

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

A full-page view of a sheet of graph paper. The page features a uniform grid of squares defined by solid black lines. Each square is further divided into four smaller quadrants by dashed lines running diagonally from corner to corner. The grid covers the entire area of the page, leaving no margins or other markings.

Scale: 2 inches equal 1 mile

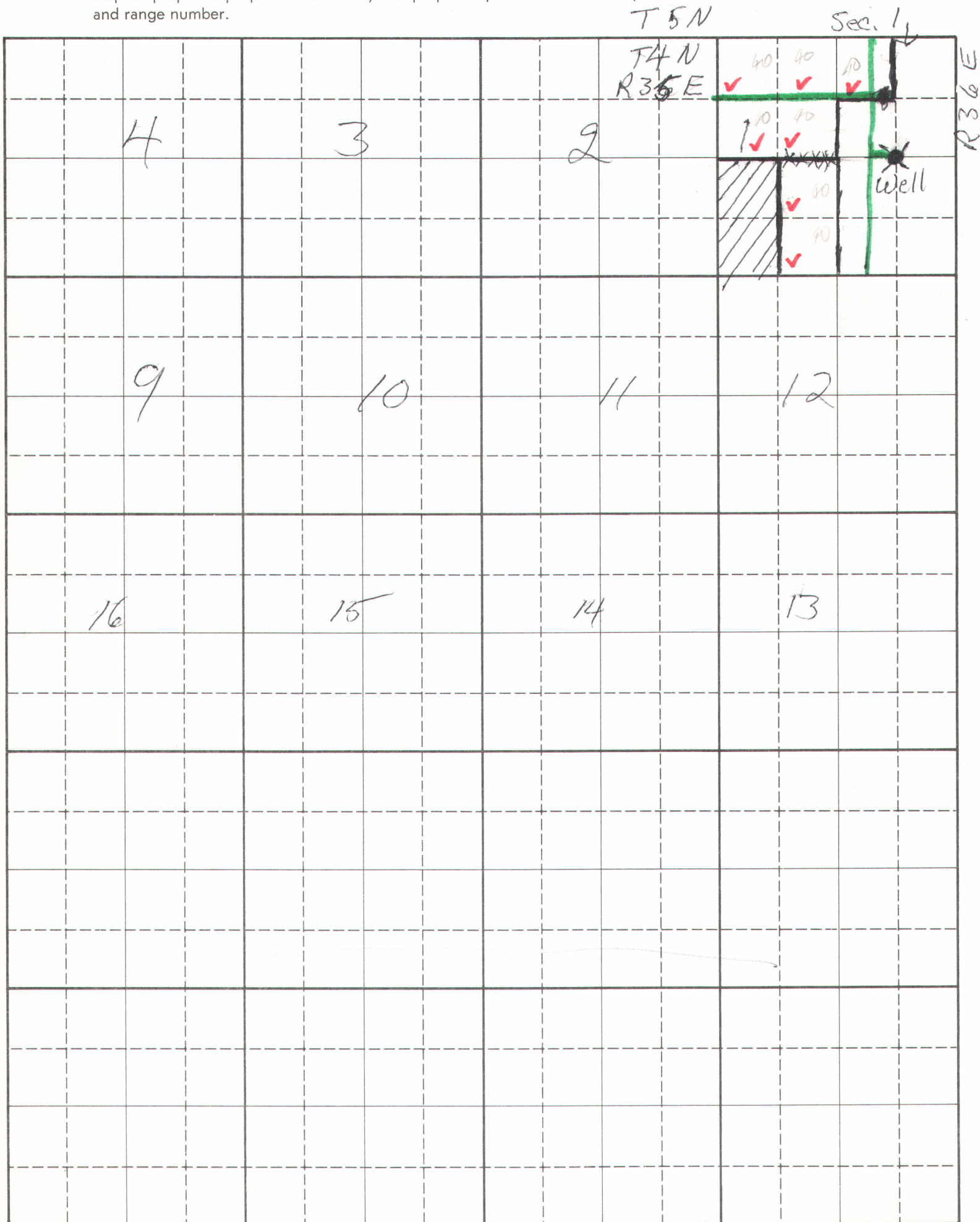
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

35-7157

Note: red checks indicate my filing.
 Green line is proposed main line.
 Well is already dug on Eldon Wards entry.

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



Scale: 2 inches equal 1 mile

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

Michael Ward
 (Applicant)

35-7157

Affidavit of Publication

THE RIGBY STAR

RECEIVED

JAN 20 1971

Department of Water Administration

STATE OF IDAHO
County of Jefferson

ss.

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

And affiant further says that said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

112 Consecutive issues thereof; first publication having been made on the

31st day of December, 1970

and the last publication on the

7th day of January, 1971

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

Hope B. Jones

Subscribed in my presence and sworn to before me this 18th

day of January, 1971
(SEAL)

[Signature]

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

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1973

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO**

Notice is hereby given that Michael J. Ward, Route No. 1, Box 221 A, Idaho Falls, Idaho has on December 21, 1970 submitted Application No. 35-7157 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 4.0 cubic feet per second of water to be diverted by pump and mainlines within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County and is to be used within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M. for the irrigation of 280 acres from May 1 to September 30.

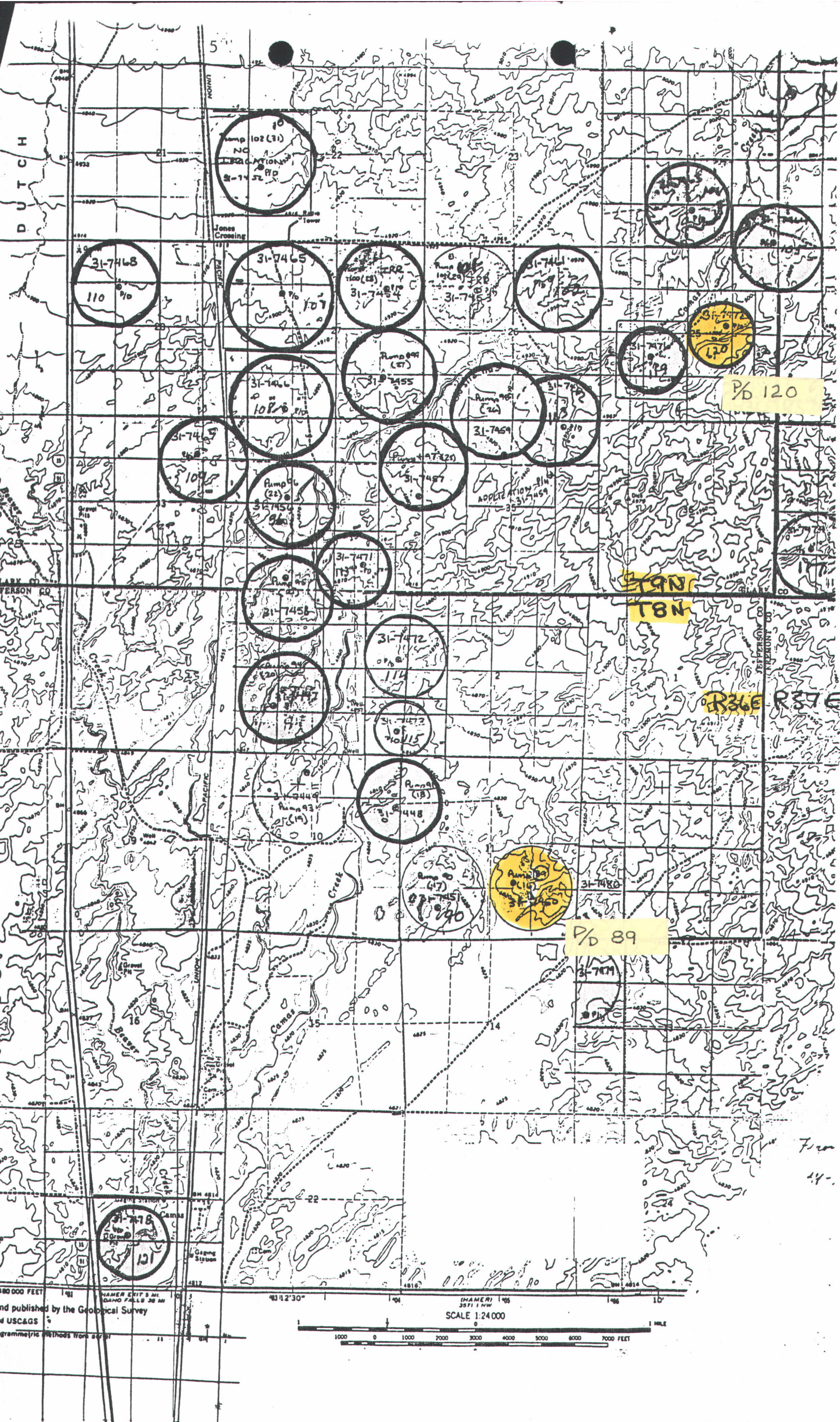
Any permit issued pursuant to

this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protests against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho on or before January 18, 1971.

R. KEITH HIGGINSON
Director

Published in the Rigby Star, Rigby Idaho on Dec. 31, 1970, and Jan. 7, 1971.

35-7157



RECEIVED
JUL 13 1988

Department of Water Resources

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620

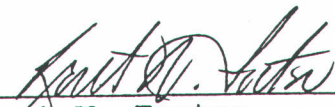
PA
For File

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER OF WATER RIGHTS NO.	)	
35-7009/357157, 35-2545B,	)	
35-2821B, 35-2728/35-2844/35-7361	)	WITHDRAWAL OF PROTEST
IN THE NAME OF BLAINE LARSEN,	)	
BLAINE LARSEN FARMS, and LARSEN OF	)	
IDAHO; and TRANSFER NO.s	)	
35-2391/35-7777, 35-2493/35-7773,	)	
35-2242; and APPLICATIONS FOR	)	
AMENDMENTS NO.s 35-7161 and 35-7172	)	
IN THE NAME OF EASTERN IDAHO	)	
PRODUCTION CREDIT ASSOCIATION.	)	

The protestants, Owsley Canal Company, Jacket Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Montevue Canal Company, Level Canal Company, and Independent Water Users of Mud Lake, Inc., hereby withdraw the protests filed on their behalf in the above entitled matter.

Dated this 12 day of July, 1988.



Kent W. Foster

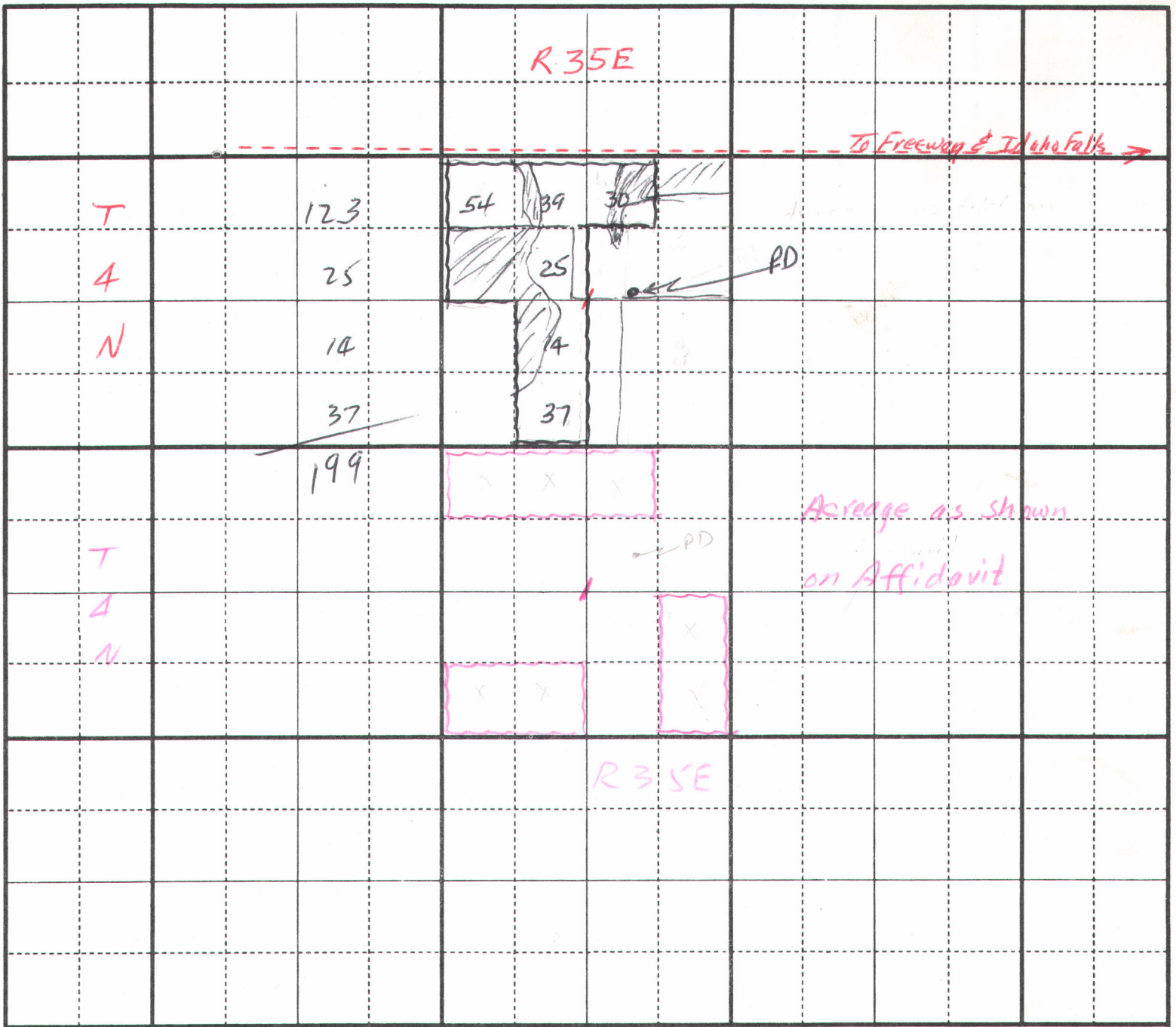
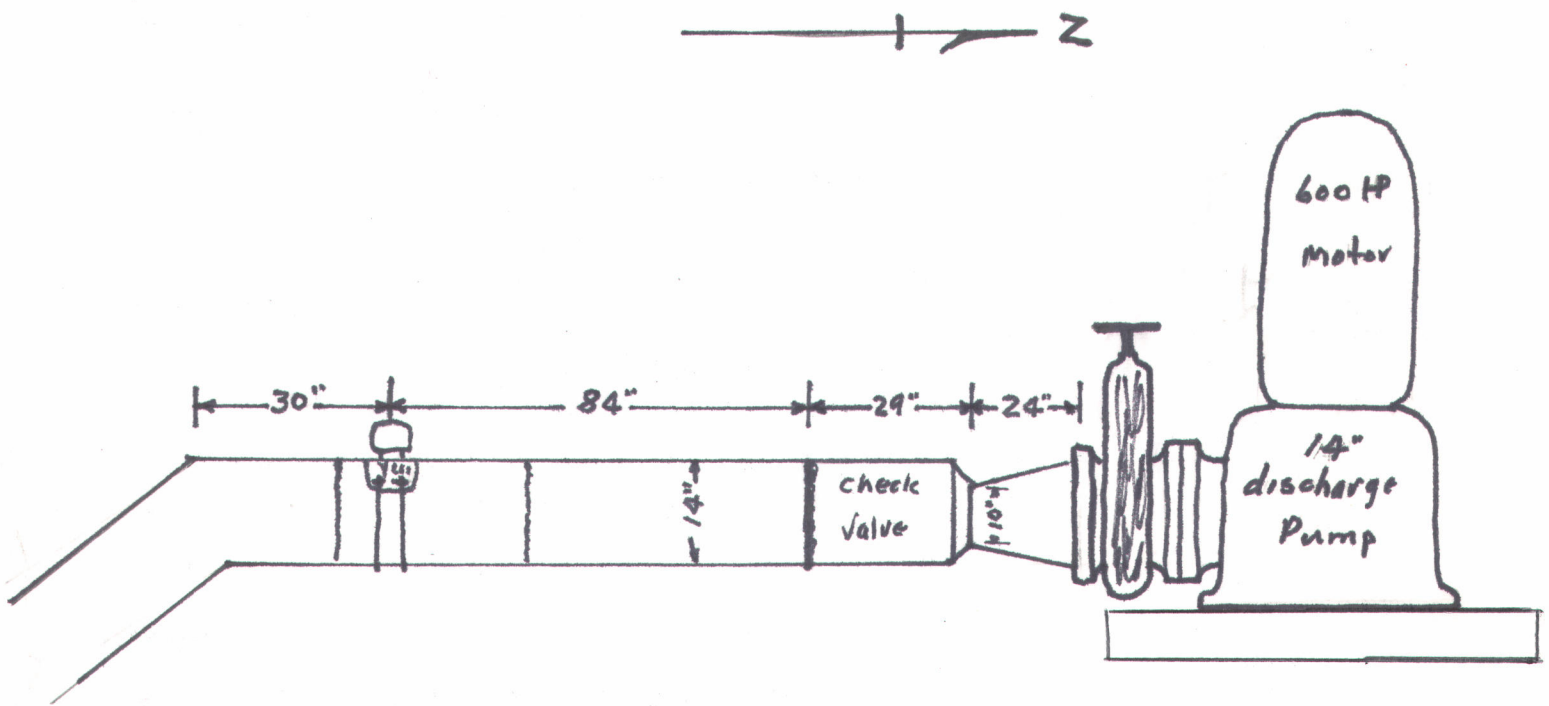
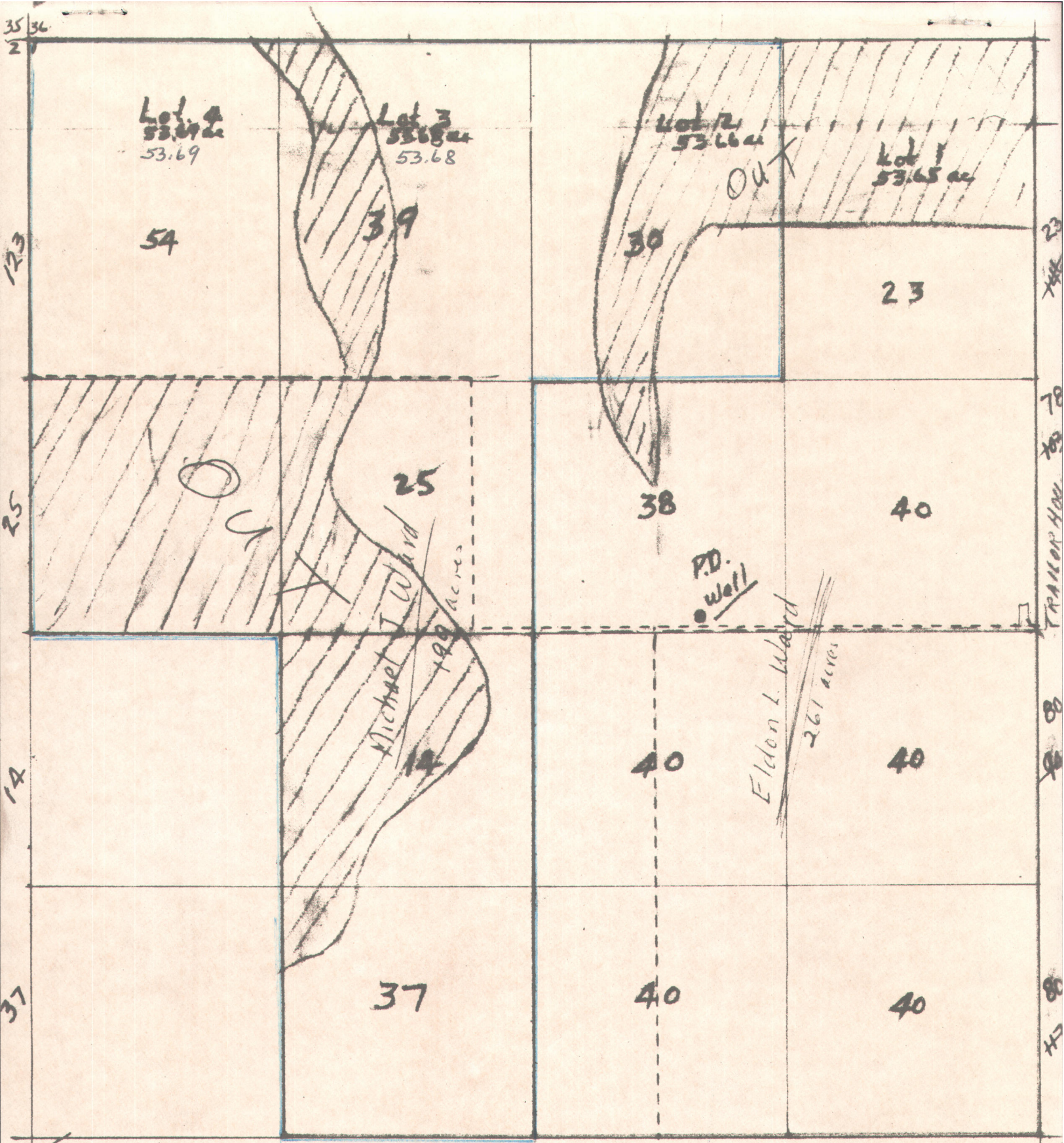


Diagram of System



35-7157



199
 M^crometer Meter Reading (10 Rev @ 50.4 Sec = 8.64 cfs)
 cfs $\frac{8.64}{460} = .01878$ cfs per acre.
 Total Ac 460

35-7009 Eldon L. Ward 261 Ac @ .01878 = 4.90 cfs

35-7159 Michael J Ward 199 Ac @ .01878 = 3.74
 460 = Total Acres 8.64 = Total cfs

Sketched from ASCS PhotoMap 8" = 1 mile - 6/6/72 LHS 35-7157

BEFORE THE DIRECTOR OF THE
DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF PROTESTS AGAINST THE)
GRANTING OF APPLICATIONS FOR TRANSFER)
NOS. 35-7009/35-7157, 35-2545B, 35-2821B,)
35-2728/35-2844/35-7361 IN THE NAME OF)
BLAINE LARSEN AND 35-2391/35-7777, 35-2242,)
35-2493/35-7773 AND APPLICATIONS FOR)
AMENDMENTS NOS. 35-7162 AND 35-7161 IN THE)
NAME OF EASTERN IDAHO PRODUCTION CREDIT)
ASSOC.)

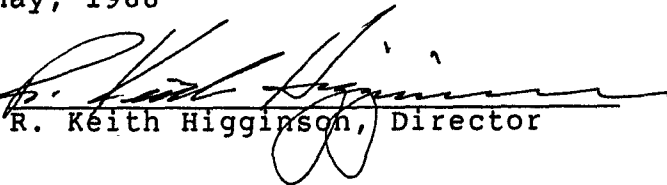
ORDER

On May 26, 1988 the Department received a Second Petition for Approval of Temporary Plan for Emergency Supply from Blaine Larsen through his attorney James D. Hansen.

This petition requests that the lands to which water is proposed to be moved by the above referenced transfer and amendment applications be allowed to be irrigated prior to the approval of the applications. All of the applications referenced above have been protested and the required hearing has not been held. A hearing will be held at the earliest date possible and the notice setting the hearing will be sent to all the parties.

Since the applications have been protested and since the hearing has not been held the Second Petition for Approval of Temporary Plan for Emergency Supply is hereby DENIED.

Dated this 27th day of May, 1988


R. Keith Higginson, Director

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

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

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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

May 25, 1988

RECEIVED
MAY 26 1988

*ALSO ADMITTED IN OREGON

Via Hand Delivery

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Department of Water Resources

Re: Blaine Larsen

Dear Mr. Higginson:

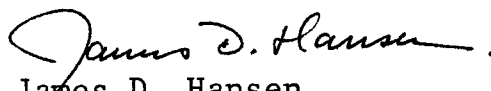
I am enclosing for your review and filing with the Department the following original pleadings:

1. Petition to Set Hearing Date.
2. Second Petition for Approval of Temporary Plan for Emergency Supply.
3. Affidavit of Jeffrey C. Fereday.

Also enclosed for filing is a telex copy of the Affidavit of Blaine Larsen. We will send the original to you tomorrow as we expect to receive it via Federal Express tomorrow.

We greatly appreciate your immediate consideration of these matters.

Very truly yours,


James D. Hansen

JDH:gc
Encls.

cc: Kent Foster, Esq.
Stephen V. Goddard, Esq. - 334-3715
Mr. Robert K. Oser 503-231-6145 Ren Swan - 503-231-243
Phillip J. Rassier, Esq.
Mr. Blaine Larsen (c/o
Mr. Kevan Varin)

RECEIVED
MAY 26 1988

Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
(208) 342-6571

Department of Water Resources

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF TRANSFERS OF	)	
WATER RIGHT LICENSES AND	)	SECOND PETITION
AMENDMENTS OF WATER RIGHT PERMITS)	)	FOR APPROVAL OF
BY BLAINE LARSEN, BLAINE LARSEN	)	TEMPORARY PLAN FOR
FARMS AND LARSEN OF IDAHO FOR	)	EMERGENCY SUPPLY
THE 1988 IRRIGATION SEASON	)	
	)	

Petitioner Blaine Larsen, Blaine Larsen Farms and Larsen of Idaho ("Petitioner") hereby petitions the Director of the Idaho Department of Water Resources ("Director") to extend the Interim Order dated May 16, 1988 to approve a temporary plan for emergency supply to allow Petitioner to pump a limited amount of groundwater from the Snake Plain aquifer on the remainder of his land subject to the transfer applications ("transfers") but not disposed of by the Interim Order. This matter is unusual in that it involves two separate groups of protests on a single transfer program; the applications are subject to hearing in two separate groups because of the two publication dates involved.

The Interim Order concerning the pumping program was issued after the Director heard testimony on the potential impact of

all of the wells involved in Applicant's 1988 transfer applications, not just those which were technically subject to the hearing which ended May 5, 1988. The record contains no evidence on the potential impact on other water rights, enlargement of use or the effect on the local public interest of Applicant's pumping of only one of the two groups of wells; all evidence pertained to both groups as a unit.

In the Interim Order, the Director found 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." Interim Order at 2. Because of the emergency nature of the situation with respect to Applicant's wheat acreage (which was dying for lack of water while the process moved forward) the Interim Order allowed Petitioner to pump groundwater to irrigate all of the land where wheat is planted, even though some of this acreage is included in the second group of applications, which technically have not yet been subject to hearing. This emergency portion of the Interim Order was based in part on Applicant's Petition for Approval of Temporary Plan for Emergency Supply dated May 11, 1988, which is on file with the Department and is incorporated herein by this reference.

This second petition seeks approval to irrigate the remaining lands on which potatoes have been planted, but which were not covered by or allowed to be irrigated pursuant to the

Interim Order and the interpretation of the Interim Order contained in Gary Spackman's letter of May 17, 1988 (the "remaining potato acreage"). The remaining potato acreage comprises approximately 2352 acres.

No pumping would be carried out under the emergency plan unless it is absolutely necessary to preserve the crop being irrigated. The plan would be carried out on the same basis as that authorized by the Interim Order for emergency pumping to serve the wheat acreage. The plan would end simultaneously with the issuance of the Director's order on the transfers following the resolution of all pending protests.

Petitioner seeks approval of this emergency plan on an immediate, ex parte basis and restates by reference the factual and legal authority for this relief which was presented to the Director in the Petitioner's original Petition for Approval of Temporary Plan for Emergency Supply filed on May 11, 1988.

DATED this 25th day of May, 1988.

Jeffrey C. Fereday
Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY,
WEBB & BUSER
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of May, 1988, I caused a true and correct copy of the foregoing to be served upon:

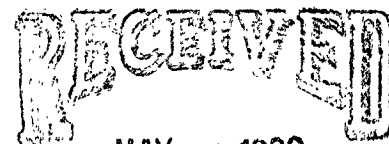
Mr. Robert K. Oser
Program Analysis
United States Department of
Interior Fish & Wildlife Service
500 Northeast Multnomah Street
Suite 1692
Portland, OR 97232

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

Kent Foster, Esq.
Holden, Kidwell, Hahn &
Crapo
Idaho First National Bank Bldg.
P.O. Box 129
Idaho Falls, ID 83405

by depositing the same in the United States mail, postage prepaid addressed to the above named at the last known address(s) as set forth above.

Lena Camar



MAY 26 1988

Department of Water Resources

Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
(208) 342-6571

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
THE GRANTING OF APPLICATIONS FOR)
TRANSFERS NOS. 35-7009/35-7157,)
35-2545B, 35-2391/35-7777,)
35-2242, 35-2493/35-7773,)
35-2821B, 35-2728/35-2844/)
35-7361 AND APPLICATIONS FOR)
AMENDMENTS NOS. 35-7162 AND)
35-7161 IN THE NAME OF BLAINE)
LARSEN & EASTERN IDAHO PRODUCTION)
CREDIT ASSOCIATION.)
_____)

AFFIDAVIT OF JEFFREY C.
FEREDAY

STATE OF IDAHO)
) ss
County of Ada)

Jeffrey C. Fereday, being first duly sworn upon oath, and
based upon his own personal knowledge, deposes and says as
follows:

1. I am one of the attorneys representing the Applicant in
this matter.

2. On May 13, 1988 I received copies of two letters dated
May 11 enclosing a proposed stipulation, signed by Ronald D.
Carlson of the Department of Water Resources ("Department"),

and addressed to Protestant Idaho Department of Fish and Game ("IDFG") and Protestant U.S. Fish and Wildlife Service ("USFWS"). The stipulation pertains to allowing an existing hearing record -- which concerns the points of diversion involved in this matter as well as those involved in the hearing which ended May 5, 1988 -- to serve as the record as to this second group of protested applications. Mr. Carlson's letters suggested that, if stipulations were not executed, the parties should be ready to participate in a hearing within ten days. Copies of these letters are attached to this affidavit as Exhibits A and B.

3. Since receiving the Department's May 16, 1988 Interim Order in the case related to this action but involving different transfer applications, I have had discussions with both USFWS and IDFG in an attempt to encourage these Protestants to enter into the stipulation proposed by Mr. Carlson or otherwise to reach an accommodation with the Applicant whereby a further hearing could be avoided.

4. On May 23, 1988, I had a further conversation on this subject with Mr. Robert Oser of USFWS' Portland, Oregon office, and on May 24, 1988 with IDFG's legal counsel in Boise. On May 25, 1988, I had a further meeting with IDFG's legal counsel and an IDFG engineer. On May 25, I also had another conversation with Mr. Oser. During these conversations, both IDFG and USFWS informed me that their respective agencies had not yet formed a

conclusion as to the advisability of proceeding with a hearing or taking some other action respecting their protests.

5. On May 23, 1988, Applicant Blaine Larsen informed me that those acres on which he has planted potatoes but which are not being pumped due to the protests are extremely dry, and that a delay of more than a few days will result in partial or complete destruction of this crop. I have communicated this information to both IDFG and USFWS.

DATED this 25th day of May, 1988

Jeffrey C. Fereday
Jeffrey C. Fereday

STATE OF IDAHO)
) ss.
County of Ada)

On this 25th day of May, 1988, before me, the undersigned, a Notary Public, in and for said State, personally appeared Jeffrey C. Fereday, 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.

Gra Camer
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 9/26/88

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of May, 1988, I caused a true and correct copy of the foregoing to be served upon:

Mr. Robert K. Oser
Program Analyst
U.S. Fish and Wildlife Service
500 NE Multnomah Street
Portland, OR 97232

Stephen V. Goddard, Esq.
Idaho Department of Fish and Game
Statehouse Mail
Boise, ID 83720

Kent Foster, Esq.
Holden, Kidwell, Hahn &
Crapo
Idaho First National Bank Bldg.
P.O. Box 129
Idaho Falls, ID 83405

by depositing the same in the United States mail, postage prepaid addressed to the above named at the last known address(s) as set forth above.

Gera Cameron



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

May 11, 1988

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

R. KEITH HIGGINSON
Director

RE: Applications for Transfers 35-2728/35-2844/35-7361, 35-2242,
35-2821B, 35-2493/35-7773, 35-2391/35-7777, 35-7009/35-7157,
35-2545B, 35-7222
Applications for Amendments 35-7161 & 35-7162

Mr. Herbert A. Pollard, Regional Supervisor
Idaho Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Givens, McDovitt, Pursley,
Webb & Buser

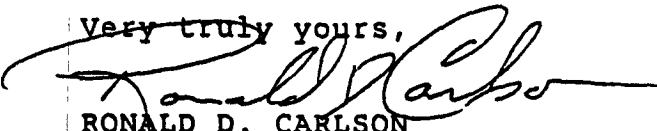
Dear Mr. Pollard:

The Department of Water Resources is in receipt of your protest against the temporary transfer of the above referenced water rights. The Idaho statutes provide an opportunity for all protests to be heard before the Department makes a decision on any application.

As you know the Department just completed two days of hearings of protests against other transfer applications initiated by the same applicant. Representatives of your agency were present and Mr. Richardson, of the Fish and Wildlife Service, was called as one of the witnesses. During these hearings a substantial amount of evidence and testimony relating directly to the applications you are now protesting was received. While you certainly are entitled to a hearing of your objections I wonder if any new evidence will be provided if additional hearings are held.

It may be appropriate for you to stipulate that the record in the previous hearing be the record in this matter as well. With this Stipulation you would have available the normal avenues of appeal if you disagree with the Director's decision. I have enclosed a draft Stipulation for your consideration because of the very short time frame we have in this matter. If you believe there is additional information you wish to present and choose not to enter into a Stipulation, you should be prepared to go forward with the hearing within the next ten days.

Very truly yours,


RONALD D. CARLSON
Eastern Regional Manager

RDC:cw
Enclosure
cc: Jeff Fereday

EXHIBIT A

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS	)	
AGAINST THE GRANTING OF	)	
APPLICATIONS FOR TRANSFERS	)	
NOS. 35-7009/35-7157, 35-7222,	)	
35-2545B, 35-2391/35-7777, 35-2242,	)	STIPULATION
35-2493/35-7773, 35-2821B,	)	
35-2728/35-2844/35-7361 AND	)	
APPLICATIONS FOR AMENDMENTS NOS.	)	
35-7162 AND 35-7161 IN THE NAME	)	
OF BLAINE LARSEN & EASTERN IDAHO	)	
PRODUCTION CREDIT ASSOCIATION	)	

IT IS HEREBY STIPULATED, that the parties entitled to a hearing of the protests filed against the above referenced applications for transfer agree to have the hearing record made before the Director of the Idaho Department of Water Resources on April 28 and May 5, 1988, be the record in this matter also. It is understood that in so doing none of the parties waive any of their rights to appeal the Director's decision.

Dated this _____ day of _____, 1988.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

May 11, 1988

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

R. KEITH HIGGINSON
Director

RE: Applications for Transfers 35-2728/35-2844/35-7361, 35-2242,
35-2821B, 35-2493/35-7773, 35-2391/35-7777, 35-7009/35-7157,
35-2545B, 35-7222
Applications for Amendments 35-7161 & 35-7162

Mr. Robert K. Oser
Fish & Wildlife Service
500 NE Multnomah St., Suite 1692
Portland, OR 97232

Dear Mr. Oser:

The Department of Water Resources is in receipt of your protest against the temporary transfer of the above referenced water rights. The Idaho statutes provide an opportunity for all protests to be heard before the Department makes a decision on any application.

As you know the Department just completed two days of hearings of protests against other transfer applications initiated by the same applicant. Representatives of your agency were present and Mr. Richardson, of the Fish and Wildlife Service, was called as one of the witnesses. During these hearings a substantial amount of evidence and testimony relating directly to the applications you are now protesting was received. While you certainly are entitled to a hearing of your objections I wonder if any new evidence will be provided if additional hearings are held.

It may be appropriate for you to stipulate that the record in the previous hearing be the record in this matter as well. With this Stipulation you would have available the normal avenues of appeal if you disagree with the Director's decision. I have enclosed a draft Stipulation for your consideration because of the very short time frame we have in this matter. If you believe there is additional information you wish to present and choose not to enter into a Stipulation, you should be prepared to go forward with the hearing within the next ten days.

Very truly yours,


RONALD D. CARLSON
Eastern Regional Manager

RDC:cw
Enclosure
cc: Jeff Fereday

EXHIBIT B

MAY 25 '88 15:36 LARSEN OF IDAHO

Jeffrey C. Faraday
 James D. Hansen
 GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
 277 North Sixth Street, Suite 200
 P.O. Box 2720
 Boise, Idaho 83701
 (208) 342-6571

RECEIVED

MAY 26 1988

Department of Water Resources

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF TRANSFER OF	)	
WATER RIGHT LICENSES AND	)	
AMENDMENTS OF WATER RIGHT PERMITS	)	
BY BLAINE LARSEN, BLAINE LARSEN	)	AFFIDAVIT OF
FARMS AND LARSEN OF IDAHO FOR	)	BLAINE LARSEN
THE 1988 IRRIGATION SEASON	)	
	)	
	)	

STATE OF IDAHO)
) ss.
 County of Jefferson)

BLAINE LARSEN, being first duly sworn upon oath, deposes
 and says:

1. I am the applicant in the above entitled matter which was the subject of a hearing before the director of the Department of Water Resources on April 28 and May 5, 1988. This hearing addressed certain protests of the transfer applications I have filed with the Department. Additional protests have been filed by the the United States Fish and Wildlife Service and the Idaho Department of Fish and Game (collectively "these Protestants") and the hearing on these protests is pending.

2. I am submitting this affidavit in support of the Second Supplement to Petition for Approval of Temporary Plan for Emergency Supply as a supplement to the Petition for Approval of

MAY 25 '88 16:50 LARSEN OF IDAHO

P.2/4

Temporary Plan for Emergency Supply filed on May 11, 1988. This supplementary petition is submitted pending final determination of the transfer applications affected by the protests of these Protestants.

3. Approximately 5,350 acres of irrigated cropland were originally involved in the transfers in this matter. Since the transfer of water right No. 35-7222 has now been withdrawn, that acreage has been reduced by approximately 528 acres.

4. An interim order granting me the right to irrigate a portion of the potato land and all of the land where wheat is planted was issued on May 16, 1988 and was responsible for saving much of my wheat crop from devastation. A substantial portion of my wheat crop was lost nevertheless. Some of the winter wheat has had to be plowed under and potatoes planted there instead. A portion of the potato land is not presently covered by the Interim Order.

5. I have been pursuing leases of water rights and transfer applications for several months. I have carried out this effort with the full knowledge of the Department of Water Resources and as a part of my compliance with the Stipulation and Order of July 14, 1987. In light of these efforts, and particularly in view of the Director's Interim Order, I had no prudent economic alternative to carrying out the potato planting.

6. The crop had to be planted last week and this week in order to preserve my option to raise that crop in 1988 if and when the balance of the transfers are approved. A decision not

MAY 25 '88 16:50 LARSEN OF IDAHO

P.3/4

to plant potatoes would have eliminated much of my potato crop from my 1988 program regardless of the outcome of the remaining transfer applications. A decision to delay planting potatoes on the land in question would have caused a lag time between the growth of those potatoes and the potatoes already planted on other land not involved in this transfer. A similar lag time would then be reflected at harvest.

7. Since a potato doubles in size every 10 days in its last month of growth, that period of its growth cycle is critical. If the lag time causes younger potato plants to be killed early in order to accommodate harvest of the mature crop, the yield will be substantially lower.

8. The Larsen Farms' packing and processing facilities are designed to serve the full production of potatoes on Larsen Farms' cropland. Significantly lower yields will substantially, if not irreparably, impair the economic feasibility of these operations.

9. Failure to maintain the viability of the entire potato crop between now and the time a final decision on the transfers is made could result in the economic collapse of the entire Larsen Farms' operations. The loans made by financial institutions are secured by the production from the cropland and the full operation of the potato packing and processing facilities. Failure to fully supply these facilities will cause detrimental downtime and may put these operations out of business this year. Many employees will lose their jobs, and many others will have to accept a significant reduction in

MAY 25 '88 16:51 LARSEN IDAHO

P.4/4

wages. Much of the capital invested in these facilities also could be lost.

10. At this point, if some or all of the plants have partially died when water becomes available under the transfer, it will be too late to reseed to harvest a crop in time.

11. In the last two weeks, there has not been enough moisture from precipitation to allow the seeded potatoes to begin to fully germinate and grow without irrigation. The survival of the crop is dependent upon continued moisture, particularly at the beginning of its growth cycle; otherwise, growth will be stunted and the potatoes will begin to die within a week. This will be accelerated if a lack of precipitation is coupled with high winds, which have already occurred several times this month.

12. In order to ensure the survival of the potatoes in the event water is made available under the transfer, it may be necessary for temporary emergency applications of water to maintain moisture on young plants. If no precipitation occurs, a minimum of 2-1/2 days or approximately 60 hours of watering per week will be necessary to ensure minimally sufficient moisture.

DATED this 25th day of May, 1988.


Blaine Larsen

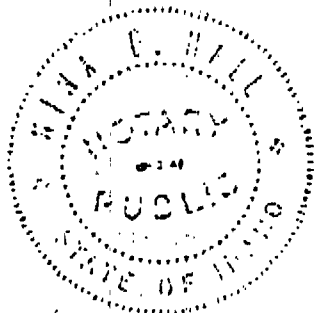
MAY 25 '88 15:39 LARSEN OF IDAHO

P.6/7

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 25th day of May, 1988, before me, the undersigned, a Notary Public for Idaho, personally appeared BLAINE LARSEN, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Nina D. Hall
Notary Public for Idaho
Residing at Leak Falls
My commission expires: 3/11/93

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of May, 1988, I caused a true and correct copy of the foregoing to be served upon:

Mr. Robert K. Oser
Program Analyst
United States Department of
Interior Fish & Wildlife Service
500 Northeast Multnomah Street
Suite 1692
Portland, OR 97232

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

Kent Foster, Esq.
Holden, Kidwell, Hahn &
Crapo
Idaho First National Bank Bldg.
P.O. Box 129
Idaho Falls, ID 83405

by depositing the same in the United States mail, postage prepaid addressed to the above named at the last known address(es) as set forth above.

Lena Cameron

RECEIVED

MAY 26 1988

Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
(208) 342-6571

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
THE GRANTING OF APPLICATIONS FOR)
TRANSFERS NOS. 35-7009/35-7157,)
35-2545B, *35-2391/35-7777,)
*35-2242, *35-2493/35-7773,)
35-2821B, 35-2728/35-2844/)
35-7361 AND APPLICATIONS FOR)
AMENDMENTS NOS. *35-7162 AND)
*35-7161 IN THE NAME OF BLAINE)
LARSEN & EASTERN IDAHO PRODUCTION)
CREDIT ASSOCIATION.)
_____)

PETITION TO SET HEARING
DATE

Blaine Larsen, Blaine Larsen Farms and Larsen of Idaho
(collectively "Petitioner") through counsel, Givens, McDevitt,
Pursley, Webb & Buser, hereby petitions the Director of the
Idaho Department of Water Resources to set an expedited date for
hearing on the protests filed by the United States Fish and
Wildlife Service and the Idaho Department of Fish and Game
(collectively "these Protestants") and to hold the hearing in
Boise, Idaho on or before June 1, 1988. This petition is
supported by the affidavit of Jeffrey C. Fereday filed with this
petition.

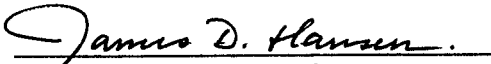
Petitioner is prepared to stipulate that his case-in-chief
with respect to these Protestants may be the case-in-chief and

the rebuttal case which Petitioner presented to the Director at the hearing on previously filed protests of other protestants on April 28 and May 5, 1988 in Rexburg, Idaho. This will conserve valuable time and resources of the parties and the Director. However, Petitioner would reserve the right to present rebuttal testimony to these Protestants' cases.

On May 11, 1988, after receiving these Protestants' protests, Mr. Ron Carlson, the Eastern Regional Manager of the Idaho Department of Water Resources, suggested that it might be appropriate for these Protestants to stipulate that the entire record of the previous hearing be the record in this matter as well. To Petitioner's knowledge, these Protestants did not respond to Mr. Carlson's request within the ten days provided in the May 11 letter. Further delay in setting the hearing date will severely prejudice the Petitioner's case and will threaten the survival of Petitioner's potato crop on the land involved in this matter.

On May 24, 1988 Petitioner withdrew the transfer application of water right number 35-7222 (denominated the Barrett Butte/Fullmer transfer) which involved a water right previously put to beneficial use on 578 acres. Therefore, this transfer is no longer at issue in this matter.

DATED this 24th day of May, 1988


Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY,
WEBB & BUSER
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of May, 1988, I caused a true and correct copy of the foregoing to be served upon:

Mr. Robert K. Oser
Fish and Wildlife Service
U.S. Department of Interior
500 Northeast Multnomah Street
Suite 1692
Portland, OR 97232

Steven Goddard
Deputy Attorney General
Idaho Department of Fish and Game
650 Walnut Street
Boise, Idaho 83707

Kent Foster, Esq.
Holden, Kidwell, Hahn &
Crapo
Idaho First National Bank Bldg.
P.O. Box 129
Idaho Falls, ID 83405

Mr. Reed Michelson
Hamer, ID 83425

Ray Sanders
Hamer, ID 83425

by depositing the same in the United States mail, postage prepaid addressed to the above named at the last known address(s) as set forth above.

James D. Hansen.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR	)	
TRANSFER OF WATER RIGHT NOS. 35-7009/	)	
35-7157, 35-2545B, 35-2821B, 35-2728/	)	
35-2844/35-7361 IN THE NAME OF BLAINE	)	ORDER ALLOWING
LARSEN, BLAINE LARSEN FARMS, AND LARSEN	)	TEMPORARY USE
OF IDAHO; AND TRANSFER NOS. 35-2391/	)	OF WATER
35-7777, 35-2493/35-7773, 35-2242, AND	)	
APPLICATIONS FOR AMENDMENT NOS. 35-7161	)	
AND 35-7162 IN THE NAME OF EASTERN	)	
IDAHO PRODUCTION CREDIT ASSOC.	)	
	)	

BY THE DIRECTOR

On June 3, 1988, Blaine Larsen filed with the Department of Water Resources a petition to allow temporary water use pending resolution of the above-referenced applications for transfer and amendment of water rights. The petition requests permission to pump that amount of ground water necessary to maintain crops on acreages not covered by the director's May 16, 1988 Interim Order pending final resolution of any remaining issues in this matter. The applicant acknowledges that any relief granted by the director pursuant to the petition shall be temporary, pending such final resolution of the matter.

The applicant presents the following grounds in support of granting the petition:

1. The applicant has entered into a stipulation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game through which these two protestants agree to drop their pending protests in this matter and to not object to the applicant immediately beginning to pump the wells subject to this

proceeding. The stipulation contains a joint agreement of the parties to request United States Geological Survey to review the feasibility of an investigation of the effect of ground water pumping on the ground and surface water levels in refuges managed by the protestants.

2. The only remaining protestants in this matter are the canal companies located in the Mud Lake area (Mud Lake Protestants), who presented evidence and argument before the director on April 28 and May 5 at a hearing in a related group of applications for transfer of water rights in the name of Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho.

3. The director originally set a hearing on the protests in this matter for June 2 and 3. The Mud Lake Protestants requested the hearing be continued. The hearing has been rescheduled to June 20 and 21. The purpose of the hearing will be to allow the Mud Lake Protestants to supplement the record made on April 28 and May 5 in the related hearing.

4. It is represented that crops planted by the applicant will not survive until the date of the scheduled hearing without irrigation.

5. The Mud Lake Protestants fully cross-examined the applicant's case and presented a full case of their own at the April 28 and May 5 hearing. All evidence at that hearing was directed at the applicant's entire transfer program which included the applications in this proceeding.

Mr. Kent Foster, counsel for the Mud Lake Protestants has informed the director through staff on June 6 that due to

scheduled court trials in other matters he is not available for a hearing on the petition to allow temporary water use, and that he may not be available for the scheduled hearing on June 20 but that if he does become available for the hearing he will not have had time to prepare. Mr. Foster further noted that his clients are opposed to entry of an order granting temporary water use pending final resolution of the pending applications for transfer.

ORDER

The director, having reviewed the petition to allow temporary water use and the grounds supporting the petition HEREBY ORDERS as follows:

1. The petition of Blaine Larsen requesting permission to pump that amount of ground water necessary to maintain his crop on acreages covered by applications for transfer of water right nos. 35-7009/35-7157, 35-2545B, 35-2821B, 35-2728/35-2844/35-7361 in the name of Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho; and transfer nos. 35-2391/35-7777, 35-2493/35-7773, 35-2242, and applications for amendment nos. 35-7161 and 35-7162 in the name Eastern Idaho Production Credit Association pending final resolution by the director of any remaining issues in this matter is granted.

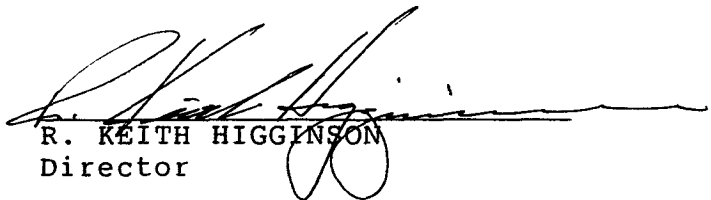
2. The relief granted by the director in this order is temporary, pending the director's entry of an order on the merits following the director's consideration of any supplemental evidence added to the record in this proceeding by the remaining

protestants as a result of the hearing presently scheduled for June 20, 1988. Pursuant to the stipulation of the parties at the hearing held April 28 and May 5, 1988, the evidence and testimony then presented shall be considered fully as if presented at a subsequent hearing on the applications which are the subject of this proceeding. In the event of an adverse order by the director on the merits, the temporary relief granted by this order shall not be continued as a result of the filing of a petition for rehearing or notice of appeal.

3. By accepting the temporary relief granted by this order the applicants shall be deemed to waive any right they might have to be entitled to notice or hearing or to initiate civil, administrative or other action to delay or interfere with the exercise by the director of his duty to prevent the pumping of water on the subject lands without a valid water right in the event the applications for transfer and applications for amendment pending in this proceeding are not approved.

4. The director reserves the right to modify this order allowing temporary use of water in the event other water right holders establish before the director that their water rights are being directly interfered with by the pumping of the applicant's wells pursuant to this order.

DATED this 6TH day of June, 1988.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 1988, I served a true and correct copy of the foregoing 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 8370

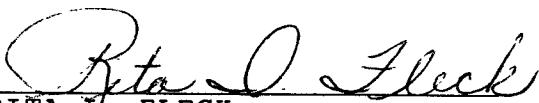
Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

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

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, Idaho 83707


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

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 35-7157 Priority Nov. 27, 1970 Amount 3.74 cfs

THIS IS TO CERTIFY, that MICHAEL J. WARD
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7157 issued pursuant to Application for Permit dated November 27, 1970,
and has submitted proof to the Department of Water Administration on January 10, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 8.64 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 3.74 cfs for Irrigation from May 1 to Sept. 30 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.74 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Twp. 4 N, Rge. 35 E, B.M.

in the county of Jefferson; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 696.5 _____ acre feet per year or _____
3.5 _____ acre feet per acre.

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 $\frac{1}{4}$	
4 N	35 E	1		30			39	54		25	14			37					199
				(lot 2)			(lot 3)	(lot 4)											

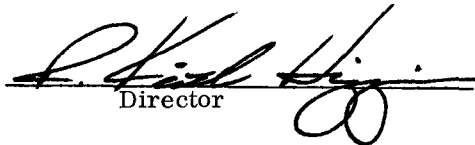
Total number of acres irrigated 199

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

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 29th day of

May, 19 73.


Director

35-7157

Identification No. _____

Application No. 35-7157

LICENSE ISSUED FOR 3 74 SEC. FT.
LICENSE PAID _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Michael J. Ward
post office address Route # 1, Box # 221 A. - Idaho Falls, Idaho 83401

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

3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 4 N
Range 35 E B.M. Jefferson County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into pump will shut off 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 May 1 to Spet. 30 (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. _____
1 600 HP pump mainline 23 shown on map next page
also 20 $\frac{1}{2}$ mile 12 levels

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.

b. Estimated construction cost is \$ 40,000.

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: _____

35-7157

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

Total number of acres to be irrigated 280 TOTAL

9. a. Who owns the property at the point of diversion — Eldon L. Ward (desert entry)

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

applicant to make this filing.

10. Remarks A well has been drilled on my father's desert entry land, which we propose

to use for irrigation of both our places. This was understood by the Bureau of Land

Management when they approved my filing.

~~(Michael Ward)~~

I am in agreement with above proposal, and after exploring all proposals for developing my project and my son's, we feel one well with a 600 horse pump will irrigate all land that is feasible for good cropping. I will give Michael all rights necessary to share

in this well.

(Eldon L. Ward)

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

[illegible]

Scale: 2 inches equal 1 mile

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

Michael Wood
(Applicant)

35-7157

35-7157

Priority: Nov. 27, 1970

Received by ef Date 12-27-70 Time 11:00 AM

Preliminary check by Dee Fee \$ 35.00

Received by ef Date 11-27-70 #5367

Publication prepared by dg Date 12-22-70

Published in Rigby Star

Publication dates 12-31-70 & 1-7-71

Publication approved ef Date 12-27-70

Priority reduced to Reason

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Dee ef ef

APPROVED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7157, 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 March 1, 19 74.

c. Other: The permit holder shall permanently install and maintain as part of the

diverting works a measuring device at the point of diversion of a type approved by

this department.

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

Witness my hand this 11th day of February, 19 71.

Director

Identification No.

Application No.

35-7157

L: USS

I-3302

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

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

1. Name of applicant Michael J. Ward
post office address Rt. 1 Box 221 A - Idaho Falls, Idaho
2. Source of water supply Underground which is a tributary of _____
3. a. Location of point of diversion is CSW. 456 NE 1/4 of NE 1/4 of Section 1 Township 4 N
Range 35 E B.M. Jefferson County; additional points of diversion if any: SW 1/4, NW 1/4, SE 1/4, NE 1/4, SW 1/4, NW 1/4, SE 1/4, NE 1/4
35 E Jefferson County
- b. If water is not consumed, it will be discharged into Pump will shut off at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4 cu. ft. / sec. for Irrigation purpose from May 1 to Sept 30 (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 c cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 1 600 hp. pump.
Mainline 75 shown on map next page.
Also 20 1/4 mi. laterals.
- 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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.
- c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.
b. Estimated construction cost is \$ 40,000 For my share of construction costs.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ 1/4 of _____ 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: _____

35-7157

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

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above.

- applicant to make this filing.

10. Remarks A well has been drilled on my father's desert every land which we propose to use for irrigation of both our places. This was understood by the B. A. M. when they approved my filing.

Michael Morad

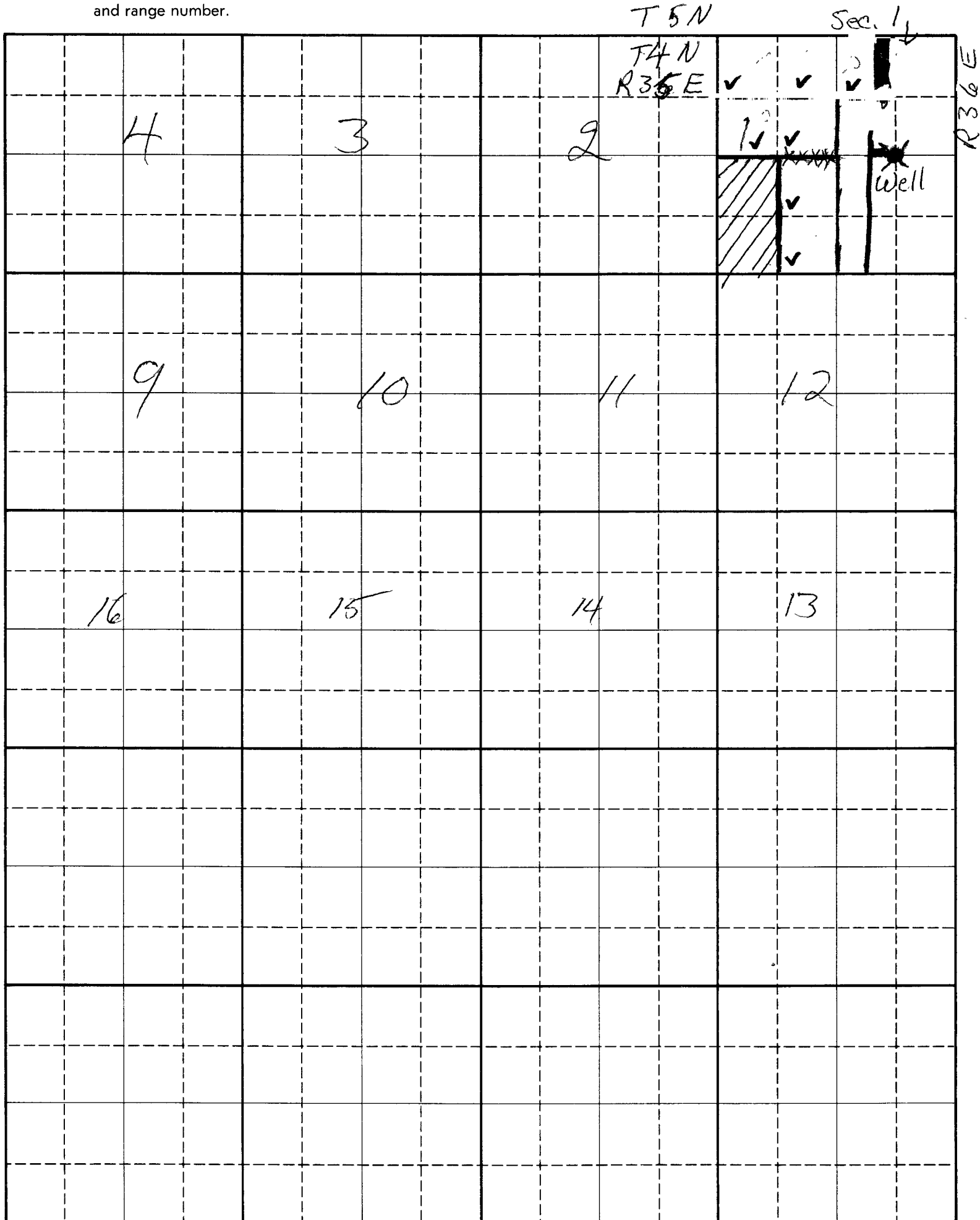
Michael Ward

I am in agreement with above proposal and after exploring all proposals for developing my project and my sons, we will one well with a 600 Horse Pump will irrigate all land that is desirable for good cropping. I will give muchal all right necessary to share wth this well.

Edson J. Ward

Note: red checks indicate my filing.
 Green line is proposed main line.
 Well is already dug on Eldon Wards entry.

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



Scale: 2 inches equal 1 mile

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

Michael Ward
 (Applicant)

35-7157

35-7157

11-27-78

Rec'd #5367

Received by Date 11-9-78 Time 8:00 AM
Preliminary check by Fee \$
Received by Date 11-27-78
Publication prepared by Date
Published in
Publication dates
Publication approved Date
Priority reduced to Reason
Protests filed by:

Copies of protests forwarded by

Hearing held by Date
Recommended for approval denial by

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. , and said application is hereby .
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 , 19 .
c. Other:

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

Witness my hand this day of , 19 .

Director

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO }
County of Jefferson } ss.

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

And affiant further says that said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for ~~several~~ Consecutive issues thereof; first publication having been made on the

_____ day of _____, 1970
and the last publication on the

_____ day of _____, 1971

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

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Michael J. Ward, Route No. 1, Box 221 A, Idaho Falls, Idaho has on December 21, 1970 submitted Application No. 85-7157 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 4.0 cubic feet per second of water to be diverted by pump and mainlines within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County and is to be used within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M. for the irrigation of 280 acres from May 1 to September 30.

Any permit issued pursuant to

this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protests against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho on or before January 18, 1971.

R. KEITH HIGGINSON
Director

Published in the Rigby Star, Rigby Idaho on Dec. 31, 1970, and Jan. 7, 1971.

Subscribed in my presence and sworn to before me this _____

day of _____, 1971
(SEAL)

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

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JAN. 1, 1978

35-7157

APR 12 1988

Page 1 of

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 3423

APPLICATION FOR TRANSFER OF WATER RIGHT

(Berrett Butte #1)

PART 1 (There are two Part 2s)

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

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide irrigation water on a portion of cropland owned by Applicant for 1988 only. This is one of two coordinated water right applications covering the same points of diversion and places of use as stated in B below.

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>35-7009</u> | <u>Jan. 8, 1968</u> | <u>4.0 cfs</u> | <u>irrigation</u> | <u>May 1</u> to <u>Sept. 30</u> |
| <u>35-7157</u> | <u>Nov. 27, 1970</u> | <u>3.74 cfs</u> | <u>irrigation</u> | <u>May 1</u> to <u>Sept. 30</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
2. Total amount of water being transferred 7.74 cubic feet per second and/or acre-feet per annum.
3. Source of water groundwater tributary to Snake River
4. Point(s) of Diversion: The points of diversion after change consist of wells supplying irrigation pivots which are identified by pump number. See Attachment

[illegible]

5. Lands irrigated or place of use: See Attachment.

[illegible]

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 1988. Some or all of the land will be set-aside from production under federal
programs.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this day of , 19 .

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. 35-7009 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 January 8, 1968

5. Water is used for the following purpose:

amount 4.0 cfs for irrigation purposes from May 1 to Sept 30
(cfs/ac-ft) for purposes from to
(cfs/ac-ft) for purposes from to
(cfs/ac-ft) for purposes from to

6. Total amount of water under right 4.0 cubic feet per second and/or 913.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	1	4N	35E	Jefferson	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	35E	1	23		38	40									40	40	40	40	261

Total acres 261

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. 35-7157 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 November 27, 1970

5. Water is used for the following purpose:

amount 3.74 cfs for irrigation purposes from May 1 to Sept. 30
(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 3.74 cubic feet per second and/or 696.5 acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	35E	1		30 (Lot 2)			39	54 (Lot 3)	25 (Lot 4)		14			37					199

Total acres 199

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)

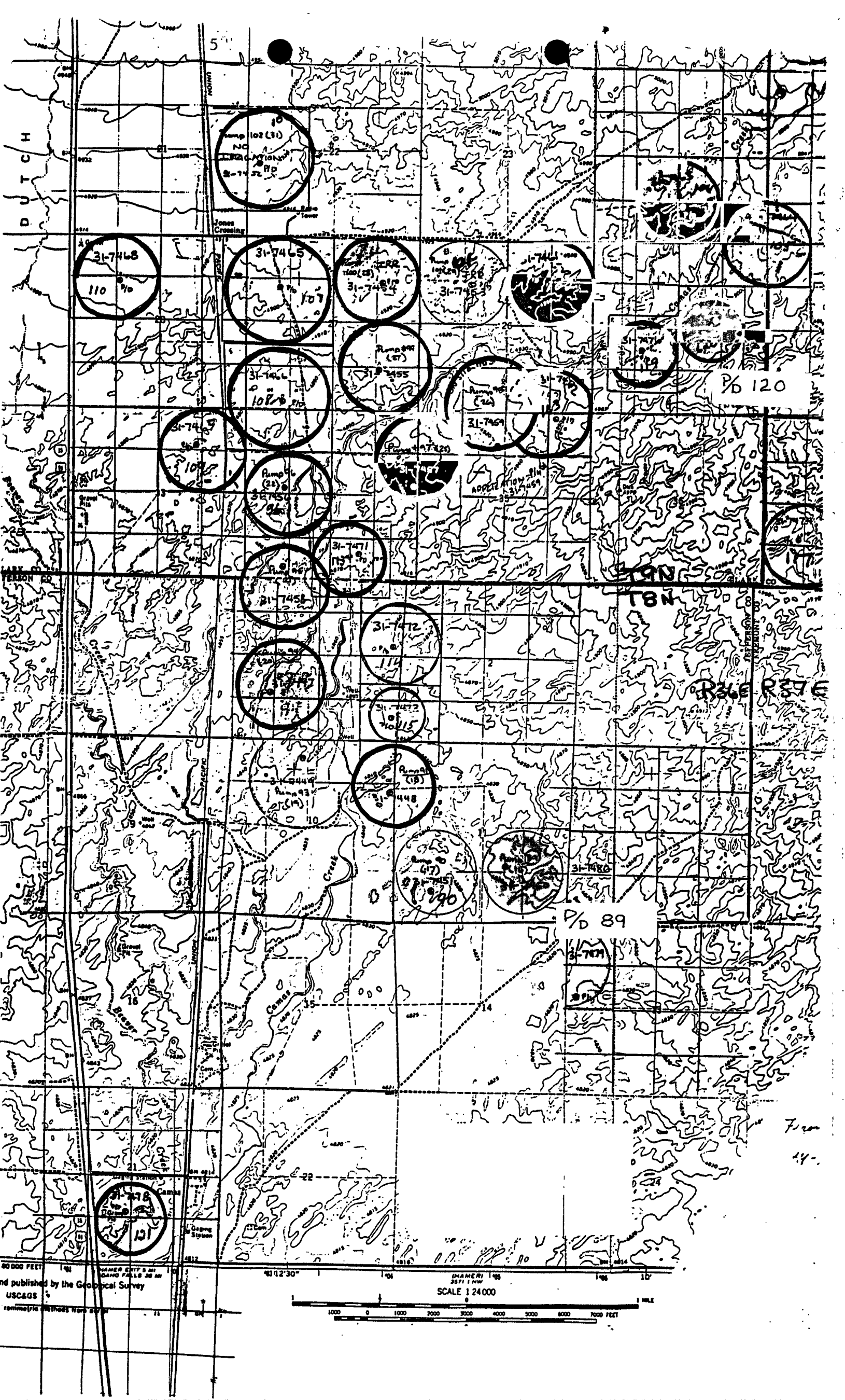
1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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 _____



Published by the Geological Survey
USGAS
Scale 1:24,000
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 MILE

ATTACHMENT

Points of diversion and places of use after change applicable to the Berrett Butte transfer as delineated by Larsen pump numbers

Pump No.	Points of Diversion	Places of Use	Acres to be Irrigated*
89	NW1/2 SE1/4, Sec. 11, T8N R36E	SE1/4, Sec. 11, T8N R36E	156
120	SW1/4 NE1/4, Sec. 25, T9N R36E	S1/2 NE1/4 and N1/2 SE1/4, Sec. 25, T9N R36E	114.4
**[undesignated, to be determined later]			509.6
			Total 780.0 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.

** The remaining 509.6 acres may not be necessary if all previously filed applications for transfer of licenses and amendments of permits are approved by the Idaho Department of Water Resources. In the event some portions are not approved, this water will be used to apply to land not covered by approvals. At that time, the description of the points of diversion and places of use will be supplied.

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

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

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

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

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

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

Blaine Larson
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of February, 19 88.

Robert R. Van
(Notary Public)

My commission expires 8-19-91

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jim Date 6-20-88 Protest filed by _____Prelim. check by Jim Fee 50.00Receipted by AG Date 6-1-88Published in JEFFERSON STAR, POST REGISTRE, Blackfoot News Copies of protest forwarded by _____Pub. dates 4-21-88, 4-28-88 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

FROM Shaula

DATE 9-30-88

TO File 35-7157

SUBJECT Trans. 3423

See file 35-7009 for ~~any~~ further correspondence regarding the above referenced transfer.

SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 27, 1988

RE: Applications for Transfer of Water Right Nos. 35-7009/7157/
2545B/2821B/2728/2844/7361 in the Name of Blaine Larsen,
Applications for Transfer of Water Right Nos. 35-2391/7777/
2242/2493/7773 and Applications for Amendment of Water Right
Nos. 35-7162/7161 in the Name of Eastern Idaho Prod. Credit Assn.

Blaine Larsen
Box 188
Hamer, ID 83425

Dear Mr. Larsen:

Enclosed is an order Denying the Second Petition for Approval of Temporary Plan for Emergency Supply of the above referenced water rights.

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

Sincerely,

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

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:sc

Enclosure

cc: Eastern Idaho Production Credit Assn.
Jeffrey C. Fereday
Kent Foster
Robert K. Oser
Stephen V. Goddard

RECEIVED
JUL 13 1988

Department of Water Resources

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620

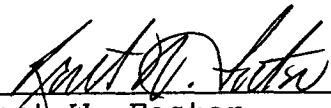
For File

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	
TRANSFER OF WATER RIGHTS NO.)	
35-7009/35-7157, 35-2545B,)	
35-2821B, 35-2728/35-2844/35-7361)	WITHDRAWAL OF PROTEST
IN THE NAME OF BLAINE LARSEN,)	
BLAINE LARSEN FARMS, and LARSEN OF)	
IDAHO; and TRANSFER NO.s)	
35-2391/35-7777, 35-2493/35-7773,)	
35-2242; and APPLICATIONS FOR)	
AMENDMENTS NO.s 35-7161 and 35-7172)	
IN THE NAME OF EASTERN IDAHO)	
PRODUCTION CREDIT ASSOCIATION.)	
_____)	

The protestants, Owsley Canal Company, Jacket Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Montevue Canal Company, Level Canal Company, and Independent Water Users of Mud Lake, Inc., hereby withdraw the protests filed on their behalf in the above entitled matter.

Dated this 12 day of July, 1988.



Kent W. Foster

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering or by mailing, with the correct postage thereon, a true and correct copy thereof on this 12 day of July, 1988.

Document Served: WITHDRAWAL OF PROTEST

Attorneys Served:

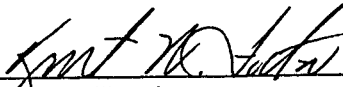
R. Keith Higginson, Director (Mail)
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706

Phillip J. Rassier, Esq. (Mail)
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706

Jeffrey C. Fereday and (Mail)
James N. Hansen
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
P. O. Box 2720
Boise, Idaho 83701

Ronald E. Swan, Esq. (Mail)
U. S. DEPARTMENT OF THE INTERIOR
OFFICE OF THE REGIONAL SOLICITOR
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

Steven V. Goddard, Esq. (Mail)
Deputy Attorney General
IDAHO DEPARTMENT OF FISH & GAME
P. O. Box 25
Boise, Idaho 83707



Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

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

*ALSO ADMITTED IN OREGON

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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

June 3, 1988

Via Hand Delivery

JUN - 3 1988

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Department of Water Resources

Re: Blaine Larsen

Dear Mr. Higginson:

I am enclosing for filing with the Department the following documents:

1. Stipulation and Withdrawal of Protests.
2. Applicant's Ex Parte Petition to Allow Temporary Water Use Pending Resolution of any Remaining Matters.

We would greatly appreciate your decision on our Petition as soon as possible.

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JDH:gc
Encls.

cc: Ronald E. Swan, Esq.
Kent Foster, Esq.
Stephen V. Goddard, Esq.
Mr. Robert K. Oser
Phillip J. Rassier, Esq.
Mr. Blaine Larsen (c/o
Mr. Kevan Varin)

RECEIVED
JUN - 3 1988

Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
(208) 342-6571

Department of Water Resources

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF TRANSFERS OF	)	APPLICANT'S EX PARTE
WATER RIGHT LICENSES AND	)	PETITION TO ALLOW TEMPORARY
AMENDMENTS OF WATER RIGHT PERMITS)	)	WATER USE PENDING RESOLU-
BY BLAINE LARSEN, BLAINE LARSEN	)	TION OF ANY REMAINING
FARMS AND LARSEN OF IDAHO FOR	)	MATTERS
IRRIGATION SEASON	)	
	)	

Blaine Larsen, Blaine Larsen Farms and Larsen of Idaho ("Applicant") hereby requests the Director of the Idaho Department of Water Resources ("Director") to allow Applicant to pump a limited amount of groundwater to irrigate that portion of his land which is subject to the transfer applications at issue in this proceeding but which is not covered by the Interim Order of May 16, 1988 ("Interim Order"). Because the limited emergency relief in the Interim Order was directed at Applicant's wheat crop, this request involves mostly Applicant's potato crop. Applicant recognizes that any relief granted pursuant to this Petition would be temporary, pending the final resolution of this matter.

As grounds for this Petition, Applicant states as follows:

1. On June 1, 1988, Applicant met with the United States Fish & Wildlife Service ("USFWS") and the Idaho Department of Fish & Game ("IDFG"), who then had protests pending in this action. These discussions, which later included officials from the United States Geological ("Survey"), were intended to resolve the concerns of USFWS and IDFG and explore ways in which these parties might support the immediate irrigation of Applicant's potato crop. The discussions were successful. In the agreement that was reached, IDFG and USFWS agreed to withdraw their protests and stated that they do not object to Applicant receiving permission to pump immediately. In addition, these parties and Applicant jointly agreed to request that the Survey advise them of the feasibility of an investigation of the effect of groundwater pumping -- by Applicant, by IDFG and USFWS, and by others -- on the ground and surface water levels in the refuges managed by USFWS and IDFG. The Stipulation and Withdrawal of Protests containing these terms, which includes the joint letter to the Survey of June 2, 1988, is submitted simultaneously with this Petition.

2. The only protestants now remaining in this action are the canal companies located in the Mud Lake area ("Mud Lake Protestants"). These are the same protestants who had a full and fair opportunity to present their evidence and arguments concerning the potential effect of the Applicant's transfer program at the hearing held on April 28 and May 5.

3. The hearing on the remaining protests was scheduled for June 2 and 3. However, due to these protestants' problems with notice and their counsel's availability, the Mud Lake Protestants requested that the hearing be continued. Their request was granted. In a notice dated June 1, 1988, the Department's Eastern Regional Manager announced that the hearing has been rescheduled to June 20 and 21 and that "[t]he U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game will be allowed full opportunity for submitting evidence and testimony. The other protestants, pursuant to the stipulation reached at the previous hearing, will be allowed [an] opportunity to supplement the record."

4. Applicant has been fortunate in recent days to receive sufficient moisture from precipitation to preserve the viability of his potato crop, at least through the date of this Petition. However, the rains have stopped and the crop needs irrigation. The crop likely will not survive even several more dry days, much less the period between now and the conclusion of the second hearing. If the crops are allowed to die by the date of the second hearing, obviously there would be no opportunity to replant and the transfer applications for these acres would be rendered moot.

5. The only protestants who will be parties to the hearing on June 20 and 21 have already fully cross-examined the Applicant's case and have presented a full case of their own. All evidence at the first hearing was directed at the entire

transfer program, not just the portion represented by the applications.

6. In sum, since the Director's recent denial of the Second Petition for Approval of Temporary Plan for Emergency Supply, dated May 25, 1988, two important events have transpired which have changed the posture of this case: (1) the hearing date has been postponed to a date which will -- if no interim relief is granted -- virtually guarantee the destruction of the Applicant's potato crop; and (2) IDFG and USFWS, the protestants having the full opportunity to submit evidence at the second hearing, have withdrawn their protests. Applicant is uncertain whether the Mud Lake Protestants will submit material to supplement the record in the second hearing. But in any event, the Director has had a full explication of their views and their evidence on the potential effect of all of Applicant's proposed transfers.

In the face of the record, in light of Applicant's settlement with USFWS and IDFG, and given the virtual certainty that this matter will become moot before the scheduled hearing could be held, Applicant respectfully requests permission to pump that amount of groundwater necessary to maintain his crop on acreages not covered by the Interim Order pending final resolution of remaining matters at issue, if any.

DATED this 31 day of June, 1988.

Jeffrey C. Fereday
Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY,
WEBB & BUSER
Attorneys for Applicants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31 day of June, 1988, I caused a true and correct copy of the foregoing to be served upon:

Mr. Robert K. Oser
Program Analysis
United States Department of
Interior Fish & Wildlife Service
500 Northeast Multnomah Street
Suite 1692
Portland, OR 97232

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

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

Kent Foster, Esq.
Holden, Kidwell, Hahn &
Crapo
Idaho First National Bank Bldg.
P.O. Box 129
Idaho Falls, ID 83405

by depositing the same in the United States mail, postage prepaid addressed to the above named at the last known address(s) as set forth above.

Jeffrey C. Fereday
Jeffrey C. Fereday

Jeffrey C. Fereday
James D. Hansen
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
(208) 342-6571

Boise, Idaho 83701

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)	
THE GRANTING OF APPLICATIONS FOR)	STIPULATION AND
TRANSFERS NOS. 35-7009/35-7157,)	WITHDRAWAL OF PROTESTS
35-2545B, 35-2391/35-7777,)	
35-2242, 35-2493/35-7773,)	
35-2821B, 35-2728/35-2844/)	
35-7361 AND APPLICATIONS FOR)	
AMENDMENTS NOS. 35-7162 AND)	
35-7161 IN THE NAME OF BLAINE)	
LARSEN & EASTERN IDAHO PRODUCTION)	
CREDIT ASSOCIATION.)	
_____)	

Protestants U.S. Fish and Wildlife Service and Idaho State Department of Fish and Game ("Protestants") and Applicant Blaine Larsen, Blaine Larsen Farms and Larsen of Idaho ("Applicant"), through their respective counsel of record, hereby stipulate and agree as follows:

Background

Protestants filed their protests in this action because of their concern that groundwater pumping under Applicant's proposed transfer applications might have an adverse effect on ground and surface water levels in the Camas National Wildlife Refuge and the Mud Lake Wildlife Management Area. The integrity of the Refuge and Wildlife Management Area depend on an adequate

water supply. Protestants are concerned about pumping both from those wells that are before the Director of the Idaho Department of Water Resources ("Director") in this action and from those which were granted one-year transfer permits by the Director's Interim Order of May 16, 1988 (collectively, "Applicant's wells"). In addition, both Protestants and Applicant desire to have more information about the effects on water levels in their respective areas of interest that might be caused by groundwater withdrawals occurring elsewhere in the area north and east of Mud Lake.

On June 1, 1988, the Protestants and the Applicant (the "parties") met with representatives of the U.S. Geological Survey, Water Resources Division, Idaho-Nevada District ("Survey") to discuss the possibility of the Survey conducting an evaluation of the groundwater pumping regime in the Mud Lake area with specific attention to: 1) the effect of pumping from Applicant's wells on ground or surface water levels in Camas Creek and the Camas National Wildlife Refuge and the Mud Lake Wildlife Management Area if such pumping is continued in future years, and 2) the effect on ground or surface water levels in these areas of groundwater withdrawals by Protestants and by canal companies and other irrigators to the north and east of Mud Lake.

As a result of this meeting and other discussions, the parties jointly have requested that the Survey carry out an investigation based on a review of existing data and if

necessary submit a proposed investigation plan concerning an evaluation of these issues. The parties' June 2, 1988 letter to the Survey containing this request is attached hereto as Exhibit A and is incorporated by this reference.

Stipulation

1. The parties shall cooperate fully with the Survey in the Survey's efforts to carry out any investigation that is conducted in response to their letter of June 2, 1988. If the Survey determines that the investigation requires the development of new or additional data, the parties shall cooperate fully with the Survey, its agents and contractors, in the Survey's efforts to gather such data.

2. By executing this Stipulation, neither of the Protestants nor the Applicant is committing to support, express agreement with or be bound by the conclusions or interpretations contained in any investigation conducted by the Survey pursuant to the parties' request. However, the parties shall be free to use the results of such investigation for any purpose.

3. In view of this cooperative good faith effort, the Protestants hereby agree to withdraw their protests to the applications filed by Applicant in this matter, for transfer of water rights for the 1988 irrigation season, and do not object to allowing Applicant to begin immediately to pump the wells subject to this proceeding. The service of this Stipulation on the Director shall constitute these Protestants' formal

notification to the Director of the withdrawal of their protests in this matter.

4. Nothing in this Stipulation shall limit the right of any of the parties to file water right applications in the future, or to file protests to any future water rights application.

DATED this 2d day of June, 1988.

PROTESTANTS

U.S. Fish and Wildlife Service

By: Ronald E. Swan
Ronald E. Swan
Office of the Solicitor
U.S. Department of the
Interior

Idaho Department of Fish and
Game

By: Stephen V. Goddard
Stephen V. Goddard
Deputy Idaho Attorney
General

APPLICANT

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

Attorneys for Blaine Larsen,
Blaine Larsen Farms and
Larsen of Idaho

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of June, 1988, I caused a true and correct copy of the foregoing Stipulation and Withdrawal of Protest to be served upon:

Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Phillip J. Rassier, Esq.
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

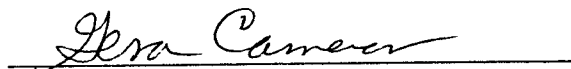
Ronald E. Swan, Esq.
United States Department of
the Interior
Office of the Regional Solicitor
500 N.E. Multnomah
Suite 607
Portland, OR 97232

Mr. Robert K. Oser
Program Analysis
United States Department of
Interior Fish & Wildlife Service
500 Northeast Multnomah Street
Suite 1692
Portland, OR 97232

Stephen V. Goddard, Esq.
Deputy Attorney General
Idaho Department of Fish & Game
650 Walnut Street
Boise, ID 83707

Kent Foster, Esq.
Holden, Kidwell, Hahn &
Crapo
Idaho First National Bank Bldg.
P.O. Box 129
Idaho Falls, ID 83405

by depositing the same in the United States mail, postage prepaid addressed to the above named at the last known address(s) as set forth above.





STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
STEPHEN V. GODDARD
SUSAN MATTOS
DEPUTY ATTORNEYS GENERAL
IDAHO DEPARTMENT OF FISH AND GAME

600 S WALNUT ST
P.O. Box 25
BOISE, IDAHO 83707
(208) 334-3715

June 2, 1988

Mr. Jerry Hughes
District Chief, WRD
U.S. Geological Survey
230 Collins Road
Boise, ID 83702

Dear Mr. Hughes:

This letter is written as a result of our meeting on June 1, 1988, between representatives of Mr. Blaine Larsen, the United States Fish and Wildlife Service, and the Idaho Department of Fish and Game with you and Mr. Lindholm. As you know, these parties have been involved in an Idaho Department of Water Resources proceeding concerning the potential impacts of those wells which are subject to the transfer applications which Mr. Larsen submitted to the Department in 1988 (the "Larsen wells").

In view of the discussion at our June 1 meeting, the undersigned parties hereby request that the Geological Survey carry out an investigation based on existing data and information that you have in your files or to which you have access in order to: 1) determine the impact of groundwater pumping through Mr. Larsen's wells on the waters flowing in Camas Creek and on ground and surface water levels within the Camas National Wildlife Refuge and the Mud Lake State Wildlife Management Area; and 2) determine the effect on the ground and surface water levels in the Refuge and the Management Area of groundwater withdrawals both within these areas and within the areas where other groundwater withdrawals are occurring through wells to the north and east of Mud Lake.

EXHIBIT A

Mr. Jerry Hughes
June 2, 1988
Page 2

If you conclude that the existing data is insufficient to determine the impact of groundwater pumping as described above, then we would like to request a study proposal that would detail what it would take to determine these impacts, including the cost and/or duration of the study.

It is our understanding from the meeting that if the study is requested by a taxing entity such as a state governmental agency, that a fifty-fifty sharing of costs is possible between the United States government and the requesting taxing entity.

If you have any questions or concerns regarding this request, please feel free to contact Steve Goddard at 334-3715.

Sincerely,

U.S. Fish and Wildlife
Service

By: Ronald E. Swan
Ronald E. Swan
Office of the Solicitor
U.S. Department of the
Interior

Idaho Department of Fish and
Game

By: Stephen V. Goddard
Stephen V. Goddard
Deputy Idaho Attorney
General

Blaine Larsen, Blaine Larsen
Farms and Larsen of Idaho

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO -

UN - 2 1988

DEPARTMENT OF WATER RESOURCES

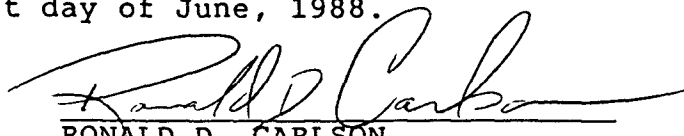
IN THE MATTER OF APPLICATION FOR TRANSFER)
OF WATER RIGHTS NO. 35-7009/35-7157,)
35-2545B, 35-2821B, 35-2728/35-2844/35-7361)
IN THE NAME OF BLAINE LARSEN, BLAINE LARSEN)
FARMS, AND LARSEN OF IDAHO; AND TRANSFER)
NOS. 35-2391/35-7777, 35-2493/35-7773,)
35-2242; AND APPLICATIONS FOR AMENDMENTS)
NO. 35-7161 AND 35-7162 IN THE NAME OF)
EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION)

HEARING NOTICE

Notice is hereby given that the Department of Water Resources has rescheduled the hearing concerning the above referenced applications for transfers and applications for amendments for Monday, June 20, beginning at 10:30 a.m. and on Tuesday, June 21, 1988, in the Civil Defense Conference Room, Bonneville County Courthouse, Idaho Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the hearing notice dated May 27, 1988.

The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game will be allowed full opportunity for submitting evidence and testimony. The other protestants, pursuant to the Stipulation reached at the previous hearing, will be allowed opportunity to supplement the record.

Dated this 1st day of June, 1988.


RONALD D. CARLSON
Eastern Regional Manager

CERTIFICATE OF MAILING

I, hereby certify that on this 12th day of June, 1988, a true and correct copy of the foregoing HEARING NOTICE was mailed, postage prepaid to:

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

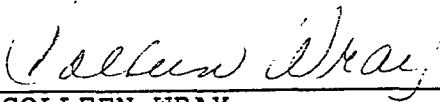
Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

Jim Hansen
Attorney at Law
P.O. Box 2720
Boise, ID 83701

Kent Foster
Attorney at Law
P.O. Box 50130
Idaho Falls, ID 83405

Herb Pollard
Regional Supervisor
Idaho Fish & Game Department
1515 Lincoln Road
Idaho Falls, ID 83401

Robert K. Oser
Program Analyst
U.S. Fish & Wildlife Service
500 NE Multnomah St., Suite 1692
Portland, OR 97232



COLLEEN WRAY
Adm. Secretary
Department of Water Resources

RECEIVED

MAY 31 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

Department of Water Resources

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
OF WATER RIGHTS NO. 35-7009/35-7157,)
35-2545B, 35-2821B, 35-2728/35-2844/35-7361)
IN THE NAME OF BLAINE LARSEN, BLAINE LARSEN)
FARMS, AND LARSEN OF IDAHO; AND TRANSFER)
NOS. 35-2391/35-7777, 35-2493/35-7773,)
35-2242; AND APPLICATIONS FOR AMENDMENTS)
NO. 35-7161 AND 35-7162 IN THE NAME OF)
EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION)
_____)

HEARING NOTICE

Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho; and Eastern Idaho Production Credit Association filed the above referenced applications to transfer the public waters of the State of Idaho and proposing the amendment of two water right permits. On May 2, 1988, the Department received a protest against approval of said applications from Kent W. Foster, Attorney at Law, in behalf of the Owsley Canal Company, Jackett Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Montevue Canal Company, Level Canal Company and Independent Water Users of Mud Lake, Inc. Additional protests were received on May 4, 1988 from U.S. Fish and Wildlife Service; and on May 9, 1988, from Idaho Fish and Game Department.

The Department has set the matter of protests for hearing for 10:30 a.m., June 2 & 3, 1988, in the Civil Defense Room, Bonneville County Courthouse, Idaho Falls, Idaho. The hearing will be held in

accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Date this 27 th day of May, 1988.


RONALD D. CARLSON
Eastern Regional Manager

504

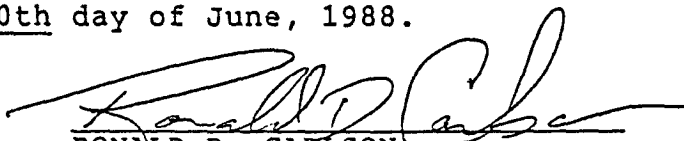
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
OF WATER RIGHTS NO. 35-7009/35-7157,)
35-2545B, 35-2821B, 35-2728/35-2844/35-7361)
IN THE NAME OF BLAINE LARSEN, BLAINE LARSEN) NOTICE OF
FARMS, AND LARSEN OF IDAHO; AND TRANSFER) RESCHEDULED HEARING
NOS. 35-2391/35-7777, 35-2493/35-7773,)
35-2242; AND APPLICATIONS FOR AMENDMENTS)
NO. 35-7161 AND 35-7162 IN THE NAME OF)
EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION)
_____)

Notice is hereby given that the Department of Water Resources has rescheduled the hearing concerning the above referenced applications for transfers and applications for amendments for Thursday, July 14, beginning at 10:30 a.m. and on Friday, July 15, 1988, in the Conference Room, Idaho Falls Public Library, 457 Broadway, Idaho Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the hearing notice dated May 27, 1988.

The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game will be allowed full opportunity for submitting evidence and testimony. The other protestants, pursuant to the Stipulation reached at the previous hearing, will be allowed opportunity to supplement the record.

Dated this 20th day of June, 1988.


RONALD D. CARLSON
Eastern Regional Manager



United States Department of the Interior
FISH AND WILDLIFE SERVICE

May 3, 1988

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

Gentlemen:

The U.S. Fish and Wildlife Service wishes to enter into the record a protest to the approval of applications for the proposed changes to the following water rights:

No. 35-2545B
No. 35-7009
No. 35-7157
No. 35-7222
No. 35-2493
No. 35-7773
No. 35-2242
No. 35-2391
No. 35-7777
No. 35-2728
No. 35-2844
No. 35-7361
No. 35-2821B
No. 35-7161
No. 35-7162

Our basis for protest is the potential detrimental effects that these changes may have on the water resources of the Camas National Wildlife Refuge, located in Jefferson County near the sites of the proposed changes.

Please notify us of the date, time, and place of the hearing so we may present our reasons for protest in more detail. Thank you.

Sincerely,

Robert K. Oser
Program Analyst

RECEIVED

MAY 4 1988

Department of Water Resources
Eastern District Office

OK WATER RIGHT NUMBER 35-7157

OWNER LAST NAME - WARD
ADDRESS LINE 1 - RT. 1 BOX 221-A
ADDRESS LINE 3 -
SOURCE - GROUNDWATER
STAGE - LICENSE
TOTAL DIV. VOLUME - 696.50 AFA TRFR/AMEND -
DIVERSION POINT - SWNE 01 04N 35E LOT REDIV -
FROM - 05-01 TO - 09-30 USE - IRRIGATION
USE - IRRIGATION
FIRST NAME - MICHAEL J.
ADDRESS LINE 2 -
CITY - IDAHO FALLS
STATE - ID ZIP CODE - 83401
TRIBUTARY OF -
PRIORITY - 11-27-1970 COUNTY - JEFFERSON TOTAL DIV. RATE - 3.7400 -CFS
WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
USE DIV. RATE - 3.7400 CFS USE DIV. VOLUME - .00 AFA
PLACE OF USE - TWN 04N RNG 35E SEC 01 TRACT NWNE LOT 02 AC 30 TRACT NENW LOT 03 AC 39
TRACT NWNW LOT 04 AC 54 TRACT SENW LOT AC 25
TRACT NESW LOT AC 14 TRACT SESW LOT AC 37
DATE - TOTAL ACRES 199

DEGREE NAME -
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE -
PROOF MADE - FLD EXAM -
DIVERSION MEANS -
PROTESTED -
HEARING -
OLD NO. -

SEE FILE 35-7009
FOR Original
Transfer

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

May 30, 1973

Re: License No. 35-7157

Mr. Michael J. Ward
Route 1, Box 221-A
Idaho Falls, Idaho 83401

Dear Mr. Ward:

Enclosed please find a copy of the Water License issued on the above referenced permit.

Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosure

35-7157

May 16, 1973

**Mr. Michael J. Ward
Route 1, Box 221-A
Klaho Falls, Klaho 83401**

Dear Mr. Ward:

A representative of this Department has made an examination of the works covered by your Permit No. 35-7157 and has found the following:

Quantity of water diverted: 8.64 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 3.74

The maximum quantity diverted shall not exceed 696.5 acre feet per year.

Beneficial use: Irrigation of 199 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, Twp. 4N, Rge. 35E, B. M.

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

Priority date established: Nov. 27, 1970

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

**BOBBY D. FLEENOR
Assistant Director**

35-7157

BDF:DR

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Michael J. Ward
Post office address Route 1, Box 221-A, Idaho Falls, Idaho Phone 522-9249
Person to contact _____ Phone _____

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

3. Water will be used for the following purposes:
Amount 4.0 c.f.s. for irrigation
_____ AF/Annum (nature of use)
Period of Use: from May 1 to September 30
(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. 35-7157
Examination for beneficial use

4. Total amount to be appropriated:
Max Rate of Diversion _____ cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:
Township 4 N N/S, Range 35 E E/W, B.M., Section 1, Subdivision SW $\frac{1}{4}$ NE $\frac{1}{4}$, Jefferson County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Other Points of Diversions: _____

Description of diverting works: well and pressure system, 600 hp turbine pump, 20" well, 370' to water level, 14" main line with reductions of 12, 10 & 8" buried main line.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or 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 $\frac{1}{4}$	
4 N	35 E	1		40			40	40	40	40	40			40					280
Acreage shown on proof affidavit:																			
4 N	35 E	1		54			54	54					40	40	40			40	(322)
				Lot 2 -			Lot 3 -	Lot 4 -											

35-7157

TOTAL ACREAGE

35-7157

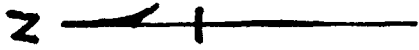
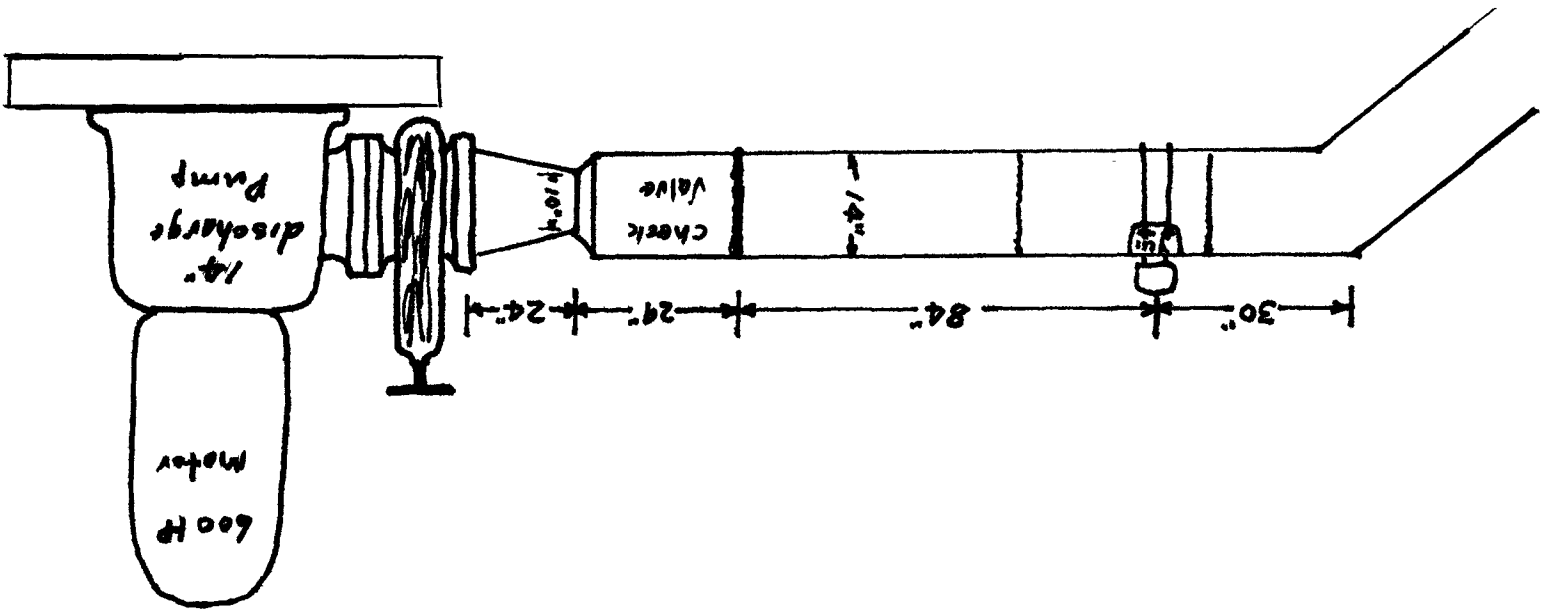
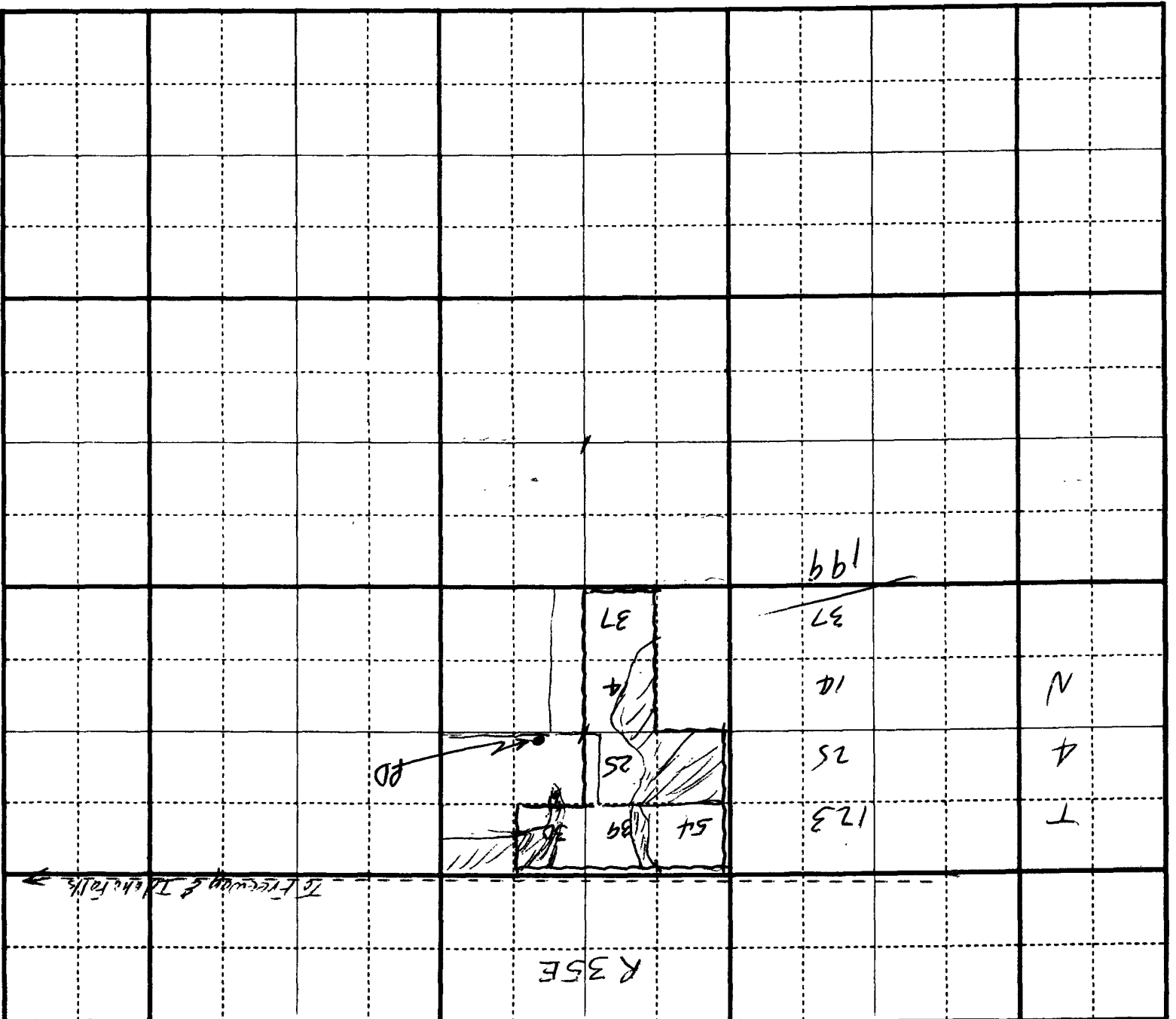
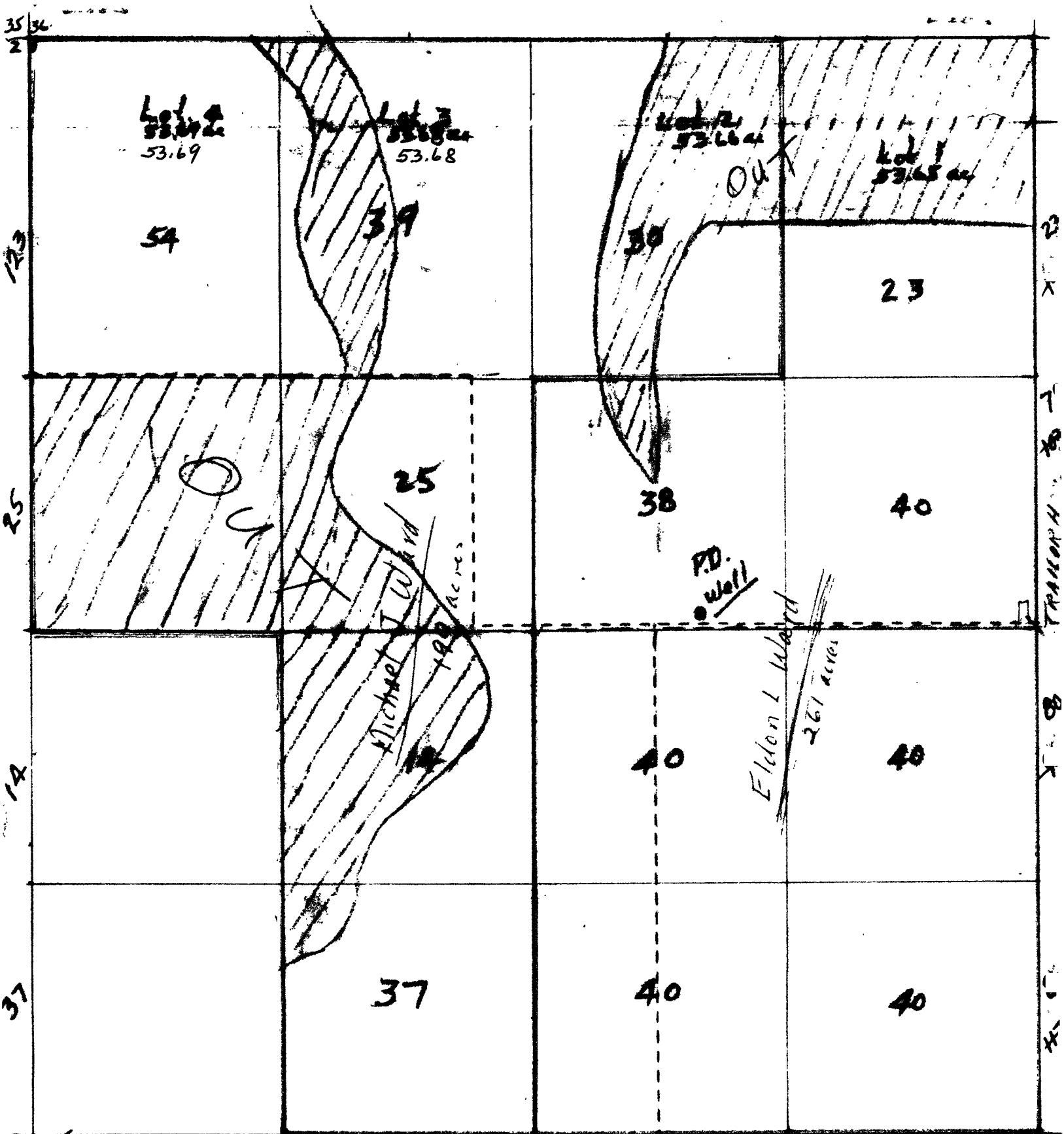


Diagram of System





M^crometer Meter Reading (10 Rev @ 50.4 Sec = 864 cfs)
 cfs $\frac{8.64}{460} = .01878$ cfs per acre.
 Total Ac 460

35-7009 Eldon L. Ward 261 Ac @ .01878 = 4.90 cfs
 35-7159 Michael J Ward 199 Ac @ .01878 = 3.74
 460 = Total Acres 8.64 = Total cfs

Sketched from ASCS PhotoMap 8" = 1 mile - 6/6/72 LHS 35-7157

DATE OF EXAM June 6, 1972

ACREAGE
Found 199
Recommended 199

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.74 c.f.s. V = 696.5 AF/Ann. from May 1st to Sept. 30th
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 8.64 cfs Method of measurement M^crometer in line

* Total Q recommended 3.74 Meter No. 72-14123 Type Propeller Condition New

* Total V recommended 696.5 AF
35-7009 = 261 acres 35-7159 = 199 acres 460 acres
Recommended Amendments: 864 cfs 460 acres = .01878 cfs/Ac.
261 x .01878 = 490 cfs - 35-7009
199 x .01878 = 374 cfs - 35-7159
864

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

MEASUREMENT CALCULATION: Acres feet x .001
M^crometer Meter Reading = (10 Rev - 50.4 Sec = 8.64)

As a check - measurements were made by Pitot tube & Gage at nozzles.
Results were 7.82 cfs. Some leakage was noted through system
but not taken into account.

SYSTEM DESCRIPTION: See Permit # 35-7009 - Examine at same time - samewell.
600 HP VS Hollowshaft Motor # J1416771, Peerless Pump # 223856
(14x14x24.5) 14" discharge to south. Gate Valve at flange 24" 14"x10" reducer
to 10"x14" check valve, thence to 9 1/2' x 14" wrapped steel pipe, thence to a 45°
bend downward into buried main line East & West. M^crometer Meter # 72-14123
90" downstream from check valve & 24' upstream from 45° bend.

REMARKS:

Mr Eldon Ward showed and explained system and land.

Examiner's Signature Clayton Rumsey & Layla Johnson Date June 6, 1972

Checked by Clay Rumsey Date 6/12/72

Approved by _____ Date _____

35-7157

January 21, 1972

Re: Permit No. 35-7157

Mr. Michael J. Ward
Route 1, Box 221-A
Idaho Falls, Idaho 83401

Dear Mr. Ward:

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

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If someone other than you should be contacted by the examiner, please advise our District Office at 240 South Holmes, Idaho Falls, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Bureau of Land Management
(I-3302)

bc: Eastern District Office
Enc: Field exam report

35-7157

Identification No. I-3302

Permit No. 35-7157

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Janey

1. a) Name of Permit Holder Michael J. Ward
- b) Post Office Address Route #1, Box 221-A
2. Permit Number 35-7157 Idaho Falls, ID 83401
3. Date of Priority that you are prepared to establish 11/27/70
4. a) Source from which water was appropriated Well
- b) Location of the point of diversion: ^(SWNE) Center E $\frac{1}{2}$ ~~XX~~ XX, Section 1
Township 4N, Range 35E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 4.0 cfs for irrigation purposes from April 1 to Nov. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ 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: Curt Sanford, Engineer with Snake River Equip. Co. 759 Sprinklers 30 WS rainbirds @45# PSI at 4.72 GPM 3582 GPM or 7.96 C.F.S.

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: 600 HP 16" Bowl 6-stage pump. 20" well 576 feet deep 370 feet pumping level. Land surface to high ground approx. 10 feet.
b) Describe the agreement or understanding by which you take water from the works: There is a water easement and right of way for pump, main line and all facilities recorded in the Jefferson County records between Eldon Ward and myself legalizing water & rights to claim.

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) Well and pressure system. 600 HP turbine pump 20" well 370 feet to water level. 14" main line with reductions of 12", 10", and 8" buried main line.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Measuring device will be ordered immediately and supplier will install before next irrigation season. Supplier will send copy of measuring device order to Boise.
c) Give well drillers name and address and date the well was completed _____
Howard F. Andrew, Andrew Well Drilling Contractors
1268 E. 17th St. Idaho Falls, ID 83401
Completion date: April 3, 1969

IDAHO DEPARTMENT OF RECLAMATION
WATER ADMINISTRATION
1000 WEST MAIN STREET
IDAHO FALLS, IDAHO 83401

35-7157

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

Sions

of use

322

Some land,

~~however, cannot be cash cropped profitably because of rock outcroppings.~~

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

(Date)

(Signature)

State of IDAHO ss. County of Bonneville

State of IDAHO ss. County of Bonneville

On this 6th day of January, 1972, personally appeared before me the

Notary Public residing at
Toate Falls, Idaho

My commission expires June 10, 1975

INTER-DEPARTMENT MEMO — 1

FROM Norm Young
TO Bob Fleenor
SUBJECT Permit Nos. 35-7009 & 35-7157

DATE January 11, 1972
RECEIVED

Enclosed is the order form for a badger flow meter for Eldon Ward, Permit No. 35-7009 and Michael Ward, Permit No. 35-7157.

NY

35-7157 Eldon L. Ward
SIGNATURE

STEEL, ALUMINUM, P.V.C. PIPE
VALLEY SELF-PROPELLED

GEM STATE IRRIGATION, INC.

INVOICE DATE 1-11-72	CUSTOMER ORDER NO	ESTIMATE NO	VIA	SOLD BY S
-------------------------	-------------------	-------------	-----	--------------

SOLD TO	Edison Ward.	DELIVER TO	Roberta West Farm
ADDRESS	L#2 Box 44		ON New 600HP well
CITY & STATE	Sta. Falls, Ia.		

CASH	CHARGE	☒ C.O.D.	RETD MERCH	MEMO CHG	OTHER TERMS
------	--------	--	------------	----------	-------------

[illegible]

TERMS 10TH OF MONTH FOLLOWING DATE OF PURCHASE

Without great for value received, I promise to pay to the order of Seller the above mentioned amounts payable as hereinabove set forth. I agree that title to the merchandise hereinabove set forth shall at all times remain in the Seller's name until this note is fully paid and if the same be placed with an attorney for collection or suit I agree to pay a reasonable attorney's fee. If not paid at maturity this note shall thereafter draw interest at the rate of 12% per annum until paid. Upon failure on the part of the purchaser to make payments as herein specified the Seller may repossess said property wherever found. Property shall not be moved from premises without consent of Seller.

No. 2549

REC D
BY

BY

ALTERNATIVE SOLUTION

TAX

FILE COPY

RECEIVED

INTER-DEPARTMENT MEMO — 1

JAN 10 1972

DATE January 6, 1972

FROM Norm Young

Department of Water Administration

TO Bob Fleenor

SUBJECT Proof of Beneficial Use - Application Nos. 35-7009 & 35-7157

The Wards wanted to get their paper work finished up on the well so that they could file their final proof for the BLM. (Both of these applications refer to the same well.)

In talking to them, I found they did not have the measuring device installed. I indicated to them that it would be satisfactory if they would order one now to be installed before the next irrigation season and have the supplier send a copy of the measuring device order to Boise.

When you receive a copy of the measuring device order, would you please notify the BLM that we have received and accepted proof of beneficial use.

NCY:bj

35-7157

Norm

SIGNATURE

December 29, 1971

Re: Permits No. 35-7009 - Eldon L. Ward
35-7157 - Michael J. Ward

Mr. Eldon Ward
Rt. #1, Box 48
Idaho Falls, Idaho 83401

Dear Mr. Ward:

Enclosed please find several "Proof of Application of Water to Beneficial Use" forms, along with one instruction sheet.

We are also enclosing a copy of our correspondence with our Boise office on the above referenced permits.

If we may be of further assistance to you, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BJ

Enclosures

bc: Dept. of Water Admin. ✓
Boise Office

35-7157



35-7157

IN REPLY REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office
Boise, Idaho

L:VSS
I-3302

NOTICE OF ALLOWANCE

Michael J. Ward
Rt. 5, Bx. 117
Idaho Falls, Idaho 83401

Serial No. I-3302 321.03 Acres

T. 4 N., R. 35 E., Boise Mer., Idaho
Sec. 1, lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Your desert land application for the above described land has this day been approved and allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. The acceptability of final proof is contingent upon compliance with the requirements of the Desert Land Act and appropriate rules and regulations in addition to development and reclamation of the land basically in accordance with your plan of development which is on file in the Boise Land Office. Any substantial change in source of water or deviation in the construction of the irrigation facilities must have the approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 250 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914, which will require the reservation of all oil and gas deposits to the United States.

Also subject to a road easement 66 feet wide along the north boundary, along the west boundary of lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, and along the south boundary of SE $\frac{1}{4}$ SW $\frac{1}{4}$, for public access and use.

IN WITNESS WHEREOF, I have hereunto set
my hand and seal this 23rd day
of February, 19 71.

Orval G. Hadley
MANAGER, LAND OFFICE
Orval G. Hadley

ILO-2226-20
11/69

35-7157

February 16, 1971

Re: Permit No. 35-7157-D.E. #I-3302

C

Mr. Curtis Taylor, Acting Manager
Bureau of Land Management
Room 334, Federal Building
Boise, Idaho 83702

Dear Mr. Taylor:

Enclosed is a copy of the above referenced permit which has been approved by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/kh

Enclosure

35-7157

February 16, 1971

Re: Permit No. 35-7157

Mr. Michael J. Ward
Route 1, Box 221
Idaho Falls, Idaho 83401

Dear Mr. Ward:

Enclosed is a copy of your approved Application for Permit No. 35-7157. We direct your attention to the conditions of approval as listed on the fourth page.

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

Very truly yours,

BOBBY D. FLEENOF
Assistant Director

BDF:kh

Enclosures: Copy of permit
2 informational letters

P. S. There is an additional fee of \$1 for the copy sent to the BLM. Please remit promptly.

35-7157



IN REPLY REFER TO:

United States Department of the Interior

L:VSS
I-3302

BUREAU OF LAND MANAGEMENT
Idaho Land Office
Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83702

BDF

February 1, 1971

Donald W. McEldowney
Appropriation Supervisor
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Please refer to your January 28, 1971 letter to Michael J. Ward regarding application for permit No. 35-7157.

Attached is a copy of our July 21 letter to Mr. Ward advising him to apply for a water permit.

The land in Mr. Ward's desert land application I-3302 has been classified as suitable for entry under the desert land act. As soon as we receive a copy of his approved water appropriation permit we will issue a notice of allowance.

Sincerely yours,

Curtis R. Taylor
Assistant Manager, Lands

Attachment

35-7157

Idaho Land Office
Room 224 Federal Building
550 W. Fort Street
Boise, Idaho 83702

JUL 21 1970

Michael J. Ward
Route 5, Box 117
Idaho Falls, Idaho 83401

Dear Mr. Ward:

On June 15, 1970 the Idaho Falls District Manager issued an Initial Decision approving your desert land petition I-3302.

According to your plan of development, water for irrigation is to be obtained from an existing well. You must submit evidence of your right to appropriate and use the water. The evidence should consist of a copy of a State water permit approved by the Director, Idaho Department of Water Administration. Attached is an extra copy of this letter which should be submitted to the Idaho Department of Water Administration at the time you apply for a permit. Unless they have knowledge that the land of the desert land application has been classified as suitable for entry, they may decline to issue the water permit. You should make arrangements with the Director to have a copy of the permit sent to this office.

We would appreciate receiving a copy of the permit as soon as possible.

Sincerely yours,

/s/ E. D. BARNES

E. D. Barnes
Manager, Land Office

Attachment

38-7157

January 28, 1971

Re: Application for Permit No. 35-7157

Michael J. Ward
Route 1, Box 221-A
Idaho Falls, Idaho 83401

Dear Mr. Ward:

Please be advised that your application for permit has been processed. However, since your application is filed in connection with a desert land entry with the Bureau of Land Management, the Department will take no further action until such time as evidence that your desert entry has been allowed is submitted to this office in writing.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

cc: Bureau of Land Management (I-3302)

35-7157

December 22, 1970

Re: Application No. 35-7157 - Michael J. Ward

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing 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 date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Dorian Clay,
Appropriation Examiner

DC/DG
Enc: legal notice

Bill submitted 1-28-71 By dc

35-7157

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Michael J. Ward, Route #1, Box 221 A, ~~Id~~ Idaho Falls, Idaho has on December 21, 1970 submitted Application No. 35-7157 to appropriate the public waters of a ground water source.

~~The proposed uses are~~

The application proposes a maximum diversion and appropriation of 0.4 cubic feet per second ~~acre feet~~ of water to be diverted by pump and mainlines within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County

and is to be used within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M. for the irrigation of 280 acres from May 1 to September 30.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration on or before January 18, 1971.
Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

Published in the Rigby Star, ~~Idaho~~ Rigby, Idaho on December 31, 1970 and January 7, 1971.

35-7157

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 4, 1970

Re: Permit No. 35-7157

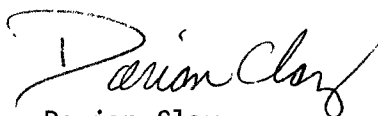
Mr. Michael J. Ward
Route # 1
Post Office Box # 221
Idaho Falls, Idaho 83401

Dear Mr. Ward:

Due to various changes made in your original application, we have taken the liberty of re-typing it for your convenience. Please sign the application on page three and return it to us for further processing.

If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,


Dorian Clay
Appropriation Examiner

DC:cm

Enc: (re-typed application for permit)

*Sorry for the delay.
I didn't know this letter arrived
until 12/17.*

M. Ward

35-7157

December 3, 1970

Re: Permit No. 35-7157

Mr. Michael J. Ward
Route # 1
Post Office Box # 221
Idaho Falls, Idaho 83401

Dear Mr. Ward:

Due to various changes made in your original application, we have taken the liberty of re-typing it for your convenience. Please sign the application on page three and return it to us for further processing.

If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours

Dorian Clay
Appropriation Examiner

DC:cm

Enc: application for permit (re-typed)

See # 53607

35-7157

November 10, 1970

Mr. Michael J. Ward
Route #1, Box 221A
Idaho Falls, Idaho 83401

Dear Mr. Ward:

We are returning your personal check in the amount of \$35.00, numbered 92-41, and your application for permit, as we will need some clarification as to the point of diversion listed under item 3a. Please be advised that the point of diversion must be listed by the specific 40-acre subdivision that it lies within.

As soon as you have made this necessary clarification and resubmitted the application, we shall begin its processing.

If we may be of any further assistance, please advise.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

Enc: application for permit
check no. 92-41

35-7157