

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

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

Notice of Application

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

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

ing been made on Jan. 6, 1988
and the last publication having been made

on Jan. 13, 1988

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

Crystal Foster

Subscribed to and sworn to before me

this 1-15-88
Laverne R. [Signature]
Notary Public.

(SEAL)

My commission expires 5-4-88

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Notice is hereby given that S & T
Farms, Rexburg, Idaho, has filed an ap-
plication for extension of time to avoid
forfeiture of a License No. 35-7605.

The license was issued for 4.0 cfs of
water from a groundwater source with
the point of diversion within the
NE1/4SW1/4, Sec. 19, T. 4N, R. 35E, B.M.,
Jefferson County, for irrigation pur-
poses of 200 acres, with a priority of
April 28, 1976, to be used within the
SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N,
R. 35E, SE1/4NE1/4SE1/4, Sec. 24, T. 4N,
R. 34E., B.M. NE1/4

Sec. 42-222, Idaho Code provides that
a water right shall be lost and forfeited
and the water revert to the State upon
failure to apply water to beneficial use
for a period of five years. The State may
allow an additional five year period of
non-use without forfeiture upon a show-
ing of reasonable cause. The license
holder has applied for an extension until
1997 while the land is temporarily in the
Federal C.R.P. Program.

Any protest against the granting of
this extension may be filed with the
Idaho Department of Water Resources,
150 Shoup Ave., Suite 15, Idaho Falls,
Idaho, 83402, on or before January 25,
1988.

/s/ R. Keith Higginson
Director

Published in The Jefferson Star,
Rigby, Idaho, January 6 and 13, 1988.

*needs
re-ad*

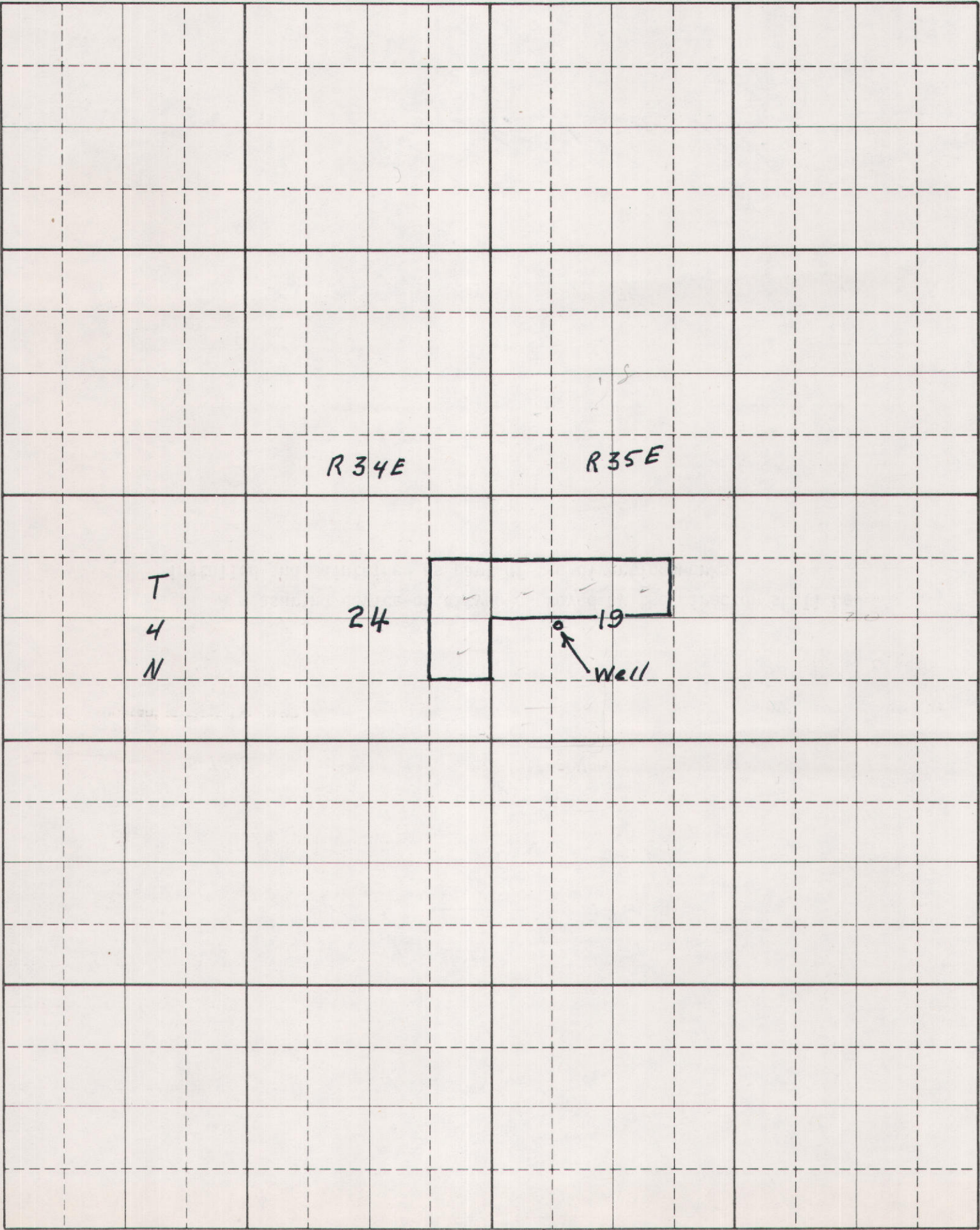
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JAN 19 1988

Department of Water Resources
Eastern District Office

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JUN 16 1988

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.

Lee Shelton
(Applicant)

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MAY 18 1976

Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss

I, Larry D. Anderson, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on
the

Sixth day of May, 19 76

and the last publication on the

Thirteenth day of May, 19 76

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Larry D. Anderson
Publisher

Subscribed in my presence and sworn to before me this fourteenth
day of May, 19 76.
[SEAL]

Marianne Ridgely
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.
My commission expires non-expiring, 19

Publication Fee: \$ 12.95

Legal Notice
NOTICE OF APPLICATION
FOR WATER PERMIT

NOTICE IS HEREBY
GIVEN that Lee Shelton,
Idaho Falls, Idaho has on
4-28-76 submitted Applica-
tion No. 35-7605 for a permit
to appropriate 4.00 cubic feet
per second of water from a
ground-water source by
means of well and pump
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
19, T. 4N, R. 35E, B.M.,
Jefferson County; to be used
from April 1 to November 1
for the irrigation of 200 acres
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, T. 4N, R.
35E, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 24, T. 4N, R. 34E, B.M.

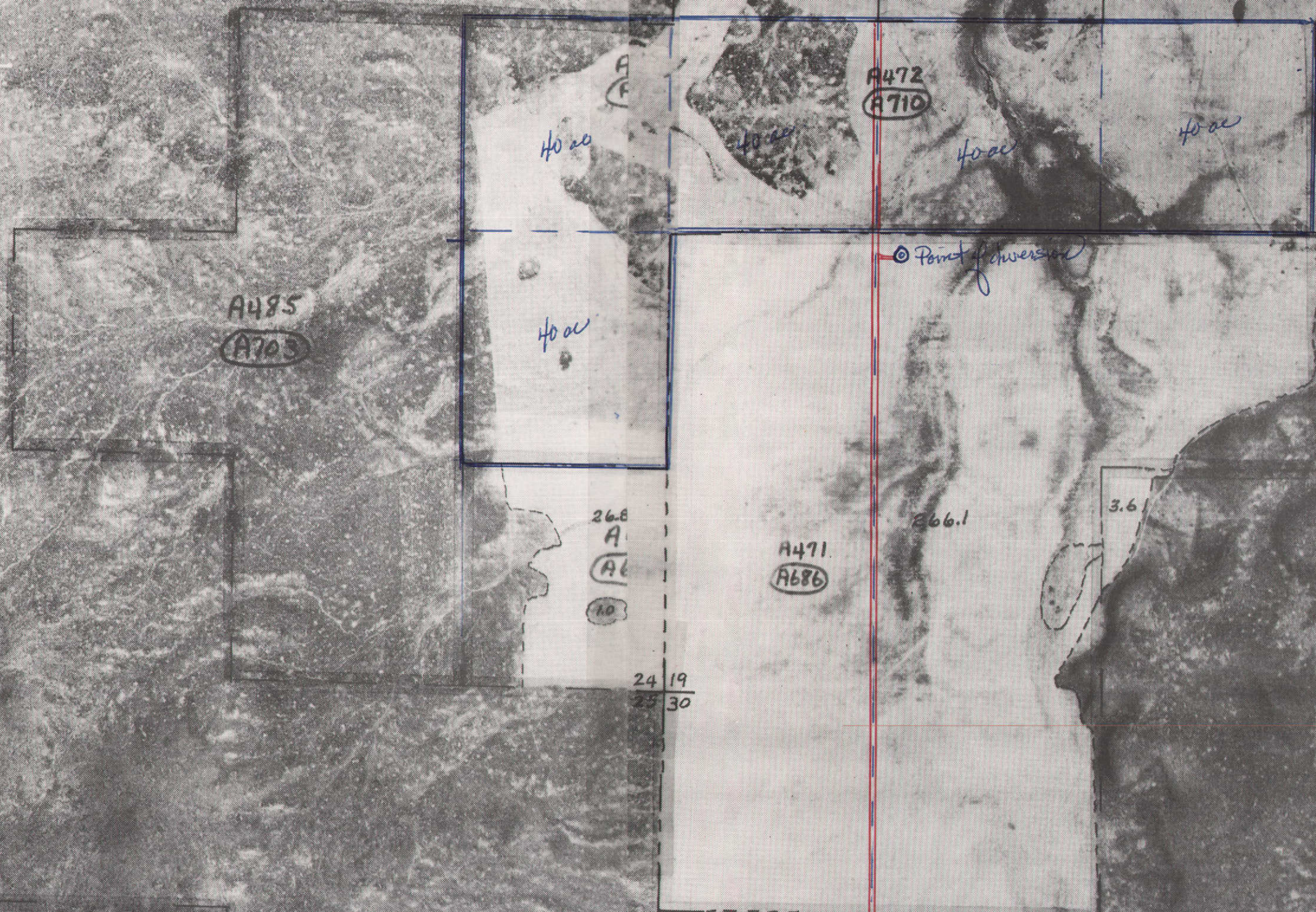
If issued, this permit will
be subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water Re-
sources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on
or before May 24, 1976.

R. Keith Higginson
Director

Publish: May 6 and 13, 1976.

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LEE SHELTON 35-75-80 4N 34E Sec. 24
35-7605 Sec. 19



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ARK 3/25/77

"NOT TO SCALE"

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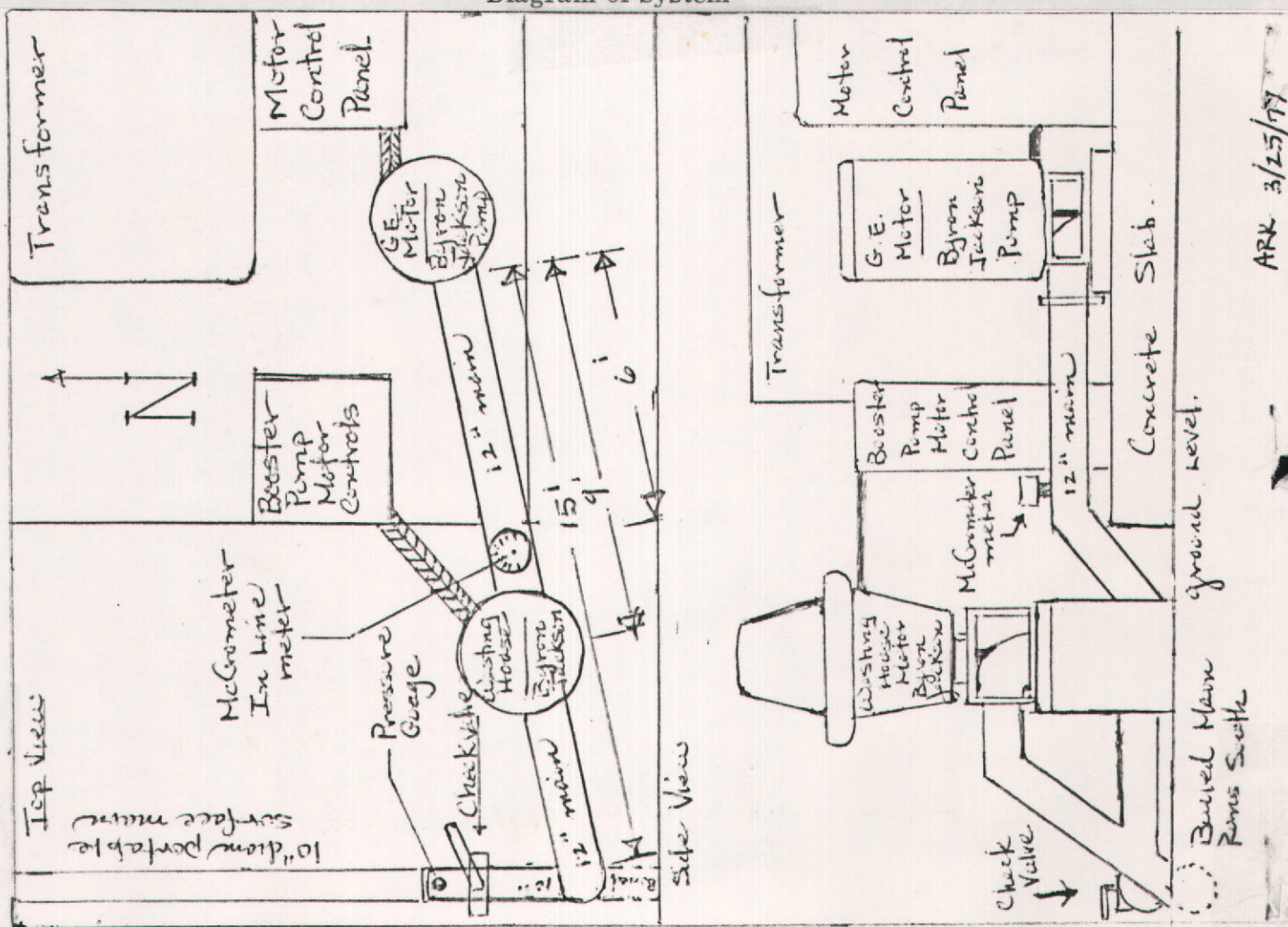
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Diagram of System



LEE SHELTON
40 34E
35-7605

AL
A

A472
A710

4485

A703

Point
Diversion

40 ac

40 ac

34

26.8

AL

A6

10

40 ac

A471

A686

40 ac

266.1

38

3.6

24 19
25 30

40 ac

Burned Main

39 ac

40 ac

40 ac

"NOT TO SCALE"

"NOT TO SCALE"

ARK 3/25/77

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TRANSFER BY BLAINE LARSEN)
AND BLAINE LARSEN FARMS, INC.)
OF WATER RIGHT AND CLAIM NOS.)
35-02821B, 35-02728, 35-02844, 35-7361,)
35-07632, A35-10948, 36-02727, 36-07495,)
35-07605, 35-07586, 36-02398B, 36-07022,)
36-02632, 36-07272, 36-07897, 36-02300,)
36-07015A, 36-02074B, 36-02198B, 36-02122B,)
36-02124B, 36-02127B, 36-02190B, 36-02193B,)
36-02195B, 36-02197B, AND APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
36-7883(Part).)
_____)

MEMORANDUM DECISION
AND ORDER

Blaine Larsen and Blaine Larsen Farms, Inc. (Larsen) filed applications to transfer or amend a total of 27 separate water rights and permits to allow use of ground water for irrigation of lands near Hamer, Idaho for the 1993 irrigation season. Notices describing these applications were published in the South Idaho Press, Burley, Idaho; Times-News, Twin Falls, Idaho; Post-Register, Idaho Falls, Idaho; Lewiston Morning Tribune, Lewiston, Idaho; Morning News, Blackfoot, Idaho; Rigby Star, Rigby, Idaho; Lincoln County Journal, Shoshone, Idaho; and Idaho Statesman, Boise, Idaho.

Protests against the granting of the proposed transfers and permit amendment were filed by the Idaho Department of Fish and Game (Fish and Game); Owsley Canal Company, Jackett Canal Company, Holley Water Users, Jefferson Irrigation Company,

MEMORANDUM DECISION
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Producers Canal Company, Montevieu Canal Company, and Independent Canal Company (hereafter referred to collectively as Mud Lake Canals); U.S. Fish and Wildlife Service (USFWS); Edward Breiter (Breiter); Idaho Power Company (Idaho Power); and The Twin Falls and North Side Canal Companies (TF&NSCC).

A hearing concerning the protests against approval of the transfer applications and permit amendment was held at Rigby, Idaho February 23, 24 and 25, 1993. The Director of the Department of Water Resources served as hearing officer.

Prior to the start of the hearing the USFWS and Idaho Power withdrew their protests. Also, prior to the start of the hearing the Mud Lake Canals petitioned for a continuance of the hearing which was denied by Order of the Director dated February 17, 1993. The Mud Lake Canals participated at the beginning of the hearing on February 23, 1993, but withdrew their protest following noon recess on that date and discontinued their participation in the hearing. Their withdrawal was based on the fact that the applications propose water right transfers for the 1993 irrigation season only. (Tr. p. 83-85).

The TF&NSCC filed a protest related to only part of the applications but orally moved to intervene in all the applications being considered. This motion was granted by the Director. (Tr. p. 13).

It was agreed that the Director would take notice of the files and records of the Department, particularly the following:

- 1) The record of the 1988 hearing held on Larsen's applications for permits for the Larsen "A" wells.

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2) The record of decision in the Montevieu Canal Company application for water right transfer dated May 11, 1990.

3) The claims to water rights filed by Larsen in the Snake River Basin Adjudication.

The hearing proceeded with the applicant, Larsen, represented by Jeffrey C. Fereday; protestant, Fish and Game, represented by Stephen V. Goddard; and TF&NSCC represented by Gary Slette. Protestant Edward Breiter represented himself, however, he did not remain throughout the hearing and did not testify or make a statement although the hearing officer stated that an opportunity to do so would be provided.

At the conclusion of the hearing, the parties agreed at the request of the Director to provide briefs on the following two questions along with other matters to be addressed in summation of the evidence:

1) What is the role of the public interest criterion under Section 42-222, Idaho Code, in balancing the need for protecting existing water rights under the prior appropriation doctrine against the need to provide for the full economic development of the water resources of the state?

2) What evidentiary value, if any, should the Director place in this transfer proceeding upon the results of pumping the Larsen "A" wells over some indeterminate time period as projected by the U.S.G.S. steady state hydrologic model?

The Director, having considered the evidence and testimony presented at the hearing on the matter, the files and records of the Department of which notice was taken, and the briefs submitted by the parties, now enters the following Findings of Fact, Conclusions of Law, and Order.

MEMORANDUM DECISION
AND ORDER - Page 3

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FINDINGS OF FACT

1. The Transfer Applications filed by Larsen propose to change the points of diversion and places of use of all or parts of licensed or claimed ground water rights as follows:

<u>Appl.</u> <u>No.</u>	<u>Location</u> <u>Sec. Twp. Rng.</u>	<u>County</u>	<u>Quan.</u> <u>cfs</u>	<u>Acreage</u>
35-02821B	24 4S 30E	Bingham	0.60	30
35-02728	23 4S 30E	Bingham	3.40	170
35-02844	23 4S 30E	Bingham	3.30	165
35-07361	23 4S 30E	Bingham	0.54	27
35-07632	16 4S 31E	Bingham	4.40	264
A35-10948	16 4S 31E	Bingham	0.56	28
35-02727	36 6S 22E	Lincoln	5.10	320
35-07495	36 6S 22E	Lincoln	4.58	320
35-07605	19 4N 35E	Jefferson	4.00	200
35-07586	19 4N 35E	Jefferson	6.41	391
36-02398B	13 7S 22E	Lincoln	2.44	124
36-07022	4 7S 23E	Lincoln	4.64*	232
36-02632	4 7S 23E	Lincoln	1.94*	97
36-07272	3 9S 23E	Minidoka	1.50	78.5
36-07897	25 6S 22E	Lincoln	2.84	203
36-02300	25 6S 22E	Minidoka	3.88	194
36-07015A	28 8S 22E	Minidoka	0.97	152.6
36-02074B	28 8S 22E	Minidoka	0.75	80
36-02198B	17 7S 24E	Minidoka	0.62	34.3
36-02122B	26 6S 24E	Minidoka	0.67	47.9
36-02124B	35 6S 24E	Minidoka	0.40	20
36-02127B	2 7S 24E	Minidoka	2.47	160
36-02190B	26 6S 24E	Minidoka	1.20	120
36-02193B	26 6S 23E	Minidoka	2.16	160
36-02195B	8 7S 24E	Minidoka	0.49	43
36-02197B	7 7S 24E	Minidoka	<u>2.00</u>	<u>147</u>
			60.52	3808.3

* Diversion of water under these two rights is limited to a combined maximum rate of 5.24 cfs.

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2. Larsen proposes to divert the quantities of water specified in Finding of Fact No. 1 from wells located in Clark and Fremont Counties at locations shown on Attachment A and Applicant's Exhibit No. 12, for irrigation of a total of 4,230.4 acres of land described in Attachment B. Attachments A and B are incorporated herein by reference.

3. Claimed right No. A 35-10948 is included in Finding of Fact No. 1 and is based on a beneficial use claim. The right is subject to determination in the Snake River Basin Adjudication of water rights.

4. Larsen also has proposed to amend Permit 36-07883(Part) to allow the use of 9.97 cfs, out of the authorized 11.48 cfs, to be diverted from wells shown on Attachment A for irrigation of the 4,230.4 acres in the Attachment B tract of land. Permit 36-7883 provides for diversion of the 11.48 cfs from three wells for irrigation of 574 acres of land in Lincoln County. The prorated acreage represented by 9.97 cfs out of 11.48 cfs is 498 acres.

5. Transfer and amendment of the licensed rights, claim and permit as requested by Larsen would allow diversion of a total of 70.49 cfs of water from the Attachment A wells for irrigation of a total of 4,306.3 acres of land. Approval of all the transfers and amendment is unnecessary since the total acreage proposed to be irrigated is 4,230.4 acres or some 76 acres less than the rights would allow.

6. It is the position of Fish and Game that approval of the transfers and amendment will result in harm to prior water rights; that water is not available to satisfy the rights as they are proposed to be transferred; and that approval would not be in the public interest. The public interest concern includes possible induced losses of flow in the Henry's

Fork and Snake Rivers.

7. TF&NSCC's protest is based on a position that pumping from the Larsen "A" wells depletes flows of the Henry's Fork and Snake River and will thereby injure prior rights to water from those sources.

8. The wells shown on Attachment A, and others not proposed for operation in 1993, are referred to as the Larsen "A" wells and were drilled without the benefit of approved permits from the Department. Some of the Larsen "A" wells were used for irrigation water supply beginning in 1986 and the others from 1987. Larsen filed applications for permanent water rights for these wells in April and November 1986. These applications were protested and a hearing was held on the protests in Rigby, Idaho in 1988. No decision was reached on these pending applications due to the fact that the applicant and the parties who filed protests and others, including the Department and the U.S. Geological Survey (USGS), entered into an agreement (Applicant's Exhibit No. 11) for the USGS to conduct a three-year study of the ground and surface water resources of the area. During the study period, which has extended over more than four years, Larsen has operated the Larsen "A" wells under authority of approved annual transfers of ground water rights similar to those being considered here.

9. Applicant's Exhibit No. 11, which outlines the proposed USGS study which has been the basis for annual consideration of approval of one-year transfer applications to cover use of the Larsen "A" wells provides:

Results of the study will be published as a Water-Resources Investigation by

the U.S. Geological Survey. Contents of the report will include a description of the geologic setting, surface-water system, ground-water system, surface-water/ground-water interactions, chemical quality of ground and surface water and lake and wetland bottom sediments, and an evaluation of model results that address water availability for real and hypothetical recharge and discharge conditions. Model description and calibration will be presented in the report appendix.

10. Although the study has apparently been completed, the final study report providing the information indicated in Finding of Fact No. 9 is not yet available. The hearing record does include Applicant's Exhibit No. 9, Geohydrologic and Chemical Data from Wells in the Mud Lake Area, Eastern Idaho, 1988-91 and Applicant's Exhibit Nos. 1, 2, 3, 4A, 4B, 4C, and 4D which contain information developed by the USGS during the course of the study. Joseph Spinazola, USGS hydrologist, appeared as a hearing witness and described the study activities which included the development of a hydrologic computer model.

11. Much of the hearing testimony by the hydrologic experts Spinazola, Dr. Charles Brockway, Terry Scanlan and Alan Robertson centered on the USGS model. It was described as an equilibrium-condition, steady-state hydrologic model of projected effects in the study area from operation of several groups of wells and from changes in water use practices on the Egin Bench.

12. Spinazola was unable to identify or forecast the time in the future when such condition might be reached. Model documentation was not provided so information on the number of annual cycles of model stresses used to reach equilibrium conditions could not be determined.

13. It was indicated by several witnesses that the USGS had difficulty with model calibration and convergence and that the model did not produce transient-state condition results anticipated by the entities which funded the study activities. As a result, the USGS was forced to use a technique of superposition which was described by Brockway as giving him "concern about the ability of the model to simulate over the full range of stresses." (Tr. p. 34). The model used numerous estimates of ground water withdrawals, ground water underflow across model boundaries, stream flow gains and losses, precipitation and other information.

14. Spinazola testified that the initial transient-state modelling results were not approved by reviewers within the USGS because of the addition of "some amount of stream flow loss to the Henry's Fork." (Tr. p. 106). Regarding the possible need for adding stream flow loss from the Henry's Fork, Spinazola testified as follows:

Maybe I had an error in well pumpage or recharge from tributary underflow or recharge from precipitation and irrigation returns. (Tr. p. 109).

15. Spinazola testified further that he adjusted the stresses in the model with regard to Henry's Fork gains and losses in order to obtain "relatively good correspondence between the measured water levels and the simulated water levels" and that such adjustment was the basis for rejection by USGS reviewers. The hearing record includes this colloquy between the applicant's attorney and witness Spinazola on this subject:

Q Let me see if I can characterize what was going on here. Is it accurate to say that in your transient model runs the model was finding less water recharged into the aquifer than the aquifer itself was telling you it had based on well levels actually measured in the field?

A Yeah, that's right. And I might add too that that doesn't mean that it was gains and losses to the Henry's Fork. That doesn't mean that that was the culprit. But given the method that I used that was my best insight as to where my problem lay. But that didn't mean necessarily that that in actuality was the problem.

Q So in other words you went to the Henry's Fork and just projected greater losses out of the Henry's Fork in order to make the model result add up to with what you actually saw in terms of water table measurements in the aquifer?

A That's right.

Q Okay. And your reviewers didn't like that?

A No, they didn't like that.

Q So what happened next?

A Well, at that point they gave me the option of spending the time to analyze the gain and loss regimen in Henry's Fork in greater detail and try to improve my estimates of what those gains and losses actually were or to step back and rely on the steady state analysis to address the custom runs which we were aware of at that time. We decided to go with the steady state mainly because of the time element involved. (Tr. p. 111-112).

16. The USGS model used information (stresses) from an eleven-year period, 1980-1990. This included an estimate of average annual pumpage from the Larsen "A" wells. However, the USGS erred in the estimate since the Larsen "A" wells have operated only since either 1986 or 1987. The figure developed for the average annual pumpage from these wells was based on the accumulated total pumpage during the five-year period, 1986 through 1990, divided by eleven years. The result, 5,300 acre feet per year (Applicant's Exhibit No. 1), is an under-estimate of the average annual pumpage of the Larsen "A" wells and the model would thus also under estimate any impact from such pumpage. Larsen

provided information (Applicant's Exhibit No. 14) indicating that the average annual pumpage from the Larsen "A" wells is actually about 8,985 acre feet.

17. The Larsen "A" wells have now operated for six or seven years and it is the apparent intention of Larsen to continue to pump these wells in future years if approval for such continued use can be obtained.

18. Pumping of water from wells results in ground water declines. The USGS model projected that at equilibrium conditions, which may occur at some indeterminate future point in time, the decline caused by Larsen "A" well pumping, adjusted by Scanlan for the USGS error in estimation of pumping, may be a maximum of as much as from 1.6 to 4.0 feet in the immediate vicinity of the wells and less than 0.4 foot elsewhere in the study area (Applicant's Exhibit No. 15). This projected decline was described as an average annual condition and seasonal declines resulting from well pumping would be greater.

19. Witness Scanlan estimated the drawdown of water levels caused by the pumping of the Larsen "A" wells using the Theis equation. Assuming a pumping rate for the Larsen "A" wells of 32,500 gallons per minute and an irrigation pumping season of 100 days, expected aquifer drawdown at a distance of one mile from the center of pumping was estimated to be 4.522 feet and 0.558 feet using an assumed aquifer transmissivity (T) value of 2,000,000 gpd/ft and 35,000,000 gpd/ft respectively. (Applicant's Exhibit No. 19).

20. The USGS model estimated changes in the study area water budget (Applicant's Exhibit No. 1) at equilibrium from the pumping of 5,300 acre feet of water per year from the Larsen "A" wells. The changes would include an increase in aquifer recharge

resulting from use of the water for irrigation, an increase in stream losses (Henry's Fork and Snake River), an increase in ground water flow across the southeast study boundary (from Henry's Fork and Snake River area), a decrease in ground water outflow across the southwest study boundary (Snake Plain aquifer), a decrease in artesian flow and a decrease in stream gains.

21. From the USGS model it is not possible to estimate when the hydrologic system of the Mud Lake area would reach equilibrium from the applied pumping stresses. (Tr. p. 174). Equilibrium was defined by Spinazola as "conditions whereby all the components of recharge equal all the components of discharge, and there is no change in storage in the system." (Tr. p. 173).

22. Applicant's Exhibits Nos. 9, 11 and 16 include hydrographs of water levels as measured in wells throughout the area. These hydrographs generally exhibit a downward trend in ground water levels for 1987-1991, the period of the USGS study. The Exhibits also show that the long-term (1954 to 1992) ground water level trend in the Mud Lake study area has been stable.

23. Spinazola used 1980 as a base case for the USGS modelling activity because he considered the aquifer to be in equilibrium at that point despite the fact that there was an estimated 235,000 acre feet of ground water being pumped from the aquifer in 1980. (Tr. p. 142).

24. Besides applicant Larsen and the Larsen "A" wells, there are a number of other users of ground water within the Mud Lake area. These include Larsen's "B" wells,

the irrigation districts and canal companies which also divert waters from Mud Lake and from Camas and Beaver Creeks, the federal and state wildlife refuges, and numerous private individuals. Each of these ground water uses influences the water levels and conditions under which other users are able to obtain a water supply from the aquifer system. The USGS model indicates that, at equilibrium, well pumping and the resulting declines in ground water levels also will affect losses from and gains to interconnected streams in the area.

25. The USGS model indicates that the hydrologic system of the area is impacted by ground water pumping. Operation of various groups of wells, such as the Larsen "A" wells, the Larsen "B" wells, the Mud Lake Canal Company wells, the refuge wells, and the non-party wells, causes changes in the water balance among streamflow gains and losses, artesian outflow, ground water flow across the model boundaries, and recharge from irrigation use. (Applicant's Exhibit No. 1). While the model produced figures attempting to show the extent of such changes at equilibrium, the figures are not considered usable for administrative purposes. They are, however, an indicator of changes which may be taking place in the hydrologic system as a result of well development.

26. The Henry's Fork and the Snake River support important fish and wildlife resource values. Fish and Game introduced several studies (Protestant Fish and Game's Exhibit Nos. 1, 2, 3, 4, 5, 6, and 7) and provided testimony through its witnesses that a reduction in the flow of these streams would be detrimental to those public values and would be contrary to the public interest.

27. Witness Brockway, testifying for the protestants TF&NSCC, indicated that the Mud Lake area was in the "Trust Water" area of the Snake River basin and that pumping of wells in that area probably would not affect the non-trust water area (inflow to the Snake River upstream from Milner Dam). (Tr. p. 216). He also indicated, however, that his understanding of the USGS model studies is that ground water pumping in the Mud Lake area may induce additional recharge into the area from Henry's Fork and the Snake Rivers and that this could result in impacts on water rights. (Tr. p. 217).

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides the following with regard to the responsibility of the Director in connection with applications for transfer of water rights:

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 consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code

2. Section 42-211, Idaho Code, provides as follows with regard to the authority of the Director to approve applications for amendment of permits:

[I]f approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder.

3. Section 42-226, Idaho Code, provides, in part, as follows:

UNREVIEWED

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The traditional policy of the state of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources. Prior appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be established by the director of the department of water resources as herein provided. (Emphasis added).

4. Section 42-237a, Idaho Code, provides, in part, as follows:

In the administration and enforcement of this act and in the effectuation of the policy to conserve its ground water resources, the director of the department of water resources is empowered:

....

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may by summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available.... Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing of the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge....

In connection with his supervision and control of the exercise of ground water rights the director of the department of water resources shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district (Emphasis added).

5. The "declared policy of this act," referenced in Section 42-237a(g), Idaho Code, is designed to protect prior surface and ground water rights, and also includes the policy of providing for "full economic development" of surface and ground water resources as

referenced in Section 42-226, Idaho Code.

6. The ground water resources of the Mud Lake area presently are not administered as part of Water District 01 - Upper Snake River. Some of the wells in the area are administered by the watermaster of Water District 31 - Beaver and Camas Creeks.

7. The conditions under which water is available to Larsen and the other Mud Lake area ground water users is subject to the provisions of Section 42-226, Idaho Code, relating to "reasonable ground water pumping levels."

8. Applications seeking approval of a one-year transfer of existing water rights do not require consideration of long-term effects of the operation of wells to which the rights are sought to be transferred. In this instance, the Director is only required to determine if the 1993 diversion of water from the Larsen "A" wells would result in injury to other water rights, would constitute an enlargement in use of the original rights, is consistent with the conservation of water resources and is in the local public interest.

However, 1993 would be the seventh or eighth year that these wells will have been used if the transfers are approved and it is apparently Larsen's intent to use such wells in future years. The Department of Water Resources should not continue to treat the wells as temporary uses of water but must consider at some point that they are intended as permanent withdrawals of ground water from within the Mud Lake area. Consideration of any temporary use of these wells after 1993 should be treated in the same manner as approval of permanent water rights for the wells.

9. Without the availability of the planned study report with model description

MEMORANDUM DECISION
AND ORDER - Page 15

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and calibration information, the USGS model study is not a useful tool in evaluating short or long-term effects of the operation of the Larsen "A" wells. The USGS model results presented in the hearing provide no quantifiable information on the likely impact of the proposed operation of the Larsen "A" wells pursuant to the proposed transfer and amendment in 1993.

10. Protestants did not present adequate evidence, independent of the USGS model results, to establish injury to their existing water rights or the local public interest.

11. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, will not injure other water rights. Pumping of the Larsen "A" wells will result in drawdown of the aquifer in the vicinity of such wells but the water level will not be lowered beyond the reasonable ground water pumping level for other ground water users as a result of Larsen's 1993 operations:

12. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, will not constitute an enlargement in use of the original water rights.

13. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, is consistent with the conservation of water resources within the state of Idaho.

14. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, is in the local public interest.

ORDER

It is therefore ordered that Larsen's Applications for Transfer of Water Rights and the Application for Amendment of Permit considered in this proceeding are hereby APPROVED, subject to the following conditions:

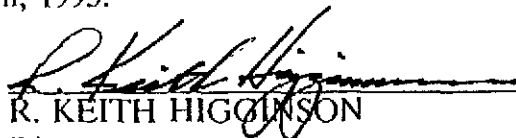
1. No more ground water may be diverted from the wells to which the rights are transferred than the reasonable beneficial requirements of the 4,230.4 acres of lands to be irrigated as shown on Attachment B.

2. The water transferred may be diverted only from the wells on Attachment A and used only on the lands on Attachment B.

3. Approval of these transfers and the amendment are for use during the 1993 irrigation season only and such approval shall not be interpreted as any assurance that the use of the Larsen "A" wells will be permitted for additional years pursuant to temporary water right transfers or on a permanent basis. For future years, Larsen will be required to demonstrate that the impacts on water resources projected by the USGS model will not occur or can be mitigated.

4. Transfer of claimed right No. A35-10948 is REJECTED for the reason that transfer of the claimed right is not necessary to provide sufficient water and acreage to cover the 4,230.4 acres of land proposed to be served.

DATED This 15TH day of April, 1993.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 1993, 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
GIVENS PURSLEY & HUNTLEY
277 North 6th Street
P.O. Box 2720
Boise, Idaho 83701-2720

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

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
142 - 3rd Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Edward Breiter
6549 South 15 West
Idaho Falls, Idaho 83402

Kent W. Foster
HOLDEN, KIDWELL, HAHN &
CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, Idaho 83405

Barbara Scott-Brier
U.S. Department of Interior
Office of the Solicitor
500 N.E. Multnomah
Portland, Oregon 97232

Don Shenton, Watermaster
Water District 31
P.O. Box 33
Dubois, Idaho 83423



DEBRA L. CLINE
Administrative Secretary

1/4	1/4	1/4	Sec	Twp	Rge	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

RECEIVED

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
		9	25			15													#49	75
8N	36E	11							2	5					40	27	27	38		
		12										10	7						#89	156
8N	36E	10				7									38			35		
		11							12	5.3	12	40	36	13					#90	198.3
8N	36E	3										7	7							
		9	5			1.7													#93	181.7
		10		8	6		40	40	31	36										
8N	36E	3			2				33	33	40	40	18	18		4				
		4				5									8				#94	201
8N	36E	3					19	40												
		4																		
9N	36E	33																13	#95	124.7
		34											36	6.7						
9N	36E	33				18									10					
		34							40	20	14.3	39							#96	141.3
9N	36E	34	27	16	37	40									30	19				
		35						8	20			10							#97	207
9N	36E	26											20	38			15			
		35		30	12		40	32	12	22.3									#98	221.3
9N	36E	27									1.6			4	20	27	40	32		
		34	4	8															#99	136.6
9N	36E	26						4	5											
		27	36	34	38	39									4.4	4			#100	164.4
9N	36E	26		8	18		35	20	30	40	9	4.7							#101	164.7

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
9N	36E	25						12	16											
		26	37	10 9	17	40													#102	132.9
9N	36E	25											12							
		26															4	31		
		35	28	3															#103	83
		36						5												
9N	36E	24			3					6	40	14 6	16	39		36	35			
		25		3			6												#104	198.6
9N	36E	24																22.5		
		25	38			5														
	37E	19											19						#105	119.5
		30						33		2										
9N	36E	21				23									31			10		
		22							36	15	17	40	18	3.2					#106	193.2
9N	36E	27					20	39	40	33	8	17								
		28	14			23									2				#107	10
9N	36E	27									7	14	40	36						
		28													2.4			23		
		33	16																#108	199.4
		34					24	37												
9N	36E	33	10 2	37	39	14	12			15									#109	127.2
9N	36E	28					32	32	32	32									#110	128
9N	36E	31			19				5	39	39	5				19			#111	126
10N	36E	33				23.5									40			25		
		34							23			40	25						#112	176.5

ATTACHMENT 2: Places of use after requested change																				
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
8N	36E	3	27	27																
9N	36E	34												7		2.4	39	25	#118	127.4
9N	36E	25									39.5	14	12	36		9	7		#119	117.5
9N	36E	25			30	35									26	23.4			#120	114.4
8N	36E	13						31.4												
		12											31.4						#123	6
																			TOTAL ACRES	4074.4

FILED

[illegible]

MAY 19 1983

5

TOTAL ACRES

156

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO'S	)	
3666, 3667, 3668, 3669, 3670, AND	)	ORDER EXTENDING
3671 ON WATER RIGHT NO.'S 35-2728	)	TEMPORARY APPROVAL
35-2821B/2844/7361/7586/7605/7632,	)	OF TRANSFERS
A35-10948, 36-2074/2121/2122/2124	)	
2127/2190/2193/2194/2300/2632/2727	)	
7015A/7022/7272/7495/7897	)	
	)	

Blaine Larsen, having received approved transfers from the Department of Water Resources in 1989, and having requested that the Department extend the two year approval period, the Director of the Department of Water Resource finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 6, 1989, Blaine Larsen (Larsen) filed transfer applications no's 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 with the Department of Water Resources (department) proposing transfer of water right no.'s 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 water right no.'s 21-7050 and 21-7051.

2. The transfer applications proposed irrigation of 4,594 acres in Jefferson and Clark counties from groundwater and withdrawal from irrigation of 4,894 acres in Bingham, Lincoln, Minidoka, Jefferson and Fremont counties to compensate for the proposed water use.

3. Timely protests against the approval of the applications were filed by various parties. Two days before a scheduled hearing, the protestants withdrew their protests based on a stipulation between the parties. The parties agreed that Blaine Larsen should be allowed to temporarily transfer water rights to his existing places of use pending the completion of a study by United States Geological Survey (USGS). USGS predicted completion of its study in 1991. Blaine Larsen's pending transfers in 1989 were approved for one year. Blaine Larsen subsequently filed other applications for transfer, numbered 3666, 3667, 3668, 3669, 3670, and 3671, proposing transfer of water right no's 35-2728, 35-2821, 35-2844, 35-7361, 35-7586, 35-7605, 35-7632, A35-10948, 36-2074, 36-2121, 36-2122, 36-2124, 36-2127, 36-2190, 36-2193, 36-2194, 36-

111-1-1021

2300, 36-2632, 36-2727, 36-7015A, 36-7022, 36-7272, 36-7495, and 36-7897.

4. The last set of applications for transfer were advertised properly, and the applications were not protested. The department approved the transfers in the spring of 1990 for a period of two irrigation seasons. The transfers authorized the irrigation of 4,075 acres listed on the summary attached, and labeled as Attachment 2.

5. In the spring of 1991, Blaine Larsen filed another application for transfer, numbered 3847, proposing to transfer water right no. 36-2197 for the irrigation of an additional 147 acres in Fremont County. The application was protested by some of the original protestants, but the protests were subsequently withdrawn. The application for transfer was approved for one year.

6. The approved transfer authorized the diversion of 1.47 cfs for irrigation of the following lands:

Township	Range	Section		Acres
08N	37E	32	NE NE	37
08N	37E	32	SE NE	37
08N	37E	32	NE SE	37
08N	37E	32	SE SE	36
			TOTAL	147

7. The transfers expired at the end of the 1991 irrigation season.

8. As the end of the transfer approval period approached, the USGS represented that it would not complete its study prior to the 1992 irrigation season. Larsen negotiated with and received consent from all the original protestants to extend the prior approved transfer for one more year.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-222 sets forth the criteria the department must consider in evaluation of 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 consistent with conservation of water resource within the state of Idaho and is in the local public interest.

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MAY 19 1993

2. All of the criteria listed above were considered in the prior applications for transfer listed above, which were approved by the Department of Water Resources.

3. The petition for renewal of the transfer approval does not propose any change in the points of diversion, places of use, or water rights which were originally approved in 1990. A one year extension of time will not change the Director's original analysis of the criteria of Idaho Code, § 42-222.

4. No additional notice to the public is required. The published notice of the applications described the present water use, and, at the time, the public had an opportunity to contest the applications.

5. The request for an extension of the transfer approval should be granted.

ORDER

IT IS HEREBY ORDERED that applications for transfer no.'s 3666, 3667, 3668, 3669, 3670, and 3671, are REAPPROVED, 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.

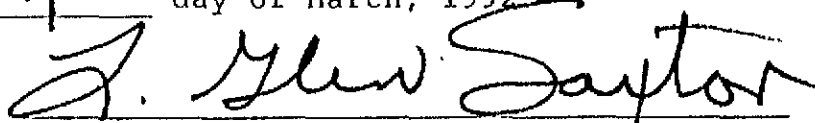
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of all water rights involved in these transfers shall be advance to December 22, 1989.

4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

5. Any change in point of diversion, place of use, period of use, or nature of use, or any change in the water rights transferred to these lands for an additional years will require the filing of a new application of transfer.

Dated this 4th day of March, 1992



L. GLEN SAXTON

Chief, Water Allocation Bureau

REPRODUCED

MAY 19 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 4th day of March
1992, a true and correct copy of the ORDER EXTENDING TEMPORARY
APPROVAL OF TRANSFERS was mailed, postage prepaid to:

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

Michael C. Creamer
Givens, Pursley, Webb, and Huntley
P.O. Box 2720
Boise, ID 83701

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

Barbara Scott-Brier
Fish and Wildlife Service
500 N.E. Multnomah Street
Suite 607
Portland, OR 97232

Steven V. Goddard
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707



Karen L. Gustafson
Secretary/Records Manager

MICROFILMED

MAY 19 1993

**SUMMARY OF
BLAINE TRANSFER APPLICATIONS 1990**

NUMBER	PRIORITY	CFS	ACRES
1. ACEQUIA			
36-2121	12-13-1948	2.44	240
36-2122B	12-24-1948	3.26	263.1
36-2124B	06-07-1951	0.40	20
36-2127B	05-04-1950	2.47	160
36-2190B	02-25-1953	1.20	120
36-2193B	12-23-1950	2.16	160
36-2194	02-19-1951	3.18	240
		=====	=====
TOTAL		15.11	1203.1
2. ANDERSON			
36-2632	01-07-1966	1.94	97
36-7022	04-12-1968	4.64	232
36-7272	11-07-1972	1.50	78.5
36-7897	02-25-1980	2.84	203
36-2300	05-15-1956	3.88	194
		=====	=====
TOTAL		14.80	804.5
3. KERBS			
36-7495		4.58	320
36-2727		5.10	320
		=====	=====
TOTAL		9.68	640
4. MCFARLAND			
35-7015A	02-14-1968	0.94	152.6
36-2074	07-27-1943	0.75*	80*
		=====	=====
TOTAL		0.94	152.6
	* Same land as in 35-7015A		
5. STEWART			
35-2821B	05-02-1960	0.60	30
35-2728	07-09-1963	3.40	170
35-2844	10-17-1966	3.30	165
35-7361	12-26-1973	0.54	27
35-7632	08-05-1976	4.40	264
A35-10948	04-01-1978	0.56	28
		=====	=====
TOTAL		12.80	684
6. TAYLOR			
35-7605	04-28-1976	4.00	200
35-7586	02-23-1976	6.41	391
		=====	=====
		10.41	591
TOTAL			4075.2

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No 4096

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

PART 1

DEC 21 1992

Department of Water Resources

6 TAYLOR (There are two Part 2 forms to this application)

Name of applicant Blaine Larsen, Blaine Larsen Farms, Inc Phone (208) 662-5501
Post 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 crop land owned by the Applicant for the 1993
irrigation season. This is one of six transfers filed contemporaneously as a package. 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>35-07605</u>	<u>4/28/76</u>	<u>4.00 cfs</u>	<u>irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
<u>35-07586</u>	<u>2/23/76</u>	<u>6.41 cfs</u>	<u>irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 10.41 cubic feet per second and/or 2,069 acre feet per annum3. Source of water Groundwater tributary to _____4. Point(s) of Diversion: See Attachment 1 and Remarks on page 2.5. Lands Irrigated or place of use. See Attachment 2 and Remarks on page 2.

Total acres _____

RECEIVED

MAY 19 1993

PART 1

6. General Information:

- a. Description of diversion system Wells and pumps with pivot and lateral irrigation systems
- 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:
- The transfer is identical to the transfers of these rights approved in 1990 and 1992. The points of diversion and places of use after change are contained in Attachments 1 and 2, respectively, which accompany all six transfers in this package.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-7605/7586
And said application is hereby APPROVED, subject to the following limitations and conditions:

see the attached Memorandum Decision and Order.

RECEIVED

MAY 19 1993

Witness my hand this 15th day of April, 19 93.

R. Keith Higginson
R. KEITH HIGGINSON
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. 35-07605 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 for 1993

3. Source of water groundwater tributary to Snake River

4. Date of priority April 28, 1976

5. Water is used for the following purpose:

amount 4.0 cfs for irrigation purposes from April 1 to November 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 4.0 cubic feet per second and/or 700 acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Local name for diversion
		NE	SW	19	4N	35E	Jefferson	

8. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	35E	19			40				40	40									120
4N	35E	24				40									40				80

Total acres 200

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

PART 2

- 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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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MAY 19 1993

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. 35-07586 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 for 1993

3. Source of water groundwater tributary to Snake River**4. Date or priority** February 23, 1976**5. Water is used for the following purpose:**

amount 6.41 cfs for irrigation purposes from April 1 to November 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 6.41 cubic feet per second and/or 1,369 acre-feet per annum**7. Point(s) of Diversion.**

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	19	4N	35E	Jefferson	

8. Lands irrigated or place of use.

Twp	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	35E	19									40	40	40	3B		34			192
4N	35E	24																40	40
4N	35E	30					39	40	40	40									159

MAY 19 1993

Total acres 391**9. Describe any other water rights used for the same purpose as described above**

PART 2

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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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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.

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

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

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

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.

Subscribed and sworn to before me this 17th day of December, 19 92.

Blaine Lorrain
(Signature of Applicant)

Sherrill Rodgers
(Notary Public)

My commission expires 5/15/95

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by SC Date 12/21/92 Protest filed by _____

Prelim. check by Jim G Fee 50⁰⁰ _____

Receipted by SC Date 1/5/93 # C026426 _____

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 _____

RECORDED

MAY 19 1993

ATTACHMENT 1 Point of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

2

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ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
		9	25			15													#49	75
8N	36E	11							2	5					40	27	27	38		
		12										10	7						#89	156
8N	36E	10				7									38			35		
		11							12	5.3	12	40	36	13					#90	198.3
8N	36E	3										7	7							
		9	5			17													#93	181.7
		10		8	6		40	40	31	36										
8N	36E	3			2				33	33	40	40	18	18		4				
		4				5									8				#94	201
8N	36E	3					19	40												
		4	10																	
9N	36E	33																13	#95	124.7
		34											36	6.7						
9N	36E	33				18									10					
		34							40	20	14.3	39							#96	141.3
9N	36E	34	27	16	37	40									30	19				
		35						8	20			10							#97	207
9N	36E	26											20	38			15			
		35		30	12		40	32	12	22.3									#98	221.3
9N	36E	27									16			4	20	27	40	32		
		34	4	8															#99	136.6
9N	36E	26						4	5											
		27	36	34	38	39									4.4	4			#100	164.4
9N	36E	26		8	18		35	20	30	40	9	4.7							#101	164.7

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MAY 19 1993

ATTACHMENT 2 Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
9N	36E	25						12	16											
		26	37	10 9	17	40													#102	132.9
9N	36E	25											12							
		26															4	31		
		35	28	3															#103	83
		36						5												
9N	36E	24			3					6	40	14.6	16	39		36	35			
		25		3			6												#104	198.6
9N	36E	24																22.5		
		25	38			5														
	37E	19											19						#105	119.5
		30						33		2										
9N	36E	21				23									31			10		
		22							36	15	17	40	18	3.2					#106	193.2
9N	36E	27					20	39	40	33	8	17								
		28	14			23									2				#107	196
9N	36E	27									7	14	40	36						
		28													2.4			23		
		33	16																#108	199.4
		34					24	37												
9N	36E	33	10.2	37	39	14	12			15									#109	127.2
9N	36E	28					32	32	32	32									#110	128
9N	36E	31			19				5	39	39	5				19			#111	126
10N	36E	33				23.5									40			25		
		34							23			40	25						#112	176.5

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[illegible]

SECRET

MAY 19 1993

ATTACHMENT 2. Places of use after requested change

[illegible]

RENEWAL OF LEASE OF WATER RIGHTS FOR 1993

DEC 16 1992

This Renewal, made and entered into on the 16th day of December, 1992, is an addendum to the Lease of Water Rights dated January 25, 1989 (Lease), a copy of which is attached hereto, and executed by and between Gerald Taylor, individually and on behalf of S & T Farms, Lessor, and Blaine Larsen, Larsen of Idaho and Larsen Farms, Lessee.

1. The Lessee and Lessor hereby renew the Lease for a term of one additional year commencing April 1, 1993.

2. In consideration of the mutual covenants herein, and in consideration of Ten Dollars (\$10.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged by the parties hereto, the parties hereby modify the Lease to provide that the Lessee may renew the Lease at Lessee's option on the same terms and on a year-to-year basis for two additional years following the 1993 irrigation season.

3. The parties hereto contemplate the filing of a one-year transfer to the Lessee's property of the places of use and points of diversion of the water rights described in the Lease for the 1993 irrigation season (the "1993 Transfer"), similar to the one-year transfer referenced in the Lease and approved by the Idaho Department of Water Resources on April 19, 1989. This Renewal is completely contingent upon the approval of the 1993 Transfer.

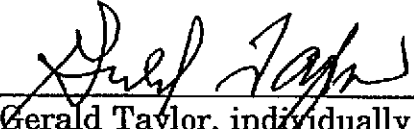
4. The amount of rent to be paid for this Renewal shall be \$10.00 per year per acre of land covered by the licensed portion of the water rights, or \$5,910.00 for the 591 acres. The Lessee shall pay such sums to the Lessor on April 1, 1993 or within 10 days following the approval of the 1993 Transfer, whichever is later.

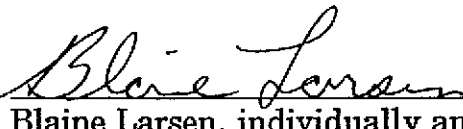
5. All other terms of the Lease not expressly modified herein shall govern the rights and obligations of the parties during the period of this Renewal.

IN WITNESS WHEREOF, the parties executed this Renewal of Lease on the day and year first above written.

LESSOR:

LESSEE:


Gerald Taylor, individually and on
behalf of S & T Farms


Blaine Larsen, individually and on
behalf of Larsen Farms and Larsen of
Idaho

RECEIVED

MAY 19 1993

STATE OF IDAHO)

County of Jefferson) ss.

On this 16th day of Dec October, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

[Signature]
Notary Public for Idaho
Residing at Castlegarden, ID
My commission expires: 8-16-97

STATE OF IDAHO)

County of Jefferson) ss.

On this 16th day of Dec October, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, on behalf of Larsen Farms, and on behalf of Larsen of Idaho, corporations, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of said corporations.

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

[Signature]
Notary Public for Idaho
Residing at Castlegarden, ID
My commission expires: 8-16-97

RECORDED

MAY 19 1993

STATE OF Idaho)
) ss.
County of Mason)

On this 31 day of October, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared GERALD TAYLOR, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Mary McCallock
Notary Public for Taylor Chevrolet
Residing at Boise, Idaho
My commission expires: Jan. 1998

MISSOURI

MAY 19 1993

LEASE OF WATER RIGHTS

ST 34
S&T FARMS and William T. Simmons ("Lessor") hereby leases to BLAINE LARSEN, LARSEN OF IDAHO and LARSEN FARMS ("Lessee") all of Lessor's right, title and interest in and to Water Right Nos. 35-7605 and 35-7586^{W.R.} (collectively, the "water rights"), in exchange for \$15.00 and other good and valuable consideration from Lessee, the receipt of which is hereby acknowledged.

1. Lessor covenants that all lands to which the water rights are appurtenant shall be set-aside from production and shall not be irrigated in 1989 whether or not that land is accepted into the Conservation Reserve Program ("CRP") sponsored by the United States Department of Agriculture.

2. During the term of this Lease, Lessee shall place to beneficial use for irrigation purposes all waters approved for use under the water rights.

3. The term of this Lease shall be one (1) year to commence on April 1, 1989.

4. Lessor covenants and represents that he is the true and lawful owner of the water rights and that these rights have not lapsed, been abandoned or forfeited either in whole or in part. Lessor makes no covenant or representation about the actual quantities of water that the Idaho Department of Water Resources ("Department") may recognize for transfer or diversion under the water rights, regardless of the amount stated in any permit, claim or license.

5. Lessee shall be entitled to file all necessary applications with the Department to transfer the places of use and points of diversion of the water rights on a temporary basis. Lessee shall cooperate in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving the transfer. This Lease is conditioned upon the Department's approval of a transfer of the water rights from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee.

6. Lessor shall not be liable for any damage to Lessee sustained by reason of any action of the Department effecting the shutdown of some or all irrigation operations

by Lessee under the leased water rights to protect the water rights of other appropriators.

7. At the termination of the Lease, Lessee shall be responsible for all actions necessary to transfer the water rights back to such place of use as shall be specified by Lessor.

8. This Lease shall be binding upon the respective heirs, successors and assigns of the Lessor and the Lessee.

DATED this 25 day of Jan., 1989.

LESSOR

William T. Simmons
ES William T. Simmons individually
WTS and on behalf of S&T FARMS

LESSEE

Blaine Larsen
BLAINE LARSEN, individually
and on behalf of LARSEN OF
IDAHO and LARSEN FARMS

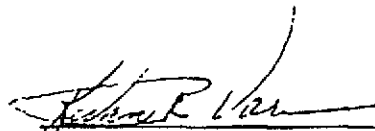
RECORDED

MAY 19 1993

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 4th day of January, 1989, before me, the undersigned, a Notary Public, in and for said State, personally appeared Blaine Larsen, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

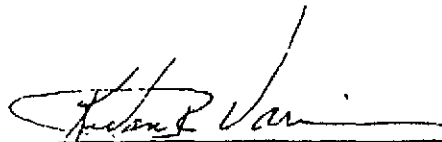
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 3-19-91

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 25th day of January, 1989, before me, the undersigned, a Notary Public, in and for said State, personally appeared William T. Simmons, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 3-19-91

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MAY 19 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO'S	)	
3666, 3667, 3668, 3669, 3670, AND	)	ORDER EXTENDING
3671 ON WATER RIGHT NO.'S 35-2728	)	TEMPORARY APPROVAL
35-2821B/2844/7361/7586/7605/7632,	)	OF TRANSFERS
A35-10948, 36-2074/2121/2122/2124	)	
2127/2190/2193/2194/2300/2632/2727	)	
7015A/7022/7272/7495/7897	)	
	)	

Blaine Larsen, having received approved transfers from the Department of Water Resources in 1989, and having requested that the Department extend the two year approval period, the Director of the Department of Water Resource finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 6, 1989, Blaine Larsen (Larsen) filed transfer applications no's 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 with the Department of Water Resources (department) proposing transfer of water right no.'s 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 water right no.'s 21-7050 and 21-7051.

2. The transfer applications proposed irrigation of 4,594 acres in Jefferson and Clark counties from groundwater and withdrawal from irrigation of 4,894 acres in Bingham, Lincoln, Minidoka, Jefferson and Fremont counties to compensate for the proposed water use.

3. Timely protests against the approval of the applications were filed by various parties. Two days before a scheduled hearing, the protestants withdrew their protests based on a stipulation between the parties. The parties agreed that Blaine Larsen should be allowed to temporarily transfer water rights to his existing places of use pending the completion of a study by United States Geological Survey (USGS). USGS predicted completion of its study in 1991. Blaine Larsen's pending transfers in 1989 were approved for one year. Blaine Larsen subsequently filed other applications for transfer, numbered 3666, 3667, 3668, 3669, 3670, and 3671, proposing transfer of water right no's 35-2728, 35-2821, 35-2844, 35-7361, 35-7586, 35-7605, 35-7632, A35-10948, 36-2074, 36-2121, 36-2122, 36-2124, 36-2127, 36-2190, 36-2193, 36-2194, 36-

NOT RECORDED

MAY 19 1993

2300, 36-2632, 36-2727, 36-7015A, 36-7022, 36-7272, 36-7495, and 36-7897.

4. The last set of applications for transfer were advertised properly, and the applications were not protested. The department approved the transfers in the spring of 1990 for a period of two irrigation seasons. The transfers authorized the irrigation of 4,075 acres listed on the summary attached, and labeled as Attachment 2.

5. In the spring of 1991, Blaine Larsen filed another application for transfer, numbered 3847, proposing to transfer water right no. 36-2197 for the irrigation of an additional 147 acres in Fremont County. The application was protested by some of the original protestants, but the protests were subsequently withdrawn. The application for transfer was approved for one year.

6. The approved transfer authorized the diversion of 1.47 cfs for irrigation of the following lands:

Township	Range	Section		Acres
08N	37E	32	NE NE	37
08N	37E	32	SE NE	37
08N	37E	32	NE SE	37
08N	37E	32	SE SE	36
			TOTAL	147

7. The transfers expired at the end of the 1991 irrigation season.

8. As the end of the transfer approval period approached, the USGS represented that it would not complete its study prior to the 1992 irrigation season. Larsen negotiated with and received consent from all the original protestants to extend the prior approved transfer for one more year.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-222 sets forth the criteria the department must consider in evaluation of 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 consistent with conservation of water resource within the state of Idaho and is in the local public interest.

2. All of the criteria listed above were considered in the prior applications for transfer listed above, which were approved by the Department of Water Resources.

3. The petition for renewal of the transfer approval does not propose any change in the points of diversion, places of use, or water rights which were originally approved in 1990. A one year extension of time will not change the Director's original analysis of the criteria of Idaho Code, § 42-222.

4. No additional notice to the public is required. The published notice of the applications described the present water use, and, at the time, the public had an opportunity to contest the applications.

5. The request for an extension of the transfer approval should be granted.

ORDER

IT IS HEREBY ORDERED that applications for transfer no.'s 3666, 3667, 3668, 3669, 3670, and 3671, are REAPPROVED, 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.

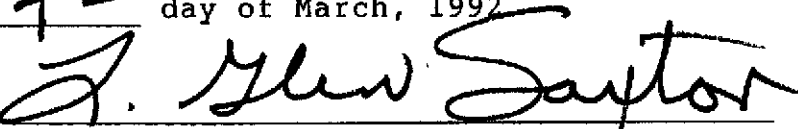
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of all water rights involved in these transfers shall be advance to December 22, 1989.

4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

5. Any change in point of diversion, place of use, period of use, or nature of use, or any change in the water rights transferred to these lands for an additional years will require the filing of a new application of transfer.

Dated this 4th day of March, 1992


L. GLEN SAXTON

Chief, Water Allocation Bureau

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MAY 19 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 4th day of March 1992, a true and correct copy of the ORDER EXTENDING TEMPORARY APPROVAL OF TRANSFERS was mailed, postage prepaid to:

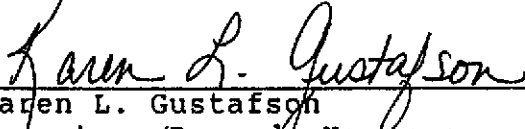
Blaine Larsen
P.O. Box 188
Hamer, ID 83425

Michael C. Creamer
Givens, Pursley, Webb, and Huntley
P.O. Box 2720
Boise, ID 83701

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

Barbara Scott-Brier
Fish and Wildlife Service
500 N.E. Multnomah Street
Suite 607
Portland, OR 97232

Steven V. Goddard
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707



Karen L. Gustafson
Secretary/Records Manager

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MAY 19 1993

**SUMMARY OF
BLAINE TRANSFER APPLICATIONS 1990**

NUMBER	PRIORITY	CFS	ACRES
1. ACEQUIA			
36-2121	12-13-1948	2.44	240
36-2122B	12-24-1948	3.26	263.1
36-2124B	06-07-1951	0.40	20
36-2127B	05-04-1950	2.47	160
36-2190B	02-25-1953	1.20	120
36-2193B	12-23-1950	2.16	160
36-2194	02-19-1951	3.18	240
		=====	=====
TOTAL		15.11	1203.1
2. ANDERSON			
36-2632	01-07-1966	1.94	97
36-7022	04-12-1968	4.64	232
36-7272	11-07-1972	1.50	78.5
36-7897	02-25-1980	2.84	203
36-2300	05-15-1956	3.88	194
		=====	=====
TOTAL		14.80	804.5
3. KERBS			
36-7495		4.58	320
36-2727		5.10	320
		=====	=====
TOTAL		9.68	640
4. MCFARLAND			
35-7015A	02-14-1968	0.94	152.6
36-2074	07-27-1943	0.75*	80*
		=====	=====
TOTAL		0.94	152.6
	* Same land as in 35-7015A		
5. STEWART			
35-2821B	05-02-1960	0.60	30
35-2728	07-09-1963	3.40	170
35-2844	10-17-1966	3.30	165
35-7361	12-26-1973	0.54	27
35-7632	08-05-1976	4.40	264
A35-10948	04-01-1978	0.56	28
		=====	=====
TOTAL		12.80	684
6. TAYLOR			
35-7605	04-28-1976	4.00	200
35-7586	02-23-1976	6.41	391
		=====	=====
TOTAL		10.41	591
			4075.2

MAY 19 1993

The approved transfer under this sheet is valid for the irrigation seasons of 1990 and 1991 only.

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MAR 21 1990

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3667

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

6. Taylor (there are 2 Part 2s)

Name of applicant Blaine Larsen Phone 208/662-5501Post 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 the 1990 and 1991 irrigation seasons. This is one of six transfers filed contemporaneously as a package. 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>35-07605</u>	<u>4-28-76</u>	<u>4.0 cfs</u>	<u>irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
<u>35-07586</u>	<u>2-23-76</u>	<u>6.41 cfs</u>	<u>irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 10.41 cubic feet per second and/or 2,069 acre-feet per annum.3. Source of water groundwater tributary to Snake River4. Point(s) of Diversion: See Attachment 1 and Remarks on page 2.

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

5. Lands irrigated or place of use: See Attachment 2 and Remarks on page 2.

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	

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MAR 21 1990

DEC 22 1989

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:

That land will be set aside from production and will not be irrigated in 1990 and 1991.

d. Remarks:

This transfer is identical to the one-year transfer of the same water rights approved on April 19, 1989, except this is for two years. The points of diversion and places of use after change are contained in Attachments 1 and 2, respectively, which accompany all six transfers in this package**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 35-7586/7605And said application is hereby APPROVED, subject to the following limitations and conditions:SEE ATTACHED CONDITIONS OF APPROVAL.**MICROFILMED**

MAR 21 1990

Witness my hand this

19th

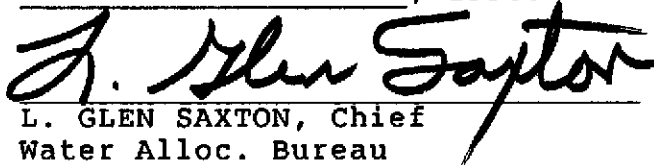
day of

March, 19 90J. Glen Sayton
Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL
of Transfer Nos. 3666, 3667, 3668, 3669, 3670 & 3671
on Water Right Nos. 35-2728/2821~~2~~/2844/7361/
7586/7605/7632, A35-10948~~6~~, 36-2074/2121/2122/2124/
2127/2190/2193/2194/2300/2632/2727/7015A/
7022/7272/7495/7897

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 two (2) years. On November 1, 1991, 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 all water rights involved in these transfers shall be advanced to December 22, 1989.
4. The place of use is limited to the 4074.4 acres listed on Attachment 2.

Dated this 19th day of March, 1990.


L. GLEN SAXTON, Chief
Water Alloc. Bureau

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MAR 21 1990

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. 35-07605 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: Renewal of lease of water
☐ Tax Notice ☐ Warranty Deed ☒ Other rights for 1990, 1991 & 1992

3. Source of water groundwater tributary to Snake River

4. Date or priority April 28, 1976

5. Water is used for the following purpose:

amount 4.0 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 4.0 cubic feet per second and/or 700 acre-feet per annum

7 Point(s) of Diversion.

Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Local name for diversion
		NE	SW	19	4N.	35E	Jefferson	

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	
4N	35E	19			40				40	40									120
4N	35E	24				40								40					80

Total acres 200

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

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. 35-07586 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. Renewal of lease of water
☐ Tax Notice ☐ Warranty Deed ☒ Other rights for 1990, 1991 & 1992

3. Source of water groundwater tributary to Snake River

4 Date or priority February 23, 1976

5. Water is used for the following purpose

amount 6.41 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 6.41 cubic feet per second and/or 1,369 acre-feet per annum

7 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge.	County	Local name for diversion
		NE	SW	19	4N.	35E	Jefferson	

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	
4N	35E	19									40	40	40	38		34			192
4N	35E	24																40	40
4N	35E	30					39	40	40	40									159

Total acres 391

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

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

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

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

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

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

Blaine Loran

(Signature of Applicant)

Subscribed and sworn to before me this 18 day of December, 19 87.

Robert R. Van

(Notary Public)

My commission expires 8-19-91

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ 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 _____

FILED
 MAR 21 1990

ATTACHMENT 1: Points of Diversion after requested change							
1 / 4	1 / 4	1 / 4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

FILED

APR 21 1990

ATTACHMENT			Places of Use After Requested Change																SW				SE1/4 Pump				Acres
Twp.	Rce.	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				SE1/4				Pump	Acres			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4									
7N	35E	4																	35		25						
		9	25			15															#49 75						
8N	36E	11							2	5					40	27	27	38									
		12										10	7								#89 156						
8N	36E	10				7									38			35									
		11							12	53	12	40	36	13							#90 198.3						
8N	36E	3										7	7														
		9	5			17															#93 181.7						
		10		8	6		40	40	31	36																	
8N	36E	3			2				33	33	40	40	18	18			4										
		4				5									8						#94 201						
8N	36E	3					19	40																			
		4	10																								
8N	36E	33																13	#95	124.7							
		34											36	67													
8N	36E	33				18									10												
		34							40	20	14.3	39									#96 141.3						
9N	36E	34	27	16	37	40									30	19											
		35						8	20			10									#97 207						
9N	36E	26											20	38			15										
		35		30	12		40	32	12	22.3											#98 221.3						
9N	36E	27									16				4	20	27	40	32								
		34	4	8																	#99 136.6						
9N	36E	26						4	5																		
		27	36	34	38	39									44	4					#100 164.4						
9N	36E	26		8	18		35	20	30	40	9	47									#101 164.7						
9N	36E	25						12	16																		
		26	37	10.9	17	40															#102 132.9						
9N	36E	25											12														
		26															4	31									
		35	28	3																	#103 83						
		36						5																			
9N	36E	24			3					6	40	14.6	16	39		36	35										
		25		3			6														#104 198.6						
9N	36E	24																22.5									
		25	38			5																					
	37E	19												19							#105 119.5						
		30						33		2																	
9N	36E	21				23									31			10									
		22							36	15	17	40	18	32							#106 193.2						
9N	36E	27					20	39	40	33	8	17															
		28	14			23									2						#107 196						
9N	36E	27									7	14	40	36													
		28													24			23									
		33	16																		#108 139.4						
		34					24	37																			
9N	36E	23	10.2	37	39	14	12			15											#109 127.2						
9N	36E	28					32	32	32	32											#110 123						
9N	36E	31			19				5	33	39	5				19					#111 126						
10N	36E	22				23.5									40	4		25									
		4							23			40	26								#112 176.5						
11N	36E	3	27	27																							
									</																		

[illegible]

FILED

MAR 21 1990

The approved transfer contained under this sheet was valid only
for the 1989 irrigation season.

MICROFILMED

MAR 21 1990

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; Montevue 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 tranferred 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.

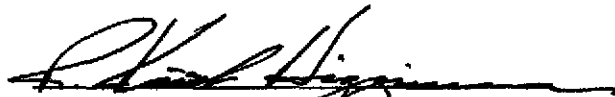
2. The transfers are approved for a period of one year. On November 1, 1989, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

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

RECEIVED

APR 17 1989

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

MICROFILMED

JUL 17 1989

BLAINE LARSEN TRANSFERS 1989
PLACE OF USE
LISTED BY DIVERSION NUMBER

		N E				N W				S W				S E				TOTAL	DIV. NUMBER	DIV. TOTAL
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
6N	35E	31				30.9	30.9	30.9	30.9									123.6	8	
6N	35E	31								30.5	30.5	30.4	30.4					121.8	9	
6N	35E	31	31.7	31.6	31.6	31.6												126.5	10	
6N	35E	31								30.9	30.9	30.9	30.9					123.6	11	
7N	36E	4												35			25	60.0	49	
7N	36E	9	25		15													40.0	49	100.0
8N	36E	11						2	5					40	27	27	38	139.0	89	
8N	36E	12									10	7						17.0	89	156.0
8N	36E	10			7									38			35	80.0	90	
8N	36E	11						12	5.3	12	40	36	13					118.3	90	198.3
8N	36E	3										14						14.0	93	
8N	36E	9	5		1.7													6.7	93	
8N	36E	10		8	6	40	40	31	36									161.0	93	181.7
8N	36E	3			2			33	33	40	40	18	18		4			188.0	94	
8N	36E	4			5									8				13.0	94	201.0
8N	36E	3				19	40											59.0	95	
8N	36E	4	10															10.0	95	
9N	36E	33															13	13.0	95	
9N	36E	34											36	6.7				42.7	95	124.7
9N	36E	33			18									10				28.0	96	
9N	36E	34						40	20	14.3	39							113.3	96	141.3
9N	36E	34	27	16	37	40							30	19				169.0	97	
9N	36E	35					8	20			10							38.0	97	207.0
9N	36E	26										20	38			15		73.0	98	
9N	36E	35		30	12	40	32	12	22.3									148.3	98	221.3
9N	36E	27								1.6			4	20	27	40	32	124.6	99	
9N	36E	34	4	8														12.0	99	136.6
9N	36E	26					4	5										9.0	100	
9N	36E	27	36	34	38	39								4.4	4			155.4	100	164.4
9N	36E	26		8	18	35	20	30	40	9	4.7							164.7	101	
9N	36E	25					12	16										28.0	102	
9N	36E	26	37	10.9	17	40												104.9	102	132.9
9N	36E	25										12						12.0	103	
9N	36E	26														4	31	35.0	103	
9N	36E	35	28	3														31.0	103	
9N	36E	36					5											5.0	103	83.0
9N	36E	24			3				6	40	14.6	16	39		36	35		189.6	104	

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 :	:	:	:	33	2 :	:	:	:	:	:	:	35.0	105 119.5
9N 36E	21 :	:	23 :	:	:	:	:	:	:	:	31	10 :	64.0	106
9N 36E	22 :	:	:	:	36	15 :	17	40	18	3.2 :	:	:	129.2	106 193.2
9N 36E	27 :	:	:	20	39	40	33 :	8	17	:	:	:	157.0	107
9N 36E	28 :	14	:	23 :	:	:	:	:	:	:	2	:	39.0	107 196.0
9N 36E	27 :	:	:	:	:	:	:	7	14	40	36 :	:	97.0	108
9N 36E	28 :	:	:	:	:	:	:	:	:	:	2.4	23 :	25.4	108
9N 36E	33 :	16	:	:	:	:	:	:	:	:	:	:	16.0	108
9N 36E	34 :	:	:	24	37	:	:	:	:	:	:	:	61.0	108 199.4
9N 36E	33 :	10.2	37	39	14 :	12	:	15 :	:	:	:	:	127.2	109
9N 36E	28 :	:	:	:	32	32	32	32 :	:	:	:	:	128.0	110
9N 36E	31 :	:	19	:	:	5	39 :	39	5	:	:	19	126.0	111
10N 36E	33 :	:	23.5 :	:	:	:	:	:	:	40	:	25 :	88.5	112
10N 36E	34 :	:	:	:	23	:	:	40	25	:	:	:	88.0	112 176.5
8N 36E	3 :	27	27	:	:	:	:	:	:	:	:	:	54.0	113
9N 36E	34 :	:	:	:	:	:	:	7 :	2.4	39	25 :	73.4	113 127.4	
9N 36E	25 :	:	:	:	:	39.5	14	12	36 :	9	7	:	117.5	119
9N 36E	25 :	:	30	35 :	:	:	:	:	26	23.4	:	:	114.4	120
8N 36E	13 :	:	:	31.4	:	:	:	:	:	:	:	:	31.4	123
8N 36E	12 :	:	:	:	:	:	31.4	:	:	:	:	:	31.4	123 62.8
													TOTAL	4594.9

MICROFILMED
 JUL 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3503

APPLICATION FOR TRANSFER OF WATER RIGHT JAN 09 1989

PART 1

Taylor Transfer (There are two Part 2s)

Department of Water Resources

Name of applicant Blaine Larsen ... Phone (208) 662-5522

Post 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>35-07605</u> | <u>4/28/76</u> | <u>4.0</u> | <u>irrigation</u> | <u>April 1</u> to <u>November 1</u> |
| <u>35-07586</u> | <u>2/23/76</u> | <u>6.41</u> | <u>irrigation</u> | <u>April 1</u> to <u>November 1</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
2. Total amount of water being transferred 10.41 cubic feet per second and/or 2.069 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

[illegible]

5. Lands irrigated or place of use:

[illegible]

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 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 RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-7605/7586And 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

MICROFILMED

19 89

JUL 17 1989

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. 35-07586 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 February 23, 1976

5. Water is used for the following purpose:

amount 6.41 for irrigation purposes from April 1 to November 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 6.41 cubic feet per second and/or 1,369 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	19	4N	35E	Jefferson	

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	
4N	34E	24															40		40
4N	35E	19									40	40	40	38					192
4N	35E	30					39	40	40	40									159

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JUL 17 1989

Total acres 391

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	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	

MICROFILMED

JUL 17 1989

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. 35-07605 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 April 28, 1976

5. Water is used for the following purpose:

amount 4.0 for irrigation purposes from April 1 to November 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 4.0 cubic feet per second and/or 700 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	19	4N	35E	Jefferson	

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	
4N	35E	19			40				40	40									120
4N	34E	24				40								40					80

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JUL 17 1989

Total acres 200

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	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	

MICROFILMED

JUL 17 1989

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.

The form consists of a large grid of dashed lines, intended for drawing a map. In the bottom right corner of the grid, there is a rectangular stamp that reads "MICROFILMED" in bold, uppercase letters. Below this stamp, the date "JUL 17 1989" is stamped in a smaller font.

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.

Blaine Lorse

(Signature of Applicant)

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

(Notary Public)

My commission expires 9/26/94**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$50.00Receipted by CP Date 1/10/89 C004992

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

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

Copy of transfer sent to lien holder _____

JUL 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder S & T Farms
Post office address P.O. Box 155, Rexburg, Idaho 83440

2. The right was obtained or is evidenced by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree _____

b. License No. 35-7605 issued by the Department of Water Resources.

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

3. Source of water Groundwater tributary to _____
(Name of stream or source)

4. Date of priority of right April 28, 1976

5. Amount of water a. 4.0 c.f.s. and/or

b. 700.0 acre feet/annum

6. Water is used for Irrigation from April 1 to November 1

from _____ to _____

from _____ to _____

(Purpose)

(Month-Day)

(Month-Day)

7. Location of point of diversion is NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19

Township 4N, Range 35E, B.M., in Jefferson County;

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

Twp.	Rge.	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 $\frac{1}{4}$	
4N	35E	19			40				40	40									120
4N	34E	24				40									40				80

MICROFILMED
JUN 16 1988

Total number of acres irrigated 200

9. Give last date when water was applied to beneficial use September 1987
Length of extension of time requested 5 years, or until 1997
(Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use I am entering into the CRP program for the next five years, after which time I would like my water rights extended for five years.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 16 day of December, 19 87.

[Signature]
(Notary Public)

My commission expires 6-20-92

Residing at Refring, Id

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Beneficial use of water under this right shall resume on or before November 1, 1998.

Witness my hand this 31st day of May, 19 88.

[Signature]
Chief, Operations Bureau

RECEIVED

JUN 16 1988

CW 11-25-87 (State Office)
CW 12-11-87
For Department Use Only
Received by da Date 12-17-87 Time Preliminary check by KCW
Fee \$ 50.00 Receipted by CW #45729 Date 11-25-87 Publication prepared by
Published in Highly Star da Dates 1-7- + 1-14-87
Publication approved by CW Date 2-18-88 Protests filed by:

Copies of protests forwarded by Hearing held by Date
Recommended for // Approval // Denial by

RECEIVED

NOV 25 1987

IDAHO NOTICE OF-30

EXAMPLE

Water Right No. 35-7605

EXHIBIT 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right
Department of Water Resources

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder S. & T. Farms
Post office address P.O. Box 155 Rexburg, Idaho
2. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____ Fully describe decree _____
 - b. License No. _____ issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water ground water tributary to none
(Name of stream or source)
4. Date of priority of right _____
5. Amount of water a. 4.00 c.f.s. and/or
b. 700.0 acre feet/annum
6. Water is used for Irrigation from April 1 to November 1
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is NE 1/4 SW 1/4 of Section 19
Township 4N, Range 35E, B.M., in Jefferson County;
Additional points of diversion, if any _____

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	
4N	35E	19			40				40	40									120
4N	34E	24			40									40					80

MICROFILMED

JUN 16 1988

Total number of acres irrigated 200

Harold Jones
555-7161

9. Give last date when it was applied to beneficial use _____
 Length of extension of time requested 10 years, or until 1997.
 (Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use _____
I am entering into the CRP program for the next five
years, after which time, I would like my water rights
extended for five years.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

[Signature]
 (Signature of Applicant)

Subscribed and sworn to before me this 24 day of November, 19 87.

[Signature]
 (Notary Public)

My commission expires 9-20-92 Residing at Bozeman, Id

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons.

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

MICROFILMED

JUN 16 1988

(Director)

CW 12-11-87

For Department Use Only

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 50.00 Receipted by CW Date 11/25/87 Publication prepared by _____
 Published in _____ Dates _____
 Publication approved by _____ Date _____ Protests filed by: _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____
 Recommended for // Approval // Denial by _____

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Jefferson ss

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

Notice of Application

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

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

ing been made on Jan. 6, 1988
and the last publication having been made

on Jan. 13, 1988

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

Crystal Foster

Subscribed to and sworn to before me

this 1-15-88
Laverne R. [Signature]
Notary Public.

(SEAL)

My commission expires 5-4-88

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Notice is hereby given that S & T
Farms, Rexburg, Idaho, has filed an ap-
plication for extension of time to avoid
forfeiture of a License No. 35-7605.

The license was issued for 4.0 cfs of
water from a groundwater source with
the point of diversion within the
NE1/4SW1/4, Sec. 19, T. 4N, R. 35E, B.M.,
Jefferson County, for irrigation pur-
poses of 200 acres, with a priority of
April 28, 1976, to be used within the
SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N,
R. 35E, SE1/4NE1/4SE1/4, Sec. 24, T. 4N,
R. 34E, B.M. NE 1/4

Sec. 42-222, Idaho Code provides that
a water right shall be lost and forfeited
and the water revert to the State upon
failure to apply water to beneficial use
for a period of five years. The State may
allow an additional five year period of
non-use without forfeiture upon a show-
ing of reasonable cause. The license
holder has applied for an extension until
1997 while the land is temporarily in the
Federal C.R.P. Program.

Any protest against the granting of
this extension may be filed with the
Idaho Department of Water Resources,
500 [Address] Boise, Idaho, 83725,
Idaho, 83402, on or before January 25,
1988.

J. R. Keith Higginson
Director

needs
re-act

RECEIVED
JAN 19 1988

Department of Water Resources
Eastern District Office

MICROFILMED

JUN 16 1988

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Jefferson ss

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

Notice of Correction

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

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

ing been made on Feb 3, 1988 and the last publication having been made

on Feb 10, 1988

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

Crystal Foster

Subscribed to and sworn to before me
this 2-16-88

Loann Fisher
Notary Public

(SEAL)

My commission expires 1-21-91

NOTICE OF CORRECTION

Notice is hereby given that Application For Extension of Time to Avoid Forfeiture of a Water Right No. 35-7605 in the name of S & T Farms, Rexburg, Idaho, was advertised incorrectly on January 6 and 13, 1988. The place of use was advertised as being within the SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N, R. 35E, SE1/4 NE1/4SE1/4, Sec. 24, T. 4N, R. 34E., B.M.

Whereas, the actual place of use is within the SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N, R. 35E, SE1/4NE1/4, NE1/4SE1/4, Sec. 24, T. 4N, R. 34E. B.M.

Any protest against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before February 22, 1988.

By R. Keith Higginson
Director

Published in The Jefferson Star,
Rigby, Idaho, February 3 and 10, 1988.

MICROFILMED

JUN 16 1988

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FEB 21 1988
Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

AMENDED WATER RIGHT LICENSE AMENDED

License of Water Right No 35-7605 Priority April 28, 1976 Amount 4.00 cfs

THIS IS TO CERTIFY, that Lee Shelton
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No 35-7605 issued pursuant to Application for Permit dated April 28, 1976,
and has submitted proof to the Department of Water Resources on July 23, 1976,
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 6.41 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>4.00</u> cfs and	<u>700.0</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 4.00 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
700.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Twp.
4N, Rge. 35E in the County of Jefferson

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 $\frac{1}{4}$	
4N	35E	19			40				40	40									120
4N	34E	24				40									40				80

Total number of acres irrigated 200

The maximum rate of diversion under this license when combined with License
No. 35-7586 shall not exceed 6.41 cfs.

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23rd day of
DECEMBER, 19 83

Norman C. Young
Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7605 Priority April 28, 1976 Amount 4.00 cfs

THIS IS TO CERTIFY, that LEE SHELTON

of Idaho Falls, Idaho, has complied with the terms and conditions of Permit No. 35-7605 issued pursuant to Application for Permit dated April 28, 1976, and has submitted proof to the Department of Water Resources on July 23, 1976, 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 6.41 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>4.00</u> cfs and	<u>700</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 4.00 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 700 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 4N, Rge. 35E, B.M. in the County of Jefferson

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 $\frac{1}{4}$	
4N	35E	19			40				L.2 40	40									120
		24				40									40				80

Total number of acres irrigated 200

CONDITION:

The maximum rate of diversion under this license when combined with License No. 36-7586 shall not exceed 6.41 cfs.

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 30 day of November, 19 79

Director

Identification No. 35 7605
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 Lee Shelton Phone: 522-8481
post office address Rt. #5, Box 370, Idaho Falls, Idaho 83401
- 2 Source of water supply ground water which is a tributary of _____
- 3 a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19 Township 4N
Range 35E B.M. Jefferson County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4.00 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 4.00 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc. Well, pump, and sprinkler system

- b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c Proposed well diameter is 20 inches; proposed depth of well is 500 feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years
b Estimated construction cost is \$ 50,000.00
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

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

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	35E	19			40				L.2 40	40									120
4N	34E	24				40									40				80

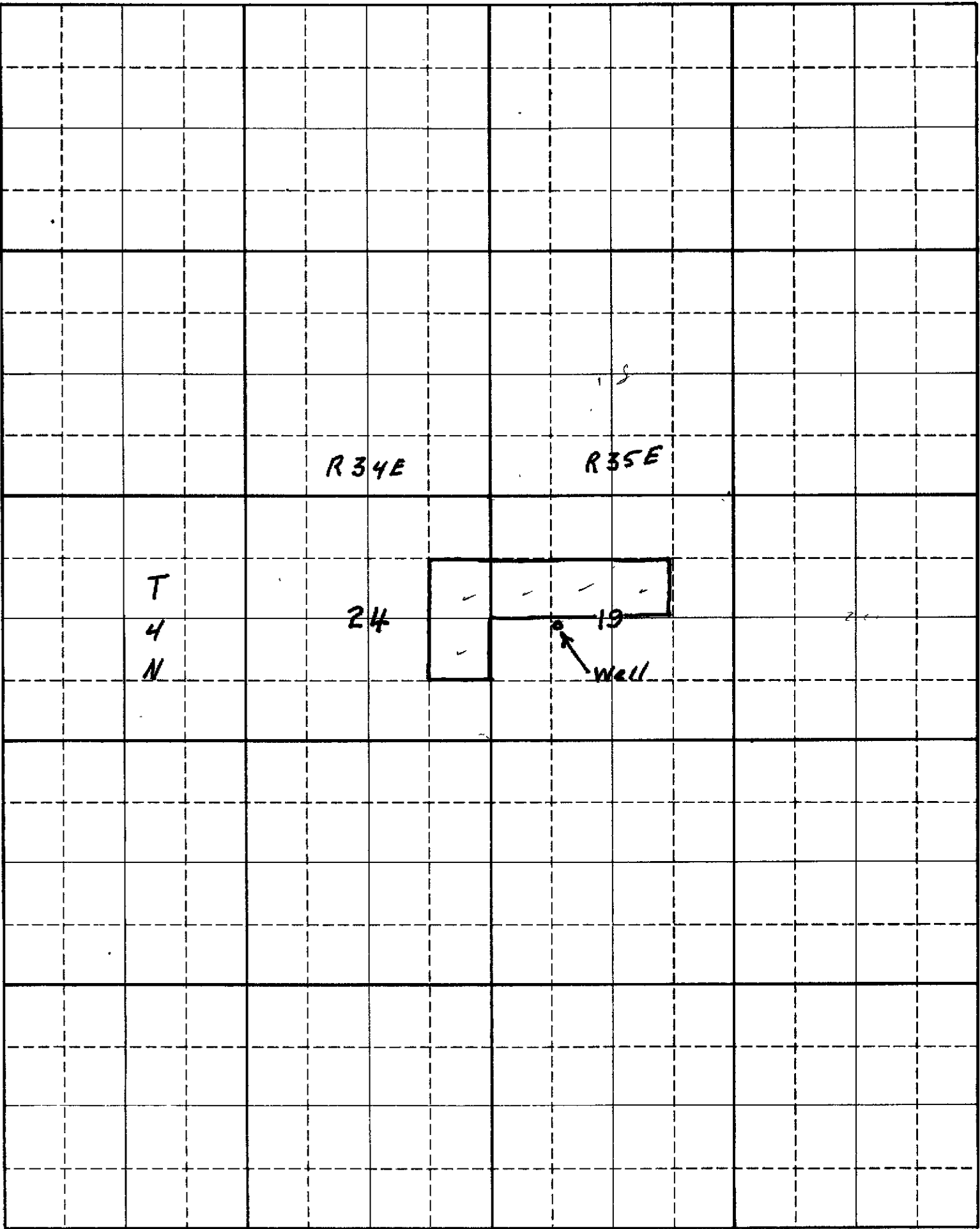
Total number of acres to be irrigated 200

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

- 9 a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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



Scale: 2 inches equal 1 mile

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

Lee Shelton
(Applicant)

Proposed Priority 4-28-76

Received by ew Date 4-28-76 Time 9.45 A.
Preliminary check by LT Fee \$ 55.00
Receipted by ew Date 4-28-76 # 15781
Publication prepared by ew Date 4-28-76
Published in Highway Star
Publication dates May 6 & 13, 1976
Publication approved me Date 5-18-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by RDC DRT

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. 35-7605, and said application is hereby APPROVED.

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

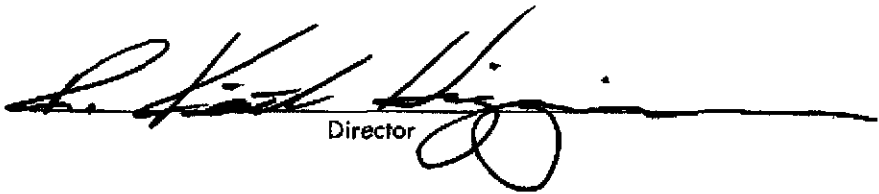
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1981.

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

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

Witness my hand this 28 day of May, 1976.


Director

RECEIPT AND AGREEMENT TO PURCHASE

Idaho Falls, Idaho, January 16, 1976

RECEIVED FROM LEE SHELTON STEVEN E. SHELTON

(hereinafter referred to as Purchaser)

the sum of Two Thousand and no/100 is 2,000.00 Dollars as a deposit and earnest money in part payment of the purchase price of the following described real property situated in County of Jefferson State of Idaho, to wit: ~~NE 1/4, NW 1/4, SE 1/4, SW 1/4~~ and Lots 1 & 2 all in Section 19, Township 1 North, Range 14 E.B.M. and SE 1/4 NE 1/4, NW 1/4 SE 1/4 in Section 24, Township 1 North, Range 34 E.B.M.

Event said financing cannot be obtained, all earnest money shall be refunded. Seller to retain all mineral rights.

The following items are to be left upon the premises as part of the property purchased All irrigation fixtures and equipment, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian blinds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except

Seller to retain all mineral rights.

no personal property

The following personal property is also included as a part of the property to be offered for sale for said price.

It is hereby agreed that the total purchase price is the sum of Sixty-four Thousand and no/100 is 64,000.00 Dollars payable as follows: The sum of Two Thousand and no/100 is 2,000.00 Dollars hereinabove received for and the balance of the purchase price in the sum of Sixty-two Thousand and no/100 is 62,000.00 Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also name of escrow holder) \$14,000 on or before June 1, 1976 and the balance of \$48,000 to be paid in 10 equal annual installments of \$4,800 plus interest at 8%. Said payments to begin May 1, 1977 and on the 1st of May of each year thereafter until paid in full. Purchaser may prepay at anytime without penalty. This offer is expressly made subject to purchaser obtaining financing through Federal Land Bank, and financing is subject to proving water and installing irrigation systems on said property. In the event

It is further agreed: 3. Seller shall at his expense furnish Purchaser on Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except Seller to pay for Title Insurance Policy upon loan closing.

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney.

2. The real property is to be conveyed by Warranty Deed and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to date of possession and Purchaser shall pay all taxes and assessments thereafter. Rents, Insurance and interest on mortgage or contract indebtedness shall be pro-rated to date of possession. Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within five (5) days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase; but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement.

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. Possession shall be delivered Purchaser on or before the first day of May, 1976.

7. Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

Robert Seitz, Inc. Broker, By Dick Stanton, Jr. Agents for Seller

I hereby agree to purchase the above described property and pay the price of Sixty-four Thousand and no/100 is 64,000.00 Dollars as set forth above and grant to said agent five (5) days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.
Address: Route 14 S Box 370
Phone: 822-8481
Lee Shelton
Steven E. Shelton Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of _____ Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this _____ day of _____ 1976

Seller

STATE OF IDAHO, County of _____, ss. On this _____ day of _____ in the year 19____ before me _____, a Notary Public in and for said State, personally appeared _____

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTE: IF ANY BLANK SPACES ARE INSUFFICIENT, USE S-N No. 810 "HANDY PAD" TO BE SEPARATELY SIGNED BY BUYER AND SELLER.

Notary Public for the State of Idaho, Residing at _____, Idaho

PURCHASER'S RECEIPT

RECEIVED

MAY 18 1976

Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO,

County of Jefferson

} ss

Legal Notice

**NOTICE OF APPLICATION
FOR WATER PERMIT**

NOTICE IS HEREBY GIVEN that Lee Shelton, Idaho Falls, Idaho has on 4-28-76 submitted Application No. 35-7805 for a permit to appropriate 4.00 cubic feet per second of water from a ground-water source by means of well and pump within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 4N, R. 35E, B.M., Jefferson County; to be used from April 1 to November 1 for the irrigation of 200 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, T. 4N, R. 35E, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 4N, R. 34E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 24, 1976.

R. Keith Higginson
Director

Publish: May 6 and 13, 1976.

I, Larry D. Anderson, do solemnly swear that I am the Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 6 consecutive issues thereof; first publication having been made on the

Sixth day of May, 19 76

and the last publication on the

Thirteenth day of May, 19 76

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Larry D. Anderson
Publisher

Subscribed in my presence and sworn to before me this fourteenth day of May, 19 76.
[SEAL]

Marion Phillips
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.
My commission expires Jan 15, 1977

Publication Fee: \$ 12.95

MEMORANDUM

TO: File 35-7605
FROM: Sharla
DATE: September 6, 1994
RE: Transfer #4282

An application for transfer which included this right was filed by Blaine Larsen early in 1994. The application was protested and eventually approved, in part. The original transfer application and all documentation associated with the application is located in Right No. 31-07220.

MEMORANDUM

TO: FILE 35-07605

FROM: PAM SKAGGS

RE: TRANSFER # 4096

DATE: 04-27-93

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 35-07586.

RECEIVED

MAY 19 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLAINE LARSEN PO BOX 188 HAMER ID 83425	04/28/1976	IRRIGATION	04-01 11-01	4.00 CFS	
					TOTAL DIVERSION:	4.00 CFS

C BLAINE LARSEN FARMS INC

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07N R36E S04	SE SE		
T08N R36E S03	NW SW		
S10	NE NW		
S11	SW SW	NW SE	
S13	SW NW		
R37E S32	SE NE		
T09N R36E S22	NW SW		
S24	SW SE	SE SE	
S25	SW NE	NE SW	
S26	NW NE	SE NW	
S27	SE NE	SW NW	SW SW SE SE
S28	SE NW		
S31	NW SE		
S33	NW NE		
S34	SE NE	NE NW	SW NW SW SW
S34	SW SE		
S35	NW NE		
T10N R36E S33	NW SE		

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	35E	4				15										35			25		60.0
07N	35E	9	25																		40.0
08N	36E	3	27	27	02		19	40	33	33		40	40	25	18		04				308.0
08N	36E	4	10			05										08					23.0
08N	36E	9	05			01															6.7
08N	36E	10		08	06	07	40	40	31	36						38			35		241.0
08N	36E	11							14	10		12	40	36	13	40	27	27	38		257.3
08N	36E	12											10	38							48.4
08N	36E	13						31													31.4
08N	37E	32	39			39										39			39		156.0
09N	36E	21				23										31			10		64.0
09N	36E	22							36	15		17	40	18	03						129.2
09N	36E	24			03					06		40	14	16	39		36	35	22		212.1
09N	36E	25	38	03	30	40	06	12	16			39	14	12	36	26	32	07			311.9
09N	36E	26	37	18	35	40	35	24	35	40		09	04	20	38			19	31		386.6
09N	36E	27	36	34	38	39	20	39	40	33		16	31	40	40		24	31	40	32	534.0
09N	36E	28	14			23	32	32	32	32						04			23		192.4

Place of use Legal Description for: IRRIGATION

			NE								NW								SW								SE												
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM						
09N	36E	31						19							05		39			39		05							19				126.0						
09N	36E	33		26		37		39		32		12					15									10					13		184.2						
09N	36E	34		31		24		37		40		24		37		40		20		14		39		36		13		30		21		39		25	471.4				
09N	36E	35		28		33		12				40		40		32		22				10											217.3						
09N	36E	36												05																			5.0						
09N	37E	19																					19										19.0						
09N	37E	30												33				02															35.0						
10N	36E	33								23																	40					25		88.5					
10N	36E	34												23							40		25										88.0						
																																TOTAL ACRES				4236.4			

Pou County: JEFFERSON, FREMONT, CLARK

Remarks: This right is authorized under approved Transfer No. 4096 and subject to the conditions of the Memorandum Decision and Order signed 04-15-93 for use in the 1993 irrigation season.

Dates: App. Received: Priority Date: 04/28/1976
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER†
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
STEPHANIE C. WESTERMEIER

† ADMITTED ONLY IN COLORADO
& WASHINGTON, D.C.
* ADMITTED ONLY IN UTAH
& WASHINGTON, D.C.

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

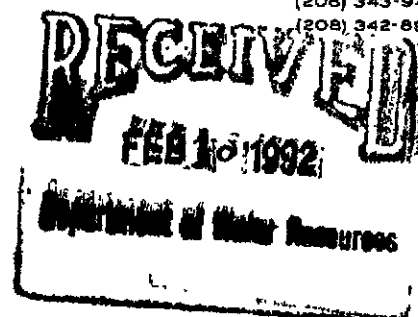
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

JAMES A. MCCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

February 7, 1992



via Hand Delivery

Jim Johnson
Idaho Department of Water Resources
1301 Orchard
Boise, ID 83706

RE: Extension of Temporary Transfers of Blaine Larsen
Our File: 1207-25

Dear Mr. Johnson:

At your instruction, I am submitting this letter on behalf of Blaine Larsen to request that the Department of Water Resources grant an extension of the temporary transfers of groundwater rights that were approved for Blaine Larsen during the 1991 irrigation season. Mr. Larsen proposes to use these same water rights on the same places of use again in 1992. This request includes those water rights that were included in the group transfer application in 1991 and the portion of water right 36-02197, that was approved for temporary transfer as an individual application in 1991. Extension of the 1991 transfer approval through 1992 will not result in any changes from the previous year.

I am enclosing copies of the original lease agreements between Mr. Larsen and the water right lessors, together with copies of the extensions of the same lease agreements for the 1992 irrigation season. Also enclosed, is a copy of an extension of the 1989 Mud Lake Memorandum Agreement, executed by Blaine Larsen, the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game and the eight Mud lake area canal companies together with a stipulation by the same parties. This extension carries the 1989 Agreement forward through the 1992 irrigation season.

MICROFILMED

MAY 19 1993

Jim Johnson
February 7, 1992
Page 2

Based upon my conversation with you, and upon the Director's position at the last U.S.G.S. status meeting regarding the Mud Lake Study, we understand that this request should be directed to the Boise office rather than the Eastern Region, and that the extension of the transfers for one additional year will not require submission of new transfer application forms or publication of notice. This seems appropriate since there will be no change from last year's situation.

Because we are anxious to move forward with this process as quickly as possible, please contact either me or Jeff Fereday immediately if you require additional information. Thank you in advance for your assistance.

Sincerely,



Michael C. Creamer

cc: R. Keith Higginson (w/o encl.)
Blaine Larsen c/o Kevan Varin (w/encl.)
Kent Foster, Esq. (w/encl.)
Barbara Scott-Brier, Esq. (w/encl.)
Stephen Goddard, Esq. (w/encl.)

MICROFILMED
MAY 19 1993

INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 3/8/90

TO File 35-7605

SUBJECT Trans. No. 3667

See file 35-7586 for all correspondence regarding the above referenced transfer.

INDEXED

MAR 21 1990

SIGNATURE

FROM Sharla

DATE 3/8/90

TO Blaine Larsen Transfer Files for 1990/1991

SUBJECT Copies

See file 35-2728 for copies of the advertising and misc. correspondence preceeding the approval of the transfers for the 1990/1991 irrigation seasons.

SIGNATURE

FILED

MAR 21 1990



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,

A handwritten signature in cursive script that reads 'Gary Spackman'.

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



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

June 6, 1988

RE: Water Right No. 35-7605

S & T Farms
Box 155
Rexburg, ID 83440

Dear Water Right Holder(s):

Enclosed is a copy of the approved Application for Extension of Time to Avoid Forfeiture of the above referenced water right. Note that beneficial use of water under this right must resume on or before November 1, 1998.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUN 16 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

January 27, 1988

The Jefferson Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

We are re-submitting a legal notice to be published on February 3, and 10, 1988. This notice was originally published in your paper on January 6, and 13, 1988. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print, we therefore request this be re-advertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any correction, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by February 22, 1988. Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green
Office Secretary

RECEIVED

JUN 16 1988

RECEIVED
MAR 02 1988

Department of Water Resources

NOTICE OF CORRECTION

Notice is hereby given that Application For Extension of Time to Avoid Forfeiture of a Water Right No. 35-7605 in the name of S & T Farms, Rexburg, Idaho, was advertised Incorrectly on January 6 and 13, 1988. The place of use was advertised as being within the SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N, R. 35E, SE1/4 NE1/4SE1/4, Sec. 24, T. 4N, R. 34E., S.M.

Whereas, the actual place of use is within the SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N, R. 35E, SE1/4NE1/4, NE1/4SE1/4, Sec. 24, T. 4N, R. 34E. S.M.

Any protest against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before February 22, 1988.

By R. Keith Higginson
Director

Published in The Jefferson Star,
Rigby, Idaho, February 3 and 10, 1988.

RECORDED

JUN 16 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

December 15, 1987

S & T Farms
P.O. Box 155
Rexburg, Idaho 83440

Dear Sirs:

Enclosed are copies of extension of time forms with items noted in red that needed correction or completion and retyped forms. Please review the forms, complete Item #9 with the last date water was applied to beneficial use, sign in front of a Notary Public, and return to this office on or before December 30, 1987.

Your prompt response will be appreciated.

Sincerely,

A handwritten signature in cursive script, reading "Keith C. Wilson", is written over the typed name.

Keith C. Wilson
Sr. Water Resource Agent

KCW/dg
Enclosure

*Mary @
Taylor Chevrolet
Rexburg
call onle for Receipt #*

MAILED

JUN 16 1988

NOTICE OF CORRECTION

Notice is hereby given that Application For Extension of Time to Avoid Forfeiture of a Water Right No. 35-7605 in the name of S & T Farms, Rexburg, Idaho, was advertised incorrectly on January 6 and 13, 1988. The place of use was advertised as being within the SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N, R. 35E, SE1/4 NE1/4SE1/4, Sec. 24, T. 4N, R. 34E., B.M.

Whereas, the actual place of use is within the SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N, R. 35E, SE1/4NE1/4, NE1/4SE1/4, Sec. 24, T. 4N, R. 34E. B.M.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before February 22, 1988.

R. Keith Higginson

Director

Published February 3 and 10, 1988

MICROFILMED

JUN 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 29, 1987

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 25, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

RECEIVED

JUN 16 1988

NOTICE OF APPLICATION FOR EXTENSION OF TIME
TO AVOID FORFEITURE OF WATER RIGHT

Notice is hereby given that S & T Farms, Rexburg, Idaho, has filed an application for extension of time to avoid forfeiture of a License No. 35-7605.

The license was issued for 4.0 cfs of water from a ground-water source with the point of diversion within the NE1/4SW1/4, Sec. 19, T. 4N, R. 35E, B.M., Jefferson County, for irrigation purposes of 200 acres, with a priority of April 28, 1976, to be used within the SW1/4NE1/4, S1/2NW1/4, Sec. 19, T. 4N, R. 35E, SE1/4NE1/4, NE1/4SE1/4, Sec. 24, T. 4N, R. 34E., B.M.

Sec. 42-222, Idaho Code provides that a water right shall be lost and forfeited and the water revert to the State upon failure to apply water to beneficial use for a period of five years. The State may allow an additional five year period of non-use without forfeiture upon a showing of reasonable cause. The license holder has applied for an extension until 1997 while the land is temporarily in the Federal C.R.P. Program.

Any protest against the granting of this extension may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before January 25, 1988.

R. Keith Higginson
Director

MICROFILMED

JUN 16 1988

Published January 7 & 14, 1988

IDENT. NO. 25-7605

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
D.W.	8/31/83	License update
		G G JUN 11 1984 VERIFIED

DEPARTMENT OF WATER RESOURCES
SEATTLE
BOISE, IDAHO 83720

RECEIVED

JAN 16 1984

Department of Water Resources



"ATTEMPTED - NOT KNOWN"

Lee Shelton
Rt. 4, Box 379
Idaho Falls, ID 83401

resent to
Rt. 5, Box 370
Idaho Falls

Not for Rt 4 Box 379
1/8/84 J.F.
kw

SA
Marked as
Not Known
with Number

35-7605

January 4, 1984

RE: Permit No. 35-7605

Lee Shelton
Rt. 4, Box 379
Idaho Falls, ID 83401

Dear Mr. Shelton:

Enclosed herewith is a copy of your amended Water Right License on the above referenced permit. This license was amended as an error was found on the original in a recent computer update. The legal description for the 80 acres of irrigation was listed as Section 24, Twp 4N, Rge 35E, whereas the range is actually 34E.

Should you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:Sc
Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Idaho 83720

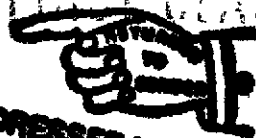
RECEIVED

DEC 26 1979

Department of Water Resources

PRESORTED

FIRST CLASS



ADDRESSEE UNKNOWN

Lee Shelton
Route # 4 Box 379
Idaho Falls, Idaho 83401

Not for Boy 379



DEC 10 1979

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

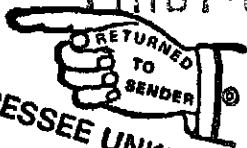
RECEIVED

DEC 26 1979

Department of Water Resources

PRESORTED

FIRST CLASS

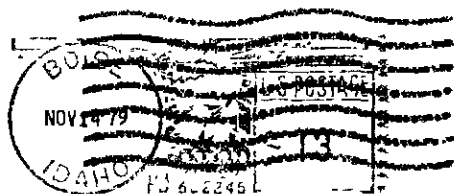


ADDRESSEE UNKNOWN

Lee Shelton
Route #4, Box 379
Idaho Falls, ID 83401

Not for Boy 379

Re-sent to
Route #5, Box 370
I.F. on 1/21/80



MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V EVANS
Governor

C. STEPHEN ALLRED
Director

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

December 7, 1979

Lee Shelton
route # 4 Box 379
Idaho Falls, Idaho 83401

Dear Mr. Shelton,

RE: Permit No. 35-7605

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

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

November 14, 1979

Re: Permit No. 35-7605

Lee Shelton
Route #4, Box 379
Idaho Falls, ID 83401

Dear Mr. Shelton:

A representative of this Department made an examination of the works covered by your Permit No. 35-7605 on June 14, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.00 cfs Source: groundwater

The maximum quantity diverted shall not exceed 700 acre feet per
year.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 4N, Rge. 35E, B.M.

Beneficial use: Irrigation of 200 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Twp. 4N, Rge. 35E, B.M.

Priority date established: April 28, 1976

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,

JAN GROVER
Water Rights Supervisor

Condition: The maximum rate of diversion under
this license when combined with License
No. 36-7586 shall not exceed 6.41 cfs.

JG/kw

FIELD REPORT

Phone 522-8481
AUG 23 1976

Post office address Rt. 5, Box 370, Idaho Falls, ID 83401 Phone 522-8481

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

Amount 4.00 c.f.s. for Irrigation
AF/Annum (nature of use)

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

Amount _____ c.f.s. for _____
 _____ AF/Annum _____ (nature of use)

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

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

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

Other uses: _____

Max Rate of Diversion 4.00 cubic feet per second and annual volume _____ AF/Annum.

Township 4N N/S, Range 35E E/W, B.M., Section 19, Subdivision NE 1/4 SW 1/4 Jefferson

County

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

County

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

Other Points of Diversions: _____

Description of diverting works: 600 hp pump with 250 hp booster; 20" x 615' well

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use

[illegible]

MICROFILMED

TOTAL ACREAGE

200

T
4
N

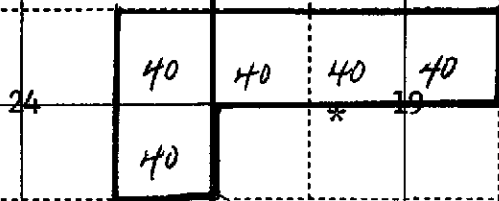
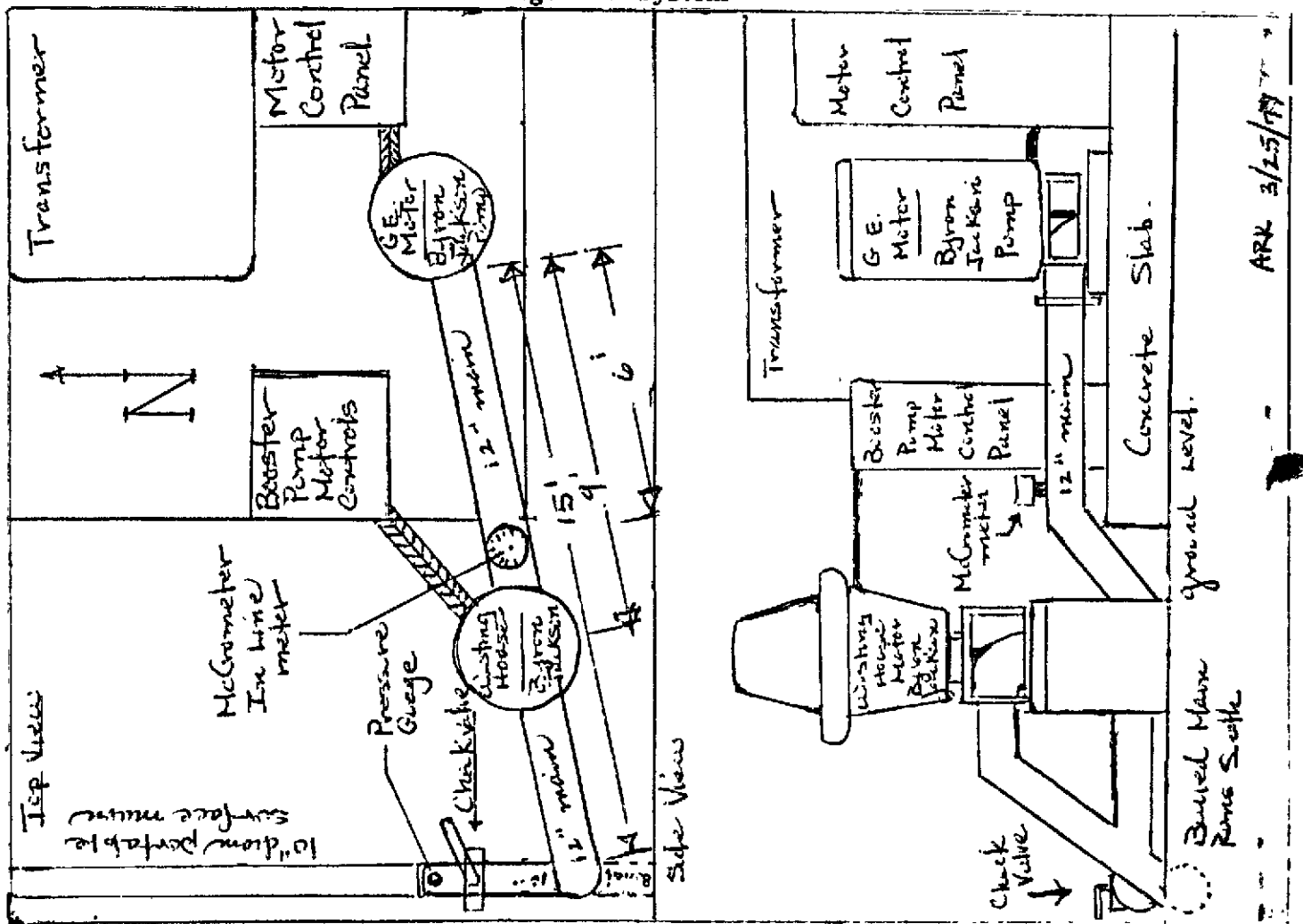


Diagram of System



DATE OF EXAM 6/14/77

ACREAGE
Found 240 ac
Recommended 200 ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 4.00 c.f.s. V = 700 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 6.41 cfs Method of measurement In Line Meter

Total Q recommended 4.00 cfs Meter No. 75-12-120 Type McCrometer Condition good.

Total V recommended 700 AF/yr.

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Measured .01 AF in 68 sec., .01 AF = 435.6 cuft.
 $\therefore 435.6 \div 68 = 6.41 \text{ cfs}$

$V = 200 \times 3.5 = 700 \text{ AF/yr} < 415 \times 1.98 \times 40 = 1705.81 \text{ AF/yr.}$
ARK 6/14/77

SYSTEM DESCRIPTION: There is a General Electric motor, 600 H.P. m/n - 5K6328XC333A 3 phase, S/N - D1J423029 with a Byron Jackson (Borg Warner) vertical pump. S/N - 76150704, 3300 gpm @ 1770 RPM with 525 Hd. Ft. The booster pump motor is a Westinghouse Life Line T, 3 phase, 250 H.P. - S/N - 7604, 1775 RPM, motor style - 680B678090. The booster pump is a Byron Jackson (Borg Warner) Vertical model S/N - 76150705, 3300 gpm @ 1770 RPM with 225 Hd. Ft. There is a McCrometer In-Line meter
REMARKS: # 75-12-120. Lands are irrigated by 22-4" - 1/4 mi long headlines with 5/32" diam nozzles.

System described by field hand. Buried main runs north-south. The south main line is buried. The north main line is a surface, portable 10" diam main. No roads surround the property. Sent letter advising applicant to file on 40ac in NWNE, see #1, as that are

Examiner's Signature Anthony R. Kozlowski Date 3/25/77

Checked by Ernest M. Carlson Date 1-11-78

Approved by _____ Date _____

that are
bank
irrigated
and not
covered
under
this
permit.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

June 15, 1977

Mr. Lee Shelton
Rt. #4, Box 379
Idaho Falls, Idaho 83401

Dear Sir:

During a recent water right field examination I discovered that 40 acres of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 4N, R. 35E, B.M., was being irrigated but not covered under your Permit No. 35-7605.

In order to legally divert water for irrigation on this 40-acre tract you must have a permit to do so. In addition it would be wise to establish a water right to protect your own interests in the future.

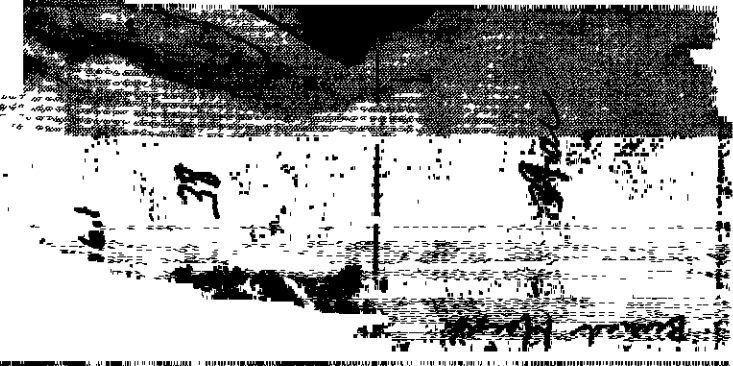
If you have any further questions, contact me at the Department of Water Resources 1515 Lincoln Road, Idaho Falls, Idaho, 83401

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

RECEIVED



4000

4000
4000
4000

4000

4000

4000
4000
4000

"NOT TO SCALE"

NOTICE OF LIENHOLDER'S INTEREST

70 DEPARTMENT OF WATER RESOURCES
1515 Lincoln Road
Idaho Falls, Idaho 83401

Date September 22, 1978
FmHA Loan No. 43-01
Borrower R. Lee Shelton
Amount of Loan \$137,840.00

The above borrower has mortgaged his ranch unit to the Farmers Home Administration as security for a bonafide loan in the amount stated. In our opinion, the loan is for purposes that will further the borrower's operations.

The property mortgaged to the Farmers Home Administration comprises of Approx. 842 acres in Bonneville & Jefferson County, Idaho and is described as follows:

See photo of attached mortgage

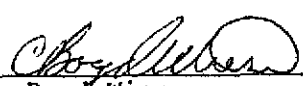
August 2, 1978 - (J)

The mortgage covering these lands was recorded August 4, 1978 - (B) as Instrument No: 193624(J) 546821(B), in the records of Bonneville & Jefferson County, State of Idaho.

The borrower, in consideration for the loan, has pledged his Water Permit No: 35-7260, 35-7586 and 35-7605, which are used in connection with the above described property.

Will you please Note this mortgage in your records and advise of promptly of any action or development that might adversely affect the borrower or the Farmers Home Administration's position as lienholder.

We will notify your office promptly upon satisfaction of lien or termination of the loan.


C. Boyd Wiese
County Supervisor
FARMERS HOME ADMINISTRATION
P.O. Box 1783
Idaho Falls, Idaho 83401

Receipt of the above notice is acknowledged. You will be notified of any action taken by this office which may adversely affect either the interest of the Farmers Home Administration or the Borrower. Please sign and send the copy of this notice to Farmers Home Administration. An envelope is enclosed for your convenience.

Department of Water Resources

DATE: _____

BY _____
TITLE: _____

MICROFILMED

546821 Bonneville
193624 Jefferson

THIS MORTGAGE is made and entered into by R. LEE SHELTON and LOIS SHELTON, husband and wife

residing in Bonneville County, Idaho, whose post office address is
Route 5 Box 370 Idaho Falls, Idaho, 83401,
herein called "Borrower," and:

WHEREAS Borrower is indebted to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government," as evidenced by one or more promissory note(s) or assumption agreement(s), herein called "note," which has been executed by Borrower, is payable to the order of the Government, authorizes acceleration of the entire indebtedness at the option of the Government upon any default by Borrower, and is described as follows.

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
8-2-78	\$137,840.00	3%	8-2-1985
8-2-78	\$116,930.00	8%	8-2-2018

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949:

And it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the note, this instrument shall secure payment of the note; but when the note is held by an insured holder, this instrument shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall constitute an indemnity mortgage to secure the Government against loss under its insurance contract by reason of any default by Borrower.

NOW, THEREFORE, in consideration of the loan(s) and (a) at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the payment of the note, to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein, including any provision for the payment of an insurance or other charge; (b) at all times when the note is held by an insured holder, to secure performance of Borrower's agreement herein to indemnify and save harmless the Government against loss under its insurance contract by reason of any default by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures made by the Government, with interest, as hereinafter described, and the performance of every covenant and agreement of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell, convey, mortgage, and assign unto the Government the following property situated in the State of Idaho,

County(ies) of Jefferson and Bonneville

As per attached Exhibit A.

Subject to: Mortgage given by R. LEE SHELTON and LOIS SHELTON, husband and wife to THE FEDERAL LAND BANK OF SPOKANE, a corporation, Dated April 22, 1974 and Microfilmed as Instrument No. 468325 on September 20, 1974, given to secure the sum of \$95,000.00 and interest and future advances if provided for in the Mortgage, records of Bonneville County, Idaho.

Subject to: Financing Statement with R. LEE SHELTON and LOIS SHELTON, husband and wife as Debtors and THE FEDERAL LAND BANK OF SPOKANE as the Secured Party, filed as Instrument No. 468324 on September 20, 1974, records of Bonneville County, Idaho.

Subject to: Mortgage given by R. LEE SHELTON and LOIS SHELTON, husband and wife to THE FEDERAL LAND BANK OF SPOKANE, a corporation, Dated March 22, 1976 and Microfilmed as Instrument No. 493632 on March 26, 1976, given to secure the sum of \$60,000.00 and interest and future advances if provided for in the Mortgage, records of Bonneville County, Idaho.

EXHIBIT A
Page 1

JEFFERSON COUNTY:

TRACT 1:

Township 4 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho

Section 19: Lots 3 and 4.
E 1/2 SW 1/4.
NW 1/4 SE 1/4.
Section 30: Lot 1.
NE 1/4 NW 1/4.

Township 4 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho

Section 24: SE 1/4 SE 1/4.

TRACT 2:

Township 4 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho

Section 19: Lots 1 and 2.
SE 1/4 NW 1/4.
W 1/2 NE 1/4.

Township 4 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho

Section 24: SE 1/4 NE 1/4.
NE 1/4 SE 1/4.

TRACT 3:

Township 4 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho

Section 30: Lot 2.
SE 1/4 NW 1/4.

BONNEVILLE COUNTY:

Beginning at a point on the Section line S89°29'E 240 feet from the North 1/4 Corner of Section 23, Township 3 North, Range 37 East of the Boise Meridian; thence South 495.5 feet; thence S51°20'E 377 feet; thence S0°42'W 589 feet; thence West along the 16th line 533 feet, more or less to the SW Corner of the NW 1/4 NE 1/4 of said Section 23; thence South along the 1/4 line 3277.5 feet, more or less to the North side of a County Road; thence N85°45'W along the North side of said County Road, 1329 feet; thence N37°55'W 638.5 feet; thence N4°43'W 921 feet; thence North 30°25' East 691 feet; thence North

STATE OF IDAHO
County of Bonneville
I hereby certify that the
instrument was recorded.

8-4-1928 P. 6.00
DEEDY & SONS
Boise, Idaho

546821

EXHIBIT A

Page 2

N47°55'E 669 feet; thence N11°40'E 803 feet; thence N60°10'W 319 feet; thence N17°40'E 525 feet; thence N45°15'E 283.5 feet; thence N45°55'E 220 feet; thence N53°25'E 402 feet to the North line of Section 23; thence N54°09'E 575 feet; thence South 341 feet to the point of beginning.
Being a part of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 of Section 14, Township 3 North, Range 37 East of the Boise Meridian, also part of the NW 1/4 NE 1/4 and the NE 1/4 NW 1/4 and the S 1/2 NW 1/4 and the SW 1/4 of Section 23 above Township and Range.

EXCEPTING THEREFROM: Parcel #26-E-1, Parcel #26-E-2, Parcel #26-E-3, deeded to the State of Idaho. Said above parcels being right of way for Interstate Highway Project No. I-15-3 (3) 117 Highway Survey.

ALSO EXCEPTING THEREFROM: Beginning at a point 400 feet West along the North Right of Way of Payne-Osgood Road from where said road intersects with the West Right of Way of Interstate No. 15; thence North 150 feet; thence West 200 feet; thence South 150 feet to the West right of way of said road; thence East 200 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: that part East of Interstate No. 15.

Together with all water rights appurtenant thereto including but not limited to the following:

1. Water Permit No. 35-7260
2. Water Permit No. 35-7586
3. Water Permit No. 35-7605

Together with all pumps, motors and sprinkler equipment including but not limited to the following:

JEFFERSON COUNTY:

5280' of Buried Mainline (steel)
10 4" x 1360' Handlines
26 10" x 50' Portable Mainlines
26 4" x 1360' Handlines

Pump and Motor: 600 HP, GE No. DLJ 423029

250 HP Westinghouse #7604 and any replacements thereof; all of which are hereby declared to be appurtenant thereto.

BONNEVILLE COUNTY:

14	4" 1/4 mile pipe (leased prop.)	2,000'	12" mainline, buried
5	4" 1/4 mile pipe	1,000'	5" mainline, buried
		1,800'	8" mainline, buried

Pump: Serial No. HJJ829104, 125 HP., and any replacements thereof, all of which are hereby declared to be appurtenant thereto.

Subject to: Financing Statement with R. LEE SHELTON and LOIS SHELTON, husband and wife as Debtors and THE FEDERAL LAND BANK OF SPOKANE, as the Secured Party, filed as Instrument No. 493631, records of Bonneville County, Idaho, on March 26, 1976.

Subject to: Mortgage given by R. LEE SHELTON and LOIS SHELTON, husband and wife to THE FEDERAL LAND BANK OF SPOKANE, A CORPORATION, Dated May 18, 1976 and Microfilmed as Instrument No. 180527 on June 1, 1976 at 9:50 a.m., given to secure the sum of \$327,000.00 and interest and future advances if provided for in the Mortgage, Due May 1996, records of Jefferson County, Idaho.

Subject to: Financing Statement with R. LEE SHELTON and LOIS SHELTON, husband and wife as Debtors and THE FEDERAL LAND BANK OF SPOKANE, a corporation as the Secured Party, filed as No. 11555 on June 1, 1976, records of Jefferson County, Idaho.

RECORDED
JUL 1 1976
JEFFERSON COUNTY
STATE OF IDAHO

1976
Microfilm No. _____
2nd Day August 19 78
At 2:33 O'Clock P.M.
Robert J. Barnes
Jefferson Co. Recorder
Fee \$5.00 kls Deputy
Recorded At request of
OK Jones

together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers, or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein-all of which are herein called "the property".

TO HAVE AND TO HOLD the property unto the Government and its assigns forever in fee simple

BORROWER for himself, his heirs, executors, administrators, successors and assigns WARRANTS THE TITLE to the property to the Government against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and COVENANTS AND AGREES as follows:

(1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all times when the note is held by an insured holder, Borrower shall continue to make payments on the note to the Government, as collection agent for the holder.

(2) To pay to the Government such fees and other charges as may now or hereafter be required by regulations of the Farmers Home Administration.

(3) If required by the Government, to make additional monthly payments of 1/12 of the estimated annual taxes, assessments, insurance premiums and other charges upon the mortgaged premises.

(4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts required herein to be paid by Borrower and not paid by him when due, as well as any costs and expenses for the preservation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear interest at the rate borne by the note which has the highest interest rate.

(5) All advances by the Government as described by this instrument, with interest, shall be immediately due and payable by Borrower to the Government without demand at the place designated in the latest note and shall be secured hereby. No such advance by the Government shall relieve Borrower from breach of his covenant to pay. Any payment made by Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government determines.

(6) To use the loan evidenced by the note solely for purposes authorized by the Government.

(7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government without demand receipts evidencing such payments.

(8) To keep the property insured as required by and under insurance policies approved by, delivered to, and retained by the Government.

(9) To maintain improvements in good repair and make repairs required by the Government; operate the property in a good and husbandmanlike manner; comply with such farm conservation practices and farm and home management plans as the Government from time to time may prescribe, and not to abandon the property, or cause or permit waste, lessening or impairment of the security covered hereby, or, without the written consent of the Government, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(10) To comply with all laws, ordinances, and regulations affecting the property.

(11) To pay or reimburse the Government for expenses reasonably necessary or incidental to the protection of the lien and priority hereof and to the enforcement of or the compliance with the provisions hereof and of the note and any supplementary agreement (whether before or after default), including but not limited to costs of evidence of title to and survey of the property, costs of recording this and other instruments, attorneys' fees, trustees' fees, court costs, and expenses of advertising, selling, and conveying the property.

(12) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the Government. The Government shall have the sole and exclusive rights as mortgagee hereunder, including but not limited to the power to grant consents, partial releases, subordinations, and satisfaction, and no insured holder shall have any right, title or interest in or to the lien or any benefits hereof.

(13) At all reasonable times the Government and its agents may inspect the property to ascertain whether the covenants and agreements contained herein or in any supplementary agreement are being performed.

(14) The Government may extend and defer the maturity of and renew and reamortize the debt evidenced by the note or any indebtedness to the Government secured hereby, release from liability to the Government any party so liable thereon, release portions of the property from and subordinate the lien hereof, and waive any other rights hereunder, without affecting the lien or priority hereof or the liability to the Government of Borrower or any other party for payment of the note or indebtedness secured hereby except as specified by the Government in writing.

(15) If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time, Borrower will upon the Government's request, apply for and accept such loan in sufficient amount to pay the note and any indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(16) Default hereunder shall constitute default under any other real estate, or under any personal property or other security instrument held or insured by the Government and executed or assumed by Borrower, and default under any such other security instrument shall constitute default hereunder.

(17) SHOULD DEFAULT occur in the performance or discharge of any obligation in this instrument or secured by this instrument, or should any one of the parties named as Borrower die or be declared an incompetent, a bankrupt, or an insolvent, or make an assignment for the benefit of creditors, the Government, at its option, with or without notice, may: (a) declare the entire amount unpaid under the note and any indebtedness to the Government hereby secured immediately due and payable, (b) for the account of Borrower incur and pay reasonable expenses for repair or maintenance of and take possession of, operate or rent the property, (c) upon application by it and production of this mortgage, without other evidence and without notice of hearing of said application, have a receiver appointed for the property, with the usual powers of receivers in like cases, (d) foreclose this instrument as provided herein by law, (e) require Borrower to surrender to the Government any and all abstracts of title then owned by Borrower covering all or any part of the property, and (f) enforce any and all other rights and remedies provided herein or by present or future law.

(18) The proceeds of foreclosure sale shall be applied in the following order to the payment of: (a) costs and expenses incident to enforcing or complying with the provisions hereof, (b) any prior liens required by law or a competent court to be so paid, (c) the debt evidenced by the note and all indebtedness to the Government secured hereby, (d) inferior liens of record required by law or a competent court to be so paid, (e) at the Government's option, any other indebtedness of Borrower owing to or insured by the Government, and (f) any balance to Borrower. At foreclosure or other sale of all or any part of the property, the Government and its agents may bid and purchase as a stranger and may pay the Government's share of the purchase price by crediting such amount on any debts of Borrower owing to or insured by the Government in the order prescribed above.

(19) Borrower agrees that the Government will not be bound by any present or future State laws, (a) providing for dation, appraisal, homestead or exemption of the property, (b) prohibiting maintenance of an action for a deficiency judgment or limiting the amount thereof or the time within which such action may be brought, (c) prescribing any other terms or limitations, (d) allowing any right of redemption or possession following any foreclosure sale, or (e) limiting the conditions which the Government may by regulation impose, including the interest rate it may charge, as a condition of approving a transfer of the property to a new Borrower. Borrower expressly waives the benefit of any such State laws. Borrower hereby relinquishes, waives, and conveys all rights, inchoate or consummate, of descent, dower and curtesy.

(20) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if Borrower intends to sell or rent the dwelling and has obtained the Government's consent to do so (a) neither Borrower nor anyone authorized to act for him will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion, sex, or national origin, and (b) Borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive covenants on the dwelling relating to race, color, religion, sex, or national origin.

(21) This instrument shall be subject to the present regulations of the Farmers Home Administration and to its other regulations not inconsistent with the express provisions hereof.

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at the address shown in the Farmers Home Administration Finance Office records (which normally will be the same as the post office address shown above).

(23) **WAIVER: THE BORROWER ACKNOWLEDGES AND AGREES THAT IF HE DEFAULTS A NONJUDICIAL FORECLOSURE SALE OF THE PROPERTY MAY BE CONDUCTED WITHOUT A HEARING OF ANY KIND AND WITHOUT NOTICE BEYOND THE PUBLICATION OF THE NOTICE OF SALE. THE BORROWER HEREBY WAIVES ANY RIGHTS HE MAY HAVE TO ANY SUCH HEARING AND NOTICE. NEVERTHELESS, THE REGULATIONS OF THE FARMERS HOME ADMINISTRATION IN EFFECT AT THE TIME SUCH FORECLOSURE IS STARTED MAY PROVIDE FOR NOTICE AND A MEETING AND THE GOVERNMENT WILL FOLLOW THESE REGULATIONS.**

(24) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(25) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(26) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 2nd day of

August, 19 78.

R. Lee Shelton
R. Lee Shelton

Lois Shelton
Lois Shelton

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Jefferson

ss:

On this 2nd day of August, in the year of 1978, before me the undersigned,

a Notary Public in and for said State, personally appeared R. Lee and Lois Shelton, husband and wife

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged

to me that they executed the same as their free act and deed for the uses, purposes and consideration herein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

NOTARIAL SEAL)

Notary Public, residing at Rigby, Idaho

My commission expires: life

August 20, 1976

Re: Permit No. 35-7605

Lee Shelton
Route 5, Box 370
Idaho Falls, Idaho 83401

Dear Mr. Shelton:

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, however, 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 concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED

JUL 23 1976

okj

Identification No. _____

Permit No. 35-7605

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Lee Shelton
b) Post Office Address Rt. #5, Box 370, Idaho Falls, Idaho 83401
2. Permit Number 35-7605
3. Date of Priority that you are prepared to establish 4-28-76
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NE ¼ SW ¼, Section 19
Township 4N, Range 35E Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
Amount 4.00 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 4.00 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: Snake River Equipment Company

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

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

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 600 HP Pump with 250 HP Booster; 20" x 615' (well size)

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

c) Give well driller's name and address and the date the well was completed: Rocky Mountain Well Drilling, Marcus Frandsen
April 3, 1976

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

Exam typed 8-18-76 by j

MICROFILMED

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

[illegible]

Total number of acres irrigated	200
---------------------------------	-----

10. Remarks:

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

July 23, 1976
(Date)

Lee Shelton
(Signature)

State of Idaho)
) ss.
County of Bonneville)

On this 23 rd day of July, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Loren O. Stalmer
Notary Public residing at Idaho Falls, Idaho

My commission expires March 21, 1979

WELL DRILLER'S REPORT

RECORDED
JUN 3 1976

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well

1. WELL OWNER

Name See. 3. Felton
Address Copied, Idaho
Owner's Permit No. 35-7605

7. WATER LEVEL

Department of Water Resources
Eastern District Office

Static water level 525 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☒ Pump ☐ Bailor ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
20	0	30	clay		X
	30	31	black lava		X
	31	50	red lava		X
	50	105	red & black lava		X
	105	135	red & gray lava		X
	135	175	gray lava		X
	175	195	black lava		X
	195	220	gray lava		X
	220	230	red lava		X
	230	265	gray lava		X
	265	315	red lava		X
	315	352	black lava		X
	352	360	black lava		X
	360	365	red lava		X
	365	380	black lava		X
	380	405	black & gray lava		X
	405	420	red lava		X
	420	440	gray lava		X
	440	445	red lava		X
	445	450	black lava		X
	450	520	red lava		X
	520	535	red lava	X	
	535	538	red lava	X	
	538	539	black lava		X
	539	540	black lava	X	
	540	560	black lava		X
	560	565	red lava		X
	565	570	black lava		X
	570	580	black lava		X
	580	585	no cutting	X	
	585	605	black lava		X
	605	618	soft red sandstone	X	

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

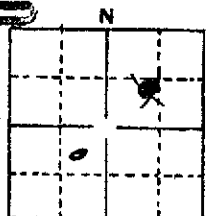
Diameter of hole 20 inches Total depth 618 feet
Casing schedule: ☐ Steel ☐ Concrete
Thickness Diameter From To
.0250 inches 20 inches + 1 feet 30 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet

Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☐ Cement grout
☐ Pudding clay ☒ Well cuttings
Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing
☒ Overbore to seal depth

6. LOCATION OF WELL

Each map location must agree with written location.

Subdivision Name _____
Lot No. _____ Block No. _____
County Jefferson
NE 1/4 Sec. 19 T. 4 N. R. 35 E

10.

Work started Feb 1-76 finished April 1-76

11. DRILLERS CERTIFICATION

Firm Name Rocky Mt. Well Drilling Firm No. 299
Address 323 N. Water, Idaho Falls Date 5-1-76
Signed by (Firm Official) Terrence Tranter
and
(Operator) Marion Tranter

May 28, 1976

Re: Permit No. 35-7605

Lee Shelton
Rt. #5, Box 370
Idaho Falls, ID 83401

Dear Mr. Shelton:

Enclosed is a copy of your approved Application for Permit No. 35-7605 . We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

April 29, 1976

RE: Application for Transfer No. 31-2407 COOK
" " " No. 31-2417 COOK
Application for Permit No. 35-7605 SHELTON

Rigby Star
P.O. Box 37
Rigby, Idaho 83442

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 5-18-76 by lw

RDC:CN

Enc: Legal Notice (3)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lee Shelton,

Idaho Falls, Idaho

has on 4-28-76 submitted Application No. 35-7605

for a permit to appropriate 4.00 cubic feet per second ~~XXXXXX~~

of water from a ground-water source

by means of well and pump

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 4N, R. 35E, B.M., Jefferson County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 200 acres

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, T. 4N, R. 35E, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24,

T. 4N, R. 34E, B.M.

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

May 24, 1976.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho

on May 6 and May 13, 1976

Handwritten signature/initials

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Shelton

☒ 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) alt 4/28/76

In form to receipt

(2) alt 4/28/76

Send Copies to:

Idaho State Health Department
N/A Idaho Fish and Game Department
Bureau of Land Management

(3) alt 4/28/76

Request Special Use Permit from U.S.F.S.
N/A Request Easement from B.L.M.
Request Information from Applicant

(4) alt 4/28/76

In form for advertising

(5) alt 4/28/76

Platted on Map No. T4N, R35E

(6) alt 4/28/76

Located within Water District No. N/A

(7) alt 4/28/76

Critical groundwater area: yes no X

(8) alt 4/28/76

Groundwater levels:

Declining, X Stable, Increasing

(comment) 6nd-H2O Levels, 1974, T5N, R34E, 9BDA1

(9) alt 4/28/76

Other rights on the same place of use None

(10) alt 4/28/76

Comments: None

(11) CW 5-18-76

Affidavit of Publication received (date) May 18, 1976

(12) CW 5-24-76

Final date for protests May 24, 1976

Protests received: yes no X

(13) RDC 5/25/76

All requested information received from agencies or applicant: yes no

(14) 11 11

Action recommended:

☒ Approve

RECEIVED

MAY 18 1976 Deny

4/28/76 Proposed Priority

Department of Water Resources

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 5/25/76

Handwritten signature/initials