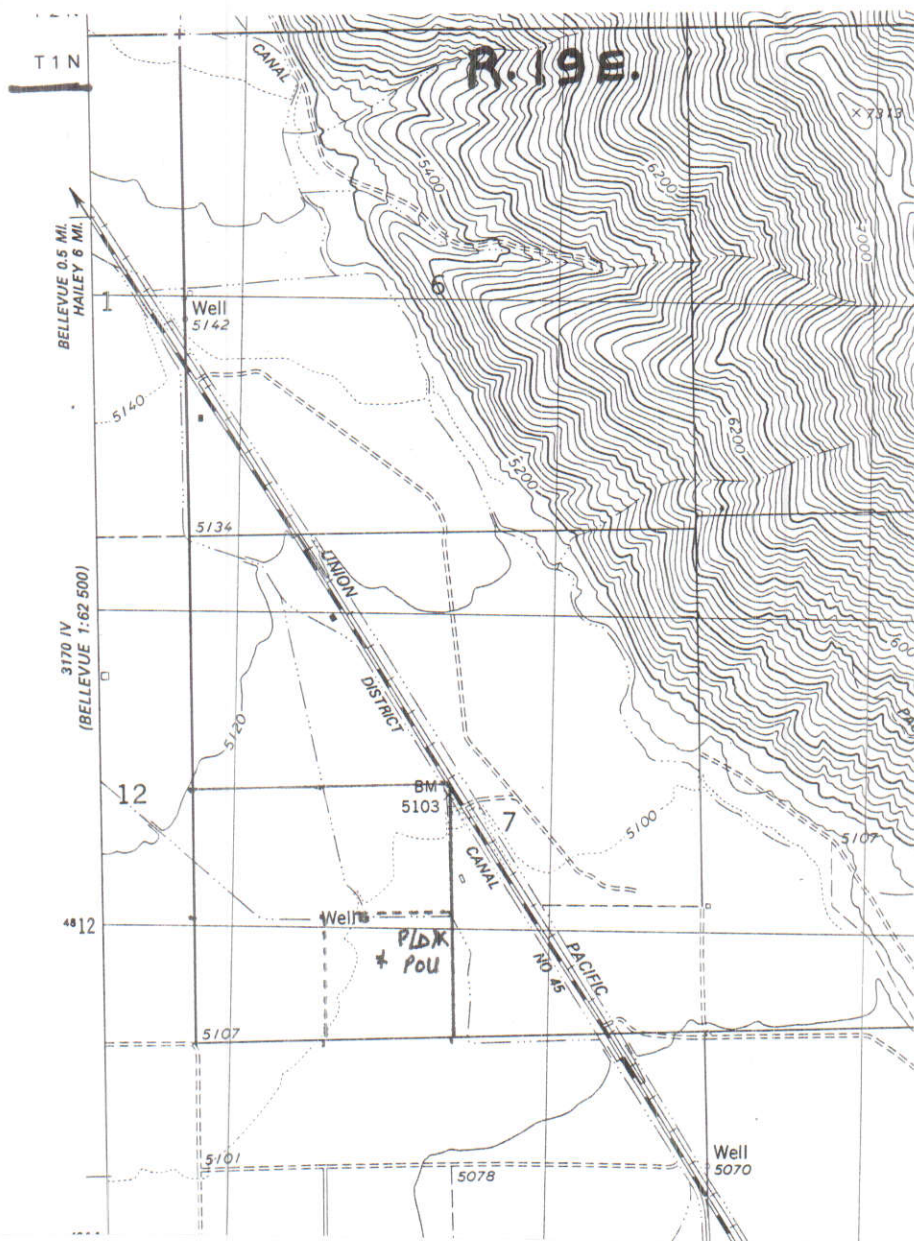


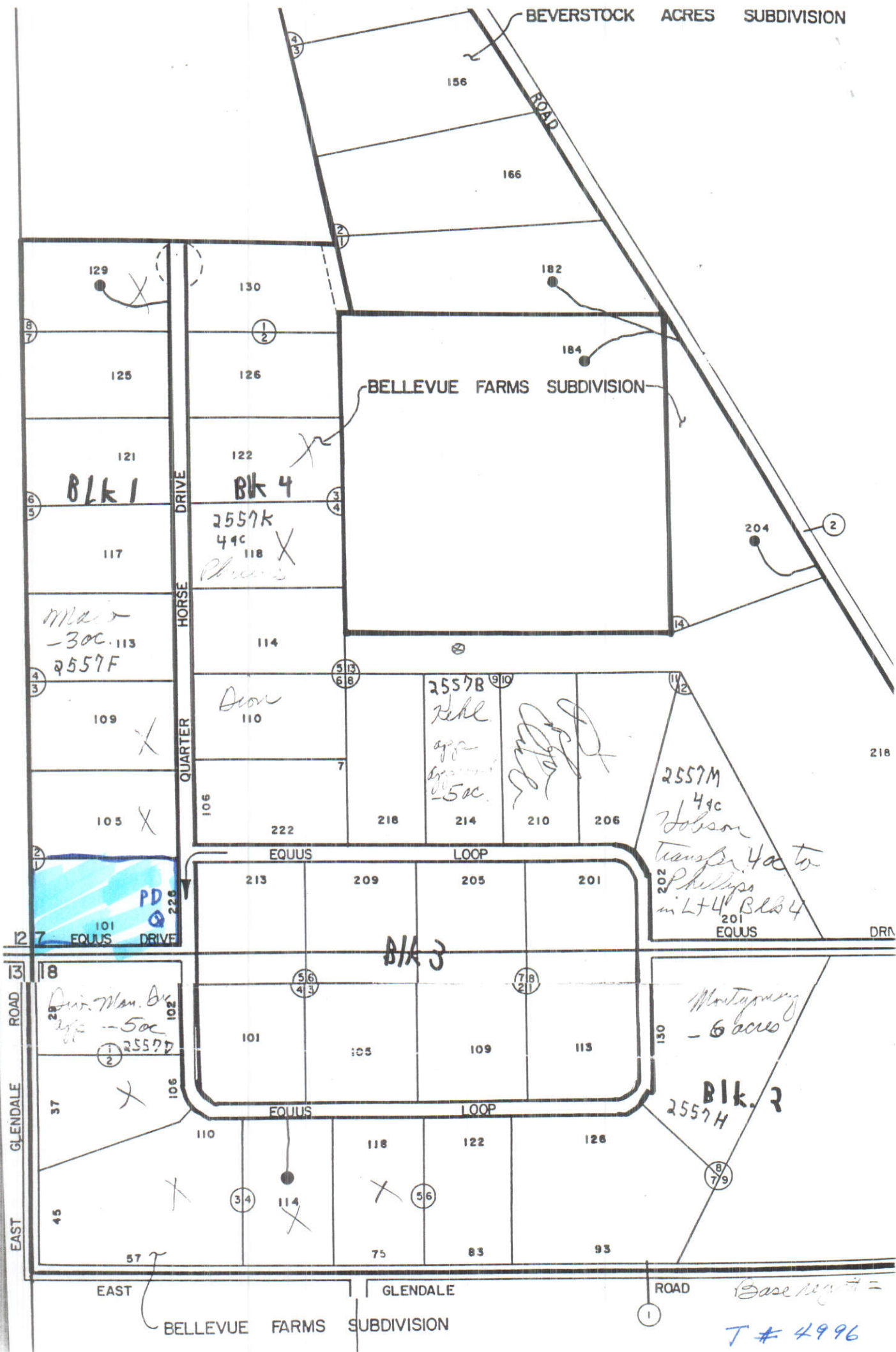
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



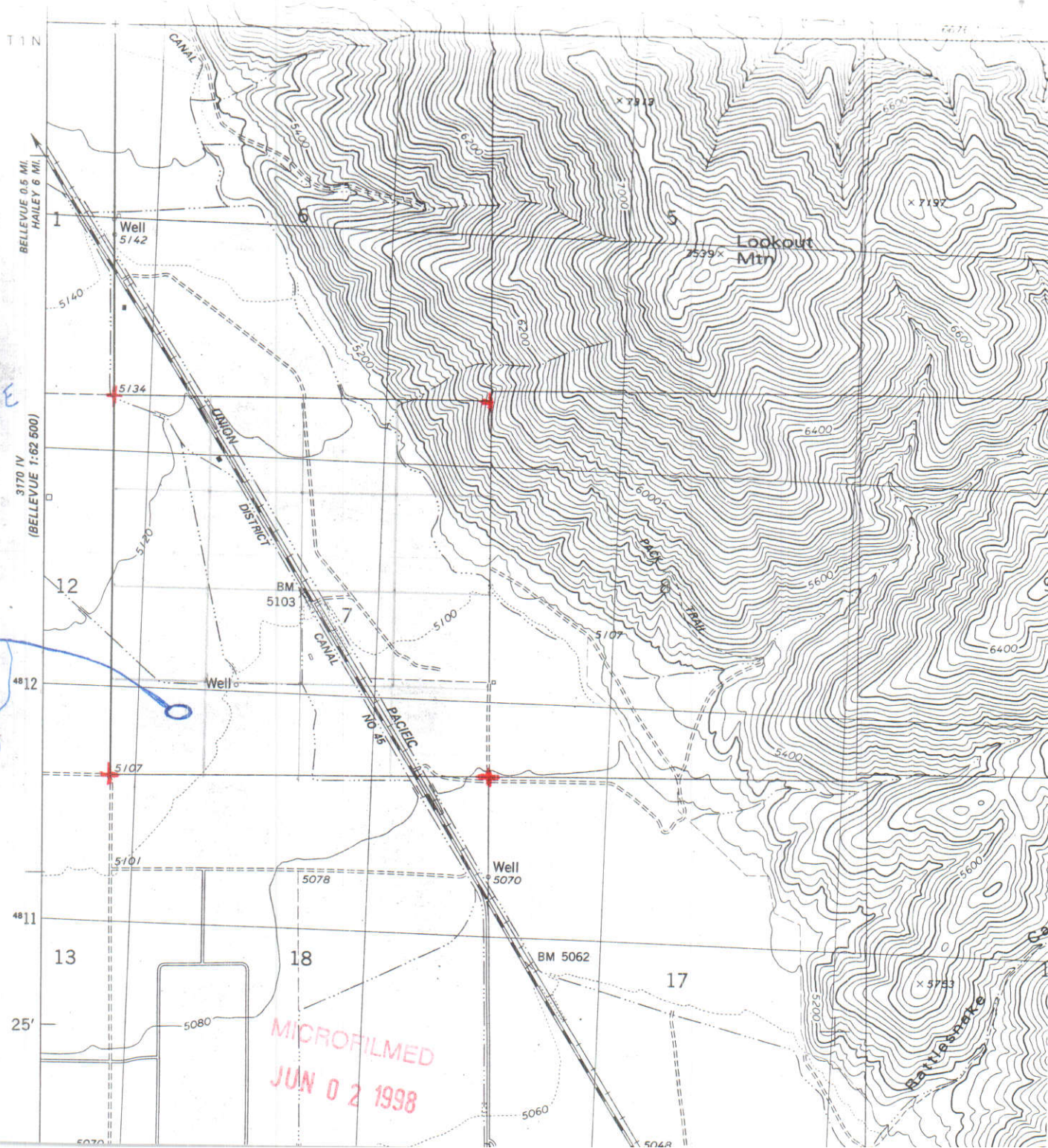
MICROFILMED
MAR 24 2000

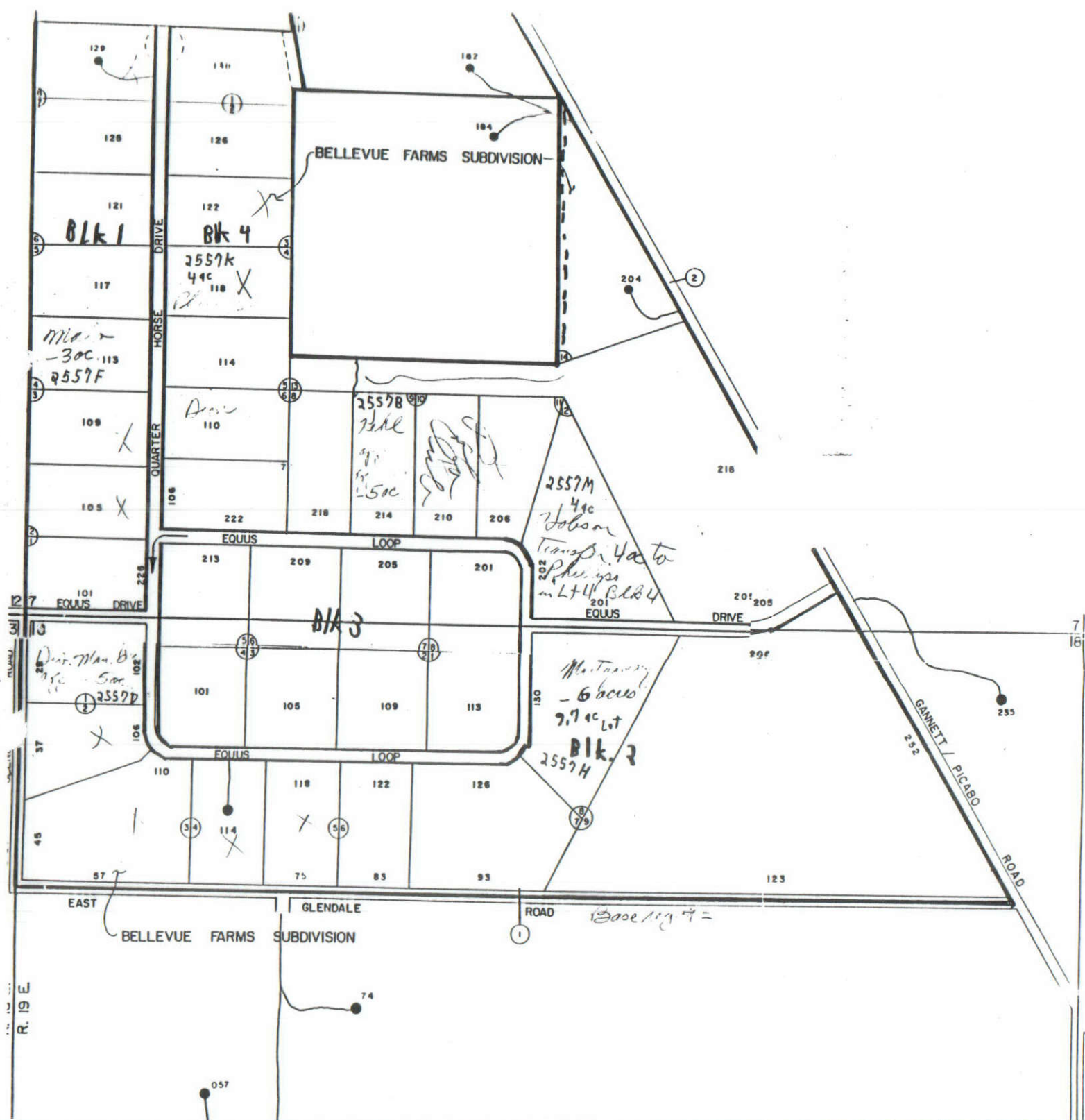
T# 5615



TOWNSHIP
01 N
RANGE 19 E

APPROXIMATE
LOCATION OF
POD, POV





660-scale
plat

SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the
recorded plat, the Company assumes no liability
for variations, if any, with a re-survey.

LEGEND

- Found 5/8" Bar
- Set 1/2" Bar with cap No. 3621
- Set 5/8" Bar with cap No. 3621
- Found Brass Cap
- Public Utility Easement (width as shown)
- Irrigation Easement.

NOTES

1. West Equus Drive shall be secondary access
2. A one foot wide access-control strip at the North end of Quarter Horse Drive is reserved to be released by the Blaine County Board of Commissioners when the Northernly unplatted land is subdivided and the road is extended. It is understood the property owners to the north have access to Quarterhorse drive.

PLAT SHOWING

BELLEVUE FARMS SUBDIVISION

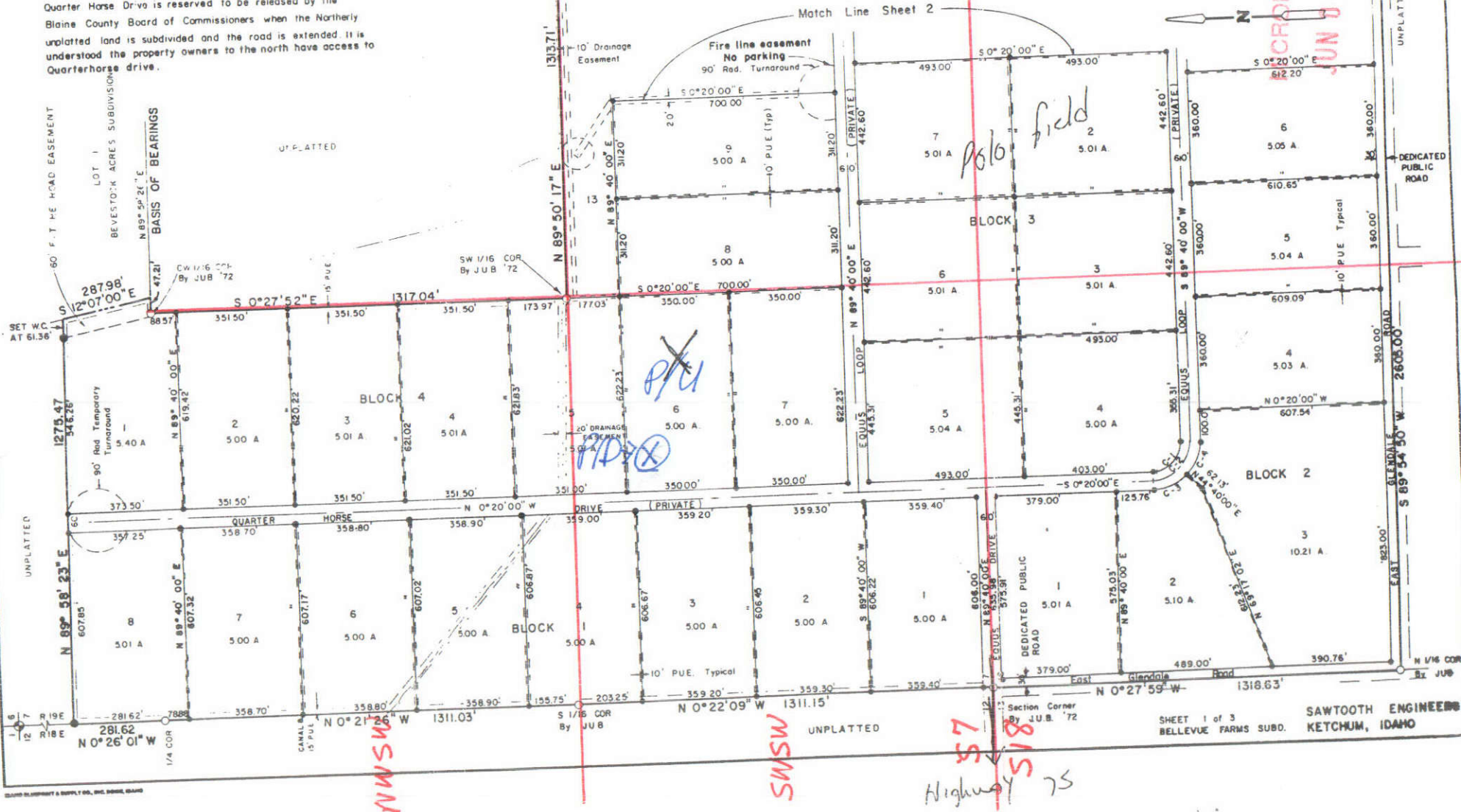
LOCATED WITHIN SECTIONS 7 AND 18 T.1N. R.19E., B.M.

BLAINE COUNTY, IDAHO

JULY, 1980

SCALE IN FEET

CURVE	R	Δ	T	L	Ch	Ch. Bearing
C-1	90.00	90°00'00"	90.00	141.37	127.28	S 45°20'00" E
C-2	120.00	"	120.00	188.50	169.71	"
C-3	150.00	45°00'00"	62.13	117.81	114.81	S 22°50'00" E
C-4	"	"	"	"	"	S 67°50'00" E
C-5	90.00	90°00'00"	90.00	141.37	127.28	N 44°40'00" E
C-6	120.00	90°00'00"	120.00	188.50	169.71	"
C-7	150.00	45°57'07"	63.60	120.30	117.10	N 66°41'27" E
C-8	150.00	44°02'53"	60.68	115.32	112.50	N 21°41'27" E
C-9	90.00	90°00'00"	90.00	141.37	127.28	N 45°20'00" W
C-10	120.00	"	120.00	188.50	169.71	"
C-11	150.00	30°33'28"	40.98	80.00	79.06	S 75°03'16" E
C-12	150.00	59°26'32"	85.63	155.62	148.73	S 30°03'16" E
C-13	420.00	30°50'00"	115.82	226.02	223.30	N 74°15'00" E
C-14	450.00	"	24.09	242.16	239.25	"
C-15	480.00	"	132.36	258.31	255.20	"



SAWTOOTH ENGINEERS
KETCHUM, IDAHO

SHEET 1 of 3
BELLEVUE FARMS SUBD.

Highway 75

RECORDED
JUN 8 2 1998

T#4927

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 13 1997

State of Idaho,

County of Blaine

} ss.

Department of Water Resources
Southern Region

On this 7 day of May, in the year 1997, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 30 day of April, 1997, and the date of the last publication was on the 7 day of May, 1997.

Subscribed and sworn to before me this 12 day of May, 1997.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 56,333
Number of Insertions 2
Lines tabular at 78c / Pica
56,333 Lines straight at 38,870 65c / Pica
56,333 Subsequent lines at 32,392 54c / Pica
TOTAL COST +5 \$76.26

COPY OF NOTICE
(Paste Here)

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Proposed change of water right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. T# 5062

Notice is hereby given that J. MICHAEL &/OR ALISON DEPP, PO BOX 1558; SUN VALLEY ID 83353 have applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5062 is to make changes to enable the applicants to irrigate their property from their own well instead of using the subdivision well. PRESENTLY, Licensed Water Right No. 37-02557 with a priority date of 09/25/1954 is recorded for diversion from a well within SE1/4SW1/4, S07, T01N, R19E for irrigation of 238.2 acres within parts of Sections 7 and 18, T01N, R19E; Blaine County.

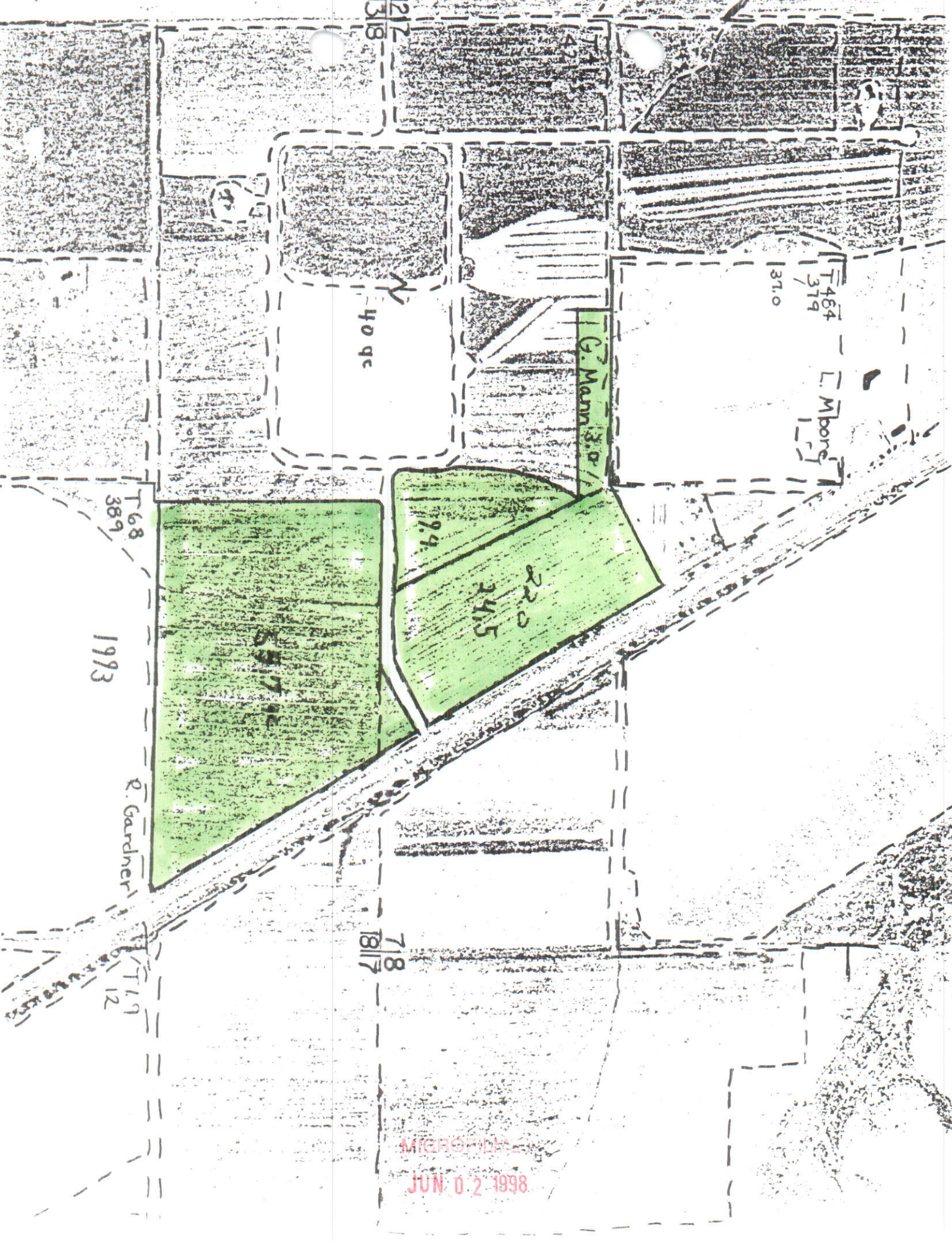
PROPOSED CHANGE

The applicant wishes to divert 0.20 cfs of water within NE1/4NW1/4, S18, T01N, R19E to irrigate a 10 acre horse pasture within N1/2, S18, T01N, R19E (also known as Lot 7, Block 2, Bellevue Farms Subdivision); Blaine County.

Any protest against approval of 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 19, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal —
April 30 & May 7, 1997.



1212
318

T 464
379
37.0

L. Moore

E. Mann 3.0

40 qc

T 68
389

1993

R. Gardner

78
1817

T 119
12

MICROFILM

JUN 02 1998



1212
1318

741
421

T 464
379
37.0

L. Moore

G. Mann

T 68
389

R. Gardner

718
1817

T 119
12

MICROFILMED
JUN 02 1998

AFFIDAVIT of PUBLICATION

RECEIVED

JAN 24 2000

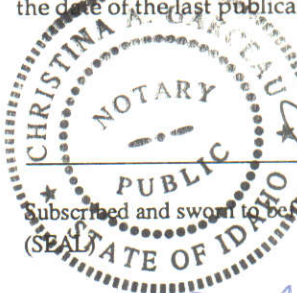
Department of Water Resources
Southern Region

State of Idaho,

County of Blaine

SS.

On this 21st day of January, in the year 2000, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 12th day of January, 2000, and the date of the last publication was on the 19th day of January, 2000.



Subscribed and sworn to before me this 21st day of January, 2000.

Christina A. Garceau
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 40
Number of Insertions 2
Lines tabular at _____ 7¢ / Pica
40 Lines straight at 1.32 6¢ / Pica
Subsequent lines at _____ 5¢ / Pica
TOTAL COST 57.80

COPY OF NOTICE

(Paste Here)

Proposed change of water rights

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

State of Idaho Dept of water
BILL TO resources
1341 Fillmore st. ste 200
Twin Falls, Id. 83301

Proposed change of water rights

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that Donata Roos, P.O. Box 3343, Hailey, ID 83333, has filed an application with the Department of Water Resources for changes to a water right as described below:

Transfer No. 5615 requests to split Right No. 37-02557U (4.18 cfs) recorded with priority date of 09/25/1954 from groundwater within SESW, S07 for irrigation of 209.2 acres within Sections 7 & 18, all T01N, R19E; Blaine County. Using Designated Right No. 37-02557X, the applicant wishes to divert 0.10 cfs from her own existing well within SESW for irrigation of 5.11 acres within SESW, all S07, T01N, R19E; Blaine County (also known as Lot 11, Block 4 of Bellevue Farms Sub-division). The remainder of Designated Right No. 37-02557W (4.08 cfs) will continue to irrigate 204.1 acres at the original site from the original well.

Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200, Twin Falls, Idaho 83301, together with a protest fee of \$25.00 on or before January 31, 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.

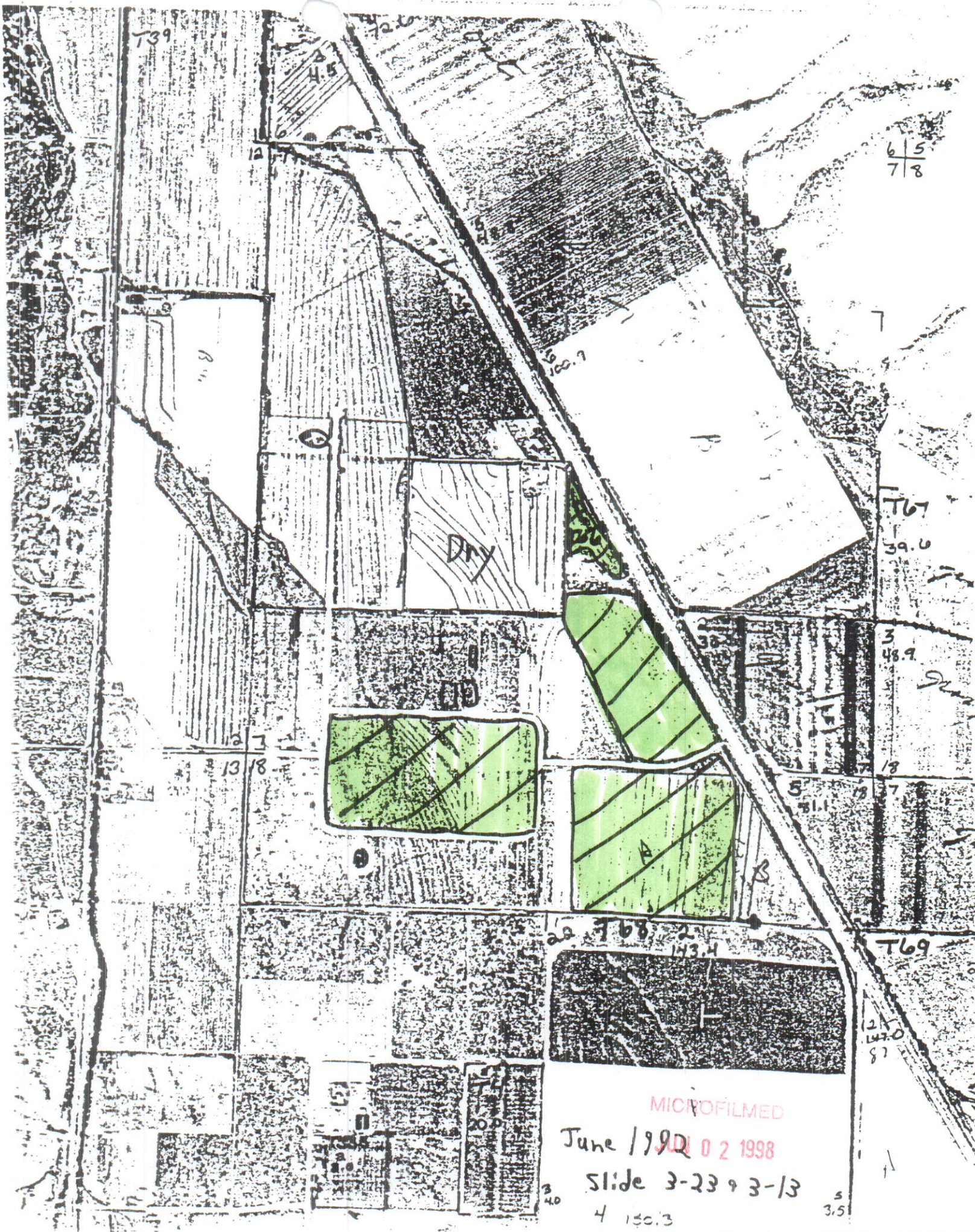
Karl J. Dreher, Director
Publish: Wood River Journal — January 12 & 19, 2000.

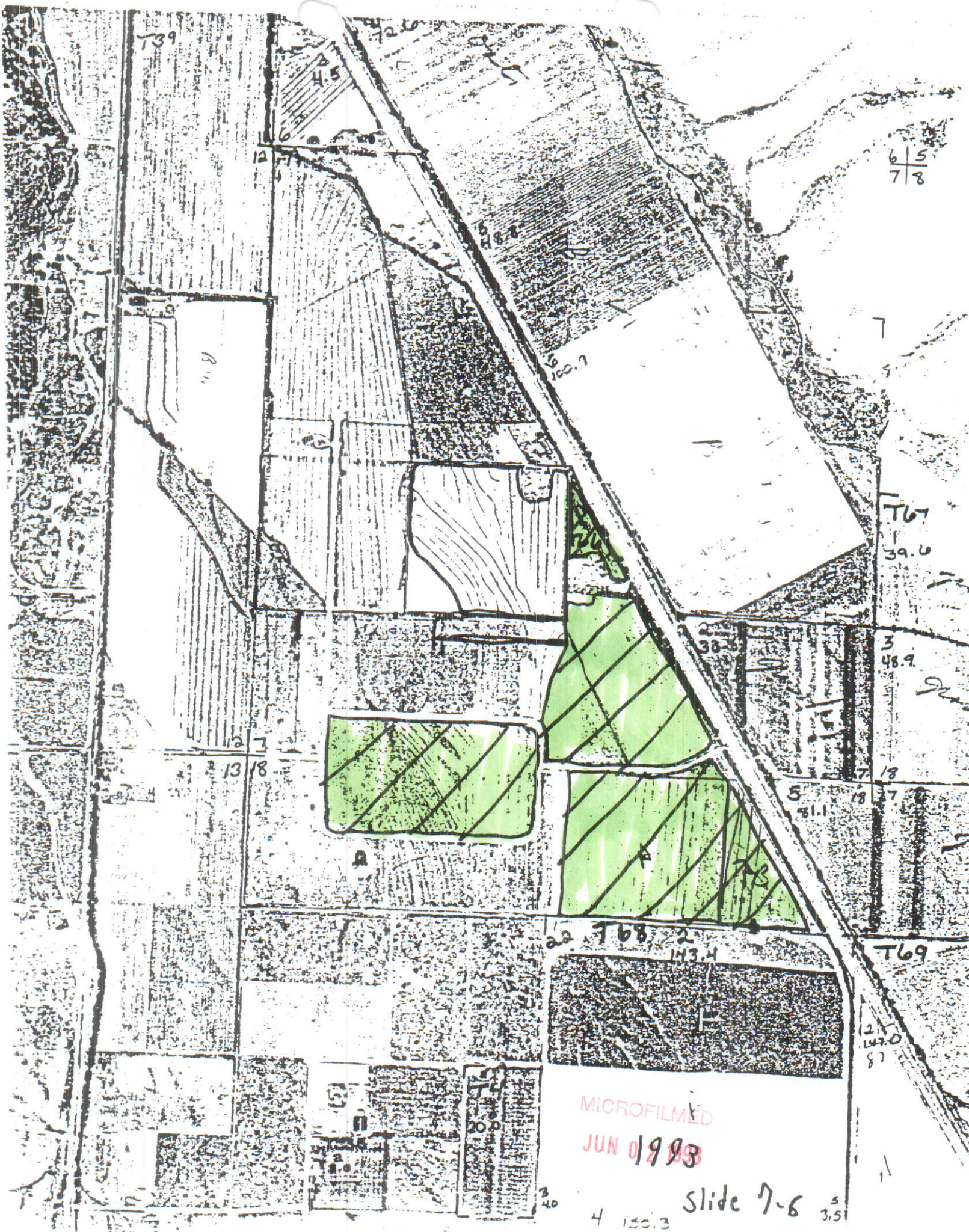
7-8 pt./line tabular: .07 / pica
7-8 pt./line successive
insertion: .05 / pica

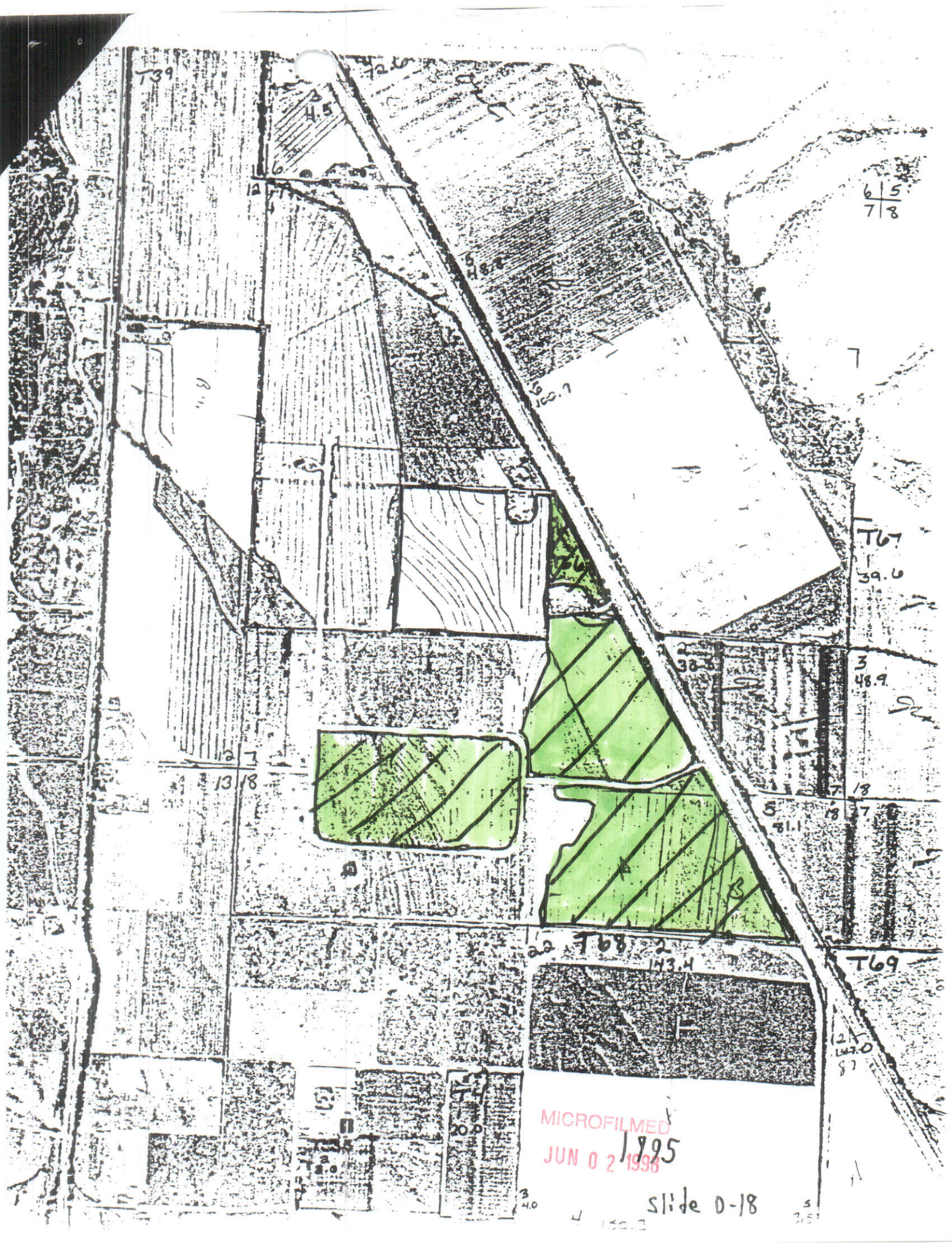
MICROFILMED

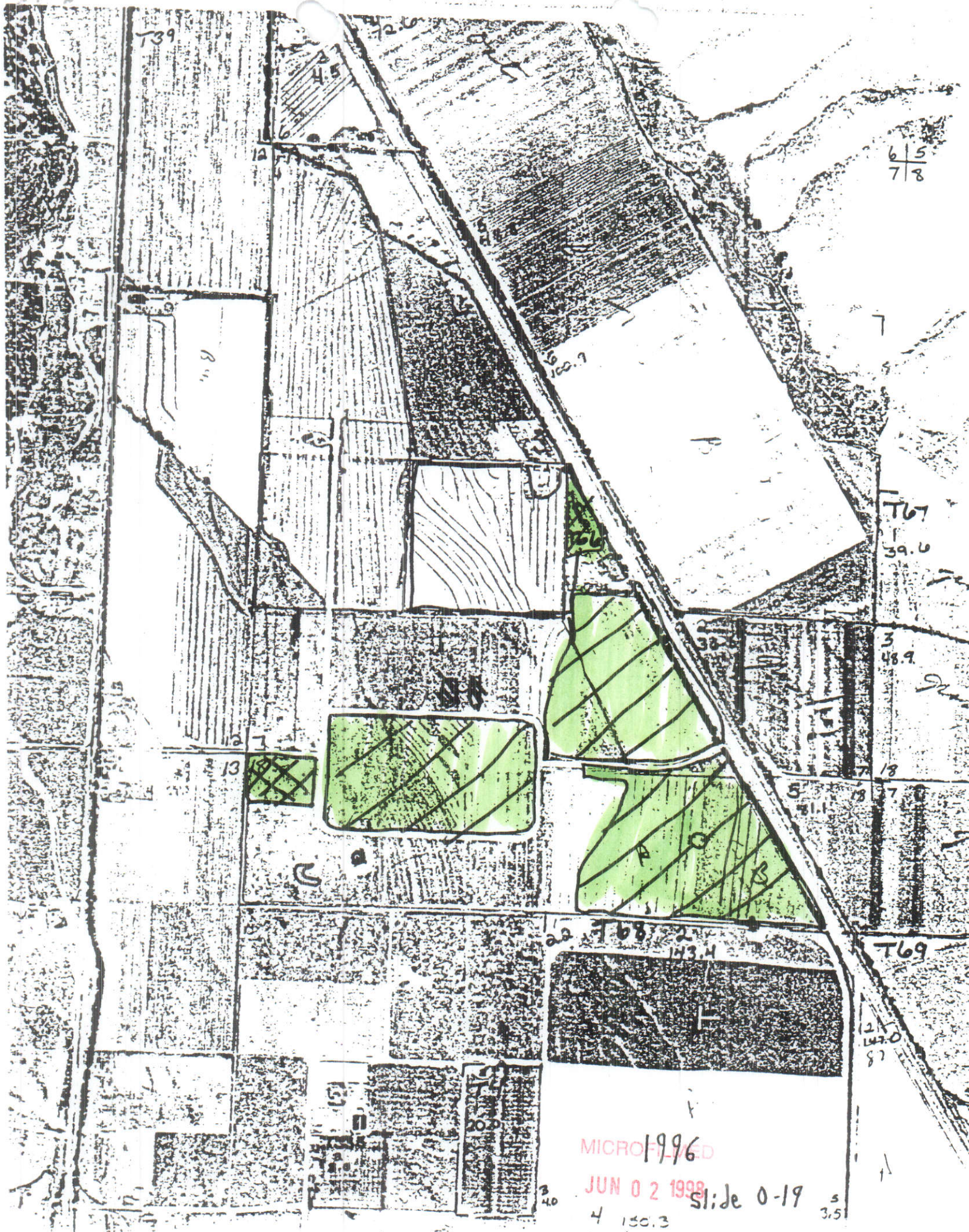
MAR 24 2000

11578









AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

On this 12 day of Feb., in the year 1997, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 5 day of Feb., 1997, and the date of the last publication was on the 12 day of Feb., 1997.

Daniel J. Gorham
Subscribed and sworn to before me this 12 day of Feb., 1997.
(SEAL)

[Signature]
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 39,000
Number of Insertions 2
Lines tabular at 7 6c / Pica
39,000 Lines straight at 26,910 6 5c / Pica
39,000 Subsequent lines at 22,425 5 4c / Pica
TOTAL COST +5 \$54.34

xfr 4996
COPY OF NOTICE
(Paste Here)

Prop. Change Water Right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

Proposed change of water right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
Notice is hereby given that KENDALL LUFF, PO BOX 534; BELLEVUE ID 83313 has filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4996 is to change the point of diversion.

Proposed Water Right No. 37-02557T (0.10 cfs) with a priority date of 09/25/1954 will be diverted and used from a new well within SW1/4SW1/4, S7, T01N, R19E for irrigation of five (5) acres; Blaine County, also known as Lot 1, Block 1, Bellevue Farms Subdivision.

Any protest against approval of 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 February 24, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 2/5 & 2/12/97.

As of Jan., 1990
(Idaho Code, Rev. Statutes 1984)
7-8 pt./line straight: 5/pica
7-8 pt./line tabular: 6/pica
7-8 pt./line successive insertion: 4/pica

MICROFILMED
JUN 02 1998

10392



Kendall Luff Property (Not Including Home)

MICROFILMED

JUN 02 1998

37-02557 Part

10-9-96 JES

T # 4996

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Dry

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T68 143.4

T69

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MICROFILMED

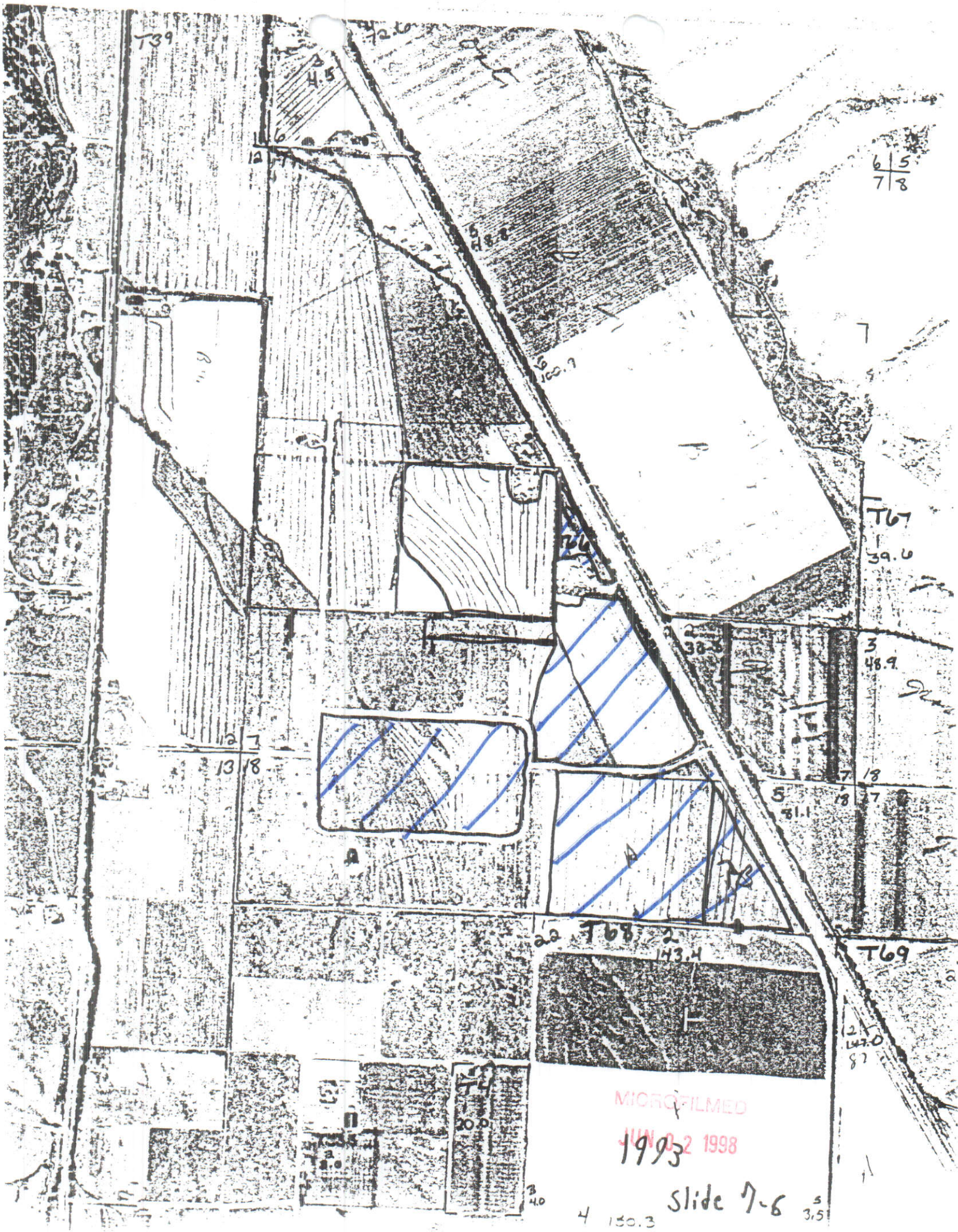
JUN 2 1998

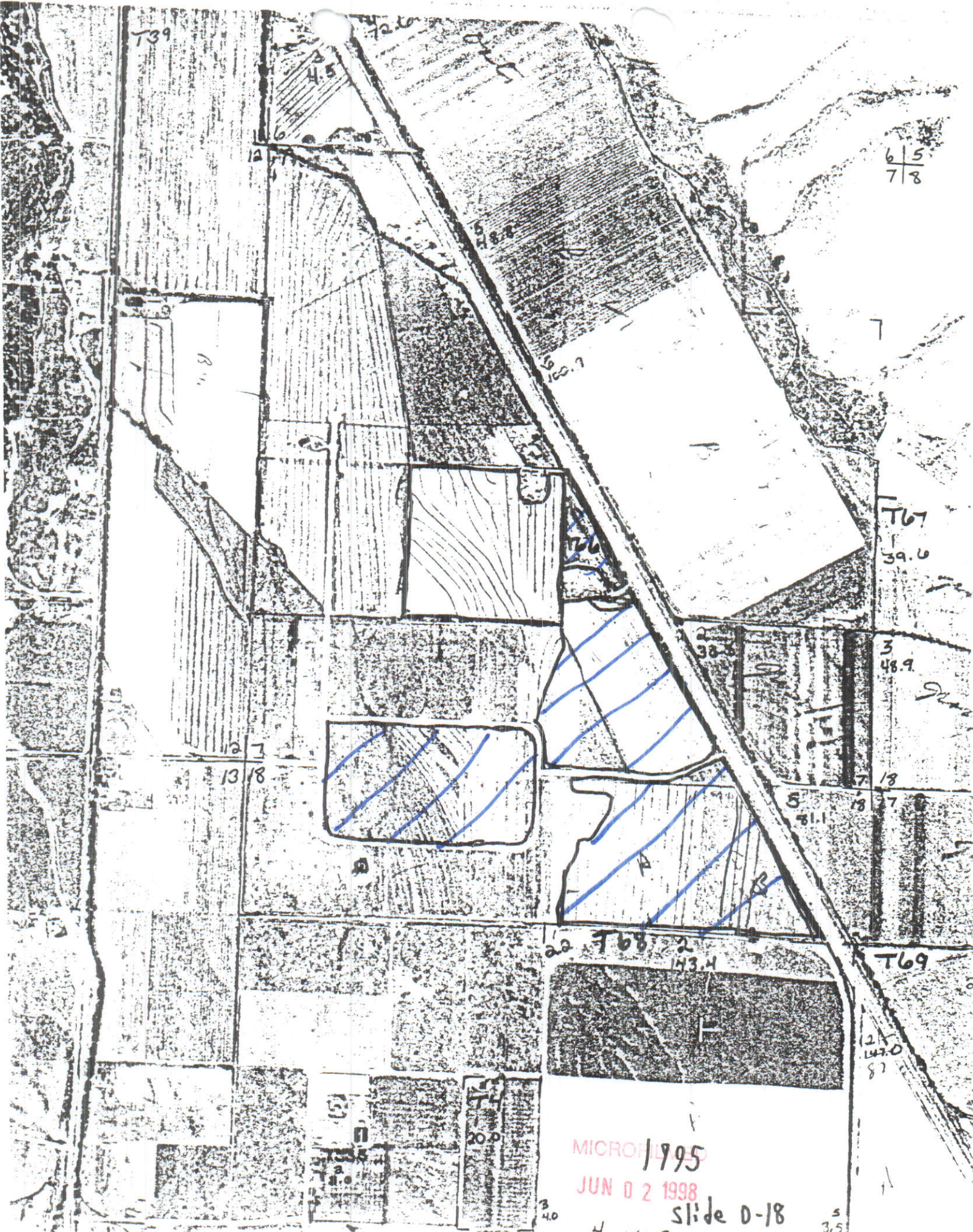
June 1992

Slide 3-239 3-13

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MICROFILMED
1995
JUN 02 1998
slide 0-18

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147.0
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MICROFILM 1996

JUN 02 1998

slide 0-19

4 130.3

3.5

AFFIDAVIT of PUBLICATION

OCT 29 1996

Department of Water Resources
Southern Region

State of Idaho, }
County of Blaine } SS.

On this 23 day of Oct., in the year 1996, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests 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 16 day of Oct., 1996, and the date of the last publication was on the 23 day of Oct., 1996.

Daniel J. Gorham
Subscribed and sworn to before me this 23rd day of Oct., 1996.
(SEAL)

Roberta Meyer
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 42.467
Number of Insertions 2
Lines tabular at 42.467 6¢ / Pica
Lines straight at 24.418 5¢ / Pica
Subsequent lines at 19.535 4¢ / Pica
TOTAL COST +5 \$48.95

Right No. 37-02557R

COPY OF NOTICE
(Paste Here)

Prop. Change Water Right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Res.
BILL TO

Proposed Change of Water Right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
Notice is hereby given that RUSSELL DION &/OR MICHELE SWIFT-DION, PO BOX 4324; MISSION VIEJO, CA 92690 have filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4927 is to add a diversion point and split water right. Proposed Water Right No. 37-02557R (0.08 cfs) with a priority date of 9/25/1954 will be diverted from a new well to be drilled within Lot 4 (SW1/4SW1/4), S7, T1N, R19E for irrigation of four (4) acres within SW1/4SW1/4, S7, T1N, R19E which is also known as Lot 6, Block 4, Bellevue Farms Subdivision; Blaine County. Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 4, 1996. The protestant must also send a copy of the protest to the applicant.

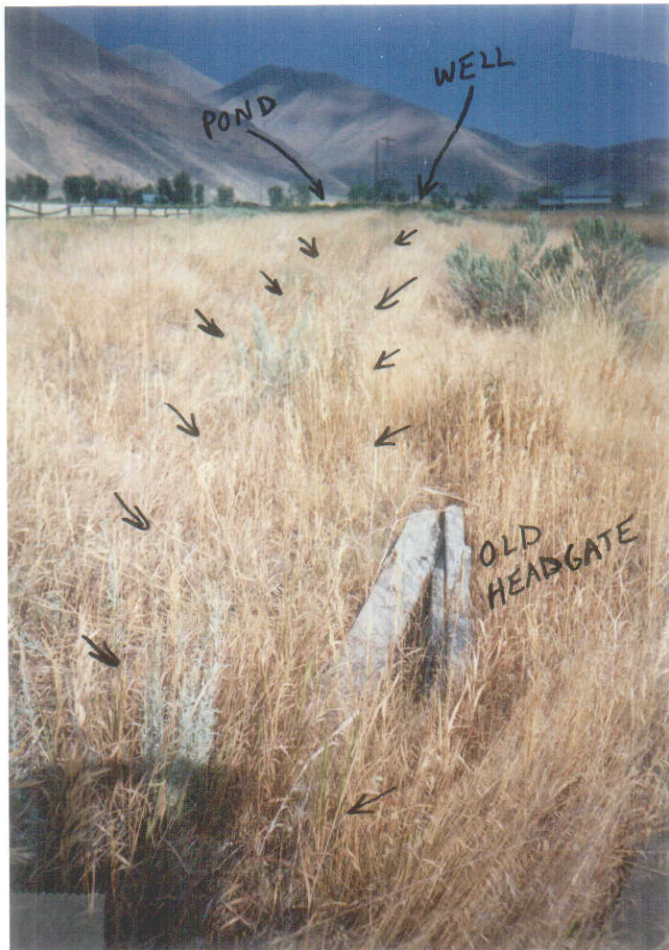
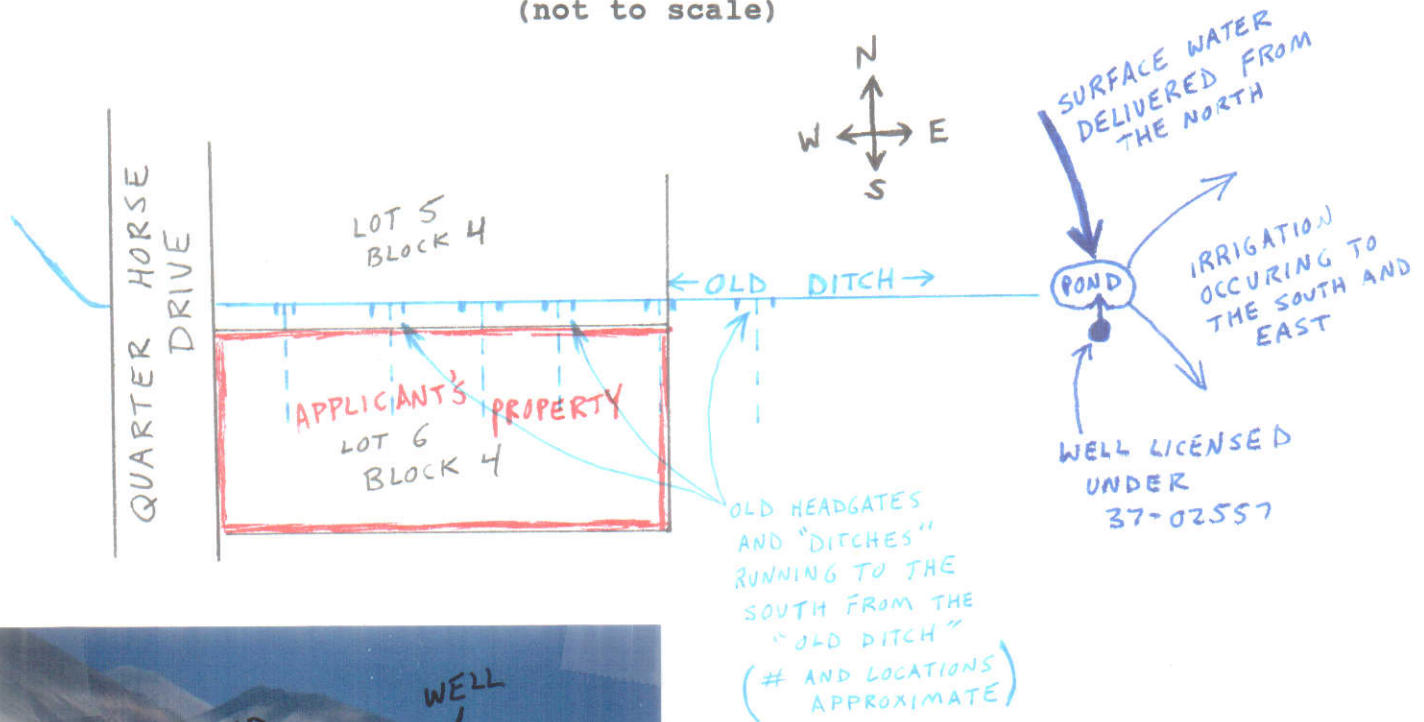
Karl J. Dreher, Director
Published in the Wood River Journal on 10/16 & 10/23/96.

JUN 02 1998

As of Jan., 1990
(Idaho Code, Reb. Statutes 1984)
7-8 pt./line straight: 5/pica
7-8 pt./line tabular: 6/pica
7-8 pt./line successive insertion: 4/pica

10271

SKETCH OF AREA INVOLVED WITH TRANSFER
(not to scale)



View looking up old ditch (indicated by arrows) towards the well licensed under 37-02557 to the east. The old ditch did not appear to have had water ran through it for quite some time. There was some sage growth in a few areas in the bottom of the ditch. In addition, the pond embankment currently prevents the well and surface water from entering the ditch. The concrete and wood structure is an old headgate (appeared abandoned) that delivered water, at one time, from the old ditch to land to the south.

MICROFILMED
JUN 02 1998

T# 4927



View of one of the headgates that delivered water, at one time, from the old ditch to lands to the south. This photo of this particular headgate was taken to represent a typical sample of the headgates along the south side of the old ditch. A couple of headgates were in slightly worse condition and a couple were in slightly better condition.



View of Lot 6, Block 4, Bellevue Farms Subdivision (the property involved with this transfer application) from Quarter Horse Drive looking towards the east. Note the large sage growth and the general appearance of lack of recent irrigation. The arrow indicates the approximate location of the well licensed under 37-02557, that serves as the current source for the "groundwater use" on Lot 6 (the applicant's property).

MICROFILMED
 JUN 02 1998

T#4927

WATER RIGHT NUMBER	NAME	CFS
37-02557	RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 4035.	
37-02557A	RIGHT SPLIT INTO PARTS C & D THRU APPROVED TRANSFER 4537.	
37-02557B	SAGE MEADOW FARM	0.10
37-02557C	RIGHT SPLIT INTO PARTS E & F THRU APPROVED TRANSFER 4540.	
37-02557D	DIVERSIFIED MANAGEMENT INC	0.10
37-02557E	RIGHT SPLIT INTO PARTS G & H THRU APPROVED TRANSFER 4545.	
37-02557F	MALO , ANTHONY L MALO , CHRISTIANE T	0.06
37-02557G	RIGHT SPLIT INTO PARTS J & K THRU APPROVED TRANSFER 4557.	
37-02557H	MONTGOMERY , DON W MONTGOMERY , MARY CATHERINE	0.12
37-02557J	RIGHT SPLIT INTO PARTS L & M THRU APPROVED TRANSFER 4666.	
37-02557K	HOBSON FAMILY TRUST	0.08
37-02557L	RIGHT SPLIT INTO PARTS N & P THRU APPROVED TRANSFER 4918.	
37-02557M	IDAHO POLO INC	0.08
37-02557N	RIGHT SPLIT INTO PARTS Q & R THRU APPROVED TRANSFER 4927.	
37-02557P	SUTTON , ROSS J SUTTON , KRISTI A	0.20
37-02557Q	RIGHT SPLIT INTO PARTS S & T THRU APPROVED TRANSFER 4996.	
37-02557R	DION , RUSSELL SWIFT DION , MICHELE	0.08
37-02557S	RIGHT SPLIT INTO PARTS U & V THRU APPROVED TRANSFER 5062.	
37-02557T	LUFF , KENDALL	0.10
37-02557U	RIGHT SPLIT INTO PARTS W & X THRU APPROVED TRANSFER 5615.	

MICROFILMED

MAR 24 2000

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCE.
WATER RIGHTS NUMBER INDEX

DATE: 03/20/00
PAGE: 2

WATER RIGHT NUMBER	NAME	CFS
37-02557V	DEPP , J MICHAEL DEPP , ALISON	0.20
37-02557W	FOWLES , JAY R FOWLES , LARAIN M TIMPSON , MARGARET M	4.08
37-02557X	ROOS , DONATA	0.10

MICROFILMED
MAR 24 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5615
WATER RIGHT NO. 37-02557X

This is to certify that: **DONATA ROOS**
PO BOX 3343
HAILEY ID 83333

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.10 CFS	17.9 AF *

SOURCE

GROUNDWATER

Priority: 09/25/1954

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 7, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	7	SESW	5.1		5.1
Total number of acres irrigated:						5.1 *

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

MICROFILMED

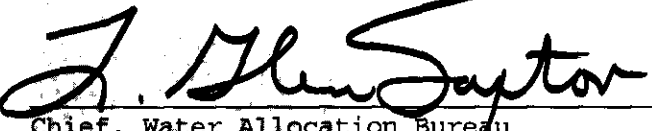
MAR 24 2000

TRANSFER NO. 5615
WATER RIGHT NO. 37-02557X

CONDITIONS OF APPROVAL AND REMARKS

5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 9. Rights 37-002557X and 37-08663 when combined shall not exceed a total annual maximum diversion volume of 17.9 af for the irrigation of 5.1 maximum acres, and are subject to the further modification in the Snake River Basin Adjudication.
10. Point of diversion and place of use are located within Lot 11, Block 4, Bellevue Farms Subdivision.

Dated this 20th day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED

MAR 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5615

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

Department of Water Resources

Name of applicant DONATA ROOS

Phone 208/788-2439

Post Office address P.O. BOX 3343 HAILEY ID 83333

Department of Water Resources
Southern Region

A. 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
2. Describe the reason for the proposed changes APPLICANT WISHES TO TAKE THE PORTION OF WATER THAT IS APPURTENANT TO HER 5.11 ACRES FROM HER OWN WELL

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

1. Right Number 37-025578 ¹⁵ Priority 09/25/1954 Amount (cfs/ac-ft) 0.10 CFS Nature of Use IRRIGATION Period of Use 04/15 to 10/15
2. Total amount of water being transferred 0.10 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	07	01N	19E	BLAINE	EXISTING WELL (only one well on lot) ¹⁵

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	
01N	19E	07												5.11					5.11

Total acres 5.11

TRANSFER 5615

MICROFILMED
MAR 24 2000

PART 1

6. General Information:

a. Description of diversion system WELL WITH PUMP

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. 15. PER APPLICANT 12/29/99

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

d. Remarks:

THE PLACE OF USE REMAINS THE SAME: WATER WILL COME FROM A DIFFERENT SOURCE.

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
MAR 24 2000

PART 2

TRANS NO. 5615

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-02557U

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.18 CFS

SOURCE

GROUNDWATER

Priority: 09/25/1954

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 7, Township 01N, Range 19E
BLAINE CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	7	Lot 4(SWSW)	28.2	SESW 31	NWSE 5	95.2
			SWSE	31			
		18	NENE	25	NWNE 34.8	NENW 29.2	114
			Lot 1(NWNW)	25			
Total number of acres irrigated:							209.2

CONDITIONS/REMARKS:MICROFILMED
MAR 24 2000

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.10 CFS for IRRIGATION purposes from 04/15 to 10/15
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	07	01N	19E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	19E	07												5.11					5.11

Total acres 5.11**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 4.08 CFS for IRRIGATION purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	07	01N	19E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	19E	07											28.22	25.89		5	31		90.09
		18	25	34.8			29.22	25											114.00

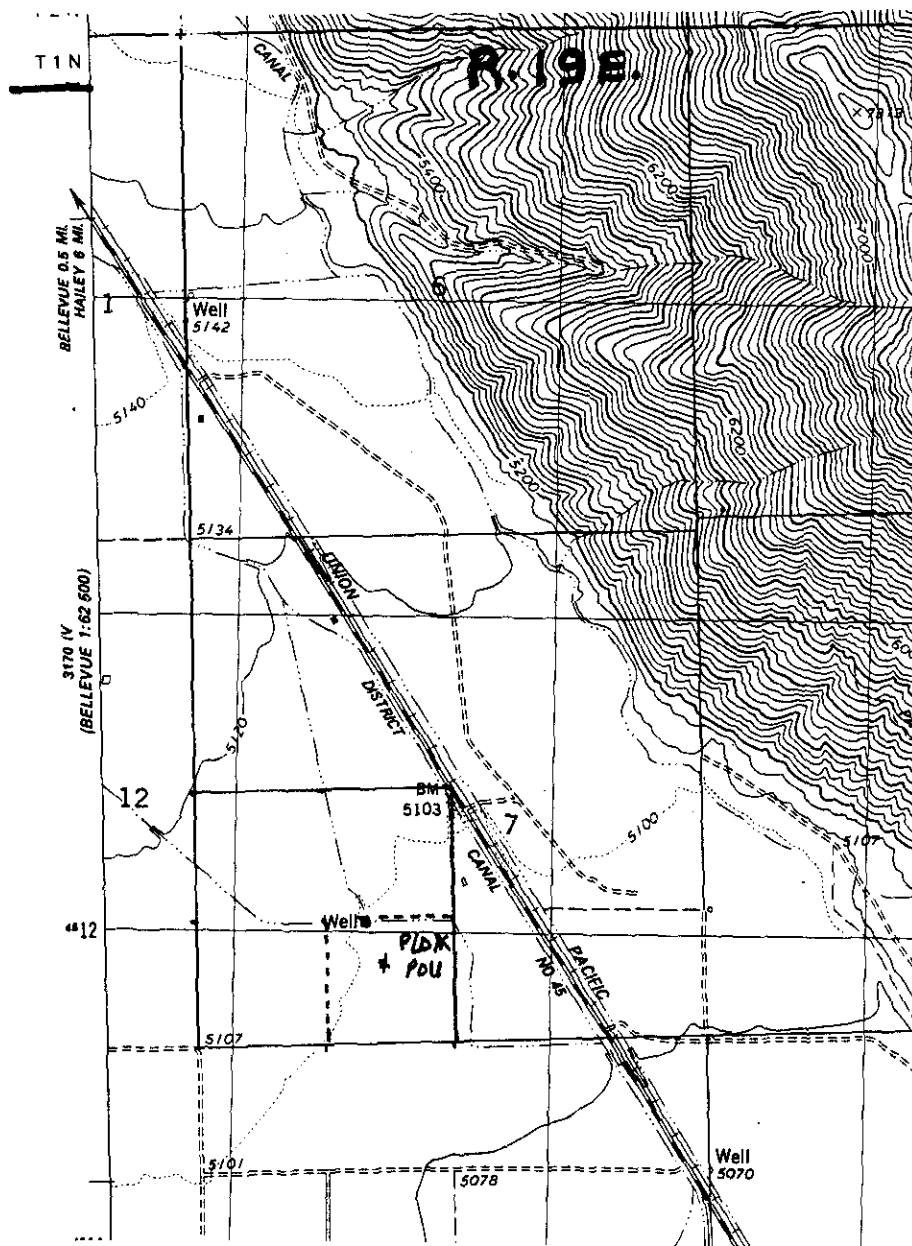
MICROFILM

MAR 24 2000

Total acres 204.909

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MICROFILMED
MAR 24 2003

T#5615

BELLEVUE FARMS SUBDIVISION

LOCATED WITHIN SECTIONS 7 AND 18 T1N R19E, BM

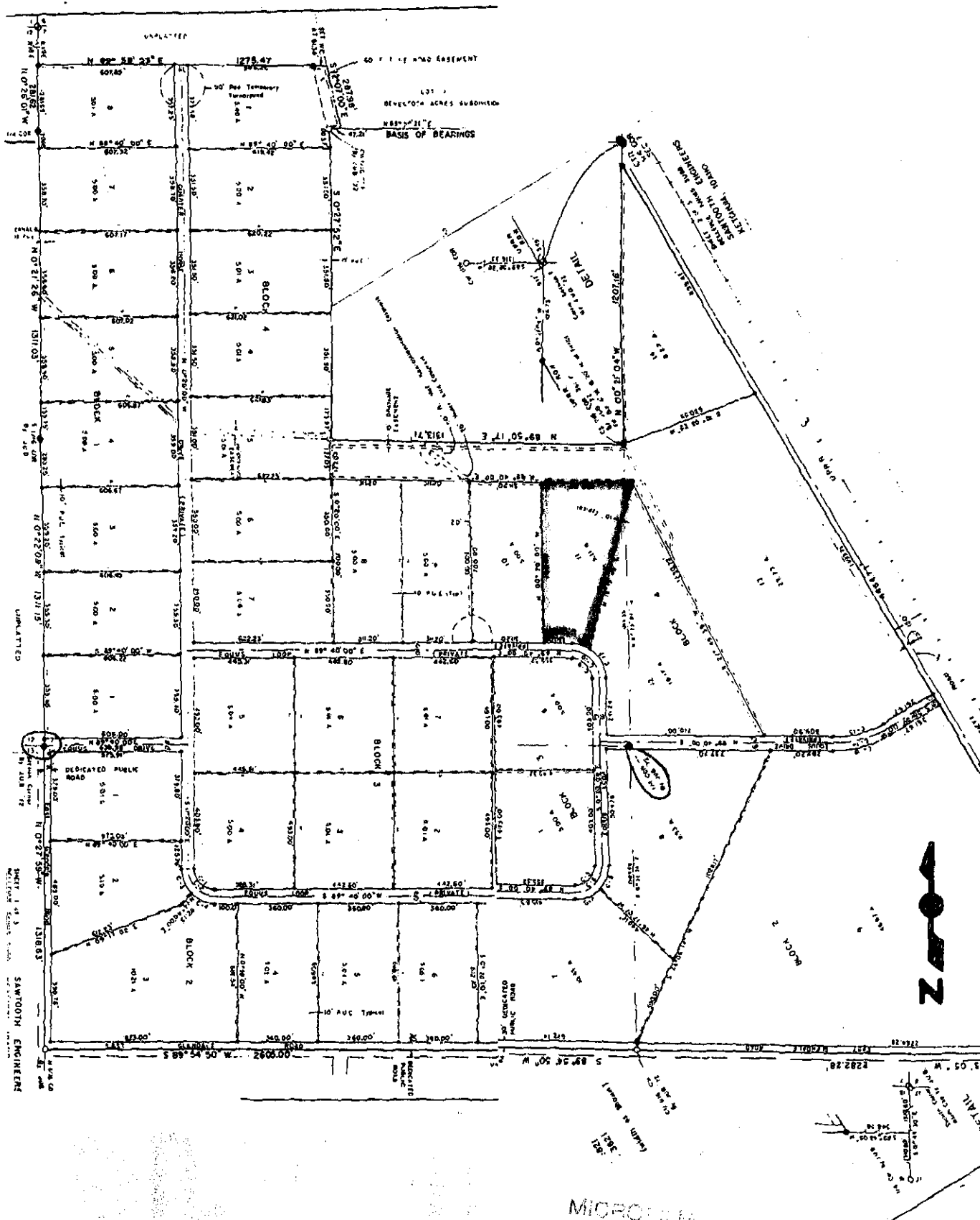
BLAINE COUNTY, IDAHO

JULY, 1960

SCALE 1"=100'

LEGEND

- Found 5/8" Bar
- Set 1/2" Bar with cap No. 3621
- Set 3/8" Bar with cap No. 3621
- Found Brass Cap
- Public Utility Easement (width as shown)
- - - Irrigation Easement



MICROFILMED

MAR 24 1982

T#5615

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

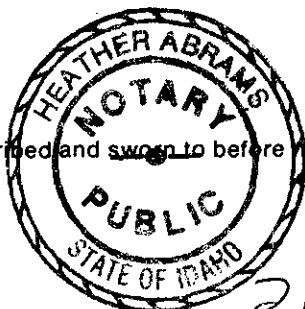
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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

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



Subscribed and sworn to before me this

20th

day of

July, 1999

(Signature of Applicant)

Heather Abrams

(Notary Public)

My commission expires

2/15/2000**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 2 attachmentsReceived by P. SKINNERDate 8/25/99

Protest filed by

NowPrelim. check by P. SKINNERFee \$100.00JO22486Receipted by P. SKINNERDate 8/25/99Published in Wood River Journal

Copies of protest forwarded by

Pub. dates 1/2 & 1/19/2000

Hearing held by _____ Date _____

Watermaster recommendation requested on

12/30/99

Recommended for

☒approval ☐

denial

rec'd.

by

Abm 2/29/00

Copy of transfer sent to lien holder

MICROFILMED
MAR 24 2000

Order No. 21870

427138

①

WARRANTY DEED

Deed

For Value Received

BLAINE CO. REQUEST
FIRST AMERICAN TITLE

Weldon Wankier and Marilyn Wankier, husband and wife

'93 MAY 11 PM 3 42

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MARSHALL ANN. CLERK

Donata Roos, a married women as her sole & separte property

FEES \$3⁰⁰

whose address is: PO Box 3343, Hailey, ID 83333

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 11 in Block 4 of BELLEVUE FARMS SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 206106, records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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:

Weldon Wankier

Weldon Wankier

Marilyn Wankier

Marilyn Wankier

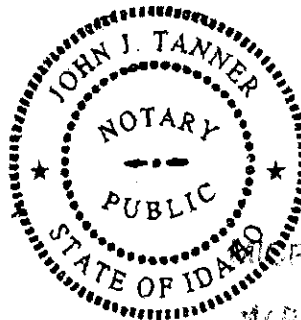
State of Idaho

County of Blaine

On May 11 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Weldon Wankier and Marilyn Wankier personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Signature *[Signature]*
Residing: *Blaine County Idaho*
Commission Expires *August 17, 2001*



MAY 24 2000

T#5615

RECEIVED AUG 1 1999

430727

Deed

BLAINE CO. REQUEST

OF: *Rosholt & Robertson*

'99 AUG 23 PM 4 13

MARSHA RIEMANN, CLERK

FEES \$ *9.00* mpp

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, ID 83303-1906

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, BELLEVUE FARMS LANDOWNERS' ASSOCIATION, an Idaho non-profit corporation, whose current mailing address is P.O. Box 774, Bellevue, ID 83313 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto DONATA ROOS, a married woman as her sole and separate property, whose mailing address is P.O. Box 3343, Hailey, ID 83333 (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water rights, to wit:

1. 0.09 cfs of the Big Wood River with a March 24, 1883 priority date pursuant to Idaho Water Right No. 37-00577 and Claim No. A37-11924A in In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, Twin Falls District Court Case No. 39576;
2. 0.005 cfs of the Big Wood River with a July 10, 1884 priority date pursuant to Idaho Water Right No. 37-00664 and Claim No. A37-11925A in In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, Twin Falls District Court Case No. 39576;
3. 0.048 cfs of the Big Wood River with a September 18, 1885 priority date pursuant to Idaho Water Right No. 37-00298 and Claim No. A37-11926A in In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, Twin Falls District Court Case No. 39576;

MICROFILMED

JUL 24 2000

4. 0.005 cfs of the Big Wood River with a June 12, 1886 priority date pursuant to Idaho Water Right No. 37-00666 and Claim No. A37-11927A in In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, Twin Falls District Court Case No. 39576; and
5. 0.123 cfs of the Big Wood River with a June 15, 1891 priority date pursuant to Idaho Water Rights Nos. 37-00480 and 37-00667 and Claim No. A37-11928A in In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, Twin Falls District Court Case No. 39576;

which are appurtenant to the following premises situated in Blaine County, Idaho, to wit:

Lot 11, Block 4, BELLEVUE FARMS SUBDIVISION, Blaine County, Idaho, according to the official plat thereof recorded as Instrument No. 206106, records of Blaine County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

IN WITNESS WHEREOF the undersigned have executed this Quitclaim Deed on the dates set forth below:

BELLEVUE FARMS LANDOWNERS'
ASSOCIATION

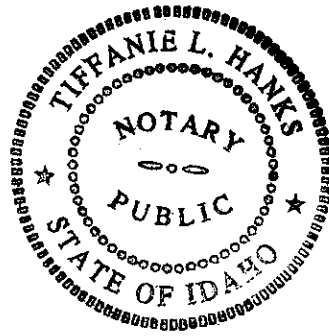
DATE: 8/17/99 By: Andy Mattson
President

DATE: 8/17/99 By: [Signature]
Secretary

STATE OF IDAHO)
)ss.
County of Blaine)

On the 17 day of August, 1999, before me, a Notary Public, in and for said County and State, personally appeared Cindy Mattson, known or identified to me to be the president of BELLEVUE FARMS LANDOWNERS' ASSOCIATION, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tiffanie L. Hanks
NOTARY PUBLIC FOR IDAHO
Residing at: Camas County
My commission expires: 1/2004

STATE OF IDAHO)
)ss.
County of Blaine)

On the 17 day of August, 1999, before me, a Notary Public, in and for said County and State, personally appeared Steven J. Wilson, known or identified to me to be the secretary of BELLEVUE FARMS LANDOWNERS' ASSOCIATION, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tiffanie L. Hanks
NOTARY PUBLIC FOR IDAHO
Residing at: Camas County
My commission expires: 1/2004

WATER RIGHT NUMBER	NAME	CFS
37-02557	RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 4035.	
37-02557A	RIGHT SPLIT INTO PARTS C & D THRU APPROVED TRANSFER 4537.	
37-02557B	SAGE MEADOW FARM	0.10
37-02557C	RIGHT SPLIT INTO PARTS E & F THRU APPROVED TRANSFER 4540.	
37-02557D	DIVERSIFIED MANAGEMENT INC	0.10
37-02557E	RIGHT SPLIT INTO PARTS G & H THRU APPROVED TRANSFER 4545.	
37-02557F	MALO , ANTHONY L MALO , CHRISTIANE T	0.06
37-02557G	RIGHT SPLIT INTO PARTS J & K THRU APPROVED TRANSFER 4557.	
37-02557H	MONTGOMERY , DON W MONTGOMERY , MARY CATHERINE	0.12
37-02557J	RIGHT SPLIT INTO PARTS L & M THRU APPROVED TRANSFER 4666.	
37-02557K	HOBSON FAMILY TRUST	0.08
37-02557L	RIGHT SPLIT INTO PARTS N & P THRU APPROVED TRANSFER 4918.	
37-02557M	IDAHO POLO INC	0.08
37-02557N	RIGHT SPLIT INTO PARTS Q & R THRU APPROVED TRANSFER 4927.	
37-02557P	SUTTON , ROSS J SUTTON , KRISTI A	0.20
37-02557Q	RIGHT SPLIT INTO PARTS S & T THRU APPROVED TRANSFER 4996.	
37-02557R	DION , RUSSELL SWIFT DION , MICHELE	0.08
37-02557S	RIGHT SPLIT INTO PARTS U & V THRU APPROVED TRANSFER 5062.	
37-02557T	LUFF , KENDALL	0.10
37-02557U	FOWLES , JAY R FOWLES , LARAIN M	4.18

RECORDED
JUN 02 1998

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 05/19/98
PAGE: 2

WATER RIGHT
NUMBER

NAME

CFS

TIMPSON , MARGARET M

37-02557V

DEPP , J MICHAEL
DEPP , ALISON

0.20

11-21-1998
JCR 02 123

TRANSFER 5062

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5062
WATER RIGHT NO. 37-02557V

This is to certify that: **J MICHAEL DEPP**
ALISON DEPP
PO BOX 1558
SUN VALLEY ID 83353

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.20 CFS	35.0 AF

SOURCE

GROUNDWATER

Priority: 09/25/1954

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 18, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 19E 18	NWNE 0.7	NENW 9.3		10.0
Total number of acres irrigated:				10.0

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

ENC TO FILMED

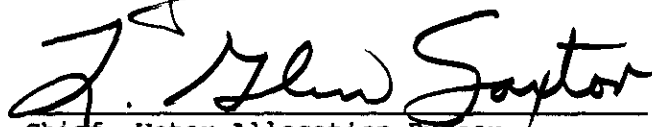
JUN 02 1998

TRANSFER NO. 5062
WATER RIGHT NO. 37-02557V

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Place of use is located within Lot 7, Block 2, Bellevue Farms Subdivision.

Dated this 18 th day of May, 1998.


Chief, Water Allocation Bureau

RECORDED

JUN 02 1998

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5062APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant J. Michael / e/or Alison Depp Phone 788-1235
Post Office address PO Box 1558, Sun Valley, ID 83353

A. 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
2. Describe the reason for the proposed changes We want to be able to irrigate our property with our own well instead of using the subdivision well.

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

1. Right Number 37-02557 Priority 9-25-1954 Amount (cfs/ac-ft) 0.20 cfs Nature of Use Irrigation Period of Use 4-15 to 10-15
2. Total amount of water being transferred 0.20 cubic feet per second and/or 35.0 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NW	18	1N	19E	Blaine	

5. Lands irrigated or place of use:
- No Change (Part 2, B, 3)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Well, motor, pump, sprinklers

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

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

N/A

d. Remarks:

P/D & P/U are on Lot 7 Block 2 of Bellevue Farms Subdivision.

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 _____

RECORDED
JUN 12 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5062

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-02557L issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. several which produced this right.

2. 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 _____
3. Source of water Groundwater tributary to _____4. Date or priority 9-25-1954

5. Water is used for the following purpose:

amount 4.76 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.76 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	7	1N	19E	Blaine	

8. 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	
1N	19E	7											37.2	31		5	31		104.2
													674						
		18	25	355			385	35											134
								41											

JUN 02 1998

Total acres 238.29. Describe any other water rights used for the same purpose as described above Big Wood River decreed rights

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

Unknown 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 _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1N</u>	<u>19E</u>	<u>18</u>		<u>0.7</u>			<u>9.3</u>												<u>10</u>

Total acres 10**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. amount 4.56 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2.A.7.

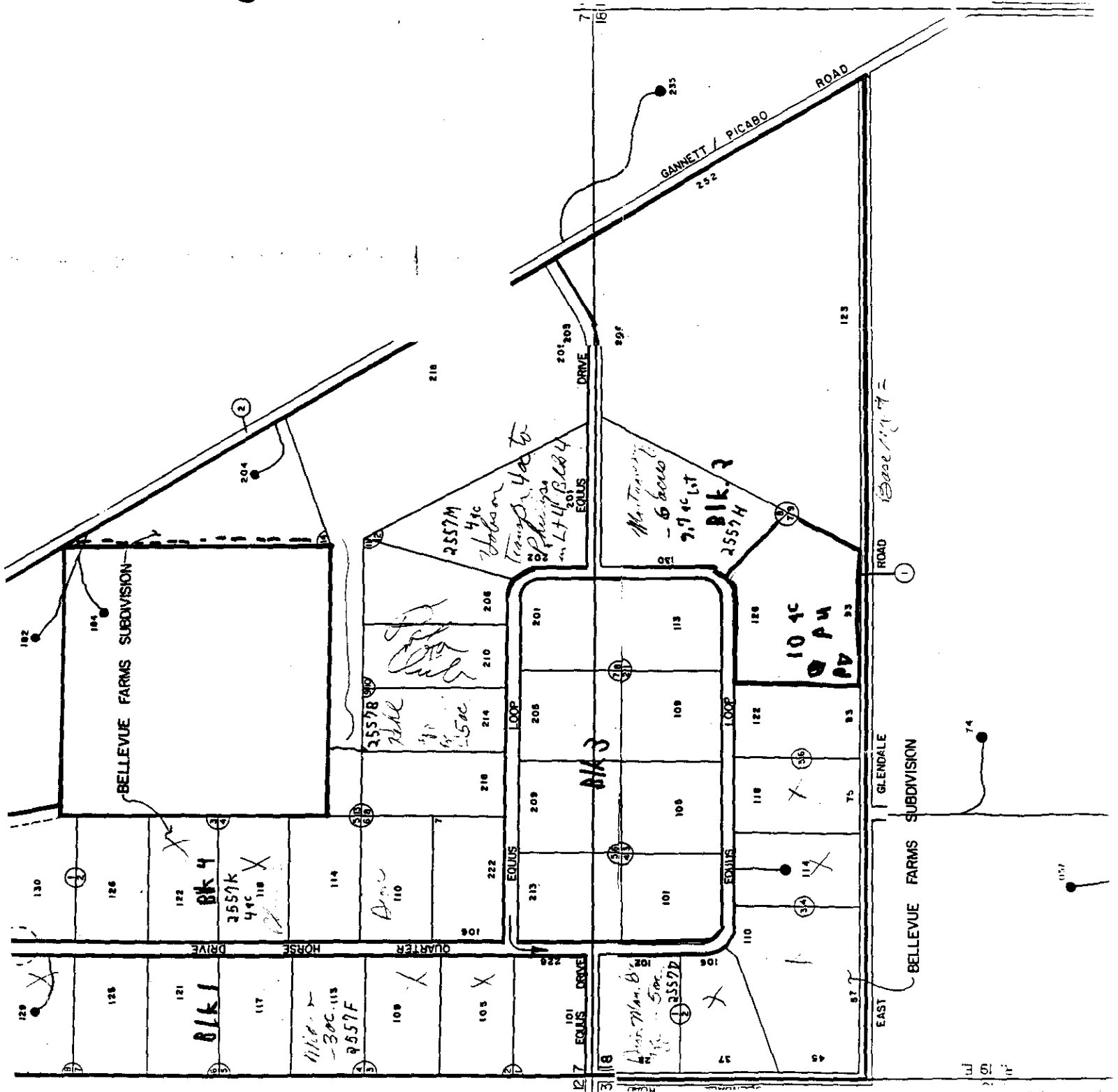
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1N</u>	<u>19E</u>	<u>7</u>											<u>39.2</u>	<u>31</u>		<u>5</u>	<u>31</u>		<u>104.2</u>
													<u>44</u>						
		<u>18</u>	<u>25</u>	<u>34.8</u>			<u>21.2</u>	<u>35</u>											<u>124</u>
								<u>41</u>											

Total acres 228.2MICROFILMED
JUN 02 1998

660-scale
plat



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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

(see Attached)

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Michael Depp
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of April, 19 97.

J. E. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by J. E. Stanton Date 4-16-97 Protest filed by None

Prelim. check by J. E. Stanton Fee \$100. 5020031

Receipted by J. E. Stanton Date 4-16-97

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 4/30 & 5/7/97 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☐ approval ☒ denial

_____ rec'd. by AD

Copy of transfer sent to lien holder _____

RECEIVED

APR 17 1997

Department of Water Resources
Southern Region

WARRANTY DEED

For Value Received **Christopher A. Pesch and Marianne Lipsett, husband and wife,**

the grantors, do hereby grant, bargain, sell and convey unto

J. Michael Depp and Alison Shearer-Depp, husband and wife,

the grantees, whose current address is **PO Box 1558
Sun Valley, ID 83353**

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

Lot 7, Block 2, BELLEVUE FARMS SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded August 25, 1980, as Instrument No. 206106, records of Blaine County, Idaho.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any, AND

A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby.

Amount: \$57,897.00

Dated: September 15, 1989

Grantor: Christopher A. Pesch and Marianne Lipsett, h/w

Trustee: First American Title Company, an Idaho Corporation

Beneficiary: Elizabeth Rockwell Brown, Trustee for Peter Michael Brown, an unmarried man

Recorded: September 29, 1989

Instrument No.: 310648, records of Blaine County, Idaho, which the grantees herein assume and agree to pay.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 30, 1994

Christopher A. Pesch

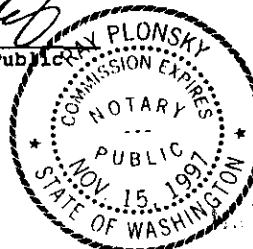
Marianne Lipsett Pesch
Marianne Lipsett

COPY

STATE OF WASH., COUNTY OF KING

On this 7TH day of APRIL, 1994 before me, a notary public in and for the said State, personally appeared **Christopher A. Pesch and Marianne Lipsett** known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

**Residing at BELLEVUE, WA.
Comm. Expires 11-15-97
Seal/Stamp:**



For Recorders use

JUN 2 1993

T# 5062

TRANSFER 4996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4996
WATER RIGHT NO. 37-02557T

This is to certify that: **KENDALL LUFF**
PO BOX 534
BELLEVUE ID 83313

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.10 CFS	17.5 AF

SOURCE

GROUNDWATER

Priority: 09/25/1954

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSW), Sec. 7, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	7	Lot 4(SWSW)	5.0		5.0
Total number of acres irrigated:						5.0

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

MICROFILMED

JUN 02 1998

TRANSFER NO. 4996
WATER RIGHT NO. 37-02557T

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Place of use is located within Lot 1, Block 1, Bellevue Farms Subdivision.

Dated this 18th day of May, 1998

J. Glen Saylor
Chief, Water Allocation Bureau

NOTED
JUN 02 1998

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4996APPLICATION FOR TRANSFER OF WATER RIGHT
PART RECEIVED

MAR 06 1997

Name of applicant Rendall Luff Phone 988-2331
Post Office address PO Box 534, Bellevue, ID 83402 Department of Water Resources

A. 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 _____

2. Describe the reason for the proposed changes I want to have my own well on my own property for better control of my water usage.

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

1. Right Number 37-02557T Priority 9-25-1954 Amount (cfs/ac-ft) 0.10 cfs Nature of Use Irrigation Period of Use 4-15 to 10-15
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.10 cubic feet per second and/or 17.5 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SW	7	1N	19E	Blaine	

5. Lands irrigated or place of use: No change (Same as 2.B.3.)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Wells pump, sprinklers

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

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

N/A

d. Remarks:

Land is also watered with Big Wood River water thru the District Canal. If transfer is approved, only groundwater will be used. P/D & P/U are in lot 1 Block 1 of Bellevue Farms Subdivision. The full 5 acres will be irrigated for some time, as there is no home on the property. Eventually a home will be built there.

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 _____

MICHAEL L. LYLE

JUN 02 1998

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-025570L issued by the Idaho Department of Water Resources.
- c. Claim No. A37-02557A Part on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. 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 _____

3. Source of water Groundwater tributary to _____

4. Date or priority 9-25-1954

5. Water is used for the following purpose:

amount 4.8 cfs for Irrig purposes from 4-1 to 10-31
(cfs/ac-ft) 76 %
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 4.8 ⁰ 4.76 cubic feet per second and/or 8189 ⁰ 833.7 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	7	1N	19E	B/qine	

8. 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	
1N	19E	7											39.2	31		5	31		104.2
													174						
		18	25	35.5	000	*	38.5	35											134
								171											

JUN 02 1998

Total acres 238.2

9. Describe any other water rights used for the same purpose as described above Big Wood River decreed rights

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.10 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Same as 2.A.7.

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1N</u>	<u>17E</u>	<u>7</u>											<u>5</u>						<u>5</u>
													<u>44</u>						

Total acres 5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

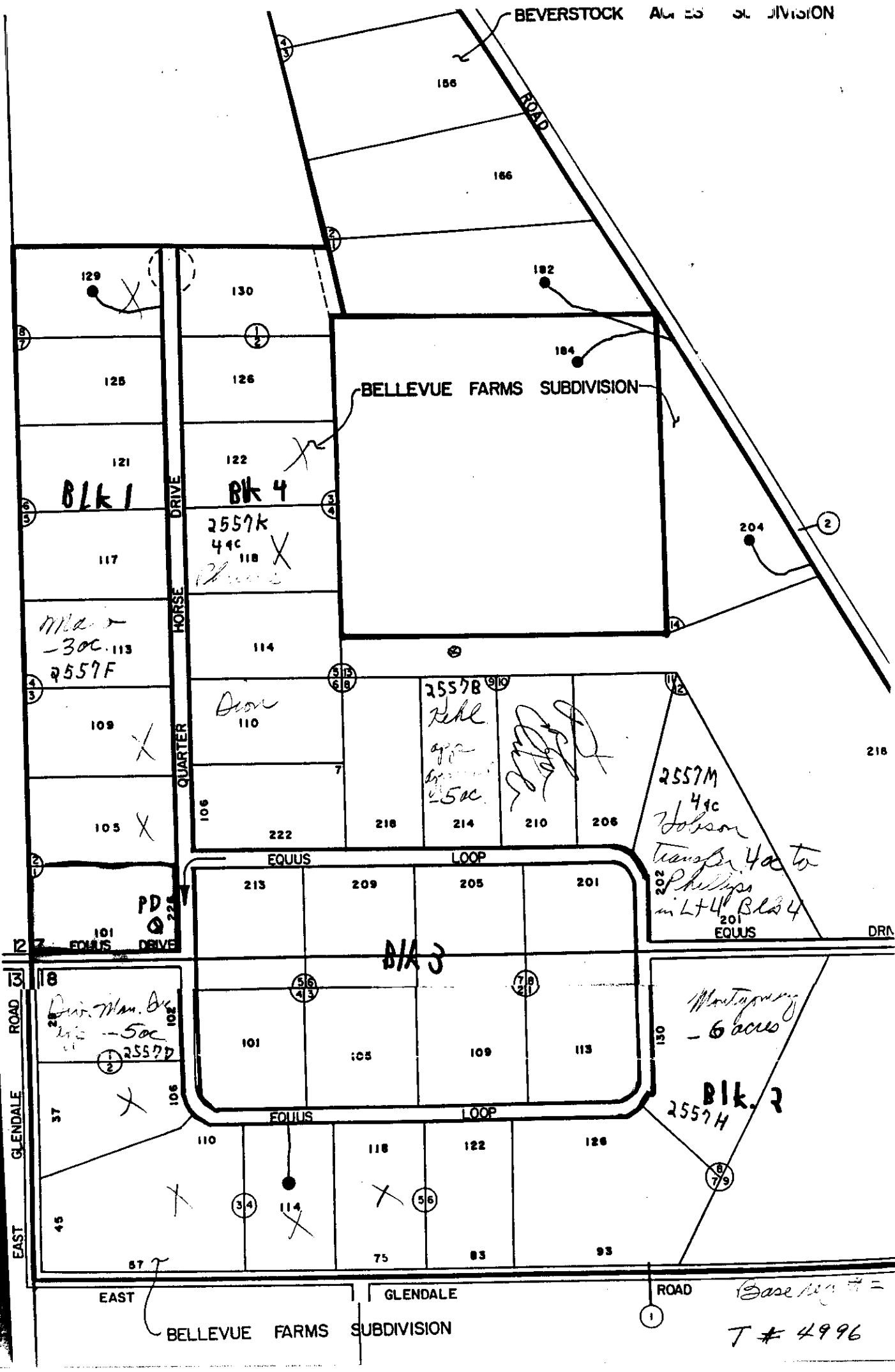
1. amount 4.66 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Same as 2.A.7

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1N</u>	<u>17E</u>	<u>7</u>											<u>22.2</u>	<u>31</u>		<u>5</u>	<u>31</u>		<u>99.2</u>
													<u>44</u>						
																			<u>134</u>
		<u>18</u>	<u>25</u>	<u>35.5</u>			<u>38.5</u>	<u>35</u>											
							<u>44</u>												

Total acres 239.2



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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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

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

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

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

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

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

Kendall Luff

(Signature of Applicant)

Subscribed and sworn to before me this 4th day of October, 19 96.J.F. Stanton

(Notary Public)

My commission expires 10-25-2000**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 1 attachmentsReceived by J.F. Stanton Date 10-4-96 Protest filed by NonePrelim. check by J.F. Fee \$100. \$019586Receipted by J.F. Date 10-4-96Published in Wood River Journal Copies of protest forwarded by _____Pub. dates 2/5 + 2/12/97 Hearing held by _____ Date _____Watermaster recommendation requested on 1/29/97 Recommended for ☐ approval ☒ denialN/A
→ _____ rec'd. 2/10/97 by ADM

Copy of transfer sent to lien holder _____

RECEIVED**DEC 30 1996**Department of Water Resources
Southern Region

WARRANTY DEED

For Value Received William H. Evans and Helen Evans, or their successors, Trustees of The Evans 1992 Revocable Trust dated May 14, 1992

the grantors, do hereby grant, bargain, sell and convey unto

Kendall Luff, a married man, as his sole and separate property,

the grantee, whose current address is PO Box 534

Bellevue, ID 88813

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lot 1, Block 1, BELLEVUE FARMS SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded August 25, 1980, as Instrument No. 206106, records of Blaine County, Idaho.

COPY

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: February 10, 1994

William H. Evans

William H. Evans, Trustee

Helen Evans

Helen Evans, Trustee

STATE OF *Idaho* COUNTY OF *Blaine*
On this *14th* day of *Feb.*, 1994 before me, a notary public in and for the said State, personally appeared William H. Evans and Helen Evans, Trustees of the Evans 1992 Revocable Trust dated May 14, 1992, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their capacity as Trustees.

Carolyn Baird
Notary Public

Residing at *Harley Idaho*
Comm. Expires
Seal/Stamp: 3-14-97



FEB 02 1994

TRANSFER 4927

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4927
WATER RIGHT NO. 37-02557R

This is to certify that: **RUSSELL DION**
MICHELE SWIFT DION
PO BOX 4324
MISSION VIEJO CA 92690

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.08 CFS	14.0 AF

SOURCE

GROUNDWATER

Priority: 09/25/1954

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSW), Sec. 7, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	7	Lot 4(SWSW)	4		4
Total number of acres irrigated:						4

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

MICROFILMED
JUN 02 1998

TRANSFER NO. 4927
WATER RIGHT NO. 37-02557R

CONDITIONS OF APPROVAL AND REMARKS

4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Place of use is located within Lot 6, Block 4, Bellevue Farms Subdivision.

Dated this 18th day of May, 1998

Z. Glen Saylor
Chief, Water Allocation Bureau

REC'D - 2127
JUN 02 1998

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4927

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED
MAR 06 1997

Name of applicant Russell and/or Michele Swift-Dion Phone 714-768-3058
Post Office address P.O. Box 4324; Mission Viejo, CA 92690

A. 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
2. Describe the reason for the proposed changes We want to drill our own well to irrigate 4 acres and split the water right to have a portion in our names.

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

1. Right Number 37-02557 ^{Part} Priority 9-25-1954 Amount (cfs/ac-ft) 0.08 Nature of Use Irrigation Period of Use 4-15 to 10-15
2. Total amount of water being transferred 0.08 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>4</u>	<u>NE</u>	<u>SW</u>	<u>SW</u>	<u>7</u>	<u>1N</u>	<u>19E</u>	<u>Blaine</u>	<u>New well in Lot 6, Blk 4</u>

5. Lands irrigated or place of use: No Change (Same as Part 2.B.3)

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>1N</u>	<u>19E</u>	<u>7</u>											<u>4</u>						<u>4</u>

JUN 12 1998
Total acres 4

PART 1

6. General Information:

a. Description of diversion system New well to a mainline system to
service a sprinkler system

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

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

d. Remarks:

Place of use is Lot 6, Blk 4, Bellevue Farms
Sub.

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 _____

JUN 02 1938

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-02557-3L issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. several which produced this right.

2. 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 _____
3. Source of water Groundwater tributary to _____4. Date or priority 9-25-1954

5. Water is used for the following purpose:

amount 4.8476 for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.8476 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	7	1N	19E	Blaine	

8. 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	
1N	19E	7											37.35			5	31		1084.28
		18	25	35.5			38.5	35											134

Total acres 242 238.2

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

Various decreed
Big Wood River rights

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

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

1. amount .08 for Irrigation purposes from 4-1 to 11-1
 (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
		SE	SW	7	1N	19E	Blaine	

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	
1N	19E	7											4						4.

Total acres 4**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 4.7668 ⁴ for Irrigation purposes from 4-1 to 11-1
 (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
		SE	SW	7	1N	19E	Blaine	

3. Lands irrigated or place of use:

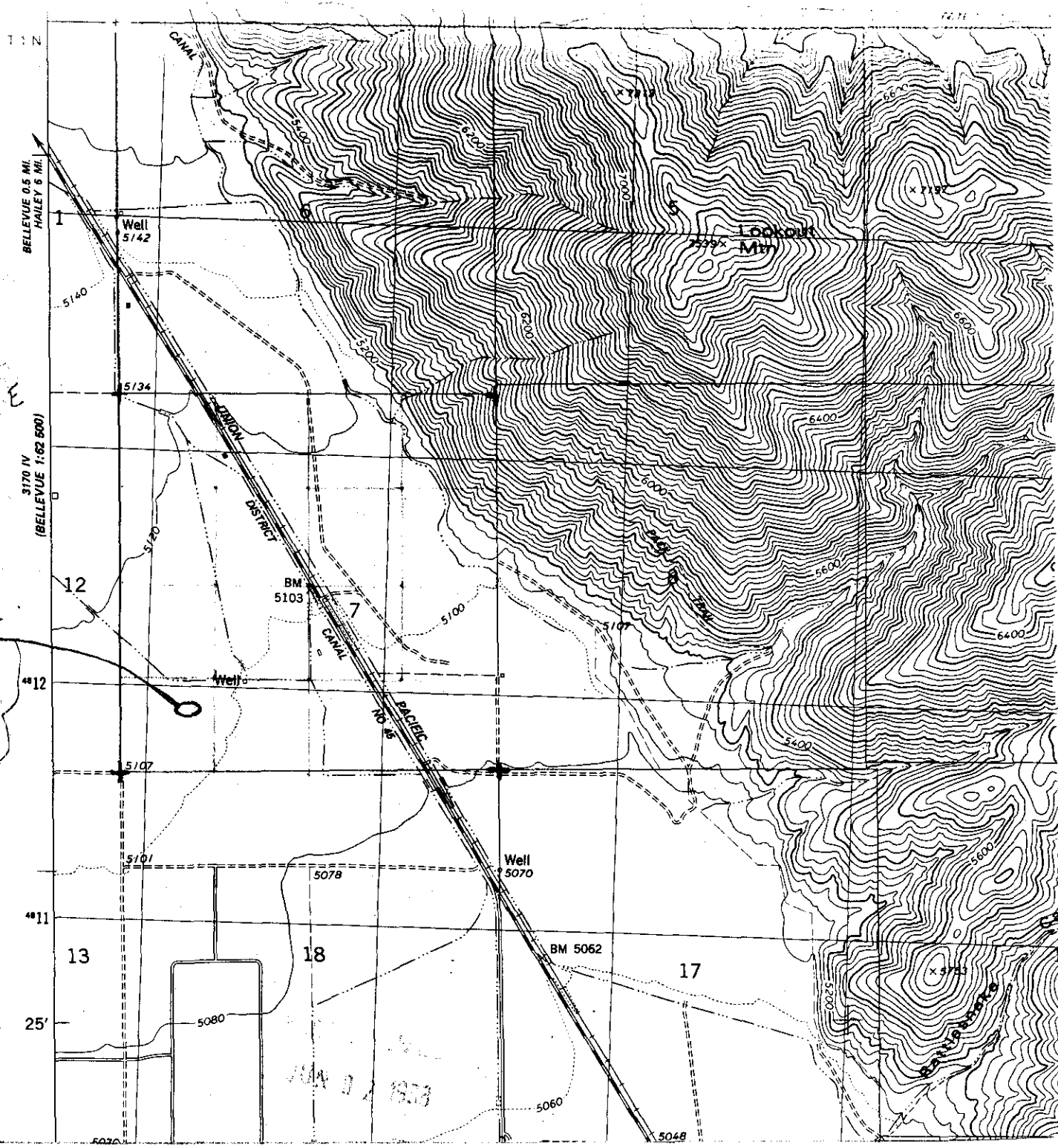
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	19E	7											33	35		5	31		1070.2
		18	25	35			38	35											134

Total acres 2384.2

SEAMANS
CREEK
QUADRANGLE
Y25

TOWNSHIP
01 N
RANGE 19 E

APPROXIMATE
LOCATION OF
POD, POU



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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

*See attached
Bellevue Farms Subdivision plat map*

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

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

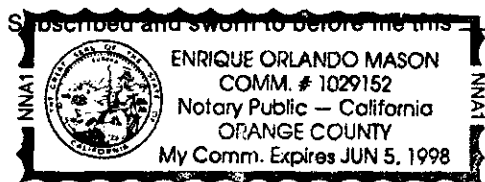
2. Quantity and quality of return flows and location of discharge:

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

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

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

X [Signature]
(Signature of Applicant)



[Signature]
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 2 attachmentsReceived by J. P. StantonDate 7-22-96Protest filed by NonePrelim. check by C SKINNERFee \$100. 5019362Receipted by JSDate 7-22-96Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 10/16 + 10/23/96

Hearing held by _____ Date _____

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

_____ rec'd. _____

by [Signature]

Copy of transfer sent to lien holder _____

MICROFILMED **RECEIVED**

JUN 22 1996

JUL 22 1996

Department of Water Resources
Southern Region

SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the
recorded plat, the Company assumes no liability
for variations, if any, with a re-survey.

LEGEND

- Found 3/8" Bar
- Set 1/2" Bar with cap No. 3621
- Set 5/8" Bar with cap No. 3621
- Found Brass Cap
- Public Utility Easement (width as shown)
- Irrigation Easement

NOTES

1. West Equus Drive shall be secondary access
2. A one foot wide access-control strip at the North end of Quarter Horse Drive is reserved to be released by the Blaine County Board of Commissioners when the Northern unplatted land is subdivided and the road is extended. It is understood the property owners to the north have access to Quarter Horse Drive.

PLAT SHOWING BELLEVUE FARMS SUBDIVISION

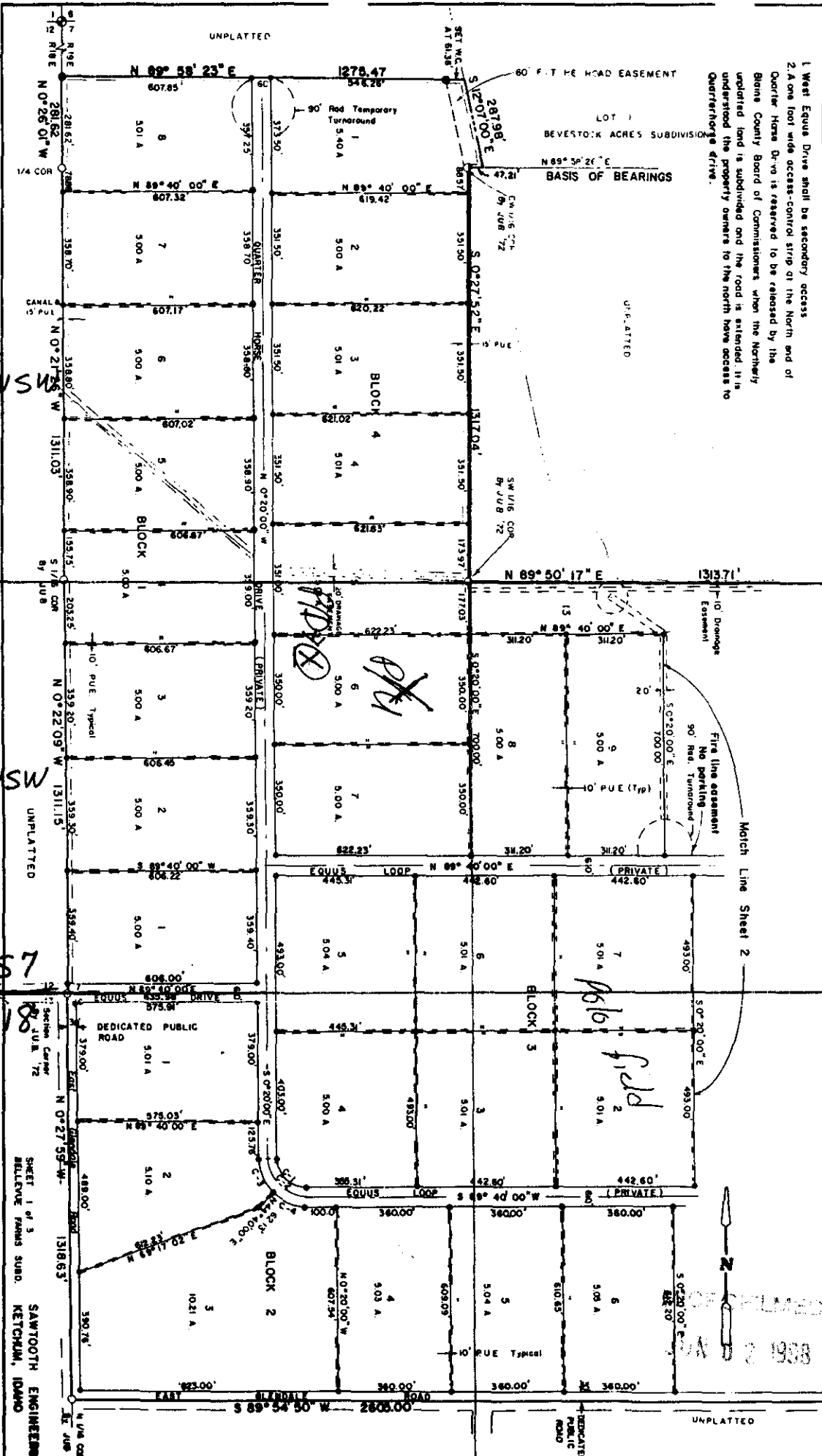
LOCATED WITHIN SECTIONS 7 AND 18 T1N R19E, 18M.

BLAINE COUNTY, IDAHO

JULY, 1980



CURVE	A	Δ	T	L	CA	Ch. Bearing
C-1	160.00	90°00'00"	80.00	141.37	127.28	S 45°30'00" E
C-2	180.00	90°00'00"	90.00	169.71	156.31	S 45°30'00" E
C-3	150.00	45°00'00"	62.13	117.81	114.81	S 22°30'00" E
C-4	150.00	45°00'00"	62.13	117.81	114.81	S 22°30'00" E
C-5	150.00	90°00'00"	75.00	141.37	127.28	S 45°30'00" E
C-6	150.00	90°00'00"	75.00	141.37	127.28	S 45°30'00" E
C-7	150.00	45°00'00"	62.13	117.81	114.81	S 22°30'00" E
C-8	150.00	45°00'00"	62.13	117.81	114.81	S 22°30'00" E
C-9	150.00	90°00'00"	75.00	141.37	127.28	S 45°30'00" E
C-10	150.00	90°00'00"	75.00	141.37	127.28	S 45°30'00" E
C-11	150.00	45°00'00"	62.13	117.81	114.81	S 22°30'00" E
C-12	150.00	45°00'00"	62.13	117.81	114.81	S 22°30'00" E
C-13	150.00	90°00'00"	75.00	141.37	127.28	S 45°30'00" E
C-14	150.00	90°00'00"	75.00	141.37	127.28	S 45°30'00" E
C-15	150.00	90°00'00"	75.00	141.37	127.28	S 45°30'00" E



T#4927

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
P.O. BOX 905 (208) 788-5530
HAILEY, IDAHO 83333

TAX BILL/RECEIPT

CODE AREA 13-00

PARCEL NUMBER
RP000520040060A
65,000

TAX YEAR 1995

BILL NO 12042 L

1ST TAX 246.09
HALF PEN
INT
COST
TOT

2ND TAX 246.09
HALF PEN
INT
COST
TOT

FULL TAX 492.18
PEN
INT
COST
TOT

TOT MV 65,000

TOT LTS 1.000

DION RUSSELL A & MICHELE SWIF
P O BOX 4324
MISSION VIEJO CA 92690

BELLEVUE FARMS SUB
LOT 6 BLK 4
5.0 a

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
COUNTY	.001369238	89.00
RECREATION	.000174383	11.32
AMBULANCE	.000222680	14.46
NUR. HOME BOND	.000092878	6.04
REC. BOND	.000085712	5.56
SCHOOL DIST #61	.003647188	237.06
SCHOOL BOND	.000596265	38.76
BELLEVUE CEM	.000058358	3.78
RURAL FIRE	.001285130	83.52
FLOOD #9	.000041357	2.68
AMOUNT DUE		492.18

110 QUARTER HORSE DR 80000

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

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 CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX
RELATED QUESTIONS CALL (208) 788-5530

800 2 0 NHT
JUN 0 2 1998
CITY OF IDAHO

T # 4927



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

March 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONATA ROOS
PO BOX 3343
HAILEY ID 83333

RE: Water Right 37-02557X (Transfer 5615)

Dear Ms. Roos:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5615). 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
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

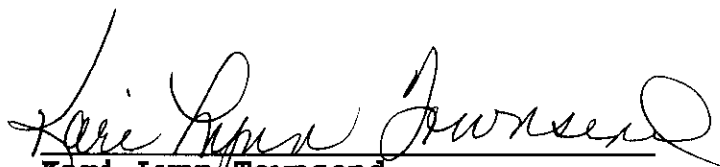
MICROFILMED
MAR 24 2000

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of **March**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 37-02557X (Transfer 5615)

**DONATA ROOS
PO BOX 3343
HAILEY ID 83333**


**Karl Lynn Townsend
Secretary**

MICROFILMED
MAR 24 2000

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.

MICROFILMED
MAR 24 2006

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.

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
1/4 _____		1/4 _____	
Lat: _____	Long: _____		
☒ Air	☐ Flowing Artesian		

1. WELL TAG NO. D 0002932
 DRILLING PERMIT NO. 37-98-S-0162-000
 Other IDWR No. 37-02557V Transfer #5062

2. OWNER:
 Name DEPP, J. MICHAEL & ALISON
 Address P.O. BOX 1558
 City SUN VALLEY State ID Zip 83353

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N			
	X		
W			E
S			

Twp. 1 North ☒ or South ☐
 Rge. 19 East ☒ or West ☐
 Sec. 18 1/4 NE 1/4 NW 1/4
 Gov't Lot _____ County BLAINE
 Lat: _____ Long: _____

Address of Well Site 127 Equis Loop
 City Bellevue

(Give at least name of road + Distance to Road or Landmark)

Lt. 7 Blk. 2 Sub. Name Bellevue Farms

4. USE:

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

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

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	20	8 sks	Overbore

Was drive shoe used? ☒ N Shoe Depth(s) 158 ft.
 Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	+1.5	158	.250	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method Knife

Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
100	155	1.5"	135	1/4"	Steel	☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

58 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
125		140	1 hr.

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

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

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	2	Topsoil		X
10	2	20	Gravel & Clay		X
8	20	24	Gravel & Clay		X
8	24	31	Sand		X
8	31	35	Clay		X
8	35	87	Clay & Gravel		X
8	87	92	Sand	X	
8	92	150	Gravel & Clay	X	
8	150	158	Rock	X	

RECEIVED

JAN 05 1999

Department of Water Resources

RECEIVED

DEC 24 1998

Department of Water Resources
Southern Region

MICROFILMED
MAR 24 1999

Completed Depth 158 ft. (Measurable)
 Date: Started 12/16/98 Completed 12/18/98

13. DRILLER'S CERTIFICATION

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

WOOD RIVER DRILLING & PUMP, INC.
 Company Name _____ Firm No. 265

Firm Official Ken Smith Date 12-23-98

and Driller or Operator Bloomington Date 12-18-98

(Sign once if Firm Official & Operator)



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

May 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

J MICHAEL DEPP
ALISON DEPP
PO BOX 1558
SUN VALLEY ID 83353

RE: Water Right 37-02557V Transfer 5062)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5062. 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.

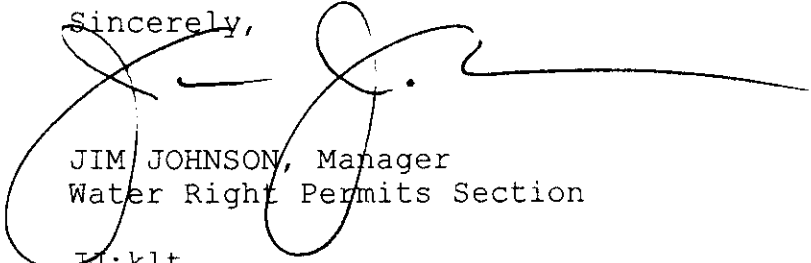
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

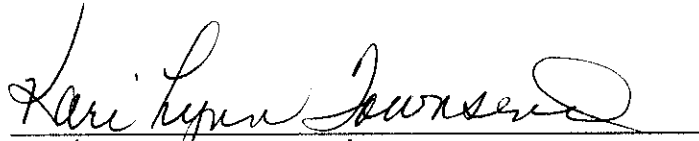
MICROFILMED
MAY 22 1998

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of **MAY, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 37-02557V (Transfer 5062)

**J MICHAEL DEPP
ALISON DEPP
PO BOX 1558
SUN VALLEY ID 83353**


Kari Lynn Townsend
Secretary

JUN 02 1998

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MINOR - 11111

JUN 6 7 1998

MEMORANDUM

Date: May 1, 1998

To: Glen Saxton

From: Jim Johnson *J*

Subject: Transfer applications 4918, 4927, 4996, 5062 on right
37-02557.

=====

These transfers were forwarded to the State Office with a recommendation to deny the applications on the basis that water had not been diverted within the last five years and therefore forfeited.

After several discussions with the department's administrators and legal counsel it was determined that the applications should be approved.

Reasons supporting the decision for approval are based on water master delivery records verifying that surface water rights have continuously been delivered to the head of the canal. It is not clear where the water was used after it was delivered to the canal. Recent photos of the place of use described on the water rights show that water was not delivered to the entire place of use described on the water rights. However, no information was collected to show without question that the water was not used.

The department approved six other transfer applications previously filed on the water right. Without clear and convincing evidence to support forfeiture the department should approve new transfer applications.

NOT RECORDED
JUN 02 1998

MEMORANDUM

TO: FILE 37-02557S

FROM: PAM SKAGGS/*P*STATE OFFICE

SUBJECT: TRANSFER 5062

DATE: March 16, 1998

dc J

=====

Transfer 5062 changes the point of diversion under a portion of Right No. 37-02557S, splitting the right into Parts U and V.

The applicant proposes to put a new well on his property to serve 10.0 irrigated acres. Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements, irrigation overlap, supplemental groundwater and standard transfer conditions.

MICROFILMED

JUN 02 1998

TRANSFER REVIEW SHEET

(06-97)

Transfer # 5062

Date Reviewed 03-16-98

Right(s) (T) 37-02557S

38

☒ Print Split Summary ☒ NA Run POU Comparison Report

☒ 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 J: Add P/D & Change P/U

Proof of Ownership Warranty Deed to Depps - Subdivision Lot identified.

Transfer All of Right ☒ Portion of Right

Resulting Split(s) Part S < V

U) 4.18 cfs	209.2 Acres	
V) .20 "	10 "	35.0 a/c
4.38 cfs	219.2 Acres	

Check Transfer Against Recorded Right

Season/Vol. B/35

(1) ☒ Priority (2) ☒ Use (3) Season (4) ☒ Rate (5) Volume
(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion

☒ Standard Season 4-15 to 10-15
☒ Standard Vol. $10 \times 3.5 = 35 \text{ a/c} < \text{VDR}$
☒ Change P/D
☒ Change/Split P/U

Transfer Remarks P/U Lot 7, Block 2, Bellevue Farms Subdivision
Conditions 046, R63, 065, 079, T07, T08, T09

Database/Processing Notes Standard ☒ Non-Standard

T Files Parts U & V Clear Parts S when approved

Pccommon File T5062.txt;
File Deleted ☒

Transfer Memo Complete ☒
Database Updated 5-19-98 38

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Michael Hepp

TRANSFER NO.

5062

1. Right number(s)

37-02557

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: _____

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: There are 3 pending transfers of S.O. on this same base right. All are recommended for denial due to non-use for the last 5 years. Action on these transfers will affect the suffix that goes with the Depp portion of the right (also recommended for denial).

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
- 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: N/A

RECEIVED

MAY 23 1997

Department of Water Resources

T5062

- i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): N/A
-
- j. ✓ 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) L/C. 37-02557L = Claims A37-02557N & P. Claim should not have been split.
-
- k. ✓ Comment letters _____ Yes ✓ No
If yes _____ Water District #
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY J. P. Stanton
SRBA SUPERVISOR REVIEW BY _____
PUBLICATION REVIEW BY _____

DATE 4-18-97
DATE _____
DATE _____

1. Legal Notice electronically sent to DWR03::VAULT

✓ Yes @ 248 pm 4/24/97

2. COMMENT LETTERS

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 See Memo
3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated:

4. By AD Date 5/21/91

Date 5/21/81

FROM: Allen Merritt

DATE: May 21, 1997

TO: Transfer File No. 5062
In the Name of: Depp

SUBJECT: Review and Recommendation

This transfer proposes to drill a new well to supply water to a lot in a subdivision that has historically been irrigated by a larger irrigation well. Other transfers have been processed for this same situation for other lots in the subdivision. Some of the transfers have been approved but recently three have been forwarded to the state office with a recommendation that they be denied based on forfeiture. It appears in this situation that the land covered by this lot should also be denied. See 2/28/97 memo for reference to other files and attached photos.

RECOMMENDATION

I recommend the transfer be denied and the right forfeited.

RECEIVED

MAY 23 1997

Department of Water Resources

NOTED

JUN 02 1998

FROM: Allen Merritt

DATE: February 28, 1997

TO: Transfer Files Nos: 4918 Name: Sutton
 4927 Dion
 4996 Luff

***** Bellevue Farms Subdivision Area *****

SUBJECT: Review and Recommendation

All three of these transfers deal with splitting up of portions of right 37-02557 (priority 9/25/1954) which historically provided water for irrigation from a well. In 1980 the land was platted for subdivision. The 1987 NAPP shows roads developed with part of the place of use being irrigated. Since 1994 six transfers have been processed on this right. (Nos: 4035, 4537, 4540, 4545, 4557, 4666) These transfers involved drilling new wells for use of the associated share of the right on various lots in the subdivision. A few of these transfers involved moving of irrigated acres from a portion of the subdivision covered by the license to lots in the subdivision not covered by the original license.

Staff review for the six processed transfers hinted around about forfeiture being an issue, particularly for the lots on the west side of the subdivision but nothing was determined to be clear and convincing. This same concern was again looked at when processing these three subject transfers. The more recent work has found more evidence to support a determination that a portion of the right has not been used in excess of five years and that a portion of the right has been forfeited.

LEGAL CONCERN:

In reviewing the evidence that Jim has developed (See transposition of irrigated acres taken from slides and copied onto copies of aerial photos for years 92, 93, 95 & 96 and letter to Askew dated 1/10/97) it supports that the land on the west side of the subdivision has not been irrigated for some time. This raises the issue of partial forfeiture of the right. Also of concern along this same vein is that transfer 4537 quite possibly should have been disallowed based on partial forfeiture.

ALCOB-11111

JUN 02 1998

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 13 1997

State of Idaho, }
County of Blaine } ss. Department of Water Resources
Southern Region

On this 7 day of May, in the year 1997, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 30 day of April, 1997, and the date of the last publication was on the 7 day of May, 1997.

David J. Gorham
Subscribed and sworn to before me this 12 day of May, 1997.
(SEAL)

[Signature]
NOTARY PUBLIC

#10504

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 56,333
Number of Insertions 2
Lines tabular at 76c / Pica
56,333 Lines straight at 38,870 65c / Pica
56,333 Subsequent lines at 32,392 54c / Pica
TOTAL COST +5 \$ 76.26

No. T# 5062

COPY OF NOTICE
(Paste Here)

Prop change water right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

of water right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. T# 5062

Notice is hereby given that J. MICHAEL and ALISON DEER, PO BOX 1532, SUN VALLEY ID 83353 have applied to the Department of Water Resources for change to a water right. The purpose of Transfer No. 5062 is to make changes to enable the applicants to irrigate their property from their own well instead of using the subdivision well. EVIDENTIARY, Idaho Water Right No. 37-02557 with a priority date of 08/25/1904 is recorded for diversion from a well within SE1/4SW1/4, E20, T21N, R19E for irrigation of 1383 acres within parts of Sections 7 and 18, T21N, R19E, Blaine County, Idaho.

The applicant wishes to divert 0.30 cfs of water within NE1/4NW1/4, E20, T21N, R19E to irrigate a 10 acre horse pasture within NE1/4, E20, T21N, R19E (also known as Lot 1, Block 3, Bellevue Water Subdivision, Blaine County).

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Pioneer St., Suite 206, Twin Falls, ID 83421 together with a protest fee of \$10.00 on or before May 22, 1997. The protestant must also send a copy of the protest to the applicant.

Ken J. Dreher, Director

MAILED

JUN 2 1997

OK
MB
5/13/97

BOARD OF COUNTY COMMISSIONERS

BLAINE COUNTY

P.O. BOX 400 • HAILEY, IDAHO 83333

(208) 788-5500

FAX (208) 788-5576

LEN HARLIG, Chair • MARY ANN MIX, Commissioner • DENNIS WRIGHT, Commissioner

May 7, 1997

Mr. Allen Merritt
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, ID 83301

RE: BLAINE COUNTY COMMENTS ON PROPOSED TRANSFER #5062

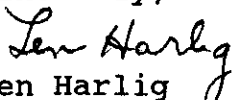
Dear Allen,

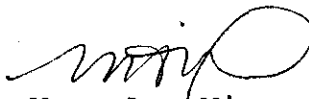
We would like to offer the following comments on the above referenced application:

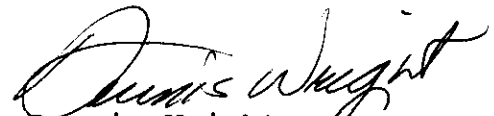
The request for a new, smaller well to accept transfer of an existing water right from the present large-capacity well seems at first like a simple transfer from one well to another. However, from a practical use concept, the present large-capacity well could continue to pump the same amount of water as it now is pumping. The addition of another well would actually be an increase of use unless some mechanism was available to ensure that the larger well reduced its output after the new well was in use.

We ask that IDWR require meters on both the old and new wells and monitoring of use if the Department approves the transfer. Thank you for the opportunity to comment.

Sincerely,


Len Harlig
Chairman


Mary Ann Mix
Commissioner


Dennis Wright
Commissioner

cc: Linda Haavik

JUN 02 1997

RECEIVED

MAY 09 1997

Department of Water Resources
Southern Region

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
No. T# 5062**

Notice is hereby given that J. MICHAEL &/OR ALISON DEPP, PO BOX 1558; SUN VALLEY ID 83353 have applied to the Department of Water Resources for changes to a water right. The purpose of Transfer No. 5062 is to make changes to enable the applicants to irrigate their property from their own well instead of using the subdivision well. PRESENTLY, Licensed Water Right No. 37-02557 with a priority date of 09/25/1954 is recorded for diversion from a well within SE1/4SW1/4, S07, T01N, R19E for irrigation of 238.2 acres within parts of Sections 7 and 18, T01N, R19E; Blaine County.

PROPOSED CHANGE

The applicant wishes to divert 0.20 cfs of water within NE1/4NW1/4, S18, T01N, R19E to irrigate a 10 acre horse pasture within N1/2, S18, T01N, R19E (also known as Lot 7, Block 2, Bellevue Farms Subdivision); Blaine County.

Any protest against approval of 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 19, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 4/30 & 5/7/97.

JUN 02 1998



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

April 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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
Sr. Secretary

Enclosure

JUN 02 1997

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. T# 5062

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PRESENTLY, Licensed Water Right No. 37-02557 with a priority date of 09/25/1954 is recorded for diversion from a well within SE1/4SW1/4, S07, T01N, R19E for irrigation of 238.2 acres within parts of Sections 7 and 18, T01N, R19E; Blaine County.

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Karl J. Dreher, Director

Published in the Wood River Journal on 4/30 & 5/7/97.

JUN 02 1998



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

April 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL &/OR ALISON DEPP
PO BOX 1558
SUN VALLEY ID 83353

Re: Application for Transfer No. 5062 (37-02557 Part)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in The Wood River Journal for 4/30 and 5/7/97.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

JUN 02 1997

TO: File

DATE: April 16, 1997

FROM: Jim Stanton

SUBJECT: Application for Transfer, J. Michael Depp

Today I assisted Mr. & Mrs. Depp in filing an application for a transfer on a portion of the groundwater right for the Bellevue Farms Subdivision (37-02557L). They own a 10 1/2-acre lot in the south portion of the subdivision. My previous research into this right revealed that their land has not been irrigated during the last 5 years, and that their rights may have been forfeited. I made them aware of this, but they chose to file the application anyway. I advised them that Boise makes the final decision in these matters, and that the Idaho Supreme Court is also reviewing the question of partial forfeiture. Based on present law, I must recommend that this transfer be denied for failure to put water to beneficial use for the last five years.

The applicants bought this property in March of 1994. The subdivision association tried for a couple of years to get a water system in place that would irrigate all the lots, but were never able to get the approval of enough owners to accomplish this. Mr. Depp told me that he would have applied for this transfer sooner, but waited to see if the community system would be installed. He started building his home on the lot last November, and is now ready to start watering the lot for horse pasture. He said that he would have done something sooner if he had known that the water rights were in jeopardy. I don't know whether or not all of this is sufficient justification for approving the transfer.

Regarding the question in Part 2 that asks if the applicant has knowledge of non-use of the water right, I put unknown here. I had already discussed my findings with Mr. Depp before getting to this question. They said that they had never irrigated the property, but thought that someone had. The natural moisture may have allowed some growth, but the land appeared clearly dry on the ASCS slides when compared to heavily-vegetated areas of the subdivision. As recent purchasers, they probably don't have enough historic knowledge of the property to give a solid answer to the question.

JUN 12 1997

T# 5062



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 10, 1997

Robert Askew, President
Bellevue Farms Homeowners Assn.
PO Box 2511
Hailey, ID
83333

RE: Irrigation Rights Of the Association

Dear Mr. Askew;

I have finally completed my review of the water usage that has occurred within the Subdivision since 1991. I looked at the ASCS slides for 1991 through 1996 (1994 was not available), and talked to Phil Hobson and Greg Mann. My conclusions can serve as a basis for action on pending and future water transfers on the subject property.

My findings indicate that 131.4 acres have been irrigated with surface water through the community system since 1993. The water rights on these acres will remain valid at least through the end of 1998. Any of this land that is no longer irrigated will still retain its water rights for five years, and only a small area on the south end of the subdivision appears to fall into this category. Specifically, the place of use includes the polo field (40 acres), Lot 12 Block 4 (9.4 acres), Lot 13 Block 4 (24.5 acres), Lot 14 Block 4 (2.8 acres), and Lots 7, 8 and 9 of Block 4 (54.7 acres).

The large field in the southeast portion of the subdivision covers all of Lot 9, and a portion of Lots 7 & 8. Transfer #4545 requires that surface rights be used to irrigate Lot 8 before groundwater is used there. As long as there is enough surface water available to irrigate Lot 8, Mr. Montgomery cannot use his private well to irrigate the property. Failure to meet this condition can be cause for Transfer #4545 to be rescinded. The 54.7 acres that were irrigated in 1993 includes includes 6 acres of the 9.7 acres in Lot 8.

Lot 13B was last irrigated in 1995, so the surface rights on it are

JUN 10 1998



State of Idaho

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PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

valid through the end of 2000. The groundwater rights were transferred from this parcel to Lot 13 as a replacement for the groundwater previously transferred from Lot 13 to Lot 4 of Block 4. Although the ASCS slides did not clearly show irrigation of Lot 13B during the 1990's, both Mr. Hobson and Mr. Mann have stated that about 3 acres of this parcel were irrigated during that period. I have accepted their statements in reaching my conclusions.

I have not analyzed your actual surface rights to see which ones are valid. Under the Snake River Basin Adjudication procedures, a maximum of 0.02 cfs of water per acre can be recommended unless the need for a higher flow rate can be justified. It is my understanding that subdivision lands are sprinkled instead of gravity irrigated, and the 0.02 cfs rate is normally recommended for sprinklers. As your rights total up to much more than this, your rights will probably be recommended for only this amount starting with your earliest priority dates. Since the only transfers within the subdivision so far have been for groundwater, the question of limiting your surface rights has not come up yet. In reality, your present water system can only carry a certain flow rate; your rights may ultimately be limited to the carrying capacity if it is less than 0.02 cfs/acre.

As of 1993, valid groundwater rights covered 128.6 acres. This is the same land as specified above for surface rights, except that Lot 14 Block 4 is not irrigated from groundwater. Separate re-diversions from the District Canal serve this parcel.

It is my further conclusion that any portions of the subdivision not previously mentioned no longer have valid water rights appurtenant to them, unless rights were established through approved transfers. Several transfers have been approved for the purpose of allowing private wells on several of the lots under portions of License 37-02557. Those transfers for lots on the west side of the subdivision require that surface rights be used first if they are available. However, your system has not carried surface water to these lands since before 1991. So there is a question as to whether this condition of approval is being met. It may not matter, however, until such time as the groundwater in your area comes under watermaster control (if it ever does).

Feel free to contact me with questions or if you have additional information that could cause me to reach other conclusions in this matter.

MCSC:JVL

JUN 02 1993



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

PHILIP E. BATT
GOVERNOR

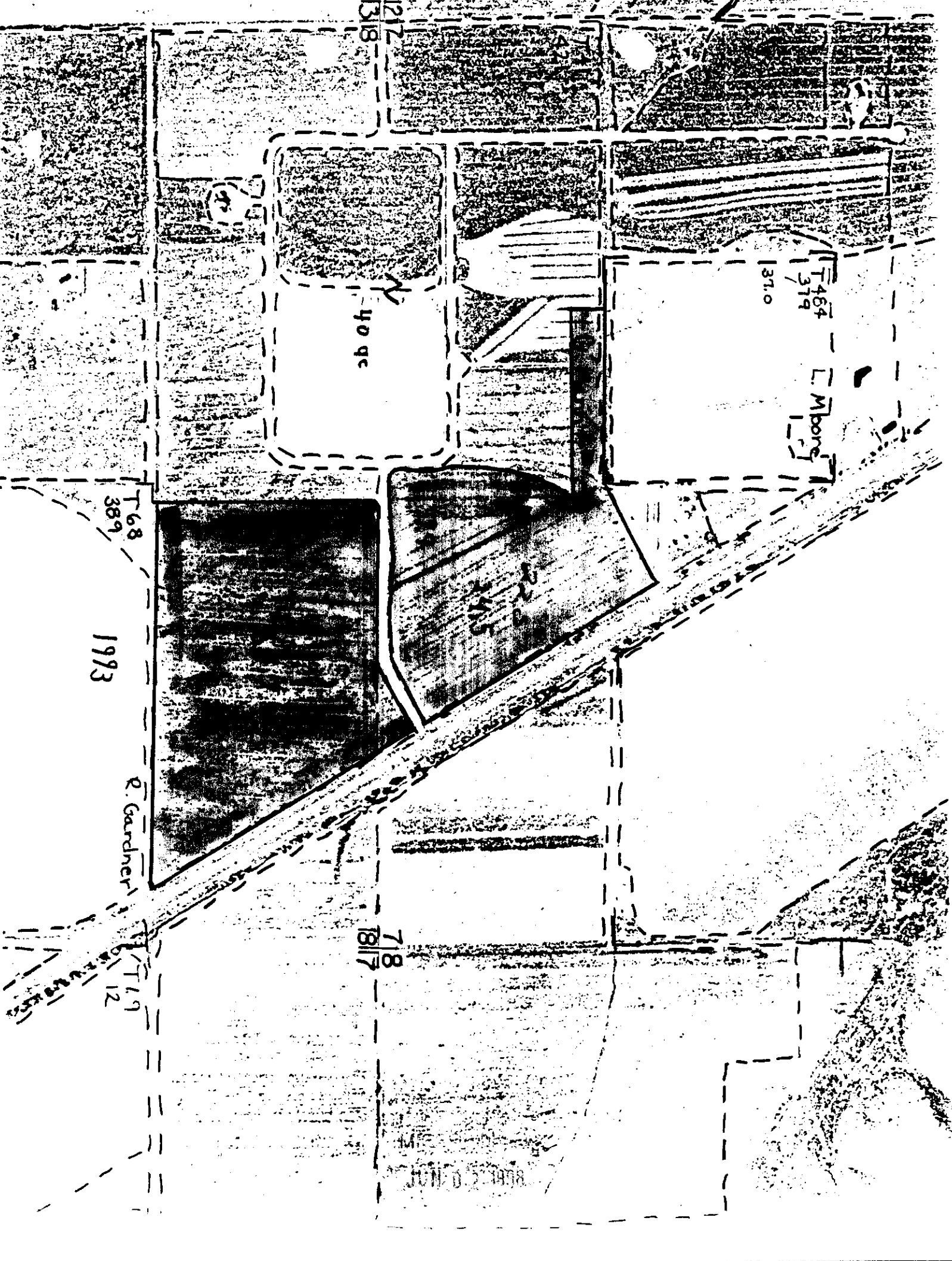
KARL J. DREHER
DIRECTOR

Regards,

James E. Stanton
Sr. Water Resource Agent

cc: Phil Hobson
Allen Merritt, IDWR -
Jim Johnson, IDWR
Doug Jones, IDWR/SRBA
License File, 37-02557

JUN 02 1998



T 464
379

L. Moore

37.0

40 qc

T 68
389

1983

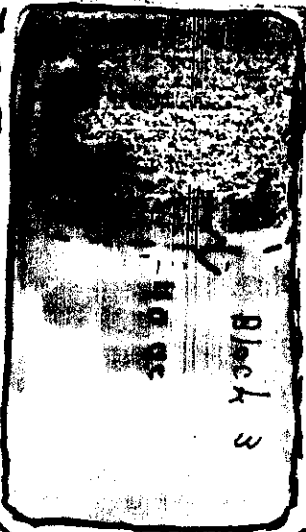
R. Gardner

T 19
12

78
1817

JUN 10 1978

12/2
13/8



G. Mann

T 464
319
37.0

L. Moore

T 68
389

R. Gardner

7/8
18/7

T 119
12

APR 20 1964

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5615

Date Reviewed 03-18-2000

Right(s) 37-025570

☒ WRQ/Split Summary ☒ ^{No Activity} SRBA Status ☒ Run POU Comparison Report

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 J: Add P/D & Change P/U

Proof of Ownership Warranty Deed + Quitclaim Deed

Transfer All of Right ☒ Portion of Right

Resulting Split(s) U < W

W) 4.08 cts 204.1 Acres
X) .10 " 5.1 " 17.9 afa

Check Transfer Against Recorded Right:

Standard Season 4-15 to 10-31

Standard Volume 3.5 / 2.5

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

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

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion
Not under WM Control or regulation at this time. - Comment rec'd. 01-07-2000 - NA Per previous transfers

(3) Allow standard season 4-15 to 10-31
(5) " " vol. $3.5 \times 5.1 = 17.9 \text{ afa}$
(7) Change to separate P/D same QD
(8) Split P/U - 5.1 acre lot.

Part U < ^W_X
TRANSFER 5615

Existing Well on Lot 11 also serves 37-08663 (DOM + STOCK) Total lot size 5.1

Transfer Remarks P/D + P/U located within Lot 11, Block 4, Bellevue Farms Subdivision.
W 35 - 37-08663 - 5.1 max acres.

Conditions 046, R63, 01M, 065, 104, T07, T08, T09

Database/Processing Notes Standard ☒ Non-Standard _____

T files splits Parts W & X. Clear Part U when approved.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo _____
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

63-19-00
26

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 03/18/00

TIME: 12:11:54

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
37-02557				00/00/0000	/Z			WR
37-02557A				00/00/0000	/Z			WR
37-02557B	SAGE MEADOW FARM	C		09/25/1954	L/	GROUNDWATER	IRR	WR
37-02557C				00/00/0000	/Z		IRR	WR
37-02557D	DIVERSIFIED MANAGEMENT INC	C		09/25/1954	L/	GROUNDWATER	IRR	WR
37-02557E				00/00/0000	/Z		IRR	WR
37-02557F	MALO, ANTHONY L	C		09/25/1954	L/	GROUNDWATER	IRR	WR
	MALO, CHRISTIANE T	C						
37-02557G				00/00/0000	/Z		IRR	WR
37-02557H	MONTGOMERY, DON W	C		09/25/1954	L/	GROUNDWATER	IRR	WR
	MONTGOMERY, MARY CATHERINE	C						
37-02557J				00/00/0000	/Z		IRR	WR
37-02557K	HOBSON FAMILY TRUST	C		09/25/1954	L/	GROUNDWATER	IRR	WR
37-02557L				00/00/0000	/Z		IRR	WR
37-02557M	IDAHO POLO INC	C		09/25/1954	L/	GROUNDWATER	IRR	WR
37-02557N				00/00/0000	/Z		IRR	WR
37-02557P	SUTTON, ROSS J	C		09/25/1954	L/	GROUNDWATER	IRR	WR
	SUTTON, KRISTI A	C						
37-02557Q				00/00/0000	/Z		IRR	WR
37-02557R	DION, RUSSELL	C		09/25/1954	L/	GROUNDWATER	IRR	WR
	SWIFT DION, MICHELE	C						
37-02557S				00/00/0000	/Z		IRR	WR
37-02557T	LUFF, KENDALL	C		09/25/1954	L/	GROUNDWATER	IRR	WR
37-02557U	FOWLES, JAY R	C		09/25/1954	L/	GROUNDWATER	IRR	WR
	FOWLES, LARAIN E M	C						
	TIMPSON, MARGARET M	C						
37-02557V	DEPP, J MICHAEL	C		09/25/1954	L/	GROUNDWATER	IRR	WR
	DEPP, ALISON	C						
T37-02557W	FOWLES, JAY R	C		09/25/1954	L/	GROUNDWATER	IRR	WR
	FOWLES, LARAIN E M	C						
	TIMPSON, MARGARET M	C						
T37-02557X	ROOS, DONATA	C		09/25/1954	L/	GROUNDWATER	IRR	WR
A37-02557	SPLIT RIGHT	C		09/25/1954	/Z	GROUNDWATER	IRR	AJ
						SPLIT RIGHT		
A37-02557A	SPLIT RIGHT	C		09/25/1954	/Z	GROUNDWATER	IRR	AJ
						SPLIT RIGHT		
A37-02557B	TAYLOR, AARON K	C		09/25/1954	L/	GROUNDWATER	IRR	AJ
	TAYLOR, SALOME	C						
A37-02557C	SPLIT RIGHT	C		09/25/1954	/Z	GROUNDWATER	IRR	AJ
						SPLIT CLAIM		
A37-02557D	DIVERSIFIED MANAGEMENT INC	C		09/25/1954	L/	GROUNDWATER	IRR	AJ
A37-02557E	SPLIT CLAIM	C		09/25/1954	/Z	GROUNDWATER	IRR	AJ
						SPLIT CLAIM		
A37-02557F	EXCHANGE SERVICES INC	C		09/25/1954	L/	GROUNDWATER	IRR	AJ
A37-02557G	SPLIT CLAIM	C		09/25/1954	/Z	GROUNDWATER	IRR	AJ
						SPLIT CLAIM		
A37-02557H	MONTGOMERY, DON W	C		09/25/1954	L/	GROUNDWATER	IRR	AJ
	MONTGOMERY, MARY CATHERINE	C						
A37-02557J	SPLIT CLAIM	C		09/25/1954	/Z	GROUNDWATER	IRR	AJ
						SPLIT CLAIM		
A37-02557K	LETOURNEAU, MARY A	C		09/25/1954	L/	GROUNDWATER	IRR	AJ
	GOETTSCH, RAYMOND H	C						
A37-02557L	SPLIT CLAIM	C		09/25/1954	/Z	GROUNDWATER	IRR	AJ

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
A37-02557M	IDAHO POLO INC	C	09/25/1954	L/	GROUNDWATER	IRR	AJ
A37-02557N	BELLEVUE FARMS LANDOWNERS ASSOC	C	09/25/1954	L/	GROUNDWATER	IRR	AJ
A37-02557P	EASTFIELD AT BELLEVUE FARMS HOA	C	09/25/1954	L/	GROUNDWATER	IRR	AJ
R37-02557	SPLIT RIGHT	C	09/25/1954	/Z	GROUNDWATER	IRR	AJ
					SPLIT RIGHT		
R37-02557A	BELLEVUE FARMS LANDOWNERS' ASSOC	C	09/25/1954	L/	GROUNDWATER	IRR	AJ
R37-02557B	TAYLOR, AARON K	C	09/25/1954	L/	GROUNDWATER	IRR	AJ
	TAYLOR, SALOME	C					

(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				SUM	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T01N R19E S 7																			5.1 Acres
3700113A	BIG WOOD R :							I	01-I	02-I	I		I	I					
T3700113L	BIG WOOD R :							I	01-I	02-I	I		I	03-I					
A3700113P	BIG WOOD R :													03-I					
3700298B	BIG WOOD R :														I		I	I	
3700418A	BIG WOOD R :																2	38	
3700419A	BIG WOOD R :																2	38	
3700480	BIG WOOD R :																		
T3700480A	BIG WOOD R :											I	03-I	04-I					
A3700480C	BIG WOOD R :							2	2	2	3		I	03-I					
A3700480D	BIG WOOD R :											40						9	
3700481	BIG WOOD R :			I	I	I												40	
A3700481C	BIG WOOD R :			40	40	17			30						I		I	I	
3700482C	BIG WOOD R :			I	I	I			I						I		I	176	
A3700482H	BIG WOOD R :			40	40	17			30								I	I	
A3700483C	BIG WOOD R :			40	40	17			30								20	22	
A3700577BT	BIG WOOD R :			40	40	17			30								20	22	
3701237	SPRING :							I	01-I	02-I	I		I	03-I					
R3702557A	GROUNDWATE :																5	35	
3702557B	GROUNDWATE :																	1	
A3702557B	GROUNDWATE :																	3	
R3702557B	GROUNDWATE :																	3	
3702557F	GROUNDWATE :																	3	
A3702557F	GROUNDWATE :																	2	
3702557K	GROUNDWATE :																	2	
A3702557K	GROUNDWATE :																	4	
3702557M	GROUNDWATE :																	4	
A3702557M	GROUNDWATE :																	4	
A3702557N	GROUNDWATE :																	4	
A3702557P	GROUNDWATE :																	4	
3702557R	GROUNDWATE :																	37	
3702557T	GROUNDWATE :																	35	
3702557U	GROUNDWATE :																		
T3702557W	GROUNDWATE :																	5	
T3702557X	GROUNDWATE :																	27	
3702567B	GROUNDWATE :																	1	
A3702567B	GROUNDWATE :																		
3702567C	GROUNDWATE :																		
3702630	GROUNDWATE :			40	40	17			30										
A3702630	GROUNDWATE :			40	40	17			30										
3708441B	GROUNDWATE :																		
A3711539	BIG WOOD R :																		
A3711807	BIG WOOD R :																		
R3711807	BIG WOOD R :																		

Overlapping Surface Rts./Bellevue Farms Landowner's Assoc.

DATE: 03/18/00
PAGE: 2

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		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									
A3711808	BIG WOOD R :																									5	35	:	40					
R3711808	BIG WOOD R :																									5	35	:	40					
A3711809	BIG WOOD R :																									5	35	:	40					
R3711809	BIG WOOD R :																									5	35	:	40					
A3711810	BIG WOOD R :																									5	35	:	40					
R3711810	BIG WOOD R :																									5	35	:	40					
A3711924A	BIG WOOD R :																									5	35	:	40					
A3711924B	BIG WOOD R :																									5	35	:	40					
A3711925A	BIG WOOD R :																									5	35	:	40					
A3711925B	BIG WOOD R :																									5	35	:	40					
A3711926A	BIG WOOD R :																									5	35	:	40					
A3711926B	BIG WOOD R :																									5	35	:	40					
A3711927A	BIG WOOD R :																									5	35	:	40					
A3711927B	BIG WOOD R :																									5	35	:	40					
A3711928A	BIG WOOD R :																									5	35	:	40					
A3711928B	BIG WOOD R :																									5	35	:	40					
A3711984	BIG WOOD R :																									5	35	:	40					
3730010	BIG WOOD R :																									5	35	:	40					
--86 MAP--	C13Q-Y 25 :																									5	35	:	40					
NO QTRS	MAPPING																									5	35	:	40					

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Donata Roos

TRANSFER NO. 5615

1. Right number(s)

37-02557 U

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: _____

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: SOME DIFFERENCES IN BASE WATER RIGHT AND SRBA CLAIM

APPARENTLY DUE TO TRANSFERS FOR OWNERSHIP CHANGES NOT BEING

REFLECTED ON BOTH DATABASES. IRRIGATION SURFACE RIGHTS (CLAIMS) A37-11924A,

A37-11925A, A37-11926A, A37-11927A, A37-11928A AND DOMESTIC AND STOCK RIGHT
37-08663 OVERLAP PLACE 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
- 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

i. X Existing rights from same source, on land water is being transferred to; right number(s):
SEE COMMENTS ON PAGE ONE (ITEM 4)

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 ON PAGE ONE (ITEM 4)

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

INITIAL ALLOCATION REVIEW BY P. SKINNER
 SRBA SUPERVISOR REVIEW BY [Signature]
 PUBLICATION REVIEW BY [Signature]

DATE 12/29/99
 DATE 2/29/00
 DATE

1. Legal Notice electronically sent to DWRO3::VAULT Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ Yes

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: 2/29/00

4. By [Signature] Date 2/29/00

RECEIVED

MAR 2 . 2000

MEMO

Department of Water Resources

FROM: Allen Merritt



DATE: February 29, 2000

TO: Transfer File No. 5615
Water Right(s): T37-02557X

In the Name of: Donata Roos

SUBJECT: Review and Recommendation

This transfer proposes to split off a portion of a water right from a well that has been used in the Bellevue Subdivision and allow it to be diverted from the applicants existing well that is also used for 37-08663. This transfer is similar to numerous other transfers that have been processed for splitting up the same base ground water right. The subject Bellevue Farms Subdivision is also served by surface water under numerous decrees including this particular parcel.

In reviewing the previous transfers, the forfeiture issue was raised but the transfers were approved. The facts surrounding the use of water on this particular lot is similar to the facts in the earlier transfers (See the most recent T4996 & T5062). Since the others were approved it appears this one should also be approved with similar conditions and consideration.

The watermaster recommended the transfer not be approved but he currently does not regulate the ground water use from well. In the future this may change after all rights decreed in SRBA process.

No GIS was completed on this transfer.

Recommendation

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

- 046, R63, 065, 079, T07, T08, T09
- Place of use is within Lot 11, Blk 4 of Bellevue Farms Subdivision.
- When combined with 37-08663 no more than 5.11 total gross acres may be irrigated. (Actual acres irrigated less than 5.11 due to outages on property due to buildings, roads, etc.; SRBA retains authority to modify actual acres irrigated.)
- No new wells authorized to be drilled pursuant to this approval.

MICROFILMED

MAR 24 2000

L # 5615

Donata Ross

27-025574

[illegible]

RECEIVED
JAN 07 2000
Department of Water Resources
Southern Region

APPLICATION FOR TRANSFER
NO. 5615.

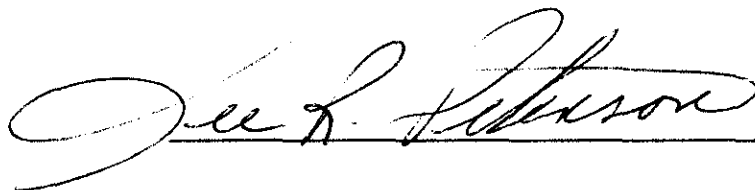
RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352,
have read the attached copy of the application for transfer in the name of
Donata Roos, and to the best of my knowledge believe the
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the director of the Department of Water Resources approve the transfer
subject to the following conditions:_____.

B. I do not endorse approval of the above numbered Application for Transfer as re-
as requested for the following reasons: By all indications this water right and the
surface water rights will be overlapping on the same land. The ground water is not
under control at the present time so there would be no regulation. I also recommend
they be required to provide the IDWR a letter of consent from the District #45 Canal
Co.

Dated at Shoshone, Idaho, this 6th, day of January, 2000.



Please use reverse side if needed.

MICROFILMED

MAR 24 2000

Baldwin, Mary

From: Baldwin, Mary
Sent: Thursday, December 30, 1999 8:09 AM
To: 'crystal'
Cc: Baldwin, Mary
Subject: pending transfer app-Donata Roos

FYI, the Transfer app. filed on 8/25/99 on Right No. 37-02557U for Donata Roos has been assigned Transfer No. 5615 & hopefully scheduled for publication in the Wood River Journal on 01/12 & 01/19/2000 with the protest deadline on 01/31/2000.



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**

December 30, 1999

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Transfer of Water Right No. 37-02557U (T# 5615-Donata Roos)

Dear Mr. Peterson:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an untested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosures

MICROFILMED
MAR 24 2000

11578

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that Donata Roos, PO Box 3343; HAILEY ID 83333 has filed an application with the Department of Water Resources for changes to a water right as described below.

Transfer No. 5615 requests to split Right No. 37-02557U (4.18 cfs) recorded with priority date of 09/25/1954 from groundwater within SESW, S07 for irrigation of 209.2 acres within Sections 7 & 18, all T01N, R19E; Blaine County. Using Designated Right No. 37-02557X, the applicant wishes to divert 0.10 cfs from her own existing well within SESW for irrigation of 5.11 acres within SESW, all S07, T01N, R19E; Blaine County (also known as Lot 11, Block 4 of Bellevue Farms Subdivision). The remainder of Designated Right No. 37-02557W (4.08 cfs) will continue to irrigate 204.1 acres at the original site from the original well.

Any protest against the proposed change 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 January 31, 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 Wood River Journal on 01/12 & 01/19/2000.

MICROFILMED

MAR 24 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

December 30, 1999

ATTN LEGALS DEPT
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

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
MAR 24 2000

MEMORANDUM

TO: Transfer #5615 File

FROM: Corey Skinner 

DATE: December 29, 1999

SUBJECT: Staff Review

The enclosed transfer application, #5615, proposes to split off a portion of water right 37-02557U. The applicant owns Lot 11, Block 4, of Bellevue Farms Subdivision, and the appurtenant portion of water right 37-02557U. The transfer proposes changing the point of diversion to a well located on the applicant's property.

This application involves groundwater right 37-02557 and the Bellevue Farms Subdivision. In the past, there has been some questions raised regarding the historical use of this water right on the various lots within the subdivision. However, several previous transfers, similar to transfer #5615, have been approved in the past.

I spoke to the applicant and clarified that the well listed as the proposed point of diversion in transfer #5615 is an existing well, and is the only well on this particular subdivision lot. The well also serves as a point of diversion for water right 37-08663. In addition, SRBA claims A37-11924A, A37-11925A, A37-11926A, A37-11927A, and A37-11928A (all based on old Big Wood River decreed rights) overlap the place of use.

The enclosed application should be fairly straightforward. The only issues appear to be the overlapping water rights and the historical use of the water right. However, the historical use of the water right has probably been addressed in previously approved transfers involving the same base right.

MICROFILMED

MAR 24 2000

T#5615

TOIN, R 19E Section 07 (SESW)

~~A37-11924~~

A37-11924A

A37-11925A

A37-11926A

A37-11927A

A37-11928A

~~37-00298B~~ claimed on other ground

~~37-00481~~^{A-D} claimed on other ground

37-08663 Lot 11 block 4

~~37-00482C~~ claimed on other ground

12/28/79
overlap analysis P.S.

MICROFILMED

MAR 24 2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

Date:
Time:

5022486

Received
From:

Type of Payment

Program A cct

8/25/1999
16:54:47

Amount

Total

ROSHOLT, ROBERTSON AND

APPLICATION FOR TRANSFER (RODS)

64106

229 21 1155

100.00

CHECK

28433

\$

100.00

Region: SOUTHERN

Signature:

MICROFILMED
MAR 24 2000

T#5615



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

May 20, 1998

PHILIP E. BATT
GOVERNOR

KENDALL LUFF
PO BOX 534
BELLEVUE ID 83313

KARL J. DREHER
DIRECTOR

RE: Water Right 37-02557T Transfer 4996)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 4996). 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.

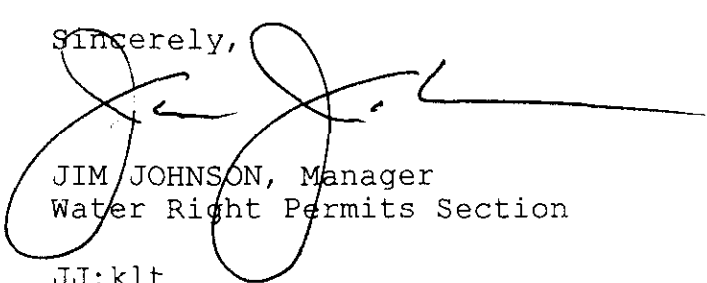
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

RECORDED

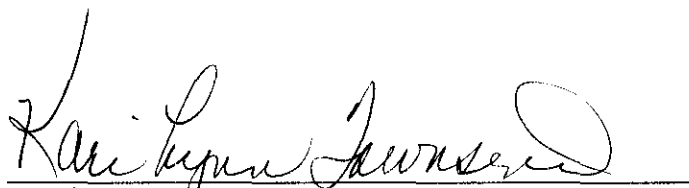
JUN 02 1998

CERTIFICATE OF MAILING

I hereby certify that on the **20th** day of **MAY, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 37-02557T (Transfer 4996)

**KENDALL LUFF
PO BOX 534
BELLEVUE ID 83313**



Kari Lynn Townsend
Secretary

NOTED
JUN 02 1998

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.

MICROFILMED
JUN 02 1998

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.

MICROFILMED
JUN 02 1998

MEMORANDUM

TO: FILE 37-02557Q

FROM: PAM SKAGGS^{PS} STATE OFFICE

SUBJECT: TRANSFER 4996

DATE: March 16, 1998

ok J

=====

Transfer 4996 changes the point of diversion under a portion of Right No. 37-02557Q, splitting the right into Parts S and T.

The applicant proposes to put a new well on his property to serve 5.0 irrigated acres. Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements, irrigation overlap, supplemental groundwater and standard transfer conditions.

MICROFILMED

JUN 02 1998

MEMORANDUM

Date: May 1, 1998

To: Glen Saxton

From: Jim Johnson *J*

Subject: Transfer applications 4918, 4927, 4996, 5062 on right 37-02557.

=====

These transfers were forwarded to the State Office with a recommendation to deny the applications on the basis that water had not been diverted within the last five years and therefore forfeited.

After several discussions with the department's administrators and legal counsel it was determined that the applications should be approved.

Reasons supporting the decision for approval are based on water master delivery records verifying that surface water rights have continuously been delivered to the head of the canal. It is not clear where the water was used after it was delivered to the canal. Recent photos of the place of use described on the water rights show that water was not delivered to the entire place of use described on the water rights. However, no information was collected to show without question that the water was not used.

The department approved six other transfer applications previously filed on the water right. Without clear and convincing evidence to support forfeiture the department should approve new transfer applications.

1012 1217

JUN 02 1998

TRANSFER REVIEW SHEET
(06-97)

Transfer # 4996

Date Reviewed 03-13-98

Right(s) (1) 37-025570

☒ Print Split Summary ☒ NA Run POU Comparison Report

☒ 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 J: Add P/D & Change P/U

Proof of Ownership Warranty Deed - 1994 - Subdivision Lot

Transfer All of Right ☒ Portion of Right

Resulting Split(s) T 37-025570 ST

<u>S) 4.38 cts</u>	<u>219.2 Acres</u>	<u> </u>
<u>T) .10 cts</u>	<u>5.0 Acres</u>	<u>17.5 afa < VDR</u>
<u>4.48 cts</u>	<u>224.2 Acres</u>	<u> </u>

Check Transfer Against Recorded Right

Season/Vol. B/3.5

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

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

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion
Comment Road, 2-10-97 NA - well, pump, sprinklers

(3) Standard Season 4-15 to 10-15

(5) Standard Volume 3.5 x 5 = 17.5 afa < VDR

(7) Change P/D

(8) Split P/U

Supplemental G/W

Transfer Remarks P/U Lot 1, Block 1, Bellevue Farms Subdivision

Conditions 046, R63, 065, 079, T07, T08, T09

Database/Processing Notes Standard ☒ Non-Standard

T files splits - Parts 5 & T Clear Q when approved.

Pccommon File T4996.txt

File Deleted ☒

Transfer Memo Complete ☒

Database Updated 5-19-98 28

WR0749NP
No. T37-02557T

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/16/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENDALL LUFF PO BOX 534 BELLEVUE ID 83313 (208) 788-2331	09/25/1954	IRRIGATION	04/15 10/15	0.100 CFS	17.50 AFA
TOTAL DIVERSION:					0.100 CFS	17.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R19E S07 Lot 04(SWSW)

BLAINE County

Place of use Legal Description for: 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	:	SUM
01N	19E	7	:									:							:							:							:	5.0
																												TOTAL ACRES	5.0					

Pou County: BLAINE

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R63 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- 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.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN Place of use is located within Lot 1, Block 1, Bellevue Farms Subdivision.

Dates: App. Received: 07/05/1996 Priority Date: 09/25/1954
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/15/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/15/1994 User-ID: SKAGGS Subject: TRANSFER 4035
Transfer No. 4035 was filed to add a separate point of diversion
for a portion of Right No. 37-02557, splitting the right into
parts A and B. The 5 acre lot purchased was reduced to 3.5 acres
irrigation with house and driveway etc (1.5 acres out of
production).

Date: 03/01/1995 User-ID: MBALDWIN Subject: TRANSFER 4557 (4537, 4540 & 4545)
T# 4557 was filed to change the point of diversion and place of
use under a portion of Right No. 37-02557A or T37-02557G under
pending Transfer Nos. 4537, 4540 and 4545, splitting part G into
parts J and K.

Date: 10/19/1995 User-ID: SCURTIS Subject: TRANSFER 4666
Trans. #4666 was filed to change the place of use under a portion
of Right 37-02557J, splitting it into parts L & M.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4918
Transfer 4918 changes the point of diversion under a portion of
Right 37-02557L, splitting the right into Parts N & P.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4927
Transfer 4927 changes the point of diversion under a portion of
Right 37-02557N, splitting the right into Parts Q & R.

Date: 03/16/1998 User-ID: PSKAGGS Subject: TRANSFER 4996
Transfer 4996 changes the point of diversion under a portion of
Right 37-02557Q, splitting the right into Parts S & T.

Audit: 03/16/98 PSKAGGS 03/16/98 PSKAGGS

WR0749NP
No. T37-02557S

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/16/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAY R FOWLES	09/25/1954	IRRIGATION	00/00 00/00	4.380 CFS	
C	LARAIN M FOWLES					
C	MARGARET M TIMPSON					
TOTAL DIVERSION:					4.380 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T01N R19E S07

SESW

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01N	19E	7	:					:					:			04-28	31	:			05	31	:	95.2
01N	19E	18	:	25	35			:	38	01-25			:					:					:	124.0
TOTAL ACRES																							219.2	

Pou County: BLAINE

Dates: App. Received: 07/05/1996 Priority Date: 09/25/1954
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/15/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/15/1994 User-ID: SKAGGS Subject: TRANSFER 4035
Transfer No. 4035 was filed to add a separate point of diversion
for a portion of Right No. 37-02557, splitting the right into
parts A and B. The 5 acre lot purchased was reduced to 3.5 acres
irrigation with house and driveway etc (1.5 acres out of
production).

Date: 03/01/1995 User-ID: MBALDWIN Subject: TRANSFER 4557 (4537, 4540 & 4545)
T# 4557 was filed to change the point of diversion and place of
use under a portion of Right No. 37-02557A or T37-02557G under
pending Transfer Nos. 4537, 4540 and 4545, splitting part G into
parts J and K.

Date: 10/19/1995 User-ID: SCURTIS Subject: TRANSFER 4666
Trans. #4666 was filed to change the place of use under a portion
of Right 37-02557J, splitting it into parts L & M.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4918
Transfer 4918 changes the point of diversion under a portion of
Right 37-02557L, splitting the right into Parts N & P.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4927

WR0749NP
No. T37-02557S

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/16/98
PAGE: 2

Comments: Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4927
Transfer 4927 changes the point of diversion under a portion of
Right 37-02557N, splitting the right into Parts Q & R.

Date: 03/16/1998 User-ID: PSKAGGS Subject: TRANSFER 4996
Transfer 4996 changes the point of diversion under a portion of
Right 37-02557Q, splitting the right into Parts S & T.

Audit: 03/16/98 PSKAGGS 03/16/98 PSKAGGS

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Kendall Luff

TRANSFER NO.

4996

1. Right number(s)

37-02557 T

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: _____

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: _____

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
- 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: N/A

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MAR 0 1997
Department of Water Resources

T 4996

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): N/A

j. ☒ 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) _____

k. ☒ Comment letters ☒ Yes ☐ No
If yes ☒ Water District # 37
☐ Lienholder, others, see #2
below for name and address

INITIAL ALLOCATION REVIEW BY J. E. Johnston DATE 12-31-96
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT

☒ Yes 1/29/97 @ 4:34 pm

2. COMMENT LETTERS

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 See memo 3/4/97

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 3/4/97

4. By AD Date 3/4/97

FROM: Allen Merritt *Adm*

DATE: March 4, 1997

TO: Transfer Files Nos: 4918
4927
4996

Name: Sutton
Dion
Luff

RECEIVED

***** Bellevue Farms Subdivision Area ***** *MAR 06 1997*

SUBJECT: Review and Recommendation

Department of Water Resources

All three of these transfers deal with splitting up of portions of right 37-02557 (priority 9/25/1954) which historically provided water for irrigation from a well. All three of these transfers should be reviewed together although they represent separate systems. In 1980 the land was platted for subdivision. The 1987 NAPP shows roads developed with part of the place of use being irrigated. Since 1994 six transfers have been processed on this right. (Nos: 4035, 4537, 4540, 4545, 4557, 4666) These transfers involved drilling new wells for use of the associated share of the right on various lots in the subdivision. A few of these transfers involved moving of irrigated acres from a portion of the subdivision covered by the license to lots in the subdivision not covered by the original license.

Staff review for the six processed transfers hinted around about forfeiture being an issue, particularly for the lots on the west side of the subdivision but nothing was determined to be clear and convincing. This same concern was again looked at when processing these three subject transfers. The more recent work has found more evidence to support a determination that a portion of the right has not been used in excess of five years and that a portion of the right has been forfeited.

LEGAL CONCERN & PRELIMINARY RECOMMENDATION

Review of the evidence that Jim has developed (See transposition of irrigated acres for years 92, 93, 95 & 96 taken from slides and copied onto copies of a base aerial photo dated (1987?) and letter to Askew dated 1/10/97) supports the position that the land on the west side of the subdivision has not been irrigated for some time. *Note that there is a gap in photos and nothing was found 1994; the years prior to 1992 were not looked at.

My concern is that some of the other transfers and particularly transfer 4537 quite possibly should have not been allowed based on partial forfeiture. I do not know if we could now go back on approval of transfer 4537 since in 1996 it is obvious from the photos that the use has been re-established. The other transferred uses do not appear to have been re-established yet. I have questions over whether or not our allowing these other transfers and particularly transfer 4537 has set a precedence in review of these three subject transfers.

RECEIVED

MAR 02 1998

Based on the evidence we now have I recommend that these three transfers be reviewed by legal staff to see if the evidence we now have is convincing enough to support forfeiture. I additionally recommend these three transfers be held until the outcome of SRBA basin wide issue #10. It appears to me that these three transfers should be disallowed or denied since the portion of the right for their subject land have not been irrigated for more than five years and to allow re-establishment would injure junior rights. Maybe to remove injury we could change priority to date of approval if that is the tact taken.

JUN 02 1976



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 10, 1997

Robert Askew, President
Bellevue Farms Homeowners Assn.
PO Box 2511
Hailey, ID
83333

RE: Irrigation Rights Of the Association

Dear Mr. Askew;

I have finally completed my review of the water usage that has occurred within the Subdivision since 1991. I looked at the ASCS slides for 1991 through 1996 (1994 was not available), and talked to Phil Hobson and Greg Mann. My conclusions can serve as a basis for action on pending and future water transfers on the subject property.

My findings indicate that 131.4 acres have been irrigated with surface water through the community system since 1993. The water rights on these acres will remain valid at least through the end of 1998. Any of this land that is no longer irrigated will still retain its water rights for five years, and only a small area on the south end of the subdivision appears to fall into this category. Specifically, the place of use includes the polo field (40 acres), Lot 12 Block 4 (9.4 acres), Lot 13 Block 4 (24.5 acres), Lot 14 Block 4 (2.8 acres), and Lots 7, 8 and 9 of Block 2 (54.7 acres).

The large field in the southeast portion of the subdivision covers all of Lot 9, and a portion of Lots 7 & 8. Transfer #4545 requires that surface rights be used to irrigate Lot 8 before groundwater is used there. As long as there is enough surface water available to irrigate Lot 8, Mr. Montgomery cannot use his private well to irrigate the property. Failure to meet this condition can be cause for Transfer #4545 to be rescinded. The 54.7 acres that were irrigated in 1993 includes includes 6 acres of the 9.7 acres in Lot 8.

Lot 13B was last irrigated in 1995, so the surface rights on it are

RECORDED

JUN 10 1997



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

valid through the end of 2000. The groundwater rights were transferred from this parcel to Lot 13 as a replacement for the groundwater previously transferred from Lot 13 to Lot 4 of Block 4. Although the ASCS slides did not clearly show irrigation of Lot 13B during the 1990's, both Mr. Hobson and Mr. Mann have stated that about 3 acres of this parcel were irrigated during that period. I have accepted their statements in reaching my conclusions.

I have not analyzed your actual surface rights to see which ones are valid. Under the Snake River Basin Adjudication procedures, a maximum of 0.02 cfs of water per acre can be recommended unless the need for a higher flow rate can be justified. It is my understanding that subdivision lands are sprinkled instead of gravity irrigated, and the 0.02 cfs rate is normally recommended for sprinklers. As your rights total up to much more than this, your rights will probably be recommended for only this amount starting with your earliest priority dates. Since the only transfers within the subdivision so far have been for groundwater, the question of limiting your surface rights has not come up yet. In reality, your present water system can only carry a certain flow rate; your rights may ultimately be limited to the carrying capacity if it is less than 0.02 cfs/acre.

As of 1993, valid groundwater rights covered 128.6 acres. This is the same land as specified above for surface rights, except that Lot 14 Block 4 is not irrigated from groundwater. Separate re-diversions from the District Canal serve this parcel.

It is my further conclusion that any portions of the subdivision not previously mentioned no longer have valid water rights appurtenant to them, unless rights were established through approved transfers. Several transfers have been approved for the purpose of allowing private wells on several of the lots under portions of License 37-02557. Those transfers for lots on the west side of the subdivision require that surface rights be used first if they are available. However, your system has not carried surface water to these lands since before 1991. So there is a question as to whether this condition of approval is being met. It may not matter, however, until such time as the groundwater in your area comes under watermaster control (if it ever does).

Feel free to contact me with questions or if you have additional information that could cause me to reach other conclusions in this matter.

JUN 02 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Regards,

James E. Stanton
Sr. Water Resource Agent

cc: Phil Hobson
Allen Merritt, IDWR
Jim Johnson, IDWR
Doug Jones, IDWR/SRBA
License File, 37-02557

RECEIVED
JUN 02 1998

TO: File

DATE: January 17, 1997

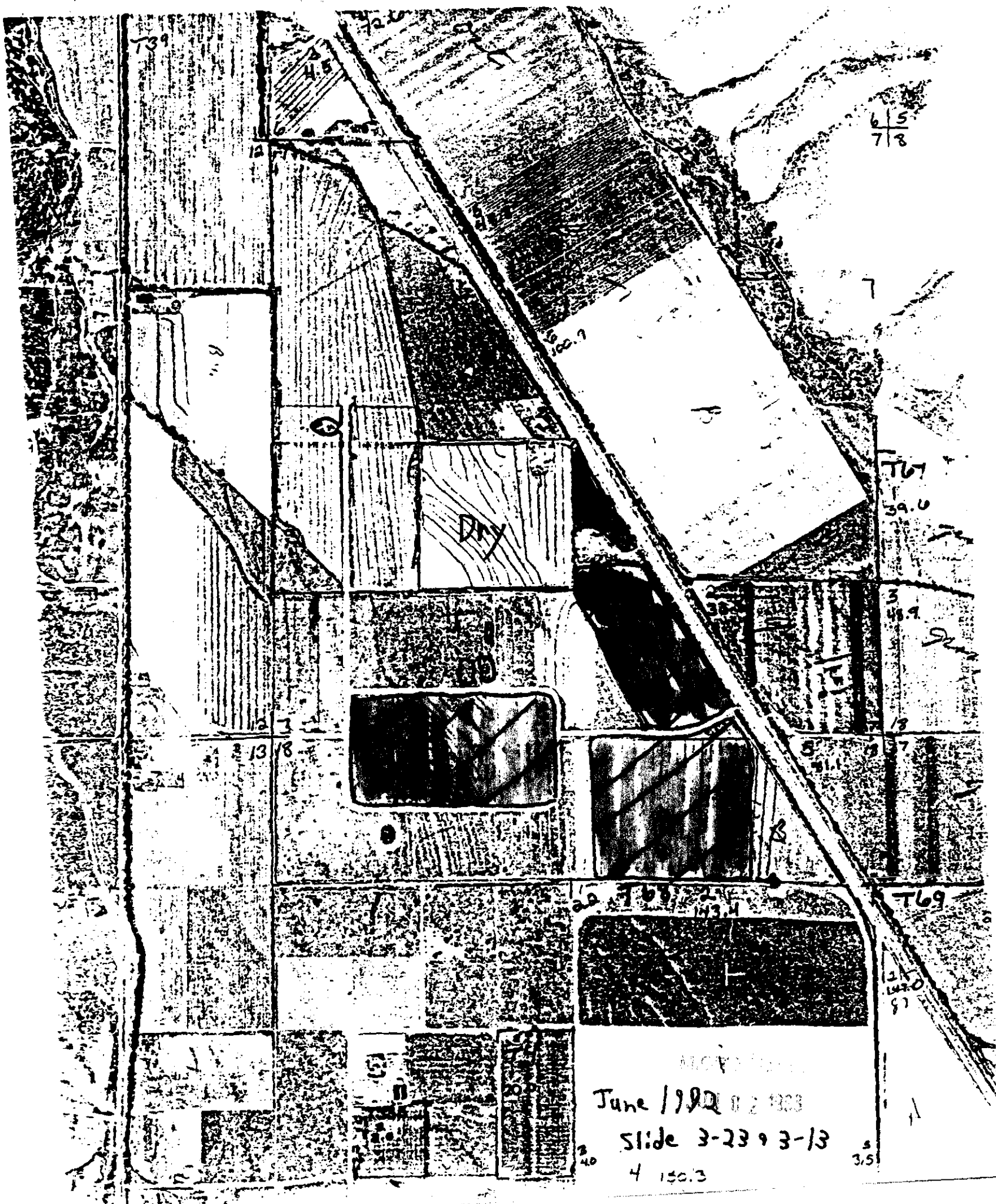
FROM: Jim Stanton

SUBJECT: My Letter Dated 1-10-97 to Robert Askew RE:
Bellevue Farms Subdivision

I talked today with Phil Hobson, a property owner in the subdivision. He told me that Lot 12 Block 4 contains 10.2 acres, and that all but the access road (about 0.2 acres) is irrigated. I had shown 9.4 irrigated acres on this parcel, but have increased this to 10.0 acres based on this additional information. I probably missed a small corner of the lot where the subdivision road curves around the polo field. This would increase the overall present p/u to 132.0 acres

Also, my letter stated that water was moved from Lot 13B to Lot 13 to replace water that was moved from Lot 13 to Lot 4. This should have said Lot 12, not Lot 13.

JAN 22 1998

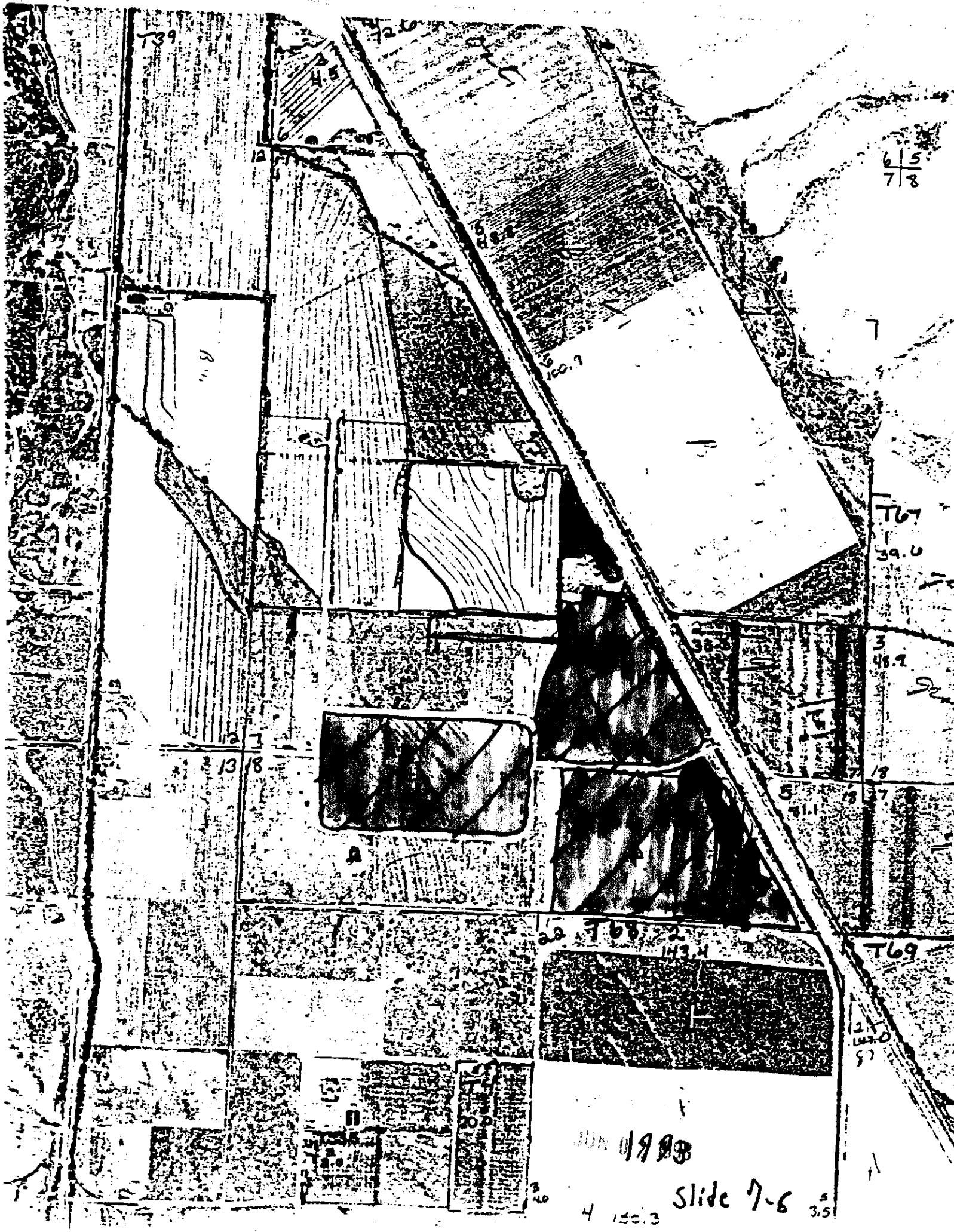


June 1992 11 2 1983

Slide 3-2393-13

4 150.3

3/5



T39

6/5
7/8

T67
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3
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5
41.1

T69

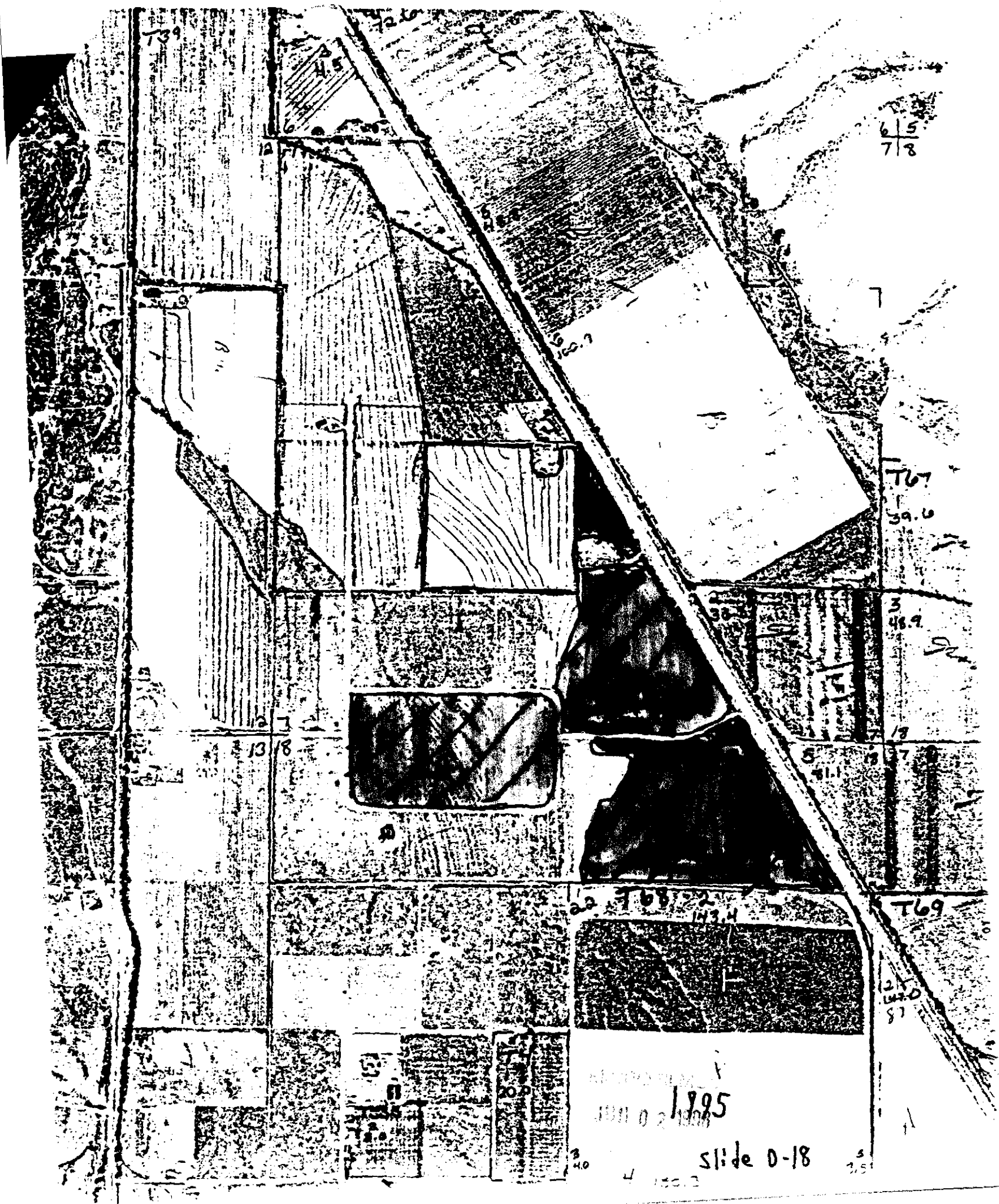
21
147.0
87

01908

Slide 7-6

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7 8

100.7

T67

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3 48.9

18

37

13

T68 143.4

T69

21 143.0
87

1996

JUN 02 1998

Slide 0-19

3.5

4 150.3

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } ss.

On this 12 day of Feb, in the year 1997, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 5 day of Feb, 1997, and the date of the last publication was on the 12 day of Feb, 1997.

Subscribed and sworn to before me this 12 day of Feb, 1997.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	<u>11.5</u>
Number of Lines in Notice	<u>39,000</u>
Number of Insertions	<u>2</u>
Lines tabular at	<u>7</u> 6c / Pica
<u>39,000</u> Lines straight at	<u>26,910</u> 6c / Pica
<u>39,000</u> Subsequent lines at	<u>22,425</u> 5 4c / Pica
TOTAL COST	<u>45</u> \$54.34

xfr 4996

COPY OF NOTICE
(Paste Here)

Prop. Change Water Right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

Proposed change of water right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that KENDALL LUFF, PO BOX 534; BELLEVUE ID 83313 has filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4996 is to change the point of diversion.

Proposed Water Right No. 37-02557T (0.10 cfs) with a priority date of 09/26/1984 will be diverted and used from a new well within SW1/4SW1/4, S7, T01N, R19E for irrigation of five (5) acres; Blaine County, also known as Lot 1, Block 1, Bellevue Farms Subdivision.

Any protest against approval of 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 February 24, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Bruher, Director

Published in the Wood River Journal on 2/26 & 2/27/97.

As of Jan., 1990
(Idaho Code,
Reb. Statutes 1984)

7-8 pt./line straight: 5/pica
7-8 pt./line tabular: 6/pica
7-8 pt./line successive
insertion: 4/pica

MICROFILMED
JUN 12 1998

10392

BOARD OF COUNTY COMMISSIONERS

BLAINE COUNTY

P.O. BOX 400 • HAILEY, IDAHO 83333

(208) 788-5500

FAX (208) 788-5576

RECEIVED
FEB 21 1997
Department of Water Resources
Commissioner

LEN HARLIG, Chair • MARY ANN MIX, Commissioner • DENNIS WRIGHT, Commissioner

February 18, 1997

Mr. Allen Merritt
Department of Water Resources, Southern Region
222 Shoshone St. East
Twin Falls, ID 83301

RE: BLAINE COUNTY COMMENTS ON PROPOSED TRANSFERS #4996 AND #4997

Dear Allen,

As you know, Blaine County has asked a group of interested citizens to help with the formulation of a "local public interest water policy". The group plans to have a "policy" ready for review by the Commissioners no later than March 1, 1997. The Commissioners will schedule a public hearing to take comment on the "policy".

Our Board will send the final version of the "policy" to your office. We hope your office will utilize the "policy" in reviewing requests for water right applications in our county.

In the meantime, we would like to offer the following comments on the above referenced applications:

Transfer #4996 - The request for a new, smaller well to accept transfer of an existing water right from the present large-capacity well seems at first like a simple transfer from one well to another. However, from a practical use concept, the present large-capacity well could continue to pump the same amount of water as it now is pumping. The addition of another well would actually be an expansion of use unless some mechanism was available to ensure that the larger well reduced its output after the new well was in use.

Transfer #4997 - The request to change the point of diversion and source in the East Fork drainage for a 6/1/1888 water right to be applied to a new well may be an expansion of use. 1888 water rights generally are so late that they are available for only a limited number of days each water year. On the other hand, a new well is available 365 days a year. Unless some mechanism is in place to limit the amount of water that can be taken from the well, the continuous use of the well will result in an additional and expanded use of water beyond what would be available under the 1888 water allocation. The net result would be a detriment to downstream water rights holders with senior rights.

Sincerely,

Len Harlig
Len Harlig
Chairman

Mary Ann Mix
Mary Ann Mix
Commissioner

Dennis Wright
Dennis Wright
Commissioner

JUN 02 1998

37-025576, T # 4996

RECEIVED

FEB 10 1997

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 4996

Department of Water Resource
Southern Region

RECOMMENDATION OF WATERMASTER

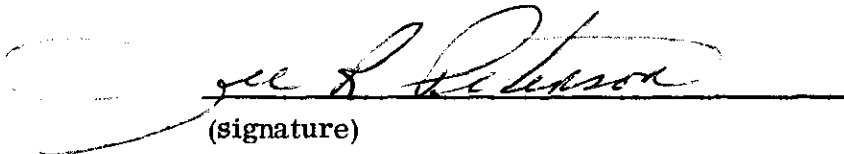
I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for
Kendall Luff, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: This application should also be approved by letter
from District #45 Canal Co.; a control gate and meter installed for
control of flow and water measurement should be installed.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 6th day of February 19 97.


(signature)

Please use reverse side if needed.

MICROFILMED

JUN 12 1998

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

Notice is hereby given that
KENDALL LUFF, PO BOX 534;
BELLEVUE ID 83313 has filed
a transfer application pursuant
to Section 42-222 of IDAHO
CODE. The purpose of
Transfer No. 4996 is to change
the point of diversion.

Proposed Water Right No. 37-
02557T (0.10 cfs) with a priority
date of 09/25/1954 will be
diverted and used from a new
well within SW1/4SW1/4, S7,
T01N, R19E for irrigation of
five (5)acres; Blaine County,
also known as Lot 1, Block 1,
Bellevue Farms Subdivision.

Any protest against approval of
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 February
24, 1997. The protestant must
also send a copy of the protest to
the applicant.

Karl J. Dreher, Director

Published in the Wood River
Journal on 2/5 & 2/12/97.

MICROFILMED

JUN 02 1998



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

January 29, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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
Sr. Secretary

Enclosure

MICROFILMED

JUN 2 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that KENDALL LUFF, PO BOX 534; BELLEVUE ID 83313 has filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4996 is to change the point of diversion.

Proposed Water Right No. 37-02557T (0.10 cfs) with a priority date of 09/25/1954 will be diverted and used from a new well within SW1/4SW1/4, S7, T01N, R19E for irrigation of five (5) acres; Blaine County, also known as Lot 1, Block 1, Bellevue Farms Subdivision.

Any protest against approval of 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 February 24, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 2/5 & 2/12/97.

MICROFILMED

JUN 02 1998



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

January 29, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Applications for Transfer

Dear Mr. Peterson:

Enclosed ~~is~~ are copies of Applications for Transfer of a Water Right within your District, and Watermaster's Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation forms and return them to this office.

Processing of the application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

Enclosures

RECEIVED
JUN 02 1998



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

January 29, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KENDALL LUFF
PO BOX 534
BELLEVUE ID 83313

Re: Application for Transfer No. 4996 (37-02557 Part)

Dear Mr. Luff:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in The Wood River Journal for 2/5 and 2/12/97.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

MOBILE

JUN 02 1998

TO: File

DATE: December 31, 1996

FROM: Jim Stanton

SUBJECT: App. for Transfer, Kendall Luff

Yesterday I spoke with Bob Askew, who has owned the property just north of the Kendall place since 1992. This area has not been irrigated since Askew has been there, and he felt that the last irrigation had occurred sometime prior to his purchase. This supports my earlier conclusion based on ASCS data, so it appears clear that any water rights that used to be appurtenant to this property have been lost. The Luff transfer should therefore be denied.

JUN 02 1998

T # 4996

TO: File

DATE: December 2, 1996

FROM: Jim Stanton

SUBJECT: App. for Transfer, Kendall Luff

Mr. Luff called last week in response to my letter of 11-21-96. He told me that he wanted us to continue processing his application, which I agreed to do. He said that his land had been watered within the last 5 years, but did not give any details or offer any supporting documentation. I told him that any additional data that he could provide would be taken into consideration. I plan to meet with the subdivision people as soon as possible to gather additional data on water use within the Bellevue Farms Sub. so that a final recommendation on their water rights can be made.

RECEIVED

JUN 02 1998

T # 4986



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE AVE
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 21, 1996

Kendall Luff
PO Box 534
Bellevue, ID
83313

RE: Application for Transfer of Water Right 37-02557 Part

Dear Mr. Luff;

In an effort to determine the present status of the water rights for the Bellevue Farms Subdivision, prompted by your application and others, I have reviewed the ASCS (now CFSA) aerial photos from 1987 through 1996. While my review is not yet complete, it appears clear that the western portion of the subdivision has not been irrigated since at least 1991. Therefore, any water rights that may have been appurtenant to your property in the past appear to have been lost due to failure to put water to a beneficial use for a period of five consecutive years as required by Sec. 42-222(2) of the Idaho Code.

Based on this data, I will have to recommend that your application be denied and that your property be declared as void of water rights. The final decision on these matters will be made by our administrators in the Boise office, however. And if you disagree with their decision, you can appeal to the district court within fifteen days.

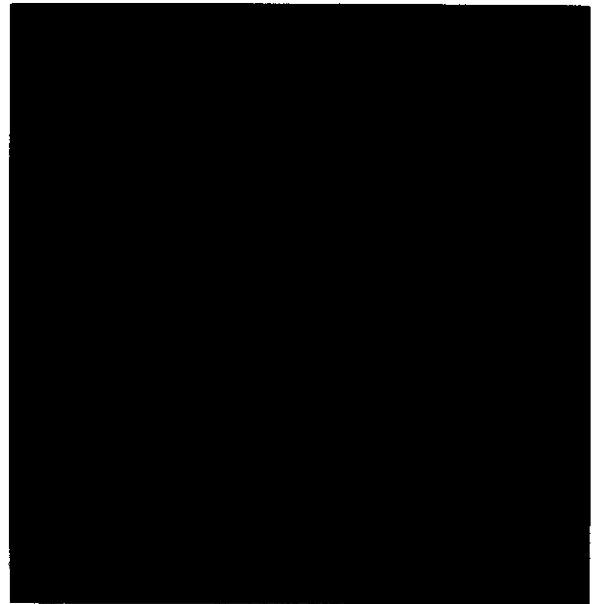
If you wish to withdraw your application, I will initiate a refund of your filing fee. If you want us to continue processing your application, we will do so. Please let me know what you desire in this matter so that I can take the proper action.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED
JUN 02 1998

T # 4996



Kendall Laff Property (Not Including Home)

MICROFILMED

JUN 02 1998

37-02557 Part
10-9-96 JES
T # 4996



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

May 20, 1998

PHILIP E. BATT
GOVERNOR

ROSS J SUTTON
KRISTI A SUTTON
PO BOX 2167
HAILEY ID 83333

KARL J. DREHER
DIRECTOR

RE: Water Right 37-02557P (Transfer 4918)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 4918). 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.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

RECEIVED

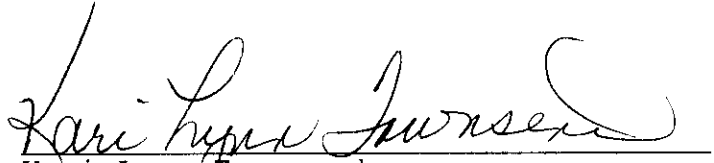
JUN 02 1998

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of **MAY, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 37-02557P (Transfer 4918)

**ROSS J SUTTON
KRISTI A SUTTON
PO BOX 2167
HAILEY ID 83333**


Kari Lynn Townsend
Secretary

JUN 02 1998

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.

JUN 02 1997

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.

APPEAL
JUN 02 1998



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

May 20, 1998

PHILIP E. BATT
GOVERNOR

RUSSELL DION
MICHELE SWIFT DION
PO BOX 4324
MISSION VIEJO CA 92690

KARL J. DREHER
DIRECTOR

RE: Water Right 37-02557R (Transfer 4927)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 4927). 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.

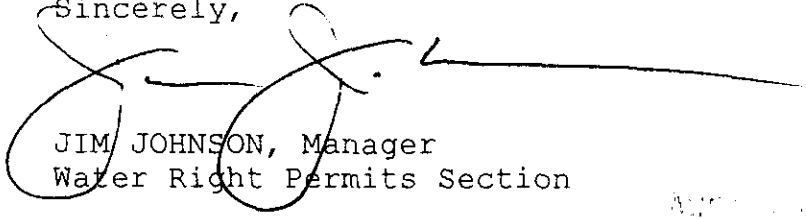
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Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

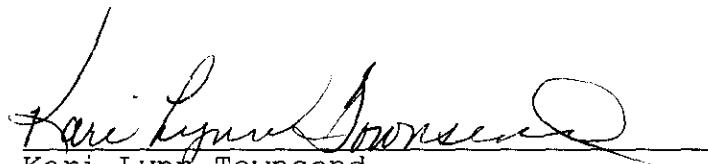
APR 22 1998
MAY 02 1998

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of **MAY, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 37-02557R (Transfer 4927)

**RUSSELL DION
MICHELE SWIFT DION
PO BOX 4324
MISSION VIEJO CA 92690**


Kari Lynn Townsend
Secretary

JUN 02 1998

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JUN 02 1997

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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:

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- 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.

NOT RECORDED
JUN 02 1998

MEMORANDUM

Date: May 1, 1998

To: Glen Saxton

From: Jim Johnson *J*

Subject: Transfer applications 4918, 4927, 4996, 5062 on right 37-02557.

=====

These transfers were forwarded to the State Office with a recommendation to deny the applications on the basis that water had not been diverted within the last five years and therefore forfeited.

After several discussions with the department's administrators and legal counsel it was determined that the applications should be approved.

Reasons supporting the decision for approval are based on water master delivery records verifying that surface water rights have continuously been delivered to the head of the canal. It is not clear where the water was used after it was delivered to the canal. Recent photos of the place of use described on the water rights show that water was not delivered to the entire place of use described on the water rights. However, no information was collected to show without question that the water was not used.

The department approved six other transfer applications previously filed on the water right. Without clear and convincing evidence to support forfeiture the department should approve new transfer applications.

TRANSFER REVIEW SHEET
(06-97)

Transfer # 4927

Date Reviewed 03-13-98 28

Right(s) (T) 37-02557N

☒ Print Split Summary ☒ Run POU Comparison Report

(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 J: Add P/D & Change P/U

Proof of Ownership '95 tax notice - Subdivision Lot

Transfer All of Right ☒ Portion of Right

Resulting Split(s) T 37-02557N S 8

Q) 4.48 cts 224.2 Acres
R) .08 " 4.0 " 14.0 a/c < VDR
4.56 cts 228.2 Acres

Check Transfer Against Recorded Right

Season/Vol. R/3.5

(1) ☒ Priority (2) ☒ Use (3) Season (4) ☒ Rate (5) Volume
(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) NA Water District (12) ND Pertinent Conditions (13) ND Expansion

(3) Standard Season 4-15 to 10-15
(5) Standard Vol 4 x 3.5 = 14.0 a/c < VDR
(7) Change P/D
(8) Split P/U

New Well - Supplemental GLW 5 acre lot/4 acres irr.

Transfer Remarks P/U Lot 6, Block 4, Bellevue Farms Subdivision
Conditions 046, R63, 065, 079, T07, T08, T09

Database/Processing Notes Standard ☒ Non-Standard

I files Parts Q + R, Clear N when approved.

Pccommon File T 4927.txt
File Deleted ☒

Transfer Memo Complete ☒
Database Updated 5-19-98 28

WR0749NP
No. T37-02557R

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/13/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUSSELL DION	09/25/1954	IRRIGATION	04/15 10/15	0.080 CFS	14.00 AFA
C	MICHELE SWIFT DION					
	PO BOX 4324			TOTAL DIVERSION:	0.080 CFS	14.00 AFA
	MISSION VIEJO CA 92690					
	(714) 768-3058					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R19E S07 Lot 04(SWSW)

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01N	19E	7	:																4.0
																		TOTAL ACRES	4.0

Pou County: BLAINE

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R63 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- 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.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN Place of use is located within Lot 6, Block 4, Bellevue Farms Subdivision.

Dates: App. Received: 07/22/1996 Priority Date: 09/25/1954
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/15/1979

=====

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/15/1994 User-ID: SKAGGS Subject: TRANSFER 4035
Transfer No. 4035 was filed to add a separate point of diversion
for a portion of Right No. 37-02557, splitting the right into
parts A and B. The 5 acre lot purchased was reduced to 3.5 acres
irrigation with house and driveway etc (1.5 acres out of
production).

Date: 03/01/1995 User-ID: MBALDWIN Subject: TRANSFER 4557 (4537, 4540 & 4545)
T# 4557 was filed to change the point of diversion and place of
use under a portion of Right No. 37-02557A or T37-02557G under
pending Transfer Nos. 4537, 4540 and 4545, splitting part G into
parts J and K.

Date: 10/19/1995 User-ID: SCURTIS Subject: TRANSFER 4666
Trans. #4666 was filed to change the place of use under a portion
of Right 37-02557J, splitting it into parts L & M.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4918
Transfer 4918 changes the point of diversion under a portion of
Right 37-02557L, splitting the right into Parts N & P.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4927
Transfer 4927 changes the point of diversion under a portion of
Right 37-02557N, splitting the right into Parts Q & R.

Audit: 10/04/96 MBALDWIN 03/13/98 PSKAGGS 03/13/98 PSKAGGS

WR0749NP
No. T37-02557Q

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/13/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
		09/25/1954	IRRIGATION	00/00 00/00	4.480 CFS	
TOTAL DIVERSION:					4.480 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R19E S07 SESW BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01N	19E	7	:					:					:			04-33	31	:			05	31	:	100.2
01N	19E	18	:	25	35			:	38	01-25			:					:					:	124.0
TOTAL ACRES																						224.2		

Pou County: BLAINE

Dates: App. Received: 07/05/1996 Priority Date: 09/25/1954
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/15/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/15/1994 User-ID: SKAGGS Subject: TRANSFER 4035
Transfer No. 4035 was filed to add a separate point of diversion for a portion of Right No. 37-02557, splitting the right into parts A and B. The 5 acre lot purchased was reduced to 3.5 acres irrigation with house and driveway etc (1.5 acres out of production).

Date: 03/01/1995 User-ID: MBALDWIN Subject: TRANSFER 4557 (4537, 4540 & 4545)
T# 4557 was filed to change the point of diversion and place of use under a portion of Right No. 37-02557A or T37-02557G under pending Transfer Nos. 4537, 4540 and 4545, splitting part G into parts J and K.

Date: 10/19/1995 User-ID: SCURTIS Subject: TRANSFER 4666
Trans. #4666 was filed to change the place of use under a portion of Right 37-02557J, splitting it into parts L & M.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4918
Transfer 4918 changes the point of diversion under a portion of Right 37-02557L, splitting the right into Parts N & P.

Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4927

WR0749NP
No. T37-02557Q

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/13/98
PAGE: 2

Comments: Date: 03/13/1998 User-ID: PSKAGGS Subject: TRANSFER 4927
Transfer 4927 changes the point of diversion under a portion of
Right 37-02557N, splitting the right into Parts Q & R.

Audit: 03/13/98 PSKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: C. SKINNER T # 4927

1. Right number 37-02557 ^{+Part} Applicant Dion, Russell A

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Other SPLIT RIGHT

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
5/01 TO 11/01 PER LICENSE

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.
(OR ANY OTHER RIGHT)

h. ☒ Check for expansion in use of right. Comments THIS RIGHT DOES NOT
CURRENTLY APPEAR TO BE USED ON THE PLACE OF USE INVOLVED WITH
THIS TRANSFER.

i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) SEE ATTACHED MEMO

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No GROUNDWATER
If yes, what district? _____

CORRESPONDING
SRBA CLAIM
IS IN THE NAME
OF BELLEVUE FARMS
OF BELLEVUE ASSOCIATION.
APPLICANTS SUBMITTED PROOF
OF PROPERTY OWNERSHIP

FINAL PROCESSING REVIEW BY: AD

1. Watermaster recommendation requested on N/A Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☒ Deny

3. Conditions* See memo, 3/4/97

4. By AD Date 3/4/97

RECEIVED

MAR 06 1997

Department of Water Resources

FROM: Allen Merritt *AM*

DATE: March 4, 1997

TO: Transfer Files Nos: 4918
4927
4996

Name: Sutton
Dion
Luff

RECEIVED
MAR 06 1997

***** Bellevue Farms Subdivision Area *****

SUBJECT: Review and Recommendation

All three of these transfers deal with splitting up of portions of right 37-02557 (priority 9/25/1954) which historically provided water for irrigation from a well. All three of these transfers should be reviewed together although they represent separate systems. In 1980 the land was platted for subdivision. The 1987 NAPP shows roads developed with part of the place of use being irrigated. Since 1994 six transfers have been processed on this right. (Nos: 4035, 4537, 4540, 4545, 4557, 4666) These transfers involved drilling new wells for use of the associated share of the right on various lots in the subdivision. A few of these transfers involved moving of irrigated acres from a portion of the subdivision covered by the license to lots in the subdivision not covered by the original license.

Staff review for the six processed transfers hinted around about forfeiture being an issue, particularly for the lots on the west side of the subdivision but nothing was determined to be clear and convincing. This same concern was again looked at when processing these three subject transfers. The more recent work has found more evidence to support a determination that a portion of the right has not been used in excess of five years and that a portion of the right has been forfeited.

LEGAL CONCERN & PRELIMINARY RECOMMENDATION

Review of the evidence that Jim has developed (See transposition of irrigated acres for years 92, 93, 95 & 96 taken from slides and copied onto copies of a base aerial photo dated (1987?) and letter to Askew dated 1/10/97) supports the position that the land on the west side of the subdivision has not been irrigated for some time. *Note that there is a gap in photos and nothing was found 1994; the years prior to 1992 were not looked at.

My concern is that some of the other transfers and particularly transfer 4537 quite possibly should have not been allowed based on partial forfeiture. I do not know if we could now go back on approval of transfer 4537 since in 1996 it is obvious from the photos that the use has been re-established. The other transferred uses do not appear to have been re-established yet. I have questions over whether or not our allowing these other transfers and particularly transfer 4537 has set a precedence in review of these three subject transfers.

MAR 07 1997

Based on the evidence we now have I recommend that these three transfers be reviewed by legal staff to see if the evidence we now have is convincing enough to support forfeiture. I additionally recommend these three transfers be held until the outcome of SRBA basin wide issue #10. It appears to me that these three transfers should be disallowed or denied since the portion of the right for their subject land have not been irrigated for more than five years and to allow re-establishment would injure junior rights. Maybe to remove injury we could change priority to date of approval if that is the tact taken.

JUN 02 1933



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 10, 1997

Robert Askew, President
Bellevue Farms Homeowners Assn.
PO Box 2511
Hailey, ID
83333

RE: Irrigation Rights Of the Association

Dear Mr. Askew;

I have finally completed my review of the water usage that has occurred within the Subdivision since 1991. I looked at the ASCS slides for 1991 through 1996 (1994 was not available), and talked to Phil Hobson and Greg Mann. My conclusions can serve as a basis for action on pending and future water transfers on the subject property.

My findings indicate that 131.4 acres have been irrigated with surface water through the community system since 1993. The water rights on these acres will remain valid at least through the end of 1998. Any of this land that is no longer irrigated will still retain its water rights for five years, and only a small area on the south end of the subdivision appears to fall into this category. Specifically, the place of use includes the polo field (40 acres), Lot 12 Block 4 (9.4 acres), Lot 13 Block 4 (24.5 acres), Lot 14 Block 4 (2.8 acres), and Lots 7, 8 and 9 of Block 4 (54.7 acres).

The large field in the southeast portion of the subdivision covers all of Lot 9, and a portion of Lots 7 & 8. Transfer #4545 requires that surface rights be used to irrigate Lot 8 before groundwater is used there. As long as there is enough surface water available to irrigate Lot 8, Mr. Montgomery cannot use his private well to irrigate the property. Failure to meet this condition can be cause for Transfer #4545 to be rescinded. The 54.7 acres that were irrigated in 1993 includes includes 6 acres of the 9.7 acres in Lot 8.

Lot 13B was last irrigated in 1995, so the surface rights on it are

NOT RECORDED

JUN 02 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

valid through the end of 2000. The groundwater rights were transferred from this parcel to Lot 13 as a replacement for the groundwater previously transferred from Lot 13 to Lot 4 of Block 4. Although the ASCS slides did not clearly show irrigation of Lot 13B during the 1990's, both Mr. Hobson and Mr. Mann have stated that about 3 acres of this parcel were irrigated during that period. I have accepted their statements in reaching my conclusions.

I have not analyzed your actual surface rights to see which ones are valid. Under the Snake River Basin Adjudication procedures, a maximum of 0.02 cfs of water per acre can be recommended unless the need for a higher flow rate can be justified. It is my understanding that subdivision lands are sprinkled instead of gravity irrigated, and the 0.02 cfs rate is normally recommended for sprinklers. As your rights total up to much more than this, your rights will probably be recommended for only this amount starting with your earliest priority dates. Since the only transfers within the subdivision so far have been for groundwater, the question of limiting your surface rights has not come up yet. In reality, your present water system can only carry a certain flow rate; your rights may ultimately be limited to the carrying capacity if it is less than 0.02 cfs/acre.

As of 1993, valid groundwater rights covered 128.6 acres. This is the same land as specified above for surface rights, except that Lot 14 Block 4 is not irrigated from groundwater. Separate re-diversions from the District Canal serve this parcel.

It is my further conclusion that any portions of the subdivision not previously mentioned no longer have valid water rights appurtenant to them, unless rights were established through approved transfers. Several transfers have been approved for the purpose of allowing private wells on several of the lots under portions of License 37-02557. Those transfers for lots on the west side of the subdivision require that surface rights be used first if they are available. However, your system has not carried surface water to these lands since before 1991. So there is a question as to whether this condition of approval is being met. It may not matter, however, until such time as the groundwater in your area comes under watermaster control (if it ever does).

Feel free to contact me with questions or if you have additional information that could cause me to reach other conclusions in this matter.

MS090-1111

JUN 02 1993



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Regards,

James E. Stanton
Sr. Water Resource Agent

cc: Phil Hobson
Allen Merritt, IDWR
Jim Johnson, IDWR
Doug Jones, IDWR/SRBA
License File, 37-02557

NOT RECORDED

JUN 02 1988

TO: File

DATE: January 17, 1997

FROM: Jim Stanton

SUBJECT: My Letter Dated 1-10-97 to Robert Askew RE:
Bellevue Farms Subdivision

I talked today with Phil Hobson, a property owner in the subdivision. He told me that Lot 12 Block 4 contains 10.2 acres, and that all but the access road (about 0.2 acres) is irrigated. I had shown 9.4 irrigated acres on this parcel, but have increased this to 10.0 acres based on this additional information. I probably missed a small corner of the lot where the subdivision road curves around the polo field. This would increase the overall present p/u to 132.0 acres

Also, my letter stated that water was moved from Lot 13B to Lot 13 to replace water that was moved from Lot 13 to Lot 4. This should have said Lot 12, not Lot 13.

AGC

JUN 02 1998

MEMORANDUM

TO: FILE 37-02557N

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 4927

DATE: March 13, 1998

sk

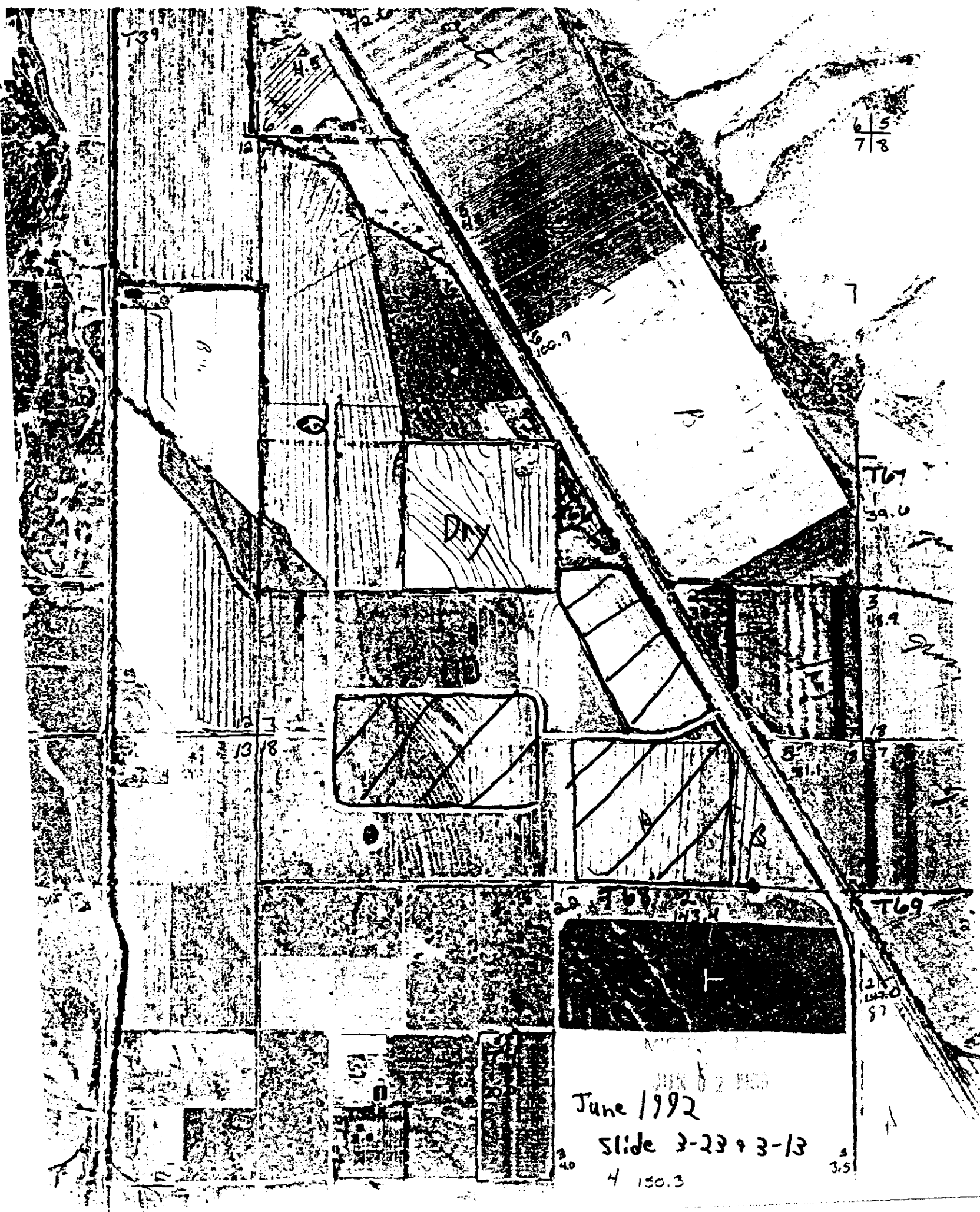
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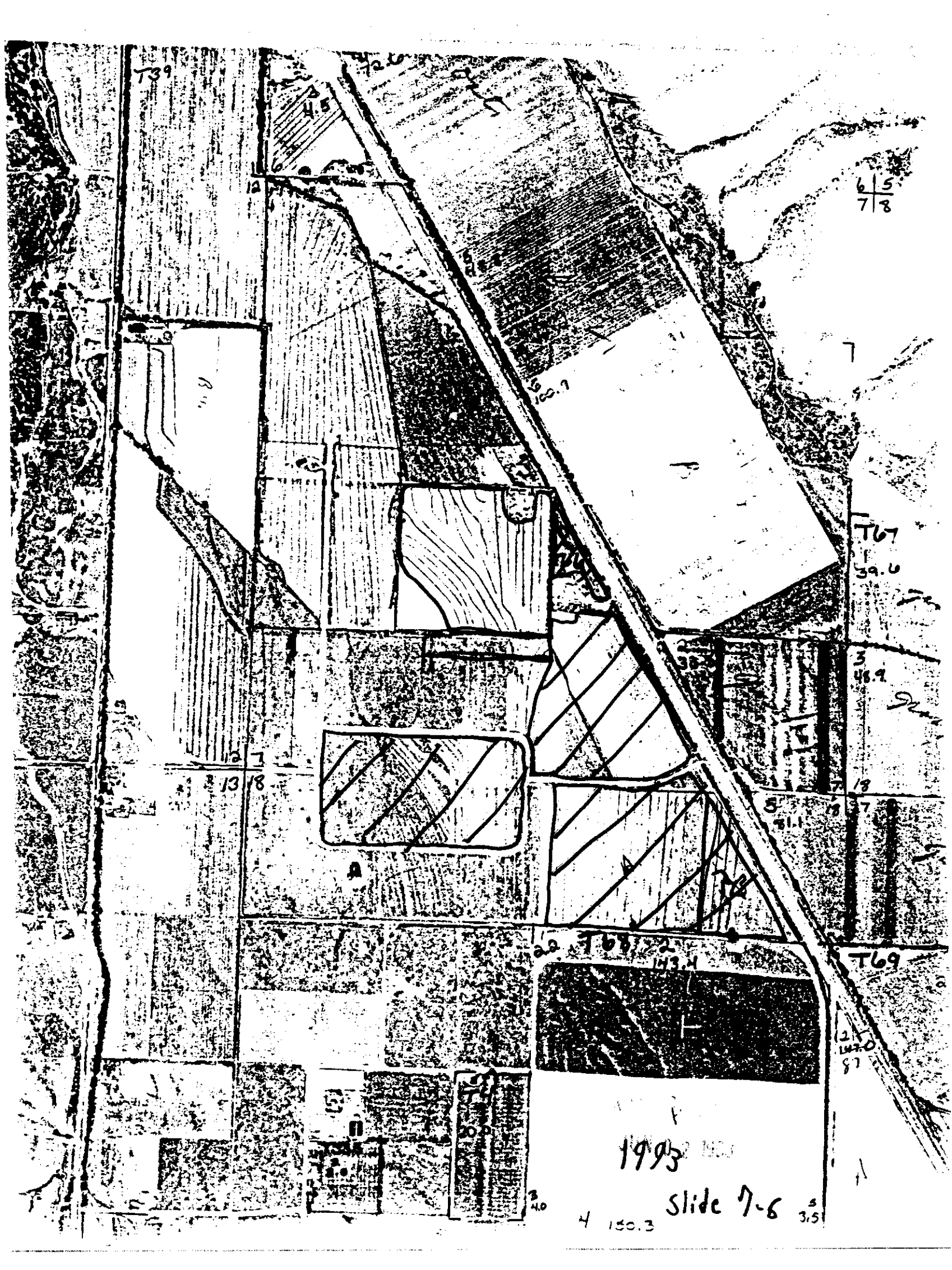
Transfer 4927 changes the point of diversion under a portion of Right No. 37-02557N, splitting the right into Parts Q and R.

The applicant proposes to put a new well on his property to serve 4.0 irrigated acres. Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements, irrigation overlap, supplemental groundwater and standard transfer conditions.

NOTED 131123

JUN 02 1998





T39

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7 8

T67

39.0

3 48.9

13 18

81.1 18 37

T69

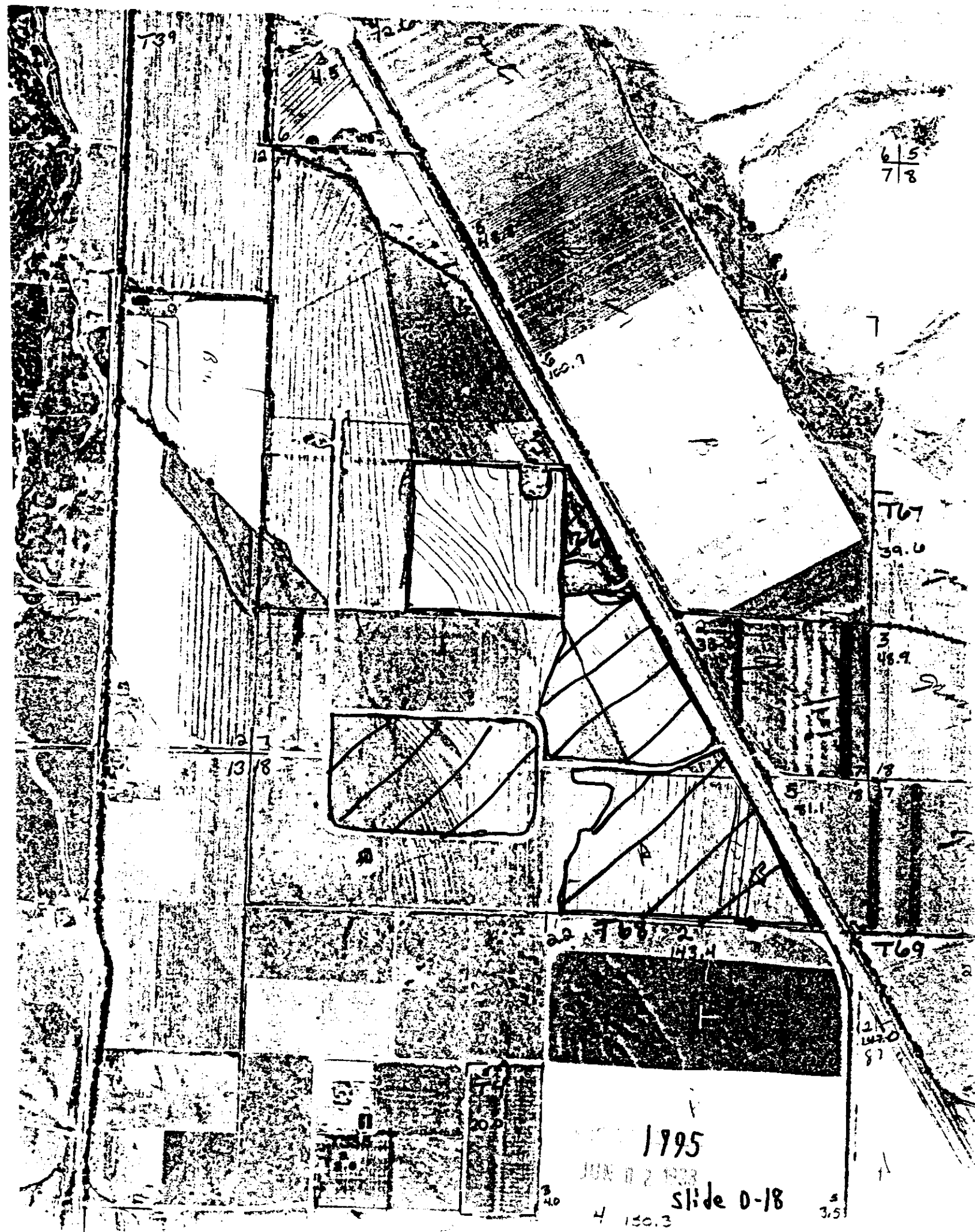
147.0 87

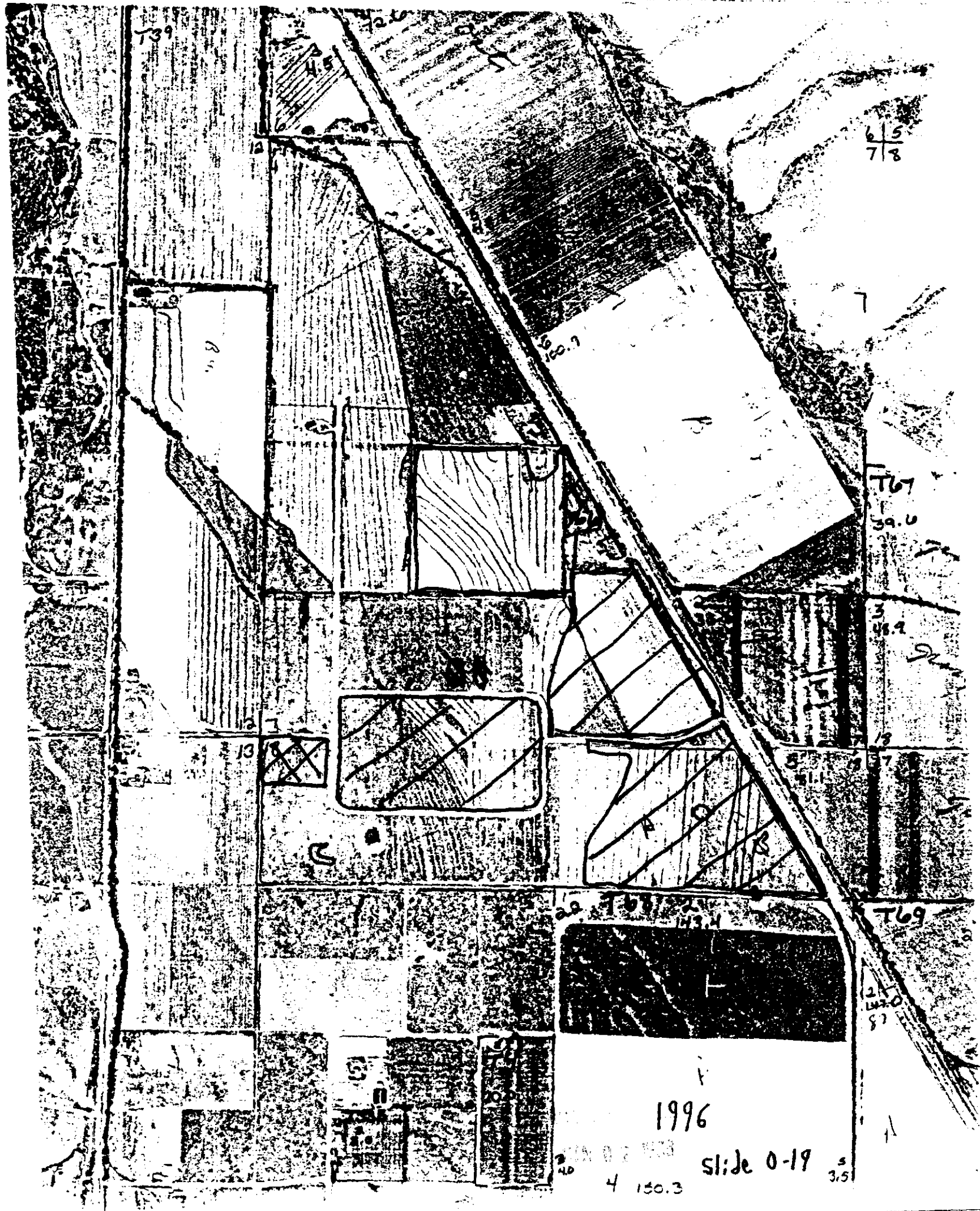
1993

slide 7-6

4 150.3

3.5





AFFIDAVIT of PUBLICATION

OCT 29 1996

Department of Water Resources
Southern Region

State of Idaho, }
County of Blaine } SS.

On this 23 day of Oct. in the year 1996, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 16 day of Oct. 1996, and the date of the last publication was on the 23 day of Oct. 1996.

Daniel J. Gorham
Subscribed and sworn to before me this 23rd day of Oct. 1996.
(SEAL)

Roberta Meyer
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 42,467
Number of Insertions 2
Lines tabular at 42,467 6c / Pica
Lines straight at 24,418 5c / Pica
Subsequent lines at 19,535 4c / Pica
TOTAL COST 45 \$48.95

Right No. 37-02557R

COPY OF NOTICE
(Paste Here)

Prop. Change Water Right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Res.
BILL TO

of Water Right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that RUSSELL DION &/OR MICHELLE SWEET-DION, PO BOX 4324, MISSION VIEJO, CA 92694 have filed a transfer application pursuant to Section 42-322 of IDAHO CODE. The purpose of Transfer No. 4027 is to add a diversion point and split water right. Proposed Water Right No. 37-02557R, 0.45 cfs with a priority date of 1907/1908 will be diverted from a new well to be drilled within Lot 4 (SW1/4SW1/4, ST. TEN, RISE for irrigation of four (4) acres within SW1/4SW1/4, ST. TEN, RISE which is also known as Lot 6, Block 4, Bellevue Farms Subdivision, Blaine County. Any protest against approval of the proposed change must be filed with the Department of Water Resources, Southern Region, 232 Blackhawk Street East, Twin Falls, ID 83401 together with a protest fee of \$25.00 on or before November 4, 1996. The protestant must also send a copy of the protest to the applicant.

East J. Barker, Manager
MIDWEST IDAHO NEWS
Journal at Twin Falls, Idaho

JUN 10 2 30 PM 1996

(Idaho Code,
Reb. Statutes 1984)
7-8 pt./line straight: 5/pica
7-8 pt./line tabular: 6/pica
7-8 pt./line successive
insertion: 4/pica

10271

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

Notice is hereby given that
**RUSSELL DION &/OR
MICHELE SWIFT-DION, PO
BOX 4324; MISSION VIEJO,
CA 92690** have filed a transfer
application pursuant to Section
42-222 of IDAHO CODE. The
purpose of Transfer No. 4927 is
to add a diversion point and split
water right. Proposed Water
Right No. 37-02557R (0.08 cfs)
with a priority date of 9/25/1954
will be diverted from a new well
to be drilled within Lot 4
(SW1/4SW1/4), S7, T1N, R19E
for irrigation of four (4) acres
within SW1/4SW1/4, S7, T1N,
R19E which is also known as Lot
6, Block 4, Bellevue Farms
Subdivision; Blaine County.

Any protest against approval of
the proposed changes must be
filed with the Department of
Water Resources, Southern
Region, 222 Shoshone Street
East, Twin Falls, ID 83301
together with a protest fee of
\$25.00 on or before November 4,
1996. The protestant must also
send a copy of the protest to the
applicant.

Karl J. Dreher, Director

Published in the Wood River
Journal on 10/16 & 10/23/96.

NOTED - JMM

JUN 02 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

October 4, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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
Sr. Secretary

Enclosure

JUN 02 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that RUSSELL DION &/OR MICHELE SWIFT-DION, PO BOX 4324; MISSION VIEJO, CA 92690 have filed a transfer application pursuant to Section 42-222 of IDAHO CODE. The purpose of Transfer No. 4927 is to add a diversion point and split water right.

Proposed Water Right No. 37-02557R (0.08 cfs) with a priority date of 9/25/1954 will be diverted from a new well to be drilled within Lot 4 (SW1/4SW1/4), S7, T1N, R19E for irrigation of four (4) acres within SW1/4SW1/4, S7, T1N, R19E which is also known as Lot 6, Block 4, Bellevue Farms Subdivision; Blaine County.

Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 4, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 10/16 & 10/23/96.

RECEIVED

JUN 05 1996

0/5
10~



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

October 4, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

RUSSELL DION &/OR
MICHELE SWIFT-DION
PO BOX 4324
MISSION VIEJO CA 92690

Re: Application for Transfer No. 4927 (37-02557 Part)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in The Wood River Journal for 10/16 and 10/23/96.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

RECEIVED
OCT 9 1996

MEMORANDUM

TO: Russell &/or Michele Swift-Dion Transfer File (37-02557 Part)
FROM: Corey Skinner *CS*
DATE: September 10, 1996
SUBJECT: Staff Review

The enclosed transfer application, filed by Russell &/or Michele Swift-Dion, seeks to transfer a portion of water right license 37-02557L (SRBA claim A37-02557N). Originally, water right 37-02557 was licensed to divert 5.3 cfs of groundwater for the irrigation of 265.0 acres of farmground a couple of miles southeast of Bellevue (Sections 7 and 18, Township 01 North, Range 19 East).

Since the original license was issued, the place of use for water right 37-02557 has been subdivided into Bellevue Farms Subdivision. In recent years, the department has approved several transfers for individual lot owners within the subdivision to add their own wells to irrigate their own individual lots with their respective portion(s) of 37-02557. This has resulted in several splits of the base right.

The applicants of the enclosed transfer propose to drill a new well to irrigate their lot within the subdivision with their portion of 37-02557. The enclosed transfer application proposes to add a diversion point and split the water right (now 37-02557L & SRBA claim A37-02557N). Since the department has approved, as recently as last year, previous transfers of this nature based on the same water right in the same subdivision, the enclosed transfer should be pretty straightforward. However, there are some issues that complicate the matter.

The subdivision (more specifically Bellevue Farms Landowners Association) has SRBA claims filed on surface water over almost the entire subdivision. The subdivision has the following SRBA claims filed:

A37-11924A	A37-11925A	A37-11926A
A37-11927A	A37-11928A	

These SRBA claims are based on several old decrees, and a total diversion rate of 13.789 cfs has been claimed. The watermaster's 1995 decree book shows Bellevue Farms having portions of the decrees that these SRBA claims are based on. The claimed place of use for all of these claims overlap the place of use involved with the enclosed transfer application.

On August 27th, while in the area, I visited the property

REC'D - LAND
JUN 07 1998

T#4927

Page 2
Swift-Dion Transfer Memo
09/10/96

involved with the enclosed transfer application. I observed that the well licensed under 37-02557 diverts water into a small pond a few feet north of the well. This pond also collects surface water that is delivered from the north (I assume surface water covered under the subdivision's SRBA claims listed in the proceeding paragraph). Water is then diverted from this pond and used to irrigate lands to the east and to the south. An old ditch, runs from the pond to the west, but it is pretty obvious that the ditch has not been used for quite some time. The plat map copy submitted with the transfer application shows the old ditch as a "10' drainage easement". Mel Schulte's 05/15/95 memo (copy attached) and the enclosed sketch and photographs describe the present system.

The lot involved with the enclosed transfer application is west of the well licensed under 37-02557. From what I observed in the field, the only way for water to reach the lot involved with this transfer is through the old ditch west of the well. As can be seen in the attached photos, and the 1987 NAPP photo (437-187 Y 25 NW) the lot involved with this transfer does not appear to have been irrigated for quite some time.

It is obvious that possible partial forfeiture is an issue involved with the enclosed transfer application. My field observations indicate that the lot involved with this transfer has not been irrigated in the recent past with either the groundwater from the well licensed under 37-02577 or with the surface water claimed in the SRBA by the subdivision.

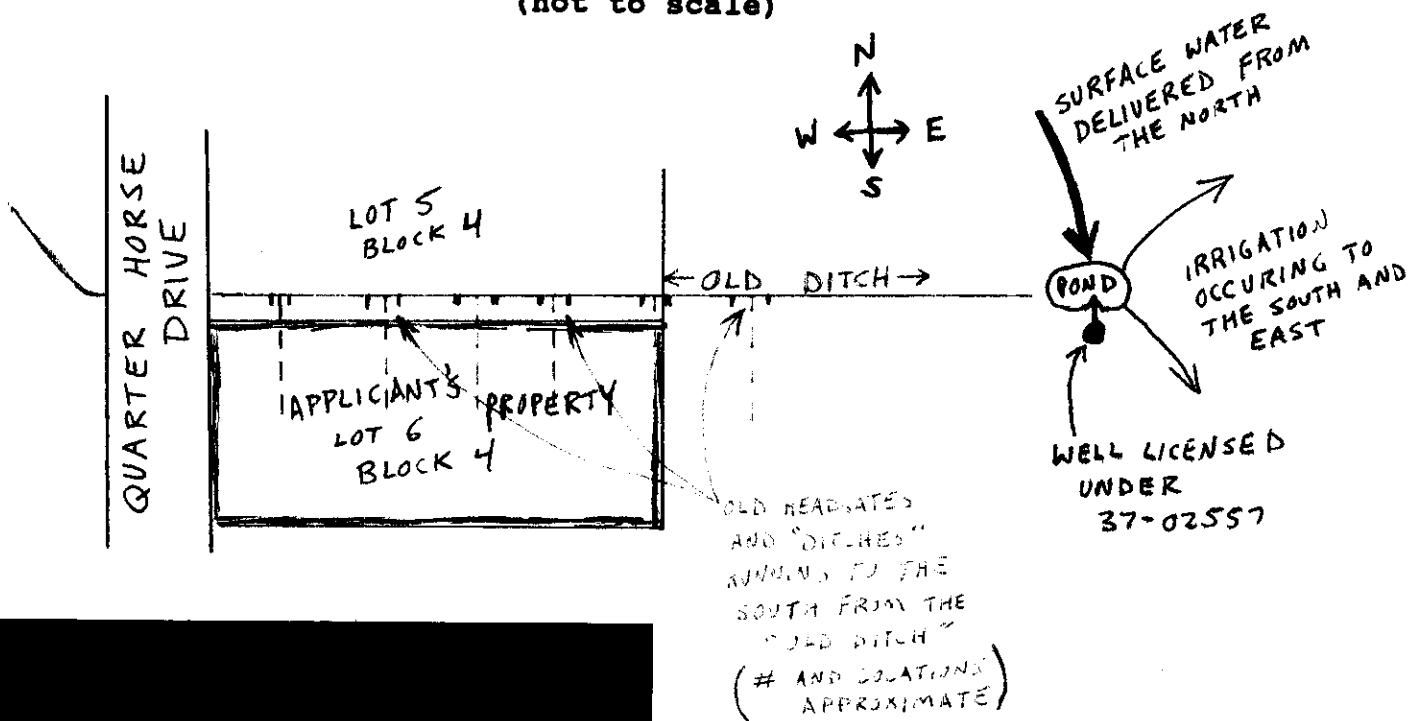
Determining the exact last date that the lot involved with this transfer was actually irrigated would be pretty difficult, and the partial forfeiture issue presently seems to be up in the air. In addition, the department has recently approved (last year) similar transfers in the same subdivision. For these reasons the enclosed transfer could probably be approved.

Previous approved transfers off this base right (37-02577) were approved with supplemental use conditions, probably due to the overlapping SRBA surface water claims filed by the subdivision. If this transfer were approved, the applicants would drill their own well and irrigate their lot. The applicant's lot is covered by the remaining base right (37-02577L and SRBA claim A37-02577N) and the subdivision's SRBA surface water claims. However, it does not appear that the applicant's lot is currently irrigated so if the transfer were approved and the applicants drilled a well to irrigate their lot, their well would more than likely be a primary irrigation source.

JUN 02 1996

T#4927

SKETCH OF AREA INVOLVED WITH TRANSFER
(not to scale)



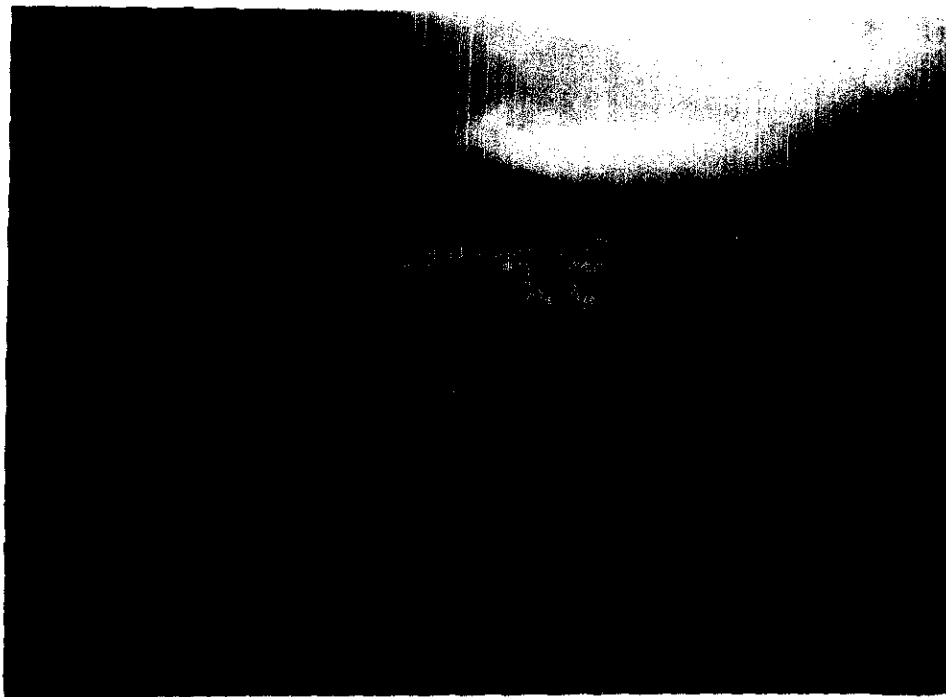
View looking up old ditch (indicated by arrows) towards the well licensed under 37-02557 to the east. The old ditch did not appear to have had water ran through it for quite some time. There was some sage growth in a few areas in the bottom of the ditch. In addition, the pond embankment currently prevents the well and surface water from entering the ditch. The concrete and wood structure is an old headgate (appeared abandoned) that delivered water, at one time, from the old ditch to land to the south.

JUN 02 1998

T# 4927



View of one of the headgates that delivered water, at one time, from the old ditch to lands to the south. This photo of this particular headgate was taken to represent a typical sample of the headgates along the south side of the old ditch. A couple of headgates were in slightly worse condition and a couple were in slightly better condition.



View of Lot 6, Block 4, Bellevue Farms Subdivision (the property involved with this transfer application) from Quarter Horse Drive looking towards the east. Note the large sage growth and the general appearance of lack of recent irrigation. The arrow indicates the approximate location of the well licensed under 37-02557, that serves as the current source for the "groundwater use" on Lot 6 (the applicant's property).

JUL 02 1998

J#4927



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 12, 1995

Mr & Mrs Russell Dion
P O Box 4324
Mission Viejo, CA 92690

Dear Mr & Mrs Dion:

Enclosed is a transfer application that proposes to allow you to drill a well on your lot in Bellevue Farms Sub to irrigate four acres. It also proposes to split the existing groundwater right to show a portion in your names. Please review the application thoroughly. If it meets your approval, one of you should sign the form and have your signature notarized.

Return the executed application to my attention with your check in the amount of \$100 for the filing fee. Your check should be made payable to Idaho Dept. of Water Resources.

If you drill a well for domestic use on your lot, that well is limited to one/half acre of irrigation until the enclosed transfer application is approved. If you want to use the larger existing irrigation well for irrigation water, you can irrigate your entire lot from this existing well.

After we receive your executed application form, we will comply with Idaho Code requirements to give public notice. You will be notified by mail as to when and in which newspaper the public advertisement takes place. If there are no protests to your application you can expect at least 4-6 months for final approval.

We will need prior to final approval proof of ownership. You can meet this requirement by returning with the application a copy of your Deed or copies of last year's Blaine County property tax bill.

Call me at 208-736-3033 if you have questions.

Cordially,

Mel Schulte
Sr. Water Rights Agent

JUN 02 1995

COPY

MEMORANDUM

To: Bellevue Farms Subdivision files
From: Mel Schulte
Sr. Water Rights Agent *MTS*
Southern Region Office

Date: May 15, 1995

On May 12, 1995 I met with Susan McCarthy, Bill Carey, Phil Hobson and several other lot owners at the Bellevue Farms Subdivision. These individuals represent to be a subdivision water committee. The primary purpose of our meeting was to examine the irrigation delivery system in place. We also discussed in general the water rights appurtenant to the subdivision and their plans to try to develop an allocation agreement that would provide groundwater to the lots in the NWSW & SWNW, S7 that don't have appurtenant groundwater.

The irrigation system currently in place consists of the following: a small pond that collects surface water from a ditch entering from the North and/or groundwater from an irrigation well contiguous to the pond on the South. A pump in the pond diverts water to the South in a buried mainline to a polo field of about 40 acres located to the center of the subdivision. The polo field is currently irrigated by wheel lines.

From the pond a ditch delivers water to the East. There are pumps in two locations in this ditch to pressurize sprinkler systems to irrigate about 90 acres at the East end of the subdivision.

A second ditch takes water to the West from the pond. There does not appear to be irrigation from this ditch at the present time. There are numerous old headgates in the ditch and evidence of smaller irrigation ditches that have been used to deliver water to both the North and South from this ditch. The subdivision roads and several homes that have been built on some of the lots interfere with delivery of water through some of the smaller ditches. How long it has been since this part of the irrigation system has not been used is unknown.

The issue of forfeiture could be addressed for some of the lots located primarily on the West and South sides of the subdivision. However, there is not clear and convincing evidence that forfeiture could be proven if the issue is contested.

Pending transfer applications as of this date that were being held contingent on an examination of the irrigation system are recommended for approval.

MTS

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