

Proof of Publication
The Post-Register

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 21st day of April, 1988, last publication having been made on the 28th day of April, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 29th day of April, 1988.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS
Nos. 35-7009, 35-7157

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-7009 and 35-7157 and are recorded as follows:

35-7009 AMOUNT: 4.0 c.f.s. PRIORITY:

January 8, 1968

POINT OF DIVERSION: SW1/4NE1/4, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County

The water is used to irrigate 261 acres within the S1/2NE1/4, NE1/4NE1/4, SE1/4, Sec. 1, T. 4N, R. 35E, B.M.

35-7157 - AMOUNT: 3.74 c.f.s. PRIORITY: November 27, 1970

POINT OF DIVERSION: SW1/4NE1/4, Sec. 1 T. 4N, R. 35E, B.M., Jefferson County

The water is used to irrigate 199 acres within the NW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, Sec. 1, T. 4N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW1/4SE1/4, Sec. 11, T. 8N, R. 36E, SW1/4NE1/4, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 780 acres within the SE1/4, Sec. 11, S1/2NE1/4, N1/2SE1/4, Sec. 25, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before May 9, 1988.

R. KEITH HIGGINSON
Director

Published: April 21, 28, 1988

RECEIVED

MAY 4 1988

Department of Water Resources
Eastern District Office

11. Map of proposed project:

R35E Sec. 1 T4N

4

3

this is all 2nd developed
land in sage brush
a proposed
sprinkler project

Well

9

10

11

existing
well

12

Road to Roberts

All this area is now
being farmed

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.

Edwin L. Ward
(Applicant)

35-2009

RECEIVED
FEB 2 1968
Department of Reclamation

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 Two consecutive issues thereof; first publication having been made on the

18th day of January, 1968
and the last publication on the

25 day of January, 1968

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 1st day of February, 1968.
(SEAL)

R. H. Higgins
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, 1969

NOTICE OF APPLICATION FOR WATER
Notice is hereby given that Eldon L. Ward, Route No. 2, Box 48, Idaho Falls, Idaho 83401 has on January 8, 1968 applied for permit to divert 4.0 cubic feet per second of water from a subterranean source under application No. 35-7009. Water will be diverted by a well, and pump within the center of the E $\frac{1}{2}$, sec. 1, T. 4 N, R. 35 E, B.M., Jefferson County and is to be used from May 1 to September 30 for irrigation in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, sec. 1, T. 4 N, R. 35 E, B.M.
Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Publish: Jan. 18 and Jan. 25, 1968.

35-7009

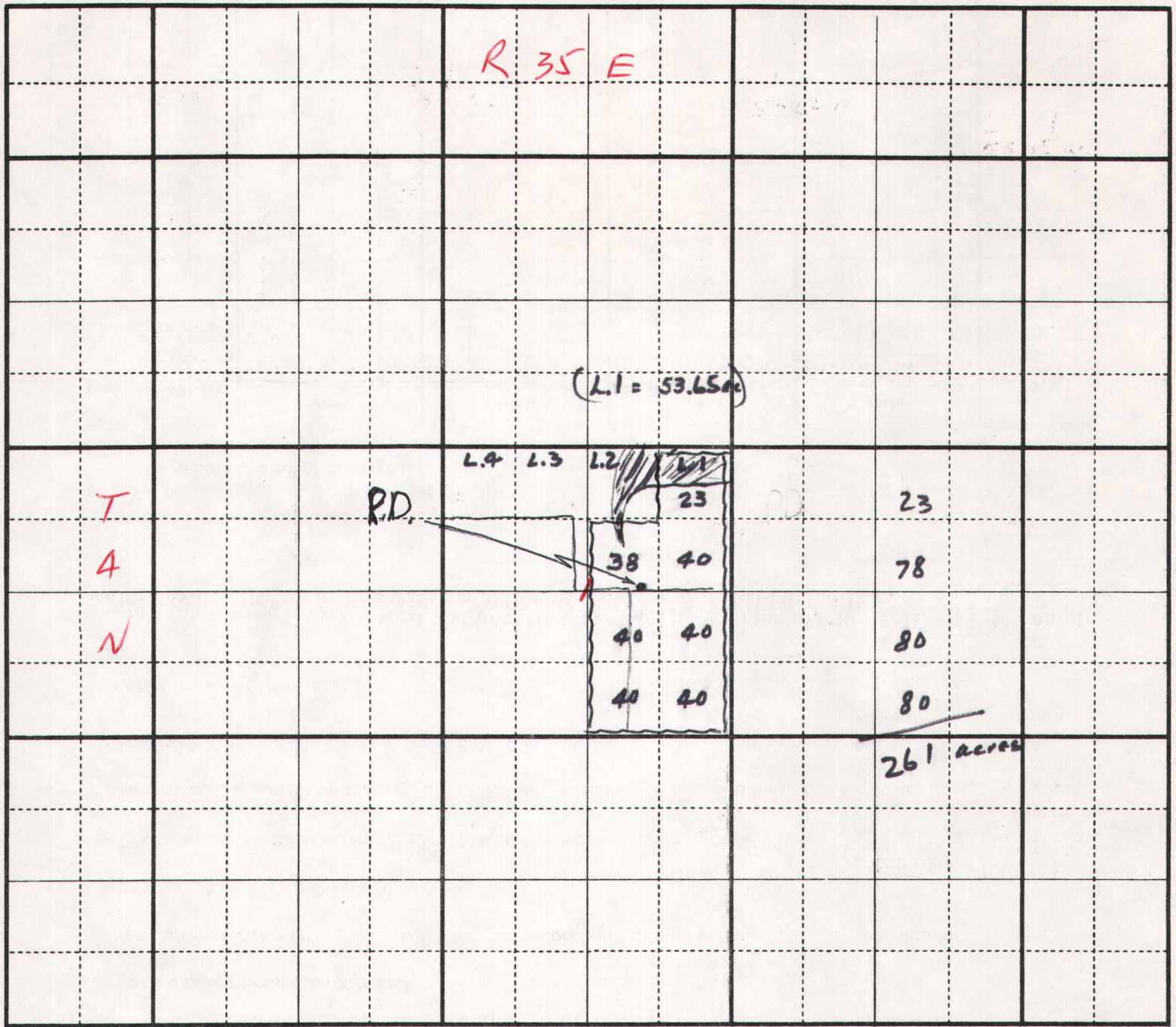
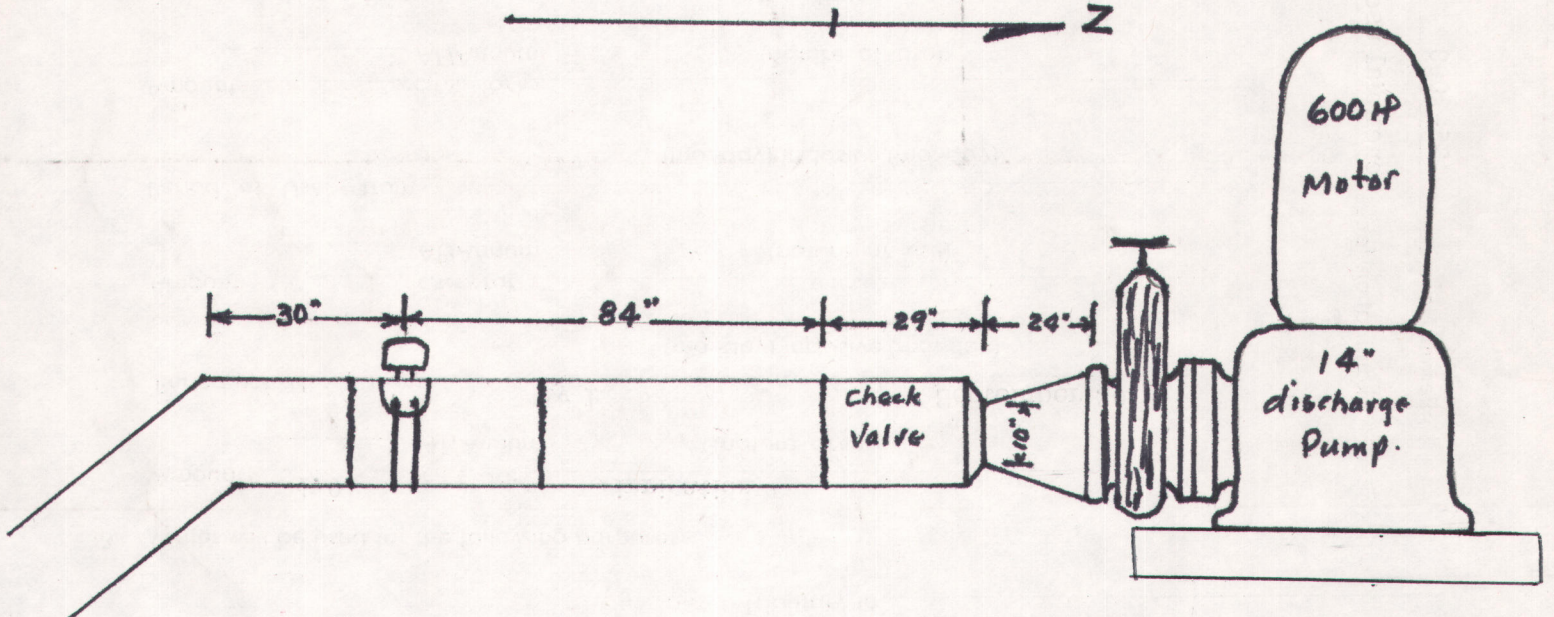
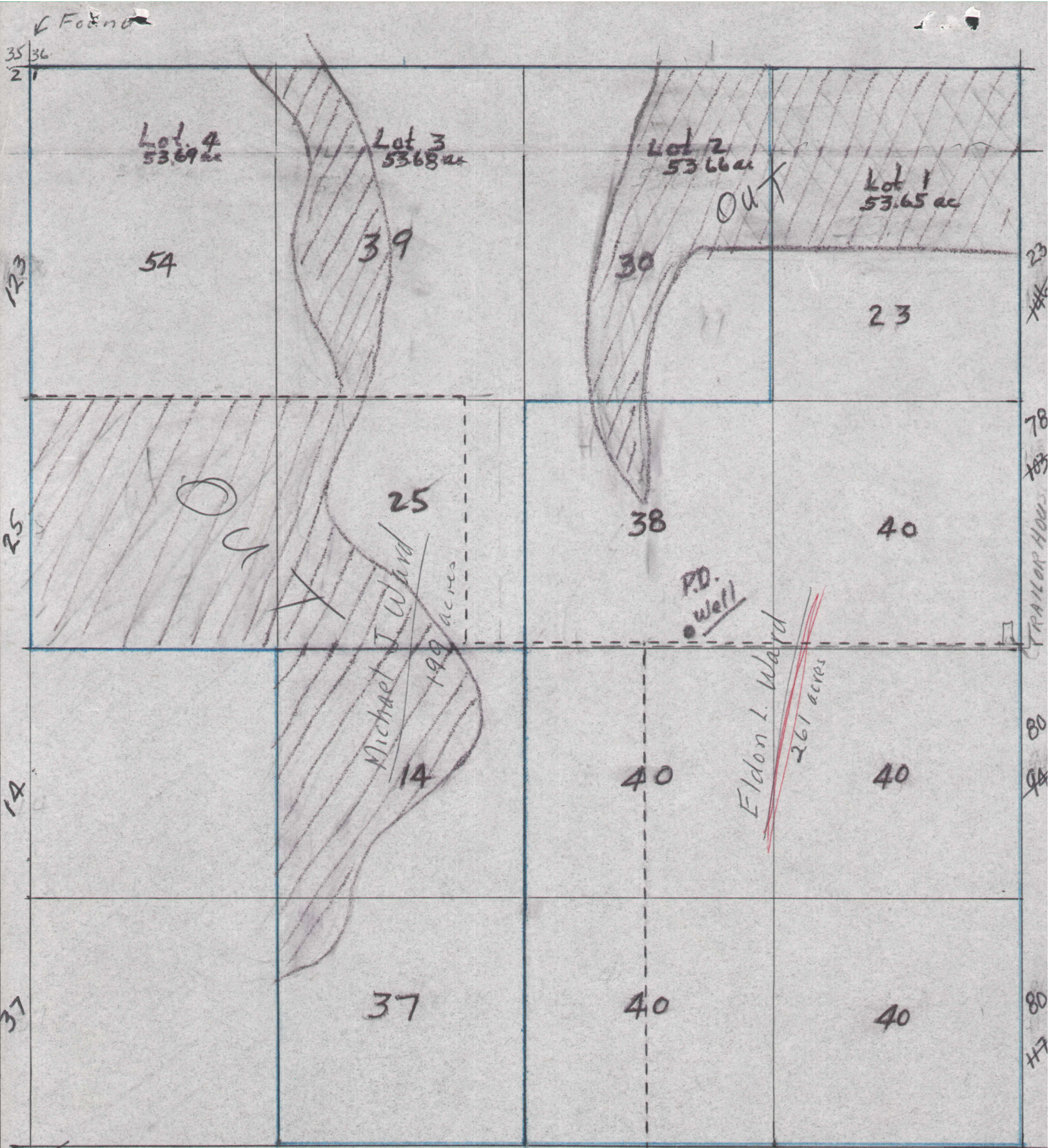


Diagram of System





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

35 7009

261

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

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name Eldon Ward
Address Rt. # 2 Idaho Falls, Idaho
Owner's Permit No. 35-7009

2. NATURE OF WORK

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

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 20 inches Total depth 560 feet
Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>1.250</u> inches	<u>20</u> inches	<u>1</u> feet	<u>20</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

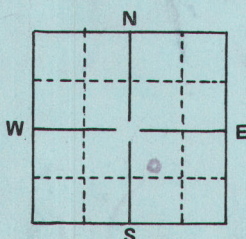
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feetGravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feetSurface seal? ☒ Yes ☐ No To what depth 20 feet
Material used in seal ☒ Cement grout ☐ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.

County Idaho 35 7009
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T. 4 N/S, R. 35 E/W

7. WATER LEVEL

Static water level 369 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ ° F. Quality Good
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
<u>24</u>	<u>0</u>	<u>4</u>	Top soil		
	<u>4</u>	<u>7</u>	Basalt Broken		
	<u>7</u>	<u>10</u>	Basalt firm		
<u>20'-20"</u>	<u>10</u>	<u>32</u>	" "		
	<u>32</u>	<u>35</u>	Basalt broken		
	<u>35</u>	<u>48</u>	Basalt silt		
	<u>48</u>	<u>56</u>	Silt Brown		
	<u>56</u>	<u>85</u>	Basalt fractured		
	<u>85</u>	<u>88</u>	Basalt broken		
	<u>88</u>	<u>115</u>	Basalt fractured		
	<u>115</u>	<u>145</u>	Basalt broken cinders		
	<u>145</u>	<u>168</u>	Basalt fractured		
	<u>168</u>	<u>173</u>	Basalt hard		
	<u>173</u>	<u>175</u>	Basalt broken		
	<u>175</u>	<u>180</u>	Basalt broken		
	<u>180</u>	<u>195</u>	Basalt fractured		
	<u>195</u>	<u>207</u>	Basalt firm		
	<u>207</u>	<u>212</u>	Cinders red		
	<u>212</u>	<u>228</u>	Basalt		
	<u>228</u>	<u>235</u>	Cinders Red		
	<u>235</u>	<u>248</u>	Basalt fractured		
	<u>248</u>	<u>254</u>	Basalt broken		
	<u>254</u>	<u>283</u>	Basalt fractured		
	<u>283</u>	<u>297</u>	Cinders		
	<u>297</u>	<u>310</u>	Basalt brown firm		
	<u>310</u>	<u>325</u>	Basalt gray firm		
	<u>325</u>	<u>330</u>	Basalt red firm		
	<u>330</u>	<u>340</u>	Basalt brown firm		
	<u>340</u>	<u>342</u>	Basalt broken		
	<u>342</u>	<u>357</u>	basalt gray firm		
	<u>357</u>	<u>358</u>	Basalt broken		
	<u>358</u>	<u>372</u>	Basalt red firm	X	
	<u>372</u>	<u>374</u>	basalt broken	X	
	<u>374</u>	<u>389</u>	Basalt gray firm		
	<u>389</u>	<u>392</u>	Basalt gray hard		
	<u>392</u>	<u>397</u>	Cinders		X
<u>20</u>	<u>397</u>	<u>408</u>	Basalt gray firm		

10.

Work started Feb. 14, 1969 finished April 3, 1969

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is
true to the best of my knowledge.Andrew Well Drilling Contractors 5
Driller's or Firm's Name Number
1268 E. 17th St. Idaho Falls, Idaho
Address
Howard F. Andrew 35-7009
Signed By Date

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

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.)

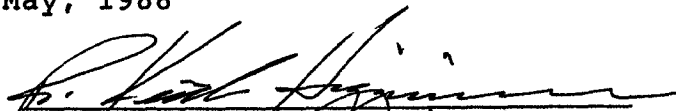
ORDER

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. BAKENDALE*
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:

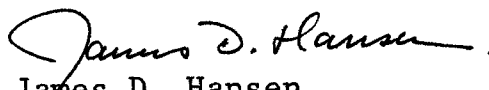
I am enclosing for your review and filing with the Department the following original pleadings:

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 503-281-6145 Ren Swan - 503-231-2143
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	)	
AMENDMENTS OF WATER RIGHT PERMITS)	)	SECOND PETITION
BY BLAINE LARSEN, BLAINE LARSEN	)	FOR APPROVAL OF
FARMS AND LARSEN OF IDAHO FOR	)	TEMPORARY PLAN FOR
THE 1988 IRRIGATION SEASON	)	EMERGENCY SUPPLY
	)	

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 Cameron

RECEIVED

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.

Lera Carneer
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

Glenn McDowell, Pursley,
Webb & Buser

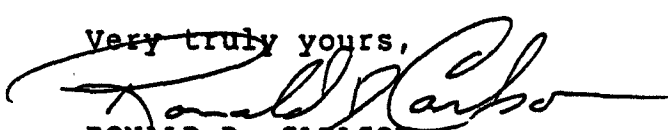
Dear Mr. Pollard:

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 IDAHO

RECEIVED

MAY 26 1988

Department of Water Resources

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

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 5,300 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 OF IDAHO

P.4/4

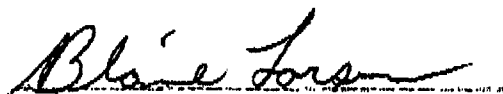
wages. Much of the capital invested in these facilities also could be lost.

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 IDAHO

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 Idaho Falls
My commission expires: 3/11/93

MAY 25 '88 15:39 LARSEN OF IDAHO

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. Osar
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.

Lera Camera

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)	PETITION TO SET HEARING
TRANSFERS NOS. 35-7009/35-7157,)	DATE
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.)	
_____)	

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.

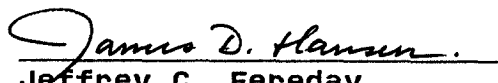
Petitioner is prepared to stipulate that his case-in-chief with respect to these Protestants may be the case-in-chief and

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. Hanson.

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	)	
LARSEN, BLAINE LARSEN FARMS, AND LARSEN	)	ORDER ALLOWING
OF IDAHO; AND TRANSFER NOS. 35-2391/	)	TEMPORARY USE
35-7777, 35-2493/35-7773, 35-2242, AND	)	OF WATER
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.

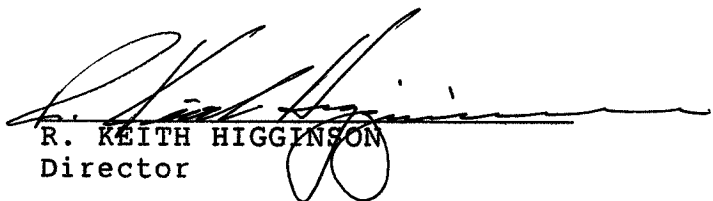
2. The relief granted by the director in this order is temporary, pending the director's entry of an order on the merits following the director's consideration of any supplemental evidence added to the record in this proceeding by the remaining

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 7th 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

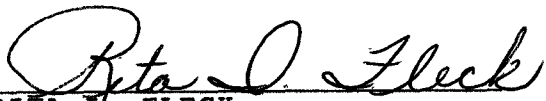
Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

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



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401
(208) 522-7783

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MAY 9 1988

Department of Water Resources
Eastern District Office

May 6, 1988

Mr. Ernest Carlsen
Department of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Re: Water Right Transfer Applications by Blaine Larsen of Larsen Farms,
Clark County

Dear Ernie:

Idaho Department of Fish and Game (IDFG) wishes to file protests on the following ground water transfer applications:

Numbers: 35-7009, 35-7157, 35-2545B, 35-2821B, 35-2391, 35-7777, 35-2242,
35-2493, 35-7773, 35-2728, 35-2844, 35-7361, 35-7161, 35-7162, 35-7222.

Ernie Carlsen

Our Department believes continued and expanded use of ground water in the Hamer area represents a significant cumulative impact to the long term water table levels in the Mud Lake area. Idaho Department of Fish and Game owns and manages a major wildlife management area (WMA) at Mud Lake (8,350 acres). We are heavily dependent on a high water table to maintain the wildlife values on the WMA, and, therefore, any actions which may lower that water table will affect IDFG's Mud Lake Management Area.

Ground water pumping in the Hamer area as proposed by Blaine Larsen effectively utilizes water "upstream" in gradient and flow pattern from the Mud Lake area. Waters used in the Hamer area are waters which will not reach the Mud Lake area.

Additionally, IDFG believes it is not appropriate to transfer ground water rights from Bonneville and Bingham counties "upstream" in the aquifer to the Clark County area. The Snake River aquifer covers all areas in question, but water flows move from the northeast to the southwest and subsequently northwest to the Thousand Springs area. The transfer of water rights in an "upstream" manner can potentially impact priority rights in the Mud Lake area.

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Mr. Ernest Carlsen
May 6, 1988
Page 2

The proposed transfer of water rights from lands enrolled in government subsidy programs (ACR and CRP) are not in the public interest. Although not specifically illegal, the transfer of water rights from these programs would defeat the intent of the ACR and CRP programs to reduce subsidy crops and limit erosion of soils.

For the reasons stated, Idaho Department of Fish and Game protests the listed ground water right amendments and transfers.

Sincerely,



Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:SE:al

cc: USFWS (Wolflln)
U.S. Army Corps of Engineers - Walla Walla
Bureau of Program Coordination
Bureau of Fisheries



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

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER
J. MICHAEL WHEELER
MARIE T. FEELEY

IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83405

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

April 25, 1988

RECEIVED

APR 26 1988

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

Gentlemen:

We have been requested by the Owsley Canal Company, Jackett Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Montevieu Canal Company, Level Canal Company and Independent Water Users of Mud Lake, Inc. to file this notice in protest to the proposed changes of water rights Nos. 35-2821B, 35-2545B, 35-2391, 35-7777, 35-7009, 35-7157, 31-7034R, 35-2728, 35-2844, 35-7361, and 31-7034S.

This protest is filed on the grounds that the proposed transfers of said rights will injure the water rights of the canal companies listed herein, and that said change is contrary to the local public interest.

Yours very truly,



Kent W. Foster

#1047 00
5400f/sam

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson }

ss

I, Crystal Foster

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

Notice of Proposed Change

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

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

been made on 4-20-88 and the last publication having been made

on 4-27-88.

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

Crystal Foster

Subscribed to and sworn to before me

this April 28, 1988

Richard Barker
Notary Public.

(SEAL)

My commission expires 4-23-93

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

NOS. 35-7009, 35-7157

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground-water sources. The rights sought to be changed are evidenced by License Nos. 35-7009 and 35-7157 and are recorded as follows:

35-7009—AMOUNT: 4.0 c.f.s. PRIORITY: January 8, 1968

POINT OF DIVERSION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County

The water is used to irrigate 261 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M.

35-7157—AMOUNT: 3.74 c.f.s. PRIORITY: November 27, 1970

POINT OF DIVERSION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County

The water is used to irrigate 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, T. 4N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 8N, R. 36E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 780 acres within the SE $\frac{1}{4}$, Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before May 9, 1988.

R. KEITH HIGGINSON
Director

Published in The Jefferson Star,
Rigby, Idaho, April 20 and 27, 1988.

RECEIVED

APR 29 1988

Department of Water Resources
Eastern District Office

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 21st day of April, 1988, last publication having been made on the 28th day of April, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement

Subscribed and sworn to before me, this 29th day of April, 1988.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS
Nos. 35-7009, 35-7157
Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-7009 and 35-7157 and are recorded as follows:
35-7009 AMOUNT: 4.0 c.f.s. PRIORITY: January 8, 1968
POINT OF DIVERSION: SW1/4NE1/4, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County
The water is used to irrigate 261 acres within the S1/2NE1/4, NE1/4NE1/4, SE1/4, Sec. 1, T. 4N, R. 35E, B.M.
35-7157 - AMOUNT: 3.74 c.f.s. PRIORITY: November 27, 1970
POINT OF DIVERSION: SW1/4NE1/4, Sec. 1 T. 4N, R. 35E, B.M., Jefferson County
The water is used to irrigate 199 acres within the NW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, Sec. 1, T. 4N, R. 35E, B.M.
TO BE CHANGED AS FOLLOWS
The water will be diverted within the NW1/4SE1/4, Sec. 11, T. 8N, R. 36E, SW1/4NE1/4, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 780 acres within the SE1/4, Sec. 11, S1/2NE1/4, N1/2SE1/4, Sec. 25, T. 9N, R. 36E, B.M.
Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before May 9, 1988.
R. KEITH HIGGINSON
Director
Published: April 21, 28, 1988

RECEIVED
MAY 10 1988
Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 35-7009 Priority Jan. 8, 1968 Amount 4.0 cfs

THIS IS TO CERTIFY, that ELDON L. WARD
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7009 issued pursuant to Application for Permit dated January 8, 1968,
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 4.0 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 4.0 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 913.5 acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use:

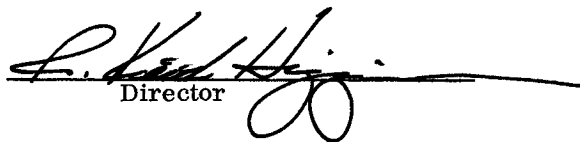
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	35 E	1	23		38	40									40	40	40	40	261

Total number of acres irrigated 261

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 23 day of
February, 19 73.


Director

35 7009

Identification No. 35-7072

Application No. 42226

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

LICENSE ISSUED FOR 1.0 SEC. FT.
LICENSE PAG NO. _____

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Eldon S. Ward
post office address Route 2 Box 48 Idaho Falls, Idaho 83401
2. Source of water supply unduground which is a tributary of _____
3. a. Location of point of diversion is Center 7 1/2 of 1/2 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 _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M.
4. Quantity to be appropriated:
 - a. 4 cubic feet per second and/or 200 "
 - b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:

Irrigation purpose from May 1 to Sept 30 (both dates inclusive)

_____ purpose from _____ to _____ (both dates inclusive)

_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam: _____
 - c. Proposed well diameter is 16 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 2 years.
- b. Estimated construction cost is \$ 7,000.00 for well extra for completed project
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: _____

35-7009

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	35E	1	3.5		40	40									40	40	40	40	293.65

Total number of acres to be irrigated 280.65

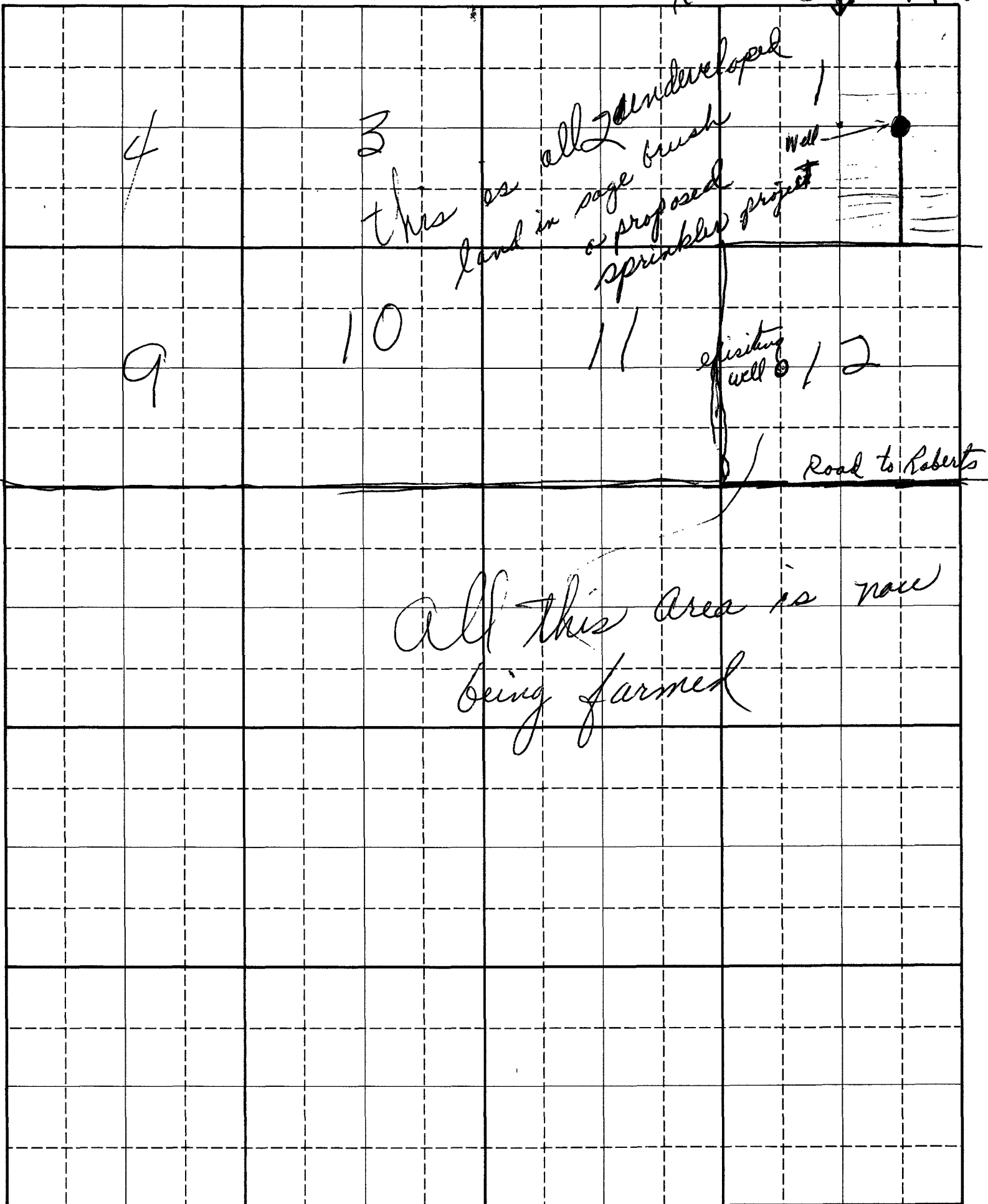
c. Describe any other water rights used for the same purposes None ↑ estimate

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

10. Remarks Enclosed please find letter from Bureau of land management office which verifies my right for this application for permit. I would appreciate your help in this matter, and if you need any additional information I have not supplied I will be glad to send it.

11. Map of proposed project:

R35E Sec. 1 T4N



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.

Eldon L. Ward
(Applicant)

35-2009

1-8-68

Received by ef Date _____ Time 10:00 a.m.
Preliminary check by DR Fee \$ 35.00
Receipted by ef Date 1-8-68
Publication prepared by BS Date 1-11-68
Published in 1-18 and 1-25 - 68
Publication dates Big Sky Star
Publication approved BS Date Jan. 16
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by CA - Davis

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

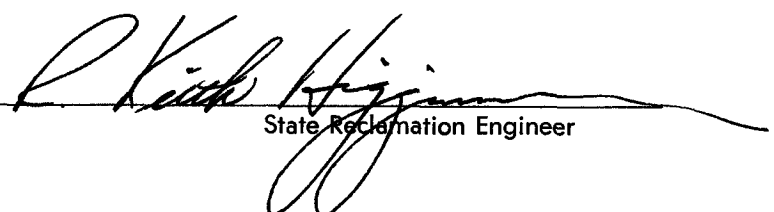
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7009, and said application is hereby APPROVED.

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 70.
- c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 19 day of February 19 68.


State Reclamation Engineer

Identification No. I-397
Permit No. 35-7009

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
Jan 10 - 1972
Department of Administration

1. a) Name of Permit Holder Eldon L. Ward
b) Post Office Address Route #2, Box 48 Idaho Falls, ID 83401
2. Permit Number 35-7009
3. Date of Priority that you are prepared to establish 1/8/68
4. a) Source from which water was appropriated Ground Water
b) Location of the point of diversion: (SWNE) Center E $\frac{1}{2}$ $\frac{1}{4}$, 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 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: 759 Sprinklers running 5/32 nozzles at approx.
50 PSI at 5 GPM would be over 3600 GPM.
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 depth. Static water level
370 feet. Land surface to high ground approx. 10 feet.
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Well and pressure system. 600 HP pump
20" well 370 feet to pumping water level. 14" main line with reduction of 12, 10
and 8" all buried 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

Exam typed
1-21-72
de

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

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: It is possible to irrigate all with sprinkler. Cash crop cultivation on a minor area may be unprofitable because of rock outcroppings.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	35E	1	53.65		40	40									40	40	40	40	293.65
			(Lot 1)																

Total number of acres irrigated 293.65

10. Remarks: _____

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

1/6/72
(Date)

Eldon L. Ward
(Signature)

State of IDAHO)
County of Bonneville)^{ss.}

On this 6TH day of January, 1972, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Norman C. Young
Notary Public residing at IDAHO FALLS
IDAHO

My commission expires June 10, 1975

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Bonneville)

Department of Reclamation
Permit No. 35-7009

Eldon L. Ward OF Route 2 Box 48 Idaho Falls
(name) (address) Idaho

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 35-7009.

That under the terms and conditions of said permit, work thereunder was required to be completed by _____, 19____.

That he has heretofore performed the following work described under said permit: surveyed land boundaries and drilled

a 20" hole 560' deep. I hit water at 370' and drilled
remainder of depth to be certain of adequate water.

Costing \$ 8165.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: It was an error on my part

in stating I would be completed before my full five year
period. I suppose I thought they meant when would I
have well drilled. My desert entry was not allowed until 2-27-68
and I would very much need a 5 year extension from that date.

WHEREFORE, He asks that the State Reclamation Engineer extend the time for the completion of obligations under said permit to Feb. 27, 1973.

Eldon L. Ward
(signature)

Subscribed and sworn before me this 12th day of Feb, 1970.

L. Merrill

(notary public)

My commission expires 3-31-70

ACTION OF THE STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of
Idaho, hereby approve the above application for extension of time for permit
No. 35-7009 to March 1, 1973.

Witness my hand this 23rd day of February, 19 70.

R. Keith Higginson
State Reclamation Engineer

*IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are obtainable through the Department of Reclamation, Statehouse Annex II, Boise, Idaho 83707.

35-7009



IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho Land Office
Room 334, Federal Building
550 W. Fort Street
Boise, Idaho 83702

L:VSS
I-397

Department of Reclamation

NOV 27 1967

Eldon L. Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. Ward:

On October 13, 1967, the Idaho Falls District Manager issued an "Initial Decision" approving your desert land petition I-397.

According to your plan of development, water for irrigation is to be obtained from a well to be drilled. 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 State Reclamation Engineer. Attached is an extra copy of this letter. The copy should be submitted to the State Department of Reclamation 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 State Reclamation Engineer 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/ ORVAL G. HADLEY

Orval G. Hadley
Manager, Land Office

RECEIVED

DEC 18 1967

35-7009 Department of Reclamation

AFFIDAVIT OF PUBLICATION
The Rigby Star

STATE OF IDAHO, |
 | ss.
County of Jefferson |

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 Two consecutive issues thereof; first publication having been made on the

18th day of January, 1968
and the last publication on the

25 day of January, 1968

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, 1968
(S E A L)

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

My commission expires _____, 19__

Publication Fee: \$_____

COMMISSION EXPIRES JULY 15, 1969

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Eldon J. Ward, Route No. 2, Box 48, Idaho Falls, Idaho 83401 has on January 8, 1968 applied for permit to divert 40 cubic feet per second of water from a subterranean source under application No. 35-7009. Water will be diverted by a well, and pump within the center of the E $\frac{1}{2}$, sec. 1, T. 4 N, R. 35 E, B.M., Jefferson County and is to be used from May 1 to September 30 for irrigation in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, sec. 1, T. 4 N, R. 35 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Publish: Jan. 18 and Jan. 25, 1968.

35-7009

Memorandum to: Norm, Phil
From : R. Keith Higginson
Date : July 8, 1988
Subject : Blaine Larson Circles 89 and 120

Talked to Ron Carlson. He indicates that Larson sent in a check and application for rental water to cover some 33 circles including 89 and 120 on February 12 (before the deadline of April 1 as contained in Gary's letter re interim approvals).

The check was returned indicating that it was not yet known if there would be any water available for interim approvals this year.

Kevin Varin sent that check back and asked that it be held to place Larson in line in case any water did become available. Ron doesn't know if the check has been held by Colleen or has been deposited at this point.

Water has been made available from the pool this year for other interim approvals and there is water which can now be used to cover the Larson circles.

Given this situation, I have called Jeff Fereday and advised him that we will not issue a cease and desist order but that he should immediately file an application for rental pool water with Ron.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 22, 1988

RE: Applications for Transfers Nos. 35-7157/35-7009, 35-2545B,
35-2821B, 35-2728/35-2844/35-7361 - BLAINE LARSEN

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

Dear Mr. Foster:

This letter is to acknowledge receipt of your withdrawal of protest, in behalf of 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., against the above referenced applications.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

EC:CW

CC: Blaine Larsen

RECEIVED
SEP 20 1988

Department of Water Resources



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, reading '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

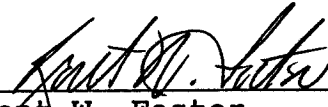
For File

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:

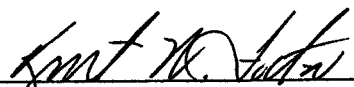
R. Keith Higginson, Director (Mail)
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706

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

RECEIVED
JUN - 3 1988

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 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:

APPLICANT'S EX PARTE PETITION TO ALLOW TEMPORARY WATER
USE PENDING RESOLUTION OF ANY REMAINING MATTERS - 1

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:

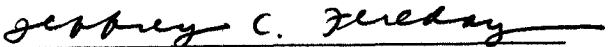
Mr. Robert K. Oser
Program Analysis
United States Department of
Interior Fish & Wildlife Service
500 Northeast Multnomah Street
Suite 1692
Portland, OR 97232

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

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 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 24 day of June, 1988.

PROTESTANTS

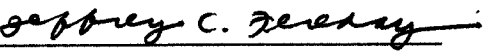
U.S. Fish and Wildlife Service

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

**Idaho Department of Fish and
Game**

By: 
Stephen V. Goddard
Deputy Idaho Attorney
General

APPLICANT

By: 
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.

Lera Cameron



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.

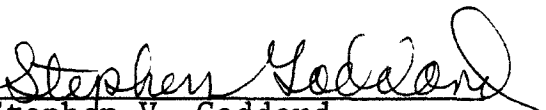
If you have any questions or concerns regarding this request, please feel free to contact Steve Goddard at 334-3715.

Sincerely,

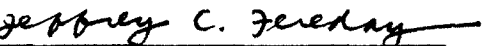
U.S. Fish and Wildlife
Service

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

Idaho Department of Fish and
Game

By: 
Stephen V. Goddard
Deputy Idaho Attorney
General

Blaine Larsen, Blaine Larsen
Farms and Larsen of Idaho

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

RECEIVED

JUN - 2 1988

Department of Water Resources

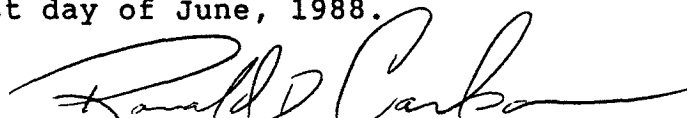
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO -

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)
FARMS, AND LARSEN OF IDAHO; AND TRANSFER) HEARING NOTICE
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 B.L.)
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 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 1st 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

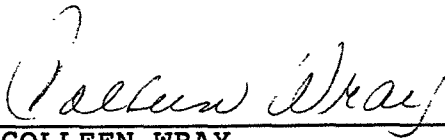
Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

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

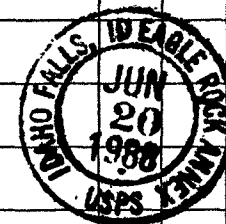
Herb Pollard
Regional Supervisor
Idaho Fish & Game Department
1515 Lincoln Road
Idaho Falls, ID 83401

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

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT OFFICE 150 SHOUP AVE. IDAHO FALLS, IDAHO 83401		Indicate type of mail ☐ Registered ☐ Insured ☒ COD ☒ Certified ☐ Express Mail		Check appropriate block for Registered Mail: ☐ With Postal Insurance ☐ Without Postal Insurance		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT				
Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
1	0226	Blaine Hansen, P.O. Box 1887, Pomeroy, OR 97131	.35	.85					90			Hansen Transfer
	0227	East Id. Prod. Credit Assoc. Soc. #0844/667										"
3	0228	Jim Hansen, P.O. Box 2720, Boise										"
4	0229	Kent Foster, P.O. Box 50130, ID.										"
5	0230	Herb Pollard, 1515 Lincoln, ID.										"
6	0231	Ronald Jwan, 500 NE Multnomah Portland, OR										"
7												
8												
9												
11												
12												
13												
14												
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						
6		six		JH								



BDF

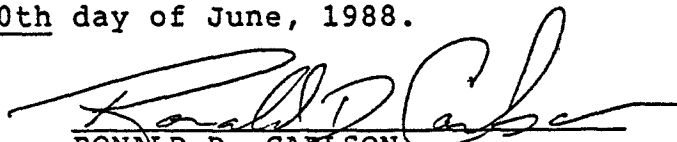
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

DEPARTMENT OF WATER RESOURCES

NAME AND ADDRESS OF SENDER

EASTERN DISTRICT OFFICE
150 CHOUPE AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail

☐ Registered
☐ Insured
☐ COD
☒ Certified ☐ Express Mail

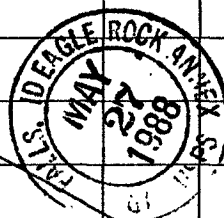
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☐ With Postal Insurance
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1	0214 ✓	Blaine Brown PO Box 188, 7hmen	45	85									Heating
2	0215 ✓	Eastern Ed Prod Co Assoc, Inc.											
3	0216 ✓	Jim Hansen											
4	0217 ✓	Jeff Sunday PO Box 2720 Boise											
5	0218 ✓	Frank Foster PO Box 50130 94.											
6	0219 ✓	Herbert Portland, 1515 Lincoln, Or.											
7		Robert Row G & W Inc.											
8		500 NE Multnomah #1692 Portland, Or.											
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[Signature]

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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



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



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

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

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

R. KEITH HIGGINSON
Director

May 2, 1988

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

RE: Applications for Transfers No. 35-2493/35-7773, 35-7162,
35-2821B, 35-2391/35-7777, 35-2545B, 35-7222, 35-7009/35-7157,
35-2728/35-2844/35-7361, 35-2242, 35-7161

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

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

Gentlemen:

Enclosed please find a copy of the protests filed against the above referenced applications. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. We understand the issues of protest for the above captioned applications are the same as those considered in the combined hearing held on April 28 and May 5, 1988. To the extent they are the same, a Stipulation has been forwarded to the protesting parties for consideration.

Blaine Larsen
Eastern Idaho Production
May 11, 1988
Page 2

While administrative action is pending, no water will be diverted,
under the proposed applications for transfers.

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: IDWR - State Office
Jeff Fereday, Attorney



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

April 29, 1988

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

R. KEITH HIGGINSON
Director

RE: Applications for Transfers No. 35-2391/35-7777, 35-2821B,
35-2545B, 35-7009/35-7157, 31-7034S, 317034R

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

Dear Mr. Larsen:

Enclosed please find a copy of the protest filed against the above referenced applications. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items. We understand the issues of protest for the above captioned applications are the same as those considered in the combined hearing started April 28, 1988. To the extent they are the same, the conclusion of this combined hearing scheduled for May 5, 1988, will serve to hear the protests of the applications listed above.

While administrative action is pending, no water will be diverted, under the proposed applications for transfers.

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: IDWR - State Office



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

April 29, 1988

RE: Applications for Transfers Nos. 35-2391/35-7777, 35-2821B,
35-2545B, 35-7009/35-7157, 31-7034S, 31-7034R

Mr. Kent Foster
Attorney at Law
P.O. Box 129
Idaho Falls, ID 83403

Dear Mr. Foster:

This is to acknowledge receipt of the protest filed against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. We understand the issues of protest for the above captioned applications are the same as those considered in the combined hearing started April 28, 1988. To the extent they are the same, the conclusion of this combined hearing scheduled for May 5, 1988, will serve to hear the protests of the applications listed above.

The protest objecting to application for transfer of water rights Nos. 35-2728/35-2844/35-7361 was not timely received and, therefore, can not be recognized.

Mr. Kent Foster
Attorney at Law
April 29, 1988
Page 2

While administrative action is pending, no water will be diverted,
under the proposed applications for transfer.

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: IDWR - State Office

FROM

Deena

DATE

4-20-88

TO

Blaine Larsen & Eastern ID Production Credit Assoc. files

SUBJECT

#35-2821B, 35-2545B, 35-7009/7157, 35-2728/2844/7361,
35-2391/7777, 35-7161, 35-7162, 35-2242, 35-2493/7773

proofed advertising over phone with Jania

from Post Register

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 13, 1988

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 9, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

Rec'd 4-29-88

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHTS**

NOS. 35-7009, 35-7157

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground-water sources. The rights sought to be changed are evidenced by License Nos. 35-7009 and 35-7157 and are recorded as follows:

35-7009—AMOUNT: 4.0 c.f.s. PRIORITY: January 8, 1968

POINT OF DIVERSION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County

The water is used to irrigate 261 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M.

35-7157—AMOUNT: 3.74 c.f.s. PRIORITY: November 27, 1970

POINT OF DIVERSION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 4N, R. 35E, B.M., Jefferson County

The water is used to irrigate 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, T. 4N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 8N, R. 36E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 780 acres within the SE $\frac{1}{4}$, Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before May 9, 1988.

R. KEITH HIGGINSON

Director

*Published in The Jefferson Star,
Rigby, Idaho, April 20 and 27, 1988.*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 13, 1988

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 9, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Nos. 35-7009, 35-7157

Notice is hereby given that Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground-water sources. The rights sought to be changed are evidenced by License Nos. 35-7009 and 35-7157 and are recorded as follows:

35-7009 - AMOUNT: 4.0 c.f.s PRIORITY: January 8, 1968

POINT OF DIVERSION: SW1/4NE1/4, Sec. 1, T. 4N, R. 35E, B.M.,
Jefferson County

The water is used to irrigate 261 acres within the S1/2NE1/4, NE1/4NE1/4, SE1/4, Sec. 1, T. 4N, R. 35E, B.M.

35-7157 - AMOUNT: 3.74 c.f.s. PRIORITY: November 27, 1970

POINT OF DIVERSION: SW1/4NE1/4, Sec. 1, T. 4N, R. 35E, B.M.,
Jefferson County

The water is used to irrigate 199 acres within the NW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, Sec. 1, T. 4N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW1/4SE1/4, Sec. 11, T. 8N, R. 36E, SW1/4NE1/4, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 780 acres within the SE1/4, Sec. 11, S1/2NE1/4, N1/2SE1/4, Sec. 25, T. 9N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before May 9, 1988.

R. KEITH HIGGINSON
Director

Published April 21 and 28, 1988

February 26, 1973

Re: Permit No. 35-7009

Mr. Eldon L. Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. Ward:

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

35 7009

February 6, 1973

Mr. Eldon L. Ward
Route 2, Box 48
Haho Falls, Idaho 83401

Dear Mr. Ward:

A representative of this Department has made an examination of the works covered by your Permit No. 35-7009 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: 4.0 cfs

The maximum quantity diverted shall not exceed 913.5 acre feet per year.

Beneficial use: Irrigation of 261 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ (23), S $\frac{1}{2}$ NE $\frac{1}{4}$ (78), SE $\frac{1}{4}$ (16), Sec. 1, Twp. 4 N, Rge. 35 E, B. M.

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

Priority date established: Jan. 8, 1968

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

BDF:DR

35 7009

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

5/10/72
check back in 2-3
weeks used

1. Name of permit holder Eldon L. Ward
Post office address Route 2, Box 48, Idaho Falls, Idaho Phone 522-3340
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. 35-7009
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:

Center of E $\frac{1}{2}$ (SWNE)
Township 4 N N/S, Range 35 E E/W, B.M., Section 1, Subdivision 1/4 1/4, Jefferson
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision 1/4 1/4, _____
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision 1/4 1/4, _____
County

Other Points of Diversions: _____

Description of diverting works: well and pressure system, 600 hp pump, 20" well, 370' to pumping
water level. 14" main line with reduction of 12, 10 and 8" all buried 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	53.65		40	40									40	40	40	40	293.65

			Lot 1																

35 7009

TOTAL ACREAGE

293.65

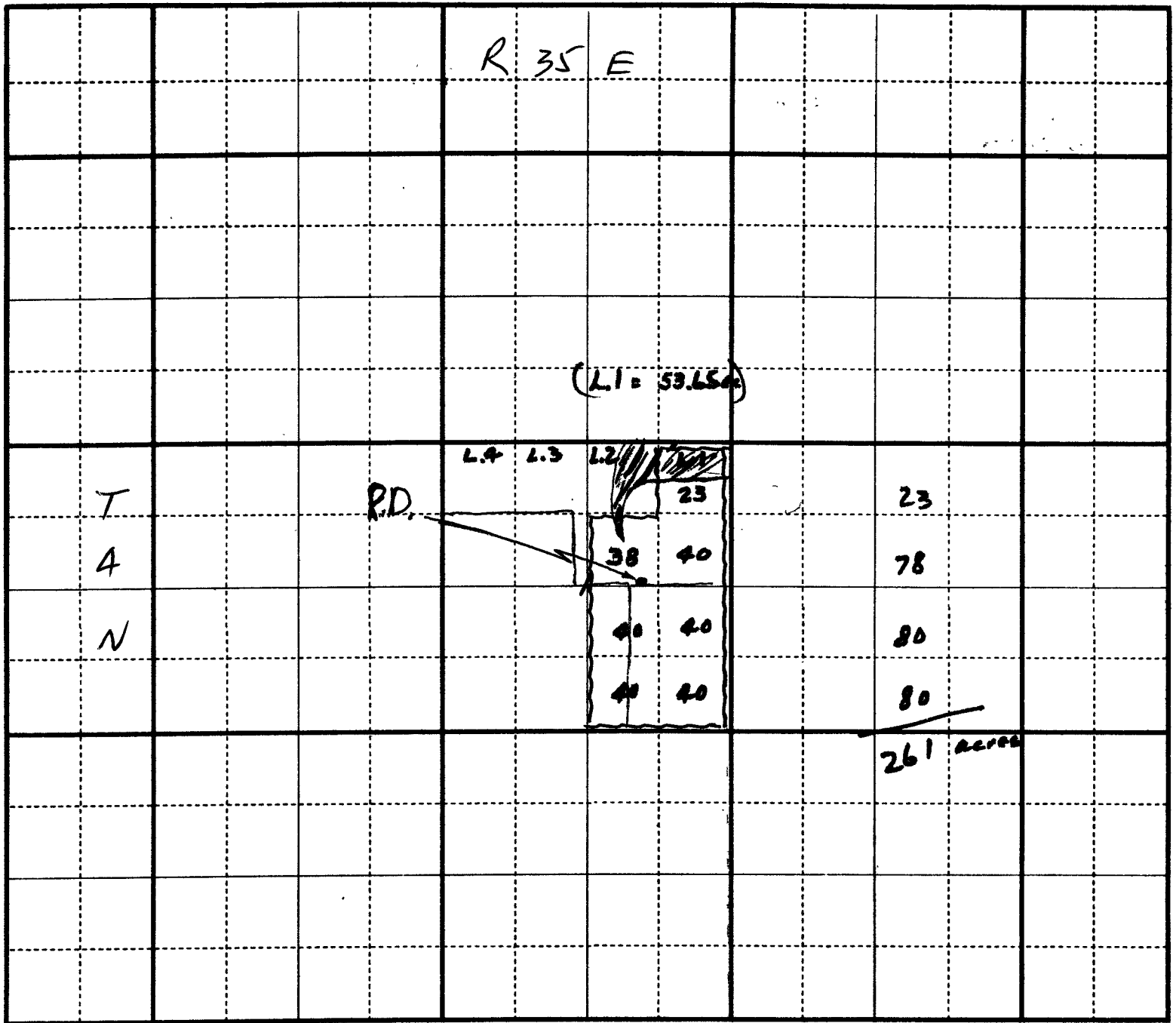
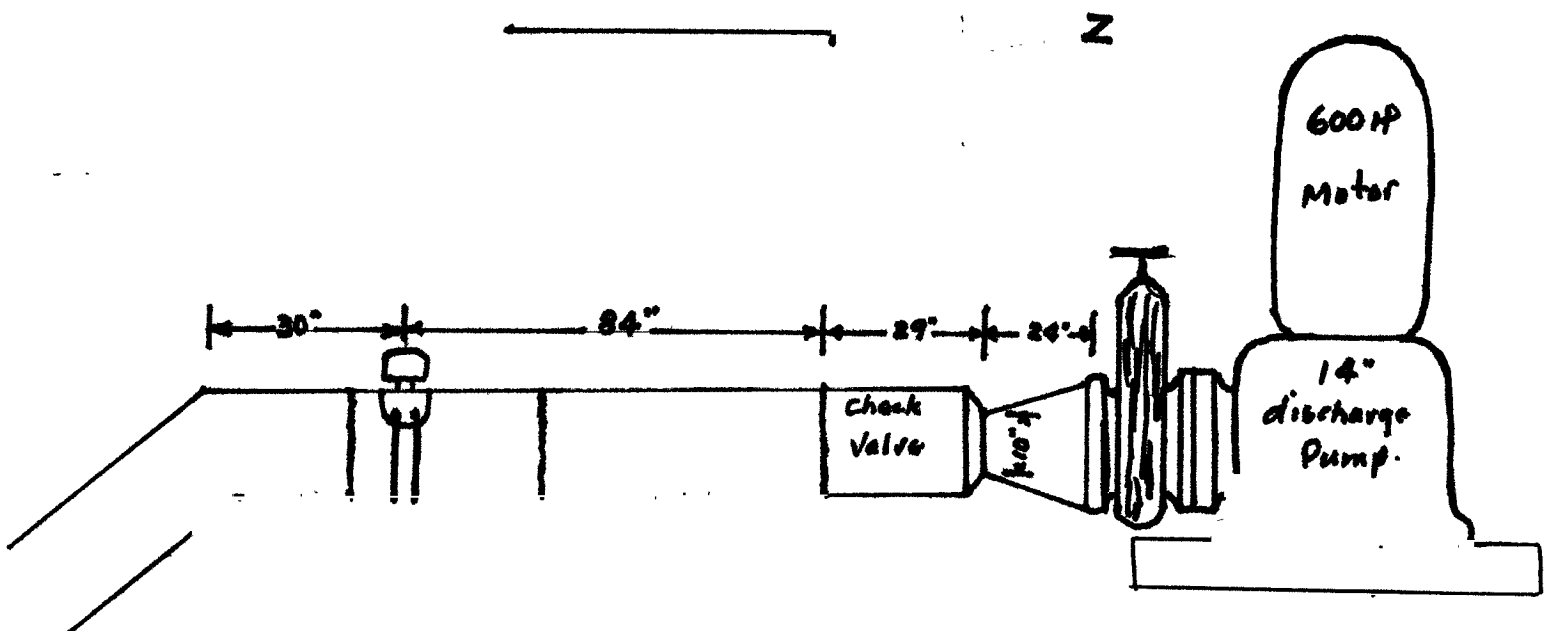


Diagram of System



149

M^o Crrometer Meter Reading (10 Rev @ 50.4 sec. = 8.64 cfs)

cfs 8.64
Total Ac 460
= 0.01878 cfs per acre.

35-7009 Eldon L. Ward 261 Ac @ 0.01878 = 4.90 cfs

35-7159 Michael J Ward 199 Ac @ 0.01878 = 3.74
460 = Total Acres
8.64 = Total cfs

Sketches from ASCS Photo Map 8" = 1 mile - 6/6/72 LMT

35 7009
261

460

47

48

48

48

48

48

48

48

48

48

48

48

48

48

48

48

57

14

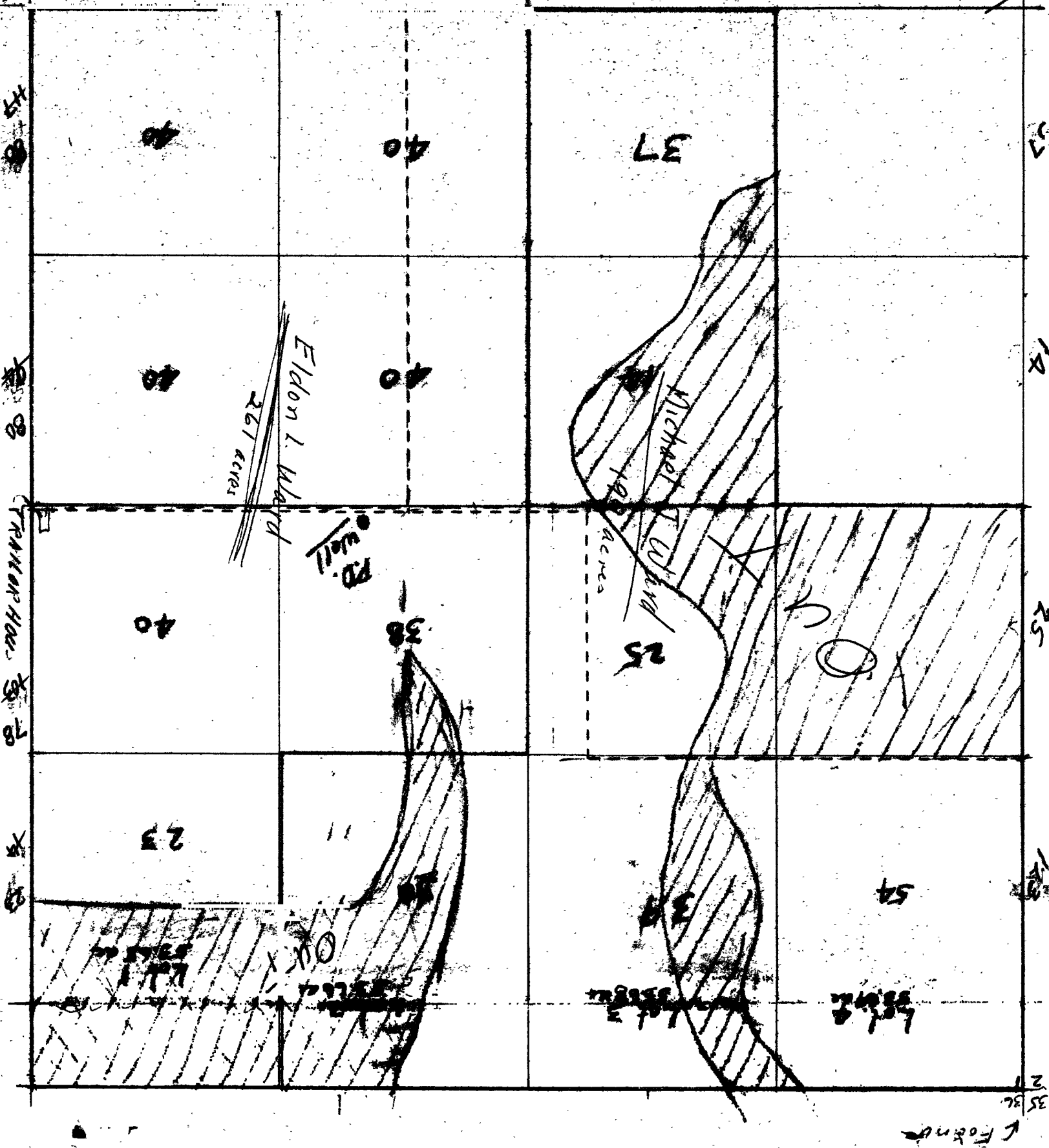
25

14

35

36

Form



DATE OF EXAM June 6, 1972

ACREAGE
Found 261
Recommended 261

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q= 4.90 c.f.s. V= 913.5 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^cCrometer Meter in line

* Total Q recommended 4.90 Meter No. 72-14123 Type Propeller Condition New (M^cCrometer)

* Total V recommended 913.5 AF
35-7009 = 261 acm Total discharge from well = 8.64 cfs 261 x .01878 = 490 cfs = 35-7009
35-7159 = 199 acm 864 cfs = .01878 cfs/ac. 199 x .01878 = 3.74 cfs = 35-7159
Recommended Amendments: 260 acm

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

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

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:
600 HP US Hollaschaft 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'x14" wrapped steel pipe thence to a 45° bend
downward into buried Main line East & West. M^cCrometer Meter # 72-14123
90" downstream from check valve & 24" upstream from 45° bend.

REMARKS: See Permit # 35-7157 - Examined at same time - same well.

Mr. Eldon Ward showed and explained system and land.

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

Checked by Clay Rumsey Date 6/12/72

Approved by _____ Date _____

January 21, 1972

Re: Permit No. 35-7009

**Mr. Eldon L. Ward
Route 2, Box 48
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 our 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-397)**

**bc: Eastern District Office
Enc: Field exam report**

35 7009

INTER-DEPARTMENT MEMO — 1

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

DATE January 11, 1972
RECEIVED

JAN 14 1972

Department of Water Administration

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

ncy

Eldon L. Ward

SIGNATURE

35 7009

**STEEL, ALUMINUM, P.V.C. PIPE
VALVE SELF-PROPELLED**

GEM STATE IRRIGATION, INC.

P.O. BOX 351 • SOUTH YELLOWSTONE HWY. • REXBURG, IDAHO 83440 • PHONE 356-6655 • IF NO ANSWER - 356-3787

INVOICE DATE 1-11-72		CUSTOMER ORDER NO.		ESTIMATE NO.		VIA		SOLD BY S	
SOLD TO Mr./Mrs. Ward. ADDRESS Box 45 CITY & STATE Idaho Falls, Idaho.					DELIVER TO Roberts West - ON New 600 HP. model				
CASH	CHARGE ✓	C.O.D.	RETD MERCH	MEMO CHG	OTHER TERMS				

[illegible]

TERMS: 10TH OF MONTH FOLLOWING DATE OF PURCHASE

Without grace 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 this 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 **X**

ALTIMA 10/27/2011 2:23:44 PM

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

Norm

SIGNATURE

35-7009

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 7009

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER Name <u>Eldon Ward</u> Address <u>Rt. # 2 Idaho Falls, Idaho</u> Owner's Permit No. <u>35-7009</u>	7. WATER LEVEL Static water level <u>369</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality <u>Good</u> Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																																																																																																																																																						
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Discharge G.P.M.</th><th>Draw Down</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Draw Down	Hours Pumped																																																																																																																																																																																																			
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WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name Eldon Ward
Address RR # 2 Idaho Falls, Idaho
Owner's Permit No. 35-7009

2. NATURE OF WORK

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

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☐ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

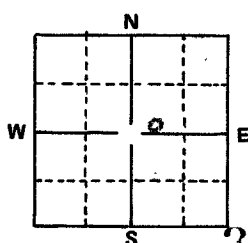
Diameter of hole _____ inches Total depth _____ feet
Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feetWell screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feetGravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal? ☐ Yes ☐ No To what depth _____ feet
Material used in seal ☐ Cement grout ☐ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



35 7009

County Blaine

_____ 1/4 Sec. _____, T. _____ N/S, R. _____ E/W

7. WATER LEVEL

Static water level 369 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ F. Quality Good
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
20	408	423	Cinders	X	
	423	425	Basalt gray firm		
	425	454	" " "		
	454	477	Cinders	X	
	477	491	Basalt Firm Gray		
	491	495	Cinders	X	
	495	499	Cinders Broken basalt	X	
	499	502	Basalt hard		
	502	505	Cinders	X	
	505	510	Basalt fractured	X	
	510	553	Basalt gray firm		
	553	557	Basalt broken		
20	557	560	Silt Brown		

10.

Work started Feb. 24, 1969 finished April 3, 1969

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is
true to the best of my knowledge.

Driller's or Firm's Name _____ Number _____

Address 1244 N. 17th St. Idaho Falls, IdahoSigned By Eldon Ward Date 35-7009

The Rigby Star

PRINTERS - PUBLISHERS

February 1, 1968

DIAL 745-7011
RIGBY, IDAHO

Department of Reclamation

State Reclamation Department
State House
Room 107
Boise, Idaho 83701

Notice of Application for Water - 35-7009
(Eldon L. Ward, Idaho Falls) \$5.52

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 same has been paid.

The Rigby Star
Hope B. Jones
Signature of claimant

35-7009

February 24, 1970

Re: Permit No. 35-7009

Mr. Eldon L. Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. Ward:

Enclosed please find a copy of the APPROVED application for extension of time in connection with the above referenced permit. The time within which to submit proof of beneficial use has been extended to March 1, 1973.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosure

35-7009

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE — ANNEX 2
BOISE, IDAHO 83707

January 23, 1970

Re: Permit No. 31-7020 - Evelyn Ward
35-7009 - Eldon L. Ward

Mr. & Mrs. Eldon L. Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. & Mrs. Ward:

In answer to your letter of January 5, 1970, please be advised that an application for extension of time must be submitted on the Department's form. Please state on your applications that your desert entries were not allowed until 2-27-68 and request a full 5-year extension from that date. Also, we would appreciate any other information you might have in assisting us in justifying the extension.

Please complete and return the enclosed forms to the Department on or before March 1, 1970.

In your letter you also requested forms for filing annual proof on your desert entries. These forms must be obtained from the Bureau of Land Management, Federal Building, Room 334, 550 West Fort Street, Boise, Idaho.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Application for Extension of Time (2)

35-7009

Jan 15, 1969

Concerning water
permit no. 35-7009
and No. 31-7020

R. Keith Higginson
State Reclamation Engineer

Dear Mr Higginson :

Mrs, Ward and myself evidently made an error in the time we stated our deseret land entry would be completed. On land entry no. I-397 we have a well developed but did not plan on putting land under cultivation until next year.

Our land entry was allowed on 2/27/68 and we would like to file for an extension for 5 years from that date.

Mrs. Ward's entry no I- 398 was also allowed on 2/27/68 and would like an extension of 5 years from that date.

If this is not enough information, or if there is something else we should do please advise us.

Thank you very much,

Eldon L. Ward
Mrs Evelyn Ward

35-7009

I am also in need
of forms to file my
Annual proof for this
Past year. We need two
for entry I-397 and two for
I-398. Thanks again

35-7009

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

21493

1

Eldon L. Ward

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

12-31-69

35-2009

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

STREET AND NO. OR P.O. BOX ~~Department of Reclamation~~

~~Annex # 2 State use~~

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

655-16-71548-10

POD Form 3811 Apr. 1967

December 30, 1969

Re: Permit No. 35-7009

Mr. Eldon L. Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. Ward:

One of the conditions of the approval of your permit no. 35-7009 was that proof of application of the water to beneficial use be submitted to this office on or before March 1, 1970.

Enclosed is an affidavit form which must be used to submit this proof. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code Amended.

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



State Reclamation Engineer

Enc: Proof form

CERTIFIED MAIL # 21493

35-7009

*Pd -
rec'd 2/62
10-7-68
ef*

September 23, 1968

RE: Permit Nos. 35-7008 & 35-7009

Eldon L. & Evelyn Ward
Route #2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. & Mrs. Ward:

On February 19, 1968, we wrote to you re-
garding a \$2.00 fee for B.L.M. copies. To date
we find no record of this \$2.00 being paid.
Would you please remit this amount at your earliest
convenience so our records can be cleared.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

C
O
P
Y

35-7009

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

February 19, 1968

Re: Permit Nos. 35-7008 & 35-7009

Eldon L. & Evelyn Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. & Mrs. Ward:

We enclose a copy of your approved application for permit 35-7008 & 35-7009 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosures: Copies of Applications
Receipt No. 342 for \$35.00 &
Receipt No. 343 for \$35.00

P.S. There is an additional fee of \$2.00 for the copies sent to the BLM.
Please remit promptly

35-7009
Form 4



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

L:VSS
I-397

Idaho Land Office

35-7009

NOTICE OF ALLOWANCE

FEB 27 1968

Eldon L. Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Serial No. **I-397**

293.65 Acres

T. 4 N., R. 35 E., Boise Mer., Idaho
Sec. 1, Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

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 development and reclamation of the land 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 irrigating facilities must have the approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately **235** 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.

IN WITNESS WHEREOF, I have hereunto set
my hand and seal this **27th**
day of **February**, 19**68**

cc: State Department of Reclamation

MANAGER, LAND OFFICE
BOISE, IDAHO

35-7009

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

February 19, 1968

Re: Permit Nos. 35-7008 & 35-7009

Eldon L. & Evelyn Ward
Route 2, Box 48
Idaho Falls, Idaho 83401

Dear Mr. & Mrs. Ward:

We enclose a copy of your approved application for permit 35-7008 & 35-7009 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosures: Copies of Applications
Receipt No. 342 for \$35.00 &
Receipt No. 343 for \$35.00

P. S. There is an additional fee of \$2.00 for the copies sent to the BLM.
Please remit promptly

Form 4

35-7009

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

February 19, 1968

Re: Permit No. 35-7009 & 35-7008

Land Office
Bureau of Land Management
P. O. Box 2237
Federal Building
Boise, Idaho

Gentlemen:

Enclosed are copies of the above referenced permits which
have been accepted for desert land entries.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosures

35-7009

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that ~~Edon~~
~~L. Ward~~, Route No. 2, Box 48, Idaho
Falls, Idaho 83401 has on January 8,
1968 applied for permit to divert 4.0
cubic feet per second of water from
a subterranean source under applica-
tion No. 35-7009. Water will be divert-
ed by a well, and pump within the
center of the ~~E $\frac{1}{2}$~~ , sec. 1, T. 4 N,
R. 35 E, B.M., Jefferson County and
is to be used from May 1 to Septem-
ber 30 for irrigation in the ~~NE $\frac{1}{4}$ -~~
~~NE $\frac{1}{4}$~~ , S $\frac{1}{2}$ ~~NE $\frac{1}{4}$~~ , SE $\frac{1}{4}$, sec. 1, T. 4 N,
R. 35 E, B.M.

Any protest against this applica-
tion must be filed with the Depart-
ment of Reclamation within ten days
from the last date of publication of
this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Publish: Jan. 18 and Jan. 25, 1968.

35-7009

January 11, 1968

Re: Application No. 35-7009

Rigby Star
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 can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: legal notice

Form 3

35-2009

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Eldon L. Ward, Route #2, Box 48, Idaho
Falls, Idaho 83401 has on January 8, 1968
applied for permit to divert ~~stone~~ 4.0 cubic feet per second ~~acre foot~~
of water from a subterranean source
under application No. 35-7009. Water will be diverted by a well, and
pump within the center of the E¹/₂, sec. 1, T.
4 N., R. 35 E., B.M., Jefferson County
and is to be used from May 1 to September 30 for irrigation
in the NE¹/₄, NE¹/₄, S¹/₂NE¹/₄, SE¹/₄, sec. 1, T. 4 N., R. 35 E., B.M.

Any protest against this application must be filed with the Department of Re-
clamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Rigby Star, Rigby, Idaho,
on January 18 and January 25.

35-7009
dy