

THE CHURCH OF  
**JESUS CHRIST**  
OF LATTER-DAY SAINTS

**RECEIVED**

**JUL 29 2002**

Department of Water Resources  
Southern Region

REAL ESTATE DIVISION  
Twelfth Floor East  
50 East North Temple Street  
Salt Lake City, Utah 84150-6320  
Phone: 801-240-3840  
Facsimile: 801-240-2913

Reference reply to:  
**JEROME FARM**  
#537-9318  
Transfer App 69185

Writer's Direct Line  
(801) 240-4656

July 26, 2002

**ALLEN MERRITT, PE**  
**SOUTHERN REGION MANAGER, IDWR**  
**1341 FILLMORE ST SUITE 200**  
**TWIN FALLS ID 83301-3380**

Dear Mr Merritt:

This is in response to your letter dated 2002 February 26 concerning Transfer Application No. 69185 and a protest by Terry Huddleston.

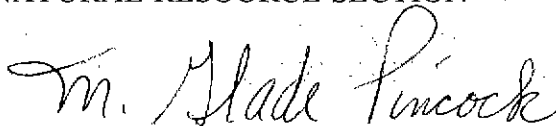
I talked to you on 2002 March 29 and indicated that we wish to proceed with the application. You suggested that I talk to Huddleston to see if he would withdraw his protest. I have tried numerous times to talk to him but always get a recorder and he does not return calls.

On 2001 August 10 we sent a certified letter, return receipt requested, to Huddleston with full details about the transfer. We got the return receipt BUT no written or oral response from him.

This is to request that you schedule a pre-hearing conference that would involve you, Huddleston and Corporation of the Presiding Bishop for any day of the week beginning 2002 September 16. I trust that you will be more successful in talking to Huddleston than we have been.

Please let me know what is required of me to get this conference scheduled. Thanks for your help in this matter.

Sincerely,  
NATURAL RESOURCE SECTION



M Glade Pincock, Manager  
Water Resources Group

# MEMO

FROM: Allen Merritt



DATE: March 29, 2002

TO: LDS Transfer File T69185

SUBJECT: Phone call from Mr. Glade Pincock responding to my 2/26/2002 letter inquiring about their continued interest in transfer application. He indicated that they are definitely interested in proceeding. He indicated that he would contact Terry Huddleston with Clear Springs and see if they could resolve it. If not he would get back with me to request us setting a pre-hearing conference.

THE CHURCH OF  
**JESUS CHRIST**  
OF LATTER-DAY SAINTS

REAL ESTATE DIVISION

Twelfth Floor East  
50 East North Temple Street  
Salt Lake City, Utah 84150-6320  
Phone: 1-801-240-3840  
Facsimile: 1-801-240-2913

Mr. Terry Huddleston  
Farm Operations Manager  
Clear Springs Foods, Inc.  
P.O. Box 712  
Buhl, Idaho 83316

Dear Mr. Huddleston:

We received your Notice of Protest in behalf of Clear Spring Foods, Inc. on Application of Transfer #69185 for irrigation water rights. Some historical background and additional information maybe helpful.

The Sun Valley Farms, a partnership, owned and operated some 960 acres of irrigated land in Jerome County in the 1980 and 1990's, which had 4 water rights with the Idaho Department of Water Resources (IDWR), namely:

Water Right #36-02377  
Water Right #36-02388  
Water Right #36-02622  
Water Right #36-07833

For each of the above individual four original water rights, a separate specific "Application for Permit" for appropriations of the public groundwater of the State of Idaho was submitted at various times over the years from 1959 through 1979 to IDWR. Each application requested appropriation for a different priority date, different quantities, differing points of diversion (though two applications involved the same well) and different places of water use. After consideration of each application, IDWR issued the permit number, designated the permit items allowed under that number, and issued the permit as a preliminary order of water appropriation. IDWR also set a time limit and the necessary requirements for Proof of Beneficial Use filings and the required field inspection filings necessary before issuing the final Water Right License. Accordingly, each of the above four water rights have on file with IDWR field verified and approved original proofs of beneficial use.

Sometime later, perhaps when filing for the Change of Water Right Ownership to the Sun Valley Farms in the 1980's, the above four rights were combined to become the "commingled form" of rights in terms of the three points of diversion and the place of use of the appropriated water rights. This commingled form of the four water rights retained the same original water right numbers, and are shown as Attachment A. These four commingled water rights, involved the three points of diversion and same

Reference reply to:

R. William Nelson  
(801) 240-1984  
# 537-9318  
August 10, 2001

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**AUG 13 2001**  
Department of Water Resources  
Southern Region

place of use for a total of 915 irrigated acres, with a combined annual diversion volume of 3660 Acre Feet and combined diversion rate of 12.10 cfs. These values are the sum of the four original water rights which have the same right numbers as issued by IDWR previously from 1959 through 1979.

In February, 1998, the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, (CPB) purchased 320 acres from Sun Valley Farms as recorded in Warranty Deed, instrument #980795, recorded February 19, 1998, by the Jerome County Recorded. That Deed states "Together with all water and water rights appurtenant thereto including, but not limited to water licences #36-02388, #36-02377, #36-02622, and #36-07833".

In November, 2000, Sun Valley Farms sold the remaining 640 acres of irrigated land to Notch Butte Dairy, LLC, of 406 E. 600 N., Jerome, ID 83338. Accordingly, a "Notice of Change in Water Right Ownership" was filed on November, 20, 2000, with the State of Idaho, Department of Water Resources (IDWR). The basis for splitting the water right ownership, as per Carter Fritschley of the IDWR Boise office, is Attachment B. Specifically the 307 acres for Place of Use of irrigation water purchased by CPB from the above four water rights from the total of 915 irrigated acres, gave  $307/915 = 0.3355$  and  $0.6645$  as the split ratios for CPB and Notch Butte Dairy purchases, respectively.

In the February 16, 2001, letter from the State of Idaho, Department of Water Resources, (IDWR), in Twin Falls, Idaho, signed by Trish Fawcett, Technical Records Specialist, IDWR was the Notice of Completed Administration Proceeding changing Water Right Ownership. See Attachment C and associated enclosures to obtain Table 1.

Table 1. Original Water Right Owner and Two New Owners with Associated Assigned IDWR Water Right Numbers.

| Original Water Right<br>Owned by Sun Valley Farms | Split Water Right Numbers, New Owners |                  |
|---------------------------------------------------|---------------------------------------|------------------|
|                                                   | Notch Butte Dairy, LLC                | LDS Church (CPB) |
| #36-02377                                         | #36-15559                             | #36-15560        |
| #36-02388                                         | #36-15557                             | #36-15558        |
| #36-07833                                         | #36-15563                             | #36-15564        |
| #36-02622                                         | #36-15561                             | #36-15562        |

From the above history and the attachments A through D, you see that two separate sequential filings with IDWR have been made within the last year. The first involved the four earlier Sun Valley Farms Water Rights that were split in the Ownership Change which is a Completed Administrative Proceeding by IDWR. Your protest was only on the second sequential step for the Application for Transfer #69185, but without the basis for splitting, and the resulting Water Right numbers of Attachments A-D from the first "Completed Administrative Proceeding", the questions arise naturally.

The direct questions asked by you, were only on the second of the two separate actions, namely, on the "Application for Transfer #69185", Attachment E. Perhaps the above additional historical material answers most of the questions, but I will address each of the questions, as you requested, as follows:

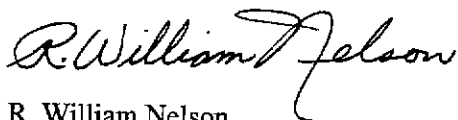
## Reasons for Protest of Transfer No. 69185

1. Application for Transfer of Water Right, page 1, Section B.1. shows water right numbers. IDWR has no files for these current water rights.  
See Table 1, and Attachment C.
2. Application for Transfer of Water Right, Part 2, *Section A. d. Transfer No. \_\_\_\_\_ which produced this right* is not filled out for any of the water rights. Unable to locate background history of each original water right.  
See Attachment C.
3. Part 2, *Sections B Description of Portion of Right Being Transferred and Section C Description of unchanged portion of right* are not filled out for any of the water rights. What happens to balance of each water right?  
See Attachment B and Attachment C. Balance went to Notch Butte Dairy, LLC.
4. These water rights are identified to a parcel of land with a combined volume and acreage. How do you separate the amount being transferred from each?  
See Attachment B.
5. Notice states purpose is to record only one (1) point of diversion. What happens to previous points of diversion?  
Only one Point of Diversion serves CPB land. Other 2 serve Notch Butte Dairy.
6. There is no date of filing of application published in notice of proposed change of water right as required by Idaho Code 42-203A(b).  
CPB Transmittal Letter March 20, 2001.
7. Where are field reports and proof of beneficial use of these water rights?  
Proof of Beneficial Use is on file with IDWR in Boise.
8. Amounts set out in Application for Transfer of Water Right do not reconcile.  
Are reconciled in Attachments B and C.
9. No information between "license" and "new water right number". Where is documentation to support that the water right has not undergone a period of five (5) or more consecutive years of non-use including measurement reports?  
More space needed - See letter following these questions.
10. No well log for "Idaho Power Well 720" which is the Local name for diversion point in Application for Transfer of Water right.  
Diversion Point NE 1/4, NE 1/4, NE 1/4, Sec. 23, T7S, R17E of Boise Meridian in Jerome County.
11. No information relative to "Accomplished change in Place of Use and Point of Diversion pursuant to Section 42-1425, Idaho Code".  
See Published Notice and Application for Transfer #69185.

Response to Question 9: The state office in Boise of IDWR maintains the files concerning Original Beneficial Use filings and field inspection reports. I understand that office also has the responsibility for the continuing records covering beneficial use. Since our involvement to assure beneficial use has been only since 1998, let me share the details known for this period. I understand that some time, a year or more before our purchase of the land involved in Transfer #69185, Steelhead Engineering, with offices at 152 East Main, Jerome, Idaho 83338, became a field measurement contractor for some 600 wells within the North Snake Groundwater District, of which the three point of diversion wells are included. The field measurements, made on a 3-year rotating basis, include pressure, discharge and power use to enable overall efficiency values for the pump facilities. The power consumption each year is reported to Steelhead Engineering, which files the report of water use, etc. in January each year with the Boise IDWR. This then includes field measured results and total annual irrigation water volumes as calculated from power use and pump system efficiencies.

This additional information, with documentation, and perhaps the answers provided, may help you to resolve the questions in the notice of protest. If this is the case, we would welcome withdrawal of the protest with IDWR. If further discussion would be helpful, please call me at the above phone number.

Sincerely,



R. William Nelson  
L.D.S. Water Resources Group

Enclosures:

- Attachment A - 8 pages (4 original water rights)
- Attachment B - 1 page
- Attachment C - IDWR Notice of Completed Adm. Proc. for Change of Ownership (8 water rights)
- Attachment D - 1 page
- Attachment E - 3 pages

Copy: Ms Mary A. Baldwin ←  
Administrative Assistant  
Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

# Attachment A

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

#537-9318

DATE: OCT-16-2000  
PAGE: A-1-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 36-02377

NAME & ADDRESS: SUN VALLEY FARMS  
6491 US HWY 93  
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 3.72 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 12.10 CFS, AND A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3660 AF. COMBINED RIGHT NOS.: 36-07833,  
36-02388 & 36-02622

PRIORITY DATE: 02/18/1959

POINT OF DIVERSION: T07S R17E S14 SESEW Within JEROME County  
S23 NENENE  
NENENWPURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 03-15 11-15 3.72 CFSPLACE OF USE: IRRIGATION Within JEROME County  
T07S R17E S13 SWSW 40 SESW 40  
S14 SWNW 40 SENW 38 NESW 39 NWSW 38  
SWSW 39 SESW 34 NWSE 39 SWSE 39  
SESE 34  
S15 NESE 38 SESE 40  
S23 NENE 37 NWNE 38 NENW 30 NWNW 40  
SWNW 40 SENW 40 NESW 40 NWSW 32  
SWSW 40 SESW 40  
S24 NWNW 40  
915 ACRES TOTALTHIS RIGHT IS LIMITED TO THE IRRIGATION OF 186 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 915 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07833, 36-02388 &  
36-02622.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-16-2000  
PAGE: A-2

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 36-02377 (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: 36-07833, 36-02622, & 36-02388

#537-9318

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-16-2000  
PAGE: A-3

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02388

NAME & ADDRESS: SUN VALLEY FARMS  
6491 US HWY 93  
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.42 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 12.10 CFS, AND A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3660 AF. COMBINED RIGHT NOS.: 36-02377,  
36-07833 & 36-02622

PRIORITY DATE: 11/05/1961

POINT OF DIVERSION: T07S R17E S14 SESESW Within JEROME County  
S23 NENENE  
NENENWPURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 03-15 11-15 4.42 CFSPLACE OF USE: IRRIGATION Within JEROME County  
T07S R17E S13 SWSW 40 SESW 40  
S14 SWNW 40 SENW 38 NESW 39 NWSW 38  
SWSW 39 SESW 34 NWSE 39 SWSE 39  
SESE 34  
S15 NESE 38 SESE 40  
S23 NENE 37 NWNE 38 NENW 30 NWNW 40  
SWNW 40 SENW 40 NESW 40 NWSW 32  
SWSW 40 SESW 40  
S24 NWNW 40  
915 ACRES TOTALTHIS RIGHT IS LIMITED TO THE IRRIGATION OF 221 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 915 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02377, 36-07833 &  
36-02622

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-16-2000  
PAGE: A-4

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 36-02388 (CONT)  
-----

EXPLANATORY MATERIAL: (CONT)

USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
NORTH SIDE CANAL CO. LTD.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: 36-02377, 36-07833, & 36-02622

# 537-9318

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-16-2000

PAGE: A-5

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02622

NAME & ADDRESS: SUN VALLEY FARMS  
6491 US HWY 93  
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.07 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 12.10 CFS, AND A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3660 AF. COMBINED RIGHT NOS.: 36-02377,  
36-02388 & 36-07833.

PRIORITY DATE: 08/19/1965

POINT OF DIVERSION: T07S R17E S14 SESESW Within JEROME County  
S23 NENENE  
NENENWPURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 03-15 11-30 4.07 CFSPLACE OF USE: IRRIGATION Within JEROME County  
T07S R17E S13 SWSW 40 SESW 40  
S14 SWNW 40 SENW 38 NESW 39 NWSW 38  
SWSW 39 SESW 34 NWSE 39 SWSE 39  
SESE 34  
S15 NESE 38 SESE 40  
S23 NENE 37 NWNE 38 NENW 30 NWNW 40  
SWNW 40 SENW 40 NESW 40 NWSW 32  
SWSW 40 SESW 40  
S24 NWNW 40  
915 ACRES TOTALTHIS RIGHT IS LIMITED TO THE IRRIGATION OF 291 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 915 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02377, 36-02388 &  
36-07833.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-16-2000  
PAGE: A-6

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 36-02622 (CONT)

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE: 36-02377, 36-07833, & 36-02388

# 537-9318

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-16-2000  
PAGE: A-7

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07833

NAME & ADDRESS: SUN VALLEY FARMS  
6491 US HWY 93  
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 2.87 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 12.10 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 3660 AF.  
COMBINED RIGHT NOS.: 36-02377, 36-02388 & 36-02622

PRIORITY DATE: 02/26/1979

POINT OF DIVERSION: T07S R17E S14 SESESW Within JEROME County  
S23 NENENE  
NENENW

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|---------------|----------|
| IRRIGATION     |                | 03-15 11-15   | 2.87 CFS |

| PLACE OF USE:   | IRRIGATION | Within JEROME County |         |         |  |
|-----------------|------------|----------------------|---------|---------|--|
| T07S R17E S13   | SWSW 40    | SESW 40              |         |         |  |
| S14             | SWNW 40    | SESW 38              | NESW 39 | NWSW 38 |  |
|                 | SWSW 39    | SESW 34              | NWSE 39 | SWSE 39 |  |
|                 | SESE 34    |                      |         |         |  |
| S15             | NESE 38    | SESE 40              |         |         |  |
| S23             | NENE 37    | NWNE 38              | NENW 30 | NWNW 40 |  |
|                 | SWNW 40    | SESW 40              | NESW 40 | NWSW 32 |  |
|                 | SWSW 40    | SESW 40              |         |         |  |
| S24             | NWNW 40    |                      |         |         |  |
| 915 ACRES TOTAL |            |                      |         |         |  |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 217 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 915 ACRES IN A SINGLE  
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 36-02377, 36-02388 &amp; 36-02622

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-16-2000  
PAGE: A-8

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 36-07833 (CONT)

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
NORTH SIDE CANAL CO. LTD.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 36-02377, 36-02622, & 36-02388

Attachment B  
 Calculations for Sun Valley Farms

REAL ESTATE DIVISION  
 NATURAL RESOURCE SECTION

OCT 18 2000

TOTS R17E S13 SWSW 40  
 SE SW 40

Section total = 80

This data was  
 Prepared by  
 Carter Britschky at the  
 Boise IDWR

S14 NWSE 39  
 SWSE 39  
 SESE 34

Section total = 112

It should be sent  
 with the attached forms  
 to K. H. Harrison at  
 the Twin Falls IDWR

S23 NENE 37  
 NWNE 38

Section total = 75

XV

S24 NWNW 40

Section total = 40

Total irr ac = 307 acres

307 ac  $\times$  0.3355  
 915 ac

water right # 36-02377 =  $3.72 \times 0.3355 = 1.25$  cfs

36-02388 =  $4.42 \times 0.3355 = 1.48$  cfs

36-02622 =  $4.07 \times 0.3355 = 1.37$  cfs

36-07833 =  $2.87 \times 0.3355 = 0.96$  cfs

Total = 5.06 cfs



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

Attachment C

REAL ESTATE DIVISION  
NATURAL RESOURCE SECTION

FEB 20 2001

537-9318

SOUTHERN REGION

February 16, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

LDS CHURCH REAL ESTATE DIVISION  
12<sup>TH</sup> FLOOR EAST  
50 E NORTH TEMPLE ST  
SALT LAKE CITY UT 84150

NOTCH BUTTE DAIRY LLC  
406 E 700 N  
JEROME ID 8338

RE: SRBA Claim(s) 36-02377, 36-02388, 36-02622, 36-07833

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

cc: Sun Valley Farms

Doug Jones - Water Right Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES JUL 09 2001

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

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

SOUTHERN REGION

July 5, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

ATTN R WILLIAM NELSON  
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS  
REAL ESTATE DIVISION 12TH FLOOR E. #537-9318  
50 E N TEMPLE  
SALT LAKE CITY UT 84150-6320

RE: Application for Transfer No. 69185, Water Right No(s). 36-15558, 36-15564, 36-15560, 36-15562

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application. Please refer to this number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the North Side News on 7/12 & 7/19/01. 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 (July 30, 2001).

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,

Mary A. Baldwin  
Administrative Assistant

Attachment E

REAL ESTATE DIVISION  
NATURAL RESOURCE SECTION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AUG 06 2001

NOTICE OF PROTEST

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

1. Matter being protested: Application for transfer #69185 in the name of Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole.
2. Name of protestant: Clear Springs Foods, Inc.
3. Protestant's Representative for service (If different than protestant)  
Terry Huddleston, Farm Operations Manager for Clear Springs Foods, Inc.
4. Service mailing address: P. O. Box 712, Buhl, Idaho 83316
5. Service telephone no. (208) 543-3430
6. Basis of protest (including statement of facts and law upon which the protest is based)  
See attached list
7. What would resolve your protest? See attached list

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

Signed this 30th day of June, 2001.

PROTESTANT: Clear Springs Foods, Inc.

Terry Huddleston  
Protestant's Representative

**Reasons for Protest of Transfer No. 69185**

1. Application for Transfer of Water Right, page 1, Section B.1. shows water right numbers. IDWR has no files for these current water rights.
2. Application for Transfer of Water Right, Part 2, *Section A. d. Transfer No. \_\_\_\_\_ which produced this right* is not filled out for any of the water rights. Unable to locate background history of each original water right.
3. Part 2, *Sections B Description of Portion of Right Being Transferred and Section C Description of unchanged portion of right* are not filled out for any of the water rights. What happens to balance of each water right?
4. These water rights are identified to a parcel of land with a combined volume and acreage. How do you separate the amount being transferred from each?
5. Notice states purpose is to record only one (1) point of diversion. What happens to previous points of diversion?
6. There is no date of filing of application published in notice of proposed change of water right as required by Idaho Code 42-203A(b).
7. Where are field reports and proof of beneficial use of these water rights?
8. Amounts set out in Application for Transfer of Water Right do not reconcile.
9. No information between "license" and "new water right number". Where is documentation to support that the water right has not undergone a period of five (5) or more consecutive years of non-use including measurement reports?
10. No well log for "Idaho Power Well 720" which is the Local name for diversion point in Application for Transfer of Water right.
11. No information relative to "Accomplished change in Place of Use and Point of Diversion pursuant to Section 42-1425, Idaho Code".

**What Would Resolve This Protest of Transfer No. 69185?**

1. Answer to the questions enumerated in the list of reasons for the protest.
2. Information in the transfer application was incomplete. A presentation including proof of irrigation of land, history of the water rights (where did these new numbers come from), a hydrologic examination that verifies that this transfer will not injure or further deplete the springs in Gooding County, would all be helpful.