

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4942
WATER RIGHT NO(S). 32-04001D/32-07034D

This is to certify that: **BLAINE LARSEN**
P O BOX 188
HAMER ID 83425

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-04001D : IRRIGATION Priority: 02/01/1963	04/15 to 10/15	1.01 CFS	177.5 AF
Right No. 32-07034D : IRRIGATION Priority: 01/02/1996	04/15 to 10/15	0.61 CFS	206.8 AF
TOTAL:		1.62 CFS	384.3 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 8, Township 09N, Range 34E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 34E 8	NESE 27.4	NWSE 27.5	SWSE 27.5	109.8
	SESE 27.4			* 109.8

Total number of acres irrigated:

* 109.8

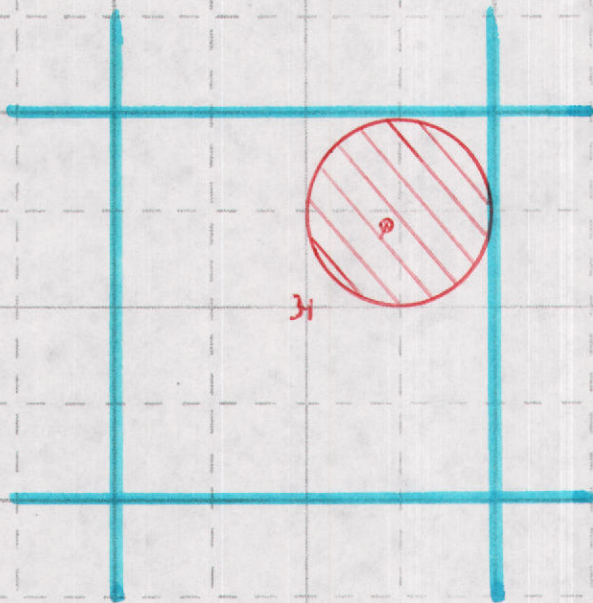
CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

MICROFILMED
MAR 11 1997

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

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

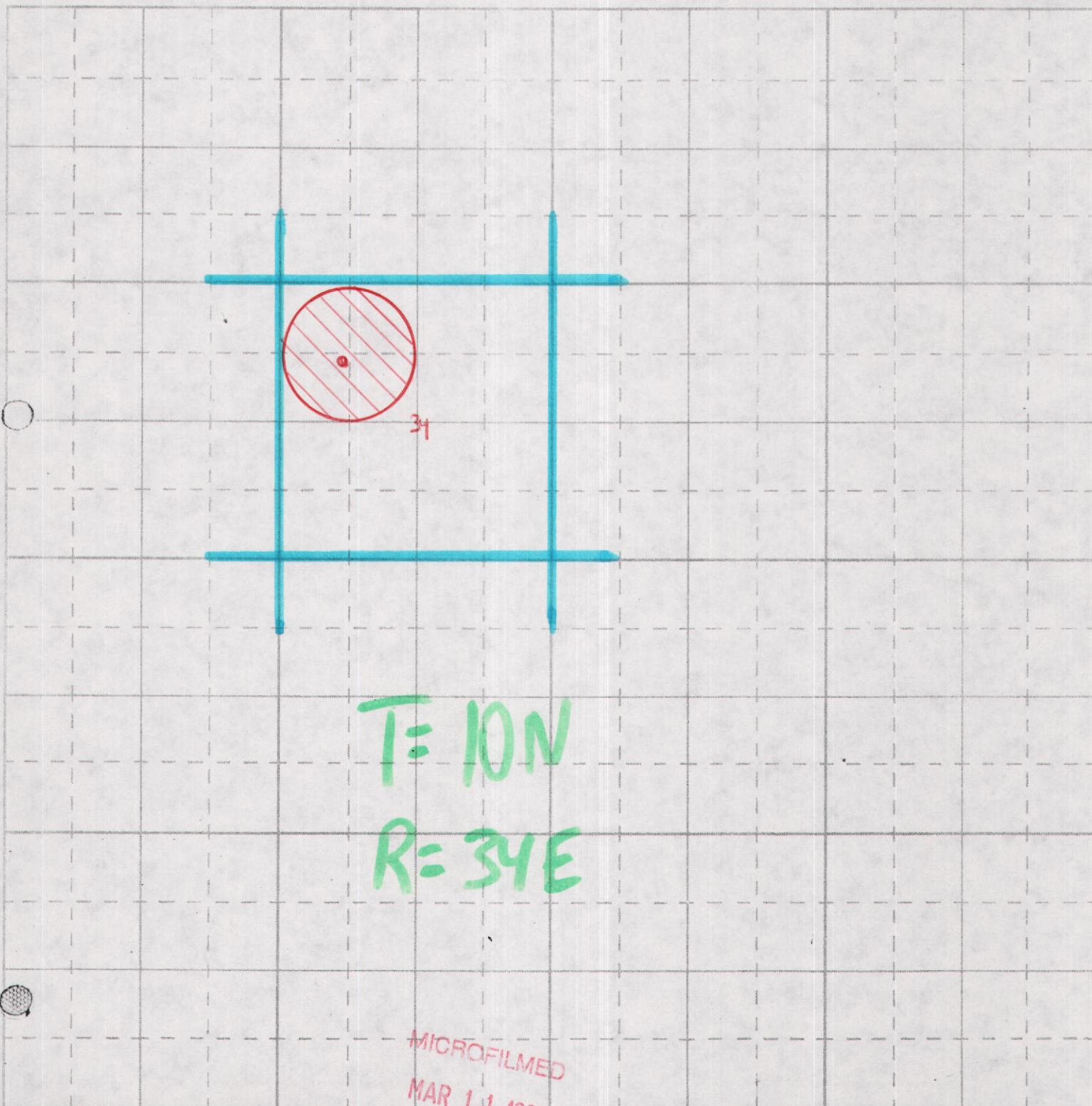


T=10N
R=34E

MICROFILMED
MAR 11 1997

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

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





POINT OF DIVERSION

RECEIVED

OCT 25 1996

Department of Water Resources

Photos Taken 8/12/96

KENTH C. WILSON



MICROFILMED
NOV 04 1996

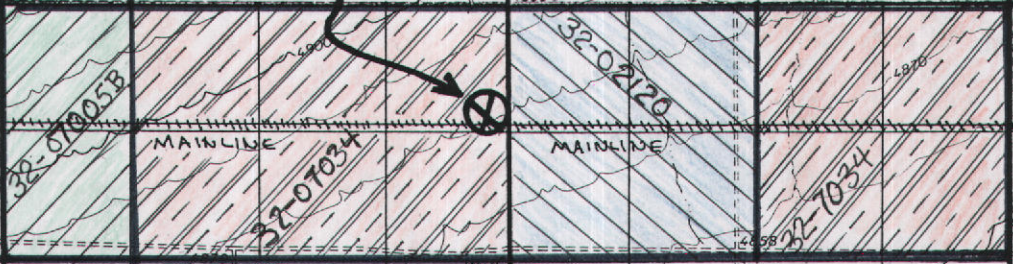
32-7034

R33E

SYSTEM

POINT OF DIVERSION

PLACE OF USE



Valve to stop water from entering this portion of MAINLINE

T9N

T9N

T8N

T8N

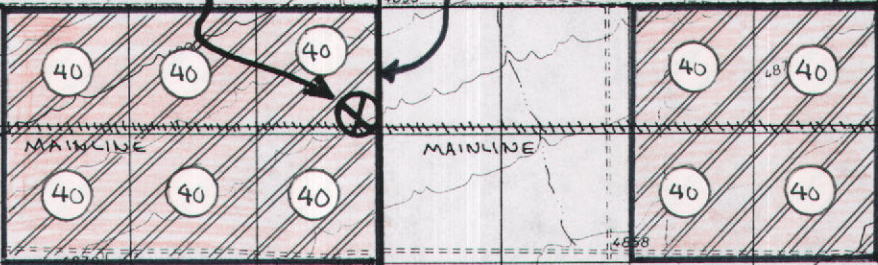
32-07034

MICROFILMED
NOV 04 1996

R33E

POINT OF DIVERSION

PLACE OF USE



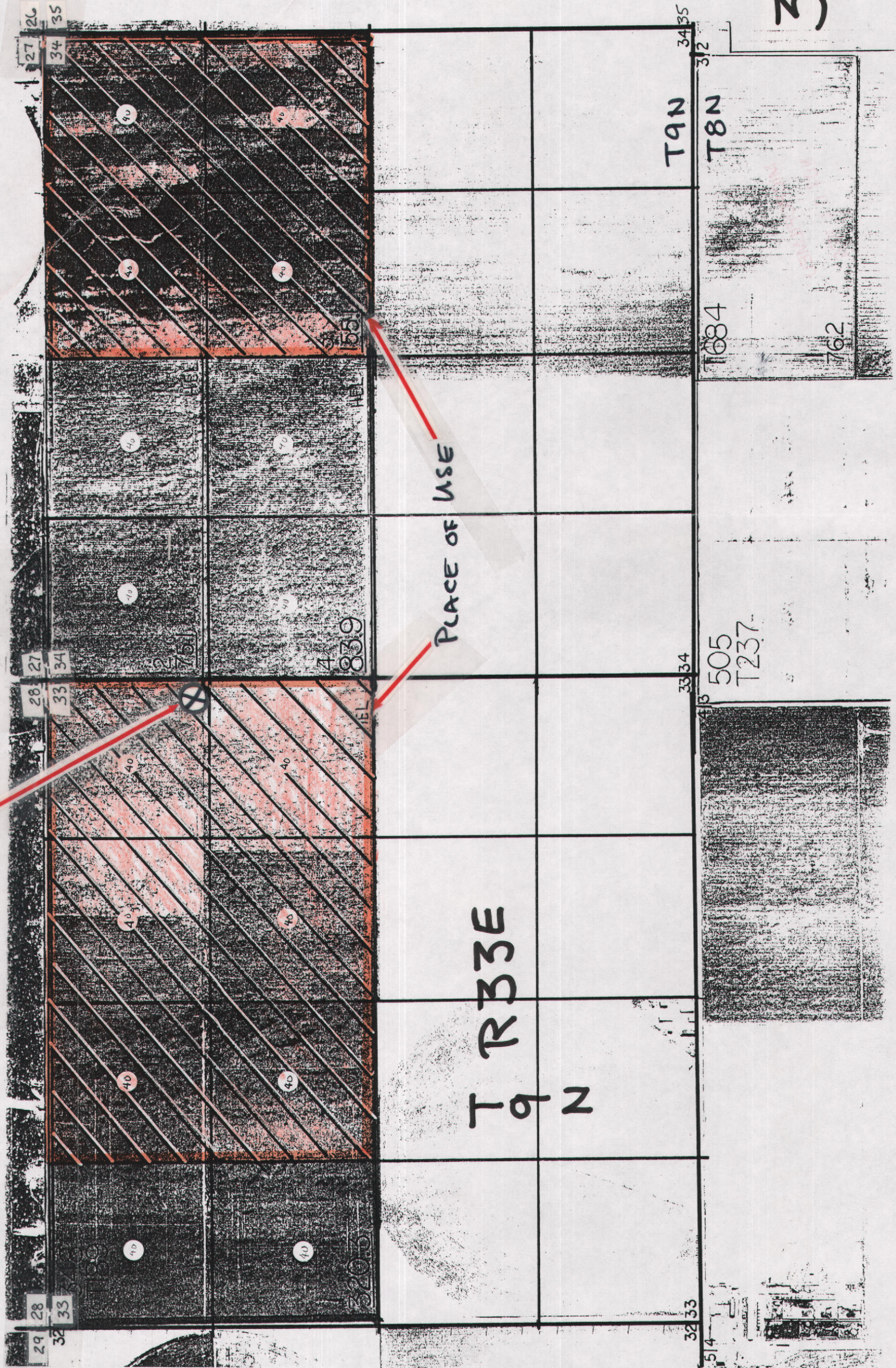
Valve to stop water from entering this portion of MAINLINE

PLACE OF USE RECOMMENDED FOR LICENSE

32-07034

MICROFILMED
NOV 04 1996

POINT OF DIVERSION



32-07034

32 28
32 33

348
T89

40

40

320.3

40

40

40

40

40

40

40

40

40

40

40

40

40

40

4
83.9

2
75.1

5
155.1

HEL

HEL

HEL

HEL

↑ N

R33E

T9N

T8N

33 34

34 35

32 33

505
T237

1684

32-7034

762



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

32-7034
SNAFFLE BIT LAND & LIVESTOCK CO.
MONTEVIEW, ID 83435

September 10, 1987

Dear Permit Holder:

LAPSE NOTICE License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on November 10, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on September 10, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before January 9, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

**NOTICE OF PROPOSED AMENDMENT
OF WATER PERMIT**

Notice is hereby given that Permit No. 32-7034 in the name of Middle Creek Land and Livestock, assigned to Sneath Bit Land and Livestock, was issued for the diversion of 8.00 cfs of water from a ground water source with the point of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 9N, R. 33E, B.M., Clark County, to be used for the irrigation of 400 acres from Apr. 1 to Nov. 1 within the SW $\frac{1}{4}$, Sec. 32, NE $\frac{1}{4}$, Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35, T. 9N, R. 33E, B.M.

The permit holder now proposes to amend Permit No. 32-7034 changing the place of use to the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 33, NE $\frac{1}{4}$, Sec. 34, T. 9N, R. 33E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1615 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 26, 1978.

A. KEITH HIGGINSON
Director

Published in the Enterprise Citizen,
Rexburg, Idaho, on April 6 and April
16, 1978.

Proof of Publication

RECEIVED

APR 19 1976

Department of Water Resources
-Eastern District Office

STATE OF IDAHO }
County of Clark } ss.

Terry T. Weatherston being
first duly sworn, deposes and says that he is the
printer of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That
the amending of water permit,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for
two consecutive weeks, first publication
having been made on the 8 day of
April, 19 76 and the last
publication having been made on the 15
day of April, 19 76.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

Terry T. Weatherston

SUBSCRIBED AND SWORN TO before me

this 16 day of April, A.D. 1976

John C. Pater
Notary Public.

My commission expires August 5, 19 77

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit
No. 32-7034 in the name of Middle
Creek Land and Livestock, assigned
to Snaffle Bit Land and Livestock, was

issued for the diversion of 8.00 cfs of
water from a ground water source
with the point of diversion within the
NE 1/4 Sec. 33, T. 34N, R. 33E,
S.M., Clark County, to be used for the
irrigation of 400 acres from Apr. 1 to
Nov. 1 within the SW 1/4, Sec. 32, NE 1/4,
Sec. 34, W 1/2 NW 1/4, Sec. 35, T. 34N, R.
33E, S.M.

The permit holder now proposes to
amend Permit No. 32-7034 changing
the place of use to the NE 1/4, E 1/2 NW 1/4,
Sec. 33, NE 1/4, Sec. 34, T. 34N, R. 33E,
S.M.

Any protest to the proposed
amending of the permit must be filed
with the Idaho Department of Water
Resources, 1515 Lincoln Road, Idaho
Falls, Idaho, 83401, on or before April
28, 1976.

A. KEITH HIGGINSCH
Director

Published in the Enterprise Citizen,
Rexburg, Idaho, on April 8 and April
15, 1976.

WATER RIGHT
NUMBER

NAME

CFS

32-07034

SEE PARTS A/T#4943, B/T#4941, C/T#4940, D/T#4942, E/T#4928.

32-07034A LARSEN , BLAINE

0.73

32-07034B LARSEN , BLAINE

1.29

32-07034C LARSEN , BLAINE

1.29

32-07034D LARSEN , BLAINE

0.61

32-07034E LARSEN , BLAINE

0.18

10300-1400
Rak 1/1/97

PART E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4928
WATER RIGHT NO(S). 32-02120A/32-07022AF/32-07034E

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-02120A :			
IRRIGATION	04/15 to 10/15	0.73 CFS	128.5 AF
Priority: 11/05/1965			
Right No. 32-07022AF:			
IRRIGATION	04/15 to 10/15	0.94 CFS	227.8 AF
Priority: 03/29/1984			
Right No. 32-07034E :			
IRRIGATION	04/15 to 10/15	0.18 CFS	62.6 AF
Priority: 01/02/1996			
	TOTAL:	1.85 CFS	418.9 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SENW, Sec. 10, Township 09N, Range 34E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	34E	10	NESW 31.6	NWSW 31.5	SWSW 31.5	119.6
			SESW 25			

Total number of acres irrigated: * 119.6

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

RECORDED

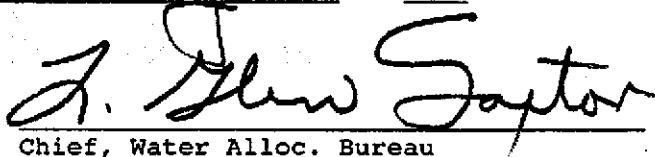
MAR 11 1997

TRANSFER NO. 4928
WATER RIGHT NO(S). 32-02120A/32-07022AF/32-07034E

CONDITIONS OF APPROVAL AND REMARKS

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The portion of Right No. 32-07022AF in excess of Right No. 32-07022AE and this transfer approval in the amount of 0.36 cfs shall be considered abandoned through approval of Transfer No. 4928.
- * 7. Right No. 32-02120A is limited to the irrigation of 36.7 acres in the place of use described above in a single irrigation season.
- * 8. Right No. 32-07022AF is limited to the irrigation of 65.1 acres in the place of use described above in a single irrigation season.
- * 9. Right No. 32-07034E is limited to the irrigation of 17.9 acres in the place of use described above in a single irrigation season.
10. The combined limits under Right Nos. 32-07022AE, 32-07056A and 32-07093A are also changed through approval of Transfer No. 4928. These rights when combined are limited to a total combined diversion rate of 6.89 cfs, a total combined annual diversion volume of 1649.9 af and the total combined irrigation of 471.4 acres in a single irrigation season.

Dated this 27th day of February, 1997.


Chief, Water Alloc. Bureau

MICROFILMED

MAR 11 1997

Part D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4942
WATER RIGHT NO(S). 32-04001D/32-07034D

This is to certify that: **BLAINE LARSEN**
P O BOX 188
HAMER ID 83425

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-04001D : IRRIGATION Priority: 02/01/1963	04/15 to 10/15	1.01 CFS	177.5 AF
Right No. 32-07034D : IRRIGATION Priority: 01/02/1996	04/15 to 10/15	0.61 CFS	206.8 AF
TOTAL:		1.62 CFS	384.3 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 8, Township 09N, Range 34E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	34E	8	NESE 27.4	NWSE 27.5	SWSE 27.5	109.8
						* 109.8

Total number of acres irrigated:

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

APPROVED

TRANSFER NO. 4942
WATER RIGHT NO(S). 32-04001D/32-07034D

CONDITIONS OF APPROVAL AND REMARKS

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the amount of water diverted to the department.
7. Approval of Transfer Nos. 4929, 4931, and 4942 limits total irrigation under Right No. 32-04001, parts A through D, to 304 acres and a total combined diversion rate of 6.08 cfs.
8. Approval of this transfer in no way confirms the right claimed under Right No. 32-04001D.
- * 9. Right No. 32-04001D is limited to irrigation of 50.7 acres in the place of use described above in a single irrigation season.
- * 10. Right No. 32-07034D is limited to irrigation of 59.1 acres in the place of use described above in a single irrigation season.

Dated this 21st day of February, 1997.


Chief, Water Alloc. Bureau

RECEIVED

FEB 21 1997

part C

TRANSFER OF WATER RIGHT

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.29 CFS	440.3 AF

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 34, Township 10N, Range 34E
CLARK County

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	34E	34	NENE 31.4	NWNE 31.5	SWNE 31.5	
			SENE 31.4			125.8
			Total number of acres irrigated:			125.8

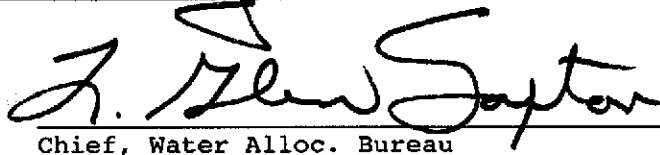
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4940
WATER RIGHT NO. 32-07034C

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Dated this 27th day of February, 1997.


Chief, Water Alloc. Bureau

PART 1**6. General Information:**

- a. Description of diversion system Groundwater well to a center pivot.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
It will be dried up, no longer irrigated.
- d. Remarks:
In a series of (5) transfers, all of water right 32-07034 will be transferred away from its current place of use. The other transfers are as follows: 30B---17.9ac. at .36cfs, Pivot 201---71.4ac at 1.43cfs, Pivot 202---125.8ac. at 2.52cfs, Pivot 206---59.1ac. at 1.17cfs.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

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

MICROFILMED

MAR 11 1977

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

PART 2

(Attach one copy for each right) See attached proof of water right 32-07034.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED

Total acres _____

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

WR5809NP
No. 32-07034

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/01/96
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SNAFFLE BIT LAND & LIVESTOCK CO	01/02/1996	IRRIGATION	04/01 11/01	4.10 CFS	

TOTAL DIVERSION: 4.10 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: ~~PERMIT~~

RECOMMEND
FOR
LICENSE

Point(s) of Diversion: T09N R33E S33

NENE

P/D OK

CLARK County

Point of Diversion Name(s):

Name

Rate

Number

P/u OK

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09N	33E	33	40		40		40		40		40		40												240.0
09N	33E	34	40		40		40																		160.0
TOTAL ACRES																							400.0		

Pou County: CLARK

Dates: App. Received: 04/07/1975 Priority Date: 01/02/1996 (Priority Date Advanced.)
Proof Due Date: 05/01/1980 Proof Made Date: 01/02/1996 (Proof Received Late.)
Exam Made Date: 08/12/1996 Exam Sent to S.O.: 09/16/1996
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 10/27/88 NOEDIT 01/15/92 REG-CODE 03/08/96 SCURTIS 03/08/96 COMMENTS
03/08/96 SCURTIS 09/16/96 KWILSON

RECEIVED
SEP 11 1996

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

No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 32-07034

1.29

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

1. amount 2.52cfs for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	33	9N	33E	Clark	G.S. Clark

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	33E	33								24.9									24.9
9N	33E	34	40	40	20.9														100.9

Total acres 125.8

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) See remarks Part 1 B.6.D.

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

2. Point(s) of Diversion:

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

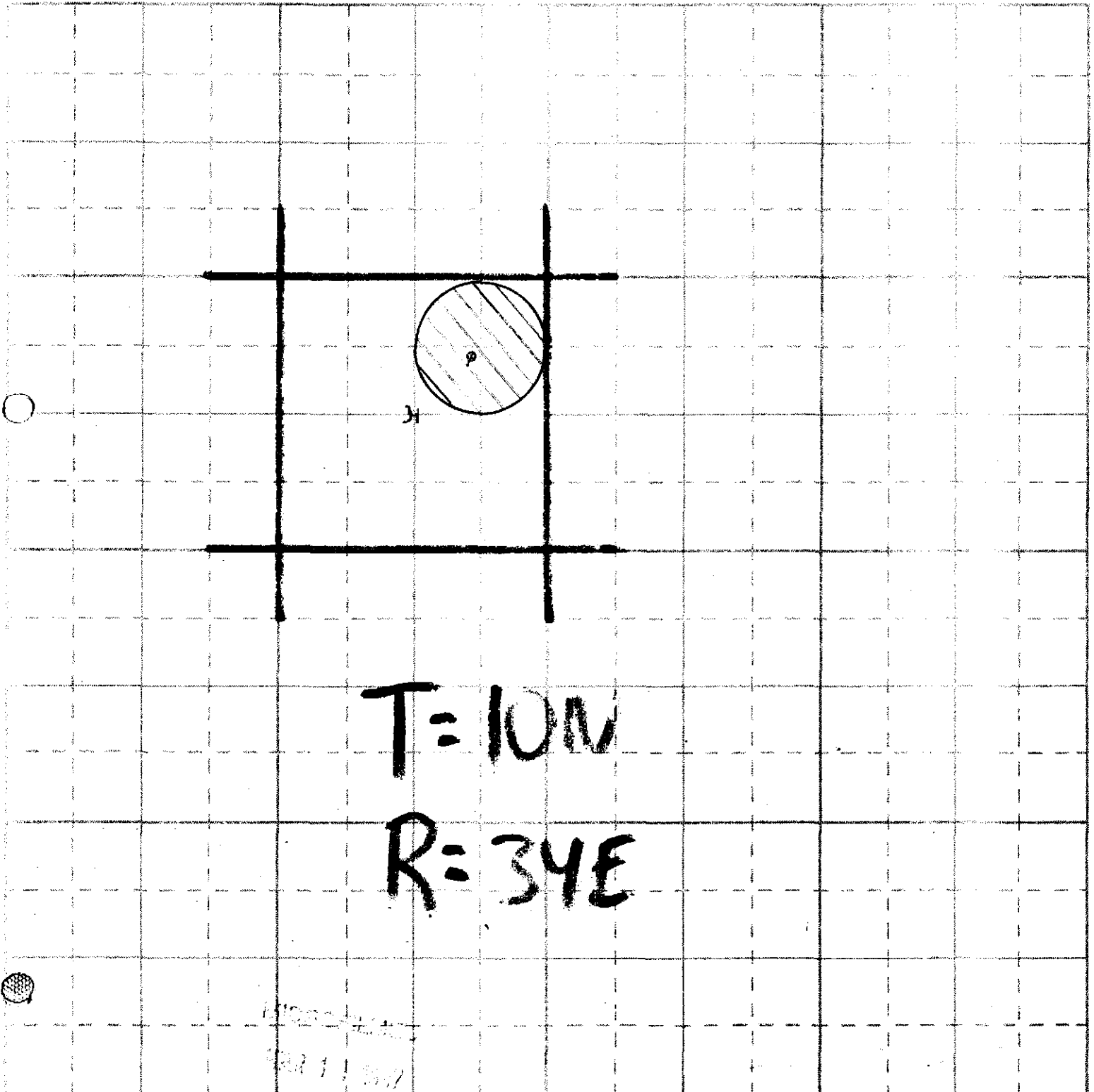
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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



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

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

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

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

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

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

Blaine Larsen
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of May, 19 96.

Mike Campbell
(Notary Public)

My commission expires 4/17/2002

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Kaw Date 5/17/96 Protest filed by _____Prelim. check by Kaw Fee \$100.00 # E022176Receipted by Kaw Date 5/17/96

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

RECEIVED
MAY 17 1996

FIRST AMERICAN TITLE

C 18643

46576

ORIGINAL

MORTGAGE

This mortgage is made April 1, 1996, between GARNER E. SIMMONS and JOYCE S. SIMMONS, husband and wife, dealing with their community property, and who reside at 133 N. Third East, Teton, Idaho, herein referred to collectively as mortgagor, and BLAINE LARSEN, herein referred to as mortgagee.

The purpose of this mortgage is to secure an indebtedness owed by mortgagor to mortgagee reflected in that certain Promissory Note of even date herewith and executed by mortgagor in favor of mortgagee. Said indebtedness as set forth in said Promissory Note and inclusive of principal and interest is due and payable in a single lump sum payment not later than January 1, 1997.

Mortgagor, in consideration of the above-stated obligation, hereby mortgages to mortgagee all of the following described property in Clark County, State of Idaho:

Township 9 North, Range 33 East of the Boise Meridian, Idaho:

Section 33: N1/2 - Excepting therefrom: Public road right-of-way along the North side of said property.

Section 34: N1/2 - Excepting therefrom: Public road right-of-way along North side of property.

Subject to a perpetual easement for the operation and maintenance of an irrigation well on the following described property:

Commencing at the Southeast Corner of the NE1/4 of Section 33, Township 9 North, Range 33 E, Boise Meridian, and running thence W 75 feet; thence N 150 feet; thence E 150 feet; thence S 150 feet; thence W 75 feet to the point of beginning.

Together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, and all water rights pertaining thereto.

Mortgagor covenants and agrees as follows:

SECTION ONE
PAYMENT OF INDEBTEDNESS

Mortgagor shall pay the indebtedness as hereinbefore provided and according to the terms of the Promissory Note referenced herein.

MICROFILMED

MAR 11 1997

46576

Microfilm No. 4 Day April 19 96
At 15:52 O'clock P.M.
JOANN S. TAVENNER
Clark Co. Recorder
Fee \$ 15.00

46576

SECTION TWO
WARRANTY OF OWNERSHIP

Mortgagor warrants that they are lawfully seised of the above described property in fee simple, subject only to certain power line easements, unpaid taxes, and oil, gas and mineral rights which appear of record.

SECTION THREE
TAXES AND ASSESSMENTS

Mortgagor shall pay all taxes and assessments. In default thereof, mortgagee may pay such taxes and assessments and mortgagor shall reimburse mortgagee therefor.

SECTION FOUR
REMOVAL OR DEMOLITION OF BUILDINGS

No building on the premises shall be removed or demolished without mortgagee's consent.

SECTION FIVE
ACCELERATION OF PRINCIPAL AND INTEREST

The full amount of the principal sum and interest shall become due at the option of mortgagee after default in the payment of any instalment of principal or of interest under the terms of the Promissory Note referenced herein; or after default in the payment of any tax or assessment for 120 days after notice to mortgagor by mortgagee, and demand by mortgagee for payment from mortgagor.

SECTION SIX
APPOINTMENT OF RECEIVER

The holder of this mortgage, in any action to foreclose it, shall be entitled to the appointment of a receiver.

SECTION SEVEN
SALE ON FORECLOSURE

In case of a foreclosure sale, the premises, or so much thereof as may be affected by this mortgage, shall be sold pursuant to the provisions of Idaho Code section 6-101 et seq, in effect on the date of this mortgage.

46576

**SECTION EIGHT
PAYMENT OF EXPENSES**

If any action or proceeding is commenced, except an action to foreclose this mortgage or to collect the debt secured hereby, in which it is necessary to defend or assert the lien of this mortgage, whether or not the mortgagee is made or becomes a party to any such action or proceeding, all of mortgagee's expenses incurred in any such action or proceeding to prosecute or defend the rights and lien created by this mortgage, including reasonable counsel fees, shall be paid by mortgagor, and if not so paid promptly on request, shall be added to the debts secured hereby and become a lien on the mortgaged premises, and shall be deemed to be fully secured by this mortgage, and shall bear interest at the rate provided for the obligations secured hereby. This covenant shall not govern or affect any action or proceeding to foreclose this mortgage or to recover or to collect the debt secured hereby, which action or proceeding shall be governed by the provisions of law respecting the recovery of costs, disbursements, and allowances in foreclosure actions.

**SECTION NINE
CONDEMNATION OF PREMISES**

If the premises or any part thereof shall be condemned and taken under the power of eminent domain, or if any award for any change of grade of streets affecting the premises shall be made, all damages and awards for the property so taken or damaged shall be paid to the holder of this mortgage, up to the amount then unpaid on the indebtedness hereby secured, without regard to whether or not the balance remaining unpaid on the indebtedness may then be due and payable; and the amount so paid shall be credited against the indebtedness and, if it is insufficient to pay the entire amount thereof, it may, at the option of the holder of this mortgage, be applied to the last maturing installment. The balance of such damages and awards, if any, shall be paid to mortgagor. Mortgagee and subsequent holders of this mortgage are hereby given full power, right, and authority to receive and receipt for all such damages and awards.

**SECTION TEN
BANKRUPTCY**

If mortgagor or any obligor on the note secured hereby:
(1) files a voluntary petition in bankruptcy under the Bankruptcy Act of the United States, or (2) is adjudicated a bankrupt under such act, or (3) is the subject of a petition filed in federal or state court for the appointment of a trustee or receiver in bankruptcy or insolvency, or (4) makes a general assignment for the

3- MORTGAGE

MAY 11 1997

46576

benefit of creditors, then and on the occurrence of any of such conditions, at the option of mortgagee, the entire balance of the principal sum secured hereby, together with all accrued interest thereon, shall become immediately due and payable.

SECTION ELEVEN
WASTE

Mortgagor shall not commit, suffer, or permit any waste, impairment, or deterioration of the premises or of any improvement thereon and shall maintain the premises and all improvements thereon in good condition and repair. If mortgagor fails or neglects to make any necessary repair or replacement in any improvement for 90 days after notice to do so from mortgagee, mortgagee may effect such repair or replacement and the cost thereof shall be added to the debt secured hereby, shall bear interest at the rate provided in the note secured hereby, and shall be covered by this mortgage and the lien hereof.

SECTION TWELVE
COMPLIANCE WITH LAWS AND REGULATIONS

Mortgagor shall comply with all statutes, ordinances, and governmental requirements that affect the premises. If mortgagor neglects or refuses to so comply and such failure or refusal continues for 90 days, then, at mortgagee's option, the entire balance of the principal sum secured hereby, together with all accrued interest, shall become immediately due and payable.

Wherever the sense of this mortgage so requires, the word "mortgagor" shall be construed as if read "mortgagors" and the word "mortgagee" shall be construed as if it read "mortgagees". The word "holder" shall include any payee of the indebtedness hereby secured or any transferee thereof whether by operation of law or otherwise. Unless otherwise provided, any notice and demand or request specified in this mortgage shall be made in writing and may be served in person or by mail.

In witness whereof, this mortgage has been duly executed by mortgagor the day and year first written above.


GARNER E. SIMMONS

JOYCE S. SIMMONS

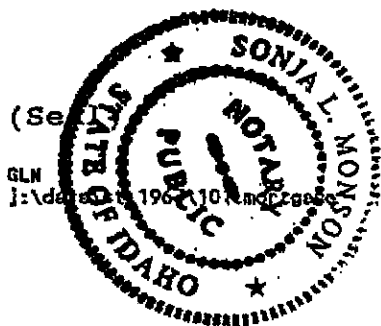
46576

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
County of JEFFERSON)

On this ^{3rd day} 1st day of April in the year of 1996 before me a Notary Public, personally appeared GARNER E. SIMMONS and JOYCE S. SIMMONS, husband and wife, known or identified 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.



Sonia L. Monson
Notary Public for IDAHO
Residing at: IDAHO FALLS ID
My Commission Expires: 07-17-96

5- MORTGAGE

RECORDED
APR 11 1997

Part B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4941
WATER RIGHT NO. 32-07034B

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.29 CFS	440.3 AF

SOURCE

GROUNDWATER

Priority: 01/02/1996

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 34, Township 10N, Range 34E
CLARK 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>
10N	34E	34	NENW 31.4	NWNW 31.5	SWNW 31.5	125.8
			SEnw 31.4			125.8
Total number of acres irrigated:						125.8

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

RECEIVED
FBI 11 2007

TRANSFER NO. 4941
WATER RIGHT NO. 32-07034B

CONDITIONS OF APPROVAL AND REMARKS

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Dated this 27th day of February, 1997.

J. Glen Saylor
Chief, Water Alloc. Bureau

RECORDED
6/11/97

RECEIVED

Page _____ of _____

STATE OF IDAHO

Transfer No. 4941

MAY 17 1996

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources

Eastern District Office

PART 1

2-7-97
6.0.

Name of applicant Blaine Larsen Phone (208) 662-5501

Post Office address P.O. Box 188, Hamer, ID 83425

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe the reason for the proposed changes The ground being transferred to, currently has no water rights. This transfer will allow for a center pivot to irrigate the ground and produce a viable crop.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-------------------|-----------------|-------------------------------|-------------------|------------------------------|
| <u>32-07034 F</u> | <u>01/02/96</u> | <u>2.52cfs</u>
<u>1.29</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | <u>1.29</u> | _____ | _____ to _____ |
- Total amount of water being transferred 2.52cfs cubic feet per second and/or 440.3AF acre-feet per annum.
- Source of water Groundwater tributary to _____
- Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	34	10N	34E	Clark	Pivot 202.

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	34E	34					31.4	31.5	31.5	31.4									125.8

MICROFILMED
MAR 11 1997

Total acres 125.8

Pivot 202

PART 1**6. General Information:**

a. Description of diversion system Groundwater well to a center pivot.

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

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

It will be dried up, no longer irrigated.

d. Remarks:

In a series of (5) transfers, all of water right 32-07034 will be transferred away
from its current place of use. The other transfers are as follows: 30B---17.9ac. at
.36cfs, Pivot 201---71.4ac. at 1.43cfs, Pivot 203---125.8ac. at 2.52cfs, Pivot 206---59.1
at 1.17cfs.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

MAR 11 1997

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

PART 2

(Attach one copy for each right)

See attached proof of water right 32-07034.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED

Total acres _____

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

MAR 11 1997

WR5809NP
No. 32-07034

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/01/96
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SNAFFLE BIT LAND & LIVESTOCK CO	01/02/1996	IRRIGATION	04/01 11/01	4.10 CFS	
TOTAL DIVERSION:					4.10 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: ~~PERMIT~~

RECOMMEND
FOR
LICENSE

Point(s) of Diversion: T09N R33E S33

NENE

Ph OK

CLARK County

Point of Diversion Name(s):

Name

Rate

Number

Ph OK

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
09N	33E	33	:	40		40		:	40			40	:					:						240.0
09N	33E	34	:	40		40		:					:					:						160.0
TOTAL ACRES																							400.0	

Pou County: CLARK

Dates: App. Received: 04/07/1975 Priority Date: 01/02/1996 (Priority Date Advanced.)
Proof Due Date: 05/01/1980 Proof Made Date: 01/02/1996 (Proof Received Late.)
Exam Made Date: 08/12/1996 Exam Sent to S.O.: 09/16/1996
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 10/27/88 NOEDIT 01/15/92 REG-CODE 03/08/96 SCURTIS 03/08/96 COMMENTS
03/08/96 SCURTIS 09/16/96 KWILSON

MICROFILMED
MAR 11 1997

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

No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 32-07034

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

1. amount ^{1.29}~~2.52~~cfs for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	33	9N	33E	Clark	G.S. Clark

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	33E	33			30.7	40	40			15.1									125.8

Total acres 125.8

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) See remarks Part 1 B.6.D.

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

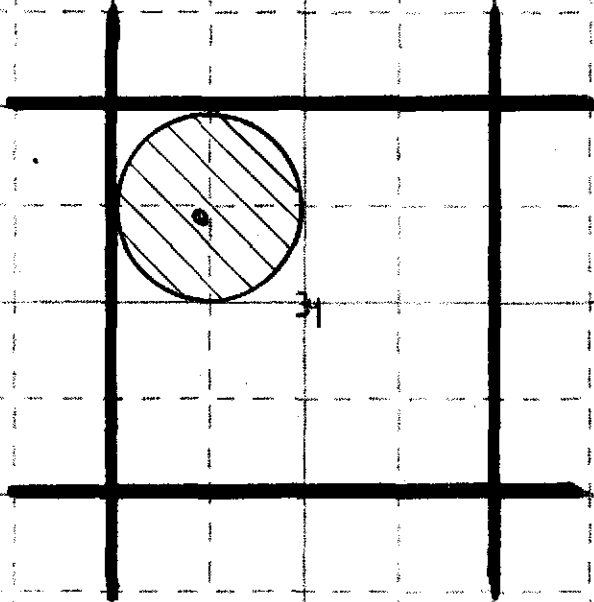
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

MAILED
MAR 1 1937

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

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



T= 10N
R= 34E

MICROFILMED
MAR 14 1997

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

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

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

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

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

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

Blaine Larsen
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of May, 1996.

Mike Campbell
(Notary Public)

My commission expires 4/17/2002

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by KCW Date 5/17/96 Protest filed by _____

Prelim. check by KCW Fee 101⁰⁰ #E022176

Receipted by KCW Date 5/17/96

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by KAC

Copy of transfer sent to lien holder _____

MICROFILMED
MAR 11 1997

FIRST AMERICAN TITLE

C 18643

46576

ORIGINAL

MORTGAGE

This mortgage is made April 1, 1996, between GARNER E. SIMMONS and JOYCE S. SIMMONS, husband and wife, dealing with their community property, and who reside at 133 N. Third East, Teton, Idaho, herein referred to collectively as mortgagor, and BLAINE LARSEN, herein referred to as mortgagee.

The purpose of this mortgage is to secure an indebtedness owed by mortgagor to mortgagee reflected in that certain Promissory Note of even date herewith and executed by mortgagor in favor of mortgagee. Said indebtedness as set forth in said Promissory Note and inclusive of principal and interest is due and payable in a single lump sum payment not later than January 1, 1997.

Mortgagor, in consideration of the above-stated obligation, hereby mortgages to mortgagee all of the following described property in Clark County, State of Idaho:

Township 9 North, Range 33 East of the Boise Meridian, Idaho:

Section 33: N1/2 - Excepting therefrom: Public road right-of-way along the North side of said property.

Section 34: N1/2 - Excepting therefrom: Public road right-of-way along North side of property.

Subject to a perpetual easement for the operation and maintenance of an irrigation well on the following described property:

Commencing at the Southeast Corner of the NE1/4 of Section 33, Township 9 North, Range 33 E, Boise Meridian, and running thence W 75 feet; thence N 150 feet; thence E 150 feet; thence S 150 feet; thence W 75 feet to the point of beginning.

Together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, and all water rights pertaining thereto.

Mortgagor covenants and agrees as follows:

SECTION ONE
PAYMENT OF INDEBTEDNESS

Mortgagor shall pay the indebtedness as hereinbefore provided and according to the terms of the Promissory Note referenced herein.

MICROFILMED

MAR 11 1997

46576
Microfilm No. 4 Day April 19 96
At 15:52 O'Clock P. M
JOANN S. TAVENNER
Clark Co. Recorder
Fee \$ 15.00

46576

SECTION TWO
WARRANTY OF OWNERSHIP

Mortgagor warrants that they are lawfully seised of the above described property in fee simple, subject only to certain power line easements, unpaid taxes, and oil, gas and mineral rights which appear of record.

SECTION THREE
TAXES AND ASSESSMENTS

Mortgagor shall pay all taxes and assessments. In default thereof, mortgagee may pay such taxes and assessments and mortgagor shall reimburse mortgagee therefor.

SECTION FOUR
REMOVAL OR DEMOLITION OF BUILDINGS

No building on the premises shall be removed or demolished without mortgagee's consent.

SECTION FIVE
ACCELERATION OF PRINCIPAL AND INTEREST

The full amount of the principal sum and interest shall become due at the option of mortgagee after default in the payment of any instalment of principal or of interest under the terms of the Promissory Note referenced herein; or after default in the payment of any tax or assessment for 120 days after notice to mortgagor by mortgagee, and demand by mortgagee for payment from mortgagor.

SECTION SIX
APPOINTMENT OF RECEIVER

The holder of this mortgage, in any action to foreclose it, shall be entitled to the appointment of a receiver.

SECTION SEVEN
SALE ON FORECLOSURE

In case of a foreclosure sale, the premises, or so much thereof as may be affected by this mortgage, shall be sold pursuant to the provisions of Idaho Code section 6-101 et seq, in effect on the date of this mortgage.

2- MORTGAGE

MICROFILMED

MAR 11 1997

46576

**SECTION EIGHT
PAYMENT OF EXPENSES**

If any action or proceeding is commenced, except an action to foreclose this mortgage or to collect the debt secured hereby, in which it is necessary to defend or assert the lien of this mortgage, whether or not the mortgagee is made or becomes a party to any such action or proceeding, all of mortgagee's expenses incurred in any such action or proceeding to prosecute or defend the rights and lien created by this mortgage, including reasonable counsel fees, shall be paid by mortgagor, and if not so paid promptly on request, shall be added to the debts secured hereby and become a lien on the mortgaged premises, and shall be deemed to be fully secured by this mortgage, and shall bear interest at the rate provided for the obligations secured hereby. This covenant shall not govern or affect any action or proceeding to foreclose this mortgage or to recover or to collect the debt secured hereby, which action or proceeding shall be governed by the provisions of law respecting the recovery of costs, disbursements, and allowances in foreclosure actions.

**SECTION NINE
CONDEMNATION OF PREMISES**

If the premises or any part thereof shall be condemned and taken under the power of eminent domain, or if any award for any change of grade of streets affecting the premises shall be made, all damages and awards for the property so taken or damaged shall be paid to the holder of this mortgage, up to the amount then unpaid on the indebtedness hereby secured, without regard to whether or not the balance remaining unpaid on the indebtedness may then be due and payable; and the amount so paid shall be credited against the indebtedness and, if it is insufficient to pay the entire amount thereof, it may, at the option of the holder of this mortgage, be applied to the last maturing installment. The balance of such damages and awards, if any, shall be paid to mortgagor. Mortgagee and subsequent holders of this mortgage are hereby given full power, right, and authority to receive and receipt for all such damages and awards.

**SECTION TEN
BANKRUPTCY**

If mortgagor or any obligor on the note secured hereby:
(1) files a voluntary petition in bankruptcy under the Bankruptcy Act of the United States, or (2) is adjudicated a bankrupt under such act, or (3) is the subject of a petition filed in federal or state court for the appointment of a trustee or receiver in bankruptcy or insolvency, or (4) makes a general assignment for the

3- MORTGAGE

MICROFILMED

MAR 11 1997

46576

benefit of creditors, then and on the occurrence of any of such conditions, at the option of mortgagee, the entire balance of the principal sum secured hereby, together with all accrued interest thereon, shall become immediately due and payable.

SECTION ELEVEN
WASTE

Mortgagor shall not commit, suffer, or permit any waste, impairment, or deterioration of the premises or of any improvement thereon and shall maintain the premises and all improvements thereon in good condition and repair. If mortgagor fails or neglects to make any necessary repair or replacement in any improvement for 90 days after notice to do so from mortgagee, mortgagee may effect such repair or replacement and the cost thereof shall be added to the debt secured hereby, shall bear interest at the rate provided in the note secured hereby, and shall be covered by this mortgage and the lien hereof.

SECTION TWELVE
COMPLIANCE WITH LAWS AND REGULATIONS

Mortgagor shall comply with all statutes, ordinances, and governmental requirements that affect the premises. If mortgagor neglects or refuses to so comply and such failure or refusal continues for 90 days, then, at mortgagee's option, the entire balance of the principal sum secured hereby, together with all accrued interest, shall become immediately due and payable.

Wherever the sense of this mortgage so requires, the word "mortgagor" shall be construed as if read "mortgagors" and the word "mortgagee" shall be construed as if it read "mortgagees". The word "holder" shall include any payee of the indebtedness hereby secured or any transferee thereof whether by operation of law or otherwise. Unless otherwise provided, any notice and demand or request specified in this mortgage shall be made in writing and may be served in person or by mail.

In witness whereof, this mortgage has been duly executed by mortgagor the day and year first written above.


GARNER E. SIMMONS


JOYCE S. SIMMONS

4- MORTGAGE

MICROFILMED

MAR 11 1997

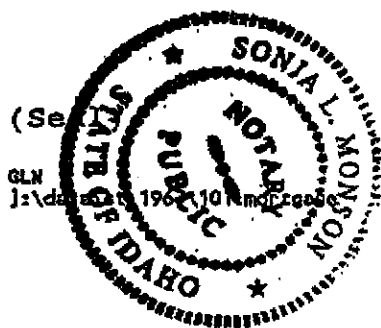
46576

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
County of JEFFERSON)

On this ^{3rd day} 1st day of April in the year of 1996 before me a Notary Public, personally appeared GARNER E. SIMMONS and JOYCE S. SIMMONS, husband and wife, known or identified 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.



Sonia L. Monson
Notary Public for IDAHO
Residing at: IDAHO Falls ID
My Commission Expires: 07-17-96

5- MORTGAGE

MICROFILMED

MAR 11 1997

Part A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4943
WATER RIGHT NO(S). 32-02096B/32-07034A

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-02096B :			
IRRIGATION	04/15 to 10/15	1.12 CFS	196.4 AF
Priority: 05/17/1955			
Right No. 32-07034A :			
IRRIGATION	04/15 to 10/15	0.73 CFS	249.9 AF
Priority: 01/02/1996			
	TOTAL:	1.85 CFS	446.3 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 35, Township 10N, Range 34E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N 34E 35	NESE 31.9	NWSE 31.9	SWSE 31.9	127.5
	SESE 31.8			* 127.5

Total number of acres irrigated: * 127.5

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

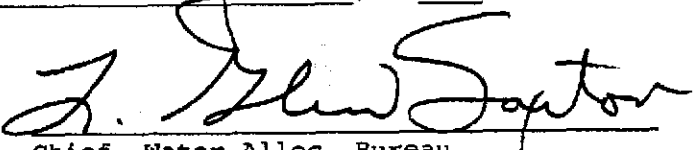
MICROFILMED
MAR 11 1997

TRANSFER NO. 4943
WATER RIGHT NO(S). 32-02096B/32-07034A

CONDITIONS OF APPROVAL AND REMARKS

3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- * 7. Right No. 32-02096B is limited to the irrigation of 56.1 acres in the place of use described above in a single irrigation season.
- * 8. Right No. 32-07034A is limited to the irrigation of 71.4 acres in the place of use described above in a single irrigation season.

Dated this 19th day of February, 1997.


Chief, Water Alloc. Bureau

MICROFILMED
MAR 11 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 32-07034

Priority: January 2, 1996

Maximum Diversion Rate: 4.10 CFS
Maximum Diversion Volume: 1400.0 AF

This is to certify, that GARNER SIMMONS
PO BOX 148
TETON ID 83451

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 7, 1975; and has submitted Proof of Beneficial Use on January 2, 1996. An examination indicates that the works have a diversion capacity of 8.100 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.10 CFS	1400.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 33, Township 09N, Range 33E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	33E	33	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENW 40	240
		34	NENE 40	NWNE 40	SWNE 40	
			SENE 40			160

Total number of acres irrigated: 400

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Rights 32-02120 and 32-07005B are also diverted at the point of diversion described above.

MICROFILMED
NOV 04 1996

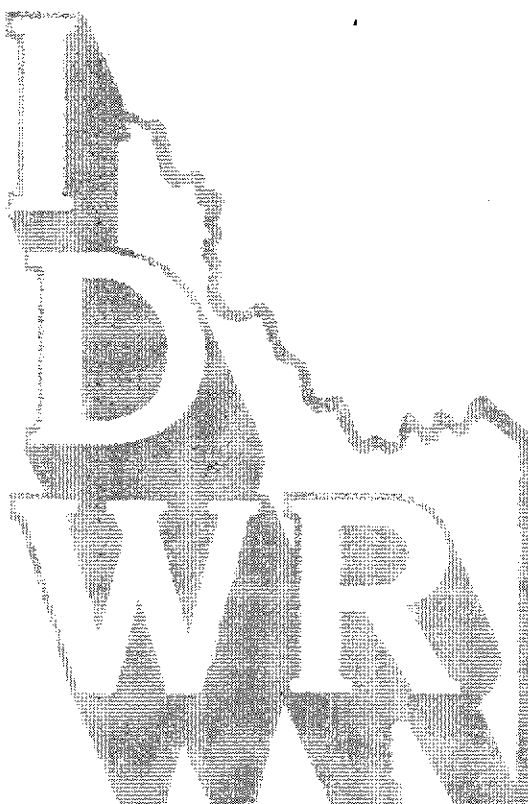
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 32-07034

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 10th
day of OCTOBER, 1996.


Acting for KARL J. DREHER, Director



MICROFILMED

NOV 04 1996

MAR 26 1996

5. On June 10, 1986, the department sent an Examination Fee Notice to the permit holder of record explaining that the 1986 Legislature enacted a bill requiring a license examination fee be paid before a field examination could be conducted.

6. The department received no response from the permit holder of record. The department learned that the property appurtenant to the water right had been sold to Garner Simmons. On September 10, 1986, the department sent an Examination Fee Notice to Garner Simmons by certified mail.

7. On September 10, 1987, the department sent a Lapse Notice to the permit holder of record pursuant to Section 42-218a, Idaho Code.

8. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

9. On January 2, 1996, Garner Simmons submitted an acceptable proof and license examination fee along with three (3) affidavits stating that water had been put to beneficial use during the authorized development period. On February 20, 1996, additional information was submitted showing Garner Simmons as the owner of the property which this water right pertains to. Mr. Simmons further explained that due to confusion over the Swan Falls dispute it was difficult to keep up with the status of the water right permit.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

MAR 26 1996

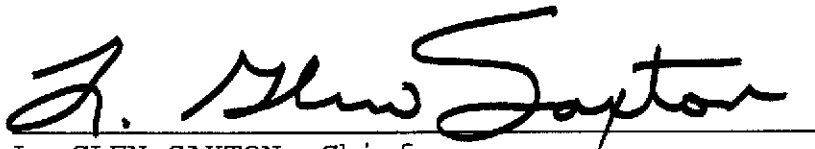
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 32-07034 is **REINSTATED**.

IT IS FURTHER ORDERED that the priority date is advanced to January 2, 1996.

Dated this 8th day of March, 1996.

A handwritten signature in cursive script, reading "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, Chief
Water Allocation Bureau

MAILED
MAR 8 1996

JAN 02 1996

STATE OF IDAHO

Department of Water Resources DE

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY 90

Amt. of Fee \$: 275

Receipt No. C034280

Receipt By: R

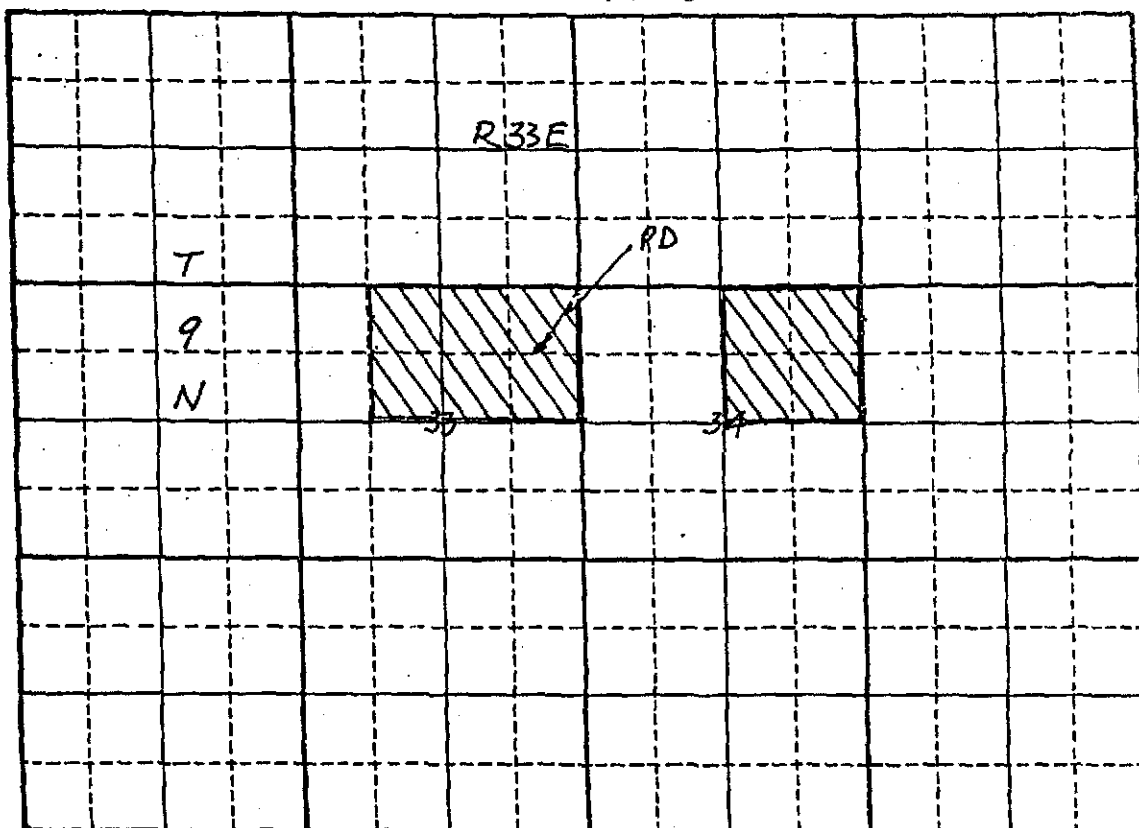
Date Received: 1/3/96

1. Permit No. 32-07034 Telephone No. 458-4424
2. Name(s) of Permit Holder(s): GARNER SIMMONS
3. Mailing Address: Box 148 TETON, IDAHO 83451
4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. / yr.
- a. Well Driller: Drilling Permit Number: - - -
- b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): Stockwater (No. and type of stock):
Irrigation (No. of acres): 640 Other:
6. Total rate of diversion and/or volume for which proof is submitted: 8 cfs OR acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- Measuring Device: Is a measuring device required? Yes or No ✓
Has the measuring device been installed? Yes or No ✓
- Flow Measurement Port: Is a flow measurement port required? Yes or No ✓
Has the measurement port been installed? Yes ✓ or No
8. Fee Enclosed: \$ 275.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: GARNER SIMMONS Telephone Number: 458-4424
Address: Box 148 TETON, IDAHO 83451
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: Garner Simmons Date: 12-1-95
(include your title, if on behalf of company or organization)
- MAR 26 1996

MAR 26 1996

400

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Montrose, Ida., this 19 day of March, 19 76
[Signature]
 (signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN Administrator, Operations Division
 of the Department of Water Resources

hereby APPROVE the above application for amendment for Permit No. 32-7034.

Witness my hand this 29 day of April, 19 76.

[Signature]
 Director
 Administrator, Operations Division

RECEIVED

State of Idaho
Department of Water Resources

MAR 19 1980

ASSIGNMENT OF PERMIT

Department of Water Resources

I, MIDDLE CREEK LAND AND LIVESTOCK CO., INC.
AN IDAHO CORPORATION, hereby assign to SNAFFLE BIT LAND AND LIVESTOCK CO.
A PARTNERSHIP
of Montevue, Idaho Address _____

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 32-7034
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 19 day of March, 19 76.

MIDDLE CREEK LAND AND LIVESTOCK CO., INC.

BY John Marshall
MANAGER PRESIDENT

Chad L. Nelson
SECRETARY

State of Idaho)
County of BONNEVILLE) ss.

On this 19 day of MARCH, 19 76, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Notary Public residing at
Idaho Falls, Idaho

My commission expires:
Life

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 32-7034 }

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

Identification No. 32 7034

Application No. _____

RECEIVED

MAY 13 1975

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAR 19 1980

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Middle Creek Land & Livestock, Inc. Phone: 657-2270 (Jim Marshall, Pres.)
post office address Monteview, Idaho (D. Davies, Sec.)

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

3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33 Township 9N
Range 33E B.M. Clark County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 8.0 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 8.0 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, 500 Hp. pump and sprinkler
system

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

Period of year during which storage will occur _____ to _____ inclusive.

c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 90,000.

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: _____ hp 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]

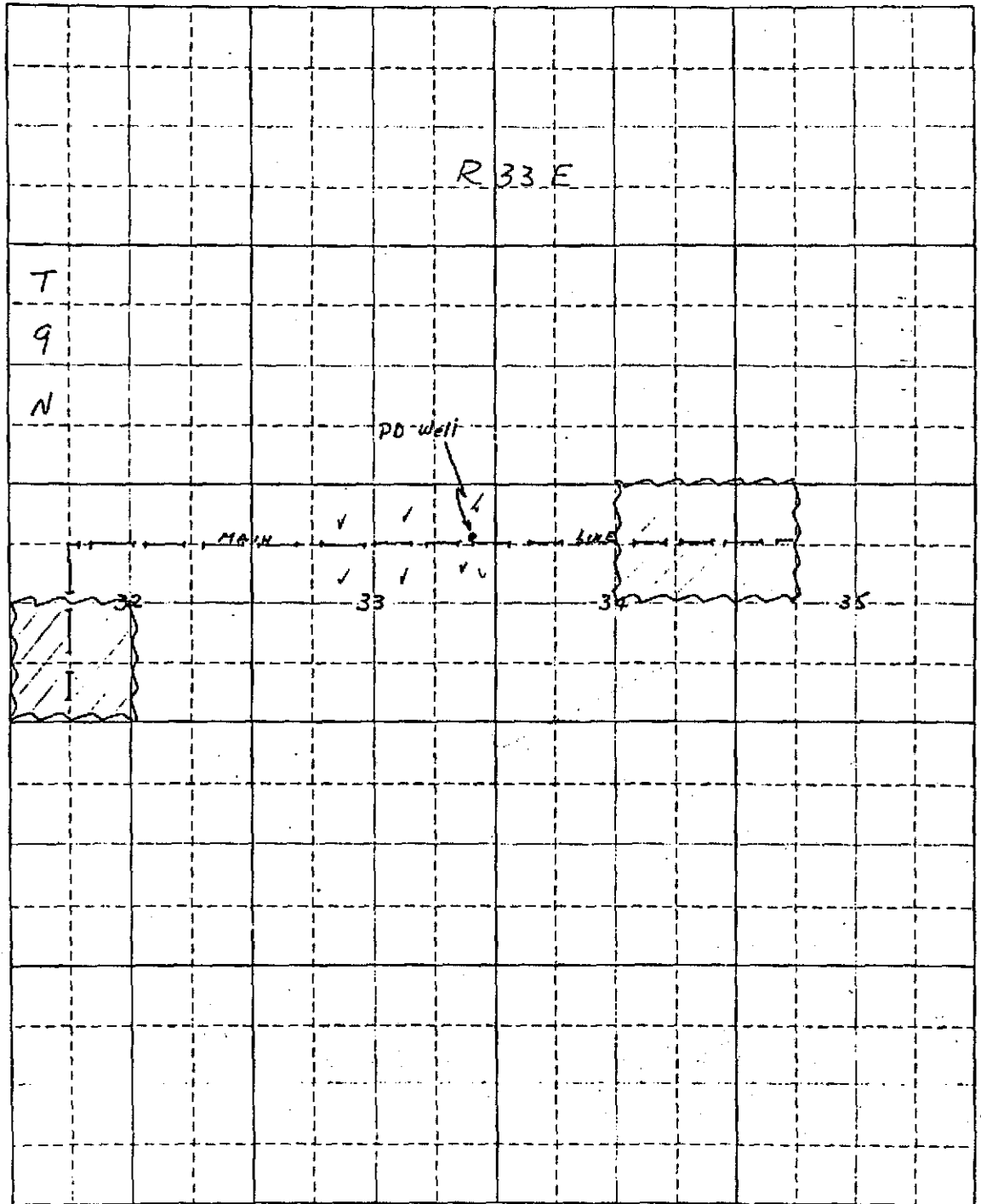
Total number of acres to be irrigated_____400

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant
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

10. Remarks

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



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.

Middle Creek Land & Livestock Inc.

by: Jim Marshall (pres)
(Applicant)

Proposed Priority 4-07-1975

Received by MB Date 4-07-75 Time 11:40 A
Preliminary check by JG Fee \$ 25.00
Received by MB Date 4-7-75 # 4184
Publication prepared by MB Date 4-9-75
Published in Enterprise City
Publication dates April 17 + 24, 1975
Publication approved MB Date 4-27-75
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by MB

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. 32-7034, 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 May 1, 1980.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 12th day of _____ May 19 75.


For the Director by

A. KENNETH DUNN, Administrator
Operations Division

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

LA 4-7-75

- ☒ Source
- ☒ Point of Diversion
- ☒ County
- ☒ Quantity of Water and Period of Use
- ☒ Description of Diverting Works
- ☒ Time required for B/U of water
- ☒ Place of Use or Acres Irrigated
- ☒ Map
- ☒ Signature
- ☒ Fee

(1) " "

In form to receipt YES

(2) " "

Send Copies to:

- ☒ Idaho State Health Department
- ☒ Idaho Fish and Game Department
- NA ☒ Bureau of Land Management

(3) " "

- ☒ Request Special Use Permit from U.S.P.S.
- NA ☒ Request Easement from B.L.M.
- ☒ Request Information from Applicant

(4) " "

In form for advertising YES

(5) " "

Platted on Map No. _____

(6) " "

NA Located within Water District No. _____

(7) " "

Critical groundwater area: yes _____ no ☒

(8) " "

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) 7th June 11.6.63

(9) " "

Other rights on the same place of use NO

(10) " "

Comments: No water right G.W. Right

(11) DW 4-29-75

Affidavit of Publication received (date) April 29, 1975

(12) MB 5-5-75

Final date for protests May 5, 1975

Protests received: yes _____ no ☒

(13) ROC 5/5/75

All requested information received from agencies or applicant: yes _____ no _____

(14) " "

Action recommended:

☒ Approve _____ Deny

4/7/75 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E By ROC Date 5/5/75

RECEIVED
Department of Water Resources
MAY 10 1975

Part E



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 28, 1997

BLAINE LARSEN
PO BOX 188
HAMER, IDAHO 83425

RE: Permit No. 32-02120A/32-07022AF/32-07034E

Dear Right Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

UNRECORDED

MAR 11 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

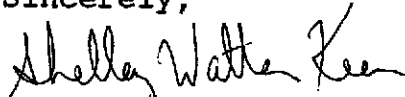
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

APPROVED

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

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

Sincerely,



for JIM JOHNSON, Manager
Water Permits Section

JJ:vrr

Enclosure

SEARCHED
SERIALIZED
INDEXED

MEMORANDUM

TO: FILE 32-7034E

FROM: PAM SKAGGS

RE: TRANSFER # 4928

DATE: 10-28-96

=====

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 32-2120.

MICROFILMED
NOV 04 1996

Part 2

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
1/4 _____	1/4 _____	1/4 _____	
Lat: _____	_____	Long: _____	_____
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian			

1. DRILLING PERMIT NO. 32-97-E-0008-000
Other IDWR No. 32-04001D T4942 E 32-07034D

2. OWNER:

Name Larson Farms
Address PO Box 188
City Hammer State ID Zip 83425

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N			
Twp. <u>9</u> North ☒ or South ☐			
Rge. <u>34</u> East ☒ or West ☐			
Sec. <u>8</u> SE 1/4 <u>SE</u> 1/4 _____ 1/4 _____			
Gov't Lot _____ County <u>Claire</u> 10 acres 40 acres 160 acres			
Lat: _____ Long: _____			

Address of Well Site _____

(Give at least name of road + Distance to Road or Landmark) City _____

Lt. _____ Bk. _____ Sub. Name _____

4. USE:

- ☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	47	8 bags	over bore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 47, 220
Was drive shoe seal tested? ☒ Y ☐ N How? Pressure

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>18"</u>	<u>+1 1/2</u>	<u>47</u>	<u>250</u>	<u>Steel</u>	☒	☐	☒	☐
<u>16"</u>	<u>+1 1/2</u>	<u>220</u>	<u>250</u>	<u>Steel</u>	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

130 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>18"</u>	<u>0</u>	<u>2</u>	<u>Dirt</u>	☒	☐
<u>18"</u>	<u>2</u>	<u>46</u>	<u>Cemented Gravel</u>	☒	☐
<u>16"</u>	<u>46</u>	<u>83</u>	<u>Lava</u>	☒	☐
<u>16"</u>	<u>83</u>	<u>150</u>	<u>Cemented Gravel</u>	☒	☐
<u>16"</u>	<u>150</u>	<u>160</u>	<u>Gravel, Sand</u>	☒	☐
<u>16"</u>	<u>160</u>	<u>168</u>	<u>Gravel, Sand</u>	☒	☐
<u>16"</u>	<u>168</u>	<u>187</u>	<u>Sand</u>	☒	☐
<u>16"</u>	<u>187</u>	<u>197</u>	<u>Gravel, Sand</u>	☒	☐
<u>16"</u>	<u>197</u>	<u>200</u>	<u>Gravel, Sand</u>	☒	☐
<u>16"</u>	<u>200</u>	<u>220</u>	<u>Gravel</u>	☒	☐
<u>16"</u>	<u>220</u>	<u>245</u>	<u>Lava</u>	☒	☐
<u>16"</u>	<u>245</u>	<u>255</u>	<u>Gravel</u>	☒	☐

RECEIVED

JUN 25 1997

Department of Water Resources
Eastern Region

RECEIVED

JUL 10 1997

Department of Water Resources

Completed Depth 255 (Measurable)
Date: Started 4/19/97 Completed 5/8/97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Vollmer Well Drilling Firm No. 383Firm Official Robert Hall Date 05/21/97and Supervisor or Operator Robert Hall Date 05/21/97

(Sign once if Firm Official & Operator)



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBUARY 24, 1997

BLAINE LARSEN
PO BOX 188
HAMER, IDAHO 83425

RE: Permit No. 32-04001D/32-07034D

Dear Right Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

W-1207-11111

FILED

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

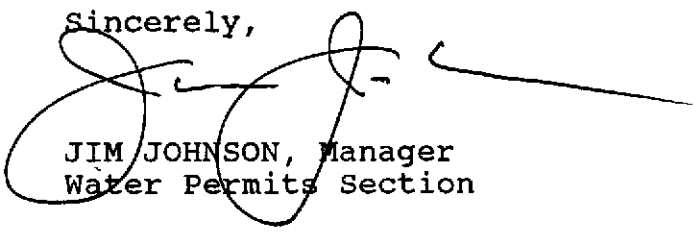
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

FILED
JUL 13 1982

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

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

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:vrr

Enclosure

MEMORANDUM

TO: FILE 32-0703 JD

FROM: PAM SKAGGS

RE: TRANSFER # 4942

DATE: 10-28-96

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 32-04001D.

MICROFILMED

MAR 11 1997

Part C

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
 Inspected by _____
 Twp _____ Rge _____ Sec _____
 _____ 1/4 _____ 1/4 _____ 1/4
 Lat: : : Long: : :

1. DRILLING PERMIT NO. 32-97-E-0005-000
 Other IDWR No. 32-07034C

2. OWNER:

Name Larson Farms
 Address P.O. Box 188
 City Hamor State ID Zip 83425

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E S
 Twp. 10 North 24 or South ☐
 Rge. 34 East 24 or West ☐
 Sec. 34 SW 1/4 NE 1/4 1/4
 Gov't Lot _____ County Monte Carlo 10 acres 40 acres 160 acres
 Lat: : : Long: : :
 Address of Well Site _____
 City _____
 (Give at least name of road + Distance to Road or Landmark)
 Lt. _____ Blk. _____ Sub. Name _____

4. USE:

- ☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

- ☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

- ☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
<i>Pentonite</i>	<i>0</i>	<i>200</i>	<i>150</i>	<i>Shurry</i>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 18-50', 16'-258

Was drive shoe seal tested? ☒ Y ☐ N How? Pressure Test

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>18"</u>	<u>1 1/2</u>	<u>48 1/2</u>	<u>.20</u>	<u>Steel</u>	☒	☐	☒	☐
<u>16"</u>	<u>1 1/2</u>	<u>258</u>	<u>.20</u>	<u>Steel</u>	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

- ☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

194 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

- ☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Depth first Water Encountered _____

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>18</u>	<u>0</u>	<u>3</u>	<u>Clay Dirt Gravel</u>		☒
<u>18</u>	<u>3</u>	<u>48</u>	<u>Gravel</u>		☒
<u>18</u>	<u>48</u>	<u>85</u>	<u>Lava</u>		☒
<u>18</u>	<u>85</u>	<u>150</u>	<u>Gravel</u>		☒
<u>18</u>	<u>150</u>	<u>165</u>	<u>Lava</u>		☒
<u>18</u>	<u>165</u>	<u>178</u>	<u>Gravel</u>		☒
<u>18</u>	<u>178</u>	<u>183</u>	<u>Lava</u>		☒
<u>18</u>	<u>183</u>	<u>200</u>	<u>Gravel</u>		☒
<u>16</u>	<u>200</u>	<u>230</u>	<u>Gravel</u>		☒
<u>16</u>	<u>230</u>	<u>250</u>	<u>Gravel</u>	☒	
<u>16</u>	<u>250</u>	<u>258</u>	<u>Gravel & Clay</u>		☒
<u>16</u>	<u>258</u>	<u>275</u>	<u>Lava</u>		☒
<u>16</u>	<u>275</u>	<u>290</u>	<u>Lava, Red Sandstone</u>	☒	
<u>16</u>	<u>290</u>	<u>290</u>	<u>Lava, Red Chert</u>	☒	
<u>16</u>	<u>290</u>	<u>325</u>	<u>Decomposed Rock</u>	☒	

RECEIVED

APR 28 1997

Department of Water Resources
 Eastern District Office

RECEIVED

MAY 30 1997

Department of Water Resources

Completed Depth 325' (Measurable)
 Date: Started 4/10/97 Completed 4/22/97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Vollmer Well Drilling Firm No. 383

Firm Official Renee Hall Date 4/28/97

and _____

Supervisor or Operator Renee Hall Date 4-22-97

(Sign once if Firm Official & Operator)



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 28, 1997

BLAINE LARSEN
PO BOX 188
HAMER, IDAHO 83425

RE: Permit No. 32-07034B/3207034C

Dear Right Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

532 11 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

RECEIVED
MAR 11 1972

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

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

Sincerely,


for JIM JOHNSON, Manager
Water Permits Section

JJ:vrr

Enclosure

MEMORANDUM

TO: FILE NO. 32-07034

FROM: PAM SKAGGS^{PS}/STATE OFFICE

SUBJECT: TRANSFER NO. 4940

DATE: February 18, 1997

=====

Transfer No. 4940 changes the point of diversion and place of use under a portion of Right No. 32-07034. The transferred portion is identified as 32-07034C.

This transfer is to develop a center pivot on new ground and a new well will be drilled. Recommended conditions include drilling permit requirements, measuring device/reporting, irrigation overlap and standard transfer requirements.

RECEIVED

FEB 19 1997

TRANSFER REVIEW SHEET
(02-97)

Transfer # 4940

Date Reviewed 02-18-97
38

Right(s) 32-07034 _____

WR011 Print Split Summary ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Mortgage/Passessary Interest

Transfer All of Right ☒ Portion of Right
Resulting Split(s) Part C
32-07034 C = 1.29 cfs 125.8 Acres 440.3 afa

Check Transfer Against Recorded Right Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) Season (4) ☒ Rate (5) ☒ Volume
(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map
WM District
(11) ☒ Water District (12) Yes Pertinent Conditions (13) No Expansion
IRR overlap

(3) Standard Season 4-15 to 10-15 as licensed
(7) Change P/D
(8) Change P/U

Transfer Remarks Modified DIM
Conditions 046, B30 T07 T08 T09

Database/Processing Notes Standard Non-Standard ☒
Split Part C - copy ☒

WR_Reports File ~~495-116~~ 2-27-97
File Deleted 38

Transfer Memo Complete ☒
Database Updated 2-27-97 38

WR0749NP
No. T32-07034C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLAINE LARSEN PO BOX 188 HAMER ID 83425 (208) 662-5501	01/02/1996	IRRIGATION	04/15 10/15	1.290 CFS	440.30 AFA
					TOTAL DIVERSION:	1.290 CFS 440.30 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T10N R34E S34 SWNE CLARK County

Point of Diversion Name(s):

Name	Rate	Number
T10N R34E S34 SW NE		PIVOT 203

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	: SUM
10N	34E	34	: 31	31	31	31	:				:				:			: 125.8
																	TOTAL ACRES 125.8	

Pou County: CLARK

Other Water Rights with Same Point(s) of Diversion and Source:
T32-07034D

Other Water Rights Listing Overlapping Place(s) of use:
32-07228 T32-07034D

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

WR0749NP
No. T32-07034C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/97
PAGE: 2

=====
Dates: App. Received: 04/07/1975 Priority Date: 01/02/1996 (Priority Date Advanced.)
Proof Due Date: 05/01/1980 Proof Made Date: 01/02/1996 (Proof Received Late.)
Exam Made Date: 08/12/1996 Exam Sent to S.O.: 09/16/1996
Licensed Date: 10/10/1996

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 02/18/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4940
Transfer No. 4940 changes the point of diversion & place of use
under a portion of Right No. 32-07034 identified as Part C.

Audit: 10/21/96 HJONES 02/13/97 PSKAGGS 02/18/97 PSKAGGS

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 32-07034

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	~~4.10~~ CFS	~~1400.0~~ AF
		2.03	9709.8
<u>SOURCE</u>		-1.29 T#4940	-446.3 T#4940
		.79	269.5
GROUNDWATER			

Priority: 01/02/1996

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 33, Township 09N, Range 33E
CLARK CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 33E 33	NENE ~~40~~ 12.9	NWNE ~~40~~	SWNE ~~40~~	
	SENE ~~40~~	NENW ~~40~~	SENE ~~40~~ 24.9	240.42.8 17.9
34	NENE 40	NWNE 40	SWNE ~~40~~ 19.1	59.1
	SENE 40		20.7	160 77.0

Total number of acres irrigated:

400

202.8

-125.8

77.0

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. Rights 32-02120 and 32-07005B are also diverted at the point of diversion described above.

Adjustments reflect prior Transfer Nos. 4943 + 4941/ Remaining Balances for transfer.

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

T09N R33E S 34

Acre's Transferred Under T# 4940

[illegible]

T10N R34E S 34 ————— 31.4 31.5 31.5 31.4 ————— Proposed New P/U ————— 125.8

T3202095A	GROUNDWATE :	:	:	:	:	31	31	31	31 :	124
T3207034B	GROUNDWATE :	:	31	31	31	31 :	:	:	:	124
~~T3207034D~~	~~GROUNDWATE :~~	~~31~~	~~31~~	~~31~~	~~31~~	~~:~~	~~:~~	~~:~~	~~:~~	~~124~~
T3207053D	GROUNDWATE :	:	:	:	:	31	31	31	31 :	124
3207228	GROUNDWATE :	40	40	40	40 :	Larsen Application	:	:	:	160

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE								NW								SW								SE								
WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
3207229	GROUNDWATE :																									40		40		40		40	:	160
3207230	GROUNDWATE :										40		40		40		40																:	160
3207231	GROUNDWATE :																		40		40		40		40							:	160	
--86 MAP--	C33Q-V 39 :																													5		7	:	13

SD-0611-2 Basin: 32 Starting Water Right: 07034

S	Water	Name	O	Priority	STG/	Use	S
E	Right No.	Last, First	W	Date	STS	Desc	Y
L			N				S
---	---	---	---	---	---	---	---
---	32-07034	SIMMONS, GARNER	C	01/02/1996	L/	GROUNDWATER	WR
---	T32-07034A	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	WR
---	T32-07034B	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	WR
---	T32-07034C	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	WR
---	T32-07034D	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	WR
---	T32-07034E	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	WR
---	---	---	---	---	---	---	---

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE

(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

03-07-97
S.O.

Pivot # 203

INITIAL REVIEW BY: KC Wilson

1. Right number 32-7034 H Applicant Blaine Larsen TR# 4940

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments NONE

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NONE

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? Water Measurement District

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By RC Date 2/7/97



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 1997

BLAINE LARSEN FARMS
PO BOX 188
HAMER, ID 83425

RE: Withdrawal of protest on Application for Transfer
No. 4928, 4940, 4941, 4942, & 4943

Dear Applicant:

This Department has received a withdrawal of protest from Garth Soderquist, President of the Mud Lake Water Users.
If you have any questions, please call our office.

Sincerely,


HAROLD JONES
Water Rights Supervisor

HWJ/rb
enc

RECEIVED

MAR 11 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

January 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

RE: Withdrawal of protest on Application for Transfer No.'s 4928,
4940, 4941, 4942, & 4943

Dear Protestant:

This Department has received your withdrawal of protest by the Mud
Lake Water Users against the applications for transfer of Blaine
Larsen Farms.

If you have any questions, please call our office.

Sincerely,


HAROLD JONES
Water Rights Supervisor

HWJ/rb

01-21-97
2:01 PM

RECEIVED

FEB 07 1997

January 16, 1997,

Department of Water Resources

I Garth Soderquist, President of the Mud Lake Water Users, do hereby withdraw my protest of water transfers: 4928, 4935, 4936, 4937, 4940, 4941, 4942 & 4943.

Signed

Garth Soderquist

P.O. Box 68

Terreton, ID 83450

(208) 663-4359

State of Idaho)

) ss.

County of Jefferson)

On this 16th day of January in the year of 1997 before me a notary public, personally appeared GARTH SODERQUIST, known or identified to me, to be the person whose name is subscribed in this document, and acknowledged to me that he executed the same.

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

Kevin Christensen
Notary Public Kevin Christensen
Residing at: Terreton, Idaho
My Commission Expires: 1-5-2000



Blaine Larsen Farms

P.O. Box 188 Hamer, ID 83425 (208) 662-5501

Four Year Internal Moratorium

Stipulations of the Agreement:

- 1) All protests against the Garner Simmons water rights (32-02095, 32-02096, 32-02120, 32-04001, 32-07005B & 32-07034) will be withdrawn. In consideration for the withdrawal of protests, said water rights will be transferred at 2.66 acre foot per acre.
- 2) Blaine Larsen agrees to front five-thousand dollars (\$5,000.00) for the core drilling of a test well. This test well will be located in the geographical vicinity of the Producers or Montevieu Canal Companies' wells.
- 3) The transfers involving Dean Shenton's water right 32-07081B will not be protested or, if already protested, the protest will be withdrawn.
- 4) ~~The possibility exists that Dean Shenton will put his ground back into production for the 1998 season, if this occurs Blaine Larsen will lose three-hundred forty one (341) acres appurtenant to the Dean Shenton water right. For this reason, Larsen reserves the option to fill in the vacancy created by the loss of Dean Shenton's water right. Blaine Larsen can fill this vacancy by purchasing water from the geographical area of Small, ID to U.S. Highway 22 to Hamer, ID, or he can dry up end guns on existing pivots.~~ Ⓟ 01/14/97
- 5) Regarding the end gun transfers already in process, Blaine Larsen hopes all parties will at least take to time consider the idea. However, if it is their wish to prevent said transfers, Larsen will withdraw them.
- 6) Blaine Larsen reserves the right to save his water license 31-07302. This license is appurtenant to Pivot 79. Larsen's intentions are to transfer the forty three (43) acres appurtenant to the since removed corner machine to a more suitable location within the same approximate geographical location.
- 7) As stated by the title of this agreement, Blaine Larsen will not file for any transfers (excluding said transfers mentioned above) for a period of four (4) years.

Blaine Larsen
Hamer, ID

Proof of Publication
The Post-Register
RECEIVED

RECEIVED
NOV 22 1996

Department of Water Resources
Eastern Region

State of Idaho, }
County of Bonneville } ss

FEB 07 1997

I, S. BOB BRIGHT or ROBERT PARK ^{Department of Water Resources}, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 31st day of October, 1996, last publication having been made on the 7th day of November, 1996, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 13th day of November, 1996.

Robert Park

Susan Magowan
Notary Public

My commission expires July 1, 1997.

B10

RECEIVED
NOV 18 1996

Department of Water Resources
Eastern Region

1/20/97
11/11/96

**NOTICE
OF PROPOSED CHANGE
OF WATER RIGHT**

Notice is hereby given that Blaine Lar-

sen, P.O. Box 188, Hamer, ID 83425, has applied to the Department of Water Resources to change the point of diversion and place of use for a groundwater source. The right sought to be changed is evidenced by a licensed water right and recorded as follows:

License No: 32-07034

Source: Groundwater

Amount: 4.10 cfs

Priority: 01/02/1996

Point of Diversion: NENE, Sec 33, T9N, R33E

Place of Use: NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 33, and NE $\frac{1}{4}$, Sec. 34, T9N, R33E

**TO BE CHANGED
AS FOLLOWS**

(TR 4940)

The right will be split with 125.8 acres and 1.29 cfs used on the NE $\frac{1}{4}$ of Sec. 34, T10N, R34E, with a point of diversion in the SWNE, Sec. 34, T10N, R34E, Clark County.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of \$25 on or before November 18, 1996.

KARL J. DREHER
Director

Published: Oct 31, Nov 7, 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

NOVEMBER 15, 1996

BLAINE LARSEN
PO BOX 188
HAMER ID 83425

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Applications for Transfer No.'s 4928, 4933, 4935, 4936, 4937, 4940, 4941, 4942, 4943, & 4948

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a transfer. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-222, Idaho Code):

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original water right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

pc: IDWR - STATE OFFICE
enc

RECORDED
MAR 19 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 18, 1996

GARTH SODERQUIST
OWSLEY, JACKET, & HOLLEY CANAL CO.
PO BOX 68
TERRETON ID 83450

RE: Applications for transfer No.'s 4928, 4940, 4941, 4942, & 4943
LARSEN

Dear Mr. Soderquist

Your protest against approval of the above referenced applications for transfer has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application (Sec. 42-222, Idaho Code):

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original water right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of allegations involving one or more of the four items.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office

100-1012
521112

EODD 150

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

NOV 15 1996

Department of Water Resources
Eastern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested TR 4940, TR 4941, 4943, 4942 - TR 4928
2. Name of protestant CUSLEY, JACKET & HOLLEY CANAL CO.
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 168 TERRETON, IDAHO, 83450
5. Service telephone no. 208-663-4359

6. Basis of protest (including statement of facts and law upon which the protest is based)

① WILL INJURE WATER RIGHTS OF PROTESTANTS
② MAY CONSTITUTE AN ENLARGEMENT OF THE ORIGINAL RIGHTS
③ MAY BE INCONSISTENT WITH THE CONSERVATION OF WATER RESOURCES
④ ARE NOT IN LOCAL PUBLIC INTEREST.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? _____

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 15TH day of NOVEMBER, 1996.

CUSLEY, JACKET & HOLLEY CANAL CO.
 PROTESTANT

Garth Lodergquist Pres.
 PROTESTANT'S REPRESENTATIVE

FOR 1150



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

October 22, 1996

THE POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, 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 billing to this office before NOVEMBER 18, 1996.

Yours truly,

Rita Bodell
Secretary

Enc.

RECEIVED
OCT 23 1996

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

Notice is hereby given that Blaine Larsen, P.O. Box 188, Hamer, ID 83425, has applied to the Department of Water Resources to change the point of diversion and place of use for a groundwater source. The right sought to be changed is evidence by a Licensed ~~water right~~ and recorded as follows:

License No: 32-07034
Source: Groundwater
Amount: 4.10 cfs
Priority: 01/02/1996
Point of Diversion: NENE, Sec 33, T9N, R33E
Place of Use: NE1/4, and E1/2NW1/4, Sec. 33, and NE1/4, Sec. 34, T9N, R33E

TO BE CHANGED AS FOLLOWS:
(TR 4940)

The right will be split with 125.8 acres and 1.29 cfs used on the NE1/4 of Sec. 34, T10N, R34E, with a point of diversion in the SWNE, Sec. 34, T10N, R34E, Clark County.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of \$25 on, or before November 18, 1996.

KARL J. DREHER
Director

Published in the Post Register October 31 and November 7, 1996.

Part B



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 28, 1997

BLAINE LARSEN
PO BOX 188
HAMER, IDAHO 83425

RE: Permit No. 32-07034B/3207034C

Dear Right Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

RECORDED

MAR 11 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

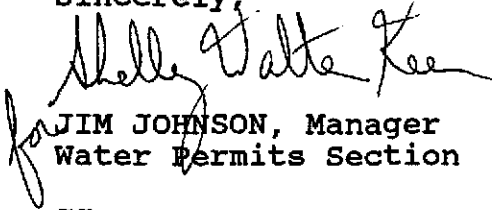
RECEIVED

MAR 11 1967

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

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

Sincerely,


for JIM JOHNSON, Manager
Water Permits Section

JJ:vrr

Enclosure

RECEIVED
MAR 1 1987

MEMORANDUM

TO: FILE NO. 32-07034

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER NO. 4941

DATE: February 18, 1997

=====

Transfer No. 4941 changes the point of diversion and place of use under a portion of Right No. 32-07034. The transferred portion is identified as 32-07034B.

This transfer is to develop a center pivot on new ground and a new well will be drilled. Recommended conditions include drilling permit requirements, measuring device/reporting, irrigation overlap and standard transfer requirements.

RECEIVED
FEB 11 1997

TRANSFER REVIEW SHEET
(02-97)

Transfer # 4941

Date Reviewed 02-14-97 28

Right(s) 32-07034

WRQII Print Split Summary ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Mortgage covers P/D transferred acres.

Transfer All of Right ☒ Portion of Right

Resulting Split(s) Part B

32-07034B = 1.29 cts 125.8 Acres 440.3 aca

Check Transfer Against Recorded Right

Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) ☒ Volume

(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) WM District Water District (12) ☒ Pertinent Conditions (13) No Expansion
IRR Overlap

⑦ Change P/D

⑧ Change P/U

③ Season of use 4-15 to 10-15 as licensed

Transfer Remarks Modified OIM

Conditions 0416 R30 T07 T08 T09

Database/Processing Notes

Standard

Non-Standard ☒

Split Part B - copy ☒

WR Reports File LAR 4.115, 2-27-97

File Deleted 36

Transfer Memo Complete ☒

Database Updated 2-27-97 28

WR0749NP
No. T32-07034B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLAINE LARSEN PO BOX 188 HAMER ID 83425 (208) 662-5501	01/02/1996	IRRIGATION	04/15 10/15	1.290 CFS	440.30 AFA
TOTAL DIVERSION:					1.290 CFS	440.30 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T10N R34E S34 SWNW CLARK County

Point of Diversion Name(s):

Name	Rate	Number
T10N R34E S34 SW NW		PIVOT 202

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	:

10N 34E 34 :			: 31				31	31	31	:				: 125.8		
															TOTAL ACRES	125.8

Pou County: CLARK

Other Water Rights with Same Point(s) of Diversion and Source:
32-07230

Other Water Rights Listing Overlapping Place(s) of use:
32-07230

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

WR0749NP
No. T32-070348

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/97
PAGE: 2

=====
Dates: App. Received: 04/07/1975 Priority Date: 01/02/1996 (Priority Date Advanced.)
Proof Due Date: 05/01/1980 Proof Made Date: 01/02/1996 (Proof Received Late.)
Exam Made Date: 08/12/1996 Exam Sent to S.O.: 09/16/1996
Licensed Date: 10/10/1996

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 02/14/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4941
Transfer No. 4941 changes the point of diversion & place of use
under a portion of Right No. 32-07034 identified as Part B.

Audit: 10/21/96 RBODELL 10/31/96 HJONES

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 32-07034

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.10 CFS	1400.0 AF
		- .73 T# 4943 (A)	- 249.9
<u>SOURCE</u>		3.37	1150.1
		- 1.29 T# 4941 (B)	- 440.3
GROUNDWATER		2.08	709.8

Priority: 01/02/1996

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 33, Township 09N, Range 33E
CLARK CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 33E 33	NENE 40 17.9	NWNE 40	SWNE 40 30.7	
	SENE 40	NENW 40	SENW 40 15.1	240 125.8
34	NENE 40	NWNE 40	SWNE 40	
	SENE 40			160

Total number of acres irrigated:

400
 - 71.4 T# 4943 (A)
 328.6
 - 125.8 T# 4941 (B)
 202.8

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. Rights 32-02120 and 32-07005B are also diverted at the point of diversion described above.

SD-0611-2 Basin: 32 Starting Water Right: 07034

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	32-07034	SIMMONS, GARNER	C	01/02/1996	L/	GROUNDWATER	IRR	WR
	T32-07034A	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	IRR	WR
	T32-07034B	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	IRR	WR
	T32-07034C	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	IRR	WR
	T32-07034D	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	IRR	WR
	T32-07034E	LARSEN, BLAINE	C	01/02/1996	L/	GROUNDWATER	IRR	WR

WR0725NP
(OD-725)

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 02/14/97
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
T09N R33E S 33		30.7				40				40				15.1				Transferred Acres				125.8																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
R3202104	GROUNDWATE :														39	38	40	33																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	

T10N R34E S 34		Proposed PU				31.4				31.5				31.4				125.8
T3202095A	GROUNDWATE :													31	31	31	31	124
T3207034D	GROUNDWATE :	31	31	31	31													124
T3207053D	GROUNDWATE :													31	31	31	31	124
3207228	GROUNDWATE :	40	40	40	40													160
3207229	GROUNDWATE :													40	40	40	40	160
3207230	GROUNDWATE : LARSEN App.					40	40	40	40									160
3207231	GROUNDWATE :									40	40	40	40					160
--86 MAP--	C33Q-V 39 :												1			5	7	13

T#4941

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

2-7-97
S.O.
Print #202

INITIAL REVIEW BY: KCU Wilson

1. Right number 32-7034 F Applicant Blaine Larsen # 4941
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments NONE
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NONE
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? Water Measurement Dist

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____
4. By RPC Date 2/7/97



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

January 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

RE: Withdrawal of protest on Application for Transfer No.'s 4928,
4940, 4941, 4942, & 4943

Dear Protestant:

This Department has received your withdrawal of protest by the Mud
Lake Water Users against the applications for transfer of Blaine
Larsen Farms.

If you have any questions, please call our office.

Sincerely,

Harold Jones
HAROLD JONES
Water Rights Supervisor

HWJ/rb

RECORDED
JAN 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 1997

BLAINE LARSEN FARMS
PO BOX 188
HAMER, ID 83425

RE: Withdrawal of protest on Application for Transfer
No. 4928, 4940, 4941, 4942, & 4943

Dear Applicant:

This Department has received a withdrawal of protest from Garth Soderquist, President of the Mud Lake Water Users.
If you have any questions, please call our office.

Sincerely,

Harold W. Jones *rh*
HAROLD JONES
Water Rights Supervisor

HWJ/rb
enc

NOTED
FEB 11 1997

RECEIVED
FEB 07 1997

January 16, 1997,

Department of Water Resources

I Garth Soderquist, President of the Mud Lake Water Users, do hereby withdraw my protest of water transfers: 4928, 4935, 4936, 4937, 4940, 4941, 4942 & 4943.

Signed Garth Soderquist
Garth Soderquist
P.O. Box 68
Terreton, ID 83450
(208) 663-4359

State of Idaho)
County of Jefferson) ss.

On this 16th day of January in the year of 1997 before me a notary public, personally appeared GARTH SODERQUIST, known or identified to me, to be the person whose name is subscribed in this document, and acknowledged to me that he executed the same.

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

Kevin Christensen
Notary Public Kevin Christensen
Residing at: Terreton, Idaho
My Commission Expires: 1-5-2000

140-000000

2001-01-07



Blaine Larsen Farms

P.O. Box 188 Hamer, ID 83425 (208) 662-5501

Four Year Internal Moratorium

Stipulations of the Agreement:

- 1) All protests against the Garner Simmons water rights (32-02095, 32-02096, 32-02120, 32-04001, 32-07005B & 32-07034) will be withdrawn. In consideration for the withdrawal of protests, said water rights will be transferred at 2.66 acre foot per acre.
- 2) Blaine Larsen agrees to front five-thousand dollars (\$5,000.00) for the core drilling of a test well. This test well will be located in the geographical vicinity of the Producers or Montevieu Canal Companies' wells.
- 3) The transfers involving Dean Shenton's water right 32-07081B will not be protested or, if already protested, the protest will be withdrawn.
- 4) ~~The possibility exists that Dean Shenton will put his ground back into production for the 1998 season, if this occurs Blaine Larsen will lose three-hundred forty one (341) acres appurtenant to the Dean Shenton water right. For this reason, Larsen reserves the option to fill in the vacancy created by the loss of Dean Shenton's water right. Blaine Larsen can fill this vacancy by purchasing water from the geographical area of Small, ID to U.S. Highway 22 to Hamer, ID, or he can dry up end guns on existing pivots.~~ ② 01/14/97
- 5) Regarding the end gun transfers already in process, Blaine Larsen hopes all parties will at least take to time consider the idea. However, if it is their wish to prevent said transfers, Larsen will withdraw them.
- 6) Blaine Larsen reserves the right to save his water license 31-07302. This license is appurtenant to Pivot 79. Larsen's intentions are to transfer the forty three (43) acres appurtenant to the since removed corner machine to a more suitable location within the same approximate geographical location.
- 7) As stated by the title of this agreement, Blaine Larsen will not file for any transfers (excluding said transfers mentioned above) for a period of four (4) years.

100-10111

807 11 117



Blaine Larsen Farms

P.O. Box 188 Hamer, ID 83425 (208) 662-5501

Signatures:

Blaine Larsen
Blaine Larsen

Nath Soderquist

Jefferson Park 650th Ave

Jeckett Canal

Edgar Green

Kolloy Water Lessee

Dwain Kirkham

Monteview Canal

Dale E. Cope

Level Canal Co

Wm. A. Aiken

Producers Irr. Co.

Michael D. Omer

Mud Lake Canal Companies

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 11-11-77

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, **S. BOB BRIGHT or ROBERT PARK**

....., first being duly sworn, depose and say: That I am the
Production Supervisor or Asst. Prod. Supervisor
..... of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for two..... consecutive weeks, first publication having been made
on the 31st..... day of ...October....., 19.96., last publication
having been made on the 7th..... day of .November....., 19.96., and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this ...13th day of ...November....., 1996...

Robert Park
.....
Susan Magner
Notary Public

My commission expires July. 1....., 19.97..

B10

RECEIVED

MAY 18 1996

1012-000-0000
Department of Water Resources
Eastern Region
MAY 19 1996

**NOTICE
OF PROPOSED CHANGE
OF WATER RIGHT**

Notice is hereby given that Blaine Larsen, P.O. Box 188, Hamer, ID 83425, has applied to the Department of Water Resources to change the point of diversion and place of use for a groundwater source. The right sought to be changed is evidence by a licensed water right and recorded as follows:

License No: 32-07034

Source: Groundwater

Amount: 4.10 cfs

Priority: 01/02/1996

Point of Diversion: NENE, Sec 33, T9N, R33E

Place of Use: NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 33, and NE $\frac{1}{4}$, Sec. 34, T9N, R33E

**TO BE CHANGED
AS FOLLOWS**

(TR 4941)

The right will be split with 125.8 acres and 1.29 cfs used on the NW $\frac{1}{4}$ of Sec. 34, T10N, R34E, with a point of diversion in the SWNW, Sec. 34, T10N, R34E, Clark County.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of \$25 on, or before November 18, 1996.

KARL J. DREHER
Director

Published: Oct 31, Nov 7, 1996

RECEIVED

FEB 07 1997

Department of Water Resources

WILSON/STACEY

FEB 11 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

NOVEMBER 15, 1996

BLAINE LARSEN
PO BOX 188
HAMER ID 83425

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Applications for Transfer No.'s 4928, 4933, 4935, 4936, 4937, 4940, 4941, 4942, 4943, & 4948

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a transfer. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-222, Idaho Code):

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original water right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones *rb*
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

pc: IDWR - STATE OFFICE
enc

ENCLOSURE

MAR 11 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 18, 1996

GARTH SODERQUIST
OWSLEY, JACKET, & HOLLEY CANAL CO.
PO BOX 68
TERRETON ID 83450

RE: Applications for transfer No.'s 4928, 4940, 4941, 4942, & 4943
LARSEN

Dear Mr. Soderquist

Your protest against approval of the above referenced applications for transfer has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

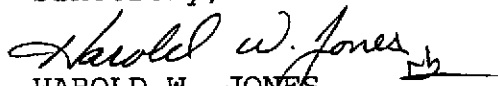
Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application (Sec. 42-222, Idaho Code):

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original water right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of allegations involving one or more of the four items.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office

11/20/96

MAR 11 1997

EODD 150

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

NOV 15 1996

Department of Water Resources
Eastern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested TR 4940, TR 4941, 4943, 4942 - TR 4928
2. Name of protestant OWSLEY, JACKET & HOLLEY CANAL CO.
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 168 TERRETON, IDAHO, 83450
5. Service telephone no. 208-663-4359

6. Basis of protest (including statement of facts and law upon which the protest is based)

① WILL INJURE WATER RIGHTS OF PROTESTANTS

② MAY CONSTITUTE AN ENLARGEMENT OF THE ORIGINAL RIGHTS

③ MAY BE INCONSISTENT WITH THE CONSERVATION OF WATER RESOURCES

④ ARE NOT IN LOCAL PUBLIC INTEREST.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest?

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 15TH day of NOVEMBER, 1996.

OWSLEY, JACKET & HOLLEY CANAL CO.
PROTESTANT

Garth Soderquist Pres.
PROTESTANT'S REPRESENTATIVE



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

October 22, 1996

THE POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, 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 billing to this office before NOVEMBER 18, 1996.

Yours truly,

Rita Bodell
Secretary

Enc.

RECORDED

MAR 11 1997

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

Notice is hereby given that Blaine Larsen, P.O. Box 188, Hamer, ID 83425, has applied to the Department of Water Resources to change the point of diversion and place of use for a groundwater source. The right sought to be changed is evidence by a Licensed ~~water right~~ and recorded as follows:

License No: 32-07034
Source: Groundwater
Amount: 4.10 cfs
Priority: 01/02/1996
Point of Diversion: NENE, Sec 33, T9N, R33E
Place of Use: NE1/4, and E1/2NW1/4, Sec. 33, and NE1/4, Sec. 34, T9N, R33E

TO BE CHANGED AS FOLLOWS:
(TR 4941)

The right will be split with 125.8 acres and 1.29 cfs used on the NW1/4 of Sec. 34, T10N, R34E, with a point of diversion in the SWNW, Sec. 34, T10N, R34E, Clark County.

Anyone wishing to protest the above change must submit a written protest to the applicant at the above address and to the Department of Water Resources with a fee of \$25 on, or before November 18, 1996.

KARL J. DREHER
Director

Published in the Post Register October 31 and November 7, 1996.

UNRECORDED

MAR 11 1997



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 11, 1996

GARNER SIMMONS
PO BOX 148
TETON ID 83451

RE: WATER RIGHT NO. 32-07034

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED
OCT 14 1996



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1996

GARNER SIMMONS
PO BOX 148
TETON ID 83451

*I, Garner Simmons, request
licensing as per field exam
completed by Keith C. Wilson.*

RE: WATER RIGHT NO. 32-07034

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED
NOV 04 1996

RECEIVED
OCT 10 1996
Department of Water Resources

Part A



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 21, 1997

BLAINE LARSEN
PO BOX 188
HAMER, IDAHO 83425

RE: Permit No. 32-02096B/32-07034A

Dear Right Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

6-7 11 057

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

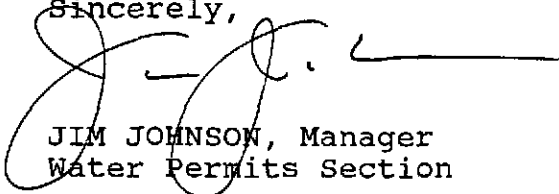
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

RECORDED
NOV 14 1977

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

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

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:vrr

Enclosure

MEMORANDUM

TO: FILE 32-7034 ~~A~~

FROM: PAM SKAGGS

RE: TRANSFER # 4943

DATE: 10-28-96

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 32-2096.

MICROFILMED

MAR 11 1997

MEMORANDUM

DATE: October 8, 1996

TO: Water Right File 32-07034

FROM: Shelley W. Keen *SWK*

RE: Amendment Request

This morning I spoke with attorney Dave Stoddard, who is representing right holder Garner Simmons. Mr. Stoddard said that Mr. Simmons prefers that the license for 32-07034 be issued without the permissible place of use. Therefore, he will not be signing the licensing amendment.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1996

GARNER SIMMONS
PO BOX 148
TETON ID 83451

RE: WATER RIGHT NO. 32-07034

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED

LICENSE REVIEW CHECKLIST

PERMIT NO. 32-07034

DATE 9/20/96

REVIEWER: S H A R L A

NAME Change OK

Address Change No

SOURCE Change ✓

Is change clarification of originally intended source? ✓
If not, prepare Notice of Intent to Void

POINT OF DIV Change ✓

Amendment required No

PLACE OF USE

✓ S33 - W 1/2 NW 1/4
34 NW 1/4

Amendment required yes

Does map agree with written description? ✓ yes no

OVERLAPS

 P/D P/U 32-7005B
2120

RATE OF DIV

Permitted Rate 8.0 cfs

Fee limit 8.0 cfs \$27500

Measured 8.10 cfs

Theoretical 8.42 cfs

500 x 8.8 x .7 / 227 + (2.31 x 60) = 8.42

Recommended Total Div Rate 4.1 cfs

- 8.1 already
- 4.0 licensed
4.1

ANNUAL VOLUME/
NATURE OF USES

Change ✓

Use Dr.

Volume Calculation

640 x 3.5 = 2240.0 af.

8.0 x 183 x 1.98 = 2898.7

_____	af
_____	af
_____	af
_____	af
SUBTOTAL	af

Flow rate 4.1 cfs X 183 days X 1.9835 = 1485.6 af

Total volume recommended af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35 (32-7034/2120/7005B) 2240.0 af
W27 (400)
W36 (32-2120/7005B)

CONDITIONS Watermaster Control WD#

 GW Measurement/Measuring Device

30 Overlap

 Use-specific conditions

Advancement of Priority Date Required yes ✓ no

SRBA Claim Filed NA

Adjustment Memo

1st Amend Letter P41, P38

2nd Amend Letter P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 18 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 32-7034

1. Owner: Snaffle Bit Land & Livestock Co.
96 Garner Simmons

Phone No. 458-4424

Current Address: Box 148 Teton, Id 83451

2. Accompanied by: John Allen

EXAM DATE: 8-12-96

Address: Montevideo, Id 83435

Phone No. 657-2200

Relationship to Permit Holder: Farm operator

3. Source: GROUNDWATER

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 32-07005B / 32-02120

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NE	33	9N	33E	Clark	On site / USGS QUAD / AERIAL PHOTO

2. Place(s) of Use:

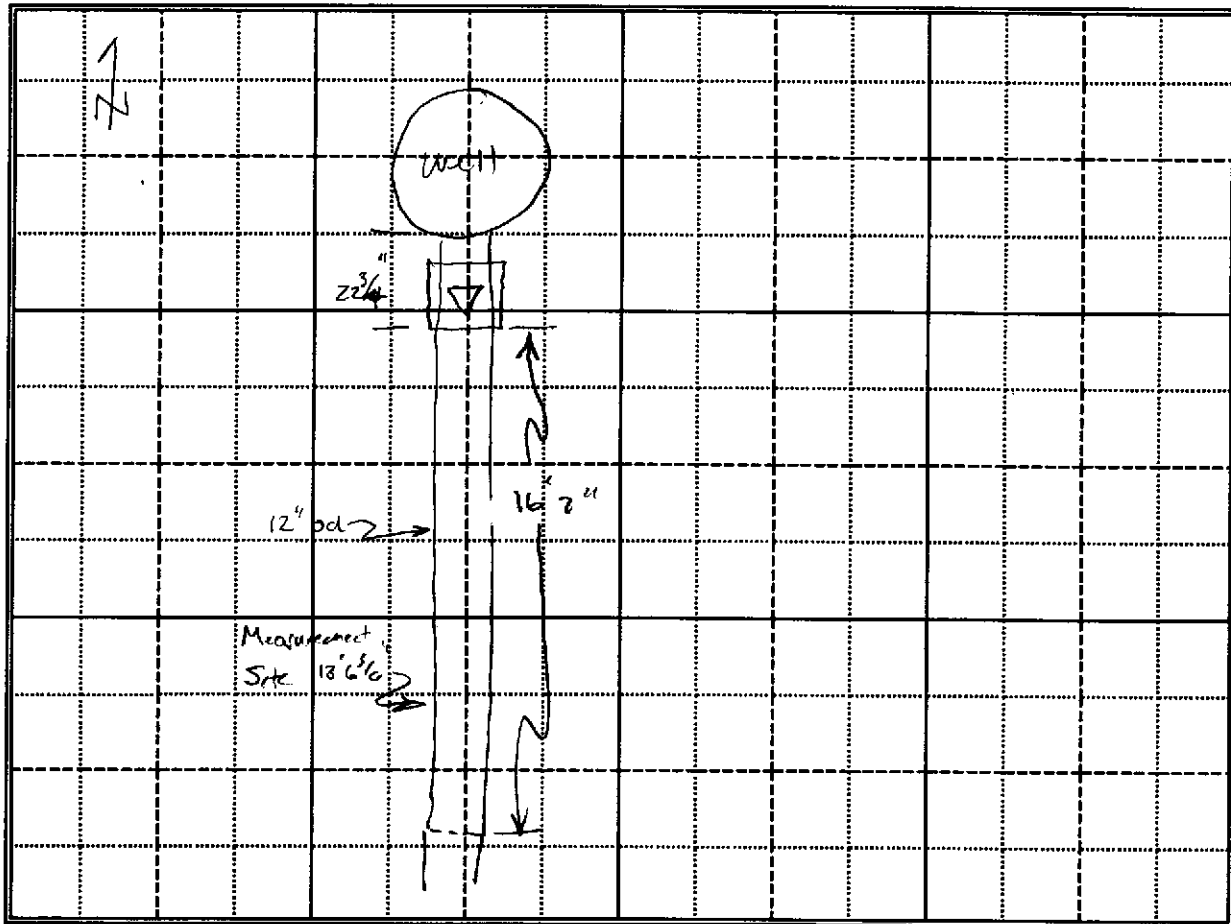
Indicate Method of Determination ^{Map} USGS / Aerial Photo

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	33E	33	40	40	40	40	40	40	40	40									320
		34	40	40	40	40	40	40	40	40									320
																			640
RECOMMENDED FOR LICENSING																			
9N	33E	33	40	40	40	40	40			40									240
		34	40	40	40	40													160
																			400

MICROFILMED

NOV 04 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	500	5K6326703421	Aurora Vert/ve	V74-02201

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic						

2. Measurements: 3634 gpm =

MICROFILMED

NOV 04 1996

E. NARRATIVE/REMARKS/COMMENTS

Well, pump mainline to 22 - $\frac{1}{4}$ mile hand lines w $\frac{5}{32}$ " nozzle 31 birds/line
MAINLINE RUNS 1 mile west of Well & $\frac{1}{2}$ miles EAST OF Well. NOTE: That portion
of the mainline is not used because system cannot handle necessary capacity.
A valve located at E $\frac{1}{4}$ corner of Sec 34, T9N, R33E, shuts off the last $\frac{1}{2}$ mile
in Sec 35, T9N, R33E.

Have conditions of permit approval been met? ☒ yes

☐ no

MICROFILMED

NOV 04 1996

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Polysonic Q = 3634 gpm = 8.10 cfs**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 400 (3.5 \text{ afa}) = 1400 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.06 \text{ cfs} (183) (1.9835) = 1836.7$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1400 \text{ afa}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	5.06	1400
Totals:			5.06	1400

2. 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

I. AUTHENTICATIONField Examiner's Name KEITH C. WILSON Date 8-12-96

Reviewer _____ Date _____

SEAL

MICROFILMED

NOV 04 1996

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Form 9/96

POINT OF DIVERSION OVERLAP REVIEW

32-07034

Permit Number

1. Analysis of Entire System, Current Application Rate per Acre (Qc):

Limit to 0.02 cfs/ac, Permitted Amount, or System Capacity, **WHICHEVER IS LESS.**

A. Total Number of Acres irrigated = 640 acres

B. Total Diversion Rate = 8.10 cfs

Qc = Total Diversion rate [1.B]/Total irrigated acres [1.A] = Current Diversion Rate

$$Qc = \frac{8.10 \text{ cfs}}{640 \text{ acres}} = Qc = 0.012656 \text{ cfs/ac}$$

2. Old Application Rate per Acre = (Qo) from Licensed Flow Rates:

License # 32-62120 @ 3.20 cfs / 160 ac

License # 32-070058 @ 0.80 cfs / 80 ac

License # _____ @ _____ cfs / _____ ac

$$Qo = \text{Total Lic. Rate} = \frac{4.00 \text{ cfs}}{240 \text{ ac}} = Qo = 0.01667 \text{ cfs/ac}$$

[Old Diversion Rate(Qo) = Licensed Flow Rate/# acres]

3. Comparison of Diversion Rates. IF:

A. $Qo > Qc$: $Qo(\#2) = 0.01667 \text{ cfs/ac} > Qc(\#1) = 0.012656 \text{ cfs/ac}$
[Old Diversion Rate(Qo) > New Diversion Rate(Qc)]

EXCLUDE LICENSED LANDS . . . GO TO ITEM #4A

B. $Qc > Qo$: $Qc(\#1) = \text{_____ cfs/ac} > Qo(\#2) = \text{_____ cfs/ac}$
[New Diversion Rate(Qc) > Old Diversion Rate(Qo)]

INCLUDE LICENSED LANDS . . . CONTINUE TO ITEM #3.B.1 & 2

1. Additional Flow Rate for Licensed Lands. $Qa = (Qc - Qo) \times (\# \text{ Lic. Ac})$

$$Qa = [(\text{_____ cfs/ac}) - (\text{_____ cfs/ac})] \times (\text{_____ acres}) = Qa = \text{_____ cfs}$$

2. Flow Rate New Acreage. Total Ac. (#1.A) - Lic. Ac. (#2) = New Acres

$$Qn = (Qc) \times (\# \text{ New Ac.}) = \text{_____ cfs}$$

$$Qn = (\text{_____ cfs/ac}) \times (\text{_____ ac}) = Qn = \text{_____ cfs}$$

GO TO ITEM #4B.

4. Calculate Total Flow Rate to be Licensed:

A. Rate **EXCLUDING** Licensed land. Total Ac. (#1.A) - Lic. Ac. (#2) = New Ac.

$$(\text{640}) - (\text{240}) = 400 \text{ ac}$$

$$Qt = Qc(\#1) \times (\# \text{ New Acres}) = 0.012656 \text{ cfs/ac} \times 400 \text{ ac} = \boxed{5.06 \text{ cfs}}$$

CONDITIONS/REMARKS: _____

B. Flow Rate **INCLUDING** Licensed land.

$$Qt = Qa(\#3.B.1) + Qn(\#3.B.2) = \text{_____ cfs} = \boxed{\text{_____ cfs}}$$

CONDITIONS/REMARKS: _____

MICROFILMED

NOV 04 1996

OUTER DIAMETER
12.000 IN

MODE SELECT
DATA SET

DATA SET MODE
? PRINTER

00-00 02:2500 *R
+ 4.219E 3GPM

00-00 02:3400 *R
+ 3.585E 3GPM

00-00 02:3400 *R
+003.00 % AI2

0446.2 MMSEC
101.31 % T0

0444.1 MMSEC
099.71 % T0

PRINTER USE
? YES

MODE SELECT
INPUT

OUTER DIAMETER
12.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1059 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1460 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.076 IN U

08-12 11:0100 *R
+003.00 % AI2

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE

OUTER DIAMETER
12.0000 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1059 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1460 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.076 IN U

08-12 11:0100 *R
+003.00 % AI2

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-12 11:0300 *R
+ 3.612E 3GPM

08-12 11:0300 *R
+003.00 % AI2

08-12 11:0300 *R
+ 3.620E 3GPM

MODE SELECT
T0 CHECK

0444.1 MMSEC
099.71 % T0

08-12 11:0400 *R
+ 3.565E 3GPM

MODE SELECT
DATA SET

DATA SET MODE
? PRINTER

08-12 11:0500 *R
+ 3.634E 3GPM

08-12 11:0500 *R
+ 3.577E 3GPM

08-12 11:1000 *R
+ 3.608E 3GPM

Q= 8.10 cfs

MICROFILMED

NOV 04 1986

33-07034

FLOW
MEASUREMENT
TAPE

#EOTC-EE

33-07034

MICROFILMED

NOV 04 1996

VIEW NORTH



POINT OF DIVERSION

RECEIVED

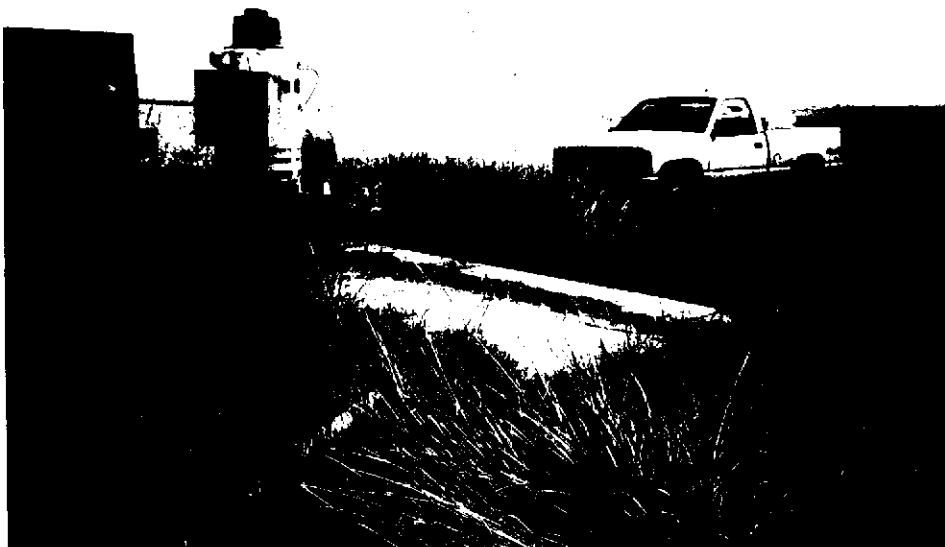
OCT 25 1996

Department of Water Resources

Photos Taken 8/12/96

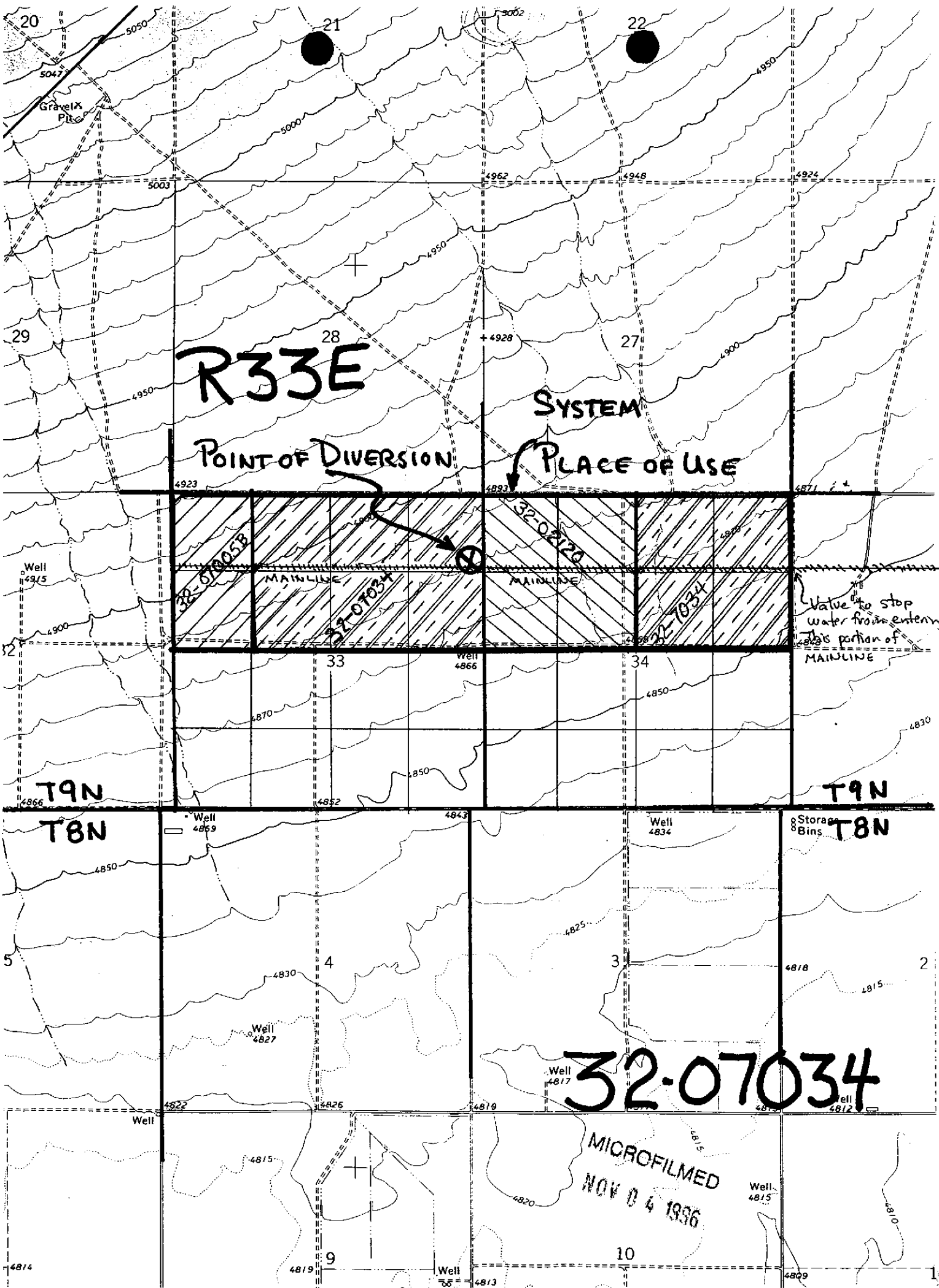
KEITH C. WILSON

VIEW NE



MICROFILMED
NOV 04 1996

32-7034

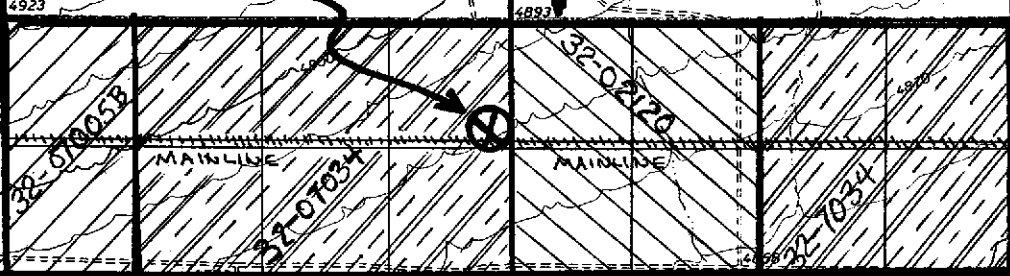


R33E

SYSTEM

POINT OF DIVERSION

PLACE OF USE



Valve to stop water from entering this portion of MAINLINE

T9N

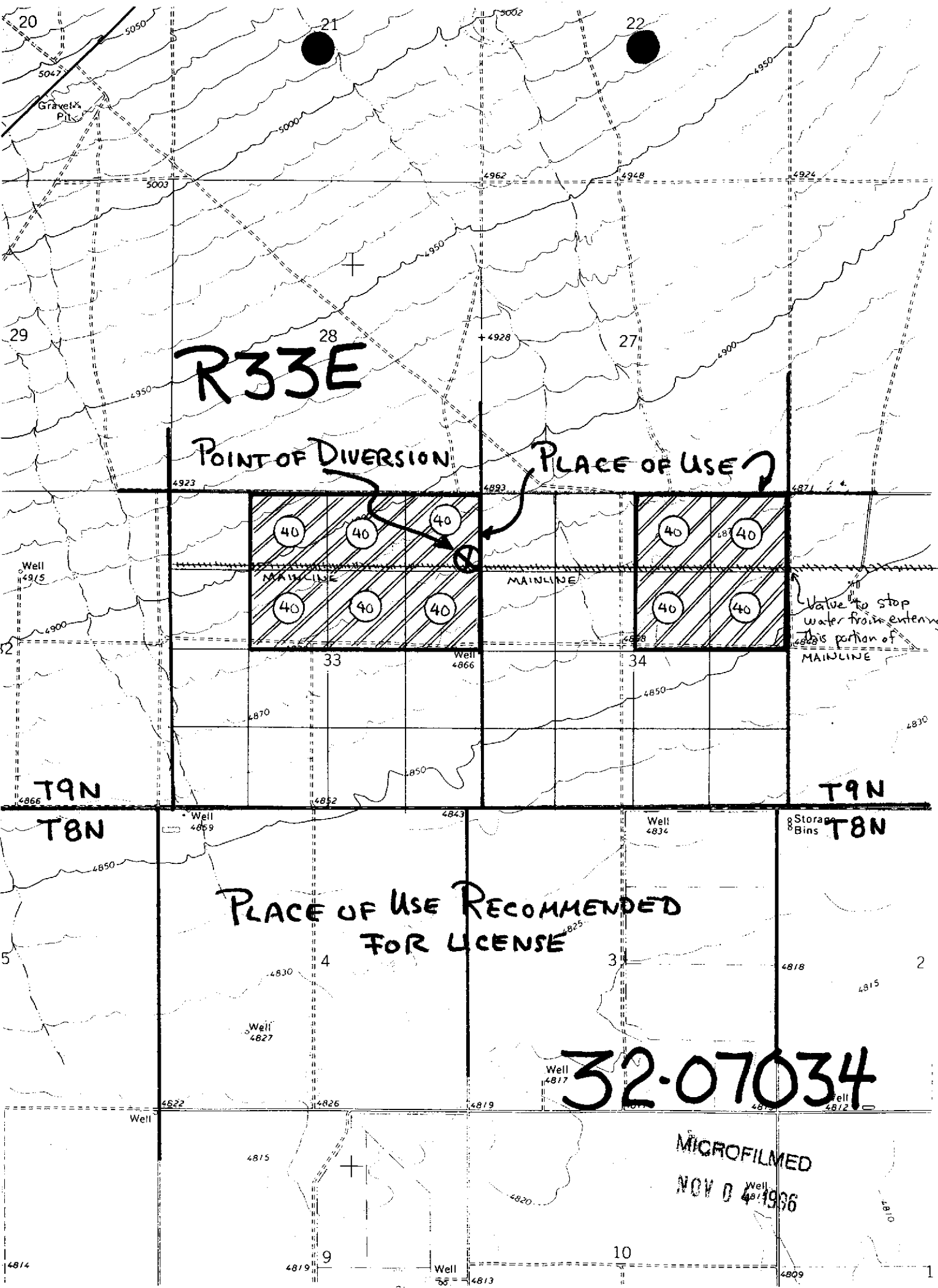
T9N

T8N

T8N

32-07034

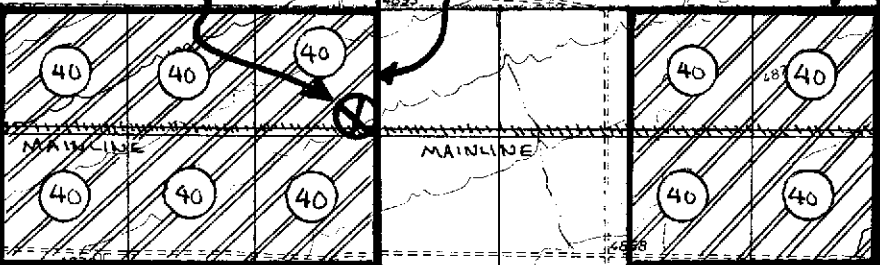
MICROFILMED
NOV 04 1986



R33E

POINT OF DIVERSION

PLACE OF USE

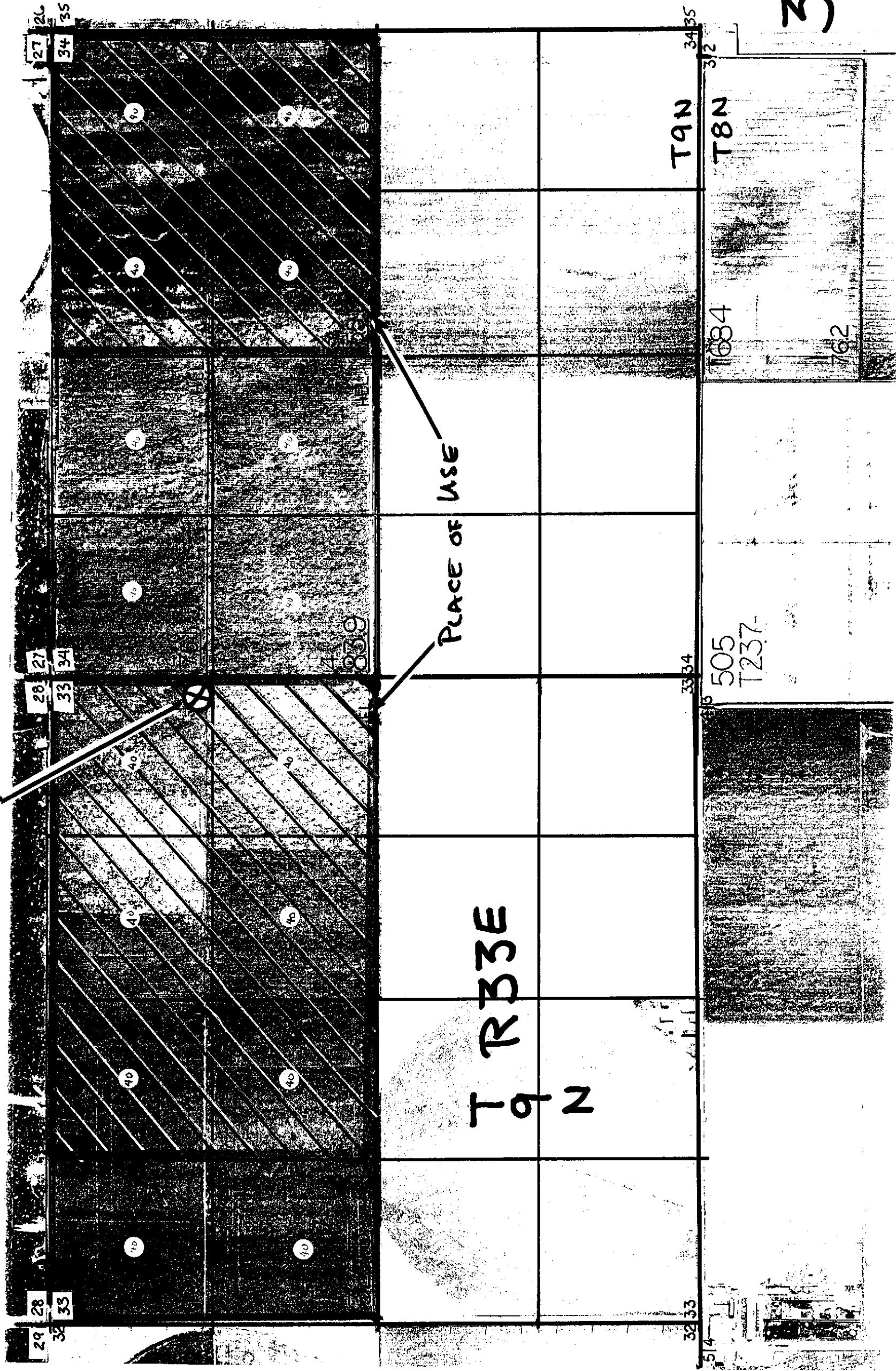


PLACE OF USE RECOMMENDED FOR LICENSE

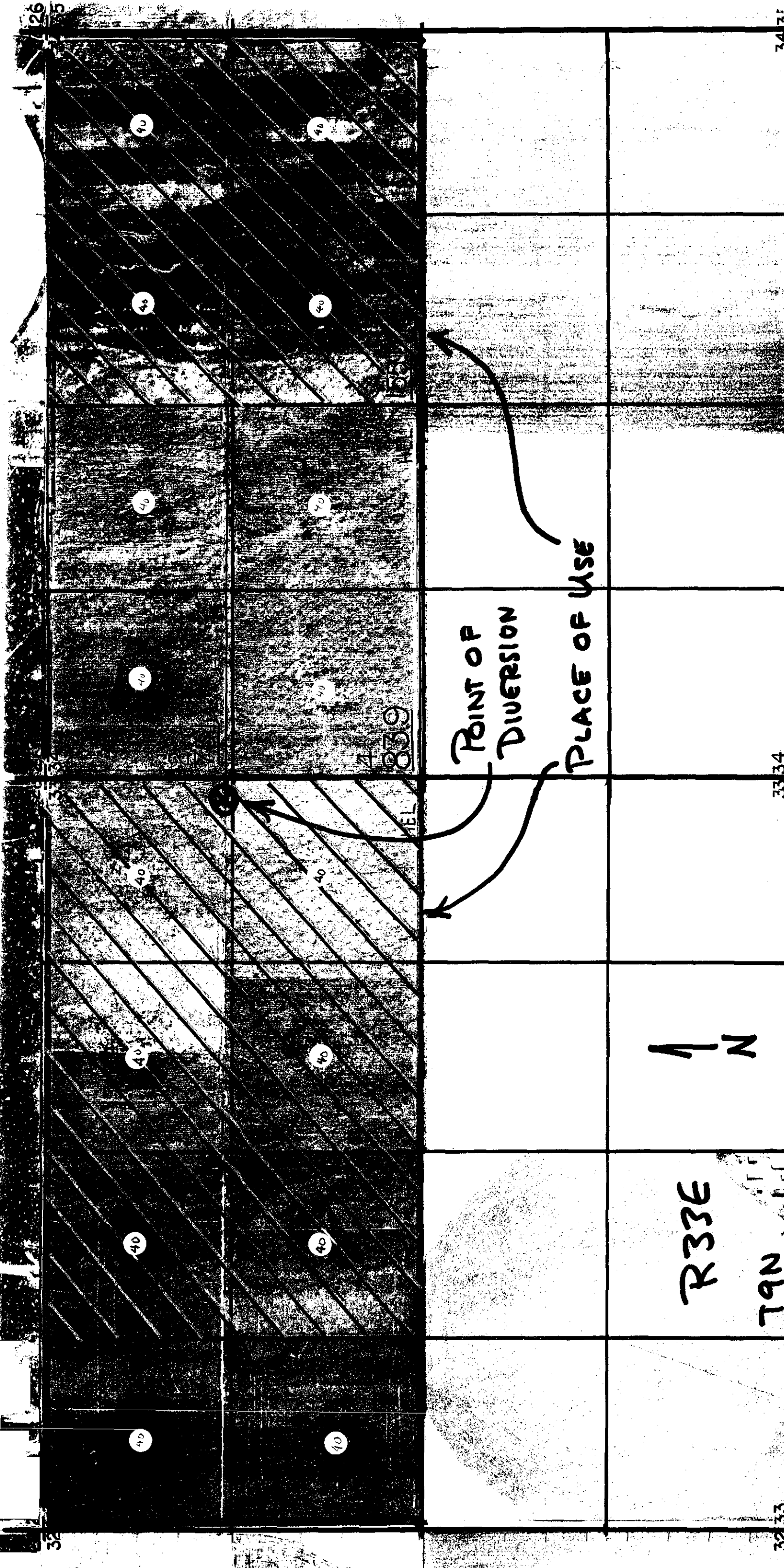
32-07034

MICROFILMED
NOV 04 1966

POINT OF DIVERSION



32-07034



POINT OF
DIVERSION
PLACE OF USE

N

R33E

T9N

T8N

505

T237

T684

32-7034

762

343

312

3334

43

3233

514

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 32-07034 Reviewed by [Signature] Date 3-7-96

GENERAL CONSIDERATIONS

TYPES OF USE

no Name same as permit? - warranty deed
no Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
no Drilling permit required? per 1987
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
275- Amount Submitted
yes Correct?
yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received 1-2-96
Date proof due 5-1-80 -
No. of days late over 60 =
Priority Date +
New Priority Date

> 1-2-96

DEFICIENCIES OR ACTION ITEMS

Reinstate & advance priority to January 2, 1994.

DATA ENTRY

Garner Simmons
New Address Pox 148 Proof Made 1-2-96
leton, AL 36451



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
March 8, 1996

GARNER SIMMONS
BOX 148
TETON ID 83451

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 32-07034

Dear Mr. Simmons:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to January 2, 1996. Additionally, since the original water right holder did not assign the permit to you, the department cannot reinstate it in your name. However, you are noted in the file as controller of the permit and you will be contacted by the department in the future to schedule a field examination to confirm the use of the water.

If you have questions concerning the field examination, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED

MAR 26 1996

RECEIVED

FEB 20 1996

February 14, 1996

Department of Water Resources

Julie L. Yarbrough
Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Re: Reinstatement of Permit No. 32-07034

Dear Ms. Yarbrough:

This letter is in response to the correspondence I received from you dated February 2, 1996 regarding the reinstatement of water permit No. 32-07034 on my farm property in Clark County.

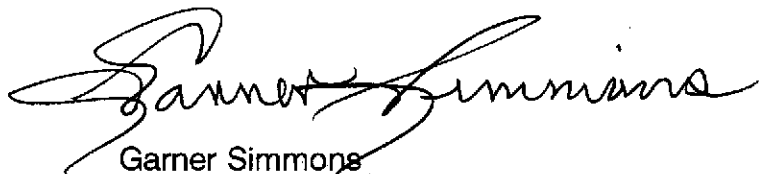
Enclosed is a copy of the warranty deed dated April 1, 1977 transferring ownership of the Clark County property from Snaffle Bit Land & Livestock to Garner and Joyce Simmons. Also enclosed is a copy of a title search performed by First American Title on the Clark County property dated January 29, 1996. These documents should provide ample evidence of my ownership of the property.

I don't know who performed the field investigation for the department, nor do I know the specific date it was performed.

I don't recall ever receiving the letter dated September 10, 1986 from the Department which you enclosed with your correspondence. I believed that everything related to the water rights had been taken care of.

Thank you for your consideration.

Sincerely,



Garner Simmons

FEB 23 1996

WARRANTY DEED

RECEIVED
FEB 20 1996

THIS INDENTURE, made this 1st day of April Department of Water Resources 1977, between SNAFFLE BIT LAND & LIVESTOCK CO., a limited partnership PO Box 10 of Montevideo, County of Jefferson, State of Idaho, the part Y of the first part and GARNER E. SIMMONS and JOYCE S. SIMMONS, husband and wife 133 North 3rd East St. of Teton City, County of Fremont, State of Idaho, the parties of the second part, WITNESSETH, that the said part Y of the first part, for and in consideration of the sum of -----Ten and no/100-----Dollars lawful money of the United States of America and other valuable consideration, to it in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, do es grant, bargain, sell and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in -----, County of Clark, State of Idaho, to-wit:

N½ of Sec. 33; N½ of Sec. 34, all in Twp. 9 N, Rge. 33 E, Boise Mer.

Subject to a perpetual easement for the operation and maintenance of an irrigation well on the following described property:

Commencing at the Southeast Corner of the NE¼ of Sec. 33, Twp. 9 N, Rge. 33 E, Boise Mer., and running thence W 75 feet, thence N 150 feet; thence E 150 feet; thence S 150 feet; thence W 75 feet to the point of beginning.

Subject to public road right-of-way along the North 30 feet of the property.

Subject to other easements, if any, of record or in existence for roads ditches and utilities.

Excepting therefrom all oil, gas, minerals, mineral rights, brine, steam, and geothermal rights of any kind or description, which have been previously reserved on the property.

Together with all water rights, appurtenant thereto.

The following described personal property, to-wit:

- 1 500 horse power motor and pump, installed in the irrigation well on the premises
- 1 circle sprinkler irrigation system with equipment, as installed
- 18 hand irrigation lines, and all mainline as located on the property.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof: and all estate, right, title and interest in and to the said property, as well in law as in equity of the said part Y of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said part Y of the first part, and its heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said part Y of the first part, and its heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set its hand and seal, the day and year first above written.

Executed and Delivered in the Presence of

SNAFFLE BIT LAND & LIVESTOCK CO.

By: Chad L. Neilson [SEAL]
Chad L. Neilson - General Partner

By: Richard Dee Davies [SEAL]
Richard Dee Davies - Partner

By: James G. Marshall [SEAL]
James G. Marshall - General Partner

MAR 26 1996

RECEIVED JAN 31 1996



RECEIVED

FEB 20 1996

Department of Water Resources

First American Title

*110 North Clark * Rigby, Idaho*

Phone (208) 745-8715

Fax (209) 745-8716

COMMITMENT FOR TITLE INSURANCE

PREPARED FOR:

GARNER SIMMONS

ORDER NO.:

C18643

TITLE OFFICER:

KATHY MOEDL

ESCROW NO.:

ESCROW OFFICER:

***We know you had a choice.
Thank you for choosing First American Title Company!***

MAR 26 1996

SCHEDULE A

1. Commitment Date: JANUARY 29, 1996 at 9:00 a.m.
Commitment No. C18643
TO: GARNER SIMMONS
PO BOX 148
TETON ID 83451
2. Policy or Policies to be issued: Premium Policy

(X) Owners Policy
Form 1402-87 (4-6-90)
Proposed Insured: TO BE DETERMINED

() Mortgage Extended Loan Policy \$ \$
Form 1056-87 (4-6-90)
Proposed Insured:

() Endorsements: \$
3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by

GARNER E. SIMMONS AND JOYCE S. SIMMONS, HUSBAND AND WIFE
4. The Land referred to in this Commitment is described as follows:

SEE ATTACHED SCHEDULE "C"

MAR 26 1996

NOTE: Investigation should be made to determine if there are any service, installation, maintenance or construction charges for sewer, water, telephone, gas, electricity or garbage and refuse collection, or any covenants, conditions and restrictions under which an estate, lien or interest in property has been made, or may be, cut off, subordinated or otherwise impaired.

No. C18643

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho, County of CLARK and is described as follows:

TOWNSHIP 9 NORTH, RANGE 33 EAST OF THE BOISE MERIDIAN, CLARK
COUNTY, IDAHO

SECTION 33: N 1/2
EXCEPTING THEREFROM: Public road right of way
along the North side of said property.

SECTION 34: N 1/2
EXCEPTING THEREFROM: Public road right of way
along the North side of said property.

MAR 26 1998



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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

February 2, 1996

Garner Simmons
Box 148
Teton, ID 83451

RE: Reinstatement of Lapsed Permit No. 32-07034

Dear Mr. Simmons:

I am in receipt of the Proof of Beneficial Use statement, license examination fee, and affidavits which you submitted in connection with the above referenced lapsed water right permit. Before the department can further consider reinstatement of the water right, you will need to supply some additional information.

In order for the department to accept the proof in your name, you must show that you are the current owner of the property to which this water right is associated with. The last Assignment of Permit (copy enclosed) indicates that Snaffle Bit Land and Livestock Co. are the owners of the permit. If you have an Assignment of Permit from Snaffle Bit Land and Livestock please provide a copy of the assignment. If no assignment was made, please provide us with a copy of your warranty deed to the property.

In your affidavit you state that an engineer for the department made his investigation preliminary to the issuance of the license. Could you give a specific date when the investigation occurred and who from the department performed the field investigation.

Additionally, enclosed is a certified letter from the department addressed to you dated September 10, 1986, informing you of the need to submit a license examination fee before a field examination could be performed by the department. The letter was addressed to your address of record and a copy was also forwarded to the Farmers Home Administration. Please clarify the statement in your affidavit which states, "No one from the department, either in Boise or locally, has ever advised me, or anyone else that I know of, that the final proof as submitted to the department was incomplete or lacking in some detail, until in of March 1995... ."

RECEIVED

MAR 26 1996

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

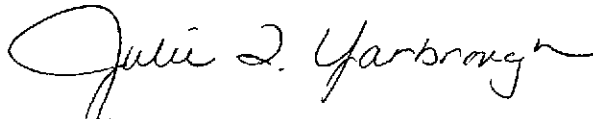
Garner Simmons

Page 2

February 2, 1996

The department will further consider reinstatement of the permit upon the submittal of the additional information I have requested. If you have any questions, please contact me at (208)327-7900.

Sincerely,



JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: IDWR - Region

RECEIVED
FEB 6 1996

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

RECEIVED

JAN 02 1996

Department of Water Resources

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone:
Rexburg: (208) 356-3633
Idaho Falls: (208) 529-5531
Fax: (208) 356-0768

December 28, 1995

Department of Water Resources
Attn: Julie L. Yarbrough
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

**Re: Garner Simmons
Lapsed Permit No. 32-07034**

Dear Ms. Yarbrough:

Enclosed herewith are the following documents submitted pursuant to your letter dated June 12, 1995, for the reinstatement of the above-entitled matter:

1. Proof of Beneficial Use executed by Garner Simmons
2. Affidavit by Dee Davis
3. Affidavit by George Hansen
4. Affidavit by John Allen
5. Affidavit by Garner Simmons
6. Garner Simmons' check made payable to the Department of Water Resources for the sum of \$275.00

Having visited with several of these people, who either had interests in the Snaffle Bit Land & Livestock Co. or participated in the operation of the farm, it seems very clear that Mr. Simmons bought this property relying very heavily on the water right and was assured by those handling the sale and those closing the transaction that the proof had been filed and the

MAR 26 1996

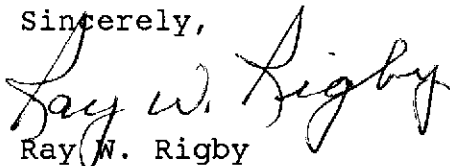
Department of Water Resources
Attn: Julie L. Yarbrough
December 28, 1995

Page 2

water right was secure and a license would be forthcoming in due time from the Department.

Because of the confusion and delays brought about by the Swan Falls dispute and the claims and lawsuits filed by the downstream users, this office is aware of many water rights that were waiting either processing, or investigations by the Department's personnel or the licensing processing itself. It was difficult to keep track of the status of these water rights. I agree with Mr. Simmons and these other people that it would be an injustice to advance the priority date on his water license. After all, as I understand it, the final proof had been submitted, and it is unfortunate that there was not more communication between the office and Snaffle Bit with regard to their sending the Department a check. Mr. Simmons' appeals to the Department that equity should prevail and allow him to have the original priority date.

Sincerely,


Ray W. Rigby

dk

Enclosures

RECEIVED

MAR 26 1996

IN THE MATTER OF:)
GARNER SIMMONS)
LAPSED PERMIT NO.)
32-07034)

AFFIDAVIT

RECEIVED
JAN 02 1996

State of Idaho)
County of Madison)

Department of Water Resources

DEE DAVIES being first duly sworn,

deposes and says: _____

1. I am an adult, competent to testify to matters herein.

2. I know of my own knowledge that Garner Simmons purchased the N1/2 of Section 34 and the N1/2 of Section 33, in Township 9 N., Range 33 E.B.M., from Snaffle Bit Land & Livestock Co., of Montevue, Idaho, in March of 1977.

3. The above-described land is located in Clark County, Idaho.

4. The real estate agent involved in said sale was Cook Real Estate Co., of Idaho Falls, Idaho.

5. Snaffle Bit Land & Livestock Co. is now dissolved, but at the time of said purchase I was a partner of said Snaffle Bit Land & Livestock Co. and have knowledge of said sale to Mr. Simmons.

6. I know of my own knowledge that Snaffle Bit Land & Livestock had the well on the above-described property drilled and that it was physically used to pump water from the above-described land. Said well was drilled in 1973, and has been beneficially used on a continual basis ever since that time.

Dee Davies
(Signature)

Subscribed and sworn to before me this 12 day of December, 1995.

Larry W. Legby
(Notary Public)

Residing at Lexburg, Idaho
My Commission Expires 3-12-99

MAR 26 1996

IN THE MATTER OF:)
GARNER SIMMONS)
LAPSED PERMIT NO.)
32-07034)
State of Idaho)
County of Madison)

AFFIDAVIT

RECEIVED
JAN 02 1996
Department of Water Resources

GEORGE HANSEN being first duly sworn,

deposes and says: _____

1. I am an adult, competent to testify to matters
herein.

2. I was an operator of the farm which was owned by
Snaffle Bit Land & Livestock Co , before they sold it to Garner Simmons.
in March of 1977.
The farm consisted of the N1/2 of Section 34 and the N1/2 of Section 33,
in Township 9 N., Range 33 E.B.M., in Clark County, Idaho.

3. I know of my own knowledge that the well located
on said property was functional and was used by me to irrigate crops
grown on said property.

4. I later purchased the S1/2 of Section 34 and the S1/2
of Section 33, in Township 9 N., Range 33 E.B.M., in Clark County, Idaho.
I attest to the fact that I observed the water system working on the
ground described in No. 2 above. The well has been beneficially used
on said ground on a continual basis as long as I have operated land
in that area.

George J. Hansen
(Signature)

Subscribed and sworn to before me this 13 day of Dec., 1995.

Larry W. Rigby
(Notary Public)

Residing at Leburg, Idaho
My Commission Expires 3-12-99

MAR 26 1996

IN THE MATTER OF:)
GARNER SIMMONS)
LAPSED PERMIT NO.)
32-07034)
State of Idaho)
County of Madison)

AFFIDAVIT

RECEIVED
JAN 02 1996

Department of Water Resources

JOHN ALLEN being first duly sworn,

deposes and says: _____

1. I am an adult, competent to testify to matters
herein.

2. I know of my own knowledge that the well located
on the N1/2 of Section 34 and the N1/2 of Section 33, in Township 9 N.,
Range 33 E.B.M., is a functional well and has been used by me to
irrigate crops grown by me as a Tenant of the above-described property
which is owned by Garner Simmons. I have been Mr. Simmons Tenant for
a period of ten years and have used the well continuously during that
time.

John Allen
(Signature)

Subscribed and sworn to before me this 13 day of Dec, 1995.

Ray W. Sigby
(Notary Public)

Residing at Asbury, Idaho:
My Commission Expires 3-12-99:

MAR 26 1996

IN THE MATTER OF:)
GARNER SIMMONS)
LAPSED PERMIT NO.)
32-07034)

AFFIDAVIT

RECEIVED

JAN 02 1996

State of Idaho,)
County of Madison.)
ss.

Department of Water Resources

GARNER SIMMONS, being first duly sworn, deposes and says:

1. I am an adult, competent to testify to matters herein.

2. In March of 1977, I purchased the North Half of Section 34 and the North Half of Section 33, in Township 9 North, Range 33 E.B.M., from Snaffle Bit Land & Livestock Co.

3. This having been desert land, I was very concerned that this purchase included an adequate water right.

4. I was advised by the sellers, as well as the realtor, Reed Cook, of Cook Real Estate, of Idaho Falls, Idaho, that the permit had been obtained, which I saw, that the water had been diverted and applied to a beneficial use, which I verified myself, that the final proof had been submitted to obtain the license for the water, and that the engineer for the department had made his investigation preliminary to the issuance of the license. }

5. I have been aware over the years of the delays in processing these applications and license procedures because of the Swan Falls dispute and the subsequent actions of the

RECORDED

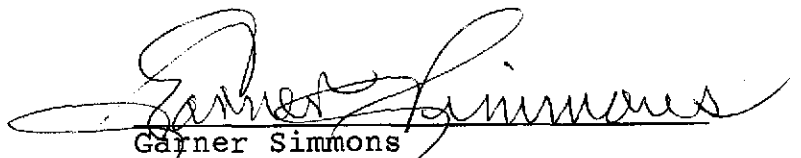
MAR 26 1996

downstream water users, and knew that many people had waited for some time for the department to complete the licensing process.

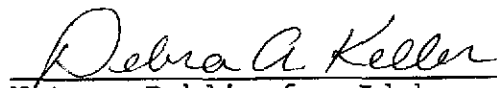
6. No one from the department, either in Boise or locally, has ever advised me, or anyone else that I know of, that the final proof as submitted to the department was incomplete or lacking in some detail, until in March of 1995 when Mr. Chidester of Town & Country Real Estate, an appraiser for the Farmers Home Administration, was doing an appraisal in a process where Mr. Simmons was working out a settlement of his obligation to FmHA.

7. I was shocked and amazed to think there was any problem with my water right, because it constitutes a substantial value of my property, and affects my ability to make an acceptable settlement with FmHA.

8. I believe it is very unfair that this license not be granted without the original priority date, and respectfully request that the department issue the license on the basis of the proof submitted heretofore and the additional proof submitted herewith, together with the check for the sum of \$275.00 as requested by the department.


Garner Simmons

SUBSCRIBED AND SWORN to before me this 27th day of December, 1995.


Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 11-15-99

MAR 26 1996

I certify that file No. 32-7034 has been
reviewed and is ready to be MICROFILMED
and DESTROYED.

K. Walker
Signature

10-21-88
Date



DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address

Statehouse

Boise, Idaho 837

(208) 334-4441

October 1, 1987

32-7034
Snaffle Bit Land & Livestock Co.
Montevue, ID 83435

RE: Permit to Appropriate Water No. 32-7034

The Department mailed the original of the enclosed letter in an attempt to inform him that he was required to pay an examination fee on the above referenced permit. The letter was returned to the Department as undeliverable mail. Research of the records of the County Assessor reveals that you own property which may have been listed as the place of use in the permit.

Please read the enclosed letter. It may be necessary that you file an examination fee with the Department to prevent loss of a developed water right. Should we not hear from an interested party within sixty (60) days of the date of this letter, action will be initiated to remove the permit from the Department files.

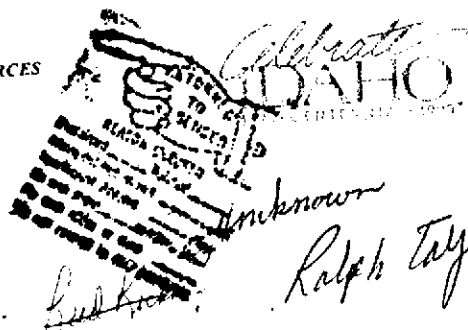
Respectfully,

GARY SPACKMAN, Supervisor
Water Allocation Section

CS:jf

CC:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Boise, Idaho 83720



A. KENNETH DUNN
Director

32-7034
SNAFFLE BIT AND & LIVESTOCK CO.
MONTEVIEW, ID 83435

Unknown
Ralph Taylor or whoever
has the old Charles Lee
place

RECEIVED

SEP 29 1987

Department of Water Resources



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

CELIA D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

32-7034
SNAFFLE BIT LAND & LIVESTOCK CO.
MONTEVIEW, ID 83435

September 10, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on November 10, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on September 10, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before January 9, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Operations Bureau

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

September 10, 1986

Mailing address:
Storehouse
Boise, Idaho 83720

A. KENNETH GUNN
Director

CERTIFIED NO. 13506

RE: Permit No. 32-7034

Mr. Garner Simmons
Box 148
Teton, ID 83451

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD; THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

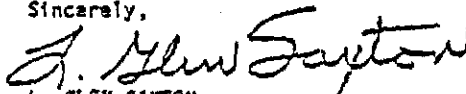
Northern Region
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 763-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,


L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

cc: Farmers Home Administration
P.O. Box 459
Rexburg, ID 83440



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn

Dir.

32-7034
SNAFFLE PIT LAND & LIVESTOCK CO.
MONTEVIEW, ID 83435

June 10, 1986

138761

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Sincerely,

Ron D. Carlson

RONALD D. CARLSON
Regional Manager

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

RECEIVED

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

MAR 10 1977

April 29, 1977

Permitting Section

RE: Permit No. 32-7005 and 32-7034

Mr. Reed L. Cook
P.O. Box 256
Idaho Falls, Idaho 83401

Dear Reed:

Enclosed please find the stamped receipt acknowledging proof of beneficial use in connection with the above referenced applications.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

Loy H. Johnson

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:CM

Enclosures

RECEIVED

APR 29 1977

Department of Water Resources
Eastern District Office

RECEIVED

MAR 19 1980

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 32-7034

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder SNAPPLE BIT LAND & LIVESTOCK CO., A PARTNERSHIP
b) Post Office Address c/o CHAD NEILSON, MONTEVIEW, IDAHO 83435
2. Permit Number 32-7034
3. Date of Priority that you are prepared to establish 5-13-75
4. a) Source from which water was appropriated Deep Well
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 33
Township 9 North, Range 33 East, Boise Meridian, Other points of diversion:
Note: this same well produces .80 cfs for License #32-2120, and
.80 cfs for permit #32-7005, as per assignments previously filed.
5. a) The amount of water and use to which the water has been applied:
Amount 8.0 cfs for Irrigation purposes from April 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 8.0 cfs under this permit cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works:

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 500 HP GE Motor, well 400' deep, 145' static level, Bowls set at approx. 250'

b) Describe the type and size of measuring device which you have installed at your point of diversion:

c) Give well driller's name and address and the date the well was completed:
Completed in 1975, well drilled by Jim Cope, Terretton, Idaho.

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

9. Irrigator uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	33E	34	40	40	40	40													160
9N	33E	33	40	40	40	40	40			40									240

Total number of acres irrigated 400

10. Remarks: The 640 acres irrigated from this well. License #32-2120 and Permit #32-7005, is being sold by Installment Sale Contract to GARNER SIMMONS, 133 North 3rd East, Teton, Idaho, 83451. He will be in possession at the time inspection is made.

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

SNAFFLE BIT LAND & LIVESTOCK CO., a Partnership

April 21, 1977
(Date)

[Signature]
James H. Marshall
(Signature)

State of Idaho)
) ss.
County of Bonneville)

On this 21st day of April, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Idaho Falls,
Idaho

My commission expires Life



Cecil D. Andrus
Governor

R. Keith Higgins
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 19 1980

Department of Water Resources

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 30, 1976

Snaffle Bit Land & Livestock Co.
Montevideo,
Idaho 83435

Gentlemen:

Enclosed is a copy of the approved applications for amendment issued on Permit
No's. 32-7005 and 32-7034.

Sincerely,

Bobby D. Fleenor
BOBBY D. FLEENOR
Chief, Water Rights

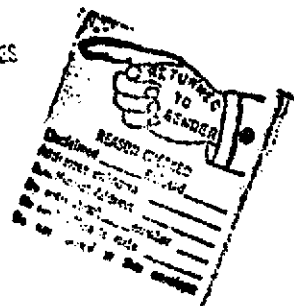
BDF:JFR

Enclosure

*a married lady, the
are now the
owners*

157-2350

Ralph Taylor



RECEIVED

MAR 6 1960

Department of Water Resources

101870

MOVED - LEFT NO ADDRESS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SHAFPLE BIT LAND & LIVESTOCK CO.
MONTEVIEW, ID 83435

1-1360

FEBRUARY 28, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 32-7034 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1



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

JOHN V. EVANS
Governor

C. STEPHEN ALLARD
Director

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

September 5, 1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tutthill Jr.

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

DRT:lr

Enclosures

Northern Region Office
Rt. #5, Box 203 Government Way
Coeur d'Alene, Idaho 83814

Southern Region Office
1041 Blue Lake Blvd. North
Twin Falls, Idaho 83301

Eastern Region Office
1515 Lincoln Street
Idaho Falls, Idaho 83401

Western Region Office
92 S. Cole Road
Boise, Idaho 83705

May 6, 1977

Re: Permit No. 32-7034

Ena Oil, Bit Land & Livestock Co.
c/o Chad Neilson
Montevideo, Idaho 83435

Dear Mr. Neilson:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. However, in reviewing that affidavit, you do not indicate that you have installed the measuring device as required by the condition or approval of your permit.

We cannot process your proof unless you have installed the measuring device of a type approved by this Department. Therefore, we are herewith returning your proof affidavit.

We are enclosing a list of the types of measuring devices approved by this office. If you have any questions, please feel free to contact us.

Sincerely,

JANICE RENK
Water Rights Secretary

Encs.

cc: Garner Simmons
133 North 3rd East
Teton, Idaho 83451

RECEIVED

APR 29 1977

Department of Water Resources
Eastern District Office

Identification No. _____

Permit No. 32-7034

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder SNAFFLE BIT LAND & LIVESTOCK CO., A PARTNERSHIP
b) Post Office Address c/o CHAD NELSON, MONTEVIEW, IDAHO 83435
2. Permit Number 32-7034
3. Date of Priority that you are prepared to establish 5-13-75
4. a) Source from which water was appropriated Deep Well
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 33
Township 9 North, Range 33 East, Boise Meridian. Other points of diversion:
Note: this same well produces .80 cfs for License #32-2120, and
.80 cfs for permit #32-7005, as per assignments previously filed.
5. a) The amount of water and use to which the water has been applied:
Amount .80 cfs for Irrigation purposes from April 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .80 cfs under this permit cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use. (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 500 HP GE Motor, well 400' deep, 145' static level, Bowls set at approx. 250'
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: _____
Completed in 1975, well drilled by Jim Cope, Terreton, Idaho.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

UO Non
Microfilm

COPY

RETURNED
FOR LACK
OF MEAS. DEVICE

[illegible]

Total number of acres irrigated 400

10. Remarks: The 640 acres irrigated from this well, License #32-2120 and Permit #32-7005, is being sold by Installment Sale Contract to GARNER SIMMONS, 133 North 3rd East, Teton, Idaho, 83451. He will be in possession at the time inspection is made.

SNAFFLE BIT LAND & LIVESTOCK CO., a
Partnership

April 21, 1977
(Date)

(Signature)

State of Idaho)
) ss
County of Bonneville)

On this 21st day of April, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Idaho Falls,
Idaho

My commission expires Life



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 30, 1976

Snaffle Bit Land & Livestock Co.
Monteview,
Idaho 83435

Gentlemen:

Enclosed is a copy of the approved applications for amendment issued on Permit No's. 32-7005 and 32-7034.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

EDF:JFR

Enclosure

April 2, 1976

RE: Application for Transfer No. 32-2133
" " " " 32-2120
" " " " 32-2119 SNAFFLE BIT BAND AND LIVESTOCK
Amendment No. 32-7034
" No. 32-7005

The Enterprise-Citizen
Box 7
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-19-76 by Paul

RDC:CM

Enc: Legal Notice (5)

**NOTICE OF PROPOSED AMENDMENT
OF WATER PERMIT**

Notice is hereby given that Permit No. 32-7034 in the name of Middle Creek Land and Livestock, assigned to Snake Butte Land and Livestock, was issued for the diversion of 8.00 cfs of water from a ground water source with the point of diversion within the NE 1/4, Sec. 33, T. 9N, R. 33E, B.M., Clark County to be used for the irrigation of 400 acres from Apr. 1 to Nov. 1 within the SW 1/4, Sec. 32, NE 1/4, Sec. 34, W 1/2 NW 1/4, Sec. 35, T. 9N, R. 33E, B.M.

The permit holder now proposes to amend Permit No. 32-7034 changing the place of use to the NE 1/4, E 1/2 NW 1/4, Sec. 33, NE 1/4, Sec. 34, T. 9N, R. 33E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1615 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 15, 1978.

R. KEITH HODGSON
Director

Published in the Enterprise Citizen, Rexburg, Idaho, on April 6 and April 15, 1978.

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 32-7034 in the name of Middle Creek Land and Livestock, assigned to Snaffle Bit Land and Livestock, was issued for the diversion of 8.00 cfs of water from a ground water source with the point of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 9N, R. 33E, B.M., Clark County; to be used for the irrigation of 400 acres from Apr. 1 to Nov. 1 within the SW $\frac{1}{4}$, Sec. 32, NE $\frac{1}{4}$, Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35, T. 9N, R. 33E, B.M.

The permit holder now proposes to amend Permit No. 32-7034 changing the place of use to the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 33, NE $\frac{1}{4}$, Sec. 34, T. 9N, R. 33E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 26, 1976.

R. KEITH HIGGINSON

Director

Published in the Enterprise Citizen, Rexburg, Idaho, on April 8 and April 15, 1976.

*me-f.
me-D.
me-D.*

April 13, 1976

Re: Permits No. 32-7005 32-7008
32-7007 32-7034

Snaffle Bit Land & Livestock Co.
Montevideo,
Idaho 83435

Gentlemen:

This office acknowledges receipt of the assignments conveying the above referenced permits to you. The assignments have been recorded and the Department's records changed accordingly.

Enclosed is a copy of the approved application for extension of time for Permit No. 32-7005. The time within which to submit proof of beneficial use has been extended to May 1, 1980.

Also enclosed is a copy of the application for extension of time for Permit No. 32-7008 which has been DENIED. You should be aware that Idaho is under a mandatory permit system, therefore, it will be necessary for you to file an application for permit at such time as you decide to proceed with this project.

We are returning the extension application submitted in connection with Permit No. 32-7007 as we will need additional information before it can be processed. You will note from the copy of the permit which we have enclosed, that this permit covers a reservoir to be used for stockwatering purposes. Please complete the application to indicate the work that has been done on this project and return the application as soon as possible.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

Enc: Copy of ext (32-7005)
Copy of ext w/lapse notice (32-7008)
Original ext app (32-7007)

State of Idaho
Department of Water Administration

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

Proof of Publication

RECEIVED

APR 19 1978

Department of Water Resources
Eastern District Office

STATE OF IDAHO }
County of Clark }

ss.

Terry T. Weatherston being
first duly sworn, deposes and says that he is the

printer of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That

the amending of water permit,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for

two consecutive weeks, first publication
having been made on the 8 day of
April, 19 76 and the last
publication having been made on the 15
day of April, 19 76.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

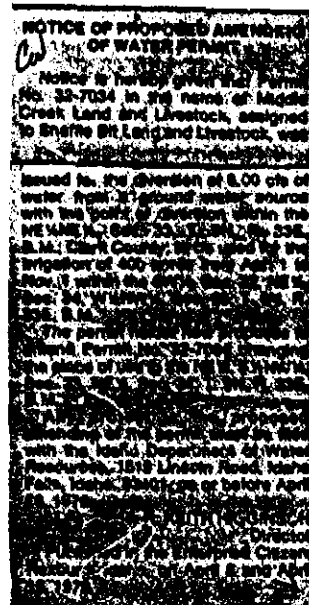
Terry T. Weatherston

SUBSCRIBED AND SWORN TO before me

this 16 day of April, A.D. 1976

Notary Public.

My commission expires August 5, 19 77



May 12, 1975

Re: Permit No. 32-7034

Middle Creek Land & Livestock, Inc.
Montevieu,
Idaho 83435

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 32-7034. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

April 10, 1975

RE: Application for Permit No. 32-7034 MIDDLE CREEK LAND & LIVESTOCK

Enterprise-Citizen
Box 7
Rexburg, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 4-29-75 by OW

RDC:MB

Enc: Legal Notice (1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Middle Creek Land & Livestock, Inc.,
Montrevue, Idaho
has on 4-7-75 submitted Application No. 32-7034
for a permit to appropriate 8.0 cubic feet per second ~~acre feet per annum~~
of water from a ground-water source
by means of well and pump
within the SW1/4, Sec. 33, T. 9N, R. 33E, B.M., Clark County;
to be used from Apr. 1 to Nov. 1
for the irrigation of 400 acres
within the SW1/4, Sec. 32, T. 9N, R. 33E, B.M., Sec. 35, T. 9N, R. 33E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before
May 5, 1975.

R. KEITH HIGGINSON

Director

Published in the Enterprise-Citizen, Rexburg, Idaho
on April 17 and April 24, 1975

*Out-
ow-
4*

April 8, 1975

RE: Application for Permit No. 32-7034

Middle Creek Land & Livestock Inc.
Montevieu
Idaho 83435

Gentlemen:

Attached herewith is departmental receipt No. 4184 in the amount of \$95.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Attachment

Proof of Publication

RECEIVED
APR 23 1975

Department of Water Resources
Eastern District Office

STATE OF IDAHO }
County of Clark } ss.

John A. Porter being
first duly sworn, deposes and says that he is the

printer of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That

the water permit application,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for

two consecutive weeks, first publication

having been made on the 17 day of

April, 1975 and the last

publication having been made on the 24

day of April, 1975.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

SUBSCRIBED AND SWORN TO before me

this 25 day of April, A.D., 1975.

Notary Public.

My commission expires 8-5, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Middle
Creek Land & Livestock, Inc., Monte-
view, Idaho has on 4-7-75 submitted
Application No. 32-7034 for a permit to
appropriate 8.0 cubic feet per second
of water from a ground-water source
by means of well and pump within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T. 9 N R. 33E, B.M.,
Clark County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 400 acres
within the SW $\frac{1}{4}$, Sec. 32, NE $\frac{1}{4}$, Sec.
34, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35, T. 9N, R. 33E, B.
M.

If issued, this permit will be subject
to all prior water rights. Protests
against the granting of the permit must
be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or before
May 5, 1975.

R. KEITH HIGGINSON
Director

Published in the Enterprise-Citizen,
Rexburg, Idaho on April 17 and April
24, 1975.