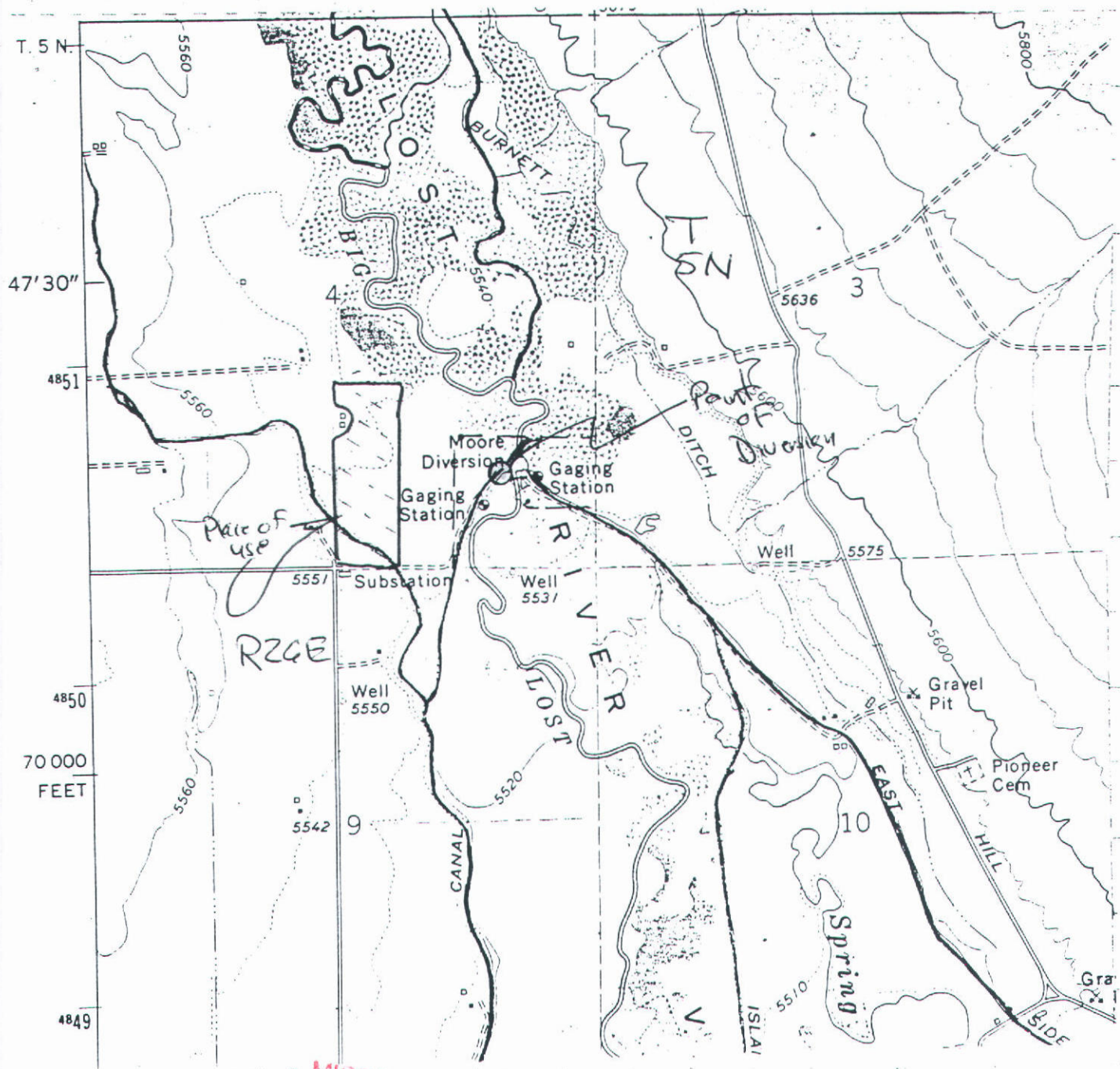


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-428A

WATER RIGHT NUMBER. 34-428A

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	JACK L WALKER RT 1 BOX 119 MOORE, ID 83255 (208)554-3282
Current Owner	MARTY T COBURN PO BOX 435 MOORE, ID 83255 (208) 554-3502
Current Owner	JODY K COBURN PO BOX 435 MOORE, ID 83255 (208) 554-3502
Directors Report Owner	LOIS J WALKER RT 1 BOX 119 MOORE, ID 83255 (208)554-3282
Directors Report Owner	DICK A BEVERLAND PO BOX 464 MOORE, ID 83255 (208)554-2781
Original Owner	MARIAN E KING RT 1 BOX 46 HAGERMAN, ID 83332 (208)837-6506

current owners

Priority Date. 06/01/1894

Basis Decreed

Status Active

Source

BIG LOST RIVER

Tributary

SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	0 600 CFS	
	<u>Total Diversion</u>	0 600 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER

NW1/4SE1/4SE1/4

Sec 4, Twp 05N, Rge 26E, B M

BUTTE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	26E	4	NE	NW	SW	SE	22 0
			6 0	16 0			

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2003

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00428	KING, MARIAN	C		06/01/1894	D/	BIG LOST RIVER	IRR	WR
T34-00428A	WALKER, JACK L	C		06/01/1894	D/	BIG LOST RIVER	P DECR	WR
	WALKER, LOIS J	C						
X34-00428C	WALKER, JACK	C		06/01/1894	D/	BIG LOST RIVER	IRR	WR
	WALKER, LOIS	C						

*34-00428A	WALKER, JACK L	C		06/01/1894	D/	BIG LOST RIVER	P DECR	AJ
	WALKER, LOIS J	C						
34-00428B	SPLIT RIGHT	C		06/01/1894	D/	BIG LOST RIVER	IRR	AJ
A34-00428	SPLIT RIGHT	C		06/01/1894	/Z	BIG LOST RIVER	IRR	AJ
						SPLIT RIGHT		
A34-00428A	BEVERLAND, DICK A	C		06/01/1894	D/	BIG LOST RIVER	IRR	AJ
A34-00428B	MORT, RONALD L	C		06/01/1894	D/	BIG LOST RIVER	IRR	AJ
R34-00428A	WALKER, JACK L	C		06/01/1894	D/	BIG LOST RIVER	P DECR	AJ
	WALKER, LOIS J	C						
R34-00428B	SPLIT RIGHT	C		06/01/1894	/Z	BIG LOST RIVER	IRR	AJ
						SPLIT RIGHT		
R34-00428C	WALKER, LOIS	C		06/01/1894	D/	BIG LOST RIVER	IRR	AJ
	WALKER, JACK	C						
R34-00428D	MORT, CHERYL D	C		06/01/1894	D/	BIG LOST RIVER	IRR	AJ
	MORT, RONALD L	C						

MICROFILMED
MAR 27 2000MICROFILMED
MAR 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5458
WATER RIGHT NO. 34-00428A

This is to certify that: JACK L WALKER
LOIS J WALKER
RT 1 BOX 119
MOORE ID 83255

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	0.60 CFS	77.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 06/01/1894

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 32, Township 06N, Range 26E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	26E	4	NWSE 6	SWSE 16		22
Total number of acres irrigated:						22

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. 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.
3. 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.
4. 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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MAR 22 2000

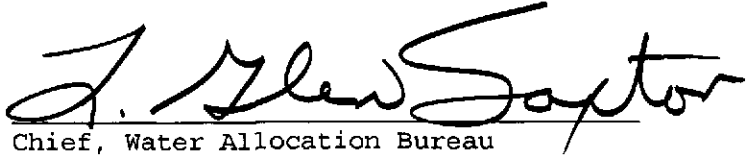
MICROFILMED

TRANSFER NO. 5458
WATER RIGHT NO. 34-00428A

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 9th day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED

MAR 22 2000

Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5458RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

APR 27 1999

PART 1

Department of Water Resources
Eastern RegionName of applicant JACK or Lois WALKER Phone (208) 554-3282
Post Office address RT 1 Box 119 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 _____

2. Describe the reason for the proposed changes This change will allow more effective irrigation on this piece of ground

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

1. Right Number 34-00428A Priority 6-01-1894 Amount (cfs/ae-ft) 0.60 cfs Nature of Use Irrigation Period of Use 5-01 to 10-15
2. Total amount of water being transferred 0.60 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Lost River tributary to Sinks
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion
	NW	SE	SE	4	5N	26E	Butte	Moore Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	26E	4														6	16		22

Total acres 22

305

PART 2

5458

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 34-00428A

NAME & ADDRESS: JACK L WALKER
LOIS J WALKER
RT 1 BOX 119
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.6 CFS

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION: T06N R26E S32 NWSENW Within BUTTE County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-15 0.6 CFS

PLACE OF USE: IRRIGATION Within BUTTE County
T05N R26E S04 NWSE 6 SWSE 16
22 ACRES TOTAL

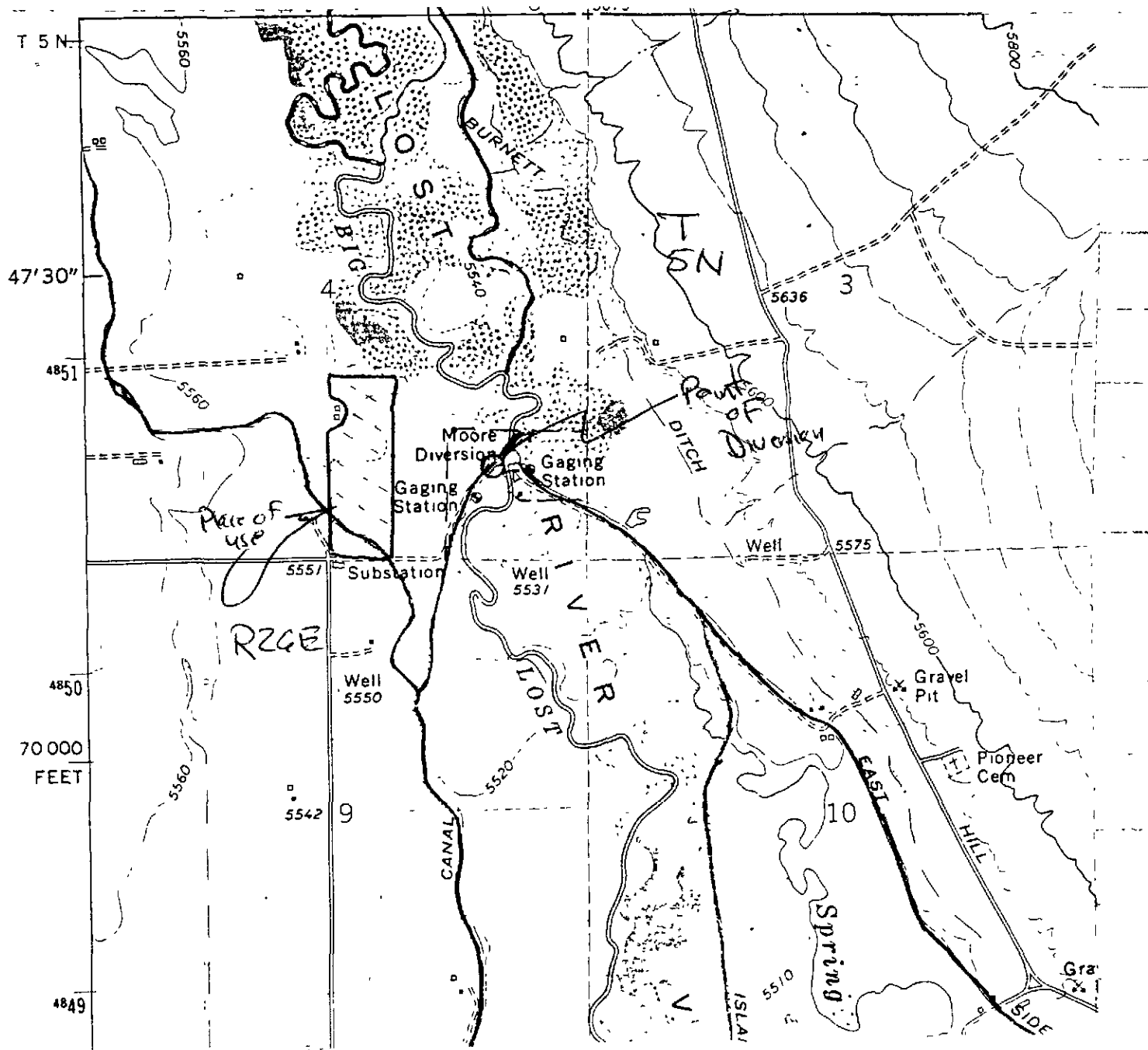
RULE 54(b) CERTIFICATE

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

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

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

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



MICROFILMED
 MAR 22 2000

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

1998 TAX BILL/RECEIPT

PARCEL NUMBER
RP05N26E047950A
7,282

BILL# 2542 CODE AREA 4-00 L

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV		7,282	
TAX	56.77	TAX	56.77	TAX	113.54				
LATE		LATE		LATE					
INT		INT		INT					
COST		COST		COST		WAC		2.000	
TOT		TOT		TOT		TOT ACS		38.000	

COBURN MARTY T
& COBURN JODY K
3158 N 3360 W
MOORE ID 83255

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004888807	35.60
SCHOOL #111	.007823058	56.96
CEMETERY	.000179706	1.30
FIRE	.000633463	4.60
LIBRARY	.000557880	4.06
HOSP DIST	.001512986	11.02
AMOUNT DUE	.015595900	113.54

W2W2SE4
SEC 4

*Son is buying ground
on contract from applicants!*

[Signature]

5-11-1999

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

Important Information About Your Water Right

June 7, 2002

Marty T Coburn
Jody Coburn
PO Box 435
Moore, ID 83255

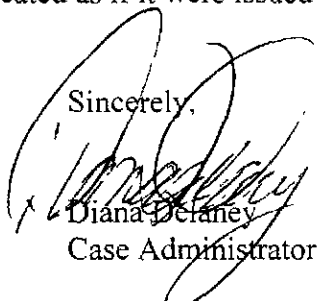
Dear Water Right Claimant(s):

Attached to this letter is a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 34-428A. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

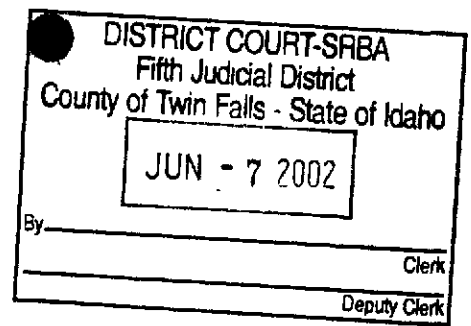
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist v Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on December 10, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this 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 on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana DeRaney
Case Administrator

Michael J. ...



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	)	Water Right 34-428A
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A ***Partial Decree*** was entered for the above-captioned irrigation water right on December 10, 1997. The period of use element was decreed as "irrigation season " In *A&B Irrigation Dist v Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, 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 *Supplemental Director's Report*

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

PERIOD OF USE: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

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 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 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 June 7, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
FEB 10 2004

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 34-00428A

DEC 10 PM 3:03

DISTRICT COURT OF
TWIN FALLS, IDAHO
FILED _____

NAME & ADDRESS: DICK A BEVERLAND
P O BOX 464
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.6 CFS

PRIORITY DATE: 06/01/1894

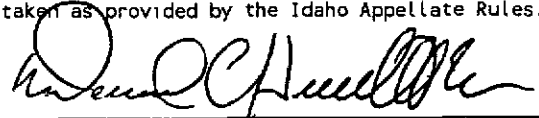
POINT OF DIVERSION: T06N R26E S32 NWSENW Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.6 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County
	T05N R26E S04	NWSE 6 SWSE 16
	22 ACRES TOTAL	

RULE 54(b) CERTIFICATE

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



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK WALKER
LOIS WALKER
RT 1 BOX 119
MOORE ID 83255

RE: TRANSFER OF WATER RIGHTS 34-00428A (Transfer 5458)

Dear Mr. & Mrs. Walker:

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5458). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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

Please feel free to contact the department if you have questions.

Sincerely,

Sharia Curtis

Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

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MAY 22 2000

MICROFILMED

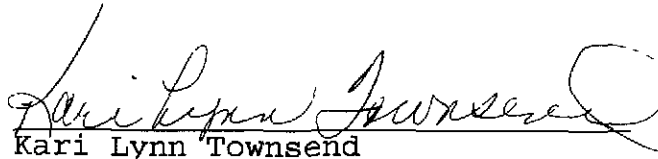
MAY 10 2000

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of **March**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHT 34-00428A (Transfer 5458

JACK WALKER
LOIS WALKER
RT 1 BOX 119
MOORE ID 83255


Kari Lynn Townsend
Secretary

MICROFILMED
MICROFILMED
APR 22 2000



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

August 28, 2003

JACK L WALKER
LOIS J WALKER
RT 1 BOX 119
MOORE ID 83255

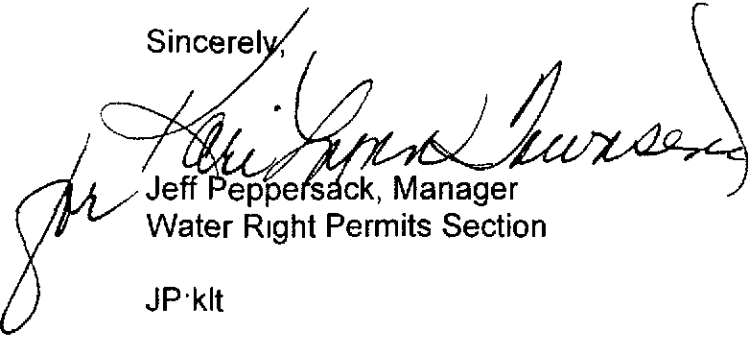
RE: Preliminary Order in the Matter of Transfer 5458 (Water Right 34-428A)

Dear Interested Parties:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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OCT 17 2003

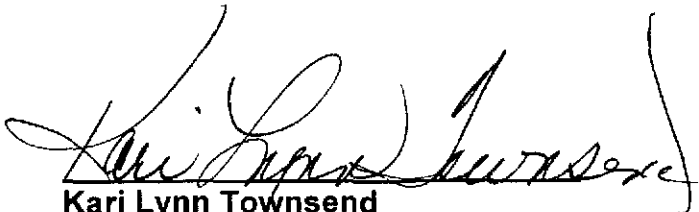
MICROFILMED
FEB 10 2004

CERTIFICATE OF SERVICE

I hereby certify that on **August 28, 2003**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Transfer 5458 - Water Right 34-428A

**JACK L WALKER
LOIS J WALKER
RT 1 BOX 119
MOORE ID 83255**



**Kari Lynn Townsend
Secretary**

MICROFILMED
OCT 07 2003

MICROFILMED
OCT 13 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
OCT 07 2003

MICROFILMED
SEP 11 1999

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
OCT 07 2003
NAC
100-100000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 9, 2000

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHTS 34-00320A/34-00428C/34-00894B
(Transfer 5457)
TRANSFER OF WATER RIGHT 34-00428A (Transfer 5458)

Dear Doug:

Enclosed are copies of the recently approved Transfers of Water Rights for the above referenced water rights (Transfers 5457 & 5458) in the name of Jack Walker & Lois Walker.

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

Sincerely,

Jeff Peppersack
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
MAR 22 2000

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FEB 10 2004

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

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MAR 22 2006

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Page 1

FEB 10 2006

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

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

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.

APPLICATION FOR TRANSFER OF
WATER RIGHT NO.

Walker, Jack & Laila

Transfer no. 5458

WATER DISTRICT:

WATERMASTER:

DATE: 5/24/99

RECEIVED

MAY 25 1999

Department of Water Resources
Eastern Region

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES X NO 34

COMMENTS: See attached page

P I do endorse approval of this change. *with condition*

I do not endorse approval of this change.

I recommend the following conditions of approval:

MICRO

FEB 10 2000

Doug R. Rasmussen
Watermaster
MICRO

MAR 22 2000

WATER DIST.#34
P.O. BOX 53
MACKAY, IDAHO 83251

5/24/99

RE: TRANSFER # 5458

JACK & LOIS WALKER

RECEIVED
MAY 25 1999
Department of Water Resources
Eastern Region

THIS PROPOSAL WILL BE CHANGING THE POINT OF DIVERSION FROM THE 3 & I CANAL TO THE MOORE CANAL AND IT WILL HAVE AN EFFECT UPON THE SHRINK IN THE RIVER. IT WILL BE DELIVERED FURTHER DOWN STREAM.

THE STATE SHOULD MAKE AN ADJUSTMENT FOR THIS SHRINK DIFFERENCE. ALSO, THE BIG LOST RIVER IRRIGATION DISTRICT WILL NEED TO APPROVE THIS CHANGE FOR THEM TO BE ABLE TO DELIVER THE WATER THROUGH THE MOORE CANAL FROM THE 3 & I.

THIS CHANGE WILL HAVE AN EFFECT UPON OTHERS ON THE DITCH, AND BLRID APPROVAL WILL BE NECESSARY.

DOUG ROSENKRANCE
WATERMASTER

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MAR 22 2000

MICROFILMED
APR 13 1999

RECEIVED

JUN 02 1999

AFFIDAVIT OF PUBLICATION Department of Water Resources
Eastern Region

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 *MAY 20, 1999*

and ending with the issue dated

MAY 27, 1999
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this *27th* day of *May*

in the year of *1999*, 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. [Signature]
Notary Public for Idaho

Residing at

Arco, Id

My commission expires

1-23-2004

NOTICE OF PROPOSED
CHANGE OF A
WATER RIGHT

No. T5458

Notice is hereby given that Jack or Lois
Walker, Rt 1 Box 119, Moore, ID 83255,
has applied to the Department of Water
Resources to change a point of diversion
of a surface water source. The right sought
to be changed are evidenced by a decree
and recorded as follows:

Decree No: 34-00428A

Amount: 0 60 cfs

Source: Big Lost River

Priority: 06/01/1894

Point of Diversion(s): NWSNW SEC 32
T06N R26E, Butte County

The water is used for irrigation of 22
acres within the SEC 4 T05N R26E, B.M

TO BE CHANGED AS FOLLOWS

The applicant intends to change the
point of diversion from the B&J Canal to
the Moore Canal

Any protests against the approval of the
proposed changes must be filed with the
Idaho Department of Water Resources,
900 N Skyline Dr. Ste A, Idaho Falls, ID
83402, together with a protest fee of
\$25.00 on or before June 7, 1999. The
protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER
Director

Published in The Arco Advertiser on
May 20 and 27, 1999.

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MICRO MAR 22 2003

SEP 10 2001

NOTICE PROPOSED CHANGE OF A WATER RIGHT
NO. T5458

Notice is hereby given that Jack or Lois Walker, Rt 1 Box 119, Moore ID 83255, has applied to the Department of Water Resources to change a point of diversion of a surface water source. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.: 34-00428A Source: Big Lost River
Amount: 0.60 cfs Priority: 06/01/1894
Point of Diversion(s): NWSEW SEC 32 T06N R26E, Butte County
The water is used for irrigation of 22 acres within the SEC 4 T05N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to change the point of diversion from the B & J Canal to the Moore Canal.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before June 7, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Arco Advertiser on May 20 and 27, 1999.

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APR 13 1999

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APR 22 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 1999

ARCO ADVERTISER
PO DRAWER C
ARCO ID 83213

Dear Publisher:

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

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

Please send the affidavit of publication and publication billing to this office before June 7, 1999.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

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FEB 19 2004
MICROFILMED
MAY 22 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK OR LOIS WALKER
RT 1 BOX 119
MOORE ID 83255

RE: Application for Transfer # 5458

Dear Applicant:

This office is currently in the process of advertising the application in the Arco Advertiser on May 20 and 27, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

MAR 22 2000

APR 10 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 1999

DOUG ROSENKRANCE
WATERMASTER # 34
PO BOX 53
MACKAY ID 83251

RE: Application for Transfer #5457 and #5458

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 June 7, 1999.

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

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

RECEIVED
MAY 12 2000
FEB 10 2000