

T5335 OWSLEY CANAL CO



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2001

RECEIVED

MAR 19 2001

Department of Water Resources
Eastern Region

Kent W. Foster
HOLDEN KIDWELL HAHN & CRAPO PLLC
P.O. Box 50130
Idaho Falls, ID 83405

RE: In the Matter of Application for Transfer No. 5335 in the name of Owsley
Canal Company

Dear Mr. Foster:

Enclosed is an **INTERLOCUTORY ORDER** issued in the above referenced matter.

If you have any questions regarding the enclosed order, please contact Glen Saxton
at (208)327-7900.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

C: ☒ IDWR - Region
Ernie Carlson
Candice McHugh

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5335 IN THE)
NAME OF OWSLEY CANAL)
COMPANY)
_____)

INTERLOCUTORY ORDER

On February 8, 1999, the Department of Water Resources ("department") issued a PRELIMINARY ORDER approving Transfer No. 5335 filed in the name of Owsley Canal Company ("applicant").

On December 19, 2000, the department amended Transfer No. 5335 by issuing a PRELIMINARY ORDER AMENDING TRANSFER APPROVAL.

On January 2, 2001, the applicant filed a PETITION FOR RECONSIDERATION ("petition") with the department advising that the applicant had information to support different dates of priority of use than shown for some of the water rights that are included in the amended transfer approval.

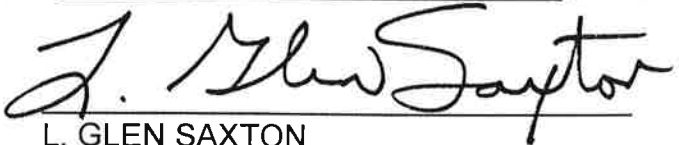
On January 3, 2001, the department issued an ORDER GRANTING PETITION FOR RECONSIDERATION.

On March 12, 2001, the applicant withdrew its petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the PRELIMINARY ORDER AMENDING TRANSFER APPROVAL issued by the department on December 19, 2000, be considered the **FINAL ORDER** in the matter as provided in Section 67-5246, Idaho Code.

Dated this 16th day of March, 2001.



L. GLEN SAXTON
Hearing Officer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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FEB 12 1999

Department of Water Resources
Eastern Region

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335

WATER RIGHT NO(S) : 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

This is to certify that: OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

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. 31-00327 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	110.00 CFS	
Priority: 00/00/0000			
Right No. 31-00328 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	100.00 CFS	
Priority: 00/00/0000			
Right No. 31-00329 :			
IRRIGATION	04/15 to 10/15	** 50.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	50.00 CFS	
Priority: 00/00/0000			
Right No. 31-00330 :			
IRRIGATION	04/15 to 10/15	** 80.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	80.00 CFS	
Priority: 00/00/0000			
Right No. 31-00331 :			
IRRIGATION	04/15 to 10/15	24.00 CFS	
Priority: 09/10/1928			
Right No. 31-00332 :			
IRRIGATION STORAGE	01/01 to 12/31		5000.0 AF
Priority: 01/25/1930			

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 31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00336B :			
IRRIGATION	04/15 to 10/15	11.05 CFS	
Priority: 04/27/1932			
Right No. 31-00337B :			
IRRIGATION	04/15 to 10/15	17.00 CFS	
Priority: 12/15/1932			
Right No. 31-00371 :			
IRRIGATION	04/15 to 10/15	23.00 CFS	
Priority: 09/10/1928			
Right No. 31-02239 :			
IRRIGATION	04/15 to 10/15	40.00 CFS	16899.4 AF
Priority: 01/25/1930			
Right No. 31-02265 :			
IRRIGATION	04/15 to 10/15	64.40 CFS	23375.9 AF
Priority: 05/22/1940			
Right No. 31-02289 :			
IRRIGATION	04/15 to 10/15	3.20 CFS	560.0 AF
Priority: 01/13/1949			
Right No. 31-02290 :			
IRRIGATION	04/15 to 10/15	3.60 CFS	840.0 AF
Priority: 02/14/1949			
Right No. 31-02297 :			
IRRIGATION	04/15 to 10/15	6.00 CFS	1190.0 AF
Priority: 12/29/1949			
Right No. 31-02310 :			
IRRIGATION	04/15 to 10/15	5.80 CFS	1015.0 AF
Priority: 09/24/1952			
Right No. 31-02317A :			
IRRIGATION	04/15 to 10/15	8.08 CFS	1414.0 AF
Priority: 02/28/1953			

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 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02317B :			
IRRIGATION	04/15 to 10/15	1.90 CFS	332.5 AF
Priority: 10/27/1956			
Right No. 31-02321 :			
IRRIGATION	04/15 to 10/15	1.92 CFS	336.0 AF
Priority: 04/25/1953			
Right No. 31-02341 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02342 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02343 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02344 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-02345 :			
IRRIGATION	04/15 to 10/15	16.00 CFS	5839.4 AF
Priority: 09/03/1954			
Right No. 31-07005 :			
IRRIGATION	04/15 to 10/15	13.26 CFS	4939.4 AF
Priority: 12/04/1967			

TOTAL: *** 643.21 CFS

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
 SESE , Sec. 13, Township 07N, Range 34E
 NENE , Sec. 23, Township 07N, Range 34E
 NENE , Sec. 24, Township 07N, Range 34E
 NWNE , Sec. 24, Township 07N, Range 34E

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E
 SWSW , Sec. 13, Township 07N, Range 35E
 SESE , Sec. 14, Township 07N, Range 35E
 Lot 4 (SESW), Sec. 18, Township 07N, Range 35E
 Lot 1 (NWNW), Sec. 19, Township 07N, Range 35E
 SWNW , Sec. 19, Township 07N, Range 35E
 SENW , Sec. 19, Township 07N, Range 35E
 NESE , Sec. 22, Township 07N, Range 35E
 NWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 25, Township 07N, Range 35E
 SESW , Sec. 25, Township 07N, Range 35E
 NWSE , Sec. 25, Township 07N, Range 35E
 SESE , Sec. 26, Township 07N, Range 35E
 NWNE , Sec. 27, Township 07N, Range 35E
 NENW , Sec. 36, Township 07N, Range 35E
 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>
06N	34E	3	NENW 26	NWNW 35	SWNW 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	461
		4	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		5	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		7	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
		8	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

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>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
9			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
10			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 20	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			620
11			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
13			NWNW 40	SWNW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			400
14			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 27	SESE 37	460
15			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 40	SESE 40	476
16			NENE 40	NWNE 40	SWNE 40	
			SENE 25	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
17			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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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>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 20	NWSE 40	SWSE 10	
			SESE 10			
20			NENE 30	NWNE 35	SWNE 40	560
			SENE 40	NENW 40	NWNW 30	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			
21			NENE 40	NWNE 40	SWNE 40	615
			SENE 40	NENW 40	NWNW 25	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			
22			NENE 20	NWNE 20	SWNE 40	625
			SENE 40	NENW 36	NWNW 20	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			
23			NENE 15	NWNE 40	SWNE 40	576
			SENE 40	NENW 35	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			
24			NENE 40	NWNE 40	SWNE 40	610
			SENE 40	NENW 10	NWNW 30	
			SWNW 40	SENW 30	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			
25			NENE 40	NWNE 40	SWNE 40	590
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			
26			NENE 40	NWNE 40	SWNE 40	640
			SENE 40	NENW 40	NWNW 40	

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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>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
27			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
28			NENE 40	SWNE 40	SENE 40	
			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	600
29			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
34			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENW 40	
			NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		560
35			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
35E	1		NWNW 4			4
	2		NENE 40	NWNE 40	SWNE 40	
			SENE 8	NESW 32	NWSW 40	
			SWSW 40	SESW 38	NWSE 40	
			SWSE 40			358
3	Lot 1	(NENE) 41.9	Lot 2 (NWNE) 41.7		SWNE 40	
		SENE 40	Lot 3 (NENW) 41.5	Lot 4 (NWNW) 35		
		SWNW 40		NESW 40		
		NWSW 40		SESW 40		
		NESE 40		SWSE 40		

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 31-02345/31-07005

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>
		SESE	40			640.1
4	Lot 4	(NWNW)	7	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	327
5	Lot 1	(NENE)	41.2	Lot 2 (NWNE)	38	
		SENE	40	NESW	40	
		NESE	40	NWSE	40	
		SESE	40			399.2
8		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
9		NENE	40	NWNE	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	480
10		NENE	40	SWNE	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	480
11		NENW	40	NWNW	30	
		SENE	40	NESW	40	
		SESW	40			270
14		NESW	10	NWSW	40	50
15		NENE	34	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			634
16		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
17		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	

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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>
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
18			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
19			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
20			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
22			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENW 40	
			NESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		440
29			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 10	SESW 40		290
30			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
07N 34E	32		SESW 40	SWSE 40	SESE 40	120
	33		NWSW 10	SWSW 20	SESW 40	
35E	32	Lot 8 (SWSE)	2	Lot 7 (SESE)	18	20
	33		SWSW 1			1
	35		NESE 38	NWSE 34	SWSE 34	
			SESE 38			144
	36		NESW 40	NWSW 40	SWSW 38	118

Total number of acres irrigated: * 24261.3

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

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. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- *** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.
10. Approval of Transfer 5335 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- ** 11. Rights 31-00327, 31-00328, 31-00329 and 31-00330 when combined shall not exceed a total diversion rate of 200.00 cfs during the irrigation season, and may be diverted at their full authorized rate of diversion into Mud Lake for storage purposes during the non-irrigation season.
- * 12. Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- * 13. Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- * 14. Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

- * 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
- * 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
- * 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
- * 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
- * 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.
- * 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.
- * 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.
- * 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.
- 23. Two points of diversion are located within SESE, S14, T07N, R35E.
- 24. Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.
- 25. Five points of diversion are located within SWSW, S25, T07N, R35E.
- 26. Seven points of diversion are located within NWSE, S25, T07N, R35E.
- 27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day of February, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 31-00327/00328/00329/00330/00331/00332/00336B/00337B/00371/02239/
02265/02289/02290/02297/02310/02317A&B/02321/02341/02342/02343/
02344/02345/07005

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

Transfer 5335 combines the groundwater rights of the Holley Water Users, Jackett Canal Co, and Owsley Canal company. These three companies have combined under the Owsley Canal Company name and will operate a single combined system.

The application identifies 34 points of diversion and a combination of the land lists evidenced under each company's SRBA claims or 24261.3 acres. The decreed rights are vague, while the licensed rights identify specific acres and limits. SRBA review of all these rights through the adjudication process will provide specifics and verify the validity of all of these rights.

Review of these rights found that Right 31-02317 was actually licensed in two parts with separate rates and priority dates. These rights were more accurately entered as Parts A & B on the database and the additional 8.08 cfs added to the total diversion rate under this transfer. Also, a combined limit of 200.00 cfs during the irrigation season was identified under Rights 31-00327/00328/00329 & 00330. Right 31-02259 was listed on the application, however this right was superseded by Right 31-00330. After making these adjustments, the total rate of diversion under these rights is 643.21 cfs limited to 503.21 cfs during the irrigation season and 5,000 af storage.

Season of use and diversion volume were adjusted to current standards where specific acres were identified. Recommended conditions include watermaster control, supplemental groundwater, irrigation overlap, measuring/lockable controlling works, right-of-way, permissible place of use, combined limits and standard transfer conditions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 27, 1999

**Ousley Canal Company
c/o Garth Soderquist
P.O. Box 68
Terreton, ID. 83450**

Dear Mr. Soderquist:

Enclosed are the amended claims for right 31-00337B and 31-00336B. The cfs amounts will now match the water right data base as per transfer 2303.

I will need you to sign these claims and have them notarized. You can then return them to me.

Also, I will need a letter that states you understand that decree #31-00330 has superceeded license 31-02259 and only 31-00330 will be a part of your pending transfer.

If you have any questions, please call me.

Sincerely,

**Harold W. Jones
Water Right Supervisor**

HWJ::dn

enc.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Owsley Canal Co. Phone (208) 663-4359
Post Office address % Garth Soderquist P.O. Box 68 Terreton ID 83450

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 The Juddett Canal, Holley Water Users and Owsley Canal have merged and wish to consolidate all of their groundwater rights under one permissible place of use

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 |
|-----------------|----------|-----------------------|------------------|----------------|
| See List "A" | | | | |
| | | | | _____ to _____ |
| | | | | _____ to _____ |
| | | | | _____ to _____ |
| | | | | _____ to _____ |
2. Total amount of water being transferred 715.13 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: See List "R"

[illegible]

5. Lands irrigated or place of use: See List "C"

[illegible]

Total acres 24,070

LIST A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT SOURCE INDEX

DATE: 09/09/98

TIME: 09:28:49

PAGE: 1

SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG O STA C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER <u>11.05 cfs</u>	04/27/1932	31-00336B	D/	O INDEPENDENT WATER USERS OF MUD LAKE INC. C JACKETT CANAL CO.	
GROUNDWATER <u>17.00 cfs</u>	12/15/1932	31-00337B	✓D/	O INDEPENDENT WATER USERS OF MUD LAKE INC. C JACKETT CANAL CO.	
GROUNDWATER <u>3.20 cfs</u>	01/13/1949	31-02289	L/	O CALVIN PASSEY C JACKETT CANAL CO.	
GROUNDWATER <u>3.60 cfs</u>	02/14/1949	31-02290	L/	O J. R. BIXBY C JACKETT CANAL CO.	
GROUNDWATER <u>6.00 cfs</u>	12/29/1949	31-02297	L/	O RULON R. YEARSLEY C JACKETT CANAL CO.	
GROUNDWATER <u>5.80 cfs</u>	09/24/1952	31-02310	L/	O BLAINE E. MILLER C JACKETT CANAL CO.	
GROUNDWATER <u>1.90 cfs</u>	10/27/1956	31-02317	L/	C FRANK S. JACKETT C JACKETT CANAL CO.	
GROUNDWATER <u>1.92 cfs</u>	04/25/1953	31-02321	L/	O DENNIS GREEN C JACKETT CANAL CO.	

50.47

00-5805
WR5805NP
SELECTION FILE: OWG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT SOURCE INDEX

DATE: 09/09/98
TIME: 08:15:54
PAGE: 1

SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG O STA C	CLAIMANT NAMES	TRIBUTARIES OF
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GROUNDWATER	<u>110.00 cfs</u>	31-00327	D/ C	OWSLEY CANAL CO.	
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GROUNDWATER	<u>100.00 cfs</u>	31-00328	D/ C	OWSLEY CANAL CO.	
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GROUNDWATER	<u>50.00 cfs</u>	31-00329	D/ C	OWSLEY CANAL CO.	
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GROUNDWATER	<u>80.00 cfs</u>	31-00330	D/ C	OWSLEY CANAL CO.	
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NORTH LAKE	01/25/1930	31-02239	L/ C	OWSLEY CANAL CO.	
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GROUNDWATER	<u>40.00 cfs</u>	01/25/1930	31-02239	L/ C	OWSLEY CANAL CO.
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GROUNDWATER	<u>80.00 cfs</u>	06/26/1936	31-02259	L/ C	OWSLEY CANAL CO. ?
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GROUNDWATER	<u>16.00 cfs</u>	09/03/1954	31-02341	L/ C	OWSLEY CANAL CO.
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GROUNDWATER	<u>16.00 cfs</u>	09/03/1954	31-02342	L/ C	OWSLEY CANAL CO.
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GROUNDWATER	<u>16.00 cfs</u>	09/03/1954	31-02343	L/ C	OWSLEY CANAL CO.
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GROUNDWATER	<u>16.00 cfs</u>	09/03/1954	31-02344	L/ C	OWSLEY CANAL CO.
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GROUNDWATER	<u>16.00 cfs</u>	09/03/1954	31-02345	L/ C	OWSLEY CANAL CO.
-------------	------------------	------------	----------	------	------------------

GROUNDWATER	<u>13.26 cfs</u>	12/04/1967	31-07005	L/ C	OWSLEY CANAL CO. - STOPPED HERE
-------------	------------------	------------	----------	------	---------------------------------

Groundwater	<u>64.40 cfs</u>	<u>5/22/1940</u>	<u>31-02265</u>	<u>L</u>	<u>Owsley Canal Co.</u> - START HERE
-------------	------------------	------------------	-----------------	----------	--------------------------------------

617.66

50.47

47.00

715.13 + 5000 AFS

00-5805
WR5805NP
SELECTION FILE: HWUG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT SOURCE INDEX

DATE: 09/09/98
TIME: 09:06:24
PAGE: 1

SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG O STA C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER <u>24.00 cfs</u>	09/10/1928	31-00331	D/	C HOLLEY WATER USERS ASSN.	
GROUNDWATER <u>5000 AF</u>	01/25/1930	31-00332	D/	C HOLLEY WATER USERS ASSN.	
GROUNDWATER <u>23.00 cfs</u>	09/10/1928	31-00371	D/	C HOLLEY WATER USERS ASSN.	

47.00 + 5000 AF

List B

Owsley Canal Co. Transfer
Points of Diversion

N. Lake Wells						
ID	¼	¼	¼	SECTION	TOWNSHIP	RANGE
1		SW	NE	13	07N	34E
3		SE	SE	13	07N	34E
4	NE	NW	NE	24	07N	34E
5	SW	NE	NE	24	07N	34E
6	Lot 1	NW	NW	19	07N	35E
7	Lot 4	SE	SW	18	07N	35E
8	Lot 1	NW	NW	19	07N	35E
9		SE	NW	19	07N	35E
10		SW	NW	19	07N	35E
11C		NW	NW	24	07N	34E
11E		NE	NE	23	07N	34E
		Jackett wells				
1		NW	NE	27	07N	35E
2	SW	SW	SW	23	07N	35E
3		NW	SW	23	07N	35E
4		NE	SE	22	07N	35E
		Jackett wells		(Buck Springs)		
1	SE	SE	SE	14	07N	35E
2	SE	SE	SE	14	07N	35E
3	SW	SW	SW	13	07N	35E
		Halley wells				
1	NW	SE	SE	26	07N	35E
2	NE	SE	SE	26	07N	35E
3	NW	SW	SW	25	07N	35E
4		SW	SW	25	07N	35E
5	SW	SW	SW	25	07N	35E
6	SE	SW	SW	25	07N	35E
7	SE	SW	SW	25	07N	35E
8		NE	NW	36	07N	35E

List B

ID	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP	RANGE
12	NW	NW	SE	25	07N	35E
13		NW	SE	25	07N	35E
14	SW	NW	SE	25	07N	35E
15		NW	SE	25	07N	35E
16	SW	NW	SE	25	07N	35E
17		NW	SE	25	07N	35E
18	SE	SE	SW	25	07N	35E
19	SE	NW	SE	25	07N	35E
			Relift Pumps			
1		NE	SE	32	07N	35E
2		SE	SW	01	06N	34E
3		SE	SE	33	07N	34E
4		NW	NE	34	07N	34E
5		NW	SW	01	06N	34E
6		SE	SE	01	06N	34E
7		NW	NW	36	07N	35E

STOPPED

START



List C

17,985

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: A31-00185Z5

Date Received: 12/ 6/1988

Receipt No: X777777

Received By: _____

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

1. Name: OWSLEY CANAL CO 208-523-0620
Address: HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

2. Date of Priority: DEC 2, 1916

3. Source: MUD LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	34E	1	SE	SW			JEFFERSON
			NE	SE			JEFFERSON
			SW	SE			JEFFERSON
			SE	SE			JEFFERSON
07N	34E	34	SW	SW			JEFFERSON

5. Description of diverting works:
HEADINGS FOR OWSLEY CANAL AND LEVEL CANAL, SEE ATTACHMENT A.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	72.600		
IRRIGATION STORAGE	11/01	04/01			17985.00
IRRIGATION FROM STORAGE	04/01	11/04			17985.00

7. Total Quantity Appropriated is:
72.600 C.F.S. (and/or) 17985.00 A.F.A.

8. Total consumptive use is 63017.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	3	NE		NW		IRR	26.0 ✓
			NW		NW		IRR	35.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0 ✓
			NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
			SE		SE		IRR	40.0 ✓
Section Acres								461.0
		4	NE		NE		IRR	40.0 ✓
			NW		NE		IRR	40.0 ✓
			SW		NE		IRR	40.0 ✓
			SE		NE		IRR	40.0 ✓
			NE		NW		IRR	40.0 ✓
			NW		NW		IRR	40.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0 ✓
			NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
			SE		SE		IRR	40.0 ✓
Section Acres								640.0
		5	NE		NE		IRR	40.0 ✓
			NW		NE		IRR	40.0 ✓
			SW		NE		IRR	40.0 ✓
			SE		NE		IRR	40.0 ✓
			NE		NW		IRR	40.0 ✓
			NW		NW		IRR	40.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0 ✓

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	5	NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
			SE		SE		IRR	40.0 ✓
Section Acres								640.0
		7	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
		8	NE		NE		IRR	40.0 ✓
			NW		NE		IRR	40.0 ✓
			SW		NE		IRR	40.0 ✓
			SE		NE		IRR	40.0 ✓
			NE		NW		IRR	40.0 ✓
			NW		NW		IRR	40.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0 ✓
			NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
			SE		SE		IRR	40.0 ✓
Section Acres								640.0
		9	NE		NE		IRR	40.0 ✓
			NW		NE		IRR	40.0 ✓
			SW		NE		IRR	40.0 ✓
			SE		NE		IRR	40.0 ✓
			NE		NW		IRR	40.0 ✓
			NW		NW		IRR	40.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	9	SE		SW		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 640.0

10	NE	NE	IRR	40.0 ✓
	NW	NE	IRR	40.0 ✓
	SW	NE	IRR	40.0 ✓
	SE	NE	IRR	40.0 ✓
	NE	NW	IRR	20.0 ✓
	NW	NW	IRR	40.0 ✓
	SW	NW	IRR	40.0 ✓
	SE	NW	IRR	40.0 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	SW	SW	IRR	40.0 ✓
	SE	SW	IRR	40.0 ✓
	NE	SE	IRR	40.0 ✓
	NW	SE	IRR	40.0 ✓
	SW	SE	IRR	40.0 ✓
	SE	SE	IRR	40.0 ✓

Section Acres 620.0

11	NE	NE	IRR FS	40.0 ✓
	NW	NE	IRR FS	40.0 ✓
	SW	NE	IRR FS	40.0 ✓
	SE	NE	IRR FS	40.0 ✓
	NE	NW	IRR FS	40.0 ✓
	NW	NW	IRR FS	40.0 ✓
	SW	NW	IRR FS	40.0 ✓
	SE	NW	IRR FS	40.0 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	SW	SW	IRR	40.0 ✓
	SE	SW	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 640.0

13	NW	NW	IRR	40.0 ✓
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	13	SW		NW		IRR	40.0✓
			NE		SW		IRR	40.0✓
			NW		SW		IRR	40.0✓
			SW		SW		IRR	40.0✓
			SE		SW		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 400.0
		14	NE		NE		IRR	40.0✓
			NW		NE		IRR	40.0✓
			SW		NE		IRR	40.0✓
			SE		NE		IRR	40.0✓
			NE		SW		IRR	40.0✓
			NW		SW		IRR	40.0✓
			SW		SW		IRR	40.0✓
			SE		SW		IRR	36.0✓
			NE		SE		IRR	40.0✓
			NW		SE		IRR	40.0✓
			SW		SE		IRR	27.0✓
			SE		SE		IRR	37.0✓
								Section Acres 460.0
		15	NE		NW		IRR	40.0✓
			NW		NW		IRR	40.0✓
			SW		NW		IRR	40.0✓
			SE		NW		IRR	40.0✓
			NE		SW		IRR	40.0✓
			NW		SW		IRR	40.0✓
			SW		SW		IRR	40.0✓
			SE		SW		IRR	36.0✓
			NE		SE		IRR	40.0✓
			NW		SE		IRR	40.0✓
			SW		SE		IRR	40.0✓
			SE		SE		IRR	40.0✓
								Section Acres 476.0
		16	NE		NE		IRR	40.0✓
			NW		NE		IRR	40.0✓
			SW		NE		IRR	40.0✓
			SE		NE		IRR	25.0✓
			NE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	16	NW		NW		IRR	40.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0 ✓
			NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
			SE		SE		IRR	40.0 ✓

Section Acres 625.0

17	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0 ✓
	NE	NW	IRR	40.0 ✓
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0 ✓
	NE	SE	IRR	20.0 ✓
	NW	SE	IRR	40.0 ✓
	SW	SE	IRR	10.0 ✓
	SE	SE	IRR	10.0 ✓

Section Acres 560.0

20	NE	NE	IRR	30.0 ✓
	NW	NE	IRR	35.0 ✓
	SW	NE	IRR	40.0 ✓
	SE	NE	IRR	40.0 ✓
	NE	NW	IRR	40.0 ✓
	NW	NW	IRR	30.0 ✓
	SW	NW	IRR	40.0 ✓
	SE	NW	IRR	40.0 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	SW	SW	IRR	40.0 ✓
	SE	SW	IRR	40.0 ✓
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	20	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				615.0
		21	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0 ✓
			NW	NW		IRR	25.0 ✓
			SW	NW		IRR	40.0 ✓
			SE	NW		IRR	40.0 ✓
			NE	SW		IRR	40.0 ✓
			NW	SW		IRR	40.0 ✓
			SW	SW		IRR	40.0 ✓
			SE	SW		IRR	40.0 ✓
			NE	SE		IRR	40.0 ✓
			NW	SE		IRR	40.0 ✓
			SW	SE		IRR	40.0 ✓
			SE	SE		IRR	40.0 ✓
			Section Acres				625.0
		22	NE	NE		IRR	20.0 ✓
			NW	NE		IRR	20.0 ✓
			SW	NE		IRR	40.0 ✓
			SE	NE		IRR	40.0 ✓
			NE	NW		IRR	36.0 ✓
			NW	NW		IRR	20.0 ✓
			SW	NW		IRR	40.0 ✓
			SE	NW		IRR	40.0 ✓
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0 ✓
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0 ✓
			Section Acres				576.0
		23	NE	NE		IRR	15.0 ✓
			NW	NE		IRR	40.0 ✓
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	23	NE		NW		IRR	35.0 ✓
			NW		NW		IRR	40.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0 ✓
Section Acres								610.0
		24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	10.0 ✓
			NW		NW		IRR	30.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	30.0 ✓
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		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								590.0
		25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0 ✓
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	25	NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0✓
Section Acres								640.0
		26	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								640.0 ✓
		27	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								640.0 ✓
		28	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	28	SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					640.0 ✓
		29	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					640.0 ✓
		34	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0 ✓
			NE		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	34	SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					560.0
		35	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					640.0 ✓
	35E	1	NW		NW		IRR FS	4.0 ✓
			Section Acres					4.0
		2	NE		NE		IRR FS	40.0
			NW		NE		IRR FS	40.0 ✓
			SW		NE		IRR FS	40.0 ✓
			SE		NE		IRR FS	8.0 ✓
			NE		SW		IRR FS	32.0 ✓
			NW		SW		IRR FS	40.0 ✓
			SW		SW		IRR FS	40.0 ✓
			SE		SW		IRR FS	38.0 ✓
			NW		SE		IRR FS	40.0 ✓
			SW		SE		IRR FS	40.0 ✓
			Section Acres					358.0
		3	NE		NE	1	IRR	41.9 ✓
			NW		NE	2	IRR	41.7 ✓
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW	3	IRR	41.5
			NW		NW	4	IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	3	SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR FS	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR FS	40.0
							Section Acres	640.1
		4	NW		NW	4	IRR	7.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		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	327.0
		5	NE		NE	1	IRR	41.2
			NW		NE	2	IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		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	399.2
		8	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NW		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	8	SW		SW		IRR	40.0
			SE		SW		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					
9			NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR FS	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR FS	40.0
			Section Acres					
10			NE		NE		IRR FS	40.0
			SW		NE		IRR FS	40.0
			SE		NE		IRR FS	40.0
			SE		NW		IRR FS	40.0
			NE		SW		IRR FS	40.0
			NW		SW		IRR FS	40.0
			SW		SW		IRR FS	40.0
			SE		SW		IRR FS	40.0
			NE		SE		IRR FS	40.0
			NW		SE		IRR FS	40.0
			SW		SE		IRR FS	40.0
			SE		SE		IRR FS	40.0
			Section Acres					
11			NE		NW		IRR FS	40.0
			NW		NW		IRR FS	30.0
			SW		NW		IRR FS	40.0
			SE		NW		IRR FS	40.0
			NE		SW		IRR FS	40.0
			NW		SW		IRR FS	40.0
			SE		SW		IRR FS	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						270.0
		14	NE	SW	IRR FS	10.0
			NW	SW	IRR FS	40.0
Section Acres						50.0
		15	NE	NE	IRR FS	34.0
			NW	NE	IRR FS	40.0
			SW	NE	IRR FS	40.0
			SE	NE	IRR FS	40.0
			NE	NW	IRR FS	40.0
			NW	NW	IRR FS	40.0
			SW	NW	IRR FS	40.0
			SE	NW	IRR FS	40.0
			NE	SW	IRR FS	40.0
			NW	SW	IRR FS	40.0
			SW	SW	IRR FS	40.0
			SE	SW	IRR FS	40.0
			NE	SE	IRR FS	40.0
			NW	SE	IRR FS	40.0
			SW	SE	IRR FS	40.0
			SE	SE	IRR FS	40.0
Section Acres						634.0
		16	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						640.0
		17	NE	NE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	17	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					640.0
		18	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					640.0
		19	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	19	SW		SW		IRR	40.0
			SE		SW		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	640.0
		20	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	640.0
		22	NE		NE		IRR FS	40.0
			NW		NE		IRR FS	40.0
			SW		NE		IRR FS	40.0
			SE		NE		IRR FS	40.0
			NE		NW		IRR FS	40.0
			SE		NW		IRR FS	40.0
			NE		SW		IRR FS	40.0
			NE		SE		IRR FS	40.0
			NW		SE		IRR FS	40.0
			SW		SE		IRR FS	40.0
			SE		SE		IRR FS	40.0
							Section Acres	440.0
		29	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	29	NW		SW		IRR	40.0
			SW		SW		IRR	10.0
			SE		SW		IRR	40.0
			Section Acres					290.0 ✓
		30	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					640.0 ✓
07N	34E	32	SE		SW		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
			SE		SE		IRR	40.0 ✓
			Section Acres					120.0
		33	NW		SW		IRR	10.0 ✓
			SW		SW		IRR	20.0 ✓
			SE		SW		IRR	40.0 ✓
			SW		SE		IRR	30.0 ✓
			SE		SE		IRR	10.0 ✓
			Section Acres					110.0
	35E	32	SW		SE	8	IRR	2.0 ✓
			SE		SE	7	IRR	18.0 ✓
			Section Acres					20.0
		33	SW		SW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
		35	NE	SE	IRR FS	38.0 ✓
			NW	SE	IRR FS	34.0 ✓
			SW	SE	IRR FS	34.0 ✓
			SE	SE	IRR FS	38.0 ✓
					Section Acres	144.0
		36	NE	SW	IRR FS	40.0)
			NW	SW	IRR FS	40.0)
			SW	SW	IRR FS	38.0 ✓
					Section Acres	118.0
					Total Acres	23863.3

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A31-00065/00168/00188/00184/00166/00263/00147/CON. IN REMARK

14. Remarks:

OWSLEY CANAL COMPANY HOLDS THIS AND ALL ITS WATER RIGHTS FOR THE USE AND BENEFIT OF THE LANDS OF ITS STOCKHOLDERS DESCRIBED IN THE ATTACHED LAND LIST (ATTACHMENT "C") MUD LAKE & TRIBUTARIES A31-00052/00104/00105/00162/00159/00185/00163/00006/00169/00237/00034/00035/00187/00036/00037/00232/00038/00186/00363/. BYBEE WELL FIELD-A31-00327/00328/00329/00330/. NORTH LAKE WELL FIELD-31-02239/002265/02341/02342/02343/02344/02345/07005/. WATEWATER A31-02276/

*****MEMO*****

BASED ON IRRIGATED ACREAGE THE CONSUMPTIVE USE SHOULD BE 17985.0 X 2.5 = 44942.5.

ATTACHMENT B OF NOTICE DISCUSSES STORAGE PRACTICES BUT FAILS TO IDENTIFY A VOLUME. SINCE IRRIGATION STORAGE HAS BEEN CLAIMED FOR EACH NATURAL FLOW, RIGHT FOR DATA ENTRY PURPOSES. THE VOLUME WAS SET AT 1 AF/ACRE.

SEE A31-00065 FOR MAP OF THE AREA SERVED BY THIS RIGHT.

CONFORMED ATTORNEY MAILING ADDRESS DMS

*THIS CLAIM WAS AMENDED 9-15-97 TO BETTER REFLECT THE ACTUAL PLACE OF USE AND AMEND THE PRIORITY DATE TO THE DATE IN DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT, ET AL.

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: **A31-00331**
Date Received: 12/20/1988
Receipt No: E005296
Received By: _____

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

1. Name: HOLLEY WATER USERS ASSN
Address: C/O LA MOYNE BARNEY
HAMER ID 83425

OR

Name: HOLLEY WATER USERS ASSN
Address: C/O CARL HOGGAN
HAMER ID 83425

2. Date of Priority: JAN 25, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	25		SW	SW		JEFFERSON
		26		SE	SE		JEFFERSON
		36	SE	NW	NW		JEFFERSON

5. Description of diverting works:
EIGHT WELLS OPEN DISCHARE INTO HOLLY CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/15	24.000		

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

8. Total consumptive use is 8075.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	11	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
								Section Acres 320.0 ✓
	35E	1	NW		NW		IRR	4.0 ✓
								Section Acres 4.0
		2	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	8.0
			NE		SW		IRR	32.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
								Section Acres 358.0
		3	NE		SE		IRR	40.0
			SE		SE		IRR	40.0
								Section Acres 80.0
		9	NE		SE		IRR	40.0
			SE		SE		IRR	40.0
								Section Acres 80.0
		10	NE		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	10	NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 480.0					
		11	NE		NW		IRR	40.0
			NW		NW		IRR	30.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
			Section Acres 270.0					
		14	NE		SW		IRR	10.0
			NW		SW		IRR	40.0
			Section Acres 50.0					
		15	NE		NE		IRR	34.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 634.0					
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	22	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								440.0
07N	35E	35	NE		SE		IRR	38.0
			NW		SE		IRR	34.0
			SW		SE		IRR	34.0
			SE		SE		IRR	38.0
Section Acres								144.0
		36	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	38.0
Section Acres								118.0
Total Acres								2978.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

31-00343/00344/00345/00349/00352/00354/00355/00356/00359/

14. Remarks:

PLACE OF USE OWNED BY STOCK HOLDERS IN ASSN.

OTHER RIGHTS - 31-00360/00361/00362/00363.

SEE CLAIM A31-00343 FOR MAP OF SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1946

HOLLY WATER USERS ASSN.

Decree Plaintiff

MARK R. KULP

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

ListC

3107.3

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: A31-02317A
Date Received: 12/ 5/1988
Receipt No: E004936
Received By: _____

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

1. Name: JACKETT CANAL COMPANY 208-523-0620
Address: HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

2. Date of Priority: FEB 28, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13		SW	SW		JEFFERSON
		22		NW	SE		JEFFERSON
		23		NW	SW		JEFFERSON
				SW	SW		JEFFERSON
		27		NW	NE		JEFFERSON

5. Description of diverting works:
5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.080		
IRRIGATION STORAGE	11/02	03/31			1.00

7. Total Quantity Appropriated is:
8.080 C.F.S. (and/or) 1.00 A.F.A.

8. Total consumptive use is 10875.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	3	NE		NE	1	IRR	41.9 ✓
			NW		NE	2	IRR	41.7 ✓
			SW		NE		IRR	40.0 ✓
			SE		NE		IRR	40.0 ✓
			NE		NW	3	IRR	41.5 ✓
			NW		NW	4	IRR	35.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓
			SE		SW		IRR	40.0 ✓
			NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓

Section Acres 560.1

4	NW	NW	4	IRR	7.0
	NE	SW		IRR	40.0
	NW	SW		IRR	40.0
	SW	SW		IRR	40.0
	SE	SW		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 327.0 ✓

5	NE	NE	1	IRR	41.2
	NW	NE	2	IRR	38.0
	SW	NE		IRR	40.0
	SE	NE		IRR	40.0
	NE	SW		IRR	40.0
	SE	SW		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 399.2 ✓

8	NE	NE		IRR	40.0 ✓
	NW	NE		IRR	40.0 ✓
	SW	NE		IRR	40.0 ✓
	SE	NE		IRR	40.0 ✓
	NE	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	8	NW	NW		IRR	40.0 ✓
			SW	NW		IRR	40.0 ✓
			SE	NW		IRR	40.0 ✓
			NE	SW		IRR	40.0 ✓
			NE	SE		IRR	40.0 ✓
			NW	SE		IRR	40.0 ✓

Section Acres 440.0

9	NE	NE	IRR	40.0 ✓
	NW	NE	IRR	40.0 ✓
	SW	NE	IRR	40.0 ✓
	SE	NE	IRR	40.0 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	SW	SW	IRR	40.0 ✓
	SE	SW	IRR	40.0 ✓
	NW	SE	IRR	40.0 ✓
	SW	SE	IRR	40.0 ✓

Section Acres 400.0

16	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0 ✓

17	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 ✓

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	17	SW	SE		IRR	40.0 ✓
			SE	SE		IRR	40.0 ✓
Section Acres							320.0
07N	35E	32	SW	SE	8	IRR	2.0 ✓
			SE	SE	7	IRR	18.0 ✓
Section Acres							20.0
		33	SW	SW		IRR	1.0 ✓
Section Acres							1.0
Total Acres							3107.3

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

31-0135, 31-0143, 31-0144, 31-0190, 31-0336, 31-0337, 31-228

14. Remarks:

WTR. RTS. CONT'D 31-2290, 31-2297, 31-2310, 31-0134, 31-2321
 THIS WATER RIGHT IS HELD BY THE CANAL COMPANY FOR THE BENEFIT
 OF THE LANDS OF ITS STOCKHOLDERS.
 CONT. ITEM 5 ---- 5 PUMPS ARE LOCATED ON CAMAS CREEK IN LOT 4 OF
 SEC. 3 T6N R35E; 3 PUMPS ARE LOCATED ON CAMAS CREEK IN THE
 SW SW SEC. 33 T7N R35E. THESE PUMPS DIVERT WATER UNDER RIGHTS
 IN CAMAS CREEK AS WELL AS REDIVERTING WATER BROUGHT TO CAMAS
 CREEK THROUGH THE INDEPENDENT DITCH FROM THE COMPANY'S WELLS.
 THE PUMPS DIVERT UP TO ABOUT 75 CFS FROM CAMAS CREEK UNDER A
 COMBINATION OF THE CAMAS CREEK RIGHTS AND THE WELL RIGHTS
 WHICH ARE USED TO SUPPLEMENT FLOWS IN CAMS CREEK. THERE ARE
 SEVEN WELLS W/ PUMPS THAT PUMP INTO DITCHES WHICH BRING THE
 WATER TO CAMAS CREEK FOR REDIVERSION. SEE TRANSFER NO. 2303.
 CONFORMED ATTORNEY MAILING ADDRESS DMS

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

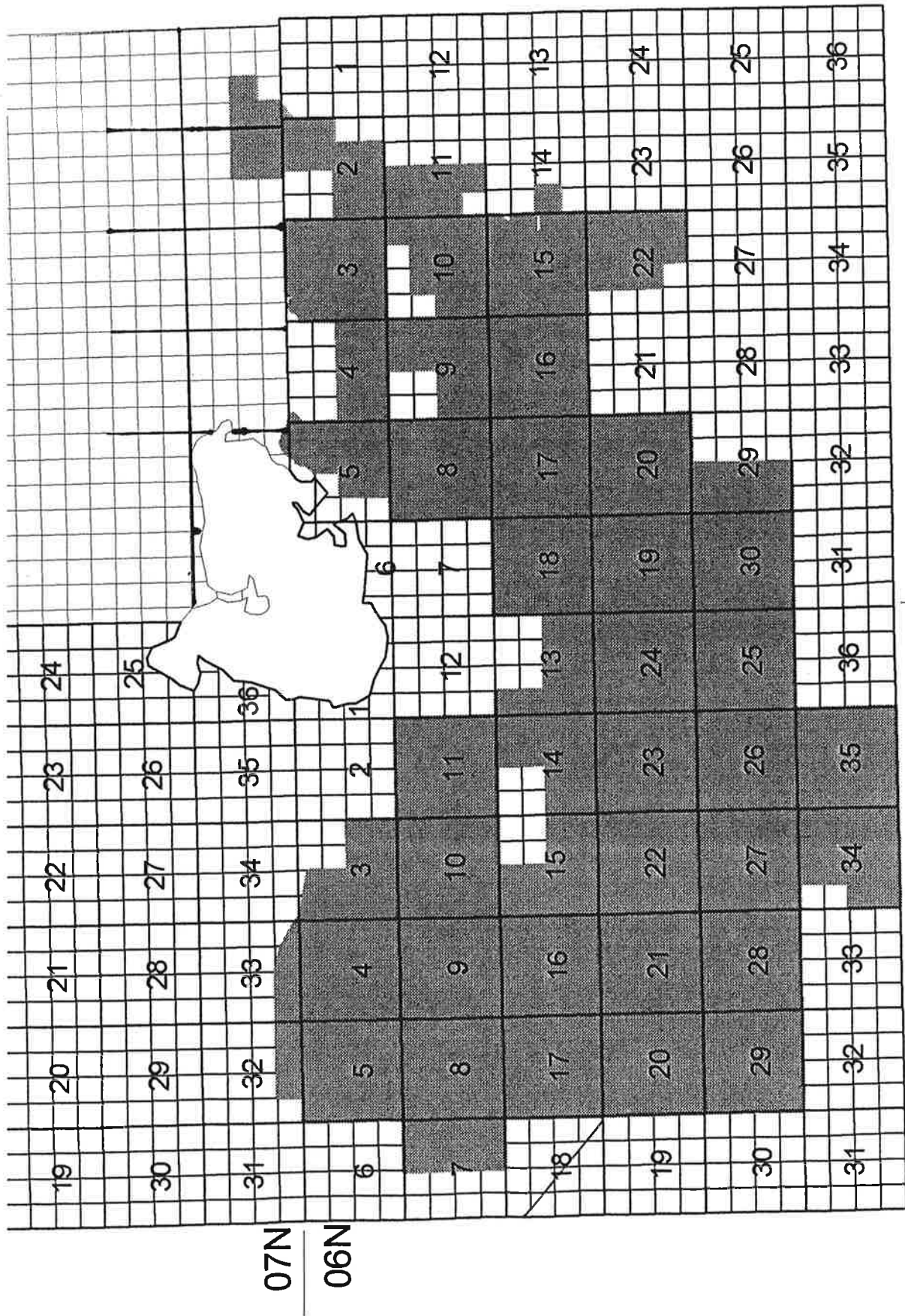
Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

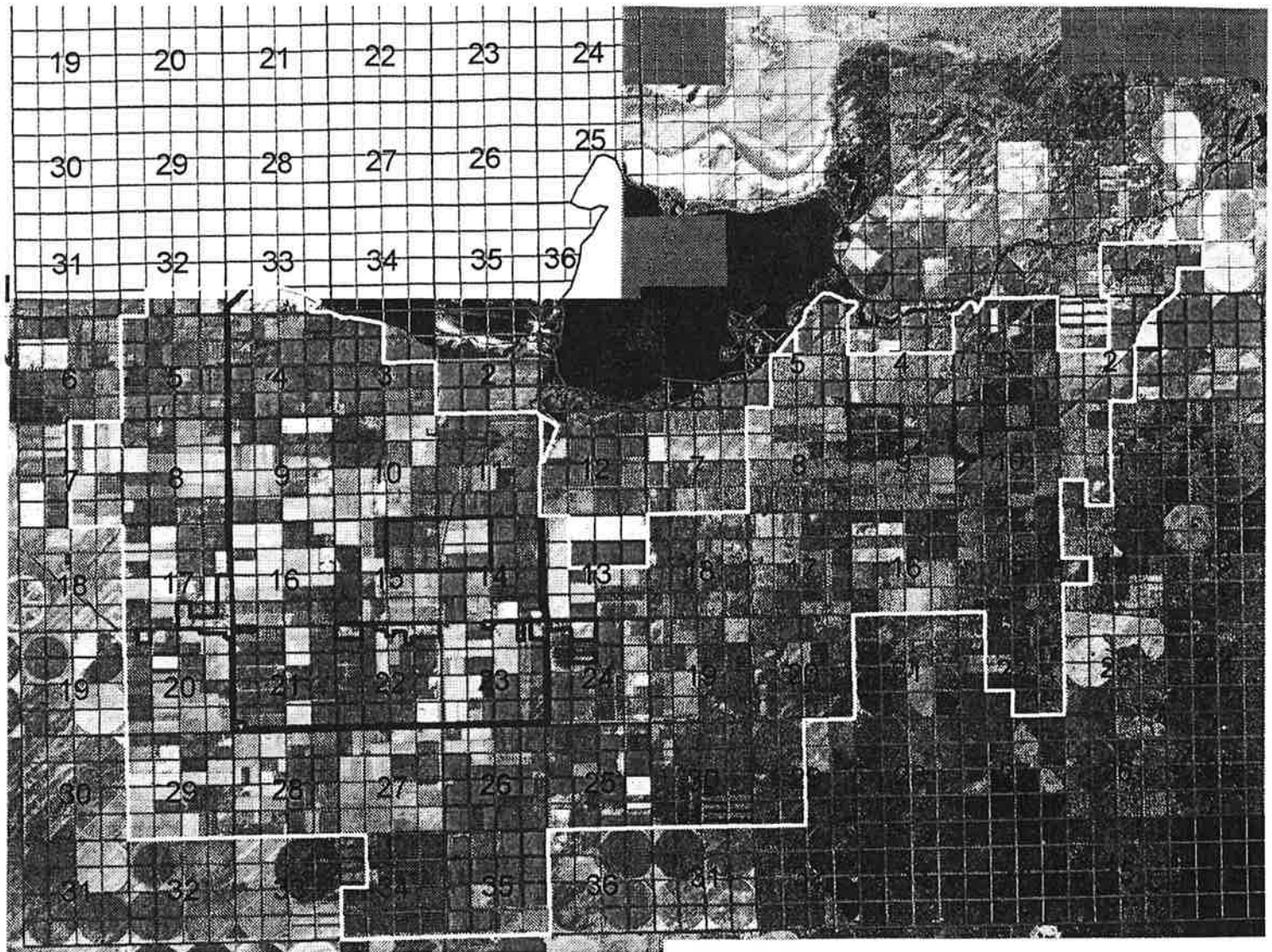
My Commission Expires _____



GIS SHOWS
24,358 AC.
24,000 b-1
claims

Owsley, Canal App. for Transfer and Recommended Acres

CLAPP 1987



34E

35E

The water rights after the transfer, and the recommendations in the Director's Report will be limited to 23,903.3 acres within a permissible place of use that is filed on by the Canal Co., or, is modified by the department when making final recommendations.

* This layout has been developed for the expressed purpose of communicating with the Canal Co. their options when they file their Application for Transfer with the department.

- Owsley2.shp
- Owsleypou.shp
- T07n34e.shp
- T06n35e.shp
- T06n34e.shp
- P07n35e.shp
- P07n34e.shp
- P06n35e.shp
- P06n34e.shp

24,988 acres

23,941 acres

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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.

Earth Soderquist

(Signature of Applicant)

Subscribed and sworn to before me this

12TH

day of

October

1998.

Engine D Van Wagner II

(Notary Public)

My commission expires

June 17 2003

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 10-13-98

Protest filed by _____

Prelim. check by _____ Fee 100^{XX}Receipted by HWJ #EQ4530 Date 10-13-98Published in Louisiana Post Register Times News ID Statesman Jefferson StarPub. dates Nov 12 & 19 1998

Copies of protest forwarded by _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

**OWSLEY CANAL COMPANY
P.O. BOX 68
TERRETON, IDAHO 83450
PHONE (208) 663-4359 FAX (208) 663-4369**

RECEIVED

FEB 03 1999

Department of Water Resources
Eastern Region

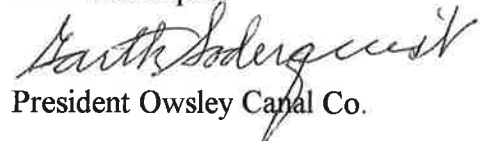
February 2, 1999

I.D.W.R.
C/O Harold W. Jones
Water Right Supervisor
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402 – 1718

Dear Mr. Jones

I have researched license # 31 – 02259 as per your request. I am in agreement with you. Decree #31-00330 does supersede license 31-02259 and only 31-00330 should be part of our pending transfer.

Respectfully
Garth Soderquist


President Owsley Canal Co.

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: A31-00337B

Date Received: 12/ 5/1988

Receipt No: E004936

Received By: 76/ 2-3-1999

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: OWSLEY CANAL COMPANY
Address: C/O GARTH SODERQUIST
P O BOX 68
TERRETON ID

208-663-4359

83450

2. Date of Priority: DEC 15, 1932

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13		SW	SW		JEFFERSON
		22		NW	SE		JEFFERSON
		23		NW	SW		JEFFERSON
				SW	SW		JEFFERSON
		27		NW	NE		JEFFERSON

5. Description of diverting works:
5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	17.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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: A31-00336B

Date Received: 12/ 5/1988

Receipt No: E004936

Received By: 264 2-3-1999

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: OWSLEY CANAL COMPANY
Address: C/O GARTH SODERQUIST
P O BOX 68
TERRETON ID 83450
208-663-4359

2. Date of Priority: APR 27, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13		SW	SW		JEFFERSON
		22		NW	SE		JEFFERSON
		23		NW	SW		JEFFERSON
				SW	SW		JEFFERSON
		27		NW	NE		JEFFERSON

5. Description of diverting works:
5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	11.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

T5341 BLM

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

APR 16 1999

TRANSFER NO. 5341
WATER RIGHT NO. 34-04162

Department of Water Resources
Eastern Region

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

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>
STOCKWATER	01/01 to 12/31	0.02 CFS	1.9 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	1.9 AF
Totals		0.02 CFS	1.9 AF

SOURCE

TRIBUTARY OF

GRANITE SPRING

SINKS

Priority: 06/28/1934

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (SENWNW), Sec. 30, Township 06N, Range 25E
CUSTER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

06N 25E 20 SENW SESW
30 Lot 1 (NWNW)

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5341
WATER RIGHT NO. 34-04162

CONDITIONS OF APPROVAL AND REMARKS

4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.
6. Place of use is identified as BLM ID #3403488127.

Dated this 12th day of April, 1999.

J. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 34-04162

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5341 ^{SL}

DATE: March 19, 1999

Transfer 5341 changes the place of use to include two additional troughs and also includes incidental wildlife use. The additional troughs will more evenly distribute the stock in the area. Wildlife use is added as an incidental use with no additional water authorized.

Diversion volume is limited to the amount required by the stock identified under this right in the SRBA. Recommended conditions include non-confirmation of beneficial use, limited to 13,000 gpd, grazing allotment limits, and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant U.S.D. 1, Bureau of Land Management Phone (208) 524-7500Post Office address 1405 Hollipark Drive, Idaho Falls, ID 83401

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 Add place of use
2. Describe the reason for the proposed changes Installing pipeline to troughs approximately 1.25 miles east of spring source. Want to add wildlife as an incidental purpose of use.

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>34-04162</u>	<u>6/28/1934</u>	<u>0.02 cfs</u>	<u>Stockwater</u>	<u>0101 to 1231</u>
<u>34-04162</u>	<u>6/28/1934</u>	<u>0.02 cfs</u>	<u>Wildlife</u>	<u>0101 to 1231</u>
				to
				to

2. Total amount of water being transferred 0.02 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Granite Spring tributary to Sinks

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>01</u>	<u>SE</u>	<u>NW</u>	<u>NW</u>	<u>30</u>	<u>06N</u>	<u>25E</u>	<u>Custer</u>	<u>Granite Spring</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6N</u>	<u>25E</u>	<u>30</u>						<u>S, W</u>											
<u>6N</u>	<u>25E</u>	<u>20</u>							<u>S, W</u>				<u>S, W</u>						

Total acres

JAN 21 1998
FIVE 11:53
FILE

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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-04162
_____	)	

FILE 6547

On November 19, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-04162 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 1998.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

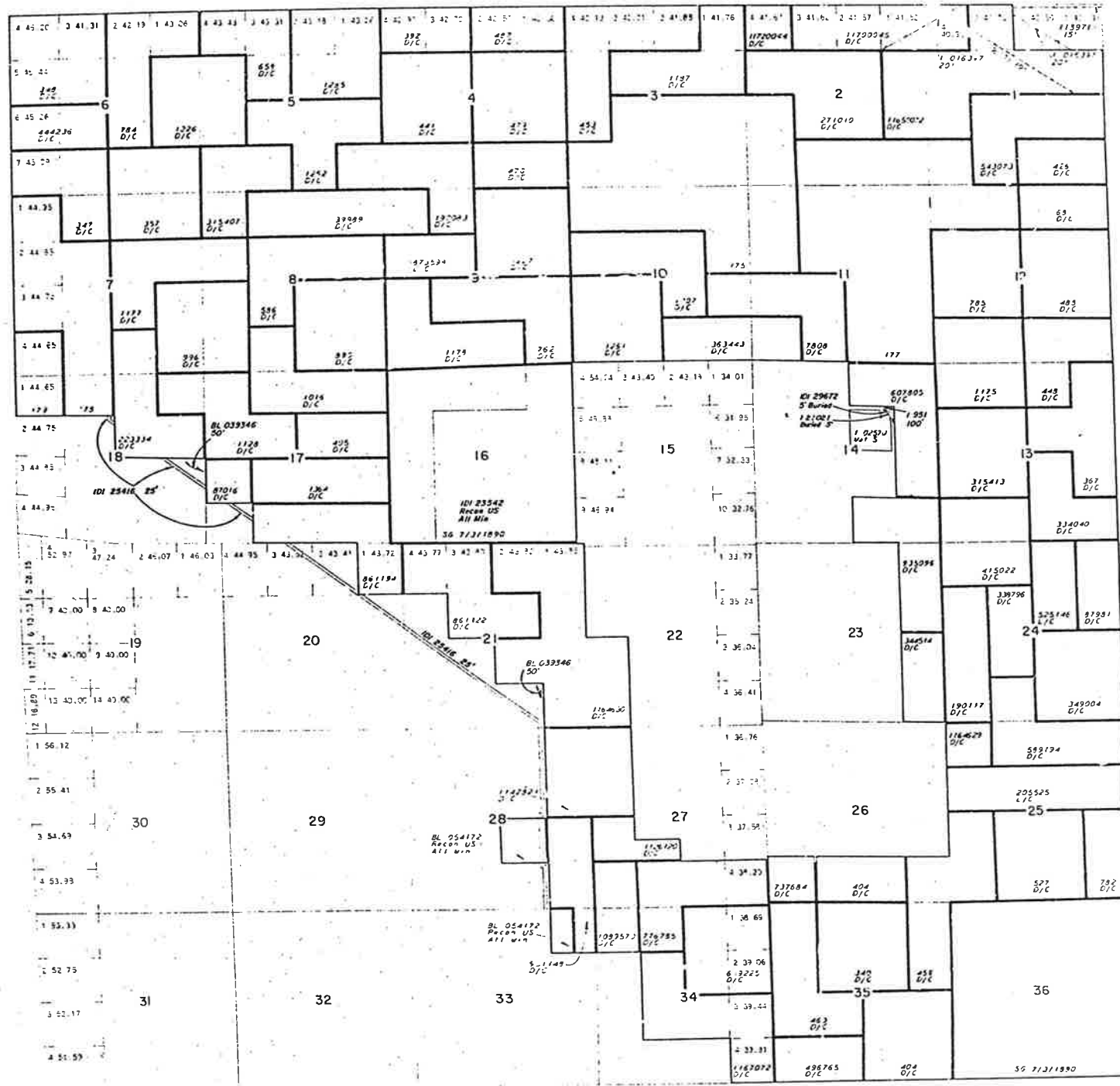
100-443887-2

PAGE 1
DEC-5-1997

TOWNSHIP 6 NORTH RANGE 25 EAST OF THE BOISE MERIDIAN, IDAHO

LEANS FALLS DISTRICT SEC 3

CUSTER COUNTY 037 EUTTE COUNTY 023



page 5 of 7

15341

Lat 41° 43' 35" N Long 112° 25' 4" W

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Wildlife</u>	<u>0.02 cfs</u>	<u>24 Hours/Day</u>	<u>0101</u> to <u>1231</u>
				to

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

Spring will deliver approx. 3-5 gpm to one trough at a time. All three troughs will be in separate pastures, but only one pasture will be used at any given time. Overflow will occur at the location of the trough in use. At the end of the grazing season, (approx. 10/31) all troughs will be turned off

3. Describe effects on other water uses resulting from the proposed change: and overflow will occur at the spring site. Quality of diverted waters not affected.

No effects on other water uses.

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.

Dana Lee
(Signature of Applicant)

Subscribed and sworn to before me this 29 day of October, 1998.

Dorinda D. Hoffer
(Notary Public)

My commission expires 11-25-2002

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by EMC Date Oct 29 98

Prelim. check by HUT Fee \$100^{XX}

Receipted by EMC Date Oct 29, 98

Published in Challis Messenger

Pub. dates Nov 12 & 19th, 1998

Watermaster recommendation requested on _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

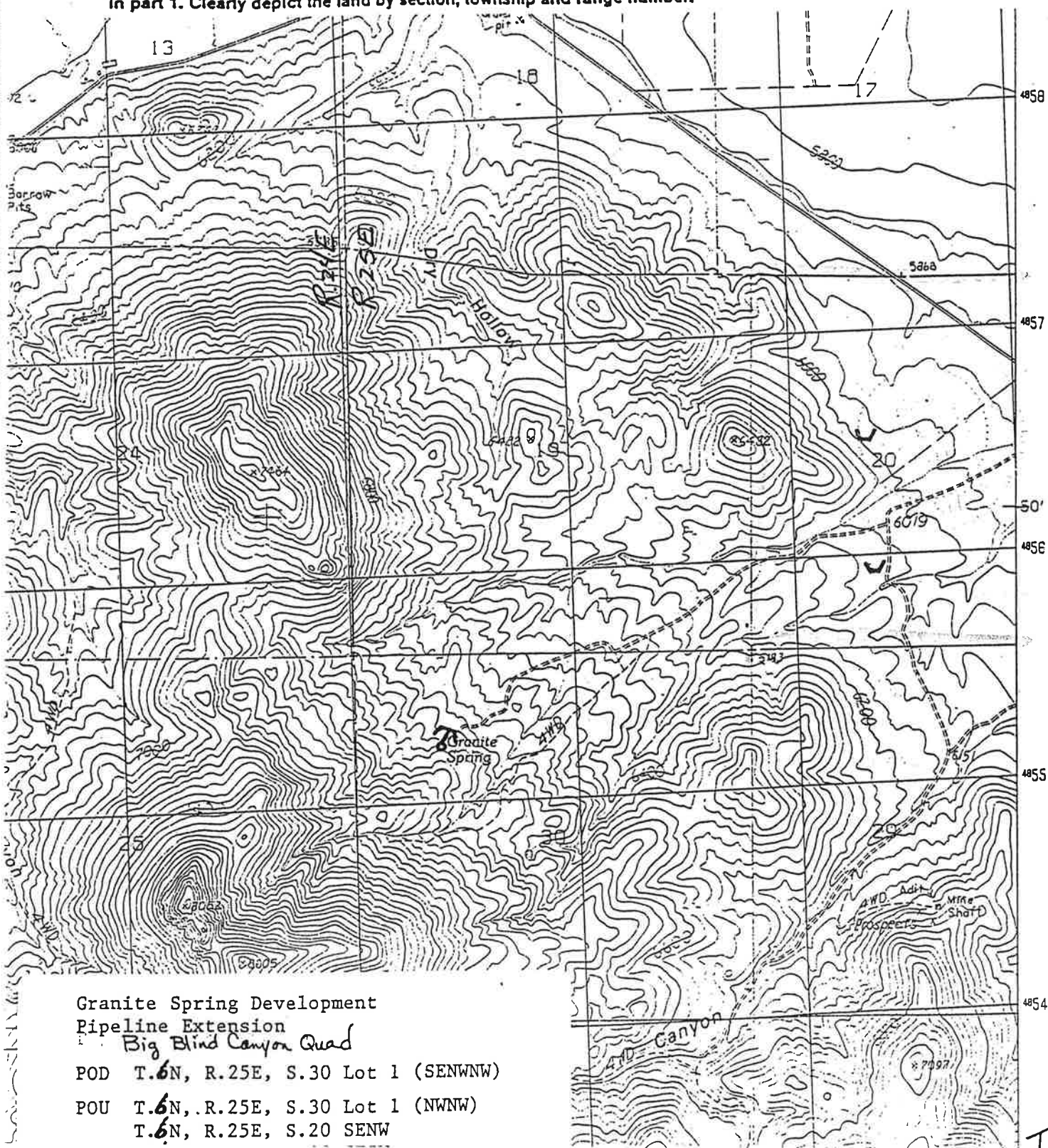
Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 19, 2000

GARTH SODERQUIST
OWSLEY CANAL CO
PO BOX 68
TERRETON, ID 83450

RECEIVED

DEC 21 2000

Department of Water Resources
Eastern Region

Re: Application for Transfer No. 5335, in the name of Owsley Canal Company

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Preliminary Order Amending Transfer Approval** pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit our homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

Cc: Ernie Carlsen
Bryce Contor
Regional File

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5335 IN THE)
NAME OF OWSLEY CANAL COMPANY)
_____)

**PRELIMINARY ORDER
AMENDING TRANSFER
APPROVAL**

This matter having come before the Department of Water Resources (Department) as a result of an application for transfer of water rights, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 23, 1998, Owsley Canal Company (applicant) filed Application for Transfer No. 5335 (transfer) to change the points of diversion and places of use for the following water rights:

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	31-07005

2. On February 8, 1999, the Department approved the transfer with conditions.

3. The transfer approval listed the period of use for diversion to storage purposes on the following water rights as October 16 to April 14.

31-00327	31-00329
31-00328	31-00330

4. Delivery of water for the rights listed below is regulated by the watermaster of Water District 31. Review of water district records and discussion with the watermaster indicate that the historic period of use for diversion to storage purposes for those rights is May 1 to November 1.

31-00327	31-00329
31-00328	31-00330

5. The transfer approval listed the period of use for irrigation purposes on each of the water rights as April 15 to October 15 in conformance with the existing Department standards for the area where the water rights are used.

6. The period of use for irrigation purposes for each of the following rights was previously decreed as May 1 to November 1.

31-00327	31-00332
31-00328	31-00336B
31-00329	31-00337B
31-00330	31-00371
31-00331	

7. The period of use for irrigation purposes for each of the following licensed rights was not established on the licenses issued by the Department, but the historic period of use has been May 1 to November 1.

31-02239	31-02317B
31-02265	31-02321
31-02289	31-02341
31-02290	31-02342
31-02297	31-02343
31-02310	31-02344
31-02317A	31-02345

8. On July 24, 1973, the Department issued License No. 31-07005 with a period of use for irrigation purposes from April 1 to November 15.

9. The applicant did not request a change in the period of use for any of the rights on the transfer.

10. The transfer approval listed the authorized diversion rate for irrigation purposes for right no. 31-00328 as 110.00 cfs.

11. Water right no. 31-00328 was previously decreed with a diversion rate for irrigation purposes of 100.00 cfs.

12. The Department did not intend to increase the diversion rate for irrigation purposes for right no. 31-00328 to 110.00 cfs. The change was a typographical error.

13. The transfer approval did not make a determination of the priority date for the rights listed below. The priority date for those rights was listed on the transfer approval as 00/00/0000.

31-00327
31-00328

31-00329
31-00330

14. On October 14, 1940, Permit Nos. 17611 and 17612 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al., without a priority date. Those decreed rights were renumbered by the Department as 31-00327 and 31-00328 respectively.

15. According to Department records, Permit No. 17611 was cancelled on March 6, 1939.

16. According to Department records, Permit No. 17612 was relinquished with a date unknown.

17. Absent any other evidence, it is reasonable to describe the priority date of a water right as the date of the decree from which it arises.

18. On October 14, 1940, Permit Nos. 17640 and 18378 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. Al., without a priority date. Those decreed rights were renumbered by the Department as 31-00329 and 31-00330 respectively.

19. According to Department records, Permit No. 17640 was licensed on February 24, 1938. The license listed the priority date as January 8, 1932.

20. According to Department records, Permit No. 18378 was licensed on January 8, 1942. The license listed the priority date as June 26, 1936.

21. The transfer approval was issued with one of the points of diversion described as being within Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

22. Lot 4 in Sec. 18, Township 07N, Range 35E, actually corresponds to the SWSW of the section.

23. The transfer approval was issued with one of the points of diversion described as being within the SWNW, Sec. 19, Township 07N, Range 35E.

24. The SWNW, Sec. 19, Township 07N, Range 35E, is more accurately described as Lot 2.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

2. The Department should amend the transfer approval to show the previously decreed period of use of May 1 to November 1 for diversion to storage purposes for the following water rights.

31-00327	31-00329
31-00328	31-00330

3. The Department should amend the transfer approval to show the period of use for irrigation purposes as May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

4. The Department should amend the transfer approval to show the licensed period of use for irrigation purposes on right no. 31-07005 as April 1 to November 15.

5. The Department should amend the transfer approval to authorize the diversion rate for irrigation purposes as 100.00 cfs under right no. 31-00328.

6. The Department should amend the transfer approval to show the priority dates for right nos. 31-00327 and 31-00328 as October 14, 1940, which is the date of the final decree in the case of Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al.

7. The Department should amend the transfer approval to show the priority date for right no. 31-00329 as January 8, 1932.

8. The Department should amend the transfer approval to show the priority date for right no. 31-00330 as June 26, 1936.

9. The Department should amend the transfer approval to show Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E as one of the points of diversion, instead of Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

10. The Department should amend the transfer approval to show Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E as one of the points of diversion, instead of SWNW, Sec. 19, Township 07N, Range 35E.

ORDER

IT IS HEREBY ORDERED that Transfer Approval No. 5335 issued by the Department on February 8 1999 is **AMENDED** as described below.

1. The period of use for diversion to storage purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-00329
31-00328	31-00330

2. The period of use for irrigation purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

3. The period of use for irrigation purposes shall be April 1 to November 15 for right no. 31-07005.

4. The diversion rate for irrigation purposes shall be 100.00 cfs for right no. 31-00328.

5. The priority date shall be October 14, 1940 for right nos. 31-00327 and 31-00328.

6. The priority date shall be January 8, 1932 for right no. 31-00329.

7. The priority date shall be June 26, 1936 for right no. 31-00330.

8. The point of diversion previously described as Lot 4 (SESW), Sec. 18, Township 07N, Range 35E shall be described as Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E.

9. The point of diversion previously described as SWNW, Sec. 19, Township 07N, Range 35E shall be described as Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E.

DATED this 19th day of December, 2000.

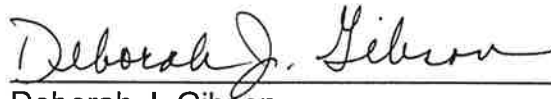
A handwritten signature in cursive script, reading "L. Glen Saxton". The signature is written in black ink and is positioned above a horizontal line.

L. GLEN SAXTON
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

GARTH SODERQUIST
OWSLEY CANAL CO
PO BOX 68
TERRETON, ID 83450

A handwritten signature in cursive script, reading "Deborah J. Gibson", written over a horizontal line.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after a) the service date of a preliminary order, b) the service date of a denial of a petition for reconsideration from this preliminary order, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.