

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: **A36-02193**
Date Received: 5/26/1989
Receipt No: S007363
Received By: _____

address change NOA
R

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

1. Name: ACEQUIA INC
Address: PO BOX 1678
KETCHUM ID 83340
208-726-8474

2. Date of Priority: FEB 25, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	23E	26	SW	NE	NW		MINIDOKA
			SW	NE	SW		MINIDOKA

5. Description of diverting works:
TWO WELLS WITH PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.260		

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

8. Total consumptive use is 945.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	23E	26	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

FILED
JAN 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	23E	26	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	35.0

Section Acres 315.0

Total Acres 315.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/D CENTER OF NW1/4 & SW1/4, S26, T6S, R23E.
NORTHERN HALF OF LANDS IS PRESENTLY IN CONSERVATION RESERVE
PROGRAM.

15. Basis of Claim: LICENSE

Water Right Number: 23808

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED
JAN 26 1993

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 _____

REPROFILMED
JAN 26 1993

SD-0601-2 Last Name: ACEQUIA

STATE

S	O	W	Water	Priority		Total	Use
E		N	Right No.	Date	Source	Diversion	Code Desc
L	First						
	Name						
-	-----	-	-----	-----	-----	-----	-----
A	ACEQUIA INC						
A		C	A36-02193	02/25/1953	GROUNDWATER	4.260	01 IRR
A		C	A36-02194	02/25/1953	GROUNDWATER	3.180	01 IRR
A		C	A36-02195A	02/25/1953	GROUNDWATER	3.613	01 IRR
A		C	A36-02197	02/25/1953	GROUNDWATER	5.700	01 IRR
A		C	A36-02198	02/25/1953	GROUNDWATER	5.080	01 IRR
A		C	A36-02199	02/25/1953	GROUNDWATER	3.650	01 IRR
A		C	A36-02200	02/25/1953	GROUNDWATER	8.460	01 IRR
A		C	A36-11048	09/01/1954	GROUNDWATER	0.150	43 DOMEST
							10 COMMER
							04 STOCK
A		C	A36-11288	05/01/1983	GROUNDWATER	0.540	01 IRR
A		C	A36-11290	05/01/1983	GROUNDWATER	0.100	01 IRR
A		C	A36-11339	02/25/1953	GROUNDWATER	1.600	01 IRR
A		C	A36-02191	02/25/1953	GROUNDWATER	2.560	01 IRR
A		C	R36-07182	06/29/1971	GROUNDWATER	0.150	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

"CROFILM"
AN 26 198



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Oct-1992

James P. Speck
PO Box 987
Ketchum, ID 83340

*see #A36-02121 for
Original Powers of Attorney*

RE: Confirmation of Response to Notice of Error and Change of Address
for Acequia Inc. & Estate of Rosemary Haley SRBA Claims.

Dear Mr. Speck:

This letter is intended to confirm my responses to your Notices of Error discussed in our October 7th meeting with Miles Clinton at my office.

Regarding your general concern about the season of use, the proposed recommendations are based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. Additionally, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for a conditioned irrigation use outside the general irrigation season.

Regarding your general concern about the language in the recommendations which talks about "right includes a change in point of diversion", the Department includes such language in rights where the proposed legal description for the point of diversion is different than the legal description of the base water right. This situation may exist if there has been a physical change in the point of diversion or if it has been determined that the base water right location was incorrect even if there has been no physical change in the point of diversion.

Regarding your concerns about disallowal of several of the rights, these rights were recommended for disallow because generally it was determined by field examination and information gathered from the ASCS that there was a period of 5 years of non-use for these rights or that the acres claimed irrigated consisted of lava out crops that have never been farmed.

I confirm that based on your change of ownership letter and the power of attorney documents submitted we have changed the address of Acequia Inc. and have added you as attorney for all claims in the name of Acequia Inc. Additionally we have changed the name of the Rosemary Haley claims to that of the Estate of Rosemary Haley and have changed

RECORDED
JAN 26 1993

Page 2
Oct 9, 1992

the address to that of Acequia Inc. and have also added you as attorney for all claims in the name of Rosemary Haley.

After our meeting and review of the files the following additional changes were made to the proposed recommendations:

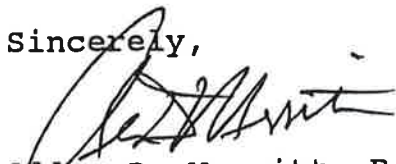
36-02127 None 36-07850A None
36-02195A None 36-11340 None
36-02130A None 36-07041 None
36-02191 None 36-08106A None
36-02192 None 36-02193 None
36-11290 None 36-11288 None
36-02121 None 36-02194 None

36-02129 Reference to point of diversion change deleted.
36-07403 Reference to point of diversion change deleted.

36-07192 Disallowed since acres originally recommended covered under
36-02122.
36-02122 Deleted reference to 36-07192 in remarks.
36-02124 Deleted reference to 36-07192 in remarks.
36-02190 Deleted reference to 36-07192 in remarks.
36-07193 Deleted reference to 36-07192 in remarks.
36-02123 Deleted reference to 36-07192 in remarks.

If you still disagree with IDWR's recommendations, you will have the opportunity to file an objection to the Director's Report with the court. If you have further questions please feel free to contact our office.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

REPROFILMED
JAN 26 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

September 24, 1992

CERTIFIED MAIL P 059 723 341
RETURN RECEIPT REQUESTED

OCT 01 1992

RECEIVED

SEP 25 1992

Mr. Dave Shaw
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Department of Water Resources

Re: Acequia, Inc. - Estate of Rosemary Haley

Dear Dave:

Enclosed you will find Notices of Error for certain water rights claimed by Acequia, Inc. and the Estate of Rosemary Haley in the Snake River Basin Adjudication. I have also enclosed copies of the Special Powers of Attorney whereby Acequia, Inc. and the Estate of Rosemary Haley have designated me their attorney-in-fact to act in these matters. Please note that the address used by Acequia, Inc. in filing its claims should no longer be used. Instead, the corporation's new address is designated on the Notices of Error (P.O. Box 1678, Ketchum, Idaho 83340).

The period of use for all of my client's irrigation water rights has been changed from the traditional period of March 15 through November 15 to April 1 through October 31. Is this same change being made for every irrigation right in Basin 36? If so, why?

As I mentioned, Ms. Haley passed away in February, 1992 and her records are somewhat in a state of disarray. I have not yet been able to locate her copies of the claims filed in the Adjudication nor any notes or records on the claims based upon beneficial use. I know she worked closely with Gary Funderberg in the Southern Region on many of the water rights matters for Acequia, Inc. I would like to arrange a meeting with an appropriate representative of the Department to discuss the Notices of Error and hopefully resolve many of the questions before the Department must file the Basin 36 Report - I understand this deadline to be November 1, 1992.

PROFILMED
JAN 26 1993

Mr. Dave Shaw
September 24, 1992
Page 2

I look forward to hearing from you. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jms
James P. Speck

JPS\dmk
Enclosures
cc: Dr. Mike Haley (w/o encls.)

1 MICROFILMED
JAN 20 1993

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: A36-02193
Date Received: 1/18/1989
Receipt No: 5007363
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC. 208-726-8474
Address: P.O. DRAWER 226
SUN VALLEY, ID 83353

2. Date of Priority: FEB 25, 1953

3. Source: GROUNDWATER

Trib. to:

COPY

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	23E	26	SW	NE	NW		MINIDOKA
			SW	NE	SW		MINIDOKA

5. Description of diverting works:
TWO WELLS WITH PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.260		

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

8. Total consumptive use is 945.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	23E	26	NE	NW		IRR	40.0
			NW	NW		IRR	40.0

A36-02193

Page 1

Date: 01/18/89

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	23E	26	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	35.0

Section Acres 315.0

Total Acres 315.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/D CENTER OF NW1/4 & SW1/4, S26, T6S, R23E.
NORTHERN HALF OF LANDS IS PRESENTLY IN CONSERVATION RESERVE
PROGRAM.

15. Basis of Claim: LICENSE
Water Right Number: 23808

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

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

Jorey Haley
Signature of Authorized Agent

president Acquia Inc
Title and Organization

5/26/89
Date

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of May 19 89

J. D. M. M. M.
Notary Public

Seal

Residing at Kilseely, ID

My Commission Expires 6/30/92

15

14

13

North Burns Lake

T65 R23E



A36-03193

28

26

25

A36-11290

UNDER ORIGINAL

OFFICE
JAN 2 1964

1997 JUN 26 PM 2:40

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**

SUB CASE NO. 36-02193, 36-11290

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Acequia Inc
PO Box 1678
Ketchum ID 83340

Phone: 726-8474

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

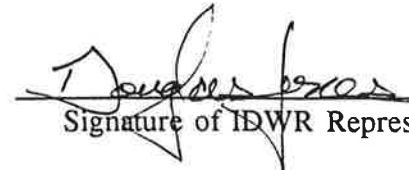
Young and Young
300A E 1600 N
Rupert ID 83350

Phone: 532-4405

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/24/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-26, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
James P. Speck
Hogue Speck & Aanestad
PO Box 987
Ketchum ID 83340
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Young and Young
300A E 1600 N
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02193

NAME & ADDRESS: YOUNG & YOUNG
300A E 1600 N
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.26 CFS

PRIORITY DATE: 02/25/1953

POINT OF DIVERSION: T06S R23E S26 SWNW Within MINIDOKA County
SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.26 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T06S R23E S26	NENW 40	NWNW 40	SWNW 40	SENW 40
		NESW 40	NWSW 40	SWSW 40	SESW 38
	318 ACRES TOTAL				

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

USE OF THIS RIGHT WITH RIGHT NO. 36-11290 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.26 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1272 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 954 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 318 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-11290 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

RIGHT NO. 36-11290 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 315 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

YOUNG & YOUNG
300A E 1600 N
RUPERT ID 83350

RE: SRBA Claim(s) 36-02193, 36-11290

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: James P Speck

AJ0743NP
(0D-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

06/13/97 11:21:27
Page 1

Water Right Number - 36-02193

Prefix Translation: WATER RIGHT

Old (D) Number - 23808

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
YOUNG & YOUNG

1 - 300A E 1600 N
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-532-4405

*** D - DIR RPT OWNER ***
ACEQUIA INC

1 - PO BOX 1678
2 -
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-8474

*** O - ORIGINAL OWNER ***
SPECK

JAMES P

1 - PO BOX 987
2 -
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-4421

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/25/1953 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +						
Tw	Rng	Sec	Tract	Lot	RFlg	County
06S	23E	26	SW NE NW		(67)	MINIDOKA
			SW NE SW		(67)	MINIDOKA

+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION		04/01	10/31	4.260		

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.260 0.0

+ - - - - Place of Use - - - - - +								
Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	23E	26	NE NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	NW NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SW NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SE NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	NE SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SE SW		38.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 318.0

Water right number - 36-02193

Prefix Translation: WATER RIGHT

+ - - Diversion Means - TWO WELLS WITH PUMPS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - - Remarks - - - - - +

GEN USE OF THIS RIGHT WITH RIGHT NO. 36-11290 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.26 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1272 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 954 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 318 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-11290 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
RIGHT NO. 36-11290 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1416(2).
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 315 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +

Date: 07/30/1991 User Id: WELLS Subject: COPIED FROM REMARKS
P/D CENTER OF NW1/4 & SW1/4, S26, T6S, R23E.
PROGRAM.

NORTHERN HALF OF LANDS IS PRESENTLY IN CONSERVATION RESERVE

Date: 07/27/1992 User Id: SCHULTZ Subject: ADDED CONDITION C05
CLAIM VERIFIED 8/2/91, DID NOT REVERIFY ANY PART OF CLAIM.

Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.

Date: 10/08/1992 User Id: ROBERTSO Subject: ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED

Date: 10/08/1992 User Id: MERRITT Subject: RESPONDED TO NOE
MET WITH SPECK 10/7. NO CHANGE.

Date: 06/13/1997 User Id: TFAWCETT Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGED ACEQUIA TO YOUNG & YOUNG PER WARRANTY DEED.

+ - - Audit Fields - - +

06/13/97 TFAWCETT

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

06/13/97 11:21:28
Page 3

Water right number - 36-02193

Prefix Translation: WATER RIGHT

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 01/26/1995	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 03/27/1995	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007363	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	- B

Form 02-20/92-10900 February 3, 1991

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

MAY 02 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Boise Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 36-02193 and 36-11290
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Acequia Inc.
4. New Owner/Claimant(s) Young and Young
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 300 A.E. 1600 N.
 City, State and ZIP Code Rupert Idaho 83350
 New Telephone Number (208) 532 4405
5. Date you acquired the property 12-30-97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 318 Number and type of stock _____
 Diversion rate in CFS 4.32 Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Young & Young
By Steven D. Young Partner
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

427628 ✓

427628

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

RECORDED AT REQUEST OF
Land Title-Rupert
FILM NO.

(#11375)

(Space above line for Recorder's use)

'96 DEC 31 15 : 29

MINIDOKA COUNTY, IDAHO
COUNTY CLERK, RECORDER
FEE 6 DEPUTY SP

WARRANTY DEED

FOR VALUE RECEIVED, ACEQUILA, INC., an Idaho corporation, whose address is P.O. Box 226, Sun Valley, ID 83353 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto STEVEN D. YOUNG and MARIA YOUNG, husband and wife, whose address is Route 3, Box 3263, Rupert, Idaho 83350 ("Grantee", whether one or more), that certain real property situated in Minidoka County, Idaho and described as follows:

West Half of Section 26, Township 6 South, Range 23 East, B.M.,
Minidoka County, Idaho.

SUBJECT TO the following:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Minidoka County, Idaho;

TOGETHER WITH the following:

All of Water Rights Nos. 36-02193 and 36-11290 as recommended in the Directors Report for Reporting Area 3 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the

"SRBA");

SUBJECT TO the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

ACEQUIA, INC.

Date: 11-26-96

By: Michael Haley
Michael Haley, President

DISTRICT OF COLUMBIA) ss.
)

On this 25th day of November, 1996, before me, the undersigned notary public in and for said state, personally appeared Michael Haley, known or identified to me to be the president of ACEQUIA, INC. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



FIWPDATUMACEQUIAFARMYOUNG26mrded

-2-

11/20/96

FAX

TRANSMITTAL SHEET
FROM THE FAX MACHINE OF:

DESERT VIEW FARMS INC
300 A E 1600 N
RUPERT ID. 83350

FAX NUMBER 208-532-4499

TO: Dept. of Water Resources
Trish Fawcett

FROM: Steve Young

INSTRUCTIONS:

NUMBER OF PAGES BEING SENT INCLUDING THIS PAGE: 4
IF YOU HAVE ANY PROBLEMS CALL: 208-532-4405





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

To: Steve Young

5/1/97

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

From: Trish Fawcett

Steve,

There has not been an ownership change filed on 36-02193 and 36-11290 changing ownership from Acequia to Young & Young. Please complete the following Notice of Change of Water Right Ownership, attach a copy of your warranty deed and return to me. I can use the maps from transfer 4956.

Transfer 4956 states you will be abandoning the existing two wells and relocating them to allow for installation of the pivots. I am including page one of the transfer for your reference. You will need to call Allen Merritt to find out what needs to be done to change the transfer.

Trish, 5/2/97

Young is going to request hold on processing transfer. He will submit NOCOWRO.

Am

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Steve Young &/or Maria Young Phone 208-532-4405
Post Office address 300AE 1600N Rupert ID 83350

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Relocate wells to allow installation of two center pivots. Existing wells will be abandoned.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-02193</u>	<u>2-25-1953</u>	<u>4.26</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
<u>36-11290</u>	<u>5-1-1985</u>	<u>0.06</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.26 cubic feet per second and/or 1272 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	26	6S	23E	Minidoka	New Well #1
	NW	NW	SW	26	6S	23E	Minidoka	New Well #2

5. Lands irrigated or place of use: No Change

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

Total acres _____

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE CUSTOMER
October 29, 1996 10:22am STEVE PORCH-LAND TITLE/RUPERT ACEQUIA:
36-02193, 36-11290

SUBJECT: PROFILE REPORTS
phone call (X) walk-in (.)

He gave me the legal description of T06S, R23E, West half of Section 26 under the name of Acequia and these two claim numbers. He asked that I send profile reports to him @ Po Box 111, Rupert, 83350. They will be changing hands shortly...

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorney(s) General
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900

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 No. 36-02193
	)	
Case No. 39576	)	
	)	RESPONSE TO OBJECTION
	)	

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

RESPONSE TO OBJECTION NO. 36-02193

MICROFILMED

PAGE 03 1996

2. Person who filed objection:

Name: ACEQUIA, INC.
Address: C/O JAMES P. SPECK
HOGUE, SPECK & AANESTAD
P.O. BOX 987
KETCHUM, ID 83340

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 83720
BOISE, ID 83720-0098
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code §42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas

(Over)

throughout the state based on a 75% chance of a 24°F frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use. IDWR denies that it is estopped from recommending the standard season of use recommended for this water right. IDWR denies that it has waived its authority to recommend the standard season of use recommended for this water right, and affirmatively alleges it has a statutory duty to recommend the season of use for this right.

(Over)

RESPONSE TO OBJECTION NO. 36-02193

MICROFILMED
PAGE 3
DEC 03 1996

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-02193.

4

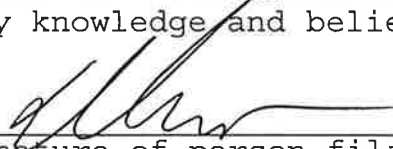
(Over)

VERIFICATION (Must be Completed)

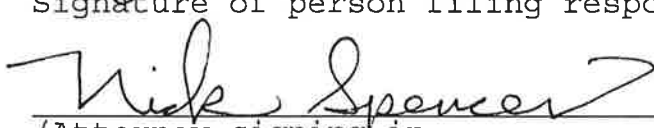
State of IDAHO
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. §42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 24th day of MARCH,
1995.


Notary Public for Idaho

Residing at: BOISE ID

My Commission expires: 12/5/2000

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of MARCH, 1995, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

HAND DELIVERY
NBS

2. One copy to the owner of the water right, and you must fill in the following information:

see #3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of person filing response
or attorney mailing on Respondent's
behalf

(Over)

RECEIVED

FEB 01 1995

Department of Water Resources
Southern Region

RECEIVED

JAN 26 1995

OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

JAN 27 1995

Department of Water Resources
Adjudication Bureau

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

In Re SRBA

Case No. 39576

Water Right No. 36-02193

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. ***Only one party/claimant may object to one water right per objection form.*** To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be **received** by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in ***SRBA Administrative Order 1*** (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

MICROFILMED

DEC 03 1996

I. GENERAL INFORMATION

Please fill in the following information:

1. ***Party/Claimant objecting:***

Name: Acequia, Inc.

Address: c/o James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

Phone: Work: (208) 726-4421
Home:

Briefly describe your interest in this water right: Claimant

If this objection is *filed by an attorney*:

Attorney Name: James P. Speck

Attorney Address: Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, Idaho 83340

Attorney Phone No.: (208) 726-4421

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: Acequia, Inc.

Address: P. O. Drawer 226
Sun Valley, ID 83353

II. STATEMENT OF THE OBJECTION

1. ☒ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The Water Right is based upon a license issued by the Idaho Department of Water Resources ("IDWR") which did not specify or otherwise limit the period of use for the Water Right. The Water Right has historically been used from March 15 through November 15. Claimant and its predecessors have a vested interest in and have relied upon this period of use. IDWR is estopped from and has waived any right it may have had to change the period of use or recommend such change.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The period of use should be changed to March 15 through November 15.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

State of Idaho)
)
County of Blaine) ss.

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant Objecting"), as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

By: 15
(Attorney signing in representative capacity)

Notary Public for Idaho
Residing at _____
My Commission expires _____

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

MICROFILMED
DEC 9 1996

CERTIFICATE OF MAILING

I certify that on Jan. 25, 1995, I mailed the original and copies of this objection, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Owner's name: Acequia, Inc.

Owner's address: c/o James P. Speck
Hogue, Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

151

Signature of party/claimant or attorney

A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7920
FAX: (208) 327-7866

ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 28 1994
Department of Water Resource
Southern Region Office

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	)	IDWR'S REPLY TO MOTIONS OF
	)	ACEQUIA, INC., FOR LEAVE TO
	)	FILE LATE OBJECTIONS TO
Case No. 39576	)	RECOMMENDED WATER RIGHT NOS.
	)	36-02125, 36-02126, 36-02127,
	)	36-02128, 36-02129, 36-02130A,
	)	36-02191, 36-02192, 36-02193,
	)	36-02195A, 36-02197, 36-02198,
	)	36-02199, 36-02200, 36-07182,
	)	36-07192, 36-07391, 36-07403,
	)	36-07404, 36-07405, 36-07850A,
	)	36-07932, 36-08106A, AND
	)	36-11290

Descriptive Summary

This document constitutes IDWR's reply to the twenty-four motions filed by Acequia, Inc., for leave to file late objections to the season of use recommended for each of the above-enumerated recommended water rights. IDWR does not oppose the motions.

IDWR'S REPLY TO MOTIONS OF ACEQUIA, INC.
FOR LEAVE TO FILE LATE OBJECTIONS, Page 1

MICROFILMED
DEC 03 1995

Reply to Motions for Leave to File Late Objections

The Idaho Department of Water Resources (IDWR) does not oppose the twenty-four motions of Acequia, Inc. (Acequia), for leave to file late objections to the season of use recommended by IDWR for the water rights enumerated above--so long as the scope of those objections is limited to season of use as described in Acequia's motions.

However, IDWR requests, since the proposed objections were not attached to the motions for leave to file late objections, that if the Court should grant the motions it set a date certain by which the objections are to be filed. IDWR will respond to the objections within 60 days after their filing.

IDWR also notes that recommended water right number 36-02193 is based upon an accomplished transfer recommended pursuant to Idaho Code §42-1416A (1989) and recommended water right number 36-11209 is based upon an expansion recommended pursuant to Idaho Code §42-1416(2) (1985). Because of the bench ruling made by the Court on December 21, 1994, staying proceedings in presumption-based subcases pending resolution of Basin-Wide Issue 4, IDWR believes that further action on these two motions for leave to file late objections may have been stayed. However, IDWR does note that the objections which Acequia seeks to assert are not related directly to the presumption statutes themselves.

Therefore, IDWR requests that the Court, as part of its determination of the present motions, initially determine whether further action on the motions for leave to file late objections to

recommended water right numbers 36-02193 and 36-11290 has been stayed, and also determine whether the present stay precludes the filing of those two objections.

DATED this 23RD day of December, 1994.


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

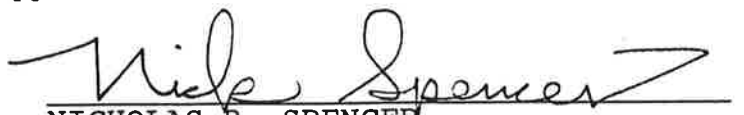
CERTIFICATE OF SERVICE

I hereby certify that on the 23RD day of December, 1994, I served a true and correct copy of the foregoing IDWR'S REPLY TO MOTIONS OF ACEQUIA, INC., FOR LEAVE TO FILE LATE OBJECTIONS TO WATER RIGHTS on the each of the following persons by first class mail, postage prepaid, to the address or addresses listed below.

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

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83734

James P. Speck, Esq.
Hogue, Speck & Aanestad, P.A.
P.O. Box 987
Ketchum, Idaho 83340


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

IDWR'S REPLY TO MOTIONS OF ACEQUIA, INC.
FOR LEAVE TO FILE LATE OBJECTIONS, Page 3

MICROFILMED
DEC 03 1996

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF



MICROFILMED

JAN 20 1993

Water Right Number - R36-02193

Prefix Translation: RESEARCH

Old (D) Number - 23808

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987
2 -
3 -
City- KETCHUM
Phone - 208-726-4421

State- ID Zip- 83340

*** C - CURRENT OWNER ***
ACEQUIA INC1 - PO BOX 1678
2 -
3 -
City- KETCHUM
Phone - 208-726-8474

State- ID Zip- 83340

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
02/25/1953 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
06S 23E 26 SW NE NW (67) MINIDOKA
SW NE SW (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 4.260+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.260 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
06S 23E 26 NE NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 NW NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SW NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SE NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 NW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SE SW 38.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 318.0

+ - - Diversion Means - TWO WELLS WITH PUMPS.

MICROFILMED

JAN 20 1993

Water right number - R36-02193

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - - Remarks - - - - -
USE OF THIS RIGHT WITH RIGHT NO. 36-11290 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.26 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1272 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 954 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 318 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-11290 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
RIGHT NO. 36-11290 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1416(2).
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 315 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 07/30/1991 User Id: WELLS Subject: COPIED FROM REMARKS
P/D CENTER OF NW1/4 & SW1/4, S26, T6S, R23E. NORTHERN HALF OF LANDS IS PRESENTLY IN CONSERVATION RESERVE
PROGRAM.
Date: 07/27/1992 User Id: SCHULTZ Subject: ADDED CONDITION C05
CLAIM VERIFIED 8/2/91, DID NOT REVERIFY ANY PART OF CLAIM.
Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.
Date: 10/08/1992 User Id: ROBERTSO Subject: ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED
Date: 10/08/1992 User Id: MERRITT Subject: RESPONDED TO NOE
MET WITH SPECK 10/7. NO CHANGE.

+ - - Audit Fields - - +
10/08/92 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/08/1992	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007363	Water District	-

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JAN 20 1993

Water right number - R36-02193

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

POU Ownership Flag - Y
Name Connector -

Federal/State Indicator - S
Presumption Flag - C
Notice of Error Flag - B

MICROFILMED

JAN 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Oct-1992

James P. Speck
PO Box 987
Ketchum, ID 83340

RE: Confirmation of Response to Notice of Error and Change of Address
for Acequia Inc. & Estate of Rosemary Haley SRBA Claims.

Dear Mr. Speck:

This letter is intended to confirm my responses to your Notices of Error discussed in our October 7th meeting with Miles Clinton at my office.

Regarding your general concern about the season of use, the proposed recommendations are based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. Additionally, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for a conditioned irrigation use outside the general irrigation season.

Regarding your general concern about the language in the recommendations which talks about "right includes a change in point of diversion", the Department includes such language in rights where the proposed legal description for the point of diversion is different than the legal description of the base water right. This situation may exist if there has been a physical change in the point of diversion or if it has been determined that the base water right location was incorrect even if there has been no physical change in the point of diversion.

Regarding your concerns about disallowal of several of the rights, these rights were recommended for disallow because generally it was determined by field examination and information gathered from the ASCS that there was a period of 5 years of non-use for these rights or that the acres claimed irrigated consisted of lava out crops that have never been farmed.

I confirm that based on your change of ownership letter and the power of attorney documents submitted we have changed the address of Acequia Inc. and have added you as attorney for all claims in the name of Acequia Inc. Additionally we have changed the name of the Rosemary Haley claims to that of the Estate of Rosemary Haley and have changed

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JAN 26 1993

Page 2
Oct 9, 1992

the address to that of Acequia Inc. and have also added you as attorney for all claims in the name of Rosemary Haley.

After our meeting and review of the files the following additional changes were made to the proposed recommendations:

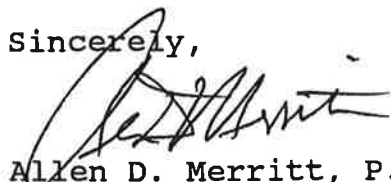
36-02127 None 36-07850A None
36-02195A None 36-11340 None
36-02130A None 36-07041 None
36-02191 None 36-08106A None
36-02192 None 36-02193 None
36-11290 None 36-11288 None
36-02121 None 36-02194 None

36-02129 Reference to point of diversion change deleted.
36-07403 Reference to point of diversion change deleted.

36-07192 Disallowed since acres originally recommended covered under
36-02122.
36-02122 Deleted reference to 36-07192 in remarks.
36-02124 Deleted reference to 36-07192 in remarks.
36-02190 Deleted reference to 36-07192 in remarks.
36-07193 Deleted reference to 36-07192 in remarks.
36-02123 Deleted reference to 36-07192 in remarks.

If you still disagree with IDWR's recommendations, you will have the opportunity to file an objection to the Director's Report with the court. If you have further questions please feel free to contact our office.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

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JAN 26 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

OCT 01 1992

Department of Water Resources
Southern Region Office

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

SEP-24-1992

1. Water right number: 36-02193

RECEIVED

2. Name: ACEQUIA, INC.

SEP 25 1992

Address: P.O. Box 1678

Department of Water Resources

KETCHUM, ID 83340

MICROFILMED

Weekday Telephone Number: 208/726-4421

JAN 26 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

N/C

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on this copy.)

3. Describe the portion of proposed recommendation with which you disagree:
REMARKS ON (1) ACCOMPLISHED CHANGE IN POINT OF DIVERSION
(2) ACCOMPLISHED CHANGE IN PLACE OF USE, AND (3) COMBINED
DIVERSION RATE LIMIT = 4.26 CFS.
4. Describe the changes you wish to have made in the proposed recommendation:
DELETE REMARKS ON ACCOMPLISHED CHANGES.
COMBINED DIVERSION RATE WITH 36-11290 = 4.32 CFS
5. Describe why you disagree with the proposed recommendation:
POINTS OF DIVERSION (2 WELLS) HAVE NOT CHANGED OR
MOVED. PLACE OF USE HAS NOT CHANGED. WELL
CAPACITY IS SUFFICIENT. HISTORICAL USE.
6. Date: 9/23/92

SIGNATURE J. P. Speck, attorney-in-fact
for Acquia, Inc.

R PROOF



CVR



MAPS



PHOTOS



MISC



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JAN 26 1993

Water Right Number - R36-02193 Prefix Translation: RESEARCH Old (D) Number - 23808

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ACEQUIA INC.

1 - P.O. DRAWER 226

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone - 208-726-8474

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
02/25/1953 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

06S 23E 26 SW NE NW (67) MINIDOKA

06S 23E 26 SW NE SW (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 4.260+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.260 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
06S 23E 26 NE NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 NW NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SW NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SE NW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 NE SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 NW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SW SW 40.0 01 IRRIGATION (67) MINIDOKA
06S 23E 26 SE SW 38.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 318.0

+ - - Diversion Means - TWO WELLS WITH PUMPS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

VERIFIED
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JAN 26 1993

Water right number - R36-02193

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

QNT
EPS
POU EIT
EXP FOS
EXP KOL
POU -

USE OF THIS RIGHT WITH RIGHT NO. 36-11290 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.26 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1272 AF, A TOTAL COMBINED ANNUAL
~~CONSUMPTIVE USE VOLUME OF 954 AF,~~ AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 318 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-11290 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
RIGHT NO. 36-11290 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1416(2).
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 315 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

C03 - RIGHT INCLUDES CHANGE IN POINT OF DIVERSION.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - - +

Date: 07/30/1991 User Id: WELLS Subject: COPIED FROM REMARKS
P/D CENTER OF NW1/4 & SW1/4, S26, T6S, R23E.
PROGRAM.

NORTHERN HALF OF LANDS IS PRESENTLY IN CONSERVATION RESERVE

+ - - Audit Fields - - +

08/02/91 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/02/1991	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007363	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C

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JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02193

LAST: ACEQUIA INC.
ADDRESS: P.O. DRAWER 226
CITY: SUN VALLEY
PHONE NUMBER: 208-726-8474

FIRST:
STATE: ID ZIP: 83353

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: P/D CENTER OF NW1/4 & SW1/4, S26, T6S, R23E.
NORTHERN HALF OF LANDS IS PRESENTLY IN CONSERVATION RESERVE
PROGRAM.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 8/14/90

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: None

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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JAN 26 1993

A. AJ CLAIM: # A36-02193 PRIORITY DATE: 02-25-1953 STAGE: L
B. WR RECORD: # 36-02193 PRIORITY DATE: 02-25-1953 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE FIELD
N EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

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JAN 26 1993

RECOMMENDED PRIORITY DATE:
02-25-1953

REVIEWED BY

Adm

DATE

8/14/90

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02193	06S	23E	26	SW	NE	NW		MINIDOKA
A36-02193	06S	23E	26	SW	NE	SW		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-11290 NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02193	06S	23E	26		NE	NW		MINIDOKA
36-02193	06S	23E	26		NW	NW		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A36-11290 NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
		Y	✓
		N	

REMARKS:

Appears correct

North well has pump removed.

license shows 2 P/D's in N W 1/4

The licensing fieldman on 9-27-56 shows 2 P/D's, one in the center of the NW 1/4 and the other in the SW 1/4. The license description appears to be entered incorrectly. I recognize the claimed P/D legal description. KKC 7-26-91

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
6S	23E	26	SW	NE	NW	---	Minidoka
---	---	---	SW	NE	SW	---	Minidoka

SOURCE: GROUNDWATER.

TRIB:

REVIEWED BY:

AD~

DATE:

8/14/90

A. ROOT WATER RIGHT NUMBERS: A36-02193

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	23E	26	NE	NW		ACEQUIA INC.	A36-02193 740.0	36-02193 740.0			
06S	23E	26	NW	NW		ACEQUIA INC.	A36-02193 740.0	36-02193 740.0			
06S	23E	26	SW	NW		ACEQUIA INC.	A36-02193 740.0	36-02193 740.0	36.0		
06S	23E	26	SE	NW		ACEQUIA INC.	A36-02193 740.0	36-02193 740.0	9.0		
06S	23E	26	NE	SW		ACEQUIA INC.	A36-02193 740.0	36-02193 740.0	40.0		40.0
06S	23E	26	NW	SW		ACEQUIA INC.	A36-02193 740.0	36-02193 740.0	39.0		
06S	23E	26	SW	SW		ACEQUIA INC.	A36-02193 740.0	36-02193 740.0	39.0		
06S	23E	26	SE	SW		ACEQUIA INC.	A36-02193 735.0	36-02193 735.0	34.0		
						ACEQUIA INC.	A36-11290 / 5.0	- /			
TOTAL ACRES							A36-02193	315.00	315.00	197.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

NW 1/4 not presently farmed.

RECOMMENDATIONS:

TOTAL ACRES: 315

REVIEWED BY: ADM

DATE: 8/14/90

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02193 IRRIGATION	FROM 03-15 TO 11-15	4.260 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		4.260 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02193 IRRIGATION	FROM TO	4.260 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		4.260 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	☒
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	☒
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	☒

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

MICROFILMED

JAN 26 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 4.260 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.260 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER ☒

B.

MEASUREMENT METHOD

N/A FLOW MEASUREMENT

, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02193	GROUNDWATER	ACEQUIA INC.	4.260	0.013		
A36-11290	GROUNDWATER	ACEQUIA INC.	0.100	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 315 x 0.02 CFS/ACRE = 6.30 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 945.0 AE/A

ACRES 315 x CONSUMPTIVE VOL. AE/A FOR AREA 945 =

TOTAL CONSUMPTIVE USE 945 AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES 315 x DIVERSION VOL. AE/A FOR AREA 1260 =

TOTAL DIVERSION VOLUME 1260 AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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JAN 26 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE 4.260 EXAMINER <u>4.260</u>	DATABASE 1260 EXAMINER <u>1260</u>	DATABASE 945.0 EXAMINER <u>945.0</u>
TOTAL FOR THIS RIGHT		4.260		945.0

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. ADJUT _____

ACCEPTED
AS CLAIMED ☒
()
()
()
NEEDS
REVIEW ☒
()
()
()

check to see how long NW/4 not found,

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02193

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
4.260

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02193	4.260	-		36-02193	4.260
	TOTAL CFS	4.260				4.260

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

I stopped by ASCS office and NW/4 is in CRP.
The NW/4 is also covered by an extension of time to avoid
forfeiture which runs out in 1990. This portion of the
right was also included in a transfer to Glynis Larson and used
during the 1989 season.

AUTHENTICATION:

SIGNATURE: Ar. D. Smith

DATE: 8/21/90

NAME OF FIELD EXAMINER: _____ TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

CLAIM NUMBER: A36-02193

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			Adm	N			08 10-4-90	
POINT OF DIV	Y		Adm	N	1,5			
SOURCE			Adm	N				
PLACE OF USE	Y		Adm	N	1,5			
DIV. AMOUNT CFS/VOLUME			Adm	~~N~~ Y	6			
CONSUMPTIVE USE			Adm	N				
PURPOSES			Adm	N				
PERIOD OF USE	Y		Adm	N	6			
BASIS OF CLAIM			Adm	N				
REMARKS	Y	* How long not irrigated.	Adm	N	6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAEP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED

JAN 26 1991

36-02193

KKC
7-26-91

CLAIM NO.
OR ENTRY
ORDER

REMARK
CODE

ENTRY DATA

CONDITION	CODE
1. No. of days in the month	1
2. No. of days in the week	2
3. No. of days in the year	3
4. No. of days in the month	4
5. No. of days in the week	5
6. No. of days in the year	6
7. No. of days in the month	7
8. No. of days in the week	8
9. No. of days in the year	9
10. No. of days in the month	10
11. No. of days in the week	11
12. No. of days in the year	12
13. No. of days in the month	13
14. No. of days in the week	14
15. No. of days in the year	15
16. No. of days in the month	16
17. No. of days in the week	17
18. No. of days in the year	18
19. No. of days in the month	19
20. No. of days in the week	20
21. No. of days in the year	21
22. No. of days in the month	22
23. No. of days in the week	23
24. No. of days in the year	24
25. No. of days in the month	25
26. No. of days in the week	26
27. No. of days in the year	27
28. No. of days in the month	28
29. No. of days in the week	29
30. No. of days in the year	30
31. No. of days in the month	31
32. No. of days in the week	32
33. No. of days in the year	33
34. No. of days in the month	34
35. No. of days in the week	35
36. No. of days in the year	36
37. No. of days in the month	37
38. No. of days in the week	38
39. No. of days in the year	39
40. No. of days in the month	40
41. No. of days in the week	41
42. No. of days in the year	42
43. No. of days in the month	43
44. No. of days in the week	44
45. No. of days in the year	45
46. No. of days in the month	46
47. No. of days in the week	47
48. No. of days in the year	48
49. No. of days in the month	49
50. No. of days in the week	50
51. No. of days in the year	51
52. No. of days in the month	52
53. No. of days in the week	53
54. No. of days in the year	54
55. No. of days in the month	55
56. No. of days in the week	56
57. No. of days in the year	57
58. No. of days in the month	58
59. No. of days in the week	59
60. No. of days in the year	60
61. No. of days in the month	61
62. No. of days in the week	62
63. No. of days in the year	63
64. No. of days in the month	64
65. No. of days in the week	65
66. No. of days in the year	66
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92. No. of days in the week	92
93. No. of days in the year	93
94. No. of days in the month	94
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98. No. of days in the week	98
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102. No. of days in the year	102
103. No. of days in the month	103
104. No. of days in the week	104
105. No. of days in the year	105
106. No. of days in the month	106
107. No. of days in the week	107
108. No. of days in the year	108
109. No. of days in the month	109
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111. No. of days in the year	111
112. No. of days in the month	112
113. No. of days in the week	113
114. No. of days in the year	114
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116. No. of days in the week	116
117. No. of days in the year	117
118. No. of days in the month	118
119. No. of days in the week	119
120. No. of days in the year	120
121. No. of days in the month	121
122. No. of days in the week	122
123. No. of days in the year	123
124. No. of days in the month	124
125. No. of days in the week	125
126. No. of days in the year	126
127. No. of days in the month	127
128. No. of days in the week	128
129. No. of days in the year	129
130. No. of days in the month	

STAGE
OR
STATUS

PRESUMPTION
CODE

✓ KØI

36-11290

ϕ_3
 ϕ_5

✓ c

$E \emptyset$!

36-11290

4,26

1272

954

3186

✓ FØS

36-11298

KOL

315

EØ3

NW $\frac{1}{4}$ and SW $\frac{1}{4}$

S-26, T-06S, R-23E

MICROFILMED
JAN 26 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R36-02193

Adj. Flag Translation: RESEARCH

Old (D) Number - 23808

+ - - - - Last Name - - - - - + - - - - First Name - - - - - + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ACEQUIA INC.1 - P.O. DRAWER 226
2 -
3 -
City- SUN VALLEY
Phone - 208-726-8474

State- ID Zip- 83353

+ - - Priority Date - - - + - - - Region - - - + - - - Stage - - - + - - - Status - - - +
02/25/1953 17 Error in Region L - LICENSE+ - - - - Source - - - - - + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)06S 23E 26 SW NE NW (67) MINIDOKA
06S 23E 26 SW NE SW (67) MINIDOKA+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

4.260

1260.00

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
4.260 1260.00 945.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06S	23E	26	NE NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	NW NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SW NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SE NW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	NE SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SW SW		40.0	01	IRRIGATION	(67) MINIDOKA
06S	23E	26	SE SW		35.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 315.0

+ - - Diversion Means - TWO WELLS WITH PUMPS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Add 36 - 11290.

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Adj. flag translation: RESEARCH

+		Remarks
	P/D CENTER OF NW1/4 & SW1/4, S26, T6S, R23E.	
	NORTHERN HALF OF LANDS IS PRESENTLY IN CONSERVATION RESERVE	
	PROGRAM.	

+ - - - - - Old Water Right Numbers

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

[illegible]

+ - - Audit Fields - - +
BEDKE

+ - - - - - - - - - - - - - - - - - Water Rights Dates and Flags Area

Temporary Right -P

Receipt Number - S007363

Water District -

move to comments.

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JAN 26 1993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 3-23808

This proof is for Com. of Works & Bene. Use

In Water District No.

1. Name of applicant: Capital Company, Box 617, Rupert
2. Source of water supply: Subterranean from 2 wells
3. Location of point of diversion: Is in the Center of the NW 1/4 and center of the SW 1/4 of Section 25
T. 5 S. R. 23 E. B. 1 N. County of Minidoka
4. Describe works as they exist, giving dimensions and capacities of same:
 # 2 inch diameter 120 hp U.S. Motor = North well
 # 72 hp 150 " " " = South "
 Sprinkler system - two pumps on one main line
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
 Section 25, Town 5 S, Range 23 E, B. 1 N.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Q = by calculation (max)
 Motor = 110 hp
 120 hp
 150 hp
 175 hp
 190 hp
 200 hp
 210 hp
 220 hp
 230 hp
 240 hp
 250 hp
 260 hp
 270 hp
 280 hp
 290 hp
 300 hp
 310 hp
 320 hp
 330 hp
 340 hp
 350 hp
 360 hp
 370 hp
 380 hp
 390 hp
 400 hp
 410 hp
 420 hp
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 640 hp
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 670 hp
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 690 hp
 700 hp
 710 hp
 720 hp
 730 hp
 740 hp
 750 hp
 760 hp
 770 hp
 780 hp
 790 hp
 800 hp
 810 hp
 820 hp
 830 hp
 840 hp
 850 hp
 860 hp
 870 hp
 880 hp
 890 hp
 900 hp
 910 hp
 920 hp
 930 hp
 940 hp
 950 hp
 960 hp
 970 hp
 980 hp
 990 hp
 1000 hp

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JAN 26 1993

POOR ORIGINAL

This examination was made on the

27

day of

Sept

1926

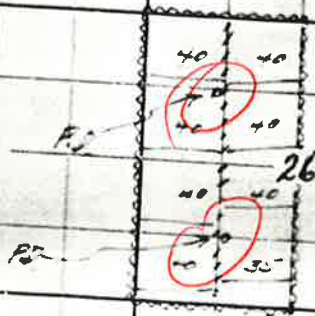
(Signed)

E. W. Humphrey

Examiner

423808

T 6 S. R = 23 E.



Subdivision - B

Area = 315 acres

$Q = \frac{220}{266} = N. well$
 $+ 26 cfs$

~~W367 W3719~~



Northern well with no pump.

MICROFILMED
JAN 20 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NOS. 3500, 3502, 3503, 3504,)
3505, 3506, 3507, 3508, 3512 PROPOSING)
TRANSFER OF WATER RIGHTS NOS. 35-7390,)
35-7391, 35-7630, 35-7605, 35-7586,)
36-7015A, 36-2074, 36-7613, 36-2409A,)
36-7495, 37-2652, 36-2121, 36-2122,)
36-2127, 36-2193, 36-2194, 35-2821A,)
35-2728, 35-2844, 35-7361, 21-7050)
21-7051, 36-7022, 36-2632, 36-7272,)
36-7897, 36-2300 IN THE NAME OF)
BLAINE LARSEN.)

ORDER APPROVING
TRANSFERS

Blaine Larsen having applied to transfer the above-captioned water rights, protests having been filed and withdrawn, and the Director of the Department of Water Resources, having reviewed the available information, finds concludes and orders as follows:

FINDINGS OF FACTS

1. On January 6, 1989, Blaine Larsen ("Larsen") filed transfer application nos. 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3512 with the Department of Water Resources ("department") proposing transfer of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300. On January 25, 1989, Larsen filed transfer application no. 3500 with the department proposing transfer of water right nos. 21-7050 and 21-7051.

2. The transfer applications propose irrigation of 4594 acres in Jefferson and Clark Counties, and the withdrawal from

ORDER APPROVING TRANSFERS
Page 1

MICROFILMED
JAN 20 1993

irrigation of 4894 acres in Bingham, Lincoln, Minidoka, Jefferson, and Fremont counties for the 1989 irrigation season.

3. The department published notice of the applications for transfer on February 2 and 9, 1989. Due to errors in some of the original transfer applications, the department republished notice of the applications on February 16 and 23, 1989.

4. Timely protests against approval of the application were filed by Burgess Canal Company; Great Feeder Canal Company; Lloyd R. Hicks; Owsley Canal Company; Jackett Canal Company; Holly Water Users Association; Jefferson Irrigation; Producers Canal Company; Montevue Canal Company; Level Canal Company; Independent Water Users of Mud Lake; U.S. Department of Interior, Fish and Wildlife Service; State of Idaho, Department of Fish & Game; and Ray Sanders.

5. A hearing was scheduled for March 29, 1989. Lloyd R. Hicks, Burgess Canal Company, and Great Feeder Canal Company withdrew their protests on February 27, 1989.

6. Protestant Ray Sanders withdrew his protest on March 16, 1989.

7. Two days prior to the hearing, Larsen informed the Department that the remaining protestants had agreed to withdraw their protests. As a result, the department vacated the scheduled hearing.

8. On April 6, 1989, the parties filed with the department a stipulation withdrawing the protests of the U.S. Fish & Wildlife Service, the Idaho Department of Fish & Game, and the other remaining protestants.

ORDER APPROVING TRANSFERS
Page 2

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JAN 26 1993

9. The applications for transfer do not propose an enlargement in the rights as originally defined.

10. The stipulation for withdrawal of protests calls for a three year study to determine the effects of groundwater pumping in the Mud Lake hydrologic basin.

11. Many of the transfer applications propose to transfer water rights from a considerable distance and from areas outside the Mud Lake basin. Information does not presently exist to determine the probable impact of pumping the transferred rights in the Mud Lake area.

12. If the original priority dates of the rights proposed to be changed are retained, later in time appropriators in the Mud Lake hydrologic basin could be injured.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the criteria the department must consider in evaluating an application for transfer:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in section 42-203A, Idaho Code. . .

2. Approval of the applications for transfer will not result in an enlargement of the water rights sought to be transferred.

3. Approval of the applications for transfer will not conflict with the local public interest.

4. The department should retain jurisdiction over the transfer to modify, amend or cancel the transfer if it finds that other water rights are being injured by groundwater withdrawals authorized by the transfer.

5. The priority dates of water rights transferred under this transfer should be advanced to the date the transfer was filed to protect water users in the Mud Lake hydrologic basin from possible injury.

6. The transfers must be limited to one year as requested.

ORDER

IT IS HEREBY ORDERED that transfer nos. 3500, 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 proposing transfer of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 21-7050, 21-7051, 36-7022, 36-2632, 36-7272, 36-7897, 36-2300 are APPROVED subject to the following conditions:

1. The department retains jurisdiction over the transfers to modify, amend or cancel the transfers if it finds that the diversion and use of water under the transfers injures other water rights.

2. The transfers are approved for a period of one year. On November 1, 1989, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A,

ORDER APPROVING TRANSFERS
Page 4

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36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 25-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300 shall be advanced to January 6, 1989. The priority of water right nos. 21-7050 and 21-7051 shall be advanced to January 25, 1989.

4. The place of use is limited to the 4594 acres listed on the summary attached hereto.

Dated this 19th day of April, 1989.



R. KEITH HIGGINSON, Director
Department of Water Resources

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JAN 20 1993

26-A^W

Application for Extension of Time to Avoid Forfeiture of a Water Right

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

8. Lands irrigated or place of use:

[illegible]

Total number of acres irrigated 160

9. Give last date when water was applied to beneficial use September 1, 1985
Length of extension of time requested 5 years, & until September 1, 1990
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Acreage conservation reserve.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

P. J. [Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of September, 19 87.

Mary Baldwin
(Notary Public)

My commission expires 10/16/92

Residing at Gooding, ID

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Beneficial use of water under this right shall resume on or before September 1, 1990.

Witness my hand this 31st day of May, 19 88.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

JAN 20 1993

For Department Use Only

Received by [Signature] Date 9/3/87 Time 11:00AM Preliminary check by ADN
Fee \$ 50.00 Receipted by M. Baldwin Date 11/2/88 Publication prepared by LEW
Published in So. ID Press Dates 2/4 + 2/11
Publication approved by MB Date 2/25/88 Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval // Denial by ADN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

| | | |
|------------------------------------|---|--------------------|
| IN THE MATTER OF TRANSFER NO'S |) | |
| 3666, 3667, 3668, 3669, 3670, AND |) | ORDER EXTENDING |
| 3671 ON WATER RIGHT NO.'S 35-2728 |) | TEMPORARY APPROVAL |
| 35-2821B/2844/7361/7586/7605/7632, |) | OF TRANSFERS |
| A35-10948, 36-2074/2121/2122/2124 |) | |
| 2127/2190/2193/2194/2300/2632/2727 |) | |
| 7015A/7022/7272/7495/7897 |) | |

Blaine Larsen, having received approved transfers from the Department of Water Resources in 1989, and having requested that the Department extend the two year approval period, the Director of the Department of Water Resource finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 6, 1989, Blaine Larsen (Larsen) filed transfer applications no's 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 with the Department of Water Resources (department) proposing transfer of water right no.'s 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300. On January 25, 1989, Larsen filed transfer application no. 3500 with the Department, proposing transfer water right no.'s 21-7050 and 21-7051.

2. The transfer applications proposed irrigation of 4,594 acres in Jefferson and Clark counties from groundwater and withdrawal from irrigation of 4,894 acres in Bingham, Lincoln, Minidoka, Jefferson and Fremont counties to compensate for the proposed water use.

3. Timely protests against the approval of the applications were filed by various parties. Two days before a scheduled hearing, the protestants withdrew their protests based on a stipulation between the parties. The parties agreed that Blaine Larsen should be allowed to temporarily transfer water rights to his existing places of use pending the completion of a study by United States Geological Survey (USGS). USGS predicted completion of its study in 1991. Blaine Larsen's pending transfers in 1989 were approved for one year. Blaine Larsen subsequently filed other applications for transfer, numbered 3666, 3667, 3668, 3669, 3670, and 3671, proposing transfer of water right no's 35-2728, 35-2821, 35-2844, 35-7361, 35-7586, 35-7605, 35-7632, A35-10948, 36-2074, 36-2121, 36-2122, 36-2124, 36-2127, 36-2190, 36-2193, 36-2194, 36-

MICROFILMED

JAN 20 1993

2300, 36-2632, 36-2727, 36-7015A, 36-7022, 36-7272, 36-7495, and 36-7897.

4. The last set of applications for transfer were advertised properly, and the applications were not protested. The department approved the transfers in the spring of 1990 for a period of two irrigation seasons. The transfers authorized the irrigation of 4,075 acres listed on the summary attached, and labeled as Attachment 2.

5. In the spring of 1991, Blaine Larsen filed another application for transfer, numbered 3847, proposing to transfer water right no. 36-2197 for the irrigation of an additional 147 acres in Fremont County. The application was protested by some of the original protestants, but the protests were subsequently withdrawn. The application for transfer was approved for one year.

6. The approved transfer authorized the diversion of 1.47 cfs for irrigation of the following lands:

| Township | Range | Section | | Acres |
|----------|-------|---------|-------|-------|
| 08N | 37E | 32 | NE NE | 37 |
| 08N | 37E | 32 | SE NE | 37 |
| 08N | 37E | 32 | NE SE | 37 |
| 08N | 37E | 32 | SE SE | 36 |
| | | | TOTAL | 147 |

7. The transfers expired at the end of the 1991 irrigation season.

8. As the end of the transfer approval period approached, the USGS represented that it would not complete its study prior to the 1992 irrigation season. Larsen negotiated with and received consent from all the original protestants to extend the prior approved transfer for one more year.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-222 sets forth the criteria the department must consider in evaluation of an application for transfer:

The director of the Department of Water Resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with conservation of water resource within the state of Idaho and is in the local public interest.

2. All of the criteria listed above were considered in the prior applications for transfer listed above, which were approved by the Department of Water Resources.

3. The petition for renewal of the transfer approval does not propose any change in the points of diversion, places of use, or water rights which were originally approved in 1990. A one year extension of time will not change the Director's original analysis of the criteria of Idaho Code, § 42-222.

4. No additional notice to the public is required. The published notice of the applications described the present water use, and, at the time, the public had an opportunity to contest the applications.

5. The request for an extension of the transfer approval should be granted.

ORDER

IT IS HEREBY ORDERED that applications for transfer no.'s 3666, 3667, 3668, 3669, 3670, and 3671, are REAPPROVED, subject to the following conditions:

1. The department retains jurisdiction over the transfers to modify, amend or cancel the transfers if it finds that the diversion and use of water under the transfers injures other water rights.

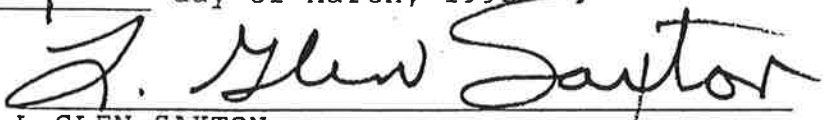
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of all water rights involved in these transfers shall be advance to December 22, 1989.

4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

5. Any change in point of diversion, place of use, period of use, or nature of use, or any change in the water rights transferred to these lands for an additional years will require the filing of a new application of transfer.

Dated this 4th day of March, 1992



L. GLEN SAXTON

Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 4th day of March 1992, a true and correct copy of the ORDER EXTENDING TEMPORARY APPROVAL OF TRANSFERS was mailed, postage prepaid to:

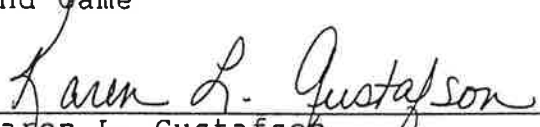
Blaine Larsen
P.O. Box 188
Hamer, ID 83425

Michael C. Creamer
Givens, Pursley, Webb, and Huntley
P.O. Box 2720
Boise, ID 83701

Kent Foster
Idaho First National Bank
P.O. Box 50130
Idaho Falls, ID 83405

Barbara Scott-Brier
Fish and Wildlife Service
500 N.E. Multnomah Street
Suite 607
Portland, OR 97232

Steven V. Goddard
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707



Karen L. Gustafson
Secretary/Records Manager

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JAN 26 1993

**SUMMARY OF
BLAINE TRANSFER APPLICATIONS 1990**

| NUMBER | PRIORITY | CFS | ACRES |
|---------------------|----------------------------|-------|--------|
| 1. ACEQUIA | | | |
| 36-2121 | 12-13-1948 | 2.44 | 240 |
| 36-2122B | 12-24-1948 | 3.26 | 263.1 |
| 36-2124B | 06-07-1951 | 0.40 | 20 |
| 36-2127B | 05-04-1950 | 2.47 | 160 |
| 36-2190B | 02-25-1953 | 1.20 | 120 |
| 36-2193B | 12-23-1950 | 2.16 | 160 |
| 36-2194 | 02-19-1951 | 3.18 | 240 |
| | | ===== | ===== |
| TOTAL | | 15.11 | 1203.1 |
| 2. ANDERSON | | | |
| 36-2632 | 01-07-1966 | 1.94 | 97 |
| 36-7022 | 04-12-1968 | 4.64 | 232 |
| 36-7272 | 11-07-1972 | 1.50 | 78.5 |
| 36-7897 | 02-25-1980 | 2.84 | 203 |
| 36-2300 | 05-15-1956 | 3.88 | 194 |
| | | ===== | ===== |
| TOTAL | | 14.80 | 804.5 |
| 3. KERBS | | | |
| 36-7495 | | 4.58 | 320 |
| 36-2727 | | 5.10 | 320 |
| | | ===== | ===== |
| TOTAL | | 9.68 | 640 |
| 4. MCFARLAND | | | |
| 35-7015A | 02-14-1968 | 0.94 | 152.6 |
| 36-2074 | 07-27-1943 | 0.75* | 80* |
| | | ===== | ===== |
| TOTAL | | 0.94 | 152.6 |
| | * Same land as in 35-7015A | | |
| 5. STEWART | | | |
| 35-2821B | 05-02-1960 | 0.60 | 30 |
| 35-2728 | 07-09-1963 | 3.40 | 170 |
| 35-2844 | 10-17-1966 | 3.30 | 165 |
| 35-7361 | 12-26-1973 | 0.54 | 27 |
| 35-7632 | 08-05-1976 | 4.40 | 264 |
| A35-10948 | 04-01-1978 | 0.56 | 28 |
| | | ===== | ===== |
| TOTAL | | 12.80 | 684 |
| 6. TAYLOR | | | |
| 35-7605 | 04-28-1976 | 4.00 | 200 |
| 35-7586 | 02-23-1976 | 6.41 | 391 |
| | | ===== | ===== |
| TOTAL | | 10.41 | 591 |
| | | | 4075.2 |

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February 7, 1992



via Hand Delivery

Jim Johnson
Idaho Department of Water Resources
1301 Orchard
Boise, ID 83706

RE: Extension of Temporary Transfers of Blaine Larsen
Our File: 1207-25

Dear Mr. Johnson:

At your instruction, I am submitting this letter on behalf of Blaine Larsen to request that the Department of Water Resources grant an extension of the temporary transfers of groundwater rights that were approved for Blaine Larsen during the 1991 irrigation season. Mr. Larsen proposes to use these same water rights on the same places of use again in 1992. This request includes those water rights that were included in the group transfer application in 1991 and the portion of water right 36-02197, that was approved for temporary transfer as an individual application in 1991. Extension of the 1991 transfer approval through 1992 will not result in any changes from the previous year.

I am enclosing copies of the original lease agreements between Mr. Larsen and the water right lessors, together with copies of the extensions of the same lease agreements for the 1992 irrigation season. Also enclosed, is a copy of an extension of the 1989 Mud Lake Memorandum Agreement, executed by Blaine Larsen, the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game and the eight Mud lake area canal companies together with a stipulation by the same parties. This extension carries the 1989 Agreement forward through the 1992 irrigation season.

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JAN 26 1993

Jim Johnson
February 7, 1992
Page 2

Based upon my conversation with you, and upon the Director's position at the last U.S.G.S. status meeting regarding the Mud Lake Study, we understand that this request should be directed to the Boise office rather than the Eastern Region, and that the extension of the transfers for one additional year will not require submission of new transfer application forms or publication of notice. This seems appropriate since there will be no change from last year's situation.

Because we are anxious to move forward with this process as quickly as possible, please contact either me or Jeff Fereday immediately if you require additional information. Thank you in advance for your assistance.

Sincerely,



Michael C. Creamer

cc: R. Keith Higginson (w/o encl.)
Blaine Larsen c/o Kevan Varin (w/encl.)
Kent Foster, Esq. (w/encl.)
Barbara Scott-Brier, Esq. (w/encl.)
Stephen Goddard, Esq. (w/encl.)

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