

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 28, 1998

and ending with the issue dated

JUNE 4, 1998
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 11th day of June

in the year of 1998, 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. T5268

Notice is hereby given that Richard
Reynolds, Rt 1 Box 73, Moore, ID 83255,
has applied to the Department of Water
Resources to change the 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.: 34-00301E

Amount: 1.80 cfs

Source: Big Lost River

Priority: 05/01/1885

Point(s) of Diversion: NWSE SECT
4 TO5N R26E, BUTTE COUNTY

The water is used for irrigation of 95
acres from 5/01 to 10/15 within the NE¼
SEC 15 T04N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to move the point
of diversion from the Moore Canal to the
Eastside Ditch which is approximately 100
feet away.

Any protests against approval of the
proposed changed must be filed with the
Idaho Department of Water Resources,
900 N Skyline Dr., Idaho Falls, ID 83402,
together with a protest fee of \$25 on or
before June 15, 1998. The protestant
must also send a copy of the protest to
the applicant.

KARL J. DREHER
Director

Published in The Arco Advertiser on
May 28 and June 4, 1998.

RECEIVED

JUN 15 1998

Department of Water Resources
Eastern Region

MICROFILMED

AUG 05 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5268
WATER RIGHT NO. 34-00301E

This is to certify that: **RICHARD REYNOLDS**
RT 1 BOX 73
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	1.80 CFS	332.5 AF

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

Priority: 05/01/1885

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 4, Township 05N, 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>
04N	26E	15	NENE 10	NWNE 35	SWNE 38	95
			SENE 12			95

Total number of acres irrigated: 95

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 period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of April 20th and an ending date of October 31st at the discretion of the watermaster of Water District 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 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.

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TRANSFER NO. 5268
WATER RIGHT NO. 34-00301E

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Water is delivered through Eastside Canal.

Dated this 28th day of June, 1999.


Chief, Water Allocation Bureau

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AUG 05 1999

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

In Re SRBA)
)
Case No. 39576)
_____)

Water Right 34-00301E

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

A *Partial Decree* was entered for the above-captioned irrigation water right on April 14, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 05-01 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:

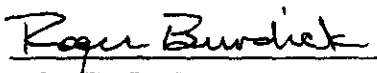
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

RULE 54(b) CERTIFICATE

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

Dated December 14, 2001



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

Important Information About Your Water Right

December 14, 2001

RICHARD REYNOLDS
RT 1 BOX 73
MOORE, ID 83255

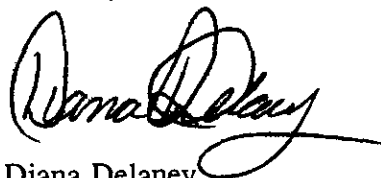
Dear Water Right Claimant(s):

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 34-00301E. 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 April 14, 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

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

4-14

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00301E

1998 APR 14 PM 2:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: RICHARD REYNOLDS
RT 1 BOX 73
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.8 CFS

PRIORITY DATE: 05/01/1885

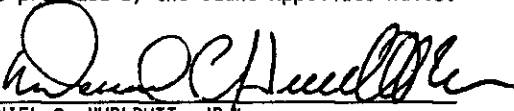
POINT OF DIVERSION: T05N R26E S04 NWSESE Within BUTTE County

PURPOSE AND				
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY	
	IRRIGATION	Irrigation Season	1.8 CFS	

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T04N R26E S15	NENE 10	NWNE 35	SWNE 38	SENE 12
	95 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

June 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD REYNOLDS
RT 1 BOX 73
MOORE ID 83255

RE: Water Right 34-00301E (Transfer 5268)

Dear Mr. Reynolds:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5268). 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 a **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,

L. Glen Saxton
for L. GLEN SAXTON, Chief
Water Allocation Bureau

LGS:klt

Enclosure

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AUG 05 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 34-00301E (Transfer 5268)

**RICHARD REYNOLDS
RT 1 BOX 73
MOORE ID 83255**


Kari Lynn Townsend
Secretary

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AUG 05 1999



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

June 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHT 34-00301EC (Transfer 5268)

Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5268) in the name of Richard Reynolds.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at 208-327-7947.

Sincerely,

Jar L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosures

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AUG 05 1999

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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AUG 05 1999

MEMORANDUM

TO: File 34-00301E

FROM: Pam Skaggs/*PS* State Office

SUBJECT: Transfer 5268

DATE: June 18, 1999

Transfer 5268 changes the point of diversion under Right 34-00301E. The applicant is changing his delivery system from the Moore Canal to the Eastside Canal. The watermaster of Water District 34 has endorsed approval of this change.

Recommended conditions include extended season limits, watermaster control, measuring device & lockable controlling works, irrigation overlap, and standard transfer conditions.

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AUG 05 1999

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 28, 1998*

and ending with the issue dated

JUNE 4, 1998

Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this *11th* day of *June*

in the year of *1998*, before me, a Notary Public,

personally appeared

Colleen Babcock

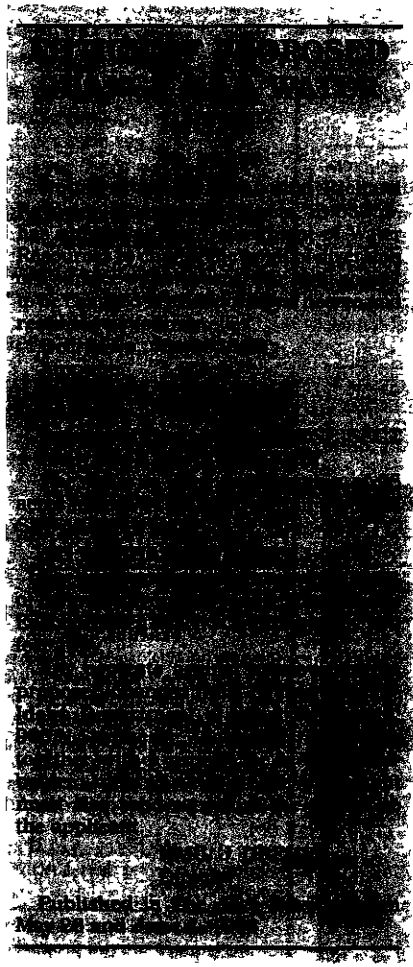
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same

Thomas D. Curran

Notary Public for Idaho

Residing at *Arco, Id*

My commission expires *1-23-2004*



RECEIVED

JUN 15 1998

Department of Water Resources
Eastern Region

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AUG 05 1999

Water

APPLICATION FOR TRANSFER OF
WATER RIGHT NO.

Transfer #5268

WATER DISTRICT: [#]34
WATERMASTER: Doug Rosenkranz
DATE: 6-1-98

JUN 02 1998

Department of
Eastern Dist

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

YES ☒ NO ☐

COMMENTS:

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Doug Rosenkranz
Watermaster

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AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

May 21, 1998

KARL J. DREHER
DIRECTOR

DOUG ROSENKRANCE
PO BOX 53
MACKAY ID 83251

RE: Application for Transfer #5268

Dear Sir:

Please find enclosed a copy of the above referenced application for transfer. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, 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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AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 20, 1998

ARCO ADVERTISER
PO DRAWER C
ARCO ID 83213

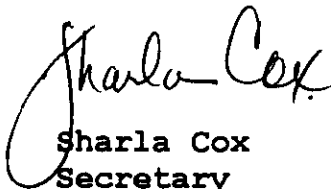
Dear Publisher:

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 15, 1998.

Yours truly,


Sharla Cox
Secretary

Enc.

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AUG 05 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5268

Notice is hereby given that Richard Reynolds, Rt 1 Box 73, Moore, ID 83255, has applied to the Department of Water Resources to change the 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.: 34-00301E Source: Big Lost River
Amount: 1.80 cfs Priority: 05/01/1885
Point(s) of Diversion: NWSESE SECT 4 T05N R26E, BUTTE COUNTY

The water is used for irrigation of 95 acres from 5/01 to 10/15 within the NE1/4 SEC 15 T04N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to move the point of diversion from the Moore Canal to the Eastside Ditch which is approximately 100 feet away.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before June 15, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Arco Advertiser on May 28 and June 4, 1998.

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AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD REYNOLDS
RT 1 BOX 73
MOORE ID 83255

RE: Application for Transfer #5268

Dear Applicant:

This office is currently in the process of advertising the application in the Arco Advertiser on May 28 and June 4, 1998. 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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AUG 05 1999