

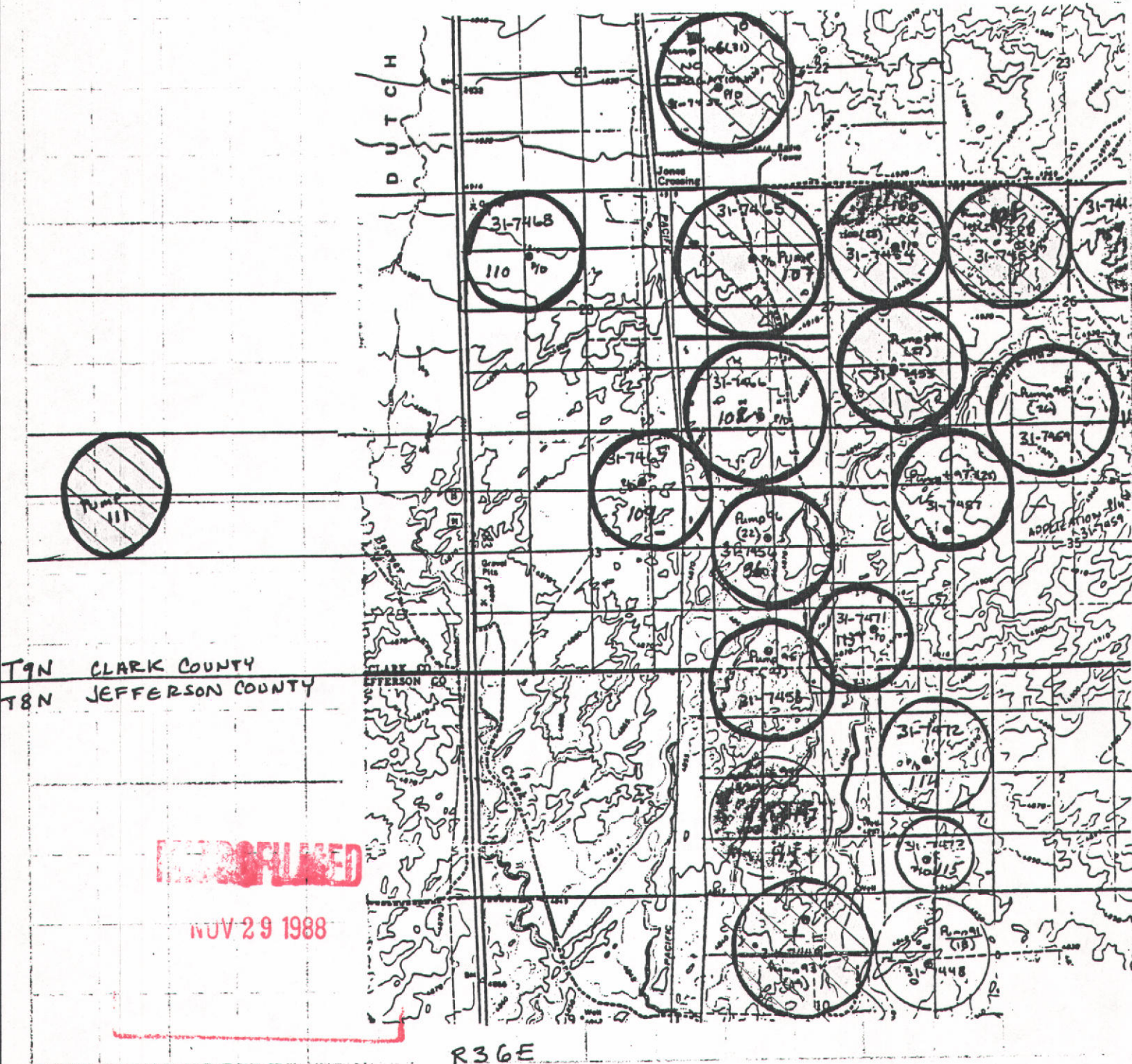
STATE OF IDAHO MAR 10
DEPARTMENT OF WATER RESOURCES

MAR 10 1988

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

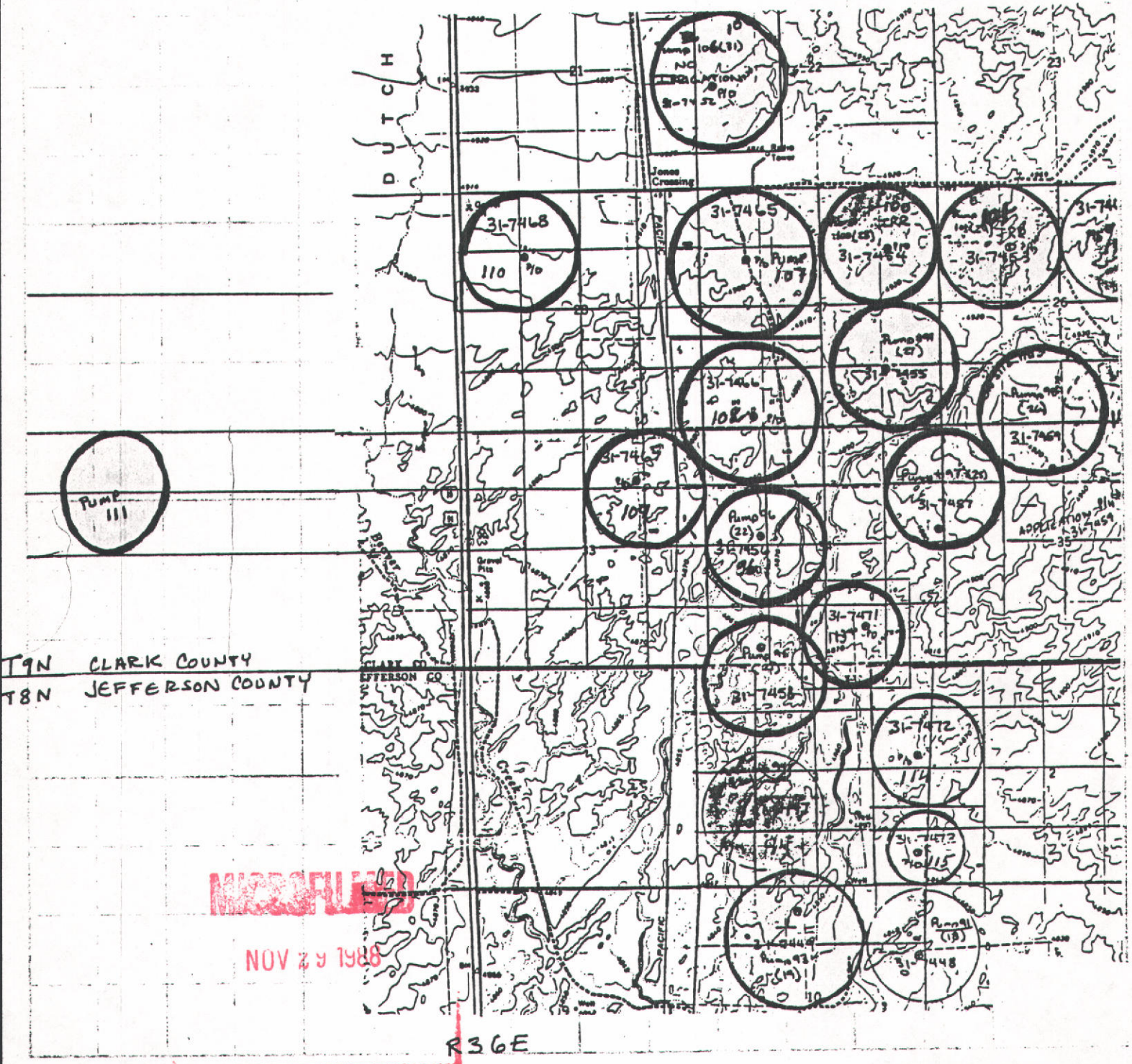
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



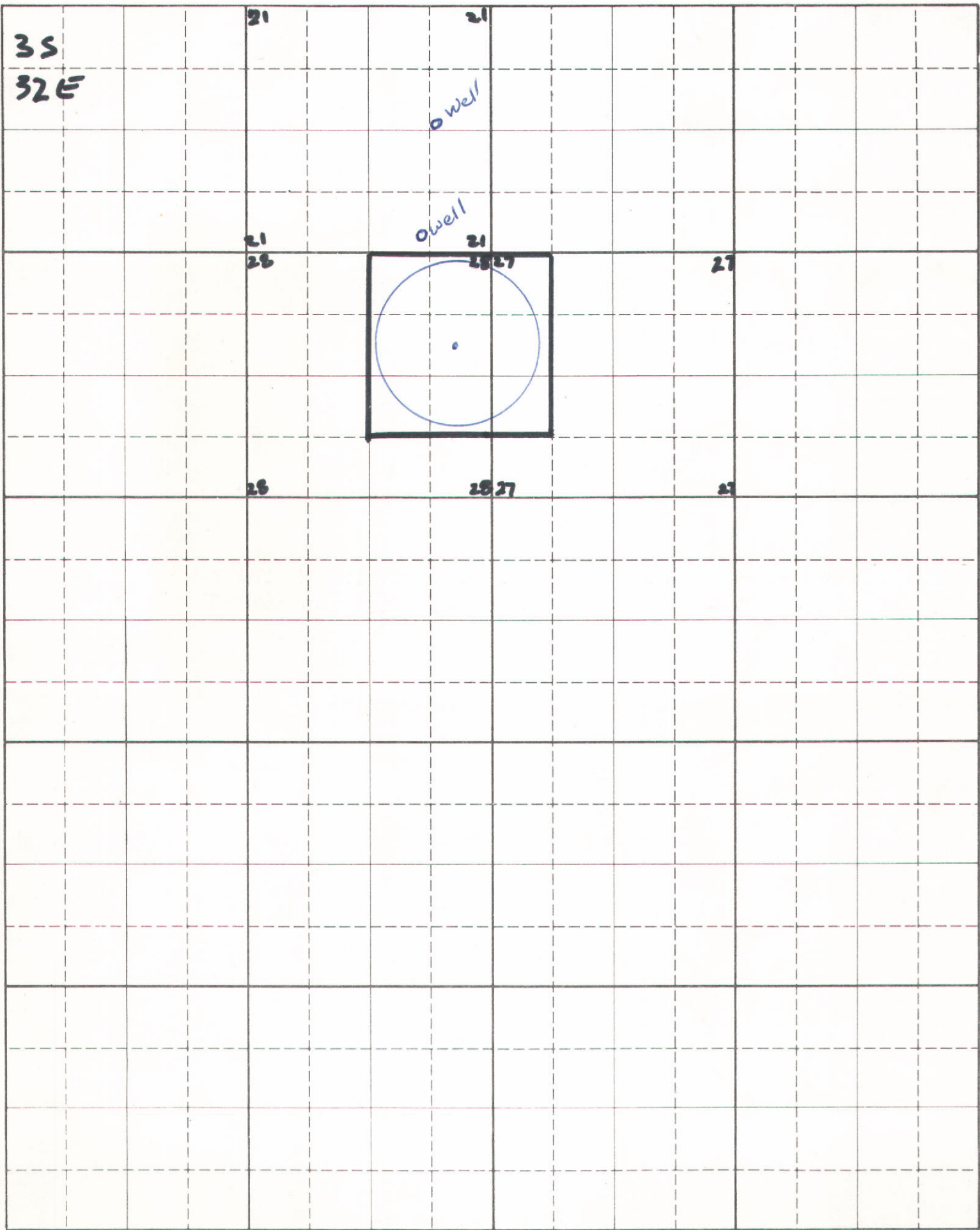
SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.**



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.

Lynn B. B. B.
(Applicant)

Lynn Broadhead
35-7630

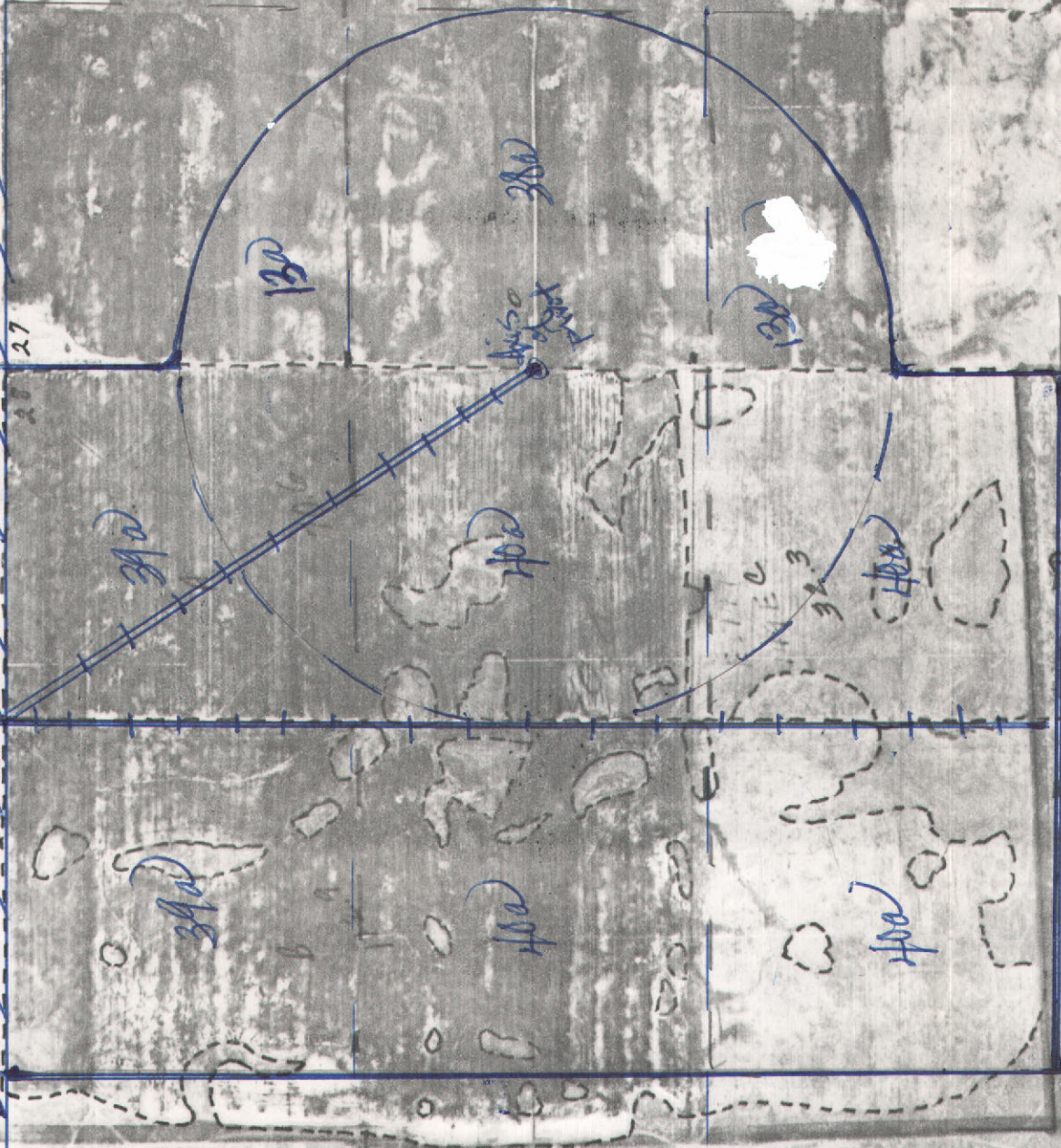
20 21
29 28

Point of
Inversion

County Road

27

29 28



K-9
MICROFILMED

28 27

29 28

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 ****

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

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
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.

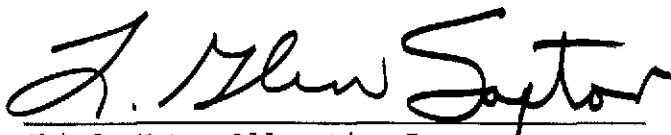
TRANSFER NO. 5433

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER NOS. 3500, 3502, 3503, 3504,	)	
3505, 3506, 3507, 3508, 3512 PROPOSING	)	
TRANSFER OF WATER RIGHTS NOS. 35-7390,	)	
35-7391, 35-7630, 35-7605, 35-7586,	)	
36-7015A, 36-2074, 36-7613, 36-2409A,	)	
36-7495, 37-2652, 36-2121, 36-2122,	)	ORDER APPROVING
36-2127, 36-2193, 36-2194, 35-2821A,	)	TRANSFERS
35-2728, 35-2844, 35-7361, 21-7050	)	
21-7051, 36-7022, 36-2632, 36-7272,	)	
36-7897, 36-2300 IN THE NAME OF	)	
BLAINE LARSEN.	)	

Blaine Larsen having applied to transfer the above-captioned water rights, protests having been filed and withdrawn, and the Director of the Department of Water Resources, having reviewed the available information, finds concludes and orders as follows:

FINDINGS OF FACTS

1. On January 6, 1989, Blaine Larsen ("Larsen") filed transfer application nos. 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3512 with the Department of Water Resources ("department") proposing transfer of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300. On January 25, 1989, Larsen filed transfer application no. 3500 with the department proposing transfer of water right nos. 21-7050 and 21-7051.

2. The transfer applications propose irrigation of 4594 acres in Jefferson and Clark Counties, and the withdrawal from

irrigation of 4894 acres in Bingham, Lincoln, Minidoka, Jefferson, and Fremont counties for the 1989 irrigation season.

3. The department published notice of the applications for transfer on February 2 and 9, 1989. Due to errors in some of the original transfer applications, the department republished notice of the applications on February 16 and 23, 1989.

4. Timely protests against approval of the application were filed by Burgess Canal Company; Great Feeder Canal Company; Lloyd R. Hicks; Owsley Canal Company; Jackett Canal Company; Holly Water Users Association; Jefferson Irrigation; Producers Canal Company; Montevieu Canal Company; Level Canal Company; Independent Water Users of Mud Lake; U.S. Department of Interior, Fish and Wildlife Service; State of Idaho, Department of Fish & Game; and Ray Sanders.

5. A hearing was scheduled for March 29, 1989. Lloyd R. Hicks, Burgess Canal Company, and Great Feeder Canal Company withdrew their protests on February 27, 1989.

6. Protestant Ray Sanders withdrew his protest on March 16, 1989.

7. Two days prior to the hearing, Larsen informed the Department that the remaining protestants had agreed to withdraw their protests. As a result, the department vacated the scheduled hearing.

8. On April 6, 1989, the parties filed with the department a stipulation withdrawing the protests of the U.S. Fish & Wildlife Service, the Idaho Department of Fish & Game, and the other remaining protestants.

9. The applications for transfer do not propose an enlargement in the rights as originally defined.

10. The stipulation for withdrawal of protests calls for a three year study to determine the effects of groundwater pumping in the Mud Lake hydrologic basin.

11. Many of the transfer applications propose to transfer water rights from a considerable distance and from areas outside the Mud Lake basin. Information does not presently exist to determine the probable impact of pumping the transferred rights in the Mud Lake area.

12. If the original priority dates of the rights proposed to be changed are retained, later in time appropriators in the Mud Lake hydrologic basin could be injured.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the criteria the department must consider in evaluating an application for transfer:

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 42-203A, Idaho Code. . .

2. Approval of the applications for transfer will not result in an enlargement of the water rights sought to be transferred.

3. Approval of the applications for transfer will not conflict with the local public interest.

4. The department should retain jurisdiction over the transfer to modify, amend or cancel the transfer if it finds that other water rights are being injured by groundwater withdrawals authorized by the transfer.

5. The priority dates of water rights transferred under this transfer should be advanced to the date the transfer was filed to protect water users in the Mud Lake hydrologic basin from possible injury.

6. The transfers must be limited to one year as requested.

ORDER

IT IS HEREBY ORDERED that transfer nos. 3500, 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 proposing transfer of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 21-7050, 21-7051, 36-7022, 36-2632, 36-7272, 36-7897, 36-2300 are APPROVED subject to the following conditions:

1. The department retains jurisdiction over the transfers to modify, amend or cancel the transfers if it finds that the diversion and use of water under the transfers injures other water rights.

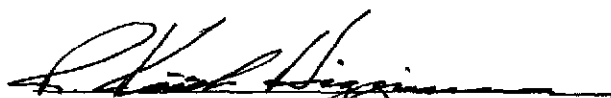
2. The transfers are approved for a period of one year. On November 1, 1989, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A,

36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 25-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300 shall be advanced to January 6, 1989. The priority of water right nos. 21-7050 and 21-7051 shall be advanced to January 25, 1989.

4. The place of use is limited to the 4594 acres listed on the summary attached hereto.

Dated this 19th day of April, 1989.



R. KEITH HIGGINSON, Director
Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of May, 1989, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER APPROVING TRANSFERS to the following:

Jeff Fereday
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Mr. Ray Sanders
112 E. 20th
Idaho Falls, Idaho 83404

Stephen V. Goddard
Deputy Attorney General
Idaho Department of
Fish & Game
P.O. Box 25
Boise, Idaho 83707

Kent Foster
Idaho First National Bank
P.O. Box 50130
Idaho Falls, Idaho 83405

United States Department
of Interior, Fish & Wildlife
Service
Attn: Barbara Scott-Brier
500 N.E. Multnomah Street
Suite 607
Portland, Oregon 97232

Lloyd R. Hicks
225 North 3600 East
Rigby, Idaho 83442

Diana Schuett
DIANA SCHUETT, Clerical
Assistant

LISTED BY DIVERSION NUMBER

[illegible]

9N 36E	25 :	3	:	6	:	:	:	9.0	104	198.6
9N 36E	24 :		:		:			22.5	22.5	105
9N 36E	25 :	38	:	5	:			43.0	105	
9N 37E	19 :		:		:	19		19.0	105	
9N 37E	30 :		:		:			35.0	105	119.5
9N 36E	21 :		:	23	:					
9N 36E	22 :		:		:			10	64.0	106
9N 36E	27 :		:		:	36	15 :	129.2	106	193.2
9N 36E	28 :	14	:	20	:	39	40 :			
9N 36E	27 :		:		:			157.0	107	
9N 36E	28 :		:	23	:			39.0	107	196.0
9N 36E	27 :		:		:					
9N 36E	28 :		:		:			97.0	108	
9N 36E	33 :	16	:		:			23	25.4	108
9N 36E	34 :		:		:			16.0	108	
9N 36E	33 :	10.2	:	37	:	39	14 :	61.0	108	199.4
9N 36E	28 :		:		:			127.2	109	
9N 36E	31 :		:		:			128.0	110	
10N 36E	33 :		:		:			126.0	111	
10N 36E	34 :		:		:			25	88.5	112
8N 36E	3 :	27	:		:			88.0	112	176.5
9N 36E	34 :		:		:			54.0	113	
9N 36E	25 :		:		:			73.4	113	127.4
9N 36E	25 :		:		:			117.5	119	
9N 36E	25 :		:		:			114.4	120	
8N 36E	13 :		:		:			31.4	123	
8N 36E	12 :		:		:			31.4	123	62.8
TOTAL										4594.9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

Broadhead transfer (there are
three Part 2s)

PART 1

APPROVED

Name of applicant Blaine Larsen Phone (208) 662-5522Post Office address P.O. Box 188 Hamer, Idaho 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide irrigation water on cropland owned by the Applicant for 1989. This is one of several transfers filed contemporaneously.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------------|-----------------------|-------------------|-------------------------------------|
| <u>35-07390</u> | <u>4/23/74</u> | <u>3.72 cfs</u> | <u>irrigation</u> | <u>April 1</u> to <u>October 31</u> |
| <u>35-07391</u> | <u>4/13/74</u> | <u>0.26 cfs</u> | <u>irrigation</u> | <u>April 1</u> to <u>October 31</u> |
| <u>35-07630</u> | <u>8/3/76</u> | <u>4.8 cfs</u> | <u>irrigation</u> | <u>April 1</u> to <u>November 1</u> |
| | | | | to _____ |
2. Total amount of water being transferred 8.78 cubic feet per second and/or 2,238 acre-feet per annum.
3. Source of water groundwater tributary to Snake River
4. Point(s) of Diversion: See Attachment and Remarks on page 2

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system wells and 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 1987. The land will be set-aside from production under the Conservation Reserve Program.
- d. Remarks:
Pursuant to discussions with Idaho Water Resources Department officials, the description of the place of use is contained on one attachment attached to each of the Applicant's transfers filed contemporaneously with this transfer

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 _____

PART 1**6. General Information:**a. Description of diversion system wells and pumps with pivot irrigation system

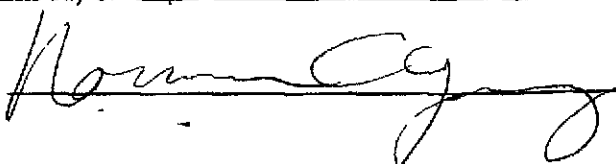
b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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 1989. The land will be set-aside from production under
the Conservation Reserve Program.

d. Remarks.

Pursuant to discussions with Idaho Water Resources Department officials,
the description of the place of use is contained on one attachment attached
to each of the Applicant's transfers filed contemporaneously with this
transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESThis is to certify that I have examined Application for Transfer of Water Rights No. 35-7390/7391/7630And said application is hereby APPROVED, subject to the following limitations and conditions:PURSUANT TO ORDER DATED APRIL 19, 1989Witness my hand this 19th day of April, 19 89

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. 35-07390 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 of Water Rights

3. Source of water groundwater tributary to Snake River
March 13, 1974
4. Date or priority _____

5. Water is used for the following purpose

amount 3.72 cfs for irrigation purposes from April 1 to October 31
 (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 3.72 cubic feet per second and/or 1,071 acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	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	21	33	40	40	40	33			40					40	40			306

Total acres 306

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 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. 35-07391 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 of Water Rights

3. Source of water groundwater tributary to Snake River

4. Date or priority March 13, 1974

5. Water is used for the following purpose:

amount 0.26 cfs for irrigation purposes from April 1 to October 31

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

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

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

6. Total amount of water under right 0.26 cubic feet per second and/or 110 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	27	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	27					40	40	40	40	40	40	40	40					320

Total acres 320

9. Describe any other water rights used for the same purpose as described above 35-07630

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

No _____ if yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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. 35-07630 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 of Water Rights

3. Source of water groundwater tributary to Snake River

4. Date or priority August 3, 1976

5. Water is used for the following purpose:

amount 4.8 cfs for irrigation purposes from April 1 to Nov. 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 4.8 cfs cubic feet per second and/or 1,057 acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	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	27						13	38			13							64
		28	39	39	40	40													238

Total acres 302

9. Describe any other water rights used for the same purpose as described above 35-07391

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C)*

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

A large grid of dashed lines for drawing a map, representing sections, townships, and ranges. The grid is composed of horizontal and vertical dashed lines forming a series of squares. The grid is approximately 10 units wide and 10 units high, with a central cross of solid lines.

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

- | 1. | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|-------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge.

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

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

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

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of December, 19 88.

[Signature]
(Notary Public)

My commission expires 9/26/94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jim Date 1-10-89 Protest filed by _____

Prelim. check by JIM Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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. 35-2728/35-2844/35-7361-2821B,

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:

<u>BEFORE CHANGE</u>		
<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, R34E	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 $\frac{1}{4}$, Sec. 16, 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 $\frac{1}{4}$, S $\frac{1}{2}$ 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

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

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 Mickelesen. 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,

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-

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

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:

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. 35-7773/35-2493, 35-2242,

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 $\frac{1}{4}$, 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, T1S, R33E

AFTER CHANGE

<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, 35-7162	NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T6N, R35E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T8N, R36E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T9N, R36E	N $\frac{1}{2}$, Sec. 31, T6N, R35E; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10, T8N, R36E; E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24, NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26, N $\frac{1}{2}$ 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.

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

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.

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.)

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

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 outweigh 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

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 35-2391/35-7777 and amendment of permit Nos. 35-7161, and 35-7162 are APPROVED subject to the

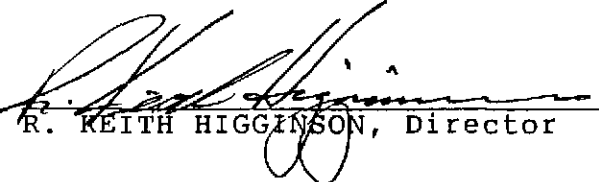
following conditions:

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
P.O. Box 2720
Boise, ID 83701

Kent Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
Idaho First National Bank Bldg.
P.O. Box 129

Idaho Falls, ID 83405

Mr. Reed Mickelson
Hamer, ID 83425

Mr. Ray Sanders
Hamer, ID 83425

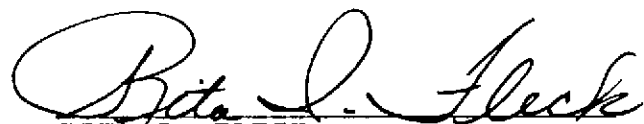
Mr. Dell Raybould
3215 N. 2000 W.
Rexburg, ID 83440

Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

Mr. Robert K. Oser
Program Analysis
U.S. Fish and Wildlife Service
500 N.E. Multnomah St. Suite 1692
Portland, OR 97232

Ronald E. Swan, Esq.
U.S. Department of the Interior
Office of the Regional Solicitor
500 N.E. Multnomah St., Suite 607
Portland, OR 97232

Stephen V. Goddard, Esq.
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

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 their protest prior

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

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.

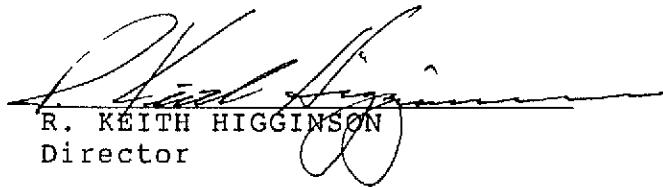
IT IS, THEREFORE, HEREBY ORDERED as follows:

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 be used during 1988 for the irrigation of other acreage.

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
P.O. Box 2720
Boise, ID 83701

Kent Foster, Esq.
HOLDEN, KEDWELL, HAHN & CRAPO
Idaho First National Bank Bldg.
P.O. Box 129
Idaho Falls, ID 83405

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/Records Manager
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3411

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

BROADHEAD #3

PART 1

Name of applicant Blaine Larsen Farms, Larsen of Idaho Phone (208)662-5522
Post Office address Box 188 Hamer, ID 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide irrigation water on a portion of
cropland in 1988 only, cropland for which applications for permits have been filed
but not yet approved. See Remarks on page 2.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------|-----------------------|------------------|---------------|
| 35-7630A | 8/3/76 | 3.78 | Irrigation | 4/1 to 11/1 |
| 35-4015B | 5/24/61 | 4.8 | Irrigation | 4/1 to 11/1 |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion The points of diversion after change consist of 7 wells supplying 7 irrigation pivots which are identified in Attachment #1.

[illegible]

- 5 Lands irrigated or place of use. See Attachment #1 for breakdown of acres irrigated by each pivot.

[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.

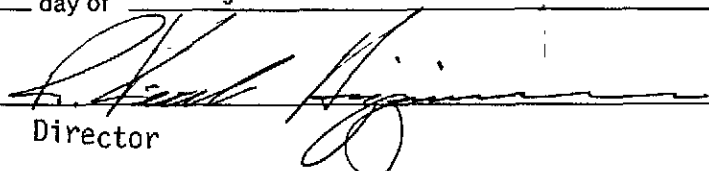
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No 35-7630A/4015B

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

Pursuant to the Interim Order dated 5/16/88.

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. 35-7630 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 8/3/76

5. Water is used for the following purpose.

amount 4.8 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 4.8 cubic feet per second and/or 1057.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	3S	32E	Bingham	

8. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	32E	27						13	38			13							64
		28	39	39	40	40									40	40			238

Total acres 302

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

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 3.78 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)

2 Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	3S	32E	Bingham	

3. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	28	39	39	40	40									40	40			238

Total acres 238

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.02 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)

2 Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	3S	32E	Bingham	

3 Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	27						13	38			13							64

Total acres 64

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. 35-4015 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 agreement

3. Source of water groundwater tributary to _____

4. Date or priority 5/24/61

5. Water is used for the following purpose:

amount 6.4 for Irrigation purposes from 4/1 to 10/31
(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 6.4 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion

Lot	¼	¼	¼	Sec	Twp	Rge.	County	Local name for diversion
		SW	SE	21	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	21															40	40	80
		28	40	40	40	40									40	40			240

Total acres 320

9. Describe any other water rights used for the same purpose as described above 35-7390/2274

- 10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 4.8 for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	21	3S	32E	Bingham	

3. Lands irrigated or place of use

Twp.	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	32E	28	40	40	40	40									40	40			240

Total acres 240**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.6 for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	SE	21	3S	32E	Bingham	

3. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	32E	21															40	40	80

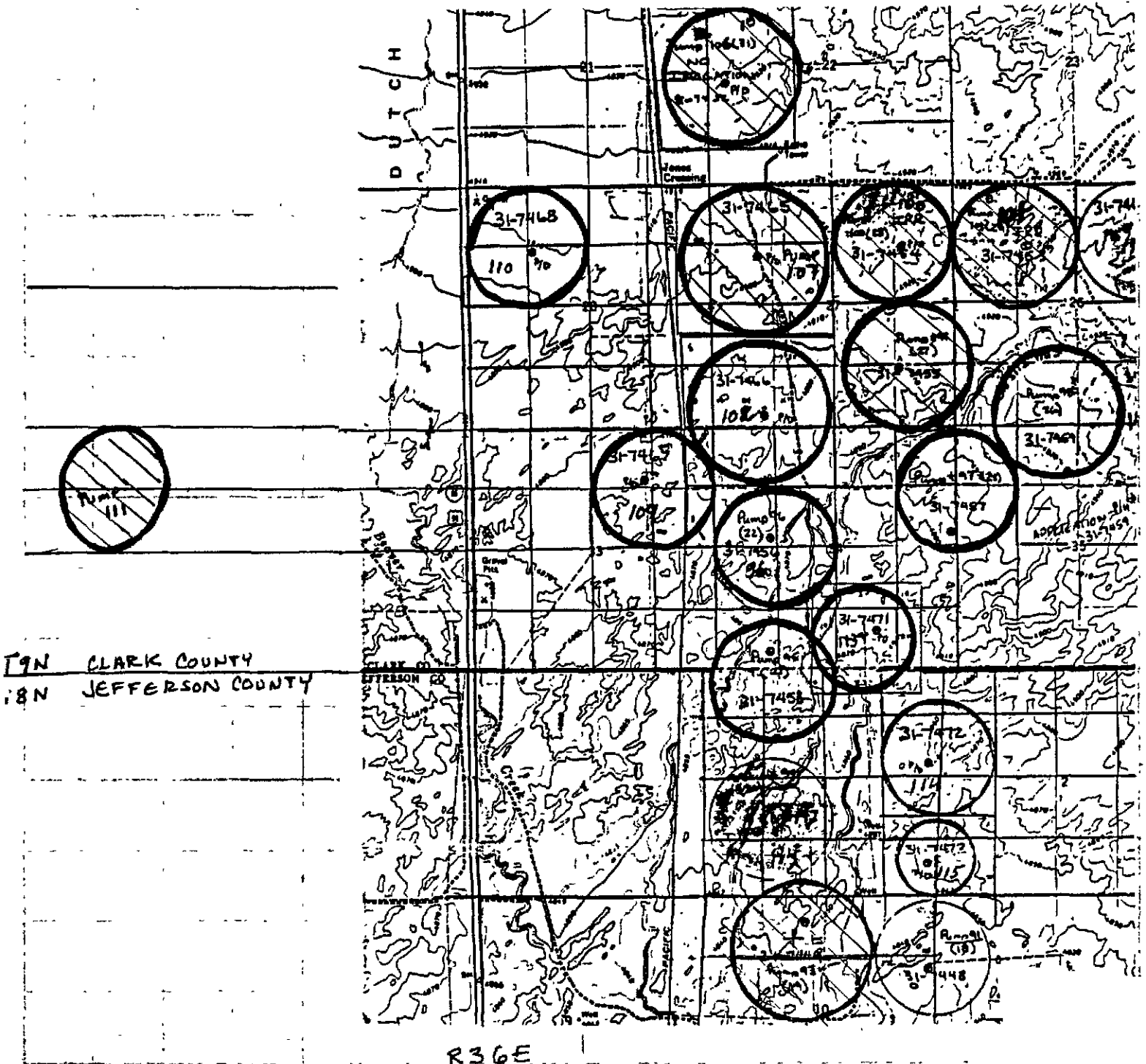
Total acres 80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 10 1983

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.



ATTACHMENT #1 *Report on the Irrigation*

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 <i>Some in Sec 26</i>	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 not be enlarged in 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.**

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

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
- 2 Quantity and quality of return flows and location of discharge
- _____
- _____
3. Describe effects on other water uses resulting from the proposed change:
- _____
- _____
- _____
- _____

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

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

James D. Hansen For BLAINE LARSEN
(ATTORNEY FOR) (Signature of Applicant)

Subscribed and sworn to before me this 14TH day of MARCH, 19 88.

Jim J.
(Notary Public)

My commission expires life

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and _____ attachments

Received by Jim Date 3-17-88 Protest filed by _____

Prelim check by Jim Ed Fee 50.00

Receipted by EG Date 3-18-88 # C000167

Published in Jefferson Star, Post Register, Bluffton News Copies of protest forwarded by _____

Pub. dates 3-17 + 3-24-88 day Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

APPLICATION FOR TRANSFER OF WATER RIGHT

BROADHEAD #2

PART 1

APPROVED

Name of applicant Blaine Larsen, Blaine Larsen Farms, Larsen of Idaho Phone (208)662-5522
Post Office address Box 188 Hamer, ID 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide irrigation water on a portion of
cropland in 1988 only, cropland for which applications for permits have been filed
but not yet approved. See Remarks on page 2.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|----------------|-----------------------|-------------------|----------------------------|
| <u>35-7391</u> | <u>3/13/74</u> | <u>0.26</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| <u>35-2432</u> | <u>8/17/55</u> | <u>3.08</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| <u>35-7630B</u> | <u>8/3/76</u> | <u>1.02</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| | | | | to |
| 2. Total amount of water being transferred <u>4.36</u> cubic feet per second and/or <u>960.0</u> acre-feet per annum | | | | |
| 3. Source of water <u>groundwater</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion. The points of diversion after change consist of 7 wells supplying 7 irrigation pivots which are identified in Attachment #1. | | | | |

[illegible]

5. Lands irrigated or place of use. See Attachment #1 for breakdown of acres irrigated by each pivot.

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	
8N	36E	10		X			X												
		3											X			X			
9N	36E	27	X	X	X	X	X	X	X	X	X	X		X	X	X	X		
		26					X	X	X	X									
		21				X								X			X		
		22							X	X	X	X	X						
		28	X			X								X					

Total acres 1179

2270c under 11.000 10.1.12

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.

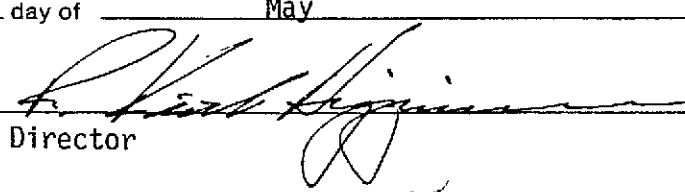
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No 35-7391/2432/7630B

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

Pursuant to the Interim Order dated 5/16/88.

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. 35-7391 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 3/13/74

5. Water is used for the following purpose:

amount 0.26 for Irrigation purposes from 4/1 to 10/31
(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 0.26 cubic feet per second and/or 110.0 acre-feet per annum.

7. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	NW	27	3S	32E	Bingham	

8 Lands irrigated or place of use

Twp.	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	32E	27					40	40	40	40	40	40	40	40					320

Total acres 320

9. Describe any other water rights used for the same purpose as described above 35-2432 / 110.0

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 35-2432 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 Agreement

3. Source of water groundwater tributary to _____

4. Date or priority 8/17/55

5. Water is used for the following purpose

amount 3.08 for Irrigation purposes from 4/1 to 10/31
(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 3.08 cubic feet per second and/or _____ acre-feet per annum

7 Point(s) of Diversion: OTK J 11.6'

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	27	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	27					40	40	40	40	40	40	6	6					252

Total acres 252

9. Describe any other water rights used for the same purpose as described above 35-7391

**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 35-7630 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 8/3/76

5. Water is used for the following purpose:

amount 4.8 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 4.8 cubic feet per second and/or 1057.0 acre-feet per annum

7. Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	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	27						13	38			13							64
		28	39	39	40	40									40	40			238

Total acres 302

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

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 1.02 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)

2. Point(s) of Diversion.

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	3S	32E	Bingham	

3. Lands irrigated or place of use:

Twp	Rge.	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	27						13	38			13							64

Total acres 64

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.78 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)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion
		SE	NE	21	3S	32E	Bingham	
		SW	SE	21	3S	32E	Bingham	

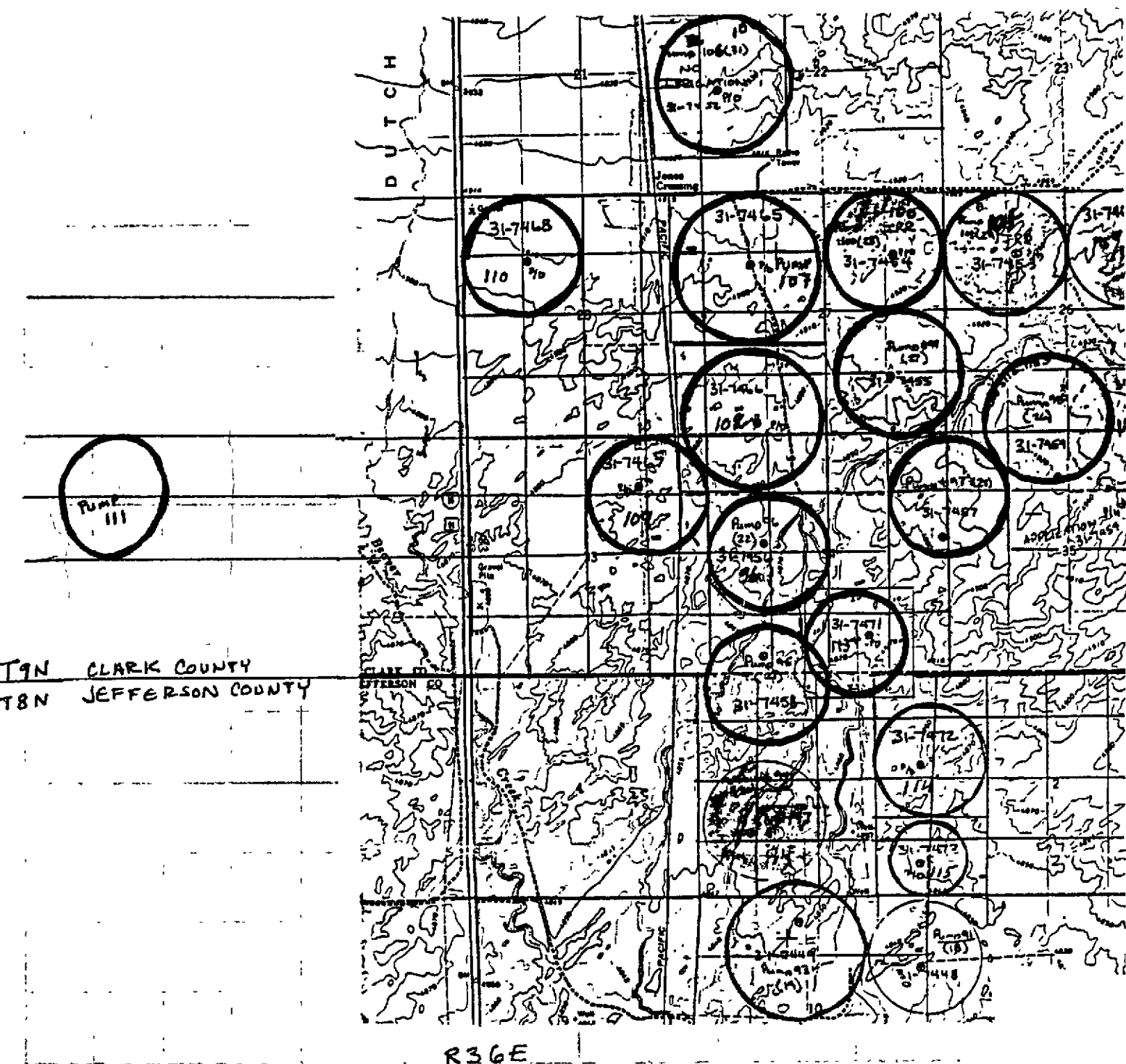
3. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	28	39	39	40	40									40	40			238

Total acres 238

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 N00500 22	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 not be enlarged in 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.

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

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge

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

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

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

James D. Hansen For BCALINE LARSEN
(ATTORNEY FOR) (Signature of Applicant)

Subscribed and sworn to before me this 14TH day of MARCH, 19 88

John J. Johnson
(Notary Public)

My commission expires life

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and attachments

Received by Jim Date 3-17-88 Protest filed by

Prelim. check by Jim Fee 50.00

Received by Jim R.G. Date 3-18-88

Published in Jefferson Star, Post Register, Bluff News Copies of protest forwarded by

Pub. dates 3-17 + 3-24-88 dg Hearing held by Date

Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 rec'd by

Copy of transfer sent to lien holder

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7630 Priority August 3, 1976 Amount 4.8 cfs

THIS IS TO CERTIFY, that Lynn Broadhead
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7630 issued pursuant to Application for Permit dated August 3, 1976,
and has submitted proof to the Department of Water Resources on August 11, 1977,
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 6.55 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>4.8</u> cfs and	<u>1057.0</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 4.8 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
1057.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21,
Twp. 3S, Rge. 32E in the County of Bingham

Description and location of place of use:

Twp	Range	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3S	32E	27					13	38			13								64
		28	39	39	40	40									40	40			238

Total number of acres irrigated 302

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 3.5 afa per acre for the lands above.

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30TH day of
November _____, 19 82.

Acting for the Director

Identification No 35 7630
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

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

- 1 Name of applicant Lynn Broadhead Phone: _____
post office address Rt. #5, Box 153, Blackfoot, Idaho 83221
- 2 Source of water supply ground water which is a tributary of _____
3. a Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 3S
Range 32E B M Bingham County; additional points of diversion if any _____
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R. 32E, B.M.
- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M. _____
- 4 Water will be used for the following purposes:
Amount 4.80 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated
a 4.80 cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc. Existing wells, pumps, center
pivot, sprinkler system
- b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)
- c Proposed well diameter is 14 inches, proposed depth of well is 150 feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years
b Estimated construction cost is \$ _____
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

[illegible]

c Describe any other water rights used for the same purposes as described above _____
No. 35-7391 and 35-2432 in Sec. 27.

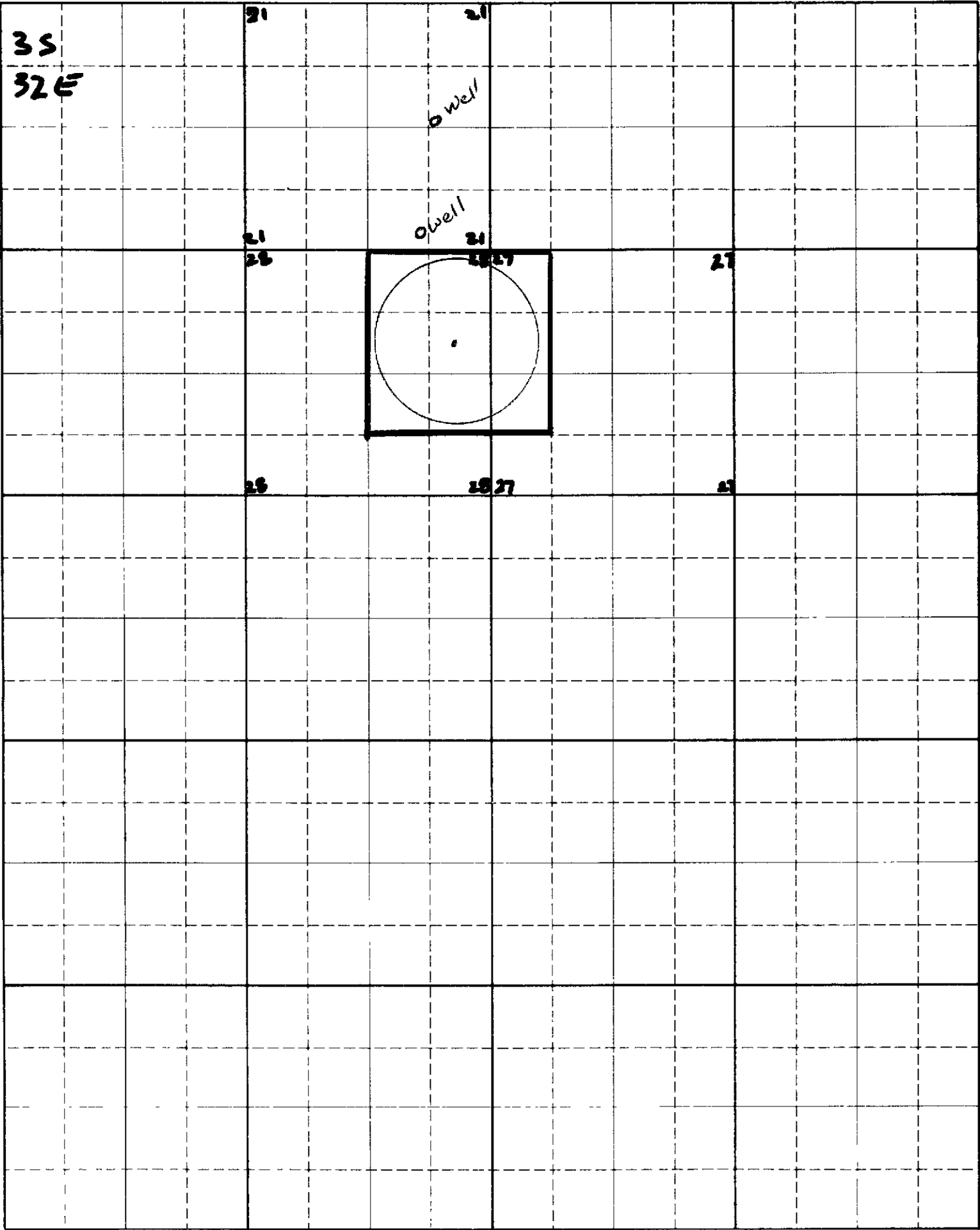
9 a. Who owns the property at the point of diversion _____ Applicant

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

applicant to make this filing.

[illegible]

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

Lynn B. Smith
(Applicant)

8-03-76

Received by Mr. Date 8/03/76 Time 11:20 a.
Preliminary check by Mr. Fee \$65.00
Receipted by Mr. Date 8/03/76 # 2498
Publication prepared by Mr. Date 8-03-76
Published in Blackfoot Press
Publication dates Aug. 12 + 13, 1976
Publication approved Mr. Date 8/23/76
Priority reduced to _____ Reason _____
Protests filed by _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RPC 5/11/76

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 35-7630, 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 October 1, 19 77.

c. Other. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons

Witness my hand this 13 day of September, 19 76

Director

RECEIVED

AUG 28 1976

Department of Water
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
State of Idaho) ss.
I, David Mark Brown do
solemnly

Publisher

swear that I am the 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: Thurs of each week, that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was,
published in said Thursday

Issue of said newspaper 2 consecutive
weeks the first publication having been made on
the 12th day of August, 19 76 ..,
and the last publication having been made on the
19th day of August, 19 76 ..; 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 19th

day of August, 19 76....

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1976

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Lynn Broadhead, Blackfoot,
Idaho has on 8-03-76 submitted
Application No. 35-7630 for a
permit to appropriate 4.00 cubic
feet per second of water from
ground-water sources by
means of wells and pumps
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R.
32E, B.M., Bingham County; to
be used from Apr. 1 to Nov. 1 for
the irrigation of 320 acres
within the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
28, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
27, T. 3S, R. 32E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho 83401 on or before August
30, 1976.

R. KEITH HIGGINSON
Director

(#990)
Pub.: 8-12, 19

34 $\frac{5}{8}$

MEMORANDUM

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

FROM: Pam Skaggs *PS* 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.

MEMORANDUM

TO: FILE 35-07630

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.

MEMORANDUM

Date: April 30, 1994
From: Jim Johnson
To: FILE
Subject: APPLICATION FOR TRANSFER NO. 4281

=====

Blaine Larsen filed the above referenced transfer application which included this right along with several other water rights. The transfer application was denied on April 7, 1994. See file 35-02210 for a more information concerning this transfer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 3, 1989

Blaine Larsen
Box 188
Hamer, Idaho 83425

Re: Application for Transfer

Dear Applicant:

Enclosed is a copy of an Order Approving Transfers for the applications for transfer listed above.

Please be advised that if you do not agree with the decision of the Department, you may, within fifteen (15) days of receipt of the Order Approving Transfers, request a hearing before the Director. Failure to timely petition the Director within fifteen days of the receipt of the Order may prevent further contest of the Order.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:ds

Enclosure

cc: Jeff Fereday
Ray Sanders
Stephen V. Goddard
Kent Foster
U.S. Dept. of Interior, Fish & Wildlife Service
Lloyd R. Hicks

MICROFILMED

JUL 17 1989



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

MAILED

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:

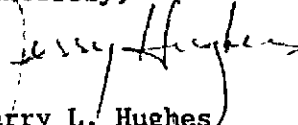
Listed below are the wells selected for bimonthly water-level monitoring in the Mud Lake/Camas Wildlife Refuge area. The wells were chosen by Mike Jones, of this office, and Don Shenton, Watermaster of Water District 31, during a visit to the area the week of July 5. The first measurements were made 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
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

NOV 29 1988

FROM Sharla

DATE 5/17/88

TO File 35-7630B

SUBJECT Trans. 3413

See file 35-2432 for all correspondence regarding the above referenced transfer.

MAILED

NOV 29 1988

SIGNATURE

DATE 5/17/88

FROM Sharla

TO File 35-7630 A

SUBJECT Trans. 3411

See file 35-4015 for all correspondence regarding the above referenced transfer.

MICROFILMED

NOV 29 1988

SIGNATURE

IDENT. NO. 25060

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		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
		License Signed
		Transfer Approved
		Key punched by State Office
<i>D.W.</i>	<i>8-2-79</i> <i>12/17/82</i>	<i>License update</i>
		G G APR 21 1984 RECEIVED

December 10, 1982

RE: Permit No. 35-7630

Lynn Broadhead
P.O. Box 511
Blackfoot, ID 83221

Dear Mr. Broadhead:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED



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

November 16, 1982

RE: Permit No. 35-7630

Lynn Broadhead
P.O. Box 511
Blackfoot, ID 83221

Dear Mr. Broadhead:

A representative of this Department has made an examination of the works covered by your Permit No. 35-7630, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.8 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1057.0 acre feet
per year.

Point(s) of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 3S, Rge. 32E,
Bingham County

Beneficial use: Irrigation of 302 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27;
NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28; Twp. 3S, Rge. 32E

Priority date established: August 3, 1976

Conditions (if any): This right when combined with all other rights shall
provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the
lands above.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED
NOV 17 1982
WATER RESOURCES

10N FIELD REPORT
MCCANDLES

RECEIVED
684-3409

~~AUG 31 1977~~

Phone: 785-78

Eastern District Office

Phone 785-6440

3. Water will be used for the following purposes:

Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses. _____

- Max Rate of Diversion 4.80 cubic feet per second and annual volume _____ AF/Annum.

- Township 3S N/S, Range 32EE/W, B.M., Section 21, Subdivision SE 1/4 NE 1/4, Bingham

Township 11 N/S, Range 11 E/W, B.M., Section 11, Subdivision SW 1/4 SE 1/4, 11

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Other Points of Diversions: _____

Description of diverting works: 14" casing, 150' deep

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use

[illegible]

TOTAL ACREAGE 320

Rge 32E

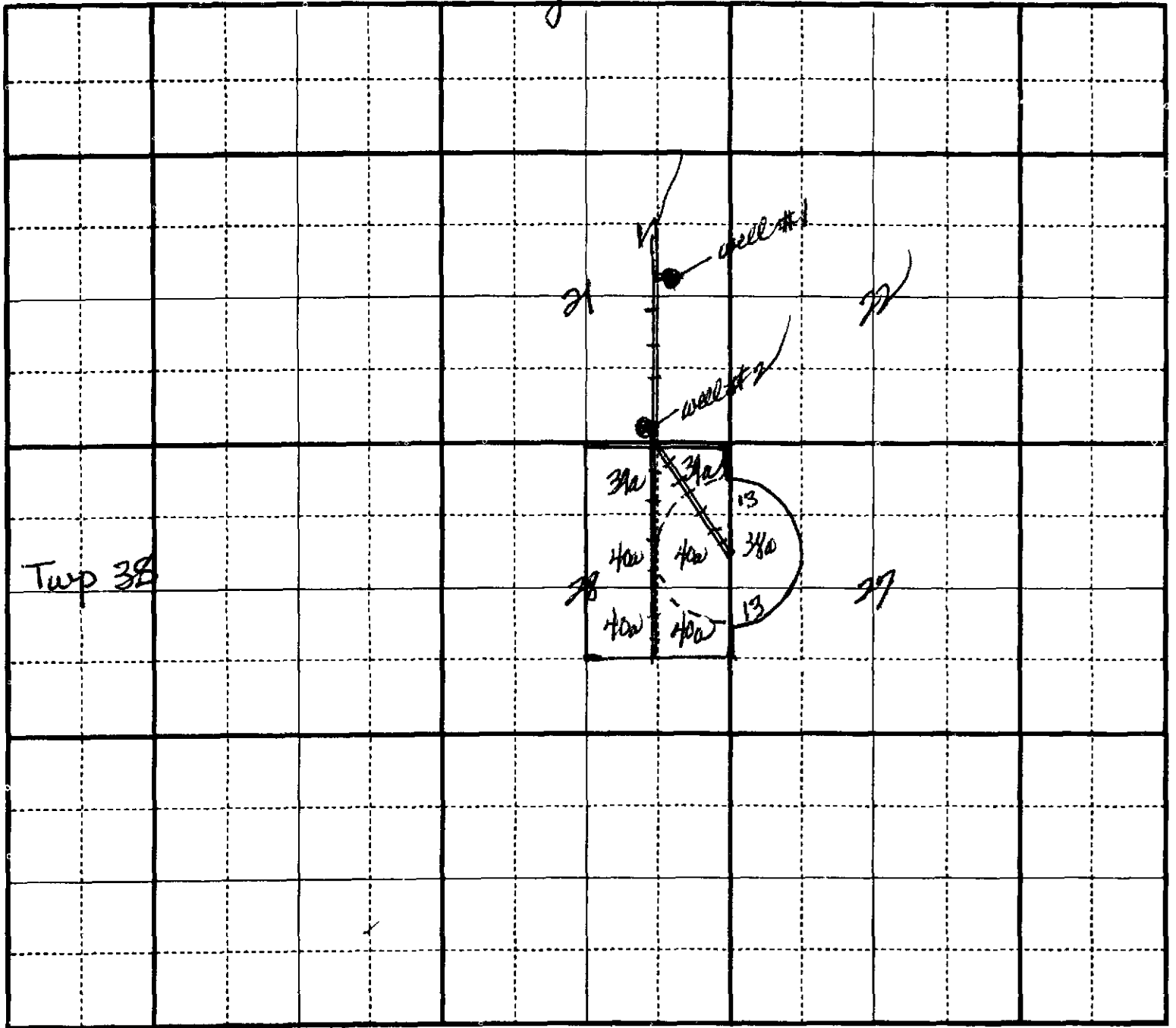
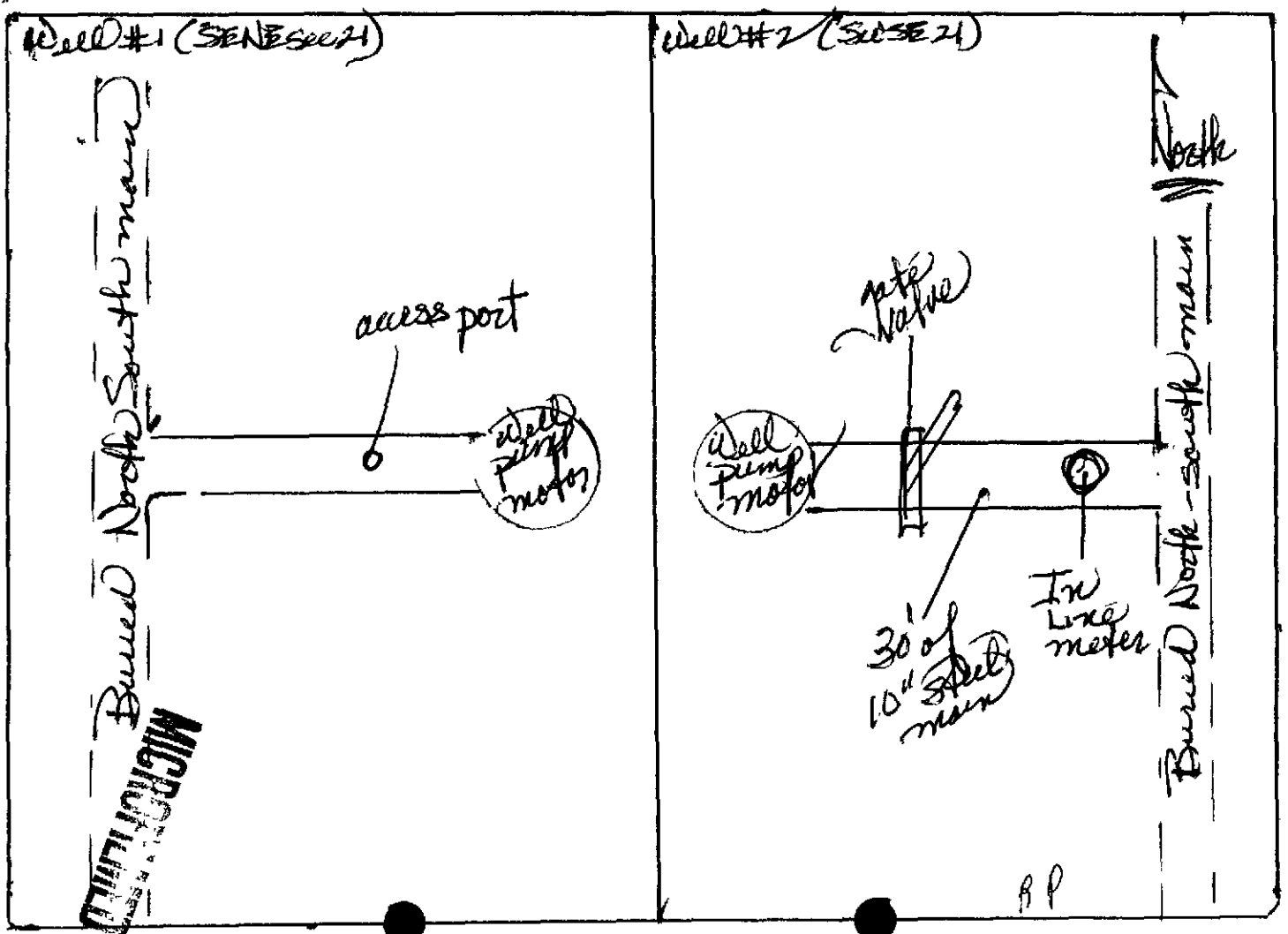


Diagram of System



29 28

27

2

MICROFILMED

29

11-11-11

DATE OF EXAM 24th day of May, 1979

ACREAGE
Found 302a
Recommended 302a

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 4.80 c.f.s. V = 1057 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 6.55 cfs Method of measurement #1 Annubar County
#2 - Flowmeter

Total Q recommended 4.80 cfs Meter No. #2-73-10-46 Type McCombs Condition std

Total V recommended 1057 Af/yr

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

Well #1 - Qgpm = (7.48) * (0.1 inches of flow) = (63.68) * (3.85) * (1.24) = 1039.5 gpm ÷ 448.8 gpm/cfs = 2.32 cfs
Well #2 - measured 0.01 Af/yr = 103300 ÷ 448.8 = 230 cfs
Q tot = 4.23 + 2.32 = 6.55 cfs
V = 302a * 3.5 Af/a = 1057 Af/yr
Allow 4.8 cfs as per permit

SYSTEM DESCRIPTION:

Well #1 - (SENE sec 21) - groundwater is diverted by a 100 HP U.S. Motors "Holtzhaft" pump motor sn- 1185139 & by a Layne & Bowler vertical turbine pump "Vertiline" - m/n- 2KHHM-MM - sn- 26631. Well #2 - (SENE sec 21) groundwater is diverted by a 200 HP U.S. Motors "Holtzhaft" 3rd pump motor sn- 1387256 and by a Johnston vertical turbine pump.
Acresage is irrigated by a 12 tower Purne circle-master center pivot and 8-1/4 in lateral sprinklers.

REMARKS: Previous lines - 35-3432 + 35-7291 - under one inch per acre or less.

Examiner's Signature Redney A Parker Date Nov 20, 1979

Checked by Joe F. Parker Date 4/15/80

Approved by Reep Date 10/28/82

Overlap Review attached

MICROFILMED

Overlap Review for 35-7630

License 35-2432 gw T/D center of
5 1/2 NW 1/4 Sec 27
T35 R32E

(different well) ✓

T/U see copy of
license

(some lands same) ✓

Recommend condition R16

License 35-7391 gw T/D SENW Sec 27
T35 R32E
(different well) ✓

T/U see attached
license copy
(some lands same) ✓

Recommend Condition R16(3.5) ok

MICROFILMED

10/28/82

Jim
11-5-82

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7391 Priority March 13, 1974 Amount 0.26 cfs

THIS IS TO CERTIFY, that LYNN BROADHEAD
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No 35-7391 issued pursuant to Application for Permit dated March 13, 1974
and has submitted proof to the Department of Water Resources on October 3, 1975
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 3.34 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>October 31</u>	at <u>0.26</u> cfs and	<u>110 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.26 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
110 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 3S,
Rge. 32E, B. M. in the County of Bingham

Description and location of place of use:

Twp	Range	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3S	32E	27					40	40	40	40	40	40	40	40					320
35-	7630	27					13	38			13								64
3S	2432						40	40	40	40	40	40	6	6					252

Total number of acres irrigated 320

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of
May, 19 79.

[Signature]
Deputy Director

State of Idaho
License and Certificate of Water Right

Water License No. G-24895

Amount 3.08 c.f.s.

Water District No.

Priority August 17, 1955

THIS IS TO CERTIFY that JOHN LEE CHERRY
of Blackfoot, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 17, 1955; that Permit No. G-24895
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.08 second feet, was issued thereunder on November 19, 1958, showing that said works
were completed on the 25th day of July, 1958; and that on the 25th
day of July, 1958, JOHN LEE CHERRY

of Blackfoot, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of

, a tributary of subterranean, for the purpose of Irrigation
, under Use Permit No. G-24895 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 6535, on the 19th day of November, 1958;

The right hereby confirmed dates from August 17, 1955;

The Point of Diversion is located Center of S $\frac{1}{2}$ T $\frac{1}{2}$ of

in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 27, Tp. 3 S., R. 32 E., B. M. County Blaine

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.08 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 S.	32 E.	27	NE 1/4	40	40
			N 1/2	40	40 ✓
			SW 1/4	40	40 ✓
			SE 1/4	40	40
			NE 1/4 SW 1/4	40	40 ✓
			SW 1/4 SW 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SW 1/4 SW 1/4	40	40
Total water right hereby confirmed					252

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
19th day of November, 1958.

State Reclamation Engineer.

(SEAL)

35-2432

August 29, 1977

Re: Permit No. 35-7630

Lynn Broadhead
P. O. Box 511
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

We acknowledge receipt of the affidavit 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. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

MICROFILMED

AUG 11 1977

Department of Water Resources
Eastern District Office

Identification No. _____

Permit No. 35-7630STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESPROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Lynn Broadhead
b) Post Office Address P.O. Box 511, Blackfoot, Idaho 83221
2. Permit Number 35-7630
3. Date of Priority that you are prepared to establish 8-03-76
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: SE ¼ NE ¼, Section 21
Township 3S, Range 32E, Boise Meridian, Other points of diversion:
SW ¼ SE ¼, Sec. 21, T. 3S, R. 32E, B.M.
5. a) The amount of water and use to which the water has been applied:
Amount 4.80 for Irrigation purposes from Apr. 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.80 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: N.A.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N.A.
b) Describe the agreement or understanding by which you take water from the works:
N.A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 14" well casing 150' depth of well
b) Describe the type and size of measuring device which you have installed at your point of diversion:
Commercial type Beckwell
c) Give well driller's name and address and the date the well was completed:
Unknown well has been checked
for many years
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed 8/24/76

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	32E	28	40	40	40	40									40	40			240
		27						20	40			20							80

Total number of acres irrigated 320

10. Remarks: _____

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

8/12/71
(Date)

[Signature]
(Signature)

State of W. Va.)
County of Putnam) ss.

On this 12 day of August, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Putnam
West

My commission expires Nov 3 1974

July 29, 1977

CERTIFIED MAIL

138788

Re: Permit No. 35-7630

Lynn Broadhead
Rt. 5, Box 153
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

One of the conditions of approval of your water Permit No. 35-7630 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before October 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

September 13, 1976

Re: Permit No. 35-7630

Lynn Broadhead
Rt. #5, Box 153
Blackfoot, ID 83221

Dear Mr. Broadhead:

Enclosed is a copy of your approved Application for Permit No. 35-7630. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

August 5, 1976

RE: Application for Permit No. 35-7630 BROADHEAD
" " " No. 35-7631 WILLIAMS

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 8-23-76 by lw

RDC:CW

Enc: Legal Notice (2)

Legal: Joanne

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Lynn Broadhead, Blackfoot, Idaho has on 8-03-76 submitted Application No. 35-7630 for a permit to appropriate 4.80 cubic feet per second of water from ground-water sources by means of wells and pumps within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R. 32E, B.M., Bingham County, to be used from Apr. 1 to Nov. 1 for the irrigation of 320 acres within the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 3S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho 83401 on or before August 30, 1976.

R. KEITH HIGGINSON
Director

(4990)
Pub. 8-12, 19

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lynn Broadhead,
Blackfoot, Idaho

has on 8-03-76 submitted Application No. 35-7630
for a permit to appropriate 4.80 cubic feet per second ~~XXXXXX~~ acre feet per annum
of water from ground-water sources
by means of wells and pumps
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R. 32E, B.M., Bingham County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 320 acres

within the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 3S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
August 30, 1976.

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho

On August 12 and August 19, 1976

Handwritten:
The G.
The H.
C.W.H.

August 5, 1976

RE: Application for Permit No. 35-7630

Lynn Broadhead
Rt. #5, Box 153
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

Attached herewith is departmental receipt No. 2498 in the amount of \$65.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

RECEIVED

AUG 3 1976

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

July 30, 1976

Department of Water Resources
Eastern District

Mr. Lynn Broadhead
Rt. #5, Box 153
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

In the process of reviewing your permit No. 35-7391, I have found that the land irrigated in Section 28 is not covered by a valid permit. If your records also indicate the same as what our show, check the completed application form and sign it exactly as your name appears in Item 1. Then return to this office with the statutory filing fee of \$65.00. We will then immediately commence processing of your application.

If you have any questions in this matter, please feel free to contact me at this office. It has been a pleasure to serve you in this matter.

Very truly yours,

Bill Rhoads
BILL RHOADS
Regional Planner

BR:CW

In Reply,

Note:

application and check attached

July 30, 1976

Mr. Lynn Broadhead
Rt. #5, Box 153
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

In the process of reviewing your permit No. 35-7391, I have found that the land irrigated in Section 28 is not covered by a valid permit. If your records also indicate the same as what our show, check the completed application form and sign it exactly as your name appears in Item 1. Then return to this office with the statutory filing fee of \$65.00. We will then immediately commence processing of your application.

If you have any questions in this matter, please feel free to contact me at this office. It has been a pleasure to serve you in this matter.

Very truly yours,

BILL RHOADS
Regional Planner

BR:CW

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 35

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

(1) BR 8-3

In form to receipt

(2) 11 4

Send Copies to:

Idaho State Health Department
NO Idaho Fish and Game Department
Bureau of Land Management

(3) 4 4

Request Special Use Permit from U.S.F.S.
NO Request Easement from B.L.M.
Request Information from Applicant

(4) 11 4

In form for advertising

(5) 11 4

Platted on Map No. 35 326

(6) 11 11

Located within Water District No. N.A.

(7) 11 4

Critical groundwater area: yes no ☒

(8) 11 4

Groundwater levels:

Declining, ☒ Stable, Increasing

(comment) no obs wells.

(9) 11 4

Other rights on the same place of use None

(10) 11 4

Comments:

(11) BR 8-23-76

Affidavit of Publication received (date) Aug. 23, 1976

(12) BR 8-30-76

Final date for protests Aug. 30, 1976

Protests received: yes no ☒

(13) RDC 8/30/76

All requested information received from agencies or applicant: yes no

(14) 11 11

Action recommended:

☒ Approve Deny

8/3/76 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E By RDC Date 8/30/76

Copy