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JUL 11 2013

DEPARTMENT OF
WATER RESOURCES

ROBERT G. DREHER
Acting Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

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Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (208) 334-1936 FAX: (208) 334-9375

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

In Re SRBA) Subcase Number: 31-07113
)
Case No. 39576) **AFFIDAVIT OF FREDRIC W. PRICE**
)
)

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I Fredric W. Price, being of lawful age, and having first been duly sworn, do depose and state:

1. My name is Fredric W. Price. I am an employee of the United States, Department of Interior, Bureau of Land Management. The following statements are based upon my personal knowledge and review of the official business records of IDWR and BLM. My present position is that of Water Rights Specialist for the United States, Department of Interior, Bureau of Land Management (hereinafter "BLM"), Idaho State office. My current responsibilities include

coordinating the BLM's efforts for the Snake River Basin Adjudication (hereinafter "SRBA") in Idaho. In that capacity, I provide guidance and technical support to the State Director, Field Office Managers, and technical specialists in BLM field offices, particularly those specialists working in water rights and related issues. I develop agency policy on water issues and in other programs affected by water rights, such as the range management and realty programs. I also review, interpret and analyze water right claims for preparing opinions, recommendations, objections and other SRBA documents to the Department of Justice.

2. I have been employed by the BLM since 1982 in the following positions:

a. Eleven and a half years in various positions within the Rangeland Firefighting Program at the BLM, Shoshone Field Office. I spent 12 months working on that office's water rights team to develop and create 5,500 BLM claims;

b. Water Rights Specialist at the BLM, State Office in Boise, Idaho since August of 1993.

3. My experience with water rights is as follows:

a. My eleven and a half years in BLM's fire program required that I have the ability to understand and interpret maps, legal land descriptions, and Range Improvement Project Files. I was routinely required to: travel to remote fire locations with just a map; map the position and extent of fires for which I was responsible; locate, construct and maintain range improvements (including but not limited to: spring developments, pipelines and fences), prepare as-built drawings, and to supplement the range improvement project files. I taught several courses to new employees in interpreting maps and BLM Master Title Plats, as well as, in the use of a compass. In my work with the BLM, I have been responsible for tasks requiring an ability to interpret: maps, legal land descriptions, and

water claims, including the preparation, mapping and review of 5,500 SRBA water right claims for BLM. I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, whether it is still functional, to identify candidates for filing SRBA water claims, and to capture certain types of projects into the Geographic Information System (i.e. computer mapping system).

b. As a Water Rights Specialist at the BLM State Office, it is my responsibility to provide guidance and direction to Idaho BLM offices in all matters relating to water rights. I am also responsible for making recommendations to the Department of Justice and provide technical support on matters involving the SRBA. My experience with water rights in my present position is as follows. I develop policy for BLM across several programs to deal with water issues, such as the range management and realty programs. I have reviewed tens of thousands of legal land descriptions represented in Points of Diversion (hereinafter "POD") and Places of Use (hereinafter "POU") that were published in SRBA Director's Reports to determine land ownership by comparing those land descriptions to BLM's Master Title Plats and Historical Indexes. I have used these resources to determine the ownership history for thousands of legal land descriptions. I provide training to BLM employees in how to read and interpret Master Title Plats and Historical Indexes. I have reviewed hundreds of deeds to determine who owned what land descriptions. I've determined the changes needed for thousands of water right descriptions for use within settlement documents (such as the SRBA Standard Form 5 (hereinafter "SF-5")) to resolve objections involving the BLM. I have extensive knowledge of, and experience with, the official business records of BLM and the Idaho Department of Water Resources (hereinafter

“IDWR”), including but not limited to: BLM water right claim files, BLM water right field investigations, Master Title Plats, Historical Indexes, Control Document Indexes (hereinafter “CDI”), Tract Books, Serialized Case Recordation Files, Cadastral Survey Plats, Mining Claim Files, Grazing Allotment Files, Grazing Operator Files, Homestead Entry Files, IDWR Adjudication Files, and IDWR Water Right Files. I provide advice, guidance and direction to BLM field office personnel as to investigating and preparing claims, how to interpret water rights and how they relate to other water rights. For hundreds of subcases, I have made determinations whether multiple claims exist for the same source and what the nature of their relationship is to each other. I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, if it is still functional, who contributed to the construction and in what amounts, what is authorized and what is not, and to determine whether water is present and in what amounts. I developed the investigative criteria to be used for BLM field offices to investigate water sources for claims preparation and for objection purposes. I have reviewed thousands of BLM claim files and field investigations conducted by BLM. I have also performed investigations of water rights in the field. I routinely provide technical assistance, reports, recommendations and opinions to the Department of Justice concerning all of the above matters.

4. At the request of counsel for the United States, I have reviewed the official business records of BLM and IDWR to reach the determinations described herein: IDWR water right files, IDWR adjudication files, BLM land use authorization files and BLM Master Title Plats & Historical Indexes.

//

5. On February 22, 1974, Jefferson Irrigation Company, Limited (“Jefferson”) filed Application for Permit #31-07113 with IDWR, which IDWR approved on August 13, 1975. The application described one Point of Diversion (“POD”) and was published in the Rigby Star. See attached **Exhibit 1**.

6. On January 21, 1980, Jefferson filed Amended Application for Permit #31-07113 with IDWR (“Amended Permit”) to change the distribution of acres among the Places of Use (“POU”) without affecting the total number of acres. The Amended Permit described the same POD, was approved by IDWR on February 29, 1980, and was published in the Rigby Star. See attached **Exhibit 2**. IDWR’s scanned documents contain no evidence that the Permit was subsequently amended to include additional PODs.

7. On October 17, 1988, Jefferson filed a Notice of Claim in this subcase that listed 14 PODs. See attached **Exhibit 3**.

8. On May 10, 2001, IDWR recommended 31-07113 in the Final Irrigation & Other Director’s Report for Basin 31. The Director’s Report describes one POD consistent with the Amended Permit. See attached **Exhibit 4**. On February 22, 2002, the Court issued a partial decree consistent with the Director’s Report.

9. On February 25, 2013, IDWR issued License 31-07113 to Jefferson. See attached **Exhibit 5**. License 31-07113 lists 15 PODs. The license includes the POD listed in the Amended Permit (S03, NWNW) and 14 additional PODs. It does not appear that these changes contained in the license were published or otherwise noticed to the public. Only 6 of the 15 PODs are the same as what is listed in the SRBA Notice of Claim: Lot 3 (NENENW), Lot 4 (NENWNW), SESENW, SWSWSW, NESESW, S03 and SENESE, S04, T07N, R34E.

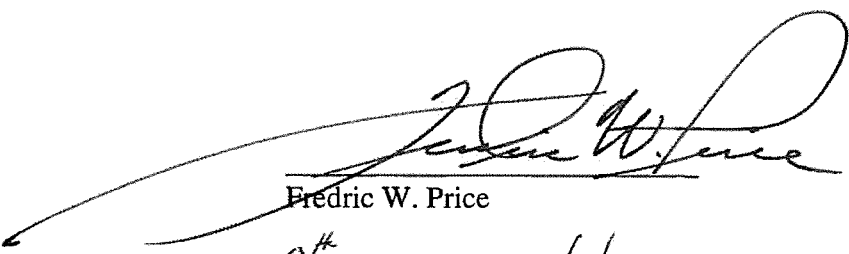
10. On March 8, 2013, IDWR filed a Notice of Completed Administrative Procedure

("NCAP") based on licensing of 31-07113. The NCAP is consistent with the License with regard to PODs, but includes 9 PODs that are described differently than those listed in the Notice of Claim filed in the SRBA.

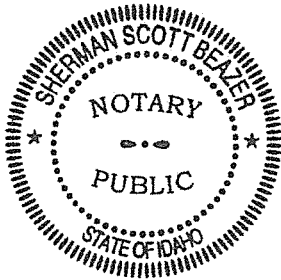
11. The BLM has been systematically reviewing SRBA Director's Reports and Docket Sheets since the commencement of the SRBA. Because of federal budget and staffing issues which has resulted in a diminishment of BLM water rights staff, BLM has been pressed to quickly complete these tasks and, because of an oversight, did not discover problems with the POD element in the NCAP until after the deadline for filing of objections had passed on April 29, 2013.

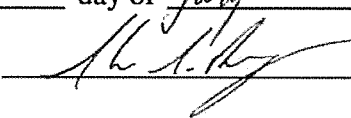
12. On June 25, 2013, this subcase came up for hearing at the SRBA monthly status conference on the Notice of Court's Intent to Issue Amended Partial Decree. At that hearing, counsel for the BLM informed the Court that BLM had recently discovered problems with the PODs that were added by the License and not included in the Amended Permit, Director's Report, or Partial Decree.

13. Jefferson holds a right-of-way for groundwater wells on federal land managed by the BLM. Review of the PODs listed in the NCAP indicates that the NCAP is inconsistent with BLM's right-of-way records. The location of the PODs, except for the one POD (S03, NWNW) described in the Amended Permit, Director's Report, and Partial Decree, vary from BLM's records. BLM does not have any record of one of the PODs (Well #8). In addition, one existing well is not listed on the water right nor is it listed in BLM's records (Well #7). See Objection attached to the United States Motion.


Fredric W. Price

Subscribed and sworn to before me this 9th day of July, 2013.
Witnessed by my hand and official seal.




Notary Public in and for the State of Idaho
Residing at: Boise
My Commission Expires: 12/10/2015

CERTIFICATE OF SERVICE

I certify that on July 10, 2013, I served a true and correct copy of the foregoing and attached exhibits upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

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

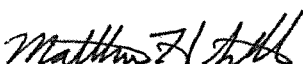
Copy to:

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

U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Jefferson Irrigation Company, Limited
c/o Patrick Hendren, Secretary
724 E. 1800 N.
Montevideo, ID 83435

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



Person serving document

EXHIBIT 1

Identification No. 31 7113
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Jefferson Irrigation Co. Ltd.
post office address Montevieu, Idaho
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3 Township 7N
Range 34E B.M. Jefferson County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 18.9 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 18.9 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump and ditch

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 28 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 25,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	33E	23		20			30			40	40	40					30		200
		24							20	40		40	40			40	40	40	260
		25				30					40				15		10	30	125
		26		10	40		30			40					40	40	40	40	280
7N	34E	32										40				40			80

Total number of acres to be irrigated 945

c. Describe any other water rights used for the same purposes as described above.

SEE REMARKS

9. a. Who owns the property at the point of diversion BLM

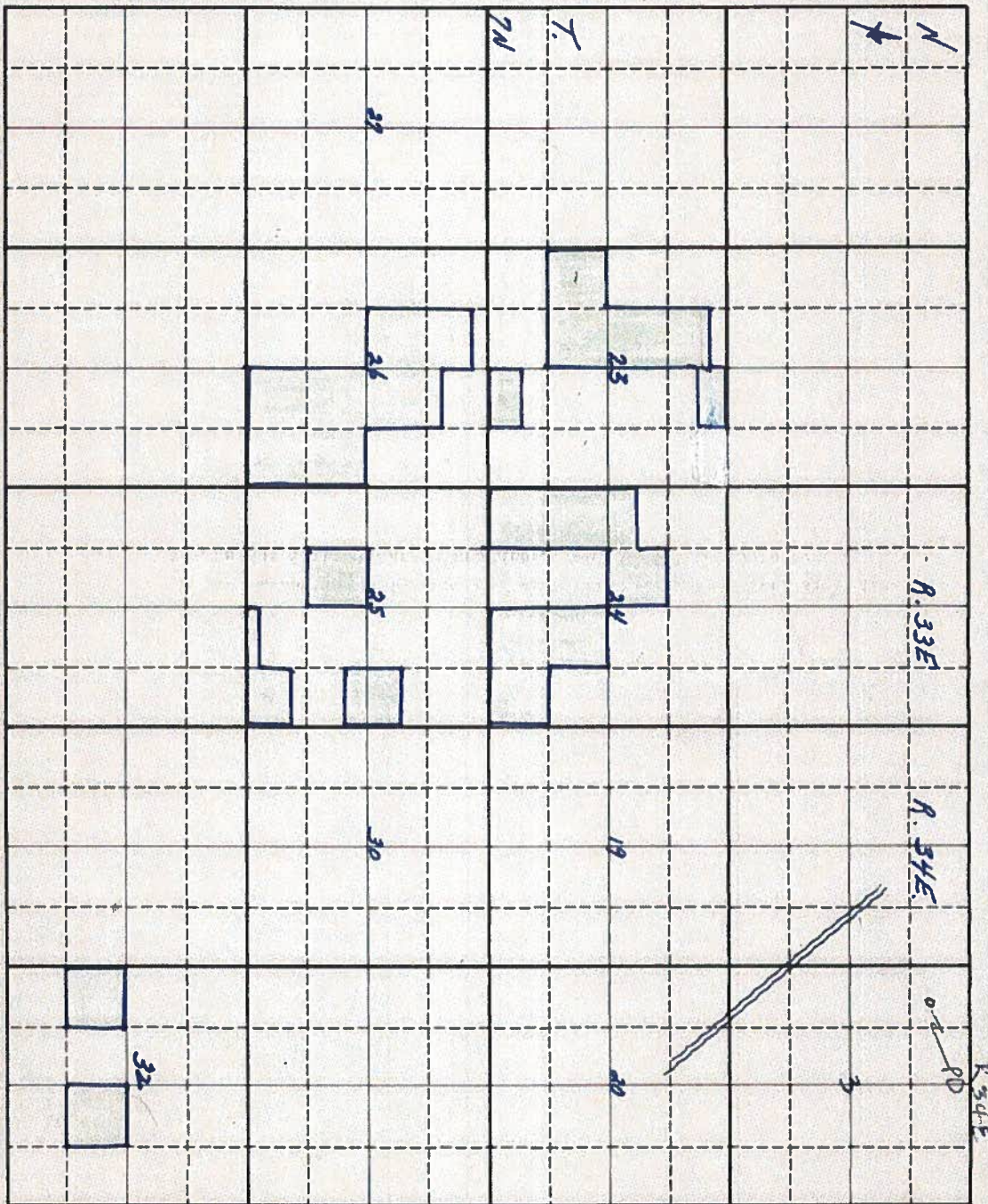
b. Who owns the land to be irrigated or place of use Stockholders of Jefferson Irrigation Co.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks The following listed licenses owned by the Jefferson Irrigation Co., Ltd. is not appurtenant to the above described land including Transfer No. 949, 31-2134, 31-2243, 31-2270, 31-2272, 31-2311, 31-2312, 31-2313, 31-2451, and 31-2420 which reclaims seepage water.

Easement will be obtained from the BLM.

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby, makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John Hartwell
 (Applicant)
 Secretary, Jefferson Irrigation Co., Ltd.

Affidavit of Publication

THE RIGBY STAR

MAR 8 1974

STATE OF IDAHO,
County of Jefferson

ss.

Department of Water Administration
Eastern District Office

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for
two Consecutive issues thereof; first publication having been made on the

28th day of *February*, 1974

and the last publication on the

7th day of *March*, 1974

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Hope B. Jones

Subscribed in my presence and sworn to before me this *7th*

day of *March*, 1974
(SEAL)

R. H. Higginson

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1974

**NOTICE OF APPLICATION
FOR WATER PERMIT**
Notice is hereby given that Jefferson Irrigation Co., Ltd., Montevideo, Idaho has on 2/22/74 submitted Application No. 31-7113 for a permit to appropriate 18.9 cubic feet per second of water from a ground-water source by means of well, pump and ditch within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 3, T. 7N, R. 34E, B.M. Jefferson County; to be used from April 1 to November 1 for the irrigation of 945 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26 T. 7N, R. 33E, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 7N R. 34E, B.M.
If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1615 Lincoln Road, Idaho Falls 83401 on or before March 18, 1974.
R. KEITH HIGGINSON
Director
Published in The Rigby Star, Rigby, Idaho on February 28 and March 7, 1974.

UNRECORDED

Proposed Priority 2-22-1974

Received by MB Date 2-23-74 Time 10:25 A
Preliminary check by MB Fee \$205.00
Receipted by MB Date 2-23-74 # 12753
Publication prepared by MB Date 2-23-74
Published in The Rocky Star
Publication dates Feb 28 - March 7, 1974
Publication approved MB Date 2/28/74
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RDC NYS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 31-7113, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 80.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 13 day of August, 19 75.

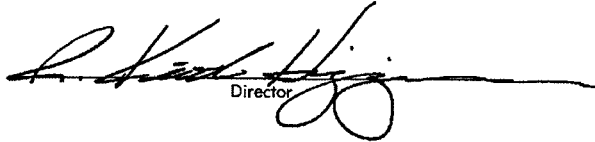

Director

EXHIBIT 2

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 31-7113 in the name of Jefferson Irrigation Co., Ltd. was issued for the diversion of 18.9 cfs of water from a groundwater source with the point of diversion within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 7N, Rge. 34E, B.M., Jefferson County; to be used for the irrigation of 945 acres from April 1 to November 1 within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26; Twp. 7N, Rge. 33E, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 7N, Rge. 34E, B.M.

The permit holder now proposes to amend Permit No. 31-7113, changing the place of use to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; SW $\frac{1}{4}$, Sec. 22; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 26; Twp. 7N, Rge. 33E, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 7N, Rge. 34E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before February 18, 1980.

C. STEPHEN ALLRED

Director

Published in the Rigby Star on January 31 and February 7, 1980.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now JEFFERSON IRRIGATION Co. Ltd.of (address) MONTEVIEW, IDAHO 83435, and represents to the
C/O BERT HARTWELL
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 31-7113, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 NW 1/4, Section 3, Township _____, Range 7N, B.M.,
County of 34E. Other points of diversion: JEFFERSON

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

No changeAmount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

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	
7N	33E	23		20			30			40	40	40					30		200
		24						20	40							40	40	40	180
		22									40	40	40	40					160
		25				30					40				15		10	30	125
		26		10	40		30			40									120
7N	34E	30					40			40									80
7N	34E	32									40					40			80
Total number of acres to be irrigated =																			995

4. a. Who owns the property at the point of diversion? No change
b. Who owns the land to be irrigated or the place of use? " "
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: No change

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JAN 21 1980

Department of Water Resources
Eastern District Office

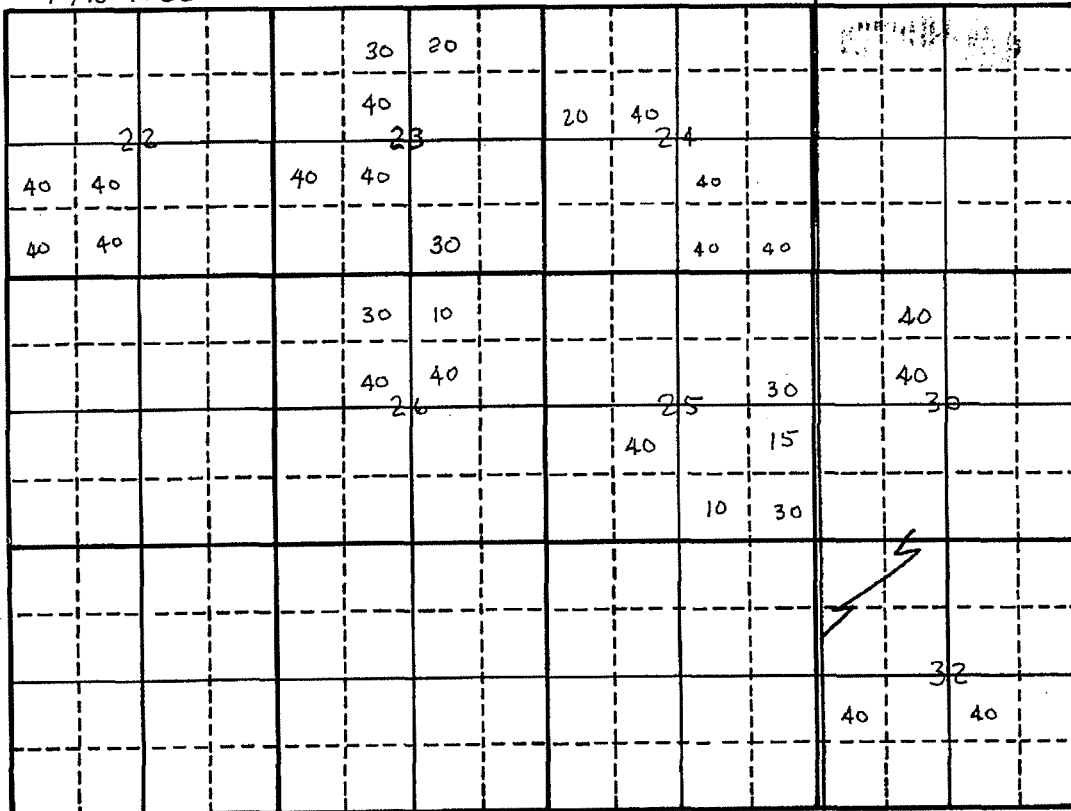
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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

T7N R33E

R34E



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, this 16 day of JAN, 19 80.

Bert Hartwell
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00
 Publication prepared by kw Date 1/24/80
 Publication dates 1/31/80 & 2/7/80

Receipted by ng Date 1/16/80
 Published in The Rigby Star

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau of the Department of Water Resources hereby

APPROVE this application for amendment submitted on Permit No. 31-7113 with the following condition: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 29 day of February, 19 80.

L. Glen Saxton
Chief, Operations Bureau

RECEIVED

FEB 11 1980

Affidavit of Publication

THE RIGBY STAR

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED
AMENDING OF
WATER PERMIT

NOTICE IS HEREBY
GIVEN that Permit No.
31-7113 in the name of
Jefferson Irrigation Co., Ltd.
was issued for the diversion
of 18.9 cfs of water from a
groundwater source with the
point of diversion within the
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp.
7N, Rge. 34E, B.M., Jeffer-
son County; to be used for
the irrigation of 845 acres
from April 1 to November 1
within the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;
S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
24; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
25; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 26; Twp. 7N, Rge.
33E, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp.
7N, Rge. 34E, B.M.

The permit holder now
proposes to amend Permit
No. 31-7113, changing the
place of use to the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
23; S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; SW $\frac{1}{4}$,
Sec. 22; SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 26; Twp. 7N,
Rge. 33E, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec.
30; NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 32, Twp. 7N, Rge. 34E,
B.M.

Any protest to the propos-
ed amending of the permit
must be filed with the Idaho
Department of Water Re-
sources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on
or before February 18, 1980.

C. Stephen Allred
Director

Published January 30 and
February 6, 1980.

STATE OF IDAHO,

County of Jefferson

ss

I, Marie B. Nye
Publisher, do solemnly swear that I am the
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on the

Thirtieth day of January, 19 80

and the last publication on the

Sixth day of February, 19 80

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Marie B. Nye
Publisher

Subscribed in my presence and sworn to before me this Sixth
day of February, 19 80.
[SEAL]

Evelyn M. F. Lister
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 22.55

MICROFILMED

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 31-7113 in the name of Jefferson Irrigation Co., Ltd. was issued for the diversion of 18.9 cfs of water from a groundwater source with the point of diversion within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, Twp. 7N, Rge. 34E, B.M., Jefferson County; to be used for the irrigation of 945 acres from April 1 to November 1 within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26; Twp. 7N, Rge. 33E, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 7N, Rge. 34E, B.M.

The permit holder now proposes to amend Permit No. 31-7113, changing the place of use to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; SW $\frac{1}{4}$, Sec. 22; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 26; Twp. 7N, Rge. 33E, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 7N, Rge. 34E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before February 18, 1980.

C. STEPHEN ALLRED

Director

Published in the Rigby Star on January 31 and February 7, 1980.

EXHIBIT 3

07N	34E	3	NE	SW	NE	JEFFERSON
			SE	SW	NE	JEFFERSON
			NE	NE	NW	JEFFERSON
			SW	NE	NW	JEFFERSON
			NE	NW	NW	JEFFERSON
			SE	SE	NW	JEFFERSON
			SW	SW	SW	JEFFERSON
			NE	SE	SW	JEFFERSON
		4	SE	SW	SW	JEFFERSON
			SE	NE	SE	JEFFERSON
			SE	SE	SE	JEFFERSON
		9	NW	NE	NE	JEFFERSON
		10	NE	NE	NW	JEFFERSON
			NE	SW	NW	JEFFERSON

5. Description of diverting works:
15 WELLS DIVERT INTO COMMON CANAL SYSTEM TO SHARE HOLDERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	18.900		

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

A31-07113

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Date: 10/13/88

MICROFILMED

NOV 17 1988

24	SW	NE	IRR	40.0
	SE	NW	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 180.0

25	SE	NE	IRR	30.0
	NE	SW	IRR	40.0
	NE	SE	IRR	15.0
	SW	SE	IRR	10.0
	SE	SE	IRR	30.0

Section Acres 125.0

26	NW	NE	IRR	10.0
	SW	NE	IRR	40.0
	NE	NW	IRR	30.0
	SE	NW	IRR	40.0

Section Acres 120.0

34E	30	NE	NW	IRR	40.0
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 NOV 1 / 1992

15. Basis of Claim: PERMIT

A31-07113

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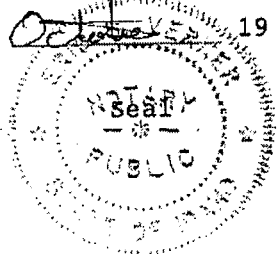
Date: 10/13/88

MICROFILMED
NOV 1 / 1992

10/17/88
Date

State of Idaho
County of Bonneville } ss.

Subscribed and sworn (or affirmed) before me this 17 day
of October 19 88



[Signature]
Notary Public

Residing at Wahoe Falls Rd
My Commission Expires 22 Aug 1994

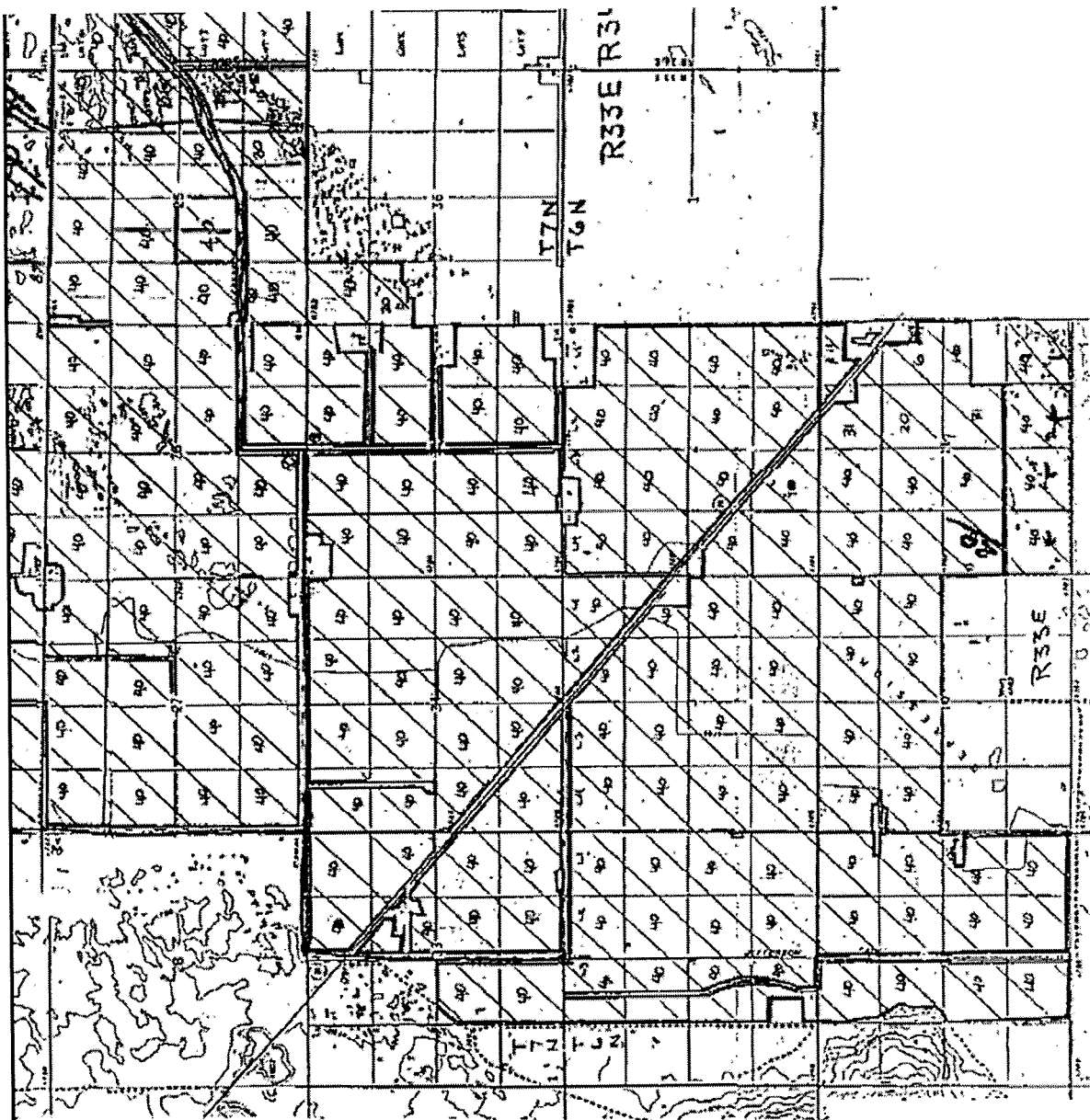
A31-07113

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Date: 10/13/88

MICROFILMED

NOV 17 1992



MICROFILMED
NOV 17 1992

EXHIBIT 4

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

RIGHT NUMBER: 31-7113

NAME AND ADDRESS: JEFFERSON IRRIGATION CO
C/O KRAIG BARE
PO BOX 125
TERRETON ID 83450

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 18.900 CFS

PRIORITY DATE: 02/22/1974

POINT OF
DIVERSION:

T07N R34E S3 NWNW Lot 4 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
18.900 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T07N R33E S22	NESW	40.0	T07N R33E S22	NWSW	40.0
T07N R33E S22	SWSW	40.0	T07N R33E S22	SESW	40.0
T07N R33E S23	NWNE	20.0	T07N R33E S23	NENW	30.0
T07N R33E S23	SENE	40.0	T07N R33E S23	NESW	40.0
T07N R33E S23	NWSW	40.0	T07N R33E S23	SWSE	30.0
T07N R33E S24	SWNW	20.0	T07N R33E S24	SENE	40.0
T07N R33E S24	NESE	40.0	T07N R33E S24	SWSE	40.0
T07N R33E S24	SESE	40.0	T07N R33E S25	SENE	30.0
T07N R33E S25	NESW	40.0	T07N R33E S25	NESE	15.0
T07N R33E S25	SWSE	10.0	T07N R33E S25	SESE	30.0
T07N R33E S26	NWNE	10.0	T07N R33E S26	SWNE	40.0
T07N R33E S26	NENW	30.0	T07N R33E S26	SENE	40.0
T07N R34E S30	NENW	40.0	T07N R34E S30	SENE	40.0
T07N R34E S32	NWSW	40.0	T07N R34E S32	NWSE	40.0

945 ACRES TOTAL

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

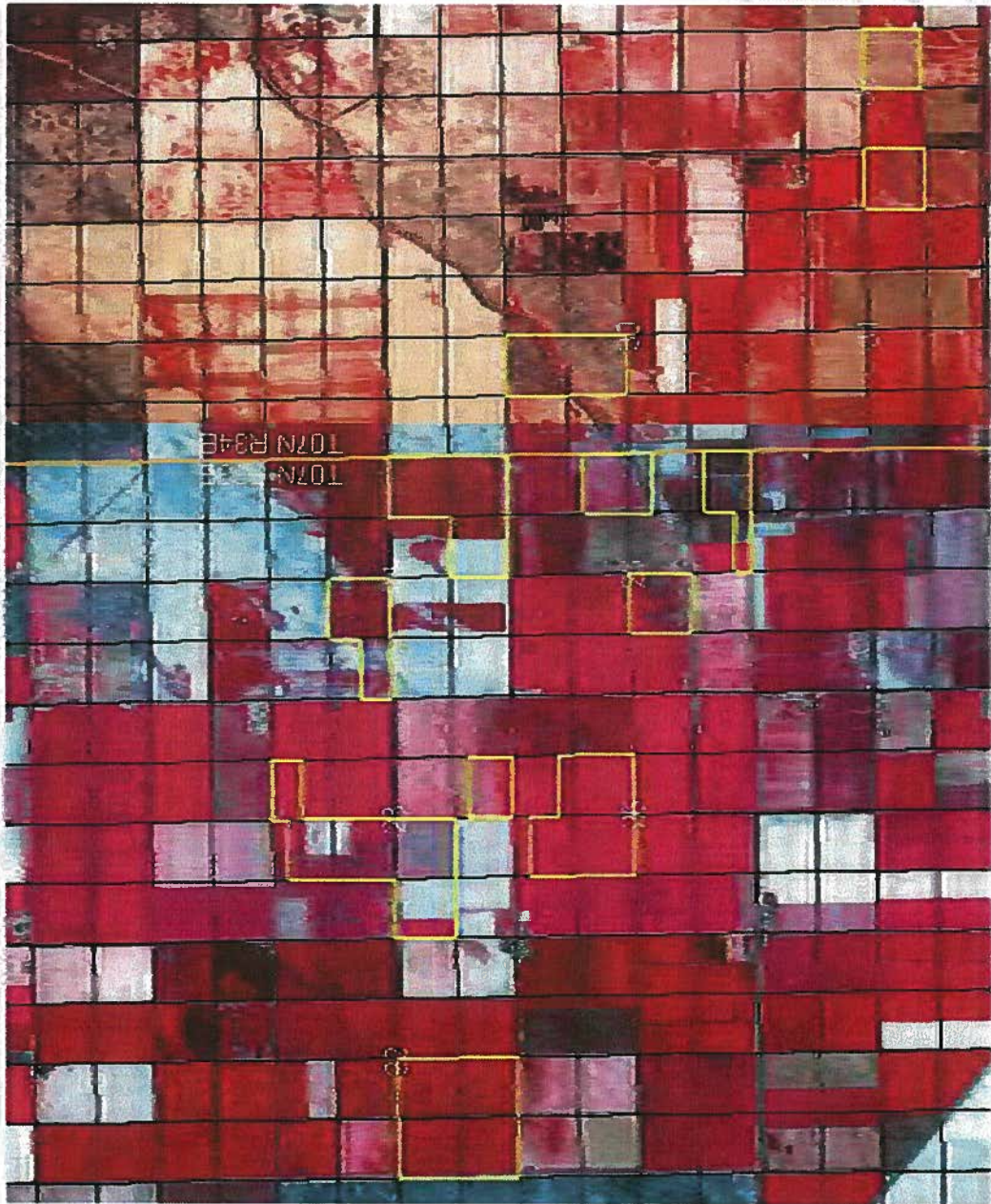
THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

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 - Permit

31-07113

T07N R33E
&
T07N R34E



Map prepared by: Carter Fritschle
Date prepared: 01/22/01
1987-1988 NAPP photography
Idaho Department of Water Resources

EXHIBIT 5

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 31-07113

Priority: February 22, 1974

Maximum Diversion Rate: 13.54 CFS
Maximum Diversion Volume: 3,307.5 AF

It is hereby certified that JEFFERSON IRRIGATION CO LTD
C/O PATRICK HENDREN
724 E 1800 N
MONTEVIEW ID 83435 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated February 22, 1974; and has submitted Proof of
Beneficial Use on June 15, 1979; and a water right has been established as follows:

SOURCE

GROUND WATER

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
13.54 CFS

**ANNUAL
DIVERSION VOLUME**
3,307.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	L2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$)	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	L3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 10	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	L3 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	L4 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 3	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 9	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 10	Twp 07N	Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 10	Twp 07N	Rge 34E, B.M.	JEFFERSON County

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 31-07113

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	33E	2	20.0 L 1	38.0 L 2	40.0	39.0	33.0 L 3	36.0 L 4	38.0	40.0	38.0	35.0	39.0	36.0	39.0	40.0	36.0	38.0	585.0
06N	33E	3	37.0 L 1	34.0 L 2	40.0	26.0	38.0 L 3	36.0 L 4	38.0	40.0	40.0	39.0	38.0	39.0	39.0	40.0	39.0	39.0	602.0
06N	33E	4	37.0 L 1	37.0 L 2	40.0	39.0	39.0 L 3		40.0	40.0				34.0	39.0	40.0	39.0	36.0	460.0
06N	33E	9	37.0 L 1	39.0 L 2	40.0	38.0	38.0 L 3		33.0	38.0				38.0	37.0	36.0	35.0	39.0	448.0
06N	33E	10	35.0	39.0	39.0	38.0	39.0	37.0	37.0	39.0									303.0
06N	33E	11	8.0	34.0	40.0	34.0	39.0	39.0	39.0	40.0	40.0	40.0			21.0	40.0			414.0
07N	33E	14									40.0	39.0	39.0	39.0					157.0
07N	33E	15	39.0	40.0	40.0	39.0					40.0	39.0	38.0	39.0	39.0	40.0	39.0	38.0	470.0
07N	33E	22	39.0	39.0	40.0	38.0	39.0	38.0	38.0	40.0	40.0	38.0	37.0	39.0	37.0	40.0	39.0	36.0	617.0
07N	33E	23	39.0	39.0	40.0	39.0	40.0	39.0	38.0	39.0	37.0	37.0	34.0	40.0	37.0	37.0	40.0	40.0	615.0
07N	33E	24					38.0	39.0	40.0	39.0		38.0	39.0						233.0
07N	33E	25	39.0	40.0	40.0	40.0	40.0	36.0	39.0	40.0	35.0	34.0	37.0	39.0	34.0	34.0	39.0	39.0	605.0
07N	33E	26	39.0	40.0	40.0	39.0	40.0	37.0	39.0	40.0	40.0	39.0	26.0	35.0	37.0	38.0	36.0	32.0	597.0
07N	33E	27	35.0	39.0	40.0	39.0	39.0	34.0	35.0	40.0	40.0	36.0	32.0	36.0	39.0	40.0	36.0	33.0	593.0
07N	33E	33	38.0	34.0	29.0	36.0					37.0			38.0	36.0	38.0	37.0	36.0	359.0
07N	33E	34	36.0	39.0	40.0	38.0	39.0	37.0	39.0	40.0	40.0	35.0	38.0	35.0	38.0	40.0	39.0	37.0	610.0
07N	33E	35	27.0	39.0	40.0	37.0	40.0	29.0	38.0	40.0	40.0	38.0	37.0	39.0	32.0	40.0	38.0	32.0	586.0
07N	33E	36						39.0	25.0										64.0
07N	34E	19					38.0	37.0 L 1	38.0 L 2	39.0									152.0
07N	34E	20									39.0	36.0	36.0	40.0	40.0		40.0	40.0	271.0
07N	34E	21										40.0	40.0						80.0
07N	34E	28							40.0				32.0						72.0
07N	34E	29		40.0	34.0	38.0	40.0	36.0	36.0	40.0	40.0	34.0	32.0	39.0	40.0	40.0	40.0	40.0	569.0
07N	34E	30	39.0			39.0		39.0 L 1	19.0 L 2		40.0	39.0	38.0 L 3	40.0 L 4	40.0	40.0	39.0	39.0	451.0
07N	34E	31	40.0	40.0	40.0	40.0									40.0	40.0	39.0	39.0	318.0
07N	34E	32	40.0	40.0	40.0	40.0	39.0	33.0	39.0	40.0	40.0	40.0	38.0		40.0	40.0			509.0

Total Acres: 10740

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 31-07113

CONDITIONS OF APPROVAL

1. Rights 31-2451, 31-7327, 31-10322, 31-10323, 31-10324, 31-10325, and 31-7113 are also diverted through the points of diversion described above.
2. Rights 31-2451, 31-7327, 31-10322, 31-10323, 31-10324, 31-10325, and 31-7113 when combined shall not exceed a total diversion rate 252.06 cfs, a total annual maximum diversion volume of 37,590 af at the field headgate, and the irrigation of 10,740 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. This right is limited to the irrigation of 945 acres within the authorized place of use in a single irrigation season.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Rights 31-2420, 31-2451, 31-7113, 31-07327, 31-10322, 31-10323, 31-10324 and 31-10325 when combined shall not exceed the irrigation of 10,740 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of February, 2013.


for GARY SPACKMAN
Director