT 1 BOX 41
MOORE, ID 83255

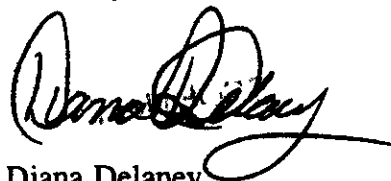
Dear Water Right Claimant(s):

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 34-02416B. 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 15, 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
OCT 17 2002

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-024168

1998 JAN 15 PM 1:08
DISTRICT COURT-SR3A
TWIN FALLS, IDAHO
FILED _____

NAME & ADDRESS: JAY A ANDERSEN
JEAN P ANDERSEN
RT 1 BOX 41
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 1.34 CFS
234.5 AFY

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.518 CFS.
COMBINED RIGHT NOS. 34-00117D, 34-00377B, 34-00615 AND 34-024168.

PRIORITY DATE: 05/16/1961

POINT OF DIVERSION: T04N R26E S05 SWSWS Within BUTTE County

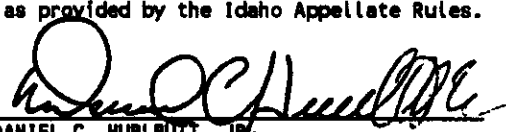
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.34 CFS 234.5 AFY

PLACE OF USE: IRRIGATION Within BUTTE County
T04N R26E S05 NESW 39 SESW 28
67 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 134 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS. 34-00117D, 34-00377B, 34-00615 AND 34-024168.

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 34-024168

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OCT 17 2002

PAGE 1
DEC-29-1997



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 20, 2002

JAY A ANDERSEN
RT 1 BOX 41
MOORE ID 83255

RE: Transfer No.: 69673 - Water Right 34-2416B - 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.

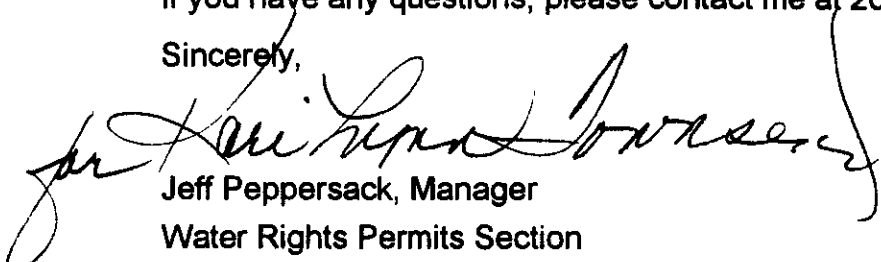
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14)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


Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

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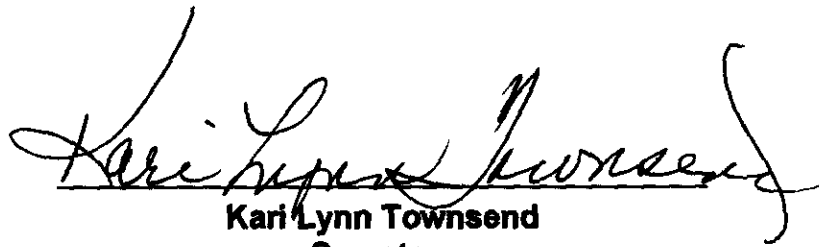
OCT 17 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69673 - WATER RIGHT 34-2416B

**JAY A ANDERSEN
RT 1 BOX 41
MOORE ID 83255**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 17 2002**



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

September 20, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHT 34-232416B - (Transfer 69673)

Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 69673) in the name Jay A. Andersen.

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

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

OCT 17 2002

**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).

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OCT 17 2002

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.

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OCT 17 2002

TRANSFER REVIEW SHEET

Trans # 69673

Date Reviewed 9-12-2002

WR No(s) 34-2416B

Split? Y N Y N Y N Y N Y N Y N

AREA OF CONCERN: No Yes ESPA

PURPOSE OF TRANSFER FOR EACH RIGHT:

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

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

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

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

GROUNDWATER: Easement dated 1-29-2002
Dean Anderson 34-2416C

SURFACE WATER:

DRILLING PERMIT
All wells NA 046 IRR well
DP upgrade req'd Y N (contact GW personnel) 9-11-02
WMD
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WD
≤ 0.20 cfs/others - R05 (WD# 34) WM comments rec'd 2-22-02
> 0.20 cfs - R02, 01P or No MD
R43
WB, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

WMD
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105

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)
STOCKWATER - R37 (all BLM/USFS)
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 p/ds in WD

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 X57 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N05/08/09-14
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:

T09 - on-going claim in SRBA*
T19 - replaces C18 and used on unchg'd portions in SRBA (Recomm. or PD)
*Edit condition to fit scenario if not ongoing in SRBA process

Protested - 020-X19
Water Quality - 106-R07

OTHER CONDITIONS/REMARKS X36/34-2416C

COMMENTS No Region Recommendation

Database files updated Y Approval form printed Y
Special Mailing Instructions (cc's, etc) Y

Database & Arcview Updates Complete.
9-19-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T 69673

INITIAL REVIEW BY: Dave C

1. Right number 34-2416 B Applicant JAY Anderson

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 NA

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 NONE

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

Right number(s) SW from BLR on same ground / NONE FROM WELL ^{NEW}

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

If yes, what district? 34-Doug R. 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* _____

4. By _____ Date _____

Carlsen, Ernie

From: Carlsen, Ernie
Sent: Friday, March 22, 2002 4:20 PM
To: Keen, Shelley; Shaff, Don
Cc: Curtis, Sharia; Ciscell, Michael
Subject: B34 Partial Decrees moved from AJ to WR Department of Water Resources

RECEIVED

MAR 28 2001

I have initiated moving the records, listed below and contained in the attached excel file, from AJ to WR. 34-2416B is the subject of transfer 69673 presently being processed in Eastern. Some of the rights may already be in the WR database as decreed since the partials were issued prior to the supplemental DR on season of use in Basin 34. Michael the POU shapes are good.

Basin	Sequence	Suffix	Status	Right ID	Version	Decree Date	Moved
34	117	D	Active	420345	1	12/14/2001	No
34	377	B	Active	420467	2	12/14/2001	No
34	615		Active	348935	1	12/14/2001	Yes
34	2416	B	Active	215670	1	12/14/2001	No
34	10669		Active	382804	1	12/14/2001	Yes



B34 Andersen PD
12-14-2001.xls...

Ernie

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OCT 17 2002

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 FEB. 14, 2002

and ending with the issue dated

FEB. 21, 2002
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 22nd day of March

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

personally appeared

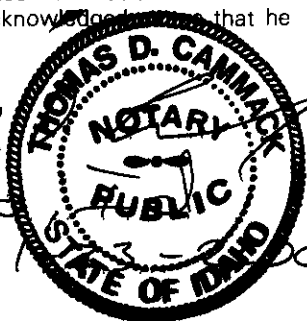
Colleen Babcock

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 that he executed the same

Thomas
Notary Public for Idaho

Residing at Arco

My commission expires



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OCT 17 2002

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 22 2002
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: **69673**

Applicant's Name: **Jay Andersen**

Watermaster's Recommendation:

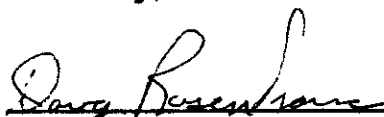
- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows: _____

- c) I oppose approval of this application for the following reasons: _____

- d) Additional Comment: _____

Dated this 8th day of February, 2002.

Water District No: **34**


Doug Rosenkrance, Watermaster

Use reverse side of page if you need more space.

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OCT 17 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

February 6, 2002

Doug Rosenkrance
WATERMASTER #34
PO Box 53
Mackay ID 83251

RE: Application for Transfer #69673 and 69674

Dear Doug:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by March 4, 2002.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W. Jones
Water Right Supervisor

HWJ:sc

Enclosure

MICROFILMED

OCT 17 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

February 06, 2002

JAY A ANDERSEN
RT 1 BOX 41
MOORE ID 83255

RE: Application for Transfer No 69673
Water Right No(s) 34-2416B

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 February 14 and 21, 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

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JUL 17 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
February 06, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
ARCO ADVERTISER
PO BOX C
ARCO ID 83213

RE: Transfer No. 69673 and 69674

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 March 4, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
2/6/2002
SC*

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OCT 17 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69673

JAY A ANDERSEN, RT 1 BOX 41, MOORE ID 83255, has filed Application No. 69673 for changes to the following water rights within BUTTE County:

Right No. 34-2416B

Priority 5/16/1961

Source GROUND WATER

Use IRRIGATION (67 acres) 1.34 CFS 234.5 AFA

Total Amount 1.34 CFS 234.5 AFA

Point(s) of Diversion SWSESW S5 T04N R26E

Place of Use S5 T04N R26E

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

The applicant intends to transfer his point of diversion to an existing well in the SWNW SEC 5 T04N 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 March 04, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 14 and 21, 2002

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OCT 17 2002