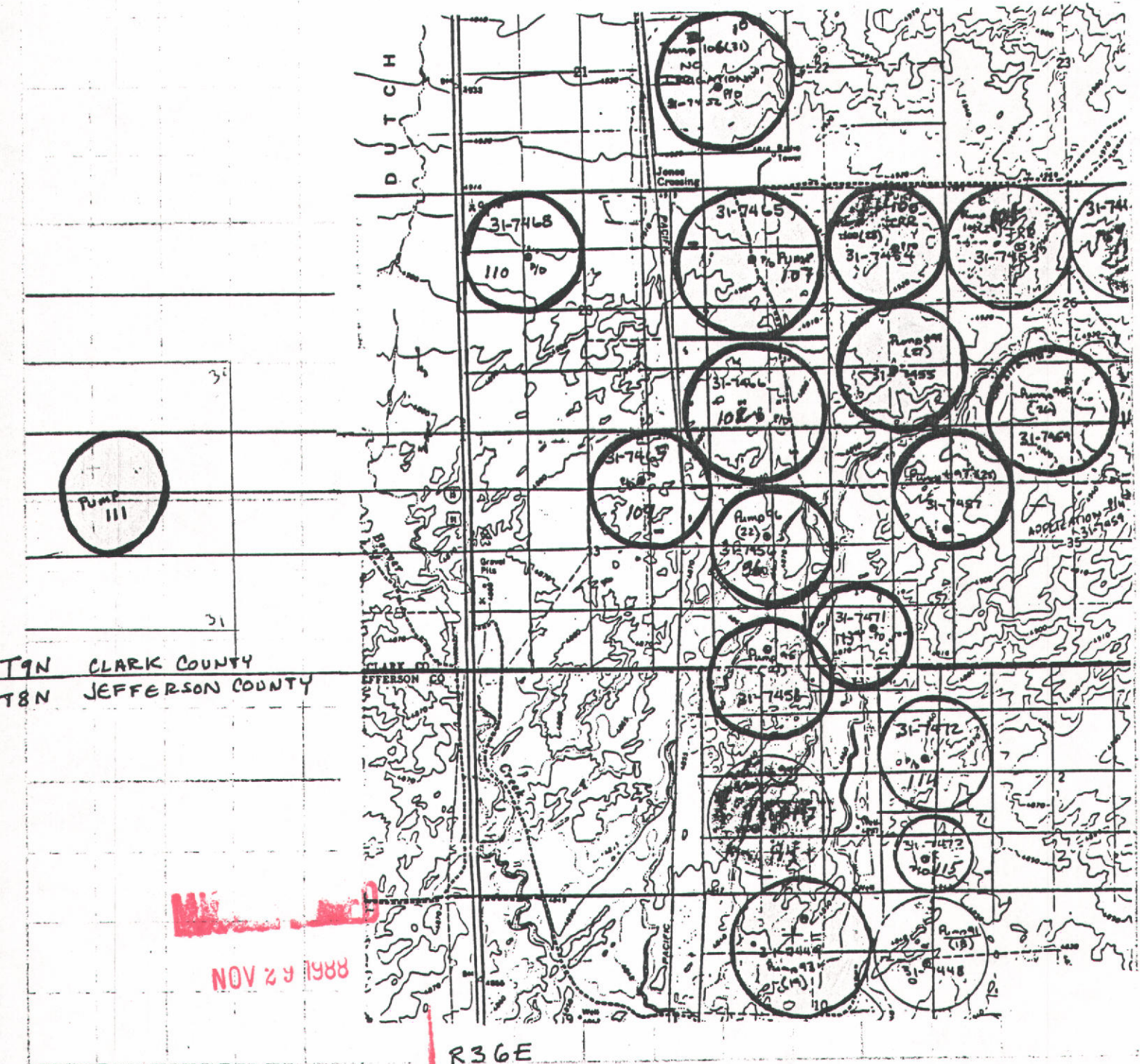
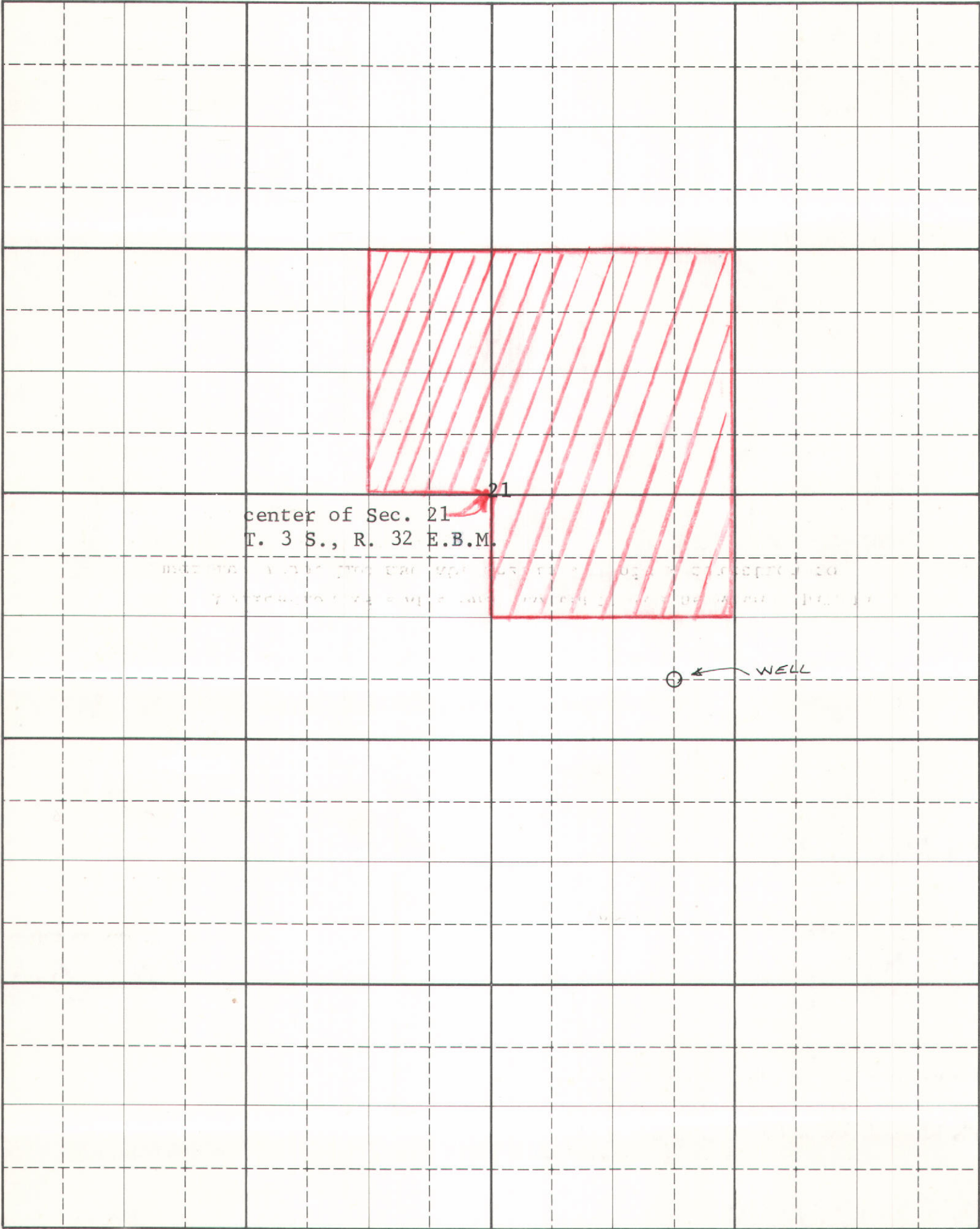


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



11. Map of proposed project:



Scale: 4 inches equal 1 mile

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

Lynn Burdick
(Applicant)

35 7390

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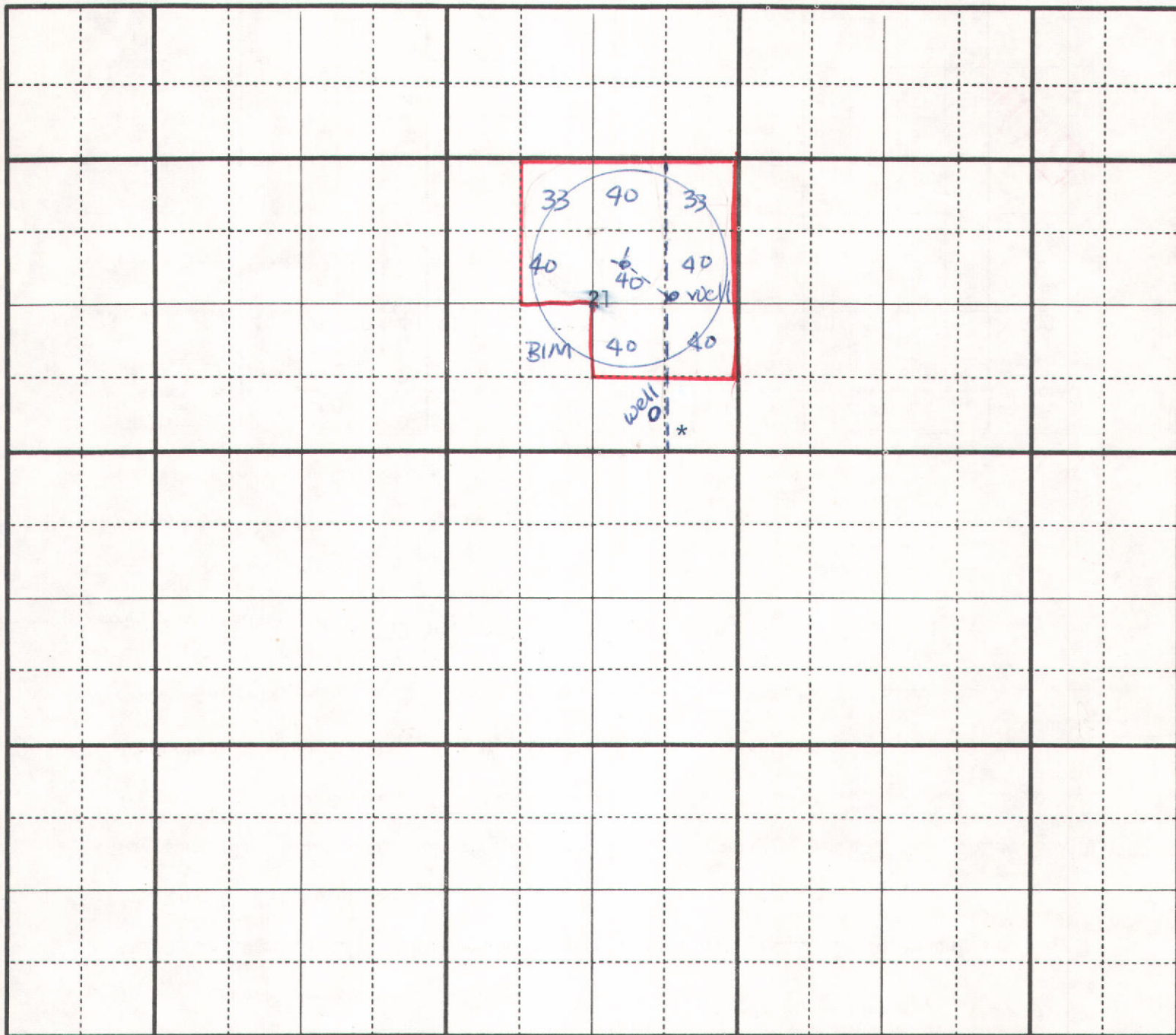


Diagram of System

K-8
CXN-1GG-

K-



SECRET

NOPTI

WPK

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Lynn Broadhead, Rt. No. 5, Box 153, Blackfoot, Idaho, has on 3-15-74, submitted Application No. 35-7390 for a permit to appropriate 4.0 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R. 32E, B.M. Bingham County; to be used from Apr. 1 to Oct. 31 for the irrigation of 320 acres within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 8, 1974.

R. KEITH HIGGINSON
Director

(3770)

Pub.: 3-21, 28

35 7390

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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

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

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

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

SOURCE
 GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 24, Township 08S, Range 29E
 SENW , Sec. 24, Township 08S, Range 29E
 POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	29E	23	SESW 5.0	SWSE 15.0	SESE 32.0	52.0
		24	NENE 31.3	NWNE 37.3	SWNE 36.8	
			SENE 31.3	NENW 37.3	NWNW 31.3	
			SWNW 37.3	SENW 36.8	NESW 36.8	
			NWSW 37.3	SWSW 39.3	SESW 39.3	
			NESE 31.3	NWSE 36.8	SWSE 39.3	
			SESE 39.3			578.8
		25	NENE 37.3	NWNE 37.3	SENE 37.0	
			NENW 37.3	NWNW 31.3	NESE 30.0	210.2
		26	NENE 28.0	NWNE 36.0	NENW 10.0	74.0
30E	30		NWSW 28.0			28.0

Total number of acres irrigated: * 943.0

CONDITIONS OF APPROVAL AND REMARKS

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

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

CONDITIONS OF APPROVAL AND REMARKS

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

Dated this 18th day of October, 1999.


Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NOS. 3500, 3502, 3503, 3504,)
3505, 3506, 3507, 3508, 3512 PROPOSING)
TRANSFER OF WATER RIGHTS NOS. 35-7390,)
35-7391, 35-7630, 35-7605, 35-7586,)
36-7015A, 36-2074, 36-7613, 36-2409A,)
36-7495, 37-2652, 36-2121, 36-2122,)
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 propose irrigation of 4594 acres in Jefferson and Clark Counties, and the withdrawal from

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

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

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

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

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

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

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

JUL 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 transferred rights in the Mud Lake area.

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

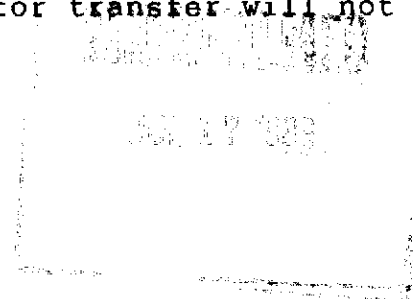
CONCLUSIONS OF LAW

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

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in section 42-203A, Idaho Code. . .

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

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



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

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

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

ORDER

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

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

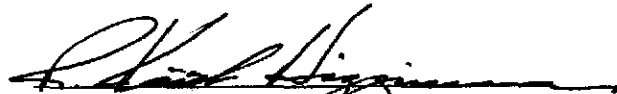
2. The transfers are approved for a period of one year. On November 1, 1989, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

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

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

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

Dated this 19th day of April, 1989.



R. KEITH HIGGINSON, Director
Department of Water Resources

MICROFILMED

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

MICROFILMED

JUL 17 1989

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Page 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3502

APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 02 1989

APPROVED
Department of Water ResourcesBroadhead transfer (there are
three Part 2s)

PART 1

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

A. PURPOSE OF TRANSFER

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

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

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

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

5. Lands irrigated or place of use:

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

Total acres _____

PART 1

6. General Information:

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

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

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

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

d. Remarks:

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-7390/7391/7630

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

PURSUANT TO ORDER DATED APRIL 19, 1989

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

[Signature]

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. 35-07390 issued by the Idaho Department of Water Resources.

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

d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Lease of Water Rights

3. Source of water groundwater tributary to Snake River

4. Date or priority March 13, 1974

5. Water is used for the following purpose:

amount 3.72 cfs for irrigation purposes from April 1 to October 31

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

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

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

6. Total amount of water under right 3.72 cubic feet per second and/or 1.071 acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	32E	21	33	40	40	40	33			40					40	40			306

Total acres

306

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

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

No _____

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	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. 35-07391 issued by the Idaho Department of Water Resources.

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

d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Lease of Water Rights

3. Source of water groundwater tributary to Snake River

4. Date or priority March 13, 1974

5. Water is used for the following purpose:

amount 0.26 cfs for irrigation purposes from April 1 to October 31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	27	3S	32E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	27					40	40	40	40	40	40	40	40					320

Total acres 320

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

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07630 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Lease of Water Rights

3. Source of water groundwater tributary to Snake River

4. Date or priority August 3, 1976

5. Water is used for the following purpose:

amount 4.8 cfs for irrigation purposes from April 1 to Nov. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.8 cfs cubic feet per second and/or 1,057 acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	27						13	38			13							64
		28	39	39	40	40													238

Total acres 302

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

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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

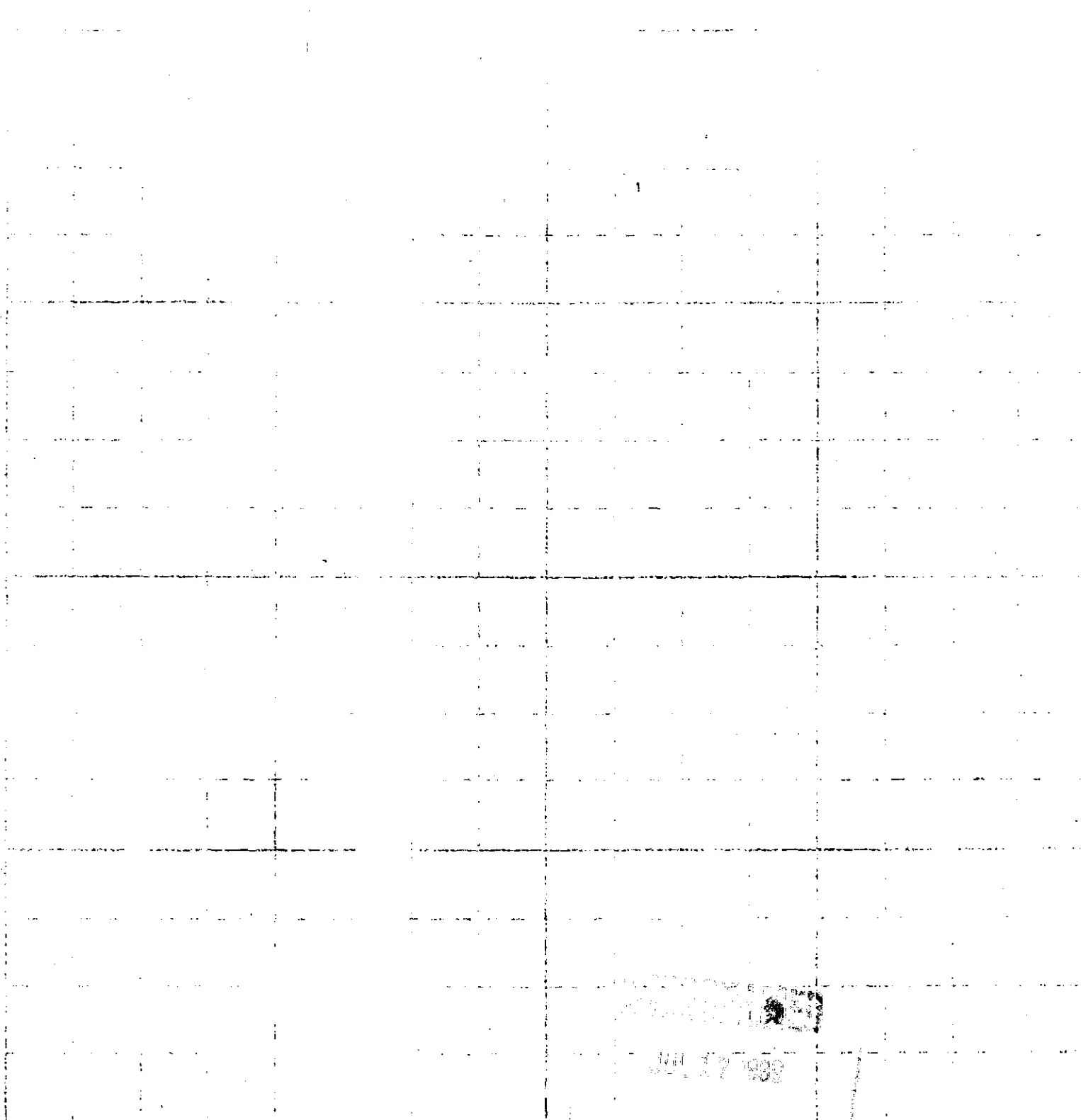
3. Lands irrigated or place of use:

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

Total acres _____

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

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



RECEIVED
JUL 17 1982

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

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

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

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

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

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

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

Blaine Larson

(Signature of Applicant)

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

(Notary Public)

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

Transfer contains _____ pages and _____ attachments

Received by Jim Date 1-10-89

Protest filed by _____

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

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 _____

RECEIVED

JUL 17 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

SOURCE: GROUND WATER

COUNTY: BINGHAM, CLARK,
AND JEFFERSON

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

Applicant,)

v.)

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

MEMORANDUM DECISION AND ORDER

BY THE DIRECTOR

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

NOV 30 1988

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

FINDINGS OF FACT

GROUP A

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

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

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

<u>BEFORE CHANGE</u>		
<u>Water Right No.</u>	<u>Points of Diversion</u>	<u>Places of Use</u>
32-7092	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T9N, R34E	E $\frac{1}{2}$, Sec. 2, NE $\frac{1}{4}$, Sec. 11, T9N, R34E
32-7058	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T9N, R34E	E $\frac{1}{2}$, Sec. 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T9N, R34E
32-7022C	SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T9N, R34E	S $\frac{1}{2}$, Sec. 18, T9N, R34E
31-7034H	SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T8N, R36E	NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T8N, R36E

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

AFTER CHANGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Injury

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

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

recharge the aquifer within days.

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

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

Enlargement

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

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

Public Interest

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

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

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

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

Interim Approval

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

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

GROUP B Applications

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

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

BEFORE CHANGE

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

AFTER CHANGE

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

AMENDED CHANGE

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

32. On April 6, 1988, Eastern Idaho Production Credit Association ("PCA") made application to the Department, on behalf of Larsen, to change the point of diversion and place of use for the following water rights: Nos. 35-7773/35-2493, 35-2242,

35-2391/35-7777.

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

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

BEFORE CHANGE

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

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

AFTER CHANGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

Injury to Other Water Rights

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

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

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

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

their water rights.

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

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

Enlargement

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

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

Public Interest

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDER

IT IS THEREFORE, HEREBY ORDERED that the applications for transfer of water right Nos. 32-7092/32-7058, 32-7022C, 31-7034H, 31-7034R, 31-7034S, 35-7390/35-2274, 35-7391/35-2432/35-7630B, 35-7630A/35-4015B, 35-7863, 35-2728/35-2844/35-7361, 35-2821B, 35-7773/35-2493, 35-2242, and 35-2391/35-7777 and amendment of permit Nos. 35-7161, and 35-7162 are APPROVED subject to the

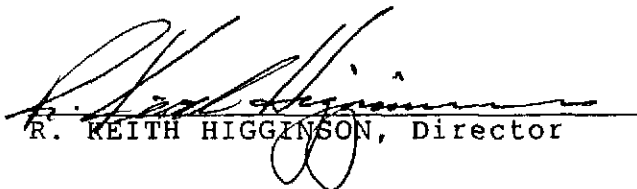
following conditions:

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

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

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

DATED this 7TH day of September, 1988.


R. KEITH HIGGINSON, Director

CERTIFICATE OF SERVICE

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

Jeffrey C. Fereday, Esq.
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth St., Suite 200
P.O. Box 2720
Boise, ID 83701

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

Idaho Falls, ID 83405

Mr. Reed Mickelson
Hamer, ID 83425

Mr. Ray Sanders
Hamer, ID 83425

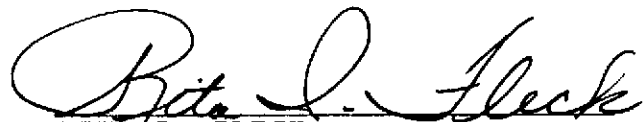
Mr. Dell Raybould
3215 N. 2000 W.
Rexburg, ID 83440

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

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

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

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



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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

BY THE DIRECTOR

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

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

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

to the hearing before the Director in this matter.

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

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

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

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

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

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

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

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

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

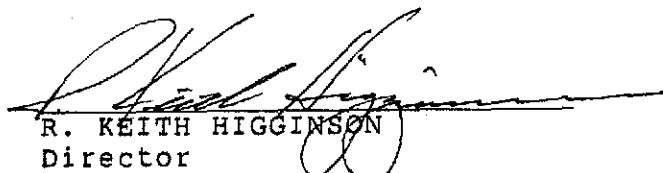
IT IS, THEREFORE, HEREBY ORDERED as follows:

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

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

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

DATED this 16TH day of May, 1988.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

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

Jeffrey C. Fereday, Esq.
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth St., Suite 200
P.O. Box 2720
Boise, ID 83701

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

Mr. Reed Michelson
Hamer, ID 83425

Mr. Ray Sanders
Hamer, ID 83425

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


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

X
Total acres 1179

PART 1**6. General Information:**

- a. Description of diversion system Wells & pumps with pivot irrigation system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Will receive only natural rain fall and snow fall and will not otherwise be
irrigated in 1988. Some of all of the lands will be set-aside from production
under federal programs.
- d. Remarks:
This is one of four coordinated transfer applications submitted together for joint
consideration. Therefore, the points of diversion and places of use described
in B above are the same in all four transfer applications and cover all four
transfer applications.

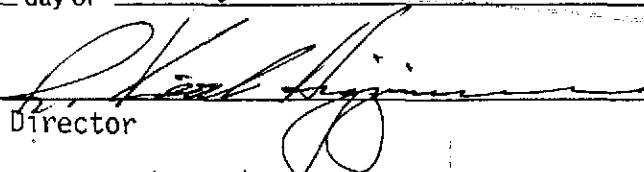
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-7390/2274

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

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

Witness my hand this 16th day of May, 19 88


Director

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-7390 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☒ Other Lease

3. Source of water groundwater tributary to _____

4. Date or priority 3/13/74

5. Water is used for the following purpose:

amount 3.72 for Irrigation purposes from 4/1 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.72 cubic feet per second and/or 1071.0 acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	21	33	40	40	40	33			40					40	40			306

Total acres 306

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

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-2274 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☒ Other Lease agreement

3. Source of water groundwater tributary to _____4. Date or priority 12/16/53

5. Water is used for the following purpose:

amount 2.4 for Irrigation purposes from 4/1 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	32E	21	40	15	40	10				35					15	20			175

9. Describe any other water rights used for the same purpose as described above 35-7390/4015

Total acres 175

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

ATTACHMENT #1

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

Pump No.	Points of Diversion	Places of Use	Acres to be Irrigated*
93	NE1/4, NE1/4, NW1/4, Sec. 10, T8N, R36E	NW1/4, NE1/4 and NE1/4, NW1/4, Sec. 10, T8N, R36E SE1/4, SW1/4 and SW1/4, SE1/4 Sec. 3, T8N, R36E	200
99	NW1/4, SE1/4, SE1/4, Sec. 27, T9N, R36E	SE1/4, Sec. 27, T9N, R36E	136
100	NW1/4, SE1/4, NE1/4, Sec. 27, T9N, R36E	NE1/4, Sec. 27, T9N, R36E	164
101	NW1/4, SE1/4, NW1/4, Sec. 26, T9N, R36E	NW1/4, Sec. 26, T9N, R36E	164
106	NW1/4, NW1/4, SE1/4, Sec. 22, T9N, R36E	SE1/4, NE1/4 and E1/2, SE1/4, Sec. 21, T9N, R36E S1/2, NW1/4 and SW1/4, Sec. 22, T9N, R36E	193
107	NE1/4, SW1/4, NW1/4, Sec. 27, T9N, R36E	NW1/4 and N1/2, SW1/4, Sec. 27, T9N, R36E E1/2, NE1/4 and NE1/4, SE1/4, Sec. 28, T9N, R36E	196
111	NW1/4, NW1/4, SE1/4, Sec. 31, T9N, R36E	SW1/4, NE1/4 and SE1/4, NW1/4 and NE1/4, SW1/4 and NW1/4, SE1/4, Sec. 31, T9N, R36E	126
Total			1,179 acres

* Acreage is based on actual acres irrigated in 1987 and have been measured by federal crop insurance officials, ASCS officials and/or the pivot system dealers. These pivots will not be enlarged in 1988.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

APPROVED BY _____
DATE _____

APPROVED BY _____
DATE _____

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

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

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

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

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

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

Jim John
(Notary Public)

My commission expires life

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and _____ attachments

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

Prelim. check by Jim Fee 50.00

Receipted by R.G. Date 3-18-88 #C000167

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

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

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7390 Priority March 13, 1974 Amount 3.72 cfs

THIS IS TO CERTIFY, that LYNN BROADHEAD
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7390 issued pursuant to Application for Permit dated March 13, 1974,
and has submitted proof to the Department of Water Resources on October 3, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 6.46 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>October 31</u>	at <u>3.72</u> cfs and	<u>1071</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 3.72 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
1071 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21,
Twp. 3S, Rge. 32E, B.M. in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3S	32E	21	33	40	40	40	33			40					40	40			306

Total number of acres irrigated 306

Condition:

The total volume of water diverted under this license when combined with
License No. 35-2274 shall not exceed 1071 acre feet per year.

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.

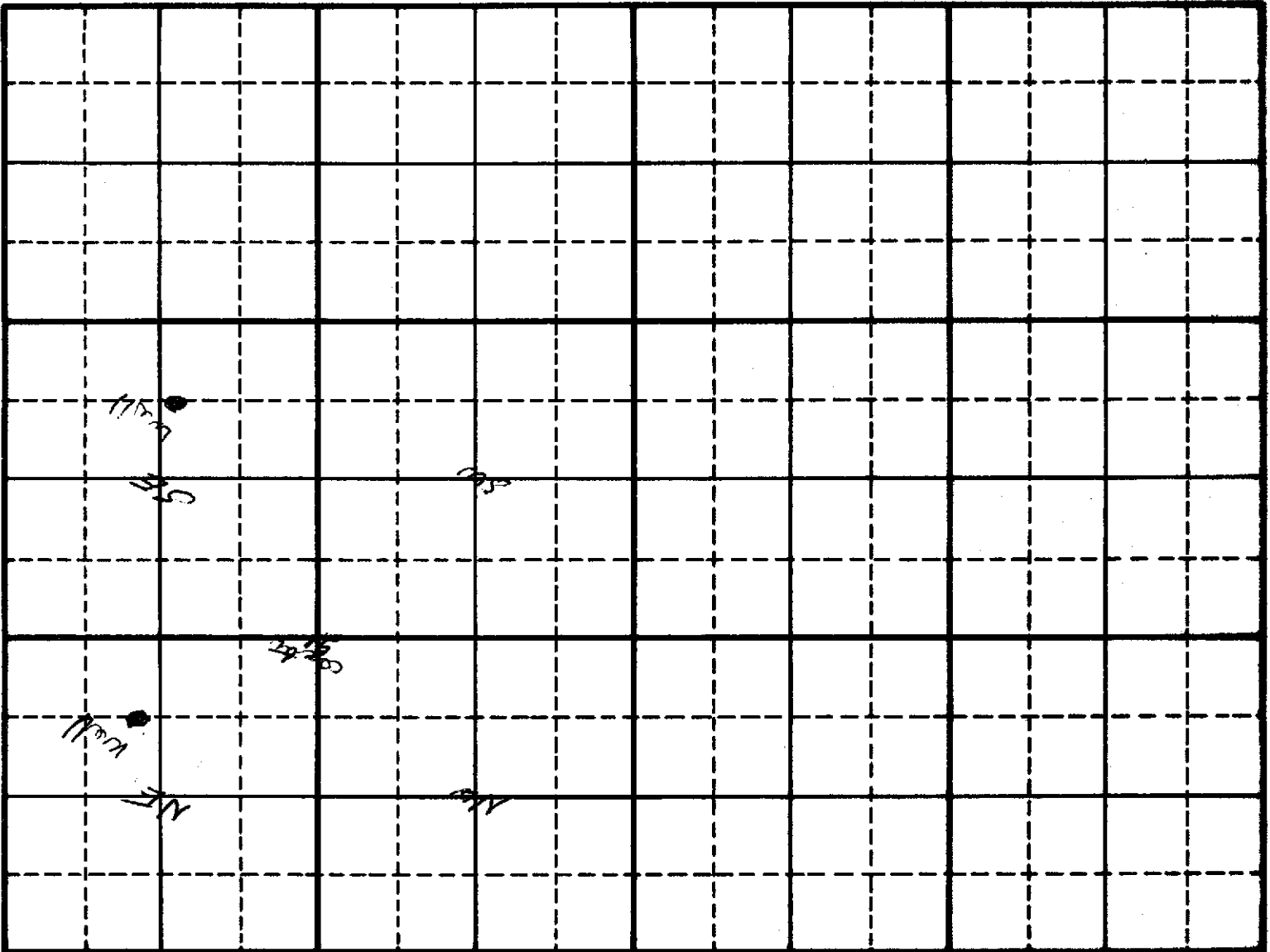
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of

October, 19 79.

Director

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



Scale: 2 inches equal 1 mile

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

Signed at Blackfoot, this 15th day of August, 1979.
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, C. STEPHEN ALLRED, Director of the Department of Water Administration,

hereby approve the above referenced application for amendment for Permit No. 35-7390.

Witness my hand this 31 day of October, 1979.
Director

Identification No. 35 7390

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant LYNN BROADHEAD
post office address Route 5, P.O. BOX 153, Blackfoot, Idaho, 83221
2. Source of water supply ground water which is a tributary of -
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 3 South
Range 32 E. B.M. Bingham County; additional points of diversion if any: none

- b. If water is not consumed, it will be discharged into - at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4.0 for irrigation purpose from April 1 to October 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pumped from deep well into
burried mainline and sprinkled through lateral lines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 14 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ Additional construction costs \$45,000.00
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: _____

35 7390

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

[illegible]

* see item # 10 below

320*

c. Describe any other water rights used for the same purposes. License No. G-23189 issued for

2.4 c.f.s.

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

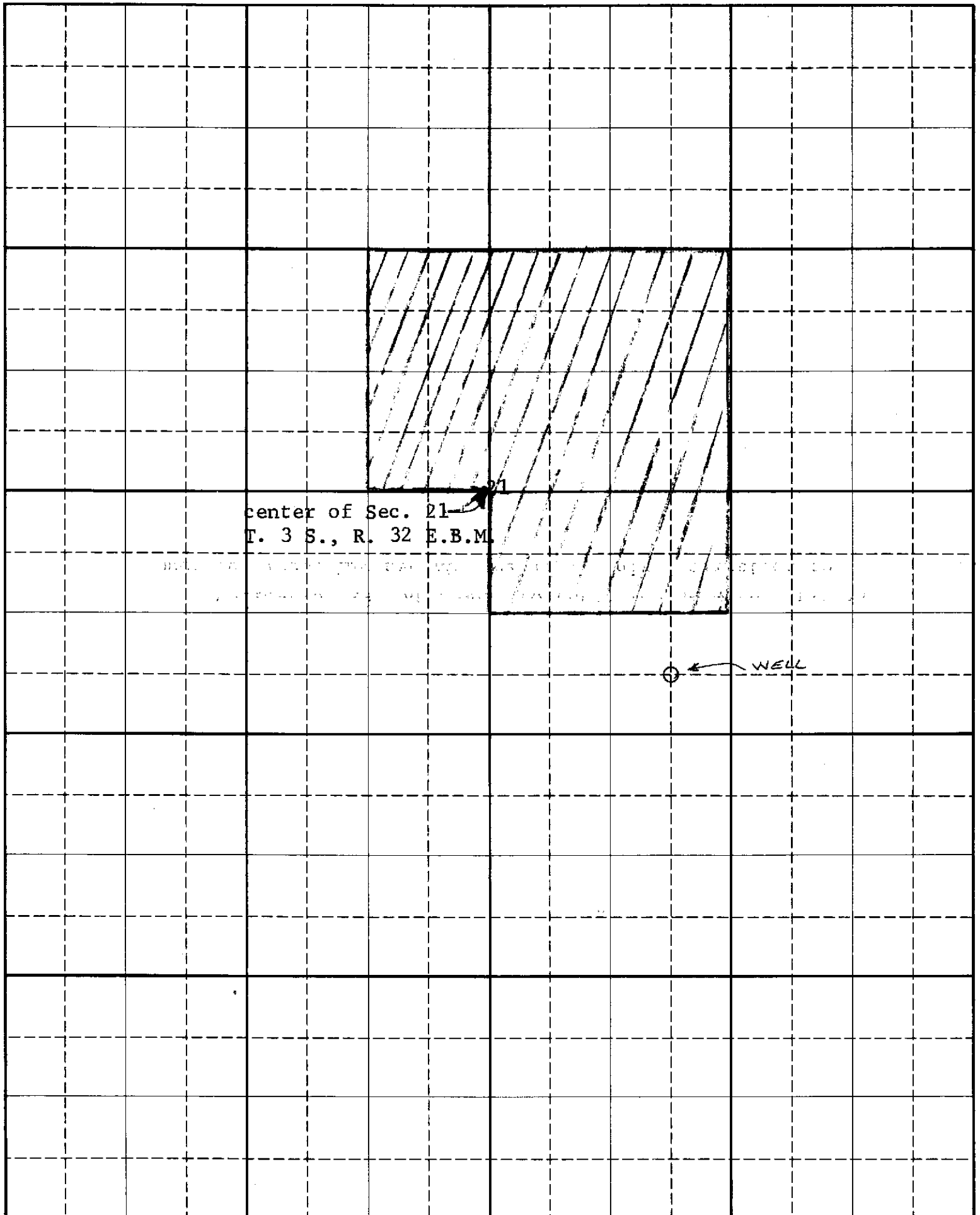
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing n/a

10. Remarks ~~This Application is additional to that License with a priority date~~

4.0 c.f.s. of water will be in addition to the aforementioned license for 2.4 c.f.s. It is the intention of the applicant to apply 6.4 c.f.s. of water to beneficial use on the above described 320 acres to more adequately irrigate 175 acres under the above license and to bring 145 new acres under cultivation.

11. Map of proposed project:



Scale: 4 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.

[Signature]
(Applicant)

35 7390

Proposed Priority-3-13-1974

Received by MB Date 3/11/74 Time 10:05 AM
Preliminary check by MB Fee \$ 50.00
Received by MB Date 3-15-74 # 12784
Publication prepared by MB Date 3-15-74
Published in St. Blackfoot News
Publication dates 3-21-28, 1974
Publication approved MB Date 4/13/74
Priority reduced to 3-B-74 Reason _____

Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by MCY/MB

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7390, 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 April 1, 19 79.

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

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

Witness my hand this 12 day of April 19 74.

State Reclamation Engineer

State of Idaho

License and Certificate of Water Right

Water License No. G-23189 35-2274 Priority December 16, 1953 Amount 2.4 c.f.s.

THIS IS TO CERTIFY that MARK L. GARDNER

of Firth, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 24, 1952; that Permit No. G-23189 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4.0 second feet, was issued thereunder on October 13, 1959, showing that said works were completed on the 8th day of September, 1959; and that on the 30th day of November, 1960 MARK L. GARDNER

of Firth, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation and domestic use, under Use Permit No. G-23189 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses, at Page 7040, on the 13th day of January, 1961. The right hereby confirmed dates from December 16, 1953.

The Point of Diversion is located in the SE 1/4 NE 1/4, Sec. 21, Twp. 3 S., R. 32 E., B.M. Bingham County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 S.	32 E.	21	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	15
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	10
			SE 1/4 NW 1/4	40	35
			NE 1/4 SE 1/4	40	15
			NW 1/4 SE 1/4	40	20
			Total number of acres to be irrigated:		175

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13th day of January, 1961.

Geo. N. Carter
State Reclamation Engineer.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>RP</u>	<u>3/13/74</u>	Application No. <u>35-7390</u> <u>BROADHEAD 4.0 cfs</u>
(2)			REDUCE PRIORITY TO 3/13/74 TYPE 10 ☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use <u>4.0 + 2.4 = 6.4 %</u> ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<u>"</u>	<u>"</u>	In form to receipt <u>YES</u>
	<u>"</u>	<u>"</u>	Send Copies to: ☐ Idaho State Health Department ☒ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>"</u>	<u>"</u>	☒ Request Special Use Permit from U.S. F.S. ☒ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>"</u>	<u>"</u>	In form for advertising <u>YES</u>
(6)	<u>"</u>	<u>"</u>	Located within Water District No. _____
(7)	<u>"</u>	<u>"</u>	Critical groundwater area: yes _____ no <u>✓</u>
(8)	<u>"</u>	<u>"</u>	Groundwater levels: _____ Decline (comment) _____ _____ Stable (comment) <u>NO OBS. WELL WIS #29</u> _____ Increasing (comment) _____
(9)	<u>"</u>	<u>"</u>	Comments: <u>35-2279 + THIS AP BRINGS Q TO 1 IN/ACRE</u>
(10)	<u>MB</u>	<u>4/3/74</u>	Affidavit of Publication received (date) <u>April 3, 1974</u>
(11)	<u>CB</u>	<u>4/8/74</u>	Final date for protests <u>April 8, 1974</u> Protests received: yes _____ no <u>✓</u>
(12)	<u>"</u>	<u>"</u>	Date and Place of hearing <u>N.A.</u> Decision reached at hearing _____
(13)	<u>NCY</u>	<u>"</u>	All requested information received from agencies or applicant yes <u>✓</u> no _____
(14)	<u>"</u>	<u>"</u>	Action recommended: ☒ Approve ☐ Deny ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>E</u>	By <u>NCY</u>	Date <u>4/8/74</u> Priority <u>3/13/74</u> Reason for Reduction <u>Fee - Although received on 3/15/74 the additional two days lost were due to Dept. Error in determining the correct fee.</u> April 10, 1974 Copy 61

35 7390

AFFIDAVIT of PUBLICATION

County of Bingham }
State of Idaho } ss.

I, David Mark Brown.....do solemnly

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

Friday issue of said newspaper 2..... consecutive

weeks, the first publication having been made on

the 21st day of March....., 1974....

and the last publication having been made on the

28th day of March....., 1974....; that said

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

David Mark Brown
Subscribed and sworn to before me this 29th

day of March....., 1974....

Patricia H. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1975

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Lynn Broadhead, Rt. No. 5, Box
153, Blackfoot, Idaho, has on 3-
15-74, submitted Application
No. 35-7390 for a permit to
appropriate 4.0 cubic feet per
second of water from a ground-
water source by means of well
and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21, T. 3S, R. 32E, B.M.
Bingham County; to be used
from Apr. 1 to Oct. 31 for the
irrigation of 320 acres within
the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 21, T. 3S, R. 32E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Administration, 1515 Lincoln
Road, Idaho Falls, Idaho, 83401
on or before April 8, 1974.

R. KEITH HIGGINSON
Director

(3770)

Pub.: 3-21, 28

29

MEMORANDUM

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

FROM: Pam Skaggs *PS*/State Office

SUBJECT: Transfer 5433

DATE: October 15, 1999

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

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

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

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

MEMORANDUM

TO: FILE 35-07390

FROM: PAM SKAGGS

RE: TRANSFER # 5433

DATE: 4-5-99

=====

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

MEMORANDUM

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

=====

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 3, 1989

Blaine Larsen
Box 188
Hamer, Idaho 83425

Re: Application for Transfer

Dear Applicant:

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

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:ds

Enclosure

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

Microfilm

JUL 17 1989

LEASE OF WATER RIGHTS

LYNN BROADHEAD and JUDY BROADHEAD, ("Lessors") hereby lease to BLAINE LARSEN, LARSEN OF IDAHO and LARSEN FARMS ("Lessee") all of Lessors' right, title and interest in and to Water Rights appurtenant to the real property described in Exhibit "A" attached herein.

1. Lessors covenant 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 and during any extension, 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. *and to End nov 1, 1989 L.B.*

4. Lessors covenant and represent that they are the true and lawful owners of the water rights and that these rights have not lapsed, been abandoned or forfeited either in whole or in part. Lessors make 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 Lessors' present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee. Lessee shall take all necessary actions, at Lessee's expense, to secure the licensing of those water rights which are permits.

Microfilm

JUL 17 1989

6. Lessors shall not be liable for any damage to Lessee sustained by reason of any action of the Department effecting the shutdown of some or all irrigation operations by Lessee under the leased water rights to protect the water rights of other appropriators.

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

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

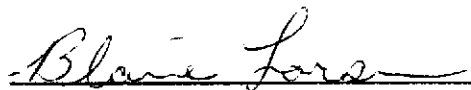
DATED this 20th day of December 1988.

LESSORS


LYNN BROADHEAD


JUDY BROADHEAD

LESSEE


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

MICROFILMED

JUL 17 1989

STATE OF IDAHO)
) ss.
County of Ada)

On this 12th day of December, 1988, 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.

Gera Carneon
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 9/26/94

STATE OF IDAHO)
) ss.
County of Bingham)

On this 22nd day of December, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared Lynn Broadhead and Judy Broadhead, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

Carlene Rich Johnson
Notary Public for Idaho
Residing at Blackfoot ID
My commission expires: 11-26-94

JUL 17 1989

EXHIBIT "A"

**Township 3 South, Range 32 E.B.M., Bingham County,
Idaho**

Section 21: E1/2, E1/2NW1/4

Section 27: W1/2

Section 28: NE1/4N1/2SE1/4

**Together with State of Idaho Water License Numbers 35-2274,
35-2432 and 35-4015.**

REPRODUCED

JUL 17 1989

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	

MICROFILMED

JUL 17 1989

Page # 2

Town-ship	Range	Sec	NE 1/4			NW 1/4			SE 1/4			SW 1/4			S 1/2			NE 1/2			SE 1/2			SW 1/2			S 1/2			NE 1/2			SE 1/2			SW 1/2			S 1/2			TOTALS																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
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Town-ship	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			
10N	36E	33				23.5									25	176.5	
		34							23		40	25				#112	
8N	36E	3	27	27												127.4	
9N	36E	34								7					25	#113	
9N	36E	25														117.5	
9N	36E	25			30	35					39.5	14	12	36	9	114.4	#120
8N	36E	13					31.4								26	23.4	
		12														31.4	
																62.8	
																#123	
TOTAL																	
ACRES																4,594.7	

NOT RECORDED

JUL 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 9, 1988

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

Blaine Larsen
Box 188
Hamer, ID 83425

Dear Mr. Larsen:

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

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

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

Enclosure

cc: See Certificate of Mailing on Order

NOV 2 1988



United States Department of the Interior

RECEIVED

JUL 19 1988

GEOLOGICAL SURVEY

WATER RESOURCES DIVISION
230 Collins Road
Boise, Idaho 83702

Department of Water Resources

July 14, 1988

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

Dear Mr. Foster:

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

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

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

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

Sincerely,

Jerry L. Hughes
Jerry L. Hughes
District Director

Enclosure

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

NOV 29 1988

JLH/mrl

INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE 5/17/88

TO File 35-7390

SUBJECT Trans. 3412

See file 35-2274 for all correspondence regarding the above referenced transfer.

RECEIVED

NOV 29 1988

SIGNATURE

November 5, 1979

Re: Permit No. 35-7390

Michael K. Ferrin
156 W. Judicial St.
Blackfoot, ID 83221

Dear Mr. Ferrin:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Also enclosed is a copy of the approved application for amendment along with receipt nos. 14770 and 15616 totaling the amount of \$20.00.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:pb

RECEIVED

September 18, 1979

Re: Permit No. 35-7390

Michael K. Ferrin
156 W. Judicial St.
Blackfoot, ID 83221

Dear Mr. Ferrin:

We have received the application for amendment filed in connection with the above referenced permit.

However, as of July, 1978, the fee for amendments was raised to \$20. Our new forms reflect this change. We will hold the \$10 check and processing of the amendment until the remaining \$10 is submitted.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

STUFFLEBEAM & FERRIN

Attorneys At Law
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221

TELEPHONE 785-0320
AREA CODE 208

RECEIVED

September 5, 1979

SEP 10 1979

Department of Water Resources

State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

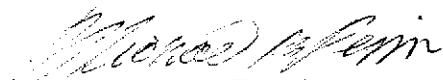
ATTENTION: Jan Grover

Re: Permit No. 35-7630

Gentlemen:

Attached is an application for an amendment, permit No. 35-7390 reflecting change in diversion. Your office has located another diversion point that is in existence. We are also enclosing our check for \$10.00 for the filing fee. If there is any question, please let me know. Thank you.

Very truly yours,



Michael K. Ferrin
Attorney at Law

MKF:ns

MICROFILMED

CONVERSATION MEMORANDUM

DATE 8/6/79FILE 35-7390

NAME OF PARTY

EMPLOYEE

RE:

Michael Ferrin
Lynn Fowler
Permit No. 35-7390

I phoned Mr. Ferrin concerning his letter of 7/12/79 (he has been on vacation) & he decided to go ahead & have Lynn Goodhead sign the amendment as is and return it to this office by September 1, 1979.

RECEIVED
AUG 14 1979
FBI - NEW YORK

STUFFLEBEAM AND FERRIN

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

ATTORNEYS AT LAW
156 WEST JUDICIAL STREET
P. O. Box 580
BLACKFOOT, IDAHO 83221

TELEPHONE (208) 786-0325

July 16, 1979

RECEIVED

JUL 17 1979

Department of Water Resources

Jay Stephen Allred
Director
State of Idaho
Department of Water Resources
State House
Boise, ID 83720

RE: Permit No. 35-7390

Dear Mr. Allred:

On January 9, we asked for an extension of time so that we might show cause why the above Permit should not be cancelled. I have discussed the matter with Mr. Broadhead and he thinks the point of diversion may be accurate on the application for Permit, if not the point of diversion would be on the N-S 1/16 line between the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 3 South, Range 32 E. B. M. If this is the case I would think that the point of diversion as stated in paragraph 3a of the Permit would be correct.

At the time of the final inspection by one of your fieldman, he indicated to Mr. Broadhead that everything in connection with the Permit was in order.

Perhaps if your notes indicate a different point of diversion, you could send us a copy of those notes so that we may compare them with another inspection of the land by Mr. Broadhead and myself.

Thank you.

Very truly yours


Michael K. Ferrin
Attorney at Law

MKF: ci
Enclosure

RECEIVED
JUL 17 1979
DEPARTMENT OF WATER RESOURCES

July 16, 1979

Michael K. Ferrin
Attorney at Law
156 West Judicial Street
P.O. Box 580
Blackfoot, Idaho 83221

Dear Mr. Ferrin:

We have received your letter concerning Permit No. 35-7390 in the name of Lynn Broadhead.

Please be advised that when the amendment is completed, it must be signed by Mr. Broadhead or an assignment of the permit must be made from Mr. Broadhead to Don McCandless. An assignment form is enclosed for your use.

We will allow until September 1, 1979, for the amendment to be submitted.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:bms

Enclosure

RECEIVED
JUL 17 1979
WATER RIGHTS DIVISION

STUFFLEBEAM AND FERRIN

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

ATTORNEYS AT LAW
156 WEST JUDICIAL STREET
P. O. Box 580
BLACKFOOT, IDAHO 83221

TELEPHONE (208) 785-0325

RECEIVED

July 9, 1979

JUL 17 1979

100-100000-100000

Jay Stephen Allred
Director
State of Idaho
Department of Water Resources
State House
Boise, ID 83720

RE: Permit No. 35-7390

Dear Mr. Allred:

I am in receipt of your letter of June 12, 1979, addressed to Lynn Broadhead in care of me, providing that we are ordered to show cause on or before July 13, 1979, why permit should not be cancelled since the permit has not been amended to change the point of diversion.

I am endeavoring to learn from Mr. Broadhead where the new point of diversion is so that the Application for Permit can be amended.

It has been difficult to contract Mr. Broadhead.

About the first of April of this year, Mr. Broadhead sold the farm containing land under the subject permit and other land to Don McCandless. Mr. McCandless contends that Mr. Broadhead is responsible for the Amendment, and Mr. Broadhead claims Mr. McCandless is responsible for the Amendment. I have persuaded Mr. Broadhead that in order to protect his security he must amend the permit to change the point of diversion.

If you will allow an additional 30 days, you can be assured that Mr. Broadhead will submit through my office the necessary Application for Amendment.

Thank you.

Very truly yours



Michael K. Ferrin
Attorney at Law

MKF: ci
Enclosure

SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date, and address of delivery. \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. \$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

32752

1 (Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

DATE OF DELIVERY

JUN 14 1979

5. ADDRESS (Complete only if requested)

POSTMARK

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
(Name of Sender)
BOISE, IDAHO 83720

(Street or P. O. Box)

(City, State, and ZIP Code)

*Certified Mail
32752*

June 12, 1979

RE: Permit No. 35-7390

Lynn Broadhead
c/o Mike Ferrin
P. O. Box 580
Blackfoot, ID 83221

Dear Mr. Broadhead:

On April 4, 1979 and May 21, 1979, you were notified that you must amend the above referenced permit to change the point of diversion to that actually found being irrigated by the field examiner. As of this date, we have not yet received this amendment.

Therefore, you are again notified that under the provisions of Section 42-311, Idaho Code, as amended, Permit No. 35-7390 is held for cancellation for failure to complete the permit as required, and you are ordered to show cause before the Director of the Department of Water Resources on or before July 13, 1979, why said permit should not be cancelled.

Permit No. 35-7390 claims the use of 4.0 cubic feet per second of water from a groundwater source to be used for irrigation purposes, and the permit was approved April 12, 1974.

Dated this 12th day of June, 1979.

Sincerely,

C. STEPHEN ALLRED
Director

Original signed

CSA:alw

jc
MICROFILMED

May 21, 1979

RE: Permit No. 35-7390

Lynn Broadhead
c/o Mike Ferrin
P. O. Box 580
Blackfoot, ID 83221

Dear Mr. Broadhead:

On March 8, 1979, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment.

If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:alw

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

Lynn Broadhead
Route 5, Box 153
Blackfoot, ID 83221



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

March 6, 1979

Re: Permit No. 35-7390

*Re-sent 4-4
c/o Mike Ferrin
P.O. Box 580
Blackfoot*

Lynn Broadhead
Route 5, Box 153
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

A representative of this Department made an examination of the works covered by your Permit No. 35-7390 on July 28, 1976, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 3.72 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1071 acre feet
per year.

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 3S, Rge. 32E, B. M.

Beneficial use: Irrigation of 306 acres within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 21, Twp. 3S, Rge. 32E, B. M.

Priority date established: March 13, 1974

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Lynn Broadhead OCT 9 1975
Post office address Route 5, Box 153, Blackfoot, ID 83221 Phone Department of Water Resources
Person to contact _____ Phone Eastern District Office

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

3. Water will be used for the following purposes:

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

Period of Use: from April 1 to Oct. 31
(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. 35-7390
Examination for b/u

4. Total amount to be appropriated:

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

5. Location of Point(s) of Diversion:

Township 3S N/S, Range 32E E/W, B.M., Section 21, Subdivision SE 1/4 SE 1/4, Bingham
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: 150 hp, casing 14", 150' deep

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

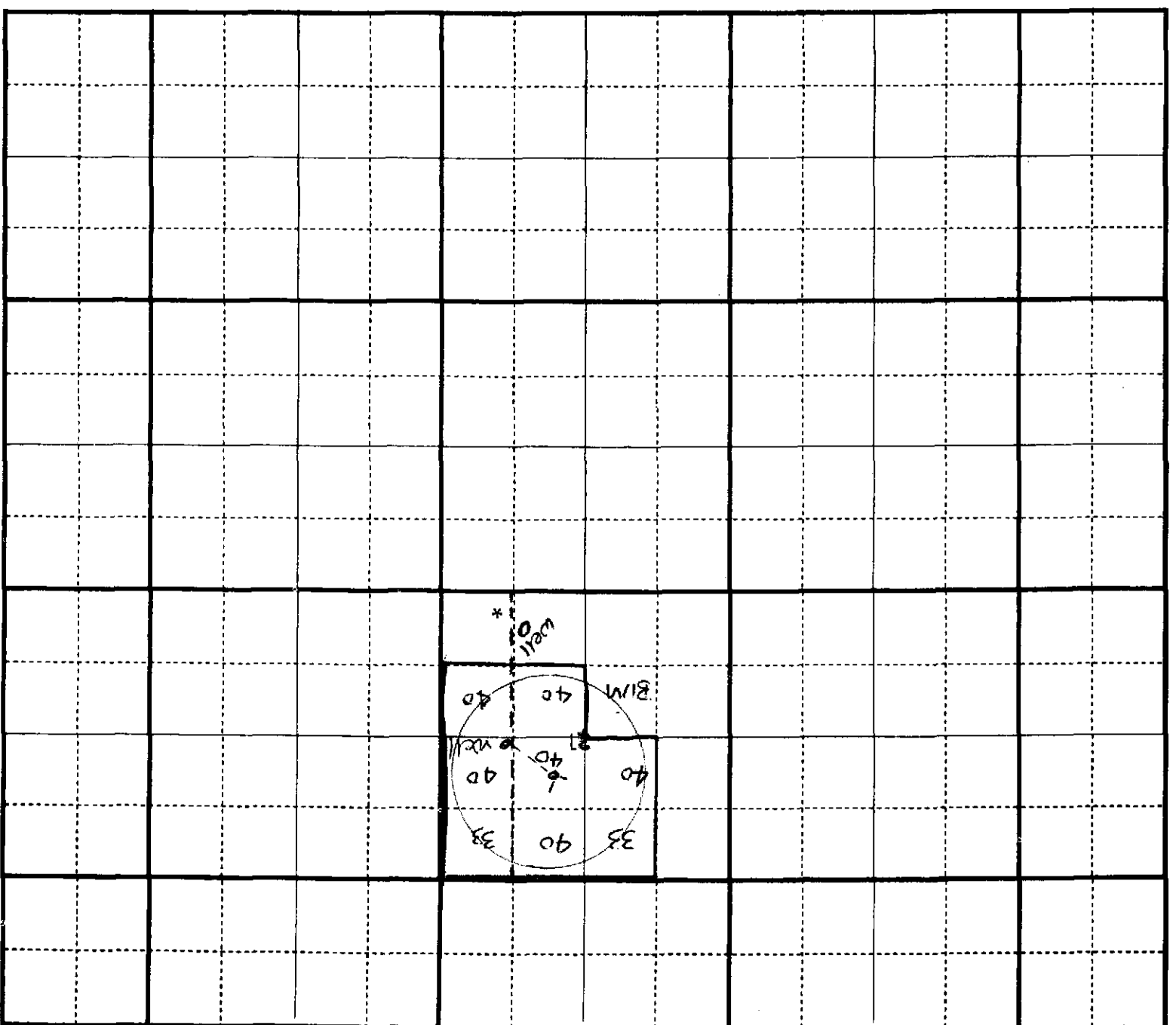
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	32E	21	40	40	40	40	40			40					40	40			320

TOTAL ACREAGE

320

S
3
T

Diagram of System



1

RECEIVED

JUN 17 1976

Department of Water Resources
Eastern District Office

June 15, 1976

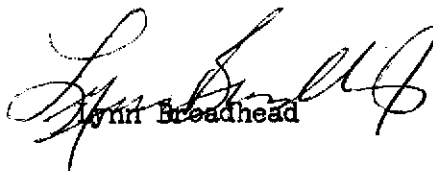
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Last September I requested a measurement of my underground water, and to my knowledge it has not been done.

My pumps are on now and again request that a measurement be taken and converted at your earliest convenience.

Sincerely,


Lynn Broadhead

LB:sp

Enclosure

MICROFILMED

September 25, 1975

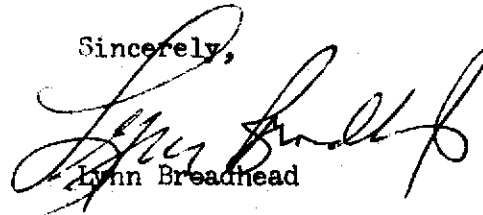
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

My irrigation systems are in, fully developed, and we need to have our underground water measured. The wells are located on Section 27, Section 21-A, and Section 21-B, T. 3S, R. 32 E.B.M.

I would appreciate having it measured and converted at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Breadhead".

Lynn Breadhead

RECEIVED
SEP 27 1975
IDaho Falls

K-8
CXN-166

K



DATE OF EXAM July 28, 1976

ACREAGE
Found 306
Recommended 306

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.72 c.f.s. V = 1071 AF/Ann. from Apr 1 to Oct 31
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 ☒

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

Exchange? yes _____ no ☒

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

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

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

Total Q measured 6.46 cts Method of measurement In line Meter

Total Q recommended 3.72 cts Meter No. 73-10-425 Type McCorm Condition Std. Cond.
73-10-416 " "

Total V recommended _____

Recommended Amendments: (Rough DRAFT SHOWS NO P.D. in the SESE, Sec 21)
P.D. Extrapd. SE 1/4 NE 1/4 Sec 21 And SW 1/4 SE 1/4 Sec 21 T3S R32E
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

SE 1/4 NE 1/4 → 1,200 gal/min
SW 1/4 SE 1/4 → 1,700 gal/min
306 A. = 6.12 cts - 2.40 cts = 3.72 cts
2,900 gal/min / 448 B = 6.46

3.5 AF/Ac X 306 Ac = 1071 AF/Ann

SYSTEM DESCRIPTION:

All is Chalmers motor 150 hp Ser# 1-5123
Johnston Pump Ser# N.A.
10" Steel MAIN TO Center pivot Pierce and Steel main
N-South to well pump in SW 1/4 SE 1/4 Sec 21
200 hp U.S. Motors Ser# 1387256 Johnston pump 10" main west 60' to
Buried N-S main

REMARKS:

Center pivot waters BIM Land. Though No crops are
grown.

System and Land shown by Lynn Broadhead.
Previous lic # 35-22-74 175 A. / 2.4 cts (same lands)

Examiner's Signature Bill Rhoads Date July 30, 1976

Checked by Loren O. Holmes Date 10-4-76

Approved by _____ Date _____



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

October 3, 1975

Re: Permit No. 35-7391 and 35-7390

Lynn Broadhead
Route 5, Box 153
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for the above referenced permits.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time of the exam so that you may show him the system.

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

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

RECEIVED
OCT 10 1975
WATER RIGHTS DIVISION

RECEIVED

OCT 3 1975

OK jc

Department of Water Resources
Eastern District Office

Identification No. _____

Permit No. 35-7390

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Lynn Broadhead
b) Post Office Address Route # 5 Box 153 Blackfoot, Idaho 83221
2. Permit Number 35-7390
3. Date of Priority that you are prepared to establish March 13, 1974
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: SE ¼ SE ¼, Section 21
Township 3 South, Range 32 E., Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
Amount 4.0 for irrigation purposes from April 1 to October 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.0 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

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

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

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) motor size 150 horse well casing 14 inches
depth of well 150 ft.

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

c) Give well driller's name and address and the date the well was completed: _____
unknown

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

RECEIVED

10-6-75 jc

72B

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	32E	21	40	40	40	40	40			40					40	40			320

Total number of acres irrigated 320

10. Remarks: _____

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

10-2-75
 (Date)

[Signature]
 (Signature)

State of Idaho)
) ss.
 County of Bingham)

On this 2nd day of October, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
 Notary Public residing at Blackfoot

My commission expires June 10, 1977

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

April 12, 1974

Re: Permit Nos. 35-7390 & 35-7391

Lynn Broadhead
Route 5, Box 153
Blackfoot, Idaho 83221

Dear Mr. Broadhead:

Enclosed are copies of your approved Applications for Permit Nos. 35-7390 and 35-7391. 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 permits. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jfr

Enclosures

cc: Stufflebeam & Ferrin
156 West Judicial Street
Blackfoot, Idaho 83221

35 7390

XXXXXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

March 15, 1974

Re: Application for Permit No. 27-7037 Firth L.D.S. Ward
No. 35-7389 Caldwell
No. 35-7390 Broadhead
No. 35-7391 "

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 4-3-74 by MB

NCY:MB
Enc: Legal Notices (4)

35 7390

35 7330

NOTICE OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that
Lynn Broadhead, Rt. No. 5, Box
153, Blackfoot, Idaho, has on 3-
15-74, submitted Application
No. 35-7390 for a permit to
appropriate 4.0 cubic feet per
second of water from a ground-
water source by means of well
and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21, T. 35, R. 32E, B.M.
Bingham County, to be used
from Apr. 1 to Oct. 31 for the
irrigation of 320 acres within
the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 21, T. 35, R. 32E, B.M.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Administration, 1515 Lincoln
Road, Idaho Falls, Idaho, 83401
on or before April 8, 1974.
R. KEITH HIGGINSON
Director
(3770)
Pub.: 3-21, 28

NOPTI

WPK

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lynn Broadhead,

Rt. #5, Box 153, Blackfoot, Idaho

has on 3/15/74 submitted Application No. 35-7390

for a permit to appropriate 4.0 cubic feet per second ~~XXXXXX~~
of water from a ground-water source

by means of well and pump

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R. 32E, B.M. Bingham County;

to be used from Apr. 1 to Oct. 31

for the irrigation of 320 acres

within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T. 3S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 8, 1974.

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho

on March 21 and March 28, 1974

35 7390

af-
3/22
3/27 P.

March 25, 1974

Re: Application for Permit No. 35-7390 Lynn Broadhead
No. 35-7391 " "

Mr. Michael Ferrin
Attorney at Law
156 West Judicial Street
P. O. Box 591
Blackfoot, ID 83221

Dear Mr. Ferrin:

Attached herewith is departmental receipt No. 12784 in the amount of \$110.00 for the above referenced applications which you submitted on behalf of Lynn Broadhead.

Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

RDC:MB

Attachment

35 7390

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

STUFFLEBEAM & FERRIN
Attorneys At Law
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221

TELEPHONE 785-0320
AREA CODE 208

RECEIVED

MAR 11 1974

Department of Water Administration
Eastern District Office

March 7, 1974

The Idaho Department of Water Administration
Eastern District
240 S. Holmes
Idaho Falls, Idaho 83401

RE: Lynn Broadhead

Gentlemen:

Enclosed are two Applications for Permits to Appropriate Public Waters of the State of Idaho. Attached to these applications, we have included copies of existing licenses in connection with the existing well to be used under the new applications.

Our check for the application fee of \$95.00 is also enclosed.

If there are any problems or any omissions in connection with this application, please let us know as soon as possible. Also, would you please direct all future correspondence regarding these applications to this office.

Please send us a supply of "Application for Permit" forms. Thank you.

Very truly yours,


MICHAEL K. FERRIN
Attorney at Law

MKF:dw

Enclosures

35 7390

Two additional checks received, one in the amount of \$5.00 and the other for \$10.00 totaling \$15.00 needed for the tax app. MB 3/15/74