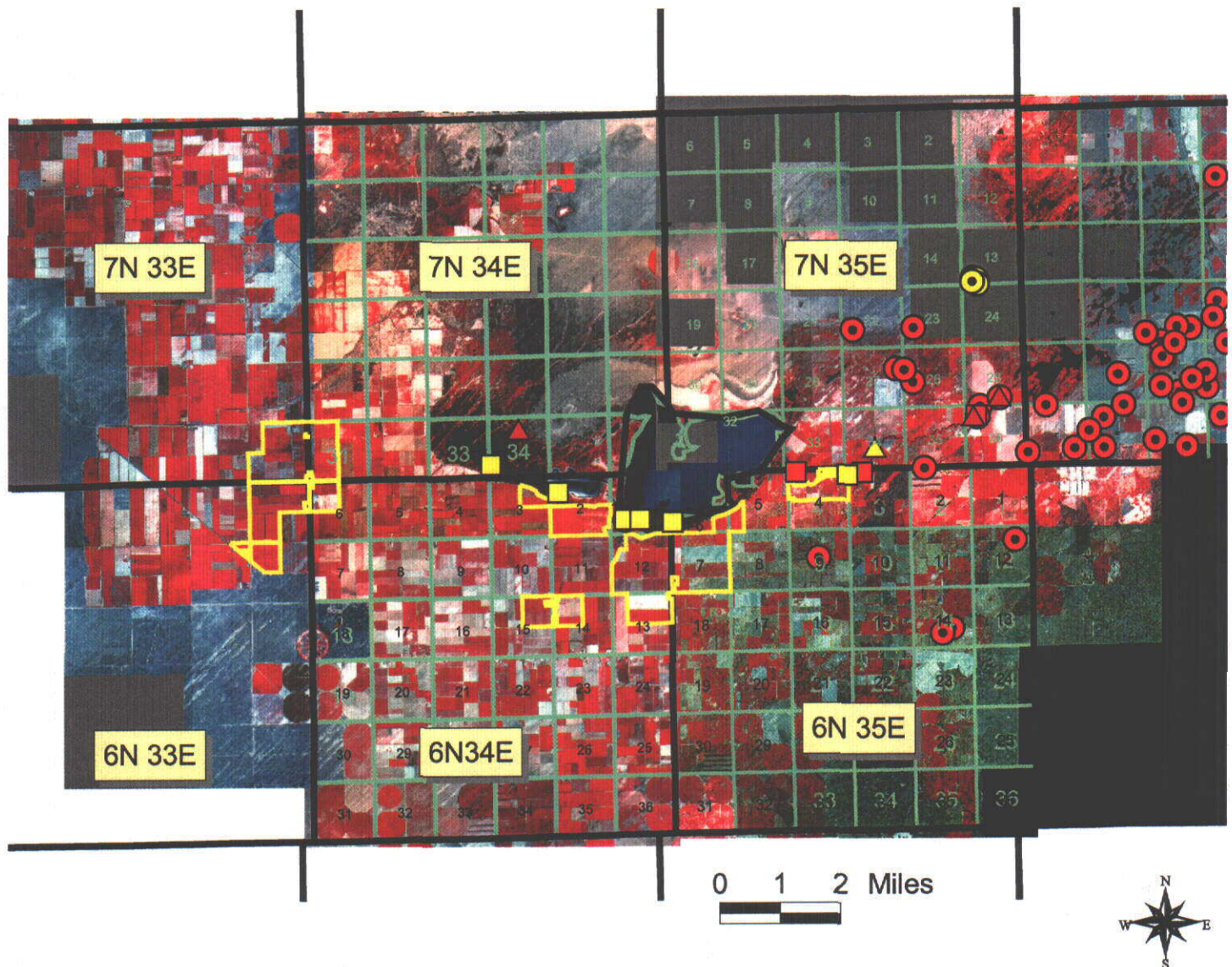


# Idaho Department of Water Resources

Water Right 31-10965A, 31-11339

Map 1 - Overview



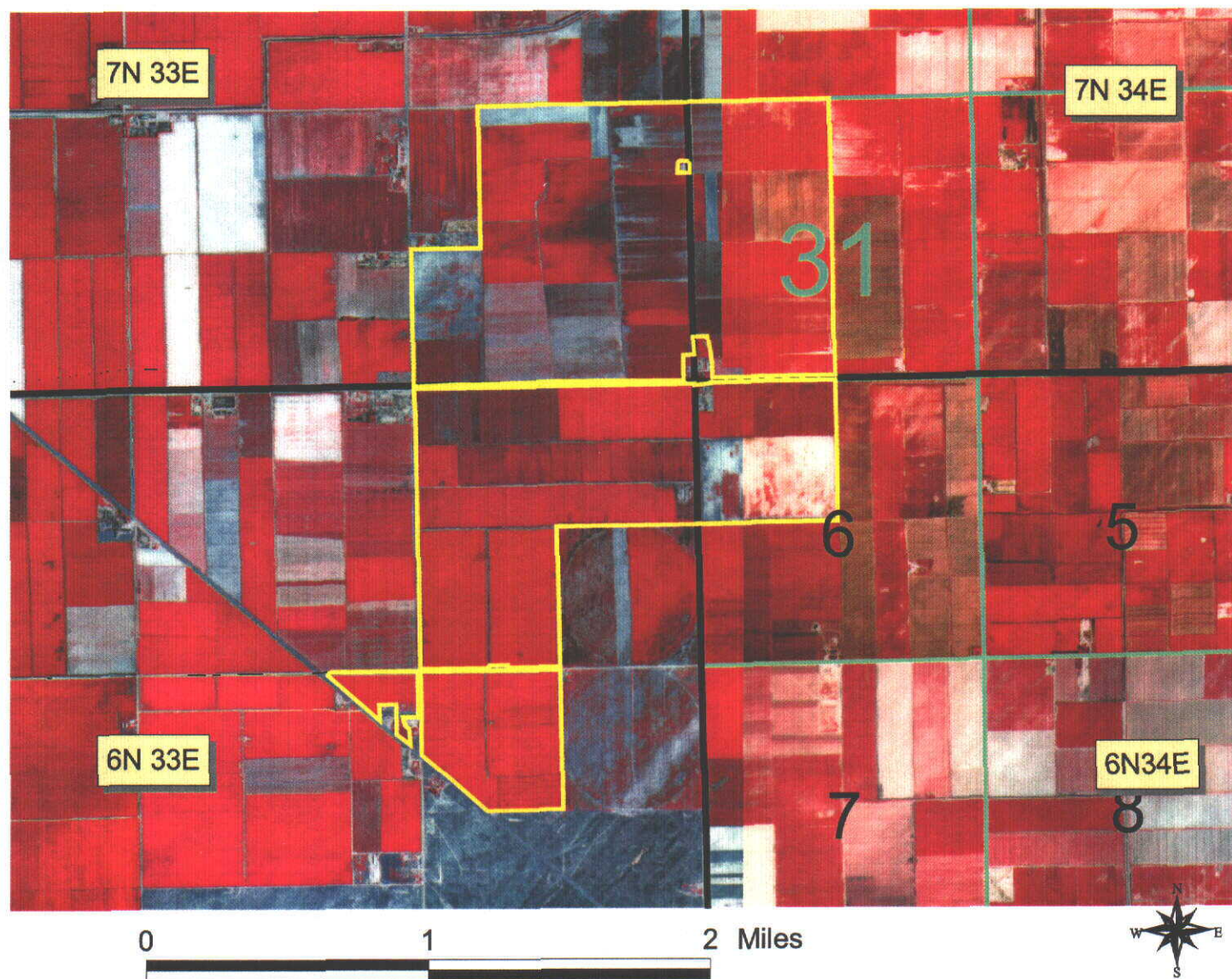
- |                                     |                              |
|-------------------------------------|------------------------------|
| ● Point of Diversion                | ▲ Point of Injection         |
| ● Point of Diversion - Other Rights | ▲ Injection - Other Rights   |
| □ Place of Use                      | □ Point of Rediversion       |
| □ Place of Use - Other Rights       | □ Rediversion - Other Rights |
| □ Quarter-quarter Sections          |                              |
| □ Section Lines                     |                              |

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

# Idaho Department of Water Resources

Water Right 31-10965A, 31-11339

Map 2 - West Place of Use



- |                                     |                              |
|-------------------------------------|------------------------------|
| ● Point of Diversion                | ▲ Point of Injection         |
| ● Point of Diversion - Other Rights | ▲ Injection - Other Rights   |
| □ Place of Use                      | □ Point of Rediversion       |
| □ Place of Use - Other Rights       | □ Rediversion - Other Rights |
| □ Quarter-quarter Sections          |                              |
| □ Section Lines                     |                              |

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

# Idaho Department of Water Resources

Water Right 31-10965A, 31-11339

Map 3 - East Place of Use



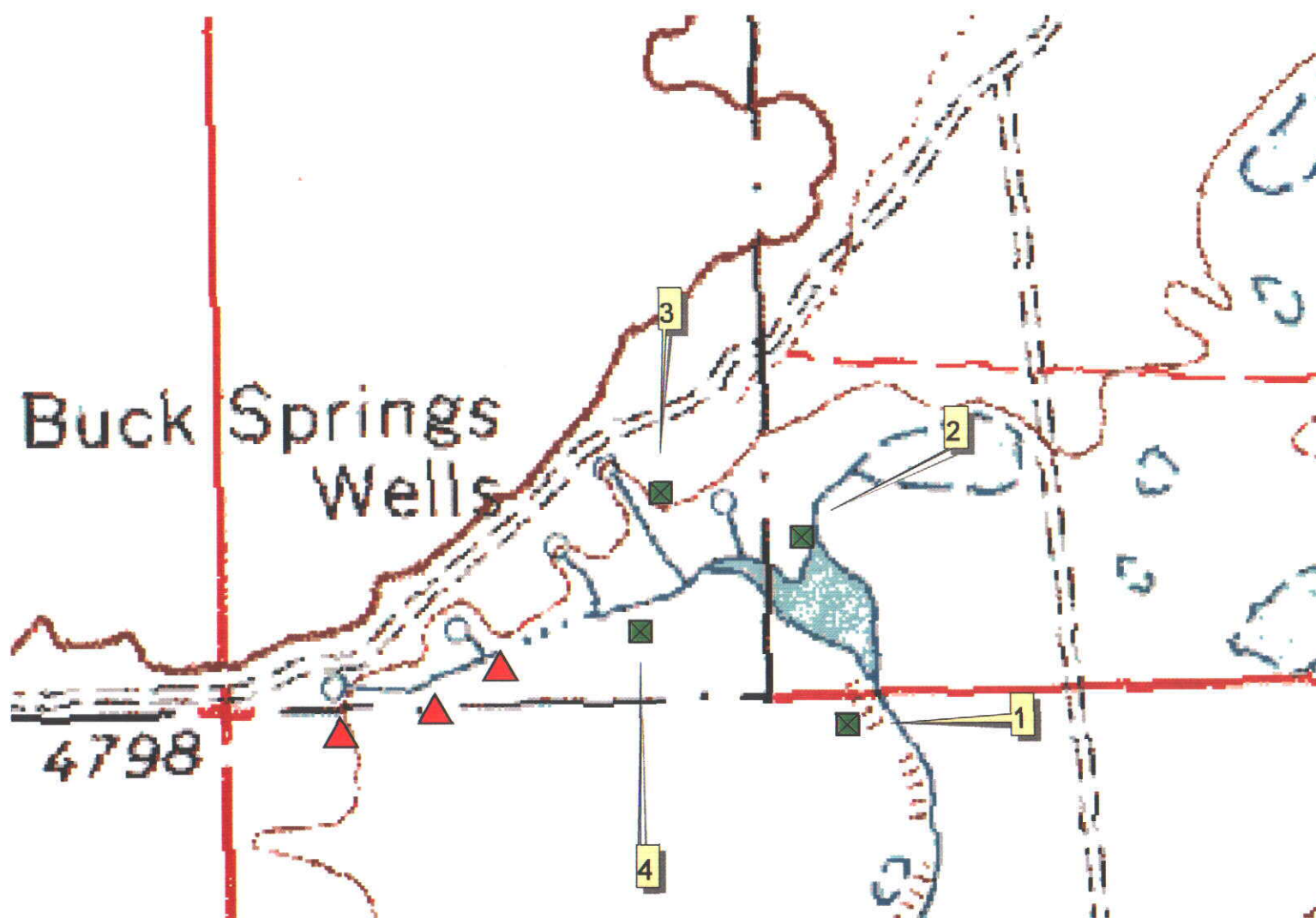
0 1 2 Miles



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

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

# Independent Water Users Wells October, 2000



- Independent Water Users Wells
- ▲ Mud Lake Water Users Wells



Pump #1, Photo #1. 100 horsepower motor nameplate.



Location #2, pump not numbered. Photo #2. 100 horsepower motor nameplate

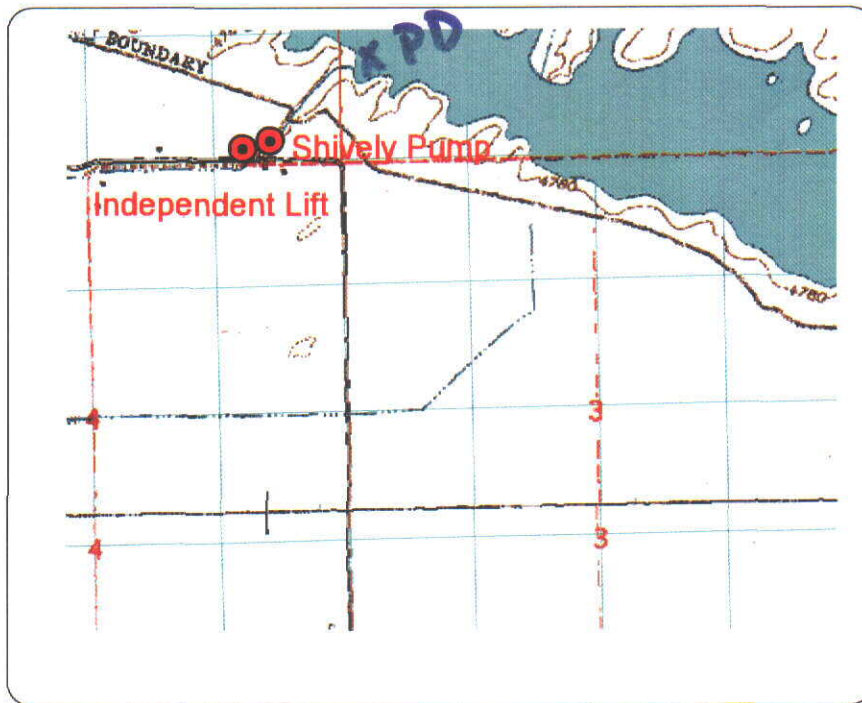


Pump #3, photo #3. 100 horsepower motor nameplate.

Location #4, pump not numbered, photograph failed. 200 horsepower motor nameplate.

# AJ Field Inspection Photograph 7/5/2000

## Independent Lift 7N 34E 33 SESE



AJ Field Inspection Photos 7/5/00 B. Contor

Independent Water Users Lift, 7N 34E 33 SESE, looking NE.

Independent Water Users GW claims, Level Canal Surface claims, possibly other private Surface claims. POD is approx 1600 ft NE in 7N 34E 34 NWSWSW.



03/16/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-10965A

NAME AND ADDRESS: INDEPENDENT WATER USERS INC  
C/O KEITH SHULDBERG  
1795 N 1800 E  
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 58 CFS  
21283 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-11339 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 58 CFS.

PRIORITY DATE: 12/15/1932

|                     |               |        |             |                         |
|---------------------|---------------|--------|-------------|-------------------------|
| POINT OF DIVERSION: | T06N R34E S1  | NESWSW | Rediversion | Within JEFFERSON County |
|                     | T06N R34E S1  | NESESW | Rediversion | Within JEFFERSON County |
|                     | T06N R34E S2  | NESWNW | Rediversion | Within JEFFERSON County |
|                     | T06N R35E S4  | NENENE | Rediversion | Within JEFFERSON County |
|                     | T06N R35E S6  | NWSWSW | Rediversion | Within JEFFERSON County |
|                     | T07N R34E S34 | NWSWSW | Rediversion | Within JEFFERSON County |
|                     | T07N R35E S13 | SESWSW |             | Within JEFFERSON County |
|                     | T07N R35E S13 | SESWSW |             | Within JEFFERSON County |
|                     | T07N R35E S13 | SESWSW |             | Within JEFFERSON County |
|                     | T07N R35E S13 | SESWSW |             | Within JEFFERSON County |
|                     | T07N R35E S34 | SNNWSE | Injection   | Within JEFFERSON County |

WATER IS INJECTED INTO CAMAS CREEK AND REDIVERTED FROM  
CAMAS CREEK AND MUD LAKE.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 05-01 10-31          | 58.00 CFS       |
|                       |                      | 21,283.00 AFY   |

PLACE OF USE:

IRRIGATION Within JEFFERSON

| <u>County</u> |       |      |    |
|---------------|-------|------|----|
| T06N R33E S1  | LOT 1 | NENE | 39 |
| T06N R33E S1  |       | SWNE | 40 |
| T06N R33E S1  | LOT 3 | NENW | 40 |
| T06N R33E S1  |       | SWNW | 39 |
| T06N R33E S11 |       | NWNE | 2  |
| T06N R33E S1  |       | NESW | 40 |
| T06N R33E S1  |       | SWSW | 38 |
| T06N R33E S12 |       | NENW | 39 |
| T06N R33E S12 |       | SWNW | 25 |
| T06N R34E S12 |       | NENE | 40 |
| T06N R34E S12 |       | SWNE | 40 |
| T06N R34E S12 |       | NENW | 37 |
| T06N R34E S12 |       | SWNW | 35 |
| T06N R34E S12 |       | NESW | 40 |
| T06N R34E S12 |       | SWSW | 40 |
| T06N R34E S12 |       | NESE | 40 |
| T06N R34E S12 |       | SWSE | 40 |
| T06N R34E S13 |       | NENE | 35 |
| T06N R33E S1  | LOT 2 | NWNE | 40 |
| T06N R33E S1  |       | SENE | 33 |
| T06N R33E S1  | LOT 4 | NWNW | 39 |
| T06N R33E S11 |       | NENE | 23 |
| T06N R33E S1  |       | SENW | 40 |
| T06N R33E S1  |       | NWSW | 39 |
| T06N R33E S1  |       | SESW | 39 |
| T06N R33E S12 |       | NWNW | 39 |
| T06N R33E S12 |       | SENW | 40 |
| T06N R34E S12 |       | NWNE | 34 |
| T06N R34E S12 |       | SENE | 40 |
| T06N R34E S12 |       | NWNW | 24 |
| T06N R34E S12 |       | SENW | 40 |
| T06N R34E S12 |       | NWSW | 40 |
| T06N R34E S12 |       | SESW | 40 |
| T06N R34E S12 |       | NWSE | 40 |
| T06N R34E S12 |       | SESE | 40 |
| T06N R34E S13 |       | NWNE | 40 |

|               |       |      |     |               |       |      |    |
|---------------|-------|------|-----|---------------|-------|------|----|
| T06N R34E S13 |       | SWNE | 40  | T06N R34E S13 |       | SENE | 39 |
| T06N R34E S13 |       | NENW | 40  | T06N R34E S13 |       | SENW | 40 |
| T06N R34E S14 |       | NENW | 40  | T06N R34E S14 |       | NWNW | 37 |
| T06N R34E S14 |       | SWNW | 34  | T06N R34E S14 |       | SENW | 40 |
| T06N R34E S15 |       | NENE | 35  | T06N R34E S15 |       | NWNE | 40 |
| T06N R34E S15 |       | SWNE | 40  | T06N R34E S15 |       | SENE | 40 |
| T06N R34E S2  |       | NESW | 40  | T06N R34E S2  |       | NWSW | 40 |
| T06N R34E S2  |       | SWSW | 40  | T06N R34E S2  |       | SESW | 40 |
| T06N R34E S2  |       | NESE | 39  | T06N R34E S2  |       | NWSE | 39 |
| T06N R34E S2  |       | SWSE | 40  | T06N R34E S2  |       | SESE | 30 |
| T06N R34E S3  | LOT 1 | NENE | 0.1 | T06N R34E S3  | LOT 2 | NWNE | 12 |
| T06N R34E S3  |       | SWNE | 40  | T06N R34E S3  |       | SENE | 28 |
| T06N R34E S6  | LOT 3 | NENW | 40  | T06N R34E S6  | LOT 4 | NWNW | 35 |
| T06N R34E S6  | LOT 5 | SWNW | 39  | T06N R34E S6  |       | SENW | 40 |
| T06N R35E S4  | LOT 1 | NENE | 28  | T06N R35E S4  | LOT 2 | NWNE | 33 |
| T06N R35E S4  |       | SWNE | 40  | T06N R35E S4  |       | SENE | 40 |
| T06N R35E S4  | LOT 3 | NENW | 7.3 | T06N R35E S4  | LOT 4 | NWNW | 13 |
| T06N R35E S4  |       | SWNW | 38  | T06N R35E S4  |       | SENW | 40 |
| T06N R35E S5  | LOT 6 | NWSW | 23  | T06N R35E S5  |       | SWSW | 40 |
| T06N R35E S6  | LOT 3 | NESE | 4.1 | T06N R35E S6  |       | SESE | 39 |
| T06N R35E S7  |       | NENE | 40  | T06N R35E S7  |       | NWNE | 40 |
| T06N R35E S7  |       | SWNE | 40  | T06N R35E S7  |       | SENE | 40 |
| T06N R35E S7  |       | NENW | 40  | T06N R35E S7  | LOT 1 | NWNW | 35 |
| T06N R35E S7  | LOT 2 | SWNW | 35  | T06N R35E S7  |       | SENW | 40 |
| T06N R35E S7  |       | NESW | 40  | T06N R35E S7  | LOT 3 | NWSW | 35 |
| T06N R35E S7  | LOT 4 | SWSW | 26  | T06N R35E S7  |       | SESW | 40 |
| T06N R35E S7  |       | NESE | 40  | T06N R35E S7  |       | NWSE | 40 |
| T06N R35E S7  |       | SWSE | 40  | T06N R35E S7  |       | SESE | 40 |
| T07N R33E S36 |       | NENE | 40  | T07N R33E S36 |       | NWNE | 40 |
| T07N R33E S36 |       | SWNE | 40  | T07N R33E S36 |       | SENE | 40 |
| T07N R33E S36 |       | NENW | 40  | T07N R33E S36 |       | SENW | 40 |
| T07N R33E S36 |       | NESW | 40  | T07N R33E S36 |       | NWSW | 39 |
| T07N R33E S36 |       | SWSW | 38  | T07N R33E S36 |       | SESW | 38 |
| T07N R33E S36 |       | NESE | 40  | T07N R33E S36 |       | NWSE | 40 |
| T07N R33E S36 |       | SWSE | 38  | T07N R33E S36 |       | SESE | 36 |
| T07N R34E S31 |       | NENW | 40  | T07N R34E S31 | LOT 1 | NWNW | 39 |
| T07N R34E S31 | LOT 2 | SWNW | 39  | T07N R34E S31 |       | SENW | 40 |
| T07N R34E S31 |       | NESW | 40  | T07N R34E S31 | LOT 3 | NWSW | 39 |
| T07N R34E S31 | LOT 4 | SWSW | 33  | T07N R34E S31 |       | SESW | 37 |

4138.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 31-11339 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4138.5 ACRES IN A SINGLE IRRIGATION SEASON.

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 A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 31-10965A  
Date Received: 12/30/88  
Receipt No: X777777  
Received By:

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

1. Name of Claimant(s)

INDEPENDENT WATER USERS INC Phone: (208)666-4300

1785 N 1800 E  
HAMER ID USA 83425

2. Date of Priority: 04/27/1932

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County    | Type |
|----------|-------|---------|-----------------------|-----------|------|
| 07N      | 35E   | 13      | SW SW                 | JEFFERSON |      |

5. Description of diverting works:

FOUR WELLS OPEN DISCHARGE INTO CANAL WHICH EMPTIES INTO MUD LAKE.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 58     |            |

7. Total Quantity Appropriated is:  
58 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      | 33E   | 1       | 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  |
|     |     |    | NE | SW | IRRIGATION    | 40  |
|     |     |    | NW | SW | IRRIGATION    | 40  |
|     |     |    | SW | SW | IRRIGATION    | 40  |
|     |     |    | SE | SW | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 480 |
| 06N | 33E | 11 | SW | NE | IRRIGATION    | 5   |
|     |     |    | SE | NE | IRRIGATION    | 25  |
|     |     |    |    |    | Section Acres | 30  |
| 06N | 33E | 12 | NE | NW | IRRIGATION    | 40  |
|     |     |    | NW | NW | IRRIGATION    | 40  |
|     |     |    | SW | NW | IRRIGATION    | 25  |
|     |     |    | SE | NW | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 145 |
| 06N | 34E | 2  | 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 | 320 |
| 06N | 34E | 3  | NW | NE | IRRIGATION    | 10  |
|     |     |    | SW | NE | IRRIGATION    | 40  |
|     |     |    | SE | NE | IRRIGATION    | 30  |
|     |     |    |    |    | Section Acres | 80  |
| 06N | 34E | 6  | NE | NW | IRRIGATION    | 40  |
|     |     |    | NW | NW | IRRIGATION    | 40  |
|     |     |    | SW | NW | IRRIGATION    | 40  |
|     |     |    | SE | NW | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 160 |
| 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 | 34E | 12 | NE | SW | IRRIGATION    | 40  |
|     |     |    | NW | SW | IRRIGATION    | 40  |
|     |     |    | NE | SE | IRRIGATION    | 40  |
|     |     |    | NW | SE | IRRIGATION    | 40  |
|     |     |    | NE | NE | IRRIGATION    | 40  |

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
|     |     |    | NW | NE | IRRIGATION    | 40  |
|     |     |    | SW | NE | IRRIGATION    | 40  |
|     |     |    | SE | NE | IRRIGATION    | 40  |
|     |     |    | NE | NW | IRRIGATION    | 40  |
|     |     |    | SW | NW | IRRIGATION    | 40  |
|     |     |    | SE | NW | IRRIGATION    | 40  |
|     |     |    | SW | SW | IRRIGATION    | 40  |
|     |     |    | SE | SW | IRRIGATION    | 40  |
|     |     |    | SW | SE | IRRIGATION    | 40  |
|     |     |    | SE | SE | IRRIGATION    | 40  |
|     |     |    | NW | NW | IRRIGATION    | 32  |
|     |     |    |    |    | Section Acres | 632 |
| 06N | 34E | 13 | NE | NE | IRRIGATION    | 40  |
|     |     |    | NW | NE | IRRIGATION    | 40  |
|     |     |    | SW | NE | IRRIGATION    | 40  |
|     |     |    | SE | NE | IRRIGATION    | 40  |
|     |     |    | NE | NW | IRRIGATION    | 40  |
|     |     |    | SE | NW | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 240 |
| 06N | 34E | 14 | NE | NW | IRRIGATION    | 39  |
|     |     |    | NW | NW | IRRIGATION    | 35  |
|     |     |    | SW | NW | IRRIGATION    | 35  |
|     |     |    | SE | NW | IRRIGATION    | 39  |
|     |     |    |    |    | Section Acres | 148 |
| 06N | 34E | 15 | NE | NE | IRRIGATION    | 40  |
|     |     |    | NW | NE | IRRIGATION    | 40  |
|     |     |    | SW | NE | IRRIGATION    | 40  |
|     |     |    | SE | NE | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 160 |
| 06N | 35E | 4  | NE | NE | IRRIGATION    | 41  |
|     |     |    | NW | NE | IRRIGATION    | 41  |
|     |     |    | SW | NE | IRRIGATION    | 40  |
|     |     |    | SE | NE | IRRIGATION    | 40  |
|     |     |    | NE | NW | IRRIGATION    | 5   |
|     |     |    | NW | NW | IRRIGATION    | 12  |
|     |     |    | SW | NW | IRRIGATION    | 38  |
|     |     |    | SE | NW | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 257 |
| 06N | 35E | 5  | NW | SW | IRRIGATION    | 15  |
|     |     |    | SW | SW | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 55  |
| 06N | 35E | 6  | NE | SE | IRRIGATION    | 5   |
|     |     |    | SE | SE | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 45  |
| 06N | 35E | 7  | NE | NE | IRRIGATION    | 40  |
|     |     |    | NW | NE | IRRIGATION    | 40  |
|     |     |    | SW | NE | IRRIGATION    | 40  |
|     |     |    | SE | NE | IRRIGATION    | 40  |
|     |     |    | NE | NW | IRRIGATION    | 40  |
|     |     |    | NW | NW | IRRIGATION    | 35  |

1

|     |     |    |    |    |   |               |      |
|-----|-----|----|----|----|---|---------------|------|
|     |     |    | SW | NW | 2 | IRRIGATION    | 35   |
|     |     |    | SE | NW |   | IRRIGATION    | 40   |
|     |     |    | NE | SW |   | IRRIGATION    | 40   |
|     |     |    | NW | SW | 3 | IRRIGATION    | 35   |
|     |     |    | SW | SW | 4 | IRRIGATION    | 35   |
|     |     |    | SE | SW |   | IRRIGATION    | 40   |
|     |     |    | NE | SE |   | IRRIGATION    | 40   |
|     |     |    | NW | SE |   | IRRIGATION    | 40   |
|     |     |    | SW | SE |   | IRRIGATION    | 40   |
|     |     |    | SE | SE |   | IRRIGATION    | 40   |
|     |     |    |    |    |   | Section Acres | 620  |
| 07N | 33E | 36 | NE | NE |   | IRRIGATION    | 40   |
|     |     |    | NW | NE |   | IRRIGATION    | 40   |
|     |     |    | SE | NE |   | IRRIGATION    | 40   |
|     |     |    | NE | NW |   | IRRIGATION    | 40   |
|     |     |    | NE | SW |   | IRRIGATION    | 40   |
|     |     |    | NW | SW |   | IRRIGATION    | 40   |
|     |     |    | SW | SW |   | IRRIGATION    | 40   |
|     |     |    | SW | NE |   | IRRIGATION    | 40   |
|     |     |    | SE | NW |   | IRRIGATION    | 40   |
|     |     |    | SE | SW |   | IRRIGATION    | 40   |
|     |     |    | NE | SE |   | IRRIGATION    | 40   |
|     |     |    | NW | SE |   | IRRIGATION    | 40   |
|     |     |    | SW | SE |   | IRRIGATION    | 40   |
|     |     |    | SE | SE |   | IRRIGATION    | 40   |
|     |     |    |    |    |   | Section Acres | 560  |
| 07N | 34E | 31 | 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   |
|     |     |    |    |    |   | Section Acres | 320  |
|     |     |    |    |    |   | Total Acres   | 4572 |

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:

TRANSFER #2461 CONTAINED ERRORS IN THE LEGAL DESCRIPTION FOR THE LANDS SERVED BY THE CANAL CO. THE LAND LIST ON THIS CLAIM IS BASED ON HISTORICAL PRACTICES AS SHOW ON THE NOTICES OF CLAIMS FILED BY THE STOCKHOLDERS OF THE CANAL COMPANY

NOTICE IS COMBINATION OF RIGHT NO.S 31-00336A AND 31-00337A

EMC

\*

(09 DEC 92) TRANSFER #3948 SPLIT THIS RIGHT INTO A31-10965A AND A31-10965B. A31-10965 WAS PAID FOR UNDER RECEIPT

E005395

THE SPLIT REMOVES THE LAND PREVIOUSLY OWNED BY LOUIS BEZOLD FROM THE SERVICE AREA OF THE CANAL COMPANY  
EMC

CLAIM AMENDED 3/1/2001 TO INCLUDE LANDS IN NWNW OF 6N 34E 12 WHICH WERE INADVERTENTLY LEFT OFF OF CLAIM.

15. Basis of Claim: Decreed

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 Independent Water Users Inc. of  
Title

\_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as Pres of  
Title

Independent Water Users Inc. and that the statements contained in the  
Organization

foregoing document are true and correct. Andy D.  
Signature of Authorized Agent

Independent Water Users Inc.  
Title and Organization

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day

of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public

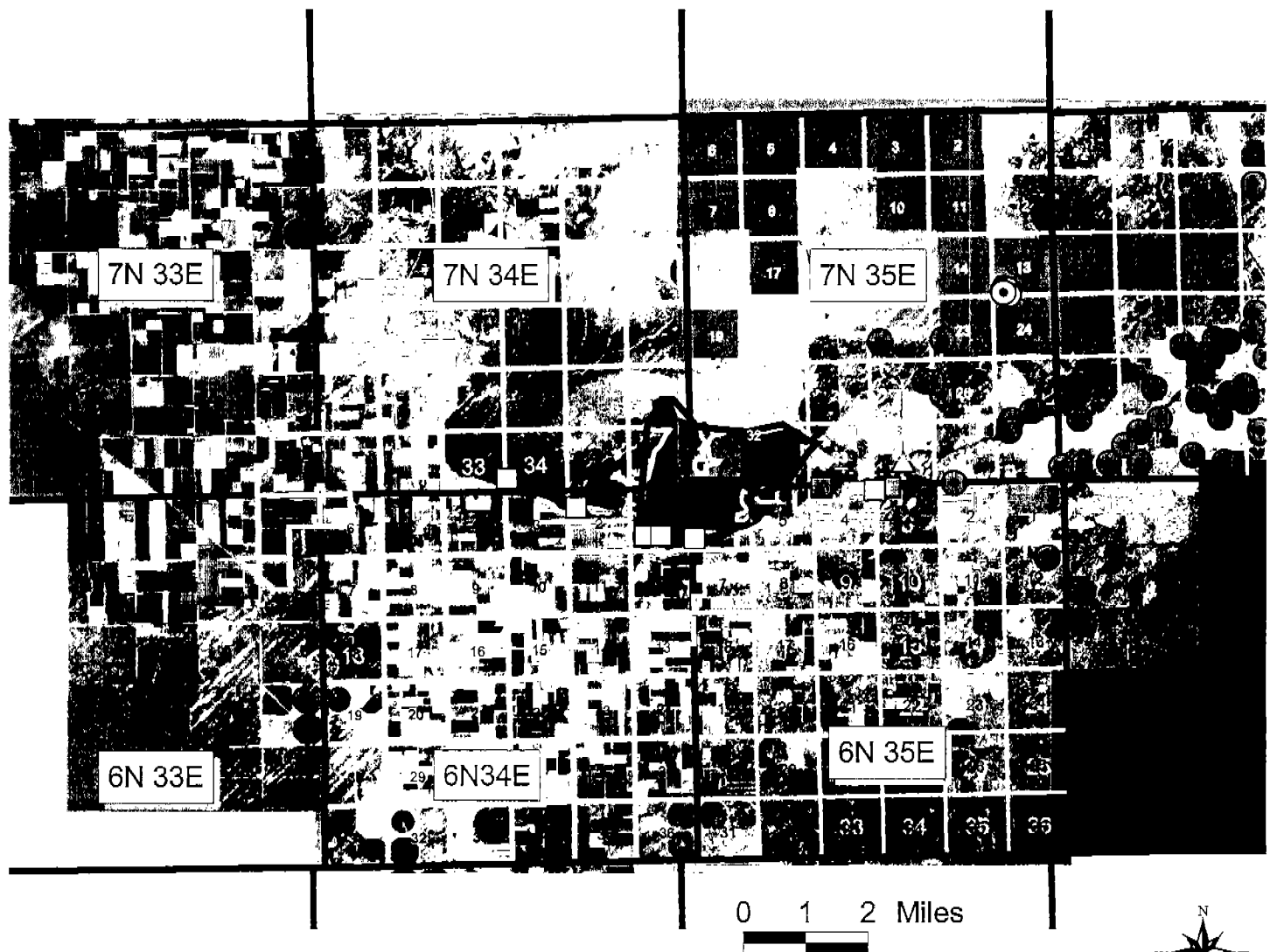
Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

# Idaho Department of Water Resources

Water Right 31-10965A, 31-11339

Map 1 - Overview



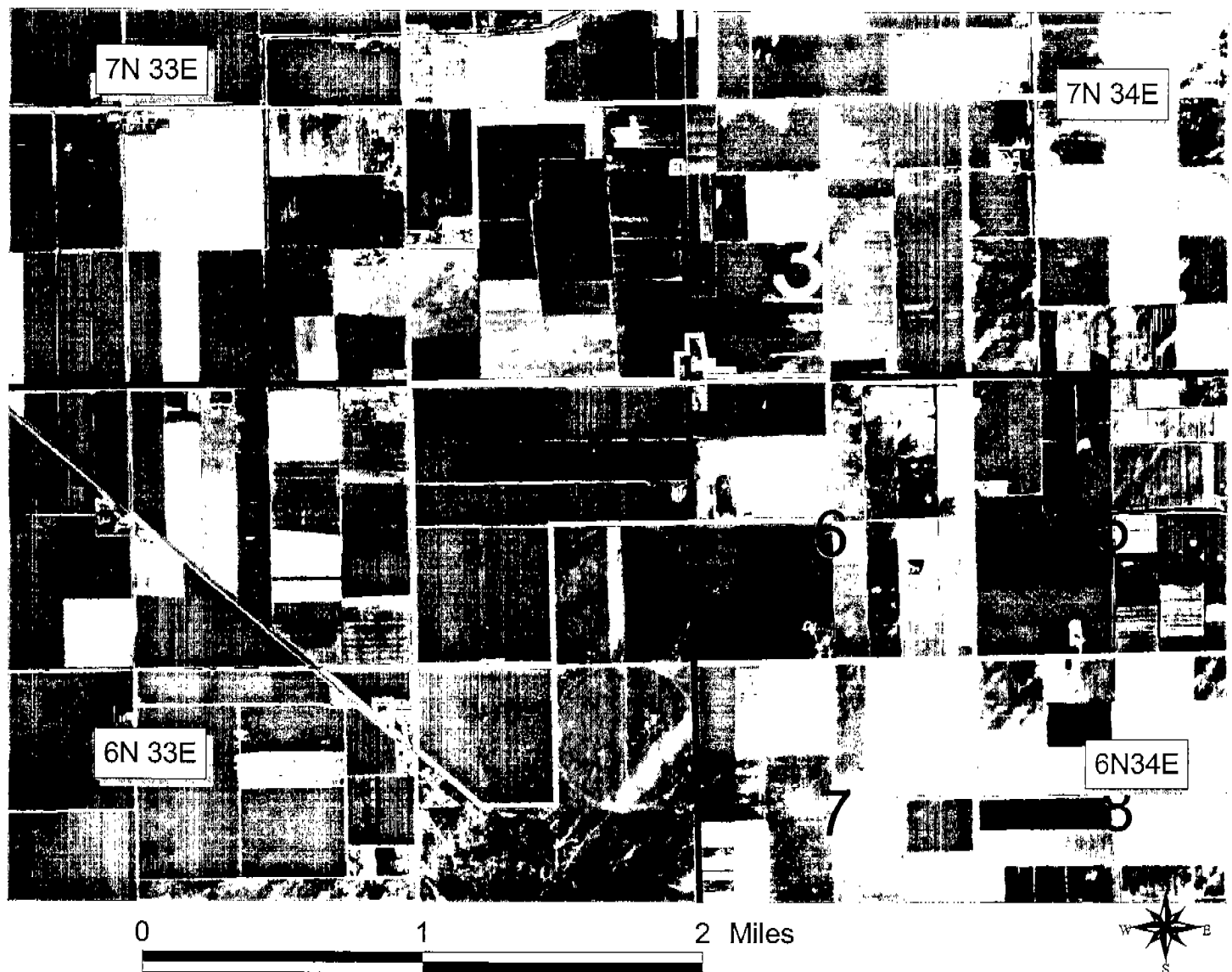
- |   |                                   |   |                            |
|---|-----------------------------------|---|----------------------------|
| ⊙ | Point of Diversion                | △ | Point of Injection         |
| ⊙ | Point of Diversion - Other Rights | △ | Injection - Other Rights   |
| □ | Place of Use                      | □ | Point of Rediversion       |
| □ | Place of Use - Other Rights       | □ | Rediversion - Other Rights |
| □ | Quarter-quarter Sections          |   |                            |
| □ | Section Lines                     |   |                            |

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

# Idaho Department of Water Resources

Water Right 31-10965A, 31-11339

Map 2 - West Place of Use



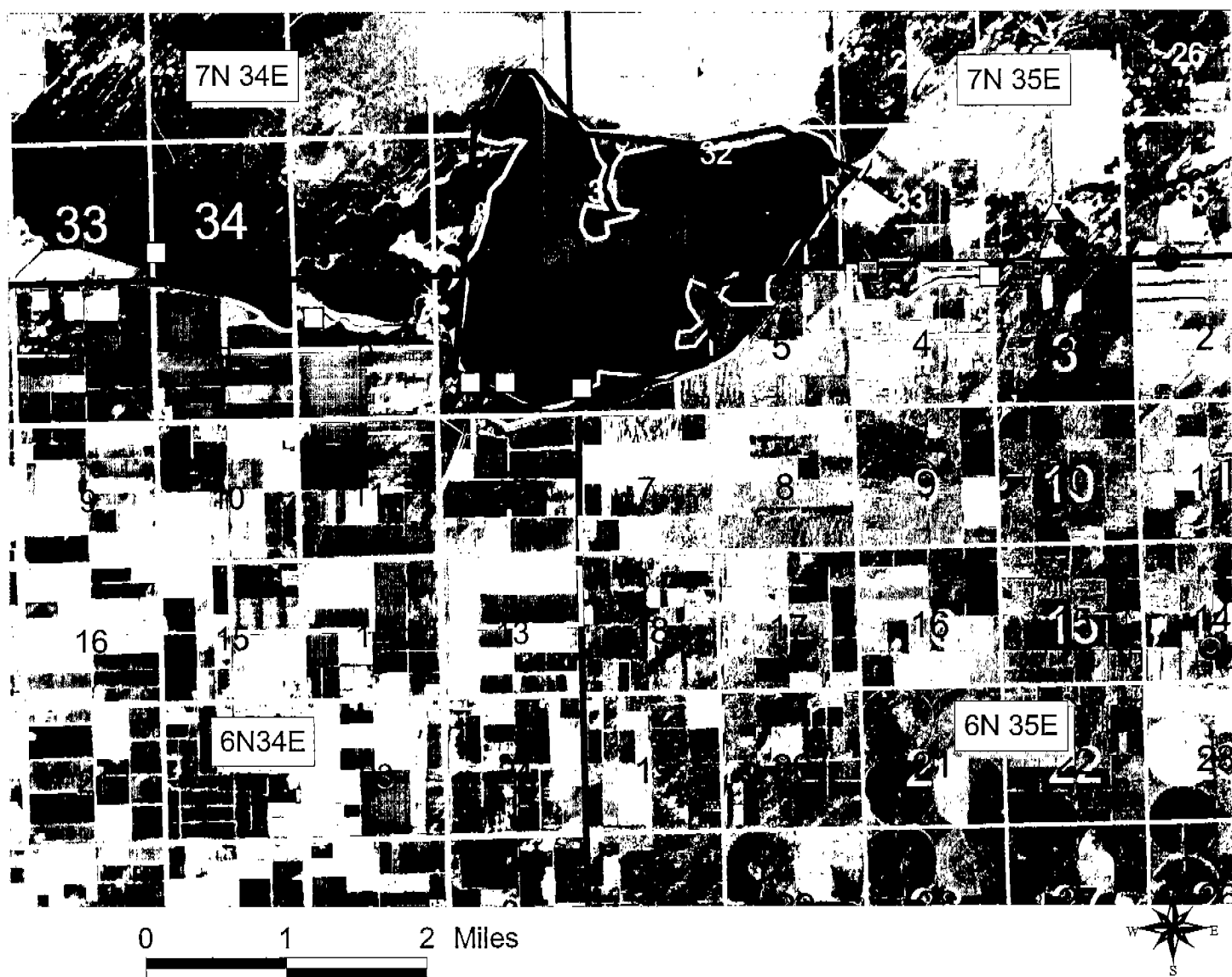
- |   |                                   |   |                            |
|---|-----------------------------------|---|----------------------------|
| ⊙ | Point of Diversion                | △ | Point of Injection         |
| ⊙ | Point of Diversion - Other Rights | △ | Injection - Other Rights   |
|   | Place of Use                      | □ | Point of Rediversion       |
|   | Place of Use - Other Rights       | ■ | Rediversion - Other Rights |
|   | Quarter-quarter Sections          |   |                            |
|   | Section Lines                     |   |                            |

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

# Idaho Department of Water Resources

Water Right 31-10965A, 31-11339

Map 3 - East Place of Use



- |   |                                   |   |                            |
|---|-----------------------------------|---|----------------------------|
| ⊙ | Point of Diversion                | △ | Point of Injection         |
| ⊙ | Point of Diversion - Other Rights | △ | Injection - Other Rights   |
| □ | Place of Use                      | □ | Point of Rediversion       |
| □ | Place of Use - Other Rights       | □ | Rediversion - Other Rights |
| □ | Quarter-quarter Sections          |   |                            |
| □ | Section Lines                     |   |                            |

GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10965A

|                   |                                                                                                                  |
|-------------------|------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                          |
| Current Owner     | INDEPENDENT WATER USERS OF MUD LAKE INC<br>C/O DON PARKER<br>2032 W 4200 S<br>REXBURG, ID 83440<br>(208)356-5091 |

Priority Date: 12/15/1932  
Basis: Decreed  
Status: Valid

|               |                     |
|---------------|---------------------|
| <u>Source</u> | <u>Tributary to</u> |
| 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       | 10/31     | 58 CFS                | 21168 AFA     |                    |
| Total Diversion       |             |           | 58 CFS                | 21168 AFA     |                    |

## Point(s) of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County    |             |
|----------|-------|---------|-------------------|-----|-----------|-------------|
| 07N      | 35E   | 13      | SE SW SW          |     | JEFFERSON |             |
| 06N      | 35E   | 6       | NW SW SW          |     | JEFFERSON | Rediversion |
| 06N      | 35E   | 4       | NE NE NE          |     | JEFFERSON | Rediversion |
| 06N      | 34E   | 2       | NE SW NW          |     | JEFFERSON | Rediversion |
| 06N      | 34E   | 1       | NE SW SW          |     | JEFFERSON | Rediversion |
| 06N      | 34E   | 1       | NE SE SW          |     | JEFFERSON | Rediversion |
| 07N      | 35E   | 13      | SE SW SW          |     | JEFFERSON |             |
| 07N      | 35E   | 13      | SE SW SW          |     | JEFFERSON |             |
| 07N      | 35E   | 13      | SE SW SW          | 0   | JEFFERSON |             |
| 07N      | 34E   | 34      | NW SW SW          |     | JEFFERSON | Rediversion |
| 07N      | 35E   | 34      | SW NW SE          |     | JEFFERSON | Injection   |

## IRRIGATION Use:

Acre Limit: 4109

## 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      | 33E   | 1       | 1   | NENE  | 40    | 2   | NWNE  | 40    |     | SWNE  | 40    |     | SENE  | 40    |
|          |       |         | 3   | NENW  | 40    | 4   | NWNW  | 39    |     | SWNW  | 39    |     |       |       |
|          |       | 11      |     | NENE  | 23    |     | NWNE  | 2     |     | SENE  | 0.1   |     |       |       |
|          |       | 1       |     | SENE  | 40    |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NESW  | 40    |     | NWSW  | 39    |     | SWSW  | 38    |     | SESW  | 39    |
|          |       | 12      |     | NENW  | 39    |     | NWNW  | 39    |     | SWNW  | 25    |     | SENE  | 40    |
|          | 34E   | 11      |     | NESE  | 0.2   |     | SESE  | 0.3   |     |       |       |     |       |       |
|          |       | 1       | 3   | NWSW  | 0.1   |     |       |       |     |       |       |     |       |       |
|          |       | 12      |     | NENE  | 40    |     | NWNE  | 34    |     | SWNE  | 40    |     | SENE  | 40    |
|          |       |         |     | NENW  | 37    |     | SWNW  | 26    |     | SENE  | 40    |     |       |       |
|          |       |         |     | NESW  | 40    |     | NWSW  | 40    |     | SWSW  | 40    |     | SESW  | 40    |
|          |       |         |     | NESE  | 40    |     | NWSE  | 40    |     | SWSE  | 40    |     | SESE  | 40    |
|          |       | 13      |     | NENE  | 35    |     | NWNE  | 40    |     | SWNE  | 40    |     | SENE  | 39    |
|          |       |         |     | NENW  | 40    |     | SENE  | 40    |     |       |       |     |       |       |

|     |     |    |      |     |   |      |    |   |      |    |  |      |    |
|-----|-----|----|------|-----|---|------|----|---|------|----|--|------|----|
|     | 14  |    | NENW | 40  |   | NWNW | 37 |   | SWNW | 34 |  | SENW | 40 |
|     | 15  |    | NENE | 35  |   | NWNE | 40 |   | SWNE | 40 |  | SENE | 40 |
|     | 2   |    | NESW | 40  |   | NWSW | 40 |   | SWSW | 40 |  | SESW | 40 |
|     |     |    | NESE | 39  |   | NWSE | 39 |   | SWSE | 40 |  | SESE | 30 |
|     | 3   | 1  | NENE | 0.1 | 2 | NWNE | 12 |   | SWNE | 40 |  | SENE | 28 |
|     | 6   | 3  | NENW | 40  | 4 | NWNW | 39 | 5 | SWNW | 39 |  | SENW | 40 |
| 35E | 4   | 1  | NENE | 26  | 2 | NWNE | 33 |   | SWNE | 40 |  | SENE | 40 |
|     |     | 3  | NENW | 4.1 | 4 | NWNW | 12 |   | SWNW | 38 |  | SENW | 40 |
|     | 5   | 6  | NWSW | 23  |   | SWSW | 40 |   |      |    |  |      |    |
|     | 6   | 3  | NESE | 4.1 |   | SESE | 39 |   |      |    |  |      |    |
|     | 7   |    | NENE | 40  |   | NWNE | 40 |   | SWNE | 40 |  | SENE | 40 |
|     |     |    | NENW | 40  | 1 | NWNW | 35 | 2 | SWNW | 35 |  | SENW | 40 |
|     |     |    | NESW | 40  | 3 | NWSW | 35 | 4 | SWSW | 26 |  | SESW | 40 |
|     |     |    | NESE | 40  |   | NWSE | 40 |   | SWSE | 40 |  | SESE | 40 |
| 07N |     |    | NENE | 39  |   | NWNE | 40 |   | SWNE | 40 |  | SENE | 40 |
|     |     |    | NENW | 40  |   | SENW | 40 |   |      |    |  |      |    |
|     |     |    | NESW | 40  |   | NWSW | 39 |   | SWSW | 38 |  | SESW | 38 |
|     |     |    | NESE | 40  |   | NWSE | 40 |   | SWSE | 38 |  | SESE | 36 |
|     | 34E | 31 | NENW | 40  | 1 | NWNW | 39 | 2 | SWNW | 39 |  | SENW | 40 |
|     |     |    | NESW | 40  | 3 | NWSW | 39 | 4 | SWSW | 31 |  | SESW | 37 |

Total Acres: 4109

Conditions of Approval:

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

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-11339 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4109 ACRES IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-11339 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 58 CFS.
3. Point of Diversion WATER IS INJECTED INTO CAMAS CREEK AND REDIVERTED FROM CAMAS CREEK AND MUD LAKE.

Comments:

| Author  | Date     | Subject        | Comment                                                                                                                                                                                                                                                        |
|---------|----------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| bcontor | 10/23/00 | diversion rate | See physical file "Mud Lake Storage" for discussion of basis of diversion rate. While this rate exceeds historical 1963 capacity, in the 1980s the department issued transfers which seemed to confirm this higher diversion rate based on one reading of Baue |
| bcontor | 10/23/00 | priority       | Per WR database. Note that Bauerly Decree acknowledges the existence of these rights as permits but does not assign priority.                                                                                                                                  |
| bcontor | 10/23/00 | 31-11339       | 31-11339 is a beneficial use right associated with this claim, for storage of groundwater in mud lake. 31-11339 will also serve as a beneficial use right to address possible differences from original acres, on a Permissible Place of Use basis.            |
| bcontor | 10/23/00 | overlap        | The groundwater rights of Independent Water Users overlap private decreed surface water rights, including surface water rights of Level Canal. Except for lands under 31-10965B, which were split off the same parent, all GW acres are also SW acres.         |
| bcontor | 10/23/00 | combined       | The original rights were 31-00336 and 31-00337. These were split into A and B portions, of which Independent Water Users owned the "A" portion. As these were of equal priority they were combined in claim 31-10965.                                          |
| bcontor | 10/23/00 | split          | 31-10965 was split into A and B when one user transferred his portion of the original GW rights to a private well at the POU.                                                                                                                                  |
| bcontor | 10/23/00 | POD            | GPS appears to put one POD in SWSESW instead of SESWSW but field inspection shows well is just inside fence. Difference is within expected range of GPS error so recommended per field inspection instead of GPS, GIS shape adjusted.                          |
| bcontor | 10/23/00 | volume         | In a year when the entire irrigation must depend on GW, the full volume of this right will be needed for irrigation and the early-season pumping volume authorized by 31-11339 will be needed for losses in the lake and                                       |

bcontor 10/23/00 quantity  
bcontor 10/27/00 volume

dist. system. See "Mud Lake Storage"

This right and 31-11339 together are limited to the diversion rate recognized by IDWR in 1980s transfers.

Bauerly Decree confirms to Ind. Water Users the right to the volume diverted at full rate from May 1 to Nov 1, or 184 days.  $184 * 1.9835 * 58$  cfs = 21168 acre feet. Note that calc. in file "Mud Lake Storage" confirm this vol is reasonable for ditch loss

Dates:

Licensed Date:  
Claim Received Date: 12/30/1988  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
Date Filed with Court:  
Objection Filed Date:  
SF5 Filed:  
Special Master Recom Signed Date:

Other Information:

Receipt Number(s):  
State or Federal: S  
Owner Name Connector:  
Overall Max Diversion Rate: 58  
Overall Max Diversion Volume: 21168  
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

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: A31-10965A

Date Received: 12/30/1988

Receipt No: X777777

Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: INDEPENDENT WATER USERS OF MUD LAKE INC 208-356-5091  
Address: C/O DON PARKER  
2032 W 4200 S  
REXBURG ID 83440

2. Date of Priority: APR 27, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 07N      | 35E   | 13      | SW     | SW     |     |     | JEFFERSON |

5. Description of diverting works:  
FOUR WELLS OPEN DISCHARGE INTO CANAL WHICH EMPTIES INTO MUD LAKE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 58.000 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 33E   | 1       | 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      | 33E   | 1       | 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  |
|          |       |         |     |    |     |     | Section Acres | 480.0 |
|          |       | 11      | SW  |    | NE  |     | IRR           | 5.0   |
|          |       |         | SE  |    | NE  |     | IRR           | 25.0  |
|          |       |         |     |    |     |     | Section Acres | 30.0  |
|          |       | 12      | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 25.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 145.0 |
|          | 34E   | 2       | NE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 320.0 |
|          |       | 3       | NW  |    | NE  |     | IRR           | 10.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     | Section Acres | 80.0  |
|          |       | 6       | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| Section Acres |       |         |            |     |     | 160.0 |
|               |       | 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 |
|               |       | 12      | 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  |
|               |       |         | SW         | NW  | IRR | 40.0  |
|               |       |         | SE         | NW  | IRR | 40.0  |
|               |       |         | NE         | SW  | IRR | 40.0  |
|               |       |         | NW         | SW  | IRR | 40.0  |
|               |       |         | SW         | SW  | IRR | 40.0  |
|               |       |         | SE         | SW  | IRR | 40.0  |
|               |       |         | NE         | SE  | IRR | 40.0  |
|               |       |         | NW         | SE  | IRR | 40.0  |
|               |       |         | SW         | SE  | IRR | 40.0  |
|               |       |         | SE         | SE  | IRR | 40.0  |
| Section Acres |       |         |            |     |     | 600.0 |
|               |       | 13      | 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  |
| Section Acres |       |         |            |     |     | 240.0 |
|               |       | 14      | NE         | NW  | IRR | 39.0  |
|               |       |         | NW         | NW  | IRR | 35.0  |
|               |       |         | SW         | NW  | IRR | 35.0  |
|               |       |         | SE         | NW  | IRR | 39.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
|          |       |         |     |        |     | Section Acres | 148.0 |
|          |       | 15      | NE  | NE     |     | IRR           | 40.0  |
|          |       |         | NW  | NE     |     | IRR           | 40.0  |
|          |       |         | SW  | NE     |     | IRR           | 40.0  |
|          |       |         | SE  | NE     |     | IRR           | 40.0  |
|          |       |         |     |        |     | Section Acres | 160.0 |
|          | 35E   | 4       | NE  | NE     |     | IRR           | 41.0  |
|          |       |         | NW  | NE     |     | IRR           | 41.0  |
|          |       |         | SW  | NE     |     | IRR           | 40.0  |
|          |       |         | SE  | NE     |     | IRR           | 40.0  |
|          |       |         | NE  | NW     |     | IRR           | 5.0   |
|          |       |         | NW  | NW     |     | IRR           | 12.0  |
|          |       |         | SW  | NW     |     | IRR           | 38.0  |
|          |       |         | SE  | NW     |     | IRR           | 40.0  |
|          |       |         |     |        |     | Section Acres | 257.0 |
|          |       | 5       | NW  | SW     |     | IRR           | 15.0  |
|          |       |         | SW  | SW     |     | IRR           | 40.0  |
|          |       |         |     |        |     | Section Acres | 55.0  |
|          |       | 6       | NE  | SE     |     | IRR           | 5.0   |
|          |       |         | SE  | SE     |     | IRR           | 40.0  |
|          |       |         |     |        |     | Section Acres | 45.0  |
|          |       | 7       | 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     | 1   | IRR           | 35.0  |
|          |       |         | SW  | NW     | 2   | IRR           | 35.0  |
|          |       |         | SE  | NW     |     | IRR           | 40.0  |
|          |       |         | NE  | SW     |     | IRR           | 40.0  |
|          |       |         | NW  | SW     | 3   | IRR           | 35.0  |
|          |       |         | SW  | SW     | 4   | IRR           | 35.0  |
|          |       |         | 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  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres  |
|----------|-------|---------|------------|-----|---------------|--------|
|          |       |         |            |     | Section Acres | 620.0  |
| 07N      | 33E   | 36      | NE         | NE  | IRR           | 40.0   |
|          |       |         | NW         | NE  | IRR           | 40.0   |
|          |       |         | SW         | NE  | IRR           | 40.0   |
|          |       |         | SE         | NE  | IRR           | 40.0   |
|          |       |         | NE         | NW  | IRR           | 40.0   |
|          |       |         | SE         | NW  | IRR           | 40.0   |
|          |       |         | NE         | SW  | IRR           | 40.0   |
|          |       |         | NW         | SW  | IRR           | 40.0   |
|          |       |         | SW         | SW  | IRR           | 40.0   |
|          |       |         | SE         | SW  | IRR           | 40.0   |
|          |       |         | NE         | SE  | IRR           | 40.0   |
|          |       |         | NW         | SE  | IRR           | 40.0   |
|          |       |         | SW         | SE  | IRR           | 40.0   |
|          |       |         | SE         | SE  | IRR           | 40.0   |
|          |       |         |            |     | Section Acres | 560.0  |
|          | 34E   | 31      | 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   |
|          |       |         |            |     | Section Acres | 320.0  |
|          |       |         |            |     | Total Acres   | 4540.0 |

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

TRANSFER #2461 CONTAINED ERRORS IN THE LEGAL DESCRIPTION FOR THE LANDS SERVED BY THE CANAL CO. THE LAND LIST ON THIS CLAIM IS BASED ON HISTORICAL PRACTICES AS SHOW ON THE NOTICES OF CLAIMS FILED BY THE STOCKHOLDERS OF THE CANAL COMPANY.

DOBSON RANCH, PARTNERSHIP

14. Remarks: Continued

LEVEL CANAL CO.  
DON BURTENSCHAW  
JOE POTTER  
JAY T. FURNESS  
LOUIS BEZOLD

\* (08 DEC 92) NOTICE IS COMBINATION OF RIGHT NO.S 31-00336A AND 31-00337A. EMC.

\* (09 DEC 92) TRANSFER #3948 SPLIT THIS RIGHT INTO A31-10965A AND A31-10965B. A31-10965 WAS PAID FOR UNDER RECEIPT E005395. THE SPLIT REMOVES THE LAND PREVIOUSLY OWNED BY LOUIS BEZOLD FOR THE SERVICE AREA OF THE CANAL COMPANY. EMC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

OWSLEY CANAL CO.

Decree Plaintiff

ERNEST BAUERLE, ET AL.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Organizations:**

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

Keith C. Shulberg  
Signature of Authorized Agent

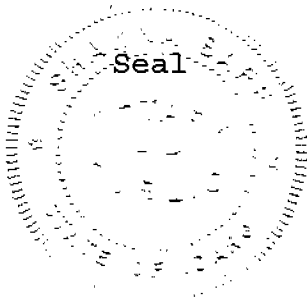
Secretary & Treasurer  
Title and Organization

3-16-00  
Date

State of Idaho )  
County of Jefferson ) SS.

Subscribed and sworn (or affirmed) before me this 16th day  
of March 2000

Shawna Bare  
Notary Public



Residing at Terreton, Idaho  
My Commission Expires 5-24-02

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: A31-10965A  
Date Received: 12/30/1988  
Receipt No: X777777  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: INDEPENDENT WATER USERS OF MUD LAKE INC.  
Address: C/O HOLDEN, KIDWELL & HAHN  
P.O. BOX 129  
IDAHO FALLS ID 83401

2. Date of Priority: APR 27, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 07N      | 35E   | 13      | SW     | SW     |     |     | JEFFERSON |

5. Description of diverting works:  
FOUR WELLS OPEN DISCHARGE INTO CANAL WHICH EMPTIES INTO MUD LAKE.

6. Water is used for the following purposes:

| Purpose            | From  | To    | C.F.S  | (or) | A.F.A.  |
|--------------------|-------|-------|--------|------|---------|
| IRRIGATION         | 04/01 | 11/01 | 58.000 |      |         |
| IRRIGATION STORAGE | 11/01 | 04/01 |        |      | 4000.00 |

7. Total Quantity Appropriated is:  
58.000 C.F.S. (and/or) 15890.00 A.F.A.

8. Total consumptive use is 11350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 33E   | 1       | NE     | NE  |     | IRR | 40.0  |
|          |       |         | NW     | NE  |     | IRR | 40.0  |
|          |       |         | SW     | NE  |     | IRR | 40.0  |

A3110965A



10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 06N      | 33E   | 1       | 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  |
|          |       |         |     |    |     |     | Section Acres | 480.0 |
|          |       | 11      | SW  |    | NE  |     | IRR           | 5.0   |
|          |       |         | SE  |    | NE  |     | IRR           | 25.0  |
|          |       |         |     |    |     |     | Section Acres | 30.0  |
|          |       | 12      | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 25.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 145.0 |
|          | 34E   | 2       | NE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 320.0 |
|          |       | 3       | NW  |    | NE  |     | IRR           | 10.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     | Section Acres | 80.0  |
|          |       | 6       | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |

MICROFILMED

## 10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 160.0 |
|          |       | 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 |
|          |       | 12      | 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  |
|          |       |         | SW         | NW  | IRR           | 40.0  |
|          |       |         | SE         | NW  | IRR           | 40.0  |
|          |       |         | NE         | SW  | IRR           | 40.0  |
|          |       |         | NW         | SW  | IRR           | 40.0  |
|          |       |         | SW         | SW  | IRR           | 40.0  |
|          |       |         | SE         | SW  | IRR           | 40.0  |
|          |       |         | NE         | SE  | IRR           | 40.0  |
|          |       |         | NW         | SE  | IRR           | 40.0  |
|          |       |         | SW         | SE  | IRR           | 40.0  |
|          |       |         | SE         | SE  | IRR           | 40.0  |
|          |       |         |            |     | Section Acres | 600.0 |
|          |       | 13      | 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  |
|          |       |         |            |     | Section Acres | 240.0 |
|          |       | 14      | NE         | NW  | IRR           | 39.0  |
|          |       |         | NW         | NW  | IRR           | 35.0  |
|          |       |         | SW         | NW  | IRR           | 35.0  |
|          |       |         | SE         | NW  | IRR           | 39.0  |

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10. Place of Use: Continued

| Township | Range | Section | 1/4           | of 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|--------|-----|-----|-------|
|          |       |         | Section Acres |        |     |     | 148.0 |
|          |       | 15      | NE            | NE     |     | IRR | 40.0  |
|          |       |         | NW            | NE     |     | IRR | 40.0  |
|          |       |         | SW            | NE     |     | IRR | 40.0  |
|          |       |         | SE            | NE     |     | IRR | 40.0  |
|          |       |         | Section Acres |        |     |     | 160.0 |
| 35E      |       | 4       | NE            | NE     |     | IRR | 41.0  |
|          |       |         | NW            | NE     |     | IRR | 41.0  |
|          |       |         | SW            | NE     |     | IRR | 40.0  |
|          |       |         | SE            | NE     |     | IRR | 40.0  |
|          |       |         | NE            | NW     |     | IRR | 5.0   |
|          |       |         | NW            | NW     |     | IRR | 12.0  |
|          |       |         | SW            | NW     |     | IRR | 38.0  |
|          |       |         | SE            | NW     |     | IRR | 40.0  |
|          |       |         | Section Acres |        |     |     | 257.0 |
|          |       | 5       | NW            | SW     |     | IRR | 15.0  |
|          |       |         | SW            | SW     |     | IRR | 40.0  |
|          |       |         | Section Acres |        |     |     | 55.0  |
|          |       | 6       | NE            | SE     |     | IRR | 5.0   |
|          |       |         | SE            | SE     |     | IRR | 40.0  |
|          |       |         | Section Acres |        |     |     | 45.0  |
|          |       | 7       | 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     | 1   | IRR | 35.0  |
|          |       |         | SW            | NW     | 2   | IRR | 35.0  |
|          |       |         | SE            | NW     |     | IRR | 40.0  |
|          |       |         | NE            | SW     |     | IRR | 40.0  |
|          |       |         | NW            | SW     | 3   | IRR | 35.0  |
|          |       |         | SW            | SW     | 4   | IRR | 35.0  |
|          |       |         | 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  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres  |
|----------|-------|---------|-----|--------|-----|---------------|--------|
|          |       |         |     |        |     | Section Acres | 620.0  |
| 07N      | 33E   | 36      | NE  | NE     |     | IRR           | 40.0   |
|          |       |         | NW  | NE     |     | IRR           | 40.0   |
|          |       |         | SW  | NE     |     | IRR           | 40.0   |
|          |       |         | SE  | NE     |     | IRR           | 40.0   |
|          |       |         | NE  | NW     |     | IRR           | 40.0   |
|          |       |         | SE  | NW     |     | IRR           | 40.0   |
|          |       |         | NE  | SW     |     | IRR           | 40.0   |
|          |       |         | NW  | SW     |     | IRR           | 40.0   |
|          |       |         | SW  | SW     |     | IRR           | 40.0   |
|          |       |         | SE  | SW     |     | IRR           | 40.0   |
|          |       |         | NE  | SE     |     | IRR           | 40.0   |
|          |       |         | NW  | SE     |     | IRR           | 40.0   |
|          |       |         | SW  | SE     |     | IRR           | 40.0   |
|          |       |         | SE  | SE     |     | IRR           | 40.0   |
|          |       |         |     |        |     | Section Acres | 560.0  |
|          | 34E   | 31      | 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          |        |
|          |       |         |     |        |     | Section Acres | 320.0  |
|          |       |         |     |        |     | Total Acres   | 4540.0 |

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

THIS RT. WHEN COMBINED WITH 31-0337A SHALL NOT EXCEED 61.2 CFS.  
TRANSFER #2461 CONTAINED ERRORS IN THE LEGAL DESCRIPTION FOR THE  
LANDS SERVED BY THE CANAL CO. THE LAND LIST ON THIS CLAIM IS  
BASED ON HISTORICAL PRACTICES AS SHOW ON THE NOTICES OF CLAIMS  
FILED BY THE STOCKHOLDERS OF THE CANAL COMPANY.

DOBSON RANCH, PARTNERSHIP

MICROFILMED

14. Remarks: Continued

LEVEL CANAL CO.  
DON BURTONSHAW  
JOE POTTER  
JAY T. FURNESS  
LOUIS BEZOLD

THE IRRIGATION STORAGE IS BASED ON AN AGREEMENT INITIATED IN 1961 FOR THE PUMPING OF GROUNDWATER INTO MUD LAKE IN ORDER TO FILL THE LAKE WHEN IT CAN NOT BE FILLED WITH NATURAL FLOW FROM CAMAS CREEK AND THE ARTESIAN WINTER FLOWS FROM WELLS. (SEE ATTACHMENT\_B AND PRE-IRRIGATION SEASON PUMPING AGREEMENT)

\* (08 DEC 92) NOTICE IS COMBINATION OF RIGHT NO.S 31-00336A AND 31-00337A. EMC.

\* (09 DEC 92) TRANSFER #3948 SPLIT THIS RIGHT INTO A31-10965A AND A31-10965B. A31-10965 WAS PAID FOR UNDER RECEIPT E005395. THE SPLIT REMOVES THE LAND PREVIOUSLY OWNED BY LOUIS BEZOLD FOR THE SERVICE AREA OF THE CANAL COMPANY. EMC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

OWSLEY CANAL CO.  
Decree Plaintiff

ERNEST BAUERLE, ET AL.  
vs Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_, 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.

\_\_\_\_\_  
Signature of Authorized Agent

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

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**17. Notice of Appearance:**

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

MICROFILMED



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 16, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

**INDEPENDENT WATER USERS INC  
C/O KEITH SHULDBERG  
1795 N 1800 E  
HAMER ID 83425**

**RE: NOTICE OF ERROR**

Dear Mr. Shuldberg:

Water Agent Bryce Contor has finished reviewing your Notice of Error for water right numbers 31-10965A and 31-11339, and has adjusted the claims accordingly.

Enclosed for your records are copies of the recommendations and an aerial photo of the property.

If you have any questions feel free to contact Bryce Contor at this office.

Respectfully submitted,

Cheri Vandermeulen  
Records Clerk

To: Ind. Water users files  
Keith Shulberg Files  
Fr: Bryce Contor  
Date: 10/27/00

Re: Irrigation of Keith Shulberg  
lands north of Camas Creek

Yesterday Keith told me he has a  
pipe buried beneath Camas Creek  
to convey water from his lift pump  
to his pool north of Camas Creek

Bryce A. Contor

To: Level Canal files  
Independent Canal files  
Fr: Bryce Contor  
Date: 10/20/2000



Re: POU in section 11.

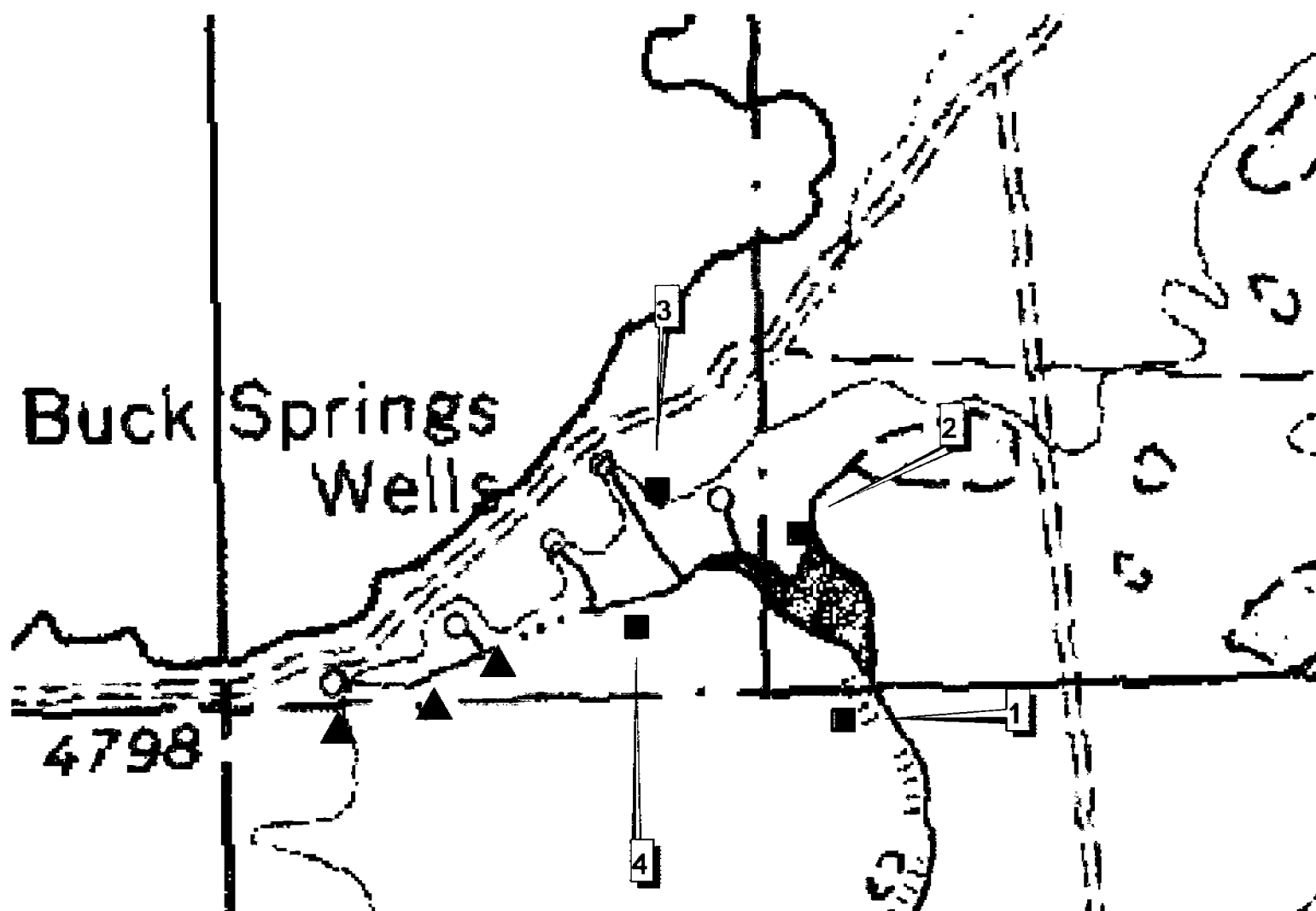
Don Parker called today and confirmed that the correct POU in section 11 is those lands north of the Salmon Highway.

I suspect that this is just a typographical error and I will correct it per this memo.

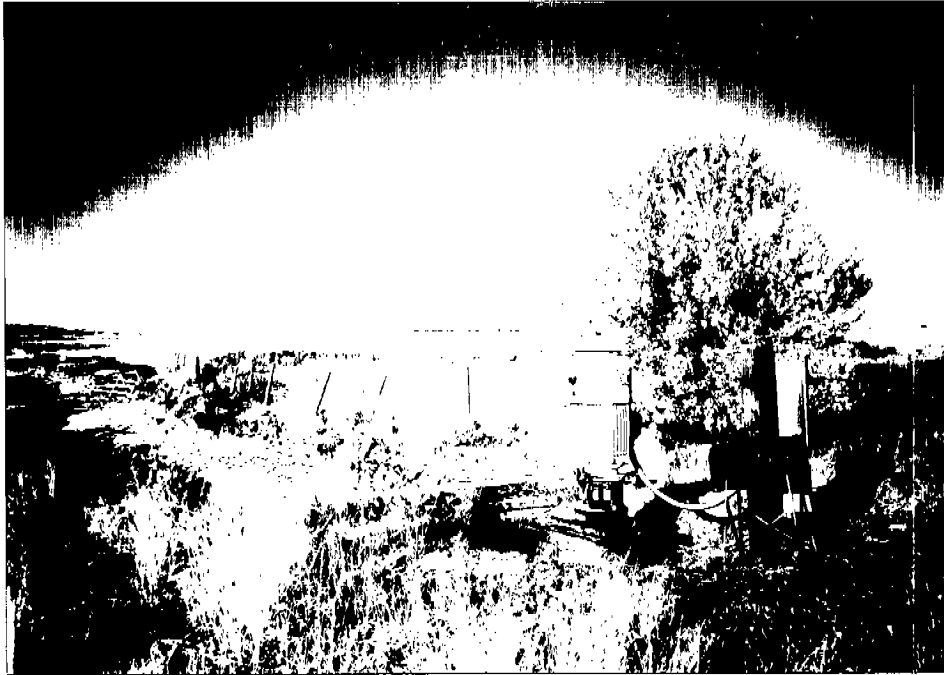
**PHOTOS OF INDEPENDENT WATER USERS WELLS**

**OCTOBER 9, 2000**

# Independent Water Users Wells October, 2000



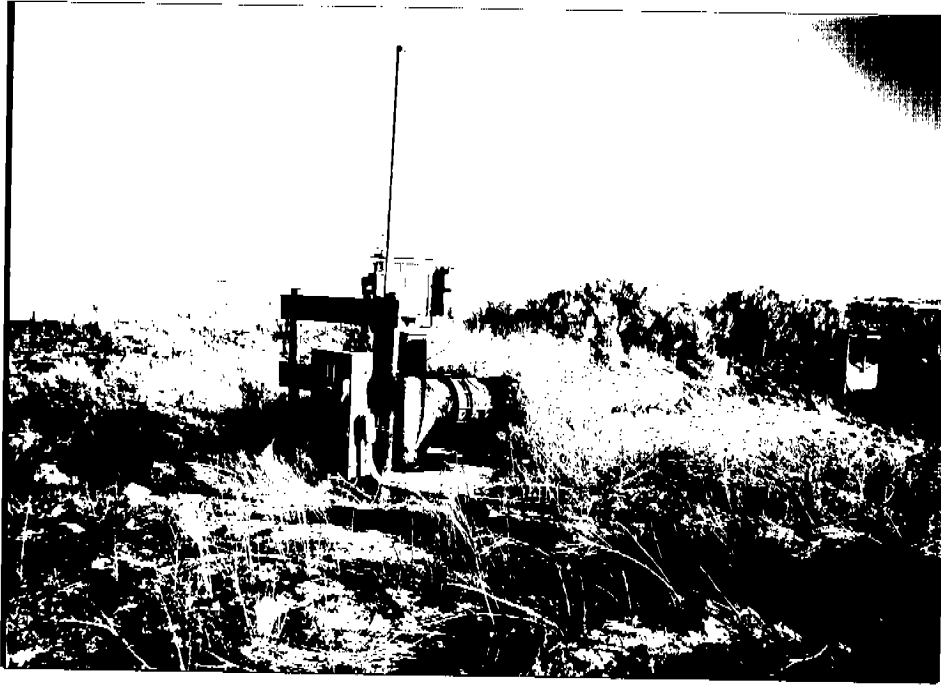
- Independent Water Users Wells
- ▲ Mud Lake Water Users Wells



Pump #1, Photo #1. 100 horsepower motor nameplate.



Location #2, pump not numbered. Photo #2. 100 horsepower motor nameplate



Pump #3, photo #3. 100 horsepower motor nameplate.

Location #4, pump not numbered, photograph failed. 200 horsepower motor nameplate.



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

✓ Level Canal Co.  
c/o Wilfried  
Schmitt  
HC 63 Box 2585  
Montevideo, Idaho 83435

Independent Water Users of Mud Lake  
c/o Don Parker  
2032 W 4200 S  
Rexburg, Idaho 83440

Re: Place of Use

Dear Mr. Schmitt and Mr. Parker:

Enclosed are draft maps of the tentative place of use for water rights under the Level Canal and Independent Water Users.

Please review them carefully and contact me if there are problems or concerns.

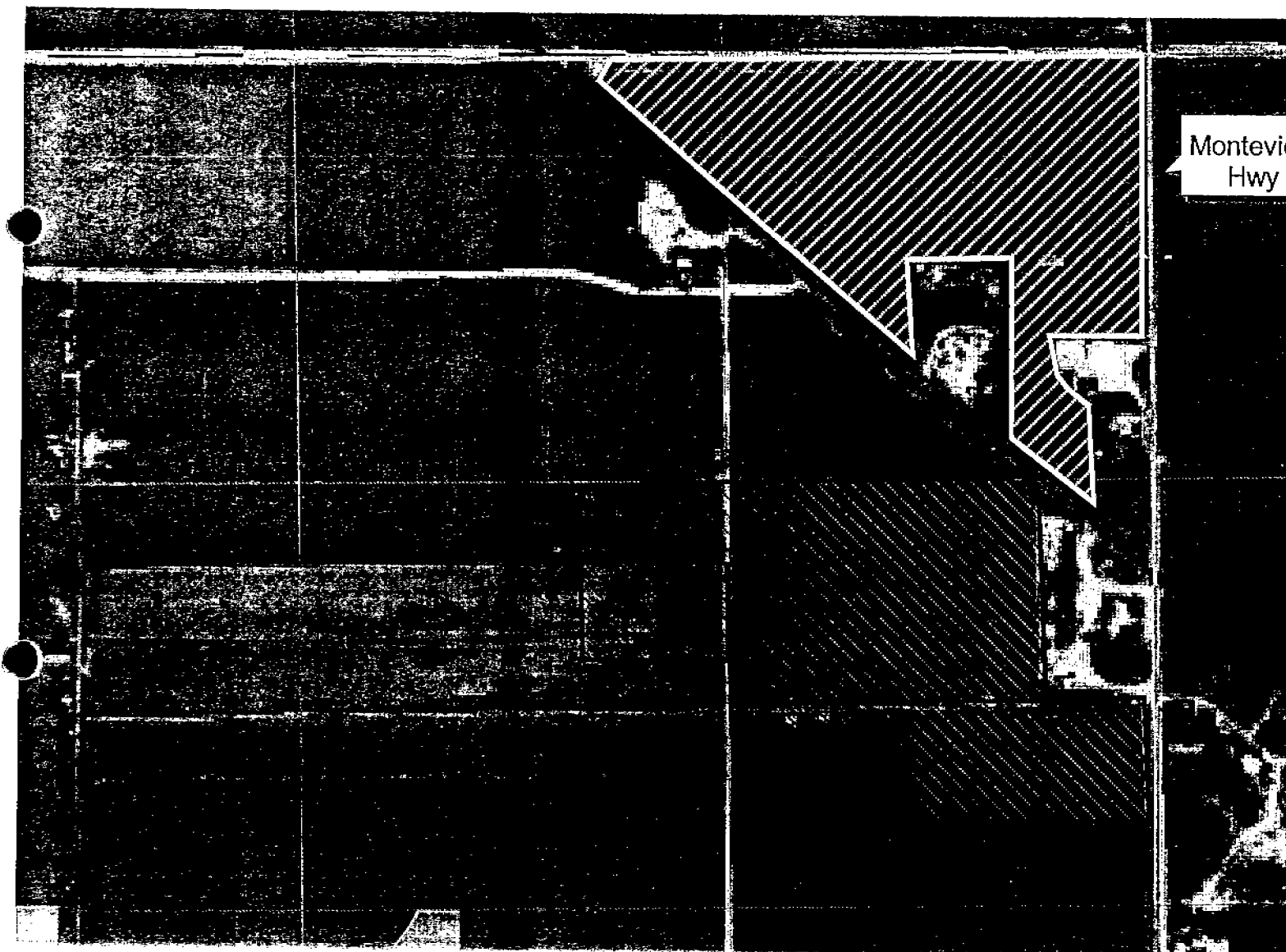
Especially please look at the enclosed detail map of lands in T6N R33E Section 11. The yellow shape north of the Salmon Highway and West of the Montevideo Highway is the place of use I believe should be recommended. The blue shape behind Holdaway's place is the place of use that is claimed. I need to know which of these is correct. If the yellow shape is correct, I'll need to prepare amended claims for your signatures. There will be no fee.

I'll be out of town on Wednesday, Thursday, and Friday. You may call me at home, 663-4853, this weekend, or you may call me at the office, 525-7161, next week.

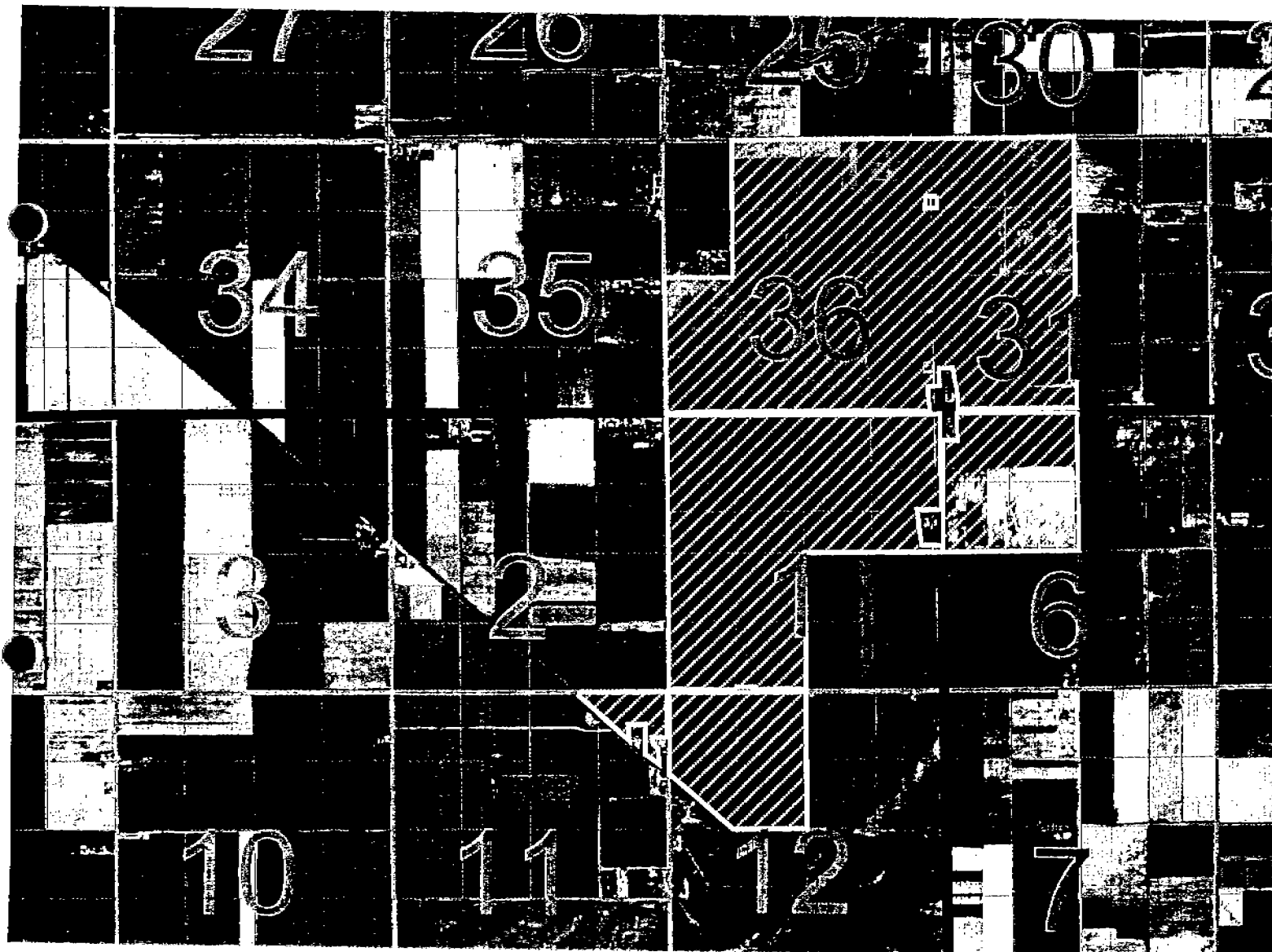
Sincerely,

Bryce A. Contor  
Senior Water Resource Agent

Level Canal/Independent Water Users Place of Use  
October 9, 2000  
Yellow - Presumed Place of Use. Blue - Claimed Place of Use



Working Map of Level Canal Place of Use -  
October 9, 2000

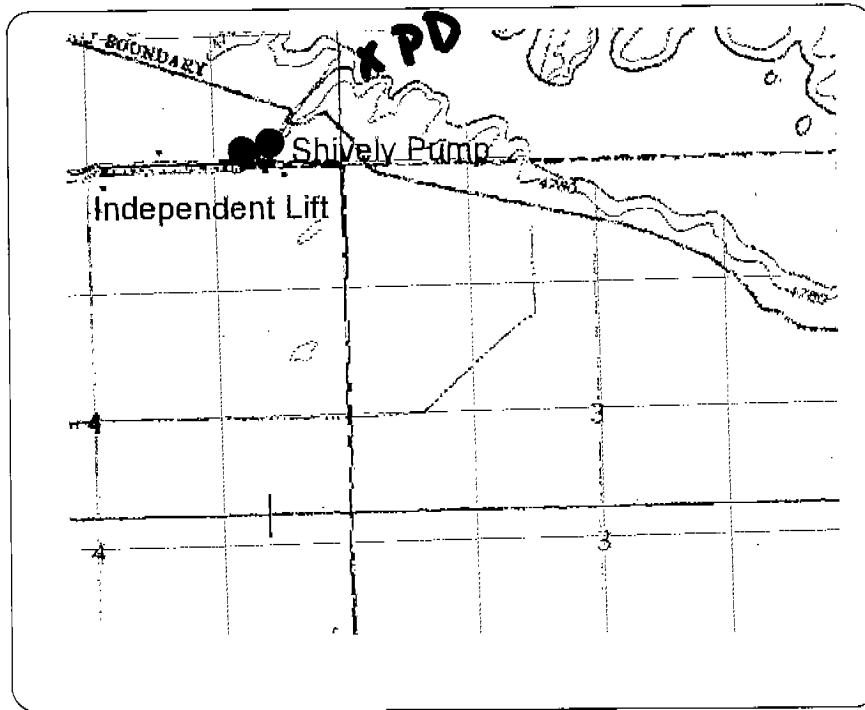


Working Map of Independent Water Users Place  
October 9, 2000 - Version 1



# AJ Field Inspection Photograph 7/5/2000

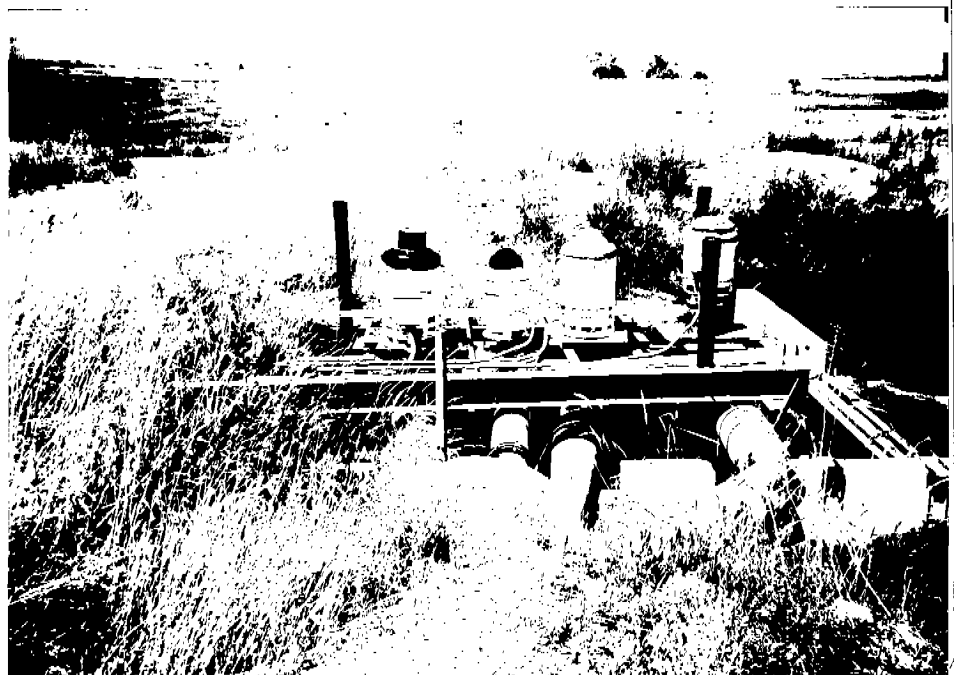
## Independent Lift 7N 34E 33 SESE



AJ Field Inspection Photos 7/5/00 B. Contor

Independent Water Users Lift, 7N 34E 33 SESE, looking NE.

Independent Water Users GW claims, Level Canal Surface claims, possibly other private Surface claims. POD is approx 1600 ft NE in 7N 34E 34 NWSWSW.



AS Site visit 7/5/00 P. Coulton

Acc by Peter Fisher

Claimant Independent

Diversions Ind. Lift

GPS R0705204 Offset zero

Mobir nameplate 50 hp

50 hp

25 hp

?? estimate 100 ?

Lift estimate 6'

ABB 112409

2.60 x 40 KW

M E M O

TO: FILE

FROM: ERNEST CARLSEN

DATE: JUNE 8, 1992

SUBJECT: TRANSFER APPLICATION INVOLVING 31-00336A,  
DEL RAY HOLM AND SONS

INTENT OF APPLICATION

The Applicant has purchased the 160 acres previously owned by Lewis Bezol. The Contract of Sale stated the applicant received 159 shares of capitol stock of the Independent Water Users of Mud Lake and carrying rights in the Jacket Canal. Mr. Bezol's only water supply was groundwater from the Independent Water Users of Mud Lake. The applicant is now pumping this water from the Jackett Canal, in the NW corner of the NWSE Section 9, into a closed system with a center pivot. The applicant has installed an in-line measuring device that is monitored by the watermaster. The purpose for the application is to change the point of diversion from the Independent wells to a new well on the applicant's property. This would reduce the quantity and irrigated acreage of the water right(s) for the Independent Water Users of Mud Lake.

FINDINGS

A letter signed by the officers of the Independent Water Users states the Company is in favor of the transfer. Comments from the Watermaster and the Applicant state both parties will benefit. There is no change in the place of use and a telecon on June 3, 1992 with the Jefferson County ASCS revealed Mr. Bezol had be credited with irrigation of 150 acres. Also on June 3 at the place of use and proposed point of diversion I met Don Shenton, Watermaster; Randy Dobson, President of Independent Water Users of Mud Lake; and Tom Holm. MICROFILMED

DEC 09 1992

applicant. It was confirmed that Independent had no objection to the transfer and all felt the change would benefit the parties involved. A search of the area identified only two irrigation well in the vicinity. Both were east between 1/4 and 1/2 mile. Don Shenton stated that based on his knowledge of the area he would not expect there to be any well interference problems.

#### RECOMMENDATION

I recommend the transfer be granted for the irrigation of 150 acres as follows: NENW 34 acres, NWNW 38 acres, SWNW 39 acres, and SENW 39 acres. The diversion rate should also be reduce to 3.0 cfs with annual diversion volume of 525 AFA and annual consumptive use limited to 375 AFA. The Applicant should be advised entitlement under this transfer will be subject to review in the SRBA.

#### SUGGESTED CONDITIONS

The place of use is limited to 150 acres as follows:

|      |          |
|------|----------|
| NENW | 34 acres |
| NWNW | 38 acres |
| SWNW | 39 acres |
| SEnw | 39 acres |

The rate of diversion is limited to 3.00 cfs, with an annual diversion volume of 525 acre feet and an annual consumptive use of 375 acre feet.

Diversion of water under this transfer is subject to regulation by the Watermaster for WD 31, Mud Lake and Tributaries.

A measuring devise and lockable controlling works shall be installed at the new point of diversion.

The Director for the Department of Water Resources maintains jurisdiction of this transfer which is subject to the findings of the SRBA.

#### REVIEW OF WATER RIGHTS

Reviewing the transfer from the perspective of the SRBA, revealed the basis for Independent's water rights started as permits, No.'s 17690 and 17763. Permit 17690 was issued for 32.5 cfs under a priority date of April 27, 1932. It was licensed for 28 cfs and given No. 31-2253. Permit 17763 was issued for 50 cfs under a priority date of December 15, 1932. This permit was given No. 31-2254 but was canceled. Both rights were identified in Civil Case 1739 entitled Owsley Canal Company vs. Ernest Bauerle, et al and renumbered by the

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Department from 31-2253 to 31-0336 and 31-2254 to 31-0337. Both rights were also the subject of Transfer 2303 filed by Jackett Canal Company. In the SRBA, Jackett Canal Company filed claims on each right under Numbers 31-00336B and 31-00337B, at a combined rate of 30 cfs. Independent Water Users filed one claim, 31-00336A, listing 61 cfs.

I have numerous questions concerning the transformation of the rights as originally permitted into what has been claimed in the SRBA. Unfortunately, it is not possible without more extensive research to make a recommendation on the quantity for Independent's water right(s). This item will be the subject of the SRBA. Until then, the transfer can be granted, subject to the above recommendations.

At a June 3rd meeting, Don Shenton explained that of the five wells developed to deliver water under Independents two rights (maybe only one) historically, only three wells were operated by Independent; the other two were operated by Jackett Canal. This was the basis for filing transfer 2303. Mr. Shenton's records indicate the three wells for Independent can produce the 61.2 cfs and that Jackett's two wells will produce up to 35 cfs.

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