

10.9

54
89

T318
C. FITZGERALD
DB

DOA
5/1/2001
x x

BRON

T280 A. Fitzgerald
200

T279 L. Hubbs
199

10
9.5

4.8

7.3

89
174

104
S.L.V.
DB

MICROFILMED
NOV 17 2000

T#5683
MICROFILMED
JUL 23 2003

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Lincoln

RECEIVED

MAY 15 2000

Department of Water Resources
Southern Region

COPY OF NOTICE

(Paste Here)

T# 5683, 5707, 5720
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4th day of May, 2000, and the date of the last publication was on the 11th day of May, 2000.

On this 11th day of May, in the year of 2000, before me, a Notary Public, personally appeared Norma DeVoe, 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/she executed the same.

Shelley Sturgeon
SHELLEY STURGEON Notary Public for Idaho
Notary Public Residing at Jerome
State of Idaho My commission expires: 12/3/05

#6781/30446
LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

148.5 Lines tabular at 11.14 7.5¢/Pica
903.38 Lines straight at 58.72 6.5¢/Pica
1051.88 Subsequent lines at 57.85 5.5¢/Pica

Affidavit Fee: 2.25 MICROFILMED

TOTAL COST 129.96

NOV 17 2000

NOTICE OF PROPOSED CHANGE

Notice is hereby given that three applications have been filed with the Department of Water Resources for change of water right as follows:

Transfer No. 5683 by 4 Bothers Dairy, 427 involves Right No. 36-04157 (1.0cfs) record from ground water diverted & used within acres. The applicants request to dry up 6 T07S, R15E; Gooding County; and also p within SWNW for diversion of 0.134 cfs within SWNW & NWSW, all S09, T05S, operation; Lincoln County. The remainder pending transfer applications before the Dept Young & Young Partnership, 300-A East, have filed two (2) Applications for Transfer a Transfer No. 5707 involves six ground County as recorded:

Rt. No	Priority	Cfs	Transferred
36-02630	11/01/1965	5.46	0.80 cfs
36-08619	11/13/1991	1.33	0.20 cfs
36-02454	12/08/1960	3.38	0.22 cfs
36-07007A	19/11/1967	1.40	0.09 cfs
36-07956	01/16/1981	2.30	0.15 cfs
A36-15469	04/01/1980	0.30	0.02 cfs

The applicants desire to dry up pivot corner, ca acres in S29 and 58.3 acres in S30) in order a dry portion of another farm by leasing pca propose to divert a combined total of 1.40 SWSE, S32 for irrigation of a 99 acre permit T06S, R23E.

Transfer No. 5720 involving 77 water right ca combined total of 119.01 cfs from 32 existin for the irrigation of 8574 acres in Lincoln/ acres historically irrigated with the SW, S14 omitted in previous Approved Transfer No. 5 filed solely to correctly record the total current use with no other changes to the water right to the proposed transfer may be obtained be Any protest against the proposed changes n of Water Resources, Southern Region, 134 Falls ID 83301 together with a protest fee 2000 to be considered by the Department in part of the proposed change. (Each transfer protestant must also sent a copy of the prote

PUB: 5/4 - 5/11

30474

MICROFILMED

JUL 28 2003

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED
MAY 15 2000
Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the 4th day of May, 192000 and that date of the last publication was on the 11th day of May, 192000

On this 11th day of May, 192000, before me, a Notary Public, personally appeared Norma DeVoe, 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 acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/05

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

_____ Lines tabular at _____ 7.5¢/Pica
408.38 Lines straight at 26.54 6.5¢/Pica
408.38 Subsequent lines at 22.46 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 51.25

Bro. Dairy-T#5683
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that an application have been filed with the Department of Water Resources by 4 Brothers Dairy, 427 N 250 W; SHOSHONE ID 83352 for changes to a water right as described below: Transfer No. 5683 involves Right No. 36-04157 (1.0 cfs) recorded with priority date of 06/01/1956 from ground water diverted & used within Lot 3 (NWSW) for irrigation of 50 acres. The applicants request to convert an irrigation water right to stockwater/commercial uses by drying up 6.7 acres within W1/2SW, all S30, T07S, R15E; Gooding County; and also propose to drill two (2) new wells within SWNW for diversion of 0.134 cfs for stockwater/commercial uses within SWNW & NWSW, all S09, T05S, R17E in a replacement heifer operation; Lincoln County. The remainder of the right is involved in other pending transfers. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before May 22, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

/s/ Karl J. Dreher, Director
PUB: 5/4 - 5/11 G30862
INSTRUCTIONS 5.5¢/PICA

No. 7427

30862

MICROFILMED

JUL 28 2003

Pg 6 of 7

Radio Towers

GOODING

EAST

2100

3614

BM
3614

New well

10

3627

3630

BM
3642

3646

MAIN

Rosa

3640

CANAL

3650

3659 Well

3650

3630

3633

MICROFILMED
JUN 17 2003

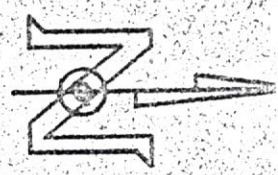
MICROFILMED

T#5642

JUN 28 2003

Rosa

SECTION CORNER
GOV. MONUMENT END



T065, R15E

1329.86
S0°00'00"E
BASIS OF
BEARING

1320.73
N89°32'48"E

TRUE POINT of
BEGINNING

DARK

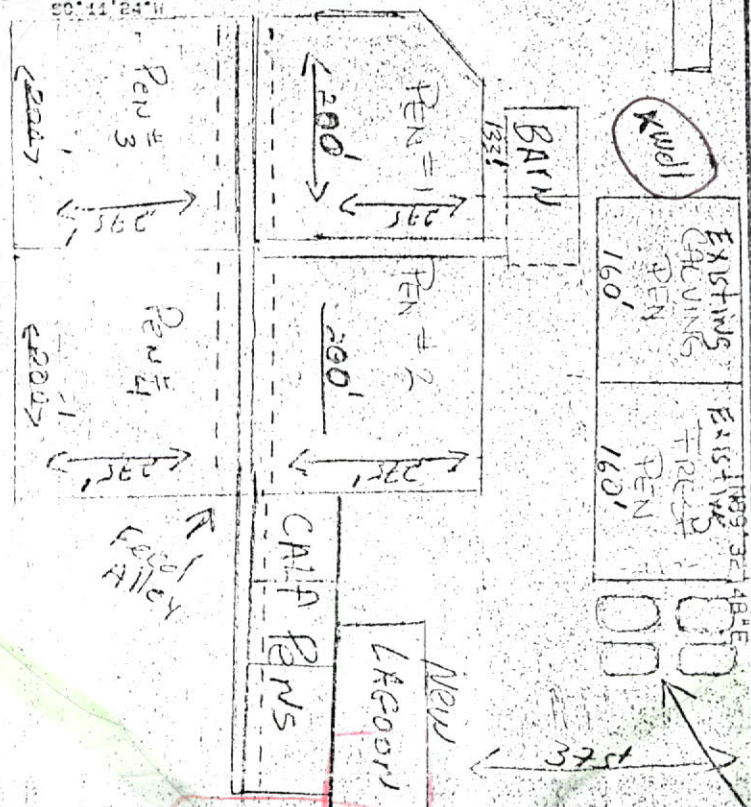
1321.05

Existing
LAS COWS

ASKEW HOMESITE

EASEMENT
POINT OF
BEGINNING →

612.65
N0°11'24"E
652.23
S0°11'24"W



COMMODITY BARN
silage pit
FARM LAND

APPLICANT

Farm

MICROFILMED
JUN 17 2002

1323.14

S0°14'20"W

T#5642

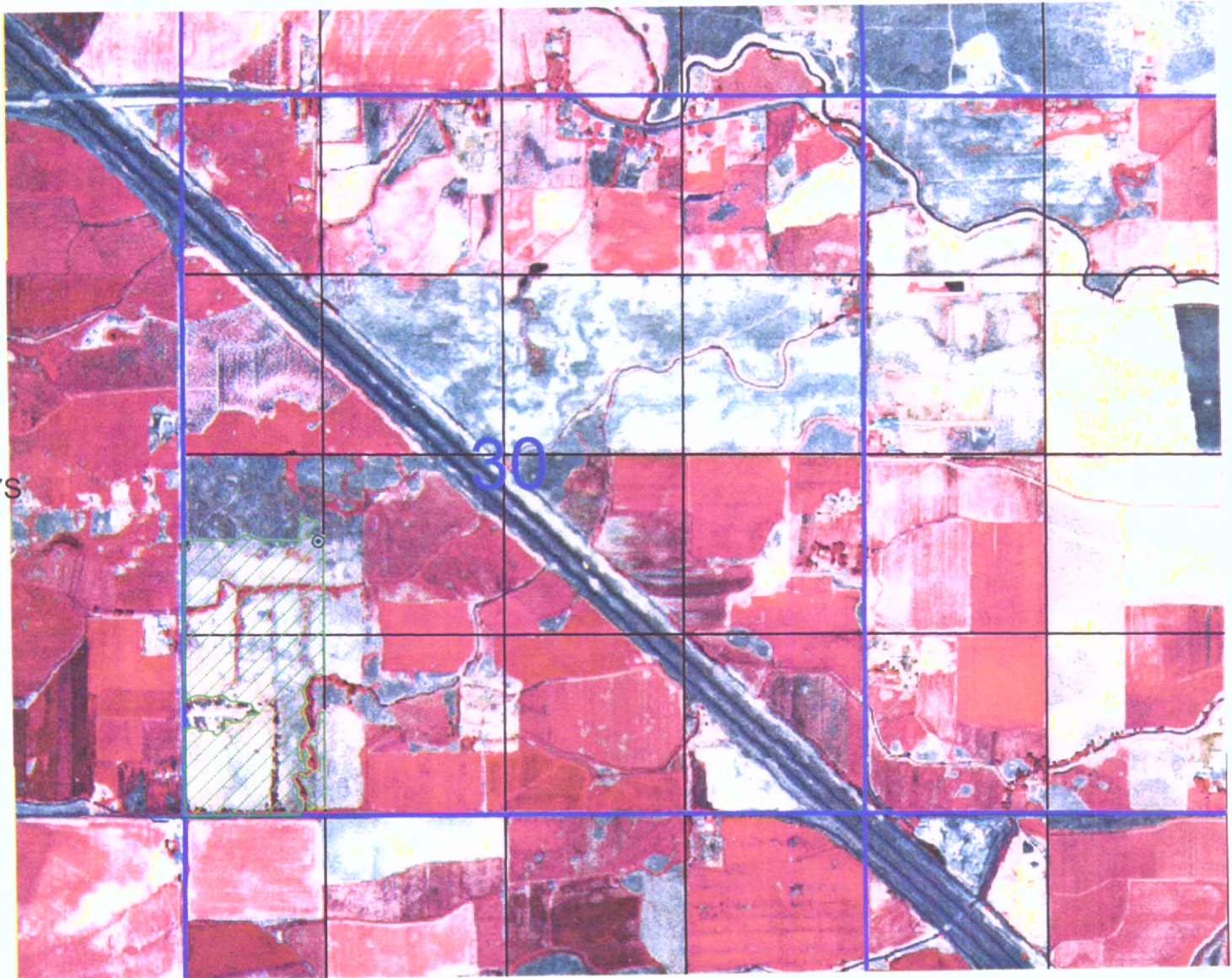
IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT 36-04157
(PRE TRANSFER #5642, #5683, AND #5716 CONDITONS)

GIS LAYOUT BY COREY SKINNER
04/11/2000

R14E R15E

T07S



-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER-QUARTER LINES

MICROFILMED

NOV 17 2000

MICROFILMED
JUL 28 2003



AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

MAR 06 2000

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the 24th day of February, 192000 and that date of the last publication was on the 2nd day of March, 192000

On this 2nd day of March in the year of 2000, before me, a Notary Public, personally appeared Norma DeVoe, 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 acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/03

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

86.63 Lines tabular at 6.50 7.5¢/Pica
618.75 Lines straight at 40.22 6.5¢/Pica
705.38 Subsequent lines at 38.80 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 87.77

Rosa T #3642
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS
Notice is hereby given that Edward Rosa, 1944 S 210 filed an application with the Department of Water Resources for a change of water rights as described below.
Transfer No. 5642 requests to change a portion of an irrigation water/commercial uses in an existing dairy by drying up well, and change place of use. Right No. 36-04157 (1 priority date of 06/01/1956 from ground water within 1/4 section 11200 (0.07 cfs) recorded with priority date of 01/01/1956 within SWNW, S10 for stockwater (0.07 cfs) and don't both T06S, R15E; all Gooding County. The applicant is irrigated acres within NWSW, S30, T07S, R15E, give 0.370 cfs from one existing well within SWNW and one within SENW for stockwater/commercial uses within SE 1/4 of dairy wastes within S1/2NW, all S10, T06S, R15E designated rights:

Right No.	Priority	Amt (cfs)
36-04157B	06/01/1956	0.30
37-11200	01/01/1930	0.078
		0.04

The remainder, Designated Right No. 36-04156A (0.7 cfs) irrigate 35 acres at the original site using the original plan. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore Falls ID 83301 together with a protest fee of \$25.00 on or before 12/31/2000 to be considered by the Department in its decision on the proposed change. The protestant must also file a protest to the applicant.

PUB 2/24 - 3/2

7	7-8 pt. per line tabular	7.5¢/Pica
7	7-8 pt. per line straight	6.5¢/Pica
7	7-8 pt. per line successive insertions	5.5¢/Pica

MICROFILMED

No. 7358 17 2000

MICROFILMED
JUL 28 2003

29761
Error noted
MB
3/23/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5683
WATER RIGHT NO. ~~36-04157B~~
37-08911

This is to certify that: 4 BROS DAIRY INC
427 N 250 W
SHOSHONE ID 83352

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>
STOCKWATER	01/01 to 12/31	0.13 CFS	20.1 AF
COMMERCIAL	01/01 to 12/31	0.13 CFS	20.1 AF
	Totals	* 0.13 CFS	20.1 AF *

SOURCE

GROUNDWATER

Priority: 06/01/1956

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 9, Township 05S, Range 17E
LINCOLN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

05S 17E 9

SWNW

NWSW

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED

JUL 28 2003

MICROFILMED

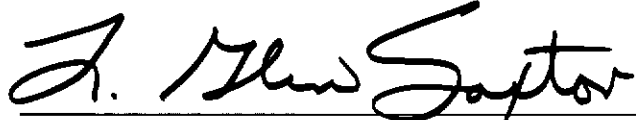
NOV 17 2000

TRANSFER NO. 5683
WATER RIGHT NO. 36-04157B

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5683 shall not exceed 0.13 cfs, nor total combined annual volume of 20.1 af.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
10. Two points of diversion are located within SWNW, S07, T05S, R17E.

Dated this 19th day of June, 2000.


Chief, Water Allocation Bureau

MICROFILMED

JUL 28 2003

MICROFILMED

NOV 17 2000

age 7 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5683
RECEIVED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 25 2000

JUN 8 - 2000

PART 1

Department of Water Resources
Southern Region

Department of Water Resources

Name of applicant 4 Bros Dairy Phone 886-2716
Post Office address 427 N 250W Shoreline Id 83352

1. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other SPLIT RIGHT C.S.
2. Describe the reason for the proposed changes Provide stockwater for a re-
placement heater operation.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-04157</u>	<u>06/01/1956</u>	<u>.134 cfs/20 AF</u>	<u>Stock/Com</u>	<u>01/01</u> to <u>12/31</u>
				to
				to
				to

2. Total amount of water being transferred .134 cfs cubic feet per second and/or 20 AF acre-feet per annum.

3. Source of water Ground Water tributary to

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>SW</u>	<u>NW</u>	<u>09</u>	<u>05S</u>	<u>17E</u>	<u>Lincoln</u>	<u>TWO NEW WELLS C.S.</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>05S</u>	<u>17E</u>	<u>09</u>							<u>S/C</u>			<u>S/C</u>							

PER APPLICANT
3/10/2000 C.S.

MICROFILMED

MICROFILMED

NOV 17 2000

JUL 28 2000

T5683

Total acres

PART 1

6. General Information:

a. Description of diversion system

2 new wells w/ pumps and delivery systems. They (wells) will be connected for purposes of backup.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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:

Land will no longer be irrigated with ground water

d. Remarks:

The land we are taking the groundwater off of has never had canal water on it. The owners plan to acquire canal water when these transactions are complete.

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____

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-04157

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.00 CFS	200.0 AF

SOURCE

GROUNDWATER

Priority: 06/01/1956

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (SENWSW), Sec. 30, Township 07S, Range 15E
GOODING County

PLACE OF USE:

IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07S	15E	30																														
																03-20	04-30												50.0			
																										TOTAL ACRES	50.0					

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

MICROFILMED

NOV 17 2003

MICROFILMED

JUL 28 2003

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 owner Applied for extension and it was approved

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 134 cfs/20 AF for Irrigation purposes from 04/01 to 10/31
 (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		NW	SW	30	07S	15E	Gooding	

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	
07S	15E	30									5	1.7							6.7
											LOT 3	LOT 4							
											15	25							

Total acres _____

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

1. amount 866 cfs/112 AF for Irrigation purposes from 04/01 to 10/31
 (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		NW	SW	30	07S	15E	Gooding	

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	
07S	15E	30									15	28.3							43.3
											LOT 3	LOT 4							

MICROFILMED

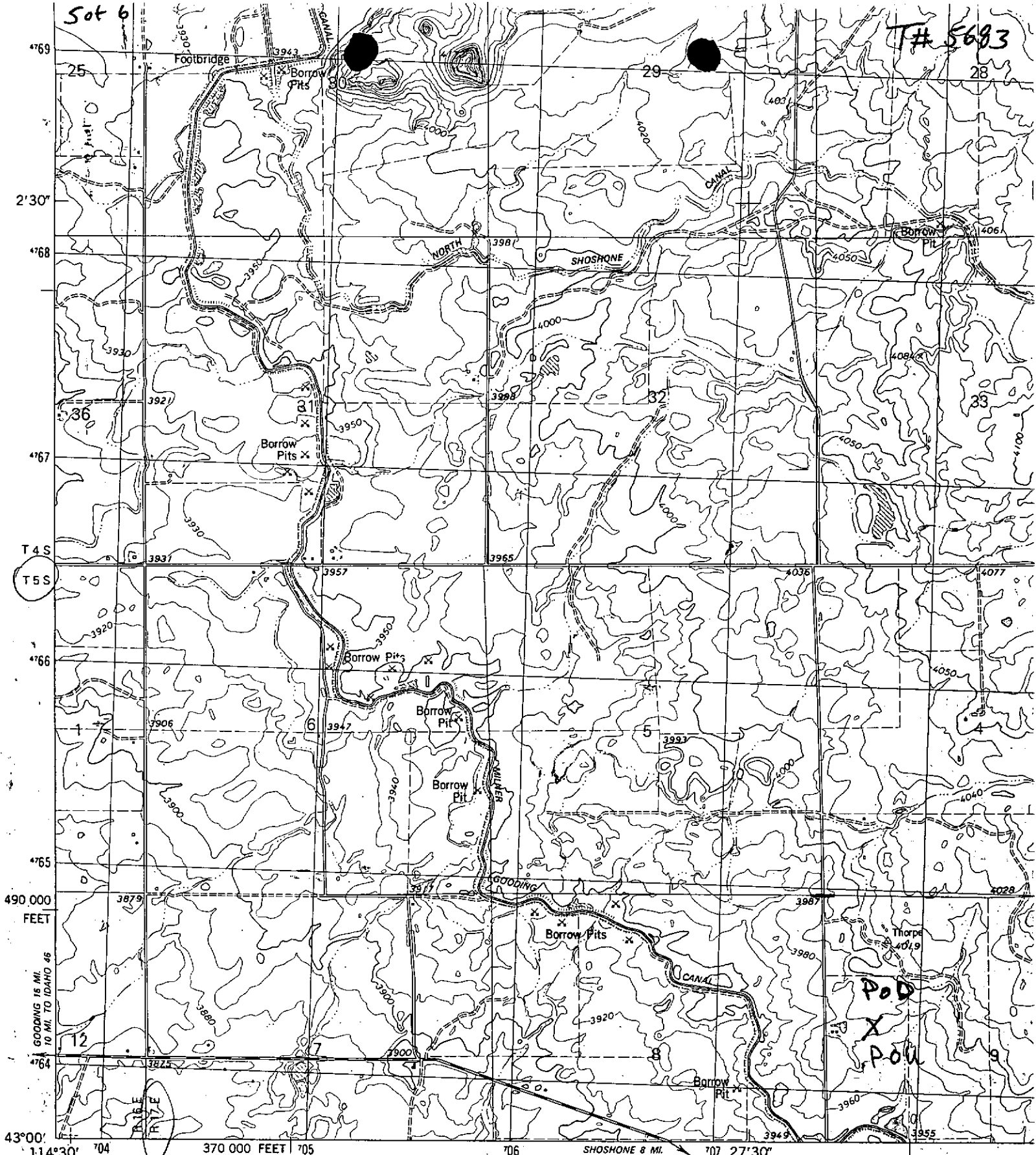
NOV 17 2000

MICROFILMED

JUL 20 2003

Sot 6

T# 5683



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial

photographs taken 1971. Field checked 1973

Map edited 1979

Projection and 10,000-foot grid ticks: Idaho coordinate

system, central zone (transverse Mercator)

1000-meter Universal Transverse Mercator grid, zone 11

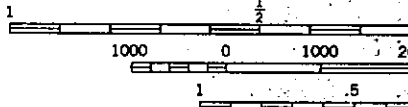
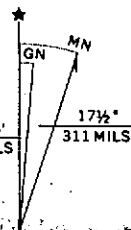
1927 North American Datum

To place on the predicted North American Datum 1983

MICROFILMED
T 5683

36-001577 200

4 Bros. Dairy



MICROFILMED CONT.
NATIONAL GEO

JUL 23 2003

UTM GRID AND 1979 MAGNETIC NORTH

PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Stockwater/Commercial</u>	<u>0.134</u>	<u>as needed</u>	<u>01/01 to 12/31</u>
	<u>Commercial</u>	<u>0.134</u>	<u>as needed</u>	<u>01/01 to 12/31</u>

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

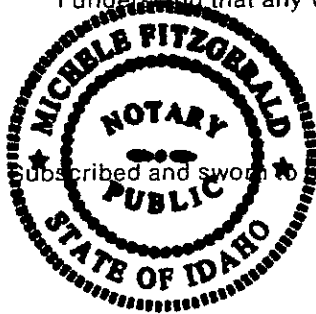
Waste Water contained on place

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

No affect

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.



Michele Fitzgerald SEC-TRES
(Signature of Applicant)

Subscribed and sworn to before me this

2nd

day of

March2000

Michele Fitzgerald
(Notary Public)

My commission expires

12/17/2003

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachmentsReceived by P. SKINNERDate 03/07/2000Protest filed by NonePrelim. check by P. SKINNERFee \$100.00 5022829Receipted by P. SKINNERDate 03/07/2000Published in Gooding Co. Leader & Lincoln Co. Journal

Copies of protest forwarded by

Pub. dates 5/4 & 5/11/00

Hearing held by Date

Watermaster recommendation requested on N/ARecommended for ☒ approval ☐ denial

rec'd.

by AD-

Copy of transfer sent to lien holder

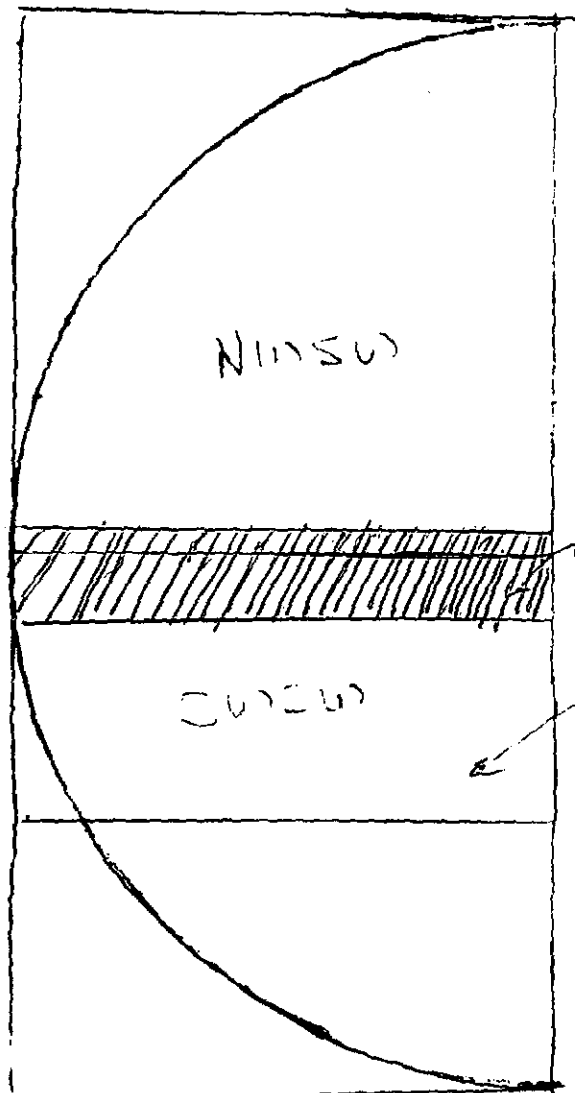
MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

Andrew License SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 30
50 acres
original
T075 R15E



To 4 Bros Dairy
0.134 cfs

To Rosa
0.80 cfs

MICROFILMED

NOV 17 2003

T#5683
MICROFILMED

JUL 28 2003

Gift to Mrs. O. M. M.

Hand-drawn floor plan of a building. The plan shows a large rectangular area divided into several sections. At the top left is a 'BATH' room. Below it is a 'Cow Stand' area. A 'Feed Slab' is located in the center. A horizontal 'Alley' runs through the middle, with a dimension of '287' noted below it. A 'Water Line' is indicated by a dashed line running vertically. Several rooms are marked with dimensions: '270' and '287' are noted in the top right, and '270' is noted in the bottom right. A 'MICROFILMED' stamp is visible in the bottom right corner.

270
over
poles

LABBOWS

T#5683
MICROFILMED

Jul 28, 2003

54
89

T 318
C. FITZGERALD
D8

DOCD
5/1/2001
X 2

0850

T 280 A. Fitzgerald
200

199

10

89
174

04
5.4
D8

MICRO

NOV 17 2003

T#5683

MICROMETER

JUL 23 2003

Water right 37-10444 attached herein is
not connected in any way to the water right
being transferred from water right 36-04157
even though they have same legal. Not overlapping.

MICROFILMED

NOV 17 2000

T # 5683
MICROFILMED

JUL 28 2003

Water Right Number - 37-10444 Prefix Translation: WATER RIGHT Old (D) Number -

*** C - CURRENT OWNER ***
FITZGERALD ANDREW 1 - 425 N 250 W
2 -
3 -

FITZGERALD AGNES L City - SHOSHONE State- ID Zip- 83352
Phone - 208-886-7716
1 - 425 N 250 W
2 -
3 -

City - SHOSHONE State- ID Zip- 83352
Phone - 208-886-7716

Priority Date - 12/31/1910 Region - ERROR IN REGION J - BENEFICIAL USE Status -

Source - GROUNDWATER Tributary -

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
05S	17E	9	SW SW NW			(63)	LINCOLN	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31		0.040	
04 - STOCKWATER		01/01	12/31		0.070	

Total Div. Rate - 0.110 Total Div. Volume - Total Div. Capacity - Total Consumptive Use - KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
05S	17E	9	SW NW			04	STOCKWATER	(63) LINCOLN
05S	17E	9	SW NW			43	DOMESTIC	(63) LINCOLN

Diversion Means - DRILLED WELL, APP. 240' DEPTH, W/PUMP & P/L

Non-Irrigation Use - 1 HOME

Other Rights for Same Use - N/A

Remarks -

EXP PARCEL NO. RP05S17E092400A
STOCKWATER, 300 DAIRY HEIFERS

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

4 Brothers Dairy Heifer Operation Water Use Estimates						
Estimates Based on High Water Use Levels						
Dairy Herd Water Use Data						
Milking Herd.....	0 Cows					
Replacements.....	1220 Heifers					
3/6/00						
Drinking Water Requirements						
Milking Herd	% of herd	High Consumption per Day	Low Consumption per Day	Average Consumption per Day		
Lactating Cows	85	45.7 gal	22 gal	33.85 gal	18.7 Cu.Ft.	
Dry Cows	15	16.2 gal	9.7 gal	12.95 gal	1.455 Cu.Ft.	
Consumption / 1 cow/day (gal)		41.28 gal	20.16 gal	30.715 gal		
Consumption/1cow/year (gal)		15065.38 gal	7356.58 gal	11210.975 gal		
Consumption/1cow/year (CuFt)		2014.1 Cu.Ft.	983.5 Cu.Ft.	1498.8 Cu.Ft.	980.88 Cu.Ft.	
Replacements	% of Replacements	High Consumption per Day	Low Consumption per Day	Average Consumption per Day		
16-24 months	100	14.5 gal	8.70 gal	11.6 gal	8.7 Cu.Ft.	
13-15 months	0	10.6 gal	6.30 gal	8.45 gal	0 Cu.Ft.	
9-12 months	0	6.1 gal	3.70 gal	4.9 gal	0 Cu.Ft.	
5-8 months	0	3.3 gal	2.00 gal	2.65 gal	0 Cu.Ft.	
3-4 months	0	3.3 gal	2.00 gal	2.65 gal	0 Cu.Ft.	
0-2 months	0	1 gal	0.75 gal	0.875 gal	0 Cu.Ft.	
Consumption / 1 heifer/day (gal)		14.50 gal	8.70 gal	11.60 gal		
Consumption/1heifer/year (gal)		5292.50 gal	3175.50 gal	4234 gal		
Consumption/1heifer/year (CuFt)		707.5535 Cu.Ft.	424.5321 Cu.Ft.	566.04 Cu.Ft.	423.40 Cu.Ft.	
Annual Milking Herd Drinking Water						
(Includes Dry Cows)						
High Intake.....		0 Gallons		0 Cu.Ft.		
Average Intake.....		0 Gallons		0 Cu.Ft.		
Low Intake.....		0 Gallons		0 Cu.Ft.		
Annual Replacement Drinking Water						
High Intake.....		6,456,850 Gallons		872,547 Cu.Ft.		
Average Intake.....		5,165,480 Gallons		698,038 Cu.Ft.		
Low Intake.....		3,874,110 Gallons		523,528 Cu.Ft.		
Barn Water Use from Waste System						
Daily.....		0 Gallons		0 Cu.Ft.		
Annual.....		0 Gallons		0 Cu.Ft.		
All Water Used						
High Usage.....		6,456,850 Gallons		872,547 Cu.Ft.		
Average Usage.....		5,165,480 Gallons		698,038 Cu.Ft.		
Low Usage.....		3,874,110 Gallons		523,528 Cu.Ft.		
Acre Feet/cfs at Varing Use Levels						
High Usage.....		20.0 Acre Ft.		0.03 cfs		
Average Usage.....		16.0 Acre Ft.		0.02 cfs		
Low Usage.....		12.0 Acre Ft.		0.02 cfs		

Prepared by ROBERT OHLENSEHLER 3/6/00

MICROFILMED

NOV 17 2003

MICROFILMED

JUL 28 2003

T#5683

MAKE CHECK PAYABLE TO:

LINCOLN COUNTY TAX COLLECTOR

CATHY QUIROGA

P O BOX 723

SHOSHONE, ID 83352

1ST HALF DUE

TAX 761.49

LATE

INT

COST

TOT

1999 TAX BILL/RECEIPT

BILL#

DE AREA 4-00

PARCEL NUMBER
SP05517E091300A

5683

2ND HALF DUE

TAX 761.49

LATE

INT

COST

TOT

FULL DUE

1,522.98

LATE

INT

COST

TOT

TOT MV

58,737

NET MV

4,075

TOT ACS

220,000

4 BROS DAIRY INC
423 NORTH 250 WEST
SHOSHONE ID 83352

S1/2NE, S1/2SW, NW 1/4
W1/2SWSE
9-5-17

XING DISTRICT	RATE	AMOUNT
LINCOLN COUNTY	0.00000000	314.78
S SCHOL #332	0.03748208	320.94
SHOSHONE HWY 2	0.09096631	111.74
LIN CEMETERY	0.01019259	21.82
WOOD RIVER FIRE	0.002170003	126.22
RECREATION DIST	0.000419061	35.48
DISTRICT TOTAL	0.17981717	1,430.98
SOLID WASTE		92.00
AMOUNT DUE		1,522.98

IMPORTANT
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENT STATUS
APPLIED TO THE OLDEST DELINQUENT ACCOUNT
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARENCE.

FH/F DATE BY CK/CS

MICROFILMED
NOV 17 2003

MICROFILMED
JUL 20 2003

INTEREST ON THE DELINQUENT TAX AND LATE CHARGE IS CALCULATED AT THE RATE OF 1% PER MONTH ON THE DELINQUENT TAX AND LATE CHARGE.

When a tax becomes delinquent, payments are posted to the roll and applied to costs, interest, late charge and delinquent tax in the proportion each bears to the total amount due.

See IDAHO CODE 63-1002.

Filing of material by mail. Date of notice.

A post office cancellation is considered the filing date. A postage meter is not an acceptable post office cancellation mark.

See IDAHO CODE 63-217.

Effect of failure to receive notice. If a taxpayer does not receive a tax notice on property, this does not excuse the late charge and interest for nonpayment.

See IDAHO CODE 63-220.

REAL PROPERTY

All taxes extended on the property roll are payable on or before December 20. The taxes may be paid in two equal halves. If the first half is not paid on or before December 20, the full amount becomes delinquent, and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year. If the first half has been paid in full by December 20, the second half is not delinquent until June 20. If the second half is not paid on or before June 20, the full amount becomes delinquent, and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year.

See IDAHO CODE 63-220.

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY
CHECK #
CASH

1999 12 20 2404

1999 12 20 2404

LINCOLN COUNTY
RPO6517E091200A
4-00

LATE
INT
COST

AMOUNT DUE

761.49

1,522.98

1ST HALF FULL

1995 2404
4 BROS DAIRY INC

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

TOTAL P.02

When any part of a tax becomes delinquent, a warrant of distraint is issued to the county sheriff for its collection.

Before the tax becomes delinquent, the board of county commissioners may grant up to a four month extension to pay the tax, late charge and interest. A warrant of distraint is not issued until the extended time expires. There are no extensions given on the second half.

See IDAHO CODE 63-201(13), 63-904, and 63-1013.

TRANSIENT PERSONAL PROPERTY

Taxes on transient personal property are due in full on demand. If no demand is made, the taxes are due and payable on or before December 20. If the tax is not paid on or before December 20 or the demand date, the full tax becomes delinquent and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year. If the tax has been paid in part, late charge and interest are calculated on the remaining tax.

When any part of a tax becomes delinquent, a warrant of distraint is issued to the county sheriff for its collection.

See IDAHO CODE 63-201(24), 63-313, and 63-904(F).

OCCUPANCY TAX

When any part of a tax becomes delinquent, a warrant of distraint is issued to the county sheriff for its collection.

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY
CHECK #
CASH

1999 12 20 2404

1999 12 20 2404

LINCOLN COUNTY
RPO6517E091200A
4-00

LATE
INT
COST

AMOUNT DUE

761.49

1,522.98

2ND HALF

1995 2404
4 BROS DAIRY INC

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

MICROFILMED
JUL 28 2003

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this 3/1/2000

by and between Del Kolitz

(hereinafter "Seller"), and 4 Bros Dairy (hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers do hereby agree to buy from the Sellers 6.7 inches of Idaho Water License # 36-04157 and the water appurtenant thereto, for \$ 00 per inch.

2. The total purchase price shall be \$ 00. The entire purchase price shall be paid on the closing date described in paragraph 5 below, less earnest money paid.

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department. If the application is not approved, this Agreement shall become null and void. A copy of the Application for Transfer of Water Right is attached hereto as Exhibit "A" and incorporated herein by said reference.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 1

MICROFILMED

JUL 28 2003

T # 5683

4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price to Seller shall take place at the law offices of Ling, Nielsen and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyer's receipt of approval from the Department of the application for transfer.

5. The Buyers shall be given possession and use of the water license and the water appurtenant thereto, upon closing.

6. In the event that the Buyers are unable to close this transaction for any reason, the Buyers agree that they will execute any documents necessary to transfer the water license back to the Sellers.

7. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Each party agrees to pay one-half of any costs incurred in executing this document.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 2

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

OTHER PROVISIONS

All moneys to be returned if this
application is not approved.

Legal description: P0D SW¹/₄ SW¹/₄
NW¹/₄ Sec 9 T 55 R 17E

IN WITNESS WHEREOF the parties have caused their names to be
subscribed on the dates set forth above.

SELLERS

Del Roberts
1135 Valley Rd So
Eden, Id 83325

BUYERS

James Fitzgerald SEC-TRES
4-BROS DAIRY INC
421N 250W
SHOSHONE ID 83358

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 3

NOV 17 2003

MICROFILMED

JUL 28 2003

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this 11/13/99

by and between Kevan & Donna Andrews
(hereinafter "Seller"), and Del Bohtz (hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers do hereby agree to buy from the Sellers 50 ^{maybe changed to 60"} inches of Idaho Water License # 36-04152 and the water appurtenant thereto, for \$ 1.00 per inch.

2. The total purchase price shall be \$ 50.00 ⁴⁰ The entire purchase price shall be paid on the closing date described in paragraph 5 below, less earnest money paid.

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department. If the application is not approved, this Agreement shall become null and void. A copy of the Application for Transfer of Water Right is attached hereto as Exhibit "A" and incorporated herein by said reference.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 1

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

T # 5683

4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price to Seller shall take place at the law offices of Ling, Nielsen and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyer's receipt of approval from the Department of the application for transfer.

5. The Buyers shall be given possession and use of the water license and the water appurtenant thereto, upon closing.

6. In the event that the Buyers are unable to close this transaction for any reason, the Buyers agree that they will execute any documents necessary to transfer the water license back to the Sellers.

7. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Each party agrees to pay one-half of any costs incurred in executing this document.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 2

MICROFILMED

MICROFILMED

NOV 17 2000

JUL 28 2003

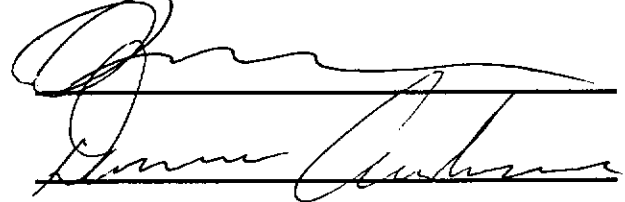
OTHER PROVISIONS

KA
Legals ~~SW~~ NWSW - 20 acres Sec 30 T07S
R15E
~~SW~~ SW SW - 30 acres Sec 30 T07S R15E
50 acres KA

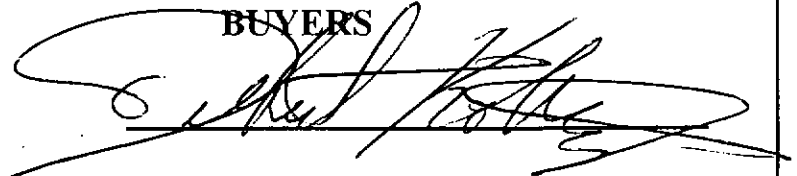
Buyer will put money into Escrow Jan
Andreas to obtain Canal Water for their
farm.

IN WITNESS WHEREOF the parties have caused their names to be
subscribed on the dates set forth above.

SELLERS



BUYERS



AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 3

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

2002 APR -5 AM 10:36
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	)	Water Right 36-04157
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 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, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

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

PERIOD OF USE: 03-15 to 11-15

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

MICROFILMED
JUL 28 2003

may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

RULE 54(b) CERTIFICATE

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

Dated April 5, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

JUL 28 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-04157

1997 DEC 29 AM 10:33
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: KEVIN ANDREWS
DONNA ANDREWS
1763 E 3000 S
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS
200.0 AFY

PRIORITY DATE: 06/01/1956

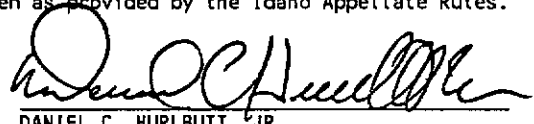
POINT OF DIVERSION: T07S R15E S30 LOT 3 (SENWSW) Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	1.00 CFS 200.0 AFY

PLACE OF USE: IRRIGATION Within GOODING County
T07S R15E S30 Lot 3 (NWSW)20 Lot 4 (SWSW)30
50 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 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

4 BROS DAIRY INC
427 N 250 W
SHOSHONE ID 83352

RE: Water Right, ~~36-04157D~~
37-08911 (Transfer 5683)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5683). 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,

Camela S. Shaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

TS683 < B

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of **June**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 37-08911 (Transfer 5683)

**4 BROS DAIRY INC
427 N 250 W
SHOSHONE ID 83352**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
NOV 17 2003**

**MICROFILMED
JUL 28 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
NOV 1 1999
JUL 28 2003

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.

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5683

Date Reviewed 06-16-2000

Right(s) 36-04157 - Decreed/Resubmitted Supplemental Director's Report

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

No overlaps per region review + attachment to app.

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

Dairy

J:Add P/D & Change P/U

Proof of Ownership New P/U confirmed as owned by applicant by Lincoln Co.

Assessor's Office by telegram 6-16-00 - WR Sales agreements from Adams to Kintz to 4 Bros.

Transfer All of Right ☒ Portion of Right

Resulting Split(s) 36-04157 ^A/_B

A) .87 cbs 43.3 acres 173.2 cbs @ 4.0 cbs/acre

B) .13 " (6.7 " out) 20.1 " @ 3.0 cbs/acre - 37-08911

Check Transfer Against Recorded Right:

Standard Season 3-15 to 11-15

Standard Volume 4.0 / 3.0

(1) ☒ Priority (2) Use (3) Season/W61 (4) ☒ Rate (5) Volume

(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

North Snake GW Dist./West ESPA WMDist.

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion

(2) 6.7 acres IRR to STOCK & COMMERCIAL for dairy

(3) Standard IRR season

(5) Volume limited to C.U. Vol $3 \times 6.7 = 20.1$

(7) Change add P/Ds

(8) Change P/U - split right.

Change to Basin (37)

Transfer Remarks 2P/Ds/SWNW

WDR WB4

Conditions 046, 081, 082, T07, T08

T19, T17

per ADM

Database/Processing Notes

Standard

Non-Standard ☒

Copy to "X" prefixes - delete Ts + comment to base wr.

Copy + 6 "X" blank prefix + clear

Remember to Basin (37) Part (3) 37-08911

"T" Files Update Complete ☒

Approval Form ☒

Transfer Memo

Database Updated Following Approval ☒

Memo/Form Files Deleted ☒

06-19-2000

WR0725NP
(00-725)

IDAHO DEPARTMENT OF WATER RESOURCES
I-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

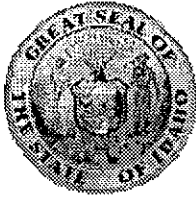
DATE: 06/16/00
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM													
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE															
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac														
T07S R15E S 30																																5 1.7 Acres Out															
0100005	SNAKE RIVE :																																														
0100016	SNAKE RIVE :																																														
0100212	SNAKE RIVE :																																														
A010021220	SNAKE RIVE :	38		40		30		40		32		27		29		33		30				30				40		40		39		40		488													
0100213	SNAKE RIVE :																																														
0100215	SNAKE RIVE :																																														
0100220	SNAKE RIVE :																																														
3604157	GROUNDWATE :																																														
*3604157	GROUNDWATE :																																														
A3604157	GROUNDWATE :																																														
R3604157	GROUNDWATE :																																														
T3604157A	GROUNDWATE :																																														
T3604157C	GROUNDWATE :																																														
T3604157E	GROUNDWATE :																																														
--86 MAP--	C47Q-AA 71 :	38		39		40		39		39																																					
NO QTRS	MAPPING	Lot01-25				Lot02-26				Lot03-27				Lot04-29																																	

No Overlaps

T5683

**Idaho Secretary of State
Business Entity Search**

4 Bros. Dairy, Inc.

425 North 250 West
Shoshone, ID 83352

Type of Business: Corporation, General Business

Status: Goodstanding, Reinstated 12 Feb 1990

State of Origin: Idaho

Date of 26 Feb 1987

Origination/Authorization:

Current Registered Agent: Andrew Fitzgerald
425 North 250 West
Shoshone, ID 83352

Filing Number: C-83266

Number of Authorized 1

Stock Shares:

Date of Last Annual Report: 20 Jul 1999

Related Documents: 26 Feb 1987 - Incorporation (4 Bros. Dairy, Inc.)

03 Nov 1987 - Articles Restatement

03 Nov 1987 - Other (Amend Art. Iv)

12 Feb 1990 - Reinstatement

12 Feb 1990 - 1989 Annual Report (Reinstatement)

20 Aug 1990 - 1990 Annual Report

20 Jun 1991 - 1987 Annual Report

12 Jul 1991 - 1991 Annual Report

13 Jan 1992 - 1988 Annual Report

02 Sep 1992 - 1992 Annual Report

08 Oct 1993 - 1993 Annual Report

25 Jul 1994 - 1994 Annual Report

02 Aug 1995 - 1995 Annual Report

10 Jul 1996 - Merger (Merged With North Valley Milk, Inc.)

14 Aug 1996 - 1996 Annual Report

20 Aug 1997 - 1997 Annual Report

08 Sep 1998 - 1998 Annual Report

MICROFILMED

NOV 17 2000

MICROFILMED

20 Jul 1999 - 1999 Annual Report

New Search

MICROFILMED

NOV 17 2000

MICROFILMED

No: C 83266		Annual Report Form Due No Later Than November 30, 1999		2. Registered Agent and Office NOT A P.O. BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FEE REQUIRED		1. Mailing Address Please Correct, If Not Correct 4 BROS. DAIRY, INC. ANDREW FITZGERALD 425 NORTH 250 WEST		ANDREW FITZGERALD 425 NORTH 250 WEST SHOSHONE ID 83352	
* FIRST NOTICE *		SHOSHONE ID 83352		3. Organized Under the Laws of: ID C 83266	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors Limited Liability Companies: Enter Names and Addresses of ☐ Managers or ☐ Members (check one)					
Office held	Name	Street or P.O. Address	City	State	Zip
PRES	JEROME FITZGERALD	156 4 MILE RD	SHOSHONE	ID	83352
V-P	CIEMENT FITZGERALD	425 N 250 WEST	"	"	"
SECRETRES	ANDREW FITZGERALD	180 4 MILE RD	"	"	"
5. Signature of New Registered Agent			6. Signature <i>Andrew Fitzgerald</i> Date 7-20-99		

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

SRBA

SUBCASE SUMMARY REPORT 36-04157

[Return to SRBA Home Page](#)

SRBA
06-16-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-04157 FILE#: 01218
CLAIMANT: ANDREWS, KEVIN & DONNA
STATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

KEVIN & DONNA ANDREWS C PRO SE

**** ROA ENTRIES ****

12-29-1997	PARTIAL DECREE FILED	12-29-1997
12-29-1997	CERTIFICATE OF MAILING - PARTIAL DECREE	
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT	
04-07-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ 03-02-2001

[Return to SRBA Home Page](#)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-04157	MC ENTIRE, JACK A.	C		06/01/1956	S/	GROUNDWATER	IRR	WR
	JENSEN, O. KEITH	C						
T36-04157A	ANDREWS, KEVIN	C		06/01/1956	D/	GROUNDWATER	IRR	WR
	ANDREWS, DONNA	C						
T36-04157B	ROSA, EDWARD	C		06/01/1956	D/	GROUNDWATER	STOCK COMMER	WR
T36-04157C	ANDREWS, KEVIN	C		06/01/1956	D/	GROUNDWATER	IRR	WR
	ANDREWS, DONNA	C						
T36-04157D	4 BROS DAIRY	C		06/01/1956	D/	GROUNDWATER	STOCK COMMER	WR
T36-04157E	ANDREWS, KEVIN	C		06/01/1956	D/	GROUNDWATER	IRR	WR
	ANDREWS, DONNA	C						
T36-04157F	JOE AND SONDRÁ, AGUEDA	C		06/01/1956	D/	GROUNDWATER	COMMER STOCK	WR

36-04157	ANDREWS, KEVIN	C		06/01/1956	D/	GROUNDWATER	P DECR	AJ
	ANDREWS, DONNA	C						
A36-04157	ANDREWS, KEVIN	C		06/01/1956	S/	GROUNDWATER	IRR	AJ
	ANDREWS, DONNA	C						
R36-04157	ANDREWS, DONNA	C		06/01/1956	D/	GROUNDWATER	P DECR	AJ
	ANDREWS, KEVIN	C						

MICROFILMED

NOV 17 2003

MICROFILMED

JUL 28 2003

IDWR TRANSFER ANALYSIS SHEET

APPLICANT 4 Bros Hair TRANSFER NO. 5683
1. Right number(s) 36-04157

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim
3. Purpose of transfer ☒ Change P/D ☒ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☒ Split Right
☒ Other: CHANGE PERIOD OF USE
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 on original place of use

Comments: DECREED IN SRBA, TRANSFER BASED ON
SRBA DECREE. PERIOD DECREED 4/1 TO 10/31 FOR 36-04157,
HOWEVER, NEW PERIOD IS 3/15 TO 11/15 (SEE R36-04157). NO OVERLAPPING
RIGHTS ON THE ORIGINAL PLACE(S) OF USE.

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

Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer (SEE AERIAL PHOTO WITH APPLICATION)
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred PURCHASE AND SALE AGREEMENTS
- h. ☒ Expansion in use of right - Comments: NONE APPARENT.

NOTE: RIGHT
WILL NEED TO
BE RENUMBERED
TO A BASIN 37

RIGHT IF TRANSFER APPROVED.

i. X Existing rights from same source, on land water is being transferred to; right number(s): 37-10444 IN SAME LEGAL

~~ATTACHMENT~~ ATTACHMENT WITH APPLICATION SAYS NO OVERLAP.

j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) SEE COMMENTS FIRST PAGE

k. X Comment letters Yes X No
If yes Water District #
Lienholder, others, see #2
below for name and address

INITIAL ALLOCATION REVIEW BY A. SKINNER
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE 3/10/2000
DATE _____
DATE _____

1. Legal Notice electronically sent to DWR03::VAULT Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 5/2/00

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ✓ Yes _____ No
4. Affidavit of publication received? ✓ Yes _____ No
5. Protests received? _____ Yes ✓ No; Acknowledgement sent? _____ Yes
6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ✓ Approve
2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: 6/2/00

4. By AD Date 6/2/00

RECEIVED

JUN 8 - 2000

Department of Water Resources

MEMO

FROM: Allen Merritt 

DATE: June 2, 2000

TO: Transfer File No. 5683

Water Right(s): T37-????? (now T36-04157D)

In the Name of: 4 Bros. Dairy

SUBJECT: Review and Recommendation

This transfer proposes to dry up 6.7 acres and convert irrigation use to Stockwater/commercial use for uses at a new replacement heifer operation. The land being dried up was recently decreed in the SRBA (Base right 36-04157) and the owners are marketing the groundwater since they plan on purchasing NSCC shares to irrigate the land. Other transfers are based on purchase of other portions of this right. The applicant has contracted to buy this water if the transfer is approved. The new site is in basin 37 so will need a number change. The applicant proposes to drill two new wells at the heifer site.

The application was processed without protest.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

- Subject to drilling permit requirements.
- Subject to other county, state or federal requirements as may be applicable.
- Use is limited to 0.134 cfs and 20 afa.
- Director retains jurisdiction to require measuring and reporting of use to department.

MICROFILMED

JUL 28 2003

MICROFILMED

NOV 17 2000

✓ # 5683

4 Bros Airy

36-04157

[illegible]

30474

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Gooding } ss.

RECEIVED

MAY 15 2000

Department of Water Resources
Southern Region

Bro. Dairy-T#5683
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

Norma DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the

4th day of May, 192000

and that date of the last publication was on the 11th day of

May, 192000
Norma DeVoe

On this 11th day of May

in the year of 2000, before me, a Notary Public, personally appeared

Norma DeVoe, 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 acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/05

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7.5¢/Pica

408.38 Lines straight at 26.54 6.5¢/Pica

408.38 Subsequent lines at 22.46 5.5¢/Pica

Affidavit Fee: 2.25 MICROFILMED

TOTAL COST 51.25
MAY 17 2000

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that an application have been filed with the Department of Water Resources by 4 Brothers Dairy, 427 N 250 W; SHOSHONE ID 83352 for changes to a water right as described below:

Transfer No. 5683 involves Right No. 36-04157 (1.0 cfs) recorded with priority date of 06/01/1956 from ground water diverted & used within Lot 3 (NWSW) for irrigation of 50 acres. The applicants request to convert an irrigation water right to stockwater/commercial uses by drying up 6.7 acres within W1/2SW, all S30, T07S, R15E; Gooding County; and also propose to drill two (2) new wells within SWNW for diversion of 0.134 cfs for stockwater/commercial uses within SWNW & NWSW, all S09, T05S, R17E in a replacement heifer operation; Lincoln County. The remainder of the right is involved in other pending transfers.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before May 22, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

/s/ Karl J. Dreher, Director
PUB: 5/4 - 5/11 G30862
Instructions 5.5¢/Pica

No. 7427

30862

MICROFILMED

JUL 28 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that three applications have been filed with the Department of Water Resources for changes to water rights as described below:

Transfer No. 5683 by 4 Brothers Dairy, 427 N 250 W; SHOSHONE ID 83352 involves Right No. 36-04157 (1.0 cfs) recorded with priority date of 06/01/1956 from ground water diverted & used within Lot 3 (NWSW) for irrigation of 50 acres. The applicants request to dry up 6.7 acres within W½SW, all S30, T07S, R15E; Gooding County; and also propose to drill two (2) new wells within SWNW for diversion of 0.134 cfs for stockwater/commercial uses within SWNW & NWSW, all S09, T05S, R17E in a replacement heifer operation; Lincoln County. The remainder of the right is involved in other pending transfer applications before the Department.

Young & Young Partnership, 300-A East, 1600 North; RUPERT ID 83350 have filed two (2) Applications for Transfer as follows:

Transfer No. 5707 involves six ground water Irrigation rights in Lincoln County as recorded:

<u>Rt. No.</u>	<u>Priority</u>	<u>Cfs</u>	<u>Transferred</u>	<u>POD</u>	<u>Acres</u>
36-02630	11/01/1965	5.46	0.80 cfs	NWSW,S29,T06S,R23E	443
36-08619	11/13/1991	1.33	0.20 cfs	Same	491
36-02454	12/08/1960	3.38	0.22 cfs	SENE, S29, T06S, R23E	227
36-07007A	09/11/1967	1.40	0.09 cfs	NWSE, S28, T06S, R23E	70
36-07956	01/16/1981	2.30	0.15 cfs	SENE, S29, T06S, R23E	151
A36-15469	04/01/1980	0.30	0.02 cfs	Same	393

The applicants desire to dry up pivot corners on one farm (consisting of 39.7 acres in S29 and 58.3 acres in S30) in order to allow a pivot to be installed on a dry portion of another farm by leasing portions of water rights ; and also propose to divert a combined total of 1.40 cfs from an existing well within SWSE, S32 for irrigation of a 99 acre permissible place of use within S32; all T06S, R23E.

Transfer No. 5720 involving 77 water rights authorizing the diversion of a combined total of 119.01 cfs from 32 existing and inter-connected wells used for the irrigation of 8574 acres in Lincoln/Minidoka Counties. Seventy (70) acres historically irrigated within the SW, S14, T07S, R23E were inadvertently omitted in previous Approved Transfer No. 5167. Transfer No. 5720 has been filed solely to correctly record the total current 8644 acre permissible place of use with no other changes to the water rights. Additional information relating to the proposed transfer may be obtained by calling 208-736-3033.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before May 22, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. **(Each transfer requires a separate protest.)** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Lincoln County Journal on 5/4 & 5/11/00

MICROFILMED
JUL 28 2003
NOV 17 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 2000

ATTN: LEGALS DEPT
LINCOLN COUNTY JOURNAL
PO BOX 704
SHOSHONE ID 83352

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that an application have been filed with the Department of Water Resources by 4 Brothers Dairy, 427 N 250 W; SHOSHONE ID 83352 for changes to a water right as described below:

Transfer No. 5683 involves Right No. 36-04157 (1.0 cfs) recorded with priority date of 06/01/1956 from ground water diverted & used within Lot 3 (NWSW) for irrigation of 50 acres. The applicants request to convert an irrigation water right to stockwater/commercial uses by drying up 6.7 acres within W $\frac{1}{2}$ SW, all S30, T07S, R15E; Gooding County; and also propose to drill two (2) new wells within SWNW for diversion of 0.134 cfs for stockwater/commercial uses within SWNW & NWSW, all S09, T05S, R17E in a replacement heifer operation; Lincoln County. The remainder of the right is involved in other pending transfers.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before May 22, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 5/4 & 5/11/00

MICROFILMED
JUL 28 2003

MICROFILMED
NOV 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 2000

MAGIC VALLEY PUBLISHING
ATTN: Gooding County Leader
PO BOX 468
JEROME ID 83338

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

NOV 17 2000

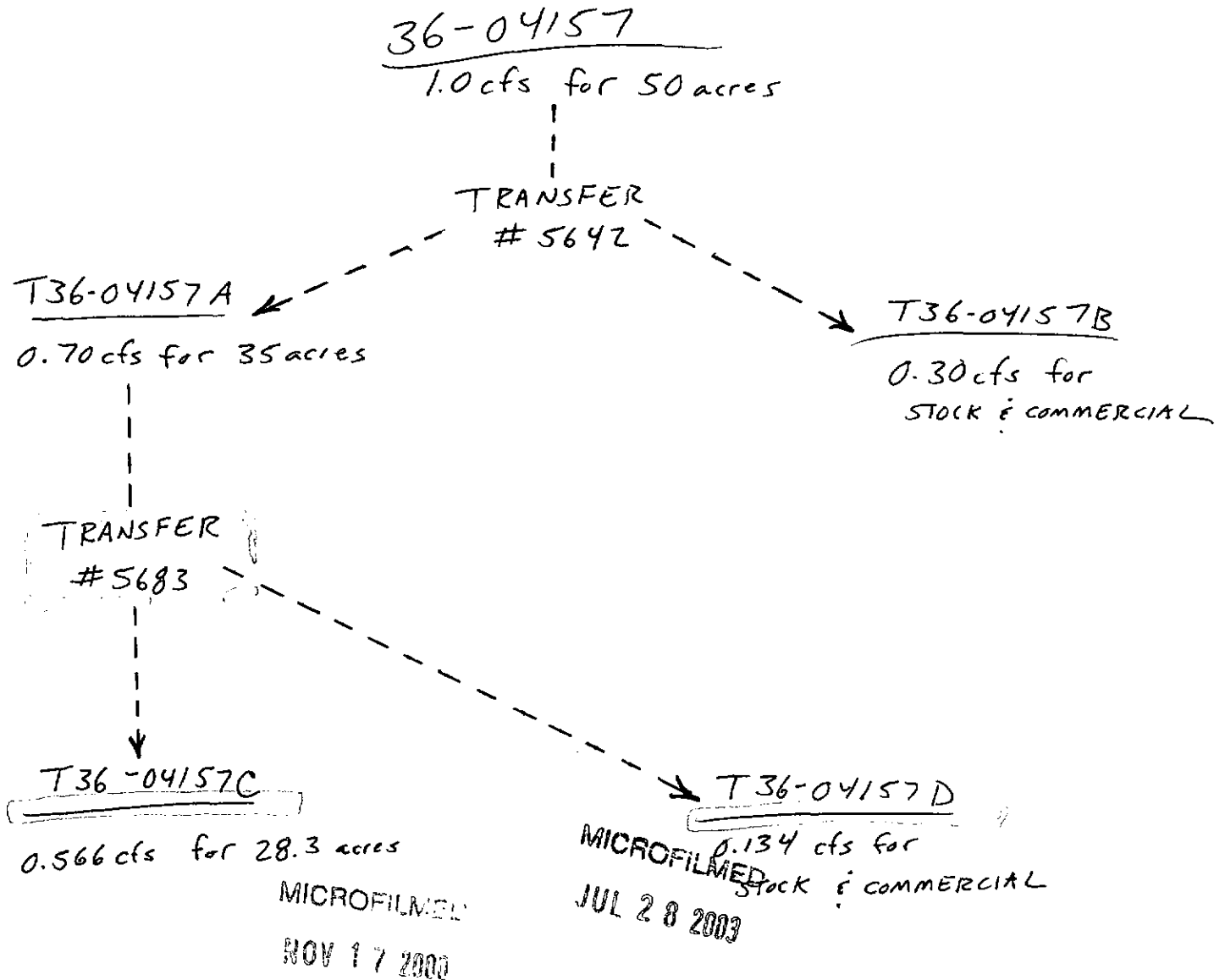
MICROFILMED

JUL 28 2003

SD-0611-2 Basin: 36 Starting Water Right: 04157

S	Water	Name	O	Priority	STG/	Use	S
L	Right No.	Last, First	N	Date	STS	Source	Desc
-	36-04157	MC ENTIRE, JACK A.	C	06/01/1956	S/	GROUNDWATER	IRR WR
-		JENSEN, O. KEITH	C				
-	T36-04157A	ANDREWS, KEVIN	C	06/01/1956	D/	GROUNDWATER	IRR WR
-		ANDREWS, DONNA	C				
-	T36-04157B	ROSA, EDWARD	C	06/01/1956	D/	GROUNDWATER	STOCK WR
-							COMMER
-	T36-04157C	ANDREWS, KEVIN	C	06/01/1956	D/	GROUNDWATER	IRR WR
-		ANDREWS, DONNA	C				
-	T36-04157D	4 BROS DAIRY	C	06/01/1956	D/	GROUNDWATER	STOCK WR
-							COMMER
-	36-04157	ANDREWS, KEVIN	C	06/01/1956	D/	GROUNDWATER	P DECR AJ
-		ANDREWS, DONNA	C				
-	A36-04157	ANDREWS, KEVIN	C	06/01/1956	S/	GROUNDWATER	IRR AJ
-		ANDREWS, DONNA	C				
-	R36-04157	ANDREWS, DONNA	C	06/01/1956	D/	GROUNDWATER	P DECR AJ

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2002

STEVE MATTHEWS
450 N 210 W
JEROME ID 83338

RE: Water Right Transfer for Millenkamp CAFO
Transfer No. 68529 - Water Right No. 36-4157F

Dear Mr. Matthews:

This letter is a response to your letter received by the Department on March 7, 2002. You expressed concern regarding the Department's approval of the water right transfer referenced above related to a Confined Animal Feeding Operation even though the operation had not applied for a permit from Jerome County.

The Department's approval of a water right transfer does not supersede another state or local government agency's authority or relieve the owner(s) from permitting requirements by those agencies. The transfer approval includes conditions as follows:

The right holder shall accomplish the change authorized within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Although the time period for completion may be extended for good cause, if the owner is unable to obtain the necessary permits to proceed with the project, the transfer approval may ultimately be rescinded.

You also asked about the need for accounting or measurement of the amount of water used. The transfer approval also includes the following conditions:

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall measure and annually report diversion of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

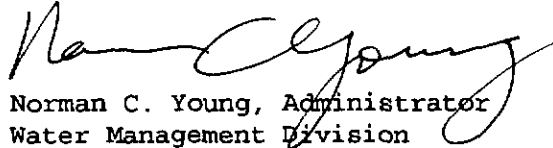
MICROFILMED

JUL 28 2003

The right associated with the transfer (36-4157F) is included in the West Water Measurement District. Since this is a fairly recent approval, steps are underway to verify the installation of a measuring device and to coordinate with the user regarding measurement requirements and annual assessment.

Please feel free to contact this office if you have additional questions.

Sincerely,



Norman C. Young, Administrator
Water Management Division

See: Southern -

MICROFILMED
JUL 28 2003

RECEIVED

MAR - 7 2002

Department of Water Resources

Steve Matthews
450 North 210 West
Jerome, Idaho 83338
PH#324 - 8940

March 6, 2002

RE: Water transfer for Millenkamp CAFO

Water Rights 36-4157E & 36-4157F (Transfer 68529)

Norm Young
1301 North Orchard Street
Boise, Idaho 83706

Dear Norm Young,

Am concerned how the Department of Water Resources can transfer a ground water right for a Confined Animal Feeding Operation when said operation has not applied for a permit from Jerome County. What would happen to that transfer if his application were denied? If the transfer is valid does Mr. Millenkamp have to account for the amount of water that is used. If so, does a flow meter exist on that well? Any information that your office could provide on the State's procedures would be appreciated.

Thank You,

Steve Matthews

Steve Matthews

MICROFILMED

JUL 28 2003

ROUTING SLIP

Distribution		Provided for your:	
Date: 11/6/00		Information	X
To: Shelly Keen		Comments	
From: Mary D. Sauter		Approval	
		Signature	
Special Notes: Goes with Withdrawal			
app # 5642 (36-04157 pt, etc)			
Edward Rosa			
MICROFILMED			

111 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380.

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 2000

EDWARD ROSA
1944 S 2100 E
GOODING ID 83330

Re: Application for Transfer No. 5642 (36-04157 Pt, 37-11200

Dear Mr. Rosa:

This office acknowledges receipt of your request to withdraw the above referenced application.

This action classifies the Application as null, void and of no further consideration by the Idaho Department of Water Resources.

By copy of this letter, the protestant(s) have been informed of this action; please see attachment.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

cc: See attachment

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

Attachment-Mr. Edward Rosa
Page 2
October 30, 2000

DEL KOHTZ
1135 VALLEY RD SOUTH
EDEN ID 83325

VAL ERCANBRACK
1964 S 2100 E
GOODING ID 83330

STEVE STROUD
2149-B HWY 26
BOX 482
GOODING ID 83330

SHERI & MARK EAMES
1962 S 2100 E
GOODING ID 83330

SCOTT ANDERSON
1928 S 2100 E
GOODING ID 83330

GARY & CAROL BRADSHAW
1884 S 2100 E
GOODING ID 83330

ATTN LEE HALPER
IDAHO RURAL COUNCIL
331 S 230 W
JEROME ID 83338

DOWELL & JUDITH DEMARAY
2149-A HWY 26
GOODING ID 83330

DR E G RYAN
1925 S 2100 E
GOODING ID 83330

EDDY & JULIE GRIGGS
2923 E 3400 N
TWIN FALLS ID 83301

VERN & ANGELEE EAMES
1950 S 2100 E
GOODING ID 83330

MARTIN & CAROLYN ELEXPURU
PO BOX 466
GOODING ID 83330

MICROFILMED

JUL 28 2003

MICROFILMED

NOV 17 2000

RECEIVED

OCT 25 2000

TO: STATE OF IDAHO
DEPT OF WATER RESOURCES
1341 FILLMORE-SUITE 200
TWIN FALLS ID 83301-3380

Department of Water Resources
Southern Region Office

934-5568

Gentlemen:

I/we wish to withdraw Application for Transfer of Water Right
No. 5568 filed in the name of Edward Rosa

5642

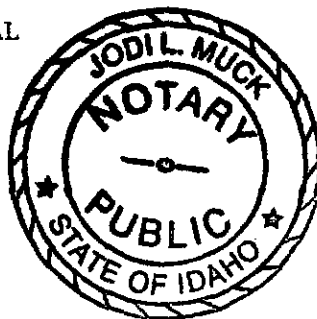
Dated this 25 day of Oct, 2000

Edward M. Rosa
(Name)

(Title)

Subscribed and sworn (or affirmed) before me this 25th day of
October 2000

SEAL



Notary Public Jodil Muck

Residing at Gooding County

My Commission Expires 05/03/06

MICROFILMED MICROFILMED
NOV 17 2000 JUL 28 2003

DEC 08 1999

**Department of Water Resources
Southern Region**

Phone

ne 101
83330

Amount Nature

[illegible]

Total: 100

PART 1

6. General Information:

a. Description of diversion system One existing Well and one new Well shown in accompanying drawing.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:
15 acres no longer irrigated from the well. Owner in owner is in the process of purchasing Canal Shares. They have not traded yet. There were no Canal Shares previously.

d. Remarks:
DOMESTIC USE WILL BE FOR THREE (3) HOMES. ER. 1-24-2000

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____.

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-04157

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.00 CFS	200.0 AF

SOURCE

GROUNDWATER

Priority: 06/01/1956

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (SE¹/₄SW¹/₄), Sec. 30, Township 07S, Range 15E
GOODING County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	:	-----	
07S	15E	30	:					:					:	03-20	04-30			:						:	50.0	
															<u>0.15</u>										50.0	
															2										TOTAL ACRES	50.0

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

17 Tax Notice

/ / Warranty Deed

/ / Other

other
MICROFILMED

NOV 17 2000

~~MICROFILMED~~

JUL 28 2003

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ 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 0.30 cfs for Irrigation purposes from 04/01 to 10/31
 (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	SE	NW	SW	30	07S	15E	Gooding	

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	
07S	15E	30									15								15

Total acres _____

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

1. amount 0.70 cfs for Irrigation purposes from 04/01 to 10/31
 (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
		NW	SW	30	07S	15E	Gooding	
		SW	SW	30	07S	15E	Gooding	
3	SE	NW	SW	30	07S	15E	GOODING	ER-1-24-2000

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	
07S	15E	30									5	30							35 cfs.

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2000

35 cfs.

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 37-11200

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.07 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.07 CFS

SOURCE

GROUNDWATER

Priority: 01/01/1930

LOCATION OF POINT(S) OF DIVERSION:NESWNW , Sec. 10, Township 06S, Range 15E
GOODING CountyPLACE OF USE: STOCKWATERTWN RGE SEC

06S 15E 10 SWNW

PLACE OF USE: DOMESTICTWN RGE SEC

06S 15E 10 SWNW

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NOS. 06S15E104200A, RP3329T
STOCKWATER, 50 COW DAIRY, 100 DAIRY STOCK

MICROFILMED
NOV 17 2000MICROFILMED
JUL 28 2003

Pg 6 of 7

Radio Towers.

GOODING

EAST

3610

2100

3614

BM
3614

3620

3600

MAIN

Rosa

10

3627

3630

BM
3642

3646

3640

CANAL

Rosa

3650

3659 Well

3650

3630

3633

MICROFILMED

NOV 17 2002

T#5642

28 2003

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Stockwater/Commercial Amount (cfs/ac-ft) 0.15cfs/45AFA Hours/days/year as needed Period of Use 01/01 to 10/31
to _____

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

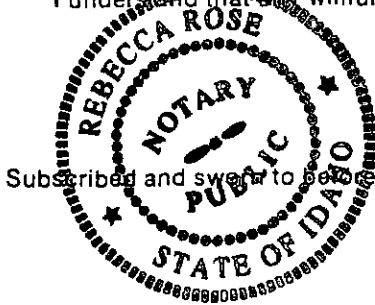
All waters stay on property

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

none

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 24th day of November, 19 99.

(Signature of Applicant)

Rebecca Rose
(Notary Public)

My commission expires 9/09/04

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by C. SKINNER Date 12/8/99

Prelim. check by C. SKINNER Fee \$100.00 SO 22708

Received by C. SKINNER Date 12/8/99

Published in Gooding Co. Leader

Pub. dates 3/24 & 3/2/00

Watermaster recommendation requested on N/A

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

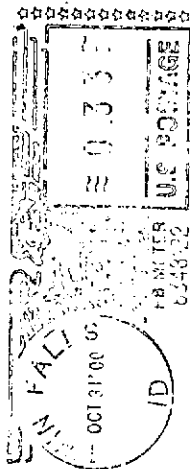
Copy of transfer sent to lien holder _____

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED



RECEIVED

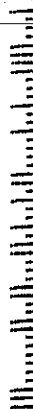
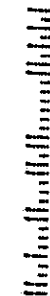
NOV 06 2000

Department of Water Resources
Southern Region

EDDY & JULIE GRIGG
2923 E 3400 N
TWIN FALLS ID 83301

GRIGG923 833012221 1600 06 11/02/00
RETURN TO SENDER
GRIGGS
1219 BRUNDAGE CIR
TWIN FALLS ID 83301-3571
RETURN TO SENDER

833012221/2220



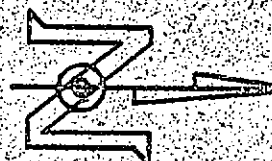
RECEIVED

NOV 08 2000

Department of Water Resources

MICROFILMED
MICROFILMED
NOV 17 2000
JUL 28 2003

SECTION CORNER
GOV. MONUMENT FND



1065, RISE

1329.86
50° 00' 00" E
BASIS OF BEARING

1320.73
N89° 32' 48" E

TRUE POINT OF BEGINNING

DARK

1321.06

EXISTING LAS COWS

ASKEW HOMESITE

EASEMENT POINT OF BEGINNING

727.16
N89° 32' 48" E

235.53
S88° 38' 49" E
255.35
N76° 24' 47" E

Handwritten note: "M. J. ..."

Handwritten note: "FUTURE"

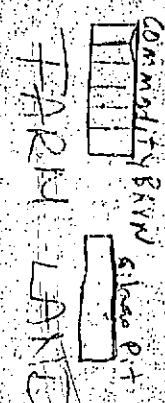
589° 25' 33" W

1317.64
N89° 25' 33" E

1357.47

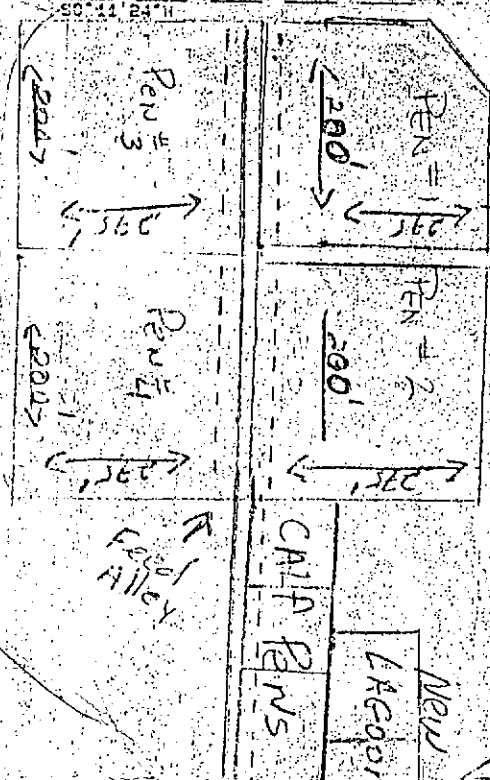
330.92
N0° 00' 00" E

Handwritten text: "APPLICABLE"



Handwritten text: "FARM LAND"

Handwritten text: "Hay"



Handwritten text: "Fogel Alley"



Handwritten text: "MICROFILM"

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this 11/13/99

by and between Kevin & Donna Andrews
(hereinafter "Seller"), and Del Bohtz (hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers do hereby agree to buy from the Sellers 50 ^{maybe changed to 60"} inches of Idaho Water License # 36-04152 and the water appurtenant thereto, for

\$ _____ per inch.

2. The total purchase price shall be \$ — ⁰⁰ The entire purchase price shall be paid on the closing date described in paragraph 5 below, less earnest money paid.

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department. If the application is not approved, this Agreement shall become null and void. A copy of the Application for Transfer of Water Right is attached hereto as Exhibit "A" and incorporated herein by said reference.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 1

MICROFILMED

NOV 17 2000

MICROFILMED

JUN 28 2003

T # 5642

4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price to Seller shall take place at the law offices of Ling, Nielsen and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyer's receipt of approval from the Department of the application for transfer.

5. The Buyers shall be given possession and use of the water license and the water appurtenant thereto, upon closing.

6. In the event that the Buyers are unable to close this transaction for any reason, the Buyers agree that they will execute any documents necessary to transfer the water license back to the Sellers.

7. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Each party agrees to pay one-half of any costs incurred in executing this document.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 2

NOV 17 2000

JUL 28 2003

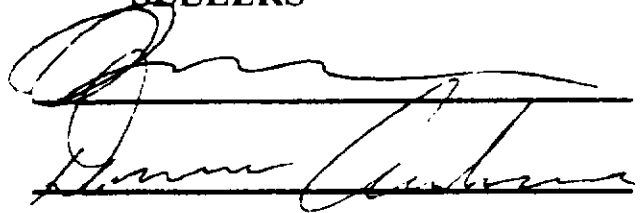
OTHER PROVISIONS

Legals NW SW Sec 30 T07S R15E - 20 ac.
SW SW Sec 30 T07S R15E - 30 acres

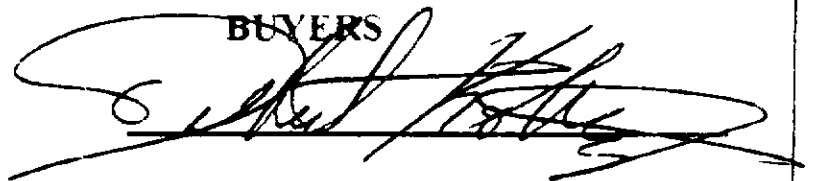
Buyer will put money into Escrow Jan
Andreas to obtain Canal Water for their
farm.

IN WITNESS WHEREOF the parties have caused their names to be
subscribed on the dates set forth above.

SELLERS



BUYERS



AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 3

MICROFILMED

NOV 17 2000

JUL 28 2003

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this Nov. 24, 1999

by and between Del Kohfz
(hereinafter "Seller"), and Edward Rosa R+R Dairy (hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers do hereby agree to buy from the Sellers 15 inches of Idaho Water License # 36-04157 and the water appurtenant thereto, for \$ 1 per inch.

2. The total purchase price shall be \$ 7 The entire purchase price shall be paid on the closing date described in paragraph 5 below, less earnest money paid. 7 - DK

3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department. If the application is not approved, this Agreement shall become null and void. A copy of the Application for Transfer of Water Right is attached hereto as Exhibit "A" and incorporated herein by said reference.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

NOV 17 2000

JUL 1 1999

4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price to Seller shall take place at the law offices of Ling, Nielsen and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyer's receipt of approval from the Department of the application for transfer.

5. The Buyers shall be given possession and use of the water license and the water appurtenant thereto, upon closing.

6. In the event that the Buyers are unable to close this transaction for any reason, the Buyers agree that they will execute any documents necessary to transfer the water license back to the Sellers.

7. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Each party agrees to pay one-half of any costs incurred in executing this document.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 2

MICROFILMED

NOV 17 2003

MICROFILMED

JUL 28 2003

OTHER PROVISIONS

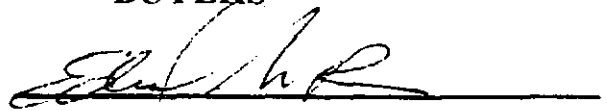
Legals:

IN WITNESS WHEREOF the parties have caused their names to be
subscribed on the dates set forth above.

SELLERS


1135 Valley Rd So
Eden, Id 83325

BUYERS


1944 S. 2100 E
Gooding ID 83350

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 3

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

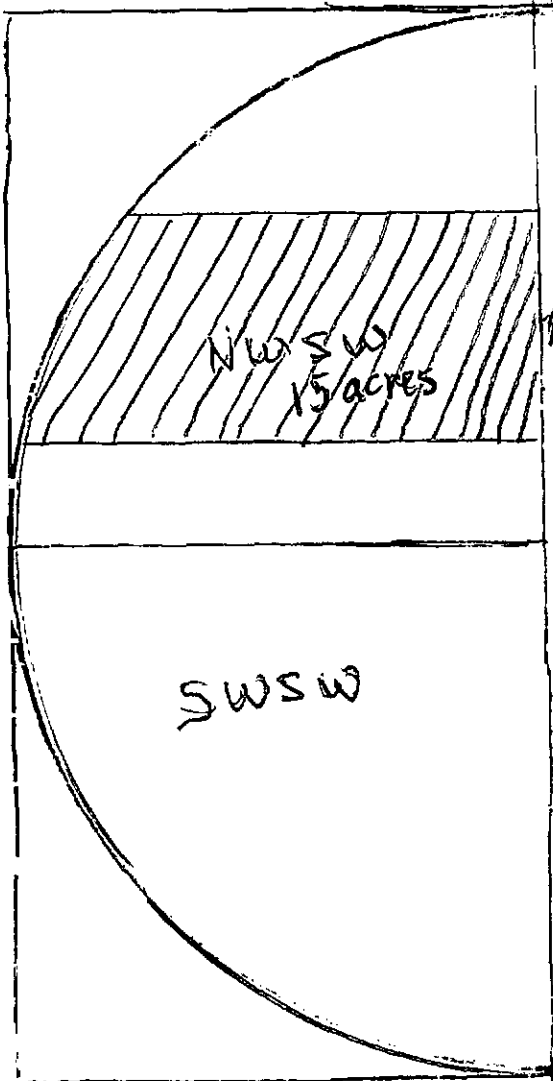
Andrew License

SW $\frac{1}{4}$ - NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 30

50 acres
original

T07S R15E



To Edward Rosa

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

Thence, S00°11'24"W, 662.23 feet to a point;
Thence, S 89°25'33"W, 1367.47 feet to a point on the West Section line of Section 10;
Thence, N00°00'00", 50.00 feet along said Section line to a point on said line;
Thence, N 89°25'33"E, 1317.64 feet to a point on the East boundary of the Southwest Quarter
of the Northwest Quarter;
Thence, N00°11'24"E, 612.66 feet along said boundary to the Point of Beginning.

This reserved easement is personal to Grantor and shall lapse upon Grantor no longer owning any portion of the dominant estate related to this easement, legally described as follows:

Township 6 South, Range 15 East of the Boise Meridian
Section 10: SW¼NE¼ and S½NW¼

Excepting a tract of land conveyed by Deed dated October 26, 1954, and recorded October 28, 1954, in Book 42 Deeds Page 426, records of Gooding County, Idaho.

Together with 40 shares of stock in the Big Wood Canal Company, appurtenant thereto and adjudicated water right number A37-11200.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. Taxes for 1998 and subsequent years, which are a lien, but not yet due and payable.
2. Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided. (Assessments Paid Current)
3. Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided. (Assessments Paid Current)
4. Right of way for canals, laterals and waste ditches of Big Wood Canal Company.
5. Power Line Easement given by W.R. Hoodenpyle and Louise Hoodenpyle, husband and wife, to Idaho Power Company, a corporation, dated July 5,, 1945, recorded March 19, 1955 in Book 7 Page 381 as Instrument Number 126737, Gooding County records, affecting the SW¼NW¼ of Section 10, Township 6 South, Range 15 East Boise Meridian.
6. Subject to an easement for irrigation ditch over the Westerly boundary of the above described property.
7. Terms and conditions contained in Easement Agreement between Scott M. and

MICROFILMED
WARRANTY DEED
c:\jill\real\jill\warranty\warranty.doc
JUL 17 2000

MICROFILMED
JUL 23 2003

JUL 28 2003

WARRANTY DEED

FOR VALUE RECEIVED,

DONALD E. ASKEW and **ELBERTA L. ASKEW**, the "Grantors", do hereby grant, husband and wife bargain, sell and convey unto **EDWARD M. ROSA** and **KAREN ROSA**, husband and wife, whose address is 1998 S 2100 E, Gooding, Idaho, the "Grantees", the following described premises located in Gooding County, Idaho, to wit:

A Parcel of land located in the South Half of the Northwest Quarter of Section 10, Township 6 South, Range 15 East of the Boise Meridian, GOODING County, Idaho.

Commencing at the Northwest Corner of Section 10;

Thence, S00°00'00"E, 1329.86 feet along the West Section line of Section 10 to the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section;

Thence, N 89°32'48"E, 1320.73 FEET ALONG THE North boundary of said Quarter/Quarter to the Northeast corner of said Quarter/Quarter which is the TRUE POINT OF BEGINNING;

Thence, N 89°32'48"E, 1321.06 feet along the North boundary of the Southeast Quarter of the Northwest Quarter to the Northeast corner of said Quarter/Quarter;

Thence, S00°14'28"W 1323.14 feet along the East boundary of said Quarter/Quarter to the Southeast corner of said Quarter/Quarter;

Thence, S 89°30'12"W, 1951.58 feet along the South boundary of the Northwest Quarter of said Section 10 to a point on said line;

Thence, N00°00'00"E, 330.92 feet to a point;

Thence, S 89°25'33"W 684.68 feet to a point on the West Section line of Section 10;

Thence, N00°00'00"E, 445.59 feet along said Section line to a point at the midline of an existing canal;

Thence, S 88°38'49"E. 235.53 feet along said canal to a point on the center line of said canal;

Thence, N 76°24'47"E, 255.36 feet along said canal to a point on the center line of said canal;

Thence, N 45°17'02"E, 152.80 feet along said canal to a point on the center line of said canal;

Thence, N 89°32'48"E, 727.16 feet to a point on the East boundary of the Southwest Quarter of the Northwest Quarter;

Thence, N00°11'24"E, 392.25 feet along said boundary to the TRUE POINT OF BEGINNING,

Subject to an easement over and across a portion of the real property for purposes of ingress and egress described as:

Commencing at the True Point of Beginning of subject property;

Thence, S00°11'24"W, 330.00 feet along said property line to the Point of Beginning of said easement;

Thence, N 89°32'48"E, 50.00 feet to a point;

WARRANTY DEED
c:\jill\real\st\warrdced.1ca

MICROFILMED
NOV 17 2000

MICROFILMED

JUL 28 2003

T # 5642

June 30, 1999

Don and Elberta Askew agree as lienholders of the property located at 1916-B south 2100 east, Gooding Idaho. (Section 10, township 6 south, range 15 ebm), to cooperate with Edward and Karen Rosa with diversion of water to the property. The water will be for dairy use.

The Rosas from Del Kohtz 1135 Valley rd south Eden Idaho purchased the water rights.

Donald Askew

Elberta Askew

Edward Rosa

Karen Rosa

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

T#5642

Fresh Water Considerations for dairy farms

Freshwtr

Drinking water estimates

Gallons per day

	Number	Per day @ 40d	Per day @ 60d	Per day @ 80d	40d Total	60d Total	80d Total
Milking Cows	850	22	26.1	32	18700	22185	27200
Dry Cows	187	9.7	12	16.2	1813.9	2244	3029.4
hfr 16-24 mo	50	8.7	10.8	14.5	435	540	725
hfr 13-15 mo	0	8.7	10.8	14.5	0	0	0
hfr 9-12 mo	0	6.3	7.9	10.6	0	0	0
hfr 5-8 mo	280	6.3	7.9	10.6	1764	2212	2968
hfr 3-4 mo	110	3.7	4.6	6.1	407	506	671
hfr 0-2 mo	110	2	2.5	3.3	220	275	363
Total cow use -- gallons					23,340	27,962	34,956
Mature Cows	1037						
Heifers	550						

Wash pen estimates

Sprinkler discharge per nozzle

Number of nozzles

Minutes per day used

Total washpen water

0 gpm
0 #
0 min
0 gallons

Milkhouse and parlor estimate

	per operation	times per day	gallons per day
Bulk tank	120	1	120
Pipeline	47	2	94
Backflush	0	1700	0
Cleanup	300	2	600
Cow prep	0	2	0
Plate cooler	0	850	0
Total Milkhouse water used			814

Total dairy fresh water requirements -- monthly -- annual -- daily (second table)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YEAR
Drinking	723,537	653,517	866,822	838,860	866,822	1,048,692	1,083,648	1,083,648	1,048,692	866,822	838,860	723,537	10,643,458
Washpen	0	0	0	0	0	0	0	0	0	0	0	0	0
Process	25,234	22,792	25,234	24,420	25,234	24,420	25,234	25,234	24,420	25,234	24,420	25,234	297,110
Total	748,771	676,309	892,056	863,280	892,056	1,073,112	1,108,882	1,108,882	1,073,112	892,056	863,280	748,771	10,940,568
Drinking	23,340	23,340	27,962	27,962	27,962	34,956	34,956	34,956	34,956	27,962	27,962	23,340	
Washpen	0	0	0	0	0	0	0	0	0	0	0	0	
Process	814	814	814	814	814	814	814	814	814	814	814	814	
Total	24,154	24,154	28,776	28,776	28,776	35,770	35,770	35,770	35,770	28,776	28,776	24,154	

gallons → 33.58 acc. feet
year

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

T#5642

RECEIVED

FEB 07 2000

Department of Water Resources
Southern Region

To whom it may concern;

This letter is verification that Edward Rosa dba R & R Holsteins. Located at 1926 S. 2100 E Gooding Idaho , is currently milking a total of 300 head of cows at his facility. He has been one of our producers for 5 years.



Jon Davis

Jerome Cheese Co.

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

T # 5642

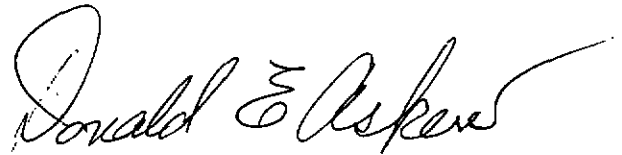
RECEIVED

FEB 07 2000

Department of Water Resources
Southern Region

To whom it may concern;

This letter is verification that Edward Rosa dba R & R Holsteins. Located at 1926 S. 2100 E Gooding Idaho , is currently milking a total of 300 head of cows at his facility. He purchased the facility from me in October 1998.



Donald Askew

MICROFILMED
NOV 17 2000

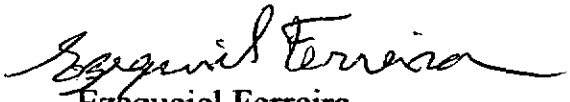
MICROFILMED
JUL 28 2003

T # 5642

RECEIVED
FEB 07 2000
Department of Water Resources
Southern Region

To whom it may concern;

This letter is verification that Edward Rosa dba R & R
Holsteins. Located at 1944 S. 2100 E Gooding Idaho , is currently milking a
total of 300 head of cows at his facility.


Ezequiel Ferreira

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

T # 5642



WARRANTY DEED

Lois D. Jensen, a widow,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
Kevin Andrews and Donna Andrews, husband and wife,
hereinafter referred to as Grantee, whose current address is
1763 E. 3000 S., Wendell, ID, 83355
the following described premises, to-wit:

That portion of the Southwest Quarter of Section 30, Township 7
South, Range 15 East of the Boise Meridian, Gooding County, Idaho,
described as follows:

Beginning at a point in the half Section line 61.72 rods
West of the center of said Section, THE TRUE POINT OF
BEGINNING;
Thence West on said half Section line 1319.9 feet more or
less to the Quarter corner between Section 30, Township 7
South, Range 15 East of the Boise Meridian, and Section 25,
Township 7 South, Range 14, East of the Boise Meridian;
Thence South 2640 feet more or less to the Section corner;
Thence East 1328.9 feet more or less on the South boundary of
said Section to a point due South of the Point of Beginning;
Thence North 2640 feet more or less to THE POINT OF BEGINNING.

143998

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

20 min. past 1 o'clock P M. this 11th
of March 1991.

JOHN A. MYERS, Recorder

By Carolee Sharp Dec
file 300

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant
to and with the said Grantee, that Grantor is the owner in fee simple of said
premises; that said premises are free from all encumbrances except current years
taxes, levies, and assessments, and except U. S. Patent reservations, restrictions,
easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

Dated: March 7, 1991.

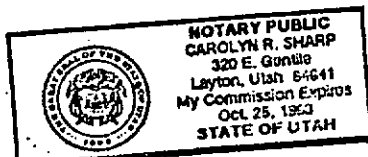
Lois D. Jensen
Lois D. Jensen

STATE OF UTAH)

COUNTY OF DAVIS)

: ss

On this 7th day of March, in the year 1991, before me, a Notary Public
in and for said State, personally appeared Lois D. Jensen, known or identified to
me to be the person whose name is subscribed to the within Instrument, and
acknowledged to me that she executed the same.



Carolee Sharp
Notary Public for Utah
Residing at:
Commission Expires:

MICROFILMED

NOV 7 2000

First American Title Company of Idaho

T # 5642

RECEIVED

MAR 14 1991

Department of Water Resource
Southern Region Office



WARRANTY DEED

Jack A. McEntire and Rose Marie McEntire, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Kevin Andrews and Donna Andrews, husband and wife,
hereinafter referred to as Grantee, whose current address is

1763. 3000 S., Wendell, ID, 83355

the following described premises, to-wit:

That portion of the Southwest Quarter of Section 30, Township 7
South, Range 15 East of the Boise Meridian, Gooding County, Idaho,
described as follows:

Beginning at a point in the half Section line 61.72 rods
West of the center of said Section, THE TRUE POINT OF
BEGINNING;
Thence West on said half Section line 1319.9 feet more or
less to the Quarter corner between Section 30, Township 7
South, Range 15 East of the Boise Meridian, and Section 25,
Township 7 South, Range 14, East of the Boise Meridian;
Thence South 2640 feet more or less to the Section corner;
Thence East 1328.9 feet more or less on the South boundary of
said Section to a point due South of the Point of Beginning;
Thence North 2640 feet more or less to THE POINT OF BEGINNING.

143997

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

20 min. past 1 o'clock P M. this 11th
of March 1991

JOHN A. MYERS, Recorder

By Alberta Sides Dep. fe 3.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant
to and with the said Grantee, that Grantor is the owner in fee simple of said
premises; that said premises are free from all encumbrances except current years
taxes, levies, and assessments, and except U. S. Patent reservations, restrictions,
easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

Dated: March 10th, 1991.

Jack A. McEntire
Jack A. McEntire

Rose Marie McEntire
Rose Marie McEntire

STATE OF WASHINGTON)
: ss
COUNTY OF / KING)

On This 16th day of March, in the year 1991, before me, a Notary Public
in and for said State, personally appeared Jack A. McEntire and Rose Marie McEntire,
known or identified to me to be the person whose name is subscribed to the within
Instrument, and acknowledged to me that she executed the same.

John A. Myers
Notary Public for Washington
Residing at: Boise
Commission Expires: 4-8-93

MICROFILMED
NOV 17 2000

JUL 28 2003

First American Title Company of Idaho

T#564

RECEIVED

MAR 14 1991

Department of Water Resources
Southern Region Office

T # 5642

FILE PROGR
Edward Rosa

36-04157

[illegible]

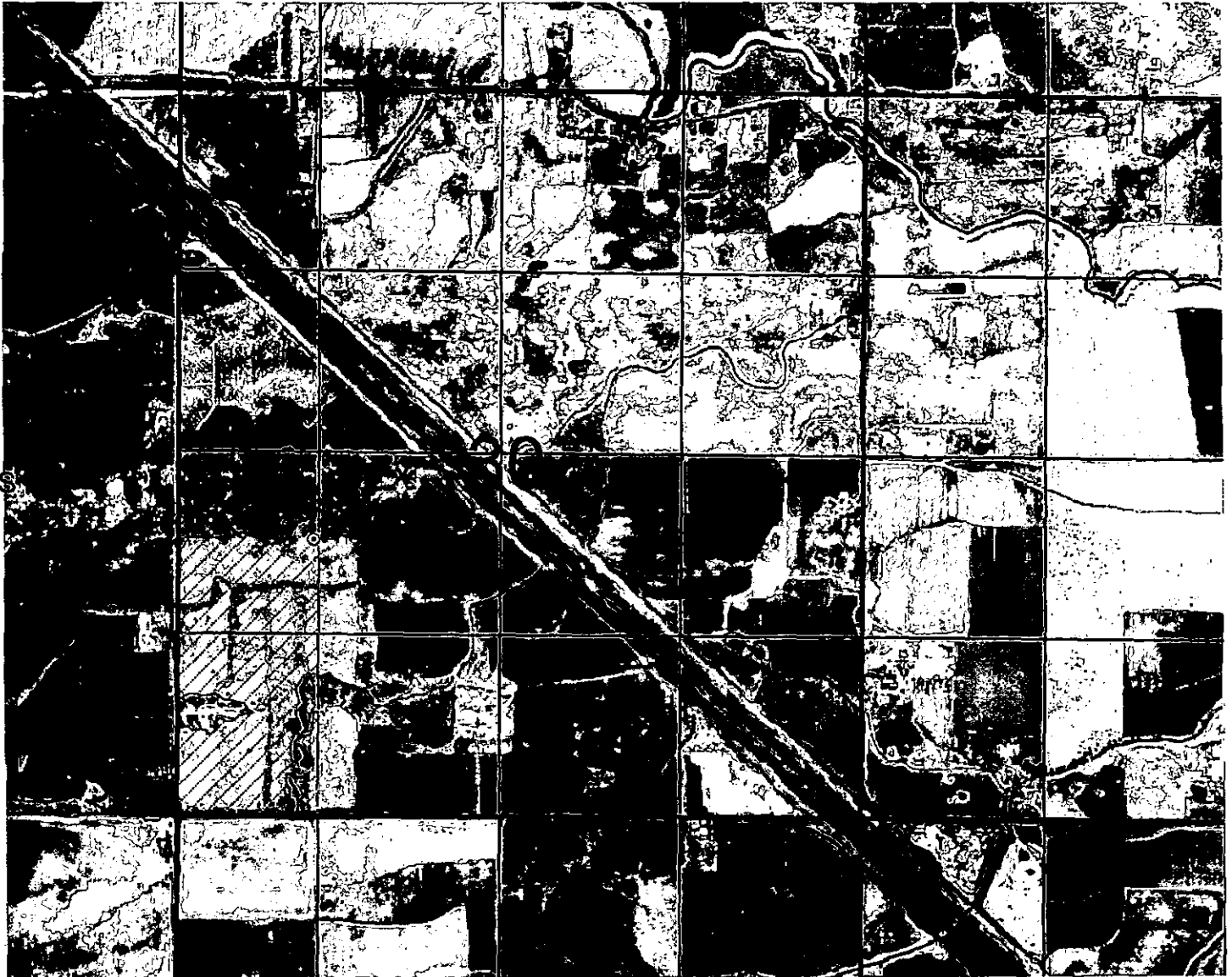
IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT 36-04157
(PRE TRANSFER #5642, #5683, AND #5716 CONDITONS)

GIS LAYOUT BY COREY SKINNER
04/11/2000

R14E R15E

T07S



- POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER-QUARTER LINES

MICROFILMED

NOV 17 2000



TO: DEL KOHTZ (FAX # 825-5063)

RE: LIST OF EDWARD ROSA TRANSFER PROTESTANTS

WIDOWS

STEVE STROUD

SCOTT ANDERSON

DR. E.G. RYAN

VERN & ANGELEE EAMES

VAL ERCANBRACK

SHERRI & MARK EAMES

GARY & CAROL BRADSHAW

DOWELL & JUDITH DEMARAY

EDDY & JULIE GRIGGS

MARTIN & CAROLYN ELEXPURO

IDAHO RURAL COUNCIL / LEE HALPER

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

EDWARD ROSA
1944 S 2100 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642

Dear Mr. Rosa:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

MICROFILMED

NOV 17 2000

MICROFILMED
JUL 28 2003

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

1. Will the proposed transfer injure other water rights?
2. Will the proposed transfer constitute an enlargement in the use of the original right?
3. Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
4. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, and 4 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

STEVE STROUD
2149-B HWY 26
BOX 482
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

SCOTT ANDERSON
1928 S 2100 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUN 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

ATTN LEE HALPER
IDAHO RURAL COUNCIL
331 S 230 W
JEROME ID 83338

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

DR E G RYAN
1925 S 2100 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

VERN & ANGELEE EAMES
1950 S 2100 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

VAL ERCANBRACK
1964 S 2100 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

SHERI & MARK EAMES
1962 S 2100 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

GARY & CAROL BRADSHAW
1884 S 2100 E
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

DOWELL & JUDITH DEMARAY
2149-A HWY 26
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

EDDY & JULIE GRIGGS
2923 E 3400 N
TWIN FALLS ID 83301

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

NOV 17 2000

MICROFILMED

NOV 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 2000

MARTIN & CAROLYN ELEXPURU
PO BOX 466
GOODING ID 83330

RE: APPLICATION FOR TRANSFER NO. 5642 (Edward Rosa)

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer # 5642
2. Name of protestant Steve Stroud
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2149 B Hwy 26 Box 482 Gooding
5. Service telephone no. 934-8305
6. Basis of protest (including statement of facts and law upon which the protest is based)
Will the proposed transfer injure other water rights?
Will the proposed transfer constitute an enlargement in the use of the original right?
do the proposed transfer in the local public interest, where local public interest is
defined as the affairs of the people in the area directly affected by the proposed case?
do the proposed use contrary to conservation of water resources within the state
of Idaho?
 (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? if application is denied!

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13 day of March, 19 2000.

Steve Stroud
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILME

MICROFILMED JUL 28 2000

NOV 17 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If the protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by C. Chan Date 3/13/2000 Time 1:00 PM
\$25.00 fee Received by C. Chan # S 0022848 Date 3/13/2000

MICROFILMED
NOV 17 2000
MICROFILMED
JUL 28 2003

AFFIDAVIT of PUBLICATION

State of Idaho
County of Gooding } ss.

RECEIVED

MAR 06 2000

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the 24th day of February, 192000 and that date of the last publication was on the 2nd day of March, 192000

On this 2nd day of March in the year of 2000, before me, a Notary Public, personally appeared Norma DeVoe, 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 acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/03

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

86.63 Lines tabular at 6.50 7.5¢/Pica
618.75 Lines straight at 40.22 6.5¢/Pica
705.38 Subsequent lines at 38.80 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 87.77

Rosa T #3642
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that Edward Rosa, 1944 S 210 filed an application with the Department of Water Resources for a change of water rights as described below.

Transfer No. 5642 requests to change a portion of an irrigation water right from an existing dairy by drying up well, and change place of use. Right No. 36-04157 (1 priority date of 06/01/1956 from ground water within 1/4 section 11200 (0.07 cfs) recorded with priority date of 01/01/1956 within SWNW, S10 for stockwater (0.07 cfs) and don't both T06S, R15E; all Gooding County. The applicant irrigated acres within NWSW, S30, T07S, R15E, dive 0.370 cfs from one existing well within SWNW and one within SENW for stockwater/commercial uses within SE 1/4 of dairy wastes within S1/2NW, all S10, T06S, R1 designated rights:

Right No.	Priority	Amt (cfs)
36-04157B	06/01/1956	0.30
37-11200	01/01/1930	0.07
		0.04

The remainder, Designated Right No. 36-04156A (0.7 irrigate 35 acres at the original site using the original priority date of 06/01/1956) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore Falls ID 83301 together with a protest fee of \$25.00 on or before 3/23/00 to be considered by the Department in its decision on the proposed change. The protestant must also file a protest to the applicant.

PUB 2/24 - 3/2

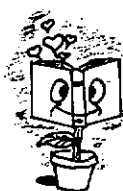
7	7-8 pt. per line tabular 7.5¢/Pica
7	7-8 pt. per line straight 6.5¢/Pica
7	7-8 pt. per line successive insertions 5.5¢/Pica

MICROFILMED

No. 7358 NOV 17 2000

29761
MICROFILMED Error noted
JUL 28 2003
3/23/00

*Where will the waste water
go?*



LIBRARIES ARE A
GARDEN OF IDEAS

STROUD

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water Filing Transfer 5642
2. Name of protestant Scott Anderson
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1928 S 2100 E. Gooding, ID 83330
5. Service telephone no. (208) 934-5290
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attachment #1

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Deny the request for
water right transfer for dairy expansion
purposes

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13 day of March, 192000

Scott M. Anderson
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
JUL 28 2003

MICROFILMED
NOV 17 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by MB Date 3/13/00 Time 1:00
\$25.00 fee Receipted by MB # 5022849 Date 3/13/00

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

Transfer # 5642

Protest the Rosa Dairy water filing for ground water transfer to the proposed location in T 6 S, R 10 E, Section 10. The concern is that the addition demand on the local aquifer will deplete and lower the water level.

Additional concern is that the existing aquifer will be contaminated by the existing and propose dairy expansion. Soils in this area are shallow over porous basalt and are sandy in texture and will allow direct downward percolation of waste into this aquifer.

There are about 20 residences in the immediate area, less than $\frac{1}{2}$ mile, that will be adversely affected when the damage is done.

Allowing this water transfer and enlargement of this dairy is definately adverse to the public in this area.

RECEIVED

MAR 13 2000

Department of Water Resources
Southern RegionMICROFILMED
NOV 17 2000

MICROFILMED

JUL 28 2003

Scott Anderson

MAR 13 2000

Department of Water Resources
Southern Region**IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

1. Matter being protested: Transfer No. 5642 Edward Rosa
1944 S 2100E Gooding, ID 83330
2. Protestant//Representative: Idaho Rural Council//Lee Halper
331 S 230 W Jerome, ID. 83338 208-324-2240
3. Basis of protest: Protestant requires proof of IC 42-222 issues
and states that the transfer is not in the public interest.
Additionally, there are questions as to the legality of the historic
use, beneficial use and possibly forfeiture issues as well as issues
of 42-203A.
4. A withdrawal of this transfer, modification thereof or other
conditions such as improved nutrient and management plans
placed upon this transfer in a private agreement could resolve this
protest. I hereby acknowledge that if I or my designated
representative fails to appear at any regularly scheduled conference
or hearing in the matter of which I have been notified at the
address above, the Department may issue a notice of proposed
default against me in this matter for failure to appear. I also verify
that I have served a copy of this protest upon the applicant.

Signed this 13rd day of March, 2000.



Protestant/Representative

FOR DEPARTMENT USE ONLY

Received by MB Date 3/13/00 Time 157 PM

\$25.00 fee Received by MB # 5022853 Date 3/13/00

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

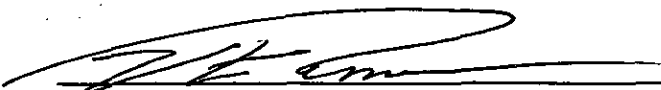
This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water transfer Ed Rosa Dairy #5642
 2. Name of protestant Dr. E. G. Ryan
 3. Protestant's representative for service (If different than protestant)
Vern E. Eames
 4. Service mailing address Box 268 1925 S. 2100 E. Gooding, Id
83330
 5. Service telephone no. 208 934-4856
 6. Basis of protest (including statement of facts and law upon which the protest is based)
Probability of pollution to domestic well.
Probability of drop in water level.
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? No transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13 day of March, ~~19~~ 2000

PROTESTANT


PROTESTANT'S REPRESENTATIVE

MICROFILMED

 NOV 28 2003
 NOV 17 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by JS Date 3-13-00 Time 1:28 pm
\$25.00 fee Received by JS # 5022851 Date 3-13-00

MICROFILMED
JUL 28 2003

MICROFILMED
NOV 17 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water transfer Ed Rosa Dairy #5642
2. Name of protestant Vern + Angilee L. Eames
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 1950 S. 2100 E. Gooding, ID. 83330
5. Service telephone no. 208-934-8271

6. Basis of protest (including statement of facts and law upon which the protest is based)

Probability of pollution to my domestic well.
Probability of water level drop.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? No transfer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13 day of March, 20 ~~19~~ 00

[Signature]
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

JUL 28 2003

NOV 17 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by JP Date 3-13-00 Time 1:28 pm
\$25.00 fee Received by JP # 5022852 Date 3-13-00

MICROFILM

MICROFILM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED
MAR 13 2000
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Expansion of Ed Rosa Dairy Loading Trans 5642
2. Name of protestant Val Eranbrack
3. Protestant's representative for service (If different than protestant)
4. Service mailing address 1964⁵⁰ 2100^E Loading Id 83330
5. Service telephone no. 934-5423
6. Basis of protest (including statement of facts and law upon which the protest is based)
① Quality of Danvers well water after adding that many cows.
② I am concerned about the depletion of the water table for
our well.
7. What would resolve your protest? (additional pages may be attached to describe the nature of the protest)
Quality test of water & limit to 500 cows.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this March 13th day of _____, 19 2000

Val Eranbrack
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
NOV 17 2000

MICROFILMED
JUL 28 2003

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by CH Date 3/13/2000 Time 12:40 PM
\$25.00 fee Receipted by CH # 5022846 Date 3/13/2000

MICROFILM

MICROFILM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED
MAR 13 2000
Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Ed Rosa transfer 5642
 2. Name of protestant Sheri and Mark Eames
 3. Protestant's representative for service (If different than protestant)

 4. Service mailing address 1962 S 2100 E (Gooding ID 83330)
 5. Service telephone no. 208-934-4846
 6. Basis of protest (including statement of facts and law upon which the protest is based)
 1. Quality of domestic well, possible contamination
 2. Depletion of the water Table
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Mandatory water well Testing

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13th day of March, 2000

Sheri J Eames
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
NOV 17 2000
MICROFILMED
JUN 28 2003

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by Chen Date 3/13/2000 Time 12:45 PM
\$25.00 fee Received by Chen # 5022847 Date 3/13/2000

MICROFILM

MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Rosa water transfer # 5642
2. Name of protestant Gary & Carol Bradshaw
3. Protestant's representative for service (If different than protestant)
Carolyn Ellepuru
4. Service mailing address 1884 S. 2100 E. Gooding ID. 83330
5. Service telephone no. 934-8056
6. Basis of protest (including statement of facts and law upon which the protest is based)
Idaho Code # 42-222
water level
well water contamination
POLLUTION - Commercial well will threaten
already fragile domestic wells -
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? withdrawal

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13th day of March, 192000

Gary & Carol Bradshaw
 PROTESTANT

Carolyn Ellepuru
 PROTESTANT'S REPRESENTATIVE
 MICROFILMED
 NOV 17 2000

MICROFILMED
 JUL 28 2003

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by MB Date 3/13/00 Time 10:00
\$25.00 fee Received by MB # 5022843 Date 3/13/00

MICRO.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested FROSA water transfer # 5642
 2. Name of protestant Dowell D. + Judith L. Demaray
 3. Protestant's representative for service (If different than protestant)
Carolyn Elexpore
 4. Service mailing address 2149 A. U.S. Hwy. 26 Gooding ID 83330
 5. Service telephone no. 208-934-5902
 6. Basis of protest (including statement of facts and law upon which the protest is based)
Idaho Code #42-222
water level
well water contamination
pollution
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? withdrawal

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13th day of March, 19 2000

Dowell D. + Judith L. Demaray
 PROTESTANT

Carolyn Elexpore
 PROTESTANT'S REPRESENTATIVE

MICROFILMED
 JUL 28 2003
 NOV 17 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by MB Date 3/13/00 Time 10:00
\$25.00 fee Receipted by MB # 5022842 Date 3/13/00

MICROFILMED

MICROFILMED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Rosa water transfer # 5642
2. Name of protestant Eddy + Julie Griggs
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2923 E. 3400 N. Twin Falls ID. 83301
5. Service telephone no. 208-733-0553
6. Basis of protest (including statement of facts and law upon which the protest is based)
Idaho Code # 42-222
water level
well water contamination
pollution
The commercial well would be a detriment to the existing ^{residential} wells
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? withdrawal

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13th day of March, ~~19~~ 2000

Eddy + Julie B. Griggs
PROTESTANT

Julie B. Griggs
PROTESTANT'S REPRESENTATIVE

MICROFILMED
JUL 23 2003
NOV 17 2000

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by MB Date 3/13/00 Time 18:00
\$25.00 fee Received by MB # 5022841 Date 3/13/00

MICROFILM

MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Rosa water transfer #5642
2. Name of protestant Martin & Carolyn Elgyrum
3. Protester's representative for service (If different than protestant)

4. Service mailing address P.O. Box 466 Gooding Id. 83330
5. Service telephone no. 208-934-8194
6. Basis of protest (including statement of facts and law upon which the protest is based)
Idaho Code # 42-222
Water level - we have already experienced pumping
well water contamination - too much lava in area -
pollution allowing for seepage into aquifer
Commercial well in among at least 14 domestic residential wells within
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? withdrawal - Would like proof
he is abiding by all dairy regulations with his
existing dairy.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13th day of March, 19 2000

Carolyn Elgyrum - Martin Elgyrum
 PROTESTANT

Carolyn Elgyrum
 PROTESTANT'S REPRESENTATIVE

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by MB Date 03/13/00 Time 10:55
\$25.00 fee Receipted by MB # 5022840 Date 3/13/00

MICROFILMED

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that Edward Rosa, 1944 S 2100 E; Gooding, ID has filed an application with the Department of Water Resources for changes to water rights as described below.

Transfer No. 5642 requests to change a portion of an irrigation right to stockwater/commercial uses in an existing dairy by drying up 15 acres, add a new well, and change place of use. Right No. 36-04157 (1.00 cfs) recorded with priority date of 06/01/1956 from ground water within Lot 3 (NWSW), S30 for irrigation of 50 acres within W½SW, S30, both T07S, R15E. Right No. 37-11200 (0.07 cfs) recorded with priority date of 01/01/1930 from ground water within SWNW, S10 for stockwater (0.07 cfs) and domestic (0.04 cfs) uses, both T06S, R15E; all Gooding County. The applicant proposes to dry up 15 irrigated acres within NWSW, S30, T07S, R15E, divert a combined total of 0.370 cfs from one existing well within SWNW and one new well to be drilled within SENW for stockwater/commercial uses within SENW with land application of dairy wastes within S½NW, all S10, T06S, R15E using the following designated rights:

<u>Right No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>	<u>Uses</u>
36-04157B	06/01/1956	0.30	Stock/commercial
37-11200	01/01/1930	0.07	stockwater
		0.04	domestic

The remainder, Designated Right No. 36-04156A (0.70 cfs) will continue to irrigate 35 acres at the original site using the original point of diversion.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before March 13, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 02/24 & 03/02/00.

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

OK *Handwritten signature*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

February 18, 2000

MAGIC VALLEY PUBLISHING
ATTN: **Gooding County Leader**
PO BOX 468
JEROME ID 83338

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

MEMORANDUM

TO: Transfer #5642 File

FROM: Corey Skinner *CS*

DATE: January 26, 2000

SUBJECT: Staff Review

The enclosed transfer application, #5642 filed by Edward Rosa, proposes modifying two water rights for an expanding dairy operation. The transfer proposes modifying water right 37-11200 and a portion of water right 36-04157. The application should be fairly straightforward, but it should be noted that right 37-11200 is a domestic and stock (13,000 gpd) right with no volume associated with the SRBA recommendation. Mr. Rosa would like to receive the maximum allowable volume (14.5 acre-feet per year) for right 37-11200. He said that he is currently serving a home and a dairy of about 300 milking cows under this right. He said that he would submit some evidence to substantiate this volume. It should also be noted that Rosa's portion of right 36-04157 (T36-04157B) will have to be renumbered to a Basin 37 right.

MICROFILMED

NOV 17 2000

MICROFILMED

JUL 28 2003

T # 5642

T07S, RISE Section 30

NW SW

A36-04157

RIGHT

36-04157

Being

transferred

R36-04157

36-04157

SW SW

36-11181

domestic
stock

RIGHT BEING

TRANSFERRED

36-04157

36-11181

domestic
stock

T06S, RISE Section 10

SW NW

RA37-10924

domestic (Ehnithen)

37-10937

domestic (Anderson)

Big Wood Canal Company

37-11200

Right Being transferred

Canal Water

SE NW

Big Wood Canal Company Water

01/21/2000

OVERLAP
ANALYSIS

BY C. SKINNER

MICROFILMED

NOV 17 2000

MICROFILMED

NOV 28 2003

T#5642

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

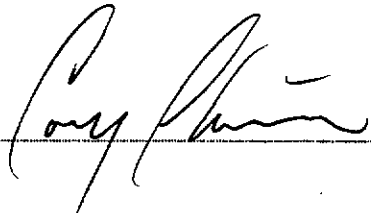
Receipt No: S022708

Date:
Time: 12/ 8/1999
11:39:35

Received
From: R & R HOLSTEINS

Type of Payment	Program A cct	Amount
APPLICATION FOR TRANSFER	64106 229 21 1155	100.00
CHECK 3714		
	Total	\$ 100.00

Region: SOUTHERN

Signature: 

MICROFILMED

JUN 28 2003

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Edward Rosa

TRANSFER NO.

5642

1. Right number(s)

36-04157- 37-11200

2. Type of right

☒ Decree ^(SRBA) ☐ License ☐ Statutory Claim
☒ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☒ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☒ Split Right
☒ Other: CHANGE PERIOD OF USE.

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 on original place of use

Comments: PERIOD DECREED 4/1 TO 10/31 FOR 36-04157, HOWEVER NEW
PERIOD IS 3/15 TO 11/15 (SEE R36-04157). 36-04157 DECREED IN SRBA,
AND 37-11200 RECOMMENDED IN SRBA. NO OVERLAPPING WATER
RIGHTS FOUND ON THE ORIGINAL PLACE(S) OF USE.

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

Also see attached memo for more analysis information

a. ☒

All of right (37-11200)

b. ☒

Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant) (36-04157)

c. ☒

Description of point(s) of diversion

d. ☒

Description of place of use

e. ☒

Map showing P/D & P/U after transfer

f. ☒

Correct notarized signature and \$100 fee

g. ☒

Proof of ownership of right &/or land from which water is transferred

h. ☒

Expansion in use of right - Comments: NONE APPARENT.

HOWEVER NOTE THAT NO VOLUME IS DESCRIBED

FOR RIGHT 37-11200.

i. X Existing rights from same source, on land water is being transferred to; right number(s): NONE APPARENT OTHER THAN BIGWOOD CANAL COMPANY WATER.

j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) 36-04157 DECREED IN SRBA 37-11200 HAS BEEN RECOMMENDED IN SRBA.

k. X Comment letters X Yes No
If yes Water District #
(IN FILE) X Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY A. SKINNER DATE 01/26/2000
SRBA SUPERVISOR REVIEW BY DATE
PUBLICATION REVIEW BY DATE

1. Legal Notice electronically sent to DWR03::VAULT Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ Yes 2/18/00

Watermaster recommendation requested on , Received on

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? Yes No
4. Affidavit of publication received? Yes No
5. Protests received? Yes No; Acknowledgement sent? Yes
6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. Approve
2. Deny due to

3. Conditions (special conditions in Water Districts)

 Also see attached memo for recommendation dated:

4. By Date