

Total acres 1636.7

PART 1

6. General Information:

a. Description of diversion system water from lake free flows into channel
↓ to reduction pumps

NA b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

This will be irrigated by a ground water right

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

PART I

B.5. LAND LIST. Level Canal Preliminary Land List

Township	Range	Sec	Qq	Lot	Acres
06N	33E	1	NENE	1	39
06N	33E	1	NWNE	2	40
06N	33E	1	SWNE		40
06N	33E	1	SENE		36
06N	33E	1	NENW	3	40
06N	33E	1	NWNW	4	39
06N	33E	1	SWNW		39
06N	33E	1	SENW		40
06N	33E	1	NESW		40
06N	33E	1	NWSW		39
06N	33E	1	SWSW		38
06N	33E	1	SESW		39
06N	33E	1	NESE		40
06N	33E	1	NWSE		40
06N	33E	1	SWSE		40
06N	33E	1	SESE		39.7
06N	34E	6	NENW	3	39
06N	34E	6	NWNW	4	35
06N	34E	6	SWNW	5	38
06N	34E	6	SENW		40
07N	34E	31	NENW		40
07N	34E	31	NWNW	1	38
07N	34E	31	SWNW	2	39
07N	34E	31	SENW		40
07N	34E	31	NESW		40
07N	34E	31	NWSW	3	39
07N	34E	31	SWSW	4	34
07N	34E	31	SESW		39
07N	33E	36	NENE		39
07N	33E	36	NWNE		40
07N	33E	36	SWNE		40
07N	33E	36	SENE		39
07N	33E	36	NENW		40
07N	33E	36	SENW		40
07N	33E	36	NESW		40
07N	33E	36	NWSW		39
07N	33E	36	SWSW		38
07N	33E	36	SESW		39
07N	33E	36	NESE		39
07N	33E	36	NWSE		40
07N	33E	36	SWSE		38
07N	33E	36	SESE		36
					1636.7

PART I

B.5. ATTACHED LAND LIST

LEVEL CANAL

PART 2

TRANS NO. 5712

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-00189

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 09/01	22.40 CFS
STOCKWATER	to	
DOMESTIC	to	
Totals		22.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MUD LAKE	SINKS

Priority: 09/17/1912

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 33, Township 07N, Range 34E
JEFFERSON CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06N	33E	1	:	I		I		I		I		I		:											:	
06N	34E	6	:							I		I		:							I				:	
07N	33E	36	:											:											:	
07N	34E	31	:							I		I		:							I				:	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

CONDITIONS/REMARKS:

1. TRANS. TO CHANGE P/D.
2. AC. IRR.=700.

NOTE: According to
decree place of
use includes:
All of Sec 36 and
W 1/2 Sec 31

Describe any other water rights used for the same purpose as described above:

Water Right No. 31-00189

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

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2

TRANS NO. 5712

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-00005

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 09/01	1.60 CFS
STOCKWATER	to	
DOMESTIC	to	
	Totals	1.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MUD LAKE	SINKS

Priority: 10/03/1910

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 33, Township 07N, Range 34E
JEFFERSON County

PLACE OF USE:

IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	:	---	---	---	---	---	---	:	---	---	---	---	---	:	---	
07N	33E	36	:					:	40				:	40			:						:						:	80.0		
																												TOTAL ACRES	80.0			

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

CONDITIONS/REMARKS:

1. TRANS. 1657.

Describe any other water rights used for the same purpose as described above:

Water Right No. 31-00005

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

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2

TRANS NO. 5712

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A31-11335

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	11.09 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MUD LAKE	SINKS

Priority: 05/01/1952

LOCATION OF POINT(S) OF DIVERSION:
 Rediversion

SESESE , Sec. 33, Township 07N, Range 34E
 SWSWSW , Sec. 33, Township 07N, Range 34E
 JEFFERSON County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE													
				NENE	NWNE	SWNE	SENE	: NENW				NWNW	SWNW	SENW	: NESW				NWSW	SWSW	SESW	: NESE				NWSE	SWSE	SESE	:
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	33E	1	:	40		40		40		40		40		40		40		40		40		40		40		40		:	480.0
06N	33E	11	:				05	25																				:	30.0
06N	33E	12	:							40		40		25		40												:	145.0
06N	34E	6	:							40		40		40		40												:	160.0
07N	33E	36	:	40		40		40		40				40		40		40		40		40		40		40		:	560.0
07N	34E	31	:							40		40		40		40		40		40		40		40		40		:	320.0
																												TOTAL ACRES	1695.0

CONDITIONS/REMARKS:

1. TRANS. TO CHANGE P/D.
2. THIS IS AN EXPANSION CLAIM OF DECREE 31-00189 AND IS LIMITED TO 856.7 acres HWJ 3-10-2000

Describe any other water rights used for the same purpose as described above:

See 31-00189 & 31-00005

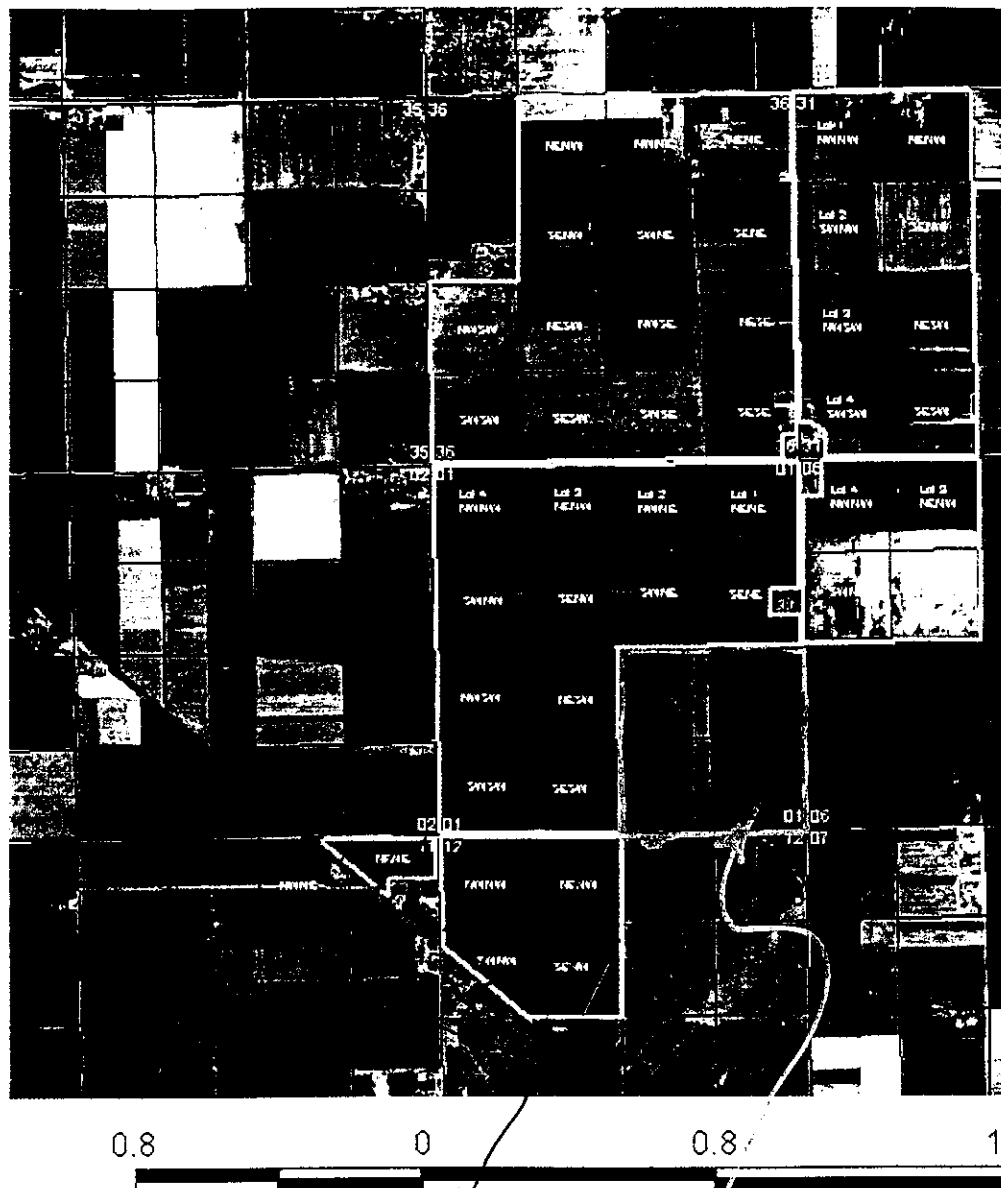
Claim No. A31-11335

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

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

Level Canal Com



Draft of
irrigated acres
Not a recommendation

PART 3

B. CHANGES IN NATURE OF USE

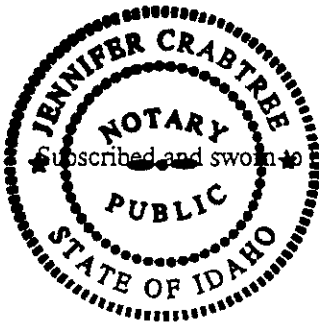
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

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

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

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



Wm. Parker V.P. Lead Canal
 (Signature of Applicant)

Subscribed and sworn to before me this 16th day of March, 20 00

Jennifer Crabtree
 (Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 2 attachments

Received by HWS Date 3-16-2000 Protest filed by _____

Prelim. Check by KCW Fee \$100~~00~~

Receipted by HWS Date 3-16-2000

Published in Jefferson Star, Post Register, Times News, Id Statesman, Lewiston Tribune

Pub. Dates April 12 & 19, 2000 & April 13 & 20, 2000 Copies of protest forwarded by _____
 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2002

LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW ID 83435

RE: Transfer #66079 for water right(s) 31-5 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Claimant:

The Idaho Department of Water Resources (IDWR) approved Transfer #66079, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

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)

Water Rights: 31-5

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **66079**

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 26, 2002

Ernest Calson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 26, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW ID 83435

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

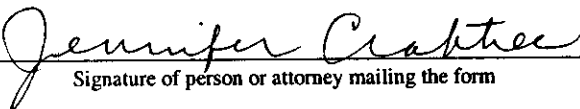
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form



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

March 16, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**LEVEL CANAL CO INC
C/O WILFRIED SCHMITT
HC 63 BOX 2585
MONTEVIEW ID 83435**

RE: NOTICE OF ERROR

Dear Mr. Schmitt:

Water Agent Bryce Contor has finished reviewing your Notice of Error for water right numbers ~~31-00189~~, 31-00189 and 31-11335, and has adjusted the claims accordingly.

Enclosed for your records are copies of the recommendations and an aerial photo of the property.

If you have any questions feel free to contact Bryce Contor at this office.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

RECEIVED

01/16/2001

APR - 3 2001

Idaho Department of Water Resources

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 9, 2001

Water right number: 31-5

ds.
899E 1800N LEVEL CANAL CO INC
C/O WILFRIED SCHMITT
~~HE-63 BOX 2585~~
MONTEVIEW, ID 83435

Daytime Telephone Number: (208) 663-4579
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:

*change the calf pasture Acreage Near Farm yard
to show that this ground was Farmed*

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: 3-1-01 SIGNATURE: Wilfried T. Schmitt
Please print your name: Wilfried T. Schmitt

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

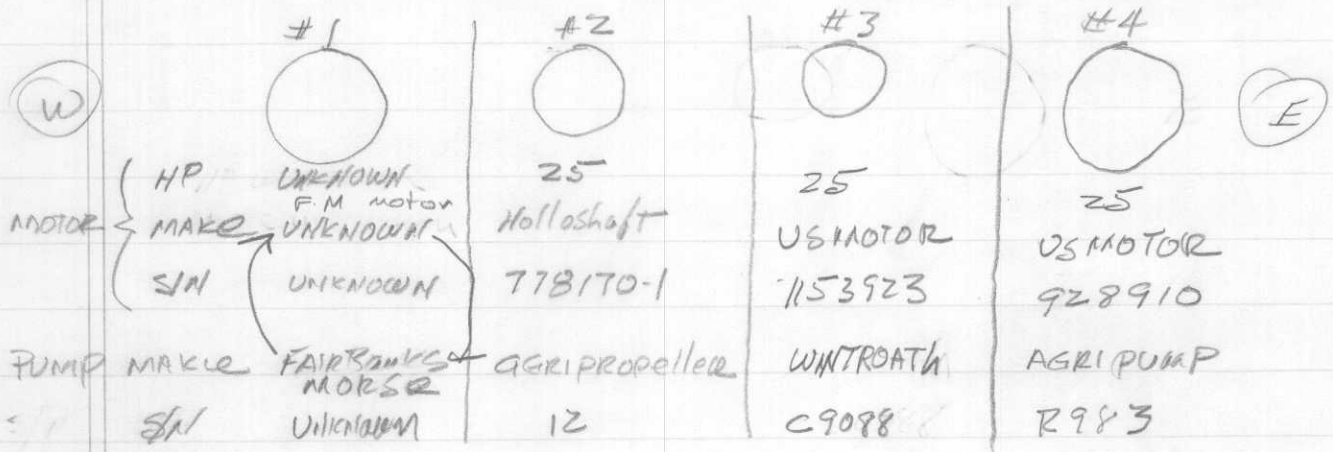
Erik Norquest / Carter Fritschle

2N 7-14-94

LEVEL CANAL CLAIM# A31-00189, A31-00005 2N

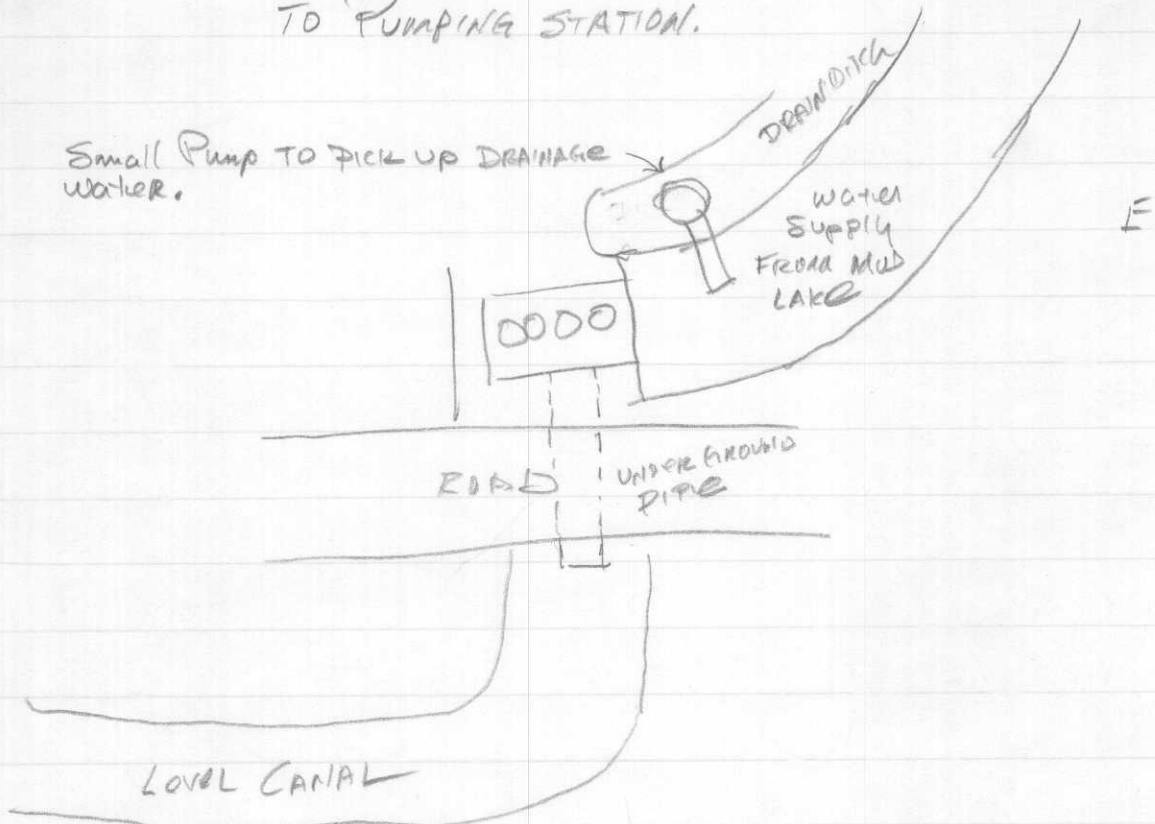
POD

T7N R34E S33 SWSE SE



2-12 2N PHOTO #12 Looking NE showing the Four Pumps and water supply from MUD LAKE

2-13 2N PHOTO #13 Looking SW showing TRASH RACK and Inlet TO PUMPING STATION.



NO POD found in T7N R34E S33 SWSWSW as claimed

7-14-94 Level Canal

A31-00189 - A31-00005

3-1

Photo #1 Looking South West. Showing a Zumatic Lateral move sprinkler system. T6N R33E S1

3-2

Photo #2 Electrical Controlled headgate for the Zumatic Lateral Move System, Looking North. T6N R33E S1

3-3

Photo #3 Looking SE from the NW corner of section 6, T6N R34E showing where farm buildings have been removed

3-4

Photo #4 ^{T6N R33E} Section 12 Looking SE from 1280' W of NW corner of Sec. 12, Showing Level Canal water source which comes across road, underground from section 1 ^{Level Canal.}

3-5

Photo #5 T6N R33E S1 1/4 mi East of the NW corner S1

Photo Shows 1 mile of Level canal and a Zumatic Lateral Move ^{Parallel} sprinkler system.
CA

Claim identification no. A31-00189
A31-00005



T LEVEL CANAL
2-12 7-14-94
T7N 34E S33
SWSESE

+ LOOKING NE SHOWING THE FOUR LIFT PUMPS AND THE
WATER SUPPLY FROM MUD LAKE

± E.N.



T # 2-13 7-14-94
T7N 34E S33

LOOKING SW SHOWING TRASH RACK AND INLET TO A
PUMP^{LIFT} STATION.

± E.N.

Claim identification no.

A31-00189
A31-00005

Level CANAL
#3-3 7-14-94
T6N 33E Sec 6



E.N. 7-14-94

LOOKING SE FROM THE NW CORNER OF SEC 6 SHOWING
WHERE FARM BUILDINGS HAVE BEEN REMOVED.



#3-A 7-14-94
T6N R33E SEC 12

E.N. 7-14-94

LOOKING SE FROM 1280' WEST OF NW CORNER OF
SECTION 12, SHOWING Level CANAL WATER SOURCE WHICH
COMES ACROSS THE ROAD UNDERGROUND FROM THE Level
CANAL IN SECTION 1.

Identification no.

A31-00189
A31-00005

Level Canal
#3-2 7-14-94

T6N R33E Sect 1
Looking North showing an
Electrically Controlled
Headgate for the Zimatic
Lateral Move Sprinkler System



E.N.



#3-1 7-14-94

Looking SW showing
The Zimatic Lateral
Sprinkler System
T6N R33E Sect 1

E.N.

Claim identification no. A31-00189
A31-00005

Level CANAL
#3-5 7-14-94
T6N R33E Sect 1

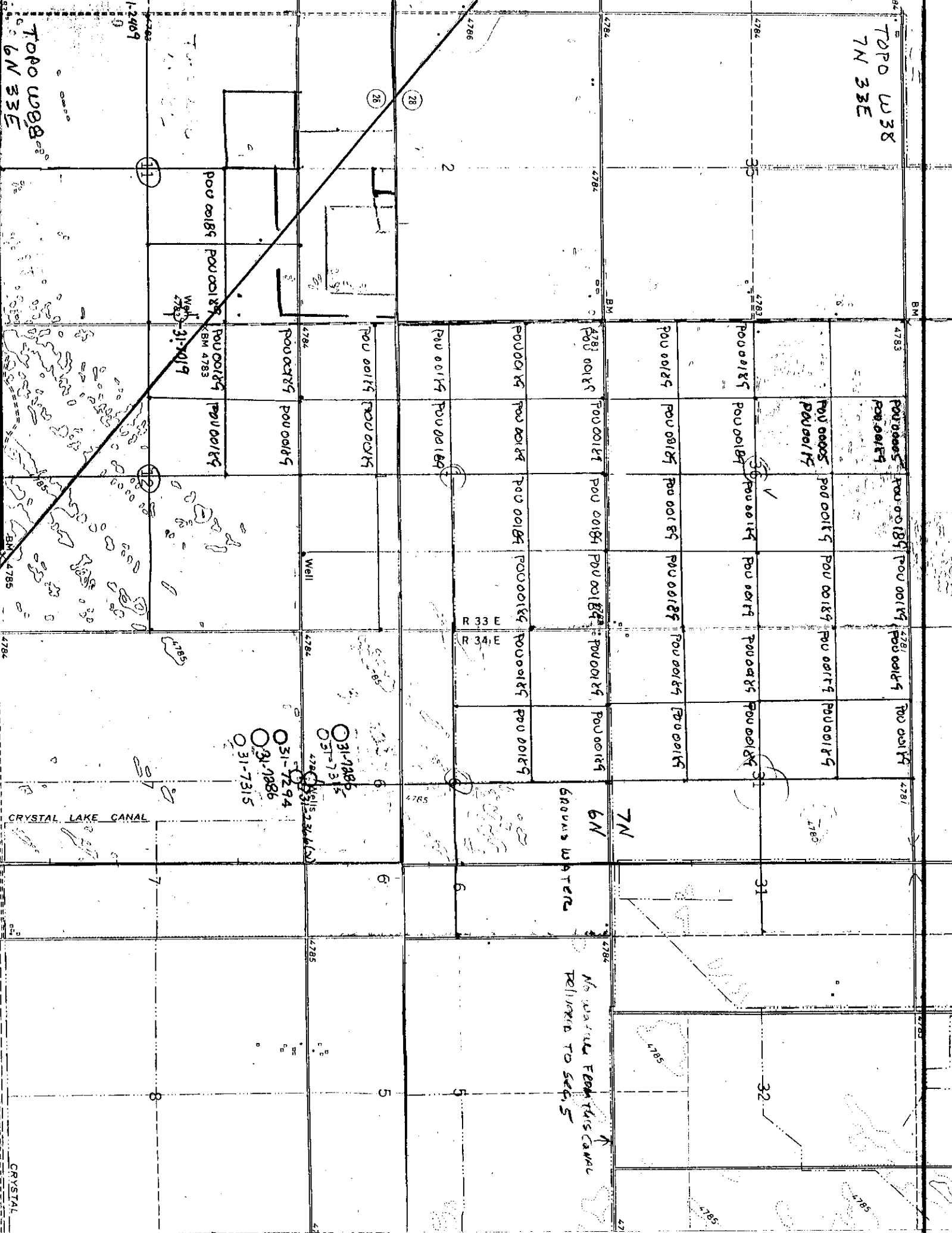


EN 7-14-94

+ 1/4 mile EAST OF NW CORNER OF SECTION 1 SHOWING
ONE MILE OF LEVEL CANAL AND A ZIRNATIC PARALLEL SPRINKLER
SYSTEM, Looking South CA

TOPO W38
7N 33E

TOPO W38
6N 33E



31-2409

31-7294
31-7286
31-7315

CRYSTAL LAKE CANAL

CRYSTAL

2

26

28

31

32

R 33 E
R 34 E

6N
7N
GROUND WATER

NO WATER FEED THIS CANAL
RELINQUISHED TO SEC. 5

35

31

32

BM

4783

4781

4781

4784

4785

4785

BM

4781

4781

4781

4784

4785

4785

4784

4784

4785

4785

4785

4785

BM

4785

4784

4784

4785

4785

4785

Identification No. 31-0005

Transfer No. 1657

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

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

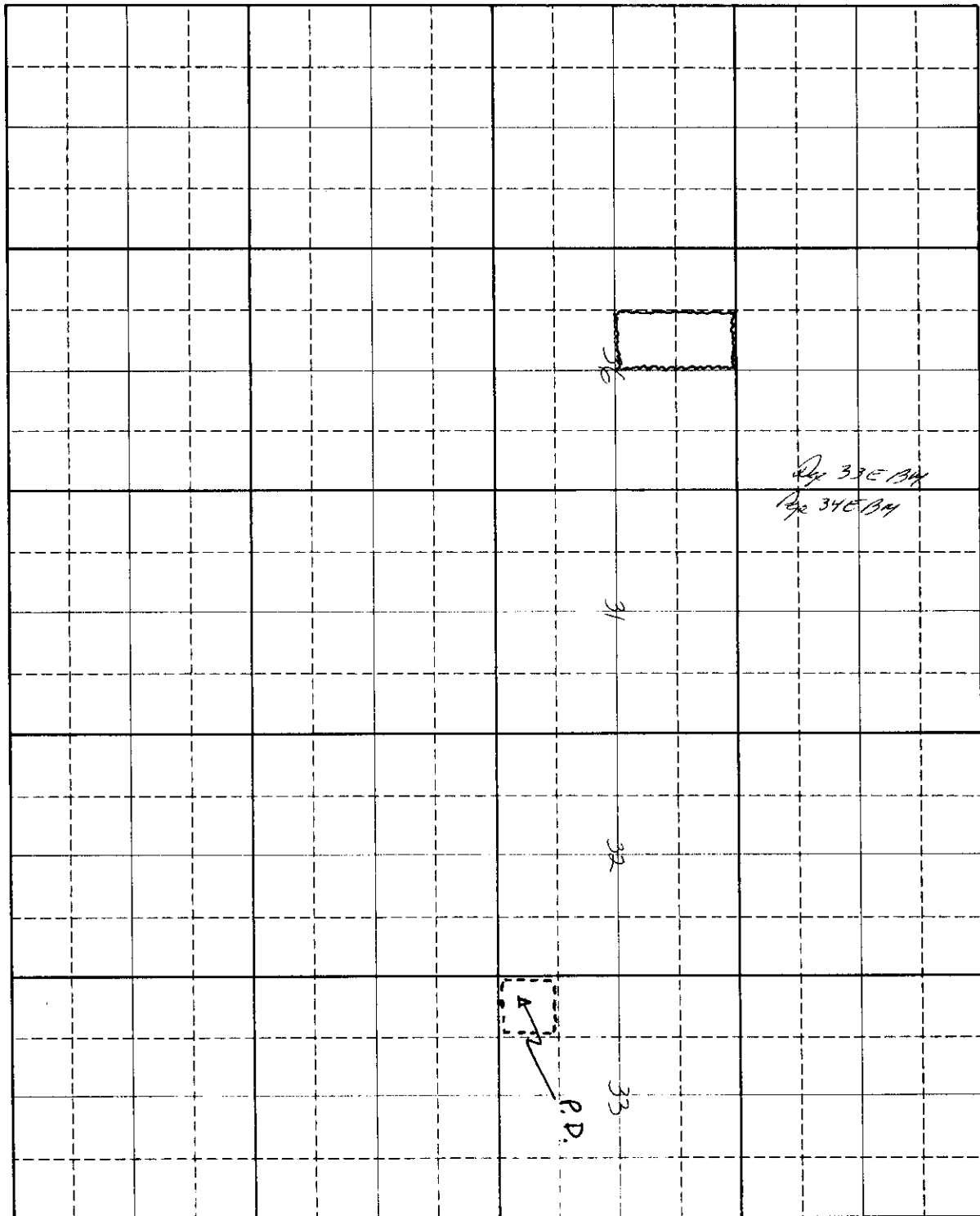
1. Name of Right Holder Level Canal Company
Post office address Montevieu, Idaho
2. Right obtained by:
 - a. Decree to W. H. Abbott in Case of Sauve
(Name)
vs. Abbott, Dated 1930 in U.S. District Court, Idaho
Eastern Division (Name of Court)
Court. County of Jefferson.
 - b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Mud Lake tributary to sinks
(Name of stream or source)
4. Date of Priority Oct 3, 1910
5. Amount of water a. 1.6 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from May 1 to Nov. 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22,
Township 7N, Range 34E, B.M., in Jefferson County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	34E	28					40	40		40									120
		29	40																40

Total number of acres presently irrigated 160

Top 70



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: _____
purchase

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.60 c.f.s. and/or _____ acre feet
- b. New point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 7N
 _____, Range 34E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
pump and canal
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No X
 If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Purchased to place on grounds not covered with water but within
District.
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	33E	36					40			40									80

Total number of acres to be irrigated 80

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: none

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

X General Daniel G. Schmitt
(signature of applicant)

Subscribed and sworn to before me this 15th day of December, 1970

Jay Gardner
(notary public)

My commission expires December 13th 1973

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0005/1657,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 30th day of April, 19 71

Stephen J. Allred
State Reclamation Engineer
Deputy Director

FOR DEPARTMENT USE ONLY

Received by ef Date 12-17-70

Protest filed by: _____ Date _____

Prelim. check by ef Date 12-17-70

Fee received by ef Date 12-17-70 Fee \$ 20

Approved for publication by ef

Published in The Register Dates Jan 21 + 28

Hearing held _____

Watermaster Recommendation sent December 17, 1970

CORPORATION QUITCLAIM DEED

THIS INDENTURE, Made this 14 day of DECEMBER, in the
year of our Lord one thousand nine hundred and SEVENTY, between

OWSLEY CANAL COMPANY

a corporation duly organized and existing under the laws of the State of IDAHO, and
having its principal office in Idaho at _____, County of JEFFERSON,
State of Idaho, the party of the first part, and LEVEL CANAL COMPANY, AN IDAHO
CORPORATION

of _____, County of JEFFERSON, State of IDAHO
the part Y of the second part.

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by
resolution of its Board of Directors, for and in consideration of the sum of TEN DOLLARS
AND OTHER GOOD AND VALUABLE CONSIDERATION _____ DOLLARS,

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

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

and to ITS SUCCESSIONS ~~heirs~~ and assigns, ~~all~~ certain ~~lot~~ piece ~~or parcel~~
of land, situate, lying, and being in _____, County of _____, State of

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

1.6 C.F.S. OF THE WATERS OF MUD LAKE, IN JEFFERSON COUNTY,
IDAHO, WITH A PRIORITY DATE OF OCTOBER 3, 1910, AS ORIGINALLY
DECREED TO W. H. ABBOTT ON PAGE 21, DECREE No. 2 OF A DECREE
ENTERED IN THE DISTRICT COURT OF THE U.S., DISTRICT OF IDAHO,
ENTITLED EARNEST SAUVE, PLAINTIFF, VS. W. H. ABBOTT, ET AL, DEFENDANTS

THIS IS A CORRECTION DEED AND IS DESIGNED TO FURTHER DESCRIBE
THE SAME WATER RIGHT REPRESENTED BY DEED RECORDED DECEMBER 8, 1970
AS INSTRUMENT NO. 156574 RECORDS OF JEFFERSON COUNTY, IDAHO.
IT DOES NOT REPRESENT ANY FURTHER TRANSFER OF WATER, BUT ONLY
DESCRIBES IN FURTHER DETAIL THE SAME WATER RIGHT REPRESENTED BY
THE PRIOR INSTRUMENT.

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

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part...Y...of the second part, and to...T.S... heirs and assigns forever.
SUCCESSORS

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

Signed, Sealed and Delivered in the Presence of

OWSLEY CANAL COMPANY
By W. V. Speelman
Its VICE President.
Attest
Its Secretary.

STATE OF IDAHO,
County of BONNEVILLE ss.

On this 14 day of DECEMBER, in the year 1970, before me,
THE UNDERSIGNED
W. V. SPEELMON
appeared

known to me to be the VICE PRESIDENT of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

[Signature]
Notary Public for the State of Idaho,
Residing at IDAHO FALLS, Idaho.

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

Level Canal Adjusted Place of Use



To: Level Canal files
Independent Canal files
Fr: Bryce Contor
Date: 10/20/2000



Re: POU in section 11.

Don Parker called today and confirmed that the correct POU in section 11 is those lands north of the Salmon Highway.

I suspect that this is just a typographical error and I will correct it per this memo.



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

✓ Level Canal Co.
c/o Wilfried
Schmitt
HC 63 Box 2585
Montevideo, Idaho 83435

Independent Water Users of Mud Lake
c/o Don Parker
2032 W 4200 S
Rexburg, Idaho 83440

Re: Place of Use

Dear Mr. Schmitt and Mr. Parker:

Enclosed are draft maps of the tentative place of use for water rights under the Level Canal and Independent Water Users.

Please review them carefully and contact me if there are problems or concerns.

Especially please look at the enclosed detail map of lands in T6N R33E Section 11. The yellow shape north of the Salmon Highway and West of the Montevideo Highway is the place of use I believe should be recommended. The blue shape behind Holdaway's place is the place of use that is claimed. I need to know which of these is correct. If the yellow shape is correct, I'll need to prepare amended claims for your signatures. There will be no fee.

I'll be out of town on Wednesday, Thursday, and Friday. You may call me at home, 663-4853, this weekend, or you may call me at the office, 525-7161, next week.

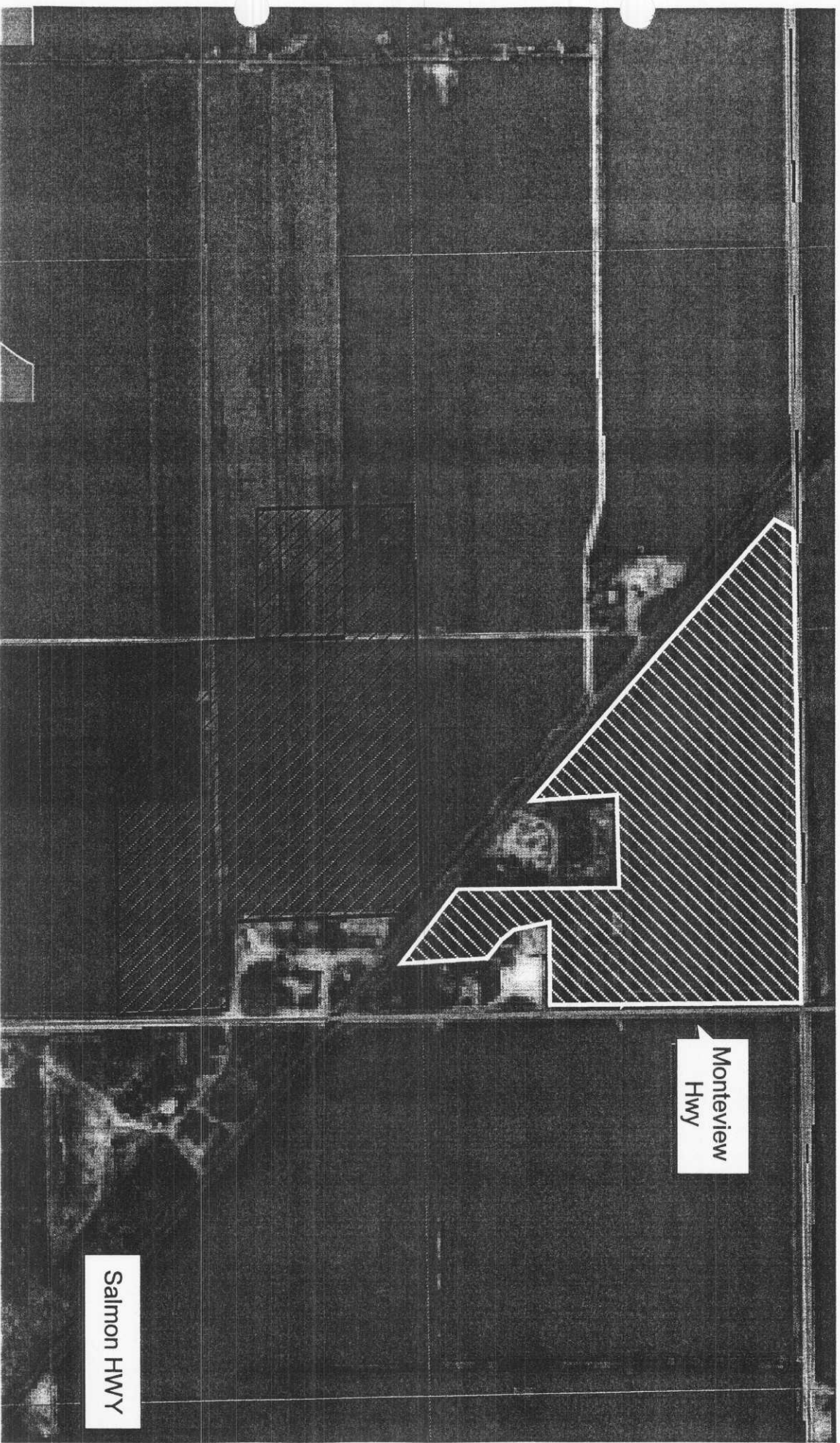
Sincerely,

Bryce A. Contor
Senior Water Resource Agent

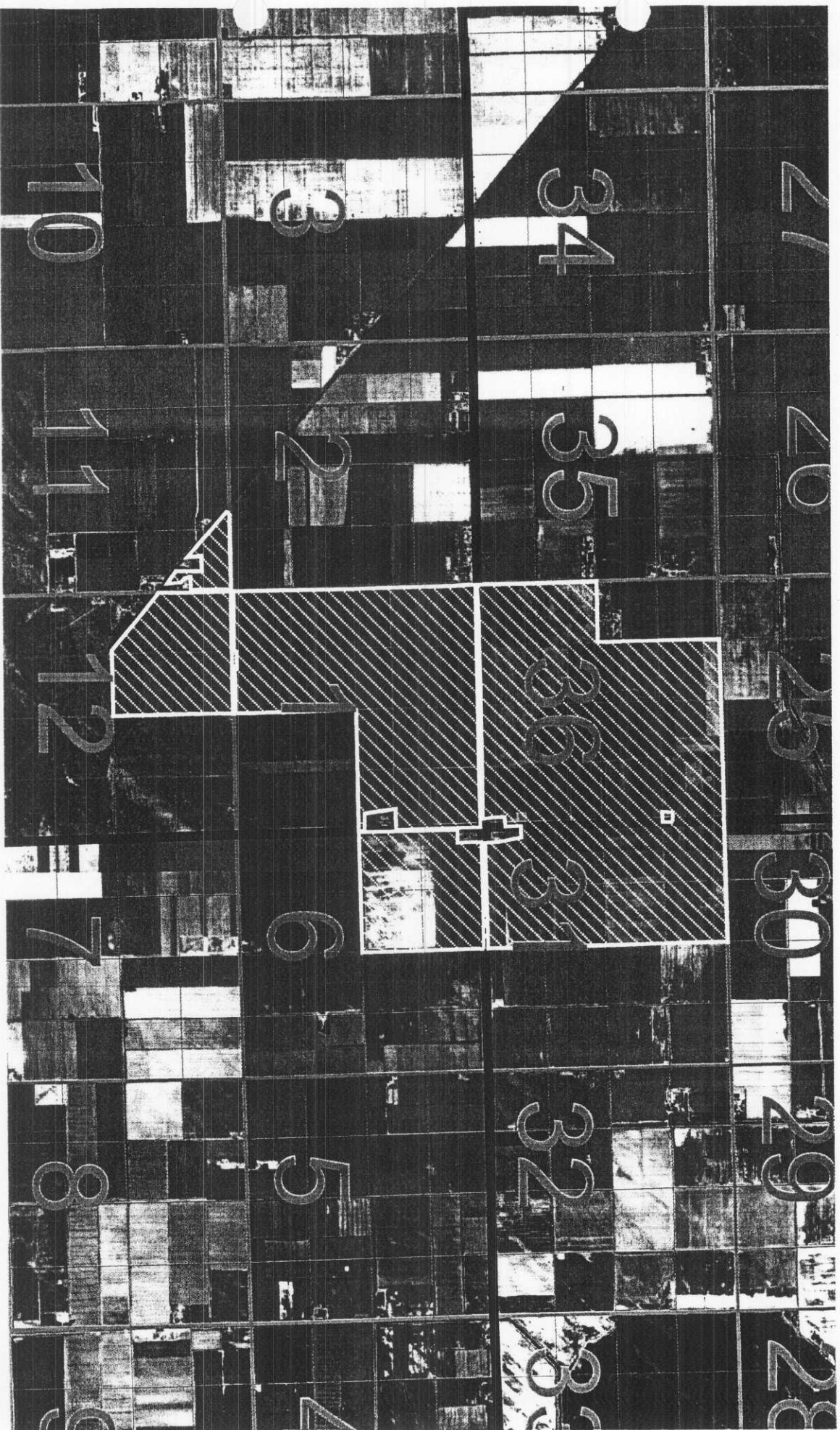
Level Canal/Independent Water Users Place of Use Question

October 9, 2000

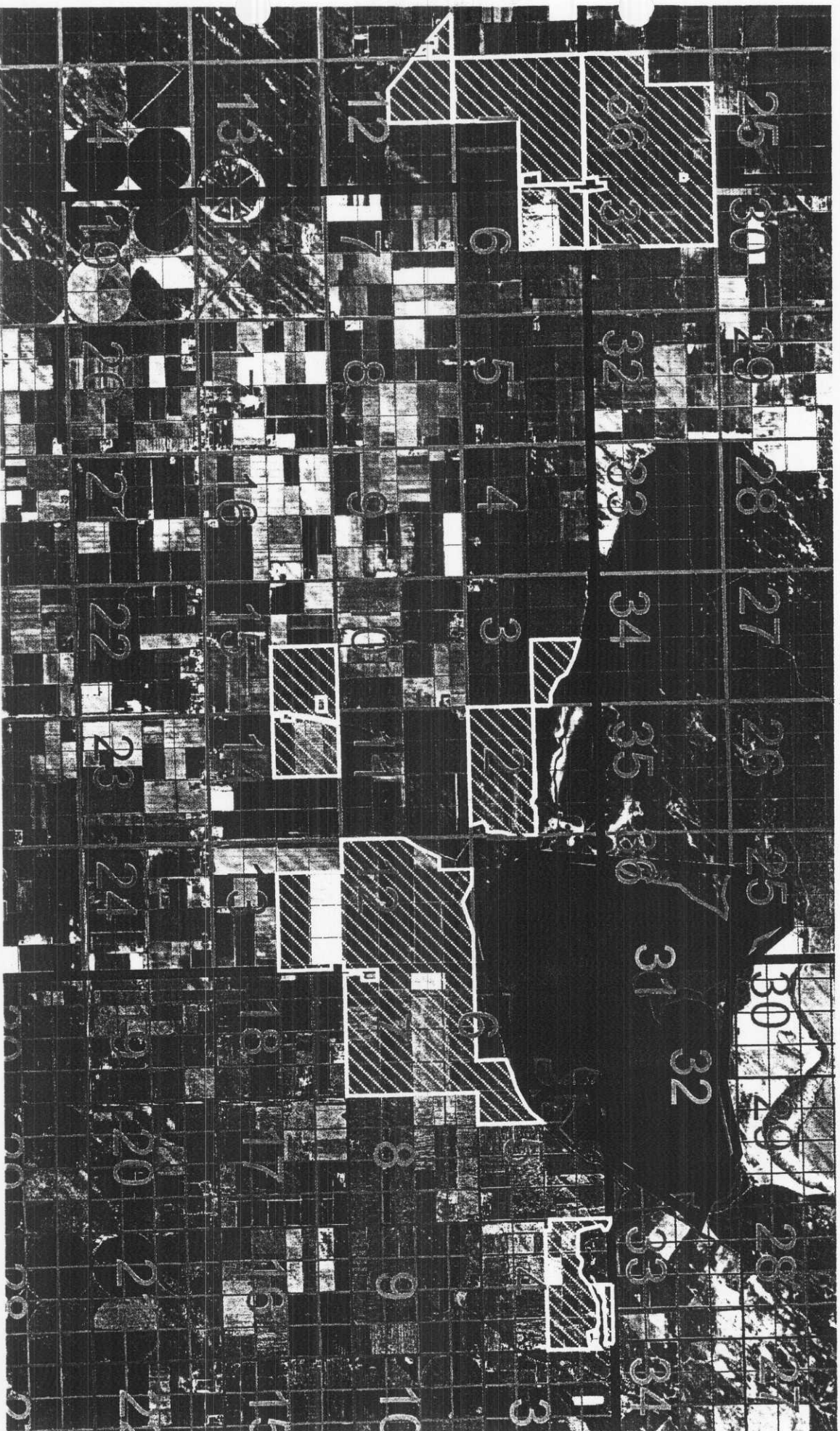
Yellow - Presumed Place of Use. Blue - Claimed Place of Use



Working Map of Level Canal Place of Use -
October 9, 2000



Working Map of Independent Water Users Place of Use
October 9, 2000 - Version 1



Identification No. 31-0005

Transfer No. 1657

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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

1. Name of Right Holder Level Canal Company

Post office address Monteview, Idaho

2. Right obtained by:

a. Decree to W. H. Abbott in Case of Sauve
(Name)
vs. Abbott, Dated 1930 in U.S. District Court, Idaho
Eastern Division (Name of Court)
Court. County of Jefferson

b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Mud Lake tributary to sinks
(Name of stream or source)

4. Date of Priority Oct 3, 1910

5. Amount of water a. 1.6 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for irrigation from May 1 to Nov. 1
(Month, Day) (Month, Day)

7. Original location of point of diversion is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22,
Township 7N, Range 34E, B.M., in Jefferson County;

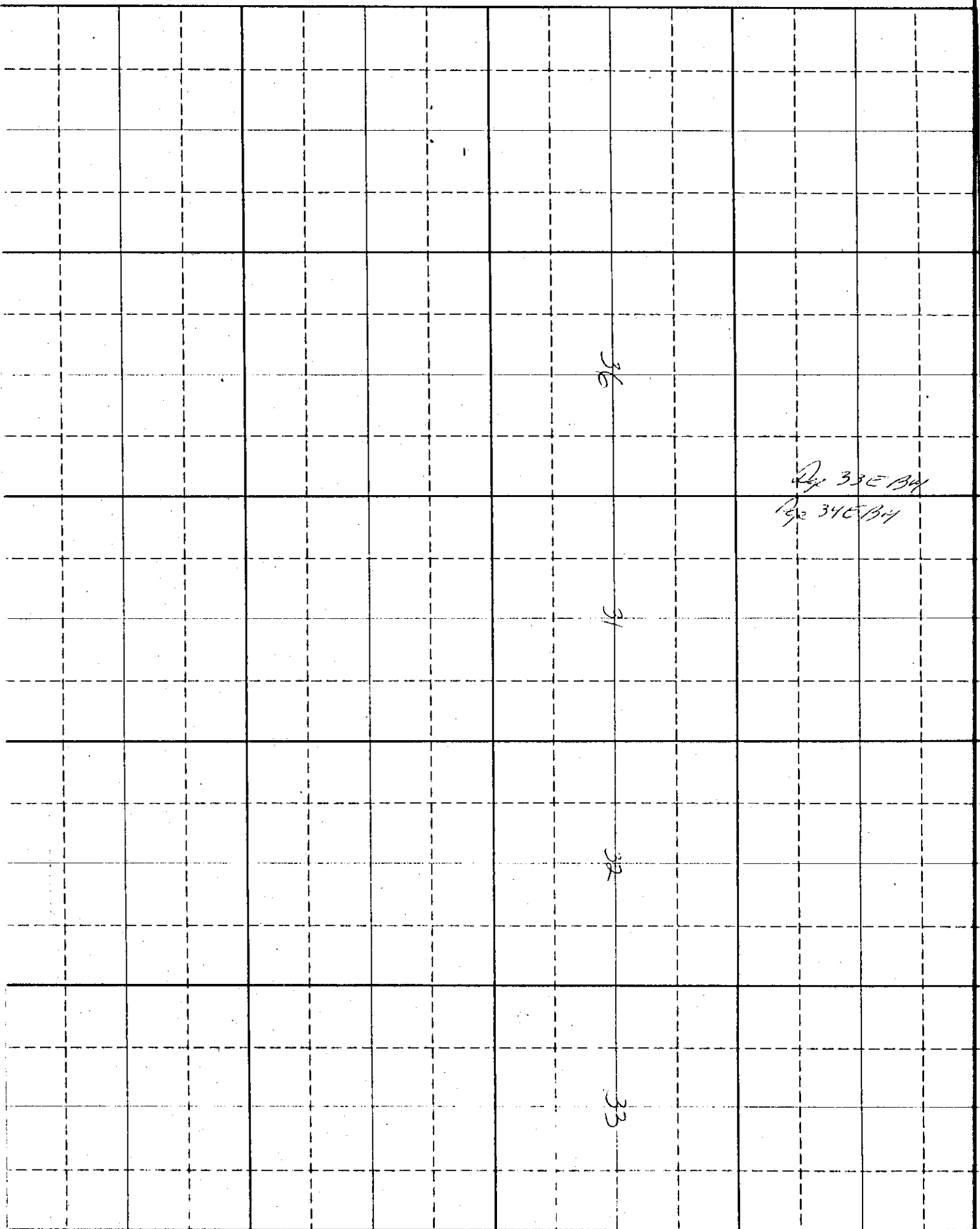
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	34E	28					40	40		40									120
		29	40																40

Total number of acres presently irrigated 160

Tap 70



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: _____
purchase

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.60 c.f.s. and/or _____ acre feet
- b. New point of diversion: SW 1/4, SW 1/4, Section 33, Township 7N
Range 34E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
pump and canal
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No X
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Purchased to place on grounds not covered with water but within
District.
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	33E	36					40			40									80

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED

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

2002 OCT 21 PM 3 52

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 31-00005

NAME AND ADDRESS: LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW, ID 83435

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 393.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 5904 AF. COMBINED RIGHT NOS.: 31-5,
31-189 AND 31-11335.

PRIORITY DATE: 10/03/1910

POINT OF DIVERSION: T07N R34E S34 NWSWS Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	393.60 AFY
	Irrigation from Storage	05-01 TO 11-01	393.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Storage Within Jefferson County
T07S R34E S34 SWSW

Irrigation from Storage		Within Jefferson County	
T06N R33E S01 LOT 1	(NENE) 40.0	LOT 2	(NWNW) 40.0
	SWNE 40.0		SENE 40.0
LOT 3	(NENW) 40.0	LOT 4	(NWNW) 39.0
	SNNW 39.0		SENN 40.0
	NESW 40.0		NWSW 39.0
	SWSW 38.0		SESW 39.0
	NESE 40.0		NWSE 40.0
	SWSE 40.0		SESE 40.0
R34E S06 LOT 3	(NENW) 40.0	LOT 4	(NWNW) 39.0
LOT 5	(SNNW) 39.0		SENN 40.0
T07N R33E S36	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NENW 40.0		SENN 40.0
	NESW 40.0		NWSW 39.0
	SWSW 38.0		SESW 38.0
	NESE 40.0		NWSE 40.0
	SWSE 38.0		SESE 36.0
R34E S31	NENW 40.0	LOT 1	(NWNW) 39.0
LOT 2	(SNNW) 39.0		SENN 40.0
	NESW 40.0	LOT 3	(NWSW) 39.0
LOT 4	(SWSW) 33.0		SESW 37.0
1648.0 Acres Total			

USE OF THIS RIGHT WITH RIGHT NO. 31-189 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1440 ACRES IN A SINGLE
IRRIGATION SEASON.

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1648 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-189, 31-11335.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

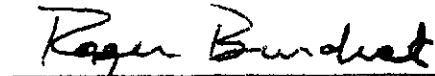
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:00
03/11/93

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A31-00005

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEVEL CANAL COMPANY, INC. C/O WILFRIED SCHMITT, PRES. HC 63 BOX 2585 MONTEVIEW ID 83435 (208) 663-4579	10/03/1910	IRRIGATION	04-01 11-01	1.60 CFS	
TOTAL DIVERSION:					1.60 CFS	
CONSUMPTIVE USE:						200.0 AFA

WATER SOURCE: MUD LAKE

TRIBUTARY TO: SINKS

STAGE: DECREED

POINT(S) OF DIVERSION:	T07N R34E S33	SESESE	JEFFERSON COUNTY
POINT(S) OF RE-DIVERSION:	T07N R34E S33	SWSWSW	JEFFERSON COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	:	SUM
07N	33E	35	:																	:	
			:																	:	80.0
																				TOTAL ACRES	80.0

POU COUNTY: JEFFERSON

NON-IRRIGATION USES: NONE

OTHER RIGHTS: 31-00139, 52% SHARE OF INDEPENDENT WATER USERS ASSOCIATION.

REMARKS: TRANS. 1657.

DATES: EXAM MADE DATE: VERIFIED DATE: 07/15/1985

MISC: WATER DISTRICT NUMBER: 31 FIELD INSPECTION FLAG: Y
PRESUMPTION FLAG: D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:27
03/11/93

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-00005

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00005

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	1.600	-----	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00005	1.600	-		31-00005	1.600
TOTAL CFS		1.600				1.600

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE	FIELD EXAMINER
Y	-----

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____
NAME OF FIELD EXAMINER: _____ TITLE: _____

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
-----	-----	-----	-----	-----
TOTAL FOR THIS RIGHT		-----	-----	-----

REVIEWED BY: -----

DATE: -----

NO RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

1B. CALCULATIONS

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 200.0 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
TRANS. 1657.

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.600 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
N

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B.

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 31-00189, 52% SHARE OF INDEPENDENT WATER USERS ASSOCIATION.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00005	MUD LAKE	LEVEL CANAL COMPANY, INC.	1.600	0.020		
A31-00189	MUD LAKE	LEVEL CANAL COMPANY, INC.	22.400	0.013		
A31-02243	GROUNDWATER	JEFFERSON IRRIGATION COMPANY	40.000	0.003		
A31-02420	WASTE WATER	JEFFERSON IRRIGATION COMPANY	15.000	0.001		
	CANAL SEEPAGE					
A31-02451	GROUNDWATER	JEFFERSON IRRIGATION COMPANY	10.000			
A31-10322	GROUNDWATER	JEFFERSON IRRIGATION COMPANY	70.000	0.006		
A31-10323	GROUNDWATER	JEFFERSON IRRIGATION COMPANY	29.000	0.002		
A31-10324	SPRINGS	JEFFERSON IRRIGATION COMPANY	60.000	0.005		
	UNNAMED STREAMS					
	GROUNDWATER					
A31-10325	SPRINGS	JEFFERSON IRRIGATION COMPANY	40.000	0.003		
	UNNAMED STREAMS					
	GROUNDWATER					
A31-10661	GROUNDWATER	JEFFERSON IRRIGATION COMPANY	40.000	0.003		

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00005 IRRIGATION	FROM 04-01 TO 11-01	1.600 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.600 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00005 IRRIGATION	FROM 05-01 TO 09-01	1.600 CFS
31-00005 STOCKWATER	FROM TO	1.600 CFS
31-00005 DOMESTIC	FROM TO	1.600 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.600 CFS

PRESUMPTION FLAG: 0

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	----
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	----
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	----

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() EXPLAIN IN NOTES, BELOW.

NOTES:

PRESUMPTION FLAG: D

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. ROOT WATER RIGHT NUMBERS: A31-00005

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	33E	36	NE	NW		LEVEL CANAL COMPANY, INC.	A31-00005	740.0	31-00005	740.0	39.0
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-02243	740.0	-	/	
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-02420	740.0	-	/	
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-02451	740.0	-	/	
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-10322	740.0	-	/	
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-10323	740.0	-	/	
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-10324	740.0	-	/	
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-10325	740.0	-	/	
			NE	NW		LEVEL CANAL COMPANY, INC.	A31-00189	740.0	-	/	
			NE	NW		JEFFERSON IRRIGATION COMPANY	A31-10661	740.0	-	/	
			NE	NW		INDEPENDENT WATER USERS OF MUD			T31-00336C	740.0	
			NE	NW		OWSLEY, BERTHA I.			31-02102	740.0	
			NE	NW		INDEPENDENT WATER USERS OF MUD			31-00336A	740.0	
			NE	NW		INDEPENDENT WATER USERS OF MUD			31-00337A	740.0	
07N	33E	36	SE	NW		LEVEL CANAL COMPANY, INC.	A31-00005	740.0	31-00005	740.0	40.0
			SE	NW		LEVEL CANAL COMPANY, INC.	A31-00189	740.0	-	/	40.0
			SE	NW		INDEPENDENT WATER USERS OF MUD			T31-00336C	740.0	
			SE	NW		OWSLEY, BERTHA I.			31-02102	740.0	
			SE	NW		INDEPENDENT WATER USERS OF MUD			31-00336A	740.0	
			SE	NW		INDEPENDENT WATER USERS OF MUD			31-00337A	740.0	
TOTAL ACRES							A31-00005	80.00	80.00	79.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
 IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

POU COUNTY: JEFFERSON

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
------	------	------	-----	-----	-----	-----	--------	----------------

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---	---	---	---	---	---	---	---	-----
---	---	---	---	---	---	---	---	-----

SOURCE: MUD LAKE

TRIB: SINKS

REVIEWED BY: _____ DATE: _____

SYSTEM DESCRIPTION:

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00005	07N	34E	33	SW	SW	SW		JEFFERSON
A31-00005	07N	34E	33	SE	SE	SE		JEFFERSON

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A31-00189 NONE

WR RECORDS IN SAME 40 ACRE TRACT
31-00189

SOURCE: MUD LAKE

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-00005	07N	34E	33		SW	SW		JEFFERSON

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A31-00189 NONE

SOURCE: MUD LAKE

TRIB: SINKS

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER

NOTES:

REVIEWED BY _____ DATE _____

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:27
03/11/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-00005

LAST: ABBOTT
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: W. H.

STATE: ID ZIP: N/A

OWNER CODE: 0

LAST: LEVEL CANAL COMPANY, INC.
ADDRESS: C/O WILFRIED SCHMITT, PRES.
MC 63 BOX 2585
CITY: MONTEVIEW
PHONE NUMBER: 208-663-4579

FIRST:

STATE: ID ZIP: 83435

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: TRANS. 1657.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66079

RECEIVED

JUL 25 2002

Department of Water Resources
Eastern Region

This is to certify that: LEVEL CANAL CO INC
C/O DON PARKER
2032 W 4200 S
REXBURG ID 83440
(208)356-5091

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
31-5	AJC/Decreed	10/03/1910		393.6 af	80.0	1,656.1	MUD LAKE
31-189	WR/Decreed	09/17/1912		5510.4 af	1,440.0	1,656.1	MUD LAKE
31-11335	WR/Decreed	06/01/1952		816.0 af	213.1	1,656.1	MUD LAKE

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
31-5	NO	NO	YES	NO	NO	NO
31-189	NO	NO	YES	NO	NO	NO
31-11335	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
31-5	31-5	N/A	393.6 af	80.0	1,648.0		N/A	N/A	N/A	N/A
31-189	31-189	N/A	5510.4 af	1,440.0	1,648.0		N/A	N/A	N/A	N/A
31-11335	31-11335	N/A	816.0 af	213.1	1,648.0		N/A	N/A	N/A	N/A
TOTALS			5904.0 af	N/A	1,648.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this

18th day of

July, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 31-5
As Modified by Transfer No. 66079

In accordance with the approval of Transfer No. 66079, Water Right No. 31-5 is now described as follows.

Right Holder: LEVEL CANAL CO
P O BOX 51
MONTEVIEW ID 83435

Priority Date: 10/03/1910

Source: MUD LAKE

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		393.6 AF
IRRIGATION FROM STORAGE	05/01	to 11/01		393.6 AF
				393.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MUD LAKE NWSWSW Sec. 34 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 34											X						

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 33E 1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	634.0
	L1	L2			L3	L4											
06N 34E 6					40.0	39.0	39.0	40.0									158.0
					L3	L4	L5										
07N 33E 36	40.0	40.0	40.0	40.0	40.0			40.0	40.0	39.0	38.0	38.0	40.0	40.0	38.0	36.0	549.0
07N 34E 31					40.0	39.0	39.0	40.0	40.0	39.0	33.0	37.0					307.0
					L1	L2			L3	L4							

Total Acres: 1648

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-5 and 31-189 when combined shall not exceed the irrigation of 1,440.0 acres.
3. Rights 31-5, 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,904.0 af at the field headgate and the irrigation of 1,648.0 acres.

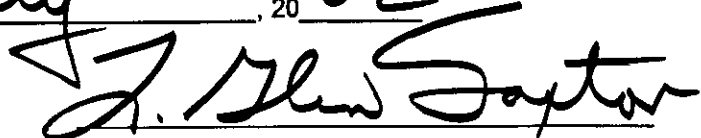
WATER RIGHT NO. 31-5
As Modified by Transfer No. 66079

CONDITIONS OF APPROVAL

4. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
8. Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. 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.
10. Use of water under this right is combined with water from Independent Water Users of Mud Lake Inc.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 18th day of July, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 31-189
As Modified by Transfer No. 66079

In accordance with the approval of Transfer No. 66079, Water Right No. 31-189 is now described as follows.

Right Holder: LEVEL CANAL CO
P O BOX 51
MONTEVIEW ID 83435

Priority Date: 09/17/1912

Source: MUD LAKE

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01 to 12/31			5,510.4 AF
IRRIGATION FROM STORAGE	04/01 to 10/31			5,510.4 AF
				5,510.4 AF

LOCATION OF POINT(S) OF DIVERSION:

MUD LAKE NWSWSW Sec. 34 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 34											X						

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 33E 1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	634.0
	L1	L2			L3	L4											
06N 34E 6					40.0	39.0	39.0	40.0									158.0
					L3	L4	L5										
07N 33E 36	40.0	40.0	40.0	40.0	40.0			40.0	40.0	39.0	38.0	38.0	40.0	40.0	38.0	36.0	549.0
07N 34E 31					40.0	39.0	39.0	40.0	40.0	39.0	33.0	37.0					307.0
					L1	L2			L3	L4							

Total Acres: 1648

CONDITIONS OF APPROVAL

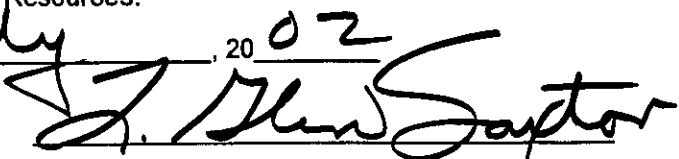
1. This right is limited to the irrigation of 1,440.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-5 and 31-189 when combined shall not exceed the irrigation of 1,440.0 acres.
3. Rights 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,510.4 af at the field headgate.

WATER RIGHT NO. 31-189
As Modified by Transfer No. 66079

CONDITIONS OF APPROVAL

4. Rights 31-5, 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,904.0 af at the field headgate and the irrigation of 1,648.0 acres.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. 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.
10. Use of water under this right is combined with water from Independent Water Users of Mud Lake Inc.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 18th day of July, 2002

Chief, Water Allocation Bureau

WATER RIGHT NO. 31-11335
As Modified by Transfer No. 66079

In accordance with the approval of Transfer No. 66079, Water Right No. 31-11335 is now described as follows.

Right Holder: LEVEL CANAL CO
P O BOX 51
MONTEVIEW ID 83435

Priority Date: 05/01/1952

Source: MUD LAKE

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01 to 12/31			816.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31			816.0 AF
				816.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MUD LAKE NWSWSW Sec. 34 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 34											X						

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 33E 1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	634.0
	L1	L2			L3	L4											
06N 34E 6					40.0	39.0	39.0	40.0									158.0
					L3	L4	L5										
07N 33E 36	40.0	40.0	40.0	40.0	40.0			40.0	40.0	39.0	38.0	38.0	40.0	40.0	38.0	36.0	549.0
07N 34E 31					40.0	39.0	39.0	40.0	40.0	39.0	33.0	37.0					307.0
					L1	L2					L3	L4					

Total Acres: 1648

CONDITIONS OF APPROVAL

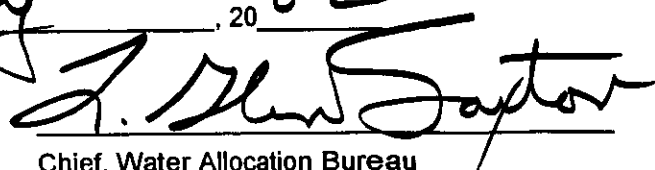
1. This right is limited to the irrigation of 213.1 acres within the place of use described above in a single irrigation season.
2. Rights 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,510.4 af at the field headgate.

WATER RIGHT NO. 31-11335
As Modified by Transfer No. 66079

CONDITIONS OF APPROVAL

3. Rights 31-5, 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,904.0 af at the field headgate and the irrigation of 1,648.0 acres.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 18th day of July, 2002

Chief, Water Allocation Bureau

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

RIGHT NUMBER: 31-5 MODIFIED PER TRANSFER 66079
NAME AND ADDRESS:

LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW ID 83435

SOURCE: MUD LAKE Tributary: SINKS

QUANTITY: 0.000 CFS
393.600 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 1.6 CFS BY A FACTOR
OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER 1ST).
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 5904 AF. COMBINED RIGHT NOS.: 31-5,
31-189 AND 31-11335.

PRIORITY DATE: 10/03/1910

POINT OF DIVERSION:
T07N R34E S34 NWSWSW Within JEFFERSON County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
IRRIGATION STORAGE		01/01 12/31	393.60 AFY
IRRIGATION FROM STORAGE		05/01 11/01	393.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL
DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION STORAGE within JEFFERSON County

T07N R34E S34 SWSW

IRRIGATION FROM STORAGE within JEFFERSON County

T06N R33E S01 NENE Lot 1 40.0
T06N R33E S01 NWNE Lot 2 40.0
T06N R33E S01 SWNE 40.0
T06N R33E S01 SENE 40.0
T06N R33E S01 NENW Lot 3 40.0
T06N R33E S01 NWNW Lot 4 39.0
T06N R33E S01 SWNW 39.0
T06N R33E S01 SENW 40.0
T06N R33E S01 NESW 40.0
T06N R33E S01 NWSW 39.0

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

T06N R33E S01 SWSW 38.0
T06N R33E S01 SESW 39.0
T06N R33E S01 NESE 40.0
T06N R33E S01 NWSE 40.0
T06N R33E S01 SWSE 40.0
T06N R33E S01 SESE 40.0

~~T06N R33E S11 NENE 23.0~~
~~T06N R33E S11 NWNE 2.0~~
~~T06N R33E S11 SENE 0.1~~
~~T06N R33E S12 NENW 39.0~~
~~T06N R33E S12 NWNW 39.0~~
~~T06N R33E S12 SWNW 25.0~~
~~T06N R33E S12 SENW 40.0~~

T06N R34E S06 NENW Lot 3 40.0
T06N R34E S06 NWNW Lot 4 39.0
T06N R34E S06 SWNW Lot 5 39.0
T06N R34E S06 SENW 40.0
T07N R33E S36 NENE 40.0
T07N R33E S36 NWNE 40.0
T07N R33E S36 SWNE 40.0
T07N R33E S36 SENE 40.0
T07N R33E S36 NENW 40.0
T07N R33E S36 SENW 40.0
T07N R33E S36 NESW 40.0
T07N R33E S36 NWSW 39.0
T07N R33E S36 SWSW 38.0
T07N R33E S36 SESW 38.0
T07N R33E S36 NESE 40.0
T07N R33E S36 NWSE 40.0
T07N R33E S36 SWSE 38.0
T07N R33E S36 SESE 36.0
T07N R34E S31 NENW 40.0
T07N R34E S31 NWNW Lot 1 39.0
T07N R34E S31 SWNW Lot 2 39.0
T07N R34E S31 SENW 40.0
T07N R34E S31 NESW 40.0
T07N R34E S31 NWSW Lot 3 39.0
T07N R34E S31 SWSW Lot 4 33.0
T07N R34E S31 SESW 37.0

1648 ACRES TOTAL ~~1656.1 ACRES TOTAL~~

USE OF THIS RIGHT WITH RIGHT NO. 31-189 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1440 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~1656.1~~ 1648 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-5, 31-189, 31-11335.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT NUMBER 307626.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM INDEPENDENT WATER USERS OF MUD LAKE INC.

Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 3.5 afa per a at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 66079 by July 18, 2003.

Failure of the right holder to comply with the conditions of transfer 66079 is cause for the Director to rescind approval of the transfer.

Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2002

LEVEL CANAL CO INC
PO BOX 51
MONTEVIEW ID 83435

RE: Transfer #66079 for water right(s) 31-5 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Claimant:

The Idaho Department of Water Resources (IDWR) approved Transfer #66079, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

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

RIGHT NUMBER: 31-5

NAME AND ADDRESS: LEVEL CANAL CO INC
C/O WILFRIED SCHMITT
HC 63 BOX 2585
MONTEVIEW, ID 83435

SOURCE: MUD LAKE TRIBUTARY: SINKS

393.6 AFY

PRIORITY DATE: 10/03/1910

POINT OF DIVERSION: T07N R34E S34 NWSWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01-01 12-31	393.60 AFY
IRRIGATION FROM STORAGE	05-01 11-01	393.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION FROM STORAGE Within
JEFFERSON County

T06N R33E S1	LOT 1	NENE	40	T06N R33E S1	LOT 2	NWNE	40
T06N R33E S1		SWNE	40	T06N R33E S1		SENE	40
T06N R33E S1	LOT 3	NENW	40	T06N R33E S1	LOT 4	NWNW	39
T06N R33E S1		SWNW	39	T06N R33E S11		NENE	23
T06N R33E S11		NWNE	2	T06N R33E S11		SENE	0.1
T06N R33E S1		SENE	40	T06N R33E S1		NESW	40
T06N R33E S1		NWSW	39	T06N R33E S1		SWSW	38
T06N R33E S1		SESW	39	T06N R33E S12		NENW	39
T06N R33E S12		NWNW	39	T06N R33E S12		SWNW	25
T06N R33E S12		SENE	40	T06N R34E S6	LOT 3	NENW	40
T06N R34E S6	LOT 4	NWNW	39	T06N R34E S6	LOT 5	SWNW	39
T06N R34E S6		SENE	40	T07N R33E S36		NENE	40
T07N R33E S36		NWNE	40	T07N R33E S36		SWNE	40
T07N R33E S36		SENE	40	T07N R33E S36		NENW	40
T07N R33E S36		SENE	40	T07N R33E S36		NESW	40
T07N R33E S36		NWSW	39	T07N R33E S36		SWSW	38
T07N R33E S36		SESW	38	T07N R33E S36		NESE	40
T07N R33E S36		NWSE	40	T07N R33E S36		SWSE	38
T07N R33E S36		SESE	36	T07N R34E S31		NENW	40
T07N R34E S31	LOT 1	NWNW	39	T07N R34E S31	LOT 2	SWNW	39
T07N R34E S31		SENE	40	T07N R34E S31		NESW	40
T07N R34E S31	LOT 3	NWSW	39	T07N R34E S31	LOT 4	SWSW	33
T07N R34E S31		SESW	37				

1656.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1653.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-189, 31-11335.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM INDEPENDENT WATER USERS OF MUD LAKE INC.

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

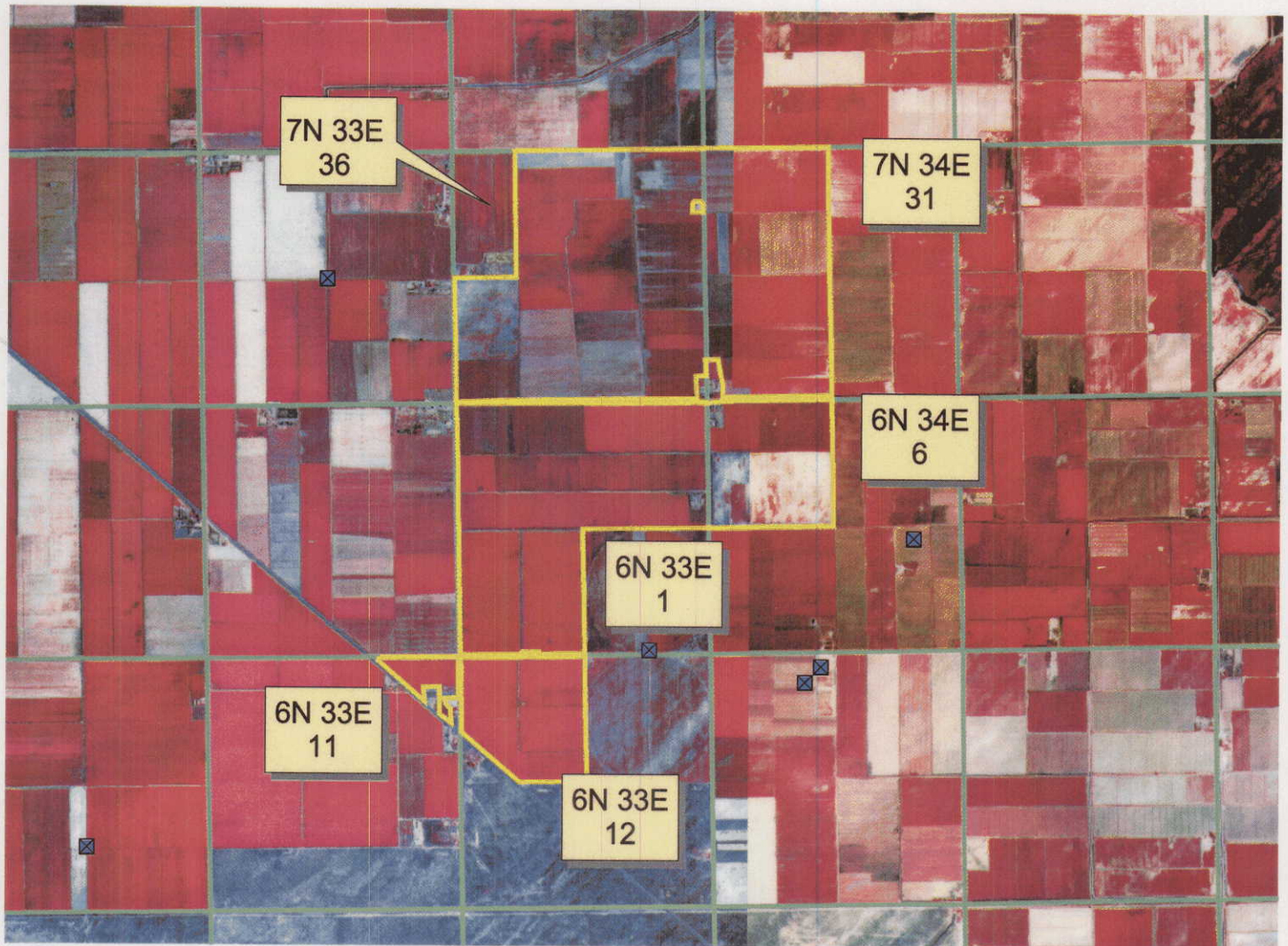
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS CALCULATED BY MULTIPLYING A DIVERSION RATE OF 1.6 CFS BY A FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER 1ST).

Idaho Department of Water Resources

Water Right 31-5, 31-189, 31-11335

Township 6N and 7N,
Range 33E and 34E



0 1320 Feet



-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

12/22/2000

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

RIGHT NUMBER: 31-5

NAME AND ADDRESS: LEVEL CANAL COMPANY INC
C/O WILFRIED SCHMITT PRES
HC 63 BOX 2585
MONTEVIEW, ID 83435

393.6 AFY

PRIORITY DATE: 10/03/1910

POINT OF DIVERSION: T07N R34E S34 NWSWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01-01 12-31	393.60 AFY
IRRIGATION FROM STORAGE	05-01 11-01	393.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION FROM STORAGE Within
JEFFERSON County

LOT	SECTION	ACRES	LOT	SECTION	ACRES
LOT 1	NENE	40	LOT 2	NWNE	40
	SWNE	40		SENE	40
LOT 3	NENW	40	LOT 4	NWNW	39
	SWNW	39		NENE	23
	NWNE	2		SENE	0.1
	SENE	40		NESW	40
	NWSW	39		SWSW	38
	SESW	39		NENW	39
	NWNW	39		SWNW	25
	SENE	40	LOT 3	NENW	40
LOT 4	NWNW	39	LOT 5	SWNW	39
	SENE	40		NENE	39
	NWNE	40		SWNE	40
	SENE	40		NENW	40
	SENE	40		NESW	40
	NWSW	39		SWSW	38
	SESW	38		NESE	40
	NWSE	40		SWSE	38
	SESE	36		NENW	40
LOT 1	NWNW	39	LOT 2	SWNW	39
	SENE	40		NESW	40
LOT 3	NWSW	39	LOT 4	SWSW	31
	SESW	37			

1653.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1653.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-189, 31-11335.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM INDEPENDENT WATER USERS OF MUD LAKE INC.

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.

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS CALCULATED BY MULTIPLYING A DIVERSION RATE OF 1.6 CFS BY A FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER 1ST).

~~THE DIVERSION VOLUME DESCRIBED ABOVE WAS CALCULATED BY MULTIPLYING THE DIVERSION RATE OF 1.6 CFS BY 2.0 ACRE FEET PER DAY FOR 123 DAYS.~~

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-5

Owner Type Name and Address
Current Owner LEVEL CANAL COMPANY INC
 C/O WILFRIED SCHMITT PRES
 HC 63 BOX 2585
 MONTEVIEW, ID 83435
 (208)663-4579

Original Owner W H ABBOTT

Priority Date: 10/03/1910
Basis: Decreed
Status: Valid

Source Tributary to
MUD LAKE SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	01/01	12/31		393.6 AFA	
STORAGE					
IRRIGATION FROM STORAGE	05/01	11/01		393.6 AFA	
Total Diversion				393.6 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	34E	34	NW SW SW		JEFFERSON

IRRIGATION FROM STORAGE Use:

Acre Limit: 80

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	33E	1	1	NENE	40	2	NWNE	40		SWNE	40		SENE	40
			3	NENW	40	4	NWNW	39		SWNW	39			
		11		NENE	23		NWNE	2		SENE	0.1			
		1		SENE	40									
				NESW	40		NWSW	39		SWSW	38		SESW	39
		12		NENW	39		NWNW	39		SWNW	25		SENE	40
	34E	6	3	NENW	40	4	NWNW	39	5	SWNW	39		SENE	40
07N	33E	36		NENE	39		NWNE	40		SWNE	40			
				NENW	40		SENE	40						
				NESW	40		NWSW	39		SWSW	38		SESW	38
				NESE	40		NWSE	40		SWSE	38		SESE	36
	34E	31		NENW	40	1	NWNW	39	2	SWNW	39		SENE	40
				NESW	40	3	NWSW	39	4	SWSW	31		SESW	37

Total Acres: 1653.1

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. E20 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM INDEPENDENT WATER USERS OF MUD LAKE INC.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1653.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-189, 31-11335.
4. Explanatory THE DIVERSION VOLUME DESCRIBED ABOVE WAS CALCULATED BY MULTIPLYING THE DIVERSION RATE OF 1.6 CFS BY 2.0 ACRE FEET PER DAY FOR 123 DAYS.

Comments:

Author	Date	Subject	Comment
bcontor	10/27/00	PPU	Recommended on PPU basis with other Level Canal rights per apparent intent of claimants, see other claims.
bcontor	10/27/00	rate vs. volume	See Mud Lake Storage files for background on decision to recommend SW rights out of Mud Lake on a volume basis to allow continuation of historical delivery practices.
bcontor	10/27/00	review	Review per transfer 1659, conference with water users, research in Mud Lake Storage files, GIS.
bcontor	10/27/00	POU acres	Transfer approved 80 acres. Diversion rate is appropriate for 80 acres; recommended as claimed.
bcontor	10/30/00	POD	Point of Rediversion claimed is actually on a private ditch and not a rediversion from public source; therefore no need to include on recommendation. POD per field inspection and GIS. POD is shared with Mud Lake Water Users Sparks Lift channel.

Dates:

Licensed Date:
 Claim Received Date: 11/21/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 11/01/1930
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	10/27/00 4:09:51 PM	bcontor			In Process
POU	10/27/00 4:20:29 PM	bcontor			In Process
Priority Date	10/27/00 4:05:27 PM	bcontor			In Process
Quantity	10/27/00 4:29:41 PM	bcontor			In Process
Season	10/27/00 4:27:16 PM	bcontor			In Process
Source	10/27/00 4:10:53 PM	bcontor			In Process
Summary	10/27/00 4:32:20 PM		10/27/00 4:32:20 PM	bcontor	Complete
Use	10/27/00 4:21:17 PM	bcontor			In Process

Other Information:

Receipt Number(s):
 State or Federal: S

Owner Name Connector: OR
Overall Max Diversion Rate:
Overall Max Diversion Volume: 393.6
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:C
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer
POD	10/27/00 4:11:07 PM	bcontor
POD	10/27/00 4:09:48 PM	bcontor

POD	10/27/00 4:09:44 PM	bcontor
POU	10/27/00 4:20:26 PM	bcontor

Priority Date	10/27/00 4:05:25 PM	bcontor
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Quantity	10/27/00 4:29:38 PM	bcontor
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Season	10/27/00 4:27:13 PM	bcontor
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Log Text

Edited PLS

1. (NO) The basis is not beneficial use.
2. (YES) Parent right has a Point of Diversion.
3. (NO) The claimed Point of Diversion can not be verified using the water right file.
4. (YES) There is evidence that there has been a change in the Point of Diversion.
5. (YES) The change can be verified as an accomplished transfer.
- Comment for 5: Not actually a change, but re-discription based on GIS analysis of channels in lake.
6. (YES) The file contains all the necessary information to verify the POD.
- Comment for 6: Field inspection and GIS
8. (NO) Point of Diversion remark was not required.
9. (NO) Point of Diversion condition was not required.

Edited point location

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. (NO) The claimed POU can not be verified using the water right file.
5. (YES) There is evidence that there has been a change in the POU.
6. (YES) The change can be verified as an accomplished transfer.
- Comment for 6: GIS, transfer 1657
9. (YES) The file contains all the necessary information to verify the POU.
12. (YES) POU remark was required.
13. (NO) POU condition was not required.
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.
1. (NO) The basis of claim is not beneficial use.
2. (NO) The basis of claim is not a posted notice.
3. (YES) The parent right has a diversion rate and/or diversion volume.
4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.
6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.
7. (NO) The parent right does not have an annual diversion volume limit.
9. (YES) Quantity remark was required.
10. (NO) Quantity condition was not required.
1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a period of use.
3. (NO) The claimed Period of Use can not be verified using the water right file.
4. (NO) There is not evidence that there has been a change to the period of

Source	10/27/00 4:10:51 PM	bcontor	use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (YES) The basis of is a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 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. (YES) Period of Use remark was 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: Field inspection 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	10/27/00 4:32:16 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (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	10/27/00 4:21:15 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

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: A31-00005
Date Received: 11/21/1988
Receipt No: 6004224
Received By: SEA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEVEL CANAL COMPANY, INC. 208-663-4579
Address: C/O WILFRIED SCHMITT, PRES.
HC 63 BOX 2585
MONTEVIEW, ID 83435

2. Date of Priority: OCT 03, 1910

3. Source: MUD LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	34E	33	SW	SW	SW	R	JEFFERSON
			SE	SE	SE		JEFFERSON

5. Description of diverting works:
WATER FROM MUD LAKE FREE FLOWS IN CANAL TO REDIVERSION PUMPS.

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		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	33E	36	NE	NW		IRR	40.0

A31-00005

Page 1

Date: 11/21/88

MICROFILMED
NOV 16 1992

A3100005



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	33E	36	SE	NW		IRR	40.0
Section Acres							80.0
Total Acres							80.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

31-00189, 52% SHARE OF INDEPENTENT WATER USERS ASSOCIATION.

14. Remarks:

TRANS. 1657.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 11/01/1930

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Organizations:

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

Wilfried Schmitt
Signature of Authorized Agent

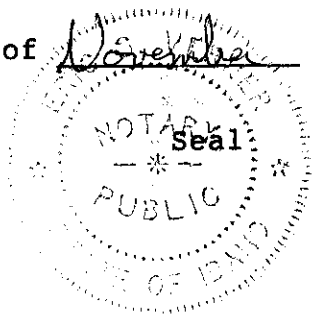
Pres. Level Canal Co., Inc.
Title and Organization

November 21, 1988
Date

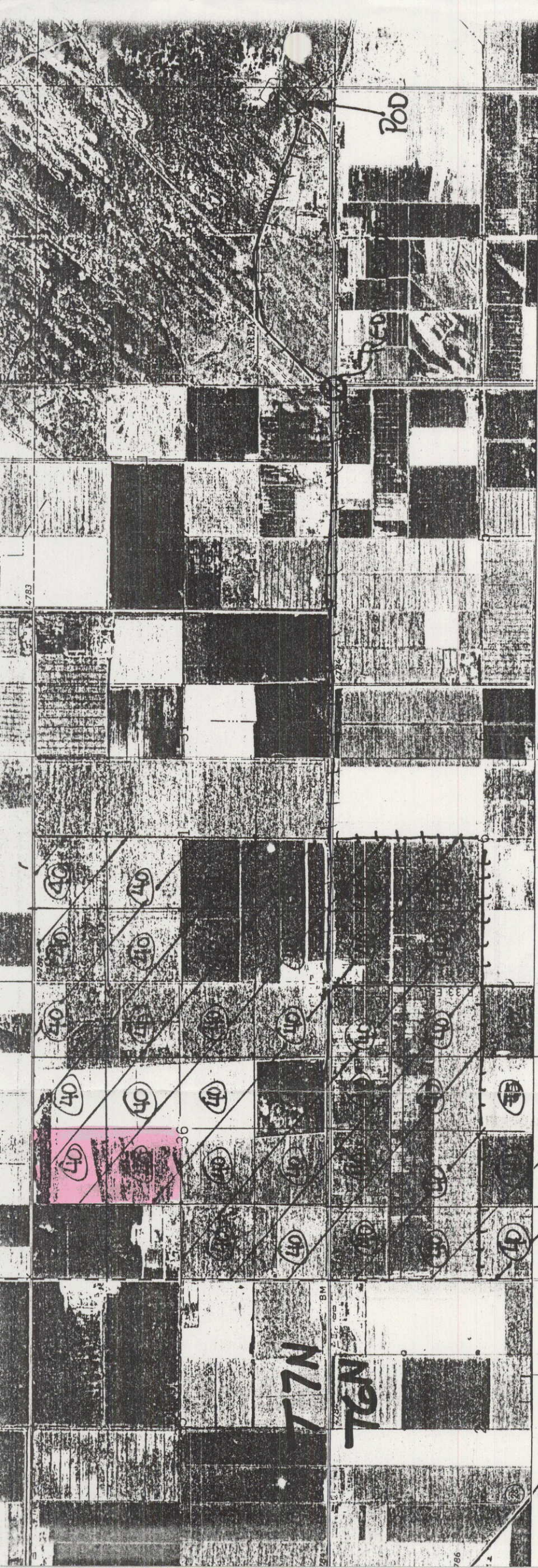
State of Idaho
County of Booneville SS.

Subscribed and sworn (or affirmed) before me this 21 day
of November 19 88

[Signature]
Notary Public



Residing at Idaho Falls, ID
My Commission Expires 22 Aug 1994



by the Geological Survey
rank prepared from 1:50 000 scale aerial

