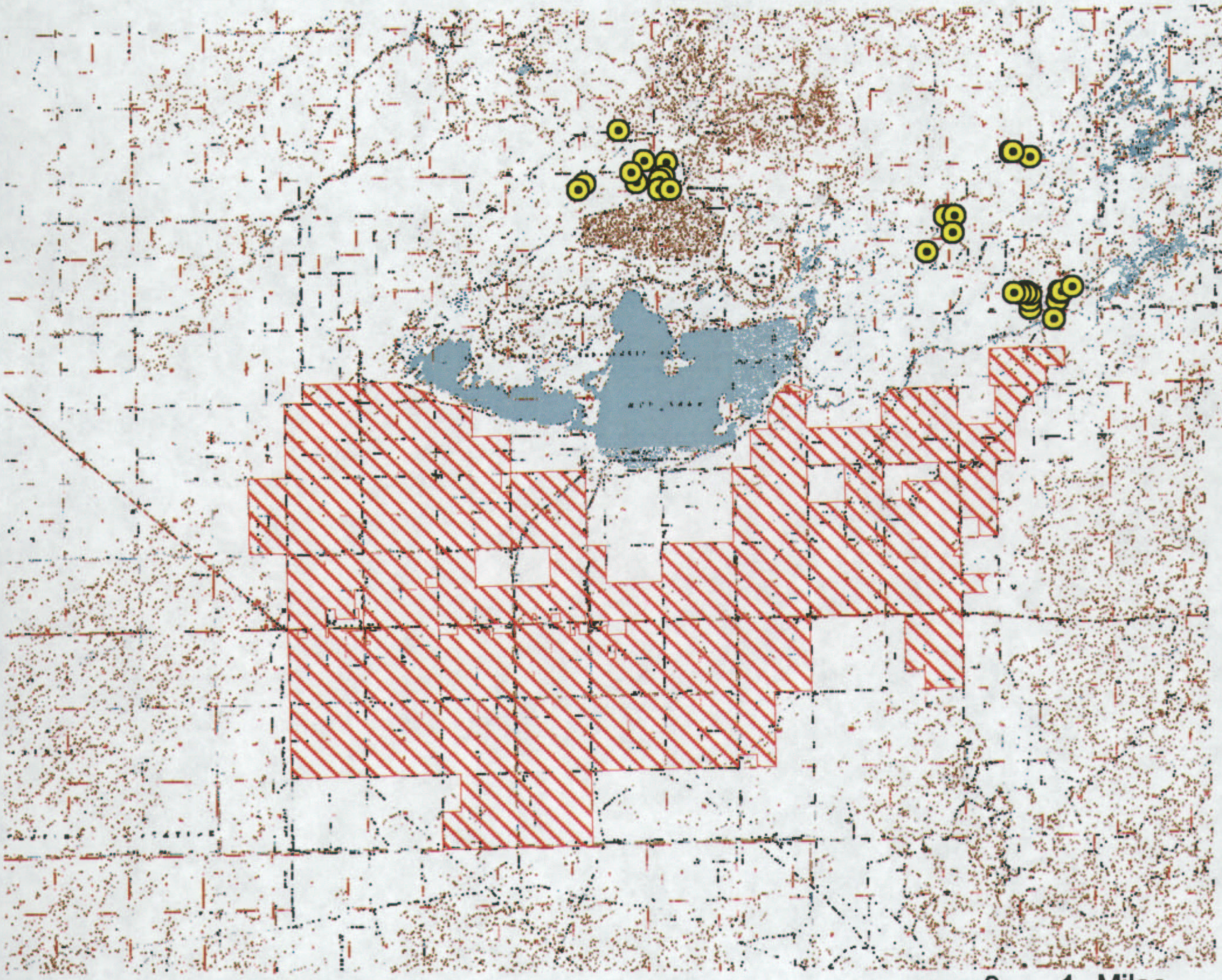
Idaho Department of Water Resources

Mud Lake Water Users
Ground Water Rights

Township 6N Range 34E, 35E



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

N
W
E
S

SCANNED
NOV 7 5 2002

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 12/2000

Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.



Photo #3, "bubble up" of artesian well in artesian basin. Photo looking NW from SE side of channel.

SCANNED
NOV 25 2002

Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.



Photo #2, hour meter on pumped well. Watermaster uses hour meters on wells to log pumpage volume.

SCANNED
MAY 7 2007

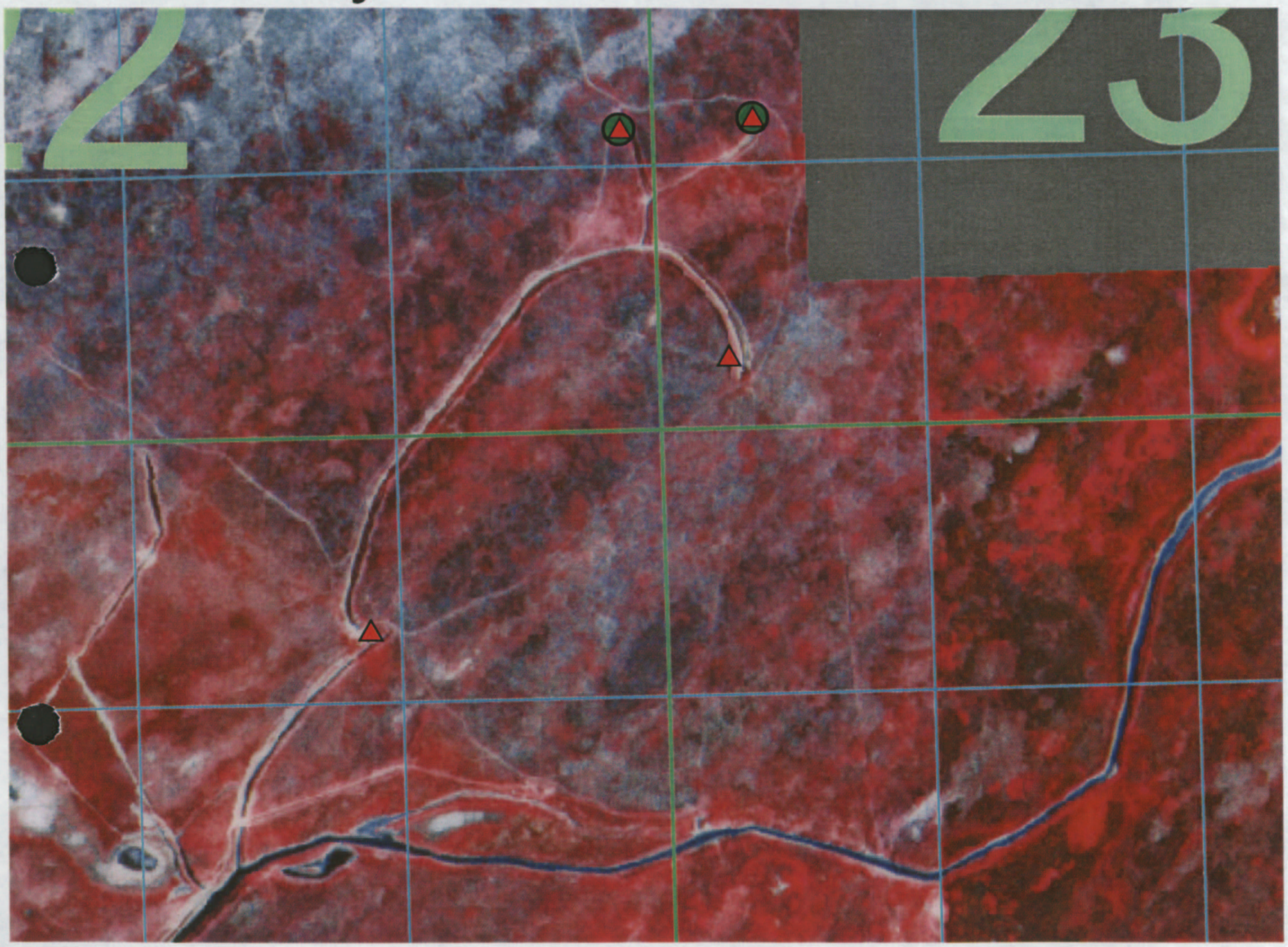
Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.



Photo #1, looking NE at discharge of artesian well basin, from SW side of channel.
Upper culvert, not flowing, comes from pumped wells.

SCANNED
NOV 25 2002

Mud Lake Water Users
Marty/Jackett Wells



Adjudication Recommendation per Transfer 5335

Diversions Per Field Work

- Well
- Injection to Lake
- Rediversion from Lake
- Sprinkler

SCANNED
MAY 25 2002



Mud Lake Water Users
Holley Wells



Adjudication Recommendation per Transfer 5335

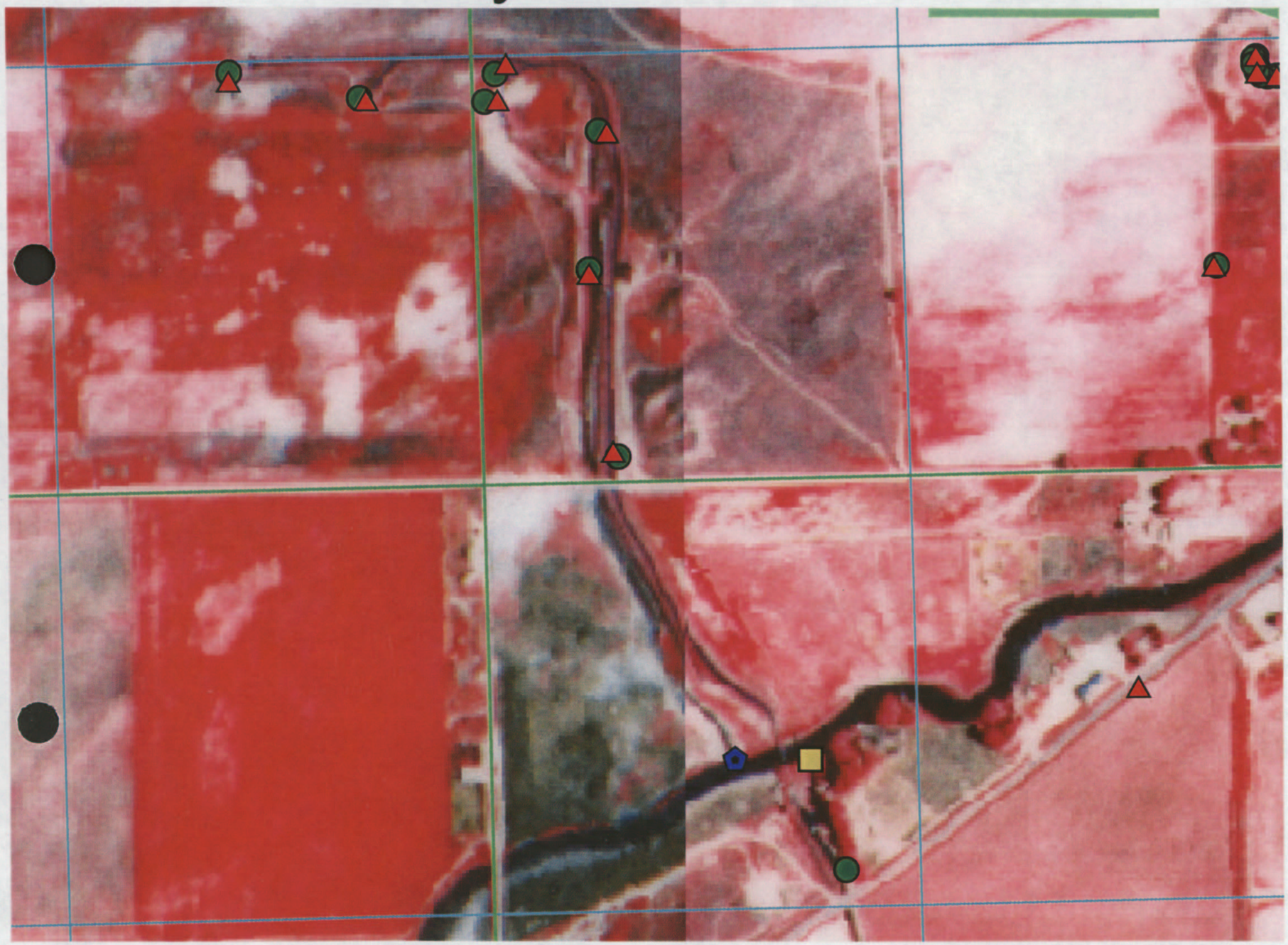
Diversions Per Field Work

- Well
- Injection to Lake
- Rediversion from Lake
- Sprinkler

SCANNED
NOV 25 2002

N
W
E
S

Mud Lake Water Users
Holley Wells



▲ Adjudication Recommendation per Transfer 5335

Diversions Per Field Work

- Well
- Injection to Lake
- Rediversion from Lake
- Sprinkler

SCANNED NOV 25 2002

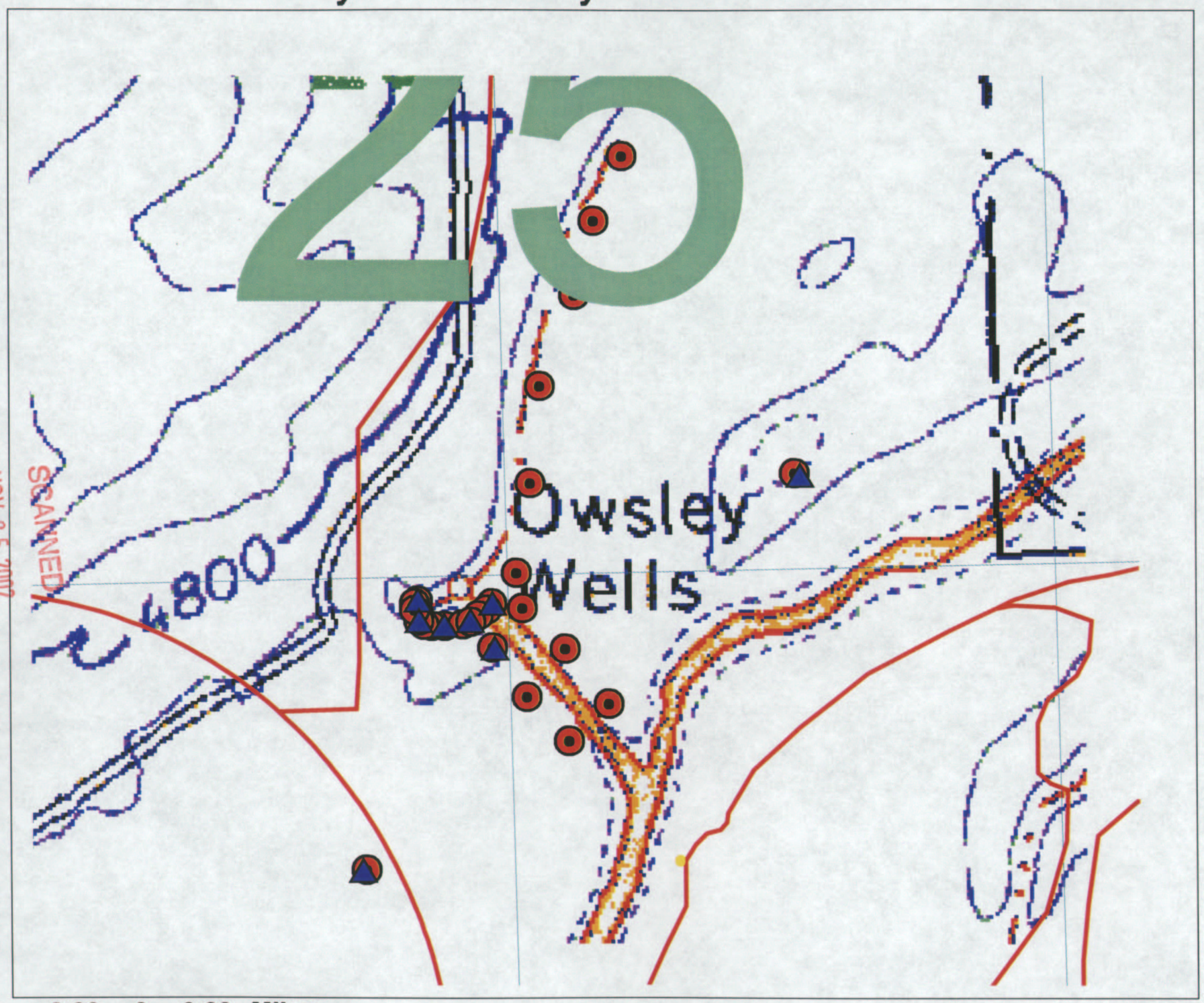


Mud Lake Water Users
Holley Wells



SCANNED
NOV 25 2002

Summary of MLWU PODs
Bybee/Owsely Wells



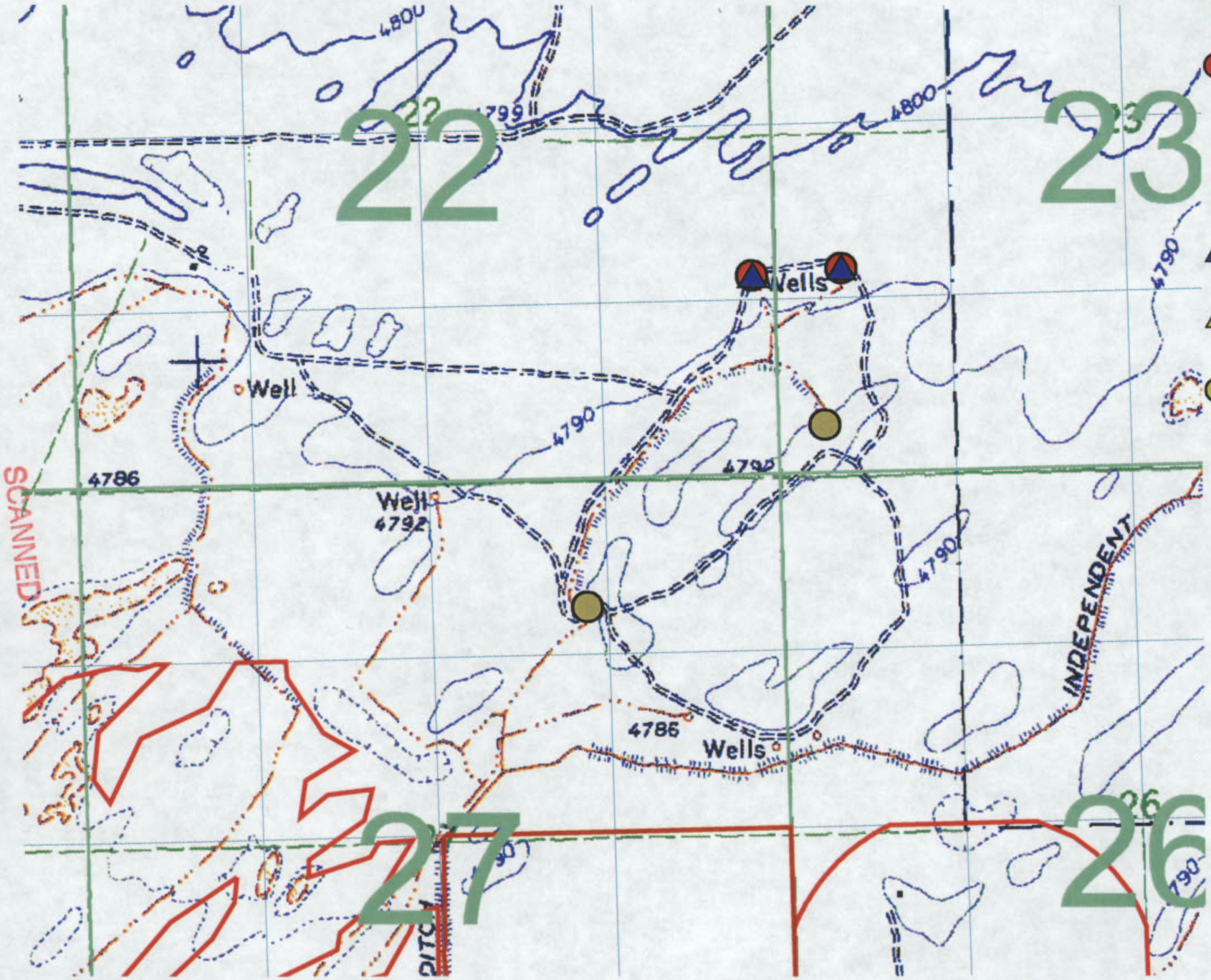
Points of Diversion

- GW Diversion Per Field Work
- T5335 - Active Well
- T5335 - No Well
- T5335 - Unused Well

N
W E
S

B. Contor 12/2000

Summary of MLWU PODs
Marty/Jackett Well Field



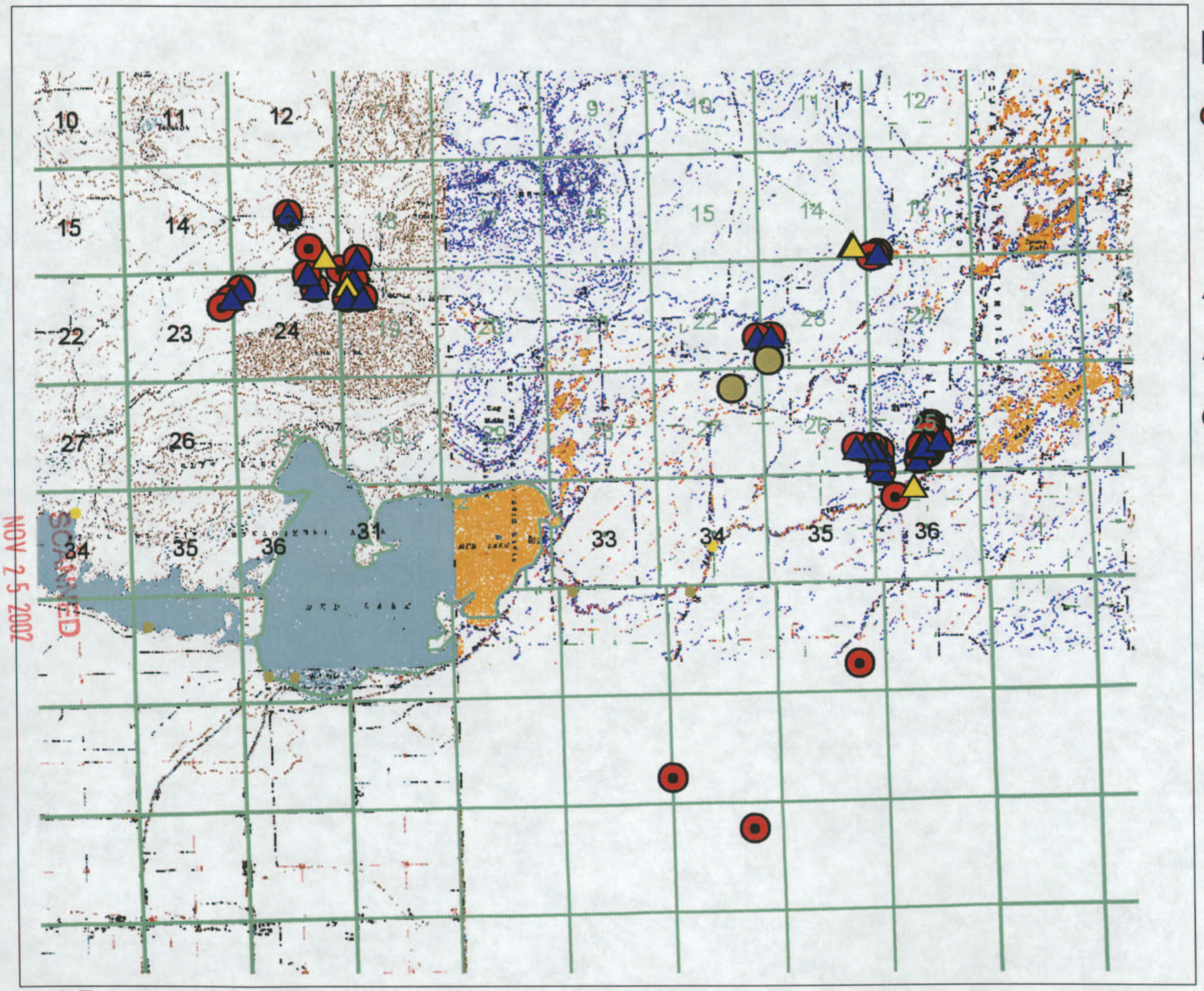
Points of Diversion

- GW Diversion Per Field Work
- T5335 - Active Well
- T5335 - No Well
- T5335 - Unused Well

N
W E
S

B. Contor 12/2000

Summary of MLWU PODs
All Wells



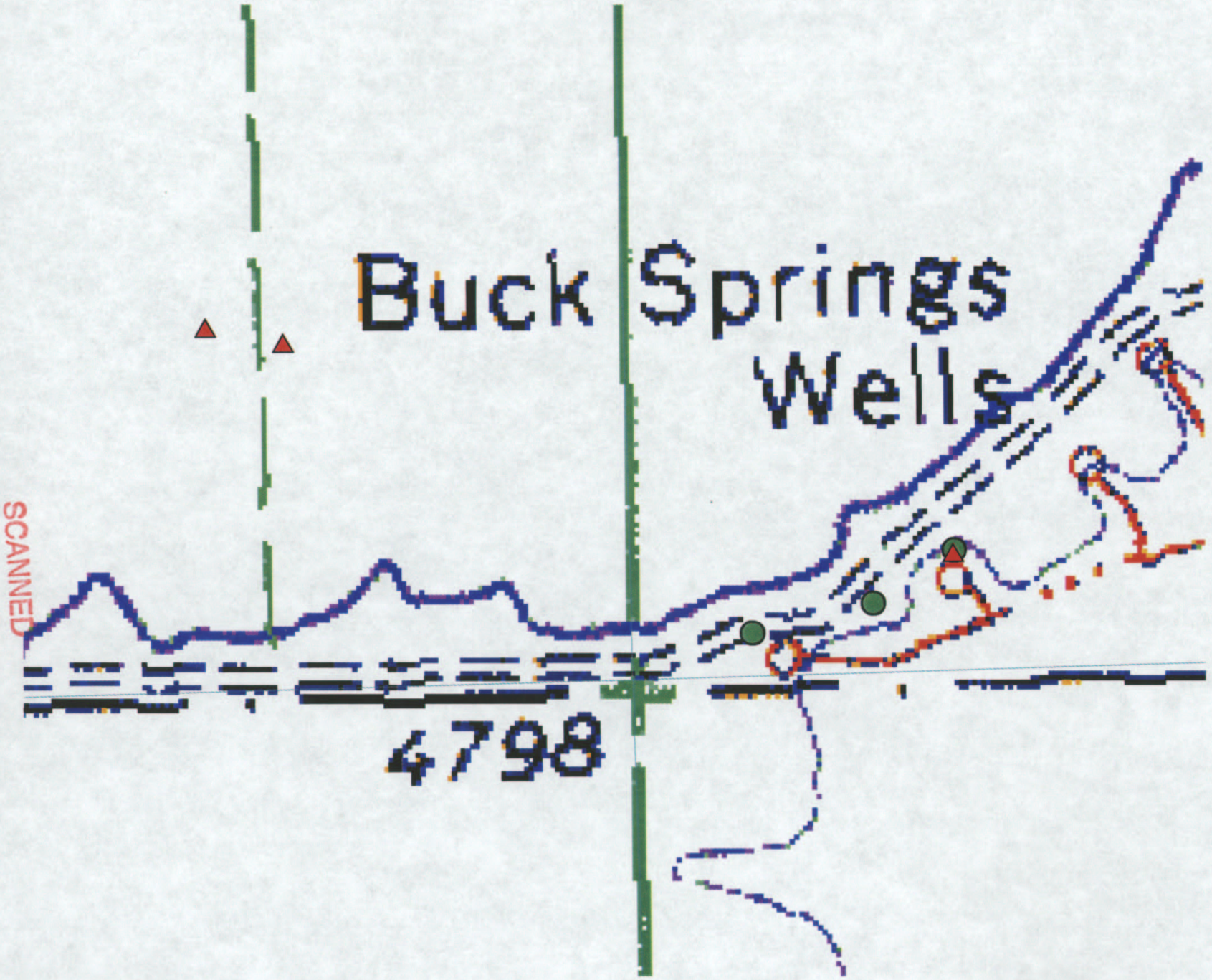
Points of Diversion

- GW Diversion Per Field Work
- T5335 - Active Well
- T5335 - No Well
- T5335 - Unused Well

N
W E
S

B. Contor 12/2000

Mud Lake Water Users
Point of Diversion Summary
Buck Springs



Points of Diversion

- Adjudication Recommendation per Transfer 5335
- Diversions per Field Work
  - Well
  - Injection to Lake
  - Rediversion from Lake
  - Sprinkler Well

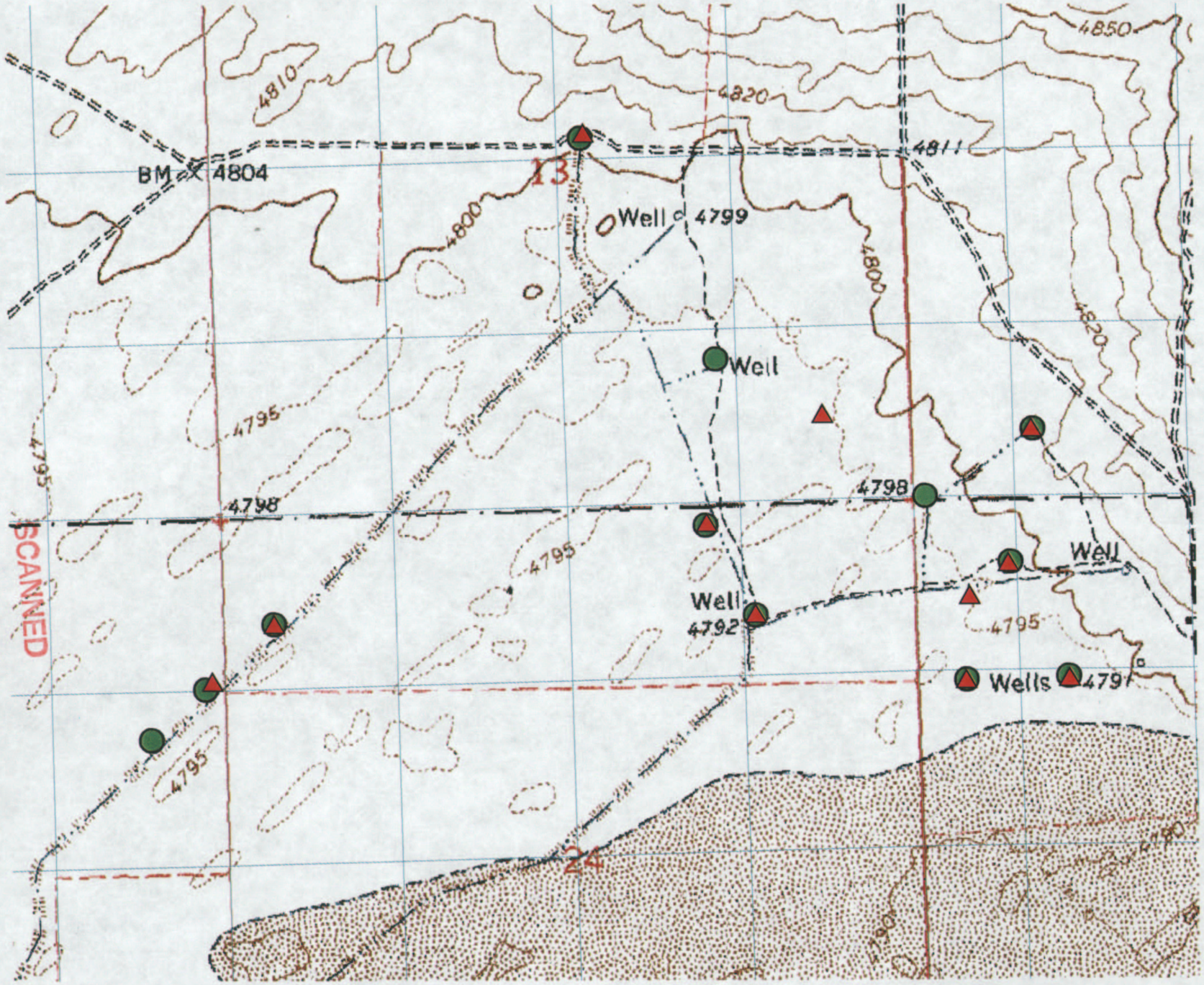
0.03 0 0.03 Miles

N
W E
S

B. Contor 12/2000

SCANNED NOV 2 5 2002

Mud Lake Water Users
Point of Diversion Summary
North Lake



SCANNED NOV 25 2002

Points of Diversion

- Adjudication Recommendation per Transfer 5335

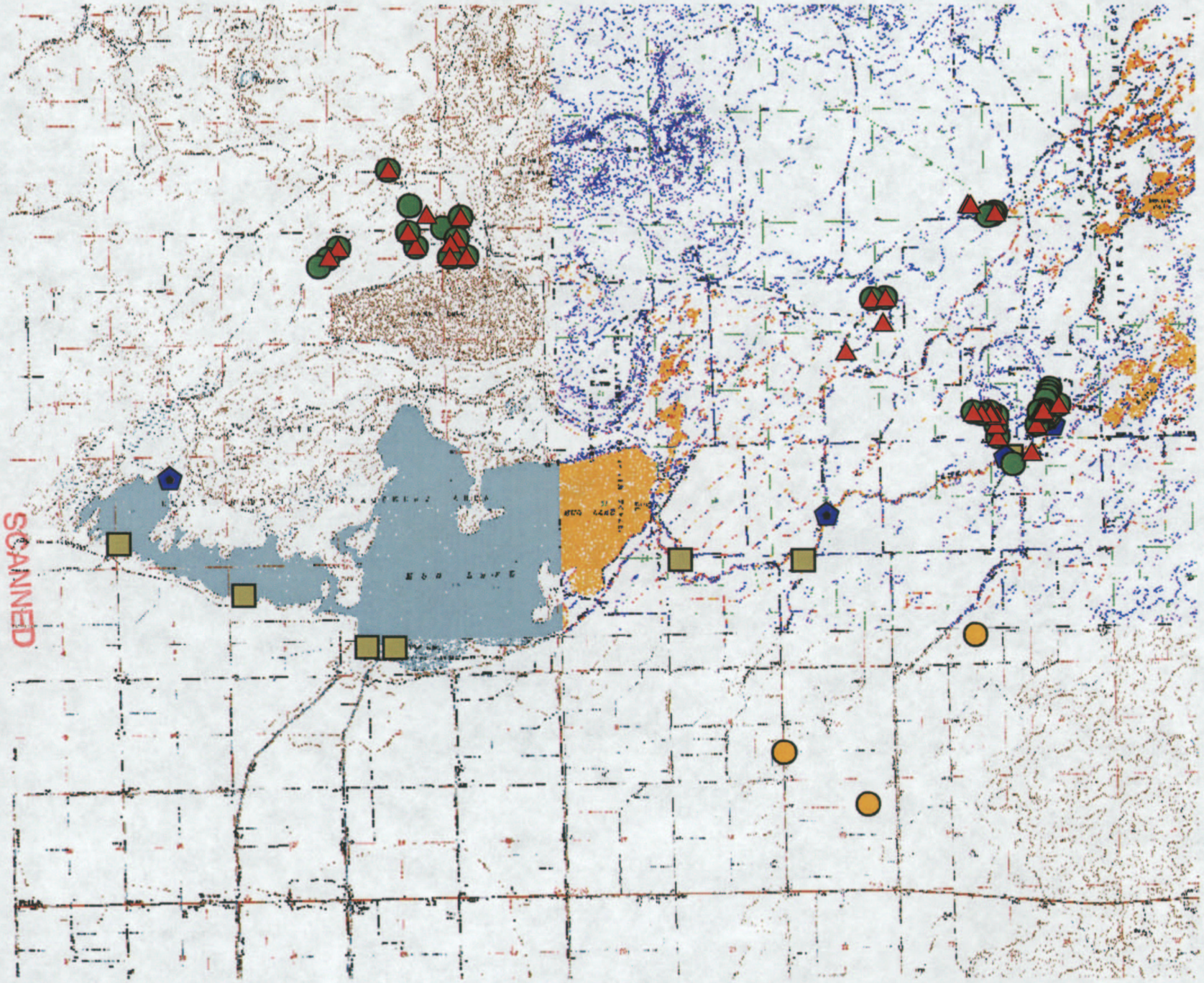
Diversions per Field Work

- Well
- Injection to Lake
- Rediversion from Lake
- Sprinkler Well

N
W E
S

B. Contor 12/2000

Mud Lake Water Users
Point of Diversion Summary
Overview



Points of Diversion

- Adjudication Recommendation per Transfer 5335

Diversions per Field Work

- Well
- Injection to Lake
- Rediversion from Lake
- Sprinkler Well

0.6 0 0.6 Miles

N
W E
S

B. Contor 12/2000

SCANNED NOV 2 5 2002

Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.



Photos #4 and 5, "bubble up" of NE well at NE end of artesian basin, looking SW towards outlet of basin.

SCANNED
NOV 25 2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-327

Owner Type	Name and Address
Current Owner	MUD LAKE WATER USERS INC 1400 E 1500 N PO BOX 68 TERRETON, ID 83450 (208)663-4359

Priority Date: 10/14/1940
Basis: Decreed
Status: Valid

Source	Tributary to
GROUND WATER	MUD LAKE

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	05/01	11/01	110 CFS		
DIVERSION TO STORAGE	05/01	11/01	110 CFS		
Total Diversion			110 CFS		

Location of Point(s) of Diversion:

GROUND WATER	SWSWNE	Sec. 13	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SESE	Sec. 13	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SENENE	Sec. 23	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWNENE	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	NENWNE	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWNWNW	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SESE	Sec. 14	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SESE	Sec. 14	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSW Lt 4	Sec. 18	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWNW Lt 1	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NENWNW Lt 1	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESWNW Lt 2	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESENW	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SENESE	Sec. 22	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWNWSW	Sec. 23	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSW	Sec. 23	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SENWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESE	Sec. 26	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSESE	Sec. 26	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWNE	Sec. 27	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NENW	Sec. 36	Township 07N	Range 35E	JEFFERSON County

RECEIVED
NOV 2 5 2002

IRRIGATION Use:
Acre Limit: 24261.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

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

Total Acres: 24261.3

Conditions of Approval:

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

Remarks:

1. Quantity — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 287 CFS FROM MAY 1 THROUGH NOV 1. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-11430.
2. Quantity — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH NOV 1 AND A TOTAL COMBINED DIVERSION RATE OF 643.21 CFS FROM MARCH 1 THROUGH APRIL 30 WHEN AUTHORIZED BY AN EARLY PUMPING PLAN APPROVED BY THE WATERMASTER. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.
3. Quantity — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 73389.5 AF. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330.
4. Place of Use - Irrigation — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363, (OWLSEY DIVISION SURFACE WATER), 31-134, 31-135, 31-143, 31-144, 13-190, 31-192, (JACKETT DIVISION SURFACE WATER), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962, 31-11437 (HOLLEY DIVISION SURFACE WATER).
5. Place of Use - Irrigation — PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 24261.3.
6. Quantity — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 200 CFS. FROM MAY 1 THROUGH NOV 1. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330.

Comments:

Author	Date	Subject	Comment
bcontor	12/16/00	POD	Per Draft Preliminary Order Amending Transfer 5335, to get proposed PDs into electronic format. Other elements of review not data entered as of 12/16/2000. Note that PODs do not match field work.
bcontor	12/30/00	POD continued	POD recommended per Preliminary Order Amending Transfer Approval 5335. Note that amendment did not rectify differences between original transfer and AJ field work.
bcontor	12/30/00	POD cont. 2	Three sprinkler PODs are not added to 31-11430 because there is no diversion to storage from those PDs. Claimant is aware of need to file transfer to add these PDs to water rights. Ben use claims 31-11430 and 31-11432 match field work otherwise.
bcontor	1/1/01	Recommendation	All elements except POD and Period of Use recommended per post-1987 transfer 5335. POD and period of use modified by Preliminary Order 12/19/2000, recommended per that Preliminary Order.
bcontor	1/1/01	storage	right lists diversion to storage as a use, but no storage nor irrigation from storage, per T 5335. Irr. storage is authorized under 31-332, irr. from storage is authorized under 31-332, 31-11430.
bcontor	1/1/01	shoulder remark	No shoulder remark applied, as recommended sesaon conforms to amended transfer and Bauerly decree. Shoulder remark would violate intent of Bauerly and amendment.
bcontor	1/1/01	tributary	Somehow source was listed as trib to mud lake, which is incorrect. This will need to be corrected.

RECEIVED
NOV 2 5 2002

Dates:

Licensed Date:
Claim Received Date: 12/06/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 10/14/1940
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	12/27/00 4:08:28 PM	bcontor			In Process
POU	1/1/01 10:12:34 AM	bcontor			In Process
Priority Date	12/27/00 4:07:46 PM	bcontor			In Process
Quantity	1/1/01 10:21:54 AM	bcontor			In Process
Season	1/1/01 10:17:34 AM	bcontor			In Process
Source	12/27/00 4:08:55 PM	bcontor			In Process
Summary	1/1/01 10:27:28 AM		1/1/01 10:27:28 AM	bcontor	Complete
Use	1/1/01 10:13:00 AM	bcontor			In Process

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
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	12/27/00 4:08:25 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (NO) Parent right does not have a Point of Diversion. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Post-1987 transfer 5335. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	12/16/00 3:39:49 PM	bcontor	Edited PLS
POD	12/16/00 3:39:32 PM	bcontor	Edited point location
POD	12/16/00 2:21:41 PM	bcontor	Edited PLS
POD	12/16/00 2:21:26 PM	bcontor	Edited point location
POD	12/16/00 2:18:31 PM	bcontor	Edited point location
POD	12/16/00 2:16:41 PM	bcontor	Edited PLS
POD	12/16/00 2:16:26 PM	bcontor	Edited point location
POD	12/16/00 2:15:20 PM	bcontor	Edited PLS
POD	12/16/00 2:15:06 PM	bcontor	Edited point location
POD	12/16/00 2:13:06 PM	bcontor	Edited PLS
POD	12/16/00 2:12:48 PM	bcontor	Edited point location
POD	12/16/00 2:11:45 PM	bcontor	Edited PLS
POD	12/16/00 2:11:26 PM	bcontor	Edited point location
POD	12/16/00 2:10:23 PM	bcontor	Edited PLS
POD	12/16/00 2:10:11 PM	bcontor	Edited point location
POD	12/16/00 2:08:38 PM	bcontor	Edited PLS

SCANNED
NOV 2 5 2002

POD	12/16/00 2:08:24 PM	bcontor	Edited point location
POD	12/16/00 2:07:33 PM	bcontor	Edited PLS
POD	12/16/00 2:07:19 PM	bcontor	Edited point location
POD	12/16/00 2:04:55 PM	bcontor	Edited PLS
POD	12/16/00 2:04:22 PM	bcontor	Edited point location
POD	12/16/00 2:02:52 PM	bcontor	Edited PLS
POD	12/16/00 2:02:37 PM	bcontor	Edited point location
POD	12/16/00 2:01:14 PM	bcontor	Edited PLS
POD	12/16/00 2:01:00 PM	bcontor	Edited point location
POD	12/16/00 2:00:49 PM	bcontor	Edited point location
POD	12/16/00 1:59:18 PM	bcontor	Edited PLS
POD	12/16/00 1:58:57 PM	bcontor	Edited point location
POD	12/16/00 1:57:44 PM	bcontor	Edited PLS
POD	12/16/00 1:57:28 PM	bcontor	Edited point location
POD	12/16/00 1:56:17 PM	bcontor	Edited PLS
POD	12/16/00 1:56:04 PM	bcontor	Edited point location
POD	12/16/00 1:54:51 PM	bcontor	Edited PLS
POD	12/16/00 1:54:35 PM	bcontor	Edited point location
POD	12/16/00 1:53:02 PM	bcontor	Edited point location
POD	12/16/00 1:49:22 PM	bcontor	Edited PLS
POD	12/16/00 1:49:11 PM	bcontor	Edited point location
POD	12/16/00 1:48:20 PM	bcontor	Edited PLS
POD	12/16/00 1:48:09 PM	bcontor	Edited point location
POD	12/16/00 1:45:09 PM	bcontor	Edited point location
POD	12/16/00 1:42:01 PM	bcontor	Edited PLS
POD	12/16/00 1:41:11 PM	bcontor	Edited point location
POD	12/16/00 1:33:45 PM	bcontor	Edited PLS
POD	12/16/00 1:32:22 PM	bcontor	Edited point location
POD	12/16/00 1:30:40 PM	bcontor	Edited PLS
POD	12/16/00 1:30:26 PM	bcontor	Edited point location
POD	12/16/00 1:29:02 PM	bcontor	Edited PLS
POD	12/16/00 1:28:50 PM	bcontor	Edited point location
POD	12/16/00 1:28:22 PM	bcontor	Edited point location
POD	12/16/00 1:26:25 PM	bcontor	Edited PLS
POD	12/16/00 1:26:11 PM	bcontor	Edited point location
POD	12/16/00 1:24:32 PM	bcontor	Edited PLS
POD	12/16/00 1:24:07 PM	bcontor	Edited point location
POD	12/16/00 1:23:02 PM	bcontor	Edited PLS
POD	12/16/00 1:22:49 PM	bcontor	Edited point location
POD	12/16/00 1:19:19 PM	bcontor	Edited point location
POD	12/16/00 1:18:49 PM	bcontor	Edited point location
POD	12/16/00 1:14:39 PM	bcontor	Edited point location
POD	12/16/00 1:13:43 PM	bcontor	Edited point location
POD	12/16/00 1:13:10 PM	bcontor	Edited point location
POD	12/16/00 1:12:31 PM	bcontor	Edited point location
POD	12/16/00 1:11:42 PM	bcontor	Edited PLS
POD	12/16/00 1:11:29 PM	bcontor	Edited point location
POD	12/16/00 1:10:34 PM	bcontor	Edited PLS
POD	12/16/00 1:10:18 PM	bcontor	Edited point location
POD	12/16/00 1:08:36 PM	bcontor	Edited PLS
POD	12/16/00 1:08:13 PM	bcontor	Edited point location
POU	1/1/01 10:12:32 AM	bcontor	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	12/27/00 4:07:44 PM	bcontor	1. (YES) There has been a later court decree of the water right(s) from the water source. 2. (YES) The owner/owner's predecessor in interest of the place of use was joined in the later decree. 3. (NO) The date of the decree was not after the mandatory permit date. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (NO) Parent right does not have a priority date. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	1/1/01 10:21:52 AM	bcontor	1. (NO) The basis of claim is not beneficial use.

SCANNED
NOV 2 5 2002

			2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (YES) The source is ground water and the purpose of use requires a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. Comment for 8: As transfer does not impose a volume, this recommendation does not, either. Note that operation of Bauerly (and Transfer) combined diversion rate limitations will effectively limit volume to appropriate levels, see analysis in paper file "Mud Lake Storage." 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	1/1/01 10:17:32 AM	bcontor	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. (YES) Irrigation is the purposed use. 14. (YES) The period of use on the decree, license or transfer is shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	12/27/00 4:08:53 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Field inspection of PD 8. (NO) The source is not surface water. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	1/1/01 10:27:26 AM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Use	1/1/01 10:12:58 AM	bcontor	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

NOV 2 5 2002

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00327
Date Received: 12/06/1988
Receipt No: E004950
Received By: _____

MCWW

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

A310327

2. Date of Priority: NOV 16, 1931

3. Source: GROUNDWATER Trib. to: MUD LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	25		SE	SW		JEFFERSON
				NW	SE		JEFFERSON
				SW	SE		JEFFERSON

5. Description of diverting works:
   SEE ATTACHMENT A.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	110.000		
IRRIGATION STORAGE	11/01	04/01			17985.00

7. Total Quantity Appropriated is:
   110.000 C.F.S. (and/or) 17985.00 A.F.A.

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

9. Non-irrigation uses:
   NONE

MICROFILMED
NOV 17 1992

SCANNED
NOV 25 2002

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	3	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		480.0
		4	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		5	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

MICROFILMED
NOV 17 1992

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	34E	5	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		7	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		320.0
		8	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		9	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED
NOV 17 1992

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	34E	9	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		10	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	20.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		620.0
		11	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		320.0
		13	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0

MICROFILMED
NOV 17 1992

SCANNED
NOV 25 2002

10. Place of Use: Continued

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

MICROFILMED
NOV 17 1992

RECEIVED
NOV 25 2002

10. Place of Use: Continued

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

MICROFILMED
NOV 17 1992

SCANNED
NOV 2 7 2007

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	34E	20	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		625.0
		21	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	25.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		625.0
		22	NE	NE		IRR	20.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	20.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		600.0
		23	NE	NE		IRR	40.0

MICROFILMED
NOV 17 1992

NOV 25 2007

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	34E	23	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		24	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	10.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	30.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		600.0
		25	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED
NOV 17 1992

NOV 29 2002

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	34E	25	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		26	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0

MICROFILMED
NOV 17 1992

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	27	SE	SE		IRR	40.0
						Section Acres	640.0
		28	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		29	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		34	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

MICROFILMED
NOV 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	34	SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	560.0
		35	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
	35E	8	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	200.0
		17	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

SCANNED
NOV 25 2002

MICROFILMED
NOV 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	35E	17	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	320.0
		18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		19	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		20	NE				10.0

SCANNED
NOV 25 2002

MICROFILMED
NOV 1 / 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	35E	20	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		29	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	10.0
			SE	SW		IRR	40.0
					Section Acres		290.0
		30	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	25.0
			SW	NW		IRR	25.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

6160

SCANNED
NOV 25 2007

MICROFILMED
NOV 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	34E	32	SE SW		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		120.0
		33	NW SW		IRR	10.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			SW SE		IRR	30.0
			SE SE		IRR	10.0
				Section Acres		130.0
				Total Acres		17985.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A31-00065/00168/00188/00184/00166/00263/00147/CON. IN REMARK

14. Remarks:
OWSLEY CANAL COMPANY HOLDS THIS AND ALL ITS WATER RIGHTS FOR THE USE AND BENEFIT OF THE LANDS OF ITS STOCKHOLDERS DESCRIBED IN THE ATTACHED LAND LIST (ATTACHMENT "C") MUD LAKE & TRIBUTARIES A31-00052/00104/00105/00162/00159/00185/00163/00006/00169/00237/00034/00035/00187/00036/00037/00232/00038/00186/00363/.
BYBEE WELL FIELD-A31-00327/00328/00329/00330/.
NORTH LAKE WELL FIELD-31-02239/002265/02341/02342/02343/02344/02345/07005/. WATEWATER A31-02276/
**********MEMO**********
BASED ON IRRIGATED ACREAGE THE CONSUMPTIVE USE SHOULD BE 17985.0 X 2.5 = 44942.5.
ATTACHMENT B OF NOTICE DISCUSSES STORAGE PRACTICES BUT FAILS TO IDENTIFY A VOLUME. SINCE IRRIGATION STORAGE HAS BEEN CLAIMED FOR EACH NATURAL FLOW, RIGHT FOR DATA ENTRY PURPOSES. THE VOLUME WAS SET AT 1 AF/ACRE.

SEE A31-00065 FOR MAP OF THE AREA SERVED BY THIS RIGHT.

15. Basis of Claim: DECREED
Case Number:

MICROFILMED
NOV 17 1992

NOV 25 2002

Court :
Decree date:

ERNEST SAUVE — Decree Plaintiff
vs
W. H. ABBOTT, ET AL. — 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 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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
NOV 17 1992

NOV 25 2002

17. Notice of Appearance:
Notice is hereby given that I, _____ will be
Print Name
acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
NOV 17 1992

RECEIVED
NOV 25 2002

Form No. 42-1409 (2) a 1/88

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 31-0327
Date Received
Receipt Number

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
NOV 30 1988
Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Owsley Canal Company Phone (208) 523-0620
   Mailing Address % Holden, Kidwell, Hahn & Crapo P.O. Box 50130, Idaho Falls, Idaho Zip 83405

2. Date of Priority (Only one (1) per claim) November 16, 1931

3. Source of water supply (a) Groundwater
   which is tributary to (b) Mud Lake during nonirrigation season (See Decree)

4. a. Location of existing point of diversion is: Township 7N Range 35E Section 25,
   ____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, ____ B.M., County of Jefferson
   Additional points of diversion if any: NW1/4SE1/4, SW1/4SE1/4, all in same Sec. 25

   b. If instream flow, beginning point of claimed instream flow is:

   Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of ____ 1/4,
   Govt. Lot ____ B.M., County of ____
   ending point is: Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of
   ____ 1/4, Govt. Lot ____ B.M., County of ____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. See Attachment "A"

MICROFILMED
NOV 17 1992

RECEIVED
NOV 25 2002

6. Water is claimed for the following uses: (both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from Apr 1 to Nov 1 amount 110.0 or _____

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

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 110.0 (cfs) and/or (b) See Attachment "B" (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use: See Attachment "C"
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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

Total number of acres irrigated 18,005

11. In which county (ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
See Attachment "D" (list of all water rights for Owsley service area) or None ( )

14. Remarks: Owsley Canal Company holds this and all its water rights for the use and benefit of the lands of its stockholders described inthe attached land list (Attachment "C"). Rights Nos. 31-0327, 31-0328, 31-0329 and 31-0330 include and supercede former permit and license Nos. 17611, 17612, 17640/31-2252 and 18378/31-2259. Total diversions under a combination of these four rights cannot exceed 200 cfs.

MICROFILMED
NOV 1 1992

Last Name Owsley Canal Co. Ident No. 31-0327

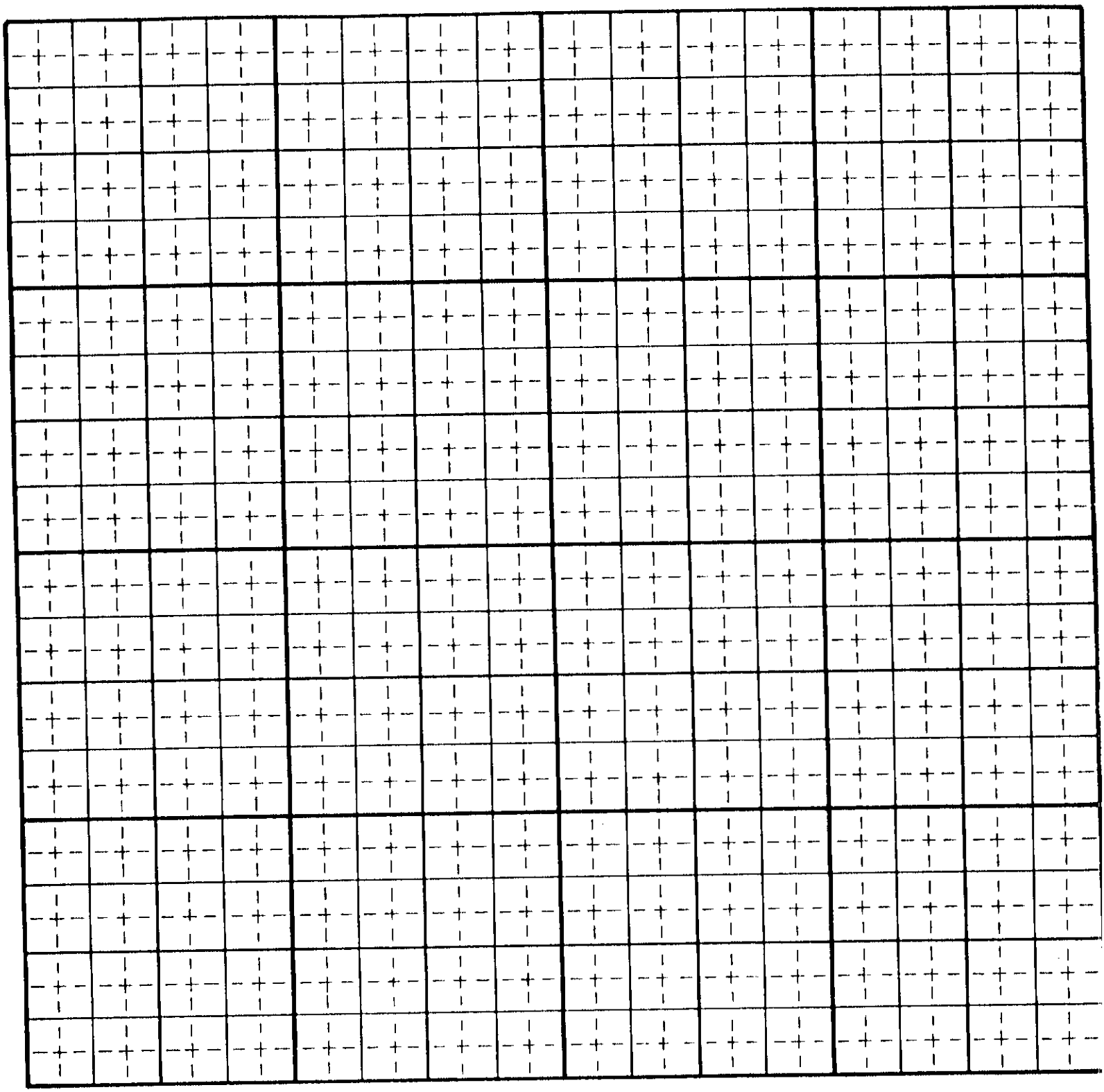
Copies: [illegible] State, [illegible] Claimant

NOV 2 5 2002

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

Scale: 2 inches equals 1 mile

See set of maps accompanying all Owsley Canal Company claims



MICROFILMED

NOV 1 / 1992

Last Name Owsley Canal Co. Ident No. 31-0327

Copies: White-State, Yellow-Claimant

NOV 2 5 2002

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

If applicable provide IDWR Water Right Number 31-0327

Court Ninth District - Idaho Case Number 1739 Decree Date Oct. 14, 1940

Plaintiff vs Defendant Owsley Canal Company v. Ernest Bauerle, et al.

16. Signature (s)

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

Number of attachments 5

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President (Title) of Owsley Canal Company (Organization), that I have signed the foregoing document in the space below as Vice President (Title) of said corporation (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [signature]

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

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

Subscribed and sworn (or affirmed) before me this 30th day of November 19 88

SEAL

Notary Public [signature]

Residing at Idaho Falls, Idaho

My Commission Expires November 10, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [signature]

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

Date November 30, 1988

MICROFILMED
NOV 17 1992

Last Name Owsley Canal Co. Ident. Number 31-0327 NOV 25 2002

Copies White-State, Yellow-Claimant

ATTACHMENT "A"

DESCRIPTION OF
EXISTING DIVERSION WORKS

The Owsley Canal Company diversions fall into four categories:

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

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

MICROFILMED
NOV 17 1992

NOV 25 2002

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

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

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

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

MICROFILMED
NOV 17 1992

RECEIVED
NOV 25 2002

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

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

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

MICROFILMED
NOV 17 1992

NOV 24 2002

ATTACHMENT "B"

STORAGE RIGHTS

IN

MUD LAKE

Under the federal court decree in the case of Ernest Sauve v. W. H. Abbott, et al., Case No. 635, entered November 1, 1930, the watermaster is charged with the responsibility of accounting for water stored in Mud Lake during the nonirrigation season on the basis of priorities to the use of the waters of Mud Lake and its tributaries during the irrigation season.

As a result of the drilling of wells which for many years resulted in the flow of significant amounts of water therefrom without the necessity of pumping, other court decrees have resulted which also impact such storage rights. Notable among such decrees is the one entered by the District Court of the Ninth Judicial District for Jefferson County in the case of Owsley Canal Company v. Ernest Bauerle, et al., Case No. 1739, on October 14, 1940.

By the early 1960's, most of such flowing wells had ceased to flow in average water years, either during the irrigation or nonirrigation season. Pumps were installed and in very recent years some wells have been deepened in order to provide the

MICROFILMED
NOV 17 1992

required amounts of water. Coincidentally with the increased number of groundwater diversions in the areas surrounding Mud Lake, wintertime flows from Camas Creek and the other tributaries have, in many of the past twenty to twenty-five years, been insufficient to fill Mud Lake.

In response to the need to fill Mud Lake during the nonirrigation season, for the benefit of all holders of natural flow and storage rights therein; a practice has developed of pre-irrigation season pumping from many of the same wells which are the subject of the Owsley v. Bauerle decree, as well as some other wells. The pre-season pumping has been done pursuant to an agreement entered into by all those who hold rights to the use of the waters of Mud Lake. A copy of the agreement currently in effect is attached hereto.

Claimant has made a claim for storage rights under each of its natural flow rights. The storage capacity of Mud Lake is only 45,000 acre feet, which is far less than the combined total of the potential storage rights of all holders of such rights. In addition to the limitations imposed upon such claimed storage rights by nature, by the size of the storage facility, by the applicable decrees of courts and the priorities provided therein, such storage rights have been and are presently subject to the practice described in the attached current pre-season pumping agreement.

MICROFILMED
NOV 17 1992

NOV 25 2002

ATTACHMENT "C"

OWSLEY CANAL COMPANY SERVICE AREA
DESCRIPTION OF PLACE OF USE

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	34E	3					40	40	40	40	40	40	40	40	40	40	40	40	480
		4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	40	40	40	40									40	40	40	40	320
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		10	40	40	40	40	20	40	40	40	40	40	40	40	40	40	40	40	620
		11									40	40	40	40	40	40	40	40	320
		13						40	40		40	40	40	40	40	40	40	40	400
		14	40	40	40	40					40	40	40	30	40	40	40	40	470
		15					40	40	40	40	40	40	40	40	40	40	40	40	480
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	30	25	615
		20	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		21	40	40	40	40	40	25	40	40	40	40	40	40	40	40	40	40	625
		22	20	40	40	40	40	20	40	40	40	40	40	40	40	40	40	40	600
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	10	40	40	30	40	40	40	40	40	40	40	40	600
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6N	35E	8										40	40	40			40	40	200
		17					40	40	40	40	40	40	40	40					320
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29					40	40	40	40	40	40	10	40					290
		30	40	40	40	40	40	25	25	40	40	40	40	40	40	40	40	40	610
7N	34E	32												40			40	40	120
		33										10	40	40			30	10	130

MICROFILMED
NOV 17 1992
NOV 15 2007

ATTACHMENT "D"

OWSLEY CANAL COMPANY

LIST OF WATER RIGHTS FOR SERVICE AREA

A. Mud Lake and Tributaries

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

B. Bybee Well Field

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

C. North Lake Well Field

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

D. Wastewater

31-2276

MICROFILMED
NOV 17 1992

RECEIVED
NOV 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335

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

This is to certify that: OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

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

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-00327 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	Owsley
DIVERSION TO STORA	10/16 to 04/14	110.00 CFS	
Priority: 00/00/0000			
Right No. 31-00328 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	Owsley
DIVERSION TO STORA	10/16 to 04/14	100.00 CFS	
Priority: 00/00/0000			
Right No. 31-00329 :			
IRRIGATION	04/15 to 10/15	** 50.00 CFS	owsley
DIVERSION TO STORA	10/16 to 04/14	50.00 CFS	
Priority: 00/00/0000			
Right No. 31-00330 :			
IRRIGATION	04/15 to 10/15	** 80.00 CFS	owsley
DIVERSION TO STORA	10/16 to 04/14	80.00 CFS	
Priority: 00/00/0000			
Right No. 31-00331 :			
IRRIGATION	04/15 to 10/15	24.00 CFS	Holley
Priority: 09/10/1928			
Right No. 31-00332 :			
IRRIGATION STORAGE	01/01 to 12/31		5000.0 AF Holley
Priority: 01/25/1930			

SCANNED NOV 25 2002
MICROFILMED FEB 11 1999

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

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

MICROFILMED
FEB 1 1 1993
SCANNED
NOV 15 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-02317B :			
IRRIGATION	04/15 to 10/15	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :			
IRRIGATION	04/15 to 10/15	1.92 CFS	336.0 AF
Priority: 04/25/1953			
Right No. 31-02341 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02342 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02343 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02344 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02345 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-07005 :			
IRRIGATION	04/15 to 10/15	13.26 CFS	4939.4 AF
Priority: 12/04/1967			
	TOTAL:	*** 643.21 CFS	

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
SESE , Sec. 13, Township 07N, Range 34E
NENE , Sec. 23, Township 07N, Range 34E
NENE , Sec. 24, Township 07N, Range 34E
NWNE , Sec. 24, Township 07N, Range 34E

MICROFILMED
FEB 11 1999
SCANNED
NOV 7 [illegible]

TRANSFER NO. 5335

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

LOCATION OF POINT(S) OF DIVERSION:

Should be SWSW

Should be lot 2

Lot 4 (SESW), Sec. 18, Township 07N, Range 35E (2)

Lot 1 (NWNW), Sec. 19, Township 07N, Range 35E (2)

NWNW , Sec. 24, Township 07N, Range 34E
SWSW , Sec. 13, Township 07N, Range 35E
SESE , Sec. 14, Township 07N, Range 35E (2)
SWNW , Sec. 19, Township 07N, Range 35E
SENW , Sec. 19, Township 07N, Range 35E
NESE , Sec. 22, Township 07N, Range 35E
NWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 25, Township 07N, Range 35E (3)
SESW , Sec. 25, Township 07N, Range 35E
NWSE , Sec. 25, Township 07N, Range 35E
SESE , Sec. 26, Township 07N, Range 35E (2)
NWNE , Sec. 27, Township 07N, Range 35E
NENW , Sec. 36, Township 07N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06N	34E	3	NENW	26	NWNW	35	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	461
		4	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		5	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		7	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			320
		8	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 11 1999

SCANNED
NOV 25 2019

TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		9	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		10	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	20	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					620
		11	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		13	NWNW	40	SWNW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					400
		14	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NESW	40	NWSW	40	
			SWSW	40	SESW	36	NESE	40	
			NWSE	40	SWSE	27	SESE	37	460
		15	NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	36	NESE	40	
			NWSE	40	SWSE	40	SESE	40	476
		16	NENE	40	NWNE	40	SWNE	40	
			SENE	25	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					625
		17	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 1 1 1999

SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	20	NWSE	40	SWSE	10	
			SESE	10					560
		20	NENE	30	NWNE	35	SWNE	40	
			SENE	40	NENW	40	NWNW	30	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					615
		21	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	25	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					625
		22	NENE	20	NWNE	20	SWNE	40	
			SENE	40	NENW	36	NWNW	20	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					576
		23	NENE	15	NWNE	40	SWNE	40	
			SENE	40	NENW	35	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					610
		24	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	10	NWNW	30	
			SWNW	40	SENW	30	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					590
		25	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		26	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 1 1 1999
SCANNED
NOV 15 2007

TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		27	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		28	NENE	40	SWNE	40	SENE	40	
			NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	600
		29	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		34	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	SENW	40	
			NESW	40	NWSW	40	SWSW	40	
			SESW	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			560
		35	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
	35E	1	NWNW	4					4
		2	NENE	40	NWNE	40	SWNE	40	
			SENE	8	NESW	32	NWSW	40	
			SWSW	40	SESW	38	NWSE	40	
			SWSE	40					358
		3	Lot 1(NENE)	41.9	Lot 2(NWNE)	41.7	SWNE	40	
			SENE	40	Lot 3(NENW)	41.5	Lot 4(NWNW)	35	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	

MICROFILMED
FEB 17 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SESE	40					640.1
		4	Lot 4(NWNW)	7		NESW 40		NWSW 40	
			SWSW	40		SESW 40		NESE 40	
			NWSE	40		SWSE 40		SESE 40	327
		5	Lot 1(NENE)	41.2	Lot	2(NWNE) 38		SWNE 40	
			SENE	40		NESW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					399.2
		8	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	
			NWSW	40		SWSW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					640
		9	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NESW 40		NWSW 40	
			SWSW	40		SESW 40		NESE 40	
			NWSE	40		SWSE 40		SESE 40	480
		10	NENE	40		SWNE 40		SENE 40	
			SENW	40		NESW 40		NWSW 40	
			SWSW	40		SESW 40		NESE 40	
			NWSE	40		SWSE 40		SESE 40	480
		11	NENW	40		NWNW 30		SWNW 40	
			SENW	40		NESW 40		NWSW 40	
			SESW	40					270
		14	NESW	10		NWSW 40			50
		15	NENE	34		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	
			NWSW	40		SWSW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					634
		16	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	
			NWSW	40		SWSW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					640
		17	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	

MICROFILM
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		18	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		19	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		20	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		22	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	SENW	40	
			NESW	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			440
		29	NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	10	SESW	40			290
		30	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
07N	34E	32	SESW	40	SWSE	40	SESE	40	120
		33	NWSW	10	SWSW	20	SESW	40	
	35E	32	Lot 8(SWSE)	2	Lot 7(SESE)	18			20
		33	SWSW	1					1
		35	NESE	38	NWSE	34	SWSE	34	
			SESE	38					144
		36	NESW	40	NWSW	40	SWSW	38	118

Total number of acres irrigated: * 24261.3

FEB 1 1 1999

SCANNED

NOV 2 5 2007

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
*** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.
10. Approval of Transfer 5335 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
** 11. Rights 31-00327, 31-00328, 31-00329 and 31-00330 when combined shall not exceed a total diversion rate of 200.00 cfs during the irrigation season, and may be diverted at their full authorized rate of diversion into Mud Lake for storage purposes during the non-irrigation season.
* 12. Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.
* 13. Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.
* 14. Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.

SCANNED
NOV 25 2009

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344 31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

* 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.

* 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.

* 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.

18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.

* 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.

* 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.

* 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.

* 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.

23. Two points of diversion are located within SESE, S14, T07N, R35E.

24. Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.

25. Five points of diversion are located within SWSW, S25, T07N, R35E.

26. Seven points of diversion are located within NWSE, S25, T07N, R35E.

27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day of February, 1999.

L. Ann Saylor

Chief, Water Allocation Bureau

RECEIVED
FEB 11 1999

SCANNED
NOV 25 2002

Form 222
1-87

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 2 1990
Department of Water Resources
Eastern District Office

Transfer No. 3783

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Holley Water Users Association Phone (208) 662-5207

Post Office address c/o LaMoyne Barney, Hamer, Idaho 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 reduce transmission loss sustained from conveying water through several miles of ditches from older points of diversion to place of use.

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		
31-0371	09/10/1928	23.0 cfs	Irrigation	04/01	to	11/15
31-0331	01/25/1930	24.0 cfs	Irrigation	04/01	to	11/15
					to	
					to	

2. Total amount of water being transferred 47.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion: See Attachment

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use: See Attachment

RON TORGERSON PLACE OF USE

T.;RNG;S.;	NE1/4				NW1/4				SW1/4				SE1/4				TLS
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N;35E; 9;													39			37.6	76.6
10;									18.4	38.75	38.75						95.9
15;					38.75	38.75											77.5

MAY 30 199 **CARL HOGGAN PLACE OF USE** SCANNED

NOV 2 2002

T.;RNG;S.;	NE1/4				NW1/4				SW1/4				SE1/4				TLS
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N;35E;35;													~~31.5~~	~~31.5~~	~~31.5~~	~~31.5~~	~~126.0~~
													CWI 33	33	33	33	132

Total number of acres irrigated ~~376~~ CWI 382

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 31-0331 & 31-0371

Transfer No. 3787

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

5. As specified by the court decree of Owsley Canal Co. vs. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

6. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.

7. 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.

8. 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.

RETURNED

MAY 30 1991

SCANNED

NOV 2 5 2002

9. This permit is subject to the agreement dated March 11, 1991 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

10. Transfer Nos. 3680 & 3787 add place of use descriptions to Right Nos. 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

Dated this 17th day of May, 1991.

L. Glen Gaylor

Chief, Water Allocation Bureau

MICROFILMED
MAY 30 1991
SCANNED
NOV 25 2002

Transfer No. 378

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. 31-0331 Decreed to Holley Water Users Association
   in case of Holley Water Users Association vs. Mark R. Culp, et al.
   dated December 14, 1946 in Ninth District Court county of Jefferson
   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 N/A
3. Source of water Groundwater tributary to _____
4. Date or priority 01/25/1930
5. Water is used for the following purpose:
   amount 24.0 cfs (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 24.0 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion: See Attachment

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: See Attachment

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	

RECEIVED
MAY 30 1991
NOV 7 5 7

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0371, 31-0332, 31-0343, 31-0344, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0356, 31-0359, 31-0360, 31-0361, 31-0362, 31-0363, 31-2133, 31-7259, and 31-7433.

PART 2

Transfer No. 3787

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

RECEIVED
MAY 30 1991

Transfer No. 37a

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

PTION OF RIGHT AS RECORDED

denced by:

ee No. 31-0331 Decreed to Holley Water Users Association

case of Holley Water Users Association vs. Mark R. Culp, et al.

d December 14, 1946 in Ninth District Court county of Jefferson

ise No. _____ issued by the Idaho Department of Water Resources.

n No. _____ on file with the Idaho Department of Water Resources.

sfer No. _____ which produced this right.

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

Tax Notice ☐ Warranty Deed ☐ Other N/A

of water Groundwater tributary to _____

priority 01/25/1930

used for the following purpose:

24.0 cfs for Irrigation purposes from 04/01 to 11/15

) _____ for _____ purposes from _____ to _____

t) _____ for _____ purposes from _____ to _____

) _____

ount of water under right 24.0 cubic feet per second and/or _____ acre-feet per annum.

of Diversion: See Attachment

	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

rigated or place of use: See Attachment

ge.	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	

RECEIVED
MAY 30 1991
WATER RESOURCES
CONVERTED
NOV 25 2000

Total acres _____

e any other water rights used for the same purpose as described above 31-0371, 31-0332, 31-0343, 44, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0356, 31-0359, 31-0360, 31-0361, 62, 31-0363, 31-2133, 31-7259, and 31-7433.

PART 2

Transfer No. 3787

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

RECEIVED
MAY 30 1991

Transfer No. 3787

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. 31-0371 Decreed to Holley Water Users Association

   in case of Holley Water Users Association vs. Mark R. Culp, et al.

   dated December 14, 1946 in Ninth District Court county of Jefferson

   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 N/A

3. Source of water Groundwater tributary to _____

4. Date or priority 09/10/1928

5. Water is used for the following purpose:

   amount 23.0 cfs (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/15

   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6. Total amount of water under right 23.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: See Attachment

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: See Attachment

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0331, 31-0332, 31-0343, 31-0344, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0359, 31-0360, 31-0361, 31-0362, 31-0363, 31-2133, 31-7259, and 31-7433.

PART 2

Transfer No. 3787

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

SCANNED NOV 25 2007
MAY 30 199

11

~~NW SE SW 35 7N 35E Hogan Well~~

NW NE 15 6N 35E Bybee well

SW NE 22 6N 35E Murdock well

SW SW 25 7N 35E Holler well

SE SE 26 7N 35E Holler well

NW SE SW 35 7N 35E HOGAN well

SE NW NW 36 7N 35E

MICROFILMED

MAY 30 1991

SCANNED

NOV 25 2002

A T T A C H M E N T

POINTS OF DIVERSION:

There are 8 wells referred to as the "Holley Wells". They all discharge into an open ditch which commences near the wells in the SESE § 26, SWSW § 25 and the NWNW § 36, T.7N., R.35E. The ditch proceeds generally south, crosses Camas Creek by means of a flume and then continues in a southerly direction to the place of use.

In recent years, wells have been drilled on a number of farms served by this system to provide for more efficient irrigation of the lands by means of pivot and other types of sprinkler systems. The 8 old wells, or some of them, do not need to be pumped nearly as much and the transmission losses through the ditch system have been substantially reduced.

Such additional wells have been drilled or are proposed by Carl Hoggan, Sterling Murdock, Sid Ashcraft, Robert Bybee and Ron Torgerson. Some have been approved and some have not. We have listed below all points of diversion for such wells, and those not yet approved have been designated "New":

T.6N., R.35E.	S. 2	NESE	Ashcraft Well T35.7
	S. 10	SWSW	Torgerson Well (New)
	S. 15	NWNE	Bybee Well T3654
	S. 22	SWNE	Murdock Well T3645
T.7N., R.35E.	S. 25	SWSW	Holley Wells
	S. 26	SESE	Holley Wells
	S. 35	NESE	Hoggan Well (New)
		SESW	Hoggan Well T3517/T3645
	S. ~~26~~ 36	NWNW	Holley Wells

CRH

MAY 30 1991

SCANNED

NOV 25 2007

PLACE OF USE:

The specific places of use to be irrigated from the proposed new wells are shown in PART 1, page 1, under No. 5. However, such places of use are included within the place of use for all the water rights of the Holley Water Users Association, so this application is really only for the purpose of adding points of diversion under the 2 groundwater rights of the company, 31-0331 and ~~31-0332~~ 31-0371, and there is no proposed change in place of use. The place of use for Rights Nos. 31-0331 and ~~31-0332~~ 31-0371 is as follows:

TOWNSHIP	RANGE	SECTION	1/4 of 1/4		LOT	USE	ACRES
06N	34E	11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			Section Acres				320.0
	35E	1	NW	NW		IRR	10.0
			Section Acres				10.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	36.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				546.0

MAY 30 1991
SCANNED
NOV 25 2002

TOWNSHIP	RANGE	SECTION	1/4 of 1/4		LOT	USE	ACRES
		3	NE	SE		IRR	38.0
			SE	SE		IRR	40.0
			Section Acres				78.0
		9	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				80.0
		10	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	35.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				475.0
		11	NE	NW		IRR	30.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			Section Acres				305.0
		14	NE	SW		IRR	10.0
			NW	SW		IRR	40.0
			Section Acres				50.0
		15	NE	NE		IRR	36.0
			NW	NE		IRR	31.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0

MAY 30 1991

SCANNED
NOV 25 2002

TOWNSHIP	RANGE	SECTION	1/4 of 1/4		LOT	USE	ACRES
		15	NE	SW		IRR	40.0
			NW	SW		IRR	34.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				614.0
		22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				440.0
07N	35E	35	NE	SW		IRR	25.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			NE	SE		IRR	33.0
			NW	SE		IRR	33.0
			SW	SE		IRR	33.0
			SE	SE		IRR	33.0
			Section Acres				217.0
		36	NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
			Section Acres				116.0
			Total Acres				3251.0

2884i/srr

FILED
MAY 30 1991

SCANNED
NOV 15 2002

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	TOTALS
06N	34E	11	X	X	X	X	X	X	X	X									
	35E	1						X											
		2	X	X	X	X	X	X	X	X	X	X	X	X		X	X		
		3													X			X	
		9													X			X	
		10	X		X	X				X	X	X	X	X	X	X	X	X	
		11					X	X	X	X	X	X	X	X					
		14									X	X							
		15	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		22	X	X	X	X	X			X	X			[illegible]	X	X	X	X	
07N	35E	35									X		X	X	X	X	X	X	
		36									X	X	X						

Total number of acres irrigated

MAY 30 1991

SCANNED
NOV 25 200[illegible]

Form 222
1-87

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3680

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Holley Water Users Association Phone 662-5207

Post Office address c/o LaMoyne Barney, 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 reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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		
31-0371	Sept. 10, 1928	23.00	Irrigation	04/01	to	11/15
31-0331	Jan. 25, 1930	24.00	Irrigation	04/01	to	11/15
					to	
					to	

2. Total amount of water being transferred 47.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	2	6N	35E	Jefferson	Ashcraft-Hoggan Well
		NW	NE	15	6N	35E	Jefferson	Bybee Well*
	NW	SE	SW	35	7N	35E		Hoggan Well
		SW	NE	22	6N	35E	Jefferson	Murdock Well *
		SW	SW	25	7N	35E	Jefferson	Holley Wells
		SE	SE	26	7N	35E	Jefferson	
	SE	NW	NW	36	7N	35E	Jefferson	

5. Lands irrigated or place of use: See attachment

*Previous transfer not approved as of 1/29/9

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	
6N	35E	2			Hoggan-Ashcraft Place of Use											40	40		80

RECEIVED
MAY 30 1991

SCANNED
NOV 25 2002

Total acres 80

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 31-0331 & 31-0371

Transfer No. 3680

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

5. As specified by the court decree of Owsley Canal Co. vs. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

6. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.

7. 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.

8. 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.

APPROVED
MAY 30 1991
SCANNED
NOV 15 2001

9. This permit is subject to the agreement dated March 11, 1991 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

10. Transfer Nos. 3680 & 3787 add place of use descriptions to Right Nos. 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

Dated this 17th day of May, 1991.

L. Glen Saxton

Chief, Water Allocation Bureau

RECORDED
MAY 30 1991

SCANNED
NOV 25 2002

Transfer No. 3680

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. 31-0331 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. 3517 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 Groundwater tributary to _____
4. Date or priority January 25, 1930
5. Water is used for the following purpose:
   amount 24.0 (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 24.0 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
	NW	SE SW	SW SW	35 25	07N 07N	35E 35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See attachment

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0371, etc.

SCANNED
MAY 30 1991

PART 2

Transfer No. 3680

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED
MAY 30 1991

Total acres _____

Transfer No. 3680

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. 31-0371 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. 3517 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 Groundwater tributary to _____
4. Date or priority Sept. 10, 1928
5. Water is used for the following purpose:
   amount 23.0 (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 23.0 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
	NW	SE SW	SW SW	35 25	07N 07N	35E 35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See attachment

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	

RECEIVED
MAY 30 1991

SCANNED
MAY 7 2002

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0331, -0343, -0344, -0345, -0349, -0352, -0354, -0355, -0356, -0359, -0360, -0361, -0362, -0363

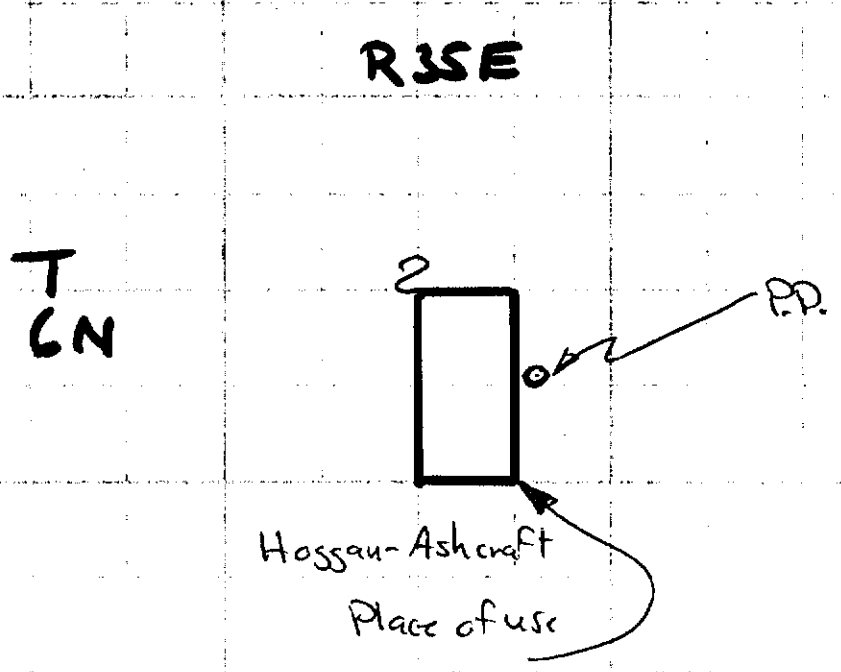
Transfer No. 3680

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.



MICROFILMED
MAY 30 1991
SCANNED
NOV 25 2002

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

PART 3

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.

LaMoyne Barney Secy
(Signature of Applicant) Title

Subscribed and sworn to before me this 13th day of February, 19 90.

Kevin Christensen
(Notary Public)

My commission expires 11-30-93

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWS Date 2-16-90

Prelim. check by KCW Fee $50.00

Receipted by HWS #E012077 Date 2-16-90

Published in Statewide

Pub. dates April 5 & 12 - 90

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by Blaine Larsen by Michael Creamer, Atty

Copies of protest forwarded by CW

Hearing held by _____ Date _____

Recommended for ☑ approval ☐ denial

by RDC

RECEIVED
MAY 30 1991

Place of Use
For 31-0371 + 31-0331

Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
					Section Acres		320.0
	35E	1	NW	NW		IRR	10.0
					Section Acres		10.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	36.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
					Section Acres		546.0
		3	NE	SE		IRR	38.0
			SE	SE		IRR	40.0
					Section Acres		78.0
		9	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		80.0
		10	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED
MAY 30 1991
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	10	NE	SW		IRR	40.0
			NW	SW		IRR	35.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		475.0
		11	NE	NW		IRR	30.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
					Section Acres		305.0
		14	NE	SW		IRR	10.0
			NW	SW		IRR	40.0
					Section Acres		50.0
		15	NE	NE		IRR	36.0
			NW	NE		IRR	31.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	34.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		614.0

MICROFILMED
MAY 30 1991
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		440.0
07N	35E	35	NE	SW		IRR	25.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	35.0
			SE	SE		IRR	31.0
					Section Acres		196.0
		36	NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
					Section Acres		116.0
					Total Acres		3230.0

MICROFILMED
MAY 30 1991

SCANNED
MAY 25 2007

LEGAL NOTICE LEGAL NOTICE LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371	AMOUNT: 23.0	PRIORITY: September 10, 1928
No. 31-0331	AMOUNT: 24.0	PRIORITY: January 25, 1930
T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11, N1/2
T 6N, R 35E, B.M.	SEC 1, NWNW
	SEC 2, N1/2, SW1/4, W1/2SE1/4
	SEC 3, E1/2SE1/4
	SEC 9, E1/2SE1/4
	SEC10, NENE, S1/2NE1/4, SENW, S1/2
	SEC 11, W1/2
	SEC 14, N1/2SW1/4
	SEC 15
	SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35, NESW, S1/2SW, SE1/4
	SEC 36, NESW, W1/2SW

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 10 SWSW	TORGERSON WELL (NEW)
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, NESE	HOGGAN WELL (NEW)
	SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

T 6N, R 35E, B.M.	SEC 9 E1/2SE1/4	76.6 ACRES
	SEC 10 W1/2SW1/4, SESW	95.9 ACRES
	SEC 15 N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35 SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before JANUARY 7, 1991.

R. Keith Higginson
Director

PUBLISH: Thursday, December 20 and 27, 1990.

№ 21883

Vera ____ being first duly sworn upon oath, depose
Clerk ____ of the TIMES-NEWS, published daily, at
swear that a copy of the notice of advertisement, as per
he regular and entire issue of said newspaper, and not in
7 ____ consecutive ____,
December 20 ____, 19 ____,
December 27 ____, 19 ____.

spaper is a consolidation, effective February 16, 1942, of the Idaho
cept Sunday, and the Twin Falls News, published theretofore daily ex-
r to consolidation had been published under said names in said city and
ng a period of more than twelve consecutive months, and said TIMES-
ublished as a daily newspaper except Saturday, until July 31, 1978, at
blication under said name in said city and county continuously and

ction 60-108 Idaho Code, Thursday of each week has been designated
order of any court of competent jurisdiction within the state of Idaho,
that at the head of the editorial column of said combined newspapers,
inced as the day on which said legal notices will be published.

D 1991

December in the year of 1990, before me,
Linda Copps Burns.
whose name subscribed to the within instrument, and being by me first
rein are true, and acknowledged to me that he executed the same.

Eva R. Feltman
blic for Idaho
Twin Falls County
ssion expires: 5/19/94

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources
Eastern District Office

Amount Due
52.00

Account Name	Account Number
Idaho Department of Water Resources - Eastern	100564

Address	City/State	Zip
150 Shoup, #15	Idaho Falls, ID	83402

Ordered By	P.O. Number	Rate	Run Dates
&& Bodell		nt	April 5, 12, 1990

Identification	Estimated Inches	Real Inches
Notice of Proposed Change of Water Right		

Number of Affidavits Requested	Legal Number
1	5222

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:
No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930
POINTS OF DIVERSION: SWSW Sec 25, SESE Sec 26, NWSESW Sec 35, SENWNW Sec 36 T7N R35E, Jefferson County.

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N½ SEC 11, T6N R34E; NWNW SEC 1, N½SW¼ W½SE¼ Sec 2, E½SE¼ Sec 9, E½SE¼ Sec 9, NENE S½NE¼ SENW S½ Sec 10, W½ Sec 11, N½SW¼ SEC 14, Sec 15, NE¼ E½NW¼ NESW SE¼ Sec 22, T6N R35E; NESW S½SW SE¼ Sec 35, NESW W½SW Sec 36, T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NESE Sec 2 (Ashcraft-Hoggan Well), NWNE Sec 15 (Bybee Well), SWNE Sec 22 (Murdock Well) T6N; SWSW Sec 25 (Holley Wells), SESE Sec 26, NWSESW Sec 35 (Hoggan Well), SENWNW Sec 36, T7N R35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave, Idaho Falls, ID 83402, on or before April 23, 1990.

R. Keith Higginson
Director

Pub. Apr. 5, 12, 1990 5222

Debbie Richards, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 5, 19 90

and ending with the issue of April 12, 19 90

Debbie Richards

STATE OF IDAHO)
ss.
COUNTY OF ADA)

MAY 10 1991

On this 12th day of April in the year of 1990 before me, a Notary Public, personally appeared Debbie Richards, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 12/93

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

D 04-25C INVOICE No.

Account No. 44680 3371

Description 93227NOT1C

LEGAL ADVERTISING
INVOICE

Times 2 Lines 50

Tab Lines

SOLD TO: 31-0331
DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHOFALLS
ID 83402

$ 56.25

RECEIVED
APR 16 1990
Department of Water Resources
Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED CHANGE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 040590, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 040590, and the last publication thereof being on the 041290, and said NOTICE OF PROPOSED CHANGE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 12 day of April 1990

Notary Public in and for the State of Idaho
residing at Lewiston, therein

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:
No. 31-0371 AMOUNT 23.0
PRIORITY: September 10, 1928
No. 31-0331 AMOUNT 24.0
PRIORITY: January 25, 1930
POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY
The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.
TO BE CHANGED AS FOLLOWS:
The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.
Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson
Director

MICROFILMED
MAY 30 1991

COPY
NOV-25 7AM

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Robert Carlson
of the Jefferson Star, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the

Not of Proposed Change

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two (2) consecutive issues, the first publication having been made on Apr 4 and the last publication having been made on Apr 11 1990.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has as least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Robert Carlson

On this 16 day of Apr
In the year of 1990, before me, a Notary Public, personally appeared Robert Carlson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing at Shelley
My commission expires: 12-24-92

APR 1 0 1990

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 17(31-0371 & 31-0331) and are decreed as follows:

31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928
31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930
POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY
The water is used from April 1 to October 15 to irrigate 3230 acres of land in the N1/2 SEC 11, T 6N, R 35E; NWNW SEC 1, N1/2 SW1/4 SEC 2, E1/2SE1/4 SEC 3, NENE SEC 9, NENE S1/2NE1/4 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4, E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson
Director

Published in the Jefferson Star, Rigby, Idaho, April 4 and 11, 1990.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0, PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N½ SEC 11, T 6N, R 34E; NWNW SEC 1; N½ SW¼ W½SE¼ SEC 2; E½SE¼ SEC 3, E½SE¼ SEC 9, NENE S½NE¼ SENW S½ SEC 10, W½ SEC 11, N½SW¼ SEC 14, SEC 15, NE¼ E½NW¼ NESW SE¼ SEC 22, T 6N, R 35E; NESW S½SW SE¼ SEC 35, NESW W½SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL) NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before April 23, 1990.

R. Keith Higginson
Director

PUBLISH: Thursday, April 5, and 12, 1990.

Affidavit of Publication

№ 21034

STATE OF IDAHO
COUNTY OF TWIN FALLS } ss.

I, Linda Copps McGuire being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated April 5, 1990, and ending with the issue dated April 12, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12 day of April in the year of 1990, before me, a Notary Public, personally appeared Linda Copps McGuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Freva R. Feltman
Notary Public for Idaho
Residing at Twin Falls County
My commission expires: 5/19/94

m 22

e 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3654

APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

PART 1

me of applicant Holley Water Users Association Phone 662-5207

st Office address c/o LaMoyne Barney, Hamer, ID 83425

PURPOSE OF TRANSFER

☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other

Describe the reason for the proposed changes To reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
31-0371	Sept. 10, 1928	23.00	Irrigation	04/01	to 11/15
31-0331	Jan. 25, 1930	24.00	Irrigation	04/01	to 11/15
					to
					to

2. Total amount of water being transferred 47.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion: NW NE 15 6N 35E Jefferson Bybee well

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	35	07N	35E		Hoggan Well *
		SW	NE	22	06N	35E	Jefferson	Murdock Well *
		SW	SW	25	07N	35E	Jefferson	Holley Wells
		SE	SE	26	07N	35E	Jefferson	
	SE	NW	NW	36	07N	35E	Jefferson	

5. Lands irrigated or place of use: See attachment

* Previous transfer not approved as of 1/29

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	
6N	35E	10															40	40	80
		15	36	31															67
				Bybee place of use															

MICROFILMED

NOV 25 2002

Total acres 147

PART 1

6. General Information:

a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hoggan wells will divert water into pressure system and irrigate land historically irrigated with water from Holley wells. This addition by Mr. Murdock will have a well on his property irrigate land traditionally irrigated from the main olley wells.

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

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

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. 31-0331/0371

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

See attached sheet for conditions of approval.

MICROFILMED
NOV 01 1990

Witness my hand this 29th day of October, 1990.

L. Glen Saxton
Chief, Water Alloc. Bureau

Transfer No. 3654

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. 31-0331 Decreed to _____
   in case of _____ vs. _____
   dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. ~~Claim No. 31-0331~~ _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 3517 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 groundwater tributary to _____
4. Date or priority January 25, 1930
5. Water is used for the following purpose:
   amount 24.0 (cfs/ac-ft) for irrigation purposes from 04/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 24.0 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
	NW SW	SE SW	SW SW	25 35	04N 07N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See Attachment

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	

MICROFILMED
NOV 01 1999
SCANNED
NOV 25 2002

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0371

PART 2

Transfer No. 3654

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

MICROFILMED
NOV 21 1990

Form No. 222 10/80

Transfer No. 26656

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Holly Water Users Assn. Phone _____

Post Office address c/o LaMoyne Barney, Hamer, Idaho 83425

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to Holly Water Users (Name)

   in case of Holly Water Users Assn. vs Mark R. Kulp

   dated in 12/13/1946 in 9th Judicial Dist. (Name of court) county of Jefferson

   b. License No. _____ issued by the Idaho Department of Water Resources

   c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____
   (1) 31-0371 (2) 31-0331

4. Date of priority 9/10/1928 1/25/1930

5. Water is used for the following purposes:

31-0371 amount 23cfs for Irrigation purposes from 4/1 to 11/1

31-0331 amount 24cfs for Irrigation purposes from 4/1 to 11/1

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 47 cubic feet per second
   &/or
   b. _____ acre feet per annum

7. Location of original point of diversion is SW ¼ of SW ¼ of Section 25

   Township 7N Range 35E, B.M., in Jefferson County

   Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	35E	36									X	X	X	X					
6N	35E	1					X	X	X	X	X	X	X	X					
6N	35E	2									X			X					
6N	35E	3													X		X	X	
6N	35E		All of Sections 10, 11, 14, 15, 22, 23																

Total number of acres to be irrigated 4,000

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

SCANNED
NOV 25 2002

B. DESCRIPTION OF POR[redacted]T O[redacted]IGHT OWNED BY APPLICANT (If the e[redacted]t is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

a. Amount of water to be diverted 47 c.f.s. &/or _____ acre feet

b. Description of diverting works Well & pumps to canal of Holly Water Users Assn.

c. Describe the reasons for the proposed changes Applicant wishes to spread the wells out to obtain more adequate flow of water. Due to a drop in the groundwater level the applicant cannot divert the full amount as specified in the decree.

2. Change in point of diversion

Point of diversion SW ¼ SW ¼, Section 25 Township 7N
Range 35E, B.M., Jefferson County
Additional points NW¼NW¼, Sec. 36, T. 7N, R. 35E

3. Change in place of use

a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

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

MICROFILMED
SCANNED
NOV 25 2002

c. Describe the land [redacted] place of use to which the right will be [redacted] sferred:

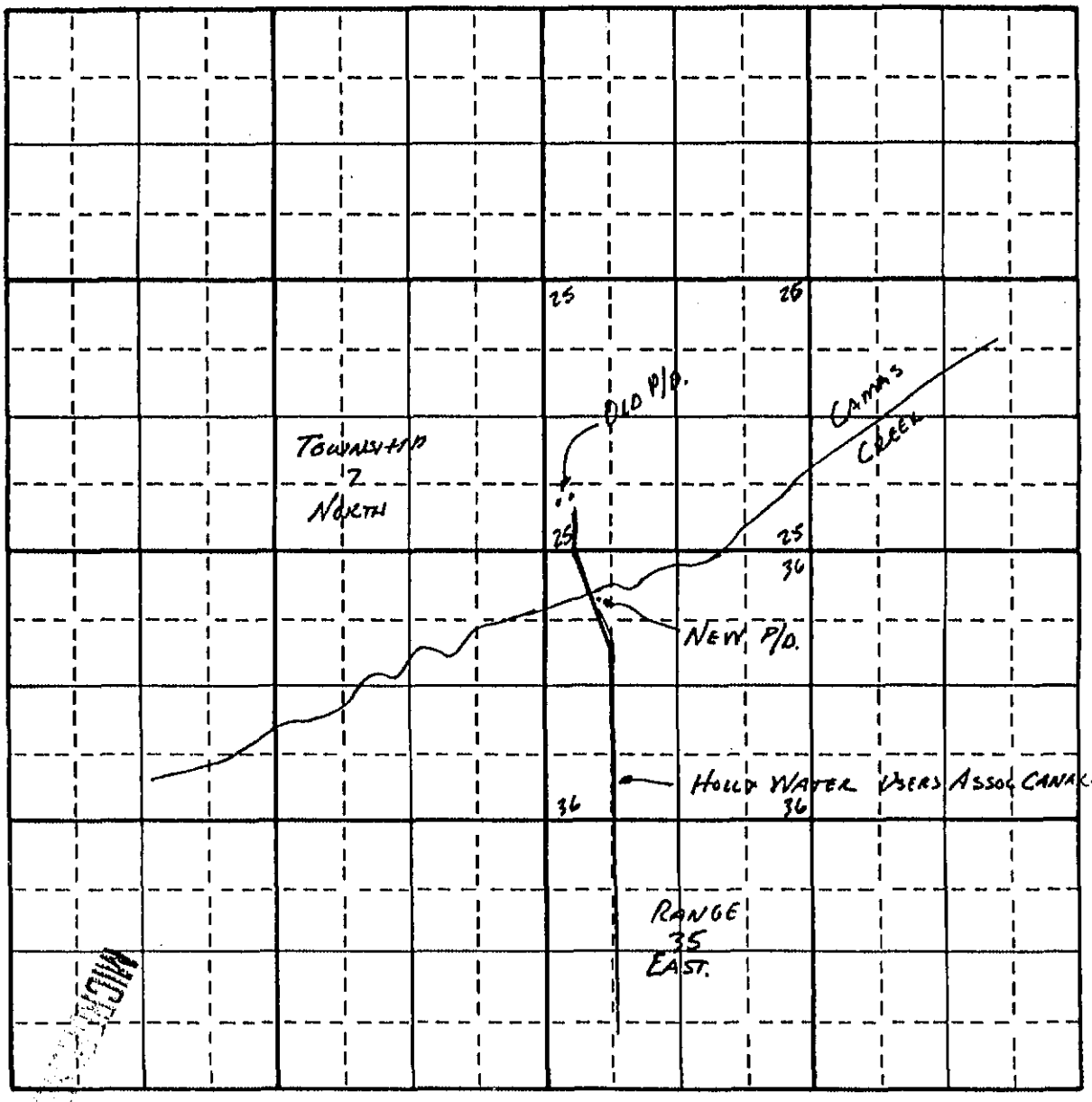
CHANGE

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. Decreed rights from Camas Creek (Suave vs. Abbott)

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

SCANNED
NOV 25 20[illegible]

D. REMARKS

The intent of this application for transfer is to add a point of diversion to the Holly Water Users Assn. existing groundwater rights.

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 willfull misrepresentations made in this application may result in voiding its approval.

Holly Water Users by Lindsay Barney
Secretary (Signature of Applicant)

Subscribed and sworn to before me this 2nd day of March, 19 82.

Gloria Aldrich
(Notary Public)

My commission expires Oct 10, 1985

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0331 & 31-0371 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this approval is subject to the control of the watermaster of State Water District No. 31, Mud Lake and tributaries, said groundwater rights being decreed in the case of Holly Waterusers Assn. vs. Mark R. Kulp.
3. The special minimum construction standards for artesian water shall be followed if artesian water is encountered.

Witness my hand this 16th day of August, 19 82.

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by [illegible] Date 3-24-82 Protest filed by

Prelim. check by HLS Fee 50.00

Receipted by [illegible] Date 3-24-82 Fund

Published in [illegible]

Pub. dates [illegible]

Copies of protest forwarded by

Hearing held by Date

Watermaster recommendation requested on [illegible]

[illegible] rec'd. [illegible]

Recommended for approval denial

by

SCANNED
NOV 25 2002

XVII

That the Court has jurisdiction over the parties and subject matter of this cause and can give the relief sought by the prayer of plaintiff's complaint.

CONCLUSION OF LAW

As conclusions of law, the Court concludes that the plaintiff and its stockholders and water users are entitled to have the order and decree of this Court determining and declaring that the plaintiff is the owner of and entitled to the continuous use of 23 c.s.f. of subterranean water with a priority date of September 10th, 1928, and 24 c.s.f. of subterranean water with a priority date of January 25th, 1930, and as is evidenced by water permits Nos. 16979, 17276, respectively, as more fully set out in paragraphs VII and IX of the Findings of Fact; and also in like manner, of the respective amounts of water, with the respective dates of priority, as set forth in paragraph XII of Findings of Fact; and, also, the right to store and use 5,000 acre feet of water in Mud Lake, which was authorized by the Department of
31-0352 Reclamation of the State of Idaho, as evidenced by water permit No. R-528; that the plaintiff and its water users are entitled to the points of diversion of the aforesaid waters which have been established, to-wit, the Northwest Quarter of the Northwest Quarter (NW¼NW¼) of Section 36; the Southwest Quarter of the Southwest Quarter (SW¼SW¼), and the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section 25, Township 7 North, Range 35 East Boise Meridian; and the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section 2, Township 6 North, Range 34 East Boise Meridian; all being in Jefferson County, State of Idaho; that the said waters have been beneficially used upon the lands of the stockholders of said plaintiff corporation and which lands are described in paragraph V of Findings of Fact, and have also been used upon other lands nearby those herein described and owned by the aforesaid stockholders.

JUDGMENT AND DECREE

IT IS, THEREFORE, ORDERED, ADJUDGED, DECREED, DETERMINED AND DECLARED by the Court that the plaintiff is the owner of, and said plaintiff, its stockholders and water users have heretofore been using; and are entitled to the continuous use of the following described water for irrigation and domestic purposes, with the dates of priority herein declared, to-wit: 23
31-0371 c.s.f. of water from subterranean sources with a priority date of September 10th, 1928; 24 c.s.f. of water from subterranean
31-0331 sources with a priority date of January 25th, 1930; that all of said decreed water has been diverted from wells situated on the Southwest Quarter of the Southwest Quarter of Section 25, Township 7 North, Range 35 East Boise Meridian, and land adjacent thereto; and also the following decreed rights, all of which have been transferred to the plaintiff corporation, with the dates of priority and in the amounts set opposite same, to-wit:

SCANNED
NOV 25 2002

	Name	Date of Priority	Amount
0341	Bertha I. Nielson	September 5, 1912	1.72 c.s.f.
0342	Frank McClain	February 4, 1913	0.80 "
0343	R. P. Cope	February 20, 1913	1.70 "
0344	W. C. Holley	November 12, 1913	1.70 "
0345	David A. Sanders	March 4, 1914	0.80 "
0346	David A. Sanders	November 1, 1914	1.90 "
0347	R. P. Cope	November 1, 1914	0.80 "
0348	David A. Sanders	February 26, 1916	0.74 "
0349	R. P. Cope	April 15, 1916	1.50 "
0350	Thos. J. Williams	June 1, 1916	2.10 "
0351	Frank L. McClain	June 16, 1916	1.44 "
0352	R. D. Leatherman	June 16, 1916	2.20 "
0353	R. D. Leatherman	October 2, 1917	1.20 "
0354	Julius Johnson	December 14, 1914	0.80 "
0355	Julius Johnson	December 3, 1916	0.80 "
0356	Mary L. McCann	November 5, 1917	1.16 "
0357	W. H. Hutchison	January 1, 1918	2.60 "
0358	Chas. Thieman	January 1, 1918	2.84 "
0359	J. L. Sanders	January 11, 1918	0.74 "
0360	Thomas J. Williams	November 17, 1918	3.00 "
0361	Frank L. McClain	May 21, 1920	2.40 "
0362	Julius Johnson	September 21, 1923	1.60 "
0363	Mary L. McCann	January 1, 1924	0.34 "

with points of diversion situated in the Northwest Quarter of the Northwest Quarter (NW¼NW¼) of Section 36, the Southwest Quarter of the Southwest Quarter (SW¼SW¼) and the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section 25, all being in Township 7 North, Range 35 East Boise Meridian, and in the Southeast Quarter of the Southeast Quarter (SE¼SE¼) of Section 2, Township 6 North, Range 34 East Boise Meridian; also the right to annually store in what is known as Mud Lake a quantity of subterranean water up to the amount of 5,000 acre feet, as evidenced by water permit No. R-526, issued to the plaintiff corporation by the Department of Reclamation of the State of Idaho. All of the aforesaid water has been and is now being used upon the following described, and other lands nearby, and all situated in Jefferson County, State of Idaho, to-wit:

The Southwest Quarter (SW¼) of Section Thirty-six (36), Township Seven (7) North, Range Thirty-five (35) East Boise Meridian; the West Half (W½) of Section One (1), the East Half of the Southwest Quarter (E½SW¼) of Section Two (2), the East Half of the Southeast Quarter (E½SE¼) and the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Three (3), all of Sections 10, 11, 14, 15, 22 and 23, in Township Six (6) North, Range Thirty-five (35) East Boise Meridian. The said land embracing approximately 4,000 acres of irrigable land.

IT IS IN LIKE MANNER ORDERED, ADJUDGED, DECREED, DETER-
MINED ... Court that the plaintiff corporation is
the ow ... system consisting of pumping plants and
other ... canal and lateral canals, and other
divers ... which are used in the irrigation of the
lands ... of said corporation; that in addition

#3680
SCANNED
NOV 2 8 2002

Transfer No. 3654

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. 31-0371 Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. ~~31-0371~~ _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 3517 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 Groundwater tributary to _____
4. Date or priority September 10, 1928
5. Water is used for the following purpose:
   amount 23.0 (cfs/ac-ft) for irrigation purposes from 04/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 23.0 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
	NW	SE SW	SW SW	35 25	07N 07N	35E 35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See Attachment

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Tota
			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	

AUTHORIZED
NOV 01 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0331, -0343, -0345, -0349, -0352, -0354, -0355, -0356, -0359, -0360, -0363

SCANNED
NOV 25 200

PART 2

Transfer No. 3654

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

MICROFILMED
NOV 01 1990

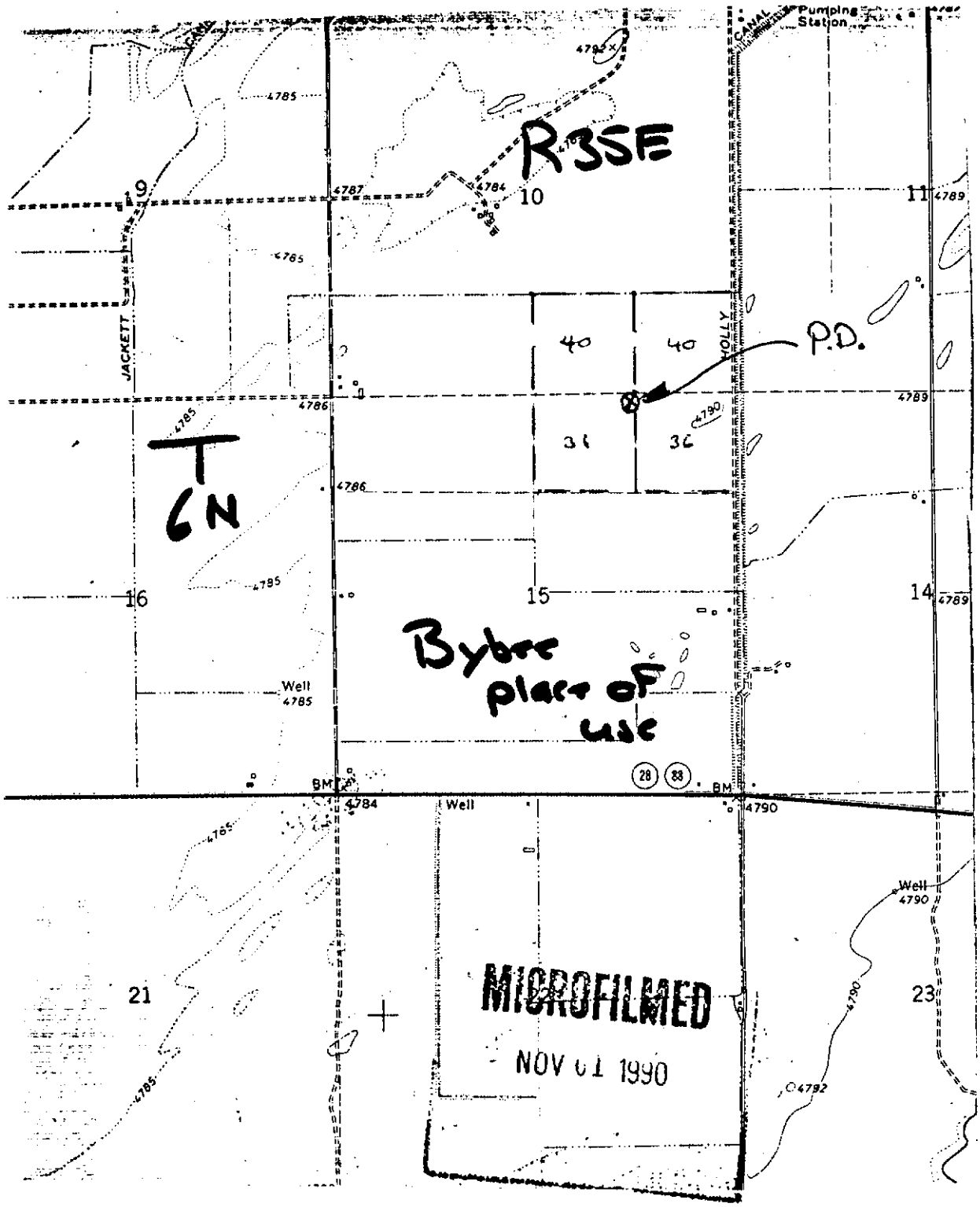
Transfer No. 3654

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

1. **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.**



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

SCANNED
NOV 25 2002

Transfer No. 3654

PART 3

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.

Robert B. Bybee
LaMoyne Barney Lee,
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of January, 19 90.

Colleen Wray
(Notary Public)

My commission expires 5/29/1991

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by KCW Fee $50.00

Receipted by RB Date 1-17-90

Published in Jefferson Star (statewide

Pub. dates 2-15 & 22-90 Copies of protest forwarded by _____

Watermaster recommendation requested on _____ Hearing held by _____ Date _____

_____ rec'd. _____ Recommended for ☒ approval ☐ denial

Copy of transfer sent to lien holder _____ by Rec

MICROFILMED
NOV 01 1990

CONDITIONS OF APPROVAL

Transfer of Water Right No. 31-0331/0371

1. Use of water under this right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

7. 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.

Dated this 29th of October, 1990.

MICROFILMED

NOV 01 1990

R. Gene Sayler

Chief, Water Alloc. Bureau

SCANNED

NOV 15 2002

Place of use Attachment
For 31-0371 + 31-0

Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	320.0
	35E	1	NW	NW		IRR	10.0
						Section Acres	10.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	36.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	546.0
		3	NE	SE		IRR	38.0
			SE	SE		IRR	40.0
						Section Acres	78.0
		9	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
		10	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED
NOV 01 1990

SCANNED
NOV 15 2007

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	35E	10	NE SW		IRR	40.0
			NW SW		IRR	35.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
					Section Acres	475.0
		11	NE NW		IRR	30.0
			NW NW		IRR	38.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	39.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	38.0
					Section Acres	305.0
		14	NE SW		IRR	10.0
			NW SW		IRR	40.0
					Section Acres	50.0
		15	NE NE		IRR	36.0
			NW NE		IRR	31.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	33.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	34.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
					Section Acres	614.0

MICROFILMED
NOV 01 1990
SCANNED
NOV 25 2007

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	35E	22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		440.0
07N	35E	35	NE	SW		IRR	25.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	35.0
			SE	SE		IRR	31.0
					Section Acres		196.0
		36	NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
					Section Acres		116.0
					Total Acres		3230.0

MICROFILMED
NOV 01 1990
SCANNED
NOV 25 2002

Water right number - 31-00331 Adj. flag translation: Standard Water Right Number

+ - - Other Rights for Same Use - 31-0331, 31-0332, 31-0371 & 31-0341 TO 31-0363.

+ - Remarks - +

TRANS. 3517.

+ - Conditions of Approval - +

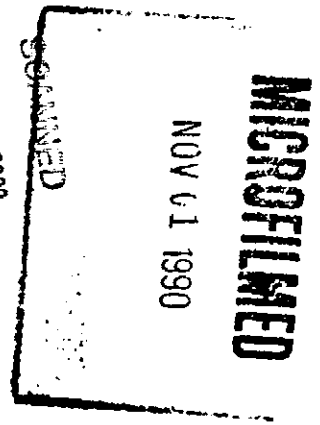
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.
R04 - Use of water under this water right is subject to control by the
- watermaster of State Water District No. 31

+ - - - - Decree Plaintiff - - - - +	+ - - - - Decree Defendant - - - - +	+ - - Decree Date - - +
HOLLEY WATER USERS ASSN.	MARK R. KULP, ET. AL.	12/14/1946

+ - - Audit Fields - 07/29/85 05/22/88 CONVERT 08/16/89 CURTIS

+ - 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
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 31
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 12/14/1946				



IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water Right Number - 31-00331 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 17276

Last Name | First Name | Address

*** C - CURRENT OWNER ***
HOLLEY WATER USERS ASSN.

1 - C/O LA MOYNE BARNEY
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-000-0000

Priority Date	Region	Stage	Status
01/25/1930	15	D - DECREED	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
07N	35E	25	SW SW			(51) JEFFERSON	
07N	35E	26	SE SE			(51) JEFFERSON	
07N	35E	35	NW SE SW			(51) JEFFERSON	
07N	35E	36	SE NW NW			(51) JEFFERSON	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/15	24.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
24.000				

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	35E	2	NE NW			01	IRRIGATION	(51) JEFFERSON
06N	35E	2	NW NW			01	IRRIGATION	(51) JEFFERSON
06N	35E	2	SW NW			01	IRRIGATION	(51) JEFFERSON
06N	35E	2	SE NW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NE SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NW SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SW SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SE SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NE SE			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NW SE			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SW SE			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SE SE			01	IRRIGATION	(51) JEFFERSON

Total Acres:

Diversion Means -

SCANNED NOV 25 2007
RECEIVED NOV 01 1990

Water right number - 31-00371 Adj. flag translation: Standard Water Right Number

+ - - Other Rights for Same Use - 31-0331, 31-0332, 31-0371 & 31-0341 TO 31-0363.

+ - Remarks - +

TRANS. 3517.

+ - 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 is subject to control by the
- watermaster of State Water District No. 31

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - - Decree Date - - +
HOLLEY WATER USERS ASSN.	MARK R. KULP, ET. AL.	12/14/1946

+ - - Audit Fields - 07/08/85 05/22/88 CONVERT 08/16/89 CURTIS

+ - 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
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 31
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 12/14/1946				

MICROFILMED
NOV 01 1990
SCANNED
NOV 25 1990

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water Right Number - 31-00371 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 16979

*** C - CURRENT OWNER ***
HOLLEY WATER USERS ASSN.

1 - C/O LA MOYNE BARNEY
2 -
3 -
City- HAMER State- ID Zip- 83425
Phone - 208-000-0000

Priority Date: 09/10/1928
Region: 15
Stage: D - DECREED
Status:
Source: GROUNDWATER
Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
07N	35E	25	SW SW			(51) JEFFERSON	
07N	35E	26	SE SE			(51) JEFFERSON	
07N	35E	35	NW SE SW			(51) JEFFERSON	
07N	35E	36	SE NW NW			(51) JEFFERSON	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	01/01	12/31	23.000	

Total Div. Rate: 23.000
Total Div. Volume:
Total Div. Capacity:
Total Consumptive Use:
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	35E	2	NE NW			01	IRRIGATION	(51) JEFFERSON
06N	35E	2	NW NW			01	IRRIGATION	(51) JEFFERSON
06N	35E	2	SW NW			01	IRRIGATION	(51) JEFFERSON
06N	35E	2	SE NW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NE SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NW SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SW SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SE SW			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NE SE			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	NW SE			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SW SE			01	IRRIGATION	(51) JEFFERSON
07N	35E	35	SE SE			01	IRRIGATION	(51) JEFFERSON

RECEIVED
NOV 21 1990
SCANNED
NOV 25 2002

Total Acres:

Diversion Means -

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date [illegible] INVOICE No. [illegible]

Account No. 446600 -03-

Description 8906ONOTIC

Times 2 Lines 51

Tab Lines

LEGAL ADVERTISING
INVOICE

SOLD TO:

$ 57.38

DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHOFALLS
ID 83402

NOTICE:This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

RECEIVED
FEB 2 [illegible] 1990

Department of Water Resources
Eastern District Office

8906

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users [illegible] Hamer, ID, has applied to the Department of Water Resources to [illegible] its of diversion from the water [illegible] ground-water source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371
AMOUNT: 23.0
PRIORITY: September 10, 1928
No. 31-0331
AMOUNT: 24.0
PRIORITY: January 25, 1930
POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7 N, R 35E, JEFFERSON COUNTY
The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.
TO BE CHANGED AS FOLLOWS:
The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Ho[illegible] Well), SENWNW SEC 36, T [illegible] 35E, B.M.
Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990.

R. Keith Higginson
Director

MICROFILMED
NOV 01 1990

SCANNED
NOV 25 2002

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED CHANGE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 021590, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 021590, and the last publication thereof being on the 022290, and said NOTICE OF PROPOSED CHANGE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 23 day of February 1990

Notary Public in and for the State of Idaho, residing at Lewiston, therein.

THE JEFFERSON STAR
RIGBY, IDAHO

RECEIVED
FEB 26 1990
Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Robert Carlson of the Jefferson Star, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the Not. of Proposed Change a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two (2) consecutive issues, the first publication having been made on Feb 14 and the last publication having been made on Feb 21, 1990.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has as least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Robert Carlson

On this 22 day of Feb in the year of 1990, before me, a Notary Public, personally appeared Robert Carlson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Karen Rowe

Notary Public for Idaho
Residing at Rigby
My commission expires: 10-23-94

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930
POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990.

Keith Higginson
Director

Published in the Jefferson Star, Rigby, Idaho, February 14 and 21, 1990.

MICROFILMED
NOV 01 1990
RECEIVED
NOV 25 1997

FEB 2 0 1990

Department of Water Resources
Eastern District Office

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
57.00

Account Name	Account Number
Idaho Water Resources - Eastern Region	100564

Address	City/State	Zip
150 Shoup Ave. Suite 15	Idaho Falls, Idaho	83402

Ordered By	P.O. Number	Rate	Run Dates
Rita Bodell		nt	February 15, 22 1990

Identification	Estimated Inches	Real Inches
Notice of Proposed Change of Water Right		

Legal Number
4831

[1] Number of Affidavits Requested

RD

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 Amount: 23.0
Priority: September 10, 1928
No. 31-0331 Amount: 24.0
Priority: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N½ SEC. 11, T 6N, R 34E; NWNW SEC 1, N½ SW¼ W½SE¼ SEC 2, E½SE¼ SEC 3, E½SE¼ SEC 9, NENE S½NE¼ SENW S½ SEC 10, W½ SEC 11, N½SW¼ SEC 14, SEC 15, NE¼ E½NW¼ NESW SE¼ SEC 22, T 6N, R35E; NESW S½SW SE¼ SEC 35, NESW W½SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before March 5, 1990.

R. KEITH HIGGINSON
Diretor

Pub. Feb. 15, 22, 1990 4831

Debbie Richards, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of February 15, 19 90

and ending with the issue of February 22, 19 90

Debbie Richards

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 22nd day of February in the year of 1990, before me, a Notary Public, personally appeared Debbie Richards, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 1/93

MICROFILMED
NOV 01 1990

SCANNED
NOV 15 1990

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Robert Carlson of the Jefferson Star, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the Not. of Proposed Change a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two (2) consecutive issues, the first publication having been made on Dec 6 and the last publication having been made on Dec 13 1989. Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has as least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Robert Carlson

On this 14th day of Dec in the year of 1989, before me, a Notary Public, personally appeared Robert Carlson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Mary L Watkins
Notary Public for Idaho
Residing at Shelley
My commission expires: 12-24-92

RECEIVED
DEC 18 1989
Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 and 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs
PRIORITY: January 25, 1930
No. 31-0371 AMOUNT: 23.0 cfs
PRIORITY: September 10, 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well), SWSW S25 (Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson
Director

Published in the Jefferson Star, Rigby, Idaho, December 6 and 13, 1989.

MICROFILMED
NOV 01 1990

SCANNED
NOV 25 2002

ATTACHMENT TO CONDITIONS OF APPROVAL
TRANSFER OF WATER RIGHT
NOS. 31-0331/0371

3. The director retains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under these rights shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, the right holder shall reduce pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle (10/14/1940), the period of use under these rights is limited to the period from May 1 to November 1.

Dated this 23rd day of July, 1990.

L. Lew Saylor
Chief, Water Alloc. Bureau

MICROFILMED
NOV 01 1990

SCANNED
NOV 15 2007

Form 222
1-87

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3645

APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

PART 1

Name of applicant Holley Water Users Association Phone 662-5207

Post Office address c/o LaMoyne Barney, 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 reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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		
31-0371	Sept. 10, 1928	23.00	Irrigation	04/01	to	11/15
31-0331	Jan. 25, 1930	24.00	Irrigation	04/01	to	11/15
					to	
					to	

2. Total amount of water being transferred 47.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE SW	SW NE	35 22	07N 06N	35E 35E	Jefferson	Hoggan Well Murdock Well
		SW	SW	25	07N	35E	Jefferson	Holley Wells
		SE	SE	26	07N	35E	Jefferson	
	SE	NW	NW	36	07N	35E	Jefferson	

5. Lands irrigated or place of use: See Attachment

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	
6N	35E	22	A	A	A	A													
			MURDOCK																
			Place of use																

MICROFILMED
NOV 01 1990

SCANNED
NOV 15 2007

Total acres _____

Page _____ of _____ Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hoggan wells will divert water into pressure system and irrigate land historically irrigated with water from Holley wells. This addition by Mr. Murdock will have a well on his property irrigate land traditionally irrigated from the main Holley wells.

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

No change in 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. 31-0331/0371

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

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

2. Use of water under these rights is subject to control by the watermaster of State Water District No. 31, Mud Lake & tributaries.

See attached list for additional conditions of approval.

Witness my hand this 23rd day of July, 19 90.

L. Glen Saxton

Chief, Water Alloc. Bureau

MICROFILMED

NOV 01 1990

Page _____ of _____ Transfer No. _____

PART 3

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.

x LaMayne Barney. Jr.
TITLE — (Signature of Applicant)

Subscribed and sworn to before me this 31st day of October, 19 89.

Cindy Nickell
(Notary Public)

My commission expires October 1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by KCW Fee 50

Receipted by JO E011082 Date 10-31-89

Published in Statewide Copies of protest forwarded by _____

Pub. dates 12-7 & 14-89 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☑ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

MICROFILMED
NOV 01 1990

Page _____ of _____ Transfer No. _____

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. 31-0371 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 Groundwater tributary to _____
4. Date or priority September 10, 1928
5. Water is used for the following purpose:
   amount 23.0 (cfs/ac-ft) for irrigation purposes from 04/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 23.0 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
	NW	SE SW	SW SW	35 25	07N 07N	35E 35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See Attachment

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	

MICROFILMED
NOV 01 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0331

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED
NOV 01 1990
NOV 25 2002

Total acres _____

Page _____ of _____ Transfer No. _____

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. 31-0331 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 groundwater tributary to _____

4. Date or priority January 25, 1930

5. Water is used for the following purpose:

   amount 24.0 (cfs/ac-ft) for irrigation purposes from 04/01 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6. Total amount of water under right 24.0 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
	NW	SW	SW	25	07N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See Attachment

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	

RECEIVED NOV 21 1990 NOV 15 2007

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0371

Page _____ of _____ **PART 2** Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED
NOV 01 1990

Total acres _____

Place of use Attachment
For 31-0371 + 31-[illegible]

Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	320.0
	35E	1	NW	NW		IRR	10.0
						Section Acres	10.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	36.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	546.0
		3	NE	SE		IRR	38.0
			SE	SE		IRR	40.0
						Section Acres	78.0
		9	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
		10	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED
NOV 01 1999
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	440.0
07N	35E	35	NE	SW		IRR	25.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	35.0
			SE	SE		IRR	31.0
						Section Acres	196.0
		36	NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
						Section Acres	116.0
						Total Acres	3230.0

MICROFILMED
NOV 01 1990
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	10	NE	SW		IRR	40.0
			NW	SW		IRR	35.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	475.0
		11	NE	NW		IRR	30.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
						Section Acres	305.0
		14	NE	SW		IRR	10.0
			NW	SW		IRR	40.0
						Section Acres	50.0
		15	NE	NE		IRR	36.0
			NW	NE		IRR	31.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	34.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	614.0

MICROFILMED
NOV 01 1999
NOV 15 2007

NO. 31-0331
AMOUNT: 24.0 cfs
PRIORITY: January 25, 1930
NO. 31-0371
AMOUNT: 23.0 cfs
PRIORITY: September 10, 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County

The water is used to irrigate 3230 acres within the N½ S11 T6N R34E; NWNW S1, N½ SW¼ W½SE¼ S2, E½SE¼ S3, E½SE¼ S9, NENE S½NE¼ SENW S½ S10, W½ S11, N½SW¼ S14, S15, NE¼ E½NW¼ NESW SE¼ S22 T6N; NESW S½SW¼ SE¼ S35, NESW W½SW¼ S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25 (Holley Wells), SESE S26, NWSESW S35 (Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before December 26, 1989.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-02319 & 31-02320

Notice is hereby given that William and Barbara Roundy, Monteview, ID, have applied to the Department of Water Resources to add points of diversion and change place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 31-02319 & 31-02320 and is recorded as follows:

NO. 31-02319
AMOUNT: 18.4 cfs
NO. 31-02320
AMOUNT: 9.80 cfs
PRIORITY: March 24, 1953
POINTS OF DIVERSION: SESW, SWSW (two wells) S27; SESE S28 T8N R34E, B.M. Jefferson County.

The water is used to irrigate 1875 acres within the NE¼ SENW S8 T7N R33E; NW¼ S21, NENE S½NE¼ SE¼ S20, S½ S22, NW¼ S28, E½ S29, SENE SE¼ S32, NENW S½NW¼ SW¼ S33 T8N R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWSWSW SWSESW SESWSW S27, SESE S28, NWNW S29, NWNE S30 T8N R34E, B.M. and used to irrigate 1875 acres within the SE¼ S8, SW¼ S9 T7N; S½ S27, NW¼ S28 T8N R33E; SE¼ S20, S½ NW¼ S29, NE¼ S½ S30 T8N R34E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before December 26, 1989.

R. KEITH HIGGINSON
Director

Pub. Dec. 7, 14, 1989 4253

published in said County during
months prior to the first publicat
attached hereto; that said notice
Statesman in conformity with Se
amended, for 2
☒ consecutive weekly ☐ consec

insertion(s) beginning with the is

and ending with the issue of

Debbie

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 14th day of
1989, before me, a
Debbie Richards
to me to be the person whose
strument, and being by me fir
statements therein are true, an
executed the same.

Notary Public fo
Residing at
My commission

NOV 15 1989

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources
Eastern District Office

LEGAL ADVERTISING INVOICE

Amount Due
101.28

Account Name	Account Number
Idaho Department of Water Resources - Eastern	100564

Address	City/State	Zip
150 Shoup Ave. Suite 15	~~Idaho Falls~~ Boise, Idaho	83402

Ordered By	P.O. Number	Rate	Run Dates
Rita Bodell		tt	December 7, 14 1989

Identification	Estimated Inches	Real Inches
Proposed Change of Water Rights		

Legal Number: 4253

1 Number of Affidavits Requested

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

NO. 31-0331
AMOUNT: 24.0 cfs
PRIORITY: January 25, 1930
NO. 31-0371
AMOUNT: 23.0 cfs
PRIORITY: September 10, 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County

The water is used to irrigate 3230 acres within the N½ S11 T6N R34E; NWNW S1, N½ SW¼ W½SE¼ S2, E½SE¼ S3, E½SE¼ S9, NENE S½NE¼ SENW S½ S10, W½ S11, N½SW¼ S14, S15, NE¼ E½NW¼ NESW SE¼ S22 T6N; NESW S½SW¼ SE¼ S35, NESW W½SW¼ S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25 (Holley Wells), SESE S26, NWSESW S35 (Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before December 26, 1989.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-02319 & 31-02320

Notice is hereby given that William and Barbara Roundy, Monteview, ID, have applied to the Department of Water Resources to add points of diversion and change place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 31-02319 & 31-02320 and is recorded as follows:

NO. 31-02319
AMOUNT: 18.4 cfs
NO. 31-02320
AMOUNT: 9.80 cfs
PRIORITY: March 24, 1953
POINTS OF DIVERSION: SESW, SWSW (two wells) S27; SESE S28

Debbie Richards, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of December 7, 19 89

and ending with the issue of December 14, 19 89

Debbie Richards

MICROFILMED
NOV 01 1990

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 14th day of December in the year of 1989, before me, a Notary Public, personally appeared Debbie Richards, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 12/93

NOV 15 1989

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 12-18-89 INVOICE No 00031698

Account No. 44447 9271

Description 81698NOTIC

Times 2 Lines 44

Tab Lines

LEGAL ADVERTISING
INVOICE

SOLD TO:

DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHOFALLS
ID 83402

$ 49.50

NOTICE:This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Diane Holzer, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED CHANGE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 120789, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 120789, and the last publication thereof being on the 121489, and said NOTICE OF PROPOSED CHANGE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Diane Holzer

SUBSCRIBED AND SWORN BEFORE ME THIS THE 18 day of December 1989

Sherrill M Lantz

Notary Public in and for the State of Idaho, residing at Lewiston, therein.

81698

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs- PRIORITY: January 25, 1930
No. 31-0371 AMOUNT:23.0 cfs- PRIORITY: September 10, 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36.
T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14; S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson
Director

MICROFILMED
NOV 01 1990

RECEIVED
DEC 20 1989
Department of Water Resources
Eastern District Office

NOV 15 2007

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331
Notice is hereby given that Holley Water Users Association, Hamer, ID has applied to the Department of Water Resources to add points of diversion of the waters of a ground water source. The rights sought to be changed, evidenced by Claim No. 31-0371 & 31-0331 are recorded as follows:
No. 31-0331
AMOUNT: 24.0 cfs
PRIORITY: January 2, 1930
No. 31-0371
AMOUNT: 23.0 cfs
PRIORITY: September 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M., Jefferson County.
The water is used to irrigate 3230 acres within N½ S11 T6N R34E; NWNW N½SW¼W½SE¼ S2, E½SE¼ S3, E½SE¼ S9, NENE S½NE¼ SENW S½ S10, W½SW¼ N½SW¼ S14, S½ NE¼E½NW¼NESWSE¼ S22 T6N; NESW S½SW¼ SE¼S35,NESWW½SW¼ S36 T7N R35E, B.M.
TO BE CHANGED AS FOLLOWS:
The water will be diverted within the SWNE S22 T6N (Murdock Well); SWSW S25 (Holley Wells), SESE S26, NWSESW S35 (Hogan Well), SENWNW S36 T7N R35E, B.M.
Any protests against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.
R. Keith Higginson
Director
PUBLISH: Thursday, December 7, and 14, 1989.

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss.

№ 20633

I, Linda Copps McBride being first duly sworn upon oath, depose and say that I am Pubs. Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated December 7, 1989, and ending with the issue dated December 14, 1989.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12 day of December in the year of 1989, before me, a Notary Public, personally appeared Linda Copps McBride, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

NOV 01 1990

Notary Public for Idaho
Residing at Twin Falls County
My commission expires: 5/19/94

RECEIVED
NOV 15 1989

RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used form April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E: NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESE SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before March 5, 1990

R. Keith Higginson
Director

PUBLISH: Thursday, February 15 and 22, 1990.

Affidavit of Publication

No 20861

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss.

MAR 2 - 1990

I, Linda Copps McGuire being first duly sworn upon oath, depose and say that I am Legal Clerk Dept. of Water Resources Eastern Region Office of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated February 15, 1990, and ending with the issue dated February 22, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 23 day of February in the year of 1990, before me, a Notary Public, personally appeared Linda Copps McGuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing at Twin Falls County
My commission expires: 5/19/94

22

_____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RI

PART 1

me of applicant Holley Water Users Association Phone 662-5

t Office address c/o LaMoyne Barney, Hamer, ID 83425

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 reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

3. 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
31-00371	Sept. 10, 1928	23.00	irrigation	04/01 to 11/15
31-00331	Jan. 25, 1930	24.00	irrigation	04/01 to 11/15
				to
				to

2. Total amount of water being transferred 47.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	35	07N	35E		
	~~NW~~	~~NE~~	~~NW~~	~~02~~	~~06N~~	~~35E~~	Jefferson	Hoggan wells
		SW	SW	25	07N	35E	Jefferson	Holley wells
		SE	SE	26	07N	35E	Jefferson	
	SE	NW	NW	36	07N	35E	Jefferson	

5. Lands irrigated or place of use: SAME AS CLAIM: See attachment (LANDS UNDER HOGAN WELLS)

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	
6N	35E	2					←	←	←	←									
7N	35E	35									←	←	←	←	←	←	←	←	

MICROFILMED
AUG 18 1989

COPIED

NOV 25 2009

Total acres _____

Page _____ of _____ Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hoggan wells will divert water into pressure system and irrigate land historically irrigated with water from Holley wells.

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

No change in place of use.

d. Remarks:

Earl Hoggan has filed for supplemental water to be diverted from his wells.

Note see 31-07377 DMD 20 Jan 89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0331/0371

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

1. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. 2. Use of water under these rights is subject to control by the watermaster of State Water District No. 31, Mud Lake & tributaries.

MICROFILMED

AUG 18 1989

Witness my hand this 14th day of August, 19 89.

L. Glen Saxton

Chief, Water Alloc. Bureau

Page _____ of _____ Transfer No. _____

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. 31-00331 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 groundwater tributary to _____

4. Date or priority January 25, 1930

5. Water is used for the following purpose:

   amount 24.0 (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/15

   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6. Total amount of water under right 24.0 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
		SW	SW	25	07N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: SAME AS CLAIM; See attachment

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above A31-00371

SCANNED

NOV 15 2007

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED
AUG 18 1989

Total acres _____

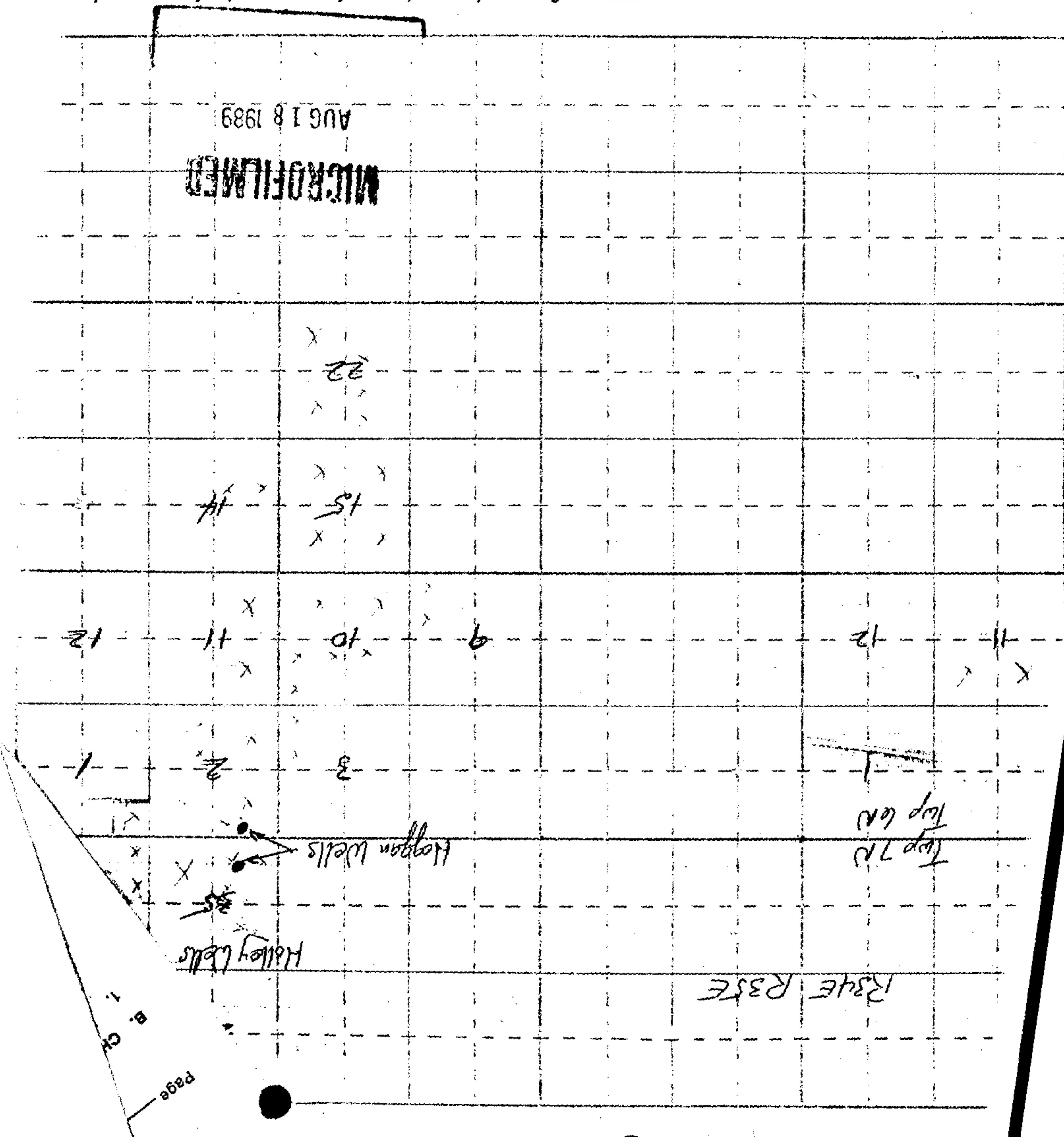
______ of ______   NOV 25 2002   Transfer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

MICROFILMED

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.



mile. Draw plan in

Page

Page _____ of _____ Transfer No. _____

PART 3

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.

I Holley Water Users ass. by Carl Hoggan pres
(Signature of Applicant)

Subscribed and sworn to before me this 1-13-89 day of _____, 19____.

Ernest Carlson
(Notary Public)

My commission expires 14 June 1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by EMC Date Jan 13, 1989 Protest filed by _____

Prelim. check by DD Fee #50 _____

Receipted by EMC Date Jan 13 1989 E005501 _____

Published in Jefferson Star Copies of protest forwarded by _____

Pub. dates 2-15 & 2-22-89 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

WD #31 rec'd. 3-14-89 by RC Jim Gary

Copy of transfer sent to lien holder _____

MICROFILMED
AUG 18 1989

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	34E	11	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
				Section Acres		320.0
	35E	1	NW NW		IRR	10.0
				Section Acres		10.0
		2	NE NE		IRR	40.0
			NW NE		IRR	36.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	32.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	38.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
				Section Acres		546.0
		3	NE SE		IRR	38.0
			SE SE		IRR	40.0
				Section Acres		78.0
		9	NE SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		80.0
		10	NE NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			SE NW		IRR	40.0

AUG 18 1989

SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	10	NE	SW		IRR	40.0
			NW	SW		IRR	35.0 s1/2,
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		475.0
		11	NE	NW		IRR	30.0 W1/2,
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
					Section Acres		305.0
		14	NE	SW		IRR	10.0
			NW	SW		IRR	40.0
					Section Acres		50.0
		15	NE	NE		IRR	36.0
			NW	NE		IRR	31.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	34.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		614.0

AMENDED
AUG 18 1988
SCANNED
NOV 15 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres	
06N	35E	22	NE	NE		IRR	40.0	E1/2,
			NW	NE		IRR	40.0	E1/2NW1/4,
			SW	NE		IRR	40.0	NE1/4 SW1/4)
			SE	NE		IRR	40.0	
			NE	NW		IRR	40.0	
			SE	NW		IRR	40.0	
			NE	SW		IRR	40.0	
			NE	SE		IRR	40.0	
			NW	SE		IRR	40.0	
			SW	SE		IRR	40.0	
			SE	SE		IRR	40.0	
					Section Acres		440.0	
07N	35E	35	NE	SW		IRR	25.0	SE1/4,
			SW	SW		IRR	20.0	E1/2 SW1/4,
			SE	SW		IRR	40.0	SW1/4 SW1/4)
			NE	SE		IRR	30.0	
			NW	SE		IRR	15.0	
			SW	SE		IRR	35.0	
			SE	SE		IRR	31.0	
					Section Acres		196.0	
		36	NE	SW		IRR	40.0	N1/2 SW1/4
			NW	SW		IRR	38.0	SW1/4 SW1/4)
			SW	SW		IRR	38.0	
					Section Acres		116.0	
					Total Acres		3230.0	

11. Place of use in counties: JEFFERSON

MICROFILMED
AUG 18 1989
SCANNED
NOV 25 2002

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Crystal Foster of the Jefferson Star, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the

Notice of Correction

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for Two (2) consecutive issues, the first publication having been made on 4/5/89 and the last publication having been made on 4/12/89.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has as least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Crystal Foster

On this 14th day of April in the year of 1989, before me, a Notary Public, personally appeared Crystal Foster, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Kate Kraw

Notary Public for Idaho
Residing at Rigby
My commission expires 10-23-94

NOTICE OF CORRECTION

Notice is hereby given that Transfer No. 31-0371 and 31-0331 in the name of Holley Water Users Association, c/o LaMoyne Barney, Hamer, ID, was advertised incorrectly on Feb. 15 and 22, 1989. The Point of diversion was advertised as being NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec 36, T. 7n. R. B.M., Jefferson County. Whereas, the actual Point of Diversion is NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4Sw1/4, Sec. 35, SW1/4SW1/4, SEC. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E, B.M., Jefferson County.

Protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before APRIL 24, 1989.

R. Keith Higginson
Director

Published in The Jefferson Star, April 5 and 12, 1989.

MICROFILMED
AUG 18 1989

RECEIVED
APR 17 1989
Department of Water Resources
Eastern District Office

MEMORANDUM

TO: Files 31-00327/00328/00329/00330/00331/00332/00336B/00337B/00371/02239/02265/02289/02290/02297/02310/02317A&B/02321/02341/02342/02343/02344/02345/07005

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

Transfer 5335 combines the groundwater rights of the Holley Water Users, Jackett Canal Co, and Owsley Canal company. These three companies have combined under the Owsley Canal Company name and will operate a single combined system.

The application identifies 34 points of diversion and a combination of the land lists evidenced under each company's SRBA claims or 24261.3 acres. The decreed rights are vague, while the licensed rights identify specific acres and limits. SRBA review of all these rights through the adjudication process will provide specifics and verify the validity of all of these rights.

Review of these rights found that Right 31-02317 was actually licensed in two parts with separate rates and priority dates. These rights were more accurately entered as Parts A & B on the database and the additional 8.08 cfs added to the total diversion rate under this transfer. Also, a combined limit of 200.00 cfs during the irrigation season was identified under Rights 31-00327/00328/00329 & 00330. Right 31-02259 was listed on the application, however this right was superseded by Right 31-00330. After making these adjustments, the total rate of diversion under these rights is 643.21 cfs limited to 503.21 cfs during the irrigation season and 5,000 af storage.

Season of use and diversion volume were adjusted to current standards where specific acres were identified. Recommended conditions include watermaster control, supplemental groundwater, irrigation overlap, measuring/lockable controlling works, right-of-way, permissible place of use, combined limits and standard transfer conditions.

MICROFILMED
FEB 11 1999
NOV 25 2002

MEMORANDUM

TO: FILE 31-00331

FROM: PAM SKAGGS

RE: TRANSFER # 5335

DATE: 01-14-99

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 31-00327 .

MICROFILMED
FEB 11 1999
NOV 25 2007

TRANSFER 3787

SCANNED
NOV 15 2007

Form 238-7
6/93

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

RMD ✓ C

1. DRILLING PERMIT NO. 31-93-E-008-000
Other IDWR No. 31-00331

2. OWNER:
Name Holley Water Users
Address Homer, ID.
City Homer State ID Zip

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 7 North ☒ or South ☐
R. 35 East ☒ or West ☐
Sec. 25 SW 1/4 (10 acres) SW 1/4 (40 acres) 1/4 (160 acres)
Gov't Lot ____ County Jefferson

Address of Well Site 5 miles West of Homer
(Give at least Direction + Distance to Road or Landmark)

Lot No. ____ Block No. ____ Subd. Name ____

4. PROPOSED USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other ____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD

Was drive shoe seal tested? Yes ☐ No ☒ How? ____

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
28"	+1	13	.375	X		☐	☐	☐	☐
28"	13	54	.500	X		☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes none
Top Packer or Headpipe ____ Bottom Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method ____
☐ Screens Type ____ Material ____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
15000	6'	28'	

Temperature of water 49 Was a water analysis done? Yes ☐ No ☒
By whom? ____
Water Quality (odor, etc.) ____
Bottom Hole Temperature 49

11. STATIC WATER LEVEL:
24½ ft. below surface Depth artesian flow found ____
Artesian pressure ____ lb. Describe access port ____
Describe Controlling Devices: ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
28	15	24½	Loose black scoria		
28	24½	79	Loose black scoria water		
	79	97	hard black scoria		
	97	110	Loose soft black scoria water		
	110	142	loose black scoria cobbled sand more water		
	142	165	hard black basalt		

RECEIVED
JUL 11 1994
Department of Water Resources
JUN 27 1994
Department of Water Resources
Eastern Region

Date: Started 2-2-94 Completed 4-18-94

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name High Plains Firm No 299
Firm Official Marcus Franks Date 6-25-94
and
Supervisor or Operator Danny Franks Date ____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED
FEB 11 1999

COPY
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the(SESW, SEC. 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E,(HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson
Director

Published in the JEFFERSON STAR on SEPTEMBER 20 & 27, 1990.

MAY 3 0 1991

SCANNED
NOV 25 2002

14-Sep-1990

The Jefferson Star
P.O. Box 37
Rigby, ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 8, 1990.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MICROFILMED

MAY 30 1991

SCANNED

NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SESW, SEC. 35, T 7N, R 35E;) SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E,(HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson

Director

WATER RIGHTS FILED
MAY 30 1991

Published in the LEWISTON MORNING TRIBUNE on SEPTEMBER 20 & 27, 1

SCANNED
NOV 25 2002

OK

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SESW, SEC. 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E,(HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before **OCTOBER 8, 1990.**

R. Keith Higginson

Director

MICROFILMED

MAY 30 1991

Published in the TIMES-NEWS on SEPTEMBER 20 & 27, 1990.

SCANNED

NOV 25 2002

OK

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SESW, SEC. 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E,(HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson

Director

Published in the IDAHO STATESMAN on SEPTEMBER 20 & 27, 1990.

MAY 30 1991

SCANNED
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31—0371 & 31—0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31—0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SESW, SEC. 35, T 7N, R35 E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E,(HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson
Director

Published in the Jefferson Star, Sept. 19 and 26, 1990.

MICROFILMED
MAY 30 1991

18-Sep-1990

DON SHENTON
WATER DIST. 31
BOX 33
DUBOIS, ID 83423

RE: Application for TRANSFER No. 31-0371/31-0331

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is OCTOBER 8, 1990, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

RECEIVED
MAY 30 1991

SCANNED
NOV 25 2002

Form 222a
6/78

Processed ASAP

9-13-90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

1. Right number 31-0371/-0331 Applicant Holly Water Users - For Torgerson Well
2. Type of right: ☑ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☑ Add diversion point(s) ☐ Change place of use
   ☐ Other _____
4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments _____
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) _____
   j. ☑ Is use within a Watermaster District? ☒ Yes ☐ No
      If yes, what district? WD 31 None

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny

A.O.P.
10-8-90

3. Conditions* _____
4. By _____ Date _____

SCANNED
NOV 25 2002

Copy sent

** All uses within Watermaster Districts require special conditions.*

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
WEST ONE BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
MARIE T. FEELEY
ROBERT M. FOLLETT

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

R. VERN KIDWELL, OF COUNSEL

RECEIVED
SEP 26 1990
Department of Water Resources
Eastern District Office

September 26, 1990

Idaho Department of Water Resources
150 Shoup Avenue, #15
Idaho Falls, Idaho 83402

Gentlemen:

We have been contacted by the Holley Water Users Association and requested to formally withdraw its application for transfer of water right recently filed on August 1, 1990, for the purpose of transferring a portion of Rights Nos. 31-0371 and 31-0331 to lands known as the "Torgerson Place of Use", and for a portion of which is to be diverted out of the Ronald Torgerson well.

We understand that notice of this application is presently being published or has recently been published, The Association does not wish to protest its own application, but rather completely withdraw the application. The reasons for this action is that the preparation of the application for transfer has been found by the company to be inconsistent with its desires and agreement and even though the application was signed by the secretary of the company, it was done under circumstances where he was given information that caused him to misunderstand how the application had been prepared.

Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster

Kent W. Foster

#4046.00/srr

cc: Don Shenton, Watermaster
Water District #31
Carl Hoggan, President
LeMoyne Barney, Secretary
Mr. Ronald Torgerson

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2009

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones Idaho Department of Water Resources Eastern Region 150 West Shoup Street, Suite 15 Idaho Falls, Idaho 83402	____ HAND DELIVER ____ U.S. MAIL _X_ OVERNIGHT MAIL _X_ TELECOPY (FAX)
Holley Water Users Association c/o LaMoyne Barney Hammer, Idaho 83425	____ HAND DELIVER _X_ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Phillip J. Rassier, Esq. Deputy Attorney General Department of Water Resources Statehouse Boise, Idaho 83720	____ HAND DELIVER _X_ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Kent W. Foster, Esq. Holden, Kidwell, Hahn & Crapo 330 Shoup Avenue Third Floor, Idaho First National Bank Bldg. Idaho Falls, Idaho 83402	____ HAND DELIVER _X_ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)

Jeffrey C. Fereday

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversion in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	))))))	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to a new point of diversion described as the Ronald Torgerson well. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES O. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

October 8, 1990

RECEIVED
OCT 9 1990
Department of Water Resources

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Enclosed is an original and two copies of Protest for filing.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

Enclosures

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones Idaho Department of Water Resources Eastern Region 150 West Shoup Street, Suite 15 Idaho Falls, Idaho 83402	____ HAND DELIVER ____ U.S. MAIL __X__ OVERNIGHT MAIL __X__ TELECOPY (FAX)
Holley Water Users Association c/o LaMoyne Barney Hammer, Idaho 83425	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Phillip J. Rassier, Esq. Deputy Attorney General Department of Water Resources Statehouse Boise, Idaho 83720	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Kent W. Foster, Esq. Holden, Kidwell, Hahn & Crapo 330 Shoup Avenue Third Floor, Idaho First National Bank Bldg. Idaho Falls, Idaho 83402	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)

Jeffrey C. Fereday

RECEIVED
MAY 30 1991

SCANNED
NOV 25 2007

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversion in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	))))))	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to a new point of diversion described as the Ronald Torgerson well. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

October 8, 1990

RECEIVED
Oct 1990
Department of Water Resources
Eastern District Office

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Enclosed is an original and two copies of Protest for filing.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

Enclosures

MICROFILMED
MAY 30 1991

COMBINED
NOV 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

____ HAND DELIVER
____ U.S. MAIL
__X__ OVERNIGHT MAIL
__X__ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
330 Shoup Avenue
Third Floor, Idaho First National Bank Bldg.
Idaho Falls, Idaho 83402

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Jeffrey C. Fereday

RECEIVED
MAY 30 1991

SCANNED
NOV 25 2002

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversion in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer

RECEIVED
MAY 30 1991

SCANNED
NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to a new point of diversion described as the Ronald Torgerson well. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

October 8, 1990

RECEIVED
OCT 9 1990
Department of Water Resources
Eastern District Office

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Enclosed is an original and two copies of Protest for filing.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

Enclosures

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones Idaho Department of Water Resources Eastern Region 150 West Shoup Street, Suite 15 Idaho Falls, Idaho 83402	____ HAND DELIVER ____ U.S. MAIL __X__ OVERNIGHT MAIL __X__ TELECOPY (FAX)
Holley Water Users Association c/o LaMoyne Barney Hammer, Idaho 83425	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Phillip J. Rassier, Esq. Deputy Attorney General Department of Water Resources Statehouse Boise, Idaho 83720	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Kent W. Foster, Esq. Holden, Kidwell, Hahn & Crapo 330 Shoup Avenue Third Floor, Idaho First National Bank Bldg. Idaho Falls, Idaho 83402	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)

Jeffrey C. Fereday

MICROFILMED
MAY 30 1991
SCANNED
NOV 25 2002

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversion in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Jeffrey C. Fereday

Jeffrey C. Fereday
Michael C. Creamer

FILED
MAY 30 1991
COURT
NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

RECEIVED
OCT 9 1990
Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to a new point of diversion described as the Ronald Torgerson well. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

FILMED
MAY 30 1991
SCANNED
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

October 8, 1990

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Enclosed is an original and two copies of Protest for filing.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

Enclosures

MICROFILMED
MAY 30 1991

RECEIVED
OCT 9 1990
Department of Water Resources
Eastern District Office

SCANNED
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11,	N1/2
T 6N, R 35E, B.M.	SEC 1,	NWNW
	SEC 2,	N1/2, SW1/4, W1/2SE1/4
	SEC 3,	E1/2SE1/4
	SEC 9,	E1/2SE1/4
	SEC 10,	NENE, S1/2NE1/4, SENW, S1/2
	SEC 11,	W1/2
	SEC 14,	N1/2SW1/4
	SEC 15	
	SEC 22,	NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35,	NESW, S1/2SW, SE1/4
	SEC 36,	NESW, W1/2SW

MICROFILMED
MAY 30 1991
SCANNED
NOV 25 2002

10-Dec-1990

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

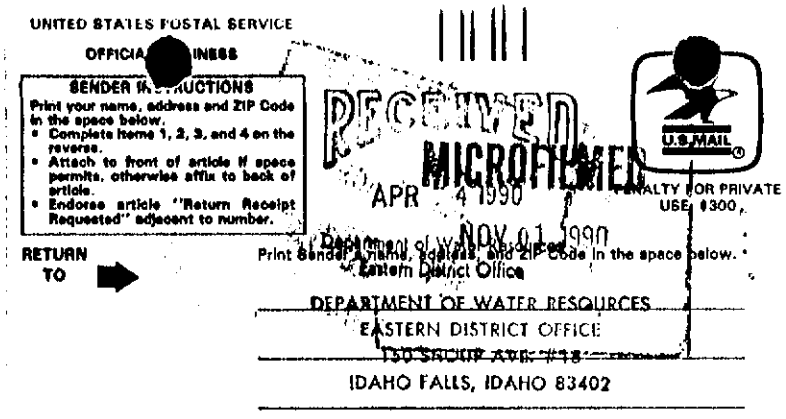
Yours truly,

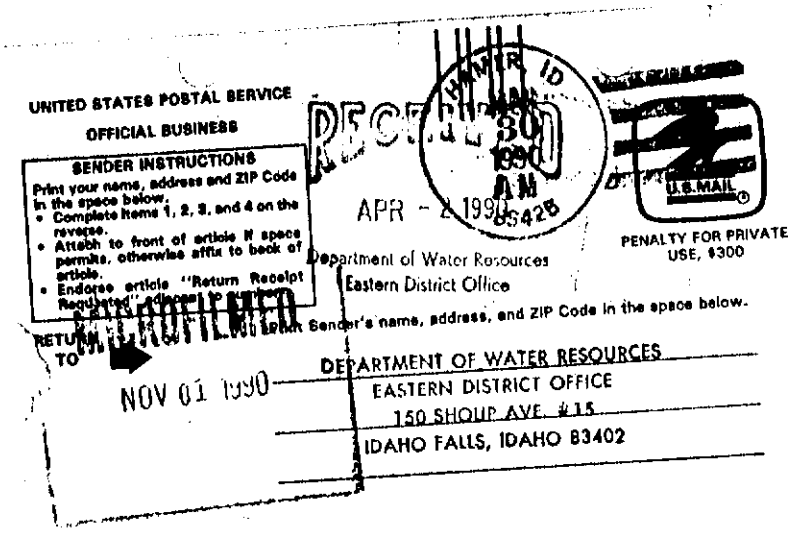
Rita Bodell
Secretary/Office Coordinator

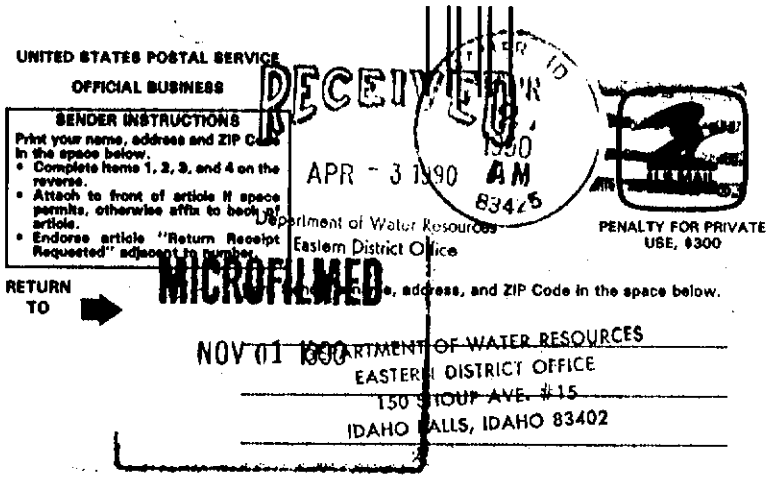
Encl.

RECEIVED
MAY 30 1991

SCANNED
NOV 25 2002


UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS
SENDER INSTRUCTIONS
Print your name, address and ZIP Code in the space below.
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.
RECEIVED
APR - 4 1990
MICROFILMED
NOV 01 1990
U.S.MAIL
PENALTY FOR PRIVATE USE, $300
RETURN TO
Print Sender's name, address, and ZIP Code in the space below.
Department of Water Resources
Eastern District Office
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402


UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS
SENDER INSTRUCTIONS
Print your name, address and ZIP Code in the space below.
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.
RECEIVED
APR - 2 1990
MICROFILMED
NOV 01 1990
U.S.MAIL
PENALTY FOR PRIVATE USE, $300
RETURN TO
Department of Water Resources
Eastern District Office
Print Sender's name, address, and ZIP Code in the space below.
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402


UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS
SENDER INSTRUCTIONS
Print your name, address and ZIP Code in the space below.
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.
RECEIVED
APR - 3 1990
MICROFILMED
NOV 01 1990
U.S.MAIL
PENALTY FOR PRIVATE USE, $300
RETURN TO
Department of Water Resources
Eastern District Office
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

NOV 15 2007

INTER-DEPARTMENT MEMO

TO: Steve

FROM: Glen

SUBJECT:

DATE: 10-4-90

- The attached file has been forwarded by region.
- From my "brief" review it appears that the cond's of trans 3645 also would apply to trans 3654 + 3680.
- Plz review in more detail.

( ) For your information

( ) Response required

signature

NOV 25 2002

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 5/25/1982

TO File 31-0331

SUBJECT Transfer No. 2656

See File No. 31-0371 for all correspondence regarding the above transfer.

MICROFILMED

SIGNATURE

FROM: H.W. JONES

TO: Ron

Question #1 - See memo in folder

Question #2 - Condition we use when instrument agreements made without direct involvement of the Dept. is #L20A7. See inside file.

ACTION REQUIRED

FROM:

TO: Ron

Transfer No. 2656

Please use condition No. 1 when memo dated 6-28-90 in mgt preparing Transfer. Sign name. Then transfer is the same as Trans. 2654 which are approved in July of 1990.

(see file 31-0331)

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

June 14, 1990

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Transfer Applications of Holley Water Users' Ass'n Nos. 3654 and 3680

Dear Mr. Saxton:

We have received your letter of June 12, 1990. Based on our understanding of the Department's intent regarding the proposed conditions as stated in your letter, we would not object to their inclusion in approvals of the Holley transfers.

To clarify our understanding, the conditions would be applied to the Holley Water Users' Ass'n transfers involving the Holley, Murdock, Bybee, Hoggan and Ashcraft wells that are referenced in the stipulation between those parties and Mr. Larsen. Condition number 3 in your May 25 letter would follow the language which we proposed in our June 8, 1990 letter. Condition number four would contain the language which you originally proposed, supplemented by the last two sentences of our proposed language.

I will forward a copy of your letter to the other parties. Upon notification from them that they will agree with this language, we will forward an executed stipulation to the Eastern Region along with a withdrawal of the protests filed by Mr. Larsen.

Sincerely,

Michael C. Creamer

MCC/mcc
cc: Blaine Larsen
Kent Foster

RECEIVED
NOV 7 2002

I hope that these revised conditions are satisfactory to both parties. Please do not hesitate to contact me if you have additional questions or concerns.

Sincerely,

L. Glen Saxton

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

NOV 01 1990

SCANNED

NOV 15 2007

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

RECEIVED
JUN 14 1990
Givens, Pursley, Webb & Huntley

June 12, 1990

Mike Creamer
Givens, Pursley, Webb & Huntley
277 N 6
Boise, ID 83702

RE: Transfer Applications of Holley Water Users Association
Transfer Application No.s 3654 & 3680

Dear Mr. Creamer:

I have reviewed your letter of June 8, 1990 concerning the Department's proposed conditions for the above referenced transfers.

In response to your comments and concerns, I first wish to state that my previous correspondence did not reference transfer no. 3680 simply because the stipulation which you asked the Department to review did not reference this latter transfer application. Since both transfers are similar in nature and a protest is pending between the same parties, the Department will extend similar conditions to transfer no. 3680.

In regard to our proposed condition no.3, the five year period for retained Department jurisdiction is standard. The additional language which you proposed seems acceptable and can be incorporated with our proposed condition.

The language of our proposed condition no. 4 was chosen with the intent to prevent expansion by limiting the diversion rate and volume, without specifying exact measurements, to an amount commensurate with actual beneficial use. This condition is a variation of a more standard condition that the Department often uses when issuing licenses and approving transfers. The Department understands that one of the parameters of beneficial use is the total number of irrigated acres identified by the transfers. Holly Water Users will be required to reduce their pumping by the same amount that certain individuals (i.e. Bybee, Murdock etc.) propose to divert at their new points of diversion. The Department will add the last two sentences as you have proposed to condition no. 4.

RECEIVED
NOV 01 1990
Givens, Pursley, Webb & Huntley
RECEIVED
NOV 25 2002

of modifying the conditions of transfer approval as necessary to prevent such injury.

The language contained in proposed condition number 4 is unclear. If it is the Department's intent that approval of the transfers will not result in an expansion of the water right, we agree with that intent. However, the language is ambiguous in this respect and therefore would not provide the stipulated prerequisite for withdrawing our protest. We suggest that the following language be substituted for the Department's proposed condition no. 4:

> The cumulative rate of diversion, annual volume diverted and acreage irrigated under Right Nos. 31-0331 and 31-0371 shall not be increased above the decreed rate and volume of diversion as a result of this transfer, nor shall the acreage irrigated be increased beyond that decreed under these rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

Since this condition reflects the intent of the parties, I anticipate that they will agree to inclusion of this language in the transfer approvals. We hope that the Department can make these changes to its proposed order.

I look forward to your response.

Sincerely,

Michael C. Creamer

MCC/mcc
cc: Blaine Larsen
Kent Foster
Robert Bybee
Carl Hoggan
Sterling Murdock
Sidney Ashcraft
LeMoyne Barney

MICROFILMED
NOV 01 1990

SCANNED
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

June 8, 1990

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Transfer Applications of Holley Water Users Ass'n

Dear Mr. Saxton:

I have reviewed your letter of May 25, 1990 regarding the proposed conditions for the Holley Water Users' Association transfers and have forwarded copies to Kent Foster and the landowners involved.

Let me first point out that the stipulation entered into by Mr. Larsen and the other parties encompasses Transfer Application Nos. 3654 and 3680 and also the Murdock well. Therefore, the Department should include the same conditions in each transfer approval.

Although the Department's retained jurisdiction language does not coincide with that contained in the stipulation which all the parties have now signed, Mr. Larsen would not object to the Department retaining jurisdiction for a period of not more than five years. We believe that the other parties likely would agree to this condition as well. We expect that if they do agree, they will write to me and convey their intention that the stipulation be considered amended to reflect the 5-year retained jurisdiction condition the Department has proposed.

We suggest, however, that your proposed condition no. 3 read as follows:

> The director retains jurisdiction of this transfer for up to five years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose

RECEIVED
NOV 01 1990

SCANNED
NOV 25 2002

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under right no.s 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

I hope this response addresses your concerns and questions. Please feel free to contact this office if you have additional questions or would like further assistance in this matter.

Sincerely

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
NOV 01 1990
NOV 25 2002

Appr

R M

1/ These are conditions discussed by Glen + Creamer.

2/ I would add only #4. From my original draft letter, attached

AWS

8) 327-7900

CIL D. ANDRUS
GOVERNOR
EITH HIGGINSON
DIRECTOR

UN 0 5

Micha
Given
277 N
Boise,

RE: T

sn.

Dear Mr. Creamer:

Department staff has received your letter dated May 21, 1990 and a copy of the proposed stipulation between Blaine Larsen and Holley Water Users Association.

The Department does not disagree with the general terms of the stipulation as it is currently proposed. Since the Department is not a party to the stipulation, the Department specifically requests that this stipulation not appear to be a matter before the Director of the Department. The heading of the stipulation therefore should exclude lines one and two which pertain to the Director of the Idaho Department of Water Resources.

Listed below are several proposed conditions which the Department will likely use as conditions of approval for this particular transfer application. I believe the conditions will satisfy the terms of the stipulation. I hope that our listing of proposed conditions at this time will assist the two parties in reaching an agreement and resolving the pending protest.

Proposed Conditions of Approval:

1. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.

MICROFILMED
NOV 01 1990

4. The cumulative rate of diversion and annual volume under Right No.s 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights.

SCANNED
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

RECEIVED
SEP 24 1990
Department of Water Resources
Eastern District Office

TELECOPIER
(208) 343-9492
(208) 342-8920

September 20, 1990

Via Fax

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 Shoup Street, Suite 15
Idaho Falls, Idaho 83402

RE: Holley Water Users Ass'n Transfer Applications

Dear Harold:

As we discussed this morning, I am sending you copies of correspondence between myself and IDWR's Boise office regarding the language of conditions which I have understood would be included in any permits granted to the parties who entered into the stipulation with Mr. Larsen. I have corresponded with personnel at the Boise office at your suggestion since you had stated that ultimate approval of any conditions that might be imposed would come from that office. The series of letters should help you understand the evolution of the language in the stipulation and why we expect that the permit conditions would reflect that language.

I hope this will be of help to you. Please call immediately if you have any questions.

Sincerely,

Michael C. Creamer

Michael C. Creamer

MCC/mcc
Enclosures

MICROFILMED
NOV 01 1990
NOV 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones Idaho Department of Water Resources Eastern Region 150 West Shoup Street, Suite 15 Idaho Falls, Idaho 83402	____ HAND DELIVER ____ U.S. MAIL _X_ OVERNIGHT MAIL _X_ TELECOPY (FAX)
Holley Water Users Association c/o LaMoyne Barney Hammer, Idaho 83425	____ HAND DELIVER _X_ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Phillip J. Rassier, Esq. Deputy Attorney General Department of Water Resources Statehouse Boise, Idaho 83720	____ HAND DELIVER _X_ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Kent W. Foster, Esq. Holden, Kidwell, Hahn & Crapo 330 Shoup Avenue Third Floor, Idaho First National Bank Bldg. Idaho Falls, Idaho 83402	____ HAND DELIVER _X_ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)

Jeffrey C. Fereday

MICROFILMED

NOV 01 1990

NOV 25 1990

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversion in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED
NOV 01 1990

NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to a new point of diversion described as the Ronald Torgerson well. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

MICROFILMED
NOV 01 1990
NOV 25 2002

= 31-0331

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

October 8, 1990

RECEIVED
OCT 9 1990
Department of Water Resources

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Enclosed is an original and two copies of Protest for filing.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

Enclosures

MICROFILMED
NOV 01 1990

SCANNED
NOV 25 2002

October 30, 1990

RE: Transfer of Water Right Nos. 31-0331/0371

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3654). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED
NOV 01 1990
NOV 25 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 4th day of January, 1991, I served the foregoing

PROTEST upon:

Monteview Canal Co.
c/o Dale Cope
Monteview, ID 83435

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

Michael C. Creamer

MAY 30 1991

NOV 25 2002

diversion to prevent expansion of those rights.

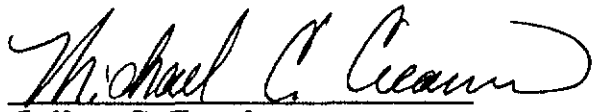
Having not satisfied the minimum notice requirements, the Application should be returned to the Applicant for further clarification. Notice should be republished if a proper application is subsequently resubmitted by the Applicant.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 4th day of January, 1991.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: 
Jeffrey C. Fereday
Michael C. Creamer

JAN 30 1991
NOV 25 2002

3. The transfer will result in an expansion of the water right and an increase in the consumptive use of water under the water rights sought to be transfered;

4. The proposed transfer involves projected diversions in excess of the staturorily established duty of water for the acreage listed in the Application as the place of use.

5. The Application for Transfer fails to give reasonable notice to interested persons of the Applicant's intentions. The inadequacies of the Application include, but may not be limited to the following:

a. The Application for Transfer fails to state what portion of the Monteview rights will be diverted at the proposed new points of diversion, or at any other point of diversion. Protestants are therefore unable to discern what quantity of the Monteview rights will be diverted where, or by whom. The Application therefore lacks essential information necessary to provide adequate notice of the Applicant's intentions;

b. The Application for Transfer fails to state the extent to which the transfer would affect transmission losses, consumptive use, or the quality, quantity and location of return flows, if any, or what effects such changes would have on Protestant's water rights or the rights of other appropriators, including junior appropriators;

c. The Application for Transfer fails to state the extent to which production of water from Monteview's existing points of diversion should, or would be curtailed as a result of the anticipated production of water from new points of

RECEIVED
MAY 30 1991

NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestant

RECEIVED
JAN 07 1991
Department of Water Resources

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER RIGHT BY MONTEVIEW CANAL COMPANY	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application for Transfer of Water Right submitted by the Monteview Canal Company. The grounds for this Protest are as follows:

1. Protestants are the owners of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

MICROFILMED
MAY 30 1991
NOV 25 2002

January 11, 1991

RE: Application for Transfer No. 31-0371/0331
TORGERSON/HOGGAN WELLS

LaMoyne Barney
Holley Water Users Association
Hamer, ID 83425

Dear Mr. Barney:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office
Kent Foster, Attorney

MICROFILMED
MAY 30 1991

NOV 25 2002

TRANSFER 3680

SCANNED
NOV 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KCWilson

1. Right number 31-00331/00371 Applicant Holley Water Users

CAs per previous transfers

The non-

Standard Condition 20A

Recommended

CONDITIONS OF APPROVAL

* Transfer of Water Right No. 31-0331/0371

1. Use of water under this right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise. MAY 30 1991

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

7. 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.

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. * Conditions* See attached list

MAY 30 1991

4. By RDC Date 4/29/91

RECEIVED
MAY 03 1991
Department of Water Resources

* All uses within Watermaster Districts require special conditions.

NOV 25 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12th day of April, 1990, I served the foregoing

PROTEST upon:

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
3rd Floor, Idaho 1st National Bank Bldg.
Idaho Falls, Idaho 83402

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

Laurie J. Scott

APR 30 1991

NOV 25 2002

wells. Approval of this application could negate the purpose and effect of this Stipulation and prejudice Protestants.

7. The continuous addition by Holley Water Users Association of new points of diversion to previous, unapproved transfer applications while the Department and Protestants seek to evaluate those previous applications prevents the proper assessment of the individual and cumulative effects of the transfers.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 12th day of April, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: _____
Jeffrey C. Fereday
Michael C. Creamer

RECEIVED
MAY 30 1991
NOV 25 2002

production of water from new points of diversion to prevent expansion of those rights; and

e. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights.

Having not satisfied the minimum notice requirements, the Application should be returned to the Applicant for further clarification. Notice should be republished if a proper application is subsequently resubmitted by the Applicant.

5. The proposed transfer involves projected diversions in excess of the duty of water for the acreage listed as the place of use.

6. The application seeks to transfer water under right nos. 31-0371 and 31-0331 to points of diversion which are already the subject to two prior Applications, namely Application Nos. 3517 and 3654. Protestants have in good faith entered into a Stipulation with the Holley Water Users Association , Robert Bybee, Carl Hoggan and Sterling Murdock regarding Application for Transfer No. 3654. In this Stipulation, the parties agreed that Protestants would withdraw their protest filed in that case provided that the Department would condition such transfer to retain jurisdiction for not less than one nor more than three years for the purpose of establishing the appropriate amount of pumping reduction at the Holley wells to cover the proposed transfers and to prevent an expansion of the Holley rights. The instant application appears to include these same

RECEIVED
MAY 30 1991
NOV 25 2002

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

4. The Application for Transfer is wholly inadequate and incomprehensible in that it fails to give reasonable notice to interested persons of the Applicant's intentions. The inadequacies of the Application include, but may not be limited to the following:

a. The Application states that it involves the transfer of rights to the Ashcraft-Hoggan, Murdock, Bybee and Hoggan points of diversion but only includes a diagram illustrating the Ashcraft-Hoggan place of use. The Application also fails to indicate what portion of the Holley rights will be diverted at the Ashcraft-Hoggan point of diversion or any other point of diversion. Protestants are therefore unable to discern what quantity of the Holley rights will be diverted where, or by whom. The Application therefore lacks even the barest of essential information necessary to provide adequate notice of the Applicant's intentions;

b. The Application for Transfer lacks sufficient information to enable Protestants to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

c. The Application for Transfer lacks sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

d. The Application for Transfer lacks sufficient information to determine the extent to which production of water from the original points of diversion for water rights 31-0371 and 31-0331 should, or will be curtailed as a result of the anticipated

MAY 30 1991

NOV 25 2002

RECEIVED
APR 16 1990
Department of Water Resources
Eastern District Office

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestant

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER USERS ASSOCIATION FOR THE ASHCRAFT-HOGGAN, BYBEE, HOGGAN, MURDOCK AND HOLLEY WELLS	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application for Transfer submitted by the Holley Water Users Association. The grounds for this protest are as follows:

1. Protestants are the owners of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

MICROFILMED
MAY 30 1991
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

RECEIVED
APR 16 1990
Department of Water Resources
Eastern District Office

April 12, 1990

Idaho Department of Water Resources
Eastern Region
150 Shoup Avenue
Idaho Falls, Idaho 83402

RE: Holley Water Users Association Application for Transfer

Dear Sirs:

Enclosed please find an original and two copies of the Protest of Blaine Larsen, Larsen Farms and Larsen of Idaho in the matter of the Application for Transfer by the Holley Water Users Association involving the Ashcraft-Hoggan, Bybee, Murdock and Hoggan places of use. As of this date, the Application for Transfer has not been assigned a reference number. Please accept the original and one copy for filing and return a conformed copy to this office.

Thank you for your attention.

Sincerely,

Michael C. Creamer

Michael C. Creamer

MCC/mcc
Enclosures

MAY 30 1991

NOV 25 2002

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

Gentlemen:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

MAY 30 1991

NOV 25 2002

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)
HOLLEY WATER USERS

Mr. Michael C. Creamer
Attorney at Law
P.O. Box 2720
Boise, ID 83701

Dear Mr. Creamer:

This is to acknowledge receipt of the protest filed in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?

2. Does the change constitute an enlargement in the use of the original rights?

3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

RECEIVED
MAY 30 1991

RECEIVED
NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to a new point of diversion described as the Ronald Torgerson well. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

RECEIVED
MAY 30 1991

NOV 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones Idaho Department of Water Resources Eastern Region 150 West Shoup Street, Suite 15 Idaho Falls, Idaho 83402	____ HAND DELIVER ____ U.S. MAIL __X__ OVERNIGHT MAIL __X__ TELECOPY (FAX)
Holley Water Users Association c/o LaMoyne Barney Hammer, Idaho 83425	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Phillip J. Rassier, Esq. Deputy Attorney General Department of Water Resources Statehouse Boise, Idaho 83720	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Kent W. Foster, Esq. Holden, Kidwell, Hahn & Crapo 330 Shoup Avenue Third Floor, Idaho First National Bank Bldg. Idaho Falls, Idaho 83402	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)

Jeffrey C. Fereday

MICROFILMED
MAY 30 1991

NOV 25 2002

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversion in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer

RECEIVED
NOV 25 2002

MICROFILMED
MAY 30 1991

Law Office
GIVENS, PURSLEY, WEBB & HUNTLEY
Suite 200, Park Place
277 No. 6th Street
Post Office Box 2720
Boise, Idaho 83701

Telephone (208) 342-6571
Telecopier (208) 343-9492

TELECOPIER COVER SHEET

DATE: October 8, 1990

TIME:

TO: Mr. Harold Jones

FIRM: Idaho Department of Water Resources, Eastern Region

RE: Holley Water Users Ass'n Transfer Application

TELECOPY NUMBER: 525-7177

FROM: Michael C. Creamer

CLIENT NO: 1207-17

MESSAGE:

TOTAL PAGES (INCLUDING COVER SHEET): 5

MICROFILMED
MAY 30 1991

SCANNED
NOV 25 2002

LAW OFFICES
GIVENS. PURSLEY. WEBB & HUNTLEY

SUITE 200. PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE. IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
JERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

October 8, 1990

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Enclosed is an original and two copies of Protest for filing.

Sincerely,

Jeffrey C. Fereday

Jeffrey C. Fereday

Enclosures

MICROFILMED
MAY 30 1991

RECEIVED
NOV 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
330 Shoup Avenue
Third Floor, Idaho First National Bank Bldg.
Idaho Falls, Idaho 83402

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Michael C. Creamer

RECEIVED
NOV 25 2002

imposed in the Department's approval of Application No. 3654, and Protestants expressly reserve their right to request a hearing before the Department at any time during the period of retained jurisdiction for the purpose of presenting such information and seeking such modifications of conditions as the Protestants deem are appropriate.

Dated this 20th day of December, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: Michael C. Creamer
Jeffrey C. Fereday
Michael C. Creamer

MAY 30 1991

NOV 25 2002

Department to evaluate potential injury to other water rights and to modify the transfer conditions as necessary to prevent injury. The stipulation among the parties also provided that Protestants have the right to inspect the Applicants' points of diversion and to investigate their use of water under water right Nos. 31-0371 and 31-0331 and the right to present information to the Department during the period of retained jurisdiction relevant to necessary conditions to prevent injury to other water rights.

On October 29, 1990, the Department approved Application No. 3654 with conditions substantially similar to those agreed to by the parties in their stipulation. The stipulation among the parties and the Department's approval of Transfer Application No. 3654 contemplate that the Protestants may submit information to the Department for the purpose of seeking a modification of the conditions imposed by the Department on the Applicants' diversion of water from the new points of diversion. Application No. 3680 has not yet been approved, but the Department has represented to Protestants that any approval of Application No. 3680 will contain the same conditions as were imposed in its approval of Application No. 3654.

Accordingly, Protestants hereby withdraw their Protest to Transfer Application Nos. 3654, while expressly reserving their right to request a hearing before the Department at any time during the period of retained jurisdiction for the purpose of presenting such information and seeking such modifications of conditions as the Protestants deem are appropriate. With regard to Transfer Application No. 3680, Protestants hereby conditionally withdraw their Protest, provided that the conditions imposed by the Department in any approval of such application conform to those

MAY 30 1991

NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestant

RECEIVED
DEC 21 1990
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 3654 and 3680 OF HOLLEY WATER USERS ASSOCIATION	)))))	**CONDITIONAL WITHDRAWAL OF PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby submit their Conditional Withdrawal of Protest in this matter.

This conditional withdrawal is based on a joint stipulation entered into between Protestants and the Applicants whereby Protestants agreed to withdraw their Protest to the Applicants' transfer applications provided that any approval of the applications by the Department of Water Resources ("Department") contain conditions that, among other things, provisionally reduces the amount of water that may be produced from the original points of diversion by the amount that the Applicants propose to divert to beneficial use at the new points of diversion and that retains jurisdiction in the

MAY 30 1991

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
JOANN C. BUTLER†
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

LISTED ALPHABETICALLY
*ALSO ADMITTED IN OREGON
†ADMITTED ONLY IN ILLINOIS

RECEIVED
DEC 21 1990
Department of Water Resources
Eastern District Office

December 20, 1990

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, ID 83402

RE: Holley Water Right Nos. 31-0371 and 31-0331
and Application for Transfer No. 3654 and 3680
of Holley Water Users Association

Dear Harold:

I am enclosing for filing with your office, the original and one copy of a Protest in the matter of Application for Transfer No. 31-0371 and 31-0331 of Holley Water Users Association and the original and one copy of a Conditional Withdrawal of Protest in the matter of Application for Transfer No. 3654 and 3680 of Holley Water Users Association.

Sincerely,

Michael C. Creamer

Michael C. Creamer

MCC/jbg
Enclosures

NOV 25 2002

January 11, 1991

RE: Application for Transfer No. 31-0371/0331 HOLLEY WATER USERS
ASHCRAFT/HOGGAN WELLS

Michael C. Creamer
Attorney at Law
PO Box 2720
Boise, ID 83701

Dear Mr. Creamer:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

NOV 25 2002

January 11, 1991

RE: Application for Transfer No. 31-0371/0331 HOLLEY WATER
ASHCRAFT/HOGGAN WELLS

LaMoyne Barney
Holley Water Users Association
Hamer, ID 83425

Dear Mr. Barney:

This letter is to advise you that the protest filed against approval of the above referenced application for permit has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

pc: Kent Foster, Attorney

RECEIVED
MAY 30 1991

SCANNED
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
CHRISTOPHER J. BEESON
JOANN C. BUTLER†
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
†ADMITTED ONLY IN ILLINOIS

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

JAMES A. McCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

RECEIVED
MAR 14 1991
Department of Water Resources
Eastern District Office

March 12, 1991

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 W. Shoup Street, Suite 15
Idaho Falls, Idaho 83402

RE: Stipulation Re: Application for Transfer/Holley Water Users
Our File: 1207-17

Dear Mr. Jones:

Enclosed please find the original and one copy of the Stipulation for filing. Please return the conformed copy in the enclosed return envelope.

Sincerely,

Sherrie L. Rodgers
Secretary to Michael C. Creamer

:sr
Enclosure

MAR 20 1991

NOV 25 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12th day of ~~April~~ MARCH, 1990, I served the foregoing Stipulation upon:

Holley Water Users Association
c/o Lemoyne Barney
Hamer, ID 83425

Breck Barton, Esq.
P.O. Box 100
Rexburg, ID 83440

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

Philip J. Rassier, Esq.
Department of Water Resources
Statehouse
Boise, ID 83720

Karl Hoggan
Holley Water Users Association
Hamer, ID 83425

Blaine Larsen
c/o Kevan Varin
Box 188
Hamer, ID 83425

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

Michael C. Creamer

MAY 30 1990

NOV 25 2002

Dwain Kirkham

Dwain Kirkham, Director

Kent Foster

Kent Foster, attorney for
Holley Water Users Association

Ronald Torgerson

Ronald Torgerson, personally

Carl Hoggan

Carl Hoggan, personally

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS, AND LARSEN OF IDAHO

Jeffrey C. Fereday

Jeffrey C. Fereday
Michael C. Creamer, Attorney in Fact

MICROFILMED

MAY 30 1991

NOV 25 2002

in this stipulation.

12. In entering into this stipulation, Larsen, Holley, Torgerson and Hoggan do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

13. This stipulation is distinct from, and does not affect, that stipulation between Larsen, Holley, Hoggan, Bybee, Murdock and Ashcraft regarding Holley's Application for Transfer Nos. 3654 and 3680, which was executed on August 8, 1990.

14. The Department may issue a well driller's permit to Torgerson and/or Hoggan pending resolution of the protest of Larsen. The permit shall state as a condition that the cumulative rate of diversion under such permit or permits shall be subject to the conditions of paragraph 7 of this stipulation.

DATED this 11th day of March, 1991.

APPLICANTS

HOLLEY WATER USERS, INC.

By LaMoyne Barney
LeMoyne Barney

By Carl Hoggan
Carl Hoggan, President

Ronald Torgerson
Ronald Torgerson, Director

Rex Coleman
Rex Coleman, Director

MAY 30 199

NOV 25 2002

jurisdiction.

8. Torgerson and Hoggan agree to make their wells and any diversion or irrigation records they may have available for inspection at all reasonable times by Larsen and the Department to assure that this condition is being met.

9. Holley agrees to make all diversion or irrigation records at their disposal available to the Department upon request of any party to this matter for review by any party. Holley further agrees that they will make available for inspection their wells and/or pumps upon reasonable notice and request by any party to this action. Inspection of Holley's wells and/or pumps may be made by any party to this action but in the event such inspection is desired by Larsen, then Larsen shall be accompanied either by the Department or by Torgerson and/or Hoggan in such inspection.

10. The Department or any court having jurisdiction shall be the decision maker in any factual dispute or difference between the parties to this agreement. Larsen shall not have the authority to dictate to Holley the manner in which Holley runs their irrigation system. Holley shall be the sole entity to determine their system, within the confines of Department directives and orders. Holley shall have the exclusive control of the hiring of their water master and the overseeing of the operation of their irrigation wells and canals, subject to orders of the Department or a court.

11. Holley, Torgerson and Hoggan acknowledge and agree that the Department may, as a result of information submitted by any party during the period of retained jurisdiction, or as a result of its own information, impose conditions beyond those specified

RECEIVED
MAY 30 1991
COPYRIGHTED
NOV 25 2002

hearing before the Department at any time during the period of retained jurisdiction to present such information or seek such modifications as Larsen deems appropriate. During such five year period, the Department and the parties shall be entitled to investigate and submit information concerning issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage looses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley Wells to cover the Torgerson and Hoggan transfers and to prevent an expansion of use under the Holley rights. Applicants stipulate to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition.

7. The parties agree to the inclusion by the Department of a condition requiring that the cumulative rate of diversion and annual volume diverted under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use described in the transfer applications so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. The parties also agree that such condition may also provide that unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley Wells by the same cumulative amount that the Applicants propose to divert at their new points of diversion, and that the Department may reserve the right to impose additional or different conditions on the transfers based on evidence provided during the period of retained

NOV 25 2002

MAY 30 1991

3. Torgerson has historically flood irrigated lands located in the SW 1/4 of Sec. 10, T 6 N, R 35 E; the SE 1/4 of Sec. 9, T 6 N, R 35 E; and the NW 1/4 of Sec. 15, T 6 N, R 35 E (the "Torgerson Place of Use"). Water to irrigate this land has been diverted by Torgerson from the Holley Canal pursuant to Torgerson's ownership of 250 shares of stock in Holley. Water in the Holley Canal is provided from the Holley Wells.

4. Hoggan has historically flood irrigated lands located in the SE 1/4 of Sec. 35, T 7 N, R 35 E (the "Hoggan Place of Use"). Water to irrigate this land has been diverted by Hoggan from the Holley Canal pursuant to Hoggan's ownership of ____ shares of stock in Holley.

5. Torgerson, Hoggan and Holley agree that their respective transfers may be conditioned in quantity and time to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of such transfers, which conditions are set forth below. These transfers may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

6. Larsen hereby stipulates that it will withdraw its protest to the transfer application upon the Department's approval of the transfers subject to the condition that the Department expressly retains jurisdiction over this matter for up to, but not more than five years to determine potential injury to existing rights, both junior and senior, and to modify the conditions of transfer approval as necessary to prevent such injury. In such withdrawal of protest, Larsen may expressly reserve the right to request a

MAY 30 1991

NOV 25 2002

Law Offices of
Breck Barton & Associates, P.A.
305 West Main
P.O. Box 100
Rexburg, ID 83440
(208) 356-4880

RECEIVED
MAR 14 1991
Department of Water Resources
Eastern District Office

IN THE MATTER OF)
APPLICATION FOR TRANSFER) STIPULATION
NO._____ OF HOLLEY)
WATER USERS ASSOCIATION)

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Ron Torgerson ("Torgerson") and Karl Hoggan ("Hoggan"), and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby stipulate and agree as follows:

1. Holley, Torgerson, and Hoggan jointly filed an Application for Transfer of Water Right (the "Application") with the Idaho Department of Water Resources ("Department") on November 22, 1990. Larsen timely filed its protest to the application.

2. The Application seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of Sec. 25, T 7 N, R 35 E, Boise Meridian (the "Holley Wells"), to a point of diversion for a well which Torgerson wishes to construct in the SW 1/4 of the SW 1/4, Sec. 10, T 6 N, R 35 E. The Application further seeks to transfer the point of diversion for a portion of the water rights decreed to the Holley Wells to a point of diversion for a well which Hoggan intends to construct in the NE 1/4 of the SE 1/4, Sec. 35, T 7 N, R 35 E, Boise Meridian.

MAY 30 1991

NOV 25 2002

Att 3rd Conditions

CONDITIONS OF APPROVAL

<<20A>> This permit is subject to the agreement dated <date> between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

1. Use of water under this right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

7. 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.

Dated this 29th of October, 1990.

Chief, Water Alloc. Bureau

MAY 30 1991

NOV 25 2002

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: May 8, 1991

RE: TRANSFER APPS. 3680 & 3787/RIGHT NO.S 31-0331 & 31-0371
HOLLEY WATER USERS

Both of the above transfer applications will add points of diversions to Holley Water Users rights 31-0331 and 31-0371. These transfers are the same as approved transfers 3654, 3645 and 3517. Wells are being drilled by individual users within the Holley group in order to reduce conveyance losses.

Since both transfers were protested by the same party that protested transfer no. 3654, I recommend using the same conditions that were used with approval of that transfer. These conditions are attached to this memo. There should also be three additional conditions. One is standard transfer condition no. T09 shown below. The second is proposed condition no. 20A on the attached list of conditions. This latter condition was recommended by the region (there is no need to add this condition to the permanent list of conditions).

The third condition is more of a remark and is shown below. This remark has been added in order to clarify the intent of the transfer and record place of use changes which will be accomplished.

<<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.

Transfer no.s 3680 & 3787 add place of use descriptions to right no.s 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

MAY 30 1991

NOV 25 2002

May 22, 1991

RE: Transfer of Water Right No. 31-0331/0371

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

Dear Water Right Holder(s):

Enclosed are a copies of your approved Applications for Transfer of the above referenced water rights (Transfer Nos. 3680 and 3787). Be sure to note any conditions of approval as listed on the second pages.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED
MAY 30 1991
REV 7.5.2002

February 13, 1989

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

RE: Transfer Application No. 31-0371 & 31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your transfer application. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application in Jefferson Star. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. Department personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When final processing of the application is complete, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

MICROFILMED
AUG 18 1989

Harold W.Jones

NOV 25 2002

September 14, 1988

Don Shenton
Water District #31
Box 33
Dubois, ID 83423

RE: Application for Transfer of Water Right
No. 31-0371, 31-0331

Dear Watermaster:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MICROFILMED
AUG 18 1989

NOV 25 2002

RECEIVED

MAR 14 1989

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 31-0371 - 31-0331

WATER DISTRICT #31

WATERMASTER Donald W. Shenton

DATE: March 9, 1989

COMMENTS: I have no problem with this transfer of an existing water right. I can see no injury to existing water Rights by This inter Basin short Distant move.

_____

_____

V I do endorse approval of this change.

___ I do not endorse approval of this change.

I recommend the following conditions of approval:

_____

_____

_____

_____

Donald W. Shenton
Watermaster

RECEIVED

AUG 18 1989

NOV 15 2002

NOTICE OF CORRECTION

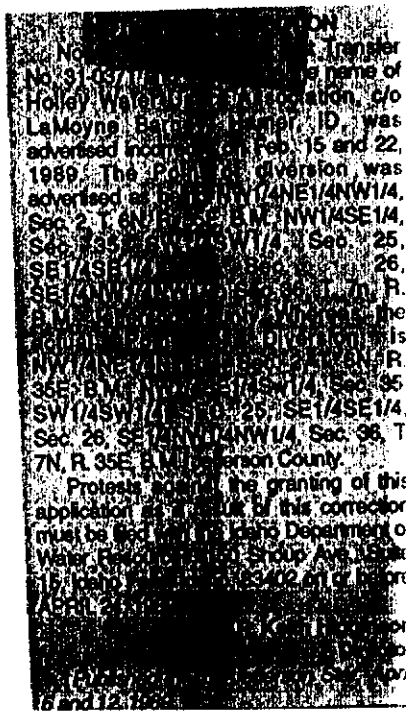
Notice is hereby given that Transfer No. 31-0371 & 31-0331 in the name of Holley Water Users Association, c/o LaMoyne Barney, Hamer, ID, was advertised incorrectly on Feb 15 and 22, 1989. The Point of Diversion was advertised as being NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N. R. B.M., Jefferson County. Whereas, the actual Point of Diversion is NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4SW1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E, B.M., Jefferson County.

Protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before APRIL 24, 1989.

MICROFILMED
AUG 18 1989

R. Keith Higginson
Director

Published in the JEFFERSON STAR April 5 & 12, 1989.



NOV 25 2002

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

August 14, 1989

RE: Transfer of Water Right Nos. 31-0331/0371

Holley Water Users Assn.
c/o LaMoyne Barney
Hamer, ID 83425

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 3517). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
AUG 18 1989

NOV 25 2007

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson

Director

Published in the TIMES NEWS on December 7 & 14, 1989.

MICROFILMED

NOV 01 1990

NOV 25 2002

28-Nov-1989

Times News
P.O. Box 548
Twin Fallsl, ID 83301

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

MICROFILMED
NOV 01 1989
NOV 15 2007

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson

Director

Published in the Jefferson Star on December 7 & 14, 1989.

MICROFILMED
NOV 01 1990
NOV 15 2002

28-Nov-1989

JEFFERSON STAR
P.O. Box 37
Rigby, ID 83442

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

MICROFILMED
NOV 21 1990

NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson

Director

Published in the IDAHO STATESMAN on December 14, 1989.

RECEIVED
NOV 8 1990
NOV 15 2007

28-Nov-1989

Idaho Statesman
P.O. Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

MICROFILMED
NOV 01 1990

NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

MICROFILMED
NOV 01 1990

R. Keith Higginson

Director

Published in the LEWISTON MORNING TRIBUNE on December 7 & 14, 198

NOV 25 2002

28-Nov-1989

Lewiston Morning Tribune
P.O. Box 957
Lewiston, ID 83501

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

MICROFILMED
NOV 01 1990

NOV 25 2002

29-Nov-1989

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

RE: Transfer Application No. 31-0371/31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your applications. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application Statewide. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. Department personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When final processing of the application is complete, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W.Jones
Water Rights Supervisor

MICROFILMED
NOV 01 1990
NOV 25 2002

HWJ/rb

01-Dec-1989

Don Shenton
Water District 31
Box 33
Dubois, ID 83423

RE: Application for Transfer 31-0371/31-0331
Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MICROFILMED
NOV 01 1990
NOV 25 2002

RECEIVED
DEC
Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 31-0371 / 31-0331

Holly Water Users Assoc.

WATER DISTRICT 31

WATERMASTER Donald W. Shenton

DATE: Dec 11, 1989

COMMENTS: This transfer should accomplish a big Savings by eliminating a lot of Bed losses by not having to deliver this water way through this Stretch of Ditch on the end of the Canal System. It will MAKE the delivery System much easier in short times also.

(X) I do endorse approval of this change.

___ I do not endorse approval of this change.

I recommend the following conditions of approval:

I would suggest That the I.D.W.R. should investigate to See This well location would not be too Close to another well (maybe less than ½ mile) So as to maybe Directly effect OR Injure Another water Supply. Donald W. Shenton

Watermaster

MICROFILMED

I question why the total Amount of transfer 1960 water on part I would be 47.00 CFS. Rather than 3.20 CFS. for a 160 ACRE transfer.

RECEIVED
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990

R. Keith Higginson

Director

Published TIMES NEWS on February 15 & 22, 1990.

MICROFILMED
NOV 01 1990

NOV 15 2002

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: January 26, 1990

RE: TRANSFER APPLICATION NO. 3645

This transfer seeks to add a point of diversion to two decreed rights which have historically been used to irrigate the 160 acre tract described as the place of use under item B5 of page 1 in the transfer application. The two decreed rights are held by Holley Water Users Association and are appurtenant to the Association's service area. Review of the applicable decrees confirms that the land under item B5 is included within the place of use description for both decreed rights.

Glen Saxton has advised me that the Mud Lake Moratorium does not prohibit the department from considering and approving this transfer application. The lands are already developed and the new well appears to have the effect of reducing total system diversion requirements.

The application may be approved with the following conditions:

<<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 license is subject to control by the watermaster of State Water District No. 31, Mud Lake and Tributaries.

<<R29>> This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

MICROFILMED
NOV 01 1990

NOV 25 2007

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 1341 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990.

R. Keith Higginson
Director

Published LEWISTON MORNING TRIBUNE on February 15 & 22, 1990.

RECEIVED
NOV 01 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990

R. Keith Higginson

Director

Published IDAHO STATESMAN on February 15 & 22, 1990.

MICROFILMED
NOV 01 1990

RECEIVED
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930
POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990.

Keith Higginson
Director

Published in the Jefferson Star, Rigby, Idaho, February 14 and 21, 1990.

MICROFILMED
NOV 01
NOV 25 2002

08-Feb-1990

HOLLEY WATER USERS ASSOC.
C/O LAMOYNE BARNEY
HAMER, ID 83425

RE: Transfer Application No. 31-0371, 31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application. Please refer to the application numbers above in all further correspondence.

This office is currently in the process of advertising the application in the JEFFERSON STAR. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. Department personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When final processing of the application is complete, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W.Jones
Water Rights Supervisor

HWJ/rb

RECEIVED
NOV 21 1990

12-Feb-1990

Barbara Scott-Brier
U.S. Department of The Interior
500 N.E. Multnomah St., Suite 607
Portland, OR 97232

RE: Applications for Transfer No.'s 31-0371/31-0331, 31-02331/31-02454A, & 31-02402

Dear Sir:

This office is currently in the process of publishing notice that the above applications for transfer were filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the applications should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Action will be taken by this office shortly, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

MICROFILMED
NOV 01 1990

NOV 25 2002

Form 222a
6/78

1-10-90
1-30-90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: K.C. Wilson

1. Right number 31-00331/00371 Applicant Holley Water Users
2. Type of right: ☑ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☑ Add diversion point(s) ☐ Change place of use
   ☐ Other _____
4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☑ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments _____
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) _____
   j. ☑ Is use within a Watermaster District? ☑ Yes ☐ No
      If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☑ Yes ☐ No Send copy to U.S. Dept. Interior Fish & Wildlife Services Portland, OR 2-12-90

N.O.P. 3-5-90

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* L20A7
   see Glen Saxton's letter of June 5, 1990

RECEIVED
OCT 04 1990
Department of Water Resources

4. By RDC Date Oct 1, 1990

* *All uses within Watermaster Districts require special conditions.*

NOV 25 2002

copy posted

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
330 Shoup Avenue
Third Floor, Idaho First National Bank Bldg.
Idaho Falls, Idaho 83402

____ HAND DELIVER
__X__ U.S. MAIL
____ OVERNIGHT MAIL
____ TELECOPY (FAX)

Michael C. Creamer

SCANNED
NOV 25 2002

use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss or other factors;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversions in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 20th day of December, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Michael C. Creamer

Jeffrey C. Fereday
Michael C. Creamer

NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to new points of diversion and places of use described in the application as the Ronald Torgerson place of use and the Carl Hoggan place of use. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of

RECEIVED
NOV 25 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 1st day of March, 1990, I served the foregoing **PROTEST** upon:

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
3rd Floor, Idaho 1st National Bank Bldg.
Idaho Falls, Idaho 83402

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

Michael C. Creamer

NOV 01 1990

NOV 25 2002

the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversions in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 1st day of March, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: Michael C. Creamer
Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED
NOV 01 1990

NOV 25 2002

RECEIVED
MAR 2 - 1990
Department of Water Resources
Eastern District Office

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestant

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 3654 OF HOLLEY WATER USERS ASSOCIATION	)))))	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application for Transfer No. 3654 submitted by the Holley Water Users Association. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

4. The Application for Transfer does not contain sufficient information to determine

MICROFILMED
NOV 01 1990
NOV 7 - 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

RECEIVED
MAR 2 - 1990
Department of Water Resources
Eastern District Office

March 1, 1990

Idaho Department of Water Resources
Eastern Region
150 Shoup Avenue
Idaho Falls, Idaho 83402

Re: Application for Transfer No. 3654

Dear Sirs:

Enclosed please find an original and two copies of the Protest of Blaine Larsen, Larsen Farms and Larsen of Idaho in the matter of the Application for Transfer No. 3654 by Holley Water Users Association. Please accept the original and one copy for filing and return a conformed copy to this office.

Thank you for your attention.

Sincerely,

Michael C. Creamer

Michael C. Creamer

MCC:ls
Enclosures

MICROFILMED
NOV 01 1990
NOV 15 2002

March 14, 1990

RE: Application for Transfer No. 3654-31-0371/31-0331
HOLLEY WATER USERS

Mr. Michael C. Creamer
Attorney at Law
P.O. Box 2720
Boise, ID 83701

Dear Mr. Creamer:

This is to acknowledge receipt of the protest filed in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?

2. Does the change constitute an enlargement in the use of the original rights?

3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

RECEIVED
NOV 01 1990

NOV 15 2002

March 14, 1990

RE: Application for Transfer No. 31-0371/31-0331

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

Gentlemen:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

MICROFILMED
NOV 01 1990
NOV 15 2007

4. Pursuant to Idaho Code, Sections 42-1701A and 67-5215, any party may initiate a proceeding for judicial review by filing a petition in the district court within 30 days after the service of the final decision or, if a timely rehearing is requested, within 30 days after the decision thereon.

5. If an action for judicial review is filed in the district court without an administrative hearing having been held before the department, the parties agree not to oppose a motion for remand of the proceeding to the department for the purpose of conducting a hearing for the presentation of additional evidence.

DATED this _____ day of _____, 1990.

APPLICANT(S)

_____

_____

PROTESTANT(S)

_____

_____

_____

_____

NOV

NOV 2 5 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 31-0371/0331 IN THE NAME OF HOLLEY WATER USERS ASSOC.	STIPULATION FOR ENTRY OF PROPOSED DECISION WITHOUT A HEARING

The parties to this proceeding, having met at a prehearing conference for the purpose of defining the issues, informally presenting the facts, and discussing their respective positions before a hearing officer of the Idaho Department of Water Resources (department), hereby stipulate and agree as follows:

1. The hearing officer may consider information presented at the prehearing conference, information obtained through a field investigation by department personnel, and other facts available in the files and records of the department in preparing a proposed decision and order.

2. Each party shall have the opportunity, pursuant to Idaho Code, Sections 42-1701A and 67-5211, to file exceptions to the proposed decision and order by filing written exceptions thereto within 15 days after service of the proposed decision and order by the department. If a timely exception is not received, the department Director will enter an order adopting a final decision.

3. Each party shall have the opportunity, pursuant to Rule 11 of the Practice and Procedure Rules and Regulations of the department, to file a petition for rehearing within 20 days after service of the final decision. If the department determines that a formal hearing is required, notice will be sent to all parties.

NOV 2 5 2002

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NOV 2

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0390	Valley Water Users / Jo Mumm Farney, Homer	.25	.85					.90			T31-0571 / 31-0331
2	0391	Michael Creamer / P.O. Box 2720, Boise 83701										
3	0392	Blaine Bracy P.O. Box 188 Hagerman										
4	0393	William + Barbara Roundy / 2526 N. 2650 E. Montview								NOV 01 1990		T31-2319 / 31-2320
5	0394	Russell Osborne / Dursley Canal, Terreton										
6	0395	Dale Cope / Montview Canal, Montview										
7	0396	Michael Overton / Producers Irrig. Montview										
8	0397	Dew Dale / Jefferson Irrig. Terreton										
9	0398	Waters - Idaho Inc / 11330 Tranquility Dairy Rd, Lapburg	10 @ $2.00 = $20.00									21-7438
10	0399	D. S. Jump / U.S. Forest Service 324 25th St Ogden										
11												
12												
13												
14												
15												

MICROFILMED

IDAHO FALLS, ID EAGLE ROCK ANNEX USPS MAR 29 1990

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)
10	10	

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

PS Form 3877, May 1985

T 31-0371/0331 - Holley Water Users Assoc.

Second Conference Room, Idaho State Office Building
Idaho Falls, Idaho

Tuesday, April 10, 1990 - 10:00 a.m.

Hearing Officer: _____

Name	Representing	Address

Cancelled !!

MICROFILMED
NOV 01 1990
NOV 7 5 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER RIGHTS NO. 31-0371, AND 31-0331 IN THE NAME OF HOLLEY WATER USERS ASSOCIATION	NOTICE OF CONFERENCE

On January 17, 1990, Holley Water Users Association, Hamer, Idaho filed the above referenced application to transfer the public waters of the State of Idaho. On March 2, 1990, the Department received a protest against approval of said application from Michael C. Creamer, Attorney at Law, in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho.

The Department has set the matter of protest for conference for 10:00 a.m., Tuesday, April 10, 1990, in the State Office Building, Second Floor Conference Room, 150 Shoup, Suite 15, Idaho Falls, Idaho. The conference will be held in accordance with 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 the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Date this 28th day of March, 1990.

Ronald D. Carlson

RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED
NOV 01 1990

NOV 15 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

April 9, 1990

RECEIVED
APR 11 1990
Department of Water Resources
Eastern District Office

VIA FAX

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
Idaho Falls, Idaho 83402

Re: Application 31-0371 of Holley Water Users

Dear Harold:

This confirms our telephone conversation today that our clients, Blaine Larsen and his companies, have agreed to terms upon which their protest to this application would be withdrawn. We are expecting to obtain remaining signatures on the stipulation within the next day or two. Accordingly, the hearing scheduled for tomorrow, April 10, 1990, should be postponed or cancelled.

I am enclosing a copy of the stipulation which contains these terms. Please note that it contemplates that the Department will retain jurisdiction in this matter for one to three years in order to allow the parties to evaluate what measures should be taken to prevent injury. We would like to hear from you as soon as possible if the Department will have any problem including such a condition in the transfer approval.

Very truly yours,

Jeff Fereday

Jeffrey C. Fereday

JCF/jf
cc: Mr. Blaine Larsen
Kent W. Foster, Esq.

MICROFILMED
NOV 01 1990

NOV 25 2002

TER-DEPARTMENT MEMO — 1

FROM H.W. Jones - IDWR

DATE 8-23-90

TO File 37-0371, -0331 } #3654
Bybee Transfer

SUBJECT

Scheduled Conference For April 10, 1990 was cancelled because protestant had an agreement/stipulation of conditions that he felt would suffice. Applicant & protestant have both signed said agreement. Jeff Fereday stated he had worked with IDWR attorneys on these conditions.

MICROFILMED
NOV 01 1990

SIGNATURE

NOV 2 5 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12th day of April, 1990, I served the foregoing

PROTEST upon:

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
3rd Floor, Idaho 1st National Bank Bldg.
Idaho Falls, Idaho 83402

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

Laurie J. Scott

MICROFILMED
NOV 01 1990
NOV 2 5 2002

nsion of those rights;

fficient information to
y, quality and location
tion will have on

ts, the Application
ce should be
the Applicant.
excess of the duty of

31-0371 and 31-0331
applications, namely
ntered into a
ee, Carl Hoggan and
In this Stipulation, the
in that case provided
liction for not less than
appropriate amount of
sfers and to prevent an
include these same

pplication could negate the purpose and effect of this
Protestants.

addition by Holley Water Users Association of new points of
approved transfer applications while the Department and
ate those previous applications prevents the proper assessment
ulative effects of the transfers.

the right to state additional grounds as facts are adduced
erwise.

reasons, the Application for Transfer No. 3654 should be

day of April, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: _____
Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED
NOV 01 1990
NOV 25 2002

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

4. The Application for Transfer is wholly inadequate and incomprehensible in that it fails to give reasonable notice to interested persons of the Applicant's intentions. The inadequacies of the Application include, but may not be limited to the following:

a. The Application states that it involves the transfer of rights to the Ashcraft-Hoggan, Murdock, Bybee and Hoggan points of diversion but only includes a diagram illustrating the Ashcraft-Hoggan place of use. The Application also fails to indicate what portion of the Holley rights will be diverted at the Ashcraft-Hoggan point of diversion or any other point of diversion. Protestants are therefore unable to discern what quantity of the Holley rights will be diverted where, or by whom. The Application therefore lacks even the barest of essential information necessary to provide adequate notice of the Applicant's intentions;

b. The Application for Transfer lacks sufficient information to enable Protestants to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

c. The Application for Transfer lacks sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

d. The Application for Transfer lacks sufficient information to determine the extent to which production of water from the original points of diversion for water rights 31-0371 and 31-0331 should, or will be curtailed as a result of the anticipated

MICROFILMED
NOV 01 1990

NOV 2 5 2002

COPY

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestant

RECEIVED
APR 16 1990
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER USERS ASSOCIATION FOR THE ASHCRAFT-HOGGAN, BYBEE, HOGGAN, MURDOCK AND HOLLEY WELLS	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application for Transfer submitted by the Holley Water Users Association. The grounds for this protest are as follows:

1. Protestants are the owners of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

MICROFILMED
NOV 01 1990

NOV 25 2002

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)
HOLLEY WATER USERS

Mr. Michael C. Creamer
Attorney at Law
P.O. Box 2720
Boise, ID 83701

Dear Mr. Creamer:

This is to acknowledge receipt of the protest filed in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?

2. Does the change constitute an enlargement in the use of the original rights?

3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

MICROFILMED
NOV 01 1990

NOV 15 2002

RECEIVED
APR 30 1990
Department of Water Resources

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

Gentlemen:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

MICROFILMED
NOV 01 1990

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

NOV 15 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published in the Lewiston Morning Tribune on April 5 & 12, 1990.

NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published in the Times News on April 5 & 12, 1990.

RECEIVED
NOV 15 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published JEFFERSON STAR on April 5 & 12, 1990.

NOV 7 5 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published in the Times News on April 5 & 12, 1990.

NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published in the Idaho Statesman on April 5 & 12, 1990.

NOV 25 2002

30-Apr-1990

Don Shenton
Water Master #31
Box 33
Dubois, ID 83423

RE: Application for Transfer No. 31-0371/31-0331

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

NOV 25 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing STIPULATION upon:

Holley Water Users Association
c/o LeMoyne Barney
Hamer, ID 83425

Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, ID 83720

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

_____

FILED
NOV 01 1990
NOV 25 2002

ROBERT B. BYBEE

_____

CARL HOGGAN

_____

STERLING MURDOCK

_____

PROTESTANTS: BLAINE LARSEN, LARSEN FARMS AND LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

FILMED
NOV 21 1990
NOV 25 2002

The Murdock and Hoggan transfers

9. The application also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in section 22, T 6N R 35E, B.M. The application further seeks to make such a transfer from the Holley wells to the proposed site of a well Carl Hoggan owns in section 35, T 7N R 35E. The application does not specify the acreage or location of the places of use for these wells but Murdock and Hoggan shall make this information. Larsen agrees to withdraw his protest as to these portions of the application, as he will with respect to the Bybee transfer, provided that all the above terms specified with respect to Bybee shall apply to the Hoggan and Murdock wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose an inch-for-inch reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan wells, pending further or different conditions as specified above.

DATED this 5th day of April, 1990.

APPLICANTS: HOLLEY WATER USERS, INC.

By: _____
LeMoyne Barney

By: _____
Carl Hoggan, President

MICROFILMED
NOV 01 1990
NOV 15 2002

Department expressly retains jurisdiction over this matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to cancel his withdrawal of protest should the Department decline to include this condition. The parties agree that, unless and until the Department imposes a different restriction, upon approval of the application Holley shall reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

7. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

8. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

MICROFILMED

NOV 01 1990

NOV 15 2002

"Holley Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 7N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in sections 10 and 15, T 7N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that this transfer may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. The transfer may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well.

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his protest to the transfer application, provided that the Department approves the transfer subject to the condition that the

MICROFILMED
NOV 01 1990

NOV 15 2007

DRAFT

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

RECEIVED
MAY 18 1990
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 3654 OF HOLLEY WATER USERS ASSOCIATION	)	**STIPULATION**

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Robert B. Bybee ("Bybee"), Carl Hoggan ("Hoggan") and Sterling Murdock ("Murdock"), and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby agree and stipulate as follows:

1. Holley and Bybee jointly filed Application for Transfer of Water Right no. 3654 ("application") with the Idaho Department of Water Resources ("Department") on January 17, 1990. Larsen timely filed his protest to the application on or about March 1, 1990.

The Bybee Transfer

2. The application seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of section 25, T 7N R 35 E Boise Meridian (the

MICROFILMED
NOV 01 1990
NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

RECEIVED
MAY 18 1990
Department of Water Resources
Eastern District Office

May 17, 1990

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 W. Shoup Street, Suite 15
Idaho Falls, Idaho 83402

RE: Blaine Larsen Protest of Holley Water Users Ass'n Transfer Application No. 3654

Dear Harold:

As per our conversation today, I am forwarding a copy of the Stipulation which we had proposed to the Holley Water Users applicants for your information.

Withdrawal of the Larsen protest has been, and remains contingent not only upon the signing of the Stipulation by the parties, but also upon the imposition of the Stipulation's conditions by the Department in any transfer approval. Therefore, I would appreciate it if you could discuss the Stipulation conditions, including the condition relating to retained jurisdiction, with the appropriate people in the Department who would be responsible for approving the transfer and let us know as soon as possible if there will be a problem with any of the conditions.

I spoke with Mr. Murdock by phone today and he said that he had the Stipulation and would be bringing it to your office at the beginning of next week. Would you please notify us if and when you receive it?

Sincerely,

Michael C. Creamer

MICROFILMED
NOV 01 1990
NOV 15 2002

MCC/mcc
Enclosure

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing STIPULATION upon:

Holley Water Users Association
c/o LeMoyne Barney
Hamer, ID 83425

Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, ID 83720

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

MICROFILMED
NOV 01 1990
NOV 1 5 2007

ROBERT B. BYBEE

_____

CARL HOGGAN

_____

STERLING MURDOCK

_____

PROTESTANTS: BLAINE LARSEN, LARSEN FARMS AND LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

MICROFILMED
NOV 01 1990

NOV 2 5 2007

The Murdock and Hoggan transfers

9. The application also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in section 22, T 6N R 35E, B.M. The application further seeks to make such a transfer from the Holley wells to the proposed site of a well Carl Hoggan owns in section 35, T 7N R 35E. The application does not specify the acreage or location of the places of use for these wells but Murdock and Hoggan shall make this information. Larsen agrees to withdraw his protest as to these portions of the application, as he will with respect to the Bybee transfer, provided that all the above terms specified with respect to Bybee shall apply to the Hoggan and Murdock wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose an inch-for-inch reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan wells, pending further or different conditions as specified above.

DATED this 5th day of April, 1990.

APPLICANTS: HOLLEY WATER USERS, INC.

By: _____
LeMoyne Barney

By: _____
Carl Hoggan, President

MICROFILMED
NOV 01 1990
NOV 25 2002

Department expressly retains jurisdiction over this matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to cancel his withdrawal of protest should the Department decline to include this condition. The parties agree that, unless and until the Department imposes a different restriction, upon approval of the application Holley shall reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

7. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

8. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

MICROFILMED
NOV 01 1990
NOV 15 2002

"Holley Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 7N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in sections 10 and 15, T 7N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that this transfer may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. The transfer may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well.

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his protest to the transfer application, provided that the Department approves the transfer subject to the condition that the

MICROFILMED
NOV 01 1990
NOV 25 2002

DRAFT

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

Dept. is not a party to stipulation

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 3654 OF HOLLEY WATER USERS ASSOCIATION	)))))	STIPULATION

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Robert B. Bybee ("Bybee"), Carl Hoggan ("Hoggan") and Sterling Murdock ("Murdock"), and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby agree and stipulate as follows:

1. Holley and Bybee jointly filed Application for Transfer of Water Right no. 3654 ("application") with the Idaho Department of Water Resources ("Department") on January 17, 1990. Larsen timely filed his protest to the application on or about March 1, 1990.

The Bybee Transfer

2. The application seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of section 25, T 7 S, R 2 E, Boise Meridian (the

MICROFILMED
NOV 01 1990
NOV 15 2007

Unfortunately, the stipulation has been held up by one of the parties and as of this writing has not been delivered to the Department. I have placed several calls and been told that the stipulation will be signed by all parties and delivered to the Eastern Region by the first part of this week. I have also learned that Mr. Bybee has his well and sprinkler installed, his ditches taken out and a crop in the ground.

Because of these facts, it is important that the Department give its immediate attention to whether or not it will agree to the conditions proposed in the stipulation of the parties. It is my understanding that when Jeff Fereday spoke with you about this you informed him that you did not believe that the Department would have a problem with the retained jurisdiction provision, but that you would have to review it. The question now is whether the Department agrees with the specific provision in the stipulation and if not, what conditions it will be willing to impose. If something other than the proposed retained jurisdiction provision is to be substituted in any transfer approval for Holley, Mr. Larsen would have to reconsider his proposal to withdraw the Protest -- potentially resulting in harmful delays to some of the applicants.

I have spoken with Harold Jones in the Eastern Region and he believes that this determination is one which will be made in Boise. I think it would be prudent for your offices to get their heads together on this issue as quickly as possible. I also would welcome your call so that we could discuss it further. I believe Jeff has already sent you a copy of the proposed stipulation but I am enclosing another for your reference.

I look forward from hearing from you.

Sincerely,

Michael C. Creamer

MCC/mcc
Enclosures

cc: Blaine Larsen
Kent Foster

MICROFILMED
NOV 01 1990
NOV 25 2007

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

RECEIVED
MAY 22 1990
Department of Water Resources

TELECOPIER
(208) 343-9492
(208) 342-8920

May 21, 1990

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Blaine Larsen Protest of Holley Water Users Ass'n Transfer No. 3654

31-0331
-0371

Dear Norm:

I am writing with regard to the Protest of Blaine Larsen, Larsen Farms and Larsen of Idaho ("Larsen") to Transfer Application Nos. 3654 and 3680 of the Holley Water Users Association. I believe Jeff Fereday has spoken to you about this matter.

As I am sure Jeff explained, one of the reasons that Larsen has protested these applications is to insure that the transfers will not result in injury to his water rights. With regard to Application No. 3654, Larsen and the applicants have agreed to enter a stipulation by which Larsen would withdraw the protest to that application if the transfer approval contains certain conditions. These conditions are that the Department expressly retain jurisdiction over the matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate issues such as historical use, abandonment, forfeiture, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. A further condition is that until the Department imposes a different restriction, Holley is to reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well.

The intent of the parties in entering this stipulation is to ensure that facts necessary to develop a proper transfer order can be generated during the period of retained jurisdiction while avoiding hardship to Mr. Bybee, to the extent he is relying on water from the new well to produce his 1990 crop.

RECEIVED
NOV 01 1990
NOV 25 2002

3680. I would also appreciate it if you could advise me of you actions or communications with these parties regarding our above stated concerns.

I look forward to hearing from you in the very near future.

Sincerely,

Michael C. Creamer

MCC/mcc

cc: Blaine Larsen
Kent Foster

MICROFILMED
NOV 01 1990

NOV 15 2002

As we discussed on Thursday, we are concerned that Mr. Bybee has been issued an expedited drilling permit based on the incorrect belief that Mr. Larsen had withdrawn his protest. As I explained, the protest will not be withdrawn until the parties reach an agreement and the Department has adopted the terms of that agreement in any transfer approval. In this case then, I believe the expedited drilling permit was issued prematurely. Since the Murdock well is also subject to Mr. Larsen's protest, any drilling permit issued for that well would be equally improper.

We have been working with the parties in a good faith effort to deal with the issues raised by the proposed transfer and with recognition of the hardship that might result to Mr. Bybee if he were prevented from pumping from his proposed well this season. We have made it clear to all of the parties that we would not object to Mr. Bybee pumping this year provided that the terms embodied in the stipulation were agreed to and also accepted by the Department. Assuming that this will be the ultimate result, then if either Mr. Bybee or Mr. Murdock have commenced drilling pursuant to drilling permits issued by the Department we would not object to them completing drilling. In doing so they should be aware that until the conditions referenced above are met, their transfers remain subject to the existing protest and that their right to divert at those points of diversion are by no means guaranteed. It should be made clear to both of them that they are proceeding at their own risk in light of the pendency of the transfer proceeding and that the permit to drill is not a permit to pump.

As an additional note, I would like to mention that all transfer applications should be subject to, and capable of, close scrutiny by the Department and the public whether they are protested or not. As the Larsen Protests have pointed out, the Holley applications provided more questions than answers - with the result that both the Department and the public remain uncertain as to what the applicant actually proposes to do.

The filing of an application should be more than an exercise of filling in the blanks using some previous application as a template. The application should contain hard information on what the applicant actually intends to do in each particular transfer. Likewise, applications which lack sufficient information to permit realistic evaluation of the proposed transfer should be returned to the applicant and should not be published by the Department until they are adequate to provide the required due notice to the public.

I would appreciate it if you could provide me with copies of any drilling permits which have been issued to Bybee, Murdock, Hoggan or the Holley Water Users Association relative to Application No. 3654 and any drilling permits which have been issued relative to the Ashcraft-Hoggan/Holley Water Users Association Application No.

NOV 01 1990

NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

RECEIVED
MAY 23 1990
Department of Water Resources
Eastern District Office

May 21, 1990

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 W. Shoup Street, Suite 15
Idaho Falls, ID 83402

RE: Blaine Larsen Protest of Holley Water Users Ass'n Transfer Application No. 3654

Dear Harold:

I have had a chance to inquire at the IDWR Boise office regarding the Murdock well which was referenced in Application No. 3654. Your understanding was that Mr. Larsen's protest would not encompass the Murdock or Hoggan wells since they had been applied for under prior transfers and no protests had been filed against them.

According to the records of IDWR in Boise, the Murdock well was not the subject of any prior transfer application. The first reference to this well I am aware of is found in Application No. 3654 despite that fact that a handwritten notation on the application implies that approval of the well was pending at the time that Application No. 3654 was submitted. It appears that Application No. 3654 was the first notice and opportunity for protest of the Murdock well and therefore, Mr. Larsen's protest of Application No. 3654 encompasses both the Murdock and Bybee wells.

I am continuing to review available information and have not reached a conclusion as to the applicability of the Larsen protest to the Hoggan wells. I would point out that the Hoggan well, which according to Application No. 3517 was to be located in section 2, T6N,R35E does not appear in Application Nos. 3654 or 3680, thus preventing proper notice of the extent and nature of the Holley Water Users Association's proposed transfer.

MICROFILMED
NOV 01 1990
NOV 15 2007

COPY

By: _____
Carl Hoggan, President

ROBERT B. BYBEE

_____

CARL HOGGAN

_____

STERLING MURDOCK

_____

SIDNEY ASHCRAFT

_____

PROTESTANTS: BLAINE LARSEN, LARSEN FARMS AND LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

RECEIVED
NOV 25 2002

COPY

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing STIPULATION upon:

Holley Water Users Association
c/o LeMoyne Barney
Hamer, ID 83425

Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, ID 83720

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

Sidney Ashcraft
2104 East 1800 North
Hamer, ID 83425

Mr. Blaine Larsen
c/o Kevan Varin
Blaine Larsen Farms
Box 188
Hamer, ID 83425

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

MICROFILMED
NOV 01 1990

NOV 15 2002

COPY

seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the proposed site of a well to be located in the W 1/2, SE 1/4 of section 2, T 6N R 35E, BM, being land belonging to Ashcraft. (the "Hoggan/Ashcraft well"). The Hoggan/Ashcraft well will be used to irrigate land belonging to both Hoggan and Ashcraft. Larsen agrees to withdraw his protest as to these proposed transfers, as he will with respect to the Bybee transfer, provided that all the above terms specified with respect to Bybee shall apply to the Murdock and Hoggan/Ashcraft wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose an inch-for-inch reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan/Ashcraft wells, pending further or different conditions as specified above.

9. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock and Ashcraft do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

DATED this _____ day of May, 1990.

APPLICANTS: HOLLEY WATER USERS, INC.

By: _____
LeMoyne Barney

MICROFILMED
NOV 01 1990

NOV 15 2007

COPY

the Department's approval of the transfers subject to the condition that the Department expressly retains jurisdiction over this matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition. The parties agree that, unless and until the Department imposes a different restriction, upon approval of the application Holley shall reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

7. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

The Murdock and Hoggan/Ashcraft transfers

8. Application 3654 also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in the NE 1/4 of section 2[illegible]. Application 3680

MICROFILMED
NOV 01 1990

NOV 25 2002

COPY

Meridian (the "Holley Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 6N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in the S 1/2, SE 1/4 of section 10 and the N 1/2, NE 1/4 of section 15, T 6N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that their respective transfers may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. These transfers may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well.

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his protest to the transfer application upon

MICROFILMED
NOV 01 1990
SCANNED
NOV 25 2002

COPY

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 3654 OF HOLLEY WATER USERS ASSOCIATION	)))))	**STIPULATION**

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Robert B. Bybee ("Bybee"), Carl Hoggan ("Hoggan"), Sterling Murdock ("Murdock"), Sidney Ashcraft ("Ashcraft") and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby agree and stipulate as follows:

1. Holley and Bybee jointly filed Application for Transfer of Water Right No. 3654 ("application") and Holley and Hoggan/Ashcraft jointly filed Application for Transfer No. 3680 with the Idaho Department of Water Resources ("Department") on January 17, 1990 and February 16, 1990 respectively. Larsen timely filed protests to the applications.

2. Application 3654 seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of section 25, T 7N R 35 E, Boise

MICROFILMED
NOV 01 1990

NOV 15 2002

we can make other arrangements. When the fully executed original is returned to you, you may either complete the attached certificate of mailing and mail copies to each party or forward the original to me and I will do so. I am hopeful that the turnaround on this can be about one week.

Thank you for your attention to this matter.

Sincerely,

Michael C. Creamer

MCC/mcc
Enclosure

cc: Blaine Larsen
LeMoyne Barney
Robert Bybee
Sterling Murdock
Carl Hoggan
Sidney Ashcraft

MICROFILMED
NOV 01
NOV 15 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BO
BOISE, IDAHO

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

Norm
Johnson
FYI

31-0331
31-0337

Phil

May 25, 1990

RECEIVED
MAY 29 1990
Department of Water Resources

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
West One Building
P. O. Box 50130
Idaho Falls, ID 83405

RE: Holley Water Users' Ass'n Transfers

Dear Kent:

As per our conversation this morning, I am sending you a revised stipulation between Larsen, Holley, Murdock, Hoggan, Bybee and Ashcraft. As we discussed, I think it will be just as easy to revise the stipulation to include the Hoggan/Ashcraft application and have it resigned by each party as it will be to amend the prior stipulation and have it recirculated for initialization by each party.

The changes which you will find in the enclosed stipulation are intended to show that it encompasses both transfer applications and both protests. The legal descriptions have been changed to reflect those which were indicated by Mr. Bybee, Mr. Hoggan and Mr. Murdock. Additional language was added to paragraphs 1 and 8 to show that the stipulation applies to both applications. Paragraph 6 was modified slightly to clarify that the protests remain in effect so long as the Department has not yet approved the applications subject to the conditions contained in the stipulation.

We recognize that Mr. Bybee needs water from his well at the present time. However, without waiving our protests, we do not intend to object if the Department allows him to pump while it decides what course of action it will take regarding the stipulation.

I will be contacting Mr. Bybee and asking him to sign and carry this stipulation to each of the parties for their signature and return it to you to avoid the delays which we experienced the last time around. If Mr. Bybee cannot do this I will let you know and

MICROFILMED
NOV 01 1990
NOV 14 2002

MEMORANDUM

TO: GLEN/GARY

FROM: TIM LUKE

DATE: May 25, 1990

RE: TRANSFER APPLICATION 3654/LARSEN PROTEST AGAINST HOLLEY WATER USERS ASSN.

==========

Attached is a letter I drafted as a response to the May 21 letter from Larsen's attorney concerning proposed stipulations on transfer 3654.

I have drafted a somewhat brief letter. I proposed conditions that read differently than those proposed by the stipulation, but which I think may satisfy the concerns raised by the stipulation.

I have left open the number of years for Director's jurisdiction under condition no. 3. This is a standard condition whereby the department uses 5 years as the period of retained jurisdiction. The stipulation requests 3 years. I am not certain as to which period we should use. Furthermore, this condition does not include language about forfeiture and expansion investigations during the retainment period as suggested by the stipulation. I think somewhere in the body of the letter we may need to say that condition no. 3 does not prohibit someone from submitting information concerning these issues. Perhaps a general condition could be added which states that the Director has the authority to void or further condition the rights if in fact an expansion does occur as a result of the transfer.

Condition no.4 is a modification of one of our license conditions (condition no. R38). I have used this condition because I think it may satisfy Larsen's concern about possible expansion. I also wanted to get away from using specific flow rates in the conditions because the transfer application lists less total acreage than that provided by the decree.

Finally, I inserted condition no. 5 because Larsen's protest alleged an expansion in period of use. My review of the decree revealed that the decree specifies a period of use less than that identified by the transfer. It appears that previous transfers recognized periods of use greater than that authorized by the decree. Perhaps condition no. 5 will correct that error and set the record straight for all parties involved.

MICROFILMED
NOV 01 1990
NOV 15 2007

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under right no.s 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

I hope this response addresses your concerns and questions. Please feel free to contact this office if you have additional questions or would like further assistance in this matter.

Sincerely

L. Glen Saxton

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
NOV 01 1990

NOV 25 2002

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

May 25, 1990

Michael C. Creamer
Givens, Pursley, Webb & Huntley
277 N 6
Boise, ID 83702

RE: Transfer Application No. 3654/Holley Water Users Assn.

Dear Mr. Creamer:

Department staff has received your letter dated May 21, 1990 and a copy of the proposed stipulation between Blaine Larsen and Holley Water Users Association.

The Department does not disagree with the general terms of the stipulation as it is currently proposed. Since the Department is not a party to the stipulation, the Department specifically requests that this stipulation not appear to be a matter before the Director of the Department. The heading of the stipulation therefore should exclude lines one and two which pertain to the Director of the Idaho Department of Water Resources.

Listed below are several proposed conditions which the Department will likely use as conditions of approval for this particular transfer application. I believe the conditions will satisfy the terms of the stipulation. I hope that our listing of proposed conditions at this time will assist the two parties in reaching an agreement and resolving the pending protest.

Proposed Conditions of Approval:

1. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

5-13-90 see Mike Creamer; not this language

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, ~~in the vicinity of the transferred point of diversion.~~

MICROFILMED
NOV 01 1990

4. The cumulative rate of diversion and annual volume under Right No.s 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights.

NOV 2 5 2002

of modifying the conditions of transfer approval as necessary to prevent such injury.

The language contained in proposed condition number 4 is unclear. If it is the Department's intent that approval of the transfers will not result in an expansion of the water right, we agree with that intent. However, the language is ambiguous in this respect and therefore would not provide the stipulated prerequisite for withdrawing our protest. We suggest that the following language be substituted for the Department's proposed condition no. 4:

> The cumulative rate of diversion, annual volume diverted and acreage irrigated under Right Nos. 31-0331 and 31-0371 shall not be increased above the decreed rate and volume of diversion as a result of this transfer, nor shall the acreage irrigated be increased beyond that decreed under these rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

Since this condition reflects the intent of the parties, I anticipate that they will agree to inclusion of this language in the transfer approvals. We hope that the Department can make these changes to its proposed order.

I look forward to your response.

Sincerely,

Michael C. Creamer

MCC/mcc
cc: Blaine Larsen
Kent Foster
Robert Bybee
Carl Hoggan
Sterling Murdock
Sidney Ashcraft
LeMoyne Barney

MICROFILMED
NOV 01 1990
NOV 15 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
*ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

June 8, 1990

RECEIVED
JUN 11 1990
Department of Water Resources

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Transfer Applications of Holley Water Users Ass'n

Dear Mr. Saxton:

I have reviewed your letter of May 25, 1990 regarding the proposed conditions for the Holley Water Users' Association transfers and have forwarded copies to Kent Foster and the landowners involved.

Let me first point out that the stipulation entered into by Mr. Larsen and the other parties encompasses Transfer Application Nos. 3654 and 3680 and also the Murdock well. Therefore, the Department should include the same conditions in each transfer approval.

Although the Department's retained jurisdiction language does not coincide with that contained in the stipulation which all the parties have now signed, Mr. Larsen would not object to the Department retaining jurisdiction for a period of not more than five years. We believe that the other parties likely would agree to this condition as well. We expect that if they do agree, they will write to me and convey their intention that the stipulation be considered amended to reflect the 5-year retained jurisdiction condition the Department has proposed.

We suggest, however, that your proposed condition no. 3 read as follows:

> The director retains jurisdiction of this transfer for up to five years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose

MICROFILMED
NOV 01 1990
NOV 25 2002

I hope that these revised conditions are satisfactory to both parties. Please do not hesitate to contact me if you have additional questions or concerns.

Sincerely,

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
NOV 01 1990

NOV 2 5 2002

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

June 12, 1990

Mike Creamer
Givens, Pursley, Webb & Huntley
277 N 6
Boise, ID 83702

RE: Transfer Applications of Holley Water Users Association
Transfer Application No.s 3654 & 3680

Dear Mr. Creamer:

I have reviewed your letter of June 8, 1990 concerning the Department's proposed conditions for the above referenced transfers.

In response to your comments and concerns, I first wish to state that my previous correspondence did not reference transfer no. 3680 simply because the stipulation which you asked the Department to review did not reference this latter transfer application. Since both transfers are similar in nature and a protest is pending between the same parties, the Department will extend similar conditions to transfer no. 3680.

In regard to our proposed condition no.3, the five year period for retained Department jurisdiction is standard. The additional language which you proposed seems acceptable and can be incorporated with our proposed condition.

The language of our proposed condition no. 4 was chosen with the intent to prevent expansion by limiting the diversion rate and volume, without specifying exact measurements, to an amount commensurate with actual beneficial use. This condition is a variation of a more standard condition that the Department often uses when issuing licenses and approving transfers. The Department understands that one of the parameters of beneficial use is the total number of irrigated acres identified by the transfers. Holly Water Users will be required to reduce their pumping by the same amount that certain individuals (i.e. Bybee, Murdock etc.) propose to divert at their new points of diversion. The Department will add the last two sentences as you have proposed to condition no. 4.

MICROFILMED
NOV 01 1990
NOV 15 2007

31-032
31-0371

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

June 14, 1990

RECEIVED
JUN 15 1990
Department of Water Resources

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Transfer Applications of Holley Water Users' Ass'n Nos. 3654 and 3680

Dear Mr. Saxton:

We have received your letter of June 12, 1990. Based on our understanding of the Department's intent regarding the proposed conditions as stated in your letter, we would not object to their inclusion in approvals of the Holley transfers.

To clarify our understanding, the conditions would be applied to the Holley Water Users' Ass'n transfers involving the Holley, Murdock, Bybee, Hoggan and Ashcraft wells that are referenced in the stipulation between those parties and Mr. Larsen. Condition number 3 in your May 25 letter would follow the language which we proposed in our June 8, 1990 letter. Condition number four would contain the language which you originally proposed, supplemented by the last two sentences of our proposed language.

I will forward a copy of your letter to the other parties. Upon notification from them that they will agree with this language, we will forward an executed stipulation to the Eastern Region along with a withdrawal of the protests filed by Mr. Larsen.

Sincerely,

Michael C. Creamer

MICROFILMED
NOV 01 1990

MCC/mcc
cc: Blaine Larsen
Kent Foster

SCANNED
NOV 15 2002

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: June 28, 1990

RE: HOLLEY TRANSFERS NO.S 3645, 3654, & 3680

==========

Based on correspondence between the Department and party protesting the above transfers, and the proposed stipulation agreement between the protesting party and applicant Holley Water Users Association, the following conditions of approval are recommended:

Proposed Conditions of Approval:

1. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under Right No.s 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cummulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under right no.s 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

MICROFILMED

NOV 01 1990

NOV 15 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 8th day of ~~June~~ August, 1990, I served the foregoing STIPULATION upon:

Holley Water Users Association
c/o LeMoyne Barney
Hamer, ID 83425

Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, ID 83720

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

Sidney Ashcraft
2104 East 1800 North
Hamer, ID 83425

Mr. Blaine Larsen
c/o Kevan Varin
Blaine Larsen Farms
Box 188
Hamer, ID 83425

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

Michael C. Creamer

MICROFILMED
NOV 21 1990

NOV 25 2002

ROBERT B. BYBEE

Robert B. Bybee

CARL HOGGAN

Carl Hoggan

STERLING MURDOCK

Sterling Murdock

SIDNEY ASHCRAFT

Sidney Ashcraft

PROTESTANTS: BLAINE LARSEN, LARSEN FARMS AND LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

MICROFILMED
NOV 01 1990
NOV 7 5 2002

with respect to Bybee shall apply to the Murdock and Hoggan/Ashcraft wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose a reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan/Ashcraft wells, pending further or different conditions as specified above.

9. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock and Ashcraft do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

10. In May, 1990, the parties executed a previous version of this Stipulation. This Stipulation contains amendments reflecting concerns of the Department, but otherwise is essentially identical to the earlier version. Nevertheless, upon execution by all the parties hereto, this Stipulation shall be the sole agreement between the parties and shall supersede the prior stipulations entered into by the parties in this matter and all such other prior stipulations shall thereafter be void.

DATED this 8th day of ~~June~~ August, 1990.

APPLICANTS: HOLLEY WATER USERS, INC.

By: LeMoyne Barney
LeMoyne Barney

By: Carl Hoggan
Carl Hoggan, President

MICROFILMED
NOV 01 1990
NOV 15 2007

1057 Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion and that the Department may reserve the right to impose additional or different conditions on the transfers based on evidence provided during the period of retained jurisdiction. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

7. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

The Murdock and Hoggan/Ashcraft transfers

8. Application 3654 also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in the NE 1/4 of section 22, T 6N R 35E, B.M. Application 3680 seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the proposed site of a well to be located in the W 1/2, SE 1/4 of section 2, T 6N R 35E, BM, being land belonging to Ashcraft. (the "Hoggan/Ashcraft well"). The Hoggan/Ashcraft well will be used to irrigate land belonging to both Hoggan and Ashcraft. Larsen agrees to withdraw his protest as to these proposed transfers, as he will with respect to the Bybee transfer, provided that all the above terms specified

MICROFILMED
NOV 01 1990
NOV 15 2007

protest to the transfer application upon the Department's approval of the transfers subject to the condition that the Department expressly retains jurisdiction over this matter for up to, but not more than five years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury. During such five year period, the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition. The parties agree to the inclusion by the Department of a condition requiring that the cumulative rate of diversion and annual volume diverted under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use described in the transfer applications so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. The parties also agree that such condition may also provide that unless and until the Department imposes a different restriction,

MICROFILMED
NOV 01 1990
NOV 15 2002

Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 6N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in the S 1/2, SE 1/4 of section 10 and the N 1/2, NE 1/4 of section 15, T 6N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that their respective transfers may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. These transfers may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well.

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his

MICROFILMED
NOV 01 1990
NOV 15 2002

RECEIVED
AUG 10 1990
Department of Water Resources
Eastern District Office

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

IN THE MATTER OF APPLICATION FOR TRANSFER NOS. 3654 AND 3680 OF HOLLEY WATER USERS ASSOCIATION	STIPULATION

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Robert B. Bybee ("Bybee"), Carl Hoggan ("Hoggan"), Sterling Murdock ("Murdock"), Sidney Ashcraft ("Ashcraft") and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby agree and stipulate as follows:

1. Holley and Bybee jointly filed Application for Transfer of Water Right No. 3654 ("application") and Holley and Hoggan/Ashcraft jointly filed Application for Transfer No. 3680 with the Idaho Department of Water Resources ("Department") on January 17, 1990 and February 16, 1990 respectively. Larsen timely filed protests to the applications.

2. Application 3654 seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of section 25, T 7N R 35 E, Boise Meridian (the "Holley

MICROFILMED
NOV 01 1990
NOV 25 2002

24-Aug-1990

MICHAEL CREAMER
P.O. BOX 2720
BOISE, ID 83701

Dear Mr. Creamer:

I have reviewed the stipulation you sent in reference to transfers No.'s 3654 & 3680 for the Holley Water Users Association. In the Bybee action, I find that some of what the parties agreed to is probably not within the jurisdiction of the Department. One such item would be the inspection guarantee implied in the first paragraph of page 4.

I've included a list of conditions that I feel are necessary on the transfer and that also parallel most of your clients concerns. I would appreciate your review and response within 30 days in order to facilitate recommending approval of the transfer application or setting a conference/hearing date.

Sincerely,

HAROLD W. JONES
Water Rights Super

HWJ/rb

Ron, this is a draft letter & attachment that Im preparing to send to Larsen's attorney. Any Comments.

HWJ

Conditions similar to mine already discussed by Creamer & Glen

MICROFILMED
NOV 01 1990

NOV 25 2002

1990
STANDARD CONDITIONS OF APPROVAL

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

2. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

3. Use of water under this permit is subject to control by the watermaster of State Water District No. 31.

4. This permit is subject to the agreement dated 8-8-90 between permit holder and protestant to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MICROFILMED
NOV 01 1990

NOV 25 2002

Form 222a
6/78

11-27 to 1100

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

1. Right number 31-0331/0371 Applicant Valley Water Users Assoc.
2. Type of right: ☑ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☑ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☐ Other _____
4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☐ Purpose ☐ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☑ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use. (SEE MEMO)
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments _____
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) ~~NO CHANGE~~
   j. ☑ Is use within a Watermaster District? ☑ Yes ☐ No
      If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 12-10-90 Received on _____
2. Is transfer published correctly? ☑ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

AOP 1-7-91
Copy to Mike Creamer
Copy to State office
Copy of ad to A.J.

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* Attached
4. By RDC Date 4/29/91

RECEIVED
MAY 03 1991
Department of Water Resources

** All uses within Watermaster Districts require special conditions.*

CANCELLED
NOV 25 2002

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 10	SWSW	TORGERSON WELL (NEW)
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	NESE	HOGGAN WELL (NEW)
		SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9	E1/2SE1/4	76.6 ACRES
	SEC 10	W1/2SW1/4, SESW	95.9 ACRES
	SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before **JANUARY 7, 1991.**

R. Keith Higginson
Director

Published in the Lewiston Morning Tribune on **DECEMBER 20 & 27, 19**

MAY 30 199

NOV 25 2002

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 10	SWSW	TORGERSON WELL **(NEW)**
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	NESE	HOGGAN WELL **(NEW)**
		SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9	E1/2SE1/4	76.6 ACRES
	SEC 10	W1/2SW1/4, SESW	95.9 ACRES
	SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before **JANUARY 7, 1991.**

R. Keith Higginson
Director

Published in the TIMES NEWS on DECEMBER 20 & 27, 1990.

RECEIVED
MAY 30 1991
RECEIVED
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11,	N1/2
T 6N, R 35E, B.M.	SEC 1,	NWNW
	SEC 2,	N1/2, SW1/4, W1/2SE1/4
	SEC 3,	E1/2SE1/4
	SEC 9,	E1/2SE1/4
	SEC 10,	NENE, S1/2NE1/4, SENW, S1/2
	SEC 11,	W1/2
	SEC 14,	N1/2SW1/4
	SEC 15	
	SEC 22,	NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35,	NESW, S1/2SW, SE1/4
	SEC 36,	NESW, W1/2SW

RECEIVED
MAY 30 1991

RECEIVED
NOV 25 2002

10-Dec-1990

THE TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED
MAY 30 1991
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11,	N1/2
T 6N, R 35E, B.M.	SEC 1,	NWNW
	SEC 2,	N1/2, SW1/4, W1/2SE1/4
	SEC 3,	E1/2SE1/4
	SEC 9,	E1/2SE1/4
	SEC 10,	NENE, S1/2NE1/4, SENW, S1/2
	SEC 11,	W1/2
	SEC 14,	N1/2SW1/4
	SEC 15	
	SEC 22,	NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35,	NESW, S1/2SW, SE1/4
	SEC 36,	NESW, W1/2SW

RECEIVED
MAY 30 1991
NOV 25 2002

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 10	SWSW	TORGERSON WELL (NEW)
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	NESE	HOGGAN WELL (NEW)
		SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9	E1/2SE1/4	76.6 ACRES
	SEC 10	W1/2SW1/4, SESW	95.9 ACRES
	SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before **JANUARY 7, 1991.**

R. Keith Higginson
Director

Published in the IDAHO STATESMAN on **DECEMBER 20 & 27, 1990.**

MICROFILMED
MAY 30 1991
NOV 25 2007

10-Dec-1990

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MAY 30 1991

NOV 25 2002

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 10	SWSW	TORGERSON WELL **(NEW)**
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	NESE	HOGGAN WELL **(NEW)**
		SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9	E1/2SE1/4	76.6 ACRES
	SEC 10	W1/2SW1/4, SESW	95.9 ACRES
	SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before **JANUARY 7, 1991.**

R. Keith Higginson
Director

Published in the JEFFERSON STAR on DECEMBER 20 & 27, 1990.

MAY 30 1991

NOV 25 2007

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11,	N1/2
T 6N, R 35E, B.M.	SEC 1,	NWNW
	SEC 2,	N1/2, SW1/4, W1/2SE1/4
	SEC 3,	E1/2SE1/4
	SEC 9,	E1/2SE1/4
	SEC 10,	NENE, S1/2NE1/4, SENW, S1/2
	SEC 11,	W1/2
	SEC 14,	N1/2SW1/4
	SEC 15	
	SEC 22,	NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35,	NESW, S1/2SW, SE1/4
	SEC 36,	NESW, W1/2SW

MODIFIED
MAY 30 1991.

NOV 25 2002

10-Dec-1990

LAMOYNE BARNEY

HAMER ID 83425

RE: Application No. T31-0371/31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the STATEWIDE on DECEMBER 20 & 27, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MAY 30 1991

NOV 25 2002

10-Dec-1990

THE JEFFERSON STAR
PO BOX 37
RIGBY ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MAY 30 199?

NOV 15 2002

10-Dec-1990

MICHAEL T CREAMER
GIVENS, PURSLEY, WEBB & HUNTLEY
SUITE 200 PARK PLACE
277 N 6TH ST
PO BOX 2720
BOISE ID 83701

RE: Application NO. T31-0371/31-0331

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is JANUARY 7, 1991, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

MAY 30 1991

NOV 15 2007

10-Dec-1990

DON SHENTON
WATER DIST 31
BOX 33
DUBOIS ID 83423

RE: Application No. T31-0371/31-0331

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is JANUARY 7, 1991, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

RECEIVED
MAY 30 1991
NOV 25 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones Idaho Department of Water Resources Eastern Region 150 West Shoup Street, Suite 15 Idaho Falls, Idaho 83402	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Holley Water Users Association c/o LaMoyne Barney Hammer, Idaho 83425	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Phillip J. Rassier, Esq. Deputy Attorney General Department of Water Resources Statehouse Boise, Idaho 83720	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)
Kent W. Foster, Esq. Holden, Kidwell, Hahn & Crapo 330 Shoup Avenue Third Floor, Idaho First National Bank Bldg. Idaho Falls, Idaho 83402	____ HAND DELIVER __X__ U.S. MAIL ____ OVERNIGHT MAIL ____ TELECOPY (FAX)

Michael C. Creamer

RECEIVED
MAY 30 1991

RECEIVED
NOV 15 2002

use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss or other factors;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversions in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 20th day of December, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Michael C. Creamer

Jeffrey C. Fereday
Michael C. Creamer

MAY 30 1991

NOV 25 2002

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

RECEIVED
DEC 2 1 1990
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR TRANSFER OF HOLLEY WATER RIGHT NOS. 31-0371 AND 31-0331 BY THE WATER USERS ASSOCIATION	)	**PROTEST**

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to new points of diversion and places of use described in the application as the Ronald Torgerson place of use and the Carl Hoggan place of use. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

MAY 30 1991

2. The transfer will result in enlargements of both the place and period of

NOV 7 5 2002

28 December 1990

Carl Hogan
1968 East 1800 North
Hamer, Idaho 83425

RE: Amended Adjudication Claims for Holly Water Users Association

Dear Mr. Hogan:

Enclosed are the amended adjudication claims for Holly Water Users Association. The place of use within the SE1/4 of Sec 35, T07N, R35E, has been changed to reflect the 132 acres that are to be irrigated by the pivot. Please sign the last page on each water right in front of a notary, then return the adjudication claims to me so that they can be properly filled.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MAY 3 0 1991

NOV 2 5 2002

APPLICATION FOR TRANSFER OF

WATER RIGHT NO 31-0321/
31-0331/

JAN
Department of Water Resources
Eastern District Office

WATER DISTRICT 31

WATERMASTER Donald W. Shenton

DATE: 1/4/91

COMMENTS: There is some controversy with in the Canal Co, But I feel as water master that conditions haven't changed to make my endorsement change from the last endorsements of well water transfers of the last two years.

X I do endorse approval of this change.

___ I do not endorse approval of this change.

I recommend the following conditions of approval:

Donald W. Shenton
Watermaster

MAY 30 1991

NOV 25 2002

January 11, 1991

RE: Application for Transfer No. 31-0371/0331 HOLLEY WATER USERS
TORGERSON/HOGGAN WELLS

Mr. Michael C. Creamer
Attorney at Law
PO Box 2720
Boise, ID 83701

Dear Mr. Creamer:

This letter acknowledges receipt of the protest filed in behalf of Blaine Larsen and Larsen Farms against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?

2. Does the change constitute an enlargement in the use of the original rights?

3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter. If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

MAY 30 1991

NOV 25 2002

January 11, 1991

RE: Application for Transfer No. 31-0371/0331
TORGERSON/HOGGAN WELLS

LaMoyne Barney
Holley Water Users Association
Hamer, ID 83425

Dear Mr. Barney:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office
Kent Foster, Attorney

RECEIVED
MAY 30 1991

RECEIVED
NOV 25 2002

LAW OFFICES OF
BRECK BARTON & ASSOCIATES, P.A.
305 WEST MAIN
REXBURG, IDAHO 83440

JAN 29 1991
Department of Water Resources
Eastern District Office

BRECK H. BARTON
P.O. BOX 100
(208) 356-4880

January 24, 1991

Mr. Harold Jones
Idaho Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, ID 83402

RE: Holley Water Users Association/Ron Torgerson

Dear Harold:

I understand from our conversation of January 24, 1991, that Blaine Larson Farms, the protestant in the application of Holley Water Users for change in point of diversion and Carl Hoggan Property and Ron Torgerson property has not filed a conditional withdrawal protest but, nevertheless, has suggested that a stipulation could be reached that would facilitate withdrawing the protest as was reached with the Holley Water Users Association by the protestant and other transfer applications. As I explained, the pending transfer application is for the benefit of Carl Hoggan and Ron Torgerson and that the issues as they pertain to each separate beneficiary may be different. I also explained that Ron was very anxious due to financial commitments to get his pivot system erected and be ready for irrigation this spring and of course he can't do that until he gets a permit for the drilling of a new well.

I understand you will speak with Mr. Carlson and will attempt to arrange a hearing on this matter at Mr. Carlson's earliest convenience. Hopefully that will precipitate further discussion between the water users association and counsel for the protestant that may result in a stipulation being executed. I also understand you will visit with Ron about the potential of some type of conditional approval for either Part A or Part B of the application so that if hearing in fact does take place issues not germane to both applicants would not hold the other approval up.

As indicated in our conversation, I will stop by the office this coming Monday between 3:00 and 3:30. If I get held up, I will try and give you a call so that you won't be delaying other pressing matters that I know you have. I appreciate the opportunity of meeting with you and having you help me with the transfer application.

Best regards,

Breck Barton
BB/cb

MAY 30 1991

NOV 25 2002

CERTIFICATE OF MAILING

I, hereby certify that on this 25th day of January, 1991, I mailed a true and correct copy by certified mail, postage prepaid, of this Notice of Conference for Application for Transfer No. 31-0371/31-0331 in the name of Holley Water Users and No. 31-2235 in the name of Monteview Canal Company:

LaMoyne Barney
Holley Water Users
Hamer, ID 83425

Blaine Larsen
Larsen Farms
P.O. Box 188
Hamer, ID 83425

Breck Barton
Attorney at Law
P.O. Box 100
Rexburg, ID 83440

Dale Cope, President
Monteview Canal Company
Monteview, ID 83435

Michael C. Creamer
Attorney at Law
P.O. Box 2720
Boise, ID 83701

Kent W. Foster
Attorney at Law
P.O. Box 50130
Idaho Falls, ID 83405

Notice not sent by certified mail:

Don Shenton, Watermaster
P.O. Box 33
Dubois, ID 83423

Colleen Wray

COLLEEN WRAY
Adm. Assistant
Department of Water Resources

JAN 1991

RECEIVED
NOV 25 2002

purpose of this conference will include:

1. Identification and/or simplification of issues.
2. Obtaining admissions of fact and of documents which will avoid unnecessary proof.
3. Arranging for the exchange of proposed exhibits.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the conference.

The conference will be held in accordance with provisions of the adopted Rules of Practice and Procedure of the Department of Water Resources.

Dated this 25th day of January, 1991.

RONALD D. CARLSON
Eastern Regional Manager

MICROFILM
MAY 30 1991

RECEIVED
NOV 15 2007

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 31-0371/31-0331 THE IN NAME OF HOLLEY WATER USERS ASSOCIATION	NOTICE OF CONFERENCE

On August 8, 1990, Holley Water Users Association, Hamer, Idaho filed an application with the Department of Water Resources to add points of diversion and change places of use for Ron Torgerson and Carl Hoggan through Transfer No. 31-0371/31-0331 of the public waters of the State of Idaho. The application proposes to divert water from ground-water sources with a point of diversion within the SW1/4SW1/4, Sec. 10, T. 6N, R. 35E for the irrigation of 250 acres within the E1/2SE1/4, Sec. 9, W1/2SW1/4, SE1/4SW1/4, Sec. 10, N1/2NW1/4, Sec. 15, T. 6N, R. 35E, B.M. (Torgerson well); and within the NE1/4SE1/4, Sec. 35, T. 7N, R. 35E, for the irrigation of 132 acres within the SE1/4, Sec. 35, T. 7N, R. 35E, B.M. (Hoggan well). On December 21, 1990, the Department received a protest against approval of said application from Michael C. Creamer, Attorney at Law, in behalf of Blaine Larsen, Larsen Farms and Larsen of Idaho.

The Department has set the matter of protest for an administrative conference to be conducted at 10:00 a.m. on Thursday, February 14, 1991, in the Second Floor Conference Room, State Office Building, 150 Shoup, Idaho Falls, Idaho. The

RECEIVED
MAY 30 1991

NOV 25 2002

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified
☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0544	Dr. City Water Users Rathdrum Library Rathdrum	.25	.85					.90			31-0371/0331
2	0545	Bruce Barton PO Box 100 Kellogg	.25									" "
3	0546	Michael Cramer PO Box 2720 Boise	.45									31-2235 31-0371-0331
4	0547	Elaine Larsen PO Box 188 Hamer	.45									31-2235 31-0371/0331
5	0548	Mail Supv. Montevista Quad Moscow	.25									31-0225
6	0549	Kent Foster PO Box 5130 D.F.	.45	✓					✓			31-0371/0331 31-0225
7												
8				#12.60								
9												
10												
11												
12												
13												
14												
15												

EAGLE ROCK BRANCH IDAHO FALLS JAN 25 1991 USPS

NOV 25 1991

MAY 30 1991

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*
6	6	

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. G.P.O. 1985-478-804

T31-0371/0331 - HOLLEY WATER USERS ASSOC.

Thursday, February 14, 1991 - 1:00 p.m.
Second Floor Conference Room, State Office Building,
150 Shoup, Idaho Falls, ID

Hearing Officer: Ron Carlson

Name	Representing	Address
Carl Hoggan	Holley Water	1968E 1800N
LaMoyne Barney	Holley water	1800E 1548 N
Ronald Tonquist	Holley water	1854N 2500E
Lex Coleman	Holley water	1558 N 1600 E
Dale Cope	Montview Canal	RT 1
Bruce Booth	Ron Hoggan	PO Box 100 Ryby
Kent Foster	Holley Water Users & Montview CC	P.O. Box 50150 Idaho Falls
MICHAEL CREAMER	BLAINE LARSEN (CONFRENCE CALL)	

MICROFILMED
MAY 30 1991

RECEIVED
NOV 25 2002

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing Stipulation upon:

Holley Water Users Association
c/o Lemoyne Barney
Hamer, ID 83425

Breck Barton, Esq.
P.O. Box 100
Rexburg, ID 83440

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

Philip J. Rassier, Esq.
Department of Water Resources
Statehouse
Boise, ID 83720

Karl Hoggan
Holley Water Users Association
Hamer, ID 83425

Blaine Larsen
c/o Kevan Varin
Box 188
Hamer, ID 83425

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

_____

MICROFILMED
MAY 30 1991
NOV 25 2002

Dwain Kirkham
Dwain Kirkham, Director

Kent Foster
Kent Foster, attorney for
Holley Water Users Association

Ronald Torgerson
Ronald Torgerson, personally

Carl Hoggan
Carl Hoggan, personally

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS, AND
LARSEN OF IDAHO

Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer, Attorney in
Fact

MICROFILMED
MAY 30 1991
NOV 25 2007

in this stipulation.

12. In entering into this stipulation, Larsen, Holley, Torgerson and Hoggan do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

13. This stipulation is distinct from, and does not affect, that stipulation between Larsen, Holley, Hoggan, Bybee, Murdock and Ashcraft regarding Holley's Application for Transfer Nos. 3654 and 3680, which was executed on August 8, 1990.

14. The Department may issue a well driller's permit to Torgerson and/or Hoggan pending resolution of the protest of Larsen. The permit shall state as a condition that the cumulative rate of diversion under such permit or permits shall be subject to the conditions of paragraph 7 of this stipulation.

DATED this 7th day of March, 1991.

APPLICANTS

HOLLEY WATER USERS, INC.

By LeMoyne Barney
LeMoyne Barney

By Carl Hoggan
Carl Hoggan, President

Ronald Torgerson
Ronald Torgerson, Director

Rex Coleman
Rex Coleman, Director

MICROFILMED
MAY 30 1991

NOV 25 2002

hearing before the Department at any time during the period of retained jurisdiction to present such information or seek such modifications as Larsen deems appropriate. During such five year period, the Department and the parties shall be entitled to investigate and submit information concerning issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage looses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley Wells to cover the Torgerson and Hoggan transfers and to prevent an expansion of use under the Holley rights. Applicants stipulate to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition.

The parties agree to the inclusion by the Department of a condition requiring that the cumulative rate of diversion and annual volume diverted under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use described in the transfer applications so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. The parties also agree that such condition may also provide that unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley Wells by the same cumulative amount that the Applicants propose to divert at their new points of diversion, and that the Department may reserve the right to impose additional or different conditions on the transfers based on evidence provided during the period retained

MICROFILMED
MAY 30 1991

jurisdiction.

8. Torgerson and Hoggan agree to make their wells and any diversion or irrigation records they may have available for inspection at all reasonable times by Larsen and the Department to assure that this condition is being met.

9. Holley agrees to make all diversion or irrigation records at their disposal available to the Department upon request of any party to this matter for review by any party. Holley further agrees that they will make available for inspection their wells and/or pumps upon reasonable notice and request by any party to this action. Inspection of Holley's wells and/or pumps may be made by any party to this action but in the event such inspection is desired by Larsen, then Larsen shall be accompanied either by the Department or by Torgerson and/or Hoggan in such inspection.

10. The Department or any court having jurisdiction shall be the decision maker in any factual dispute or difference between the parties to this agreement. Larsen shall not have the authority to dictate to Holley the manner in which Holley runs their irrigation system. Holley shall be the sole entity to determine their system, within the confines of Department directives and orders. Holley shall have the exclusive control of the hiring of their water master and the overseeing of the operation of their irrigation wells and canals, subject to orders of the Department or a court.

11. Holley, Torgerson and Hoggan acknowledge and agree that the Department may, as a result of information submitted by any party during the period of retained jurisdiction, or as a result of its own information, impose conditions beyond those specified

MICROFILMED
MAY 30 1991
NOV 25 2002

Law Offices of
Breck Barton & Associates, P.A.
305 West Main
P.O. Box 100
Rexburg, ID 83440
(208) 356-4880

IN THE MATTER OF)
APPLICATION FOR TRANSFER) STIPULATION
NO._____ OF HOLLEY)
WATER USERS ASSOCIATION)

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Ron Torgerson ("Torgerson") and Karl Hoggan ("Hoggan"), and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby stipulate and agree as follows:

1. Holley, Torgerson, and Hoggan jointly filed an Application for Transfer of Water Right (the "Application") with the Idaho Department of Water Resources ("Department") on November 22, 1990. Larsen timely filed its protest to the application.

The Application seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of Sec. 25, T 7 N, R 35 E, Boise Meridian (the "Holley Wells"), to a point of diversion for a well which Torgerson wishes to construct in the SW 1/4 of the SW 1/4, Sec. 10, T 6 N, R 35 E. The Application further seeks to transfer the point of diversion for a portion of the water rights decreed to the Holley Wells to a point of diversion for a well which Hoggan intends to construct in the NE 1/4 of the SE 1/4, Sec. 35, T 7 N, R 35 E, Boise Meridian.

MICROFILMED
MAY 30 1991
NOV 25 2002

Law Office
GIVENS, PURSLEY, WEBB & HUNTLEY
Suite 200, Park Place
277 N[illegible] Street
Post O[illegible] Box 2720
Boise, Idaho 83701

Telephone (208) 342-6571
Telecopier (208) 343-9492

TELECOPIER COVER SHEET

DATE: March 7, 1991

TIME: 3:20 pm

TO: HAROLD JONES

FIRM: IDAHO D[illegible]RTMENT OF WATER RESOURCES - EASTERN REGION

RE: Holley Water Users Stipulation

[illegible]JMBER: 525-7177

F[illegible]ICHAEL C. CREAMER

CL[illegible]N 1207-17

TOTAL PAGES (INCLUDING COVER SHEET): 8

MICROFILMED
MAY 30 1991

* * * * * * * [illegible]RTANT MESSAGE * * * * * * * *

[illegible]TAINED IN THIS FA[illegible] [illegible]E IN ATTOR[illegible] [illegible]D AND CONFIDENTIAL INFORMATION [illegible]
[illegible] THE INDIVIDUAL [illegible] [illegible]F THE READE[illegible] [illegible]SSAGE IS NOT THE INTENDED RECIPIEN[illegible]
[illegible]NT RESPONSIB[illegible] [illegible] [illegible]O THE INT[illegible] [illegible]IPIENT, YOU ARE HEREBY NOTIFIED THAT [illegible]
[illegible] [illegible]RIBUTION OR COPYING OF [illegible] [illegible]MUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED [illegible]
[illegible] [illegible], PLEASE [illegible] [illegible] [illegible]US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] YOU.

[illegible] 2002

April 11, 1991

RE: Application for Transfer No. 31-0371/31-0331
HOLLEY WATER USERS/Torgerson & Hoggan

Mr. Michael C. Creamer
Attorney at Law
P.O. Box 2720
Boise, ID 83701

Dear Mr. Creamer:

Based upon the Stipulation dated March 7, 1991, the Department has considered the protest against the above referenced application resolved. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: Holley Water Users Assoc.
Carl Hoggan
Ronald Torgerson
Kent Foster, Attorney

NOV 25 2002 MAY 30 1991

Attached Conditions

CONDITIONS OF APPROVAL

<<20A>> This permit is subject to the agreement dated <date> between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

1. Use of water under this right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

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

3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.

4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

7. 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.

Dated this 29th of October, 1990.

L. Glen Saxton
Chief, Water Alloc. Bureau

CANCELLED
NOV 25 2002

MAY 30 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: May 8, 1991

RE: TRANSFER APPS. 3680 & 3787/RIGHT NO.S 31-0331 & 31-0371
HOLLEY WATER USERS

==========

Both of the above transfer applications will add points of diversions to Holley Water Users rights 31-0331 and 31-0371. These transfers are the same as approved transfers 3654, 3645 and 3517. Wells are being drilled by individual users within the Holley group in order to reduce conveyance losses.

Since both transfers were protested by the same party that protested transfer no. 3654, I recommend using the same conditions that were used with approval of that transfer. These conditions are attached to this memo. There should also be three additional conditions. One is standard transfer condition no. T09 shown below. The second is proposed condition no. 20A on the attached list of conditions. This latter condition was recommended by the region (there is no need to add this condition to the permanent list of conditions).

The third condition is more of a remark and is shown below. This remark has been added in order to clarify the intent of the transfer and record place of use changes which will be accomplished.

<<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.

Transfer no.s 3680 & 3787 add place of use descriptions to right no.s 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

MAY 30 1991

NOV 25 2002

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
CHRISTOPHER J. BEESON
JOANN C. BUTLER†
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
†ADMITTED ONLY IN ILLINOIS

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

JAMES A. McCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

May 13, 1991

RECEIVED
MAY 16 1991
Department of Water Resources
Eastern District Office

Mr. Harold Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Ave.
Suite 15
Idaho Falls, ID 83402

RE: Holley Water Users/Torgerson & Hoggan Transfers

Dear Mr. Jones:

I have received your letter of April 11, 1991 regarding the above-referenced transfers in which you state that, based on the stipulation between Mr. Larsen and the transfer applicants, the Department considers the Protest against the application resolved and has resumed processing their application.

I am assuming that this means that the Department will not require a Withdrawal of Protest to be filed. I see no problem with this approach, and agree that the application can be processed on the understanding that the processed application, if approved by the Department, will contain conditions that conform with those to which the parties stipulated, and the understanding that Larsen may request and obtain a hearing during the five year period of retained jurisdiction and submit additional information to the Department regarding conditions on the transfer.

If my understanding of the facts is not correct, please advise me immediately.

Sincerely,

Michael C. Creamer

MCC/mcc
cc: Kevan Varin
Kent Foster
Breck Barton

SCANNED
NOV 25 2002
MAY 20 1991

May 22, 1991

RE: Transfer of Water Right No. 31-0331/0371

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

Dear Water Right Holder(s):

Enclosed are a copies of your approved Applications for Transfer of the above referenced water rights (Transfer Nos. 3680 and 3787). Be sure to note any conditions of approval as listed on the second pages.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED
MAY 30 1991

NOV 25 2002

Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Dennis M Dunn

1. Right number 31-0371 31-0331 Applicant Holley Water Users Association
2. Type of right: ☑ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion (☑) Add diversion point(s) ☐ Change place of use
   ☑ Other To reduce transmission losses
4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments No expansion H.B.P. 3-14-89 H-24-89
   i. ☐ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) None
   j. ☑ Is use within a Watermaster District? ☑ Yes ☐ No
      If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on 3-14-89
2. Is transfer published correctly? ☑ Yes ☐ No
3. Protest received? ☐ Yes ☑ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* 05(31 Mud Lake & Trib) 01
4. By _____ Date 6/27/89

RECEIVED
MAY 05 1989
Department of Water Resources

Jlm 6-27-89

NOV 25 2002

** All uses within Watermaster Districts require special conditions.*

/ 11-6-89
11-19-89 KCJ

Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

1. Right number 31-0371, 31-0331 Applicant Holley Water Users Association
2. Type of right: ☑ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☑ Add diversion point(s) ☐ Change place of use
   ☐ Other
4. Check:
   a. ☑ Source ☑ Priority ☐ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☑ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☐ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments Expansion under presumptions in a basin-wide adjudication
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) 31-2117 (Camas Ck) 31-7460 App. (Groundwater)
   j. ☑ Is use within a Watermaster District? ☑ Yes ☐ No U.S. Fish & Wildlife Service Portland, OR
      If yes, what district? 31 WMD

FINAL PROCESSING REVIEW BY:

1. Watermaster recommendation requested on _____ Received on 12-12-89
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____
4. By KJC Date 11/22/89

JAN 5 1990
Department of Water Resources

* *All uses within Watermaster Districts require special conditions*

NOV 2 5 2002

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	35E	1	40	40	40	40	40	40	40	40									N½
	35E	1						40											N½ NW¼
		2	40	36	40	40	40	40	40	40	39	40	40	38		40	40		N½, SW¼, W½ SE¼
		3													38			40	E½ SE¼
		7													40			40	E½ SE¼ NENE, S½ NE¼
		10	40		40	40				40	40	35	40	40	40	40	40	40	SE¼, S½
		11					39	38	40	40	39	40	40	38					W½
		14									40	40							N½ SW¼
		15	38	31	40	40	40	40	33	40	40	39	40	40	40	40	40	40	SW¼ E½
		22	40	40	40	40	40			40	40				40	40	40	40	NE¼ E½ NW¼ NE¼ SW¼, SE¼
2N	35E	35									25		20	40	30	15	35	21	NE¼ SW¼ SW¼, SE¼
		36									40	39	38						NE¼ SW¼, W½ SW¼

Total number of acres irrigated _____

MICROFILMED
NOV 01 1990
SCANNED
NOV 25 2002

3/83

IDENT. NO 31 371 & 31-0331

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
RB	2-8-89	Original form entered
"	"	Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Updated
		Transfer Updated
		Keypunched by State Office

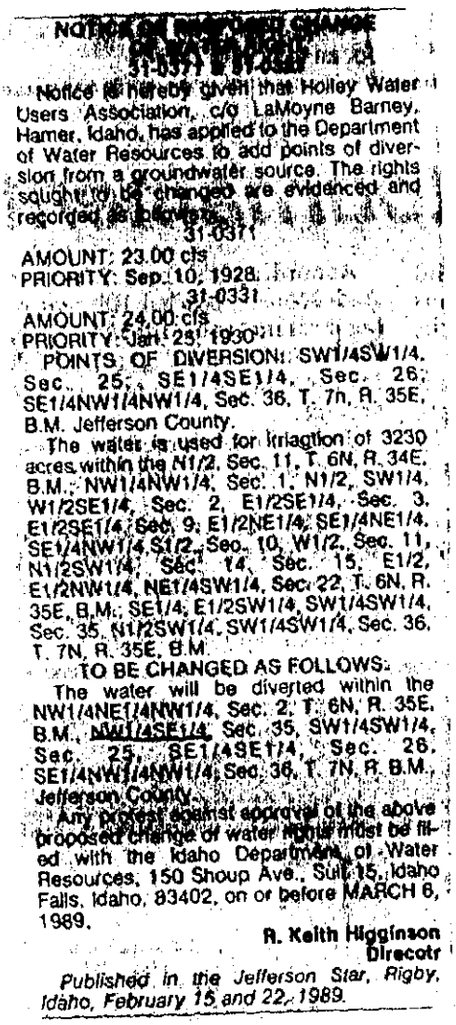
NOV 25 2002

water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before MARCH 6, 1989.

R. Keith Higginson

Director

Published in the JEFFERSON STAR February 15 & 22, 1989



NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS
31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, c/o LaMoyne Barney, Hamer, Idaho, has applied to the Department of Water Resources to add points of diversion from a groundwater source. The rights sought to be changed are evidenced and recorded as follows:

31-0371

AMOUNT: 23.00 cfs
PRIORITY: Sep. 10, 1928.

31-0331

AMOUNT: 24.00 cfs
PRIORITY: Jan. 25, 1930

POINTS OF DIVERSION: SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7n, R. 35E, B.M. Jefferson County.

The water is used for irriagtion of 3230 acres within the N1/2, Sec. 11, T. 6N, R. 34E, B.M., NW1/4NW1/4, Sec. 1, N1/2, SW1/4, W1/2SE1/4, Sec. 2, E1/2SE1/4, Sec. 3, E1/2SE1/4, Sec. 9, E1/2NE1/4, SE1/4NE1/4, SE1/4NW1/4, S1/2, Sec. 10, W1/2, Sec. 11, N1/2SW1/4, Sec. 14, Sec. 15, E1/2, E1/2NW1/4, NE1/4SW1/4, Sec. 22, T. 6N, R. 35E, B.M., SE1/4, E1/2SW1/4, SW1/4SW1/4, Sec. 35, N1/2SW1/4, SW1/4SW1/4, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. B.M., Jefferson County.

Any protest against approval of the above proposed change of water rights must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suit 15, Idaho Falls, Idaho, 83402, on or before MARCH 6, 1989.

R. Keith Higginson
Direcotr

Published in the Jefferson Star, Rigby, Idaho, February 15 and 22, 1989.

AUG 18 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, c/o LaMoyne Barney, Hamer,Idaho, has applied to the Department of Water Resources to add points of diversion from a groundwater source. The rights sought to be changed are evidenced and recorded as follows:

31-0371 AMOUNT: 23.00 cfs PRIORITY: Sep. 10, 1928

31-0331 AMOUNT: 24.00 cfs PRIORITY: Jan. 25, 1930

POINTS OF DIVERSION: SW1/4SW1/4, Sec. 25; SE1/4SE1/4, Sec. 26; SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E, B.M. Jefferson County

The water is used for irrigation of 3230 acres within the N1/2, Sec. 11, T. 6N, R. 34E, B.M.; NW1/4NW1/4, Sec. 1, N1/2, SW1/4, W1/2SE1/4, Sec. 2, E1/2SE1/4, Sec. 3, E1/2SE1/4, Sec. 9, E1/2NE1/4, SE1/4NE1/4, SE1/4NW1/4, S1/2, Sec. 10, W1/2, Sec. 11, N1/2SW1/4, Sec. 14, Sec. 15, E1/2, E1/2NW1/4, NE1/4SW1/4, Sec. 22, T. 6N, R. 35E, B.M.; SE1/4, E1/2SW1/4, SW1/4SW1/4, Sec. 35, N1/2SW1/4, SW1/4SW1/4, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4SW1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. B.M., Jefferson County.

MICROFILMED
AUG 18 1989
NOV 25 2002

Any protest against approval of the above proposed change of

RECEIVED
SEP 10 2001
Department of Water Resources

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

In Re SRBA)
)
Case No. 39576)
)
)
)
_____)

A. Subcase 31-00327
(Insert water right number)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. **NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Mud Lake Water Users, Inc.
Address: 1400 E. 1500 N.; P.O. Box 68; Terreton, Idaho 83450
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

SCANNED
NOV 25 2002

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☒ **Point(s) of Diversion**
   Should be: See attached

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☐ **Place of Use**
   Should be: _____

11. **I object because:**

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. One of the claimed PODs does not exist. See attached POD. Claimant's water right should not include this POD.

SCANNED
NOV 25 2002

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 7, 2001

Linda C. Buck

Notary Public for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2005

LINDA C. BUCK NOTARY PUBLIC STATE OF IDAHO

31-00327

SCANNED
NOV 2 5 2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 7 , 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Mud Lake Water Users, Inc.
Address: 1400 E. 1500 N.; P.O. Box 68; Terreton, Idaho 83450
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

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

Signature of Objector or attorney mailing on Objector's behalf

SCANNED
NOV 25 2002

05/04/2001

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

RIGHT NUMBER: 31-327

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

SOURCE: GROUND WATER TRIBUTARY

QUANTITY: 110.000 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 200 CFS. FROM MAY 1 THROUGH NOV 1. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 287 CFS FROM MAY 1 THROUGH NOV 1. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-11430.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH NOV 1 AND A TOTAL COMBINED DIVERSION RATE OF 643.21 CFS FROM MARCH 1 THROUGH APRIL 30 WHEN AUTHORIZED BY AN EARLY PUMPING PLAN APPROVED BY THE WATERMASTER. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 73389.5 AF. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 174,269.3 ACRE FEET. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.

PRIORITY DATE: 10/14/1940

POINT OF DIVERSION

T07N R34E S13 SWSWNE Within JEFFERSON County
T07N R34E S13 SESE Within JEFFERSON County
T07N R34E S23 SENENE Within JEFFERSON County
T07N R34E S24 SWNENE Within JEFFERSON County
T07N R34E S24 NENWNE Within JEFFERSON County
T07N R34E S24 SWNWNW Within JEFFERSON County
T07N R35E S13 SWSWSW Within JEFFERSON County
T07N R35E S14 SESE Within JEFFERSON County
T07N R35E S14 SESE Within JEFFERSON County
T07N R35E S18 SWSW Lot 4 Within JEFFERSON County
T07N R35E S19 NWNW Lot 1 Within JEFFERSON County
T07N R35E S19 NENWNW Lot 1 Within JEFFERSON County
T07N R35E S19 NESWNW Lot 2 Within JEFFERSON County
T07N R35E S19 NESENW Within JEFFERSON County
T07N R35E S22 SENESE Within JEFFERSON County
T07N R35E S23 SWNWSW Within JEFFERSON County
T07N R35E S23 SWSW Within JEFFERSON County
T07N R35E S25 NWSWSW Within JEFFERSON County
T07N R35E S25 NWSWSW Within JEFFERSON County
T07N R35E S25 NWSWSW Within JEFFERSON County

Issue:
Circled points of diversion are on public land

SCANNED
NOV 25 2002

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

T07N R35E S25 SWSWSW Within JEFFERSON County
T07N R35E S25 SWSWSW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 NESESW Within JEFFERSON County
T07N R35E S25 SESESW Within JEFFERSON County
T07N R35E S25 SENWSE Within JEFFERSON County
T07N R35E S26 NESESE Within JEFFERSON County
T07N R35E S26 NWSESE Within JEFFERSON County
T07N R35E S27 NWNE Within JEFFERSON County
T07N R35E S36 NENW Within JEFFERSON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		
DIVERSION TO STORAGE	05-01 11-01	110.000 CFS

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 24261.3.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330,31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185,31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363 (OWI SBY DIVISION SURFACE WATER), 31-134, 31-135, 31-143, 31-144, 13-190, 31-192, (JACKETT DIVISION SURFACE WATER), 31-344, 31-345, 31-[illegible], 31-[illegible], 31-[illegible], 31-[illegible], 31-10958, 31-10959, 31-10960, 31-10961, 31-10962 (HOLLEY DIVISION SURFACE WATER).

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

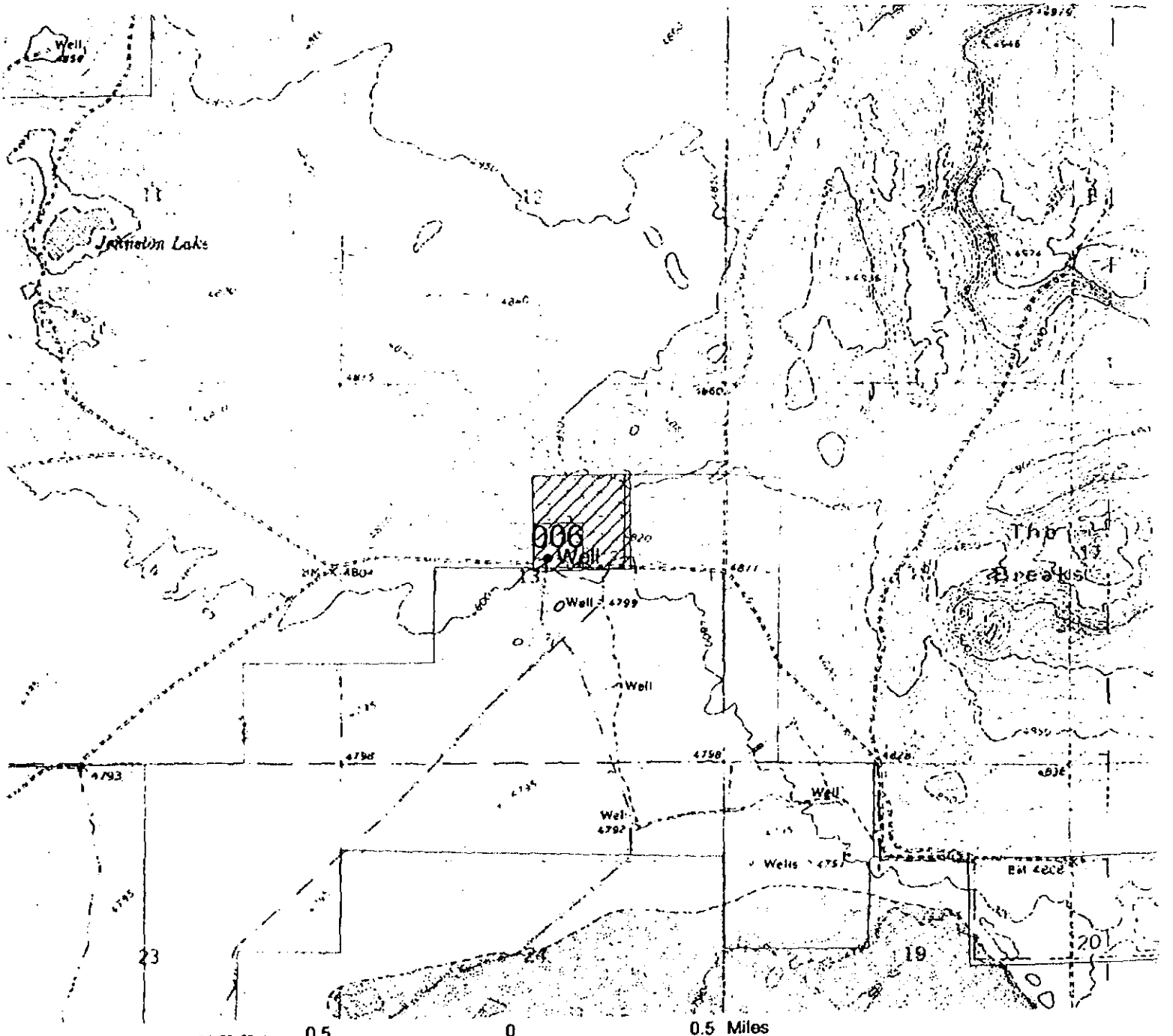
THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT NUMBER 307626.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

SCANNED
NOV 25 2002

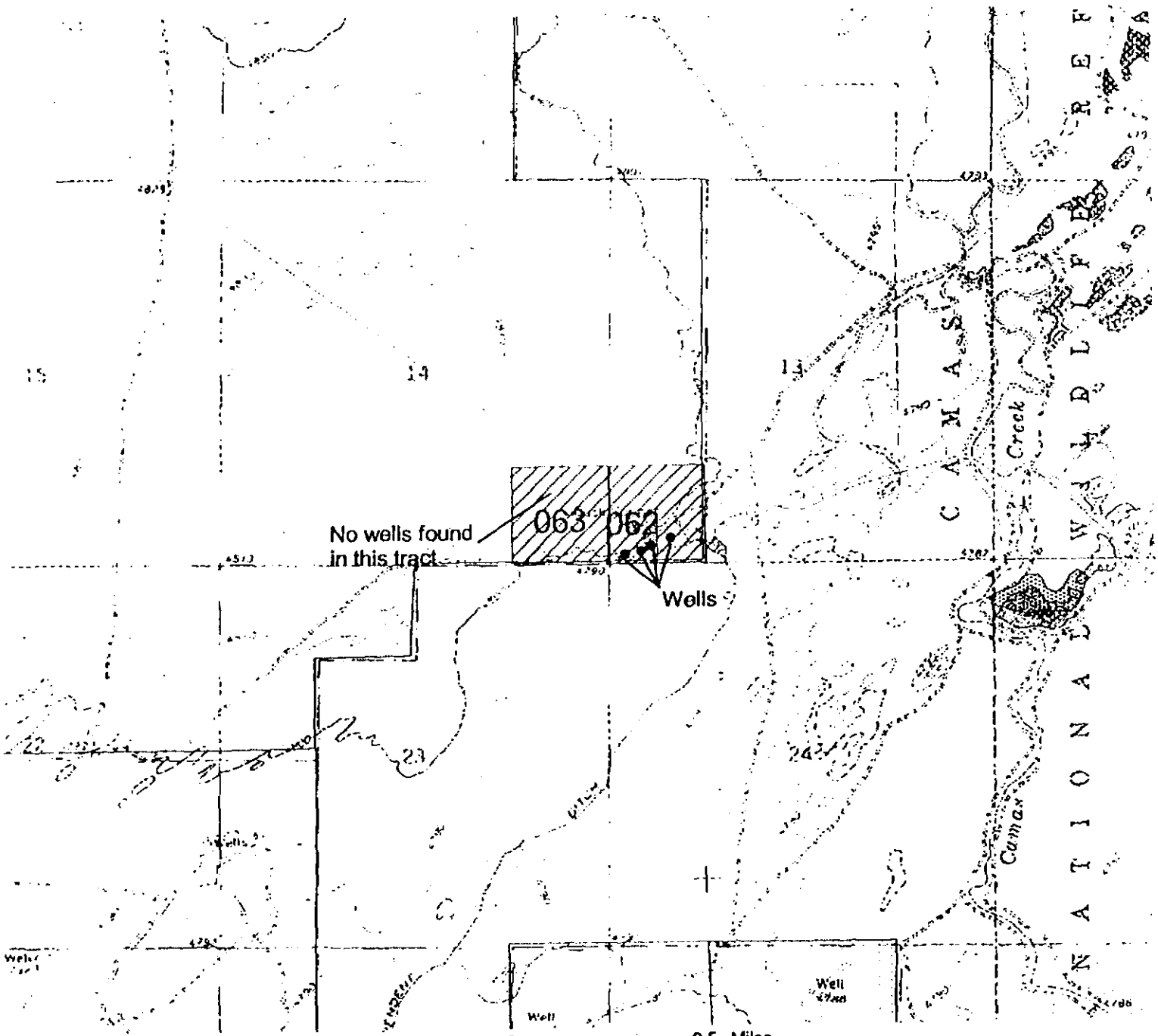
Basin 31 - Private Irrigation Claims Filed in the SRBA With PODs/POUs on Public Land
Mud Lake Water Users, Inc. (Claimant)
31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-229
31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005
T.07N, R.34E, S.13 SWSWNE (Map ID #006) (POD - well)
Mud Lake NW Quad



DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
Projection Universal Transverse Mercator
Zone 12, 1927 North American Datum
No warranty is made by the Bureau of Land Management
as to the accuracy, reliability, or completeness of
this data for individual or aggregate use with other data.
Prepared by Deena Teel on 7/18/2001 from digitized data and
GPS data collected on 7/3/2001.

NOV 2 5 '01

Basin 31 - Private Irrigation Claims Filed in the SRBA With PODs/POUs on Public Land
Mud Lake Water Users, Inc. (Claimant)
31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-229
31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005
T.07N, R.35E, S.13 SWSWSW (Map ID #062) (POD - wells)
T.7N, R.35E, S.14 SESE (Map ID #063) (POD)
Rays Lake Quad



DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
Projection Universal Transverse Mercator
Zone 12, 1927 North American Datum
No warranty is made by the Bureau of Land Management
as to the accuracy, reliability, or completeness of
this data for individual or aggregate use with other data.
Prepared by Deena Teel on 7/18/2001 from digitized data and
GPS data collected on 7/2/2001.

SCANNED
NOV 25 2002

01/16/2001

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 31-327

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

Daytime Telephone Number: (208)663-4359
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

✓ **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: 2-12-2001 **SIGNATURE:** Garth Sederquist

Please print your name: ~~MUD LAKE WATER USERS, INC.~~
P. O. BOX 68
TERRETON, ID 83450

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

SCANNED
NOV 25 2002

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2001

RECEIVED
MAR 19 2001
Department of Water Resources
Eastern Region

Kent W. Foster
HOLDEN KIDWELL HAHN & CRAPO PLLC
P.O. Box 50130
Idaho Falls, ID 83405

RE: In the Matter of Application for Transfer No. 5335 in the name of Owsley Canal Company

Dear Mr. Foster:

Enclosed is an **INTERLOCUTORY ORDER** issued in the above referenced matter.

If you have any questions regarding the enclosed order, please contact Glen Saxton at (208)327-7900.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

C: IDWR - Region
Ernie Carlson
Candice McHugh

SCANNED
NOV 25 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 5335 IN THE NAME OF OWSLEY CANAL COMPANY	)	**INTERLOCUTORY ORDER**

On February 8, 1999, the Department of Water Resources ("department") issued a PRELIMINARY ORDER approving Transfer No. 5335 filed in the name of Owsley Canal Company ("applicant").

On December 19, 2000, the department amended Transfer No. 5335 by issuing a PRELIMINARY ORDER AMENDING TRANSFER APPROVAL.

On January 2, 2001, the applicant filed a PETITION FOR RECONSIDERATION ("petition") with the department advising that the applicant had information to support different dates of priority of use than shown for some of the water rights that are included in the amended transfer approval.

On January 3, 2001, the department issued an ORDER GRANTING PETITION FOR RECONSIDERATION.

On March 12, 2001, the applicant withdrew its petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the PRELIMINARY ORDER AMENDING TRANSFER APPROVAL issued by the department on December 19, 2000, be considered the **FINAL ORDER** in the matter as provided in Section 67-5246, Idaho Code.

Dated this 16th day of March, 2001.

L. GLEN SAXTON
Hearing Officer

SCANNED
NOV 25 2002

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2001

RECEIVED
MAR 12 2001
Department of Water Resources
Eastern Region

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Ave, 3rd Floor
Idaho Falls, ID 83402

RE: PETITION FOR RECONSIDERATION – TRANSFER NO. 5335 IN THE NAME OF OWSLEY CANAL COMPANY

Dear Mr. Foster:

On February 8, 1999, the department approved transfer no. 5335 in the name of Owsley Canal Co. ("applicant"). Even though the order had become final, on December 19, 2000, the department issued a preliminary order amending the February 8, 1999 transfer approval to facilitate some changes to the rights involved for the benefit of the applicant and the recommendation of the transfer in the SRBA. On January 2, 2001, you filed a Petition for Reconsideration seeking changes to the preliminary order.

On January 3, 2001, the department granted your petition for reconsideration in order to provide you the opportunity to submit evidence to the department to show that the priority dates shown in the preliminary order are not correct. To date neither the regional office in Idaho Falls nor this office has received any evidence from you in this regard. Please submit the information to me within twenty-one (21) days of the date of this letter. If you do not timely submit the information, the department will issue a final order based on the information in department files.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Ernie Carlson
Owsley Canal Co.
Pam Skaggs

SCANNED
NOV 25 2002

DELOG BC 1/4/01

Form 42-248/42-1409(6) July, 2000

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

RECEIVED
JAN 0 2 2001
Department of Water Resources
Eastern Region

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
All water rights listed on transfer			5335		

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

N/A A. ~~The appropriate **FILING FEE.** See instructions for fee amounts.~~ On file w/ Dawn - (B Coutts)

N/A 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.**

N/A 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 PHO~~TO should be submitted in place of the FLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Owsley Canal Co
P O Box 68 Terreton ID 83450

4. New Owner/Claimant(s): Mud Lake Water Users, Inc
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: P O Box 68

City, State and ZIP Code: Terreton, Idaho 83450

New Telephone Number: 208) 663-4359

5. ~~Date you acquired the property~~: N/A

SCANNED
NOV 2 5 2002

31-327 eCVR Comments

Comments:

Author	Date	Subject	Comment
bcontor	12/16/00	POD	Per Draft Preliminary Order Amending Transfer 5335, to get proposed PDs into electronic format. Other elements of review not data entered as of 12/16/2000. Note that PODs do not match field work.
bcontor	12/30/00	POD continued	POD recommended per Preliminary Order Amending Transfer Approval 5335. Note that amendment did not rectify differences between original transfer and AJ field work.
bcontor	12/30/00	POD cont. 2	Three sprinkler PODs are not added to 31-11430 because there is no diversion to storage from those PDs. Claimant is aware of need to file transfer to add these PDs to water rights. Ben use claims 31-11430 and 31-11432 match field work otherwise.
bcontor	1/1/01	Recommendation	All elements except POD and Period of Use recommended per post-1987 transfer 5335. POD and period of use modified by Preliminary Order 12/19/2000, recommended per that Preliminary Order.
bcontor	1/1/01	storage	right lists diversion to storage as a use, but no storage nor irrigation from storage, per T 5335. Irr. storage is authorized under 31-332, irr. from storage is authorized under 31-332, 31-11430.
bcontor	1/1/01	shoulder remark	No shoulder remark applied, as recommended sesaon conforms to amended transfer and Bauerly decree. Shoulder remark would violate intent of Bauerly and amendment.
bcontor	1/1/01	tributary	Somehow source was listed as trib to mud lake, which is incorrect. This will need to be corrected.
bcontor	1/2/01	volume	Some rights in T5335 have no volumes assigned. For these, volume is calculated based on provisions of Bauerly Decree. Diversion volume of 31-2239 adjusted to capacity within period of use, 31-7005 adjusted to reflect license. Others per T 5335.
bcontor	1/2/01	Volume 2	Note that these volumes will sum to >3.5 afa. See paper file "Mud Lake Storage" showing that these volumes are appropriate for seepage and evaporation losses in lake and canals.

TRx 5335

31- 00327
328
329
330
336B
337B

02239
2289
2290
2297
2310
2317A
2317B
2341
2342
2343
2344
2345
0 7005

SCANNED
NOV 15 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

As modified by Preliminary Order 12/19/2002 File w/ 31-327

File w/ 31-327

~~TRANSFER~~ NO. 5335

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

This is to certify that: OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

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

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-00327 : 5/1 - 11/1			Owsley
IRRIGATION	~~04/15 to 10/15~~	** 110.00 CFS	
DIVERSION TO STORA	~~10/16 to 04/14~~	110.00 CFS	
Priority: ~~00/00/0000~~ 10/14/1940			
Right No. 31-00328 : 5/1 - 11/1		100.00	
IRRIGATION	~~04/15 to 10/15~~	** ~~110.00~~ CFS	Owsley
DIVERSION TO STORA	~~10/16 to 04/14~~	100.00 CFS	
Priority: ~~00/00/0000~~ 10/14/1940			
Right No. 31-00329 : 5/1 - 11/1			
IRRIGATION	~~04/15 to 10/15~~	** 50.00 CFS	Owsley
DIVERSION TO STORA	~~10/16 to 04/14~~	50.00 CFS	
Priority: ~~00/00/0000~~ 1/8/1932			
Right No. 31-00330 : 5/1 - 11/1			
IRRIGATION	~~04/15 to 10/15~~	** 80.00 CFS	Owsley
DIVERSION TO STORA	10/16 to ~~04/14~~	80.00 CFS	
Priority: ~~00/00/0000~~ 6/26/1936			
Right No. 31-00331 : 5/1 - 11/1			
IRRIGATION	~~04/15 to 10/15~~	24.00 CFS	Holley
Priority: ~~09/10/1928~~ 1/25/1930 Re Holley v Kulp			
Right No. 31-00332 : 5/1 - 11/1			
IRRIGATION STORAGE	~~01/01 to 12/31~~	5000.0 AF	Holley
Priority: 01/25/1930			

200 x 1.9835 x 185 = 73389.5

24 x 1.9835 x 185 = 8806.7

MICROFILMED
FEB 11 1993

SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-00336B : IRRIGATION Priority: 04/27/1932	~~04/15 to 10/15~~ 5/1 - 11/1	11.05 CFS	4054.8
Right No. 31-00337B : IRRIGATION Priority: 12/15/1932	~~04/15 to 10/15~~ 5/1 - 11/1	17.00 CFS	6238.1
Right No. 31-00371 : IRRIGATION Priority: 09/10/1928	~~04/15 to 10/15~~ 5/1 - 11/1	23.00 CFS	8439.8
Right No. 31-02239 : IRRIGATION Priority: 01/25/1930	~~04/15 to 10/15~~ 5/1 - 11/1	40.00 CFS	16899.4 AF
Right No. 31-02265 : IRRIGATION Priority: 05/22/1940	~~04/15 to 10/15~~ 5/1 - 11/1	64.40 CFS	23375.9 AF
Right No. 31-02289 : IRRIGATION Priority: 01/13/1949	~~04/15 to 10/15~~ 5/1 - 11/1	3.20 CFS	560.0 AF
Right No. 31-02290 : IRRIGATION Priority: 02/14/1949	~~04/15 to 10/15~~ 5/1 - 11/1	3.60 CFS	840.0 AF
Right No. 31-02297 : IRRIGATION Priority: 12/29/1949	~~04/15 to 10/15~~ 5/1 - 11/1	6.00 CFS	1190.0 AF
Right No. 31-02310 : IRRIGATION Priority: 09/24/1952	~~04/15 to 10/15~~ 5/1 - 11/1	5.80 CFS	1015.0 AF
Right No. 31-02317A : IRRIGATION Priority: 02/28/1953	~~04/15 to 10/15~~ 5/1 - 11/1	8.08 CFS	1414.0 AF

MICROFILMED
FEB 1 1 1999
SCANNED
NOV 2 5 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-02317B :			
IRRIGATION	~~04/15 to 10/15~~ 5/1 - 11/1	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :	~~04/15 to 10/15~~ 5/1 - 11/1	1.92 CFS	336.0 AF
IRRIGATION			
Priority: 04/25/1953			
Right No. 31-02341 :	~~04/15 to 10/15~~ 5/1 - 11/1	16.00 CFS	5839.4 AF
IRRIGATION			
Priority: 09/03/1954			
Right No. 31-02342 :	~~04/15 to 10/15~~ 5/1 - 11/1	16.00 CFS	5839.4 AF
IRRIGATION			
Priority: 09/03/1954			
Right No. 31-02343 :	~~04/15 to 10/15~~ 5/1 - 11/1	16.00 CFS	5839.4 AF
IRRIGATION			
Priority: 09/03/1954			
Right No. 31-02344 :	~~04/15 to 10/15~~ 5/1 - 11/1	16.00 CFS	5839.4 AF
IRRIGATION			
Priority: 09/03/1954			
Right No. 31-02345 :	~~04/15 to 10/15~~ 5/1 - 11/1	16.00 CFS	5839.4 AF
IRRIGATION			
Priority: 09/03/1954			
Right No. 31-07005 :	4/1 - 11/15	13.26 CFS	~~4939.4~~ 5986.0 AF per license
IRRIGATION	04/15 to 10/15		
Priority: 12/04/1967			
TOTAL:	***	643.21 CFS	

95 acres
96 acres
17088 acres

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
SESE , Sec. 13, Township 07N, Range 34E
NENE , Sec. 23, Township 07N, Range 34E
NENE , Sec. 24, Township 07N, Range 34E
NWNE , Sec. 24, Township 07N, Range 34E

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

LOCATION OF POINT(S) OF DIVERSION:

Should be SWSW → Lot 4 (SESW), Sec. 18, Township 07N, Range 35E
Should be lot 2 → Lot 1 (NWNW), Sec. 19, Township 07N, Range 35E (2)

NWNW , Sec. 24, Township 07N, Range 34E
SWSW , Sec. 13, Township 07N, Range 35E
SESE , Sec. 14, Township 07N, Range 35E (2)
SWNW , Sec. 19, Township 07N, Range 35E
SENW , Sec. 19, Township 07N, Range 35E
NESE , Sec. 22, Township 07N, Range 35E
NWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 25, Township 07N, Range 35E (5)
SESW , Sec. 25, Township 07N, Range 35E 7
NWSE , Sec. 25, Township 07N, Range 35E
SESE , Sec. 26, Township 07N, Range 35E (2)
NWNE , Sec. 27, Township 07N, Range 35E
NENW , Sec. 36, Township 07N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06N	34E	3	NENW	26	NWNW	35	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	461
		4	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		5	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		7	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			320
		8	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 1 1 1999

SCANNED
NOV 2 5 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
*** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.
10. Approval of Transfer 5335 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
** 11. Rights 31-00327, 31-00328, 31-00329 and 31-00330 when combined shall not exceed a total diversion rate of 200.00 cfs during the irrigation season, and may be diverted at their full authorized rate of diversion into Mud Lake for storage purposes during the non-irrigation season.
* 12. Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.
* 13. Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.
* 14. Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.

SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

* 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
* 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
* 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
* 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
* 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.
* 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.
* 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.
* 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.
23. Two points of diversion are located within SESE, S14, T07N, R35E.
24. Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.
25. Five points of diversion are located within SWSW, S25, T07N, R35E.
26. Seven points of diversion are located within NWSE, S25, T07N, R35E.
27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day of February, 1999.

J. Thos Saylor
Chief, Water Allocation Bureau

FEB 11 1999

SCANNED
NOV 25 2002

Contor, Bryce
From: Tuthill, Dave
Sent: Thursday, December 28, 2000 8:28 AM
To: Saxton, Glen; Contor, Bryce; Carlsen, Ernie
Cc: Jones, Harold (Skip); McHugh, Candice
Subject: RE: Preliminary Order Amending Transfer 5335

Thanks for the additional info, Glen.

In accordance with our standard procedure, I anticipate that we will file our Director's Report based on the most current IDWR action -- in this case the amended transfer. If the transfer is pending due to a petition for reconsideration we can also file a Notice of Administrative Procedure (NAP) with the Court, which will stay their process and allow us to complete our transfer process and amend our recommendation to the Court if need be.

Dave

-----Original Message-----
From: Saxton, Glen
Sent: Wednesday, December 27, 2000 2:48 PM
To: Contor, Bryce; Carlsen, Ernie
Cc: Jones, Harold (Skip); McHugh, Candice; Tuthill, Dave
Subject: RE: Preliminary Order Amending Transfer 5335

Dear Lady and Gentlemen,

It seems at times that the best plans of mice, men and women fall apart. If the Owsley Canal Company ("Owsley") files a petition for reconsideration of Amended Transfer No. 5335, it does not look like this matter will be resolved in time to meet the filing date with the SBA court of recommendations for Basin 31. We all tried, however.

If I understand Bryce's e-mail, the basis of filing a petition for reconsideration appears to be that since the department approved a transfer in the past without sufficient information relative to the date of priority of a water right, that the department is obligated to not check any further into the date of priority of similar rights which also lack information relative to priority.

I checked the microfilm for cancelled Permit No. 17763/31-02254 and determined that proof of completion of works was submitted to the department on February 23, 1938. Since permit 17763 was cancelled, the right holder either has to rely upon the decree or a use right. The decree does not establish a priority and a use right is not entitled to the date of the filing of an application if the requirements of the application are not completed. Hence, if Owsley files a petition for reconsideration, I intend to grant it allowing the petitioner time to provide hard evidence showing when the water was first diverted and beneficially used. In the case of water right nos. 17611/31-00327 and 17612/31-00328, the priority that can be established probably is sometime after the application was filed and at the latest probably is the date of the decree. The department may provide the opportunity for hearing to Owsley if they wish. We may also want to require the same information for 17763/31-02254 which is the basis for 31-00337. lgs

-----Original Message-----
From: Contor, Bryce
Sent: Wednesday, December 27, 2000 10:42 AM
To: Saxton, Glen
Cc: Jones, Harold (Skip); McHugh, Candice; Tuthill, Dave
Subject: Preliminary Order Amending Transfer 5335

SCANNED
NOV 25 2002

This morning I met with Mud Lake Water Users and the watermaster, at the request of MLWU. We can probably expect a petition for reconsideration on the priority date of the cancelled and relinquished permits; they seek the original permit priority dates.

The grounds will be the precendent set by the department in recognizing the original permit date as the priority date for 31-00337A and 31-00337B, in transfers 2303 and 5335. This right was originally issued as permit 17763, which was cancelled by the department.

SCANNED

NOV 25 2002

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 19, 2000

GARTH SODERQUIST
OWSLEY CANAL CO
PO BOX 68
TERRETON, ID 83450

RECEIVED
DEC 2 1 2000
Department of Water Resources
Eastern Region

Re: Application for Transfer No. 5335, in the name of Owsley Canal Company

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Preliminary Order Amending Transfer Approval** pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the department or visit our homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at (208)327-7953.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures
Cc: Ernie Carlsen
Bryce Contor
Regional File

SCANNED
NOV 2 5 2002

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after a) the service date of a preliminary order, b) the service date of a denial of a petition for reconsideration from this preliminary order, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

Rev. 5/00

SCANNED

NOV 7 5 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 5335 IN THE NAME OF OWSLEY CANAL COMPANY	))))	**PRELIMINARY ORDER AMENDING TRANSFER APPROVAL**

This matter having come before the Department of Water Resources (Department) as a result of an application for transfer of water rights, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 23, 1998, Owsley Canal Company (applicant) filed Application for Transfer No. 5335 (transfer) to change the points of diversion and places of use for the following water rights:

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	31-07005

2. On February 8,1999, the Department approved the transfer with conditions.

3. The transfer approval listed the period of use for diversion to storage purposes on the following water rights as October 16 to April 14.

31-00327	31-00329
31-00328	31-00330

4. Delivery of water for the rights listed below is regulated by the watermaster of Water District 31. Review of water district records and discussion with the watermaster indicate that the historic period of use for diversion to storage purposes for those rights is May 1 to November 1.

31-00327	31-00329
31-00328	31-00330

SCANNED

NOV 25 2002

5. The transfer approval listed the period of use for irrigation purposes on each of the water rights as April 15 to October 15 in conformance with the existing Department standards for the area where the water rights are used.

6. The period of use for irrigation purposes for each of the following rights was previously decreed as May 1 to November 1.

31-00327	31-00332
31-00328	31-00336B
31-00329	31-00337B
31-00330	31-00371
31-00331	

7. The period of use for irrigation purposes for each of the following licensed rights was not established on the licenses issued by the Department, but the historic period of use has been May 1 to November 1.

31-02239	31-02317B
31-02265	31-02321
31-02289	31-02341
31-02290	31-02342
31-02297	31-02343
31-02310	31-02344
31-02317A	31-02345

8. On July 24, 1973, the Department issued License No. 31-07005 with a period of use for irrigation purposes from April 1 to November 15.

9. The applicant did not request a change in the period of use for any of the rights on the transfer.

10. The transfer approval listed the authorized diversion rate for irrigation purposes for right no. 31-00328 as 110.00 cfs.

11. Water right no. 31-00328 was previously decreed with a diversion rate for irrigation purposes of 100.00 cfs.

12. The Department did not intend to increase the diversion rate for irrigation purposes for right no. 31-00328 to 110.00 cfs. The change was a typographical error.

13. The transfer approval did not make a determination of the priority date for the rights listed below. The priority date for those rights was listed on the transfer approval as 00/00/0000.

SCANNED
NOV 25 2002

31-00327
31-00328
31-00329
31-00330

14. On October 14, 1940, Permit Nos. 17611 and 17612 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al., without a priority date. Those decreed rights were renumbered by the Department as 31-00327 and 31-00328 respectively.

15. According to Department records, Permit No. 17611 was cancelled on March 6, 1939.

16. According to Department records, Permit No. 17612 was relinquished with a date unknown.

17. Absent any other evidence, it is reasonable to describe the priority date of a water right as the date of the decree from which it arises.

18. On October 14, 1940, Permit Nos. 17640 and 18378 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. Al., without a priority date. Those decreed rights were renumbered by the Department as 31-00329 and 31-00330 respectively.

19. According to Department records, Permit No. 17640 was licensed on February 24, 1938. The license listed the priority date as January 8, 1932.

20. According to Department records, Permit No. 18378 was licensed on January 8, 1942. The license listed the priority date as June 26, 1936.

21. The transfer approval was issued with one of the points of diversion described as being within Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

22. Lot 4 in Sec. 18, Township 07N, Range 35E, actually corresponds to the SWSW of the section.

23. The transfer approval was issued with one of the points of diversion described as being within the SWNW, Sec. 19, Township 07N, Range 35E.

24. The SWNW, Sec. 19, Township 07N, Range 35E, is more accurately described as Lot 2.

SCANNED
NOV 2 5 2002

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

2. The Department should amend the transfer approval to show the previously decreed period of use of May 1 to November 1 for diversion to storage purposes for the following water rights.

31-00327	31-00329
31-00328	31-00330

3. The Department should amend the transfer approval to show the period of use for irrigation purposes as May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

4. The Department should amend the transfer approval to show the licensed period of use for irrigation purposes on right no. 31-07005 as April 1 to November 15.

5. The Department should amend the transfer approval to authorize the diversion rate for irrigation purposes as 100.00 cfs under right no. 31-00328.

6. The Department should amend the transfer approval to show the priority dates for right nos. 31-00327 and 31-00328 as October 14, 1940, which is the date of the final decree in the case of Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al.

7. The Department should amend the transfer approval to show the priority date for right no. 31-00329 as January 8, 1932.

8. The Department should amend the transfer approval to show the priority date for right no. 31-00330 as June 26, 1936.

9. The Department should amend the transfer approval to show Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E as one of the points of diversion, instead of Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

SCANNED
NOV 25 2002

10. The Department should amend the transfer approval to show Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E as one of the points of diversion, instead of SWNW, Sec. 19, Township 07N, Range 35E.

ORDER

IT IS HEREBY ORDERED that Transfer Approval No. 5335 issued by the Department on February 8 1999 is **AMENDED** as described below.

1. The period of use for diversion to storage purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-00329
31-00328	31-00330

2. The period of use for irrigation purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

3. The period of use for irrigation purposes shall be April 1 to November 15 for right no. 31-07005.

4. The diversion rate for irrigation purposes shall be 100.00 cfs for right no. 31-00328.

5. The priority date shall be October 14, 1940 for right nos. 31-00327 and 31-00328.

6. The priority date shall be January 8, 1932 for right no. 31-00329.

7. The priority date shall be June 26, 1936 for right no. 31-00330.

8. The point of diversion previously described as Lot 4 (SESW), Sec. 18, Township 07N, Range 35E shall be described as Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E.

SCANNED
NOV 2 5 2002

9. The point of diversion previously described as SWNW, Sec. 19, Township 07N, Range 35E shall be described as Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E.

DATED this 19th day of December, 2000.

L. GLEN SAXTON
Chief, Water Allocation Bureau

SCANNED
NOV 25 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

GARTH SODERQUIST
OWSLEY CANAL CO
PO BOX 68
TERRETON, ID 83450

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

SCANNED
NOV 2 5 2002

Contor, Bryce
From: Contor, Bryce
Sent: Saturday, December 16, 2000 3:58 PM
To: Carlsen, Ernie
Subject: FW: First MLWU GW claim

Ernie, the data entry for this list of PDs took me an hour and a half, and the proof-reading and error correction took another hour and forty minutes. All the rights on transfer 5335 need the same list of PDs data entered and connected to SDE. I sure hope Ciscell is still planning (and able) to help me out. If not, I better get started...

-----Original Message-----
From: **Contor, Bryce**
Sent: Saturday, December 16, 2000 3:56 PM
To: Shaff, Don; Fritschle, Carter; Ciscell, Michael
Subject: First MLWU GW claim

Version 1 of eCVR for 31-327 correctly represents the PDs per transfer 5335, and is linked to SDE and proof read.

The attached word document identifies the PODID numbers associated with each PD.

Active PDs have been recommended to the 10-acre tract. The two marked "unused" have an unused PD located within the QQ, and the SDE shape is on the unused PD. The others recommended only to the 40-acre tract have no physical PD within the QQ. The SDE shape is approximately in the center of the QQ, moved if necessary to avoid overlap.


t5335pds.doc

12:45 Start PoD updates

2:22 finish updates, start proof-reading

3:55 finish proof-reading and corrections

SCANNED
NOV 25 2002

SOE Proof-reading

12/16/2000

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

RIGHT NUMBER: 31-327

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

SOURCE: GROUND WATER TRIBUTARY: MUD LAKE

QUANTITY: 110 CFS
17985 AFY

Yellow paper SOE

PRIORITY DATE: 11/16/1931

POINT OF DIVERSION:

T07N R34E S13		SWSWNE	526117		Within JEFFERSON County
T07N R34E S13		SESE	526118		Within JEFFERSON County
T07N R34E S23		SENENE	526119		Within JEFFERSON County
T07N R34E S24		SWNENE	526120		Within JEFFERSON County
T07N R34E S24		NENWNE	526121		Within JEFFERSON County
T07N R34E S24		NWNW	526122	OK	Within JEFFERSON County
T07N R35E S13		SWSWSW	526123		Within JEFFERSON County
T07N R35E S14		SESE	526124		Within JEFFERSON County
T07N R35E S14		SESE	526125		Within JEFFERSON County
T07N R35E S18	LOT 4	SWSW	526126		Within JEFFERSON County
T07N R35E S19	LOT 1	NWNW	526128		Within JEFFERSON County
T07N R35E S19	LOT 1	NENWNW	526127		Within JEFFERSON County
T07N R35E S19	LOT 2	NESWNW	526129		Within JEFFERSON County
T07N R35E S19		NESENW	526130		Within JEFFERSON County
T07N R35E S22		SENESE	526131		Within JEFFERSON County
T07N R35E S23		SWNWSW	526132		Within JEFFERSON County
T07N R35E S23		SWSW	526133	(unused)	Within JEFFERSON County
T07N R35E S25		NWSWSW	526134		Within JEFFERSON County
T07N R35E S25		NWSWSW	526135		Within JEFFERSON County
T07N R35E S25		NWSWSW	526136		Within JEFFERSON County
T07N R35E S25		SWSWSW	526137		Within JEFFERSON County
T07N R35E S25		SWSWSW	526138		Within JEFFERSON County
T07N R35E S25		NESESW	526110	526111	Within JEFFERSON County
T07N R35E S25		NESESW	526111	526112	Within JEFFERSON County
T07N R35E S25		NESESW	526112	526113	Within JEFFERSON County
T07N R35E S25		NESESW	526113	526114	Within JEFFERSON County
T07N R35E S25		NESESW	526114	526115	Within JEFFERSON County
T07N R35E S25		NESESW	526115	526116	Within JEFFERSON County
T07N R35E S25		SESESW	526116	526110	Within JEFFERSON County
T07N R35E S25		SENWSE	526109		Within JEFFERSON County
T07N R35E S26		NESESE	526140		Within JEFFERSON County
T07N R35E S26		NWSESE	526139		Within JEFFERSON County
T07N R35E S27		NWNE	526141	(unused)	Within JEFFERSON County
T07N R35E S36		NENW	526142		Within JEFFERSON County

Need in NWNE SB NWNW Doesn't agree with paper filed

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE		QUANTITY
IRRIGATION	4-01	11-01	110.00 CFS
IRRIGATION STORAGE	11-01	4-01	17,985.00 AFY

PLACE OF USE:
IRRIGATION Within JEFFERSON County

T06N R34E S3	NENW	40	T06N R34E S3	NWNW	40
T06N R34E S3	SWNW	40	T06N R34E S3	SENW	40
T06N R34E S3	NESW	40	T06N R34E S3	NWSW	40
T06N R34E S3	SWSW	40	T06N R34E S3	SESW	40
T06N R34E S3	NESE	40	T06N R34E S3	NWSE	40

SCANNED
NOV 25 2007

12/16/2000

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

RIGHT NUMBER: 31-327

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

SOURCE: GROUND WATER TRIBUTARY: MUD LAKE

QUANTITY: 110 CFS
17985 AFY

PRIORITY DATE: 11/16/1931

POINT OF DIVERSION:

			PODID		
T07N R34E S13		SWSWNE	526117		Within JEFFERSON County
T07N R34E S13		SESE	526118		Within JEFFERSON County
T07N R34E S23		SENENE	526119		Within JEFFERSON County
T07N R34E S24		SWNENE	526120		Within JEFFERSON County
T07N R34E S24		NENWNE	526121		Within JEFFERSON County
T07N R34E S24		SWNWNW	526122		Within JEFFERSON County
T07N R35E S13		SWSWSW	526123		Within JEFFERSON County
T07N R35E S14		SESE	526124		Within JEFFERSON County
T07N R35E S14		SESE	526125		Within JEFFERSON County
T07N R35E S18	LOT 4	SWSW	526126		Within JEFFERSON County
T07N R35E S19	LOT 1	NWNW	526128		Within JEFFERSON County
T07N R35E S19	LOT 1	NENWNW	526127		Within JEFFERSON County
T07N R35E S19	LOT 2	NESWNW	526129		Within JEFFERSON County
T07N R35E S19		NESENW	526130		Within JEFFERSON County
T07N R35E S22		SENESE	526131		Within JEFFERSON County
T07N R35E S23		SWNWSW	526132		Within JEFFERSON County
T07N R35E S23		SWSW	526133	(unused)	Within JEFFERSON County
T07N R35E S25		NWSWSW	526134		Within JEFFERSON County
T07N R35E S25		NWSWSW	526135		Within JEFFERSON County
T07N R35E S25		NWSWSW	526136		Within JEFFERSON County
T07N R35E S25		SWSWSW	526137		Within JEFFERSON County
T07N R35E S25		SWSWSW	526138		Within JEFFERSON County
T07N R35E S25		NESESW	526111		Within JEFFERSON County
T07N R35E S25		NESESW	526112		Within JEFFERSON County
T07N R35E S25		NESESW	526113		Within JEFFERSON County
T07N R35E S25		NESESW	526114		Within JEFFERSON County
T07N R35E S25		NESESW	526115		Within JEFFERSON County
T07N R35E S25		NESESW	526116		Within JEFFERSON County
T07N R35E S25		SESESW	526110		Within JEFFERSON County
T07N R35E S25		SENWSE	526109		Within JEFFERSON County
T07N R35E S26		NESESE	526140		Within JEFFERSON County
T07N R35E S26		NWSESE	526139		Within JEFFERSON County
T07N R35E S27		NWNE	526141	(unused)	Within JEFFERSON County
T07N R35E S36		NENW	526142		Within JEFFERSON County

SCANNED
NOV 25 2002

/SWNE , Sec. 13, Township 07N, Range 34E 526117
/SESE , Sec. 13, Township 07N, Range 34E 526118
/NENE , Sec. 23, Township 07N, Range 34E 526119
/NENE , Sec. 24, Township 07N, Range 34E 526120
/NWNE , Sec. 24, Township 07N, Range 34E 526121

NWNW , Sec. 24, Township 07N, Range 34E 526122
SWSW , Sec. 13, Township 07N, Range (35E) 526123
SESE , Sec. 14, Township 07N, Range 35E (2) 526124, 526125
Lot 4 SWSW ~~NWNW~~), Sec. 18, Township 07N, Range 35E 526126
NWNW), Sec. 19, Township 07N, Range 35E (2) 526127, 526128
Lot 2 SWNW , Sec. 19, Township 07N, Range 35E 526129
SENW , Sec. 19, Township 07N, Range 35E 526130
NESE , Sec. 22, Township 07N, Range 35E 526131
NWSW , Sec. 23, Township 07N, Range 35E 526132
SWSW , Sec. 23, Township 07N, Range 35E 526133
SWSW , Sec. 25, Township 07N, Range 35E (5) * see below
SESW , Sec. 25, Township 07N, Range 35E (7) 526110, 526111, 526112, 526113, 526114, 526115, 526116
NWSE , Sec. 25, Township 07N, Range 35E 526109
SESE , Sec. 26, Township 07N, Range 35E (2) 526139, 526140
NWNE , Sec. 27, Township 07N, Range 35E 526141
NENW , Sec. 36, Township 07N, Range 35E 526142

7N 35E 25 SW SW: 526134, 526135, 526136, 526137, 526138

Based on Dept Preliminary Order Awarding Transfer Approval " 12/16/02

BAC

SCANNED
NOV 25 2002

Draft Not Signed as of 12/14/2000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 5335 IN THE NAME OF OWSLEY CANAL COMPANY	))))	**PRELIMINARY ORDER AMENDING TRANSFER APPROVAL**

This matter having come before the Department of Water Resources (Department) as a result of an application for transfer of water rights, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 23, 1998, Owsley Canal Company (applicant) filed Application for Transfer No. 5335 (transfer) to change the points of diversion and places of use for the following water rights:

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	31-07005

2. On February 8,1999, the Department approved the transfer with conditions.

3. The transfer approval listed the period of use for diversion to storage purposes on the following water rights as October 16 to April 14.

31-00327	31-00329
31-00328	31-00330

4. Delivery of water for the rights listed below is regulated by the watermaster of Water District 31. Review of water district records and discussion with the watermaster indicate that the historic period of use for diversion to storage purposes for those rights is May 1 to November 1.

31-00327	31-00329
31-00328	31-00330

SCANNED
NOV 2 5 2002

5. The transfer approval listed the period of use for irrigation purposes on each of the water rights as April 15 to October 15 in conformance with the existing Department standards for the area where the water rights are used.

6. The period of use for irrigation purposes for each of the following rights was previously decreed as May 1 to November 1.

31-00327	31-00332
31-00328	31-00336B
31-00329	31-00337B
31-00330	31-00371
31-00331	

7. The period of use for irrigation purposes for each of the following licensed rights was not established on the licenses issued by the Department, but the historic period of use has been May 1 to November 1.

31-02239	31-02317A	31-02344
31-02265	31-02317B	31-02345
31-02289	31-02321	
31-02290	31-02341	
31-02297	31-02342	
31-02310	31-02343	

8. On July 24, 1973, the Department issued License No. 31-07005 with a period of use for irrigation purposes from April 1 to November 15.

9. The applicant did not request a change in the period of use for any of the rights on the transfer.

10. The transfer approval listed the authorized diversion rate for irrigation purposes for right no. 31-00328 as 110.00 cfs.

11. Water right no. 31-00328 was previously decreed with a diversion rate for irrigation purposes of 100.00 cfs.

12. The Department did not intend to increase the diversion rate for irrigation purposes for right no. 31-00328 to 110.00 cfs. The change was a typographical error.

13. The transfer approval did not make a determination of the priority date for the rights listed below. The priority date for those rights was listed on the transfer approval as 00/00/0000.

31-00328

31-00327

SCANNED
NOV 25 2002

31-00329
31-00330

14. On October 14, 1940, Permit Nos. 17611 and 17612 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al., without a priority date. Those decreed rights were renumbered by the Department as 31-00327 and 31-00328 respectively.

15. According to Department records, Permit No. 17611 was cancelled on March 6, 1939.

16. According to Department records, Permit No. 17612 was relinquished with a date unknown.

17. Absent any other evidence, it is reasonable to describe the priority date of a water right as the date of the decree from which it arises.

18. On October 14, 1940, Permit Nos. 17640 and 18378 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. Al., without a priority date. Those decreed rights were renumbered by the Department as 31-00329 and 31-00330 respectively.

19. According to Department records, Permit No. 17640 was licensed on February 24, 1938. The license listed the priority date as January 8, 1932.

20. According to Department records, Permit No. 18378 was licensed on January 8, 1942. The license listed the priority date as June 26, 1936.

21. The transfer approval was issued with one of the points of diversion described as being within Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

22. Lot 4 in Sec. 18, Township 07N, Range 35E, actually corresponds to the SWSW of the section.

23. The transfer approval was issued with one of the points of diversion described as being within the SWNW, Sec. 19, Township 07N, Range 35E.

24. The SWNW, Sec. 19, Township 07N, Range 35E, is more accurately described as Lot 2.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

SCANNED
NOV 25 2002

2. The Department should amend the transfer approval to show the previously decreed period of use of May 1 to November 1 for diversion to storage purposes for the following water rights.

31-00327	31-00329
31-00328	31-00330

3. The Department should amend the transfer approval to show the period of use for irrigation purposes as May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

4. The Department should amend the transfer approval to show the licensed period of use for irrigation purposes on right no. 31-07005 as April 1 to November 15.

5. The Department should amend the transfer approval to authorize the diversion rate for irrigation purposes as 100.00 cfs under right no. 31-00328.

6. The Department should amend the transfer approval to show the priority dates for right nos. 31-00327 and 31-00328 as October 14, 1940, which is the date of the final decree in the case of Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al.

7. The Department should amend the transfer approval to show the priority date for right no. 31-00329 as January 8, 1932.

8. The Department should amend the transfer approval to show the priority date for right no. 31-00330 as June 26, 1936.

9. The Department should amend the transfer approval to show Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E as one of the points of diversion, instead of Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

10. The Department should amend the transfer approval to show Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E as one of the points of diversion, instead of SWNW, Sec. 19, Township 07N, Range 35E.

SCANNED
NOV 2 5 2002

ORDER

IT IS HEREBY ORDERED that Transfer Approval No. 5335 issued by the Department on February 8 1999 is **AMENDED** as described below.

1. The period of use for diversion to storage purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-00329
31-00328	31-00330

2. The period of use for irrigation purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

3. The period of use for irrigation purposes shall be April 1 to November 15 for right no. 31-07005.

4. The diversion rate for irrigation purposes shall be 100.00 cfs for right no. 31-00328.

5. The priority date shall be October 14, 1940 for right nos. 31-00327 and 31-00328.

6. The priority date shall be January 8, 1932 for right no. 31-00329.

7. The priority date shall be June 26, 1936 for right no. 31-00330.

8. The point of diversion previously described as Lot 4 (SESW), Sec. 18, Township 07N, Range 35E shall be described as Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E.

9. The point of diversion previously described as SWNW, Sec. 19, Township 07N, Range 35E shall be described as Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E.

SCANNED
NOV 2 5 2007

DATED this _____ day of _____, 2000.

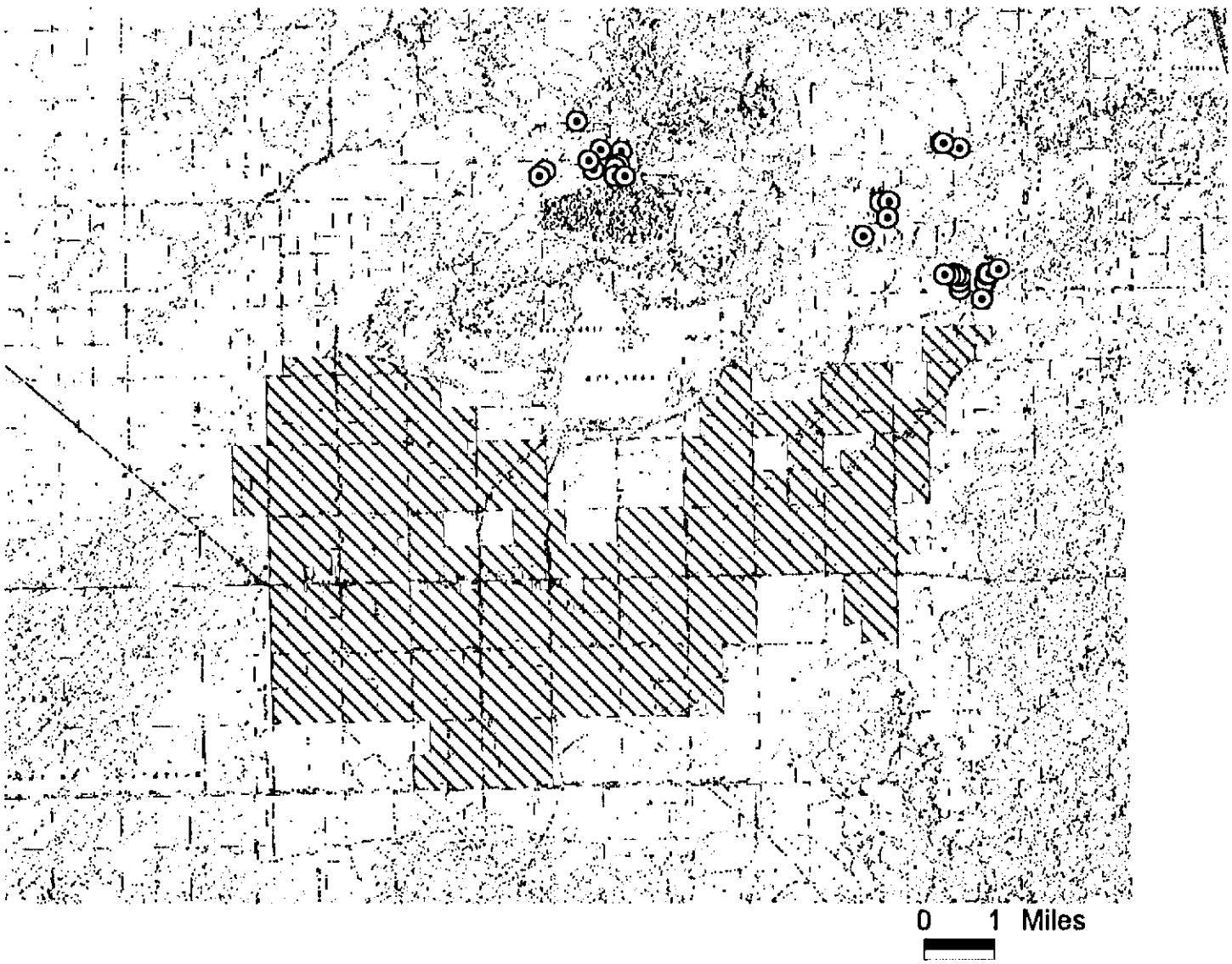
_____
L. GLEN SAXTON
Chief, Water Allocation Bureau

SCANNED
NOV 2 5 2002

Idaho Department of Water Resources

Mud Lake Water Users
Ground Water Rights

Township 6N Range 34E, 35E



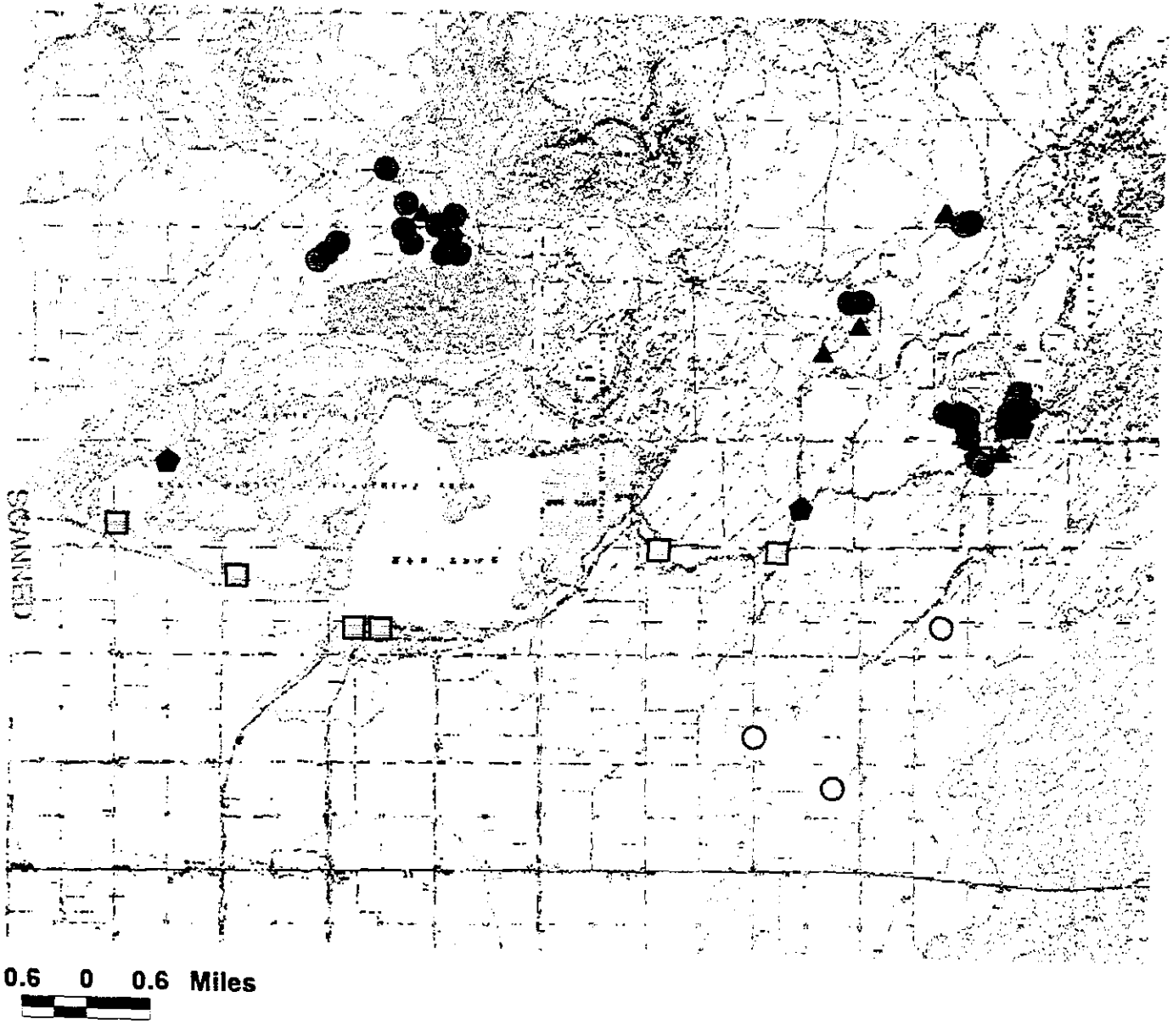
- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines

N
W E
S

SCANNED

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 12/2000

Mud Lake Water Users
Point of Diversion Summary
Overview



SCANNED MAY 7 5 2000

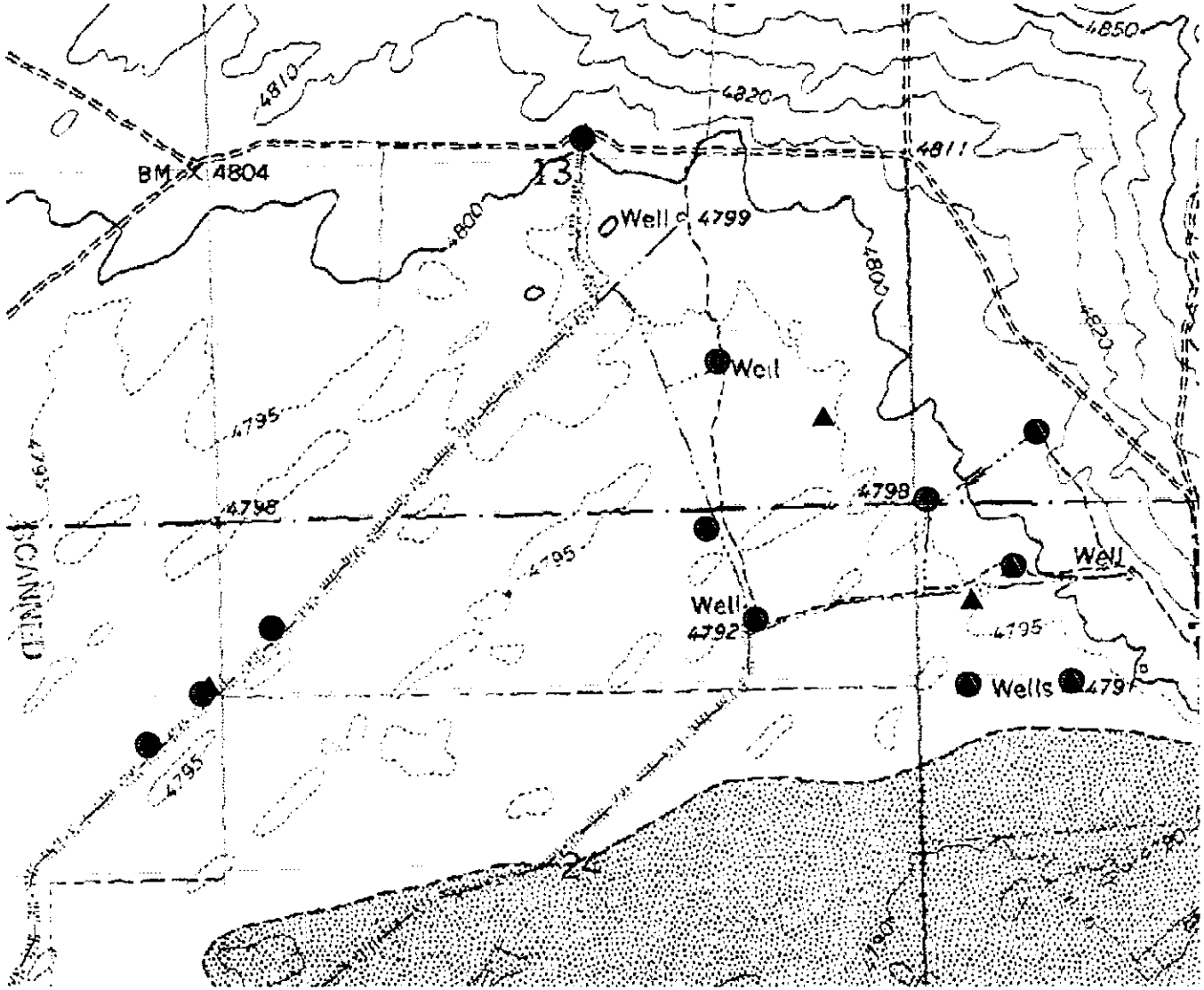
Points of Diversion

- ▲ Adjudication Recommendation per Transfer 5335
- Diversions per Field Work
  - ● Well
  - ⬟ Injection to Lake
  - □ Rediversion from Lake
  - ○ Sprinkler Well

N
W E
S

B. Contor 12/2000

Mud Lake Water Users
Point of Diversion Summary
North Lake



SCANNED
NOV 2 5 2000

Points of Diversion

- ▲ Adjudication Recommendation per Transfer 5335

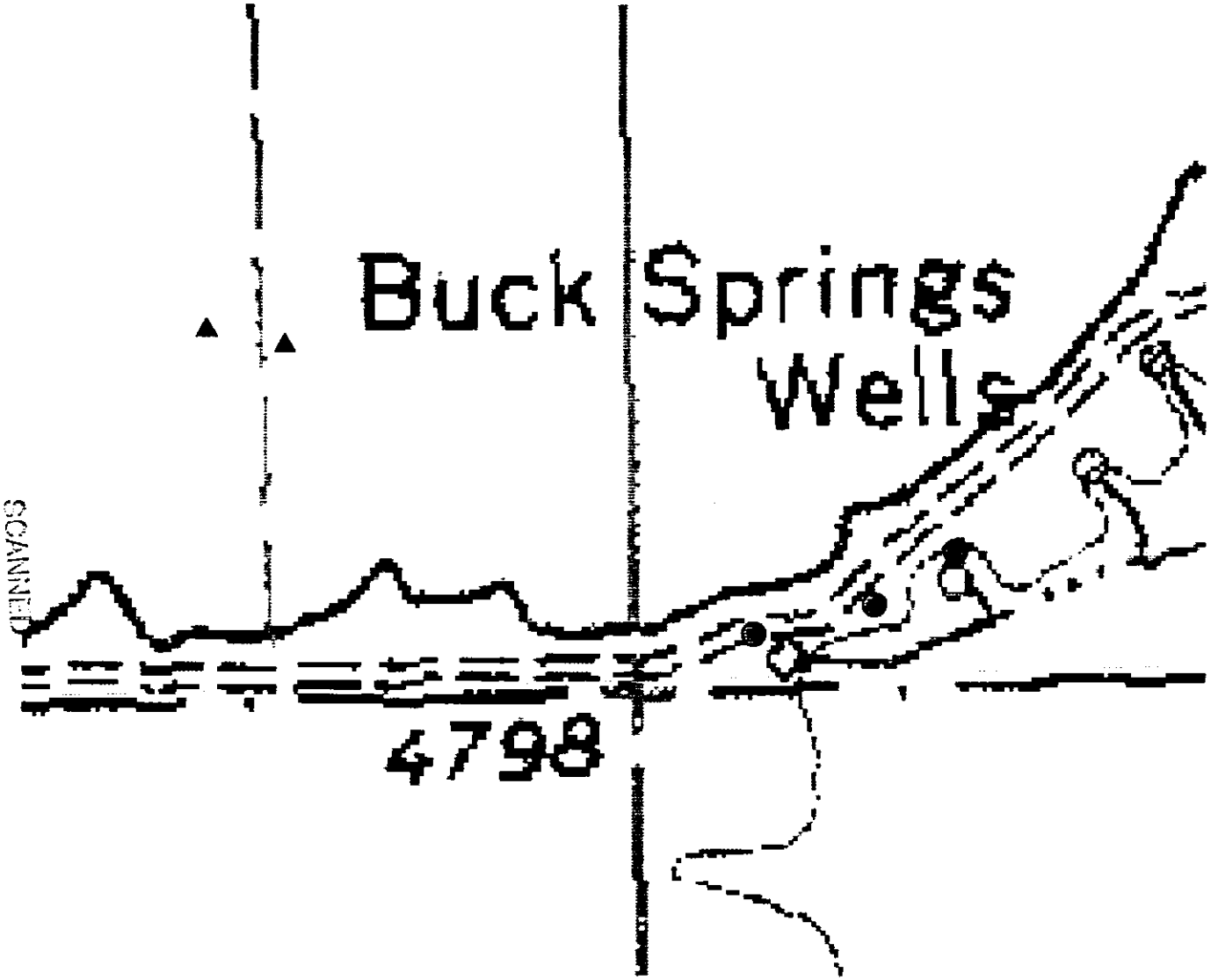
Diversions per Field Work

- ● Well
- ⬟ Injection to Lake
- ▣ Rediversion from Lake
- ○ Sprinkler Well

N
W E
S

B. Contor 12/2000

Mud Lake Water Users
Point of Diversion Summary
Buck Springs



Points of Diversion

- ▲ Adjudication Recommendation per Transfer 5335
- Diversions per Field Work
  - ● Well
  - ⬟ Injection to Lake
  - ⊟ Rediversion from Lake
  - ○ Sprinkler Well

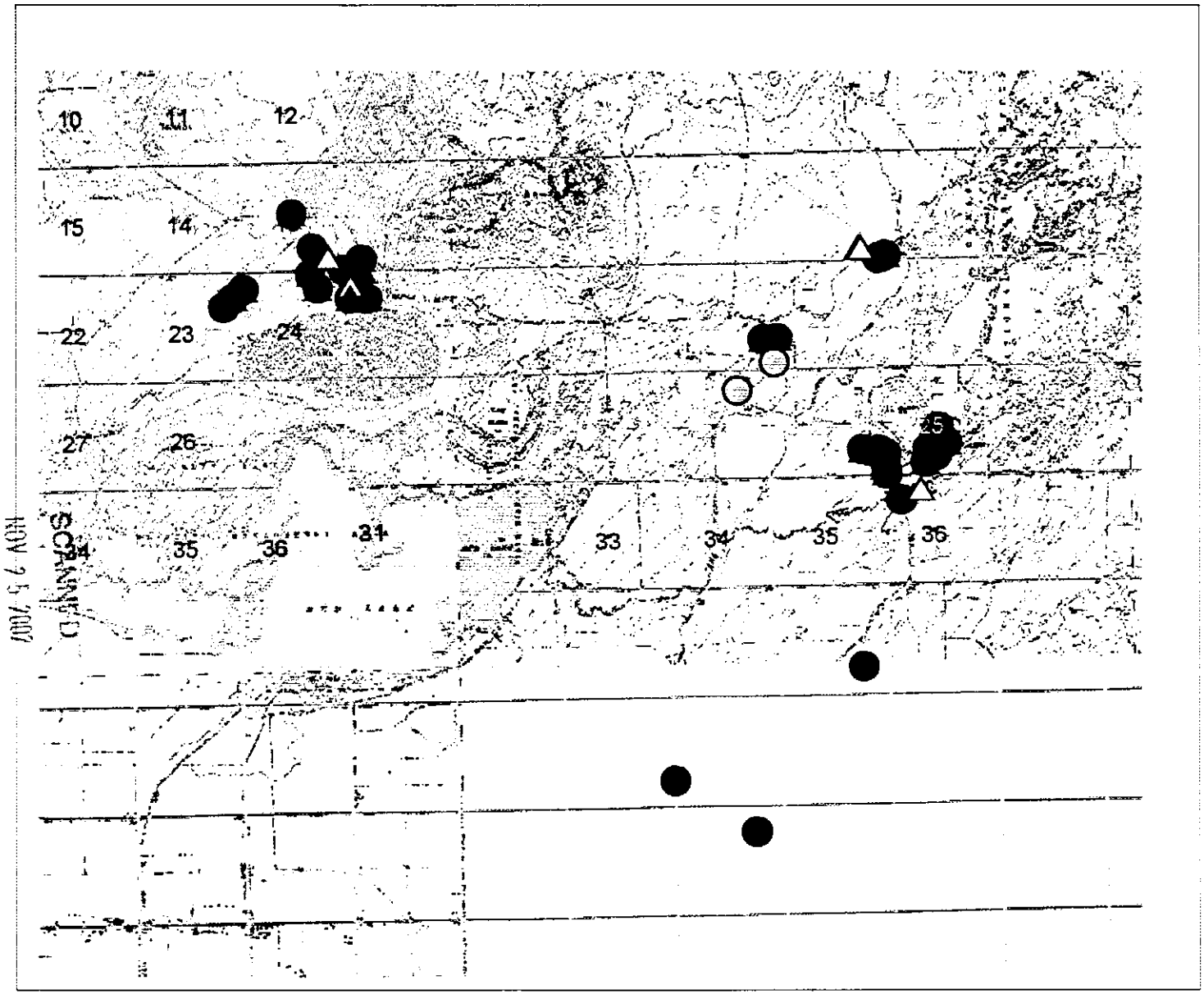
0.03 0 0.03 Miles

N
W E
S

B. Contor 12/2000

SCANNED
NOV 7 5 2007

Summary of MLWU PODs
All Wells



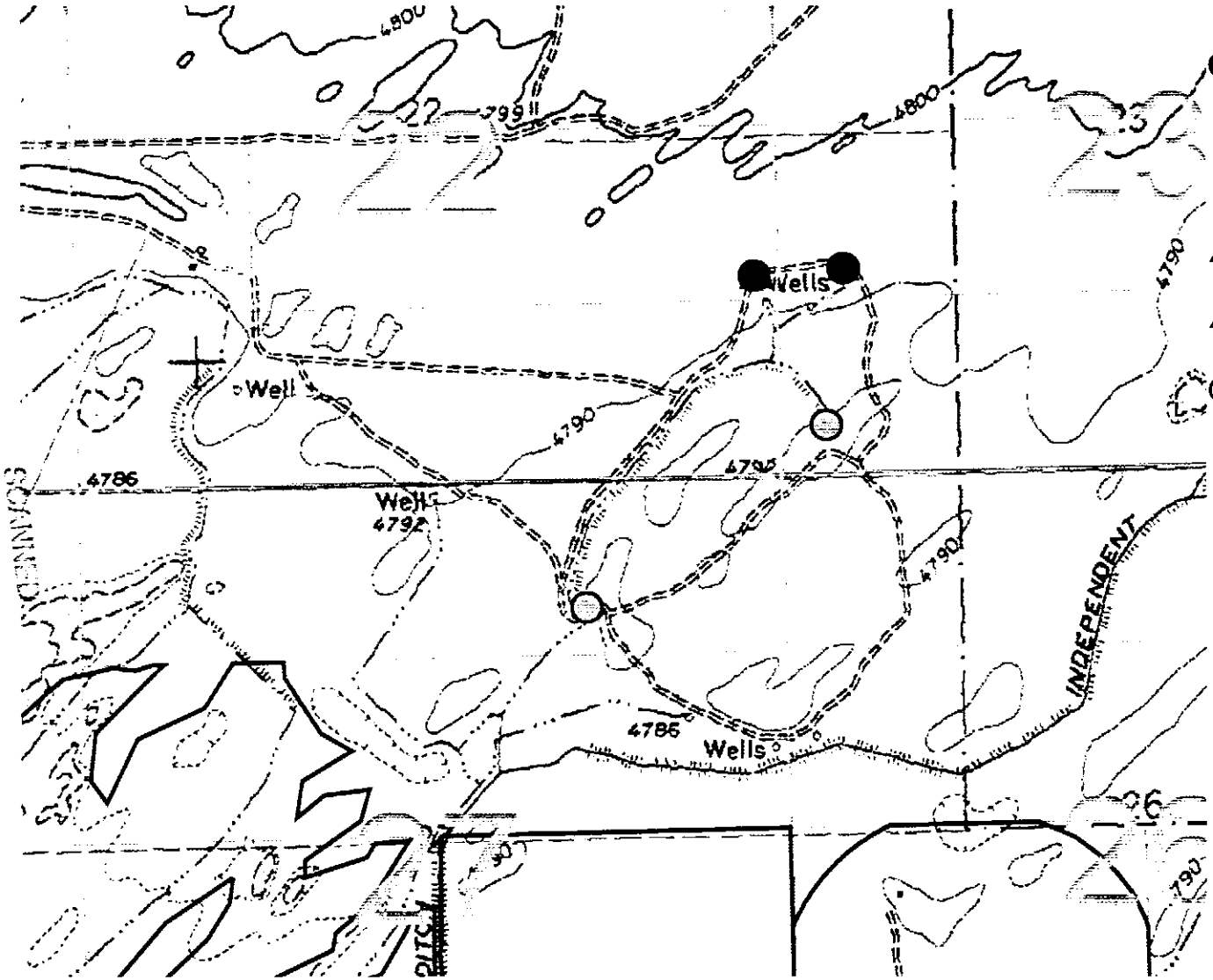
Points of Diversion

- ● GW Diversion Per Field Work
- ▲ T5335 - Active We
- △ T5335 - No Well
- ○ T5335 - Unused Well

N
W E
S

B. Contor 12/2000

Summary of MLWU PODs
Marty/Jackett Well Field



Points of Diversion

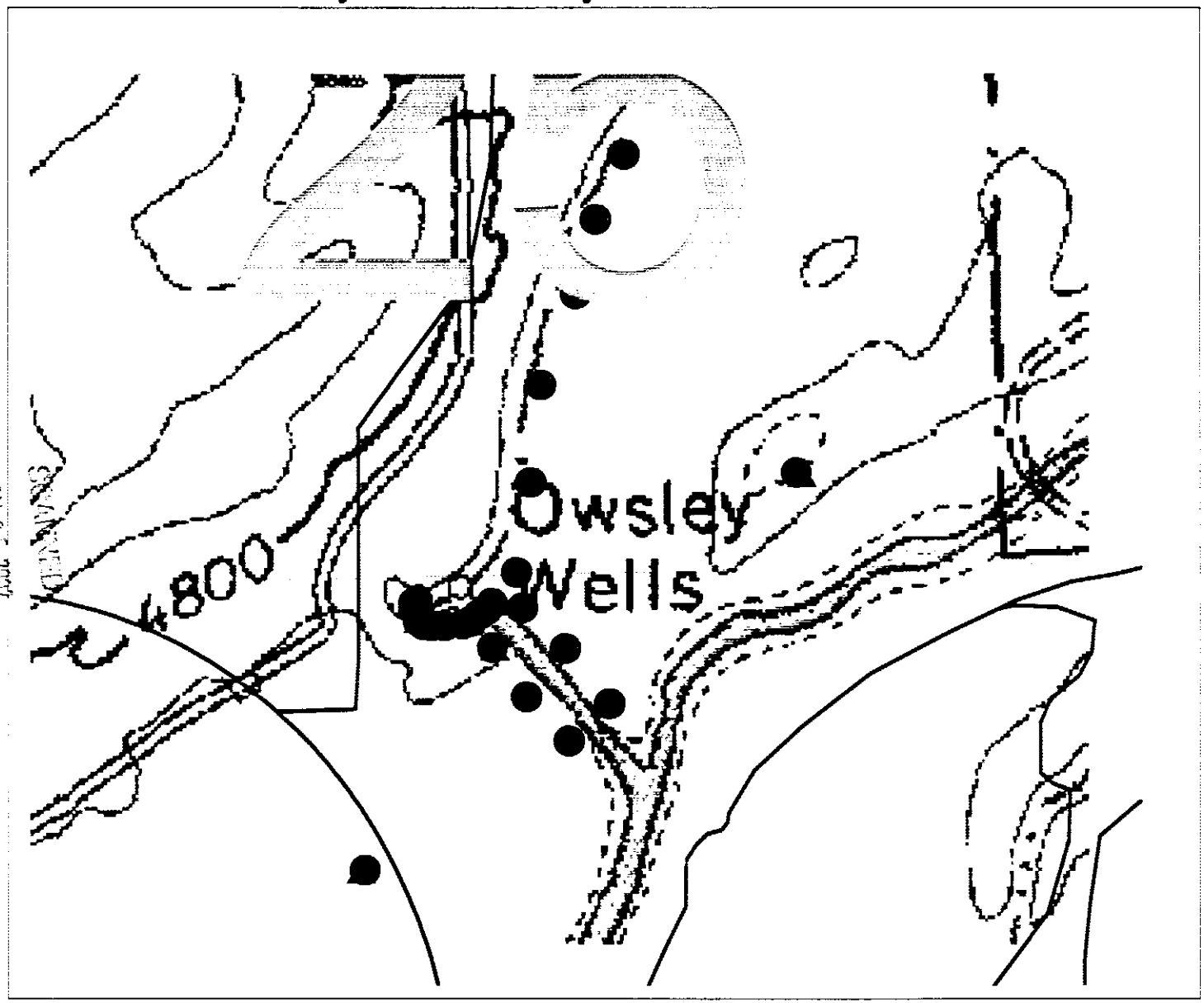
- GW Diversion Per Field Work
- ▲ T5335 - Active Well
- △ T5335 - No Well
- ○ T5335 - Unused Well

N
W E
S

B. Contor 12/2000

NOV 7 5 2002

Summary of MLWU PODs
Bybee/Owsely Wells



Points of Diversion

- GW Diversion Per Field Work
- ▲ T5335 - Active We
- △ T5335 - No Well
- ○ T5335 - Unused Well

N
W E
S

B. Contor 12/2000

Mud Lake Water Users
Holley Wells



T5335pods.shp
- Active
- No Well
- Unused

Active wells - mlwu.shp

T5335.shp
S07n34e.shp
S06n35e.shp
S06n34e.shp
S07n35e.shp
T07n34e.shp
T07n35e.shp
T06n34e.shp
T06n35e.shp

N
W E
S

Mud Lake Water Users
Holley Wells



▲ Adjudication Recommendation per Transfer 5335

Diversions Per Field Work

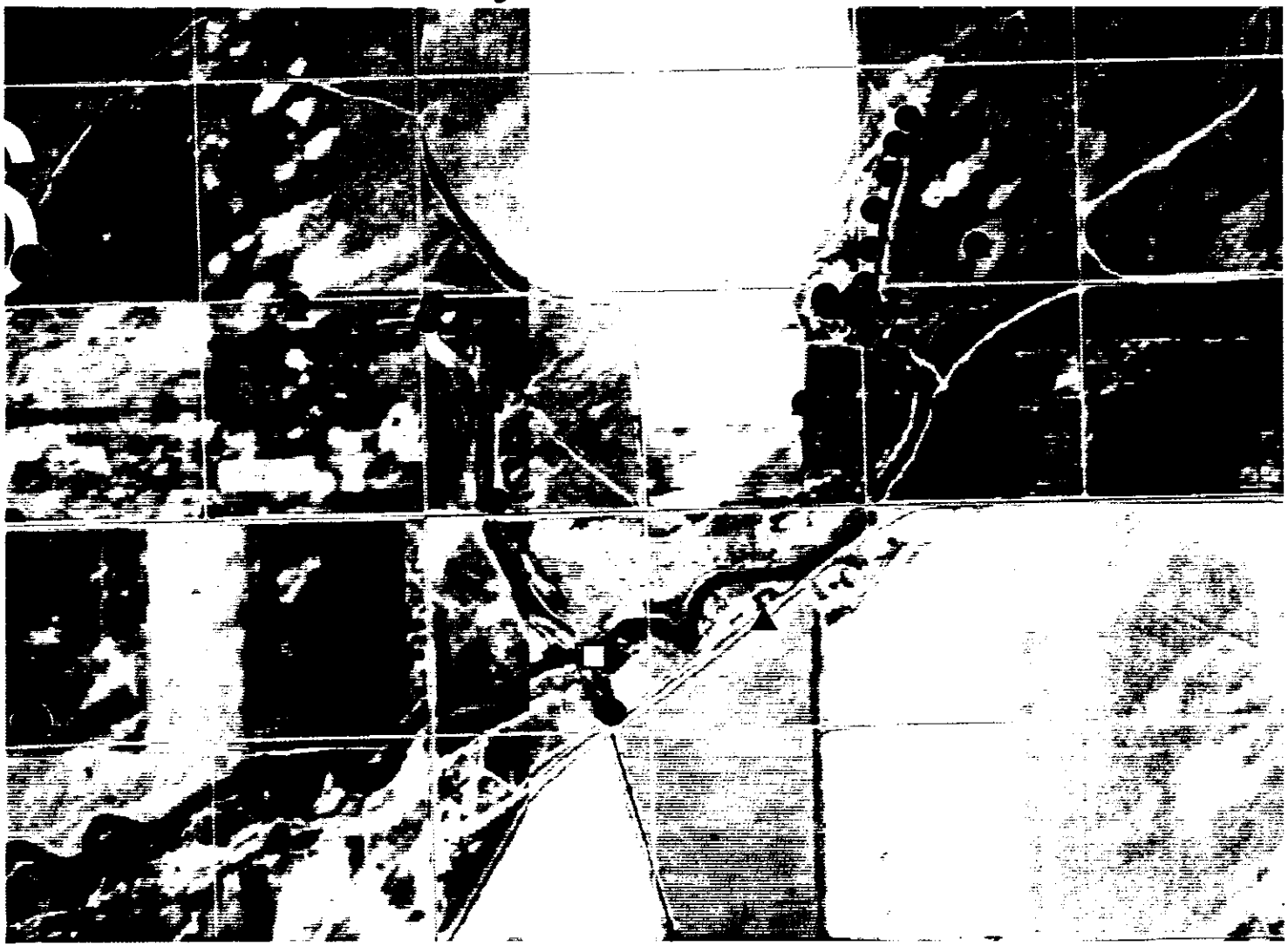
- ● Well
- ⬟ Injection to Lake
- □ Rediversion from Lake
- ○ Sprinkler

N

W E

S

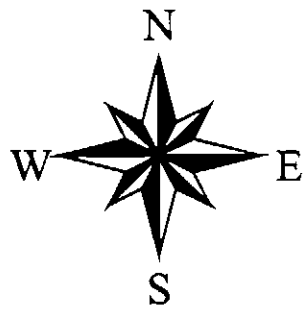
Mud Lake Water Users
Holley Wells



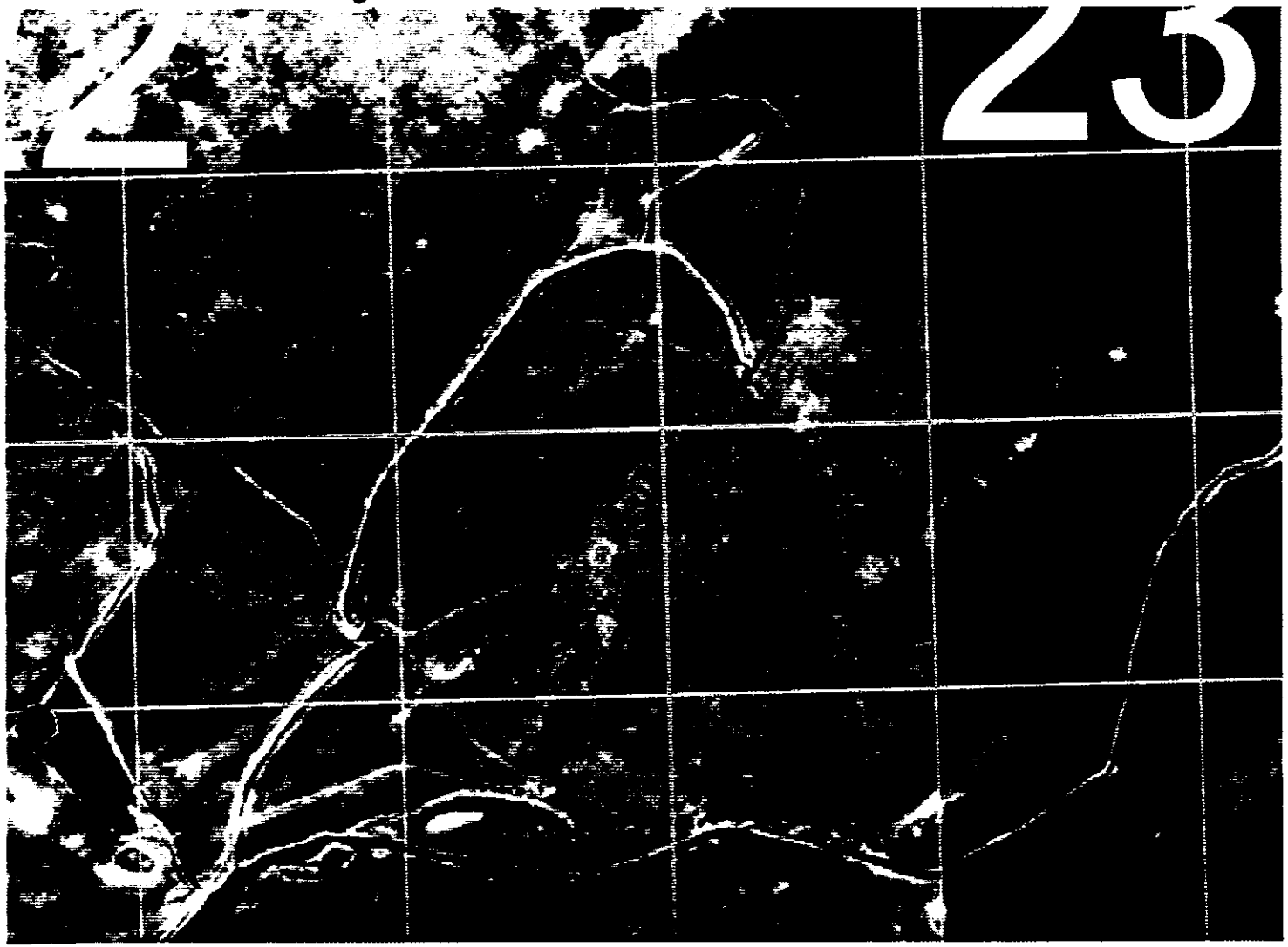
▲ Adjudication Recommendation per Transfer 5335

Diversions Per Field Work

- ● Well
- ⬟ Injection to Lake
- □ Rediversion from Lake
- ○ Sprinkler



Mud Lake Water Users
Marty/Jackett Wells



▲ Adjudication Recommendation per Transfer 5335

Diversions Per Field Work

- ● Well
- ⬟ Injection to Lake
- □ Rediversion from Lake
- ○ Sprinkler

N
W E
S

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-0[illegible]29/31-00330
31-00331/31-0[illegible]2/31-00336B/31-00337B/31-[illegible]371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

POD Worksheet
T5335
d:/data/mudlake storage/T335pod.shp

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-02317B :			
IRRIGATION	04/15 to 10/15	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :			
IRRIGATION	04/15 to 10/15	1.92 CFS	336.0 AF
Priority: 04/25/1953			
Right No. 31-02341 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02342 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02343 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02344 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02345 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-07005 :			
IRRIGATION	04/15 to 10/15	13.26 CFS	4939.4 AF
Priority: 12/04/1967			
	TOTAL:	*** 643.21 CFS	

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

/SWNE , Sec. 13, Township 07N, Range 34E
/SESE , Sec. 13, Township 07N, Range 34E
/NENE , Sec. 23, Township 07N, Range 34E
/NENE , Sec. 24, Township 07N, Range 34E
/NWNE , Sec. 24, Township 07N, Range 34E

21 QQ

13 in QQ
mult PODs

21
13
34

MICROFILMED
FEB 11 1999

SCANNED
NOV 25 2002

TRANSFER NO. 5333

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

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E
SWSW , Sec. 13, Township 07N, Range 35E
SESE , Sec. 14, Township 07N, Range 35E (2)
Lot 4 (SESW), Sec. 18, Township 07N, Range 35E
Lot 1 (NWNW), Sec. 19, Township 07N, Range 35E (2)
SWNW , Sec. 19, Township 07N, Range 35E
SENW , Sec. 19, Township 07N, Range 35E
NESE , Sec. 22, Township 07N, Range 35E
NWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 25, Township 07N, Range 35E (5)
SESW , Sec. 25, Township 07N, Range 35E (7)
NWSE , Sec. 25, Township 07N, Range 35E
SESE , Sec. 26, Township 07N, Range 35E (2)
NWNE , Sec. 27, Township 07N, Range 35E
NENW , Sec. 36, Township 07N, Range 35E
JEFFERSON County

Should be SWSW

Should be Lot 2

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06N	34E	3	NENW	26	NWNW	35	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	461
		4	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		5	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		7	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			320
		8	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 11 1999

SCANNED
NOV 25 2002

Contor, Bryce
From: Contor, Bryce
Sent: Friday, December 08, 2000 11:17 AM
To: Ciscell, Michael; Fritschle, Carter; Shaff, Don
Subject: Trasnfer 5335

The attached shape "MLWU pod" is the actual PD's identified by field work, for reference only. Per Norm, since the inaccuracies are from data provided by the applicant, we will recommend per the transfer and not per field work.

The attached shape "T5335pods" is the POD's recognized by the transfer. Those marked "Active" are those that agree with field work, GPS or inspection. I digitized those by hand, visually overlaying over the GPS shapes from "MLWU pod."

Those marked "No Well" are PDs recognized by the transfer in a given quarter-quarter, above the number of actual wells in that quarter-quarter. I tried to digitize those more or less in the center of the qq. Note that there may be other wells in the same qq, either wells of other users, or wells of MLWU already recognized.

Those marked "Unused" are those where field work showed no active wells, but the USGS topos indicate that there was at one time a well there. Those were digitized by hand, visually overlaying the USGS map.

The water rights to which these PODs apply are:

31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2343, 31-2344, 31-2345, 31-7005.

I'm sending this stuff along in case it helps solve the puzzle of how to automate this process, both the process of copying the list of PDs to the individual recommendations and the process of performing the SDE linkage. If our network link comes to life before the allocations database testing, I'll try to start on 31-327 so there will be a pattern.

Thanks, Bryce.


mlwu pod.dbf


mlwu pod.shp


mlwu pod.shx


t5335pods.dbf


t5335pods.shp


t5335pods.shx

SCANNED
NOV 2 5 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

This is to certify that: **OWSLEY CANAL CO**
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

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

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-00327 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	110.00 CFS	
Priority: 00/00/0000			
Right No. 31-00328 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	100.00 CFS	
Priority: 00/00/0000			
Right No. 31-00329 :			
IRRIGATION	04/15 to 10/15	** 50.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	50.00 CFS	
Priority: 00/00/0000			
Right No. 31-00330 :			
IRRIGATION	04/15 to 10/15	** 80.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	80.00 CFS	
Priority: 00/00/0000			
Right No. 31-00331 :			
IRRIGATION	04/15 to 10/15	24.00 CFS	
Priority: 09/10/1928			
Right No. 31-00332 :			
IRRIGATION STORAGE	01/01 to 12/31		5000.0 AF
Priority: 01/25/1930			

MICROFILMED
FEB 1 1 1999

SCANNED
NOV 2 5 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

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

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-02317B :			
IRRIGATION	04/15 to 10/15	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :			
IRRIGATION	04/15 to 10/15	1.92 CFS	336.0 AF
Priority: 04/25/1953			
Right No. 31-02341 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02342 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02343 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02344 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02345 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-07005 :			
IRRIGATION	04/15 to 10/15	13.26 CFS	4939.4 AF
Priority: 12/04/1967			
	TOTAL:	*** 643.21 CFS	

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
SESE , Sec. 13, Township 07N, Range 34E
NENE , Sec. 23, Township 07N, Range 34E
NENE , Sec. 24, Township 07N, Range 34E
NWNE , Sec. 24, Township 07N, Range 34E

MICROFILMED
SCANNED FEB 11 1999
NOV 25 2002

TRANSFER NO. 5335

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

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E
SWSW , Sec. 13, Township 07N, Range 35E
SESE , Sec. 14, Township 07N, Range 35E
Lot 4(SESW), Sec. 18, Township 07N, Range 35E
Lot 1(NWNW), Sec. 19, Township 07N, Range 35E
SWNW , Sec. 19, Township 07N, Range 35E
SENW , Sec. 19, Township 07N, Range 35E
NESE , Sec. 22, Township 07N, Range 35E
NWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 23, Township 07N, Range 35E
SWSW , Sec. 25, Township 07N, Range 35E
SESW , Sec. 25, Township 07N, Range 35E
NWSE , Sec. 25, Township 07N, Range 35E
SESE , Sec. 26, Township 07N, Range 35E
NWNE , Sec. 27, Township 07N, Range 35E
NENW , Sec. 36, Township 07N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06N	34E	3	NENW	26	NWNW	35	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	461
		4	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		5	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		7	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			320
		8	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 11 1999 SCANNED
NOV 15 2007

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN RGE SEC		ACRES		ACRES		ACRES	TOTAL
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					640
9	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	40	NWNW	40	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					640
10	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	20	NWNW	40	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					620
11	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	40	NWNW	40	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					640
13	NWNW	40	SWNW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					400
14	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NESW	40	NWSW	40	
	SWSW	40	SESW	36	NESE	40	
	NWSE	40	SWSE	27	SESE	37	460
15	NENW	40	NWNW	40	SWNW	40	
	SENW	40	NESW	40	NWSW	40	
	SWSW	40	SESW	36	NESE	40	
	NWSE	40	SWSE	40	SESE	40	476
16	NENE	40	NWNE	40	SWNE	40	
	SENE	25	NENW	40	NWNW	40	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					625
17	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN RGE SEC		ACRES		ACRES		ACRES	TOTAL
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	20	NWSE	40	SWSE	10	
	SESE	10					560
20	NENE	30	NWNE	35	SWNE	40	
	SENE	40	NENW	40	NWNW	30	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					615
21	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	40	NWNW	25	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					625
22	NENE	20	NWNE	20	SWNE	40	
	SENE	40	NENW	36	NWNW	20	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					576
23	NENE	15	NWNE	40	SWNE	40	
	SENE	40	NENW	35	NWNW	40	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					610
24	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	10	NWNW	30	
	SWNW	40	SENW	30	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					590
25	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	40	NWNW	40	
	SWNW	40	SENW	40	NESW	40	
	NWSW	40	SWSW	40	SESW	40	
	NESE	40	NWSE	40	SWSE	40	
	SESE	40					640
26	NENE	40	NWNE	40	SWNE	40	
	SENE	40	NENW	40	NWNW	40	

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		27	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		28	NENE	40	SWNE	40	SENE	40	
			NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			NWSE	40	SWSE	40	SESE	40	600
		29	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		34	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	SENW	40	
			NESW	40	NWSW	40	SWSW	40	
			SESW	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			560
		35	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
35E		1	NWNW	4					4
		2	NENE	40	NWNE	40	SWNE	40	
			SENE	8	NESW	32	NWSW	40	
			SWSW	40	SESW	38	NWSE	40	
			SWSE	40					358
		3	Lot 1 (NENE)	41.9	Lot 2 (NWNE)	41.7	SWNE	40	
			SENE	40	Lot 3 (NENW)	41.5	Lot 4 (NWNW)	35	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SESE	40					640.1
		4	Lot 4 (NWNW)	7		NESW 40		NWSW 40	
			SWSW	40		SESW 40		NESE 40	
			NWSE	40		SWSE 40		SESE 40	327
		5	Lot 1 (NENE)	41.2	Lot	2 (NWNE) 38		SWNE 40	
			SENE	40		NESW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					399.2
		8	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	
			NWSW	40		SWSW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					640
		9	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NESW 40		NWSW 40	
			SWSW	40		SESW 40		NESE 40	
			NWSE	40		SWSE 40		SESE 40	480
		10	NENE	40		SWNE 40		SENE 40	
			SENW	40		NESW 40		NWSW 40	
			SWSW	40		SESW 40		NESE 40	
			NWSE	40		SWSE 40		SESE 40	480
		11	NENW	40		NWNW 30		SWNW 40	
			SENW	40		NESW 40		NWSW 40	
			SESW	40					270
		14	NESW	10		NWSW 40			50
		15	NENE	34		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	
			NWSW	40		SWSW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					634
		16	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	
			NWSW	40		SWSW 40		SESW 40	
			NESE	40		NWSE 40		SWSE 40	
			SESE	40					640
		17	NENE	40		NWNE 40		SWNE 40	
			SENE	40		NENW 40		NWNW 40	
			SWNW	40		SENW 40		NESW 40	

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		18	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		19	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		20	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
		22	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	SENW	40	
			NESW	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			440
		29	NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	10	SESW	40			290
		30	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					640
07N	34E	32		SESW 40		SWSE 40		SESE 40	120
		33		NWSW 10		SWSW 20		SESW 40	
	35E	32	Lot	8(SWSE) 2	Lot	7(SESE) 18			20
		33		SWSW 1					1
		35		NESE 38		NWSE 34		SWSE 34	
				SESE 38					144
		36		NESW 40		NWSW 40		SWSW 38	118

Total number of acres irrigated: * 24261.3

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER NO. 5335
WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344 31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

* 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.

* 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.

* 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.

* 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.

* 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.

* 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.

* 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.

* 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.

23. Two points of diversion are located within SESE, S14, T07N, R35E.

24. Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.

25. Five points of diversion are located within SWSW, S25, T07N, R35E.

26. Seven points of diversion are located within NWSE, S25, T07N, R35E.

27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day of February, 1999.

L. Dan Soyton

Chief, Water Allocation Bureau

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5335

RECEIVED
DEC 23 1998
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Owsley Canal Co. Phone (208)663-4359

Post Office address c/o Garth Soderquist P.O. Box 68 Terreton ID 83450

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 The Jackett Canal, Holley Water Users and Owsley Canal have merged and wish to consolidate all of their groundwater rights under one permissable place of use

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
See List "A"				to
				to
				to
				to

2. Total amount of water being transferred 715.13 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion: See List "B"

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use: See List "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	

MICROFILMED
FEB 14 1999

SCANNED
NOV 05 2002

The place of use is subject to adjudication review recommendation. Ref

Total acres 24,070

LIST A

00-5805
WR5805WP
SELECTION FILE: JCG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT SOURCE INDEX

DATE: 09/09/98
TIME: 09:28:49
PAGE: 1

SOURCE		PRIORITY DATE	WATER RIGHT NUMBER	STG STA	O C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER	11.05 cfs	04/27/1932	31-00336B	D/	O	INDEPENDENT WATER USERS OF MUD LAKE INC.	
					C	JACKETT CANAL CO.	
GROUNDWATER	17.00 cfs	12/15/1932	31-00337B	D/	O	INDEPENDENT WATER USERS OF MUD LAKE INC.	
					C	JACKETT CANAL CO.	
GROUNDWATER	3.20 cfs	01/13/1949	31-02289	L/	O	CALVIN PASSEY	
					C	JACKETT CANAL CO.	
GROUNDWATER	3.60 cfs	02/14/1949	31-02290	L/	O	J. R. BIXBY	
					C	JACKETT CANAL CO.	
GROUNDWATER	6.00 cfs	12/29/1949	31-02297	L/	O	RULON R. YEARSLEY	
					C	JACKETT CANAL CO.	
GROUNDWATER	5.80 cfs	09/24/1952	31-02310	L/	O	BLAINE E. MILLER	
					C	JACKETT CANAL CO.	
	8.08 cfs	05/28/1953	31-02317A				
GROUNDWATER	1.90 cfs	10/27/1956	31-02317B	L/	C	FRANK S. JACKETT	
					C	JACKETT CANAL CO.	
GROUNDWATER	1.92 cfs	04/25/1953	31-02321	L/	O	DENNIS GREEN	
					C	JACKETT CANAL CO.	

50.47
+8.08 (31-02317A)
58.55 cfs

MICROFILMED
FEB 11 1999

SCANNED
NOV 25 2002

00-5805
WR5805NP
SELECTION FILE: OWG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT SOURCE INDEX

DATE: 09/09/98
TIME: 08:15:54
PAGE: 1

SOURCE		PRIORITY DATE	WATER RIGHT NUMBER	STG	O C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER	110.00 cfs		31-00327	D/	C	OWSLEY CANAL CO.	
GROUNDWATER	100.00 cfs		31-00328	D/	C	OWSLEY CANAL CO.	Limited to 300.00 cfs during IRR season
GROUNDWATER	50.00 cfs		31-00329	D/	C	OWSLEY CANAL CO.	
GROUNDWATER	80.00 cfs		31-00330	D/	C	OWSLEY CANAL CO.	
NORTH LAKE		01/25/1930	31-02239	L/	C	OWSLEY CANAL CO.	
GROUNDWATER	40.00 cfs	01/25/1930	31-02239	L/	C	OWSLEY CANAL CO.	
GROUNDWATER	80.00 cfs	06/26/1936	31-02259	L/	C	OWSLEY CANAL CO.	? Superceded by 31-00330
GROUNDWATER	16.00 cfs	09/03/1954	31-02341	L/	C	OWSLEY CANAL CO.	
GROUNDWATER	16.00 cfs	09/03/1954	31-02342	L/	C	OWSLEY CANAL CO.	
GROUNDWATER	16.00 cfs	09/03/1954	31-02343	L/	C	OWSLEY CANAL CO.	
GROUNDWATER	16.00 cfs	09/03/1954	31-02344	L/	C	OWSLEY CANAL CO.	
GROUNDWATER	16.00 cfs	09/03/1954	31-02345	L/	C	OWSLEY CANAL CO.	
GROUNDWATER	13.26 cfs	12/04/1967	31-07005	L/	C	OWSLEY CANAL CO.	
Groundwater	64.40 cfs	5/22/1990	31-02265	L		Owsley Canal Co.	

58.55

SCANNED
NOV 25 2002

00-5805
WR5805NP
SELECTION FILE: NWUG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT SOURCE INDEX

DATE: 09/09/98
TIME: 09:06:24
PAGE: 1

SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG STA	O C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER 24.00 cfs	09/10/1928	31-00331	D/	C	HOLLEY WATER USERS ASSN.	
GROUNDWATER 5000. AF	01/25/1930	31-00332	D/	C	HOLLEY WATER USERS ASSN.	
GROUNDWATER 23.00 cfs	09/10/1928	31-00371	D/	C	HOLLEY WATER USERS ASSN.	

47.00 + 5000 AF

MICROFILMED
FEB 1 1 1999

SCANNED
NOV 25 2002

List B

Owsley Canal Co. Transfer Points of Diversion

	N. Lake Wells					
ID	¼	¼	¼	SECTION	TOWNSHIP	RANGE
1		SW	NE	13	07N	34E
3		SE	SE	13	07N	34E
4	NE	NW	NE	24	07N	34E
5	SW	NE	NE	24	07N	34E
6	Lot 1	NW	NW	19	07N	35E
7	Lot 4	SE	SW	18	07N	35E
8	Lot 1	NW	NW	19	07N	35E
9		SE	NW	19	07N	35E
10		SW	NW	19	07N	35E
11C		NW	NW	24	07N	34E
11E		NE	NE	23	07N	34E
		Jackett	Wells			
1		NW	NE	27	07N	35E
2	SW	SW	SW	23	07N	35E
3		NW	SW	23	07N	35E
4		NE	SE	22	07N	35E
		Jackett	Wells	(Buck Springs)		
1	SE	SE	SE	14	07N	35E
2	SE	SE	SE	14	07N	35E
3	SW	SW	SW	13	07N	35E
		Holley	Wells			
1	NW	SE	SE	26	07N	35E
2	NE	SE	SE	26	07N	35E
3	NW	SW	SW	25	07N	35E
4		SW	SW	25	07N	35E
5	SW	SW	SW	25	07N	35E
6	SE	SW	SW	25	07N	35E
7	SE	SW	SW	25	07N	35E
8		NE	NW	36	07N	35E

FEB 1 1 1993

SCANNED

NOV 2 5 2002

List B

ID	¼	¼	¼	SECTION	TOWNSHIP	RANGE
12	NW	NW	SE	25	07N	35E
13		NW	SE	25	07N	35E
14	SW	NW	SE	25	07N	35E
15		NW	SE	25	07N	35E
16	SW	NW	SE	25	07N	35E
17		NW	SE	25	07N	35E
18	SE	SE	SW	25	07N	35E
19	SE	NW	SE	25	07N	35E
			Relift Pumps			
1		NE	SE	32	07N	35E
2		SE	SW	01	06N	34E
3		SE	SE	33	07N	34E
4		NW	NE	34	07N	34E
5		NW	SW	01	06N	34E
6		SE	SE	01	06N	34E
7		NW	NW	36	07N	35E

STOPPED START

MICROFILM
FEB 1 1 1999
SCANNED
NOV 2 5 2002

2 1st C 17,985

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: **A31-00185Z5**
Date Received: 12/ 6/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: OWSLEY CANAL CO 208-523-0620
   Address: HOLDEN KIDWELL HAHN & CRAPO
   PO BOX 50130
   IDAHO FALLS ID 83405

2. Date of Priority: DEC 2, 1916

3. Source: MUD LAKE Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
   HEADINGS FOR OWSLEY CANAL AND LEVEL CANAL, SEE ATTACHMENT A.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	72.600		
IRRIGATION STORAGE	11/01	04/01			17985.00
IRRIGATION FROM STORAGE	04/01	11/04			17985.00

7. Total Quantity Appropriated is:
   72.600 C.F.S. (and/or) 17985.00 A.F.A.

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

9. Non-irrigation uses:
   NONE

SCANNED NOV 25 2002

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	3	NE	NW		IRR	26.0
			NW	NW		IRR	35.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	461.0
		4	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		5	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0

FEB 1 1 1999
SCANNED
NOV 15 2007

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	5	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		7	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
		8	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		9	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

MICROFILM
FEB 11 1999
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	9	SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		10	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	20.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	620.0
		11	NE	NE		IRR FS	40.0
			NW	NE		IRR FS	40.0
			SW	NE		IRR FS	40.0
			SE	NE		IRR FS	40.0
			NE	NW		IRR FS	40.0
			NW	NW		IRR FS	40.0
			SW	NW		IRR FS	40.0
			SE	NW		IRR FS	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		13	NW	NW		IRR	40.0

FEB 1 1 [illegible]
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	34E	13	SW NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		400.0
		14	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	36.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	27.0
			SE SE		IRR	37.0
				Section Acres		460.0
		15	NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	36.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		476.0
		16	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	25.0
			NE NW		IRR	40.0

FEB 1 7 1999

SCANNED

NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	16	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		625.0
		17	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	40.0
			SW	SE		IRR	10.0
			SE	SE		IRR	10.0
					Section Acres		560.0
		20	NE	NE		IRR	30.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	30.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

FEB 11 [illegible]
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	20	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	615.0
		21	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	25.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	625.0
		22	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	36.0
			NW	NW		IRR	20.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	576.0
		23	NE	NE		IRR	15.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

FEB 11 1999

SCANNED

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	23	NE	NW		IRR	35.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		610.0
		24	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	10.0
			NW	NW		IRR	30.0
			SW	NW		IRR	40.0
			SE	NW		IRR	30.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		590.0
		25	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0

FEB 11 [illegible]

SCANNED

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	34E	25	NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		640.0
		26	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		640.0
		27	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		640.0
		28	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0

FEB 1 1 98

SCANNED

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	28	SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		29	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		640.0
		34	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

FEB 1 1 1999

SCANNED

NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	34	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	560.0
		35	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
	35E	1	NW	NW		IRR FS	4.0
						Section Acres	4.0
		2	NE	NE		IRR FS	40.0
			NW	NE		IRR FS	40.0
			SW	NE		IRR FS	40.0
			SE	NE		IRR FS	8.0
			NE	SW		IRR FS	32.0
			NW	SW		IRR FS	40.0
			SW	SW		IRR FS	40.0
			SE	SW		IRR FS	38.0
			NW	SE		IRR FS	40.0
			SW	SE		IRR FS	40.0
						Section Acres	358.0
		3	NE	NE	1	IRR	41.9
			NW	NE	2	IRR	41.7
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	41.5
			NW	NW	4	IRR	35.0

FEB 1 1 1999

SCANNED

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	3	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR FS	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR FS	40.0
					Section Acres		640.1
		4	NW	NW	4	IRR	7.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		327.0
		5	NE	NE	1	IRR	41.2
			NW	NE	2	IRR	38.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		399.2
		8	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SW		IRR	40.0

FEB 1 1 1999

SCANNED

NOV 7 5 2007

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	8	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	600.0
		9	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR FS	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR FS	40.0
						Section Acres	480.0
		10	NE	NE		IRR FS	40.0
			SW	NE		IRR FS	40.0
			SE	NE		IRR FS	40.0
			SE	NW		IRR FS	40.0
			NE	SW		IRR FS	40.0
			NW	SW		IRR FS	40.0
			SW	SW		IRR FS	40.0
			SE	SW		IRR FS	40.0
			NE	SE		IRR FS	40.0
			NW	SE		IRR FS	40.0
			SW	SE		IRR FS	40.0
			SE	SE		IRR FS	40.0
						Section Acres	480.0
		11	NE	NW		IRR FS	40.0
			NW	NW		IRR FS	30.0
			SW	NW		IRR FS	40.0
			SE	NW		IRR FS	40.0
			NE	SW		IRR FS	40.0
			NW	SW		IRR FS	40.0
			SE	SW		IRR FS	40.0

FEB 1 1 999

SCANNED

NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		270.0
		14	NE SW		IRR FS	10.0
			NW SW		IRR FS	40.0
				Section Acres		50.0
		15	NE NE		IRR FS	34.0
			NW NE		IRR FS	40.0
			SW NE		IRR FS	40.0
			SE NE		IRR FS	40.0
			NE NW		IRR FS	40.0
			NW NW		IRR FS	40.0
			SW NW		IRR FS	40.0
			SE NW		IRR FS	40.0
			NE SW		IRR FS	40.0
			NW SW		IRR FS	40.0
			SW SW		IRR FS	40.0
			SE SW		IRR FS	40.0
			NE SE		IRR FS	40.0
			NW SE		IRR FS	40.0
			SW SE		IRR FS	40.0
			SE SE		IRR FS	40.0
				Section Acres		634.0
		16	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		640.0
		17	NE NE		IRR	40.0

FEB 11 1999

SCANNED

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	35E	17	NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
					Section Acres	640.0
		18	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
					Section Acres	640.0
		19	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0

FEB 1 1 1999

SCANNED

NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	35E	19	SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		640.0
		20	NE NE		IRR	40.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		640.0
		22	NE NE		IRR FS	40.0
			NW NE		IRR FS	40.0
			SW NE		IRR FS	40.0
			SE NE		IRR FS	40.0
			NE NW		IRR FS	40.0
			SE NW		IRR FS	40.0
			NE SW		IRR FS	40.0
			NE SE		IRR FS	40.0
			NW SE		IRR FS	40.0
			SW SE		IRR FS	40.0
			SE SE		IRR FS	40.Q
				Section Acres		440.0
		29	NE NW		IRR	40.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0

FEB 1 1 1999

SCANNED

NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	35E	29	NW	SW		IRR	40.0
			SW	SW		IRR	10.0
			SE	SW		IRR	40.0
						Section Acres	290.0
		30	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
07N	34E	32	SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	120.0
		33	NW	SW		IRR	10.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	10.0
						Section Acres	110.0
	35E	32	SW	SE	8	IRR	2.0
			SE	SE	7	IRR	18.0
						Section Acres	20.0
		33	SW	SW		IRR	1.0

FED 1 1 [illegible]
SCANNED
NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
				Section Acres			1.0
		35	NE	SE		IRR FS	38.0
			NW	SE		IRR FS	34.0
			SW	SE		IRR FS	34.0
			SE	SE		IRR FS	38.0
				Section Acres			144.0
		36	NE	SW		IRR FS	40.0
			NW	SW		IRR FS	40.0
			SW	SW		IRR FS	38.0
				Section Acres			118.0
				Total Acres			23863.3 (P.P.U)

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A31-00065/00168/00188/00184/00166/00263/00147/CON. IN REMARK

14. Remarks:
OWSLEY CANAL COMPANY HOLDS THIS AND ALL ITS WATER RIGHTS FOR THE USE AND BENEFIT OF THE LANDS OF ITS STOCKHOLDERS DESCRIBED IN THE ATTACHED LAND LIST (ATTACHMENT "C")_____MUD LAKE & TRIBUTARIES A31-00052/00104/00105/00162/00159/00185/00163/00006/00169/00237/00034/00035/00187/00036/00037/00232/00038/00186/00363/.
BYBEE WELL FIELD-A31-00327/00328/00329/00330/.
NORTH LAKE WELL FIELD-31-02239/002265/02341/02342/02343/02344/02345/07005/. WATEWATER A31-02276/
**********MEMO**********
BASED ON IRRIGATED ACREAGE THE CONSUMPTIVE USE SHOULD BE 17985.0 X 2.5 = 44942.5.
ATTACHMENT B OF NOTICE DISCUSSES STORAGE PRACTICES BUT FAILS TO IDENTIFY A VOLUME. SINCE IRRIGATION STORAGE HAS BEEN CLAIMED FOR EACH NATURAL FLOW, RIGHT FOR DATA ENTRY PURPOSES. THE VOLUME WAS SET AT 1 AF/ACRE.
SEE A31-00065 FOR MAP OF THE AREA SERVED BY THIS RIGHT.
CONFORMED ATTORNEY MAILING ADDRESS DMS
*THIS CLAIM WAS AMENDED 9-15-97 TO BETTER REFLECT THE ACTUAL PLACE OF USE AND AMEND THE PRIORITY DATE TO THE DATE IN DECREE.

FEB 1 1 1999
SCANNED
NOV 2 5 2007

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ERNEST SAUVE — Decree Plaintiff

vs

W. H. ABBOTT, ET AL. — 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 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)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

FEB 11 1999

SCANNED

NOV 25 2002

List C 2978

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: **A31-00331**
Date Received: 12/20/1988
Receipt No: E005296
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: HOLLEY WATER USERS ASSN
   Address: C/O LA MOYNE BARNEY
   HAMER ID 83425
   OR
   Name: HOLLEY WATER USERS ASSN
   Address: C/O CARL HOGGAN
   HAMER ID 83425

2. Date of Priority: JAN 25, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	25		SW	SW		JEFFERSON
		26		SE	SE		JEFFERSON
		36	SE	NW	NW		JEFFERSON

5. Description of diverting works:
   EIGHT WELLS OPEN DISCHARE INTO HOLLY CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/15	24.000		

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

8. Total consumptive use is 8075.0 Acre Feet Per Annum.

9. Non-irrigation uses:

FEB 1 1 1989
SCANNED
NOV 25 2002

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	34E	11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	320.0 ✓
	35E	1	NW	NW		IRR	4.0 ✓
						Section Acres	4.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	8.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	358.0
		3	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
		9	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
		10	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0

FEB 1 1 1999

SCANNED

NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	35E	10	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	480.0
		11	NE	NW		IRR	40.0
			NW	NW		IRR	30.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	270.0
		14	NE	SW		IRR	10.0
			NW	SW		IRR	40.0
						Section Acres	50.0
		15	NE	NE		IRR	34.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	634.0
		22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

RECEIVED
FEB 11 1998
SCANNED
NOV 25 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	22	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		440.0
07N	35E	35	NE	SE		IRR	38.0
			NW	SE		IRR	34.0
			SW	SE		IRR	34.0
			SE	SE		IRR	38.0
					Section Acres		144.0
		36	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	38.0
					Section Acres		118.0
					Total Acres		2978.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
31-00343/00344/00345/00349/00352/00354/00355/00356/00359/

14. Remarks:
PLACE OF USE OWNED BY STOCK HOLDERS IN ASSN.
OTHER RIGHTS - 31-00360/00361/00362/00363.
SEE CLAIM A31-00343 FOR MAP OF SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1946

HOLLY WATER USERS ASSN. (Decree Plaintiff) vs MARK R. KULP (Decree Defendant)

FEB 1 1 [illegible]
SCANNED
NOV 15 2002

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)
) SS.
County of _____)

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

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

FEB 1 1 1999

SCANNED
NOV 25 2002

List C 3107.3

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: **A31-02317A**
Date Received: 12/ 5/1988
Receipt No: E004936
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: JACKETT CANAL COMPANY 208-523-0620
   Address: HOLDEN KIDWELL HAHN & CRAPO
   PO BOX 50130
   IDAHO FALLS ID 83405

2. Date of Priority: FEB 28, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	35E	13	SW SW		JEFFERSON
		22	NW SE		JEFFERSON
		23	NW SW		JEFFERSON
			SW SW		JEFFERSON
		27	NW NE		JEFFERSON

5. Description of diverting works:
   5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.080		
IRRIGATION STORAGE	11/02	03/31			1.00

7. Total Quantity Appropriated is:
   8.080 C.F.S. (and/or) 1.00 A.F.A.

8. Total consumptive use is 10875.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

SCANNED
NOV 25 2002

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	35E	3	NE	NE	1	IRR	41.9
			NW	NE	2	IRR	41.7
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	41.5
			NW	NW	4	IRR	35.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	560.1
		4	NW	NW	4	IRR	7.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	327.0
		5	NE	NE	1	IRR	41.2
			NW	NE	2	IRR	38.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	399.2
		8	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0

FEB 1 1 1999

SCANNED

NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	8	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	440.0
		9	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	400.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	640.0
		17	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

FEB 1 1 1999

SCANNED

NOV 2 5 2002

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	35E	17	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
07N	35E	32	SW	SE	8	IRR	2.0
			SE	SE	7	IRR	18.0
						Section Acres	20.0
		33	SW	SW		IRR	1.0
						Section Acres	1.0
						Total Acres	3107.3

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
31-0135, 31-0143, 31-0144, 31-0190, 31-0336, 31-0337, 31-228

14. Remarks:
WTR. RTS. CONT'D 31-2290, 31-2297, 31-2310, 31-0134, 31-2321
THIS WATER RIGHT IS HELD BY THE CANAL COMPANY FOR THE BENEFIT OF THE LANDS OF ITS STOCKHOLDERS.
CONT. ITEM 5 ---- 5 PUMPS ARE LOCATED ON CAMAS CREEK IN LOT 4 OF SEC. 3 T6N R35E; 3 PUMPS ARE LOCATED ON CAMAS CREEK IN THE SW SW SEC. 33 T7N R35E. THESE PUMPS DIVERT WATER UNDER RIGHTS IN CAMAS CREEK AS WELL AS REDIVERTING WATER BROUGHT TO CAMAS CREEK THROUGH THE INDEPENDENT DITCH FROM THE COMPANY'S WELLS. THE PUMPS DIVERT UP TO ABOUT 75 CFS FROM CAMAS CREEK UNDER A COMBINATION OF THE CAMAS CREEK RIGHTS AND THE WELL RIGHTS WHICH ARE USED TO SUPPLEMENT FLOWS IN CAMS CREEK. THERE ARE SEVEN WELLS W/ PUMPS THAT PUMP INTO DITCHES WHICH BRING THE WATER TO CAMAS CREEK FOR REDIVERSION. SEE TRANSTFER NO. 2303.
CONFORMED ATTORNEY MAILING ADDRESS DMS

15. Basis of Claim: LICENSE

FEB 11 1999
SCANNED
NOV 25 2002

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)
) SS.
County of _____)

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

of _____ 19 _____ _____
Notary Public

Seal

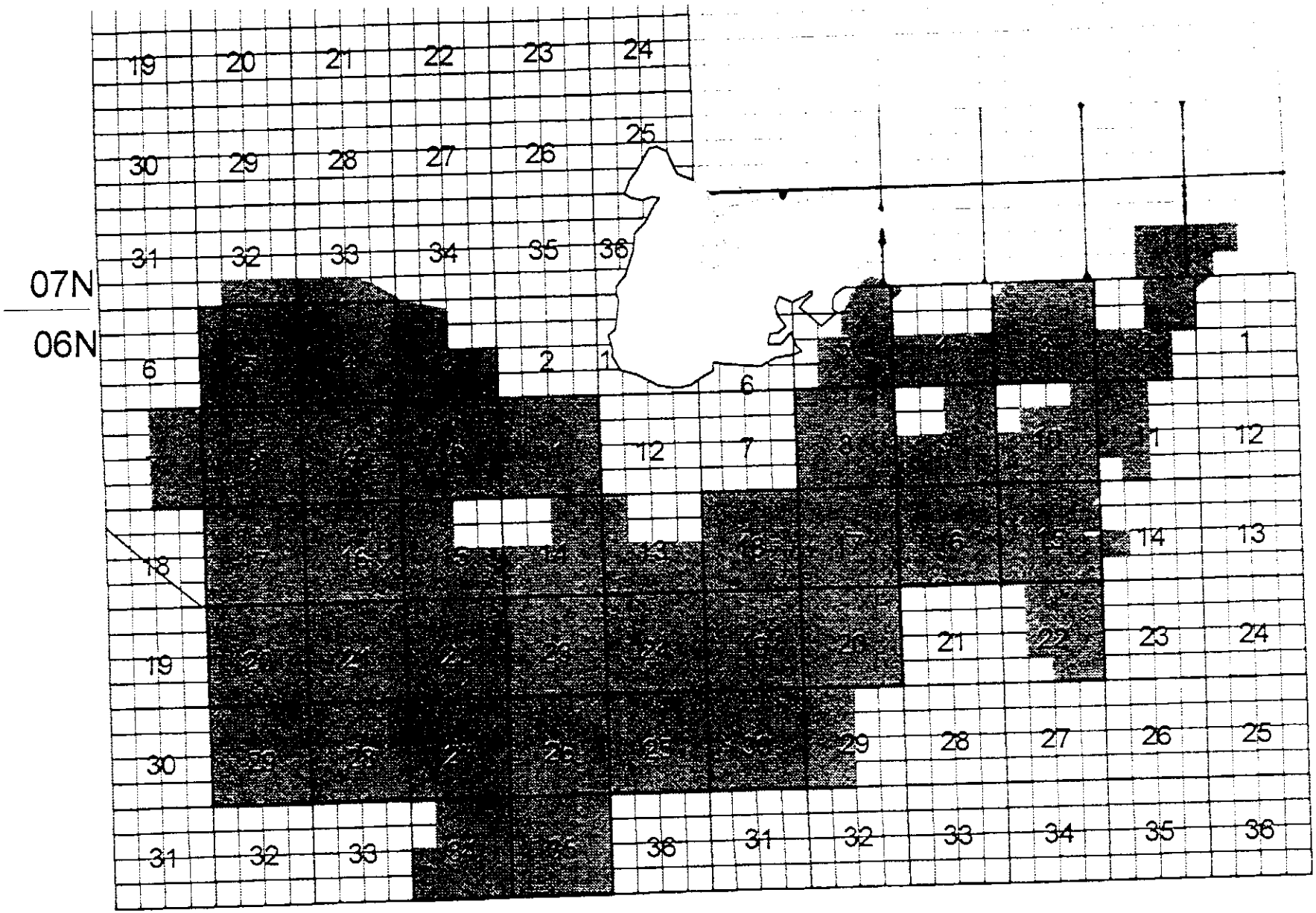
Residing at _____

My Commission Expires _____

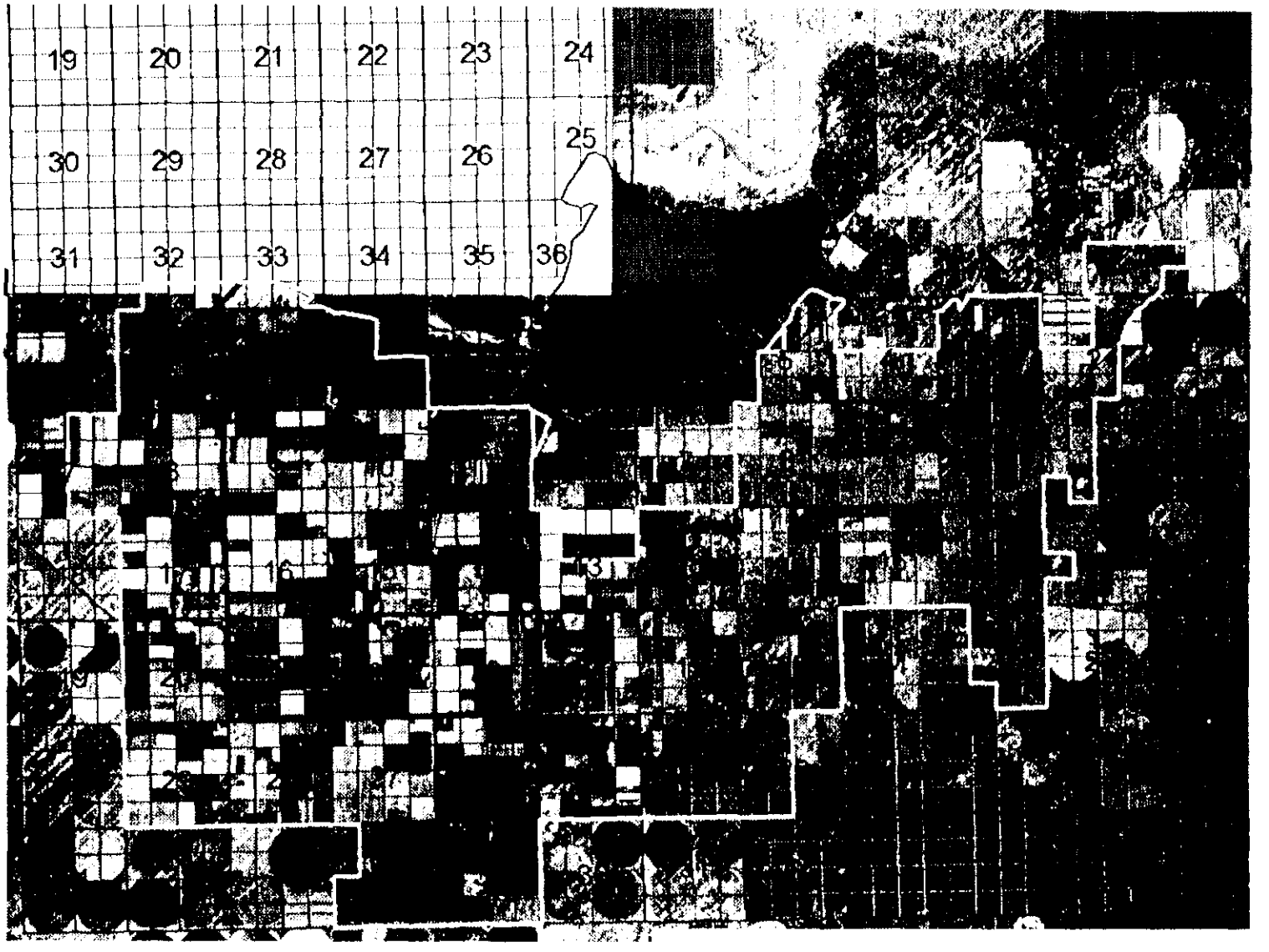
FEB 1 1 1998

SCANNED

NOV 2 5 2002


07N
06N
34E
35E

Owsley Canal App. for Transfer and Recommended Acres



34E 35E

Owsley2.shp — 24,988 acres
Owsleypou.shp — 23,941 acres
T07n34e.shp
T06n35e.shp
T06n34e.shp
P07n35e.shp
P07n34e.shp
P06n35e.shp
P06n34e.shp

The water rights after the transfer, and the recommendations in the Director's Report will be limited to 23,903.3 acres within a permissible place of use that is filed on by the Canal Co., or, is modified by the department when making final recommendations.

* This layout has been developed for the expressed purpose of communicating with the Canal Co. their options when they file their Application for Transfer with the department.

Page _____ of _____ Transfer No. _____

PART 3

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.

Garth Soderquist
(Signature of Applicant)

Subscribed and sworn to before me this 12 TH day of October, 1998.

Eugene D Van Wagoner II
(Notary Public)

My commission expires June 17 2003

FOR DEPARTMENT USE ONLY

Transfer contains 1 pages and _____ attachments

Received by HWJ Date 10-13-98 Protest filed by _____

Prelim. check by _____ Fee 100 XX _____

Receipted by HWJ #E024536 Date 10-13-98 _____

Published in Lewiston Post Register, Times News, ID Statesman, Jefferson Star Copies of protest forwarded by _____

Pub. dates Nov 2 & 19 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

FEB 11 1999

SCANNED

NOV 25 2002

FILED

98 JAN 13 PM 1:18

SECRETARY OF STATE
STATE OF IDAHO

THE PROPOSED MERGER

OF THE OWSLEY CANAL COMPANY

HOLLEY WATER USERS ASSOCIATION, INC.

AND

JACKETT CANAL COMPANY

1400 EAST 1500 NORTH
TERRETON, IDAHO
83450

MICROFILMED

FEB 1 1 1999

SCANNED

NOV 2 5 2002

STATE OF IDAHO
CORPORATION FILING FEES

DOMESTIC CORPORATION
$30.00

PAYABLE TO:
PETE T. CENARRUSA
SECRETARY OF STATE

ROOM 203, STATEHOUSE
BOISE, ID 83720
(208) 334-2300

MICROFILMED
FEB 1 1 1999

SCANNED
NOV 2 5 2002

ARTICLES OF MERGER

OF DOMESTIC CORPORATIONS

INTO

OWSLEY CANAL COMPANY

Pursuant to the provisions of Section 30-1-74 of the Idaho Business Corporation Act, the undersigned corporations adopt the following Articles of Merger for the purpose of merging them into one of such corporations.

FIRST: The following Plan of Merger was approved by the shareholders of each of the undersigned corporations in the manner prescribed by the Idaho Business Corporation Act:

I.

RECITALS

A. Owsley Canal Company is validly organized, existing and in good standing under the laws of the State of Idaho. All of the merging corporations are validly organized, existing and in good standing under the laws of the State of Idaho.

B. Owsley Company Canal, the surviving Corporation, has an authorized capital of 17,818 shares of Common Stock, irrigating 17,818 acres of land. One share per acre. Par value of $1.00 each.

C. Holley Water Users Association, Inc., has 2,978 shares of Common Stock, irrigating 2,978 acres. One share each acre. Par value of $1.00 per share.

D. Jackett Canal Company has 3,107.3 shares of Common Stock irrigating 3,107.3 acres of land. One share per acre. Par value of $1.00 each.

E. The Board of Directors of the Constituent Corporations will consider the proposed plan, and if they determine that it is in the best interests of their respective corporations and stockholders that the Merging Corporations merge with and into Owsley Canal Company in accordance with the provisions of applicable statues of the State of Idaho, they will submit it to the stockholders of the respective Merging Corporations.

IDAHO SECRETARY OF STATE
12/10/1997 09:00
CK: 6205 CT: 51790 BH: 68296
1 @ 30.00 = 30.00 MERGER

C9932

MICROFILMED
SCANNED FEB 11 1999
NOV 25 2007

II.

PLAN OF MERGER

The plan is to have the Constituent Corporations agree, each with the other, to merge into a single corporation which shall be Owsley Canal Company the Surviving Corporation, (whose name shall not be changed and whose Articles of Incorporation shall not be amended in any respect as provided herein) pursuant to the laws of the State of Idaho, and shall agree upon and prescribe the terms and conditions of the statutory merger, the mode of carrying it into effect and the manner and basis of converting the shares of the Merging Corporations into shares of the Surviving Corporation, as herein set forth:

On the effective date of the merger, the Merging Corporations shall be merged with and into Owsley Canal Company an Idaho Corporation, and the separate existence of the Merging Corporations shall cease; the Constituent Corporations shall become a single corporation named Owsley Canal Company, an Idaho corporation , which shall be the Surviving Corporation.

III.

ARTICLES OF INCORPORATION OF SURVIVING CORPORATION

The Articles of Incorporation of Owsley Canal Company, the Surviving Corporation, which are set forth in Exhibit "A" to this Plan, shall not be amended, and shall continue to be the Articles of Incorporation of the Surviving Corporation until further amended in accordance with the Corporation Laws of the State of Idaho.

Such Articles of Incorporation, as thus set forth, were certified by the Secretary of State of the State of Idaho on April 7, 1994.

MICROFILMED
FEB 1 1 1998
SCANNED
NOV 2 5 2007

IV.

BY-LAWS OF SURVIVING CORPORATION

The By-Laws of the Owsley Canal Company, in effect immediately prior to the effective date of the merger shall continue to be the By-Laws of the Surviving Corporation, until altered or repealed in the manner provided by law and such By-Laws.

V.

DIRECTORS AND OFFICERS OF SURVIVING CORPORATION

The Directors and Officers of the Owsley Canal Company, immediately prior to the effective date of the merger shall continue to be the Directors of the Surviving Corporation, to hold office for the terms specified in the By-Laws of the Surviving Corporation and until their respective successors are duly elected and qualified.

VI.

MANNER AND BASIS OF CONVERSION OF SHARES

A. All shares of the merging companies, (a) Owsley Canal Company, (17,818 shares); (b) Holley Water Users Association, Inc., (2,978 shares); and (c) Jackett Canal Company (3,107.3 shares) have been filed in the Water Right Adjudication claims files of the Idaho Department of Water Resources as required by law. The water rights so claimed by these companies, as being equal, on a basis of one full share per one acre of ground.

B. Each share of the Merging Corporation's Common Stock which is issued and outstanding immediately prior to the effective date of the merger, shall by virtue of the merger be converted into and become, without action on the part of the holder of such Common stock, fully paid and assessable shares of a Class of the Common Stock of the Surviving Corporation. Each outstanding certificate for Common Stock of the Merging Corporations shall thereupon be deemed for all purposes to evidence ownership of the number of shares of Common Stock of the Surviving Corporation into which the same shall have been converted at the rate set forth above.

FEB 1 1999
SCANNED
NOV 2 5 2002

C. As soon as practicable after the effective date of the merger, each holder of outstanding certificates for Common Stock theretofore issued by the Merging Corporations shall be entitled, upon surrender of the same by such holder for cancellations, as directed by the Surviving Corporation to receive new certificates for the number of shares of Common Stock of the Surviving Corporation to which he is entitled.

VII.
EFFECT OF MERGER

A. On the effective date of the merger, the Surviving Corporation shall possess all the rights, privileges, powers, and franchises of a public as well as a private nature of each of the Constituent Corporations, and shall become subject to all the restrictions, disabilities and duties of each of the Constituent Corporations and all of the singular rights, privileges, powers and franchises of each of the Constituent Corporations. All water rights, canals, diversionary works, cash, bank, checking and savings accounts, and all other property, real, personal and mixed and debts due to each of the Constituent Corporations of whatever account, as well as all other things in action or belonging to each of the Constituent Corporations shall be vested in the Surviving Corporation; and all property , assets, rights, privileges, powers, franchises and immunities, and all and every other interest shall be thereafter as effectually the property of the Surviving Corporation as they were of the respective Constituent Corporations; and the title to any real estate vested by deed or otherwise, in either of the Constituent Corporations, shall not revert or be in any way impaired by reason of the merger; provided, however, that all of the creditors and liens upon any property of either of the Constituent Corporations shall be preserved unimpaired, and all debts, liabilities, obligations and duties of the respective Constituent Corporations shall thenceforth attach to the Surviving Corporation, and may be enforced against it to the same extent as if said debts, liabilities, obligations and duties had been incurred or contracted by it.

B. If at any time after the merger becomes effective it shall appear to the Surviving Corporation that any further assignments or assurances are necessary or desirable to evidence the vesting in the Surviving Corporation of the title to any of the property or rights of the Merging Corporations, those persons who were proper officers and directors of the Merging Corporations as of the effective date of the merger shall execute, acknowledge and deliver such assignments or other instruments and do such acts as may be necessary or appropriate to evidence the vesting of title to such property or rights in the Surviving Corporation. For such purposes the capacity and authority of the Merging Corporations and their officers shall be deemed to be continuing.

FEB 1 1 2003
SCANNED
NOV 25 2002

C. The Surviving Corporation shall agree that it may be served with process in the State of Idaho and shall irrevocably appoint the Secretary of State of Idaho as its agent to accept service of process, in any proceeding for the enforcement of any obligation of the Merging Corporations arising in the State of Idaho prior to the effective date of the merger, and in any proceedings for the enforcement of the rights of a dissenting shareholder of the Merging Corporations against the Surviving Corporation.

VIII.

ACCOUNTING AND STATE CAPITAL

When the merger becomes effective, subject to such changes, adjustments or eliminations as may be made in accordance with generally accepted accounting principles, (a) the assets and liabilities of the Constituent Corporations shall be recorded in the accounting records of the Surviving Corporation at the amounts at which they shall be carried at that time in the accounting records of the Constituent Corporations, (B) the amount of stated capital with which the new Surviving Corporation shall begin business immediately after the effective date of the merger is $1,323,499.00.

IX.

ABANDONMENT

This plan and Agreement of Merger may be abandoned by action of the Board of Directors of either Owsley Canal Company, or the Merging Corporations at any time prior to the effective date of the merger, whether before or afer submission to their respective stockholders, upon the happening of the following:

1. If the merger fails to obtain the requisite vote of stockholders of Owsley Canal Company, or of Stockholders of the Merging Corporations not later than January 20, 1998.

MICROFILMED
FEB 1 1 1998
NOV 7 5 2002

X.

REPRESENTATIONS AND WARRANTIES

Owsley Canal Company, and the Merging Corporations shall each represent and warrant to the other that between the date hereof and the time when the merger becomes effective they will not enter into any employment contracts, grant any stock options or issue any stock or securities, or declare or pay any dividends in stock or cash or make any other distribution on or with respect to their outstanding stock.

XI.

EFFECTIVE DATE

The effective date of the merger provided for by this Agreement shall be the date on which the last act prior to recording required to complete the merger under the respective laws of the State of Idaho is performed.

SECOND: As to each of the undersigned corporations, the total number of shares voted for and against such Plan, respectively, and, as to each class entitled to a vote thereon as a class, the number of shares of such class voted for and against such Plan, respectively, are as follows:

	Number of Shares		
	Total Voted For	Total Voted Against	Total Shares
Owsley Canal Company	12,256	0	17,818
Holley Water Users Association, Inc.	2,828	0	2,978
Jackett Canal Company	3,078	0	3,107.3
			23,903.3

SCANNED
NOV 25 2002

OWSLEY CANAL COMPANY
An Idaho Corporation
(the "Surviving Corporation")

By: Garth Soderquist
Garth Soderquist, President
Dated: 1-9-98

ATTEST:

Kevin J. Christensen
Kevin J. Christensen, Secretary
Owsley Canal Company
Dated: 1-9-98

HOLLEY WATER USERS ASSOCIATION, INC.
An Idaho Corporation
(a "Merging Corporation")
By: Dwain Kirkham
Dwain Kirkham, President
Dated: 1-9-98

ATTEST:

LaMoyne Barney
LaMoyne Barney, Secretary
Holley Water Users Association, Inc.
Dated: 1-9-98

JACKETT CANAL COMPANY
An Idaho Corporation
(a "Merging Corporation")

By: Edgar Green
Edgar Green, President
Dated: 1-9-98

ATTEST:

Todd Simmons
Todd Simmons, Secretary
Jackett Canal Company
Dated: 1-9-98

Notary: Shawna Bake
Residing at: Terreton, Idaho
Commission Expires: 5-24-02

FEB 1 1999

SCANNED
NOV 25 2002

PLAN OF MERGER

BETWEEN

OWSLEY CANAL COMPANY
An Idaho Corporation
(The Surviving Corporation)

and

THE HOLLEY WATER USERS ASSOCIATION, INC., an Idaho Corporation; and THE JACKETT CANAL COMPANY, and Idaho Corporation, the Merging Corporations

FIRST

RECITALS

A. Owsley Canal Company is validly organized, existing and in good standing under the laws of the State of Idaho. All of the Merging Corporations are validly organized, existing and in good standing under the laws of the State of Idaho.

B. Owsley Canal Company, the Surviving Corporation, has an authorized 17,818 shares of common stock, irrigating 17,818 acres of land. Par value of $1.00 per share. The By-laws of the Owsley Canal Company, with an effective date of January 19, 1981, show the Company with 17,527 shares, and two thousand seven hundred and forty-three (2,743) held in reserve as treasury stock.

At present the Company has issued 291 stock certificates to the original 17,527 of stock to make the 17,818 listed as the Surviving Corporation's stock to 17,818 shares of stock and 2,182 shares held by the corporation as treasury stock.

C. Holley Water Users Association, Inc. has 2,978 shares of common stock, irrigating 2,978 acres of land. Par Value of $1.00 per share.

FEB 1 1 1999

SCANNED
NOV 2 5 2002

D. Jackett Canal Company has 3,107.3 shares of common stock, irrigating 3,107.3 acres of land. Par value of $1.00 per share.

E. The Boards of Directors of the Constituent Corporations will consider the proposed plan and if they determine that it is in the best interests of their respective corporations and stockholders that the Merging Corporations merge with and into Owsley Canal Company, in accordance with the provisions of applicable statutes of the States of Idaho, they will submit it to the stockholders of the respective Merging Corporations

SECOND

PLAN OF MERGER.

The plan is to have the Constituent Corporations agree, each with the other, to merge into a single corporation which shall be Owsley Canal Company, the Surviving Corporation, (whose name shall not be changed and whose Articles of Incorporation shall not be amended in any respects as provided herein) pursuant to the laws of the State of Idaho, and shall agree upon and prescribe the terms and conditions of the statutory merger, the mode of carrying it into effect and the manner and basis of converting the shares of the Merging Corporations into shares of the Surviving Corporation, as herein set forth:

On the effective date of the merger, the Merging Corporations shall be merged with and into Owsley Canal Company, an Idaho Corporation, and the separate existence of the Merging Corporations shall cease; the Constituent Corporations shall become a single corporation named Owsley Canal Company, an Idaho Corporation, which shall be the Surviving Corporation.

FEB 11 2002 SCANNED
NOV 25 2002

THIRD

ARTICLES OF INCORPORATION OF SURVIVING CORPORATION

The Articles of Incorporation of Owsley Canal Company, the Surviving Corporation, which are set forth in Exhibit "A" to this Plan, shall not be amended, and shall continue to be the Articles of Incorporation of the Surviving Corporation until further amended in accordance with the Corporation Laws of the State of Idaho.

Such Articles of Incorporation, as thus set forth, were certified by the Secretary of State of the State of Idaho on April 7, 1994.

FOURTH

BY-LAWS OF SURVIVING CORPORATIONS

The By-Laws of Owsley Canal Company, in effect immediately prior to the effective date of the merger shall continue to be the By-Laws of the Surviving Corporation, until altered or repealed in the manner provided by law and such By-Laws.

FIFTH

DIRECTORS AND OFFICERS OF SURVIVING CORPORATION

The Directors and Officers of the Owlsey Canal Company, immediately prior to the effective date of the merger shall continue to be the Directors of the Surviving Corporation, to hold office for the terms specified in the By-Laws of the Surviving Corporation and until their respective successors are duly elected and qualified.

FEB 1 1 1998 SCANNED
NOV 2 5 2002

SIXTH

DIRECTORS OF THE MERGING CORPORATIONS

A. Two new directors, one each from the Merging Corporations, (a) the Jackett Canal Company, and (b) the Holley Water Users Association, Inc. shall be added to the present five member Board of the Surviving Corporation. The two new Board members shall be elected in the manner provided by the By-Laws of the Surviving Corporation. One new member shall be elected from the geographical location within the boundaries of the present boundaries of the Holley Water Users Association, Inc.. One new member shall be elected from the present boundaries of the Jackett Canal Company.

B. After the effective date of the merger, the Surviving Corporation's By-Laws shall be amended or altered to reflect the changes of the two new Board member additions. The amended By-Laws shall also describe the lands that will be used as a geographical area to be represented by the new additional directors. The By-Law changes shall be in the merger provided by law, and the By-Laws of the Surviving Corporation.

SEVENTH

MANNER AND BASIS OF CONVERSION OF SHARES

A. All shares of the Merging Corporations, (a) The Owsley Canal Company, (17,818 shares); (b) The Holley Water Users Association, Inc., (2,978 shares); (c) The Jackett Canal Company (3,107.3 shares) have been approved by the Idaho Department of Water Resources as being equal. One share of water per one acre of ground.

SEP 1 1 1999

SCANNED

NOV 2 5 2007

B. No shares of the capital stock of the Surviving Corporation have been issued. All stock to be issued by the Surviving Corporation, at the time of this merger, shall be issued to the shareholders of the Merging Corporations.

C. Each share of the Merging Corporation's Common Stock, which is issued and outstanding immediately prior to the effective date of the merger, shall by virtue of the merger be converted into and become, without action on the part of the holder of such Common Stock, fully paid and assessable shares of a Class of the Common Stock of the Surviving Corporation. Each outstanding certificate for Common Stock of the Merging corporations shall thereupon be deemed for all purposes to evidence ownership of the number of shares of Common Stock of the Surviving Corporation into which the same shall have been converted at the rate set forth above.

D. As soon as practicable after the effective date of the merger, each holder of outstanding certificates for Common Stock theretofore issued by the Merging Corporations shall be entitled, upon surrender of the same by such holder for cancellation, as directed by the Surviving Corporation, to receive new certificates for the number of shares of Common Stock of the Surviving Corporation to which he is entitled.

EIGHTH

EFFECT OF MERGER

A. On the effective date of the merger, the Surviving Corporation shall possess all the rights, privileges, powers, and franchises of a public as well as a private nature of each of the Constituent Corporations, and shall become subject to all the restrictions, disabilities, and duties of each of the Constituent Corporations and all of the singular rights, privileges, powers and franchises

FILED
FEB 1 1 2019

SCANNED
NOV 15 2007

of each of the Constituent Corporations. All water rights, canals, diversionary works, cash, bank, checking and savings accounts, and all other property, real personal and mixed, and debts due to each of the Constituent Corporations on whatever account, as well as all other things in action or belonging to each of the Constituent Corporations shall be vested in the Surviving Corporation; and all property, assets, rights, privileges, powers, franchises and immunities, and all and every other interest shall be thereafter as effectually the property of the Surviving Corporation as they were of the respective constituent Corporations; and the title to any real estate vested by deed or otherwise, in either of the Constituent Corporations, shall not revert or be in any way impaired by reason of the merger; provided, however, that all of the creditors and liens upon any property of either of the Constituent Corporations shall be preserved unimpaired, and all debts, liabilities, obligations and duties had been incurred or contracted by it.

B. If at any time after the merger becomes effective it shall appear to the Surviving Corporation that any further assignments or assurances are necessary or desirable to evidence the vesting in the Surviving Corporation of the title to any of the property or rights of the Merging Corporations, those persons who were proper officers and directors of the Merging Corporations as of the effective date of the merger shall execute, acknowledge and deliver such assignments or other instruments and do such acts as may be necessary or appropriate to evidence the vesting of title to such property or rights in the Surviving Corporation. For such purposes the capacity and authority of the Merging Corporations and their officers shall be deemed to be continuing.

C. The Surviving Corporation shall agree that it may be served with process in the State of Idaho and shall irrevocably appoint the Secretary of State of Idaho as its agent to accept service of process, in any proceeding for the enforcement of any obligation of the Merging

MICRO - L
FEB 1 1 [illegible]
SCANNED
NOV 2 5 2002

Corporations arising in the State of Idaho prior to the effective date of the merger, and in any proceedings for the enforcement of the rights of a dissenting shareholder of the Merging Corporations against the Surviving Corporation.

NINTH

ACCOUNTING AND STATE CAPITAL

When the merger becomes effective, subject to such changes, adjustments or eliminations as may be made in accordance with generally accepted accounting principles, (a) the assets and liabilities of the Constituent Corporations shall be recorded in the accounting records of the Surviving Corporation at the amounts at which they shall be carried at that time in the accounting records of the Constituent Corporations, (b) the amount of stated capital with which the Surviving Corporation shall begin business immediately after the effective date of the merger is $1,323,499.00.

TENTH

ABANDONMENT

This plan and Agreement of Merger may be abandoned by action of the Board of Directors of either Owsley Canal Company, or the Merging Corporations at any time prior to the effective date of the merger, whether before or after submission to their respective stockholders upon the happening of any one of the following events:

1. If the merger fails to obtain the requisite vote of stockholders of Owsley Canal Company, Inc., or of Stockholders of the Merging Corporations not later than January 20, 1998.

MICRO
FEB 1 1 1999
SCANNED
NOV 7 5 2007

2. If, in the judgment of the Board of Directors of Owsley Canal Company, Inc., or of the Merging Corporations, the merger would be impracticable because of the number of stockholders of either thereof who assert their right to have their stock appraised and to receive payment therefore as provided in the Corporation Law of the State of Idaho.

ELEVENTH

REPRESENTATIONS AND WARRANTIES

The Owsley Canal Company, and the Merging Corporations shall each represent and warrant to the other that between the date hereof and the time when the merger becomes effective they will not enter into any employment contracts, grant any stock options or issue any stock or securities, or declare or pay any dividends in stock or cash or make any other distribution on or with respect to their outstanding stock.

TWELFTH

EFFECTIVE DATE

The effective date of the merger provided for by this Agreement shall be the date on which the last act prior to recording required to complete the merger under the respective laws of the State of Idaho is performed.

FEB 1 1 2003

SCANNED

NOV 2 5 2002

THE OWSLEY CANAL COMPANY, a Corporation, Plaintiff.

VS.

ERNEST BAUERLE, et al, Defendants.

CIVIL NO. 1739.

FINAL DECREE.

This cause came regularly on for trial before the court without a jury at the County Courthouse at Rigby, Idaho, on the 14th day of October, 1940.

The plaintiff and the defendant Ben H. Matkins appeared by their attorney, Edwin Snow. The defendants Ernest Bauerle, R.L.Bybie (whose name is sometimes spelled Bybee), R.P.Cope, R.P.Cope, as administrator of the estate of William Barnes, deceased, Edna Next, Cary Prugh (also known as Caroline E. Prugh), and Blanch Schaw (the last three defendants being successors to defendant H.R.Jackett, deceased), Holley Water Users' Association, a corporation, Bessie Hutchison Ellis (formerly Bessie Hutchison), Anna Hutchison (also known as Mrs. W.H.Hutchison, successor to W.H.Hutchison, deceased), Bessie M. Jackett, Frank S.Jackett, Samuel W. Lundholm, Frank E.McClain, David A.Sanders, J.L.Sanders, C.A.Sanders (successor to G.A.Adams, deceased, Charles Thieman, and John Barnes, appeared by their attorney, O.A.Johannesen; the defendants Nicholas Burggraf, Henry Jemmett, Nellie M.Skinner (also known as Nellie J.Skinner, successor to Mary Jemmett, deceased), Independent Water Users of Mud Lake, Inc., a corporation, Bertha I. Owsley, Merritt M.Owsley, Joseph B. Potter, and J.T.Sykes, were represented by their attorney, Ralph L. Albaugh.

None of the other defendants appeared either in person or by attorney.

A stipulation in writing, signed by all the parties who have appeared in the action by attorney, was presented to the court for approval, approved by the court, and filed herein, said stipulation reciting and stipulating the material facts in controversy, agreeing to compromise the cause, and consenting to the entry of this decree; and all parties who appeared in the action in their own persons filed in this cause their consent in writing to the entry of this decree; and accordingly, the cause having been duly submitted to and considered by the court, it is now,

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

I.

1.

MAY 28 1996
MICROFILMED
NOV 25 2002

IV.

That plaintiff is the owner of the following water permits issued to it by the Department of Reclamation of Idaho for the diversion by means of wells of underground waters in the vicinity of Mud Lake:

PERMIT NUMBER		AMOUNT.	PERMIT NUMBER		AMOUNT
31-0327	17611	110 cubic feet per second.	17640	31-0329	50 cubic feet per second.
31-0328	17612	100 cubic feet per second.	18378	31-0330	80 cubic feet per second.

V.

(a) That the defendant Holley Water Users Association is the owner of water permit No. 16979, issued to Bessie Hutchison (now Bessie Hutchison Ellis) by the Department of Reclamation of Idaho, for the diversion by means of wells of 25 cubic feet per second of underground water in the vivinity of Mud Lake; and is also the owner of water permit No. 17276, issued to R.P.Cope by the Department of Reclamation of Idaho, for the diversion by means of wells of 24 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. R-528, issued by the Department of Reclamation of Idaho, for the diversion by means of wells and the storage of 5,000 acre feet annually of underground water in the vicinity of Mud Lake.

31-0331 31-0332

31-0333 (b) That the defendant Bessie M. Jackett is the owner of water permit No. 17263, issued to her by the Department of Reclamation of Idaho, for the diversion by means of wells of 10 cubic feet per second of underground waters in the vicinity of Mud Lake.

31-0334 (c) That the defendant Frank S. Jackett is the owner of water permit No. 17264, issued to him by the Department of Reclamation of Idaho, for the diversion by means of wells of 10 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. 17347, issued by the Department of Reclamation of Idaho, to H.R.Jackett for the diversion by means of wells of 10 cubic feet per second of under-ground water in the vicinity of Mud Lake; and said defendant Frank S.Jackett is also the owner of certain wells whereby he obtains 15.2 cubic feet per second of water decreed in the case of Sauven

31-0335

MICROFILMED
FEB 11 1929
SCANNED
NOV 25 2002

That the water withdrawn from the respective wells hereinbefore mentioned, whether withdrawn by natural flow or by pumping (but only up to and not exceeding the amounts as limited in the succeeding paragraph hereof) during each irrigation season; that is to say, during the period from May 1st to November 1st of each year, shall be dealt with and distributed as if said waters were derived from sources wholly independent of Mud Lake and its tributaries.

During the said irrigation season of each year the right to the use of the water withdrawn from said wells, whether natural flow or pumped water (but not exceeding the amount hereinafter limited) shall belong solely to the respective owners of such wells, and said waters shall be distributed to the said respective well-owners as they and each of them may respectively elect; and the withdrawal and use of said waters from said wells by the respective owners thereof during said irrigation season of each year in an amount up to, but not exceeding the flow thereof as hereinafter limited, does not affect or impair the water right of any other party to this suit.

XII

The provisions of this decree apply to withdrawals of water during the irrigation season from the wells of the respective owners thereof up to, but not exceeding, the following amounts:

(a) For all or any of the plaintiff's wells constructed or to be constructed under its said water permits Nos. 17611, 17612, 17640 and 18378, an amount not exceeding in the aggregate the equivalent of 200 cubic feet per second flowing continuously during the irrigation season from May 1st to November 1st of each year. $\frac{1}{2} = 340$ cfs

(b) For all or any of the wells constructed or to be constructed under water permit No. 16979, water permit No. 17276, and water permit No. R-528 (all belonging to Holley Water Users Association), an amount not exceeding in the aggregate the equivalent of 50 cubic feet per second, flowing continuously during the irrigation season from May 1st to November 1st of each year. $\frac{1}{2} = 11$

MICROFILMED
MAY 2 [illegible]
FEB 1 1 [illegible]
SCANNED
NOV 2 5 2007

Each of the parties hereto, and his or its agents, officers, and employees, is hereby enjoined and restrained from interfering with the free flow of water from said wells or any of them into Mud Lake during the non-irrigation season as herein directed, or from interfering during the irrigation season with the withdrawal and use of water from said wells by the respective owners thereof up to the amount of water withdrawn therefrom as limited by this decree.

XV.

The administration of this decree is hereby committed to the water-master of District No. 66.

XVI.

East of the parties hereto shall bear his own costs,

Dated this 14th day of October, 1940.

C. J. TAYLOR, District Judge.

We hereby consent to the entry of the foregoing final decree; and hereby waive findings of fact and conclusions of law herein, and we hereby agree that the above entitled cause may be heard by the Judge of the above entitled court at any time upon motion of the plaintiff, either in open court or before the Judge at chambers.

Dated October 14, 1940.

EDWIN SNOW.
Attorney for Plaintiff.
Residence: Boise, Idaho.
O. A. JOHANNESEN, Attorney for Certain Defendants. Residence: Idaho Falls, Idaho.
RALPH L. ALBAUGH, Attorney for Certain Defendants. Residence: Idaho Falls, Idaho.

Filed October 14th, 1940.
By Wm. Sauer, Clerk.

STATE OF IDAHO,)
) SS.
County of Jefferson.)

I, Wm. Sauer, Clerk of the District Court, and Ex-Officio Auditor and Recorder, do hereby certify and declare that the foregoing Nine (9) sheets, numbered from 1 to 9 inclusive, are a full, true and correct copy of the FINAL DECREE, in Civil Case No. 1739, entitled The Owsley Canal Company, a Corporation, Plaintiff, VS ERNEST BAUERLE, et al, Defendants, which said Decree, is recorded in Book 122 of Judgments and Decrees, at Page 346, records of Jefferson County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my offidial seal, this 31st day of October, 1940.

MAY 26 1996

Wm Sauer

Clerk of the District Court, and Ex-Officio Auditor and Recorder in and for Jefferson County, State of Idaho.

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

1. Right number 31-00336B etal Applicant Owsley Canal Co
2. Type of right: ☒ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
   ☐ Other _____
4. Check:
   a. ☑ Source ☐ Priority ☐ Amount ☐ Purpose ☑ Period of use
   b. ☐ Description of original point of diversion.
   c. ☐ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☒ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments Permissable P.o.u. created
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) _____
   j. ☑ Is use within a Watermaster District? ☒ Yes ☐ No
      If yes, what district? WD 31 - Mud Lake - Cores Stanton mailed 12/7/98.

RECEIVED
DEC 23 1998
Department of Water Resources

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* WATER MEASUREMENT REQUIRED
4. By _____ Date DEC 15 1998

* *All uses within Watermaster Districts require special conditions.*

SCANNED
NOV 25 2002

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 12th day of November, 1998, last publication having been made on the 19th day of November, 1998, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 25th day of November , 1998

Notary Public

My commission expires January 10, 2003

RECEIVED
DEC 10 1998
Department of Water Resources
Eastern Region

MICROFILMED
FEB 11 1999

NOV 25 2002

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published: November 12, 19, 1998

MICROFILMED
FEB 1 1 1999
RETURNED
NOV 2 5 2002

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 75336

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton, ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for [illegible] water rights [illegible] for an integrated land/water costs.

DATED: October 27, 1998.
TITLEFACT, INC., Trustee
/s/Richard B. Stivers,
President
Coleman, Ritchie & Robertson
Attorneys for Trustee
Residing at Twin Falls, ID

PUBLISH: November 5, 12, 19 and 26, 1998

Affidavit of Publication

RECEIVED
NOV 27 1998
Department of Water Resources
Eastern Region

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss.

No 31197

I, Emily McKnight first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated Nov. 12, 19 98, and ending with the issue dated Nov. 19, 19 98.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 25th day of Nov. in the year of 1998, before me, a Notary Public, personally appeared Emily McKnight, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

MICROFILMED
FEB 1 1 1999

Shera R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

RECEIVED
NOV 25 2002

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 11/19/98 INVOICE NO. 188574

Account No. 446600

Description 188574NOTICEOFPROPOSED

Times 2 Lines 39

Tab. Lines

LEGAL ADVERTISING INVOICE

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

$ 53.63

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

188574

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Lewiston Tribune on November 12 and 19, 1998.

RECEIVED
NOV 3 0 1998
Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 188574NOTICEOFP attached hereto and which is made a part of this affadavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 11/12, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 11/12/98, and the last publication thereof being on the 11/19/98, and said 188574NOTICEOFP was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 25

day of November 1998

Notary Public in and for the State of Idaho, residing at Lewiston, therein
Commission Expires 7/1/03

MICROFILMED
FEB 1 1 [illegible]

NOV 25 2002

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Terry Carr of *The Jefferson Star*, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the Notice of Proposed Water Right a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for 2 consecutive issues, the first publication having been made on 11-11-98 and the last publication having been made on 11-18-98

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Carr

On this 18th day of Nov. in the year of 1998, before me, a Notary Public, personally appeared

Terry Carr,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are: true, and acknowledged to me that she executed the same.

Crystal Foster
Notary Public of Idaho
Residing at 1032 N 1100 E, Shelley, ID

My commission expires March 8, 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton, ID 83450, represents that a consolidation of the Jackett, Holley, and Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for all integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr, Ste A, Idaho Falls, ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls, ID 83402, together with a protest fee of $25.00 on or before November 30, 1998.

The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Jefferson Star on November 11 and 18, 1998.

RECEIVED
NOV 2 0 1998
Department of Water Resources
Eastern Region

MICROFILMED
FEB 1 1 1999

NOV 2 5 2002

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
$49.20

Account Number/Trans. #	Identification
100564	PROPOSED CHANGE OF A WATER RIGHT

Ordered By	P.O. Number	Rate	Run Dates
SHARLA COX		NT	NOVEMBER 12, 19, 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
900 N SKYLINE DRIVE
IDAHO FALLS, ID 83402

Estimated Inches	Real Inches
# Affidavits	**Legal Number**
1	2692

LEGAL NOTICE
NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. T5335

Notice is given that **OWSLEY CANAL COMPANY,** PO Box 68, Terreton, ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place for use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, 900 N. Skyline Dr., Ste A., Idaho Falls, ID 83402, together with a protest fee of $25 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Nov. 12,19, 1998 2692

JANICE HILDRETH , being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of
NOVEMBER 12 , 1998
and ending with the issue of
NOVEMBER 19 , 1998

Janice Hildreth

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 19TH day of NOVEMBER in the year of 1998 , before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

RECEIVED
NOV 27 1998
Department of Water Resources
Eastern Region

JAN ENGLISH NOTARY PUBLIC STATE OF IDAHO

Jan English

Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 02/28/02

MICROFILMED
NOV 25 2002

From: *DWR70::SCOX* 6-NOV-1998 16:13:25.36
To: DWR06::"piopub@cyberhighway.net"
CC: SCOX
Subj: legal notice

Hi Terry:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before November 30, 1998.

Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161

****

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton, ID 83450, represents that a consolidation of the Jackett, Holley, and Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for all integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24, 070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr, Ste A, Idaho Falls, ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls, ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Jefferson Star on November 11 and 18, 1998.

****

Thanks Terry for your help.
I will call you to see if you got this e-mail
Thanks again
Sharla
IDWR

MICROFILMED
FEB 1 1 2003 SCANNED
NOV 2 5 2002

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO.T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represent that a consolidation of the Jackett, Holley and original Owsely Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Jefferson Star on November 11 and 18, 1998

emailed on 11/6/98 SC

SCANNED
SEP 1 1 1998 SCANNED
NOV 2 5 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

THE IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 30, 1998.

Respectfully submitted,

Sharla Cox

Sharla Cox
Secretary

Enc.

FEB 1 1 1999

RECEIVED
NOV 25 2002

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Idaho Statesman on November 12 and 19, 1998.

FEB 1 1 1999

SCANNED

NOV 2 5 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

THE LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 30, 1998.

Respectfully submitted,

Sharla Cox
Secretary

Enc.

NOV 1 1998

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Lewiston Tribune on November 12 and 19, 1998.

FEB 11 1999

NOV 25 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

THE POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

Dear Cathy VonBorstel:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 30, 1998.

Respectfully submitted,

Sharla Cox
Secretary

Enc.

FEB 1 1 000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Post Register on November 12 and 19, 1998.

MICROFILMED
FEB 11 1999
RECEIVED
NOV 25 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Dear Ruby Ausderheide:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 30, 1998.

Respectfully submitted,

Sharla Cox
Secretary

Enc.

RECEIVED
FEB 1 1 1999

RECEIVED
NOV 16 1998

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Times News on November 12 and 19, 1998.

FEB 11 1999

RECEIVED
NOV 25 1998

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

OWSLEY CANAL
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

RE: Application for Transfer #5335

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register, Times News, Idaho Statesman and the Lewiston Tribune on November 12 and 19, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

RECEIVED
FEB 11 1999

RECEIVED
NOV 25 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 9, 1998

Mr. Garth Soderquist
c/o Owsley Canal Co.
P.O. Box 68
Terreton, ID. 83450

Dear Mr. Soderquist:

I received your inquiry letter of August 27, 1998, about the status of the joint canal transfer to incorporate all the wells on all the canal's places of use. We have requested the rectified NAPP air photos (infra-red) of the areas you gave us on the 1987 overflight.

We expect them from Boise sometime in the next two weeks. I will then construct the transfer based on the correct land list the NAPP photos provide. The transfer will have to be signed and the fee paid and then sent to advertising.

As I told Dan Shenton, the backlog of transfers in Boise precluded getting approval of your application for the 1998 irrigation season. I have no way of validating your use of all the wells on all the property without said approved transfer.

When the transfer is finally written up I will send it directly to you for your review, signature and fee.

Sincerely,

H. W. Jones

Harold W. Jones
Water Rights Supervisor

HWJ::dn

FEB 1 1 1998

SCANNED
NOV 2 5 2002

OWSLEY CANAL CO.

P.O.BOX 68
1400 E. 1500 N.
TERRETON, ID 83450
Country

Phone (208)663-4359
Fax (208)663-4369

RECEIVED
AUG 3 1 1998
Department of Water Resources
Eastern District Office

August 27, 1998

Mr. Harold Jones
Idaho Dept. of Water Resources
900 N. Skyline
Idaho Falls, ID 83402

RE: Water Right Transfer

In Reference to your letter dated 7/6/98 in which you suggested if we could provide the data needed, mainly ASCS maps, this process could be speeded up. We did furnish you the maps shortly after your request and at this time are in need of returning them to the lender.

We have also furnished you maps recently developed by our company which are updated to the reality of operation and historical practice. This same map shows all our diversions including sub pumps.

At what point of progress are we now?

We are still concerned about the legality of operation since our merger of several canal companies. We feel this transfer is imperative for our continued operation.

If this transfer is not going to be processed quickly, we would feel more comfortable if we had a letter from your department , from the proper authority, stating our right to legally divert the waters of all our wells to any and all of our merged lands on a CO-mingled basis for both water sources and lands to be irrigated.

We would appreciate a letter or update from you addressing our concerns.

Sincerely,

Garth Soderquist

Garth Soderquist

GS: RH

FEB 1 1 1999

SCANNED
NOV 2 5 2002

12-18-98

ACTION REQUIRED

FROM: H.W. Jones - Easton

TO: Pam "Wild Girl" Skaggs

Each company also had surface rights which still only go to the orginal places of use because of the Individual Canals to old company lands. The groundwater flows & rights can be dumped into the canals & the Lake (mud lake) & the relief pumps distribute groundwater to all the ditches.

HWJ

RECEIVED
DEC 23 1998
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT NO.

RECEIVED
DEC 14 1998
Department of Water Resources
Eastern Region

WATER DISTRICT: 31

WATERMASTER: Grey Shenton

DATE: 12-8-98

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES X **NO** _____

COMMENTS: I feel this Transfer #5335 would benefit everyone within the System. The system could produce and apply water more efficiently. By Combining the Systems they will use less Water with less Losses within the System.

X **I do endorse approval of this change.**

_____ **I do not endorse approval of this change.**

I recommend the following conditions of approval:

MICROFILMED
FEB 11 1999

Grey Shenton
Watermaster

SCANNED
NOV 25 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 2, 1998

GREG SHENTON
WATERMASTER #31
PO BOX 33
DUBOIS ID 83423

RE: Application for Transfer #5335

Dear Greg:

Please find enclosed a copy of the above referenced application for transfer. Please review the application and submit any comments you may have to our Department as soon as possible.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

P.S. Greg, We need this back as soon as you can. Sorry for the rush. Thanks, Harold.

MICROFILMED

FEB 11 1999

SCANNED

NOV 14 2001

State of Id[illegible]
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

RE: Water Rights 31-00327/31-00328/31-00329/31-00330/31-00331/
31-00332/31-00336B/31-00337B/31-00371/31-02239/31-02265/
31-02289/31-02290/31-02297/31-02310/31-02317A/31-02317B/
31-02321/31-02341/31-02342/31-02343/31-02344/31-02345/
31-07005 (Transfer 5335)

Dear Mr. Soderquist:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5335). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a $100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

CERTIFICATE OF MAILING

I hereby certify that on the **10th** day of **February, 1999** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 31-00327/31-00328/31-00329/31-00330/31-00331/ 31-00332/31-00336B/31-00337B/31-00371/31-02239/31-02265/ 31-02289/31-02290/31-02297/31-02310/31-02317A/31-02317B/ 31-02321/31-02341/31-02342/31-02343/31-02344/31-02345/ 31-07005 (Transfer 5261)

OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

Kari Lynn Townsend
Secretary

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

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

February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GREG SHENTON
WATERMASTER
BOX 33
DUBOIS ID 83423

RE: TRANSFER OF WATER RIGHTS 31-00327/31-00328/31-00329/31-00330/
31-00331/31-00332/31-00336B/31-00337B/31-00371/
31-02239/31-02265/31-02289/31-02290/31-02297/
31-02310/31-02317A/31-02317B/31-02321/31-02341/
31-02342/31-02343/31-02344/31-02345/31-07005
(Transfer 5335)

Dear Greg:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 5335) in the name of Owsley Canal Co., c/o Garth Soderquist.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at 208-327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED
FEB 11 1999
SCANNED
NOV 26 2002

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
FEB 1 1 1999
SCANNED
NOV 2 5 2002

MEMORANDUM

TO: Files 31-00327/00328/00329/00330/00331/00332/00336B/00337B/00371/02239/02265/02289/02290/02297/02310/02317A&B/02321/02341/02342/02343/02344/02345/07005

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

Transfer 5335 combines the groundwater rights of the Holley Water Users, Jackett Canal Co, and Owsley Canal company. These three companies have combined under the Owsley Canal Company name and will operate a single combined system.

The application identifies 34 points of diversion and a combination of the land lists evidenced under each company's SRBA claims or 24261.3 acres. The decreed rights are vague, while the licensed rights identify specific acres and limits. SRBA review of all these rights through the adjudication process will provide specifics and verify the validity of all of these rights.

Review of these rights found that Right 31-02317 was actually licensed in two parts with separate rates and priority dates. These rights were more accurately entered as Parts A & B on the database and the additional 8.08 cfs added to the total diversion rate under this transfer. Also, a combined limit of 200.00 cfs during the irrigation season was identified under Rights 31-00327/00328/00329 & 00330. Right 31-02259 was listed on the application, however this right was superseded by Right 31-00330. After making these adjustments, the total rate of diversion under these rights is 643.21 cfs limited to 503.21 cfs during the irrigation season and 5,000 af storage.

Season of use and diversion volume were adjusted to current standards where specific acres were identified. Recommended conditions include watermaster control, supplemental groundwater, irrigation overlap, measuring/lockable controlling works, right-of-way, permissible place of use, combined limits and standard transfer conditions.

MICROFILMED

FEB 11 1999

SCANNED

NOV 15 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: PAM SKAGGS FROM: H.G. JONES

DOCUMENT DESCRIPTION: These are the last tidbits that hopefully will allow the Ansley Canal transfer to progress.

TOTAL NUMBER OF PAGES (Including this page): 4

BILLING ADDRESS: _____

_____

_____

NO. OF PAGES_____ COST/PAGE_____ TOTAL CHARGE_____

MICROFILMED
FEB 1 1 1999
SCANNED
NOV 2 5 2002

OWSLEY CANAL COMPANY
P.O. BOX 68
TERRETON, IDAHO 83450
PHONE (208) 663-4359 FAX (208) 663-4369

RECEIVED
FEB 0 3 1999
Department of Water Resources
Eastern Region

February 2, 1999

I.D.W.R
C/O Harold W. Jones
Water Right Supervisor
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402 – 1718

Dear Mr. Jones

I have researched license # 31 – 02259 as per your request. I am in agreement with you. Decree #31-00330 does supersede license 31-02259 and only 31-00330 should be part of our pending transfer.

Respectfully
Garth Soderquist
Garth Soderquist
President Owsley Canal Co.

MICROFILMED
FEB 1 1 1999
SCANNED
NOV 2 5 2002

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00337B
Date Received: 12/ 5/1988
Receipt No: E004936
Received By: [illegible] 2-3-1999

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

1. Name: OWSLEY CANAL COMPANY 208-663-4359
   Address: C/O GARTH SODERQUIST
   P O BOX 68
   TERRETON ID 83450

2. Date of Priority: DEC 15, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13		SW	SW		JEFFERSON
		22		NW	SE		JEFFERSON
		23		NW	SW		JEFFERSON
				SW	SW		JEFFERSON
		27		NW	NE		JEFFERSON

5. Description of diverting works:
   5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	17.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

MICROFILMED
FEB 1 1 1999
SCANNED
NOV 2 5 2002

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A31-00336B**
Date Received: 12/ 5/1988
Receipt No: E004936
Received By: 2-3-1999

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

1. Name: OWSLEY CANAL COMPANY 208-663-4359
   Address: C/O GARTH SODERQUIST
   P O BOX 68
   TERRETON ID 83450

2. Date of Priority: APR 27, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	35E	13	SW SW		JEFFERSON
		22	NW SE		JEFFERSON
		23	NW SW		JEFFERSON
			SW SW		JEFFERSON
		27	NW NE		JEFFERSON

5. Description of diverting works:
   5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	11.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

MICROFILMED
FEB 11 1999
SCANNED
NOV 25 2002

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5335 Date Reviewed 01-14-99

Right(s) 31-00327, 31-00328, 31-00329, 31-00330 (31-00351 & 31-00332), 31-00336B, 31-00337B, 31-02239, ~~31-02259~~ (31-02265), 31-02289, 31-02290, 31-02297, 31-02310, 31-02317AB, 31-02321, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345, 31-07005

✓ WRQ/Split Summary (31-00337 No Activity) ✓ SRBA Status (Canal Cos.) Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U (J) Add P/D & Change P/U

Proof of Ownership Canal Co. Rts / Owsley Canal Co., Holley Water Users Assoc. Inc and Jackett Canal Co. Merger Agreement - All shareholders approved. 23903.3 shares & acres. - Presiding President signed application

Transfer ✓ All of Right ____ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. B/3.5

(1) ✓ Priority (2) ✓ Use (3) ___ Season (4) ✓ Rate (5) ___ Volume

(6) ✓ Source (7) ___ P/D (8) ___ P/U (9) ✓ Proof/Owner (10) ✓ Map

(11) 31 Water District (WR comment rcvd. 12-14-98) (12) Yes Pertinent Conditions (13) NO Expansion (Subject to SRBA)

(3) Standard season 4-15 to 10-15
(5) Standard Vol. = 3.5 af/acre IRR overlap condition
(7) Add all wells
(8) P/U per SRBA Claims - Combined Canal Systems - PP/U

Transfer Remarks PPU/Rts W35, W57, W84/F17) Multiple wells per QQ (Total Div = 643.21 cfs limited to 503.21 cfs during IRR season; Rts 31-00327/328/329/330 limited to 200 cfs during Irr. Season)

Conditions R04 (R43) 065, 079, B63, T07, T08, TD9

Database/Processing Notes Standard ✓ Non-Standard ___

T files each rt - Edit Remarks T 31-00327 when approved.

NOV 25 2002

"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ✓

Database Updated Following Approval ✓ Memo/Form Files Deleted ✓

02-09-99

(Evaluation of Rts on Back Pg.)

WR MP
N 31-00327

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/29/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
D	OWSLEY CANAL CO/	00/00/0000	IRRIGATION	04/15	10/15	110.000 CFS	
C	OWSLEY CANAL CO		DIVERSION TO STORAGE	10/16	04/14	110.000 CFS	
	C/O GARTH SODERQUIST					---	
	PO BOX 68			TOTAL DIVERSION:		110.000 CFS	
	TERRETON ID 83450						
	(208) 663-4359						

Water Source: GROUNDWATER Tributary to: Stage: DECREED

Point(s) of Diversion:						
T07N R34E	S13	SWNE	SESE			JEFFERSON County
	S23	NENE				JEFFERSON County
	S24	NENE	NWNE	NWNW		JEFFERSON County
R35E	S13	SWSW				JEFFERSON County
	S14	SESE				JEFFERSON County
	S18 Lot 04(	SESW)				JEFFERSON County
	S19 Lot 01(	NWNW)	SWNW	SENW		JEFFERSON County
	S22	NESE				JEFFERSON County
	S23	NWSW	SWSW			JEFFERSON County
	S25	SWSW	SESW	NWSE		JEFFERSON County
	S26	SESE				JEFFERSON County
	S27	NWNE				JEFFERSON County
	S36	NENW				JEFFERSON County

Point of Diversion Name(s):

				Name	Rate	Number
T07N R34E	S13		SW NE	NORTH LAKE WELL		#1
	S13		SE SE	NORTH LAKE WELL		#3
	S23		NE NE	NORTH LAKE WELL		#11E
	S24		NE NE	NORTH LAKE WELL		#5
	S24		NW NE	NORTH LAKE WELL		#4
	S24		NW NW	NORTH LAKE WELL		#11C
R35E	S13		SW SW	JACKETT WELL/BUCK SPRING		#3
	S14		SE SE	JACKETT WELL/BUCK SPRING		#1, 2
	S18	Lot 04 (	SE SW)	NORTH LAKE WELL		#7
	S19	Lot 01 (	NW NW)	NORTH LAKE WELL		#6, 8
	S19		SW NW	NORTH LAKE WELL		#10
	S19		SE NW	NORTH LAKE WELL		#9
	S22		NE SE	JACKETT WELL		#4
	S23		NW SW	JACKETT WELL		#3
	S23		SW SW	JACKETT WELL		#2
	S25		SW SW	HOLLEY WELL		#3-7
	S25		SE SW	HOLLEY WELL		#18
	S25		NW SE	HOLLEY WELL		#12-17, 19
	S26		SE SE	HOLLEY WELL		#1, 2
	S27		NW NE	JACKETT WELL		#1
	S36		NE NW	HOLLEY WELL		#8

SCANNED
NOV 2 5 2007

SPLIT RIGHT SUMMARY
1/14/99
TRANSFER 5335

31-00327	**OWSLEY CANAL CO.**	**C**	**00/00/0000**	**D/**	**GROUNDWATER**	**IRR DIV S**	**WR**
T31-00327	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00327	OWSLEY CANAL CO	C	11/16/1931	D/	GROUNDWATER	IRR	AJ
31-00328	**OWSLEY CANAL CO.**	**C**	**00/00/0000**	**D/**	**GROUNDWATER**	**IRR DIV S**	**WR**
T31-00328	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00328	OWSLEY CANAL CO	C	09/05/1912	D/	MUD LAKE	IRR	AJ
31-00329	**OWSLEY CANAL CO.**	**C**	**00/00/0000**	**D/**	**GROUNDWATER**	**IRR DIV S**	**WR**
T31-00329	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00329	OWSLEY CANAL CO	C	01/08/1932	D/	GROUNDWATER	IRR	AJ
31-00330	**OWSLEY CANAL CO.**	**C**	**00/00/0000**	**D/**	**GROUNDWATER**	**IRR DIV S**	**WR**
T31-00330	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00330	OWSLEY CANAL CO	C	06/26/1936	D/	GROUNDWATER	IRR	AJ
31-00336			00/00/0000	/			WR
31-00336A	INDEPENDENT WATER US	C	04/27/1932	D/	GROUNDWATER	IRR	WR
31-00336B	**JACKETT CANAL CO.**	**C**	**04/27/1932**	**D/**	**GROUNDWATER**	**IRR**	**WR**
T31-00336B	OWSLEY CANAL CO	C	04/27/1932	D/	GROUNDWATER	IRR	WR
T31-00336C	INDEPENDENT WATER US	C	04/27/1932	D/	GROUNDWATER	IRR	WR
T31-00336D	DEL RAY HOLM & SONS	C	04/27/1932	D/	GROUNDWATER	IRR	WR
A31-00336A	COMBINED RIGHT	C	04/27/1932	/Z	GROUNDWATER COMBINED RIGHT	IRR	AJ
A31-00336B	JACKETT CANAL COMPAN	C	04/27/1932	D/	GROUNDWATER	IRR IRR S	AJ
R31-00336A	COMBINED RIGHT	C	04/27/1932	/Z	GROUNDWATER	IRR	AJ
31-00337			00/00/0000	/			WR
31-00337A	INDEPENDENT WATER US	C	12/15/1932	D/	GROUNDWATER	IRR	WR
31-00337B	**JACKETT CANAL CO.**	**C**	**12/15/1932**	**D/**	**GROUNDWATER**	**IRR**	**WR**
T31-00337B	OWSLEY CANAL CO	C	12/15/1932	D/	GROUNDWATER	IRR	WR
A31-00337A	COMBINED RIGHT	C	12/15/1932	/Z	GROUNDWATER COMBINED RIGHT	IRR	AJ

SCANNED
NOV 25 2002

A31-00337B	JACKETT CANAL COMPAN	C	12/15/1932	D/	GROUNDWATER	IRR IRR S	AJ
R31-00337A	COMBINED RIGHT	C	12/15/1932	/Z	GROUNDWATER	IRR	AJ
31-02239	**OWSLEY CANAL CO.**	**C**	**01/25/1930**	**L/**	**NORTH LAKE GROUNDWATER**	**IRR DOMEST**	**WR**
T31-02239	OWSLEY CANAL CO	C	01/25/1930	L/	NORTH LAKE GROUNDWATER	IRR	WR
A31-02239	OWSLEY CANAL CO	C	01/25/1930	L/	GROUNDWATER	IRR	AJ
31-02259	**OWSLEY CANAL CO.**	**C**	**06/26/1936**	**L/**	**GROUNDWATER**	**IRR DOMEST**	**WR**
T31-02259	OWSLEY CANAL CO	C	06/26/1936	L/	GROUNDWATER	IRR	WR

Superceded by Decree - See 31-00330

31-02265	**OWSLEY CANAL CO.**	**C**	**05/22/1940**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02265	OWSLEY CANAL CO	C	04/27/1932	L/	GROUNDWATER	IRR	WR
A31-02265	OWSLEY CANAL COMPANY	C	05/22/1940	L/	GROUNDWATER	IRR IRR S IRR FS	AJ
31-02289	**JACKETT CANAL CO.**	**C**	**01/13/1949**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02289	OWSLEY CANAL CO	C	01/13/1949	L/	GROUNDWATER	IRR	WR
A31-02289	JACKETT CANAL COMPAN	C	01/13/1949	L/	GROUNDWATER	IRR IRR S	AJ
31-02290	**JACKETT CANAL CO.**	**C**	**02/14/1949**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02290	OWSLEY CANAL CO	C	02/14/1949	L/	GROUNDWATER	IRR	WR
A31-02290	JACKETT CANAL COMPAN	C	02/14/1949	L/	GROUNDWATER	IRR IRR S	AJ
31-02297	**JACKETT CANAL CO.**	**C**	**12/29/1949**	**L/**	**GROUNDWATER**	**IRR DOMEST**	**WR**
T31-02297	OWSLEY CANAL CO	C	12/29/1949	L/	GROUNDWATER	IRR	WR
A31-02297	JACKETT CANAL COMPAN	C	12/29/1949	L/	GROUNDWATER	IRR IRR S	AJ
31-02310	**JACKETT CANAL CO.**	**C**	**09/24/1952**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02310	OWSLEY CANAL CO	C	09/24/1952	L/	GROUNDWATER	IRR	WR
A31-02310	JACKETT CANAL COMPAN	C	09/24/1962	L/	GROUNDWATER	IRR IRR S	AJ
31-02317	**JACKETT, FRANK S. JACKETT CANAL CO.**	**C C**	**10/27/1956**	**L/**	**GROUNDWATER**	**IRR DOMEST**	**WR**

SCANNED
NOV 25 2002

T31-02317	OWSLEY CANAL CO	C	10/27/1956	L/	GROUNDWATER	IRR	WR
A31-02317A	JACKETT CANAL COMPAN	C	02/28/1953	L/	GROUNDWATER	IRR IRR S	AJ
A31-02317B	JACKETT CANAL COMPAN	C	10/27/1956	L/	GROUNDWATER	IRR IRR S	AJ
31-02321	**JACKETT CANAL CO.**	**C**	**04/25/1953**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02321	OWSLEY CANAL CO	C	04/25/1953	L/	GROUNDWATER	IRR	WR
A31-02321	JACKETT CANAL COMPAN	C	04/25/1953	L/	GROUNDWATER	IRR IRR S	AJ
31-02341	**OWSLEY CANAL CO.**	**C**	**09/03/1954**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02341	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02341	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR IRR S IRR FS	AJ
31-02342	**OWSLEY CANAL CO.**	**C**	**09/03/1954**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02342	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02342	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR IRR S	AJ
31-02343	**OWSLEY CANAL CO.**	**C**	**09/03/1954**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02343	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02343	OWSLEY CANAL COMPANY	C	09/03/1954	L/	GROUNDWATER	IRR IRR S	AJ
31-02344	**OWSLEY CANAL CO.**	**C**	**09/03/1954**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02344	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02344	OWSLEY CANAL COMPANY	C	09/03/1954	L/	GROUNDWATER	IRR IRR S	AJ
31-02345	**OWSLEY CANAL CO.**	**C**	**09/03/1954**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-02345	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02345	OWSLEY CANAL COMPANY	C	09/03/1954	L/	GROUNDWATER	IRR IRR S	AJ
31-07005	**OWSLEY CANAL CO.**	**C**	**12/04/1967**	**L/**	**GROUNDWATER**	**IRR**	**WR**
T31-07005	OWSLEY CANAL CO	C	12/04/1967	L/	GROUNDWATER	IRR	WR
A31-07005	FOSTER, KENT W OWSLEY CANAL COMPANY	C C	12/04/1967	D/	MUD LAKE	IRR IRR S IRR FS	AJ

SCANNED
FEB 2 5 2007

31-00331	**HOLLEY WATER USERS A C**		**09/10/1928**	**D/**	**GROUNDWATER**		**IRR**	**WR**
T31-00331	OWSLEY CANAL CO	C	04/27/1932	D/	GROUNDWATER		IRR	WR
A31-00331	HOLLEY WATER USERS A C	C	01/25/1930	D/	GROUNDWATER		IRR	AJ
	HOLLEY WATER USERS A C							
31-00332	**HOLLEY WATER USERS A C**		**01/25/1930**	**D/**	**GROUNDWATER**		**IRR**	**S WR**
T31-00332	OWSLEY CANAL CO	C	04/27/1932	D/	GROUNDWATER		IRR	WR
A31-00332	HOLLEY WATER USERS A C	C	01/25/1930	D/	GROUNDWATER		IRR	FS AJ
	HOLLEY WATER USERS A C							
31-00371	**HOLLEY WATER USERS A C**		**09/10/1928**	**D/**	**GROUNDWATER**		**IRR**	**WR**
T31-00371	OWSLEY CANAL CO	C	04/27/1932	D/	GROUNDWATER		IRR	WR
A31-00371	HOLLEY WATER USERS A C	C	09/10/1928	D/	GROUNDWATER		IRR	AJ
	HOLLEY WATER USERS A C							

SCANNED
NOV 25 2002

CLAIMANT	O C	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER	TRIBUTARIES OF
MUD LAKE WATER USERS INC	C	A31-00327	D/	11/16/1931	GROUNDWATER	MUD LAKE
MUD LAKE WATER USERS INC	C	A31-00328	D/	09/05/1912	MUD LAKE	SINKS
MUD LAKE WATER USERS INC	C	A31-00329	D/	01/08/1932	GROUNDWATER	MUD LAKE
MUD LAKE WATER USERS INC	C	A31-00330	D/	06/26/1936	GROUNDWATER	MUD LAKE
MUD LAKE WATER USERS INC	C	A31-00336B	D/	04/27/1932	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-00337B	D/	12/15/1932	GROUNDWATER	
MUD [redacted] WATER USERS INC	C	A31-00363	D/	08/28/1926	MUD LAKE	
MUD LAKE WATER USERS INC	C	A31-02239	L/	01/25/1930	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02265	L/	05/22/1940	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02276	D/	01/17/1969	MUD LAKE	
MUD LAKE WATER USERS INC	C	A31-02341	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02342	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02343	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02344	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-02345	L/	09/03/1954	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-07005	D/	12/04/1967	MUD LAKE	
MUD LAKE WATER USERS INC	C	A31-07043	L/	11/12/1970	GROUNDWATER	
MUD [redacted] WATER USERS INC	C	A31-07199A	L/	05/14/1976	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-10626	J/	04/01/1920	GROUNDWATER	
MUD LAKE WATER USERS INC	C	A31-10627	J/	04/01/1920	GROUNDWATER	MUD LAKE

WR comparison:
No enlargement
over 40 cfs.
Claim includes
storage, MLR
Application to
appropriate SW
w/ including storage.

NOV 2 5 2002

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

Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.



Photo #1, looking NE at discharge of artesian well basin, from SW side of channel. Upper culvert, not flowing, comes from pumped wells.

SCANNED
NOV 15 2002

Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.

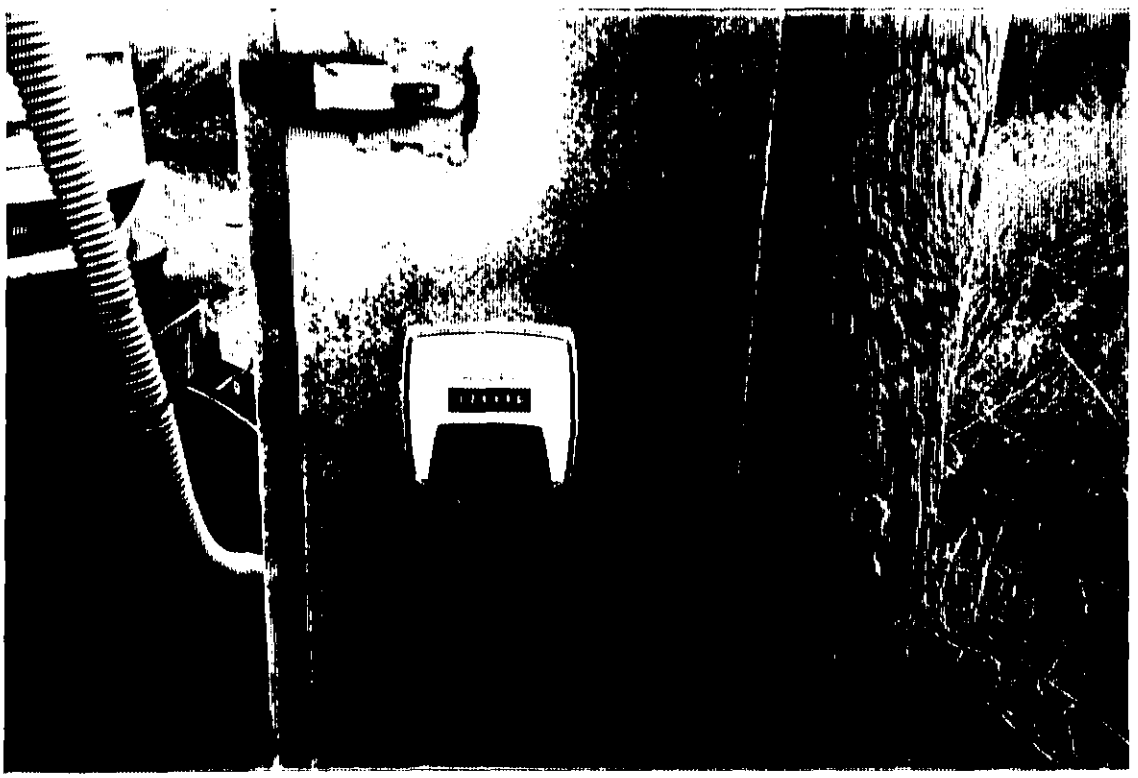


Photo #2, hour meter on pumped well. Watermaster uses hour meters on wells to log pumpage volume.

Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.



Photo #3, "bubble up" of artesian well in artesian basin. Photo looking NW from SE side of channel.

RECEIVED
NOV 2 5 2007

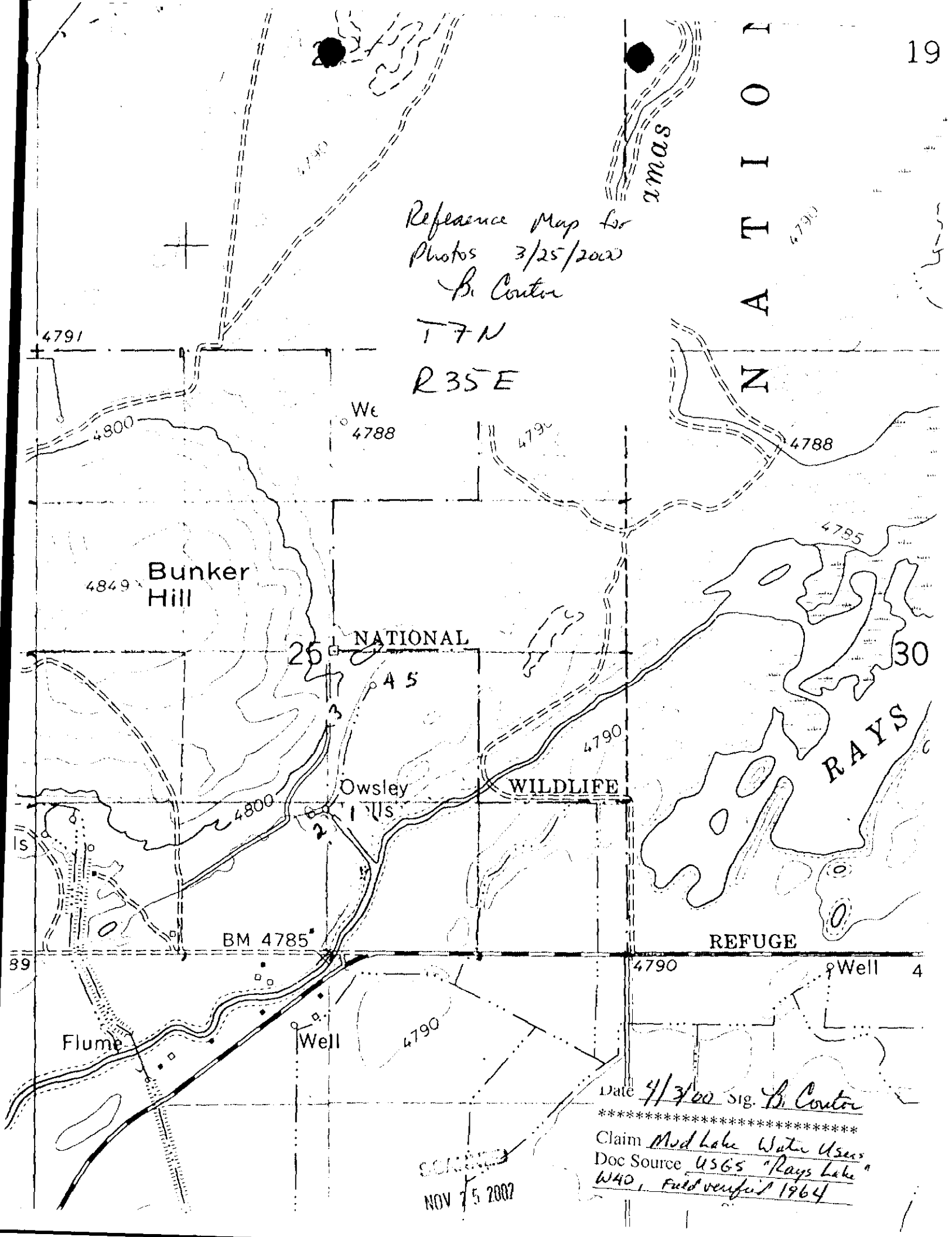
Mud Lake Water Users Claims
Artesian Well Basin
Photos Taken 3/25/2000 by Bryce Contor
See attached reference map.





Photos #4 and 5, "bubble up" of NE well at NE end of artesian basin, looking SW towards outlet of basin.

NOV 7 5 2002


Xmas
NATIO
Reference Map for
Photos 3/25/2020
B. Coulter
T7N
R35E
4791
4800
4788
4790
4785
Bunker
Hill
4849
NATIONAL
WILDLIFE
REFUGE
RAYS
25
30
Owsley
BM 4785
Flume
Well
Well
4790
89
4
Date 4/3/20 Sig. B. Coulter
Claim Mud Lake Water Users
Doc Source USGS "Rays Lake"
W40, Field verified 1964
NOV 15 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1999

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

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

Dear Mr. Soderquist:

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

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

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Kent Foster

SCANNED
NOV 15 2007

DELOG EC
6/24/99

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 24 1999
Department of Water Resources
Eastern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____

   Adjudication Claim Number(s) See attached list

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

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

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

4. New Owner/Claimant(s) Mud Lake Water Users Inc
   Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR
   New Mailing Address P.O. Box 68
   City, State and ZIP Code Terreton, Idaho 83450
   New Telephone Number (208) 663-4357

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres actually irrigated _____ Number and type of stock _____

   Diversion rate in CFS _____ (cubic feet per second) Number of homes _____ Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

   SCANNED
   NOV 15 2002

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

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

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

ARTICLES OF AMENDMENT
(Non-profit)

To the Secretary of State of the State of Idaho

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

FILED
99 MAR 22 AM 10:43
SECRETARY OF STATE
STATE OF IDAHO

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

2. The text of each amendment is as follows:

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

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

4. Manner of adoption (check one):

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

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

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

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

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

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

Dated: March 8, 1999

Signed by: Garth Sederquist

Its President
(Capacity of signer)

g:\corp\forms\Amend NP.pm6 Revised 7/98

Customer Acct #:
(if using pre-paid account)

Secretary of State use only

IDAHO SECRETARY OF STATE
03/22/1999 09:00
CK: 8836 CT: 91798 BH: 199218
1 @ 30.00 = 30.00 NON PROF A @ 2

C 9932

SCANNED
NOV 7 - 2007

27/1988 SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Owsley Cattle Co. CLAIM [redacted]NT. NO. 43I-00327/00328 43I-00330/00329

DATE RECEIVED 2 Dec 1988 CK # _____ AMOUNT $_____

	YES	NO
1. Is the name and address complete with zip code?	✓	
2. Is a priority date entered?	✓	
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.	✓	
3. (a) Is a source entered?	✓	
(b) Is a tributary to entered? (if required) N/A ___	✓	
4. Is the legal description of the p.d. sufficient?	✓	✓
5. Is there a description of the diverting works?	✓	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	✓	
Is the period of use included?	✓	
Is a quantity claimed for each use?		✓
7. Is a total quantity claimed entered?	✓	
8. If required is a consumptive use entered? N/A ___	✓	
Is the consumptive use correct? N/A ___		✓
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓		
10. Is (are) the place(s) of use entered?		✓
11. Is (are) the county(ies) entered?	✓	
12. Is the ownership of p.u. checked?	✓	
13. Are other water rights listed or "none" indicated?	✓	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ___	✓	
15. Is the basis of the claim checked?	✓	
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	✓	
Has the claim been signed, sealed, and dated by a notary?	✓	
Was this claim filed on time, or was an extension granted?	✓	
Is the fee enclosed correct? Exempt ___	✓	
If this claim is based on an existing water right, has the identification number been entered? N/A ___	✓	
Should this claim be receipted and data entered?		

Flag for field inspection.

Claim checked by: Ernest Carlson

Comments: P/D's not illustrated on map - map shows section (U.S.) irrigated acreage totals 17985.

NOV 25 2007

MICROFILMED NOV 1 1 1992