

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 31-371

|                   |                                                                                               |
|-------------------|-----------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                       |
| Current Owner     | MUD LAKE WATER USERS INC<br>1400 E 1500 N<br>PO BOX 68<br>TERRETON, ID 83450<br>(208)663-4359 |
| Original Owner    | HOLLEY WATER USERS ASSN<br>C/O LA MOYNE BARNEY<br>HAMER, ID 83425                             |
| Original Owner    | HOLLEY WATER USERS ASSN<br>C/O CARL HOGGAN<br>HAMER, ID 83425                                 |

Priority Date: 09/10/1928  
Basis: Decreed  
Status: Valid

Source Tributary to  
GROUND WATER

|                       |             |           |                       |               |                    |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| IRRIGATION            | 05/01       | 11/01     | 23 CFS                | 8439.8 AFA    |                    |
| Total Diversion       |             |           | 23 CFS                | 8439.8 AFA    |                    |

## Location of Point(s) of Diversion:

|              |             |         |              |           |                  |
|--------------|-------------|---------|--------------|-----------|------------------|
| GROUND WATER | SWSWNE      | Sec. 13 | Township 07N | Range 34E | JEFFERSON County |
| GROUND WATER | SESE        | Sec. 13 | Township 07N | Range 34E | JEFFERSON County |
| GROUND WATER | SENESE      | Sec. 23 | Township 07N | Range 34E | JEFFERSON County |
| GROUND WATER | SWNESE      | Sec. 24 | Township 07N | Range 34E | JEFFERSON County |
| GROUND WATER | NENWNE      | Sec. 24 | Township 07N | Range 34E | JEFFERSON County |
| GROUND WATER | SWNWNW      | Sec. 24 | Township 07N | Range 34E | JEFFERSON County |
| GROUND WATER | SWSWSW      | Sec. 13 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SESE        | Sec. 14 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SESE        | Sec. 14 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SWSW Lt 4   | Sec. 18 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NWNW Lt 1   | Sec. 19 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NENWNW Lt 1 | Sec. 19 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESWNW Lt 2 | Sec. 19 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESENW      | Sec. 19 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SENESE      | Sec. 22 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SWNWSW      | Sec. 23 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SWSW        | Sec. 23 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NWSWSW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NWSWSW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NWSWSW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SWSWSW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SWSWSW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESW      | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |

|              |        |         |              |           |                  |
|--------------|--------|---------|--------------|-----------|------------------|
| GROUND WATER | SESESW | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | SESW   | Sec. 25 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NESESE | Sec. 26 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NWSESE | Sec. 26 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NWNE   | Sec. 27 | Township 07N | Range 35E | JEFFERSON County |
| GROUND WATER | NENW   | Sec. 36 | Township 07N | Range 35E | JEFFERSON County |

IRRIGATION Use:  
Acre Limit: 24261.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION

JEFFERSON County

| Township | Range | Section | Lot | Tract | Acres   | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 06N      | 34e   | 3       |     | NENW  | 24261.3 |     |       |       |     |       |       |     |       |       |

Total Acres: 24261.3

Conditions of Approval:

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

Remarks:

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

Comments:

| Author  | Date   | Subject        | Comment                                                                                        |
|---------|--------|----------------|------------------------------------------------------------------------------------------------|
| bcontor | 1/1/01 | Recommendation | Recommended per post-1987 transfer 5335 as amended 12/19/2000, except as noted in eCVR 31-327. |

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:  
SF5 Filed:  
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Review Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|-------------------------|-----------------|---------------------------|-----------------|---------------|
| POD            | 1/1/01 3:53:40 PM       | bcontor         |                           |                 | In Process    |
| POU            | 1/1/01 4:00:39 PM       | bcontor         |                           |                 | In Process    |
| Priority Date  | 1/1/01 3:52:57 PM       | bcontor         |                           |                 | In Process    |
| Quantity       | 1/1/01 4:02:36 PM       | bcontor         |                           |                 | In Process    |
| Season         | 1/1/01 4:01:56 PM       | bcontor         |                           |                 | In Process    |
| Source         | 1/1/01 3:54:11 PM       | bcontor         |                           |                 | In Process    |
| Summary        | 1/1/01 4:06:32 PM       |                 | 1/1/01 4:06:32 PM         | bcontor         | Complete      |
| Use            | 1/1/01 3:51:57 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:  
 Old Case Number:  
 Decree Plaintiff:  
 Decree Defendant:  
 PresumptionFlag:  
 Notice of Error Flag:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Cary Act Number:  
 Mitigation Plan: False

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log Text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD            | 1/1/01 3:53:38 PM      | bcontor         | 1. (NO) The basis is not beneficial use.<br>2. (YES) Parent right has a Point of Diversion.<br>3. (YES) The claimed Point of Diversion can be verified using the water right file.<br>8. (NO) Point of Diversion remark was not required.<br>9. (NO) Point of Diversion condition was not required.                                                                                                                                                                                                                                                                                                                                                                                     |
| POU            | 1/1/01 4:00:37 PM      | bcontor         | 1. (YES) The POU is required.<br>2. (NO) The basis of claim is not beneficial use.<br>3. (YES) The Parent Right has a POU.<br>4. (YES) The claimed POU can be verified using the water right file.<br>12. (NO) POU remark was not required.<br>13. (NO) POU condition was not required.                                                                                                                                                                                                                                                                                                                                                                                                 |
| Priority Date  | 1/1/01 3:52:55 PM      | bcontor         | 1. (YES) There has been a later court decree of the water right(s) from the water source.<br>2. (YES) The owner/owner's predecessor in interest of the place of use was joined in the later decree.<br>3. (NO) The date of the decree was not after the mandatory permit date.<br>4. (NO) The basis of claim is not beneficial use.<br>5. (NO) The basis of claim is not a posted notice.<br>6. (YES) Parent right has a priority date.<br>7. (NO) The basis of claim is not an application or permit.<br>12. (YES) The claim is recommended.<br>13. (YES) The claim is coded correctly.<br>14. (NO) Priority remark was not required.<br>15. (NO) Priority condition was not required. |
| Quantity       | 1/1/01 4:02:34 PM      | bcontor         | 1. (NO) The basis of claim is not beneficial use.<br>2. (NO) The basis of claim is not a posted notice.<br>3. (YES) The parent right has a diversion rate and/or diversion volume.<br>4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.<br>6. (YES) The source is ground water and the purpose of use requires a diversion volume limit.<br>7. (NO) The parent right does not have an annual diversion volume limit.<br>8. (YES) Irrigation is a purpose of use.<br>Comment for 8: See eCVR 31-327<br>9. (YES) Quantity remark was required.                                                                                                |

|         |                   |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------|-------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season  | 1/1/01 4:01:54 PM | bcontor | 10. (NO) Quantity condition was not required.<br>1. (NO) The basis of claim is not beneficial use.<br>2. (YES) The parent right has a period of use.<br>3. (YES) The claimed Period of Use can be verified using the water right file.<br>12. (YES) Irrigation is the purposed use.<br>14. (YES) The period of use on the decree, license or transfer is shorter on either the start or end date than allowable under IDWR's current standard.<br>15. (NO) Period of Use remark was not required.<br>16. (NO) Period of Use condition was not required.                                                             |
| Source  | 1/1/01 3:54:10 PM | bcontor | 1. (NO) The basis is not beneficial use.<br>2. (YES) Parent right has a source.<br>3. (YES) The claimed source can be verified using the water right file.<br>Comment for 7: transfer 5335<br>8. (NO) The source is not surface water.<br>10. (NO) Source remark was not required.<br>11. (NO) Source condition was not required.                                                                                                                                                                                                                                                                                   |
| Summary | 1/1/01 4:06:29 PM | bcontor | 1. (NO) The basis of the claim is not beneficial use.<br>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.<br>5. (NO) General remark was not required.<br>6. (NO) Explanatory remark was not required.<br>7. (YES) Additional condition was required.<br>8. (YES) Wanted to view the recommended right.<br>9. (NO) This is not a split right.<br>10. (NO) This is not a combined right.<br>11. (NO) Documents were not linked or attached to this file.<br>12. (YES) Set the verification date. |
| Use     | 1/1/01 3:51:56 PM | bcontor | 1. (NO) The basis of claim is not beneficial use.<br>2. (YES) The parent right has a purpose of use.<br>3. (YES) The claimed purpose of Use can be verified using the water right file.<br>11. (NO) Purpose of Use remark was not required.<br>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 31-371  
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: 09/10/1928

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County    |
|----------|-------|---------|-----------------------|-----------|
| 07N      | 35E   | 25      | SW SW                 | JEFFERSON |
| 07N      | 35E   | 36      | SE NW NW              | JEFFERSON |
| 07N      | 35E   | 26      | SE SE                 | JEFFERSON |

5. Description of diverting works:

EIGHT WELLS OPEN DISCHARE INTO HOLLY CANAL.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/15 | 23     |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|---------------|-------|---------|------------|-----|---------------|-------|
| 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  |
|     |     |    | 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 | 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  
**SEE CLAIM A31-00343 FOR MAP OF SERVICE AREA**  
 THIS CLAIM WAS AMENDED TO REFLECT THE ACTUAL HISTORICAL IRRIGATED ACREAGE. 8-14-97  
 GJT

15. Basis of Claim: Decreed

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

IN  
OR  
TH

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00371  
Date Received: 12/20/1988  
Receipt No: E005296  
Received By:

AMENDED

*MW*  
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: SEP 10, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 07N      | 35E   | 25      |        | SW     | SW  |     | JEFFERSON |
|          |       | 26      |        | SE     | SE  |     | JEFFERSON |
|          |       | 36      | SE     | NW     | NW  |     | JEFFERSON |

5. Description of diverting works:  
EIGHT WELLS OPEN DISCHARE INTO HOLLY CANAL.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/15 | 23.000 |      |        |

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

8. Total consumptive use is 8075.0 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  |

6-11-97

10. Place of Use: Continued

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

Section Acres 440.0

|     |     |    |    |    |  |     |      |
|-----|-----|----|----|----|--|-----|------|
| 07N | 35E | 35 | NE | SE |  | IRR | 38.0 |
|     |     |    | NW | SE |  | IRR | 34.0 |
|     |     |    | SW | SE |  | IRR | 34.0 |
|     |     |    | SE | SE |  | IRR | 38.0 |

Section Acres 144.0 ~~140.0~~ OK

|    |    |    |  |     |      |
|----|----|----|--|-----|------|
| 36 | NE | SW |  | IRR | 40.0 |
|    | NW | SW |  | IRR | 40.0 |
|    | SW | SW |  | IRR | 38.0 |

Section Acres 116.0 ~~118.0~~ OK

Total Acres 2972.0 ~~2978.0~~ OK

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

31-00343/00344/00345/00349/00352/00354/00355/00356/00359/

14. Remarks:

PLACE OF USE OWNED BY STOCK HOLDERS IN ASSN.

OTHER RIGHTS - 31-00360/00361/00362/00363.

SEE CLAIM A31-00343 FOR MAP OF SERVICE AREA.

THIS CLAIM WAS AMENDED TO REFLECT THE ACTUAL HISTORICAL IRRIGATED ACREAGE. 8-14-97 GJT

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

SEARCHED  
INDEXED

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.

Dustin Kershman  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

Halley water users  
Date

State of Idaho )  
County of Jefferson ) SS.

aug 19 1997

Subscribed and sworn (or affirmed) before me this 19<sup>th</sup> day

of aug. 19 97

Eugene Von Wagner  
Notary Public

Seal

Residing at 1400 E. 1500 N TERRITON.

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: A31-00371  
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: SEP 10, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 07N      | 35E   | 25      |        | SW     | SW  |     | JEFFERSON |
|          |       | 26      |        | SE     | SE  |     | JEFFERSON |
|          |       | 36      | SE     | NW     | NW  |     | JEFFERSON |

5. Description of diverting works:  
EIGHT WELLS OPEN DISCHARE INTO HOLLY CANAL.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/15 | 23.000 |      |        |

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

8. Total consumptive use is 8075.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A31-00371

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Date: 12/28/90

MICROFILMED

NOV 17 1992

8075.0

12/28/90

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  |  |               |       |
|          |       |         | 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.

SEE CLAIM A31-00343 FOR MAP OF SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1946

A31-00371

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Date: 12/28/90

MICROFILMED

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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 President of \_\_\_\_\_ Title

Holly Water Users Ass, that I have signed the foregoing Organization document in the space below as \_\_\_\_\_ Title

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

Carl Holger  
Signature of Authorized Agent

Pres Holly Water Users Ass  
Title and Organization

1-4-91  
Date

State of Idaho )  
County of Jefferson ) SS.

Subscribed and sworn (or affirmed) before me this 14 day

of Jan 19 91

Margaret G Wood  
Notary Public

Seal

Residing at Hamer 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: A31-00371  
Date Received: 12/20/1988  
Receipt No: E005296  
Received By: DDM

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: SEP 10, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 07N      | 35E   | 25      |        | SW     | SW  |     | JEFFERSON |
|          |       | 26      |        | SE     | SE  |     | JEFFERSON |
|          |       | 36      | SE     | NW     | NW  |     | JEFFERSON |

5. Description of diverting works:  
EIGHT WELLS OPEN DISCHARE INTO HOLLY CANAL.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/15 | 23.000 |      |        |

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

8. Total consumptive use is 8075.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A31-00371

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Date: 12/20/88

MICROFILMED  
NOV 17 1992

A3100371



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 |

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.

SEE CLAIM A31-00343 FOR MAP OF SERVICE AREA.

15. Basis of Claim: DECREED

A31-00371

Page

4

Date: 12/20/88

MICROFILMED

NOV 17 1992

SEARCHED  
SERIALIZED  
INDEXED  
FILED

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 Organization, that I have signed the foregoing document in the space below as \_\_\_\_\_ of \_\_\_\_\_ Title

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

LaMoyne Barney  
Signature of Authorized Agent

Holly Water Users Assn  
Title and Organization

12-20-88  
Date

State of Idaho )  
County of BONAVILLE ) SS.

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

[Signature]  
Notary Public

Residing at Idaho Falls

My Commission Expires 7-12-94

A31-00371

Page

5

Date: 12/20/88

MICROFILMED

NOV 17 1992

RECEIVED

SEP 10 2001

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 31-00371

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of  
Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section  
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Mud Lake Water Users, Inc.

Address: 1400 E. 1500 N.; P.O. Box 68; Terretton, Idaho 83450

Name:

Address:;

Name:

Address:;

Name:

Address:;

SCANNED

NOV 05 2002

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: \_\_\_\_\_

2. ☐ **Source**

Should be: \_\_\_\_\_

3. ☐ **Quantity**

Should be: \_\_\_\_\_

4. ☐ **Priority Date**

Should be: \_\_\_\_\_

5. ☒ **Point(s) of Diversion**

Should be: See attached

6. ☐ **Instream Flow Description**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☐ **Place of Use**

Should be: \_\_\_\_\_

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. One of the claimed PODs does not exist. See attached POD. Claimant's water right should not include this POD.

F.

**VERIFICATION (Must be Completed)**

State of Idaho )  
 ) ss.  
County of Ada )

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

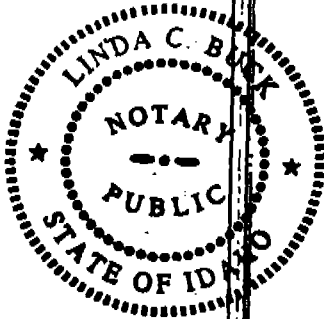
Fredric W. Price  
(Signature of person filing objection)

L. C. Brown  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 7, 2001

Linda C. Buck  
Linda C. Buck



Notary Public for State of Idaho  
Residing at: Mountain Home, ID.  
My Commission Expires: 12-21-2005

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on September 7, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Mud Lake Water Users, Inc.

Address: 1400 E. 1500 N.; P.O. Box 68; Terreton, Idaho 83450

Name:

Address: ;

Name:

Address: ;

Name:

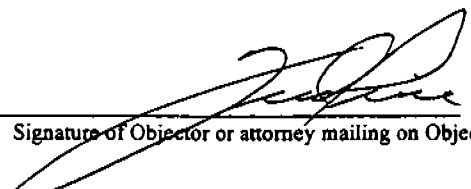
Address: ;

3. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

  
Signature of Objector or attorney mailing on Objector's behalf

05/04/2001

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

RIGHT NUMBER: 31-371  
NAME AND ADDRESS: MUD LAKE WATER USERS INC  
1400 E 1500 N  
PO BOX 68  
TERRETON ID 83450

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 23.000 CFS  
8,439.30 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH NOV 1 AND A TOTAL COMBINED DIVERSION RATE OF 643.21 CFS FROM MARCH 1 THROUGH APRIL 30 WHEN AUTHORIZED BY AN EARLY PUMPING PLAN APPROVED BY THE WATERMASTER. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 174,269.3 ACRE FEET. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432.

PRIORITY DATE: 09/10/1923

POINT OF DIVERSION:

T07N R34E S13 SWSWNE Within JEFFERSON County  
T07N R34E S13 SESE Within JEFFERSON County  
T07N R34E S23 SENENE Within JEFFERSON County  
T07N R34E S23 SENENE Within JEFFERSON County  
T07N R34E S24 NENWNE Within JEFFERSON County  
T07N R34E S24 SNNWNW Within JEFFERSON County  
T07N R35E S13 SWSWSW Within JEFFERSON County  
T07N R35E S14 SESE Within JEFFERSON County  
T07N R35E S14 SESE Within JEFFERSON County  
T07N R35E S18 SWSW Lot 4 Within JEFFERSON County  
T07N R35E S19 NWNW Lot 1 Within JEFFERSON County  
T07N R35E S19 NENWNW Lot 1 Within JEFFERSON County  
T07N R35E S19 NESWNW Lot 2 Within JEFFERSON County  
T07N R35E S19 NESENW Within JEFFERSON County  
T07N R35E S22 SESESE Within JEFFERSON County  
T07N R35E S23 SNNWSW Within JEFFERSON County  
T07N R35E S23 SWSW Within JEFFERSON County  
T07N R35E S25 NWSWSW Within JEFFERSON County  
T07N R35E S25 NWSWSW Within JEFFERSON County  
T07N R35E S25 NWSWSW Within JEFFERSON County  
T07N R35E S25 SWSWSW Within JEFFERSON County  
T07N R35E S25 SWSWSW Within JEFFERSON County  
T07N R35E S25 NESES'W Within JEFFERSON County  
T07N R35E S25 NESES'W Within JEFFERSON County  
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T07N R35E S25 NESES'W Within JEFFERSON County  
T07N R35E S25 NESES'W Within JEFFERSON County  
T07N R35E S25 NESES'W Within JEFFERSON County  
T07N R35E S25 SESES'W Within JEFFERSON County  
T07N R35E S25 SENWSE Within JEFFERSON County

Issue:

Circled points of diversion  
are on public land

SCANNED

NOV 05 2002

05/04/2001

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

T07N R35E S26 NESESE Within JEFFERSON County  
T07N R35E S26 NWSESE Within JEFFERSON County  
T07N R35E S27 NWNE Within JEFFERSON County  
T07N R35E S36 NENW Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE

QUANTITY

PLACE OF USE:

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). PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 24261.3.

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

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

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO. INSTRUMENT NUMBER 307626.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

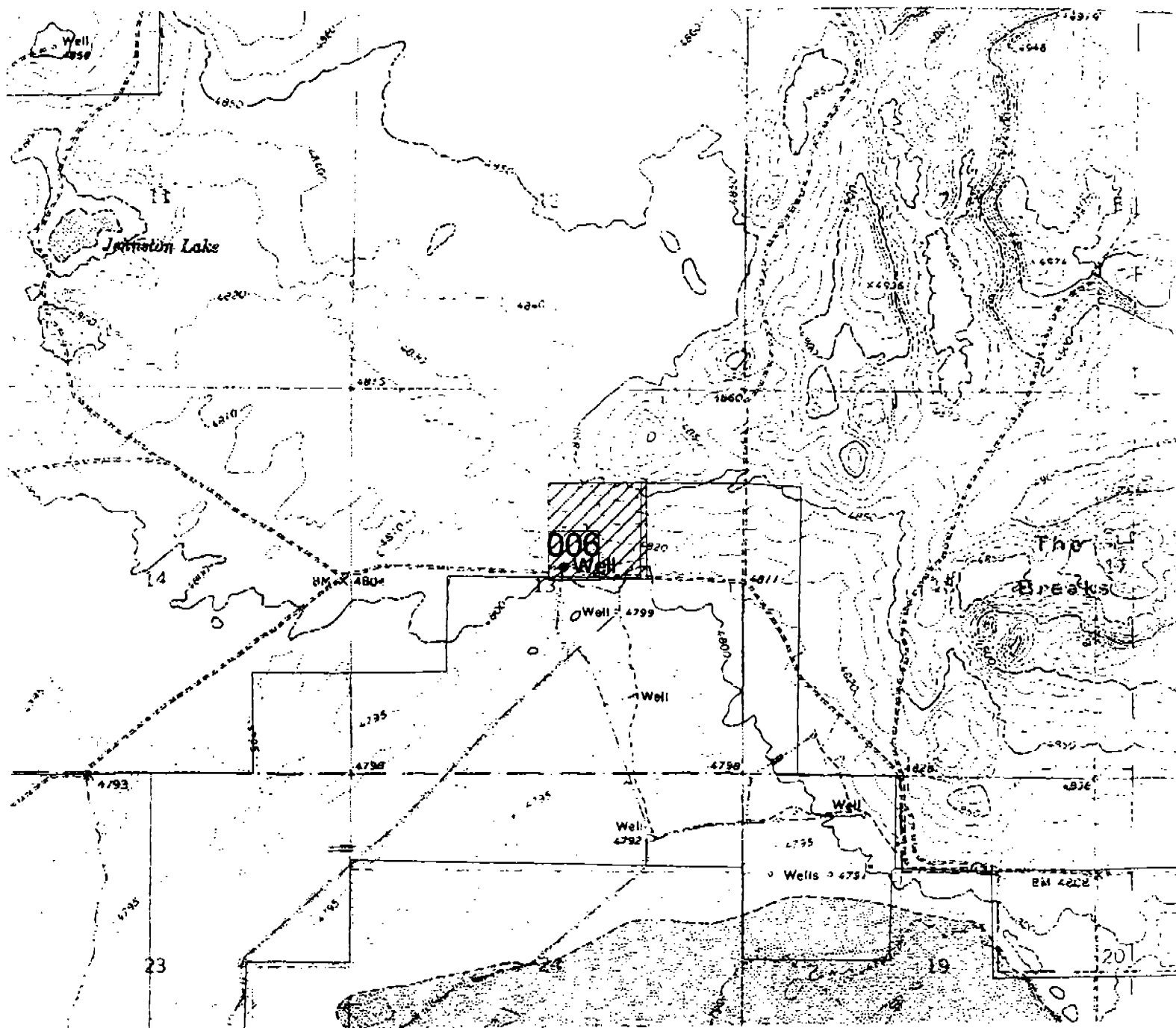
SCANNED

NOV 05 2007

**Mud Lake Water Users, Inc. (Claimant)**

T.07N, R.34E, S.13 SWSWNE (Map ID #006) (POD - well)

Mud Lake NW Quad



State of Idaho

**1:24,000 Scale**



NOV 05 2007.

NO warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this data for individual or aggregate use with other data. Prepared by Deena Teel on 7/18/2001 from digitized data and GPS data collected on 7/3/2001.

# Basin 31 - Private Irrigation Claims Filed in the SRBA With PODs/POUs on Public Land

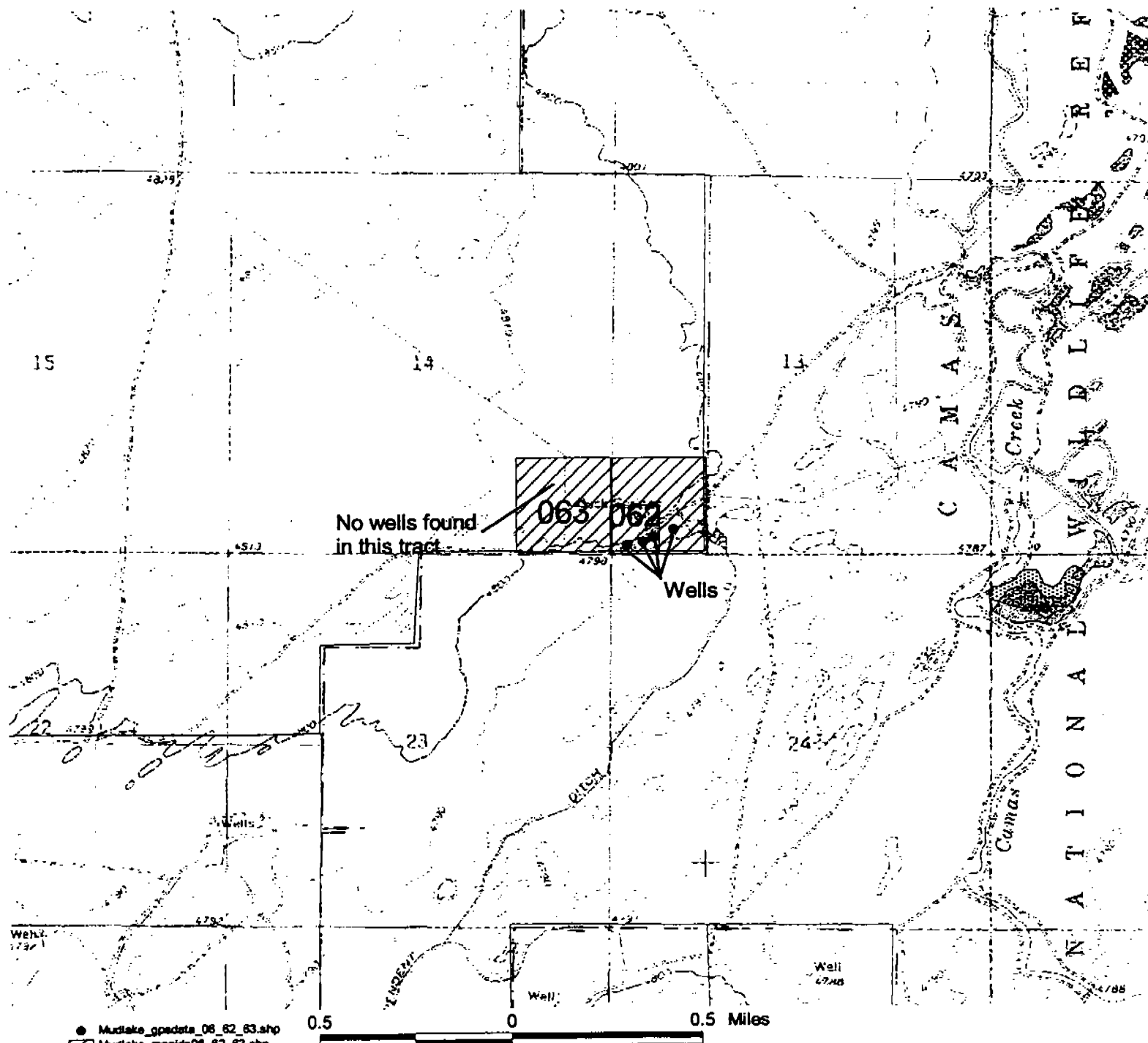
Mud Lake Water Users, Inc. (Claimant)

31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-229  
31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005

T.07N, R.35E, S.13 SWSWSW (Map ID #062) (POD - wells)

T.7N, R.35E, S.14 SESE (Map ID #063) (POD)

Rays Lake Quad



- Mudlake\_gpedata\_08\_62\_63.shp
- Mudlake\_mapids06\_62\_63.shp
- Temp.shp
- info\_pfo\_own\_mmapupdate.shp
- B.L.M.
- Bureau of Indian Affairs
- Department of Energy
- Forest Service
- Military Reservations
- National Parks & Monuments
- Open water
- Private
- State of Idaho
- U.S. Fish & Wildlife Service



SCANNED

NOV 05 2002

DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.  
Projection Universal Transverse Mercator  
Zone 12, 1927 North American Datum  
No warranty is made by the Bureau of Land Management  
as to the accuracy, reliability, or completeness of  
this data for individual or aggregate use with other data.  
Prepared by Deena Teel on 7/18/2001 from digitized data and  
GPS data collected on 7/2/2001.

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: March 9, 2001

Water right number: 31-371

MUD LAKE WATER USERS INC  
1400 E 1500 N  
PO BOX 68  
TERRETON, ID 83450

Daytime Telephone Number: (208) 663-4359  
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-12-2001

SIGNATURE: *Keith Soderquist*

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



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  
Records Clerk

Enclosure: Notice(s) of Claim

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NOV 06 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.

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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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split     |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-----------|
|                       | A31-00344'                   |       |                       | A31-00361'                   | A31-00331 |
|                       | A31-00345'                   |       |                       | A31-10957'                   | A31-00332 |
|                       | A31-00354'                   |       |                       | A31-10958'                   | A31-00371 |
|                       | 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 9/8/98 PM 1:18

*Secretary of State  
State of Idaho*

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NOV 05 2002

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5335

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

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

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

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

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## TRANSFER NO. 5335

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

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

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## TRANSFER NO. 5335

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

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

TOTAL: \*\*\* 643.21 CFS

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

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## TRANSFER NO. 5335

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

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E  
 SWSW , Sec. 13, Township 07N, Range 35E  
 SESE , Sec. 14, Township 07N, Range 35E  
 Lot 4 ( SESW), Sec. 18, Township 07N, Range 35E  
 Lot 1 ( NWNW), Sec. 19, Township 07N, Range 35E  
 SWNW , Sec. 19, Township 07N, Range 35E  
 SENW , Sec. 19, Township 07N, Range 35E  
 NESE , Sec. 22, Township 07N, Range 35E  
 NWSW , Sec. 23, Township 07N, Range 35E  
 SWSW , Sec. 23, Township 07N, Range 35E  
 SWSW , Sec. 25, Township 07N, Range 35E  
 SESW , Sec. 25, Township 07N, Range 35E  
 NWSE , Sec. 25, Township 07N, Range 35E  
 SESE , Sec. 26, Township 07N, Range 35E  
 NWNE , Sec. 27, Township 07N, Range 35E  
 NENW , Sec. 36, Township 07N, Range 35E  
 JEFFERSON County

PLACE OF USE: IRRIGATION

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

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## TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

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

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MAY 11 2007

## TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

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

APPROVED  
 FEB 17 2007

SCANNED

NEW 4-5-2007

## TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

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

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 FEB 11 2002

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NOV 05 2002

## TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

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

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NOV 05 2007

## TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

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

Total number of acres irrigated: \* 24261.3

MICROFILMED

FEB 1 1999

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NOV 05 2002

TRANSFER NO. 5335

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

CONDITIONS OF APPROVAL AND REMARKS

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

APPROVED  
 FEB 11 1999

SCANNED

## TRANSFER NO. 5335

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

PLACE OF USE: IRRIGATION

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

Total number of acres irrigated: \* 24261.3

MICROFILMED

FEB 11 1988

SCANNED

NOV 05 2002

TRANSFER NO. 5335

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

CONDITIONS OF APPROVAL AND REMARKS

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

FEB 11 1995

SCANNED

NOV 05 2007

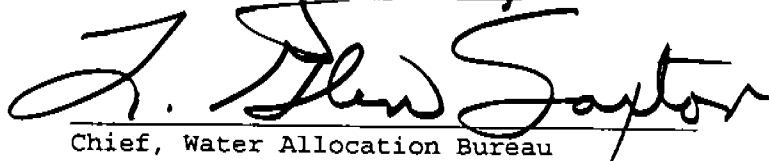
TRANSFER NO. 5335

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

CONDITIONS OF APPROVAL AND REMARKS

- \* 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
- \* 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
- \* 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
- \* 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
- \* 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.
- \* 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.
- \* 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.
- \* 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.
- 23. Two points of diversion are located within SESE, S14, T07N, R35E.
- 24. Two points of diversion are located within Lot 1 (NWNW), S19, T07N, R35E.
- 25. Five points of diversion are located within SWSW, S25, T07N, R35E.
- 26. Seven points of diversion are located within NWSE, S25, T07N, R35E.
- 27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8<sup>th</sup> day of February, 1999.

  
 Chief, Water Allocation Bureau

RECORDED  
 FEB 11 2000

SCANNED

NOV 05 2002

Page 1 of 8STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESRECEIVED  
NOV 02 1990  
Transfer No. 3787APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Department of Water Resources  
Eastern District Office

APPROVED

Name of applicant Holley Water Users Association Phone (208) 662-5207  
Post Office address c/o LaMoyné Barney, Hamer, Idaho 83425

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To reduce transmission loss sustained from conveying water through several miles of ditches from older points of diversion to place of use.

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

| 1. Right Number | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use                |
|-----------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>31-0371</u>  | <u>09/10/1928</u> | <u>23.0 cfs</u>       | <u>Irrigation</u> | <u>04/01</u> to <u>11/15</u> |
| <u>31-0331</u>  | <u>01/25/1930</u> | <u>24.0 cfs</u>       | <u>Irrigation</u> | <u>04/01</u> to <u>11/15</u> |
| _____           | _____             | _____                 | _____             | _____ to _____               |
| _____           | _____             | _____                 | _____             | _____ to _____               |

2. Total amount of water being transferred 47.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion: See Attachment

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. Lands irrigated or place of use:
- See Attachment

## RON TORGERSON PLACE OF USE

|            |              |    |       |    |       |           |                   |   |            |
|------------|--------------|----|-------|----|-------|-----------|-------------------|---|------------|
| T.:RNG:S.: | NE1/4        | :  | NW1/4 | :  | SW1/4 | :         | SE1/4             | : | TLS        |
| :          | NE'NW'SW'SE: | NE | :     | NW | :     | SW'SE:NE' | NW                | : | SW         |
| 6N:35E:9:  | :            | :  | :     | :  | :     | :         | 39'               | : | 37.6: 76.6 |
| :          | ✓10:         | :  | :     | :  | :     | :         | 18.4'38.75'38.75: | : | 95.9       |
| :          | ✓15:         | :  | :     | :  | :     | :         | :                 | : | 77.5       |

## CARL HOGGAN PLACE OF USE

|            |              |              |       |   |       |   |                      |   |       |
|------------|--------------|--------------|-------|---|-------|---|----------------------|---|-------|
| T.:RNG:S.: | NE1/4        | :            | NW1/4 | : | SW1/4 | : | SE1/4                | : | TLS   |
| :          | NE'NW'SW'SE: | NE'NW'SW'SE: | NE    | : | NW    | : | SW                   | : | SE    |
| 7N:35E:35: | :            | :            | :     | : | :     | : | 31.5'31.5'31.5'31.5: | : | 126.0 |
| :          | :            | :            | :     | : | :     | : | 33                   | : | 33    |

Total number of acres irrigated 376 382

## PART 1

## 6. General Information:

a. Description of diversion system This will be an addition to the Holley well system. There will be an additional well on the Torgerson land and another on the Hoggan land.

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

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

Instead of using long transmission ditches from the company's main wells, the water will be diverted on the farms and eliminate large losses in the ditch.

d. Remarks:

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

MAY 30 1991

Witness my hand this

17<sup>th</sup>

day of

May

19 91

J. Glen Saylor

CHIEF, WATER ALLOCATION BUREAU

SCANNED

NOV 15 2002

9. This permit is subject to the agreement dated March 11, 1991 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
10. Transfer Nos. 3680 & 3787 add place of use descriptions to Right Nos. 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

Dated this 17<sup>th</sup> day of May, 1991.

*J. Glen Saylor*

Chief, Water Allocation Bureau

MAY 30 1991

SCANNED

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CONDITIONS OF APPROVAL

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

Transfer No. 3787

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. vs. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.
6. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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MAY 30 1991

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 2

(Attach one copy for each right)

#### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-0371 Decreed to Holley Water Users Association  
in case of Holley Water Users Association vs. Mark R. Culp, et al.  
dated December 14, 1946 in Ninth District Court county of Jefferson
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other N/A

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority 09/10/1928

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion: See Attachment

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use: See Attachment

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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NOV 15 2002

MAY 30 1991

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 31-0331, 31-0332, 31-0343,

31-0344, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0356, 31-0359, 31-0360, 31-0361,  
31-0362, 31-0363, 31-2133, 31-7259, and 31-7433.

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

No

If yes, describe

# **B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

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

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

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

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

NOV 05 2002

Total acres \_\_\_\_\_

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

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in case of Holley Water Users Association vs. Mark R. Culp, et al.  
dated December 14, 1946 in Ninth District Court county of Jefferson
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other N/A

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority 01/25/1930

5. Water is used for the following purpose:

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

6. Total amount of water under right 24.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion: See Attachment

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use: See Attachment

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

NOV 15 2002

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 31-0371, 31-0332, 31-0343,  
31-0344, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0356, 31-0359, 31-0360, 31-0361,  
31-0362, 31-0363, 31-0364, 31-0365, 31-0366, 31-0367, 31-0368, 31-0369, 31-0370, 31-0371, 31-0372, 31-0373, 31-0374, 31-0375, 31-0376, 31-0377, 31-0378, 31-0379, 31-0380, 31-0381, 31-0382, 31-0383, 31-0384, 31-0385, 31-0386, 31-0387, 31-0388, 31-0389, 31-0390, 31-0391, 31-0392, 31-0393, 31-0394, 31-0395, 31-0396, 31-0397, 31-0398, 31-0399, 31-0400, 31-0401, 31-0402, 31-0403, 31-0404, 31-0405, 31-0406, 31-0407, 31-0408, 31-0409, 31-0410, 31-0411, 31-0412, 31-0413, 31-0414, 31-0415, 31-0416, 31-0417, 31-0418, 31-0419, 31-0420, 31-0421, 31-0422, 31-0423, 31-0424, 31-0425, 31-0426, 31-0427, 31-0428, 31-0429, 31-0430, 31-0431, 31-0432, 31-0433, 31-0434, 31-0435, 31-0436, 31-0437, 31-0438, 31-0439, 31-0440, 31-0441, 31-0442, 31-0443, 31-0444, 31-0445, 31-0446, 31-0447, 31-0448, 31-0449, 31-0450, 31-0451, 31-0452, 31-0453, 31-0454, 31-0455, 31-0456, 31-0457, 31-0458, 31-0459, 31-0460, 31-0461, 31-0462, 31-0463, 31-0464, 31-0465, 31-0466, 31-0467, 31-0468, 31-0469, 31-0470, 31-0471, 31-0472, 31-0473, 31-0474, 31-0475, 31-0476, 31-0477, 31-0478, 31-0479, 31-0480, 31-0481, 31-0482, 31-0483, 31-0484, 31-0485, 31-0486, 31-0487, 31-0488, 31-0489, 31-0490, 31-0491, 31-0492, 31-0493, 31-0494, 31-0495, 31-0496, 31-0497, 31-0498, 31-0499, 31-0500, 31-0501, 31-0502, 31-0503, 31-0504, 31-0505, 31-0506, 31-0507, 31-0508, 31-0509, 31-0510, 31-0511, 31-0512, 31-0513, 31-0514, 31-0515, 31-0516, 31-0517, 31-0518, 31-0519, 31-0520, 31-0521, 31-0522, 31-0523, 31-0524, 31-0525, 31-0526, 31-0527, 31-0528, 31-0529, 31-0530, 31-0531, 31-0532, 31-0533, 31-0534, 31-0535, 31-0536, 31-0537, 31-0538, 31-0539, 31-0540, 31-0541, 31-0542, 31-0543, 31-0544, 31-0545, 31-0546, 31-0547, 31-0548, 31-0549, 31-0550, 31-0551, 31-0552, 31-0553, 31-0554, 31-0555, 31-0556, 31-0557, 31-0558, 31-0559, 31-0560, 31-0561, 31-0562, 31-0563, 31-0564, 31-0565, 31-0566, 31-0567, 31-0568, 31-0569, 31-0570, 31-0571, 31-0572, 31-0573, 31-0574, 31-0575, 31-0576, 31-0577, 31-0578, 31-0579, 31-0580, 31-0581, 31-0582, 31-0583, 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31-0695, 31-0696, 31-0697, 31-0698, 31-0699, 31-0700, 31-0701, 31-0702, 31-0703, 31-0704, 31-0705, 31-0706, 31-0707, 31-0708, 31-0709, 31-0710, 31-0711, 31-0712, 31-0713, 31-0714, 31-0715, 31-0716, 31-0717, 31-0718, 31-0719, 31-0720, 31-0721, 31-0722, 31-0723, 31-0724, 31-0725, 31-0726, 31-0727, 31-0728, 31-0729, 31-0730, 31-0731, 31-0732, 31-0733, 31-0734, 31-0735, 31-0736, 31-0737, 31-0738, 31-0739, 31-0740, 31-0741, 31-0742, 31-0743, 31-0744, 31-0745, 31-0746, 31-0747, 31-0748, 31-0749, 31-0750, 31-0751, 31-0752, 31-0753, 31-0754, 31-0755, 31-0756, 31-0757, 31-0758, 31-0759, 31-0760, 31-0761, 31-0762, 31-0763, 31-0764, 31-0765, 31-0766, 31-0767, 31-0768, 31-0769, 31-0770, 31-0771, 31-0772, 31-0773, 31-0774, 31-0775, 31-0776, 31-0777, 31-0778, 31-0779, 31-0780, 31-0781, 31-0782, 31-0783, 31-0784, 31-0785, 31-0786, 31-0787, 31-0788, 31-0789, 31-0790, 31-0791, 31-0792, 31-0793, 31-0794, 31-0795, 31-0796, 31-0797, 31-0798, 31-0799, 31-0800, 31-0801, 31-0802, 31-0803, 31-0804, 31-0805, 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31-1361, 31-1362, 31-1363, 31-1364, 31-1365, 31-1366, 31-1367, 31-1368, 31-1369, 31-1370, 31-1371, 31-1372, 31-1373, 31-1374, 31-1375, 31-1376, 31-1377, 31-1378, 31-1379, 31-1380, 31-1381, 31-1382, 31-1383,

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

No

If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

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

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

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

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

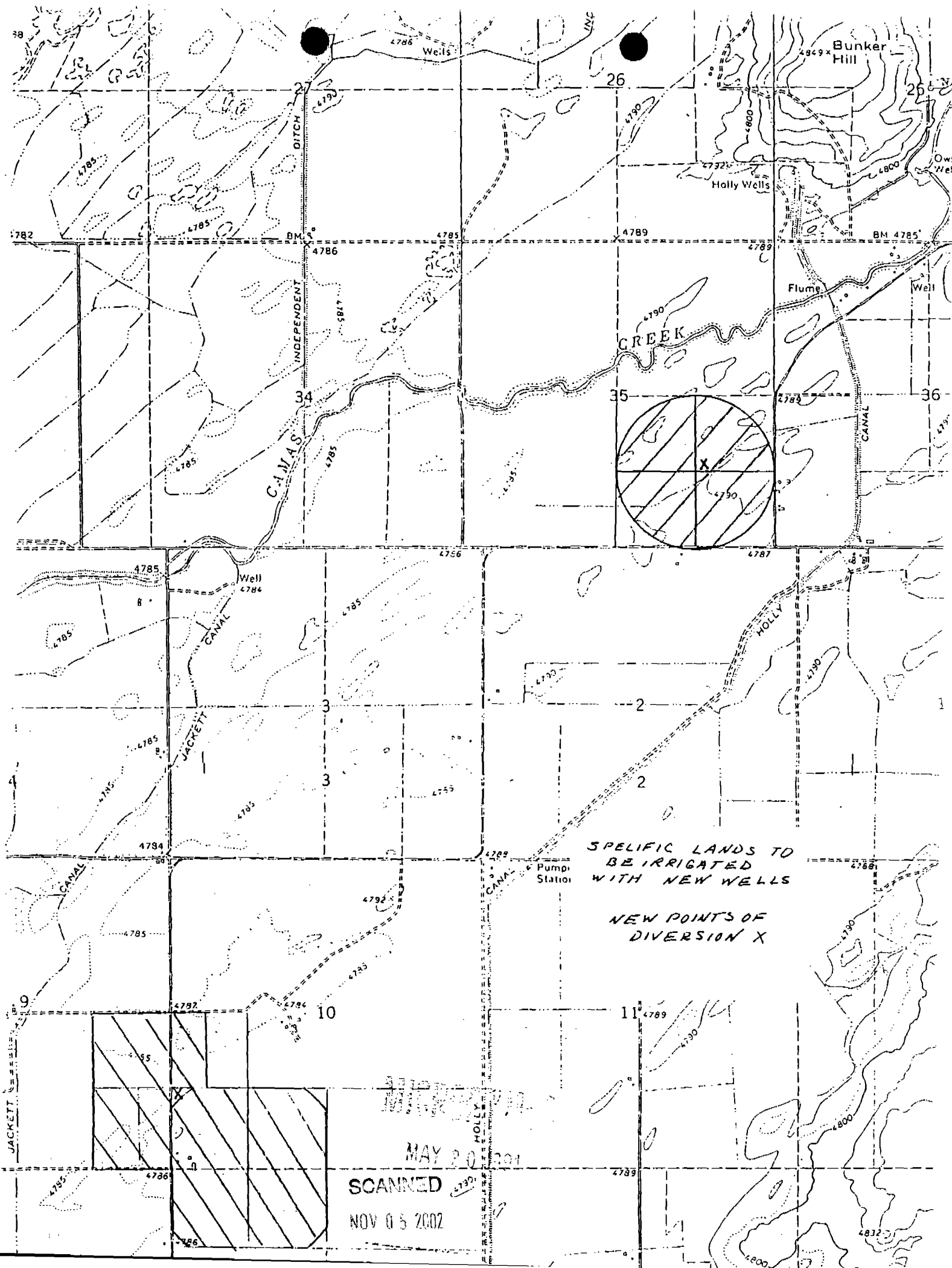
| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres \_\_\_\_\_



SPECIFIC LANDS TO  
BE IRRIGATED  
WITH NEW WELLS  
NEW POINTS OF  
DIVERSION X

MAY 20 2001  
SCANNED  
NOV 05 2002

## PART 3

## B. CHANGES IN NATURE OF USE

| 1. | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|---------------|
|    |                   |                       |                 | to            |
|    |                   |                       |                 | to            |

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

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

None

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

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

LaMoyne Barney  
(Signature of Applicant)

Subscribed and sworn to before me this 1st day of November, 19 90.

Ran Schneider  
(Notary Public)

My commission expires 5-18-93

## FOR DEPARTMENT USE ONLY

Transfer contains 4 pages and 11-2-90 attachmentsReceived by HWS Date 8-8-90 Protest filed by \_\_\_\_\_Prelim. check by KCLW Fee \$50.00Received by HWS EASIO Date 8-8-90Published in Statewide Copies of protest forwarded by \_\_\_\_\_Pub. dates 12-20-90 to 12-27-90 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

MAY 30 1991  
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NOV 05 2002

# A T T A C H M E N T

## POINTS OF DIVERSION:

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

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

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

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

CRH

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PLACE OF USE:

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

| <u>TOWNSHIP</u> | <u>RANGE</u> | <u>SECTION</u> | <u>1/4 of 1/4</u> |    | <u>LOT</u> | <u>USE</u> | <u>ACRES</u> |
|-----------------|--------------|----------------|-------------------|----|------------|------------|--------------|
| 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     |    |            |            |              |
|                 |              | 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        |

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

MAY 30 1991

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

2884i/srr

1391

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3680

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

**APPROVED**Name of applicant Holley Water Users Association Phone 662-5207Post Office address c/o LaMoyné Barney, Hamer, ID 83425

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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

| 1. Right Number | Priority              | Amount (cfs/ac-ft) | Nature of Use     | Period of Use                |
|-----------------|-----------------------|--------------------|-------------------|------------------------------|
| <u>31-0371</u>  | <u>Sept. 10, 1928</u> | <u>23.00</u>       | <u>Irrigation</u> | <u>04/01</u> to <u>11/15</u> |
| <u>31-0331</u>  | <u>Jan. 25, 1930</u>  | <u>24.00</u>       | <u>Irrigation</u> | <u>04/01</u> to <u>11/15</u> |
| _____           | _____                 | _____              | _____             | _____ to _____               |
| _____           | _____                 | _____              | _____             | _____ to _____               |

2. Total amount of water being transferred 47.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water Groundwater tributary to \_\_\_\_\_4. Point(s) of Diversion: NE SE 2 6N 35E Jefferson Ashcraft-Hoggan Well  
NW NE 15 6N 35E Jefferson Bybee Well\*

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

5. Lands irrigated or place of use: See attachment \*Previous transfer not approved as of 1/29/

| Twp. | Rge. | Sec. | NE ¼ |      |                              |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼                         | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 6N   | 35E  | 2    |      |      | Hoggan-Ashcraft Place of Use |      |      |      |      |      |      |      |      |      | 40   | 40   |      | 80   |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |                              |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

SCANNED

NOV 05 2002

Total acres 80

MAY 30 1991

**PART 1**

**6. General Information:**

a. Description of diversion system This is to add in a p.d. owned by Sid Ashcraft which will irrigate lands under a pivot. This ground has been irrigated out of the ditch & will save us sending water down to this place of use.

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

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

N.A.

d. Remarks:

We are currently adding wells into the peripheral areas of our system to make our water use more efficient.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

See attached sheet for conditions of approval.

*[Stamp: RECEIVED]*

*[Stamp: MAY 30 1991]*

Witness my hand this 17<sup>th</sup> day of May, 19 91

*[Signature: J. Shaw Taylor]*  
Chief, Water Allocation Bureau

SCANNED

NOV 5 2002

CONDITIONS OF APPROVAL

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

Transfer No. 3680

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. vs. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.
6. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

SCANNED

NOV 15 2002

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MAY 30 1991

9. This permit is subject to the agreement dated March 11, 1991 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
10. Transfer Nos. 3680 & 3787 add place of use descriptions to Right Nos. 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

Dated this 17<sup>th</sup> day of May, 1991.

*A. Glen Saylor*

Chief, Water Allocation Bureau

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MAY 30 1991

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 31-0331 Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority January 25, 1930

5. Water is used for the following purpose:

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

6. Total amount of water under right 24.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|----|----|----|------|------|------|-----------|--------------------------|
|     | NW | SE | SW | 35   | 07N  | 35E  | Jefferson |                          |
|     |    | SE | SE | 26   |      |      |           |                          |
|     | SE | NW | NW | 36   |      |      |           |                          |

8. Lands irrigated or place of use: See attachment

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

SCANNED

Total acres \_\_\_\_\_

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

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

\_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

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

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

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

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

SCANNED

APR 15 2002

MAY 30 1991

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### APPLICATION FOR TRANSFER OF WATER RIGHT

#### PART 2

(Attach one copy for each right)

#### A. DESCRIPTION OF RIGHT AS RECORDED

##### 1. Right evidenced by:

- a. Decree No. 31-0371 Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

##### 3. Source of water Groundwater tributary to \_\_\_\_\_

##### 4. Date or priority Sept. 10, 1928

##### 5. Water is used for the following purpose:

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

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

##### 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     | NW  | SE  | SW  | 35   | 07N  | 35E  | Jefferson |                          |
|     |     | SE  | SE  | 26   |      |      |           |                          |
|     | SE  | NW  | NW  | 36   |      |      |           |                          |

##### 8. Lands irrigated or place of use: See attachment

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

NOV 05 2007

Total acres \_\_\_\_\_

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

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  |

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## 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

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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 |        |     |        |       |       |
| 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 |        |     |        |       |       |
|             |       | 36            | NE            | SW     |     | IRR    | 40.0  |       |
|             |       |               | NW            | SW     |     | IRR    | 38.0  |       |
|             |       |               | SW            | SW     |     | IRR    | 38.0  |       |
|             |       | Section Acres |               |        |     |        |       | 116.0 |
| Total Acres |       |               |               |        |     | 3230.0 |       |       |

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MAY 30 1991

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## 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

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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 |
| 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 |               |               |

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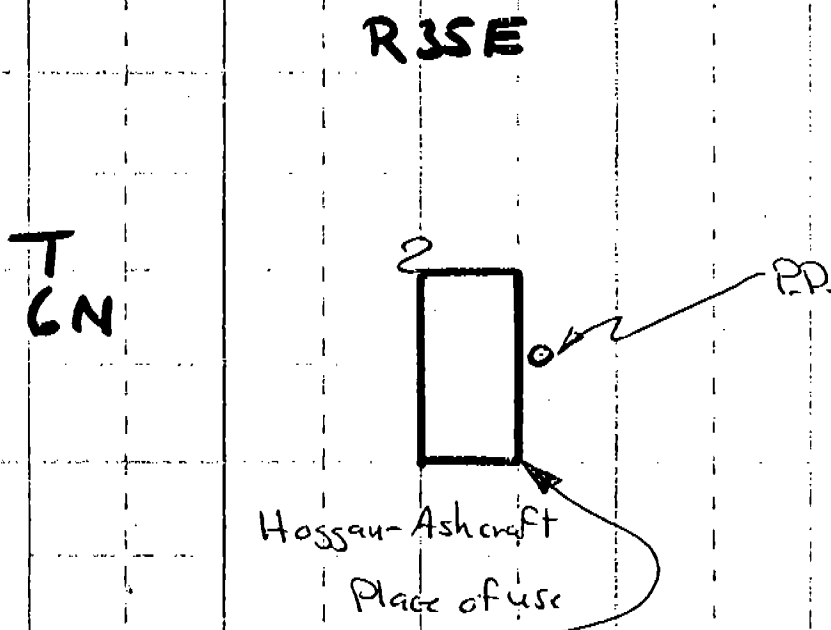
MAY 30 1991

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

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



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### PART 3

#### B. CHANGES IN NATURE OF USE

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

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

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

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

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

Lamoye, Barney less  
(Signature of Applicant) Title

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

Karin Christensen  
(Notary Public)

My commission expires 11-30-93

#### FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by HWS Date 2-16-90

Prelim. check by Kaw Fee 50.00

Received by HWS #E012077 Date 2-16-90

Published in Statewide

Pub. dates April 5 / 12 - 90

Watermaster recommendation requested on \_\_\_\_\_

\_\_\_\_\_ rec'd. \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

Protest filed by Blaine Larsen by  
Michael Creamer, Atty

Copies of protest forwarded by aw

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for ☒ approval ☐ denial

by RDC

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age 1 of 8

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 3654

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

APPROVED

Name of applicant Holley Water Users Association Phone 662-5207  
Post Office address c/o LaMoyne Barney, Hamer, ID. 83425

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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

- | Right Number | Priority       | Amount (cfs/ac-ft) | Nature of Use | Period of Use  |
|--------------|----------------|--------------------|---------------|----------------|
| 31-0371      | Sept. 10, 1923 | 23.00              | Irrigation    | 04/01 to 11/15 |
| 31-0331      | Jan. 25, 1930  | 24.00              | Irrigation    | 04/01 to 11/15 |
|              |                |                    |               | to             |
|              |                |                    |               | to             |
2. Total amount of water being transferred 47.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion: NW NE 15 6N 35E Jefferson Bybee well

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     | NW  | SE  | SW  | 35   | 07N  | 35E  | Jefferson | Hoggan Well *            |
|     |     | SW  | SW  | 22   | 06N  | 35E  | Jefferson | Murdock Well *           |
|     |     | SW  | SW  | 25   | 07N  | 35E  | Jefferson | Holley Wells             |
|     |     | SE  | SE  | 26   | 07N  | 35E  | Jefferson |                          |
|     | SE  | NW  | NW  | 36   | 07N  | 35E  | Jefferson |                          |

5. Lands irrigated or place of use: See attachment \* Previous transfer not approved as of 1/29/1

| Twp. | Rge. | Sec. | NE 1/4             |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4             | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 6N   | 35E  | 10   |                    |        |        |        |        |        |        |        |        |        |        |        |        |        | 40     | 40     | 80     |
|      |      | 15   | 36                 | 31     |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 67     |
|      |      |      | Bybee place of use |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |                    |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

CONDITIONS OF APPROVAL

Transfer of Water Right No. 31-0331/0371

1. Use of water under this right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 29<sup>th</sup> of October, 1990.

**MICROFILMED**

NOV 01 1990

*J. Glen Saylor*  
Chief, Water Alloc. Bureau

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NOV 05 2007

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 31-0331 Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0331 on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_

4. Date or priority January 25, 1930

5. Water is used for the following purpose:

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

6. Total amount of water under right 24.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     | NW  | SE  | SW  | 25   | 07N  | 35E  | Jefferson |                          |
|     |     | SE  | SE  | 26   |      |      |           |                          |
|     | SE  | NW  | NW  | 36   |      |      |           |                          |

8. Lands irrigated or place of use:

See Attachment

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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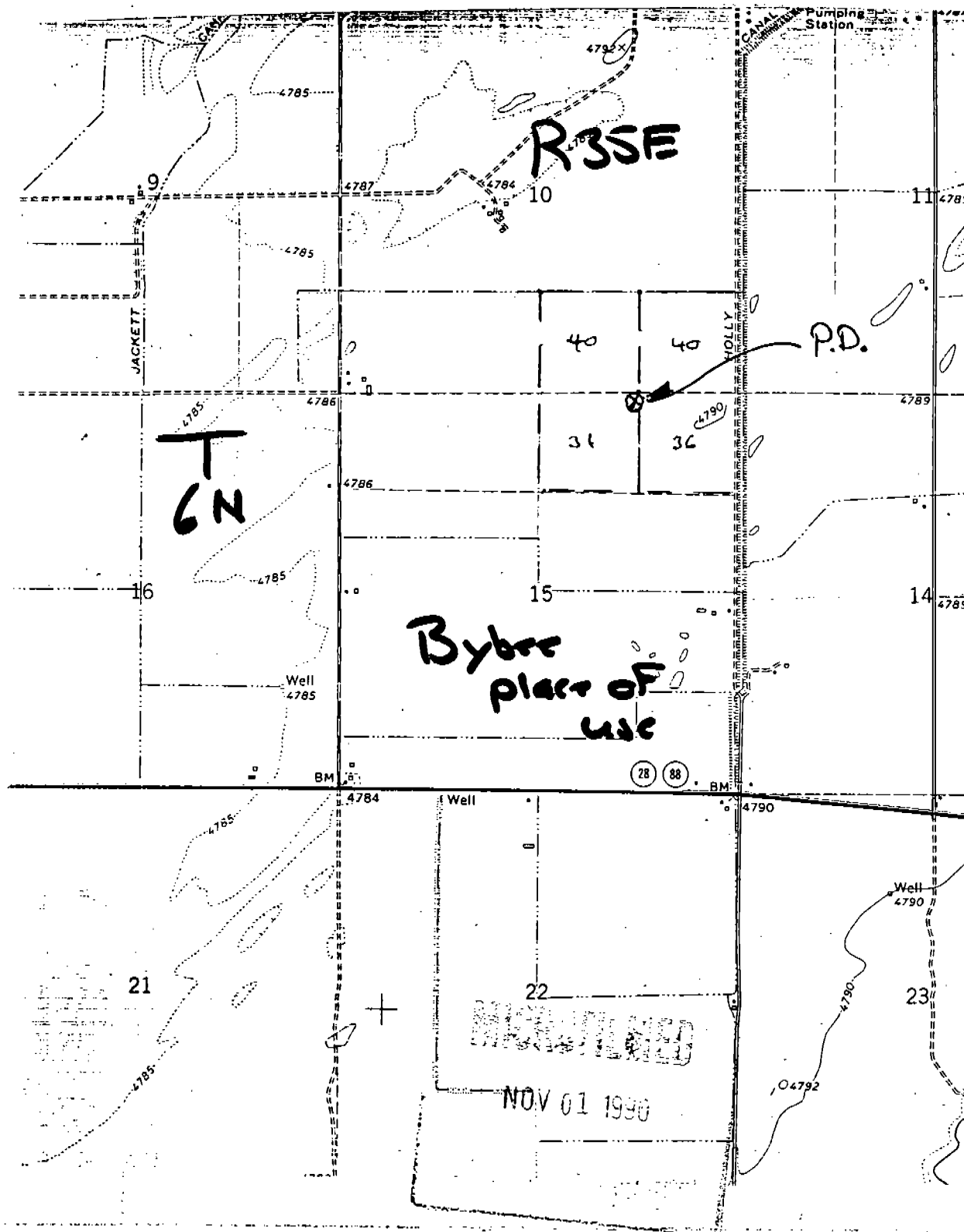
Total acres \_\_\_\_\_

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

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

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



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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 2

(Attach one copy for each right)

#### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 31-0371 Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0371 on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority September 10, 1923

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|-----|-----|-----|------|------|------|-----------|--------------------------|
|     | NW  | SE  | SW  | 35   | 07N  | 35E  | Jefferson |                          |
|     |     | SW  | SW  | 25   | 07N  | 35E  |           |                          |
|     |     | SE  | SE  | 26   |      |      |           |                          |
|     | SE  | NW  | SW  | 36   |      |      |           |                          |

8. Lands irrigated or place of use:

See Attachment

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 31-0331, -0343, -0344,

-0345, -0349, -0352, -0354, -0355, -0356, -0359, -0360, -0361, -0362  
-0363

10. Place of Use: Continued

| 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     | NW  |     | IRR | 40.0   |
|                         |       |         | NE     | NW  |     | 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           |       |         |        |     |     |     | 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 |

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Place of use Attachment  
For 31-0371 + 31-9

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  |

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# 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

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Page \_\_\_\_\_ of \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3645APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

APPROVED

Name of applicant Holley Water Users Association Phone 662-5207Post Office address c/o LaMoyné Barney, Hamer, ID 83425

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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

- | 1. Right Number | Priority       | Amount (cfs/ac-ft) | Nature of Use | Period of Use  |
|-----------------|----------------|--------------------|---------------|----------------|
| 31-0371         | Sept. 10, 1928 | 23.00              | Irrigation    | 04/01 to 11/15 |
| 31-0331         | Jan. 25, 1930  | 24.00              | Irrigation    | 04/01 to 11/15 |
|                 |                |                    |               | to             |
|                 |                |                    |               | to             |
2. Total amount of water being transferred 47.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water groundwater tributary to \_\_\_\_\_
4. Point(s) of Diversion:

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

5. Lands irrigated or place of use:
- See Attachment

| Twp. | Rge. | Sec. | NE ¼         |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|--------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼         | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 6N   | 35E  | 22   | A            | A    | A    | A    |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      | MURDOCK      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      | Place of use |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |              |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |              |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |              |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |              |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |              |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |              |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |              |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**PART 1****6. General Information:**

- a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hoggan wells will divert water into pressure system and irrigate land historically irrigated with water from Holley wells. This addition by Mr. Murdock will have a well on his property irrigate land traditionally irrigated from the main Holley wells.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
No change in place of use.

**d. Remarks:****ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

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

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

**MICROFILMED**

See attached list for additional conditions of approval.

NOV 01 1990

Witness my hand this 23<sup>rd</sup> day of July 1990

*J. Glen Saxton*  
Chief, Water Alloc. Bureau

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NOV 05 2002

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

3. The director retains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under these rights shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, the right holder shall reduce pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle (10/14/1940), the period of use under these rights is limited to the period from May 1 to November 1.

Dated this 23<sup>rd</sup> day of July, 1990.

*J. Glen Saxton*  
Chief, Water Alloc. Bureau

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NOV 01 1990

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NOV 15 2002

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0371 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

**3. Source of water** Groundwater tributary to \_\_\_\_\_

**4. Date or priority** September 10, 1928

**5. Water is used for the following purpose:**

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

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

**7. Point(s) of Diversion:**

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|----|----|----|------|------|------|-----------|--------------------------|
|     | NW | SE | SW | 35   | 07N  | 35E  | Jefferson |                          |
|     |    | SE | SE | 26   |      |      |           |                          |
|     | SE | NW | SW | 36   |      |      |           |                          |

**8. Lands irrigated or place of use:**

See Attachment

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

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Total acres \_\_\_\_\_

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

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0331 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_

4. Date or priority January 25, 1930

5. Water is used for the following purpose:

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

6. Total amount of water under right 24.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|----|----|----|------|------|------|-----------|--------------------------|
|     | NW | SE | SW | 35   | 12N  | 35E  | Jefferson |                          |
|     |    | SE | SE | 26   |      |      |           |                          |
|     | SE | NW | NW | 36   |      |      |           |                          |

8. Lands irrigated or place of use: See Attachment

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

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



# SECRET

SOFTENED

100-44272

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

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10. Place of Use: Continued

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

MICROFILMED

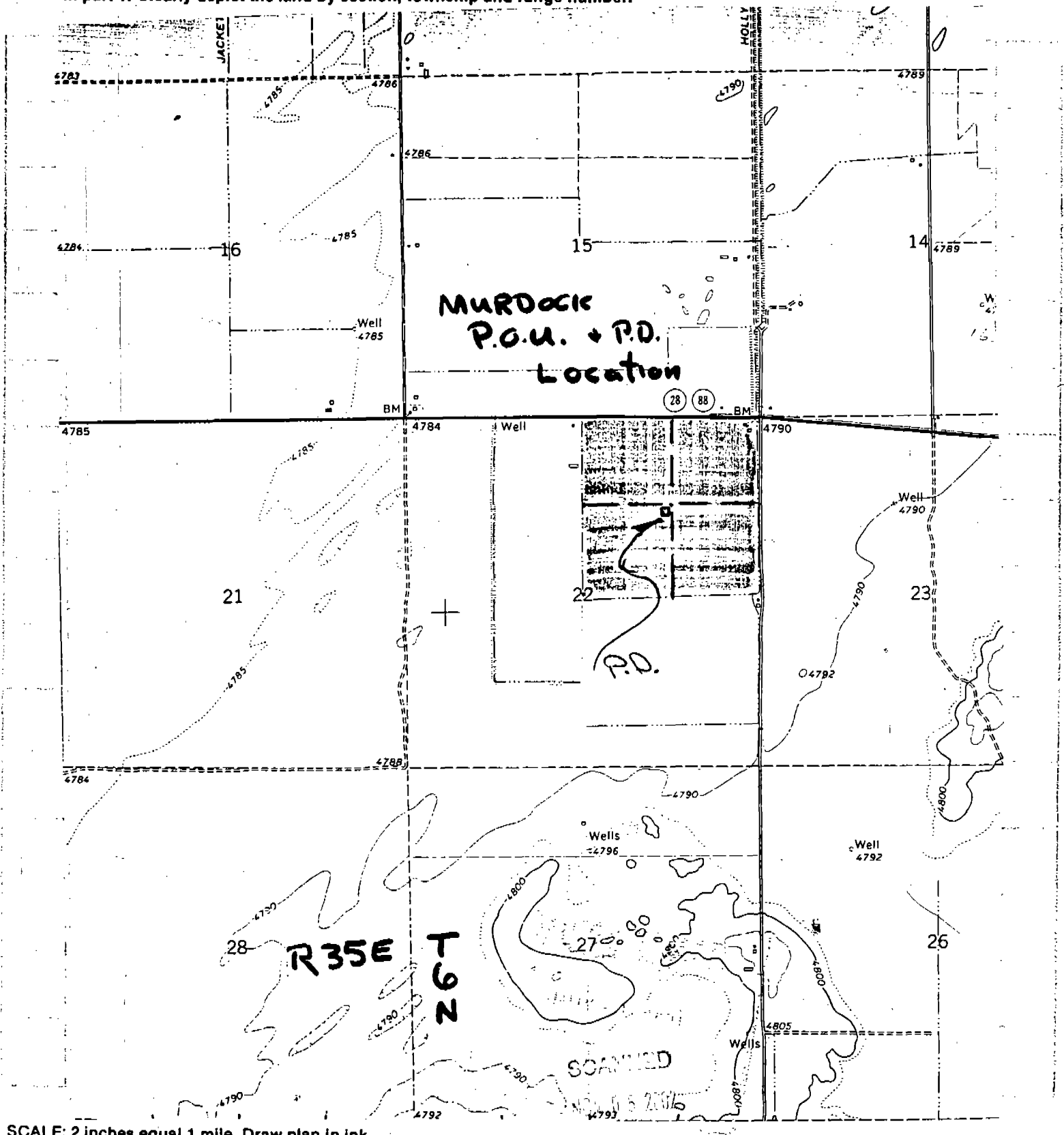
NOV 01 1990

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NOV 05 2002

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

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



**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to _____      |
|   |                   |                       |                 | to _____      |

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

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

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

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

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

x LaMayne Barney Lee  
(Signature of Applicant)

My commission expires October 1994

Cindy Nickell  
(Notary Public)

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

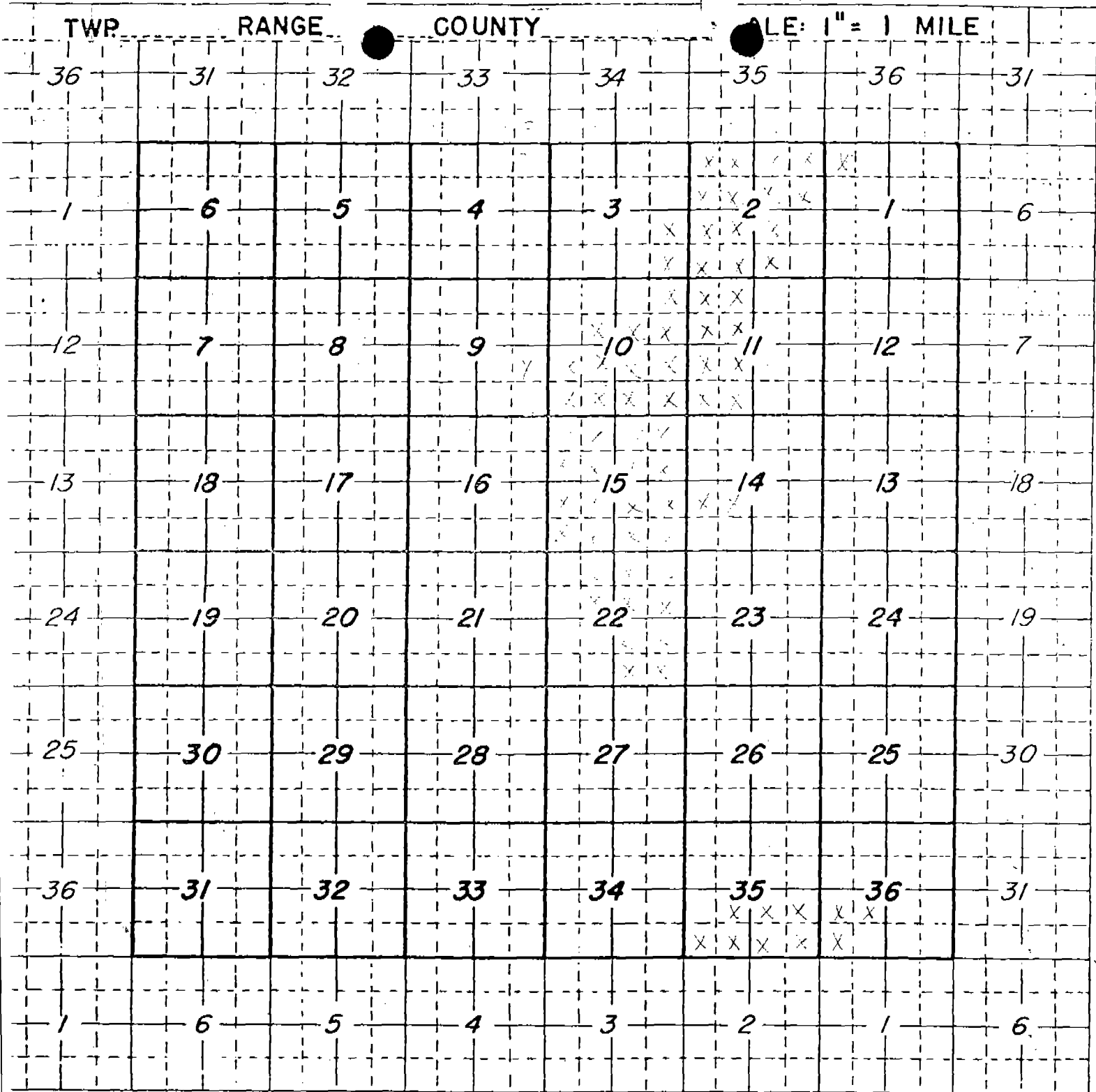
Prelim. check by KW Fee 50Receipted by JO E011082 Date 10-31-89Published in Statewide Copies of protest forwarded by \_\_\_\_\_Pub. dates 12-7 & 14-89 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial\_\_\_\_\_ rec'd. \_\_\_\_\_ by RDC

Copy of transfer sent to lien holder \_\_\_\_\_

SCANNED

OCT 15 1989

~~Telegraph~~



**MICROFILMED**

AUG 18 1989

SCANNED

NOV 04 2002

## PART 1

## 6. General Information:

- a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hoggan wells will divert water into pressure system and irrigate land historically irrigated with water from Holley wells.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? n/a Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
No change in place of use.
- d. Remarks:  
Earl Hoggan has filed for supplemental water to be diverted from his wells.  
\* Note see 31-07377 DMD 20 Jan 89

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

MICROFILMED

AUG 18 1989

Witness my hand this

14<sup>th</sup>

day of

August19 89J. Glen Saxton  
Chief, Water Alloc. Bureau

SCANNED

NOV 05 2002

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A31-00371 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water groundwater tributary to \_\_\_\_\_

4. Date or priority September 10, 1928

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County    | Local name for diversion |
|-----|----|----|----|------|------|------|-----------|--------------------------|
|     |    | SW | SW | 25   | 07N  | 35E  | Jefferson |                          |
|     |    | SE | SE | 26   |      |      |           |                          |
|     | SE | NW | NW | 36   |      |      |           |                          |

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

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

**RECORDED**

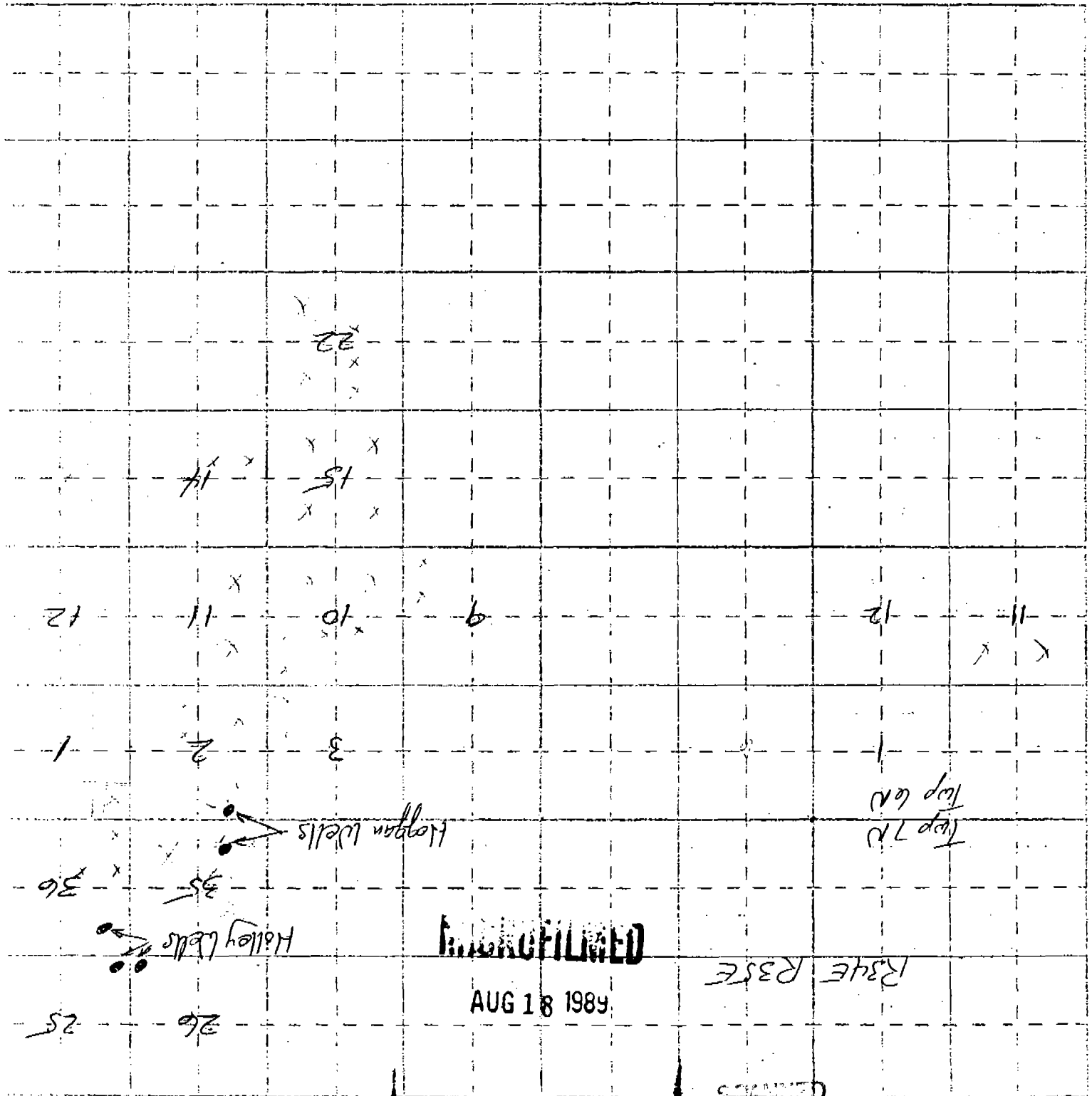
AUG 18 1989

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above A31-00331

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

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



**PART 3****B. CHANGES IN NATURE OF USE**

- | 1. | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|----|-------------------|-----------------------|-----------------|----------------|
|    |                   |                       |                 | _____ to _____ |
|    |                   |                       |                 | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:
- \_\_\_\_\_
- \_\_\_\_\_
3. Describe effects on other water uses resulting from the proposed change:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

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

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

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

Ernest Carlson

(Notary Public)

My commission expires 14 June 1994

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by ENC Date Jan 13, 1989 Protest filed by \_\_\_\_\_

Prelim. check by DD Fee \$50

Receipted by ENC Date Jan 13, 1989 E005501

Published in Teller County Star Copies of protest forwarded by \_\_\_\_\_

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

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

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

Copy of transfer sent to lien holder \_\_\_\_\_

**MICROFILMED**

AUG 18 1989

SCANNED

100 0 5 2102

# THE JEFFERSON STAR

RIGBY, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO  
County of Jefferson ss

Bruce Porter

I, first duly sworn, depose and say, that I am printer of THE JEFFERSON STAR, a weekly newspaper printed and published weekly at Rigby, Jefferson County, Idaho; and I do solemnly swear that the

Notice of proposed change of water right

copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any

supplemental issue thereof for Two consecutive issues, the first publication having

been made on March 18, 1982, the last publication having been made

March 25, 1982

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

*[Signature]*

Subscribed to and sworn to before me

March 29, 1982

*[Signature]*  
Notary Public.

My commission expires Life.

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 31-0371/0331

Notice is hereby given that Holley Water Users Assoc., Hamer, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by decree to Holley Water Users in case of Holley Water Users Assoc. vs. Mark R. Kulp dated 12/13/1946 in 9th Judicial District, County of Jefferson and is recorded as follows:  
31-0371 AMOUNT: 23.0 cfs PRIORITY: 9/10/1928; 31-0331 AMOUNT: 24.0 cfs PRIORITY: 1/25/1930

The water is diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 25, T. 7N, R. 35E, B.M.

Jefferson County, and used to irrigate 4,000 acres within the SW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 35E; W $\frac{1}{4}$ , Sec. 1, E $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 2, E $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3, Sec. 10, 11, 14, 15, 22, and 23, T. 6N, R. 35E.

#### TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402 on or before April 5, 1982.

/s/A. KENNETH DUNN  
Director

Publ. March 18 and 25, 1982RS

APR 8 1982

Department of Water Resources  
Eastern District Office

SEARCHED

NOV 0 5 1982

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES **APPROVED**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**To Change the Point of Diversion and/or the Place of Use**

Name of applicant Holly Water Users Assn. Phone \_\_\_\_\_Post Office address c/o LaMoyné Barney, Hamer, Idaho 83425**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. \_\_\_\_\_ Decreed to Holly Water Users  
(Name)  
in case of Holly Water Users Assn. vs Mark R. Kulp  
dated in 12/13/1946 in 9th Judicial Dist. county of Jefferson  
(Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

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

3. Source of water Groundwater tributary to \_\_\_\_\_  
(1) 31-0371 (2) 31-0331
4. Date of priority 9/10/1928 1/25/1930

**5. Water is used for the following purposes:**

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

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

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

6. Total amount of water under right: a. 47 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
7. Location of original point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 25  
Township 7N Range 35E, B.M., in Jefferson County  
Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$                       |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|----------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$                       | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 7N   | 35E   | 36   |                                        |                  |                  |                  |                  |                  |                  |                  | X                | X                | X                | X                |                  |                  |                  |                  |        |
| 6N   | 35E   | 1    |                                        |                  |                  |                  | X                | X                | X                | X                | X                | X                | X                | X                |                  |                  |                  |                  |        |
| 6N   | 35E   | 2    |                                        |                  |                  |                  |                  |                  |                  |                  | X                |                  |                  | X                |                  |                  |                  |                  |        |
| 6N   | 35E   | 3    |                                        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | X                |                  | X                | X                |        |
| 6N   | 35E   |      | All of Sections 10, 11, 14, 15, 22, 23 |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 4,000**9. Describe any other water rights used for the same purpose as described above****10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.**

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B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_
3. Place of use:

| TWP. | RANGE | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

Total number of acres to be irrigated \_\_\_\_\_

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

1. General Information
  - a. Amount of water to be diverted 47 c.f.s. &/or \_\_\_\_\_ acre feet
  - b. Description of diverting works Well & pumps to canal of Holly Water Users Assn.
  - c. Describe the reasons for the proposed changes Applicant wishes to spread the wells out to obtain more adequate flow of water. Due to a drop in the groundwater level the applicant cannot divert the full amount as specified in the decree.
2. Change in point of diversion
 

Point of diversion SW 1/4 SW 1/4, Section 25 Township 7N  
Range 35E, B.M., Jefferson County  
Additional points NW1/4NW1/4, Sec. 36, T. 7N. R. 35E
3. Change in place of use
  - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
  - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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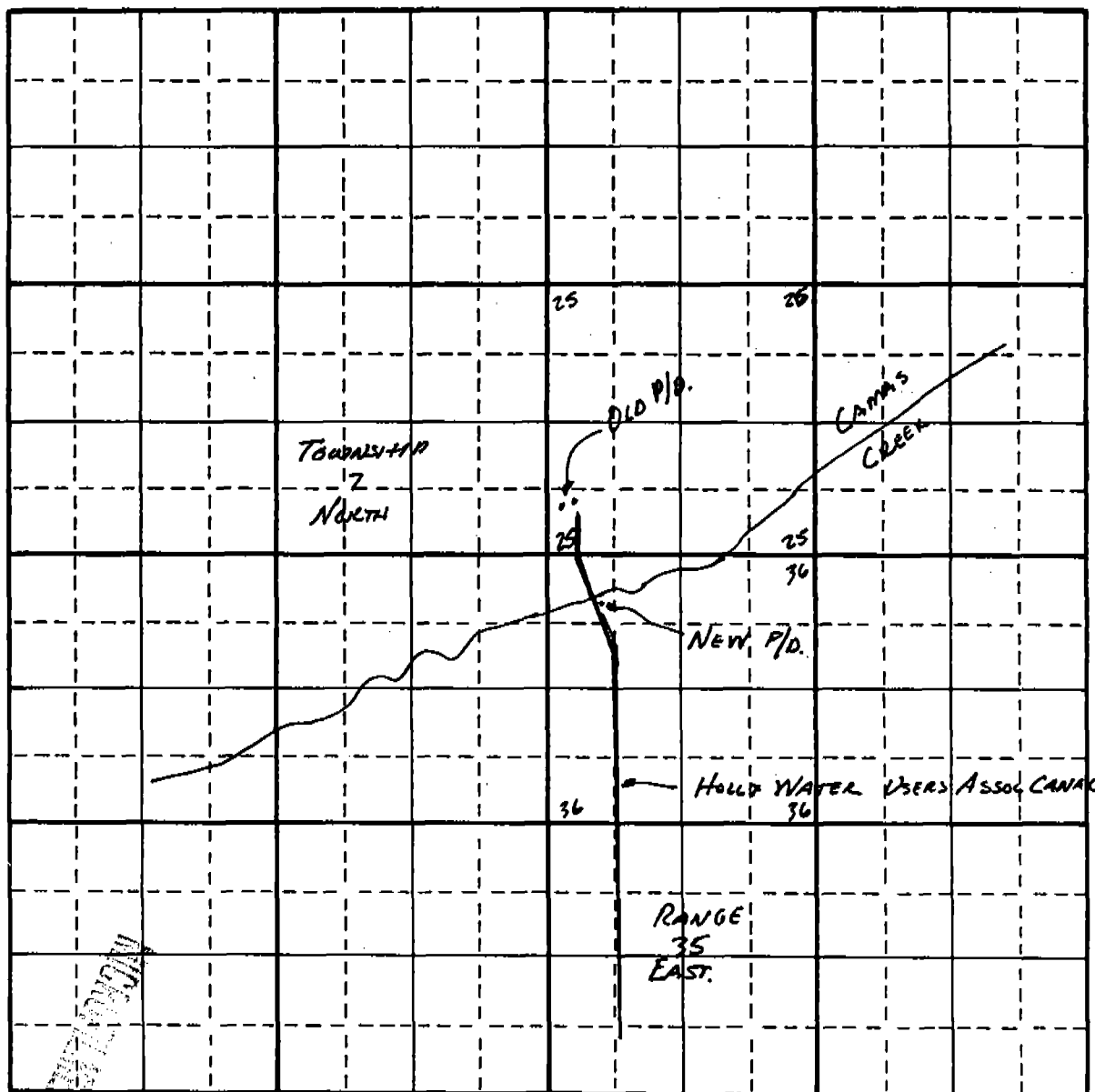
c. Describe the land place of use to which the right will be transferred:

NO CHANGE

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

Total number of acres to be irrigated \_\_\_\_\_

- Describe any other water rights used for the same purpose as described above. Decreed rights from Camas Creek (Suave vs. Abbott)
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

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D. REMARKS

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

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

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

Holly Water Users Assn. *Lynda Boring*  
Secretary (Signature of Applicant)  
Subscribed and sworn to before me this 2<sup>nd</sup> day of March, 19 82

*Gloria Aldrick*  
(Notary Public)

My commission expires Oct 10, 1985

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this 16<sup>th</sup> day of August, 19 82

*J. Glen Saxton*  
Chief, Operations Bureau

*As noted by SM.*

FOR DEPARTMENT USE ONLY

Received by CU Date 3-23-82 Protest filed by \_\_\_\_\_  
Prelim. check by HWS Fee 50.00  
Receipted by CU Date 3-4-82 #20126  
Published in Water Resources Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 18425-82 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on 3-12-82 Recommended for approval denial  
WD 31 rec'd. 3-25-82 by Jen

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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. 16279, 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 land are described in paragraph V of Findings of Fact, and have also been used upon other lands nearby those herein described and own 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:

31-0371

31-0331

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|   | <u>Name</u>             | <u>Date of Priority</u> | <u>Amount</u> |
|---|-------------------------|-------------------------|---------------|
| 3 | 0341 Bertha L. Nielson  | September 5, 1912       | 1.72 c.s.f.   |
|   | 0342 Frank McClain      | February 4, 1913        | 0.80 "        |
|   | 0343 R. P. Cope         | February 20, 1913       | 1.70 "        |
|   | 0344 W. C. Holley       | November 12, 1913       | 1.70 "        |
|   | 0345 David A. Sanders   | March 4, 1914           | 0.80 "        |
|   | 0346 David A. Sanders   | November 1, 1914        | 1.90 "        |
|   | 0347 R. P. Cope         | November 1, 1914        | 0.80 "        |
|   | 0348 David A. Sanders   | February 26, 1916       | 0.74 "        |
|   | 0349 R. P. Cope         | April 15, 1916          | 1.50 "        |
|   | 0350 Thos. J. Williams  | June 1, 1916            | 2.10 "        |
|   | 0351 Frank L. McClain   | June 16, 1916           | 1.44 "        |
|   | 0352 R. D. Leatherman   | June 14, 1916           | 2.20 "        |
|   | 0353 R. D. Leatherman   | October 2, 1917         | 1.20 "        |
|   | 0354 Julius Johnson     | December 14, 1914       | 0.80 "        |
|   | 0355 Julius Johnson     | December 3, 1916        | 0.80 "        |
|   | 0356 Mary L. McCann     | June 5, 1917            | 1.16 "        |
|   | 0357 W. H. Hutchison    | January 1, 1918         | 2.60 "        |
|   | 0358 Chas. Thierman     | January 1, 1918         | 2.34 "        |
|   | 0359 J. L. Sanders      | January 11, 1918        | 0.74 "        |
|   | 0360 Thomas J. Williams | November 17, 1918       | 3.00 "        |
|   | 0361 Frank L. McClain   | May 21, 1920            | 2.40 "        |
|   | 0362 Julius Johnson     | September 21, 1923      | 1.60 "        |
|   | 0363 Mary L. McCann     | January 1, 1924         | 0.34 "        |

with points of diversion situated in the Northwest Quarter of the northwest quarter (NW $\frac{1}{4}$ ) of Section 36, the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ ) and the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 25, all being in Township 7 North, Range 36 East Boise Meridian, and in the Southeast Quarter of the Southwest Quarter (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 led into 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 on the following described, and other lands nearby, and all situated in Jefferson County, State of Idaho, to-wit:

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 (SE $\frac{1}{4}$ ) 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 embraces approximately 4,000 acres of irrigable land.

IT IS ORDERED, ADJUDGED, DECREED, DETERMINED AND DECREED 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

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INDEXED

**MEMORANDUM**

**TO:** File 31-0371  
**FROM:** Brenda  
**DATE:** May 17, 1991  
**RE:** Transfer Nos. 3680 & 3787

=====

See file 31-0331 for all correspondence regarding the above  
referenced transfers.

MAY 30 1991  
SCANNED  
NOV 06 2002

LAW OFFICES  
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD  
CHRISTOPHER J. BEESON  
JOANN C. BUTLER  
MICHAEL C. CREAMER  
JEFFREY C. FEREDAY  
ALAN R. GARDNER  
RAYMOND D. GIVENS  
JAMES D. HANSEN  
JUDITH K. HOLCOMBE  
ROBERT C. HUNTLEY, JR.  
DAVID R. LOMBARDI  
KENNETH R. MCCLURE  
L. EDWARD MILLER  
PATRICK J. MILLER  
TERRY L. MYERS  
STEVEN L. OLSEN  
KENNETH L. PURSLEY  
MICHAEL T. SPINK  
CONLEY WARD  
JAY L. WEBB

† ADMITTED ONLY IN ILLINOIS

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

JAMES A. MCCLURE  
OF COUNSEL

TELEPHONE  
(208) 342-6571

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

May 13, 1991

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MAY 16 1991

Department of Water Resources  
Eastern District Office

Mr. Harold Jones  
Water Rights Supervisor  
Idaho Department of Water Resources  
150 Shoup Ave.  
Suite 15  
Idaho Falls, ID 83402

RE: Holley Water Users/Torgerson & Hoggan Transfers

Dear Mr. Jones:

I have received your letter of April 11, 1991 regarding the above-referenced transfers in which you state that, based on the stipulation between Mr. Larsen and the transfer applicants, the Department considers the Protest against the application resolved and has resumed processing their application.

I am assuming that this means that the Department will not require a Withdrawal of Protest to be filed. I see no problem with this approach, and agree that the application can be processed on the understanding that the processed application, if approved by the Department, will contain conditions that conform with those to which the parties stipulated, and the understanding that Larsen may request and obtain a hearing during the five year period of retained jurisdiction and submit additional information to the Department regarding conditions on the transfer.

If my understanding of the facts is not correct, please advise me immediately.

Sincerely,



Michael C. Creamer

MCC/mcc

cc: Kevan Varin  
Kent Foster  
Breck Barton

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MAY 30 1991

January 11, 1991

RE: Application for Transfer No. 31-0371/0331  
TORGERSON/HOGGAN WELLS

LaMoyne Barney  
Holley Water Users Association  
Hamer, ID 83425

Dear Mr. Barney:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Respectfully submitted,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office  
Kent Foster, Attorney

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MAY 30 1991

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MAY 30 1991

January 11, 1991

RE: Application for Transfer No. 31-0371/0331 HOLLEY WATER USERS  
TORGERSON/HOGGAN WELLS

Mr. Michael C. Creamer  
Attorney at Law  
PO Box 2720  
Boise, ID 83701

Dear Mr. Creamer:

This letter acknowledges receipt of the protest filed in behalf of Blaine Larsen and Larsen Farms against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter. If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES  
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

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MAY 30 1991

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use of the water rights sought to be transferred;

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

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

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

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

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

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

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

DATED this 20<sup>th</sup> day of December, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

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

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

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DEC 21 1990

Department of Water Resources  
Eastern District Office

Attorneys for Protestants

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

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

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

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

2. The transfer will result in enlargements of both the place and period of

Protest -- 1

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MAY 30 1991

CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of December, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

Michael C. Creamer

diversion to prevent expansion of those rights.

Having not satisfied the minimum notice requirements, the Application should be returned to the Applicant for further clarification. Notice should be republished if a proper application is subsequently resubmitted by the Applicant.

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

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

DATED this 4th day of January, 1991.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: Michael C. Creamer  
Jeffrey C. Fereday  
Michael C. Creamer

Protest - 3

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JAN 14 1991

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

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JAN 07 1991

Department of Water Resources

Attorneys for Protestant

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF )  
APPLICATION FOR TRANSFER ) **PROTEST**  
OF WATER RIGHT BY MONTEVIEW )  
CANAL COMPANY )

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application for Transfer of Water Right submitted by the Montevieu Canal Company. The grounds for this Protest are as follows:

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

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

Protest - 1

**RECEIVED**

**MAY 30 1991**

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MAY 30 1991

Jeffrey C. Fereday  
Michael C. Creamer  
GIVENS, PURSLEY, WEBB & HUNTLEY  
P.O. Box 2720  
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Boise, Idaho 83701  
Telephone: (208) 342-6571

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DEC 21 1990

Department of Water Resources

Attorneys for Protestant

**BEFORE THE DIRECTOR**

**IDAHO DEPARTMENT OF WATER RESOURCES**

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| IN THE MATTER OF                  | ) |                      |
| APPLICATION FOR TRANSFER          | ) |                      |
| NO. 3654 and 3680 OF HOLLEY WATER | ) | <b>CONDITIONAL</b>   |
| USERS ASSOCIATION                 | ) | <b>WITHDRAWAL OF</b> |
|                                   | ) | <b>PROTEST</b>       |

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby submit their Conditional Withdrawal of Protest in this matter.

This conditional withdrawal is based on a joint stipulation entered into between Protestants and the Applicants whereby Protestants agreed to withdraw their Protest to the Applicants' transfer applications provided that any approval of the applications by the Department of Water Resources ("Department") contain conditions that, among other things, provisionally reduces the amount of water that may be produced from the original points of diversion by the amount that the Applicants propose to divert to beneficial use at the new points of diversion and that retains jurisdiction in the

Conditional Withdrawal of Protest -- 1

**RECEIVED**

**MAY 30 1991**

SEARCHED

INDEXED

Department to evaluate potential injury to other water rights and to modify the transfer conditions as necessary to prevent injury. The stipulation among the parties also provided that Protestants have the right to inspect the Applicants' points of diversion and to investigate their use of water under water right Nos. 31-0371 and 31-0331 and the right to present information to the Department during the period of retained jurisdiction relevant to necessary conditions to prevent injury to other water rights.

On October 29, 1990, the Department approved Application No. 3654 with conditions substantially similar to those agreed to by the parties in their stipulation. The stipulation among the parties and the Department's approval of Transfer Application No. 3654 contemplate that the Protestants may submit information to the Department for the purpose of seeking a modification of the conditions imposed by the Department on the Applicants' diversion of water from the new points of diversion. Application No. 3680 has not yet been approved, but the Department has represented to Protestants that any approval of Application No. 3680 will contain the same conditions as were imposed in its approval of Application No. 3654.

Accordingly, Protestants hereby withdraw their Protest to Transfer Application Nos. 3654, while expressly reserving their right to request a hearing before the Department at any time during the period of retained jurisdiction for the purpose of presenting such information and seeking such modifications of conditions as the Protestants deem are appropriate. With regard to Transfer Application No. 3680, Protestants hereby conditionally withdraw their Protest, provided that the conditions imposed by the Department in any approval of such application conform to those

Conditional Withdrawal of Protest -- 2

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MAY 25 1991

imposed in the Department's approval of Application No. 3654, and Protestants expressly reserve their right to request a hearing before the Department at any time during the period of retained jurisdiction for the purpose of presenting such information and seeking such modifications of conditions as the Protestants deem are appropriate.

Dated this 20<sup>th</sup> day of December, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: Michael C. Creamer  
Jeffrey C. Fereday  
Michael C. Creamer

Conditional Withdrawal of Protest -- 3

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MAY 30 1991

SCANNED

NOV 15 1992

CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of December, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

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

       HAND DELIVER  
  X   U.S. MAIL  
       OVERNIGHT MAIL  
       TELECOPY (FAX)

Michael C. Cramer

Conditional Withdrawal of Protest -- 3

MAY 30 1991

SCANNED

10/11/91

CONFERENCE 2/14/91

Kent Foster - Representing Montiville & Holley water users

Breck Barton - Representing Ron Torgensen

Kent. - Holley waterusers do not want to enter into any more stipulations w/ Blaine Larsen.

Breck - Torgensen put at a disadvantage by this turn of event. Pivot is in place. What kind of interim agreement can be reached w/ Torgensen?

Creamer - I would waterusers object to a separation of Torgensen & Hogan

Lanoyne Barner - Have problem getting their water later & Larsen would be the water master.

RECORDED

MAY 30 1991

Creamer says - they only want right to collect information.

Would the stockholders agree if they could be assured that IDWR would have control of the wells?

RECORDED

MAY 30 1991

1. Want to have reasonable
  - A. historical diversions
  - B. Seepage losses

2. Want ~~different~~ right to future hearing.

Paragraphs 6-7 & 8. would not draw if they could come back and request a hearing.

Cremer

"Larson wants to manage the transfer" would like to provide information

Philosophy

water problems are critical.

Cremer - I DWR has not properly conditioned previous transfers.

— Cremer —

We would like to set some type of precedent for future transfers.

Holley & Larson <sup>(application)</sup> should not be tied together by the stipulation.

RECORDED

MAY 30 1991

SEARCHED

INDEXED

October 30, 1990

RE: Transfer of Water Right Nos. 31-0331/0371

Holley Water Users Association  
c/o LaMoyne Barney  
Hamer, ID 83425

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3654). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosure

**MICROFILMED**

NOV 01 1990

804770

NOV 1990

INTER-DEPARTMENT MEMO--1

DATE October 30, 1990

FROM Brenda Miller

TO File (s) 31-0371

SUBJECT Transfer No. 3654

See file No. 31-0331 for all of the correspondence regarding the above referenced transfer.

  
Signature

MICROFILMED

NOV 01 1990

STAMPED  
NOV 01 1990

# 31-0371

LAW OFFICES  
GIVENS, PURSLEY, WEBB & HUNTLEY

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

\* ALSO ADMITTED IN OREGON  
LISTED ALPHABETICALLY

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

TELEPHONE  
(208) 342-6571

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

October 8, 1990

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

RECEIVED  
OCT 9 1990

Department of Water Resources

Dear Mr. Jones:

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

Sincerely,

*Jeffrey C. Fereday*  
Jeffrey C. Fereday

Enclosures

MICROFILMED

NOV 01 1990

SEARCHED

NOV 01 1990

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

Attorneys for Protestants

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

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

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;
2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;
3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

Protest -- 1

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NOV 01 1990

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NOV 01 1990

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

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

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

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

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

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

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

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

RECEIVED  
NOV 01 1990

## CERTIFICATE OF SERVICE

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

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

☐ HAND DELIVER  
☐ U.S. MAIL  
☒ OVERNIGHT MAIL  
☒ TELECOPY (FAX)

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

☐ HAND DELIVER  
☒ U.S. MAIL  
☐ OVERNIGHT MAIL  
☐ TELECOPY (FAX)

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

☐ HAND DELIVER  
☒ U.S. MAIL  
☐ OVERNIGHT MAIL  
☐ TELECOPY (FAX)

Kent W. Foster, Esq.  
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Third Floor, Idaho First National Bank Bldg.  
Idaho Falls, Idaho 83402

☐ HAND DELIVER  
☒ U.S. MAIL  
☐ OVERNIGHT MAIL  
☐ TELECOPY (FAX)

Jeffrey C. Freiday

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NOV 01 1990

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INDEXED

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: June 28, 1990

RE: HOLLEY TRANSFERS NO.S 3645, 3654, & 3680

=====

Based on correspondence between the Department and party protesting the above transfers, and the proposed stipulation agreement between the protesting party and applicant Holley Water Users Association, the following conditions of approval are recommended:

Proposed Conditions of Approval:

1. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as a part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right No.s 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under right no.s 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

NOV 01 1990

WR# 31-0331  
31-0371

LAW OFFICES  
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD  
ELEANORE S. BAXENDALE\*  
CHRISTOPHER J. BEESON  
MICHAEL C. CREAMER  
JEFFREY C. FEREDAY  
RAYMOND D. GIVENS  
JAMES D. HANSEN  
JUDITH K. HOLCOMBE  
ROBERT C. HUNTLEY, JR.  
KENNETH R. McCLURE  
L. EDWARD MILLER  
PATRICK J. MILLER  
TERRY L. MYERS  
STEVEN L. OLSEN  
KENNETH L. PURSLEY  
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CONLEY WARD  
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(208) 342-8920

June 14, 1990

RECEIVED  
JUN 15 1990

\*ALSO ADMITTED IN OREGON  
LISTED ALPHABETICALLY

*MJ*  
Mr. L. Glen Saxton  
Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706

Department of Water Resources

RE: Transfer Applications of Holley Water Users' Ass'n Nos. 3654 and 3680

Dear Mr. Saxton:

We have received your letter of June 12, 1990. Based on our understanding of the Department's intent regarding the proposed conditions as stated in your letter, we would not object to their inclusion in approvals of the Holley transfers.

To clarify our understanding, the conditions would be applied to the Holley Water Users' Ass'n transfers involving the Holley, Murdock, Bybee, Hoggan and Ashcraft wells that are referenced in the stipulation between those parties and Mr. Larsen. Condition number 3 in your May 25 letter would follow the language which we proposed in our June 8, 1990 letter. Condition number four would contain the language which you originally proposed, supplemented by the last two sentences of our proposed language.

I will forward a copy of your letter to the other parties. Upon notification from them that they will agree with this language, we will forward an executed stipulation to the Eastern Region along with a withdrawal of the protests filed by Mr. Larsen.

Sincerely,

*Michael C. Creamer*  
Michael C. Creamer

NOV 01 1990

MCC/mcc

cc: Blaine Larsen  
Kent Foster

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
NOV 01 1990  
FBI - BOISE



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 12, 1990

Mike Creamer  
Givens, Pursley, Webb & Huntley  
277 N 6  
Boise, ID 83702

RE: Transfer Applications of Holley Water Users Association  
Transfer Application No.s 3654 & 3680

Dear Mr. Creamer:

I have reviewed your letter of June 8, 1990 concerning the Department's proposed conditions for the above referenced transfers.

In response to your comments and concerns, I first wish to state that my previous correspondence did not reference transfer no. 3680 simply because the stipulation which you asked the Department to review did not reference this latter transfer application. Since both transfers are similar in nature and a protest is pending between the same parties, the Department will extend similar conditions to transfer no. 3680.

In regard to our proposed condition no.3, the five year period for retained Department jurisdiction is standard. The additional language which you proposed seems acceptable and can be incorporated with our proposed condition.

The language of our proposed condition no. 4 was chosen with the intent to prevent expansion by limiting the diversion rate and volume, without specifying exact measurements, to an amount commensurate with actual beneficial use. This condition is a variation of a more standard condition that the Department often uses when issuing licenses and approving transfers. The Department understands that one of the parameters of beneficial use is the total number of irrigated acres identified by the transfers. Holly Water Users will be required to reduce their pumping by the same amount that certain individuals (i.e. Bybee, Murdock etc.) propose to divert at their new points of diversion. The Department will add the last two sentences as you have proposed to condition no. 4.

**MICROFILMED**

SCANNED  
NOV 05 2007

NOV 01 1990

I hope that these revised conditions are satisfactory to both parties. Please do not hesitate to contact me if you have additional questions or concerns.

Sincerely,

*L. Glen Saxton*  
L. Glen Saxton  
Chief, Water Allocation Bureau

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NOV 01 1990

SCANNED

NOV 05 2002

LAW OFFICES  
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD  
ELEANORE S. BAXENDALE\*  
CHRISTOPHER J. BEESON  
MICHAEL C. CREAMER  
JEFFREY C. FEREDAY  
RAYMOND D. GIVENS  
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KENNETH L. PURSLEY  
MICHAEL T. SPINK  
CONLEY WARD  
JAY L. WEBB

\*ALSO ADMITTED IN OREGON  
LISTED ALPHABETICALLY

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BOISE, IDAHO 83701

TELEPHONE  
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TELECOPIER  
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(208) 342-8920

June 8, 1990

RECEIVED  
JUN 11 1990

Mr. L. Glen Saxton  
Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706

Department of Water Resources

RE: Transfer Applications of Holley Water Users Ass'n

Dear Mr. Saxton:

I have reviewed your letter of May 25, 1990 regarding the proposed conditions for the Holley Water Users' Association transfers and have forwarded copies to Kent Foster and the landowners involved.

Let me first point out that the stipulation entered into by Mr. Larsen and the other parties encompasses Transfer Application Nos. 3654 and 3680 and also the Murdock well. Therefore, the Department should include the same conditions in each transfer approval.

Although the Department's retained jurisdiction language does not coincide with that contained in the stipulation which all the parties have now signed, Mr. Larsen would not object to the Department retaining jurisdiction for a period of not more than five years. We believe that the other parties likely would agree to this condition as well. We expect that if they do agree, they will write to me and convey their intention that the stipulation be considered amended to reflect the 5-year retained jurisdiction condition the Department has proposed.

We suggest, however, that your proposed condition no. 3 read as follows:

The director retains jurisdiction of this transfer for up to five years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of

MICROFILMED

SCANNED

NOV 05 1990

NOV 01 1990

Glen Saxton  
June 8, 1990  
Page 2

of modifying the conditions of transfer approval as necessary to prevent such injury.

The language contained in proposed condition number 4 is unclear. If it is the Department's intent that approval of the transfers will not result in an expansion of the water right, we agree with that intent. However, the language is ambiguous in this respect and therefore would not provide the stipulated prerequisite for withdrawing our protest. We suggest that the following language be substituted for the Department's proposed condition no. 4:

The cumulative rate of diversion, annual volume diverted and acreage irrigated under Right Nos. 31-0331 and 31-0371 shall not be increased above the decreed rate and volume of diversion as a result of this transfer, nor shall the acreage irrigated be increased beyond that decreed under these rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

Since this condition reflects the intent of the parties, I anticipate that they will agree to inclusion of this language in the transfer approvals. We hope that the Department can make these changes to its proposed order.

I look forward to your response.

Sincerely,



Michael C. Creamer

MCC/mcc

cc: Blaine Larsen  
Kent Foster  
Robert Bybee  
Carl Hoggan  
Sterling Murdock  
Sidney Ashcraft  
LeMoyne Barney

RECORDED

NOV 01 1990

SEARCHED

NOV 15 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 25, 1990

Michael C. Creamer  
Givens, Pursley, Webb & Huntley  
277 N 6  
Boise, ID 83702

RE: Transfer Application No. 3654/Holley Water Users Assn.

Dear Mr. Creamer:

Department staff has received your letter dated May 21, 1990 and a copy of the proposed stipulation between Blaine Larsen and Holley Water Users Association.

The Department does not disagree with the general terms of the stipulation as it is currently proposed. Since the Department is not a party to the stipulation, the Department specifically requests that this stipulation not appear to be a matter before the Director of the Department. The heading of the stipulation therefore should exclude lines one and two which pertain to the Director of the Idaho Department of Water Resources.

Listed below are several proposed conditions which the Department will likely use as conditions of approval for this particular transfer application. I believe the conditions will satisfy the terms of the stipulation. I hope that our listing of proposed conditions at this time will assist the two parties in reaching an agreement and resolving the pending protest.

Proposed Conditions of Approval:

1. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as a part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
4. The cumulative rate of diversion and annual volume under Right No.s 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights.

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NOV 05 1990

MICROFILMED

NOV 01 1990

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under right no.s 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

I hope this response addresses your concerns and questions. Please feel free to contact this office if you have additional questions or would like further assistance in this matter.

Sincerely



L. Glen Saxton  
Chief, Water Allocation Bureau

RECORDED  
INDEXED

NOV 01 1990

SEARCHED

NOV 5 1990

TER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 8/18/89

TO File 31-0371

SUBJECT Trans. 3517

See file 31-0331 for all correspondence regarding the above referenced transfer.

**MICROFILMED**

AUG 18 1989

SIGNATURE

SEARCHED  
SERIALIZED  
INDEXED  
FILED

August 16,-1982

RE: Water Right Nos. 31-0371 and 31-0331

Holly Water Users Assn.  
c/o LaMoyne Barney  
Mamer, ID 83425

Dear Mr. Barney:

Enclosed is a copy of the approved application for transfer of the above referenced water rights (Transfer No. 2656). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Supervisor, Water Allocation Section

DRT:kw  
Enclosure



801110  
01-16-12



State of Idaho

# DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

## MEMO

July 12, 1982

TO: Dave Tuthill *DRT*

FROM: Stan Szczepanowski *APA*

RE: Casing recommendation for Transfer Application #2656 (a new well in T7N R35E Section 36 NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Jefferson County)

It would appear that the proposed well would likely draw water from Camas Creek which is close to the well site. Although we have no idea of the proposed depth of the well (a shortcoming of these transfer applications which I pointed out to you in a recent memo), I have found in two logs from wells in Section 35 a clay layer which may protect surface flows from pumping. In one log, the layer is found from 74 to 88 feet below land surface and in the other, from 58 to 84 feet. If this clay layer is continuous and is penetrated in the drilling of the new well, then unperforated casing should extend some reasonable distance into it.

SS:dc

RECEIVED

JUL 15 1982

April 7, 1982

RE: Claim to a Water Right No. 25-4119 BALL & ZUNBEL  
Application for Amendment No. 31-4069 HODGSON  
No. 35-7156 MOORE  
Application for Transfer No. 31-7180 SANDERS  
No. 31-0371/0331 HOLLY WATER USERS

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on March 18 and 25, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

MICROFILMED

SEARCHED

APR 10 1982

April 22, 1982

Don Shenton, Watermaster  
Water District #31  
Dubois, Idaho 83423

RE: Application for Transfer #31-0371/0331, Holley Water Users

Dear Don:

In response to your watermaster comments on the above referenced application for transfer, enclosed is a copy of the judgment and decree in the case of the Holley Water Users Association vs. Mark R. Kulp. This decree supersedes the Owsley Canal Co. vs. Ernest Bauerle decree of 10/14/1940 with respect to rights for the Holley Water Users, and was the prime reference used in drafting their application for transfer.

Please include the decree in your records and use it as a basis for water delivery to the Association

Sincerely,

ERNEST M. CARLSEN  
Asst. Regional Supervisor

EMC:brs

NOTED

SENT

APR 23 1982

RECEIVED

MAR 25 1982

Identification No. \_\_\_\_\_

Transfer No. 31-0371 31-0331

Department of Water Resources  
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, David W. Shenton, watermaster of \_\_\_\_\_,  
of Water District No. 31, County of Clark & Jefferson, State of Idaho,  
whose address is Box 33 Dubois, Idaho.  
have read the attached copy of the application for transfer of water right for  
Holly Water Users Assoc., and to the best of my knowledge believe the  
(name)  
application to be true.

☒ A. I hereby endorse Application for Transfer and recommend that the State  
Reclamation Engineer approve the Transfer subject to the following conditions:

I fully endorse said application  
but attach comments on separate sheet.  
(See attachments)

OR

B. I do not endorse approval of this Application for Transfer as requested  
for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Dubois Idaho, Idaho, this 22nd day of March, 19 82.

David W. Shenton  
(Signature)

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1982

March 12, 1982

Don Shenton, Watermaster  
WD# 31  
Dubois, Id. 83423

RE: Transfer 31-0371/0331

Dear Don:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the forms returning them to this office on or before April 5, 1982.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST M. CARLSEN  
Asst. Regional Supervisor

EMC:brs

enclosure: as stated

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APR 12 1982

Attachment

Water District #31

Box 33  
Dubois, Idaho 83423  
(208) 374-5230

3  
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MAR 25 1982

Donald W. Shenton  
Watermaster

Department of Water Resources  
Eastern District Office

march 23, 1982

Dear Ernie Carlson -

Attachment to water master Recommendation  
form RE: transfer # 31-0371 - 31-0331  
you will find attached form as requested.

I question your findings of 45 cfs. total  
when the decree states they can divert  
up to 50 cfs. daily continuous from May 1  
to Nov 1 of any year.

Their history exceeds this amount each  
year early in the season, but then drops off  
making a shortage later in the season -

This necessitates drilling more wells to  
maintain said. 50 cfs.

They need all this water including the 5  
cfs. They are short on those transfers.

Donald W. Shenton

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 31-0371/0331

Notice is hereby given that Holley Water Users Assoc., Hamer, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by decree to Holly Water Users in case of Holly Water Users Assoc. -vs- Mark R. Kulp dated 12/13/1946 in 9th Judicial District, County of Jefferson and is recorded as follows:

31-0371      AMOUNT: 23.0 cfs      PRIORITY: 9/10/1928

31-0331      AMOUNT: 24.0 cfs      PRIORITY: 1/25/1930

The water is diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 25, T. 7N, R. 35E, B.M., Jefferson County, and used to irrigate 4,000 acres within the SW $\frac{1}{2}$ , Sec. 36, T. 7N, R. 35E; W $\frac{1}{2}$ , Sec. 1, E $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3, Sec. 10, 11, 14, 15, 22, and 23, T. 6N, R. 35E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 36, T. 7N, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402 on or before April 5, 1982.

A. KENNETH DUNN

Director

Published in the Jefferson Star, Rigby, ID March 18 & 25, 1982.

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MARCH 18 1982

RECEIVED  
MARCH 25 1982

## MEMORANDUM

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

**FROM:** Pam Skaggs<sup>PS</sup>/State Office

**SUBJECT:** Transfer 5335

**DATE:** February 9, 1999

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

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

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

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

MICROFILMED

FEB 11 1999

STAMPED

10/1/99

MEMORANDUM

TO: FILE 31-00371

FROM: PAM SKAGGS *CS*

RE: TRANSFER # 5335

DATE: 01-14-99

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

MICROFILMED

FEB 11 1999

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWS

1. Right number 31-0371 & 31-0331 Applicant Holly Water Users ASSN.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Other \_\_\_\_\_
4. Check:
  - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use *Not stated - assumed*
  - b. ☒ Description of original point of diversion.
  - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
  - a. ☒ All of right.
  - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
  - c. ☒ Check description of point(s) of diversion.
  - d. ☒ Check description of place of use.
  - e. ☒ Check map (shows p.d. and p.u. after transfer).
  - f. ☒ Check for correct signature, notarization, and fee.
  - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
  - h. ☒ Check for expansion in use of right. Comments \_\_\_\_\_
  - i. ☒ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) Other licenses exist from other wells
  - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No  
If yes, what district? WD # 31

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on 3-12-82 Received on 3-25-82
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions\* Measuring device, & water master control

**RECEIVED**  
MAY 10 1982

Department of Water Resources

4. By Ernest Gilman Date April 21, 1981

5-11-82 05 (31- MUD LAKE TRIBUTARIES), OIE  
\* All uses within Watermaster Districts require special conditions.

MEMORANDUM

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.

COPIED  
NOV 15 1991

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NOV 17 1992

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NOV 14 1988

Form 42-1409(10)-1  
15 88

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  
Hammer 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 (\$3192<sup>00</sup>) 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 C

Claimant requests an extension to Dec 13, 1988.

La-Mayne 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.

SOB:JED  
NOV 15 2002

DAVID B. SHAW  
Director or his designated agent  
DAVID B. SHAW

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NOV 17 1992