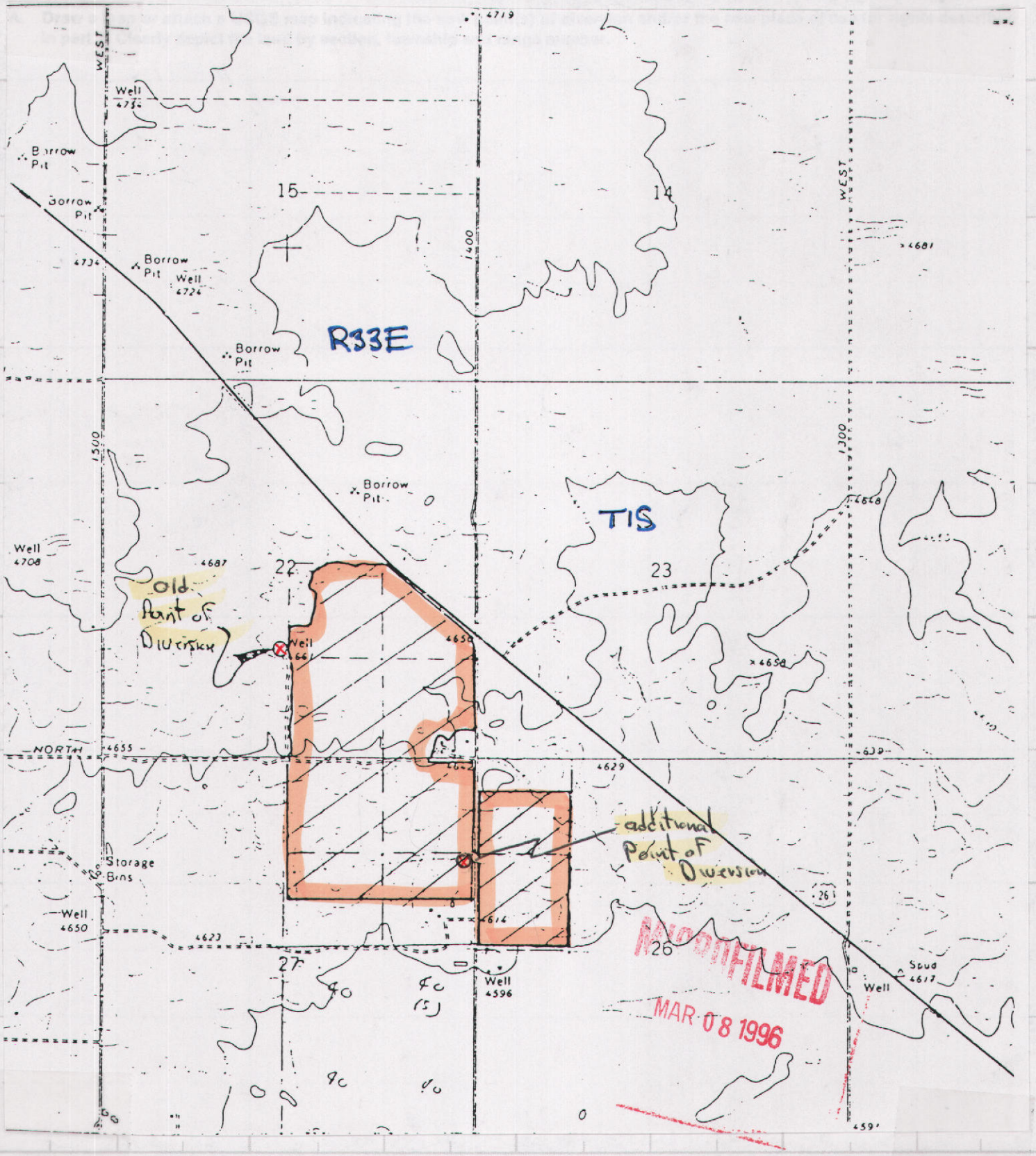
Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3



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

T25569
3744

Rocks
(25.7)

3.9

410

NHEL

112.4

Rock
(22.5)

HEL

5.
146.2

69.9

T307
3770
NHEL

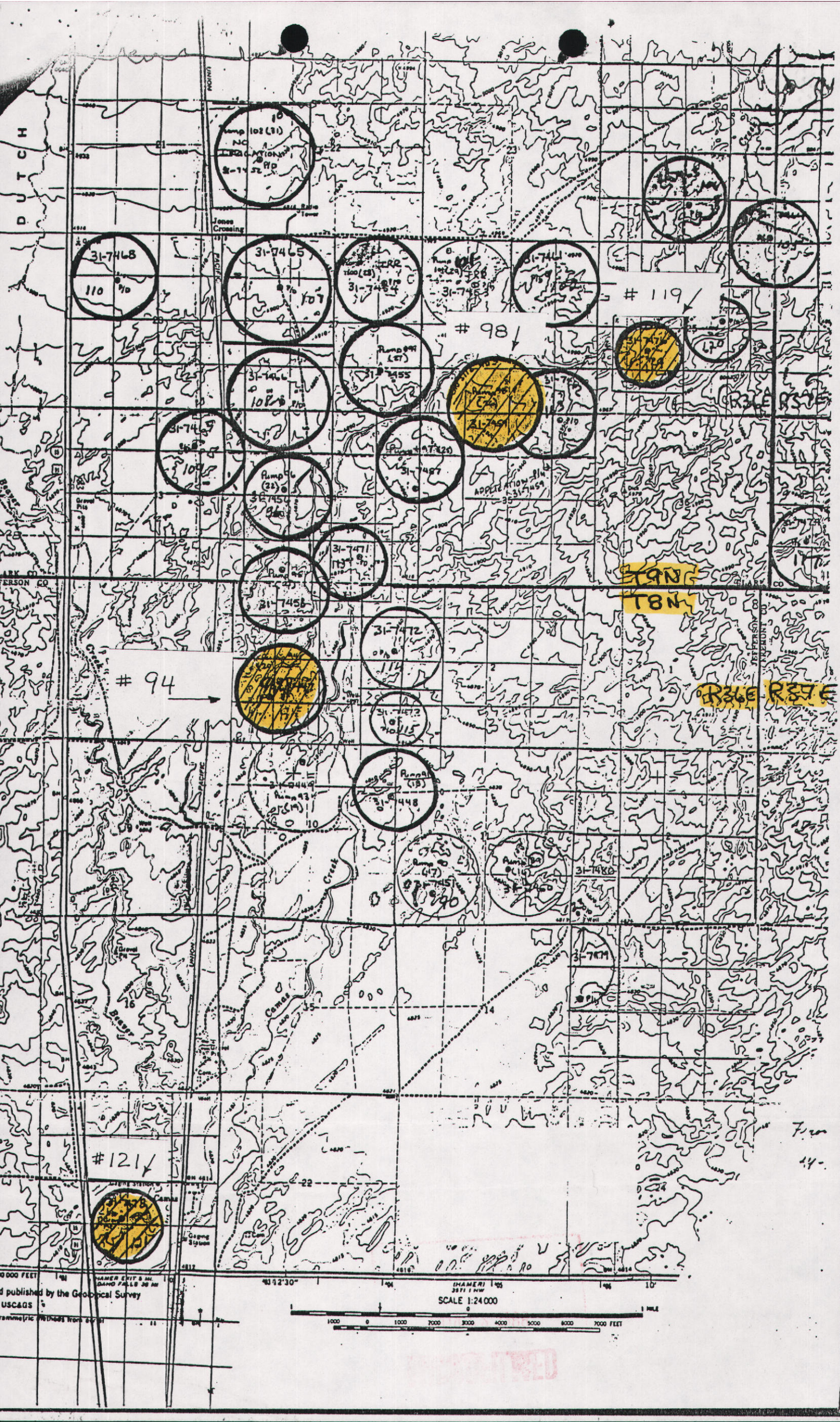
5.8

2.3

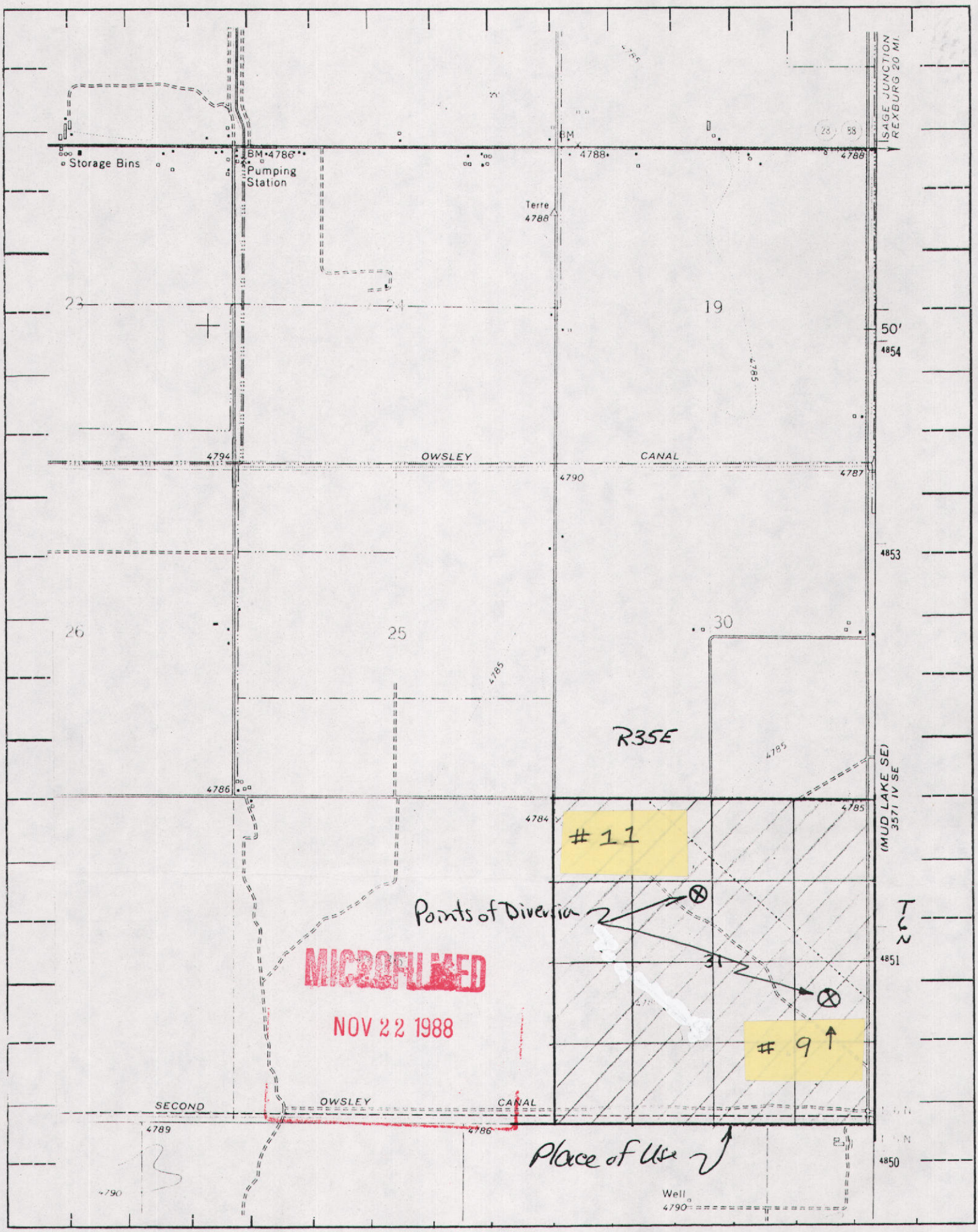
124.8

56.4

RY mill


DUTCH
Jones Crossing
31-7468
110
31-7465
107
31-7466
102
31-7467
109
31-7454
31-7455
31-7456
96
31-7471
113
31-7457
31-7459
31-7472
114
31-7473
115
31-7448
31-7460
31-7474
94
98
119
121
T9N
T8N
R36E
R37E
SCALE 1:24000
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

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



Scale: 2 inches equal 1 mile.

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, 19.88., last publication having been made on the 28th day of April, 19.88., 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.

J. Robb Brady

Subscribed and sworn to before me, this 29th day of April, 19.88.

Deonk Papen
Notary Public

My commission expires September 30, , 19.88.

B10

MICROFILMED
NOV 22 1988

RECEIVED
MAY 4 1988
Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS
Nos. 35-2493, 35-7773

Notice is hereby given that Eastern Idaho Production Credit Assn. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-2493 and 35-7773 and are recorded as follows:

35-2493 - AMOUNT: 4.04 c.f.s. PRIORITY: February 6, 1957

POINT OF DIVERSION: NE1/4SW1/4, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 295 acres within the SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, NE1/4NW1/4, Sec. 27, T. 1S, R. 33E, B.M.

35-7773 - AMOUNT: 1.56 c.f.s. PRIORITY: January 24, 1978

POINT OF DIVERSION: NE1/4SW1/4, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 318 acres within the SW1/4NE1/4, SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

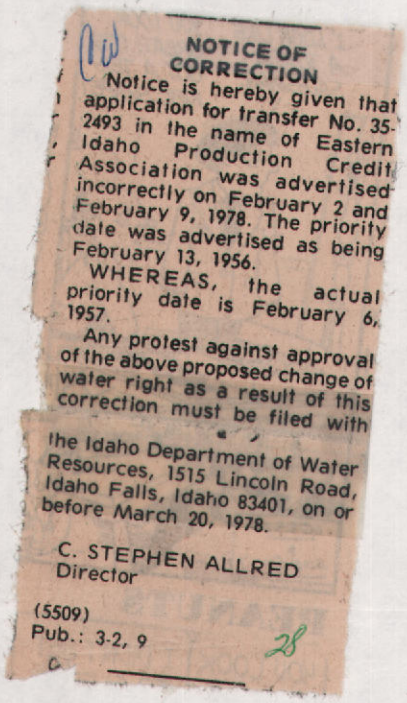
The water will be diverted within the NE1/4SW1/4, SE1/4NW1/4, Sec. 31, T. 6N, R. 35E, NW1/4SW1/4, Sec. 3, NW1/4SE1/4, Sec. 21, T. 8N, R. 36E, NE1/4NW1/4, Sec. 34, NE1/4SW1/4, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 907 acres within the S1/2, Sec. 31, T. 6N, R. 35E, S1/2NW1/4, N1/2SW1/4, Sec. 3, E1/2SW1/4, W1/2SE1/4, Sec. 21, T. 8N, R. 36E, W1/2NE1/4, E1/2NW1/4, Sec. 35, S1/2NW1/4, SW1/4, 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
MAR 14 1978
Department of Water Resources
Eastern District Office



NOTICE OF CORRECTION

Notice is hereby given that application for transfer No. 35-2493 in the name of Eastern Idaho Production Credit Association was advertised incorrectly on February 2 and February 9, 1978. The priority date was advertised as being February 13, 1956.

WHEREAS, the actual priority date is February 6, 1957.

Any protest against approval of the above proposed change of water right as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before March 20, 1978.

C. STEPHEN ALLRED
Director

(5509)
Pub.: 3-2, 9

28

AFFIDAVIT of PUBLICATION

County of Bingham)
)ss.
State of Idaho)

I, David Mark Brown do solemnly swear that I am the Publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction withing the State of Idaho shall be published to-wit: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of of publication was published in said issue or said newspaper two consecutive weeks, the first publication having been made on the 2nd day of March, 19 78, and the last publication having been made on the 9th day of March, 19 78; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 13th day of March, 1978.

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1980

MICROFILMED

RECEIVED
FEB 14 1978
Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
) ss.
State of Idaho)

I, David Mark Brown do solemnly swear that I am the Publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thurs. of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said Thurs. issue of said newspaper two consecutive weeks, the first publication having been made on the 2nd day of Feb., 19 78, and the last publication having been made on the 9th day of Feb., 19 78; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 9th day of Feb., 19 78

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1976

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 35-2493

Notice is hereby given that Eastern Idaho Production Credit Association, Blackfoot, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of a ground-water source. The right sought to be changed is evidenced by License No. 35-2493 and is recorded as follows:

AMOUNT:
4.04 c.f.s.

PRIORITY:
February 13, 1956

POINT OF DIVERSION:
NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County.

The water is used to irrigate 295 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate lands within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T. 1S, R. 33E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before February 20, 1978.

C. STEPHEN ALLRED
Director

(5468)
Pub.: 2-2, 9

47

MICROFILMED

157930

The Connecticut Mutual

LIFE INSURANCE COMPANY

Established in 1846 *Hartford, Connecticut*

MORTGAGE DEED

This Indenture, made this 16th day of November ,19 70 , between

JOHN HOUTMAN and GLADYS HOUTMAN, husband and wife

hereinafter called the Mortgagor, whether one or more than one, and **The Connecticut Mutual Life Insurance Company**, a corporation organized and existing under the laws of the State of Connecticut, and having its Home Office and principal place of business in the City of Hartford, State of Connecticut, hereinafter called the Mortgagee.

Witnesseth That:

The Mortgagor, for and in consideration of the sum of THREE HUNDRED NINETY THOUSAND AND NO/100 ---------- Dollars ($ 390,000.00), in lawful money of the United States, to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Mortgagee, its successors and assigns, forever, the following described property situated in the County of Bingham , in the State of Idaho, to-wit:

TOWNSHIP 2 SOUTH, RANGE 33 EAST OF BOISE MERIDIAN

Section 3: All lying North of the old Arco Highway EXCEPT the West 1200 Feet thereof.
Section 10: All lying North of the old Arco Highway.

TOWNSHIP 1 SOUTH, RANGE 33 EAST OF BOISE MERIDIAN

Section 21: All
Section 22: SW¼, E½ lying South and West of the Southerly line of the Right of Way of the State Highway; and the part of the NW¼ lying South and West of the Southerly line of the Right of Way of the State Highway.
Section 26: W½NW¼.
Section 27: NE¼NW¼, NW¼NW¼, NE¼ EXCEPT Beginning at the SE corner of said NE¼, thence West 660', thence North 660', thence East 660', thence South 660' to the place of beginning.
Section 28: N½N½

CONVEYING with the above described land any and all water rights and irrigation ditches belonging or in anywise appertaining thereto and especially including, but not limited to, the following: All of the waters of those certain wells situated on the above described premises under permits numbered G-26746, 35-7069, 35-7008, 35-7013, G-29[illegible] of the Department of Reclamation of the State of Idaho.

35 2493

TOGETHER with all right, title and interest in and to those certain motors, pumps and irrigation equipment, more particularly described as follows:

(a) One Layne Bowler pump, Ser. # D 24551 and one G. E. Motor, 350 H. P., Serial number EEJ514009.

(b) One Layne Bowler pump, Ser. # D 24552 and one G. E. motor, 350 H. P., Serial number EEJ521018.

(c) One Layne Bowler pump, Ser. # D 24553 and one G. E. motor, 350 H. P., Serial number EEJ521019.

(d) One Layne Bowler pump, Ser. # D 24554 and one G. E. motor, 350 H. P., Serial number CAJ331011.

(e) One Layne Bowler pump, Ser. # 28400 and one motor, 150 H. P., Serial number PTJ 429001.

(f) One Layne Bowler pump, Ser. # 44153 and one motor, 150 H. P., Serial number (frame #) 1445.

(g) Sprinkler System Equipment including, but not limited to, the following:
1369' 12" 12 gage wrapped steel mainline.
9920' 10" 12 gage wrapped steel mainline.
9920' 8" 12 gage wrapped steel mainline.
9920" 6" 12 gage wrapped steel mainline.
1800' 6" 12 gage wrapped steel mainline.
1650' 6" and 8" 12 gage wrapped steel mainline.
64 - 1300 feet handlines 3" or greater w/sprinkler heads and cuplets.
9000' of aluminum mainline - 12" reducing to 6".
20 - 1300' of handlines 3" or greater in size w/sprinkler heads and cupletine.

"This instrument is given and accepted upon the express provision that should the undersigned sell, divest, transfer, relinquish or lose their right, title or interest in the loan security, or any portion thereof during the term of this instrument, either voluntarily or by operation of law, without the written consent of the party hereby secured, then such secured party, at its option, may accelerate all or any part of the indebtedness secured hereby and thereafter enforce the collection thereof as herein provided or in any other manner provided by law."

Together with all and singular the buildings, structures, fences, pipes, pipe lines, tanks, dams, reservoirs, pumps, pumping equipment and all other improvements and fixtures now or hereafter on or in said property, and any and all water and water rights, ditches and ditch rights, flumes, aqueducts, canals, appropriations, franchises, and all other rights and privileges owned by the Mortgagor, or belonging to, or with, leading to, connected with, or usually had or enjoyed in connection with the said property, or any part thereof, whether or not hereinabove expressly mentioned or described, and all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof: **To have and To Hold** unto the Mortgagee, its successors or assigns, forever.

The condition of this conveyance is such that:

This Mortgage is given to secure the payment of a promissory note bearing even date herewith in the principal sum of THREE HUNDRED NINETY THOUSAND AND NO/100---------- Dollars, executed by the Mortgagor and payable to the Mortgagee at its Home Office in instalments, the last of which shall be due and payable on January 1, 1991, with interest on said principal sum and on all unpaid balances thereof, all as provided in said note;

And Whereas, the Mortgagor has covenanted and agreed, and does hereby covenant and agree to and with the Mortgagee as follows:

That he has a valid and unencumbered title in fee simple to said property and all improvements thereon and has the right to convey the same; that he will not suffer or permit said property to become subject to any lien or encumbrance that shall have precedence of this Mortgage; that he will render such further assurance of said title as may be requested by the Mortgagee; that he will warrant and defend said title unto the Mortgagee against the claims and demands of all persons whomsoever; and that he will pay all of said sums of money specified in said note, promptly as they become due and all taxes, assessments and other charges that may be levied or assessed on said property and all taxes that may be levied or assessed upon this Mortgage or to the holder of said note on account thereof, when and as the same shall become due and payable;

That he will keep the buildings and other improvements now or hereafter located upon said property constantly insured against loss or damage by fire and windstorm and against such other hazard or hazards as may reasonably be required from time to time by the Mortgagee, in a company or companies approved by the Mortgagee, and cause all policies of insurance to be so written that the loss, if any, covered by said policies, shall be paid to the Mortgagee, or its assigns, as their interests may appear, and deposit with the Mortgagee all of said policies, and that the Mortgagee may, at its option, renew or procure all required insurance upon said property in any sum not exceeding the insurable value thereof, and the Mortgagor agrees to pay all premiums therefor;

That he will keep the buildings upon said lands continuously occupied and used, and will not permit the same to become vacant during the continuance of this Mortgage; that he will keep all improvements on the property in good repair;

Now, therefore, if the Mortgagor shall pay all and every sum of money specified in said note, and shall in all other respects fully carry out and comply with the covenants herein set forth and enumerated, this conveyance shall be void. But if the Mortgagor shall fail to pay any of said sums of money as specified, or any insurance premiums as hereinabove set forth, or any taxes, assessments or other charges of any nature whatsoever, due or to become due upon the property hereby conveyed or upon any of the water rights hereby mortgaged, or in any other respect shall fail to comply with any of the covenants and agreements herein or in said note set forth, then, as often as such failure of payment or breach of covenant shall occur, the Mortgagee may at any time thereafter declare the whole of the principal sum, or so much thereof as at the time of such declaration may remain unpaid, with all unpaid interest accrued thereon, together with all sums with interest accrued thereupon paid by the Mortgagee under any agreement contained in this Mortgage, to be at once due and payable, and the Mortgagee may at any time after such failure of payment or breach of covenant, as aforesaid, proceed to foreclose this Mortgage and to compel payment to be made of the full amount due and payable.

The Mortgagor hereby further expressly agrees that if he shall fail to pay any taxes, assessments, insurance premiums or other charges payable by him as hereinbefore agreed, as and when the same shall become due and payable, or suffer said property to become subject to any lien or encumbrance having precedence to this Mortgage, as hereinbefore provided against, the Mortgagee may, at its option, make payment thereof and the amounts so paid, with interest thereon at the rate of 8% per annum, shall be added to and become a part of the debt secured by this Mortgage, without waiver, however, of any rights of the Mortgagee arising from the breach of any of said covenants.

In the event suit is instituted to foreclose this Mortgage, the Mortgagee may recover therein as attorney fees such sum as the court may adjudge reasonable in addition to the costs and disbursements allowed by the Code of Civil Procedure of the State of Idaho, together with the cost of any abstract of title or evidence of title procured and used in such proceeding and covering said property.

The Mortgagor agrees that in the event suit is instituted to effect such foreclosure, the Mortgagee shall, as a matter of right and without regard to the sufficiency of the security or of waste or danger of misapplication of any of the properties of the Mortgagor, be entitled forthwith to have a receiver appointed of all the property hereby mortgaged, and the Mortgagor hereby expressly consents to the appointment of a receiver by any court of competent jurisdiction and expressly stipulates, covenants and agrees that such receiver may remain in possession and control of the mortgaged property until the final determination of such suit or proceeding.

The rents, royalties, bonuses and benefits under any existing and/or future oil, gas or mineral lease of any of the property hereby conveyed are hereby assigned to the Mortgagee as additional security for the payment of the indebtedness hereby secured. The Mortgagor shall have the right to collect and retain such rents, royalties, bonuses and benefits until default hereunder or under the note hereby secured. In case of any such default, the Mortgagee is hereby granted the unconditional right and power, at its option, at any time while such default remains outstanding, to demand, receive and collect such rents, royalties, bonuses and benefits and apply same toward payment of the indebtedness hereby secured. The Mortgagee shall not be bound hereby to demand, receive or collect any of such rents, royalties, bonuses or benefits, and shall not be responsible for failure to exercise the rights hereby granted. Failure of the Mortgagee to exercise such rights after the happening of a default shall not be construed as a waiver of such rights in the event of a subsequent default.

The Mortgagor hereby further agrees, upon request by the Mortgagee, to assign to the Mortgagee, as additional and collateral security for the payment of the indebtedness hereby secured, any and all leases of the mortgaged property, or any part thereof, hereafter made, and that no such lease shall be assigned to any party other than the Mortgagee without first obtaining the written consent of the Mortgagee to any such assignment.

85 249

The Mortgagor hereby further mortgages, assigns and transfers to the Mortgagee all of his right, title and interest in and under the following described leases, permits and allotments, to-wit:

together with all renewals thereof and together with all buildings, structures, fences, windmills, pumps, pumping equipment, pipes, pipe lines, wells, tanks, dams, reservoirs and other improvements of every nature and description, now or hereafter located on the lands covered by said leases, permits or allotments, or any part thereof, and all water and water rights located thereon or appurtenant thereto. The Mortgagor covenants that he is the lawful owner and holder of said leases, permits and allotments and that the same are free from encumbrance and have not been assigned; that he will procure renewals thereof upon or prior to the expiration date thereof and execute any instrument deemed by the Mortgagee necessary to effect an assignment or waiver of such renewals to the Mortgagee; that he will pay all rents and other charges and perform all acts and things necessary to preserve and keep in good standing all of said leases and permits and any renewals thereof; that he will take no action which would adversely affect any of his rights or his preference status thereunder and that in the event of the foreclosure of this Mortgage, he will waive all claims for preference in any such rights upon demand from the purchaser of the mortgaged property at foreclosure sale; that the said leases, permits and allotments and renewals thereof, shall at all times be operated in conjunction with the lands hereby mortgaged and that neither shall be transferred to any other person separately from the other; and that, in case of the failure of the Mortgagor to pay all rents and other charges payable under the terms of any of said leases, permits or allotments, the Mortgagee may, at its option, make payment thereof and any amount so paid, with interest thereon at the rate of 8% per annum, shall be a part of the principal debt, and shall be secured by this Mortgage and a lien on the fee owned property hereby mortgaged.

The Mortgagor further covenants and agrees that in the event title in fee simple to any of the lands covered by the aforesaid leases, permits or allotments shall hereafter be acquired by the Mortgagor, it is understood and agreed that such lands shall, upon such acquisition, become subject to the lien of this Mortgage to the same extent as though such lands had originally been included herein as part of the fee owned lands hereby mortgaged, and, further that all of the terms, covenants, conditions, and stipulations of this Mortgage applicable to the fee owned lands hereby mortgaged, shall extend and be applicable to any such lands hereafter so acquired.

It is mutually understood and agreed that all words used in the singular number in this Mortgage shall be deemed to include the plural and the masculine gender shall include the feminine and/or neuter, as the context may require. It is further understood and agreed that all of the provisions hereof shall extend to and be binding upon the Mortgagor and the heirs, devisees, personal representatives, successors and assigns of the Mortgagor, and shall inure to the benefit of the Mortgagee, and its successors or assigns.

In Tetimony Whereof, JOHN HOUTMAN and GLADYS HOUTMAN, husband and wife, hereinabove designated as the mortgagor, have hereunto set their hands and seals on the day and year first hereinabove written.

Executed in the presence of:

John Houtman (SEAL)
John Houtman

Gladys Houtman (SEAL)
Gladys Houtman

35 2493

STATE OF Idaho)
COUNTY OF Bingham) ss.

On this 30 day of November, 19 70,
before me, the undersigned, a Notary Public in and
for the County of Bingham, State of Idaho, personally appeared

JOHN HOUTMAN and GLADYS HOUTMAN

the signers of the above instrument, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission Expires:

Notary Public in and for the County of

Residence of Notary Public:

Blackfoot, Idaho

STATE OF IDAHO)
County of Bingham) : ss.

I certify the foregoing to be a true and correct copy of the original on file and of record in the Office of the Clerk and Ex-officio Recorder of Bingham County, Idaho

Dated DEC 16 1970

GRACE WILLIAMS
Clerk and Ex-officio Recorder
By M J Randolph
Deputy

STATE OF Idaho)
COUNTY OF) ss.

On this day of, 19,
before me, a Notary Public in and
for the County of, State of Idaho, personally
appeared and,
husband and wife, the signers of the above instrument, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission Expires:

Notary Public in and for the County of

, State of Idaho

Residence of Notary Public:

157950 35 2493

Connecticut Mutual Life Insurance Co.
Utah Mortgage Loan Corp.

G- 26746

APPLICATION FOR PERMIT

35- 2493

To Appropriate the Subterranean Waters of The State of Idaho

Kerr & Williams, Attorneys
Blackfoot, Idaho

Application No. G- 34638
Permit No. G- 26746
District No.

1. Name of Applicant: ROBERT C. RHEAD

   Postoffice address: P. O. Box 89, Moreland County: Bingham State: Idaho

2. Quantity of water claimed: 6.8 cubic feet per second

   (a) Rate of withdrawal in cubic feet per second. 6.8 or Idaho Miners' inches 340 or gallons per minute.

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Drilled well

4. Location of point of diversion or well is in the SE ¼ of the NW ¼ of Section 22 Twp. 1 S. , Rge. 33 E. , B. M., County of Bingham

5. Water is to be used for: Farm Irrigation

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

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B. M

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.

7. Kind of works: Pump, ditches and sprinkler system for 160 acres

8. Estimated cost of works: $ 25,000.00

9. (a) Is reservoir to be used? No.

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

LOCATION OF WELLS

Logs in B.O.

1. W½ - Sec. 22, 1S, 33E Lapsed 35-7069
2. E½ - Sec. 21, 1S, 33E 35-7162 - Lapsed 35-7013
3. W½ - Sec. 21, 1S, 33E 35-7161 - 35-7008 (Lapsed)
4. W½ - Sec. 22, 1S, 33E no 35-2493
5. W½ - Sec. 25, 1S, 33E no 35-2722 - 35-7095
6. SW¼NE¼ - Sec. 36, 1S, 33E - 35-2241 X
7. S½ - Sec. 36, 1S, 33E - 35-2242 X
8. E½ - Sec. 35, 1S, 33E 35-7092 - 35-2384 X
9. W½ - Sec. 35, 1S, 33E 35-7093 - 35-2238 X
10. N½ - Sec. 3, 2S, 33E no 35-2651
11. S½ - Sec. 3, 2S, 33E no Named
12. S½ - Sec. 14, 1S, 32E no 35-7007
13. N½,-Sec. 24, 1S, 32E no 35-2568
14. SW¼, - Sec. 25, 1S, 32E (shown in N½ on map) 35-2478 X
15.
16. E½ - Sec. 15, 1S, 32E no Nothing
17.
18. (Shown north of security on plat) not on mtg pmp.
19. NE¼ - Sec. 25, 1S, 33E no 35-2552

35 2211

500 9-25-59

July 2, 1962

Re: Permit No. G-26746

Robert C. Rhead
Box 89
Moreland, Idaho

Dear Mr. Rhead:

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-26746 shows the well is (are) capable of conveying 202 miner's inches, or 4.04 c.f.s. of water for the irrigation of 295 acres.

Upon receipt of the statutory fees, totaling $ 27.00 , we will issue the Certificate of Completion of Works (fee $5.00) and the License and Certificate of Water Right (fee $22.00 , based at the rate of $2.00 for each 40-acre subdivision) confirming the right, with priority of February 6, 1957 to the use of 4.04 second feet of subterranean water with the point of diversion in the NW¼SE¼, Sec. 22 for irrigation of 295 acres in the SE¼, Sec. 22; W½NW¼, Sec. 26; NE¼, NE¼NW¼, Sec. 27, T. 1 S., R. 33 E., B.M.

Since your permit shows the point of diversion to be in the NE¼SW¼, Sec. 22 it will be necessary to have an amendment. 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 your certificates of water right will be issued.

Well in NESW
No amend

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

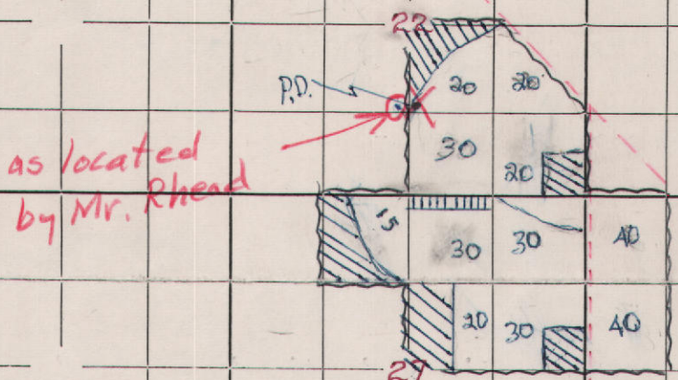
Enc. amendment form

G-26746

R-33E.

TO ATOMIC CITY

T. 1 S.



as located by Mr. Rhead

40
50
~~60~~
115
~~125~~
90
~~315~~
295

TO U.S. HWY. NO. 24

Subdivisions 11

AREA ~~315~~ 295 Acres

Q 4.04 CFS OR 2.02 inches / WOODLAND

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

G-26746

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
JUN 29 1962
Department of Reclamation

S
SD

Robert C. Rhead
Route #2
Blackfoot, Idaho
Permit No. G-26746

Examination for Completion of Works & Beneficial Use

County Bingham

Sec. 22 T. 1 S R. 33 E.B.M.

Quantity: 6.8 c.f.s.

Source: Well

P.D.: NE.SW., Sec. 22, T. 1 S. - R. 33 EBM

Use: Irrigation

Filed: Feb. 6, 1957

Due: Feb. 8, 1962

Extension: —

Completion of Works: —

Other Rights: none

Driller - C.L. Williams

RECEIVED
FEB 16 1962
Department of Reclamation

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 6th day of February, 1962, at the office of Kerr and Williams, Blackfoot, County of Bingham, State of Idaho, before Dean Williams, Notary Public, at Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 6.8 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. 46-26746, 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 Robert C. Rhead, Route No. 2, Blackfoot, 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 6.8 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.8 cubic feet per second.

4. The point of diversion of said water is NE corner of NE¼SW¼, Section 22, Township 1 South, Range 3, E.B.M. Bingham County.

5. The place where said water is used is E½ of Sec. 22 lying South and West of the Southerly line of the State Highway; the West half of the NW¼ of Sec. 26; the NE¼ of Sec. 27, except: Beginning at the SE corner of the NE¼ of Sec. 27, thence West 660 feet; thence North 660 feet; thence East 660 feet, thence South 660 feet to the point of beginning, containing 10 acres, more or less; and the NE¼NW¼ of Sec. 27; all in Township 1 South Range 33, E.B.M., Bingham County.

6. The date of priority which said user is prepared to establish is February 6, 1957.

GEO. N. CARTER
State Reclamation Engineer

Pub. Jan. 12, 19, 26, Feb. 2, 1962.

AFFIDAVIT of PUBLICATION

County of Bingham)
) ss.
State of Idaho)

I, Drury R. Brown do solemnly swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore compiled with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933 ,and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said Friday issue of said newspaper 4 consecutive weeks, the first publication having been made on the 12th day of January, 19 62,

and the last publication having been made on the 2 nd day of February 19 62; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown

Subscribed and sworn to before me this 8th day of February, 19 62

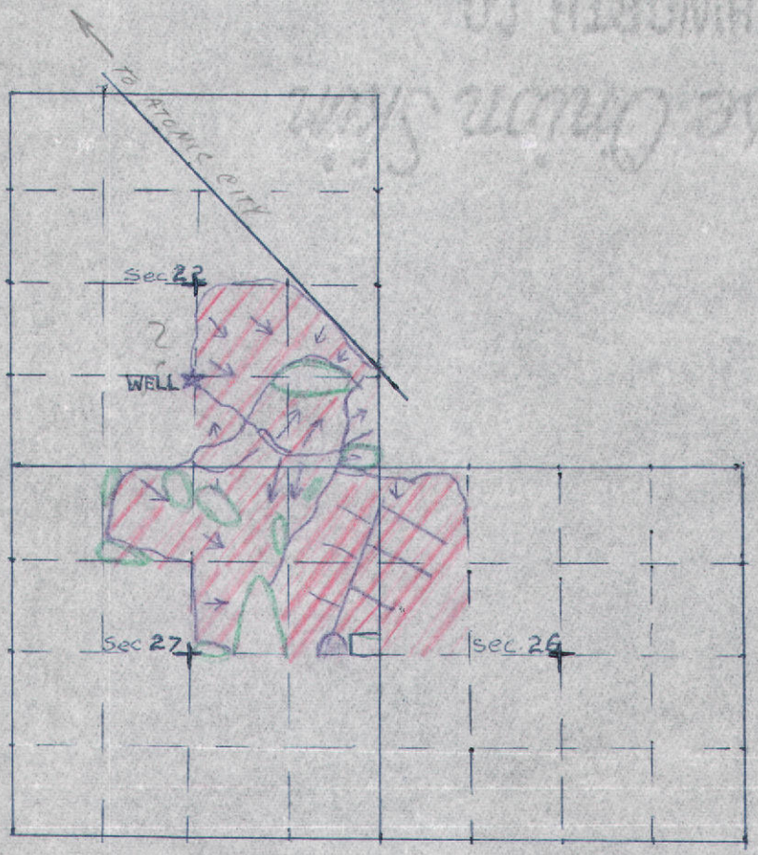
Marjorie Flint

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
January 10th, 1963

S 26746

RECEIVED
FEB 18 1962
Department of Reclamation

MAP FOR PERMIT NO. G-26746.



T 1S, R 33 EBM

ELEVATION 4600 ft. above sea level

DITCHES

HIGH GROUND

WELL

DIRECTION OF FLOW

SPRINKLER

IRRIGATED GROUND

Use for examination — check P.D. - we show NE. SW.

26746

February 16, 1962

Re: Permit No. G-26746

Robert C. Rhead
Route #2
Blackfoot, Idaho

Dear Mr. Rhead:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Blackfoot News _____, all submitted in proof of completion of works and beneficial use on Permit No. G-26746.

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: Dean Williams
Attorney at Law
156 West Bridge
Blackfoot, Idaho

G26746

January 3, 1962

RE: Permit No. G-26746
Robert C. Rhead

Kerr & Williams
Attorneys at Law
Box 708
Blackfoot, Idaho

Attention: Dean Williams

Dear Mr. Williams:

On December 27, 1961 I returned the enclosed forms, or possibly these are copies of the original forms.

In the second paragraph I stated that the land description was in error on the legal notice and the amendment form insofar as Section 27 is concerned. The same error is still in the two forms; The $NW\frac{1}{4}$ of Section 27 except 10 acres in the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 27; and the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 27. That just does not make a good description.

Kindly correct the error.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

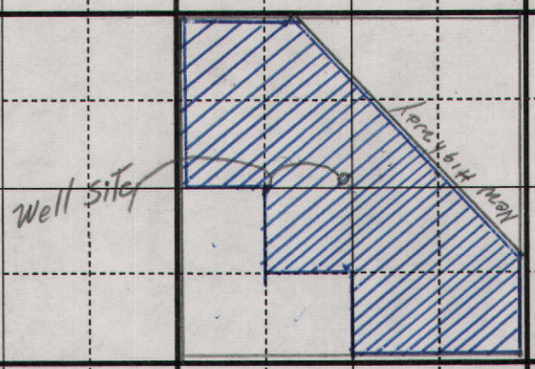
Enc. forms copy legal notice
2 blank legal forms
2 copies amendment

D 26746

NAME OF APPLICANT ROBERT C. RHEAD

Form No. 0

Section 22 Twp. 1 South Range 33 E.B.M.



Permit Map No. 4-26746
As Approved
MARK R. KULP
State Reclamation Engineer
FEB 8 1957

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

D 26746

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4752
WATER RIGHT NO(S). 35-02493/35-07773

This is to certify that: **DELWYN V ELLIS**
SHAWN D ELLIS
904 W 200 N
BLACKFOOT ID 83221

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

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 35-02493 :			
IRRIGATION	04/01 to 10/31	4.04 CFS	1180.0 AF
Priority: 02/06/1957			
Right No. 35-07773 :			
IRRIGATION	04/01 to 10/31	1.56 CFS	662.2 AF
Priority: 01/24/1978			
	TOTAL:	* 5.60 CFS	* 1272.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 22, Township 01S, Range 33E
SENE , Sec. 27, Township 01S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
01S	33E	22	SWNE	1	NESE	26	NWSE	35	
			SWSE	40	SESE	34			136
		26	NWNW	26	SWNW	39			65
		27	NENE	37	NWNE	40	SWNE	20	
			SENE	20					117
							Total number of acres irrigated:		** 318

MICROFILMED

MAR 08 1996

TRANSFER NO. 4752
WATER RIGHT NO(S). 35-02493/35-07773

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

*8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4752 shall not exceed 5.60 cfs, nor total combined annual volume of 1,272.0 af.

9. Combined Right Nos. 35-02493 and 35-07773 shall not exceed total combined irrigation of 318.0 acres within a single irrigation season.

**10. Right No. 35-02493 is limited to the irrigation of 295.0 acres in the place of use described above in a single irrigation season.

Dated this 27TH day of FEBRUARY, 1996.

for Chief, Water Allocation Bureau

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MAR 08 1996

Form 1-222
12-92

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4752

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED
FEB 2 3 1996
Department of Water Resources

PART 1

Name of applicant DELWYN V. or SHAWN D. ELLIS Phone (208) 684-49[illegible]

Post Office address 904 W. 200 N., Blackfoot, ID 83221

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 We can eliminate 1/2 mile of mainline and drop 100 hp by adding another point of diversion.

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			
35-07773	01/24/1978	1.56 cfs	irrigation	4/1	to	10/31	
35-02493	02/06/1957	4.04 cfs	irrigation	4/1	to	10/31	
					to		
					to		

2. Total amount of water being transferred 5.60 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	22	01S	33E	Bingham	
		SE	NE	27	01S	33E		

5. 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	
01S	33E	22			1										26	35	40	34	136
		26						26	39										65
		27	37	40	20	20													117

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Total acres 318

Page _____ of _____ Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system 2 wells & pumps to pivots and handlines.
Reducing old well hp from 350 hp to 100 hp. New well has 150 hp.

n/a 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.

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

d. Remarks:
This will make a much more efficient delivery system.

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____.

RECEIVED

MAR 08 19[illegible]

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-02493

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	04/01 to 11/01	4.04 CFS

SOURCE

GROUNDWATER

Priority: 02/06/1957

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 22, Township 01S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
01S	33E	22	NESE	20	NWSE	20	SWSE	30	
			SESE	20					90
		26	NWNW	40	SWNW	40			80
		27	NENE	35	NWNE	35	SWNE	25	
			SENE	30					125
					Total number of acres irrigated:				295

CONDITIONS/REMARKS:

1. TRANS. 2212.

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MAR 08 1996

Page _____ of _____ Transfer No. _____

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. 35-02493 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 _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 02/06/1957

5. Water is used for the following purpose:

   amount 4.04 cfs (cfs/ac-ft) for irrigation purposes from 4/1 to 11/1

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

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

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	22	01S	33E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01S	33E	22													20	20	30	20	90
		26						40	40										80
		27	35	35	25	30													125

MICROFILMED MAR 08 1996

Total acres 295

9. Describe any other water rights used for the same purpose as described above 35-07773

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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MAR 08 1996

Total acres _____

Page _____ of _____ TRANS NO. 4752

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-07773

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 11/01	1.56 CFS	662.2 AF

SOURCE

GROUNDWATER

Priority: 01/24/1978

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 22, Township 01S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
01S	33E	22	SWNE	1	NESE	26	NWSE	35	
			SWSE	40	SESE	34			136
		26	NWNW	26	SWNW	39			65
		27	NENE	37	NWNE	40	SWNE	20	
			SENE	20					117
					Total number of acres irrigated:				318

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

MICROFILMED
MAR 08 1996

Form 1-222

Page _____ of _____ Transfer No. _____

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. 35-07773 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 _____
3. Source of water groundwater tributary to _____
4. Date or priority 01/24/1978
5. Water is used for the following purpose:
   amount 1.56 cfs (cfs/ac-ft) for irrigation purposes from 4/1 to 11/1
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 1.56 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	22	01S	33E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01S	33E	22			1										26	35	40	34	136
		26						26	39										65
		27	37	40	20	20													117

MICROFILMED MAR 08 1996

Total acres 318

9. Describe any other water rights used for the same purpose as described above 35-02493

Page _____ of _____ **PART 2** Transfer No. _____

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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MAR 08 1996

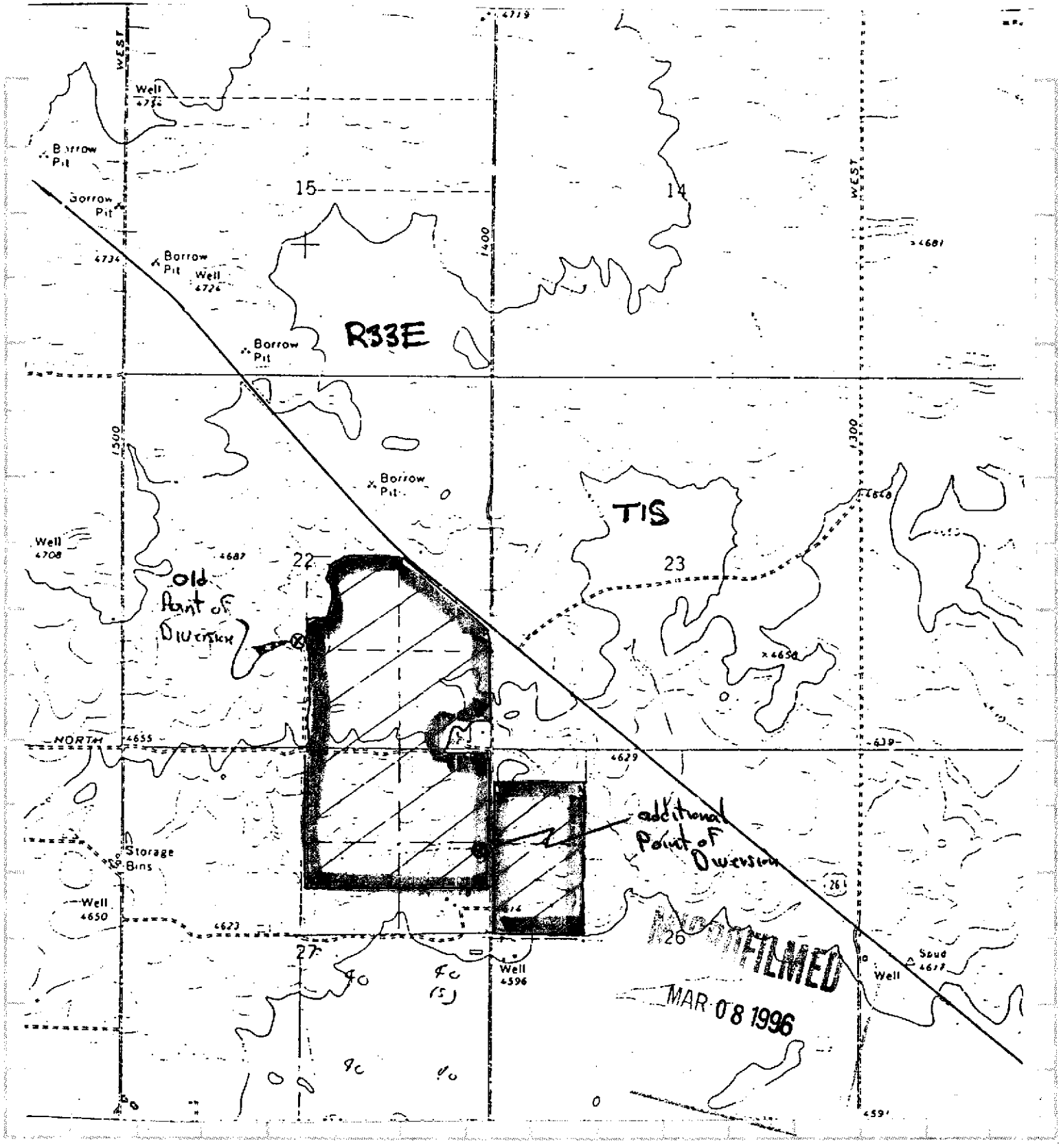
Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3



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

Page _____ of _____ Transfer No. _____

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.

Glenn D Ellis
(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of January, 19 96.

BETTY J. THOMPSON
RESIDING AT [illegible]
MY COMMISSION [illegible]

Betty J Thompson
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWJ Date 1-3-96 Protest filed by _____

Prelim. check by AS. 1-10-96 Fee $100.00 _____

Receipted by HWJ # F021805 Date 1-3-96 _____

Published in Morning News Copies of protest forwarded by _____

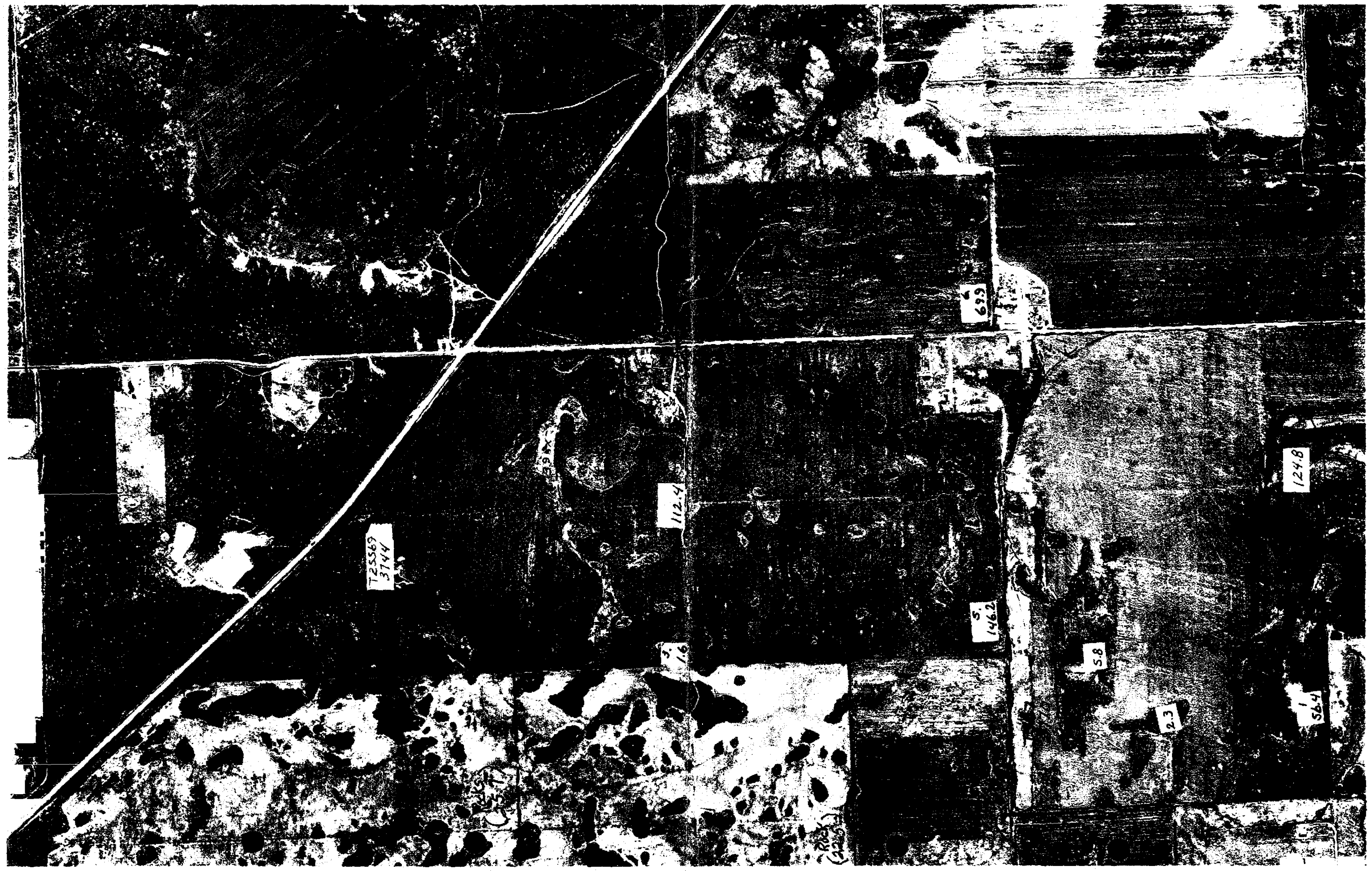
Pub. dates 2-1 & 8-96 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☑ approval ☐ denial

_____ rec'd. by RDC

Copy of transfer sent to lien holder _____

RECEIVED
MAR 08 1996


629
T25569
3744
112.4
59.4
3.
1.6
S.
146.2
5.8
2.3
1
56.4
124.8

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
P.O. BOX 190
BLACKFOOT, ID 83221
208-785-8040

TAX BILL/RECEIPT
TAX YEAR 1995

CODE AREA 8-00
BILL NO 5621

PARCEL NUMBER
RP0112200 A

L	55,590
I	500
TOT MV	56,090
WAC	6.000
TOT ACS	501.280

1ST HALF	TAX	466.53	2ND HALF	TAX	466.53
	PEN			PEN	
	INT			INT	
	COST			COST	
	TOT			TOT	

FULL TAX 933.06
PEN
INT
COST
TOT

EASTERN IDAHO PROD CR ASSOC
% ELLIS DELWYN V/BARBARA
904 W 200 N
BLACKFOOT ID 83221

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
COUNTY	.005199177	291.62
SCHOOL 52	.009407922	527.68
MORELAND CEM	.000102646	5.76
SNAKE RIVER LIB	.000530098	29.72
AMBULANCE DIST	.000310541	17.42
BLKFT/SR FIRE	.001085068	60.86
AMOUNT DUE	.016635452	933.06

T1S R33E SEC 22
ALL SEC SW OF HW LESS T-9689,
9690

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MAR 08 1996

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE BRING NOTICE/SEND STUB IF PAYING BY MAIL

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
P.O. BOX 190
BLACKFOOT, ID 83221
208-785-8040

TAX BILL/RECEIPT
TAX YEAR 1995

CODE AREA 8-00
BILL NO 5641

PARCEL NUMBER
RP0112900 A

						L	8,262
						TOT MV	8,262
1ST HALF	TAX	68.71	2ND HALF	TAX	68.71	FULL TAX	137.42
	PEN			PEN		PEN	
	INT			INT		INT	
	COST			COST		COST	
	TOT			TOT		TOT	
						WAC	2.000
						TOT ACS	78.000

EASTERN IDAHO PROD CR ASSOC
% ELLIS DELWYN V & BARBARA
904 W 200 N
BLACKFOOT ID 83221

T1S R33E SEC 26
W2NW4*

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
COUNTY	.005199177	42.96
SCHOOL 52	.009407922	77.72
MORELAND CEM	.000102646	.84
SNAKE RIVER LIB	.000530098	4.38
AMBULANCE DIST	.000310541	2.56
BLKFT/SR FIRE	.001085068	8.96
AMOUNT DUE	.016635452	137.42

RECEIVED
MAR 08 1996

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE BRING NOTICE/SEND STUB IF PAYING BY MAIL

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
P.O. BOX 190
BLACKFOOT, ID 83221
208-785-8040

TAX BILL/RECEIPT

TAX YEAR 1995

CODE AREA 8-00

BILL NO 5647

PARCEL NUMBER
RP0113100 A
L 16,959

TOT MV 16,959

1ST HALF	TAX	141.04	2ND HALF	TAX	141.04	FULL	TAX	282.08
	PEN			PEN			PEN	
	INT			INT			INT	
	COST			COST			COST	
	TOT			TOT			TOT	

WAC 3.000
TOT ACS 227.000

EASTERN IDAHO PROD CR ASSOC
% ELLIS DELWYN V & BARBARA
904 W 200 N
BLACKFOOT ID 83221

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
COUNTY	.005199177	88.16
SCHOOL 52	.009407922	159.54
MORELAND CEM	.000102646	1.74
SNAKE RIVER LIB	.000530098	8.98
AMBULANCE DIST	.000310541	5.26
BLKFT/SR FIRE	.001085068	18.40
AMOUNT DUE	.016635452	282.08

T1S R33E SEC 27
N2 LESS 10 AC IN SENE,
S2NW4

Told B. Sat Mar 08 1996

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE BRING NOTICE/SEND STUB IF PAYING BY MAIL

438986

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION, formerly known as EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, a Federally Chartered corporation duly organized and existing under the Farm Credit Act of 1971, as amended, whose address is 188 West Judicial, Blackfoot, Idaho 83221 (hereinafter "Grantors"), does hereby grant, bargain, sell and convey unto DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, whose address is 904 West 200 North, Blackfoot, Idaho 83221, (hereinafter "Grantees"), the following real property located in Bingham County, Idaho, to-wit:

FOR REAL ESTATE DESCRIPTION SEE EXHIBIT A ATTACHED.

TO HAVE AND TO HOLD the said premises together with their appurtenances, including all gas, oil, mineral and water rights unto said Grantees, their heirs and assigns forever. The said Grantor is the owner in fee simple of said premises; that they are free and clear from all encumbrances, excepting easements of record as approved by Grantees, conflict in boundary lines, shortage in area, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 17th day of October, 1995.

EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION

BY Arnold Seeley
President

ATTEST Colleen Adams
Secretary

STATE OF IDAHO)
)ss.
County of Bingham)

On this 17th day of October, 1995, before me, the undersigned, a Notary Public in and for the above-named County and State, personally appeared Arnold Seeley and Colleen Adams, known to me to be the President and Secretary, respectively, of the corporation that executed the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Frances Ashcroft
Notary Public for the State of Idaho
Residing at Pocatello
My Commission Expires 9-4-99

'95 OCT 31 AM 11 09
RECORDED AT THE REQUEST OF
Barbara Ellis
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 6.00 DEP

MICROFILMED
MAR 08 1996

EXHIBIT A

Real Estate Description

Township 1 South, Range 33 East of the Boise Meridian, Bingham County, Idaho

Section 22: $SW\frac{1}{4}$; $E\frac{1}{2}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; and all that part of the $NW\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; EXCEPTING AND RESERVING to the United States all the oil and gas in $W\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}SW\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

Section 26: $W\frac{1}{2}NW\frac{1}{4}$

Section 27: $N\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at the SE corner of said $NE\frac{1}{4}$, and running thence W. 660 feet, thence N. 660 feet, thence E. 660 feet, thence S. 660 feet to the point of beginning; EXCEPTING AND RESERVING to the United States all the oil and gas in $NW\frac{1}{4}NW\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

EXCEPT: Part of the $SE\frac{1}{4}SE\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 15.85 feet along the section line from the Southeast corner of said Section 22 and running thence N 87°00'31" W 172.83 feet; thence N 78°47'50" W 136.58 feet; thence N 00°02'00" W 350.70 feet; thence N 89°38'18" E 306.56 feet to the East line of said Section 22; thence S 00° 02'00" E 388.18 feet along the section line to the point of beginning. (contains 2.64 acres and is subject to a county road right-of-way along the East side.)

ALSO EXCEPT: Part of the $SE\frac{1}{4}SE\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 166.58 feet along the section line and S 89°58'00" W 306.55 feet from the Southeast corner of said Section 22 and running thence S 89°58'00" W 110.00 feet; thence N 00°02'00" W 30.00 feet; thence N 89°58'00" E 110.00 feet; thence S 00°02'00" E 30.00 feet to the point of beginning. (contains 0.08 acres)

ALSO EXCEPT: Reserving unto Seller an easement in, under and across the following described property for the purpose of well and water line maintenance: Part of the $SE\frac{1}{4}SE\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00° 02'00" W 15.85 feet along the section line and N 87°00'31" W 172.83 feet and N 78°47'50" W 136.58 feet all from the SE corner of said Section 22 and running thence S 89° 58'00" W 110.00 feet; thence N 00°02'00" W 115.00 feet; thence N 89°58'00" E 110.00 feet; thence South 00°02'00" E 115.00 feet to the point of beginning. (parcel contains 0.37 acres)

MICROFILMED

MAR 08 1996

438985

Barbara Ellis

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 3.00 DEP RJ
'95 OCT 31 AM 11 08
RECORDED AT THE REQUEST OF
904 W 200 N Blkft

BILL OF SALE

STATE OF IDAHO)
)ss.
County of Bingham)

KNOW ALL MEN BY THESE PRESENTS, That on this 17th day of October, 1995, EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION, formerly known as EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, A Federally Chartered corporation duly organized and existing under the Farm Credit Act of 1971, as amended, of Bingham County, State of Idaho, the party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration, lawful money of the United States of America, to them in hand paid by DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, whose address is 904 West 200 North, Blackfoot, Idaho 83221, the party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey unto said party of the second part, their heirs and assigns:

2	350 HP motors, pumps, electrical panels, CTS.
2	Wells
14,190	Steel mainline (more or less)
1300'	Aluminum mainline, 6" & 8" (more or less)
	Fence

TO HAVE AND TO HOLD, the same unto the said party of the second part, their heirs and assigns forever; and the said party owners of said property, has good right, full power and lawful authority to convey the same, and that they will defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hand and seal the day and year first above written.

EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION CORPORATE SEAL 1991 IDAHO

EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION

BY Arnold Seeley
President

ATTEST Colleen Adams
Secretary

STATE OF IDAHO)
)ss.
County of Bingham)

On this 17th day of October, 1995, before me, the undersigned, a Notary Public in and for the above-named county and State, personally appeared Arnold Seeley and Colleen Adams, known to me to be the President and Secretary, respectively, of the corporation that executed the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

FRANCES ASHCROFT NOTARY PUBLIC STATE OF IDAHO

Frances Ashcroft
Notary Public for the State of Idaho
Residing at Preston
My Commission Expires 9-4-99

438985

438987

CORPORATE RESOLUTION

BE IT RESOLVED, that Arnold Seeley and Colleen Adams, as President and Secretary, respectively, of Eastern Idaho Agricultural Credit Association, fka Eastern Idaho Production Credit Association, be and they are hereby authorized to execute a deed, bill of sale and all other necessary documents to grant and convey unto Delwyn V. Ellis and Barbara Ellis, the real and personal property located in Bingham County, and more particularly described as follows:

For Real Estate Description see Exhibit A attached.

Personal Property:

2	350 HP motors, pumps, electrical panels, CTS
2	Wells
14,190	Steel mainline (more or less)
1300'	Aluminum mainline, 6" & 8" (more or less)
	Fence

CERTIFICATION OF SECRETARY

The undersigned, as Secretary of Eastern Idaho Agricultural Credit Association, hereby certifies that the foregoing is a true and correct copy of the resolution regularly presented and adopted by the Board of Directors of said Association at a meeting of said Board of Directors duly called and held at Blackfoot, Idaho, on the 17th day of October, 1995, at which meeting a quorum was present and voted.

DATED this 17th day of October, 1995.

Colleen Adams

Colleen Adams, Secretary
Eastern Idaho Agricultural Credit Association

EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION CORPORATE SEAL 1991 IDAHO

BINGHAM COUNTY RECORDED
BLACKFOOT, IDAHO
DEP

'95 OCT 31 AM 11 10

RECORDED AT THE REQUEST OF
Barbara Ellis

Township 1 South, Range 33 East of the Boise Meridian, Bingham County, Idaho

Section 22: SW¼; E½ lying S. and W. of the Southerly line of the right-of-way of the State Highway; and all that part of the NW¼ lying S. and W. of the Southerly line of the right-of-way of the State Highway; EXCEPTING AND RESERVING to the United States all the oil and gas in W½SW¼ and SE¼SW¼, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

Section 26: W½NW¼

Section 27: N½NW¼, NE¼, EXCEPTING THEREFROM: Beginning at the SE corner of said NE¼, and running thence W. 660 feet, thence N. 660 feet, thence E. 660 feet, thence S. 660 feet to the point of beginning; EXCEPTING AND RESERVING to the United States all the oil and gas in NW¼NW¼, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

EXCEPT: Part of the SE¼SE¼ of Section 22 described as: Beginning at a point that is N 00°02'00" W 15.85 feet along the section line from the Southeast corner of said Section 22 and running thence N 87°00'31" W 172.83 feet; thence N 78°47'50" W 136.58 feet; thence N 00°02'00" W 350.70 feet; thence N 89°38'18" E 306.56 feet to the East line of said Section 22; thence S 00° 02'00" E 388.18 feet along the section line to the point of beginning. (contains 2.64 acres and is subject to a county road right-of-way along the East side.)

ALSO EXCEPT: Part of the SE¼SE¼ of Section 22 described as: Beginning at a point that is N 00°02'00" W 166.58 feet along the section line and S 89°58'00" W 306.55 feet from the Southeast corner of said Section 22 and running thence S 89°58'00" W 110.00 feet; thence N 00°02'00" W 30.00 feet; thence N 89°58'00" E 110.00 feet; thence S 00°02'00" E 30.00 feet to the point of beginning. (contains 0.08 acres)

ALSO EXCEPT: Reserving unto Seller an easement in, under and across the following described property for the purpose of well and water line maintenance: Part of the SE¼SE¼ of Section 22 described as: Beginning at a point that is N 00° 02'00" W 15.85 feet along the section line and N 87°00'31" W 172.83 feet and N 78°47'50" W 136.58 feet all from the SE corner of said Section 22 and running thence S 89° 58'00" W 110.00 feet; thence N 00°02'00" W 115.00 feet; thence N 89°58'00" E 110.00 feet; thence South 00°02'00" E 115.00 feet to the point of beginning. (parcel contains 0.37 acres)

438987

Form 222
1-87

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3420

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Eastern Idaho Production Credit Assn. Phone _____

Post Office address 203 S. Garfield Pocatello, ID 83204

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 in 1988 only.

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		
35-7773	01/24/78	1.56	Irrigation	4/1	to	11/1
35-2493	02/06/57	4.04	Irrigation	4/1	to	11/1
					to	
					to	

2. Total amount of water being transferred 5.49 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion: The points of diversion after change consist of wells supplying irrigation pivots which are identified in Attachment #1.

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

5. Lands irrigated or place of use: See Attachment #1 for breakdown of acres irrigated by each pivot.

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	

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NOV 22 1988

Total acres _____

Page _____ of _____ Transfer No. _____

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 lands will be set-aside from production under federal programs.

d. Remarks:
This is one of 3 coordinated transfer applications submitted together for joint consideration. Therefore, the points of diversion and places of use described in B above are the same in all 3 transfer applications.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-2493/7773

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

Pursuant to the Memorandum Decision and Order dated 9/7/88.

MICROFILMED
NOV 22 1988

Witness my hand this 7th day of September, 19 88.

Director

Page _____ of _____ Transfer No. _____

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. 35-7773 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☒ Other Lease
3. Source of water groundwater tributary to _____
4. Date or priority 1/24/78
5. Water is used for the following purpose:
   amount 1.56 (cfs/ac-ft) for Irrigation purposes from 4/1 to 11/1
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 1.56 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	22	1S	33E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	33E	22			1										26	35	40	34	136
		26						26	39										65
		27	37	40	20	20													117

MICROFILMED
NOV 22 1988

Total acres 318

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

Page _____ of _____ **PART 2** Transfer No. _____

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

MICROFILMED
NOV 22 1988

Total acres _____

Page _____ of _____ Transfer No. _____

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. 35-2493 issued by the Idaho Department of Water Resources.

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

   d. Transfer No. _____ which produced this right.

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

   ☐ Tax Notice ☐ Warranty Deed ☒ Other Lease

3. Source of water groundwater tributary to _____

4. Date or priority 2/6/57

5. Water is used for the following purpose:

   amount 4.04 (cfs/ac-ft) for Irrigation purposes from 4/1 to 11/1

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

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

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	22	1S	33E	Bingham	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	33E	22													20	20	30	20	90
		26						40	40										80
		27	30	30	20	30	15												125

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Total acres 295

9. Describe any other water rights used for the same purpose as described above 35-7773

Page _____ of _____ **PART 2** Transfer No. _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

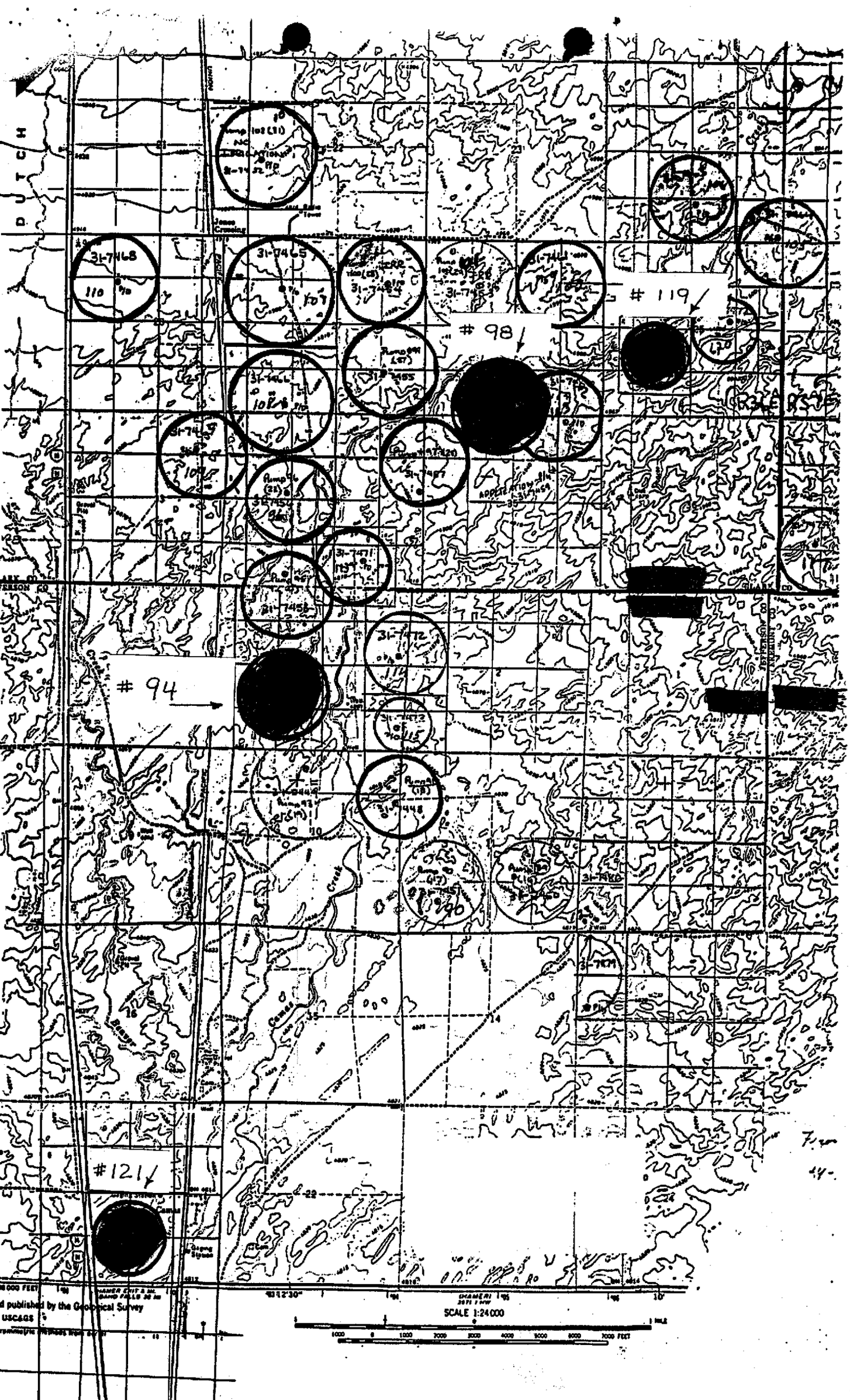
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

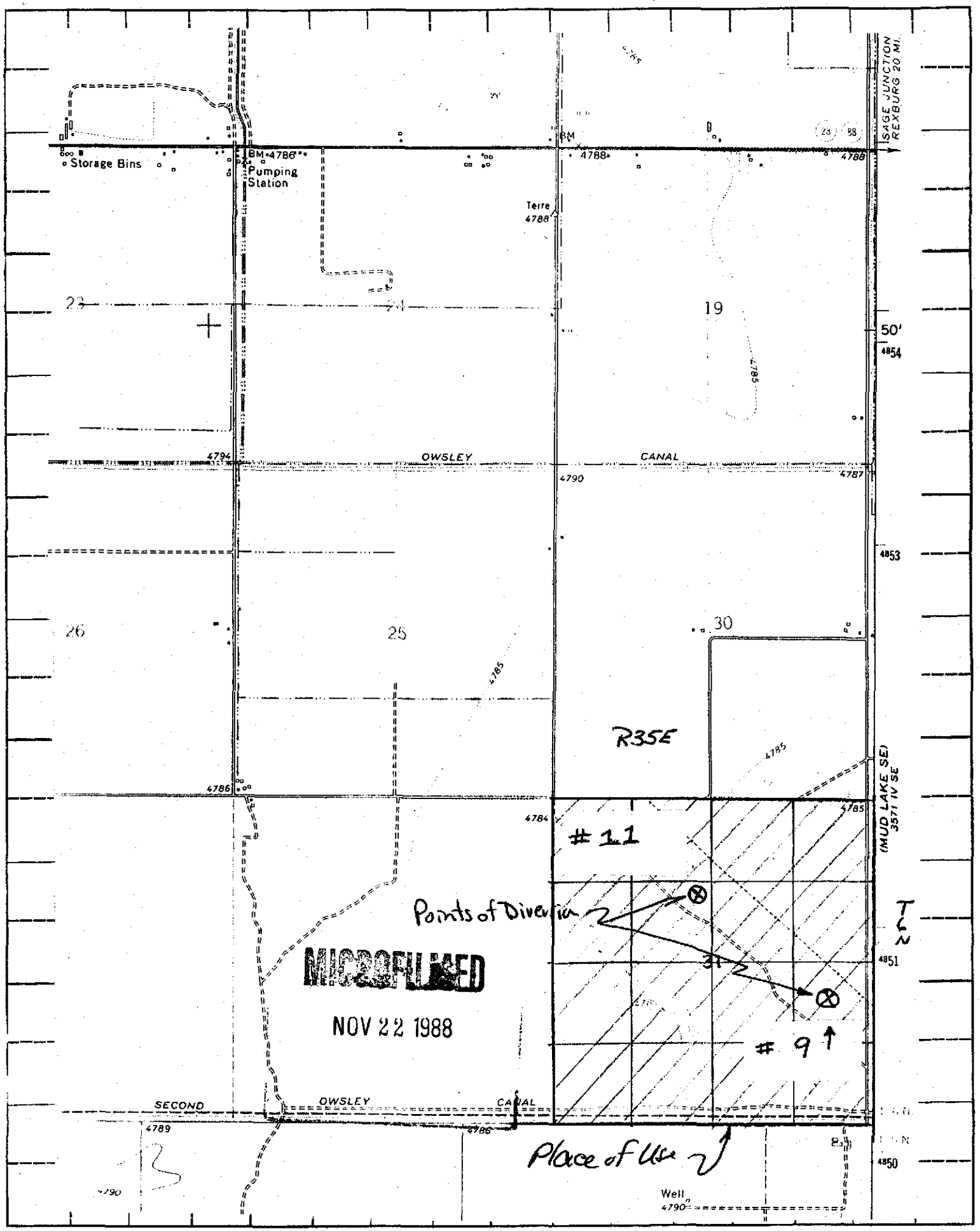
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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NOV 22 1988

Total acres _____


#98
#119
#94
#121
SCALE 1:24000

township and range number.



Scale: 2 inches equal 1 mile.

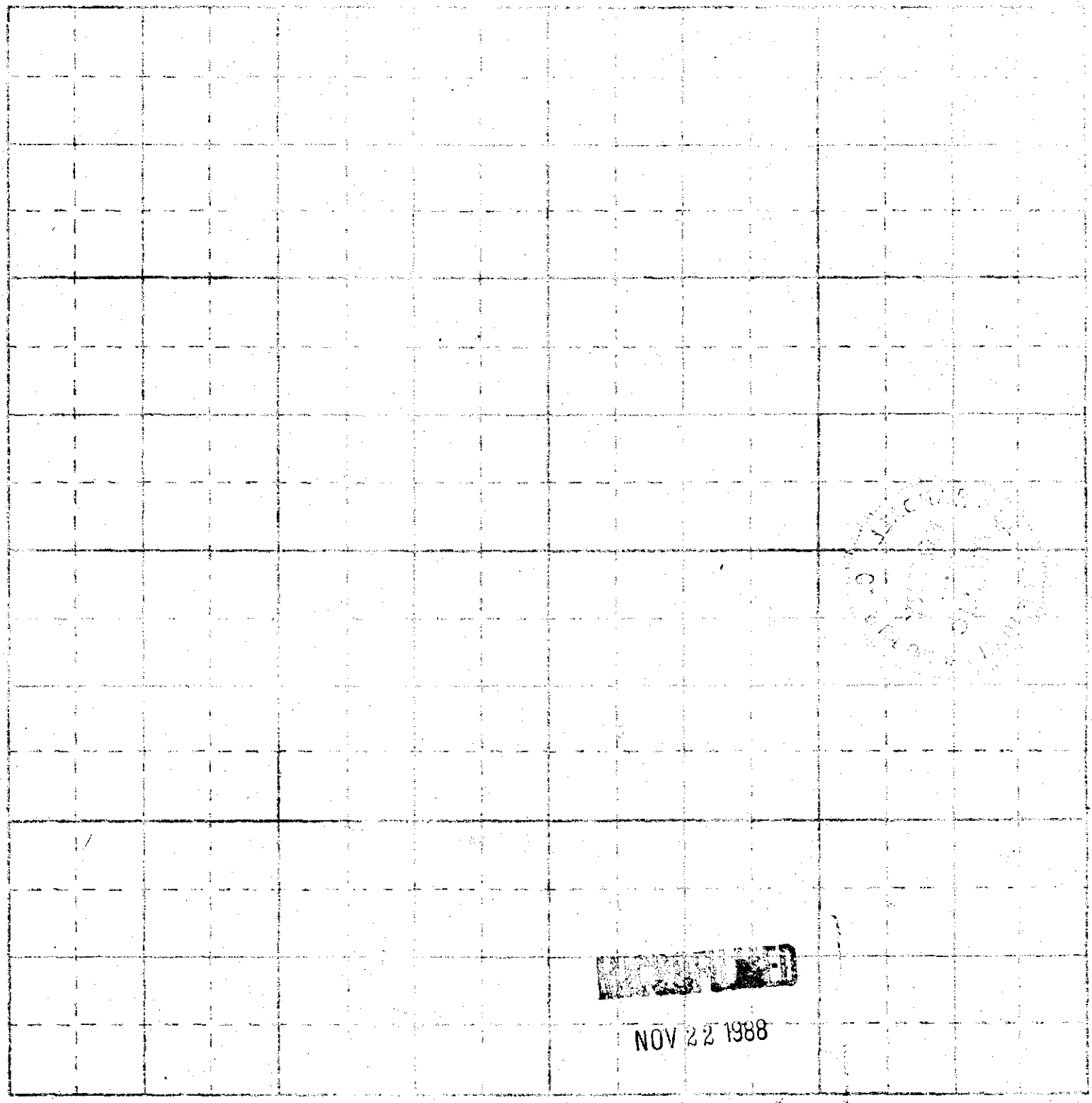
Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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



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

Page _____ of _____ Transfer No. _____

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.

Eastern Idaho P.C.A.
by: Arnold Seeley (Pres)
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of April, 19 88.

Russell C. Paige
(Notary Public)

My commission expires 10/15/90

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jim CW Date 4-8-88 6-20-88 Protest filed by _____

Prelim. check by Jim Fee 50.00 _____

Receipted by RG C00042 Date 5-31-88 _____

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

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

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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Page ____ of ____

ATTACHMENT

Points of diversion and places of use after change applicable to the E.I.P.C.A. Transfer (a three part transfer application) as delineated by Larsen pump numbers

Pump No.	Points of Diversion	Place of Use	Acres to be Irrigated*
9	NE1/4SE1/4, Sec. 31, T6N, R35E	SW1/4, Sec. 31, T6N, R35E	123.8
11	SE1/4NW1/4, Sec. 31, T6N, R35E	SE1/4, Sec. 31, T6N, R35E	123.8
94	NW1/4SW1/4, Sec. 3, T8N, R36E	S1/2NW1/4, N1/2SW1/4, Sec. 3, T8N, R36E	201
98	NE1/4NW1/4, Sec. 34, T9N, R36E	W1/2NE1/4, E1/2NW1/4, Sec. 35, T9N, R36E	221.3
119	NE1/4SW1/4, Sec. 25, T9N, R36E	S1/2NW1/4, SW1/4, Sec. 25, T9N, R36E	117.5
121	NW1/4SE1/4, Sec. 21, T8N, R36E	E1/2SW1/4, W1/2SE1/4, Sec. 21, T8N, R36E	119.5
		Total	906.9 acres

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

LEASE OF WATER RIGHTS

(E.I.P.C.A. No. 1)

EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION ("Lessor") hereby leases to BLAINE LARSEN, LARSEN OF IDAHO and LARSEN FARMS ("Lessee") all of Lessor's right, title and interest in and to Idaho Department of Water Resources ("IDWR") Water Right Nos.:

Permits Nos. 35-7161 and 35-7162

appurtenant to approximately 800 acres in Bingham County, Idaho (collectively, the "water rights"), in exchange for $8,000.00 and other good and valuable consideration from Lessee, the receipt of which is hereby acknowledged.

1. Lessor covenants that all lands to which the water rights are presently appurtenant shall be set-aside from production and shall not be irrigated in 1988 whether or not that land is accepted into the Conservation Reserve Program ("CRP") sponsored by the United States Department of Agriculture.

2. During the term of this Lease and during any extension, Lessee shall place to beneficial use for irrigation purposes all waters approved for use under the water rights, and shall comply with all applicable state law and all rules and regulations of the IDWR applicable to such water rights.

3. The term of this Lease shall be for the 1988 irrigation season only, to commence on April 1, 1988 and to terminate on October 15, 1988. This Lease Agreement may be extended or renewed only upon the express written consent of both parties.

4. Lessor covenants and represents that he is the true and lawful owner of the water rights and the land to which they are appurtenant and that these water rights have not lapsed, been abandoned or forfeited either in whole or in part. Lessor leases the water rights "as is" without any express or implied warranty and makes no covenant or representation about the actual quantities of water that the IDWR may recognize for transfer or diversion under the water rights, regardless of the amount stated in any permit, claim or license.

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

5. The parties acknowledge and agree that it will be necessary to make application and obtain IDWR approval to transfer the existing point of diversion and place of use of said water rights to Lessee's property; and, further, that upon

termination of the Lease it will be necessary to make application and secure IDWR approval to change the point of diversion and place of use back from Lessee's property to the original locations upon Lessor's property. Lessee and Lessor may file all necessary applications with IDWR to transfer the places of use and points of diversion of the water rights on a temporary basis. Lessor and Lessee shall cooperate with each other in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving such transfers.

This Lease is conditioned upon the Department's approval of a transfer of the water rights from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee.

6. Lessee agrees to indemnify and hold harmless Lessor from any and all claims and demands, including legal attorney fees and costs, which may arise directly or indirectly as a result of this Lease Agreement or the transfer or use of the water rights by Lessee pursuant to this Agreement.

7. This Agreement may not be assigned by either party without the express written consent of the other.

8. In the event Lessee breaches this Agreement and such defaults are not cured within thirty (30) days after receipt of written notice thereof from Lessor, Lessor, at its option, may elect to terminate this Agreement and recover any damages or pursue any other remedy available under Idaho law by reason of such breach.

9. In the event of any litigation over this Lease Agreement, the prevailing party shall be entitled to recover reasonable attorney fees and costs.

10. This Agreement shall be binding upon the respective heirs, successors and assigns of the parties.

DATED this 8th day of April, 1988.

LESSOR

Arnold Seeley

EASTERN IDAHO PRODUCTION CREDIT ASSOCATION
By: ARNOLD SEELEY, its legally authorized agent; and

LESSEE

By: James D. Hansen Attorney in fact

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

MICROFILMED
NOV 22 1988

STATE OF IDAHO)
: ss.
County of Ada)

On this 11th day of April, 1988, before me, the undersigned Notary Public in and for said state, personally appeared BLAINE LARSEN, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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

Gera Cameron
NOTARY PUBLIC FOR IDAHO
Residing at: Boise

(SEAL)

STATE OF IDAHO)
: ss.
County of Bannock)

On this 8th day of April, 1988, before me, the undersigned Notary Public in and for said state, personally appeared ARNOLD SEELEY, known or identified to me to be the legally authorized agent of Eastern Idaho Production Credit Association, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Colleen Adams
NOTARY PUBLIC FOR IDAHO
Residing at: Blackfoot, Id.

(SEAL)

MICROFILMED
NOV 22 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFER OF WATER RIGHT NOS. 32-7092/32-7058, 32-7022C, 31-7034H, 31-7034R, 31-7034S, 35-7390/35-2274, 35-7391/35-2432/ 35-7630B, 35-7630A/35-4015B, 35-7863, 35-2728/35-2844/35-7361, 35-2821B, 35-7773/35-2493, 35-2242, 35-2391/35-7777 AND AMENDMENT OF PERMIT NOS. 35-7161, 35-7162.	
	SOURCE: GROUND WATER
	COUNTY: BINGHAM, CLARK, AND JEFFERSON
BLAINE LARSEN, BLAINE LARSEN FARMS, AND LARSEN OF IDAHO, Applicant,	
v.	
OWSLEY CANAL COMPANY, et al., Protestants.	

MEMORANDUM DECISION AND ORDER

BY THE DIRECTOR

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

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

FINDINGS OF FACT

GROUP A

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

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

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

BEFORE CHANGE

Water Right No.	Points of Diversion	Places of Use
32-7092	NW¼SE¼, Sec. 2, T9N, R34E	E½, Sec. 2, NE¼, Sec. 11, T9N, R34E
32-7058	NW¼SE¼, Sec. 2, T9N, N34E	E½, Sec. 2, N½NE¼, SW¼NE¼, Sec. 11, T9N, R34E
32-7022C	SE¼SW¼, Sec. 18, T9N, R34E	S½, Sec. 18, T9N, R34E
31-7034H	SW¼NW¼, Sec. 15, T8N, R36E	NW¼, N½SW¼, Sec. 15, E½NE¼, NE¼SE¼, Sec. 16, T8N, R36E

31-7034R	SE¼NE¼, Sec. 21, T8N, R36E	E½NE¼, Sec. 21, W½NW¼, NW¼SW¼, Sec. 22, T8N, R36E
31-7034S	SW¼SE¼, Sec. 28, T8N, R36E	W½E½, Sec. 28, NW¼NE¼, Sec. 33, T8N, R36E
35-7390	SE¼NE¼, SW¼SE¼, Sec. 21, T3S, R32E	NE¼, E½NW¼, N½SE¼, Sec. 21, T3S, R32E
35-2274	SE¼NE¼, Sec. 21, T3S, R32E	NE¼, SE¼NW¼, N½SE¼, Sec. 21, T3S, R32E
35-7391	SE¼NW¼, Sec. 27, T3S, R32E	W½, Sec. 27, T3S, R32E
35-2432	SE¼NW¼, Sec. 27, T3S, R32E	W½, Sec. 27, T3S, R32E
35-7630B	SE¼NE¼, SW¼SE¼, Sec. 21, T3S, R32E	W½NW¼, NW¼SW¼, Sec. 27, T3S, R32E
35-7630A	SE¼NE¼, SW¼SE¼, Sec. 21, T3S, R32E	NE¼, N½SE¼, Sec. 28, T3S, R32E
35-4015B	SW¼SE¼, Sec. 21, T3S, R32E	NE¼, N½SE¼, Sec. 28, T3S, R32E
35-7863	NW¼SE¼, Sec. 16, T3S, R32E	E½, Sec. 16, T3S, R32E

AFTER CHANGE

Water Right No.	Points of Diversion	Places of Use
32-7092/32-7058, 32-7022C	SE¼SW¼SW¼, SE¼SW¼NW¼, SE¼SE¼NE¼, NE¼SW¼SE¼, Sec. 34, SE¼SW¼SW¼, Sec. 27, T9N, R36E	N½N½, Sec. 3, T8N, R36E; SW¼, Sec. 27, E½SE¼, Sec. 28, NE¼ NE¼, Sec. 33, W½, SE¼, SE¼NE¼, Sec. 34, SW¼NW¼, NW¼SW¼, Sec. 35, T9N, R36E
31-7034H, 31-7034R, 31-7034S	NW¼NE¼, Sec. 33, SE¼NW¼, Sec. 28, T9N, R36E; NW¼SE¼, Sec. 33, T10N, R36E	NE¼, Sec. 33, NW¼, Sec. 28, T9N, R36E; SE¼, S½NE¼, Sec. 33, W½SW¼, SW¼NW¼, Sec. 34, T10N, R36E

35-7390/35-2274, 35-7391/35-2432/ 35-7630B, 35-7630A/35-4015B, 35-7863	NE¼NE¼NW¼, Sec. 10, T8N, R36E; NW¼SE¼SE¼, NW¼SE¼NE¼, NE¼SW¼NW¼, Sec. 27, NW¼SE¼NW¼, Sec. 26, NW¼NW¼SE¼, Sec. 22, NW¼NW¼SE¼, Sec. 31, T9N, R36E	NW¼NE¼, NE¼NW¼, Sec. 10, SE¼SW¼, SW¼SE¼, Sec. 3, T8N, R36E; SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, Sec. 31, E½NE¼, NE¼SE¼, Sec.28, E½, NW¼, N½ SW¼, Sec. 27, NW¼, Sec. 26, S½NW¼, SW¼, Sec. 22, SE¼NE¼, E½SE¼, Sec. 21 T9N, R36E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Injury

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

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

recharge the aquifer within days.

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

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

Enlargement

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

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

Public Interest

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

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

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

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

Interim Approval

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

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

GROUP B Applications

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

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

BEFORE CHANGE

Water Right No.	Points of Diversion	Places of Use
35-2728	NW¼SE¼, Sec. 23, T4S, R30E	W½SE¼, Sec. 23, N½ NE¼, SE¼NE¼, Sec. 26, T4S, R30E
35-2844	NW¼SE¼, Sec. 23, T4S, R30E	S½SW¼, NE¼SW¼, SE¼ NW¼, SW¼NE¼, Sec. 23, N½NW¼, SW¼NE¼, Sec. 26, T4S, R30E
35-7361	NW¼SE¼, Sec. 23, T4S, R30E	SW¼NE¼, Sec. 26, T4S, R30E
35-2821B	NW¼SW¼, Sec. 24, T4S, R30E	E½SE¼, Sec. 23, W½ SW¼, Sec. 24, T4S, R30E

AFTER CHANGE

Water Right No.	Points of Diversion	Places of Use
35-2728/35-2844/ 35-7361, 35-2821B	SE¼NW¼, SE¼SW¼, SE¼SE¼, Sec. 16, T8N, R37E	NW¼, SW¼, SE¼, Sec. 16, T8N, R37E

AMENDED CHANGE

Water Right No.	Points of Diversion	Places of Use
35-2728/35-2844/ 35-7361, 35-2821B	SW¼NW¼, Sec. 13, SW¼ SW¼, Sec. 11, T8N, R36E; SE¼SE¼, Sec. 4, T7N, R36E; SE¼SE¼, Sec. 24, T9N, R36E	N½SE¼, SE¼SE¼, Sec. 4, E½NE¼, Sec. 9, T7N, R36E; SW¼, Sec. 11, W½NW¼, Sec. 13, T8N, R36E; SE¼SE¼, Sec. 24, NE¼NE¼, Sec. 25, SW¼SW¼, Sec. 19, NW¼NW¼, Sec. 30, T9N, R36E

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

35-2391/35-7777.

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

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

BEFORE CHANGE

Water Right No.	Points of Diversion	Places of Use
35-7773	NE¼SW¼, Sec. 22, T1S, R33E	SE¼, SW¼NE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T1S, R33E
35-2493	NE¼SW¼, Sec. 22, T1S, R33E	SE¼, Sec. 22, W½ NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T1S, R33E
35-2242	SE¼SW¼, Sec. 36, T1S, R33E	S½, Sec. 36, T1S, R33E
35-2391	SE¼NE¼, Sec. 28, T1S, R33E	S½NW¼, NW¼SW¼, Sec. 27, S½NE¼, N½SE¼, Sec. 28, T1S, R33E
35-7777	SE¼NE¼, Sec. 28, T1S, R33E	S½NW¼, NW¼SW¼, Sec. 27, S½NE¼, N½SE¼, Sec. 28, T1S, R33E

Permit No.	Points of Diversion	Places of Use
35-7161	NE¼SW¼, Sec. 21, T1S, R33E	W½, Sec. 21, N½NW¼, Sec. 28, T1S, R33E
35-7162	NE¼SE¼, Sec. 21, T1S, R33E	E½, Sec. 21, N½NE¼, Sec. 28, T1S, R33E

AFTER CHANGE

Water Right No.	Points of Diversion	Places of Use
35-7773/35-2493, 35-2242, 35-2391/35-7777	NE¼SE¼, SE¼NW¼, Sec. 31, T6N, R35E; NW¼SW¼, Sec. 3, NW¼SE¼, Sec. 21, T8N,	S½, Sec. 31, T6N, R35E; S½NW¼, N½SW¼, Sec. 3, E½SW¼, W½

	R36E; NE¼NW¼, Sec. 34, NE¼SW¼, Sec. 25, T9N, R36E	SE¼, Sec. 21, T8N, R36E; W½NE¼, E½NW¼, Sec.35, S½NW¼, SW¼, Sec. 25, T9N, R36E

Permit No.	Points of Diversion	Places of Use
35-7161, 35-7162	NE¼NW¼, NW¼NW¼, SW¼NW¼, SE¼NW¼, NE¼NE¼, NW¼NE¼, SW¼NE¼, SE¼NE¼, Sec. 31, T6N, R35E; SE¼NE¼, Sec. 10, T8N, R36E; SW¼SE¼, Sec. 24, NW¼NE¼, Sec. 26, NW¼NE¼, Sec. 35, T9N, R36E	N½, Sec. 31, T6N, R35E; E½NE¼, Sec. 10, T8N, R36E; E½SW¼, W½SE¼, Sec. 24, NE¼, S½SE¼, Sec. 26, N½NE¼, Sec. 35, T9N, R36E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

Injury to Other Water Rights

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

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

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

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

their water rights.

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

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

Enlargement

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

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

Public Interest

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDER

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

following conditions:

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

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

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

DATED this 7TH day of September, 1988.

R. KEITH HIGGINSON, Director

CERTIFICATE OF SERVICE

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

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

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

MICROFILMED
NOV 22 1988

Idaho Falls, ID 83405

Mr. Reed Mickelson
Hamer, ID 83425

Mr. Ray Sanders
Hamer, ID 83425

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

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

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

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

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

Rita I. Fleck

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

MICROFILMED

NOV 22 1988

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, 36-2493/35-7773 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

MICROFILMED

NOV 22 1988

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

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

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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

May 25, 1988

RECEIVED
MAY 26 1988
Department of Water Resources

Via Hand Delivery

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

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

James D. Hansen

JDH:gc
Encls.

cc: Kent Foster, Esq.
Stephen V. Goddard, Esq. — 334-3715
Mr. Robert K. Oser 503-281-6145
Phillip J. Rassier, Esq.
Mr. Blaine Larsen (c/o
Mr. Kevan Varin)

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Ron Swan - 503-231-
NOV 22 1988

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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 DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF TRANSFERS OF WATER RIGHT LICENSES AND AMENDMENTS OF WATER RIGHT PERMITS BY BLAINE LARSEN, BLAINE LARSEN FARMS AND LARSEN OF IDAHO FOR THE 1988 IRRIGATION SEASON	SECOND PETITION FOR APPROVAL OF TEMPORARY PLAN FOR 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 Iterim 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 Directer heard testimony on the potential impact of

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

In the Interim Order, the Director found that "other water rights will not be injured by the approval of the transfers for a one-year period; no enlargement in the use of the original rights will occur; and approval of the transfers will not conflict with the local public interest." Interim Order at 2. Because of the emergency nature of the situation with respect to Applicant's wheat acreage (which was dying for lack of water while the process moved forward) the Interim Order allowed Petitioner to pump groundwater to irrigate all of the land where wheat is planted, even though some of this acreage is included in the second group of applications, which technically have not yet been subject to hearing. This emergency portion of the Interim Order was based in part on Applicant's Petition for Approval of Temporary Plan for Emergency Supply dated May 11, 1988, which is on file with the Department and is incorporated herein by this reference.

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

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

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

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

DATED this 25th day of May, 1988.

Jeffrey C. Fereday

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

CERTIFICATE OF SERVICE

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

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

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

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

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

Lena Cameron

RECEIVED
MAY 26 1988
Department of Water Resources

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

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

STATE OF IDAHO)
) ss
County of Ada)

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

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

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

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

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

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

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

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

DATED this 25th day of May, 1988

Jeffrey C. Fereday

Jeffrey C. Fereday

STATE OF IDAHO)
) ss.
County of Ada)

On this 25th day of May, 1988, before me, the undersigned, a Notary Public, in and for said State, personally appeared Jeffrey C. Fereday, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

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

Ilene Cameron

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

R. KEITH HIGGINSON
Director

May 11, 1988

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

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, McDevitt, 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, 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	STIPULATION

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 11, 1988

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

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

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 DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

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

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. 36-7222 has now been withdrawn, that acreage has been reduced by approximately 328 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

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

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

Blaine Larsen

RECORDED
NOV 22 1988

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.

Dina D. Hall
Notary Public for Idaho
Residing at Idaho Falls
My commission expires: 2/11/93

MICROFILMED
NOV 22 1988

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(s) as set forth above.

Vera Camera

MICROFILMED
NOV 22 1988

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.	PETITION TO SET HEARING DATE

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

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

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

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

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

DATED this 24th day of May, 1988

MICROFILMED
NOV 22 1988

James D. Hansen

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

CERTIFICATE OF SERVICE

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

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

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

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

Mr. Reed Michelson
Hamer, ID 83425

Ray Sanders
Hamer, ID 83425

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

James D. Hansen

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NOV 22 1988

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.
ERNIE EAST

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.

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NOV 22 1988

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

50 years for wildlife

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

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NOV 22 1988

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

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NOV 22 1988

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MAY 4 1988
Department of Water Resources
Eastern District Office

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE 523-0620
TELEFAX 523-9518

WILLIAM S. HOLDEN
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 WHEILER
MARIE T. FEELEY

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

R. VERN KIDWELL, OF COUNSEL

April 29, 1988

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, Monteview Canal Company, Level Canal Company and Independent Water Users of Mud Lake, Inc., to file this notice of protest to the proposed changes of water rights Nos. 35-7162, 31-7034H, 35-7222, 35-2242, 35-7161, 35-2493, and 35-7773.

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 the proposed changes are contrary to local public interest.

Yours very truly,

Kent W. Foster

#1047.00
5400f/sam

RECEIVED
MAY 2 1988
Department of Water Resources
Eastern District Office

MICROFILMED
NOV 22 1988

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, Crystal Foster,

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

Notice of Proposed Change

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for Two (2) consecutive issues, the first publication having been made on 4-20-88 and the last publication having been made on 4-27-88.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly 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 4-23-91

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS
Nos. 35-2493, 35-7773

Notice is hereby given that Eastern Idaho Production Credit Assn. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-2493 and 35-7773 are are recorded as follows:

35-2493—AMOUNT: 4.04 c.f.s. PRIORITY: February 6, 1957

POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 295 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

35-7773—AMOUNT: 1.56 c.f.s. PRIORITY: January 24, 1978

POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 318 acres within the SW¼NE¼, SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE¼SW¼, SE¼NW¼, Sec. 31, T. 6N, R. 35E, NW¼SW¼, Sec. 3, NW¼SE¼, Sec. 21, T. 8N, R. 36E, NE¼NW¼, Sec. 34, NE¼SW¼, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 907 acres within the S½, Sec. 31, T. 6N, R. 35E, S½NW¼, N½SW¼, Sec. 3, E½SW¼, W½SE¼, Sec. 21, T. 8N, R. 36E, W½NE¼, E½NW¼, Sec. 35, S½NW¼, SW¼, 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

MAY 3 1988

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS Nos. 35-2493, 35-7773

Notice is hereby given that Eastern Idaho Production Credit Assn. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-2493 and 35-7773 and are recorded as follows:

35-2493 — AMOUNT: 4.04 c.f.s.
PRIORITY: February 6, 1957
POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;
The water is used to irrigate 295 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

35-7773 — AMOUNT: 1.56 c.f.s.
PRIORITY: January 24, 1978
POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;
The water is used to irrigate 318 acres within the SW¼NE¼, SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE¼SW¼, SE¼NW¼, Sec. 31, T. 6N, R. 35E, NW¼SW¼, Sec. 3, NW¼SE¼, Sec. 21, T. 8N, R. 36E, NE¼NW¼, Sec. 34, NE¼SW¼, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 907 acres within the S½, Sec. 31, T. 6N, R. 35E, S½NW¼, N½SW¼, Sec. 3, E½SW¼, W½SE¼, Sec. 21, T. 8N, R. 36E, W½NE¼, E½NW¼, Sec. 35, S½NW¼, SW¼, 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

(9967)
Pub.: 4/21, 28

NOV 22 1988

AFFIDAVIT of PUBLICATION

County of Bingham)
)ss
State of Idaho)

I, Michael Bell do solemnly

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

the first publication having been made on the 21st day of April, 19 88,

and the last publication having been made on the 28th day of April, 19 88; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Michael Bell

Subscribed and sworn to before me this 30th day of April, 19 88.

Kaye Dayton

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Aug. 20, 1992

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 . . . . . , 19.88 . . , last publication having been made on the . . . . . 28th . . . . . day of . . . . . April . . . . . , 19. 88 . . , 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.

. . . . . J. Robb Brady . . . . .

Subscribed and sworn to before me, this . . . 29th day of . . . . April . . . . . , 19. 88 .

. . . . . Deonk Jepsen . . . . .
Notary Public

My commission expires . . September .30, ... , 19. 88 .

B10

use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-2493 and 35-7773 and are recorded as follows:

35-2493 - AMOUNT: 4.04 c.f.s. PRIORITY: February 6, 1957

POINT OF DIVERSION: NE1/4SW1/4, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 295 acres within the SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, NE1/4NW1/4, Sec. 27, T. 1S, R. 33E, B.M.

35-7773 - AMOUNT: 1.56 c.f.s. PRIORITY: January 24, 1978

POINT OF DIVERSION: NE1/4SW1/4, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 318 acres within the SW1/4NE1/4, SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4SW1/4, SE1/4NW1/4, Sec. 31, T. 6N, R. 35E, NW1/4SW1/4, Sec. 3, NW1/4SE1/4, Sec. 21, T. 8N, R. 36E, NE1/4NW1/4, Sec. 34, NE1/4SW1/4, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 907 acres within the S1/2, Sec. 34, T. 6N, R. 35E, S1/2NW1/4, N1/2SW1/4, Sec. 3, E1/2SW1/4, W1/2SE1/4, Sec. 21, T. 8N, R. 36E, W1/2NE1/4, E1/2NW1/4, Sec. 35, S1/2NW1/4, SW1/4, 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

NOV 22 1988

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS
Nos. 35-2493, 35-7773

Notice is hereby given that Eastern Idaho Production Credit Assn. has applied to the Department of Water Resources for a change in the point of diversion and place of

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFER OF WATER RIGHT NOS. 35-7009/ 35-7157, 35-2545B, 35-2821B, 35-2728/ 35-2844/35-7361 IN THE NAME OF BLAINE LARSEN, BLAINE LARSEN FARMS, AND LARSEN 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 OF EASTERN IDAHO PRODUCTION CREDIT ASSOC.	ORDER ALLOWING TEMPORARY USE OF WATER

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 interferred 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

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

MICROFILMED

NOV 22 1988

Transfer No. 2212

Application No. 35 2493

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Eastern Idaho Production Credit Association Phone 785-1510

Post office address P.O. Box 992, Blackfoot, ID 83221

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree to _____ (Name)

   in case of _____ vs _____

   dated _____ in _____ (Name of court) county of _____

   b. License No. 35-2493 issued by the Idaho Department of Water Resources

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

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant land was purchased by applicant

3. Source of water ground water tributary to _____

4. Date of priority ~~2-13-1956~~ 2/6/1957 J.J.

5. Water is used for the following purposes:

   amount 4.04 for irrigation purposes from Apr. 1 to Nov. 1

   amount _____ for _____ purposes from _____ to _____

   amount _____ for _____ purposes from _____ to _____

   (month/day – both dates inclusive)

6. Total amount of water under right: a. 4.04 cubic feet per second

   &/or

   b. _____ acre feet per annum

7. Location of original point of diversion is NE ¼ of SW ¼ of Section 22

   Township 1S Range 33E, B.M., in Bingham County

   Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	33E	22													20	20	30	20	90
		26						40	40										80
		27	30	30	20	30	15												125

Total number of acres to be irrigated 295

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion NO CHANGE

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet

b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

c. Description of diverting works _____

d. Describe the reasons for applying for a change in the point(s) of diversion _____

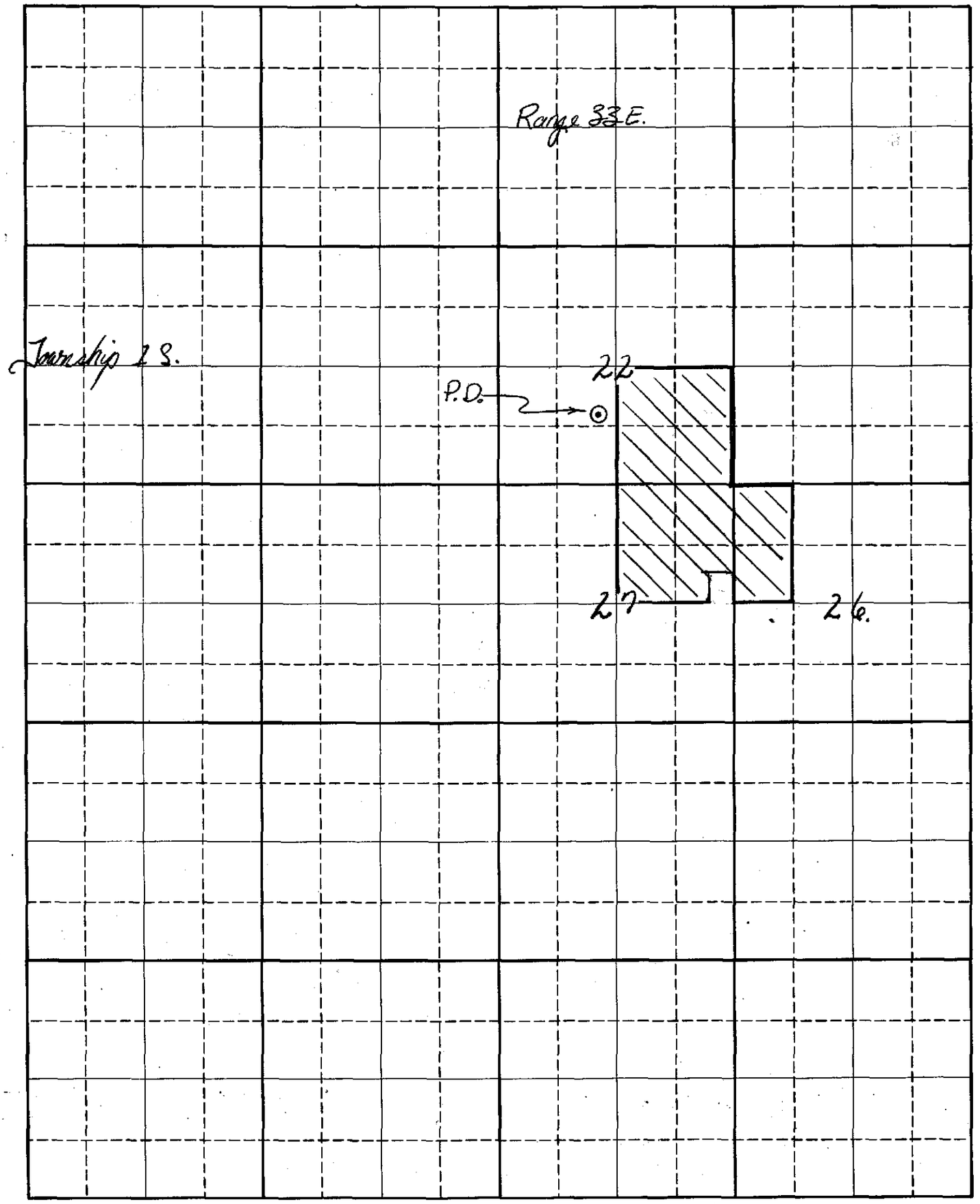
2. Change in place of use

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	33E	22													20	20	30	20	90
		26						40	40										80
		27	35	35	25	30													125

Total number of acres to be irrigated 295

b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Arnold Seely
Asst Sec (Signature of applicant)

Subscribed and sworn to before me this 25th day of January, 1978

Ronald D Carlson
(Notary public)

My commission expires 2/19/78

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 35-2493, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

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

Witness my hand this 9TH day of May, 19 78

Norman C Young
Administrator

FOR DEPARTMENT USE ONLY

Received by TRC Date 1-24-78

Prelim. check by EMC Fee 30.00

Receipted by TRC Date 2-16-78 #9803

Published in The Blackfoot Times

Pub. dates Feb 2 & Feb 9, 1978
Re-ad. Mar. 2 & 9-1978

Watermaster recommendation requested on _____

_____ rec'd. _____

Protest filed by _____

_____

_____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by Jim Johnson

RECEIVED
FEB 7 1978
Department of Water Resources
Eastern District Office

SHERIFF'S DEED ON FORECLOSURE 210323

THIS INDENTURE, made this 29th day of March, 1976, between MIKE M. SHIOSAKI, Sheriff of Bingham County, State of Idaho, party of the First Part, and EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, a corporation organized and existing under the Farm Credit Act of the Congress of the United States, as amended, with it's principal place of business in Pocatello, Bannock County, Idaho, party of the Second Party;

W I T N E S S E T H:

WHEREAS, in and by a certain Judgment dated February 24, 1975, and filed and entered by the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bingham, on the 24th day of February, 1975, in a certain mortgage foreclosure action then pending in said Court, wherein METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation, was Plaintiff, and PLACERTON, INC., a corporation, and others were Defendants, it was among other things, ordered, adjudged, and decreed that all and singular the mortgaged premises described in the Judgment should be sold at public auction by the Sheriff of the said County of Bingham, in the manner required by law and according to the course and practice of said Court; that any party to the action might become a purchaser at said sale; that said Sheriff should issue the usual certificate and deed to the purchaser or purchasers, as required by law; and

WHEREAS, a Decree of Foreclosure and Order of Sale was duly issued out of and under the seal of the above entitled Court on the 24th day of March, 1975, which execution was delivered to said Sheriff, whereby he has, among other things, commanded that the said property therein described should be sold and the said decree carried out in full; and,

MAR 29 76

Grace Williams

MICROFILMED

WHEREAS, the said Sheriff did, on the 27th day of March, 1975, after due public notice had been given as required by the laws of this State and the course and practice of said Court, duly sell at public auction in the said County of Bingham, agreeable to said Judgment, Decree of Foreclosure and Order of Sale, and the provisions of law, the premises in said Judgment, Decree and Order mentioned, at which sale the premises in said Judgment and hereinafter described, were fairly struck off to METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation, for the aggregate sum of Two Million Four Hundred Twenty Three Thousand Six Hundred Forty Eight and 54/100 Dollars ($2,423,648.54), it being the highest bidder and that being the highest bid for the same; and,

WHEREAS, the said purchaser thereupon paid the said Sheriff his fees and disbursements on said sale and directed that the balance thereof be applied in satisfaction of the Judgment obtained by it; and,

WHEREAS, the said Sheriff thereupon made and issued the usual certificate in duplicate of said sale, in due form of law, and delivered one thereof to the purchaser, METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation, and caused the other to be filed in the office of the County Recorder of the County of Bingham; and,

WHEREAS, the said Sheriff did on the 26th day of March, 1976, receive from EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, a corporation, party of the Second Part herein, written Notice of Redemption in duplicate and in due form of law, and caused one duplicate thereof to be filed in the office of the County Recorder of the County of Bingham, and then thereafter and also on the 26th day of March, 1976, said Sheriff received from EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, a

corporation, for METROPOLITAN LIFE INSURANCE COMPANY, a New York corporation, the sum of Two Million Six Hundred Twenty Three Thousand One Hundred Eighty and 94/100 ($2,623,180.94) in full redemption of the property described below from the sale made by the Sheriff of Bingham County on the 27th day of March, 1975, and described in the Certificate of Sale mentioned above, in the manner required by law, and on the 26th day of March, 1976, the said Sheriff made and issued the usual Certificate of Redemption by Sheriff in due form of law; and,

WHEREAS, more than twelve months have elapsed since the date of said sale and no subsequent redemption has been made of the premises so sold, as aforesaid, by or on behalf of said Judgment Debtor, PLACERTON, INC., a corporation, or any other Defendant, or by or on behalf of any other person;

NOW THIS INDENTURE WITNESSETH: That the said party of the First Part, as Sheriff, in order to carry into effect the sale so made in pursuance to said Judgment, and in conformity to the statute in such case made and provided, and also in consideration of the premises and the sum of Two Million Six Hundred Twenty Three Thousand One Hundred Eighty and 94/100 Dollars ($2,623,180.94) so paid by him by said redemptioner, EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, as aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said parties of the Second Part, and to its successors and assigns forever, all those certain lots, pieces, or parcels of land and certain property, situate, lying and being in the County of Bingham, State of Idaho, and bounded and particularly described on Exhibit "A" consisting of 15 pages, attached hereto and by reference made a part hereof,

together with the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title or interest, property, possession, claim and demand, whatsoever as well in law as in equity of the said party of the First Part and the said Defendants, PLACERTON, INC., a corporation, or any other Defendant, of, in and to said premises, and each part and parcel thereof.

TO HAVE AND TO HOLD, all and singular, the said premises hereby conveyed, or intended so to be, together with the appurtenances unto the said party of the Second Part, and to its successors and assigns forever, to its own proper use and benefit and behoof forever.

IN WITNESS WHEREOF, the said party of the First Part to these presents has hereunto set his hand and seal the day and year first above written.

/s/ Mike M. Shiosaki
Mike M. Shiosaki, Sheriff, Bingham County, Idaho

STATE OF IDAHO)
) ss.
County of Bingham)

ON THIS 29th day of March, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared Mike M. Shiosaki, known to me to be the person whose name is subscribed to the within and foregoing instrument as duly qualified and acting Sheriff of the County of Bingham, State of Idaho, and acknowledged to me that he executed the same as the duly qualified and acting Sheriff of the County of Bingham, State of Idaho,

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

/s/ GRACE WILLIAMS
Notary Public for Idaho
Residing at BLACKFOOT, Idaho

(SEAL)

Township 1 North, Range 33 E. B. M., Bingham County, Idaho
Section 26: S½SE¼
Section 35: NE¼
Section 36: E½; SW¼; S½NW¼

Township 1 South, Range 33 E. B. M., Bingham County, Idaho
Section 17: W½
Section 19: N½NE¼; SE¼NE¼; SE¼; SE¼SW¼
Section 20: E½; W½W½; SE¼SW¼
Section 21: All
Section 22: SW¼; E½ lying South and West of the Southerly line of the right of way of the State Highway; and all that part of the NW¼ lying South and West of the Southerly line of the right of way of the State Highway
Section 25: E½; SW¼; NW¼, EXCEPT the right of way of the State Highway
Section 26: That part of the NE¼ and NE¼NW¼ lying North and East of the State Highway; W½NW¼; E½SE¼, and that part of the SE¼NE¼ lying South of U. S. Highway No. 26.
Section 27: S½NW¼; NW¼SW¼; N½NW¼; NE¼, EXCEPT, Beginning at the Southeast corner of said NE¼ and running thence West 660 feet; thence North 660 feet; thence East 660 feet; thence South 660 feet to the Point of Beginning.

Township 1 South, Range 33 E. B. M., Bingham County, Idaho
Section 28: S½NE¼; N½SE¼; N½N½
Section 29: W½W½; SE¼SW¼; SW¼SE¼
35-24N20 → Section 30: All lying North and East of the Northeasterly line of the right of way of the Union Pacific Railroad Company
Section 31: All that part of the N½ lying North and East of the Northeasterly line of the right of way of the Union Pacific Railroad Company
Section 33: N½NW¼; SE¼NW¼; SW¼; W½NE¼; SE¼
Section 34: SE¼; E½SW¼; W½SW¼
Section 35: S½; NE¼; E½NW¼; SW¼NW¼
Section 36: All

Township 2 South, Range 33 E. B. M., Bingham County, Idaho
Section 3: All lying North of the Old Arco Highway, EXCEPT the West 1200 feet thereof
Section 10: All lying North of the old Arco Highway

EXHIBIT A

Township 1 South, Range 32 E. B. M., Bingham County, Idaho

Section 14: S½

Section 15: SE¼SE¼; NE¼; N½SE¼, all that part of the NW¼ and all that part of the SW¼SE¼ lying North and East of the Northeasterly right of way line of the State Highway

Section 24: All

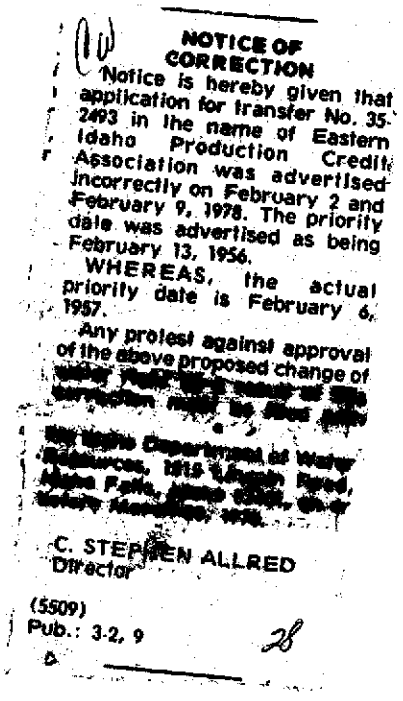
Section 25: That portion lying North of the Northeasterly line of the State Highway

Section 26: That portion of NE¼NE¼ lying North of the Northeasterly line of the State Highway, EXCEPT: Commencing at the common corner of Sections 23, 24, 25 and 26 in Township and Range aforesaid; thence on a bearing North 89° 56' West 91.4 feet; thence South 33° 24' West 935.5 feet to the Point of Beginning; thence South 33° 24' West 100 feet; thence South 56° 36' East 150 feet along the highway right of way; thence North 33° 24' East 100 feet; thence North 56° 36' West 150 feet to the Point of Beginning.

RECEIVED

MAR 14 1978

Department of Water Resources
Eastern District Office



NOTICE OF CORRECTION

Notice is hereby given that application for transfer No. 35-2493 in the name of Eastern Idaho Production Credit Association was advertised incorrectly on February 2 and February 9, 1978. The priority date was advertised as being February 13, 1956.

WHEREAS, the actual priority date is February 6, 1957.

Any protest against approval of the above proposed change of

[redacted]

[redacted] Department of Water Resources, [redacted] Falls, Idaho [redacted]

C. STEPHEN ALLRED
Director

(5509)
Pub.: 3-2, 9

AFFIDAVIT of PUBLICATION

County of Bingham)
)ss.
State of Idaho)

I, David Mark Brown do solemnly

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

of publication was published in said issue or said

newspaper two consecutive weeks,

the first publication having been made on the

2nd day of March, 19 78,

and the last publication having been made on the

9th day of March, 19 78;

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

David Mark Brown

Subscribed and sworn to before me this 13th

day of March, 19 78.

Patricia H. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1980

FEB 3-4 1978

Department of ... Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
) ss.
State of Idaho)

I, David Mark Brown do solemnly swear that I am the Publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thur. of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said Thurs issue of said newspaper two consecutive weeks, the first publication having been made on the 2nd day of Feb., 19 78, and the last publication having been made on the 9th day of Feb., 19 78; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 9th. day of Feb., 19 78.

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1976

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 35-2493

Notice is hereby given that Eastern Idaho Production Credit Association, Blackfoot, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of a ground-water source. The right sought to be changed is evidenced by License No. 35-2493 and is recorded as follows:

AMOUNT:
4.04 c.f.s.

PRIORITY:
February 13, 1956

POINT OF DIVERSION:
NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County.

The water is used to irrigate 216 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate lands within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T. 1S, R. 33E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before February 20, 1978.

C. STEPHEN ALLRED
Director

(5468)
Pub.: 2-2, 9

47

The Connecticut Mutual

LIFE INSURANCE COMPANY

Established in 1840 *Hartford, Connecticut*

MORTGAGE DEED

This mortgage made this 16th day of November in the year 70 between

...whether one or more ...and **The Connecticut Mutual Life** ...

...THREE HUNDRED NINETY THOUSAND and ...

...Dollars ($ 390,000.00 ...

...acknowledged, has granted ...

...into the said Mortgagee ...

...

35 249

TOGETHER with all right, title and interest in and to those certain motors, pumps and irrigation equipment, more particularly described as follows:

(a) One Layne Bowler pump, Ser. # D 24551 and one G. E. Motor, 350 H. P., Serial number EEJ514009.

(b) One Layne Bowler pump, Ser. # D 24552 and one G. E. motor, 350 H. P., Serial number EEJ521018.

(c) One Layne Bowler pump, Ser. # D 24553 and one G. E. motor, 350 H. P., Serial number EEJ521019.

(d) One Layne Bowler pump, Ser. # D 24554 and one G. E. motor, 350 H. P., Serial number CAJ331011.

(e) One Layne Bowler pump, Ser. # 28400 and one motor, 150 H. P., Serial number PTJ 429001.

(f) One Layne Bowler pump, Ser. # 44153 and one motor, 150 H. P., Serial number (frame #) 1445.

(g) Sprinkler System Equipment including, but not limited to, the following:
1369' 12" 12 gage wrapped steel mainline.
9920' 10" 12 gage wrapped steel mainline.
9920' 8" 12 gage wrapped steel mainline.
9920" 6" 12 gage wrapped steel mainline.
1800' 6" 12 gage wrapped steel mainline.
1630' 6" and 8" 12 gage wrapped steel mainline.
64 - 1300 feet handlines 3" or greater w/sprinkler heads and cuplets.
9000' of aluminum mainline - 10" reducing to 6".
20 - 1300' of handlines 3" or greater in size w/sprinkler heads and cuplettes.

"This instrument is given and accepted upon the express provision that should the undersigned sell, divest, transfer, relinquish or lose their right, title or interest in the loan security, or any portion thereof during the term of this instrument, either voluntarily or by operation of law, without the written consent of the party hereby secured, then such secured party, at its option, may accelerate all or any part of the indebtedness secured hereby and thereafter enforce the collection thereof as herein provided or in any other manner provided by law."

Together with all and singular the buildings, structures, fences, pipes, pipe lines, tanks, dams, ~~[illegible]~~, pumps, pumping equipment and all other improvements and fixtures now or hereafter on or in said property, and ~~[illegible]~~ all water and water rights, ditches and ditch rights, flumes, aqueducts, canals, appropriations, franchises, ~~[illegible]~~ and all other rights and privileges owned by the Mortgagor, or belonging to, or with, leading to, connected with, or ~~[illegible]~~ used or enjoyed in connection with the said property, or any part thereof, whether or not hereinabove expressly mentioned or described, and all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof: **To have and To Hold** unto the Mortgagee, its successors or assigns, forever.

The condition of this conveyance is such that:

This Mortgage is given to secure the payment of a promissory note bearing even date herewith in the principal sum of ~~[illegible]~~ Dollars, executed by the Mortgagor and payable to the Mortgagee at its Home Office in instalments, the last of which shall be due and payable on January 1, 19~~[illegible]~~, with interest on said principal sum and on all unpaid balances thereof, all as provided in said note;

And Whereas, the Mortgagor has covenanted and agreed, and does hereby covenant and agree to and with the Mortgagee as follows:

That he has a valid and unencumbered title in fee simple to said property and all improvements thereon and has the right to convey the same; that he will not suffer or permit said property to become subject to any lien or encumbrance that shall have precedence of this Mortgage; that he will render such further assurance of said title as may be requested by the Mortgagee; that he will warrant and defend said title unto the Mortgagee against the claims and demands of all persons whomsoever; and that he will pay all of said sums of money specified in said note, promptly as they become due and all taxes, assessments and other charges that may be levied or assessed on said property and all taxes that may be levied or assessed upon this Mortgage or the holder of said note on account thereof, when and as the same shall become due and payable;

That he will keep the buildings and other improvements now or hereafter located upon said property continuously insured against loss or damage by fire and windstorm and against such other hazard or hazards as may reasonably be required from time to time by the Mortgagee, in a company or companies approved by the Mortgagee, and cause all policies of insurance to be so written that the loss, if any, covered by said policies, shall be paid to the Mortgagee, or its assigns, as their interests may appear, and deposit with the Mortgagee all of said policies, and that the Mortgagee may, at its option, cause or require additional insurance upon said property to be carried, but not exceeding the insurable value thereof, and the Mortgagor agrees to pay all premiums therefor;

That he will keep the buildings upon said lands continuously occupied and used, and will not permit the same to become vacant during the continuance of this Mortgage; that he will keep all improvements on the property in good repair;

Now, therefore, if the Mortgagor shall pay all and every sum of money specified in said note, and shall in all other respects fully carry out and comply with the covenants herein set forth and enumerated, this conveyance shall be void. But if the Mortgagor shall fail to pay any of said sums of money as specified, or any insurance premiums as hereinabove set forth, or any taxes, assessments or other charges of any nature whatsoever due or to become due upon the property hereby conveyed or upon any of the water rights hereby mortgaged, or in any other respect shall fail to comply with any of the covenants and agreements herein or in said note set forth, **then, as often as such failure of payment or breach of covenant shall occur, the Mortgagee may at any time thereafter declare the whole of the principal sum, or so much thereof as at the time of such declaration may remain unpaid, with all unpaid interest accrued thereon, together with all sums with interest** accrued thereupon paid by the Mortgagee under any agreement contained in this Mortgage, **to be at once due and payable, and the Mortgagee may at any time after such failure of payment or breach of covenant, as aforesaid, proceed to foreclose this Mortgage and to compel payment to be made of the full amount due and payable.**

The Mortgagor hereby further expressly agrees that if he shall fail to pay any taxes, assessments, insurance premiums or other charges payable by him as hereinbefore agreed, as and when the same shall become due and payable, or suffer said property to become subject to any lien or encumbrance having precedence to this Mortgage, as hereinbefore provided against, the Mortgagee may, at its option, make payment thereof and the amounts so paid, with interest thereon at the rate of ~~[illegible]~~% per annum, shall be added to and become a part of the debt secured by this Mortgage, without waiver, however, of any rights of the Mortgagee arising from the breach of any of said covenants.

In the event suit is instituted to foreclose this Mortgage, the Mortgagee may recover therein as attorney fees such sum as the court may adjudge reasonable in addition to the costs and disbursements allowed by the Code of Civil Procedure of the State of Idaho, together with the cost of any abstract of title or evidence of title procured and used in such proceeding and covering said property.

The Mortgagor agrees that in the event suit is instituted to effect such foreclosure, the Mortgagee shall, as a matter of right and without regard to the sufficiency of the security or of waste or danger of misapplication of any of the properties of the Mortgagor, be entitled forthwith to have a receiver appointed of all the property hereby mortgaged, and the Mortgagor hereby expressly consents to the appointment of a receiver by any court of competent jurisdiction and expressly stipulates, covenants and agrees that such receiver may remain in possession and control of the mortgaged property until the final determination of such suit or proceeding.

The rents, royalties, bonuses and benefits under any existing and/or future oil, gas or mineral lease of any of the property hereby conveyed are hereby assigned to the Mortgagee as additional security for the payment of the indebtedness hereby secured. The Mortgagor shall have the right to collect and retain such rents, royalties, bonuses and benefits until default hereunder or under the note hereby secured. In case of any such default, the Mortgagee is hereby granted the unconditional right and power, at its option, at any time while such default remains outstanding, to demand, receive and collect such rents, royalties, bonuses and benefits and apply same toward payment of the indebtedness hereby secured. The Mortgagee shall not be bound hereby to demand, receive or collect any of such rents, royalties, bonuses or benefits, and shall not be responsible for failure to exercise the rights hereby granted. Failure of the Mortgagee to exercise such rights after the happening of a default shall not be construed as a waiver of such rights in the event of a subsequent default.

The Mortgagor hereby further agrees, upon request by the Mortgagee, to assign to the Mortgagee, as additional and collateral security for the payment of the indebtedness hereby secured, any and all leases of the mortgaged property, or any part thereof, hereafter made, and that no such lease shall be assigned to any party other than the Mortgagee without first obtaining the written consent of the Mortgagee to any such assignment.

85 219

The Mortgagor hereby further mortgages, assigns and transfers to the Mortgagee all of his right, title and interest in and under the following described leases, permits and allotments, to-wit:

together with all renewals thereof and together with all buildings, structures, fences, windmills, pumps, pumping units, engines, pipe lines, wells, tanks, dams, reservoirs and other improvements [illegible] hereafter located on the lands covered by said leases, permits or allotments, or used [illegible] rights incident thereto or appurtenant thereto. The Mortgagor covenants that [illegible] leases, permits and allotments and that the same are free from encumbrances [illegible] procure renewals thereof upon or prior to the expiration date thereof and [illegible] necessary to effect an assignment or waiver of such renewals to the Mortgagee; [illegible] and perform all acts and things necessary to preserve and keep in good standing [illegible] renewals thereof; that he will take no action which would adversely affect any of his rights [illegible] under and that in the event of the foreclosure of this Mortgage, he will waive all claims for [illegible] such rights upon demand [illegible]

[illegible], shall at all times be operated in conjunction with the land hereby mortgaged and that neither shall be transferred to any other person separately from the other; and that, in case of the failure of the Mortgagor to pay all rents and other charges [illegible] leases, permits or allotments, the Mortgagee may, at its option, make payment thereof, and any amounts so paid, with interest thereon at the rate of 8% per annum, shall be a part of the principal debt, and shall be secured by this Mortgage and a lien on the fee owned property hereby mortgaged.

The Mortgagor further covenants and agrees that in the event title in fee simple to any of the lands covered by the aforesaid leases, permits or allotments shall hereafter be acquired by the Mortgagor, it is understood and agreed that [illegible] such acquisition, become subject to the lien of this Mortgage to the same extent as though such lands had originally been included herein as part of the fee owned lands hereby mortgaged, and, further that all of the terms, covenants, conditions, and stipulations of this Mortgage applicable to the fee owned lands hereby mortgaged, shall extend and be applicable to any such lands hereafter so acquired.

It is mutually understood and agreed that all words used in the singular number in this Mortgage shall be deemed to include the plural and the masculine gender shall include the feminine and/or neuter, as the context may require. It is further understood and agreed that all of the provisions hereof shall extend to and be binding upon the Mortgagor and the heirs, devisees, personal representatives, successors and assigns of the Mortgagor, and shall inure to the benefit of the Mortgagee, and its successors or assigns.

In Tetimony Whereof, JOHN HOUTMAN and GLADYS HOUTMAN, husband and wife, hereinabove designated as the mortgagor, have hereunto set their hands and seals on the day and year first hereinabove written.

Executed in the presence of:

John Houtman (SEAL)

Gladys Houtman (SEAL)

35 2493

State of Idaho
County of Bingham

On this 30 day of December, 19 70
before me, the undersigned, a Notary Public in and
for the County of Bingham, State of Idaho, personally appeared
[illegible] and [illegible],

the signers of the above instrument, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission Expires:

Notary Public in and for the County of Bingham, State of Idaho.

Residence of Notary Public: Blackfoot Idaho

STATE OF IDAHO)
County of Bingham) : ss.

I certify the foregoing to be a true and correct copy of the original on file and of record in the Office of the Clerk and Ex-officio Recorder of Bingham County, Idaho

Dated DEC 16 1970

GRACE WILLIAMS
Clerk and Ex-officio Recorder
By [illegible] Deputy

State of Idaho
County of ..... } ss.

On this ..... day of .....
before me ....., a Notary Public in and
for the County of ....., State of Idaho, personally
appeared ..... and .....,
husband and wife, the signers of the above instrument, known to me to be the persons whose names are subscribed to

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission Expires:

Notary Public in and for the County of
....., State of Idaho.

Residence of Notary Public:

15[illegible] 35 243

7815

State of Idaho
License and Certificate of Water Right

Water License No. G-26746 Amount 4.04 c.f.s.

Water District No. Priority Feb. 6, 1957

THIS IS TO CERTIFY that ROBERT C. RHEAD

of Moreland, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 6, 19 57; that Permit No. G-26746 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.04 second feet, was issued thereunder on February 13, 19 64, showing that said works were completed on the 6th day of February, 1962; and that on the 6th day of February, 19 62,

ROBERT C. RHEAD

of Moreland, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-26746 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7815, on the 13 day of February, 19 64;

The right hereby confirmed dates from February 6, 19 57;

The Point of Diversion is located

in the NE ¼ SW ¼, Sec. 22, Tp. 1 S, R. 33 E., B. M. County Bingham

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.04 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	33 E	22	NE¼ SE¼	20	20
			NW¼ SE¼	40	20
			SW¼ SE¼	40	30
			SE¼ SE¼	40	20
		26	NW¼ NW¼	40	40
			SW¼ NW¼	40	40
		27	NE¼ NE¼		30
			NW¼ NE¼		30
			SW¼ NE¼		20
			SE¼ NE¼		30
			NE¼ NW¼		15
			Total number of acres to be irrigated:		295

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13th day of February, 1964.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

35 2493

+7816

State of Idaho
License and Certificate of Water Right

Water License No. 23229 Amount 1.4 c.f.s.

Water District No. Priority November 10, 1952

THIS IS TO CERTIFY that WILLIAM HILL of Leadore, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 10, 1952; that Permit No. 23229 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.0 second feet, was issued thereunder on November 10, 1955, showing that said works were completed on the 7th day of November, 1955; and that on the 15th day of November, 1957, WILLIAM HILL of Leadore, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Eight Mile Creek, a tributary of Lemhi River, for the purpose of irrigation and domestic use, under Use Permit No. 23229 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7816, on the 19 day of February, 1964;

The right hereby confirmed dates from November 10, 1952;

The Point of Diversion is located in the NW ¼ NW ¼, Sec. 8, Tp. 15 N., R. 25 E., B. M. Lemhi County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N.	25 E.	34	$NE\frac{1}{4}$ $NE\frac{1}{4}$	40	35
			$NW\frac{1}{4}$ $NE\frac{1}{4}$	40	35
			Total number of acres to be irrigated:		70

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 19th day of February, 1964.

/s/ RALPH W. THOMAS
State Reclamation Engineer.

(SEAL)

Connecticut Mutual Life Insurance Co.
Ida. Mortgage Loan Co.

G- 26746

APPLICATION FOR PERMIT

35- 2493

To Appropriate the Subterranean Waters of The State of Idaho

Kerr & Williams, Attorneys
Blackfoot, Idaho

Application No. G- 34638
Permit No. G- 26746
District No.

1. Name of Applicant: ROBERT C. RHEAD

   Postoffice address: P. O. Box 89, Moreland County: Bingham State: Idaho

2. Quantity of water claimed: 6.8 cubic feet per second

   (a) Rate of withdrawal in cubic feet per second. 6.8 or Idaho Miners' inches 340 or gallons per minute.

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Drilled well

4. Location of point of diversion or well is in the SE ¼ of the NW ¼ of Section 22 Twp. 1 S., , Rge. 33 E., , B.M., County of Bingham

5. Water is to be used for: Farm Irrigation

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

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B.M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.

7. Kind of works: Pump, ditches and sprinkler system for 160 acres

8. Estimated cost of works: $ 25,000.00

9. (a) Is reservoir to be used? No.

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

Remarks:

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/ Robert C. Rhead *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 9:15 A. M. February 6, 1957

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26746

Recorded in Book 94 Page 26746 Approved February 8, 1957

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 August 8, 1959

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 8, 1962

Witness my hand this 8th day of February, 1957

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 8th day of February, 19 57.

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG
Secretary of State.

By ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
1 S.	33 E.	22		20			20	40	40	40	40				20	40	40	40	340

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF
THE STATE OF IDAHO, No. G-26746

Comes now Robert C. Rhead and represents to the State Reclamation Engineer of the State of Idaho; That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26746. That the point of diversion is described in said permit as being located SE¼NW¼ of Section 22, Township 1 South, Range 33 East, B. M. That he now requests that the point of diversion be changed to a point located NE¼SW¼ of Section 22, Township 1 South, Range 33 East, B. M. That his reasons for desiring to make such change are as follows: The ground was higher and was easier to get more of the ground under irrigation. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 21st day of November, 1957

/s/ Robert C. Rhead

Date of receipt at Department of Reclamation November 21, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, E. N. Humphrey, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No.G-26746. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ E. N. Humphrey
Deputy State Reclamation Engineer

Recorded: November 21, 1957

G-26746

Application for Amendment
LAND LIST
Permit No. G-26746

Comes now ROBERT C. RHEAD, and represents to the STATE RECLAMATION ENGINEER of the State of Idaho: That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26746, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

E½ of Section 22, lying South and West of the Southerly line of the State Highway; the West half of the Northwest quarter of Section 26; the Northeast quarter of Section 27, except: Beginning at the SE corner of the NE¼ of Sec. 27; thence West 660 feet, thence North 660 feet, thence East 660 feet, thence South 660 feet to th e point of beginning, containing 10 acres, more or less; and the NE¼NW¼ of Sec. 27; all in Township 1 South, Range 33, E.B.M. in Bingham County, Idaho, making a total of approximately 420 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Blackfoot, Idaho this 29th day of December, 1961

/s/ Robert C. Rhead

Date of receipt at office of Department of Reclamation: January 5, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralpn W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-26746. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: January 5, 1962

Permit No. G-26746
CERTIFICATE OF COMPLETION OF WORKS

TO WHOM IT MAY CONCERN:

This is to certify that ROBERT C. RHEAD of Moreland, County of Bingham, and State of Idaho, the holder of Permit No. G-26746, issued upon Application No. G-34638 bearing date of priority of February 6, 1957, authorizing the diversion of 6.8 second feet of waters of a well, County of Bingham, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.04 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NE¼ SW¼, Sec. 22, T. 1 S., R. 33 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

295 acres in SE¼, Sec. 22, W½NW¼, Sec. 26; NE¼, NE¼NW¼, Sec. 27, T. 1 S., R. 33 E., B.M.

Witness my hand this 13th day of February, A. D. 1964

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: February 6, 1962

LICENSE ISSUED FOR 4.04 SEC. FT.
page 7815

Form 238-7
6/93

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

35-96-E-0010-000 Transfer No. 4752

1. DRILLING PERMIT NO. _____
Other IDWR No. Water right #'s 35-02493 / 35-07773

2. OWNER:
Name Delwyn V. Ellis, Shawn D. Ellis
Address 904 W. 200 N.
City Blackfoot State Idaho Zip 83221

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 01S North ☐ or South ☐
R. 33E East ☐ or West ☐
Sec. 22, SW 1/4 (10 acres) SE 1/4 (40 acres) 1/4 (160 acres)
Gov't Lot _____ County Bingham County

Address of Well Site ¼ mile South on Willow Rd. off ~~Hwy~~ Arco Hwy.
(Give at least Direction + Distance to Road or Landmark)

Lot No. _____ Block No. _____ Subd. Name _____

4. PROPOSED USE:
☐ Domestic ☐ Municipal ☐ Monitor ☑ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK
☐ New Well ☐ Modify or Repair ☑ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☐ Air Rotary ☑ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentinite	0	8	300#	Pour in from Surface

Was drive shoe seal tested? Y☐ N☐ How? _____

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
16"	0	8	.250	X		☑	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

RECEIVED
MAY 1 - 1996
Department of Water Resources

Final location of shoes _____
Top Packer or Headpipe _____ Bottom Tailpipe _____

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
None						☐	☐
						☐	☐
						☐	☐

RECEIVED
APR 22 1996
Department of Water Resources
Eastern Region

10. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time

Temperature of water _____ Was a water analysis done? Yes ☐ No ☑
By whom? _____
Water Quality (odor, etc.) Very clean no odor
Bottom Hole Temperature _____

11. STATIC WATER LEVEL:
205 ft. below surface Depth artesian flow found _____
Artesian pressure _____ lb. Describe access port _____
Describe Controlling Devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
16"	0	3	Top Soil clay		
"	3	25	broken lava rock		
	25	67	Black lava		
	67	70	Loose broken lava rock		
	70	76	Grey brown clay		
	76	94	Black lava		
	94	98	Red + Black cinders		
	98	103	Brown clay		
	103	170	Black & red lava		
	170	187	Reddish grey lava (hard)		
	187	194	Red + Black cinders		
	194	205	Rusty colored brown clay		
	205	210	Black lava		205
	210	216	Broken lava w/pockets of brown clay		"
	216	232	Black lava		"
	232	235	Black lava + red cinders		"
	235	270	Black lava		"
	270	275	Black lava + red cinders		"
	275	281	Black lava		"
	281	285	Broken Blk lava last cutting (H_2O)		205
	285	287	Black Sand		
			Gravel Packed well to 281		

Date: Started 3-10-96 Completed 4-8-96

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name L. W. Frandsen & Sons Well Drilling Firm No. 354
Firm Official L. W. Frandsen Date 4/15/96
and
Supervisor or Operator Richey Frandsen Date 4-15-96
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 27, 1996

DELWYN ELLIS
SHAWN D ELLIS
904 W 200 N
BLACKFOOT ID 83221

RE: Transfer of Water Right Nos. 35-02493 and 35-07773

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4752). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

MEMORANDUM

TO: FILE NOS. 35-02493 & 35-07773

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4752

DATE: February 26, 1996

==========

Transfer No. 4752 was filed to add a second point of diversion under Right Nos. 35-02493 and 35-07773. The transfer also changes the licensed recorded place of use under 35-02493 to reflect the current use of the right as combined with Right No. 35-07773. Right No. 35-02493 will irrigate 295.0 acres within the 318.0 acre place of use described.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements, irrigation overlap, multiple points of diversion/measuring devices, future annual reporting, permissible place of use, combined limits and standard transfer conditions.

MICROFILMED

MAR 08 1996

TRANSFER REVIEW SHEET
(04-95)

Transfer # 4752 **Date Reviewed** 02-26-96 QS

Right(s) 35-02493
35-07773

✓ **Print Split Summary** ✓ **Run POU Comparison Report**

B:Change P/D **C:**Add P/D **D:**Change P/U **E:**Change Nature of Use
F:Change Period of Use **G:**Other **H:**Change P/D & Add P/D
I:Change P/D & P/U **(J):**Add P/D & Change P/U 35-02493

Proof of Ownership '95 tax notices cover P/U in the name of Eastern ID Production Credit Assoc C/O Ellis, Delwyn & Barbara - Corp. Warranty Deed to Ellis 10-27-95

Transfer ✓ **All of Right** ____ **Portion of Right**
Resulting Split(s) NONE

Check Transfer Against Right **Season/Vol.** C/4.0

(1) ✓ **Priority** **(2)** ✓ **Use** **(3)** ___ **Season** **(4)** ✓ **Rate** **(5)** ___ **Volume**

(6) ✓ **Source** **(7)** ___ **P/D** **(8)** ___ **P/U** **(9)** ✓ **Proof/Owner** **(10)** ✓ **Map**

(11) No **Water District** **(12)** Yes **Pertinent Conditions** (IRR Overlap) **(13)** No **Expansion** (Limit Acres + combined rts.)

(3) Standard Season 04-01 to 10-31 / Reduce 1 Day
(5) Standard VOL = (2493) 4 x 295 = (1180 afa) < 4.04 x 214 x 1.9835 = 1714.9 afa
(7773) 4 x 318 = 1272 afa > 1.51 x 214 x 1.9835 = (662.2 afa)
(7) Add 2nd P/D
(8) Change P/U under 35-02493 to reflect same acres as 35-07773 - PP/U
Reflects single combined sytem

Advertising, Application or Review do not address change in P/U.
Skip @ Region confirms change as current use per applicants & "R" records.

Transfer Remarks PP/U 35-02493/295 Acres WBH Combined Limits - 318 Acres/1272 afa
Conditions 046, 028, R31, T07, T08, T09, T17

Database/Processing Notes T files ✓ JC 2/27/96
Special Edit * Div Rate & VOL totals = Conditions - PP/U * Acres (See Profile)

WR_Reports File ____ **Transfer Memo Complete** ✓

Affidavit of Advertisement Rcvd. ____

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DELWYN V ELLIS	02/06/1957	IRRIGATION	04-01	10-31	4.040 CFS	1180.00 AFA
C	SHAWN D ELLIS 904 W 200 N BLACKFOOT ID 83221 (208) 684-4936				TOTAL DIVERSION:	4.040 CFS	1180.00 AFA
					TRANSFER - TOTALS	** 5.60 CFS ** 1272.0 AFA	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T01S R33E S22 NESW BINGHAM County
S27 SENE BINGHAM County

Place of use Legal Description for: IRRIGATION

	NE								NW								SW								SE					
	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		SUM
01S 33E 22					01																				26	35	40		34			136.0
01S 33E 26											26		39																			65.0
01S 33E 27	37		40		20		20																									117.0
																															TOTAL ACRES **	318.0

Pou County: BINGHAM

Other Water Rights with Same Point(s) of Diversion and Source:
35-02493 35-07773 T35-07773

Other Water Rights Listing Overlapping Place(s) of use:
35-02493 35-07773 35-09030 T35-07773

Conditions of Approval:

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

028 - After specific notification by the department, the right holder
- shall annually report the amount of water diverted to the
- department.

T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.

T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

T17 - Prior to diversion of water under this approval, the right holder
- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow

Conditions of Approval:

- determination of the total rate of diversion.

Remarks: * The total instantaneous diversion of water from all points of diversion under Transfer No. 4752 shall not exceed 5.60 cfs, nor total combined annual volume of 1,272.0 af.
Combined Right Nos. 35-02493 and 35-07773 shall not exceed total combined irrigation of 318.0 acres within a single irrigation season.
* * Right No. 35-02493 is limited to the irrigation of 295.0 acres in the place of use described above in a single irrigation season.

Dates:	App. Received:	Priority Date:	02/06/1957
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date: 08/07/1979		

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/23/1996 User-ID: SCURTIS Subject: TRANSFER NO. 4752
Trans. #4752 was filed to add a point of diversion under Right Nos. 35-02493 and 35-07773. The transfer also changes the place of use under Right No. 35-02493 to a permissible place of use within the place of use described under Right No. 35-07773.

Audit: 01/11/96 RBODELL 02/23/96 SCURTIS 02/23/96 SCURTIS 02/26/96 PSKAGGS

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	SHAWN D ELLIS	01/24/1978	IRRIGATION	04-01	10-31	1.560 CFS	662.20 AFA
C	DELWYN V ELLIS						
	904 W 200 N			TOTAL DIVERSION:		1.560 CFS	662.20 AFA
	BLACKFOOT ID 83221						
	(208) 684-4936						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T01S R33E S22 NESW BINGHAM County
S27 SENE BINGHAM County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
01S	33E	22			01										26	35	40	34	136.0
01S	33E	26						26	39										65.0
01S	33E	27	37	40	20	20													117.0
																	TOTAL ACRES		318.0

Pou County: BINGHAM

Other Water Rights with Same Point(s) of Diversion and Source:
35-02493 35-07773 T35-02493

Other Water Rights Listing Overlapping Place(s) of use:
35-02493 35-07773 35-09030 T35-02493

Conditions of Approval:

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

028 - After specific notification by the department, the right holder
- shall annually report the amount of water diverted to the
- department.

T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.

T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

T17 - Prior to diversion of water under this approval, the right holder
- shall provide a means of measurement acceptable to the Department
- from all authorized points of diversion which will allow

Conditions of Approval:

- determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4752 shall not exceed 5.60 cfs, nor total combined annual volume of 1,272.0 af. Combined Right Nos. 35-02493 and 35-07773 shall not exceed total combined irrigation of 318.0 acres within a single irrigation season.

Dates:	App. Received:	01/24/1978	Priority Date:	01/24/1978
	Proof Due Date:	03/01/1983	Proof Made Date:	12/29/1982
	Exam Made Date:	07/31/1985	Exam Sent to S.O.:	
	Licensed Date:	04/06/1987		

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/23/1996 User-ID: SCURTIS Subject: TRANSFER NO. 4752
Trans. #4752 was filed to add a point of diversion under Right Nos. 35-02493 and 35-07773. The transfer also changes the place of use under Right No. 35-02493 to a permissible place of use within the place of use described under Right No. 35-07773.

Audit: 01/11/96 RBODELL 02/23/96 SCURTIS 02/23/96 SCURTIS 02/26/96 PSKAGGS

WR0750NP
(OD-12)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 02/23/96
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE								NW								SW								SE							
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
WR-NUMBER	SOURCE	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
T3502493	T01S R33E S22	GROUNDWATER																																
							01			Proposed Transfer P/U																26	35	40	34					136
3502493	GROUNDWATE									Original Licensed P/U																20	20	30	20					90
A3502493	GROUNDWATE																									20	20	30	20					90
R3502493	GROUNDWATE						01																			26	35	40	34					136
3507310A	GROUNDWATE												32		28			38	34															132
A3507310B	GROUNDWATE									05			40		40			40	40	30														195
R3507310B	GROUNDWATE												32		28			38	34															132
3507773	GROUNDWATE						01																			26	35	40	34					136
A3507773	GROUNDWATE						01																			26	35	40	34					136
R3507773	GROUNDWATE						01																			26	35	40	34					136
T3507773	GROUNDWATE						01																			26	35	40	34					136
A3507775B	GROUNDWATE									05			40		40			40	40	30														195
3508708	GROUNDWATE							03																										3
3509030	GROUNDWATE			16		13																												29
--86 MAP--	C11Q-Y 88	02		01		03				30		40		39		36		37		41		40		36		26		35		40		37		443
T3502493	T01S R33E S26	GROUNDWATER																																
												26	39																					65
3502202A	GROUNDWATE																	40	35	40	40						20	20						195
A3502202A	GROUNDWATE					13									10			40	35	40	37						40	40						255
R3502202A	GROUNDWATE					15									10			40	35	39	37						40	40						256
A3502384	GROUNDWATE																															20		20
R3502384	GROUNDWATE																															07		7
3502493	GROUNDWATE											40	40																					80
A3502493	GROUNDWATE											40	40																					80
R3502493	GROUNDWATE											26	39																					65
3502722	GROUNDWATE																									37						16		53
A3502722	GROUNDWATE																									37						16		53
R3502722	GROUNDWATE							10																		37						10		57
A3507092	GROUNDWATE																															20		20
R3507092	GROUNDWATE																															07		7
3507095A	GROUNDWATE							18																		37						39		94
A3507095E	GROUNDWATE							14																		37						18		69
R3507095E	GROUNDWATE							10																		37						10		57
3507773	GROUNDWATE											26	39																					65
A3507773	GROUNDWATE											26	39																					65
R3507773	GROUNDWATE											26	39																					65
T3507773	GROUNDWATE											26	39																					65
3507778	GROUNDWATE							18																								23		41
A3507778	GROUNDWATE							18																								23		41
R3507778	GROUNDWATE							18																								23		41
A3513030	GROUNDWATE					13									10			40	35	40	37						40	40						255
R3513030	GROUNDWATE					15									10			40	35	39	37						40	40						256
--86 MAP--	C11Q-Y 88					22		15				15		38		23		39		38		39		38		38		41		38		30		414

No Other Overlapping Qtrs. / Changes licensed P/U under 35-02493 to permissible place of use under 35-07773 P/U.
T#4752

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE				NW				SW				SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
WR-NUMBER	SOURCE	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
T3502493	T01S R33E S27 GROUNDWATER																	
	:	37	40	20	20	:			:				:				:	117
3502202B	GROUNDWATE :					:			:	30			30	: 35	40	40	40	: 215
A3502202B	GROUNDWATE :					:			:	30			30	: 35	40	40	40	: 215
R3502202B	GROUNDWATE :					:			:	30			30	: 35	40	40	40	: 215
3502391	GROUNDWATE :					:		39	40	:	39		:				:	118
R3502391	GROUNDWATE :					:		39	40	:	39		:				:	118
3502493	GROUNDWATE :	35	35	25	30	:			:				:				:	125
A3502493	GROUNDWATE :	35	35	25	30	:			:				:				:	125
R3502493	GROUNDWATE :	37	40	20	20	:			:				:				:	117
3502756	GROUNDWATE :					:			:			40	:				:	40
A3502756	GROUNDWATE :					:			:			40	:				:	40
R3502756	GROUNDWATE :					:			:			39	:				:	39
A3507099	GROUNDWATE :					:			:			40	:				:	40
R3507099	GROUNDWATE :					:			:			39	:				:	39
3507773	GROUNDWATE :	37	40	20	20	:			:				:				:	117
A3507773	GROUNDWATE :	37	40	20	20	:			:				:				:	117
R3507773	GROUNDWATE :	37	40	20	20	:			:				:				:	117
T3507773	GROUNDWATE :	37	40	20	20	:			:				:				:	117
3507777	GROUNDWATE :					:		39	40	:	39		:				:	118
R3507777	GROUNDWATE :					:		39	40	:	39		:				:	118
R3512226	GROUNDWATE :					:			:	30			30	: 35	40	40	40	: 215
--86 MAP--	C11Q-Y 88 :	38	41	40	40	: 35	40	39	38	: 41	39	39	32	: 40	38	40	37	: 617

WATER RIGHT NUMBER	NAME	CFS
35-02493	EASTERN IDAHO PRODUCTION CREDIT ASSN.	4.04

T#4752

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

WATER RIGHT NUMBER	NAME	CFS
35-07773	EASTERN IDAHO PRODUCTION CREDIT ASSN.	1.56

T #4752

Form 222a
6/78

1-9-96
to
1-10-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: H. Taylor 1-10-96

1. Right number 35-7123,-02493 Applicant Delwyn Ellis

2. Type of right: ☐ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☐ Other _____

4. Check:
   a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
   b. ☒ Description of original point of diversion.
   c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:
   a. ☒ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☒ Check description of point(s) of diversion.
   d. ☒ Check description of place of use.
   e. ☒ Check map (shows p.d. and p.u. after transfer).
   f. ☒ Check for correct signature, notarization, and fee.
   g. ☒ Check proof of ownership of right &/or land from which water is transferred.
   h. ☒ Check for expansion in use of right. Comments NO EXPANSION
   i. ☒ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) N/A
   j. ☒ Is use within a Watermaster District? ☐ Yes (☒ No)
      If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
   APP 2-20-96
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

RECEIVED
FEB 23 1996
Department of Water Resources

4. By RDC Date 2/21/96

Copy Ad to SO 1-23-96

** All uses within Watermaster Districts require special conditions.*

DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4752

Notice is hereby given that Delwyn V. or Shawn D. Ellis, 904 W. 200 N., Blackfoot, Idaho, 83221, has applied to the Department of Water Resources to add a point of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by licenses and recorded as follows:

License No.: 35-07773
Source: Groundwater
Amount: 1.56 cfs
Priority: 01/24/1978
Point(s) of Diversion: NESW, Sec. 22, T01S, R. 33E, Bingham County.
The water is used for irrigation of 318 acres from 04/01 to 11/01 within the SWNE, SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, Sec. 27, T01S, R. 33E, B.M.

License No.: 35-02493
Source: groundwater
Amount: 4.04 cfs
Priority: 02/06/1957
Point(s) of Diversion: NESW, Sec. 22, T01S, R 33E, Bingham County.
The water is used for irrigation of 295 acres from 04/01 to 11/01 within the SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, Sec. 27, T 01S, R. 33 E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESW, Sec. 22, SENE, Sec. 27, T01S, R33E, Bingham County, located between 1500 & 1400 West and 700 & 900 North.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, together with a protest fee of $25 on or before February 20, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(2756)
Pub.: 2/1, 8

RECEIVED
MAR 08 1996
FEB 28 1996
Department of Water Resources
Eastern District Office

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)
ss
State of Idaho)

I, Jacqueline Graham do solemnly Legal

swear that I am the Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive weeks the first publication having been made on the 1st day of Feb, 1996 and the last publication having been made on the 8th day of Feb, 1996, that said notice was published in the regular and entire isue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Jacqueline Graham

On this 16th day of Feb, in the year 1996, before me a Notary Public of said State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that _ he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
November 10, 2000

Affidavit Processing Fee..... $5.00

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4752

Notice is hereby given that Delwyn V. or Shawn D. Ellis, 904 W. 200 N., Blackfoot, ID 83221, has applied to the Department of Water Resources to add a point of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by licenses and recorded as follows:

License No.: 35-07773 Source: groundwater
Amount: 1.56 cfs Priority: 01/24/1978
Point(s) of Diversion: NESW, SEC 22, T01S, R33E, Bingham County
The water is used for irrigation of 318 acres from 04/01 to 11/01 within the SWNE, SE1/4, SEC 22, W1/2NW1/14, SEC 26, NE1/4, SEC 27, T01S, R33E, B.M.

License No.: 35-02493 Source: groundwater
Amount: 4.04 cfs Priority: 02/06/1957
Point(s) of Diversion: NESW, SEC 22, T01S, R33E, Bingham County
The water is used for irrigation of 295 acres from 04/01 to 11/01 within the SE1/4, SEC 22, W1/2NW1/14, SEC 26, NE1/4, SEC 27, T01S, R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESW, SEC 22, SENE, SEC 27, T01S, R33E, Bingham County, located between 1500 & 1400 West and 700 & 900 North.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of $25 on or before February 20, 1996 . The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Morning News on February 1 & 8, 1996.

MAR 08 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 1996

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, 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 February 20, 1996.

Yours truly,

Rita Bodell
Secretary

Enc.

MAR 0 8 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 1996

DELWYN V OR SHAWN D ELLIS
904 W 200 N
BLACKFOOT ID 83221

RE: Notice of Application for Transfer No. 4752

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Blackfoot Morning News on February 1 & 8, 1996. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones rb
Harold W. Jones
Water Right Supervisor

HWJ/rb

MAR 0 8 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

October 4, 1988

Blaine Larsen
Box 188
Hamer, ID 83425

Dear Mr. Larsen:

Enclosed are the copies of the transfers and amendments which were approved by order of the director on September 7, 1988.

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

Sincerely,

SHARLA CURTIS
Water Rights Processing Clerk

Enclosures

cc: Eastern Idaho Production Credit Assn.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

September 9, 1988

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

Blaine Larsen
Box 188
Hamer, ID 83425

Dear Mr. Larsen:

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

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

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

Enclosure

cc: See Certificate of Mailing on Order

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United States Department of the Interior
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
230 Collins Road
Boise, Idaho 83702

RECEIVED
JUL 19 1988
Department of Water Resources

July 14, 1988

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

Dear Mr. Foster:

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

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

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

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

Sincerely,

Jerry L. Hughes
District Director

Enclosure

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

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NOV 22 1988

JLH/mrl

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
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

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

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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 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.	WITHDRAWAL OF PROTEST

The protestants, Owsley Canal Company, Jacket Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Monteview 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

1148g/kwf/jpr
2 - WITHDRAWAL OF PROTEST

LAW OFFICES
GIVENS, MCDEVITT, PURSLEY, WEBB & BUSER

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

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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492

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JUN - 3 1988
Department of Water Resources

June 3, 1988

Via Hand Delivery

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

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)

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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 DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

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

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.

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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.

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DATED this 31 day of June, 1988.

Jeffrey C. Fereday

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

NOV 22 1988

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 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

[redacted]

NOV 22 1988

JUN - 3 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.	STIPULATION AND WITHDRAWAL OF PROTESTS

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

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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 21 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 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

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NOV 22 1988

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.

Ilene Cameron

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

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

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

June 2, 1988

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

Dear Mr. Hughes:

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

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

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EXHIBIT A

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

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

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

Sincerely,

U.S. Fish and Wildlife Service

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

Idaho Department of Fish and Game

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

Blaine Larsen, Blaine Larsen Farms and Larsen of Idaho

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

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FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☑ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0226	Blaine Larsen P.O. Box 1887 Jerome	.25	.85					90			Larsen Brothers
2	0227	East Id. Prod. Credit Assoc. Soc. P.O. Box 1667										"
3	0228	Jim Hansen, P.O. Box 2720, Boise										
4	0229	Kent Foster, P.O. Box 50130, D.F.										
5	0230	Herb Pollard, 1515 Lincoln, D7.										
6	0231	Ronald Swan, 500 NE Multnomah Portland, Or.										"
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8		6@ $2.00 =	12.00									
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IDAHO FALLS, ID EAGLE ROCK ANNEX JUN 20 1988 USPS

Department of Water Resources

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PS Form 3877, May 1985

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. G.P.O. 1985-478-804

BDF

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

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

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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 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

RONALD D. CARLSON
Eastern Reginal Manager

MICROFILMED
NOV 22 1988

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

COLLEEN WRAY
Adm. Secretary
Department of Water Resources

MICROFILMED
NOV 22 1988

[redacted]

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0214 ✓	Elaine Larsen PO Box 188 Homer	.45	.85					.90			Hearing Notice
2	0215 ✓	Eastern Id Prod Cl Assoc, Pocatello 223 S Garfield										
3	0216 ✓	Jim Jansen Jeff Sunday PO Box 2720 Boise										
4	0217 ✓	Bert Foster PO Box 5130 97.										
5	0218 ✓	Herbert Pollard, 515 Lincoln, Jr.										
6	0219 ✓	Robert Law Y+W Ser. 500 NE Multnomah #1692 Portland, Or.										
7				.85	.20	= 13.20						
8			6 @ .45									
9												
10												
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12												
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14												
15												

FALLS, IDEAGLE ROCK ANNEX STA. MAY 27 1988 ID

NOV 22 1988

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*
6	SIX	

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.

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

PS Form 3877, May 1985

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. G.P.O. 1985-478-804

RECEIVED
MAY 31 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 EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION	HEARING NOTICE

Blaine Larsen, Blaine Larsen Farms, and Larsen of Idaho; and Eastern Idaho Production Credit Association filed the above referenced applications to transfer the public waters of the State of Idaho and proposing the amendment of two water right permits. On May 2, 1988, the Department received a protest against approval of said applications from Kent W. Foster, Attorney at Law, in behalf of the Owsley Canal Company, Jackett Canal Company, Holley Water Users Association, Jefferson Irrigation Company, Producers Canal Company, Monteview 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

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NOV 22 1988

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

Date this 27th day of May, 1988.

RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED
NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

May 11, 1988

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

MICROFILMED
NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 11, 1988

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

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

RECEIVED
NOV 22 1988

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, 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	)	STIPULATION

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.

_____

_____

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NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

May 2, 1988

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.

MICROFILMED
NOV 22 1988

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

MICROFILMED
NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

May 2, 1988

RE: Applications for Transfers No. 35-2493/35-7773, 35-7162, 35-2242, 35-7161

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

Gentlemen:

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 sheduled 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

MICROFILMED
NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

May 2, 1988

RE: Applications for Transfers Nos. 35-7161, 35-2242, 35-7162, 35-2493/35-7773 - EASTERN IDAHO PRODUCTION CREDIT ASSOC.

Applications for Transfers Nos. 35-7222 & 31-7034H - BLAINE LARSEN

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 sheduled for May 5, 1988, will serve to hear the protests of the applications listed above.

MICROFILMED
NOV 22 1988

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

MICROFILMED
NOV 22 1988

INTER-DEPARTMENT MEMO — 1

FROM Deena

DATE 4-20-88

TO Blaine Larsen & Eastern ID Production Credit Assoc. files

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

proofed advertising over phone with Jana from Post Register

EIPC -
203 So. Garfield
Pocatello 83204

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NOV 22 1988

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 Blackfoot News
P. O. Box 70
Blackfoot, Idaho 83221

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.

MICROFILMED
NOV 22 1988

99670-ust,ust

NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS
Nos. 35-2493, 35-7773

Notice is hereby given that Eastern Idaho Production Credit Assn. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-2493 and 35-7773 and are recorded as follows:

35-2493 — AMOUNT: 4.04 c.f.s.

PRIORITY: February 6, 1957

POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 295 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

35-7773 — AMOUNT: 1.56 c.f.s.

PRIORITY: January 24, 1978

POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 318 acres within the SW¼NE¼, SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T. 1S, R. 33E, B.M.

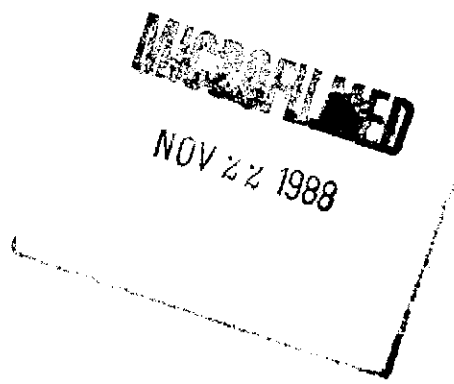
TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE¼SW¼, SE¼NW¼, Sec. 31, T. 6N, R. 35E, NW¼SW¼, Sec. 3, NW¼SE¼, Sec. 21, T. 8N, R. 36E, NE¼NW¼, Sec. 34, NE¼SW¼, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 907 acres within the S½, Sec. 31, T. 6N, R. 35E, S½NW¼, N½SW¼, Sec. 3, E½SW¼, W½SE¼, Sec. 21, T. 8N, R. 36E, W½NE¼, E½NW¼, Sec. 35, S½NW¼, SW¼, 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

(9967)
Pub.: 4/21, 28



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 13, 1988

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

Re H 29-88

MICROFILMED
NOV 22 1988

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS Nos. 35-2493, 35-7773

Notice is hereby given that Eastern Idaho Production Credit Assn. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-2493 and 35-7773 are are recorded as follows:

35-2493—AMOUNT: 4.04 c.f.s. PRIORITY: February 6, 1957

POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 295 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

35-7773—AMOUNT: 1.56 c.f.s. PRIORITY: January 24, 1978

POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 318 acres within the SW¼NE¼, SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27 T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE¼SW¼, SE¼NW¼, Sec. 31, T. 6N, R. 35E, NW¼SW¼, Sec. 3, NW¼SE¼, Sec. 21, T. 6N, R. 36E, NE¼NW¼, Sec. 34, NE¼SW¼, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 907 acres within the S½, Sec. 31, T. 6N, R. 35E, S½NW¼, N½SW¼, Sec. 3, E½SW¼, W½SE¼, Sec. 21, T. 6N, R. 36E, W½NE¼, E½NW¼, Sec. 35, S½NW¼, SW¼, 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
NOV 22 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 13, 1988

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

Gentlemen:

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

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

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

Yours truly,

Deena Green
Office Secretary

Encl.

MICROFILMED
NOV 22 1988

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Nos. 35-2493, 35-7773

Notice is hereby given that Eastern Idaho Production Credit Assn. has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of ground water sources. The rights sought to be changed are evidenced by License Nos. 35-2493 and 35-7773 and are recorded as follows:

35-2493 - AMOUNT: 4.04 c.f.s PRIORITY: February 6, 1957

POINT OF DIVERSION: NE1/4SW1/4, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 295 acres within the SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, NE1/4NW1/4, Sec. 27, T. 1S, R. 33E, B.M.

35-7773 - AMOUNT: 1.56 c.f.s. PRIORITY: January 24, 1978

POINT OF DIVERSION: NE1/4SW1/4, Sec. 22, T. 1S, R. 33E, B.M., Bingham County;

The water is used to irrigate 318 acres within the SW1/4NE1/4, SE1/4, Sec. 22, W1/2NW1/4, Sec. 26, NE1/4, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4SW1/4, SE1/4NW1/4, Sec. 31, T. 6N, R. 35E, NW1/4SW1/4, Sec. 3, NW1/4SE1/4, Sec. 21, T. 8N, R. 36E, NE1/4NW1/4, Sec. 34, NE1/4SW1/4, Sec. 25, T. 9N, R. 36E, B.M., Jefferson and Clark County; and will be used to irrigate 907 acres within the S1/2, Sec. 31, T. 6N, R. 35E, S1/2NW1/4, N1/2SW1/4, Sec. 3, E1/2SW1/4, W1/2SE1/4, Sec. 21, T. 8N, R. 36E, W1/2NE1/4, E1/2NW1/4, Sec. 35, S1/2NW1/4, SW1/4, Sec. 25, T. 9N, R. 36E, B.M.

MICROFILMED

NOV 22 1988

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

MICROFILMED
NOV 22 1988

3/79

IDENT. NO. 35-2493

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
CLA	8-2-79	Keypunched by State Office

May 15, 1978

Re: Transfer of Water Right No. 35-2493

Eastern Idaho Production Credit Association
P. O. Box 992
Blackfoot, ID 83221

Gentlemen:

Enclosed is a copy of the approved Application for Transfer of Water Right No. 35-2493 (Transfer No. 2212).

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

xxxxxxxxx

xxxxxxxxxxxx

February 24, 1978

RE: Transfer of Water Right No. 35-2493 EASTERN IDAHO PRODUCTION CREDIT

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 3-14-78 by RDC

RDC:CD

Enclosure: Legal Notice - Notice of Correction

ED

NOTICE OF CORRECTION

Notice is hereby given that application for transfer No. 35-2493 in the name of Eastern Idaho Production Credit Association was advertised incorrectly on February 2 and February 9, 1978. The priority date was advertised as being February 13, 1956.

WHEREAS, the actual priority date is February 6, 1957.

Any protest against approval of the above proposed change of water right as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before March 20, 1978.

C. STEPHEN ALLRED
Director

(5509)
Pub.: 3-2, 9

NOTICE OF CORRECTION

Notice is hereby given that application for transfer No. 35-2493 in the name of Eastern Idaho Production Credit Association was advertised incorrectly on February 2 and February 9, 1978. The priority date was advertised as being February 13, 1956.

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Any protest against approval of the above proposed change of water right as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 20, 1978.

C. STEPHEN ALLRED

Director

Published in the Blackfoot News, Blackfoot, Idaho, on March 2 and March 9, 1978.

INTER-DEPARTMENT MEMO — 1

FROM Jim J.

TO LOREN H.

SUBJECT TRANSFER

DATE 2/24/78

RECEIVED

FEB 24 1978

Department of Water Resources
Eastern District Office

LOREN, THIS IS THE TRANS. WE TALKED ABOUT. IF YOU DIDN'T FIND ANYTHING ON CORRECTED ADUERTIREMENT THEN YOU SHOULD GO AHEAD AND READUERTIZE.

Jim
SIGNATURE

MICROFILMED

EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION

P. O. BOX 1667, POCATELLO, IDAHO 83201

203 S. GARFIELD TELEPHONE: 232-2700

RECEIVED

FEB 7 1978

Department of Water Resources
Eastern District Office

February 6, 1978

State of Idaho - Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

ATTENTION: Ernest M. Carlsen

Dear Mr. Carlsen:

Reference is made to your letter dated February 1, 1978 regarding application for transfer of water permit numbers 35-2241, 35-2420 and 35-2493.

As I believe you are aware, PCA acquired the property in question through a mortgage foreclosure redemption. Please find enclosed a copy of the "Sheriff's Deed on Foreclosure" and "Amended Judgment". The Sheriff's Deed is sufficient documentation to reference PCA's ownership and is further confirmed with the Amended Judgment, which rules out the possibility that Beeler or Placerton, Inc. have an interest in the land.

Please advise if there is any problem with the documentation which is furnished.

Sincerely,

Arnold Seeley
Asst. Manager

AS:fa
enc (2)

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

February 1, 1978

RE: Application for Transfer No. 35-2241, 35-2420 and 35-2493

Mr. Arnold Seeley
Eastern Idaho Production Credit Association
P.O. Box 1667
Pocatello, Idaho 83201

Dear Mr. Seeley:

For your records we have enclosed departmental receipts No. 9801, 9802, and 9803 for the above referenced transfer of water rights.

We have commenced processing these transfers with the final date of protest being February 20, 1978. However, before they can be forwarded to Boise for final action we will need proof of ownership for the lands appurtenant to License 35-2241, 35-2420 and 35-2493. We normally accept copies of warranty deeds or signed sales contracts for this purpose.

Should you have any questions in regards to the above mentioned items, please feel free to contact me at this office.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Attachments

MICROFILMED

January 27, 1978

RE: Applications for Transfer Nos. 35-2241 EASTERN ID. PRODUCTION CREDIT ASSOC.
35-2420 " "
35-2493 " "
Applications for Permit Nos. 35-7767 THRU 35-7778
EASTERN ID. PRODUCTION CREDIT ASSOC.

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 2-14-78 by CW

RDC:ME

Enclosures: 15 legals

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 35-2493

Notice is hereby given that Eastern Idaho Production Credit Association, Blackfoot, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of a ground-water source. The right sought to be changed is evidenced by License No. 35-2493 and is recorded as follows:

AMOUNT:
4.04 c.f.s.

PRIORITY:
February 13, 1956

POINT OF DIVERSION:
NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County.

The water is used to irrigate 295 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate lands within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T. 1S, R. 33E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before February 20, 1978.

C. STEPHEN ALLRED
Director

(5468)
Pub.: 2-2, 9

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 35-2493

Notice is hereby given that Eastern Idaho Production Credit Association, Blackfoot, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of a ground-water source. The right sought to be changed is evidenced by License No. 35-2493 and is recorded as follows:

AMOUNT: 4.04 c.f.s. PRIORITY: February 13, 1956

POINT OF DIVERSION: NE¼SW¼, Sec. 22, T. 1S, R. 33E, B.M., Bingham County.

The water is used to irrigate 295 acres within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, NE¼NW¼, Sec. 27, T. 1S, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate lands within the SE¼, Sec. 22, W½NW¼, Sec. 26, NE¼, Sec. 27, T. 1S, R. 33E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before February 20, 1978.

C. STEPHEN ALLRED

Director

Published in the Blackfoot News, Blackfoot, Idaho, on February 2 and February 9, 1978.

MICROFILMED

TRANSFER ANALYSIS SHEET

Name Eastern Idaho Prod. Credit Association (1)

1. Source groundwater

2. Right Being Transferred — Right No. 35-2493

   a. ____ Decree
   ✓ License
   ____ Use — Transfer No. ____

   b. ✓ Priority should be 2-06-1957

   c. ✓ Location - Original P.D.

   d. ✓ " - Original P.U.

   e. ✓ " - New P.D.

   f. ✓ " - New P.U.

   g. ✓ Amount
      ✓ All
      ____ Part

3. ____ Proof of Ownership of Right
   Comment Did not accompany the transfer application

4. ✓ Expansion of Right
   Comment no expansion of right has been made.

5. ✓ Map

6. ✓ Signature

7. ✓ Fee

8. Watermaster's Comments N.A. J.J.

9. Comments ____

10. Initial Review by ARK Date Jan 26, 1978

11. Recommended Action
    ✓ Approve
    ____ Deny
    ____ Conditions ____

BY Loren O Carlson — DATE 2-21-78
Ernest Carlson — 3-20-78

Copy sent

State of Idaho
License and Certificate of Water Right

Water License No. G-26746 35-2493 Amount 4.04 c.f.s.

Water District No. Priority Feb. 6, 1957

THIS IS TO CERTIFY that ROBERT C. RHEAD

of Moreland, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 6, 19 57; that Permit No. G-26746 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.04 second feet, was issued thereunder on February 13, 19 64, showing that said works were completed on the 6th day of February, 1962; and that on the 6th day of February, 19 62,

ROBERT C. RHEAD

of Moreland, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-26746 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7815, on the 13 day of February, 19 64;

The right hereby confirmed dates from February 6, 19 57;

The Point of Diversion is located

in the NE ¼ SW ¼, Sec. 22, Tp. 1 S, R. 33 E., B. M. County Bingham

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.04 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	33 E	22	NE¼ SE¼	20	20
			NW¼ SE¼	40	20
			SW¼ SE¼	40	30
			SE¼ SE¼	40	20
		26	NW¼ NW¼	40	40
			SW¼ NW¼	40	40
		27	NE¼ NE¼		30
			NW¼ NE¼		30
			SW¼ NE¼		20
			SE¼ NE¼		30
			NE¼ NW¼		15
			Total number of acres to be irrigated:		295

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13th day of February, 1964.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

June 19, 1973

Edward J. Berrett
c/o Merrill & Merrill
Attorneys at Law
P. O. Box 991
Pocatello, Idaho 83201

Dear Mr. Berrett:

Here are the copies of the well logs, we have on file, that you requested in your June 15 letter. As you can see, we only have logs on wells 2, 3, 4, and 5. Perhaps some of these wells were drilled prior to the 1953 date when well logs were required to be submitted, or perhaps the drillers neglected to submit them.

We also researched our water right files and have found the following rights on the wells you are concerned with:

Well # 1 was covered by Permit No. 35-7069, which lapsed and is no longer in effect.
Well # 2 is under Permit 35-7162, and the proof of beneficial use is due on March 1, 1976.
Well #33 is under Permit No. 35-7161, with proof due also on March 1, 1976.
Well # 4 has a Licensed Right No. 35-2493.
Well # 5 is covered by Permit No. 35-2722, which is ready for licensing upon the payment of $15.00 licensing fee. We have been unable to contact the permit holder, Mr. Leo J. Behrend, as yet. Another, Permit No. 35-7095, has been issued for this well and proof of beneficial use is due before December 1, 1974.
Well #10 appears to be licensed under License No. 35-2651.
Well #11 appears to be licensed under License No. 35-2651.
Well #12 was covered by Permit No. 35-7007, which has lapsed and is no longer in effect.
Well #13 is covered by License No. 35-2568.
Well #16 has no recorded water right.
Well #19 is covered by License No. 35-2552.

35 2493

New applications must be filed on the wells that have no recorded rights and those on which the permits have lapsed, if they were drilled after March 25, 1963. Use of these wells without a valid permit is prohibited by Section 42-229 Idaho Code.

If you have further questions about the permits, licenses, or logs of specific wells, please let us know.

Sincerely,

Bobby D Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:jc
Enc: Well logs 2,3,4,&5

25, 193

LOCATION OF WELLS

Logs in B.O.

1. W½ - Sec. 22, 1S, 33E 35-7069 - Lapsed
2. E½ - Sec. 21, 1S, 33E 35-7162 - 35-7013 Lapsed
3. W½ - Sec. 21, 1S, 33E 35-7161 - 35-7008 (Lapsed)
4. W½ - Sec. 22, 1S, 33E 35-2493
5. W½ - Sec. 25, 1S, 33E 35-2722 - 35-7095
6. SW¼NE¼ - Sec. 36, 1S, 33E - 35-2241 X
7. S½ - Sec. 36, 1S, 33E - 35-2242 X
8. E½ - Sec. 35, 1S, 33E 35-7092 - 35-2384 X
9. W½ - Sec. 35, 1S, 33E 35-7093 - 35-2238 X
10. N½ - Sec. 3, 2S, 33E 35-2451
11. S½ - Sec. 3, 2S, 33E Name?
12. S½ - Sec. 14, 1S, 32E 35-7007
13. N½, - Sec. 24, 1S, 32E 35-2568
14. SW¼, - Sec. 25, 1S, 32E (shown in N½ on map) 35-2478 X
15.
16. E½ - Sec. 15, 1S, 32E Nothing
17.
18. (Shown north of security on plat) not on mtg pkg.
19. NE¼ - Sec. 25, 1S, 33E 35-2552

35 [illegible]

to be irrigated by handline

R.C. #1 - 1405' (13 Tower)

Well #16 New 450 HP (L16)

2-8" Butterfly Valves

Well #12 - 300 HP Exist (H12)

Now in grass waiting for completion of well and circle systems for irrigation

Dirts Road - 8" Butterfly

R.C. #1

R.C. #2

R.C. 3

R.C. 4

R.C. #2 - 1300' - 13 Tower

to be seeded into grass

Sections to be developed at a later date

Well No 13 - 300 HP Exist (Flood) (Use 200 HP Booster) 6-6" Auto-Valves (J13)

Sump

well

R.C. 5

R.C. 6

R.C. 7

R.C. 8

present open irrigation ditch

Rubg Co.

Sage

R.C. #9 1405'

10" Butterfly

Well No. 14 - 200 HP Exist (75 HP Booster) (N14)

Electrical Sub-Station

open ditch irrigation

Building Site

Sump

SPRINGFIELD - TABOR ROAD

Old Building Site

Well No. 3 - 350 HP Exist 1-8" Butterfly (A3)

Well No. 2 - 350 HP Exist 1-8" Butterfly (A2)

Well No. 1 - 350 HP Exist 2-8" Butterfly Valves (A1)

1195' R.C.

Well No 4 - 350 HP 1-6 Automatic Valve to R.C. 14 (B4)

Presently in sage to be developed

Bull Pasture

1195' R.C.

R.C. #11

R.C. #12

R.C. #10

R.C. #13

R.C. 14

Office: Login

Old Building Site

J. Thomas

L. Thomas

E

R.C. 27

R.C. 23

R.C. 22

R.C. 21

Well #6

R.C. 15

R.C. 18

R.C. 19

R.C. 20

R.C. #16

R.C. #17

Well No. 10 Wet (G10)

Well No. 11 (G11)

Well No. 8 Exist 200 HP

Well No. 9 Exist 200 HP (F9)

35 2493

LOCATION OF WELLS

Logs in B.O.

, 33E

, 33E

, 33E

, 33E

, 33E

, 1S, 33E X

, 33E X

, 33E X

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
SPAULDING BUILDING
POCATELLO, IDAHO 83201

A. L. MERRILL (1886-1961)
R. D. MERRILL (1893-1972)
W. F. MERRILL
S. E. GARDNER
E. J. BERRETT

P. O. BOX 991

TELEPHONE
208-232-2286

June 15, 1973

RECEIVED
JUN 18 1973
Department of Water Administration

State of Idaho
Department of Water Administration
State Capitol Building
Boise, Idaho

Attn: Mr. Fleenor

Re: Placerton, Inc.

Dear Mr. Fleenor:

As we reviewed during our telephone conversation, in order to refinance certain properties we need to have the log statistics on certain wells. Accordingly, for your reference we are enclosing a copy of the map showing the location of the wells. Also enclosed is a schedule of the well by number and by location. From our schedule we have the information necessary on Numbers 6, 7, 8, 9 and 14. Number 18 is not on the property intended to be refinanced, therefore we do not need the information on that one or on Numbers 15 and 17. This leaves those wells numbered 1, 2, 3, 4, 5, 10, 11, 12, 13, 16 and 19.

We are extremely pressed for time in this matter and we would certainly appreciate your consideration for an early response. Thank you most kindly for your services.

Very truly yours,

MERRILL & MERRILL

By E J Berrett
Edward J. Berrett

EJB:tb
Encls.

35 2493

July 8, 1969

COPY

RE: Permit No. 35-7008, 35-7013
35-7069 and G-26746

Connecticut Mutual Life Insurance Company
and Utah Mortgage Loan Corporation
% Bingham Title and Trust Company
P. O. Box 591
Blackfoot, Idaho 83221

Gentlemen:

Please be advised we have marked our files that you will be notified of any action concerning the above referenced permits.

Permit 35-7008 has not been approved as yet but reviewing the file I find there are no complications that would prevent this application from being approved.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

35-2493
26746

Abstracts of Title Escrows Title Insurance

The Bingham Title & Trust Co.

Phone 785-0320 156 West Judicial Street

Box 591

Blackfoot, Idaho 83221

RECEIVED
JUL 8 1969
Department of Reclamation

Approved
35-7008

July 1, 1969

35-2493

State of Idaho
Department of Reclamation
State House - Annex 2
Boise, Idaho 83707

Reference: Permit No. 35-7008

Gentlemen:

Thank you for sending me a copy of this permit; however, I do not see any evidence on the permit that it has been approved by the State Department of Reclamation. Would you please inform me whether or not this permit has been approved and is in good standing with the Department. We will be closing the real estate mortgage loan on this property sometime around August 1. Connecticut Mutual Life Insurance Company and Utah Mortgage Loan Corporation request that we have a statement from your office advising them that you will notify them of any pending action affecting Permits No. 35-7008 and No. 35-7013; also Permit No. 35-7069 and License No. G 26746.

Would you please send letter directly to this office.

Thank you.

Very truly yours,

Michael K. Ferrin
Escrow Department

MKF:mm

35-2493
26746

April 15, 1969

COPY

Re: 35-2493 (Water License) and Permit 35-7069

Bingham Title and Trust
Box 591
Blackfoot, Idaho

Gentlemen:

Enclosed are the copies of 35-2493 and 35-7069 which you have requested. Please remit a fee of $1.00 to the Department for these copies.

We have also enclosed the letter which you have requested.

Please contact us if we may be of further assistance to you.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: copies of 35-2493
and 35-7069
requested letter

35-2493
26746

DON SAMUELSON
GOVERNOR

R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE – ANNEX 2
BOISE, IDAHO 83707

April 15, 1969

Re: 35-2493 (Water License) and Permit 35-7069

Bingham Title and Trust
Box 591
Blackfoot, Idaho

Gentlemen:

Enclosed are the copies of 35-2493 and 35-7069 which you have requested. Please remit a fee of $1.00 to the Department for these copies.

We have also enclosed the letter which you have requested.

Please contact us if we may be of further assistance to you.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: copies of 35-2493
and 35-7069
requested letter

35-2493
26746

March 12, 1968

G-26746

Arvel Draper
P.O. Box 407
Blackfoot, Idaho 83221

Dear Mr. Draper:

Mr. Robert C. Rhead does own water license G-26746 for 4.04 c.f.s. or 201 miners inches. This well and the property is located in Bingham County. He also owns 2 other permits for land in Elmore County, which I presume has no bearing on your loan.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

B 26746

HOME PHONE: 785-2462
69 KIRBY ST.

BUSINESS PHONE: 785-0800
50 NORTH ASH

INSURANCE is your Best PROTECTION

Arvel Draper
INSURANCE & LOANS

FARM, HOME AND COMMERCIAL LOANS
LIFE AND FIRE INSURANCE

Play Safe INSURANCE

P. O. BOX 47

BLACKFOOT, IDAHO

RECEIVED
MAR 12 1968
Department of Reclamation

March 11, 1968

Department of Reclamation
Room 107
State House, Boise, Idaho

Gentlemen,

Robert C. Rhead of Bingham County has permit #G 26746 dated Feb 8, 1957, for subterainian wateres. I am doing some loan work processing a farm loan, and need to know the amount of water allocated under that permit. I believe that is the only permit Mr. Rhead has, but if it is not much bother to see if he has another one I'll be happy to know.

I'll look forward to your reply at your earliest convenience.

Sincerely yours,
Arvel Draper.
Arvel Draper

~~G 25330~~ -
Lic G 26746 - 4.04 c&s.
Per - G 33383 - 6.0 c.f.s. Elmore
61-7007 - 642 c.f.s. Elmore -

D 26746

February 13, 1964

Re: Permit No. G-26746

Robert C. Rhead
Box 89
Moreland, Idaho

Dear Mr. Rhead:

Enclosed are the Certificate of Completion of Works and License and Certificate of Water Right issued on Permit No. G-26746.

Also enclosed is departmental receipt No. G-8549 in the amount of $27.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates (2)
receipt

G-26746

500 9-25-59

July 2, 1962

Re: Permit No. G-26746

Robert C. Rhead
Box 89
Moreland, Idaho

Dear Mr. Rhead:

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-26746 shows the well is (~~are~~) capable of conveying 202 miner's inches, or 4.04 c.f.s. of water for the irrigation of 295 acres.

Upon receipt of the statutory fees, totaling $ 27.00 , we will issue the Certificate of Completion of Works (fee $5.00) and the License and Certificate of Water Right (fee $22.00 , based at the rate of $2.00 for each 40-acre subdivision) confirming the right, with priority of February 6, 1957 to the use of 4.04 second feet of subterranean water with the point of diversion in the $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 22 for irrigation of 295 acres in the $SE\frac{1}{4}$, Sec. 22; $W\frac{1}{2}NW\frac{1}{4}$, Sec. 26; $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 27, T. 1 S., R. 33 E., B.M.

Since your permit shows the point of diversion to be in the $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 22 it will be necessary to have an amendment. 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 your certificates of water right will be issued.

Well in NESW
No amend

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment form

G26746

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

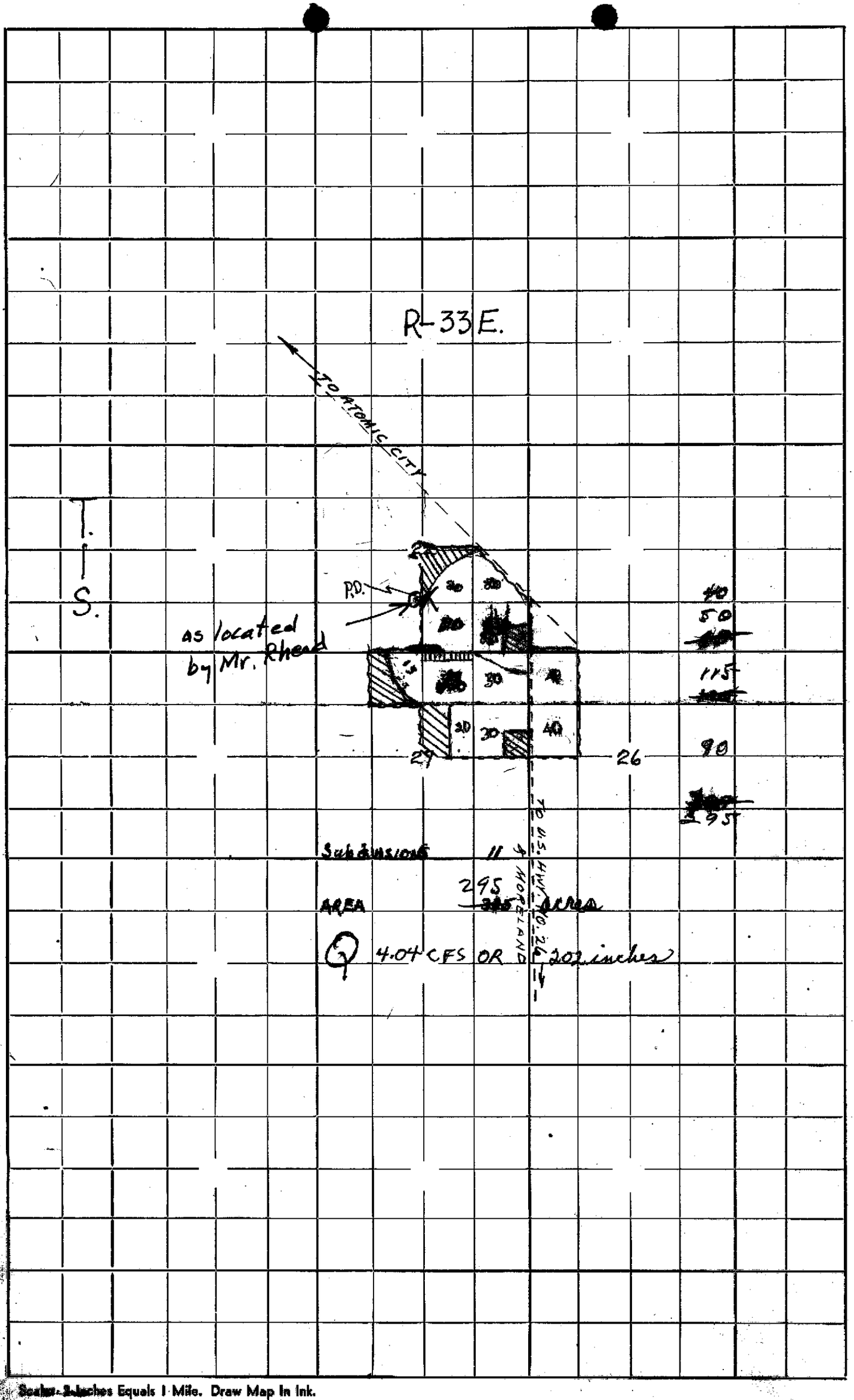
PERMIT NO. G-26746

REPORT ON PROOF OF Completion of Works & Beneficial Use

Robert C. Rhead, R~~t. #2~~, Blackfoot, Idaho
Box 89 Moreland

6/29/62

G 26746



Scale: 2 inches Equals 1 Mile. Draw Map In Ink.

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26746

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

1. Name of applicant Robert C. Rhead

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE¼SW¼ of Section 22

T. 1 S R.33 E.B.M. County of Bingham

4. Describe works as they exist, giving dimensions and capacities of same: 125 HP 2i.S motor #1090326 Layne pump # 21337 10" discharge into Steel distribution box 60"X 3½' 10"X 230' Column 18"x 15' Casings h: 227' DD now Well depth 300'

5. Water is used for: irrigation

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):

E½ of Section 22, lying south abd west of the southerly line of the State Highway; the West half of the Northwest quarter of Section 26; the Northeast quarter of Section 27, except: Beginning at the SE corner of the NE¼ of Sec. 27; thence West 660 feet, th thence North 660 feet, thence East 660 Feet, thence South 660 feet to the point of beginning, containing 10 acres, more or less; and the NE¼NW¼ of Sec. 27; all in Twp. 1 South, Range 33 E.B.M in Bingham County, Idaho, making a total of 420 acres.

(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 Robert Rhead along Measurement was made with Cippoletti weir 71 over 2' weir = 202 inches

This examination was made on the 24th day of June, 1962

(Signed) Ron Wellington

Examiner.

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
JUN 29 1962
Department of Reclamation

S
80

Robert C. Rhead
Route #2
Blackfoot, Idaho
Permit No. G-26746

Examination for Completion of Works & Beneficial Use

County Bingham

Sec. 22 T. 1 S R. 33 E B.M.

Quantity: 6.8 c.f.s.

Source: Well

P.D.: NE.SW., Sec. 22, T. 1 S. - R. 33 EBM

Use: Irrigation

Filed: Feb. 6, 1957

Due: Feb. 8, 1962

Extension: —

Completion of Works: —

Other Rights: none

Driller - CL - Williams

G-26746

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
ROOM 107, STATE HOUSE
BOISE, IDAHO

BOISE FEB16'62 IDAHO U.S.POSTAGE 04 : PB METER 162728

B. 24740

Not for Rural Route No. 2

RETURN TO Sender UNKNOWN

P.O. Box 89
Moreland, Ida

Mr. Robert C. Rhead
Route #2
Blackfoot, Idaho

Not for Rural Route No. [redacted]

BLACKFOOT FEB 20 10-AM 1962 IDAHO

DEAN WILLIAMS
ATTORNEY AT LAW
156 WEST BRIDGE
BLACKFOOT, IDAHO

TELEPHONE SUNSET 5-1290

PROSECUTING ATTORNEY
BINGHAM COUNTY

RECEIVED
FEB 16 1962
Department of Reclamation

February 15, 1962

Department of Reclamation

State House
Boise, Idaho

Re: Robert Rhead's permit No. G-26746.

Dear Sir:

Enclosed please find final proof of Robert Rhead's Permit No. G-26746.

Thank you,

KERR & WILLIAMS

Dean Williams

Dean Williams of

DW:ef

ENC.

G 26746

Form 16.

RECEIVED
FEB 16 1962
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 1-26746

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. ROBERT C. RHEAD: Moreland, Idaho; farmer; post office box 89 Moreland, 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. The application is filed in my own behalf.

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

2-6-57

Ans. No. of permit G-26746; priority date February 8, 1957.

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

Ans. Source of water is under ground the location of the well is in the NE corner of the NE¼ of the SW¼ of Section 22, T 1 S, R 33 EMB

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. I have a 125 horse power U.S. Motor on a light Layne Pump with a GE Panel. I pump into open ditches and I also have a smaller pump pumping from a reservoir of drainage water. The amount of water capable of conveying to the point of use is approximately 6.8 c.f.s. My well is 300 ft. deep it is 227 ft. to water. The well has 18" casing for 18 ft. and then a 16" hole in solid rock. (Continued on back page)

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. The water is used for irrigation purposes the irrigation in each subdivision is as follows. 40 acres in the NW¼ NW¼; 40 acres SW¼ NW¼ of Sec. 26; 35 acres in the NE¼ NE¼; 25 acres SE¼ NE¼, 20 acres SW¼ NE¼, 30 acres NW¼ NE¼, 30 acres NE¼ NW¼ in Sec. 27; 20 acres in the SE¼ SE¼, 25 acres in the SW¼ SE¼, 30 acres in the NW¼ SE¼ & 20 acres in the NE¼ SE¼ of Sec. 22. All in T 1 S, R 33 EBM. There are 220 acres of irrigated cultivated land & 95 acres of planted pasture ground. The improvements are well, sprinklers, ditches, roads, head gates, bridges, fills, buildings, corrals, etc.

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

Ans. C. L. Williams, Route #2, Blackfoot, Idaho

S 26746

R1

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

Ans. Water is used for irrigation only.

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

Ans. Approximately 320 miners inches.

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. I am the initial owner.

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

Ans. In the yr. 1957, I irrigated 100 acres of potatoes inSec. 22, T 1 S. R 33 EBM; in 1958, I irrigated 100 acres of grain & Potatoes; in 1959, I irrigated 225 acres ~~of diversified crops in sec. 22 & 80 acres in Sec. 26 & 27, T 1 S.~~ R 33 EBM; in 1960 & 61, I have irrigated 320 acres of land all is outlined in Ans. No. 6.

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. There is no other water being used other than that diverted as above mentioned. ~~and~~

(Sign) Robert E Rhead

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 Blackfoot, County of Bingham, State of Idaho, on this 6th day of February, A. D. 19 62

Dean McWilliams

My commission expires 8-1-64

(Question No. 5 Continued)
The pump discharges water to a 10" pipe at approximately 320 minors inches flow. I estimated the flow by knowing the depth to the water the HP on the pump and the size of the hole. I also have a sprinkler system with 2 quarter mile 4" lateral lines and also a 990 ft. 3 inches lateral and one 1100' 3" lateral; there are 118 nozels 1/64ths and the operating pressure is approximately 50 lbs.

$26746

Form 17-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-26746

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. Wayne E. Dabell; 57 years of age; farmer; My address is P.O. Box 70, Moreland, Idaho

Ques. 2. Are you acquainted with Robert C. Rhead, the holder of Permit No. G-26746? How long have you known him and where does he reside?

Ans. ~~Yes, I am well acquainted with him. I have known him for at~~ least 13 yrs. and he resides on his farm West of Moreland, approximately 14 or 15 miles. ~~He has a deep underground water supply. His well is located nea~~

Ques. 3. Have you read or heard read said Permit No. G-26746, and are you familiar with its provisions and conditions?

Ans. Yes, I am acquainted with the Permit and provisions and conditions.

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. He has a deep underground water supply. His well is located near the NE corner of the NE¼ of the SW¼ of Sec. 22, T 1, S. R 33 EBM. 300 ft. well, ~~125 HP pump, a sprinkler; ditt ditches; head gates, etc.~~

Ques. 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. His system will safely conduct well over 320 miners inches of water. I have seen in the neighborhood of 300 miners inches being so conveyed.

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. I have seen the pump deliver approximately 300 miners inches of water. I have a pump of my own and I can estimate the flow by knowing the amount of HP the No. of ft. lift and the size of the hole.

G-26746

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. The water is used for irrigationpurposes only. I have not measured acreage, but I have gone over it with Mr. Rhead and we estimate the acreage as follows: NW¼ NW¼ 40 acres; SW¼ NW¼ 40 acres all in sec. 26 T 1 S R33 EBM; NE¼ NE¼ 35 Acres; SE¼ NE¼ 25 acres; SW¼ NE¼ 20 acres; NW¼ NE¼ 30 acres; NE¼ NW¼ 30 acres; all in sec. 27 T 1 S R 33 EBM; SE¼ SE¼ 20 A; SW¼ SE¼ 25 A; NW¼ SE¼ 30 A; NE¼ SE¼ 20 A all in Sec. 22 T 1 S R 33 EBM. There is no cultivated and natural pasture land most of it being cultivated land. The pasture land is (con't)

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

Ans. The water is used for irrigation purposes only.

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. It is aloam soil, sometimes referred to as lava ash, and requires approximately 1 miners inch per acre for profitable cultivation.

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, I have no interest in the works or the land or the water a above mentioned.

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. In 1957 and 1958 I witnessed approximately 100 acres irrigated and cultivated in potatoes and grain, in 1959, 1960 and 1961, The full 320 acres was developed and irrigated and cultivated raising a good crop of potatoes grain and hay and the irrigation was for the full irrigation season.

(Signed) Wayne E. DeBell

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 Blackfoot, County of Bingham, State of Idaho, on this 2 day of February, A. D. 19 62.

Dean Williams
Notary Public.

My commission expires 8-1-64

(Ques. No. 7 continued) about 100 acres and the cultivated ground is about 220 acres. Mr. Rhead's improvements consists of the development of the land, fences, pump, ditches, sprinkling system, dwelling house, storage buildings, work shops, corrals, roads, bridges, head gates, etc.

B26746

Form 17-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No......

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. Thomas B. Slayton 39 yrs. Age 600 Cen tis St Blackfoot, Sales Engineer P.O. Box 627

Ques. 2. Are you acquainted with Robert C. Rhead, the holder of Permit No. G-26746 ? How long have you known him and where does he reside?

Ans. Yes, I am acquainted with Robert C. Rhead. I have known him approximately seven years, and he resides on his farm approximately 15 miles West of Moreland, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-26746, and are you familiar with its provisions and conditions?

Ans. Yes, I am familiar with the conditions of the above said permit.

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. The water comes from underground. Mr. Rhead's well is, I believe, right on the line in the NE corner of the NE¼ of the SW¼ of Sec. 22, T 1 S, R 33 EBM. He has a 125 HP Layne Pump which pumps into ditches and he also has a sprinkler system for part of his land.

Ques. 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. His system will convey in excess of 320 miners inches. Ihave seen the ditches convey from 300 to 320 miners inches of water.

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. I estimate the pump will deliver approximately 320 miners inches of flow. I have worked around irrigation pumps for several years now & the flow can be estimated by calculating the HP, feet of lift and the size of the hole.

G 26746

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. I estimate the acres as follows: SE¼ SE¼ 20 acres/ SW¼ SE¼ 25 Acres; NW¼ SE¼ 30 acres; NE¼ SE¼ 20 acres all in Sec. 22 T 1 S, Range 33 EBM. NW¼ NW¼ 40 acres SW¼ NW¼ 40 acres all in Sec. 26, T 1 S, Range 33 EMB. NE¼ NE¼ 35 acres; SE¼ NE¼ 25 acres; SW¼ NE¼ 20 acres; NW¼ NE¼ 30 acres; NE¼ NW¼ 30 acres all in Sec. 27 T 1 S. R 33 EMB. I would say better than 220 is cultivated & about 100 acres is pasture ground all of which is irrigated. The improvements I have seen is the well, pump, ditches, fences, roads, the buildings, corrals, leveling, head gates & things of that natu

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

Ans. I have not seen the water used for anything but irrigation purposes.

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. The character of the land is lava ash and it requires 1 miners inch per acre for profitable cultivation.

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, I have no interest in the works, water or land above mentioned.

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. In the years 1957 and 1958, I witnessed approximately 100 acres of land being irrigated & in the yrs. 1959, 1960 & 1961, I witnessed the full amount which is approximately 320 acres come into cultivation & irrigation. There has been above average crops raised.

(Signed) Thomas B. Skeyton

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 Blackfoot, County of Bingham, State of Idaho, on this 2 day of February, A. D. 1962.

Dean Williams
Notary Public.

My commission expires 8-1-64

S 26746

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 8th day of February, 1962, at the office of Kerr and Williams, Blackfoot, County of Bingham, State of Idaho, before Dean Williams, Notary Public, at Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 6.8 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. 46 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or organization holding said permit is Robert L. Mead, Route No. 2, Blackfoot, 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 6.8 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.8 cubic feet per second.

4. The point of diversion of said water is NE corner of [illegible] SW¼, Section 22, Township 1 South, Range 3, E.B.M. Bingham County.

5. The place where said water is used is E½ of [illegible] South and West of the Southerly line of the State [illegible] the West half of the [illegible] the NE¼ of Sec. [illegible] beginning at the SE corner [illegible] Sec. 27, thence West 660 feet, thence North 660 feet; thence East 660 feet, thence South 660 feet to the point of beginning, containing 10 acres, more or less; and the NE¼NW¼ of Sec. 27; all in Township 1 South, Range 33, E.B.M., Bingham County.

6. The date of priority which said user is prepared to establish is February 6, 1957.

[illegible] CARTER
State Reclamation Engineer

Pub. Jan. 12, 19, 26, Feb. 2, 1962.

AFFIDAVIT of PUBLICATION

County of Bingham)
) ss.
State of Idaho)

I, Drury R. Brown do solemnly swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore compiled with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933 ,and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said Friday issue of said newspaper 4 consecutive weeks, the first publication having been made on the 12th day of January, 19 62, and the last publication having been made on the 2 nd day of February 19 62 ; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown

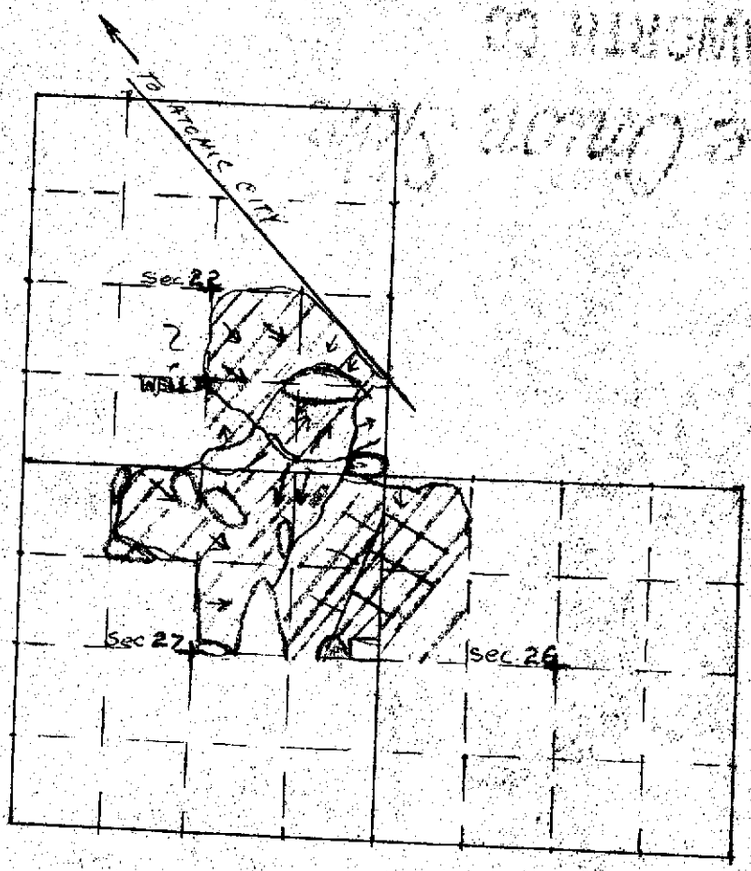
Subscribed and sworn to before me this 8th day of February, 19 62

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
January 10th, 1963

S 26746

RECEIVED
FEB 16 1962
Department of Reclamation

MAP FOR PERMIT NO. G-26746.



T1S, R33 EBM

ELEVATION 4600 ft. above sea level

DITCHES

HIGH GROUND

WELL

DIRECTION OF FLOW

SPRINKLER

IRRIGATED GROUND

Use for examination — check P.D. - ave sho. - NE. W.

26746

February 16, 1962

Re: Permit No. G-26746

Robert C. Rhead
Route #2
Blackfoot, Idaho

Dear Mr. Rhead:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Blackfoot News, all submitted in proof of completion of works and beneficial use on Permit No. G-26746.

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: Dean Williams
Attorney at Law
156 West Bridge
Blackfoot, Idaho

G 26746

January 22, 1962

Re: Permit No. G-26746
Robert C. Rhead

Blackfoot News
Blackfoot, Idaho

Gentlemen:

On January 5th we mailed you Notice of Publication on the above numbered permit, in the name of Robert C. Rhead requesting that a copy or tear sheet be mailed to this office for checking purposes.

To date we have not received such copy and ask that one be mailed to this office as soon as possible.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

G26746

January 10, 1962

Re: Permit No. G-26746
Robert C. Rhead

Kerr & Williams,
Att rneys at Law,
Blackfoot, Idaho.

Attention: Dean Williams

Gentlemen:

We are forwarding to you letter and Deposition Forms Nos. 16 and 17-A, which were sent to the above named applicant but which were returned to this office as of this date.

Since "Route #2, Blackfoot, Idaho" is the only address we have for Mr. Rhead, we would appreciate your seeing that he receives the enclosed forms, and supplying this office with his correct address.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

G 26746

January 5, 1962

Re: Permit No. G-26746

Mr. Robert C. Rhead,
Route #2,
Blackfoot, Idaho.

Dear Mr. Rhead:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-26746. The proofs are to be made at 10:00 o'clock A.M., on the 6th day of February, 1962, before Dean Williams, Office of Kerr & Williams, Blackfoot, Idaho, Notary Public.

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

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. 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, the 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

Enc.
EPR:pmk
cc: Notary

G 26746

-1200-
6-28-61

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-26746
Robert C. Rhead

Date: January 5, 1962

Blackfoot News,
Blackfoot, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to February 6, 1962 the date set for proof; the expense of the publication is to be paid by the applicant

Robert C. Rhead of Route #2, Blackfoot, 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

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.

G-26746

January 5, 1962

RE: Permit No. G-26746
Robert C. Rhead

Kerr & Williams
Attorneys at Law
Box 708
Blackfoot, Idaho

Attention: Dean Williams

Dear Mr. Williams:

Enclosed is the amendment to the land list on the above numbered permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

Enc. amendment

G 26746

Form No. 11
2M - 10/60

RECEIVED
JAN 5 1962
Department of Reclamation

RECEIVED
DEC 27 1961
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
JAN 2 1962
Department of Reclamation

(Date) .....

(P. O.) .....

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Blackfoot News of Blackfoot, Idaho published in the county in which the works are situated. Bingham County

Robert L. Read By
Vesa Williams Attorney

(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.

G. 26746

ROBERT M. KERR, JR.

LAW OFFICES
KERR AND WILLIAMS
SU 5-0990 - SU 5-1290
P. O. Box 708 - 291 No. Broadway
BLACKFOOT, IDAHO

DEAN WILLIAMS

January 4, 1962

RECEIVED
JAN 5 1962
Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Re: Robert C. Rhead

Dear Sir:

Thank you for drawing these corrections to our attention. We are hopeful they are correct now.

Thank you,

KERR & WILLIAMS

Dean Williams

Dean Williams ef

DW:ef

Enc:

S 26744

No. 36

RECEIVED
JAN 5 1962
Department of Reclamation

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

JAN 2 196
Department of Reclamation

Notice is hereby given that at 10:00 A. M., on the 6th day of February 1962, at office of Kerr and Williams, Blackfoot, County of Bingham, State of Idaho, before Dean Williams, Notary Public, at (address) Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 6.8 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-26746, 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 Robert C. Rhead, Route #2, Blackfoot, 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 6.8 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.8 cubic feet per second.

4. The point of diversion of said water is NE corner of NE¼SW¼, Section 22, Township 1 South, Range 33, E.B.M. Bingham County.

5. The place where said water is used is E½ of Sec. 22 lying South and West of the Southerly line of the State Highway; the West half of the NW¼ of Sec. 26; the NE¼ of Sec. 27, except: Beginning at the SE corner of the NE¼ of Sec. 27, thence West 660 feet; thence North 660 feet; thence East 660 feet, thence South 660 feet to the point of beginning, containing 10 acres, more or less; and the NE¼NW¼ of Sec. 27; all in Township 1 South, Range 33, E.B.M., Bingham County. The date of priority which said user is prepared to establish is February 6, 1957.

Geo. N. Carter

State Reclamation Engineer

G-26746 RT

RECEIVED
JAN 5 1962
Department of Reclamation

Application for Amendment

LAND LIST

Permit No. G-26746

RECEIVED
JAN 5 1962
Department of Reclamation

Comes now ROBERT C. RHEAD, and represents to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26746, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

E½ of Section 22, lying South and West of the Southerly line of the State Highway; the West half of the Northwest quarter of Section 26; the Northeast quarter of Section 27, except: Beginning at the SE corner of the NE¼ of Sec. 27; thence West 660 feet, thence North 660 feet, thence East 660 feet, thence South 660 feet to the point of beginning, containing 10 acres, more or less; ~~and~~ the NE¼NW¼ of Sec. 27; all in Township 1 South, Range 33, E.B.M. in Bingham County, Idaho.

, making a total of approximately 420 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Blackfoot, Idaho this 29th day of December, 1961

Robert C Rhead

Date of receipt at office of Department of Reclamation: January 5, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, ~~EDGAR W. CARTER~~ Ralph W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-26746. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Ralph W Thomas, Deputy

Deputy State Reclamation Engineer

Recorded: January 5, 1962

G 26746

January 3, 1962

RE: Permit No. G-26746
Robert C. Rhead

Kerr & Williams
Attorneys at Law
Box 708
Blackfoot, Idaho

Attention: Dean Williams

Dear Mr. Williams:

On December 27, 1961 I returned the enclosed forms, or possibly these are copies of the original forms.

In the second paragraph I stated that the land description was in error on the legal notice and the amendment form insofar as Section 27 is concerned. The same error is still in the two forms; The $NW\frac{1}{4}$ of Section 27 except 10 acres in the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 27; and the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 27. That just does not make a good description.

Kindly correct the error.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

Enc. forms 2 Application
2 blank Legal Forms
2 Civil amendment

G 26746

December 27, 1961

Re: Permit No. G-26746
Robert C. Rhead

Kerr & Williams
Attorneys at Law
Box 708
Blackfoot, Idaho

Attn: Dean Williams

Dear Mr. Williams:

Returned herewith are one copy of legal notice, authority for publication and two copies of an amendment to the place of use. Also enclosed are two blank forms legal notice.

We need two copies of the legal notice. The place of use on the legal notice and the amendments is in error inso far as the lands in Section 27 are concerned.

The S½NW¼ of Section 27, Township 1 South, Range 33 East, is now licensed for 54 inches of water under License No. G-25330.

Kindly complete 3. on the legal notice. That amount would seem to be limited to 230 miners inches or 4.6 cubic feet per second by the area of the land.

Kindly correct forms and return.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. copy legal notice
2 copies amendment
2 blank forms legal notice

D 26746

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 26746

Date: Dec. 1, 1961

Robert C. Rhead
Box 89
Moreland, Idaho

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 26746 are due not later than Feb. 8, 1962.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use of the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

Geo. N. Carter

GEO. N. CARTER
State Reclamation Engineer

Enclosures 36 - 11

D 26746

RECEIVED
NOV 2 1 1957
Department of Reclamation

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-26746

Comes now Robert C. Rhead and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26746.

That the point of diversion is described in said permit as being located SE¼NW¼ of Sec. 22., Twp. 1 S., Rge. 33 E., B. M.

That he now requests that the point of diversion be changed to a point located NE¼SW¼ of Sec. 22., Twp. 1 S., Rge. 33 E., B. M.

That his reasons for desiring to make such change are as follows:

The ground was higher and was easier to get more of the ground under irrigation.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 21st day of November, 19 57

Robert C Rhead

Date of receipt at Department of Reclamation November 21, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, E.N.Humphrey, Deputy Mark-R.-Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-26746. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

E. N. Humphrey
Deputy State Reclamation Engineer

G 26746

November 21, 1957

Re: Permit No. G-26746

Mr. Robert C. Rhead
P. O. Box 89
Moreland, Idaho

Dear Mr. Rhead:

Enclosed is application for amendment to Permit No. G-26746 which has been approved by the Deputy State Reclamation Engineer and recorded in Book 94 of Permits at Page 26746.

The amendment to change the point of diversion to read as follows: " NE¼SW¼ of Section 22, Township 1 South, Range 33 East, B.M."

This should now be attached to the original permit to which it refers and to which it becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:le
Encl.

S 26746

March 13, 1957

Re: Permit No. G-26746

Mr. Robert C. Rhead
P. O. Box 89
Moreland, Idaho

Dear Mr. Rhead:

We enclose Permit No. G-26746 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental receipt No. G-2430 was issued to you in payment of the $6.50 filing fee received in connection with the above captioned permit.

Very truly yours,

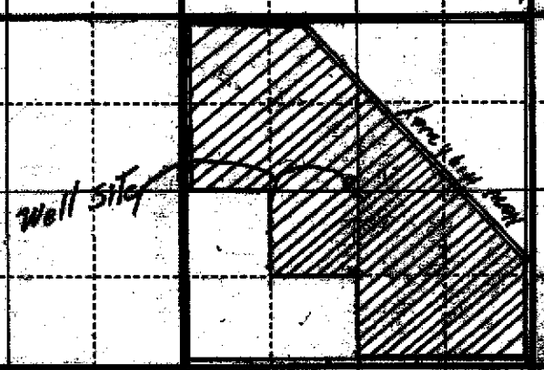
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

FR:ab
Enclosure

S 26746

NAME OF APPLICANT ROBERT C. RHEAD



Permit Map No. 4-26746
As Approved
FEB 8 1957
MARK R. KULP
State Reclamation Engineer

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

D 26746

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 6th day of February, 1962, at the office of Kerr and Williams, Blackfoot, County of Bingham, State of Idaho, before Dean Williams, Notary Public, at Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 6.8 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. 46 G-2b/46, 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 Robert C. Rhead, Route No. 2, Blackfoot, 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 6.8 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.8 cubic feet per second.

4. The point of diversion of said water is NE corner of NE¼SW¼, Section 22, Township 1 South, Range 33, E.B.M. Bingham County.

5. The place where said water is used is E½ of Sec. 22 lying South and West of the Southerly line of the State Highway; the West half of the NW¼ of Sec. 26; the NE¼ of Sec. 27, except: Beginning at the SE corner of the NE¼ of Sec. 27, thence West 660 feet; thence North 660 feet; thence East 660 feet, thence South 660 feet to the point of beginning, containing 10 acres, more or less; and the NE¼NW¼ of Sec. 27; all in Township 1 South Range 33, E.B.M., Bingham County.

6. The date of priority which said user is prepared to establish is February 6, 1957.

GEO. N. CARTER
State Reclamation Engineer

Pub. Jan. 12, 19, 26, Feb. 2, 1962.