

T4646 LARSEN

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4646
WATER RIGHT NO(S). 31-00049A/31-00050A/31-00051A

RECEIVED

FEB 07 1997

Department of Water Resources
Eastern District Office

This is to certify that: **CONNIE LARSEN**
BLAINE LARSEN
PO BOX 188
HAMER ID 83425

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00049A :			
IRRIGATION	04/15 to 10/15	0.44 CFS	140.0 AF
Priority: 12/10/1884			
Right No. 31-00050A :			
IRRIGATION	04/15 to 10/15	0.06 CFS	21.8 AF
Priority: 04/01/1885			
Right No. 31-00051A :			
IRRIGATION	04/15 to 10/15	0.11 CFS	39.9 AF
Priority: 04/01/1885			
TOTAL:		0.61 CFS	* 140.0 AF

SOURCE

TRIBUTARY OF

CAMAS CREEK

MUD LAKE

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 34, Township 09N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	36E	34	NESW 15	SESW 25		40
Total number of acres irrigated:						40

CONDITIONS OF APPROVAL AND REMARKS

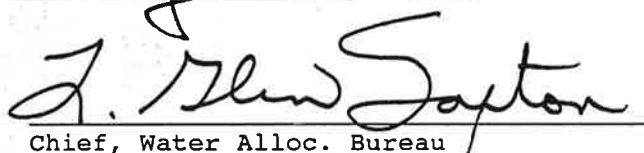
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

TRANSFER NO. 4646
WATER RIGHT NO(S). 31-00049A/31-00050A/31-00051A

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. Right Nos. 31-00049A, 31-00050A and 31-00051A in combination shall not exceed a total diversion rate of 0.61 cfs, a total annual diversion volume of 140.0 af, and the irrigation of 40.0 acres.
8. Portions of each right in excess of this transfer approval have been declared forfeited in the following amounts by Order of the Seventh Judicial District Court, Case No. CV-95-180: Right No. 31-00049A, 1.30 cfs; Right No. 31-00050A, 0.18 cfs; Right No. 31-00051A, 0.33 cfs; and 120 acres.
9. Right No. 31-00051A is limited to diversion during the Spring high-water season.

Dated this 31st day of January, 1997.


Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 31-00049A, 31-00050A & 31-00051A

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4646

DATE: January 21, 1997

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Transfer No. 4646 was filed to change the point of diversion and place of use under Right Nos. 31-00049A, 31-00050A and 31-00051A.

The original application was protested and the matter finally resolved through Seventh Judicial District Court Case No. CV-95-180 declaring a portion, 75%, of each right forfeited, and confirming use of 25% of each right by the applicant.

An amended transfer application was filed 05-17-1996, advertised and has been processed for final approval. Region staff is investigating the status of the required amendment fee and will resolve the matter prior to forwarding this approval.

Season of use and diversion volume were adjusted to current standards. Right No. 31-00051A is limited to early "high-water" diversion within the season as decreed. Diversion rates and acres were reduced according to the court order.

Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, combined limits, forfeited portions and standard transfer conditions.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

44646

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

Amended

PART 1

Name of applicant BLAINE OR CONNIE LARSEN Phone (208)662-5501
 Post Office address PO BOX 188 HAMER ID 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 USE BETTER CROP GROUND FOR OUR POTATO
ROTATION FARM PRACTICE

*AS PER THE DECLARATORY JUDGMENT IN HAGENBARTH VS. LARSEN 1995

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
31-00049A	12-10-1884	0.44 cfs	IRRIGATION	4-1 to 10-31
31-00050A	4-01-1885	0.06 cfs	IRRIGATION	5-1 to 7-1
31-00051A	4-01-1885	0.11 cfs	IRRIGATION	DIVERTED DURING SPRING HIGH WATER to SEASON

2. Total amount of water being transferred *0.61 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water CAMAS CREEK tributary to MUD LAKE
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	34	9N	36E	JEFFERSON	

5. Lands irrigated or place of use:

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	
9N	36E	34									15			25					40

Total acres 40

PART 1

6. General Information:

a. Description of diversion system PUMP TO SPRINKLERSb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:

WELLS AND PIVOTS ON ORIGINAL PLACE OF USE

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. _____

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

Witness my hand this _____ day of _____, 19 _____

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837/31-00049A 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 _____

3. Source of water CAMAS CREEK tributary to MUD LAKE

4. Date or priority 12/10/1884

5. Water is used for the following purpose:

amount 1.74 cfs for IRRIGATION purposes from 4/1 to 11/1
(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 1.74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	3	8N	36E	JEFFERSON	

8. Lands irrigated or place of use:

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	
8N	36E	3															A		
8N	36E	10	A	A	A														

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-00050A, 31-00051A

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837/31-00050A 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 _____

3. Source of water CAMAS CREEK tributary to MUD LAKE

4. Date or priority 4/1/1885

5. Water is used for the following purpose:

amount 0.24 cfs for IRRIGATION purposes from 5/1 to 7/1
(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 0.24 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	3	8N	36E	JEFFERSON	

8. Lands irrigated or place of use:

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	
8N	36E	3															A		
8N	36E	10	A	A	A														

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-00049A, 31-00051A

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. 27 (31-00051A) Decreed to PRESTON B ELLSWORTH
in case of ERNEST SHAVE vs. W. H. ABBOTT
dated 10/13/30 in POCATELLO county of BANNOCK
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3837/31-00051A 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 _____

3. Source of water CAMAS CREEK tributary to MUD LAKE

4. Date or priority 4/1/1885

5. Water is used for the following purpose:

amount 0.44 cfs for IRRIGATION purposes from DIVERSION DURING SPRING HIGH
(cfs/ac-ft) amount _____ for _____ purposes from WATER SEASON
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.44 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	3	8N	36E	JEFFERSON	

8. Lands irrigated or place of use:

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	
8N	36E	3															A		
8N	36E	10	A	A	A														

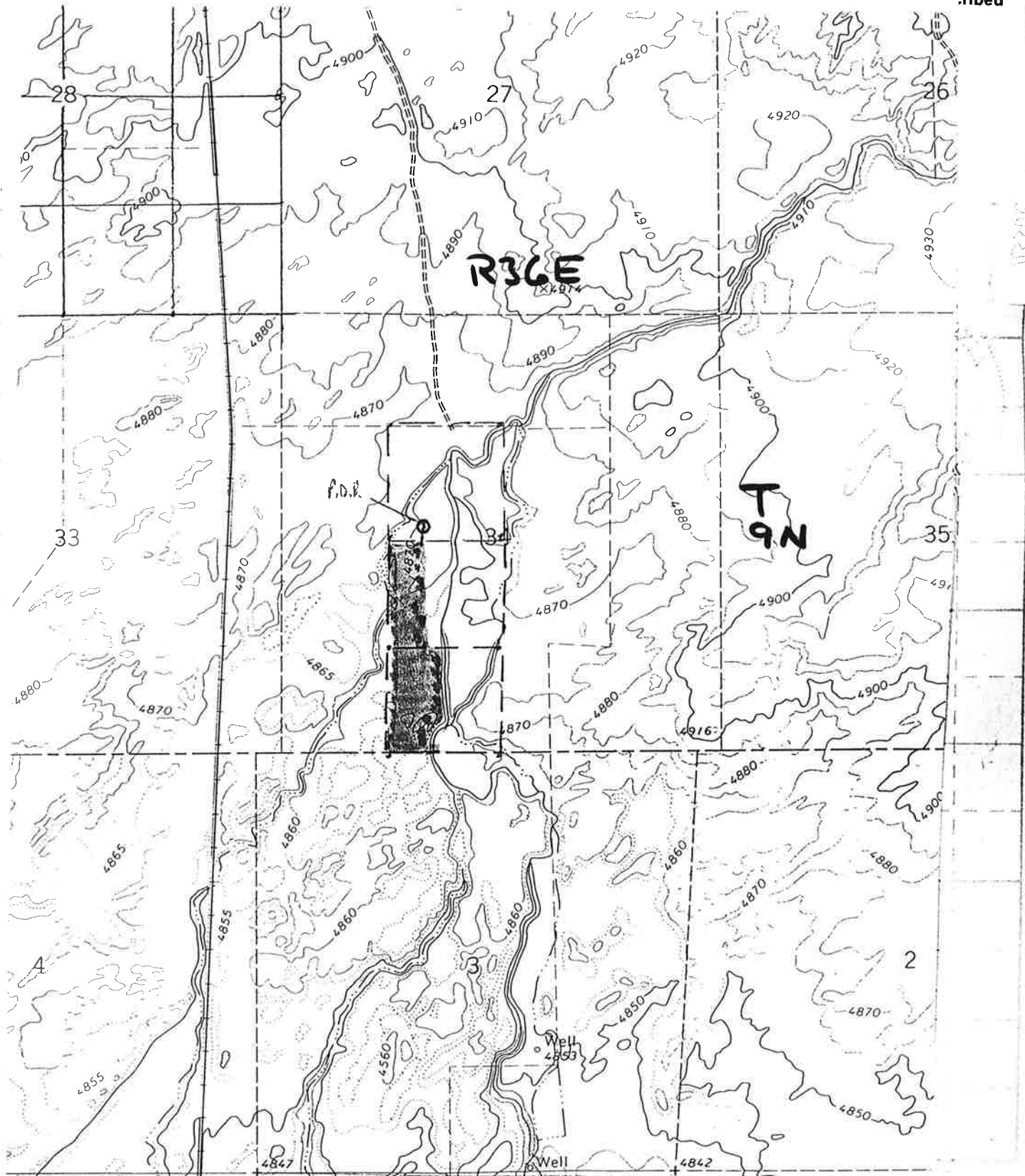
Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-00049A, 31-00050A

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

A.

ribed



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

MEMORANDUM

TO: Transfer 31-00049A, 31-00050A, 31-00051A (Blaine Larsen)
FROM: Paul R. Meyer, Eastern Region
DATE: June 12, 1996

RE: CFS flow rates used for transfer

There appears to be an error in the Declaratory Judgement between Hagenbarth and Larsen of 1995. In the Judgement, the total flow rate shown for the above rights was calculated as 2.54 cfs, Blaine Larsen retaining 1/4 (0.64 cfs) of this flow as a result of forfeiture as per the Judgement.

The Judgement, however, fails to recognize the full impact of Transfer T3837 which created the "A" portions of 31-00049, 31-00050 and 31-00051. T3837 removed 0.06 cfs from each of these parent rights and converted it to stockwater use. Although the total cfs amount shown in T3837 is 0.06 cfs, it is a non-additive amount. The additive total for the three portions is calculated as **0.18 cfs** (0.06 cfs times 3).

Prior to T3837, 31-00049, 31-00050 and 31-00051 totaled **2.60 cfs** (each holding 1.80 cfs, 0.30 cfs and 0.50 cfs, respectively). The Judgement errors by subtracting only **0.06 cfs** from this total, leaving **2.54 cfs** for Blaine Larsen Farms' forfeiture calculations.

Instead, the correct calculation would be:

31-00049:	1.80 cfs - 0.06 cfs ("B" portion)	=	1.74 cfs ("A" portion)
31-00050:	0.30 cfs - 0.06 cfs	=	0.24 cfs
31-00051:	0.50 cfs - 0.06 cfs	=	0.44 cfs

Total cfs remaining == =>			2.42 cfs
			=====

As per the Declaratory Judgement, Blaine Larsen Farms is only entitled to 1/4 of each of the remaining "A" portions due to forfeiture. Thus, the final remaining portions of these rights available for transfer are calculated as follows:

31-00049A:	1.74 cfs * 0.25	=	0.44 cfs
31-00050A:	0.24 cfs * 0.25	=	0.06 cfs
31-00051A:	0.44 cfs * 0.25	=	0.11 cfs

Final cfs total == =>			0.61 cfs
			=====