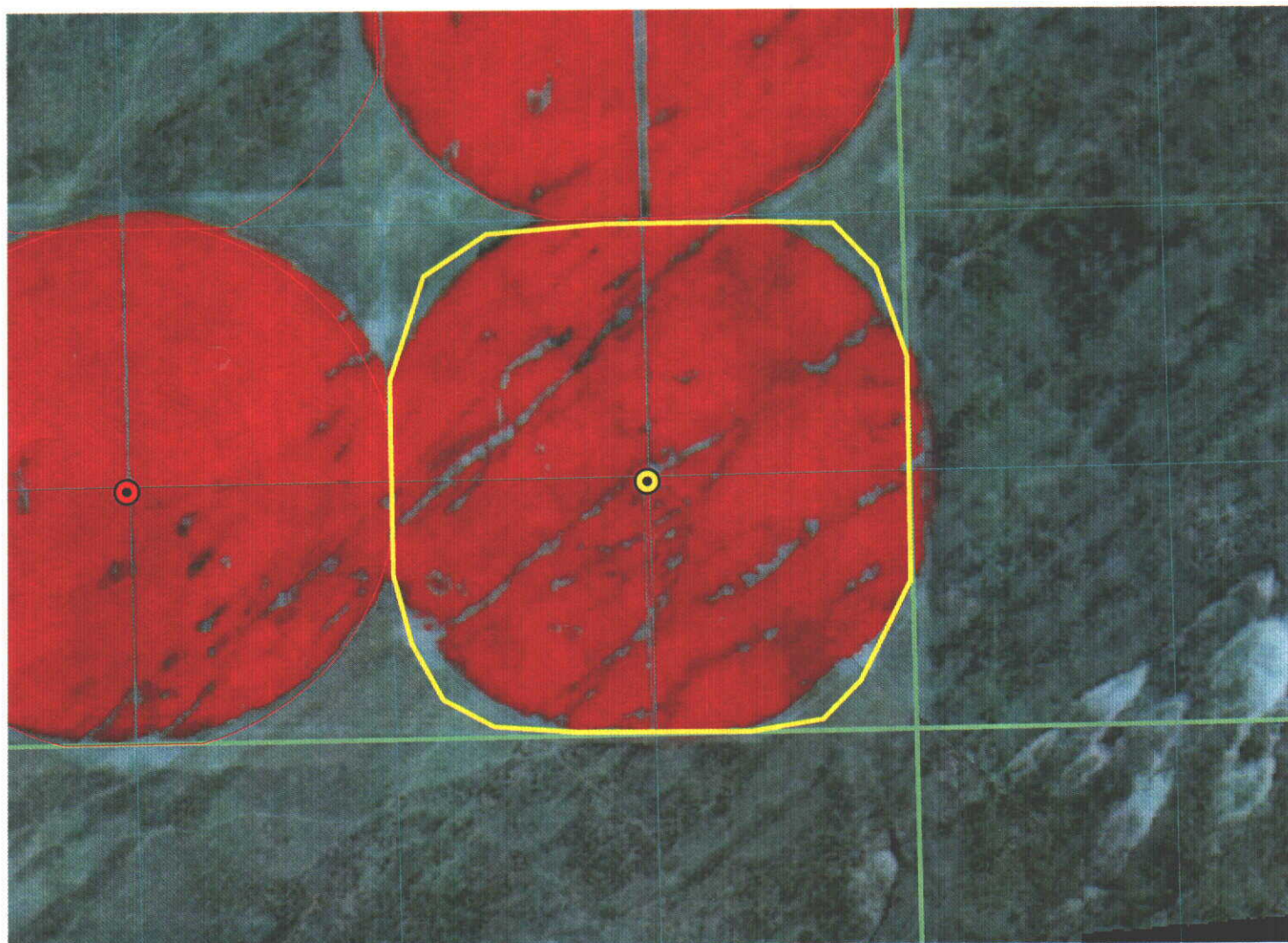


Idaho Department of Water Resources

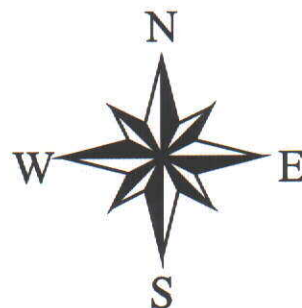
Water Right 31-7663

Township 8 North Range 38 East Section 22



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

0 700 Feet



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

01/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-7663

Owner Type Name and Address
Current Owner CORNELISON - OLSEN PARTNERSHIP
 PO BOX 396
 REXBURG, ID 83440
 (208)356-4401

Original Owner FRANK BRENT BLAKE
Original Owner RICHARD BLAKE
 PO BOX 211-6
 ST ANTHONY, ID 83445

Priority Date: 10/10/1973
Basis: License
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	4/01	11/01	2.17 CFS	432 AFA	
Total Diversion			2.17 CFS	432 AFA	

Location of Point(s) of Diversion:

GROUND WATER NESWSE Sec. 22 Township 08N Range 38E FREMONT County

IRRIGATION Use:
Acre Limit: 144

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	38E	22		NESE	36		NWSE	36		SWSE	36		SESE	36

Total Acres: 144

Conditions of Approval:

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

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	1/9/01	Recommendation	Per post-1987 transfer 3382.
bcontor	1/9/01	Ownership	Originally Blake Bros. owned the WR and Hillman owned the land, both being leased by Cornelison-Olsen. Cornelison Olsen now has purchased the WR and still leases the land from Hillman.

Water Right 31-7663

A3107663



Dates:

Licensed Date: 07/25/1979
 Claim Received Date: 01/09/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 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>
Summary	1/9/01 4:53:57 PM		1/9/01 4:53:57 PM	bcontor	Complete

Other Information:

Receipt Number(s):
 State or Federal:
 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	1/9/01 4:32:11 PM	bcontor	Edited point location
Summary	1/9/01 4:53:54 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

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 31-7663
Date Received: 1/9/01
Receipt No:
Received By:

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

1. Name of Claimant(s)

CORNELISON - OLSEN PARTNERSHIP Phone: (208)356-4401

PO BOX 396
REXBURG ID 83440

2. Date of Priority: 10/10/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08N	38E	22	SW SE	FREMONT

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.17	432

7. Total Quantity Appropriated is:
2.17 C.F.S. and/or 432 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	38E	22	NE	SE	IRRIGATION	36
			NW	SE	IRRIGATION	36
			SW	SE	IRRIGATION	36
			SE	SE	IRRIGATION	36

Section Acres	144
Total Acres	144

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

RENUMBERED FROM 21-7034 BY FORMAL TRANSFER 3382 WHICH MOVED POD TO NEW ADMINISTRATIVE BASIN. FEES PAID UNDER RECEIPT E006172 AND ORIGINAL SIGNATURE IN PAPER FILE A21-7034.

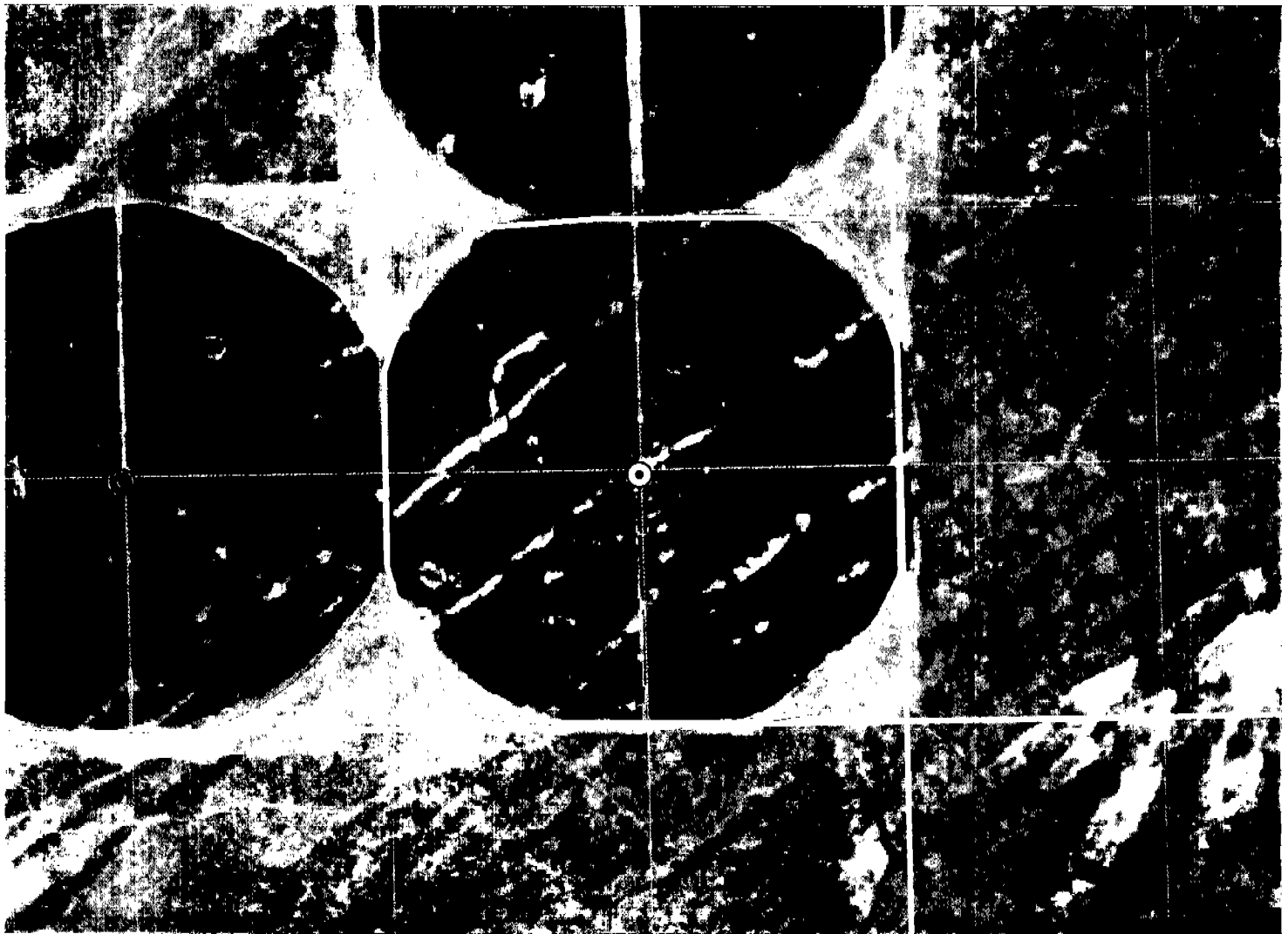
NOTE THAT LANDS ARE OWNED BY HILLMAN, LEASED BY CORNELISON-OLSEN WHICH HAS PURCHASED THE WATER RIGHTS.

15. Basis of Claim: License

Idaho Department of Water Resources

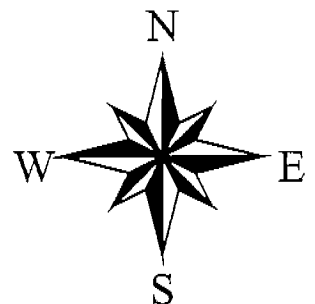
Water Right 31-7663

Township 8 North Range 38 East Section 22



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

0 700 Feet





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

March 14, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**CORNELISON – OLSEN PARTNERSHIP
PO BOX 396
REXBURG ID 83440**

RE: NOTICE OF ERROR

Dear Water User:

In your Notice of Error for rights 31-07658, 31-07659, 31-07660, 31-07661, 31-07662 and 31-07663, you disagreed with the recommended diversion rate.

That rate was recommended based upon an existing water right license or formal transfer issued by Idaho Department of Water Resources. Unfortunately, the authority of the Snake River Basin Adjudication does not extend to increasing diversion rates authorized by administrative action.

The only options to change diversion rate are to have the license amended by the Allocation Bureau of the department, or to apply for a new permit based upon pre- 1987 development of diversion capacity.

The standard for changing a license is set very high. It requires proof that the original licensing exam was in error. As a minimum, this requires a report of an independent evaluation by a licensed Professional Engineer and solid documentation of the original design capacity of the installed system. The standard for a new permit is high, but not as high as for an amended license.

I am not encouraging you to pursue either of these options, but informing you what your options are. Please call me if you have questions. I'm sorry I cannot address your concerns.

Sincerely,

A handwritten signature in cursive script that reads 'Bryce A. Contor'.

Bryce A. Contor

01/23/2001

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: 31-7663

CORNELISON - OLSEN PARTNERSHIP

PO BOX 396

REXBURG ID 83440

Telephone Number: (208)356-4401

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

QUANTITY: INSUFFICIENT CFS.

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

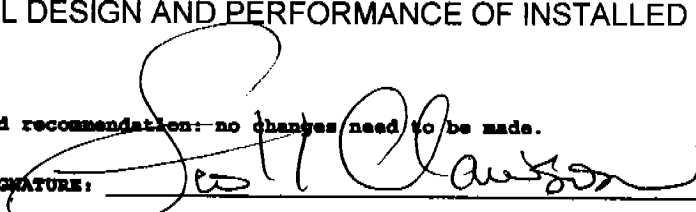
INCREASE CFS BY .06 CFS

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

CFS IS LESS THAN INITIAL DESIGN AND PERFORMANCE OF INSTALLED IRRIGATION SYSTEM.

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

DATE: 3-9-01

SIGNATURE: 

Please print your name: SCOTT CLAWSON, CORNELISON FARMS.

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

Response: Adjudication
cannot correct unless
Allocations issue new
permit or amended
license.

Bas 3/12/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3382

MAY 9 1988

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Eastern District OfficeName of applicant Frank Brent Blake &/or Richard R. Blake Phone 624-3304/624-3860
Post Office address Box 211-6 or 211-5, St. Anthony, ID 83445

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 Owners of right have placed farm in federal CRP Program. They wish to lease water rights to Hillman & Robertson to irrigate land under a new development. The transfer will be made under conditions agreed to by the parties (see attached agreement)

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

1. Right Number 21-7034 Priority 10/10/1973 Amount (cfs/ae-ft) 2.17 cfs Nature of Use irrigation Period of Use 4/1 to 11/1
2. Total amount of water being transferred 2.17 cubic feet per second and/or 432 acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	22	8N	38E	Fremont	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	38E	22													36	36	36	36	144

Total acres 144

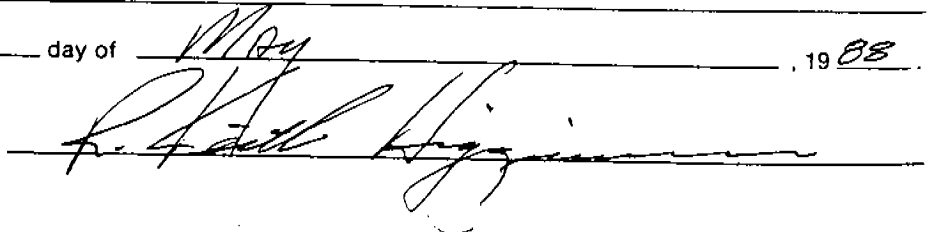
PART 1**6. General Information:**a. Description of diversion system well/pump/center pivot

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

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

See attached agreement between Ralph Hillman/Dyle Robertson and the applicants.

d. Remarks:

This right, when combined with 21-7050, shall not exceed 4.82 cfs.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 21-7034And said application is hereby APPROVED, subject to the following limitations and conditions:Witness my hand this 2nd day of May, 19 88

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. 21-7034 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority October 10, 1973

5. Water is used for the following purpose:

amount 2.17 cfs for irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.17 cubic feet per second and/or 432 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	17	8N	41E	Fremont	

8. Lands irrigated or place of use:

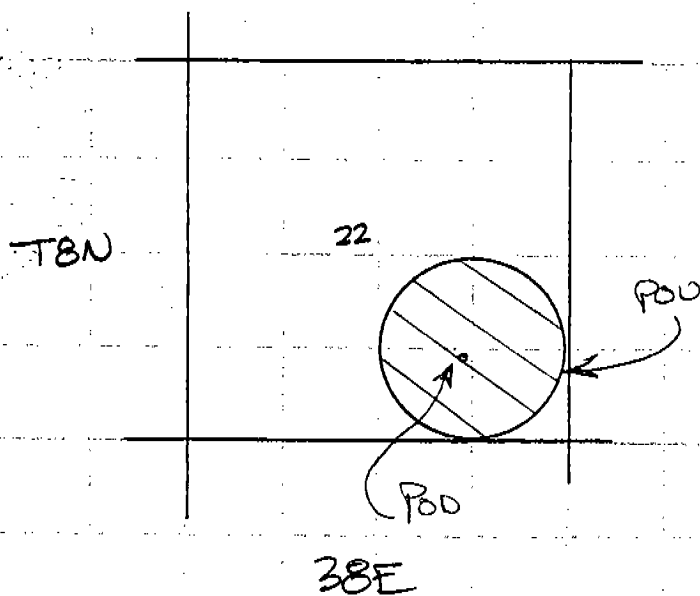
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8N	41E	17		22	37		27		1	39	10					8			144

Total acres 144

9. Describe any other water rights used for the same purpose as described above None

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.	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				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 17th day of February, 19 88.

(Signature of Applicant)

(Notary Public)

My commission expires February 24, 1992

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by ESV Date 2-23-88 Protest filed by _____Prelim. check by AWJ Fee 50^{XX} \$46439Receipted by da Date 2-24-88Published in Desmet City Tribune Copies of protest forwarded by _____Pub. dates 2/3 + 2/10/88 Hearing held by _____ Date _____Watermaster recommendation requested on N.A. Recommended for ☒ approval ☐ denial_____ rec'd. _____ by Jim

Copy of transfer sent to lien holder _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 4, 1988

RECEIVED

MAR 10 1988

Department of Water Resources
Eastern District Office

Keith Cornelison
155 N. 1st West
Rexburg, ID 83440

Dear Mr. Cornelison:

Your letter of February 24, 1988, requested an expedited approval of the four applications for well drilling permit you have filed. As I understand the applications, the wells will be used to divert water under rights now appurtenant to land owned by Richard and Brent Blake. Applications are now pending to transfer these rights to lands owned by Ralph Hillman and Dyle Robertson. Processing has been commenced on the applications for transfer, but it will be several weeks before the public notice has been published and the protest period has elapsed. Whether the applications for transfer can be allowed will be determined by the record developed for the applications including any information provided by protestants if protests are received. The department cannot approve a transfer which injures other rights, creates an expansion in use, or is not in the local public interest.

Department policy is to coordinate the timing of issuance of a drilling permit with any other approvals needed to allow water to be used from the well. This is to avoid having authorized construction of a well from which it is later determined that water cannot be withdrawn. It is my understanding that you are asking the department to waive this policy to allow wells to be completed before the upcoming irrigation season and further that you accept all the risk of drilling wells with no assurance that the applications for transfer will be approved to allow water to be pumped from the wells.

The department will issue drilling permits for the wells upon receipt of a consent order stating that the applicants and their agents, employees, assigns, and successors:

1. Will not divert or authorize the diversion of water from the wells unless and until written authorization is received from the director of the Department of Water Resources in accordance with an approved water right.

March 4, 1988

2. Do not have or claim valid water rights to divert from the proposed well sites.

3. Acknowledge that diverting water from these wells, other than for a pump test approved by the department, is a violation of Section 42-351, Idaho Code, unless and until a valid water right is obtained.

4. That the director is authorized to lock or take other similar action to disable the pumps as necessary to prevent the diversion of water from the wells without a valid water right.

5. Agree to indemnify and hold harmless the director, the department and its employees from liability and expense on account of any claim, suits and costs resulting from the construction of the wells in the event the pending applications for transfer of water rights are not approved, and from the action of the department or its employees in locking or similarly disabling the pumps to prevent their use without a valid water right.

6. Agree that the director may enforce the consent order in district court, if necessary, without further administrative proceedings if the order is violated.

7. Agree that evidence concerning the approval of the drilling permits, and the existence and cost of constructing the wells will not be given any weight in the director's decision on the pending applications for transfer.

The consent order must bear the notarized signatures of all principals involved in the project; i.e., the Hillman's, Robertson's and Cornelison's. Upon receipt of the order, the department will waive the policy of delaying approval of the drilling permits.

If I can answer questions on this matter, please call me.

Sincerely,



NORMAN C. YOUNG
Administrator
Resource Administration Division

NCY:alw

cc: Robert Lee, Gem State Irrigation
Eastern Region, IDWR