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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5457
WATER RIGHT NO(S). 34-00320A/34-00428C/34-00894B

This is to certify that: JACK WALKER
LOIS 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>
Right No. 34-00320A :			
IRRIGATION	05/01 to 10/15	1.01 CFS	213.5 AF
Priority: 09/26/1894			
Right No. 34-00428C :			
IRRIGATION	05/01 to 10/15	0.36 CFS	63.0 AF
Priority: 06/01/1894			
Right No. 34-00894B :			
IRRIGATION	05/01 to 10/15	0.36 CFS	138.5 AF
Priority: 06/01/1895			
TOTAL:		* 1.73 CFS	* 213.5 AF

SOURCE

BIG LOST RIVER

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 4, Township 05N, Range 26E
SESW , 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	SWSW 37	NWSE 7	SWSE 17	61
Total number of acres irrigated:						61 **

MICROFILMED

MAR 17 2000

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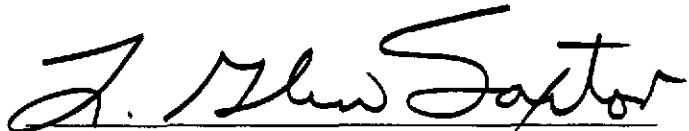
JAN 15 2001

TRANSFER NO. 5457
WATER RIGHT NO(S). 34-00320A/34-00428C/34-00894B

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. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
- * 6. Rights 34-00320A, 34-00428C, 34-00894B, 34-02447B and 34-10930B when combined shall not exceed a total diversion rate of 1.74 cfs, the maximum diversion volume of 213.5 af at the field headgate and the irrigation of 61 acres.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5457 shall not exceed 1.73 cfs, nor a total combined annual volume of 213.5 af.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 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.
- ** 10. Right 34-00428C is limited to the irrigation of 18 acres within the place of use described above in a single irrigation season.

Dated this 9th day of March, 2000.


Chief, Water Allocation Bureau

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MAR 17 2000

RECEIVED

APR - 7 1998

Department of Water Resources
Adjudication Bureau

1998 MAR 31 PM 2:01

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

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

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-00320A
_____	)	

On February 26, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-00320A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 31, 1998.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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APR 1 1998

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 34-00320A

1998 MAR 31 PM 2:01

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

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

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.014 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.74 CFS. COMBINED RIGHT NOS.:
34-00428C, 34-00894B, 34-02447B AND 34-10930B.

PRIORITY DATE: 09/26/1894

POINT OF DIVERSION: T06N R26E S32 NWSNW Within BUTTE County

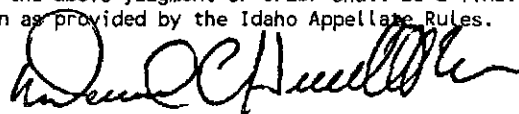
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.014 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County
	T05N R26E S04	SWSW 37 NWSE 7 SWSE 17
	61 ACRES TOTAL	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 61 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00428C, 34-00894B,
34-02447B AND 34-10930B.

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

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00320	SOUTH, MAUDE A.	C	09/26/1894	D/	BIG LOST RIVER	IRR	WR
X34-00320A	WALKER, LOIS	C	09/26/1894	D/	BIG LOST RIVER	IRR	WR
	WALKER, JACK	C					

34-00320	SPLIT RIGHT	C	09/26/1894	D/	BIG LOST RIVER	IRR	AJ
A34-00320	WALKER, JACK	C	09/26/1894	D/	BIG LOST RIVER	IRR	AJ
	WALKER, LOIS	C					
R34-00320	SPLIT RIGHT	C	09/26/1894	/Z	BIG LOST RIVER	IRR	AJ
					SPLIT RIGHT		
R34-00320A	WALKER, JACK	C	09/26/1894	D/	BIG LOST RIVER	IRR	AJ
	WALKER, LOIS	C					
R34-00320B	MORT, RONALD L	C	09/26/1894	D/	BIG LOST RIVER	IRR	AJ
	MORT, CHERYL D	C					

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MAR 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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 34-00320A/34-00428C/34-00894B
(Transfer 5457)

Dear Mr. & Mrs. Walker:

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5457). 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

for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

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MAR 17 2000

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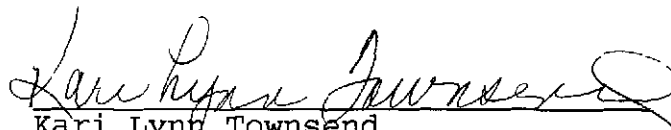
MAR 15 2000

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 34-00320A/34-00428C/34-00894B
(Transfer 5457)

JACK WALKER
LOIS WALKER
RT 1 BOX 119
MOORE ID 83255


Kari Lynn Townsend
Secretary

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MAR 17 2000
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MAR 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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,

Kari Lynn Jensen
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
MAR 17 2000

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MAR 15 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 17 2000

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SEP 15 2000

RECEIVED

JUN 02 1999

Department of Water Resources
Eastern Region

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 *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. Lunt
Notary Public for Idaho

Residing at *Arco, ID*

My commission expires *1-23-2004*

**NOTICE OF PROPOSED
CHANGE OF A
WATER RIGHT**

No. T5457

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 add a point of diversion of a surface water source. The rights sought to be changed are evidenced by SRBA Claims and recorded as follows:

SRBA Recommendation No.: 34-00320A

Amount: 1.01 cfs

Source: Big Lost River

Priority: 09/26/1894

SRBA Recommendation No.: 34-00894B

Amount: 0.36 cfs

Source: Big Lost River

Priority: 06/01/1895

SRBA Recommendation No.: 34-00428C

Amount: 0.26 cfs

Source: Big Lost River

Priority: 06/01/1894

Point of Diversion(s): NWSESE SEC 4
T06N R26E, Butte County.

The water is used for irrigation of 61 acres within the SEC 4 T05N R26E, B.M.

TO BE CHANGED AS FOLLOWS

The applicant intends to add a point of diversion which will be the Moore Canal. This will allow easier irrigation of the two pieces of ground involved

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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MAY 17 2000

FILED

APPLICATION FOR TRANSFER OF
WATER RIGHT NO.

Walker, Jack or Jane
Transfer no 5457

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 pages

X I do endorse approval of this change. *with change conditions*
I do not endorse approval of this change.

I recommend the following conditions of approval:

Harry Rosenhouse
Watermaster

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MAR 17 2000

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MAR 17 2000

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

RECEIVED

MAY 25 1999

Department of Water Resources
Eastern Region

5/24/99

RE: TRANSFER # ~~25457~~ 5457

JACK & LOIS WALKER

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 17 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**

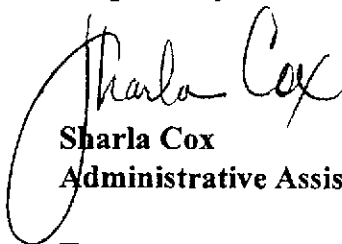
Dear Publisher:

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.

REMICROFILMED

MAY 17 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5457

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 add a point of diversion of a surface water source. The rights sought to be changed are evidenced by SRBA Claims and recorded as follows:

SRBA Recommendation No.: 34-00320A Source: Big Lost River
Amount: 1.01 cfs Priority: 09/26/1894

SRBA Recommendation No.: 34-00894B Source: Big Lost River
Amount: 0.36 cfs Priority: 06/01/1895

SRBA Recommendation No.: 34-00428C Source: Big Lost River
Amount: 0.26 cfs Priority: 06/01/1894
Point of Diversion(s): NWSESE SEC 4 T06N R26E, Butte County

The water is used for irrigation of 61 acres within the SEC 4 T05N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add a point of diversion which will be the Moore Canal. This will allow easier irrigation of the two pieces of ground involved.

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.

MICROFILMED

MAR 17 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

BIG LOST RIVER IRRIGATION DISTRICT
C/O RON SCHNABEL
101 S MAIN AVE
MACKAY ID 83251

RE: Application for Transfer #5457 and #5458

Dear Ron:

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.

MICROFILMED

MAR 17 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.

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MAR 17 2002



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 # 5457

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

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MAY 17 2009