

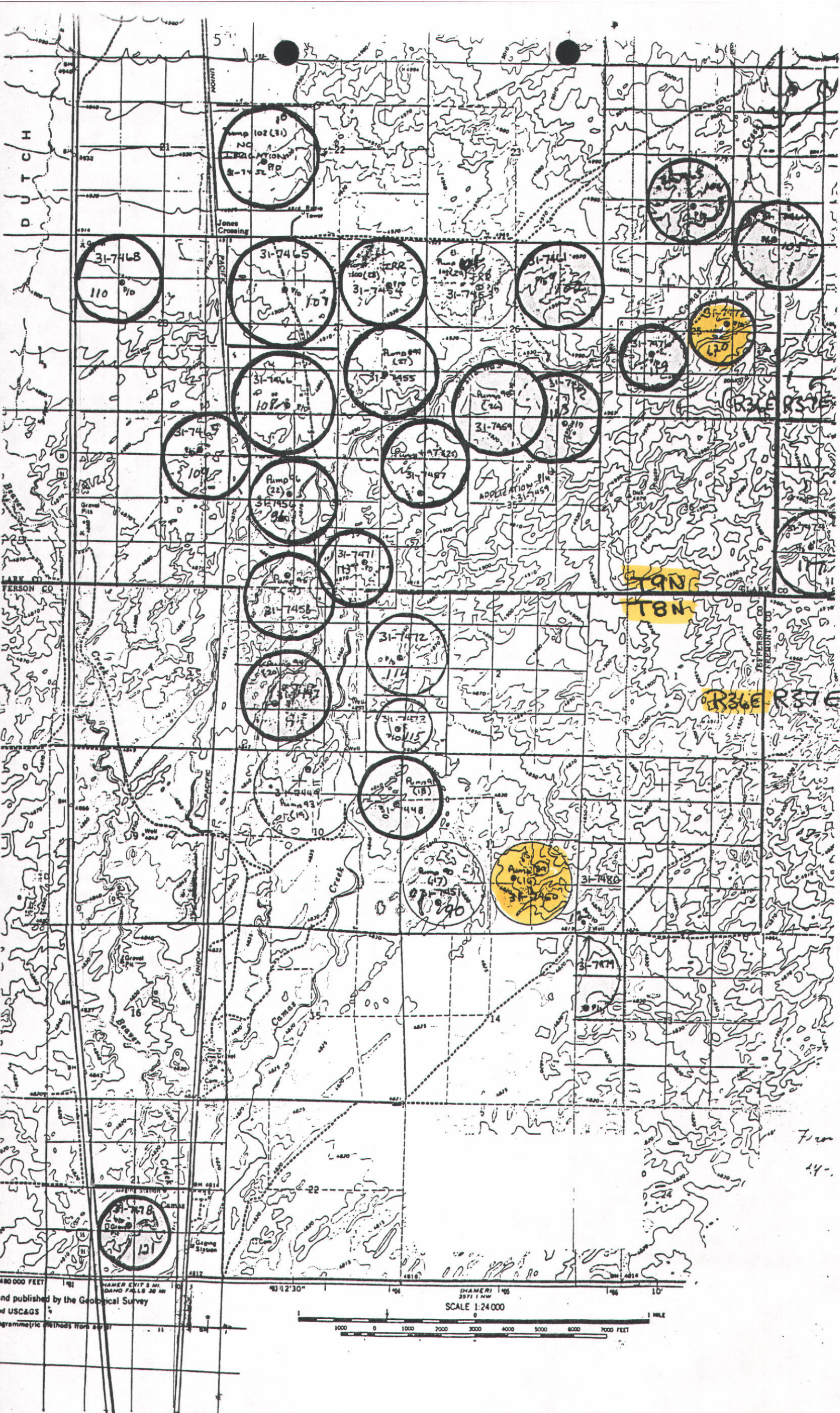
A map of Township 4 North, Range 35 East. The map is a grid of 36 sections (6 by 6). A red rectangular area is drawn around section 12, which is the section in the second row from the bottom and the fourth column from the left. An asterisk symbol is located in the center of section 12. The text "Twp. 4 N" is written to the left of the grid, and "Rge. 35 E" is written above the grid.

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

(signature)

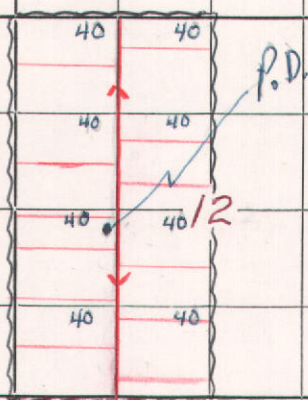
I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby approve the foregoing application for amendment for Permit No. 27565/35-2545.

R. Karl H. [Signature]
Director



R-35 E.

T.
4
N.



80

80

80

80

320

TO IDAHO FALLS

Subdivisions

8

area

320 acres

Q

4.00 CFS OR 200 inches

Examination for Completion of Works & Beneficial Use

County... Jefferson... Sec. 12 T. 4N R. 35 E. B.M.
Quantity: 6.4 c.f.s.

Source: Well

P.D.: S.E. NW., Sec. 12, T. 4N, R. 35 E. B.M.

Use: Irrigation & Domestic

Filed: Sept. 23, 1958

Due: Sept. 29, 1963

Extension: —

Protest: —

Completion of Works: —

Other Rights: none

Driller - Samson Barnes

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 15 1958
Department of Reclamation

Affidavit of Publication
THE RIGBY STAR

RECEIVED
OCT 8 1962
Department of Reclamation

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

four consecutive issues thereof; first publication having been made on the
----- *16th* day of *August*, 19*62*
and the last publication on the
----- *6th* day of *September*, 19*62*

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 *12th*

day of *Sept*, 19*62*

(SEAL)

R H Hammer
Notary Public for the State of Idaho,
Residence and P.O. Address, Rigby, Idaho.
My commission expires -----, 19--

Publication Fee: \$ *Rd*

My Commission Expires July, 15 1965

NOTICE OF PROOF OF COMPLETION
OF WORKS and APPLICATION OF
WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 24 day of September 1962, at Idaho Falls, County of Bonneville, State of Idaho, before W. J. Anderson, Notary Public, at (address) Professional Bldg. Memorial & B Street, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27565, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Darrell L. Cook, Route 2, Shelley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12., T. 4 N., R. 35 E., B. M.

5. The place where said water is used is W $\frac{1}{2}$, Sec. 12, T. 4 N., R. 35 E., B. M.

6 The date of priority which said user is prepared to establish is September 23 1958.

GEO. N. CARTER,
State Reclamation Engineer
(Pub.: Aug. 16-23-30, Sept. 6, 1962)



27565

July 17, 1962

Re: Permit Nos. G-27718; G-29133 - Leland Jay Cook
G-27565 - Darrell L. Cook

W. J. Anderson
Attorney at Law
Box 107, Idaho Falls, Idaho

SEE letter in G-29133

Dear Mr. Anderson:

Your letter of July 16th received in regard to water rights. Below are shown data on the permits of the two men for land in T. 4 N., R. 35 E. I fail to find a record of a right for land in Sections 15, 22 and 26, T. 4 N., R. 35 E., B. M. The name of Frank Cook does not appear in our name index.

G-27718 - L. Jay Cook, 12.8 c.f.s., filed January 12, 1959, proofs due January 20, 1964. P. D. wells in SW 1/4, NW 1/4, Sec. 14, to irrigate all of Section 14, T. 4 N., R. 35 E., B. M.

G-29133 - Leland Jay Cook, 5.4 c.f.s., filed November 14, 1960, proofs due November 21, 1965. P. D. well in NW 1/4, Sec. 1, to irrigate 270 acres in NW 1/4, Sec. 1, T. 4 N., R. 35 E.

G-27565 - Darrell L. Cook, 6.4 c.f.s., filed September 23, 1958, proofs due September 29, 1963. P. D. - well in SE 1/4, Sec. 12, to irrigate NW 1/4, Sec. 12, T. 4 N., R. 35 E., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

27565

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.)

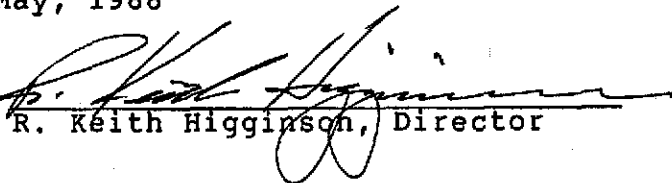
ORDER

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. 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

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:

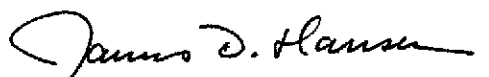
I am enclosing for your review and filing with the Department the following original pleadings:

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 503-221-6145
Phillip J. Rassier, Esq.
Mr. Blaine Larsen (c/o
Mr. Kevan Varin)

2143
Ron Swan - 503-231-2435

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 Camar

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

Givens, McDewitt, 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

P.2/7

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

RECEIVED

MAY 26 1988

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

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

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

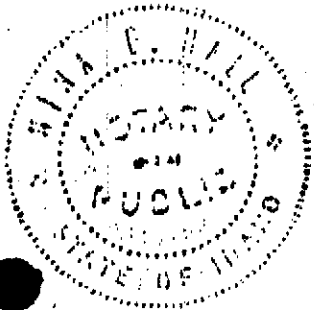
MAY 25 '88 15:39 LARSEN OF IDAHO

P.6/7

STATE OF IDAHO)
) ss.
County of Jefferson)

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

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



Nina D. Hall
Notary Public for Idaho
Residing at Leeds, Idaho
My commission expires: 2/11/93

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

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

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

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

Gena Cameron

RECEIVED

MAY 26 1988

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

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)	
THE GRANTING OF APPLICATIONS FOR)	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.

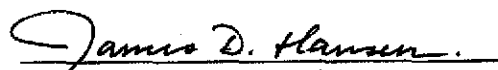
Petitioner is prepared to stipulate that his case-in-chief with respect to these Protestants may be the case-in-chief and

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	)	ORDER ALLOWING
LARSEN, BLAINE LARSEN FARMS, AND LARSEN	)	TEMPORARY USE
OF IDAHO; AND TRANSFER NOS. 35-2391/	)	OF WATER
35-7777, 35-2493/35-7773, 35-2242, AND	)	
APPLICATIONS FOR AMENDMENT NOS. 35-7161	)	
AND 35-7162 IN THE NAME OF EASTERN	)	
IDAHO PRODUCTION CREDIT ASSOC.	)	
	)	

BY THE DIRECTOR

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

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

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

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

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

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

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

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

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

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

ORDER

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

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

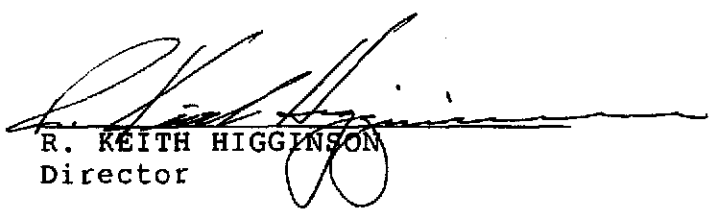
2. The relief granted by the director in this order is temporary, pending the director's entry of an order on the merits following the director's consideration of any supplemental evidence added to the record in this proceeding by the remaining

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

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

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

DATED this 6TH day of June, 1988.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I hereby certify that on this 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

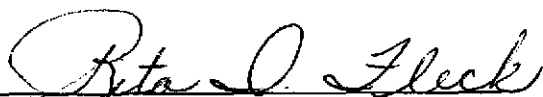
Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

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

RECEIVED

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.

ERNEST 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 (Wolf II n)
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

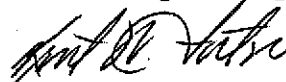
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

Gentlemen:

We have been requested by the Owsley Canal Company, Jackett Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Montevue 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 hav-

ing 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 uninterrupted 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 RIGHT NO. 35-2545B

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 source. The right sought to be changed is evidenced by License No. 35-2545B and is recorded as follows:

AMOUNT: 4.0 c.f.s. PRIORITY: September 23, 1958

POINT OF DIVERSION: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 4N, R. 35E, B.M., Jefferson County

The water is used to irrigate 320 acres within the W $\frac{1}{2}$, Sec. 12, 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, T. 8N, R. 36E, 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 RIGHT**
No. 35-2545B
Notice is hereby given that Blaine Larsen, Larsen Farms, 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 a ground water source. The right sought to be changed is evidenced by License No. 35-2545B and is recorded as follows:
AMOUNT: 4.0 c.f.s. PRIORITY: September 23, 1958
POINT OF DIVERSION: NW1/4SW1/4, Sec. 12, T. 4N, R. 35E, B.M., Jefferson County
The water is used to irrigate 320 acres within the W1/2, Sec. 12, 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, T. 8N, R. 36E, 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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 27565/35-2545 Priority Sept. 23, 1958 Amount 4.0 cfs

THIS IS TO CERTIFY, that ELDEN R. HALL
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 27565/35-2545 issued pursuant to Application for Permit dated September 23, 1958,
and has submitted proof to the Department of Water Resources on September 24, 1962,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.0 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.04</u> cfs and	<u>0.6 acre feet</u>
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>4.00</u> cfs and	<u>960.0 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.0 af per acre</u>
	(both dates inclusive)		

Subject, however, to the condition that no more than 4.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
960.6 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12,
Twp. 4 N, Rge. 35 E, B. M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	35 E	12					40	40	40	40	40	40	40	40					320

Total number of acres irrigated 320

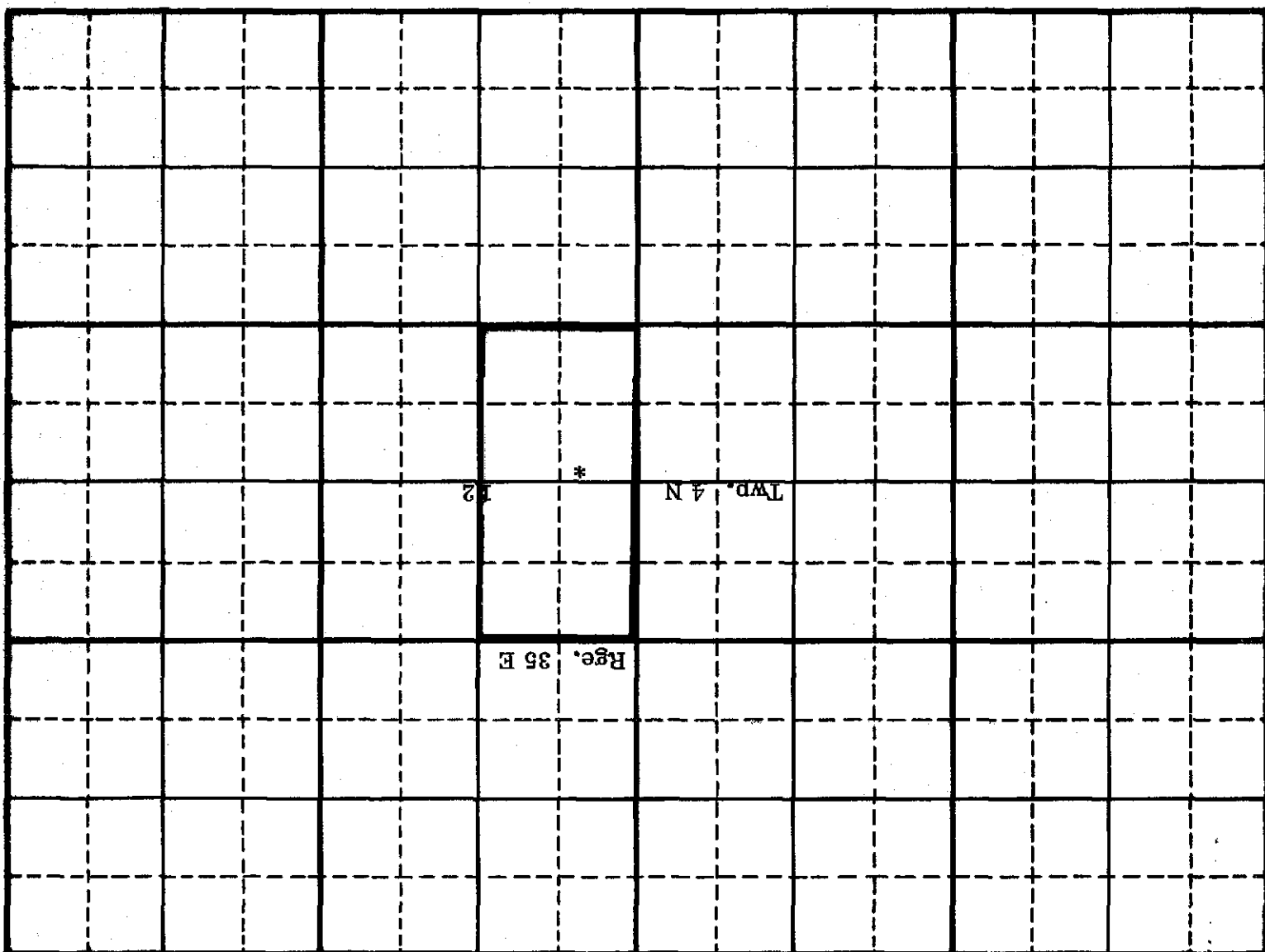
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
November, 19 75.

Director

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



Scale: 2 inches equal 1 mile

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

holders own risk.

Signed at

to day of this

(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby approve the foregoing application for amendment for Permit No. 27565/35-2545.

approve the foregoing application for amendment for Permit No. 27565/35-2545.

Witness my hand this

day of

November

1975

~~Director~~

ASSIGNED TO:
Elden R. Hall
1172 West Sunnyside Road
Idaho Falls, ID 83401
10-27-75

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

LICENSE ISSUED FOR 40 SEC. 50
LICENSE PAG. 1

Application No. G- 35500
Permit No. G- 27565
District No.

Deceased
L. Ivan Jensen V. S. Anderson
Attorney Ait.
Shelley, Idaho Box 107 - Idaho Falls

1. Name of Applicant: DARRELL L. COOK

Postoffice address: Shelley, RFD 2 County: Bingham State: Idaho

2. Quantity of water claimed:

- (a) Rate of withdrawal in cubic feet per second 6.4 cubic feet or Idaho
Miners' inches 320 or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean from well

4. Location of point of diversion or well is in the SE 1/4 of the NW 1/4 of Section 12
Twp. 4 N., Rge. 35 E.B., B.M., County of Jefferson

5. Water is to be used for: Irrigation and domestic purposes

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.

7. Kind of works: Well, pump and ditches

8. Estimated cost of works: \$ 10,000.00

9. (a) Is reservoir to be used?

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

/s/ Darrell L. Cook
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. September 23, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G—27565

Recorded in Book 97 Page 27565 Approved September 29, 1958

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **March 29, 1961**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before September 29, 1963

Witness my hand this 29th day of September, 1958

/s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 29th
day of September, 19 58

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG

By /s/ ROBERT E. SMYLLIE

Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
4 N.	35 E.	12					40	40	40	40					40	40	40	40																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															

THIS TRANSFER
APPLICATION
WAS WITHDRAWN
JIM HANSEN IS
SENDING THE
FORMAL STATEMENT
OF WITHDRAWAL.

JIM

Page 1 of 1

STATE OF IDAHO

APR 12 1988

Transfer No. 3424

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

(Berrett Butte #2)

PART 1

Blaine Larsen, Larsen Farms, Larsen of Idaho

Name of applicant Idaho Phone (208) 662-5522

Post Office address P.O. Box 188, Hamer, Idaho 83425

A. PURPOSE OF TRANSFER

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

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use | |
|--|---|-----------------------|------------------------------|---------------|----------------------|
| 35-2545 | Sept. 23, 1958 | 4.0 cfs | irrigation | April 1 | November 1 |
| | | | | to | |
| | | | | to | |
| | | | | to | |
| | | | | to | |
| 2. Total amount of water being transferred | | 4.0 | cubic feet per second and/or | 960 | acre-feet per annum. |
| 3. Source of water | groundwater tributary to Snake River | | | | |
| 4. Point(s) of Diversion: | The points of diversion after change consist of wells supplying irrigation pivots which are identified by pump number. See Attachment | | | | |

[illegible]

5. Lands irrigated or place of use: See Attachment

[illegible]

To acres 780

PART 1

6. General information:

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

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

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. Decreed to
in case of vs.
dated in county of
- b. License No. 35-2545 issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Lease of water rights

3. Source of water groundwater tributary to Snake River

4. Date or priority September 23, 1958

5. Water is used for the following purpose:

amount 0.04 cfs for domestic purposes from Jan. 1 to Dec. 31
(cfs/ac-ft) amount 4.00 cfs for irrigation purposes from April 1 to Nov. 1
(cfs/ac-ft) amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right 4.04 cubic feet per second and/or 960.6 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	12	4N	35E	Jefferson	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	35E	12					40	40	40	40	40	40	40	40					320

Total acres 320

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

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

No

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 4.0 cfs for irrigation purposes from April 1 to Nov. 1
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	12	4N	35E	Jefferson	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	35E	12					40	40	40	40	40	40	40	40					320

Total acres 320

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

1. amount 0.04 cfs for domestic purposes from Jan. 1 to Dec. 31
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	12	4N	35E	Jefferson	

3. Lands irrigated or place of use: N/A

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

Total acres

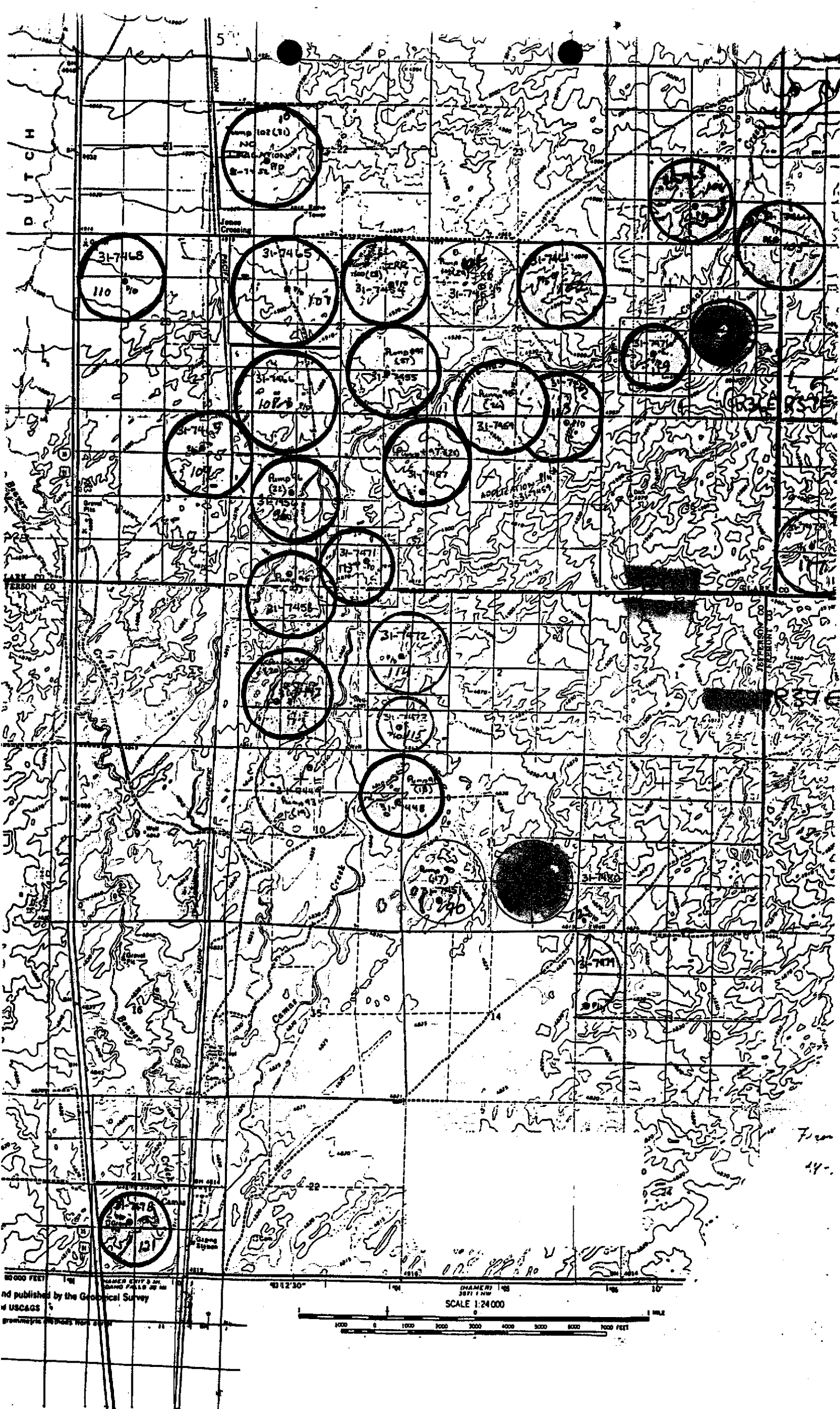
ATTACHMENT

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

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

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

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



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

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

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

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

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

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

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

(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 8-19-91**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by Jm Date 4-12-88 Protest filed by _____

Prelim. check by Jm Fee 50.00

Receipted by tg Date 6-1-88 C001042

Published in JEFFERSON STAR Post Register Copies of protest forwarded by _____

Pub. dates 4-21-88, 4-28-88 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



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
JUL 13 1988

Department of Water Resources

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

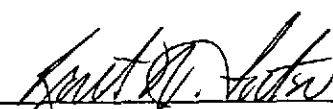
PA
For File

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER OF WATER RIGHTS NO.	)	
35-7009/35-7157, 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. 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

*ALSO ADMITTED IN OREGON

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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

June 3, 1988

Via Hand Delivery

RECEIVED
JUN - 3 1988

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

Department of Water Resources

Re: Blaine Larsen

Dear Mr. Higginson:

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

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

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

Very truly yours,

Jeffrey C. Fereday

Jeffrey C. Fereday

JDH:gc
Encls.

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

RECEIVED

JUN - 3 1988

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

Department of Water Resources

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

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

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

As grounds for this Petition, Applicant states as follows:

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

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

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

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

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

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

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

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

DATED this 3d day of June, 1988.

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

CERTIFICATE OF SERVICE

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

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

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

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

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

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

Jeffrey C. Fereday
Jeffrey C. Fereday

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

RECEIVED
JUN - 3 1988

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

Idaho Department of Fish and
Game

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

APPLICANT

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

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

CERTIFICATE OF SERVICE

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

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

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

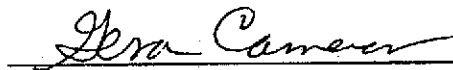
Ronald E. Swan, Esq.
United States Department of
the Interior
Office of the Regional Solicitor
500 N.E. Multnomah
Suite 607
Portland, OR 97232

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

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

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

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





STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

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

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

June 2, 1988

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

Dear Mr. Hughes:

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

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

EXHIBIT A

Mr. Jerry Hughes
June 2, 1988
Page 2

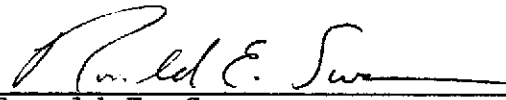
If you conclude that the existing data is insufficient to determine the impact of groundwater pumping as described above, then we would like to request a study proposal that would detail what it would take to determine these impacts, including the cost and/or duration of the study.

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

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

Sincerely,

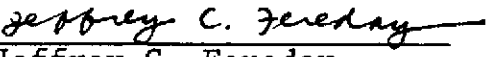
U.S. Fish and Wildlife
Service

By: 
Ronald E. Swan
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 -

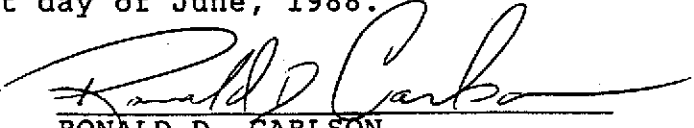
IN THE MATTER OF APPLICATION FOR TRANSFER)
OF WATER RIGHTS NO. 35-7009/35-7157,)
35-2545B, 35-2821B, 35-2728/35-2844/35-7361)
IN THE NAME OF BLAINE LARSEN, BLAINE LARSEN)
FARMS, AND LARSEN OF IDAHO; AND TRANSFER)
NOS. 35-2391/35-7777, 35-2493/35-7773,)
35-2242; AND APPLICATIONS FOR AMENDMENTS)
NO. 35-7161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

HEARING NOTICE

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

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

Dated this 1st day of June, 1988.


RONALD D. CARLSON
Eastern Regional Manager

CERTIFICATE OF MAILING

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

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

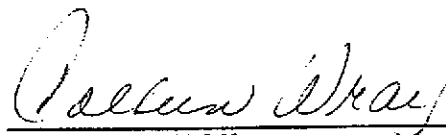
Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

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

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

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

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



COLLEEN WRAY
Adm. Secretary
Department of Water Resources

NAME AND
ADDRESS
OF SENDERDEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUF AVE.
IDAHO FALLS, IDAHO 83401Indicate type of mail
☐ Registered
☐ Insured
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☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
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Line Number of Article

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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, Idaho 83401 25.85 90

2 0227 Post St. Fred. Credit Union, Inc. " " " "

3 0228 Donaldson, P.O. Box 2720, Boise " " " "

4 0229 Postmaster, P.O. Box 50130, D.C. " " " "

5 0230 Clark Portland, 1515 Lincoln St. " " " "

6 0231 Donaldson, 500 NE Multnomah " " " "

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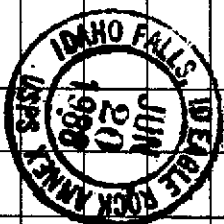
14 " " " " " " " "

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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.



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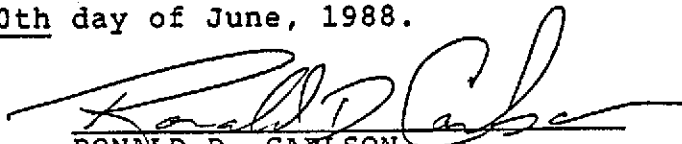
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

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

RECEIVED
JUN - 2 1988
Department of Water Resources

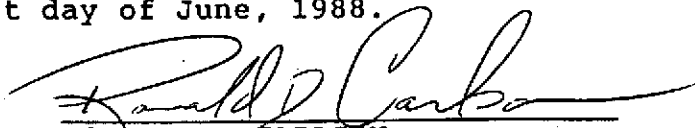
IN THE MATTER OF APPLICATION FOR TRANSFER)
OF WATER RIGHTS NO. 35-7009/35-7157,)
35-2545B, 35-2821B, 35-2728/35-2844/35-7361)
IN THE NAME OF BLAINE LARSEN, BLAINE LARSEN)
FARMS, AND LARSEN OF IDAHO; AND TRANSFER)
NOS. 35-2391/35-7777, 35-2493/35-7773,)
35-2242; AND APPLICATIONS FOR AMENDMENTS)
NO. 35-7161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

HEARING NOTICE

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

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

Dated this 1st day of June, 1988.


RONALD D. CARLSON
Eastern Regional Manager

CERTIFICATE OF MAILING

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

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

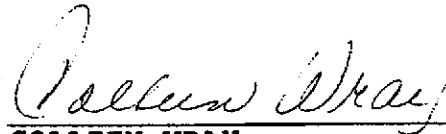
Eastern Idaho Production Credit Assoc.
203 So. Garfield
Pocatello, ID 83204

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

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

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

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



COLLEEN WRAY
Adm. Secretary
Department of Water Resources



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,

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

NAME AND ADDRESS OF SENDER		EASTERN DISTRICT OFFICE 150 SHOUR 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.			
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. Fee	S. D. Fee	S. H. Fee	Ret. Del. Fee
1	0214 ✓	Blair Brown 1000 188 Thruway	45	85					90.			
2	0215 ✓	Robert St. Road 021000, 1000										
3	0216 ✓	Sam St. Road 1000 021000, 1000										
4	0217 ✓	St. St. Road 1000 021000, 1000										
5	0218 ✓	St. St. Road 1000 021000, 1000										
6	0219 ✓	Robert St. Road 1000 021000, 1000										
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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.							

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) 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)
EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION)

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. th

Date this 27 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

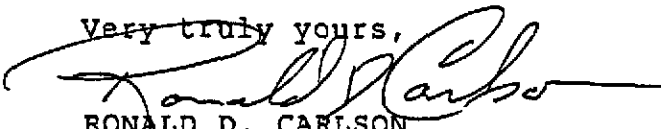
Dear Mr. Pollard:

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, 35-2493/7773proofed 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 RIGHT
NO. 35-2545B**

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 source. The right sought to be changed is evidenced by License No. 35-2545B and is recorded as follows:

AMOUNT: 4.0 c.f.s. PRIORITY:
September 23, 1958

POINT OF DIVERSION: NW¼SW¼,
Sec. 12, T. 4N, R. 35E, B.M., Jefferson
County

The water is used to irrigate 320 acres
within the W½, Sec. 12, T. 4N, R. 35E.,
B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the
NW¼SE¼, Sec. 11, T. 8N, R. 36E,
SW¼NE¼, Sec. 25, T. 9N, R. 36E, B.M.,
Jefferson and Clark County; and will be
used to irrigate 780 acres within the
SE¼, Sec. 11, T. 8N, R. 36E, S½NE¼,
N½SE¼, 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 5, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 35-2545B

Notice is hereby given that Blaine Larsen, Larsen Farms, 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 a ground water source. The right sought to be changed is evidenced by License No. 35-2545B and is recorded as follows:

AMOUNT: 4.0 c.f.s PRIORITY: September 23, 1958

POINT OF DIVERSION: NW1/4SW1/4, Sec. 12, T. 4N, R. 35E, B.M.,
Jefferson County

The water is used to irrigate 320 acres within the W1/2, Sec. 12, 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, T. 8N, R. 36E, 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

file

35-2545

● **Connecticut Mutual Life** INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 549-4111

Agricultural Investments

August 11, 1977

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Water Permit No. G27565
Loan No. 93371-E, Cook

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit number G27565 as described in Mortgage Deed dated June 6, 1963, given by Darrell L. Cook and Afton Cook.

Said mortgage was recorded in the Public Records of Jefferson County, in Book 174, Page 267.

Sincerely,

Jean Wright

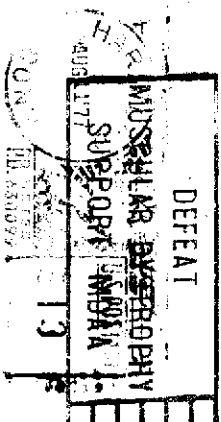
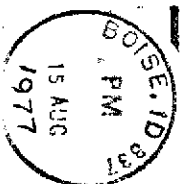
Jean Wright
Agricultural Investment Division

jw

cc: Ag-Land Mortgage Company

Connecticut Mutual Life
140 GARDEN STREET • HARTFORD, CT 06115

~~Department of Reclamation
State of Idaho
Boise, Idaho~~ →



State of Idaho
DEPT OF WATER RESOURCES
STATE HOUSE
Boise, Id. 83707

November 19, 1975

Re: Permit No. 27565/35-2545

Elmer R. Hall
1172 West Sunnyside Road
Idaho Falls, ID 83401

Dear Mr. Hall:

This office acknowledges receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Enclosed is a copy of your approved application for amendment along with the water license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:rb

Enc.

RECEIVED
NOV 20 1975
IDAHO DEPT. OF
WATER RESOURCES

RECEIVED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

NOV 7 1975

Department of Water Resources

I, Darrell L. Cook, hereby assign to Elden R. Hall
of 1172 West Sunnyside Road, Idaho Falls, Idaho 83401
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 27565/35-2545
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19____.

Darrell L. Cook
Permit Holder - Darrell L. Cook

Afton C. Cook
Spouse of Permit Holder

State of Idaho)
County of Bingham) ss.

On this 27 day of October, 1975, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he ~~(she)~~ (they) executed the same.

seal

Alan A. Harris
Notary Public residing at
Shelley, Idaho

My commission expires:
11-27-78

RECEIVED

October 15, 1975

Re: Permit No. 27565/35-2545 - Darrell L. Cook

Mr. Elden R. Hall
1172 West Sunnyside Road
Klaho Falls, Idaho 83401

Dear Mr. Hall:

We have this date received the application for amendment and licensing fee submitted in connection with the above referenced permit. Enclosed is departmental receipt No. 3112 in the amount of \$22.00.

Please be advised that before we can process the amendment application and issue the water license in your name, it will be necessary for Mr. Cook to assign the permit to you. We are enclosing a partially completed assignment form for Mr. Cook's signature.

Upon return of the assignment a water license will be issued under this permit. Would you please advise us if this well is used also for domestic purposes in order that we might include domestic use on the license.

Your cooperation in this matter is greatly appreciated.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enc: Receipt # 3112
Assignment form

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

September 16, 1975

RECEIVED

OCT 15 1975

Department of Water Resources

Re: Permit No. 27565 (New No. 35-2545)

Permit # 3112

Mr. Darrell L. Cook
Route # 2
Shelley, Idaho 83274

Dear Mr. Cook:

We are presently in the process of updating our records to remove all of the unused or unnecessary permits.

Enclosed please find a copy of the letter the Department mailed to you on July 16, 1963, regarding issuance of the license under the above referenced permit.

If it is still your desire to perfect this water right, please sign the enclosed application for amendment and return it to this office along with a total fee of \$22.00. If we have not heard from you within 30 days of the date of this letter, we will assume you are no longer interested in this water right and will initiate the cancellation of this permit.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

Enc: Copy of 1963 letter
App for amendment

*I have Purchased the
referred to real estate from
Mr. Darrell L. Cook and
he forwarded the information
to me, which I have signed
and enclosed the mentioned fees
(over)*

I hope you will find this
sufficient

Thank you

Edna R. Hall
1172 W. Sunnyside Rd.
Idaho Falls, Idaho
83401

September 16, 1975

Re: Permit No. 27565 (New No. 35-2545)

Mr. Darrell L. Cook
Route # 2
Shelley, Idaho 83274

Dear Mr. Cook:

We are presently in the process of updating our records to remove all of the unused or unnecessary permits.

Enclosed please find a copy of the letter the Department mailed to you on July 16, 1963, regarding issuance of the license under the above referenced permit.

If it is still your desire to perfect this water right, please sign the enclosed application for amendment and return it to this office along with a total fee of \$22.00. If we have not heard from you within 30 days of the date of this letter, we will assume you are no longer interested in this water right and will initiate the cancellation of this permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

Enc: Copy of 1963 letter
App for amendment

bc: Eastern District Office

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

July 16, 1963

Re: Permit No. G-27565

Darrell L. Cook
Rt 2
Shelley, Idaho

Dear Mr. Cook:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-27565 shows the well is (300) capable of conveying 200 miner's inches, or 4.0 c.f.s. of water for the irrigation of 320 acres.

Upon receipt of the statutory fees, totaling \$ 21.00 , which consists of a Completion of Works fee of \$ 5.00 and License and Certificate of Water Right fee of \$ 16.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of September 23, 1958 to the use of 4.0 second feet of subterranean water with the point of diversion in the NW 1/4, Sec. 12 for domestic use and irrigation of 320 acres in the W 1/2, Sec. 12, T. 4 N., R. 35 E., B.M.

Since your permit shows the point of diversion to be in the SE 1/4, Sec. 12 it will be necessary to amend the point of diversion. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued.

Very truly yours,

CARL E. TAPPAN
Acting State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

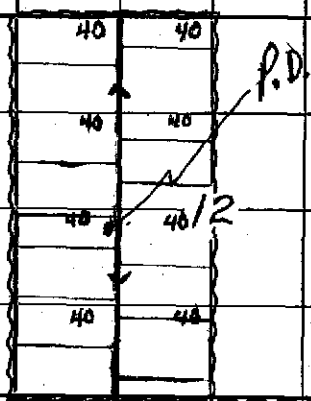
EPR:mr

Enc. amendment form

27565

R-35 E.

T.
4
N.



80

80

80

80

320

TO IDAHO FALLS

Subdivisions

8

Area

320 Acres

⑦

4.00 (f 5.00 or 200 inches)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27565

REPORT ON PROOF OF Completion of Works & Beneficial Use

Darrell L. Cook, Rt. #2, Shelley, Idaho

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams, and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
 JUL 15 1963
 Department of Agriculture

Reclamation for Completion of Water Right

No. 6-27465

County: Jefferson

Sec. 12 T. 4N. R. 35E

Quantity: 6.4 c.f.s.

Source: Well

P.D.: SE. NW., Sec. 12, T. 4N., R. 35E

Use: Irrigation & Domestic

Filed: Sept. 23, 1958

Due: Sept. 29, 1963

Extension:

Project:

Completion of Work:

Water Right: none

How Surveyed

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-27565

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Darrell L. Cook

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW 3/4 of Section 12

T. 4 N R. 35 E.B.M. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: 300 H.P. H.E.

MOTOR # NSJ 116005 Layne + Bowler pump # 25725 12" x 430'

COLUMN 20" x 10' Casing 4:400' 00' more well depth 437'

12" check valve into 10" buried mainline

MAINLINE Reduces from 10" x 1650' to 8" x 2000' to 6" x 1600'

5. Water is used for: irrigation and domestic

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W 1/2 Sec. 12., Twp. 4 N., Rge. 35 E.B.M.

REMARK: ~~land to be~~ point of diversion to the NW 1/4 SW 1/4

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Darrell L. Cook (owner) participated in examination

measurement was made by taking pressure readings
along each lateral 12 lines 3/4 nozzle size 5/32

This examination was made on the 11th day of July, 1963

(Signed)

Ron Weber

Examiner.

27565

1M April 1962

October 8, 1962

Re: Permit No.

G-27565

Darrell L. Cook
Route #2
Shelley, Idaho

Dear Mr. Cook:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Rigby Star, all submitted in proof of completion of works and beneficial use on Permit No. G-27565.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: W. J. Anderson
Sharp & Anderson
Attorneys at Law
Professional Bldg.
Memorial & B Streets
Idaho Falls, Idaho

27565

SHARP & ANDERSON
ATTORNEYS AT LAW
PROFESSIONAL BLDG.
MEMORIAL & B STREETS
IDAHO FALLS, IDAHO

JOHN M. SHARP
W. JOE ANDERSON

P. O. Box 107
DIAL JA 2-3001

October 5, 1962

Department of Reclamation
State of Idaho
State House
Boise, Idaho

Re: Darrell L. Cook, Permit #G-27565

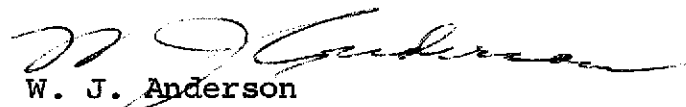
Dear Sirs:

Please find enclosed the deposition of the holder of the above numbered permit, Darrell L. Cook, together with the depositions of two witnesses, Mr. Alva A. Harris and Mr. L. J. Cook, concerning the application and use of the water. Also the Affidavit of Publication of The Rigby Star of the time and place set for the hearing on the proof of completion of works and application of water to beneficial use.

If this is all in order, would you please issue the water right and return the documents to this office.

Sincerely yours,

SHARP & ANDERSON


W. J. Anderson

WJA:bh

Enc.

27565

RECEIVED
OCT 8 1958

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G-27565

Proof of Application of Water to Beneficial Use
and Completion of Works

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Darrell L. Cook, Route # 2, Shelley, Farmer, Route # 2, Shelley, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Not applicable

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G-27565 September 23, 1958, priority, ~~and~~ permit date, 9-29-58

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. underground subterranean
SE 1/4 of Section 12, T 4 N, R 35, E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Well, 437 feet in depth, casing 20 inch for 15 feet; 400 feet to water. Pump discharges 6.4 cu. ft. per section and was measured by test by pump company. Sprinkler system has 396 nozzles, 1 1/64 in size with 50 lbs pressure at pump and 40 lbs at lines.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation of W 1/2 of Section 12, T. 4 N, R. 35, E.B.M., 320 acres have been actually irrigated. All has been cultivated and improvements have been the pump, well and sprinkler system, dry land farm changed to irrigation, 2 cellars, 2 steel granaries and affixed trailer house on premises.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. Lamar Barrus, Basalt, Idaho

27565

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. not applicable.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. not applicable.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. not applicable.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water has been used for irrigation by sprinkler on all 320 acres for irrigation seasons of 1959, 1960, 1961 and 1962.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None.

(Sign)

Danell L. Cook

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Idaho Falls*, County of *Bonanza*.

State of Idaho, on this *24th* day of *September*, A. D. 19*62*.

My commission expires

July 1, 1966

D. J. Anderson
Notary Public for Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
OCT 8 1962
Department of Reclamation

PERMIT NO. G-27565

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works
DEPOSITION OF WITNESS

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. L. J. Cook, age 35, Route # 2, Shelley, Farmer, Route # 2,
Shelley, Idaho.

Ques. 2. Are you acquainted with Darrel L. Cook, the holder of Permit No. G-27565? How long have you known him and where does he reside?

Ans. 35 years, he resides at Shelley, Route # 2, Idaho.

Ques. 3. Have you read or heard said Permit No. G-27565, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source is well and pump in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 4 N, R 35, E.B.M.
Water is pumped from well directly into sprinkler system.

Quest. 5 How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed.

Ans. 6.4 cu. ft. per section.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 6.4 cu. ft. per section, estimate by sight and by observing test.

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation by sprinkler of W $\frac{1}{2}$ of Section 12. T. 4 N., R 35. E.B.M.
320 acres are irrigated which are cultivated. Pump, well and
sprinkler system installed, dry land farm to irrigated, 2 cellars,
2 steel granaries, and trailer house on premises.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not applicable.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Dry farm grain land reclaimed to irrigated farm
6.4 cu. ft. per section required.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent.

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen the water applied to all 320 acres, during the
irrigating seasons of 1959, 1960, 1961, and 1962.

(Signed)

L. Jay Cook

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 24 day of September, A. D. 1962

W. J. Anderson
Notary Public

My commission expires July 1, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. G-27565

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works
DEPOSITION OF WITNESS

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Alva A. Harris, age 28, Shelley, Lawyer, Shelley, Idaho

Ques. 2. Are you acquainted with Darrel L. Cook, the holder of Permit No. G-27565? How long have you known him and where does he reside?

Ans. 5 years, he resides at Route # 2, Shelby, Idaho.

Ques. 3. Have you read or heard said Permit No. G-27565, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source is well and pump in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 4 N. R 35, E.B.M.
Water is pumped from well directly into sprinkler system.

Quest. 5 How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed.

Ans. 6.4 cu ft. per section.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 6.4 cu ft. per section, by estimate and observing system and pump, pressure and sprinkling.

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation by sprinkler of W $\frac{1}{2}$ of Section 12, T. 4 N., R 35, E.B.M.
320 acres are irrigated which are cultivated. Pump, well and
sprinkler system installed, dry land farm to irrigated, 2 cellars,
2 steel granaries, and trailer house on premises.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not applicable.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Dry farm grain land reclaimed to irrigated farm.
6.4 cu ft. per section required.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent.

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen the water applied to all 320 acres during the
irrigating seasons of 1959, 1960, 1961, and 1962.

(Signed) Alon G. Harin

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Shoshone Falls, County of Bannock, State of Idaho, on this 24 day of September, A. D. 1962

W. J. Henderson
Notary Public

My commission expires July 1, 1966

Affidavit of Publication
THE RIGBY STAR

RECEIVED
OCT 8 1962

Department of Reclamation

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

four consecutive issues thereof; first publication having been made on the
16th day of August, 1962
and the last publication on the
6th day of September, 1962

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 12th

day of Sept, 1962
(SEAL)

R. H. Hamm
Notary Public for the State of Idaho,
Residence and P.O. Address, Rigby, Idaho.
My commission expires _____, 19____

Publication Fee: \$ Rd

My Commission Expires July 15 1965

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that at 10:00 A.M., on the 24 day of September 1962, at Idaho Falls, County of Benneville, State of Idaho, before W. J. Anderson, Notary Public, at (address) Professional Bldg. Memorial & B Street, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27565, heretofore issued by the Department of Reclamation of the State of Idaho.
1. The name and postoffice address of the person or corporation holding said permit is Darrell L. Cook, Route 2, Shelley, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.
3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.
4. The point of diversion of said water is SE¼NW¼, Sec. 12., T. 4 N., R. 35 E., B. M.
5. The place where said water is used is W¼, Sec. 12, T. 4 N., R. 35 E., B. M.
6. The date of priority which said user is prepared to establish is September 23 1958.
GEO. N. CARTER,
State Reclamation Engineer
(Pub.: Aug. 16-23-30, Sept. 6, 1962)

27565

August 7, 1962

Re: Permit No. G-27565
Darrell L. Cook

Sharp and Anderson,
Attorneys at Law,
P. O. Box 107,
Idaho Falls, Idaho.

Attention: M. J. Anderson

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-27565, in the name of Darrell L. Cook. Final Proof is to be made before you, as Notary on the 24th day of September, 19 62, at 10:00 o'clock A.M., at Professional Bldg., Memorial & B., Idaho Falls, Idaho.

As of this date we have mailed the Notice to the Rigby Star, Rigby, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Enc.
cc: Applicant

27865

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-27565
Darrell L. Cook

Date: August 7, 1962

Rigby Star,
Rigby, Idaho.

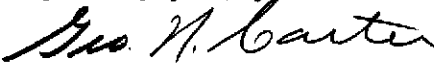
Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **September 24, 1962** the date set for proof; the expense of the publication is to be paid by the applicant's attorney

Sharp and Anderson of **Box 107, Idaho Falls, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

DEPARTMENT OF RECLAMATION

Notice is hereby given that at 10:00 A. M., on the 24 day of September 19 62, at Idaho Falls, County of Bonneville, State of Idaho, before W. J. Anderson, Notary Public, at (address) Professional Bldg. Memorial & B Streets, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 0-27565, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Darrell L. Cook, Route 2, Shelley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is SE 1/4, Sec. 12., T. 4N., R. 35 E., B.M.

5. The place where said water is used is W 1/2, Sec. 12, T. 4N., R. 35 E., B.M.

6. The date of priority which said user is prepared to establish is September 23, 1958.

Geo. H. Carter

State Reclamation Engineer

RECEIVED
AUG 7 1962

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 6, 1962

(P. O.) Sharp & Anderson, Box 107, Idaho Falls, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Rigby Star

of Rigby, Jefferson County, Idaho published in

the county in which the works are situated.

Jefferson Co.

Danell L. Cook

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

27565

July 17, 1962

Re: Permit Nos. G-27718; G-29133 - Island Jay Cook
G-27545 - Darrell L. Cook

M. J. Anderson
Attorney at Law
Box 107, Idaho Falls, Idaho

SEE letter in G-29133

Dear Mr. Anderson:

Your letter of July 16th received in regard to water rights. Below are shown data on the permits of the two men for land in T. 4 N., R. 35 E. I fail to find a record of a right for land in Sections 15, 12 and 10, T. 4 N., R. 35 E., B. M. The name of Frank Cook does not appear in our name index.

G-27718 - L. Jay Cook, 12, 3 a.f.s., filed January 12, 1959, proofs due January 20, 1960. P. D. well in Section 15, T. 4 N., R. 35 E., B. M. to irrigate all of Section 15, T. 4 N., R. 35 E., B. M.

G-29133 - Island Jay Cook, 5 a.f.s., filed November 14, 1960, proofs due November 21, 1961. P. D. well in Section 15, T. 4 N., R. 35 E., B. M. to irrigate 270 acres in Sec. 1, T. 4 N., R. 35 E.

G-27545 - Darrell L. Cook, 6 a.f.s., filed September 23, 1958, proofs due September 23, 1960. P. D. well in Section 12, T. 4 N., R. 35 E., B. M. to irrigate 1/2 Sec. 12, T. 4 N., R. 35 E., B. M.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

HT:W

27565

October 10, 1958

Re: Permit No. G-27565
Darrell L. Cook

Mr. L. Ivan Jensen
Attorney At Law
Shelley, Idaho

Dear Mr. Jensen:

We enclose Permit No. G-27565, in the name of Darrell L. Cook, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

We also enclose departmental receipt No. G-3594, which was issued covering payment in the amount of \$6.50, for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

PR/A/lw
Encls. (2)
cc: Darrell L. Cook
RFD # 2
Shelley, Idaho

27565

DARRELL L. COOK, Shelley Idaho PD 2

Form No. 0

Twp. 4 North,
Range 35 E.B.M.

X **X**

X	SE $\frac{1}{4}$	
	NW $\frac{1}{4}$	12

$$X \quad \vdots \quad X$$

X : X

Permit Map No. 27565
As Approved
SEP 20 1958
GEO. N. CARTER
State Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

27 565

**NOTICE OF PROOF OF COMPLETION
OF WORKS and APPLICATION OF
WATER TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A.M., on the 24 day of September 1962, at Idaho Falls, County of Bonneville, State of Idaho, before W. J. Anderson, Notary Public, at (address) Professional Bldg. Memorial & B Street, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27565, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Darrell L. Cook, Route 2, Shelley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12., T. 4 N., R. 35 E., B. M.

5. The place where said water is used is W $\frac{1}{2}$, Sec. 12, T. 4 N., R. 35 E., B. M.

6 The date of priority which said user is prepared to establish is September 23 1958.

GEO. N. CARTER, 27565
State Reclamation Engineer
(Pub.: Aug. 16-23-30, Sept. 6, 1962)