

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70467

This is to certify that: OXFORD MOUNTAIN FARMS LLC
C/O BRICE E CHECKETTS
2250 N WESTSIDE HWY
DAYTON ID 83232
(208)747-3523

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
13-2215	WR/License	08/20/1960	1.5 cfs	N/A	N/A	114.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

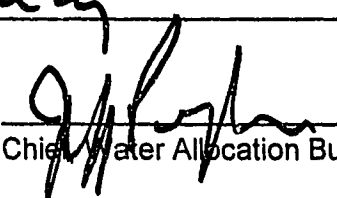
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-2215	YES	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-2215	13-7630	0.41 cfs	75.4 af	N/A	N/A	13-7629	1.09 cfs	N/A	N/A	82.6
COMBINED TOTALS		0.41 cfs	75.4 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29 day of July, 2003

For  Chief Water Allocation Bureau

WATER RIGHT NO. 13-7629
As Modified by Transfer No. 70467

In accordance with the approval of Transfer No. 70467, Water Right No. 13-7629 is now described as follows.

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
1990 N 4000 W
DAYTON ID 83232

Priority Date: August 20, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION		to	1.09 CFS	
			1.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER SWNW Sec. 11 Twp 15S Rge 38E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 38E 11			34.0				8.6	40.0									82.6

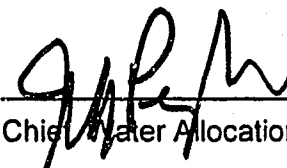
Total Acres: 82.6

CONDITIONS OF APPROVAL

1. Approval of this transfer does not confirm the validity of this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29 day of July, 20 03

For 
Chief Water Allocation Bureau

WATER RIGHT NO. 13-7630
As Modified by Transfer No. 70467

In accordance with the approval of Transfer No. 70467, Water Right No. 13-7630 is now described as follows.

Right Holder: OXFORD MOUNTAIN FARMS LLC
 C/O BRICE E CHECKETTS
 2250 N WESTSIDE HWY
 DAYTON ID 83232

Priority Date: August 20, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.41 CFS	75.4 AF
			0.41 CFS	75.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 11 Twp 15S Rge 38E FRANKLIN County

GROUND WATER SWNW Sec. 11 Twp 15S Rge 38E FRANKLIN County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
15S 38E 11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X	X										

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
3. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
4. 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.
5. 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.

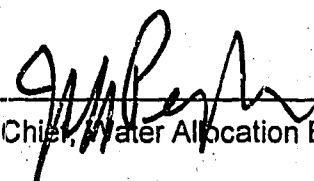
WATER RIGHT NO. 13-7630
As Modified by Transfer No. 70467

CONDITIONS OF APPROVAL

6. The total instantaneous diversion of water from all points of diversion under Right 13-7630 shall not exceed 0.41 cfs, or an annual volume of 75.4 af.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Commercial use is for a dairy facility.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29 day of July, 2003


for Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 13-7629
FROM: VAULT
RE: TRANSFER # 70467
DATE: 7.29.03

=====

Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 13-2215

1 of 6

Transfer No. 70732

of Applicant J-7 LLC c/o Jeff Johnson Phone 208-747-3953
Office address 1990 N. 4000 W. Dayton, ID 83212

OCT - 7 2003

Department of Water Resources

Describe the reason for the proposed changes I want to use my ground water
right as part of my pivot. Twin Lakes canal water is also
used for this purpose. I want to change to a different well
in the same $1/4$ of $1/4$ because original well is starting to fail.
AND KEEP OLD NEW AS A BACKUP

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
13-2215 7629	8/20/1960	1.09 cfs	Irrigation	4/01 to 10/31
				to
				to
				to
				to

Source of water Groundwater tributary to _____

[illegible][illegible]

SCANNED ^{*}Total Acres 128.8
P.R.U.

AUG 06 2003

T70732

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PART 1

Transfer No. 70732

General Information:

a. Description of diversion system WELL/PUMP TO SPRINKLERS & PIVOT

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X 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:

d. Remarks:

Jeff Johnson Family Trust
Clarence J. Funk Family Trust } constitute LLC
Reed Funk
Donna Funk

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

and the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

SCANNED

AUG 06 2003

T70732

page 3 of 4

T70732

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. _____
Receipt No. _____

Current Water Right No. 13-7629

Priority Date: 08/20/1960
Origin: Water Right
Basis: License
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION		1.09 CFS		
	Total Diversion	1.09 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWNW 15S 38E 11 FRANKLIN

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
15S 38E 11	34.0	8.6	40.0		82.6

Total Acres: 82.6

Conditions/Remarks:

1. Approval of this transfer does not confirm the validity of this water right.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

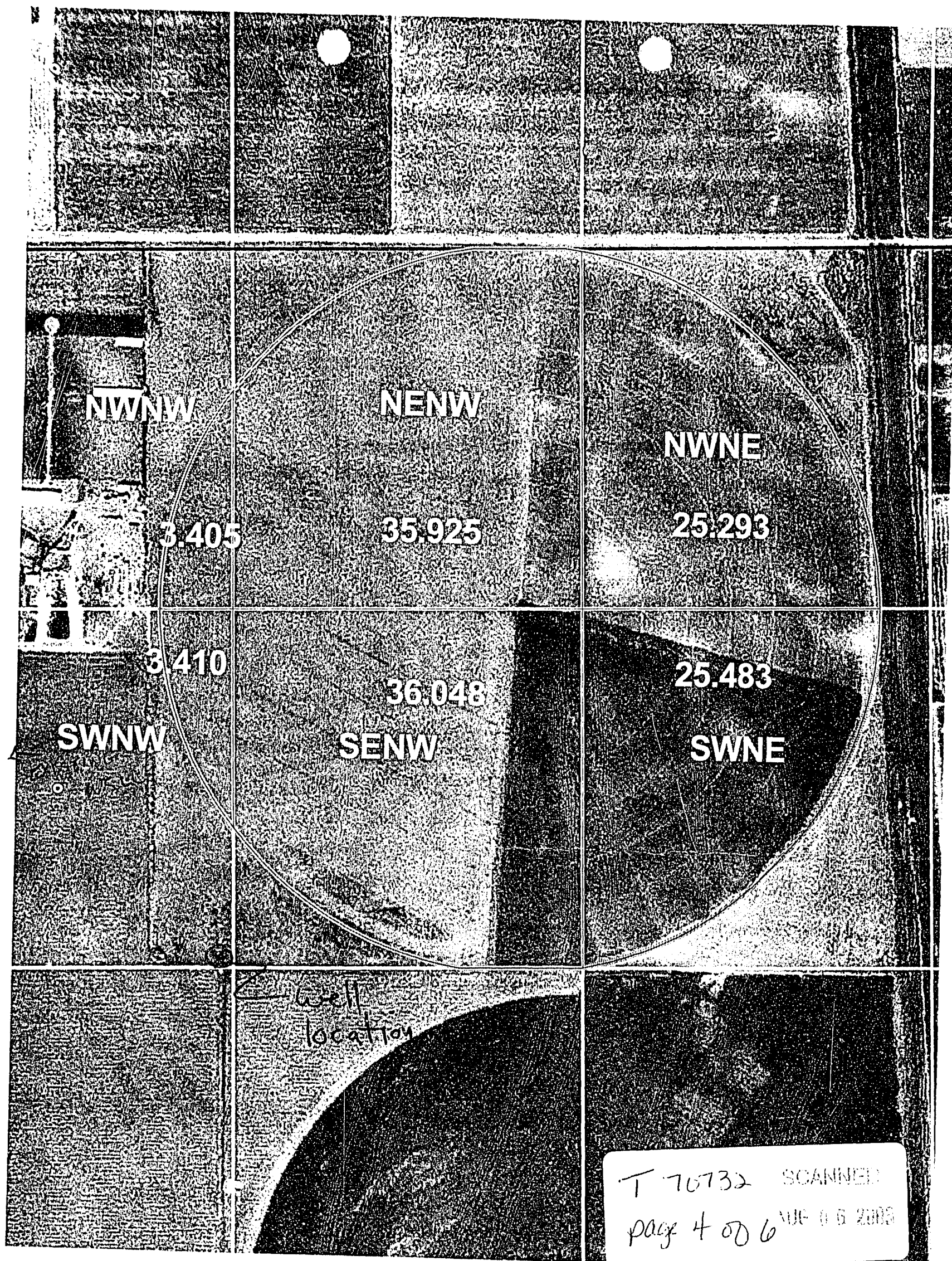
Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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AUG 06 2003

T70732



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AUG 06 2007
T 70732
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PART 3

CHANGES IN NATURE OF USE

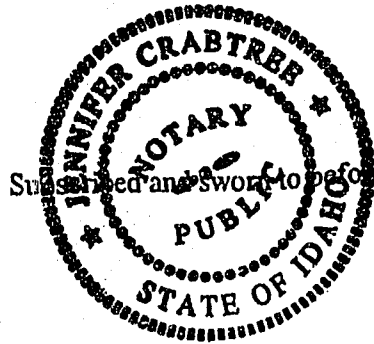
New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
			to
			to

Quantity and quality of return flows and location of discharge:

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.



Jeffrey C Johnson
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of April, 2003

Jennifer Crabtree
(Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments
Received by HWT Date 4-15-03 Protest filed by _____
Prelim. Check by _____ Fee \$290.00
Receipted by HWT # E028671 Date 4-15-03
Published in Preston Citizen (Wed) Copies of protest forwarded by _____
Pub. Dates 9/3 & 9/10/03 Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____ by RBC

Copy of transfer sent to lien holder _____

SCANNED
AUG 06 2003

T70732

ATTACHMENT T 70732
1 OF 5

2002

**THIS IS NOT A BILL.
DO NOT PAY.**

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 852-1091

PARCEL ADDRESS:

Appeals of your property value must be filed in writing, on a form provided by the County, by:
06/21/2002

Tax Code Area: 21.

Parcel Number: 1488.00

STATE ##

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1. IRRGTD AGRICUL. .9 WASTE	51.75 3.00	34,931	34,931
SUBTOTAL:	54.75	34,931	34,931
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		34,931	34,931

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	176.05	176.05	(208)852-1090	09/03/2002
DAYTON CEMETERY	7.06	7.06	(208)747-3430	08/28/2002
WESTSIDE SCHOOL #202	207.38	207.38	(208)747-3502	06/19/2002
LIBRARY DISTRICT	29.08	29.08	(208)852-0478	09/04/2002
COUNTY ROAD	3.52	3.52	()	NO RESPONSE
FIRE DISTRICT	44.52	44.52	(208)852-1817	09/04/2002
SUBTOTAL:	467.61	467.61		
FEES:	.00	.00		
TOTAL PROPERTY TAXES & FEES:	467.61	467.61		

SCANNED

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AUG 06 2003

ATTACHMENT T 70732
2 OF 5

FRANKLIN COUNTY ASSESSOR
51 WEST ONEIDA
PRESTON, IDAHO 83263

2002
ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

TN 4
11-15-38
INST # 200958
INST # 193348

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208)852-1091

PARCEL ADDRESS:

J7, LLC IDAHO LIMITED LIABILITY
% JOHNSON, JEFFREY C. MANAGER
1990 NORTH 400 WEST
DAYTON, IDAHO 83232

Appeals of your property value must be filed in
writing, on a form provided by the County, by:
06/21/2002

Tax Code Area: 21

Parcel Number: 1489.00

STATE #:

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AGRICUL. 19 WASTE	82.20 3.00	58,711	55,485
SUBTOTAL:	85.20	58,711	55,485
LESS HOMEOWNERS EXEMPTION:		58,711	55,485
NET TAXABLE PROPERTY VALUE:		58,711	55,485

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	295.89	279.63	(208)852-1090	09/03/2002
DAYTON CEMETERY	11.87	11.21	(208)747-3430	08/28/2002
WESTSIDE SCHOOL #202	348.57	329.41	(208)747-3502	06/19/2002
LIBRARY DISTRICT	48.87	46.19	(208)852-0478	09/04/2002
COUNTY ROAD	5.92	5.59	()	NO RESPONSE
FIRE DISTRICT	74.82	70.71	(208)852-1817	09/04/2002
SUBTOTAL:	785.94	742.74		
FEES:	.00	.00		
TOTAL PROPERTY TAXES & FEES:	785.94	742.74		

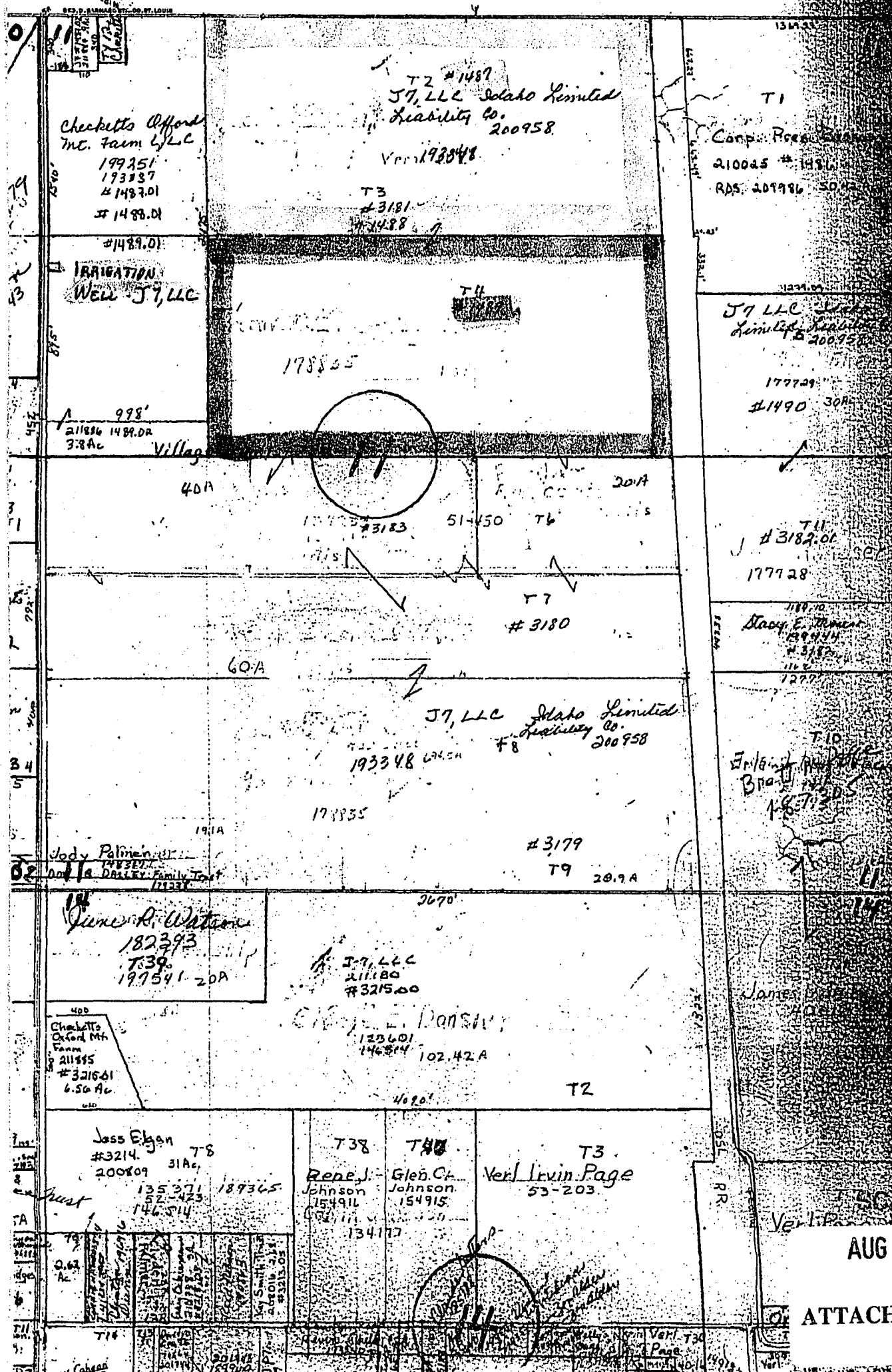
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THIS IS NOT A BILL. DO NOT PAY
See the back of this Notice for details.

AUG 06 2003 T 70732
ATTACHMENT 3 OF 5

ownship No. 14-15

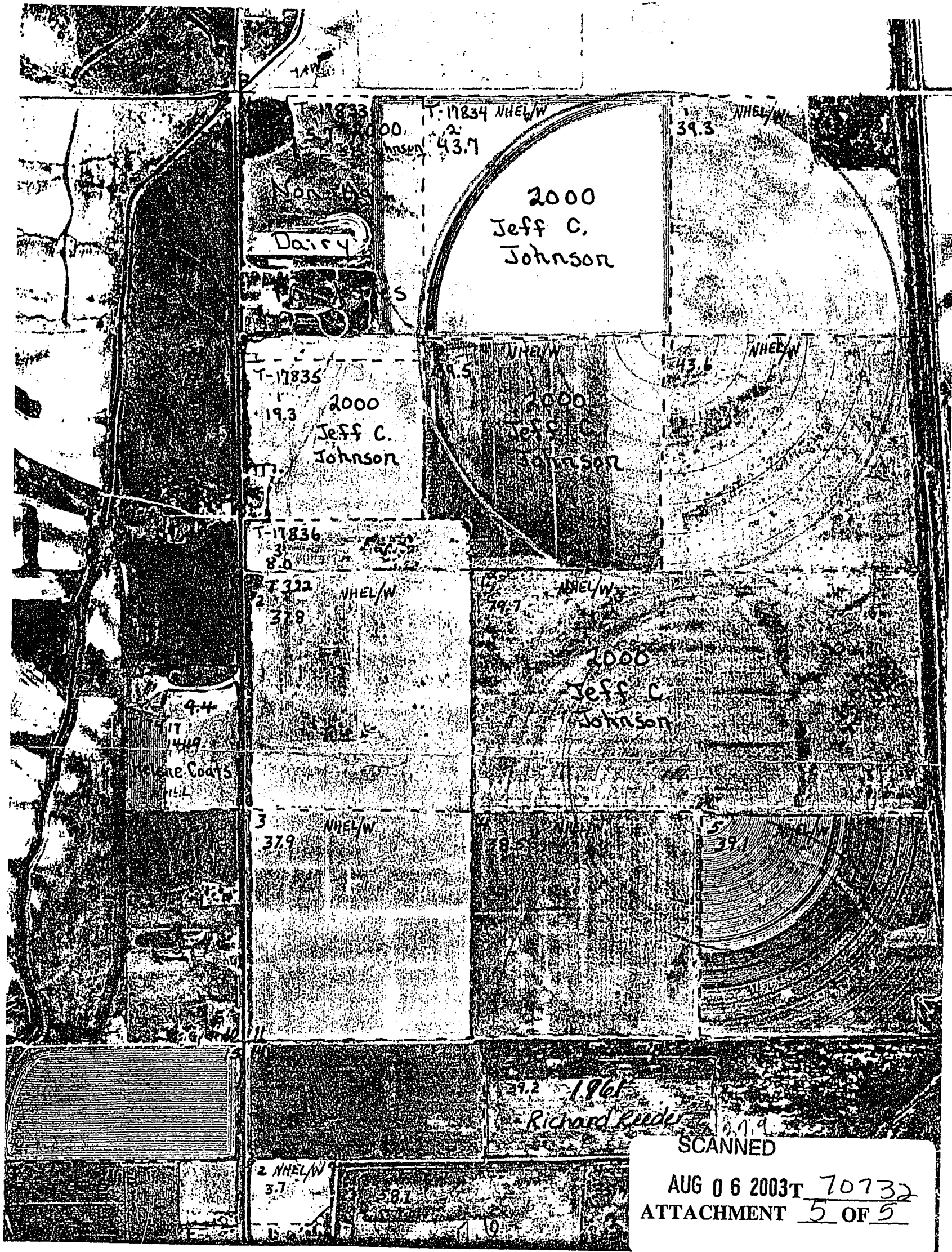
Range No. 38



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AUG 06 2003

ATTACHMENT T 70732
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AUG 06 2003T 70732
ATTACHMENT 5 OF 5

Idaho Secretary of State
Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for J7, LLC](#)]

J7, LLC

1990 N 4000 W
DAYTON, ID 83232

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 03 Dec 2001

State of Origin: IDAHO

Date of 18 Feb 1997

Origination/Authorization:

Current Registered Agent: JEFFREY C. JOHNSON
1990 N 4000 W
DAYTON, ID 83232

File Number: W3587

Date of Last Annual Report: 20 Dec 2001

Amendments:

Amendment 0 filed 18 Feb ARTICLES OF
1997 ORGANIZATION

[View Document](#)
[Online](#)
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Annual Reports:

Report for year 1997 ANNUAL REPORT

[View Document Online](#)
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Report for year 1998 ANNUAL REPORT

[View Document Online](#)
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Report for year 1999 ANNUAL REPORT

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Report for year 2000 ANNUAL REPORT

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Report for year 2001 ANNUAL REPORT

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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

SCANNED

AUG 06 2003

No. W 3587		Due no later than Feb 28, 2002 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		J7, LLC JEFFREY C JOHNSON 1890 N 4000 W DAYTON, ID 83232		JEFFREY C. JOHNSON 1890 N 4000 W DAYTON, ID 83232	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Companies: Enter Names and Addresses of Managers.					
Office held	Name	Street or P.O. Address	City	State	Zip
MEMBER	CLARENCE FUNK	5370 BUREND ST	SAN DIEGO	CA	92111
MEMBER	REED FUNK	4 DELWARE DR	EAST BRUNSWICK	NT	08816
MEM/MGR	JEFF JOHNSON	1990 N. 4000 W.	DAYTON	ID	83232
5. Organized Under the Laws of: IDAHO W 3587			6. Signature <u>Jeffrey C Johnson</u> Date <u>11/11/2001</u> Name <u>JEFF JOHNSON</u> Title <u>MGR</u>		
Issued 12/03/2001			Do Not Tape or Staple		
			731		

SCANNED

AUG 06 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70732

This is to certify that: J7 LLC

C/O JEFFREY C JOHNSON
1990 N 4000 W
DAYTON ID 83232
(208)747-3953

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
13-7629	WR/License	08/20/1960	1.09 cfs	N/A	N/A	82.6	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-7629	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-7629	13-7629	1.09 cfs	289.1 af	82.6	128.8		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.09 cfs	289.1 af	82.6	128.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of October, 2003



Chief, Water Allocation Bureau

SCANNED

OCT 15 2003

WATER RIGHT NO. 13-7629
As Modified by Transfer No. 70732

In accordance with the approval of Transfer No. 70732, Water Right No. 13-7629 is now described as follows.

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
1990 N 4000 W
DAYTON ID 83232

Priority Date: August 20, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.09 CFS	289.1 AF
			1.09 CFS	289.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 11 Twp 15S Rge 38E FRANKLIN County
GROUND WATER SWNW Sec. 11 Twp 15S Rge 38E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 38E 11		25.0	25.0		36.0	3.4	3.4	36.0									128.8

Total Acres: 128.8

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Right 13-7629 shall not exceed 1.09 cfs, nor total combined annual volume of 289.1 af.
2. This right is limited to the irrigation of 82.6 acres within the place of use described above in a single irrigation season.
3. 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.
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. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

SCANNED

OCT 15 2003

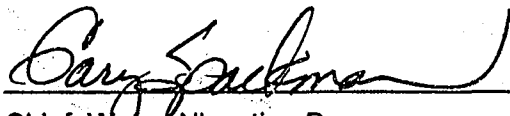
WATER RIGHT NO. 13-7629
As Modified by Transfer No. 70732

CONDITIONS OF APPROVAL

8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of October, 2003



Chief, Water Allocation Bureau

WR

SCANNED
OCT 15 2003

MEMORANDUM

Date: August 01, 2003
To: Transfer 70732
From: dcarlson
Re: transfer evaluation

This transfer proposes to drill an additional well and use the existing well to provide irrigation for this POU. The existing well is going dry, but will be reserved as a backup. The POU is changed into a larger pivot and this GW right is used with Twin Lakes Canal water.

Authority to File:

Applicant is the owner of record of the water license and provided tax records to show they still own the ground.

Water Right Validity:

This water right is being used to irrigate this POU. Current landsat photo show irrigation through out the 1990s Forfeiture is not an issue.

Injury to Other Water Rights:

Transfer will be advertised to determine any protests.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
AUG 06 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70718: LAWRENCE B FOX, 16205 N CLEVELAND RD, PRESTON ID 83263, has filed Application No. 70718 for changes to the following water rights within FRANKLIN County:

Right No. 13-657

Priority 5/1/1875

Source NORTH HOOPS CREEK

Use IRRIGATION (0 acres) 0.70 CFS

Total Amount 0.70 CFS

Point(s) of Diversion S10 T12S R40E

Place of Use S11 T12S R40E

Right No. 13-662

Priority 6/1/1901

Source NORTH HOOPS CREEK

Use IRRIGATION (0 acres) 0.24 CFS

Total Amount 0.24 CFS

Point(s) of Diversion S10 T12S R40E

Place of Use S11 T12S R40E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant want to change the place of use for the above two water rights and use them in combination within Sec 11 T12S R40E for a total of 47 acres.

TRANSFER NO. 70722: EL RAY BALLS and/or JANICE BALLS, 203 N WESTSIDE HWY, WESTON ID 83286, has filed Application No. 70722 for changes to the following water rights within FRANKLIN County:

Right No. 13-2209

Priority 8/13/1960

Source GROUND WATER

Use DOMESTIC 2.87 CFS

IRRIGATION (403 acres)

Total Amount 2.87 CFS

Point(s) of Diversion S36 T15S R37E

Place of Use S10, S11 and S16 T16S R38E

S31 T15S R38E

S36 T15S R37E

S8 and S9 T16S R38E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is changing his point of diversion to the NWNE Sec 8 T16S R38E to an existing well that has been being used to irrigated 130 acres within Sec 10 and Sec 11 T16S R38E.

TRANSFER NO. 70732: J7 LLC, C/O JEFFREY C JOHNSON, 1990 N 4000 W, DAYTON ID 83232, has filed Application No. 70732 for changes to the following water rights within FRANKLIN County:

Right No. 13-7629

Priority 8/20/1960

Source GROUND WATER

Use IRRIGATION (82.6 acres) 1.09 CFS

Total Amount 1.09 CFS

Point(s) of Diversion S11 T15S R38E

Place of Use S11 T15S R38E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicants wants to drill an additional well in the SWNW Sec 11 T15S R38E and re-arranging his acres within SEC 11 T15S R38E and making a permissible place of use.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before September 22, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 3 and 10, 2003

SCANNED

SEP 30 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
August 27, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

PRESTON CITIZEN

PO BOX 472

PRESTON ID 83263

RE: Transfer No's. 70718, 70722, 70732

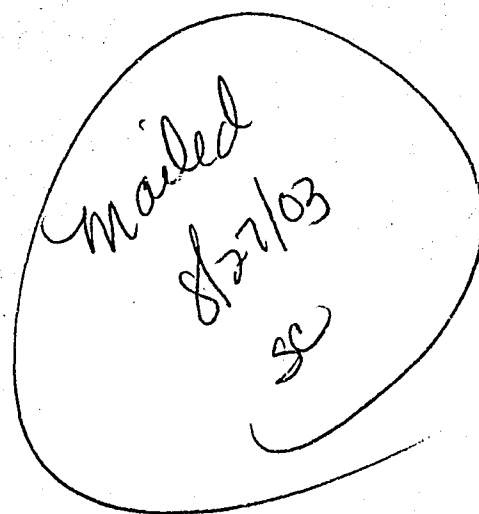
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 22, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



SCANNED

SEP 30 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

August 27, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J7 LLC
C/O JEFFREY C JOHNSON
1990 N 4000 W
DAYTON ID 83232

RE: Application for Transfer No 70732
Water Right No(s) 13-7629

Dear Applicant(s):

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

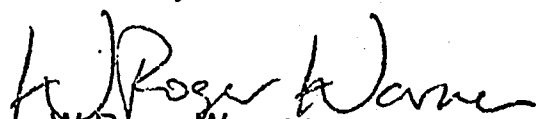
A legal notice of the application has been prepared and is scheduled for publication in the Preston Citizen on September 3 and 10, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,


W. Roger Warner
Water Right Supervisor

SCANNED

SEP 30 2003

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

TRANSFER NO. 70718
LAWRENCE E. FOX, 16205 N.
CLEVELAND RD, PRESTON
ID 83263, has filed Application
No. 70718 for changes to the
following water rights within
FRANKLIN County.

Right No. 13-657
Priority 5/1/1875
Source NORTH HOOPS
CREEK
Use IRRIGATION (0 acres) 0.70
CFS
Total Amount 0.70 CFS
Point(s) of Diversion S10 T12S
R4OE
Place of Use S11 T12S R4OE

Right No. 13-662
Priority 6/1/1901
Source NORTH HOOPS
CREEK
Use IRRIGATION (0 acres) 0.24
CFS
Total Amount 0.24 CFS
Point(s) of Diversion S10 T12S
R4OE
Place of Use S11 T12S R4OE

The purpose of the transfer
is to change a portion of the
above rights as follows:

The applicant want to
change the place of use for the
above two water rights and use
them in combination within
Sec 11 T12S R4OE for a total of
47 acres.

TRANSFER NO. 70722 RE
RAY BALLS and/or JANICE
BALLS, 303 N. WESTSIDE
BLVD, WESTON, ID 83286, has
filed Application No. 70722 for
changes to the following water
rights within FRANKLIN
County.

Right No. 13-2209
Priority 6/13/1960
Source GROUND WATER
Use DOMESTIC 2.87 CFS
IRRIGATION (403 acres)
Total Amount 2.87 CFS
Point(s) of Diversion S36 T15S
R37E
Place of Use S10, S11 and S16
T16S R38E
S31 T15S R38E
S36 T15S R37E
S8 and S9 T16S R38E

The purpose of the transfer is
to change a portion of the
above rights as follows:

The applicant is changing
his point of diversion to the
NWNE Sec 8 T16S R38E to an
existing well that has been be-
ing used to irrigated 130 acres
within Sec 10 and Sec 11 T16S
R38E.

TRANSFER NO. 70732 BY LLC
C/O JEFFREY C. JOHNSON
1990 N 4000 W, DAYTON, ID
83232, has filed Application
No. 70732 for changes to the
following water rights within
FRANKLIN County.

Right No. 13-7629
Priority 8/20/1960
Source GROUND WATER
Use IRRIGATION (82.6 acres)
1.09 CFS
Total Amount 1.09 CFS
Point(s) of Diversion S11 T15S
R38E

Place of Use S11 T15S R38E
The purpose of the transfer
is to change a portion of the
above rights as follows:

The applicants wants to
drill an additional well in the
SWNW Sec 11 T15S R38E and
re-arranging his acres within
SEC 11 T15S R38E and making
a permissible place of use.

Protests may be submitted
based on the criteria of Sec 42-
222 Idaho Code.

Any protest against the
proposed change must be filed
with the Department of Water
Resources, Eastern Region, 900
N Skyline Dr Ste A, Idaho Falls
ID 83402, together with a
protest fee of \$25.00 for each
application on or before Sep-
tember 22, 2003. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER,
DIRECTOR

Legal No. 5620 - Publish
Sept. 9 and 10, 2003.

SCANNED
SEP 29 2003

Received
9/29/03
SC.

The Preston Citizen.

No 5620

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Rodney Boam
being duly sworn,

deposes and says:

That he is the Editor of THE PRESTON
ZEN, a weekly newspaper published at Preston, in the County of
Franklin and State of Idaho; that said paper has been and is in general
circulation in the county aforesaid, and in the vicinity of Preston; that the
advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular
and entire issue of said paper during the period of time of publication, and
was published in the newspaper proper and not a supplement; that said
paper has been established and regularly published for more than seventy-
eight consecutive weeks prior to the date of first publication of said
advertisement.

Such notice was published in the issue beginning with

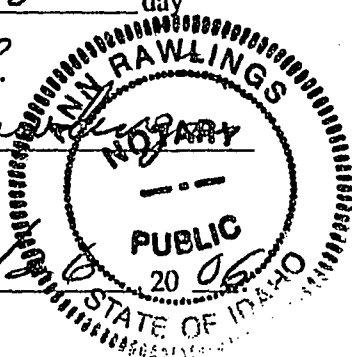
Sept. 3, 20 03, and ending
with the issue of Sept. 10, 20 03
R Boam

Fee \$ 193.31

Subscribed and sworn to before me this 18th day
of Sept., 20 03.

Ann Rawlings
Notary Public, Residing at Preston, Idaho

My Commission Expires 10/20/06



SCANNED
SEP 29 2003

Received
9/24/03
SC



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 7, 2003

J7 LLC
C/O JEFFREY C JOHNSON
1990 N 4000 W
DAYTON ID 83232

RE: Transfer No.: 70732 - Water Right 13-7629 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

SCANNED

OCT 15 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camille S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

SCANNED
OCT 15 2003

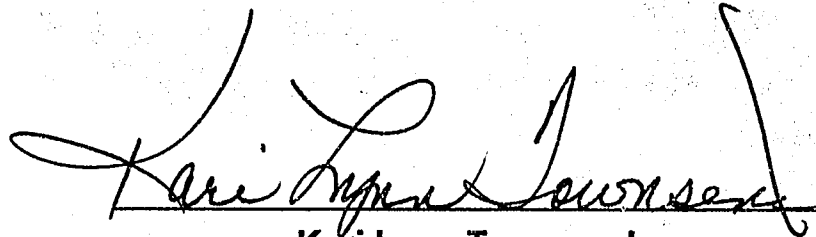
CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70732

WATER RIGHT 13-7629

**J7 LLC
C/O JEFFREY C JOHNSON
1990 N 4000 W
DAYTON ID 83232**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

SCANNED

OCT 15 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (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.

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.

SCANNED
OCT 15 2003