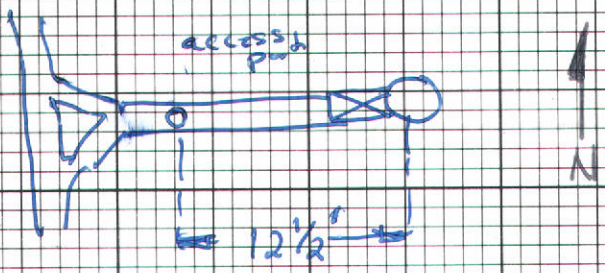
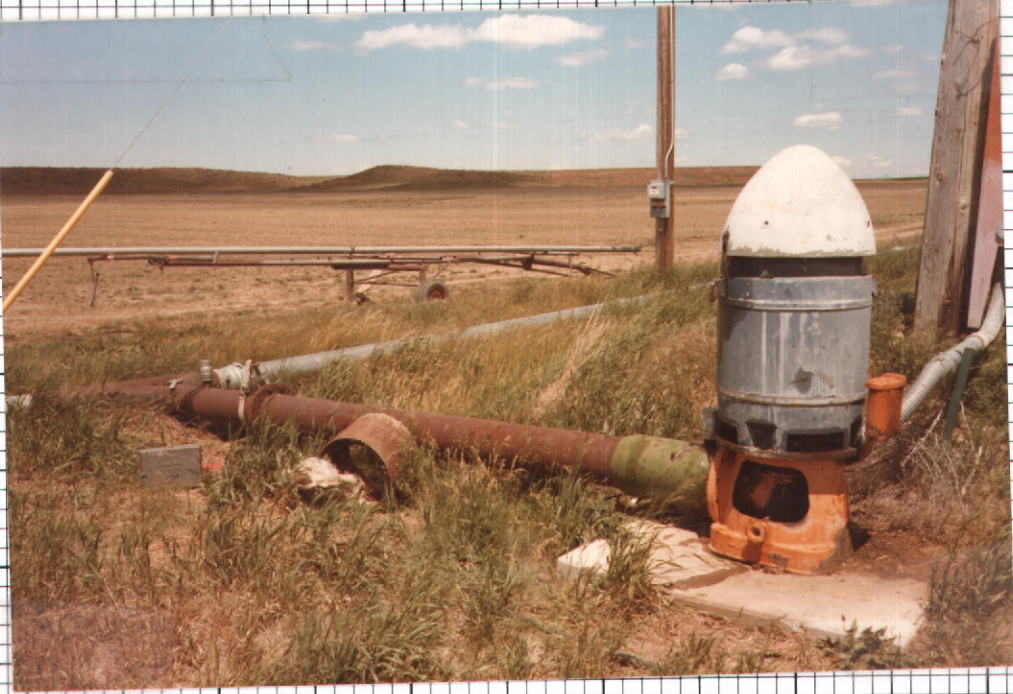


10. Other water rights on these lands NA
11. Other water right diverted from same p.d. NA

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.





13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Need assignment to Lynn Broadhead.

15. 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

16. Examiner's/Consultant's Signature Steve Jones Date 10-01-1984
Consultant's License Number _____
IDWR Director's Authorization to Conduct
Beneficial Use Examination _____

Date _____ CONSULTANT SEAL
MICROFILMED

35-7863

G.
76.9

N.
6.8

O.
6.4

P.
1.6

I.
2.7

H.
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Q.
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(39)

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PD

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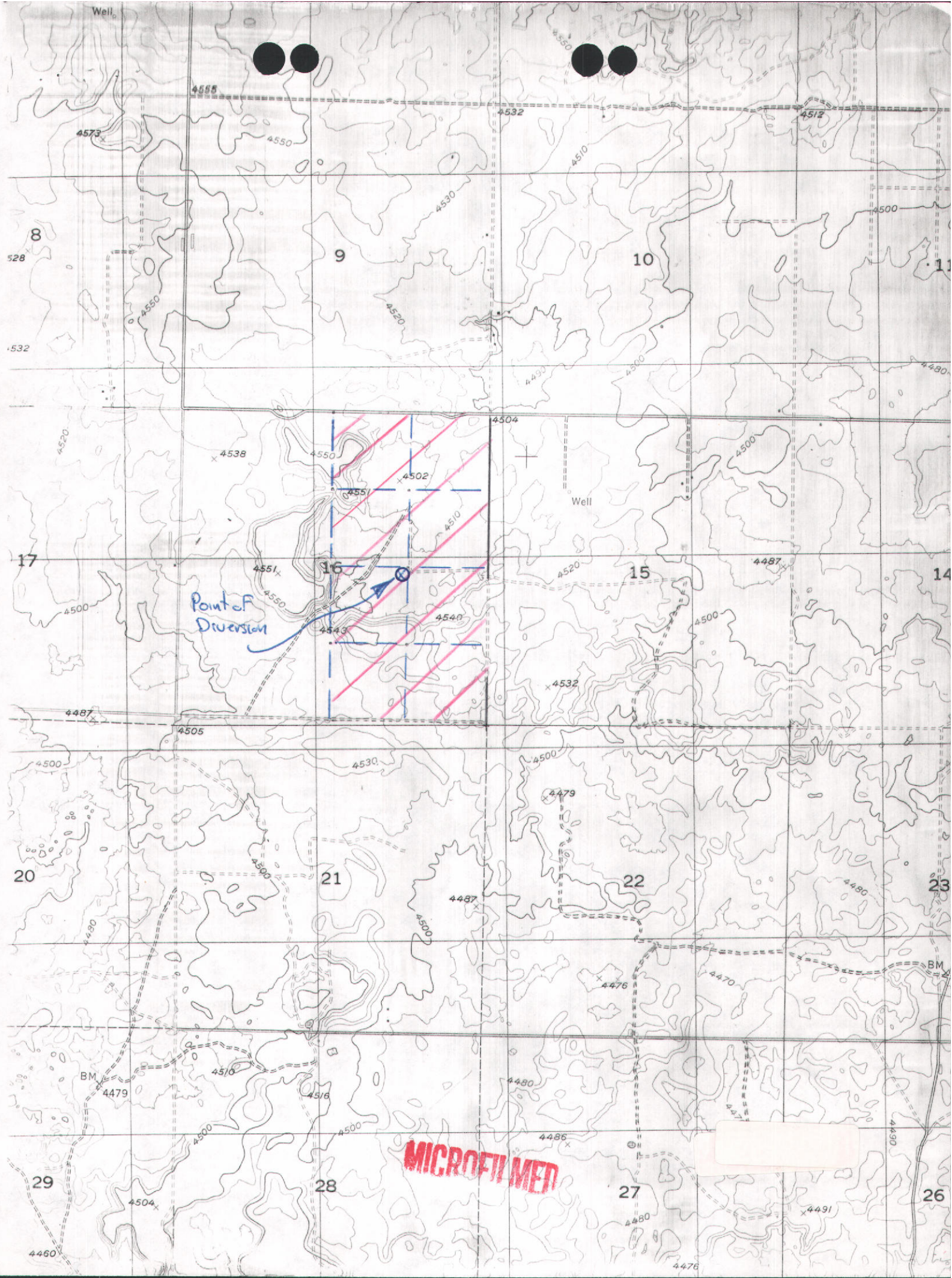
H-11

County Rd

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35-7863



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5433
WATER RIGHT NO(S). 35-02274/35-07390/35-07630/35-02432C
35-07391C/35-07863

This is to certify that: **KBC FARMS LLC**
3066 S FRONTAGE RD
AMERICAN FALLS ID 83211

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. 35-02274 :			
IRRIGATION	04/01 to 10/31	2.40 CFS	700.0 AF
Priority: 12/16/1953			
Right No. 35-07390 :			
IRRIGATION	04/01 to 10/31	3.72 CFS	1224.0 AF
Priority: 03/13/1974			
Right No. 35-07630 :			
IRRIGATION	04/01 to 11/01	4.80 CFS	1208.0 AF
Priority: 08/03/1976			
SUBTOTAL:		** 6.90 CFS	2264.0 AF **
Right No. 35-02432C :			
IRRIGATION	04/01 to 10/31	0.93 CFS	288.0 AF
Priority: 08/17/1955			
Right No. 35-07391C :			
IRRIGATION	04/01 to 10/31	0.08 CFS	34.0 AF
Priority: 03/13/1974			
SUBTOTAL:		*** 1.01 CFS	288.0 AF ***
Right No. 35-07863 :			
IRRIGATION	04/01 to 11/01	5.30 CFS	1220.0 AF
Priority: 07/12/1979			
TOTAL:		**** 13.21 CFS	3772.0 AF ****

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NOV 10 1999

TRANSFER NO. 5433
 WATER RIGHT NO(S) . 35-02274/35-07390/35-07630/35-02432C
 35-07391C/35-07863

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 24, Township 08S, Range 29E
 SENW , Sec. 24, Township 08S, Range 29E
 POWER 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>
08S	29E	23	SESW 5.0	SWSE 15.0	SESE 32.0	52.0
		24	NENE 31.3	NWNE 37.3	SWNE 36.8	
			SENE 31.3	NENW 37.3	NWNW 31.3	
			SWNW 37.3	SENW 36.8	NESW 36.8	
			NWSW 37.3	SWSW 39.3	SESW 39.3	
			NESE 31.3	NWSE 36.8	SWSE 39.3	
			SESE 39.3			578.8
		25	NENE 37.3	NWNE 37.3	SENE 37.0	
			NENW 37.3	NWNW 31.3	NESE 30.0	210.2
		26	NENE 28.0	NWNE 36.0	NENW 10.0	74.0
30E	30		NWSW 28.0			28.0

Total number of acres irrigated: * 943.0

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Wells drilled under the approval of Transfer 5433 shall have a solid unperforated casing extending from the surface to a minimum depth of 350 feet.
8. The total instantaneous diversion of water from all points of diversion under Transfer 5433 shall not exceed 13.21 cfs, nor a total combined annual volume of 3772.0 af.
9. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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NOV 10 1999

TRANSFER NO. 5433
WATER RIGHT NO(S). 35-02274/35-07390/35-07630/35-02432C
35-07391C/35-07863

CONDITIONS OF APPROVAL AND REMARKS

- * 10. Right 35-02274 is limited to the irrigation of 175.0 acres in the place of use described above in a single irrigation season.
- * 11. Right 35-07390 is limited to the irrigation of 306.0 acres in the place of use described above in a single irrigation season.
- * 12. Right 35-07630 is limited to the irrigation of 302.0 acres in the place of use described above in a single irrigation season.
- ** 13. Rights 35-02274, 35-07390, and 35-07630 when combined shall not exceed a total diversion rate of 6.90 cfs, a total annual maximum diversion volume of 2264.0 af at the field headgate, and the irrigation of 566.0 acres.
- * 14. Right 35-02432C is limited to the irrigation of 72.0 acres in the place of use described above in a single irrigation season.
- * 15. Right 35-07391C is limited to the irrigation of 72.0 acres in the place of use described above in a single irrigation season.
- *** 16. Rights 35-02432C and 35-07391C when combined shall not exceed a total annual maximum diversion volume of 288.0 af at the field headgate, and the irrigation of 72.0 acres.
- * 17. Right 35-07863 is limited to the irrigation of 305.0 acres in the place of use described above in a single irrigation season.
- **** 18. Rights 35-02274, 35-07390, 35-07630, 35-02432C, 35-07391C and 35-07863 when combined shall not exceed a total diversion rate of 13.21 cfs, a total annual maximum diversion volume of 3772.0 af at the field headgate, and the irrigation of 943.0 acres.

Dated this 18th day of October, 19 99.


Chief, Water Allocation Bureau

MICROFILMED
NOV 10 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
TRANSFER OF WATER RIGHT NOS.)
32-7092/32-7058, 32-7022C,)
31-7034H, 31-7034R, 31-7034S,)
35-7390/35-2274, 35-7391/35-2432/)
35-7630B, 35-7630A/35-4015B,)
35-7863, 35-2728/35-2844/35-7361,)
35-2821B, 35-7773/35-2493, 35-2242,)
35-2391/35-7777 AND AMENDMENT OF)
PERMIT NOS. 35-7161, 35-7162.)

SOURCE: GROUND WATER

COUNTY: BINGHAM, CLARK,
AND JEFFERSON

BLAINE LARSEN, BLAINE LARSEN FARMS,)
AND LARSEN OF IDAHO,)
Applicant,)

v.)

OWSLEY CANAL COMPANY, et al.,)
Protestants.)

MEMORANDUM DECISION AND ORDER

BY THE DIRECTOR

Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho ("Larsen") having made application to transfer numerous water rights; protests having been filed; a combined hearing of all protests to the transfer of water right Nos. 32-7092/32-7058, 32-7022C, 31-7034H, 31-7034R, 31-7034S, 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 ("Group A") having been held on April 28 and May 5, 1988; protests to the transfer of water right Nos. 35-2728/35-2844/35-7361, 35-2821B,

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35-7773/35-2493, 35-2242, 35-2391/35-7777 and to the amendment of permit Nos. 35-7161 and 35-7162 ("Group B") having been withdrawn; and the director of the Idaho Department of Water Resources ("Director") having examined all the evidence and available information, finds, concludes and orders as follows:

FINDINGS OF FACT

GROUP A

1. Larsen made application to the Department of Water Resources ("Department") to change the point of diversion and place of use for the following water rights (Group A):

<u>Water Right No.</u>	<u>Date of Application</u>
32-7092/32-7058, 32-7022C	February 26, 1988
31-7034H, 31-7034R, 31-7034S	March 1, 1988
35-7390/35-2274, 35-7391/35-2432/ 35-7630B, 35-7630A/ 35-4015B, 35-7863	March 9, 1988

2. Larsen proposed the following changes in points of diversion and places of use:

BEFORE CHANGE

<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
32-7092	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T9N, R34E	E $\frac{1}{2}$, Sec. 2, NE $\frac{1}{4}$, Sec. 11, T9N, R34E
32-7058	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T9N, N34E	E $\frac{1}{2}$, Sec. 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T9N, R34E
32-7022C	SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T9N, R34E	S $\frac{1}{2}$, Sec. 18, T9N, R34E
31-7034H	SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T8N, R36E	NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, T8N, R36E

31-7034R	SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T8N, R36E	E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T8N, R36E
31-7034S	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T8N, R36E	W $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T8N, R36E
35-7390	SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T3S, R32E	NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T3S, R32E
35-2274	SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T3S, R32E	NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T3S, R32E
35-7391	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T3S, R32E	W $\frac{1}{2}$, Sec. 27, T3S, R32E
35-2432	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T3S, R32E	W $\frac{1}{2}$, Sec. 27, T3S, R32E
35-7630B	SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T3S, R32E	W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T3S, R32E
35-7630A	SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T3S, R32E	NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, T3S, R32E
35-4015B	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T3S, R32E	NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, T3S, R32E
35-7863	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T3S, R32E	E $\frac{1}{2}$, Sec. 16, T3S, R32E

AFTER CHANGE

<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
32-7092/32-7058, 32-7022C	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T9N, R36E	N $\frac{1}{2}$ N $\frac{1}{2}$, Sec. 3, T8N, R36E; SW $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 33, W $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T9N, R36E
31-7034H, 31-7034R, 31-7034S	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T9N, R36E; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T10N, R36E	NE $\frac{1}{4}$, Sec. 33, NW $\frac{1}{4}$, Sec. 28, T9N, R36E; SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T10N, R36E

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35-7390/35-2274, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10,
 35-7391/35-2432/ T8N, R36E;
 35-7630B, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 35-7630A/35-4015B, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 35-7863 NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27,
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26,
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22,
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31,
 T9N, R36E

NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 Sec. 10, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T8N,
 R36E; SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31,
 E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 28, E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$
 SW $\frac{1}{4}$, Sec. 27, NW $\frac{1}{4}$,
 Sec. 26, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21 T9N,
 R36E

3. The Post-Register published notice of the proposed changes to Group A on March 17 and 24, 1988. The Post-Register published a correction of notice on April 14 and 21, 1988 for the proposed changes to water right Nos. 31-7034H, 31-7034R, and 31-7034S. The Post-Register is a newspaper of general circulation which is published in Bonneville County.

4. The Jefferson Star published notice of the proposed changes to water right Nos. 31-7034R, 31-7034S, 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 on March 16 and 23, 1988. The Jefferson Star published notice of the proposed changes to water right No. 31-7034H on March 23 and 30, 1988. The Jefferson Star published a correction of notice on April 20 and 27, 1988 for the proposed changes to water right Nos. 31-7034H, 31-7034R, and 31-7034S. The Jefferson Star is a newspaper of general circulation which is published in Jefferson County.

5. The Morning News published notice of the proposed changes to water right Nos. 35-7390/35-2274, 35-7391/35-2432/35-7630B, and 35-7630A/35-4015B on March 17 and 24, 1988. The

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Morning News published notice of the proposed changes to water right No. 35-7863 on March 17 and 31, 1988. The Morning News published a correction of notice on April 14 and 21, 1988 for the proposed changes to water right No. 35-7863. The Morning News is a newspaper of general circulation which is published in Bingham County.

6. All the notices described the name of the applicant, the source of the water supply, the amount of water to be transferred, the nature of the use, the approximate location of the points of diversion, and the places of use.

7. On March 30, 1988, the Department received a protest to the proposed changes affecting water right Nos. 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 from Ray Sanders and Reed Mickleleson. The basis for their protest was a concern that water diverted in Jefferson and Clark Counties would not be replaced with water from Bingham County.

8. On April 1, 1988, the Department received a protest to the proposed changes affecting water right Nos. 32-7092/32-7058, 32-7022C, 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 from Kent W. Foster, attorney, on behalf of the Owsley Canal Company, Jackett Canal Company, Holly Water Users Association, Jefferson Canal Company, Producers Canal Company, and Montevue Canal Company ("Canal Companies").

9. On April 4, 1988, the Department received another protest to the proposed changes affecting water right Nos. 32-7092/32-7058, 32-7022C, 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 from Kent W. Foster,

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attorney, on behalf of the Canal Companies, Level Canal Company, and Independent Water Users of Mud Lake, Inc. ("Mud Lake Protestants"). The basis for their protest was a concern that the proposed changes would injure their water rights and be contrary to the local public interest.

10. On April 4, 1988, the Department received four petitions under a cover page which stated that the petitions were in protest to the changes proposed by Larsen. The petitions were signed by Dee Davis, Louis Rasmussen, Michael Rasmussen, Dean A. Peterson, Wallace Robinson, Larid Dee Robinson, Julie McCulloch, Mark C. Blaser, Roger Rydalch, Lorin C. Young, Kris Rydalch, Hal Buster, W. Hal Buster, Jeff Buster, Van R. Weaver, Jan Rydalch, LuAnn Wood, Cleve L. Young, Kathlene Young, Mona Walters, Ruby Young, Keith Meyers, Ron Meyers, Lane Meyers, Bryan K. Lusk, Lea Meyers, Cheryl M. Lusk, Mark E. Peterson, Norma Peterson, Charles Parkinson, Max G. Parkinson, Alan Parkinson, Gary Mackay, Blair Withers, Harold Rigby, Grant Saurey, Edward Rindlisbacher, Cleve P. Bagley, V. J. Bagley, Olif L. Johnson, and Rigby E. Willmore. Prior to the hearing, V.J. Bagley, Cleve Bagley, Grant Saurey, Van R. Weaver, Wallace Robinson, Edward Rindlisbacher, and Blair Withers withdrew their protests. The basis for the petitions was a concern that the proposed changes would be contrary to the public interest.

11. The Department received the statutory filing fee for each application submitted.

12. The right to the use of the water and the right to the use of the diversion works and irrigation system are not repre-

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sented by shares of stock in a corporation, and neither the diversion works nor the irrigation system is owned or managed by an irrigation district.

13. Larsen is the owner or lessee of the water rights and permits which make up Group A and Group B.

14. The Department mailed notice of the hearing for Group A protests to the applicant and protestants or to their representatives on April 13, 1988. The notice stated the names of the applicant and protestants, and the time and place fixed for the hearing.

15. On April 26, 1988, Mr. Lorin Young telephoned the Department to designate Dell Raybould as the representative of the protestants which signed the four petitions.

16. A combined hearing to consider all protests to the Group A transfers was held on April 28 and May 5, 1988 in the Madison County Courthouse, Rexburg, Idaho.

17. The applicant and protestants stipulated that the record which would be created by the hearing could serve as a substitute for or a supplement to a future record which would involve other transfer applications made by Larsen.

Injury

18. The applicant's expert witness, Willis L. Burnham, testified that the proposed one-year change in points of diversion and places of use would not diminish the water in the protestant's wells.

19. The applicant's expert witness, Willis L. Burnham, testified that any unused water on the ~~new places~~ of use would

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recharge the aquifer within days.

20. The protestant's expert witness, Dr. Charles Brockway, testified that the effect of the proposed one-year change in points of diversion and places of use would probably not propagate to the protestant's wells.

21. Ray Sanders presented Sanders Exhibits 1 and 2 which suggest a one to two year time lag from precipitation received to ground water effect in the Camas National Wildlife Refuge.

Enlargement

22. The proposed change in points of diversion and places of use do not seek to increase the total number of acres which may be irrigated under the original water rights. See Larsen Exhibit 4.

24. Larsen has not requested changes in the rate of diversion, the volume diverted, and the consumptive use of water allowed under the original water rights. At the hearing, Kevan Varin, business manager for Larsen, suggested that the consumptive use on the new places of use may, in fact, be somewhat lower than on the old places of use. See Larsen Exhibit 15.

Public Interest

25. Kevan Varin testified how Larsen's farming operation buys necessary goods and services from local retailers, provides jobs, and improves the local tax base.

26. All new places of use were irrigated in 1987 according to the testimony of Kevan Varin.

27. Testimony was given by Dell Raybould which suggested that approval of the proposed changes would circumvent the

federal Food Securities Act of 1985 and adversely impact the local economy by depressing local commodity prices. Protestants' reasoning is that any increase in production will decrease commodity prices and any decrease in production will increase commodity prices.

Interim Approval

28. On May 11, 1988, Larsen petitioned the Director to approve a temporary plan for emergency supply pending final determination of all the transfer applications.

29. On May 16, 1988, the Director issued an interim order which approved the change in points of diversion and places of use for Group A. Also, the interim order denied all temporary and emergency relief with one exception. Water diverted under the rights which were transferred by the interim order could temporarily be used upon the applicant's other wheat acreage for which applications for transfer remained pending before the Department.

GROUP B Applications

30. On March 16, 1988, Larsen made application to the Department to change the point of diversion and place of use for the following water rights: Nos. 35-2728/35-2844/35-7361, 35-2821B. The transfer applications for these rights were amended on April 8, 1988.

31. Larsen proposed the following changes in points of diversion and places of use:

RECEIVED

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BEFORE CHANGE

<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
35-2728	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T4S, R30E	W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T4S, R30E
35-2844	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T4S, R30E	S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T4S, R30E
35-7361	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T4S, R30E	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T4S, R30E
35-2821B	NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T4S, R30E	E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, T4S, R30E

AFTER CHANGE

<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
35-2728/35-2844/ 35-7361, 35-2821B	SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T8N, R37E	NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16, T8N, R37E

AMENDED CHANGE

<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
35-2728/35-2844/ 35-7361, 35-2821B	SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T8N, R36E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T7N, R36E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T9N, R36E	N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 9, T7N, R36E; SW $\frac{1}{4}$, Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13, T8N, R36E; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T9N, R36E

32. On April 6, 1988, Eastern Idaho Production Credit Association ("PCA") made application to the Department, on behalf of Larsen, to change the point of diversion and place of use for the following water rights: Nos. 35-2728, 35-2844, 35-7361, 35-2821B, 35-2242,

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35-2391/35-7777.

33. On April 6, 1988, PCA made application to the Department, on behalf of Larsen, to amend the point of diversion and place of use for the following permits: Nos. 35-7161, 35-7162.

34. PCA proposed the following changes in points of diversion and places of use:

BEFORE CHANGE

<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
35-7773	NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T1S, R33E	SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 26, NE $\frac{1}{4}$, Sec. 27, T1S, R33E
35-2493	NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T1S, R33E	SE $\frac{1}{4}$, Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T1S, R33E
35-2242	SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T1S, R33E	S $\frac{1}{2}$, Sec. 36, T1S, R33E
35-2391	SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T1S, R33E	S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, T1S, R33E
35-7777	SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T1S, R33E	S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, T1S, R33E

<u>Permit No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
35-7161	NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T1S, R33E	W $\frac{1}{2}$, Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 28, T1S, R33E
35-7162	NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T1S, R33E	E $\frac{1}{2}$, Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, RECEIVED

AFTER CHANGE

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<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
35-7773/35-2493, 35-2242, 35-2391/35-7777	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T6N, R35E; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T8N,	S $\frac{1}{2}$, Sec. 31, T6N, R35E; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$

R36E; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34,	SE $\frac{1}{4}$, Sec. 21, T8N,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T9N,	R36E; W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
R36E	Sec. 35, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
	Sec. 25, T9N, R36E

<u>Permit No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
35-7161,	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,	N $\frac{1}{2}$, Sec. 31,
35-7162	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,	T6N, R35E;
	NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,	E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10,
	SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.	T8N, R36E;
	31, T6N, R35E;	E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
	SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T8N,	24, NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
	R36E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24,	26, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 35,
	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26,	T9N, R36E
	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T9N,	
	R36E	

35. On April 12, 1988, Larsen applied to the Department to change the points of diversion and places of use for the following water rights: Nos. 35-7009/35-7157, 35-2545B, 35-7222. Larsen later withdrew these transfer applications.

36. The Fremont County Herald-Chronicle published notice of the proposed changes to water right Nos. 35-2728/35-2844/35-7361, and 35-2821B on April 7 and 14, 1988. The Fremont County Herald-Chronicle is a newspaper of general circulation which is published in Fremont County.

37. The Morning News published notice of the proposed changes to water right Nos. 35-2728/35-2844/35-7361, and 35-2821B on April 7 and 14, 1988. The Morning News published notice of the proposed changes, as amended, to water right Nos. 35-2728/35-2844/35-7361, and 35-2821B on April 21 and 28, 1988; and the proposed changes to water right Nos. 35-7773/35-2493, 35-2242, and 35-2391/35-7777 and permit Nos. 35-7161, and 35-7162 on April 21 and 28, 1988.

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38. The Post-Register published notice of the proposed changes, as amended, to water right Nos. 35-2728/35-2844/35-7361, and 35-2821B on April 21 and 28, 1988; and the proposed changes to water right Nos. 35-7773/35-2493, 35-2242, and 35-2391/35-7777 and permit Nos. 35-7161, and 35-7162 on April 21 and 28, 1988.

39. The Jefferson Star published notice of the proposed changes, as amended, to water right Nos. 35-2728/35-2844/35-7361, and 35-2821B on April 20 and 27, 1988. The Jefferson Star published a correction of notice on May 4 and 11, 1988 for the proposed changes to water right Nos. 35-2728/35-2844/35-7361. The Jefferson Star published notice of the proposed changes to water right Nos. 35-7773/35-2493, 35-2242, and 35-2391/35-7777 and permit Nos. 35-7161, and 35-7162 on April 20 and 27, 1988.

40. All the notices described the name of the applicant, the source of the water supply, the amount of water to be transferred, the nature of the use, the approximate location of the points of diversion, and the places of use.

41. On May 2, 1988, the Department received a protest to the proposed transfer of water right Nos. 31-7034H, 35-7773/35-2493, 35-2242, and 35-7222 and the proposed amendment of permit Nos. 35-7161, and 35-7162 from Kent W. Foster, attorney, on behalf of the Mud Lake Protestants. The basis for the protest was a concern that the proposed changes would injure the water rights of the protestants and be contrary to the local public interest.

42. On May 4, 1988, the Department received a protest to the proposed transfer of the Group B water rights and water right

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Nos. 35-7009/35-7157, 35-2545B, and 35-7222 from Robert K. Oser on behalf of the United States Fish and Wildlife Service. The basis of the protest was the potential detrimental effects that the proposed changes might have on the water resources of the Camas National Wildlife Refuge.

43. On May 9, 1988, the Department received a protest to the proposed transfer of the Group B water rights and water right Nos. 35-7009/35-7157, 35-2545B, and 35-7222 from Herbert A. Pollard II on behalf of Idaho Department of Fish and Game. The basis of the protest was a concern that the proposed changes would injure protestant's water rights and be contrary to the local public interest.

44. On May 24, 1988, Larsen withdrew the application to transfer water right No. 35-7222.

45. The Department mailed notice of the hearing on the protests for Group B and water right Nos. 35-7009/35-7157, and 35-2545B to the applicants and protestants or to their representatives on June 1, 1988. The notice stated the names of the applicants and protestants and the time and place fixed for the hearing. The hearing was originally scheduled for June 2 and 3, 1988, but was subsequently rescheduled for July 14 and 15, 1988.

46. On June 3, 1988, the United States Fish and Wildlife Service and the Idaho Department of Fish and Game withdrew their protests to the proposed change in points of diversion and places of use for Group B and water right Nos. 35-7009/35-7157, and 35-2545B.

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47. On June 3, 1988, Larsen filed with the Department a petition to allow temporary water use pending resolution of the applications for change in points of diversion and places of use for Group B and water right Nos. 35-7009/35-7157, and 35-2545B.

48. On June 6, 1988, the Director issued an order which temporarily granted the proposed changes for Group B and water right Nos. 35-7009/35-7157, and 35-2545B to the extent necessary to maintain the crop on the new places of use. The order was subject to the final determination of the transfer applications.

49. On July 13, 1988, Kent W. Foster, the attorney representing the Mud Lake Protestants, withdrew their protests to the transfer applications for Group B and water right Nos. 35-7009/35-7157, and 35-2545B.

50. On July 13, 1988, Larsen withdrew the transfer applications for water right Nos. 35-7009/35-7157, and 35-2545B.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222(1) (Supp. 1988) applies to the changes proposed by the applicant. Section 42-222(1) states, in part, the following:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in section 42-203, Idaho Code; except the director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area. (emphasis added.)

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Injury to Other Water Rights

2. The injury mentioned in section 42-222(1) refers to an injury to water rights, not to commodity prices, land values or other property rights. To prevent a change in the point of diversion and place of use of water, the injury, if any, must be to a water right. Colthrop v. Mountain Home Irrigation Dist., 66 Idaho 173, 180, 157 P.2d 1005, 1008 (1945).

3. Since Larsen is the owner or lessee of the water rights, finding 13, he has the right to divert a certain amount of water from the Snake Plain Aquifer. The issue then is not whether the diversion of water per se from the Snake Plain Aquifer will injure the protestants water rights. Instead, the issue with respect to injury is whether the change in points of diversion and place of use will injure the protestant's water rights.

4. The injury claimed must be a substantial injury, not merely a fanciful injury but a real and actual injury. Beecher v. Cassia Creek Irrigation Co., 66 Idaho 1, 7, 154 P.2d 507, 509 (1944). In other words, the evidence must show a direct injury to the protestant's water rights by the proposed changes. The mere fact that injury might result if changes of place of diversion and use are granted, is not a valid reason to reject the water user's application. Application of Boyer, 73 Idaho 152, 161, 248 P.2d 540, 545 (1952).

5. The protestants failed to show how pumping for one year at the new points of diversion, as compared with pumping at the old points of diversion, will cause an actual and real injury to

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their water rights.

6. The protestants failed to show how irrigation for one year on the new places of use, as compared with irrigation on the old places of use, will cause an actual and real injury to their water rights.

7. Because the protestants have failed to show that the proposed change in points of diversion and places of use will cause an actual and real injury to their water rights, the injury requirement of section 42-222(1) has not been met by the protestants.

Enlargement

8. The Idaho Supreme Court has not described any circumstances which constitute "an enlargement in use of the original right" under Idaho Code § 42-222(1). However, the normal meaning of the words used imply that any use of water beyond the limits of the original right is an enlargement. In other words, if the amount of use or period of use of water is limited by the original right, any use beyond that limit is an enlargement.

9. Since the number of acres which may be irrigated, the rate at which water may be diverted, the volume of water which may be diverted, and the amount of water which may be consumed under the original water rights will not be increased by approval of the proposed changes, findings 22 and 24, such changes will not create an enlargement of the original water rights.

Public Interest

10. Prior to approving a change in point of diversion or place of use the director of the Department must determine that

such change is in the local public interest as defined in section 42-203A, Idaho Code. Idaho Code § 42-222(1) (Supp. 1988).

11. The local public interest includes any locally important factor impacted by proposed appropriations. Shokal v. Dunn, 109 Idaho 330, 338, 707 P.2d 441, 449 (1985).

12. The burden of demonstrating which elements of the public interest are impacted and to what degree lies with the parties having peculiar knowledge of the affected elements. Id. at 339.

13. The burden of proof is upon the applicant to show that the project is either in the local public interest or that there are factors that overweigh the local public interest in favor of the project. Id. at 339.

14. The determination of what elements of the public interest are impacted, and what the public interest requires, is committed to Water Resources' sound discretion. Id. at 339.

15. The suggestion by some of the protestants that approval of the proposed changes would circumvent the underlying policies of the federal Food Securities Act of 1985, 16 U.S.C. §§ 3801 et seq., amounts to an assertion that approval of the proposed changes will decrease the opportunity for farmers in the local area "to derive fair and reasonable profits in the marketplace." S. Rep. No. 145, 99th Cong., 1st Sess. 1, reprinted in 1985 U.S. Code Cong. & Admin. News 1676.

16. The pertinent issue is not the degree of consistency of the proposed changes with the underlying policies of the Food Securities Act of 1985. Rather, the pertinent issue is whether

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approval of the proposed changes is in the local public interest, defined as the affairs of the people in the area directly affected by the proposed use.

17. Although increased local production may tend to result in decreased commodity prices, regional and national production levels are likely to have a greater influence on commodity prices.

18. The market price of local farm commodities is not the only factor in the local economy equation. For example, the applicant presented evidence that money spent on seed, fertilizer, fuel, tractors and other goods which are necessary for agricultural production benefit the local economy. Finding 25. Production also benefits the local economy by increasing the local tax base and by providing jobs.

19. The local public interest does not require the denial of the proposed water right transfers as a means of protecting established markets and prices for farm commodities.

20. Approval of the proposed changes in points of diversions and places of use for a one-year period will not conflict with the local public interest.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the applications for transfer of water right Nos. 32-7092/32-7058, 32-7022C, 31-7034H, 31-7034R, 31-7034S, 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, 35-7863, 35-2728/35-2844/35-7361, 35-2821B, 35-7773/35-2493, 35-2242, and 35-2891/35-7777, and amendment of permit Nos. 35-7161, and 35-7162 are APPROVED subject to the

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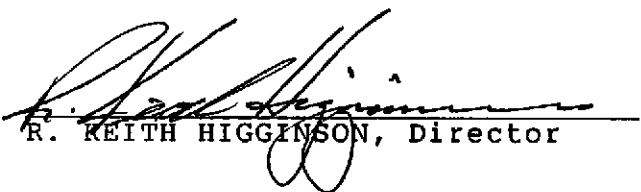
following conditions:

1. The approval is only for the 1988 irrigation season. At the end of the 1988 irrigation season, the places of use and points of diversion under the various water rights and permits shall revert to the lands from which transferred. Applicant should understand that any planned use of these water rights and permits to cover additional years of irrigation of the Larsen lands beyond the 1988 irrigation season will be processed as permanent transfers.

2. The lands from which the water rights and permits are transferred shall not be irrigated from any source during the 1988 irrigation season.

3. For the purpose of appeal, this is the final order issued by the Director.

DATED this 7th day of September, 1988.


R. KEITH HIGGINSON, Director

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 1988, I served a true and correct copy of the foregoing Memorandum Decision and Order by placing a copy thereof in the United States mail addressed to the following:

Jeffrey C. Fereday, Esq.
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth St., Suite 200
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Kent Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
Idaho First National Bank Bldg.
P.O. Box 129


NOV 29 1988

Idaho Falls, ID 83405

Mr. Reed Mickelson
Hamer, ID 83425

Mr. Ray Sanders
Hamer, ID 83425

Mr. Dell Raybould
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Eastern Idaho Production Credit Assoc.
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Pocatello, ID 83204

Mr. Robert K. Oser
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Deputy Attorney General
Idaho Department of Fish & Game
P.O. Box 25
Boise, ID 83707



RITA I. FLECK
Secretary/Records Manager
Department of Water Resources

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
TRANSFER OF WATER RIGHT NOS.)
31-7034H, 31-7034R, 31-7034S,) INTERIM ORDER
32-7022C, 32-7058/32-7092,)
35-7390/35-2274, 35-7391/35-2432/)
35-7630B, 35-7630A/35-4015B, 35-7863)
IN THE NAME OF BLAINE LARSEN, BLAINE)
LARSEN FARMS, AND LARSEN OF IDAHO)
)

BY THE DIRECTOR

On March 7 and 17, 1988, Blaine Larsen filed with the Department of Water Resources applications to transfer the place of use of public ground waters of the state of Idaho.

The Department published notice of the applications for transfer listed in the caption of this matter. On March 30, 1988, Ray Sanders and Reed Mickelsen filed a protest to applications for transfer of water right Nos. 35-7630A/35-4015B, 35-7391/35-2432/35-7630B, 35-7863, and 35-7390/35-2274.

On April 4, 1988, the Owsley Canal Co., Jackett Canal Co., Holly Water Users Assoc., Jefferson Canal Co., Producers Canal Co., Montevue Canal Co., Level Canal Co., and Independent Water Users of Mud Lake, Inc. filed a protest to applications for transfer of water right Nos. 32-7022, 32-7058/32-7092, 35-7630A/35-4015B, 35-7391/35-2432/ 35-7630B, 35-7863, and 35-7390/35-2274. The Department received four petitions on April 4, 1988, under a cover page stating the petitions were in protest of all of the above-captioned applications for transfer. Many of the persons who signed the petitions withdrew **MICROFILMED** prior

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to the hearing before the Director in this matter.

The Director held a hearing on April 28 and May 5, 1988, on the protested applications for transfer to consider:

1. Whether other water rights will be injured by the transfer?

2. Whether the changes constitute an enlargement in the use of the original rights?

3. Whether the proposed use under the transfers will conflict with the local public interest?

The applicant and the protestants presented considerable evidence through lay and expert witnesses during the two days of hearing. The Director gave the parties until May 16, 1988 to file post-hearing briefs.

A reasonable length of time will be required to prepare complete findings of fact and conclusions of law in this matter. Because the transfer applications are for one year only and because any delay in the issuance of this decision will render the applications moot for the present irrigation season, the Director elects to issue this interim order.

After considering the evidence and the argument presented by the parties in this matter, it is the Director's determination that other water rights will not be injured by the approval of the transfers for a one-year period; no enlargement in the use of the original rights will occur; and approval of the transfers will not conflict with the local public interest.

On May 11, 1988, the applicant filed with the Department a Petition for Approval of Temporary Plan for Emergency Supply with

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supporting affidavits seeking permission to begin pumping immediately in order to avoid further loss to the applicants wheat crop. On May 16, 1988, the applicant filed a supplement to the earlier petition asking permission to temporarily use all of the water under the applications for transfer covered by this order upon applicant's wheat acreage, including wheat acreage for which other applications for transfer remain pending.

IT IS, THEREFORE, HEREBY ORDERED as follows:

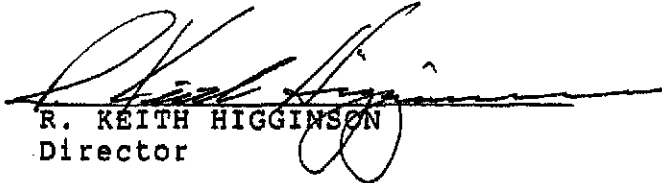
1. That applications for transfer of water right Nos. 31-7034H, 31-7034R, 31-7034S, 32-7022C, 32-7058/ 32-7092, 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/ 35-4015B, and 35-7863 in the name of Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho are approved for use during the 1988 irrigation season from the date of this interim order. At the end of the 1988 irrigation season the place of use under the various water rights shall revert to the lands from which transferred.

2. That all relief requested under the applicant's petitions for temporary and emergency relief is denied, except to the extent that water under rights transferred by this order may temporarily be used upon applicant's other wheat acreage for which applications for transfer of water rights remain pending before the Department. In the event the pending applications for transfer are subsequently denied and temporary use of water under these approved applications has been commenced on applicant's wheat acreage the water may not thereafter **RECEIVED** 1988 for the irrigation of other acreage.

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3. That it is the intention of the Director that this interim order not be treated as a final order for purposes of appeal, but will be followed by a more comprehensive order setting forth in detail the findings of fact and conclusions of law upon which the decision is based.

DATED this 16TH day of May, 1988.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 1988, I served a true and correct copy of the foregoing Interim Order by placing a copy thereof in the United States mail addressed to the following:

Jeffrey C. Fereday, Esq.
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth St., Suite 200
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Kent Foster, Esq.
HOLDEN, KEDWELL, HAHN & CRAPO
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Mr. Reed Michelson
Hamer, ID 83425

Mr. Ray Sanders
Hamer, ID 83425

Mr. Del Reybald
3215 N. 2000 W.
Rexburg, ID 83440


RITA I. FLECK
Secretary/R
Department of Corrections

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[illegible]

PART 1

6. General Information:

a. Description of diversion system _____ wells & pumps with pivot irrigation system.

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:

Will receive only natural rain fall and snow fall and will not otherwise be

irrigated in 1988. Some or all of the lands will be set-aside from production

under federal programs.

d. Remarks:

This is one of four coordinated transfer applications submitted together for joint consideration. Therefore, the points of diversion and places of use described in B above are the same in all four transfer applications and cover all four transfer applications.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-7863

And said application is hereby **APPROVED**

, subject to the following limitations and conditions:
Pursuant to the Interim Order dated 5/16/88.

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Witness my hand this

16th

day of

May

, 19

88

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-7863 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 Lease

3. Source of water groundwater tributary to _____4. Date or priority 7/12/79

5. Water is used for the following purpose:

amount 5.3 for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.3 cubic feet per second and/or 1106.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	16	3S	32E	Bingham	

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	
3S	32E	16	39	39	40	40									40	40	39	39	316

Total acres 316

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

Transfer No.

If yes, describe

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

_____ purposes from

amount— (cfs/ac-ft)
amount— (cfs/ac-ft)
amount— (cfs/ac-ft)

for

purposes from

01

107

 $\frac{1}{4}$

+

Age.

County

Local name for diversion

[illegible]

amount— (cfs/ac-ft)
amount— (cfs/ac-ft)
amount— (cfs/ac-ft)

for

purposes from

- 01 -

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	T
-----	---------------	---------------	---------------	------	---

 $\frac{1}{4}$

4

Fig.

County

Local name for divers: on

[illegible][illegible]

Sec.

Twp. | Rge.

44. **FDI**

7	55	7
---	----	---

NE 1/4 N	
----------	--

MS	91 NR
51	4444

7/13	7/13
------	------

NE 1/4 N	
----------	--

WS	1/4 MI
MI	1/4 MI

7/3	7/4
-----	-----

NE 1/4	
--------	--

RS	7.101
6.100	

135	917
-----	-----

1

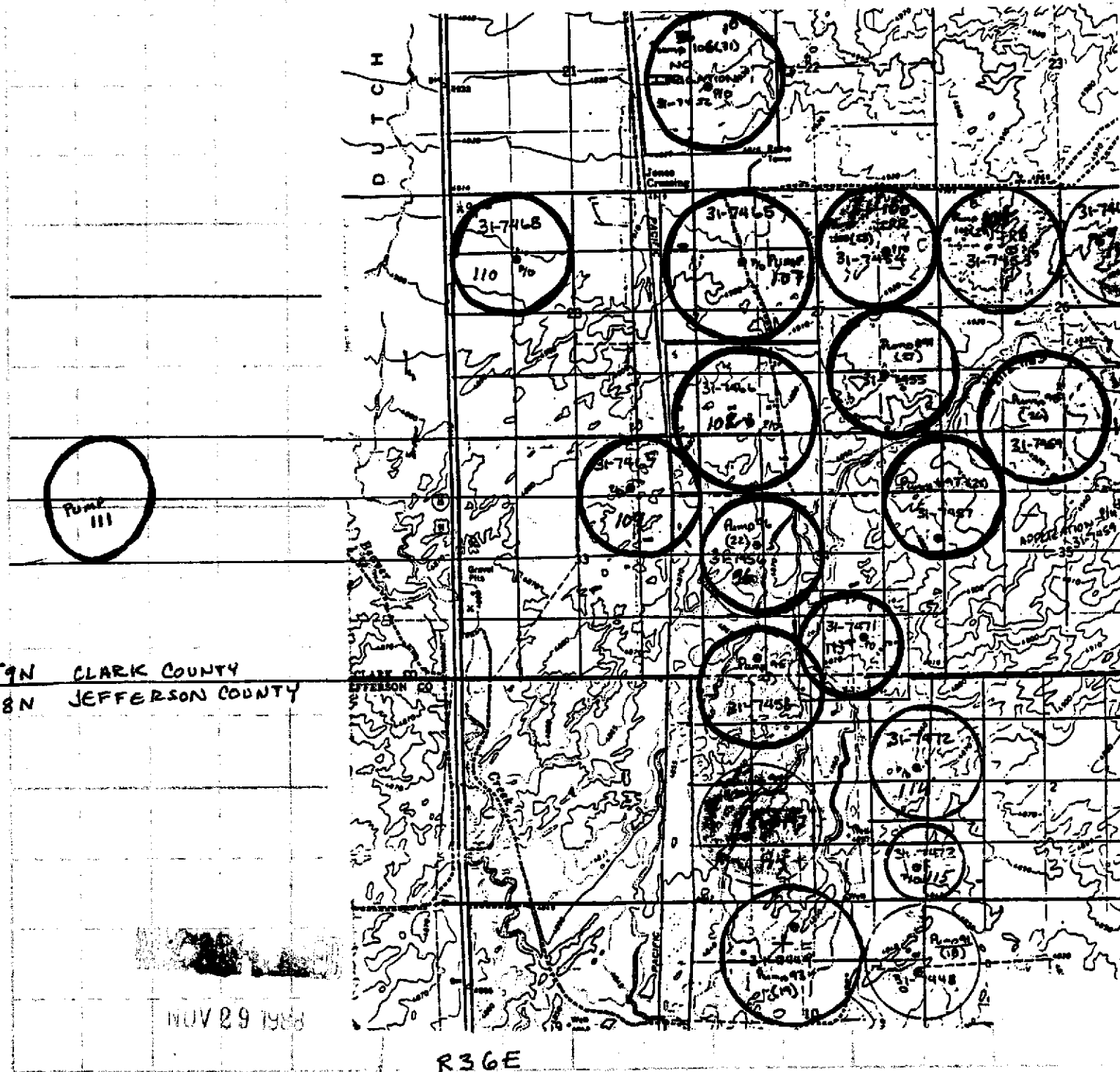
Totals[illegible]

Total acres

~~SECRET~~

**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.



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

ATTACHMENT #1

Points of diversion and places of use after change applicable to Broadhead transfers #1 through #4 in combination, as delineated by Larsen pump numbers

Pump No.	Points of Diversion	Places of Use	Acres to be Irrigated*
93	NE1/4, NE1/4, NW1/4, Sec. 10, T8N, R36E	NW1/4, NE1/4 and NE1/4, NW1/4, Sec. 10, T8N, R36E SE1/4, SW1/4 and SW1/4, SE1/4 Sec. 3, T8N, R36E	200
99	NW1/4, SE1/4, SE1/4, Sec. 27, T9N, R36E	SE1/4, Sec. 27, T9N, R36E	136
100	NW1/4, SE1/4, NE1/4, Sec. 27, T9N, R36E	NE1/4, Sec. 27, T9N, R36E	164
101	NW1/4, SE1/4, NW1/4, Sec. 26, T9N, R36E	NW1/4, Sec. 26, T9N, R36E	164
106	NW1/4, NW1/4, SE1/4, Sec. 22, T9N, R36E	SE1/4, NE1/4 and E1/2, SE1/4, Sec. 21, T9N, R36E S1/2, NW1/4 and SW1/4, Sec. 22, T9N, R36E	193
107	NE1/4, SW1/4, NW1/4, Sec. 27, T9N, R36E	NW1/4 and N1/2, SW1/4, Sec. 27, T9N, R36E E1/2, NE1/4 and NE1/4, SE1/4, Sec. 28, T9N, R36E	196
111	NW1/4, NW1/4, SE1/4, Sec. 31, T9N, R36E	SW1/4, NE1/4 and SE1/4, NW1/4 and NE1/4, SW1/4 and NW1/4, SE1/4, Sec. 31, T9N, R36E	126

Total 1,179 acres

* Acreage is based on actual acres irrigated in 1987 and have been measured by federal crop insurance officials, ASCS officials and/or the pivot system dealers. These pivots will be enlarged in 1988.

NOV 29 1988

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.**

MICROFILMED
NOV 29 1988

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

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 _____

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.

James D. Hansen for BEHNE LARSEN
(Signature of Applicant) 14TH day of MARCH, 1988

My commission expires _____
John J. Hansen
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jim Date 3-17-88

Prelim. check by Jim Fee 50.00

Received by RG Date 3-18-88 # 0000167

Published in Albion Star, Post Register, Bluffton Pub. dates 3-17 + 3-24-88

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

_____ Copy of transfer sent to lien holder

NOV 29 1988

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MAR 30 1988

Department of Water Resources
Eastern District Office

Hamer, Idaho
March 29, 1988

Idaho Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

I am protesting approval of the following proposed changes of water rights.

No. 35-7630A/35-4015B
No. 35-7391/35-2432/35-7630B
No. 35-7863
No. 35-7390/35-2274

The proposal to change the point of diversion from Bingham County to the Hamer, Dubois area of Jefferson and Clark Counties should not be approved because there is no possibility of the Bingham County water replacing the water taken from the Jefferson and Clark County sources, as the Jefferson and Clark County area is at a higher elevation, also the wells are much shallower.

To the best of my knowledge the water is not from the same water sources at all.

As for changes, asked for in,

No. 31-7034S
No. 31-7034R
No. 31-7034H

I have no objection if the wells at the present point of diversion are capped and the ground presently being irrigated from these points can not be irrigated from another unauthorized source.

RECEIVED

NOV 29 1988

Respectfully yours,

Ray Sanders

Ray Sanders
Hamer, Idaho
83425

Reed Mickelson

Hamer, ID

83425

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER
J. MICHAEL WHEELER
MARIE T. FEELEY

IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83405

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

RECEIVED
APR 1 1988

April 4, 1988

Department of Water Resources
Eastern District Office

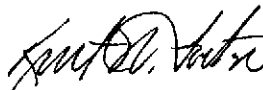
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83405

Gentlemen:

We have been requested by the Owsley Canal Company, Jackett Canal Company, Holly Water Users Association, Jefferson Canal Company, Producers Canal Company, Montevue Canal Company, Level Canal Company, and Independent Water Users of Mud Lake, Inc., to file this notice of protest to the proposed changes of water rights Nos. 35-7863, 35-7391, 35-2432, 35-7630B, 35-7390, 35-2274, 32-7092, 32-7058, 32-7022C, 35-7630A and 35-4015B.

This protest is filed on the grounds that the proposed transfers of said rights will injure the water rights of the canal companies listed herein, and that said change is contrary to the local public interest.

Yours very truly,



Kent W. Foster

KWF:lb
5400f

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APR 4 1988
Department of Water Resources
Eastern District Office
NOV 29 1988

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APR 4 1988

Department of Water Resources
Eastern District Office

To the Director of Water Resources
State of Idaho
Boise Idaho

In Protest to the transfere of water from idle lands
to new lands as proposed by Mr Larson of Larson Farms we
present the attached Petitions.

MICROFILMED

NOV 29 1988

To the Director of Water Resources
State of Idaho
Boise, Idaho

April 2, 1988

RECEIVED

APR 4 1988

Department of Water Resources
Eastern District Office

PETITION

We the undersigned do hereby request that the Idaho Department of Water Resources, when making a determination of public interest in the transfer of water from lands enrolled in U. S. Government farm programs, take the following conditions into consideration. And further that if any of the following conditions are in conflict with the transfer of water from lands enrolled in U. S. Government farm programs, then the Idaho Department of Water Resources deny any request for such transfer.

(1) The "Food Security Act of 1985" as passed by the United States Congress, and implemented by the U. S. Department of Agriculture, made provision to remove cropland from crop production through Set Aside Programs, Diversion Programs, and Conservation Reserve Programs (CRP) to stabilize commodity prices at the farm level. The passage of this act is deemed to be in the public interest and for the benefit of the producers of agricultural products throughout the nation including those producers in the State of Idaho. Any alterations to the effectiveness of this act by transferring water from lands committed to Set Aside, Diversion, or CRP to other lands not previously irrigated or in agricultural production, would negate the reduction of the production of agricultural products as provided in the act. Therefore any transfer of water from lands enrolled in government farm programs to previously unirrigated lands would not be in the local public interest.

(2) Irrigated lands entered into the Set Aside Program, the Diversion Program, or the Conservation Reserve Program have been so entered according to the production value as irrigated lands. To remove water from these lands after being enrolled in a U. S. Government farm program and applying this water to formerly unirrigated land is clearly in opposition to the intent of the "Food Security Act" and not in the local public interest.

(3) Land entered into government farm programs is land "quasi-rented" by the USDA. Any attempt to transfer water from any such land or farm enrolled in such government program should have the express consent of the USDA, as a third party with tangible interest in such land, prior to the State Water Department granting such a request for transfer.

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APR 4 1988

Department of Water Resources
Eastern District Office

(4) The Legislature of the State of Idaho in the 1988 session just ended, passed legislation protecting water rights pertaining to lands enrolled in government farm programs from abandonment due to non-use. The legislature thus recognized the public interest in maintaining the water rights with the land in government farm programs.

We respectfully request your consideration in this matter.

NAME	ADDRESS
✓ Jan Rydahl	Rt 2, Box 108, St. Anthony, Id 83445
✓ Glenn Hood	HC 60 Box 1099 Itos, Id 83455
✓ Cleve Young	Rt 2 Box AAIII St. Anthony Id
Kathleen Young	Rt 2 Box AAIII, St Anthony, Ida
Mona Walters	990 Westwood Dr. Rexburg, Ida
Ruby Young	Rt. 2 Box III St. Anthony, Ida.
Keith Meyers	Rt 2 Rexburg
Larry Meyers	Rt 2 Rexburg
Larry Meyers	Rt 2 Rexburg
Bryan K Lusk	Rt 2 Rexburg
Lea Meyers	Rt 2 Rexburg
Cheryl A. Lusk	Rt 2 Rexburg
Mark E Peterson	5083 N 6000 W
Norma Peterson	5083 6000 W
Charles Parkinson	Route 2 St Anthony
Byron L. Parkinson	4471 N 6000 W
Alan Parkinson	6618 W 6000 W Rexburg

RECEIVED

NOV 29 1988

To the Director of Water Resources
State of Idaho
Boise, Idaho

April 2, 1988

RECEIVED

APR 4 1988

Department of Water Resources
Eastern District Office

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MICROFILMED

NOV 29 1988

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We respectfully request your consideration in this matter.

NAME

ADDRESS

Laurin C. Gannig

RT. #2 St. Anthony Idaho

Kris Rydatch

Rt #2 St. Anthony, IDA

She Bunker
W. Hal Buster

St. Anthony, Id.

St. Anthony, Idaho

St. Anthony, Idaho

St. Anthony, Idaho

Jeff Buster

Mike Weaver

RECEIVED
APR 24 1989

Department of Water Resources
Eastern District Office

To the Director of Water Resources
State of Idaho
Boise, Idaho

April 2, 1988

RECEIVED

APR 4 1988

Department of Water Resources
Eastern District Office

PETITION

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NOV 29 1988

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NAME

ADDRESS

Lee Davis
Louis Rasmussen
Michael Rasmussen
Dean A. Peterson
Wallace Robinson
Larid Dee Robinson
Julie McCulloch
Mark C. Blaser
Roger Rasmussen

4288 W 6000 N Rexburg Ida
4805 West 8000 North
4972 West 6000 W Rexburg Ida.
5427 N. 5000 W. Rexburg, Ida.
415 City Street Newdale, Idaho
Box 15, Newdale, Idaho
1582 W 1750 N Rexburg, Id.
5509 W 5000 N Rexburg
Rt 2 St Anthony

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APR 4 1988

MISSOURI
Resources
District Office

NOV 29 1988

To the Director of Water Resources
State of Idaho
Boise, Idaho

April 2, 1988

RECEIVED

APR 4 1988

Department of Water Resources
Eastern District Office

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RECEIVED

NOV 29 1988

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We respectfully request your consideration in this matter.

NAME

ADDRESS

Jay Mackay	Rexburg Idaho
Blair Withers	Rexburg "
Harold J. Ryberg	Reylburg, Ida
Grant Sauer	Rexburg, Ida
Edward Rindliebacher	Rexburg Idaho
Cleve P. Bagley	Rexburg Idaho
V. J. Bagley	Rexburg Idaho
Alif J. Johnson	Rexburg Idaho
Ryberg E. Millmore	2046 N 4000 W Reylburg, Ida

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NOV 29 1988

RECEIVED

APR 4 1989

Department of Water Resources
Eastern District Office

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Crystal Foster

being first duly sworn, depose and say, that I am the printer of THE JEFFERSON STAR, a weekly newspaper printed and published weekly at Rigby, Jefferson County, Idaho; and I do solemnly swear that the

Notice of Proposed Change

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any

supplement issue thereof for Two (2) consecutive issues, the first publication hav-

ing been made on March 16, 1988 and the last publication having been made

on March 23, 1988

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 35-7863

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of a ground water source. The right sought to be changed is evidenced by License No. 35-7863 and is recorded as follows:

Amount: 5.3 c.f.s. Priority: July 12, 1979. Point of diversion: NW1/4SE1/4, Sec. 16, T. 3S, R. 32E, B.M., Bingham County;

The water is used to irrigate 316 acres within the NE1/4, SE1/4, Sec. 16, T. 3S, R. 32E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4NW1/4, Sec. 10, T. 8N, R. 36E, NW1/4SE1/4, Sec. 22, SE1/4SE1/4, SE1/4NE1/4, SW1/4NW1/4, Sec. 27, SE1/4NW1/4, Sec. 28, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M., Jefferson and Clark Counties, and will be used to irrigate 1179 acres within the NW1/4NE1/4, NE1/4NW1/4, Sec. 10, SE1/4SW1/4, SW1/4SE1/4, Sec. 3, T. 8N, R. 36E, N1/2, N1/2SW1/4, SE1/4, Sec. 27, NW1/4, Sec. 28, SE1/4NE1/4, E1/2SE1/4, Sec. 21, S1/2NW1/4, SW1/4, Sec. 22, E1/2NE1/4, NE1/4SE1/4, Sec. 28, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before April 4, 1988.

By R. Keith Higginson
Director

Published in The Jefferson Star,
Rigby, Idaho, March 16 and 23, 1988.

Subscribed to and sworn to before me
this 3-25-88

Loane Leather
Notary Public.

(SEAL)

My commission expires 1-27-91

MICROFILMED

NOV 29 1988

don't need to
re-ad per
Ernest Carlson -
dg 5-2-88

DEPARTMENT OF WATER RESOURCES
150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 35-7863

NOTICE is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of water from a ground-water source. The right sought to be changed is evidenced by License No. 35-7863 and is recorded as follows:

AMOUNT: 5.3 cfs

PRIORITY: July 12, 1979

POINT OF DIVERSION: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 3S, R. 32E, B.M., Bingham County.

The water is used to irrigate 316 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, T. 3S, R. 32E, B.M.

TO BE CHANGED
AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 8N, R. 36E, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9N, R. 36E, B.M., Jefferson and Clark Counties, and will be used to irrigate 1179 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, ~~NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 8N, 36E, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 27, NW $\frac{1}{4}$, Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 9N, R. 36E, B.M.~~

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before April 11, 1988.

R. KEITH HIGGINSON
Director

(9903)
Pub.: 3/17, 24, 31

NOV 30 1988

RECEIVED

APR 4 1988

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, Michael Bell

solemnly

swear that I am the Publisher of The Morning News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 164 of the Session Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said newspaper three consecutive weeks.

the first publication having been made on the 17th day of March, 19 88.

and the last publication having been made on the 31st day of March, 19 88; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 31st day of March, 19 88.

Alice Baumgartner
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Aug. 20, 1992

Proof of Publication
The Post-Register

RECEIVED
APR 11 1988

Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss

I, ... J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk 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 ... 17th ... day of ... March ..., 19... 88, last publication having been made on the ... 24th ... day of ... March ..., 19.88., 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 ... 6th ... day of ... April ..., 19.88..

J. Robb Brady
Notary Public

My commission expires ... September 30, ..., 19.88..

B10

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 35-7863

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of water from a groundwater source. The right sought to be changed is evi-

denced by License No. 35-7863 and is recorded as follows:

AMOUNT: 5.3 cfs PRIORITY: July 12, 1979 POINT OF DIVERSION: NW1/4SE1/4, Sec. 16, T. 3S, R. 32E, B.M., Bingham County;

The water is used to irrigate 316 acres within the NE1/4, SE1/4, Sec. 16, T. 3S, R. 32E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4NW1/4, Sec. 10, T. 8N, R. 36E, NW1/4SE1/4, Sec. 22, SE1/4SE1/4, SE1/4NE1/4, SW1/4NW1/4, Sec. 27, SE1/4NW1/4, Sec. 26, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M., Jefferson and Clark Counties, and will be used to irrigate 1179 acres within the NW1/4NE1/4, NE1/4NW1/4, Sec. 10, SE1/4SW1/4, SW1/4SE1/4, Sec. 3, T. 8N, R. 36E, N1/2, N1/2SW1/4, SE1/4, Sec. 27, NW1/4, Sec. 26, SE1/4NE1/4, E1/2SE1/4, Sec. 21, S1/2NW1/4, SW1/4, Sec. 22, E1/2NE1/4, NE1/4SE1/4, Sec. 28, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before April 4, 1988.

R. Keith Higginson
Director

Published: March 17, 24, 1988

DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOTICE OF CORRECTION

Notice is hereby given that Notice of Proposed Change of Water Right No. 35-7863, in the name of Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho, was advertised incorrectly on March 17 and 24, 1988. The old place of use was advertised as being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 3S, R. 32E, B.M., Bingham County.

Whereas, the actual old place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 3S, R. 32E, B.M., Bingham County.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before May 2, 1988.

R. KEITH HIGGINSON
Director

(9951)
Pub.: 4/14, 21

RECEIVED

APR 29 1988

Department of Water Resources
Eastern District Office

RECORDED

NOV 29 1988

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I,)

Michael Bell)

do)
solemnly

swear that I am the Publisher of The Morning News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 184 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said newspaper two consecutive weeks

the first publication having been made on the 14th day of April, 19 88

and the last publication having been made on the 21st day of April, 19 88

that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement

Michael Bell

Subscribed and sworn to before me this 21st day of April, 19 88

Ray Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Aug 20, 1992

Nov 10, 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7863 Priority July 12, 1979 Amount 5.30 cfs

THIS IS TO CERTIFY, that Lynn Broadhead
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7863 issued pursuant to Application for Permit dated July 12, 1979,
and has submitted proof to the Department of Water Resources on July 21, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.30 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>5.30</u> cfs and	<u>1106.0</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 5.30 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1106.0 acre feet per year, said waters to be diverted within the NW1/4, Section 16,
Twp 3S, Rge 32E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	32E	16	39	39	40	40									40	40	39	39	316

Total number of acres irrigated 316

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of September, 19 86.

MINOR WED

for the Director

RECEIVED

SEP 8 1986

Ident. No. _____

STATE OF IDAHO

APPLICATION FOR AMENDMENT
(For Licensing Purposes)

Department of Water Resources

APPROVED

Comes now Lynn Broadhead Phone _____
of (address) c/o Tiger Asphalt Box 1067 Blackfoot, ID 83221, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 35-7863, and requests that the permit be changed as follows:

1a. Point of diversion: NW 1/4 SE 1/4, Section 16, Township 3S, Range 32E,
B.M., County of Bingham. Other points of diversion: _____

1b. Source: groundwater tributary to -----

2a. Period and nature of use:

Amount 5.3 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

2b. The maximum quantity diverted shall not exceed 5.3 cfs or 1106.0 acre feet
per year.

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE				NW				SW				SE				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	
3S	32E	16	39	39	40	40									40	40	39	39	316

Total number of acres to be irrigated = 316

4. Date of priority: July 12, 1979

5. Conditions (if any):

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Albuquerque, this 4th day of September, 1986.

James D. Dunn
Signature
9-4-86
known by me, signed this above
FOR DEPARTMENT USE ONLY
9-4-86
Murray F. Dunn

Preliminary check by kw Fee = \$20.00
Received by kg Date 9-9-86 # 38990

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby Approve the above Application for Amendment for Permit No. 35-7863.

Witness my hand this 17 day of September, 1986.

Jeffrey D. Dunn
for the
Director

RECEIVED

2007

WATER RIGHT SPLIT
SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	35-7863	Don T. McCandless &/or Norma J. McCandless	6.40 cfs
Full Assignment	35-7863	Lynn Broadhead	6.40 cfs

WATER RIGHT SPLIT

RECEIVED

DEC 7 1984

State of Idaho
Department of Water Resources

RECEIVED

DEC 14 1984

Department of Water Resources
Eastern District Office

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Don T. McCandless, hereby assign to Lynn Broadhead
of P.O. Box 1067 Blackfoot, ID. 83221
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-7863
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 1 day of Dec, 1984.

X Don T. McCandless
Permit Holder

X Norma J. McCandless
Spouse of Permit Holder

State of Idaho)
County of Lingham) ss.

On this 1st day of Dec, 1984, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Helen Bergerson
Notary Public residing at
Blackfoot Id

My commission expires:

Jan 1 1985

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Don T. McCandless and/or Norma J. McCandless Phone 684-3409
Post office address Route 1, Box 82, Pingree, Idaho 83262

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

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16 Township 3S
Range 32E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 6.40 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 6.40 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, 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 when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 150 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

MICROFILMED

320

None

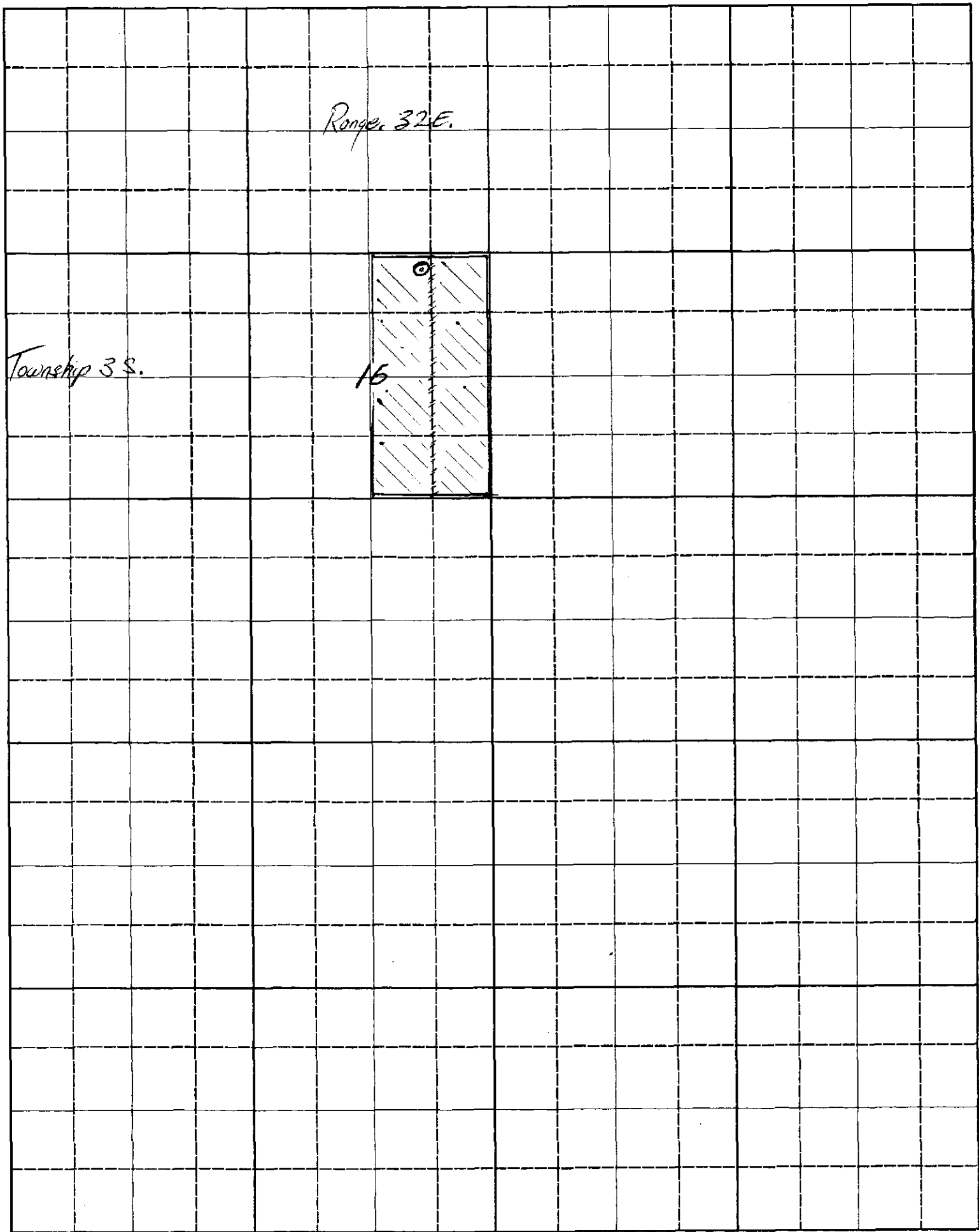
Applicant

Applicant

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.

Don M. Carlless
(Applicant)

Proposed Priority 7/12/79

Received by _____ Date 7-12-79 Time 10:20 a.m.

Preliminary check by EMC Fee \$ 95.00

Received by _____ Date 7-12-79 #11997

Publication prepared by _____ dh Date 7-13-79

Published in _____ Blackfoot News

Publication dates July 19 & 26, 1979

Publication approved 97 Date 8/2/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC SS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7863, 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 August 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) An access port or other device as specified by the Department shall

be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 28 day of August, 19 79.

D. Allen Gaulton
Chief, Operations Bureau

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

35-7863

MCCANLESS, DON T. &/or NORMA J.

ROUTE 1, BOX 82, PINGREE, ID 83262

Source: GROUNDWATER

Date Filed: 07/12/1979

Amount: 6.40 CFS

Diversion Point: NWNE Sec 16 T 03S R 32E, BINGHAM Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE SWNE SENE NESE NWSE SWSE SESE Sec 16 T 03S R 32E FOR 320 ACRES

Diversion Means: WELL, PUMP & SPRINKLER SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before AUGUST 6, 1979.

C. STEPHEN ALLRED
Director

(6146)
Pub: 7/19, 26

37

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss.

I, David Mark Brown do solemnly

swear that I am the Publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of

of publication was published in said issue or said newspaper 2 consecutive weeks

the first publication having been made on the 19th day of July, 19 79

and the last publication having been made on the 26th day of July, 19 79

that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 27th day of July, 19 79

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1980

87-A

MICROFILMED

MEMORANDUM

TO: Files 35-02274, 35-07390, 35-07630, 35-02432C, 35-07391C & 35-07863

FROM: Pam Skaggs ^{CS} State Office

SUBJECT: Transfer 5433

DATE: October 15, 1999

Transfer 5433 adds and changes the point of diversion, and changes the place of use under Rights 35-02274, 35-07390, 35-07630, 35-02432C, 35-07391C and 35-07863. These rights will be combined to create a 943.0 acres permissible place of use.

The transfer was processed on the rights as recommended in the SRBA. The applicant is purchasing the rights from the current owner and moving them to other lands. A small portion of the rights is located on BLM land and a release has been obtained to transfer them from public to private lands.

This transfer was protested and an agreement was reached between the US Fish and Wildlife Service and the applicant regarding the withdrawal of protest. Two conditions were included on the approval to reflect the protest agreement and the requirement to case the proposed wells to a minimum depth of 350 feet. One well has been drilled under Expedited Drilling Permit #35-99-E-0072-000, which also contained the casing requirement.

Other recommended conditions include drilling permit requirements, measuring & annual reporting, multiple well diversion limits, SRBA Basin 35 connected sources, permissible place of use limits, combined right limits, irrigation overlap and standard transfer conditions.

MICROFILMED
NOV 10 1999

MEMORANDUM

TO: FILE 35-07863

FROM: PAM SKAGGS

RE: TRANSFER # 5433

DATE: 4-5-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 35-02274.

MICROFILMED
NOV 10 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 9, 1988

RE: Applications for Transfer of Water Right Nos. 32-7092/7058, 32-7022C, 31-7034H/R/S, 35-7390/2274, 35-7391/2432/7630B, 35-7630A/4015B, 35-7863, 35-2728/2844/7361, 35-2821B, 35-7773/2493, 35-2242, 35-2391/7777 and Amendment of Permit Nos. 35-7161/7162

Blaine Larsen
Box 188
Hamer, ID 83425

Dear Mr. Larsen:

Enclosed is a copy of the Memorandum Decision and Order approving the above referenced transfer applications and amendments. Copies of the approved transfers and amendments will be sent under separate cover.

Any one who disagrees with the decision of the department may request rehearing before the Director within 20 days or may appeal directly to the district court within 30 days of the date the decision is mailed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

Enclosure

cc: See Certificate of Mailing on Order



NOV 29 1988



United States Department of the Interior

RECEIVED
JUL 19 1988

GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
230 Collins Road
Boise, Idaho 83702

Department of Water Resources

July 14, 1988

Mr. Kent Foster, Attorney at Law
P.O.Box 129
Idaho Falls, ID 83402

Dear Mr. Foster:

Listed below are the wells selected for bimonthly water-level monitoring in the Mud Lake/Camas Wildlife Refuge area. The wells were chosen by Mike Jones, of this office, and Don Shenton, Watermaster of Water District 31, during a visit to the area the week of July 5. The first measurements were made at the time of the field visit and will be repeated beginning in August. Funding for this new data-collection activity will be provided equally by Water District 31 and the Geological Survey.

To assist you in locating the wells on a map, a copy of the Geological Survey's well-numbering system has been enclosed.

WELL -----	OWNER -----
07N-34E-24BBA2	Owsley Canal Co.
07N-35E-26CDD1	Myron Evans
07N-36E-14CBA1	Marsha Hoptak
08N-34E-11DCC1	Bureau of Land Management
08N-34E-27CDD1	Bureau of Land Management
08N-36E-03DBD1	Blaine Larsen
08N-36E-10BDD1	Blaine Larsen
08N-36E-21DCD1	Blaine Larsen
09N-36E-15CCC1	Laird and Sons
09N-37E-06ACB1	Laird and Sons

Please call me at (208) 334-1750 or 554-1750 (FTS) if you have any questions.

Sincerely,

Jerry L. Hughes
Jerry L. Hughes
District Director

Enclosure

cc: Jeffrey Fereday, Attorney at Law, Law offices of Givens, McDevitt & Pursley, Webb and Buser
Ronald Swan, Office of Solicitor, U.S. Department of Interior
Keith Higginson, Director, Idaho Department of Water Resources
Steve Goddard, Office of Attorney General, State of Idaho

JLH/mrl



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 17, 1988

Blaine Larsen
P. O. Box 188
Hamer, ID 83425

Dear Mr. Larsen:

Re: Approval of Applications for Transfer of Water Right Nos.
31-7034-H, 31-7034R, 31-7034S, 32-7022C, 32-7058/32-7092,
35-7390/35-2274, 35-7391/35-2432/35-7630B,
35-7630A/35-4015B, 35-7863

Enclosed is a copy of each of the above referenced applications
for transfer along with a copy of the Interim Order.

Note that a more comprehensive order setting forth the findings
of fact and conclusions of law will be forthcoming. The
department will consider the forthcoming comprehensive order as
the final order for purposes of a motion for rehearing or appeal.

The final comprehensive order will clarify portions of the
Interim Order. In particular, paragraph 2 should be interpreted
to mean that for every acre that is irrigated on a temporary
basis, an acre that is approved for irrigation under the approved
transfers shall not be irrigated during 1988.

If you have any questions concerning this matter, please free to
contact this office.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

Enclosures

c: Jeffrey C. Fereday, Esq.
Kent Foster, Esq.
Mr. Reed Michelson
Mr. Ray Sanders
Mr. Del Reybald

RECEIVED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 29, 1988

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RE: Applications for Transfers Nos. 31-7034H thru 35-7863
BLAINE LARSEN

Mr. Wallace C. Robinson
415 City Street
Newdale, ID 83436

Dear Mr. Robinson:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: Blaine Larsen
IDWR - State Office

MAILED

NOV 29 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFERS)
NOS. 31-7034S, 32-7022C, 32-7058/32-7092,)
35-7390/35-2274, 31-7034H, 31-7034R, 35-7391/) WITHDRAWAL
35-2432/35-7630B, 35-7630A/35-4015B, 35-7863)
_____)

I, Wallace Robinson, hereby withdraw my
protest against approval of the above referenced applications for
transfers.

Dated this 25 day of April, 1988.

Wallace C. Robinson
Signature
415 city street
Newdale, Idaho 83436
Address

RECEIVED
MAILED
Department of Water Resources
Eastern District Office
NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 27, 1988

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RE: Applications for Transfers Nos. 31-7034H thru 35-7863
BLAINE LARSEN

Mr. Blair Withers
2897 N. 200 W.
Rexburg, ID 83440

Dear Mr. Withers:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: Blaine Larsen
IDWR - State Office



NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 27, 1988

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RE: Applications for Transfers Nos. 31-7034H thru 35-7863
BLAINE LARSEN

Mr. Edward Rindlisbacher
Rt. 2
Rexburg, ID 83440

Dear Mr. Rindlisbacher:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: Blaine Larsen
IDWR - State Office

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NOV 29 1988

upon receiving notice of hearing I became aware that the Oroqui Canal had also filed a protest as a unit. I see no reason to duplicate this effort:

Therefore please remove my name from any other petition. Thank you

Blair Withers
2897 N. 200 W.
Rebuck, Idaho

RECEIVED

APR 27 1988

Department of Water Resources
Eastern District Office

RECEIVED

NOV 29 1988

Rexburg Idaho
April 26 1988

Department of Water Resources
State of Idaho
Dear Sirs:

I wish to withdraw my name
from the protest in the matter of the
Blaine Larsen; farms; and Larsen
of Idaho

Sincerely
Edward Rindkeboer
Rexburg Rt 2 Idaho

RECEIVED

APR 27 1988

Department of Water Resources
Eastern District Office

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NOV 29 1988

CONVERSATION MEMORANDUM

DATE April 26, 1988

FILE Blaine Larsen's Protested Transfe

NAME OF PARTY Lorin Young

EMPLOYEE Colleen Wray

RE: _____

Mr. Lorin Young telephone this date and indicated Dell Raybould
would be the speaker and representation for the people signing the
petitions of protest against the Blaine Larsen's applications for transfers
which was received by the Department April 4, 1988.

MAILED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Kathlene Young
Rt. 2, Box AA-111
St. Anthony, ID 83445

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

On 4 April 1988, four petitions were delivered to the Department with a cover page stating the petitions were in protest of transfer applications Nos. 31-7034S, 32-7022C, 32-7058/32-7092, 35-7390/35-2274, 31-7034H, 31-7034R, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 filed by Blaine Larsen. Because you signed one of the petitions you were, therefore, considered a protestant.

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If you do not want to be a protestant in this matter, sign the enclosed withdrawal form and return it to this office.

Very truly yours,

A handwritten signature in cursive script that reads "Ernest Carlsen".

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

MAILED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Mona Walters
990 Westwood Drive
Rexburg, ID 83440

Dear Protestant:

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

MICROFILMED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Keith Meyers
Rt. 2
Rexburg, ID 83440

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

RECEIVED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Ron Meyers
Rt. 2
Rexburg, ID 83440

Dear Protestant:

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Very truly yours,

Ernest Carlsen
ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Lane Meyers
Rt. 2
Rexburg, ID 83440

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

RECORDED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Bryan K. Lusk
Rt. 2
Rexburg, ID 83440

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

RECEIVED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Ruby Young
Rt. 2, Box 111
St. Anthony, ID 83445

Dear Protestant:

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

UNRECORDED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Blair Withers
Rexburg,
ID 83440

Dear Protestant:

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

RECORDED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Harold Rigby
Rexburg,
Idaho 83440

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

RECEIVED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Edward Rindlisbacher
Rexburg,
ID 83440

Dear Protestant:

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Michael Rasmussen
4972 W. 6000 N.
Rexburg, ID 83440

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ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures



NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

A. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Louis Rasmussen
4505 W. 8000 N.
Rexburg, ID 83440

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

MICROFILMED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Dee Davis
4288 W. 6000 N.
Rexburg, ID 83440

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Van Weaver
365 E 3rd N
St. Anthony, ID 83445

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

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ERNEST CARLSEN
Water Rights Supervisor

EC:CW
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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Max G. Parkinson
4471 N. 5000 W.
Rexburg, ID 83440

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Elaine Larsen Farms.

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ERNEST CARLSEN
Water Rights Supervisor

EC:CW
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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Alan Parkinson
6618 N. 6000 W.
Rexburg, ID 83440

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Water Rights Supervisor

EC:CW
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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Lorin C. Young
Rt. 2
St. Anthony, ID 83445

Dear Protestant:

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

APR 22 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Kris Rydalch
Rt. 2
St. Anthony, ID 83445

Dear Protestant:

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Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Rigby E. Willmore
2046 N. 4000 W.
Rexburg, ID 83440

Dear Protestant:

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ERNEST CARLSEN
Water Rights Supervisor

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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Gary Mackay
Rexburg
Idaho 83440

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ERNEST CARLSEN
Water Rights Supervisor

EC: CW
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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Roger Rydalch.
Rt. 2
St. Anthony, ID 83440

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ERNEST CARLSEN
Water Rights Supervisor

EC:CW
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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Mark C. Blaser
5509 W. 5000 N.
Rexburg, ID 83440

Dear Protestant:

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Very truly yours,

A handwritten signature in cursive script, reading "Ernest Carlsen", is written over the typed name.

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Julie McCulloch
1582 W. 1750 N.
Rexburg, ID 83440

Dear Protestant:

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ERNEST CARLSEN
Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Larid Dee Robinson
Box 15
Newdale, ID 83436

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

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Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Wallace Robinson
415 City Street
Newdale, ID 83436

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ERNEST CARLSEN
Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Dean A. Peterson
5427 N. 5000 W.
Rexburg, ID 83440

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Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Hal Buster
St. Anthony,
ID 83445

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ERNEST CARLSEN
Water Rights Supervisor

EC:CW
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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

W. Hal Buster
St. Anthony,
ID 83445

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ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

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NOV 29 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
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R. KEITH HIGGINSON
Director

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

April 21, 1988

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St. Anthony, ID 83445

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Water Rights Supervisor

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NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Mark E. Peterson
5083 N. 6000 W.
Rexburg, ID 83440

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ERNEST CARLSEN
Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Cheryl M. Lusk
Rt. 2
Rexburg, ID 83440

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Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Jan Rydalch
Rt. 2, Box 108
Ast. Anthony, ID 83445

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Water Rights Supervisor

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Eastern Region

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R. KEITH HIGGINSON
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Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

LuAnn Wood
H.C. 60, Box 1099
Teton, ID 83451

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Very truly yours,

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Water Rights Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Charles Parkinson
Rt. 2
St. Anthony, ID 83445

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The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

On 4 April 1988, four petitions were delivered to the Department with a cover page stating the petitions were in protest of transfer applications Nos. 31-7034S, 32-7022C, 32-7058/32-7092, 35-7390/35-2274, 31-7034H, 31-7034R, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 filed by Blaine Larsen. Because you signed one of the petitions you were, therefore, considered a protestant.

Under the Department's Rules and Regulations of Practice and Procedure, when five or more individuals sign a petition of protest, they must designate one of the petitioners to receive service on their behalf. Furthermore, if the people signing the petition are concerned about the same issues they should appoint an individual to present their concerns and represent them at the administrative hearing before the Department. To assist you in contacting the other protestants to make these selections we have enclosed a list of those individuals who signed the petitions. The name of the person or persons selected should be submitted to the Department by 27 April 1988.

If you do not want to be a protestant in this matter, sign the enclosed withdrawal form and return it to this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

MAILED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Norma Peterson
5083 N. 6000 W.
Rexburg, ID 83440

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

On 4 April 1988, four petitions were delivered to the Department with a cover page stating the petitions were in protest of transfer applications Nos. 31-7034S, 32-7022C, 32-7058/32-7092, 35-7390/35-2274, 31-7034H, 31-7034R, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 filed by Blaine Larsen. Because you signed one of the petitions you were, therefore, considered a protestant.

Under the Department's Rules and Regulations of Practice and Procedure, when five or more individuals sign a petition of protest, they must designate one of the petitioners to receive service on their behalf. Furthermore, if the people signing the petition are concerned about the same issues they should appoint an individual to present their concerns and represent them at the administrative hearing before the Department. To assist you in contacting the other protestants to make these selections we have enclosed a list of those individuals who signed the petitions. The name of the person or persons selected should be submitted to the Department by 27 April 1988.

If you do not want to be a protestant in this matter, sign the enclosed withdrawal form and return it to this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

MICROFILMED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Cleve S. Young
Rt. 2, Box AA-111
St. Anthony, ID 83445

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

On 4 April 1988, four petitions were delivered to the Department with a cover page stating the petitions were in protest of transfer applications Nos. 31-7034S, 32-7022C, 32-7058/32-7092, 35-7390/35-2274, 31-7034H, 31-7034R, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 filed by Blaine Larsen. Because you signed one of the petitions you were, therefore, considered a protestant.

Under the Department's Rules and Regulations of Practice and Procedure, when five or more individuals sign a petition of protest, they must designate one of the petitioners to receive service on their behalf. Furthermore, if the people signing the petition are concerned about the same issues they should appoint an individual to present their concerns and represent them at the administrative hearing before the Department. To assist you in contacting the other protestants to make these selections we have enclosed a list of those individuals who signed the petitions. The name of the person or persons selected should be submitted to the Department by 27 April 1988.

If you do not want to be a protestant in this matter, sign the enclosed withdrawal form and return it to this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

RECEIVED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 21, 1988

Lea Meyers
Rt. 2
Rexburg, ID 83440

Dear Protestant:

The Department has received several inquiries from people wanting to know why they were recognized as protestants objecting to transfer applications filed by Blaine Larsen Farms.

On 4 April 1988, four petitions were delivered to the Department with a cover page stating the petitions were in protest of transfer applications Nos. 31-7034S, 32-7022C, 32-7058/32-7092, 35-7390/35-2274, 31-7034H, 31-7034R, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, and 35-7863 filed by Blaine Larsen. Because you signed one of the petitions you were, therefore, considered a protestant.

Under the Department's Rules and Regulations of Practice and Procedure, when five or more individuals sign a petition of protest, they must designate one of the petitioners to receive service on their behalf. Furthermore, if the people signing the petition are concerned about the same issues they should appoint an individual to present their concerns and represent them at the administrative hearing before the Department. To assist you in contacting the other protestants to make these selections we have enclosed a list of those individuals who signed the petitions. The name of the person or persons selected should be submitted to the Department by 27 April 1988.

If you do not want to be a protestant in this matter, sign the enclosed withdrawal form and return it to this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosures

RECEIVED

NOV 29 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 20, 1988

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RE: Applications for Transfers Nos. 31-7034H thru 35-7863
BLAINE LARSEN

V. J. Bagley
3713 N. Salem Road
Rexburg, ID 83440

Dear Mr. Bagley:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: ✓ Blaine Larsen
IDWR - State Office

MICROFILMED

NOV 29 1988

RECEIVED

APR 19 1988

Department of Water Resources
Eastern District Office

15-Apr-1988

Idaho Dept. Of Water Resources
150 Shoup Ave.
Suite 15
Idaho Falls, Id 83402

RE: Applications for Transfers nos. 31-7034H, thru 35-7863
referenced applications.

I request my name be removed from the list of protestants for the
above referenced applications.

Thank you,

V.J. Bagley
V.J. Bagley
3713 N Salem Road
Rexburg, Id 83440

RECEIVED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 20, 1988

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

RE: Applications for Transfers Nos. 31-7034H thru 35-7863
BLAINE LARSEN

Cleve

~~V. J.~~ Bagley
3713 N. Salem Road
Rexburg, ID 83440

Dear Mr. Bagley:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: ☒ Blaine Larsen
IDWR - State Office

MICROFILMED

NOV 29 1988

RECEIVED

APR 19 1988

Department of Water Resources
Eastern District Office

15-Apr-1988

Idaho Dept. of Water Resources
150 Shoup Ave.
Suite 15
Idaho Falls, ID 83402

RE: Applications for Transfers Nos. 31-7034H, thru 35-7863
referenced applications.

I request my name be removed from the list of protestants for the
above referenced applications.

Thank you,

Cleve Bagley

Cleve Bagley
3657 N. Salem Road
Rexburg, ID 83440

RECORDED

NOV 29 1988

RECEIVED
APR 15 1988

Department of Water Resources
Eastern District Office

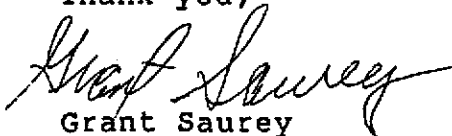
15-Apr-1988

Idaho Dept. of Water Resources
150 Shoup Ave.
Suite 15
Idaho Falls, Id 83402

RE: Applications for Transfers nos. 31-7034H, thru 35-7863
referenced applications.

I request my name be removed from the list of protestants for the
above referenced applications.

Thank you,


Grant Saurey
2246 W. 4000 N.
Rexburg, Id 83440

MICROFILMED

NOV 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shaup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

12 April 1988

Blaine Larsen Farms & Larsen of Idaho
P.O. Box 188
Hamer, Idaho 83425

RE: Protests against transfer applications

Dear Mr. Larsen:

Enclosed is a notice of hearing being conducted to consider protests submitted to the Department objecting to the transfer applications recently filed by yourself.

Also enclosed for your records is a copy of each protest.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

Enclosure: Hearing notice
Protests
cc: James Hansen

NOV 29 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)	
TRANSFERS NOS. 31-7034H, 31-7034R,)	NOTICE OF COMBINED
31-7034S, 32-7022C, 32-7058/32-7092,)	HEARING
35-7390/35-2274, 35-7391/35-2432/)	
35-7630B, 35-7630A/35-4015B, 35-7863)	
IN THE NAME OF BLAINE LARSEN, BLAINE)	
LARSEN FARMS, AND LARSEN OF IDAHO)	

On March 7 and 17, 1988, Blaine Larsen filed with the Department of Water Resources applications to transfer the public waters of the State of Idaho. On March 30, 1988, the Department received a protest against approval of applications 35-7630A/35-4015B, 35-7391/35-2432/35-7630B, 35-7863, and 35-7390/35-2274 from Ray Sanders and Reed Mickelsen. On April 4, 1988, the Department received another protest against approval of applications 32-7022, 32-7058/32-7092, 35-7630A/35-4015B, 35-7391/35-2432/35-7630B, 35-7863, and 35-7390/35-2274 from Owsley Canal Co., Jackett Canal Co., Holly Water Users Assoc., Jefferson Canal Co., Producers Canal Co., Montevue Canal Co., Level Canal Co., and Independent Water Users of Mud Lake, Inc. On April 4, 1988, the Department received a final protest against approval of all of the above applications from Jan Rydalch, LuAnn Wood, Cleve L. Young, Kathlene Young, Mona Walters, Ruby Young, Keith Meyers, Ron Meyers, Lane Meyers, Bryan K. Lusk, Lea Meyers, Cheryl M. Lusk, Mark E. Peterson, Norma Peterson, Charles Parkinson, Max G. Parkinson, Alan Parkinson, Lorin Young, Kris Rydalch, Hal Buster, W. Hal Buster, Jeff Buster, ~~Hal Buster~~ Bee Davis, Louis Rasmussen, Michael Rasmussen, Dean A. Peterson, Wallace Davis, and Wallace Davis.

NOV 29 1988

Page 2

Blaine Larsen Notice of Hearing

Robinson, Larid Dee Robinson, Julie McCulloch, Mark C. Blaser, Roger Rydalch, Gary Mackay, Blair Withers, Harold Rigby, Grant Saurey, Edward Rindlisbacher, Cleve Bagley, V.J. Bagley, Olif Johnson, and Rigby Willmore.

The Department has set the matter of protests for hearing at 9:30 a.m., Thursday, April 28, 1988, in the Upstairs Court Room, Madison County Courthouse, Rexburg, Idaho. A pre-hearing conference will be held prior to proceeding with hearing. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 12th day of April, 1988.



RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

NOV 29 1988

dg

3-25-88

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEETINITIAL REVIEW BY: Steve McCormick1. Right number LK 35-7863 Applicant BLAINE LARSEN2. Type of right: ☐ Decree ☒ License ☐ Claim3. 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 useb. ☒ 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. NOT ACCEPTABLE 40 AC FOR EACH TRACT.e. ☐ Check map (shows p.d. and p.u. after transfer). WHAT IS GOING TO HAPPEN WHENf. ☐ Check for correct signature, notarization, and fee. THE ORIG. W.R. HOLDER WANTS HIS WATER BACK?g. ☐ Check proof of ownership of right &/or land from which water is transferred.h. ☐ Check for expansion in use of right. Comments _____i. ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

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

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve2. ☐ Deny

3. Conditions* _____

4. By _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 11, 1988

The Blackfoot News
P.O. Box 70
Blackfoot, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before May 2, 1988.

Respectfully submitted,

Deena Green
Office Secretary

Enclosure

MAILED

NOV 29 1988

NOTICE OF CORRECTION

Notice is hereby given that Notice of Proposed Change of Water Right No. 35-7863 in the name of Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho, was advertised incorrectly on March 17 and 24, 1988. The old place of use was advertised as being within the NE1/4SE1/4, Sec. 16, T. 3S, R. 32E, B.M., Bingham County.

Whereas, the actual old place of use is within the NE1/4, SE1/4, Sec. 16, T. 3S, R. 32E, B.M., Bingham County.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before May 2, 1988.

R. Keith Higginson

Director

Published April 14 and 21, 1988

RECEIVED

NOV 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 14, 1988

The Risby Star
P. O. Box 37
Risby, Idaho 83442

Gentlemen:

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

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

Please send the affidavit of publication and publication billings to this office before APRIL 4, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

recd 3-28-88

OK

NOV 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 14, 1988

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before APRIL 4, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

aff red

RECEIVED

NOV 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 14, 1988

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before APRIL 4, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

RECEIVED

NOV 29 1988

*1st aff recd 4-4-88
needs re-ad*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 35-7863

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of water from a groundwater source. The right sought to be changed is evidenced by License No. 35-7863 and is recorded as follows:

AMOUNT: 5.3 cfs PRIORITY: July 12, 1979

POINT OF DIVERSION: NW1/4SE1/4, Sec. 16, T. 3S, R. 32E,
B.M., Bingham County;

The water is used to irrigate 316 acres within the
NE1/4, SE1/4, Sec. 16, T. 3S, R. 32E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4NW1/4, Sec. 10, T. 8N, R. 36E, NW1/4SE1/4, Sec. 22, SE1/4SE1/4, SE1/4NE1/4, SW1/4NW1/4, Sec. 27, SE1/4NW1/4, Sec. 26, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M., Jefferson and Clark Counties, and will be used to irrigate 1179 acres within the NW1/4NE1/4, NE1/4NW1/4, Sec 10, SE1/4SW1/4, SW1/4SE1/4, Sec. 3, T. 8N, R. 36E, N1/2, N1/2SW1/4, SE1/4, Sec. 27, NW1/4, Sec. 26, SE1/4NE1/4, E1/2SE1/4, Sec. 21, S1/2NW1/4, SW1/4, Sec. 22, E1/2NE1/4, NE1/4SE1/4, Sec. 28, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before April 4, 1988.

R. Keith Higginson
Director

Published March 17 & 24, 1988

MICROFILMED

NOV 29 1988

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
No. 35-7863**

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of a ground water source. The right sought to be changed is evidenced by License No. 35-7863 and is recorded as follows:

Amount: 5.3 c.f.s. Priority: July 12, 1979. Point of diversion: NW1/4SE1/4, Sec. 16, T. 3S, R. 32E, B.M., Bingham County;

The water is used to irrigate 316 acres within the NE1/4, SE1/4, Sec. 16, T. 3S, R. 32E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4NW1/4, Sec. 10, T. 8N, R. 36E, NW1/4SE1/4, Sec. 22, SE1/4SE1/4, SE1/4NE1/4, SW1/4NW1/4, Sec. 27, SE1/4NW1/4, Sec. 28, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M., Jefferson and Clark Counties, and will be used to irrigate 1179 acres within the NW1/4NE1/4, NE1/4NW1/4, Sec. 10, SE1/4SW1/4, SW1/4SE1/4, Sec. 3, T. 8N, R. 36E, N1/2, N1/2SW1/4, SE1/4, Sec. 27, NW1/4, Sec. 28, SE1/4NE1/4, E1/2SE1/4, Sec. 21, S1/2NW1/4, SW1/4, Sec. 22, E1/2NE1/4, NE1/4SE1/4, Sec. 28, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before April 4, 1988.

By R. Keith Higginson
Director

Published in The Jefferson Star,
Rigby, Idaho, March 16 and 23, 1988.

DEPARTMENT OF WATER RESOURCES
150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 35-7863**

NOTICE is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of water from a ground-water source. The right sought to be changed is evidenced by License No. 35-7863 and is recorded as follows:

AMOUNT: 5.3 cfs

PRIORITY: July 12, 1979

POINT OF DIVERSION: NW1/4SE1/4, Sec. 16, T. 3S, R. 32E, B.M., Bingham County.

The water is used to irrigate 316 acres within the NE1/4SE1/4, Sec. 16, T. 3S, R. 32E, B.M.

**TO BE CHANGED
AS FOLLOWS**

The water will be diverted within the NE1/4NW1/4, Sec. 10, T. 8N, R. 36E, NW1/4SE1/4, Sec. 22, SE1/4SE1/4, SE1/4NE1/4, SW1/4NW1/4, Sec. 27, SE1/4NW1/4, Sec. 26, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M., Jefferson and Clark Counties, and will be used to irrigate 1179 acres within the NW1/4NE1/4, NE1/4NW1/4, Sec. 10, SE1/4SW1/4, SW1/4SE1/4, Sec. 3, T. 8N, R. 36E, N1/2, N1/2SW1/4, SE1/4, Sec. 27, NW1/4, Sec. 28, SE1/4NE1/4, (E1/2NE1/4) Sec. 21, S1/2NW1/4, SW1/4, Sec. 22, E1/2NE1/4, NE1/4SE1/4, Sec. 28, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, Sec. 31, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before April 4, 1988.

R. KEITH HIGGINSON
Director

(9903)
Pub.: 3/17, 24

Blackit News

Jackie 3-17-88.
will make correction
+ run extra week
(3/31/88) dg 785-1100

NOV 24 1988

Blackit News

35-7863

Blaine Larsen, ~~farms~~ + Blaine Larsen Farms + Larsen
of ID, Hamer, ID, GW source, chng POU +
P/D is desc.:

am 5.3 cfs priority 7/12/1979

P/D NWSE, Sec 16, T 3S, R 32E, Bingham

~~(1179)~~
used to irrig 316 acres within NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 16
T 3S, R 32E, BM

Changed as follows

will be diverted within NENW, Sec 10,
T 8N, R 36E, NWSE, Sec 22, SESE, SENE,
SWNW, Sec 27, SENW, Sec 26, NWSE, Sec 31,
T 9N, R 36E + will be used to irrig
1179 acres within NWNE, NENW, Sec 10, SESW,
SWSE, Sec 3, 8N, 36E, N $\frac{1}{2}$, N $\frac{1}{2}$ SW, SE $\frac{1}{4}$, Sec 27
NW $\frac{1}{4}$, Sec 26, SENE, E $\frac{1}{2}$ SE, Sec 21, S $\frac{1}{2}$ NW,
SW $\frac{1}{4}$, Sec 22, E $\frac{1}{2}$ NE, NESE, Sec 28, SWNE,
SENW, NESW, NWSE, Sec 31, 9N, 36E

RECEIVED

NOV 29 1988

September 25, 1986

RE: Permit No. 35-7363

Lynn Broadhead
c/o Tiger Asphalt
Box 1067
Blackfoot, ID 83221

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 38990 in the amount of \$20.00.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

30 day
P/D

Date 8/18/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
LICENSING REPORT

NOV 28 1984

Permit No.

35-7863

1. Measurement Calculations
a) Field Measurement Calculations (include theoretical capacities and system capacity)

$$0.983 \text{ cfs} \times 4.3 \text{ m}^2 \text{ velocity} = 42.269$$

$$(9.75 \text{ ID})^2 \times 3.85 \times \sqrt{42.269} = 2379.47 \text{ gpm}$$

$$\text{or } 5.30 \text{ cfs capacity}$$

$$316 \text{ acres} \times 0.025 = 6.32 \text{ cfs}$$

Amount limited by capacity

b) Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 316 \text{ acres} \times 3.5 \text{ cfs} = 1106 \text{ cfs}$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.30 \text{ cfs} \times 214 \times 1.9835 = 2249$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} = 1106 \text{ cfs}$$

c) Volume Calculations for Other Uses:

2. Overlap Review *see VAX:*

a) Other water rights with same place of use: *N.A. none*

b) Other water rights with same point of diversion: *N.A. none*

c) Analysis:

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

August 25, 1986

RE: Permit No. 35-7863

Lynn Broadhead
c/o Tiger Asphalt
Box 1067
Blackfoot, ID 83221

Dear Permit 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 correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains all of the information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

ENCLOSURE

RECEIVED
NOV 28 1984

NOV 28 1984

Department of Water Resources

Permit No. 35-7863
Phone No. 785-3550
-4837

1. Owner: Lynn Broadhead
Current Address: 50 Tiger Asphalt Blackfoot, ID
P.O. Box 1067

2. Accompanied by: NA EXAM. DATE: 6-26-84
Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Westinghouse	200	2-573106	Layne-Bowley	28400

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Well pump for 12 sprinkler lines. Ground being irrigated
just planted to cover crop for that year. (Land in PIK
or Set Aside)

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
East Eye Meter					10-80	5-30-84
Annubar					7.9"	

7. Measurements 9.75" ID 43" Meter ☐ Additional data/computation sheets attached
Reading

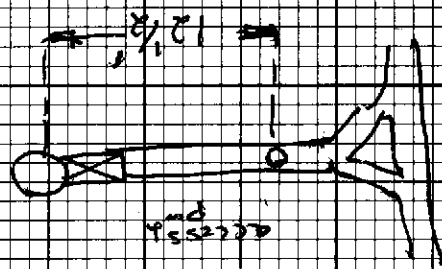
8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

[illegible]

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

[illegible]

10. Other water rights on these lands NA
11. Other water right diverted from same p.d. NA
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

13. ☒ Photo of Diversion & System Attached

14. Remarks

Added assignment to Lynn Brackley.

15. Recommended Amendments

☒ Change P.D. as reflected above

☐ Change P.U. as reflected above

16. Examiner's/Consultant's Signature *[Signature]*

Consultant's License Number

IDWR Director's Authorization to Conduct

Beneficial Use Examination

Date

CONSULTANT SEAL

35-7863

G
76.9

I
2.7

H
77.7

D
10.5

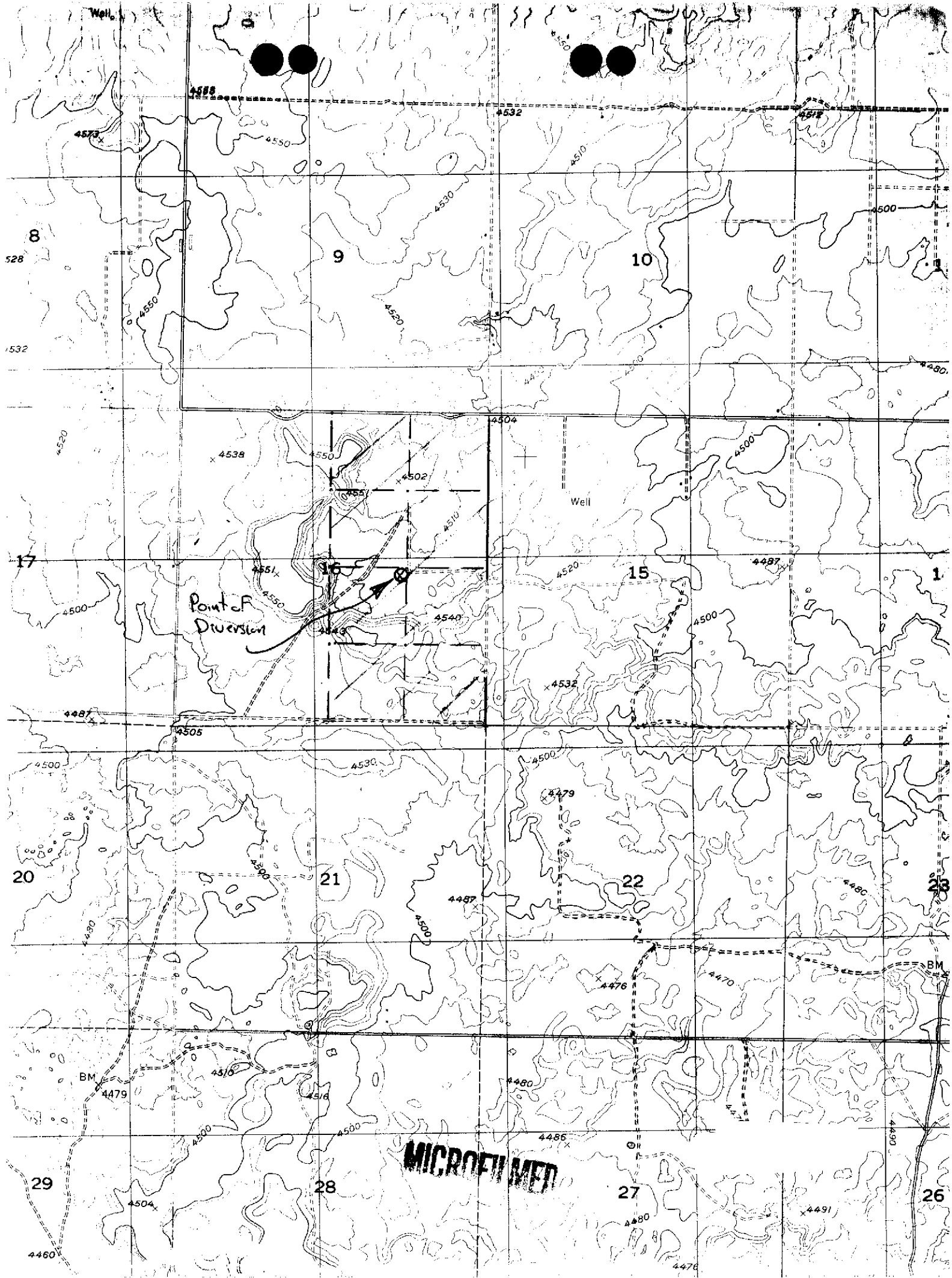
P
30.4

N
171.8

Q
19.9

H-11

35-7863



MICROFILMED

*

#35-7863

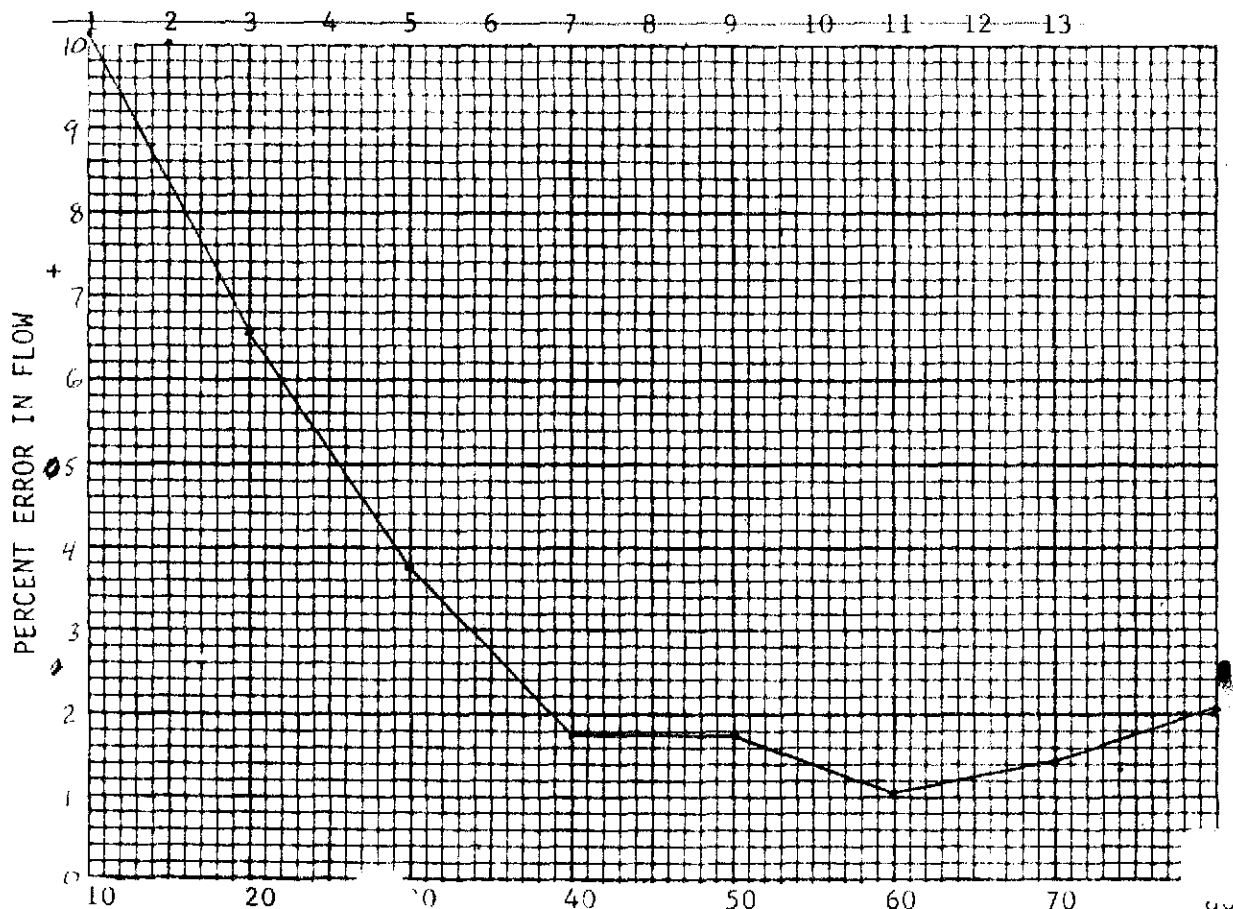
EASTERN

METER NO. 091471

10-80

DATE TESTED 8/24/84

APPLIED PRESSURE			METER READING	FLOW ERROR (%)	FLOW CORRECTION FACTOR
UPSCALE	DOWNSCALE	AVERAGE			
8.59	7.89	8.24	10	+10.16	.908
18.02	17.20	17.61	20	+6.57	.938
28.57	27.15	27.86	30	+3.77	.964
39.42	37.81	38.62	40 243"	+1.78	.983
49.02	47.54	48.28	50	+1.77	.983
59.85	57.67	58.76	60	+1.05	.990
68.47	67.64	68.06	70	+1.42	.986
76.90	76.71	76.81	80	+2.06	.980



Microfilm

January 24, 1985

RE: Permit No. 35-7863

Lynn Broadhead
Box 1067
Blackfoot, ID 83221

Dear Ms. Broadhead:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

In reviewing the permit, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met. The next step towards licensing of the permit will be for our regional office to examine your water right system.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

RECORDED

Permit No. 35-7863

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign?
b/ Partial Assign?
4. "No assignment" condition on permit? *no*
5. Commencement of works received? *proof in file-*
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required? *NO*

1. Type Permit Summary Sheet ✓
2. Coding Sheet ✓
3. Acknowledgement letter type *#1a*
4. Copy to region *1*

Date: 12-18-84
Employee: H. Walker

UNRECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

September 27, 1982

Don T. McCandless
Rt. #1, Box 32
Pingree, ID 83262

RE: Permit No. 35-7863

Dear Mr. McCandless:

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

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

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

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

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

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

Sincerely,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as agreement that the permit holder(s) has completed development to the extent shown below of Permit No. 35-7863.

Name(s) of Permit Holder: Don T. McCandless

Post Office Address: Rt. 1 Box 82

Pringree, Idaho 83262 Tel. No. 684-3409

Source of Water: _____

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 320 (acres) JUL 21 1982
☐ Other _____

Measuring Device: Required? ☐ Yes ☐ No Installed? Yes District Office
 Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

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

7-21-82 Date Don T. McCandless Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
JUL 29 1982
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

August 29, 1979

Don Y Norma McCandless
Route 1 Box 82
Pringree, Idaho 83262

Dear Mr. & Mrs. McCandless,

Re: Permit No. 35-7863

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

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

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

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

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

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

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

If you have any questions, please let us know.

Sincerely,

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

Enclosures

RECEIVED
AUG 30 1979
T:1c

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: John

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No

Field check required.

☐ Yes ☒ No

Critical groundwater area.

☐ Yes ☒ No

Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No*

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☒ Yes ☐ No

Platted by: Ernest Map No. 3S 32E

☐ Yes ☒ No

Other rights on same place of use. NONE. None platted

☒ Yes ☐ No*

In form for advertising.

☐ Yes ☒ No

Final date for protests: AUGUST 6, 1979

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: JULY 30, 1979

☒ Application published correctly. If not, record action taken: _____

☒ Fee amount, receipt date & number, recorded on application.

☒ Publication dates and paper, recorded on application.

☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No

Measuring device required.

☒ Yes ☐ No

Access port required.

☐ Yes ☒ No

Will water be delivered by watermaster? If yes, what district? _____

☒ 7/12/79

Date of priority recommended.

Special conditions of approval or cover letter.

Send Snake River Tributary Letter.

By: Ernest Carlson

Date: 8/8/79.

STATE OFFICE REVIEW:

OIC

Idaho Power letter w/o conditions

☐ See attached sheet for more information.

By: Jim

Date: 8/22/79

RECEIVED
AUG 29 1979

Department of Water Resources

MICROFILMED

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JULY 13, 1979

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

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

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

Please send the affidavit of publication and publication billings to this office before AUGUST 6, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF
APPLICATION FOR
WATER RIGHT

Notice is hereby given that the
following application(s) have been
submitted for permit to appropriate
the public waters of the State of
Idaho:

35-7963

McKINLESS, DON T. &/or NORMA J.

ROUTE 1, BOX 82, PINGREE, ID
83262

Source: GROUNDWATER
Date Filed: 07/12/1979

Amount: 6.40 CFS
Diverison Point: NWNE Sec 16 T 03S
R 32E, BINGHAM Co.

Use: IRRIGATION (6.40 CFS) from
04/01 to 11/01
Place of Use: NENE NWNE SWNE
SENE NESE NWSE SESE Sec

16 T 03S R 32E FOR 320 ACRES
Diverison Means: WELL, PUMP &
SPRINKLER SYSTEM

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of any
permit must be filed with the Director
of the Idaho Department of Water
Resources, 1515 Lincoln Road, Idaho
Falls, Idaho 83401 on or before
AUGUST 6, 1979.

C. STEPHEN ALLRED
Director

(6146)
Pub: 7/19, 26

8-15-79

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

35-2862..

McCANDLESS, DON T. &/or NORMA J.

ROUTE 1, BOX 82, PINGREE, ID 83262

Source: GROUNDWATER

Date Filed: 07/12/1979

Amount: 6.40 CFS

Diversion Point: NWNE Sec 16 T 03S R 32E, BINGHAM Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE SWNE SENE NESE NWSE SWSE SESE Sec 16 T 03S R 32E
FOR 320 ACRES

Diversion Means: WELL, PUMP & SPRINKLER SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before AUGUST 6, 1979.

C. STEPHEN ALLRED

Director

Published 7/19 & 7/26/79.

MICROFILMED

Initials	Date	Item
DA	7-13-79	Original form entered
DA	7-13-79	Edit Report Correct
		Date Protested
		Date of Hearing
WIL	8/29	Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
VERIFIED SRC	9/17/80	License Signed
		Transfer Approved
		Keypunched by State Office
		DW JUL 28 1980