

12/01/2000

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

RIGHT NUMBER: 31-49B

NAME AND ADDRESS: RICHARD A EGBERT LTD PARTNERSHIP
C/O DR BRAD EGBERT
32 W 1ST S
REXBURG, ID 83440-1810

SOURCE: CAMAS CREEK

TRIBUTARY: MUD LAKE

QUANTITY: 0.06 CFS
4.7 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.06 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF. COMBINED RIGHT
NOS.: 31-00049B, 31-00050B AND 31-00051B.

PRIORITY DATE: 12/10/1884

POINT OF DIVERSION:	T11N R38E S25	SWSESE	Within CLARK County
	T11N R38E S35	NENWNE	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04-15 12-25	0.06 CFS 4.7 AFY

PLACE OF USE:

<u>STOCKWATER Within CLARK County</u>			
T10N R38E S9	NENW	T11N R38E S33	SWNW

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-49B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD A EGBERT LTD PARTNERSHIP C/O DR BRAD EGBERT 32 W 1ST S REXBURG, ID 83440-1810 (208)356-8818

Representative

KIRK EGBERT
PO BOX 87
TERRETON, ID 83450
(208) 663-4505

Original Owner E V HOFFMAN

Priority Date: 12/10/1884
Basis: Decreed
Status: Valid

<u>Source</u>	<u>Tributary to</u>
CAMAS CREEK	MUD LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	04/15	12/25	0.06 CFS	4.7 AFA	
Total Diversion			0.06 CFS	4.7 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
11N	38E	35	NE NW NE		CLARK
11N	38E	25	SW SE SE		CLARK

STOCKWATER Use:

Number of other uses: 3000 SHEEP

Place(s) of use:

Place of Use Legal Description: STOCKWATER CLARK County

[illegible]

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

- | | | |
|----|----------|--|
| 1. | Quantity | USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF. COMBINED RIGHT NOS.: 31-00049B, 31-00050B AND 31-00051B. |
|----|----------|--|

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>
csaxton	12/1/00	TR 4090
csaxton	12/1/00	POD

Comment
 RECOMMENDED PER TRANSFER 4090.
 NAPP PHOTOGRAPHY INDICATED THAT POD BETWEEN NENE
 AND NWNE IS ACTUALLY LOCATED IN THE NENWNE.

Dates:

Licensed Date:
 Claim Received Date: 01/27/1994
 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:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/1/00 2:34:29 PM	csaxton			In Process
POD	12/1/00 2:35:20 PM	csaxton			In Process
POU	12/1/00 2:38:54 PM	csaxton			In Process
Priority Date	12/1/00 2:34:56 PM	csaxton			In Process
Quantity	12/1/00 2:41:43 PM	csaxton			In Process
Season	12/1/00 2:40:16 PM	csaxton			In Process
Source	12/1/00 2:37:51 PM	csaxton			In Process
Summary	12/1/00 2:45:46 PM		12/1/00 2:45:46 PM	csaxton	Complete
Use	12/1/00 2:38:09 PM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Overall Max Diversion Rate: 0.06
 Overall Max Diversion Volume: 4.7
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	12/1/00 2:34:28 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: IN HOUSE REVIEW Edited point location Edited point location
POD	12/1/00 2:37:01 PM	csaxton	1. (NO) The basis is not beneficial use.
POD	12/1/00 2:36:36 PM	csaxton	2. (YES) Parent right has a Point of Diversion.
POD	12/1/00 2:35:20 PM	csaxton	3. (YES) The claimed Point of Diversion can be verified using the water right file.
			8. (NO) Point of Diversion remark was not required.
			9. (NO) Point of Diversion condition was not required.
POU	12/1/00 2:38:53 PM	csaxton	1. (YES) The POU is required.
			2. (NO) The basis of claim is not beneficial use.

Priority Date 12/1/00 2:34:55 PM csaxton

Quantity 12/1/00 2:41:41 PM csaxton

Season 12/1/00 2:40:15 PM csaxton

Source 12/1/00 2:37:50 PM csaxton

Summary 12/1/00 2:45:44 PM csaxton

Use 12/1/00 2:38:09 PM csaxton

3. (YES) The Parent Right has a POU.
4. (YES) The claimed POU can be verified using the water right file.
12. (NO) POU remark was not 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. (NO) The claim is not 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.
7. (YES) The parent right has an annual diversion volume limit.
8. (NO) Irrigation is not a purpose of use.
- Comment for 8: TR 4090
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. (YES) The claimed Period of Use can be verified using the water right file.
12. (NO) Irrigation is not the purposed use.
- Comment for 12: TR 4090
15. (NO) Period of Use remark was not required.
16. (NO) Period of Use condition was not required.
1. (NO) The basis is not beneficial use.
2. (YES) Parent right has a source.
3. (YES) The claimed source can be verified using the water right file.
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.
1. (NO) The basis of the claim is not beneficial use.
3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (YES) This is a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.
1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a purpose of use.
3. (YES) The claimed purpose of Use can be verified using the water right file.
11. (NO) Purpose of Use remark was not required.
12. (NO) Purpose of Use condition was not required.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 31-49B
Date Received: 1/27/94
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: RICHARD A EGBERT LTD PARTNERSHIP Phone: (208)356-8818

Address: C/O DR BRAD EGBERT
32 W 1ST S
REXBURG ID USA 83440-1810

2. Date of Priority: 12/10/1884

3. Source: CAMAS CREEK Trib. to: Mud Lake

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
11N	38E	35	NE NE	CLARK
11N	38E	35	NW NE	CLARK
11N	38E	25	SE SE	CLARK

5. Description of diverting works:

HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	4/15	12/25	0.06	4.7

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 4.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	38E	9	NE	NW	STOCKWATER	
11N	38E	33	SW	NW	STOCKWATER	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

THE CHANGE IN PLACE OF USE AUTHORIZED UNDER TRANSFER NO. 3837 AND REFLECTED ON TRANSFER NO. 4090 SHALL BE ACCOMPLISHED BY JUNE 10, 1995

ONE POINT OF DIVERSION IS ON LINE DIVIDING NENE AND NWE, S35, T11N, R38E
RIGHT NOS. 31-00050B AND 31-00051B ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE

USE OF THIS RIGHT WITH RIGHT NOS. 31-00050B AND 31-00051B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS, AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF

*****COMMENT***** NOTICE SENT TO CLAIMANT 15 JUNE 1994

*****EMC 15 JUNE *****

*****Signed claim and fees received 7/25/2000. BContor*****
CHANGED ADDRESS PER REQUEST CV/08/29/00

15. Basis of Claim:

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: A31-00049B
Date Received: 1/27/1994
Receipt No: FD26017
Received By: BAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A3100049B



1. Name: RICHARD A EGBERT LTD PARTNERSHIP 208-456-2645
Address: PO BOX 9
TETONIA ID 83452

2. Date of Priority: DEC 10, 1884

3. Source: CAMAS CREEK Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	38E	25		SE	SE		CLARK
		35		NE	NE		CLARK
				NW	NE		CLARK

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	04/15	12/25	0.060		4.70

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 4.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 400 RANGE OR 3000 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	38E	9	NE	NW		STOCK	
11N	38E	33	SW	NW		STOCK	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
31-00050B, 31-00051B

14. Remarks:

THE CHANGE IN PLACE OF USE AUTHORIZED UNDER TRANSFER NO. 3837
AND REFLECTED ON TRANSFER NO. 4090 SHALL BE ACCOMPLISHED BY
JUNE 10, 1995.

ONE POINT OF DIVERSION IS ON LINE DIVIDING NENE AND NWNE, S35,
T11N, R38E.

RIGHT NOS. 31-00050B AND 31-00051B ARE ALSO DIVERTED
THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NOS. 31-00050B AND 31-00051B IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS, AND
A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF.

*****COMMENT*****

NOTICE SENT TO CLAIMANT 15 JUNE 1994.

*****EMC 15 JUNE *****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

[Signature]
Signature of Authorized Agent

Richard A. Ebert Limited Partnership
Title and Organization

7/20/00

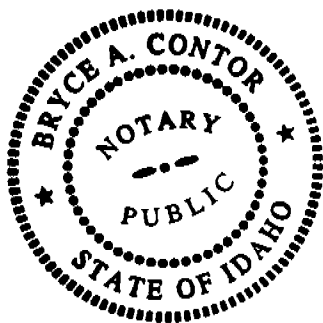
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of July 20 00

Bryce A. Contor
Notary Public

Seal



Residing at Mud Lake

My Commission Expires 10/14/05



A3100049B

Water Right Number - A31-00049B

Old (D) Number -

+ - - - - Last Name - - - - +

- - - - - Address - - - - -

*** C - CURRENT OWNER ***
EGBERT LTD PARTNERSHIP

RICHARD A

1 - PO BOX 9

2 -

3 -

City- TETONIA

State- ID Zip- 83452

Phone - 208-456-2645

*** O - ORIGINAL OWNER ***
HOFFMAN

E V

1 -

2 -

3 -

City- NA

State- ID Zip- 0

Phone - 208-000-0000

+ - - Priority Date - - +
12/10/1884

+ - - - Region - - - +
15 EASTERN

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - - +

+ - - - - Source - - - - - +
CAMAS CREEK

+ - - - - Tributary - - - - - +
MUD LAKE

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

11N	38E	25	SE SE		(33)	CLARK
		35	NE NE		(33)	CLARK
			NW NE		(33)	CLARK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER	04/15	12/25	0.060	4.70
-----------------	-------	-------	-------	------

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 4.70 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

10N	38E	9	NE NW		04	STOCKWATER	(33)	CLARK
11N	38E	33	SW NW		04	STOCKWATER	(33)	CLARK

Total Acres:

+ - - Diversion Means - HEADGATES AND DITCHES

+ - - Non-Irrigation Use - STOCKWATER, 400 RANGE OR 3000 SHEEP

+ - - Other Rights for Same Use - 31-00050B, 31-00051B

MICROFILMED
NOV 14 1995

Water right number - A31-000498

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - - +

THE CHANGE IN PLACE OF USE AUTHORIZED UNDER TRANSFER NO. 3837
AND REFLECTED ON TRANSFER NO. 4090 SHALL BE ACCOMPLISHED BY
JUNE 10, 1995.

ONE POINT OF DIVERSION IS ON LINE DIVIDING NENE AND NWNE, S35,
T11N, R38E.

RIGHT NOS. 31-000508 AND 31-00051B ARE ALSO DIVERTED
THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NOS. 31-000508 AND 31-00051B IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS, AND
A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.7 AF.

*****COMMENT*****

NOTICE SENT TO CLAIMANT 15 JUNE 1994.

*****EMC 15 JUNE *****

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 31.

T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

+ - - - - Decree Plaintiff - - - +

ERNEST SAUVE

+ - - - - Decree Defendant - - - +

W. H. ABBOTT

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

06/15/94 CARLSEN

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000

Objection Filed Date - 00/00/0000

Response Filed Date - 00/00/0000

Claim Received Date - 01/27/1994

Field Inspection Made - 00/00/0000

Field Inspection Flag -

Verified Date - 00/00/0000

Last Amended Date - 00/00/0000

Receipt Number -

POU Ownership Flag - Y

Name Connector -

Civil Case Number - 39576

Old Case Number -

Old Judicial District -

Temporary Right - T

Water District - 31

Federal/State Indicator - S

Presumption Flag -

Notice of Error Flag -

NOT RECORDED
JUN 14 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 9, 2002

MARK KEMPTHORNE
GOVERNORKARI J. DREHER
DIRECTOR

RECEIVED

RICHARD A EGBERT
C/O EGBERT MADISON CHIROPRACTIC
1134 BOND AVE
REXBURG ID 83440-3582

DEC 27 2002

Department of Water Resources

RE: Snake River Basin Adjudication (SRBA)

Water Rights #21-7295, 21-7296, 22-133D, 22-188A, 22-191, 22-526A,
22-527A, 22-554B, 22-555B, 22-568A, 22-2100A, 22-4004, 22-7154A,
22-7279A, 22-11912, 22-11922, 31-498, 31-508, 31-518, 31-184, 31-321,
31-321B, 31-7004, 31-7103, 31-7104, 31-7105, 31-7106, 31-7107, 31-7108,
31-7121, 31-7148, 31-7149, 31-7150, 31-7151, 31-7152, 31-7154A, 31-7192,
31-7193, 31-7375, 31-7381, 31-7382, 31-7417, 31-7418, 31-10671, 31-10677,
31-10681, 31-10686, 31-11372, 31-11375, 31-11376, 31-11382, 31-11387,
31-11388, 31-11389, 31-11391, 31-11392, 31-11394, 31-11396, 31-11669,
35-2732, 35-7340, 35-7933, 35-7934

Dear Claimant:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name on the next page and return the entire letter to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by September 23, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claims referenced above, please call this office toll-free at

Richard A. Egbert
September 9, 2002
Page 2 of 2

1/800-451-4129 so I can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,



Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Returned Mail

The address is correct as shown above or as otherwise changed.


Water Right Holder's Signature

12/27/02
Telephone No.

31-49B

31-50B

31-51B

22-4004

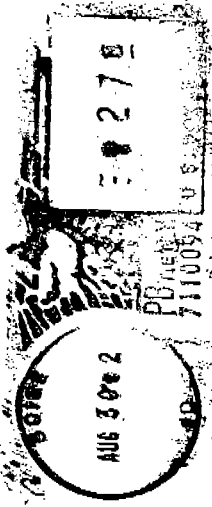
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED
SEP - 6 2002

Department of Water Resources

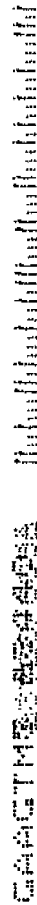
PRESORTED
FIRST CLASS



31-184
202

RICHARD A EGBERT LTD
C/O DR BRAD EGBERT
32 W.
REXB

EGBE032 634402004 1502 05 09/04/02
RETURN TO SENDER
EGBERT MADISON CHIROPRACTIC
1134 BOND AVE
ALEXBURG ID 83440-3562
RETURN TO SENDER



31-49B
31-50B
31-51B
22-4004

12/9/02 Is now Egbert Chiropractic Ctr
1650 Bond St.

356-8818

paid by is in
Egbert 90s. FAX 356-0458
Tammy



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-5400

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

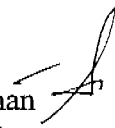
FAX TRANSMITTAL COVER SHEET

DATE: December 9, 2002

TO: Tammy – Egbert Chiropractic

Ph: 208/356-8818

Fx: 208/356-0458

FROM: Sally Sherman 

Ph: 327-7862

Fx: 324-5400

DOCUMENT DESCRIPTION
COVER SHEET 2 PAGES

9/9/2002 Letter to Richard A. Egbert

*11/4/02
12/9/02 Brad E. called -
meeting w/ a bny
fell call back*

31- 49B

31- 50B

31- 51B

22- 4004



Egbert Chiropractic Center

Brad R. Egbert, D.C.

DATE: December 27, 2002

FAX TO: Idaho Dept. of Water Resources
ATTN: SALLY SHERMAN

FAX NUMBER: 208 327 5400

NUMBER OF PAGES: (INCLUDING THE COVER SHEET) 6

FAXED FROM: EGBERT CHIROPRACTIC CENTER

1134 BOND AVE.

REXBURG, IDAHO 83440

PHONE (208) 356-8818

FAX (208) 356-0458

31-49B

31-50B

31-51B

22-4004

COMMENTS: _____

COPY

AMENDMENT TO FILED CERTIFICATE OF LIMITED PARTNERSHIP

To the Secretary of State of Idaho
Statehouse, Boise, Idaho 83720

JUN 20 AM 8:55
SECRETARY OF STATE
STATE OF IDAHO



1. The name of the limited partnership is: _____

RICHARD A. EGBERT LIMITED PARTNERSHIP

2. The date on which its certificate of limited partnership was filed with the Secretary of State was: _____
June 14, 1984

3. The certificate of limited partnership is amended as follows: (check appropriate box(es))

☐ a. The name of the limited partnership is amended to read:

☐ b. The name and business address of the registered agent are amended to read:

☒ c. The name of each withdrawing general partner is:

Lafae E. Wilson

☒ d. The name and business address of each new general partner are:
(If more space is needed, continue on blank 5)

David R. Wilson, 1220 W. Stewart Rd., Midland, MI 48640

☒ e. The business of the limited partnership is continued following an event of withdrawal of a general partner.

☐ f. Other amendments (optional):

31-49B
31-50B
31-51B

22-4004

4. Signature of at least one general partner and all new general partners:

Richard A. Egbert
Allen R. Egbert
David R. Wilson
David Richard Wilson

RECEIVED
JUN 20 1984 09:00
BY: [initials] FOR: [initials]
10:00 - 10:00 P.M.

L 348

THIRD RESTATED CERTIFICATE OF LIMITED PARTNERSHIP

of

COPY

RICHARD A. EGBERT LIMITED PARTNERSHIP

We, the undersigned, certify and agree to the terms of this certificate for the purpose of continuing and amending the above-named Limited Partnership Agreement, pursuant hereto, and all under the provisions of the Idaho Uniform Limited Partnership Law, Title 53, Chapter 2, Idaho Code.

This Third Restated Certificate of Limited Partnership amends that certain Certificate of Limited Partnership, filed in behalf of Richard A. Egbert Limited Partnership on December 31, 1981, recorded in the records of Teton County, Idaho, on December 31, 1981, as Instrument No 89242; in the records of Madison County, Idaho, on February 4, 1982, as Instrument No. 192425; in the records of Jefferson County, Idaho, on January 22, 1982, as Instrument No. 213622; in the records of Fremont County, Idaho, on January 21, 1982, as Instrument No. 374291; and in the records of Clark County, Idaho, on January 22, 1982, as Instrument No. 36547; that certain Restated Certificate of Limited Partnership, filed in behalf of Richard A. Egbert Limited Partnership, recorded in the records of the Office of the Secretary of State for the State of Idaho on April 28, 1983, with a file number of L00348; and that certain Second Restated Certificate of Limited Partnership, filed in behalf of the Richard A. Egbert Limited Partnership, recorded in the records of the Office of the Secretary of State for the State of Idaho, on June 14, 1984.

31- 49B
31- 50B
31- 51B
22- 4004

1. Name.

The name of the Limited Partnership is: RICHARD A. EGBERT LIMITED PARTNERSHIP.

2. Character of Business.

The general character of the business of the partnership is:

Farming and ranching; and dealing in real and personal property.

3. Registered Agent.

The name and address of the registered agent of the Limited Partnership, for service of process, as required by Idaho Code, §53-204, is:

Richard A. Egbert
218 Egbert
Tetonia, ID 83452

4. Partners' Names and Addresses.

(a) The names and business addresses of the General Partners are:

RICHARD A EGBERT
218 EGBERT
TETONIA ID 83452

BRAD R EGBERT
32 W 1ST S
REXBURG ID 83440

ALTA P EGBERT
218 EGBERT
TETONIA ID 83452

LARAE E WILSON
215 TENTH AVENUE
SALT LAKE CITY UT 84103

Richard A. Egbert shall be the Managing General Partner for managing any business operations of the partnership, so long as he is able and willing to do so. Upon his death or inability to serve in that capacity, then Brad R. Egbert and LaRae E. Wilson shall serve as Co-Managing General Partners. Inability to manage shall be determined by the opinion of two physicians, who shall give their opinion in writing and file it with the partnership, and if



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

September 20, 2000

RICHARD A EGBERT
C/O DR BRAD EGBERT
32 W 1ST S
REXBURG ID 83440-1810

RE: CHANGE IN OWNERSHIP FOR A31-00049B, A31-00050B,
A31-00051B, A31-00321B, A31-07083, A31-07084, A31-
07103, A31-07104, A31-07105, A31-07106, A31-07107, A31-
07108, A31-07121, A31-07148, A31-07149, A31-07150, A31-
07151, A31-07152, A31-07154A, A31-07192, A31-07193,
A31-07375, A31-10677 AND A31-10681

Dear Claimant:

The request for Change in Ownership concerning the
Notice(s) of Claim in the above reference has been
processed and the Notice(s) modified to reflect Kirk
Egbert as the representative per your letter dated July
20, 2000.

Water right numbers A31-10671, A31-10686, A35-02732,
A35-07349, A35-07933 and A35-07934 are being processed
and will be sent to you in another mailing.

Review the forms and if there are other corrections or
questions, feel free to contact this office.

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

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

Cc: Kirk Egbert

Needs Address Change + Representation Added to Each Chain

Richard A. Egbert BASIN 31

- ✓A31 - 00321B ^{Blank} Records ~~Added~~
- ✓A31 - 07083 + R X ~~Added~~
- ✓A31 - 07084 + R X ~~Added Comments~~
- ✓A31 - 07103 + R X ~~Added~~
- ✓A31 - 07104 + R X Add
- ✓A31 - 07105 + R X Provisions
- ✓A31 - 07106 + R X
- ✓A31 - 07107 + R X
- ✓A31 - 07108 + R X
- ✓A31 - 07121 + R X
- ✓A31 - 07148 + R X
- ✓A31 - 07149 + R X
- ✓A31 - 07150 + R X
- ✓A31 - 07151 + R X
- ✓A31 - 07152
- ✓A31 - 07154A
- ✓A31 - 07192 + R X
- ✓A31 - 07193
- ✓A31 - 07375 + R X
- ✓A31 - 10671 + blank ^{P.D. issued}
- ✓A31 - 10677 + R X
- ✓A31 - 10681
- ✓A31 - 10686 + blank ^{P.D. issued}

Don't
send

Richard A. Egbert Ltd. Partnership

BASIN 31

- ✓A31 - 00049B
- ✓A31 - 00050B
- ✓A31 - 00051B

Richard A. Egbert

BASIN 35

- ✓A35 - 02732 + blank *
- ✓A35 - 07349 + blank *
- ✓A35 - 07933 + blank *
- ✓A35 - 07934 + blank *
- ~~A35 - 10671 + blank~~

~~Need to add
Comments and
print prelim. Director
reports and comments
and Directors reports
for Basin 35~~

Richard A. Egbert
c/o Dr. Brad Egbert
32 W 1st South
Rexburg, Idaho 83440 - 1810

July 20, 2000

Idaho Department of Water Resources
900 North Skyline, Ste A.
Idaho Falls, Idaho 83402

To Whom it May Concern:

I, Richard A. Egbert, do appoint

Kirk S. Egbert
Box 87
Terreton, Idaho 83450

as my representative for all water right and water adjudication issues, for water rights in my own name or in the name of the Richard A. Egbert Limited Partnership.

I also request that my address be changed on all the department's records to match the address at the top of this letter.

Sincerely,


Richard A. Egbert

ok ~~Bar~~ BC 7/21/00
7/25/00

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

<u>A31-02327B</u>		
<u>A31-07080</u>		
<u>A31-10668</u>	X	(only NE 1/4 of 26 & SE 1/4 of 23)

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

- A. The appropriate **FILING FEE**. See instructions for fee amount.
- B. A copy of the most recent **DEED, TITLE POLICY, CONT** ownership of the property and water right(s) or claim(s) in ques
- C. Either of the following (if necessary to clarify division of water **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing th water right(s) and/or adjudication claim(s) (these are usually at **OR** If your water right(s) and/or adjudication claim(s) are for te Service Agency **AERIAL PHOTO** with the irrigated acr **AERIAL PHOTO** should be submitted in place of the **PLAT**

Jen -

This is the list of Richard A. Egbert's rights. We need to research Richard A. Egbert Limited Partnership rights

your
if your
A Farm
L. The

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

Keith Darzee
Terreton, Idaho

4. New Owner/Claimant(s)

Kirk Egbert
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

Box 87

City, State and ZIP Code

Terreton Idaho 83450

New Telephone Number

(208) 663-4505

5. Date you acquired the property

ok *Bas* 7/25/00

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A31-02327B</u>				
	<u>A31-07080</u>				
	<u>A31-10668</u>	<u>X</u>	<u>(only NE 1/4 of 26 & SE 1/4 of 23)</u>		

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

Keith Barzee
Terreton, Idaho

4. New Owner/Claimant(s)

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

New Mailing Address

Box 87

City, State and ZIP Code

Terreton Idaho 83450

New Telephone Number

(208) 663-4505

5. Date you acquired the property

To: Change of Ownership -
Keith Barger to Kirk Egbert
Fr: Bryce Couder
Date: 7/24/2000
Re: Contract review

The sales contract appears to convey the
piece of land of A31-07080 & A31-02327B.

Claim A31-10668 also covers part of
these lands but it is not in the name
of either Keith Barger nor Kirk Egbert. A31-
10668 is based on license 31-02371
(see memo in file 12/28/1988 from Tony Olenick)
which shows no POA in any of the
lands described by the sales contract.

It appears that we should change
ownership of A31-07080 & A31-02327B as
requested, but not split A31-10668. When
A31-10668 is investigated we will probably
not recommend those lands owned by Mr.
Egbert per the above documentation.

Crabtree, Jennifer

From: Contor, Bryce
Sent: Monday, August 14, 2000 11:21 AM
To: Crabtree, Jennifer
Subject: change of address - richard egbert

I am working on some amended claims for Richard Egbert. I've been updating the address & adding Kirk Egbert as a rep. So when you start doing it, that's why some will already be done.



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

August 1, 2000

KIRK EGBERT
PO BOX 87
TERRETON ID 83450

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICES OF CLAIM TO A WATER RIGHT A31-07267A, A31-
10964A

Dear Mr. Egbert:

The request for Change of Water Right Ownership concerning the above-referenced Notices of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed reports show this change along with the elements of the water right being claimed. Please review these reports and contact this office if there are corrections or questions.

Please keep these reports for your records.

A31-04123 was retained by Mr. and Mrs. Wood and was not changed.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

Jun

7-11-0

8/14

Richard A. Egbert
32 W 1st S
Rexburg, ID 83440-1810

RE: Snake River Basin Adjudication (SRB
Water Rights #A31-07083, A31-07084,
A31-07105, A31-07106, A31-07107,
A31-07148, A31-07149, A31-07150,
A31-07192, A31-07193, A31-07371,
A31-10681, A31-10686, A35-07349

Dear Water Right Holder:

Mail recently sent to you was returned
advised us your address has changed to the
returned mail.

Although we have reached you at the
confirmation this is your correct mailing address.

Please sign your name at the bottom.
Make corrections to your name and address
any other water rights you have, and return
for your help.

If your mail delivery address changes in any form, please contact us in
writing so we can update our records. Be sure to list your water right numbers.

A records changed
+ letters sent
but waiting to
be able to
modify the
R record

8/11/00

A 31-07327B }
07080 } filed
X2

= 10668 - waiting to
file
once R record
fixed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 8, 2000

7-11-00

Response.

Richard A. Egbert
32 W 1st S
Rexburg, ID 83440-1810

RE: Snake River Basin Adjudication (SRBA)
**Water Rights #A31-07083, A31-07084, A31-07103, A31-07104,
A31-07105, A31-07106, A31-07107, A31-07108, A31-07121,
A31-07148, A31-07149, A31-07150, A31-07151, A31-07152,
A31-07192, A31-07193, A31-07375, A31-10671, A31-10677,
A31-10681, A31-10686, A35-07349, A35-07933 & A35-07934**

Dear Water Right Holder:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by June 22, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

Richard A. Egbert
June 8, 2000
Page 2 of 2

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,



Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

ce Requested

MAY 25 2000

Department of Water Resources

A31-07103
-07106
-07149
-07193
-10686
-07084
-07103

A31-07104
-07105
-07107
-07108
-07121
-07148
-07150

A31-07192
RICHARD A EGBERT
PO BOX 9

TETONIA

ID 83452

LEGBE009 034522006 1A99 04 05/23/00
RETURN TO SENDER
REXBURG
W 1ST S
REXBURG ID 03440-1010
RETURN TO SENDER

44145 45454

|||||||

Date 06/07/00
Time 13:25:14

Page: 1

[illegible]

(Enter=Goto Page) (Gold2=Update) (Gold4=Previous) (Gold5=Next) (Menu _____)



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

August 1, 2000

KIRK EGBERT
PO BOX 87
TERRETON ID 83450

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICES OF CLAIM TO A WATER RIGHT A31-02327B, A31-
07080

Dear Mr. Egbert:

The request for Change of Water Right Ownership concerning the above-referenced Notices of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed reports show this change along with the elements of the water right being claimed. Please review these reports and contact this office if there are corrections or questions.

Please keep these reports for your records.

A31-10668 was not split because our records show this property was not owned by Keith Barzee. If you have questions about this matter, please contact Senior Water Agent Bryce Contor.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosures



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 21, 2000

Kirk Egbert
Terreton, ID 83450

Richard A. Egbert Limited Partnership
C/O Brad Egbert
35 W 1st S
Rexburg, ID 834401-1810

Re: Adjudication Claims

Dear Water Users:

Enclosed are three Adjudication Claims for water rights transferred by Richard A. Egbert Limited Partnership in 1993. Even though these rights were acknowledged by the transfer process, they still need to be claimed in the Adjudication.

I've prepared the enclosed claims based on the transfer. They are your claims, however; please review the enclosed instructions and modify the claims as you feel appropriate. Please initial any changes. Submitting the claims will allow the rights to proceed to claims investigation, recommendation, and finally to court decrees.

Please correct the address at the top of these claims, and add other names and representatives as appropriate. The claims need to be signed by an officer of the Richard A. Egbert Limited Partnership, or by an authorized representative. If the representative is not an officer of the partnership, we need a document from one of the officers authorizing the representative to act in behalf of the partnership. I generally carry my notary stamp home at

T3837 EGBERT

Page 1 of 11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3837

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

JUN 19 1992

APPROVED

Name of applicant Richard A. Egbert Limited Partnership 456-2645
Post Office address Box 9, Tetonia, Id. 83452

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Change in nature of Use
2. Describe the reason for the proposed changes Change use from irrigation to stockwater for small portion of right 3000 sheep or 400 cattle

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|---------------------|-----------------------|-------------------|-----------------------------|
| <u>31-00049</u> | <u>Dec 10, 1884</u> | <u>0.06</u> | <u>Stockwater</u> | <u>4/15</u> to <u>12/25</u> |
| <u>31-00050</u> | <u>Apr 1, 1885</u> | <u>0.06</u> | <u>Stockwater</u> | <u>4/15</u> to <u>12/25</u> |
| <u>31-00051</u> | <u>Apr 1, 1885</u> | <u>0.06</u> | <u>Stockwater</u> | <u>4/15</u> to <u>12/25</u> |
| | | | | to |
| 2. Total amount of water being transferred <u>0.06</u> cubic feet per second and/or _____ acre-feet per annum | | | | |
| 3. Source of water <u>Camas Creek</u> tributary to <u>Mud Lake</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

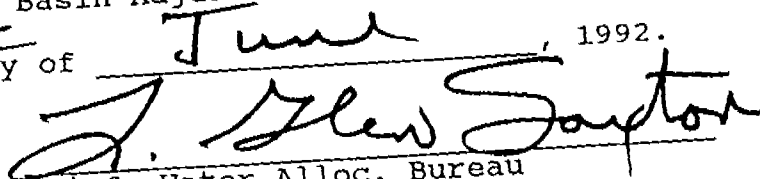
5. Lands irrigated or place of use:

[illegible]

CONDITIONS OF APPROVAL
Transfer of Water Right Nos. 31-00049/00050/00051

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 10th day of June, 1992.


Chief, Water Alloc. Bureau

ge 4 of 17

Transfer No. 3837

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-00049 Decreed to Preston Ellsworth
in case of Ernest Sauve vs. W. H. Abbott
dated 25 Feb 1931 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Camas Creek tributary to Mud Lake

4. Date or priority Dec 10, 1884

5. Water is used for the following purpose:

amount 1.8 cfs for Irrigation purposes from NOT SPECIFIED to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.8 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	3	8N	36E	Jefferson	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	36E	3															A		
		10	A	A	A														

Total acres NOT SPECIFIED

attached above 31-00050/31-00051

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years in which the water was not used for its intended purpose?
No If yes, describe _____

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

- [illegible]

- [illegible]

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

- [illegible]

- | Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 8N | 36E | 3 | | | | | | | | | | | | | | | A | | |
| |
| | | 10 | A | A | A | | | | | | | | | | | | | | |
| |
| |

Page 6 of 17

Transfer No. 3837

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-00050 Decreed to Preston Elkworth
in case of Ernest Sauve vs. W.H. Abbott
dated 25 Feb 1931 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Camas Creek tributary to Mud Lake

4. Date or priority April 1, 1885

5. Water is used for the following purpose:

amount 0.3 cfs for Irrigation purposes from 5/1 to 7/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.3 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	3	8N	36E	Jefferson	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	36E	3															A		
		10	A	A	A														

Total acres _____

-- described above 31-00049/00051

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

- | Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 3N | 36E | 3 | | | | | | | | | | | | | | | A | | |
| |
| | | 10 | A | A | A | | | | | | | | | | | | | | |
| |

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-00051 Decreed to Preston Ellsworth
in case of Ernest Sauve vs. W. H. Abbott
dated 25 Feb 1931 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Camas Creek tributary to Mud Lake

4. Date or priority April 1, 1885

5. Water is used for the following purpose:

amount 0.5 cfs for Irrigation purposes from _____ to _____ Spring high water season only
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	3	8N	36E	Jefferson	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	36E	3															A		
		10	A	A	A														

Total acres _____

_____ used for the same purpose as described above 31-00049 / 00050

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	36E	3															A		
		10	A	A	A														

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

A large grid of dashed lines, intended for drawing a map or attaching a USGS map. The grid consists of approximately 10 horizontal and 10 vertical lines, creating a series of squares. The lines are faint and evenly spaced across the page.

PART 3

* See Attached Sheets "A"

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Subscribed and sworn to before me this

Richard A. Ebert, Trustee of Redwood
 by Richard A. Ebert (Signature of Applicant)
18 day of April, 1991

[Signature]
 (Notary Public)

My commission expires

22 Aug. 1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by KCWDate 4-18-91

Protest filed by _____

Prelim. check by JMDFee \$30.00 # E015977

Receipted by _____

Date _____

Published in Jefferson Star

Copies of protest forwarded by _____

Pub. dates 5-16; 23-91

Hearing held by _____ Date _____

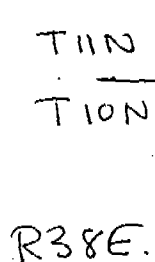
Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____



38

TAX MASTER INQUIRY

SCREEN 1

PARCEL KEY RP 08N36E030000 A TAX YEAR 90 CODE AREA 03700 BILL NUMBER 7827
NAME LARSEN, BLAINE & CONNIE LEGAL LOT 1; SE4NE4; E2SE4;
ADDRESS P.O. BOX 188 SEC 3 TWP 8 NORTH RGE 36 EBM
HAMER, IDAHO 83425

MARKET VALUE	68,678	OPERATOR	1ST HALF	2ND HALF
HARDSHIP		BATCH	RHEA	
HOMEOWNER		PAID UNDER PROTEST		26
NET MARKET VALUE	68,678	REVERSAL		
TAX AMOUNT	812.50	BANK CODE		
LESS:CIRCUIT		PAYMENT CODE		H
ADD :SPECIALS				
NET TAX BILLED	812.50			
TAX CANCELLED				
SPEC CANCELED				

ACCOUNT TYPE: REMARKS:

PREVIOUS TAX KEY

NEXT PARCEL NUMBER RP A

CMD 1 PARCEL MASTER CMD 3 TAX DUE CMD 13 NAME SEARCH CMD 14 ADD SEARCH

TAX MASTER INQUIRY

SCREEN 1

PARCEL KEY RP 08N36E100001 A TAX YEAR 90 CODE AREA 03700 BILL NUMBER 7838
NAME LARSEN, BLAINE & CONNIE LEGAL ALL SEC 10; LESS W2NE4; WEST
ADDRESS P.O. BOX 188 OF CAMAS CREEK & NW4SE4; WEST
HAMER, IDAHO 83425 OF CAMAS CREEK
TWP 8 NORTH RGE 36 EBM

MARKET VALUE	178,658	OPERATOR	1ST HALF	2ND HALF
HARDSHIP		BATCH	RHEA	
HOMEOWNER		PAID UNDER PROTEST	26	
NET MARKET VALUE	178,658	REVERSAL		
TAX AMOUNT	2,113.56	BANK CODE		
LESS:CIRCUIT		PAYMENT CODE	H	
ADD :SPECIALS				
NET TAX BILLED	2,113.56			
TAX CANCELLED				
SPEC CANCELED				

ACCOUNT TYPE: REMARKS:

PREVIOUS TAX KEY

NEXT PARCEL NUMBER RP

CMD 1 PARCEL MASTER CMD 3 TAX DUE CMD 13 NAME SEARCH CMD 14 ADD SEARCH A

TAX MASTER INQUIRY

SCREEN 1

PARCEL KEY RP 08N36E100750 A TAX YEAR 90 CODE AREA 03700 BILL NUMBER 7839
NAME LARSEN, BLAINE & CONNIE LEGAL W2NE4; WEST OF CAMAS CREEK;
ADDRESS % VARIN, KEVAN TRUSTEE OF NW4SE4; WEST OF CAMAS CREEK;
LARSEN, BART L. & LEISHA TRUST SEC 10, TWP 8 NORTH RGE 36 EBM
P.O. BOX 188
HAMER, IDAHO 83425

MARKET VALUE	41,250	1ST HALF	2ND HALF
HARDSHIP		RHEA	
HOMEOWNER			26
NET MARKET VALUE	41,250		
TAX AMOUNT	488.02		
LESS:CIRCUIT			
ADD :SPECIALS			
NET TAX BILLED	488.02		H
TAX CANCELLED			
SPEC CANCELED			

ACCOUNT TYPE: REMARKS:

PREVIOUS TAX KEY

NEXT PARCEL NUMBER RP

A

CMD 1 PARCEL MASTER CMD 3 TAX DUE CMD 13 NAME SEARCH CMD 14 ADD SEARCH

WARRANTY DEED TO A WATER RIGHT

THIS INDENTURE, Made this 8th day of April, 1991, between BLAINE LARSEN and CONNIE LARSEN, his wife, of Hamer, Jefferson County, ID 83425, the parties of the first part, and RICHARD A. EGBERT LIMITED PARTNERSHIP, an Idaho limited partnership with its principal office at Teton, Teton County, Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Hundred and No/100 Dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents, do grant, bargain, sell, convey and confirm unto the said party of the second part, its successors and assigns, forever, .18 c.f.s. of the waters of Camas Creek, Tributary to Mud Lake, more particularly described as follows:

<u>Right No.</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of use</u>	<u>Period of Use</u>
31-00049	12-10-1884	0.06	Stockwater	4/15 to 12/25
31-00050	04-01-1885	0.06	Stockwater	4/15 to 12/25
31-00051	04-01-1885	0.06	Stockwater	4/15 to 12/25

TOGETHER with all estate, right, title and interest in and to the said water rights, as well in law as in equity of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described water rights unto the said party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said

water rights in the quiet and peaceable possession of the said party of the second part, its successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Blaine Larsen
Blaine Larsen
Connie Larsen
Connie Larsen

STATE OF IDAHO,)
County of Jefferson) ss.

On this 0th day of April, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN and CONNIE LARSEN, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.

Robert E. Van
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: 8-19-91

Attached Sheet
"A"

CHANGE IN NATURE OF USE:

STOCKWATER: 3000 SHEEP NEED 2 GAL/DAY/HEAD = 6000 GAL/DAY
@ 0.06 CFS DETERMINE TIME NECESSARY TO DELIVER 6000 GAL/DAY

$(0.06 \text{ cfs})(448.8 \text{ gpm/cfs})(60 \text{ min/hr}) = 1615.68 \text{ gal/hr}$
 $(6000 \text{ gal})/1615.68 \text{ gal/hr} = \underline{3.71 \text{ hour}}$ to deliver 6000 gal.

VOLUME CALCULATIONS:

RANGE CATTLE REQUIRE 12 GAL/DAY/HEAD
SHEEP REQUIRE 2 GAL/DAY/HEAD

THEREFORE: VOLUME FOR SHEEP = $(2/12)(\text{VOLUME FOR 3000 CATTLE})$

$\text{VOLUME} = (2/12)(3000)(0.0134) = 6.7 \text{ AFA}^*$
(NOTE: This calculation is for one year)
(PERIOD OF USE 4/15 - 12/25 FOR 245 DAYS)

$\text{Volume} = (245/365)(6.7 \text{ afa}) = \underline{4.5 \text{ afa}}$

DETERMINE IF FLOW RATE (0.06 cfs) CAN DELIVER WATER WITH A 4 HR/DAY DELIVERY.

$\text{Volume} = (0.06 \text{ cfs})(1.9835)(4 \text{ hr/day})(1 \text{ day}/24\text{hr})(254 \text{ days/yr}) =$
 $= 5.04 \text{ afa}$

$\text{Volume sheep} = \underline{4.5 \text{ afa}}$
 $\text{Rate of Diversion} = \underline{0.06 \text{ cfs}}$

ASSUMPTIONS IN CHANGE IN NATURE OF USE:

1. STOCKWATER USE IS CONSUMPTIVE, AND IS NOT "de minimus."
2. DECREES 31-00049/00050/00051 LIST SAME PLACE OF USE WITHOUT LISTING ACREAGE. ASSUME: IRRIGATED ACREAGE = 160 acres.

$\underline{2.6 \text{ cfs}}$ for 160 acres = $0.01625 \text{ cfs/acre} = 0.8125 \text{ miners inches/acre}$

Consumptive use for area = $(17.5 \text{ ac-in})/(12 \text{ in}) = 1.46 \text{ afa}$
 $\text{C.U.} = (1.46 \text{ cfs})(160 \text{ acres}) = \underline{233.6 \text{ afa}}$

Total volume diverted = $(3 \text{ afa})(160 \text{ acres}) = \underline{480 \text{ afa}}$

NEW RATE CHECK:

RATE	VOLUME	CONSUMPTIVE USE
2.60 cfs	480.0 af	233.6 af
<u>-0.06 cfs</u>	<u>-4.5 af</u>	<u>-4.5 af</u>
2.54 cfs	475.5 af	229.1 af

NOTE: All values are positive therefore, the original decreed water rights are large enough to provide for the new use.

NUMBER OF ACRES CALCULATIONS:

RATE: $[(0.06 \text{ cfs})/(2.6 \text{ cfs})] \times 160 \text{ acres} = 3.69 \text{ ac out}$

VOLUME: $[(4.5 \text{ af})/(3.0 \text{ af})] = 1.5 \text{ acres out}$

CONSUMPTIVE USE: $[(4.5 \text{ af})/(1.46 \text{ af})] = 3.08 \text{ acres out}$

Rate of flow is the controlling factor.

CAN REMAINING RIGHT OF 2.54 CFS PROVIDE SUFFICIENT WATER TO IRRIGATE MORE THAT THE PROPORTIONATE NUMBER OF ACRES?

NOTE: $[(\text{New Rate})/(\text{Acres Irrigated})] = (2.54 \text{ cfs})/160 \text{ acres} = 0.015875 \text{ cfs/ac}$
 $= 0.7937 \text{ miners inches per acre}$

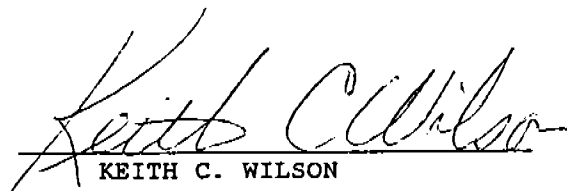
ASSUME: 0.7 miners inches necessary to irrigate land
Total Volume = $[(3.0 \text{ af})(160 \text{ ac}) + (4.5 \text{ af})] = 484.5 \text{ afa}$
(Irr. volume) + (Stockwater Vol.)

DETERMINE NUMBER OF DAYS TO DELIVER TOTAL VOLUME OF 484.5 AFA

$\text{Vol} = [(\text{Rate})(1.9835)(\text{days})] = 484.5 \text{ afa}$

$\text{Days} = (\text{Volume})/[(\text{Rate})(1.9835)] = (484.5 \text{ af})/[(2.54 \text{ cfs})(1.9835)]$
 $= 96.2 \text{ days to deliver sufficient volume for alfalfa in this area.}$

IT IS MY CONCLUSION THAT THESE RIGHTS CAN MEET BOTH THE IRRIGATION PORTION, AND THE STOCKWATER PORTION OF THESE RIGHTS. FOR THE PURPOSE OF EVALUATION STOCKWATER WAS CONSIDERED TO NOT BE "de minimus", AND TO HAVE A CONSUMPTIVE NATURE. IT WOULD APPEAR THAT THE REMAINING PORTION OF THE IRRIGATION PORTION CAN IRRIGATE UP TO THE 160 ACRES AND THE IRRIGATED ACREAGE SHOULD NOT BE REDUCED TO FILL THE STOCKWATER PORTION OF THESE WATER RIGHTS.


KEITH C. WILSON
SENIOR RESOURCE AGENT



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

Ron Carlson

3837

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 6, 1989

RECEIVED

OCT 11 1989

Department of Water Resources
Eastern District Office

James D. Hansen, Esq.
GIVENS, PURSLEY, WEBB & HUNTLEY
Suite 200, Park Place
277 North 6TH Street
P. O. Box 2720
Boise, Idaho 83701

RE: Application for transfer No. 3256 for rights 31-0049,
31-0050, and 31-0051

Dear Jim:

Thank you for your letter of September 27, 1989 relative to interpretation of your request for oral argument on the proposed decision on application for transfer No. 3256.

The department's files on this matter do not include a formal transcript or taped record of a hearing because the matter has only been considered at an informal conference. Hand written notes taken at the conference by department personnel are included in the files. This information is available for your review here at the state office at your convenience or copies can be provided at the regular rate for copies upon request.

I am sure that you and your client want this matter to continue toward resolution; so please advise me at an early date of whether you want the matter set for oral argument or are seeking a rehearing.

Sincerely yours,

Norman C. Young
NORMAN C. YOUNG (WC)
Administrator

cc: All parties



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 27, 1989

James F. Hagenbarth
Kilgore Stare Route
Dubois, ID 83423

RE: Transfer of Water Right No. 31-0049 in the Name of Blaine
Larson Farms

Dear Mr. Hagenbarth:

Department records show that a hearing was conducted on August 6, 1986, regarding the proposed transfer. The records also show that Bobby D. Fleenor was the hearing officer.

I understand in talking to Ron Carlson that a proposed Memorandum Decision is being written. I have also forwarded this file to Mr. Fleenor.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Eastern

RECEIVED

JUL 31 1989

Department of Water Resources
Eastern District Office

OCT 16 1989

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3256 FOR WATER RIGHT)
NOS. 31-0049, 31-0050, AND 31-0051)
_____)

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

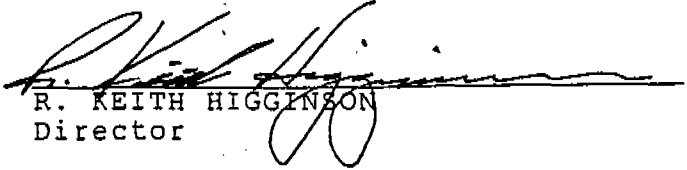
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 3rd day of August, 19 89.


R. KEITH HIGGINSON
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Application)
for Transfer No. 3256 for Water)
Right Nos. 31-0049, 31-0050,)
and 31-0051.)

SOURCE: Camas Creek
Tributary to
Mud Lake

BLAINE LARSEN FARMS,)
)
Applicant,)

RAY SANDERS)
FERRIN JENKINS)

COUNTY: Jefferson

Protestants.)

PROPOSED MEMORANDUM DECISION AND ORDER

BY HEARING OFFICER BOBBY D. FLEENOR

In June of 1985, Blaine Larsen and Connie Larsen of Hamer, Idaho purchased from Alvin Munns and Sons, Inc. certain real property located within Sections 22 and 23, Township 8 North, Range 35 East; Sections 3, 4, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 28, and 33, Township 8 North, Range 36 East, B.M., plus Blocks or portions thereof, A through Q and Blocks 21 and 22 of the original Camas townsite. Of the above described lands, the SW1/4SE1/4, Section 3, N1/2, SW1/4NE1/4, Section 10, Township 8 North, Range 36 East, were decreed water rights in November, 1930 in the case of Ernest Sauve vs. W.H. Abbott, et al. On April 1, 1986 Blaine Larsen dba Blaine Larsen Farms (Applicant) filed Application for Transfer No. 3256 with the Idaho Department of Water Resources (IDWR) to change the point of diversion, place of

use, and source for these water rights. The change requested proposed moving rights identified in IDWR's records as 31-0049, 31-0050, and 31-0051, upstream some 35 miles to be diverted from Ching Creek at a point identified within the NE1/4SW1/4, Section 3, Township 13 North, Range 39 East, B.M., Clark County.

Notice of this proposed change was advertised in the Jefferson Star on May 22 and 29, 1986 and subsequently protested by Ray Sanders of Hamer, Idaho and Ferrin Jenkins of Idaho Falls. On August 6, 1986 IDWR scheduled the matter for conference and/or hearing pursuant to the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and Procedure of IDWR.

The written protests cited reduction of water available to other existing rights on Ching Creek as the basis for objection to the transfer. At the prehearing conference held August 6, 1986, the protestants raised the issues of forfeiture of the rights by nonuse and enlargement of the rights from historic usage patterns. At the conference the parties agreed to waive their right to a hearing and allow IDWR to make a decision in the matter based upon information presented at the conference, the records of the watermaster and other field data IDWR chose to collect.

IDWR has now reviewed available information including the records of the watermaster of Water District 31 and based upon his understanding of the law the hearing officer makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Applicant purchased the following described lands from Alvin W. Munns and Sons, Inc. as evidenced by the deed issued on June 21, 1985.

Tract 1:

Township 8 North, Range 35 East of the Boise Meridian,
Jefferson County, Idaho

Section 22: N1/2NE1/4, SE1/4NE1/4, N1/2NW1/4.

Section 23: S1/2NW1/4, NE1/4SW1/4.

Township 8 North, Range 36 East of the Boise Meridian,
Jefferson County, Idaho

Section 3: SW1/4SE1/4.

Section 4: SE1/4SE1/4.

EXCEPTING THEREFROM: That portion lying West
of the Union Pacific Railroad right-of-way.

Section 9: E1/2E1/2, lying East of the Railroad
right-of-way.

Section 10: N1/2NE1/4, SW1/4NE1/4.

Section 11: S1/2, SW1/4NW1/4.

Section 12: SW1/4."

Section 13: W1/2, N1/2SE1/4, SE1/4SE1/4.

Section 14: All.

Section 15: All.

Section 21: E1/2NE1/4 lying East of the Railroad
right-of-way, E1/2SW1/4 lying East of the
Highway right-of-way, W1/2SE1/4.

Section 22: All.

Section 23: W1/2W1/2.

Section 24: E1/2NW1/4, E1/2, E1/2SW1/4.

Section 28: E1/2NW1/4 lying East of the highway
right-of-way, W1/2E1/2.

Section 33: NW1/4NE1/4.

Township 8 North, Range 36 East of the Boise Meridian,
Jefferson County, Idaho.

Section 4: That portion of Lot 1 and the NE1/4SE1/4 lying
Easterly of the Union Pacific Railroad.
EXCEPTING THEREFROM: Any highway or road
right-of-ways.

Original Camas Townsite, Lots and Blocks as hereinafter
described and all located in the NE1/4SE1/4 of Section 21,
Township 8 North, Range 36 East of the Boise Meridian:

Block A: Lots 6 and 7.
 Block B: Lots 6 through 20, both inclusive. E1/2.
 Block C: All.
 Block D: All.
 Block E: All.
 Block F: All.
 Block G: E1/2, Lots 1 through 8, inclusive.
 Block H: Lots 3 through 10, both inclusive.
 Block I: All.
 Block J: All.
 Block K: All.
 Block L: Lots 1 through 8, inclusive.
 Block O: All.
 Block P: All.
 Block Q: All.
 Block 21: All.
 Block 22: All.

As per the recorded plat thereof in the Office of the County Recorder of Jefferson County, Idaho.

All of the W1/2SE1/4 which includes Addition No. 1 to the Original Townsite of Camas, Jefferson County, Idaho and known as the Kiesel Addition being described as:

Block 1 through 5, inclusive, according to the recorded plat thereof in the office of the County Recorder of Jefferson County, Idaho and all in Section 21, Township 8 North, Range 36E.B.M.

Excepting from Sections 21 and 28 described above, an irregular strip of land being on the Westerly side of the Survey center line of Highway as shown on the official plat of Interstate Project No. 1-15-3 (9) 150 Highway Survey now on file in the office of the Department of Highways, of the State of Idaho and lying over and across the E1/2NW1/4 of said Section 28 and the SE1/4SW1/4 of said Section 21, described as follows, to-wit:

Beginning at a point of intersection of the South line of the SE1/4NW1/4 of said Section 28 and a line parallel with and 150 feet Westerly from the survey center line of Interstate Project No. 1-15-3 (9) 150 Highway Survey, which point is approximately 265 feet East from the SW Corner to the SE1/4NW1/4 of said Section 28; thence N5 degrees 40'W along said parallel line 2614.0 feet, more or less to the West line of the NE1/4NW1/4 of said Section 28; then North along said West line and the West line of the SE1/4SW1/4 of Section 21, said township and range, 543 feet, more or less to a point in a line parallel with and 247.5 feet Westerly from the West right of way line to the present U.S. Highway No. 91; thence Southerly along said last parallel line, 3155 feet, more or less to the South line of the SE1/4NW1/4 of said Section 28; thence Westerly along said South line 59 feet, more or less to

the point of beginning. (Highway Station Reference: 1346+00 to 1377+56). EXCEPTING THEREFROM: Any and all railroad and public road right-of-ways as they exist over the above described property.

Tract 2:

Township 8 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho

Section 4: S1/2NE1/4 lying Easterly of the Union Pacific Railroad. EXCEPTING THEREFROM: Any highway or road right of ways.

2. Three water rights decreed in the case of Ernest Sauve vs. W. H. Abbott, et al. were appurtenant to the land (approximately 160 acres) described in sections 3 and 10, Township 8 North, Range 36 East, Boise Meridian:

Preston B. Ellsworth, successor in interest to E. V. Hoffman:

- a) 31-0049 December 10, 1884 1.8 cfs
- b) 31-0050 April 1, 1885 0.3 cfs
To be diverted up to July 1 of each year, but not thereafter.
- c) 31-0051 April 1, 1885 0.5 cfs
To be diverted during the spring high water season only.

Source: Camas Creek, a tributary of Mud Lake.

Point of diversion: In the Northeast Quarter of the Northeast Quarter of Section 3, Township 8 North, Range 36 East, B.M.

For use on the following described land, to-wit; The Southwest Quarter of the Southeast Quarter of Section 3, and the North Half of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter of Section 10; all in Township 8 North, Range 36 East, B.M.

3. The watermaster's records show no water was used under these rights during 1983, 1984 and 1985. Prior to 1983 the rights were normally used and the watermaster records include

specific references to terminating upstream uses to supply water to right No. 31-0049.

4. The applicant has requested through the filing of Application for Transfer No. 3256 to change the point of diversion and place of use for these rights from a point of diversion on Camas Creek located within the NE1/4NE1/4, Section 3, Township 8 North, Range 36 East, B.M. and appurtenant to an unspecified amount of irrigated land located within SW1/4SE1/4, Section 3, and the N1/2NE1/4, SW1/4NE1/4, Section 10, all in Township 8 North Range 36 East, to a point of diversion on Ching Creek located within the NE1/4SW1/4, Section 3, Township 13 North, Range 39 East, Clark County, for the irrigation of 160 acres of land located within the S1/2NE1/4, N1/2SE1/4, Section 10, Township 13 North, Range 39 East, B.M., Clark County.

5. The rights decreed on Ching Creek are listed in the watermaster's records as follows:

CHING CREEK RIGHTS

<u>Right</u>	<u>Amount</u>	<u>Priority</u>	<u>Decreed Owner</u>
31-0249	3.0	6/01/1889	Union Central
31-0245	1.6	5/01/1897	Taylor
31-0258	1.6	7/01/1900	Union Central
31-0241	3.2	8/21/1903	Stoops
31-0311	2.4	6/24/1907	Wood Livestock
31-0235	3.2	8/09/1911	Chetwin Smith
31-0314	3.0	9/20/1913	Wood Livestock
31-2786	3.14	9/01/1948	Swanstrom

6. The subject rights Nos. 32-0049, 31-00050, and 31-0051, were established with priorities of December 10, 1884; April 1, 1885; and April 1, 1885, respectively, which are earlier than any of the rights currently being diverted from Ching Creek.

7. The watermaster recommendation dated May 29, 1986 relative to transfer No. 3256 as required by section 42-222, Idaho Code, and included in the files of Transfer No. 3256, includes comments and recommendations summarized as follows:

a. The water users on Camas Creek as an entire group will benefit from moving an early priority right upstream because Camas Creek is a losing stream for many miles above the present point of diversion for rights 31-0049/0050/0051.

b. The water users on Ching Creek, including the protestants, will be adversely affected by the change because only their rights would be available for curtailment in times of shortage to supply water to the early priority rights that would be added to their tributary by approval of Transfer No. 3256.

c. Approval of the change endorsed by the watermaster assumed conditions to prorate the negative effects of the change among all users on Ching Creek and, if possible, all users of water on Camas Creek. The watermaster recommended that the negative impacts of the transfer be reduced by providing that rights 31-0050 and 31-0051 not be able to demand water from junior Ching Creek rights and that, during times of scarcity, right No. 31-0049 be reduced to 1.0 cfs.

CONCLUSIONS OF LAW

1. Section 42-222(1) Idaho Code, provides the legal mechanism for changing water rights established through diversion and application to beneficial use, by decree of the court or license issued by the director of IDWR. When an application for transfer is filed the director is required to "examine all evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby and the change does not constitute an enlargement

in use of the original right and the change is in the local public interest as defined in section 42-203A Idaho Code.

2. Section 42-222(2) Idaho Code, states that, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for a term of five (5) years to apply it to the beneficial use for which it was appropriated" Forfeiture is not favored and clear and convincing proof is required to support a forfeiture. Jenkins v. IDWR, 103 Idaho 384 (1982).

3. The director of IDWR has the responsibility of examining the validity of rights for which a transfer is proposed. Jenkins v. IDWR, 103 Idaho 384.

4. The records available to IDWR do not provide clear and convincing proof that the statutory requirements for forfeiture have been met for right Nos. 31-0049/50/51.

5. An enlargement in the historic use of water under rights 31-0049/50/51 will occur if the change requested in application for transfer No. 3256 is allowed unless the approval is conditioned to prevent enlargement of use.

6. The change proposed in application for transfer No. 3256 will injure other existing rights unless conditioned to prevent such injury.

7. Section 42-222(1) Idaho Code, authorizes the director of IDWR to approve a change to a water right with conditions

necessary to prevent injury to other rights, prevent enlargement of the use of water under the right, and to protect the public interest.

8. Approval of application for transfer No. 3256 with conditions to protect other water rights and to prevent enlargement of use of water under the rights being changed is in the local public interest.

ORDER

IT IS, THEREFORE, ORDERED and application for transfer No. 3256 for water right Nos. 31-0049/31-0050/31-0051 is hereby APPROVED, and the point of diversion and place of use of water are hereby changed to those requested in Application for Transfer No. 3256 and forever abandoned from the point of diversion and place of use originally decreed. Such change is approved subject to the following conditions:

1) Use of water under water rights No. 31-0049,0050,0051 as changed by this approval is subject to the control of the watermaster of Water District 31.

2) The rate of diversion and annual periods of use for irrigation purposes authorized by this approval are as follows:

31-0049	1.80 cfs	May 1 to September 1
31-0050	0.30 cfs	May 1 to July 1
31-0051	0.50 cfs	Spring High Water Season

a) Provided, however, that the holder of rights 31-0050/51 is not entitled by reason of acceptance of this approval to require the watermaster, IDWR, or the owners of other rights to curtail use of water under any other right existing on Ching

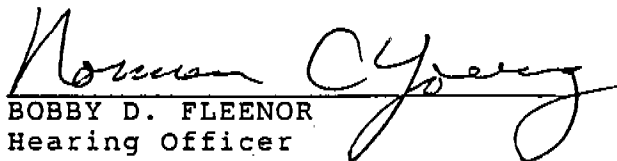
Creek and tributaries as of the date of this order to supply water for right Nos. 31-0050/51, and

b) Provided, however, that the maximum rate of diversion that can be demanded under right No. 31-0049 is limited to 1.0 cfs at any time water is not available to satisfy all rights demanding water from Ching Creek with a September 1, 1948 or earlier priority date.

c) Prior to diverting or continuing to divert water from Ching Creek under this approval, the holder of right Nos. 31-0049/50/51 shall install and maintain a measuring device and locking headgate or other means of controlling and preventing diversion of water. These devices shall be of a type approved by IDWR.

4) Plans shall be submitted to and approved by IDWR prior to construction of a headgate, check dam or pond at the point of diversion from Ching Creek.

DATED this 1ST day of AUGUST, 1989.

for 
BOBBY D. FLEENOR
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 3rd day of August, 1989 true and correct copies for the ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

Blaine Larsen Farms
Hamer, ID 83425

Ray Sanders
Hamer, ID 83425

Ferrin Jenkins
Rt. 8, Box 153
Idaho Falls, ID 83401

A handwritten signature in cursive script, reading "Rita I. Fleck", written over a horizontal line.

RITA I. FLECK
Secretary/Records Manager

RECEIVED

AUG 18 1993

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COPY

PROOF OF COMPLETED TRANSFER

The Idaho Department of Water Resources will consider this form as a statement regarding completion of the authorized water right(s) transfer.

1. Water Right No(s). 31-00049/00050/00051
Transfer No. 3837
2. Name of Water Right Holder(s): Richard A. Egbert Limited Partnership
Address: Box 9, Tetonia Id 83452
3. Water right transfer authorized by Department is:
(check appropriate space or provide description)
Complete _____ Not Complete ☒ _____
Partially Complete (describe work completed) Preliminary work on
establishing headgate and preventing erosion of headgate of
Woodie Ditch caused by project work (approx work \$3000⁰⁰)
4. If the transfer has not yet been completed or is only partially complete, please provide a statement why the authorized change(s) have not been accomplished and the date which you expect the changes to be complete: Applicant is working through the Clark
Co. ASCS office with the Rexburg office of SCS. (Working through two Government
offices takes time). Prior commitments and staff shortages of the Rexburg
SCS has delayed completion of project design & Engineering.
Expected date of Completion 10 June 1995
5. I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in Department action rescinding the approved water right(s) transfer.

Richard A. Egbert
Signature
(& title if on behalf of a company or organization)

8-18-1993
Date

✓ - Micro Film
PROOF R.
TR.
17
FILE

15 JUNE 1994

RICHARD A EGBERT LTD PARTNERSHIP
PO BOX 9
TETONIA ID 83452

RE: Water Rights 31-00049B, 31-00050B, 31-00051B

Dear Senator Egbert:

This letter is intended to serve as a reminder to you that the above captioned water rights have not been filed on in the Snake River Basin Adjudication (SRBA).

These water rights were separated from the parent irrigation rights by transfers 3837 and 4090. One of the changes granted by the transfers was a change in nature of use to stockwater. Though the district court has designated filings for stockwater in the SRBA as deferrable, given the origin of these rights and the fact that delivery of the water is subject to regulation by the watermaster of State Water District No. 31, it might be to your benefit to file notices claiming these rights.

Enclosed for your convenience are three notices of claim prepared from information contained on the transfers. Should you decide to file please review the notices to ensure they correctly reflect the transferred rights, complete the organization signature block, have the signature notarized and return the forms to this office along with the filing fee. If promptly filed the fee for each notice is \$25.00.

Feel free to contact me should you have questions concerning the notices of claim.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:

Enclosure: Notices of Claim
A31-00049B, A31-00050B, A31-00051B

MICROFILMED

NOV 14 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4090
WATER RIGHT NO(S). 31-00049B/31-00050B/31-00051B

RECEIVED
NOV 30 1993

This is to certify that: RICHARD A EGBERT LTD PARTNERSHIP
PO BOX 9
TETONIA ID 83452

Department of Water Resources
Eastern District Office

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00049B : STOCKWATER Priority: 12/10/1884	04/15 to 12/25	0.06 CFS	4.7 AF
Right No. 31-00050B : STOCKWATER Priority: 04/01/1885	04/15 to 12/25	0.06 CFS	4.7 AF
Right No. 31-00051B : STOCKWATER Priority: 04/01/1885	04/15 to 12/25	0.06 CFS	4.7 AF

SOURCE

CAMAS CREEK

TRIBUTARY OF

MUD LAKE

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 25, Township 11N, Range 38E
NENE , Sec. 35, Township 11N, Range 38E
NWNE , Sec. 35, Township 11N, Range 38E
CLARK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10N 38E	9	NENW
11N 38E	33	SWNW

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

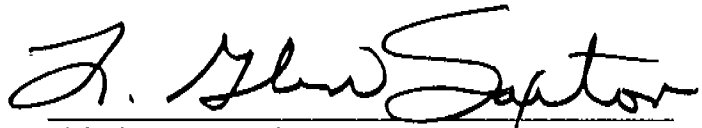
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NOV 14 1995

TRANSFER NO. 4090
WATER RIGHT NO(S). 31-00049B/31-00050B/31-00051B

CONDITIONS/REMARKS:

2. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Right Nos. 31-00049B, 31-00050B and 31-00051B when combined shall not exceed a total combined diversion rate of 0.06 cfs, nor a total combined annual volume of 4.7 afa.
6. The change in place of use authorized under Transfer No. 3837 and reflected on Transfer No. 4090 shall be accomplished by June 10, 1995.
7. Single point of diversion located on or near the line between NENE and NWNE, S35, T11N, R38E.
8. Stockwater use is for 400 range cattle or 3,000 sheep.

Dated this 18th day of November, 1993.


Chief, Water Alloc. Bureau

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NOV 14 1995