

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: A36-07495
Date Received: 8/16/1988
Receipt No: S001499
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: L. W. ROUTH
Address: 213 PLEASANT WAY
RUPERT, ID 83350
AND/OR
Name: WILLIAM KERBS 208-436-3008
Address: 213 PLEASANT WAY
RUPERT, ID 83350
2. Date of Priority: AUG 13, 1974
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
06S	22E	36	SW		SE		NW		LINCOLN
5. Description of diverting works:
WELL AND 250 HP PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.580		1280.00
7. Total Quantity Appropriated is:
4.580 C.F.S. (and/or) 1280.00 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		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW	4	IRR	41.0
			SE		SW	3	IRR	41.0
							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:
A36-02727

14. Remarks:

15. Basis of Claim: LICENSE

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 Kerbs Date: 8-16-88

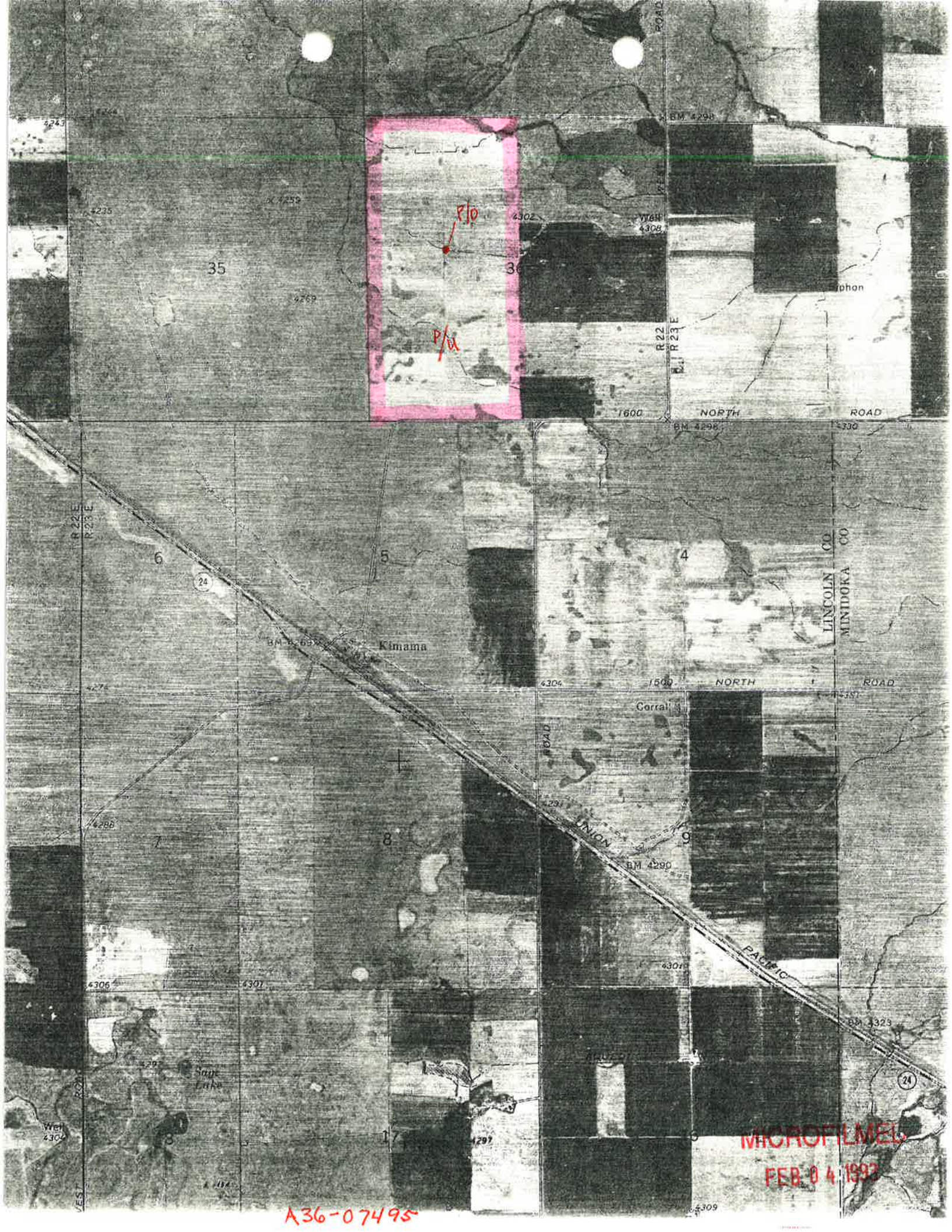
Date: _____

State of Idaho)
County of Twin Falls) SS.

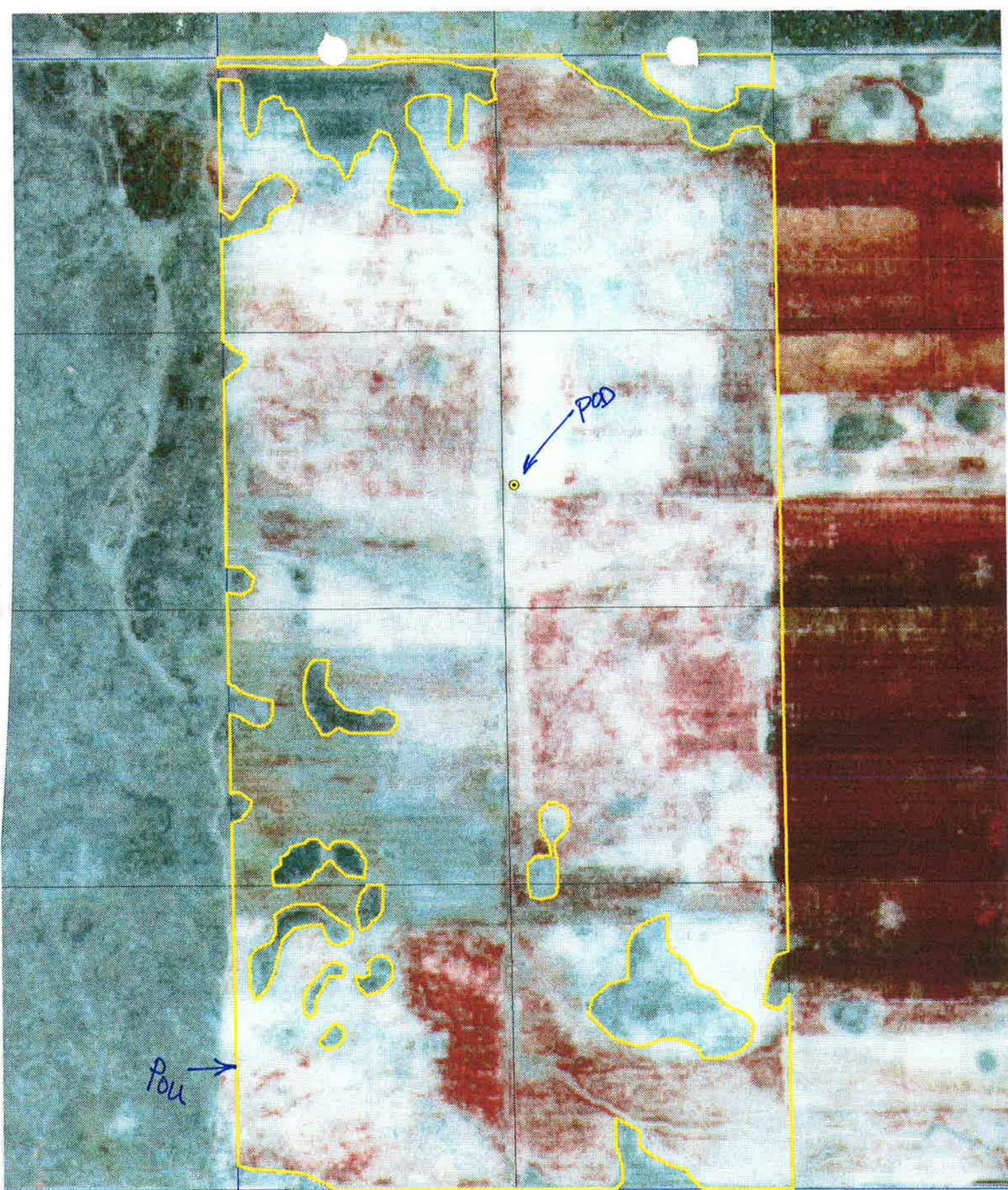
Subscribed and sworn (or affirmed) before me this 16th day
of August 19 88 Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94



A36-07495



↑
NORTH

36-07495

8/5/97 sea

NO. OF CLAIMS IN POLYGON 1CLAIM NUMBERS 36-07495DATE 7/31/97AGENT SCU

TRANSFER NUMBER _____

OBJECTION FILED XTOTAL ACRES FROM RECOMMENDATION 320GEOGRAPHIC INFO SYSTEM 296

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	65	22E	36					39	39	40	40	40	40	41	41					320
GIS								37	29*	39	40	39	36	40	36					296
																				OR (306)
RECOM																				
GIS																				
RECOM																				
GIS																				
RECOM																				
GIS																				

(★ Pou is less than 5% of Recommended of (304))
 UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF

ATTRIBUTES OF B36-POU.SHP (289)

8/5/97 scu

B36-DBPOD.DBF

ATTRIBUTES OF B36-POD.SHP (258)

Most outages are similar to those on the ASCS map in the file.
 * Appears to have large outtake on the North end = 10 AC (When added in this meets w/in 5%)

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes (X) no (X)

SENT FOR DECREE yes (X) no ()

R PROOF



CVR



MAPS



PHOTOS



MISC



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Water Right Number - R36-07495

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - 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 - 213 PLEASANT WAY

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
08/13/1974 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

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

Twn	Rng	Sec	Tract	Lot	RFlg	County
06S	22E	36	SW SE NW		(63)	LINCOLN

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		4.580	1280.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.580 1280.00 960.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	22E	36	NE NW		39.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	NW NW		39.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SW NW		40.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SE NW		40.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	NE SW		40.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	NW SW		40.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SW SW	4	41.0	01	IRRIGATION	(63) LINCOLN
06S	22E	36	SE SW	3	41.0	01	IRRIGATION	(63) LINCOLN

Total Acres: 320.0

+ - - Diversion Means - WELL AND 250 HP PUMP

+ - - 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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:41:31
09/11/91

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PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07495

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

"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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:41:31
09/11/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07495

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: 213 PLEASANT WAY
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?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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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 04 1990

A. AJ CLAIM: # A36-07495 PRIORITY DATE: 08-13-1974 ✓ STAGE: L ✓
B. WR RECORD: # 36-07495 PRIORITY DATE: 08-13-1974 ✓ STAGE: L ✓

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD
EXAMINER

BHS

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:

08-13-1974

REVIEWED BY

BHS

DATE

9-12-91

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07495	06S	22E	36	SW	<u>SE</u>	<u>NW</u>		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
36-07495	06S	22E	36		<u>SE</u>	<u>NW</u>		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

Baker

REMARKS:

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FEB 04 2000

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>(SW)</u>	<u>SE</u>	<u>NW</u>	<u>---</u>	<u>LINCOLN</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: _____

DATE: 9-12-91

VERIFIED W/
BILL ON PHONE
9-12-91

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A. ROOT WATER RIGHT NUMBERS: A36-07495

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	NW		KERBS , WILLIAM	A36-07495 /39.0	36-07495 /39.0	37.0		39 ✓
06S	22E	36	NW	NW		KERBS , WILLIAM	A36-07495 /39.0	36-07495 /39.0	39.0		39.0 ✓
06S	22E	36	SW	NW		KERBS , WILLIAM	A36-07495 /40.0	36-07495 /40.0	37.0		40 ✓
06S	22E	36	SE	NW		KERBS , WILLIAM	A36-07495 /40.0	36-07495 /40.0	40.0		40.0
06S	22E	36	NE	SW		KERBS , WILLIAM	A36-07495 /40.0	36-07495 /40.0	40.0		40.0
06S	22E	36	NW	SW		KERBS , WILLIAM	A36-07495 /40.0	36-07495 /40.0	37.0		40
06S	22E	36	SW	SW	4	KERBS , WILLIAM	A36-07495 /41.0	36-07495 /41.0	45.0		41
06S	22E	36	SE	SW	3	KERBS , WILLIAM	A36-07495 /41.0	36-07495 /41.0	45.0		41
TOTAL ACRES							A36-07495	320.00	320.00	320.00	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
Y

FIELD
EXAMINER

LOT 3 = 44.17 ac
LOT 4 = 44.04 ac

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 320

REVIEWED BY: BHS

DATE: 9-12-91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY
A36-07495 IRRIGATION ✓	FROM <u>03-15</u> TO <u>11-15</u>
TOTAL DIVERSION RATE/VOLUME CLAIMED	

DIVERSION QUANTITY	
4.580 CFS ✓	1280.00 AF/A
4.580 CFS ✓	1280.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY
36-07495 IRRIGATION ✓	FROM <u>03-15</u> TO <u>11-15</u>
TOTAL DIVERSION RATE/VOLUME CLAIMED	

DIVERSION QUANTITY	
4.580 CFS ✓	1280.00 AF/A
4.580 CFS	1280.00 AF/A

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	✓
N	

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 4.580 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.580 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: A36-02727

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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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 = 1280.00 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.)

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>IRRIGATION</u>	<u>03-15</u> <u>11-15</u>	<u>4.580</u> <u>BHS</u>	<u>1280.00</u> <u>BHS</u>	<u>960.0</u> <u>BHS</u>
TOTAL FOR THIS RIGHT		4.580	1280.00	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: 36-07495

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	4.580	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07495	4.580	-		36-07495	4.580
TOTAL CFS		4.580				4.580

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
Y	_____

REMARKS:

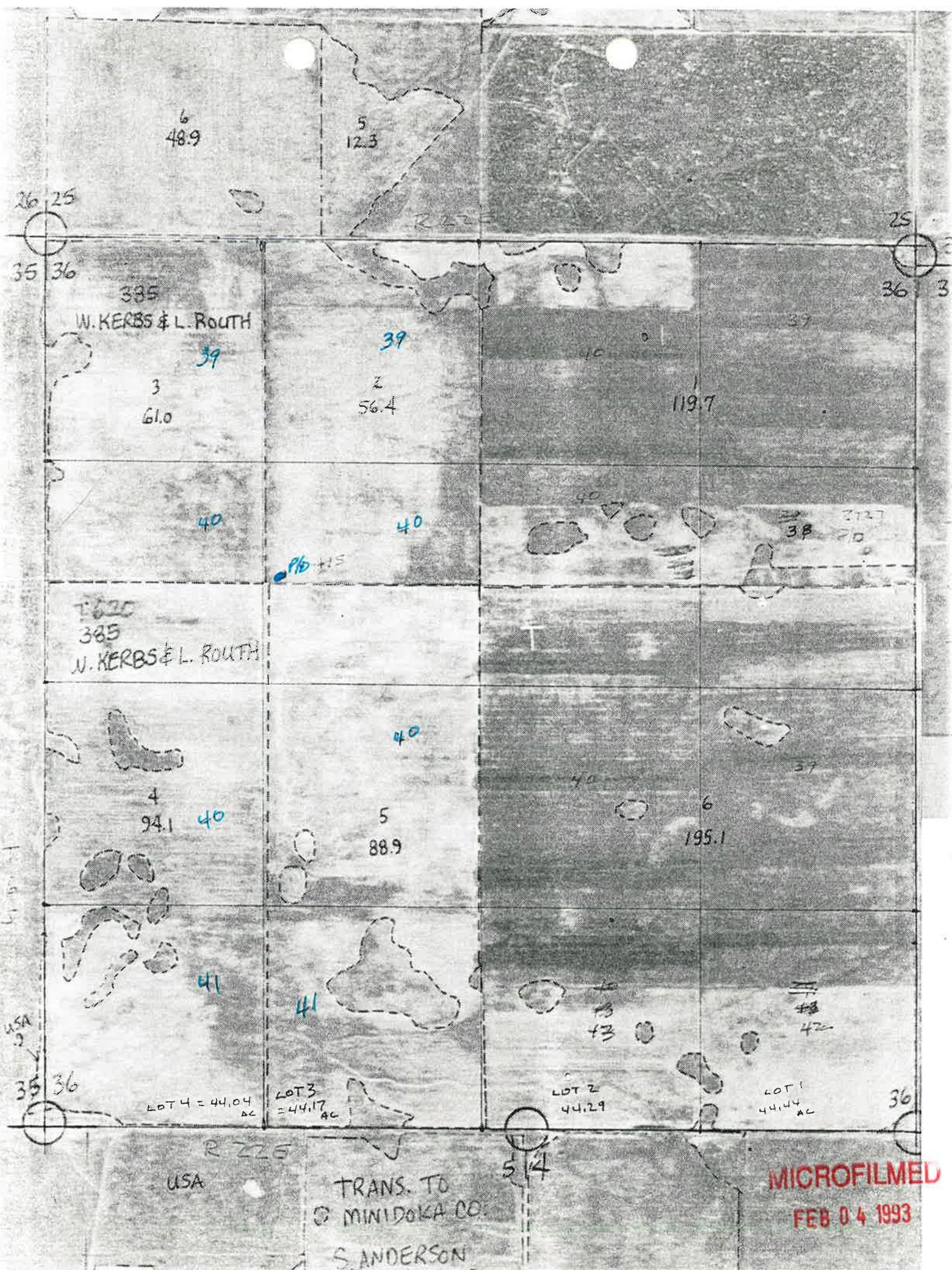
AUTHENTICATION:

SIGNATURE: _____

DATE: 9-12-91

NAME OF FIELD EXAMINER: BURKE H. SCHOLTE

TITLE: WATER RESOURCE AGENT



6
48.9

5
12.3

26 25

35 36

385

W. KERBS & L. ROUTH

39

3
61.0

2
56.4

1
119.7

40

40

P/B +15

T 625

385

W. KERBS & L. ROUTH

40

4
94.1 40

5
88.9

6
195.1

41

41

+
F3
+3

+
F3
+3

35 36

LOT 4 = 44.04 AC

LOT 3 = 44.17 AC

LOT 2 = 44.29

LOT 1 = 44.44 AC

36

USA

TRANS. TO
MINIDOKA CO.
S. ANDERSON

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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.

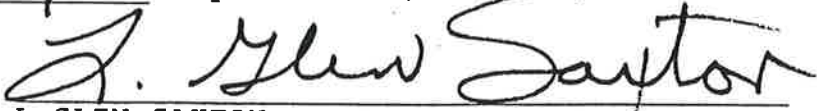
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

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
		=====	=====
TOTAL		10.41	591
			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. FEREDAY
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.

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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
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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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