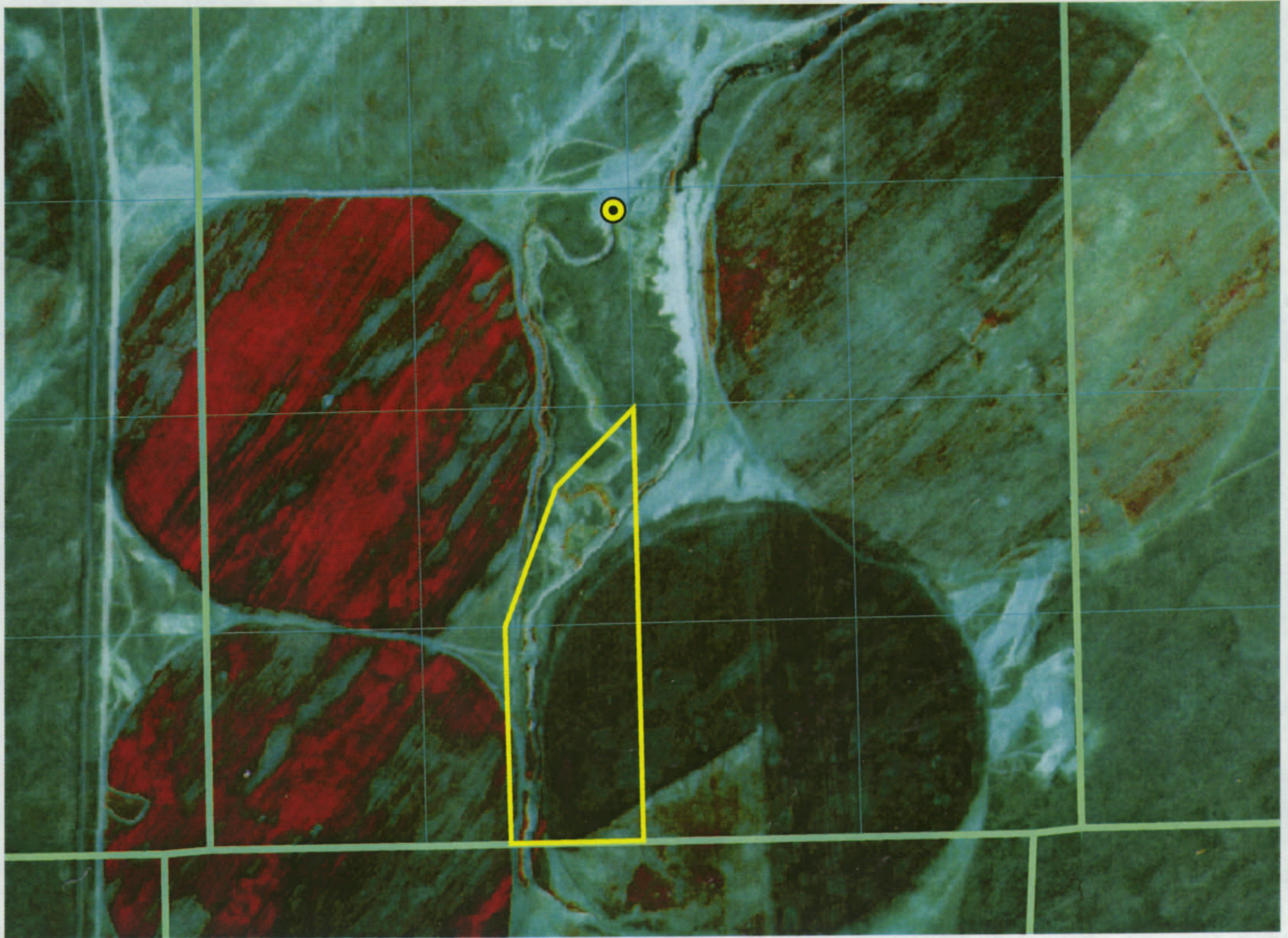
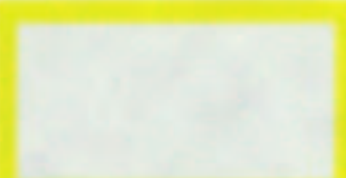
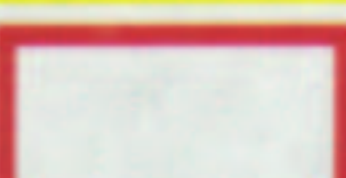
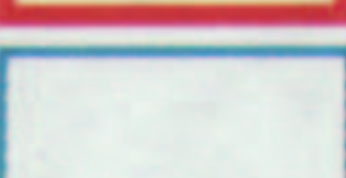
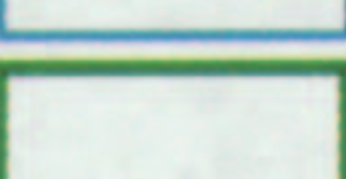


Idaho Department of Water Resources

Water Right 31-49A, 31-50A, 31-51A

Township 9 North Range 36 East Section 34



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

0 1000 Feet

FIXSDE -
both way -
line broken



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 1/2001

01/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-51A

Owner Type Name and Address
Original Owner BLAINE L LARSEN
 PO BOX 188
 HAMER, ID 83425-0188
 (208)662-5501

Priority Date: 04/01/1885
Basis: Decreed
Status:

Source Tributary to
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>
IRRIGATION	04/15	10/15	0.11 CFS	39.9 AFA	
Total Diversion			0.11 CFS	39.9 AFA	

Location of Point(s) of Diversion:

CAMAS CREEK SENW Sec. 34 Township 09N Range 36E JEFFERSON County

IRRIGATION Use:
Acre Limit: 40

Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK 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>
09N	36E	34		NESW	15		SESW	25						

Total Acres: 40

Conditions of Approval:

- 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:

- Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.61 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 140.0 AF. COMBINED RIGHT NOS.: 31-49A, 31-50A, 31-51A.
- Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
- Priority Date PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT HAS THE PRIORITY DATE OF 11/11/1924.

Water Right 31-51A

4. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-49A, 31-50A, 31-51A.
5. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 150.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-49A, 31-50A, 31-51A, 31-7631.

Comments:

Author	Date	Subject	Comment
bcontor	1/4/01	Recommendation	Per post-1987 transfer 4646 except for addition of combined acreage limitation per overlap review and addition of remark clarifying transfer condition of "spring high water."
bcontor	1/4/01	Copy of transfer	Found in paper file 31-49.
bcontor	1/5/01	Non-use	Field inspection and aerial photos indicate possibility of non-use on pre-transfer POU, but forfeiture was examined and addressed in transfer hearing so claim is recommended per transfer. See field notes in physical file A31-2040.
bcontor	1/5/01	Overlap	25 acres of apparent overlap with 31-7631, leaving 15 unique acres for this transfer. 135.5 of 31-7631 + 15 unique acres of this WR group = 150.5 combined acreage limitation.

Dates:

Licensed Date:
 Claim Received Date: 01/25/1994
 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:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POU	1/4/01 4:03:50 PM	bcontor	1/4/01 4:03:38 PM	bcontor	In Process
Summary	1/4/01 4:03:38 PM				Complete

Other Information:

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

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	1/5/01 7:09:18 AM	bcontor	Edited point location
POD	1/4/01 3:29:41 PM	bcontor	Edited PLS
POD	1/4/01 3:29:13 PM	bcontor	Edited point location
POU	1/4/01 4:03:48 PM	bcontor	1. (YES) The POU is required.
Summary	1/4/01 4:03:36 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (YES) There is 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.

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 31-51A
Date Received: 1/25/94
Receipt No:
Received By:

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

1. Name of Claimant(s)

BLAINE L LARSEN Phone: (208)662-5501

PO BOX 188
HAMER ID USA 83425-0188

2. Date of Priority: 04/01/1885

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
08N	36E	3	NE NE	JEFFERSON

5. Description of diverting works:

CONCRETE ABUTMENT DIVERTS WATER INTO CREEK TO HEADGATE TO FIELD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.8	

7. Total Quantity Appropriated is:
0.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
08N	36E	3	SW SE	IRRIGATION	40
				Section Acres	40

08N 36E 10

NE NE
NW NE
SW NE

IRRIGATION 40
IRRIGATION 40
IRRIGATION 40

Section Acres 120

Total Acres 160

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:

14. Remarks:

TRANSFER #3837 TO RICHARD EGBERT LIMITED PARTNERSHIP TAKES .06CFS FROM RIGHTS 31-00050 AND -00051. THE RIGHTS HAVE NOT BEEN CLAIMED UNDER THE ADJUDICATION, STO THAT IS WHAT IS BEING DONE WITH THIS APPLICATION

THIS RIGHT IS A COMBINATION OF RIGHTS 31-00050A, 50B, 51A AND 51BEC

TO CORRESPOND WITH POST-1987 TRANSFER 4646, THIS CLAIM IS MADE VALID AND OLD, COMBINED CLAIM 31-11198 IS RECOMMENDED AS 31-49a, 31-50a, AND 31-51a. BCONTOR 1/5/01.

15. Basis of Claim:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____



A3100051A

Water Right Number - A31-00051A

Old (D) Number -

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

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -

City- X
Phone - 208-000-0000

State- ID Zip- 0

*** O - ORIGINAL OWNER ***
LARSEN

BLAINE

1 - PO BOX 188
2 -
3 -
City- HAMER
Phone - 208-662-5501

State- ID Zip- 83425

+ - - Priority Date - - +
04/01/1885

+ - - Region - - - +
15 EASTERN

+ - - Stage - - - +

+ - - Status - - - - +
Z - SEE REMARKS

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

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

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

08N 36E 3 NE NE (51) JEFFERSON

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		0.800	

Total Div. Rate - +	Total Div. Volume - +	Total Consumptive Use - +	KW Usage - +
0.800		400.0	

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	36E	3	SW SE		40.0	01	IRRIGATION	(51) JEFFERSON
08N	36E	10	NE NE		40.0	01	IRRIGATION	(51) JEFFERSON
08N	36E	10	NW NE		40.0	01	IRRIGATION	(51) JEFFERSON
08N	36E	10	SW NE		40.0	01	IRRIGATION	(51) JEFFERSON

Total Acres: 160.0

+ - - Diversion Means - CONCRETE ABUTMENT DIVERTS WATER INTO CREEK TO HEADGATE TO FIELD

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 31-00049A, 31-00049B

MICROFILMED
NOV 14 1996

Water right number - A31-00051A

Prefix Translation: ADJUDICATION CLAIM

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

TRANSFER #3837 TO RICHARD EGBERT LIMITED PARTNERSHIP TAKES .06CFS
FROM RIGHTS 31-00050 AND -00051. THE RIGHTS HAVE NOT BEEN CLAIMED
UNDER THE ADJUDICATION, STO THAT IS WHAT IS BEING DONE WITH THIS
APPLICATION.
***THIS RIGHT IS A COMBINATION OF RIGHTS 31-00050A, 50B, 51A AND
51B***EC

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

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

No Comments Found

+ - - Audit Fields - - +

06/08/94 COX

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/25/1994	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
NOV 14 1995

Creek

LANDS IRRIGATED BY upstream JUNIOR WATER RIGHTS
Priority = 1884 2,000 ACRES

Fields C

Field A

Historically The 3.20 WAS USED EVERY
year SINCE 1883

ONLY 3.20 DIVERTED SINCE SYSTEM WAS
INSTALLED.

NO INCREASE IN DIVERSION RATE.

Field B

BENEFITED FROM THE 1.4 CFS. SAVINGS
OF WATER BY THE FACT THAT WATER
THEN GOES TO THE NEXT JUNIOR
WATER RIGHT.



1883 Priority
3.20 CFS.
(160) INCHES

SPURRIER CONSTRUCTED 1990

old DIVERSION USED WHEN LANDS WERE FLOOD IRRIGATED.
THIS POINT OF DIVERSION TRANSFERRED UPSTREAM, 1990

Field A

ORIGINAL 160 ACRES

Field B

ADDITIONAL 80 ACRES

A WATER SAVING'S OF 1.40 CFS. BY
ELIMINATING Stream Bed LOSSES.

Water FLOWS DOWN THE
old channel ALMOST
DAILY WHILE PIPE CHANGES
TAKE PLACE

Downstream Section HAS Drip
STATIONS FOR TREES AND
HABITAT - Bird BATHS -
LIVESTOCK - wild life troughs.

watering
troughs

ACRES IRRIGATED SINCE
PIPE LINE INSTALLED
BECAUSE OF BETTER WATER
CONSERVATION

Total 240 ACRES IRRIGATED

NOV 14 1995

Creek

lands irrigated By upstream Junior Water Rights
Priority = 1884 2,000 ACRES

Fields C

Field A

Historically The 3.20 was used every year since 1883

Only 3.20 Diverted since System was installed.

no increase in Diversion Rate.

Field B

Benefited From The 1.4 CFS. Savings of water By The fact That water then goes to the next Junior Water Right.



1883 Priority
3.20 CFS.
(160) Inches

UNARMED CREEK

gravity flow
Splitter Constructed 1990

A water savings of 1.40 CFS. By eliminating Stream Bed losses.

Water Flows down The old channel almost daily while pipe changes TAKE PLACE

watering troughs

Downstream Section has Drip Stations for trees and Habitat - Bird Baths - livestock - wild life troughs.

old Diversion USED when lands were Flood irrigated. This point of Diversion transferred up stream. 1990

ACRES irrigated since pipe line installed BECAUSE of Better water conservation

Field A

Field B

Original 160 ACRES

Additional 80 ACRES

Total 240 ACRES irrigated

NOV 14 1996

POOR ORIGINAL

3.2
10.11

MICROFILMED

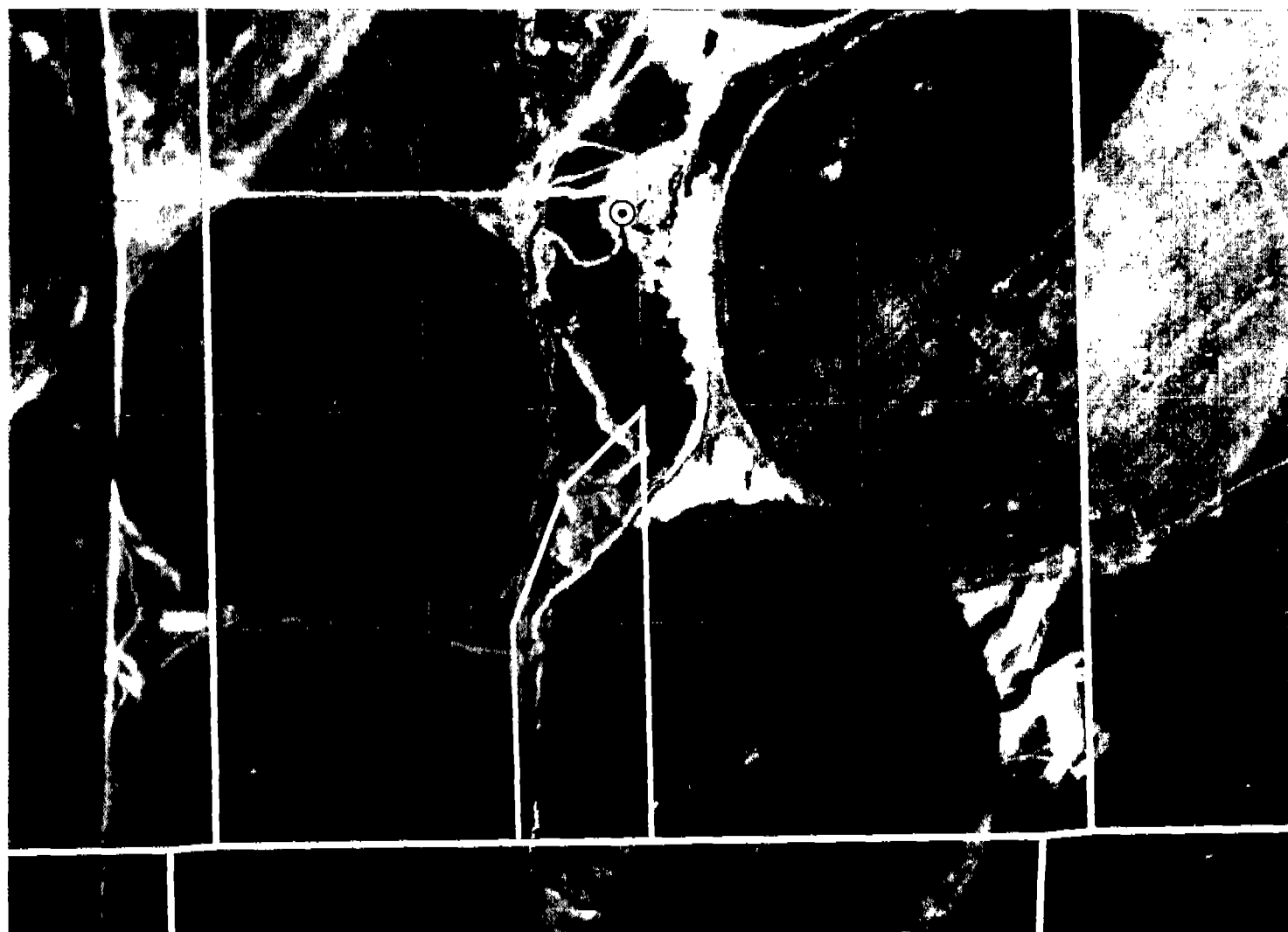
MICROFILMED

1935

Idaho Department of Water Resources

Water Right 31-49A, 31-50A, 31-51A

Township 9 North Range 36 East Section 34



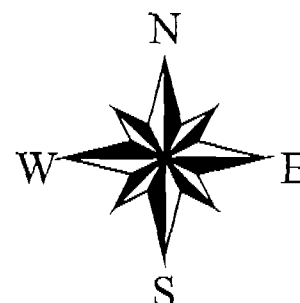
- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use

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

0 1000 Feet



FRS
4-20-01
1000 feet

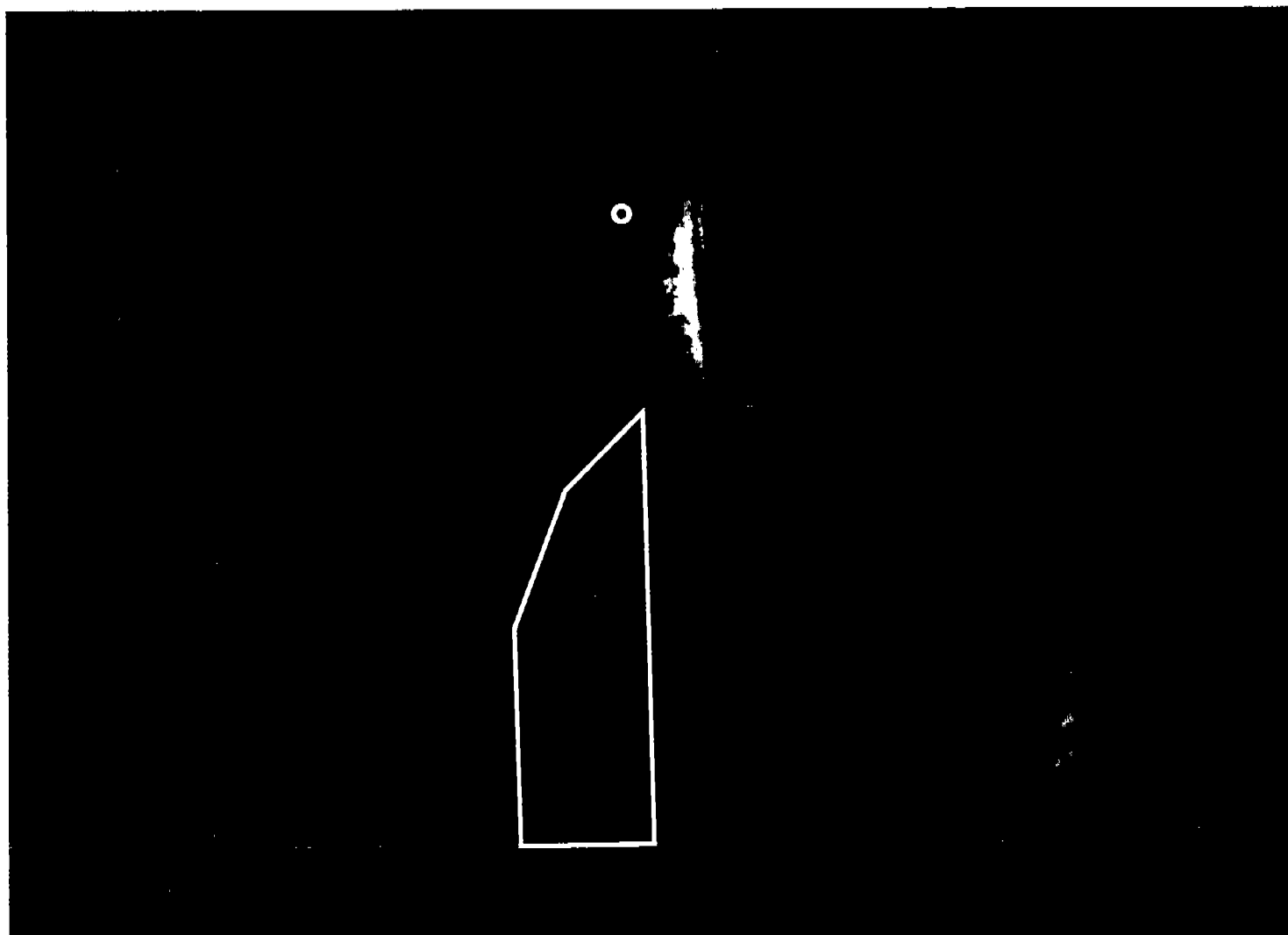


GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 1/2001

Idaho Department of Water Resources

Water Right 31-49A, 31-50A, 31-51A

Township 9 North Range 36 East Section 34



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

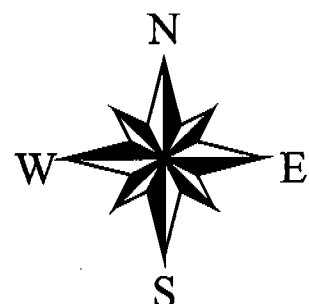
0 1000 Feet



FIXSDE -

both way -

1/2" broken





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

June 21, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BLAINE & CONNIE LARSEN
LARSEN FARMS
PO BOX 188
HAMER ID 83425

RE: REQUEST TO CHANGE CONTACT REPRESENTATIVE

Dear Mr. and Mrs. Larsen:

The water rights listed on the enclosed page have been modified to show Steve Vadnais and Tina Bradley as the current representative.

If you have any questions feel free to contact this office at 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure (1)

*For a list of
Claim #5 see*

31-42

RECEIVED

JUN 15 2001

Department of Water Resources
Eastern Region

LARSEN FARMS

P.O. BOX 188, HAMER, ID 83425 Phone: 662-5770 Fax: 662-5773

June 13, 2001

Cheri Vandermeulen
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Change of Contact Representative

Dear Ms. Vandermeulen:

This letter is to let you know of the change we are making regarding our contact representative for Larsen Farms and the water rights. Please change our contact representatives from David Jensen and Jason Freckleton to Steve Vadnais and Tina Bradley. This will include all water rights pertaining to Blaine Larsen and Larsen Farms.

If you have any questions, please feel free to call me at 662-5501.

Thank you for your time.

Sincerely,



Blaine Larsen
President, Larsen Farms

Eastern-Adj.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 07 1997

TRANSFER OF WATER RIGHT

TRANSFER NO. 4646
WATER RIGHT NO(S). 31-00049A/31-00050A/31-00051A
Department of Water Resources
Eastern District Office

This is to certify that: **CONNIE LARSEN**
BLAINE LARSEN
PO BOX 188
HAMER ID 83425

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. 31-00049A : IRRIGATION Priority: 12/10/1884	04/15 to 10/15	0.44 CFS	140.0 AF
Right No. 31-00050A : IRRIGATION Priority: 04/01/1885	04/15 to 10/15	0.06 CFS	21.8 AF
Right No. 31-00051A : IRRIGATION Priority: 04/01/1885	04/15 to 10/15	0.11 CFS	39.9 AF
TOTAL:		0.61 CFS	* 140.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
CAMAS CREEK	MUD LAKE

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 34, Township 09N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	36E	34	NESW 15	SESW 25		40
Total number of acres irrigated:						40

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. A measuring device and lockable controlling works of a approved by this Department shall be maintained on the works in a manner that will provide the watermaster su control of the diversion.

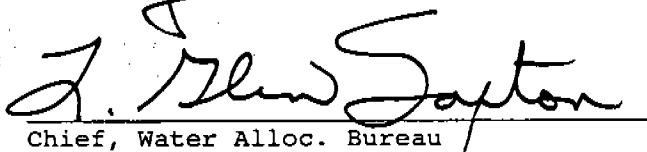
NOTE CHANGES TO
Stockton portion
to Rights app
PRM's notes (last pg.)

TRANSFER NO. 4646
WATER RIGHT NO(S). 31-00049A/31-00050A/31-00051A

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.
6. 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.
- * 7. Right Nos. 31-00049A, 31-00050A and 31-00051A in combination shall not exceed a total diversion rate of 0.61 cfs, a total annual diversion volume of 140.0 af, and the irrigation of 40.0 acres.
8. Portions of each right in excess of this transfer approval have been declared forfeited in the following amounts by Order of the Seventh Judicial District Court, Case No. CV-95-180: Right No. 31-00049A, 1.30 cfs; Right No. 31-00050A, 0.18 cfs; Right No. 31-00051A, 0.33 cfs; and 120 acres.
9. Right No. 31-00051A is limited to diversion during the Spring high-water season.

Dated this 31st day of January, 1997.


Chief, Water Alloc. Bureau

T4646 LARSEN

COPY

MEMORANDUM

TO: FILE NOS. 31-00049A, 31-00050A & 31-00051A

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4646

DATE: January 21, 1997

=====

Transfer No. 4646 was filed to change the point of diversion and place of use under Right Nos. 31-00049A, 31-00050A and 31-00051A.

The original application was protested and the matter finally resolved through Seventh Judicial District Court Case No. CV-95-180 declaring a portion, 75%, of each right forfeited, and confirming use of 25% of each right by the applicant.

An amended transfer application was filed 05-17-1996, advertised and has been processed for final approval. Region staff is investigating the status of the required amendment fee and will resolve the matter prior to forwarding this approval.

Season of use and diversion volume were adjusted to current standards. Right No. 31-00051A is limited to early "high-water" diversion within the season as decreed. Diversion rates and acres were reduced according to the court order.

Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, combined limits, forfeited portions and standard transfer conditions.

RECEIVED

SO 8-5-1986

Page

MAY 17 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

4646

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

Amended

PART 1

Name of applicant BLAINE OR CONNIE LARSEN Phone (208)662-5501Post Office address PO BOX 188 HAMER ID 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes TO USE BETTER CROP GROUND FOR OUR POTATO ROTATION FARM PRACTICE

*AS PER THE DECLARATORY JUDGMENT IN HAGENBARTH VS. LARSEN 1995

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
31-00049A	12-10-1884	0.44 cfs	IRRIGATION	4-1 to 10-31
31-00050A	4-01-1885	0.06 cfs	IRRIGATION	5-1 to 7-1
31-00051A	4-01-1885	0.11 cfs	IRRIGATION	DIVERTED DURING SPRING HIGH WATER to SEASON

2. Total amount of water being transferred *0.61 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water CAMAS CREEK tributary to MUD LAKE
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	34	9N	36E	JEFFERSON	

5. Lands irrigated or place of use:

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	
9N	36E	34									15			25					40

Total acres 40

PART 1

6. General Information:

a. Description of diversion system PUMP TO SPRINKLERS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:

WELLS AND PIVOTS ON ORIGINAL PLACE OF USE

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 _____

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837/31-00049A 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 12/10/1884

5. Water is used for the following purpose:

amount 1.74 cfs for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	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 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		
8N	36E	10	A	A	A														

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-00050A, 31-00051A

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837/31-00050A 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 4/1/1885

5. Water is used for the following purpose:

amount 0.24 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 0.24 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	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 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		
8N	36E	10	A	A	A														

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-00049A, 31-00051A

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 27-31-00051A Decreed to PRESTON D ELLSWORTH
in case of ERNEST SHAVE vs. W. H. ABBOTT
dated 10/13/30 in POCATELLO county of BANNOCK
- 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. 3837/31-00051A 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 4/1/1885

5. Water is used for the following purpose:

amount 0.44 cfs for IRRIGATION purposes from DIVERSION DURING SPRING HIGH
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 0.44 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	3	8N	36E	JEFFERSON	

8. Lands irrigated or place of use:

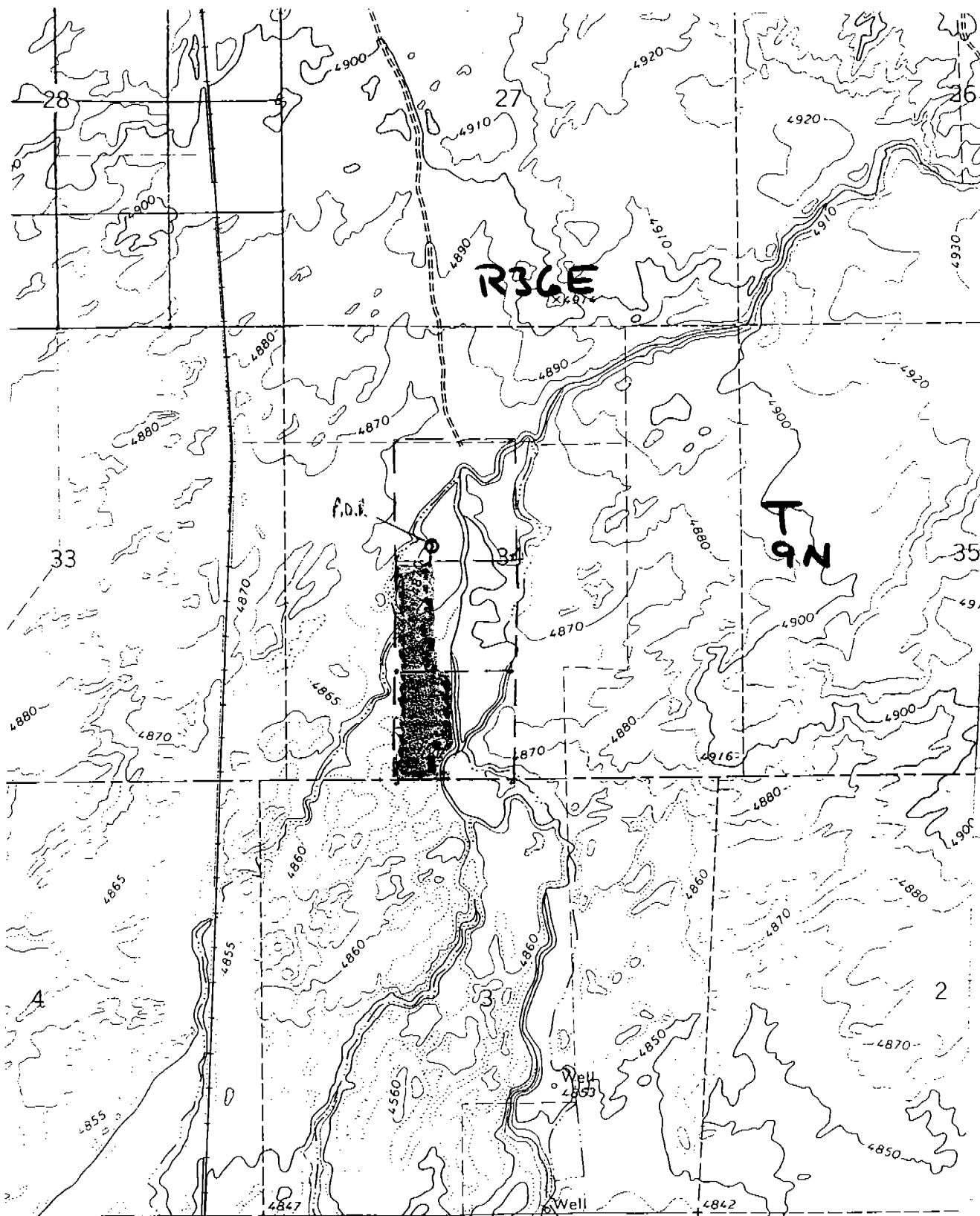
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8N	36E	3															A		
8N	36E	10	A	A	A														

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-00049A, 31-00050A

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

A.



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

MEMORANDUM

TO: Transfer 31-00049A, 31-00050A, 31-00051A (Blaine Larsen)
 FROM: Paul R. Meyer, Eastern Region
 DATE: June 12, 1996

RE: CFS flow rates used for transfer

There appears to be an error in the Declaratory Judgement between Hagenbarth and Larsen of 1995. In the Judgement, the total flow rate shown for the above rights was calculated as 2.54 cfs, Blaine Larsen retaining 1/4 (0.64 cfs) of this flow as a result of forfeiture as per the Judgement.

The Judgement, however, fails to recognize the full impact of Transfer T3837 which created the "A" portions of 31-00049, 31-00050 and 31-00051. T3837 removed 0.06 cfs from each of these parent rights and converted it to stockwater use. Although the total cfs amount shown in T3837 is 0.06 cfs, it is a non-additive amount. The additive total for the three portions is calculated as 0.18 cfs (0.06 cfs times 3).

Prior to T3837, 31-00049, 31-00050 and 31-00051 totaled 2.60 cfs (each holding 1.80 cfs, 0.30 cfs and 0.50 cfs, respectively). The Judgement errors by subtracting only 0.06 cfs from this total, leaving 2.54 cfs for Blaine Larsen Farms' forfeiture calculations.

Instead, the correct calculation would be:

31-00049:	1.80 cfs - 0.06 cfs ("B" portion)	=	1.74 cfs ("A" portion)
31-00050:	0.30 cfs - 0.06 cfs	=	0.24 cfs
31-00051:	0.50 cfs - 0.06 cfs	=	0.44 cfs

Total cfs remaining == =>			2.42 cfs
			=====

As per the Declaratory Judgement, Blaine Larsen Farms is only entitled to 1/4 of each of the remaining "A" portions due to forfeiture. Thus, the final remaining portions of these rights available for transfer are calculated as follows:

31-00049A:	1.74 cfs * 0.25	=	0.44 cfs
31-00050A:	0.24 cfs * 0.25	=	0.06 cfs
31-00051A:	0.44 cfs * 0.25	=	0.11 cfs

Final cfs total == =>			0.61 cfs
			=====

Water Right Number - 31-00049A

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LARSEN CONNIE 1 - PO BOX 188
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-662-5501

LARSEN BLAINE 1 - PO BOX 188
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-662-5501

*** O - ORIGINAL OWNER ***

HOFFMAN E V 1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/10/1884 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CAMAS CREEK MUD LAKE

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09N 36E 34 SE NW (51) JEFFERSON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.440 140.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.440 140.00

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09N 36E 34 NE SW 15.0 01 IRRIGATION (51) JEFFERSON
09N 36E 34 SE SW 25.0 01 IRRIGATION (51) JEFFERSON

Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 31-00049A

Prefix Translation: WATER RIGHT

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

Right Nos. 31-00049A, 31-00050A and 31-00051A in combination shall not exceed a total diversion rate of 0.61 cfs, a total annual diversion volume of 140.0 af, and the irrigation of 40.0 acres.

Portions of each right in excess of this transfer approval have been declared forfeited in the following amounts by Order of the Seventh Judicial District Court, Case No. CV-95-180: Right No. 31-00049A, 1.30 cfs; Right No. 31-00050A, 0.18 cfs; Right No. 31-00051A, 0.33 cfs; and 120 acres.

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

No Old Water Right Numbers found.

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

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
- R43 - 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.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - Decree Date - +

ERNEST SAUVE

W. H. ABBOTT

11/01/1930

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

Date: 06/08/1992 User Id: CURTIS Subject: TRANSFER NO. 3837

Trans. 3837 was filed to change the point of diversion and place of use a portion of this right and Rights 31-00050/00051 from Jefferson Co. to Clark Co.

Date: 08/16/1995 User Id: SCURTIS Subject: TRANSFER NO. 4646

Trans. #4646 was filed to change the point of diversion and place of use under Rights 31-00049A/00050A/00051A.

+ - - Audit Fields - 08/23/93 SKAGGS 08/24/93 SKAGGS 08/16/95 SCURTIS 08/16/95 SCURTIS 01/21/97 PSKAGGS
02/03/97 PSKAGGS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - E021153	Water District - 31

Water right number - 31-00049A

Prefix Translation: WATER RIGHT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- I
Decree Date	- 11/01/1930	Name Connector	-	POU Ownership Flag	- Y
Presumption Flag	-				

Water Right Number - 31-00050A Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LARSEN CONNIE 1 - PO BOX 188
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-662-5501

LARSEN BLAINE 1 - PO BOX 188
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-662-5501

*** O - ORIGINAL OWNER ***

HOFFMAN E V 1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1885 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
CAMAS CREEK MUD LAKE

Point of Diversion							Diversion Name	Diversion Rate	Diversion No.
Twn	Rng	Sec	Tract	Lot	RFlg	County			
09N	36E	34	SE NW		(51)	JEFFERSON			

Water Use		Diversion Rate		Diversion Volume
Code	Description	Period From	Period To	
01 - IRRIGATION		04/15	10/15	0.060 21.80

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.060 21.80

Place of Use							Description	County
Twn	Rng	Sec	Tract	Lot	Acres	Code		
09N	36E	34	NE SW		15.0	01	IRRIGATION	(51) JEFFERSON
09N	36E	34	SE SW		25.0	01	IRRIGATION	(51) JEFFERSON

Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 31-00050A

Prefix Translation: WATER RIGHT

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

Right Nos. 31-00049A, 31-00050A and 31-00051A in combination shall not exceed a total diversion rate of 0.61 cfs, a total annual diversion volume of 140.0 af, and the irrigation of 40.0 acres.
Portions of each right in excess of this transfer approval have been declared forfeited in the following amounts by Order of the Seventh Judicial District Court, Case No. CV-95-180: Right No. 31-00049A, 1.30 cfs; Right No. 31-00050A, 0.18 cfs; Right No. 31-00051A, 0.33 cfs; and 120 acres.

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

No Old Water Right Numbers found.

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

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
- R43 - 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.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

ERNEST SAUVE

W. H. ABBOTT

11/01/1930

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

Date: 06/08/1992 User Id: CURTIS Subject: TRANSFER NO. 3837

Trans. 3837 was filed to change the point of diversion and from Jefferson Co. to Clark Co.

place of use a portion of this right and Rights 31-00049/00051

Date: 08/16/1995 User Id: SCURTIS Subject: TRANSFER NO. 4646

Trans. #4646 was filed to change the point of diversion and

place of use under Rights 31-00049A/00050A/00051A.

+ - - Audit Fields - 08/23/93 SKAGGS 08/24/93 SKAGGS 08/16/95 SCURTIS 08/16/95 SCURTIS 08/16/95 SCURTIS
01/21/97 PSKAGGS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - E021153	Water District - 31

Water right number - 31-00050A

Prefix Translation: WATER RIGHT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- I
Decree Date	- 11/01/1930	Name Connector	- OR	POU Ownership Flag	- Y
Presumption Flag	-				

Water Right Number - 31-00051A

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LARSEN	BLAINE	1 - PO BOX 188	
		2 -	
		3 -	
		City- HAMER	State- ID Zip- 83425
		Phone - 208-662-5501	
LARSEN	CONNIE	1 - PO BOX 188	
		2 -	
		3 -	
		City- HAMER	State- ID Zip- 83425
		Phone - 208-662-5501	

*** O - ORIGINAL OWNER ***

HOFFMAN	E V	1 -	
		2 -	
		3 -	
		City-	State- ID Zip-
		Phone - 208-000-0000	

+ - - Priority Date - - +	+ - - Region - - - +	+ - - Stage - - - +	+ - - Status - - - +
04/01/1885	15 EASTERN	D - DECREED	

+ - - - - Source - - - - +	+ - - - - Tributary - - - - +
CAMAS CREEK	MUD LAKE

+ - - - - Point of Diversion - - - - - +									
Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
09N	36E	34	SE NW			(51) JEFFERSON			

+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION		04/15	10/15	0.110	39.90	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +
0.110	39.90	

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
09N	36E	34	NE SW		15.0	01	IRRIGATION	(51) JEFFERSON	
09N	36E	34	SE SW		25.0	01	IRRIGATION	(51) JEFFERSON	

Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 31-00051A

Prefix Translation: WATER RIGHT

----- Remarks -----

Right Nos. 31-00049A, 31-00050A and 31-00051A in combination shall not exceed a total diversion rate of 0.61 cfs, a total annual diversion volume of 140.0 af, and the irrigation of 40.0 acres.

Portions of each right in excess of this transfer approval have been declared forfeited in the following amounts by Order of the Seventh Judicial District Court, Case No. CV-95-180: Right No. 31-00049A, 1.30 cfs; Right No. 31-00050A, 0.18 cfs; Right No. 31-00051A, 0.33 cfs; and 120 acres.

Right No. 31-00051A is limited to diversion during the Spring high-water season.

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

No Old Water Right Numbers found.

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

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
- R43 - 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.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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.

----- Decree Plaintiff -----

----- Decree Defendant -----

----- Decree Date -----

ERNEST SAUVE

W H ABBOTT

11/01/1930

----- Comments -----

Date: 08/16/1995 User Id: SCURTIS Subject: TRANSFER NO. 4646

Trans. #4646 was filed to change the point of diversion and place of use under Rights 31-00049A/00050A/00051A.

----- Audit Fields ----- 08/23/93 SKAGGS 08/24/93 SKAGGS 08/16/95 SCURTIS 08/16/95 SCURTIS 08/16/95 SCURTIS
08/16/95 SCURTIS 01/21/97 PSKAGGS

----- Water Rights Dates and Flags Area -----

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- E021153	Water District	- 31
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- I

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

12/30/97 11:09:19
Page 3

Water right number - 31-00051A

Prefix Translation: WATER RIGHT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Decree Date - 11/01/1930 Name Connector - OR POU Ownership Flag- Y
Presumption Flag -

Saxton, Craig

From: McHugh, Candice
Sent: Thursday, December 28, 2000 9:36 AM
To: Saxton, Craig
Cc: Fritschle, Carter
Subject: RE: FWS High Water Season Rights

Did this get taken care of? I thought I spoke with Carter and his suggestion seemed fine.

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

-----Original Message-----

From: Saxton, Craig
Sent: Monday, December 11, 2000 3:57 PM
To: McHugh, Candice; Hamlin Nygard, Susan
Cc: Carlsen, Ernie
Subject: FWS High Water Season Rights

Hello,

Within the 29 Camas National Wildlife Refuge rights, two Camas Creek decreed rights exist that define the season of use as "Spring High Water Season". The two rights are 31-00274 and 31-00275 with priorities of 4/1/1883 and 4/1/1887 respectively.

I contacted Greg Shenton, the water master for the area, on 12/7/2000 to find out when he normally delivered these rights. I wanted to find out what he considered the Spring High Water Season. He informed me that he stopped delivering those rights when ever Camas water reached the point that he has to stop delivery of any rights. Meaning, as soon as right had to be cut, Greg stopped delivering the FWS High Water Rights.

Being that this cutoff date is dependent on the flow each year, Greg couldn't provide me with a "Date" for the season of use. Ernie suggested that we recommend a priority date that is junior to all of the other delivered decreed rights from Camas Creek. After doing a search, it seems that the most junior right from Camas is 31-00044 with a priority of 11/10/1924. Thus, we could recommend the Priority of 31-274 and 31-275 as possibly 11/11/1924. This would enable us to recommend a season of use that is standard to the irrigation season (4-1 to 10-31) and the rights would still be cut after any spring high-water ceases flowing.

Do you see any problem with this? If not, what steps would we need to take to make a recommendation as such?

Thanks,

Craig Saxton

Memorandum

Date: December 21, 2000

From: Craig Saxton

Subject: Spring High Water Rights

Spoke with Greg Shenton about FWS Camas Creek rights 31-00274 and 31-00275 on December 7, 2000. Season of use on these rights is defined as the Spring High Water Season. Greg said that he did not have a set date that he delivered these rights. Greg said that he stopped deliver on the two rights as soon as he had to cut any right. Basically, they are the first to be cut, when water flow starts to decrease.

In a discussion with Carter Fritschle on December 19, 2000, I was advised to recommend the IDWR standard season of use for the area. Also to recommend the decreed priority date, with a remark stating:

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT HAS THE PRIORITY DATE OF _____.

The priority date filled in the blank is November 11, 1924. This priority date is one day junior to the most junior decreed right delivered from Camas Creek based on water master reports.

Saxton, Craig

From: Fritschle, Carter
Sent: Tuesday, December 19, 2000 3:25 PM
To: Saxton, Craig
Subject: RE: I forgot to ask....

Yes, that would be my suggestion since we don't have a specific cut off date. Candice had already left for the day so I sent her an email about using the remark "PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT HAS A PRIORITY DATE OF _____." My only concern is that this remark has been used only as a settlement tool, something that was held in "reserve" so to speak. However, from what we discussed, I think it is appropriate to use here, but that may change after Candice has had time to mull it over.

Carter

-----Original Message-----

From: Saxton, Craig
Sent: Tuesday, December 19, 2000 3:08 PM
To: Fritschle, Carter
Subject: I forgot to ask....

Sorry,

Re: The Spring High Water Season of Use

So we then would put the full irrigation Season of use on the recommendation (ie. 4/1 to 10/31)?

c

To: A31-00049A
A31-00050A
A3100051A ✓
Fr: Bryce A. Contor *Bryce*
Date: 2/15/2000
Re: Transfer 4646

See transfer file; right reduced per district court response to protest in transfer proceeding.

Blaine Larsen Transfer Analysis - WR database - prefixes omitted.					
Transfer	Affected Rights		Proposed Rights		Status Date
4646	3100051	A	3100051	A	1/31/97

A record shows "combined,"

remarks do not show to what it
was combined.

See also T 3877 Richard Egbert

See remarks to SIB, 31-00049B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4646
WATER RIGHT NO(S). 31-00049A/31-00050A/31-00051A

RECEIVED

FEB 04 1998

Department of Water Resources
Eastern Region

This is to certify that: CONNIE LARSEN
BLAINE LARSEN
PO BOX 188
HAMER ID 83425

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. 31-00049A :			
IRRIGATION	04/15 to 10/15	0.44 CFS	140.0 AF
Priority: 12/10/1884			
Right No. 31-00050A :			
IRRIGATION	04/15 to 10/15	0.06 CFS	21.8 AF
Priority: 04/01/1885			
Right No. 31-00051A :			
IRRIGATION	04/15 to 10/15	0.11 CFS	39.9 AF
Priority: 04/01/1885			
TOTAL:		0.61 CFS	* 140.0 AF

SOURCE

CAMAS CREEK

TRIBUTARY OF

MUD LAKE

LOCATION OF POINT(S) OF DIVERSION:

SE NW , Sec. 34, Township 09N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	36E	34	NESW 15	SESW 25		40
Total number of acres irrigated:						40

CONDITIONS OF APPROVAL AND REMARKS

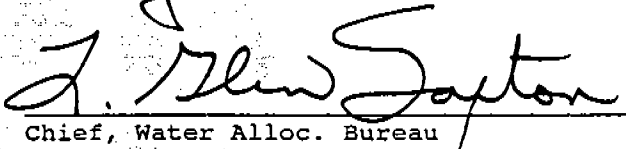
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

TRANSFER NO. 4646
WATER RIGHT NO(S). 31-00049A/31-00050A/31-00051A

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. 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.
6. 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.
- * 7. Right Nos. 31-00049A, 31-00050A and 31-00051A in combination shall not exceed a total diversion rate of 0.61 cfs, a total annual diversion volume of 140.0 af, and the irrigation of 40.0 acres.
8. Portions of each right in excess of this transfer approval have been declared forfeited in the following amounts by Order of the Seventh Judicial District Court, Case No. CV-95-180: Right No. 31-00049A, 1.30 cfs; Right No. 31-00050A, 0.18 cfs; Right No. 31-00051A, 0.33 cfs; and 120 acres.
9. Right No. 31-00051A is limited to diversion during the Spring high-water season.

Dated this 31st day of January, 1997.


Chief, Water Alloc. Bureau

31-00051A
RECEIVED AUG 18 1995

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE SWK

STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

DAVID HAGENBARTH, MARGARET
HAGENBARTH and JAMES F.
HAGENBARTH,

Plaintiff,

vs.

BLAINE LARSEN,

Defendant.

Case No. CV-95-128

ORDER ON PLAINTIFF'S COMPLAINT
FOR DECLARATORY JUDGMENT

FILED
AUG 16 1995
CONNIE M. KELLER COUNTY CLERK

RECEIVED

DEC 14 1995

Department of Water Resources
Eastern District Office

Plaintiffs filed a complaint on April 28, 1995, seeking a declaratory judgment that Defendant's water rights have been forfeited pursuant to I.C. §42-222(2) for failure to beneficially use the water rights for a period of five or more years. The matter was tried on May 25, 1995, and closing arguments were presented in the form of written briefs. After considering the arguments of counsel the court deems the matter submitted.

FACTS

Blaine Larsen acquired the water rights in question when he purchased the associated farm lands in 1985. Ten of those water rights have Camas Creek as their source while one claims Beaver Creek as its source.¹ This case focuses on three instances of use by Larsen of his water rights: 1) Camas Creek in 1989; 2) Camas Creek in 1994; and 3) Beaver Creek in 1994.²

Following Larsen's purchase of the farm lands the primary source of water used on the lands has been groundwater applied via

¹ See, plaintiff's exhibit # 12.

² See, plaintiff's exhibit # 5 - "Watermaster's 12 year summary sheet".

MICROFILMED

DEC 14 1995

center pivots. The system of ditches, headgates, etc., previously used to carry the water from Camas Creek and Beaver Creek remained largely unused, and generally in a state of disrepair.³ Since purchasing the farm lands Larsen has made two calls for delivery of his water rights.

In 1989, Larsen made a general call to the watermaster for delivery of all his water rights on Camas Creek. Due to drought, water was only delivered under the three oldest rights for a very short time at the historical diversion point on the Larsen lands.⁴ At about the time Camas Creek was going dry at Larsen's point of diversion, Larsen agreed with an upstream user, Ab Laird, to transfer the Larsen water to Laird. The watermaster honored this oral, informal agreement after informing the upper Camas Creek water users and noting no objections. The watermaster did not require Larsen or Laird to comply with the formalities of I.C. § 42-422(1).

In 1994, Larsen called for his Camas Creek water rights but, due to a water shortage, only the 1884 and 1885 priorities were available.⁵ Before diverting the flow, Larsen cleaned out and re-established the diversion works, ditches and laterals used by the former owners. This effort involved three to four men working in various combinations over two to four days using loaders, backhoe and dump trucks. Less intensive irrigation preparation and maintenance followed, and water was eventually applied to approximately 40 acres of wheat from April 28 through June 20.

³ A flume used to carry water across Camas Creek to irrigate lands west of the creek washed out in 1986 and has not been replaced.

⁴ These rights are in Camas Creek, and identified as follows: Decree 27, IDWR No. 31-00049A - 1.74cfs; IDWR No. 31-00050A - .30cfs; 31-00051A - .50cfs. This water is appurtenant to 160 acres, to wit: 40 acres in Section 3 (SE1/4 of SE1/4), and 120 acres in Section 10 (N1/2 of NE1/4, and SW1/4 of the NE1/4).

⁵ By this time Larsen had transferred .06cfs to Richard Egbert thus reducing available water from 2.6cfs to 2.54cfs.

On May 29 the watermaster instructed Larsen to dam the stream and become the "end of the ditch." After May 29, until delivery ceased on June 20, water deliveries fluctuated uncontrollably due to the length of the stream channel, thunderstorms, and other diversions. Those fluctuations ranged from zero to 9.51cfs across Larsen's weir, and resulted in some flooding of the land during early to mid-June. No crop was harvested from any of the lands to which the water was applied.

In 1994, Larsen also made a general call for all water under the Beaver Creek water right. Although Larsen had previously watered much of the land by a center pivot, the pivot was inoperable in 1994 because no ground water right had been transferred to it. The Beaver Creek right was the only available source of water that year. Larsen repaired the weir and control structure and planted the land. Due to the drought, however, no water was available in Beaver Creek except for a brief period after a rainstorm on May 17th. The watermaster noted in his journal that he turned 3.83cfs on Larsen's farm for approximately three hours on May 18, 1994. Defendant produced testimony that the flow lasted two to three days. After this brief flow, no water was available under the Beaver Creek rights. Again, no crop was harvested.

ISSUES

1. Whether Defendant has lost his water rights by common law abandonment?
2. Whether Defendant has forfeited his water rights pursuant to I.C. § 42-222(2) by failing to apply them to beneficial use for a period of five continuous years?

DISCUSSION

Abandonment is a common law doctrine requiring an intent to abandon together with the actual relinquishment or surrender of a water right. The intent to abandon must be proved by clear and convincing evidence of unequivocal acts. Mere non-use, standing alone, is insufficient. Jenkins v. State, Department of Water

Resources, 103 Idaho 384, 389, 647 P.2d 1256, 1261 (1982), citing Sears v. Berryman, 101 Idaho 843, 623 P.2d 455 (1981); and Gilbert v. Smith, 97 Idaho 735, 552 P.2d 1220 (1976). Although Plaintiff's closing argument states that sufficient evidence of intent could be found in Defendant's destruction of the old headgate and weir during the process of installing a pivot system, no testimony was presented to that effect at trial. If the old diversion structure, headgate and weir were destroyed, they must have been replaced because Defendant later diverted the Camas Creek water through adequate diversion works. Plaintiff's only other support for an abandonment theory is Defendant's years of non-use. Plaintiff has failed to prove intent to abandon by clear and convincing evidence of unequivocal acts. Defendant has not lost his water rights by common law abandonment.

Statutory forfeiture, unlike common law abandonment, does not require proof of intent. Idaho Code § 42-222(2) provides, in pertinent part:

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through non-use or forfeiture such rights shall revert to the state and be again subject to appropriation under this chapter. (emphasis added.)

Idaho courts do not favor forfeiture of water rights. Plaintiffs bear the burden of proving forfeiture by clear and convincing evidence. Jenkins v. State, Department of Water Resources, 103 Idaho 384, 389, 647 P.2d 1256, 1261 (1982), citing Gilbert v. Smith, 97 Idaho 735, 552 P.2d 1220 (1976); Application of Boyer, 73 Idaho 152, 248 P.2d 540 (1952); Carrington v. Crandall, 65 Idaho 525, 147 P.2d 1009 (1944).

Idaho courts have recognized certain defenses to forfeiture, two of which apply to this action. The first is resumption of use. If the defendant fails to use his water right in excess of five years but resumes use before any third parties make a claim in the

water, then the courts will not declare a forfeiture. Jenkins v. State, Department of Water Resources, 103 Idaho 384, 389, 647 P.2d 1256, 1261 (1982), citing Application of Boyer, 73 Idaho 152, 248 P.2d 540 (1952); Wagoner v. Jeffery, 66 Idaho 455, 162 P.2d 400 (1945); Carrington v. Crandall, 65 Idaho 525, 147 P.2d 1009 (1944). The second defense applies where failure to use the water is a result of wrongful interference or circumstances over which the water right holder had no control. Jenkins v. State, Department of Water Resources, 103 Idaho 384, 389, 647 P.2d 1256, 1261 (1982), citing Almo Water v. Darrington, 95 Idaho 16, 501 P.2d 700 (1972); Hodges v. Trail Creek Irr. Co., 78 Idaho 10, 297 P.2d 524 (1956); and Welch v. Garrett, 5 Idaho 639, 51 P. 405 (1897).

Larsen's general call in 1994 for all his Camas Creek water rights resulted in a resumption of use of three of such rights. The other 7 Camas Creek rights were not filled due to drought. The watermaster testified that he would have filled all of Larsen's rights had there been sufficient water available in 1994. Drought is a circumstance beyond the Defendant's control which prevented him from exercising his water rights. As such, the Court finds that the seven Camas Creek rights numbered 31-00044, 31-00045, 31-000106, 31-00114, 31-00247, 31-00248, and 31-02040⁶ are not forfeited.

Defendant resumed use of the three remaining Camas Creek rights before Plaintiff filed this action. Plaintiff, however, contends that Defendant's use of the water did not constitute a beneficial use for which the same was appropriated as required by I.C. § 42-222(2). Plaintiff argues that the statutory language, "beneficial use," requires that the Defendant's exercise of his water rights be a good faith, reasonable effort to make the application successful. What constitutes "beneficial use" is the

⁶ The watermaster believes this license was invalidated by a federal decree in 1930, and as a result he has never delivered any water thereunder. This issue is beyond the issues of this case and the court expresses no opinion regarding the validity of the license.

central issue of this dispute.

Irrigation is the beneficial use for which Larsen's water rights were appropriated. Defendant prepared and planted the land, restored the irrigation system, monitored the flow, but eventually lost the crop. Plaintiff contends that Defendant's use of the water was simply a bad faith effort to preserve his water rights resulting in the waste of a precious resource. The crop was in fact lost and the water as well as Defendant's efforts and investment wasted, but this Court will not declare that the Defendant acted in bad faith or unreasonably. The fact that the crops were lost is more properly attributable to the uncontrollable fluctuations of water levels at the "end of the ditch", and the drought of 1994. Defendant's resumption of use on 40 acres prevents total forfeiture of the water rights appurtenant to that land under rights numbers 31-00049A, 31-00050A, and 31-00051A.

However, the evidence is also clear that for more than five years prior to filing this litigation Larsen has not applied water from Camas Creek to the other 120 acres for which it was appropriated. In this Court's view such failure "to apply [water] to the beneficial use for which it was appropriated" results in forfeiture of the water appurtenant to that land.

"The policy of the law of this State is to secure the maximum use and benefit, and least wasteful use, of its water resources." Poole v. Olaveson, 82 Idaho 496, 502, 356 P.2d 61 (1960). And to allow water intended for use on 160 acres to be used on only 40 acres is certainly violative of this policy.⁷ This would result in an application of more than 3 inches of water per acre, or three times the normal application. Idaho Code Section 42-202.

This Court finds that Larsen failed to fully apply decreed water right 27 i.e., IDWR Numbers 31-00049A, 31-00050A, and 31-00051A, to the beneficial use for which it was appropriated. The

⁷ This is particularly applicable in this case considering the amount of upstream water required to deliver decreed rights to Larsen due to transmission losses.

water was beneficially applied to 40 acres in 1994 but has not been beneficially applied to more than that since 1989. As a result Larsen has forfeited his water rights to the remaining 120 acres of land for which the water was appropriated but unused. see e.g., Matter of Permit No. 65-12842, 122 Idaho 59 831 P.2d 527 (1992). Thus, Larsen retains one-fourth of the 2.54cfs of decreed water or .64cfs, based on his 1994 use.* The balance of the decreed water was forfeited pursuant to Idaho Code Section 42-222(2).

The only remaining contested water right, number 31-00042, has Beaver Creek as its source. Beaver Creek was dry in 1994 at Defendant's point of diversion with the exception of one brief period after a rainstorm. During that brief period, Defendant irrigated his land. Defendant's inability to apply additional amounts of Beaver Creek water was a result of water shortage, a factor beyond the Defendant's control. The Beaver Creek water right, therefore, has not been forfeited.

CONCLUSION

Larsen retains .64cfs under water right 27 with the balance thereof having been forfeited for failure to apply it to the beneficial use for which it was appropriated. The court does not find any forfeiture of Larsen's remaining Camas Creek or Beaver Creek water rights.

IT IS SO ORDERED.

Dated this 16 day of August, 1995.

Brent J. Moss
Brent J. Moss, District Judge

* The amount of water forfeited is determined pro rata i.e., 40 acres is one-fourth of 160 acres, and one-fourth of 2.54cfs (127 inches) is .64cfs or 32 inches.

CERTIFICATE OF SERVICE

I hereby certify that I served a correct copy of the foregoing on the following, by the indicated method, this 17 day of Aug, 1995, to the following:

Kent W. Foster, Esq.
P. O. Box 50130
Idaho Falls, Idaho 83405

☒ U.S. Mail
☐ Hand Delivered
☐ Facsimile

D. Gary Peterson, Esq.
P. O. Box 51718
Idaho Falls, Idaho, 83405-1718

☒ U.S. Mail
☐ Hand Delivered
☐ Facsimile

Xg Deputy Clerk.

MICROFILMED

NOV 14 1998

LARSON DIVERSOIN RATE FOR CAMAS CREEK FROM 1983-1994

Year	Right 24 31-0044 31-0045	Right 27 31-0049 31-0050 31-0051	Right 133 31-0247 31-0248	Right 55 31-0106	Right 59 31-0114	C.F.S 24-HR
1983	0	0	0	0	0	0
1984	0	0	0	0	0	0
1985	0	0	0	0	0	0
1986	0	0	0	0	0	0
1987	0	0	0	0	0	0
1988	0	0	0	0	0	0
1989	0	281	0	0	0	281
1990	0	0	0	0	0	0
1991	0	0	0	0	0	0
1992	0	0	0	0	0	0
1993	0	0	0	0	0	0
1994	0	124	0	0	0	124
TOTALS	0	405	0	0	0	405

LARSON DIVERSOIN RATE FOR BEAVER CREEK FROM 1983-1994

Year	Right 22 31-0042	C.F.S 24-HR
1983	47	47
1984	46	46
1985	28	28
1986	200	200
1987	56	56
1988	0	0
1989	0	0
1990	0	0
1991	0	0
1992	0	0
1993	0	0
1994	0	0
TOTALS	377	377

The above informatoin was researched from the annual Watermaster Report and the Watermasters Daily Record Books.

The water rights listed are rights historically and legally diverted in Jefferson County.

Donald W. Shenton
Donald W. Shenton
Watermaster Dist. #31

MICROFILMED

Dated the 8th day of May 1995

150

5

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

POOR ORIGINAL

1-0049 1884 - December 10 1.74 1.8 c.f.s.

1-0050 1885 - April 1 0.3 c.f.s.

1-0051 1885 - April 1 0.5 c.f.s.

2.60

To be diverted up to July 1st of
each year, but not thereafter.

Source: Mud Lake.

To be diverted during the spring
high water season only.
Source: Camas Creek, a tributary
of Mud Lake.

.06 CFS turns to Cybat 4 31-0049 = 1.74 Beginning

RAY MOON'S
Jefferson County

NO. LARSEN FARMS

No. 27

Point of Diversion: In the North-
east Quarter of the Northeast Quar-
ter 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 North-
east Quarter and the Southwest Quar-
ter of the Northeast Quarter of Sec-
tion 10; all in Township 8 North,
Range 36 East, B.M.

Larsen Breakdown of water
Right 31-0049 - 50 - 51
as per Judges decision.
as of Aug 16, 1995

1.74 X 0.25 = .44 cfs. 31-0049

.30 X 0.25 = .08 cfs. 31-0050

.50 X 0.25 = .12 cfs. 31-0051

total .64 cfs.

50%.

MICROFILMED

NOV 14 1995

1.

IT IS FURTHER ADJUDGED AND DECREED HEREIN, that none of the parties to this cause have any ^{rights or} right in or to the waters of Mud Lake and its tributaries, other than those set forth in said schedule of rights, and that of the parties who are not named in said schedule of rights, none of them have any right or rights whatever in or to the said waters, PROVIDED, that nothing in this decree contained shall be construed to affect the mortgage, or other lien of any party hereto, the interest of a spouse in community property, nor the interest of a corporation stockholder in such waters, as are herein decreed, nor to affect rights which may hereafter be initiated.

2.

It is further ORDERED, ADJUDGED and DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, together with their heirs, successors, assigns, agents, servants, and employees are hereby severally and particularly RESTRAINED AND ENJOINED from using, attempting to use, diverting, or attempting to divert, any of the waters herein decreed as hereinbefore defined and set out, in any manner except as hereinbefore provided and set out, and in strict accordance with the terms of this decree.

3.

It is further ORDERED, ADJUDGED AND DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, shall pay his own costs expended in this cause, such costs being filing fees, marshall's fees, publication fees, witness fees, and reports

RECORDED

NOV 14 1988

1.

IT IS FURTHER ADJUDGED AND DECREED HEREIN, that none of the parties to this cause have any ^{rights or} right in or to the waters of Mud Lake and its tributaries, other than those set forth in said schedule of rights, and that of the parties who are not named in said schedule of rights, none of them have any right or rights whatever in or to the said waters, PROVIDED, that nothing in this decree contained shall be construed to affect the mortgage, or other lien of any party hereto, the interest of a spouse in community property, nor the interest of a corporation stockholder in such waters, as are herein decreed, nor to affect rights which may hereafter be initiated.

2.

It is further ORDERED, ADJUDGED and DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, together with their heirs, successors, assigns, agents, servants, and employees are hereby severally and particularly RESTRAINED AND ENJOINED from using, attempting to use, diverting, or attempting to divert, any of the waters herein decreed as hereinbefore defined and set out, in any manner except as hereinbefore provided and set out, and in strict accordance with the terms of this decree.

3.

It is further ORDERED, ADJUDGED AND DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and intervenors, shall pay his own costs expended in this cause, such costs being filing fees, marshall's fees, publication fees, witness fees, and reports

NOV 14 1935

TRANSFER NUMBER	LICENSE NUMBER	LARSON total CTS.	TRANSFERS total ACRES	TRANSFER AMT. CTS.	TRANSFER ACRES	GAIN ACRES	
4680	32-07005A	3.20	160	2.168	108.00		check
4681	32-07102	5.34	313	1.196	64.00		CLARK
4681	32 02116	6.40	320		64		CLARK
4682	32 02116	6.40	320	2.275	156		CLARK
4683	32-02116	6.40	320	2.042	140		CLARK
4684	32-07102	5.34	313	2.460	360 144		CLARK
4685	32-07102	5.34	313	2.390	140.30		CLARK
4686	31-0235	2.67	240				Freemont CLARK
"	31-0703	7.96	531	0.423	35.80		"
4687	31-02365	6.74	480				Freemont CLARK
"	31-02374	1.96	160				"
"	31-02405	5.00	296				"
"	31-07025	10.00	560				"
"	31-07044	5.46	280				"
"	31-07177	4.76	268	2.026	122.40		"
4688	31 07034-R	0.295	21				"
	31-02365	6.74	480				"
	31-02335	2.67	240	0.951	66		"
4689	31-07034-R	1.93	131	1.635	111		J. F. F. to CLARK
4690	31-07293A	2.29	136				Jafferson
"	31-07015	7.31	554				"
	31-07024	5.65	425				"
	31-07293-B	2.16	136	0.666	43.50		"
4691	31-07037	7.96	582				Freemont
	31-07038	5.00	280				"
	31-07222	8.89	542	0.980	59.50		"
4692	31-02426	7.70	462	.785	47.10		Jafferson to CLARK
4693	?						
4694	?						
4695	31-07015	7.31	554	.119	9.00		Jafferson
4696	31-07178A	3.69	264	1.850	132		CLARK
4697	31-07178A	3.69	264	1.850	132		CLARK
4698	31-07178A	3.63	264	1.820	132		CLARK
4699	31-07178A	3.63	264	1.810	132		CLARK
				should	15.115		