



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

31-184

August 30, 2002

Dear Basin 31 Surface Water User:

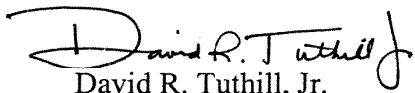
The purpose of this letter is to advise you of a proposed additional general provision for Basin 31, Camas Creek and Mud Lake and tributaries which is proposed to apply to all surface water rights in the basin. As a claimant in this action, whose water rights and lands may be affected by the provision, you are being provided an opportunity to review the proposal and participate in any proceedings on this issue. Please find a Notice of Proposed Additional General Provision, and the Standard Form 5 that contains the text of the proposed additional general provision for Basin 31.

This additional general provision was originally proposed by Mud Lake Water Users, Inc. Mud Lake Water Users, Inc. filed a Motion for Late Objection on September 13, 2001, requesting that the additional general provision be added in Basin 31. On October 24, 2001, the Court granted their Motion. Mud Lake Water Users, Inc. and the Department of Water Resources have agreed to language for a proposed additional general provision.

The settlement between Mud Lake Water Users, Inc. and the Department of Water Resources is contained on the SRBA Court's standard settlement document called a Standard Form 5 attached hereto. The Standard Form 5 is the settlement document used to set forth the stipulated elements of a water right, and to notify the court that a settlement has been reached. The settlement language contained in the Standard Form 5 in this matter is attached hereto.

Please review the enclosed Notice carefully because it contains all relevant deadlines for participating in the general provision issue.

Sincerely,


David R. Tuthill, Jr.
Adjudication Bureau Chief

Enclosures Notice
Standard Form 5

SCANNED
NOV 21 2002

RECEIVED
SEP 20 2002
Department of Water Resources
Boise, Idaho

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	)	Subcase Nos.: 31-184
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the following language should be added as an additional General Provision for Basin 31 in addition to the "Connected Sources in Basin 31 (Conjunctive Management General Provision)" already recommended.

No dam or other obstruction to the natural flow of Camas Creek or its tributaries shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with head gates, control works and measuring devices. Holders of water rights to divert water from Camas Creek or any of its tributaries, their successors, agents, servants and employees are hereby perpetually enjoined and restrained from maintaining in any stream or slough, or permitting to exist within such stream or slough where the same traverses their respective lands, or any land owned or controlled by them, any obstruction to the flow of water, except in connection with the diversion of water through head gates equipped with measuring devices. In case any water right holder shall fail to remove any obstruction from the natural channel of Camas Creek or any of its tributaries within 7 days after receiving notice from the watermaster, who has determined that the obstruction interferes with water delivery, the watermaster may authorize a water user to remove such obstruction in accordance with applicable law. The expense thereof shall be the responsibility of the water right holder requesting the removal.

/s/ Kent Foster 6/24/02
Claimants Date

/s/ John Marshall 6/26/02
Respondents Date

/s/ David R. Tuthill, Jr. 6/27/02
IDWR Concurrence Date

/s/ Candice M. McHugh 6/27/02
Attorney for IDWR Date

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**COURT ORDERED NOTICE OF
PROPOSED ADDITIONAL GENERAL PROVISION
FOR IDWR REPORTING AREA 8, BASIN 31**

On July 17, 2002, a hearing was held concerning Notice and Service of the proposed additional general provision. As a result of that hearing, the SRBA Court has ordered that this Notice be sent to you.

The Director of the Idaho Department of Water Resources (IDWR) has concurred with and filed with the Snake River Basin Adjudication (SRBA) District Court a Standard Form 5 that proposes an additional general provision in Basin 31. The proposed additional general provision was not originally recommended by IDWR for Basin 31. Mud Lake Water Users, Inc. originally proposed the additional general provision in a late objection to their water right no. 31-184 and after discussion, IDWR has settled on language for the proposed additional general provision which is reflected in the attached Standard Form 5. Mud Lake Water Users, Inc. is responsible for proving to the SRBA Court that the proposed additional general provision is appropriate and necessary.

The settlement between Mud Lake Water Users, Inc. and the Department of Water Resources is contained on the SRBA Court's standard settlement document called a Standard Form 5. The Standard Form 5 is the settlement document used to set forth the stipulated elements of a water right. When parties reach an agreement on a contested water right, the Standard Form 5 is used to address the elements of the water right and to notify the court that a settlement has been reached. The settlement language contained in the Standard Form 5 is attached hereto.

What do I do if I disagree with the proposed additional general provision?

If you disagree with the proposed additional general provision and want to be heard in court, you must file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your **objection** must be **received** by the SRBA Court on or before **November 15, 2002**.

What do I do if I agree with the proposed additional general provision?

If you agree with the proposed additional general provision and do not want to participate in the matter, then you do not have to take any further action. However, if you choose not to participate and the general provision is ultimately not included or a different general provision results out of settlement agreements, you will not be allowed to participate at that time.

If you agree with the proposed additional general provision and you want to participate in the matter, then you can file a response to any objections filed or a response that states you agree with the proposed additional general provision. Responses must be made on the standard response form available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Website at www.srba.state.id.us.

Your **response** must be **received** by the SRBA Court on or before **January 17, 2003**.

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NOV 16 2001

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

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NOV 28 2001

Department of Water Resources
Eastern Region

In Re SRBA

A. Subcase 31-00184

Case No. 39576

RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Margaret Hagenbarth, David J. Hagenbarth, James F. Hagenbarth

Address: P.O. Box 1128
Dillon, MT 59725

Daytime Phone: (406) 683-2163

Name & Address of Attorney, if any:

Givens Pursley LLP
Michael C. Creamer
John M. Marshall
P.O. Box 2720
Boise, ID 83701
(208) 388-1200

Doney, Crowley, Bloomquist & Uda, P.C.
John E. Bloomquist
Patti L. Rowland
P.O. Box 1418
Dillon, MT 59725
(406) 683-8795

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Mud Lake Water Users, Inc.

Address: P.O. Box 68
Terreton, ID 83450

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NOV 21 2002

D. I am responding to the objection to the following elements. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
2. ☐ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. ☐ **Place of Use**
11. **Recommendation**

☐ This water right should not exist.

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

E. REASONS SUPPORTING RESPONSE:

On October 23, 2001, the Motion of Mud Lake Water Users, Inc. to file a late objection to water right claim 31-00184 was granted. Mud Lake Water Users, Inc. objects to the general provisions of Basin 31 and requests that specific language from Sauve v. Abbott, Case No. 639, U.S. District Court, be included in the general provisions of Basin 31. As water right claimants and successors to water rights decreed under the Sauve decree, we support the objection of Mud Lake Water Users and believe it is extremely important that the provisions of the Sauve decree be upheld through the SRBA process.

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NOV 21 2002

F.

VERIFICATION

State of Montana)
) ss.
County of Beaverhead)

I, James F. Hagenbarth, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response on behalf of Margaret Hagenbarth, David J. Hagenbarth and myself, as defined by I.C. § 42-1401A(1) and (6) and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

James F. Hagenbarth
James F. Hagenbarth

Subscribed and sworn to before me on: November 14, 2001

Patricia L. Rowland
Notary Public for Montana
Residing at: Dillon, MT
My Commission Expires: 1/1/04

G.

CERTIFICATE OF MAILING

I certify that on Nov. 12, 2001, 2001, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original sent certified mail 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 and objector of the water right at the following address:

Name: Mud Lake Water Users, Inc.
Address: P.O. Box 68
 Terreton, ID 83450

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NOV 21 2002

3. Copies to:

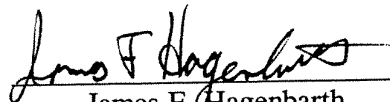
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

Office of the Attorney General
Idaho Department of Water Resources
Attn: Candace McHugh, Esq.
1301 N. Orchard St.
Boise, ID 83706

Holden, Kidwell, Hahn & Crapo, P.L.L.C.
Kent W. Foster, Esq.
P.O. Box 50130
Idaho Falls, ID 83405


James F. Hagenbarth

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NOV 21 2002

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DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

NOV 01 2001

Department of Water Resources
Eastern Region

In Re SRBA

Case No. 39576

ORDER GRANTING MOTION FOR LATE OBJECTION

SUBCASE: 31-00184

On September 13, 2001, the claimant Mud Lake Water Users, Inc., filed a *Motion for Late Objection* for water right 31-00184. The *Motion* sought the filing of an Objection challenging the general provisions in Basin 31. A hearing on the *Motion* was held October 23, 2001. Mud Lake Water Users, Inc., explained that the *Objection* had not been timely filed because the group thought that general provisions would be handled at a later date.

The *Motion* was unopposed. The *Motion* was granted at the October 23, 2001 hearing, and the *Objection* was filed on that date. The deadline for filing responses is November 28, 2001.

Dated October 24, 2001


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE LATE OBJECTION
G:/31ORDERS/184.GRANT
10/24/01

SCANNED

NOV 21 2002
Page 1

31-00184
MUD LAKE WATER USERS, INC

P.O. BOX 68

1400 E 1500 N

TERRETON, IDAHO 83450

PHONE (208) 663-4359 FAX (208) 663-4369

E-mail mudlakeh2o@dcidi.net

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SEP 14 2001

Department of Water Resources

Ernie

To the Clerk of the District Court Snake River Basin Adjudication,

We wish to file for a motion to file a late objection.

We were under the impression that provisions for the original decree language would be handled at a later date. We have recently learned that this is not the case. We then had to find the procedure for filing a late objection. We hope that this is correct. If there is a problem with the format of this objection please contact us.

Sincerely,

Gerald Messerli

Gerald Messerli, President
Mud Lake Water Users, Inc.

Subscribed & sworn to before me on: Sept. 12 - 2001

Jay Simmons
Notary Public for Jefferson County
Residing at: Idaho
My Commission Expires: June 9, 2007

JAY SIMMONS Notary Public State of Idaho
--

MY COMMISSION EXPIRES
June 9, 2007
BONDED TERU NOTARY PUBLIC UNDERWRITERS

SCANNED

NOV 21 2002

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) A: Subcase 31-00184
) (insert water right number)
)
Case No. 39576)
)
) STANDARD FORM 1
) OBJECTION
)
_____)

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Mud Lake Water Users, Inc
Address: P.O. Box 68
Terreton ID 83450
Daytime Phone: (208) 663-4359

Name & Address of Attorney, if any:

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

Name: Mud Lake Water Users, Inc.
Address: P.O. Box 68
Terreton ID 83450

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NOV 21 2002

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: _____
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:

Water Resource Division

☐ 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): We object To The General

Provisions for Basin 31. The General Provisions should include
The original Wording of The Suave Decree, specifically The
attached section, Part 1 sections 3-9, concerning The rights of water
right holders & basin water master in Basin 31.

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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 12, ²⁰⁰¹~~199~~, 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
PO 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: PO Box 68
Terreton ID 83450

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

Gerald Messel
Signature of Objector or attorney
mailing on Objector's behalf

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NOV 21 2002

VERIFICATION (Must be Completed)

State of Idaho)

County of Jefferson) ss.

Gerald Messer, 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.

Gerald Messer
(Signature of person filing objection)

(Attorney signing in representative capacity)

Copies to:

Subscribed and sworn to before me on: Sept 17 2001

Notary Public for Idaho

Residing at: Jefferson County

My Commission Expires: June 9, 2007

JAY SIMMONS

Notary Public

State of Idaho

MY COMMISSION EXPIRES

June 9, 2007

BONDED THRU NOTARY PUBLIC UNDERWRITERS

SCANNED

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BE IT REMEMBERED, That this cause came on for final hearing at Pocatello, Idaho, this 13th day of October, in the year 1930, and having been duly presented, and the Court having made and filed its findings of fact and conclusions of law herein, and in accordance therewith, on motion of counsel for plaintiff, it is ORDERED, and ADJUDGED and DECREED as follows, to-wit:

PART I

1.

That this action be, and is dismissed as against Thomas Waggoner. That the waters used by Thomas Waggoner are not tributary to, nor a part of Mud Lake.

2.

The default of J. W. Bill be, and is, vacated insofar as the rights of his successors in interest, Thomas J. Williams and R. F. Cope, are concerned, and not otherwise. That the defaults entered in this cause be, and are confirmed, without prejudice to any community property rights in waters herein decreed to a spouse.

3.

That there is hereby drawn within the jurisdiction of this Court, for distribution for beneficial uses under and pursuant to the terms of this decree, all the waters of Mud Lake (sometimes known as Crystal Lake) and its tributaries which are hereby decreed to constitute a single interdependent source of water supply to be administered under the terms of this decree, and Spring Lake and North Lake which are independent of Mud Lake.

4.

That Mud Lake, sometimes called Crystal Lake, is a natural body of water situated in Jefferson County, Idaho, and, in part, receives its supply of water, from the flow of Camas Creek and its tributaries, Beaver Creek, (sometimes called Dry Creek) and its tributaries, Rays Lake, Dead-line Lake and Sandhole Lake, and each of their tributaries, all of which are herein decreed to be tributaries of Mud Lake. That North Lake and Spring Lake are not tributaries of Mud Lake, and the rights herein awarded in Spring Lake and the rights herein awarded to North Lake, if any, may be

respectively separately administered and diverted without reference to the priority of right awarded to any other party to this suit. And while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting water from said respective lakes they are not affected by and do not affect the rights and priorities of any other parties to this suit. Except as otherwise specifically provided, all the waters of the various lakes, ponds, streams and sloughs herein allotted constitute part of the supply of Mud Lake and shall be administered and distributed with reference to the priorities herein decreed.

5.

It being necessary in order to give effect (as among themselves), to the priority of rights herein allotted, having points of diversion from Mud Lake or its tributaries at points affected by the back waters of Mud Lake, that the diversion of all such water should be regulated during each irrigation season so as to leave available at all times, so far as practicable, sufficient water to fill such rights in the order of their priority during the balance of the irrigation season,

IT IS HEREBY DECREED, as follows: That on May 1st of each year, the Commissioner, water master, or other official charged with the distribution of water under this decree, shall compute from the gauge height of the lake the amount of water then available in the lake for diversion and use, and shall add thereto the sum of 18,000 acre feet being the average inflow during the past seven years between the period of May 1st to September 1st, and the aggregate amount of water then in the lake, plus said estimated inflow, shall be provisionally deemed the amount of waters of Mud Lake available that season for use; likewise, on May 1st said official shall compute in acre feet the allotment of water necessary to fill each right from May 1st to September 1st, in the order of their respective priorities as such rights in Mud Lake and its tributaries having points of diversion as aforesaid, as the same are herein decreed; and such of those rights of earliest priority, the cumulative total of whose allotments does not exceed the said calculated amount available that season, shall be permitted to begin the use of water that season

thereafter at intervals during the irrigation season, not less frequent than 15 days, such official shall compute the amount of water theretofore used by each right (including the amount, if any, used prior to May 1st) and the amount of water remaining available to fill such rights, taking into consideration actual accretion to the lake from natural inflow and charge each right its proportionate part of the evaporation losses in the lake; and whenever, according to such computation, at any time there shall no longer remain in the lake any water available to fill any right after deducting from the available supply computed up to date as aforesaid, the amount necessary to supply prior rights to September 1st, such later right shall be cut off.

The Commissioner, water master, or other official charged with the distribution of the water under this decree, shall keep records of the daily deliveries to users, records of evaporation, of inflow, of daily gauge heights and the capacity of the lake.

Nothing herein contained shall require that there be kept available water to fill the right of any owner whose pumping plant, or other works of diversion, are not that season being operated, nor kept available to fill the right of any owner after the time in the season when such owner is unable to put the water to beneficial use. Nothing herein contained shall restrict any user from using at such times and in such quantities as he may desire, his said seasonal allotment of water, but not exceeding 35 per cent of his seasonal allotment in any one calendar month, but all water, whenever used, (including that water, if any, used prior to April 1st and after September 1st) shall be charged against his seasonal allotment. In computing the capacity of Mud Lake, and the available water supply therein contained at any time such portion of said waters as are below gauge height of one foot below zero, or ^{-1.0 ft.} ~~10~~ ft.) on the present United States Geological Survey gauge, shall be disregarded as waters unavailable for diversion and likewise there shall be disregarded any waters brought into Mud Lake from independent or non-tributary sources of supply.

The court reserves jurisdiction hereafter, from time to time, to modify the provisions of this paragraph numbered 5, if it should appear that such modification is necessary to give effect to the rights and privileges

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NOV 21 2002

herein decreed.

6.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the official charged with the duty of supervising the distribution of water, subject, however, to review by this court. All such devices shall be of such design as to accurately measure the amount of water diverted; and in cases where in the opinion of the official charged with the duty of supervising the distribution of water, automatic measuring and registering devices are required for the proper administration of this decree, such devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of any party to this suit and the public officials or the water master having jurisdiction over the distribution and diversion of water; and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices; and each of the parties hereto, their successors agents, servants and employees are hereby perpetually enjoined from diverting from the channel of any stream, lake, slough or the tributaries thereof any water through any ditch, conduit or other device not provided with such headgates, control works and measuring devices. Each of the parties hereto and their agents, servants and employees are hereby perpetually enjoined and restrained from maintaining in any stream or slough, or permitting to exist within such stream or slough where the same traverses their respective lands, or any land owned or controlled by them, any obstruction to the flow of water, except in connection with the diversion of water as herein permitted through headgates equipped with measuring device. The dam or embankment at what is known as the Lone Tree Reservoir belonging to

the defendant Wood Livestock Company shall on or before April 1, 1931, at the expense of said Wood Livestock Company, or its successors in interest, be provided with a conduit of sufficient capacity to permit the full natural flow of Camas Creek in flood to pass through said dam or embankment without backing up the water in said reservoir; or in lieu of providing said conduit, said dam or embankment shall, on or before said date, be removed by the owner thereof; and from and after said date said defendant, Wood Livestock Company and its successors, agents, servants and employees, and each of them, are hereby enjoined and restrained from maintaining said dam so as to obstruct the natural flow of said creek, or from permitting it to obstruct the natural flow of said creek.

In case any user shall fail to install any headgate, measuring or control device as in this decree prescribed, within thirty days after the official in charge of the administration of this decree has notified him so to do, or, after like notice, to remove any obstruction required herein to be removed, where the date for removal is not specified, the said commissioner or other official may install such headgate or measuring device or remove such obstruction and charge the expense thereof to such user, and such user shall not thereafter be entitled to the use of his water as herein decreed until he has repaid to said official the expense of such work; the expense of removal of obstructions on public land shall be taxed as ordinary expense of administration by the watermaster.

7.

The Court further retains jurisdiction to appoint a commissioner or watermaster to administer this decree as hereinafter set out, and to make corrections of clerical errors in the rights herein decreed, and to administer this decree until January 1st, 1932. In all other respects this decree shall be final.

8.

Up to January 1st, 1932, the administration of this decree shall be left with a Commissioner to be hereafter appointed by the court for that purpose, with such salary as may be fixed in the order of appointment, together with his actual and necessary expenses incurred in the discharge of

his duties. Said Commissioner is moreover authorized to employ such assistants or watermasters as may be necessary. Nothing herein contained shall prevent said Commissioner, if he so desires, from employing watermasters elected or appointed under the statutes of Idaho for the election and appointment of water masters, for any water district or water districts comprising Mud Lake or any of its tributaries; and in case said Commissioner shall appoint said water master as his assistants, they shall receive their compensation in the manner provided by the Statutes of Idaho with reference to such matters; but nothing herein contained shall require said Commissioner to appoint as his assistants such water masters so elected or appointed under the statutes of Idaho, unless, in his opinion, such appointment shall be conducive to the proper administration of this decree; and unless so appointed by said Commissioner as his assistants, said water masters shall have no authority to distribute the waters of Mud Lake or any of its tributaries while the distribution of the waters thereof shall be under the control of said Commissioner.

The salary and necessary expenses of said Commissioner and his assistants in the administration of this decree for the season of 1931 shall be borne as follows:

Pro rata, according to the amount of water herein decreed to each party.

Said Commissioner shall on or before April 1, 1931, prepare a budget covering the estimated expenditures for the ensuing season. After approval of this budget by the Court, said Commissioner shall distribute, pro rata, said estimated expenditures among the various users on the basis above set forth. Said Commissioner shall notify the parties to whom rights are herein decreed, or their successors, of the amount charged to each respectively, and shall also notify such parties of the time within which their respective shares of the installments thereof shall be paid to such Commissioner.

The Commissioner shall have authority to refuse to deliver water to any user until such time as such user's share of the expenses herein provided for is paid.

Said Commissioner shall at the close of the irrigation season of 1931 report to the Court his proceedings of the distribution of water, together with any recommendations touching directions for the administration of the waters herein decreed as they grow out of his experience in the distribution of water for said initial season.

-9-

The rights set forth in the Schedule of Rights, (Part II hereof) immediately following, are hereby decreed to the parties to this cause, respectively, as indicated in said schedule, which rights are to be used and enjoyed in accordance with the provisions of this decree, to-wit:

01/16/2001

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 31-184

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: 2-12-2006

SIGNATURE: *Garth Soderquist*

Please print your name: _____

MUD LAKE WATER USERS, INC.
P.O. BOX 68
TERRETON, ID 83450

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

Owsley Canal Company,
a corporation

1912 -- April 15
1916 - December 2
1924 - August 11
1921 - May 1
1911 - March 9

31 184 ✓
80.8 c. f. s. ✓
31 185 ✓
72.6 c. f. s. ✓
31 186 ✓
75.0 c. f. s. ✓
31 187 ✓
25.0 c. f. s. ✓
31 188 ✓
1.6 c. f. s.

225.0
255.

80.8 $\frac{1}{2}$ x 2 x 123 =

19876.8 acs ft

15320 acs
Combined limitation 15320

Source: Mud Lake.

Points of Diversion: (1) A point North 42° 30' East 3985 feet from the quarter corner common to Sections 11 and 14, Township 6 North, Range 34 East, B. M. (2) A point located in the Southeast Quarter of Section 1, Township 6 North, Range 34 East, B. M.

The diversion works consist of a dredged channel or channels from the points above described to a pump house located at or near the Southwest corner of Section 10, Township 6 North, Range 34 East, B. M.

For use on the following described land, to-wit: The Southwest Quarter of Section 4; all of Section 5; East Half of the Northeast Quarter and East Half of the Southeast Quarter of Section 7; all of Section 8; South Half and Northwest Quarter of Section 9; Southwest Quarter of the Southwest Quarter of Section 10; Northwest Quarter of the Northwest Quarter and South Half of Section 13; Southeast Quarter of the Northeast Quarter, Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of Section 14; Southwest Quarter of Section 15; all of Sections 18, 17, 20, 21, 22, 23, 24, 25, 26, and 27; North Half, North Half of the Southwest Quarter, Southeast Quarter of the Southwest Quarter, Southeast Quarter of Section 28; all of Section 29; North Half of Section 34; North Half of Section 35; North Half of Northeast Quarter; North Half Northwest Quarter of Section 36, -- all in Township 6 North, Range 34 East, B. M.

See word
document
for limitation

SCANNED
NOV 7 12002

Cwsley Canal Company,
a corporation

(Continued)

East Half of the Northeast Quarter,
Northwest Quarter of the Southwest
Quarter, South Half of the South-
west Quarter, Northeast Quarter of
the Southeast Quarter, South Half
of the Southeast Quarter of Section
8; North Half of Section 16; all of
Sections 17, 18, and 19; North Half
and Southwest Quarter of Section 20;
West Half of Section 29; and all
of Section 30, -- all in Township
6 North, Range 35 East, T. M.

Aggregating 15,320 acres.

No. 97

3.74

SCANNED
NOV 21 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1999

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

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

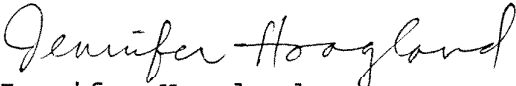
Dear Mr. Soderquist:

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

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

Please keep this report for your records.

Respectfully yours,


Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Kent Foster

SCANNED
NOV 21 2002

DELOG EC

6/24/99

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

RECEIVED

JUN 24 1999
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) _____
 Adjudication Claim Number(s) See attached list

2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

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

4. New Owner/Claimant(s) Mud Lake Water Users, Inc.
 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address P.O. Box 68
 City, State and ZIP Code Terreton, Idaho 83450
 New Telephone Number (208) 663-4359

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres actually irrigated _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Mud Lake Water Users Inc Date 6-24-99
South Anderson, President Date 6-24-99

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

SCANNED

NOV 7 1 2002



ARTICLES OF AMENDMENT (Non-profit)

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

FILED

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

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

2. The text of each amendment is as follows:

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

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

4. Manner of adoption (check one):

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

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

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

a. The number of members entitled to vote
was: 127

b. The number of members that voted for each
amendment was: 48

c. The number of members that voted against
each amendment was: 4

Dated: March 8, 1999

Signed by: Barth Soderquist
Its President

(Capacity of signer)

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

IDAHO SECRETARY OF STATE

03/22/1999 09:00

CK: 8836 CT: 91798 BH: 199218

1 @ 30.00 = 30.00 NON PROF A # 2

C 9932

SCANNED
NOV 21 2002

1/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Dorsey, Ernest Co. CLAIM # ENT. NO.

DATE RECEIVED 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

Comments: NE 1/4 SE 1/4 Sec 1 Not on map - NW 1/4 SE 1/4 Sec 1 on map

MICROFILMED

NOV 17 1992

but not listed on claim. - Acres totals 17985 - note A.F. for irrigation storage.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098
Return Service Requested

RECEIVED

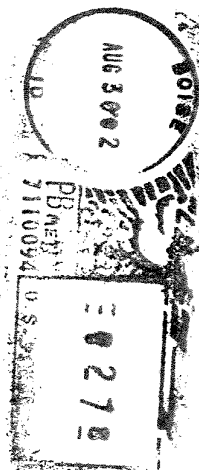
SEP 16 2002

Department of Water Resources

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

PRESORTED
FIRST CLASS

DON MC CORMICK
1044 NORTON
IDAHO FALLS ID 83401



SCANNED
NOV 21 2002

01/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-184

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

SOURCE: MUD LAKE TRIBUTARY: SINKS

19876.8 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 80.8 CFS BY A
FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO
SEPTEMBER 1ST).

PRIORITY DATE: 04/15/1912

POINT OF DIVERSION:	T06N R34E S1	NESWSW	Within JEFFERSON County
	T06N R34E S1	NESESW	Within JEFFERSON County
	T06N R34E S2	NESWNW	Within JEFFERSON County
	T07N R34E S34	NWSWSW	Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01-01 12-31	19,876.80 AFY
IRRIGATION FROM STORAGE	04-01 10-31	19,876.80 AFY

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF THE OWSLEY DIVISION OF
MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 17818.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330,
31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265,
31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-
2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005,
31-11430, 31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-
6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104,
31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-
169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237,
31-263, 31-363, (OWLSEY DIVISION SURFACE WATER), 31-134, 31-
135, 31-143, 31-144, 31-190, 31-192, (JACKETT DIVISION SURFACE
WATER), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-
10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-1096 (HOLLEY
DIVISION SURFACE WATER).

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 15320 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-184, 31-185, 31-186, 31-187,
31-188.

SCANNED

NOV 2 1 2002

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM -

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED
NOV 21 2002

-XXX
5802NP
LECTION FILE: JH-0W03.FY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION NAME INDEX

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

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

SCANNED
NOV 2 1 2002

1-XXX
15802N2
ELECTION FILE: JH-DWSELEY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION NAME INDEX

DATE: 06/30/99
TIME: 09:29:36
PAGE: 2

CLAIMANT	C WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER	TRIBUTARIES OF
D LAKE WATER USERS INC	C A31-00327	0/	11/16/1931	GROUNDWATER	MUD LAKE
D LAKE WATER USERS INC	C A31-00328	0/	09/05/1912	MUD LAKE	SINKS
D LAKE WATER USERS INC	C A31-00329	0/	01/08/1932	GROUNDWATER	MUD LAKE
D LAKE WATER USERS INC	C A31-00330	0/	06/26/1936	GROUNDWATER	MUD LAKE
D LAKE WATER USERS INC	C A31-00336B	0/	04/27/1932	GROUNDWATER	
D LAKE WATER USERS INC	C A31-00337B	0/	12/15/1932	GROUNDWATER	
D LAKE WATER USERS INC	C A31-00363	0/	08/28/1926	MUD LAKE	SINKS
D LAKE WATER USERS INC	C A31-02239	1/	01/25/1930	GROUNDWATER	
D LAKE WATER USERS INC	C A31-02265	1/	05/22/1940	GROUNDWATER	
D LAKE WATER USERS INC	C A31-02276	0/	01/17/1969	MUD LAKE	SINKS
D LAKE WATER USERS INC	C A31-02341	1/	09/03/1954	GROUNDWATER	
D LAKE WATER USERS INC	C A31-02342	1/	09/03/1954	GROUNDWATER	
D LAKE WATER USERS INC	C A31-02343	1/	09/03/1954	GROUNDWATER	
D LAKE WATER USERS INC	C A31-02344	1/	09/03/1954	GROUNDWATER	
D LAKE WATER USERS INC	C A31-02345	1/	09/03/1954	GROUNDWATER	
D LAKE WATER USERS INC	C A31-07005	0/	12/04/1967	MUD LAKE	SINKS
D LAKE WATER USERS INC	C A31-07043	1/	11/12/1970	GROUNDWATER	
D LAKE WATER USERS INC	C A31-07199A	1/	05/14/1976	GROUNDWATER	
D LAKE WATER USERS INC	C A31-10636	1/	04/01/1920	GROUNDWATER	
D LAKE WATER USERS INC	C A31-10637	1/	04/01/1920	GROUNDWATER	MUD LAKE

SCANNED
NOV 2 1 2002

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: A31-00184
Date Received: 11/30/1988
Receipt No: E004950
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OWSLEY CANAL COMPANY
Address: % HOLDEN, KIDWELL, HAHN &
CRAPO
P.O. BOX 50130
IDAHO FALLS,, ID 83405

Name: KENT W. FOSTER
Address: P.O. BOX 50130
IDAHO FALLS, ID 83405

208-523-0620



2. Date of Priority: APR 15, 1912

3. Source: MUD LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	34E	1	SE	SW			JEFFERSON
			NE	SE			JEFFERSON
			SW	SE			JEFFERSON
			SE	SE			JEFFERSON
07N	34E	34	SW	SW			JEFFERSON

5. Description of diverting works:
HEADINGS FOR OWSLEY CANAL AND LEVEL CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		
IRRIGATION STORAGE	11/01	04/01			17985.00
IRRIGATION FROM STORAGE	04/01	11/01			17985.00

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

A.F.A.

A31-00184

Page 1

Date: 09/07/89

MICROFILMED

NOV 17 1992

SCANNED

NOV 7 1 2002

8. Total consumptive use is 63017.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	3	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 480.0

4	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

5	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

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	5	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					
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 320.0					
		8	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			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					
		9	NE		NE		IRR	40.0
			NW		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	9	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

10	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	20.0
	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 620.0

11	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 320.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	13	NW		NW		IRR	40.0
			SW		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	400.0
		14	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	30.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	470.0
		15	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	480.0
		16	NE		NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	16	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	640.0
		17	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		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	30.0
			SE		SE		IRR	25.0
							Section Acres	615.0
		20	NE		NE		IRR	25.0
			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

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	20	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 625.0

21	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	25.0
	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 625.0

22	NE	NE	IRR	20.0
	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

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40 20.0
20 40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	22	SE	SE		IRR	40.0
						Section Acres	600.0
		23	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
		24	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	10.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	30.0
			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	600.0
		25	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	25	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

26	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

27	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

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	27	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

28	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

29	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

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	34	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
			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 560.0

35	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

35E	8	NW	SW	IRR	40.0
		SW	SW	IRR	40.0
		SE	SW	IRR	40.0
		SW	SE	IRR	40.0
		SE	SE	IRR	40.0

Section Acres 200.0

17	NE	NW	IRR	40.0
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	17	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

Section Acres 320.0

18	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

19	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

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	20	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
29			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	10.0
			SE		SW		IRR	40.0
Section Acres								290.0
30			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	25.0
			SW		NW		IRR	25.0
			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

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	30	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	610.0
07N	34E	32	SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	120.0
		33	NW	SW		IRR	10.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	10.0
						Section Acres	130.0
						Total Acres	17985.0 / 8,005

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:
A31-0065/0168/0188/0166/0263/0147/0052/ CON. IN REMARKS

14. Remarks:
OWSLEY CANAL COMPANY HOLDS THIS AND ALL ITS WATER RIGHTS FOR THE
USE AND BENEFIT OF THE LANDS OF ITS STOCKHOLDERS DESCRIBED IN THE
ATTACHED LAND LIST (ATTACHMENT "C")
0147/0150/0162/0159/0185/0163/0006/0169/0237/0034/0035/0187/
0036/0037/0232/0038/0186/0363/
BYBEE WELL FIELD- 31-0327/0328/0329/0330/
NORTH LAKE WELL FIELD-31-2239/2265/2341/2342/2343/2344/2345/7005/
WASTEWATER- 31-2276.
*****MENO*****

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

ERNEST SAUVE
Decree Plaintiff

W. H. ABBOTT, ET AL.
Decree Defendant

A31-00184

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Date: 09/07/89

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16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 31-0184

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 30 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Owsley 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) April 15, 1912
3. Source of water supply (a) Mud Lake
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 6N Range 34E Section 1,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Jefferson
Additional points of diversion if any: NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, all in Sec. 1;
SW1/4SW1/4 Sec. 34, T7N, R34E.
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,
_____ 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. See Attachment "A"

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr 1 to Nov 1 amount 80.8 or _____

For Irr. Storage purposes from Nov 1 to Apr 1 amount _____ or See Attachment "B"

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 80.8 (cfs) and/or (b) See Attachment "B" (acre feet)

8. Total consumptive use claimed is 63,017.5 acre feet per annum, for combination of all rights shown in Attachment "D".

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: See Attachment "C"

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

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

Total number of acres irrigated 18,005

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.
See Attachment "D" (list of all water rights for Owsley service area) or None ()

14. Remarks: Owsley Canal Company holds this and all its water rights for the use and benefit of the lands of its stockholders described in the attached land list (Attachment "C").

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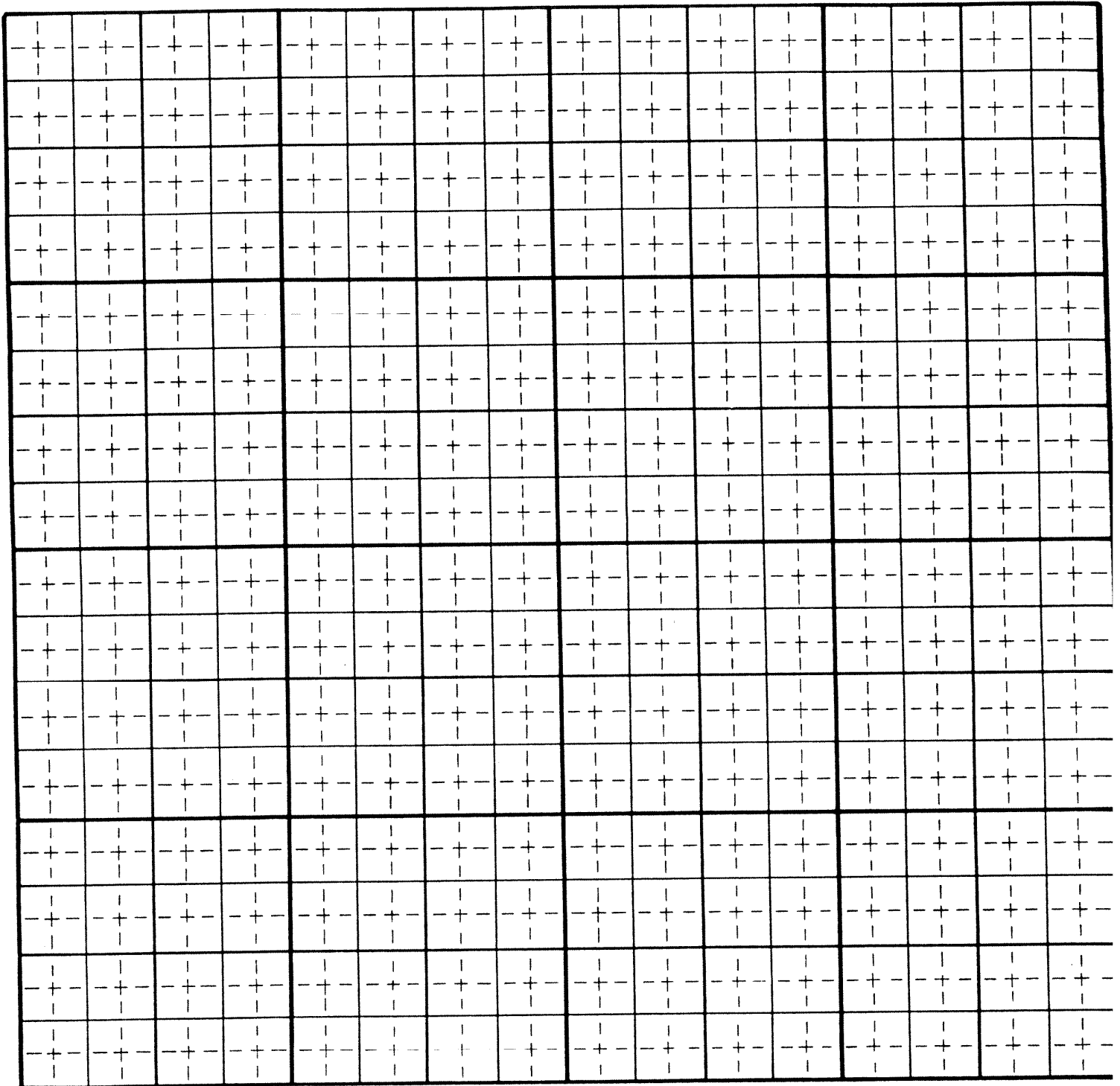
Last Name Owsley Canal Co. Ident No. 31-0184

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See set of maps accompanying all Owsley Canal Company claims



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Last Name Owsley Canal Co. Ident No. 31-0184

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 31-0184

Court U.S. District Case Number 635 Decree Date Nov. 1, 1930

Plaintiff vs Defendant Ernest Sauve v. W. H. Abbott, et al.

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 5

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 Vice President

Title

of Owsley Canal Company, that I have signed the foregoing

Organization

document in the space below as Vice President of said corporation

Title

Organization

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

Signature of Authorized Agent [Signature]

Title and Organization Vice Pres., Owsley Canal Company Date Nov. 30, 1988

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

Subscribed and sworn (or affirmed) before me this 30th 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 30, 1988

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Last Name Owsley Canal Co. Ident. Number 31-0184

Copies White-State, Yellow-Claimant

DESCRIPTION OF
EXISTING DIVERSION WORKS

The Owsley Canal Company diversions fall into four categories:

1. Diversions from Mud Lake in Section 1, T6N, R34E.

Water under all rights to the natural flows of Mud Lake and its tributaries, water diverted by the Bybee wells, and at times much of the water diverted by the North Lake wells, as well as water under all storage rights in connection with such sources, flows from Mud Lake through the main intake canal of the company to the main lift pumping station located just south of Highway 28 in the NW1/4NW1/4 of Section 24, T6N, R34E. There are four pumps at the main lift station, three 200 HP pumps and one 150 HP pump. The pumps lift water about seventeen feet and produce some 329 cfs of flow in the canal system. In addition some water is diverted through the Level Canal Company intake from Mud Lake in the SW1/4SW1/4 Section 34, T7N, R34E and then recaptured by means of a pump located on the south bank of said canal in the SE1/4SE1/4 Section 33 of said township and range for the irrigation of some two hundred acres of farm land. This is referred to as the Shively (tenant) or Staley (landowner) diversion.

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2. Diversions of groundwater at the Bybee well field in Section 25, T7N, R35E.

When these wells were first drilled, the water flowed from them under pressure in the amount of about 200 cfs. Over the years the number of wells and the depth has been increased, and pumps have been installed to produce the 200 cfs. There are now eight wells with pumps. They range in depth from twenty-two feet to one hundred feet. There are six 100 HP pumps, one 75 HP pump and one 60 HP pump. Water from the wells is collected in a system of ditches with a large sump and discharged through a concrete and earthen structure into Camas Creek. It flows through the channel of Camas Creek to Mud Lake from which it is then rediverted as described above.

3. Diversions of groundwater at the North Lake well field in Sections 13, 18, 19 and 24 of T7N, R34E.

There are some sixteen drilled wells in this location, eleven are currently in use. Their combined maximum capacity is 197.66 cfs. The depth of nearly all eleven producing wells is one hundred feet. All but one of the pumps are 75 HP pumps; one is a 60 HP pump. These wells discharge into a system of collection ditches which feed a main ditch running in a generally southwesterly direction to a bifurcation structure in Section 34 of said township and range. From the bifurcation structure, water is either delivered south into Mud Lake for rediversion as described above, or in a southwesterly direction to the west lift pumps of the company, sometimes referred to as the "Sparks Pumps". This lift station is located in the

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SW1/4SW1/4 of Section 33, T7N, R34E where the water is lifted some fifteen feet into the Owsley Canal system.

4. Diversions of wastewater within the Owsley Canal system by means of subpumps.

There are twelve subpumps located strategically throughout the Owsley system for the purpose of pumping excess tailwater and subwater from irrigation of the lands back into either the canal system or Mud Lake for reuse. These are relatively smaller pumps ranging in size from 3 HP to 20 HP and lift water eight to eighteen feet.

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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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**OWSLEY CANAL COMPANY SERVICE AREA
DESCRIPTION OF PLACE OF USE**

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	
6N	34E	3					40	40	40	40	40	40	40	40	40	40	40	40	480
		4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	40	40	40	40									40	40	40	40	320
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		10	40	40	40	40	20	40	40	40	40	40	40	40	40	40	40	40	620
		11									40	40	40	40	40	40	40	40	320
		13						40	40		40	40	40	40	40	40	40	40	400
		14	40	40	40	40					40	40	40	30	40	40	40	40	470
		15					40	40	40	40	40	40	40	40	40	40	40	40	480
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	30	25	615
		20	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		21	40	40	40	40	40	25	40	40	40	40	40	40	40	40	40	40	625
		22	20	40	40	40	40	20	40	40	40	40	40	40	40	40	40	40	600
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	10	40	40	30	40	40	40	40	40	40	40	40	600
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6N	35E	8										40	40	40			40	40	200
		17					40	40	40	40	40	40	40	40					320
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29					40	40	40	40	40	40	10	40					290
		30	40	40	40	40	40	25	25	40	40	40	40	40	40	40	40	40	610
		32												40	40	40	40	40	120
7N	34E	32																	
		33										10	40	40					130

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OWSLEY CANAL COMPANY
LIST OF WATER RIGHTS FOR SERVICE AREA

A. Mud Lake and Tributaries

31-0065
31-0168
31-0188
31-0184
31-0166
31-0263
31-0147
31-0052
31-0104
31-0105
31-0162
31-0159
31-0185
31-0163
31-0006
31-0169
31-0237
31-0034
31-0035
31-0187
31-0036
31-0037
31-0232
31-0038
31-0186
31-0363

B. Bybee Well Field

31-0327
31-0328
31-0329
31-0330

C. North Lake Well Field

31-2239
31-2265
31-2341
31-2342
31-2343
31-2344
31-2345
31-7005

D. Wastewater

31-2276

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