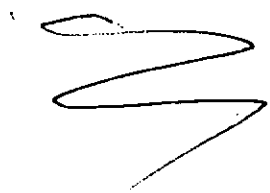


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Documents
In File



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5405
WATER RIGHT NO. ~~36-07337M~~
37-08901

This is to certify that: **JIM D SCARROW**
3184 S 1900 E
WENDELL ID 83355

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	* 0.20 CFS	* 30.0 AF
<u>SOURCE</u> GROUNDWATER			

Priority: 11/25/1977

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 11, Township 05S, Range 17E
LINCOLN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

05S 17E 11

NENW

NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
- * 4. The total instantaneous diversion of water from all points of diversion under Transfer 5405 shall not exceed 0.20 cfs, nor a total combined annual volume of 30.0 af.
5. Four (4) points of diversion are located within NWNW, S11, T05S, R17E.

Dated this 22nd day of

December, 1999

J. Glen Saxton
Chief, Water Allocation Bureau

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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

December 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

RE: Water Right 37-08901 (Transfer 5405)

Dear Mr. Scarrow:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5405). 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,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

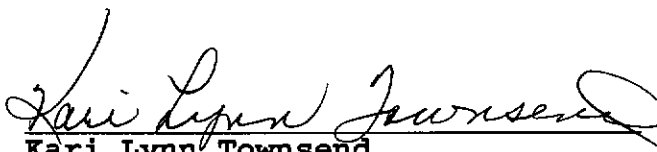
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CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of December, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 37-08901 (Transfer 5405)

**JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355**


**Kari Lynn Townsend
Secretary**

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

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WR0749NP
No. 37-08901

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/22/99
PAGE: 1

OWNER		PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE		FROM	TO	RATE	VOLUME
C	JIM D SCARROW 3184 S 1900 E WENDELL ID 83355 (208) 536-2374	11/25/1977	STOCKWATER	01/01	12/31	0.200 CFS	30.00 AFA
TOTAL DIVERSION:						0.200 CFS	30.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T05S R17E S11 NWNW LINCOLN County

Place of use Legal Description for: STOCKWATER

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	:
---	---	---	:	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	---	---	:
05S	17E	11	:	:	S	S	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: LINCOLN

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T17 - 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.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer 5405 shall not exceed 0.20 cfs, nor a total combined annual volume of 30.0 af.
Four (4) points of diversion are located within NWNW, S11, T05S, R17E.

Dates: App. Received: Priority Date: 11/25/1977
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/28/1992 User-ID: FRITSCHL Subject: CONDITION CODES AND STAGE
CONDITION CODE A01 WAS REMOVED AND STAGE CHANGED FROM "P" TO "L".
CONDITION CODE M04 ADDED.

Date: 04/11/1997 User-ID: SCURTIS Subject: TRANSFER 5051

Comments: Date: 04/11/1997 User-ID: SCURTIS Subject: TRANSFER 5051
Transfer 5051 was filed to add a point of diversion, change the place of use, nature & season of use for a portion of Right 36-07337A, splitting the right into parts C & D.
The transfer was based on the right as recommended in the SRBA Basin 36 Director's report & the approved version is stored under an "X" prefix on the WR database pending conclusion of the adjudication. The transferred portion was renumbered to Basin 37 when approved.

Date: 09/01/1999 User-ID: PSKAGGS Subject: TRANSFER 5401
Transfer 5401 adds & changes the points of diversion, changes the place, nature & season of use under a portion of Right 36-07337C, splitting the right into Parts E & F.

Date: 12/20/1999 User-ID: PSKAGGS Subject: TRANSFER 5402
Transfer 5402 adds & changes the points of diversion, changes the place, nature & season of use under a portion of Right 36-07337E, splitting each right into Parts G & H.

Date: 12/21/1999 User-ID: PSKAGGS Subject: TRANSFER 5403
Transfer 5403 adds & changes the points of diversion, & changes the place, nature & season of use under a portion of Right 36-7337G, splitting the right into Parts J & K.

Date: 12/22/1999 User-ID: PSKAGGS Subject: TRANSFER 5405
Transfer 5405 adds & changes the points of diversion, and changes the place, nature & season of use under a portion of Right 36-07337J, splitting the right into Parts L & M.

Date: 12/22/1999 User-ID: PSKAGGS Subject: Right Renumbered
This right renumbered from 36-07337M.

Audit: 12/22/99 PSKAGGS 12/22/99 PSKAGGS

MEMORANDUM

TO: FILE 37-08901

FROM: PAM SKAGGS/^{CS}STATE OFFICE

SUBJECT: RIGHT RENUMBERED

DATE: December 22, 1999

=====

This right was originally numbered 36-07337M. As a result of Transfer 5405 this right was moved to Basin 37. Right 36-07337M has been **renumbered** to 37-08901.

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