

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

AMENDED

To appropriate the public waters of the State of Idaho

AMENDED

1. Name of applicant Mitchell Sorensen Phone _____

Post office address Rt. #1, Box 63 Moore, ID

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW % of SE % of Section 8 Township 4N

Range 26E B.M. Butte County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.60 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.60 cfs; _____ cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline, sprinkler system
wheel lines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 4 years (minimum 1 year -- maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ % of _____ % of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 80

c. Describe any other water rights used for the same purposes as described above.

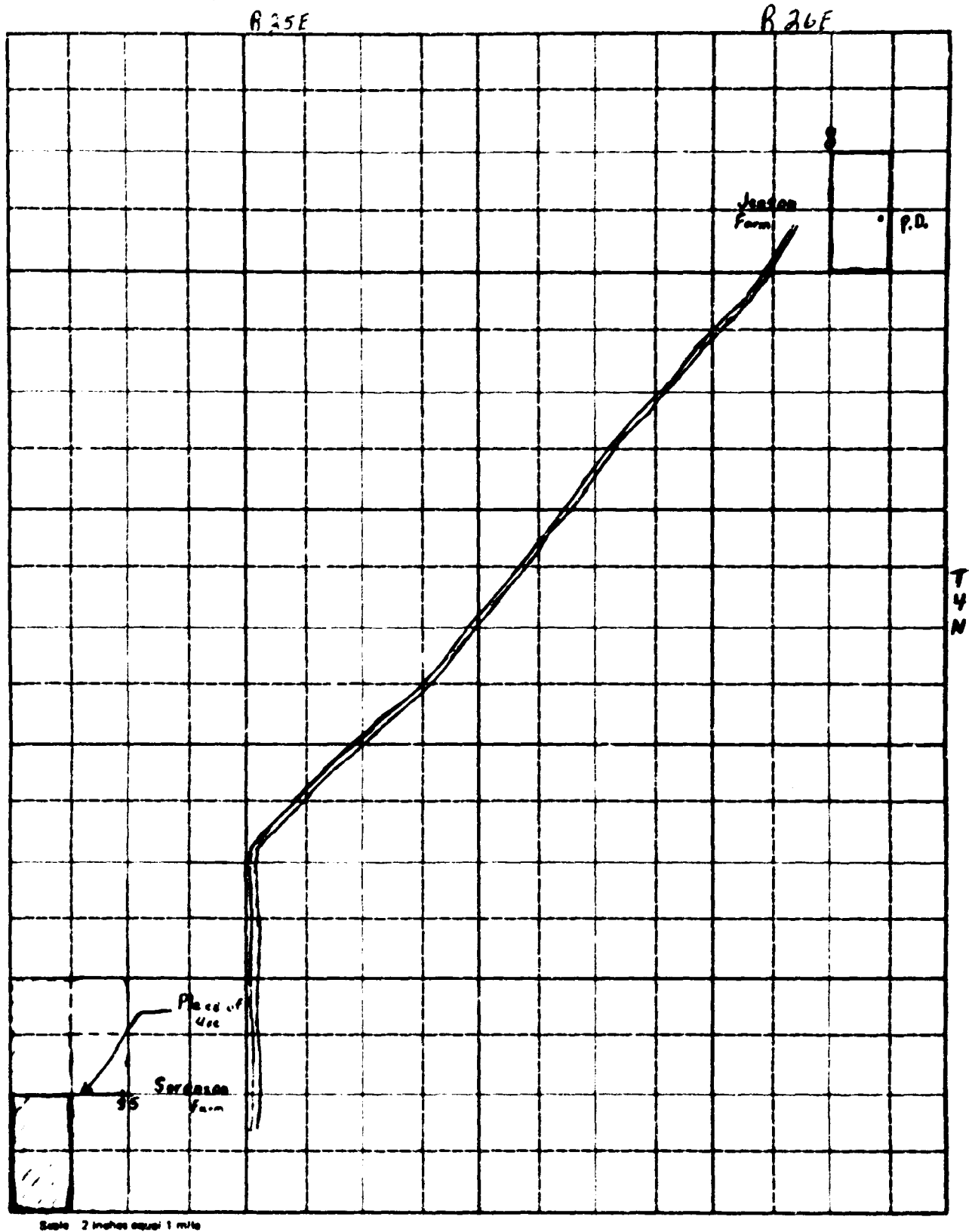
9. a. Who owns the property at the point of diversion Dayle Jensen

b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Point of diversion across by written memorandum agreement of
water exchange and easement

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
(Applicant)

Proposed Priority 4-16-79

Received by dh Date 4-16-79 Time 1:00 p.m.

Preliminary check by LC RP Fee \$13.00 #11817

Receipted by dh Date 4-16-79

Publication prepared by dh Date 4-20-79

Published in Arco Advertiser

Publication dates April 26 & May 3, 1979

Publication approved 77 Date 4/18/79

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by EMC SS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 34-7223, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 83.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Imperforated well casing shall be used through the first confining layer.

(3) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 28 day of June, 1979.

J. Glen Sayton
Chief, Operations Bureau

MEMORANDUM AGREEMENT, RE:
WATER EXCHANGE AND EASEMENT

THIS AGREEMENT, by and between MITCHELL D. SORENSEN and ELAINE R. SORENSEN, Husband and Wife, hereinafter called "Well Owners", and J. DOYLE JENSEN and CATHERINE K. JENSEN, Husband and Wife, hereinafter called "Decree Owners";

W I T N E S S E T H:

For and in consideration of the mutual covenants and agreements herein contained, the parties agree to exchange use of certain irrigation Water Rights hereinafter described.

TERM AND RENEWAL OPTION:

The term of this Agreement shall be ^{Forty} ~~fifteen~~ (15) years from the date of this Agreement, and shall be renewable for an additional 15 year term, or terms, at the option of either of the parties, by giving Notice of exercise of option at least fifteen (15) days prior to the expiration of this agreement or any renewal hereof.

WATER RIGHTS EXCHANGED:

Decree Owners are the owners of the following Decreed Irrigation Water Rights in Big Lost River:

80 inches with priority of 5/20/84.

The use of which rights are hereby transferred to Well Owners for the term of this Agreement and any renewals hereof.

Well Owners shall drill an irrigation well, to be located on Decree Owners' property at a site in the Northeast corner of the Southwest Quarter of the Southeast Quarter, Section 8, Township 4 North, Range 26 East, Boise Meridian, and further shall make applications for Water License from the State of Idaho for irrigation water to be produced by

said well, and transfer to Decree Owners ^{the} ~~all~~ right to the use of said Water and Water Right for the ^{4.5.4.11} term of this agreement, and any renewals hereof, in ²⁴ ~~an amount~~ amount of 1.6 c.f.s.

EXPENSES ALLOCATED:

The costs of construction, reconstruction, repair and maintenance of the well, pump, motor and associated electrical equipment, and the costs of ownership and use of the water shall be divided as follows:

1. The cost of drilling, casing and pouring the pump pad shall be paid by the Well Owner.
2. The cost of the pump, motor, and associated electrical controls shall be paid by the Decree Owner.
3. The cost of the electrical transmission line to the pump, and all electrical charges shall be divided equally between Well Owner and Decree Owner.
4. All costs of repair, maintenance and replacement of the well, pump, motor, and electrical equipment shall be divided equally between Decree Owner and Well Owner.
5. Decree Owner shall pay the operation and maintenance charge levied against his land by Big Lost River Irrigation District, for the 80" of Decreed Water, and Well Owner shall pay the ditch rider and watermaster charges for delivery of the Decreed Water.
6. Any other costs shall be divided equally between the parties.

EFFECT OF FAILURE OF WATER SUPPLY:

In the event the water supply from the well shall be interrupted by failure of the well, pump, motor, or other cause, the right to use of the Decree Water shall revert to the Decree Owners, provided, however, that if said failure is of short duration, the right to use the Decree Water shall not so revert, but Well Owners shall use their best efforts to have the cause of the failure repaired at the earliest possible time.

THIS AGREEMENT IS HEREBY MADE BETWEEN THE DECREE OWNERS AND THE WELL OWNERS

In the event of the complete, irreparable failure of the well, the right to use of the Decree Water shall revert to the Decree Owners, and this Agreement shall be terminated.

In the event the Decreed Water shall become unavailable for any reason, the Decree Owners shall use all reasonable efforts to supply Well Owners with an alternative source of irrigation water. If Decree Owners are unable to provide such alternative source, the right to use the well water shall revert to Well Owners during such failure of the Decreed Water.

OPTION TO PURCHASE:

At the termination of this Agreement, whether by expiration or by mutual agreement, the Decree Owners shall have the option to purchase the well, and Well Owners share of the pump, motor, and electrical accessories, and Water License from Well Owners. The purchase price shall be the then fair market value of the well, and one-half of the then market value of the pump, motor and accessories.

GRANT OF EASEMENT:

By this Agreement, Decree Owners J. DOYLE JENSEN and CATHERINE K. JENSEN hereby grant to Well Owners easements and rights-of-way on, over, and across the North boundary of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, Township 4 North, Range 26, East Boise Meridian, as follows:

An easement and right-of-way of sufficient size for the Well Owners to construct, drill, equip, repair, reconstruct, maintain and operate the irrigation well referred to above, in the NE $\frac{1}{4}$ corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, at a site mutually selected by the parties.

An easement and right-of-way along the said North boundary from the County road to the said right of way for ingress, egress and construction of an electrical power line to service the electric pump motor.

These easements shall continue so long as this Agreement shall be in effect, and shall continue thereafter so long as Well Owners maintain the well, unless the Decree Owners shall elect to purchase the well, under the "Option to Purchase" clause above. In the event the Decree Owners do exercise and perform the Option to Purchase upon termination of the Lease, these easements and rights-of-way shall immediately terminate.

BINDING UPON HEIRS AND SUCCESSORS:

This agreement shall be binding upon the heirs, assigns and successors in interest of the parties hereto.

IN WITNESS WHEREOF The parties hereto have hereunto set their hands this 30 day of March, 1979.

J. Doyle Jensen
J. Doyle Jensen
Catherine K. Jensen
Catherine K. Jensen
DECREE OWNERS

Mitchell D. Sorensen
Mitchell D. Sorensen

Elaine R. Sorensen
Elaine R. Sorensen
WELL OWNERS

STATE OF IDAHO)
): ss.
County of Butte)

On this 30 day of March, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared J. DOYLE JENSEN and CATHERINE K. JENSEN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Michael E. Price
Notary Public for Idaho,
Residing at Arco, Idaho

STATE OF IDAHO)
) ss.
County of Butte)

On this 9th day of April, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared MITCHELL D. SORENSEN and ELAINE R. SORENSEN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)


Notary Public for Idaho,
Residing at Arco, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Mitchell Sorensen Phone _____

Post office address Route 1, Box 63, Moore, Idaho 83255

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8 Township 4N

Range 26E B.M. Butte County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.60 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.60 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline, sprinkler
system, wheellines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of, _____ on water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is four years (minimum 1 year -- maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

B. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

c. Describe any other water rights used for the same purposes as described above. Decree of 5/10/1884

This decree is to be transferred to Mitchell Sorensen

9. a. Who owns the property at the point of diversion Doyle Jensen

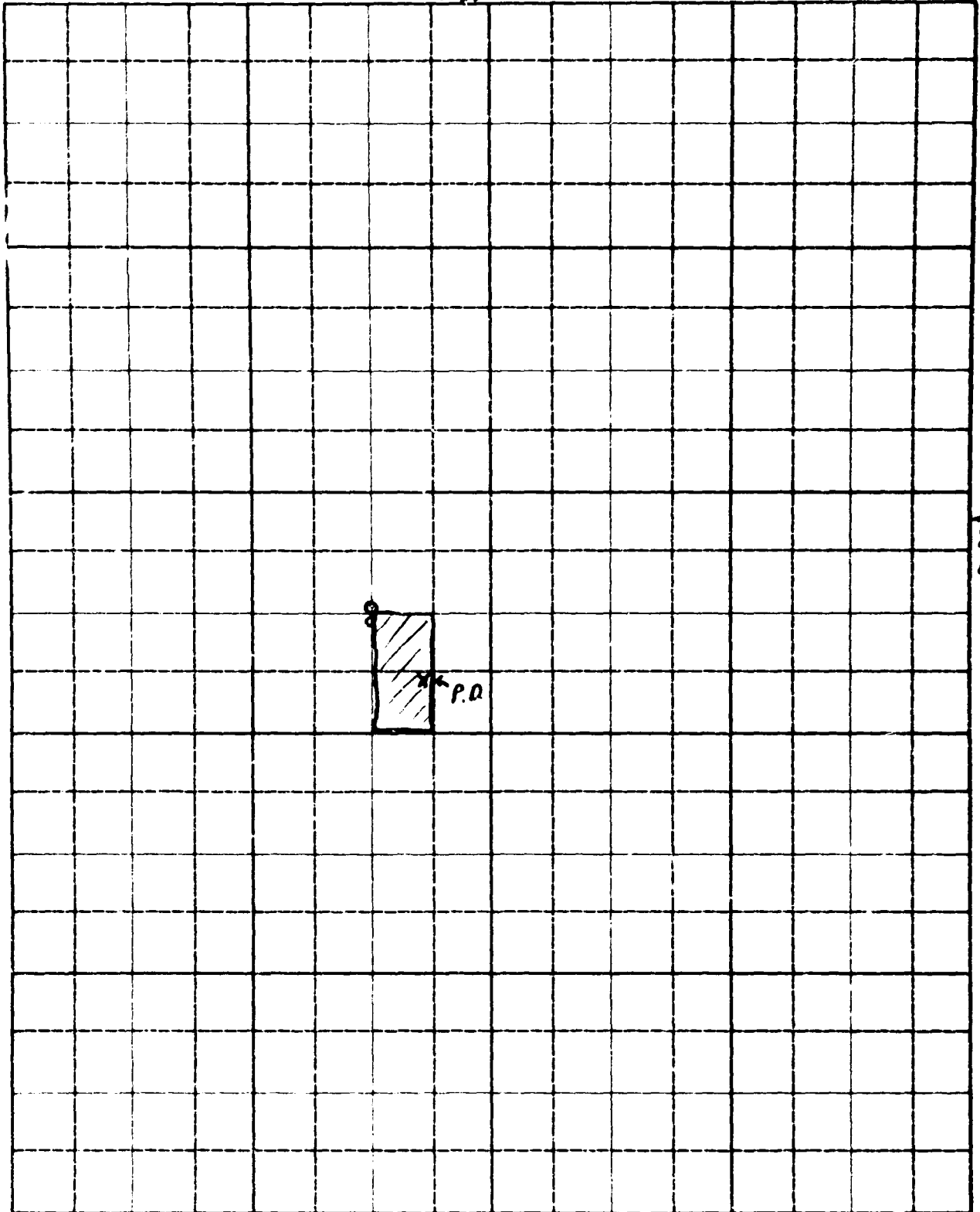
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Written easement to be obtained from Doyle Jensen.

10. Remarks

11. Map of proposed project. show clearly the proposed point of diversion, place of use, section number, township and range number.

R. 24E



Scale. 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
(Applicant)

Received by dh Date 3-7-79 Time 2:00 p.m.

Preliminary check by J.C. Fee \$ 45.00

Reprinted by dh Date 3-7-79 #12943

Publication prepared by dh Date 3-9-79

Published in Arco Advertiser

Publication dates March 15 & 22, 1979

Publication approved ed Date 4/7/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 _____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: _____

Witness my hand this _____ day of _____, 19 _____.


Director

Affidavit of Publication

I, John L. Smith, Editor and Publisher of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March 1909, do solemnly swear that a copy of this notice, heretofore attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof.

for 10 consecutive weeks commencing with

the issue dated March 27, 1919

and ending with the issue dated April 10, 1919

Witness my hand and seal this 10th day of April, 1919.

Subscribed and sworn to before me this

5th day of June, 1919

R. L. Selin

Notary Public

Residence: Arco, Idaho Life
My commission expires 10

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENTS TO SPANISH PERMIT

Notice is hereby given that Application for Permit No. 20788 in the name of Andrew Johnson and others for the diversion of 1.25 cfs of water from a water-bearing course with point of diversion within the SPANISH, sec. 2, T. 4N, R. 22E, S. 4E, Salt County, Idaho and for the irrigation of 1000 acres of 1 to 11-1 within the SPANISH, sec. 2, T. 4N, R. 22E, S. 4E.

The applicant now proposes to amend Application for Permit No. 20788, changing the point of cut to within the SPANISH, sec. 2, T. 4N, R. 22E, S. 4E.

Any protest to the proposed amending of this application for permit must be filed with the Idaho Department of Water Resources, 200 Lincoln Bldg., Boise, Idaho, before May 15, 1919.

C. STEPHEN HALLIDAY
Director

Published in the Arco Advertiser, Arco, Idaho on Apr. 10 & May 5, 1919.

RECEIVED

100-443886-100

for 2 consecutive weeks commencing with the issue dated 1/15/68 and ending with the issue dated 2/12/68.

day of *12* 19

Residence: Arlington, Idaho
My commission expires 12/31/59

NOTICE OF APPLICATION FOR WATER RIGHT

20-57000

Source: Cambridge University

1960-1969

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

RECEIVED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

WORK, HUNTING, AND THE GUN
FROM 1820 TO 1920

Page 10 of 10

✓ ONE IN TWO FIVE IS AVERAGE

44-38861-10000

SPENCER, GEORGE
 1840-1903

IT IS REQUESTED THAT YOU SIGNATURE BE PLACED ON THE
COPY OF THIS REPORT TO BE FORWARDED TO THE
BUREAU OF THE ARMY CORPS OF ENGINEERS

100-443887-100

1997-1998

CHIEF OF THE BUREAU OF INVESTIGATION

of Walter Thompson, Inc. & L. Nathan

Ref. Name: John F. Kennedy 1961-1963 as of
1961-1963 1961-1963

2. CONFIDENTIAL ON 1 1980

C STEPHEN ALLEN
REDAK

February 1, 1962

Affidavit of Publication

L. Ella C. ...
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof.

for 2 consecutive weeks, commencing with
the issue dated 3-15-79
and ending with the issue dated 3-22-79

L. Ella C. ...

Subscribed and sworn to before me this

30 day of Apr 1979

Charles ...
Notary Public

Residence Arco, Idaho
My commission expires

RECEIVED

APR 4 1979

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

NOTICE TO THE PUBLIC
The following is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the Idaho Water Resources Board for the term ending on the 31st day of December, 1979.

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Printed 3-15-79

34-2223-

SORENSEN, MITCHELL

ROUTE 1, BOX 63, MOORE, ID 83755

Source GROUNDWATER

Date Filed 05/07/1979

Amount 1.60 CFS

Diversion Point SNSE Sec 08 T 04N R 26E, BUTTE Co.

Use IRRIGATION (1.60 CFS) from 04/01 to 11/01

Place of Use SNSE Sec 08 T 04N R 26E FOR 80 ACRES

Diversion Means WELL, PUMP, SPRINKLER SYSTEM

Number of hauls	<i>P. setiferus</i> (%)	<i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%)	<i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%)
1	10	5	2
2	35	10	5
3	65	20	8
4	85	35	10
5	95	50	12
6	98	60	15
7	100	70	18
8	100	75	20
9	100	78	22
10	100	80	25

—

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-08-2008 BY 60322 UCBAW/STP

• • • • •

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1987).

**PUBLIC NOTICE
NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho

24-7223

SORENSEN MITCHELL
ROUTE 1 BOX 61 MOORE ID
83235

Source: GROUNDWATER
Date Filed: 03 07 1979
Amount: 1.50 CFS
Diversion Point: SWSE Sec 08 T
44N R 26E BUTTE COUNTY
Use: IRRIGATION 1.50 CFS
from 0401 to 1101
Place of Use: NWSE SWSE Sec 08
T 44N R 26E FOR 80 ACRES
Diversion Means: WELL PUMP
SPRINKLER SYSTEM

If issued, the permit will be
subject to all prior water rights.
Protests against the granting of an
permit must be filed with the
Director of the Idaho Department
of Water Resources, 1515 Lincoln
Rd., Idaho Falls, Idaho 83401 on or
before APRIL 2, 1979.

C. STEPHEN ALLRED
Director

Published 3:15 & 3:22 79

April 2, 1979

The Arco Advertiser
P. O. Box "C"
Arco, Idaho 83213

Gentlemen:

Re: Application for Permit No. 34-7223 - Sorensen
Application for Amendment No. 33-7056 - Andreasson

Please send an affidavit of publication and certified bills in connection with the above referenced applications. The legal notices were to have been published on March 15 and 22, 1979.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

INTER-DEPARTMENT MEMO — 1

FROM Ernie

DATE

TO John

SUBJECT - #34-7223.

Hold

If Doyle Jensen owns the property at the point of Diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8, how can applicant own 40 acres in the same 40 acre subdivision? Please contact Butte county Assessor and determine ~~who owns the~~ how much of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8 is actually owned by the applicant.

527-8288

Thanks,

SIGNATURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 6, 1979

RE: Application for Permit No. 34-7223

Mr. Mitchell Sorensen
Rt. #1, Box 63
Moore, Idaho 83255

Dear Mr. Sorensen:

After speaking with Doyle Jensen, I discovered his intention is to exchange the well water for the decreed water and not to transfer water from his land to yours.

In this case, we will have to amend your application for permit by changing the place of use from Mr. Jensen's 80 acres to your land. There is a fee of \$20.00 to cover the cost of advertising the amended application. After the amended permit has been approved, it will be necessary to file an application for exchange of water.

If you and Mr. Jensen could come to this office, at the same time, and bring with you a written easement to the drill site, a legal description of your property, and the decree which will be appurtenant to the exchange, we could take care of everything that day.

Please call me if you have any further questions.

Very truly yours,


JOHN CARLSON
Water Resource Agent

JC:cw

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Application for Permit No. 34-7223 in the name of Mitchell Sorensen was submitted for the diversion of 1.60 cfs of water from a groundwater source with point of diversion within the SWSZ, Sec. 8, T. 4N, R. 26E, B.M., Butte County; to be used for the irrigation of 80 acres from 4/1 to 11/1 within the W $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 4N, R. 26E, B.M.

The applicant now proposes to amend Application for Permit No. 34-7223, changing the place of use to within the W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 4N, R. 25E, B.M.

Any protest to the proposed amending of this application for permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 14, 1979.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser, Arco, Idaho on Apr. 26 & May 3, 1979.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

APRIL 20, 1979

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MAY 14, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

CAROLE L. WILSON
City Clerk

 PUBLIC NOTICE

**NOTICE OF PROPOSED
AMENDING OF WATER PERMIT**

Notice is hereby given that Application for Permit No. 34-7223 in the name of Mitchell Sorensen was submitted for the diversion of 160 cfs of water from a groundwater source with point of diversion within the SWSE, Sec. 8, T. 4N, R. 26E, B.M., Butte County; to be used for the irrigation of 80 acres from 4-1 to 11-1 within the W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, T. 4N, R. 26E, B.M.

The applicant now proposes to amend Application for Permit No. 34-7223, changing the place of use to within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 35, T. 4N, R. 25E, B.M.

Any protest to the proposed amending of this application for permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 14, 1979.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on Apr. 26 & May 3,
1979.





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 30, 1979

Arco Advertiser
Box "C"
Arco, Idaho 83213

Dear Sir:

Re: Amended Application for Permit No. 34-7223 - Sorensen
Application for Permit No. 33-7067 - Howe Water Dist.
Application for Permit No. 34-7226 - McAfee
Claim to Water Right No. 34-4036 - Taylor

Please send affidavits of publication and certified bills for the above referenced applications as soon as possible.

Thank you,

DONNA HENRIQUES
Secretary



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

July 10, 1979

Mitchell Sorensen
Rt. #1, Box 63
Moore, ID

Dear Mr. Sorensen:

RE: Permit No. 34-7223

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR EXCHANGE OF WATER

APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder J. Doyle Jensen
Post office address Moore, Idaho 83255
2. Right obtained by: David S. and
 - a. Decree to Sylvanus Royack in Case of Utah Construction Company
(Name)
vs. Abbott and Others, Dated 5-15-1925 in U.S. District
(Name of Court)
Court, County of Butte & Custer. Fully describe decree _____

 - b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.
3. Source of water Big Lost River tributary to sinks
(Name of stream or source)
4. Date of Priority of Right 5-20-1884
5. Amount of water
 - a. 1.60 cfs c.f.s. and/or
 - b. _____ acre feet/annum
6. Water is used for Irrigation from 4-1 to 11-1
(Purpose) (Month-Day) (Month-Day)
_____ from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is 1/4 SE 1/4 of Section 4,
Township 5N, Range 26E, B. M., in Butte County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP	RANGE	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	
4N	26E	8													40	40			80

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

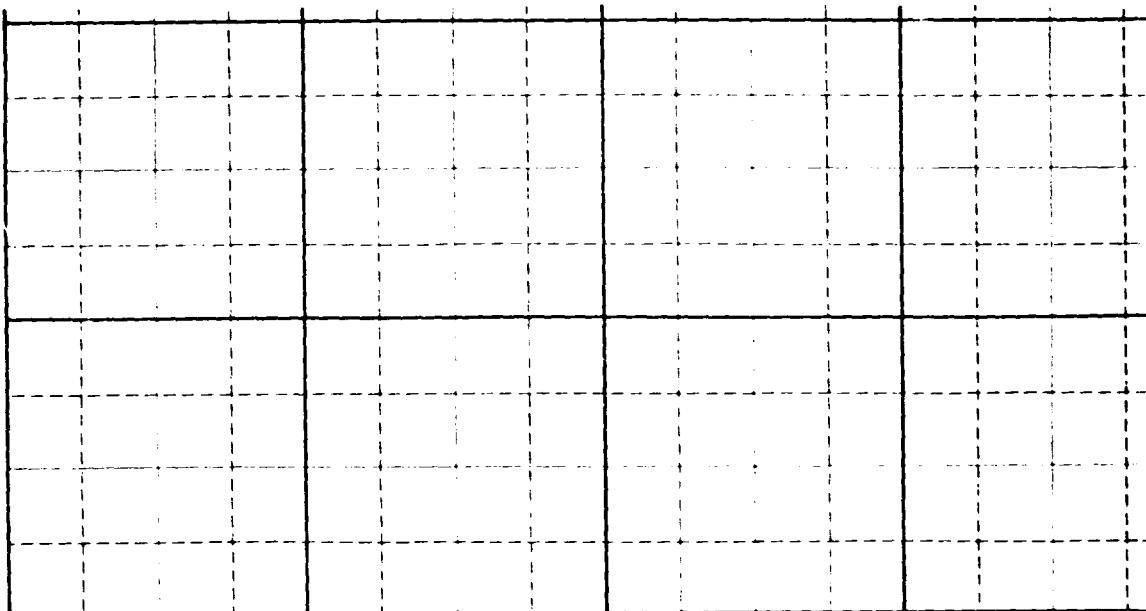
9. Name of Right Holder Mitchell D. Sorensen
Post office address Moore, Idaho 83255
10. Source of water groundwater tributary to _____
(Name of stream or source)
11. Name of canal or ditch _____
12. Amount of water a. 1.60 c.f.s. and/or
b. _____ acre feet/annum
13. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree (if known) _____

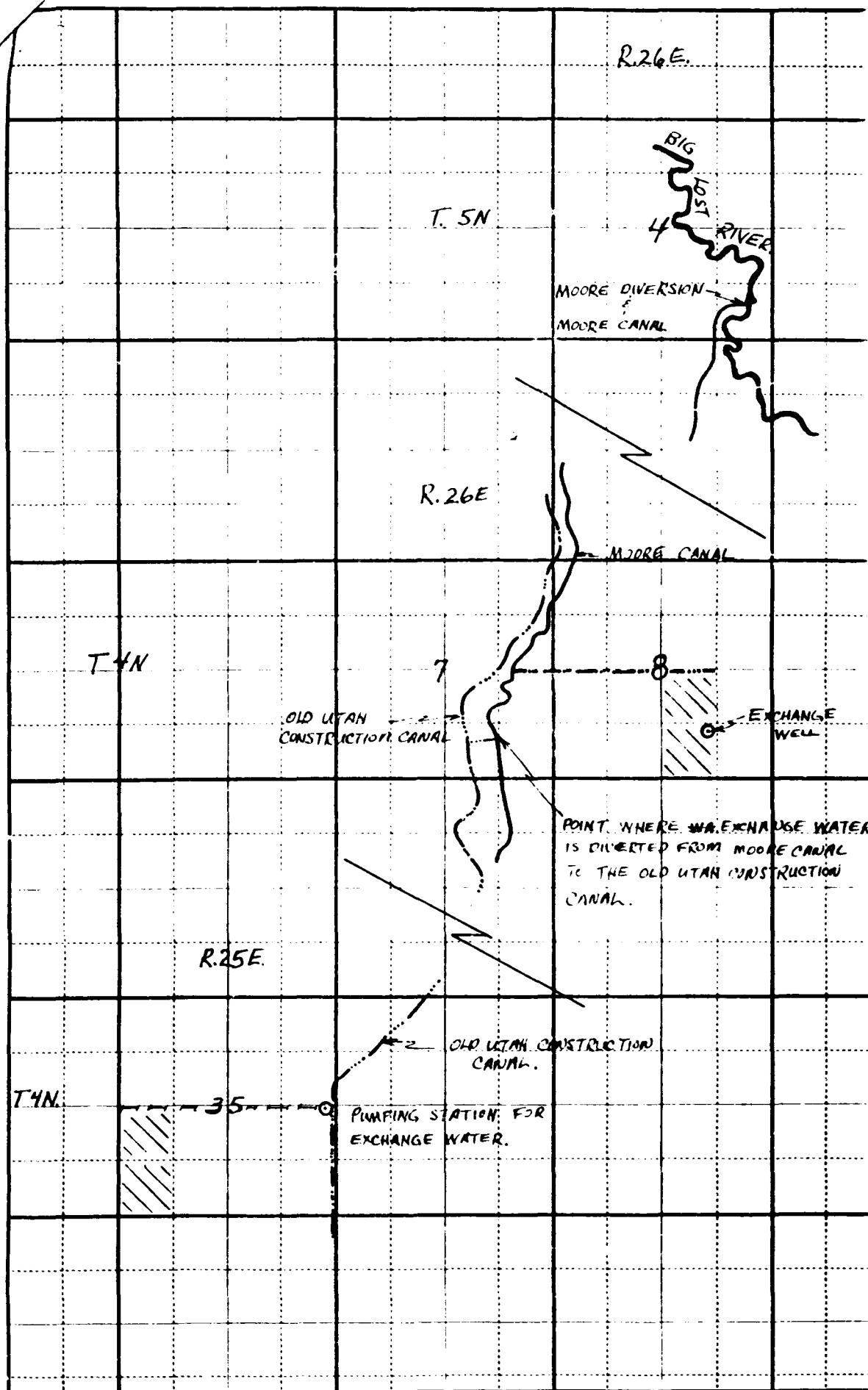
b. Permit, License, or Claim No. 34-7223 in the records of the Department of Reclamation.

EXCHANGE

14. 1.60 c.f.s and/or _____ acre feet per annum of water diverted at the point described in line 7 and will be delivered into Moore Canal at a point in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 5N, Range 26E, B.M. in Butte County; Additional points, if any _____
15. In lieu thereof 1.60 c.f.s. and/or _____ acre feet per annum will be diverted from a ground-water source at a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8 Township 4N, Range 26E, B.M., in Butte County.
16. Explanation Mitchell D. Sorensen will drill a well on Densen's property for the irrigation of his lands in exchange for decree water from Big Lost River.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.





I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

M. H. G. Griston
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of March, 19 79.

William J. Carlson
(Notary Public)

My commission expires Life time
Bond 11/2/79

Director, Dept of Water Resources
ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. 2354 and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions: _____

(1) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this permit is subject to control by the watermaster of State Water District #34, Big Lost River.

2. Denial of said application is for the following reasons: _____

Witness my hand this 8th day of August, 19 80.

J. Glen Saxton
Chief, Operations-Bureau

FOR DEPARTMENT USE ONLY

Received by dh Date 8-27-79 Time 3:00 p.m. Preliminary check by _____

Fee \$ 35.00 Received by dh #13682 Date 8-27-79 Publication prepared by dh

Date 9/28/79 Published in Arco Advertiser Dates 10/4 & 10/11/79

Affidavit of Publication received 11-15-79 Publication approved by JH

Republished Dates _____

Protests Filed By:

Copies
Forwarded

Protestant	Address	Date Filed	by	Date	Acc'n. Taken
N. K. Sowards	3406 Buckskin Road, Coeur d'Alene, Id	10/19	cw	10/23/79	<u>with review</u>
W. T. Sowards	Rt. #1, Moore, ID	10/19	cw	10/23/79	<u>"</u>

Agreement needed _____ Agreement received _____

Hearings held at 4/13/80 Date _____

Recommended for approval denial by CM

(Title)

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4410
CERTIFIED MAIL

SORENSEN, MITCHELL
ROUTE 1, BOX 63
MOORE, ID 83255

138503

7
PROOF DUE NOTICE

APRIL 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 34-7223 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a permit that the permit holder has completed development to the extent shown below of permit No. 54-7223

Name of Permit Holder: Mitchell D Sorensen

Post Office Address: Rt 1 Box 630
Idaho 83250

Tr. No. 527-3271

Source of Water: Groundwater

Exempt Use:
☐ Domestic
☐ Stockwater
☒ Irrigation
☐ Other

(number of households
(number and type of stock)
(acres)

80

Measuring Device Required
Access Point Required

Yes No
☒ Yes ☐ No

Installed? ☐ Yes ☐ No
Installed? ☒ Yes ☐ No

The above farm is a true statement of the extent to which the above numbered permit has been developed

May 27, 1983
Date

M. D. Sorensen
Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A Kenneth Dunn
Director

RE:

Dear

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

_____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

_____ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

WATER RIGHT LICENSE

License of Water Right No 34-7223 Priority April 16, 1979 Amount 1.58 cfs

THIS IS TO CERTIFY that Mitchell Sorensen

of Moore, Idaho, has complied with the terms and conditions of Permit

No. 34-7223 issued pursuant to Application for Permit dated April 16, 1979.

and has submitted proof to the Department of Water Resources on May 27, 1983.

that he has applied water to a beneficial use an examination by the Department indicates that the works have a capacity for the diversion of 1.58 cfs of water from a groundwater source.

tributary to _____ and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to November 1	at 1.58	cfs and	240.0 acre feet
	from	to	at	cfs and	
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.58 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 240.0 acre feet per year, said waters to be diverted within the SWISE4 Section 8,

Twp 4N, Rge 26E _____ in the County of Butte

Description and location of place of use

[illegible]

Total number of acres irrigated 80

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

The use of water under this license is subject to the conditions of an agreement for exchange with Rt. 34-0093 from the Big Lost River.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Diversion of Rt. 34-0093 from the Big Lost River is subject to control by the watermaster of State Water District No. 34.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23rd day of

January, 19 86


Director

DEPARTMENT OF WATER RESOURCES WATER RIGHT BENEFICIAL USE FIELD REPORT

34-7223

Permit No.

OCT 1 1984

CONTACT WITH PERMIT HOLDER

☐ Appointment letter mailed

☐ Telephone call made
(List Telephone No. used)

☐ Appointment scheduled for
(Date, time, location)

DATE

INITIALS

REMARKS

Department of Water Resources

EXAMINATION

Date 16 Aug 1983

Accompanied by Kirby Jensen

Total Q measured

Source Groundwater / Big Lost River

Tributary to Sinks

Supp. annubar measurement sheet used?

If source is surface water, estimate total flow of source

Methods of measurement: Annubar (#19136 7.98") Meets permit requirements?

Eagle Eye Meter # 04146573 1473 (219150 - 12")

Measurement calculations SEE ATTACHED MEASUREMENT PAGE

Q LIMITED BY CAPACITY: 1.58 cfs

V = 80 ac x 3.0 = 240 ac-ft

240 ac-ft / 1.6 days = 150 ac-ft/day

V = 1.58 cfs x 19155 x 24 days

= 670.7 ac-ft

WELL DIV NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
"A" Well	40	GE	JN590734	Johnston	N/A	Annubar 7.98"		EAGLE EYE METER # 04146573
"B" REDIVERSION	150	GE	APT118135	Aurora Workline	323.85955	Annubar 12.0"		EAGLE EYE METER # 04146573

System Description Land "A" well pump mainline to laterals with sprinkler Land "B" Rediversion pump to mainline and laterals with sprinkler

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

(From well)

USE

Irrigation

Irrigation requirement = 3.0

AFA/Acre

Q (cfs)

1.58 cfs

V (ac-ft)

240 ac-ft

FROM

4/1

TO

11/1

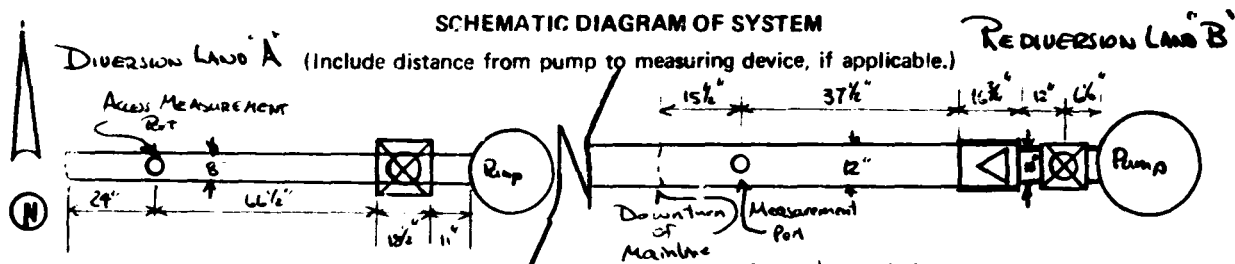
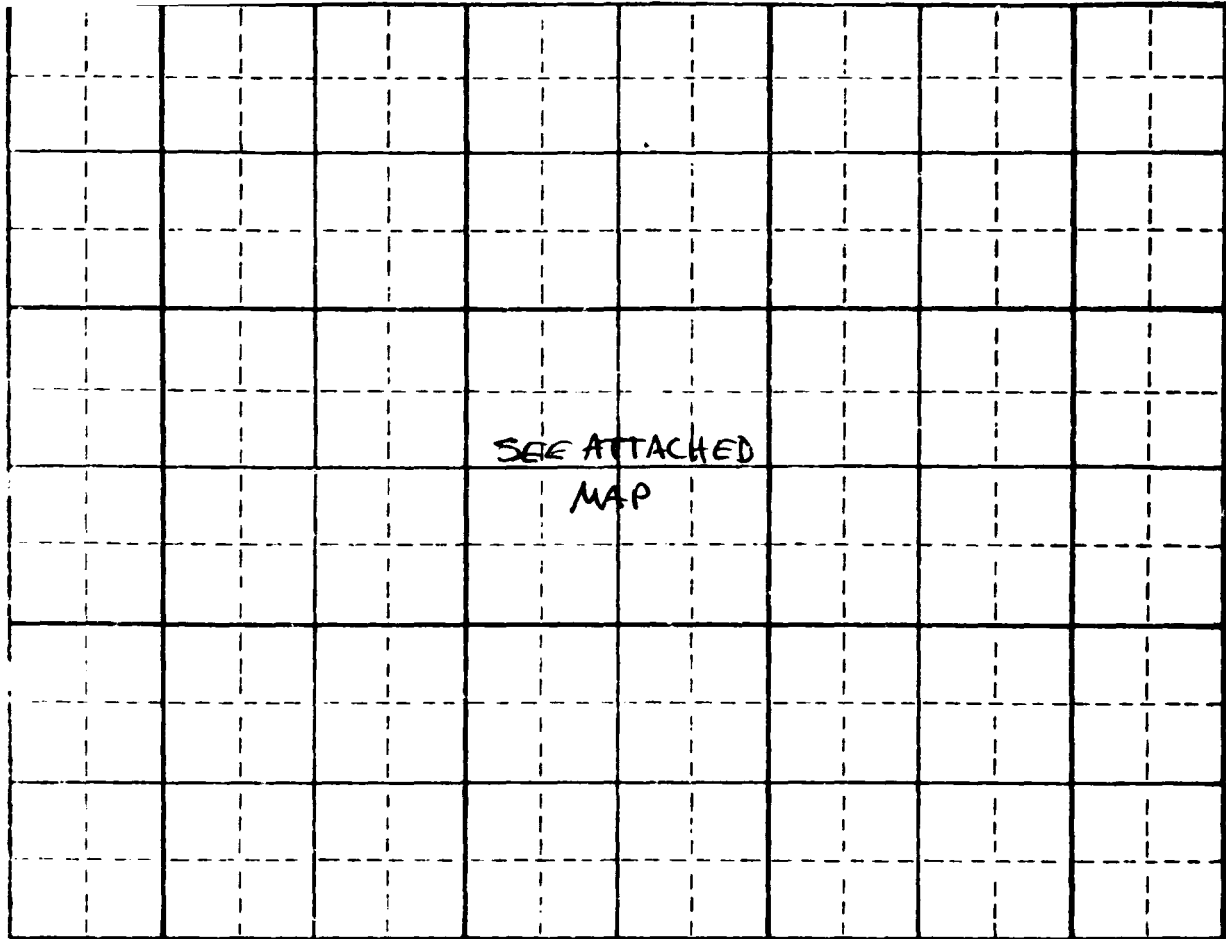
Total 1.58 cfs

240 ac-ft

4/1

11/1

Remarks Note Rediversion pump (SE 1/4 NE 1/4, NE 1/4 SE 1/4 Sec 35 T4N R25E) also rediverts water for 34-7247/34-7096/34-7097. Moore Canal charges 30¢ loss to deliver to Timberlone Canal (aka U.C. Canal) and Timberlone charges an additional 30¢ loss to deliver to rediversion point (Total reduction of 99%).
Use of water under this license is subject to condition of an agreement for exchange with water right 34-0093 from the Big Lost River. The maximum rate of rediversion under this exchange is 0.82 cfs
[1.6 - 99¢ (1.6) = 0.82 cfs] (From Big Lost River)



Point(s) of diversion: System A (well) SW 1/4, SE 1/4 Sec 8 T4N R26E
System B (Rediversion Pump) NE 1/4, SE 1/4, SE 1/4 NE 1/4 Sec 35 T4N R26E

Place(s) of Use LAND B No change

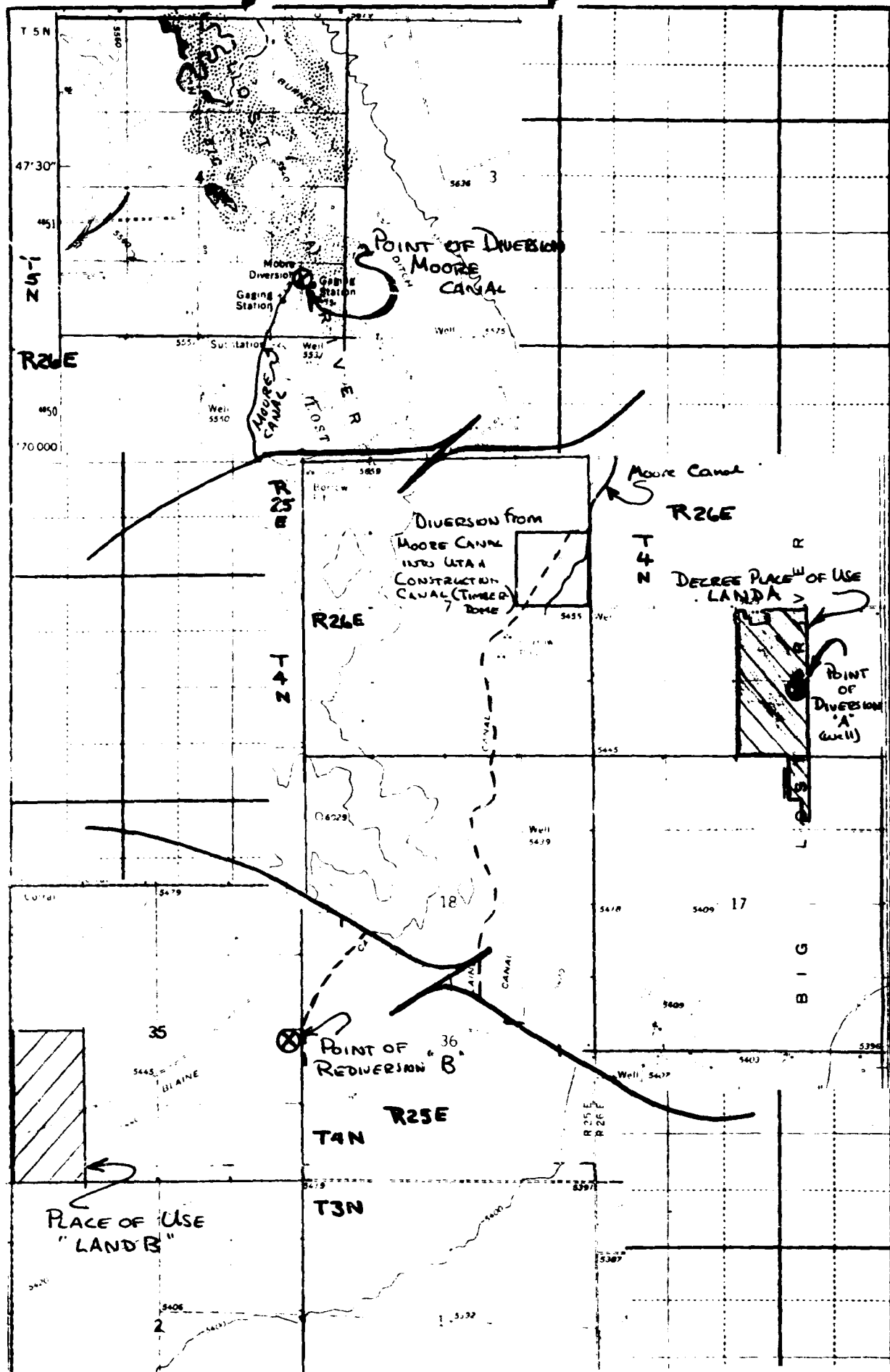
TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4N</u>	<u>26E</u>	<u>35</u>										<u>40</u>	<u>40</u>						<u>80</u>

80

Recommended Amendments:

- Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature Robert C. Wilson Date 4 June 1984
Checked by John Jones Date 9-25-84
Approved by Paul Walker Date 8-5-85



34-7223 Kew

575

REDUCTION
From Timberdome
Canal (H.C. Canal)

PLACE OF
USE
"Land B"

T
4
N

34 35
3 2

T
3
N

R25E

573

REDUCTION

Timberdome

Pr-1

4-2
30

H

128.1

K. S. Pearson
613-8

B
49.5

34-7223 km

REDUCTION
FROM [illegible] [illegible]
[illegible] C. Canada

PLACE OF
USE
"Land B"

T
4
N

T
3
N

R25E

A-473

M.A.

A-2

30

21

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

30

T 42

7 8 18

513

525
34-7096/7097

R2LE

34

34-7223

Point of Direction
Land A

Place of Use
Land A

34-7210
P6

EXCHANGE

PERMIT NO. 34-7223

(Name)

Accompanied by: Kirby J. J. for P/D
Mitchell Sorenson for Relit

EXAMINATION: DATE: 8-16-87

Motor Make	HP	Motor S I No.	Pump Make	Pump Serial No.
GE	40	JNL 107336	Imusth	N/A
GE	150	APT 118135	Harora Verdine	3X3.85955

Measuring Device Type:

Meter # Annubar # 191136 Size # 7.2

Remarks: Relit Pump located on E. 1/4 corner Sec 35 T4N

R26C P/D w/ a SWSE Sec 2 T4N R26E

Measurement calculations:

8.5 x 7.2 x 1.58 = 99.1463

Relit

14.2 x 1.58 = 22.436

30% loss w/ Moore

30% loss w/ Moore
30% loss w/ Moore
30% loss w/ Moore

Or a total
of 49%

SCHEMATIC DIAGRAM OF SYSTEM

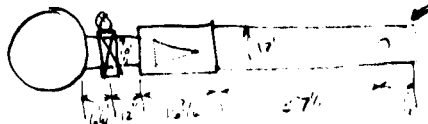
Mainline Diameter Length

Relit Pump



Relit Pump

Diameter of Mainline



MEASURED AT LAND "A" - Jensen's land.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 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	
4N	26E	8											34	40	74
		17		6											6

TOTAL ACRES IRRIGATED LAND "A" 80 acres

FLOW RATE AT DIVERSION ON LAND "A" (SW 1/4 SE 1/4 Sec 8 T4N R26E)

8.5" with 7.981" Annular (#191136) Eagle Eye Meter # 091463

Corrected 8.5" x 0.98 = 8.33"

$$Q_a = \frac{3.85 (7.98)^2 \sqrt{8.33}}{448.8} = 1.58 \text{ cfs} \checkmark$$

$$Q_a = 1.58 \text{ cfs} \checkmark$$

MEASURED AT LAND "B" - Sorensen's land.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 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	
4N	25E	35									40	40			80

TOTAL ACRES IRRIGATED LAND "B" 80 acres

FLOW RATE AT DIVERSION FOR LAND "B"

REDIVERSION Pump 14.2" H₂O corrected Y = 14.2 (1.0395) = 14.7609

$$Q_b = \frac{3.85 (12)^2 \sqrt{14.7609}}{448.8} = 4.74 \text{ cfs}$$

(This pump also supplies water
for 34-7247, 34-7096, 34-7097)
↑ ↑ ↑
Protested permit permit
APR

$$Q_b = 4.74 \text{ cfs}$$

Overlap Review of Rt. 34-7223

A. per terminal 7/24/85:
p/d - 34-0093 -

p/u - 34-7430 - app. Big Lost R. & Antelope Ck.
34-2007 - Antelope Creek - permit
34-0093' - Big Lost River

~~NO OVERLAP~~ 34-0093 - Big Lost River right - used in
exchange for the well water
under 34-7223. No overlap
with 34-7223. Computer record
will be corrected to show
actual use under 34-0093.

~~NO OVERLAP
DUE TO
STAGE~~ 34-7430 - app. - no further review
done.

permit 34-2007 - Antelope Creek, Big Lost River
superseded
by decree Sand & Irr. Co. Inc., 100 cfs.,
p/u overlap. no p/d overlap - p/u overlap,
different source - recommend
✓ R 29 limiting cfs & acre
foot volume.

kw

Jim



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: Ron Carlson and H. W. Jones

FROM: Dave Tuthill DRT

THRU: Bob Fleenor

DATE: March 24, 1983

RE: Exchange of a Decreed Surface Water Right with a Newly Developed Groundwater Permit

~~Note, License 34-7223
prepared in accordance
to the guidelines
given in this memo.~~

SEE 1-10-83
memo

J.m

Given:

Land A has decreed surface water rights. Land B has no water rights. Depth to groundwater near land B is much greater than near land A.

Problem:

Owner of land A desires to develop a groundwater right for land B, but prefers to drill near land A. The owner of land A is willing to exchange decreed surface water rights with the owner of land B on a temporary, but not permanent, basis.

Solution:

The owner of land B must obtain a groundwater permit that shows as point of diversion the actual point where the well is to be drilled near land A. The place of use on the permit should be land B, representing the land to be newly irrigated.

The exchange agreement between the owner of land A and the owner of land B should be made a part of the Department file.

Pursuant to Section 42-105, Idaho Code, "Approval of such exchange shall be obtained by filing an application for permit to appropriate water under the provisions of 42-202, Idaho Code, in the event that water to be exchanged is unappropriated public water, or by filing an application to exchange water as provided in this act in the event the water to be ex-

Ron Carlson and H. W. Jones
March 24, 1983
Page 2

changed has been previously appropriated by the applicant under the constitution or statutes of this state." Therefore, if the exchange is described on the original application for permit, then no additional exchange form is necessary - if not, the Application for Exchange must be submitted by the permit holder.

At the time of licensing, an examination must be made of the rate of flow and the extent of the beneficial use of both surface water on land B, and groundwater on land A. The license should reflect (1) any reduction that the watermaster must apply to the surface water right resulting from increased channel losses due to the exchange, (2) a condition that use of the licensed water right is subject to the terms of the exchange agreement, and (3) the lesser amounts of rate of flow and place of use as found on land A and land B.

For example, assume the following data:

	<u>Rate of Flow</u>	<u>Acres Irrigated</u>
Permit Shows:	2.0 cfs (well near land A)	100 (land B)
Examiner Measures at Land A	1.5 cfs (well near land A)	60 (land A)
Examiner Measures at Land B	1.6 cfs (pump from river near land B)	70 (land B)

The watermaster indicates that the ^{*}increased loss in the river due to the change in point of diversion is 20%, and traditionally 60 acres had been irrigated at land A.

* Perceived 21 river loss is in canal not river. The point of diversion from river is not changed. J.S.
The resulting license would show a place of use of 60 acres within land B, with a diversion from the well near land A of 1.2 cfs (0.02 cfs per acre irrigated from the well). In remarks, the license would show "The use of water under this license is subject to the conditions of an agreement for exchange with water rights from the Big Lost River. The point of diversion of the exchange water is within the LEGAL. The maximum rate of diversion from the Big Lost River under this exchange is 0.96 cubic feet per second." (Note that 0.96 is 1.20 minus the 20% river loss.)

SEE HAND at 1-10-83
SINCE LOSS IS IN CANAL
THIS CONDITION DOES NOT APPLY

August 3, 1985

RE: Permit No. 34-1223

Mitchell Sorensen
Rt. 1, Box 63C
Moore, ID 83255

Dear Permit Holder(s):

A representative of this Department made an examination of the works covered by your Permit No. 34-1223 and has found the following:

Amount of water that can be recognized as beneficially used
under Idaho law: 1.53 cfs Source: groundwater

The maximum quantity diverted shall not exceed 240.0 acre feet
per year.

Point(s) of diversion: SW1/4 SE1/4, Sec. 4, Twp 4N, Rge 26E

Beneficial Use: Irrigation of 80 acres within 41/2 SW1/4, Sec.
35, Twp 4N, Rge 25E

Priority date established: April 16, 1979

Conditions (if any): The use of water under this license is
subject to the conditions of an agreement for exchange with Rt.
34-0093 from the Big Lost River. The p/d of the exchange water
is located on the center line of the SENE & NESE, Sec. 35, Twp
4N, Rge 25E. The max. rate of diversion from the Big Lost River
under Exchange 2354 is 0.82 cfs. A measuring device of a type
approved by this Department shall be maintained as a part of the
diverting works. This right when combined with all other rights
shall provide no more than .02 cfs per acre nor more than 3.0
afa per acre for the lands above.

Permit No. 34-7223

Page 2

If you do not concur with these findings, please contact us within 10 days; otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MEMORANDUM

TO: File 34-7223

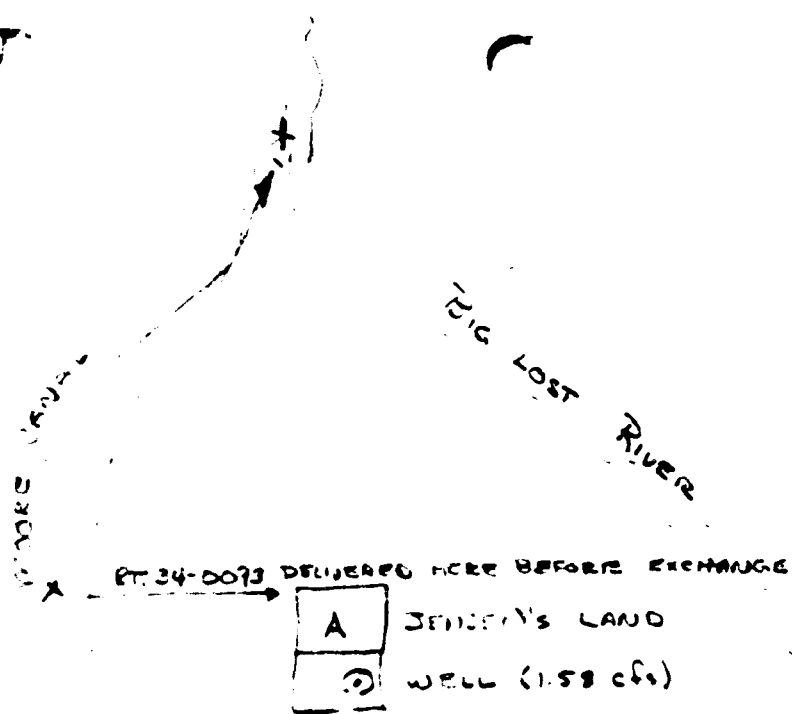
FROM: Jim Johnson *W*

DATE: January 10, 1986

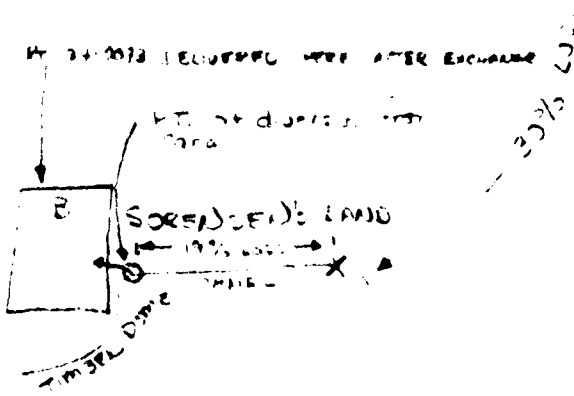
Additional review of the license draft resulted in adjustments to the conditions proposed when it was determined that increased water losses from the water right exchange occurred in canals rather than in the river.

Specifically, the condition shown on the 8/8/85 correspondence "The max. rate of diversion from the Big Lost River under Exchange 2354 is 0.82 cfs" was removed.

Also, the condition "A measuring device of a type approved by the Department shall be maintained as part of the diverting works at the well and at the point of re-diversion from the Big Lost River" was removed because this condition is unnecessary. Measuring devices are a requirement of the exchange approval and to repeat the requirement on the license is an unnecessary duplication. This is also true for the watermaster condition.



Well is owned and
maintained by SORENSEN





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 24, 1986

RE: Permit No. 34-7223

Mitchell Sorensen
Rt. 1, Box 63C
Moore, ID 83255

Dear Mr. Sorensen:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NOS. 5659, 5661 AND 5660) **PRELIMINARY ORDER**
THE NAMES OF M. TODD PERKS AND)
MITCHELL D. SORENSEN RESPECTIVELY)

The sequence of events that resulted in the filing of applications for transfer 5659, 5660, and 5661 is unusual. The transfers reflect the elements of the settlement of a civil suit between Kirby A. Jensen and Sharon W. Jensen, husband and wife and Mitchell D. Sorensen and Elaine R. Sorensen, husband and wife. In this case, the matter was adjudicated in district court, and that decision was appealed to the Idaho Supreme Court. Ultimately, Supreme Court Justice, Byron J. Johnson, retired, agreed to personally mediate a settlement that would allow Sorensens to dismiss their appeal before the Supreme Court. The three referenced transfers are part of this settlement agreement. As part of this settlement M. Todd Perkes and his wife Norma Perkes were to take over Sorensens position in specified water exchange agreements with Kirby Jensen et ux. Under this agreement, water rights were to be exchanged between Perkes and Sorensen.

Application for Transfer, NOS. 5659, 5660, and 5661 were received by the Department of Water Resource (IDWR) on January 10, 2000. After initial IDWR review, notice of the proposed changes was published in the Arco Advertiser on February 17 & March 2, 2000. A protest against the approval of all three applications was received from a group identifying itself as the Big Lost River Water Users Association. Of those signing the protest, only Larman D. Andersen and Joel Andersen appeared at the hearing and were not represented by counsel. Their objections to the changes are reflected as follows:

1. Water Right 34-07035(B) ("T5659") proposes a well just north and west of Larman Andersen's supplemental well. Mr. Andersen believes that

pumping at this location would adversely affect the pumping level in his well.

2. Larman Andersen has a water right on a spring located near Arco. This spring has not produced sufficient water during the "last few years" to fill the Andersen water right. He believes that because the water from the new well will be used outside the "A-Line", this right would not be helped by the recharge from water diverted from the proposed well.
3. The use of water would affect all rights north of the "A-Line".
4. Joel Andersen has a supplemental well in Section 4, east of Mitchell Sorensen's property, and one-half mile south of the "Pump Orchard". This well is less than a quarter of a mile from the location where Sorensen's new well is proposed. The protestants also claim (although not a relevant issue) in this matter that, "Some of these wells have cease and desist orders on them. However, under the Higginson administration they were never enforced. Also the priority on wells was never enforced."

Evidence having been taken, the hearing officer, as a representative of the Director of the Department of Water Resources, enters the following findings of fact, conclusions of law and preliminary order:

FINDINGS OF FACT

1. On January 5, 2000, M. Todd Perkes and Norma Perks, husband and wife, here-in-after Perkes, executed a Quitclaim Deed for Water Rights granting 4.98 cfs of right 34-07035 to Mitchell D. Sorensen and Elaine R. Sorensen, husband and wife, here-in-after Sorensen. Right 34-07035 was originally licensed for 5.62 cfs from ground water, and appurtenant to 561 acres located in the NE1/4 Section 1, Township 3 North, Range 25 East, and the W1/2 and the SE1/4, Section 25, Township 4 North, Range 25 East, B.M. The SRBA Director's report limits the use of this right to 417 acres within the described place of use in any single irrigation season. Based upon this agreement and split, Perkes would retain sufficient water from right 34-0735 (the "A" portion) to irrigate 47.5 acres

within the above described lands. Sorensen would have the right under portion "B" to irrigate 369.5 acres within an 828 acre tract, the description of which will be more specifically identified later in this decision.

2. The portion of water right 34-07035 deeded to Sorensen would be diverted from a new well to be drilled within the SE1/4SE1/4 Section 5, Township 4 North, Range 26 East, B.M. The change proposed in right 34-07035 is the subject of transfer application 5659.

3. On January 7, 2000, Sorensen transferred the ownership of the water rights listed below to Perkes.

4.

34 - 07096A	January 31, 1975	1.84 cfs	79 acres/yr
34 - 07097A	January 31, 1975	1.58 cfs	92 acres/yr
34 - 07223	April 16, 1979	1.58 cfs	80 acres/yr

The Perkes would have the right to annually irrigate 251 acres within their 561 acre described place of use with the rights received from the Sorensens. These three rights are the subject of transfer application 5660.

5. The rights transferred from the Sorensen to the Perks were appurtenant to 828 acres described as being within:

NW1/4	Sec 2 TWP 3N RGE 25E	158 acres
NE1/4	Sec 3 TWP 3N RGE 25E	78 acres
E1/2	Sec 34 TWP 4N RGE 25E	317 acres
W1/2	Sec 35 TWP 4N RGE 25 E	275 acres

Within this described area, right 34-07035, which was transferred to Sorensen could provide water to 369.5 acres or 44.62% of the total acreage. Water rights 34-07096A,

34-07097A and 34-07223, which were transferred from Sorensen to Perkes could supply water to 251 acres, or 30.31% of the total acreage.

The third transfer, 5661, proposes to add a point of diversion within the NE1/4 SE1/4NW1/4 Sec. 5 TWP 4N RGE 26E, B.M. Butte County for right 34-07035(A). And to add a point of diversion within the NE1/4NW1/4NW1/4 Sec 8 TWP 4N Rge 26 E B.M. Butte County for right 34-07122A. The change would make both wells points of diversion for either or both rights owned by Perkes. The Place of use of these two rights contains 561 acres which would remain unchanged by the proposed transfer.

6. The changes specified in the mediated agreement require a change in the ownership of water rights, changes in points of diversion where rights are diverted, but do not change the total acreage irrigated by the combined rights. Sorensen will continue to irrigate 828 acres and Perkes will continue to irrigate 561 acres after the proposed changes have been made.

7. The protestants expressed concern that the new well proposed in application 5659 would interfere with their ground water rights. Joel Andersen has an existing supplemental well that will be approximately 1900 feet northeast ^{of the} proposed Sorensen well. Larman Andersen indicated that his supplemental well was about 4200 feet southeast of the proposed new well. Joeli Andersen said that in 1992, (one of the driest years of record in eastern Idaho), he measured the water level in his well on April 8, 1992 at 26 ft below land surface, on July 10, he measured the pumping level at 67 feet. At that time Joel Andersen had an additional 10 feet of casing added to his well. On August 12, he was unable to get adequate water to pressurize his system.

8. Dr. Charles Brockway, P.E. of Brockway Engineering was hired by the applicants as an expert to determine the impacts that other water users might expect as a result the changes required by the settlement agreement. Dr. Brockway located the wells of Perkes, Andersen and the proposed well of Sorensen as follows:

SUBJECT WELL

APPROXIMATE DISTANCE
FROM THE JOEL ANDERSEN
WELL

Perkes North Well	4500 feet
Perkes South Well	5300 feet
Sorensen Well	1900 feet

Based upon the aquifer characteristics that had been previously determined by a pump test conducted by the USGS, Dr. Brockway compared anticipated pumping drawdown effects on the wells of the protestants under the existing pumping scenario and then after implementation of the proposed changes. The results of these comparisons were submitted in Applicant's Exhibit A. These results indicated that under the existing scenario, without the proposed Sorensen well, the Joel Andersen well is subject to a cumulative draw down in water level of about 8.27 feet after 210 days of continuous pumping. After the change the draw down, at the Joel Andersen well, assuming combined maximum pumping rates comparable to the pre-agreement rates, the protestants could anticipate, after 210 days of pumping, that the Joel Andersen supplemental well could expect to have the water in his well decline approximately one additional foot. Under this worst scenario and drought conditions the pumping level in the Joel Andersen well could not be expected to be greater than 90 feet. It is possible that under an extreme set of circumstances the Joel Andersen well might have to be deepened.

9. Idaho Code § 42-226 provides that, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this (ground water) right shall not block full economic development of underground water resources. Prior appropriators of underground water shall be protected in the maintenance of reasonable ground water

pumping levels as may be established by the director of the department of water resources.

10. ~~Water right owners are entitled to make changes in their water rights pursuant to state law if the changes do not result in an increased use of water, do not injure other water rights, and are in the public interest.~~

11. Exhibits admitted as a part of the hearing record include the following:

- a.) Applicant's Exhibit A - Map showing water right service areas.
- b.) Applicant's Exhibit B - Map showing well locations
- c.) Applicant's Exhibit C - USGA Map showing aquifer test results and groundwater contours
- d.) Applicant's Exhibit D - Brockway impact analysis

CONCLUSIONS OF LAW

1. M. Todd Perkes is the owner of water right 34-07035 and ^{is} ~~was~~ entitled under Idaho Law to apply to change this right pursuant to §42-108 & §42-222, Idaho Code.
2. M. Todd Perkes has the right to apply to add a point of diversion to water rights 34-07035(A) and 34-07122A as requested in application for transfer 5660.
3. Mitchell Sorensen is entitled under Idaho Law to apply to the Idaho Department of Water Resources to change the point of diversion, place of use, or nature of use of water rights 34-07096A, 34-07097A and 34-07223.
4. The applicants are entitled to apply to make changes in their water rights pursuant to state law.
5. The changes proposed in applications for transfer 5659, 5660 and 5661 are in the local public interest, will not injure other water rights, and will not result in an enlargement under these rights.

ORDER

IT IS HEREBY ORDERED that Applications for Transfer 5659, 5660 and 5661 are **APPROVED** subject to the following conditions:

Transfer #5661

Conditions:

1. **Water Right #34-07035A is limited to the irrigation of 47.5 acres within the place of use described above in a single irrigation season.**
2. **Water Right #34-07122A is limited to the irrigation of 561 acres within the place of use described above in a single irrigation season.**
3. **Rights #34-07035A and 34-07122A when combined shall not exceed a total diversion rate of 4.95 cfs, a total annual maximum diversion volume of 1963.5 af at the field headgate, and the irrigation of 561 acres.**
4. **The total instantaneous diversion of water from all points of diversion under Transfer #5661 shall not exceed 4.95 cfs, nor a total combined annual volume of 1963.5 af.**
5. **Approval of Transfer #5661 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.**
6. **Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.**
7. **The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in the manner that will provide the watermaster suitable control of the diversion.**
8. **The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.**
9. **Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.**
10. **Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code**

ORDER

IT IS HEREBY ORDERED that Applications for Transfer 5659, 5660 and 5661 are **APPROVED** subject to the following conditions:

Transfer #5660

Conditions:

1. **Water Right #34-07223 is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.**
2. **Water Right #3407096A is limited to the irrigation of 92 acres within the place of use described above in a single irrigation season.**
3. **Water Right #34-07097A is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.**
4. **Rights #34-07096A, 34-07097A and 34-07223 when combined shall not exceed a total diversion rate of 5.00 cfs, a total annual maximum diversion volume of 878.5 af at the field headgate, and the irrigation of 251 acres.**
5. **The total instantaneous diversion of water from all points of diversion under Transfer #5660 shall not exceed 5.00 cfs, nor a total combined annual volume of 878.5 af.**
6. **Approval of Transfer #5660 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.**
7. **Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.**
8. **The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.**
9. **The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.**
10. **Failure of the right holder comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.**

ORDER

IT IS HEREBY ORDERED that Applications for Transfer 5659, 5660 and 5661 are APPROVED subject to the following conditions:

Transfer #5659

Conditions:

1. Right #34-07035B is limited to the irrigation of 369.5 acres within the place of use described as 828 acres in a single irrigation season.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. Use of water under this right will be regulated by the watermaster of State Water District No. 34, Big Lost River.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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.

DATED this 4th day of June, 2000.

A handwritten signature in black ink, appearing to read "Ronald D. Carlson", written over a horizontal line.

RONALD D CARLSON
Hearing Officer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5660
WATER RIGHT NO(S). 34-07096A/34-07097A/34-07223

This is to certify that: **MITCHELL D SORENSEN**
RT 1 BOX 63-A
MOORE ID 83255

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>DEFINICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-07096A :			
IRRIGATION	04/01 to 10/31	1.84 CFS	322.0 AF
Priority: 01/31/1975			
Right No. 34-07097A :			
IRRIGATION	04/01 to 10/31	1.58 CFS	276.5 AF
Priority: 01/31/1975			
Right No. 34-07223 :			
IRRIGATION	04/01 to 11/01	1.58 CFS	280.0 AF
Priority: 04/16/1979			
TOTAL:		5.00 CFS	878.5 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESWSF , Sec. 8, Township 04N, Range 26E
NWSEW , Sec. 17, Township 04N, Range 26E
BUTTE 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>
03N	25E	1	NENE 33	NWNE 33	SWNE 33	
			SENE 33			132
04N	25E	25	NENW 33	NWNW 33	SWNW 33	
			SENW 40	NESW 40	NWSW 33	
			SWSW 33	SESW 39	NESE 33	
			NWSE 40	SWSE 39	SESE 33	429
Total number of acres irrigated:						561

TRANSFER NO. 5660
WATER RIGHT NO(S). 34-07096A/34-07097A/34-07223

CONDITIONS OF APPROVAL AND REMARKS

Rights 34-07096A, 34-07097A and 34-07223 are subject to the conditions of the Preliminary Order dated 06-06-2000 which has become final in the matter of Application for Transfer 5660.

Dated this 24th day of August, 2000

J. Glen Saxton
Chief, Water Allocation Bureau

WR0631NP

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 08/24/00
TIME: 09:21:56
PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-07223	SORENSEN, MITCHELL	C	04/16/1979	L/	GROUNDWATER	IRR	WR	
X34-07223	PERKES, M TODO	C	04/16/1979	L/	GROUNDWATER	IRR	WR	
34-07223	SORENSEN, MITCHELL D	C	04/16/1979	L/	GROUNDWATER	IRR	AJ	
A34-07223	SORENSEN, MITCHELL D	C	04/16/1979	L/	GROUNDWATER	IRR	AJ	
R34-07223	SORENSEN, MITCHELL D	C	04/16/1979	L/	GROUNDWATER	IRR	AJ	

March 17, 1986

Mitchell Sorensen
Rt. 1, Box 63C1
Moore, ID 83255

Dear Mr. Sorensen:

Re: License No. 34-7223

Returned is the Proof of Beneficial Use form submitted to this office on July 3, 1985. Since this water right is licensed, it is not necessary to have this document to complete the file. Proof was previously submitted on June 2, 1983.

If you have any questions concerning your water right, please feel free to contact the department.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 11, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Doug Rosenkrance
Water District 34
PO Box 53
Mackay, ID 83251

RE: Jensen - Sorensen Water Exchange

Dear Doug:

This letter is in response to the April 4, 1995 letter to you from Mr. Kirby A. Jensen and Mr. Jensen's telephone call to me on May 3, 1995. I understand from Mr. Jensen's telephone call he has very strong feelings about his situation and it is a situation that I have taken very seriously. Accordingly, I have reviewed the situation with both counsel and the acting director of the department to be as certain as I can be that my response correctly reflects the position of the department.

In both his letter and telephone conversation Mr. Jensen requested that decreed surface water rights owned by he and Mr. Doyle Jensen and currently exchanged with Mr. Mitchell Sorensen be reverted to their pre-exchange place of use on the property of the Jensens. His request is based upon his view that the exchange agreement provides for reversion of the decreed water when the water supply from the well(s) is interrupted and that Mr. Sorensen's failure to pay his portion of the electrical costs for pumping has interrupted the water supply.

Our interpretation of the exchange is that you should continue to deliver water according to the exchange, that is, the ground water may be used by Mr. Jensen and the surface water may be used by Mr. Sorensen, unless the ground water becomes physically unavailable to Mr. Jensen. If the ground water is physically unavailable to Mr. Jensen you are authorized, upon request, to deliver the surface water to Mr. Jensen. Disputes over payment of electrical costs for pumping does not make the ground water physically unavailable to Mr. Jensen.

Please let me know if you have questions or concerns.

Yours truly,

David B. Shaw
Adjudication Bureau Chief

cc: Kirby A. Jensen
Mitchell Sorensen

MEMORANDUM

TO: FILE 34-07222
FROM: VAULT
RE: TRANSFER # 5660
DATE: 2/18/00

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 34-07096