

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4582
WATER RIGHT NO. 45-00498

This is to certify that: LARRY M ADAMS
KATHY S ADAMS
RT 1
MURTAUGH ID 83344

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	* 3.40 CFS	* 680.0 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
DRY CREEK	SNAKE RIVER		

Priority: 10/21/1908

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 13, Township 12S, Range 19E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S 19E 23	NESE 38	NWSE 37	SWSE 40	
	SESE 39			154
26	NENE 38	NWNE 38	SWNE 40	
	SENE 38	NESW 5	SESW 5	
	NESE 39	NWSE 40	SWSE 39	
	SESE 37			319
Total number of acres irrigated:				* 473

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 45N.
2. 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.

MICHAEL MED

AUG 08 1995

TRANSFER NO. 4582
WATER RIGHT NO. 45-00498

CONDITIONS/REMARKS:

3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- *7. Right No. 45-00498 is limited to the irrigation of 170 acres in the place of use described above in a single irrigation season.
- *8. Combined Right Nos. 45-00498, 45-02234, 45-02247, 45-02559, 45-02581 and 45-02826 are limited to a total combined rate of diversion of 8.88 cfs, a total combined annual diversion volume of 1,776 af and the irrigation of a combined total of 444 acres in the place of use described above in a single irrigation season.

Dated this 2nd day of

August, 1995.

J. Glen Saylor

Chief, Water Alloc. Bureau

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Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4582

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

JUN 22 1995

JUN 28 1995

PART 1

Department of Water Resources

Name Sam M. and/or Kathy L. Adams Phone 432-5350
Post Office address Rt 1, Murtaugh, ID 83344

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 Create PPU and correct legal.
2. Describe the reason for the proposed changes We want to use our Dry Creek
decreased water with our well water on any of the place
of use described below.

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

1. Right Number 45-00498 Priority 10-21-1908 Amount (cfs/ac-ft) 3.4 cfs Nature of Use Irrigation Period of Use 4-1 to 10-31
2. Total amount of water being transferred 3.4 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Dry Creek tributary to Snake River
4. Point(s) of Diversion: No Change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	13	12S	19E	Cassia	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	19E	23													38	37	40	39	154
		26	38	38	40	38				5			5		39	40	39	37	319

Total acres 473

PART 1

6. General Information:

- a. Description of diversion system Water is diverted from the creek into a ditch system for several miles and then into a pond. It commingles with groundwater and then pumped through a mainline system to pivots.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or 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:
A PPU will be created. A companion transfer creates a PPU with groundwater rights.
- d. Remarks:
This decreed right supercedes license 45-02051C. The place of use describes the current operation. ~~after a companion transfer disuys several owners.~~ The original PPU does not comply with the decree.

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 _____.

AUG 08 1995

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-00498

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
DRY CREEK	SNAKE RIVER

Priority: 10/21/1908

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 13, Township 12S, Range 19E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	19E	26	NESW	NWSW	SWSW	
			SESW	NESE	NWSE	
			SWSE	SESE		

CONDITIONS/REMARKS:

Groundwater rights on the above P/U are 45-02826, 45-02581, 45-02247. Additional groundwater rights for the PPU described in Part 1, B.5 are 45-02234 and 45-02559

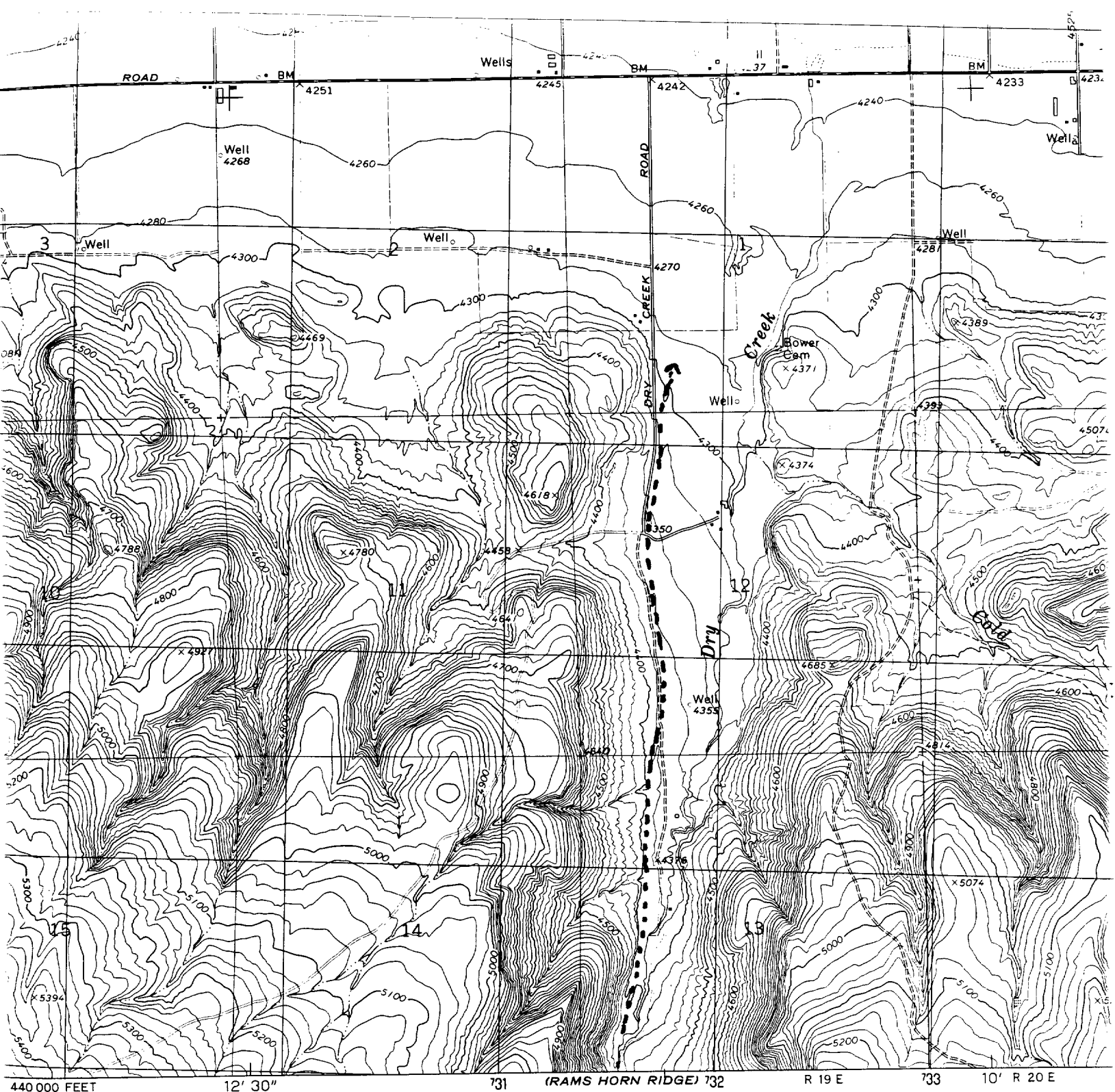
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AUG 08 1995

11S, 19E

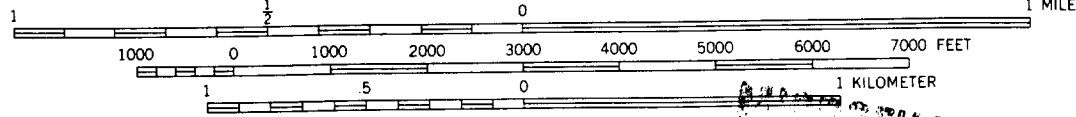
Pond →

AUG 12 1968

T# 4582

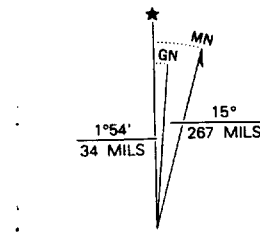


SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
 SUPPLEMENTARY CONTOUR INTERVAL 10 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

AUG 08 1995



JTM GRID AND 1992 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY
 DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

T#4582

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

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

See Attached

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

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

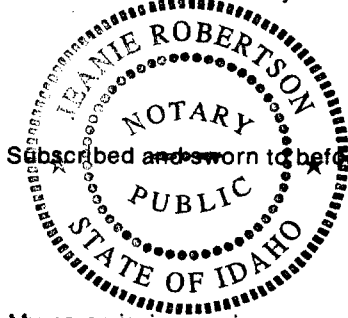
1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

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

Larry M. Adams
(Signature of Applicant)

16th.

day of

February, 19 95

Jeanie Robertson
(Notary Public)

My commission expires

9-23-2000**FOR DEPARTMENT USE ONLY**Transfer contains 5 pages and 2 attachmentsReceived by MTSDate 2-16-95Protest filed by NonePrelim. check by Jeff StantonFee \$100 (5017753)Receipted by MTSDate 2-16-95Published in Idaho PressPub. dates 4/10 + 4/17/95

Copies of protest forwarded by

Hearing held by Date

Watermaster recommendation requested on

NARecommended for ☒ approval ☐ denial

rec'd.

by AD

Copy of transfer sent to lien holder

RECEIVED

FEB 16 1995

Department of Water Resources
AUG 08 1995 Southern Region

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
TWIN FALLS.

JERRY BONARD, PAULINE BONARD, S.F. STRONG,
MARY M. STRONG, H.R. PETTJOHN, C.A. PETTJOHN,
FANNIE L. THOMAS, GEORGE WISE, JOSEPH E. STRONG,
JOSEPHINE STRONG,

Plaintiffs,

vs.

D.B. MOORMAN, M.B. BOLEY, R.J. DAY, J.E. DAY,
PERRY PAPINEAU, J.W. PORTER, JOHN ZUFFREY,
FABIAN ANTILLO, A.D. MC FARLANE, A.J. FULLER,
FRANK TERRILL, ANNIE TERRILL, FRANK SOMSEN,
THOMAS T. RUTLEDGE, FRED J. BACON, MARTHA
A. BACON, HARRY MORRISSEY, L.C. CALLEN, HARRIETT HOAG,
CLARENCE W. PARKS, B.F. HAYS, W.E.L. CROZIER, IVAN
STARK, CHESTER S. STARK, CHARLES SUMMERS, ELAIRA
E. HALL CHRIS ARSTEIN, DAN WILKINSON,
GUINN, HARMOND, F.J. MARSHALL, REUBEN
RANDELL, ARCH MAXWELL, M.T. BURGESS, W.A.
STENCHCOMB, HARRY B. WALLACE, K.T. SIMMONS,
GEORGE R. RAYMOND, EMMA C. BARBER, THOMAS A.
STARRH, AGNES PARKS, HOGAN,
MARY HONROTH, J. H. STONER, FRANK STONER, DRY CREEK
WATER COMPANY, a corporation, ARTESIAN WATER COM-
PANY, a corporation,

Defendants.

JUDGMENT.

THIS CAUSE, having come on to be heard before the Court at various times, upon the final pleadings filed by the respective parties who had appeared herein, the plaintiffs appearing through E.M. Wolfe and S.T. Hamilton, their attorneys; the defendants Frank Terrill and Annie Terrill (now deceased and represented by Frank A. Terrill, administrator, and Alice Wilhite) appearing through Walters & Parry, their attorneys; the defendants D.B. Moorman, M.B. Boley, and R.J. Day appearing through Sweeley & Sweeley, their attorneys; the defendant Clarence Parks appearing through Sweeley & Sweeley, his attorneys; the defendants John Zuffrey, Fabian Antillo, appearing through Bothwell & Chapman, their attorneys, the defendant J. W. Porter appearing through Porter & Witham, his attorneys; the defendants Stoner, et al, appearing through E.R. Dampier and Harmon E. Hosier, their attorneys; the defendant A.J. Fuller appearing through T.M. Morris, his attorney; the defendant B.F. Hays appearing through Asher B. Wilson, his attorney; the other defendants not appearing either in person or by attorney, and the parties having stipulated that all pleadings might be deemed to be amended to conform to proof, and having stipulated as to other facts in the action, and after all of the testimony both oral and documentary had been introduced and the matter had been presented to the Court both on oral argument and briefs, and the Court after being fully advised in the premises, having made and filed its written Findings of Fact and Conclusions of Law constituting its decision herein,

AUG 08 1995

VIII.

That there is hereby awarded to George Wise and his successors in interest, for use upon the following described lands, to-wit:

45 0497

South half ($S\frac{1}{2}$) Southwest Quarter ($SW\frac{1}{4}$)
Section Thirty-six (36), Township Eleven
(11) South, Range Nineteen (19) E.B.M.

a water right of 20 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1906, diverted at the Strong Ditch, hereby designated as:

WATER RIGHT NO. 10-B.

IX.

That there is hereby awarded to H.P. Pettijohn and his successors in interest, for use upon the following described lands, to-wit:

45 0498

Southeast Quarter ($SE\frac{1}{4}$) and East Ten (10) acres
of Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-six
(26), Township Eleven (11) South, Range Nineteen
(19) E.B.M.

a water right of 170 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, diverted at the Strong Ditch hereby designated as:

WATER RIGHT NO. 10-C.

X.

That Samuel F. Strong and his successors in interest is hereby awarded for use upon the following described lands, to-wit:

45 0499

Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-six (26),
except East ten acres (10 A), Township Eleven (11)
South, Range Nineteen (19) E.B.M.

a water right of 150 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, diverted at the Strong Ditch, designated as:

WATER RIGHT NO. 10-D.

XI.

That there is hereby awarded to Mary M. Strong and her successors in interest for use upon the following described lands, to-wit:

45 0500

Northeast Quarter ($NE\frac{1}{4}$) and the East Half ($E\frac{1}{2}$)
Northwest Quarter ($NW\frac{1}{4}$) Section Two (2),
Township Twelve (12), South, Range Nineteen
(19) E.B.M.

a water right of 220 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, diverted at the Strong Ditch, hereby designated as:

WATER RIGHT NO. 10-E.

XII.

That there is hereby awarded to Thomas W. McClain and his

XIX.

That there is hereby awarded to M. B. Bolay and his successors in interest for use upon the following described lands, to-wit:

45 0508 Lots two (2) and Three (3) Section Nineteen
(19) Township Eleven (11) South, Range Twenty
(20) E.B.M.

Trans #606-696

a water right of 155 inches of the waters of Dry Creek and its tributaries with a priority date of May 1st, 1912, diverted at the dam across Dry Creek, hereby designated as:

WATER RIGHT NO. 14.

XX.

That there is hereby awarded to John Zuffrey and his successors in interest for use upon the following described lands, to-wit:

45 0509 South half (S $\frac{1}{2}$) Southeast Quarter (SE $\frac{1}{4}$)
Section Thirty-four (34), Township Eleven
(11) South of Range Nineteen (19) E.B.M.

a water right of 60 inches of the waters of Dry Creek and its tributaries with a priority date of September 15th, 1912, to be diverted at the Somsen Ditch at a point near the Southwest Quarter of the Southwest Quarter, Section thirteen (13), Township Twelve (12), South, Range Nineteen (19) E.B.M., hereby designated as:

WATER RIGHT NO. 15.

XXI.

That there is hereby awarded to D. B. Moorman and his successors in interest for use upon the following described lands, to-wit:

45 0510 Southeast Quarter (SE $\frac{1}{4}$) Southeast Quarter
(SE $\frac{1}{4}$) Section Thirty-one (31), South half
(S $\frac{1}{2}$) Southwest Quarter (SW $\frac{1}{4}$) Section Thirty-
two (32) Township Eleven (11) South Range
Twenty (20), E.B.M.

a water right of 40 inches of the waters of Dry Creek and its tributaries with a priority date of April 2nd, 1916, to be diverted at the Parks Ditch, hereby designated as:

WATER RIGHT NO. 16.

XXII.

45 0511

It is agreed by stipulation of all parties that B. F. Hays claims no water from Dry Creek or any of its tributaries but that he is entitled to the use of all underflow, excepting artesian water and spring water to the amount of forty (40) inches for use on the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section thirty-six (36) Township Eleven (11) South, Range Nineteen (19) E.B.M., the point of diversion being the Southeast corner of the said land.

XXIII.

That this decree shall supersede all former decrees, if any, purporting to adjudicate the waters of Dry Creek and its tributaries and that from and after the date hereof all of the waters of said creek shall

MICROFILMED

AUG 08 1995

be diverted accordi to the rights and places of diversion herein provided, and that all former decrees affecting said waters are hereby declared to be null and void and of no force and effect whatsoever.

XXIV.

It is further ORDERED, ADJUDGED AND DECREED: That the rights and priorities herein determined and awarded be, and the same are, each and all of them quieted and confirmed as against each and every party hereto as well as their agents, servants and employees, and all parties by, under or through them; and that all of the parties to this action, their agents, servants, or employees and all persons claiming by, under or through them, are forever DEBARRED AND ENJOINED from claiming or asserting any right, title, or interest in and to the waters of Dry Creek and its tributaries other than the amount, the dates of priority, the points of diversion and for use upon the lands in this decree enumerated; and all of the parties to this action, and their successors in interest, as well as their agents, servants, and employees, and each and all of them, are hereby enjoined from in any manner diverting, or causing to be diverted, any of the waters of said Dry Creek and/or its tributaries in any amounts, dates of priority, points of diversion, or for use upon lands other than in this decree specifically provided.

XXV.

This Court hereby retains jurisdiction of this case for a period of sixty days for the following purposes only:

(1) For correcting any clerical errors herein, and

(2) For the purpose of determining, as among the present owners of the lands and water rights at one time owned by J.E. Bower, the description of the lands to which the separate water rights originally held by the said Bower are now appurtenant, the dates of priority thereof, the points of diversion of the said waters of Dry Creek, and the names of the several owners of said lands and water rights, all of said matters to be determined within sixty days from the date hereof upon the evidence already submitted in this case and such further evidence, if any, as the Court may desire; it being particularly provided that the determination of these questions between the successors to J.E. Bower shall in no way effect, alter, change, or modify the water rights, places of use, priority dates, or points of diversion of any of the other rights herein decreed to the other parties in this suit; and it being further provided that the determination of the said questions as among the successors of J.E. Bower shall be set forth in amendments to the Findings of Fact this day made and to this judgment, which said amendments shall then become a part of said Findings and of this Judgment, as of the date hereof.

It is further ORDERED, ADJUDGED and DECREED: that each and all of the parties hereto shall bear and pay their respective costs and disbursements incurred in this action.

DATED, this 7th day of May, 1926.

Wm O Babcock
District Judge

RECORDED

AUG 08 1926

TITLEFACT, INC.

163 FOURTH AVENUE NORTH
P.O. BOX 486
TWIN FALLS, IDAHO 83303

TWIN FALLS COUNTY, IDAHO
RECORDED FOR:

1991 APR 24 P 2:52

TITLEFACT, Inc.

001372
LINDA E. WRIGHT

29743FC

*****SPACE ABOVE FOR RECORDER

WARRANTY DEED

FOR VALUE RECEIVED JOE S. SAVAGE AND HELEN R. SAVAGE, husband and wife hereinafter called the grantor, hereby grants, bargains, sells and conveys unto LARRY M. ADAMS AND KATHY S. ADAMS, husband and wife whose address is: Rt. 1, Murtaugh, ID 83344

hereinafter called grantee, the following described premises, in Twin Falls County, Idaho, to-wit:

Township 11 South, Range 19 E., S.M., Twin Falls County, Idaho

Section 23: SE1/4

Section 26: NE1/4, SE1/4, the East 10 acres of the E1/2SW1/4

SUBJECT TO: Twin Falls County Highway Right of Way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 24, 1991

JOE S. SAVAGE

HELEN R. SAVAGE

STATE OF IDAHO

County of Twin Falls

On this 24th day of APRIL, 1991, before me, a Notary Public in and for said State, personally appeared JOE S. SAVAGE AND HELEN R. SAVAGE, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Notary Public
Residing in: TWIN FALLS
Commission Expires: 01/20/92

MICROFILMED

AUG 08 1995

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF
THE STATE OF IOWA, DEPT FOR THE COUNTY OF
TOWN HALLS.

JEREMIAH BOWARD, PAULINE BOWARD, S.F. STRONG,
MARY C. STRONG, H.R. PETTIJOHN, C.A. PETTIJOHN,
CARLIN L. THOMAS, GEORGE WISE, JOSEPH E. STRONG,
JOSEPHINE STRONG,

Plaintiffs,

vs.

D.B. MOORMAN, M.B. BOLEY, R.J. DAY, J.E. DAY,
PERRY PAYNEAU, J.O. PORTER, JOHN ZUFFREY,
FABIAN ANTILLE, A.D. MC FARLANE, A.J. FULLER,
FRANK TERRILL, ANNIE TERRILL, FRANK SOMSEN,
THOMAS T. RUTLEDGE, FRED J. BACON, MARTHA
A. BACON, HARRY HOBBSSEY, E.C. CALLEN, HARRIETT BACON,
CLARENCE W. PARKS, B.F. HAYS, W.E.E. GROZDER, IVAN
STONER, CHESTER S. STONER, CHARLES SUMMER, ELAIRA
E. HALL CHRIS ARSTEIN, DAN WILKINSON,
CHINN, HARMON, E.J. MARSHALL, REUBEN
RANDELL, ARON HANDELL, M.T. BURGESS, W.A.
STURGEON, HARRY B. WALLACE, K.T. SEDGONS,
GEORGE R. RAYMOND, EMMA C. BARBER, THOMAS A.
STARRH, AGNES PARKS, HOGAN,
MARY HONROTH, J. H. STONER, FRANK STONER, DRY CREEK
WATER COMPANY, a corporation, ANTESIAN WATER COM-
PANY, a corporation,

Defendants.

JUDGMENT.

THIS CAUSE, having come on to be heard before the Court at various times,
upon the final pleadings filed by the respective parties who had appeared
herein, the plaintiffs appearing through E.M. Wolfe and S.T. Hamilton, their
attorneys; the defendants Frank Terrill and Annie Terrill (now deceased
and represented by Frank A. Terrill, administrator, and Alice Wilhite)
appearing through Walters & Parry, their attorneys; the defendants D.B. Moor-
man, M.B. Boley, and R.J. Day appearing through Sweeley & Sweeley, their
attorneys; the defendant Clarence Parks appearing through Sweeley & Sweeley,
his attorneys; the defendants John Zuffrey, Fabian Antille, appearing
through Bothwell & Chapman, their attorneys, the defendant J. W. Porter
appearing through Porter & Witham, his attorneys; the defendants Stoner,
et al, appearing through E.R. Dampier and Harmon E. Hosier, their attorneys,
the defendant A.J. Fuller appearing through T.M. Morris, his attorney; the de-
fendant B.F. Hays appearing through Asher E. Wilson, his attorney; the
other defendants not appearing either in person or by attorney, and the par-
ties having stipulated that all pleadings might be deemed to be amended to
conform to proof, and having stipulated as to other facts in the action, and
after all of the testimony both oral and documentary had been introduced
and the matter had been presented to the Court both on oral argument and
briefs, and the Court after being fully advised in the premises, having
made and filed its written Findings of Fact and Conclusions of Law con-
stituting its decision herein,

NOT RECORDED
AUG 08 1995

VIII.

That there is hereby awarded to George Wise and his successors in interest, for use upon the following described lands, to-wit:

45 0497 South half (S $\frac{1}{2}$) Southwest Quarter (SW $\frac{1}{4}$)
Section Thirty-six (36), Township Eleven
(11) South, Range Nineteen (19) E.B.M.

a water right of 20 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, diverted at the Strong Ditch, hereby designated as:

WATER RIGHT NO. 10-B.

IX.

That there is hereby awarded to H.F. Pettijohn and his successors in interest, for use upon the following described lands, to-wit:

45 0498 Southeast Quarter (SE $\frac{1}{4}$) and East Ten (10) acres
of Southwest Quarter (SW $\frac{1}{4}$) Section Twenty-six
(26), Township Eleven (11) South, Range Nineteen
(19) E.B.M.

a water right of 170 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, diverted at the Strong Ditch hereby designated as:

WATER RIGHT NO. 10-C.

X.

That Samuel F. Strong and his successors in interest is hereby awarded for use upon the following described lands, to-wit:

45 0499 Southwest Quarter (SW $\frac{1}{4}$) Section Twenty-six (26),
except East ten acres (10 A), Township Eleven (11)
South, Range Nineteen (19) E.B.M.

a water right of 150 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, diverted at the Strong Ditch, designated as:

WATER RIGHT NO. 10-D.

XI.

That there is hereby awarded to Mary H. Strong and her successors in interest for use upon the following described lands, to-wit:

45 0500 Northeast Quarter (NE $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$)
Northwest Quarter (NW $\frac{1}{4}$) Section Two (2),
Township Twelve (12), South, Range Nineteen
(19) E.B.M.

a water right of 220 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, diverted at the Strong Ditch, hereby designated as:

WATER RIGHT NO. 10-E.

XII.

That there is hereby awarded to Thomas W. McClain and his

RECORDED
AUG 08 1995

be diverted according to the rights and places of diversion herein provided, and that all former decrees affecting said waters are hereby declared to be null and void and of no force and effect whatsoever.

XXIV.

It is further ORDERED, ADJUDGED and DECREED: That the rights and priorities herein determined and awarded be, and the same are, each and all of them quieted and confirmed as against each and every party hereto as well as their agents, servants and employees, and all parties by, under or through them; and that all of the parties to this action, their agents, servants, or employees and all persons claiming by, under or through them, are forever DEBARRED AND ENJOINED from claiming or asserting any right, title, or interest in and to the waters of Dry Creek and its tributaries other than the amount, the dates of priority, the points of diversion and for use upon the lands in this decree enumerated; and all of the parties to this action, and their successors in interest, as well as their agents, servants, and employees, and each and all of them, are hereby enjoined from in any manner diverting, or causing to be diverted, any of the waters of said Dry Creek and/or its tributaries in any amounts, dates of priority, points of diversion, or for use upon lands other than in this decree specifically provided.

XXV.

This Court hereby retains jurisdiction of this case for a period of sixty days for the following purposes only:

- (1) For correcting any clerical errors herein, and
- (2) For the purpose of determining, as among the present owners of the lands and water rights at one time owned by J.E. Bower, the description of the lands to which the separate water rights originally held by the said Bower are now appurtenant, the dates of priority thereof, the points of diversion of the said waters of Dry Creek, and the names of the several owners of said lands and water rights, all of said matters to be determined within sixty days from the date hereof upon the evidence already submitted in this case and such further evidence, if any, as the Court may desire; it being particularly provided that the determination of these questions between the successors to J.E. Bower shall in no way effect, alter, change, or modify the water rights, places of use, priority dates, or points of diversion of any of the other rights herein decreed to the other parties in this suit; and it being further provided that the determination of the said questions as among the successors of J.E. Bower shall be set forth in amendments to the Findings of Fact this day made and to this judgment, which said amendments shall then become a part of said Findings and of this judgment, as of the date hereof.

It is further ORDERED, ADJUDGED and DECREED: that each and all of the parties hereto shall bear and pay their respective costs and disbursements incurred in this action.

DATED, this 7th day of May, 1926.

Wm O Babcock
District Judge

MAILED MAY 12 1926
AUG 08 1926



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 2, 1995

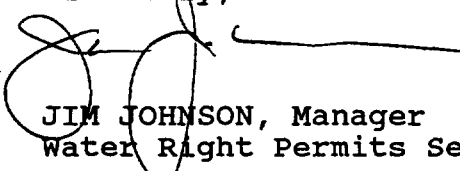
LARRY M ADAMS
KATHY S ADAMS
RT 1
MURTAUGH ID 83344

Transfer of Water Right No. 45-00498

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4582). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
AUG 08 1995

MEMORANDUM

TO: FILE NO. 45-00498

FROM: PAM SKAGGS^{PS} STATE OFFICE

SUBJECT: TRANSFER NO. 4582

DATE: July 6, 1995

=====

Transfer No. 4582 was filed to change the place of use under Right No. 45-00498, creating a permissible place of use with groundwater Right Nos. 45-02234/02247/02559/02581 & 02826. Water is diverted through a ditch system into a pond where is commingled with groundwater and pumped through a combined mainline system to pivots.

This right was originally decreed for a 170 acre parcel of land with a rate of diversion of 3.40 cfs. This right is limited to the irrigation of 170 acres within the described 473 acre land base. Region staff confirmed that only 444 total acres have been irrigated in a single season under these combined rights within the described property in many years. The difference in total acres is due to non-irrigation of the corners around the pivot in the SE, Section 26, T11S, R19E. (See Allen Merritt's 06-27-95 Memo)

This transfer is being processed concurrently with Transfer No. 4583 which combines the groundwater rights within the same place of use. Each transfer will reference a combined rights limit including the surface and groundwater rights.

The season of use and diversion volume was adjusted to current standards. Other recommended conditions include permissible place of use, combined limits, watermaster control, irrigation overlap, future measuring and reporting, and standard transfer conditions.

RECORDED
JUL 8 1995

(04-95)

Date Reviewed 07-06-95
6-12-95 (38)

Right(s) 45-00498 Process with T# 4583

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 '91 Warranty Deed covers property P/P/O
Twin Falls. Assessor's office confirms ownership of decreed P/O - 6-12-95 @ 8
Lienholder's Approval Recd 6-22-95 116.9 Acres

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

Season/Vol. C/4.0

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

(11) ~~45N~~ Water District (12) ~~None~~ Pertinent Conditions (13) ~~NO~~ Expansion
Inactive/No Comment Limit: Not Applicable

Limit Rtt + Combined Rts.

- ③ Standard season = 4-1 to 10-31
- ④ $3.4 \text{ cfs} / 170 \text{ Acres} = .02 \text{ cfs/acre}$
- ⑤ $170 \times 4 = 680 \text{ afa} < \text{Yoe}$
- ⑥ Change P/U to reflect PP/U - 473 landbase - Twin Falls County

GLW Rights used with 45-00498 are 45-02234/2247/2559/2581 & 2826

Surface water supplemented by GLW on original + new PP/U.

Combined Limits 444 Acres / 8.88 cfs / 1776 afa

Transfer Remarks PPU-170 Acres this rt.

Conditions R04.01M R31.T07.T08.T09

Database/Processing Notes T File

Special Edit - Combined limits * Rate, Volume & Acres. PP/U * Acres

WR Reports File

Transfer Memo Complete ✓

Database updated 8-2-95 CS

WR0749NP
No. T45-00498

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/06/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LARRY M ADAMS	10/21/1908	IRRIGATION	04-01 10-31	3.400 CFS	680.00 AFA
C	KATHY S ADAMS					
	RT 1					
	MURTAUGH ID 83344					
	(208) 432-5350					
TOTAL DIVERSION: **					3.400 CFS **	680.00 AFA

Water Source: DRY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T12S R19E S13 SWSW CASSIA County

Place of use Legal Description for: IRRIGATION

NE										NW				SW				SE					
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: SUM		
11S	19E	23	:								:								38	37	40	39	: 154.0
11S	19E	26	:	38		38		40		38	:			05			05		39	40	39	37	: 319.0
TOTAL ACRES																				**	473.0		

Pou County: TWIN FALLS

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

45-00487A	45-00488	45-00491	45-00492	45-00493	45-00496A	45-00496B	45-00497	45-00498	45-00499
45-00500	45-00501	45-00502	45-00503	45-00504	45-00507	45-00509	45-02051H	45-04156	

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

45-00498	45-00499	45-02051C	45-02051G	45-02234	45-02244	45-02247	45-02559	45-02581	45-02681
45-02826	T45-02234	T45-02247	T45-02559	T45-02581	T45-02826				

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 45N.
- 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.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

WR0749NP
No. T45-00498

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/06/95
PAGE: 2

Remarks**Right No. 45-00498 is limited to the irrigation of 170 acres in the place of use described above in a single irrigation season.
* Combined Right Nos. 45-00498, 45-02234, 45-02247, 45-02559, 45-02581 and 45-02826 are limited to a total combined rate of diversion of 8.88 cfs, a total combined annual diversion volume of 1,776 af and the irrigation of combined total of 444 acres in the place of use described above in a single irrigation season.

Dates: App. Received: 02/16/1995 Priority Date: 10/21/1908
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

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

Comments: Date: 03/29/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4582
Trans. #4582 was filed to to create a permissible place of use and correct legals. Combines the right into a sytem with 5 groundwater rights under companion Transfer No. 4583.

Audit: 03/29/95 MBALDWIN 06/08/95 SCURTIS 07/06/95 PSKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM				
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac						
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac							
T11S R19E S 23																						
T4500498	DRY CREEK	Proposed : P/P/U												:	:	38	37	40	39	:	154	
T4502234	GROUNDWATE													:	:	38	37	40	39	:	154	
T4502247	GROUNDWATE													:	:	38	37	40	39	:	154	
4502421	GROUNDWATE													:	:	35	25	10	40	:	110	
A4502421	GROUNDWATE													:	:	40	40	40	40	:	160	
4502540	GROUNDWATE	40		40		40		40											160			
A4502540	GROUNDWATE	40		40		40		40		40		40		40					320			
A4502559	GROUNDWATE													:	:	40	40	40	40	:	160	
A4502559	GROUNDWATE													:	:	40	40	40	40	:	160	
R4502559	GROUNDWATE													:	:	40	40	40	40	:	160	
T4502559	GROUNDWATE													:	:	38	37	40	39	:	154	
4502571	GROUNDWATE													:	:					40	:	160
A4502571	GROUNDWATE	40		40		40		40		40		40		40					320			
T4502581	GROUNDWATE													:	:	38	37	40	39	:	154	
A4502701B	GROUNDWATE	40		40		40		40		40		40		40					320			
T4502826	GROUNDWATE													:	:	38	37	40	39	:	154	
A4504070	GROUNDWATE	40		40		40		40		40		40		40					320			
4504165	WASTE WATE													:	:	40	40	40	40	:	160	
A4504165	WASTE WATE													:	:	40	40	40	40	:	160	
A4504245	GROUNDWATE	40		40		40		40		40		40		40					320			
A4512435	GROUNDWATE													:	:	40	40	40	40	:	160	
--86 MAP--	C83Q-CC 25	40		39		38		40		40		41		40		39		40	638			

T11S R19E S 26

4500498	DRY CREEK																	170
A4500498	DRY CREEK																	170
R4500498	DRY CREEK																	170
T4500498	DRY CREEK	38	38	40	38													319
4500499	DRY CREEK																	150
A4500499	DRY CREEK																	150
4502051C	DRY CREEK																	170
4502051G	DRY CREEK																	150
4502234	GROUNDWATE	40	40	40	40													160
A4502234	GROUNDWATE	40	40	40	40													160
R4502234	GROUNDWATE	40	40	40	40													160
T4502234	GROUNDWATE	38	38	40	38													319
4502244	GROUNDWATE																	150
A4502244	GROUNDWATE																	150
4502247	GROUNDWATE																	170
A4502247	GROUNDWATE																	170
R4502247	GROUNDWATE																	170

GW Overlaps on each Section

T#4582

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T4502247	GROUNDWATE	38		38		40		38										5					5			39		40		39		37		319
4502557	GROUNDWATE										40		40		40		40																160	
A4502557	GROUNDWATE										40		40		40		40																160	
4502559	GROUNDWATE		40		40		40																										120	
A4502559	GROUNDWATE		40		40		40																										120	
R4502559	GROUNDWATE		40		40		40																										120	
T4502559	GROUNDWATE	38		38		40		38										5					5			39		40		39		37		319
4502581	GROUNDWATE																	5					5			40		40		40		40		170
A4502581	GROUNDWATE																	5					5			40		40		40		40		170
R4502581	GROUNDWATE																	5					5			40		40		40		40		170
T4502581	GROUNDWATE	38		38		40		38										5					5			39		40		39		37		319
4502681	WASTE WATE					NO OVERLAP												35		40		40		35								150		
4502826	GROUNDWATE																	5					5			40		40		40		40		170
A4502826	GROUNDWATE																	5					5			40		40		40		40		170
R4502826	GROUNDWATE																	5					5			40		40		40		40		170
T4502826	GROUNDWATE	38		38		40		38										5					5			39		40		39		37		319
A4510085	WASTE WATE									40		40		40		40																	160	
--86 MAP--	C83Q-CC 25	38		39		38		38		37		42		42		39		39		41		40		39		37		40		40		39		628

WR0749NP
No. 45-02051C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/12/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H. R. PETTIJOHN	10/21/1908	IRRIGATION	00-00 00-00	3.400 CFS	
C	C. A. PETTIJOHN		DOMESTIC	00-00 00-00		
	MURTAUGH ID 83344					
TOTAL DIVERSION:					3.400 CFS	

Water Source: DRY CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T12S R19E S24

NWNW

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
11S	19E	26	:					:					:	05			05	:	40		40		40	:	170.0
TOTAL ACRES																							170.0		

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

Pou County: CASSIA

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

45-02051A 45-02051B 45-02051D 45-02051E 45-02051F 45-02051G

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

45-00498 45-00499 45-02051G 45-02244 45-02247 45-02581 45-02681 45-02826 T45-00498 T45-02234
T45-02247 T45-02559 T45-02581 T45-02826

Dates: App. Received: Priority Date: 10/21/1908
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: ~~05/24/1979~~
02-27-1919

Misc: Water District Number: Field Exam Fee:

Audit: 03/26/85 05/28/88 CONVERT 06/26/89 CURTIS 07/20/89 CURTIS

Superseded by decree dated 05-07-1926 - 45-00498

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 06/08/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

45-00498

PETTIJOHN , H. R.
SAVAGE , JOE

3.40

T#4582

FROM: Allen Merritt *Am*

DATE: June 27, 1995

TO: TRANSFER FILES #4582 & #4583

SUBJECT: REVIEW AND RECOMMENDATION

These two transfers involve the same place of use. Transfer #4582 is for the surface water right from Dry Creek and transfer #4583 involves the groundwater rights from three existing wells. The purpose of the transfers is to create a permissible place of use (PPU) for all of these right which utilize an interconnected delivery system. The proposed PPU consists of 473 acres. Originally all these acres were covered by the groundwater rights in total and approximately 170 acres were covered by the Dry Creek water. Conversations with the applicant by Jim Stanton (See 3/24/95 memo) and review of 6/24/1987 NAPP photos as well as my conversation with Tamera in the Cassia Co. CFSA(ASCS) this day finds that the corners of the southern pivot have not been irrigated for many years and the corners have not been in CRP. Based on this it appears that the maximum number of acres which should be allowed to be irrigated at any one time should be no more than 444 acres in any one season. The table below summarizes these acres found irrigated as shown on the attached map.

TWP	RGE	SEC	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	19E	23													38	37	40	38	153
11S	19E	26	39	38	40	38					3			3	30	35	35	30	291

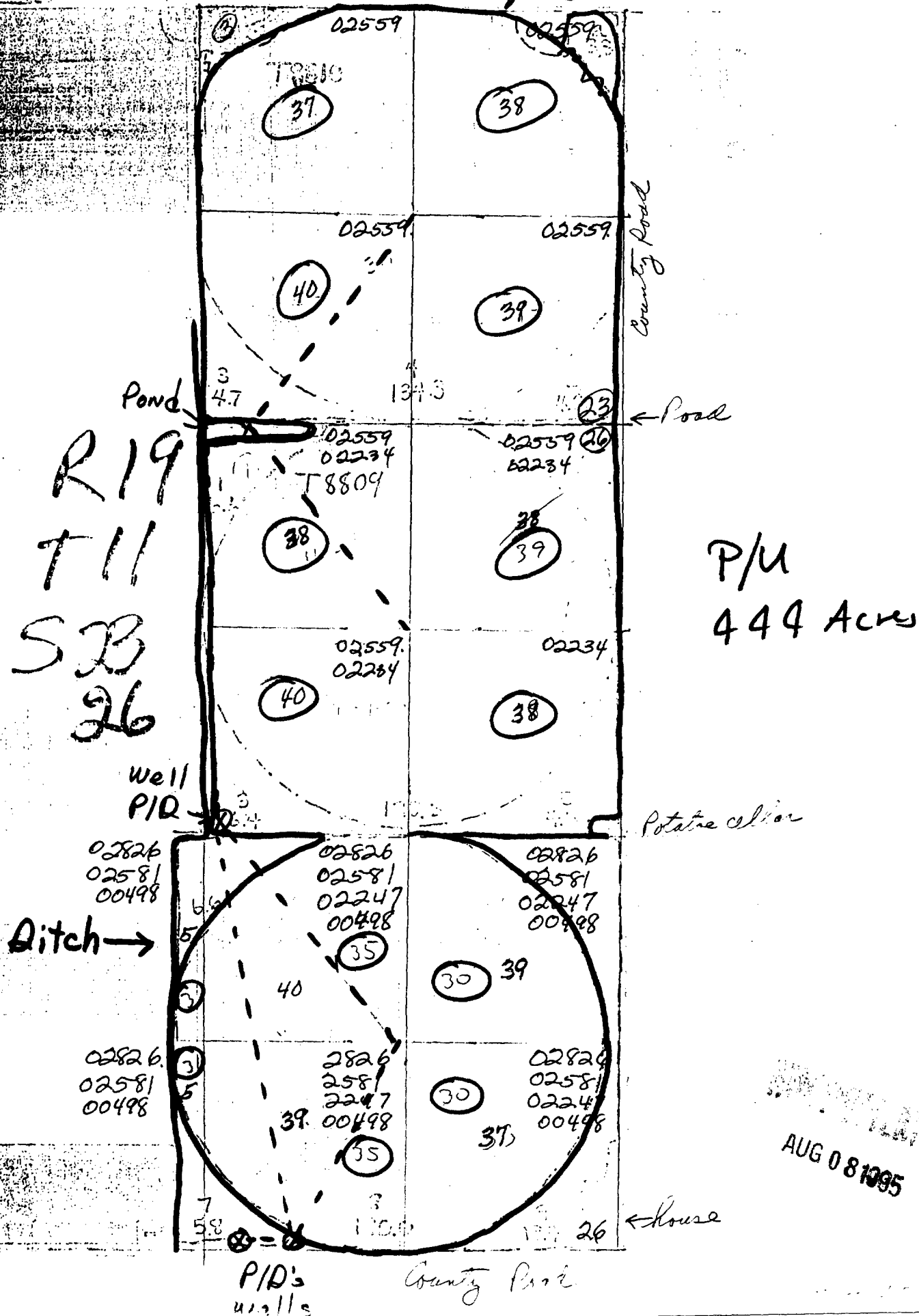
RECOMMENDATION:

I recommend that both transfers be approved with the requested 473 acre PPU; however, that a limitation be placed on the use of the rights such that in any one year the total number of acres irrigated shall not exceed 444 acres. Consistent with this limit the combined diversion volume should be limited to (4 x 444) or 1776 AFA and that maximum total diversion rate shall not exceed 8.88 cfs at any one time. The rights being combined shall be all those listed on these two transfer applications.

Additionally all wells must be equipped with measuring devices with totalizing meters. All rights are subject to future SRBA review.

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AUG 08 1995

Adams Transfer



AUG 08 1995

GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L. W. GRANT, III
J. BART GREEN
ROBERT C. HUNTLEY, JR.
KARL T. KLEIN
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'RIORDAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

June 21, 1995

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JUN 22 1995

Department of Water Resources
Southern Region

JUDITH K. HOLCOMBE
JAMES A. MCCLURE
OF COUNSEL

DAVID E. MABE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492

CHRISTOPHER H. MEYER
DIRECT DIAL
(208) 388-1236

Mr. Mel Schulte
Senior Water Rights Agent
Southern Regional Office
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Matter: Travelers - Mountain Meadows - Water Rights Follow-up
Subject: Consent to Transfer
Our file: 3426-12

Dear Mel:

Please find enclosed the original Consent to Transfer signed by the
lienholder, Travelers Insurance Company.

If you need anything further, please feel free to contact me.

Sincerely,


Christopher H. Meyer

Enclosure

CHM:mac

S:\CLIENTS\3426\12\CHM\CORR\SCHULTE.L02

RECEIVED

AUG 08 1995

CONSENT TO TRANSFER

The Travelers Insurance Company ("Travelers") is a lienholder on certain real properties, which include appurtenant water rights, owned by Larry M. and Kathy S. Adams, doing business as Mountain Meadows Ranch ("Borrower"). Travelers hereby consents to the transfer of certain of these rights, to wit:

<u>WATER RT.</u>	<u>CFS</u>	<u>PRIORITY DATE</u>	<u>STAGE</u>	<u>PLACE OF USE</u>	<u>SOURCE</u>
1. 4500498	3.40	10/21/08	DECREED	CASSIA	DRY CREEK
2. 4502234	1.60	08/11/47	LICENSE	TWIN FALLS	GROUNDWATER
3. 4502247	0.88	12/27/50	LICENSE	TWIN FALLS	GROUNDWATER
4. 4502338	1.25	08/08/50	LICENSE	TWIN FALLS	GROUNDWATER
9. 4502374	1.18	04/23/51	LICENSE	TWIN FALLS	GROUNDWATER
5. 4502380	2.04	06/05/51	LICENSE	CASSIA	GROUNDWATER
6. 4502381	4.14	06/05/51	LICENSE	CASSIA	GROUNDWATER
7. 4502384	1.42	06/18/51	LICENSE	TWIN FALLS	GROUNDWATER
8. 4502559	2.67	10/31/57	LICENSE	TWIN FALLS	GROUNDWATER
9. 4502581	1.27	06/09/59	LICENSE	TWIN FALLS	GROUNDWATER
10. 4502589	1.10	09/11/59	LICENSE	CASSIA	GROUNDWATER
11. 4502626	1.54	08/22/60	LICENSE	TWIN FALLS	GROUNDWATER
12. 4502826	0.72	12/27/48	LICENSE	TWIN FALLS	GROUNDWATER
13. 4504239	7.24	06/01/54	STATUTORY CLAIM	TWIN FALLS	GROUNDWATER
14. 4507201	5.72	11/18/74	LICENSE	CASSIA	GROUNDWATER

This consent is granted with the express understanding that these transfers involve changes in the place of use and point of diversion only, and that the purpose of the transfers is solely to facilitate the most efficient use of the water on the Borrower's property. Travelers specifically does not consent to any transfer of any water right owned by the Borrower to any lands not within Borrower's ranch, known as Mountain Meadow Ranch, or to any person or entity other than the Borrower.

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JUN 22 1995

Department of Water Resources
Southern Region

Dated this 16th day of June, 1995

TRAVELERS INSURANCE COMPANY

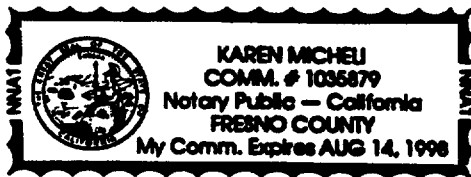
By: David E. Dunlop
Its: Vice President

AUG 08 1995

STATE OF CALIFORNIA)
) ss.
County of Fresno)

On this 16th day of June, in the year 1995, before me, a Notary Public in and for the State of California, personally appeared David E. Ownlap, known or identified to me to be the president, vice president, secretary or assistant secretary of The Travelers Insurance Company, the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Karen Micheli
Notary Public for California
Residing at: _____
My commission expires: _____

MEMORANDUM

TO: ALAN MERRITT/SOUTHERN REGION OFFICE

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4582
WATER RIGHT NO. 45-00498

DATE: June 12, 1995

=====

As we discussed this morning, I am returning this transfer file to your office. It should be processed with the companion groundwater Transfer No. 4583 and forwarded with similar recommendations regarding the permissible place of use.

The file contained only a 1991 Warranty Deed as proof of ownership, so I called the Twin Falls County Assessor to confirm current ownership of the land. They confirmed that the Adams own a 166.9 acre parcel in the SE 1/4 and Part of the E1/2 of SW, Section 26, T11S, R19E.

The memo mentioned in this file that you have in the file for Transfer No. 4583, talks about whether all this ground has been irrigated in the last 5 years. Please review and recommend the actual number of acres confirmed irrigated under both these transfers, so that the common permissible place of use corresponds under each transfer.

The other missing piece is the lienholder's approval. The letters in the file reflect the request, but no results in file.

Transfer No. 4581 was forwarded for approval since it was a point of diversion change only and no proof of ownership or lienholder's approval is required.

Thanks for following up on these matters and please forward the files together when complete.

RECEIVED

AUG 08 1995

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
STATE OF IDAHO) ss
)

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 April 10, 19 95, and ending with the issue dated April 17, 19 95.

Kary D Miller

STATE OF IDAHO)
COUNTY OF Cassia)

On this 18th day of April in the year of 1995 before me, a Notary Public, personally appeared Kary 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 he executed the same.

Kelly Johnson

Notary Public for Idaho

Residing at

Burley, ID

My commission expires:

May 23, 1997

Cost of Publication

416.44

Notary Fee

.50

Total Cost

416.94

OK
MB
4/25/95

MICROFILMED

AUG 08 1995

95-118

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 45-00498**

Notice is hereby given that LARRY M. &/OR KATHY S. ADAMS, RT 1; MURTAUGH ID 83344 have applied to the Department of Water Resources to change the following described water right pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4582.

The purpose of this application is to create a permissible place of use for Dry Creek decreed water and groundwater.

WATER RIGHT AS RECORDED:

Water Right No. 45-00498

Basis: Decreed in Bonard, Et Al vs Moorman, Et Al dated 7/26/1926.

Date of Priority: 10/21/1908

Amount: 3.4 cfs

Source: Dry Creek trib. to Snake River

Use: irrigation from 4/1 to 10/31

Point of Diversion: SW1/4SW1/4, S13, T12S, R19E; Cassia County.

Place of Use: Unstated acres within S1/2, S26, T11S, R19E.

A claim has been filed in the Snake River Basin Adjudication.

WATER RIGHT NO. 45-00498 TO BE CHANGED to a permissible place of use of 473 acres within SE1/4, S23, T11S, R19E; NE1/4, E1/2SW1/4, SE1/4, S26, T11S, R19E.

Any protest against approval of the proposed change of water right application 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 April 27, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in the South Idaho Press on April 10 and 17, 1995.

.....

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OF WATER RIGHT NO. 45-00498**

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The purpose of this application is to
create a permissible place of use for Dry
Creek decreed water and groundwater.
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Water Right No. 45-00498

Basis: Decreed in Bonard, Et Al vs
Moorman, Et Al dated 7/26/1926.

Date of Priority: 10/21/1908

Amount: 3.4 cfs

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Use: irrigation from 4/1 to 10/31

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T12S, R19E; Cassia County.

Place of Use: Unstated acres within
S1/2, S26, T11S, R19E.

A claim has been filed in the Snake
River Basin Adjudication.

**WATER RIGHT NO. 45-00498 TO BE
CHANGED** to a permissible place of use
of 473 acres within SE1/4, S23, T11S,
R19E; NE1/4, E1/2SW1/4, SE1/4, S26,
T11S, R19E.

Any protest against approval of the
proposed change of water right
application must be filed with the
Department of Water Resources,
Southern Region, 222 Shoshone Street
East, Twin Falls, ID 83301 together
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April 27, 1995. The protestant must
also send a copy of the protest to the
applicant.

R. Keith Higginson, Director

Published in the South Idaho Press on
4/10 & 4/17/95.

RECEIVED

AUG 08 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~*****~~
Governor PHIL BATT

April 4, 1995

R. KEITH HIGGINSON
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

Mary Baldwin
Sr. Secretary

Enclosure

AUG 08 1995

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 45-00498

Notice is hereby given that LARRY M. &/OR KATHY S. ADAMS, RT 1; MURTAUGH ID 83344 have applied to the Department of Water Resources to change the following described water right pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4582.

The purpose of this application is to create a permissible place of use for Dry Creek decreed water and groundwater.

WATER RIGHT AS RECORDED:

Water Right No. 45-00498

Basis: Decreed in Bonard, Et Al vs Moorman, Et Al dated 7/26/1926.

Date of Priority: 10/21/1908

Amount: 3.4 cfs

Source: Dry Creek tributary to Snake River

Use: irrigation from 4/1 to 10/31

Point of Diversion: SW1/4SW1/4, S13, T12S, R19E; Cassia County.

Place of Use: Unstated acres within S1/2, S26, T11S, R19E.

A claim has been filed in the Snake River Basin Adjudication.

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R. Keith Higginson, Director

Published in the South Idaho Press on 4/10 & 4/17/95.

RECORDED

AUG 08 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

GREGG D. ANDRUS
Governor PHIL BATT

March 31, 1995

R. KEITH HIGGINSON
Director

LARRY M &/OR KATHY S ADAMS
RT 1
MURTAUGH ID 83344

Re: Applications for Transfer

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Applications for Transfer and has scheduled advertising the applications as follows:

Transfer No. 4581 (45-02380, 45-2381, 45-02589, 45-07201) & **Transfer No. 4582** (45-00498) should appear in the South Idaho Press on 4/10 & 4/17/95.

Transfer No. 4583 (45-02234, 45-02247, 45-02581, 45-02826) & **Transfer No. 4584** (45-02374, 45-02626) should appear in the Times News on 4/13 & 4/20/95.

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

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

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and a notarized statement from any lien holder on the property agreeing to the proposed change.

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

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

Very truly yours,



James E. Stanton
Sr. Water Resource Agent

AUG 08 1995

TO: File

DATE: March 27, 1995

FROM: Jim Stanton

SUBJECT: Larry Adams Transfer App. on Dry Creek

This transfer involves the same P/U as the pending transfer on 45-02559 and other rights, with with it will constitute a PPU if both transfers are involved. As stated in the memo for the groundwater transfer, some land in the SE 1/4 & E 1/2 SW 1/4 Sec. 26 has not been irrigated in more than 5 years. This land should not be allowed to be irrigated under these transfers, as this would constitute an expansion under Sec. 42-222 Idaho Code.

I did not visit the P/D on this transfer, since it is not proposed to be changed. However, the ditch is pretty visible on the quad map, and the listed P/D appears to be correct.

AUG 08 1995

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

February 17, 1995

RECEIVED

FEB 21 1995

Department of Water Resources
Southern Region

Christopher H. Meyer
Givens, Pursley & Huntley
Box 2720
Boise, Idaho 83701

RE: Larry Adams - Travelers

Dear Chris:

I am enclosing a letter from Mel Schulte together with the first pages of some transfer applications and asked that you comply with the first paragraph in that you give a Travelers consent to the transfers as evidenced by the first pages.

It is now near the end of the month and we need to address the issues of the extension that we have previously talked about.

Very truly yours,


William A. Parsons

WAP:rt

cc: Larry Adams
Mel Schulte

AUG 08 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 16, 1995

William Parsons
Attorney at Law
P O Box 910
Burley, ID 83318

Dear Bill:

Larry Adams was in my office today to execute five transfer applications. He requested I solicit your assistance on his behalf to obtain approval of the proposed transfers from his mortgagee. Any time the land underlying a water right is subject to liens or mortgages and we are changing a major component by transfer, we require a notarized statement of approval from the lien holders.

Enclosed is the front page of each application which summarizes what each one proposes to accomplish. Larry has a complete copy of each transfer if you need to see them or call me at 736-3033 if you need additional information.

It appears Larry will file one more beneficial use adjudication claim for some land that he knows Mr Sturgill has historically used groundwater on. Larry indicated he has surface water for the land but would like to have a groundwater right on it also.

Please obtain a notarized statement of approval from the Adam's lienholder and have it sent to my attention at the address above.

Cordially,

A handwritten signature in cursive script that reads "Mel Schulte".

Mel Schulte
Sr. Water Rights Agent

AUG 1 1995