

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**

TRANSFER NO. 4821  
WATER RIGHT NO. 45-00682

This is to certify that: **KEVIN T SMITH**  
**TRINA K SMITH**  
**RT 1 BOX 32-G**  
**OAKLEY ID 83346**

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.80 CFS              | 332.0 AF             |
| STOCKWATER            | 01/01 to 12/31       | 0.05 CFS              | 2.7 AF               |
| Totals                |                      | * 0.80 CFS            | * 334.7 AF           |

SOURCE

MILL CREEK

Priority: 12/31/1879

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 32, Township 13S, Range 23E  
Lot 4( NWNW), Sec. 4, Township 14S, Range 23E  
CASSIA County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u>               | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 13S 23E 32                       | SWNW 40      | NESW 3       | NWSW 40      | 83           |
| Total number of acres irrigated: |              |              |              | 83           |

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 45A.
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.

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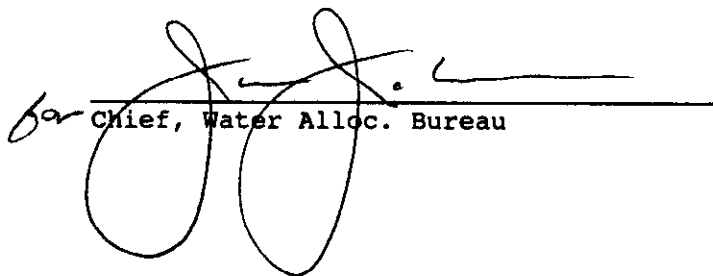
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TRANSFER NO. 4821  
WATER RIGHT NO. 45-00682

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. 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.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. 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.
- \* 9. The total instantaneous diversion of water from all points of diversion under Transfer No. 4821 shall not exceed 0.80 cfs, nor total combined annual volume of 334.7 af.

Dated this 27<sup>TH</sup> day of MARCH, 1977.

  
for Chief, Water Alloc. Bureau



Kevin Smith  
Vice President  
Comm. Banking Center - Burl.

Key Bank of Idaho  
A KeyCorp Bank

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(208) 678-9051  
FAX (208) 678-4505

1801 Highland  
P.O. Box 609  
Burley, Idaho 83318

Page 1 of 5STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4821

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

WK# 072-9076  
Mobile Phone # 670-8131RECEIVED  
FEB 19 1997

Department of Water Resources

Name of applicant Kevin T. &/or Tring K. Smith Phone 862-3211Post Office address Rt. 1 Box 32-G, Oakley, ID 83346

## 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 We want to install a gravity pipeline to operate a sprinkler system

## 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>45-00682</u> | <u>12-31-1872</u> | <u>0.80 cfs</u> | <u>Irrig.</u>     | <u>3-15</u> to <u>11-15</u> |
|                 |                   | <u>0.05 cfs</u> | <u>Stockwater</u> | <u>1-1</u> to <u>12-31</u>  |
|                 |                   |                 |                   | to _____                    |
|                 |                   |                 |                   | to _____                    |
2. Total amount of water being transferred 0.80 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Mill Creek tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion                        |
|-----|-----|-----|-----|------|------|------|--------|-------------------------------------------------|
|     | NW  | SE  | SW  | 32   | 13S  | 23E  | Cassia | Headgate & ditch                                |
| 4   | SE  | NW  | NW  | 4    | 14S  | "    | "      | Check dam & headgate to pond; pipeline to pivot |
|     |     |     |     |      |      |      |        |                                                 |
|     |     |     |     |      |      |      |        |                                                 |

5. Lands irrigated or place of use: No change

| 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres \_\_\_\_\_

**PART 1**

6. General Information:

- a. Description of diversion system Existing headgate to gravity irrigation. Check dam to pond & gravity pipeline to pivot sprinkler.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or N/A contracts? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
N/A
- d. Remarks:  
The pipeline will be shared with Basil Fairchild. He will also apply for a transfer. This right has always been used.

**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 \_\_\_\_\_.

\_\_\_\_\_

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## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-00682

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.80 CFS              |                      |
| STOCKWATER            | 01/01 to 12/31       | 0.05 CFS              | 2.7 AF               |
|                       | Totals               | 0.80 CFS              | 2.7 AF               |

SOURCE

MILL CREEK

Priority: 12/31/1879

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 32, Township 13S, Range 23E  
CASSIA CountyPLACE OF USE: IRRIGATION

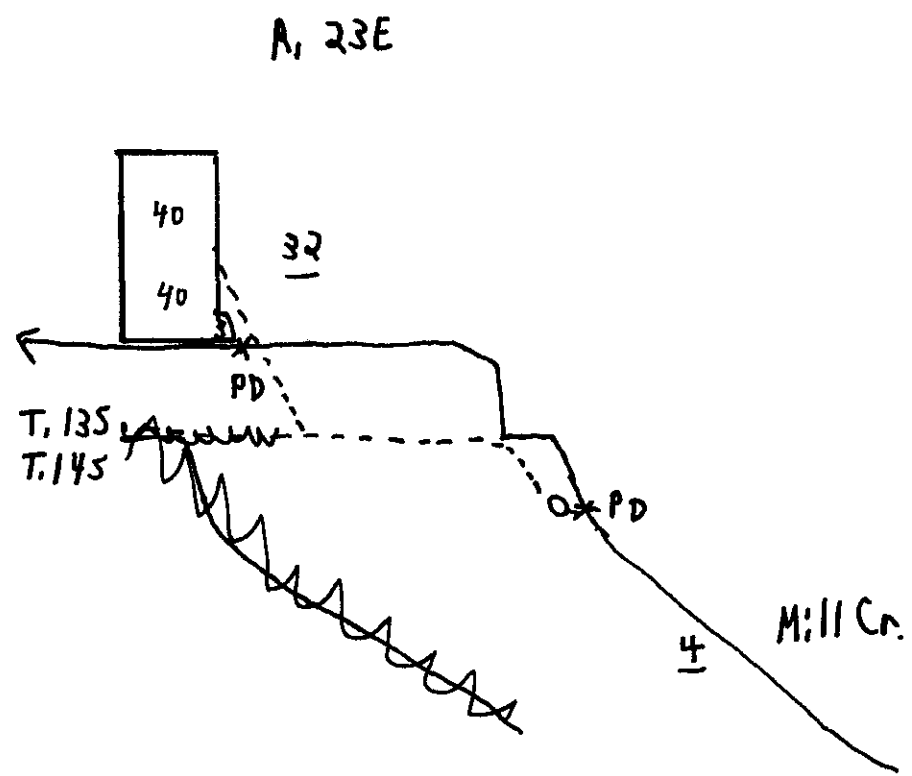
| <u>TWN RGE SEC</u>               | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|--------------|--------------|--------------|--------------|
| 13S 23E 32                       | SWNW 40      | NESW 3       | NWSW 40      | 83           |
| Total number of acres irrigated: |              |              |              | 83           |

PLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:MICROFILMED  
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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

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



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

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

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

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

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

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

Subscribed and sworn to before me this 22 day of February, 1996.

J. F. Stanton  
(Notary Public)

My commission expires 10-25-2000**FOR DEPARTMENT USE ONLY**

Transfer contains 5 pages and 0 attachments

Received by J. F. Stanton Date 2-22-96 Protest filed by March 24

Prelim. check by Adm Fee \$100, 5018867 (withdrawn)

Receipted by JF Date 2-22-96

Published in So. F.D. Press Copies of protest forwarded by \_\_\_\_\_

Pub. dates 5/13 + 5/20/96 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

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RECEIVED

MAR 26 1996

Department of Water Resources  
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

IN THE MATTER OF THE GENERAL DETERMINATION OF  
THE RIGHTS TO THE USE OF THE SURFACE AND  
GROUNDWATERS OF MILL CREEK, WARM SPRINGS,  
SPRING CREEK, AND THEIR TRIBUTARIES, ALL  
COMMONLY CALLED BASIN CREEK DRAINAGE BASIN.

Civil No. 11125

PARTIAL  
DECREE

A. KENNETH DUNN, Director Idaho Department  
of Water Resources,

Plaintiff,

v.

ADAMS, Kyle, et ux., et al.,

Defendants.

The Director of the Idaho Department of Water Resources (director) submitted the Proposed Finding of Water Rights in the Basin Creek Drainage Basin (report) to this court on October 7, 1979. The report contains findings of fact, conclusions of law, and a listing of water rights (including statutory and decreed rights not claimed and claims submitted but recommended to be disallowed) in the Basin Creek Drainage Basin. Objections to the report and responses to the objections were filed with the court. A motion was then filed by the director seeking an order amending the report and on January 11, 1985 this court entered an Order Amending Proposed Finding of Water Rights in the Basin Creek Drainage Basin, Requiring that Objections to said Amendments Be Filed within Sixty Calendar Days and Requiring each Party to Renew Previous Objections within Sixty Calendar Days (amendment).

Only one claimant, George K. Wells, renewed a previously filed objection. Only one claimant, Matthews Brothers, Inc., filed an objection to the amendment. The objections of Wells and Matthews were withdrawn pursuant to a Stipulation Resolving Objections of George K. Wells and Matthews Brothers, Inc. (first stipulation), approved by this court on February 20, 1987.

On March 2, 1987, the director filed a Motion for Entry of Partial Decree pursuant to Idaho Code § 42-1412(9) (Supp. 1986) and I.R.C.P. 54(b). The motion was set for hearing March 13, 1987. The motion, if granted, would have resulted in a partial decree

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determining all water rights in the Basin Creek Drainage Basin as set forth in the report as amended by the amendment and the first stipulation, except for the claims of the United States.

A Motion for Leave to File a Late Objection was filed March 6, 1987, after filing the motion for partial decree but before the hearing on the motion for partial decree. The hearing on the motion for partial decree was rescheduled for March 27, 1987, to allow time to resolve the matter prior to entry of the partial decree. The late objection was resolved by a stipulation approved by this court March 23, 1987 (second stipulation) and the motion to file a late objection was withdrawn. The report, the amendment, and the first and second stipulations are incorporated herein by this reference as if set forth in full.

The only matters that continue to be contested are the claims of the United States (U.S.), described in the Amended Claim of the United States dated July 31, 1985 (amended claim). The claims of the U.S. are numbered 45-0645, 45-0646, 45-0647, 45-0648, and 45-0649. The amended claim is incorporated herein by this reference as if set forth in full. Further litigation of the U. S. claims was deferred by order of this court dated January 9, 1986, pending negotiations between the State of Idaho and the United States as to federal reserved rights in the Snake River Basin pursuant to House Concurrent Resolution No. 16, 1985 Idaho Session Laws 745, and Executive Order 85-9.

On March 23, 1987, the director filed a Motion for Entry of Decree based upon a pending stipulation (third stipulation) between the director and the U.S. that would have resolved the U.S. claims to water from the Basin Creek Drainage Basin. Hearing on the motion was set for the March 27, 1987 hearing date that had been set for the motion for partial decree. The stipulation was to be presented to the court for approval at the hearing. The stipulation was not finalized, and the claims of the U.S. continue to be contested.

At the hearing on March 27, 1987, the director moved for entry of a partial decree, which would determine all water rights in the Basin Creek Drainage Basin as set forth in the report as amended by the amendment and the first and second stipulations, except for the claims of the U.S. as set forth in the amended claim.

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Idaho Code § 42-1412(9) (Supp. 1986) provides that the director shall file a statement of those portions of the director's report which are uncontested with the court, and that after hearing the court shall decree the uncontested portions of the director's report. Rule 54(b) of the Idaho Rules of Civil Procedure provides that in cases involving multiple claims or multiple parties, the court may direct entry of final judgment upon less than all of the claims or parties upon an express determination that there is no just reason for delay and upon an express direction for entry of the judgment.

The director's motion for decree provides that the motion is the director's statement to the court that upon approval of the third stipulation there would be no uncontested matters remaining. Absent the third stipulation, the only contested matters are the claims of the U.S. as set forth in the amended claim. There is no just reason for delay since all of the portions of the report except for the claims of the United States are no longer contested, and since Idaho Code § 42-1412(9) directs entry of a partial decree of uncontested portions of the report.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the determination of all rights to the use of water from Basin Creek Drainage Basin shall be as described in the report, as amended by the amendment and the first and second stipulation, except for the claims of the United States numbered 45-0645, 45-0646, 45-0647, 45-0648, and 45-0649 as set forth in the amended claim, which are not determined by this partial decree.

DATED this 27th day of March, 1987.

151  
George Granata, Jr., District Judge

RULE 54(b) CERTIFICATE

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

DATED this 27th day of March, 1987.

151  
George Granata, Jr., District Judge

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AUG 30, 1979

## LISTING OF RIGHTS - BASIN CREEK

PAGE 34

\*INDICATES TOTAL\*

SOURCE: MILL CREEK

| RIGHT<br>NUMBER | NAME AND<br>ADDRESS                                                                                                                      | PRIORITY<br>DATE | USE        | USE PERIOD<br>FROM TO | MAX AMOUNT<br>MAX RATE                       | DIVERSION<br>POINT                                                      | PLACE OF USE<br>AND ACREAGE                                                  | BASIS FOR<br>RIGHT |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|----------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------------------------------------|--------------------|
|                 |                                                                                                                                          |                  | STOCKWATER | 1/ 1 12/31            | 1.40 AFA<br>.03 CFS<br>*---*AFA<br>*.76*CFS  |                                                                         | SAME AS OTHER USE                                                            |                    |
| 45-0680         | MC INTOSH, HOWARD &<br>MC INTOSH, ALTA S.<br>OAKLEY, IDAHO 83346                                                                         | 12/31/1879       | IRRIGATION | 3/15 11/15            | --- AFA<br>1.15 CFS                          | NESE S36<br>T135 R22E                                                   | SWSE(32)<br>S35 T135 R22E<br>LOT 2(16)<br>LOT 3(26)<br>S 2 T145 R22E<br>*74* | DECREE             |
|                 |                                                                                                                                          |                  | STOCKWATER | 1/ 1 12/31            | 2.70 AFA<br>.05 CFS<br>*---*AFA<br>*1.15*CFS |                                                                         | SAME AS OTHER USE                                                            |                    |
| 45-0681         | MC INTOSH, HOWARD &<br>MC INTOSH, ALTA S.<br>OAKLEY, IDAHO 83346<br>REMARKS: SOURCES FOR THIS<br>RIGHT ARE MILL CREEK & WARM<br>SPRINGS. | 12/31/1879       | IRRIGATION | 3/15 11/15            | --- AFA<br>.40 CFS                           | NNNW S10<br>T145 R23E<br>NENW S 9<br>T145 R23E                          | SWNE(16) SENE(20)<br>S 5 T145 R23E<br>*36*                                   | DECREE             |
|                 |                                                                                                                                          |                  | STOCKWATER | 1/ 1 12/31            | 2.70 AFA<br>.05 CFS<br>*---*AFA<br>*.40*CFS  |                                                                         | SAME AS OTHER USE                                                            |                    |
| 45-0682         | STEEL, M. ROY<br>OAKLEY, IDAHO 83346                                                                                                     | 12/31/1879       | IRRIGATION | 3/15 11/15            | --- AFA<br>.80 CFS                           | SESW S32<br>T135 R23E                                                   | SWNW(40) NESW( 3)<br>NWSW(40)<br>S32 T135 R23E<br>*83*                       | DECREE             |
|                 |                                                                                                                                          |                  | STOCKWATER | 1/ 1 12/31            | 2.70 AFA<br>.05 CFS<br>*---*AFA<br>*.80*CFS  |                                                                         | SAME AS OTHER USE                                                            |                    |
| 45-0683         | STEEL, M. ROY<br>OAKLEY, IDAHO 83346<br>REMARKS: SOURCES FOR THIS<br>RIGHT ARE MILL CREEK & WARM<br>SPRINGS.                             | 12/31/1879       | IRRIGATION | 3/15 11/15            | --- AFA<br>.45 CFS                           | NNNW S10<br>T145 R23E<br>NENW S 9<br>T145 R23E<br>SESW S 4<br>T145 R23E | SWSW(38)<br>S 4 T145 R23E<br>*38*                                            | DECREE             |
|                 |                                                                                                                                          |                  | STOCKWATER | 1/ 1 12/31            | 2.70 AFA<br>.05 CFS<br>*---*AFA<br>*.45*CFS  |                                                                         | SAME AS OTHER USE                                                            |                    |
| 45-0684         | STEEL, M. ROY<br>OAKLEY, IDAHO 83346                                                                                                     | 12/31/1879       | IRRIGATION | 3/15 11/15            | --- AFA<br>.35 CFS                           | NNNW S10<br>T145 R23E                                                   | NENW(30)<br>S 9 T145 R23E<br>*30*                                            | DECREE             |

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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

March 27, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

KEVIN T SMITH  
TRINA K SMITH  
RT 1 BOX 32-G  
OAKLEY ID 83346

RE: Transfer No. 4821  
Water Right No(S). 45-000682

Dear Water Right Holder:

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4821). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

The accompanying **transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

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

#### ORAL ARGUMENT

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

#### CERTIFICATE OF SERVICE

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

#### FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

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APPEAL OF FINAL ORDER TO DISTRICT COURT

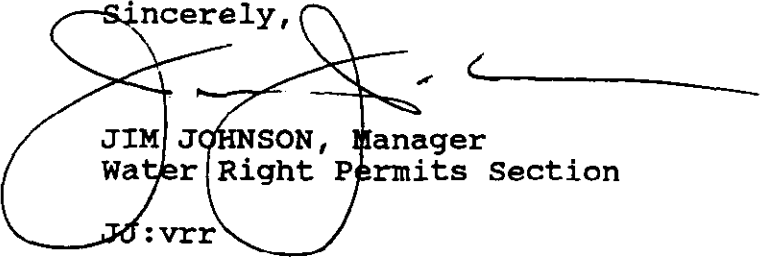
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please feel free to contact me.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:vrr

Enclosure

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APR 10 1987

**MEMORANDUM**

**TO:** FILE NO. 45-00682

**FROM:** PAM SKAGGS<sup>28</sup>/STATE OFFICE

**SUBJECT:** TRANSFER NO. 4821

**DATE:** March 21, 1997

=====

Transfer No. 4821 adds a second point of diversion to install a gravity pipeline to operate a sprinkler system. The transfer was protested and an agreement was signed by all parties.

No watermaster comment was requested because the water district became inactive on 05-02-96 according to region staff. Season of use and diversion volume were adjusted to current standards.

Recommended conditions include protest agreement, water master control, irrigation overlap, right-of-way, multiple points of diversion/measuring devices and standard transfer conditions.

1408070403  
MAR 21 1997

**TRANSFER REVIEW SHEET**

(02-97)

Transfer # 4821

Date Reviewed 03-20-97

Right(s) 45-00682

WRQII Print Split Summary        Run POU Comparison Report

B:Change P/D    (C):Add P/D    D:Change P/U    E:Change Nature of Use  
F:Change Period of Use    G:Other    H:Change P/D & Add P/D  
I:Change P/D & P/U    J:Add P/D & Change P/U

Proof of Ownership NA - P/D change only    SRBA Claim

Transfer   ✓   All of Right           Portion of Right  
Resulting Split(s) None

Check Transfer Against Recorded 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) NA Proof/Owner    (10) ✓ Map  
(11) 45A Water District    (12) NO Pertinent Conditions    (13) NO Expansion

Inactive 5-2-96 - No WM Comment Sent

(3) Standard Season 4-1 to 10-31  
(5) Standard IRR Vol = 4 x 83 = 332.0 ac < VDR  
(7) Add P/D

Transfer Remarks

WB4

Conditions 020, R04, R31, T04, T07, T08, T09, T17

Database/Processing Notes

Standard   ✓   Non-Standard       

T file

WR\_Reports File Smith, J., 0402-97  
File Deleted 28

Transfer Memo Complete   ✓    
Database Updated 04-02-97 28

WR0749NP  
No. T45-00682

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/21/97  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | KEVIN T SMITH   | 12/31/1879       | IRRIGATION | 04/01 10/31           | 0.800 CFS         | 332.00 AFA          |
| C             | TRINA K SMITH   |                  | STOCKWATER | 01/01 12/31           | 0.050 CFS         | 2.70 AFA            |
|               | RT 1 BOX 32-G   |                  |            |                       |                   |                     |
|               | OAKLEY ID 83346 |                  |            | TOTAL DIVERSION:      | 0.800 CFS         | 334.70 AFA          |
|               | (208) 862-3211  |                  |            |                       |                   |                     |

Water Source: MILL CREEK

Tributary to: *per decree*

Stage: DECREED

Point(s) of Diversion: T13S R23E S32 SESW CASSIA County  
T14S R23E S04 Lot 04( NWNW) CASSIA County

Place of use Legal Description for: IRRIGATION

| NE   |     |      |     | NW   |     |      |     | SW   |     |      |     | SE   |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |             |      |      |      |     |
|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|-------------|------|------|------|-----|
| NENE |     | NWNE |     | SWNE |     | SENE |     | NENW |     | NWNW |     | SWNW |     | SENW |     | NESW |     | NWSW |     | SWSW |     | SESW |     | NESE |     | NWSE |     | SWSE        |      | SESE |      |     |
| T    | R   | S    | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac   | Lt  | Ac          | Lt   | Ac   | SUM  |     |
| ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---  | --- | ---         | ---  | ---  | ---  | --- |
| 13S  | 23E | 32   | :   |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |             |      |      | 83.0 |     |
|      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     |      |     | TOTAL ACRES | 83.0 |      |      |     |

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CASSIA

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

|          |          |          |          |          |          |           |          |          |          |
|----------|----------|----------|----------|----------|----------|-----------|----------|----------|----------|
| 45-00572 | 45-00573 | 45-00594 | 45-00595 | 45-00657 | 45-00668 | 45-00670A | 45-00676 | 45-00677 | 45-00678 |
| 45-00679 | 45-00682 |          |          |          |          |           |          |          |          |

Other Water Rights Listing Overlapping Place(s) of use:

|           |          |          |           |          |           |           |           |           |           |
|-----------|----------|----------|-----------|----------|-----------|-----------|-----------|-----------|-----------|
| 45-00572  | 45-00573 | 45-00668 | 45-00670A | 45-00682 | T45-00554 | T45-00555 | T45-00556 | T45-00557 | T45-00572 |
| T45-00654 |          |          |           |          |           |           |           |           |           |

Conditions of Approval:

- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 45A.
- 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.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- 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

Conditions of Approval:

- 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. 4821 shall not exceed 0.80 cfs, nor total combined annual volume of 334.7 af.

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 12/31/1879 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

Misc: Water District Number: 45A Field Exam Fee:

Comments: Date: 04/29/1996 User-ID: MBALDWIN Subject: TRANSFER NO. 4821  
Transfer No. 4821 adds a point of diversion under Right No. 45-00682.

Audit: 04/29/96 MBALDWIN 03/20/97 PSKAGGS 03/21/97 PSKAGGS

SD-0611-2      Basin: 45      Starting Water Right: 00682

| Serial    | Water Right No.                  | Name Last, First | Ownership  | Priority Date | STG/STS          | Source    | Use Desc | System |
|-----------|----------------------------------|------------------|------------|---------------|------------------|-----------|----------|--------|
| 45-00682  | STEEL, M. ROY                    | C                | 12/31/1879 | D/            | MILL CREEK       | IRR STOCK | WR       |        |
| T45-00682 | SMITH, KEVIN T<br>SMITH, TRINA K | C<br>C           | 12/31/1879 | D/            | MILL CREEK       | IRR STOCK | WR       |        |
| A45-00682 | SMITH, KEVIN T<br>SMITH, TRINA K | C<br>C           | 12/31/1879 | D/            | MILL CREEK & ITS | IRR STOCK | AJ       |        |

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE

```
(Enter=Continue)      (GOLD7=This Query)      (GOLD8=Cancel)      (Menu _____)
Natural 2.1/7V      OVR      LIB=PRODLIBS      Last key was ENTR
```

T# 4821

Claim same as WR

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

T#4821

INITIAL REVIEW BY: ADM Date: \_\_\_\_\_

1. Right number 45-00682 Applicant Smith, Kevin T.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ 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.

RECEIVED

FEB 19 1997

Department of Water Resources

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.
- h. ☒ Check for expansion in use of right. Comments Appears to be none.

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 45-00670A not claimed is SRBA

- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 45 A (Desic CK.) Inactive on 5/2/96

FINAL PROCESSING REVIEW BY: ADM

1. Watermaster recommendation requested on N/A Received on \_\_\_\_\_
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No (withdrawn)

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions\* See memo 2/18/97

4. By ADM Date 2/18/97

T#4821

RECEIVED

FROM: Allen Merritt

DATE: February 18, 1997

TO: Transfer File No.:

Department of Water Resources

4820

In the Name of: Fairchild

4821

Smith

4822

Fairchild

SUBJECT: Review and Recommendation

These three transfers are related and should be reviewed together.

Transfer 4820 & 4822 in the name of Fairchild creates a PPU of 145 acres within Section 32, Twp.13S, Rge.23E, B.M. This is done by moving rights from Section 31 and re-configuring rights in Section 32. As part of this scheme a new point of diversion is identified to allow for gravity pressurization of a sprinkler system. Transfer 4821 in the name of Smith proposes to utilize the same new point of diversion for pressurization of his rights on his lands.

Transfers 4821 & 4822 were protested by Marchant. The applicants and the protestant worked out an agreement and the protest was withdrawn pursuant to the agreement.

These transfers are located in water district 45-A but it was inactive in 1996.

#### RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions:

- Subject to SRBA.
- Under control of Watermaster of Water District 45-A.
- Measuring device & control works be maintained at all points of diversion/ point of injection/ point of rediversion.
- Subject to private agreement between applicants & protestant.
- Rights 45-00573 & 45-00668 are relinquished to eliminate potential for expansion.

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APR 10 1997



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

---

February 11, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

KEVIN T SMITH &/OR  
TRINA K SMITH  
RT 1 BOX 32-G  
OAKLEY ID 83346

BASIL FAIRCHILD  
1975 S 25 W  
OAKLEY ID 83346

RE: Protested Application for Transfer No. 4821 (45-00682) and  
Transfer No. 4820 45-00654), Transfer No. 4822 (45-00554)

Dear Applicants:

This office acknowledges receipt of a copy of the signed Agreement between the protestant, Gerald Marchant, yourselves and Basil Fairchild.

Since Mr. Marchant was the sole protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

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

Very truly yours,

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

AM:MB

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APR 10 1997



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

---

February 11, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GERALD L MARCHANT  
24 E BASIN  
OAKLEY ID 83346

RE: Application for Transfer No. 4821 (Kevin Smith) and Transfer  
Nos. 4820 & 4822 (Basin Fairchild)

Dear Mr. Marchant:

This office acknowledges receipt of the withdrawal of your protest  
against the above referenced applications by the signed Agreement  
dated October 9, 1996.

Since you were the only protestant, the issue of the protest has  
been resolved and the Department is now prepared to proceed with  
the normal processing of the applications which includes regional  
review prior to being forwarded to our State Office.

The Department will continue review of the applications without  
further contact with you unless information is requested.

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

Very truly yours,

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

AM:MB

RECORDED  
APR 10 1997

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FEB 07 1997

AGREEMENT

Department of Water Resources  
Southern Region

THIS AGREEMENT made and entered into this \_\_\_\_ day of October, 1996, by and between GERALD L. MARCHANT and CELIA S. MARCHANT, husband and wife, hereinafter referred to as "Marchant", and BASIL K. FAIRCHILD, a divorced man, and KEVIN T. SMITH and TRINA K. SMITH, husband and wife, hereinafter referred to as "Fairchild and Smith".

W I T N E S S E T H:

WHEREAS, Marchant is the owner of real property located in the Basin Creek drainage; and

WHEREAS, a portion of said property is irrigated with water from Mill Creek which water right is referred to as "Second Mill" water; and

WHEREAS, Fairchild and Smith are the owners of real property located in the Basin Creek drainage basin; and

WHEREAS, said property is irrigated by water from Mill Creek which water is referred to as "Third Mill" water; and

WHEREAS, Third Mill water is shut off before Second Mill water; and

WHEREAS, Marchant's diversion is up stream from the diversion of Fairchild and Smith; and

WHEREAS, Fairchild and Smith are desirous of changing their diversion of their Third Mill water to a location up stream from Marchant for the purpose of diverting water to a pivot irrigation system; and

WHEREAS, Fairchild and Smith have filed a request with

AGREEMENT - 1

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APR 10 1997

the Idaho Department of Water Resources to change the point of diversion. Said requests being T #4822 and T #4821; and

WHEREAS, Marchant has filed a protest to said transfers because they are concerned about the affect the transfer, of the point of diversion will have on their water rights; and

WHEREAS, the parties are desirous of entering into an agreement to allow Fairchild and Smith to transfer their point of diversion and to protect Marchant's water rights;

NOW, THEREFORE, it is hereby agreed as follows:

1. Marchant will withdraw their protests to T #4821 and T #4822 filed with the Department of Water Resources.

2. Fairchild and Smith shall have the right, after receiving permission from the Department of Water Resources, to move the point of diversion for their Third Mill water to a point on Mill Creek above the point of diversion of Marchant.

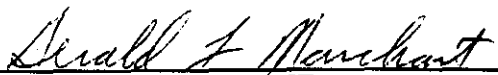
3. The right of Fairchild and Smith to divert Third Mill water from Mill Creek shall terminate no later than July 15th of each year or at such time prior to July 15th as the water in Mill Creek can no longer be delivered to Fairchild's former diversion point. The determination of when the Third Mill water can no longer reach Fairchild's former diversion point and when Fairchild and Smith's Third Mill water shall be cut off shall be at the sole discretion of Marchant and the duly appointed Water Master. It is understood that in the event all use of Second and Third Mill water go to a unified system of delivery, the July 15th cut off date will be reconsidered.

5. This agreement shall be binding on the heirs and assigns of all parties.

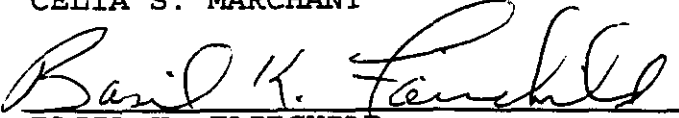
6. As between the parties hereto, this agreement modifies the parties water rights and a copy of this Agreement shall be filed with the Department of Water Resources at the time Marchant's protest of T #4822 and T #4821 are withdrawn. The withdrawal of the protest is based on this agreement and the conditions contained in this agreement shall be the conditions of the withdrawal.

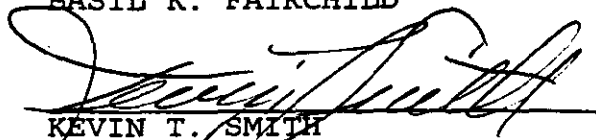
7. Marchant has been represented in this matter by Alfred E. Barrus, Attorney at Law. Fairchild and Smith have been advised that Alfred E. Barrus cannot represent them and they should seek counsel of their own choice to represent them regarding this matter if they so desire.

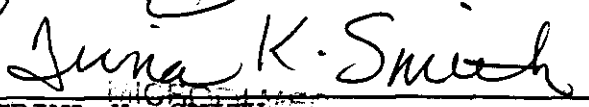
IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

  
GERALD L. MARCHANT

  
CELIA S. MARCHANT

  
BASIL K. FAIRCHILD

  
KEVIN T. SMITH

  
TRINA K. SMITH

APR 10 1957

STATE OF IDAHO           )  
                                  ss.  
County of Cassia        )

On this 9th day of October, 1996, before me the undersigned, a Notary Public in and for said State, personally appeared Gerald L. Marchant and Celia S. Marchant, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

*Barbara R. King*  
NOTARY PUBLIC FOR IDAHO

Residing at: *Paul*

My Commission Expires: *1-4-2000*

STATE OF IDAHO           )  
                                  ss.  
County of Cassia        )

On this 9th day of ~~October~~ December, 1996, before me the undersigned, a Notary Public in and for said State, personally appeared Basil K. Fairchild, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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

*Barbara R. King*  
NOTARY PUBLIC FOR IDAHO

Residing at: *Paul*

My Commission Expires: *1-4-2000*

STATE OF IDAHO           )  
                                  ss.  
County of Cassia        )

On this 7th day of ~~October~~ November, 1996, before me the undersigned, a Notary Public in and for said State, personally appeared Kevin L. Smith and Trina K. Smith, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

AGREEMENT - 4

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APR 10 1997

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

Brian W. [Signature]  
NOTARY PUBLIC FOR IDAHO  
Residing at: Burley, Idaho  
My Commission Expires: 8-15-97

AGREEMENT - 5

RECORDS FILED

APR 10 1957



## 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

June 7, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

KEVIN T &/OR TRINA K SMITH  
RT 1 BOX 32-6  
OAKLEY ID 83346

RE: APPLICATION FOR TRANSFER NO. 4821 (45-00682)

Dear Applicants:

Enclosed is a copy of a protest filed against the above referenced application.

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

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

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

Very truly yours,

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

AM:MB  
Enclosure(s)

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APR 10 1997

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR TRANSFER ISSUES**

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

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

### **BURDEN OF PROOF**

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

### **PROCEDURE**

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

### **CONFERENCE**

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

### **HEARING**

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

### **EXHIBITS**

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

### **EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING**

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

### **AMERICANS WITH DISABILITIES ACT**

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

RECORDED  
APR 10 1987



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

June 7, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

GERALD L. MARCHANT  
24 E BASIN  
OAKLEY ID 83346

RE: APPLICATION FOR TRANSFER NO. **4821** (45-00682/**Kevin T. Smith**)  
APPLICATION FOR TRANSFER NO. **4822** (4822 (45-00554, 45-00555,  
45-00556, 45-00557, 45-00572/**Basil Fairchild**))

Dear Mr. Marchant:

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

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

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

Very truly yours,

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

AM:MB  
Enclosure(s)

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APR 10 1997

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

**RECEIVED**

MAY 31 1996

Department of Water Resources

Southern Region

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

1. Matter being protested T# 4821 Kevin Basil E Smith
2. Name of protestant Gerald L Marchant
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 24 E Basin Oakley Id 83346
5. Service telephone no. 208 862 3811

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

I feel that granting this transfer will interfere  
with my present water rights

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

7. What would resolve your protest? An understanding as to exactly  
who has water when and what happens when 3rd mill  
is no longer deliverable in the present system

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

**RECEIVED**

Signed this 31 day of May, 19 96.

MAY 31 1996

Department of Water Resources  
 Southern Region

Gerald L Marchant  
 PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

APR 10 1997

**NOTE:**

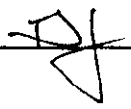
A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant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

---

**INSTRUCTIONS**

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

**FOR DEPARTMENT USE ONLY**

Received by  Date 5/31/96 Time 1:30 PM  
\$25.00 fee Receipted by  # 5019189 Date 5/31/96

MICROFILMED

APR 10 1997

**BURLEY, IDAHO**  
**AFI DAVIT OF PUBLICATION**

County of Cassia                    )  
                                          ) ss  
STATE OF IDAHO                    )

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for two consecutive week(s), commencing with the issue dated May 13 1996, and ending with the issue dated May 20 1996.

Kary D. Miller

STATE OF IDAHO                    )  
COUNTY OF                        )  
MINIDOKA                         )

On this 28th day of May in the year of 1996 before me, a Notary Public, personally appeared Kary D. Miller, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Laura K. Burns  
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 69.12  
Notary Fee .50  
Total Cost 69.62

OK  
NB  
6/7/96

RECEIVED

MAY 31 1996

Department of Water Resources  
Southern Region

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT**

Notice is hereby given that **BASIL &/OR BETTY JANE FAIRCHILD, 1975 S 25 W; OAKLEY ID 83346** have applied for transfers pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to dry up a farm in Section 31 to provide a better water supply for a 145 acre farm within the W1/2, Section 32, T13S, R23E. Transfer No. 4820; Water Right No. 45-00654 (0.02 cfs) has a priority date of 4/1/1912. Water will be diverted from an existing well within NW1/4, S9, T14S, R23E; injected into Mill Creek and also re-diverted via pipeline within Lot 4 (NW1/4NW1/4), S4, T14S, R23E &/or diverted via headgate from Mill Creek within SW1/4SW1/4, S33, T13S, R23E; Cassia County for irrigation. Transfer No. 4822 will add a new point of diversion within Lot 4 (NW1/4NW1/4), S4, T14S, R23E; Cassia County.

**WR No. Priority Amount Use**

45-00554,

45-00556,

45-00572 12/31/1879 2.02 cfs irrigation  
0.06 cfs stockwater

45-00555 04/01/1881 0.10 cfs irr.

45-00557 03/01/1889 0.38 cfs irr.

A total of 2.5 cfs of irrigation water is being transferred under Transfer #4822.

Notice is hereby given that **KEVIN T. &/OR TRINA K. SMITH, RT 1 BOX 32-G; OAKLEY ID 83346** have applied for Transfer No. 4821. The purpose of this application is to add a diversion point within Lot 4 (NW1/4NW1/4), S4, T14S, R23E; Cassia County by using pipeline jointly with Basil Fairchild. Old diversion within SE1/4SW1/4, S32, T13S, R23E will continue. Water Right No. 45-00682 with a priority date of 12/31/1879 will be diverted from Mill Creek for stockwater (0.05 cfs) and for irrigation (0.80 cfs) of 83 acres within W1/2, S32, T13S, R23E. A total of 0.80 cfs of water is being transferred. A protest against approval of any particular transfer 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 May 31, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on May 13, 20, 1996.

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHTS**

Notice is hereby given that **BASIL &/OR BETTY JANE FAIRCHILD, 1975 S 25 W; OAKLEY ID 83346** have applied for transfers pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to dry up a farm in Section 31 to provide a better water supply for a 145 acre farm within the W1/2, Section 32, T13S, R23E. **Transfer No. 4820:** Water Right No. 45-00654 (0.02 cfs) has a priority date of 4/1/1912. Water will be diverted from an existing well within NW1/4, S9, T14S, R23E; injected into Mill Creek and also re-diverted via pipeline within Lot 4 (NW1/4NW1/4), S4, T14S, R23E &/or diverted via headgate from Mill Creek within SW1/4SW1/4, S33, T13S, R23E; Cassia County for irrigation. **Transfer No. 4822** will add a new point of diversion within Lot 4 (NW1/4NW1/4), S4, T14S, R23E; Cassia County.

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45-00554,

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45-00572 12/31/1879 2.02 cfs irrigation  
0.06 cfs stockwater

45-00555 04/01/1881 0.10 cfs irr.

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A total of 2.5 cfs of irrigation water is being transferred under Transfer #4822.

Notice is hereby given that **KEVIN T. &/OR TRINA K. SMITH, RT 1 BOX 32-G; OAKLEY ID 83346** have applied for Transfer No. 4821. The purpose of this application is to add a diversion point within Lot 4 (NW1/4NW1/4), S4, T14S, R23E; Cassia County by using pipeline jointly with Basil Fairchild. Old diversion within SE1/4SW1/4, S32, T13S, R23E will continue. Water Right No. 45-00682 with a priority date of 12/31/1879 will be diverted from Mill Creek for stockwater (0.05 cfs) and for irrigation (0.80 cfs) of 83 acres within W1/2, S32, T13S, R23E. A total of 0.80 cfs of water is being transferred.

A protest against approval of any particular transfer 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 May 31, 1996. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on  
5/13 & 5/20/96.



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

May 7, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

SOUTH IDAHO PRESS  
PO BOX 190  
BURLEY ID 83318

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

6/10/96

6/10/96

## NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that **BASIL &/OR BETTY JANE FAIRCHILD, 1975 S 25 W; OAKLEY ID 83346** have applied for transfers pursuant to Section 42-222 of IDAHO CODE. The purpose of these transfers is to dry up a farm in Section 31 to provide a better water supply for a 145 acre farm within the W1/2, Section 32, T13S, R23E. **Transfer No. 4820:** Water Right No. 45-00654 (0.02 cfs) has a priority date of 4/1/1912. Water will be diverted from an existing well within NW1/4, S9, T14S, R23E; injected into Mill Creek and also re-diverted via pipeline within Lot 4 (NW1/4NW1/4), S4, T14S, R23E &/or diverted via headgate from Mill Creek within SW1/4SW1/4, S33, T13S, R23E; Cassia County for irrigation. **Transfer No. 4822** will add a new point of diversion within Lot 4 (NW1/4NW1/4), S4, T14S, R23E; Cassia County.

| <u>WR No.</u>                      | <u>Priority</u> | <u>Amount</u>        | <u>Use</u>               |
|------------------------------------|-----------------|----------------------|--------------------------|
| 45-00554,<br>45-00556,<br>45-00572 | 12/31/1879      | 2.02 cfs<br>0.06 cfs | irrigation<br>stockwater |
| 45-00555                           | 04/01/1881      | 0.10 cfs             | irrigation               |
| 45-00557                           | 03/01/1889      | 0.38 cfs             | irrigation               |

A total of 2.5 cfs of irrigation water is being transferred under Transfer No. 4822.

Notice is hereby given that **KEVIN T. &/OR TRINA K. SMITH, RT 1 BOX 32-G; OAKLEY ID 83346** have applied for **Transfer No. 4821**. The purpose of this application is to add a diversion point within Lot 4 (NW1/4NW1/4), S4, T14S, R23E; Cassia County by using pipeline jointly with Basil Fairchild. Old diversion within SE1/4SW1/4, S32, T13S, R23E will continue. Water Right No. 45-00682 with a priority date of 12/31/1879 will be diverted from Mill Creek for stockwater (0.05 cfs) and for irrigation (0.80 cfs) of 83 acres within W1/2, S32, T13S, R23E. A total of 0.80 cfs of water is being transferred.

A protest against approval of any particular transfer 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 May 31, 1996. **(Each transfer requires a separate protest)**. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 5/13 & 5/20/96.



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

May 2, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

KEVIN T &/OR TRINA K SMITH  
RT 1 BOX 32-G  
OAKLEY ID 83346

Re: Application for Transfer No. 4821 (45-00682)

Dear Applicants:

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

This office has scheduled advertising the application in The South Idaho Press for 5/13 and 5/20/96. 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.

Very truly yours,

Allen D. Merritt, P.E.  
Regional Manager

AM:MB

RECEIVED  
APR 10 1996

Water Right Number - ~~448-00682~~

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

## \*\*\* C - CURRENT OWNER \*\*\*

SMITH

KEVIN T

1 - RT 1 BOX 326

2 -

3 -

City- OAKLEY

State- ID Zip- 83346

Phone - 208-862-3211

SMITH

TRINA K

1 - RT 1 BOX 326

2 -

3 -

City- OAKLEY

State- ID Zip- 83346

Phone - 208-862-3211

## \*\*\* O - ORIGINAL OWNER \*\*\*

STEEL

H ROY

1 -

2 -

3 -

City- OAKLEY

State- ID Zip- 83346

Phone - 208-862-3647

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
12/31/1879 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
MILL CREEK & ITS TRIBUTARIES+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name  
13S 23E 32 SE SW (31) CASSIA+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 03/15 11/15 0.800  
04 - STOCKWATER 01/01 12/31 0.050 2.70+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.800 2.70 0.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
13S 23E 32 SW NW 40.0 01 IRRIGATION (31) CASSIA  
13S 23E 32 NE SW 3.0 01 IRRIGATION (31) CASSIA  
13S 23E 32 NW SW 40.0 01 IRRIGATION (31) CASSIA

Total Acres: 83.0

+ - - Diversion Means - HEADGATE IN MILL CREEK. (BASIN CREEK).

+ - - Non-Irrigation Use - S/35 BEEF CATTLE OR DAIRY CATTLE.

MICROFILMED  
APR 10 1997

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

Water right number - A45-00682

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - NONE.

..... Remarks .....

GEN OWNERSHIP CHANGE: M. ROY STEEL TO MR & MRS KEVIN T. SMITH ON  
1/27/1993. COPY OF WARRANTY DEED ON FILE. RECEIVED 2/9/1993.  
RVW 2/10/1993

```

+-----Old Water Right Numbers-----+
No Old Water Right Numbers found.

```

+ - - - - Conditions of Approval - - - - +  
No Conditions of Approval found.

|                                  |                                  |                     |
|----------------------------------|----------------------------------|---------------------|
| + - - - Decree Plaintiff - - - + | + - - - Decree Defendant - - - + | + - Decree Date - + |
| A. KENNETH DUNN                  | KYLE ADAMS                       | 03/27/1987          |

+ - - Audit Fields - 05/05/89 WORSTELL 12/18/89 WORSTELL 02/10/93 WORSTELL 03/30/95 POST-STD

-----Comments-----  
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                       |   |            |                       |   |            |                         |   |       |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing   | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number       | - | 39576 |
| Objection Filed Date  | - | 00/00/0000 | Field Inspection Flag | - |            | Old Case Number         | - |       |
| Response Filed Date   | - | 00/00/0000 | Verified Date         | - | 00/00/0000 | Old Judicial District   | - |       |
| Claim Received Date   | - | 05/05/1989 | Last Amended Date     | - | 00/00/0000 | Temporary Right         | - | P     |
| Proof Due Date        | - | 00/00/0000 | Proof Made Date       | - | 00/00/0000 | Water District          | - | 45A   |
| Licensed Date         | - | 00/00/0000 | Receipt Number        | - | S007039    | Federal/State Indicator | - | S     |
| Claims Tape Error Flg | - |            | POU Ownership Flag    | - | Y          | Presumption Flag        | - |       |
| Fee Exempt Flag       | - |            | Name Connector        | - |            | Notice of Error Flag    | - |       |

MICROFILMED  
APR 10 1997

WR5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

04/25/96 16:41:33

Page 1

Water Right Number - 45-00670A

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

STEEL

M. ROY

1 -

2 -

3 -

City- OAKLEY

State- ID Zip- 83346

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
04/01/1894 17 SOUTHERN 0 - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
MILL CREEK

| Tw  | Rng | Sec | Tract | Lot | Rflg | County      | Point of Diversion | Diversion Name | Diversion Rate | Diversion No. |
|-----|-----|-----|-------|-----|------|-------------|--------------------|----------------|----------------|---------------|
| 13S | 23E | 32  | SE SW |     |      | (31) CASSIA |                    |                |                |               |

| Code            | Description | Period From | Water Use<br>Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|------------------------|----------------|------------------|
| 01 - IRRIGATION |             | 03/15       | 11/15                  | 0.860          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
0.860

| Tw  | Rng | Sec | Tract | Lot | Acres | Code | Description | County      |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 13S | 23E | 32  | SW NW |     | 40.0  | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 23E | 32  | NE SW |     | 3.0   | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 23E | 32  | NW SW |     | 40.0  | 01   | IRRIGATION  | (31) CASSIA |

Total Acres: 83.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

MICROFILMED  
APR 19 1997

04/25/96 16:41:33  
Page 2

Prefix Translation: WATER RIGHT

+ \* - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

**A. KENNETH DUNN**

**KYLE ADAMS**

03/27/1987

[illegible]

+ - - Audit Fields - 03/28/88 05/28/88 CONVERT

+ - - - - . - - - - - - - - - - - - - - - - - - - - - - - Water Rights Dates and Flags Area - - - - - . - - - - - - - - - - - +

|                   |   |            |                 |   |            |                    |   |     |
|-------------------|---|------------|-----------------|---|------------|--------------------|---|-----|
| Proof Due Date    | - | 00/00/0000 | Field Exam Made | - | 00/00/0000 | Field Exam Fee     | - |     |
| Approved/Denied   | - | 00/00/0000 | Protested Date  | - | 00/00/0000 | Swan Falls         | - |     |
| Proof Made Date   | - | 00/00/0000 | Hearing Date    | - | 00/00/0000 | Temporary Right    | - | P   |
| Exam to S.O. Date | - | 00/00/0000 | Verified Date   | - | 06/10/1985 | DLE/Carey Act      | - |     |
| Order Show Cause  | - | 00/00/0000 | Receipt Number  | - |            | Water District     | - | 45A |
| Licensed Date     | - | 00/00/0000 | Appl Received   | - | 00/00/0000 | Transfer/Amended   | - |     |
| Decree Date       | - | 03/27/1987 | Name Connector  | - |            | POU Ownership Flag | - |     |
| Presumption Flag  | - |            |                 |   |            |                    |   |     |

APR 10 1977  
MICROFILMED

Water Right Number - ~~208-00570A~~

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

## \*\*\* C - CURRENT OWNER \*\*\*

~~NOT CLAIMED~~1 -  
2 -  
3 -

City- X

State- ID Zip- 0

Phone - 208-000-0000

## \*\*\* O - ORIGINAL OWNER \*\*\*

STEEL

M. ROY

1 -  
2 -  
3 -

City- OAKLEY

State- ID Zip- 83346

Phone - 208-000-0000

+ - - Priority Date - - +

04/01/1894

+ - - Region - - - +

17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +

N - NOT CLAIMED

+ - - - - Source - - - - - +

MILL CREEK

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County Diversion Name

13S 23E 32 SE SW (31) CASSIA

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

0.860

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

0.860

0.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

13S 23E 32 SW NW 40.0 01 IRRIGATION (31) CASSIA

13S 23E 32 NE SW 3.0 01 IRRIGATION (31) CASSIA

13S 23E 32 NW SW 40.0 01 IRRIGATION (31) CASSIA

Total Acres: 83.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

No Remarks found.

MICROFILMED

APR 10 1997

AJ5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

04/25/96 16:42:35  
Page 2

Water right number - A45-00670A

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +  
A. KENNETH DUNN

+ - - - - Decree Defendant - - - +  
KYLE ADAMS

+ - Decree Date - +  
03/27/1987

+ - - Audit Fields - 11/16/92 THORNTON

+ - - - - Comments - - - - - +  
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing   | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date  | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date   | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date   | - 00/00/0000 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date        | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | - 45A   |
| Licensed Date         | - 00/00/0000 | Receipt Number        | - X777777    | Federal/State Indicator | - S     |
| Claims Tape Error Flg | -            | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
| Fee Exempt Flag       | -            | Name Connector        | -            | Notice of Error Flag    | -       |

140580-1480  
APR 10 1997