

TRANSFER OF WATER RIGHT

DEC 01 1999

TRANSFER NO. 5506
WATER RIGHT NO(S). 47-07663B/47-12606/47-12607

CONDITIONS OF APPROVAL AND REMARKS

3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. 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.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5506 shall not exceed 0.59 cfs, nor a total combined annual volume of 59.2 af under Rights 47-07663B, 47-12606 and 47-12607.
6. The quantity of water decreed for Rights 47-12606 and 47-12607 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
7. After specific notification by the department, the right holder shall measure the diversion 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.
8. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of Right 47-07663B in the ongoing Snake River Basin Adjudication.
12. Commercial use is for a dairy located within NWNW, S28, T10S, R14E.
13. Domestic use under Right 47-12606 is for one (1) home.
14. Three (3) points of diversion are located within NWNW, S28, T10S, R14E.
15. Right 47-08252D is also diverted from these points of diversion.

Dated this 29th day of October, 1999.


Chief, Water Allocation Bureau

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SRBA PARTIAL DECREE 47-12606

Issued on 06-25-1999.

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Contact IDWR or the Court for a Certified Copy.

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NAME AND ADDRESS:	JACOB A PETTER TENA PETTER RT 1 BOX 159 BUHL, ID 83316														
SOURCE:	GROUNDWATER														
QUANTITY:	0.11 CFS														
	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.														
PRIORITY DATE:	06/01/1958														
POINT OF DIVERSION:	T10S R14E S28	NENWNW	Within Twin Falls County												
PURPOSE AND PERIOD OF USE:	<table><tr><th>PURPOSE OF USE</th><th>PERIOD OF USE</th><th>QUANTITY</th></tr><tr><td>Domestic 1 HOUSE</td><td>01-01 TO 12-31</td><td>0.04 CFS</td></tr><tr><td>Stockwater</td><td>01-01 TO 12-31</td><td>0.07 CFS</td></tr></table>			PURPOSE OF USE	PERIOD OF USE	QUANTITY	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS	Stockwater	01-01 TO 12-31	0.07 CFS			
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PLACE OF USE:	<table><tr><td>Stockwater</td><td></td><td>Within Twin Falls County</td></tr><tr><td>T10S R14E S28</td><td>NWNW</td><td></td></tr><tr><td>Domestic</td><td></td><td>Within Twin Falls County</td></tr><tr><td>T10S R14E S28</td><td>NWNW</td><td></td></tr></table>			Stockwater		Within Twin Falls County	T10S R14E S28	NWNW		Domestic		Within Twin Falls County	T10S R14E S28	NWNW	
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Domestic		Within Twin Falls County													
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.														

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MEMORANDUM

TO: Files 47-07663, 47-12606 & 47-12607

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5506

DATE: October 28, 1999

Transfer 5506 is adding points of diversion under Rights 47-12606 and 47-12607, and adds and changes the points of diversion, changes the place, nature and season of use under a portion of Right 47-07633, splitting the right into Parts A and B. The applicant is transferring additional water to a dairy to provide for expansion.

The applicant is removing 14.1 acres from irrigation to provide for additional stockwater and commercial uses at the dairy. A dairy worksheet provided by Chuck Brockway identified the stockwater and commercial requirements for the proposed expansion as 46.7 af for stockwater and 39.5 af for commercial use. These transferred rights when combined with Right 47-08252D, which is being licensed concurrently with this transfer, provide the full stockwater needs and most of the proposed commercial volume requirements.

Rights 47-12606 and 47-12707 are recent SRBA decreed rights that did not specify the extent of historical use under each right and are limited to a maximum of 13,000 gallons per day. The applicant provided evidence of at least 400 dairy stock under these rights or a maximum of 15.7 af for stockwater use split under both rights.

No expansion in use occurs through the proposed change in nature of use, and the net result is a reduction of diversion volume. Recommended conditions include drilling permit requirements, water quality standards, county zoning, multiple points of diversion/measuring device, non-historical use and 13,000 gpd limit for Rights 47-12606 & 47-12607, future annual reporting, land application of wastewater and standard transfer conditions.

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MEMORANDUM

TO: FILE 47-12606

FROM: PAM SKAGGS

RE: TRANSFER # 5506

DATE: 11-1-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 47-07663.

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SRBA SUBCASE SUMMARY REPORT 47- 12606

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SRBA
10-22-1999

SUBCASE SUMMARY REPORT

SUBCASE: 47-12606 FILE#: 00000
CLAIMANT: PETTER, JACOB A
STATUS: PD UNDELIVERED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

JACOB A PETTER	PRO SE
TENA PETTER	PRO SE

**** ROA ENTRIES ****

06-25-1999	PARTIAL DECREE FILED	06-25
06-28-1999	PARTIAL DECREE RETURNED UNDELIVERABLE	06-28

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