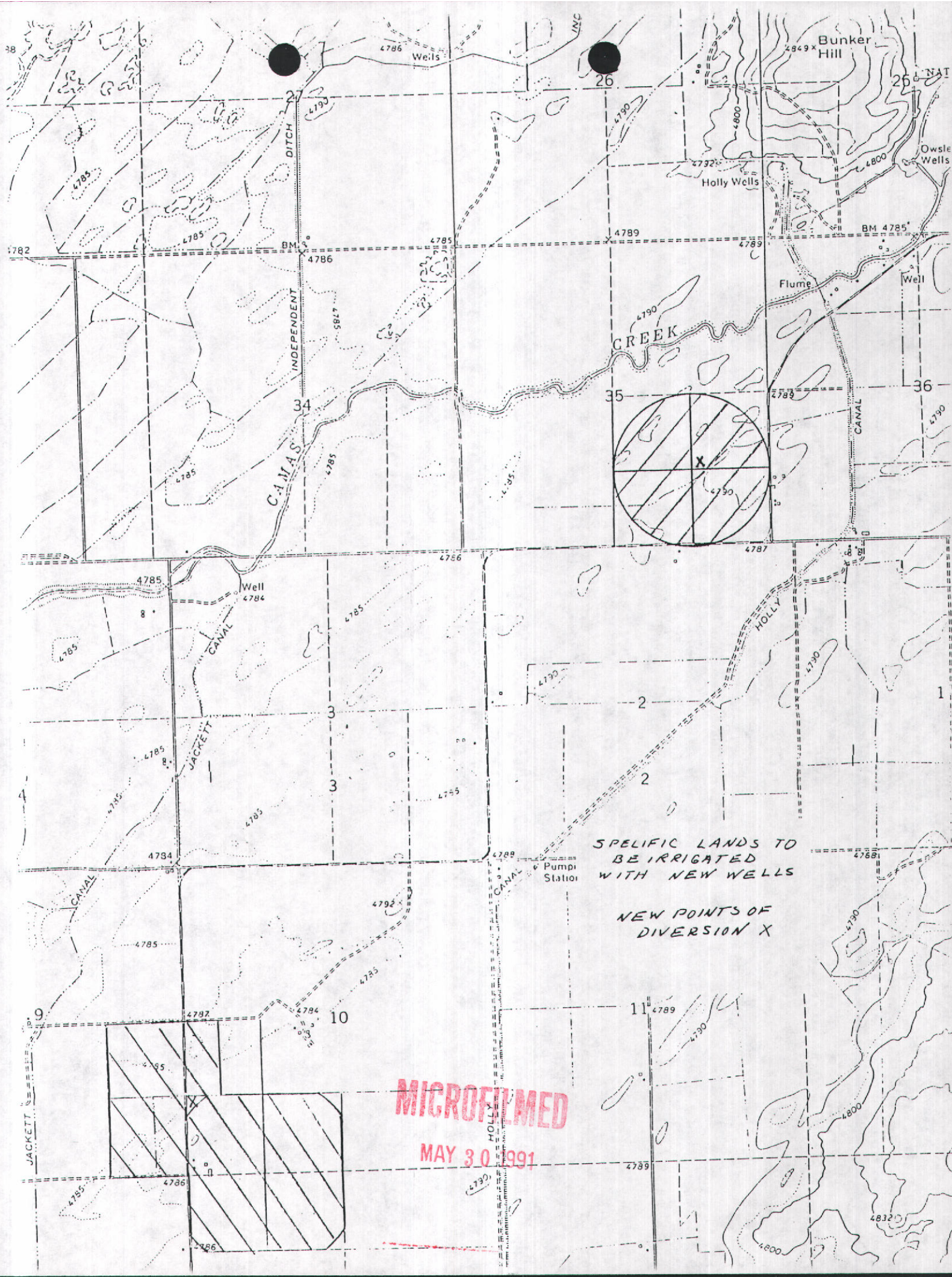
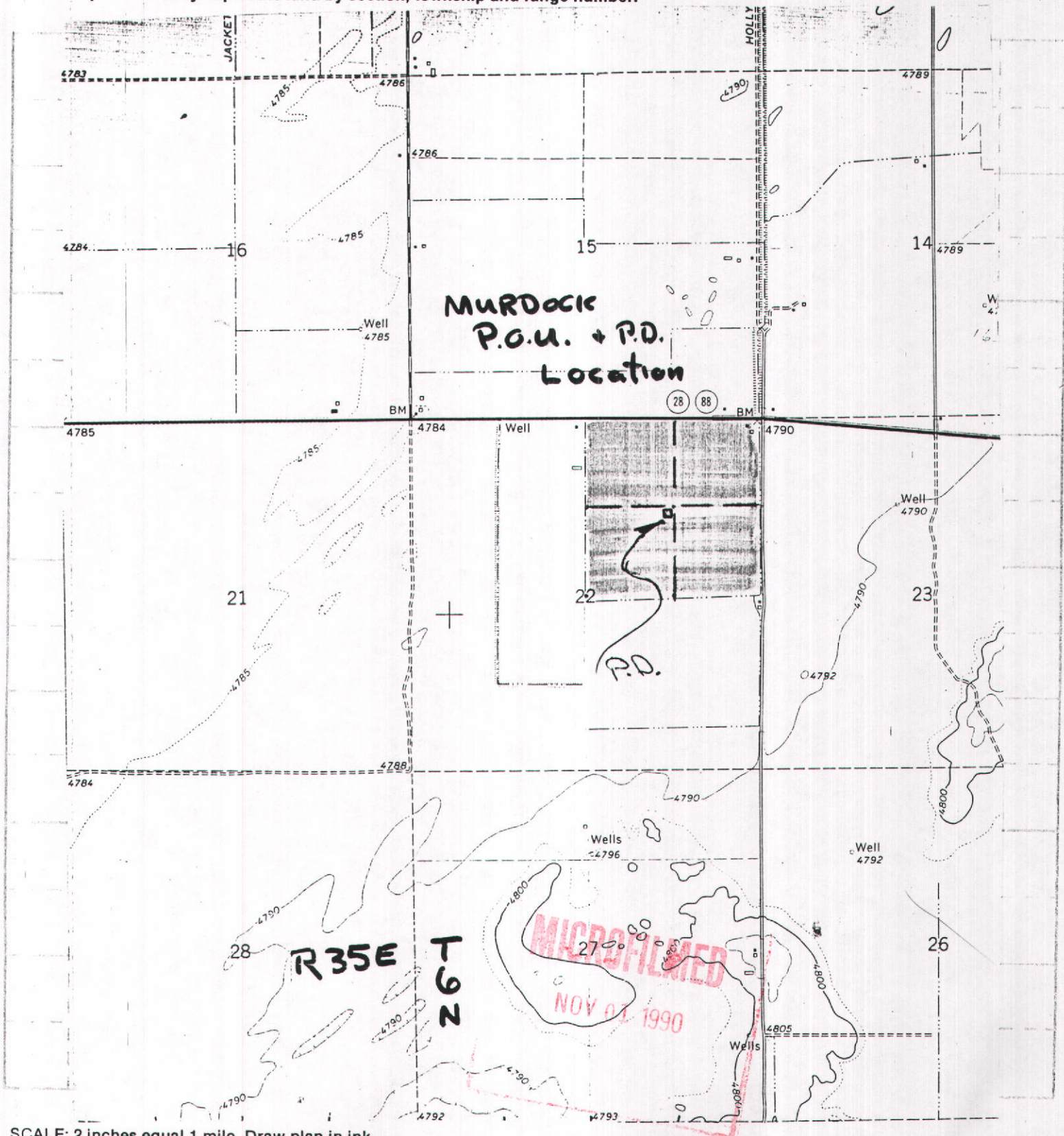




STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.



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

TWP.

RANGE

COUNTY

SCALE: 1" = 1 MILE

36 31 32 33 34 35 36 31

1 6 5 4 3 2 1 6

12 7 8 9 10 11 12 7

13 18 17 16 15 14 13 18

24 19 20 21 22 23 24 19

25 30 29 28 27 26 25 30

36 31 32 33 34 35 36 31

1 6 5 4 3 2 1 6

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AUG 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

This is to certify that: OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00327 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	110.00 CFS	
Priority: 00/00/0000			
Right No. 31-00328 :			
IRRIGATION	04/15 to 10/15	** 110.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	100.00 CFS	
Priority: 00/00/0000			
Right No. 31-00329 :			
IRRIGATION	04/15 to 10/15	** 50.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	50.00 CFS	
Priority: 00/00/0000			
Right No. 31-00330 :			
IRRIGATION	04/15 to 10/15	** 80.00 CFS	
DIVERSION TO STORA	10/16 to 04/14	80.00 CFS	
Priority: 00/00/0000			
Right No. 31-00331 :			
IRRIGATION	04/15 to 10/15	24.00 CFS	
Priority: 09/10/1928			
Right No. 31-00332 :			
IRRIGATION STORAGE	01/01 to 12/31		5000.0 AF
Priority: 01/25/1930			

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 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-00336B : IRRIGATION Priority: 04/27/1932	04/15 to 10/15	11.05 CFS	
Right No. 31-00337B : IRRIGATION Priority: 12/15/1932	04/15 to 10/15	17.00 CFS	
Right No. 31-00371 : IRRIGATION Priority: 09/10/1928	04/15 to 10/15	23.00 CFS	
Right No. 31-02239 : IRRIGATION Priority: 01/25/1930	04/15 to 10/15	40.00 CFS	16899.4 AF
Right No. 31-02265 : IRRIGATION Priority: 05/22/1940	04/15 to 10/15	64.40 CFS	23375.9 AF
Right No. 31-02289 : IRRIGATION Priority: 01/13/1949	04/15 to 10/15	3.20 CFS	560.0 AF
Right No. 31-02290 : IRRIGATION Priority: 02/14/1949	04/15 to 10/15	3.60 CFS	840.0 AF
Right No. 31-02297 : IRRIGATION Priority: 12/29/1949	04/15 to 10/15	6.00 CFS	1190.0 AF
Right No. 31-02310 : IRRIGATION Priority: 09/24/1952	04/15 to 10/15	5.80 CFS	1015.0 AF
Right No. 31-02317A : IRRIGATION Priority: 02/28/1953	04/15 to 10/15	8.08 CFS	1414.0 AF

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 31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02317B : IRRIGATION Priority: 10/27/1956	04/15 to 10/15	1.90 CFS	332.5 AF
Right No. 31-02321 : IRRIGATION Priority: 04/25/1953	04/15 to 10/15	1.92 CFS	336.0 AF
Right No. 31-02341 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02342 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02343 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02344 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02345 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-07005 : IRRIGATION Priority: 12/04/1967	04/15 to 10/15	13.26 CFS	4939.4 AF

TOTAL: *** 643.21 CFS

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 13, Township 07N, Range 34E
 SESE , Sec. 13, Township 07N, Range 34E
 NENE , Sec. 23, Township 07N, Range 34E
 NENE , Sec. 24, Township 07N, Range 34E
 NWNE , Sec. 24, Township 07N, Range 34E

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 24, Township 07N, Range 34E
 SWSW , Sec. 13, Township 07N, Range 35E
 SESE , Sec. 14, Township 07N, Range 35E
 Lot 4 (SESW), Sec. 18, Township 07N, Range 35E
 Lot 1 (NWNW), Sec. 19, Township 07N, Range 35E
 SWNW , Sec. 19, Township 07N, Range 35E
 SENW , Sec. 19, Township 07N, Range 35E
 NESE , Sec. 22, Township 07N, Range 35E
 NWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 23, Township 07N, Range 35E
 SWSW , Sec. 25, Township 07N, Range 35E
 SESW , Sec. 25, Township 07N, Range 35E
 NWSE , Sec. 25, Township 07N, Range 35E
 SESE , Sec. 26, Township 07N, Range 35E
 NWNE , Sec. 27, Township 07N, Range 35E
 NENW , Sec. 36, Township 07N, Range 35E
 JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
06N	34E	3	NENW 26	NWNW 35	SWNW 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	461
		4	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		5	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		7	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
		8	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
9			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
10			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 20	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			620
11			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
13			NWNW 40	SWNW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			400
14			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 27	SESE 37	460
15			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 36	NESE 40	
			NWSE 40	SWSE 40	SESE 40	476
16			NENE 40	NWNE 40	SWNE 40	
			SENE 25	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
17			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 20	NWSE 40	SWSE 10	
			SESE 10			560
20			NENE 30	NWNE 35	SWNE 40	
			SENE 40	NENW 40	NWNW 30	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			615
21			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 25	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
22			NENE 20	NWNE 20	SWNE 40	
			SENE 40	NENW 36	NWNW 20	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			576
23			NENE 15	NWNE 40	SWNE 40	
			SENE 40	NENW 35	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			610
24			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 10	NWNW 30	
			SWNW 40	SENW 30	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			590
25			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
26			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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 31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
27			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
28			NENE 40	SWNE 40	SENE 40	
			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	600
29			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
34			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENW 40	
			NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		560
35			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
35E	1		NWNW 4			4
	2		NENE 40	NWNE 40	SWNE 40	
			SENE 8	NESW 32	NWSW 40	
			SWSW 40	SESW 38	NWSE 40	
			SWSE 40			358
3	Lot 1	(NENE) 41.9	Lot 2 (NWNE) 41.7		SWNE 40	
		SENE 40	Lot 3 (NENW) 41.5	Lot 4 (NWNW) 35	NESW 40	
		SWNW 40			SESW 40	
		NWSW 40			SWSE 40	
		NESE 40				

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 31-02345/31-07005

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESE	40			640.1
4	Lot 4 (NWNW)	7		NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	327
5	Lot 1 (NENE)	41.2		Lot 2 (NWNE)	38	
		SENE	40	NESW	40	
		NESE	40	NWSE	40	
		SESE	40			399.2
8		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
9		NENE	40	NWNE	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
		SESE	40			480
10		NENE	40	SWNE	40	
		SENE	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
		SESE	40			480
11		NENE	40	NWNE	30	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			270
14		NESW	10	NWSW	40	50
15		NENE	34	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			634
16		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
17		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	

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PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
18			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
19			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
20			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
22			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	SENW 40	
			NESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		440
29			NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 10	SESW 40		290
30			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
07N 34E	32		SESW 40	SWSE 40	SESE 40	120
	33		NWSW 10	SWSW 20	SESW 40	
35E	32	Lot 8 (SWSE)	2	Lot 7 (SESE)	18	20
	33		SWSW 1			1
	35		NESE 38	NWSE 34	SWSE 34	
			SESE 38			144
	36		NESW 40	NWSW 40	SWSW 38	118

Total number of acres irrigated: * 24261.3

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31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- *** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.
10. Approval of Transfer 5335 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- ** 11. Rights 31-00327, 31-00328, 31-00329 and 31-00330 when combined shall not exceed a total diversion rate of 200.00 cfs during the irrigation season, and may be diverted at their full authorized rate of diversion into Mud Lake for storage purposes during the non-irrigation season.
- * 12. Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- * 13. Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.
- * 14. Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.

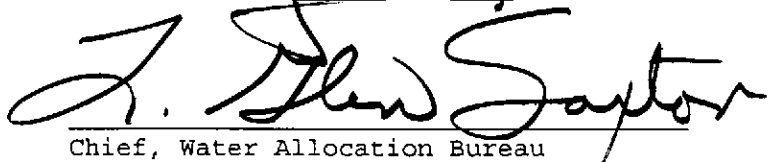
TRANSFER NO. 5335

WATER RIGHT NO(S). 31-00327/31-00328/31-00329/31-00330
31-00331/31-00332/31-00336B/31-00337B/31-00371/31-02239
31-02265/31-02289/31-02290/31-02297/31-02310/31-02317A
31-02317B/31-02321/31-02341/31-02342/31-02343/31-02344
31-02345/31-07005

CONDITIONS OF APPROVAL AND REMARKS

- * 15. Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
- * 16. Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
- * 17. Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
- * 18. Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
- * 19. Rights 31-00336B, 31-00337B, 31-02289, 31-02290, 31-02297, 31-02310, 31-02317A, 31-02317B and 31-02321 when combined shall not exceed the irrigation of 3107.2 acres in the place of use described above in a single irrigation season.
- * 20. Right 31-02239 is limited to the irrigation of 13,480.0 acres in the place of use described above in a single irrigation season.
- * 21. Right 31-07005 is limited to the irrigation of 17,088.0 acres in the place of use described above in a single irrigation season.
- * 22. Rights 31-02239, 31-02265, 31-02341, 31-02342, 31-02343, 31-02344, 31-02345 and 31-07005 when combined shall not exceed the irrigation of 17,240.0 acres in the place of use described above in a single irrigation season.
- 23. Two points of diversion are located within SESE, S14, T07N, R35E.
- 24. Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.
- 25. Five points of diversion are located within SWSW, S25, T07N, R35E.
- 26. Seven points of diversion are located within NWSE, S25, T07N, R35E.
- 27. Two points of diversion are located within SESE, S26, T07N, R35E.

Dated this 8th day of February, 19 99.


Chief, Water Allocation Bureau

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
NOV 02 1990
Transfer No. 3787
Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Holley Water Users Association Phone (208) 662-5207
Post Office address c/o LaMoyné Barney, Hamer, Idaho 83425

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reduce transmission loss sustained from conveying water through several miles of ditches from older points of diversion to place of use.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>31-0371</u>	<u>09/10/1928</u>	<u>23.0 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/15</u>
<u>31-0331</u>	<u>01/25/1930</u>	<u>24.0 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 47.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: See Attachment

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

5. Lands irrigated or place of use: See Attachment

RON TORGERSON PLACE OF USE

T.:RNG:S.:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:	TLS									
:	:	:	NE'NW'SW'SE:	NE	:	NW	:	SW'SE:NE'NW	:	SW	:	SE	:	NE'NW'SW'	:	SE	:	
6N:35E: 9:	:	:	:	:	:	:	:	:	:	:	:	:	:	39'	:	37.6:	76.6	
:	✓:10:	:	:	:	:	:	:	:	:	:	:	:	:	18.4'	:	38.75'	38.75:	95.9
:	✓:15:	:	:	:	:	:	:	:	:	:	:	:	:	38.75'	:	38.75'	:	77.5

CARL HOGGAN PLACE OF USE

T.:RNG:S.: NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:	TLS											
:	:	NE'NW'SW'SE:	NE'NW'SW'SE:	NE	:	NW	:	SW	:	SE	:	NE	:	NW	:	SW	:	SE	:
7N:35E:35:	:	:	:	:	:	:	:	:	:	31.5'	:	31.5'	:	31.5'	:	31.5'	:	126.0	
:	:	:	:	:	:	:	:	:	:	33	:	33	:	33	:	33	:	132	

Total number of acres irrigated 382

PART 1

6. General Information:

a. Description of diversion system This will be an addition to the Holley well system. There will be an additional well on the Torgerson land and another on the Hoggan land.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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:

Instead of using long transmission ditches from the company's main wells, the water will be diverted on the farms and eliminate large losses in the ditch.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0371 & 31-0331

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

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this 17th day of May

19 91

J. Glen Saylor
CHIEF, WATER ALLOCATION BUREAU

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 31-0331 & 31-0371

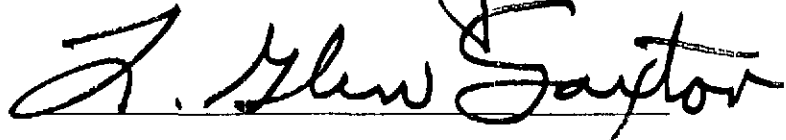
Transfer No. 3787

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. vs. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.
6. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
7. 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.
8. 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.

APR 26 1991

9. This permit is subject to the agreement dated March 11, 1991 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
10. Transfer Nos. 3680 & 3787 add place of use descriptions to Right Nos. 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

Dated this 17th day of May, 1991.



Chief, Water Allocation Bureau

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. 31-0371 Decreed to Holley Water Users Association
 In case of Holley Water Users Association vs. Mark R. Culp, et al.
 dated December 14, 1946 in Ninth District Court county of Jefferson
- b. License No. _____ 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 N/A

3. Source of water Groundwater tributary to _____

4. Date or priority 09/10/1928

5. Water is used for the following purpose:

amount 23.0 cfs for Irrigation purposes from 04/01 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 23.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: See Attachment

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

8. Lands irrigated or place of use: See Attachment

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 _____

9. Describe any other water rights used for the same purpose as described above 31-0331, 31-0332, 31-0343,
31-0344, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0356, 31-0359, 31-0360, 31-0361,
31-0362, 31-0363, 31-2133, 31-7259, and 31-7433.

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 31-0331 Decreed to Holley Water Users Association
in case of Holley Water Users Association vs. Mark R. Culp, et al.
dated December 14, 1946 in Ninth District Court county of Jefferson
 - b. License No. _____ 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 N/A
3. Source of water Groundwater tributary to _____
4. Date or priority 01/25/1930
5. Water is used for the following purpose:
- amount 24.0 cfs for Irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 24.0 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion: See Attachment

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

8. Lands irrigated or place of use: See Attachment

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0371, 31-0332, 31-0343,
31-0344, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0356, 31-0359, 31-0360, 31-0361,
31-0362, 31-0363, 31-2133, 31-7250, and 31-7433.

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

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

3. Lands irrigated or place of use:

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

Total acres _____

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

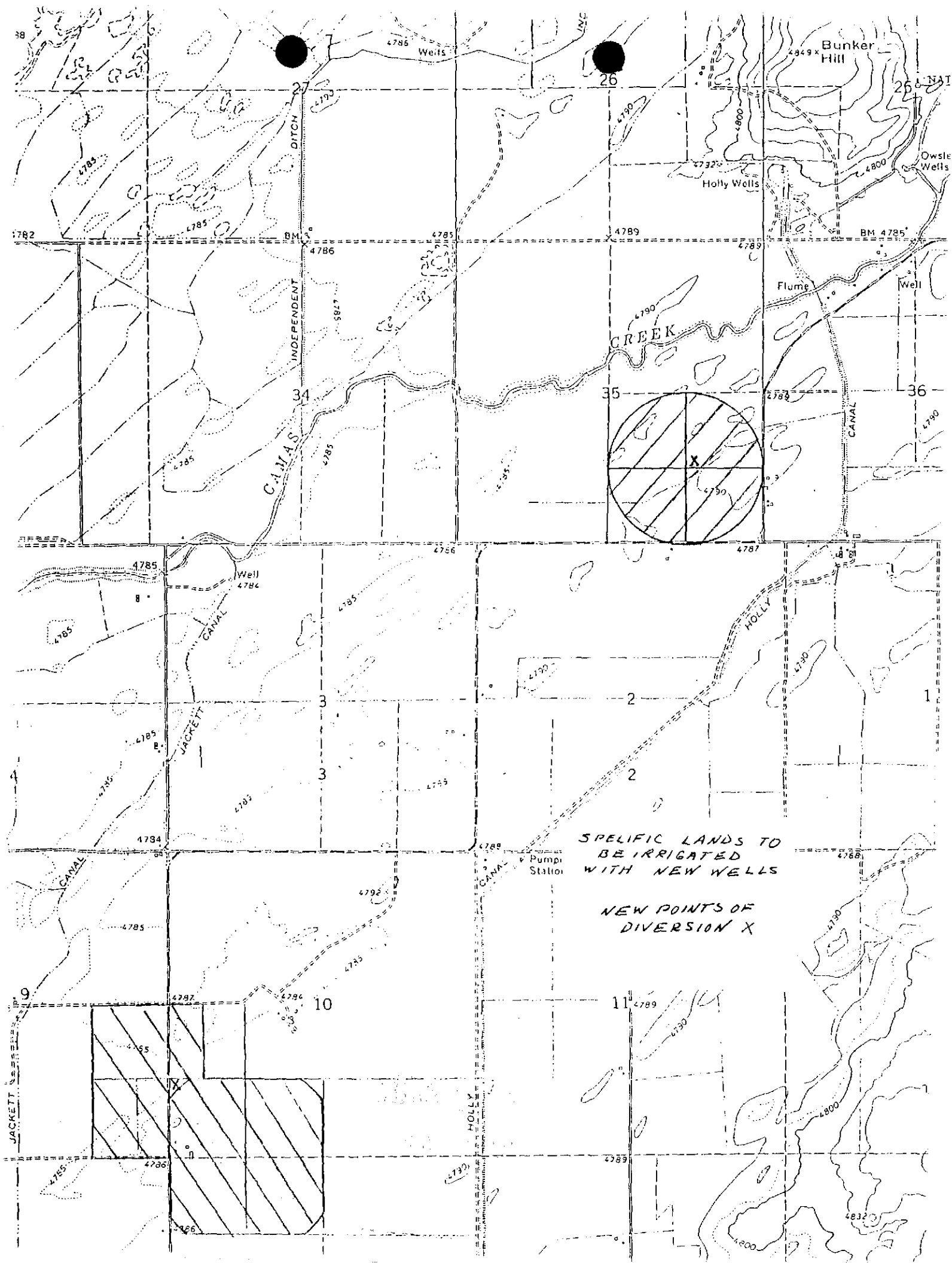
1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____



PART 3

B. CHANGES IN NATURE OF USE

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

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

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

None

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.

La Moya Barney
(Signature of Applicant)

Subscribed and sworn to before me this 1st day of November, 19 90.

Rita Schneider
(Notary Public)

My commission expires 5-18-93

FOR DEPARTMENT USE ONLY

Transfer contains 4 pages and 11-2-90 attachments

Received by HWS Date 8-8-90 Protest filed by _____

Prelim. check by KCW Fee \$50.00

Receipted by HWS EAS110 Date 8-8-90

Published in Statewide Copies of protest forwarded by _____

Pub. dates 12-20 & 27-90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

A T T A C H M E N T

POINTS OF DIVERSION:

There are 8 wells referred to as the "Holley Wells". They all discharge into an open ditch which commences near the wells in the SESE § 26, SWSW § 25 and the NWNW § 36, T.7N., R.35E. The ditch proceeds generally south, crosses Camas Creek by means of a flume and then continues in a southerly direction to the place of use.

In recent years, wells have been drilled on a number of farms served by this system to provide for more efficient irrigation of the lands by means of pivot and other types of sprinkler systems. The 8 old wells, or some of them, do not need to be pumped nearly as much and the transmission losses through the ditch system have been substantially reduced.

Such additional wells have been drilled or are proposed by Carl Hoggan, Sterling Murdock, Sid Ashcraft, Robert Bybee and Ron Torgerson. Some have been approved and some have not. We have listed below all points of diversion for such wells, and those not yet approved have been designated "New":

T.6N., R.35E.	S. 2	NESE	Ashcraft Well T3517
	S. 10	SWSW	Torgerson Well (New)
	S. 15	NWNE	Bybee Well T3654
	S. 22	SWNE	Murdock Well T3645
T.7N., R.35E.	S. 25	SWSW	Holley Wells
	S. 26	SESE	Holley Wells
	S. 35	NESE	Hoggan Well (New)
		SESW	Hoggan Well T3517/T3645
	S. ~~26~~ 36	NWNW	Holley Wells

Carl H

PLACE OF USE:

The specific places of use to be irrigated from the proposed new wells are shown in PART 1, page 1, under No. 5. However, such places of use are included within the place of use for all the water rights of the Holley Water Users Association, so this application is really only for the purpose of adding points of diversion under the 2 groundwater rights of the company, 31-0331 and 31-0332, and there is no proposed change in place of use. The place of use for Rights Nos. 31-0331 and 31-0332 is as follows:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>1/4 of 1/4</u>		<u>LOT</u>	<u>USE</u>	<u>ACRES</u>
06N	34E	11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			Section Acres				320.0
			NW	NW		IRR	10.0
			Section Acres				10.0
			NE	NE		IRR	40.0
	35E	1	NW	NE		IRR	36.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				546.0

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>1/4 of 1/4</u>	<u>LOT</u>	<u>USE</u>	<u>ACRES</u>
		3	NE	SE	IRR	38.0
			SE	SE	IRR	40.0
			Section Acres			78.0
		9	NE	SE	IRR	40.0
			SE	SE	IRR	40.0
			Section Acres			80.0
		10	NE	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	35.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
			Section Acres			475.0
		11	NE	NW	IRR	30.0
			NW	NW	IRR	38.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	39.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	38.0
			Section Acres			305.0
		14	NE	SW	IRR	10.0
			NW	SW	IRR	40.0
			Section Acres			50.0
		15	NE	NE	IRR	36.0
			NW	NE	IRR	31.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	33.0
			SE	NW	IRR	40.0

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>1/4 of 1/4</u>	<u>LOT</u>	<u>USE</u>	<u>ACRES</u>
		15	NE	SW	IRR	40.0
			NW	SW	IRR	34.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
			Section Acres			614.0
		22	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
			Section Acres			440.0
07N	35E	35	NE	SW	IRR	25.0
			SW	SW	IRR	20.0
			SE	SW	IRR	40.0
			NE	SE	IRR	33.0
			NW	SE	IRR	33.0
			SW	SE	IRR	33.0
			SE	SE	IRR	33.0
			Section Acres			217.0
		36	NE	SW	IRR	40.0
			NW	SW	IRR	38.0
			SW	SW	IRR	38.0
			Section Acres			116.0
			Total Acres			3251.0

2884i/srr

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3680APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**APPROVED**Name of applicant Holley Water Users Association Phone 662-5207Post Office address c/o LaMoyne Barney, Hamer, ID 83425**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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
31-0371	Sept. 10, 1928	23.00	Irrigation	04/01 to 11/15
31-0331	Jan. 25, 1930	24.00	Irrigation	04/01 to 11/15
				to
				to

2. Total amount of water being transferred 47.00 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Groundwater tributary to _____4. Point(s) of Diversion: NE SE 2 6N 35E Jefferson Ashcraft-Hoggan Well
NW NE 15 6N 35E Jefferson Bybee Well*

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	35	7N	35E	Jefferson	Hoggan Well
		SW	NE	22	6N	35E	Jefferson	Murdock Well *
		SW	SW	25	7N	35E	Jefferson	Holley Wells
		SE	SE	26	7N	35E	Jefferson	
	SE	NW	NW	36	7N	35E	Jefferson	

5. Lands irrigated or place of use: See attachment

*Previous transfer not approved as of 1/29/9

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	
6N	35E	2														40	40		80

Total acres 80

PART 1

6. General Information:

a. Description of diversion system This is to add in a p.d. owned by Sid Ashcraft which will irrigate lands under a pivot. This ground has been irrigated out of the ditch & will save us sending water down to this place of use.

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? N.A. Yes N.A. 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:

N.A.

d. Remarks:

We are currently adding wells into the peripheral areas of our system to make our water use more efficient.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0371 & 31-0331

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

See attached sheet for conditions of approval.

Witness my hand this 17th day of May, 19 91

[Signature]
Chief, Water Allocation Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 31-0331 & 31-0371

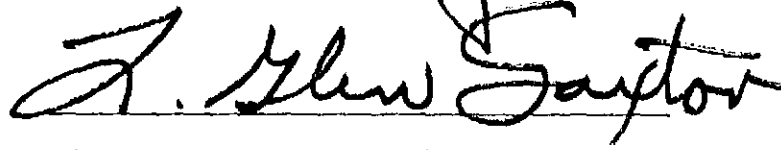
Transfer No. 3680

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. vs. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.
6. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
7. 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.
8. 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.

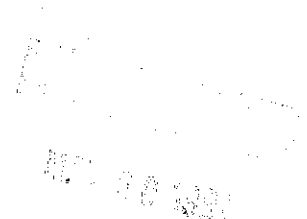
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9. This permit is subject to the agreement dated March 11, 1991 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
10. Transfer Nos. 3680 & 3787 add place of use descriptions to Right Nos. 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

Dated this 17th day of May, 1991.



Chief, Water Allocation Bureau



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. 31-0331 Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 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 January 25, 1930

5. Water is used for the following purpose:

amount 24.0 for Irrigation purposes from 04/01 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 24.0 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
	NW	SE	SW	35	07N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See attachment

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 _____

9. Describe any other water rights used for the same purpose as described above 31-0371, etc

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 31-0371 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 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** Sept. 10, 1928**5. Water is used for the following purpose:**

amount 23.0 for Irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 23.0 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
	NW	SW	SW	25	07N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: See attachment

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 _____

9. Describe any other water rights used for the same purpose as described above 31-0331, -0343, -0344,

-0345, -0349, -0352, -0354, -0355, -0356, -0359, -0360, -0361, -0362, -0363

Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	34E	11	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	320.0
	35E	1	NW	NW		IRR	10.0
						Section Acres	10.0
		2	NE	NE		IRR	40.0
			NW	NE		IRR	36.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	546.0
		3	NE	SE		IRR	38.0
			SE	SE		IRR	40.0
						Section Acres	78.0
		9	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
		10	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SE	NW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	10	NE		SW		IRR	40.0
			NW		SW		IRR	35.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	475.0
		11	NE		NW		IRR	30.0
			NW		NW		IRR	38.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	39.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.0
							Section Acres	305.0
		14	NE		SW		IRR	10.0
			NW		SW		IRR	40.0
							Section Acres	50.0
		15	NE		NE		IRR	36.0
			NW		NE		IRR	31.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	33.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	34.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	614.0

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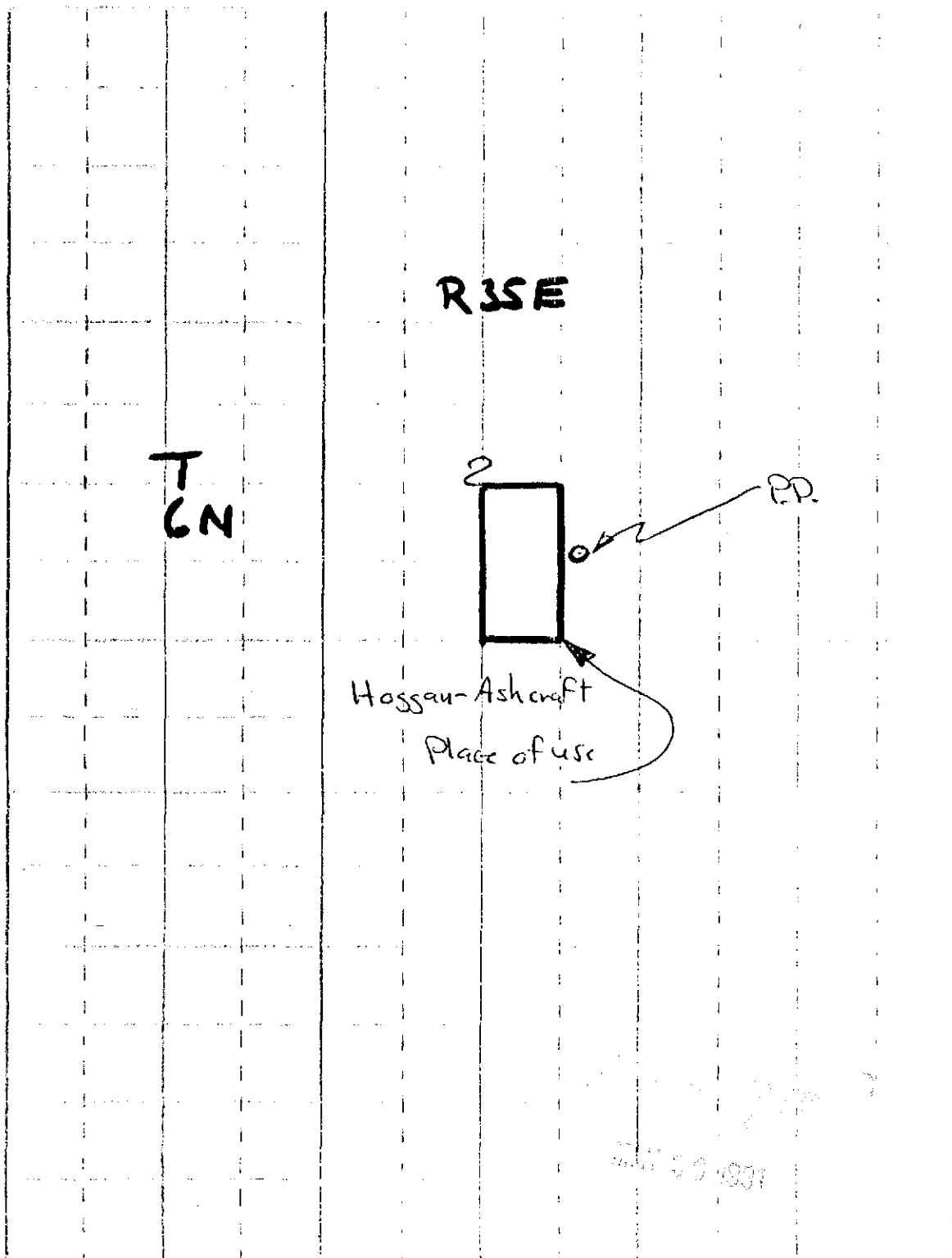
10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
06N	35E	22	NE	NE		IRR	40.0		
			NW	NE		IRR	40.0		
			SW	NE		IRR	40.0		
			SE	NE		IRR	40.0		
			NE	NW		IRR	40.0		
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	40.0		
			SE	SE		IRR	40.0		
									Section Acres
07N	35E	35	NE	SW		IRR	25.0		
			SW	SW		IRR	20.0		
			SE	SW		IRR	40.0		
			NE	SE		IRR	30.0		
			NW	SE		IRR	15.0		
			SW	SE		IRR	35.0		
		SE	SE		IRR	31.0			
								Section Acres	196.0
		36	NE	SW		IRR	40.0		
			NW	SW		IRR	38.0		
			SW	SW		IRR	38.0		
								Section Acres	116.0
						Total Acres	3230.0		

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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.



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

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.

Lamoye Barney Lee
(Signature of Applicant) Title

Subscribed and sworn to before me this 13th day of February, 19 90.

Karin Christensen
(Notary Public)

My commission expires 11-30-93

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWS Date 2-16-90

Prelim. check by KCW Fee 50.00

Received by HWS #E012077 Date 2-16-90

Published in Statewide

Pub. dates April 5 & 12 - 90

Watermaster recommendation requested on _____

_____ rec'd.

Copy of transfer sent to lien holder _____

Protest filed by Blaine Larsenby
Michael Creamer, Atty

Copies of protest forwarded by aw

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

by RDC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3654APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**APPROVED**Name of applicant Holley Water Users Association Phone 662-5207
Post Office address c/o LaMoyné Barney, Hamer, ID 83425

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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
31-0371 Sept. 10, 1928 23.00 Irrigation 04/01 to 11/15
31-0331 Jan. 25, 1930 24.00 Irrigation 04/01 to 11/15
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 47.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	35	07N	35E	Jefferson	Hoggan Well *
		SW	SW	22	06N	35E	Jefferson	Murdock Well *
		SW	SW	25	07N	35E	Jefferson	Holley Wells
		SE	SE	26	07N	35E	Jefferson	
	SE	NW	NW	36	07N	35E	Jefferson	

5. Lands irrigated or place of use:
- See attachment

* Previous transfer not approved as of 1/29/10

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	35E	10															40	40	80
		15	36	31															67
			Bybee place of use																

Total acres 147

PART 1

6. General Information:

- a. Description of diversion system Eight Holley wells open discharge into canal system. The
two Hoggan wells will divert water into pressure system and irrigate land
historically irrigated with water from Holley wells. This addition by Mr. Murdock
Holley wells will have a well on his property irrigate land traditionally irrigated from the main
 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:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0331/0371

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

See attached sheet for conditions of approval.

MICROFILMED

NOV 01 1990

Witness my hand this

29th

day of

October

19 90

J. Glen Saxton
 Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right No. 31-0331/0371

1. Use of water under this right is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under Right Nos. 31-0331 and 31-0371 is limited to the period from May 1 to November 1.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. 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.

Dated this 29th of October, 1990.
MICROFILMED

NOV 01 1990

J. Glen Sator
Chief, Water Alloc. Bureau

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. 31-0331 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0331 on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 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 January 25, 1930

5. Water is used for the following purpose:

amount 24.0 for irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 24.0 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
	NW	SE	SW	25	07N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use:

See Attachment

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 _____

9. Describe any other water rights used for the same purpose as described above 31-0371

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

NO

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

RECORDED

NOV 01 1980

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. 31-0371 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0371 on file with the Idaho Department of Water Resources.
- d. Transfer No. 3517 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 September 10, 1928

5. Water is used for the following purpose:

amount 23.0 for irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 23.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	35	07N	35E	Jefferson	
		SW	SW	25	07N	35E		
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use:

See Attachment

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0331, -0343, -0344,

-0345, -0349, -0352, -0354, -0355, -0356, -0359, -0360, -0361, -0362
-0360

NO _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF

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

amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

31-0210-1-10

3. Lands irrigated or place of use:

Total acres

1. amount _____ for _____ purposes from _____

for

204

101

for

101

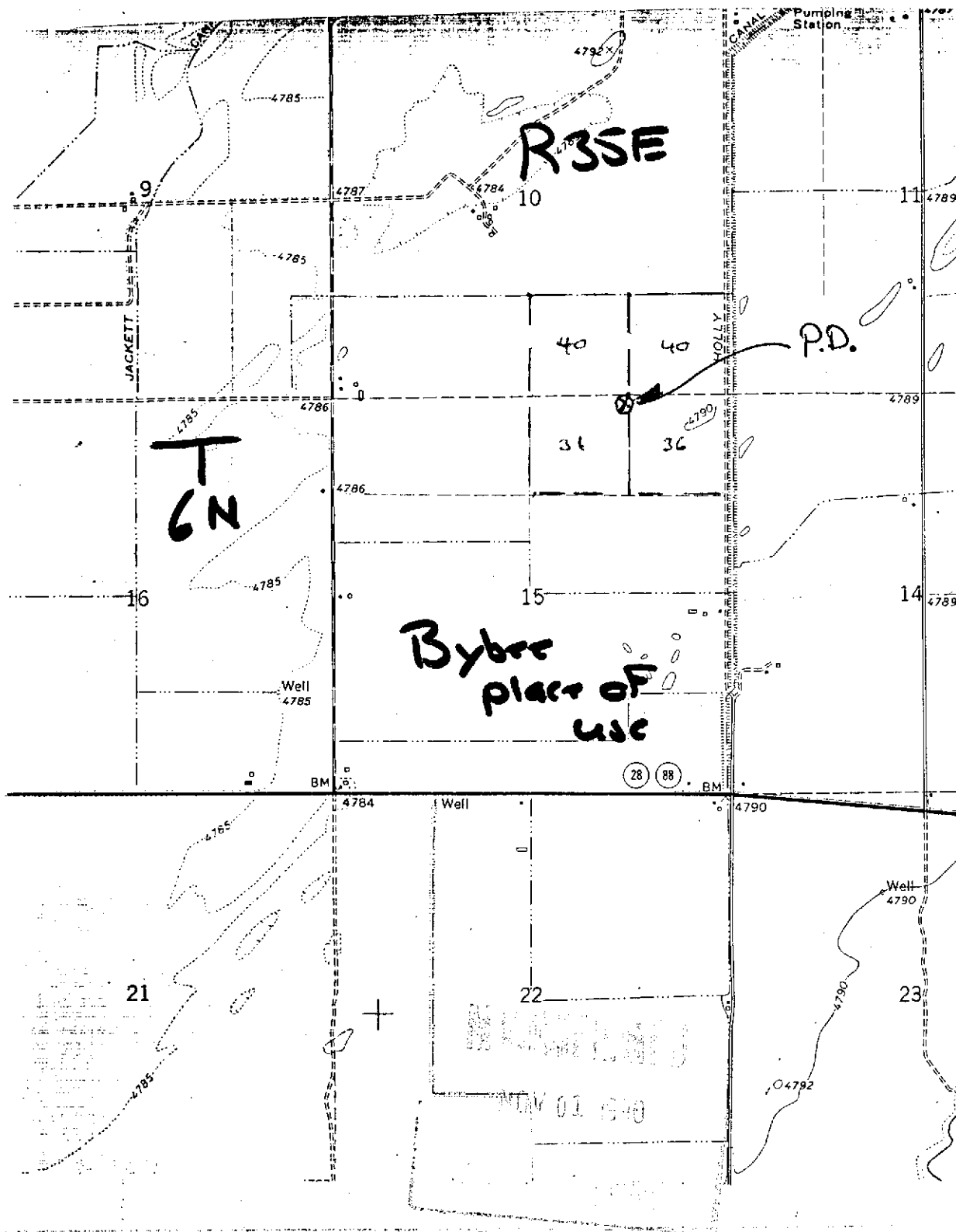
2. Point(s) of Diversion:

3. Lands irrigated or place of use:

BEHOLD THE FUTURE

Total acres

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.



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

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.

Robert B. Bybee
La Mayne Barney Sec.
(Signature of Applicant)
Subscribed and sworn to before me this 16th day of January, 19 90

Calleen Wray
(Notary Public)

My commission expires 5/29/1991

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by KCW Fee \$50.00Receipted by RB Date 1-17-90Published in Jefferson Star (statewide) Copies of protest forwarded by _____Pub. dates 2-15-90 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

MICROFILMED

NOV 01 1990

Place of use Attachment
For 31-0371 + 31-

Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres	
06N	34E	11	NE	NE		IRR	40.0	
			NW	NE		IRR	40.0	
			SW	NE		IRR	40.0	
			SE	NE		IRR	40.0	
			NE	NW		IRR	40.0	
			NW	NW		IRR	40.0	
			SW	NW		IRR	40.0	
			SE	NW		IRR	40.0	
			Section Acres					320.0
	35E	1	NW	NW		IRR	10.0	
			Section Acres					10.0
		2	NE	NE		IRR	40.0	
			NW	NE		IRR	36.0	
			SW	NE		IRR	40.0	
			SE	NE		IRR	40.0	
			NE	NW		IRR	40.0	
			NW	NW		IRR	40.0	
			SW	NW		IRR	40.0	
			SE	NW		IRR	40.0	
			NE	SW		IRR	32.0	
			NW	SW		IRR	40.0	
			SW	SW		IRR	40.0	
			SE	SW		IRR	38.0	
			NW	SE		IRR	40.0	
			SW	SE		IRR	40.0	
			Section Acres					546.0
		3	NE	SE		IRR	38.0	
			SE	SE		IRR	40.0	
			Section Acres					78.0
		9	NE	SE		IRR	40.0	
			SE	SE		IRR	40.0	
			Section Acres					80.0
		10	NE	NE		IRR	40.0	
			SW	NE		IRR	40.0	
			SE	NE		IRR	40.0	
			SE	NW		IRR	40.0	

NOV 01 1990

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	35E	22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
07N	35E	35	NE	SW		IRR	25.0
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	35.0
			SE	SE		IRR	31.0
		36	NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
						Section Acres	116.0
						Total Acres	3230.0

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NOV 01 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	10	NE	SW		IRR	40.0
			NW	SW		IRR	35.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 475.0

11	NE	NW	IRR	30.0
	NW	NW	IRR	38.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	39.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0

Section Acres 305.0

14	NE	SW	IRR	10.0
	NW	SW	IRR	40.0

Section Acres 50.0

15	NE	NE	IRR	36.0
	NW	NE	IRR	31.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	33.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	34.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 614.0

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NOV 01 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3645APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Holley Water Users Association Phone 662-5207Post Office address c/o LaMoyne Barney, Hamer, ID 83425

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reduce transmission loss sustained from having to convey well water through several miles of ditches before it is used for irrigation of the place of use.

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 |
|-----------------|----------------|--------------------|---------------|----------------|
| 31-0371 | Sept. 10, 1928 | 23.00 | Irrigation | 04/01 to 11/15 |
| 31-0331 | Jan. 25, 1930 | 24.00 | Irrigation | 04/01 to 11/15 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 47.00 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
	NW	SE	SW	35	07N	35E	Jefferson	Hoggan Well
		SW	NW	22	06N	35E	Jefferson	Murdock Well
		SW	SW	25	07N	35E	Jefferson	Holley Wells
		SE	SE	26	07N	35E	Jefferson	
	SE	NW	NW	36	07N	35E	Jefferson	

5. Lands irrigated or place of use: See Attachment

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	
6N	35E	22	A	A	A	A													
			MURDOCK																
			Place of use																

Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hoggan wells will divert water into pressure system and irrigate land historically irrigated with water from Holley wells. This addition by Mr. Murdock will have a well on his property irrigate land traditionally irrigated from the main Holley wells.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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:
No change in place of use.

d. Remarks:**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0331/0371

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

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

2. Use of water under these rights is subject to control by the watermaster of State Water District No. 31, Mud Lake & tributaries.

MICROFILMED

See attached list for additional conditions of approval.

NOV 01 1990

Witness my hand this 23rd day of July, 1990

J. Glen Saxton
Chief, Water Alloc. Bureau

ATTACHMENT TO CONDITIONS OF APPROVAL
TRANSFER OF WATER RIGHT
NOS. 31-0331/0371

3. The director retains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under these rights shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, the right holder shall reduce pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle (10/14/1940), the period of use under these rights is limited to the period from May 1 to November 1.

Dated this 23rd day of July, 1990.

J. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED

NOV 01 1990

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0371 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 September 10, 1928

5. Water is used for the following purpose:

amount 23.0 for irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 23.0 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
	NW	SE	SW	35	07N	35E	Jefferson	
		SW	SW	25	07N	35E		
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use:

See Attachment

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 01 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0331

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 31-0331 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 January 25, 1930

5. Water is used for the following purpose:

amount 24.0 for irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 24.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	25	12N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use:

See Attachment

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

Total acres _____

9. Describe any other water rights used for the same purpose as described above 31-0371

Place of use Attachment
For 31-0371 + 31-

Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres			
06N	34E	11	NE	NE		IRR	40.0			
			NW	NE		IRR	40.0			
			SW	NE		IRR	40.0			
			SE	NE		IRR	40.0			
			NE	NW		IRR	40.0			
			NW	NW		IRR	40.0			
			SW	NW		IRR	40.0			
			SE	NW		IRR	40.0			
						Section Acres	320.0			
35E	1	NW	NW		IRR	10.0				
								Section Acres	10.0	
35E	1	2	NE	NE		IRR	40.0			
			NW	NE		IRR	36.0			
			SW	NE		IRR	40.0			
			SE	NE		IRR	40.0			
			NE	NW		IRR	40.0			
			NW	NW		IRR	40.0			
			SW	NW		IRR	40.0			
			SE	NW		IRR	40.0			
			NE	SW		IRR	32.0			
			NW	SW		IRR	40.0			
			SW	SW		IRR	40.0			
			SE	SW		IRR	38.0			
			NW	SE		IRR	40.0			
			SW	SE		IRR	40.0			
									Section Acres	546.0
			35E	3	NE	SE		IRR	38.0	
SE	SE				IRR	40.0				
						Section Acres	78.0			
35E	9	NE	SE		IRR	40.0				
		SE	SE		IRR	40.0				
						Section Acres	80.0			
35E	10		NE	NE		IRR	40.0			
			SW	NE		IRR	40.0			
			SE	NE		IRR	40.0			
			SE	NW		IRR	40.0			

RECORDED

NOV 01 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	10	NE	SW		IRR	40.0
			NW	SW		IRR	35.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 475.0

11	NE	NW	IRR	30.0
	NW	NW	IRR	38.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	39.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0

Section Acres 305.0

14	NE	SW	IRR	10.0
	NW	SW	IRR	40.0

Section Acres 50.0

15	NE	NE	IRR	36.0
	NW	NE	IRR	31.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	33.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	34.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 614.0

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NOV 01 1990

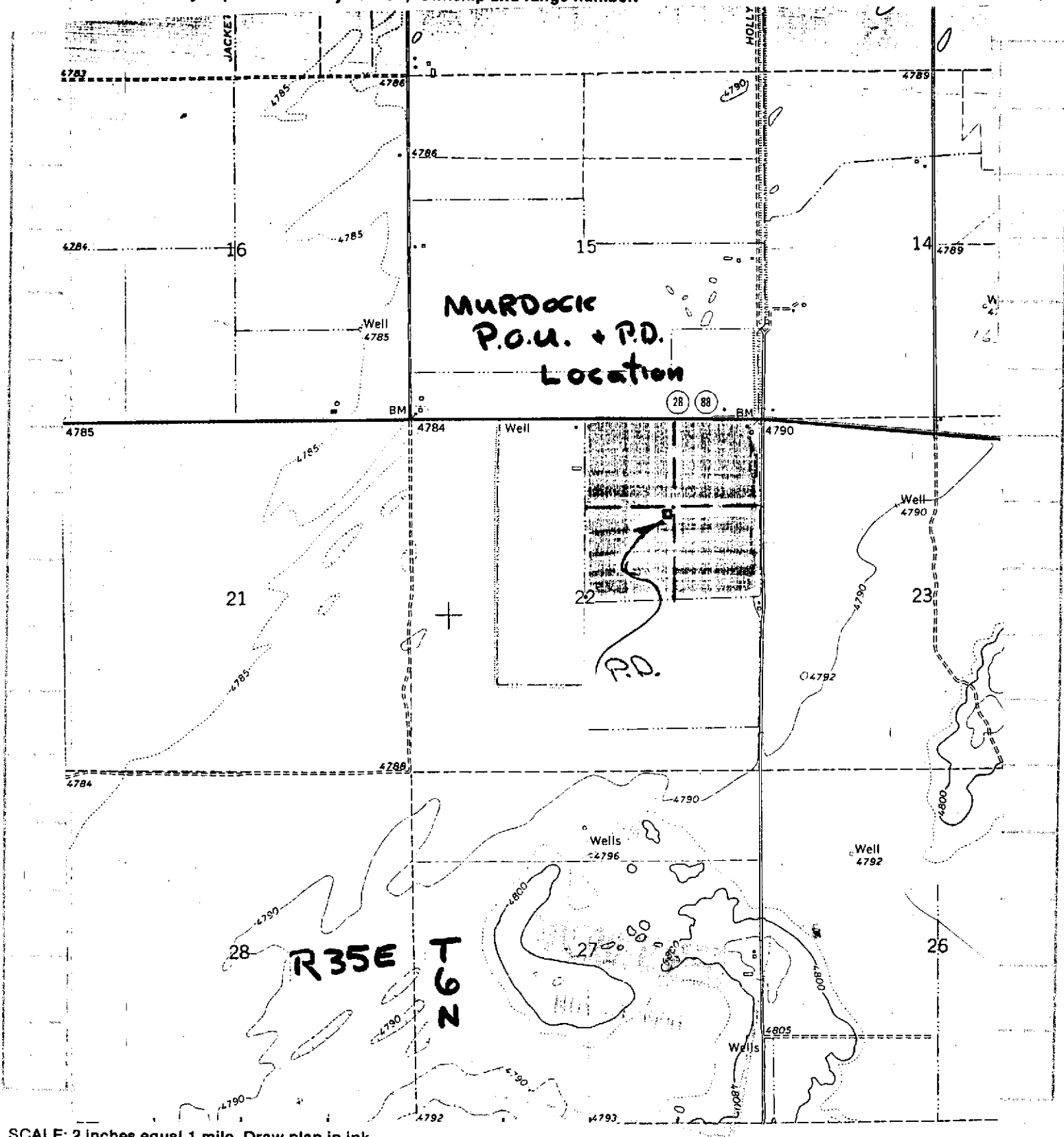
10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	440.0
07N	35E	35	NE		SW		IRR	25.0
			SW		SW		IRR	20.0
			SE		SW		IRR	40.0
			NE		SE		IRR	30.0
			NW		SE		IRR	15.0
			SW		SE		IRR	35.0
			SE		SE		IRR	31.0
							Section Acres	196.0
		36	NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	38.0
							Section Acres	116.0
							Total Acres	3230.0

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NOV 01 1990

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.



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

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

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

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

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

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

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

Subscribed and sworn to before me this 31st day of October, 19 89.

x LaMayne Barney Lee
(Signature of Applicant)

My commission expires October 1994

Cindy Nickell
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by KW Fee 50Receipted by 5011082 Date 10-31-89Published in Statewide Copies of protest forwarded by _____Pub. dates 12-7 & 14-89 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3517

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant Holley Water Users Association Phone 662-5207
Post Office address c/o LaMoyne Barney, Hamer, ID 83425

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reduce transmissions, sustained from having
to convey well water through several miles of ditches before it is used for
irrigation of the place of use.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|-----------------------|-----------------------|-------------------|------------------------------|
| <u>X31-00371</u> | <u>Sept. 10, 1928</u> | <u>23.00</u> | <u>irrigation</u> | <u>04/01</u> to <u>11/15</u> |
| <u>A31-00331</u> | <u>Jan. 25, 1930</u> | <u>24.00</u> | <u>irrigation</u> | <u>04/01</u> to <u>11/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 47.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	35	07N	35E		
	NW	NE	NW	02	06N	35E	Jefferson	Hogan wells ↑
		SW	SW	25	07N	35E	Jefferson	Holley wells ↓
		SE	SE	26	07N	35E	Jefferson	
	SE	NW	NW	36	07N	35E	Jefferson	

5. Lands irrigated or place of use: SAME AS CLAIM: See attachment (LANDS UNDER HOGAN WELLS)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	35E	2					✓	✓	✓	✓									
7N	35E	35									✓	✓	✓	✓	✓	✓	✓	✓	

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AUG 18 1984

Total acres

TWP.

RANGE

COUNTY

SCALE: 1" = 1 MILE

36

31

32

33

34

35

36

31

1

6

5

4

3

2

1

6

12

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31

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6

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4

3

2

1

6

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AUG 18 1930

PART 1

6. General Information:

a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hoggan wells will divert water into pressure system and irrigate land historically irrigated with water from Holley wells.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? n/a 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:

No change in place of use.

d. Remarks:

Earl Hoggan has filed for supplemental water to be diverted from his wells.

* Note see 31-07377 DMD 20 Jan 89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0331/0371

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

1. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under these rights is subject to control by the watermaster of State Water District No. 31, Mud Lake & tributaries.

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AUG 18 1989

Witness my hand this

14th

day of

August

, 19 89

J. Glen Saxton
Chief, Water Alloc. Bureau

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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A31-00371 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 September 10, 1928

5. Water is used for the following purpose:

amount 23.0 for irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 23.0 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
		SW	SW	25	07N	35E	Jefferson	
		SE	SE	26				
	SE	NW	NW	36				

8. Lands irrigated or place of use: SAME AS CLAIM: See attachment

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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AUG 18 1989

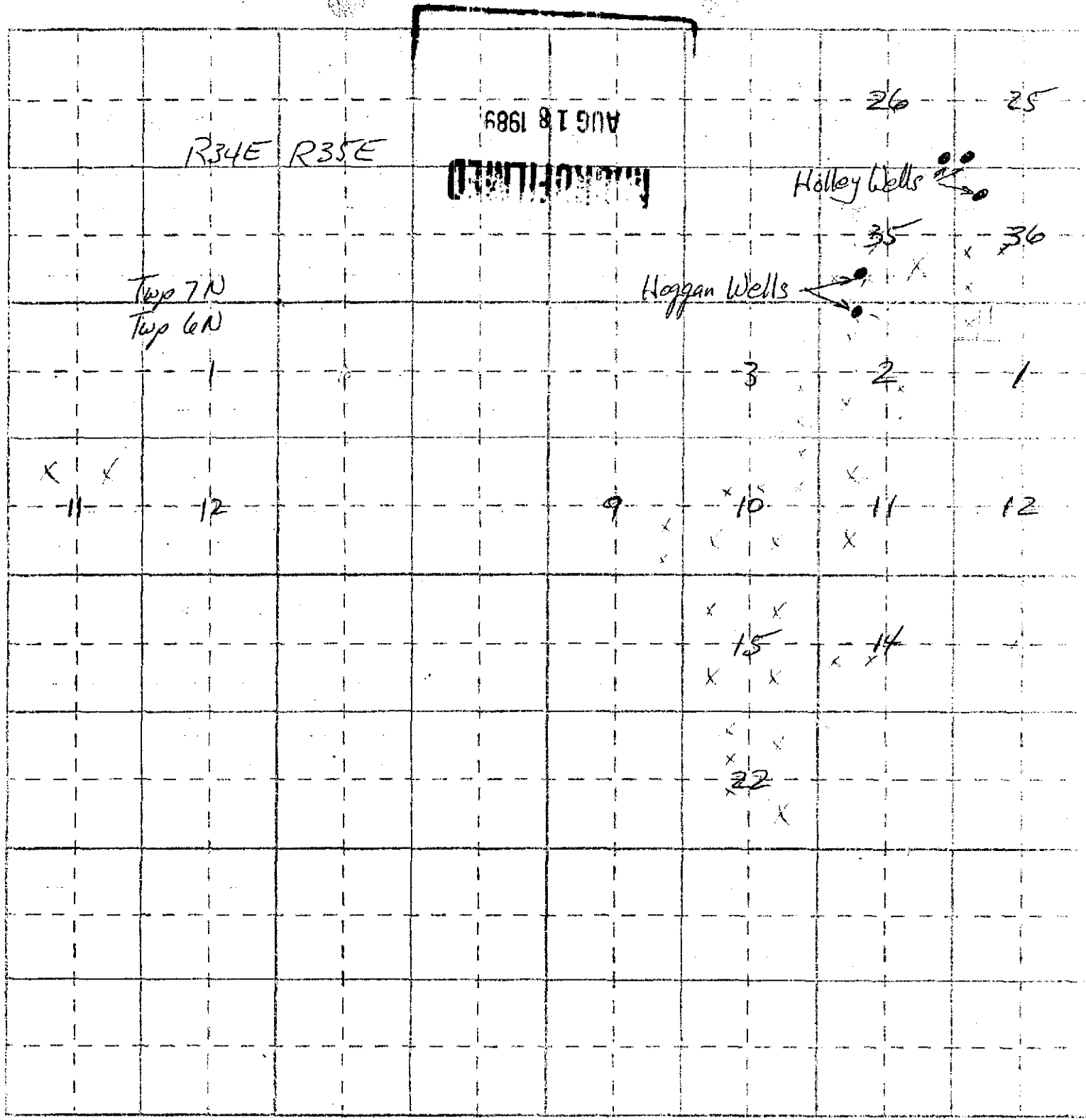
Total acres _____

9. Describe any other water rights used for the same purpose as described above A31-00331

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.



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

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

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

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

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

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

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

1

Holley Water Users Ass. by Carl Hoggan pres.
 (Signature of Applicant)

Subscribed and sworn to before me this 1-13-89 day of _____, 19____.

Ernest Carlson
 (Notary Public)

My commission expires 14 June 1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments	
Received by <u>EMC</u> Date <u>Jan 13, 1989</u>	Protest filed by _____
Prelim. check by <u>DD</u> Fee <u>\$50</u>	
Receipted by <u>EMC</u> Date <u>Jan 13, 1989 E005501</u>	
Published in <u>Teller's Star</u>	Copies of protest forwarded by _____
Pub. dates <u>2-15 & 2-22-89</u>	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for ☒ approval ☐ denial
<u>WD #31</u> rec'd. <u>3-14-89</u>	by <u>Roe Jim Gary</u>
Copy of transfer sent to lien holder _____	

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AUG 18 1989

Transfer No. 2656

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Holly Water Users Assn. Phone _____
Post Office address c/o LaMoyné Barney, Hamer, Idaho 83425

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to Holly Water Users
(Name)
in case of Holly Water Users Assn. vs Mark R. Kulp
dated in 12/13/1946 in 9th Judicial Dist. county of Jefferson
(Name of court)
- b. License No. _____ 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 _____

3. Source of water Groundwater tributary to _____
(1) 31-0371 (2) 31-0331
4. Date of priority 9/10/1928 1/25/1930

5. Water is used for the following purposes:

31-0371 amount 23cfs for Irrigation purposes from 4/1 to 11/1
31-0331 amount 24cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 47 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25
Township 7N Range 35E, B.M., in Jefferson County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	35E	36									X	X	X	X					
6N	35E	1					X	X	X	X	X	X	X	X					
6N	35E	2									X			X					
6N	35E	3													X		X	X	
6N	35E		All of Sections				10	11	14	15	22	23							

Total number of acres to be irrigated 4,000

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

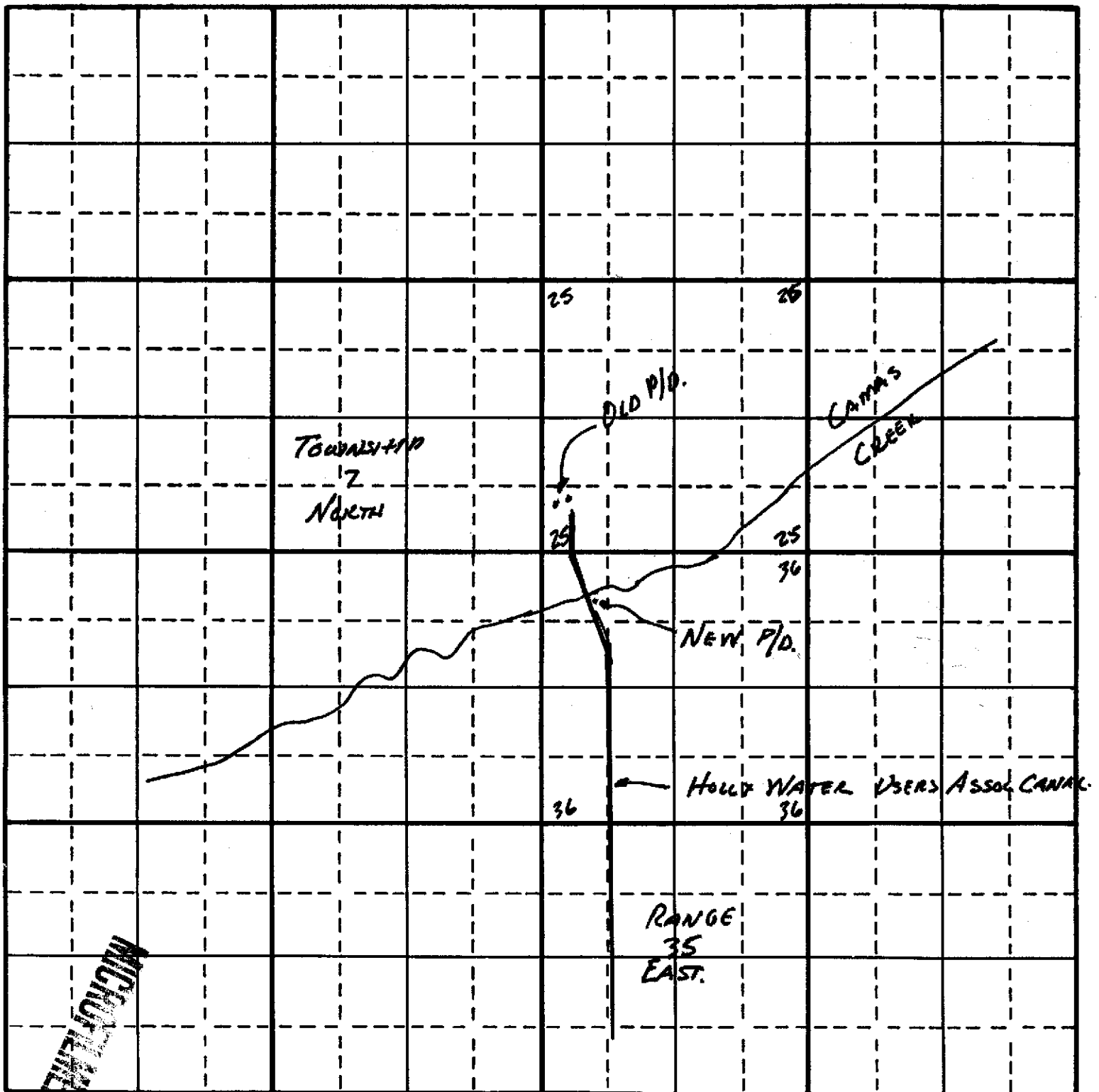
c. Describe the land and place of use to which the right will be transferred:

NO CHANGE

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

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. Decreed rights from Camas Creek (Suave vs. Abbott)
5. 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.

D. REMARKS

The intent of this application for transfer is to

add a point of diversion to the Holly Water Users Assn. existing groundwater rights.

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 willfull misrepresentations made in this application may result in voiding its approval.

Holly water Users by LaMay, Borney
Secretary (Signature of Applicant)

Subscribed and sworn to before me this 2nd day of March, 19 82

Gloria Aldrich
(Notary Public)

My commission expires Oct 10, 1985

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0331 & 31-0371

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

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this approval is subject to the control of the watermaster of State Water District No. 31, Mud Lake and tributaries, said groundwater rights being decreed in the case of Holly Waterusers Assn. vs. Mark R. Kulp.
3. The special minimum construction standards for artesian water shall be followed if artesian water is encountered.

Witness my hand this 16th day of August, 19 82

J. Glen Saxton
Chief, Operations Bureau

Assailed by S.M.

FOR DEPARTMENT USE ONLY

Received by CW Date 3-23-82 Protest filed by
Prelim. check by HWS Fee 50⁰⁰
Receipted by CW Date 3-4-82 #20126
Published in Jefferson Star
Pub. date 18425-82
Watermaster recommendation requested on 3-12-82
31 rec'd. 3-25-82
Copies of protest forwarded by
Hearing held by Date
Recommended for approval denial
by Jem

THE JEFFERSON STAR

RIGBY, IDAHO

APR 8 1982

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO {
County of Jefferson { ss

I, Bruce Porter

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 propose change of water right

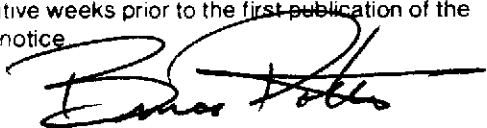
a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any

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

been made on March 18, 1982 and the last publication having been made

on March 25, 1982

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



Handwritten flourish

Subscribed to and sworn to before me

this March 29, 1982

John Hanner
Notary Public.

(SEAL)

My commission expires Life.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 31-0371/0331

Notice is hereby given that Holley Water Users Assoc., Hamer, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by decree to Holly Water Users in case of Holly Water Users Assoc. vs. Mark R. Kulp dated 12/13/1946 in 9th Judicial District, County of Jefferson and is recorded as follows:
31-0371 AMOUNT: 23.0 cfs PRIORITY: 9/10/1928; 31-0331 AMOUNT: 24.0 cfs PRIORITY: 1/25/1930

The water is diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 7N, R. 35E, B.M.,

Jefferson County, and used to irrigate 4,000 acres within the SW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E; W $\frac{1}{4}$, Sec. 1, E $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, E $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Sec. 10, 11, 14, 15, 22, and 23, T. 6N, R. 35E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, 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, Idaho Falls, Idaho, 83402 on or before April 6, 1982.

/s/A. KENNETH DUNN
Director

Publ. March 18 and 25, 1982RS

That the Court has jurisdiction over the parties and subject matter of this cause and can give the relief sought by the prayer of plaintiff's complaint.

CONCLUSION OF LAW

As conclusions of law, the Court concludes that the plaintiff and its stockholders and water users are entitled to have the order and decree of this Court determining and declaring that the plaintiff is the owner of and entitled to the continuous use of 23 c.s.f. of subterranean water with a priority date September 10th, 1928, and 24 c.s.f. of subterranean water with a priority date of January 25th, 1930, and as is evidenced by water permits Nos. 16979, 17276, respectively, as more fully set out in paragraphs VII and IX of the Findings of Fact; and also in like manner, of the respective amounts of water, with the respective dates of priority, as set forth in paragraph XII of Findings of Fact; and, also, the right to store and use 5,000 acre feet of water in Mud Lake, which was authorized by the Department of Reclamation of the State of Idaho, as evidenced by water permit No. R-528; that the plaintiff and its water users are entitled to the points of diversion of the aforesaid waters which have been established, to-wit, the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36; the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 25, Township 7 North, Range 35 East Boise Meridian; and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, Township 6 North, Range 34 East Boise Meridian; all being in Jefferson County, State of Idaho; that the said waters have been beneficially used upon the lands of the stockholders of said plaintiff corporation and which lands are described in paragraph V of Findings of Fact, and have also been used upon other lands nearby those herein described and owned by the aforesaid stockholders.

31-0332

JUDGMENT AND DECREE

IT IS, THEREFORE, ORDERED, ADJUDGED, DECREED, DETERMINED AND DECLARED by the Court that the plaintiff is the owner of, and said plaintiff, its stockholders and water users have heretofore been using and are entitled to the continuous use of the following described water for irrigation and domestic purposes, with the dates of priority herein declared, to-wit: 23 c.s.f. of water from subterranean sources with a priority date of September 10th, 1928; 24 c.s.f. of water from subterranean sources with a priority date of January 25th, 1930; that all of said decreed water has been diverted from wells situated on the Southwest Quarter of the Southwest Quarter of Section 25, Township 7 North, Range 35 East Boise Meridian, and land adjacent thereto; and also the following decreed rights, all of which have been transferred to the plaintiff corporation, with the dates of priority and in the amounts set opposite same, to-wit:

31-0371

31-0331

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	<u>Name</u>	<u>Date of Priority</u>	
3	0341 Bertha I. Nielson	September 5, 1912	1.72 a.m.f.
	0342 Frank McClain	February 4, 1913	0.80 "
	0343 R. P. Cope	February 20, 1913	1.70 "
	0344 W. C. Holley	November 12, 1913	1.70 "
	0345 David A. Sanders	March 4, 1914	0.80 "
	0346 David A. Sanders	November 1, 1914	1.90 "
	0347 R. P. Cope	November 1, 1914	0.80 "
	0348 David A. Sanders	February 26, 1916	0.74 "
	0349 R. P. Cope	April 15, 1916	1.50 "
	0350 Thos. J. Williams	June 1, 1916	2.10 "
	0351 Frank L. McClain	June 16, 1916	1.44 "
	0352 R. D. Leatherman	June 16, 1916	2.20 "
	0353 R. D. Leatherman	October 2, 1917	1.20 "
	0354 Julius Johnson	December 14, 1914	0.80 "
	0355 Julius Johnson	December 3, 1916	0.80 "
	0356 Mary L. McCann	November 5, 1917	1.16 "
	0357 W. H. Hutchison	January 1, 1918	2.60 "
	0358 Chas. Thieman	January 1, 1918	2.84 "
	0359 J. L. Sanders	January 11, 1918	0.74 "
	0360 Thomas J. Williams	November 17, 1918	3.00 "
	0361 Frank L. McClain	May 21, 1920	2.40 "
	0362 Julius Johnson	September 21, 1923	1.60 "
	0363 Mary L. McCann	January 1, 1924	0.34 "

with points of diversion situated in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 25, all being in Township 7 North, Range 35 East Boise Meridian, and in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, Township 6 North, Range 34 East Boise Meridian; also the right to annual store in what is known as Mud Lake a quantity of subterranean water up to the amount of 5,000 acre feet, as evidenced by water permit No. R-528, issued to the plaintiff corporation by the Department of Reclamation of the State of Idaho. All of the aforesaid water has been and is now being used upon the following described, and other lands nearby, and all situated in Jefferson County, State of Idaho, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-six (36), Township Seven (7) North, Range Thirty-five (35) East Boise Meridian; the West Half (W $\frac{1}{2}$) of Section One (1), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Two (2), the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Three (3), all of Sections 10, 11, 14, 15, 22 and 23, in Township Six (6) North, Range Thirty-five (35) East Boise Meridian. The said land embracing approximately 4,000 acres of irrigable land.

IT IS IN LIKE MANNER ORDERED, ADJUDGED, DECREED, DETERMINED AND DECLARED by the Court that the plaintiff corporation is the owner of an irrigation system consisting of pumping plants and other diversion works, main canal and lateral canals, and other diversion ditches, all of which are used in the irrigation of lands of the stockholders of said corporation; that in addition

MICROFILM

MEMORANDUM

TO: Files 31-00327/00328/00329/00330/00331/00332/00336B/00337B/00371/02239/
02265/02289/02290/02297/02310/02317A&B/02321/02341/02342/02343/
02344/02345/07005

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

Transfer 5335 combines the groundwater rights of the Holley Water Users, Jackett Canal Co, and Owsley Canal company. These three companies have combined under the Owsley Canal Company name and will operate a single combined system.

The application identifies 34 points of diversion and a combination of the land lists evidenced under each company's SRBA claims or 24261.3 acres. The decreed rights are vague, while the licensed rights identify specific acres and limits. SRBA review of all these rights through the adjudication process will provide specifics and verify the validity of all of these rights.

Review of these rights found that Right 31-02317 was actually licensed in two parts with separate rates and priority dates. These rights were more accurately entered as Parts A & B on the database and the additional 8.08 cfs added to the total diversion rate under this transfer. Also, a combined limit of 200.00 cfs during the irrigation season was identified under Rights 31-00327/00328/00329 & 00330. Right 31-02259 was listed on the application, however this right was superseded by Right 31-00330. After making these adjustments, the total rate of diversion under these rights is 643.21 cfs limited to 503.21 cfs during the irrigation season and 5,000 af storage.

Season of use and diversion volume were adjusted to current standards where specific acres were identified. Recommended conditions include watermaster control, supplemental groundwater, irrigation overlap, measuring/lockable controlling works, right-of-way, permissible place of use, combined limits and standard transfer conditions.

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FEB 11 1999

MEMORANDUM

TO: FILE 31-00371
FROM: PAM SKAGGS *CS*
RE: TRANSFER # 5335
DATE: 01-14-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 31-00327.

MICROFILMED
FEB 11 1999

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Ron TorgersonAddress 1854N 2500E Hamer, IdahoOwner's Permit No. 31-91-E-008WR. 3100371

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>20</u> inches	<u>2</u> feet	<u>108</u> feet
<u>.250</u> inches	<u>16</u> inches	<u>2</u> feet	<u>175</u> feet
<u>.250</u> inches	<u>12</u> inches	<u>280</u> feet	<u>597</u> feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☒ Yes ☐ NoHow perforated? ☐ Factory ☒ Knife ☐ TorchSize of perforation 3/8 inches by 3 inches

Number	From	To
<u>10 per ft.</u> perforations	<u>530</u> feet	<u>570</u> feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 145 Material used in seal: ☒ Cement grout☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strataDescribe access port pump base

7. WATER LEVEL

Static water level 9 feet below land surface.Flowing? ☐ Yes ☐ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ PlugTemperature 48 °F. Quality excell.

Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2800	45	8

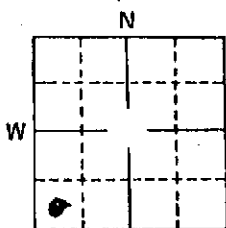
9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
20	0	105	brown clay & sand	X	
20	105	130	black lava	X	
20	130	142	brown clay & sand		X
20	142	149	black lava		X
20	149	169	brown clay		X
16	169	310	black lava, hard		X
16	310	365	grey & blue clay		X
12	365	390	blue clay		X
12	390	421	black sand		X
12	421	505	stubby blue clay		X
12	505	510	brown clay	X	
12	510	513	gravel	X	
12	513	520	black sand		X
12	520	529	grey hard shale		X
12	529	530	brown clay		X
12	530	575	red & black cinders alot of water	X	
12	575	597	hard blue stubby clay		X
finished					
RECEIVED					
JUN 28 1991					
Department of Water Resources					
Eastern District Office					

10.

Work started March 27, 1991 finished May 30, 1991

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County JeffersonSW 1/4 SW 1/4 Sec. 10, T. 6 N., R. 35 E.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name High Plains Drilling Firm No. 299Address Reynolds, Idaho Date 6-13-91Signed by (Firm Official) Marcus T. Sandhuand
(Operator) Marcus T. Sandhu

MEMORANDUM

TO: File 31-0371
FROM: Brenda
DATE: May 17, 1991
RE: Transfer Nos. 3680 & 3787

=====

See file 31-0331 for all correspondence regarding the above referenced transfers.

RECEIVED

MAY 30 1991

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. MCCLURE
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PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

† ADMITTED ONLY IN ILLINOIS

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

JAMES A. MCCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

May 13, 1991

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MAY 16 1991

Department of Water Resources
Eastern District Office

Mr. Harold Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Ave.
Suite 15
Idaho Falls, ID 83402

RE: Holley Water Users/Torgerson & Hoggan Transfers

Dear Mr. Jones:

I have received your letter of April 11, 1991 regarding the above-referenced transfers in which you state that, based on the stipulation between Mr. Larsen and the transfer applicants, the Department considers the Protest against the application resolved and has resumed processing their application.

I am assuming that this means that the Department will not require a Withdrawal of Protest to be filed. I see no problem with this approach, and agree that the application can be processed on the understanding that the processed application, if approved by the Department, will contain conditions that conform with those to which the parties stipulated, and the understanding that Larsen may request and obtain a hearing during the five year period of retained jurisdiction and submit additional information to the Department regarding conditions on the transfer.

If my understanding of the facts is not correct, please advise me immediately.

Sincerely,



Michael C. Creamer

MICROFILMED

MCC/mcc

cc: Kevan Varin
Kent Foster
Breck Barton

MAY 30 1991

January 11, 1991

RE: Application for Transfer No. 31-0371/0331
TORGERSON/HOGGAN WELLS

LaMoyne Barney
Holley Water Users Association
Hamer, ID 83425

Dear Mr. Barney:

Enclosed please find a copy of a protest filed against the above referenced application. 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. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office
Kent Foster, Attorney

RECEIVED
MAY 30 1991

January 11, 1991

RE: Application for Transfer No. 31-0371/0331 HOLLEY WATER USERS
TORGERSON/HOGGAN WELLS

Mr. Michael C. Creamer
Attorney at Law
PO Box 2720
Boise, ID 83701

Dear Mr. Creamer:

This letter acknowledges receipt of the protest filed in behalf of Blaine Larsen and Larsen Farms against the above referenced application 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 transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter. If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

MICROFILMED

MAY 30 1991

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

RECEIVED

DEC 21 1990

Department of Water Resources
Eastern District Office

Attorneys for Protestants

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF)
APPLICATION FOR TRANSFER) **PROTEST**
OF HOLLEY WATER RIGHT NOS.)
31-0371 AND 31-0331 BY THE)
WATER USERS ASSOCIATION)
_____)

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to new points of diversion and places of use described in the application as the Ronald Torgerson place of use and the Carl Hoggan place of use. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;

2. The transfer will result in enlargements of both the place and period of

MAY 30 1991

use of the water rights sought to be transferred;

3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss or other factors;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversions in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 20th day of December, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Michael C. Creamer
Jeffrey C. Fereday
Michael C. Creamer MAY 30 1991

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
330 Shoup Avenue
Third Floor, Idaho First National Bank Bldg.
Idaho Falls, Idaho 83402

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Michael C. Creamer

MICROFILMED

MAY 30 1991

diversion to prevent expansion of those rights.

Having not satisfied the minimum notice requirements, the Application should be returned to the Applicant for further clarification. Notice should be republished if a proper application is subsequently resubmitted by the Applicant.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 4th day of January, 1991.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: 
Jeffrey C. Fereday
Michael C. Creamer

RECEIVED
JAN 10 1991

MAY 30 1991

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

RECEIVED
JAN 07 1991

Department of Water Resources

Attorneys for Protestant

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF)
APPLICATION FOR TRANSFER) **PROTEST**
OF WATER RIGHT BY MONTEVIEW)
CANAL COMPANY)

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby protest the Application for Transfer of Water Right submitted by the Montevieu Canal Company. The grounds for this Protest are as follows:

1. Protestants are the owners of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;
2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;

Protest - 1

RECORDED
MAY 30 1991

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 4th day of January, 1991, I served the foregoing

PROTEST upon:

Monteview Canal Co.
c/o Dale Cope
Monteview, ID 83435

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addressed to said persons at the above addresses.

Michael C. Cramer

MAY 30 1991

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

RECEIVED
DEC 21 1990

Department of Water Resources

Attorneys for Protestant

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF	)	
APPLICATION FOR TRANSFER	)	
NO. 3654 and 3680 OF HOLLEY WATER	)	CONDITIONAL
USERS ASSOCIATION	)	WITHDRAWAL OF
	)	PROTEST

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. § 42-222 and Department Rule 3, 1 hereby submit their Conditional Withdrawal of Protest in this matter.

This conditional withdrawal is based on a joint stipulation entered into between Protestants and the Applicants whereby Protestants agreed to withdraw their Protest to the Applicants' transfer applications provided that any approval of the applications by the Department of Water Resources ("Department") contain conditions that, among other things, provisionally reduces the amount of water that may be produced from the original points of diversion by the amount that the Applicants propose to divert to beneficial use at the new points of diversion and that retains jurisdiction in the

Conditional Withdrawal of Protest -- 1

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MAY 30 1991

Department to evaluate potential injury to other water rights and to modify the transfer conditions as necessary to prevent injury. The stipulation among the parties also provided that Protestants have the right to inspect the Applicants' points of diversion and to investigate their use of water under water right Nos. 31-0371 and 31-0331 and the right to present information to the Department during the period of retained jurisdiction relevant to necessary conditions to prevent injury to other water rights.

On October 29, 1990, the Department approved Application No. 3654 with conditions substantially similar to those agreed to by the parties in their stipulation. The stipulation among the parties and the Department's approval of Transfer Application No. 3654 contemplate that the Protestants may submit information to the Department for the purpose of seeking a modification of the conditions imposed by the Department on the Applicants' diversion of water from the new points of diversion. Application No. 3680 has not yet been approved, but the Department has represented to Protestants that any approval of Application No. 3680 will contain the same conditions as were imposed in its approval of Application No. 3654.

Accordingly, Protestants hereby withdraw their Protest to Transfer Application Nos. 3654, while expressly reserving their right to request a hearing before the Department at any time during the period of retained jurisdiction for the purpose of presenting such information and seeking such modifications of conditions as the Protestants deem are appropriate. With regard to Transfer Application No. 3680, Protestants hereby conditionally withdraw their Protest, provided that the conditions imposed by the Department in any approval of such application conform to those

Conditional Withdrawal of Protest -- 2

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MAY 30 1991

imposed in the Department's approval of Application No. 3654, and Protestants expressly reserve their right to request a hearing before the Department at any time during the period of retained jurisdiction for the purpose of presenting such information and seeking such modifications of conditions as the Protestants deem are appropriate.

Dated this 20th day of December, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: Michael C. Creamer

Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED
MAY 30 1991

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
330 Shoup Avenue
Third Floor, Idaho First National Bank Bldg.
Idaho Falls, Idaho 83402

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Michael C. Cavanaugh

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MAY 30 1991

CONFERENCE 2/14/91

Kent Foster - Representing Montiview & Holley water users

Breck Barton - Representing Ron Torgensen

Kent. - Holley waterusers do not want to enter into any more stipulations w/ Blaine Larsen.

Breck - Torgensen put at a disadvantage by this turn of event. Pivot is in place. What kind of interim agreement can be reached w/ Torgensen?

Creamer - I would waterusers object to a separation of Torgensen & Hogan

Lanoyne Barner - Have problem getting their water later & Larsen would be the water master.

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MAY 30 1991

Creamer says - they only want right to collect information.

Would the stockholders agree if they could be assured that IDWR would have control of the wells?

1. want to have reasonable
A. historical diversions
B. seepage losses

2. want ~~different~~ right to future hearing.
Paragraphs 6-7 & 8. would withdraw
if they could come back and request
a hearing.

Cremer

"Larsen wants to manage the transfer"
would like to provide information
Philosophy

water problems are critical.

Cremer - IDWR has not properly
conditioned previous transfers.

— Cremer —

We would like to set some type of
precedent for future transfers.

Holley & Larsen ^(application) should not be tied together
by the stipulation.

ENCLOSURE

MAY 30 1991

October 30, 1990

RE: Transfer of Water Right Nos. 31-0331/0371

Holley Water Users Association
c/o LaMoyne Barney
Hamer, ID 83425

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3654). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

NOV 61 1990

INTER-DEPARTMENT MEMO--1

DATE October 30, 1990

FROM Brenda Miller

TO File (s) 31-0371

SUBJECT Transfer No. 3654

See file No. 31-0331 for all of the correspondence regarding the above referenced transfer.


Signature

MICROFILMED

NOV 01 1990

31-0371

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

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

TELEPHONE
(208) 342-8571

TELECOPIER
(208) 343-9492
(208) 342-8920

October 8, 1990

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

RECEIVED
OCT 9 1990

Department of Water Resources

Dear Mr. Jones:

Enclosed is an original and two copies of Protest for filing.

Sincerely,

Jeffrey C. Fereday
Jeffrey C. Fereday

Enclosures

MICROFILMED

NOV 01 1990

Jeffrey C. Fereday
Michael C. Creamer
GIVENS, PURSLEY, WEBB & HUNTLEY
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 342-6571

Attorneys for Protestants

IN THE MATTER OF	)	
APPLICATION FOR TRANSFER	)	PROTEST
OF HOLLEY WATER RIGHT NOS.	)	
31-0371 AND 31-0331 BY THE	)	
WATER USERS ASSOCIATION	)	

Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho, by and through their attorneys Jeffrey C. Fereday and Michael C. Creamer of Givens, Pursley, Webb & Huntley, and pursuant to I.C. 42-222 and Department Rule 3, 1 hereby protest the Application submitted by the Holley Water Users Association to transfer Water Right Nos. 31-0371 and 31-0331 to a new point of diversion described as the Ronald Torgerson well. The grounds for this protest are as follows:

1. Protestant is the owner of surface and groundwater rights in Jefferson County, Idaho which may be materially injured either directly or indirectly by such transfer;
2. The transfer will result in enlargements of both the place and period of use of the water rights sought to be transferred;
3. The transfer will result in an increase in the consumptive use of water under water rights nos. 31-0371 and 31-0331;

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NOV 01 1990

4. The Application for Transfer does not contain sufficient information to determine the extent to which the transfer would result in a decrease in transmission loss, if any, and what effect this might have on other water rights;

5. The Application for Transfer does not contain sufficient information to determine the extent to which the right to divert under water rights 31-0371 and 31-0331 should be reduced as a result of decreasing transmission loss;

6. The Application for Transfer does not contain sufficient information to determine the effect of reducing transmission losses on the quantity, quality and location of return flows and location of discharge or the effects such reduction will have on other water rights; and

7. The proposed transfer involves projected diversion in excess of the duty of water for the acreage listed as the place of use.

Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

For the foregoing reasons, the Application for Transfer No. 3654 should be denied.

DATED this 8th day of October, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

BY: Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED

NOV 01 1990

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 1990, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 West Shoup Street, Suite 15
Idaho Falls, Idaho 83402

☐ HAND DELIVER
☐ U.S. MAIL
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☒ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

☐ HAND DELIVER
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Phillip J. Rassier, Esq.
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

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Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
330 Shoup Avenue
Third Floor, Idaho First National Bank Bldg.
Idaho Falls, Idaho 83402

☐ HAND DELIVER
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☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Jeffrey C. Flaherty

MICROFILMED

NOV 01 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: June 28, 1990

RE: HOLLEY TRANSFERS NO.S 3645, 3654, & 3680

=====

Based on correspondence between the Department and party protesting the above transfers, and the proposed stipulation agreement between the protesting party and applicant Holley Water Users Association, the following conditions of approval are recommended:

Proposed Conditions of Approval:

1. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as a part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of modifying the conditions of transfer approval as necessary to prevent such injury.
4. The cumulative rate of diversion and annual volume under Right No.s 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.
5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under right no.s 31-0331 and 31-0371 is limited to the period from November 1.

MICROFILMED
NOV 01 1990

WR# 31-0331
31-0371

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FREDAY
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(208) 342-8571

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(208) 343-8492
(208) 342-8920

* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

June 14, 1990

RECEIVED
JUN 15 1990

MS
Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Department of Water Resources

RE: Transfer Applications of Holley Water Users' Ass'n Nos. 3654 and 3680

Dear Mr. Saxton:

We have received your letter of June 12, 1990. Based on our understanding of the Department's intent regarding the proposed conditions as stated in your letter, we would not object to their inclusion in approvals of the Holley transfers.

To clarify our understanding, the conditions would be applied to the Holley Water Users' Ass'n transfers involving the Holley, Murdock, Bybee, Hoggan and Ashcraft wells that are referenced in the stipulation between those parties and Mr. Larsen. Condition number 3 in your May 25 letter would follow the language which we proposed in our June 8, 1990 letter. Condition number four would contain the language which you originally proposed, supplemented by the last two sentences of our proposed language.

I will forward a copy of your letter to the other parties. Upon notification from them that they will agree with this language, we will forward an executed stipulation to the Eastern Region along with a withdrawal of the protests filed by Mr. Larsen.

Sincerely,

Michael C. Creamer
MICHAEL C. CREAMER
Michael C. Creamer

NOV 01 1990

MCC/mcc

cc: Blaine Larsen
Kent Foster



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 12, 1990

Mike Creamer
Givens, Pursley, Webb & Huntley
277 N 6
Boise, ID 83702

RE: Transfer Applications of Holley Water Users Association
Transfer Application No.s 3654 & 3680

Dear Mr. Creamer:

I have reviewed your letter of June 8, 1990 concerning the Department's proposed conditions for the above referenced transfers.

In response to your comments and concerns, I first wish to state that my previous correspondence did not reference transfer no. 3680 simply because the stipulation which you asked the Department to review did not reference this latter transfer application. Since both transfers are similar in nature and a protest is pending between the same parties, the Department will extend similar conditions to transfer no. 3680.

In regard to our proposed condition no.3, the five year period for retained Department jurisdiction is standard. The additional language which you proposed seems acceptable and can be incorporated with our proposed condition.

The language of our proposed condition no. 4 was chosen with the intent to prevent expansion by limiting the diversion rate and volume, without specifying exact measurements, to an amount commensurate with actual beneficial use. This condition is a variation of a more standard condition that the Department often uses when issuing licenses and approving transfers. The Department understands that one of the parameters of beneficial use is the total number of irrigated acres identified by the transfers. Holly Water Users will be required to reduce their pumping by the same amount that certain individuals (i.e. Bybee, Murdock etc.) propose to divert at their new points of diversion. The Department will add the last two sentences as you have proposed to condition no. 4.

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NOV 01 1990

I hope that these revised conditions are satisfactory to both parties. Please do not hesitate to contact me if you have additional questions or concerns.

Sincerely,

L. Glen Saxton
L. Glen Saxton
Chief, Water Allocation Bureau

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NOV 01 1990

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. BAKENDALE
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. McCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

SUITE 200, PARK PLACE
277 NO. 8TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-8920

June 8, 1990

RECEIVED
JUN 11 1990

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Department of Water Resources

RE: Transfer Applications of Holley Water Users Ass'n

Dear Mr. Saxton:

I have reviewed your letter of May 25, 1990 regarding the proposed conditions for the Holley Water Users' Association transfers and have forwarded copies to Kent Foster and the landowners involved.

Let me first point out that the stipulation entered into by Mr. Larsen and the other parties encompasses Transfer Application Nos. 3654 and 3680 and also the Murdock well. Therefore, the Department should include the same conditions in each transfer approval.

Although the Department's retained jurisdiction language does not coincide with that contained in the stipulation which all the parties have now signed, Mr. Larsen would not object to the Department retaining jurisdiction for a period of not more than five years. We believe that the other parties likely would agree to this condition as well. We expect that if they do agree, they will write to me and convey their intention that the stipulation be considered amended to reflect the 5-year retained jurisdiction condition the Department has proposed.

We suggest, however, that your proposed condition no. 3 read as follows:

The director retains jurisdiction of this transfer for up to five years for the purpose of determining potential injury to existing rights, both junior and senior, and for the purpose of

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NOV 01 1990

Glen Saxton
June 8, 1990
Page 2

of modifying the conditions of transfer approval as necessary to prevent such injury.

The language contained in proposed condition number 4 is unclear. If it is the Department's intent that approval of the transfers will not result in an expansion of the water right, we agree with that intent. However, the language is ambiguous in this respect and therefore would not provide the stipulated prerequisite for withdrawing our protest. We suggest that the following language be substituted for the Department's proposed condition no. 4:

The cumulative rate of diversion, annual volume diverted and acreage irrigated under Right Nos. 31-0331 and 31-0371 shall not be increased above the decreed rate and volume of diversion as a result of this transfer, nor shall the acreage irrigated be increased beyond that decreed under these rights. Unless and until the Department imposes a different restriction, Holley shall reduce its pumping from the Holley wells by the same cumulative amount that the applicants propose to divert at their new points of diversion. The Department reserves the right to impose additional or different conditions on this transfer based on evidence provided during the period of retained jurisdiction or otherwise.

Since this condition reflects the intent of the parties, I anticipate that they will agree to inclusion of this language in the transfer approvals. We hope that the Department can make these changes to its proposed order.

I look forward to your response.

Sincerely,



Michael C. Creamer

MCC/mcc

cc: Blaine Larsen
Kent Foster
Robert Bybee
Carl Hoggan
Sterling Murdock
Sidney Ashcraft
LeMoyne Barney

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NOV 01 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 25, 1990

Michael C. Creamer
Givens, Pursley, Webb & Huntley
277 N 6
Boise, ID 83702

RE: Transfer Application No. 3654/Holley Water Users Assn.

Dear Mr. Creamer:

Department staff has received your letter dated May 21, 1990 and a copy of the proposed stipulation between Blaine Larsen and Holley Water Users Association.

The Department does not disagree with the general terms of the stipulation as it is currently proposed. Since the Department is not a party to the stipulation, the Department specifically requests that this stipulation not appear to be a matter before the Director of the Department. The heading of the stipulation therefore should exclude lines one and two which pertain to the Director of the Idaho Department of Water Resources.

Listed below are several proposed conditions which the Department will likely use as conditions of approval for this particular transfer application. I believe the conditions will satisfy the terms of the stipulation. I hope that our listing of proposed conditions at this time will assist the two parties in reaching an agreement and resolving the pending protest.

Proposed Conditions of Approval:

1. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.
2. A measuring device of a type approved by this Department shall be installed and maintained as a part of the diverting works.
3. The director retains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
4. The cumulative rate of diversion and annual volume under Right No.s 31-0331 and 31-0371 shall be appurtenant to the place of use so that each irrigated acre will receive an equal portion of water from the same source identified under both rights.

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NOV 01 1990

5. As specified by the court decree of Owsley Canal Co. v. Ernest Bauerle, October 14, 1940, the period of use under right no.s 31-0331 and 31-0371 is limited to the period from May 1 to November 1.

I hope this response addresses your concerns and questions. Please feel free to contact this office if you have additional questions or would like further assistance in this matter.

Sincerely



L. Glen Saxton
Chief, Water Allocation Bureau

RECORDED

NOV 01 1990

FROM Sharla

DATE 8/18/89

TO File 31-0371

SUBJECT Trans. 3517

See file 31-0331 for all correspondence regarding the above referenced transfer.

MICROFILMED

AUG 18 1989

SIGNATURE

August 16,-1982

RE: Water Right Nos. 31-0371 and 31-0331

Holly Water Users Assn.
c/o LaMoyne Barney
Mamer, ID 83425

Dear Mr. Barney:

Enclosed is a copy of the approved application for transfer of the above referenced water rights (Transfer No. 2656). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

MEMO

July 12, 1982

TO: Dave Tuthill *DRT*

FROM: Stan Szczepanowski *SPS*

RE: Casing recommendation for Transfer Application #2656 (a new well in T7N R35E Section 36 NW $\frac{1}{4}$ NW $\frac{1}{4}$, Jefferson County)

It would appear that the proposed well would likely draw water from Camas Creek which is close to the well site. Although we have no idea of the proposed depth of the well (a shortcoming of these transfer applications which I pointed out to you in a recent memo), I have found in two logs from wells in Section 35 a clay layer which may protect surface flows from pumping. In one log, the layer is found from 74 to 88 feet below land surface and in the other, from 58 to 84 feet. If this clay layer is continuous and is penetrated in the drilling of the new well, then unperforated casing should extend some reasonable distance into it.

SS:dc



Don Shenton, Watermaster
Water District #31
Dubois, Idaho 83423

Dear Don:

Please include the decree in your records and use it as a basis for water delivery to the Association

ERNEST M. CARLSEN
Asst. Regional Supervisor

100

April 7, 1982

RE: Claim to a Water Right No. 25-4119 BALL & ZUNDEL
No. 31-4069 HODGSON
Application for Amendment
No. 35-7156 MOORE
No. 31-7180 SANDERS
Application for Transfer
No. 31-0371/0331 HOLLY WATER USERS

Rigby Star
P.O. Box 37
Rigby, ID 83442

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on March 18 and 25, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

March 12, 1982

Don Shenton, Watermaster
WD# 31
Dubois, Id. 83423

RE: Transfer 31-0371/0331

Dear Don:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the forms returning them to this office on or before April 5, 1982.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST M. CARLSEN
Asst. Regional Supervisor

EMC:brs

enclosure: as stated

RECEIVED

MAR 25 1982

Identification No. _____

Transfer No. 31-0371 31-0331

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, David W. Shenton, watermaster of _____,
of Water District No. 31, County of Clark & Jefferson, State of Idaho,
whose address is Box 33 Dubois, Idaho;

have read the attached copy of the application for transfer of water right for
Holly Water Users Assoc., and to the best of my knowledge believe the
(name)

application to be true.

☒ A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

I fully endorse said application
but attach comments on separate sheet.
(See attachments)

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Dubois Idaho, Idaho, this 22nd day of March, 19 82

David W. Shenton
(Signature)

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Attachment

3

Water District #31

Box 33
Dubois, Idaho 83423
(208) 374-5230

RECEIVED

MAR 25 1982

Department of Water Resources
Eastern District Office

Donald W. Shenton
Watermaster

march 23, 1982

Dear Ernie Carlson -

Attachment to water master Recommendation
Form RE: transfer # 31-0371 - 31-0331
you will find attached form as requested.

I question your findings of 45 cfs. total
when the decree states they can divert
up to 50 cfs. daily continuous from May 1
to Nov 1 of any year.

Their history exceeds this amount each
year early in the season, but then drops off
making a shortage later in the season -

This necessitates drilling more wells to
maintain said. 50 cfs.

They need all this water including the 5
cfs. They are short on those transfers.

Donald W. Shenton

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 31-0371/0331

Notice is hereby given that Holley Water Users Assoc., Hamer, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of groundwater sources. The rights sought to be changed are evidenced by decree to Holly Water Users in case of Holly Water Users Assoc. -vs- Mark R. Kulp dated 12/13/1946 in 9th Judicial District, County of Jefferson and is recorded as follows:

31-0371 AMOUNT: 23.0 cfs PRIORITY: 9/10/1928

31-0331 AMOUNT: 24.0 cfs PRIORITY: 1/25/1930

The water is diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 7N, R. 35E, B.M., Jefferson County, and used to irrigate 4,000 acres within the SW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E; W $\frac{1}{2}$, Sec. 1, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, Sec. 10, 11, 14, 15, 22, and 23, T. 6N, R. 35E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 35E, 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, Idaho Falls, Idaho, 83402 on or before April 5, 1982.

A. KENNETH DUNN

Director

Published in the Jefferson Star, Rigby, ID March 18 & 25, 1982.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: AWJ

1. Right number 31-0371 & 31-0331 Applicant Holly Water Users ASSN.
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 *Not stated - assumed*
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 _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Other licenses exist from other wells

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD # 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 3-12-82 Received on 3-25-82
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny

3. Conditions* Managing device, & water master control.

4. By Ernest Carlson Date April 21, 1981.

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MAY 10 1982

Department of Water Resources

5-11-82 31-0371 & 31-0331 (31- MUD LAKE (TRIBUTARIES), OIE
* All uses within Watermaster Districts require special conditions.

Copy Sent