

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: A36-02727
Date Received: 8/16/1988
Receipt No: S001499
Received By: SCL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM KERBS 208-436-3008
Address: 213 PLEASANT WAY
RUPERT, ID 83350

AND/OR
Name: L.W. ROUTH
Address: RUPERT, ID 83350

2. Date of Priority: MAR 10, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	22E	36	NE	SE	NE		LINCOLN

5. Description of diverting works:
WELL AND 200 HP PUMP W/ 100 HP BOOSTER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.100		

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	22E	36	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 320.0

Total Acres 320.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
A36-07495

14. Remarks:
TRANS. 1889. ORIGINALLY FILED UNDER WR #37-02652.

15. Basis of Claim: LICENSE
Water Right Number: 29561

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 Individuals:

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

Signature of Claimant(s): William Ferbs Date: 8-16-88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

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

of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



COPY

2ND MAY 26 PM 12:03

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

SUBCASE NO. 36-02727

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

L W Routh
1968 Falls Ave E
Twin Falls ID 83301

William Kerbs
213 Pleasant Way
Rupert ID 83340
(No Change)

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 *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:

5/26/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/26, 2000, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
L W Routh
1968 Falls Ave E
Twin Falls ID 83301
William Kerbs
213 Pleasant Way
Rupert ID 83340
3. One Copy to:
Each party in the subcase or attorney of record:
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. 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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-26-2000
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02727

NAME & ADDRESS: L W ROUTH
1968 FALLS AVE E
TWIN FALLS ID 83301

WILLIAM KERBS
213 PLEASANT WAY
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 5.1 CFS
1280.0 AFY

PRIORITY DATE: 03/10/1961

POINT OF DIVERSION: T06S R22E S36 NESENE Within LINCOLN County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 03-15 11-15 5.1 CFS
1280.0 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County
T06S R22E S36 NENE 39 NWNE 40 SWNE 40 SENE 38
NESE 39 NWSE 40 Lot 2 (SWSE)42 Lot 1 (SESE)42
320 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE



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

SOUTHERN REGION

May 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

L W ROUTH
1968 FALLS AVE E
TWIN FALLS ID 83301

RE: SRBA Claim(s) 36-02727

Dear Claimants:

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

cc: William Kerbs



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

SOUTHERN REGION

May 22, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

L W ROUTH
1968 FALLS AVE E
TWIN FALLS ID 83301

RE: Snake River Basin Adjudication (SRBA) **Change of Address**
Water Right No A36-02727

Dear Claimant:

Thank you for notifying us of your change in address on the water right claim(s) referenced above. Our records have been updated accordingly.

I have enclosed the Supplemental Recommendation that was returned to us by the Post Office for insufficient address.

If you have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Cheryl E. Timm'.

Cheryl E. Timm
SRBA Records Clerk



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 2000

LW ROUTH
1968 FALLS AVE E
TWIN FALLS ID 83301

RECEIVED
MAY 18 2000
Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A36-02727
Change of Address

Dear Claimants:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

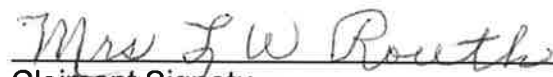
Please sign your name at the bottom of this letter and return it in the enclosed self-addressed envelope. Make corrections to your name and address if necessary before returning this letter. If your mail delivery address changes in any form, please contact us in writing so we can update our records.

Sincerely,


Cheryl E. Timm
SRBA Records Clerk

CT:ct

The address is correct as shown above or as otherwise changed.


Claimant Signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

INSUFFICIENT ADDRESS

RECEIVED

AUG 05 1999

Department of Water Resources
Southern Region



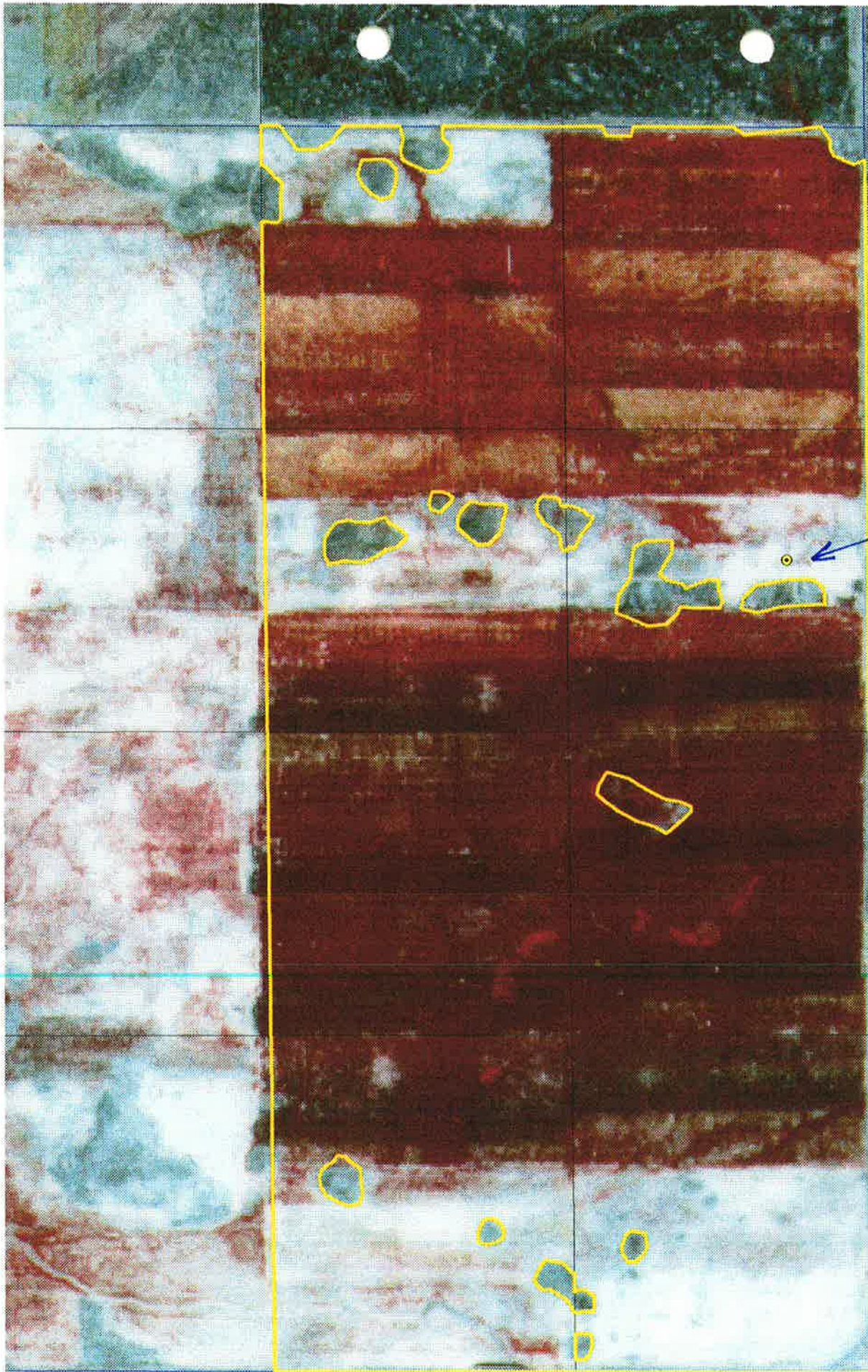
RECEIVED
AUG 03 1999
Department of Water Resources

IMPORTANT WATER RIGHT INFORMATION



00000





↑
North

POD

Pou

36-02727

8/5/97 sec

NO. OF CLAIMS IN POLYGON _____

CLAIM NUMBERS 36-02727

DATE 7/31/97

AGENT sa

TRANSFER NUMBER _____

OBJECTION FILED 0

TOTAL ACRES FROM RECOMMENDATION 320

GEOGRAPHIC INFO SYSTEM 315

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	<u>6s</u>	<u>22E</u>	<u>36</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>38</u>									<u>39</u>	<u>40</u>	<u>42</u>	<u>42</u>	<u>320</u>
GIS				<u>39</u>	<u>37</u>	<u>37</u>	<u>37</u>									<u>39</u>	<u>40</u>	<u>43</u>	<u>43</u>	<u>315</u>
RECOM																				
GIS																				
RECOM																				
GIS																				
RECOM																				
GIS																				
RECOM																				
GIS																				

(poly within 5%)

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

ATTRIBUTES OF B36-POU.SHP (288) 8/5/97 sa

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POD.SHP (257) _____

P/U CONFLICT yes () no (X)

P/D CONFLICT yes () no (X)

SENT FOR DECREE yes (X) no ()

R PROOF



CVR



MAPS



PHOTOS



MISC

MICROFILMED

FFR 0 1 1992

Water Right Number - R36-02727 Prefix Translation: RESEARCH Old (D) Number - 29561

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

*** C - CURRENT OWNER ***
KERBS

WILLIAM

1 - 213 PLEASANT WAY

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-3008

ROUTH

L.W.

1 -

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/10/1961 17 SOUTHERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

06S 22E 36 NE SE NE (63) LINCOLN

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 5.100 1280.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
5.100 1280.00 960.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06S	22E	36	NE NE		39.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	NW NE		40.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SW NE		40.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SE NE		38.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	NE SE		39.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	NW SE		40.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SW SE	2	42.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SE SE	1	42.0	01	IRRIGATION	(63) LINCOLN

Total Acres: 320.0

+ - - Diversion Means - WELL AND 200 HP PUMP W/ 100 HP BOOSTER

+ - - Non-Irrigation Use -

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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	- 06/08/1992	Old Judicial District	-
Claim Received Date	- 08/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001499	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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FEB 01 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:41:31
09/11/91

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02727

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	✓		9-12-91 BHS	N	6	9-12-91 BHS	9-12-91 BHS	BHS 9-12-91
POINT OF DIV	Y		↓	↓	1, 2, 4	↓	↓	↓
SOURCE	✓		↓	↓	2, 6	↓	↓	↓
PLACE OF USE	Y		↓	↓	2, 6	↓	↓	↓
DIV. AMOUNT CFS/VOLUME	✓		↓	↓	6	↓	↓	↓
CONSUMPTIVE USE	-		↓	↓	6	↓	↓	↓
PURPOSES	✓		↓	↓	6	↓	↓	↓
PERIOD OF USE	Y		↓	↓	6	↓	↓	↓
BASIS OF CLAIM	✓		↓	↓	6	↓	↓	↓
REMARKS	✓		↓	↓	6	↓	↓	↓

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP 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.

FEB 01 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:41:31
09/11/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02727

LAST: KERBS
ADDRESS: 213 PLEASANT WAY
CITY: RUPERT
PHONE NUMBER: 208-436-3008

FIRST: WILLIAM
STATE: ID ZIP: 83350

OWNER CODE: C

LAST: ROUTH
ADDRESS:
CITY: RUPERT
PHONE NUMBER: 208-000-0000

FIRST: L.W.
STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: TRANS. 1889. ORIGINALLY FILED UNDER WR #37-02652.

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CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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FEB 01 1993

A. AJ CLAIM: # A36-02727

PRIORITY DATE: 03-10-1961

STAGE: L

B. WR RECORD: # 36-02727

PRIORITY DATE: 03-10-1961

STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD
EXAMINER

BAS

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:

03-10-1961

REVIEWED BY

BAS

DATE 9-12-91

=====

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FEB 11 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02727	06S	22E	36	NE	SE	NE		LINCOLN

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE 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
36-02727	06S	22E	36	NE	SE	NE		LINCOLN
36-02727	06S	22E	36		SW	NW		LINCOLN

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE

Y
N

FIELD
EXAMINER

PM

REMARKS:

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FFR 0 1 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>6S</u>	<u>22E</u>	<u>36</u>	<u>(NE)</u>	<u>SE</u>	<u>NE</u>	<u>---</u>	<u>LINCOLN</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

BHS

DATE:

9-12-91

VERIFIED
W/ BILL GORR
PHONE 9-12-91

MICROFILMED
FEB 01 1993

A. ROOT WATER RIGHT NUMBERS: A36-02727
A36-10850

R36-10850

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	22E	36	NE	NE		KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0	38.0		39
06S	22E	36	NW	NE		KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0	40.0		40.0
06S	22E	36	SW	NE		KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0	40.0		40.0
06S	22E	36	SE	NE		KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0	38.0		39.38
06S	22E	36	NE	SE		KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0	40.0		40.0 39
06S	22E	36	NW	SE		KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0	39.0		39.40
06S	22E	36	SW	SE	2*	KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0			42
06S	22E	36	SE	SE	1*	KERBS , WILLIAM	A36-02727 /40.0	36-02727 /40.0			42
TOTAL ACRES							A36-02727	320.00	320.00	235.00	320

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

FIELD
EXAMINER

* LOT 1 = 44.44 AC
* LOT 2 = 44.29 AC

FEB 01 1993

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

~~325~~ .320
BHS

REVIEWED BY: _____

DATE: 9-12-91

MICROFILMED

FEB 01 1993

A. AJ CLAIMED USES:

PURPOSES MONTH/DAY
A36-02727 IRRIGATION FROM 03-15 TO 11-15
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
5.100 CFS
5.100 CFS

B. WR RECORDED USES:

PURPOSES MONTH/DAY
36-02727 IRRIGATION FROM TO
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
5.100 CFS
5.100 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE FIELD
EXAMINER
N
N
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

ORIGINAL LICENSE HAS NO SEASON OF USE SHOWN - RECOMMEND STANDARD P.O.U FOR
THIS AREA 3-15 TO 11-15 (AS CLAIMED)

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FEB 01 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 5.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.100 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?

FIELD
DATABASE EXAMINER
N

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A36-07495

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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FEB 1 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 320 x 0.02 CFS/ACRE = 6.4 CFS
(Taken from p/u review)

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 = 960.0 AF/A

ACRES 320 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 960 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 320 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 1280 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

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

NOT RECORDED
FEB 01 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
<u>IRRIGATION</u> ✓	<u>03-15</u> <u>11-15</u> ✓	DATABASE EXAMINER <u>5.100</u> ✓ <u>BHS</u>	DATABASE EXAMINER <u>1280</u> <u>BHS</u>	DATABASE EXAMINER <u>960.0</u> <u>BHS</u>
TOTAL FOR THIS RIGHT		5.100		960.0

REVIEWED BY: BHS DATE: 9-12-91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02727

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	18.800	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02727	5.100	-		36-02727	5.100
A36-02111	A36-10850	9.400	R36-10850	9.400	36-02111	4.800
A36-02119	A36-10850	9.400	R36-10850	9.400	36-02119	4.000
A36-02732	A36-10850	9.400	R36-10850	9.400	36-02732	0.600
A36-02111	R36-10850	9.400	R36-10850	9.400	36-02111	4.800
A36-02119	R36-10850	9.400	R36-10850	9.400	36-02119	4.000
A36-02732	R36-10850	9.400	R36-10850	9.400	36-02732	0.600
TOTAL CFS		61.500		56.400		18.800

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	FIELD EXAMINER
N	_____

REMARKS:

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AUTHENTICATION:

SIGNATURE:

Burke H. Scholer

DATE:

9-12-91

NAME OF FIELD EXAMINER:

BURKE H. SCHOLER

TITLE:

WATER RESOURCE AGENT

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6
48.9

5
12.3

26 25

R 22 E

25

35 36

30

36

31

385

W. KERBS & L. ROUTH

39

3

61.0

2

56.4

119.7

39

40

40

P/O 7475

272.7

P/O

T 620

385

W. KERBS & L. ROUTH

40

4

94.1

40

5

88.9

6

195.1

39

T
6
S

41

41

42

42

LOT 4 = 44.04 AC

LOT 3 = 44.17 AC

LOT 2 = 44.29 AC

LOT 1 = 44.44 AC

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R 22 E

USA

TRANS. TO
MINIDOKA CO.
S. ANDERSON

5 4

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.

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-

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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.

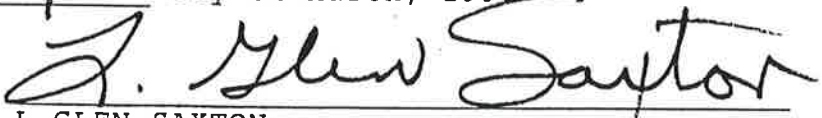
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

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:

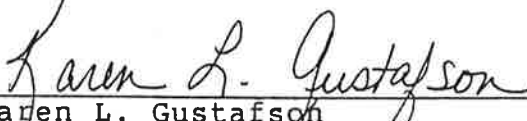
Blaine Larsen
P.O. Box 188
Hamer, ID 83425

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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**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
		=====	=====
		10.41	591
TOTAL			4075.2

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FERQAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER†
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
STEPHANIE C. WESTERMEIER

† ADMITTED ONLY IN COLORADO
‡ WASHINGTON, D.C.

* ADMITTED ONLY IN UTAH
‡ WASHINGTON, D.C.

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

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

JAMES A. MCCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

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

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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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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