

RECEIVED

SEP 10 2001

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 31-00336B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Mud Lake Water Users, Inc.
Address: 1400 E. 1500 N.; P.O. Box 68; Terreton, Idaho 83450
Name:
Address:;
Name:
Address:;
Name:
Address:;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be: See attached _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. One of the claimed PODs does not exist. See attached POD. Claimant's water right should not include this POD.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

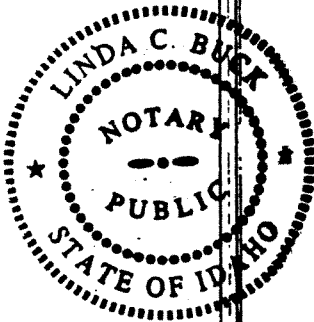
Fredric W. Price
(Signature of person filing objection)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 7, 2001

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on September 7, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Mud Lake Water Users, Inc.
Address: 1400 E. 1500 N.; P.O. Box 68; Terreton, Idaho 83450

Name:
Address:;

Name:
Address:;

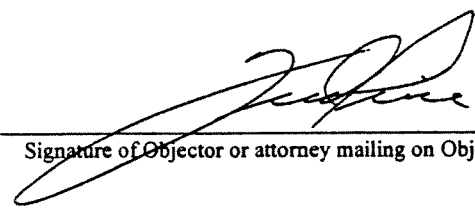
Name:
Address:;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

05/04/2001

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

RIGHT NUMBER: 31-336B
NAME AND ADDRESS: MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON ID 83450

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 11.050 CFS
4,054.80 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH NOV 1 AND A TOTAL COMBINED DIVERSION RATE OF 643.21 CFS FROM MARCH 1 THROUGH APRIL 30 WHEN AUTHORIZED BY AN EARLY PUMPING PLAN APPROVED BY THE WATERMASTER. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 174,269.3 ACRE FEET. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.

PRIORITY DATE: 04/27/1932

POINT OF
DIVERSION:

T07N R34E S13 SWSWNE Within JEFFERSON County
T07N R34E S13 SESE Within JEFFERSON County
T07N R34E S23 SESE Within JEFFERSON County
T07N R34E S24 SWSWNE Within JEFFERSON County
T07N R34E S24 NENWNW Within JEFFERSON County
T07N R34E S24 SWNWNW Within JEFFERSON County
T07N R35E S13 SWSWSW Within JEFFERSON County
T07N R35E S14 SESE Within JEFFERSON County
T07N R35E S14 SESE Within JEFFERSON County
T07N R35E S18 SWSW Lot 4 Within JEFFERSON County
T07N R35E S19 NWNW Lot 1 Within JEFFERSON County
T07N R35E S19 NENWNW Lot 1 Within JEFFERSON County
T07N R35E S19 NESWNW Lot 2 Within JEFFERSON County
T07N R35E S19 NESESW Within JEFFERSON County
T07N R35E S22 SESESE Within JEFFERSON County
T07N R35E S23 SWNWSW Within JEFFERSON County
T07N R35E S23 SWSW Within JEFFERSON County
T07N R35E S25 NWSWSW Within JEFFERSON County
T07N R35E S25 NWSWSW Within JEFFERSON County
T07N R35E S25 NWSWSW Within JEFFERSON County
T07N R35E S25 SWSWSW Within JEFFERSON County
T07N R35E S25 SWSWSW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 SESESW Within JEFFERSON County
T07N R35E S25 SENWSW Within JEFFERSON County

Issue:

Circled points of diversion
are on public land.

05/04/2001

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

T07N R35E S26 NESESE Within JEFFERSON County
T07N R35E S26 NWSESE Within JEFFERSON County
T07N R35E S27 NWNW Within JEFFERSON County
T07N R35E S36 NENW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE

QUANTITY

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL
IRRIGATED ACRES 24261.3.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 3107.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.: 31-336B, 31-337B, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A,
31-2317B, 31-2321.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371,
31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B,
31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430,
31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-6, 31-34, 31-35, 31-36,
31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163,
31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237,
31-263, 31-363, (OWLSEY DIVISION SURFACE WATER), 31-134, 31-135, 31-143,
31-144, 31-190, 31-192, (JACKETT DIVISION SURFACE WATER), 31-344, 31-345,
31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960,
31-10961, 31-10962 (HOLLEY DIVISION SURFACE WATER).

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

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

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE
AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER
DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS OF THE
CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT NUMBER
307626.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Mud Lake NW Quad



-

DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
Projection Universal Transverse Mercator
Zone 12, 1927 North American Datum
No warranty is made by the Bureau of Land Management
as to the accuracy, reliability, or completeness of
this data for individual or aggregate use with other data.
Prepared by Deena Teel on 7/18/2001 from digitized data and
GPS data collected on 7/3/2001.

Basin 31 - Private Irrigation Claims Filed in the SRBA With PODs/POUs on Public Land

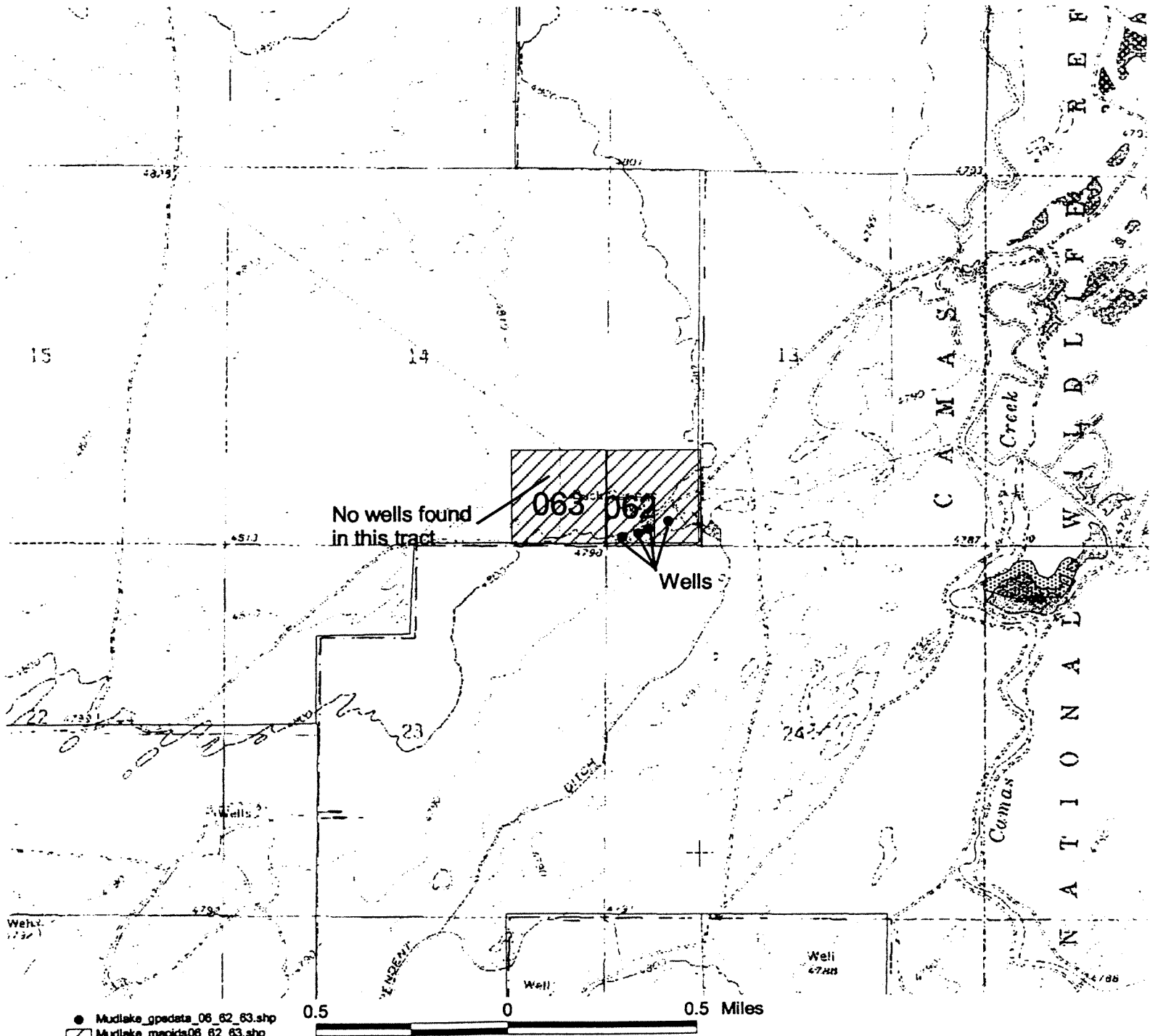
Mud Lake Water Users, Inc. (Claimant)

31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-229
31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005

T.07N, R.35E, S.13 SWSWSW (Map ID #062) (POD - wells)

T.7N, R.35E, S.14 SESE (Map ID #063) (POD)

Rays Lake Quad



- Mudlake_gpedata_06_62_63.shp
- ▨ Mudlake_mapids06_62_63.shp
- Temp.shp
- info_pfo_own_mtpupdate.shp
- BLM
- Bureau of Indian Affairs
- Department of Energy
- Forest Service
- Military Reservations
- National Parks & Monuments
- Open water
- Private
- State of Idaho
- U.S. Fish & Wildlife Service

0.5 0 0.5 Miles
1:24,000 Scale



DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
Projection Universal Transverse Mercator
Zone 12, 1927 North American Datum
No warranty is made by the Bureau of Land Management
as to the accuracy, reliability, or completeness of
this data for individual or aggregate use with other data.
Prepared by Deena Teel on 7/18/2001 from digitized data and
GPS data collected on 7/2/2001.

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: ~~February~~ ^{March} 9, 2001

Water right number: 31-336B

MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON, ID 83450

Daytime Telephone Number: (208)663-4359
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-12-2001 SIGNATURE: *Barth Soderquist*

Please print your name: MUD LAKE WATER USERS, INC.
P.O. BOX 68
TERRETON, ID 83450

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, (208) 525-7161

WATER RIGHT NUMBER	NAME	CFS

31-00336	SPLIT INTO 31-0336A & 31-0336B BY TRANS. 2303.	
31-00336A	RIGHT SPLIT INTO PARTS C & D THRU APPROVED TRANSFER 3948.	
31-00336B	OWSLEY CANAL CO	11.05
31-00336C	INDEPENDENT WATER USERS OF MUD LAKE INC	18.25
31-00336D	DEL RAY HOLM & SONS	3.20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

This is to certify that: OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

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>
Right No. 31-00327 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	110.00 CFS	
Priority: 00/00/0000			
Right No. 31-00328 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	100.00 CFS	
Priority: 00/00/0000			
Right No. 31-00329 :			
IRRIGATION	04/15 to 10/15	** 50.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	50.00 CFS	
Priority: 00/00/0000			
Right No. 31-00330 :			
IRRIGATION	04/15 to 10/15	** 80.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	80.00 CFS	
Priority: 00/00/0000			
Right No. 31-00331 :			
IRRIGATION	04/15 to 10/15	24.00 CFS	
Priority: 09/10/1928			
Right No. 31-00332 :			
IRRIGATION STORAGE	01/01 to 12/31		5000.0 AF
Priority: 01/25/1930			

MICROFILMED
FEB 11 1999

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00336B : IRRIGATION Priority: 04/27/1932	04/15 to 10/15	11.05 CFS	
Right No. 31-00337B : IRRIGATION Priority: 12/15/1932	04/15 to 10/15	17.00 CFS	
Right No. 31-00371 : IRRIGATION Priority: 09/10/1928	04/15 to 10/15	23.00 CFS	
Right No. 31-02239 : IRRIGATION Priority: 01/25/1930	04/15 to 10/15	40.00 CFS	16899.4 AF
Right No. 31-02265 : IRRIGATION Priority: 05/22/1940	04/15 to 10/15	64.40 CFS	23375.9 AF
Right No. 31-02289 : IRRIGATION Priority: 01/13/1949	04/15 to 10/15	3.20 CFS	560.0 AF
Right No. 31-02290 : IRRIGATION Priority: 02/14/1949	04/15 to 10/15	3.60 CFS	840.0 AF
Right No. 31-02297 : IRRIGATION Priority: 12/29/1949	04/15 to 10/15	6.00 CFS	1190.0 AF
Right No. 31-02310 : IRRIGATION Priority: 09/24/1952	04/15 to 10/15	5.80 CFS	1015.0 AF
Right No. 31-02317A : IRRIGATION Priority: 02/28/1953	04/15 to 10/15	8.08 CFS	1414.0 AF

MICROFILMED

FEB 11 1999

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02317B :			
IRRIGATION	04/15 to 10/15	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :			
IRRIGATION	04/15 to 10/15	1.92 CFS	336.0 AF
Priority: 04/25/1953			
Right No. 31-02341 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02342 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02343 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02344 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02345 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-07005 :			
IRRIGATION	04/15 to 10/15	13.26 CFS	4939.4 AF
Priority: 12/04/1967			

TOTAL: *** 643.21 CFS

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
 SESE , Sec. 13, Township 07N, Range 34E
 NENE , Sec. 23, Township 07N, Range 34E
 NENE , Sec. 24, Township 07N, Range 34E
 NWNE , Sec. 24, Township 07N, Range 34E

MICROFILMED
 FEB 11 1969

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E
 SWSW , Sec. 13, Township 07N, Range 35E
 SESE , Sec. 14, Township 07N, Range 35E
 Lot 4 (SESW), Sec. 18, Township 07N, Range 35E
 Lot 1 (NWNW), Sec. 19, Township 07N, Range 35E
 SWNW , Sec. 19, Township 07N, Range 35E
 SENW , Sec. 19, Township 07N, Range 35E
 NESE , Sec. 22, Township 07N, Range 35E
 NWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 25, Township 07N, Range 35E
 SESW , Sec. 25, Township 07N, Range 35E
 NWSE , Sec. 25, Township 07N, Range 35E
 SESE , Sec. 26, Township 07N, Range 35E
 NWNE , Sec. 27, Township 07N, Range 35E
 NENW , Sec. 36, Township 07N, Range 35E
 JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	34E	3	NENW 26	NWNW 35	SWNW 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	461
		4	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		5	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		7	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		
		8	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
						320

MICROFILMED
 FEB 11 1993

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
9			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
10			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 20	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			620
11			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
13			NWNW 40	SWNW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			400
14			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 27	SESE 37	460
15			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 40	SESE 40	476
16			NENE 40	NWNE 40	SWNE 40	
			SENE 25	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
17			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

MICROFILM
 FEB 11 1969

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 20	NWSE 40	SWSE 10	
			SESE 10			560
20			NENE 30	NWNE 35	SWNE 40	
			SENE 40	NENW 40	NWNW 30	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			615
21			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 25	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
22			NENE 20	NWNE 20	SWNE 40	
			SENE 40	NENW 36	NWNW 20	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			576
23			NENE 15	NWNE 40	SWNE 40	
			SENE 40	NENW 35	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			610
24			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 10	NWNW 30	
			SWNW 40	SENE 30	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			590
25			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
26			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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 FEB 11 1999

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
27			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
28			NENE 40	SWNE 40	SENE 40	
			NENW 40	NWNW 40	SWNW 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	600
29			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
34			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENE 40	
			NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		560
35			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
35E	1		NWNW 4			4
	2		NENE 40	NWNE 40	SWNE 40	
			SENE 8	NESW 32	NWSW 40	
			SWSW 40	SESW 38	NWSE 40	
			SWSE 40			358
3	Lot 1	(NENE) 41.9	Lot 2 (NWNE) 41.7	SWNE 40		
		SENE 40	Lot 3 (NENW) 41.5	Lot 4 (NWNW) 35		
		SWNW 40	SENE 40	NESW 40		
		NWSW 40	SWSW 40	SESW 40		
		NESE 40	NWSE 40	SWSE 40		

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TRANSFER NO. 5335

WATER RIGHT NO(S) . 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESE	40			640.1
4	Lot 4	(NWNW)	7	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	327
5	Lot 1	(NENE)	41.2	Lot 2 (NWNE)	38	
		SENE	40	NESW	40	
		NESE	40	NWSE	40	
		SESE	40			399.2
8		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
9		NENE	40	NWNE	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
10		NENE	40	SWNE	40	
		SENE	40	SENE	40	
		SENE	40	NWSW	40	
		SWSW	40	NESE	40	
		NWSE	40	SESE	40	480
11		NENW	40	NWNW	30	
		SENE	40	NESW	40	
		SESW	40			270
14		NESW	10	NWSW	40	50
15		NENE	34	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			634
16		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
17		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	

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 FEB 11 1999

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
18			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
19			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
20			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
22			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENE 40	
			NESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		440
29			NENW 40	NWNW 40	SWNW 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 10	SESW 40		290
30			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
07N 34E	32		SESW 40	SWSE 40	SESE 40	120
	33		NWSW 10	SWSW 20	SESW 40	
35E	32	Lot 8 (SWSE)	2	Lot 7 (SESE)	18	20
	33		SWSW 1			1
	35		NESE 38	NWSE 34	SWSE 34	
			SESE 38			144
	36		NESW 40	NWSW 40	SWSW 38	118

Total number of acres irrigated: * 24261.3

MICROFILMED
 FEB 11 1993

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- *** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.
10. Approval of Transfer 5335 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- ** 11. Rights 31-00327, 31-00328, 31-00329 and 31-00330 when combined shall not exceed a total diversion rate of 200.00 cfs during the irrigation season, and may be diverted at their full authorized rate of diversion into Mud Lake for storage purposes during the non-irrigation season.
- * 12. Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- * 13. Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- * 14. Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.

RECORDED

FEB 11 1999

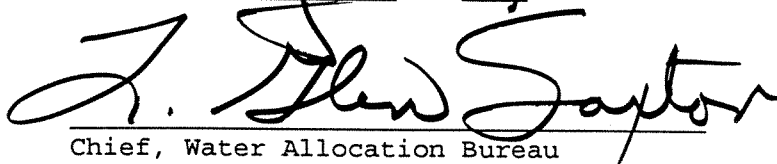
TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

- * 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
- * 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
- * 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
- * 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
- * 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.
- * 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.
- * 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.
- * 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.
- 23. Two points of diversion are located within SESE, S14, T07N, R35E.
- 24. Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.
- 25. Five points of diversion are located within SWSW, S25, T07N, R35E.
- 26. Seven points of diversion are located within NWSE, S25, T07N, R35E.
- 27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day of February, 1999.


 Chief, Water Allocation Bureau

UNRECORDED
 FEB 11 1999

PART 1

6. General Information:

a. Description of diversion system 12" diameter casing, 600' deep well, pump & sprinkler system.

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:

Requested change does not involve a change in place of use.

Del Ray Holm & Sons consists of Del Ray Holm, Otto Holm, & Tom Holm. Each being a general partner.

d. Remarks:

Applicant purchased the Louis Bezold farm & obtained the consent of the canal company to transfer the shares of the Bezold property to a well on the farm.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-00336D

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

MICROFILMED**SEP 09 1992**

Witness my hand this

12th

day of

August

, 19 92

A. Glen Saxton
CHIEF, WATER ALLOC. BUREAU

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Del Ray Holm & Sons Phone 524-5235
Post Office address P.O. Box 291 Roberts ID 83444

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes *By changing the point of diversion the applicant will eliminate loss from exfiltration & seepage in Mud Lake.*

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------|----------------------------------|------------------|---------------|
| 31-00336 | 4/27/1932 | ~~6.15 cfs~~
3.20 cfs. | Irrig. | 4/1 to 11/1 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 3.20 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water ground water tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 160

CONDITIONS OF APPROVAL
Transfer of Water Right No. 31-00336D

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. 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.
3. 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. This right is limited to a diversion rate of 3.20 cfs for the irrigation of 150 acres.

Dated this 12th day of August, 1992.

J. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED
SEP 09 1992

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No. If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 3.20 for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	13	7N	35E	Jefferson	

3. 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	
6N	35E	9	~~40~~	~~40~~	~~40~~	~~40~~	40	40	40	40									160

Total acres 160

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 58.0 for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	13	7N	35E	Jefferson	

3. 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	

Total acres 4540.

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 131-003361 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority 4/27/1932

5. Water is used for the following purpose:

amount 61.2 cfs for Irrig. purposes from 4/1 to 11/1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 61.2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	13	7N	3SE	Jefferson	

8. 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	

Total acres 4700 ac.

9. Describe any other water rights used for the same purpose as described above _____



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

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

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

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

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

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

Subscribed and sworn to before me this 20 day of March, 19 92.

Tom Holm General Partner
(Signature of Applicant)

Ernest Carlson
(Notary Public)

My commission expires 6-14-1994.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by EMC Date 3-20-92 Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by EMC Date EO17062

Published in T Jefferson Star Copies of protest forwarded by _____

Pub. dates 4-16 & 23-92 Hearing held by _____ Date _____

Watermaster recommendation requested on 4-20-92 Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RRC

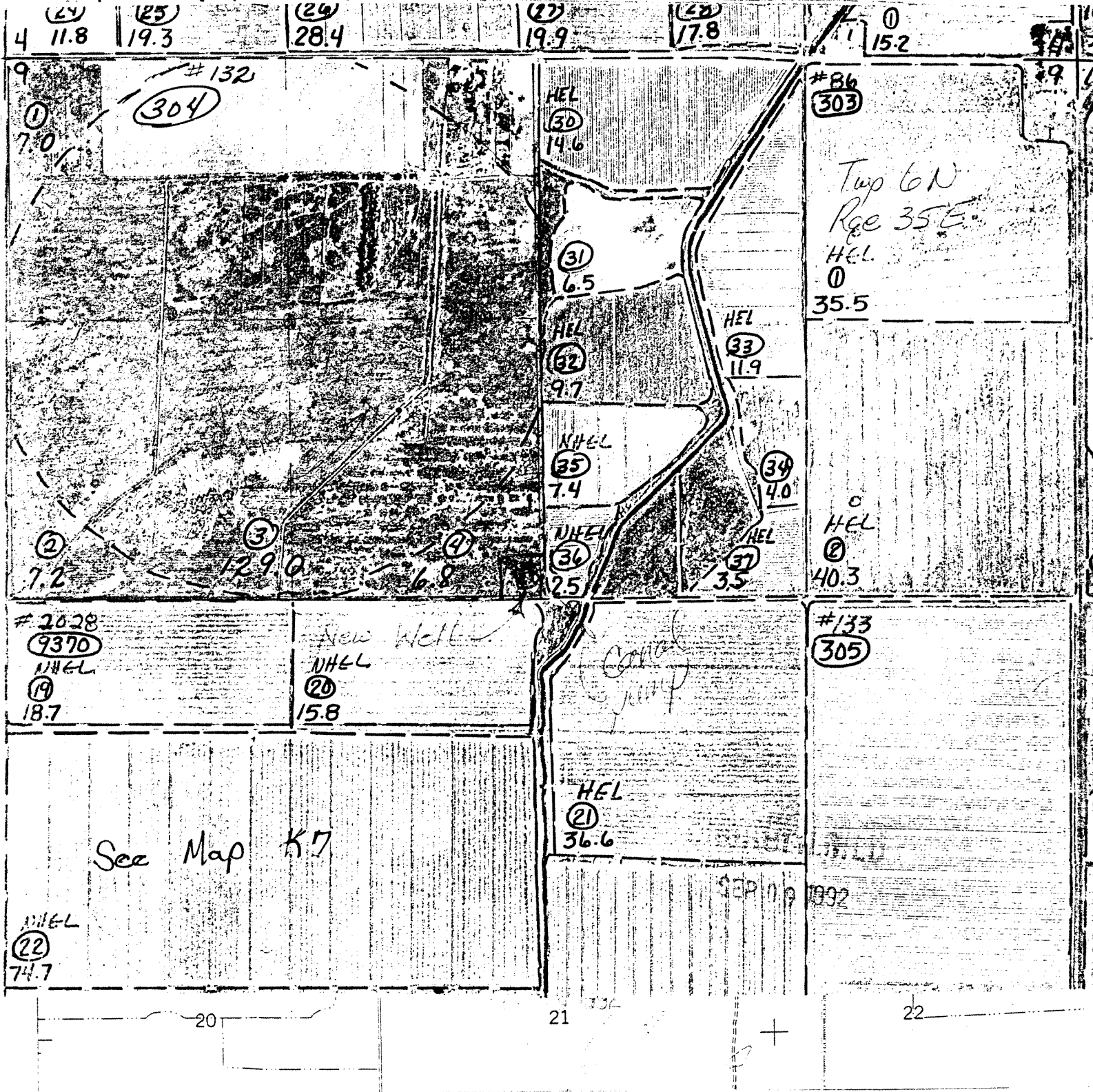
Copy of transfer sent to lien holder _____

FILED

SEP 09 1992

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.



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

CONTRACT OF SALE

THIS AGREEMENT is made and entered into this 22 day of March, 1991, by and between LEWIS BEZOLD of Hamer, Jefferson County, Idaho, and RUBY BEZOLD of Mud Lake, Jefferson County, Idaho, hereinafter referred to as SELLERS, and DEL RAY HOLM buying as his sole and separate property, of Roberts, Jefferson County, Idaho, hereinafter referred to as PURCHASER.

WITNESSETH:

1. CONSIDERATION AND PROPERTY DESCRIPTION: For and in consideration of the sum of One Hundred Twenty-three Thousand Two Hundred Fifty Dollars (\$123,250), lawful money of the United States of America, to be paid by the PURCHASER as is hereinafter provided; the SELLERS agree to sell and convey, and the PURCHASER agrees to purchase all that certain lot, piece and parcel of land, situate, lying and being in Jefferson County, Idaho described as follows, to wit:

The Northwest quarter (NW1/4) of Section Nine (9), Township Six (6) North, Range Thirty-five (35) East of the Boise Meridian, excepting therefrom one (1) acre in the Southeast Corner of said described land which has been sold to Arthur McKinley. Together with One Hundred Fifty-nine (159) shares of the capital stock of the independent water users of Mud Lake, Inc., and any other improvements, water rights or ditch rights appurtenant thereto. Specifically, the water rights include not only those in Mud Lake, Inc., but carrying rights in the Jacket Canal Company together with any other appurtenant water rights.

(a) Subject to all existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

(b) Pending payment in full, PURCHASER shall be entitled to vote shares in any canal, irrigation district or water company.

2. PURCHASE PRICE - INTEREST - ACCELERATION: The PURCHASER agrees to pay the purchase price of One Hundred Twenty-three Thousand Two Hundred Fifty Dollars (\$123,250), as follows:

(a) Twenty Four Thousand Six Hundred Forty-five (\$24,645) down, the receipt of which is hereby acknowledged.

(b) The balance of Ninety Eight Thousand Six Hundred Ten Dollars (\$98,610) shall be paid at the rate of Fifteen Thousand Three Hundred Sixty-six and 40/100 Dollars (\$15,366.40) per year with the first such payment due one year from the date of execution of this contract, and a like payment due each succeeding year thereafter for a total of ten (10) such equal annual payments. The unpaid balance shall earn interest at nine percent (9%) per annum and each payment shall be applied first to accrued interest and the balance to principal.

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(c) The last payment may need to be larger or smaller because of interest accumulation, but whatever the amount, the Contract balance shall be paid in full with the final payment.

(d) PURCHASER may prepay not more than Twenty Thousand Dollars (\$20,000) in any one calendar year. Any prepayment will be applied first to interest due at the time of prepayment and the balance to reduce principal. Prepayment will not, however, excuse the regular annual payment and if prepayment is made, shall be in addition to the annual payment set forth herein.

(e) If payments are not paid in the manner and at the time or times as above stated, the entire unpaid balance, both principal and interest, will become immediately due and collectible at the option of SELLERS. Failure of the SELLERS to accelerate upon default shall not constitute a waiver of such right in the event of a subsequent default.

3. FALSE REPRESENTATIONS AND WARRANTIES: It is mutually understood and agreed that the property being sold under the terms of this Contract has been inspected by the PURCHASER and that the same is being purchased by him wholly as the result of said inspection and not upon any representation made by the SELLERS, their agents, and/or attorneys, and the PURCHASER hereby waives any and all claims for damages by reason of any cancellation or foreclosure of this agreement, or otherwise, because of any representation made by any person, whomsoever, other than as is contained in this agreement.

4. TRUTH-IN-LENDING -- UNIFORM CONSUMER CREDIT CODE: It is hereby disclosed by the SELLERS on this date, and acknowledged by the PURCHASER, that the SELLERS are not persons who, in the ordinary course of business regularly extend, or arrange for the extension of consumer credit of this kind, or offer to extend or arrange for the extension of such credit, and said SELLERS are not regularly engage as SELLERS in credit transactions of the kind included within this agreement, and are, consequently, exempt from the provisions of the Federal Truth-in-Lending Act and/or the Uniform Consumer Credit Code of the State of Idaho.

5. POSSESSION: Possession shall be delivered to the PURCHASER on execution hereof, and PURCHASER shall be entitled to remain in possession so long as not in default under the terms of this agreement.

Provided, Ruby Bezold is residing on one corner of the premises and the parties have various items of personal property located thereon. It is agreed, Ruby Bezold shall move from the premises and the parties remove all of their personal property not later than May 1, 1991. Any personal property remaining on the premises after May 1, 1991, shall belong to PURCHASER and he may dispose of it in any manner he sees fit.

6. TAXES AND ASSESSMENTS: SELLERS agree to assume and pay all taxes and assessments for 1990 and theretofore; PURCHASER shall assume and pay all taxes and assessments for 1991 and thereafter.

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7. ESCROW: It is mutually understood and agreed that the following documents shall be placed in escrow with the Idaho Title & Trust, at Idaho Falls, Idaho:

1. Executed Original Contract of Sale.
2. Executed Original Warranty Deed.
3. Executed Original Quitclaim Deed.
4. Water Certificate (endorsed by the parties).

All payments shall be made directly to the escrow holder commencing with the payment due April, 1992. The escrow fee shall be shared equally between the SELLERS and the PURCHASER.

8. WARRANTY DEED AND TITLE INSURANCE: It is mutually understood and agreed by and between the parties hereto that upon full payment of the purchase price, the SELLERS shall furnish a Warranty Deed, and shall convey a good and marketable title, free and clear of any and all liens, encumbrances, taxes or assessments of whatsoever nature, except those liens, encumbrances, taxes or assessments which, by the terms of this contract the PURCHASER has specifically agreed to assume and pay, or which he creates. Also subject to easements and rights-of-way for highways, roads, ditches, canals, pole, power and transmission lines as they may exist, and any other easements or claims of easements, protective covenants, zoning ordinances and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises, and subject to the usual printed exceptions contained in the title policies currently being issued.

SELLERS agree to furnish title insurance indicating title in that condition upon execution hereof.

9. WASTE: It is hereby agreed that during the term of this Contract, the PURCHASER shall maintain the property in as good a condition as the property is at the date of this Contract of Sale, keep said property clean and free from noxious weeds, care for and keep said property in a good and neat appearance, and protect the collateral position of the SELLERS herein.

10. INDEMNIFICATION: PURCHASER shall indemnify and save harmless the SELLERS against any and all claims and liabilities for claims arising from the conduct, use of, or management of, or from any work or thing whatsoever done in or about the demised premises, or any building or structure thereon, or arising from any accident, injury or damage whatsoever, however caused, to any person or persons or to the property of any person or persons, corporation or corporations, occurring during the existence of this Contract, on, in or about the same premises, and from and against all costs, counsel fees, expenses and liabilities incurred in or about any such claims or any action or proceeding being brought against the SELLERS by reason of any such claims. PURCHASER, upon notice from SELLERS, shall resist or defend any such action or proceeding.

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11. LAWS AND ORDINANCES: PURCHASER covenants and agrees he will at all times manage and conduct said premises in all respects in accordance with the laws and ordinances of the governmental authorities having jurisdiction over the premises; and shall not carry on or conduct, permit to be carried on, or conducted upon the said premises, or any part thereof, any unlawful business or activity.

12. ADVANCES BY SELLERS: In the event PURCHASER shall fail to make any payment or to do any act as herein provided, then SELLERS, without obligation so to do and upon ten (10) days notice to PURCHASER, and without releasing PURCHASER from any obligation hereof, may make, or do the same in such manner and to such extent as SELLERS may deem necessary to protect SELLERS security under the terms of this Contract of Sale. In the event of such failure by PURCHASER as described above, SELLERS are hereby authorized to appear and defend any action or proceeding purporting to affect the security of this Contract of Sale, or the rights and powers of SELLERS hereunder, and to pay, purchase, contest or compromise any encumbrance, charge or lien which appears to be prior or superior hereto. Any such payments made by SELLERS shall immediately become amounts due and payable from PURCHASER to SELLERS and shall carry interest at the rate of thirteen percent (13%) per annum, or the highest legal rate which the State of Idaho allows under the circumstances, whichever is greater, and the failure of PURCHASER to immediately pay SELLERS the full amount of any sums so expended, together with accrued interest, shall constitute a default under the terms of this agreement. In the event SELLERS elect to make any such payments in order to protect the security under the terms of this Contract, SELLERS nevertheless shall not have waived PURCHASER default nor shall SELLERS be deemed to have made an election of remedies and SELLERS shall be entitled to act on such default as provided in this Contract of Sale.

13. DEFAULT: This agreement is made upon the express condition that time and punctuality of payment are of the essence and a material part of this Contract. In the event PURCHASER shall default in the performance of the terms of this agreement, SELLERS may cause notice in writing to be given to PURCHASER specifying the matters in which such default occurred. The notice shall be served upon PURCHASER by depositing the same in a United States Post Office, addressed to the PURCHASER at 2859 East 634 North, Roberts, Idaho. Said notice shall be sent by certified and/or registered mail, return receipt requested, postage prepaid, and such notice shall be deemed served upon its deposit in the post office as aforesaid. If PURCHASER shall fail to cure such default within sixty (60) days after the service of such notice as aforesaid, then SELLERS may elect to do any one or more of the following:

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agreed the default will not be fully cured until said fees are paid.

15. LIENS: It is understood and agreed that the PURCHASER shall not, or will not, suffer or permit any mechanics' liens or other liens to attach to or be against the above described premises which shall or may be superior to the rights of the SELLERS herein.

16. ASSIGNMENT OR SALE OF CONTRACT: No assignment or sale of this Contract, or interest therein, or in the property described herein, shall be made without the written consent of the SELLERS, provided such consent shall not unreasonably be withheld.

17. HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL REPRESENTATIVES: All covenants and agreements herein contained shall extend and be obligatory upon the heirs, executors, administrators, personal representatives, successors and assigns of the respective parties hereto.

18. COSTS OF TRANSACTION: SELLERS are required to pay the legal fees for preparation of this Contract and related documents. The parties may have agreed between themselves that PURCHASER shall reimburse vendor for one-half the fees and expenses for having the Contract and related documents prepared.

19. FULL AGREEMENT: This agreement represents the complete and entire agreement between the parties. There are no oral agreements or representations.

20. ATTORNEY'S FEES: In the event it is necessary for either party to commence an action to enforce or defend any covenant contained herein, or to terminate any rights hereunder, or to institute suit hereunder, the unsuccessful party agrees to pay all reasonable attorney's fees of the successful party, together with all costs, including searching records to determine condition of title, which sum shall be included in any judgment or decree entered in such suit.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year in the acknowledgements hereinafter set forth.

SELLERS:

PURCHASER:

C Lewis Bezalet
Paul Bezalet

Del Ray Holm

STATE OF IDAHO)
County of Jefferson) ss

On this 22nd day of March, 1991, before me, the undersigned, a Notary Public in and for said state, personally appeared LEWIS BEZOLD, known to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that he executed the same.

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

(seal)

Janice A. Field
Notary Public for Idaho
Residing at: Lewisville, Idaho
Commission Expires: 1/29/96

STATE OF IDAHO)
County of) ss

On this 19 day of June, 1991, before me, the undersigned, a Notary Public in and for said state, personally appeared RUBY BEZOLD, known to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that she executed the same.

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

(seal)

Logan H. Carl
Notary Public for Idaho
Residing at: Blaine, Idaho
Commission Expires: 5/17/97

STATE OF IDAHO)
County of Jefferson) ss

On this 9th day of May, 1991, before me, the undersigned, a Notary Public in and for said state, personally appeared DEL RAY HOLM, known to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that he executed the same.

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

(seal)

Janice A. Field
Notary Public for Idaho
Residing at: Lewisville, Idaho
Commission Expires: 1/29/96

Atte. Ernest Carlsten on Harold Jones

From: Tom Holm

525-8078
Fax 524-5230

INDEPENDENT CANAL CO.
TERRETON
IDAHO 83450

April 3, 1990

To The Department of Water Resources,

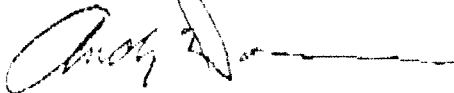
This letter is on response to a request from DelRay Holm to transfer a water right in the Independent Water Users of Mud Lake Inc.

In the annual meeting of the Independent Water Users of Mud Lake Inc. the share holders endorsed the transfer of the water right in question. It was the feeling of the share holders that it would benefit DelRay Holm and the Independent users.

If there are any further questions in this matter please contact Andy Dobson, President of the Independent Water Users or David Burtenshaw, Vice President.

Thank You,

ANDY DOBSON, President



DAVID BURTENSHAW, Vice President



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APR 24 1992

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, LaReena Lydon
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Notice Proposed Change
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for two
consecutive issues, the first publication
having been made on April 15, 1992
and the last publication having been made
on April 22, 1992.
Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

LaReena Lydon

On this 23rd day of April
in the year of 1992, before me, a Notary
Public, personally appeared

LaReena Lydon

known or identified to me to be the person
whose name 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.

Merrill C. Gueman
Notary Public of Idaho

Residing at Idaho Falls

My commission expires: 7-10-93

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 31-00336

Notice is hereby given that Del Ray
Holm & Sons has applied to the
Department of Water Resources to
change point of diversion of the waters
of a groundwater source. The right
sought to be changed is evidenced by
decree and recorded as follows:

Decree No. 31-00336A.

AMOUNT: 61.2 cfs

PRIORITY: 4/27/1932

POINT(S) OF DIVERSION: SWSW
SEC 13 T7N R35E, Jefferson County

The water is used from April 1 to
November 1 to irrigate 4700 acres with-
in the N1/2 SW SEC 1 S1/2NE SEC
11 NW SEC 12 T6N R33E; S1/2 SEC
2 NWNE S1/2NE SEC 3 NW SEC 6
N1/2 SEC 11 NE NENW S1/2NW
S1/2 SEC 12 NE W1/2NW SEC 13
NW SEC 14 NE SEC 15 T6N R34E;
N1/2 SEC 4 W1/2SW SEC 5 E1/2SE
SEC 6 SEC 7 NW SEC 9 T6N R35E;
NE W1/2NW S1/2 SEC 36 T7N R33E;
W1/2 SEC 31 T7N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 3.20 cfs will be diverted from the
SESENE SEC 9 T 6N R35E, Jefferson
County and used to irrigate 160 acres
within the NW SEC 9 T6N R35E, B.M.

Any protests against the proposed
change must be filed with the Idaho
Department of Water Resources, 150
Shoup Ave., Idaho Falls, ID, 83402, on
or before May 4, 1992.

R. Keith Higginson
Published in the Jefferson Star,
Rigby, Idaho, April 15 and 22, 1992.

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THE OWSLEY CANAL COMPANY, a Corporation,
Plaintiff.

VS.

ERNEST BAUERLE, et al,

Defendants.

CIVIL NO. 1739.

FINAL DECREE.

This cause came regularly on for trial before the court without a jury at the County Courthouse at Rigby, Idaho, on the 14th day of October, 1940.

The plaintiff and the defendant Ben H. Matkins appeared by their attorney, Edwin Snow. The defendants Ernest Bauerle, R.L.Bybie (whose name is sometimes spelled Bybee), R.P.Cope, R.P.Cope, as administrator of the estate of William Barnes, deceased, Edna Next, Cary Prugh (also known as Caroline E. Prugh), and Blanch Schaw (the last three defendants being successors to defendant H.R.Jackett, deceased), Holley Water Users' Association, a corporation, Bessie Hutchison Ellis (formerly Bessie Hutchison), Anna Hutchison (also known as Mrs. W.H.Hutchison, successor to W.H.Hutchison, deceased), Bessie M. Jackett, Frank S.Jackett, Samuel W. Lundholm, Frank E.McClain, David A.Sanders, J.L.Sanders, C.A.Sanders (successor to G.A.Adams, deceased, Charles Thiemann, and John Barnes, appeared by their attorney, O.A.Johannessen; the defendants Nicholas Burgraf, Henry Jemmett, Nellie M.Skinner (also known as Nellie J.Skinner, successor to Mary Jemmett, deceased), Independent Water Users of Mud Lake, Inc., a corporation, Bertha I. Owsley, Merritt M.Owsley, Joseph B. Potter, and J.T.Sykes, were represented by their attorney, Ralph L. Albaugh.

None of the other defendants appeared either in person or by attorney.

A stipulation in writing, signed by all the parties who have appeared in the action by attorney, was presented to the court for approval, approved by the court, and filed herein, said stipulation reciting and stipulating the material facts in controversy, agreeing to compromise the cause, and consenting to the entry of this decree; and all parties who appeared in the action in their own persons filed in this cause their consent in writing to the entry of this decree; and accordingly, the cause having been duly submitted to and considered by the court, it is now,

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

I.

1.

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V. Abbott, et al, in the United States District Court of the District of Idaho, with a priority date of March 3, 1906, which is from spring water arising in what has been known as "Deadline Lake" and in Sections 12, 23, 26, and 27, Township 7 North, Range 35 East Boise Meridian, being water from underground source in the vicinity of Mud Lake.

(d) That the defendant Independent Waters Users of Mud Lake, Inc.,
-033 6 a corporation, is now the owner by assignment of water permit No. 17690,
03 4 originally issued by the Department of Reclamation of Idaho, to Frank S.
01 Jackett, for the diversion by means of wells of 32.50 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the
-033 7 owner of water permit No. 17763, originally issued by said Department of Reclamation of Idaho to Merritt M. Owsley, for the diversion by means of wells of 50 cubic feet per second of underground water in the vicinity of Mud Lake.

(e) That the defendant Samuel W. Lundholm is the owner of water
/-033 8 permit No. 17543, issued to him by the Department of Reclamation of Idaho, for the diversion by means of wells of 3 cubic feet per second of underground water in the vicinity of Mud Lake.

VI.

That all the parties who have appeared in this suit (other than the parties owning said wells as above listed or interests therein) are the owners of water rights in Mud Lake or its tributaries. SEP 09 1992

VII.

That the parties owning water rights in Mud Lake and its tributaries, as aforesaid, assert in this suit the claim that the water developed and to be developed by means of wells constructed and to be constructed under the water permits listed in paragraphs IV and V hereof, and each of such wells, is tributary to Mud Lake and its tributaries and would constitute a part of the natural flow of said Mud Lake and its tributaries if not withdrawn from the ground by means of said wells; and, on the other hand, each of the owners of said wells, or any interest therein, who are parties to this suit assert herein that the water developed and

Each of the parties hereto, and his or its agents, officers, and employees, is hereby enjoined and restrained from interfering with the free flow of water from said wells or any of them into Mud Lake during the non-irrigation season as herein directed, or from interfering during the irrigation season with the withdrawal and use of water from said wells by the respective owners thereof up to the amount of water withdrawn therefrom as limited by this decree.

XV.

The administration of this decree is hereby committed to the water-master of District No. 66.

XVI.

Each of the parties hereto shall bear his own costs.

Dated this 14th day of October, 1940.

C. J. TAYLOR, District Judge.

We hereby consent to the entry of the foregoing final decree; and hereby waive findings of fact and conclusions of law herein, and we hereby agree that the above entitled cause may be heard by the Judge of the above entitled court at any time upon motion of the plaintiff, either in open court or before the Judge at chambers.

Dated October 14, 1940.

EDWIN SNOW.

Attorney for Plaintiff.

Residence: Boise, Idaho.

Filed October 14th, 1940.
By Wm. Sauer, Clerk.

O. A. JOHANNESSEN, Attorney for Certain
Defendants. Residence: Idaho Falls, Idaho.
RALPH L. ALBAUGH, Attorney for Certain
Defendants. Residence: Idaho Falls, Idaho.

STATE OF IDAHO,)

County of Jefferson.)

SS.

I, Wm. Sauer, Clerk of the District Court, and Ex-Officio Auditor and Recorder, do hereby certify and declare that the foregoing Nine (9) sheets, numbered from 1 to 9 inclusive, are a full, true and correct copy of the FINAL DECREE, in Civil Case No. 1739, entitled The Owsley Canal Company, a Corporation, Plaintiff, VS ERNEST BAUERLE, et al, Defendants, which said Decree, is recorded in Book 122 of Judgments and Decrees, at Page 346, records of Jefferson County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 31st day of October, 1940.

Wm. Sauer
Clerk of the District Court, and Ex-Officio
Auditor and Recorder in and for Jefferson
County, State of Idaho.

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TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	~~Independent Water Users~~ of Mud Lake Inc.		91.8 *	31-0337/0336
2303	Jackett Canal Company		30.6	31-0337B/ 31-0336B
	~~Independent Water Users~~ Of Mud Lake Inc.		61.2	~~31-0337A/~~ 31-0336A
2461	Independent Water Users of Mud Lake Inc.		61.2	31-0337A/ 31-0336A

*The Owsley Canal vs. Bauerle Decree allowed combined rate of diversion of 91.8 cfs for rights 31-0336 and 31-0337. These rights are transferred together.

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AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Independent Water Users of Mud Lake, Inc. Phone 523-0620
C/O Holden, Kidwell, Hahn & Crapo
 Post office address Terreton, Idaho 83450 P.O. Box 129, Idaho Falls, Idaho 83401

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to Independent Water Users of Mud Lake, Inc.
 (Name)
 in case of Owsley Canal Company vs Ernest Bauerle, et al
 dated Oct 14, 1940 in District Court county of Jefferson
 (Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Ground Water tributary to _____4. Date of priority April 27, 1932 (31-0336); December 15, 1932 (31-0337)

5. Water is used for the following purposes:

amount 91.8 cfs for Irrigation purposes from May 1 to Nov. 1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day - both dates inclusive)

6. Total amount of water under right: a. 91.8 cubic feet per second
 &/or
 b. _____ acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3
 Township 6N. Range 35 E. B.M., in Jefferson County
 Additional points of diversion, if any SW $\frac{1}{4}$ Sec. 13 & NW $\frac{1}{4}$ Sec. 24 in T.7N, R.35 E.B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
31-0336																			
7N	35E	32																38	38
6N	35E	4						35			40	40	40	40	40	40	40	40	355
6N	35E	5	40	12.5	40	35	12.5				40			40	40	40	40	40	380
6N	35E	8	40	40	30	20		40	35	40	40	40				15			340
6N	35E	9	35			20	40	20	20	40									175
6N	35E	10						20	20										40
31-0337																			
7N	33E	36	40	40	40	40					40		40	40	40	40	40	40	440
7N	34E	31					40	40	40	40	40	40	40	40					320
6N	33E	1	40	40	40	40	40	40	40	40									320
6N	34E	6					40	40	40	40									160
6N	34E	12	40	40	40	40	40			40	40				40	40	40	40	440
6N	35E	7	40	40	40	40	40	347.5	347.5	40	40	34.8	34.8	40	40	40	40	40	619.1
6N	35E	9		40	40						40	40	40	40		40	40		320

Total number of acres to be irrigated 3947.1

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N.	33E	36	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
6N	33E	1	39.95	39.85	40	40	39.75	39.65	40	40	40	40	40	40					479.2
		11	20	7		3													30
		12					40	40	25	40									145
7N	34E	31					40	40	40	40	40	40	40	40					320
		1									40	40	40	20				5	25
6N	34E	2									40	40	40	40	40	40	40	40	320
		3			40	40													80
		6					39.95	39.17	39.11	40									158.23
		11	40	40	40	40	40	40	40	40									320
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		13	40	40	40	40	40	40	40	40	40	40	40	40					--240-- 400
		14					40	40	40	40									160
		15	40	40	40	40													160
6N	35E	4	41.15	41.19	40	40	5	5	40	40									252.34
		5									25	40							65
		6													10				50
		7	40	40	40	40	40	34.75	34.79	40	40	40	40	40	40	40	40	40	619.2
		9					40	40	40	40									160

Total number of acres receiving
supplemental irrigation

--4783.97--

4943.97

4943.97

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B) Undivided 2/3 of Total Right

1. Amount of water: a. 61.2 cubic feet per second 31-0336a
&/or 31-0337a
b. _____ acre feet per annum
2. Point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3 Township 6N.
Range 35 E., B.M., Jefferson County
Additional points SW $\frac{1}{4}$ Sec. 13 and NW $\frac{1}{4}$ Sec. 24 in T.7N, R.35 E.B.M.
3. Place of use: Same as A-8

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 61.2 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 Township 7N
Range 35E, B.M., Jefferson County
Additional points _____
 - c. Description of diverting works Three Easternmost Wells at Buck Springs.
 - d. Describe the reasons for applying for a change in the point(s) of diversion All water diverted under company's water rights have, since 1956, been diverted from three Easternmost wells at Buck Springs.
2. Change in place of use
 - a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres receiving
Supplemental Irrigation _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

SEE ATTACHED MAP

Yellow indicates lands of stockholders;
Blue indicates location of wells and canal.

Water is pumped from wells, conveyed by canal to Camas Creek; reddiverted from Camas Creek and Mud Lake onto individual lands of stockholders or into other canal systems.

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

3. Remarks Most of the lands of the company's stockholders have other rights appurtenant, these rights are supplemental to the other natural flow rights. This application is also intended to clarify the records so that they conform to actual practice, especially to take into account a division of lands which occurred in 1956 when Jackett Canal Company was formed and in exchange for stock in this company held by individuals who became stockholders in Jackett, a deed conveying an undivided 1/3 interest in the two original rights was given to the Jackett Canal Company.

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 9th day of July, 1980.
Arthur S. Sola VICE PRESIDENT
(Signature of applicant)

My commission expires 2/14/82

Harold D. Sola
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0336a & 31-0337a and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Use of water under this right is subject to control by the watermaster of State Water District No. 31, Mud Lake & tributaries.
 2. Measuring devices and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
 3. Diversion of water authorized by this transfer when combined with other water rights of the Independent Water Users of Mud Lake Inc. shall not exceed 14,832 acre feet of water per annum.
 4. The existing measuring methodology shall be maintained at the points of diversion/rediversion from Camas Creek and Mud Lake.
- Witness my hand this 21st day of September, 19 81.

L. Glen Saxton
L. GLEN SAXTON, CHIEF OPERATIONS BUREAU

FOR DEPARTMENT USE ONLY

Received by RDC Date 7/9/80 Protest filed by _____
Prelim. check by EMC Fee 20.00
Receipted by KW Date 7/9/80 #14921
Published in The Rigby Star Copies of protest forwarded by _____
Pub. dates 7/17 & 7/24/80 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by Jim Darr

RECEIVED

JUL 24 1980

Affidavit of Publication Department of Water Resources
Eastern District Office

THE RIGBY STAR

STATE OF IDAHO,

County of Jefferson

ss

I, Marie B. Nye, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on
the

Sixteenth day of July, 19 80

and the last publication on the

Twenty-Third day of July, 19 80

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Marie B Nye

Publisher

Subscribed in my presence and sworn to before me this Twenty-Third
day of July, 19 80.

[SEAL]

Evelyn M Flegler

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 32.30

/s/ C. Stephen Allred
Director

Published July 16 and 23,
1980

NOTICE OF
PROPOSED AMENDING OF
APPLICATION FOR
TRANSFER OF
WATER RIGHTS

Notice is hereby given
that Application for Transfer
of Water Right Nos. 31-0336
and 31-0337 in the name of
Independent Water Users of
Mud Lake, Inc. was filed for
the transfer of 61.2 cfs of
water from a groundwater
source with the point of
diversion to be within the
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 7N,
R. 35E, B.M., Jefferson
County; to be used from May 1
to November 1 for irrigation
purposes within the NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec.
36, T. 7N, R. 33E; NE $\frac{1}{4}$,
SW $\frac{1}{4}$, Sec. 1; N $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11; NW $\frac{1}{4}$,
Sec. 12; T. 6N, R. 33E;
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31;
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
1; T. 7N, R. 34E; SW $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec.
3; NW $\frac{1}{4}$, Sec. 6; NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Sec. 11; Sec. 12;
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13;
NW $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, Sec.
15; T. 6N, R. 34E; NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Sec. 4; W $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 5; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6; Sec.
7; NW $\frac{1}{4}$, Sec. 9; T. 6N, R.
35E; B.M., for 4783.97 acres.
Notice of this application for
transfer was published June
19 and 26, 1980 in the Rigby
Star.

The applicants now pro-
pose to amend the applica-
tion for transfer, amending
the place of use to within the
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 36; T. 7N, R. 33E;
NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 1;
N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
11; NW $\frac{1}{4}$, Sec. 12; T. 6N, R.
33E; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31;
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
1; T. 7N, R. 34E; SW $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$; Sec.
3; NW $\frac{1}{4}$, Sec. 6; NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Sec. 11; Sec. 12;
NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 13; NW $\frac{1}{4}$, Sec. 14;
NE $\frac{1}{4}$, Sec. 15; T. 6N, R.
34E; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4;
W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; E $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 6; Sec. 7; NW $\frac{1}{4}$, Sec. 9;
T. 6N, R. 35E, for 4943.97
acres.

Any protest to the pro-
posed amending of Applica-
tion for Transfer of Water
Right Nos. 31-0336 and
31-0337 must be filed with
the Idaho Department of
Water Resources, 1515 Lin-
coln Road, Idaho Falls,
Idaho, 83401 on or before
August 4, 1980.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Independent Water Users of Mud Lake, Inc. Phone 523-0620
c/o Holden, Kidwell, Hahn & Crapo
Post office address Terreton, Idaho 83450 P.O. Box 129, Idaho Falls, Idaho 83401

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Independent Water Users of Mud Lake, Inc.
(Name)
in case of Owsley Canal Company vs Ernest Bauerle, et al
dated Oct 14, 1940 in District Court county of Jefferson
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Ground Water tributary to _____

4. Date of priority April 27, 1932 (31-0336); December 15, 1932 (31-0337)

5. Water is used for the following purposes:

amount 91.8 cfs for Irrigation purposes from May 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 91.8 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section #
Township 6N. Range 35 E., B.M., in Jefferson County
Additional points of diversion, if any SW $\frac{1}{4}$ Sec. 13 & NW $\frac{1}{4}$ Sec. 24 in T. 7N, R. 35 E. B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
31-0336																			
7N	35E	32																38	38
6N	35E	4									40	40	40	40	40	40	40	40	355
6N	35E	5	40	12.5	40	35	12.5				40				40	40	40	40	380
6N	35E	8	40	40	30	20	40	35	40	40	40				40	40	40	40	340
6N	35E	9	35			20	40	20	20	40									175
6N	35E	10					20	20											40
31-0337																			
7N	33E	36	40	40	40	40					40		40	40	40	40	40	40	440
7N	34E	31					40	40	40	40	40	40	40	40					320
6N	33E	1	40	40	40	40	40	40	40	40									320
6N	34E	6					40	40	40	40									160
6N	34E	12	40	40	40	40	40			40	40				40	40	40	40	440
6N	35E	7	40	40	40	40	40	347.5	347.5	40	40	34.8	34.8	40	40	40	40	40	619.1
6N	35E	9		40	40						40	40	40	40		40	40		320

Total number of acres to be irrigated 3947.1

VOID
Amended

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N.	33E	36	40	40	40	40	40				40	40	40	40	40	40	40	40	560
6N	33E	1	39.95	39.85	40	40	39.75	39.65	40	40	40	40	40	40					479.2
		11	20	7		3	40	40	25	40									30
		12					40	40	40	40	40	40	40	40					145
7N	34E	31					40	40	40	40	40	40	40	40					320
		1									40	40	40	20	40			5	25
6N	34E	2									40	40	40	40	40	40	40	40	320
		3			40	40													80
		6					39.95	39.17	39.11	40									158.23
		11	40	40	40	40	40	40	40	40									320
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		13	40	40	40	40	40			40									240
		14					40	40	40	40									160
		15	40	40	40	40													160
6N	35E	4	41.15	41.19	40	40	5	5	40	40									252.34
		5									25	40							65
		6													10			40	50
		7	40	40	40	40	40	34.75	34.79	40	40	34.81	34.85	40	40	40	40	40	619.2
		9					40	40	40	40									160

Total number of acres receiving supplemental irrigation 4783.97

NOT RECORDED

- SEE ATTACHED MAP
- Yellow indicates lands of stockholders;
Blue indicates location of wells and canal.
- Water is pumped from wells, conveyed by canal to Camas Creek; rediverted from Camas Creek and Mud Lake onto individual lands of stockholders or into other canal systems.

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

W A T E R D E E D

THIS INDENTURE, made this 20th day of December, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between INDEPENDENT WATER USERS OF MUD LAKE, INC., A Corporation, of Jefferson County, State of Idaho, party of the first part, and JACKETT CANAL COMPANY, A Corporation, of Jefferson County, State of Idaho, party of the second part,

W I T N E S S E T H

That the said party of the first part, for and in consideration of ONE THOUSAND ELEVEN (1011) shares of the capital stock of said Independent Water Users of Mud Lake, Inc., to it in hand paid and delivered by the said party of the second part for cancellation, the receipt whereof is hereby acknowledged, has bargained and sold and by these presents does assign, sell, grant, convey and transfer unto the party of the second part and to its successors and assigns an undivided one-third (1/3) interest in and to all of the water and water rights and diversion works of every kind, nature and description owned by the said first party, or in which first party has any interest and particularly, but not limited thereto, an undivided one-third (1/3) interest in and to the water rights evidenced by Idaho Water License No. 17690 and Idaho Water Permit No. 17763. *31-2254*

TO HAVE AND TO HOLD all and singular the above mentioned and described water and water rights, diversion works and the appurtenances thereunto belonging or in anywise appertaining unto the party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its corporate name and behalf and its corporate seal to be hereunto affixed by its officers thereunto duly authorized under and pursuant to a resolution heretofore adopted by its stockholders.

INDEPENDENT WATER USERS OF MUD LAKE, INC.

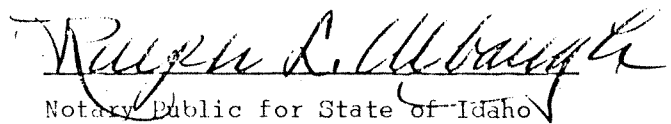
By J. J. Corley
President

By Secretary

STATE OF IDAHO)
)SS
County of Bonneville)

On this 20th day of December, 1956, before me the undersigned notary public in and for said state, personally appeared M. M. OWSLEY and GARNET LEWIS, known to me to be the president and secretary of the corporation that executed the within instrument, 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 in this certificate first above written.


Notary Public for State of Idaho
Residing at Idaho Falls, Idaho



CORPORATION QUITCLAIM DEED

THIS INDENTURE, Made this _____ day of _____, in the
year of our Lord one thousand nine hundred and seventy eight _____, between

JACKETT CANAL COMPANY, INC.

a corporation duly organized and existing under the laws of the State of _____ Idaho _____, and
having its principal office in Idaho at _____, County of _____ Jefferson _____,
State of Idaho, the party of the first part, and

INDEPENDENT WATER USERS OF MUD LAKE, INC.

of _____, County of _____ Jefferson _____, State of _____ Idaho _____,
the part y _____ of the second part.

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by
resolution of its Board of Directors, for and in consideration of the sum of _____
TEN AND NO/100- - - - - DOLLARS,
lawful money of the United States of America, to it in hand paid by the said party _____ of the second
part, the receipt whereof is hereby acknowledged, has remised, released, and forever quitclaimed and does
by these presents remise, release, and forever QUITCLAIM, unto the said party _____ of the second part,
and to its heirs and assigns, all _____ certain _____ lot _____, piece _____, or parcel _____
of land, situate, lying, and being in _____, County of _____ Jefferson _____, State of
Idaho, bounded and particularly described as follows, to-wit:

The three easternmost wells of the five wells
located at Buck Springs within the southwest
quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of
Section 13, Township 7 North, Range 35 E.B.M.,
Jefferson County, Idaho, against all pumps and
other diversion works and structures located at
and used in connection with said wells.

Microfilm No. 192972

17 Day June 19 78

AL 9 27 O'Clock H. M.

Robert O. Benson

Jefferson Co. Recorder

For \$2.00 D. H. Deputy

Record 1 A. H. H. H.

Walter H. H. H.

Walter H. H. H.

TOGETHER With all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part y of the second part, and to its heirs and assigns forever.

0.0000 10
P.S.A. 10
WATCHES NO

IN WITNESS WHEREOF The said party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to said resolution, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

JACKETT CANAL COMPANY, INC.

By Rulan Yearsly
Rulan Yearsly
Its President.

Attest
Its Secretary.

STATE OF IDAHO,

County of Jefferson ss.

On this 22nd day of June, in the year 1978, before me,

Faye A. McAfee, a Notary Public in and for said State, personally appeared Rulan Yearsly

known to me to be the President of the corporation that executed the foregoing instrument, 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 in this certificate first above written.

Faye A. McAfee
Notary Public for the State of Idaho,
Residing at , Idaho.

No. _____
Corporation Quitclaim Deed
- TO -
Dated _____, 19____
STATE OF IDAHO,
County of _____ ss.
I hereby certify that this instrument
was filed for record at the request of
at _____ minutes past _____ day
o'clock M. this _____ day
of _____, A.D. 19____
in my office, and duly recorded in Book
of _____
at page _____
Ex-Officio Recorder.
By _____, Deputy.
Fees, \$ _____
Mail to _____
STANFORD CO. PRINTERS & BINDERS, BOISE

CORPORATION QUITCLAIM DEED

THIS INDENTURE, Made this _____ day of _____, in the year of our Lord one thousand nine hundred and seventy eight _____, between

INDEPENDENT WATER USERS OF MUD LAKE, INC.

a corporation duly organized and existing under the laws of the State of Idaho _____, and having its principal office in Idaho at _____, County of _____ Jefferson _____,

State of Idaho, the party of the first part, and

JACKETT CANAL COMPANY, INC.

of _____, County of _____ Jefferson _____, State of Idaho _____,

the party _____ of the second part.

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of _____

TEN AND NO/100- _____ DOLLARS,

lawful money of the United States of America, to it in hand paid by the said party _____ of the second part, the receipt whereof is hereby acknowledged, has remised, released, and forever quitclaimed and does

by these presents remise, release, and forever QUITCLAIM, unto the said party _____ of the second part,

and to its heirs and assigns, all _____ certain _____ lot _____, piece _____, or parcel _____

of land, situate, lying, and being in _____, County of _____ Jefferson _____, State of

Idaho, bounded and particularly described as follows, to-wit:

The two westernmost wells of the five wells

located at Buck Springs within the southwest

quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of

Section 13, Township 7 North, Range 35 E.B.M.,

Jefferson County, Idaho, against all pumps and

other diversion works and structures located

at and used in connection with said wells.

Microfilm No. 192971

37 Day 1978

At 2:50 O'Clock P.M.

Robert J. Barner

Jefferson Co. Recorder

Fee \$320.00 Deputy

Record d At request of

Walter K. K. K.

9 traps

RECORDED

TOGETHER With all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part y of the second part, and to its heirs and assigns forever.

0.0125
D3A 10
100000000

IN WITNESS WHEREOF The said party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to said resolution, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

INDEPENDENT WATER USERS OF MUD LAKE, INC.

By

Arthur E. Eddy

Its

President.

Attest

Jay A. McAllister

Its

Secretary.

STATE OF IDAHO,

County of

Jefferson

ss.

On this

22nd

day of

June

, in the year 19 78, before me,

FAYE A. McAllister

, a Notary Public in and for said State, personally

appeared

Art Robinson

known to me to be the *President* of the corporation that executed the foregoing instrument, 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 in this certificate first above written.

Faye A. McAllister
Notary Public for the State of Idaho,
Residing at *Idaho*, Idaho.

No. _____
Corporation Quitclaim Deed

— TO —

Dated _____, 19 _____
STATE OF IDAHO,
County of _____ ss.

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock _____ M. this _____ day _____ of _____, A.D. 19 _____ in my office, and duly recorded in Book _____ of _____ at page _____

By _____ Ex-Officio Recorder.
Fees, \$ _____, Deputy.
Mail to _____

STANDARD CO. PRINTERS & BINDERS, Boise

RECEIVED

JUN 26

Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

**NOTICE OF PROPOSED
CHANGE OF
WATER RIGHT**

Notice is hereby given that independent Water Users of Mud Lake, Inc. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by decree to independent Water Users of Mud Lake, Inc. in Case of Owsley Canal Company vs. Ernest Bauernfeind, et al., dated October 14, 1940 in District Court, County of Jefferson, and are recorded as follows:

Right No. 31-0336

Amount: 32.5 cfs

Priority: April 27, 1932

Decreed Points of Diversion: NE 1/4 NW 1/4, Sec. 3, T. 6N, R. 35E; SW 1/4, Sec. 13, NW 1/4, Sec. 24; T. 7N, R. 35E, B.M., Jefferson County.

The water is used to irrigate 1328 acres from May 1 to Nov. 1 within the SE 1/4 SE 1/4, Sec. 32, T. 7N, R. 35E; NW 1/4 NW 1/4, S 1/2 Sec. 4; NE 1/4, NE 1/4 NW 1/4, E 1/2 SW 1/4, Sec. 5; NE 1/4, W 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4, Sec. 8; E 1/2 NE 1/4, NW 1/4, Sec. 9; W 1/2 NW 1/4, Sec. 10; T. 6N, R. 35E.

Right No. 31-0337

Amount: 50.0 cfs

Priority: December 15, 1932

Decreed Points of Diversion: NE 1/4 NW 1/4, Sec. 3, T. 6N, R. 35E; SW 1/4, Sec. 13, NW 1/4, Sec. 24; T. 7N, R. 35E, B.M., Jefferson County.

NE 1/4, E 1/2 NW 1/4, Sec. 13, NW 1/4, Sec. 14, NE 1/4, Sec. 15, T. 6N, R. 34E; N 1/2, Sec. 4, W 1/2 SW 1/4, Sec. 5; E 1/2 SE 1/4, Sec. 6, Sec. 7, NW 1/4, Sec. 9, T. 6N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before July 7, 1980.

/s/ C. Stephen Alfred
Director

Published May 18 and 25,
1980

STATE OF IDAHO, }
County of Jefferson } ss

I, Marie B. Nye, do solemnly swear that I am the Editor of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Eighteenth day of June, 19 80
and the last publication on the

Twenty-Fifth day of June, 19 80

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Marie B. Nye

Publ'sr

Subscribed in my presence and sworn to before me this Twenty-Fifth day of June, 19 80.
[SEAL]

Carlyle M. F. Apple
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires 1st Feb, 19 81

Publication Fee: \$ 12.00

APPLICATION FOR TRANSFER OF WATER RIGHT **APPROVED**
To Change the Point of Diversion and/or the Place of Use

Post office address c/o HOLDEN, KIDWELL, HAHN & CRAPO, Box 129, Idaho Falls, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED - See Attached Information

1. Right evidenced by:
 - a. Decree to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
 - b. License No. _____ issued by the Idaho Department of Water Resources
 - c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water _____ tributary to _____
4. Date of priority _____
5. Water is used for the following purposes:
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)
6. Total amount of water under right: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is _____ % of _____ % of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
 - c. Description of diverting works _____
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

JUL 7 1978

A. DESCRIPTION OF RIGHTS AS RECORDED:

Department of Water Resources
Eastern District Office

1. Rights evidenced by:

a. Decreed Rights:

- (1) Ernest Sauve, Plaintiff, vs. W. H. Abbott, et al, Defendants;
dated November 1, 1930; in the District Court of the United States for the District of Idaho, Eastern Division. Proceedings were held in Pocatello, Bannock County, Idaho, but the decree purports to allocate the waters of Mud Lake in Jefferson County, Idaho, and its tributaries. All lands irrigated through applicant's system are in Jefferson County. These rights were conveyed to applicant by an instrument entitled "Water Deed", dated May 1, 1956, recorded as Instrument No. 116320 in the records of Jefferson County, Idaho, on September 15, 1958; also in Book 55 of Water Deeds at page 309. A copy of this deed is attached hereto. The information for each such water right is listed as follows:

- | | |
|----------------------|---|
| (a) Right No. - | 31-0134 (Page 47 of Decree, No. 70) |
| Decreed to- | Los Angeles First National Bank and Trust Company (formerly First Nat'l Bank of Los Angeles), a corporation. |
| Source - | Camas Creek, a tributary of Mud Lake. |
| Priority Date - | March 20, 1911. |
| Water Used For - | Irrigation |
| Amount - | 3.5 cfs |
| Point of Diversion- | In Lot 4, Section 4, Township 6 North, Range 35 East, B.M. |
| Place of Use - | 7.38 acres in Lot 7, Section 32, Township 7 North, Range 35 East, B.M. |
| | 41. acres in Lot 4, Section 4; 41. acres in Lot 1, Section 4; 52.25 acres in Lot 2, Section 5; all in Township 6 North, Range 35 East, B.M. |
| (b) Right No. - | 31-0135 (Page 47 of Decree, No. 70) |
| Decreed to - | Los Angeles First Nat'l Bank and Trust Company (formerly First Nat'l Bank of Los Angeles), a corporation. |
| Source - | Mud Lake |
| Priority Date - | June 10, 1912 |
| Water Used For - | Irrigation |
| Amount - | 2.5 cfs |
| Point of Diversion - | Near the Center of the Southwest Quarter of Section 5, Township 6 North, Range 35 East, B.M. |

RECORDED

Place of Use - 320 acres as follows: 40 acres in the Northwest Quarter of the Northwest Quarter; 40 acres in the Northeast Quarter of the Northwest Quarter; 40 acres in the Southwest Quarter of the Northwest Quarter; 40 acres in the Southeast Quarter of the Northwest Quarter; 40 acres in the Northwest Quarter of the Northeast Quarter; 40 acres in the Southwest Quarter of the Northeast Quarter; 40 acres in the Northwest Quarter of the Southeast Quarter; 40 acres in the Northeast Quarter of the Southwest Quarter - all in Section 8, Township 6 North, Range 35 East B.M.

(c) Right No. - 31-0143 (Page 49 of Decree, No. 75)
 Decreed to - Clarence O. McGill and G. B. Adams.
 Source - Camas Creek, a tributary of Mud Lake.
 Priority Date - March 29, 1911
 Water Used For - Irrigation
 Amount - 1.0 cfs
 Point of Diversion - In Lot 4, Section 3, Township 6 North, Range 35 East B.M.
 Place of Use - Lots 3 and 4, the Southwest Quarter of the Northwest Quarter; the Southwest Quarter of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southwest Quarter, all in Section 3, Township 6 North, Range 35 East, B.M.

(d) Right No. - 31-0144 (Page 49 of Decree, No. 75)
 Decreed to - Clarence O. McGill and G.B. Adams
 Source - Camas Creek, a tributary of Mud Lake
 Priority Date - September 21, 1912.
 Water Used For - Irrigation
 Amount - 1.0 cfs
 Point of Diversion - Same as 31-0143.
 Place of Use - Same as 31-0143.

(e) Right No. - 31-0190 (Page 60 of Decree, No. 99)
 Decreed to - Merritt M. Owsley
 Source - Camas Creek, a tributary of Mud Lake.
 Priority Date - October 14, 1913.
 Water Used For - Irrigation
 Amount - 5.9 cfs
 Point of Diversion - A point South 73.75° East 1222 feet from the Northwest Corner of Section 3, Township 6 North, Range 35 East, B.M.
 Place of Use - The Southwest Quarter, the West Half of the Southeast Quarter, and the West Half of the Northeast Quarter, of Section 9, Township 6 North, Range 35 East, B.M.

(2) The Owsley Canal Company, Plaintiff, vs. Ernest Bauerle, et al, Defendants; dated October 14, 1940; in the District Court of the Ninth Judicial District of the State of Idaho, In and For Jefferson County. These rights were conveyed to applicant by instrument entitled "Water Deed", dated December 20, 1956, recorded as Instrument No. 120684, in the records of Jefferson County, Idaho on December 11, 1959; also in Book 81 of Water Deeds, at Page 56. A copy of this deed is attached. By this deed, Independent Water Users of Mud Lake, Inc., conveyed to applicant:

"An undivided one-third (1/3) in and to all of the water and water rights and diversion works of every kind, nature and description owned by said First Party, or in which First Party has any interest and particularly, but not limited thereto, an undivided one-third (1/3) interest in and to the water rights evidenced by Idaho Water License No. 17690 and Idaho Water Permit No. 17763."

The Bauerle Decree recites that Independent Water Users of Mud Lake, Inc., is the owner of this license and permit and appears to confirm or decree the rights represented in both the license and the permit. Subsequently the Permit, No. 17763/31-2254 was canceled for failure to submit proof of beneficial use. However, water has been diverted and applied to beneficial use each year in reliance on this right and the applicant has always relied on the decree as evidence of the rights, rather than the license or permit. We are attaching a copy of a letter from Mr. Bobby D. Fleenor of the Department to Don Shenton, dated June 4, 1974, explaining that the permit was canceled because after the entry of the Decree there was no longer any need to prove up on the permit, and the filing was unnecessary. The rights under this decree are described as follows:

(a) Right No. - 31-0336 (License No. 17690/31-2253)
 Decreed to - Independent Water Users of Mud Lake, Inc.
 Source - Ground Water
 Priority Date - April 27, 1932
 Water Used For - Irrigation
 Amount - Decree says 32.50 cubic feet per second, but combined with Right No. 31-0337 "an amount not exceeding in the aggregate the equivalent of 91.8 cubic feet per second, flowing continuously during the irrigation season from May 1 to November 1 of each year."
 Point of Diversion - Northeast Quarter Northwest Quarter Section 3, Township 6 North, Range 35 E.B.M., Jefferson County.
 Place of Use -

Twp	Range	Section	Forty-Acre Tract	No. Acres Actually Irrigated
7N.	35 E.	32	Lot 7 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	38
6N.	35 E.	4	Lot 4	35
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
		5	Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	40
			Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ and part of NE $\frac{1}{4}$ NW $\frac{1}{4}$)	25
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	35
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
		8	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	30
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	20
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	35
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	15
		9	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	20
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	20
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	20
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
		10	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	20
Total Number of Acres Irrigated				1,328

(b) Right No. - 31-0127
 Decreed To - 31-0337 (Permit No. 17763/31-2254)
 Source - Ground Water
 Priority Date - December 15, 1932
 Water Used For - Irrigation
 Amount - 50 cfs (however, decree provides
 that this right, together with Right
 No. 31-0336 shall be permitted to
 develop up to 91.8 cubic feet per
 second as quoted above).

Points of Diversion - Southwest Quarter of Section 13,
 Northwest Quarter of Section 24,
 in Township 7 North, Range 35
 E.B.M., Northeast Quarter North-
 west Quarter of Section 3, Town-
 ship 6 North, Range 35 E.B.M.,
 Northwest Quarter Northwest Quarter
 of Section 7, Township 6 North,
 Range 34 E.B.M., Northeast Quarter
 Northwest Quarter of Section 1,
 Township 6 North, Range 34 E.B.M.

Place of Use -

Twp.	Range	Section	Forty-Acre Tract	No. Acres Actually Irrigated
7N.	33 E.	36	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	34 E.	31	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
6N.	33 E.	1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	34 E.	6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40

Twp.	Range	Section	Forty-Acre Tract	No. Acres Actually Irrigated
6N	34 E.	12	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			35 E.	7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40		
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40		
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40		
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40		
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.75		
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.75		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40		
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40		
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.8		
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.8		
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40		
	35 E.	9	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
				40

Total Number of Acres Irrigated 2,619.1

b. Licensed Rights:

(1) Right No. - G-20891/31-2289
 Licensed To - Calvin Passey
 Source - Ground Water
 Priority Date - January 13, 1949
 Water Used For - Irrigation
 Amount - 3.2 cfs
 Point of Diversion- Northwest Quarter Northeast
 Quarter Section 27, Township 7
 North, Range 35 E.B.M., Jefferson
 County.
 Place of Use - Northeast Quarter Northeast Quarter,
 Northwest Quarter Northeast Quarter,
 Southwest Quarter Northeast Quarter,
 Southeast Quarter Northeast Quarter
 all in Section 8, Township 6 North
 Range 35 E.B.M.

- (2) Right No. - G-20948/31-2290
 Licensed To - J.R. Bixby
 Source - Ground Water
 Priority Date - February 14, 1949
 Water Used For - Irrigation
 Amount - 3.6 cfs
 Point of Diversion - Northwest Quarter Northeast Quarter, Section 27 Township 7 North, Range 35 E.B.M., Jefferson County.
 Place of Use - Northeast Quarter Southeast Quarter, Northwest Quarter Southeast Quarter, Southwest Quarter Southeast Quarter, Southeast Quarter Southeast Quarter, Northeast Quarter Southwest Quarter, and Southeast Quarter Southwest Quarter, all in Section 5, Township 6 North, Range 35 E.B.M.
- (3) Right No. - G-21322/31-2297
 Licensed To - Rulan R. Yearsley
 Source - Ground Water
 Priority Date - December 29, 1949
 Water Used For - Irrigation
 Amount - 6.0 cfs
 Point of Diversion - Northwest Quarter Northeast Quarter, Section 27, Township 7 North, Range 35 E.B.M. in Jefferson County.
 Place of Use - 20 acres in Northwest Quarter of Northeast Quarter, 20 acres in Southwest Quarter Northeast Quarter, 20 acres in Southeast Quarter Northeast Quarter, 30 acres in Northeast Quarter Northwest Quarter, 30 acres in Southeast Quarter Northwest Quarter, 40 acres in Northeast Quarter Southwest Quarter, 30 acres in Northwest Quarter Southwest Quarter, 30 acres in Southwest Quarter Southwest Quarter, 20 acres in Southeast Quarter Southwest Quarter, all in Section 3, 30 acres in Southwest Quarter Southeast Quarter of Section 4, 35 acres in Northwest Quarter Northeast Quarter and 35 acres in Southwest Quarter Northeast Quarter of Section 9, all in Township 6 North Range 35 E.B.M.
- (4) Right No. - G-23076/31-2310
 Licensed to - Blaine E. Miller
 Source - Ground Water
 Priority Date - September 24, 1962
 Water Used For - Irrigation 1752
 Amount - 5.8 cfs
 Point of Diversion - Southwest Quarter Southwest Quarter Section 23, Township 7 North, Range 35 E.B.M. Jefferson County.

- Place of Use - 35 acres in Northeast Quarter Northeast Quarter, 30 acres in Northwest Quarter Northeast Quarter, Southwest Quarter Northeast Quarter, Southeast Quarter Northeast Quarter, Northeast Quarter Southeast Quarter, Northwest Quarter Southeast Quarter, 35 acres in Southwest Quarter Southeast Quarter, 30 acres in Southeast Quarter Southeast Quarter, all in Section 17, Township 6 North, Range 35 E.B.M.
- (5) Right No. - G-23836/31-2317 (two Rights under this Right No.)
 Licensed to - Frank S. Jackett
 Source - Ground Water
 Priority Date - February 28, 1953 and October 27, 1956
 Water Used For - Irrigation
 Amounts - 8.08 cfs under February 28, 1953 priority and 1.90 cfs under October 27, 1956 priority.
 Points of Diversion - Northwest Quarter Southwest Quarter, Section 23 and Northeast Quarter Southeast Quarter, Section 22, all in Township 7 North, Range 35 E.B.M.
 Place of Use - 25 acres in Northeast Quarter Northeast Quarter, Northwest Quarter Northeast Quarter, 20 acres in Southwest Quarter Northeast Quarter, 25 acres in Southeast Quarter Northeast Quarter, Northeast Quarter Northwest Quarter, Northwest Quarter Northwest Quarter, Southwest Quarter Northwest Quarter, Southeast Quarter Northwest Quarter, Northeast Quarter Southeast Quarter, 20 acres in Northwest Quarter Southeast Quarter, 25 acres in Southwest Quarter Southeast Quarter, Southeast Quarter Southeast Quarter, Northeast Quarter Southwest Quarter, Northwest Quarter Southwest Quarter, 10 acres in Southwest Quarter Southwest Quarter, 13 acres in Southeast Quarter Southwest Quarter, all in Section 16, Township 6 North, Range 35 E.B.M.
- (6) Right No. - G-24047/31-2321
 Licensed To - Dennis Green
 Source - Ground Water
 Priority Date - April 25, 1953
 Water Used For - Irrigation
 Amount - 1.92 cfs
 Point of Diversion - Northwest Quarter Northeast Quarter Section 27, Township 7 North Range 35 E.B.M.
 Place of Use - 36 acres in Northeast Quarter Southwest Quarter, 34 acres in Northeast Quarter Southeast Quarter, 26 acres in Northwest Quarter Southeast Quarter all in Section 8, Township 6 North, Range 35 E.B.M.

All of the above described Licensed Rights were deeded to the Jackett Canal Company shortly after its organization in 1956. copies of all of the deeds are attached.

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE:

1. Change in point of diversion:

a. Amount of water to be diverted - the combination of all of the above described rights of the Jackett Canal Company amounts to 75 cubic feet per second. The decreed rights from Camas Creek are pumped out of Camas Creek at the points of diversion described below, so long as water is available to fill these rights. The seven wells maintained by the company are used only to the extent necessary to supplement the creek rights. Usually, this requires an increased use of the wells as the season progresses. Although the wells are usually operated to some extent from the time the irrigation season begins, in a sense, the wells are used as supplemental to the decreed rights from the creek.

b. Points of diversion -

- (1) Southwest Quarter Southwest Quarter, Section 13,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (2) Northwest Quarter Southeast Quarter, Section 22,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (3) Northwest Quarter Southwest Quarter, Section 23,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (4) Southwest Quarter Southwest Quarter, Section 23,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (5) Northwest Quarter Northeast Quarter, Section 27,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (6) Southwest Quarter Southwest Quarter, Section 33,
Township 7 North, Range 35 E.B.M., Jefferson County.

(7) Lot 4 (Northwest Quarter Northwest Quarter), Section 3,
Township 6 North, Range 35 E.B.M., Jefferson County.

- c. Description of diverting works - The Jakkett Canal Company diverts both its decreed water rights from Camas Creek as well as the decreed and licensed rights from its seven wells at two locations on Camas Creek. The company maintains two pumps on Camas Creek in the Southwest Quarter of the Southwest Quarter of Section 33, Township 7 North, Range 35 E.B.M., and five pumps on Camas Creek in Lot 4 (Northwest Quarter Northwest Quarter), Section 3, Township 6 North, Range 35 E.B.M. The seven wells are located two to three miles north and east of the company's diversions from Camas Creek. Each of the wells discharges water into ditches which convey the well water into the Independent Ditch which empties into Camas Creek upstream from the two diversion points of the company. The Independent Ditch commences at a point in the Southwest Quarter of the Southwest Quarter of Section 13 where several wells are located at a point known as Buck Springs and flows in a generally southwest direction to the center of Section 27, Township 7 North, Range 35 E.B.M., and then directly south for approximately a mile where it discharges into Camas Creek in Section 34, Township 7 North, Range 35 E.B.M. In addition to assisting with the maintenance of the Independent Ditch and the small conveyances which discharge into the Independent Ditch, as well as the Jakkett Canal system for distributing water to the lands of the stockholders south of Camas Creek, the company owns and maintains seven wells and fourteen pumps with electric motors ranging in size from 50 hp down to 20 hp.
- d. Describe the reasons for applying for a change in the points of diversion - The purpose of this entire application for

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transfer is to conform the records of the department to the actual practice of the company which has been carried on since its organization in 1956. Some of the points of diversion as far as the actual records are concerned may be somewhat confusing because of the changes that were made at that time, as well as a result of the numerous deeds which the company received from individual stockholders as well as the Independent Water Users of Mud Lake, Inc. at the time of the organization. In fact, in reviewing the language of the deed from Independent Water Users of Mud Lake, Inc. to Jackett Canal Company in 1956, we observed that the deed purported to convey an undivided one-third interest in the wells and pumps and other diverting works, as well as the conveyance system and water right itself. There are actually five wells at Buck Springs, all located in the Southwest Quarter of the Southwest Quarter of Section 13, Township 7 North, Range 35 E.B.M. In actual practice, Jackett Canal Company has been treated as owning the two western most wells and Independent Water Users of Mud Lake, Inc. the three eastern most wells. In order to clarify this situation, the two companies have exchanged quit claim deeds on these wells, again to make the records conform to the actual practice. Copies of those deeds are enclosed with this application.

2. Change in place of use:

- a. Describe the lands or place of use to which the right will be transferred:

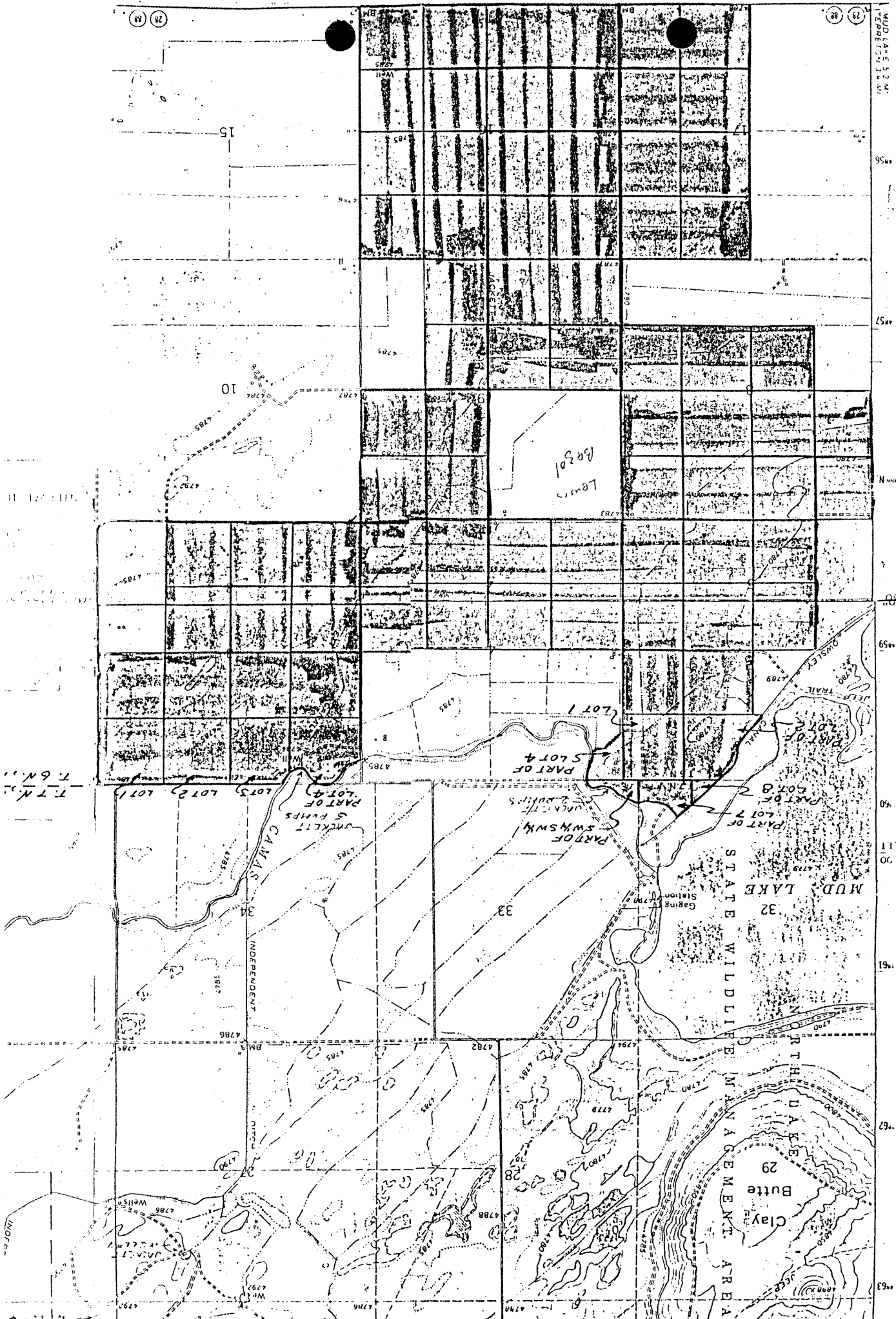
TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	35E	32													lt 8	lt 7			20.00
															2	(18)			1.00
		33											1						
6N	35E	3	lt 1 41.89	lt 2 41.68	40	40	lt 3 41.46	lt 4 35	40	40	40	40	40	40	40	40			560.03
		4					lt 4 7				(40)	(40)	(40)	(40)	(40)	(40)	(40)	(40)	327 327.00
		5	lt 1 41.20	lt 2 38	(40)	(40)					(40)			(40)	(40)	(40)	(40)	(40)	330 399.20

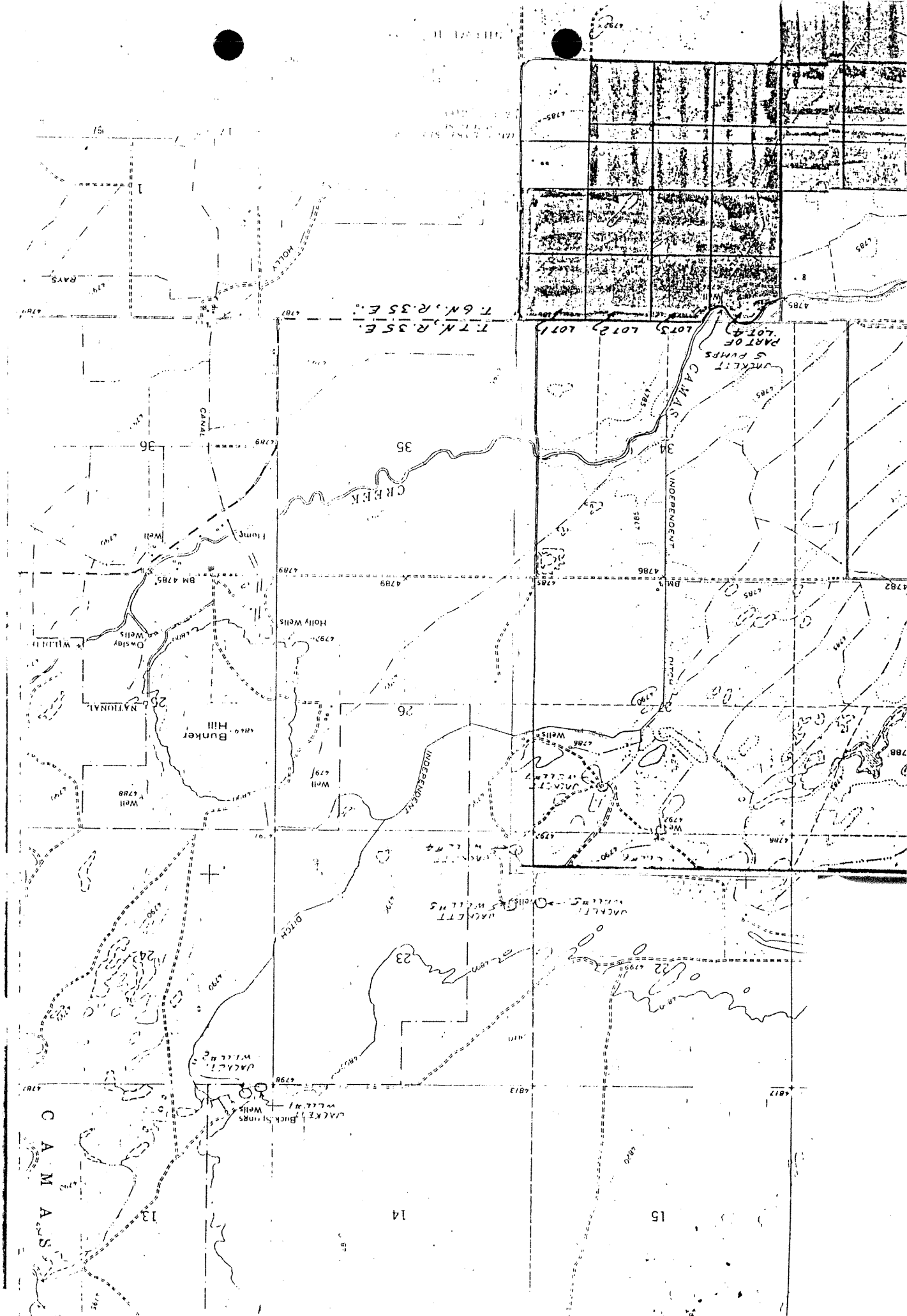
TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
		8	40	40	40	40	40	40	40	40	40	40			40	40			440.00
		9	40	40	40	40					40	40	40	40		40	40		400.00
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640.00
		17	40	40	40	40									40	40	40	40	320.00

Total number of acres to be irrigated 3,107.23

- b. Draw a map indicating the new points of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township, and range number. The attached map showing lands of the company irrigated by its stockholders colored in yellow with points of diversion and location of wells shown in blue.
3. Remarks - An attempt has been made by the applicant to identify the exact property of its stockholders upon which the company water is to be used, as well as the points of diversion. Essentially, the actual practice of the company has been as shown for a period of nearly 22 years. Recently, when the company began to review its water rights, it was discovered that although they were deeded to the company in 1956, no effort had been made to transfer the water rights so that an equal amount was appurtenant to each acre of ground within the system. Indeed, we discovered that the records would show that some land had several water rights appurtenant and some of the company land had no water rights appurtenant. It is the desire and intention of the company that all of the company's water rights be transferred to all of the company's lands so that each acre has an equal amount of each of the company's rights appurtenant to it since this is the way the company has actually operated.

RECEIVED





3. Remarks

I hereby assert that no one will be injured by such change and 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.

Burton R. Yeareley
(Signature of applicant)

Subscribed and sworn to before me this 26 day of JUNE, 19 78

Frank M. Foster
(Notary public)

My commission expires LIFE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0143 31-0134
and said application is hereby approved 31-0144 31-0337
31-0190 31-2289
31-0336 31-2290
31-2297 31-2310
31-2317 31-2321

1. Approval of said application is subject to the following limitations and conditions:
(1) Any future transfer of any of these rights will cause the remaining rights to revert back to the original acreage. (2) The intent of this transfer is to record water delivery practices that have existed since 1956 - no change in delivery patterns is authorized. (3) Diversion of water authorized by this transfer shall not exceed 9321 acre feet per annum. (4) Measuring devices and controlling works of a type approved by this Department must be permanently installed and maintained at the points of diversion from groundwater. The existing measuring methodology shall be maintained at the points of diversion/re-diversion from Camas Creek. (5) Use of water under this transfer is subject to control by the watermaster of Water District No. 31, Mud Lake and tributaries.

Witness my hand this 23rd day of June, 1981.

Norma C. Young
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by dh Date 3-13-79
Prelim. check by EMC Fee \$135.00
Receipted by dh Date 3-13-79 #12955
Published in Rigby Star
Pub. dates April 4 and 11, 1979
Watermaster recommendation requested on 3/29/79
rec'd. 4/16/79

Protest filed by _____
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by EMC Jim DKT

THE OILY SALT COMPANY, a Corporation,
Plaintiff.

VS.

ERNEST BAUERLE, et al,
Defendants.

*This is a
decree
number
indicated*
CIVIL NO. 1739

FINAL DECREE.

This cause came regularly on for trial before the court without a jury at the County Courthouse at Rigby, Idaho, on the 14th day of October, 1940.

The plaintiff and the defendant Ben H. Watkins appeared by their attorney, Edwin Snow. The defendants Ernest Bauerle, R.L. Bylie (whose name is sometimes spelled Bybee), R.F. Cope, R.P. Cope, as administrator of the estate of William Barnes, deceased, Edna Next, Cary Frugh (also known as Caroline E. Frugh), and Blanch Schaw (the last three defendants being successors to defendant H.R. Jackott, deceased), Holley Water Users' Association, a corporation, Fessie Hutchinson Ellis (formerly Fessie Hutchinson), Anna Hutchinson (also known as Mrs. V.H. Hutchinson, successor to W.H. Hutchinson, deceased), Bessie M. Jackett, Frank S. Jackett, Samuel W. Lundholm, Frank S. McClain, David A. Sanders, J.H. Sanders, C.A. Sanders (successor to C.A. Adams, deceased), Charles Thiesman, and John Barnes, appeared by their attorney, O.A. Johansson; the defendants Nicholas Burgraf, Henry Jennett, Hollie M. Skinner (also known as Hollie J. Skinner, successor to Mary Jennett, deceased), Independent Water Users of Mud Lake, Inc., a corporation, Bertha L. Owsley, Merritt M. Owsley, Joseph B. Potter, and J.T. Sykes, were represented by their attorney, Ralph L. Albaugh.

None of the other defendants appeared either in person or by attorney,

A stipulation in writing, signed by all the parties who have appeared in the action by attorney, was presented to the court for approval, approved by the court, and filed herein, said stipulation reciting and stipulating the material facts in controversy, agreeing to compromise the cause, and consenting to the entry of this decree; and all parties who appeared in the action in their own persons filed in this cause their consent in writing to the entry of this decree; and accordingly, the cause having been duly submitted to and considered by the court, it is now,

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

I.

-1-

RECORDED

V. Abbott, et al, in the United States District Court of the District of Idaho, with a priority date of March 3, 1906, which is from spring water arising in what has been known as "Deadline Lake" and in Sections 12, 23, 26, and 27, Township 7 North, Range 35 East Boise Meridian, being water from underground source in the vicinity of Mud Lake.

(d) That the defendant Independent Waters Users of Mud Lake, Inc., a corporation, is now the owner by assignment of water permit No. ³¹⁻²²⁵³ 17690, originally issued by the Department of Reclamation of Idaho, to Frank S.

31 0336 Jackett, for the diversion by means of wells of 32.50 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. ³¹⁻²²⁵⁴ 17763, originally issued by said Department of Reclamation of Idaho to Merritt M Owsley, for the diversion by means of
31 0337 wells of 50 cubic feet per second of underground water in the vicinity of Mud Lake.

31 0338 (e) That the defendant Samuel W. Lundholm is the owner of water permit No. 17543, ⁽³¹⁻²²⁴⁹⁾ issued to him by the Department of Reclamation of Idaho, for the diversion by means of wells of 3 cubic feet per second of underground water in the vicinity of Mud Lake.

VI.

That all the parties who have appeared in this suit (other than the parties owning said wells as above listed or interests therein) are the owners of water rights in Mud Lake or its tributaries.

VII.

That the parties owning water rights in Mud Lake and its tributaries, as aforesaid, assert in this suit the claim that the water developed and to be developed by means of wells constructed and to be constructed under the water permits listed in paragraphs IV and V hereof; and each of such wells, is tributary to Mud Lake and its tributaries and would constitute a part of the natural flow of said Mud Lake and its tributaries if not withdrawn from the ground by means of said wells; and, on the other hand, each of the owners of said wells, or any interest therein, who are parties to this suit assert herein that the water developed and

MEMORANDUM

TO: Files 31-00327/00328/00329/00330/00331/00332/00336B/00337B/00371/02239/
02265/02289/02290/02297/02310/02317A&B/02321/02341/02342/02343/
02344/02345/07005

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

Transfer 5335 combines the groundwater rights of the Holley Water Users, Jackett Canal Co, and Owsley Canal company. These three companies have combined under the Owsley Canal Company name and will operate a single combined system.

The application identifies 34 points of diversion and a combination of the land lists evidenced under each company's SRBA claims or 24261.3 acres. The decreed rights are vague, while the licensed rights identify specific acres and limits. SRBA review of all these rights through the adjudication process will provide specifics and verify the validity of all of these rights.

Review of these rights found that Right 31-02317 was actually licensed in two parts with separate rates and priority dates. These rights were more accurately entered as Parts A & B on the database and the additional 8.08 cfs added to the total diversion rate under this transfer. Also, a combined limit of 200.00 cfs during the irrigation season was identified under Rights 31-00327/00328/00329 & 00330. Right 31-02259 was listed on the application, however this right was superseded by Right 31-00330. After making these adjustments, the total rate of diversion under these rights is 643.21 cfs limited to 503.21 cfs during the irrigation season and 5,000 af storage.

Season of use and diversion volume were adjusted to current standards where specific acres were identified. Recommended conditions include watermaster control, supplemental groundwater, irrigation overlap, measuring/lockable controlling works, right-of-way, permissible place of use, combined limits and standard transfer conditions.

MICROFILMED
FEB 11 1999

MEMORANDUM

TO: FILE 31-00336

FROM: PAM SKAGGS

RE: TRANSFER # 5335

DATE: 11-5-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 31-00327.

MICROFILMED

FEB 11 1999

MEMORANDUM

TO: File 31-00336

FROM: Sharla

DATE: July 27, 1992

RE: Transfer Review (No. 3948)

The above referenced transfer proposes to change the point of diversion under this right.

Advertising was completed correctly. Proof of ownership was submitted in the form of a contract of sale.

Several transfers have occurred on this right in the past, however, the original water right file cannot be located. An extensive search will be conducted to locate the file prior to microfilming.

The last transfer which was approved in September of 1981, listed 160 acres within the NW $\frac{1}{4}$ of Section 9. The adjudication claim also lists 160 acres. ASCS credited the previous owner with the irrigation of 150 acres. The transfer approval will cut the place of use to 150 acres. The controversy over this subject is documented in my memorandum of 7/16. I did not receive the information concerning the shares from IWU, so on July 24 I called Mr. Holm to check on it. He stated that he was unable to contact anyone at IWU. He expressed concern again about losing the capability of irrigating the other 10 acres. I explained the whole situation again and although he said he understood the process, he disagreed with the practice. I am left with the impression that no matter how the transfer looks when approved, the applicant feels that the Contract of Sale showed the purchase of 160 acres and a right to 159 shares of water to irrigate with and that's what they're going to do. With the current moratorium, they are also unable to obtain a new permit for the irrigation of the new acres.

After speaking with Mr. Holm, I contacted the watermaster, Don Shenton (374-5230), to determine what the 159 shares entitled the right holder to. Mr. Shenton explained that although this right was intended as supplemental, there are 5 or 6 users (including Mr. Bezol) whose use under the right is the only source of supply. The shares entitle the user to slightly more than an inch per acre (he estimated it at 1.2"/acre). As stated to Mr. Holm, the amount entitled to by the 159 shares will be approved by the transfer, therefore, the 3.20 cfs requested will remain applicable.

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SEP 09 1992

While this transfer proposes only a change in point of diversion, the conditions requiring the change to be accomplished within one year will still be included. The transfer can be approved with the following conditions:

- 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.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
- R39 A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

This right is limited to a diversion rate of 3.20 cfs for the irrigation of 150 acres.

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SEP 09 1992

MEMORANDUM

TO: File 31-00336

FROM: Sharla

DATE: July 16, 1992

RE: Telecon with Tom Holm

On July 14, 1992, Tom Holm contacted me regarding the status of the transfer application on the above referenced right. I told him that a couple of areas of concern had arisen, specifically the number of acres actually irrigated and the rate/acre requested vs. the rate/acre under the right. I told him I would review the file and discuss the matter with my supervisor and would call him back.

On July 15, I discussed the filing with Jim and Gary. We decided to request that the applicant submit to us a statement from Independent Water Users defining the 159 shares. Based upon this submittal, the transfer will be approved for that amount of water rather than a pro-rated portion of the original right. The acreage, however, must be limited to the 150 acres shown by ASCS to have been previously irrigated.

On July 16, I called Tom Holm and informed him of the above. He said he could get the statement from IWU and would fax it to me with no problem. He was concerned, however, about the loss of 10 acres of irrigation. I told him that the ASCS photo showed that the NE corner of the 160 plot is the area that had not been watered and appeared to be the location for buildings, etc. He confirmed that the corner had been cluttered with old sheds, etc. but that they had cleared it off and it was now ready for irrigation. I explained that new irrigation of the 10 acres under this transfer would be an expansion of the right and could not be allowed. If irrigation of the extra acreage is required, it will be necessary for them to find another water user willing to transfer 10 acres under their place of use to the Holm's. Although not totally pleased about this alternative, he consented.

A few minutes later, Del Ray Holm called to argue about the cut in acreage. When I informed him that only 150 acres had previously been irrigated, he stated that was not true. I told him that according to the ASCS office and their photography, it was true. He then said that he had purchased 159 shares and that was what he was entitled to. I explained that there was no controversy about the number of shares he had purchased. We are in fact willing to issue the transfer for whatever amount of water the IWU equates the 159 shares to be. He then said he could tell me what that was, so could his lawyer. I told him that for documentation that could be placed in the file, it was best to have the statement from the IWU and that Tom had agreed to fax it to me. He then hung up.

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SEP 09 1992

Drilling Permit No. _____
Water Right Permit No. 31-00336
Injection Permit No. _____

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) DEL RAY HOLM & SONS

2. Mailing Address PO BOX 291

City & State ROBERTS ID Zip Code 83444 Telephone 524-5235

(X) Well Owner () Well Operator () Other, specify _____

3. Proposed well location SE 1/4 NW 1/4, or Gov't Lot No. _____

Sec. 9, Twp. 6N, Rge. 35E, County Jefferson

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

() Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

(X) Non-Domestic: Any beneficial use not included within the definition of domestic. 160 Acres

() Injection

() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

() Other _____
(Describe)

5. Well construction information:

A. ☒ New well () Deepen () Enlarge () Replace - See Condition 9

B. Proposed Surface Diameter 24 Proposed Maximum Depth 600

C. Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

6. Construction Start Date 6-3-92

7. Anticipated Well Driller Barrus Drilling SEP 09 1992

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Tom Holm Date 6-3-92

Title _____
(Owner, Firm Representative, Other)

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is _____ Date _____

approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative

Title

Receipt No. E017435 Received by LB Fee \$200⁰⁰ Date 6-3-92

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date SEP 09 1992

This extension is good for 60 days beyond the above extension approval date.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 17, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DEL RAY HOLM & SONS
PO BOX 291
ROBERTS ID 83444

Re: Transfer of water right No. 31-00336

Dear Sir;

Enclosed is a copy of your approved application for transfer of the above referenced water right. You should be aware that approval of this transfer does not authorize irrigation of 160 acres as listed on Part 1 of the transfer form. The conditions of approval listed on the CONDITIONS OF APPROVAL page limit irrigation to no more than 150 acres in any one season. Failure to meet this condition can result in rescinding the approval of the transfer.

If you have any questions you can contact me at phone 327-7947.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

Jim Johnson
Water Rights Supervisor

Enclosure

RECEIVED
SEP 09 1992

M E M O

TO: FILE

FROM: ERNEST CARLSEN

DATE: JUNE 8, 1992

SUBJECT: TRANSFER APPLICATION INVOLVING 31-00336A,
DEL RAY HOLM AND SONS

INTENT OF APPLICATION

The Applicant has purchased the 160 acres previously owned by Lewis Bezol. The Contract of Sale stated the applicant received 159 shares of capitol stock of the Independent Water Users of Mud Lake and carrying rights in the Jacket Canal. Mr. Bezol's only water supply was groundwater from the Independent Water Users of Mud Lake. The applicant is now pumping this water from the Jackett Canal, in the NW corner of the NWSE Section 9, into a closed system with a center pivot. The applicant has installed an in-line measuring device that is monitored by the watermaster. The purpose for the application is to change the point of diversion from the Independent wells to a new well on the applicant's property. This would reduce the quantity and irrigated acreage of the water right(s) for the Independent Water Users of Mud Lake.

FINDINGS

A letter signed by the officers of the Independent Water Users states the Company is in favor of the transfer. Comments from the Watermaster and the Applicant state both parties will benefit. There is no change in the place of use and a telecon on June 3, 1992 with the Jefferson County ASCS revealed Mr. Bezol had be credited with irrigation of 150 acres. Also on June 3 at the place of use and proposed point of diversion I met Don Shenton, Watermaster; Randy Dobson, President of Independent Water Users of Mud Lake; and Tom Holm,

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SEP 09 1992

applicant. It was confirmed that Independent had no objection to the transfer and all felt the change would benefit the parties involved. A search of the area identified only two irrigation well in the vicinity. Both were east between 1/4 and 1/2 mile. Don Shenton stated that based on his knowledge of the area he would not expect there to be any well interference problems.

RECOMMENDATION

I recommend the transfer be granted for the irrigation of 150 acres as follows: NENW 34 acres, NWNW 38 acres, SWNW 39 acres, and SENW 39 acres. The diversion rate should also be reduce to 3.0 cfs with annual diversion volume of 525 AFA and annual consumptive use limited to 375 AFA. The Applicant should be advised entitlement under this transfer will be subject to review in the SRBA.

SUGGESTED CONDITIONS

The place of use is limited to 150 acres as follows:

NENW	34 acres
NWNW	38 acres
SWNW	39 acres
SEnw	39 acres

The rate of diversion is limited to 3.00 cfs, with an annual diversion volume of 525 acre feet and an annual consumptive use of 375 acre feet.

Diversion of water under this transfer is subject to regulation by the Watermaster for WD 31, Mud Lake and Tributaries.

A measuring devise and lockable controlling works shall be installed at the new point of diversion.

The Director for the Department of Water Resources maintains jurisdiction of this transfer which is subject to the findings of the SRBA.

REVIEW OF WATER RIGHTS

Reviewing the transfer from the perspective of the SRBA, revealed the basis for Independent's water rights started as permits, No.'s 17690 and 17763. Permit 17690 was issued for 32.5 cfs under a priority date of April 27, 1932. It was licensed for 28 cfs and given No. 31-2253. Permit 17763 was issued for 50 cfs under a priority date of December 15, 1932. This permit was given No. 31-2254 but was canceled. Both rights were identified in Civil Case 1739, entitled Owsley Canal Company vs. Ernest Bauerle, et al. and renumbered by the

SEP 09 1992

Department from 31-2253 to 31-0336 and 31-2254 to 31-0337. Both rights were also the subject of Transfer 2303 filed by Jackett Canal Company. In the SRBA, Jackett Canal Company filed claims on each right under Numbers 31-00336B and 31-00337B, at a combined rate of 30 cfs. Independent Water Users filed one claim, 31-00336A, listing 61 cfs.

I have numerous questions concerning the transformation of the rights as originally permitted into what has been claimed in the SRBA. Unfortunately, it is not possible without more extensive research to make a recommendation on the quantity for Independent's water right(s). This item will be the subject of the SRBA. Until then, the transfer can be granted, subject to the above recommendations.

At a June 3rd meeting, Don Shenton explained that of the five wells developed to deliver water under Independents two rights (maybe only one) historically only three wells were operated by Independent the other two were operated by Jackett Canal. This was the basis for filing transfer 2303. Mr. Shenton's records indicate the three wells for Independent can produce the 61.2 cfs and that Jackett's two wells will produce up to 35 cfs.

RECEIVED
SEP 09 1992

RECEIVED

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 31-00336

APR 27 1992

Department of Water Resources
Eastern District Office

WATER DISTRICT 31

WATERMASTER Donald W. Shenton

DATE: 4/26/94

COMMENTS: This transfer will be of.

Benefit to several water user entities.

The well is far enough from existing wells
that I feel no significant injury
would occur.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

NONE

Donald W. Shenton
Watermaster

MICROFILMED

SEP 09 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

3-23-92
4-2-92

INITIAL REVIEW BY: James M. Dwyer

1. Right number 31-00336 Applicant 4th Ray Holm & Sons
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Can cfs/acre be 0.02 cfs if claim shows less than 0.02 cfs/acre?
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 4-20-92 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* SEE ERNIE CARLSEN MEMO
4. By RDC Date 6/9/92

20-Apr-1992

DON SHENTON
WATER DIST 31
PO BOX 33
DUBOIS ID 83423

RE: Application No. 31-00336

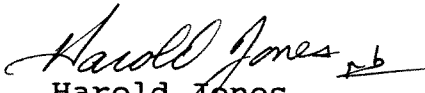
Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

RECEIVED

SEP 09 1992

10-Apr-1992

DEL RAY HOLM
PO BOX 291
ROBERTS ID 83444

RE: Application No. 31-00336

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Jefferson Star on 4-16 & 23-92. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our state office in about five weeks. 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. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

SEP 09 1992

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 31-00336

Notice is hereby given that Del Ray Holm & Sons has applied to the Department of Water Resources to change point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by decree and recorded as follows:

Decree No. 31-00336A.

AMOUNT: 61.2 cfs PRIORITY: 4/27/1932

POINT(S) OF DIVERSION: SWSW SEC 13 T7N R35E, Jefferson County

The water is used from April 1 to November 1 to irrigate 4700 acres within the N1/2 SW SEC 1 S1/2NE SEC 11 NW SEC 12 T6N R33E; S1/2 SEC 2 NWNE S1/2NE SEC 3 NW SEC 6 N1/2 SEC 11 NE NENW S1/2NW S1/2 SEC 12 NE W1/2NW SEC 13 NW SEC 14 NE SEC 15 T6N R34E; N1/2 SEC 4 W1/2SW SEC 5 E1/2SE SEC 6 SEC 7 NW SEC 9 T6N R35E; NE W1/2NW S1/2 SEC 36 T7N R33E; W1/2 SEC 31 T7N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 3.20 cfs will be diverted from the SESENW SEC 9 T 6N R35E, Jefferson County and used to irrigate 160 acres within the NW SEC 9 T6N R35E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 S. Main Ave., Idaho Falls, ID, 83402, on or before May 4, 1992.

R. Keith Higginson

MICROFILMED
SEP 09 1992

Director

Published in the Jefferson Star on April 16 & 23, 1992.

MICROFILMED

SEP 09 1992

RE: Application for Transfer of Water Right Nos. 31-0336 and 31-0337

Gentlemen:

Sincerely,

DRT:kw
Enclosure

INTER-DEPARTMENT MEMO — 1

DATE

9/2/80

FROM

Ron

TO

Bob F. ~~DF~~ → Jim J.

SUBJECT

Jackett & Independent Transfers

Kent Foster has initiated 2 transfers which deal w/ the same water rights.

($\frac{2}{3}$ - $\frac{1}{3}$ split Independent - Jackett.)

These two need to be considered together therefore we are forwarding this transfer w/out recommendation. The specifications for

transfer previously filed by Jackett on Phil R. date for

SIGNATURE

RECEIVED

AUG 26 1980

Department of Water Resources
Eastern District Office

Identification No. _____

Transfer No. 31-0336-31-0337

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Donald W. Shenton, watermaster of Mud Lake, Camas & Beaver Creek,
of Water District No. 31, County of Clark & Jefferson, State of Idaho,
whose address is Box 33 Dubois, Idaho,
have read the attached copy of the application for transfer of water right for
Ind. Water Users of Mud Lake _____, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

Following conditions and observations as attached on following sheet.

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Dubois, Idaho, Idaho, this 25th day of August, 19 80.

Donald W Shenton
(Signature)

August 25, 1980

Attachment to Watermasters Recommendation of Watermaster for
Transfer # 31-0336 and 31-0337.

No. 1- I observed that proposed purposes of water use is from
May 1 to November 1. I would make exception to these dates
as this water has been historically used from March 15 to
November 1 since the early 1960's. This water has been used
for early pumping and storage in Mud Lake on short water years.
These waters have in turn been re-allocated to these same users
through the Mud Lake Decree.

No. 2- I observed that the amended application added the
following acreage to be supplementally watered. (NW $\frac{1}{4}$,
SW $\frac{1}{4}$, of NW $\frac{1}{4}$ and the NW $\frac{1}{4}$, SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13 6N 34E)
These grounds are under a Canal Co. tract with Canal Co.
waters of sufficient water supply. Is not this in violation of
transferring more than one inch to the acre? The Canal Co.
water ownership is the Owsley Canal Co. of Terreton, Idaho.

With the exception of the above, I fully endorse this transfer.

Donald W. Shenton

Donald W. Shenton, Watermaster
Water Dist. No. 31

RECEIVED

AUG 26 1980

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

Amended
INITIAL REVIEW BY: Ernest

1. Right number 31-0336/0337 Applicant Independent
- (2) Type of right: ☒ Decree ☐ License ☐ Claim
- (3) Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- a. ☐ Source ☐ Priority ☐ Amount ☐ Purpose ☐ Period of use
- b. ☐ Description of original point of diversion.
- c. ☐ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☐ All of right.
- (b) ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant). *own 2/3. see water need*
- (c) ☒ Check description of point(s) of diversion. 3 springs
- d. ☒ Check description of place of use. *8/4*
- e. ☐ Check map (shows p.d. and p.u. after transfer).
- (f) ☐ Check for correct signature, notarization, and fee. V.P.
- (g) ☒ Check proof of ownership of right &/or land from which water is transferred. *Right owned to owner. right split between Jockett see deed*
- h. ☒ Check for expansion in use of right. Comments Need to address the irrigation of an additional 197 acres as proposed by this application
- (i) ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) - supplemental water - see letter by Kent Foster dated 5/28/1980

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

If yes, what district? W.D. 31-

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 8/7 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* SEE ATTACHED SHEET

4. By Juni Date 8/19/87

Amended 5/15/91
* All uses within Watermaster Districts require special conditions.

August 7, 1980

RE: Amended Application for Transfer of Water Right Nos. 31-0336/31-0337

Don Shenton
Watermaster
Water District No. 31
Dubois, ID 83423

Dear Mr. Shenton:

On June 17, 1980, the Department forwarded to you a copy of Application for Transfer No. 31-0336/0337 in the name of Independent Water Users of Mud Lake, Inc. along with a watermaster recommendation form. Although the initial processing of this application has been completed, pursuant to Section 42-222, Idaho Code, it can not be forwarded to the State Office for final action without the watermaster recommendations.

To overt additional delays, please complete your recommendations concerning this application and send them to this office as soon as possible.

We will be glad to send you another copy of the application for your review, upon request. Enclosed is a second watermaster recommendation form for your use in this matter.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

RECEIVED
AUG 14 1980
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JULY 10, 1980

The Risby Star
P. O. Box 37
Risby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 4, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

NOTICE OF PROPOSED AMENDING OF APPLICATION FOR
TRANSFER OF WATER RIGHTS

Notice is hereby given that Application for Transfer of Water Right Nos. 31-0336 and 31-0337 in the name of Independent Water Users of Mud Lake, Inc. was filed for the transfer of 61.2 cfs of water from a groundwater source with the point of diversion to be within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 7N, R. 35E, B.M., Jefferson County; to be used from May 1 to November 1 for irrigation purposes within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 33E; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 1; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11; NW $\frac{1}{4}$, Sec. 12; T. 6N, R. 33E; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1; T. 7N, R. 34E; SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3; NW $\frac{1}{4}$, Sec. 6; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 11; Sec. 12; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, Sec. 15; T. 6N, R. 34E; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6; Sec. 7; NW $\frac{1}{4}$, Sec. 9; T. 6N, R. 35E; B.M., for 4783.97 acres. Notice of this application for transfer was published June 19 and 26, 1980 in the Rigby Star.

The applicants now propose to amend the application for transfer, amending the place of use to within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36; T. 7N, R. 33E; NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 1; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11; NW $\frac{1}{4}$, Sec. 12; T. 6N, R. 33E; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31; SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1; T. 7N, R. 34E; SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 2; S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3; NW $\frac{1}{4}$, Sec. 6; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 11; Sec. 12; NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, Sec. 15; T. 6N, R. 34E; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6; Sec. 7; NW $\frac{1}{4}$, Sec. 9; T. 6N, R. 35E, for 4943.97 acres.

Any protest to the proposed amending of Application for Transfer of Water Right Nos. 31-0336 and 31-0337 must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 4, 1980.

C. STEPHEN ALLRED

Director

Published in the Rigby Star 7/17 and 7/24/80.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Steve McConnell

1. Right number 31-0936/0337 Applicant Independent water users of Mud Lake
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☐ Source ☐ Priority ☒ Amount ☐ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? Dist 31

COPY TO
SO
7/7

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 6/17 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

RECEIVED

June 17, 1980

RE: Application for Transfer of Water Right No. 31-0336/31-0337
In the name of Independent Water Users of Mud Lake, Inc.

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 129
Idaho Falls, ID 83401

Dear Mr. Foster:

Attached herewith is Departmental Receipt No. 14864 in the amount of \$35.00
for the above referenced application.

Sincerely,

KAY WALKER
Secretary

RECEIVED
JUN 21 1980
WATER RIGHTS
DIVISION

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Independent Water Users of Mud Lake, Inc. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by decree to Independent Water Users of Mud Lake, Inc. in Case of Owsley Canal Company vs. Ernest Bauerle, et al. dated October 14, 1940 in District Court, County of Jefferson, and are recorded as follows:

Right No. 31-0336

Amount: 32.5 cfs

Priority: April 27, 1932

Decreed Points of Diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 6N, R. 35E; SW $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$, Sec. 24; T. 7N, R. 35E, B.M., Jefferson County.

The water is used to irrigate 1328 acres from May 1 to Nov. 1 within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 7N, R. 35E; NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 4; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 5; NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8; E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 9; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 10; T. 6N, R. 35E.

Right No. 31-0337

Amount: 50.0 cfs

Priority: December 15, 1932

Decreed Points of Diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 6N, R. 35E; SW $\frac{1}{4}$, Sec. 13; NW $\frac{1}{4}$, Sec. 24; T. 7N, R. 35E, B.M., Jefferson County.

The water is used to irrigate 2619.1 acres from May 1 to Nov. 1 within the E $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 36, T. 7N, R. 33E; W $\frac{1}{2}$, Sec. 31, T. 7N, R. 34E; N $\frac{1}{2}$, Sec. 1; T. 6N, R. 33E; NW $\frac{1}{4}$, Sec. 6, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 12, T. 6N, R. 34E; Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, T. 6N, R. 35E, B.M.

Article XII(d) of the above mentioned decree stipulates an amount not to exceed the equivalent of 91.8 cubic feet per second can be diverted based on these decreed rights.

TO BE CHANGED AS FOLLOWS

Only 61.2 cubic feet of water will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 7N, R. 35E, B.M., Jefferson County to be used to irrigate 4783.97 acres within the E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 36, T. 7N, R. 33E; N $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, NW $\frac{1}{4}$, Sec. 12, T. 6N, R. 33E; W $\frac{1}{2}$, Sec. 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 7N, R. 34E; S $\frac{1}{2}$, Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, NW $\frac{1}{4}$, Sec. 6, N $\frac{1}{2}$, Sec. 11, Sec. 12, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13, NW $\frac{1}{4}$, Sec. 14, NE $\frac{1}{4}$, Sec. 15, T. 6N, R. 34E; N $\frac{1}{2}$, Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, Sec. 7, NW $\frac{1}{4}$, Sec. 9, T. 6N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before July 7, 1980.

C. STEPHEN ALLRED

Director

Published in the Rigby Star 6/19 & 6/26/1980.

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

May 28, 1980

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN

CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

RECEIVED

JUN 5 1980

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application of Independent Water Users of
Mud Lake, Inc. for Transfer

Dear Mr. Carlsen:

We have now prepared and are enclosing with this letter a completed and executed application for transfer of water right, together with attachments, including a land list and a map which we found it necessary to prepare as attachments because of the lack of space in the form itself. We are also enclosing our check in the amount of \$35.00 for the filing fee.

You will probably recall that sometime ago an application for transfer was filed on behalf of the Jackett Canal Company. The rights being dealt with in this application were also dealt with in the Jackett application. Originally, the decree entered in the case of Owsley Canal Company vs. Ernest Bauerle, et al, awarded two rights, numbered 31-0336 and 31-0337, to Independent Water Users of Mud Lake, Inc. That decree also indicates that the combination of these water rights may be used to develop up to 91.8 cubic feet per second. In 1956, when the Jackett Canal Company was organized, many of the owners of land within what became the Jackett Canal Company service area, owned stock in the Independent Water Users of Mud Lake, Inc. That stock was turned back to Independent Water Users of Mud Lake, Inc., in exchange for a "Water Deed" conveying an undivided one-third interest in the two water rights to the Jackett Canal Company. A copy of that deed is also enclosed with this letter for your review.

The intent of both the application for transfer of the Jackett Canal Company, as well as this application, is to divide those water rights and to make certain that the records show that 30.6 cfs of this total right is appurtenant to lands within the Jackett service area and the balance of 61.2 cfs is appurtenant to lands within the service area of the Independent Water Users of Mud Lake, Inc.

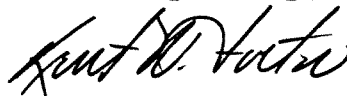
Ernest Carlsen
May 28, 1980
Page Two

In addition, the deed was a little vague about the various points of diversion and the ownership of the wells at that point of diversion which is Buck Springs. As you know, there are five wells located at that point, the two westernmost of which have always been used by the Jackett since its organization in 1956. The three easternmost wells have always been used by the Independent Water Users of Mud Lake, Inc. since that time and as we understand it, the watermaster's records reflect this particular use. In connection with the Jackett transfer, Quit Claim Deeds were exchanged by the two companies quitclaiming any interest either might have in the respective wells of the other at Buck Springs. We have enclosed copies of those two deeds as well.

One other item we wish to point out in connection with this application for transfer is that the water rights we are dealing with are intended to be supplemental only. Most of the land within the service area of the company described in the land list under Section C-2 of the application have other primary water rights appurtenant thereto. The wells of the company at Buck Springs are pumped only to the extent necessary each year to supplement the primary water rights to the various stockholders in the company. In other words, this application is not made for the purpose of increasing the acreage to be irrigated with these water rights. Rather, the intent is to make certain that the records reflect the lands of the various stockholders which from time to time receive supplemental irrigation water diverted under these rights.

As always, if we can provide additional information or assist in any way, please feel free to call upon us at your convenience.

Yours very truly,



Kent W. Foster

KWF:jt

Encl.

FROM

DATE

TO

SUBJECT #2303

Refer to files 31-0134/31-0135 for further correspondence relating to this file.

SIGNATURE

CLAIMANT	WATER RIGHT C NUMBER	STG SYA	PRIORITY DATE	SOURCES OF WATER	TRIBUTARIES OF
UD LAKE WATER USERS INC	C A31-00327	0/	11/16/1931	GROUNDWATER	MUD LAKE
UD LAKE WATER USERS INC	C A31-00328	0/	09/05/1912	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00329	0/	01/08/1932	GROUNDWATER	MUD LAKE
UD LAKE WATER USERS INC	C A31-00330	0/	06/26/1936	GROUNDWATER	MUD LAKE
UD LAKE WATER USERS INC	C A31-00336B	0/	04/27/1932	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-00337B	0/	12/15/1932	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-00363	0/	08/28/1926	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-02239	L/	01/25/1930	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-02265	L/	05/22/1940	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-02276	0/	01/17/1969	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-02341	L/	09/03/1954	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-02342	L/	09/03/1954	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-02343	L/	09/03/1954	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-02344	L/	09/03/1954	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-02345	L/	09/03/1954	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-07005	0/	12/04/1967	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-07043	L/	11/12/1970	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-07199A	L/	05/14/1976	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-10626	J/	04/01/1920	GROUNDWATER	
UD LAKE WATER USERS INC	C A31-10627	J/	04/01/1920	GROUNDWATER	MUD LAKE

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION NAME INDEX

DATE: 06/30/99
TIME: 09:29:34
PAGE: 1

CLAIMANT	WATER RIGHT NUMBER	SIG STA	PRIORITY DATE	SOURCES OF WATER	TRIBUTARIES OF
UD LAKE WATER USERS INC	C A31-00006	0/	12/10/1917	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00034	0/	05/01/1920	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00035	0/	05/01/1921	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00036	0/	05/01/1922	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00037	0/	05/01/1923	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00038	0/	08/28/1924	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00052	0/	09/06/1913	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00065	0/	10/03/1910	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00104	0/	10/18/1913	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00105	0/	12/15/1913	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00147A	0/	07/21/1913	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00159	0/	06/24/1916	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00162	0/	06/01/1916	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00163	0/	12/03/1916	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00166	0/	09/05/1912	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00168	0/	10/03/1910	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00169	0/	12/10/1917	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00184	0/	04/15/1912	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00185	0/	12/02/1916	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00185Z5	0/	12/02/1916	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00186	0/	08/11/1924	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00187	0/	05/01/1921	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00188	0/	03/09/1911	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00232	0/	05/01/1923	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00237	0/	11/28/1919	MUD LAKE	SINKS
UD LAKE WATER USERS INC	C A31-00263	0/	10/14/1912	MUD LAKE	SINKS



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1999

GARTH SODERQUIST
MUD LAKE WTER USERS INC
PO BOX 68
TERRETON ID 83450

RE: NOTICE OF CHANGE OF WATER RIGHT NAME (OWSLEY CANAL -
MUD LAKE WATER USERS INC)

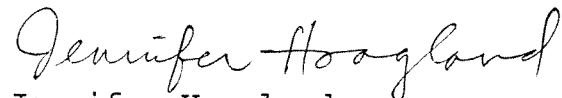
Dear Mr. Soderquist:

The request for Change of Name concerning the attached
list of claims has been processed and the Department's
records updated to reflect you as the new claimant.

I have also notified the water measurement district of
the change.

Please keep this report for your records.

Respectfully yours,


Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Kent Foster



ARTICLES OF AMENDMENT (Non-profit)

To the Secretary of State of the State of Idaho

Pursuant to Title 30, Chapter 3, Idaho Code, the undersigned non-profit corporation amends its articles of incorporation as follows:

FILED

69 MAR 22 AM 10:43
SECRETARY OF STATE
STATE OF IDAHO

1. The name of the corporation is: Owsley Canal Company

2. The text of each amendment is as follows:

Change of name is:
Mud Lake Water Users, Inc.
1400 East 1500 North
P.O. Box 68
Terreton, Idaho 83450

3. The date of adoption of the amendment(s) was: March 17, 1998

4. Manner of adoption (check one):

☐ Each amendment consists exclusively of matters which do not require member approval pursuant to section 30-3-90, Idaho Code, and was, therefore, adopted by the board of directors. (Please fill spaces below)

- a. The number of directors entitled to vote was: _____
- b. The number of directors that voted for each amendment was: _____
- c. The number of directors that voted against each amendment was: _____

☒ The amendment consists of matters other than those described in section 30-3-90, Idaho Code, and was, therefore adopted by the members. (Please fill spaces below)

- a. The number of members entitled to vote was: 127
- b. The number of members that voted for each amendment was: 48
- c. The number of members that voted against each amendment was: 4

Dated: March 8, 1999

Signed by: *South Soderquist*
Its President

(Capacity of signer)

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

IDAHO SECRETARY OF STATE

03/22/1999 09:00

CK: 8836 CT: 91790 BH: 199218

1 @ 38.00 = 38.00 NON PROF A # 2

C 9932

9 Corporations/Amend NP form Revised 7/98

01/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

AS1-02290/02297/2310
02317/02321

CLAIMANT'S NAME Jackett Co. & Co.

CLAIM IDENT. NO. 02317/02321

DATE RECEIVED 28 Nov 1988

CK # _____

AMOUNT \$ _____

YES

NO

1. Is the name and address complete with zip code? ✓

2. Is a priority date entered? ✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ✓

(b) Is a tributary to entered? (if required) N/A ✓

4. Is the legal description of the p.d. sufficient? ✓

5. Is there a description of the diverting works? ✓

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓

Is the period of use included? ✓

Is a quantity claimed for each use? ✓

7. Is a total quantity claimed entered? ✓

8. If required is a consumptive use entered? N/A ✓

Is the consumptive use correct? N/A ✓

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓

10. Is (are) the place(s) of use entered? ✓

11. Is (are) the county(ies) entered? ✓

12. Is the ownership of p.u. checked? ✓

13. Are other water rights listed or "none" indicated? ✓

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓

15. Is the basis of the claim checked? ✓

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ✓

Has the claim been signed, sealed, and dated by a notary? ✓

Was this claim filed on time, or was an extension granted? ✓

Is the fee enclosed correct? Exempt ✓

If this claim is based on an existing water right, has the identification number been entered? N/A ✓

Should this claim be receipted and data entered? ✓

Flag for field inspection -

Claim checked by: Ernest C.

Comments: Letter to claimant - P.D. in Sec 22 map are not consistent. Also

Place of Use & Map are not consistent. Claimant must identify parcel of use and Q for storage right.

MICROFILMED

DEC 09 1992

004730

all notices.

A31-00135/00134/00143/00144/00190/00336/00337/02289/02290/
~~02297~~/02310/02317A/02317B/02321.

Place of use entered in accordance with map, and not
Attachment B. ~~Based on the map~~ ^{Comparison of} ~~data comparing the~~
map and Attachment B ~~it~~ revealed 3 discrepancies.

1. The 40 acres in ~~the~~ ^{the} Twp. 6N Rge 35E Sec 5
SE $\frac{1}{4}$ SW $\frac{1}{4}$ was illustrated as a place of use ^{on map} but was
not listed on Attachment B. (data entered)
2. The 40 acres in Twp 6N Rge 35E Sec 8 NW $\frac{1}{4}$ SW $\frac{1}{4}$
was listed on Attachment B but not illustrated
on the map. (not data entered).
3. The 40 acres in Twp 6N Rge 35E Sec 8 NE $\frac{1}{4}$ SW $\frac{1}{4}$
was illustrated as place of use on map but was
not listed on Attachment B. (data entered).

Notices with ground water as source.

- The points of diversion were entered in accordance
with map, and not the legal description described
in Item 4 of the notices. Comparison of the
map and Item 4 reveal two discrepancies.

MICROFILMED

DEC 09 1992

01/02/2001

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

RIGHT NUMBER: 31-336B

NAME AND ADDRESS: MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON, ID 83450

SOURCE: GROUND WATER

QUANTITY: 11.05 CFS
4054.8 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH NOV 1 AND A TOTAL COMBINED DIVERSION RATE OF 643.21 CFS FROM MARCH 1 THROUGH APRIL 30 WHEN AUTHORIZED BY AN EARLY PUMPING PLAN APPROVED BY THE WATERMASTER. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.

PRIORITY DATE: 04/27/1932

POINT OF DIVERSION:	T07N R34E S13	SWSWNE	Within	JEFFERSON	County
	T07N R34E S13	SESE	Within	JEFFERSON	County
	T07N R34E S23	SENENE	Within	JEFFERSON	County
	T07N R34E S24	SWNENE	Within	JEFFERSON	County
	T07N R34E S24	NENWNE	Within	JEFFERSON	County
	T07N R34E S24	SWNWNW	Within	JEFFERSON	County
	T07N R35E S13	SWSWSW	Within	JEFFERSON	County
	T07N R35E S14	SESE	Within	JEFFERSON	County
	T07N R35E S14	SESE	Within	JEFFERSON	County
	T07N R35E S18 LOT 4	SWSW	Within	JEFFERSON	County
	T07N R35E S19 LOT 1	NWNW	Within	JEFFERSON	County
	T07N R35E S19 LOT 1	NENWNW	Within	JEFFERSON	County
	T07N R35E S19 LOT 2	NESWNW	Within	JEFFERSON	County
	T07N R35E S19	NESENW	Within	JEFFERSON	County
	T07N R35E S22	SENESE	Within	JEFFERSON	County
	T07N R35E S23	SWNWSW	Within	JEFFERSON	County
	T07N R35E S23	SWSW	Within	JEFFERSON	County
	T07N R35E S25	NWSWSW	Within	JEFFERSON	County
	T07N R35E S25	NWSWSW	Within	JEFFERSON	County
	T07N R35E S25	NWSWSW	Within	JEFFERSON	County
	T07N R35E S25	SWSWSW	Within	JEFFERSON	County
	T07N R35E S25	SWSWSW	Within	JEFFERSON	County
	T07N R35E S25	NESESW	Within	JEFFERSON	County
	T07N R35E S25	NESESW	Within	JEFFERSON	County
	T07N R35E S25	NESESW	Within	JEFFERSON	County
	T07N R35E S25	NESESW	Within	JEFFERSON	County
	T07N R35E S25	NESESW	Within	JEFFERSON	County
	T07N R35E S25	NESESW	Within	JEFFERSON	County
	T07N R35E S25	SESESW	Within	JEFFERSON	County
	T07N R35E S25	SENWSE	Within	JEFFERSON	County
	T07N R35E S26	NESESE	Within	JEFFERSON	County
	T07N R35E S26	NWSESE	Within	JEFFERSON	County
	T07N R35E S27	NWNE	Within	JEFFERSON	County
	T07N R35E S36	NENW	Within	JEFFERSON	County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
05-01 11-01

QUANTITY
11.05 CFS

PLACE OF USE:

IRRIGATION Within JEFFERSONCounty

T06N R34E S3

NENW

24261.

3

24261.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363, (OWLSEY DIVISION SURFACE WATER), 31-134, 31-135, 31-143, 31-144, 13-190, 31-192, (JACKETT DIVISION SURFACE WATER), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962, 31-11437 (HOLLEY DIVISION SURFACE WATER).

PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 24261.3.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3107.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-336B, 31-337B, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Comments:

Author	Date	Subject	Comment
bcontor	1/1/01	Recommendation	Recommended per post-1987 transfer 5335 as amended 12/19/2000, except as noted in eCVR 31-327.

Dates:

Licensed Date:
 Claim Received Date: 12/05/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 10/14/1940
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	1/1/01 2:45:38 PM	bcontor			In Process

POU	1/1/01 2:54:14 PM	bcontor			In Process
Priority Date	1/1/01 2:44:45 PM	bcontor			In Process
Quantity	1/1/01 2:56:15 PM	bcontor			In Process
Season	1/1/01 2:55:31 PM	bcontor			In Process
Source	1/1/01 2:46:08 PM	bcontor			In Process
Summary	1/1/01 2:59:29 PM		1/1/01 2:59:29 PM	bcontor	Complete
Use	1/1/01 2:43:14 PM	bcontor			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	1/1/01 2:45:36 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	1/1/01 2:54:12 PM	bcontor	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	1/1/01 2:44:43 PM	bcontor	1. (YES) There has been a later court decree of the water right(s) from the water source. 2. (YES) The owner/owner's predecessor in interest of the place of use was joined in the later decree. 3. (NO) The date of the decree was not after the mandatory permit date. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	1/1/01 2:56:13 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (YES) The source is ground water and the purpose of use requires a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. Comment for 8: See comments to eCVR 31-327. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	1/1/01 2:55:30 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use.

Source	1/1/01 2:46:06 PM	bcontor	3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (YES) The period of use on the decree, license or transfer is shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required. 1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Post-1987 transfer 5335 8. (NO) The source is not surface water. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	1/1/01 2:59:27 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (YES) This is a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Use	1/1/01 2:43:12 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

T 5335

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A31-00336B**
Date Received: 12/ 5/1988
Receipt No: E004936
Received By: Jul 2-3-1999

AMENDED

mlw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: OWSLEY CANAL COMPANY
Address: C/O GARTH SODERQUIST
P O BOX 68
TERRETON ID

208-663-4359

83450

2. Date of Priority: APR 27, 1932

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13		SW	SW		JEFFERSON
		22		NW	SE		JEFFERSON
		23		NW	SW		JEFFERSON
				SW	SW		JEFFERSON
		27		NW	NE		JEFFERSON

5. Description of diverting works:

5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	11.050		

7. Total Quantity Appropriated is:
11.050 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	3	NE		NE	1	IRR	41.9
			NW		NE	2	IRR	41.7
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW	3	IRR	41.5
			NW		NW	4	IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	560.1
		4	NW		NW	4	IRR	7.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	327.0
		5	NE		NE	1	IRR	41.2
			NW		NE	2	IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	399.2
		8	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	8	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	440.0
		9	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	400.0
		16	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	640.0
		17	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	17	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				
07N	35E	32	SW	SE	8	IRR	2.0
			SE	SE	7	IRR	18.0
			Section Acres				
		33	SW	SW		IRR	1.0
						Section Acres	1.0
						Total Acres	3107.3

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

31-0135, 31-0143, 31-0144, 31-0190, 31-0134, 31-0337, 31-228

14. Remarks:

WTR. RTS. CONT'D 31-2290, 31-2297, 31-2310, 31-2317, 31-2321
THIS WATER RIGHT IS HELD BY THE CANAL COMPANY FOR THE BENEFIT
OF THE LANDS OF ITS STOCKHOLDERS.
CONT. ITEM 5 ---- 5 PUMPS ARE LOCATED ON CAMAS CREEK IN LOT 4 OF
SEC. 3 T6N R35E; 3 PUMPS ARE LOCATED ON CAMAS CREEK IN THE
SW SW SEC. 33 T7N R35E. THESE PUMPS DIVERT WATER UNDER RIGHTS
IN CAMAS CREEK AS WELL AS REDIVERTING WATER BROUGHT TO CAMAS
CREEK THROUGH THE INDEPENDENT DITCH FROM THE COMPANY'S WELLS.
THE PUMPS DIVERT UP TO ABOUT 75 CFS FROM CAMAS CREEK UNDER A
COMBINATION OF THE CAMAS CREEK RIGHTS AND THE WELL RIGHTS
WHICH ARE USED TO SUPPLEMENT FLOWS IN CAMS CREEK. THERE ARE
SEVEN WELLS W/ PUMPS THAT PUMP INTO DITCHES WHICH BRING THE
WATER TO CAMAS CREEK FOR REDIVERSION. SEE TRANSFER NO. 2303.
CONFORMED ATTORNEY MAILING ADDRESS DMS
JACKETT CANAL HAS BEEN INCORPORATED INTO THE OWSLEY CANAL-HWJ

15. Basis of Claim: DECREED

Case Number: 635

Court :

Decree date: 10/14/1940

OWSLEY CANAL CO.

Decree Plaintiff

ERNEST BAUERLE

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Owsley Canal Company, that I have signed the foregoing
Organization
document in the space below as President of
Title
Owsley Canal Company and that the statements contained in the
Organization
foregoing document are true and correct.

Barth Salquist
Signature of Authorized Agent

Pres. Owsley Canal Co.
Title and Organization

2-2-1999
Date

State of Idaho)
County of JEFFERSON.) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of FEB. 19 99

Eugene D. Van Wagner
Notary Public

Seal

1400 E. 1500 N.
Residing at TERRETON, Idaho 83450.
My Commission Expires 17th JUNE 2003

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00336B
Date Received: 12/05/1988
Receipt No: E004936
Received By: Coder ESN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACKETT CANAL COMPANY 208-523-0620
Address: C/O HOLDEN, KIDWELL, HAHN &
CRAPO
P.O. BOX 50130
IDAHO FALLS, ID 83405

2. Date of Priority: APR 27, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13	SW	SW	SW		JEFFERSON
		22	NW	SE	SE		JEFFERSON
		23	NW	SW	SW		JEFFERSON
			SW	SW	SW		JEFFERSON
		27	NW	NE	NE		JEFFERSON

5. Description of diverting works:
5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	32.500		
IRRIGATION STORAGE	11/02	03/31			1.00

7. Total Quantity Appropriated is:
32.500 C.F.S. (and/or) 1.00 A.F.A.

8. Total consumptive use is 10875.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A31-00336

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Date: 02/07/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	3	NE		NE	1	IRR	41.9
			NW		NE	2	IRR	41.7
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW	3	IRR	41.5
			NW		NW	4	IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
4			NW		NW	4	IRR	7.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
5			NE		NE	1	IRR	41.2
			NW		NE	2	IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	399.2
8			NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	8	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

Section Acres	440.0
---------------	-------

9	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0

Section Acres	400.0
---------------	-------

16	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres	640.0
---------------	-------

17	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	17	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
07N	35E	32	SW	SE	8	IRR	2.0
			SE	SE	7	IRR	18.0
						Section Acres	20.0
		33	SW	SW		IRR	1.0
						Section Acres	1.0
						Total Acres	3107.3

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

31-0135, 31-0143, 31-0144, 31-0190, 31-0134, 31-0337, 31-228

14. Remarks:

WTR. RTS. CONT'D 31-2290, 31-2297, 31-2310, 31-2317, 31-2321
THIS WATER RIGHT IS HELD BY THE CANAL COMPANY FOR THE BENEFIT
OF THE LANDS OF ITS STOCKHOLDERS.
CONT. ITEM 5 ---- 5 PUMPS ARE LOCATED ON CAMAS CREEK IN LOT 4 OF
SEC. 3 T6N R35E; 3 PUMPS ARE LOCATED ON CAMAS CREEK IN THE
SW SW SEC. 33 T7N R35E. THESE PUMPS DIVERT WATER UNDER RIGHTS
IN CAMAS CREEK AS WELL AS REDIVERTING WATER BROUGHT TO CAMAS
CREEK THROUGH THE INDEPENDENT DITCH FROM THE COMPANY'S WELLS.
THE PUMPS DIVERT UP TO ABOUT 75 CFS FROM CAMAS CREEK UNDER A
COMBINATION OF THE CAMAS CREEK RIGHTS AND THE WELL RIGHTS
WHICH ARE USED TO SUPPLEMENT FLOWS IN CAMS CREEK. THERE ARE
SEVEN WELLS W/ PUMPS THAT PUMP INTO DITCHES WHICH BRING THE
WATER TO CAMAS CREEK FOR REDIVERSION. SEE TRANSFER NO. 2303.

15. Basis of Claim: DECREED

Case Number: 635

Court :

Decree date: 10/14/1940

A31-00336

Page

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Date: 02/07/89

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DEC 09 1992

OWSLEY CANA CO.

Decree Plaintiff

vs

ERNEST BAUERLE

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 395
Ident. Number 31-0336 B
Date Received
Receipt Number E004936

A3100336B



NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 28 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Jackett Canal Company Phone (208) 523-0620
Mailing Address % Holden, Kidwell, Hahn & Crapo
Box 50130, Idaho Falls, Idaho Zip 83405
2. Date of Priority (Only one (1) per claim) April 27, 1932
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 7N Range 35E Section 13,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Jefferson
Additional points of diversion if any: NW1/4SE1/4 Sec. 22; NW1/4SW1/4, SW1/4SW1/4 Sec. 23;
NW1/4NE1/4 Sec. 27; all in T7N, R35E.
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 5 pumps are located on Camas Creek in Lot 4
of Sec. 3, T6N, R35E; 3 pumps are located on Camas Creek in the SW1/4SW1/4 of Sec. 33, T7N,
R35E. These pumps divert water under rights in Camas Creek as well as rediverting water
brought to Camas Creek through the Independent Ditch from the company's wells. The pumps
divert up to about 75 cfs from Camas Creek under a combination of the Camas Creek rights
and the well rights which are used to supplement flows in Camas Creek. There are seven
wells with pumps that pump into ditches which bring the water to Camas Creek.
See Transfer No. 2303.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount 32.5 or _____
For Irrigation Storage purposes from _____ to _____ amount _____ or See Attachment "A"
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 32.5 (see remarks) (cfs) and/or (b) See Attachment "A" (acre feet)

8. Total consumptive use claimed is 10,875 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 3107.23

11. In which county (ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
31-0134, 31-0135, 31-0143, 31-0144, 31-0190, 31-0337, 31-2289, 31-2290, or None ()
31-2297, 31-2310, 31-2317, 31-2321

14. Remarks:

This water right is held by the canal company for the benefit of the lands of its
stockholders. This right includes but supercedes former License No. 17690/31-2253.
The decree provides that combined with Right No. 31-0337, up to 91.8 cfs may be
diverted.

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Last Name Jackett Canal Company Ident No. 31-0336

Copies: White - Standard Yellow - Chink
DEC 09 1992

15. Basis of Claim (check one) ☒ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree ☒ X

If applicable provide IDWR Water Right Number 31-0336
Court Idaho Ninth District Case Number 1739 Decree Date October 14, 1940
Plaintiff vs Defendant Owsley Canal Company v. Ernest Bauerle

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary
Title

of Jackett Canal Company, that I have signed the foregoing
Organization

document in the space below as Secretary of said company
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Sec., JACKETT CANAL COMPANY Date 11-28-88

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day of November, 1988

SEAL

Notary Public [Signature]

Residing at Idaho Falls, Idaho

My Commission Expires November 10, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P. O. Box 50130, Idaho Falls, Idaho 83405

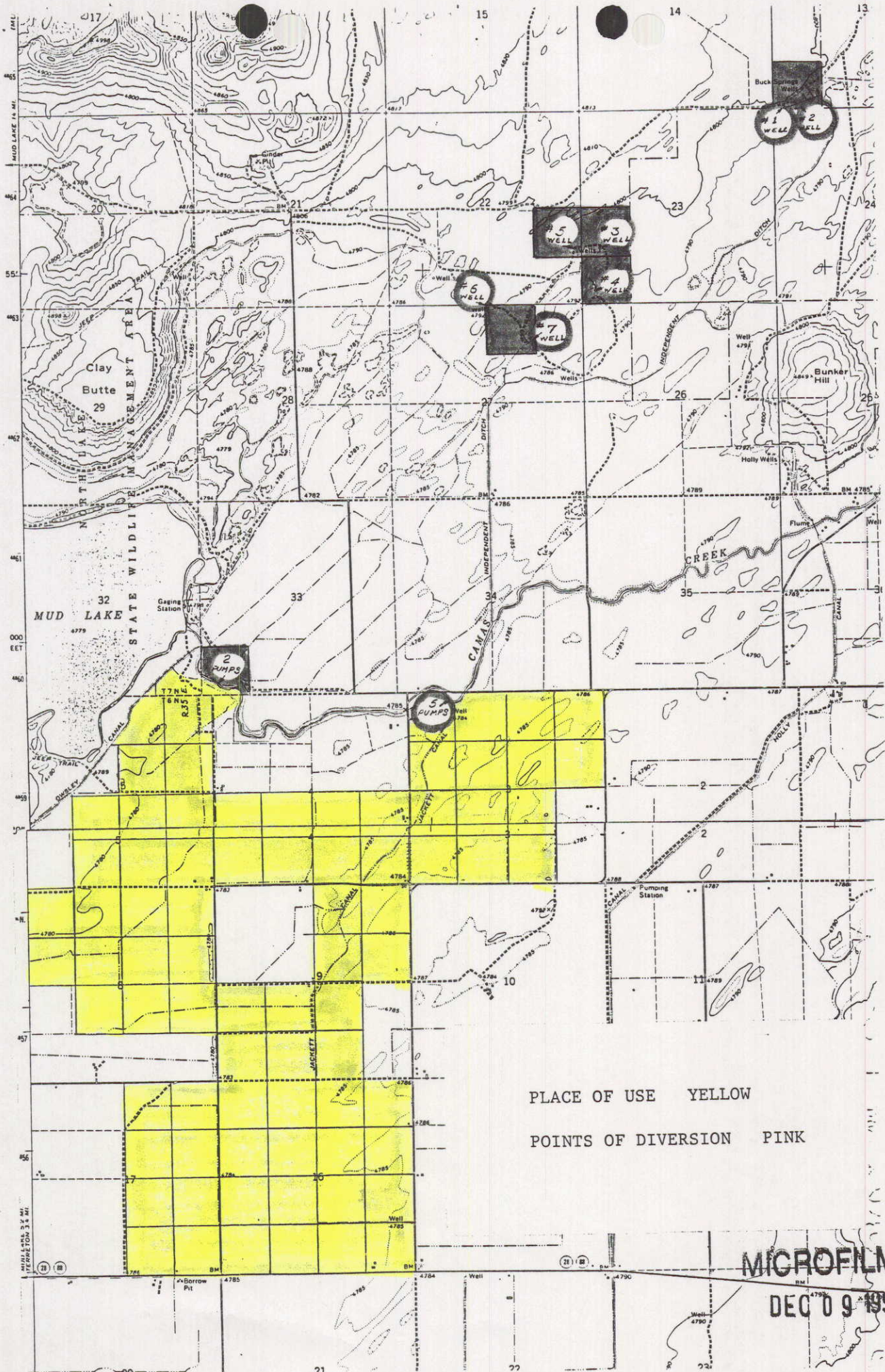
Date November 28, 1988

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DEC 09 1992

Last Name Jackett Canal Company Ident. Number 31-0336

Copies White-State, Yellow-Claimant



PLACE OF USE YELLOW

POINTS OF DIVERSION PINK

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DEC 09 1992

STORAGE RIGHTS

IN

MUD LAKE

Under the federal court decree in the case of Ernest Sauve v. W. H. Abbott, et al., Case No. 635, entered November 1, 1930, the watermaster is charged with the responsibility of accounting for water stored in Mud Lake during the nonirrigation season on the basis of priorities to the use of the waters of Mud Lake and its tributaries during the irrigation season.

As a result of the drilling of wells which for many years resulted in the flow of significant amounts of water therefrom without the necessity of pumping, other court decrees have resulted which also impact such storage rights. Notable among such decrees is the one entered by the District Court of the Ninth Judicial District for Jefferson County in the case of Owsley Canal Company v. Ernest Bauerle, et al., Case No. 1739, on October 14, 1940.

By the early 1960's, most of such flowing wells had ceased to flow in average water years, either during the irrigation or nonirrigation season. Pumps were installed and in very recent years some wells have been deepened in order to provide the

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required amounts of water. Coincidentally with the increased number of groundwater diversions in the areas surrounding Mud Lake, wintertime flows from Camas Creek and the other tributaries have, in many of the past twenty to twenty-five years, been insufficient to fill Mud Lake.

In response to the need to fill Mud Lake during the nonirrigation season, for the benefit of all holders of natural flow and storage rights therein; a practice has developed of pre-irrigation season pumping from many of the same wells which are the subject of the Owsley v. Bauerle decree, as well as some other wells. The pre-season pumping has been done pursuant to an agreement entered into by all those who hold rights to the use of the waters of Mud Lake. A copy of the agreement currently in effect is attached hereto.

Claimant has made a claim for storage rights under each of its natural flow rights. The storage capacity of Mud Lake is only 45,000 acre feet, which is far less than the combined total of the potential storage rights of all holders of such rights. In addition to the limitations imposed upon such claimed storage rights by nature, by the size of the storage facility, by the applicable decrees of courts and the priorities provided therein, such storage rights have been and are presently subject to the practice described in the attached current pre-season pumping agreement.

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