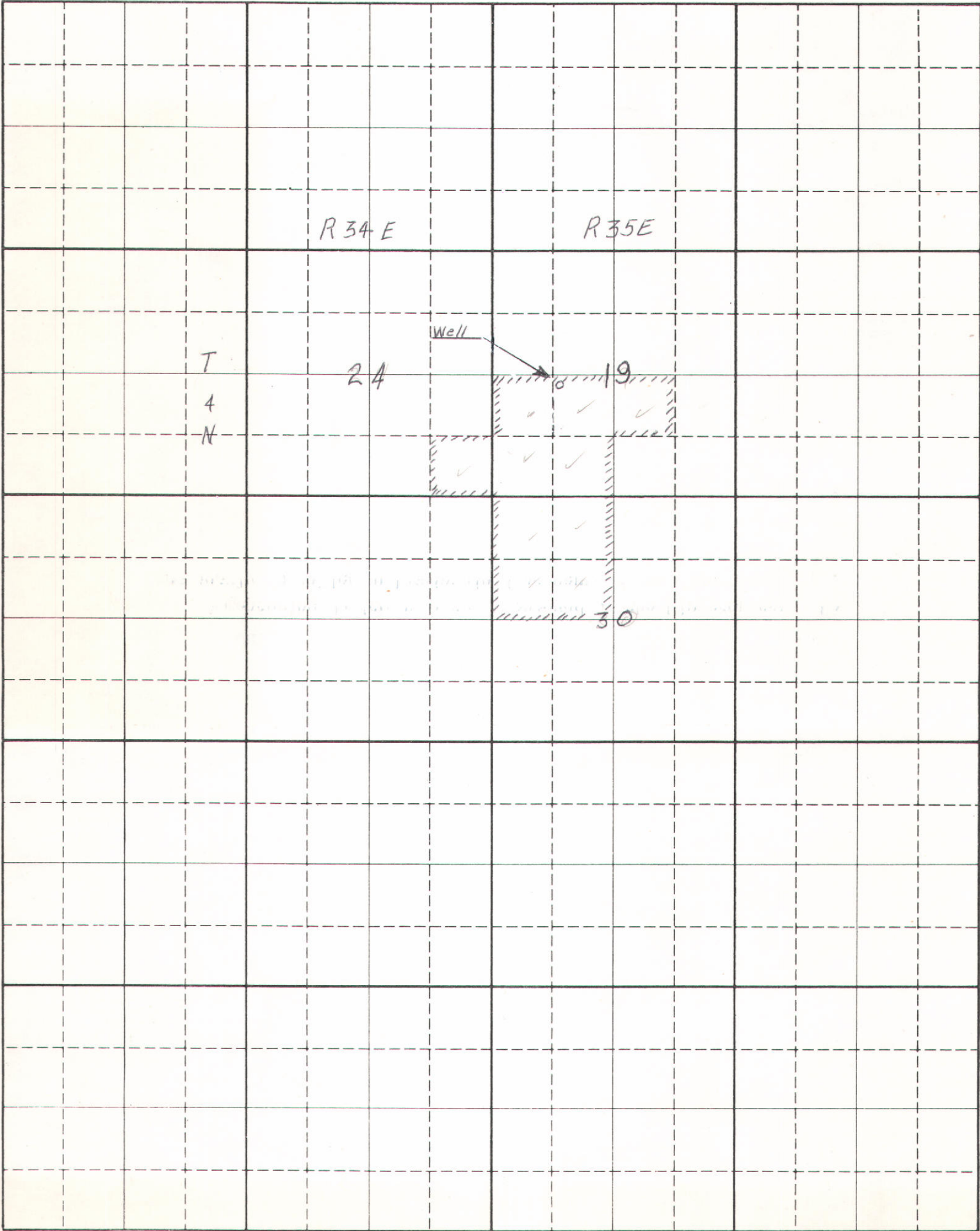


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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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Affidavit of Publication MAR 15 1976

THE RIGBY STAR

Department of Water Resources
Eastern District Office

Legal Notice

NOTICE OF APPLICATION
FOR WATER PERMIT

NOTICE IS HEREBY GIVEN that Lee Shelton, Idaho Falls, Idaho has on 2-23-76 submitted Application No. 35-7586 for a permit to appropriate 8.00 cubic feet per second of water from a ground-water source by means of well and pump within the NE 1/4 SW 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 400 acres within the SW 1/4, NW 1/4 SE 1/4, Sec. 19, NW 1/4, Sec. 30, T. 4N, R. 35E; SE 1/4 SE 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 March 22, 1976.

R. Keith Higginson
Director

Publish: March 4 and 11,
1976.

STATE OF IDAHO,

County of Jefferson

ss

I, Larry D. Anderson, do solemnly swear that I am the General Manager 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

Fourth day of March, 19 76

and the last publication on the

Eleventh day of March, 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

General Manager

Subscribed in my presence and sworn to before me this Eleventh day of March, 19 76.

[SEAL]

Spuriam Phillips

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires not expiring, 19 76

Publication Fee: \$ 12.25

6. TAYLOR

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
3507605	SHELTON	L	GROUNDWATER	04N	34E	24	:	:	:	:	:	:	:	:	40
3507586	SHELTON	L	GROUNDWATER	04N	34E	24	40	:	:	:	40	:	:	:	80
3507605	1986 MAPPING DATA ---	-	COUNTY 51 QUAD X 39 04N 34E 24 2	10	38	:	:	:	:	:	40	10	5	37	142
3507605	SHELTON	L	GROUNDWATER	04N	35E	19	:	:	:	:	:	:	:	:	192
3507586	SHELTON	L	GROUNDWATER	04N	35E	19	40	:	:	:	40	:	:	:	80
3507605	1986 MAPPING DATA ---	-	COUNTY 51 QUAD X 39 04N 35E 19 12 39 37 13	19	:	:	:	:	:	:	40	15	18	8	287

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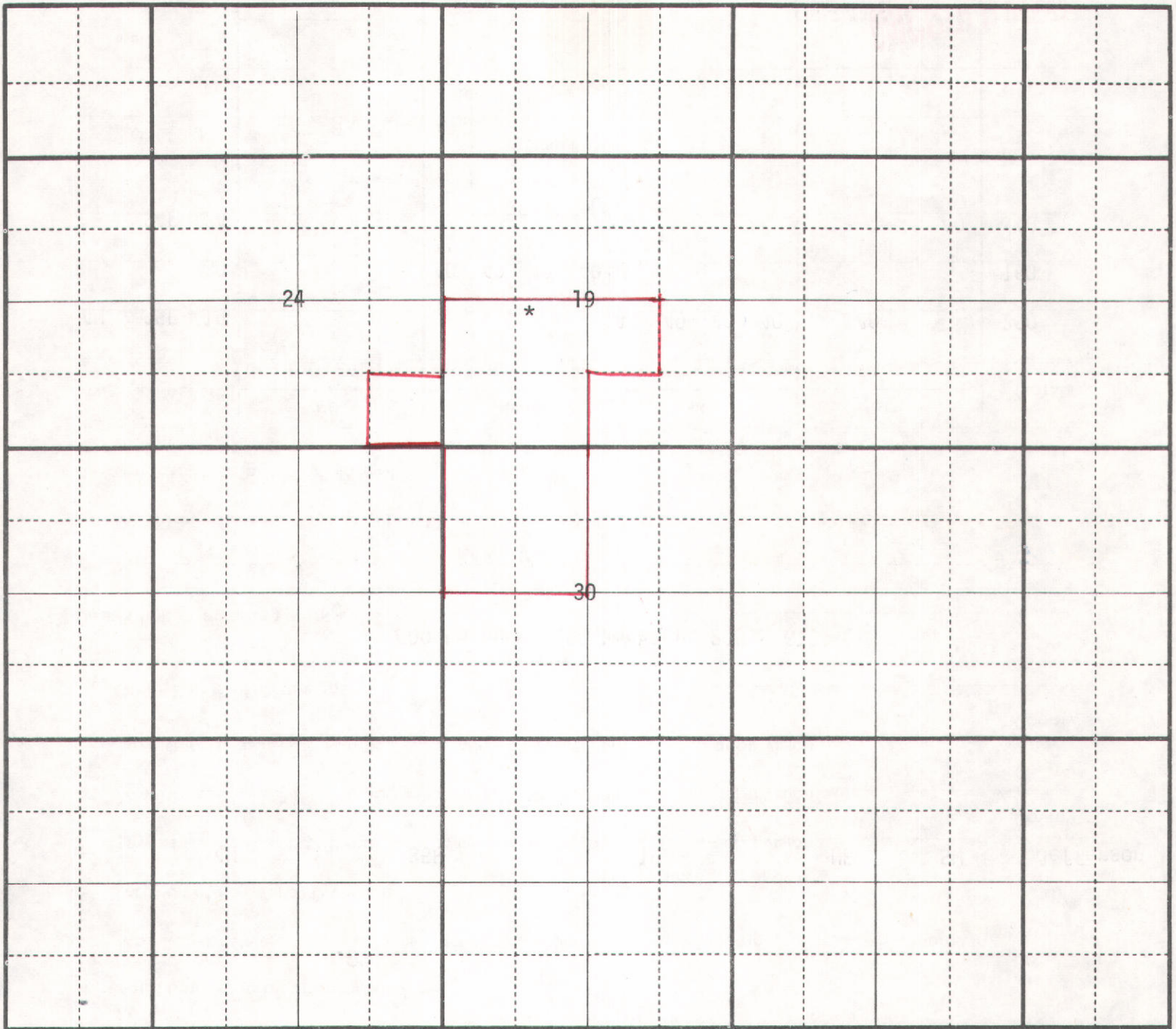
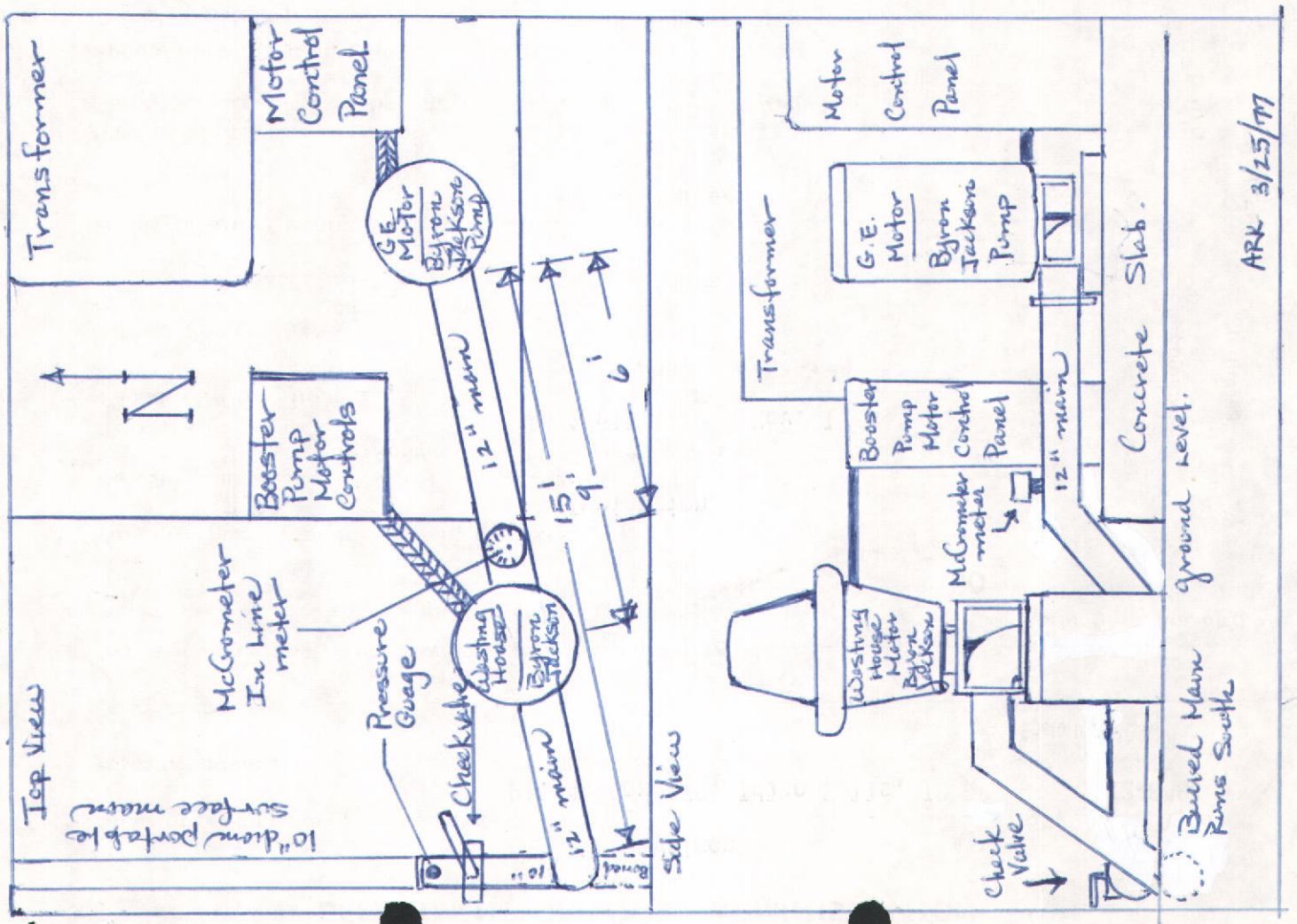


Diagram of System



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
AND ORDER - Page 1

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MAY 19 1993

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.

MEMORANDUM DECISION
AND ORDER - Page 2

RECORDED

MAY 19 1993

2) The record of decision in the Montevue 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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MAY 19 1993

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.

MEMORANDUM DECISION
AND ORDER - Page 4

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MAY 19 1993

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

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Fork and Snake Rivers.

7. TT&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

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MAY 19 1993

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.

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MAY 19 1993

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?

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MAY 19 1993

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.

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MAY 19 1993

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:

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

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.

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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:

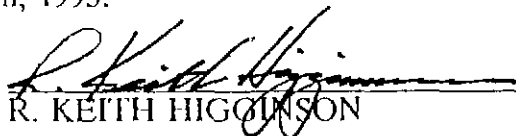
1. No more ground water may be diverted from the wells to which the rights are transferred than the reasonable beneficial requirements of the 4,230.4 acres of lands to be irrigated as shown on Attachment B.

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

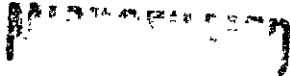
3. Approval of these transfers and the amendment are for use during the 1993 irrigation season only and such approval shall not be interpreted as any assurance that the use of the Larsen "A" wells will be permitted for additional years pursuant to temporary water right transfers or on a permanent basis. 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

MEMORANDUM DECISION
AND ORDER - Page 17


MAY 19 1993

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

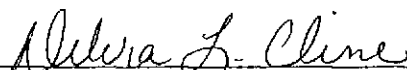
Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
142 - 3rd Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

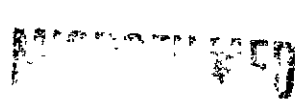
Edward Breiter
6549 South 15 West
Idaho Falls, Idaho 83402

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


MAY 19 1993

ATTACHMENT 1. Pr of Diversion after requested c'

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

100

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
			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		
7N	35E	4																		
8N	36E	9	25			15									35			25		
		11																		
		12																		
8N	36E	10										10	7		40	27	27	38	#49	75
		11				7														
8N	36E	3													38			35	#89	156
		9	5																	
		10				17														
8N	36E	3		8	6		40	40	31	36									#93	181.7
		4			2				33	33	40	40	18	18						
8N	36E	3				5										4				
		4	10				19	40							8				#94	201
9N	36E	33																		
		34																		
9N	36E	33				18							36	6.7				13	#95	124.7
		34																		
9N	36E	34	27	16	37	40			40	20	14.3	39			10					
		35																		
9N	36E	26														30	19		#96	141.3
		35						8	20			10								
9N	36E	27					40	32	12	22.3			20	38			15		#97	201
		34	4	8							1.6									
9N	36E	26																	#98	221.3
		27	36	34	38	39		4	5										#99	136.6
9N	36E	26		8	18		35	20	30	40	9	4.7			4.4	4			#100	164.4
																			#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
			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		
7N	35E	4													35			25		
9N	36E	25						12	16											
9N	36E	26				40													#102	132.9
9N	36E	25											12							
		26																		
		35		28	3														#103	83
		36						5												
9N	36E	24			3					6					40	14.6	16	39		
		25			3														#104	198.6
9N	36E	24																22.5		
		25		33																
	37E	19												19					#105	119.5
		30						33		2										
9N	36E	21				23												10		
		22							36	15	17	40	18						#106	193.2
9N	36E	27					20	39	40	33	8	17								
		28	14			23									2				#107	19
9N	36E	27									7	14	40	36						
		28													24			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					39	39	5				19			#111	126
10N	36E	33				23.5									40			25		
		34							23			40	25						#112	176.5

MAY 19 1993

[illegible]

ATTACHMENT B - Page 4

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-

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.

RECEIVED

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.

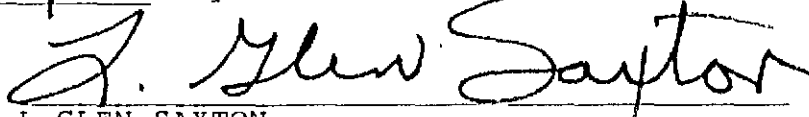
4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

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

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:

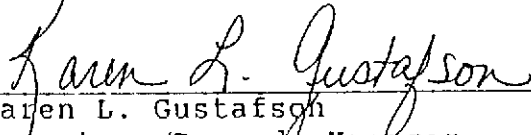
Blaine Larsen
P.O. Box 188
Hamer, ID 83425

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

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

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 c.f.s.</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 c.f.s.</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 _____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 _____

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.

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

R. Keith Higgins
R. KEITH HIGGINSON
Director

MAY 19 1993

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 or 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 40 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	

Lands irrigated or place of use

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

MAY 9 1993

PART 2

Transfer No. _____

- 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	SE 1/4	SW 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	SE 1/4	SW 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	

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	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

MAY 19 1993

- 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	

MAY 19 1993

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.

RECEIVED

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

MAY 19 1993

PART 3**8. 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

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

Blaire Lorse
(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 50.00Received by SC Date 1/5/93 # C026425

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 _____

MAY 19 1993

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

MAY 19 1993

[illegible]

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		
			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	Acres	Pump	Acres
7N	35E	4									35			25			
9N	36E	25						12	16								
		26	37	10.9	17	40											
9N	36E	25											12			#102	132.9
		26															
		35	28	3										4	31	#103	83
		36						5									
9N	36E	24			3					6	40	14.6	16	39			
		25		3			6									#104	198.6
9N	36E	24															
		25	38			5											
	37E	19											19			#105	119.6
		30						33		2							
9N	36E	21				23											
		22															
	36E	27					20	39	40	33	8	17				#106	193.2
		28	14			23										#107	196
9N	36E	27									7	14	40	36			
		28															
		33	16													#108	199.4
		34					24	37									
9N	36E	33	10.2	37	39	14	12									#109	127.2
9N	36E	28					32	32	32	32						#110	128
9N	36E	31			19							19				#111	126
10N	36E	33				23.5								25		#112	176.5
		34							23			40	25				

2

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.

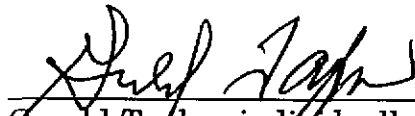
3. The parties hereto contemplate the filing of a one-year transfer to the Lessee's property of the places of use and points of diversion of the water rights described in the Lease for the 1993 irrigation season (the "1993 Transfer"), similar to the one-year transfer referenced in the Lease and approved 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.

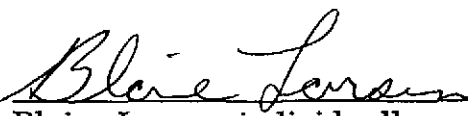
5. All other terms of the Lease not expressly modified herein shall govern the rights and obligations of the parties during the period of this Renewal.

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

LESSOR:


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

LESSEE:

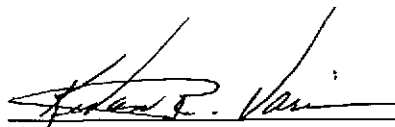

Blaine Larsen, individually and on
behalf of Larsen Farms and Larsen of
Idaho

MAY 19 1993

STATE OF IDAHO)
) ss.
County of Jefferson)

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.

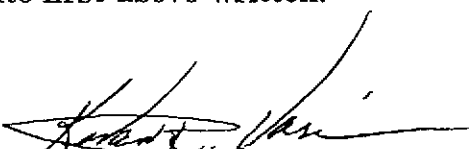
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


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

STATE OF IDAHO)
) ss.
County of Jefferson)

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.


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

RECORDED

MAY 19 1993

STATE OF Idaho)
) ss.
County of Madison)

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.

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

RECEIVED

MAY 19 1993

LEASE OF WATER RIGHTS

J.T. 5/1

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^{water} (collectively, the "water rights"), in exchange for \$15.00^{per acre} 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

MAY 19 1993

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

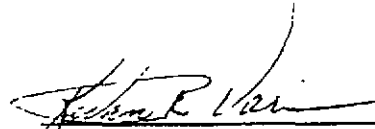
Blaine Larsen
BLAINE LARSEN, individually
and on behalf of LARSEN OF
IDAHO and LARSEN FARMS

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

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-

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.

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.

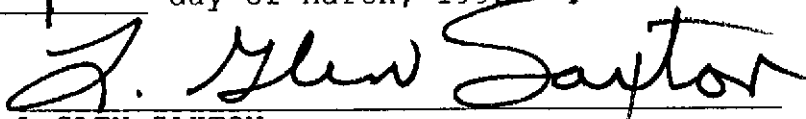
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

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

ORDER EXTENDING APPROVAL OF TEMPORARY TRANSFERS - Page 3

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

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.

MICROFILMED

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 annum3 Source of water groundwater tributary to Snake River4 Point(s) of Diversion: See Attachment 1 and Remarks on page 2.

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

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

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	

Department of Water Resources

Total acres _____

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 35-7586/7605

APPROVED

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

SEE ATTACHED CONDITIONS OF APPROVAL.

RECORDED
MAY 27 1990

Witness my hand this

day of

19th

March

1990

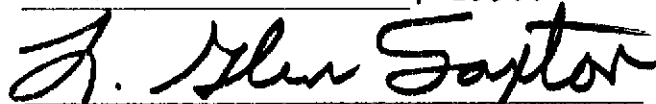
Chief, Water Alloc. Bureau

J. Alan Sawyer

CONDITIONS OF APPROVAL
of Transfer Nos. 3666, 3667, 3668, 3669, 3670 & 3671
on Water Right Nos. 35-2728/2821~~8~~/2844/7361/
7586/7605/7632, A35-10948~~4~~, 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

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 _____

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 _____

2 Point(s) of Divergence:

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

3. Lands irrigated or place of use

[illegible]

Total acres

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

1 amount _____ for _____ purposes from _____ to _____

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

2 Point(s) of Diversion

[illegible]

3 Lands irrigated or place of use

[illegible]

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: 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	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	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 _____

Transfer No.

ON

It yes, describe

RECEIPT OF PORTION OF RIGHT BEING TRANSFERRED

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

2 Point(s) of Diversion:

3 Lands irrigated or place of useTotal acres

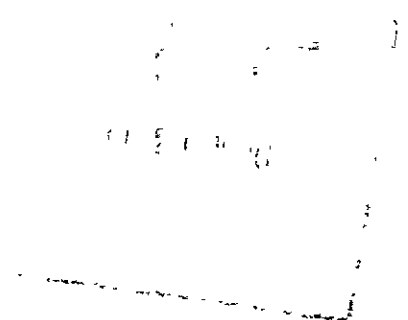
C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

2 Point(s) of Diversion:

3 Lands irrigated or place of useTotal 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.



B. CHANGES IN NATURE OF USE

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use

of the original right The information contained in this application is true to the best of my knowledge

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

(Signature of Applicant)

18 day of December

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires

15-51-8

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____

Prelim check by _____ Fee _____

Received by _____ Date _____

Published in

Pub dates

Watermaster recommendation requested on

_____ rec'd.

Copy of transfer sent to lien holder

OFFICE OF THE ATTORNEY GENERAL

10

RECEIVED
DEC 22 1989
Department of Water Resources

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 that this is for two years.

The points of diversion and places of use after change are contained in
attachments 1 and 2, respectfully, 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. 36-2300/2632/7022/7272/7897

And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED CONDITIONS OF APPROVAL.

Witness my hand this 19th day of March, 19 90

J. Glen Saylor
Chief, Water Alloc. Bureau

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. 36-07022 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

3. Source of water groundwater tributary to Snake River

4. Date or priority April 12, 1968

5. Water is used for the following purpose

amount 4.64 cfs for irrigation purposes from May 1 to Oct. 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

*subject to condition that the maximum rate of diversion shall

6. Total amount of water under right 4.64* cubic feet per second and/or _____ acre-feet per annum
not exceed 5.24 cfs when combined with License 36-02632

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	4	7S.	23E.	Lincoln	

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	
7S.	23E.	4						26	20										46
		5	40	40											40				186

Total acres 232

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. 36-02632 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

3. Source of water groundwater tributary to Snake River

4. Date or priority January 8, 1966

5. Water is used for the following purpose:

amount 1.94 cfs for irrigation purposes from Mar. 15 to Nov. 15
(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 1.94 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge.	County	Local name for diversion
		SE	SW	4	7S.	23E.	Lincoln	

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	
7S.	23E.	4									40	8	9	40					97

RECORDED

MAR 21 1990

Total acres 97

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. 36-07272 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

3 Source of water groundwater tributary to Snake River

4. Date or priority November 7, 1972

5. Water is used for the following purpose:

amount 1.5 cfs for irrigation purposes from Apr. 1 to Oct. 15
(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 1.5 cubic feet per second and/or 314 acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion
		SW	SW	3	9S.	23E.	Minidoka	

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	
9S.	23E.	3											38.5	40					78.5

Total acres 78.5

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

066L 12 MAR

PART 2

(Attach one copy for each right)

RECEIVED

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 36-07897 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 ☒ Renewal of lease of water
☒ Other rights for 1990 & 1991

3. Source of water groundwater tributary to Snake River

4. Date or priority February 25, 1980

5. Water is used for the following purpose

amount 2.84 cfs for irrigation purposes from Mar. 15 to Nov. 15
(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 2.84 cubic feet per second and/or 812 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion
		SE	NE	25	6S.	22E.	Lincoln	

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	
6S.	22E.	5	9	10	10						40	40	40	40	9	5			203

Total acres 203

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. 36-02300 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

3. Source of water groundwater tributary to Snake River

4. Date or priority May 15, 1956

5. Water is used for the following purpose:

amount 3.88 cfs for irrigation purposes from Apr. 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 3.88 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Local name for diversion
		SE	NE	25	6S.	22E	Minidoka	

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	
6S.	22E.	25	30	30	30	39									30	35			194

Total acres 194

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

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 Larsen

(Signature of Applicant)

Subscribed and sworn to before me this 18 day of December, 19 89.

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 _____

REGISTERED

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

RECEIVED

MAR 31 1990

[illegible]

9N	36E	25							39.5	14	12	36		9	7		#119	117.5
9N	36E	25												23.4			#120	114.4
8N	36E	13																
		12									31.4						#123	62.8
																	TOTAL ACRES	4074.4

RENEWAL OF LEASE OF WATER RIGHTS FOR 1990, 1991 AND 1992

This Renewal, made and entered into on this 29th day of December, 1989, 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 three additional years commencing April 1, 1990. The parties waive any restrictions of the Lease which may be interpreted to limit the parties ability to renew the Lease.

2. The parties hereto contemplate the filing of a three-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 irrigation seasons 1990 and 1991 (the "Two-year 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 Two-year Transfer.

3. The parties hereto also contemplate the possible need to file 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 1992 irrigation season (the "1992 Transfer") similar to the one-year transfer referenced in the Lease and approved by the Idaho Department of Water Resources on April 19, 1989. If the Two-year Transfer is approved, this Renewal for the 1992 irrigation season is still contingent on the approval of the 1992 Transfer.

4. The amount of rent to be paid for this Renewal shall be \$10 per year per acre of land covered by the licenced portion of the water rights, or \$5,910.00 for the 591 acres. The Lessee shall pay such sums to the Lessor on the following dates:

(a) \$5,910.00 to be paid on April 1, 1990 or within 10 days following the approval of the Two-year Transfer, which ever is later; and

(b) \$5,910.00 to be paid on April 1, 1991, and

(c) \$5,910.00 to be paid on April 1, 1992 or within 10 days following the approval of the 1992 Transfer, which ever is later.

5. In the event the Lessor's land originally covered by these water rights is removed from the Conservation Reserve Program of the U.S. Department of Agriculture, and notice of such removal is received by the Lessee prior to February 1, 1991, then the Lessor may, at its option, terminate this Renewal for 1991 and/or 1992. In the event notice of such removal is received by the Lessee after February 1, 1991 but before February 1, 1992, the Lessor may, at its option, terminate this Renewal for 1992.

6. 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.

RECORDED

TAYLOR AND LARSEN RENEWAL OF LEASE OF WATER RIGHTS
MAR 21 1990

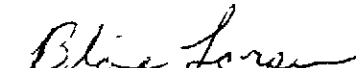
IN WITNESS WHEREOF, the parties executed this Renewal of the Lease on the day and year first above written.

LESSOR:

LESSEE:



Gerald Taylor individually and on behalf of S & T Farms



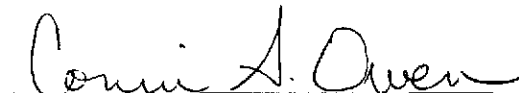
Blaine Larsen, individually and on behalf of Larsen Farms and Larsen of Idaho

STATE OF IDAHO)

County of Jefferson)

On this 29th day of December, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Gerald Taylor, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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 Dubois, Idaho

My commission expires: 11-22-95

STATE OF IDAHO)

County of Jefferson)

On this 29th day of December, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Blaine Larsen, known 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.



Notary Public for Idaho

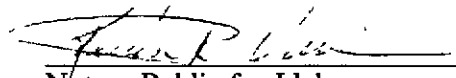
Residing at Idaho Falls, Idaho

My commission expires: 8-19-91

STATE OF IDAHO)
County of Jefferson)

On this 29th day of December, 1989, 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 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.



Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: E 12-91

TAYLOR AND LARSEN RENEWAL OF LEASE OF WATER RIGHTS - 31 DEC 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,)
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 IN THE NAME OF)
BLAINE LARSEN.)

ORDER APPROVING
TRANSFERS

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 proposed a total of 4594 acres in Jefferson and Clark Counties, and the withdrawal from

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JUL 17 1989

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.

RECEIVED
FILMED

APR 17 1989

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.

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JUL 17 1989

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,

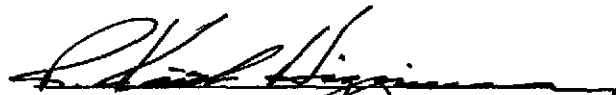
MICROFILMED

JUL 17 1989

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

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JUL 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

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JUL 17 1989

BLAINE LARSEN TRANSFERS 1989
PLACE OF USE
LISTED BY DIVERSION NUMBER

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

JUL 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3503

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Taylor Transfer (There are two Part 2s)

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

A. PURPOSE OF TRANSFER

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

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|----------------|--------------------|-------------------|-------------------------------------|
| <u>35-07605</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> |
| _____ | _____ | _____ | _____ | _____ 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 River
4. Point(s) of Diversion: See Attachment and Remarks on page 2

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

5. Lands irrigated or place of use:

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

Total acres _____

PART 1

6. General Information:

a. Description of diversion system wells and pumps with pivot irrigation system

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

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

Will receive only natural rain fall and snow fall and will not otherwise be irrigated in 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. _____

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

Witness my hand this _____ day of _____, 19 _____

PART 1

6. General Information:

a. Description of diversion system wells and pumps with pivot irrigation system

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

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

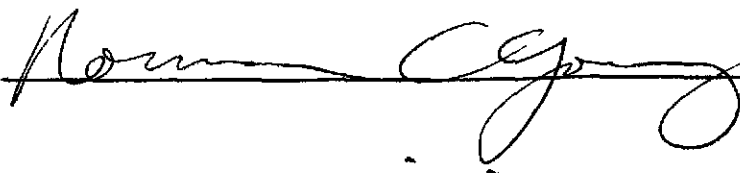
Will receive only natural rain fall and snow fall and will not otherwise
be irrigated in 1989. The land will be set-aside from production under
the Conservation Reserve Program.

d. Remarks:

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESThis is to certify that I have examined Application for Transfer of Water Rights No. 35-7605/7586And said application is hereby APPROVED, subject to the following limitations and conditions:PURSUANT TO ORDER DATED APRIL 19, 1989**RECORDED**

JUL 17 1989

Witness my hand this 19th day of April, 19 89

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07586 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

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	

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) _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

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

amount _____ for _____ purposes from _____ to _____

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

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

RECORDED

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	

Total acres _____

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JUL 17 1989

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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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 Larsen

(Signature of Applicant)

Subscribed and sworn to before me this 13th day of December, 19 88.Hena 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 \$50.00Received by CP Date 1/13/89 C004992

Published in _____ Copies of protest forwarded by _____

Pub dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____

Copy of transfer sent to lien holder _____

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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. 35-7586 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 February 23, 1976
5. Amount of water a. 6.41 c.f.s. and/or
b. 1,369 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	34E	24																40	40
4N	35E	19								40	40	40	38		34				192
		30					39	40	40	40									159

Received by dlg Date 12-17-87 Time 11-25-87 Fee \$ 50.00
Received by dlg Date 11-25-87 (State Office) For Department Use Only
Published in Idaho Star Date 1-19-88 Protests filed by: dlg
Copies of protests forwarded by Hearing held by Date
Recommended for // Approval // Denial by

MICROFILMED

Witness my hand this 27 day of May, 19 88.
J. Alan Saylor
Chief, Operations Bureau

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 July 1, 1998, unless otherwise provided by the Idaho Code.

My commission expires 6-20-92
Residing at Idaho Star
(Notary Public)
Subscribed and sworn to before me this 16 day of December, 19 87.
Paul Nak
(Signature of Applicant)

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.
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.

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Jefferson

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 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 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 consecutive weeks prior to the first publication of the said notice

Crystal Foster

Subscribed to and sworn to before me

this 1-21-88

[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 application for extension of time to avoid forfeiture of a License No. 35-7586.

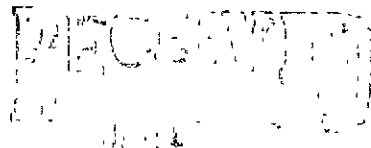
The license was issued for 6.41 cfs of water from a groundwater source with the point of diversion within the NE1/4SW1/4, Sec. 19, T. 4N, R. 35E, B.M., Jefferson County, for irrigation purposes of 391 acres, with a priority of February 23, 1976, to be used within the SE1/4SE1/4, Sec. 24, T. 4N, R. 34E, SW1/4NW1/4SE1/4, Sec. 19, NW1/4, Sec. 30, T. 4N, R. 35E, 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.

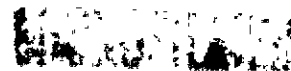
Any protest against the granting of this extension may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before January 25, 1988.

/s/ R. Keith Higginson
Director

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



Department of Water Resources
Eastern District Office



JAN 21 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7586 Priority February 23, 1976 Amount 6.41 cfs

THIS IS TO CERTIFY, that LEE SHELTON
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7586 issued pursuant to Application for Permit dated February 23, 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>6.41</u> cfs and	<u>1,369</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 6.41 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
1,369 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	34E	24																40	40
4N	35E	19									40	40	40	38		34			192
		30					39	40	40	40									159

Total number of acres irrigated 391

CONDITION:

The maximum rate of diversion under this license when combined
with License No. 35-7605 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

MICROFILMED

Identification No. _____

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 8.00 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 8.00 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, 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 \$ 175,000.00
- 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	NE 1/4				NW 1/4				SE 1/4				SW 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	34E	24				40	40	40	40									40	40
		30								40									160
4N	35E	19								40					40				200

Total number of acres to be irrigated 400

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

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

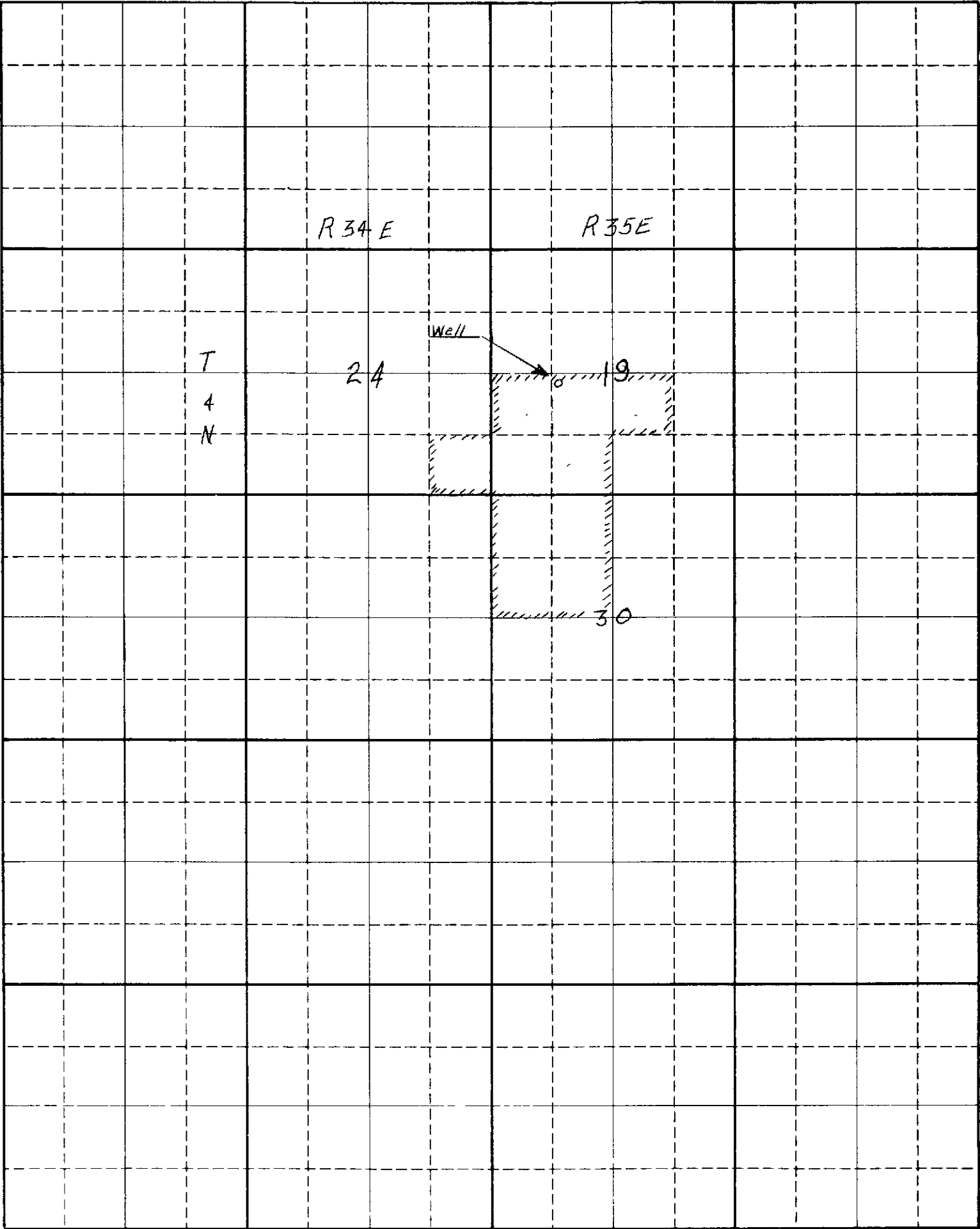
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing

10 Remarks S¹/₂NW¹/₄, Sec. 30, T. 4N, R. 35E. is presently owned by the BLM. A contract is presently being initiated for exchange.

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 2-23-76

Received by W Date 2-23-76 Time 3:20 P
Preliminary check by W Fee \$ 4.50
Received by W Date 2-23-76 # 15637
Publication prepared by W Date 2-23-76
Published in Idaho Star
Publication dates March 4 + 11, 1976
Publication approved W Date 3-15-76
Priority reduced to _____ Reason _____
Protests filed by _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DR

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. 35-7586, 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 July 1, 1981.

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

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

Witness my hand this 22 day of

July

19 76

Director

RECEIVED

Affidavit of Publication MAR 15 1976

THE RIGBY STAR

Department of Water Resources
Eastern District Office

Legal Notice

NOTICE OF APPLICATION
FOR WATER PERMIT

NOTICE IS HEREBY GIVEN that Lee Shelton, Idaho Falls, Idaho has on 2-23-76 submitted Application No. 35-7586 for a permit to appropriate 8.00 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 400 acres within the SW $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 19, NW $\frac{1}{4}$, Sec. 30, T. 4N, R. 35E; SE $\frac{1}{4}$ 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 March 22, 1976.

R. Keith Higginson
Director

Publish: March 4 and 11,
1976.

STATE OF IDAHO,

County of Jefferson

ss

I, Larry D. Anderson, do solemnly swear that I am the General Manager 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

Fourth day of March, 19 76

and the last publication on the

Eleventh day of March, 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
General Manager

Subscribed in my presence and sworn to before me this Seventh day of March, 19 76.

[SEAL]

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires March 15, 1977

Publication Fee: \$ 1.25

MEMORANDUM

TO: File 35-7586
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.

DIVERSION
VOLUME

6.41 CFS

6.41 CFS

Tributary to:

Stage: LICENSE

T07N R36E S04 SE SE

76

MS MS

9 99 9

69

602
407

23.

241-257

48.

156-

129.

311-

534-

WR5809NP
No. X35-07586

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/28/93
PAGE: 6

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
		NENE		SENE		NENW		SENW		NESW		SESW		NESE		SESE			
T	R	S	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	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: 02/23/1976
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

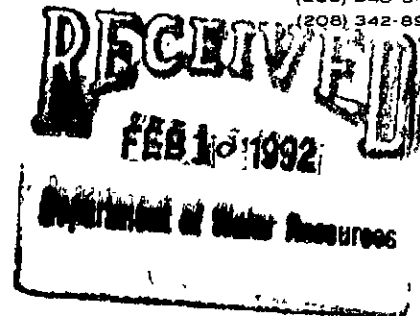
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

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.

RECEIVED

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.

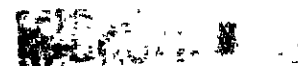
Because we are anxious to move forward with this process as quickly as possible, please contact either me or Jeff Fereday immediately if you require additional information. Thank you in advance for your assistance.

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.)


MAY 19 1993

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
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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
JAMES A. MCCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

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

February 7, 1992

RECEIVED
FEB 11 1992

Department of Water Resources

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.

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RECEIVED

MAY 19 1993

Jim Johnson
February 7, 1992
Page 2

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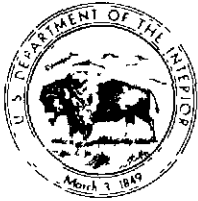
Sincerely,



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.)

MAY 19 1993



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

RECEIVED
FEB 10 1992

Department of Water Resources

FEB 7 1992

FWS.PN.0781

Mr. Keith Higginson, Director
Idaho Department of Water Resources
1201 N. Orchard
Boise, Idaho

Re: In the Matter of Protests Against the Granting of Applications for Temporary Transfers of Water Rights by Blaine Larsen, Blaine Larsen Farms and Larsen of Idaho

Dear Mr. Higginson:

Enclosed for filing are copies of: (i) the Stipulation and Request for Approval; and (ii) Extension and Modification of Agreement in the above-referenced matter. In essence, the parties to the original Mud Lake Agreement have agreed to extend its terms to the 1992 irrigation season in order to await the completion of the U.S.G.S. Mud Lake groundwater study. We are looking forward to final resolution of the Mud Lake issues after the U.S.G.S. study is completed.

Thank you for your assistance in this matter.

Sincerely,

Barbara Scott-Brier

Barbara Scott-Brier
Attorney for the
U.S. Fish and Wildlife Service

cc w/o enclosure

Kent Foster, Esq.
Steve Goddard, Esq.
Jeffrey Fereday, Esq.
Robert Oser, Program Manager, Fish and Wildlife Service

Microfilm

MAY 19 1993

Barbara Scott-Brier
Office of the Regional Solicitor
Department of the Interior
500 N. E. Multnomah, Suite 607
Portland, Oregon 97232
503-231-2139

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Protests Against the	)	
Granting of Applications for Temporary	)	
Transfers of Water Rights by Blaine	)	STIPULATION AND
Larsen, Blaine Larsen Farms and Larsen	)	REQUEST FOR APPROVAL
of Idaho	)	
	)	

Protestants United States Fish and Wildlife Service, Idaho
Department of Fish and Game, Owsley Canal Company, Jackett Canal
Company, Holley Water Users Association, Jefferson Irrigation,
Producers Canal Company, Montevue Canal Company, Level Canal
Company, and Independent Water Users of Mud Lake, Inc., and Appli-
cant Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho
through their respective counsel of record hereby stipulate and
agree as follows:

1. The Protestants and Applicant hereby stipulate that they
entered into an Extension and Modification of Memorandum of Agree-
ment on February 6, 1992 to extend the terms of the 1989 Memorandum
of Agreement (Exhibit A to the Extension) for the 1992 irrigation
season pending completion of the investigation of the effects of
groundwater pumping in the area of Mud Lake, Idaho, and, further,
that they will be bound by the other terms of the Extension. That
Extension is attached hereto as Exhibit No. 1 and is incorporated
by this reference.

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MAY 19 1993

2. The Protestants and Applicant hereby submit said Extension and request approval of the terms of the Extension by the Department of Water Resources of the State of Idaho.

Dated: 2/6/92

U.S. Fish and Wildlife Service

By: Barbara Scott-Brier
Barbara Scott-Brier
Office of the Regional Solicitor
United States Department of the
Interior

Dated: 1/30/92

Idaho Department of Fish and Gam

By: Stephen V. Goddard
Stephen V. Goddard
Deputy Idaho Attorney General
Idaho Department of Fish and Game

Dated: 1/28/92

Owsley Canal Company, Jackett Canal Company, Holley Water Users Association, Jefferson Irrigation, Producers Canal Company, Montevieu Canal Company, Level Canal Company, and Independent Water Users of Mud Lake, Inc.

By: Kent W. Foster
Kent W. Foster
Holden, Kidwell, Hahn & Crapo

Dated: 2/4/92

Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Givens, ~~McDevitt~~, Pursley, Webb &
~~Buser~~ Hurdley

RECEIVED
MAY 19 1993

**EXTENSION AND MODIFICATION OF
MEMORANDUM OF AGREEMENT**

This Extension and Modification of Memorandum of Agreement ("Extension") is entered by and between the United States Fish and Wildlife Service ("Fish and Wildlife Service"); the Idaho Department of Fish and Game ("Fish and Game"); and Owsley Canal Company, Jackett Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Montevue Canal Company, Level Canal Company, and Independent Water Users of Mud Lake, Inc., on their own behalf and on behalf of their shareholders (collectively the "Canal Companies"); and Blaine Larsen and Blaine Larsen Farms, Inc.¹ (collectively the "Applicant" or "Larsen").

Recitals

1. In March 1989, the above parties entered into the Memorandum of Agreement ("Agreement"), a copy of which is attached hereto as Exhibit A. In the Agreement, all parties agreed to help fund a multi-year investigation by the U.S. Geological Survey to evaluate the effects of groundwater pumping and other water uses in the area of Mud Lake, Idaho ("Mud Lake Study"). The Fish and Wildlife Service, Fish and Game, and the Canal Companies were concerned that groundwater pumping under Larsen's pending transfer applications might have an adverse effect on water levels at the Camas National Wildlife Refuge and the Mud Lake Wildlife Management Area, and in the wells supplying lands served by the Canal Companies and on existing water rights. The Agreement provides that during the term of the Mud Lake Study, Applicant would seek only temporary transfers of water rights to serve Applicant's non-permitted wells which were in existence as of January 1, 1988. The Agreement also provides that during the term of the Mud Lake Study, the Canal Companies, the Fish and Wildlife Service, and

¹The name designated for this Idaho corporation was both as Blaine Larsen Farms and Larsen, Idaho, but is now herein corrected.

MAY 19 1993

Fish and Game would not protest or interfere directly or indirectly with Applicant's applications for temporary water right transfers "to serve Applicant's non-permitted wells which were in existence as of January 1, 1988." Agreement at 6.

2. The parties anticipated that after completion of the Mud Lake Study, Applicant would file new water right applications, would seek processing of existing water right applications, and/or would file transfer applications to provide a permanent supply to the non-permitted wells or to wells on other lands for the 1992 irrigation season and thereafter. The parties further anticipated that protests might be filed against such applications. Under the terms of the Agreement, the Canal Companies, the Fish and Wildlife Service, and Fish and Game are free to protest any such applications.

3. Based on the period for which funding was supplied and other factors, the parties anticipated that the Mud Lake Study would be completed before the end of 1991, and that the information produced in the investigation would be available in evaluating applications and practices involving water use in the Mud Lake area. At the time of the Agreement, the parties further anticipated that the time between late 1991 and the start of the, 1992 irrigation season would be adequate for Applicant to file and the other parties to protest, if necessary, such water right applications, using the results of the Mud Lake Study, prior to the beginning of the irrigation season.

4. It now is evident that the Mud Lake Study report may not be complete until, at the earliest, April 1, 1992. If any protests were lodged against any application Larsen might file for the 1992 season, it is not reasonable to expect that the protests could be heard and a full and fair determination made, using the results of the Mud Lake Study, prior to the beginning of the 1992 irrigation season. It also is unlikely that the results of the Mud Lake Study would be evaluated by the parties and properly brought to bear on any such hearing within such a short time frame. In order to avoid inconclusive hearings

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or other litigation in the spring of 1992 that would not be informed by the Mud Lake Study, the parties find it necessary to enter this extension to provide that the terms of the Agreement will be extended through the 1992 irrigation season.

Terms of This Extension

Therefore, the parties agree as follows:

5. Except as modified or extended herein, the 1989 Agreement remains in effect.

6. Applicant shall not seek permanent water rights, permanent transfers, or trust water for use in the 1992 irrigation season.

7. Applicant may seek, for the 1992 irrigation season, only the temporary transfer of water rights within the Mud Lake area sufficient to provide irrigation water during 1992 to serve the non-permitted wells which were in existence as of January 1, 1988 ("non-permitted wells"). The combined number of acres in the Mud Lake area for which Applicant may seek or obtain a water supply for non-permitted wells during the 1992 season shall not exceed 4,370 acres, as indicated in paragraph 15 of the Agreement.

8. The Canal Companies, the Fish and Wildlife Service, and Fish and Game shall not protest or interfere either directly or indirectly with Larsen's applications for temporary transfers of water rights for the 1992 irrigation season which conform to this Extension.

9. Neither this Extension nor the Agreement shall be deemed to impair any party's ability to file or seek consideration or approval, subsequent to the completion of the Mud Lake Study, of any application for transfer or for permanent water supplies, including "trust water," in the Mud Lake area for use in 1993 or thereafter.

RECEIVED

Dated: 1/29/92 By: Blaine Larsen
Blaine Larsen on his own behalf and on behalf
of Blaine Larsen Farms, Inc.

Dated: 1/19/92 By: Jerry McConley
Idaho Department of Fish and Game

Dated: FEB 7 1992 By: [Signature]
Regional Director, Region 1
Fish and Wildlife Service
United States Department of the Interior

Dated: 1/28/92 By: Keith Soderquist
Owsley Canal Company

Edgar Green
Jackett Canal Company

Carl Hoggan
Holley Water Users Association

Ken [Signature]
Jefferson Irrigation Company

Dale E. Cope
Montevieu Canal Company

Willy Schmitt
Level Canal Company

Andy [Signature]
Independent Water Users of Mud Lake, Inc.

MICROFILMED

MAY 19 1993

MEMORANDUM OF AGREEMENT

Protestants United States Fish and Wildlife Service ("Fish and Wildlife Service"), Idaho Department of Fish and Game, ("Fish and Game"), and Owsley Canal Company, Jackett Canal Company, Holley Water Users Association, Jefferson Irrigation, Producers Canal Company, Montevue Canal Company, Level Canal Company, and Independent Water Users of Mud Lake, Inc., on their own behalf and on behalf of their shareholders ("Canal Companies"), collectively known as the "Protestants," and Applicant Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho ("Applicant"), the parties to this Memorandum of Agreement (Agreement) ("parties") hereby stipulate and agree as follows:

BACKGROUND

1. The Protestants filed protests in 1988 to the Applicant's application for temporary transfers of water rights in the Mud Lake, Idaho, area because of Protestants' concern that groundwater pumping under Applicant's proposed transfer applications might have an adverse effect on: ground and surface water levels in the Camas National Wildlife Refuge and the Mud Lake Wildlife Management Area, collectively, the "Wildlife Areas"; water levels in the wells supplying lands served by the Canal Companies ("Canal Companies' wells"); and existing water rights. The integrity of the Wildlife Areas and the irrigation of the developed farm lands depend on an adequate water supply. The Protestants were concerned about pumping from those wells which subsequently were granted approval of one-year transfers by the Idaho Department of Water Resources Director's Orders of May 16, June 6, and September 7, 1988.

MAY 19 1993

2. As a result of a number of meetings and discussions, on June 2, 1988, the Fish and Wildlife Service, Fish and Game, and the Applicant: (i) agreed that the United States Geological Survey, Water Resources Division, Idaho District ("Survey") would carry out an investigation to evaluate the effects of groundwater pumping and other water uses in the area of Mud Lake, Idaho (the "Mud Lake area"); and (ii) entered into a Stipulation, previously filed with the Department of Water Resources, to cooperate fully in carrying out the Survey's investigation.

3. Based on the Applicant's agreement to fully cooperate with an investigation by the Survey, the Fish and Wildlife Service and Fish and Game withdrew their protests to the 1988 one-year temporary transfers of water rights. The Canal Companies also withdrew their protests.

PREAMBLE

4. The Applicant filed applications with the Idaho Department of Water Resources on January 9 and 25, 1989, amended on February 13, 1989, for temporary one-year transfers of leased water rights to serve certain of his lands in the Mud Lake area in 1989 (the "1989 Larsen Applications.") The Protestants individually have filed protests to the 1989 Larsen Applications. The Protestants are concerned generally about the effect of well pumping including pumping pursuant to the 1989 Larsen Applications. In addition, the parties desire more information regarding the effects on water levels in their respective areas of interest that might be caused by their own well pumping and by groundwater withdrawals occurring elsewhere in the Mud Lake area. The parties

MAY 19 1993

recognize that it is in their interest that an investigation be undertaken and that the status quo be maintained during the course of the investigation. The parties have agreed to fund and cooperate with an investigation of groundwater pumping and other water uses in the Mud Lake area. Accordingly, the parties agree to the following:

PROVISIONS

5. The Survey shall conduct the hydrologic investigation of the Mud Lake area as described in the Survey's project proposal "Effects of Water Use on Recharge/Discharge Relations in the Mud Lake Area, Southeastern Idaho" (the "investigation") which is attached hereto as Exhibit A and is incorporated by this reference.

6. Unless otherwise agreed by the parties, the investigation shall evaluate, at a minimum:

(1) the effect of groundwater withdrawals and other water uses by Applicant, to serve the lands covered by the 1988 Larsen transfers and the proposed 1989 Larsen transfers and other lands of Applicant in the Mud Lake area, on: (a) flows in Camas Creek, (b) ground and surface water levels in the Wildlife Areas, (c) water levels in the Canal Companies' wells, and (d) groundwater levels in other parts of the Mud Lake Area;

(2) the effects of groundwater withdrawals within the Wildlife Areas on: (a) flows in Camas Creek, (b) ground and surface water levels in the Wildlife Areas, (c) water levels in the Canal Companies' wells, and (d) groundwater levels in other parts of the Mud Lake Area;

MAY 18 1989

(3) the effect of groundwater withdrawals by or on behalf of the Canal Companies and their shareholders on: (a) flows in Camas Creek, (b) ground and surface water levels in the Wildlife Areas, (c) water levels in the wells of the Canal Companies and their shareholders, and (d) groundwater levels in other parts of the Mud Lake Area; and

(4) the effects of groundwater withdrawals within the Mud Lake Area by nonparties on: (a) flows in Camas Creek, (b) ground and surface water levels in the Wildlife Areas, (c) water levels in the wells of the Canal Companies and their shareholders, and (d) groundwater levels in other parts of the Mud Lake Area; and

7. No changes shall be made to the Survey's investigation without the unanimous consent of the parties and the Survey.

8. The parties shall cooperate fully and in good faith with the Survey, its agents and contractors, in the investigation. The Survey may enter upon any property of the parties throughout the term of the investigation for the purpose of conducting the investigation. The parties shall make available to the Survey all data and other information relating to their diversions, pumping, and water use which the parties have in their possession or control.

9. The parties shall fund jointly the costs of the investigation, not to exceed \$270,800. The costs of the investigation shall be divided as follows:

MAY 19 1993

Applicant	\$65,440
Canal Companies	\$65,440
Idaho Department of Water Resources	\$65,440*
Fish & Game and Fish & Wildlife Service	\$74,480**

*Subject to availability of funding.

**Subject to availability of funding and cost-sharing agreement between these two parties.

10. The parties are entitled to divide their total payment obligation into annual installments according to a payment schedule which shall be mutually agreed upon by the parties.

11. Recognizing that state and federal governmental entities cannot obligate prior to obtaining funding, the parties who are governmental entities agree in good faith to use their best efforts to obtain funding in this and subsequent years for their share of the Survey's investigation. Further, the parties agree to support the governmental funding requests and not to interfere with any such funding requests. If, despite the best efforts of the parties, funding is not made available to the governmental entities and the parties are unable to secure substitute funding, the investigation shall be cancelled, this Agreement shall be of no force and effect, and the parties no longer shall be bound by this Agreement.

12. No party shall enter into ex parte discussions with the Survey regarding the investigation during the term of the investigation without the consent of the other parties.

RECEIVED

MAY 19 1993

13. Investigation consultation meetings, with the parties and the Survey in attendance, shall be held at least twice per year by the Survey to report on the progress of the investigation, results received to-date, and any difficulties in conducting the investigation, and for the parties and the Survey to make any needed decisions regarding the investigation. The Survey shall provide, if possible, 30 days notice of the time and place of the investigation consultation meetings which will be held at various locations at the convenience of the parties. The first investigation consultation meeting shall be held at the onset of the investigation.

14. Except as provided in paragraph 15 of this Agreement, during the term of the investigation Applicant shall be entitled to seek, within the Mud Lake area, only temporary transfers of water rights to serve Applicant's non-permitted wells which were in existence as of January 1, 1988; during such term Applicant shall not file applications for or seek approval of permanent transfers of water rights within the Mud Lake area. If Applicant files any applications for temporary transfers of water rights pursuant to this paragraph, the term of each such temporary transfer shall not extend beyond the term of the investigation. During the term of the investigation, no party shall file applications for trust water within the Mud Lake area, or seek consideration or approval of pending applications for trust water in the Mud Lake area. However, all parties shall be free to comment on and submit

[Handwritten signature]

MAY 19 1993

petitions regarding the Department's procedures concerning the allocation of trust water, and to protest any applications for trust water.

15. As the sole exception to the terms of paragraph 14, above, within the Mud Lake area Applicant shall be entitled, at his option, to seek permanent water right transfers, or recognition of permanent water rights based on permits or applications, for only those two wells (the "Siddoway wells") located and serving 495.3 acres in section 31, T 6N, R 35E, B.M., which is approximately five miles directly south of Mud Lake. The combined number of acres in the Mud Lake area for which Applicant may seek or obtain a water supply for non-permitted wells during the term of the investigation -- whether based on temporary water right transfers pursuant to paragraph 14 or a combination of these with any permanent rights sought or obtained for the Siddoway wells pursuant to this paragraph -- shall total no more than 4,370 acres in addition to any acres, up to 495.3 acres, for the Siddoway wells.

16. Within three days of the effective date of this Agreement, the Protestants shall file with the Idaho Department of Water Resources appropriate pleadings to withdraw their protests to the 1989 Larsen applications.

17. During the term of the Survey's investigation, the parties shall not protest or interfere either directly or indirectly with the Applicant's applications for temporary transfers of water rights, or other Idaho Department of Water Resources approvals, which conform to this Agreement. The parties shall not request, aid, or otherwise encourage others to file such

MAY 19 1989

protests or to interfere with such conforming temporary applications of Applicant. The terms of this paragraph shall not prohibit any party from protesting any application Applicant may file which seeks a permanent water supply for the Siddoway wells.

18. The parties shall be bound by the terms of this Agreement whether the Applicant's applications for temporary transfers of water are granted or denied by the Idaho Department of Water Resources.

19. The parties understand that to the extent that Applicant has a valid temporary water right transfer or other valid Idaho Department of Water Resources approval, the Applicant's wells serving up to 4,865.3 acres of land within the Mud Lake Area may be pumped during the term of the investigation. The parties recognize that such pumping of the Applicant's wells may be relevant and useful to the Survey in conducting its investigation.

20. The parties hereby assure that no member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this Agreement, or any agreement, understanding, grant, or contract developed pursuant to this Agreement or to any benefit that may arise from them. This clause shall not be construed to extend to this Agreement or any agreements, understandings, grants, or contracts pursuant to this Agreement to the extent they are made with a corporation or company for its general benefit.

21. This Agreement shall terminate at the conclusion of the Survey's investigation or at any time during the course of the investigation upon the mutual consent of all the parties.

MAY 19 1993

22. This Agreement is executed in quadruplicate. Each of the four (4) Agreements with an original signature of each party shall be an original.

23. This Agreement shall become effective upon the date of the last signature hereto.

Date: 3/30/89

By: Blaine Larsen
Blaine Larsen on his own behalf and
on behalf of Blaine Larsen Farms and
Larsen of Idaho

Date: 3/24/89

By: Kenneth D. Morris
Idaho Department of Fish and Game

Date: 3-23-89

By: Wally Steuch
Regional Director, Region 1
Fish and Wildlife Service
United States Department of the Interior

Date: 3-31-89

By:
Owsley Canal Company, Jackett Canal
Company, Holley Water Users Association,
Jefferson Irrigation, Producers Canal
Company, Montevue Canal Company, Level
Canal Company, and Independent Water
Users of Mud Lake, Inc.

Montevue Canal Co. - Dale E. Gipe
Owsley Canal Co. - Russell Delow
Independent Canal Co. - Andy D. Doe
Level Canal Co. - Wally Schmitt
Holley Water Users - Carl Hoggan
Jefferson - Fred Egan
Producers Irrigation Co. - Mark D. Gipe
Jackett Canal Co. - [Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 20, 1990

RE: Transfers of Water Right Nos. 35-2728/2821/2844/7361/7586/
7605/7632, A35-10948, 36-2074/
2121/2122/2124/2127/2190/2193/
2194/2300/2632/2727/7015A/
7022/7272/7495/7897

Blaine Larsen
Box 188
Hamer, ID 83425

Dear Mr. Larsen:

Enclosed are copies of the approved Applications for Transfer of the above referenced water rights. Please note the conditions of approval listed on the attachment following the second page of each transfer.

If you have any questions concerning these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

cc: Jim Hansen

DATE 3/8/90

FROM Sharla

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

MICROFILMED

MAR 21 1990

6. TAYLOR

PLACE OF USE 1/4 1/4 OVERLAP REPORT

12/27/89

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
3507605	SHELTON	L	GROUNDWATER	04N	34E	24	:	:	:	:	:	:	:	:	40
3507586	SHELTON	L	GROUNDWATER	04N	34E	24	40	:	:	:	40	:	:	:	80
3507605	1986 MAPPING DATA ---	-	COUNTY 51 QUAD X	39	04N	34E	24	2	10	38	:	:	:	:	142
3507605	SHELTON	L	GROUNDWATER	04N	35E	19	:	:	:	:	:	:	:	:	192
3507586	SHELTON	L	GROUNDWATER	04N	35E	19	40	:	:	:	40	:	:	:	80
3507605	1986 MAPPING DATA ---	-	COUNTY 51 QUAD X	39	04N	35E	19	12	39	37	13	19	34	15	287

[illegible]

PLACE OF USE 1/4 1/4 OVERLAP REPORT

12/27/89

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
3507586	SHELTON	L	GROUNDWATER	04N	34E	24									40
3507586	SHELTON	L	GROUNDWATER	04N	34E	24									80
3507605	1986 MAPPING DATA	-	COUNTY 51 QUAD X	39	04N	34E	24	2	10	38					142
3507586	SHELTON	L	GROUNDWATER	04N	35E	19									192
3507586	SHELTON	L	GROUNDWATER	04N	35E	19									80
3507605	1986 MAPPING DATA	-	COUNTY 51 QUAD X	39	04N	35E	19	12	39	37	13	19			287
3507586	RIRIE	L	GROUNDWATER	04N	35E	30	40	40	40	40					320
3507416	SHELTON	L	GROUNDWATER	04N	35E	30									159
3507586	1986 MAPPING DATA	-	COUNTY 51 QUAD X	39	04N	35E	30	42	36	40	43	38	35	8	349



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 3, 1989

Blaine Larsen
Box 188
Hamer, Idaho 83425

Re: Application for Transfer

Dear Applicant:

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

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:ds

Enclosure

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

INDEXED

JUL 17 1989

LEASE OF WATER RIGHTS

S&T FARMS and GERALD TAYLOR ("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 (collectively, the "water rights"), in exchange for \$5.00 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.

JUL 17 1989

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 ____ day of _____, 1989.

LESSOR

GERALD TAYLOR, individually
and on behalf of S&T FARMS

LESSEE

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

RECORDED
JUL 17 1989

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____, 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
My commission expires: _____

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____, 1989, 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 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
My commission expires: _____

PAGE #1

[illegible]

[illegible]

ATTACHMENT 1: Points of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
NE	SE	NW	31	6N	35E	Jefferson	8
SE	NE	SW	31	6N	35E	Jefferson	9
NE	SE	NW	31	6N	35E	Jefferson	10
SE	NE	SW	31	6N	35E	Jefferson	11
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
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Taylor TRANSFER

	<u>CPS</u>	<u>AC</u>
35-7605	4.0	200
35-7586	6.41	<u>391</u>
		591

\$5.00/AC

\$2955

RECOMMENDED CHANGES: NONE

MICROFILMED

JUL 17 1989

LAW OFFICES

GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

REBECCA W. ARNOLD
ELEANORE S. SAXENDALE*
CHRISTOPHER J. BEESON
PAUL J. BUSER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
KENNETH R. McCLURE
CHAS. F. McDEVITT
LEO EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

January 25, 1989

HAND DELIVERED

Mr. Jim Johnson
Water Rights Supervisor
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

RECEIVED
JAN 26 1989

Department of Water Resources

Re: Blaine Larsen 1989 Transfers -- Lease for Taylor
Transfer

Dear Jim:

I am enclosing a copy of the executed lease of water rights that is to be attached to the "Taylor transfer," involving right numbers 35-7605 and 35-7586, and filed with your office on January 6, 1989. This lease is from S & T Farms, whose principals are Gerald Taylor and William T. Simmons. Mr. Simmons executed the lease on behalf of the company.

Please let me know immediately if you have any questions about this lease or the Taylor transfer. As you know, we trust that Mr. Larsen's applications will be published as soon as possible. Thanks for your cooperation.

Sincerely,

Jeff Fereday

Jeffrey C. Fereday

JCF:mlh
Enclosures
cc: Mr. Blaine Larsen
(c/o Kevan Varin)

MICROFILMED

JUL 17 1989

LEASE OF WATER RIGHTS

WT³ BL
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^{WT³ BL} 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

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JUL 17 1989

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

LESSEE

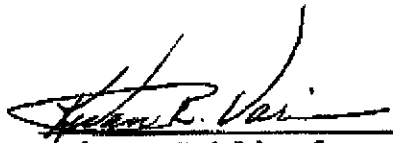
Blaine Larsen
BLAINE LARSEN, individually
and on behalf of LARSEN OF
IDAHO and LARSEN FARMS

JUL 17 1989

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 9th 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.

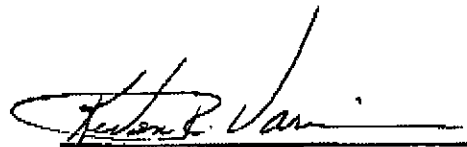
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Idaho Falls Idaho
My commission expires: 8-19-91

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: 8-19-91

MEMORANDUM

TO: File No. 35-7586

FROM: Gary Spackman *Gary*

DATE: May 31, 1988

RE: Application for Extension of Time to Avoid Forfeiture

S & T Farms filed an application for extension of time to avoid forfeiture in December, 1987. The application was published January 7 and 14, 1988, in the Rigby Star. It was then forwarded to the state office.

Prior to Department approval, the 1988 legislature passed a law which provides that the forfeiture provisions of Idaho Code § 42-222 are not effective against water rights that are appurtenant to lands placed in the federal set aside programs. The reason for the application for extension of time to avoid forfeiture filed by S & T Farms is because the grounds covered by Water Right No. 35-7586 were placed in federal CRP Program.

As a result, the extension of time is now not necessary, and, although we can approve it, the forfeiture period will not run during the period of time that the lands are in the CRP program.

Idaho Code § 42-222 requires that sixty days prior to the date that water use is set to resume, that the Department notify the water right holder that he is required to resume beneficial use. In this case, however, the protection from forfeiture on CRP lands is provided by the legislative enactment creates a situation when the extension of time expires where we should not notify the permit holder that he must resume use or lose his water right. Forfeiture does not occur unless there is continuous five year of non use, excluding the period of time that the land was in the set aside program.

I recommend that the extension of time be set for call-up on April 1, 1998. At the time, a letter should be sent to the water right holder, informing him that he is not required to resume use or forfeit the water right, but that, according to our records the CRP participation has expired, and that he has five years to resume use, adding an years of non use immediately prior to participation in the CRP program.

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JUL 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 31, 1988

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

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

Re: Extension of Time to Avoid Forfeiture of Water Right No.
35-7586

Dear Water Right Holder:

Enclosed is an approved copy of an extension of time to avoid forfeiture of Water Right No. 35-7586.

Please note the condition of approval on the back page. After you filed the application for extension of time to avoid forfeiture, and the application was advertised, the Idaho Legislature enacted a law which protects water rights used on set aside lands from forfeiture. It prevents the running of the forfeiture time period while the appurtenant lands are in a set aside program. A condition of approval on this extension of time states that water use should resume on or before July 1, 1998 unless otherwise provided by Idaho Code. If the current statute remains in effect, you will have five years, counting any non use time prior to entering the set aside program, to resume beneficial use following the expiration of the CRP time frame.

We will send you notification on approximately May 1, 1998, informing you that you must resume use of the water. The notification may be qualified, however, stating that your water right was protected during participation in the CRP program, and additional time may be available for resumption of the use of water.

If you have questions, please contact me.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern

MICROFILMED

JUN 16 1988

FROM KEITH C. WILSON

DATE

27 January 1988

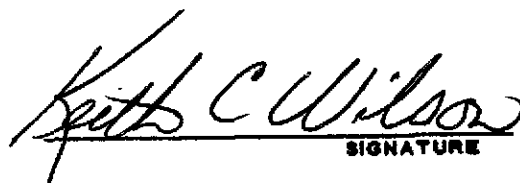
TO FILE 35-7586

SUBJECT LAND UNDER CRP PROGRAM

IN A PHONE CONVERSATION WITH CHRIS AT THE JEFFERSON COUNTY ASCS
OFFICE ALL LANDS OWNED/OPERATED BY S & T FARMS WITHIN JEFFERSON
COUNTY ARE UNDER THE CRP PROGRAM.

6
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JUN 16 1988


SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

J. R. KEITH HIGGINSON
Director

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

December 30, 1987

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

Dear Sirs:

Attached herewith are departmental receipt no.'s
45728 & 45729 in the amount of \$50 each received for
your Applications for Extension of Time to Avoid
Forfeiture of a Water Right.

Sincerely,

Deena Green
Office Secretary

Enclosure

RECEIVED

JUN 16 1988

RECEIVED
FEB 01 1988

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7151

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.

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

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,

Keith C. Wilson
Sr. Water Resource Agent

KCW/dg
Enclosure

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. 35-7586.

The license was issued for 6.41 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 391 acres, with a priority of February 23, 1976, to be used within the SE1/4SE1/4, Sec. 24, T. 4N, R. 34E, SW1/4, NW1/4SE1/4, Sec. 19, NW1/4, Sec. 30, T. 4N, R. 35E., 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

Published January 7 & 14, 1988

JUN 16 1988

IDENT. NO. 35-7586

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Key punched by State Office
<i>D.W.</i>	<i>8-8-83</i> <i>8/30/83</i>	<i>License update</i>
		G G APR 30 1984 VERIFIED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Shouse
Idaho 83720

RECEIVED

DEC 26 1979

Department of Water Resources



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

Not for Box 379
Re-sent to

Route #5
Box 370
I.F. on 1/21/80

MICROFILM



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. 35-7586

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. 35-7586

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. 35-7586 on June 14, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 6.41 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1369 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 391 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24,
Twp. 4N, Rge. 34E, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, NW $\frac{1}{4}$, Sec. 30, Twp. 4N, Rge. 35E.

Priority date established: February 23, 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

JG/kw

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

Lee Shelton

1 Name of permit holder _____
 Post office address _____ Rt. 4, Box 379, Idaho Falls, ID
 Person to contact _____
 SEP 22 1976
 522-8481
 Department of Water Resources
 Eastern District Office
 Phone _____

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

3. Water will be used for the following purposes

Amount 8.00 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 _____

Permit No. 35-7586
 Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 8.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion

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, _____ County

Other Points of Diversions. _____

Description of diverting works. 600 hp pump, 250 booster, 20" x 615'

Measuring device required yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP	RANGE	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	40		40			200
		30					40	40	40	40									160
	34E	24															40		40

TOTAL ACREAGE

400

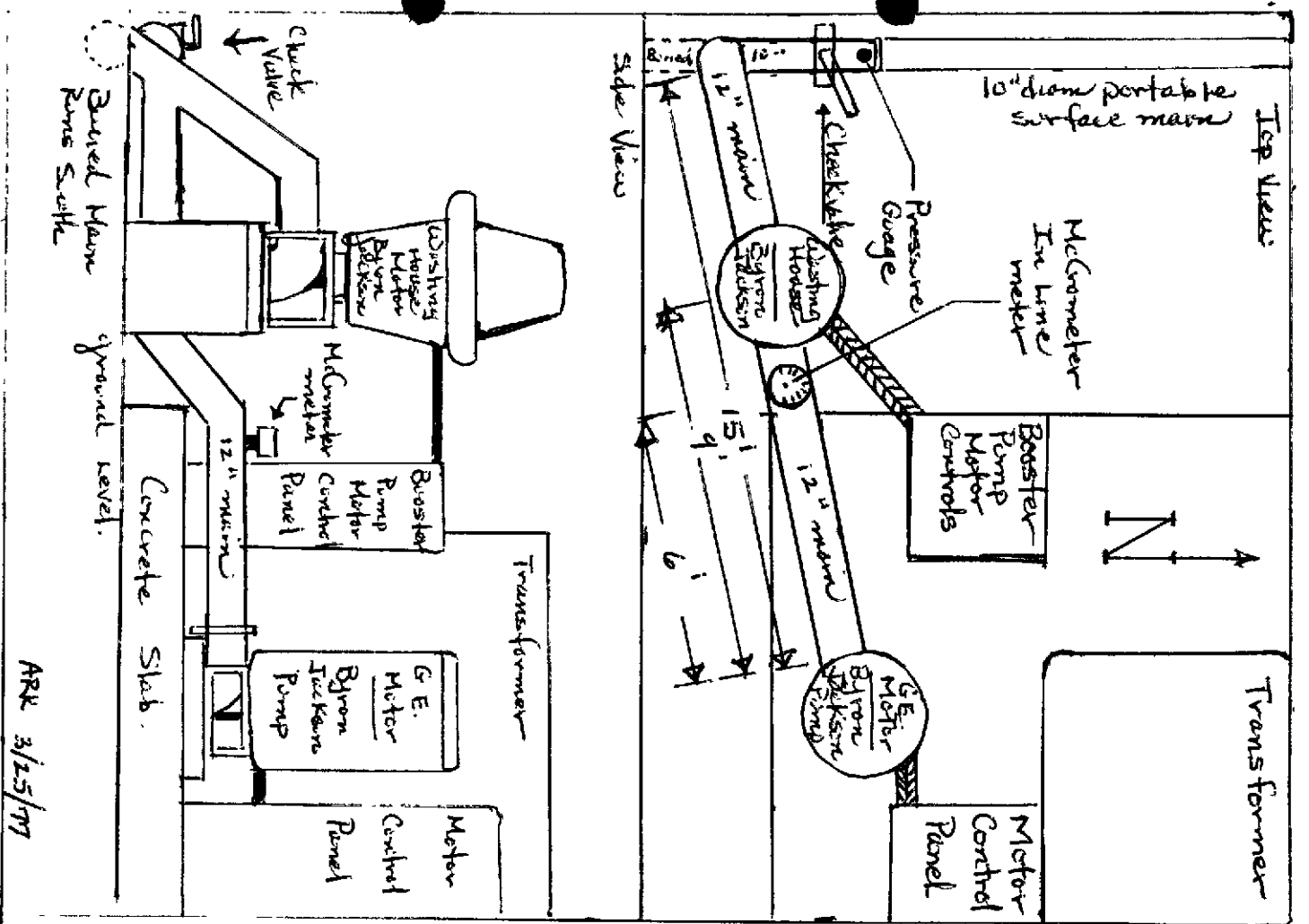
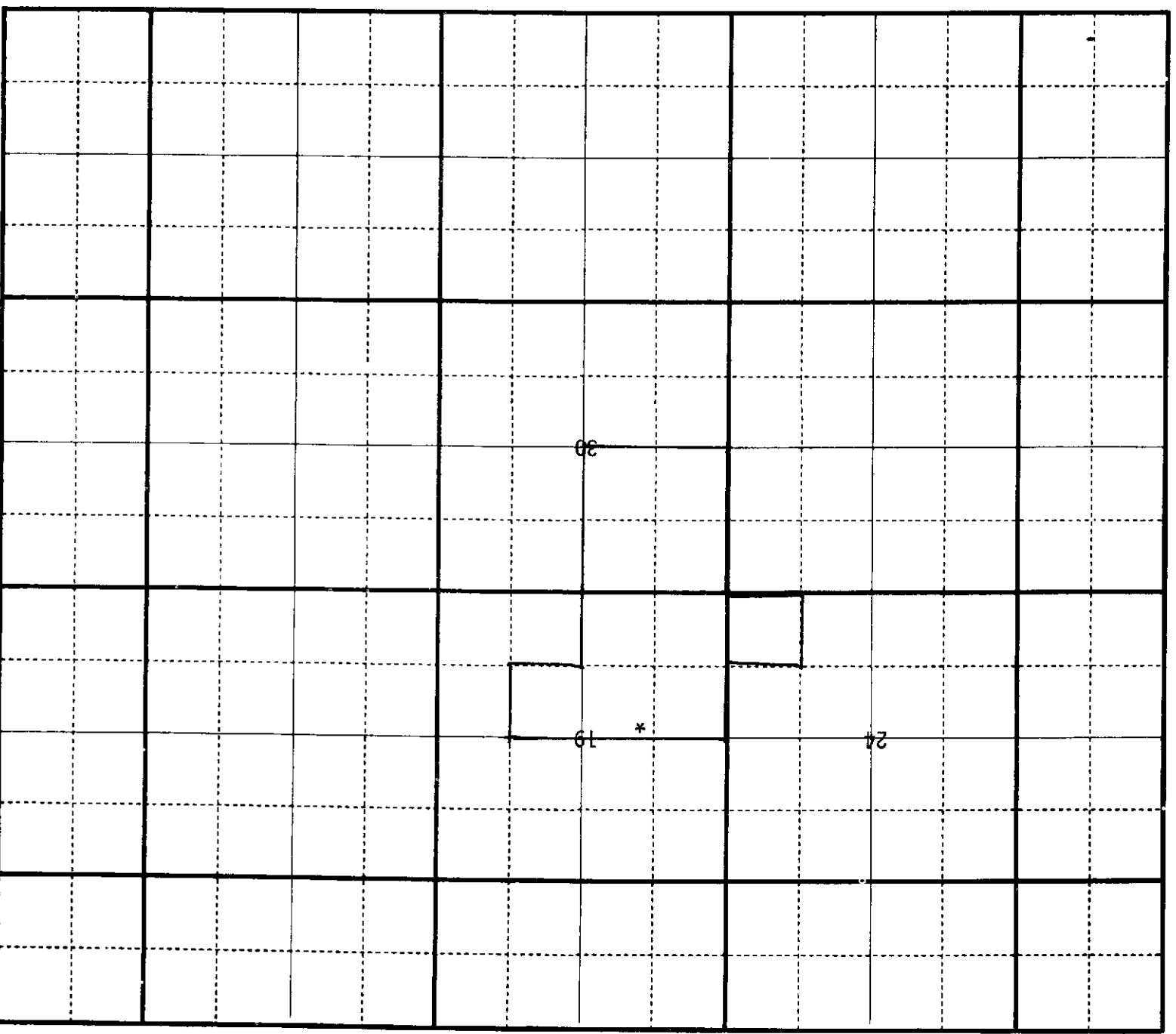


Diagram of System



DATE OF EXAM 6/14/77

ACREAGE
Found 391
Recommended 391

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 6.41 c.f.s. V = 1368.5 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 6.41 cfs Meter No. 75-12-120 Type Mcrometer Condition good

Total V recommended 1368.5 AF/yr

Recommended Amendments:

P D _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION

Measured .01 AF in 68 sec .01 AF = 4356 cu ft.
 $\therefore 4356 \div 68 = 6.41 \text{ cfs}$
 $V = 391 \times 3.5 = 1368.5 \text{ AF/yr} < 1.98 \times 215 \times 6.41 = 2733.56 \text{ AF/yr}$
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 - 761S0704, 3300 gpm @ 1770 Rpm with 575 Hd ft. The booster pump motor is a Westinghouse Life Line T 3 phase 250 H.P. S/N - 7604 1775 RPM, motor style - 6808678 G90. The booster pump is a Byron - Jackson (Borg Warner) vertical model S/N - 761 S0705, 3300 gpm @ 1770 R.P.M. with 225 Hd. ft. There is a Mcrometer In-Line Meter # 75-12-120
REMARKS. Lands are irrigated by 22-4"-1/4 mi long handlines with 5/32" nozzles.
System described by field hand. - Buried main runs north-south. South main line is buried. North mainline is a surface portable 10" diam main. No roads surround the property.

Examiner's Signature Anthony R. Kozlowski Date 3/24/77

Checked by Dennis Michael Dunn Date 13 January 1977

Approved by _____ Date _____

lands taken from field examiners R.D. license.

NOTICE OF LIENHOLDER'S INTEREST

DEPARTMENT OF WATER RESOURCES

1515 Lincoln Road

Idaho Falls, Idaho 83401

Date September 22, 1978

FmlIA 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

Position
Record for Additional description
REAL ESTATE MORTGAGE FOR IDAHO

1546821- Bonneville
193624 Jff

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 JEFFERSON
TOWNSHIP 4 NORTH
RANGE 35 EAST
SECTION 19
84-28-1P
600
2000

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 19 1978
JEFFERSON COUNTY, IDAHO
STATE OF IDAHO

193611
Microfilm No.
2nd Day August 19 78
At 2:33 O'Clock P M
Robert J. Barnes
Jefferson Co. Recorder
Fee \$5.00 kls. Copy
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 dryer, or anything 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 follow:

(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, its 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 the Government 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 secured 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 provision hereof; (b) any priorities 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) interest and fees 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 co-tranger and may pay the Government's share of the purchase price by crediting such amount on any debt 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 homestead, appraised 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 rules of 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 and 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, or to any later regulations not inconsistent with the express provisions hereof.

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, under 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



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 21, 1976

Re: Permit No. 35-7586

Lee Shelton
Rt. 4, Box 379
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
D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

WATER RESOURCE BOARD:

John F. Streiff
Chairman
Franklin Jones
Member

George L. Yost
Vice-Chairman
M. Reed Hansen
Member

Donald R. Kramer
Secretary
Scott W. Reed
Member

Edwin C. Schlender
Member
Joseph H. Nettleton
Member

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise Idaho 83720

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

RECEIVED
FEB 11 1971
DEPARTMENT OF WATER RESOURCES

*Not a copy
-this
#*

September 21, 1976

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Rt. 4, Box 379
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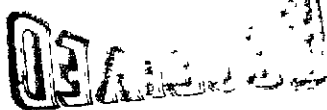
If you have any questions concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

JUL 23 1976



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 35-7586

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 35-7586
3. Date of Priority that you are prepared to establish 2/23/76
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NE 1/4 SW 1/4, 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 8.00 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 8.00 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, 250 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: _____

typed 9/2/76 - f

July 22, 1976

Re: Permit No. 35-7586

Lee Shelton
Rt. #5, Box 270
Idaho Falls, ID 83401

Dear Mr. Shelton:

Enclosed is a copy of your approved Application for Permit No. 35-7586. We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

M E M O

TO: The File
FROM: Ron Carlson *RC*
DATE: July 15, 1976
RE: Visit with Lee Shelton

Lee Shelton came to our office to determine what he could do to expedite the processing of his application for permit. He said time is very important to him because Snake River Equipment, the company from whom he bought his system, is charging him 18% ~~a month~~ carrying charge. He said last month this interest amounted to \$5,000.00.

He says the problem is that he cannot get a loan from the Federal Land Bank to pay off Snake River Equipment until he has an approved permit from the Department. The problem we have had with recommending approval has been 80 acres of B.L.M. land, which he is proposing to secure through an exchange. I talked with Ed Webb of the Regional B.L.M. office in Idaho Falls, who informed me that it appeared the exchange would be approved, and all of the paper work had been sent to the Boise office. I then contacted Gene Bavin at the B.L.M. State office, and was told that they were waiting for a warranty deed and title evidence. I inferred from our conversation that, at best, the processing would take several months before the exchange could be approved.

As additional information, Lee Shelton said when he bought this property, he was under the impression that the 80 acres in question had already been exchanged by Harry Messinger, who was one owner removed.

It appears to me that we have sufficient evidence to show Mr. Shelton's interest in the property, and can approve the permit on this basis. If the exchange should not go through, then Shelton should not have the opportunity to amend the permit to include a different 80 acre tract.

March 22, 1976

RE: Application for Permit No. 35-7586

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

Dear Mr. Shelton:

The processing of the above referenced application for permit is complete and the Department is now ready to take final action.

In reviewing your application, we find the S¹/₂NW¹/₄, Sec. 30, T. 4N, R. 35E is presently owned by the Bureau of Land Management. The Department, therefore, can not approve this permit until we hear from the BLM that the indicated land trade has been approved. Please inform us at your earliest convenience to prevent further delays in the final processing of your application.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

February 27, 1976

RE: Application for Permit No. 31-7188 HILLMAN & ROBERTSON
" " " No. 35-7586 SHELTON
Application for Amendment No. 31-7033 HILLMAN & ROBERTSON

The 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 2-15-76 by CW

RDC:CW

Enc: Legal Notice (3)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

NOTICE IS HEREBY

GIVEN that Lee Shelton,

Idaho Falls, Idaho has on

2-23-76 submitted Applica-

tion No 35-7586 for a permit

to appropriate 8 00 cubic feet

per second of water from a

ground-water source by

means of well and pump

within the NE 1/4 SW 1/4, Sec

19 T 4N, R 35E, B M,

Jefferson County, to be used

for the irrigation of 400 acres

within the SW 1/4, NW 1/4, Sec

30, T 4N, R 35E, SE 1/4

SE 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 March 22 1976

R Keith Higginson
Director

Publish March 4 and 11,
1976

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lee Shelton,

Idaho Falls, Idaho

has on 2-23-76 submitted Application No. 35-7586

for a permit to appropriate 8.00 cubic feet per second ~~approximately 800,000 gpm~~

of water from a ground-water source

by means of well and pump

within the NE 1/4 SW 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 400 acres

within the SW 1/4, NW 1/4 SE 1/4, Sec. 19, NW 1/4, Sec. 30, T. 4N, R. 35E; SE 1/4 SE 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 March 22, 1976.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho

on March 4 and March 11, 1976

*me-h.
me-h.
me-h.*

February 27, 1976

RE: Application for Permit No. 35-7586 SHELTON

Bureau of Land Management
940 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is March 22, 1976, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

35 7586

Application No. _____

LH 2-24-76

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

(1) " "

In form to receipt *yes*

(2) " "

Send Copies to:

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

(3) " "

NA

- ☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) " "

In form for advertising *yes*

(5) " "

Platted on Map No. _____

(6) " "

NA

Located within Water District No. _____

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels:

Declining, ☒ Stable, Increasing

(comment) *Ref files level UN 35E 14AAA1*

(9) " "

Other rights on the same place of use *NO*

(10) " "

Comments: *NO other G w Rights.*

(11) RW 3-15-76

Affidavit of Publication received(date) 7/18/76

(12) RDC 7/15/76

Final date for protests March 23, 1976
Protests received: yes no

(13) " "

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

☒ Approve Deny

7/23/76 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E By RDC Date 7/15/76

Note.

Memorandum explains apparent possessory interest in BLM lands. Dier

[Signature]