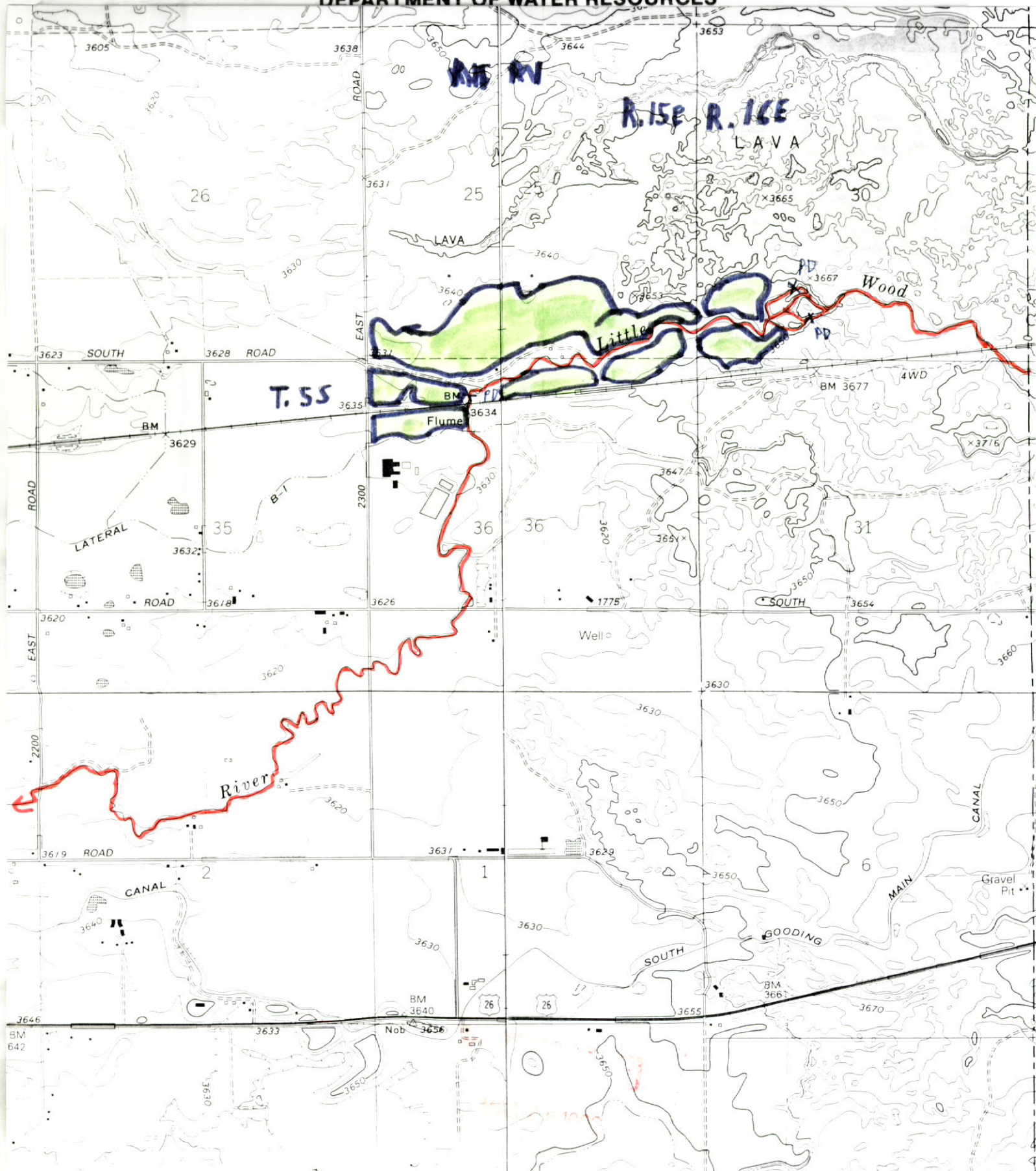
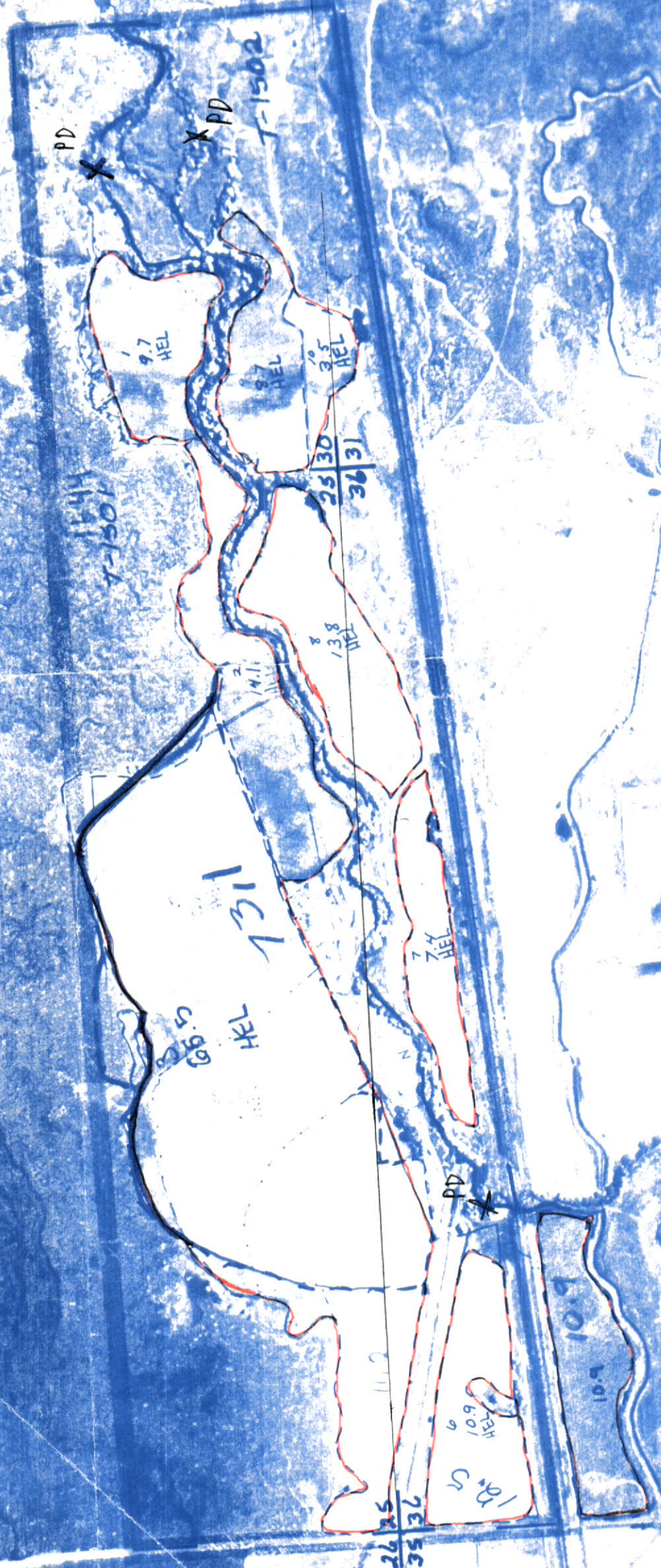


MAR 28 1996

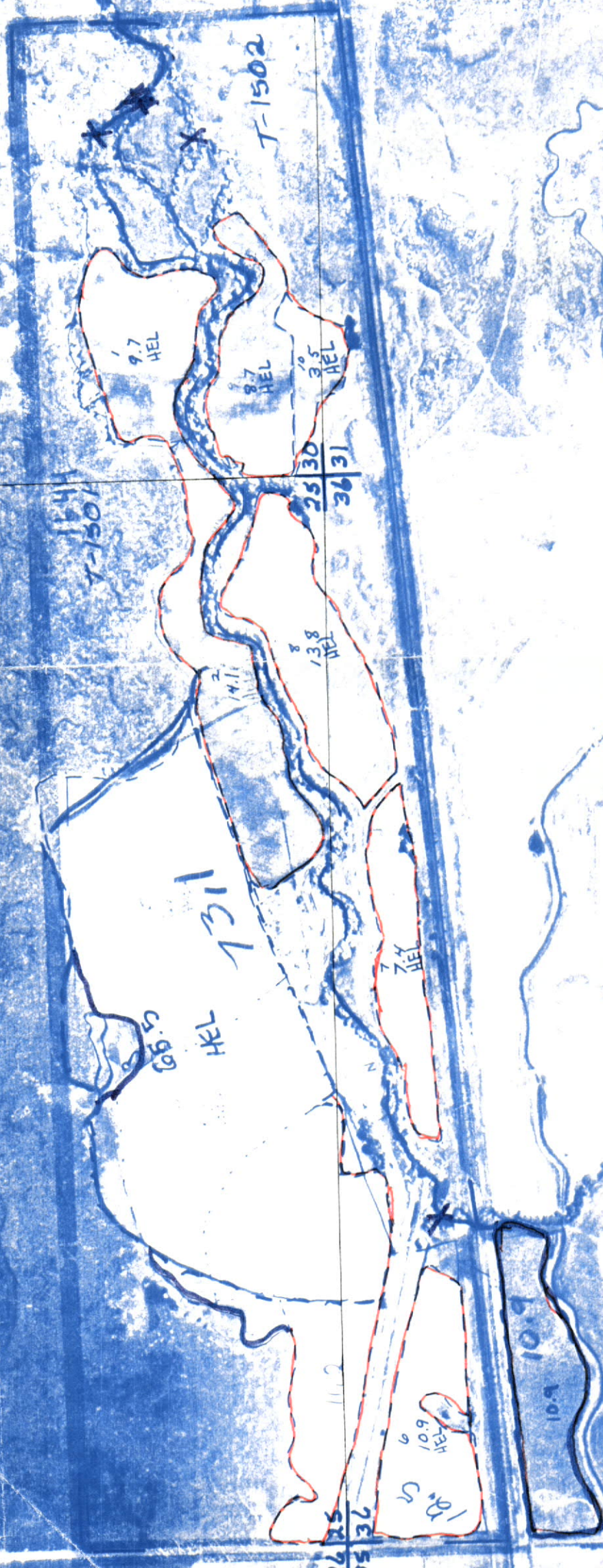
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



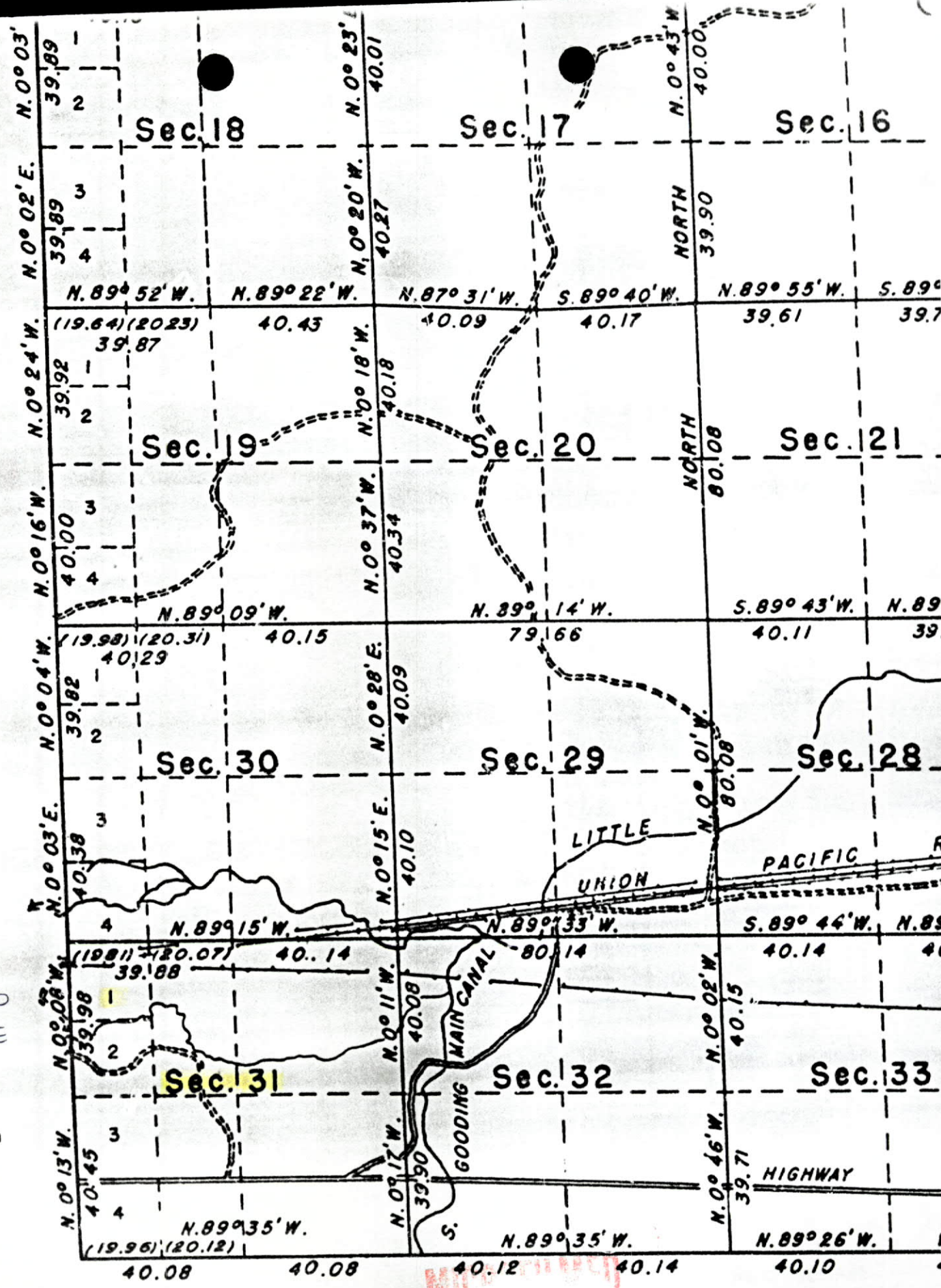


26 25

25 30



T# 4760



Toss
River

c Declination
5 E.

Toss River

MAR 28 1996

LINES DESIGNATED	BY WHOM SURVEYED	GROUP NO.	DATE OF SPECIAL INSTRUCTIONS
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AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

FEB 12 1996

Department of Water Resources
Southern Region

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

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

31 day of Jan, 1996.

and the date of the last publication was on the

Feb., 1996.

Patty Nance

Subscribed and sworn to before me this 9th day of February, 1996

(SEAL)

Norma De Voe

NOTARY PUBLIC

#5976/2389
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 28

Affidavit Fee \$2.25

Lines tabular at _____ 6¢/Pica

618.75 Lines straight at 30.94 5¢/Pica

618.75 Subsequent lines at 24.75 4¢/Pica

TOTAL COST 57.94

COPY OF NOTICE

(Paste Here)

#4760 - Arkoosh
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that BILL ARKOOSH, 2368 E 1775 S; GOODING ID 83330 has applied to the Department of Water Resources to change the following described water rights pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4760.

The purpose of this application is to add diversion point(s), change the place of use and show the historic place of use for these water rights.

Decreed Water Right No. 37-00176 with a priority date of 4/1/1890 and Decreed Water Right No. 37-01131 with a priority date of 8/1/1906 are being used as the basis for this transfer. These Water Rights diverted from the Little Wood River tributary to the Malad River did not have a place of use listed in the Decrees.

PROPOSED CHANGES:

Water Right Nos. 37-00176 (2.0 cfs) and 37-01131 (2.4 cfs) with diversion points within NW1/4SE1/4SW1/4 & SW1/4SE1/4SW1/4 (Devaney #86 headgate, ditch), S30, T5S, R16E and NW1/4NE1/4NW1/4, (Pump) S36, T5S, R15E; Gooding County will be used from 4/1 to 10/31 for irrigation of 153.5 acres within Lot 4 (SW1/4SW1/4), S30 and Lot 1 (SW1/4SW1/4), S31, both T5S, R16E; and also within S1/2SW1/4, S1/2SE1/4, S25 and N1/2NE1/4, N1/2NW1/4, S36, both T5S, R15E. A total of 4.4 cfs will be transferred.

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 February 20, 1996. The protestant must also send a copy of the protest to the applicant.

Kari J. Dreher, Director

Published in the Gooding County Leader on 1/31 & 2/7/96.

MAR 28 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4760
WATER RIGHT NO(S). 37-00176/37-01131

This is to certify that: **BILL ARKOOSH**
2368 E 1775 S
GOODING ID 83330

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>
Right No. 37-00176 :			
IRRIGATION	04/01 to 10/31	2.00 CFS	614.0 AF
Priority: 04/01/1890			
Right No. 37-01131 :			
IRRIGATION	04/01 to 10/31	2.40 CFS	614.0 AF
Priority: 08/01/1906			
TOTAL:		* 4.40 CFS	* 614.0 AF

SOURCE

LITTLE WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 36, Township 05S, Range 15E
SESW , Sec. 30, Township 05S, Range 16E
GOODING 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>
05S	15E	25	SWSW 10.2	SESW 33	SWSE 32	91.2
			SESE 16			
	36		NENE 3.1	NWNE 6.6	NENW 5.5	40
			NWNW 24.8			21.3
16E	30	Lot 4(SWSW)	21.3			1
	31	Lot 1(NWNW)	1			153.5
Total number of acres irrigated:						

RECORDED

MAR 28 1996

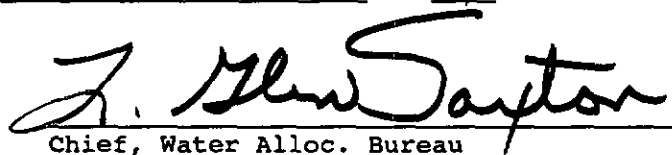
TRANSFER NO. 4760
WATER RIGHT NO(S). 37-00176/37-01131

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. 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.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4760 shall not exceed 4.40 cfs, nor total combined annual volume of 614.0 af for the total combined irrigation of 153.5 acres.
- *9. A portion of combined Right Nos. 37-00176 and 37-01131, 1.33 cfs, is limited to use for conveyance losses in delivery of these rights.
10. Two points of diversion are located in the SESW, S30, T05S, R16E.

Dated this 27th day of

March, 1996


Chief, Water Alloc. Bureau

MAR 28 1996

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4760APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1RECEIVED
MAR 22 1996Name of applicant Bill Arkosh Phone 934-3387
Post Office address 2368 E 1775 S., Gooding, ID 83330

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 Eliminate ditch loss by pumping directly into sprinklers for some of the farm. Also to show the historic place of use of these rights.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------------|-----------------|----------------|---------------|----------------------------|
| <u>37-00176</u> | <u>4-1-1890</u> | <u>2.0 cfs</u> | <u>Irrig.</u> | <u>4-1</u> to <u>10-31</u> |
| <u>37-01131</u> | <u>8-1-1906</u> | <u>2.4 cfs</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 4.4 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Little Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	30	5S	16E	Gooding	Devanney #86 headgate, ditch
	SW	SE	SW	"	"	"	"	" #86A " , "
	NW	NE	NW	36	"	15E	"	Pump

5. 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	
5S	16E	30											1.4						21.3
		31											1.1						1
5S	15E	25											10.2	33			32	16	91.2
		36	3.1	6.6			5.5	24.8											40

Total acres 153.5

PART 1

99 pump

6. General Information:

a. Description of diversion system Two headgates in Little Wood River. Gravity & sprinkler irrigation. Water is used at the different diversions as needed.

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:

This same land has been irrigated for many years with these two water rights. Installation of some sprinklers has not significantly changed the P/U.

d. Remarks:

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 _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-00176

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LITTLE WOOD RIVER	MALAD RIVER

Priority: 04/01/1890

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSW), Sec. 30, Township 05S, Range 16E
LINCOLN 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>
05S	15E	25	NENE	NWNE	SWNE	
			SENE			

CONDITIONS/REMARKS:

1. AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.
2. THERE ARE 2 P/D'S IN SWSW S30 T5S R16E.
3. P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

MAR 28 1996

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. 37-00176 Decreed to Est. of James Devanney
in case of S.C. Frost Et AL vs. Altungs Water Co. Et AL
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 Little Wood River tributary to Malad River

4. Date or priority 4-1-1890

5. Water is used for the following purpose:

amount 2.0 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)

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

*recorded as
Lincoln should be Gooding*

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
4		SW	SW	30	5S	16E	Gooding	2 pds

8. 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	
5S	16E	25	X	X	X	X													

Total acres _____

9. Describe any other water rights used for the same purpose as described above 122" of American Falls
supplemental water. Well license 37-07570, 37-01131

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

MAR 28 1996

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-01131

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.40 CFS
DOMESTIC	to	
	Totals	2.40 CFS

SOURCE

LITTLE WOOD RIVER

TRIBUTARY OF

MALAD RIVER

Priority: 08/01/1906

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSW), Sec. 30, Township 05S, Range 16E
GOODING 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>
05S	15E	26	✓SESE			
	16E	30	Lot 4(SWSW)	SESW✓		

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. THERE ARE 2 P/DS IN THE SWSW SEC. 30.
2. P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

MAR 28 1906

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. 37-01131 Decreed to W.J. CRUMER
in case of Carpenter Et AL vs. Hasselmann
dated 10-8-1918 in Fourth District county of Gooding
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 Little Wood River tributary to Mygd River

4. Date or priority 8-1-1906

5. Water is used for the following purpose:

amount 2.4 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 2.4 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
4		SW	SW	30	5S	16E	Gooding	2 points of diversion

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	
5S	16E	30										X	X						
												134							
5S	15E	26																X	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 37-0176, 122" of American Falls supplemental water, Well license 37-07570

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

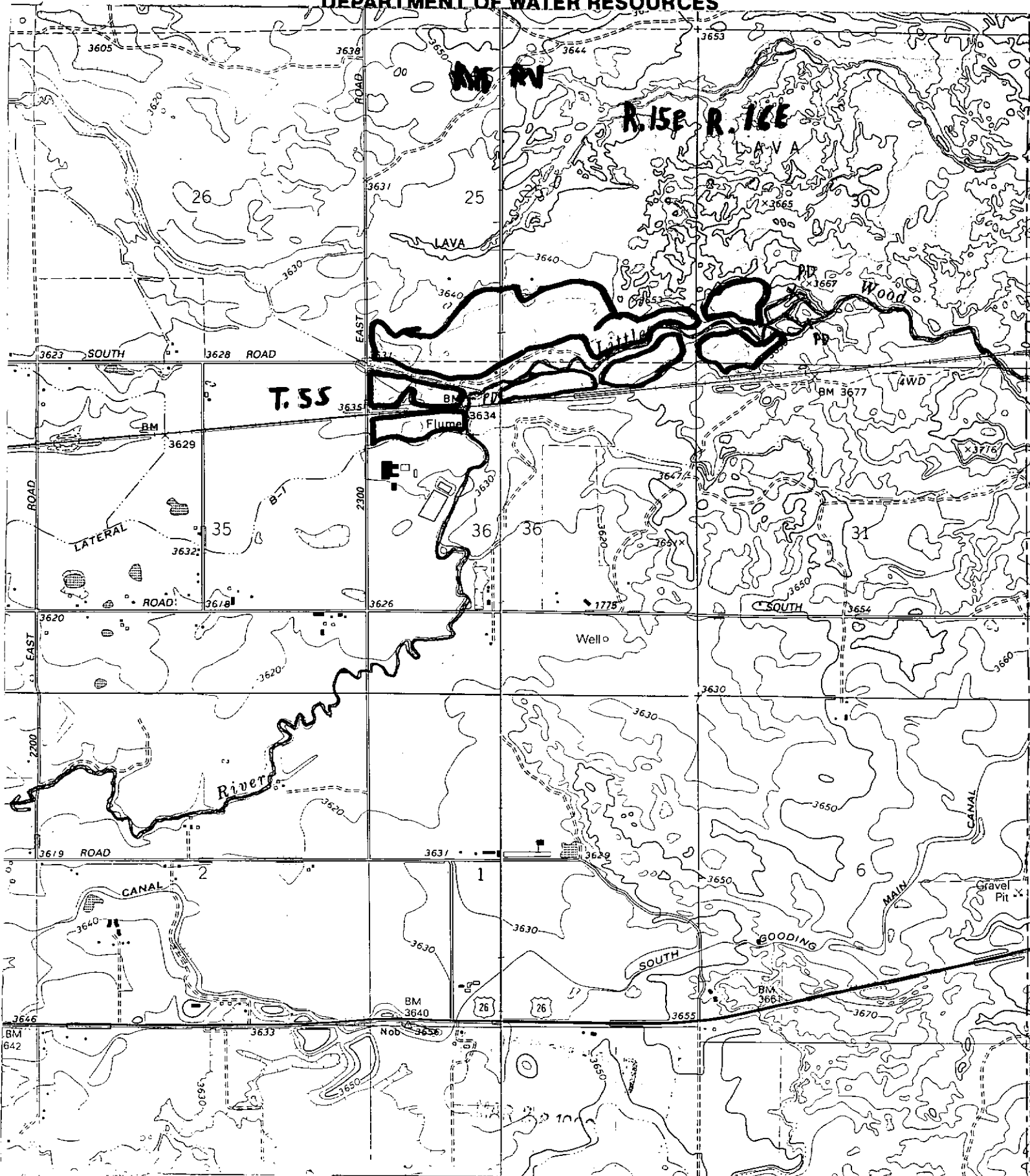
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



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

PART 3

B. CHANGES IN NATURE OF USE

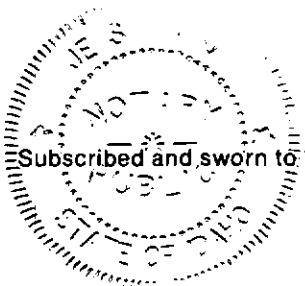
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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.

Bill Arfau

(Signature of Applicant)

Subscribed and sworn to before me this 18th day of August, 19 95J. F. Stanton

(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachmentsReceived by J. F. Stanton Date 8-18-95Protest filed by NonePrelim. check by CS Fee \$100.00 5018395Received by JD Date 8-18-95Published in Gooding Co. Leader

Copies of protest forwarded by _____

Pub. dates 1/31 + 2/7/96

Hearing held by _____ Date _____

Watermaster recommendation requested on 1/22/96Recommended for ☒ approval ☐ denial_____ rec'd. 1/25/96by AD

Copy of transfer sent to lien holder _____

RECEIVED

MAR 28 1996

RECEIVED

SEP 07 1995

Department of Water Resources
Southern Region

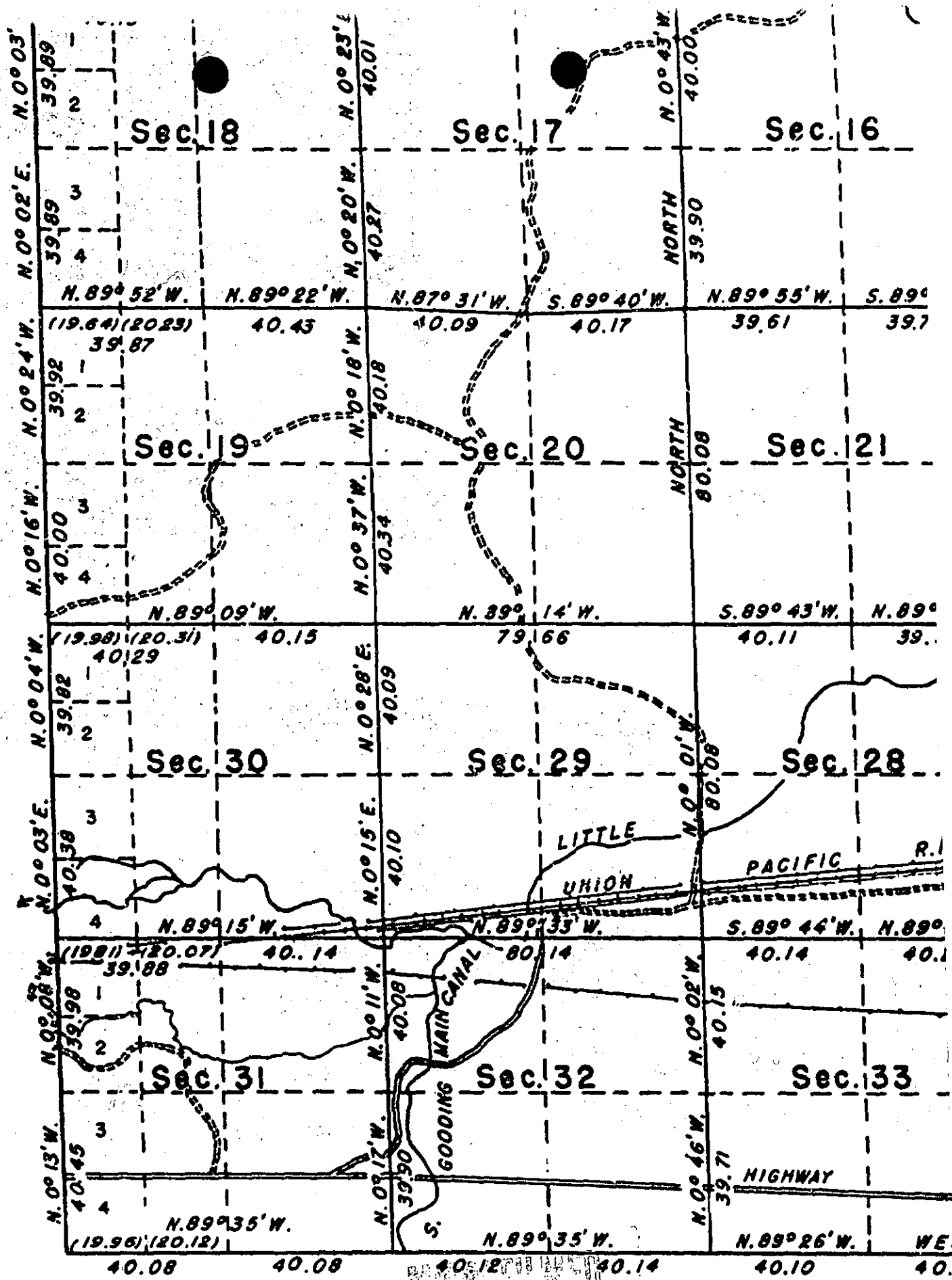


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25.30

26.25



TH 4760



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c Declination
5' E.

Toss Rive

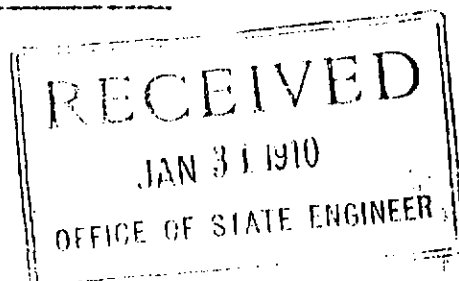
40 80
EQUALS 40 CHAINS

MAR 28 1996

Area

LINES DESIGNATED	BY WHOM SURVEYED	GROUP NO.	DATE OF SPECIAL INSTRUCTIONS

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.



S. C. Frost, et al.,

Plaintiffs,

vs.

DECREE.

Alturas Water Company, et al.,

Defendants.

This cause coming on to be heard this 6th day of October, 1909, upon the Report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen having filed his Report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the Report and recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for

MAR 28 1910

MICROFILM

✓ Grothers, Albert D.	4 160	inches.	Dec. 12, 1901.	Big Wood River.
✓ Darrah, Ben.	4 65	"	June 1, 1890.	" " "
✓ " "	145	"	June 1, 1891.	" " "
✓ " "	75	"	June 1, 1891.	" " "
✓ " "	70	"	Oct. 20, 1902.	" " "
✓ " "	145	"	Oct. 20, 1902.	" " "
✓ Darrah, Hattie B.	4 280	"	Oct. 20, 1902.	" " "
✓ Darrah, J. S.	4 136	"	May 1, 1883.	" " "
✓ " " "	81	"	June 1, 1903.	" " "
Superseded by Brown v. S. Reardon 37-1151				
Davis, Arthur, and T. S. Eastwood	8 50	"	July 1, 1886.	Rock Creek.
✓ Do.	40	"	Aug. 25, 1885.	Certain springs trib- utary to Rock Creek.
Superseded by Brown v. S. Reardon 37-1151				
✓ Davis, Homer W.	4 145	"	Dec. 18, 1903.	Big Wood River.
✓ Dehey, William J.	6 35	"	May 1, 1905.	" " " Trans # 235
✓ Deasy, John, Dennis, Timothy, William, and Anna	6 70	"	May 1, 1897.	" " "
Devaney, James, Estate of	6 100	"	Apr. 1, 1890.	Little Wood River.
Dill, Charles	4 75	"	Apr. 1, 1883.	" " # 723-803-804 Trans # 279 P.O.
✓ Disney, Frank T.	6 125	"	May 1, 1896.	Big Wood River.
✓ Disney, Louise D.	6 320	"	Nov. 1, 1907.	" " "
✓ Dittoe, Annie R.	8 240	"	June 1, 1881.	Spring Creek, a tributary of Big Wood River.
✓ " " "	160	"	May 15, 1883.	Spring Creek, a tributary of Big Wood River.
Trans. 721				
✓ Dittoe, Philip S.	8 500	"	May 31, 1887.	Big Wood River
✓ " " Trans. 721	210	"	May 1, 1888.	" " " } # 721
✓ Dix, Everett	8 150	"	Apr. 26, 1894.	Little Wood River.
✓ Dixon, John	4 100	"	May 1, 1898.	" " " Trans # 507
Trans. 507				
Donahue, P. H.	8 20	"	July 1, 1886.	Silver Creek.
0187 " " "	80	"	Nov. 1, 1892.	" " " } Trans # 201
" " "	80	"	June 1, 1893.	" " " }
MAR 18 1896				

spectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit: either the right named in said decrees, or the right otherwise awarded in this decree.

It appearing to the court herein that the necessary costs, expenses and disbursements incurred in connection with the taking of the testimony in this action, and in the preparation and filing of the decree herein, together with the necessary costs and expenses of the distribution of the waters of said stream for the season of 1909, amount to the sum of approximately \$2700.00, in addition to the amounts heretofore paid by the respective parties to this action, and that there is filed herewith a tabulated statement apportioning such costs as near as may be among the various claimants and decreed rights in this action,

It is Therefore Further Ordered, that the various parties, plaintiffs and defendants herein, pay to the Clerk of this court the respective amounts set opposite their names in the said statement, for which execution may issue herein.

And it is Further Ordered, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any water under the terms of this decree until the respective amounts as assessed in said statement shall be paid into court.

And it is Further Ordered, that each party hereto shall pay his own necessary costs for witnesses and other individual expenses.

Dated at Pocatello, Idaho, December 13th 1909.

Alfred R. Ruge

Presiding Judge.

MAR 28 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 27, 1996

BILL ARKOOSH
2368 E 1775 S
GOODING ID 83330

RE: Transfer of Water Right No. 37-00176 and 37-01131

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4760). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
MAR 28 1996

MEMORANDUM

TO: FILE NOS. 37-00176 & 37-01131

FROM: PAM SKAGGS^{PS}/STATE OFFICE

SUBJECT: TRANSFER NO. 4760

DATE: March 25, 1996

=====

Transfer No. 4760 was filed to change and add a point of diversion and specifically describe the historic place of use under Right Nos. 37-00176 and 37-01131. The new point of diversion will pump water directly to the sprinkler system for a portion of the farm, reducing some ditch loss. No physical change to the place of use under these rights will occur.

The originally decreed place of use does not agree with the current place of use. Following detailed research by region staff (see memo dated 03-20-96), it appears that the original decree may have been in error since no record of ownership by the original right holder could be found for the questionable acres. Delivery records from Water District No. 37M fully support the transfer applicant's ownership of these rights and he is the sole claimant of them in the SRBA. I agree with the region's recommendation that the applicant has historically used these rights on his property.

Season of use and diversion volume were adjusted to current standards. That portion of the combined rights in excess of an inch per acre has been identified for conveyance purposes.

$$0.02 \text{ cfs} \times 153.5 \text{ acres} = 3.07 \text{ cfs}$$
$$\circ 4.40 \text{ total cfs} - 3.07 \text{ cfs} = 1.33 \text{ cfs Conveyance Losses}$$

Recommended conditions include watermaster control, lockable device, irrigation overlap, multiple points of diversion/measuring devices, combined limits and standard transfer conditions.

MAR 28 1996

TRANSFER REVIEW SHEET

(04-95)

Transfer # 4760

Date Reviewed 03-25-96
03-04-96 C8

Right(s) 37-00176
37-01131

☒ 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
Add

Proof of Ownership Tax Master Inquiry Sheet - covers QAs in S30.16 E of
original P/U & all of New P/U. Region identified portions of original P/U as owned
by BLM + Martha Sue Abernathy. NO RELEASES OBTAINED. Overlap IRR
No Claims on these rts - 55.15E, S28, NE S26, SESE

Transfer ☒ All of Right ☐ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Right

Season/Vol. C/4.0

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

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

(11) 37M Water District (12) NO Pertinent Conditions (13) NO Expansion
WM Approval Revd. 1-25-96 Net Reduction

(3) Standard Season 4-1 to 10-31

(4) Deerced @ 1" per acre or less under 37-00176

153.5 x .02 = 3.07 cfs maximum authorized flow

(176) 3.07 - 2.00 = 1.07 (1131) 2.40 - 1.07 = 1.33 Conveyance Losses

(5) Standard VOL = 4 x 153.5 = (614.0 cfs) < YDR both rts.

(7) Add P/D

(8) Change P/U to reflect historic P/U - Same as Claims

See Region Memo of 3-20-96 re ownership question.

Transfer Remarks 1.33 cfs Combined Limits
Portion 37-01131 Conveyance losses w/ B4 2 P/Ds SESEW
Conditions R04, R43, R31, T07, T08, T09 T17
R02

Database/Processing Notes T Files

Special Edits - * Totals

Region Mng contacted by Phone Prepare Draft + letter

WR Reports File

Transfer Memo Complete ☒

Database Updated 3-27-96 C8

WR0749NP
No. T37-00176

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/25/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILL ARKOOSH 2368 E 1775 S GOODING ID 83330 (208) 934-5387	04/01/1890	IRRIGATION	04/01 10/31	2.000 CFS	614.00 AFA
TOTAL DIVERSION:					2.000 CFS	614.00 AFA
TOTALS					* 4.40 cfs	* 614.0 afa

Water Source: LITTLE WOOD RIVER

Tributary to: MALAD RIVER

Stage: DECREED

Point(s) of Diversion: T05S R15E S36 NENW GOODING County
R16E S30 SESW GOODING County

Point of Diversion Name(s):

	Name	Rate	Number
T05S R15E S36	NE NW PUMP		
R16E S30	SE SW DEVANNEY HEADGATES		NOS. 86 & 86A

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	
05S	15E	25	:											10	33			32	16	91.2
05S	15E	36	:	03	06			05	24											40.0
05S	16E	30	:									04-21								21.3
05S	16E	31	:					01-01												1.0
TOTAL ACRES																			153.5	

Pou County: GOODING

Other Water Rights Listing Overlapping Place(s) of use:
37-01131 37-07570 T37-01131

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
- R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 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.

Conditions of Approval:

- T17 - Prior to diversion of water under this approval, the right holder
- shall provide a means of measurement acceptable to the Department
 - from all authorized points of diversion which will allow
 - determination of the total rate of diversion.

Remarks: * The total instantaneous diversion of water from all points of diversion under Transfer No. 4760 shall not exceed 4.40 cfs, nor total combined annual volume of 614.0 af for the total combined irrigation of 153.5 acres.

 * A portion of combined Right Nos. 37-00176 and 37-01131, 1.33 cfs, is limited to use for conveyance losses in delivery of these rights.

 Two points of diversion are located in the SESW, S30, T05S, R16E.

Dates: App. Received: 08/18/1995 Priority Date: 04/01/1890
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Comments: Date: 01/18/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4760
 T# 4760 filed on 8/18/95 proposes to add diversion point(s) and change place of use.
 T# 4760 proposes to pump directly into sprinklers to eliminate ditch loss and also to show the historic place of use.
 Rights in this transfer are 37-00176 and 37-01131.

Audit: 01/18/96 MBALDWIN 01/22/96 MBALDWIN 02/26/96 MBALDWIN 02/28/96 SCURTIS
 03/25/96 PSKAGGS

WR0749NP
No. T37-01131

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/25/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILL ARKOOSH 2368 E 1775 S GOODING ID 83330 (208) 934-5387	08/01/1906	IRRIGATION	04/01 10/31	2.400 CFS	614.00 AFA
TOTAL DIVERSION:					2.400 CFS	614.00 AFA

Water Source: LITTLE WOOD RIVER

Tributary to: MALAD RIVER

Stage: DECREED

Point(s) of Diversion:	T05S R15E S36	NENW	GOODING County
	R16E S30	SESW	GOODING County

Point of Diversion Name(s):

	Name	Rate	Number
T05S R15E S36	NE NW PUMP		
R16E S30	SE SW DEVANNEY HEADGATES		NOS. 86 & 86A

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SESW	:	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			
05S	15E	25	:					:					:			10	33	:				32	16	:	91.2
05S	15E	36	:	03	06			:	05	24			:					:						:	40.0
05S	16E	30	:					:					:			04-21		:						:	21.3
05S	16E	31	:					:		01-01			:					:						:	1.0
TOTAL ACRES																							153.5		

Pou County: GOODING

Other Water Rights with Same Point(s) of Diversion and Source:
T37-00176

Other Water Rights Listing Overlapping Place(s) of use:
37-01131 37-07570 T37-00176

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.
- R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

WR0749NP
No. T37-01131

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/25/96
PAGE: 2

Conditions of Approval:

- 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.
- T17 - Prior to diversion of water under this approval, the right holder
 - shall provide a means of measurement acceptable to the Department
 - from all authorized points of diversion which will allow
 - determination of the total rate of diversion.

Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer No. 4760 shall not exceed 4.40 cfs, nor total combined annual volume of 614.0 af for the total combined irrigation of 153.5 acres.
A portion of combined Right Nos. 37-00176 and 37-01131, 1.33 cfs, is limited to use for conveyance losses in delivery of these rights.
Two points of diversion are located in the SESW, S30, T05S, R16E.

Dates: App. Received: 08/18/1995 Priority Date: 08/01/1906
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37M Field Exam Fee:

Comments: Date: 01/18/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4760
T# 4760 filed on 8/18/95 proposes to add diversion point(s) and change place of use.
T# 4760 proposes to pump directly into sprinklers to eliminate ditch loss and also to show the historic place of use.
Rights in this transfer are 37-00176 and 37-01131.

Audit: 01/18/96 MBALDWIN 01/22/96 MBALDWIN 02/26/96 MBALDWIN 02/28/96 SCURTIS
03/25/96 PSKAGGS

(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
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T05S R15E S 25																		
3700176	LITTLE WOO	I	I	I	I	Decreed P/U												
A3700176	LITTLE WOO																	
T3700176	LITTLE WOO					Proposed P/U												
A3701131	LITTLE WOO																	
T3701131	LITTLE WOO					Proposed P/U												
3707570	GROUNDWATE																	
A3707570	GROUNDWATE																	
--86 MAP--	C47Q-AA 21																	

T05S R15E S 26

0100006	SNAKE RIVE																	
A0100006	SNAKE RIVE																	
370086721																		
A370086721	LARGE CLAI																	
A370086725	LARGE CLAI																	
370087021																		
370087221																		
3701131	LITTLE WOO					Decreed P/U												
--86 MAP--	C47Q-AA 21																	

T05S R15E S 36

0100006	SNAKE RIVE																	
A0100006	SNAKE RIVE																	
A3700176	LITTLE WOO																	
T3700176	LITTLE WOO																	
A3700177M	LITTLE WOO																	
R3700177M	LITTLE WOO																	
3700177N	LITTLE WOO																	
A3700374A	LITTLE WOO																	
R3700374A	LITTLE WOO																	
3700374B	LITTLE WOO																	
370086721																		
A370086721	LARGE CLAI																	
A370086725	LARGE CLAI																	
370087021																		
370087221																		
A3701131	LITTLE WOO																	
T3701131	LITTLE WOO																	
3702043B	LITTLE WOO																	

OVERLAPS

WELL	DATE	TIME	DEPTH	WELL	DATE	TIME	DEPTH	WELL	DATE	TIME	DEPTH	WELL	DATE	TIME	DEPTH
0100006				0100006				0100006				0100006			
A0100006				A0100006				A0100006				A0100006			
A3700176				A3700176				A3700176				A3700176			
T3700176				T3700176				T3700176				T3700176			
370086721				370086721				370086721				370086721			
A370086721				A370086721				A370086721				A370086721			
A370086725				A370086725				A370086725				A370086725			
370087021				370087021				370087021				370087021			
370087221				370087221				370087221				370087221			
A3701131				A3701131				A3701131				A3701131			
T3701131				T3701131				T3701131				T3701131			
3707260				3707260				3707260				3707260			
A3707260				A3707260				A3707260				A3707260			

DATE: 03/04/96
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9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043

[illegible]

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 02/28/96

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

37-00176

DEVANNEY , EST. OF JAMES

2.00

T# 4760

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 02/28/96
PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

37-01131	CRANER , W. J.	2.40
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T#4760

FROM: Allen Merritt *AM*

DATE: March 20, 1996

TO: Transfer File #4760 in the name of Bill Arkoosh

SUBJECT: Updated Review and Recommendation

This transfer was initially forwarded to S.O. on 2/26. Their review found two issues that needed clarification so the transfer was returned to the region for further review. The following issues identified have been addressed as follows:

-Issue of ownership of portion of water right 37-01131 appurtenant to SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Twp.05S, Rge.15E, B.M. as decreed to W.J. Craner. Also issue with ownership of 37-00176 since the NE $\frac{1}{4}$, Section 25, Twp.05S, Rge.15E, B.M. is still in federal ownership in the name of BLM.

On 3/14 I contacted Bill Arkoosh and described the problem. We discussed three alternatives to overcome the ownership question. (1. Provide deed which clearly shows ownership of entire water right 37-01131, 37-00176 didn't seem to be an issue at time. (2. Get release or quit claim deed from Sue Abernathy, current owner of land in Section 26 in question. (3. Show decrees have flaws. In response to my contact Mr. Arkoosh had First American Title Company research the ownership record for SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Twp.05S, Rge.15E, B.M. They wrote the attached letter which indicates that W.J. Craner never owned the land in Section 26. I noted that if you plot the decreed place of use it is apparent the place of use is not contiguous; however, if Section 26 were instead Section 25 then the lands would be contiguous. On 3/19 I contacted First American Title Company and talked to Susan Bolton. I asked if Craner ever owned the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Twp.05S, Rge. 15E, B.M. She indicated that he did not. I asked if he owned land in the area and she said she couldn't see that he did. I asked if there was record of a Devanney in the area. She indicated that there was and that Devanney owned at one time S $\frac{1}{2}$ S $\frac{1}{2}$ Section 25, Twp.05S, Rge. 15E, B.M. This supports that Arkoosh properly owns the entire right 37-00176 if it can be assumed that the original decreed PU is wrong and should be associated with these lands. Regarding the other water right I asked how the subject land in Section 30 was developed. She indicated that NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Twp.05S, Rge.16E, B.M. was patented in 1916 to Kopeland which eventually ended up to James Devanney in 1933. She indicated that the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Twp.05S, Rge.16E, B.M. was patented to C.W. Davis in 1899 then thru Marren, Cullen then Anderson to Devanney in 1933. Susan suggested I call Gooding county to research the name of "Craner". She indicated her records were by legal description and that the county kept a name index. I did and talked with Penny in the clerks office. She only found his name associated with SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Twp.08S, Rge.14E, B.M. which is SW of Wendell and out of the Little Wood drainage. In talking she suggested I contact Lincoln County which might have some of the turn of the century records when Gooding county was part of Lincoln county.

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(Gooding county created 1913) I contacted Lincoln county and talked with Suzie Edwards. She did not find anything under "W.J. Craner". She suggested I contact Blaine county which has part of the original Alturas county records which the old Lincoln county was a part. I contacted Blaine county and talked with Joanna. She looked but couldn't find anything. She indicated that Alturas county was split into what is now Blaine and Lincoln in 1913 and before that Alturas county was part of what was known as Logan county. In summary it appears that Craner ownership is not confirmable as decreed. AT THIS POINT I BELIEVE WE NEED TO PUT A MORE WEIGHT TO THE DELIVERY RECORDS OF THE WATERMASTER WHICH SHOWS THAT HE DELIVERS BOTH OF THESE RIGHTS TO BILL ARKOOSH.

-Issue of excess flow. When all rights are combined there is a potential of more than 1"/acre.

I discussed this with Mr. Arkoosh on 3/14. He indicated he needs all the water to be able to gravity irrigate the place of use from the old headgates in the river since his ditches loses a lot of water. He indicated that his shares in American Falls only kicks in when the decrees are cut. On 3/19 I contacted the watermaster of district 37, Lee Peterson, and he indicated that Arkoosh has at this location 100" of 4/1/1890 (37-00176), 120" of 8/1/1906 (37-01131), 31.63" of American Falls Reservoir District #2 and 90.12" of American Falls Supplemental. The supplemental water is delivered only when the 1906 water is cut. Lee indicated in a normal year the 1906 gets cut and the 1890 is good until late in the season. We discussed the matter of more than 1"/acre for the lands being irrigated and Lee said he knows the old ditches take a lot of water due to the lavas in the area and the rat and mouse holes in the ditches. He commented that it is a good recharge area. On 3/19 I contacted the American Falls Reservoir District #2 and talked with May. She indicated the shares are for 50.6 acres described as the tracts north of the railroad within N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, Twp.05S, Rge.15E, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Twp.05S, Rge.16E., B.M. The American Falls Reservoir Dist. #2 water comes from storage and is 5/8" per share. She indicated this water is delivered by the watermaster of district 37 along with the other decrees.

ANALYSIS

There is potentially	100"	37-00176
	120"	37-01131
	<u>31.6"</u>	American Falls Res Dis #2
	251.6"	on 153.5 acres or 1.64"/acre

When the 1906 goes off and the supplement kicks in there is 221.7" on 153.5 acres or 1.44"/acre. (Note that this does not include the groundwater well 37-07570 which also supplements these land as well as covers other land)

The statements by the applicant and the watermaster indicate that the old delivery system requires lots of water due to loss in the

MAR 28 1995

ditches across exposed lavas. The extent of loss is unknown. Hubble analysis does not allow for calculation of loss across lavas so this should be field measured.

RECOMMENDATIONS

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

- Subject to control of watermaster in district 37M.
- Subject future determination by SRBA. Specifically the reasonable ditch loss and irrigation requirement shall be determined and all rights appurtenant shall be limited to that amount.
- Requires measuring device and means of control at all points of diversion.
- When diverted by pump from river then to sprinklers the total rate of diversion for all rights combined shall not exceed 0.02 cfs per acre nor 4.0 afa.

MAR 28 1996

Attn: Allen Munt

**First American Title Company**P.O. BOX 446, 342 MAIN STREET, GOODING, IDAHO 83330
TELEPHONE (208) 934-4427

RECEIVED

MAR 14 1996

Department of Water Resources
Southern Region

March 14, 1996

To Whom It May Concern:

I have searched our record books for ownership of the SE1/4SE1/4, Section 26, Township 5 South, Range 15 EBM, Gooding County, Idaho and find the following:

Thomas Warren was the first purchaser
Warranty Deed recorded from Warren to John Cullen in 1908
Deed recorded from Cullen to Frank Gooding in 1909
Deed from Gooding to P.T. Sutphen in 1935

I found no ownership by W. J. Craner shown in the county records for this 40 acre tract.

This letter is for information purposes only and does not represent any type of title insurance liability.

Sincerely,

FIRST AMERICAN TITLE COMPANY

Susan M. Bolton

MICROFILMED

MAR 28 1996

MEMORANDUM

TO: ALLEN MERRITT/SOUTHERN REGION

FROM: PAM SKAGGS/^{AS}STATE OFFICE

SUBJECT: TRANSFER NO. 4760

DATE: March 5, 1996

=====

I am returning this transfer application as you requested when talking to Jim today. I have attached a POU overlap report that identifies the problem QQs as far as overlapping American Falls storage water and separate ownerships. The excessive rate can be addressed by identifying a portion of the junior right for conveyance purposes only on the approval & subject to further review in the SRBA. Let us know if you have any questions. Thanks.

MAILED 11 1996

MAR 28 1996

(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
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T05S R15E S 25		✓ ✓ ✓ ✓																
3700176	LITTLE WOO :	1 1 1 1				Decreed P/U												
A3700176	LITTLE WOO :									10 33				32 16				91
T3700176	LITTLE WOO :					Proposed P/U				10 33				32 16				91
A3701131	LITTLE WOO :									10 33				32 16				91
T3701131	LITTLE WOO :					Proposed P/U				10 33				32 16				91
3707570	GROUNDWATE :									13 32				32 18				95
A3707570	GROUNDWATE :									10 32				33 18				93
--86 MAP--	C47Q-AA 21 :									12 36				3 38 28				117

T05S R15E S 26																		
0100006	SNAKE RIVE :																	
A0100006	SNAKE RIVE :																	17 21 : 38
370086721	LARGE CLAI :									1	1	1						
A370086721	LARGE CLAI :									34	39	37						110
A370086725	LARGE CLAI :									34	39	37						110
370087021	LITTLE WOO :									1	1	1						
370087221	LITTLE WOO :									1	1	1						
3701131	LITTLE WOO :					Decreed P/U												1
--86 MAP--	C47Q-AA 21 :									2	34	39	37					17 21 : 153

T05S R15E S 36																		
0100006	SNAKE RIVE :																	
A0100006	SNAKE RIVE :	18	39					36	22	American Falls Res. Dist. #2								115
A3700176	LITTLE WOO :	3	6					5	24									38
T3700176	LITTLE WOO :	3	6					5	24	Proposed P/U								38
A3700177M	LITTLE WOO :					17	5	2	35	28	34					36	1	158
R3700177M	LITTLE WOO :					17	5	2	35	28	34					36	1	158
3700177N	LITTLE WOO :					17	5	2	35	28	34					36	1	158
A3700374A	LITTLE WOO :					17	5	2	35	28	34					36	1	158
R3700374A	LITTLE WOO :					17	5	2	35	28	34					36	1	158
3700374B	LITTLE WOO :					17	5	2	35	28	34					36	1	158
370086721	LARGE CLAI :					1	1	1	1	1	1					1	1	
A370086721	LARGE CLAI :					37	31	26	38	39	37	37	38	23	40	34	40	420
A370086725	LARGE CLAI :					37	31	26	38	39	37	37	38	23	40	34	40	420
370087021	LITTLE WOO :					1	1	1	1	1	1					1	1	
370087221	LITTLE WOO :					1	1	1	1	1	1					1	1	
A3701131	LITTLE WOO :	3	6					5	24									38
T3701131	LITTLE WOO :	3	6					5	24	Proposed P/U								38
3702043B	LITTLE WOO :					17	5	2	35	28	34					36	1	158

OVERLAPS
Ownership / Release Rts.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	5
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[illegible]

(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
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
3707380A	GROUNDWATE :																	23
A3707380A	GROUNDWATE :																	23
R3707380A	GROUNDWATE :																	23
3707570	GROUNDWATE :			12				6		7		10				11		47
A3707570	GROUNDWATE :					1		Arkhoosh										1
3707576	GROUNDWATE :															20	24	44
A3707576	GROUNDWATE :															20	24	44
A3713043	SILVER CRE :																31	31
--86 MAP--	C63Q-AA 22 :			10	6					3		11				25	20	124
NO QTRS	MAPPING	Lot01-07	Lot02-01	Lot03-07	Lot04-31													
--86 MAP--	C47Q-AA 22 :			16	4					7		8				25	2	147
NO QTRS	MAPPING	Lot02-01	Lot03-03	Lot04-38														

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: C. SKINNER Date: 37-00176
37-01131 Applicant Bill Arboosh

1. Right number 37-00176 37-01131 Applicant Bill Arboosh
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
on paper on paper
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - 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. see Attached memo
 - h. ☒ Check for expansion in use of right. Comments P.O.U. ACRES DIFFER FROM ADJUDICATION
CLAIMS, ESPECIALLY IN NW 1/4 OF SECTION 36
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 37-07570 (GROUNDWATER), AMERICAN FALLS WATER,
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37-M

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No See memo 2/26/96

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* See memo 2/26/96
* See memo 3/20/96 *
4. By ADm Date 2/26/96, 3/20/96

RECEIVED
MAR 12 1996

Department of Water Resources

FROM: Allen Merritt *Am*

DATE: February 26, 1996

TO: Transfer File #4760 in the name of Bill Arkoosh

SUBJECT: Review and Recommendation

The proposed transfer requests the addition of a point of diversion where a pump will be added and also to clarify the place of use of the rights.

Stanton and Skinner have been involved in preparation and review of the transfer. The issue of forfeiture does not appear to be at issue since the watermaster indicates the rights are used. The watermaster requests that right of way be granted to access to the new pump.

Review of the place of use finds that the 153.5 acres is slightly more than the 147 acres claimed in the SRBA. Mr. Arkoosh has been contacted and an appointment has been made to amend the SRBA claims to be in line with the acres determined pursuant to the transfer.

One noted discrepancy is that the 1 acre~~x~~ listed as irrigated in lot 1 of Sec. 31 is also listed in SWSW but lot 1 is in the NWNW. This will be corrected in the "T" records and should not require that the transfer be re-advertised since lot 1 was in the advertisement.

RECOMMENDATIONS

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

- Subject to control of watermaster in district 37M.
- Subject future determination by SRBA.
- Requires measuring device and means of control at all points of diversion.
- When combined with all other rights shall not exceed reasonable rate of diversion or annual diversion volume.

APPROVED
MAR 28 1996

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Print Key Output

Page 1

5738SS1 V2R3MO 931217

GOODING

08/23/95 09:10:35

Display Device : T2
User : BURKE

TAX MASTER INQUIRY

PARCEL# RP 05S15E256000 A YEAR 1994 BILL# 5977

TAX KEY RP05S15E256000A

NAME	LEABO, J W	CODE AREA	500	ACCOUNT TYPE
	% ARKOOSH, BILL	BANK	FLB	OWNER PUP

MARKET VALUE	37,911
--------------	--------

ADDRESS 2368 EAST, 1775 SOUTH	HARDSHIP
-------------------------------	----------

GOODING	ID 83330	HOMEOWNER
---------	----------	-----------

NET MARKET	37,911
------------	--------

TAX AMOUNT	527.10
------------	--------

LEGAL T SS R 15E SEC 25	LESS: CIRCUIT
-------------------------	---------------

S2 S2	PLUS: SPECIALS
-------	----------------

NET TAX BILLED	527.10
----------------	--------

TAX PAYMENTS	527.10
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TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

RP A OR NEXT BILL# RP 1994

F3=EXIT F14=OTHER CORE # F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

MAR 28 1995

6

Print Key Output

Page 1

5738SS1 V2R3M0 931217

GOODING

08/23/95 09:10:56

Display Device : T2
User : BURKE

TAX MASTER INQUIRY

PARCEL# RP 05S15E360010 A YEAR 1994 BILL# 5167

TAX KEY RP05S15E360010A

NAME	LEABO, J W	CODE AREA	500	ACCOUNT TYPE
% ARKOOSH, BILL		BANK	FLB	OWNER PUP

ADDRESS	2368 EAST, 1775 SOUTH	MARKET VALUE	19,284
		HARDSHIP	

GOODING	ID 83330	HOMEOWNER	
		NET MARKET	19,284
		TAX AMOUNT	268.14

LEGAL	T 5S R 15E SEC 36	LESS: CIRCUIT	
	N2 N2 NORTH OF RR,	PLUS: SPECIALS	
	NW4 NW4 SOUTH OF RR	NET TAX BILLED	268.14
	O SW	TAX PAYMENTS	268.14

TAX CANCELLED
SPEC CANCELLED

REMAINING TAX DUE

RP A OR NEXT BILL# RP 1994
F3=EXIT F14=OTHER CORE # F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

MAR 28 1996

Print Key Output Page 1
5738551 V2R3M0 931217 GOODING 08/23/95 09:11:14

Display Device : T2
User : BURKE

TAX MASTER INQUIRY

PARCEL# RP 05S16E306000 A YEAR 1994 BILL# 6187

TAX KEY RP05S16E306000A

NAME	LEABO, J W	CODE AREA	500	ACCOUNT TYPE
	% ARKOOSH, BILL	BANK	FLB	OWNER PUP

MARKET VALUE 9,444

ADDRESS 2368 EAST, 1775 SOUTH

HARDSHIP

GOODING ID 83330

HOMEOWNER

NET MARKET

9,444

TAX AMOUNT

131.30

LEGAL T 5S R 16E SEC 30

LESS: CIRCUIT

LOT 4, SE4 SW4

PLUS: SPECIALS

0 SW

NET TAX BILLED

131.30

TAX PAYMENTS

131.30

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

RP A OR NEXT BILL# RP 1994
F3=EXIT F14=OTHER CORE # F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

MAR 28 1996

AFFIDAVIT of PUBLICATION

RECEIVED

FEB 12 1996

State of Idaho }
County of Gooding } ss.

Department of Water Resources
Southern Region

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

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31 day of Jan, 1996, and the date of the last publication was on the Feb. day of 1996.

Patty Nance
Subscribed and sworn to before me this 9th day of February, 1996
(SEAL)

Norma W. Doe
NOTARY PUBLIC

#5976/2389
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 21

Lines tabular at 60/Pica
618.75 Lines straight at 30.94 5¢/Pica
618.75 Subsequent lines at 24.75 4¢/Pica
TOTAL COST 57.94

COPY OF NOTICE

(Paste Here)

#4760 - Arkosh
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that BILL ARKOOSH, 2368 E 1775 S; GOODING ID 83330 has applied to the Department of Water Resources to change the following described water rights pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4760.

The purpose of this application is to add diversion point(s), change the place of use and show the historic place of use for these water rights.

Decreed Water Right No. 37-00176 with a priority date of 4/1/1890 and Decreed Water Right No. 37-01131 with a priority date of 8/1/1906 are being used as the basis for this transfer. These Water Rights diverted from the Little Wood River tributary to the Malad River did not have a place of use listed in the Decrees.

PROPOSED CHANGES:

Water Right Nos. 37-00176 (2.0 cfs) and 37-01131 (2.4 cfs) with diversion points within NW1/4SE1/4SW1/4 & SW1/4SE1/4SW1/4 (Devanney #86 headgate, ditch), S30, T5S, R16E and NW1/4NE1/4NW1/4, (Pump) S36, T5S, R15E; Gooding County will be used from 4/1 to 10/31 for irrigation of 153.5 acres within Lot 4 (SW1/4SW1/4), S30 and Lot 1 (SW1/4SW1/4), S31, both T5S, R16E; and also within S1/2SW1/4, S1/2SE1/4, S25 and N1/2NE1/4, N1/2NW1/4, S36, both T5S, R15E. A total of 4.4 cfs will be transferred.

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 February 20, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 1/31 & 2/7/96.

MAR 28 1996

APPLICATION FOR TRANSFER OF WATER RIGHT
NO. 4760

RECOMMENDATION OF WATERMASTER

RECEIVED

JAN 25 1996

Department of Water Resources
Southern Region

I, Lee R. Peterson, watermaster of Little Wood River,
of Water District No. 37M, County of Gooding, Lincoln, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352

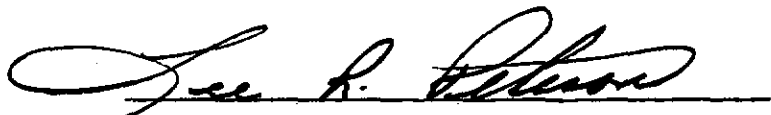
have read the attached copy of the application for transfer of water right for _____
Bill Arkoosh, and to the best of my knowledge believe the
(name)
application to be true.

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: During installation a headgate out of the River
or control gate on pump be installed with an accurate weir or meter
and a road right of way for Watermaster and or Deputy.

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 24 day of January 19 96.


(signature)

Please use reverse side if needed.

MAR 28 1996

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Karl J. Dreher, Director

Published in the Gooding County
Leader on 1/31 & 2/7/96.

RECORDED

MAR 28 1996



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

January 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

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

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.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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

A faint circular stamp, likely a filing or processing mark, located below the enclosure line.

MAR 28 1996

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Karl J. Dreher, Director

Published in the Gooding County Leader on 1/31 & 2/7/96.

REGISTERED

MAR 28 1996



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

January 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

BILL ARKOOSH
2368 E 1775 S
GOODING ID 83330

Re: Application for Transfer No. 4760 (377-00176 & 37-01131)

Dear Mr. Arkoosh:

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

This office has scheduled advertising the application in the Gooding County Leader for 1/31 and 2/7/96. The advertisement 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 the 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.

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
MAR 28 1996

MAR 28 1996



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

January 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

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

Re: Application for Transfer of Water Right Nos. 37-00176 & 37-01131 (T# 4760, Arkoosh)

Dear Mr. Peterson:

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

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 and return it 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

MAR 28 1996

MEMORANDUM

TO: Arkoosh Transfer File (rights 37-00176 & 37-01131)

FROM: Corey Skinner (CS)

DATE: January 18, 1996

SUBJECT: Staff Review

This transfer is being filed to show the historic place of use for decrees 37-00176 and 37-01131. Jim Stanton determined the place of use when preparing the transfer and has recommended this transfer for approval (see 09/07/95 memorandum in file). The watermaster has confirmed that the rights have been used whenever possible and the water master records show 2.0 cfs (37-00176) and 2.4 cfs (37-01131) being delivered to Bill Arkoosh Cattle. Since the historic place of use was determined by Jim Stanton and the historic point(s) of diversion and rates have been confirmed by the watermaster, I found no need to visit the property involved with this proposed transfer.

I contacted the Gooding County Assessor's Office to determine who currently owns the property that is listed as the place(s) of use for decrees 37-00176 and 37-01131. The place(s) of use ownership broke down as follows....

Decree 37-00176 place of use listed as NE $\frac{1}{4}$ of section 25, Township 05 South, Range 15 East.

***Land owned by the BLM**
(no SRBA claims filed for this land)

Decree 37-01131 place of use listed as South $\frac{1}{2}$ of SW $\frac{1}{4}$ of section 30, Township 05S, Range 16E.

***Land owned by Bill Arkoosh**
(SRBA claim(s) & proof of ownership in file)

also

place of use listed as SESE $\frac{1}{4}$ of section 26, Township 05 South, Range 15 East.

***Land owned by Martha Sue Abernathy**
(no related SRBA claims filed)

MAR 28 1996

Current Ownership of Land

T # 4760

TO: File

DATE: September 7, 1995

FROM: Jim Stanton

SUBJECT: Bill Arkoosh App. for Transfer

I put this transfer together for Mr. Arkoosh. We visited the property, where I inspected the proposed pump site. Due to water on the farm road from irrigation, I did not look at the existing river diversions. There is a pond at the end of the north ditch that Bill pumps from now, and the new p/d will replace this pond with a pump in the river at a point directly below the pond. The pond overflows back into the river at this point. The most-recent ASCS photo shows the irrigated land on this farm, and there will be little change in the p/u due to this transfer. Some of the land to which these rights were originally decreed is dry sagebrush land that probably belongs to the BLM. This transfer looks pretty routine, and should be approved. The watermaster has already confirmed that these rights have been used whenever possible, so there is no problem with forfeiture.

MAR 28 1996

T # 4760