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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TEMPORARY TRANSFER NO. 4393
WATER RIGHT NO(S). 34-00228B/34-00856H

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDA FMHA
KENT STOKES
3232 ELDER ST
BOISE ID 83705

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 42-222A, 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. 34-00228B :			
IRRIGATION	05/01 to 10/15	0.80 CFS	133.0 AF
Priority: 06/01/1884			
Right No. 34-00856H :			
IRRIGATION	05/01 to 10/15	0.80 CFS	175.0 AF
Priority: 04/30/1884			
	TOTAL:	1.60 CFS	308.0 AF

SOURCE

BIG LOST RIVER

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 26, Township 04N, 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>ACRES</u>	<u>TOTAL</u>
03N	27E	10	SWNE 20	NENW 38	NWNW 38		
			SWNW 39	SEnw 40	NWSE 39		214
				Total number of acres irrigated:			* 214

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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TEMPORARY TRANSFER NO. 4393
WATER RIGHT NO(S). 34-00228B/34-00856H

CONDITIONS/REMARKS:

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
6. This approval expires November 1, 1994 and thereafter the right reverts to the use existing prior to the temporary change.
- * 7. Right No. 34-00228B is limited to the irrigation of 38 acres in the place of use described above in a single irrigation season.
- * 8. Right No. 34-00856H is limited to the irrigation of 50 acres in the place of use described above in a single irrigation season.

Dated this 4th day of August, 1994.


Chief, Water Alloc. Bureau

MICROFILMED
AUG 20 1994

7/92

Ident. No. 4393

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

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

RECEIVED

JUL 20 1994

Name of applicant AMERICA ACTING THROUGH UNITED STATES
(FMHA) & LENT STOCKS

Department of Water Resources

Phone 527-3470Post Office address P.O. Box 613 ARCO ID 83213**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) therefor TO HAVE A CRSP.**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Right Number	Priority	Amount	Nature	Period of Use
<u>34-008544</u>	<u>04-30-1984</u>	<u>8 CFS</u>	<u>IRRIGATION</u>	<u>05-01</u> to <u>10-15</u>
<u>34-00228B</u>	<u>06-01-1984</u>	<u>8 CFS</u>	<u>IRRIGATION</u>	<u>05-01</u> to <u>10-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.6 cubic feet/second and/or 230 acre-feet per annum.3. Source of water BIG LOST RIVER tributary to SLUICKS

4. Point(s) of Diversion.

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	NW	NW	26	4N	26E	BUTTE	ARCO DIVERSION

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	21E	10			20		38	38	39	40						29			272

Total acres 272
Acre Farm

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00228B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.80 CFS

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

Priority: 06/01/1884

LOCATION OF POINT(S) OF DIVERSION: SENWNW , Sec. 34, Township 07N, Range 24E
CUSTER 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>
06N	26E	7	NESE	38		38
Total number of acres irrigated:						38

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
2. WATER IS DELIVERED THROUGH BURNETT DITCH.

MICROFILMED
JUL - 8 2003

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00856H

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.80 CFS

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

Priority: 04/30/1884

LOCATION OF POINT(S) OF DIVERSION: NWNWNE , Sec. 24, Township 06N, Range 25E
CUSTER 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>
06N	26E	20	SWNW 10	NWSW 40		50
Total number of acres irrigated:						50

CONDITIONS/REMARKS:

1. WATER IS DELIVERED THROUGH LOWER BURNETT DITCH.

MICROFILMED
JUN 21 1988

6. General Information:

a. Who owns the water right to be changed?

FWITH
LEUT STOKES
TRANSFERRED

DARRYL McDONALD
(SPENCER TOWNE)
TRANSFERRED

b. Describe the arrangement allowing use of the right

EMERGENCY DROUGHT
DECLARATION BUTTE & CUSTER CO.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:

EFFECTIVE 1994 IRRIGATION SEASON ONLY

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?

TO FILLISH CROP

f. Describe other water rights used for the same purpose.

See Attached sheet

g. Remarks:

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 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.



(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by

HWT

Date 7-14-94

Fee \$50

Receipted

7-14-94

#15020039

Recommend:

approve

deny

Watermaster recommendation

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No.

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

Witness my hand this day of , 199

MICROFILMED

APR 20 2003

Important Information About Your Water Right

December 14, 2001

KENT L STOKES
AMY F STOKES
PO BOX 613
ARCO, ID 83213

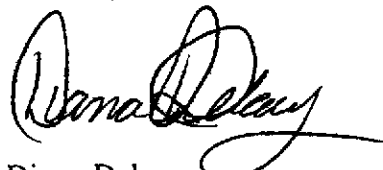
Dear Water Right Claimant(s):

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 34-00228B. 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 29, 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 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. MICROFIL

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

In Re SRBA)
)
)
Case No. 39576)

Water Right 34-00228B

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 December 29, 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, 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

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

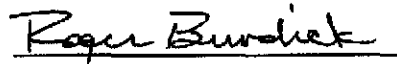
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

RULE 54(b) CERTIFICATE

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

Dated December 14, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
AUG 20 2003

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

In Re SRBA)

Water Right 34-00228B

Case No. 39576)

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 December 29, 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, 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

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

ROGER BURDICK

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

DEC 14 2001

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 34-002288

1997 DEC 29 PM 4:34
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: AMY F STOKES
KENT L STOKES
PO BOX 613
ARCO ID 83213

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 0.8 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T07N R24E S34

SENWNW

Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

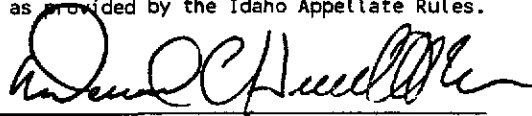
QUANTITY
0.8 CFS

PLACE OF USE: IRRIGATION
T06N R26E S07
38 ACRES TOTAL

Within BUTTE County
NESE 38

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

MICROFILMED

2007 12 11 2007