

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 31-02289

(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; Terretton, 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)

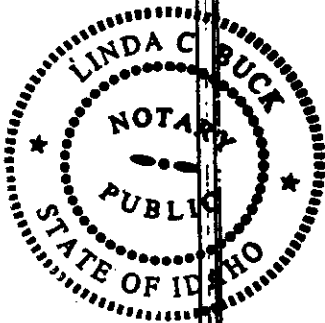
Larry G. Brown
(Attorney signing in representative capacity)

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; Terretton, Idaho 83450

Name:

Address: ;

Name:

Address: ;

Name:

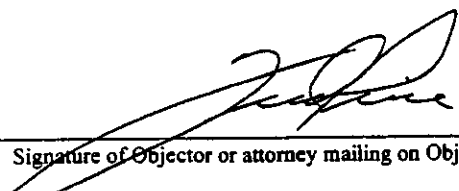
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83724-0098

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: 31-2239
NAME AND ADDRESS: MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON ID 83450

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.200 CFS
560.00 AFY

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.

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: 01/13/1949

POINT OF
DIVERSION:

T07N R34E S13 SWSWNE Within JEFFERSON County
T07N R34E S13 SESE Within JEFFERSON County
T07N R34E S23 SEENE Within JEFFERSON County
T07N R34E S24 SWNE 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 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 NESENW Within JEFFERSON County
T07N R35E S22 SESE 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 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 SENWSE 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 NWNE 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:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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, 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 (HOLLEY DIVISION SURFACE WATER).
PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL
IRRIGATED ACRES 24261.3.

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 - License

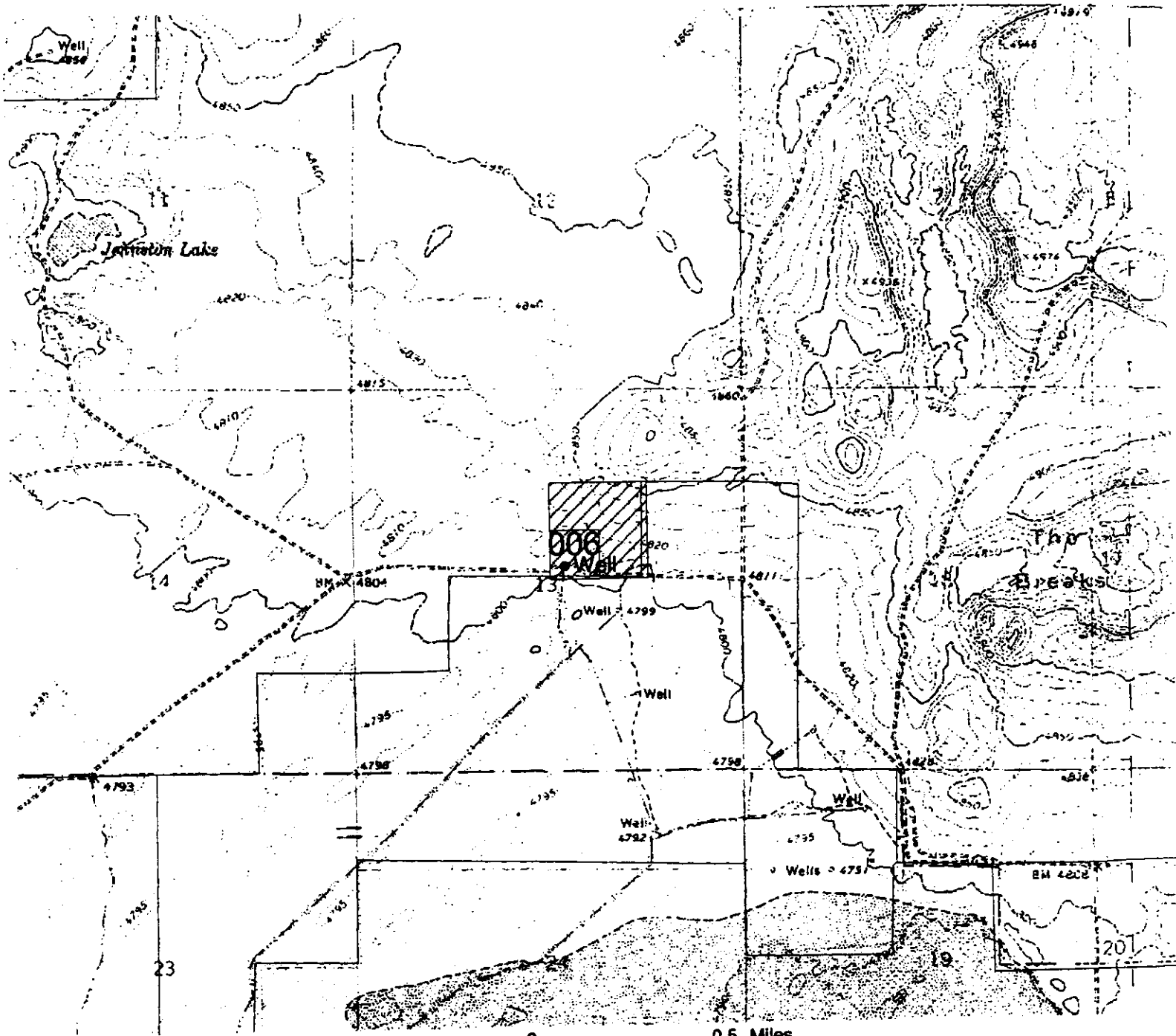
Basin 31 - Private Irrigation Claims Filed in the SRBA With PODs/POUs on Public Land

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.34E, S.13 SWSWNE (Map ID #006) (POD - well)

Mud Lake NW Quad



- Mudlake_gpdata_06_62_63.shp
- Mudlake_mapids06_62_63.shp
- Temp.shp
- pfo_own_mipupdate.shp
- B.L.M.
- 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 7/3/2001.

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

Mud Lake Water Users, Inc. (Claimant)

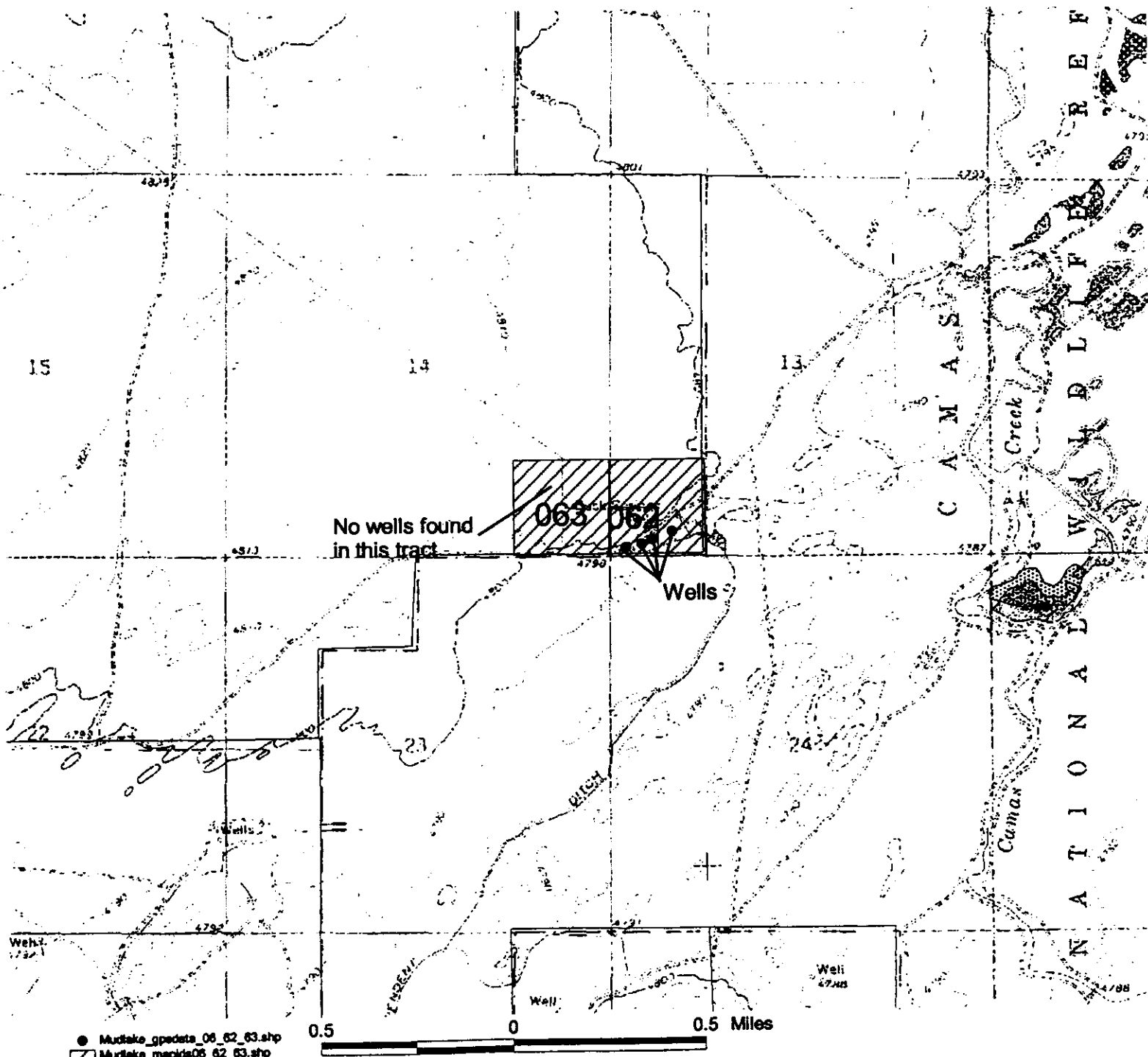
31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-229

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
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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: ^{March}~~February~~ 9, 2001

Water right number: 31-2289

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: Keith Sadeghian

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



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

November 2, 2000

MUD LAKE WATER USERS INC
PO BOX 68
TERRETON ID 83450

RE: CHANGE IN OWNERSHIP FOR A31-00134, A31-00135,
A31-00143, A31-00144, A31-00190, A31-00192, A31-00331,
A31-00332, A31-00344, A31-00345, A31-00354, A31-00355,
A31-00360, A31-00361, A31-00371, A31-02289, A31-02290,
A31-02297, A31-02310, A31-02317A, A31-02317B, A31-
02321, A31-10957, A31-10958, A31-10959, A31-10960, A31-
10961, A31-10962

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice(s) for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim



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

To: Mud Lake Water Users Files
Fr: Bryce Contor
Date: 10/31/2000

A handwritten signature in cursive script that reads "Bryce A. Contor".

Re: Attorney

Garth Soderquist of Mud Lake Water Users called today and ask that we remove Kent Foster as attorney on all of the Mud Lake Water Users adjudication claims.

Ok Bac

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A31-00134*			A31-00192*	
	A31-00135*			A31-2289	
	A31-00143*			A31-2290	
	A31-00144*			A31-2297	
	A31-00190*			A31-2300	

2. The following **REQUIRED** information must be submitted with this form:

~~A. The appropriate FILING FEE. See instructions for fee amounts.~~

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Jachett Canal Co.

4. New Owner/Claimant(s)

Mud Lake Water Users Inc.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Po Box 68

City, State and ZIP Code

Terrton ID 83450

New Telephone Number

() _____

5. Date you acquired the property

Filed 98 Jan 13 PM 1:18

Secretary of State
State of Idaho

State of Idaho

License and Certificate of Water Right

Water License No. 20891

Amount 3.2 second feet

Water District No.

Priority January 13, 1949

THIS IS TO CERTIFY that CALVIN PASSEY of Terreton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 13, 1949; that Permit No. 20891 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on January 22, 1951, showing that said works were completed on the 2nd day of January, 1951; and that on the 15th day of December, 1951.

CALVIN PASSEY of Terreton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~artesian~~ (subterranean flow), for the purpose of irrigation, under Use Permit No. 20891 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4929, on the 12th day of June, 1952;

The right hereby confirmed dates from January 13, 1952;

The Point of Diversion is located in the NW 1/4 NE 1/4, Sec. 27, Tp. 7 N., R. 35 E., R. M. Jefferson County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	35 E.	8	NE NE	40	40
			NW NE	40	40
			SW NE	40	40
			SE NE	40	40
Number of Acres Actually Irrigated					- - 160

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 12th day of June, 1952.

(SEAL)

MARK R. HULF
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20891

This proof is for Beneficial use In Water District No.

1. Name of applicant Calvin Passer, Terreton, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the NW 1/4 of Section 27
T. 7 N. R. 35 E. County of Jefferson
4. Describe works as they exist, giving dimensions and capacities of same: This well is 30' deep by 20" bore. 12' column. There is no house nor protection of any type. Pump and motor set on tie timbers in the head of the canal. Motor is Westinghouse induction motor, 15 h.p. 3 phase, 220 V. 37.6 amps. 1160 r.p.m. No. 8108723. Pump is Pomona turbine No. P-1055. Delivery is to the South into a rather large canal at least 6' in width on the bottom. This canal empties into the Independent Canal Company's canal, into Camas Creek and picked up again by pump, at the Frank Jacket's, take off on the South side and carry through a smaller canal to the fields. Clark controller and Trumbull switches that are mounted on panels to the Southeast approximately 20' from the well close by the transformer bank. During high water the well is artesian well and at present is flowing freely through the canal into Camas Creek. Water from this well is metered by Mr. Hennenger. This was metered, the highest delivery was on August 7, 1951, and was 9.31 c.f.s. The smallest delivery
5. Water is used for: Irrigation and domestic purposes.

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Northeast quarter Section 8, Township 6 North, Range 35 East, B. M.
measured was on July 5, 1951, and was 7.44 c.f.s. This water is used on the NE 1/4
Section 8, as described in the permit, and the north place is watered.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Crops are hay, grain, and pasture.

P.D. on this was checked on a map in Co. Assessor
Office at Rigby. Map Taken From Airplane.

This examination was made on the 28th day of May, 1952.

(Signed) E. N. Humphress Examiner.

20841

Calvin Passey

Terreton, Idaho

Permit No. 20891

Examination for Beneficial use

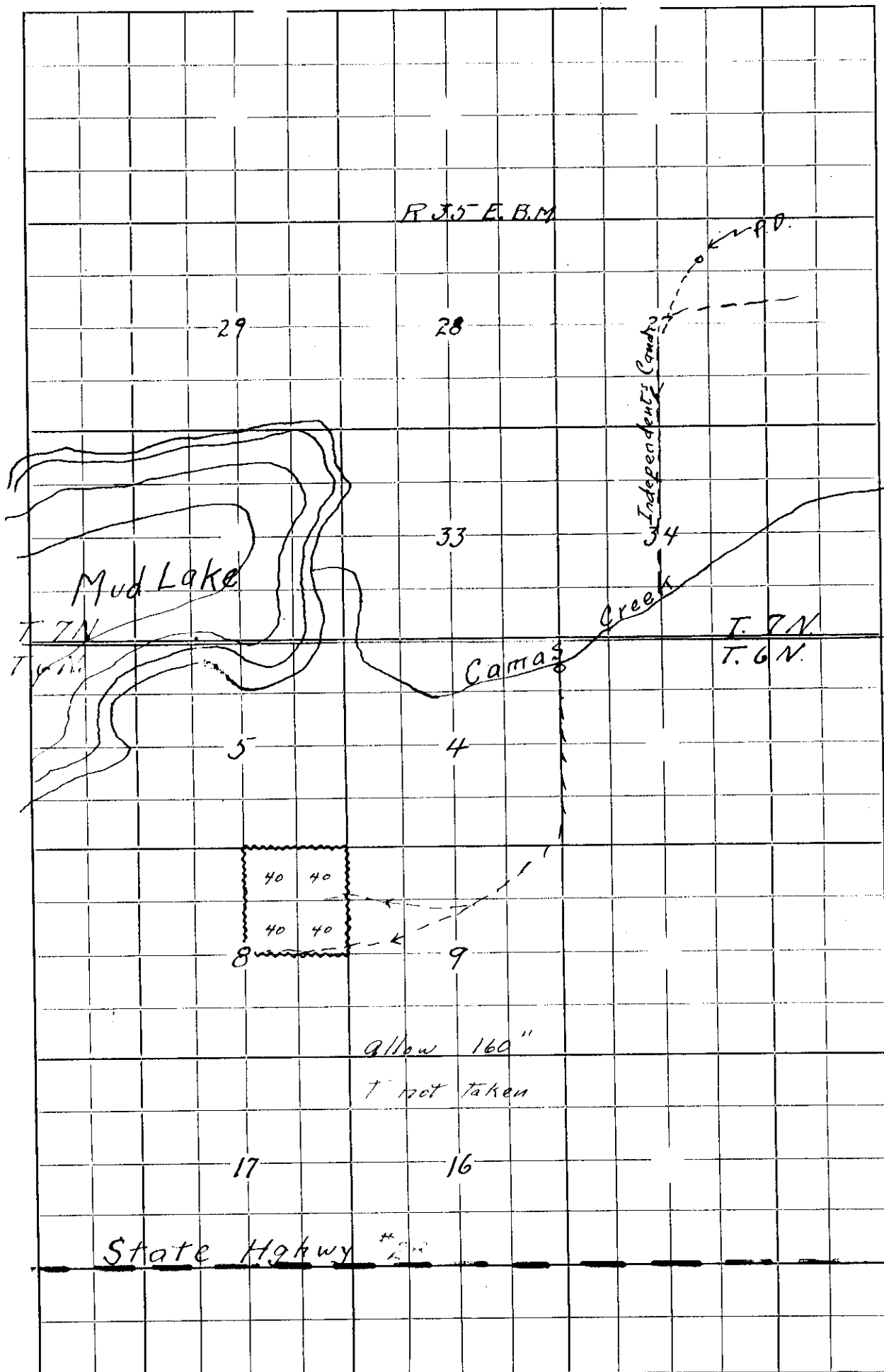
County Jefferson

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 10 1962

Department of Reclamation



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20891

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20891

REPORT ON PROOF OF Beneficial use

CALVIN PASSEY, Terreton, Idaho

2201-
1002

1002

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		

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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

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

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

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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

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		
			NENE 40	NWNE 40	SWNE 40	
		8	SENE 40	NENW 40	NWNW 40	
						320

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	

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 20	NWSE 40	SWSE 10	
			SESE 10			560
20			NENE 30	NWNE 35	SWNE 40	
			SENE 40	NENW 40	NWNW 30	
			SWNW 40	SENW 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	SENW 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	SENW 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	SENW 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	SENW 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	SENW 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	

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
27			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
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	SENW 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	SENW 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	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

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	NWSW 40	
		SWSW 40		SESW 40	NESE 40	
		NWSE 40		SWSE 40	SESE 40	327
5	Lot 1	(NENE) 41.2	Lot 2 (NWNE) 38		SWNE 40	
		SENE 40		NESW 40	SESW 40	
		NESE 40		NWSE 40	SWSE 40	
		SESE 40				399.2
8		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
9		NENE 40		NWNE 40	SWNE 40	
		SENE 40		NESW 40	NWSW 40	
		SWSW 40		SESW 40	NESE 40	
		NWSE 40		SWSE 40	SESE 40	480
10		NENE 40		SWNE 40	SENE 40	
		SENW 40		NESW 40	NWSW 40	
		SWSW 40		SESW 40	NESE 40	
		NWSE 40		SWSE 40	SESE 40	480
11		NENW 40		NWNW 30	SWNW 40	
		SENW 40		NESW 40	NWSW 40	
		SESW 40				270
14		NESW 10		NWSW 40		50
15		NENE 34		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				634
16		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
17		NENE 40		NWNE 40	SWNE 40	
		SENE 40		NENW 40	NWNW 40	
		SWNW 40		SENW 40	NESW 40	

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	SENW 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	SENW 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	SENW 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	SENW 40	
			NESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		440
29			NENW 40	NWNW 40	SWNW 40	
			SENW 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	SENW 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

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.

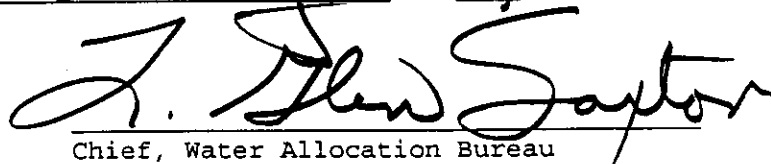
TRANSFER NO. 5335

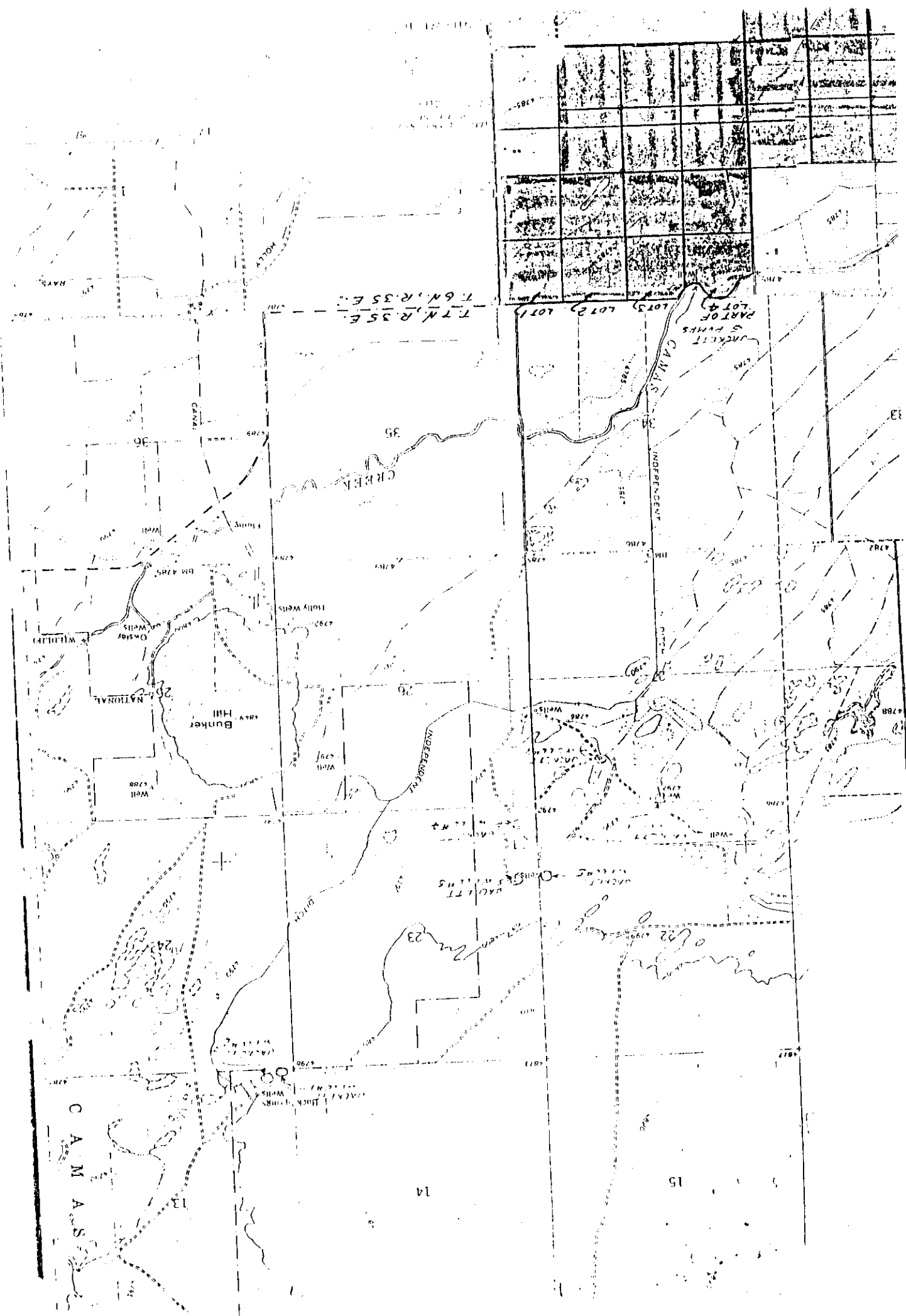
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

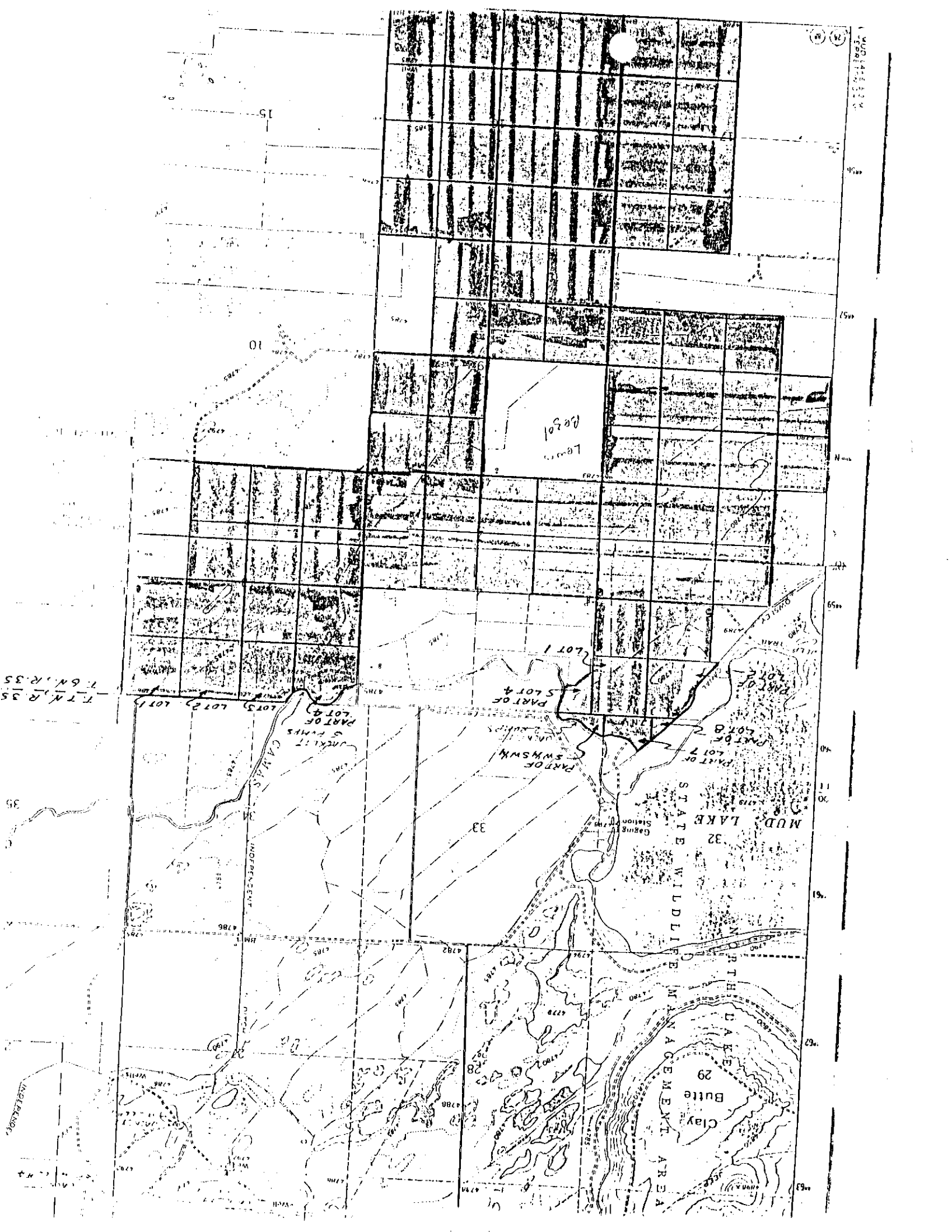
CONDITIONS OF APPROVAL AND REMARKS

- * 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





Application No. _____

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

Post office address C/O HOLDEN, KIDWELL, MAINE
A. DESCRIPTION OF RIGHT AS RECORDED - See Attached Information

1. Right evidenced by:

8. Lands irrigated or place of use:

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. |

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.

RECORDED

(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. - 31-0337 (Permit No. 17763/31-2254)
 Decreed To - Independent Water Users of Mud Lake, Inc.
 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 Northwest Quarter of Section 3, Township 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
	34 E.	31	SE $\frac{1}{4}$ SE $\frac{1}{4}$	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
			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 $\frac{1}{4}$ NE $\frac{1}{4}$	40
6N.	33 E.	1	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
			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

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	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 $\frac{1}{4}$	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
			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.	9	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

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 South-
west Quarter Northeast Quarter,
20 acres in Southeast Quarter North-
east Quarter, 30 acres in Northeast
Quarter Northwest Quarter, 30 acres
in Southeast Quarter Northwest Quarter
40 acres in Northeast Quarter South-
west Quarter, 30 acres in Northwest
Quarter Southwest Quarter, 30 acrs
in Southwest Quarter Southwest Quarter
20 acres in Southeast Quarter South
west 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.

RECORDED

Place of Use - 35 acres in Northeast Quarter North-east 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 South-east 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 North-east Quarter, Northwest Quarter North-east 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 South-east 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 South-west 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 South-west Quarter, 34 acres in North-east Quarter Southeast Quarter, 26 acres in Northwest Quarter Southeast Quarter all in Section 8, Township 6 North, Range 35 E.B.M.

RECORDED

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 Jackett 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 Jackett 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

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 2	lt 7 18		20.00
		33										1							1.00
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	40		560.03
		4						lt 4 7			40	40	40	40	40	40	40	40	327.00
		5	lt 1 41.20	lt 2 38	40	40					40			40	40	40	40	40	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			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 use of the original right. The information contained in this application is true to the best of my knowledge.

Rulao R. Yearesley
(Signature of applicant)

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

Frank W. 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. 31-0134
and said application is hereby approved 31-0143 31-0135
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 DRT

12/17/1988

SRBA CLAIMS RECEIVING CHECKLIST

A31-02336/02337/02287

A31-02290/02297/2310

CLAIMANT'S NAME

Jackett Carol C.

CLAIM I.D. NO.

02317/02321.

DATE RECEIVED

12/17/1988

CK #

AMOUNT \$

YES

NO

Is the name and address complete with zip code?

☒☐

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.

☒☐

(a) Is a source entered?

☒☐

(b) Is a tributary to entered? (if required)

N/A

☒☐

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

☐☒☐

Is there a description of the diverting works?

☐☐

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?

☒☐

Is a total quantity claimed entered?

☐☒☐

If required is a consumptive use entered?

N/A

☐☒☐

Is the consumptive use correct?

N/A

☐☒☐

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 H.

MICROFILMED

Comments:

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

DEC 09 1992

Place of Use & Map are not consistent. Claimant must identify period of use.

3004936

all notices.

A31-00135/00134/00143/00144/00190/00336/00337/02289/02290/
~~00~~02297/02310/02317A/02317B/02321.

Place of use entered in accordance with map, and not Attachment B. Based on the ~~map~~ ^{Comparison of} ~~map~~ 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 maps, and not the legal descriptions described in Item 4 of the notices. Comparison of the map and Item 4 reveal two discrepancies.

MICROFILMED

DEC 09 1992

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-2289

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MUD LAKE WATER USERS INC 1400 E 1500 N PO BOX 68 TERRETON, ID 83450 (208)663-4359
Original Owner	JACKETT CANAL COMPANY HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83405 (208)523-0620

Priority Date: 01/13/1949
Basis: License
Status: Valid

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01	11/01	3.2 CFS	560 AFA	
Total Diversion			3.2 CFS	560 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SWSWNE	Sec. 13	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SESE	Sec. 13	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SENESE	Sec. 23	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWNENE	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	NENWNE	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWNWNW	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SESE	Sec. 14	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SESE	Sec. 14	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSW Lt 4	Sec. 18	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWNW Lt 1	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NENWNW Lt 1	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESWNW Lt 2	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESENW	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SENESE	Sec. 22	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWNWSW	Sec. 23	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSW	Sec. 23	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SENWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County

GROUND WATER	NESESE	Sec. 26	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSESE	Sec. 26	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWNE	Sec. 27	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NENW	Sec. 36	Township 07N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	34E	3		NENW	24261.3									

Total Acres: 24261.3

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use - Irrigation 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.
2. Quantity 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.
3. Place of Use - Irrigation 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).
4. Place of Use - Irrigation PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 24261.3.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

Author	Date	Subject	Comment
bcontor	1/2/01	Recommendation	Recommended per post-1987 transfer 5335 as amended 12/19/2000, except as noted in eCVR 31-327.

Dates:

Licensed Date: 04/23/1985
Claim Received Date: 12/05/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SP5 Filed:

Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POD	1/2/01 10:42:01 AM	bcontor			In Process
POU	1/2/01 10:46:35 AM	bcontor			In Process
Priority Date	1/2/01 10:41:06 AM	bcontor			In Process
Quantity	1/2/01 10:48:40 AM	bcontor			In Process
Season	1/2/01 10:47:54 AM	bcontor			In Process
Source	1/2/01 10:44:13 AM	bcontor			In Process
Summary	1/2/01 10:51:46 AM		1/2/01 10:51:46 AM	bcontor	Complete
Use	1/2/01 7:40:05 AM	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	1/2/01 10:42:00 AM	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	1/2/01 10:46:33 AM	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	1/2/01 10:41:05 AM	bcontor	1. (NO) There has not been a later court decree of the water right(s) from the water source. 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	1/2/01 10:48:38 AM	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. 7. (YES) The parent right has an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	1/2/01 10:47:51 AM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use.

Source	1/2/01 10:44:11 AM	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	1/2/01 10:51:43 AM	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. (NO) This is not 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	1/2/01 7:40:03 AM	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.

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 31-2289
Date Received: 12/5/88
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MUD LAKE WATER USERS INC Phone: (208)663-4359

1400 E 1500 N
PO BOX 68
TERRETON ID 83450

2. Date of Priority: 01/13/1949

3. Source: GROUND WATER 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
07N	35E	23	SW SW	JEFFERSON
07N	35E	27	NW SE	JEFFERSON
07N	35E	22	NW SE	JEFFERSON
07N	35E	23	NW SW	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	4/01	11/01	3.2	
IRRIGATION STORAGE	11/02	3/31	0	1

7. Total Quantity Appropriated is:
3.2 C.F.S. and/or 1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
06N	35E	3	NE	NE	1	IRRIGATION	41.9		
			NW	NE	2	IRRIGATION	41.7		
			SW	NE		IRRIGATION	40		
			SE	NE		IRRIGATION	40		
			NE	NW	3	IRRIGATION	41.5		
			NW	NW	4	IRRIGATION	35		
			SW	NW		IRRIGATION	40		
			SE	NW		IRRIGATION	40		
			NE	SW		IRRIGATION	40		
			NW	SW		IRRIGATION	40		
			SW	SW		IRRIGATION	40		
			SE	SW		IRRIGATION	40		
			NW	SE		IRRIGATION	40		
			SW	SE		IRRIGATION	40		
			Section Acres						560.1
			06N	35E	4	NW	NW	4	IRRIGATION
NE	SW					IRRIGATION	40		
NW	SW					IRRIGATION	40		
SW	SW					IRRIGATION	40		
SE	SW					IRRIGATION	40		
NE	SE					IRRIGATION	40		
NW	SE					IRRIGATION	40		
SW	SE					IRRIGATION	40		
SE	SE					IRRIGATION	40		
Section Acres						327			
06N	35E	5	NE	NE	1	IRRIGATION	41.2		
			NW	NE	2	IRRIGATION	38		
			SW	NE		IRRIGATION	40		
			SE	NE		IRRIGATION	40		
			NE	SW		IRRIGATION	40		
			SE	SW		IRRIGATION	40		
			NE	SE		IRRIGATION	40		
			NW	SE		IRRIGATION	40		
			SW	SE		IRRIGATION	40		
			SE	SE		IRRIGATION	40		
Section Acres						399.2			
06N	35E	8	SE	NE		IRRIGATION	40		

			NE	NW	IRRIGATION	40	
			NW	NW	IRRIGATION	40	
			SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	40	
			SW	NE	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
					Section Acres	440	
06N	35E	9	NE	SW	IRRIGATION	40	
			NW	SW	IRRIGATION	40	
			SW	SW	IRRIGATION	40	
			SE	SW	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			SW	SE	IRRIGATION	40	
			NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	40	
			SW	NE	IRRIGATION	40	
			SE	NE	IRRIGATION	40	
					Section Acres	400	
06N	35E	16	NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	40	
			NW	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			SW	SW	IRRIGATION	40	
			SE	SW	IRRIGATION	40	
			NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			SW	SE	IRRIGATION	40	
			SE	SE	IRRIGATION	40	
			SW	NE	IRRIGATION	40	
			SE	NE	IRRIGATION	40	
			NE	NW	IRRIGATION	40	
			SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NW	SW	IRRIGATION	40	
					Section Acres	640	
06N	35E	17	NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	40	
			SW	NE	IRRIGATION	40	
			SE	NE	IRRIGATION	40	
			NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			SW	SE	IRRIGATION	40	
			SE	SE	IRRIGATION	40	
					Section Acres	320	
07N	35E	32	SW	SE	8	IRRIGATION	2

			SE	SE	7	IRRIGATION	18
						Section Acres	20
07N	35E	33	SW	SW		IRRIGATION	1
						Section Acres	1
						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:

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
 GARTH SODERQUIST OF MUD LAKE WATER USERS CALLED 10/31/00 AND ASKED THAT KENT FOSTER BE REMOVED AS ATTORNEY ON ALL CLAIMS/CV/11/02/00

15. Basis of Claim: License

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: A31-02289

Date Received: 12/05/1988

Receipt No: E004936

Received By: Carol Ann

1257

MLW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JAN 13, 1949

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	SE		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	3.200		
IRRIGATION STORAGE	11/02	03/31			1.00

7. Total Quantity Appropriated is:
3.200 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

A31-02289

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Date: 02/08/89

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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

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

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, 31-0336, 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: LICENSE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

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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: 3957

Ident. Number 31-2289

Date Received

Receipt Number 804936

A3102289

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

2. Date of Priority (Only one (1) per claim) January 13, 1949

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 for rediversion.
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 3.2 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) 3.2 (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	
							SEE	LAND	LIST	ON	NEXT	PAGE							

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, 31-0336, 31-0337, 31-2290, 31-2297, 31-2310, 31-2317, 31-2321 or None ()

14. Remarks:
This water right is held by the canal company for the benefit of the lands of its stockholders.

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Last Name Jackett Canal Company Ident No. 31-2289

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 31-2289
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 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 19 88

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]

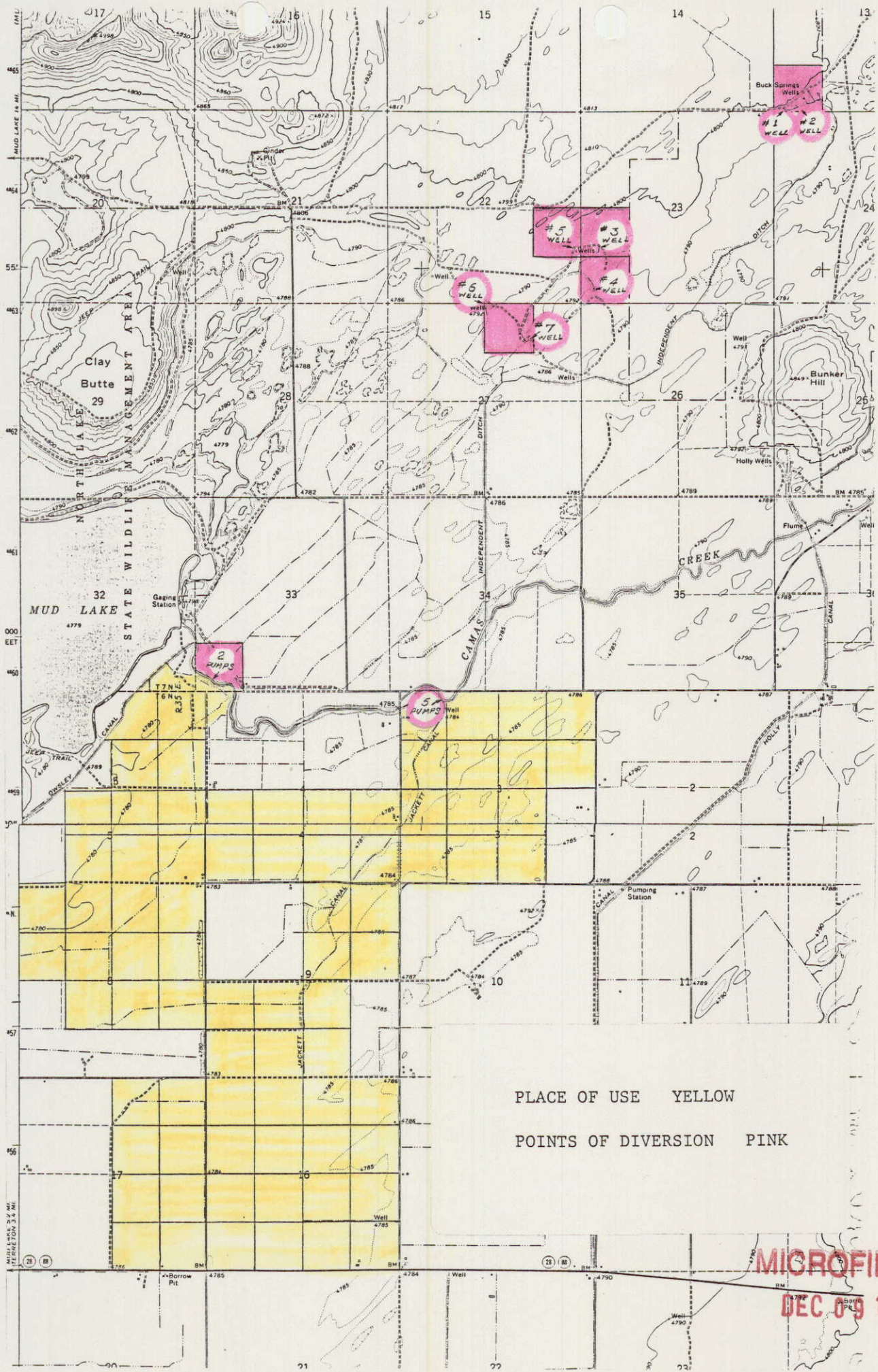
Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date November 28, 1988

Last Name Jackett Canal Company Ident. Number 31-2289

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Copies White-State, Yellow-Claimant



PLACE OF USE YELLOW

POINTS OF DIVERSION PINK

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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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[illegible]