



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

RECEIVED

1000 Riverwalk Drive, Suite 200
PO Box 50130
Boise, ID 83745
JAN 31 2008
DEPARTMENT OF
WATER RESOURCES

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January 29, 2008

Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Clerical Errors Regarding Transfer No. 72559 Filed by Mud Lake Water Users, Inc.

Dear Gary:

This letter is a product of our discussion at the City of Ammon Transfer Hearing held on January 16, 2008. At that meeting, I briefly discussed with you the recent discovery of some clerical errors found on the final approved transfer for Mud Lake Water Users' water rights. We request that the Department fix the errors identified in the following paragraphs, in order to correctly document the transfer formally approved by the Department once Mud Lake Water Users agreed to its provisions.

The errors discussed below were discovered as a result of a recently filed Transfer Application regarding Water Rights Nos. 31-331, 31-329 and 31-65. The Application for Transfer number is 73951. This transfer was filed in order to allow Mud Lake Water Users to use a pump which is located behind a dike in Camas Creek. Last year, the Department requested that we file this Application for Transfer in order to add this particular pump as a point of diversion.

In the process of the review of our transfer application, Mr. Dave Carlson discovered that there were errors in the description of three points of diversion. Enclosed with this letter is a portion of the approved transfer for Water Right No. 31-327. The errors are noted on the first page of this document. As you can see, as to the three points of diversion in T6N., the range is incorrectly listed as 34E. The correct range is 35E. We request that this change be made and updated in the Department's records.

The more significant error relates to the omission of approximately 28 points of diversion on every effected Mud Lake Water Users water right, except for Water Right No. 31-11430. In visiting with Mr. Roger Warner, who prepared and finalized this transfer during his employment

Established in 1896

with the Department, he stated that it was the intension of the transfer to include these points of diversion. These points of diversion are associated with artesian wells located in Section 25 of T7N., R35E. We have enclosed a copy of a map we obtained from the Department showing the location of these points of diversion for your reference. We note that the points of diversion listed for Water Right No. 31-11430 are different than the remaining Mud Lake Water Users' water rights. Nevertheless, we have included the water right sheet for Water Right No. 31-11430 (as contained in the approved transfer), in order to point out those points of diversion that should be added to all other Mud Lake Water Users' water rights. The second page of this report contains a box with a label "Artesian Points of Diversion". It is these points of diversion that should be added to all other Mud Lake Water Users' water rights.

As we briefly discussed a few weeks ago, it is our position that this was simply a clerical error, and that this error may be fixed by the Department. We request that it be done, and certainly appreciate your assistance with this matter. If you have any questions or concerns, please let us know. We also recommend that you visit with Mr. Dave Carlson of the Eastern Region office with any further questions or concerns. We are providing him a copy of this letter also.

Sincerely,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

c: Mud Lake Water Users, Inc.

WATER RIGHT NO. 31-327
As Modified by Transfer No. 72559

In accordance with the approval of Transfer No. 72559, Water Right No. 31-327 is now described as follows.

Right Holder: MUD LAKE WATER USERS INC
 1400 E 1500 N
 PO BOX 68
 TERRETON ID 83450

Priority Date: October 14, 1940

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	05/01 to	11/01	110.00 CFS	
IRRIGATION	05/01 to	11/01	110.00 CFS	
			110.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESE	Sec. 2 Twp 06N	Rge 34E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 10 Twp 06N	Rge 34E	JEFFERSON County
GROUND WATER	SWNESE	Sec. 15 Twp 06N	Rge 34E	JEFFERSON County
GROUND WATER	SENWSE	Sec. 13 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NESWSE	Sec. 13 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SENESE	Sec. 23 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SENESE	Sec. 23 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWNESE	Sec. 24 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NENWNE	Sec. 24 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWNWNW	Sec. 24 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWSESW	Sec. 18 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	L1 (NENWNW)	Sec. 19 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	L1 (NWNWNW)	Sec. 19 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	L2 (NESWNW)	Sec. 19 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSENW	Sec. 19 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SENESE	Sec. 22 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWNWSW	Sec. 23 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 23 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SESESW	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SENWSE	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County

ERROR → *CORRECT!* 35 E

WATER RIGHT NO. 31-327
As Modified by Transfer No. 72559

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWSWSE	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NESESE	Sec. 26 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWSESE	Sec. 26 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	NWNWNE	Sec. 27 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SEWNNE	Sec. 27 Twp 07N	Rge 35E	JEFFERSON County
GROUND WATER	SEWNWN	Sec. 36 Twp 07N	Rge 35E	JEFFERSON County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Mud Lake Water Users, Inc.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the Clerk and Recorder of Jefferson County, Idaho. Instrument number 307626.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total diversion rate of 503.21 cfs from May 1 through Nov 1 and a total combined diversion rate of 643.21 cfs from March 1 through April 30 when authorized by an early pumping plan approved by the Watermaster.
8. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (groundwater), 31-2276, (wastewater), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363, (Owlsy Division Surface Water), 31-134, 31-135, 31-143, 31-144, 31-190, 31-192, (Jackett Division Surface Water), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962 (Holley Division Surface Water) when combined shall not exceed the irrigation of 24,261.3 acres in a single irrigation season.
9. Rights 31-327, 31-328, 31-329, and 31-330 when combined shall not exceed a total diversion rate of 200.00 cfs from May 1 through Nov 1.

WATER RIGHT NO. 31-327
As Modified by Transfer No. 72559

CONDITIONS OF APPROVAL

10. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total annual maximum diversion volume of 174,269.3 acre-feet at the field headgate.
11. Rights 31-327, 31-328, 31-329, 31-330, and 31-11430 when combined shall not exceed a total diversion rate of 287.00 cfs from May 1 through Nov 1.
12. Prior to the diversion and use of water under Transfer approval 72559, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
13. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. The well previously used under rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 known as Northlake 1 (or NL 1) located at T07N, R34E, S13, SWSWNE, shall be abandoned in a manner which complies with Department well abandonment rules.
15. This right does not grant any right-of-way or easement across the land of another.
16. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
17. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 31.
18. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of January, 20 07


Acting Administrator, Water Management Division

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-327

WATER RIGHT NUMBER: 31-327

Owner Type Name and Address
Current Owner **MUD LAKE WATER USERS INC**
 1400 E 1500 N
 PO BOX 68
 TERRETON, ID 83450
 (208)663-4359

omitted well (approx. 28)
 located in
 Sec 25 7N 35E

Priority Date: 10/14/1940

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	05/01 to 11/01	110.000 CFS	
IRRIGATION	05/01 to 11/01	110.000 CFS	
	<u>Total Diversion:</u>	110.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NE1/4	Sec. 23, Twp 07N, Rge 34E, B.M.
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4NW1/4NE1/4	Sec. 27, Twp 07N, Rge 35E, B.M.
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 15, Twp 06N, Rge 34E, B.M. - 35E
GROUND WATER	NE1/4SW1/4SE1/4	Sec. 13, Twp 07N, Rge 34E, B.M.
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 23, Twp 07N, Rge 34E, B.M.
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 24, Twp 07N, Rge 34E, B.M.
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	SE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 2, Twp 06N, Rge 34E, B.M. - 35E
GROUND WATER	NW1/4SW1/4SW1/4	Sec. 10, Twp 06N, Rge 34E, B.M. - 35E
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 13, Twp 07N, Rge 34E, B.M.
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 24, Twp 07N, Rge 34E, B.M.
GROUND WATER	SW1/4NW1/4NW1/4	Sec. 24, Twp 07N, Rge 34E, B.M.
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 18, Twp 07N, Rge 35E, B.M.
GROUND WATER	L1 (NE1/4NW1/4NW1/4)	Sec. 19, Twp 07N, Rge 35E, B.M.
GROUND WATER	L1 (NW1/4NW1/4NW1/4)	Sec. 19, Twp 07N, Rge 35E, B.M.
GROUND WATER	L2 (NE1/4SW1/4NW1/4)	Sec. 19, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SE1/4NW1/4	Sec. 19, Twp 07N, Rge 35E, B.M.
GROUND WATER	SE1/4NE1/4SE1/4	Sec. 22, Twp 07N, Rge 35E, B.M.
GROUND WATER	SW1/4NW1/4SW1/4	Sec. 23, Twp 07N, Rge 35E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-327

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 23, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 26, Twp 07N, Rge 35E, B.M.
GROUND WATER	NW1/4SE1/4SE1/4	Sec. 26, Twp 07N, Rge 35E, B.M.
GROUND WATER	SE1/4NW1/4NE1/4	Sec. 27, Twp 07N, Rge 35E, B.M.
GROUND WATER	SE1/4NW1/4NW1/4	Sec. 36, Twp 07N, Rge 35E, B.M.

Place of Use

Total Acres: 24261.3

Conditions of Approval:

1. X50 The well previously used under rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 known as Northlake 1 (or NL 1) located at T07N, R34E, S13, SWSWNE, shall be abandoned in a manner which complies with Department well abandonment rules.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total annual maximum diversion volume of 174,269.3 acre-feet at the field headgate.
5. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (groundwater), 31-2276, (wastewater), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363, (Owlsey Division Surface Water), 31-134, 31-135, 31-143, 31-144, 31-190, 31-192, (Jackett Division Surface Water), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962 (Holley Division Surface Water) when combined shall not exceed the irrigation of 24,261.3 acres in a single irrigation season.
6. T08 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. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 31.
8. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. 129 Place of use is within the area served by Mud Lake Water Users, Inc.
11. Rights 31-327, 31-328, 31-329, 31-330, and 31-11430 when combined shall not exceed a total diversion rate of 287.00 cfs from May 1 through Nov 1.
12. Rights 31-327, 31-328, 31-329, and 31-330 when combined shall not exceed a total diversion rate of 200.00 cfs from May 1 through Nov 1.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-327

13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. X35 Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total diversion rate of 503.21 cfs from May 1 through Nov 1 and a total combined diversion rate of 643.21 cfs from March 1 through April 30 when authorized by an early pumping plan approved by the Watermaster.
15. 131 Prior to the diversion and use of water under Transfer approval 72559, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
16. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
17. C19 The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the Clerk and Recorder of Jefferson County, Idaho. Instrument number 307626.
18. 004 This right does not grant any right-of-way or easement across the land of another.

Remarks:Comments:

84. rwarner 5/12/2006 POD

Comment: Updated shape

85. psdaggs 1/18/2007 3:25:42 PM Transferred Right

Comment: This is now an approved transfer, transfer number = 72559

86. psdaggs 1/22/2007 POD (3X)

Comment: Updated shape from PLS

Dates and Other Information:

Decreed Date: 11/4/2002

Water District Number: 31

Generic Max Rate Per Acre: 0.02

Generic Max Volume Per Acre: 3.5

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	73389.5	

Combined Water Rights: 31-327 , 31-328 , 31-329 , 31-330

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	174269.3	

Combined Water Rights: 31-327 , 31-328 , 31-329 , 31-330 , 31-331 , 31-332 , 31-336B , 31-337B , 31-371 , 31-2239 , 31-2265 , 31-2289 , 31-2290 , 31-2297 , 31-2310 , 31-2317A , 31-2317B , 31-2341 , 31-2342 , 31-2343 , 31-2344 , 31-2345 , 31-7005 , 31-11430 , 31-11432

Combined Water Rights: 31-327 , 31-328 , 31-329 , 31-330 , 31-11430 = 287 cfs

Combined Water Rights: 31-327 , 31-328 , 31-329 , 31-330 = 200 cfs

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-11432

WATER RIGHT NUMBER: 31-11432

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MUD LAKE WATER USERS INC 1400 E 1500 N PO BOX 68 TERRETON, ID 83450 (208)663-4359

Priority Date: 09/03/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	05/01 to 11/01		21,434.00 AF
DIVERSION TO STORAGE	05/01 to 11/01	202.950 CFS	
	<u>Total Diversion:</u>	202.950 CFS	21,434.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 1, Twp 06N, Rge 34E, B.M.
JEFFERSON County	(Rediversion)	
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		

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GROUND WATER	NW1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SW1/4NW1/4	Sec. 2, Twp 06N, Rge 34E, B.M.
JEFFERSON County	(Rediversion)	
GROUND WATER	L4 (NE1/4NW1/4NW1/4)	Sec. 3, Twp 06N, Rge 35E, B.M.
JEFFERSON County	(Rediversion)	
GROUND WATER	L4 (NE1/4NW1/4NW1/4)	Sec. 4, Twp 06N, Rge 35E, B.M.
JEFFERSON County	(Rediversion)	
GROUND WATER	NE1/4SW1/4SE1/4	Sec. 13, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4NE1/4	Sec. 23, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 23, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 24, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 24, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NW1/4NE1/4	Sec. 34, Twp 07N, Rge 34E, B.M.
JEFFERSON County	(Injection)	
GROUND WATER	NW1/4SW1/4SW1/4	Sec. 34, Twp 07N, Rge 34E, B.M.
JEFFERSON County	(Rediversion)	
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County	(Injection)	
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		

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GROUND WATER	SE1/4NW1/4SE1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 13, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NW1/4NW1/4	Sec. 24, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 13, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 18, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	L1 (NE1/4NW1/4NW1/4)	Sec. 19, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	L1 (NW1/4NW1/4NW1/4)	Sec. 19, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	L2 (NE1/4SW1/4NW1/4)	Sec. 19, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 19, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SE1/4NE1/4SE1/4	Sec. 22, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4NW1/4SW1/4	Sec. 23, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 23, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	NE1/4SE1/4SW1/4	Sec. 25, Twp 07N, Rge 35E, B.M.
JEFFERSON County		

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IRRIGATION STORAGE

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
06N	34E	1						X L 1	X L 2			X L 3	X L 4	X L 5			X L 6	X L 7	
06N	34E	2	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X			X	X		X	

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06N 34E 3		X L 1	X L 2		X L 3	X L 4											
06N 34E 12		X	X		X	X											
06N 35E 5			X L 2			X L 3	X L 4	X L 5	X	X L 6							
06N 35E 6		X L 1		X L 2						X L 4	X L 5	X L 3		X L 6	X		
06N 35E 7						X L 1											
07N 34E 25										X L 4	X L 1	X L 2			X L 5		
07N 34E 33		X		X	X						X	X	X	X	X		
07N 34E 34			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07N 34E 35		X		X	X		X	X	X	X	X	X	X	X	X	X	
07N 34E 36			X L 1		X L 2	X	X	X L 3	X L 4	X	X L 5						
07N 35E 29														X	X		
07N 35E 30										X L 4	X			X			
07N 35E 31		X L 1	X L 2		X L 3			X L 4	X L 5								
07N 35E 32		X L 1	X L 2	X L 5	X L 3	X L 4						X L 6		X L 8	X L 7		
07N 35E 33						X	X L 1			X	X						

Conditions of Approval:

1. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total diversion rate of 503.21 cfs from May 1 through Nov 1 and a total combined diversion rate of 643.21 cfs from March 1 through April 30 when authorized by an early pumping plan approved by the Watermaster.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. 129 Place of use is within the boundary of Mud Lake Water Users, Inc.
6. X50 The well previously used under rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 known as Northlake 1 (or NL 1) located at T07N, R34E, S13, SWSWNE, shall be abandoned in a manner which complies with Department well abandonment rules.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total annual maximum diversion volume of 174,269.3 acre-feet at the field headgate.
9. X35 Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (groundwater), 31-2276, (wastewater), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363, (Owlsey Division Surface Water), 31-134, 31-135, 31-143, 31-144, 31-190, 31-192, (Jackett Division Surface Water), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962 (Holley Division Surface Water) when combined shall not exceed the irrigation of 24,261.3 acres in a single irrigation season.
10. Rights 31-11430 and 31-11432 when combined shall not exceed a total annual maximum diversion volume of 21,434 af at the field headgate.
11. Upon submission of a pumping plan by the holders of water rights 31-332, 31-11339, 31-11429, 31-11430, and 31-11432, the Watermaster, under the direction of the Director of the Idaho Department of Water Resources, may authorize irrigation from storage as early as April 1. Any diversion or use of water before May 1 under this remark shall have a priority date of June 5, 1961.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 31.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 131 Prior to the diversion and use of water under Transfer approval 72559, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
16. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
17. R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
18. C19 The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the Clerk and Recorder of Jefferson County, Idaho. Instrument number 307626.

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Remarks:Comments:

1. rwarner 3/2/2006 POD
Comment: Updated shape
98. rwarner 5/4/2006 POD
Comment: Updated shape
99. rwarner 8/24/2006 POU
Comment: Updated PLS
100. pskaggs 1/18/2007 3:27:32 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 72559

Dates and Other Information:

Licensed Date:
Decreed Date: 11/5/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 31
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	174269.3	
Combined Water Rights: 31-327 , 31-328 , 31-329 , 31-330 , 31-331 , 31-332 , 31-336B , 31-337B , 31-371 , 31-2239 , 31-2265 , 31-2289 , 31-2290 , 31-2297 , 31-2310 , 31-2317A , 31-2317B , 31-2341 , 31-2342 , 31-2343 , 31-2344 , 31-2345 , 31-7005 , 31-11430 , 31-11432		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	21434	
Combined Water Rights: 31-11430 , 31-11432		

Water Supply Bank: