

T4096 LARSEN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4096

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

APPROVED

PART 1

DEC 21 1992

Department of Water Resources

6. TAYLOR (There are two Part 2 forms to this application)

Name of applicant Blaine Larsen, Blaine Larsen Farms, Inc. Phone (208) 662-5501
Post Office address P. O. Box 188, Hamer, Idaho 83425

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 To provide irrigation water on crop land owned by the Applicant for the 1993 irrigation season. This is one of six transfers filed contemporaneously as a package. See Remarks on page 2.

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>35-07605</u>	<u>4/28/76</u>	<u>4.00 c.f.s.</u>	<u>irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
<u>35-07586</u>	<u>2/23/76</u>	<u>6.41 c.f.s.</u>	<u>irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 10.41 cubic feet per second and/or 2,069 acre feet per annum.3. Source of water Groundwater tributary to _____4. Point(s) of Diversion: See Attachment 1 and Remarks on page 2.5. Lands Irrigated or place of use. See Attachment 2 and Remarks on page 2.

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Wells and pumps with pivot and lateral irrigation systems

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The transfer is identical to the transfers of these rights approved in 1990 and 1992. The points of diversion and places of use after change are contained in Attachments 1 and 2, respectively, which accompany all six transfers in this package.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-7605/7586

And said application is hereby APPROVED, subject to the following limitations and conditions:

see the attached Memorandum Decision and Order.

Witness my hand this 15th day of April, 19 93.


R. KEITH HIGGINSON
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07605 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other lease of water rights for 1993

3. Source of water groundwater tributary to Snake River

4. Date or priority April 28, 1976

5. Water is used for the following purpose:

amount 4.0 cfs for irrigation purposes from April 1 to November 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.0 cubic feet per second and/or 700 acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	19	4N	35E	Jefferson	

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NEK	NWK	SEK	SWK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	
4N	35E	19			40				40	40									120
4N	35E	24				40									40				80

Total acres 200

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07586 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other lease of water rights for 1993

3. Source of water groundwater tributary to Snake River

4. Date or priority February 23, 1976

5. Water is used for the following purpose:

amount 6.41 cfs for irrigation purposes from April 1 to November 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.41 cubic feet per second and/or 1,369 acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	19	4N	35E	Jefferson	

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	35E	19									40	40	40	38		34			192
4N	35E	24																40	40
4N	35E	30					39	40	40	40									159

Total acres 391

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 17th day of December, 19 92.

Blaine Lorrain
(Signature of Applicant)

Sherrill Rodgers
(Notary Public)

My commission expires 5/15/95

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by SC Date 12/21/92 Protest filed by _____Prelim. check by Jim J. Fee 50⁰⁰ _____Receipted by SC Date 1/5/93 #C026425 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ATTACHMENT 1: Points of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

2.

[illegible]

ATTACHMENT 2: Places of use after requested change

Twps	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
9N	36E	25						12	16											
		26	37	10.9	17	40													#102	132.9
9N	36E	25											12							
		26															4	31		
		35	28	3															#103	83
		36						5												
9N	36E	24			3					6	40	14.6	16	39		36	35			
		25		3			6												#104	198.6
9N	36E	24																22.5		
		25	38			5														
	37E	19											19						#105	119.5
		30						33		2										
9N	36E	21				23									31			10		
		22							36	15	17	40	18	3.2					#106	193.2
9N	36E	27					20	39	40	33	8	17								
		28	14			23									2				#107	196
9N	36E	27									7	14	40	36						
		28													2.4			23		
		33	16																#108	199.4
		34					24	37												
9N	36E	33	10.2	37	39	14	12			15									#109	127.2
9N	36E	28					32	32	32	32									#110	128
9N	36E	31			19				5	39	39	5				19			#111	126
10N	36E	33				23.5									40			25		
		34							23			40	25						#112	176.5

ATTACHMENT 2: Places of use after requested change																				
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
8N	36E	3	27	27																
9N	36E	34												7		2.4	39	25	#113	127.4
9N	36E	25									39.5	14	12	36		9	7		#119	117.5
9N	36E	25			30	35									26	23.4			#120	114.4
8N	36E	13						31.4												
		12											31.4						#123	62.8
																	TOTAL ACRES			4074.4

2.

[illegible]

RENEWAL OF LEASE OF WATER RIGHTS FOR 1993

RECEIVED

DEC 16 1992

This Renewal, made and entered into on the 16th day of December, 1992, is an addendum to the Lease of Water Rights dated January 25, 1989 (Lease), a copy of which is attached hereto, and executed by and between Gerald Taylor, individually and on behalf of S & T Farms, Lessor, and Blaine Larsen, Larsen of Idaho and Larsen Farms, Lessee.

1. The Lessee and Lessor hereby renew the Lease for a term of one additional year commencing April 1, 1993.

2. In consideration of the mutual covenants herein, and in consideration of Ten Dollars (\$10.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged by the parties hereto, the parties hereby modify the Lease to provide that the Lessee may renew the Lease at Lessee's option on the same terms and on a year-to-year basis for two additional years following the 1993 irrigation season.

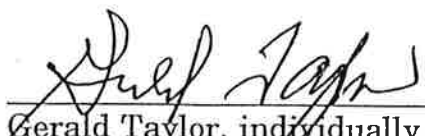
3. The parties hereto contemplate the filing of a one-year transfer to the Lessee's property of the places of use and points of diversion of the water rights described in the Lease for the 1993 irrigation season (the "1993 Transfer"), similar to the one-year transfer referenced in the Lease and approved by the Idaho Department of Water Resources on April 19, 1989. This Renewal is completely contingent upon the approval of the 1993 Transfer.

4. The amount of rent to be paid for this Renewal shall be \$10.00 per year per acre of land covered by the licensed portion of the water rights, or \$5,910.00 for the 591 acres. The Lessee shall pay such sums to the Lessor on April 1, 1993 or within 10 days following the approval of the 1993 Transfer, whichever is later.

5. All other terms of the Lease not expressly modified herein shall govern the rights and obligations of the parties during the period of this Renewal.

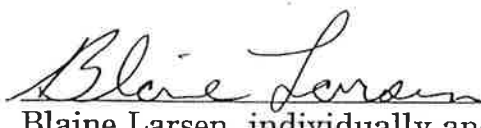
IN WITNESS WHEREOF, the parties executed this Renewal of Lease on the day and year first above written.

LESSOR:



Gerald Taylor, individually and on
behalf of S & T Farms

LESSEE:



Blaine Larsen, individually and on
behalf of Larsen Farms and Larsen of
Idaho

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 16th day of Dec ~~October~~, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Notary Public for Idaho
Residing at Castlegarden, ID
My commission expires: 8-16-97

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 16th day of Dec ~~October~~, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, on behalf of Larsen Farms, and on behalf of Larsen of Idaho, corporations, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of said corporations.

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



Notary Public for Idaho
Residing at Castlegarden, ID
My commission expires: 8-16-97

STATE OF Idaho)
) ss.
County of Mason)

On this 31 day of October, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared GERALD TAYLOR, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Mary Mc Cullock
Notary Public for Taylor Chevrolet
Residing at Boise, Idaho
My commission expires: Jan. 1998

LEASE OF WATER RIGHTS

J. T. S. S.

S&T FARMS and William T. Simmons ("Lessor") hereby leases to BLAINE LARSEN, LARSEN OF IDAHO and LARSEN FARMS ("Lessee") all of Lessor's right, title and interest in and to Water Right Nos. 35-7605 and 35-7586 (collectively, the "water rights"), in exchange for \$15.00 and other good and valuable consideration from Lessee, the receipt of which is hereby acknowledged.

1. Lessor covenants that all lands to which the water rights are appurtenant shall be set-aside from production and shall not be irrigated in 1989 whether or not that land is accepted into the Conservation Reserve Program ("CRP") sponsored by the United States Department of Agriculture.

2. During the term of this Lease, Lessee shall place to beneficial use for irrigation purposes all waters approved for use under the water rights.

3. The term of this Lease shall be one (1) year to commence on April 1, 1989.

4. Lessor covenants and represents that he is the true and lawful owner of the water rights and that these rights have not lapsed, been abandoned or forfeited either in whole or in part. Lessor makes no covenant or representation about the actual quantities of water that the Idaho Department of Water Resources ("Department") may recognize for transfer or diversion under the water rights, regardless of the amount stated in any permit, claim or license.

5. Lessee shall be entitled to file all necessary applications with the Department to transfer the places of use and points of diversion of the water rights on a temporary basis. Lessee shall cooperate in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving the transfer. This Lease is conditioned upon the Department's approval of a transfer of the water rights from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee.

6. Lessor shall not be liable for any damage to Lessee sustained by reason of any action of the Department effecting the shutdown of some or all irrigation operations

by Lessee under the leased water rights to protect the water rights of other appropriators.

7. At the termination of the Lease, Lessee shall be responsible for all actions necessary to transfer the water rights back to such place of use as shall be specified by Lessor.

8. This Lease shall be binding upon the respective heirs, successors and assigns of the Lessor and the Lessee.

DATED this 25 day of Jan., 1989.

LESSOR

William T. Simmons
W.T.S. William T. Simmons individually
and on behalf of S&T FARMS

LESSEE

Blaine Larsen
BLAINE LARSEN, individually
and on behalf of LARSEN OF
IDAHO and LARSEN FARMS

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 9th day of January, 1989, before me, the undersigned, a Notary Public, in and for said State, personally appeared Blaine Larsen, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 3-19-91

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 25th day of January, 1989, before me, the undersigned, a Notary Public, in and for said State, personally appeared William T. Simmons, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 3-19-91