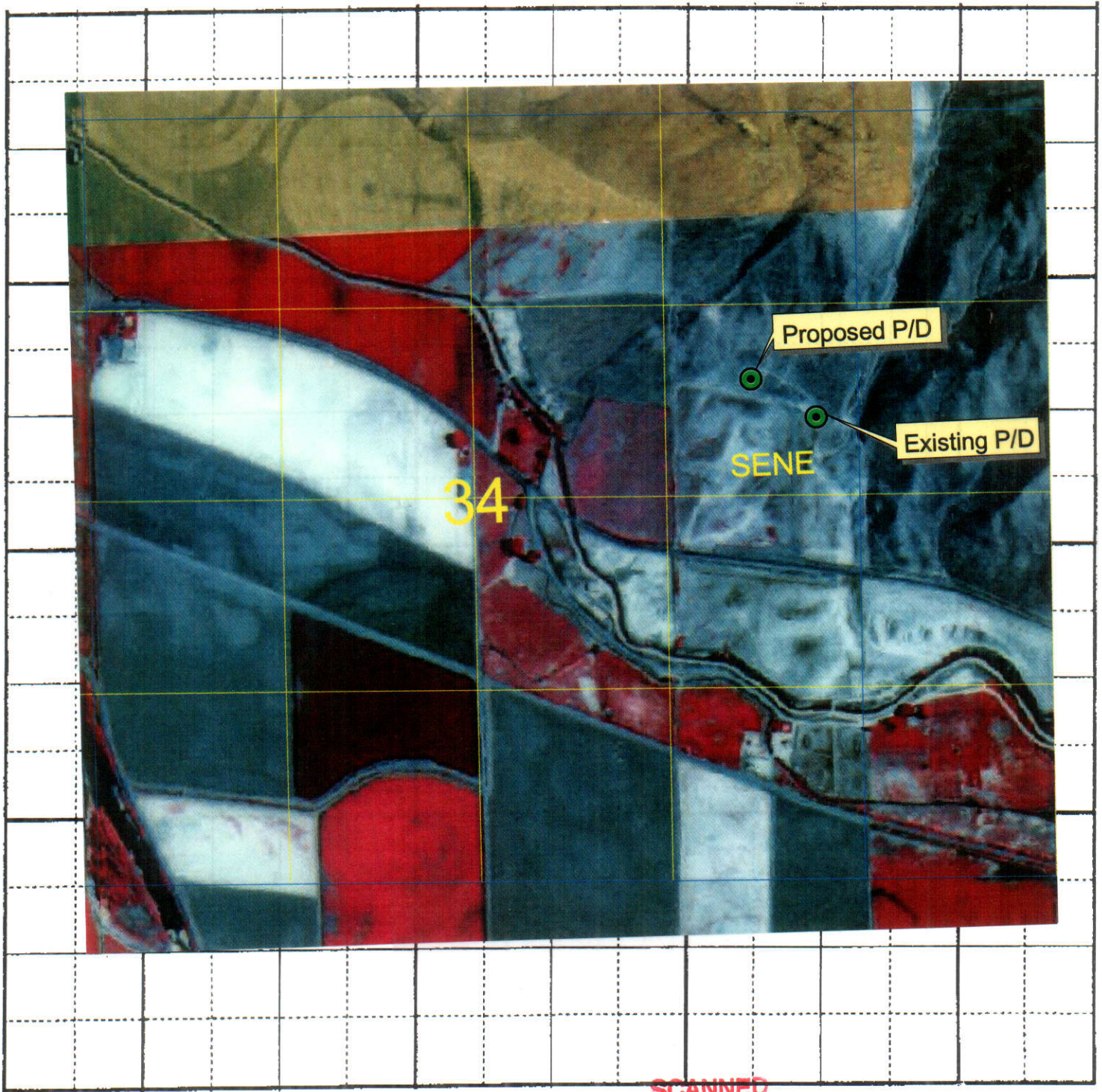


STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- 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.



SCANNED

NOV 15 2002

Nº 1718

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO  
County of Washington

) ss.

Sarah Bales, being duly sworn,  
deposes and says:

That he/she is the Clerk of  
THE WEISER SIGNAL AMERICAN, a bi-weekly news-  
paper published at Weiser, in the County of Washington  
and State of Idaho; that said paper has been and is in  
general circulation in the county aforesaid, and in the  
vicinity of Weiser; that the advertisement, a copy of which  
is attached hereto, was published in said newspaper once a  
week for two consecutive weeks in the regular and  
entire issue of said paper during the period and time of  
publication, and was published in the newspaper proper  
and not in a supplement; that said paper has been estab-  
lished and regularly published for more than seventy-eight  
consecutive weeks prior to the date of first publication of  
said advertisement.

Such notice was published in the issue beginning with  
August 21, 2002, and ending  
with the issue of August 28, 2002

Fees \$ 124.34  
Sarah Bales

Subscribed and sworn to before me this 28  
day of August, 2002

Judith A. Pearson  
Notary Public, residing at Weiser, Idaho  
My commission expires Feb., 2008

No. 1718  
NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
TRANSFER NO. 70078

S&S LAND AND CATTLE CO.

1765 FAIRVIEW

WEISER, ID 83672, has filed Application No. 70078  
for changes to the following water rights within  
WASHINGTON County:

Right No. 67-10245

Priority: 3/1/1977

Source: GROUNDWATER

Use STOCKWATER (0 acres) 0.23 CFS

Total Amount: 0.23 CFS

Point(s) of Diversion: SESENE S34 T11N R05W

Place of Use: S34 T11N R05W

Remark: Applicant proposes to add a second well  
to an existing single well system serving 1000  
range cattle. The second well will be in the same  
location as the original well. A new well is needed  
due to declining production in the original well.  
This right serves part of a larger cattle operation  
consisting of several unconnected well. Each well  
serves a limited number of cattle within the over-  
all operation, and each well has a separate water  
right. The other water rights in this operation are  
not affected by this transfer application.

Protests may be submitted based on the criteria of  
Sec 42-222, Idaho Code.

Any protest against the proposed change must  
be filed with the Department of Water Resources,  
Western Region, 2735 Airport Wy., Boise, ID  
83705 together with a protest fee of \$25.00 for  
each application on or before September 09, 2002.  
The protestant must also send a copy of the  
protest to the applicant.

KARL J. DREHER, Director  
Published in the Weiser Signal on August 21 and  
28, 2002. 56-2S

RECEIVED

AUG 30 2002

MICROFILMED

MAR 20 2003

PROFILED

DATE 11/15/02

SCANNED

NOV 15 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 70078

This is to certify that: S & S LAND AND CATTLE CO  
1765 FAIRVIEW  
WEISER ID 83672  
(208)549-2423

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 67-10245     | WR/Decreed          | 03/01/1977      | 0.23 cfs    | N/A           |              |              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 67-10245              | NO           | NO         | NO         | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 67-10245              | 67-10245                         | 0.23 cfs             | 14.6 af                | N/A               | N/A                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                  | <b>0.23 cfs</b>      | <b>14.6 af</b>         | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 22<sup>nd</sup> day of January, 2003



Chief, Water Allocation Bureau

SCANNED

JAN 29 2003

**WATER RIGHT NO. 67-10245**  
**As Modified by Transfer No. 70078**

In accordance with the approval of Transfer No. 70078, Water Right No. 67-10245 is now described as follows.

**Right Holder:** S & S LAND AND CATTLE CO  
1765 FAIRVIEW  
WEISER ID 83672

**Priority Date:** March 01, 1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 01/01       | to 12/31  | 0.23 CFS              | 14.6 AF       |
|                       |             |           | 0.23 CFS              | 14.6 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NESENE   Sec. 34 Twp 11N   Rge 05W WASHINGTON  
County

GROUND WATER                      SESENE   Sec. 34 Twp 11N   Rge 05W WASHINGTON  
County

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 11N 05W 34  |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. The total instantaneous diversion of water from all points of diversion under Right 67-10245 shall not exceed 0.23 cfs, nor total combined annual volume of 14.6 af.
2. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
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.

SCANNED

JAN 29 2003

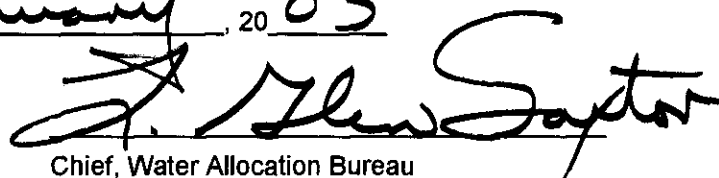
**WATER RIGHT NO. 67-10245**  
**As Modified by Transfer No. 70078**

**CONDITIONS OF APPROVAL**

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Place of use is also known as Parcel No. RP 003090 A.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22<sup>nd</sup> day of January, 2003

  
Chief, Water Allocation Bureau

SCANNED

JAN 29 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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 67-10245

NAME AND ADDRESS: S & S LAND AND CATTLE CO  
430 STATE ST  
WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.23 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/01/1977

POINT OF DIVERSION: T11N R05W S34 SESENE Within Washington County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.23 CFS |

PLACE OF USE: Stockwater Within Washington County  
T11N R05W S34 SENE

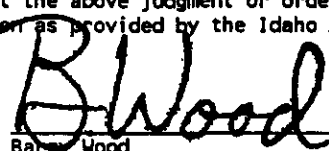
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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).

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.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

## PART 1

Total acres \_\_\_\_\_

**PART 1**

**6. General Information:**

a. Description of diversion system 2 6" wells Pipe and Cattle  
Groughs

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

N/A

d. Remarks:

Well to serve 1000 head of  
Beef cattle

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**SCANNED**

**NOV 15 2002**

IDAHO DEPARTMENT OF WATER RESOURCES

~~Water Right Number 67-10245~~

WATER RIGHT NUMBER: 67-10245

|                   |                                                                               |
|-------------------|-------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                       |
| Current Owner     | S & S LAND AND CATTLE CO<br>430 STATE ST<br>WEISER, ID 83672<br>(208)549-0975 |

Priority Date: 03/01/1977

Basis: ~~Groundwater~~

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 1/01 to 12/31           | 0.230 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.230 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| GROUND WATER      | SE1/4SE1/4NE1/4 | Sec. 34, Twp 11N, Rge 05W, B.M. |
| WASHINGTON County |                 |                                 |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 11N | 05W | 34  |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER, 1,000 RANGE CATTLE PARCEL NO. RP 003090 A

Comments:

Partial Decree issued 12/8/00 to SRBA.

SCANNED

NOV 15 2002

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

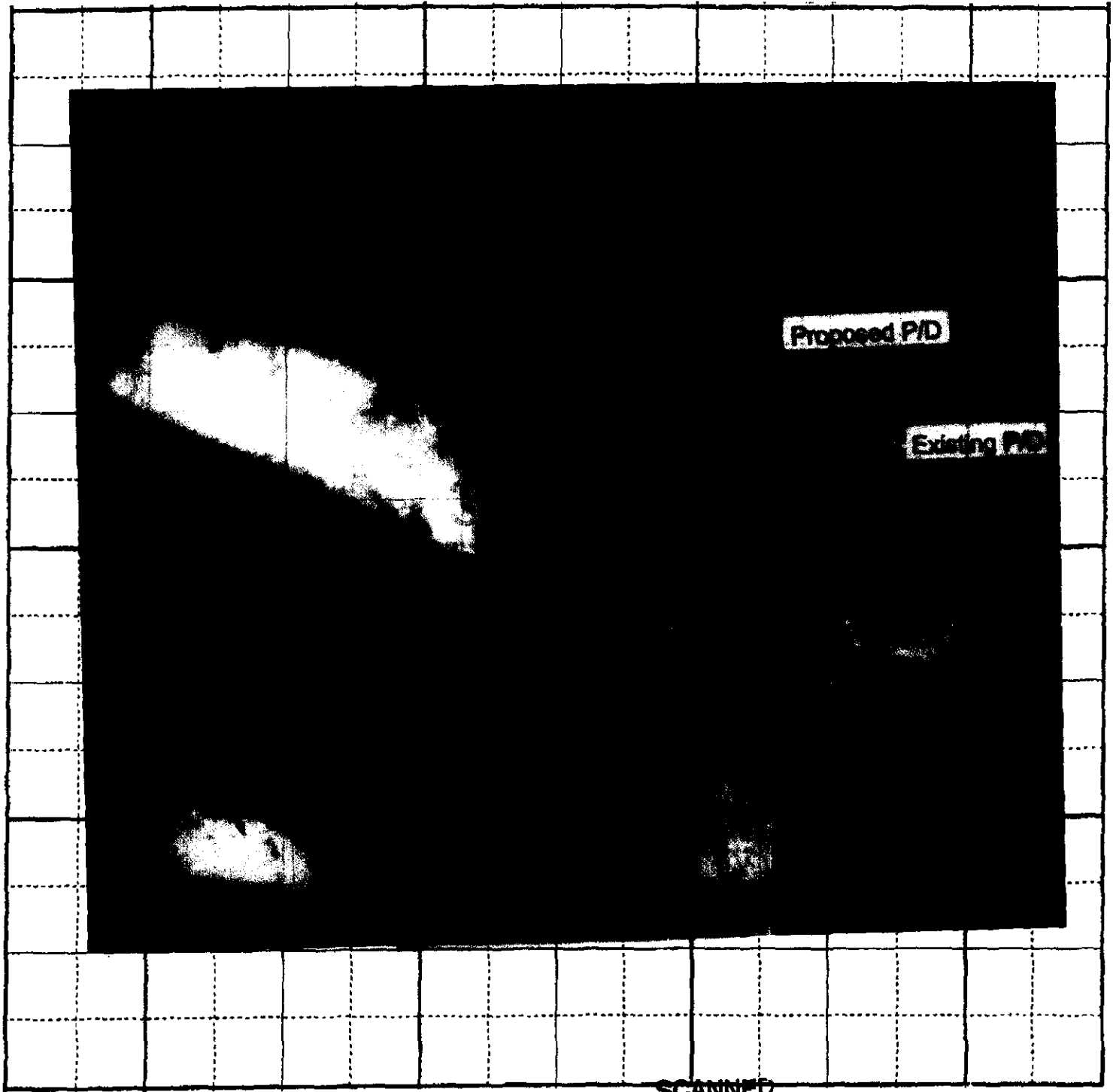
SCANNED

NOV 15 2002

Total acres \_\_\_\_\_

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.



SCANNED

NOV 15 2002

SCALE: 2 inches equal 1 mile. Draw plan in ink.

**PART 3****B. CHANGES IN NATURE OF USE**

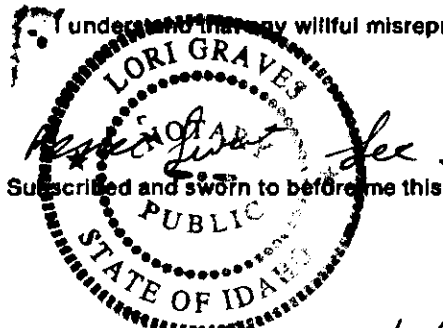
| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

Thomas H. Sweet President  
1<sup>st</sup> day of Aug, 192002  
(Signature of Applicant)

Lori Graves  
(Notary Public)

My commission expires

6/18/04**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 8 attachmentsReceived by Ly Date 8/1/02 Protest filed by \_\_\_\_\_Prelim. check by Ly Fee 250 #W029537Received by Ly Date 8/1/02Published in WEISER SIGNAL Copies of protest forwarded by \_\_\_\_\_Pub. dates 8-21 + 28-02 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

**SCANNED**

NOV 15 2002

## Townsend, KariLynn

---

**From:** Lester, Steve  
**Sent:** Friday, January 24, 2003 11:34 AM  
**To:** Townsend, KariLynn  
**Subject:** RE: RE: Transfer approval

Thanks KariLynn. I'm working on final details in the application file & will forward it to SO by early next week.

-----Original Message-----

**From:** Townsend, KariLynn  
**Sent:** Friday, January 24, 2003 10:27 AM  
**To:** Lester, Steve; Taylor, Sue  
**Subject:** RE: Transfer approval

Happy Friday . . .

Transfer # 70078 for S & S Land & Cattle Co. is complete and will be available on A012 next week.

Have a great weekend.

Kari Lynn

*Do Not Scan!  
Do Not Film!*

MICROFILMED  
MAR 20 2003



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 24, 2003

S & S LAND AND CATTLE CO  
1765 FAIRVIEW  
WEISER ID 83672

RE: Transfer No.: 70078 - Water Right 67-10245 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

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

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

  
for Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

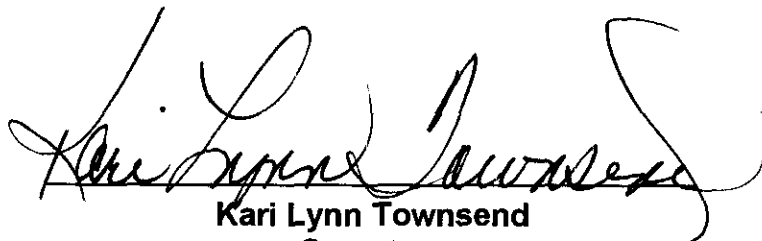
MICROFILMED  
MAR 20 2003

# **CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 70078 - WATER RIGHT 67-10245**

**S & S LAND AND CATTLE CO  
1765 FAIRVIEW  
WEISER ID 83672**



**Kari Lynn Townsend  
Secretary**

MICROFILMED  
MAR 26 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).

## **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  
MAR 27 2003

## MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: January 24, 2003

**RE: Transfer No. 70078 for S & S Land & Cattle Company**

This is the **final review memo** updated from the 12-20-02 draft memo. The information is essentially the same with a few minor changes. A draft approval was not prepared since the State Office elected to prepare, sign and issue the approval document following our email contacts late last month. SO added final conditions and a volume component to the right. SO will scan the approval document to the e'folder soon.

This transfer needed to be expedited when filed in August 2002. The Regional Office expedited processing but ran afoul of parallel processing and staff vacations, resulting in unexpected delays. But everything is okay as explained below. Still, IDWR should approve the transfer as soon as possible.

The transfer proposes to add a second well to the water right. It is a simple application consisting of six pages without attachments. The applicant is registered with the ID Secretary of State per website business entity search today. The water right was decreed in the SRBA on December 8, 2000. The right is presumed to be valid. The decree was issued in the name of the applicant, and the P/U remains unchanged. Ownership requirements are met without additional documentation. The right was migrated to WR side of IDWR database, and application processing used that record. The legal notice did not result in any protests. Lori Graves completed the ArcView update in Work Flow yesterday.

A drilling permit was approved but conditioned with appropriate language regarding use of the well prior to transfer approval. The well was drilled in September 2002 under Well Tag D25693, subsequently conditioned as mentioned. The drilling tag approach probably looked acceptable to the owner and driller since the use described by the water right meets the exempted use of I. C. § 42-111. Follow up on this issue is not warranted. Well drilling permit fee does not need to be upgraded.

This stand-alone system is complimented by four other stand-alone stockwater systems for the owner's overall cattle operation. The other separate systems are 67-10235, 67-10236, 67-10240 and 67-10243. Those rights do not need to be included in the transfer application since the new well will only be used under 67-10245.

The transfer will not result in injury or enlargement of use. It is not contrary to the local public interest or the conservation of water resources in Idaho. The transfer serves the agricultural base of the local area. No irrigation delivery companies are involved in this situation.

The application was consistent with Idaho law and was properly approved.

**SCANNED**

**JAN 24 2003**

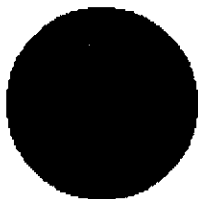
*"FINAL MEMO"*

**SCANNED**

**JAN 24 2003**

**MICRO**

**MAR 28 2003**



# Idaho Secretary of State Viewing Business Entity

T. 70078

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**S & S LAND & CATTLE CO.**

**1960**

**Type of Business:** CORPORATION, GENERAL BUSINESS

**Status:** GOODSTANDING, ANREPT SENT 01 Aug 2002

**State of Origin:** IDAHO

**Date of** 01 Oct 1960

**Origination/Authorization:**

**Current Registered Agent:** THOMAS H SWEET  
1765 FAIRVIEW AVE.  
WEISER, ID 83672

**Organizational ID / Filing** C32146  
**Number:**

**Number of Authorized Stock** 1  
**Shares:**

**Date of Last Annual Report:** 18 Sep 2002

## Amendments:

**Amendment 0 filed 01 Oct** INCORPORATION  
**1960**

**Amendment 1 filed 15 May** OTHER - RA  
**1979**

## Annual Reports:

**Report for year 1987** ANNUAL REPORT

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Comments, questions or suggestions can be emailed to: [sosinfo@idsos.state.id.us](mailto:sosinfo@idsos.state.id.us)

## IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant S + S Land and Cattle Co. Transfer No. 70078  
 Reviewed by JK Date 8/2/02  
 Data entered by JK

1. Right number(s) 67-10245

Caution before processing: already done Partial Decree to WR N/A Ownership Change filed & split completed

2. Type of right ☒ Decree ☐ License ☐ Stat. Claim ☐ BU Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U  
☐ Change N/U ☐ Change Period ☐ Split Right  
 Other: \_\_\_\_\_

## 4. Check Existing Right

☒ Source ☒ Priority ☒ Amount  
☒ Purpose ☒ Period ☒ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights for original P/D &/or P/U

## 5. Check Proposed Right for amount of land &amp;/or water transferred:

- a. N/A Analysis memo – always include unless justify why not needed see "notes"  
 b. ☒ All of right  
 c. N/A Part of right – Note: Part B should normally be completed only if part of right is owned by applicant  
 d. ☒ Description of point(s) of diversion  
 e. ☒ Description of place of use  
 f. ☒ Map showing proposed P/D &/or P/U  
 g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary  
 h. N/A Proof of ownership of right &/or land from which water is transferred N/A – see "notes"  
 i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo. NONE  
 j. N/A Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

SCANNED  
NOV 15 2002

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SATUR 12/12/02  
NOV 15 2002

MAR 2 11 2003

"NOTES"

See transfer appl. database comments. This stand alone system serves 1000 cattle in larger operation in sec. 34. Operation consists of 5 separate systems, each with a stand alone exempted use. Other rights 67-10235 - 10236 - 10240 - 10243.

EXPEDITED PROCESSING Requested

- cont. next page -

k. ☒ Overlapping rights for current & proposed scenarios

Current } none in this QG.  
Proposed }

l. ☒ SRBA Claim(s) Partial decree issued 12/8/00

m. ☒ Comment letters ☒ No ☐ Yes as follows:  
Water District # IDFG Other per attached

## PUBLICATION REVIEW

### 1. Comment Letters

Watermaster comments requested on \_\_\_\_\_, received on \_\_\_\_\_

Other comment letters received ☐ Yes ☐ No

2. Affidavit of publication received: ☒ Yes

3. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

4. Protests received: ☐ Yes ☒ No ☐ If yes, acknowledgement sent

## RECOMMENDATIONS

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to \_\_\_\_\_

3. Conditions of Approval Standard xfer conditions

4. Recommended by Gandy

PROFILED  
DATE 11/12/02  
SCANNED

NOV 15 2002

Date 11/8/02 MICROFILMED

NOV 20 2003

## FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page):

☒ Yes Replaced by scanned docs. \*

2. File forwarded to S.O. by JL

Date 1/24/03

"NOTES" cont. Rights recently decided to applicant. Use falls within 42-111.  
Should not need proof of ownership & verification of b.m. to add  
a well to this right due to all these factors.  
\* in parallel processing training SATW staff

RECEIVED

Form 238-7  
11/97

OCT 04 2002

IDAHO DEPARTMENT OF WATER RESOURCES

# WELL DRILLER'S REPORT

WATER RESOURCES  
WESTERN REGION

1. WELL TAG NO. D 0025693

DRILLING PERMIT NO. \_\_\_\_\_

Other IDWR No. 167-10245

## 2. OWNER:

Name S&S Land & Cattle Co.

Address 1765 Fairview

City Wasser State Id Zip 83472

## 3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

|   |  |                 |  |                                                                             |  |
|---|--|-----------------|--|-----------------------------------------------------------------------------|--|
| N |  | Twp. <u>11</u>  |  | North <input checked="" type="checkbox"/> or South <input type="checkbox"/> |  |
| E |  | Rge. <u>5</u>   |  | East <input type="checkbox"/> or West <input checked="" type="checkbox"/>   |  |
| W |  | Sec. <u>34</u>  |  | 1/4 <u>SE</u> 1/4 <u>7E</u> 1/4                                             |  |
|   |  | Gov't Lot _____ |  | County <u>Washington</u>                                                    |  |
|   |  | Lat: _____      |  | Long: _____                                                                 |  |

Address of Well Site East of Wanner River  
Rd. 1/4 of Mannick Rd City Wasser  
(Give at least name of road + distance to head or landmark)

LI. \_\_\_\_\_ Blk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

## 4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation  
☐ Thermal ☐ Injection ☒ Other Stock

## 5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other \_\_\_\_\_

## 6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other \_\_\_\_\_

## 7. SEALING PROCEDURES

| SEAL/FILTER PACK |      |     | AMOUNT   |        | METHOD                   |
|------------------|------|-----|----------|--------|--------------------------|
| Material         | From | To  | Sacks or | Pounds |                          |
| Bentonite        | 0    | 160 | 1300     |        | Temp Casing<br>OVER BORE |

Was drive shoe used? ☒ N Shoe Depth(s) 160

Was drive shoe seal tested? ☒ N How? Blow Dry

## 8. CASING/LINER:

| Diameter | From | To  | Gauge | Material | Casing                              | Liner                               | Welded                              | Threaded                 |
|----------|------|-----|-------|----------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 4        | 1    | 160 | 250   | Steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4.5      | 140  | 280 | 1480  | PVC      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

## 9. PERFORATIONS/SCREENS

Perforations \_\_\_\_\_ Method \_\_\_\_\_

☒ Screens \_\_\_\_\_ Screen Type PVC

| From | To  | Slot Size | Number | Diameter | Material | Casing                   | Liner                               |
|------|-----|-----------|--------|----------|----------|--------------------------|-------------------------------------|
| 220  | 240 | .020      |        | 4.5      | PVC      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 260  | 280 | .020      |        | 4.5      | PVC      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## 10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

158 ft. below ground Artesian pressure \_\_\_\_\_ lb.

Depth flow encountered \_\_\_\_\_ ft. Describe access port or

control devices: \_\_\_\_\_

## 11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time |
|-----------------|----------|---------------|------|
| 35              |          | 280           | 2hr  |

Water Temp. 66 Bottom hole temp. \_\_\_\_\_

Water Quality test or comments: \_\_\_\_\_

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

| Bore Dia. | From | To  | Remarks: Lithology, Water Quality & Temperature | Y | N                                   |
|-----------|------|-----|-------------------------------------------------|---|-------------------------------------|
| 10        | 0    | 12  | Silty Brown Clay                                |   |                                     |
| 10        | 12   | 23  | Brown Sand                                      |   |                                     |
| 8         | 23   | 65  | Brown Sand                                      |   |                                     |
| 8         | 65   | 94  | Brown Clay                                      |   |                                     |
| 8         | 94   | 120 | Sandy Clay                                      |   |                                     |
| 8         | 120  | 148 | Silty Sand                                      |   |                                     |
| 6         | 148  | 219 | Blue Clay                                       |   |                                     |
| 6         | 219  | 221 | Sand Stone                                      |   | <input checked="" type="checkbox"/> |
| 6         | 221  | 260 | Blue Clay                                       |   |                                     |
| 6         | 260  | 263 | White Sand                                      |   | <input checked="" type="checkbox"/> |
| 6         | 263  | 271 | Blue Clay                                       |   |                                     |
| 6         | 271  | 279 | Black Sand                                      |   | <input checked="" type="checkbox"/> |
| 6         | 279  | 283 | Blue Clay                                       |   |                                     |

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WATER RESOURCES  
WESTERN REGION

Completed Depth 283 (Measurable)

Date: Started 9/19/02 Completed 10/01/02

DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Dallas Drilling Firm No. 445

Firm Official [Signature] Date 10-3-02

and Driller or Operator \_\_\_\_\_ Date \_\_\_\_\_

(Sign once if Firm Official & Operator) T. 70078





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

August 14, 2002

**Legal Notice Department**

Weiser Signal

PO Box 709

Weiser ID 83672

RE: Transfer No. 70078

Water Right No(s). 67-10245

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/09/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

MICROFILMED

MAR 20 2003

**PROFILED**

DATE 11/15/02

**SCANNED**

NOV 15 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 70078

S & S LAND AND CATTLE CO  
1765 FAIRVIEW

WEISER ID 83672, has filed Application No. 70078 for changes to the following water rights within WASHINGTON County:

Right No. 67-10245

Priority 3/1/1977

Source GROUND WATER

Use STOCKWATER (0 acres) 0.23 CFS

Total Amount 0.23 CFS

Point(s) of Diversion SESENE S34 T11N R05W

Place of Use S34 T11N R05W

Remark: Applicant proposes to add a second well to an existing single well system serving 1000 range cattle. The second well will be in the same location as the original well. A new well is needed due to declining production in the original well. This right serves part of a larger cattle operation consisting of several unconnected wells. Each well serves a limited number of cattle within the overall operation, and each well has a separate water right. The other water rights in this operation are not affected by this transfer application.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

- Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before September 09, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Weiser Signal on August 21 and 28, 2002.

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NOV 15 2002

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DATE 11/15/02  
SCANNED

NOV 15 2002