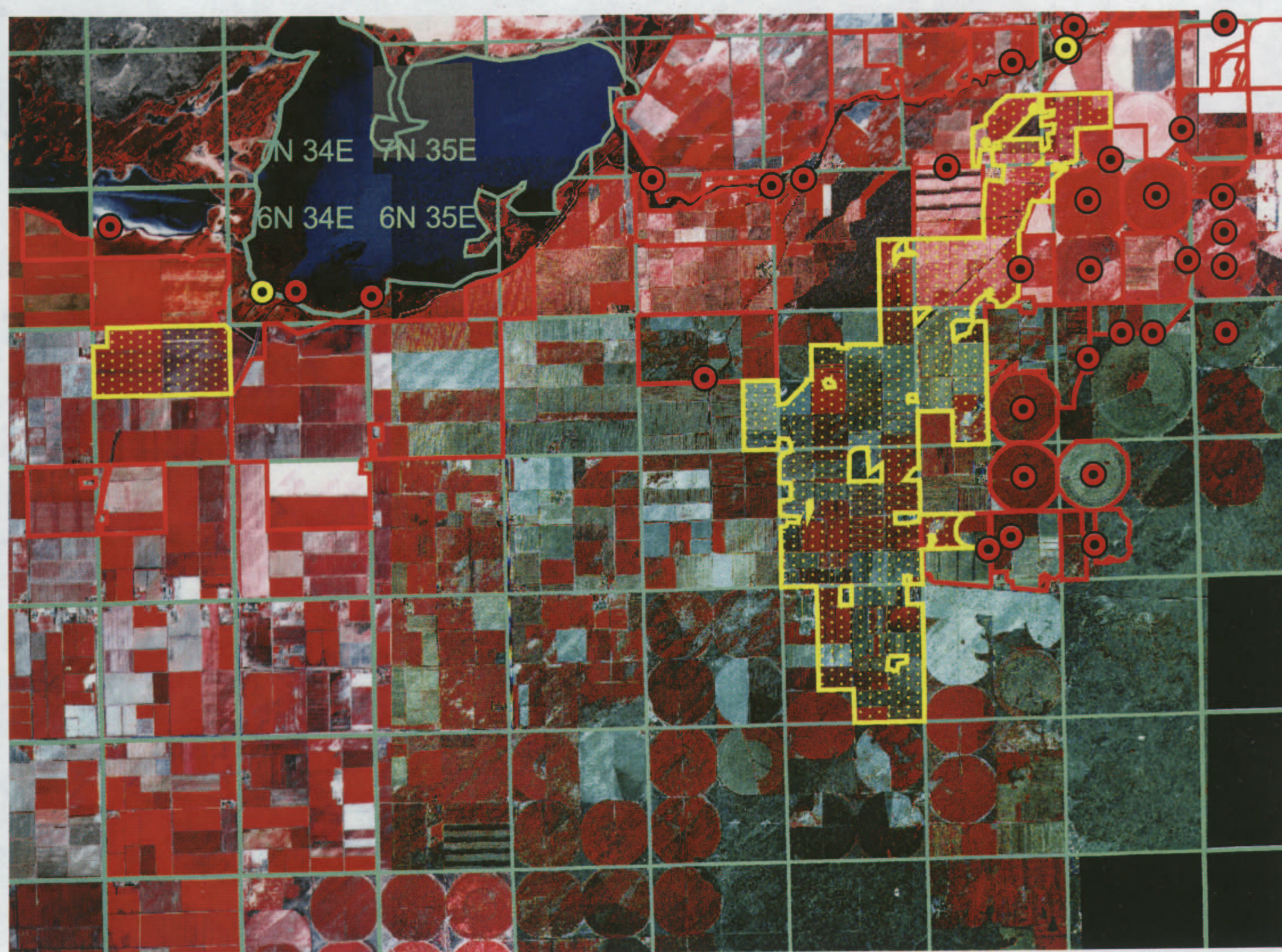


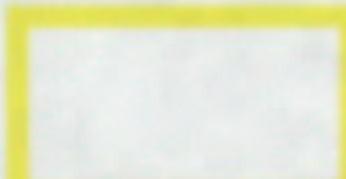
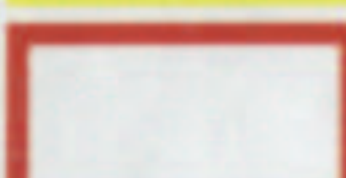
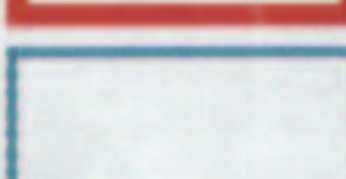
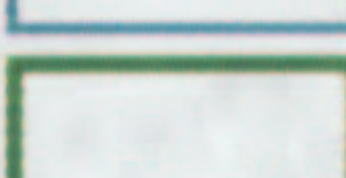
Idaho Department of Water Resources

"Holley" Water Rights, 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~~



Township 6N Range 34E, 35E
Township 7N Range 35E

0 1 Miles

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



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

SCANNED
NOV 05 2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-344

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

Original Owner	HOLLEY WATER USERS ASSN C/O CARL HOGGAN HAMER, ID 83425
----------------	---

Original Owner	HOLLEY WATER USERS ASSN C/O LA MOYNE BARNEY HAMER, ID 83425
----------------	---

Priority Date:	11/12/1913
Basis:	Decreed
Status:	Valid

<u>Source</u>	<u>Tributary to</u>
MUD LAKE	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION STORAGE	01/01	12/31		418.2 AFA	
IRRIGATION FROM STORAGE	04/01	10/31		418.2 AFA	
Total Diversion				418.2 AFA	

Location of Point(s) of Diversion:

MUD LAKE	SESESE	Sec. 01	Township 06N	Range 34E	JEFFERSON County
MUD LAKE	SENWNW	Sec. 36	Township 07N	Range 35E	JEFFERSON County

IRRIGATION FROM STORAGE Use:
Acre Limit: 2978

Place(s) of use: No POUs found for this right

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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use - Irrigation PLACE OF USE WITHIN THE BOUNDARY OF THE HOLLEY DIVISION OF MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 2978.

2. Quantity FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS CALCULATED BY MULTIPLYING A DIVERSION RATE OF 1.70 CFS BY A FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER 1ST).
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2978 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962.
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, (HOLLEY DIVISION SURFACE WATER).

Comments:

Author	Date	Subject	Comment
bcontor	1/5/01	Recommendation	This right and all other surface rights of MLWU that were originally Holley Water Users rights are recommended per Holley v. Kulp, consolidation agreement in special file "Mud Lake Water Users," and information in special file "Mud Lake Storage."
bcontor	1/5/01	Remd. Continued	This eCVR is a template for the review of all the other Holley rights.
~~bcontor~~	~~1/5/01~~	~~POU~~	~~It appears that the original WR listing of POU is in error. This is corrected by enlargement claim 31-11437 but the acres recommended are in actuality probably close to original historical acres.~~
bcontor	1/5/01	Decree	These rights were originally decreed in Suave v. Abbot. The "later decree" referred to in the Priority tab is when they were reaffirmed to Holley Water Users in Holley v. Kulp. A copy is in the paper file.
bcontor	1/5/01	Change in source	Elements recommended are from Holley v. Kulp.
bcontor	1/5/01	Enlargement	Historically these rights have been administered as volumes of stored water per provisions of Suave decree. Consistent with their use as storage water, source is changed to Mud Lake, as Camas Creek (original source) has limited storage. See "Mud Lake St
			Enlargement 31-11437 was solicited based upon limited acres in WR database, before I found Holley v. Kulp decree. Holley v. Kulp clearly authorizes use of all SW rights on 4000 acres on a PPU basis, so 31-11437 is not needed.

Dates:

Licensed Date:
 Claim Received Date: 12/20/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 12/14/1946
 Date Filed with Court:
 Objection Filed Date:
 SP5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	1/5/01 2:09:20 PM	bcontor			In Process
POU	1/5/01 2:16:55 PM	bcontor			In Process
Priority Date	1/5/01 1:46:37 PM	bcontor			In Process
Quantity	1/5/01 2:21:12 PM	bcontor			In Process
Season	1/5/01 2:20:22 PM	bcontor			In Process
Source	1/5/01 2:10:06 PM	bcontor			In Process
Summary	1/5/01 2:24:46 PM		1/5/01 2:24:46 PM	bcontor	Complete
Use	1/5/01 2:18:38 PM	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:

SCANNED

NOV 05 2007

Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	1/5/01 2:09:17 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Field inspection of current system & GIS analysis of 1987 NAPP, review of transfer 5335 of overlapping GW rights. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: See file "Mud Lake Water Users" and "Mud Lake Storage" 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	1/5/01 2:16:53 PM	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. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: GIS of 1987 NAPP, review of overlapping GW transfer 5335, merger documents 9. (YES) The file contains all the necessary information to verify the POU. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	1/5/01 1:46:34 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. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	1/5/01 2:21:10 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. Comment for 8: See file "Mud Lake Storage" for discussion of conversion from description as rate to description as volume. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Season	1/5/01 2:20:19 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use.

Source 1/5/01 2:10:03 PM bcontor

15. (NO) Period of Use remark was not required.
16. (NO) Period of Use condition was not required.
1. (NO) The basis is not beneficial use.
2. (YES) Parent right has a source.
3. (NO) The claimed source can not be verified using the water right file.
4. (YES) There is evidence that there has been a change in the Source.
5. (YES) The change can be verified as an accomplished transfer.
- Comment for 5: See comments, file "Mud Lake Storage"
7. (YES) The file contains all of the necessary information to verify the source.

Summary 1/5/01 2:24:43 PM bcontor

- Comment for 7: Field inspection.
8. (YES) The source is surface water.
 10. (NO) Source remark was not required.
 11. (NO) Source condition was not required.
 1. (NO) The basis of the claim is not beneficial use.
 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
 5. (NO) General remark was not required.
 6. (NO) Explanatory remark was not required.
 7. (YES) Additional condition was required.
 8. (YES) Wanted to view the recommended right.
 9. (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 1/5/01 2:18:35 PM bcontor

1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a purpose of use.
3. (YES) The claimed purpose of Use can be verified using the water right file.
11. (NO) Purpose of Use remark was not required.
12. (NO) Purpose of Use condition was not required.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 31-344
Date Received: 12/20/88
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MUD LAKE WATER USERS INC Phone: (208)663-4359

1400 E 1500 N
PO BOX 68
TERRETON ID 83450

2. Date of Priority: 11/12/1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 lot	County
06N	34E	1	SE SE SE	JEFFERSON
07N	35E	36	SE NW NW	JEFFERSON

5. Description of diverting works:

PUMPING PLANT ON CAMAS CREEK HAS 60 H.P. MOTOR AND (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/15	1.7	

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

8. Total consumptive use:

SCANNED

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	34E	11	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
						Section Acres	320
06N	35E	1	NW	NW		IRRIGATION	4
						Section Acres	4
06N	35E	2	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	8
			NE	SW		IRRIGATION	32
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	38
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	358
06N	35E	3	NE	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	80
06N	35E	9	NE	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	80
06N	35E	10	NE	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40

					Section Acres	480
06N	35E	11	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	30
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40

					Section Acres	270
06N	35E	14	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	40

					Section Acres	50
06N	35E	15	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40

					Section Acres	634
06N	35E	22	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40

					Section Acres	440
07N	35E	35	NE	SE	IRRIGATION	38
			NW	SE	IRRIGATION	34
			SW	SE	IRRIGATION	34
			SE	SE	IRRIGATION	38

					Section Acres	144
--	--	--	--	--	---------------	-----

07N	35E	36	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	38
Section Acres						118
Total Acres						2978

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:

14. Remarks:

PLACE OF USE OWNED BY STOCK HOLDERS IN ASSN
 OTHER RIGHTS - 31-00360/00361/00362/00363
 CHANGED OWNERSHIP PER REQUEST/CV/10/30/00

15. Basis of Claim: Decreed

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: **A31-00344**
Date Received: 12/20/1988
Receipt No: E005296
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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: NOV 12, 1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	34E	1	SE	SE	SE		JEFFERSON
07N	35E	36	SE	NW	NW		JEFFERSON

5. Description of diverting works:

PUMPING PLANT ON CAMAS CREEK HAS 60 H.P. MOTOR AND (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	1.700		

7. Total Quantity Appropriated is:

1.700 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 7857.5 Acre Feet Per Annum.

9. Non-irrigation uses:

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

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

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	30.0
			NW	SE		IRR	34.0
			SW	SE		IRR	34.0
			SE	SE		IRR	38.0

Section Acres 140.0

36	NE	SW		IRR	40.0
	NW	SW		IRR	38.0
	SW	SW		IRR	38.0

Section Acres 116.0

Total Acres 2972.0

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.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1946

HOLLY WATER USERS ASSN.

Decree Plaintiff

MARK R. KULP

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Dorinda K. Kishner
Signature of Authorized Agent

Helley Kishner Kishner
Title and Organization

Aug 19 1997
Date

State of Idaho)
County of _____) SS.

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

of aug 19 97

Eugene Ken Wagner
Notary Public

Seal

Residing at 1400E 1500N TERRACON, IDH.

My Commission Expires 17 JUNE 2003

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: A31-00344
Date Received: 12/20/1988
Receipt No: E005296
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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: NOV 12, 1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	34E	1	SE	SE	SE		JEFFERSON
07N	35E	36	SE	NW	NW		JEFFERSON

5. Description of diverting works:
PUMPING PLANT ON CAMAS CREEK HAS 60 H.P. MOTOR AND (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	1.700		

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

8. Total consumptive use is 7857.5 Acre Feet Per Annum.

9. Non-irrigation uses:

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
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		

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	10	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
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	22	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

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.

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

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Holly Water Users Assn. , that I have signed the foregoing Organization document in the space below as _____ of

Holly Water Users Assn. Title and that the statements contained in the Organization foregoing document are true and correct.

Carl Hoggan
Signature of Authorized Agent

Pres Holly Water Users Assn
Title and Organization

1-4-91
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 4 day

of Jan 19 91

Margaret Glubok
Notary Public

Seal

Residing at Hammer Id.

My Commission Expires June 28, 1991

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: A31-00344
Date Received: 12/20/1988
Receipt No: E005296
Received By: EMC

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: NOV 12, 1913

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	34E	1	SE	SE	SE		JEFFERSON
07N	35E	36	SE	NW	NW		JEFFERSON

5. Description of diverting works:
PUMPING PLANT ON CAMAS CREEK HAS 60 H.P. MOTOR AND (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	1.700		

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

8. Total consumptive use is 7857.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A31-00344

Page 1

Date: 12/20/88

SCANNED

NOV 05 2007

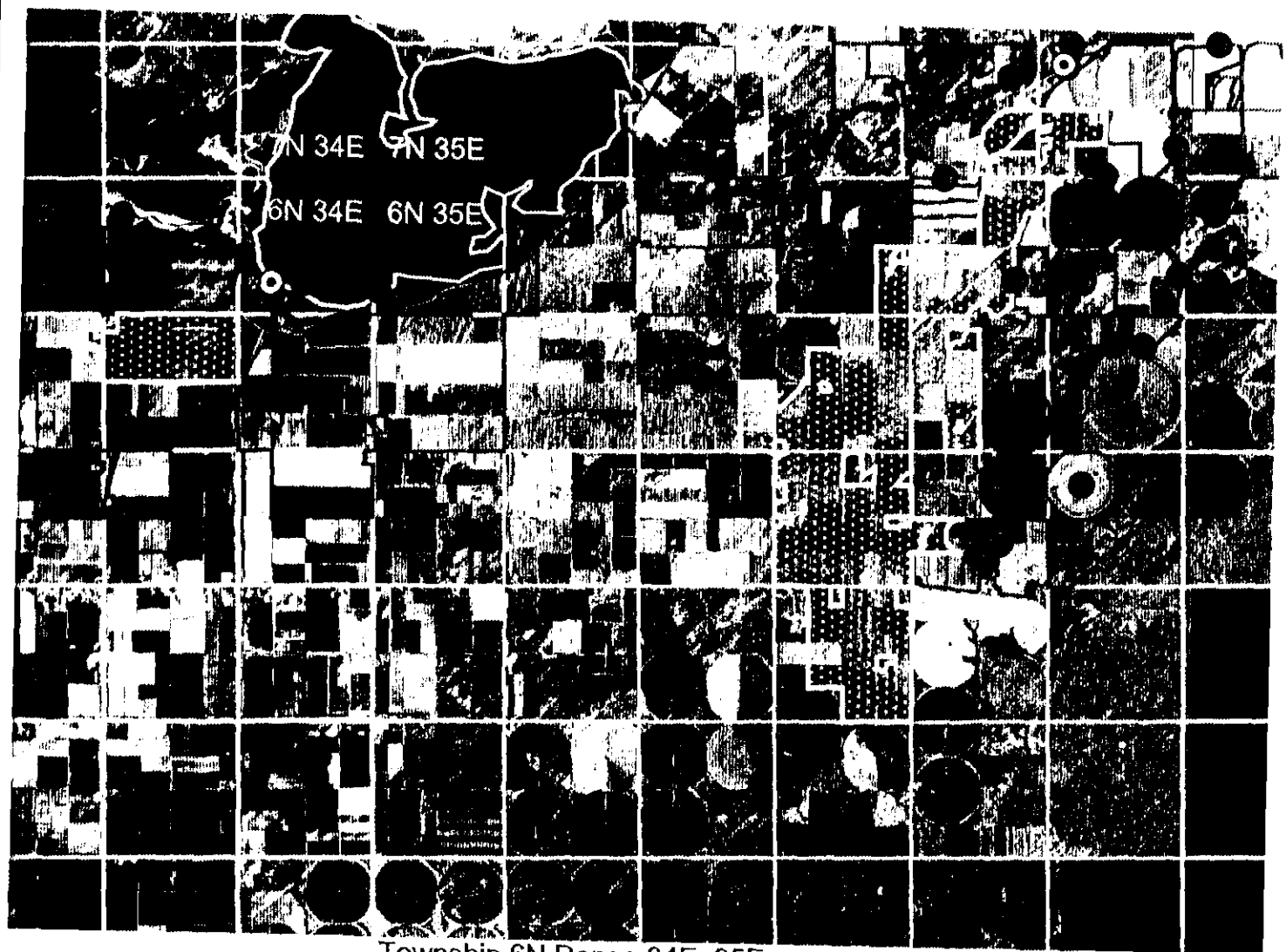
MICROFILMED

NOV 17 1992



Idaho Department of Water Resources

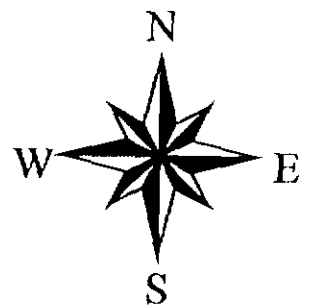
"Holley" Water Rights, 31-344, 31-345, 31-354, 31-355,
31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960,
31-10961, 31-10962, 31-11437



Township 6N Range 34E, 35E
Township 7N Range 35E

0 1 Miles

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



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

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			

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 17 1992

SCANNED

NOV 15 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			

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.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date: 12/13/1946

HOLLY WATER USERS ASSN.
Decree Plaintiff

MARK R. KULP
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

Holly Water Users Assn, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

Holly Water Users Assn and that the statements contained in the
Organization
foregoing document are true and correct.

L. Wayne Barney
Signature of Authorized Agent

Holly Water Users Assn
Title and Organization

12-20-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of Dec 19 88

Ernest Carlson
Notary Public

Seal

Residing at Alto Falls ID

My Commission Expires 14 June 1994

A31-00344

Page

5

Date: 12/20/88

MICROFILMED

NOV 17 1992

SCANNED
NOV 15 2007

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: 31-344

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: 2-17-2001

SIGNATURE: *Barth S. Bergquist*

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

MEMORANDUM

To: Holley Division of Mud Lake Water Users AJ Claims
 CC:
 Fr: Bryce Contor *Bryce*
 Date: 1/3/2001
 Re: Diversion Volumes

The copy of Holley v. Kulp in paper file 31-344 notes the Holley rights as numbered in the adjudication claims. This chart shows the calculation of diversion volumes per the historical calculation of decreed cfs x 2 acre feet/day x 123 days:

Claim	Original Number	cfs	acre feet
10957	342, 343	2.50	615.0
344	344	1.70	418.2
345	345	0.80	196.8
10958	346, 347	2.70	664.2
10959	348-352	~~2.87~~ 2.24	1781.0
10960	353, 356	2.36	580.6
354	354	0.80	196.8
355	355	0.80	196.8
10961	357-359	6.18	1520.3
360	360	3.00	738.0
361	361	2.40	590.4
10962	362, 363, 376	~~0.34~~	~~85.6~~

1963.1

Note that the display order matches the order in the decree.

1.91 477.2

SCANNED

NOV 6 5 2007

RECEIVED

JUL 18 1985

Department of Water Resources
Eastern District Office

MEMORANDUM

TO: Ken Knoblock & Eastern Region ✓
FROM: Roberta
RE: 31-0363 assigned twice. 31-0364 assigned twice.
DATE: July 11, 1985

Please change your records accordingly.

<u>OLD NO.</u>	<u>NEW NO.</u>	<u>NAME</u>
31-0363	31-0376	Mary L. McCann -- The Holley Water Users Assoc. vs. Mark R. Kulp, et al. 31043
31-0363	31-0363	Ernest Sauve -- Ernest Sauve vs. Abbott, et al. 31A
31-0364	31-0377	Peter McKeivitt -- Ernest Sauve vs. Abbott, et al. (p. 110)
31-0364	31-0364	Burt H. Paul -- Ernest Sauve vs. Abbott, et al. (p. 140)

SCANNED

NOV 05 2007

MAR 23 1946

Department of Water Administration
Tardien District Office

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON.

THE HOLLEY WATER USERS ASSOCIATION,
a corporation,

Plaintiff,

vs.

MARK R. KULP, State Reclamation En-
gineer of the State of Idaho; ELVIN
W. HENNINGER, Watermaster of Water
District No. 66 of Idaho; R. P. COPE
and BESSIE HUTCHISON ELLIS,

Defendants,

FINDINGS OF FACT;
CONCLUSIONS OF
LAW; JUDGMENT
AND DECREE.

FILED

Dec. 14, 1946

9:22 A.M.

Donald J. Haggard
CLERK, DISTRICT COURT

BY

DEPUTY

This cause came on for hearing before the Court at
Chambers at Idaho Falls, Idaho, during the regular term of the
above Court, this 12th day of December, 1946. O. A. Johannesen,
Esq., appeared for and on behalf of the plaintiff, and the de-
fendants, each and every of them, did not appear either in person
or otherwise. Documentary and other evidence was thereupon intro-
duced on the part of the plaintiff. The Court being fully in-
formed as to the facts and the law, now makes the following FIND-
INGS, CONCLUSIONS, JUDGMENT and DECREE:

FINDINGS OF FACT

The Court finds as facts, proven by competent and satis-
factory evidence, the following:

I

That the defendant Mark R. Kulp is the duly appointed,
qualified and acting State Reclamation Engineer of the State of
Idaho; that the defendant Elvin W. Henninger is the duly elected,
qualified and acting Watermaster of Water District No. 66 of
Idaho; that said Water District No. 66 is located in the Counties
of Clark and Jefferson in the State of Idaho and the land herein-
after described are included within said district.

II

That none of the defendants are in the military or naval services of the United States of America at this time.

III

That Summons has been duly issued in this cause; and that each and all of the defendants have by formal written acceptance accepted service of summons; that the defendant Mark R. Kulp, State Reclamation Engineer of the State of Idaho, and the defendant Elvin W. Henninger, Watermaster of Water District No. 66 of Idaho, have each, in writing, refused to plead in this action and each has consented that his default be entered. That the time in which to plead for each and all of said defendants has now expired and the default of each and every of said defendants has been entered, as provided for by law.

IV

That the plaintiff is a corporation organized and existing under the laws of the State of Idaho. That said corporation was formed and organized and is operating as a farmers mutual canal company for non-profit purposes; that said corporation distributes water for irrigation and domestic purposes to its stockholders, through the canal system which said company operates.

V

That the plaintiff's stockholders are the owners of irrigated land situated in Jefferson County, State of Idaho, and which lands are irrigated by means of water supply and canal system owned and operated by the plaintiff corporation. That the said lands are situated in Jefferson County, State of Idaho, and are described as follows:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-six (36), Township Seven (7) North, Range Thirty-five (35) East Boise Meridian; the West Half (W $\frac{1}{2}$) of Section One (1), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Two (2), the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) 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.

Said land is owned and operated by the various stockholders of the plaintiff corporation and said stockholders operate said canal and irrigation system on a non-profit and cooperative basis.

VI

That there are one or two stockholders who own lands irrigated from said canal system whose lands are not herein described, but on whose lands the waters herein referred to have been used and are now being used.

VII

That on the 10th day of September, 1928, Bessie Hutchison filed in the office of the State Commissioner of Reclamation an application, by the terms of which she sought to appropriate 25 cubic feet per second of subterranean water, having its point of diversion in the Southwest Quarter of the Southwest Quarter of Section 25, Township 7 North, Range 35 East Boise Meridian, County of Jefferson, and which had for its purpose the irrigation of the lands hereinbefore described. That on the 25th day of January, 1930, R. P. Cope filed an application in the office of the Commissioner of Reclamation wherein and whereby said applicant sought to divert 24 cubic feet per second of subterranean water, having the point of diversion in the South Half of the Southwest Quarter of Section 25, Township 7 North, Range 35 East Boise Meridian; that the Commissioner of Reclamation of the State of Idaho issued to the said Bessie Hutchison water permit No. 16979, and issued to said R. P. Cope water permit No. 17276, which authorized the appropriation of the aforesaid amounts of water by the said respective parties. That in due course of time Bessie Hutchison, now Ellis, assigned 23 cubic feet per second of the water claimed under permit No. 16979, and R. P. Cope assigned all of the water claimed under permit No. 17276, to the Holley Water Users Association, the plaintiff herein, and said plaintiff corporation is the holder and owner of said permits.

VIII

That prior to the assignment made by the defendant Bessie Hutchison, now Ellis, of 23 cubic feet per second of water claimed under permit No. 16979, she assigned 2 cubic feet per second of the right covered by the original permit to one Lyndon Laird; that the rights of Lyndon Laird have now been acquired by one Joe Nielsen; that the point of diversion of the water claimed by said Joe Nielsen is not upon the Southwest Quarter of the Southwest Quarter of Section 25, Township 7 North, Range 35 East Boise Meridian, but said water is diverted from a well located in the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 26, Township 7 North, Range 35 East Boise Meridian.

IX

That the plaintiff is the owner and holder, by assignment, of the aforesaid permits, and said plaintiff and its stockholders are entitled to the use of the waters described in said permits to the amount of 47 c.s.f. That the plaintiff and its stockholders have diligently and uninterruptedly completed the works of diversion and have applied the aforesaid amounts of water to beneficial use; and said water covered by the permit issued to Bessie Hutchison, now Ellis, to the amount of 23 c.s.f. has been used beneficially and uninterruptedly every year from and after the 10th day of September, 1928, and the water covered by the permit issued to R. P. Cope has been used beneficially and uninterruptedly from and after the 25th day of January, 1930.

X

That in due course of time the plaintiff, or its assignees, submitted to the Department of Reclamation proofs of the completion of works, contemplated by the respective applications, and permits and certificates showing the completion of works were in due course issued by said Department; that said plaintiff has, at the respective points of diversion, large wells, pumps and

pumping equipment, and which deliver into the ditches and irrigation system maintained by the plaintiff, the respective amounts of water claimed by it as hereinbefore more fully described; that said plaintiff maintains a canal system consisting of a main canal, lateral canals and other ditches which enables it to distribute for beneficial purposes the water hereinbefore described.

XI

That on the 14th day of October, 1940, in the above-entitled Court, in the case of Owsley Canal Company vs. Bauerle, et al., a decree was entered, and by the terms of said decree it was established, among other things, that the plaintiff was and is the owner of said water permit No. 16979, issued to Bessie Hutchison Ellis; and in like manner that the plaintiff was and is the owner of water permit No. 17276, issued to R. P. Cope; and in like manner that the plaintiff was and is the owner of water permit No. R-528, issued directly to said plaintiff corporation; that the said permits permitted the diversion and use of 47 cubic feet per second of underground water and the storage of 5,000 acre feet of water in Mud Lake.

XII

That in addition to the water rights hereinabove described, the plaintiff is also the owner of the following water rights from Camas Creek and which were decreed in the case of Ernest Sauve vs. W. H. Abbott, et al., and which were decreed to the following persons in the amounts herein set forth and the dates of priorities, to-wit:

Name	Date of Priority	Amount
Bertha I. Nielson ^{341 not claim}	September 5, 1912	1.72 c.s.f.
10957 Frank McClain ^{342, 343}	February 4, 1913	0.80 "
R. P. Cope	February 20, 1913	1.70 " } 6.15
³⁴⁴ W. C. Holley	November 12, 1913	1.70 "
³⁴⁵ David A. Sanders	March 4, 1914	0.80 "
David A. Sanders ^(346 + 347)	November 1, 1914	1.90 "
10958 R. P. Cope	November 1, 1914	0.80 "
David A. Sanders	February 26, 1916	0.74 "
10959 R. P. Cope ^(348, 349, 350, 351, 352)	April 15, 1916	1.50 "
Thos. J. Williams	June 1, 1916	2.10 "
Frank L. McClain	June 16, 1916	1.44 "
R. D. Leatherman	June 16, 1916	2.20 "
10960 R. D. Leatherman ³⁵³	October 2, 1917	1.20 "
³⁵⁴ Julius Johnson ³⁵⁴	December 14, 1914	0.80 "
³⁵⁵ Julius Johnson ³⁵⁵	December 3, 1916	0.80 "
90960 Mary L. McCann ³⁵⁶	November 5, 1917	1.16 "
W. H. Hutchison ³⁵⁷	January 1, 1918	2.60 "
10961 Chas. Thionan ³⁵⁸	January 1, 1918	2.84 "
J. L. Sanders ³⁵⁹	January 11, 1918	0.74 "
³⁶⁰ Thomas J. Williams ³⁶⁰	November 17, 1918	3.00 "
³⁶¹ Frank L. McClain ³⁶¹	May 21, 1920	2.40 "
Julius Johnson ³⁶²	September 21, 1923	1.60 "
10962 Mary L. McCann ^{376 (363)}	January 1, 1924	0.34 "

That all of the above-described decreed rights have been conveyed by the owners thereof to the plaintiff herein.

1.70 x 24123 = 418.2
of

10960 = 353, 354, 355

That the foregoing described decreed water rights are used in common upon the lands hereinbefore described and which are owned by the stockholders of the plaintiff corporation. That said waters are diverted from Camas Creek at points in the northwest Quarter of the Northwest Quarter of Section 36, Township 7 North, Range 35 East Boise Meridian, and also at points in the Southwest Quarter of the Southeast Quarter of Section 25, Township 7 North, Range 35 East Boise Meridian, and also at a point on Mud Lake in the Southeast Quarter of the Southeast Quarter of Section 2 Township 6 North, Range 34 East Boise Meridian. That all of said points of diversion are used in connection with the diversion of the waters described in this paragraph and, in addition also the water which is diverted from underground sources, as hereinbefore described.

XIII

That by reason of various matters over which the plaintiff corporation has not had control and particularly by reason of war conditions and financial conditions, the said plaintiff has been prevented from making Proof of Beneficial Use of the 23 cubic feet per second and 24 cubic feet per second of subterranean water, represented by the said permits described in paragraph VII of these Findings, although beneficial use of such water has been made for many years last past and from a period of time prior to the dates fixed in the permits when Proof of Beneficial use should have been established. That the said plaintiff corporation has made use, from time to time, of all of the water covered by the aforesaid permits, including the 5,000 acre feet of storage in Mud Lake. That by the provisions of the decree entered on the 14th day of October, 1940, referred to in paragraph XI hereof, the Court found and decreed that the subterranean waters to the extent of 23 cubic feet per second and 24 cubic feet per second claimed by the plaintiff corporation were from independent sources and that to the extent of the aforesaid amounts the other defendants in said action were prohibited from claiming any right to the water so claimed by the plaintiff corporation, all of which is more fully set out in the decree entered and filed in said action.

XIV

That the plaintiff is the owner and holder of water permit No. R-528, issued directly to said plaintiff corporation by the Department of Reclamation of the State of Idaho, authorizing the storage of 5,000 acre feet of water in Mud Lake.

XV

That the plaintiff has maintained the water use priorities set forth in paragraph XII above for the decreed water rights in said paragraph described, and has also maintained the priority date of September 10th, 1928, for 23 c.s.f. claimed under water permit No. 16979, and January 25th, 1930, on 24 c.s.f. claimed under water permit No. 17276, described in paragraph VII above.

XVI

That each and all of the material allegations of plaintiff's complaint have been proven by evidence competent and satisfactory to the Court, and are found to be true.

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 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 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36; the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 25, Township 7 North, Range 35 East Boise Meridian; and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) 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 c.s.f. of water from subterranean sources with a priority date of September 10th, 1928; 24 c.s.f. of water from subterranean 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:

Point of Diversion

<u>Name</u>	<u>Date of Priority</u>	<u>Amount</u>
Bertha I. Nielson	September 5, 1912	1.72 c.s.f.
Frank McClain	February 4, 1913	0.80 "
R. P. Cope	February 20, 1913	1.70 "
W. C. Holley	November 12, 1913	1.70 "
David A. Sanders	March 4, 1914	0.80 "
David A. Sanders	November 1, 1914	1.90 "
R. P. Cope	November 1, 1914	0.80 "
David A. Sanders	February 26, 1916	0.74 "
R. P. Cope	April 15, 1916	1.50 "
Thos. J. Williams	June 1, 1916	2.10 "
Frank L. McClain	June 16, 1916	1.44 "
R. D. Leatherman	June 16, 1916	2.20 "
R. D. Leatherman	October 2, 1917	1.20 "
Julius Johnson	December 14, 1914	0.80 "
Julius Johnson	December 3, 1916	0.80 "
Mary L. McCann	November 5, 1917	1.16 "
W. H. Hutchison	January 1, 1918	2.60 "
Chas. Thieman	January 1, 1918	2.84 "
J. L. Sanders	January 11, 1918	0.74 "
Thomas J. Williams	November 17, 1918	3.00 "
Frank L. McClain	May 21, 1920	2.40 "
Julius Johnson	September 21, 1923	1.60 "
Mary L. McCann	January 1, 1924	0.34 "

with points of diversion situated in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 25, all being in Township 7 North, Range 35 East Boise Meridian, and in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) 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-528, 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:

Place
of
Use

The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-six (36), Township Seven (7) North, Range Thirty-five (35) East Boise Meridian; the West Half (W $\frac{1}{2}$) of Section One (1), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Two (2), the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) 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, DETERMINED AND DECLARED by the Court that the plaintiff corporation is the owner of an irrigation system consisting of pumping plants and other diversion works, main canal and lateral canals, and other diversion ditches, all of which are used in the irrigation of the lands of the stockholders of said corporation; that in addition

thereto plaintiff corporation and its water users maintain and operate diversion works on Camas Creek and Mud Lake in connection with the diversion of part of the waters owned by the plaintiff corporation, hereinbefore described, and used by its stockholders.

Done this 13th day of December, 1946.


DISTRICT JUDGE.



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

November 2, 2000

MUD LAKE WATER USERS INC
PO BOX 68
TERRETON ID 83450

RE: CHANGE IN OWNERSHIP FOR A31-00134, A31-00135,
A31-00143, A31-00144, A31-00190, A31-00192, A31-00331,
A31-00332, A31-00344, A31-00345, A31-00354, A31-00355,
A31-00360, A31-00361, A31-00371, A31-02289, A31-02290,
A31-02297, A31-02310, A31-02317A, A31-02317B, A31-
02321, A31-10957, A31-10958, A31-10959, A31-10960, A31-
10961, A31-10962

Dear Claimant:

The request for Change in Ownership concerning the
Notice(s) of Claim in the above reference has been
processed and the Notice(s) modified to reflect you as
the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your
name shown as the current owner. Review the forms and
if there are other corrections or questions, feel free
to contact this office.

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

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

SCANNED

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

To: Mud Lake Water Users Files
Fr: Bryce Contor
Date: 10/31/2000

Bryce A. Contor

Re: Attorney

Garth Soderquist of Mud Lake Water Users called today and ask that we remove Kent Foster as attorney on all of the Mud Lake Water Users adjudication claims.

SCANNED

NOV 05 2002

OK - Bae

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A31-00344'			A31-00361'	A31-00381
	A31-00345'			A31-10957'	A31-00382
	A31-00354'			A31-10958'	A31-00383
	A31-00355'			A31-10959'	
	A31-00360'			A31-10960'	
				A31-10961'	
				A31-10962'	

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

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~

Merger Documents

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

Holley Canal

4. New Owner/Claimant(s)

Mud Lake Water Users Inc

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

New Mailing Address

PO Box 68

City, State and ZIP Code

Terreton ID 83450

New Telephone Number

208-663-4359

5. Date you acquired the property

Filed 9 Jan 13 PM 1:18

*Secretary of State
State of Idaho*

SCANNED

NOV 05 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Myd Lake Water Users, Inc
(include title if applicable) Keith Salergquist President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Myd Lake Water Users, Inc
(include title if applicable) Garth Soderquist President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

NOV 05 2002

To: Change of Ownership for Jackett Canal rights in B31
Change of Ownership for Holley Canal rights in B31 ✓
Fr: Bryce Contor
Date: 10/27/2000 
Re: Documentation

The merger documents provided with these two Notices of Change of ownership are not signed. However, the merged corporation "Mud Lake Water Users Inc" demonstrated ownership of these companies' groundwater rights for transfer 5335, and the attached download from the Secretary of State indicates the merger has been approved and duly registered.

Further, in working with claimants and water users in the area, it is the common opinion and belief that the companies are merged as indicated. If there is an error, the NOE and objection process will provide a forum to address the error.

SCANNED
NOV 05 2000

**Idaho Secretary of State
Business Entity Search**

MUD LAKE WATER USERS, INC.

1400 E 1500 N
TERRETON, ID 83450

Type of Business: CORPORATION, WATER USERS ASSOCIATION

Status: GOODSTANDING, REINSTATED 07 May 1925

State of Origin: IDAHO

Date of 20 May 1914

Origination/Authorization:

Current Registered Agent: GARTH SODERQUIST
1683 N 1300 E
TERRETON, ID 83450

Filing Number: C-9932

Number of Authorized N/A

Stock Shares:

Date of Last Annual Report: 30 Jul 1999

Related Documents: 20 May 1914 - INCORPORATION (OWSLEY
CANAL COMPANY)
05 Apr 1920 - REINSTATEMENT
11 Jun 1921 - REINSTATEMENT
21 Dec 1921 - REINSTATEMENT
07 Apr 1923 - REINSTATEMENT
07 May 1925 - REINSTATEMENT
02 Jul 1925 - UNKNOWN (OTHER (INC. NO OF
DIRECTORS))
05 Dec 1963 - UNKNOWN (OTHER (AMDT.
CORP. EXIST. TO PERPETUAL))
06 Jun 1979 - UNKNOWN (OTHER (RA))
29 Jan 1982 - UNKNOWN (OTHER (AMDT.
ADDING ART. VII, VIII, IX, & X))
17 Sep 1984 - UNKNOWN (OTHER (CHG RA))
10 Aug 1989 - 1989 ANNUAL REPORT
30 Aug 1990 - 1987 ANNUAL REPORT
15 Oct 1990 - 1990 ANNUAL REPORT
19 Jul 1991 - 1991 ANNUAL REPORT

SCANNED

NEW 05-2002

10/27/00

10 Sep 1991 - 1988 ANNUAL REPORT
19 Oct 1992 - 1992 ANNUAL REPORT
01 Nov 1993 - 1993 ANNUAL REPORT
23 Jul 1994 - 1994 ANNUAL REPORT
07 Aug 1995 - 1995 ANNUAL REPORT
22 Jul 1996 - 1996 ANNUAL REPORT
08 Aug 1997 - 1997 ANNUAL REPORT
13 Jan 1998 - MERGER (MERGED WITH
HOLLY WATER USERS ASSOCIATION INC)
13 Jan 1998 - MERGER (MERGED WITH
JACKETT CANAL COMPANY)
20 Jul 1998 - 1998 ANNUAL REPORT
22 Mar 1999 - NAME CHANGE (MUD LAKE
WATER USERS, INC.)
30 Jul 1999 - 1999 ANNUAL REPORT

Get a certificate of existence for MUD LAKE WATER USERS, INC.

New Search

SCANNED

NOV 04 2009

THE
PROPOSED
MERGER
OF THE
OWSLEY CANAL COMPANY
HOLLEY WATER USERS
AND
JACKETT CANAL COMPANY

SCANNED

NOV 05 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

SCANNED
NOV 05 2007

ARTICLES OF MERGER
OF DOMESTIC CORPORATIONS
INTO
OWSLEY CANAL COMPANY, INC.

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, Inc. 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, Inc., 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 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, Inc., in accordance with the provisions of applicable statutes of the State of Idaho, they will submit it to the stockholders of the respective Merging Corporations.

SCANNED

NOV 3 5 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 Inc., 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, Inc., 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, Inc., an Idaho corporation, which shall be the Surviving Corporation.

III.

ARTICLES OF INCORPORATION OF SURVIVING CORPORATION

The Articles of Incorporation of Owsley Canal Company, Inc., 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.

IV.

BY-LAWS OF SURVIVING CORPORATION

The By-Laws of the Owsley Canal Company, Inc., 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, Inc., 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, Inc., (17,818 shares); (b) Holley Water Users (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.

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.

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, Inc., 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 the following:

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.

X.

REPRESENTATIONS AND WARRANTIES

Owsley Canal Company, Inc., 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:

	<u>Number of Shares</u>		
	<u>Total</u>	<u>Total</u>	<u>Total</u>
	<u>Voted</u>	<u>Voted</u>	<u>Shares</u>
	<u>For</u>	<u>Against</u>	
Owsley Canal Company	12,256	0	17,818
Holley Water Users	2,828	0	2,978
Jackett Canal Company	3,078	0	3,107.3

OWSLEY CANAL COMPANY, INC.
An Idaho Corporation
(the "Surviving Corporation")

By: Garth Soderquist
Garth Soderquist, President
12-27-97

ATTEST:

Kevin J. Christensen
Kevin J. Christensen, Secretary
Owsley Canal Company, Inc.

HOLLEY WATER USERS
An Idaho Corporation
(a "Merging Corporation")

By: Dwain Kirkham
Dwain Kirkham, President

ATTEST:

LaMoyne Barney
LaMoyne Barney, Secretary
Holley Water Users

JACKETT CANAL COMPANY
An Idaho Corporation
(a "Merging Corporation")

By: Edgar Green
Edgar Green, President

ATTEST:

Todd Simmons
Todd Simmons, Secretary
Jackett Canal Company

ARTICLES OF MERGER — Page 7

SCANNED
NOV 05 2007

E.D. Van Wagner
1400 E. 1500 N
TERRATON, IDA 83450.
17 JUNE 2003

PLAN OF MERGER

BETWEEN

OWSLEY CANAL COMPANY, INC.
An Idaho Corporation
(The Surviving Corporation)

and

THE HOLLEY WATER USERS, an Idaho Corporation; and THE JACKETT CANAL
COMPANY, and Idaho Corporation, the Merging Corporations

FIRST

RECITALS

A. Owsley Canal Company, Inc., 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, Inc., 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, Inc., 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 of as treasury stock.

C. Holley Water Users has 2,978 shares of common stock, irrigating 2,978 acres of land. Par Value of \$1.00 per share.

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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, Inc., 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, Inc., 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, Inc., 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, Inc., an Idaho Corporation, which shall be the Surviving Corporation.

THIRD

ARTICLES OF INCORPORATION OF SURVIVING CORPORATION

The Articles of Incorporation of Owsley Canal Company, Inc., 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, Inc., 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, Inc., 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.

SIXTH

DIRECTORS OF THE MERGING CORPORATIONS

A. Two new directors, one each from the Merging Corporations, (a) the Jakkett Canal Company, and (b) the Holley Water Users 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. One new member shall be elected from the present boundaries of the Jakkett 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, Inc., (17,818 shares); (b) The Holley Water Users (2,978 shares); (c) The Jakkett 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.

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

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

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 \$888,623.00.

TENTH

ABANDONMENT

This plan and Agreement of Merger may be abandoned by action of the Board of Directors of either Owsley Canal Company, Inc., 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.

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, Inc., 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.

BY-LAWS
OF
OWSLEY CANAL COMPANY
(1981)

ARTICLE I

CORPORATE PURPOSE AND AUTHORITY

Section 1. This corporation was originally organized and now exists under and by virtue of the laws of the State of Idaho as a non-profit corporation for the sole and exclusive purpose of appropriating and owning rights to the use of the public waters, and for the construction, operating and maintenance of an irrigation system for diverting such waters from the public supply in order to convey and deliver the same in a convenient and economical manner to its stockholders their use upon their lands.

Section 2. Except as otherwise provided in these By-Laws, the Articles of Incorporation of this corporation and the laws of the State of Idaho, all authority and power with respect to the corporation shall be vested in the stockholders.

Section 3. The principal office of the corporation in the State of Idaho shall be located in the City of Terreton, County of Jefferson.

Section 4. The moneys of the corporation shall be deposited in the name of the corporation in such depository or depositories as may be designated by the Board of Directors, and shall be withdrawn therefrom only by appropriate instruments signed by the officer or officers designated by resolution of the Board of Directors.

Section 5. All books, papers and records of the corporation in the hands of any officer of the corporation shall be subject to inspection by any officers, director, or stockholder of the corporation during the corporation's regular hours of business or during any regular or special meeting of the Board of Directors or stockholders.

ARTICLE II

SERVICE AREA, IRRIGATION SYSTEM AND WATER RIGHTS

Section 1. (a) The service area of the corporation shall include those lands generally shown in the map attached hereto as Exhibit "A".

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And,

(b) such additional lands of the stockholders as may be conveniently irrigated through the same irrigation system of the corporation, without injury to the water rights or irrigation system of the corporation, provided, that such lands are added to the service area or that the service area of the corporation is modified in compliance with the provisions of Idaho law and these By-Laws. Delivery of water through the irrigation system of the company to lands which are not, or have not formally been included as provided by these By-Laws within the service area of the corporation, whether such delivery be by agreement or otherwise, whether such land is owned by a stockholder or some other person, and whether the water so conveyed was diverted from the public or a private source of supply under rights of the corporation, a stockholder or any other person, shall not constitute a dedication of such water right to such land, shall not constitute a formal corporation, and shall not obligate the corporation to continue to deliver such water except under the terms of any formal agreement to do so into which the corporation may be authorized by law or these By-Laws to enter.

Section 2. (a) The irrigation system of the corporation shall consist of all works, structures, facilities and equipment, including any and all dams, overflows, checks, weirs, headgates, canals, ditches, laterals, pipelines flumes, culverts, pumps, wells and measuring devices, as well as all real and personal property rights of every name, nature and description, including any prescriptive easements, owned or used by the corporation, or which may be acquired or used hereafter by the corporation for the purpose of diverting water under the water rights of the corporation from the public, or any private, water supply and conveying the same to the lands of its stockholders for use thereon.

(b) The corporation hereby reasserts ownership of the above described irrigation system, including specifically, but without limitation, the head gates, canals, and other structures necessary for the diversion into and delivery and distribution of water from said irrigation system to lands of stockholders of the corporation, whether served individually or jointly by said system. NO changes other than minor improvements or repairs in the irrigation system, whether by means of rerouting any portion thereof, or by deleting from or adding to the same shall be made, except with the approval by majority vote of the stockholders present at any regular or special stockholders' meeting. The corporation, having heretofore assumed the obligation of construction, operation and maintenance of the irrigation system of the corporation, hereby reasserts its obligation to operate, maintain, protect, repair and replace such irrigation system and all essential and proper parts thereof during the life of the corporation. Any part of said system which the corporation may permit to be undertaken by any individual stockholder or group thereof is on the condition that such structure remains in the ownership of the corporation and that such construction or maintenance shall be in accordance with plans and specifications approved by designated officers of the corporation.

(c) The corporation shall, at corporate expense, originally install and thereafter maintain, repair and replace, as necessary, headgates or other appropriate structures at each point of delivery from the corporation's system where such points are presently located or as they may hereafter be

relocated or modified by the Board of Directors, through which water shall be delivered into the receiving facilities of each stockholder or group of stockholders in accordance with the respective rights of each, which headgates or other structures shall be equipped with a satisfactory measuring device, by means of which the corporation's Superintendent or his assistant may readily measure and ascertain the amount of water being delivered to such stockholder or group of stockholders at any time. Each such headgate or other delivery structure shall also be equipped so that the flow of water through it may be adjusted and completely stopped, as well as locked in any position.

Section 3. The corporation is also the holder of water rights appropriated under the laws of the State of Idaho for the benefit of the lands lying within the service area of the corporation.

Section 4. No use shall be made of the irrigation system or water rights of the corporation other than for the conveyance of water by and for the corporation and its stockholders, nor shall any stockholder or other person or entity permit the draining of seepage and waste water into the system or erect or maintain any structure on or across any portion of the system without the written permission of the Board of Directors. Any such use or activity shall be permitted only on the condition that such permitted use or activity will not interfere with the proper operation and maintenance of any part of the system by the corporation.

ARTICLE III

ROTATION POLICY

Section 1. In order to insure an adequate supply of water to all stockholders throughout the irrigation season, the corporation hereby adopts a policy of rotating water for use among the stockholders. During times of shortage each stockholder shall be allotted a maximum of 300 miners' inches for use upon each 160 acres of land of such stockholder, such water to be used for a maximum period of four (4) consecutive days. Those stockholders who have used the least amount of water during the period of shortage shall have priority in allocation of water. Notwithstanding the foregoing, however, allocation of water during any period of shortage shall be subject to the complete discretion of the Board of Directors and the Superintendent of the irrigation system.

Section 2. In order to alleviate and forestall any problems arising from the use of sprinkler irrigation systems within the service area of the corporation, the corporation hereby adopts the following policy. No pump supplying water to any sprinkler irrigation shall be located in or on the bank of, any canal or lateral of the corporation's irrigation system. The Board of Directors shall determine, and have complete control over, the distance any such pump shall be located from any canal or lateral. Any pipe, placed into a canal or lateral of the corporation's irrigation system for the purpose of drawing water to supply a sprinkler irrigation system, shall be equipped with a headgate, control lock or valve. Such headgate, control lock or valve shall be equipped with a

locking device so that the flow of water through it may be adjusted and completely stopped, or locked in any position.

The corporation shall have no responsibility, and shall not be liable for, any damage caused by moss in the sprinkler system.

ARTICLE IV

STOCK

Section 1. The corporation has previously issued stock or shares of the corporation represented by certificates of the corporation showing the name of the person to whom such stock was issued, the number of shares, the date of issuance and other information. There are presently twenty thousand (20,000) shares of stock authorized for issuance by the corporation. Of such total, seventeen thousand five hundred twenty seven (17,527) shares have been issued, of which seventeen thousand five hundred twenty seven (17,527) are outstanding in the names of the individual stockholders of the corporation and two thousand four hundred seventy three (2,743) are held by the corporation as treasury stock.

Section 2. Each share of stock represents, measured at the corporation's point of diversion from the public water supply, the same proportionate share of water to which the corporation is at any given time entitled by virtue of the rights held by the corporation as said share of stock bears to the total issued and outstanding shares of stock of the corporation, less the same proportion of the total transmission losses incurred by the corporation in the conveyance of water through the irrigation system, together with the right to have such water conveyed through the corporation's irrigation system and delivered from the designated point of delivery on said receiving facilities of the holder of such stock for use upon the lands of such stockholder, his proportionate share of the water to which the corporation is entitled, less his proportionate share of all transmission losses; provided, however, the corporation may, in the discretion and by the approval of the Board of Directors, carry and transport additional water, the right to the use of which is owned or rented by a stockholder or other person or entity, for a carrying charge to be determined by the Board of Directors, so long as such service does not interfere with the efficient and orderly management of the corporation's irrigation system.

Section 3. Each stockholder of the corporation who now holds stock therein shall be entitled to retain the certificate or certificates showing the amount of stock in the corporation, and each stockholder of the corporation who hereafter acquires stock from the corporation shall, when that stock has been paid for in full, be entitled to a certificate or certificates. The ownership of the amount of stock of the corporation represented by any such certificate shall be recorded in the stock transfer book of the corporation in the name of the stockholder. Stock certificates shall be issued in numerical order from the "Stock Certificate Book". Including stock that has heretofore been issued by the corporation, shall bear the serial number and the date of issuance, shall be signed by the President and Secretary, shall have affixed thereto the seal of the corporation and, subject to

statutory requirements, shall be in the form prescribed by the Board of Directors. A full record of each stock certificate, heretofore issued and hereafter to be issued, shall be entered on the corresponding stub of the Stock Certificate Book. Stock certificates outstanding as of November 17, 1980, will not be called in for reissue, but the respective liabilities, rights and privileges of the holders of those certificates in relation to the corporation will be governed by the Articles of Incorporation and these By-Laws.

Section 4. All of the water rights and conveyance or ditch rights of the corporation are appurtenant to the lands of the stockholders, identified herein as the "service area" of the corporation, which are benefitted thereby. Except as otherwise provided in this section, and subject to the provisions of article VIII, Section 1 of these By-Laws, no share of stock may be owned except by the record title holder of the specific land to which the water and conveyance rights represented by such share are appurtenant. Except as otherwise provided in this section and except as otherwise provided in Article VIII, Section 1 of these By-Laws, no share of stock may be transferred, retained or otherwise dealt with unless it is involving the specific land to which the water and conveyance rights represented by such share of stock are appurtenant. Any conveyance of record title to such land also constitutes a transfer of the water and ditch rights appurtenant thereto. If the record title to any land within the corporation's service area, to which water and conveyance rights represented by reason, the ownership of such shares of stock shall also be changed or modified on the records of the corporation to reflect the change or modification in the record title to such land. The stock certificate shall be surrendered to the Secretary of the corporation, and the Secretary shall make the new certificate or certificates necessary to reflect such changes in ownership of said land and stock in accordance with the procedures for transfers of stock set out in Section 6 of this Article.

Section 5. Whenever a stockholder desires to change the place of use of all or any portion of the proportionate share of corporation's water and ditch rights represented by shares of stock outstanding in his name, or to change the location where water is delivered from the corporation's irrigation system to this lands, or the manner in which such delivery is made, he shall request the same in writing, and such request shall be delivered to the Secretary. Such request shall describe the proposal in detail. In the case of a request to change the location of the point of delivery or the manner or means thereof, the request shall describe both the present point and the proposed new location, as well as any proposed modification in structures or other proposed modifications. In the case of a proposed change in place of use, the request shall identify the amount of the water right proposed to be transferred, the specific acres of land where water has been used pursuant to such right, the specific acres to which the right is proposed to be transferred and the reasons for such proposed transfer. The Secretary shall present any such written request at the next regular or special meeting of the Board of Directors, which shall consider such request but shall not be required to make a decision until satisfied that it has adequate information; provided, that such decision shall be rendered in any event within sixty (60) days of receipt by the secretary of such written request. If the Board of Directors finds that such transfer or change can be made without injury to the rights of the corporation and its stockholders and would not violate any applicable provisions of Idaho law, they shall approve the same. The decision of the Directors shall be in writing, and a copy thereof, together with the written request of the stockholder, shall be kept in the records of the corporation.

Whenever any request is made to transfer the place of use to lands not currently within the service are of the corporation, or whenever otherwise required by law, the directors shall further determine whether such lands can be conveniently irrigated through the irrigation system of the corporation, and in the event such determination is in the affirmative, the stockholder requesting the transfer shall make appropriate application therefore to the Idaho State Department of Water Resources, pursuant to Idaho Code, Sections 42-108, and 42-222, or any other applicable sections. The decision of the Board of Directors shall be contingent on the decision of such Department. A copy of the decision of the Idaho State Department of Water Resources shall be furnished to the Secretary and shall be attached to the stockholder's original request along with the decision of the Board of Directors.

Section 6. Transfers of stock shall be made only by the Secretary or other person designated by the Board of Directors to transfer stock on the transfer books of the corporation, which shall be kept at the office of the corporation. Before a new certificate is issued, the old certificate, properly endorsed by the stockholder show name the certificate bears, shall be surrendered for cancellation. A new certificate shall not be issued before the original cost and all assessments against the shares of the stock, represented by the old certificate shall have been fully paid. Before the new certificate is issued the person requesting the transfer of stock shall pay a fee to the Secretary in such amount as shall be fixed from time to time by the Board of Directors.

Section 7. Stockholders registered on the books of the corporation shall be the only persons treated by the corporation as the holders of stock standing in their respective names, and the corporation shall not be bound to recognize an equitable or other claim to, or interest in, any stock certificate on the part of any other person, whether or not the corporation has actual or constructive notice thereof, except as otherwise expressly provided by law.

Section 8. In the event of loss or destruction of any certificates of stock, another may be issued in its place on satisfactory proof of such loss or destruction furnished to the Secretary. Satisfactory proof of loss or destruction shall be made by Affidavit and a bond of indemnity shall be given to the corporation in such amount as the Directors may decide. Any such new certificate shall be plainly marked "Duplicate" on the face thereof. In the event of the death or incompetency of any stockholder, no transfer of stock outstanding on the records of the corporation in his name shall be made unless satisfactory proof thereof be furnish to the Secretary in the form of an Affidavit by the person seeking to have the certificate reissued in his name showing the reasons therefore and satisfactory information to prove he is the proper person to whom the certificate should be reissued, and such person give a satisfactory bond of indemnity as in the case of a lost or destroyed certificate.

ARTICLE V

STOCKHOLDERS MEETINGS

Section 1. The annual meeting of the stockholders of the corporation shall be held, commencing with the year 1981, on the third Monday of January of each year of the corporation's existence, or on such other date as the Board of Directors may decide. This meeting shall be held in Terreton, Jefferson County, Idaho, or at such other place in Jefferson County, as may be designated by the Board of Directors, starting at 2:00 O'clock P.M., unless a different hour is specified by the Board of Directors. At this meeting, an election shall be held to elect directors to the offices for which the terms of office of the current directors have expired. The term of office of the directors so elected shall be as prescribed in these By-Laws or until their successors have been elected and qualified.

Officers of the corporation shall present their annual reports; and such other business relating to the corporation may be transacted as shall properly come before the meeting.

Section 2. At all meetings of the stockholders the following order of business shall be observed so far as consistent with the purposes of the meeting:

- | | |
|------------------------|--------------------------|
| 1. Call to Order | 6. Report of Secretary |
| 2. Proxy Report | 7. Election of Directors |
| 3. Reading of Minutes | 8. Unfinished Business |
| 4. Report of President | 9. New Business |
| 5. Report of Treasurer | |

Section 3. Special meetings of the stockholders of the corporation may be held at the place indicated for the holding of annual meetings, or such other place as shall be determined from time to time by the Board of Directors. The place at which such meeting is to be held shall be stated in the notice and Call of the meeting.

Section 4. Special meetings of the stockholders shall be held whenever called by the Board of Directors. Such meeting shall also be called by the President or Secretary on the request, in writing, of the stockholders holding shares representing in the aggregate, one-fifth (1/5) of the votes of all outstanding shares. If upon such request, the President neglects for five (5) days to call a special meeting, then the stockholders making the request may call a special meeting. No business other than that specified in the Notice shall be considered at any such meeting.

Section 5. Written or printed Notice of every regular or special meeting of stockholders, stating the time and place of the meeting shall be prepared and mailed by the Secretary, or in his absence, or if he fails to do so, the other officers or the stockholders calling said meeting, postage prepaid, to the last known post office address of each stockholder at least ten (10) days before the date of such meeting. In the case of special meetings, the Notice shall also state the purpose of the meeting.

Section 6. Notice of the time, place and purpose of any meeting of the stockholders need not be given to any stockholder who attends such meeting in person or by proxy; and, if any stockholder shall waive notice of any stockholders; meeting by a writing filed in the records of the meetings notice thereof need not be given to him. No Notice of any reconvened meeting, regular or special, need be given when the regular or special meeting was properly called but was recessed for lack of a quorum, or by reason of inability to complete the business that was properly before the original meeting.

Section 7. (a) At each regular or special stockholders' meeting, each stockholder shall be entitled to one (1) vote, either in person or by proxy, for each share of stock outstanding and registered in his name at the time of the closing of the transfer books for that meeting. The transfer books of the corporation shall be closed twenty (20) days prior to any such meeting.

(b) Each ballot cast shall have endorsed thereon the number of shares voted thereby and for whom or for what the vote is cast. Each ballot shall be signed by the holder thereof or by the person holding the proxy therefore and shall contain the name of the person for whom the proxy acts. A plurality of votes cast for any one candidate shall be sufficient to elect the candidate to the office of director. All other matters shall be decided by a majority of the votes cast, unless otherwise specifically provided by law or by these By-Laws.

Section 8. Each stockholder entitled to vote may be represented at any regular or special meeting of the stockholders by proxy, which shall be evidenced by a writing designating the person who may exercise the proxy. The person exercising the proxy need not be a stockholder, but the proxy shall be in sufficient form to meet the requirement of law, shall be in writing and signed by the stockholder, and the signature shall be witnessed in writing. No proxy shall be recognized unless executed within six (6) months prior of the date of the meeting at which it is presented. The proxy shall be filed with the Secretary prior to the transaction of any business at any stockholders' meeting. The sufficiency of such proxy must be determined by the stockholders at such meeting prior to voting on any matter or the election of Directors.

Section 9. A complete list of the stockholders entitled to vote at any stockholder's meeting, whether regular or special, arranged in alphabetical order, and the number of voting shares held by each, shall be prepared by the Secretary and shall be available for examination and review by any director, officer or stockholder at the home of the Secretary at least five (5) days before the meeting at which such election is to occur. Such list shall be available for examination during the usual hours of business and during the whole time of election for which it is filed at the place of election.

Section 10. For the purpose of electing directors or voting any matter submitted to a vote of the stockholders, those stockholders who are present in person or represented by proxy at any regular annual or special meeting shall constitute a quorum. Provided, however, that for purposes of amending the Articles of Incorporation, or amending or adopting new By-Laws, a quorum shall consist of fifty percent (50%) of the outstanding shares of the corporation, present either in person or by proxy.

ARTICLE VI

DIRECTORS: POWERS, DUTIES AND MEETINGS

Section 1. The management of all the affairs, property and interests of the corporation shall be vested in a Board of Directors. The Board of Directors shall have all authority and power conferred on the Board by law, by the Articles of Incorporation and the By-Laws, and the Board of Directors is given the power to do all lawful acts and things in furtherance of the purposes of the corporation. Without limitation by this enumeration, the powers of the Board shall include the power to acquire property and property rights of any kind; to incur indebtedness in connection with the acquisition, maintenance and operation of those property rights; and to levy assessments at such time and in such amounts as may be necessary for paying the indebtedness of, and for carrying on the business of, the corporation.

Section 2. The Board of Directors of the corporation shall consist of five (5) directors. Directors shall be elected for a term of two (2) years at the regular annual meetings of the stockholders. They shall hold office, when qualified, for the duration of their term and until their successors are elected and qualified. The terms of the directors shall be staggered in such manner that no more than three (3) directors are elected in any one (1) year. The present directors shall serve the remainder of their terms of office, which are as follows:

<u>Director</u>	<u>Term of Office</u>
Rex Coleman	1981
Nile Wilding	1981
James D. Shively	1982
Walter V. Speelmon	1982
Frank Skidmore	1982

(a) Qualifications of Directors. No person shall be eligible to be elected or to serve as a director of the corporation unless he is a stockholder of the corporation and holds the recorded title to land within the corporation's service area. Failure to possess any of the foregoing qualifications at anytime during his term of office shall operate as an immediate resignation and constitute a forfeiture of his office.

(b) Election of Directors. The election of directors shall be held at the regular annual meeting of the stockholders for each of the positions of director for which the term of office of the present director expires. All of the stockholders of the corporation shall be entitled to vote for each director to be elected.

Section 3. All vacancies in the Board of Directors shall be filled by appointment by the remaining members of the Board of Directors at any regular or special meeting. The director thus selected to fill any vacancy shall hold office for the unexpired term for which he is appointed and until his successor is elected and qualified.

Section 4. The Board of Directors elected at the annual meeting shall hold its first organizational meeting on the first Monday following the election of the members of the Board as provided in this Article. Thereafter, regular meetings of the Board of Directors shall be held on the first Monday of each month. Special meetings of the Board may be called at any time by the President, or in his absence or disability, by the Vice-President, or by any two (2) directors.

Section 5. Subject to obtaining written waivers of notice, meetings of the Board of Directors may be called on the giving of oral advance notice.

Section 6. Notice of any meeting need not be given to a director if he shall waive notice in writing by a waiver which is filed with the records of the Secretary, either before or after the meeting. Any business may be transacted at any meeting at which every director is present and to which every director agrees even though the business is not indicated in the notice or call of the meeting. Any meeting of the Board shall be a valid meeting without notice thereof being given to the individual directors if all the directors shall be present at that meeting or shall subsequently waive notice of the meeting.

Section 7. A majority of the whole Board of Directors shall be necessary to constitute a quorum for the transaction of business, and the majority of the members in attendance at any Board meeting shall, in the presence of a quorum, be decisive of the action of the Board, except as otherwise provided in the By-Laws or Articles of Incorporation, or as required by law. If, however, by reason of resignation or otherwise, the remaining directors at any given time comprise less than a quorum, they may meet to fill vacancies as herein provided

Section 8. The directors shall receive no salary, but shall be paid the sum of Ten Dollars (\$10) for attendance at each regular or special meeting of the Board of Directors, except as this limit may be revised by the Board of Directors from time to time. The directors shall also be paid their expenses, actually and necessarily incurred, in behalf of the corporation, whether in attendance at the corporation's meetings or otherwise.

Section 9. Each director and officer of the Corporation, now or hereafter serving as such, shall be indemnified and held harmless by the Corporation against any and all claims and liabilities to which he has or shall become subject by reason of serving or having served as a director or officer of the Corporation, except for claims and liabilities arising out of said directors purposeful misconduct or gross negligence.

ARTICLE VII

Officers

Section 1. The officers of the corporation shall be a President, a Vice-President, a Secretary and a Treasurer, each of whom shall be elected by the directors at the regular annual meeting of the Board of Directors. These officers shall hold office for one (1) year, and until their successors have been elected and qualified. The officers shall be elected from among the directors, except that the offices of Secretary and Treasurer may be filled by persons other than directors or stockholders. The Board, in its discretion, may provide that the office of Secretary be combined with that of Treasurer to be held by one (1) person.

Section 2. President. The President shall preside at all the meetings of the directors and of the stockholders. He shall, under the general supervision of the Board of Directors, have supervision of all the affairs of the corporation. He shall sign all certificates of stock issued by the corporation. He shall, except as otherwise directed by the Board of Directors, sign or countersign, as may be necessary, all bills, notes, checks, contracts and other instruments as may pertain to the ordinary course of the corporation's business. He shall sign, when authorized by the Board of Directors, all contract, deeds, bonds, mortgages and other instruments of a similar nature. He shall perform such other duties as may properly be required of him by the Board of Directors. The President may vote at all meetings, including any stockholders' meetings.

Section 3. Vice-President. The Vice-President shall possess all of the powers and perform all of the duties of the President in the event of the death, absence or disability or refusal to act on the part of the President, such authority to extend until a new President has been elected and qualified; the Vice-President shall also have such powers and discharge such other duties as may be assigned to him from time to time by the Board of Directors.

Section 4. Secretary. The Secretary shall: (1) keep full minutes of all meetings of the stockholders and directors; (2) give notice of meetings of stockholders and directors in accordance with the provisions of these By-Laws; (3) be the custodian of the stock certificate book; (4) sign, with the President, all certificates of stock issued or reissued by the corporation; (5) be custodian of the corporation's seal, attesting all contracts and other documents requiring the corporation's seal and affixing the seal thereto; (6) be custodian of the corporation's Articles of Incorporation and By-Laws; and (7) perform such other duties as may be assigned by the Board of Directors.

Section 5. Treasurer. (a) The Treasurer shall: (1) have custody of and be responsible for all moneys and securities of the corporation with the exception of the stock certificate book; (2) keep a full and accurate record of accounts in books belonging to the corporation, showing the transactions of the corporation, its accounts, liabilities and financial condition; (3) deposit in the name of the corporation all moneys and other forms of negotiable receipts that may come into his hands for the corporation's account, in such depository or depositories as are valuable corporate

papers, except as provided in Section 4 hereof; and (5) disburse the funds of the corporation in payment of just demands against the corporation or in accordance with general or special directions of the Board of Directors making proper vouchers for such disbursements.

(b) The Treasurer shall prepare and submit a full report of the financial condition of the corporation to the annual meeting of the stockholders, and generally, shall perform all duties incident to the position of Treasurer, subject to the control of the Board of Directors.

(c) The Treasurer shall give such bond as the Board of Directors may require for the faithful performance of the duties of his office and for the restoration to the corporation, in the event of his death, resignation or removal from office, of all books, papers, vouchers, money or other property of whatsoever kind in his possession belonging to the corporation.

Section 6. In the event of the absence or inability to act of any officer of the corporation, or of any person herein authorized to act in his place, the Board of Directors from time to time may delegate the powers and duties of such office to such other officer, or to any director, or to any other stockholder whom they may select. Vacancies in any office arising from any cause may be filled by the Board of Directors at any regular meeting or any special meeting called for that purpose.

Section 7. The salaries and fees of all officers and agents of the corporation other than the directors shall be fixed by the Board of Directors.

Section 8. Any officer elected by the Board of Directors may be removed at any time, with or without cause, by the Board of Directors.

ARTICLE VIII

SUPERINTENDENT OF IRRIGATION SYSTEM

Section 1. The Board of Directors at any regular or any special meeting shall provide for the employment of a Superintendent who shall work under the supervision and direction of the Board of Directors and the President. No person shall be eligible to serve as Superintendent while holding the office of a director of the corporation, but the Superintendent may be a stockholder of the corporation. The Board of Directors shall employ a Superintendent each year on such terms and for such compensation as may be agreed upon by the Board of Directors and such Superintendent.

Section 2. It shall be the duty of the Superintendent, and such assistants as may from time to time be employed by the Board of Directors, to operate and maintain the irrigation system of the corporation under the control and direction of the Board of Directors to effect the purposes of the corporation; specifically, the Superintendent and any assistants shall:

(a) Operate and maintain the irrigation system of the corporation to permit the diversion, by the corporation through its diversion works, and the conveyance through its system of canals, ditches and other structures, of water which the corporation is entitled to divert from the public water supply pursuant to its water rights. The Superintendent shall do all things necessary and proper as directed by the Board of Directors to keep the diversion works and the conveyance system of the corporation clean and in good repair, to the end that water may be diverted and delivered to the stockholders for the proper irrigation of their lands.

(b) Deliver the water diverted from the public supply by the corporation to each stockholder at such stockholder's designated point of delivery from the corporation's system in the proportion each such stockholder's shares bear to the total outstanding shares of the corporation, less the proportionate share of transmission losses. It shall be the duty of each stockholder or group of stockholders entitled to receive water through any designated point of delivery to keep his or their facilities for receiving water, after the same has passed through the headgate or other delivery structure of the corporation, in such condition that such facilities will receive, without waste, the water to which such stockholder or group of stockholders is entitled. The Corporation assumes no responsibility for damage to stockholders or third parties from the use or misuse of water after such water has been delivered through the delivery structure of the corporation at any point of delivery from the corporation's system. If the Superintendent determines that the facilities for receiving water from the headgate or other structure at any point of delivery from the corporation's system cannot for any reason receive the water to which any stockholder or group of stockholders is entitled, he shall so notify such stockholder or stockholders and shall have no responsibility for delivering more water than can in the sole discretion of the Superintendent, be received, unless and until adequate measure are taken by such stockholder or group of stockholders to place such receiving facilities in proper condition to receive the full water entitlement.

(c) Have exclusive control of the adjustment and locking of all headgates or other delivery structures through which stockholders receive water, as well as exclusive control of all measuring devices at such headgates or other structures. The Superintendent shall measure as accurately as practicable all water delivered through each such point of delivery and shall keep daily records of such deliveries, which records shall be available for examination and inspection by stockholders as provided in Article I, Section 5 of these By-Laws. To the extent practicable and consistent with the optimum use of the entire system of the corporation and in accordance with his entitlement by virtue of stock ownership, each stockholder shall be entitled to receive water in such amounts and at such times as he may desire. To the extent possible, all requests to the Superintendent by stockholder for increases or decreases in the amount of water any such stockholder is receiving shall be made not less than twelve (12) hours before the increase or decrease is to be made.

ARTICLE IX

ASSESSMENTS

Section 1. Moneys necessary for the payment of corporate indebtedness, for carrying on the business of the corporation, for maintaining and operating the corporation's irrigation system, or for any other purpose the directors determine to be in the best interests of the corporation, shall be raised by assessments levied from time to time in the manner provided by the laws of the State of Idaho and these By-Laws. Such assessments shall be based on the number of outstanding shares of stock held or owned by the owners of land within the corporation's service area, excluding shares of stock held by the corporation as treasury stock. In addition to such assessments, the corporation may make reasonable charges to offset related expenses in connection with the diversion, conveyance, drainage or delivery of water to any shareholder or other person or entity with whom the corporation may contract. Nothing herein shall be construed to prevent or limit the power of the corporation to borrow or enter into appropriate financing agreements.

(a) On or before the first day of March of each year, the Board of Directors shall meet and determine the amount of the assessment to be levied for the coming year and shall divide said assessment by the number of issued outstanding shares of stock of the corporation, excluding shares held as treasury stock, to determine the amount to be assessed per share. No assessment shall be levied while any portion of a previous assessment remains unpaid, unless the power of the corporation has been exercised in accordance with the provisions of law and these By-laws for the purpose of collecting such previous assessment.

(b) As a result of such meeting, the Board of Directors shall make an order levying assessment, in the form set forth under subsection (g) (1) of this Article, specifying therein the amount of the assessment, and when and to whom payable, including the address of the officer to whom assessments shall be paid. Said order of assessment shall also fix the day subsequent to the full term of publication of the assessment notice on which the unpaid assessments will be delinquent, which day shall be not less than thirty (30) nor more than (60) days from the time of making the order levying the assessment, and shall fix a date for the sale of delinquent shares which shall be not less than fifteen (15) days nor more than sixty (60) days from the day the shares are declared delinquent.

(c) Upon making the order, the Secretary shall prepare a notice in the form set forth in subsection (g) (2) of this Article and shall cause the same to be published once a week, for four (4) successive weeks, in a newspaper of general circulation, published in the county where the registered office is situated, or if no paper is published in said county, then in some newspaper having general circulation therein. The Secretary shall also cause a copy of said notice to be mailed to each stockholder at his last known address. The responsibility for providing such address to the Secretary shall be that of each stockholder. The copy of the notice sent to each individual stockholder shall show, in addition to all other information required by law, the total amount of the assessment for which each such stockholder is obligated.

(d) The Board of Directors may also, at its discretion, provided in the making of the order levying assessment, that no water will be delivered until the assessment for the current year is paid or reasonable security given for payment thereof. In such event, the notice shall also contain a statement to such effect. Delivery of water may not be withheld for the purpose of collecting assessments due from previous years.

(e) If any portion of an assessment due from any stockholder remains unpaid on the day specified in the notice for declaring the shares delinquent, the secretary shall, unless otherwise ordered by the Board of Directors, cause to be published, for ten (10) consecutive days, excluding Sundays and legal holidays if a daily newspaper, or once each week for two (2) successive weeks if a weekly newspaper, a notice in the form set forth in subsection (g) (3) of this Article, a copy of which shall also be mailed by registered or certified mail to the last known address of the delinquent stockholder. The responsibility for providing such address to the Secretary shall be that of each stockholder. The date specified in such notice for sale of so much of the stock of the delinquent stockholder as may be necessary to pay the delinquent assessment, together with costs of sale, publication and interest, shall not be sooner than ten (10) days following the date of first publication. Only so much stock of the delinquent stockholder as is necessary to pay the delinquent assessment, costs of sale, publication and interest shall be sold. The sale of delinquent stock shall be held and conducted in the manner provided by law; however, the stock shall only be offered for sale to the corporation, to those stockholders of the corporation owning land within the corporation's service area, and to such persons owning land adjacent to the corporation's service area which may be conveniently irrigated through the irrigation system of the corporation without injury to the water rights or the irrigation system of the corporation.

(f) In addition, the Secretary shall, on or before the first day of April of each year, file for record with the county recorder of the county or counties in which the service area of the corporation lies, a statement in writing in the form set forth in subsection (g) (4) of this Article. In the event any amount of the assessment remains unpaid by November 1 of such year, the Secretary shall file a claim of lien against the lands of each individual stockholder whose stock is then delinquent, before the first day of the following January in the form set forth in subsection (g) (5) of this Article. No delinquency shall be allowed to remain so by the Board of Directors shall institute appropriate legal proceedings to foreclose such lien within said two (2) year period.

(g) Unless and until otherwise provided by law or these By-Laws, the forms to be used for the foregoing referenced "Order Levying Assessment", "Notice of Assessment", "Notice of Delinquent Assessment", "Statement of Assessment", and "Claim of Lien", shall be as follows:

(1) Order Levying Assessment

The Board of Directors of _____, having met on the _____ day of _____, and having determined the total expenses of the corporation for the previous year and having estimated the probable expenses of the corporation for the coming year, now hereby levy the assessment for the period commencing _____, and ending _____, as follows:

1. Total amount of assessment: _____
2. Amount per share: _____
3. Payable on or before: _____
4. All payments of assessment are to be made to the Secretary-Treasurer of the corporation: _____, in person or at the following address: _____.
5. The day subsequent to the full term of publication of the assessment notice, On which the unpaid assessments will be delinquent is, _____. The date fixed for sale of delinquent shares is _____, _____.
6. No water shall be delivered through the irrigation system of the corporation to any stockholder whose share of this assessment remains unpaid during the coming irrigation season until such assessment be paid in full or reasonable security be given for payment thereof.

By Order of the Directors

(Seal)

President

Attest:

Secretary

(2) Notice of Assessment

(Name of corporation), (address of registered office)

NOTICE IS HEREBY GIVEN that at a meeting of the Directors held on _____, _____, an assessment of \$ _____ per share was levied upon the capital stock of the corporation payable to the Secretary-Treasurer of the corporation, _____ (name), in person or at his address, (address of secretary-treasurer), on or before _____, _____. Any shares upon which the assessment remains unpaid on _____, _____, (date assessments due), will be delinquent and advertised for sale at public auction, and unless payment is made before, will be sold on _____, (Date fixed for sale of delinquent shares), to pay the delinquent assessment, together with interest thereon at the rate of eight percent (8%) per annum, from the date of delinquency, costs of advertising and expenses of sale.

(Optional: No water will be delivered during the coming irrigation season until such assessment is paid or reasonable security, satisfactory to the Board of Directors, is given therefore.)

Secretary

Address of Registered Office

The copy of this Notice which is sent to each individual stockholder shall contain the additional following information to be set forth at or near the bottom of the Notice:

Stockholder's name: _____
Certificate No. : _____ Total
Number of Shares: _____ Total
Amount of your Assessment: _____

(3) Notice of Delinquent Assessment

(Name of corporation),

(Address of registered office)

There is delinquent upon the following described shares on account of assessment levied on (date of order levying assessment), (and assessments previous thereto, if any), the several amounts set opposite the names of the respective shareholders as follows:

<u>Name</u>	<u>No. Of Certificate</u>	<u>No. Of Shares</u>	<u>Delinquent Amount</u>
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and in accordance with the law, so many shares of each parcel of such stock as may be necessary, will be sold at (address of place of sale) on (date of sale) at _____ o'clock __ M. of such day, to pay delinquent assessments thereon, together with interest thereon at the rate of eight percent (8%) per annum from the date of delinquency, the cost of advertising and expenses of sale.

Secretary

Address of Registered Office

(4) Statement of Assessment

(Name of Corporation), (Address of registered office), which owns and operates an irrigation system for diverting water and conveying the same to the lands of the stockholders of the corporation, which system is generally referred to as the (Common name of canal system and irrigation works), has levied an annual assessment of \$_____ Per share, all of which is due and payable on or before (Date).

Secretary

(5) Claim of Lien

(Name of corporation), (Address of registered office), the owner and operator of the canal system and irrigation works known generally as (general or common name), hereby claims and demands a lien for unpaid and delinquent assessments for the purpose of maintaining and operating its irrigation works and conducting the business of the corporation. The amounts of claimant's demands after deducting all just credits and offsets, with a description of the particular tracts or parcels of land to be charged with the lien and the name of the owner or reputed owner of each such tract or parcel are set forth below:

1. Name of owner or reputed owner: _____
Amount of demand: \$ _____
Description of tract to be charged: _____

2. (Same as 1., etc.)
State of Idaho)
) ss.
County of)

_____, being first duly sworn, deposes and says, that he is the duly elected and acting secretary of (Name of Corporation), that he is responsible for preparing and keeping the assessment records of the corporation, and that he verily believes the foregoing claims of lien for delinquent assessments to be accurate and just.

Secretary

Subscribed and sworn to before me this _____ day of _____, _____.

(Seal)

Notary Public for Idaho
Residing at: _____
My commission expires: _____

ARTICLE X

CORPORATE SEAL

The corporation shall have an official seal in the following form, which seal shall be impressed on certificates of stock and other agreements entered into by the corporation, which by law requires the seal of the corporation to be so impressed.

ARTICLE XI

AUDITS

It shall be the duty of the Board of Directors to require an annual audit, in such form and manner as the Board of Directors shall determine, of the records of the corporation by competent accountants prior to the annual meeting each year. The results of said audit are to be available for inspection by the directors or any stockholder as provided in Article I, Section 5 of these By-laws.

ARTICLE XII

AMENDMENTS

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted at any regular or special meeting of the stockholders, after proper notice thereof has been given as required by the laws of the State of Idaho, by an affirmative vote of the stockholders which vote meets the minimum requirements of Section 42-2401 of the Idaho Code, as it may be amended.

CERTIFICATION

The above and foregoing is a true and correct copy of the By-Laws adopted at an annual meeting of the shareholders of Owsley Canal Company, held at Terreton, Jefferson County, Idaho, on Monday the 19th day of January, 1981, at 2:30 o'clock P.M.

(Corporate Seal)

/s/ Robert M. Saunders, Secretary

BY-LAWS — Page 20

SCANNED

NOV 05 2007

M E M O R A N D U M

TO: Notice of Claims, Holly Water Users
FROM: Ernest Carlsen
DATE: December 20, 1988

Due to my attending a staff meeting in Boise on December 12 and 13, 1988, the appointment referenced on the "request for extension of time" for Holly Water Users, granted on November 15, 1988 by David Shaw, was postponed until today.

Since the extension lapsed on December 13, 1988, I telephoned David Shaw, Adjudication Bureau Chief, about the possibility of extending the filing period. David felt it would be in order to accept the claims without charging a late fee.

MICROFILMED
NOV 17 1992

SCANNED
NOV 05 2007

RECEIVED
NOV 14 1988

Form 42-1409(10)-1

Date Received _____

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Halley water users
Name of Claimant

Post Office Address
Hamer Idaho 83425
City, State, Zip Code

Jefferson
County(s) where Place of Use is located

Nov 30 1988
Date Claim Originally Due

31-00343/00344/00345/00349/00352/00354/00355/00356/00359/
Identify water right(s) for which extension is requested

00360/00361/00362/00363
State reason(s) why an extension of time is requested:

On 9 Nov. 1988 receipted claim A31-00343 (\$3192⁰⁰) listing entire
place of use. Will have 14 deeded rights to finish and have
appointment for Dec 12, 1988, the first available date, with Ernest K
Claimant requests an extension to Dec 13, 1988.

LaMayne Barney
Signature
Sec
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted _____ denied,

and the filing deadline extended to 12/13, 1988.

Signed this 15 day of November, 1988.

MICROFILMED

SCANNED
Director or his designated agent
NOV 05 1988
DAVID B. SHAW

NOV 17 1992