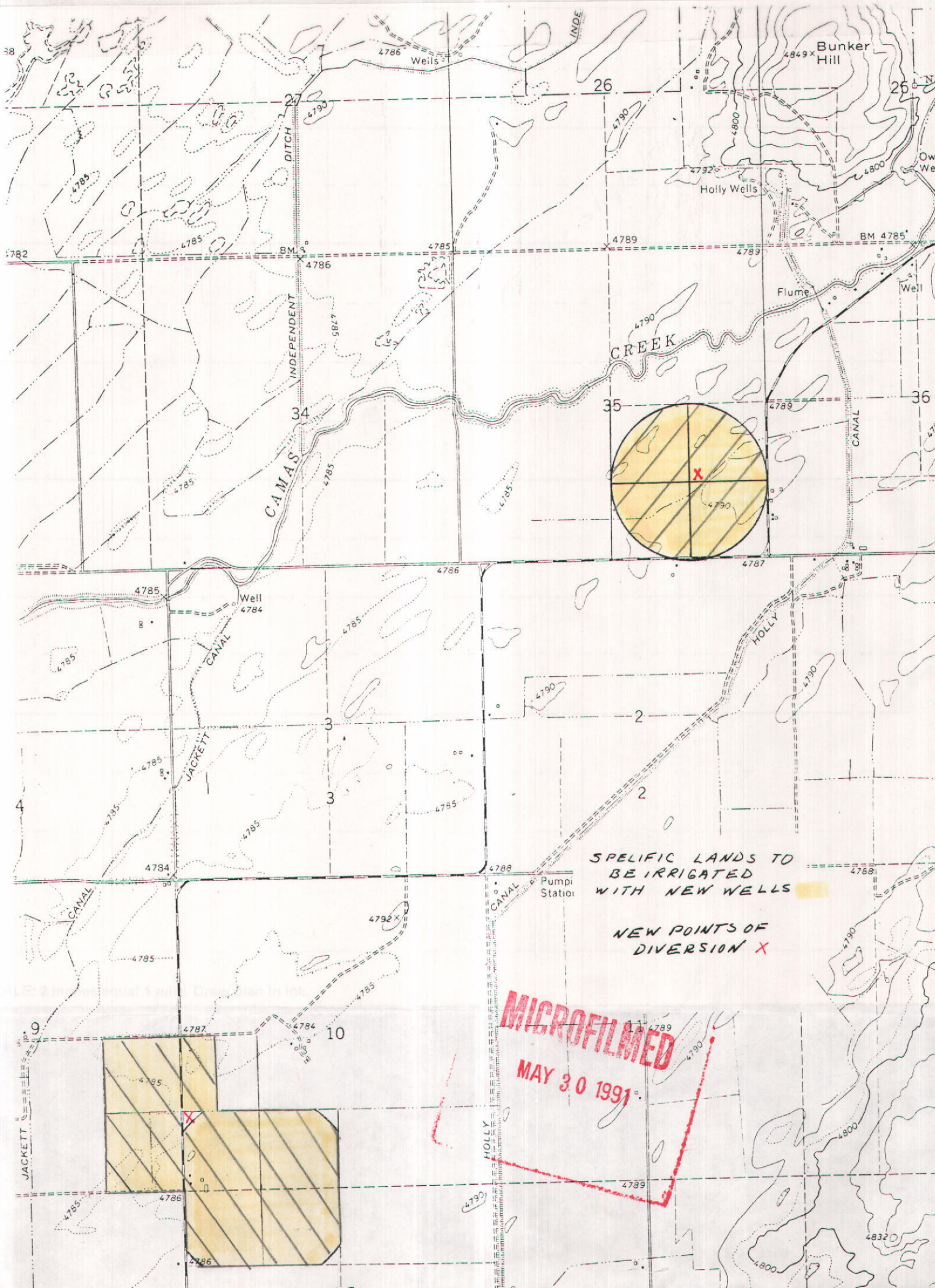


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.



RECEIVED

DEC 28 1990

Department of Water Resources
Eastern District Office

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, LAREENA LYDON
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Notice proposed change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for (2) two
consecutive issues, the first publica-

having been made on 12/19/90
and the last publication having been

made on 12/26/90.
Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

Lareena Lydon

On this 27th day of Dec

in the year of 1990, before
me, a Notary Public, personally ap-

peared Lareena Lydon,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Shelley
Notary Public for Idaho
Residing at Shelley
My commission expires: 6/24/94

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has
applied to the Department of Water Resources to add points of diversion of the
waters of a groundwater source. The rights sought to be changed are evidenced by
Decree No.'s 31-0371 & 31-0331 and are recorded as follows:
No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M. SEC 2, NESE ASHCRAFT WELL
SEC 15 NWNE BYBEE WELL
SEC 22 SWNE MURDOCK WELL
T 7N, R 35E, B.M. SEC 25, SWSW HOLLEY WELLS
SEC 26, SESE HOLLEY WELLS
SEC 35, SESW HOGGAN WELL
SEC 36, NWNW HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M. SEC 11, N1/2
T 6N, R 35E, B.M. SEC 1, NWNW
SEC 2, N1/2, SW1/4, W1/2SE1/4
SEC 3, E1/2SE1/4
SEC 9, E1/2SE1/4
SEC 10, NENE, S1/2NE1/4, SENW, S1/2
SEC 11, W1/2
SEC 14, N1/2SW1/4
SEC 15
SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M. SEC 35, NESW, S1/2SW, SE1/4
SEC 36, NESW, W1/2SW

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M. SEC 2, NESE ASHCRAFT WELL
SEC 10 SWSW TORGERSON WELL (NEW)
SEC 15 NWNE BYBEE WELL
SEC 22 SWNE MURDOCK WELL
T 7N, R 35E, B.M. SEC 25, SWSW HOLLEY WELLS
SEC 26, SESE HOLLEY WELLS
SEC 35, NESE HOGGAN WELL (NEW)
SEC 35, SESW HOGGAN WELL
SEC 36, NWNW HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of
the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as
follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M. SEC 9 E1/2SE14 76.6 ACRES
SEC10 W1/2SW1/4, SESW 95.9 ACRES
SEC15 N1/2NW1/4 77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M. SEC 35 SE1/4 126.0 ACRES

Any protest against the above change to a water right must be filed with the
Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on
or before JANUARY 7, 1991.

R. Keith Higginson
Director

Published in the Jefferson Star, Rigby, Idaho, Dec. 19 and 26, 1990.

MAY 30 1991

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, LAREENA LYDON
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Notice Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for (2) two
consecutive issues, the first publica-

having been made on 9/19/90
and the last publication having been

made on 9/26/90.

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

On this 27th day of Sept

In the year of 1990, before
me, a Notary Public, personally ap-

peared Lareena Lydon,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Merrill C. Freeman
Notary Public for Idaho

Residing at Idaho Falls

My commission expires: 7-10-93

RECEIVED

SEP 28 1990

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion
from the waters of a groundwater
source. The rights sought to be
changed are evidenced by Transfer No.
3517 (31-0371 & 31-0331) and are
recorded as follows:

No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW
SEC 25, SESE SEC 26, NWSEW
SEC 35, SENWNW SEC 36, T 7N, R
35E, JEFFERSON COUNTY

The water is used from April 1 to
November 15 to irrigate 3230 acres of
land within the N1/2 SEC 11, T 6N, R
34E; NWNW SEC 1, N1/2 SW1/4
W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3,
E1/2SE1/4 SEC 9, NENE S1/2NE1/4
SE1/2 SEC 10, W1/2 SEC 11,
N1/2SW1/4 SEC 14, SEC 15, NE1/4
E1/2NW1/4 NESW SE1/4 SEC 22, T
6N, R 35E; NESW S1/2SW SE1/4 SEC
35, NESW W1/2SW SEC 36, T 7N, R
35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
SESW, SEC. 35, T 7N, R35 E; SWSW,
SEC 10, T 6N, R 35E, (TORGERSO
WELL); SWSW, SEC. 25; SESE, SEC.
26; SENWNW, SEC. 36, T 7N, R
35E, (HOLLEY WELLS) JEFFERSON
COUNTY

Any protest against the above
change to a water right must be filed
with the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID, 83402, on or before OCTO-
BER 8, 1990.

R. Keith Higginson
Director

Published in the Jefferson Star,
Sept. 19 and 26, 1990.

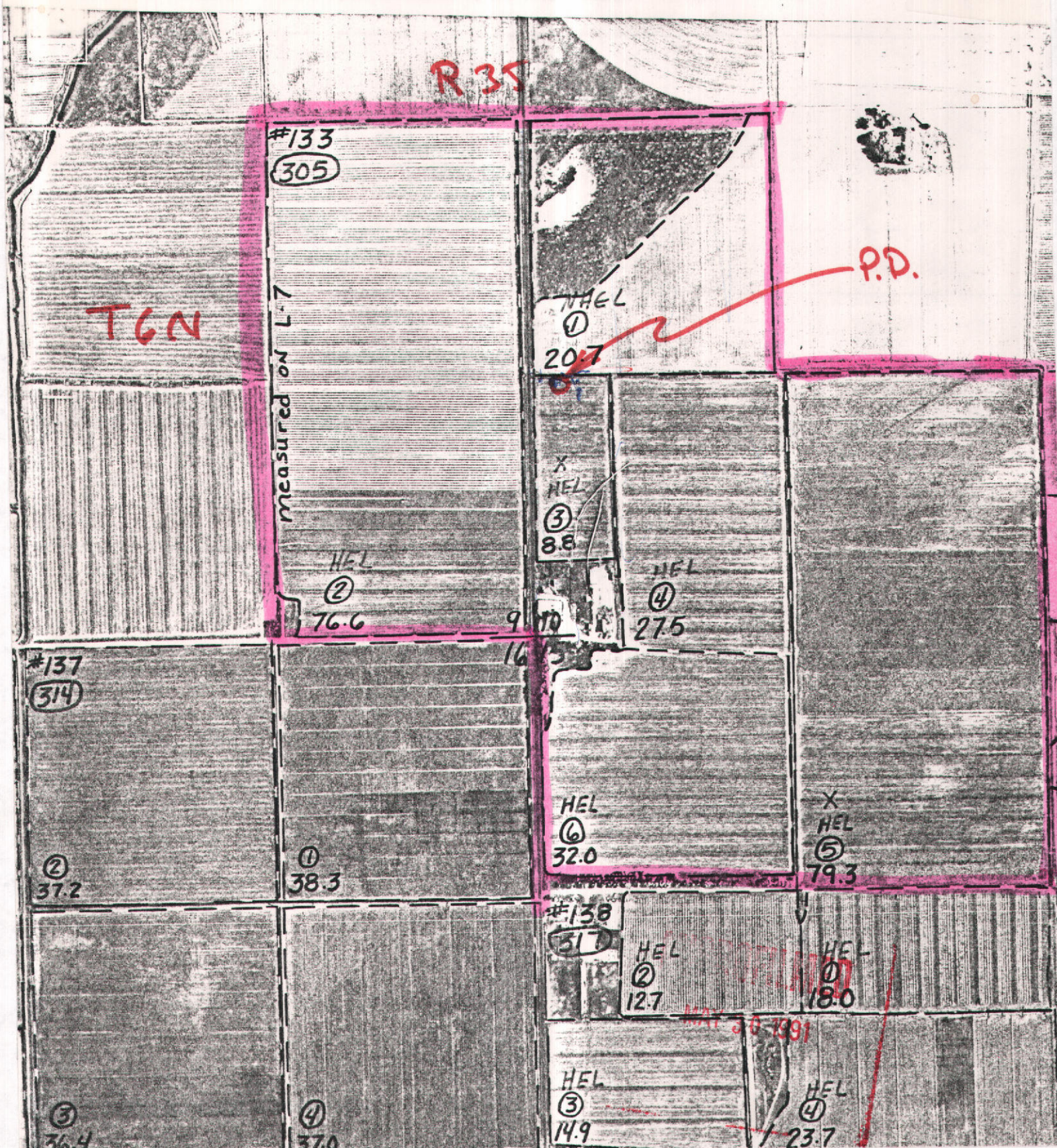
MICROFILMED

MAY 30 1991

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 to be transferred.



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, Robert Carlson
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Not. of Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for two (2)
consecutive issues, the first publica-

having been made on Apr 4
and the last publication having been

made on Apr 11, 1990.

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

Robert Carlson

On this 16 day of Apr

in the year of 1990, before
me, a Notary Public, personally ap-

peared Robert Carlson,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Shelly

Notary Public for Idaho

Residing at Shelly

My commission expires: 12-24-92

RECEIVED

APR 18 1990

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion
from the waters of a groundwater
source. The rights sought to be
changed are evidenced by Transfer No.
3517(31-0371 & 31-0331) and are
recorded as follows:

No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC
25, SESE SEC 26, NWSESW SEC 35,
SENWNW SEC 36, T 7N, R 35E,
JEFFERSON COUNTY

The water is used from April 1 to
November 15 to irrigate 3230 acres of
land within the N1/2 SEC 11, T 6N, R
34E; NWNW SEC 1, N1/2 SW1/4
W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3,
E1/2SE1/4 SEC 9, NENE S1/2NE1/4
SENW S1/2 SEC 10, W1/2 SEC 11,
N1/2SW1/4 SEC 14, SEC 15, NE1/4
E1/2NW1/4 NESW SE1/4 SEC 22, T

6N, R 35E; NESW S1/2SW SE1/4 SEC
35, NESW W1/2SW SEC 36, T 7N, R
35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
NESE SEC 2 (ASHCRAFT-HOGGAN
WELL), NWNE SEC 15 (Bybee Well),
SWNE SEC 22 (Murdock Well) T 6N;
SWSW SEC 25 (Holley Wells), SESE
SEC 26, NWSESW SEC 35 (Hoggan
Well), SENWNW SEC 36, T 7N, R 35E,
B.M.

Any protest against the above
change to a water right must be filed
with the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID, 83402, on or before April 23,
1990.

R. Keith Higginson
Director

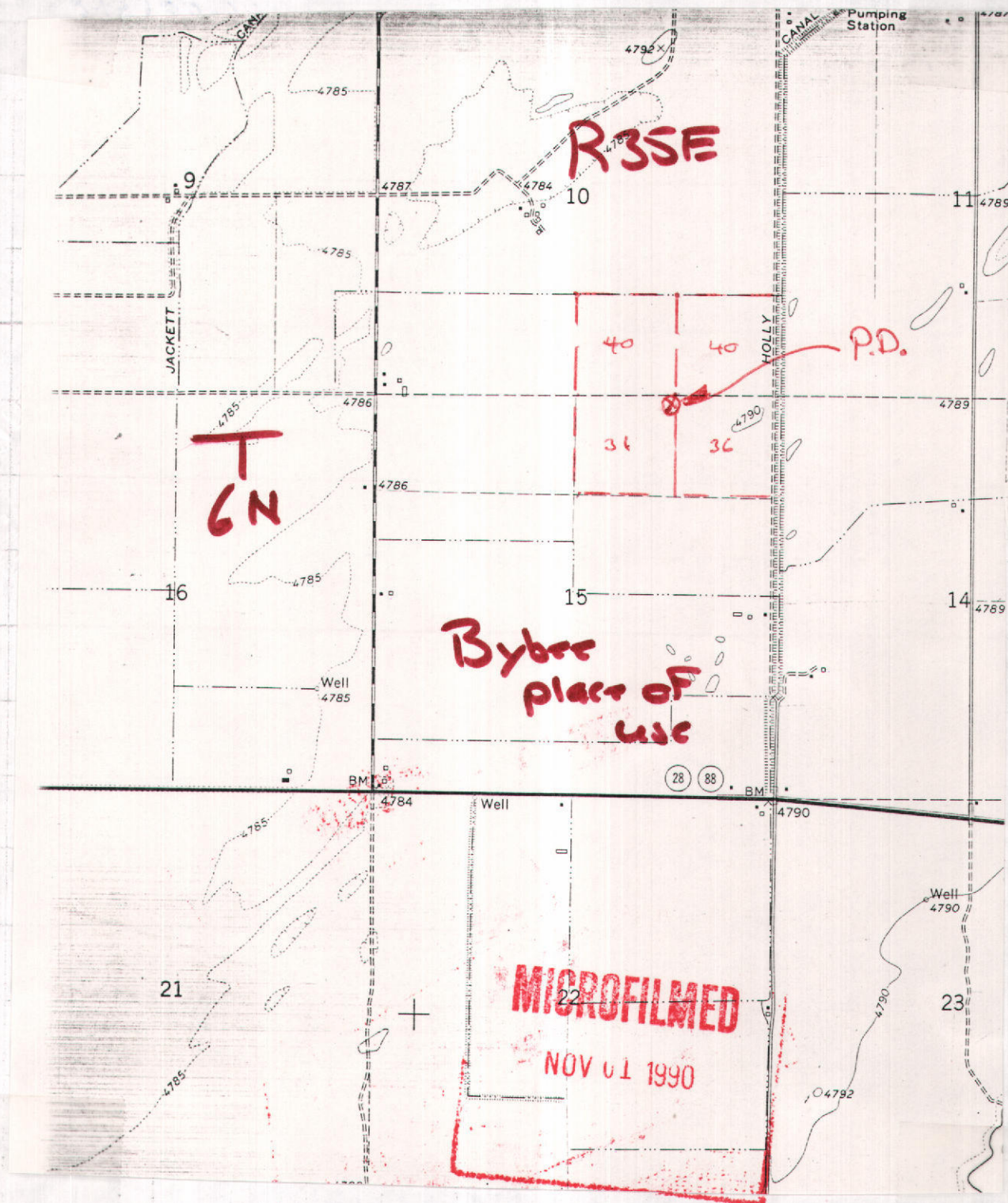
Published in the Jefferson Star,
Rigby, Idaho, April 4 and 11, 1990.

MICROFILMED

MAY 30 1991

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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, Robert Carlson
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Not. of Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for two (2)
consecutive issues, the first publica-

having been made on Feb 14
and the last publication having been

made on Feb 21, 1990

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

Robert Carlson

On this 22 day of Feb

in the year of 1990, before
me, a Notary Public, personally ap-

peared Robert Carlson,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Karen K. R.

Notary Public for Idaho

Residing at Liberty

My commission expires: 10-23-94

RECEIVED

FEB 26 1990

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion
from the waters of a groundwater
source. The rights sought to be
changed are evidenced by Transfer No.
3517(31-0371 & 31-0331) and are
recorded as follows:

No. 31-0371 AMOUNT: 23.0

PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0

PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW

SEC 25, SESE SEC 26, NWSESW

SEC 35,

SENWNW SEC 36, T 7N, R 35E,
JEFFERSON COUNTY

The water is used from April 1 to
November 15 to irrigate 3230 acres of
land within the N1/2 SEC 11, T 6N, R
34E; NWNW SEC 1, N1/2 SW1/4
W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3,
E1/2SE1/4 SEC 9, NENE S1/2NE1/4
SENW S1/2 SEC 10, W1/2 SEC 11,
N1/2SW1/4 SEC 14, SEC 15, NE1/4
E1/2NW1/4 NESW SE1/4 SEC 22, T
6N, R 35E; NESW S1/2SW SE1/4 SEC
35, NESW W1/2SW SEC 36, T 7N, R
35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
NWNE SEC 15 (BYBEE WELL), SWNE
SEC 22 (Murdock Well) T 6N; SWSW
SEC 25 (Holley Wells), SESE SEC 26,
NWSESW SEC 35 (Hoggan Well),
SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above
change to a water right must be filed
with the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID, 83402, on or before March 5,
1990.

Kelth Higginson
Director

Published in the Jefferson Star,
Rigby, Idaho, February 14 and 21,
1990.

MICROFILMED

NOV 01 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, Robert Carlson
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Not. of Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for two (2)
consecutive issues, the first publica-

having been made on Dec 6
and the last publication having been

made on Dec 13 1989.

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

Robert Carlson

On this 17th day of Dec

in the year of 1989, before
me, a Notary Public, personally ap-

peared Robert Carlson,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Shelley

Notary Public for Idaho

Residing at Shelley

My commission expires: 12-24-92

RECEIVED

DEC 18 1989

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 and 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion of
the waters of a groundwater source.
The rights sought to be changed are
evidenced by Claim No.'s 31-0371 &
31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs
PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs
PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW
S25, SESE S26, NWSESW S35,
SENWNW S36, T7N R35E, B.M.
Jefferson County.

The water is used to irrigate 3230
acres within the N1/2 S11 T6N R34E;
NWNW S1, N1/2 SW1/4 W1/2SE1/4
S2, E1/2SE1/4 S3, E1/2SE1/4 S9,
NENE S1/2NE1/4 SENW S1/2 S10,
W1/2 S11, N1/2SW1/4 S14, S15, NE1/4
E1/2NW1/4 NESW SE1/4 S22 T6N;
NESW S1/2SW1/4 SE1/4 S35, NESW
W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
SWNE S22 T6N (Murdock well);
SWSW S25 (Holley Wells), SESE S26,
NWSESW S35 (Hoggan Well),
SENWNW S36 T7N R35E, B.M.

Any protests against approval of the
above proposed change of water right
must be filed with the Idaho Department
of Water Resources, 150 Shoup Ave.,

Idaho Falls, ID, 83402, on or before
December 26, 1989.

R. Keith Higginson
Director

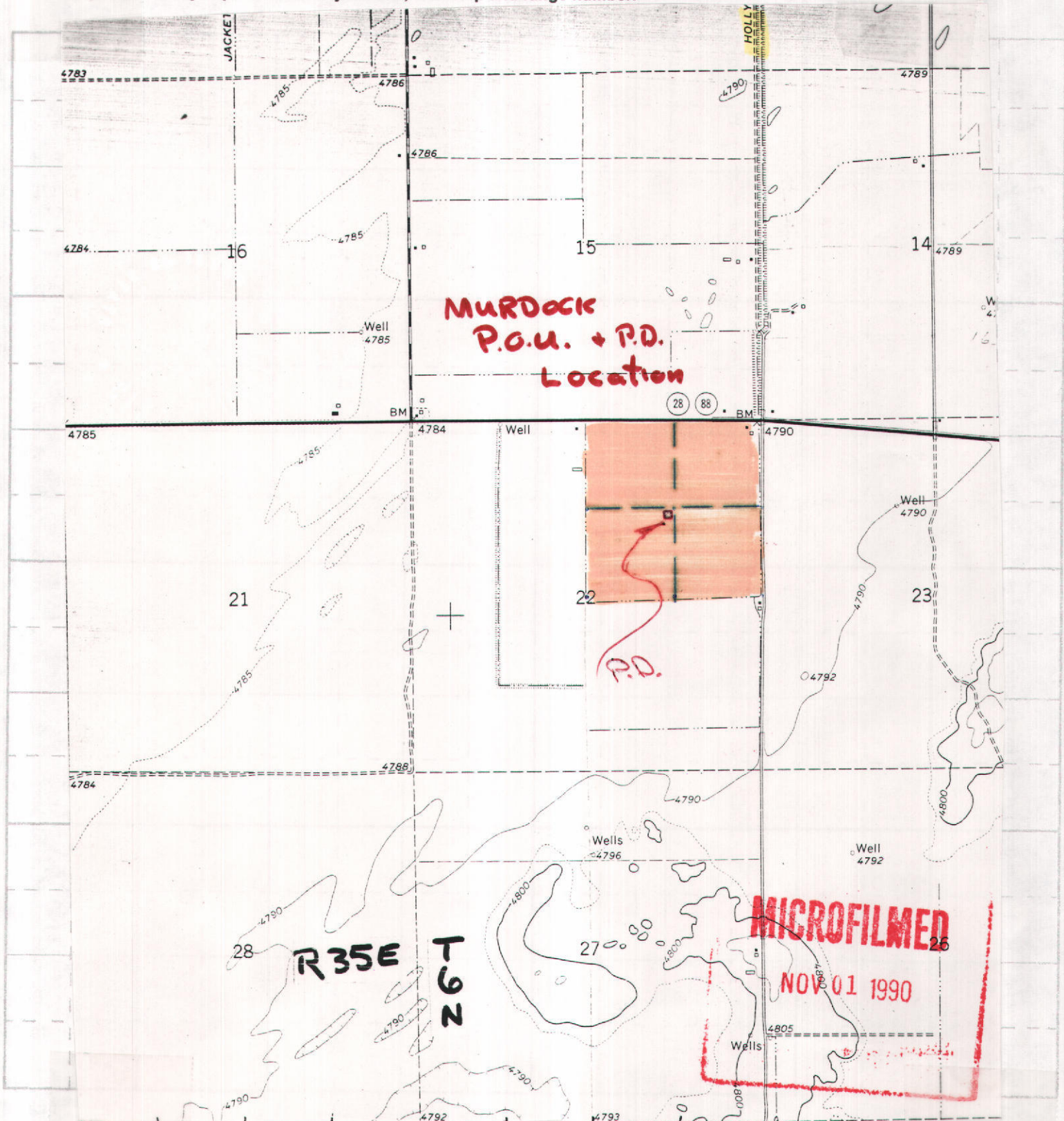
Published in the Jefferson Star,
Rigby, Idaho, December 6 and 13,
1989.

MICROFILMED

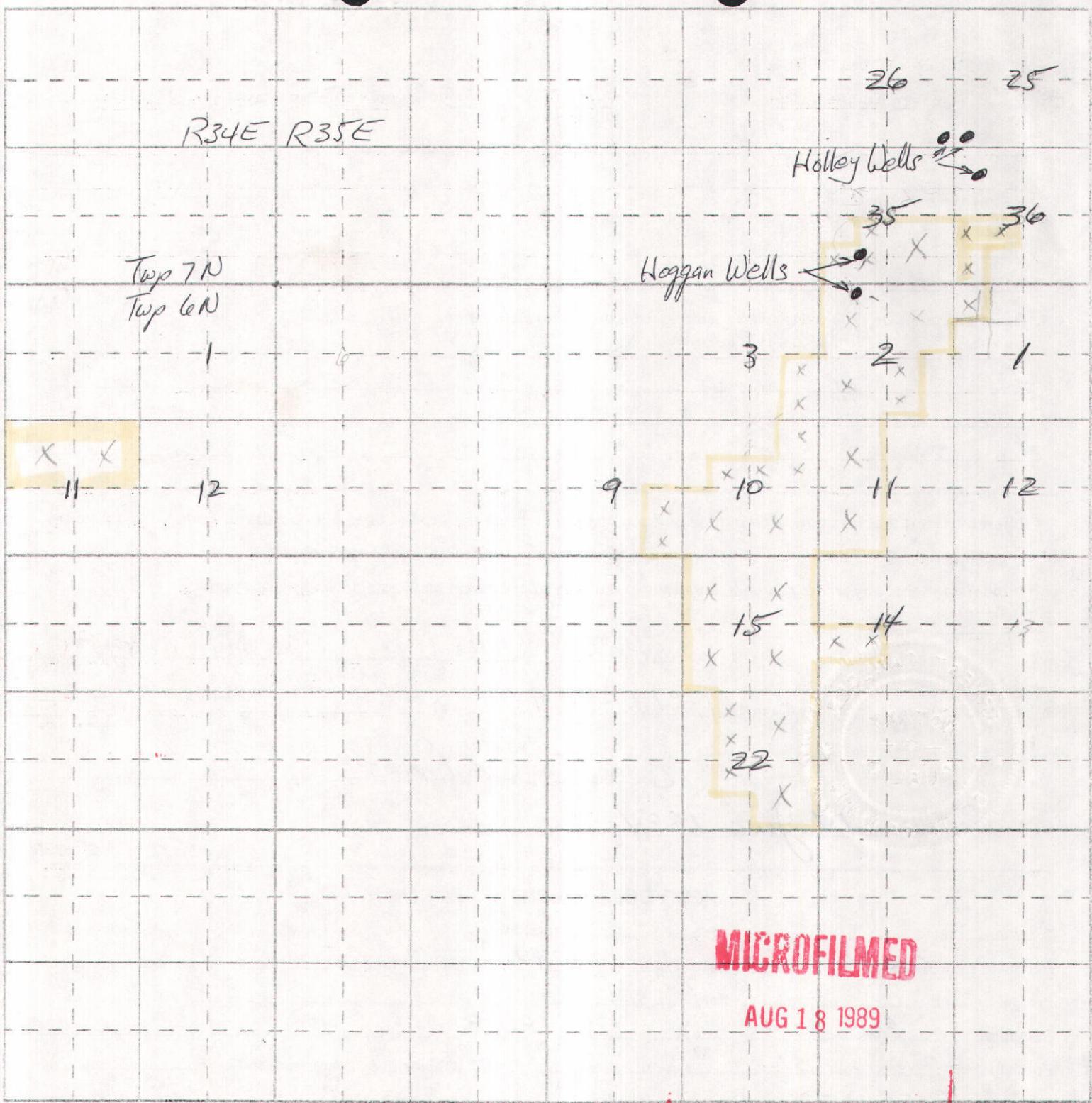
NOV 11 1990

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.



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.

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

MICROFILMED
FEB 11 1999

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

<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

MICROFILMED

FEB 11 1999

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

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

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

MICROFILMED
 FEB 11 1999

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

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	

MICROFILMED
 FEB 11 1999

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

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

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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	

MICROFILMED
 FEB 11 1999

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

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	

MICROFILMED
 FEB 11 1999

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

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	SENE 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	SENE 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	
			SENE 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	SENE 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	SENE 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	SENE 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		
		SWNW 40	SENE 40	NESW 40		
		NWSW 40	SWSW 40	SESW 40		
		NESE 40	NWSE 40	SWSE 40		

MICROFILMED
 FEB 11 1999

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

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	SENW	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	480
10		NENE	40	SWNE	40	
		SENW	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	480
11		NENW	40	NWNW	30	
		SENW	40	NESW	40	
		SESW	40			270
14		NESW	10	NWSW	40	50
15		NENE	34	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			634
16		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
17		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	

MICROFILMED
 FEB 11 1999

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

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

MICROFILMED
 FEB 11 1999

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

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.

FEB 11 1999

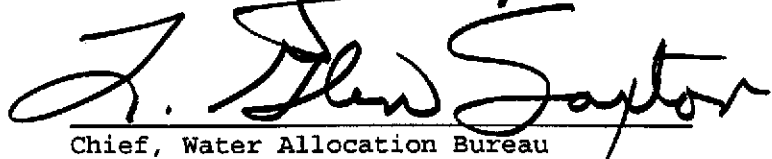
TRANSFER NO. 5335

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, 1999.


 Chief, Water Allocation Bureau

MICROFILMED
 FEB 11 1999

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

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	:
6N:35E: 9:	:	:	:	:	:	39'	:	37.6: 76.6
:	✓:10:	:	:	:	:	18.4'38.75'38.75:	:	95.9
:	✓:15:	:	:	:	:	38.75'38.75'	:	77.5

MAY 30 1990 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	:
7N:35E:35:	:	:	:	:	:	31.5'31.5'31.5'31.5:	:	126.0
:	:	:	:	:	:	33'33'33'33'	:	132

Total number of acres irrigated 376 ³⁸²

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 Hogan 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 effect 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.

MAY 30 1991

Witness my hand this 17th day of May 1991

CHIEF, WATER ALLOCATION BUREAU

[Signature]

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.

REPRODUCED

MAY 30 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.

J. Glen Saylor

Chief, Water Allocation Bureau

MICROFILMED
MAY 30 1991

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, 31-7259, 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)							
amount		for		purposes from		to	
(cfs/ac-ft)							

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

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

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

MAY 03 1991

UNCLASSIFIED

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	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 31-0331, 31-0332, 31-0343,
31-0344, 31-0345, 31-0349, 31-0352, 31-0354, 31-0355, 31-0358, 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?

ON

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

[illegible]

Total acres

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

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

2. Point(s) of Diversion:

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

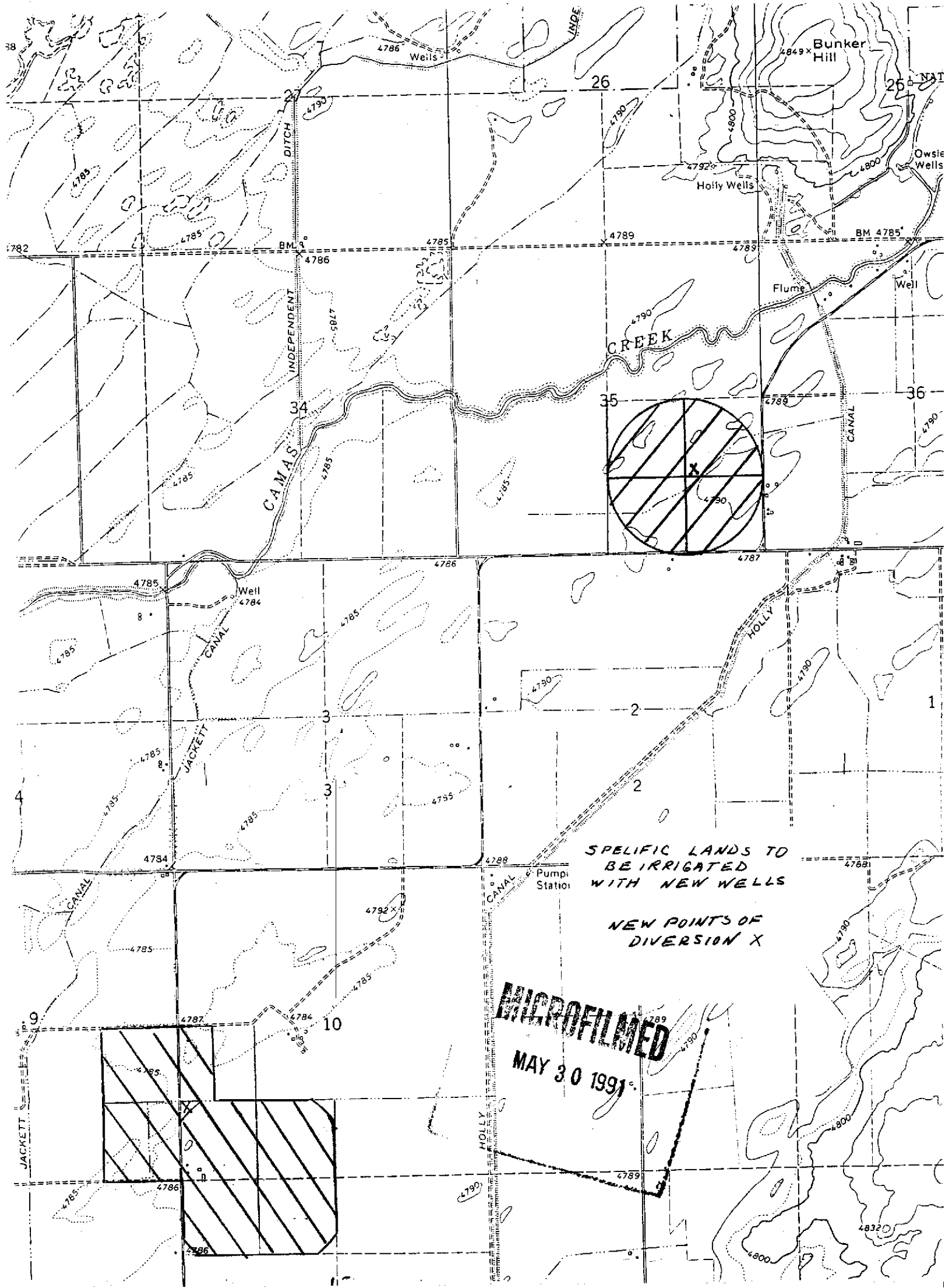
3. Lands irrigated or place of use:

[illegible]

Total acres

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.



PART 3

B. CHANGES IN NATURE OF USE

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

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.

Subscribed and sworn to before me this 1st day of November, 1990.
Larry B. Brown
(Signature of Applicant)
John DeMunn
(Notary Public)
My commission expires 5-18-93

FOR DEPARTMENT USE ONLY

Transfer contains 11-2-90 pages and 8-8-90 attachments
Received by BWS Date 8-8-90
Prelim. check by KW Fee \$50.00
Received by HWJ EAS110 Date 8-8-90
Published in Statewide
Pub. dates 12-20-90; 2-7-90
Watermaster recommendation requested on _____
rec'd. _____ by _____
Copy of transfer sent to lien holder _____
Recommended for ☐ approval ☐ denial
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by _____

RECORDED
MAY 30 1991

~~NW SE SW 35 7N 35E Hogan well~~

NW NE 15 6N 35E Bybee well

SW NE 22 6N 35E Mardock well

✓ SW SW 25 7N 35E Hatter well

✓ SE SE 26 7N 35E Hatter well

✓ NW SE SW 35 7N 35E HOGAN well

✓ SE NW NW 36 7N 35E

MICROFILMED

MAY 30 1991

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)
	S. 36	SESW	Hoggan Well T3517/T3645
	S. ~~26~~ 36	NWNW	Holley Wells

MAY 30 1991

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 ³¹⁻⁰³⁷¹~~31-0332~~, and there is no proposed change in place of use. The place of use for Rights Nos. ³¹⁻⁰³⁷¹~~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
	35E	1	NW	NW		IRR	10.0	
			Section Acres					
		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		

RECEIVED

MAY 30 1991

<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

MICROFILMED

MAY 30 1991

<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

RECORDED

MAY 30 1991

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
06N	34E	11	X	X	X	X	X	X	X	X									
	35E	1						X											
		2	X	X	X	X	X	X	X	X	X	X	X			X	X		
		3													X			X	
		9													X			X	
		10	X		X	X				X	X	X	X	X	X	X	X	X	
		11					X	X	X	X	X	X	X						
		14								X	X								
		15	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		22	X	X	X	X	X			X	X				X	X	X	X	
07N	35E	35								X		X	X	X	X	X	X		
		36								X	X	X							

Total number of acres irrigated

MICROFILMED

MAY 30 1991

UPID

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

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

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☒ Add diversion point(s)
 ☐ Change place of use
☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- 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
<u>31-0371</u>	<u>Sept. 10, 1928</u>	<u>23.00</u>	<u>Irrigation</u>	<u>4-1</u> to <u>11-15</u>
<u>31-0331</u>	<u>Jan. 25, 1930</u>	<u>24.00</u>	<u>Irrigation</u>	<u>4-1</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:
SE SW 35 7N 35E

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	10	6N	35E	Jefferson	Ronald Tongerson well (new)
		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

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										35	40	40					115
		15					40	40											80
		9													40			40	80

Torgerson Place of Use

MAY 30 1991

3787

Total acres 275

MAY 30 1991

1991

19

day of

Witness my hand this

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

d. Remarks:

Intend to use a well on-site and eliminate the large losses in the ditch.
Instead of using long transmission ditches from Holley Canal's main wells, we
c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA
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.
b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or

6. General Information:
a. Description of diversion system This will be an addition to the Holley well system which will
locate a well on Ronald Torgerson's place of use on his specific acreage.

PART 1

60 1991

Transfer No.

Page _____ of _____

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, LAREENA LYDON

of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Notice proposed change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for 2 two
consecutive issues, the first publica-

having been made on 12/19/90
and the last publication having been

made on 12/26/90.

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming 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.

Lareena Lydon

On this 27th day of Dec

in the year of 1990, before
me, a Notary Public, personally ap-

peared Lareena Lydon,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Notary Public for Idaho

Residing at Rigby, Idaho

My commission expires: May 1991

RECEIVED

DEC 28 1990

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has
applied to the Department of Water Resources to add points of diversion of the
waters of a groundwater source. The rights sought to be changed are evidenced by
Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11, N1/2
T 6N, R 35E, B.M.	SEC 1, NWNW
	SEC 2, N1/2, SW1/4, W1/2SE1/4
	SEC 3, E1/2SE1/4
	SEC 9, E1/2SE1/4
	SEC 10, NENE, S1/2NE1/4, SENW, S1/2
	SEC 11, W1/2
	SEC 14, N1/2SW1/4
	SEC 15
	SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35, NESW, S1/2SW, SE1/4
	SEC 36, NESW, W1/2SW

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 10 SWSW	TORGERSON WELL (NEW)
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, NESE	HOGGAN WELL (NEW)
	SEC 36, NWNW	HOGGAN WELL
		HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of
the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as
follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9	E1/2SE1/4	76.6 ACRES
	SEC 10	W1/2SW1/4, SESW	95.9 ACRES
	SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the
Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on
or before JANUARY 7, 1991.

R. Keith Hoggins
Director

Published in the Jefferson Star, Rigby, Idaho, Dec. 19 and 26, 1990.

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 122790 INVOICE No. L00217577

Account No. 446600 INTERVIEW

Description 17577NOTIC

Times 2 Lines 120

Tab Lines 240

**LEGAL ADVERTISING
INVOICE**

SOLD TO: ATTN: RITA BODELL
DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

\$ 300.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 122090, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 122090, and the last pub-
lication thereof being on the 122790, and said
NOTICE OF PROPOSED

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27
day of December 1990

Sheral M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

Notice is hereby given that MONTEVIEW CANAL CO., MONTEVIEW, ID, has applied to the Department of Water Resources to ADD POINTS OF DIVERSION of the waters of a GROUNDWATER source. The right sought to be changed is evidenced by a License and recorded as follows:

LICENSE NO. A31-02273

AMOUNT: 4.00 CFS

PRIORITY: 3-6-1944

POINTS OF DIVERSION:

T 08N, R 34E, SEC. 21,	N1/2NESE,	SWSWSE
26,	N1/2W1/2SW1/4,	SWSWSW
27,	E1/2W1/2SE,	SESESE
28,	NWSWNE,	E1/2W1/2SW1/4
29,	NESWSW	
33,	SENENW	
34,	NWNE	

The water is used from APRIL 1 to NOVEMBER 1 to irrigate 5,480 acres within:

T 07N, R 33E, SEC. 02,	N1/2,	SW1/4

03:

04,	E1/2	
10,		
11,	W1/2,	SE1/4
14,	NE1/4,	
15,	NW1/4,	
23,	SE1/4,	
25,	NW1/4,	
26,	N1/2,	SE1/4
27,	NW1/4,	
28,	NE1/4,	
33,	E1/2,	
34,	NE1/4,	S1/2
35,		
36,	NWNE	

TO BE CHANGED AS FOLLOWS:

DESCRIPTION OF RIGHTS OR PORTION THEREOF, AFTER THE REQUESTED CHANGE This is a consolidation of License A31-02273 with the following claims:

WATER RIGHT NO.	PRIORITY	CFS DIVERSION
A31-02235	02/12/1925	9.60
A31-02263	06-10-1940	8.51
A31-02268	08-10-1938	12.80
A31-02273	03-06-1944	4.00
A31-02279	08-26-1946	5.22
A31-02284	07-21-1948	19.20
A31-02294	10-06-1949	16.00
A31-02295	10-20-1949	9.60
A31-02323	05-14-1953	13.10
A31-02348	08-22-1955	17.78
A31-02359	11-29-1956	20.00
A31-02382	07-15-1960	20.00
A31-02460	08-26-1954	20.00
A31-10640	04-01-1961	27.48
TOTAL	203.29 CFS	

The 203.29 CFS of water will be diverted from:

T 08N, R 34E, SEC. 21,	N1/2NESE,	SWSWSE
26,	N1/2W1/2SW1/4,	SWSWSW, SWSWNW(NEW),
	NWSWSW(NEW)	
27,	E1/2W1/2SE,	SESESE, SESENE(NEW)
28,	NWSWNE,	E1/2W1/2SW1/4
29,	NESWSW	
33,	SENENW	
34,	NWNE	

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83401, on or before JANUARY 7, 1991.

R. Keith Higginson
Director

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidence by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M. SEC. 2,	NESE	ASHCRAFT WELL
SEC 15	NWNE	BYBEE WELL
SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M. SEC 25,	SWSW	HOLLEY WELLS
SEC 26,	SESE	HOLLEY WELLS
SEC 35,	SESW	HOGGAN WELL
SEC 36,	NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M. SEC 11,	N1/2
T 6N, R 35E, B.M. SEC. 1,	NWNW
SEC. 2,	N1/2, SW1/4, W1/2SE1/4
SEC. 3,	E1/2SE1/4
SEC. 9,	E1/2SE1/4
SEC 10,	NENE, S1/2NE1/4, SENW, S1/2
SEC 11,	W1/2
SEC 14,	N1/2SW1/4
SEC 15	
SEC 22,	NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M. SEC 35,	NESW, S1/2SW, SE1/4
SEC 36,	NESW, W1/2SW

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M. SEC. 2,	NESE	ASHCRAFT WELL
SEC 10	SWSW	TORGERSON WELL (NEW)
SEC 15	NWNE	BYBEE WELL
SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M. SEC 25,	SWSW	HOLLEY WELLS
SEC 26,	SESE	HOLLEY WELLS
SEC 35,	NESE	HOGGAN WELL (NEW)
	SESW	HOGGAN WELL
SEC 36,	NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M. SEC. 9	E1/2SE1/4	76.6 ACRES
SEC 10	W1/2SW1/4, SESW	95.9 ACRES
SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M. SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before JANUARY 7, 1991.

R. Keith Higginson
Director

RECEIVED

OCT 1 1990

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources
Eastern District Office

LEGAL ADVERTISING INVOICE

Amount Due

57.80

Account Number 100564		Identification Proposed Change of Water Right	
Ordered By Rita Bodell	P.O. Number	Rate nt	Run Dates September 20, 27, 1990 RB
Idaho Dept of Water Resources Eastern Region 150 Shoup, #15 Idaho Falls, ID 83402		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 6569

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:
No. 31-0371

AMOUNT: 23.0
PRIORITY: Sept. 10, 1928
No. 31-0331

AMOUNT: 24.0
PRIORITY: Jan. 25, 1930
POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N $\frac{1}{2}$ SEC 11, T 6N, R 34E; NW $\frac{1}{2}$ SEC 1, N $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 9, NENE S $\frac{1}{2}$ NE $\frac{1}{4}$ SENW S $\frac{1}{2}$ SEC 10, W $\frac{1}{2}$ SEC 11, N $\frac{1}{2}$ SW $\frac{1}{4}$ SEC 14, SEC 15, NE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NESW SE $\frac{1}{4}$ SEC 22, T 6N, R 35E, NESW S $\frac{1}{2}$ SW SE $\frac{1}{4}$ SEC 35, NESW W $\frac{1}{2}$ SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:
The water will be diverted within the SESW, SEC 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC 25; SESE, SEC 26; SENWNW, SEC 36, T 7N, R 35E, (HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before
OCTOBER 8, 1990.

R. Keith Higginson, Director
Pub. Sept. 20, 27, 1990 656

Debbie Holsclaw

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of September 20, 19 90

and ending with the issue of September 27, 19 90

Debbie Holsclaw

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 27th day of September 1990, before me, a Notary Public, personally appeared Debbie Holsclaw

, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Johna Kie
Notary Public for Idaho
Residing at Boise, Idaho

My commission expires: 12/93

MAY 30 1991

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

144.60

Account Number 100564		Identification Proposed Change of Water Right 31-0371/31-0331	
Ordered By Rita Bode11	P.O. Number	Rate nt	Run Dates December 20, 27, 1990
Eastern Region 150 Shoup Ave. Suite 15 Idaho Falls, ID 83402		Estimated Inches	Real Inches
		# Affidavits 1 -	Legal Number 7226

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 15, NWNW	BYBEE WELL
	SEC 22, SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11, N1/2
T 6N, R 35E, B.M.	SEC 1, NWNW
	SEC 2, N1/2, SW1/4, W1/2SE1/4
	SEC 3, E1/2SE1/4
	SEC 9, E1/2SE1/4
	SEC 10, NENE, S1/2NE1/4, SENW, S1/2
	SEC 11, W1/2
	SEC 14, N1/2SW1/4
	SEC 15
	SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35, NESW, S1/2SW, SE1/4
	SEC 36, NESW, W1/2SW

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 10, SWSW	TORGERSON WELL (NEW)
	SEC 15, NWNW	BYBEE WELL
	SEC 22, SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, NESE	HOGGAN WELL (NEW)
	SEC 36, NESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9, E1/2SE1/4	76.6 ACRES
	SEC 10, W1/2SW1/4, SESW	95.9 ACRES
	SEC 15, N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35, SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before **JANUARY 7, 1991.**

R. Keith Higginson, Director

Pub. Dec. 20, 27, 1990

7226

Julie Day

, being duly
ays: That she is the Principal Clerk of The
ily newspaper printed and published at Boise,
daho, and having a general circulation therein
aper has been continuously and uninterruptedly
nty during a period of twelve consecutive
st publication of the notice, a copy of which is
aid notice was published in The Idaho
ity with Section 60-108, Idaho Code as
two

☐ consecutive daily ☐ single ☐ odd skip

with the issue of Dec. 20, 1990

sue of Dec. 27, 1990

Julie Day

ss.

December

— day of _____ in the year of
e me, a Notary Public, personally appeared
_____, known or identified to
nose name subscribed to the within instrument,
uly sworn, declared that the statements therein
dged to me that she executed the same.

Lo Pies
y Public for Idaho
ing at _____

Boise, Id.

mmission expires: 12/93

MAY 30 1991

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

144.60

Account Number 100564		Identification Proposed Change of Water Right 31-0371/31-0331	
Ordered By Rita Bodell	P.O. Number nt	Rate December 20, 27, 1990	Run Dates
Eastern Region 150 Shoup Ave. Suite 15 Idaho Falls, ID 83402		Estimated Inches 1 -	Real Inches 7226

NOTICE OF

Notice is hereby given that the diversion of the water changed are evidenced as follows:

No. 31-0371 AM
No. 31-0331 AM
POINTS OF DIVER

T 6N, R 35E, B. J
T 7N, R 35E, B. J

The water is used in land.

PLACE OF USE:
T 6N, R 34E, B. J
T 6N, R 35E, B. J

T 7N, R 35E, B. J

The water will be in the POINTS OF DIVER

T 6N, R 35E, B. J
T 7N, R 35E, B. J

Places of use are in the rights of the Holder. The specific places are as follows:

RON TORGERSON
T 6N, R 35E, B. J

CARL HOGGAN
T 7N, R 35E, B. J

Any protest against the Idaho Department of ID, 83402, on or

Pub. Dec. 20, 27

DRIVERS

WILLIS SHAW EXPRESS

(The Good Company)

We have openings for qualified/experienced solo long haul drivers. 48 states.

Apply 7533 E. Federal Way, Boise

For Details Call (208) 342-6521

In-state 1-800-432-5912

Out-of-state 1-800-635-5961

EOE

WANTED exper. Mechanics & Welders. Call 834-2231 days; 587-9438 after 5.

FINANCIAL

251-Money Wanted

WARNING

The Idaho Statesman recommends that you investigate every phase of investment opportunities, especially those from out of state or offered by a person doing business out of a local motel or hotel.

We suggest you consult your attorney, the Better Business Bureau or the Idaho Consumer Affairs office.

260-Money to Lend

\$18½ MILLION FUNDED

REAL ESTATE
\$5 LOAN MONEY \$5
HOPKINS FINANCIAL SERVICES, INC.

"The Common Sense Lenders" Have 250 Lenders To Shop Your Loan With!! Interest Starting As Low As 13% Rapid Funding. Any Size Any Type, Any Where Bankruptcy Acceptable

323-6641/800-733-0279

307-4

OFF for re Merit

Units Frant SR Large

8175

310-F

2 Mt Parth Nice, Avail.

R St Heat

Room wk. C

312-F

COMI war & d \$23

FEM/ smc \$25 342

FEM/ share home, pets. 1

FEM/ ed, bath Age ferr Kirs 384

FEM/ bath dep Refl after

MALE \$225 was clea

MALE share smoke utli. 34

To shal house loca No Call

M to shal Bench utli. 32

MALE 2 Bdrn smoke Scott, 3

Julie Day

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for two

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of Dec. 20, 1990

and ending with the issue of Dec. 27, 1990

STATE OF IDAHO)

ss.

COUNTY OF ADA)

27th

December

On this 27th day of December in the year of 1990, before me, a Notary Public, personally appeared Julie Day, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Id.

My commission expires: 12/93

MAY 30 1991

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO)

County of Jefferson) ss

I, LAREENA LYDON

of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Notice Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for 9/19/90
consecutive issues, the first publica-

having been made on 9/19/90
and the last publication having been

made on 9/19/90

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

On this 22th day of Sept

in the year of 1990, before
me, a Notary Public, personally ap-

peared Lareena Lydon,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Merrill C. Freeman
Notary Public for Idaho

Residing at Malheur Falls

My commission expires: 7-10-93

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion
from the waters of a groundwater
source. The rights sought to be
changed are evidenced by Transfer No.
3517 (31-0371 & 31-0331) and are
recorded as follows:

No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW
SEC 25, SESE SEC 26, NWSEW
SEC 35, SENWNW SEC 36, T 7N, R
35E, JEFFERSON COUNTY

The water is used from April 1 to
November 15 to irrigate 3230 acres of
land within the N1/2 SEC 11, T 6N, R
34E; NWNW SEC 1, N1/2 SW1/4
W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3,
E1/2SE1/4 SEC 9, NENE S1/2NE1/4
SE1/2 SEC 10, W1/2 SEC 11,
N1/2SW1/4 SEC 14, SEC 15, NE1/4
E1/2NW1/4 NESW SE1/4 SEC 22, T
6N, R 35E; NESW S1/2SW SE1/4 SEC
35, NESW W1/2SW SEC 36, T 7N, R
35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
SESW, SEC. 35, T 7N, R35 E; SWSW,
SEC 10, T 6N, R 35E, (TORGERSON
WELL); SWSW, SEC. 25; SESE, SEC.
26; SENWNW, SEC. 36, T 7N, R
35E, (HOLLEY WELLS) JEFFERSON
COUNTY

Any protest against the above
change to a water right must be filed
with the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID, 83402, on or before OCTO-
BER 8, 1990.

R. Keith Haggineon
Director

Published in the Jefferson Star
Sept. 22, 1990

MAY 30 1991

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 092790 INVOICE No. 100209386
Account No. 446600 0371
Description 09386NOTIC

**LEGAL ADVERTISING
INVOICE**

Times 2 Lines 50
Tab Lines _____

SOLD TO: 31-0331
DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

\$ 56.25

RB

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Harner, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a ground-water source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT:
23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT:
24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9 NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SESW, SEC. 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC 25, SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E, (HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson
Director

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED CHANGE attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 092090, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 092090, and the last publication thereof being on the 092790, and said

NOTICE OF PROPOSED CHANGE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27 day of September, 1990

MAY 30 1991

Sheral M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

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			

RECORDED

MAY 30 1991

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

INDEXED

MAY 30 1991

Place of use: *For 31-0371 + 31-0372*

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
			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	

RECORDED

MAY 30 1991

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	
		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
-0363

Affidavit Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

00 9 1990 No 21582

E-4 Times-News, Twin Fal

Legals-I**LEGAL NOTICE****NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 31-0371 & 31-0331
Notice is hereby given
that Holley Water Users
Association, Hamer, ID,
has applied to the Depart-
ment of Water Resources
to add points of diversion
from the waters of a
groundwater source. The
rights sought to be
changed are evidenced by
Transfer No. 3517 (31-
0371 & 31-0331) and are
recorded as follows:

No. 31-0371 Amount: 23.0
PRIORITY: September 10,
1928

No. 31-0331 AMOUNT:
24.0 PRIORITY: January
25, 1930

POINTS OF DIVERSION:
SWSW SEC 25, SESE
SEC 26, NWSEW SEC
35, SENWNW SEC 36, T
7N, R 35E, JEFFERSON
COUNTY.

The water is used from
April 1 to November 15 to
irrigate 3230 acres of land
within the N $\frac{1}{2}$ SEC 11, T
6N, R 34E; NWNW SEC
1, N $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$
SEC 2, E $\frac{1}{2}$ SE $\frac{1}{4}$, SEC 3,
E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 9, NENE
S $\frac{1}{2}$ NE $\frac{1}{4}$ SENW S $\frac{1}{2}$ SEC
10, W $\frac{1}{2}$ SEC 11, N $\frac{1}{2}$ SW $\frac{1}{4}$
SEC 14, SEC 15, NE $\frac{1}{4}$
E $\frac{1}{2}$ NW $\frac{1}{4}$ NESW SE $\frac{1}{4}$
SEC 22, T 6N, R 35E;
NESW S $\frac{1}{2}$ SW SE $\frac{1}{4}$ SEC
35, NESW W $\frac{1}{2}$ SW SEC
36, T 7N, R 35E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

The water will be diverted
within the SESW, SEC.
35, T7N R 35E; SWSW,
SEC 10, T 6N, R 35E,
(TORGERSOON WELL);
SWSW, SEC. 25; SESE,
SEC. 26; SENWNW, SEC.
36, T 7N, R 35E, (HOL-
LEY WELLS) JEFFER-
SON COUNTY.

Any protest against the
above change to a water
right must be filed with the
Idaho Department of Wa-
ter Resources, 150 Shoup
Ave., Idaho Falls, ID
83402, on or before OC-
TOBER 8, 1990.

R. Keith Higginson
Director

PUBLISH: Thursday,
September 20 and 27,
1990.

Department of Water Resources

Being first duly sworn upon oath, depose

I, Shirley Capps McNeire of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive Weeks,
commencing with the issue dated September 20, 1990,
and ending with the issue dated September 27, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27 day of September in the year of 1990, before me,

a Notary Public, personally appeared Shirley Capps McNeire
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

MAY 30 1991

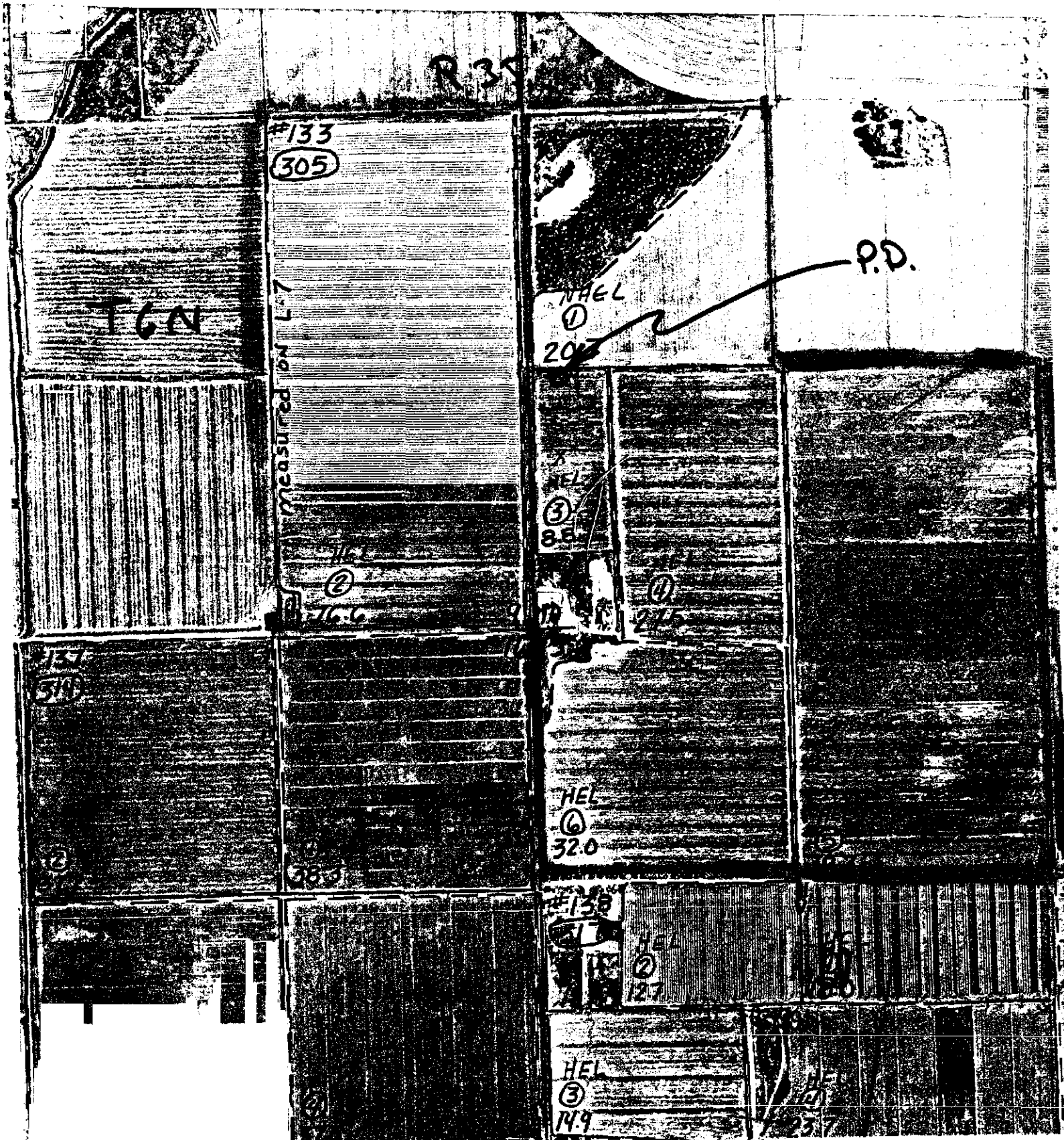
Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

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 denote the land to be transferred.



B. CHANGES IN NATURE OF USE

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

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

(Signature of Applicant)

day of

Shawna Bahr

(Notary Public)

My commission expires

5/24/96

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HJS Date 8-8-90

Prelim. check by HJS Fee \$50.00

Received by HJS Date 8-8-90

Published in Statewide

Pub. dates Sept. 20 & 27-90

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

RECEIVED

MAY 30 1991

Recommended for ☒ approval ☐ denial

Hearing held by _____ Date _____

Copies of protest forwarded by _____

Protest filed by _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RIGHT 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 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
<u>31-0371</u>	<u>Sept. 10, 1928</u>	<u>23.00</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/15</u>
<u>31-0331</u>	<u>Jan. 25, 1930</u>	<u>24.00</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/15</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
2. Total amount of water being transferred		<u>47.00</u>	cubic feet per second and/or	<u> </u> acre-feet per annum

3. Source of water Groundwater tributary to Ashcraft-Hoggan Well
NE SE 2 6N 35E Jefferson
4. Point(s) of Diversion: Bybee Well*
NW NE 15 6N 35E Jefferson

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/

[illegible]

Total acres 80

PART 1

6. General Information:

a. Description of diversion system
This is to add in a p.d. owned by Sid Aschcraft 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.

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:
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.

RECEIVED

MAY 30 1991

Witness my hand this

day of

19 91

Chief, Water Allocation Bureau

[Signature]

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.

MICROFILMED

MAY 30 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.

A. Glen Saylor

Chief, Water Allocation Bureau

MICROFILMED

MAY 30 1991

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	

RECORDED
MAY 30 1991

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

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

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

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

FOI b7C

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	1/4	1/4	1/4	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

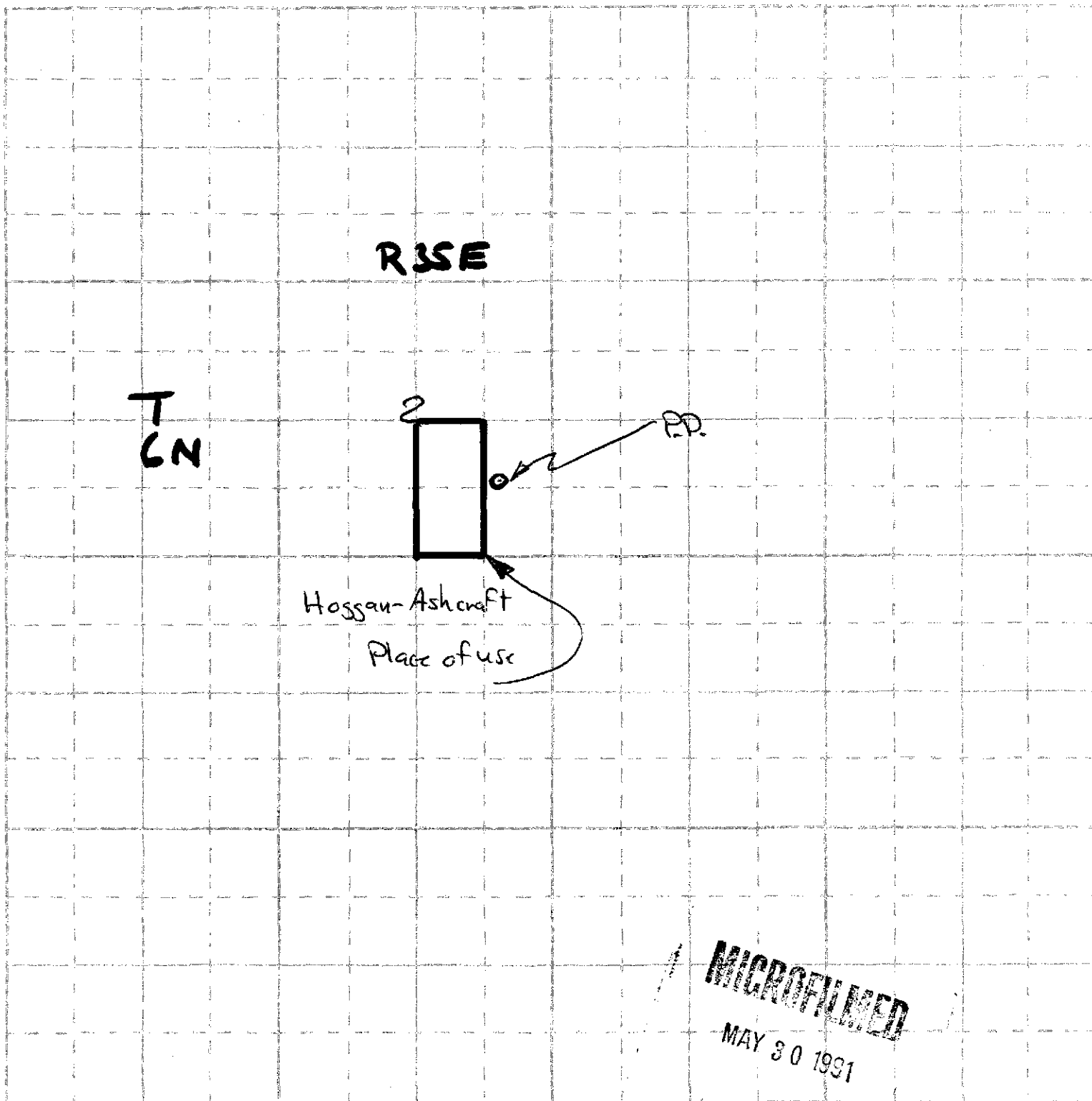
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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, -0363

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.



MICROFILMED
MAY 30 1991

PART 3

B. CHANGES IN NATURE OF USE

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

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 13th day of February, 1990.

John M. Brown
(Signature of Applicant)

John M. Brown
(Notary Public)

My commission expires 11-30-93

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by *ACJ* Date *2-16-90*

Prelim. check by *Kaw* Fee *50.00*

Received by *ACJ* Date *2-16-90*

Published in *Statewide*

Pub. dates *April 5 & 12 - 90*

Watermaster recommendation requested on _____

rec'd. _____

by *ACJ*

Recommended for ☒ approval ☐ denial

Hearing held by _____ Date _____

Copies of protest forwarded by *ACJ*

Protest filed by *Blaine Darnaby* *Michael O'Connor, Atty*

Stamp: MAY 30 1991

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

MICROFILMED

MAY 30 1991

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

MICROFILMED

MAY 30 1991

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
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			

MICROFILMED

MAY 30 1991

LEGAL NOTICE LEGAL NOTICE LEGAL NOTICE

NE 21883

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No. 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371	AMOUNT: 23.0	PRIORITY: September 10, 1928
No. 31-0331	AMOUNT: 24.0	PRIORITY: January 25, 1930
T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11, N1/2
T 6N, R 35E, B.M.	SEC 1, NWNW
	SEC 2, N1/2, SW1/4, W1/2SE1/4
	SEC 3, E1/2SE1/4
	SEC 9, E1/2SE1/4
	SEC 10, NENE, S1/2NE1/4, SENW, S1/2
	SEC 11, W1/2
	SEC 14, N1/2SW1/4
	SEC 15
	SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35, NESW, S1/2SW, SE1/4
	SEC 36, NESW, W1/2SW

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 10 SWSW	TORGERSON WELL (NEW)
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, NESE	HOGGAN WELL (NEW)
	SEC 36, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

T 6N, R 35E, B.M.	SEC 9 E1/2SE1/4	76.6 ACRES
	SEC 10 W1/2SW1/4, SESW	95.9 ACRES
	SEC 15 N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35 SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before JANUARY 7, 1991.

R. Keith Higginson
Director

PUBLISH: Thursday, December 20 and 27, 1990.

being first duly sworn upon oath, depose
of the TIMES-NEWS, published daily, at
swear that a copy of the notice of advertisement, as per
the regular and entire issue of said newspaper, and not in

consecutive
December 20, 1990
December 27, 1990

paper is a consolidation, effective February 16, 1942, of the Idaho
except Sunday, and the Twin Falls News, published theretofore daily ex-
cept to consolidation had been published under said names in said city and
ing a period of more than twelve consecutive months, and said TIMES-
published as a daily newspaper except Saturday, until July 31, 1978, at
blication under said name in said city and county continuously and

action 60-108 Idaho Code, Thursday of each week has been designated
order of any court of competent jurisdiction within the state of Idaho,
that at the head of the editorial column of said combined newspapers,
united as the day on which said legal notices will be published.

December in the year of 1990, before me,

whose name subscribed to the within instrument, and being by me first
reigned are true, and acknowledged to me that he executed the same.

Public for Idaho

at Twin Falls County
ission expires: 5/19/94

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

FILED

21883

DEC 1990

I, Linda Capps McNeire being first duly sworn upon oath, depose and say that I am Business Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated December 20, 1990, and ending with the issue dated December 27, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

MAY 30 1991

On this 27 day of December in the year of 1990, before me, a Notary Public, personally appeared Linda Capps McNeire known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls County
My commission expires: 5/19/94

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

52.00

Department of Water Resources

Eastern District Office

Account Name		Account Number	
Idaho Department of Water Resources - Eastern		100564	
Address		City/State	Zip
150 Shoup, #15		Idaho Falls, ID	83402
Ordered By	P.O. Number	Rate	Run Dates
B. Bodell		nt	April 5, 12, 1990
Identification		Estimated Inches	Real Inches
Notice of Proposed Change of Water Right			
1 Number of Affidavits Requested			Legal Number
			5222

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0

PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0

PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW

Sec 25, SESE Sec 26, NWSESW

Sec 35, SENWNW Sec 36 T7N

R35E, Jefferson County.

The water is used from April 1 to

November 15 to irrigate 3230 acres

of land within the N½ SEC 11, T4N

R34E; NWNW SEC 1, N½SW¼

W½SE¼ Sec 2, E½SE¼ Sec 3,

E½SE¼ Sec 9, NENE S½NE¼

SENW S½ Sec 10, W½ Sec 11,

N½SW¼ SEC 14, Sec 15, NE¼

E½NW¼ NESW SE¼ Sec 22, T6N

R35E; NESW S½SW SE¼ Sec 25,

NESW W½SW Sec 36, T7N R35E,

B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within

the NESE Sec 2 (Ashcraft-Hoggan

Well), NWNE Sec 15 (Bybee Well),

SWNE Sec 22 (Murdock Well) T6N;

SWSW Sec 25 (Holley Wells), SESE

Sec 26, NWSESW Sec 35 (Hoggan

Well), SENWNW Sec 36, T7N R35E,

B.M.

Any protest against the above

change to a water right must be

filed with the Idaho Department of

Water Resources, 150 Shoup Ave,

Idaho Falls, ID 83402, on or before

April 23, 1990.

R. Keith Higginson

Director

Pub. Apr. 5, 12, 1990 5222

Debbie Richards

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for _____ 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 5, 1990

and ending with the issue of April 12, 1990

Debbie Richards

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 12th day of April 1990

before me, a Notary Public, personally appeared Debbie Richards

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 12/93

MAY 30 1991

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

041290 INVOICE No. 0193227

Account No. 446600 0371

Description 93227NOTIC

Times 2 Lines 50

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO: 31-0331
DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

\$ 56.25

RECEIVED

APR 16 1990

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a ground-water source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT 23.0
PRIORITY: September 10, 1928
No. 31-0331 AMOUNT 24.0
PRIORITY: January 25, 1930
POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY
The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson
Director

Sue Baumeister, being duly sworn,

deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED CHANGE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication beginning on 040590, or once a

WEEK for 2 consecutive WEEKS, the first publication thereof being on the 040590, and the last publication thereof being on the 041290, and said

NOTICE OF PROPOSED CHANGE

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 12

1990

MICROFILMED

MAY 30 1991

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Robert Carlson
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Not of Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for two (2)
consecutive issues, the first publica-

having been made on Apr 4
and the last publication having been

made on Apr 11, 1990.

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

Robert Carlson

On this 16 day of Apr

in the year of 1990, before
me, a Notary Public, personally ap-

peared Robert Carlson,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Barry J. Welch

Notary Public for Idaho

Residing at Shelley

My commission expires: 12-24-92

APR 16 1990

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion
from the waters of a groundwater
source. The rights sought to be
changed are evidenced by Transfer No.
3517(31-0371 & 31-0331) and are
recorded as follows:

No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC
25, SESE SEC 26, NWSESW SEC 35,
SENWNW SEC 36, T 7N, R 35E,
JEFFERSON COUNTY

The water is used from April 1 to
November 15 to irrigate 3230 acres of
land within the N1/2 SEC 11, T 6N, R
34E; NWNW SEC 1, N1/2 SW1/4
W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3,
E1/2SE1/4 SEC 9, NENE S1/2NE1/4
SE1/2 SEC 10, W1/2 SEC 11,
N1/2SW1/4 SEC 14, SEC 15, NE1/4
E1/2NW1/4 NESW SE1/4 SEC 22, T

6N, R 35E; NESW S1/2SW SE1/4 SEC
35, NESW W1/2SW SEC 36, T 7N, R
35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
NESE SEC 2 (ASHCRAFT-HOGGAN
WELL), NWNE SEC 15 (Bybee Well),
SWNE SEC 22 (Murdock Well) T 6N;
SWSW SEC 25 (Holley Wells), SESE
SEC 26, NWSESW SEC 35 (Hoggan
Well), SENWNW SEC 36, T 7N, R 35E,
B.M.

Any protest against the above
change to a water right must be filed
with the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID, 83402, on or before April 23,
1990.

R. Keith Higginson
Director

Published in the Jefferson Star,
Rigby, Idaho, April 4 and 11, 1990.

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 31-0371 & 31-0331
Notice is hereby given
that Holley Water Users
Association, Hamer, ID,
has applied to the Depart-
ment of Water Resources
to add points of diversion
from the waters of a
groundwater source. The
rights sought to be
changed are evidenced by
Transfer No. 3517(31-
0371 & 31-0331) and are
recorded as follows:

No. 31-0371 AMOUNT:
23.0 PRIORITY: Septem-
ber 10, 1928

No. 31-0331 AMOUNT:
24.0 PRIORITY: January
25, 1930

POINTS OF DIVERSION:
SWSW SEC 25, SESE
SEC 26, NWSESW SEC
35, SENWNW SEC 36, T
7N, R 35E, JEFFERSON
COUNTY

The water is used from
April 1 to November 15 to
irrigate 3230 acres of land
within the NW $\frac{1}{2}$ SEC 11, T
6N, R 34E; NWNW SEC
1, NW $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$
SEC 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 3,
E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 9, NENE
S $\frac{1}{2}$ NE $\frac{1}{4}$ SENW S $\frac{1}{2}$ SEC
10, W $\frac{1}{2}$ SEC 11, NW $\frac{1}{2}$ SW $\frac{1}{4}$
SEC 14, SEC 15, NE $\frac{1}{4}$
E $\frac{1}{2}$ NW $\frac{1}{4}$ NESW SE $\frac{1}{4}$
SEC 22, T 6N, R 35E;
NESW S $\frac{1}{2}$ SW SE $\frac{1}{4}$ SEC
35, NESW W $\frac{1}{2}$ SW SEC
36, T 7N, R 35E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

The water will be diverted
within the NESE SEC 2
(ASHCRAFT-HOGGAN
WELL), NWNW SEC 15
(Bybee Well), SWNE SEC
22 (Murdock Well) T 6N;
SWSW SEC 25 (Holley
Wells), SESE SEC 26,
NWSESW SEC 35 (Hog-
gan Well), SENWNW SEC
36, T 7N, R 35E, B.M.

Any protest against the
above change to a water
right must be filed with the
Idaho Department of Wa-
ter Resources, 150 Shoup
Ave., Idaho Falls, ID
83402, on or before April
23, 1990.

R. Keith Higginson
Director

PUBLISH: Thursday, April
5, and 12, 1990.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

I, Linda Capps McQuinn being first duly sworn upon oath, depose
and say that I am Bureau Clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive Weeks,
commencing with the issue dated April 5, 1990,
and ending with the issue dated April 12, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 12 day of April in the year of 1990, before me,
a Notary Public, personally appeared Linda Capps McQuinn
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Zeltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

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 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
<u>31-0371</u>	<u>Sept. 10, 1928</u>	<u>23.00</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/15</u>
<u>31-0331</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: NW NE 15 6N 35E Jefferson Bybee well ✓

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	35	07N	35E	Jefferson	Hoggan Well *
		SW	NE	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 1/29/19

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	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 Hogan wells will divert water into pressure system and irrigate land

historically irrigated with water from Holley wells. This addition by Mr. Murdock

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? will have a well on his property irrigate land traditionally irrigated from the main Holley wells.

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

APPROVED

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

See attached sheet for conditions of approval.

MICROFILMED

NOV 1 1990

Witness my hand this

day of

19 90

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	1/4	1/4	1/4	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 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	

MICROFILMED

NOV 01 1990

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)			

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

amount	for	purposes from	to
(cts/ac-ft)			
amount	for	purposes from	to
(cts/ac-ft)			
amount	for	purposes from	to
(cts/ac-ft)			

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

OFFICE OF THE
DIRECTOR OF THE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

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. 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, 1923

5. Water is used for the following purpose:

amount 23.0 for irrigation purposes from 04/01 to 11/15

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

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

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

6. Total amount of water under right 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
-0363

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:

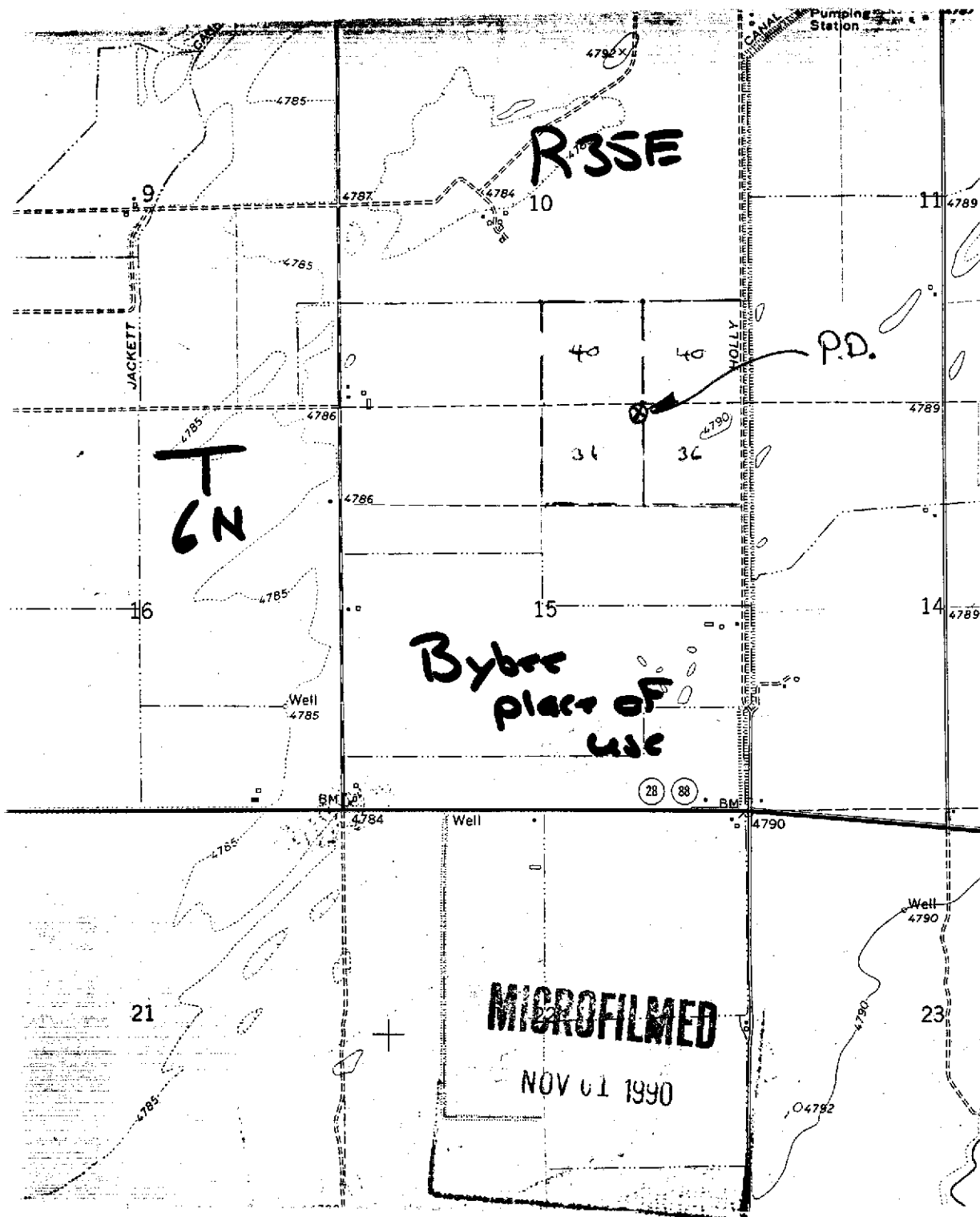
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED
 NOV 01 1990

Total acres _____

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.



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. Boyle
La Moraine, B. Boyle, Inc.
(Signature of Applicant)
day of *January*, 19 *90*
Lauren Murray
(Notary Public)
My commission expires *5/29/1991*

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Fee *\$ 50.00*

Prelim. check by *KVA* Received by _____ Date *1-17-90*

Published in *Jefferson Star (Statewide)* Pub. dates *2-15 & 2-22-90*

Watermaster recommendation requested on _____

_____ rec'd. _____ by *ROC*

Recommended for ☒ approval ☐ denial

Hearing held by _____ Date _____

Copies of protest forwarded by _____

Protest filed by _____

Copy of transfer sent to lien holder _____

MICROFILMED

NOV 01 1990

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 Saylor
Chief, Water Alloc. Bureau

Place of use Attachment
For 31-0371 + 31-0372

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

MICROFILMED

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

MICROFILMED

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			

MICROFILMED

NOV 01 1990

Old (D) Number - 17276

1 1
2 3

+ - -	Priority Date	- - +	+ - - - Region	- - - +	+ - - Stage	- - - +	+ - - Status
			15		D - DECEED		
	01/25/1930						

```
+ - - - - Source - - - - +
GROUNDWATER
+ - - - - Tributary - - - - +
```

Town	Rng	Sec	Tract	Lot	RFLg	County	Point of Diversion	Stream Index (Blank if no Index Code)

07N	35E	25	SW	SW	(51)	JEPERSON
07N	35E	26	SE	SE	(51)	JEPERSON
07N	35E	35	NW	SE	(51)	JEPERSON
07N	35E	36	SE	NW	(51)	JEPERSON

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
+	-	-	-	-	-	+

01 - IRRIGATION	04/01	11/15	24.000

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
24,000				

[illegible]

06N	35E	2	NE NW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	2	NW NW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	2	SW NW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	2	SE NW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	NE SW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	NW SW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	SW SW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	SE SW	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	NE SE	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	NW SE	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	SW SE	01	IRRIGATION	(51)	JEFFERSON
06N	35E	35	SE SE	01	IRRIGATION	(51)	JEFFERSON

Total Acres:

+ - - Diversion Means -

MICROFILMED
NOV 01 1990

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

WR0723NP
(OD-26)

Water right number - 31-00371

Adj. flag translation: Standard Water Right Number

Water right number - 31-00371

+ - - - - Other Rights for Same Use - 31-0331, 31-0332, 31-0371 & 31-0341 TO 31-0363.

+ - - - - Remarks - - - - -

TRANS. 3517.

Conditions of Approval - - - - -

R01 - A measuring device of a type approved by this Department shall be

- maintained as a part of the diverting works.

R04 - Use of water under this water right is subject to control by the

- watermaster of State Water District No. 31

+ - - - - Decree Defendant - - - - +

MARK R. KULP, ET. AL.

+ - - - - Decree Plaintiff - - - - +

HOLLEY WATER USERS ASSN.

+ - - - - Audit Fields - 07/08/85

05/22/88 CONVERT 08/16/89 CURTIS

- - - - - Water Rights Dates and Flags Area - - - - -

Field Exam Fee -
Swan Falls - P
Temporary Right -
DLE/Carey Act - 31
Water District - T
Transfer/Amended -

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 00/00/0000
Receipt Number - 00/00/0000
Appl Received -

Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 12/14/1946
Decree Date -

MICROFILMED

NOV 01 1990

Water right number - 31-00331 Adj. flag translation: Standard Water Right Number
+ - - Other Rights for Same Use 31-0331, 31-0332, 31-0371 & 31-0341 TO 31-0363.

TRANS. 3517.

+ - - - - - Conditions of Approval - - - - -
R01 - A measuring device of a type approved by this Department shall be
- maintained as a part of the diverting works.
R04 - Use of water under this water right is subject to control by the
- watermaster of State Water District No. 31

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - +
HOLLEY WATER USERS ASSN. MARK R. KULP, ET. AL. 12/14/1946

+ - - Audit Fields - 07/29/85 05/22/88 CONVERT 08/16/89 CURTIS

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 31
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 12/14/1946				

MICROFILMED

NOV 61 1990

old (D) Number - 16979

1 - C/O LA MOYNE BARNEY
2 -
3 -
City- HAMER
phone -208-000-0000

State- ID Zip- 83425

```

+ - - - - Source - - - - - +
GROUNDWATER
+ - - - - Tributary - - - - - +

```

[illegible]

07N	35E	25	SW	SW	JEPPERSON	(51)		
07N	35E	26		SE	SE	JEPPERSON	(51)	
07N	35E	35		NW	SE	SW	JEPPERSON	(51)
07N	35E	36		SE	NW	NW	JEPPERSON	(51)

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
+	+	+	+	+	+	+

01 - IRRIGATION

23.000

01/01 12/31

+ - Total Div. Rate	- +	+ - Total Div. Volume	- +	+ - Total Div. Capacity	- +	+ - Total Consumptive Use	- +	+ - KW Usage	- +
23-000									

Tract	Sec	Lot	Acres	Code	Description	County
00	2	NE NW		01	IRRIGATION	(51) JEFFERSON
00	2	NW NW		01	IRRIGATION	(51) JEFFERSON
00	2	SW NW		01	IRRIGATION	(51) JEFFERSON
00	2	SE NW		01	IRRIGATION	(51) JEFFERSON
07N	35	NE SW		01	IRRIGATION	(51) JEFFERSON
00	35	NW SW		01	IRRIGATION	(51) JEFFERSON
00	35	SW SW		02	IRRIGATION	(51) JEFFERSON
00	35	SE SW		01	IRRIGATION	(51) JEFFERSON
00	35	NE SE		01	IRRIGATION	(51) JEFFERSON
00	35	NW SE		01	IRRIGATION	(51) JEFFERSON
07N	35	SW SE		01	IRRIGATION	(51) JEFFERSON
07N	35	SE SE		01	IRRIGATION	(51) JEFFERSON

Total Acres:

+ - - Diversion Means -

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 022290 INVOICE No. L00189060
Account No. 446600
Description 89060NOTIC

**LEGAL ADVERTISING
INVOICE**

Times 2 Lines 51
Tab Lines _____

SOLD TO:

DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

\$ 57.38

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

RECEIVED

FEB 21 1990

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a ground-

water source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371
AMOUNT: 23.0
PRIORITY: September 10, 1928
No. 31-0331
AMOUNT: 24.0
PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7 N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SEC 26, NWSESW SEC 35 (Holley Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990.

R. Keith Higginson
Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Sue Baumeister, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED CHANGE attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 021590, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 021590, and the last publication thereof being on the 022290, and said

NOTICE OF PROPOSED CHANGE was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 23 day of February, 1990

Shirley M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MICROFILMED

NOV 01 1990

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Robert Carlson
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the
Not. of Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-
ment issue thereof for two (2)
consecutive issues, the first publica-
tion having been made on Feb 14
and the last publication having been
made on Feb 21, 1990.
Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

Robert Carlson

On this 22 day of Feb
in the year of 1990, before
me, a Notary Public, personally ap-
peared Robert Carlson,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Karec. K. Row
Notary Public for Idaho
Residing at Idaho
My commission expires: 10-23-94

RECEIVED

FEB 21 1990

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion
from the waters of a groundwater
source. The rights sought to be
changed are evidenced by Transfer No.
3517(31-0371 & 31-0331) and are
recorded as follows:

No. 31-0371 AMOUNT: 23.0
PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0
PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW
SEC 25, SESE SEC 26, NWSESW
SEC 35,

SENWNW SEC 36, T 7N, R 35E,
JEFFERSON COUNTY

The water is used from April 1 to
November 15 to irrigate 3230 acres of
land within the N1/2 SEC 11, T 6N, R
34E; NWNW SEC 1, N1/2 SW1/4
W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3,
E1/2SE1/4 SEC 9, NENE S1/2NE1/4
SENW S1/2 SEC 10, W1/2 SEC 11,
N1/2SW1/4 SEC 14, SEC 15, NE1/4
E1/2NW1/4 NESW SE1/4 SEC 22, T
6N, R 35E; NESW S1/2SW SEC 35,
SEC 35, NESW W1/2SW SEC 36, T 7N, R
35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
NWNE SEC 15 (BYBEE WELL), SWNE
SEC 22 (Murdock Well), T 6N; SWSW
SEC 25 (Holley Wells), SESE SEC 26,
NWSESW SEC 35 (Hoggan Well),
SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above
change to a water right must be filed
with the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID, 83402, on or before March 5,
1990.

Keith Higginson
Director

Published in the Jefferson Star,
Rigby, Idaho, February 14 and 21,
1990.

RECORDED

FEB 21 1990

RECEIVED

FEB 26 1990

Department of Water Resources
Eastern District Office

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

57.00

Account Name Idaho Water Resources - Eastern Region		Account Number 100564	
Address 150 Shoup Ave. Suite 15		City/State Idaho Falls, Idaho	Zip 83402
Ordered By Rita Bodell	P.O. Number	Rate nt	Run Dates 1990 February 15, 22
Identification Notice of Proposed Change of Water Right		Estimated Inches	Real Inches
1 Number of Affidavits Requested			Legal Number 4831

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 Amount: 23.0
Priority: September 10, 1928

No. 31-0331 Amount: 24.0
Priority: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N $\frac{1}{2}$ SEC. 11, T 6N, R 34E; NWNW SEC 1, N $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 9, NENE S $\frac{1}{2}$ NE $\frac{1}{4}$ SENW S $\frac{1}{2}$ SEC 10, W $\frac{1}{2}$ SEC 11, N $\frac{1}{2}$ SW $\frac{1}{4}$ SEC 14, SEC 15, NE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NESW SE $\frac{1}{4}$ SEC 22, T 6N, R 35E; NESW S $\frac{1}{2}$ SW SE $\frac{1}{4}$ SEC 35, NESW W $\frac{1}{2}$ SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave. Idaho Falls, ID 83402, on or before March 5, 1990.

R. KEITH HIGGINSON
Director
Pub. Feb. 15, 22, 1990

4831

Debbie Richards, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of February 15, 1990

and ending with the issue of February 22, 1990

Debbie Richards

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 22nd day of February in the year of 1990

before me, a Notary Public, personally appeared

Debbie Richards, known or identified

to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the

statements therein are true, and acknowledged to me that she executed the same.

Rita Bodell
Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 1993

NOV 01 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Jefferson) ss

I, Robert Carlson
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Not. of Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for two (2)
consecutive issues, the first publica-

having been made on Dec 6
and the last publication having been

made on Dec 13 1989.

Further, that said newspaper is one
of general circulation in said coun-
ty; that it is a legal newspaper, con-
forming to legal specifications
under the Idaho Statutes; that it has
as 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.

Robert Carlson

On this 17th day of Dec

in the year of 1989, before
me, a Notary Public, personally ap-

peared Robert Carlson,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Shelley L. Jett
Notary Public for Idaho

Residing at Shelley

My commission expires: 12-24-92

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 and 31-0331

Notice is hereby given that Holley
Water Users Association, Hamer, ID,
has applied to the Department of Water
Resources to add points of diversion of
the waters of a groundwater source.
The rights sought to be changed are
evidenced by Claim No.'s 31-0371 &
31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs
PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs
PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW
S25, SESE S26, NWSESW S35,
SENWNW S36, T7N R35E, B.M.
Jefferson County.

The water is used to irrigate 3230
acres within the N1/2 S11 T6N R34E;
NWNW S1, N1/2 SW1/4 W1/2SE1/4
S2, E1/2SE1/4 S3, E1/2SE1/4 S9,
NENE S1/2NE1/4 SENW S1/2 S10,
W1/2 S11, N1/2SW1/4 S14, S15, NE1/4
E1/2NW1/4 NESW SE1/4 S22 T6N;
NESW S1/2SW1/4 SE1/4 S35, NESW
W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
SWNE S22 T6N (Murdock well);
SWSW S25 (Holley Wells), SESE S26,
NWSESW S35 (Hoggan Well),
SENWNW S36 T7N R35E, B.M.

Any protests against approval of the
above proposed change of water right
must be filed with the Idaho Department
of Water Resources, 150 Shoup Ave.,

Idaho Falls, ID, 83402, on or before
December 26, 1989.

R. Keith Higginson
Director

Published in the Jefferson Star,
Rigby, Idaho, December 6 and 13,
1989.

RECORDED

NOV 11 1989

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. New Saylor
Chief, Water Alloc. Bureau

MICROFILMED

NOV 61 1990

Page _____ of _____

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	NF	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																

MICROFILMED

NOV 01 1990

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.

See attached list for additional conditions of approval.

Witness my hand this

23rd day of

July

, 19 90

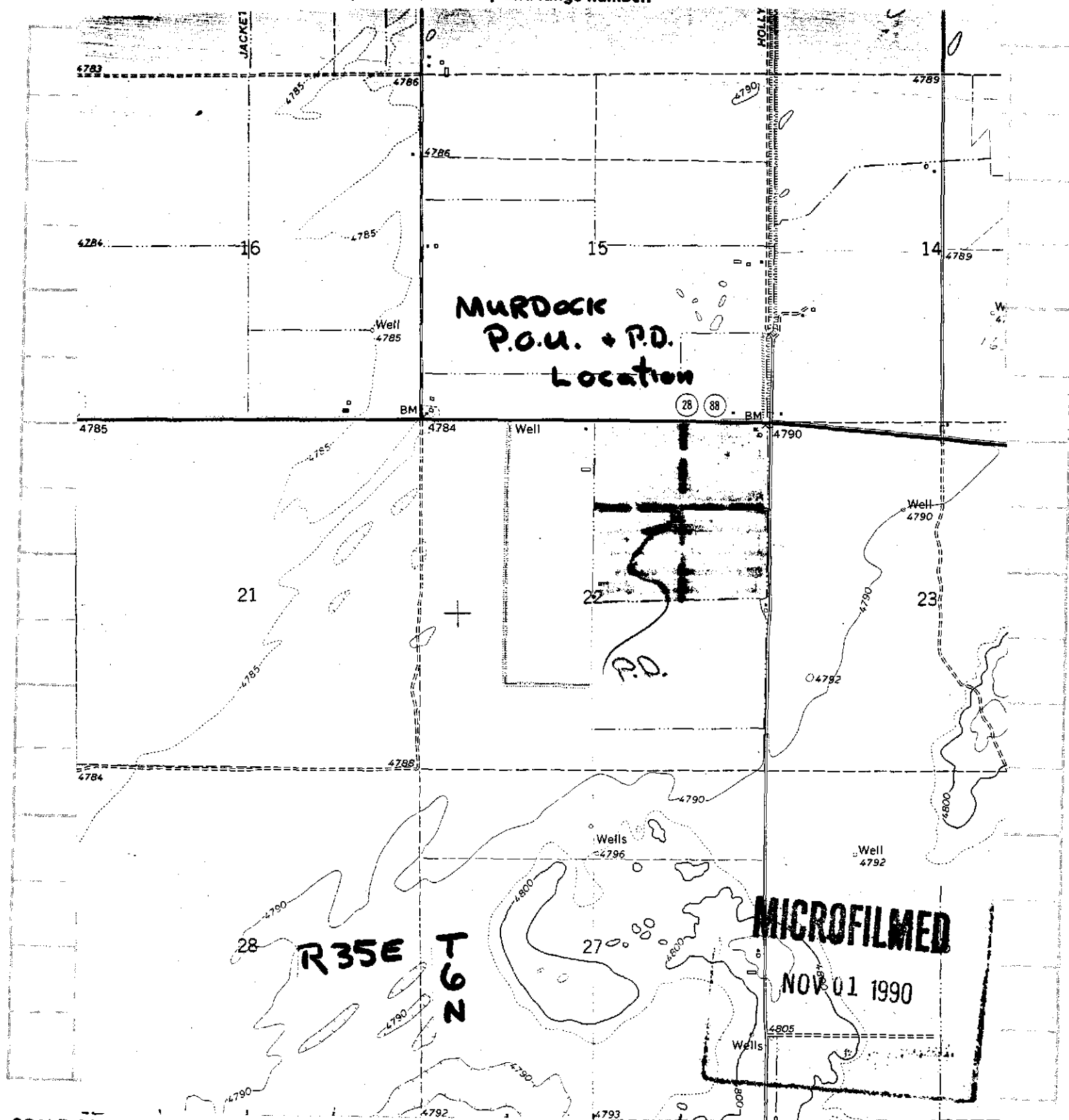
J. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED

NOV 01 1990

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.

B. CHANGES IN NATURE OF USE

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

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.

X. LaMoine Denny, Jr.
(Signature of Applicant)
day of October, 1989

Cindy Mitchell
(Notary Public)
October 1994

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____

Prelim. check by *KW* Fee *50*

Received by *Statewide* Date *10-31-89*

Published in _____

Pub. dates *12-4-89*

Watermaster recommendation requested on _____

rec'd. _____

Copy of transfer sent to lien holder _____

NOT RECORDED

NOV 01 1990

Recommended for ☒ approval ☐ denial

Hearing held by _____ Date _____

Copies of protest forwarded by _____

Protest filed by _____

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	

MICROFILMED

NOV 6 1990

Total acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ 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	

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	04N	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

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)			

[illegible]

3. Lands irrigated or place of use:

[illegible]

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:

[illegible]

3. Lands irrigated or place of use:

[illegible]

0661 10 AON

Total acres

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

MICROFILMED

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

MICROFILMED

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

MICROFILMED

NOV 01 1990

120 21 109

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources
Eastern District Office

LEGAL ADVERTISING INVOICE

Amount Due

101.28

Account Name Idaho Department of Water Resources - Eastern		Account Number 100564	
Address 150 Shoup Ave. Suite 15		City/State Idaho Falls Boise, Idaho	Zip 83402
Ordered By Rita Bode11	P.O. Number	Rate tt	Run Dates 1989 December 7, 14
Identification Proposed Change of Water Rights		Estimated Inches	Real Inches
1 Number of Affidavits Requested			Legal Number 4253

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a ground-water source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

NO. 31-0331
AMOUNT: 24.0 cfs
PRIORITY: January 25, 1930
NO. 31-0371

AMOUNT: 23.0 cfs
PRIORITY: September 10, 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County

The water is used to irrigate 3230 acres within the N $\frac{1}{2}$ S11 T6N R34E; NW $\frac{1}{2}$ S1, N $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ S2, E $\frac{1}{2}$ SE $\frac{1}{4}$ S3, E $\frac{1}{2}$ SE $\frac{1}{4}$ S9, NENE S $\frac{1}{2}$ NE $\frac{1}{4}$ SENW S $\frac{1}{2}$ S10, W $\frac{1}{2}$ S11, N $\frac{1}{2}$ SW $\frac{1}{4}$ S14, S15, NE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NESW SE $\frac{1}{4}$ S22 T6N; NESW S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ S35, NESW W $\frac{1}{2}$ SW $\frac{1}{4}$ S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:
The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25 (Holley Wells), SESE S26, NWSESW S35 (Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before December 26, 1989.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 31-02319 & 31-02320

Notice is hereby given that William and Barbara Roundy, Montevideo, ID, have applied to the Department of Water Resources to add points of diversion and change place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 31-02319 & 31-02320 and is recorded as follows:

NO. 31-02319
AMOUNT: 18.4 cfs
NO. 31-02320

AMOUNT: 9.80 cfs
PRIORITY: March 24, 1953
POINTS OF DIVERSION: SESW, SWSW (two wells) S27; SESE S28 T8N R34E, B.M. Jefferson County.

The water is used to irrigate 1875 acres within the NE $\frac{1}{4}$ SENW S8 T7N R33E; NW $\frac{1}{4}$ S21, NENE S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ S20, S $\frac{1}{2}$ S22, NW $\frac{1}{4}$ S28, E $\frac{1}{2}$ S29, SENE SE $\frac{1}{4}$ S32, NENW S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ S33 T8N R33E, B.M.

TO BE CHANGED AS FOLLOWS:
The water will be diverted within the SWSWSW SWSESW SESWSW S27, SESE S28, NW $\frac{1}{2}$ S29, NWNE S30 T8N R34E, B.M. and used to irrigate 1875 acres within the SE $\frac{1}{4}$ S8, SW $\frac{1}{4}$ S9 T7N; S $\frac{1}{2}$ S27, NW $\frac{1}{4}$ S28 T8N R33E; SE $\frac{1}{4}$ S20, S $\frac{1}{2}$ NW $\frac{1}{4}$ S29, NE $\frac{1}{4}$ S $\frac{1}{2}$ S30 T8N R34E, 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 Ave., Idaho Falls, ID 83402, on or before December 26, 1989.

R. KEITH HIGGINSON
Director
Pub. Dec. 7, 14, 1989

4253

Debbie Richards

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of December 7, 19 89

and ending with the issue of December 14, 19 89

Debbie Richards
MICROFILMED

STATE OF IDAHO)

ss.

NOV 01 1990

COUNTY OF ADA)

On this 14th day of December, 1989, before me, a Notary Public, personally appeared Debbie Richards, known or identified

to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 12/93

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 121489 INVOICE No. L00181698
Account No. 44660 31-0371
Description 81698NOTIC
Times 2 Lines 44
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

\$ 49.50

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs-
PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs-
PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36.

T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:
The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25 (Holley Wells), SESE S26, NWSESW S35 (Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before December 26, 1989.

R. Keith Higginson
Director

Diane Holzer

, being duly sworn,

deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF PROPOSED CHANGE

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 120789

WEEK for 2 consecutive WEEKS, the first publication thereof being on the 120789, and the last publication thereof being on the 121489, and said

NOTICE OF PROPOSED CHANGE

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 18 day of December 1989

RECEIVED

DEC 20 1989

Department of Water Resources
Eastern District Office

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 31-0371 & 31-0331
Notice is hereby given
that Holley Water Users
Association, Hamer, ID,
has applied to the Depart-
ment of Water Resources
to add points of diversion
of the waters of a ground-
water source. The rights
sought to be changed are
evidenced by Claim No.'s
31-0371 & 31-0331 and
are recorded as follows:

No. 31-0331
AMOUNT: 24.0 cfs
PRIORITY: January 25,
1930

No. 31-0371
AMOUNT: 23.0 cfs
PRIORITY: September 10,
1928

POINTS OF DIVERSION:
SWSW S25, SESE S26,
NWSESW S35, SENWNW
S36, T7N R35E, B.M. Jef-
ferson County.

The water is used to irri-
gate 3230 acres within the
N $\frac{1}{2}$ S11 T6N R34E;
NWNWN $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{4}$ SE $\frac{1}{4}$
S2, E $\frac{1}{2}$ SE $\frac{1}{4}$ S3, E $\frac{1}{2}$ SE $\frac{1}{4}$
S9, NENE S $\frac{1}{2}$ NE $\frac{1}{4}$
SENW S $\frac{1}{2}$ S10, W $\frac{1}{2}$ S11,
N $\frac{1}{2}$ SW $\frac{1}{4}$ S14, S15,
NE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NESWSE $\frac{1}{4}$
S22 T6N; NESW S $\frac{1}{2}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ S35, NESWW $\frac{1}{2}$ SW $\frac{1}{4}$
S36 T7N R35E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

The water will be diverted
within the SWNE S22 T6N
(Murdock Well); SWSW
S25 (Holley Wells), SESE
S26, NWSESW S35 (Hog-
gan Well), SENWNW S36
T7N R35E, B.M.

Any protests against ap-
proval of the above pro-
posed change of water
right must be filed with the
Idaho Department of Wa-
ter Resources 150 Shoup
Ave., Idaho Falls, ID,
83402, on or before De-
cember 26, 1989.

R. Keith Higginson
Director
PUBLISH: Thursday, De-
cember 7, and 14, 1989.

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 20633

I, Linda Capps McSwine being first duly sworn upon oath, depose
and say that I am Print Clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive weeks,
commencing with the issue dated December 7, 19 89,
and ending with the issue dated December 14, 19 89.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 22 day of December in the year of 1989, before me,
a Notary Public, personally appeared Linda Capps McSwine,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

NOV 01 1990

Heva R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:
SWSW SEC 25, SESE
SEC 26, NWSESW SEC
35, SENWNW SEC 36, T
7N, R 35E, JEFFERSON
COUNTY

The water is used from
April 1 to November 15 to
irrigate 3230 acres of land
within the N1/2 SEC 11, T
6N, R 34E; NWNW SEC
1, N1/2 SW1/4 W1/2SE1/4
SEC 2, E1/2SE1/4 SEC 3,
E1/2SE1/4 SEC 9, NENE
S1/2NE1/4 SENW S1/2
SEC 10, W1/2 SEC 11,
N1/2SW1/4 SEC 14, SEC
15, NE1/4 E1/2NW1/4
NESE SE1/4 SEC 22, T
6N, R 35E; NESW S1/
2SW SE1/4 SEC 35,
NESW W1/2SW SEC 36,
T 7N, R 35E, B.M.

**TO BE CHANGED
AS FOLLOWS:**

The water will be diverted
within the NWNE SEC 15
(BYBEE WELL), SWNE
SEC 22 (Murdock Well) T
6N; SWSW SEC 25 (Holley
Wells), SESE SEC 26,
NWSESW SEC 35 (Hog-
gan Well), SENWNW SEC
36, T 7N, R 35E, B.M.

Any protest against the
above change to a water
right must be filed with the
Idaho Department of Wa-
ter Resources, 150 Shoup
Ave., Idaho Falls, ID
83402, on or before March
5, 1990

R. Keith Higginson
Director

**PUBLISH: Thursday,
February 16 and 22, 1990.**

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

I, Sinda Capps McSwire being first duly sworn upon oath, depose
and say that I am County Clerk of the County of Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in
any supplement thereof, for Two consecutive Weeks,
commencing with the issue dated February 15, 1990,
and ending with the issue dated February 22, 1990.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily ex-
cept Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and
uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 23 day of February in the year of 1990, before me,
a Notary Public, personally appeared Sinda Capps McSwire,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls County
My commission expires: 5/19/94

RECEIVED

20861

MAR 2 - 1990

Department of Water Resources
Boise, Idaho

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3517

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

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 loss
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
~~X~~ 31-00371	Sept. 10, 1928	23.00	irrigation	04/01 to 11/15
~~X~~ 31-00331	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		
	NW	NE	NW	02	06N	35E	Jefferson	Hoggan 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 HOGGAN 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									✓	✓	✓	✓	✓	✓	✓	✓	

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Eight Holley wells open discharge into canal system. The two Hogan 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 Hogan 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

APPROVED

And said application is hereby _____, 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.

MICROFILMED

AUG 18 1989

Witness my hand this _____

day of _____

1989

Chief, Water Alloc. Bureau

14
August
J. Earl Hogan

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. A31-00331 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	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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above A31-00371

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	

MICROFILMED

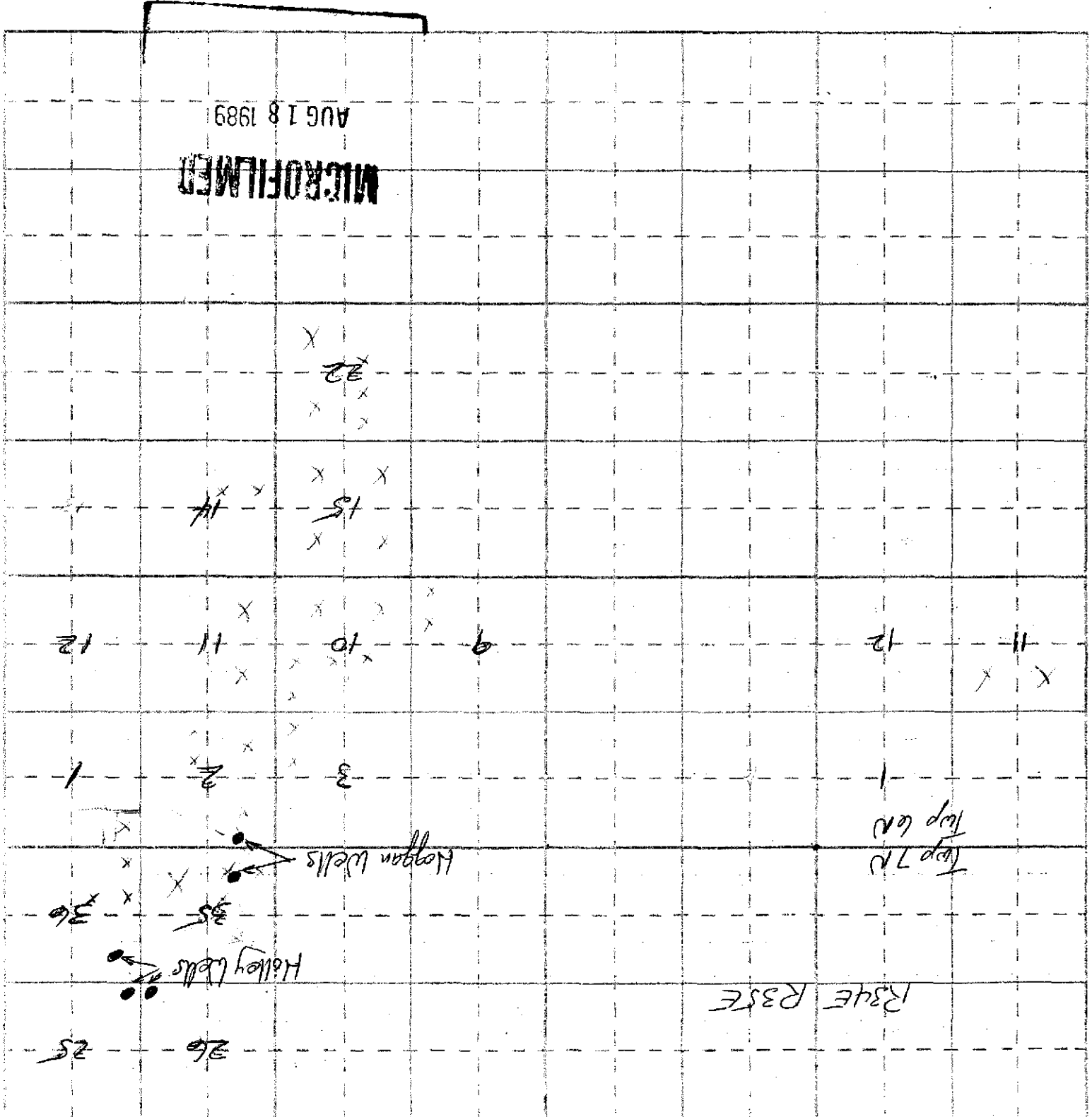
AUG 18 1989

Total acres _____

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.



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 ENC Date Jan 13, 1989 Protest filed by _____

Prelim. check by DD Fee \$50

Receipted by ENC Date Jan 13, 1989 E005501

Published in Tipton Star Copies of protest forwarded by _____

Pub. dates 2-15 & 2-22-89 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

WD #31 rec'd. 3-14-89 by RDC Sm Gary

Copy of transfer sent to lien holder _____

MICROFILMED

AUG 18 1989

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
06N	34E	11	NE	NE		IRR	40.0	N 1/2,
			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 1/4	NW 1/4		IRR	10.0	
			Section Acres					10.0
		2	NE	NE		IRR	40.0	N 1/2, SW 1/4, SE 1/4, W 1/2
			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	E 1/2 SE 1/4
			SE	SE		IRR	40.0	
			Section Acres					78.0
		9	NE	SE		IRR	40.0	E 1/2 SE 1/4
			SE	SE		IRR	40.0	
			Section Acres					80.0
		10	NE	NE		IRR	40.0	E 1/2 NE 1/4, SE 1/4 NE 1/4, SE 1/4 NW 1/4,
			SW	NE		IRR	40.0	
			SE	NE		IRR	40.0	
			SE	NW		IRR	40.0	

AUG 18 1989

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 <i>5 1/2</i>
			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 <i>W 1/2</i>
	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 <i>N 1/2 SW 1/4</i>

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 <i>Sec 15</i>
	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

RECEIVED

AUG 18 1988

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

E 1/2, E 1/2 NW 1/4, NE 1/4 SW 1/4

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

SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4

Section Acres 196.0

(36)	NE		SW		IRR	40.0
	NW		SW		IRR	38.0
	SW		SW		IRR	38.0

N 1/2 SW 1/4, SW 1/4 SW 1/4

Section Acres 116.0

Total Acres 3230.0

11. Place of use in counties: JEFFERSON

MICROFILMED

AUG 18 1989

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Crystal Foster
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Notice of Correction

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

ment issue thereof for Two (2)
consecutive issues, the first publica-

having been made on 4/5/89
and the last publication having been
made on 4/12/89

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

Crystal Foster

On this 14th day of April
in the year of 1989, before
me, a Notary Public, personally ap-

peared Crystal Foster,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Karen K. Row
Notary Public for Idaho

Residing at Rigby

My commission expires 10-23-94

NOTICE OF CORRECTION

Notice is hereby given that Transfer
No. 31-0371 and 31-0331 in the name of
Holley Water Users Association, c/o
LaMoyne Barney, Hamer, ID, was
advertised incorrectly on Feb. 15 and 22,
1989. The Point of diversion was
advertised as being NW1/4NE1/4NW1/4,
Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4,
Sec. 35, SW1/4SW1/4, Sec. 25,
SE1/4SE1/4, Sec. 26,
SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R.
B.M., Jefferson County. Whereas, the
actual Point of Diversion is
NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R.
35E, B.M., NW1/4SE1/4SW1/4, Sec. 35,
SW1/4SW1/4, SEC. 25, SE1/4SE1/4,
Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T.
7N, R. 35E, B.M., Jefferson County.

Protests against the granting of this
application as a result of this correction
must be filed with the Idaho Department of
Water Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho, 83402 on or before
APRIL 24, 1989.

R. Keith Higginson
Director

Published in The Jefferson Star, April
6 and 13, 1989.

MICROFILMED

AUG 18 1989

RECEIVED

APR 17 1989

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
County of Jefferson)

I, Crystal Foster
of the Jefferson Star, published
weekly at Rigby, Jefferson County,
Idaho, do solemnly swear that the

Notice of Proposed Change
a copy of which notice appears at-
tached hereto, was published in the
regular and entire issue of said
newspaper, and not in any supple-

ment issue thereof for Two
consecutive issues, the first publica-

having been made on 2-15-89
and the last publication having been

made on 2-22-89.

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

Crystal Foster

On this 2nd day of March

in the year of 1989, before
me, a Notary Public, personally ap-

peared Crystal Foster,
known or identified to me to be the
person whose name subscribed to
the within instrument, and being by
me first duly sworn, declared that
the statements therein are true, and
acknowledged to me that he ex-
ecuted the same.

Loane Latham

Notary Public for Idaho

Residing at Shelley

My commission expires: 1-27-91

NOTICE OF PROPOSED CHANGE OF WATER RIGHT 31-0371 & 31-0331

Notice is hereby given that Holley Water
Users Association, c/o LaMoyne Barney,
Hamer, Idaho, has applied to the Department
of Water Resources to add points of diver-
sion from a groundwater source. The rights
sought to be changed are evidenced and
recorded as follows:

31-0371
AMOUNT: 23.00 cfs
PRIORITY: Sep. 10, 1928
31-0331
AMOUNT: 24.00 cfs
PRIORITY: Jan. 25, 1930
POINTS OF DIVERSION: SW1/4SW1/4,
Sec. 25; SE1/4SE1/4, Sec. 26;
SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E,
B.M. Jefferson County.

The water is used for irrigation of 3230
acres within the N1/2, Sec. 11, T. 6N, R. 34E,
B.M.; NW1/4NW1/4, Sec. 1, N1/2, SW1/4,
W1/2SE1/4, Sec. 2, E1/2SE1/4, Sec. 3,
E1/2SE1/4, Sec. 9, E1/2NE1/4, SE1/4NE1/4,
SE1/4NW1/4, S1/2, Sec. 10, W1/2, Sec. 11,
N1/2SW1/4, Sec. 14, Sec. 15, E1/2,
E1/2NW1/4, NE1/4SW1/4, Sec. 22, T. 6N, R.
35E, B.M.; SE1/4, E1/2SW1/4, SW1/4SW1/4,
Sec. 35, N1/2SW1/4, SW1/4SW1/4, Sec. 36,
T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the
NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E,
B.M.; NW1/4SE1/4, Sec. 35, SW1/4SW1/4,
Sec. 25, SE1/4SE1/4, Sec. 26,
SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. B.M.,
Jefferson County.

Any protest against approval of the above
proposed change of water rights must be fil-
ed with the Idaho Department of Water
Resources, 150 Shoup Ave., Sult 15, Idaho
Falls, Idaho, 83402, on or before MARCH 6,
1989.

R. Keith Higginson
Director

Published in the Jefferson Star, Rigby,
Idaho, February 15 and 22, 1989.

RECEIVED

MAR 7 1989

Department of Water Resources
Eastern District Office

MICROFILMED

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 LaMoyne 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

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.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

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

Total number of acres to be irrigated _____

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

1. General Information

- a. Amount of water to be diverted 47 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well & pumps to canal of Holly Water Users Assn
- c. Describe the reasons for the proposed changes Applicant wishes to spread the wells out to obtain more adequate flow of water. Due to a drop in the groundwater level the applicant cannot divert the full amount as specified in the decree.

2. Change in point of diversion

Point of diversion SW ¼ SW ¼, Section 25 Township 7N
Range 35E, B.M., Jefferson County
Additional points NW¼NW¼, Sec. 36, T. 7N. R. 35E

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

MICROFILMED

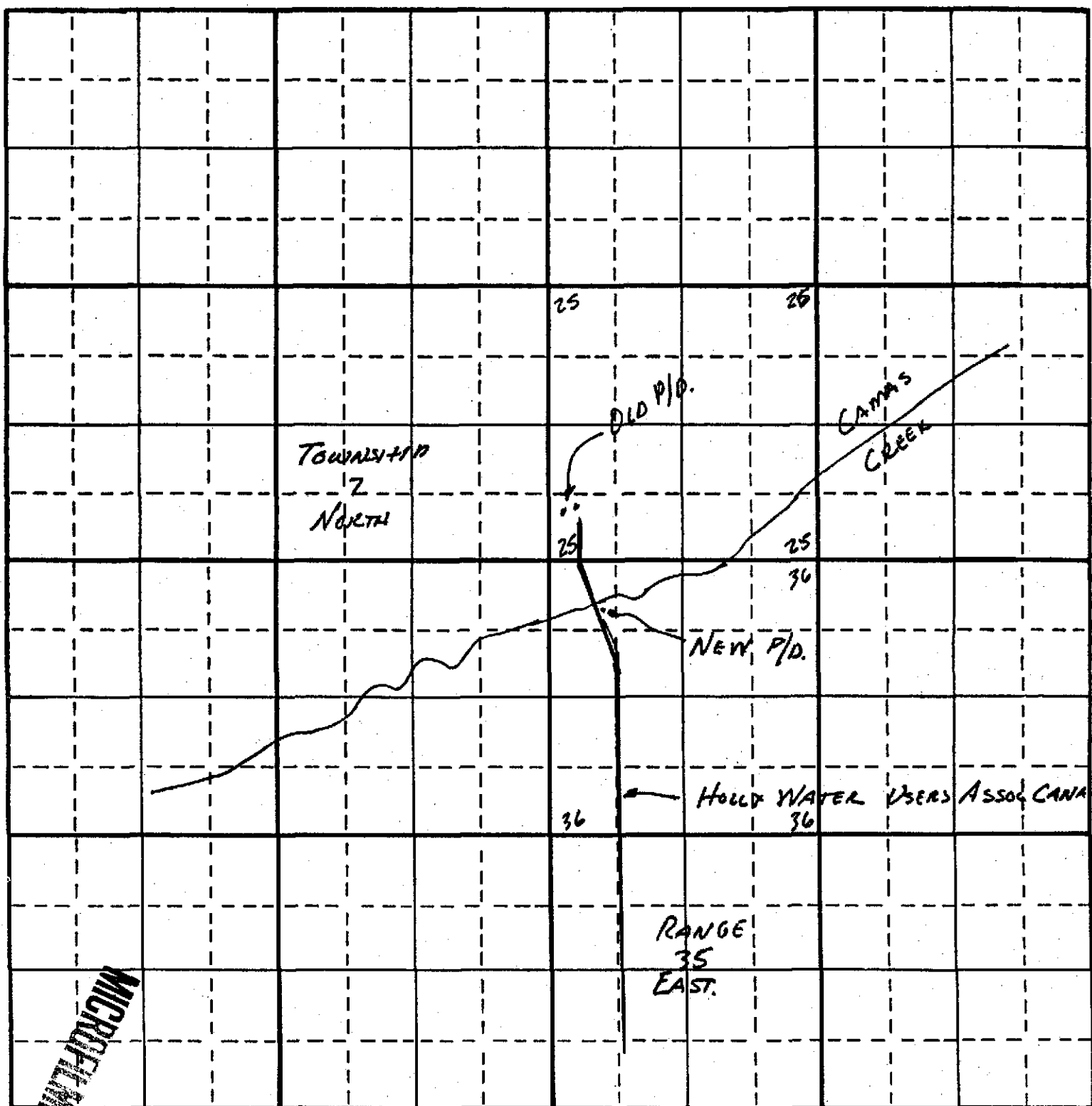
c. Describe the land place of use to which the right will be transferred:

CHANGE

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 $\frac{1}{4}$	

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 L. M. Borne
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

FOR DEPARTMENT USE ONLY

Received by (u) Date 3-24-82 Protest filed by _____

Prelim. check by HWS Fee 50.00

Receipted by (u) Date 3-4-82 #20126

Published in (u) Copies of protest forwarded by _____

Printed 184 25-82 Hearing held by _____ Date _____

Watermaster recommendation requested on 3-12-82 Recommended for approval denial

by Jin

RECEIVED

XVII

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 of 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.

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:

31-0352
31-0371
31-0331
MICROFILM
16-

	Name	Date of Priority	Amount	
31	0341 Bertha I. Nielson	September 5, 1912	1.72	ad. f.
	0342 Frank McClain	February 4, 1913	0.80	main-
	0343 R. P. Cope	February 20, 1913	1.70	stock-
	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 annually 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 the lands of the stockholders of said corporation; that in addition

MICROFILM

3680

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.

MICROFILMED
FEB 11 1999

MEMORANDUM

TO: FILE 31-00331

FROM: PAM SKAGGS

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

TRANSFER 3787

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the (SESW, SEC. 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E, (HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson

Director

Published in the JEFFERSON STAR on SEPTEMBER 20 1990. MAY 3 07 09 1990.

14-Sep-1990

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 8, 1990.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MICROFILMED

MAY 30 1991

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the (SESW, SEC. 35, T 7N, R 35E;) SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E, (HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990

R. Keith Higginson

Director

MAY 30 1991

Published in the LEWISTON MORNING TRIBUNE on SEPTEMBER 20 & 27, 1990

OK

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35,
SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SESW, SEC. 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E, (HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson

Director

Published in the TIMES-NEWS on SEPTEMBER 20 & 27, 1990.

MICROFILMED

MAY 30 1991

OK

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517 (31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SESW, SEC. 35, T 7N, R 35E; SWSW, SEC 10, T 6N, R 35E, (TORGERSON WELL); SWSW, SEC. 25; SESE, SEC. 26; SENWNW, SEC. 36, T 7N, R 35E, (HOLLEY WELLS) JEFFERSON COUNTY

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before OCTOBER 8, 1990.

R. Keith Higginson

Director

Published in the IDAHO STATESMAN on SEPTEMBER 20 & 27, 1990. MAY 30 1991

RECORDED

MAY 30 1991

016

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**
NO. 31-0371 & 31-0331
 Notice is hereby given that Holley
 Water Users Association, Hamer, ID,
 has applied to the Department of Water
 Resources to add points of diversion
 from the waters of a groundwater
 source. The rights sought to be
 changed are evidenced by Transfer No.
 3517 (31-0371 & 31-0331) and are
 recorded as follows:
 No. 31-0371 AMOUNT: 23.0
 PRIORITY: September 10, 1928
 No. 31-0331 AMOUNT: 24.0
 PRIORITY: January 25, 1930
 POINTS OF DIVERSION: SWSW
 SEC 25, SESE SEC 26, NWSW
 SEC 35, SENW SEC 36, T 7N, R
 35E, JEFFERSON COUNTY
 The water is used from April 1 to
 November 15 to irrigate 3230 acres of
 land within the N1/2 SEC 11, T 6N, R
 34E: NWNW SEC 1, N1/2 SW1/4
 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3,
 E1/2SE1/4 SEC 9, NENE S1/2NE1/4
 SENW S1/2 SEC 10, W1/2 SEC 11,
 N1/2SW1/4 SEC 14, SEC 15, NE1/4
 E1/2NW1/4 NESW SEC 22, T
 6N, R 35E: NESW S1/2SW SEC 14 SEC
 35, NESW W1/2SW SEC 36, T 7N, R
 35E, B.M.
TO BE CHANGED AS FOLLOWS:
 The water will be diverted within the
 SESW, SEC 35, T 7N, R 35E: SWSW
 SEC 10, T 6N, R 35E: (TORGERSO
 WELL): SWSW, SEC 25, SESE, SEC
 26: SENW SEC 36, T 7N, R
 35E (HOLLEY WELLS) JEFFERSON
 COUNTY
 Any protest against the above
 change to a water right must be filed
 with the Idaho Department of Water
 Resources, 150 Shoup Ave., Idaho
 Falls, ID, 83402, on or before OCTO-
 BER 8, 1990.
 R. Keith Higginson
 Director
 Published in the Jefferson Star,
 Sept. 19 and 26, 1990.

18-Sep-1990

DON SHENTON
WATER DIST. 31
BOX 33
DUBOIS, ID 83423

RE: Application for TRANSFER No. 31-0371/31-0331

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is OCTOBER 8, 1990, and we are required to take action shortly thereafter.

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

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

RECEIVED

MAY 30 1991

Please adv ASAP
9-15-90

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET**

INITIAL REVIEW BY: HWJ

1. Right number 31-0371/-0331 Applicant Holley Water users - For Torgensen Well
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 31 Done

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

*F.O.P.
10-8-90*

Copy sent

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
MARIE T. FEELEY
ROBERT M. FOLLETT

WEST ONE BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

R. VERN KIDWELL, OF COUNSEL

September 26, 1990

RECEIVED

SEP 26 1990

Department of Water Resources
Eastern District Office

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

Gentlemen:

We have been contacted by the Holley Water Users Association and requested to formally withdraw its application for transfer of water right recently filed on August 1, 1990, for the purpose of transferring a portion of Rights Nos. 31-0371 and 31-0331 to lands known as the "Torgerson Place of Use", and for a portion of which is to be diverted out of the Ronald Torgerson well.

We understand that notice of this application is presently being published or has recently been published. The Association does not wish to protest its own application, but rather completely withdraw the application. The reasons for this action is that the preparation of the application for transfer has been found by the company to be inconsistent with its desires and agreement and even though the application was signed by the secretary of the company, it was done under circumstances where he was given information that caused him to misunderstand how the application had been prepared.

Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster
Kent W. Foster

#4046.00/srr

cc: Don Shenton, Watermaster
Water District #31
Carl Hoggan, President
LeMoyne Barney, Secretary
Mr. Ronald Torgerson

NOT FILMED

MAY 30 1991

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
☒ OVERNIGHT MAIL
☒ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyné 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)

Jeffrey C. Herdman

MICROFILMED
MAY 30 1991

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

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

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;

Protest -- 1

MICROFILMED

MAY 30 1991

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) 342-6571

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
MAY 30 1991

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
☒ 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)

Jeffrey C. Hilday

MICROFILMED

MAY 30 1991

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

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

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;

MICROFILMED

MAY 30 1991

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) 342-6571

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

October 8, 1990

RECEIVED

OCT 15 1990

Department of Water Resources
Eastern District Office

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

Dear Mr. Jones:

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

Sincerely,

Jeffrey C. Fereday
Jeffrey C. Fereday

Enclosures

MICROFILMED

MAY 30 1991

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
☒ 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)

Jeffrey C. Herdman

REPROFILMED

MAY 30 1991

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

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

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;

MICROFILMED

MAY 30 1991

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) 342-6571

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

October 8, 1990

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

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

Dear Mr. Jones:

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

Sincerely,

Jeffrey C. Fereday
Jeffrey C. Fereday

Enclosures

MICROFILMED

MAY 30 1991

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
☒ OVERNIGHT MAIL
☒ TELECOPY (FAX)

Holley Water Users Association
c/o LaMoyné 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)

Jeffrey C. Herdaway

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

Attorneys for Protestants

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

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;

Protest -- 1

RECORDED & INDEXED
MAY 30 1991

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

RECEIVED
MAY 30 1991

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) 342-6571

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

Dear Mr. Jones:

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

Sincerely,

Jeffrey C. Fereday
Jeffrey C. Fereday

Enclosures

MICROFILMED

MAY 30 1991

RECEIVED

OCT 9 1990

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930
POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11, N1/2
T 6N, R 35E, B.M.	SEC 1, NWNW
	SEC 2, N1/2, SW1/4, W1/2SE1/4
	SEC 3, E1/2SE1/4
	SEC 9, E1/2SE1/4
	SEC 10, NENE, S1/2NE1/4, SENW, S1/2
	SEC 11, W1/2
	SEC 14, N1/2SW1/4
	SEC 15
	SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35, NESW, S1/2SW, SE1/4
	SEC 36, NESW, W1/2SW

MICROFILMED

MAY 30 1991

10-Dec-1990

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED

MAY 30 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Dennis M. Dunn

1. Right number 31-0371 Applicant Holley Water Users Association
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Other To reduce transmission losses
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments NO expansion
- i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) none
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on 3-14-89
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* 05 (31 MUD LAKE & Trib) 01

4. By RBC Date MAY 2/1989 MAY 05 1989

Jim 6-27-89

* All uses within Watermaster Districts require special conditions.

RECEIVED

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

1. Right number 31-0371, 31-0331 Applicant Holley Water Users Association
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☐ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☐ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Expansion under presumption in a basin-wide adjudication
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 31-2117 (Camas Ck) 31-7460 App. (Groundwater)
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No U.S. Fish & Wildlife Service
Portland, OR
If yes, what district? 31 12-1-89

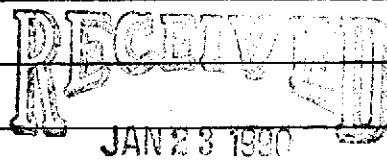
FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on 12-2-89
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

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

4. By RDC Date 12/27/89



Department of Water Resources

Copy to Roberta

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	34E	11	40	40	40	40	40	40	40	40									N 1/2
	35E	1						10											NW 1/4
		2	40	36	40	40	40	40	40	40	32	40	40	38		40	40		N 1/2, SW 1/4, W 1/2 SE 1/4
		3													38			40	E 1/2 SE 1/4
		9													40			40	E 1/2 SE 1/4 NENE, 3/4 NE 1/4
		10	40		40	40				40	40	35	40	40	40	40	40	40	SE 1/2, 3/4
		11					30	38	40	40	39	40	40	38					W 1/2
		14									10	40							N 1/2 SW 1/4 acc of Sec 15
		15	38	31	40	40	40	40	33	40	40	34	40	40	40	40	40	40	
		22	40	40	40	40	40			40	40				40	40	40	40	NE 1/4, E 1/2 NW 1/4 NE 1/2, SE 1/4
7N	35E	35								25		20	40	30	15	35	31		NE 1/2, 3/4 SW, SE 1/4
		36								40	38	38							NE 1/2, W 1/2 SW

MICROFILMED

NOV 01 1990

Total number of acres irrigated _____

WATER RIGHT
DATA ENTRY LOG

[illegible]

water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before MARCH 6, 1989.

R. Keith Higginson

Director

Published in the JEFFERSON STAR February 15 & 22, 1989

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, c/o LaMoyne Barney, Hamer, Idaho, has applied to the Department of Water Resources to add points of diversion from a groundwater source. The rights sought to be changed are evidenced and recorded as follows:

31-0371

AMOUNT: 23.00 cfs

PRIORITY: Sep. 10, 1928

31-0331

AMOUNT: 24.00 cfs

PRIORITY: Jan. 25, 1930

POINTS OF DIVERSION: SW1/4SW1/4, Sec. 25; SE1/4SE1/4, Sec. 26; SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E, B.M. Jefferson County.

The water is used for irrigation of 3230 acres within the N1/2, Sec. 11, T. 6N, R. 34E, B.M.; NW1/4NW1/4, Sec. 1, N1/2, SW1/4, W1/2SE1/4, Sec. 2, E1/2SE1/4, Sec. 3, E1/2SE1/4, Sec. 9, E1/2NE1/4, SE1/4NE1/4, SE1/4NW1/4, S1/2, Sec. 10, W1/2, Sec. 11, N1/2SW1/4, Sec. 14, Sec. 15, E1/2, E1/2NW1/4, NE1/4SW1/4, Sec. 22, T. 6N, R. 35E, B.M.; SE1/4, E1/2SW1/4, SW1/4SW1/4, Sec. 35, N1/2SW1/4, SW1/4SW1/4, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. B.M., Jefferson County.

Any protest against approval of the above proposed change of water rights must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before MARCH 6, 1989.

**R. Keith Higginson
Director**

Published in the Jefferson Star, Rigby, Idaho, February 15 and 22, 1989.

RECEIVED
FEB 16 1989

FEB 16 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, c/o LaMoyne Barney, Hamer, Idaho, has applied to the Department of Water Resources to add points of diversion from a groundwater source. The rights sought to be changed are evidenced and recorded as follows:

31-0371 AMOUNT: 23.00 cfs PRIORITY: Sep. 10, 1928

31-0331 AMOUNT: 24.00 cfs PRIORITY: Jan. 25, 1930

POINTS OF DIVERSION: SW1/4SW1/4, Sec. 25; SE1/4SE1/4, Sec. 26;
SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E, B.M. Jefferson County

The water is used for irrigation of 3230 acres within the N1/2, Sec. 11, T. 6N, R. 34E, B.M.; NW1/4NW1/4, Sec. 1, N1/2, SW1/4, W1/2SE1/4, Sec. 2, E1/2SE1/4, Sec. 3, E1/2SE1/4, Sec. 9, E1/2NE1/4, SE1/4NE1/4, SE1/4NW1/4, S1/2, Sec. 10, W1/2, Sec. 11, N1/2SW1/4, Sec. 14, Sec. 15, E1/2, E1/2NW1/4, NE1/4SW1/4, Sec. 22, T. 6N, R. 35E, B.M.; SE1/4, E1/2SW1/4, SW1/4SW1/4, Sec. 35, N1/2SW1/4, SW1/4SW1/4, Sec. 36, T. 7N, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4SW1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. B.M., Jefferson County.

Any protest against approval of the above proposed change of

AUG 18 1989

MICROFILMED

*Called to make
Change 2-21-89*

ADVERTISING

- / CHECK OFF YELLOW PAD
- / FIND BASIN NO.
- / DATA ENTER
- / PROOF COPY
- / FILE MADE
- / RECEIPT LETTER
- / COMMENT ROUTE LETTER
- / BACK OF APP. COMPLETE
- / PROTEST DATE ON STAFF SHEET
- / TRANSFER, COPY TO ROBERTA
- / AFFIDAVIT IN *Galley Proofed* 3
- / TRANSFER, COPY FOR DRAWER

SENDER: Complete items 1 and 2 when additional services are desired and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Michael Creamer
Attorney at Law
P.O. Box 2720
Boise Id. 83720

4. Article Number

0391

Type of Service:

- ☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Registered Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

Ken Ketchum

7. Date of Delivery

4/3/90

8. Addressee's Address (ONLY if requested and fee paid)

31-0371/0331

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



RECEIVED
MICROFILMED

APR 4 1990

NOV 01 1990

Print Sender name, address, and ZIP Code in the space below.

Eastern District Office

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUF AVE. #18

IDAHO FALLS, IDAHO 83402



PENALTY FOR PRIVATE
USE \$300

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address.
(Extra charge)

2. ☐ Restricted Delivery
(Extra charge)

3. Article Addressed to:

Valley Water Works
La Mayne Warner
Hamer, Ind. 83425

4. Article Number

0390

Type of Service:

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

4-2-90

Addressee's Address (ONLY if
requested and fee paid)

31-0371/0331

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



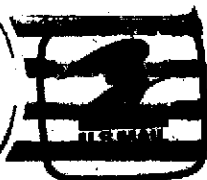
MICROFILMED

NOV 01 1990

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHoup AVE. #15
IDAHO FALLS, IDAHO 83402

RECEIVED

APR - 3 1990



PENALTY FOR PRIVATE
USE, \$300

SENDER: Complete items 1 and 2 when additional services are desired and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Blaine Harsen
Harsen Farms
P.O. Box 4188
Hamer, La.
0661 TO AON
83425
RECEIVED

4. Article Number:

0392

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Address

X

6. Signature - Agent

X

Laundrea Jones

7. Date of Delivery

3-30-90

8. Addressee's Address (ONLY if requested and fee paid)

31-0371

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

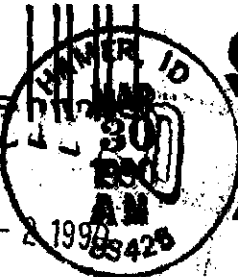
SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

APR - 2 1990



PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Eastern District Office

RETURN TO SENDER: Print Sender's name, address, and ZIP Code in the space below.

TO

NOV 01 1990

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOLP AVE. #15

IDAHO FALLS, IDAHO 83402

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 5/25/1982

TO File 31-0331

SUBJECT Transfer No. 2656

See File No. 31-0371 for all correspondence regarding the above transfer.

MICROFILMED

SIGNATURE

ACTION REQUIRED

8-21-90

FROM: H.W. JONES

TO: Ron

Question #1 - See memo in folder

Question #2 - Condition we use when independent agreements
made without direct involvement of the Dept.
IS # <20A>. See inside file.

[Signature]

ACTION REQUIRED

FROM:

Tim

TO:

BRONDA

(see
in file 31-0331)

Transfer No. 3654

~~(in file 31-0331)~~ Please use condition no. 5 1 than 5 of my memo of 6-28-90
in ATT preparing TRANS. 3654 for signature. This transfer
is the same as TRANS. 3645 which we approved in July of 1990.

Tim

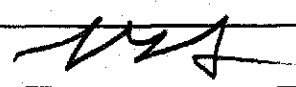
INTER-DEPARTMENT MEMO

TO: Shim

SUBJECT: _____

FROM: GlenDATE: 10-4-90

- the attached file has been forwarded by region.
- From my "brief" review it appears that the cond's of trans 3645 also would apply to trans 3654 & 3680.
- Plz review in more detail.

☐ For your information☐ Response required
signature

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

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

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

June 14, 1990

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

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

NOV 14 1990
Michael C. Creamer

MCC/mcc
cc: Blaine Larsen
Kent Foster

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

MICROFILMED

NOV 01 1980



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

RECEIVED
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JUN 14 1990

June 12, 1990

Givens, Pursley, Webb &
Huntley

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.

MICROFILMED

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

MICROFILMED

NOV 01 1990

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. SAXENDALE*
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
JEFFREY C. FEREADAY
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

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

TELEPHONE
(208) 342-6571

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

June 8, 1990

* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

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

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 impact on existing rights, both junior and senior, and for the purpose

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

MICROFILMED

NOV 01 1990

~~the~~ Rm

- 1/ These are conditions discussed by Glau + Creamer.
- 2/ I would add only ~~the~~ from my original draft letter, attached.

ALGJ



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

KEITH HIGGINSON

DIRECTOR

May 25, 1990

JUN 05 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 if there is 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.

MICROFILMED

NOV 01 1990

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

RECEIVED

SEP 24 1990

Department of Water Resources
Eastern District Office

TELEPHONE
(208) 342-6571

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

September 20, 1990

Via Fax

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

RE: Holley Water Users Ass'n Transfer Applications

Dear Harold:

As we discussed this morning, I am sending you copies of correspondence between myself and IDWR's Boise office regarding the language of conditions which I have understood would be included in any permits granted to the parties who entered into the stipulation with Mr. Larsen. I have corresponded with personnel at the Boise office at your suggestion since you had stated that ultimate approval of any conditions that might be imposed would come from that office. The series of letters should help you understand the evolution of the language in the stipulation and why we expect that the permit conditions would reflect that language.

I hope this will be of help to you. Please call immediately if you have any questions.

Sincerely,



Michael C. Creamer

MCC/mcc
Enclosures

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
☒ 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)

Jeffrey C. Herdaway

MICROFILMED

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

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;

Protest -- 1

MICROFILMED

NOV 01 1990

31-0331

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 O. 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

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

ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

October 8, 1990

RECEIVED
OCT 9 1990

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

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

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 01 1990

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

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.

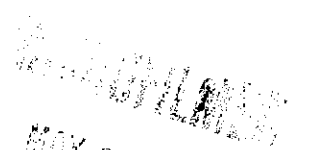
Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

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


MAY 30 1991

3. The transfer will result in an expansion of the water right and an increase in the consumptive use of water under the water rights sought to be transferred;

4. The proposed transfer involves projected diversions in excess of the statutorily established duty of water for the acreage listed in the Application as the place of use.

5. The Application for Transfer fails to give reasonable notice to interested persons of the Applicant's intentions. The inadequacies of the Application include, but may not be limited to the following:

a. The Application for Transfer fails to state what portion of the Montevue rights will be diverted at the proposed new points of diversion, or at any other point of diversion. Protestants are therefore unable to discern what quantity of the Montevue rights will be diverted where, or by whom. The Application therefore lacks essential information necessary to provide adequate notice of the Applicant's intentions;

b. The Application for Transfer fails to state the extent to which the transfer would affect transmission losses, consumptive use, or the quality, quantity and location of return flows, if any, or what effects such changes would have on Protestant's water rights or the rights of other appropriators, including junior appropriators;

c. The Application for Transfer fails to state the extent to which production of water from Montevue's existing points of diversion should, or would be curtailed as a result of the anticipated production of water from new points of

RECEIVED
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

RECEIVED
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

MICROFILMED

MAY 30 1991

TRANSFER 3680

12-20-10
3-16-90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY:

KC Wilson

1. Right number

31-00331/00371

Applicant

Holley Water Users

(As per previous transfers)

Recommended

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.

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny

3. Conditions See attached list

4. By RDC

Date

4/29/91

RECEIVED
MAY 03 1991

2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use. ?
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred. — N/A
- h. ☒ Check for expansion in use of right. Comments Adding a P/D to irrigate using a center pivot may result in an increase in total diversion under these rights
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
- Right number(s) _____
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
- If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
- *3. Conditions* See attached list
4. By RDC Date 4/29/91

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

RECEIVED
MAY 03 1991

D.O.P.
April 23, 90

RECEIVED
MAY 30 1991

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12th day of April, 1990, I served the foregoing

PROTEST upon:

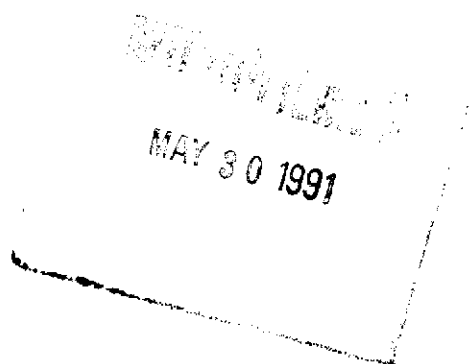
Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

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

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
3rd Floor, Idaho 1st National Bank Bldg.
Idaho Falls, Idaho 83402

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

Laurie J. Scott



wells. Approval of this application could negate the purpose and effect of this Stipulation and prejudice Protestants.

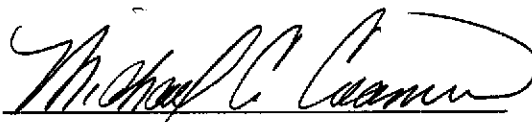
7. The continuous addition by Holley Water Users Association of new points of diversion to previous, unapproved transfer applications while the Department and Protestants seek to evaluate those previous applications prevents the proper assessment of the individual and cumulative effects of the transfers.

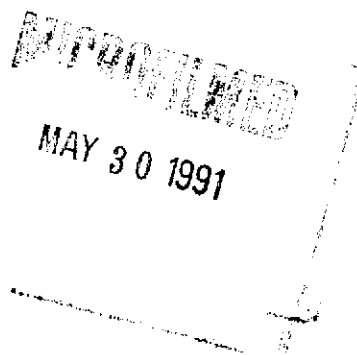
Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

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

DATED this 12th day of April, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By: 
Jeffrey C. Fereday
Michael C. Creamer



production of water from new points of diversion to prevent expansion of those rights;
and

e. 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.

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.

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

6. The application seeks to transfer water under right nos. 31-0371 and 31-0331 to points of diversion which are already the subject to two prior Applications, namely Application Nos. 3517 and 3654. Protestants have in good faith entered into a Stipulation with the Holley Water Users Association , Robert Bybee, Carl Hoggan and Sterling Murdock regarding Application for Transfer No. 3654. In this Stipulation, the parties agreed that Protestants would withdraw their protest filed in that case provided that the Department would condition such transfer to retain jurisdiction for not less than one nor more than three years for the purpose of establishing the appropriate amount of pumping reduction at the Holley wells to cover the proposed transfers and to prevent an expansion of the Holley rights. The instant application appears to include these same

RECEIVED
MAY 30 1991

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

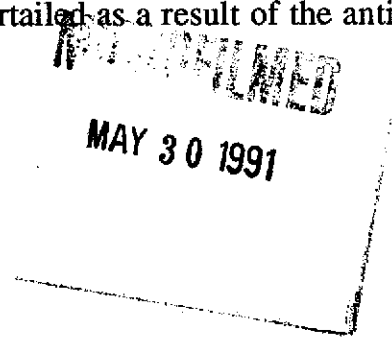
4. The Application for Transfer is wholly inadequate and incomprehensible in that it fails to give reasonable notice to interested persons of the Applicant's intentions. The inadequacies of the Application include, but may not be limited to the following:

a. The Application states that it involves the transfer of rights to the Ashcraft-Hoggan, Murdock, Bybee and Hoggan points of diversion but only includes a diagram illustrating the Ashcraft-Hoggan place of use. The Application also fails to indicate what portion of the Holley rights will be diverted at the Ashcraft-Hoggan point of diversion or any other point of diversion. Protestants are therefore unable to discern what quantity of the Holley rights will be diverted where, or by whom. The Application therefore lacks even the barest of essential information necessary to provide adequate notice of the Applicant's intentions;

b. The Application for Transfer lacks sufficient information to enable Protestants 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;

c. The Application for Transfer lacks 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;

d. The Application for Transfer lacks sufficient information to determine the extent to which production of water from the original points of diversion for water rights 31-0371 and 31-0331 should, or will be curtailed as a result of the anticipated



RECEIVED

APR 16 1990

Department of Water Resources
Eastern District Office

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 Protestant

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF	)	
APPLICATION FOR TRANSFER	)	PROTEST
OF HOLLEY WATER USERS	)	
ASSOCIATION FOR THE	)	
ASHCRAFT-HOGGAN, BYBEE, HOGGAN,	)	
MURDOCK AND HOLLEY WELLS	)	
_____	)	

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 submitted by the Holley Water Users Association. 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

RECEIVED
MAY 30 1991

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

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

RECEIVED

TELEPHONE
(208) 342-6571

APR 16 1990

Department of Water Resources
Eastern District Office

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

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

April 12, 1990

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

RE: Holley Water Users Association Application for Transfer

Dear Sirs:

Enclosed please find an original and two copies of the Protest of Blaine Larsen, Larsen Farms and Larsen of Idaho in the matter of the Application for Transfer by the Holley Water Users Association involving the Ashcraft-Hoggan, Bybee, Murdock and Hoggan places of use. As of this date, the Application for Transfer has not been assigned a reference number. Please accept the original and one copy for filing and return a conformed copy to this office.

Thank you for your attention.

Sincerely,



Michael C. Creamer

MCC/mcc
Enclosures

PROCESSED

MAY 30 1991

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)

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

Gentlemen:

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

RECEIVED
MAY 30 1991

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)
HOLLEY WATER USERS

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

Dear Mr. Creamer:

This is to acknowledge receipt of the protest filed in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho 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.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

RECORDED

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

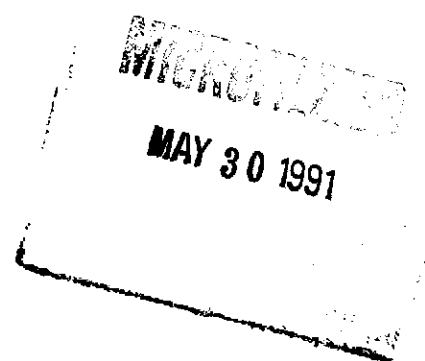
Attorneys for Protestants

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;

Protest -- 1



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
☒ 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)

Jeffrey C. Ferrel

MICROFILMED
MAY 30 1991

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.

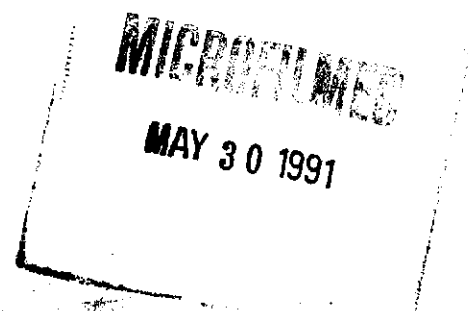
Protestants reserve the right to state additional grounds as facts are adduced through discovery or otherwise.

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



Law Office
GIVENS, PURSLEY, WEBB & HUNTLEY
Suite 200, Park Place
277 No. 6th Street
Post Office Box 2720
Boise, Idaho 83701

Telephone (208) 342-6571
Telecopier (208) 343-9492

TELECOPIER COVER SHEET

DATE: October 8, 1990

TIME:

TO: Mr. Harold Jones

FIRM: Idaho Department of Water Resources, Eastern Region

RE: Holley Water Users Ass'n Transfer Application

TELECOPY NUMBER: 525-7177

FROM: Michael C. Creamer

CLIENT NO: 1207-17

MESSAGE:

TOTAL PAGES (INCLUDING COVER SHEET): 5

MICROFILMED

MAY 30 1991

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) 342-6571

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

October 8, 1990

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

Enclosures:

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

Sincerely,

Jeffrey C. Fereday
Jeffrey C. Fereday

Enclosures

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
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

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

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

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

 HAND DELIVER
 X 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
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

Michael C. Cooney

DEC 20 1990

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

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

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 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

RECEIVED
MAY 30 1991

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

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

RECEIVED

DEC 21 1990

TELEPHONE
(208) 342-6571

Department of Water Resources
Eastern District Office

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

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
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
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

LISTED ALPHABETICALLY
*ALSO ADMITTED IN OREGON
†ADMITTED ONLY IN ILLINOIS

December 20, 1990

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

RE: Holley Water Right Nos. 31-0371 and 31-0331
and Application for Transfer No. 3654 and 3680
of Holley Water Users Association

Dear Harold:

I am enclosing for filing with your office, the original and one copy of a Protest in the matter of Application for Transfer No. 31-0371 and 31-0331 of Holley Water Users Association and the original and one copy of a Conditional Withdrawal of Protest in the matter of Application for Transfer No. 3654 and 3680 of Holley Water Users Association.

Sincerely,



Michael C. Creamer

MCC/jbg
Enclosures

DEC 20 1990

January 11, 1991

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

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

Dear Mr. Creamer:

This letter acknowledges receipt of the withdrawal of protest
against the above referenced application.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

SEARCHED
SERIALIZED
INDEXED
FILED

JAN 11 1991

January 11, 1991

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

LaMoyne Barney
Holley Water Users Association
Hamer, ID 83425

Dear Mr. Barney:

This letter is to advise you that the protest filed against approval of the above referenced application for permit has been withdrawn.

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

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

pc: Kent Foster, Attorney

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
L. EDWARD MILLER
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

RECEIVED

MAR 14 1991

TELEPHONE
(208) 342-6571
FACSIMILE
(208) 343-9492
(208) 342-8920
Department of Water Resources
Eastern District Office

March 12, 1991

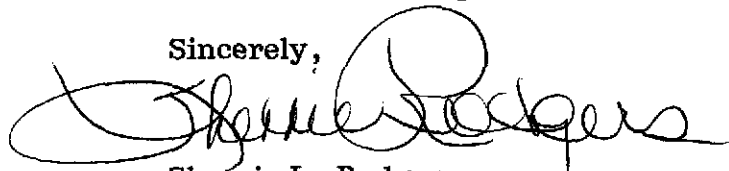
Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
150 W. Shoup Street, Suite 15
Idaho Falls, Idaho 83402

RE: Stipulation Re: Application for Transfer/Holley Water Users
Our File: 1207-17

Dear Mr. Jones:

Enclosed please find the original and one copy of the Stipulation for filing.
Please return the conformed copy in the enclosed return envelope.

Sincerely,



Sherrie L. Rodgers
Secretary to Michael C. Creamer

:sr
Enclosure

RECEIVED

MAY 30 1991

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12th day of ~~April~~ ^{MARCH}, 1990, I served the foregoing Stipulation upon:

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

Breck Barton, Esq.
P.O. Box 100
Rexburg, ID 83440

Kent W. Foster, Esq.
P.O. Box 50130
Idaho Falls, ID 83405

Philip J. Rassier, Esq.
Department of Water Resources
Statehouse
Boise, ID 83720

Karl Hoggan
Holley Water Users Association
Hamer, ID 83425

Blaine Larsen
c/o Kevan Varin
Box 188
Hamer, ID 83425

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



RECEIVED

MAY 30 1991

Dwain Kirkham
Dwain Kirkham, Director

Kent Foster
Kent Foster, attorney for
Holley Water Users Association

Ronald Torgerson
Ronald Torgerson, personally

Carl Hoggan
Carl Hoggan, personally

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS, AND
LARSEN OF IDAHO

Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer, Attorney in
Fact

MICROFILMED

MAY 30 1991

in this stipulation.

12. In entering into this stipulation, Larsen, Holley, Torgerson and Hoggan do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

13. This stipulation is distinct from, and does not affect, that stipulation between Larsen, Holley, Hoggan, Bybee, Murdock and Ashcraft regarding Holley's Application for Transfer Nos. 3654 and 3680, which was executed on August 8, 1990.

14. The Department may issue a well driller's permit to Torgerson and/or Hoggan pending resolution of the protest of Larsen. The permit shall state as a condition that the cumulative rate of diversion under such permit or permits shall be subject to the conditions of paragraph 7 of this stipulation.

DATED this 11th day of March, 1991.

APPLICANTS

HOLLEY WATER USERS, INC.

By LeMoyne Barney
LeMoyne Barney

By Carl Hoggan
Carl Hoggan, President

Ronald Torgerson
Ronald Torgerson, Director

Rex Coleman
Rex Coleman, Director

MAY 30 1991

jurisdiction.

8. Torgerson and Hoggan agree to make their wells and any diversion or irrigation records they may have available for inspection at all reasonable times by Larsen and the Department to assure that this condition is being met.

9. Holley agrees to make all diversion or irrigation records at their disposal available to the Department upon request of any party to this matter for review by any party. Holley further agrees that they will make available for inspection their wells and/or pumps upon reasonable notice and request by any party to this action. Inspection of Holley's wells and/or pumps may be made by any party to this action but in the event such inspection is desired by Larsen, then Larsen shall be accompanied either by the Department or by Torgerson and/or Hoggan in such inspection.

10. The Department or any court having jurisdiction shall be the decision maker in any factual dispute or difference between the parties to this agreement. Larsen shall not have the authority to dictate to Holley the manner in which Holley runs their irrigation system. Holley shall be the sole entity to determine their system, within the confines of Department directives and orders. Holley shall have the exclusive control of the hiring of their water master and the overseeing of the operation of their irrigation wells and canals, subject to orders of the Department or a court.

11. Holley, Torgerson and Hoggan acknowledge and agree that the Department may, as a result of information submitted by any party during the period of retained jurisdiction, or as a result of its own information, impose conditions beyond those specified

RECEIVED
MAY 30 1991

hearing before the Department at any time during the period of retained jurisdiction to present such information or seek such modifications as Larsen deems appropriate. During such five year period, the Department and the parties shall be entitled to investigate and submit information concerning issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage looses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley Wells to cover the Torgerson and Hoggan transfers and to prevent an expansion of use under the Holley rights. Applicants stipulate to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition.

7. The parties agree to the inclusion by the Department of a condition requiring that the cumulative rate of diversion and annual volume diverted under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use described in the transfer applications so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. The parties also agree that such condition may also provide that 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, and that the Department may reserve the right to impose additional or different conditions on the transfers based on evidence provided during the period of retained

RECEIVED
MAY 30 1991

3. Torgerson has historically flood irrigated lands located in the SW 1/4 of Sec. 10, T 6 N, R 35 E; the SE 1/4 of Sec. 9, T 6 N, R 35 E; and the NW 1/4 of Sec. 15, T 6 N, R 35 E (the "Torgerson Place of Use"). Water to irrigate this land has been diverted by Torgerson from the Holley Canal pursuant to Torgerson's ownership of 250 shares of stock in Holley. Water in the Holley Canal is provided from the Holley Wells.

4. Hoggan has historically flood irrigated lands located in the SE 1/4 of Sec. 35, T 7 N, R 35 E (the "Hoggan Place of Use"). Water to irrigate this land has been diverted by Hoggan from the Holley Canal pursuant to Hoggan's ownership of ____ shares of stock in Holley.

5. Torgerson, Hoggan and Holley agree that their respective transfers may be conditioned in quantity and time to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of such transfers, which conditions are set forth below. These transfers may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

6. Larsen hereby stipulates that it will withdraw its protest to the transfer application upon the Department's approval of the transfers subject to the condition that the Department expressly retains jurisdiction over this matter for up to, but not more than five years to determine potential injury to existing rights, both junior and senior, and to modify the conditions of transfer approval as necessary to prevent such injury. In such withdrawal of protest, Larsen may expressly reserve the right to request a

RECEIVED
MAY 30 1991

RECEIVED

MAR 14 1991

Department of Water Resources
Eastern District Office

Law Offices of
Breck Barton & Associates, P.A.
305 West Main
P.O. Box 100
Rexburg, ID 83440
(208) 356-4880

IN THE MATTER OF)
APPLICATION FOR TRANSFER) STIPULATION
NO. _____ OF HOLLEY)
WATER USERS ASSOCIATION)

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Ron Torgerson ("Torgerson") and Karl Hoggan ("Hoggan"), and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby stipulate and agree as follows:

1. Holley, Torgerson, and Hoggan jointly filed an Application for Transfer of Water Right (the "Application") with the Idaho Department of Water Resources ("Department") on November 22, 1990. Larsen timely filed its protest to the application.

2. The Application seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of Sec. 25, T 7 N, R 35 E, Boise Meridian (the "Holley Wells"), to a point of diversion for a well which Torgerson wishes to construct in the SW 1/4 of the SW 1/4, Sec. 10, T 6 N, R 35 E. The Application further seeks to transfer the point of diversion for a portion of the water rights decreed to the Holley Wells to a point of diversion for a well which Hoggan intends to construct in the NE 1/4 of the SE 1/4, Sec. 35, T 7 N, R 35 E, Boise Meridian.

MAY 30 1991

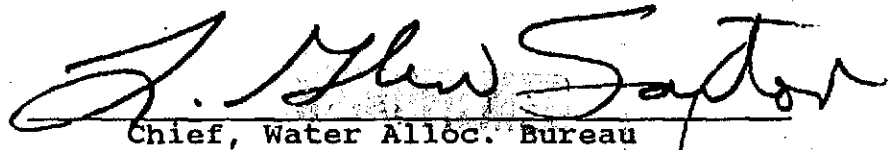
10 Attached Conditions

CONDITIONS OF APPROVAL

<<20A>> This permit is subject to the agreement dated <date> between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

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.


Chief, Water Alloc. Bureau

MAY 30 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: May 8, 1991

RE: TRANSFER APPS. 3680 & 3787/RIGHT NO.S 31-0331 & 31-0371
HOLLEY WATER USERS

=====

Both of the above transfer applications will add points of diversions to Holley Water Users rights 31-0331 and 31-0371. These transfers are the same as approved transfers 3654, 3645 and 3517. Wells are being drilled by individual users within the Holley group in order to reduce conveyance losses.

Since both transfers were protested by the same party that protested transfer no. 3654, I recommend using the same conditions that were used with approval of that transfer. These conditions are attached to this memo. There should also be three additional conditions. One is standard transfer condition no. T09 shown below. The second is proposed condition no. 20A on the attached list of conditions. This latter condition was recommended by the region (there is no need to add this condition to the permanent list of conditions).

The third condition is more of a remark and is shown below. This remark has been added in order to clarify the intent of the transfer and record place of use changes which will be accomplished.

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

Transfer no.s 3680 & 3787 add place of use descriptions to right no.s 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

MICROFILMED

MAY 30 1991

May 22, 1991

RE: Transfer of Water Right No. 31-0331/0371

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

Dear Water Right Holder(s):

Enclosed are a copies of your approved Applications for Transfer of the above referenced water rights (Transfer Nos. 3680 and 3787). Be sure to note any conditions of approval as listed on the second pages.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED
MAY 30 1991

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

P. O. BOX 50130

IDAHO FALLS, IDAHO 83405

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

RECEIVED

SEP 26 1990

Department of Water Resources
Eastern District Office

GIVENS, PURSLEY, WEBB & HUNTLEY

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

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY:

K.C. Wilson

1. Right number 31-00331/00371 Applicant Halley Water Users
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny

3. Conditions* L20A7

see Glen Saxton's letter of June 5, 1990

4. By Roc

Date

Oct 1, 1990

Department of Water Resources

D.O.P.
3-5-90

2-12-90

U.S. Dept. Interior
Fish & Wildlife Services
Portland, OR

RECEIVED
OCT 04 1990

copy
Roberta

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
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

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

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

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

 HAND DELIVER
 X 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
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

Michael C. Creamer

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

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

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

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 1st day of March, 1990, I served the foregoing

PROTEST upon:

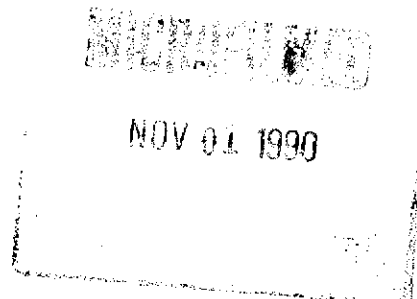
Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

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

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
3rd Floor, Idaho 1st National Bank Bldg.
Idaho Falls, Idaho 83402

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





February 13, 1989

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

RE: Transfer Application No. 31-0371 & 31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your transfer application. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application in Jefferson Star. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

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

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

Sincerely,

Harold W. Jones

MICROFILMED

AUG 18 1989

September 14, 1988

Don Shenton
Water District #31
Box 33
Dubois, ID 83423

RE: Application for Transfer of Water Right
No. 31-0371, 31-0331

Dear Watermaster:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MAIL ROOM
AUG 18 1989

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 31-0371 - 31-0331

RECEIVED

MAR 14 1989

Department of Water Resources
Eastern District Office

WATER DISTRICT #31

WATERMASTER Donald W. Shenton

DATE: March - 9, 1989

COMMENTS: I have no problem with this transfer
of an existing water right. I can see
no injury to existing water rights by this
inter Basin short distant move.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Donald W. Shenton
Watermaster

RECEIVED

AUG 18 1989

NOTICE OF CORRECTION

Notice is hereby given that Transfer No. 31-0371 & 31-0331 in the name of Holley Water Users Association, c/o LaMoyne Barney, Hamer, ID, was advertised incorrectly on Feb 15 and 22, 1989. The Point of Diversion was advertised as being NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N. R. B.M., Jefferson County. Whereas, the actual Point of Diversion is NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4SW1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E, B.M., Jefferson County.

Protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before APRIL 24, 1989.

R. Keith Higginson
Director

Published in the JEFFERSON STAR April 5 & 12, 1989.

NOTICE OF CORRECTION

Notice is hereby given that Transfer No. 31-0371 and 31-0331 in the name of Holley Water Users Association, c/o LaMoyne Barney, Hamer, ID, was advertised incorrectly on Feb. 15 and 22, 1989. The Point of diversion was advertised as being NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4, Sec. 35, SW1/4SW1/4, Sec. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7n. R. B.M., Jefferson County. Whereas, the actual Point of Diversion is NW1/4NE1/4NW1/4, Sec. 2, T. 6N, R. 35E, B.M., NW1/4SE1/4SW1/4, Sec. 35, SW1/4SW1/4, SEC. 25, SE1/4SE1/4, Sec. 26, SE1/4NW1/4NW1/4, Sec. 36, T. 7N, R. 35E, B.M., Jefferson County.

Protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before APRIL 24, 1989.

R. Keith Higginson
Director

Published in The Jefferson Star, April 5 and 12, 1989.



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

August 14, 1989

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

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

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 3517). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

AUG 18 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930
No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson

Director

Published in the TIMES NEWS on December 7 & 14, 1989.

MICROFILMED

NOV 01 1990

28-Nov-1989

Times News
P.O. Box 548
Twin Falls1, ID 83301

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

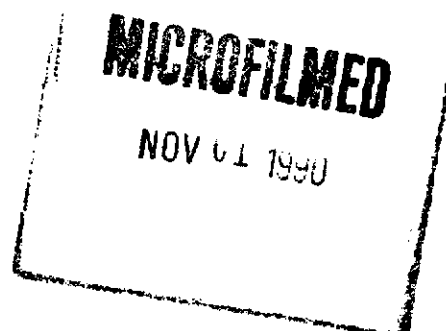
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higgins

Director

Published in the Jefferson Star on December 7 & 14, 1989.

MICROFILMED

NOV 61 1989

28-Nov-1989

JEFFERSON STAR
P.O. Box 37
Rigby, ID 83442

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

MICROFILMED

NOV 21 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930
No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928
POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson
Director

Published in the IDAHO STATESMAN on December 14, 1989.

MICROFILMED

NOV 14 1990

28-Nov-1989

Idaho Statesman
P.O. Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

MICROFILMED

NOV 01 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Claim No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0331 AMOUNT: 24.0 cfs PRIORITY: January 25, 1930

No. 31-0371 AMOUNT: 23.0 cfs PRIORITY: September 10, 1928

POINTS OF DIVERSION: SWSW S25, SESE S26, NWSESW S35, SENWNW S36, T7N R35E, B.M. Jefferson County.

The water is used to irrigate 3230 acres within the N1/2 S11 T6N R34E; NWNW S1, N1/2 SW1/4 W1/2SE1/4 S2, E1/2SE1/4 S3, E1/2SE1/4 S9, NENE S1/2NE1/4 SENW S1/2 S10, W1/2 S11, N1/2SW1/4 S14, S15, NE1/4 E1/2NW1/4 NESW SE1/4 S22 T6N; NESW S1/2SW1/4 SE1/4 S35, NESW W1/2SW1/4 S36 T7N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SWNE S22 T6N (Murdock well); SWSW S25(Holley Wells), SESE S26, NWSESW S35(Hoggan Well), SENWNW S36 T7N R35E, B.M.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before December 26, 1989.

R. Keith Higginson

Director

MICROFILMED

NOV 01 1990

Published in the LEWISTON MORNING TRIBUNE on December 7 & 14, 1989

28-Nov-1989

Lewiston Morning Tribune
P.O. Box 957
Lewiston, ID 83501

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

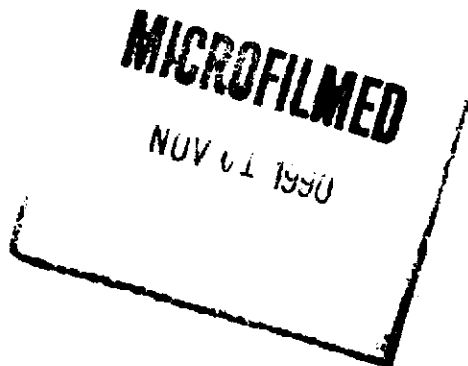
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office on or before December 26, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure



29-Nov-1989

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

RE: Transfer Application No. 31-0371/31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your applications. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application Statewide. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

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

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

Sincerely,

Harold W. Jones
Water Rights Supervisor

MICROFILMED

HWJ/rb

NOV 01 1990

01-Dec-1989

Don Shenton
Water District 31
Box 33
Dubois, ID 83423

RE: Application for Transfer 31-0371/31-0331
Dear Watermaster:

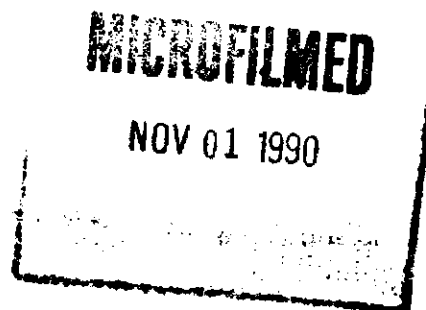
Please find enclosed a copy of the above referenced application. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure



RECEIVED

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 31-0371 / 31-0331

DEC 17 1989
Department of Water Resources
Eastern District Office

Holly Water USERS ASSOC.

WATER DISTRICT 31

WATERMASTER DONALD W. SHENTON

DATE: Dec 11, 1989

COMMENTS: This transfer should accomplish a big Savings
by eliminating a lot of bed losses by not having to
deliver this ^{water} ~~way~~ through this stretch of Ditch
on the end of The Canal System. It will MAKE
the delivery system much easier in short times also.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

I would suggest That The IDWR. Should
investigate to see This well location would
not be too close to another well (maybe less
than 1/2 mile) so as to maybe directly effect or
injure Another water Supply.

Donald W. Shenton
Watermaster

MICROFILMED

I question why the total Amount of ~~transfered~~ ^{transferred} water
on part I would be 47.00 CFS. Rather than 3.20 CFS.
for a 160 Acre transfer.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Chopin Ave., Idaho Falls, ID, 83402, on or before March 5, 1990

R. Keith Higginson

Director

Published TIMES NEWS on February 15 & 22, 1990.

MICROFILMED

NOV 01 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: January 26, 1990

RE: TRANSFER APPLICATION NO. 3645

This transfer seeks to add a point of diversion to two decreed rights which have historically been used to irrigate the 160 acre tract described as the place of use under item B5 of page 1 in the transfer application. The two decreed rights are held by Holley Water Users Association and are appurtenant to the Association's service area. Review of the applicable decrees confirms that the land under item B5 is included within the place of use description for both decreed rights.

Glen Saxton has advised me that the Mud Lake Moratorium does not prohibit the department from considering and approving this transfer application. The lands are already developed and the new well appears to have the effect of reducing total system diversion requirements.

The application may be approved with the following conditions:

<<R01>> A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

<<R04>> Use of water under this license is subject to control by the watermaster of State Water District No. 31, Mud Lake and Tributaries.

<<R29>> This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

MICROFILMED

NOV 01 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Abbot Ave., Idaho Falls, ID, 83402, on or before March 5, 1990.

R. Keith Higginson

Director

Published LEWISTON MORNING TRIBUNE on February 19 & 22, 1990.

RECORDED

NOV 01 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoop Ave., Idaho Falls, ID, 83402, on or before March 5, 1990

R. Keith Higginson

Director

Published IDAHO STATESMAN on February 15 & 22, 1990.

MICROFILMED

NOV 01 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Champ Ave., Idaho Falls, ID, 83402, on or before March 5, 1990

R. Keith Higginson

Director

Published JEFFERSON STAR on February 15 & 22, 1990. *POV*

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0

PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0

PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW

SEC 25, SESE SEC 26, NWSESW

SEC 35,

SENWNW SEC 36, T 7N, R 35E,

JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4-NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 15 (BYBEE WELL), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before March 5, 1990.

Keith Higginson

Director

*Published in the Jefferson Star,
Rigby, Idaho, February 14 and 21,
1990.*

RECEIVED
NOV 11 1990

NOV 11 1990

08-Feb-1990

HOLLEY WATER USERS ASSOC.
C/O LAMOYNE BARNEY
HAMER, ID 83425

RE: Transfer Application No. 31-0371, 31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application. Please refer to the application numbers above in all further correspondence.

This office is currently in the process of advertising the application in the JEFFERSON STAR. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

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

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

Sincerely,

Harold W. Jones
Water Rights Supervisor

HWJ/rb

MICROFILMED

NOV 11 1990

12-Feb-1990

Barbara Scott-Brier
U.S. Department of The Interior
500 N.E. Multnomah St., Suite 607
Portland, OR 97232

RE: Applications for Transfer No.'s 31-0371/31-0331,
31-02331/31-02454A, & 31-02402

Dear Sir:

This office is currently in the process of publishing notice that the above applications for transfer were filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the applications should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Action will be taken by this office shortly, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

MICROFILMED

NOV 01 1990

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 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.

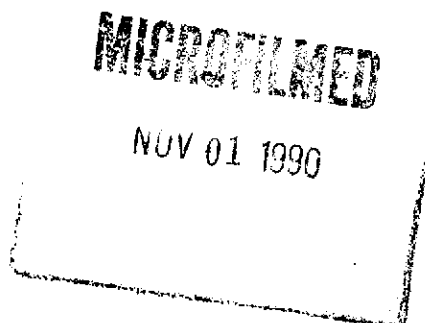
DATED this 1st day of March, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By:



Jeffrey C. Fereday
Michael C. Creamer



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 Protestant

RECEIVED

MAR 2 - 1990
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF)
APPLICATION FOR TRANSFER) **PROTEST**
NO. 3654 OF HOLLEY 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 for Transfer No. 3654 submitted by the Holley Water Users Association. 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;
4. The Application for Transfer does not contain sufficient information to determine

MICROFILMED

NOV 01 1990

LAW OFFICES

GIVENS, PURSLEY, WEBB & HUNTLEY

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

RECEIVED

MAR 2 - 1990

Department of Water Resources
Eastern District Office

TELEPHONE
(208) 342-6571

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

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

March 1, 1990

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

Re: Application for Transfer No. 3654

Dear Sirs:

Enclosed please find an original and two copies of the Protest of Blaine Larsen, Larsen Farms and Larsen of Idaho in the matter of the Application for Transfer No. 3654 by Holley Water Users Association. Please accept the original and one copy for filing and return a conformed copy to this office.

Thank you for your attention.

Sincerely,



Michael C. Creamer

MCC:ls
Enclosures

MICROFILMED

NOV 01 1990

March 14, 1990

RE: Application for Transfer No. 3654-31-0371/31-0331
HOLLEY WATER USERS

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

Dear Mr. Creamer:

This is to acknowledge receipt of the protest filed in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho 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.

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

NOV 01 1990

March 14, 1990

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

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

Gentlemen:

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

MICROFILMED

NOV 01 1990

4. Pursuant to Idaho Code, Sections 42-1701A and 67-5215, any party may initiate a proceeding for judicial review by filing a petition in the district court within 30 days after the service of the final decision or, if a timely rehearing is requested, within 30 days after the decision thereon.

5. If an action for judicial review is filed in the district court without an administrative hearing having been held before the department, the parties agree not to oppose a motion for remand of the proceeding to the department for the purpose of conducting a hearing for the presentation of additional evidence.

DATED this _____ day of _____, 1990.

APPLICANT(S)

PROTESTANT(S)

RECEIVED
NOV 1 1990

NOV 1 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 31-0371/0331 IN THE) STIPULATION FOR ENTRY
NAME OF HOLLEY WATER USERS ASSOC.) OF PROPOSED DECISION
_____) WITHOUT A HEARING

The parties to this proceeding, having met at a prehearing conference for the purpose of defining the issues, informally presenting the facts, and discussing their respective positions before a hearing officer of the Idaho Department of Water Resources (department), hereby stipulate and agree as follows:

1. The hearing officer may consider information presented at the prehearing conference, information obtained through a field investigation by department personnel, and other facts available in the files and records of the department in preparing a proposed decision and order.

2. Each party shall have the opportunity, pursuant to Idaho Code, Sections 42-1701A and 67-5211, to file exceptions to the proposed decision and order by filing written exceptions thereto within 15 days after service of the proposed decision and order by the department. If a timely exception is not received, the department Director will enter an order adopting a final decision.

3. Each party shall have the opportunity, pursuant to Rule 11 of the Practice and Procedure Rules and Regulations of the department, to file a petition for rehearing within 20 days after service of the final decision. If the department determines that a formal hearing is required, notice will be sent to all parties.

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

T 31-0371/0331 - Holley Water Users Assoc.

Second Conference Room, Idaho State Office Building
Idaho Falls, Idaho

Tuesday, April 10, 1990 - 10:00 a.m.

Hearing Officer: _____

<u>Name</u>	<u>Representing</u>	<u>Address</u>

Cancelled !!

MICROFILMED
NOV 01 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHTS NO. 31-0371,) NOTICE OF CONFERENCE
AND 31-0331 IN THE NAME OF HOLLEY)
WATER USERS ASSOCIATION)

On January 17, 1990, Holley Water Users Association, Hamer, Idaho filed the above referenced application to transfer the public waters of the State of Idaho. On March 2, 1990, the Department received a protest against approval of said application from Michael C. Creamer, Attorney at Law, in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho.

The Department has set the matter of protest for conference for 10:00 a.m., Tuesday, April 10, 1990, in the State Office Building, Second Floor Conference Room, 150 Shoup, Suite 15, Idaho Falls, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Date this 28th day of March, 1990.



RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

NOV 01 1990

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

REBECCA W. ARNOLD
ELEANORE S. SAXENDALE*
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) 342-6571

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

April 9, 1990

RECEIVED

APR 11 1990

Department of Water Resources
Eastern District Office

VIA FAX

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
Idaho Falls, Idaho 83402

Re: Application 31-0371 of Holley Water Users

Dear Harold:

This confirms our telephone conversation today that our clients, Blaine Larsen and his companies, have agreed to terms upon which their protest to this application would be withdrawn. We are expecting to obtain remaining signatures on the stipulation within the next day or two. Accordingly, the hearing scheduled for tomorrow, April 10, 1990, should be postponed or cancelled.

I am enclosing a copy of the stipulation which contains these terms. Please note that it contemplates that the Department will retain jurisdiction in this matter for one to three years in order to allow the parties to evaluate what measures should be taken to prevent injury. We would like to hear from you as soon as possible if the Department will have any problem including such a condition in the transfer approval.

Very truly yours,

Jeff Fereday

Jeffrey C. Fereday

JCF/jf

cc: Mr. Blaine Larsen
Kent W. Foster, Esq.

MICROFILMED

NOV 01 1990

FROM H.W. Jones - IDWR

DATE 8-23-90

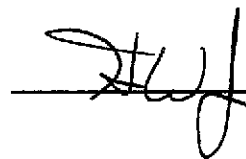
TO File 31-0371, -0331 } #3654
Bxbee Transfer }

SUBJECT

Scheduled conference for April 10, 1990 was cancelled because protestant had an agreement/stipulation of conditions that he felt would suffice. Applicant & protestant have both signed said agreement. Jeff Emidy stated he had worked with IDWR attorneys on these conditions,

MICROFILMED

NOV 01 1990



SIGNATURE

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12th day of April, 1990, I served the foregoing

PROTEST upon:

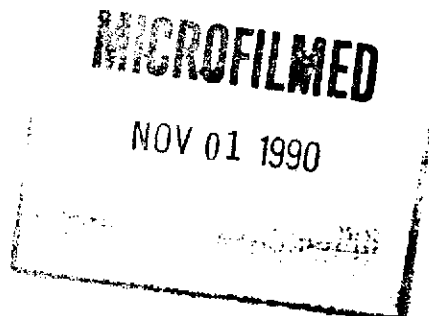
Holley Water Users Association
c/o LaMoyne Barney
Hammer, Idaho 83425

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

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
3rd Floor, Idaho 1st National Bank Bldg.
Idaho Falls, Idaho 83402

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

Laurie J. Scott



ansion of those rights;

sufficient information to
tity, quality and location
action will have on

ents, the Application

otice should be

by the Applicant.

n excess of the duty of

s. 31-0371 and 31-0331

e Applications, namely

n entered into a

ybee, Carl Hoggan and

. In this Stipulation, the

ed in that case provided

isdiction for not less than

he appropriate amount of

ansfers and to prevent an

to include these same

pplication could negate the purpose and effect of this
Protestants.

addition by Holley Water Users Association of new points of
approved transfer applications while the Department and
ate those previous applications prevents the proper assessment
ulative effects of the transfers.

: the right to state additional grounds as facts are adduced
erwise.

reasons, the Application for Transfer No. 3654 should be

day of April, 1990.

GIVENS, PURSLEY, WEBB & HUNTLEY

By:



Jeffrey C. Fereday
Michael C. Creamer

MICROFILMED

NOV 01 1990

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 is wholly inadequate and incomprehensible in that it fails to give reasonable notice to interested persons of the Applicant's intentions. The inadequacies of the Application include, but may not be limited to the following:

a. The Application states that it involves the transfer of rights to the Ashcraft-Hoggan, Murdock, Bybee and Hoggan points of diversion but only includes a diagram illustrating the Ashcraft-Hoggan place of use. The Application also fails to indicate what portion of the Holley rights will be diverted at the Ashcraft-Hoggan point of diversion or any other point of diversion. Protestants are therefore unable to discern what quantity of the Holley rights will be diverted where, or by whom. The Application therefore lacks even the barest of essential information necessary to provide adequate notice of the Applicant's intentions;

b. The Application for Transfer lacks sufficient information to enable Protestants 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;

c. The Application for Transfer lacks 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;

d. The Application for Transfer lacks sufficient information to determine the extent to which production of water from the original points of diversion for water rights 31-0371 and 31-0331 should, or will be curtailed as a result of the anticipated

MICROFILMED

NOV 01 1990

COPY

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

APR 16 1990

Department of Water Resources
Eastern District Office

Attorneys for Protestant

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF	)	
APPLICATION FOR TRANSFER	)	PROTEST
OF HOLLEY WATER USERS	)	
ASSOCIATION FOR THE	)	
ASHCRAFT-HOGGAN, BYBEE, HOGGAN,	)	
MURDOCK AND HOLLEY WELLS	)	

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 submitted by the Holley Water Users Association. 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

MICROFILMED

NOV 01 1990

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)
HOLLEY WATER USERS

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

Dear Mr. Creamer:

This is to acknowledge receipt of the protest filed in behalf of Blaine Larsen, Larsen Farms, and Larsen of Idaho 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.

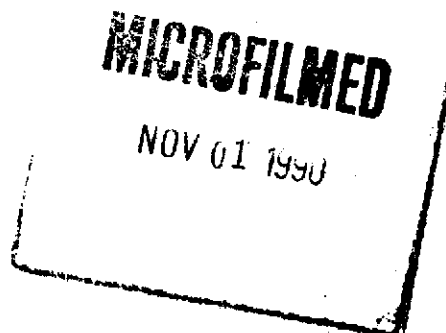
If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office



RECEIVED
APR 30 1990

Department of Water Resources

April 26, 1990

RE: Application for Transfer No. 31-0371/31-0331
(Ashcraft-Hoggan, Bybee, Murdock, Holley Wells)

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

Gentlemen:

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

MICROFILMED

NOV 01 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published JEFFERSON STAR on April 5 & 12, 1990.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published in the Lewiston Morning Tribune on April 5 & 12, 1990.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published in the Times News on April 5 & 12, 1990.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion from the waters of a groundwater source. The rights sought to be changed are evidenced by Transfer No. 3517(31-0371 & 31-0331) and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928

No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION: SWSW SEC 25, SESE SEC 26, NWSESW SEC 35, SENWNW SEC 36, T 7N, R 35E, JEFFERSON COUNTY

The water is used from April 1 to November 15 to irrigate 3230 acres of land within the N1/2 SEC 11, T 6N, R 34E; NWNW SEC 1, N1/2 SW1/4 W1/2SE1/4 SEC 2, E1/2SE1/4 SEC 3, E1/2SE1/4 SEC 9, NENE S1/2NE1/4 SENW S1/2 SEC 10, W1/2 SEC 11, N1/2SW1/4 SEC 14, SEC 15, NE1/4 E1/2NW1/4 NESW SE1/4 SEC 22, T 6N, R 35E; NESW S1/2SW SE1/4 SEC 35, NESW W1/2SW SEC 36, T 7N, R 35E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NESE SEC 2 (ASHCRAFT-HOGGAN WELL), NWNE SEC 15 (Bybee Well), SWNE SEC 22 (Murdock Well) T 6N; SWSW SEC 25 (Holley Wells), SESE SEC 26, NWSESW SEC 35 (Hoggan Well), SENWNW SEC 36, T 7N, R 35E, B.M.

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before April 23, 1990.

R. Keith Higginson

Director

Published in the Idaho Statesman on April 5 & 12, 1990.

30-Apr-1990

Don Shenton
Water Master #31
Box 33
Dubois, ID 83423

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

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing STIPULATION upon:

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

Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

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

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

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

RECEIVED
FILMED

NOV 01 1990

ROBERT B. BYBEE

CARL HOGGAN

STERLING MURDOCK

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS AND
LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

STIPULATION -- 5

MICROFILMED

NOV 11 1990

The Murdock and Hoggan transfers

9. The application also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in section 22, T 6N R 35E, B.M. The application further seeks to make such a transfer from the Holley wells to the proposed site of a well Carl Hoggan owns in section 35, T 7N R 35E. The application does not specify the acreage or location of the places of use for these wells but Murdock and Hoggan shall make this information. Larsen agrees to withdraw his protest as to these portions of the application, as he will with respect to the Bybee transfer, provided that all the above terms specified with respect to Bybee shall apply to the Hoggan and Murdock wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose an inch-for-inch reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan wells, pending further or different conditions as specified above.

DATED this 5th day of April, 1990.

APPLICANTS:

HOLLEY WATER USERS, INC.

By: _____
LeMoyne Barney

By: _____
Carl Hoggan, President

MICROFILMED

NOV 01 1990

Department expressly retains jurisdiction over this matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to cancel his withdrawal of protest should the Department decline to include this condition. The parties agree that, unless and until the Department imposes a different restriction, upon approval of the application Holley shall reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

7. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

8. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

MICROFILMED

NOV 01 1990

"Holley Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 7N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in sections 10 and 15, T 7N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that this transfer may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. The transfer may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well.

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his protest to the transfer application, provided that the Department approves the transfer subject to the condition that the

MICROFILMED

NOV 01 1990

DRAFT

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

RECEIVED

MAY 18 1990

Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF)
APPLICATION FOR TRANSFER) **STIPULATION**
NO. 3654 OF HOLLEY WATER)
USERS ASSOCIATION)
_____)

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Robert B. Bybee ("Bybee"), Carl Hoggan ("Hoggan") and Sterling Murdock ("Murdock"), and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby agree and stipulate as follows:

1. Holley and Bybee jointly filed Application for Transfer of Water Right no. 3654 ("application") with the Idaho Department of Water Resources ("Department") on January 17, 1990. Larsen timely filed his protest to the application on or about March 1, 1990.

The Bybee Transfer

2. The application seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of section 25, T 7N R 35E Boise Meridian (the

MICROFILMED

NOV 01 1990

LAW OFFICES

GIVENS, PURSLEY, WEBB & HUNTLEY

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

RECEIVED

MAY 18 1990

Department of Water Resources
Eastern District Office

TELEPHONE
(208) 342-6571

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

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

May 17, 1990

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

RE: Blaine Larsen Protest of Holley Water Users Ass'n Transfer
Application No. 3654

Dear Harold:

As per our conversation today, I am forwarding a copy of the Stipulation which we had proposed to the Holley Water Users applicants for your information.

Withdrawal of the Larsen protest has been, and remains contingent not only upon the signing of the Stipulation by the parties, but also upon the imposition of the Stipulation's conditions by the Department in any transfer approval. Therefore, I would appreciate it if you could discuss the Stipulation conditions, including the condition relating to retained jurisdiction, with the appropriate people in the Department who would be responsible for approving the transfer and let us know as soon as possible if there will be a problem with any of the conditions.

I spoke with Mr. Murdock by phone today and he said that he had the Stipulation and would be bringing it to your office at the beginning of next week. Would you please notify us if and when you receive it?

Sincerely,

Michael C. Creamer

Michael C. Creamer

MICROFILMED

NOV 01 1990

MCC/mcc
Enclosure

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing STIPULATION upon:

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

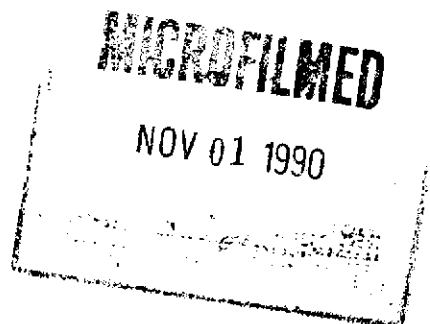
Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

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

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

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



ROBERT B. BYBEE

CARL HOGGAN

STERLING MURDOCK

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS AND
LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

STIPULATION -- 5

MICROFILMED

NOV 01 1990

The Murdock and Hoggan transfers

9. The application also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in section 22, T 6N R 35E, B.M. The application further seeks to make such a transfer from the Holley wells to the proposed site of a well Carl Hoggan owns in section 35, T 7N R 35E. The application does not specify the acreage or location of the places of use for these wells but Murdock and Hoggan shall make this information. Larsen agrees to withdraw his protest as to these portions of the application, as he will with respect to the Bybee transfer, provided that all the above terms specified with respect to Bybee shall apply to the Hoggan and Murdock wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose an inch-for-inch reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan wells, pending further or different conditions as specified above.

DATED this 5th day of April, 1990.

APPLICANTS:

HOLLEY WATER USERS, INC.

By: _____
LeMoyne Barney

By: _____
Carl Hoggan, President

STIPULATION -- 4

MICROFILMED

NOV 01 1990

Department expressly retains jurisdiction over this matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to cancel his withdrawal of protest should the Department decline to include this condition. The parties agree that, unless and until the Department imposes a different restriction, upon approval of the application Holley shall reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

Use
LT 0277
4/3-8-88
on 10/15/85

R178 +
General stipulation
OR all
AD's update
etc when
combined
shall not direct

7. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

8. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

STIPULATION -- 3

MICROFILMED

NOV 01 1990

"Holley Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 7N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in sections 10 and 15, T 7N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that this transfer may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. The transfer may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well.

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his protest to the transfer application, provided that the Department approves the transfer subject to the condition that the

STIPULATION -- 2

MICROFILMED

NOV 01 1990

Norm Young
May 21, 1990
Page 2

Unfortunately, the stipulation has been held up by one of the parties and as of this writing has not been delivered to the Department. I have placed several calls and been told that the stipulation will be signed by all parties and delivered to the Eastern Region by the first part of this week. I have also learned that Mr. Bybee has his well and sprinkler installed, his ditches taken out and a crop in the ground.

Because of these facts, it is important that the Department give its immediate attention to whether or not it will agree to the conditions proposed in the stipulation of the parties. It is my understanding that when Jeff Fereday spoke with you about this you informed him that you did not believe that the Department would have a problem with the retained jurisdiction provision, but that you would have to review it. The question now is whether the Department agrees with the specific provision in the stipulation and if not, what conditions it will be willing to impose. If something other than the proposed retained jurisdiction provision is to be substituted in any transfer approval for Holley, Mr. Larsen would have to reconsider his proposal to withdraw the Protest -- potentially resulting in harmful delays to some of the applicants.

I have spoken with Harold Jones in the Eastern Region and he believes that this determination is one which will be made in Boise. I think it would be prudent for your offices to get their heads together on this issue as quickly as possible. I also would welcome your call so that we could discuss it further. I believe Jeff has already sent you a copy of the proposed stipulation but I am enclosing another for your reference.

I look forward from hearing from you.

Sincerely,



Michael C. Creamer

MCC/mcc
Enclosures

cc: Blaine Larsen
Kent Foster

MICROFILMED

NOV 01 1990

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

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

TELEPHONE
(208) 342-6571

RECEIVED

MAY 22 1990

TELECOPIER
(208) 343-9492
(208) 342-6920

Department of Water Resources

May 21, 1990

* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Blaine Larsen Protest of Holley Water Users Ass'n Transfer
No. 3654

Dear Norm:

I am writing with regard to the Protest of Blaine Larsen, Larsen Farms and Larsen of Idaho ("Larsen") to Transfer Application Nos. 3654 and 3680 of the Holley Water Users Association. I believe Jeff Fereday has spoken to you about this matter.

As I am sure Jeff explained, one of the reasons that Larsen has protested these applications is to insure that the transfers will not result in injury to his water rights. With regard to Application No. 3654, Larsen and the applicants have agreed to enter a stipulation by which Larsen would withdraw the protest to that application if the transfer approval contains certain conditions. These conditions are that the Department expressly retain jurisdiction over the matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate issues such as historical use, abandonment, forfeiture, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. A further condition is that until the Department imposes a different restriction, Holley is to reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well.

The intent of the parties in entering this stipulation is to ensure that facts necessary to develop a proper transfer order can be generated during the period of retained jurisdiction while avoiding hardship to Mr. Bybee, to the extent he is relying on water from the new well to produce his 1990 crop.

RECEIVED

NOV 01 1990

Harold Jones
May 21, 1990
Page 3

3680. I would also appreciate it if you could advise me of you actions or communications with these parties regarding our above stated concerns.

I look forward to hearing from you in the very near future.

Sincerely,



Michael C. Creamer

MCC/mcc

cc: Blaine Larsen
Kent Foster

MICROFILMED

NOV 01 1990

Harold Jones
May 21, 1990
Page 2

As we discussed on Thursday, we are concerned that Mr. Bybee has been issued an expedited drilling permit based on the incorrect belief that Mr. Larsen had withdrawn his protest. As I explained, the protest will not be withdrawn until the parties reach an agreement and the Department has adopted the terms of that agreement in any transfer approval. In this case then, I believe the expedited drilling permit was issued prematurely. Since the Murdock well is also subject to Mr. Larsen's protest, any drilling permit issued for that well would be equally improper.

We have been working with the parties in a good faith effort to deal with the issues raised by the proposed transfer and with recognition of the hardship that might result to Mr. Bybee if he were prevented from pumping from his proposed well this season. We have made it clear to all of the parties that we would not object to Mr. Bybee pumping this year provided that the terms embodied in the stipulation were agreed to and also accepted by the Department. Assuming that this will be the ultimate result, then if either Mr. Bybee or Mr. Murdock have commenced drilling pursuant to drilling permits issued by the Department we would not object to them completing drilling. In doing so they should be aware that until the conditions referenced above are met, their transfers remain subject to the existing protest and that their right to divert at those points of diversion are by no means guaranteed. It should be made clear to both of them that they are proceeding at their own risk in light of the pendency of the transfer proceeding and that the permit to drill is not a permit to pump.

As an additional note, I would like to mention that all transfer applications should be subject to, and capable of, close scrutiny by the Department and the public whether they are protested or not. As the Larsen Protests have pointed out, the Holley applications provided more questions than answers - with the result that both the Department and the public remain uncertain as to what the applicant actually proposes to do.

The filing of an application should be more than an exercise of filling in the blanks using some previous application as a template. The application should contain hard information on what the applicant actually intends to do in each particular transfer. Likewise, applications which lack sufficient information to permit realistic evaluation of the proposed transfer should be returned to the applicant and should not be published by the Department until they are adequate to provide the required due notice to the public.

I would appreciate it if you could provide me with copies of any drilling permits which have been issued to Bybee, Murdock, Hoggan or the Holley Water Users Association relative to Application No. 3654 and any drilling permits which have been issued relative to the Ashcraft-Hoggan/Holley Water Users Association Application No.

NOV 01 1990

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) 342-6571

RECEIVED

MAY 23 1990

TELECOPIER
(208) 343-9492
Department of Water Resources (208) 342-8920
Eastern District Office

May 21, 1990

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

RE: Blaine Larsen Protest of Holley Water Users Ass'n Transfer
Application No. 3654

Dear Harold:

I have had a chance to inquire at the IDWR Boise office regarding the Murdock well which was referenced in Application No. 3654. Your understanding was that Mr. Larsen's protest would not encompass the Murdock or Hoggan wells since they had been applied for under prior transfers and no protests had been filed against them.

According to the records of IDWR in Boise, the Murdock well was not the subject of any prior transfer application. The first reference to this well I am aware of is found in Application No. 3654 despite that fact that a handwritten notation on the application implies that approval of the well was pending at the time that Application No. 3654 was submitted. It appears that Application No. 3654 was the first notice and opportunity for protest of the Murdock well and therefore, Mr. Larsen's protest of Application No. 3654 encompasses both the Murdock and Bybee wells.

I am continuing to review available information and have not reached a conclusion as to the applicability of the Larsen protest to the Hoggan wells. I would point out that the Hoggan well, which according to Application No. 3517 was to be located in section 2, T6N,R35E does not appear in Application Nos. 3654 or 3680, thus preventing proper notice of the extent and nature of the Holley Water Users Association's proposed transfer.

MICROFILMED

NOV 01 1990

COPY

By: _____
Carl Hoggan, President

ROBERT B. BYBEE

CARL HOGGAN

STERLING MURDOCK

SIDNEY ASHCRAFT

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS AND
LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

NOV 01 1990

STIPULATION -- 5

COPY

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing STIPULATION upon:

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

Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

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

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

Sidney Ashcraft
2104 East 1800 North
Hamer, ID 83425

Mr. Blaine Larsen
c/o Kevan Varin
Blaine Larsen Farms
Box 188
Hamer, ID 83425

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

STIPULATION -- 6

MICROFILMED

NOV 01 1990

COPY

seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the proposed site of a well to be located in the W 1/2, SE 1/4 of section 2, T 6N R 35E, BM, being land belonging to Ashcraft. (the "Hoggan/Ashcraft well"). The Hoggan/Ashcraft well will be used to irrigate land belonging to both Hoggan and Ashcraft. Larsen agrees to withdraw his protest as to these proposed transfers, as he will with respect to the Bybee transfer, provided that all the above terms specified with respect to Bybee shall apply to the Murdock and Hoggan/Ashcraft wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose an inch-for-inch reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan/Ashcraft wells, pending further or different conditions as specified above.

9. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock and Ashcraft do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

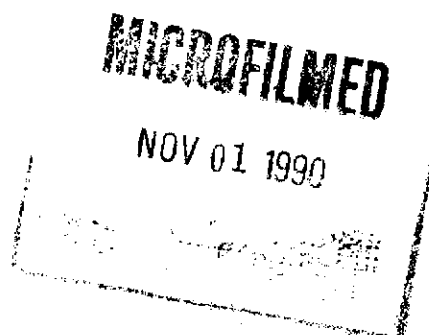
DATED this ____ day of May, 1990.

APPLICANTS:

HOLLEY WATER USERS, INC.

By: _____
LeMoyne Barney

STIPULATION -- 4



COPY

the Department's approval of the transfers subject to the condition that the Department expressly retains jurisdiction over this matter for not less than one nor more than three years during which the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition. The parties agree that, unless and until the Department imposes a different restriction, upon approval of the application Holley shall reduce its pumping from the Holley wells by the same 140 inches that Bybee proposes to take through his new well. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

7. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

The Murdock and Hoggan/Ashcraft transfers

8. Application 3654 also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in the NE 1/4 of section 20, T14N, R10E, S10. Application 3680

MICROFILMED

NOV 01 1990

COPY

Meridian (the "Holley Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 6N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in the S 1/2, SE 1/4 of section 10 and the N 1/2, NE 1/4 of section 15, T 6N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that their respective transfers may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. These transfers may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well. ✓

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his application upon

MICROFILMED

NOV 01 1990

COPY

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

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF)
APPLICATION FOR TRANSFER) **STIPULATION**
NO. 3654 OF HOLLEY WATER)
USERS ASSOCIATION)
_____)

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Robert B. Bybee ("Bybee"), Carl Hoggan ("Hoggan"), Sterling Murdock ("Murdock"), Sidney Ashcraft ("Ashcraft") and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby agree and stipulate as follows:

1. Holley and Bybee jointly filed Application for Transfer of Water Right No. 3654 ("application") and Holley and Hoggan/Ashcraft jointly filed Application for Transfer No. 3680 with the Idaho Department of Water Resources ("Department") on January 17, 1990 and February 16, 1990 respectively. Larsen timely filed protests to the applications.

2. Application 3654 seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of section 25, T 7N R 35 E, Boise

NOV 01 1990

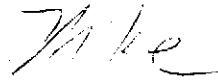
STIPULATION -- 1

Kent Foster
May 25, 1990
Page 2

we can make other arrangements. When the fully executed original is returned to you, you may either complete the attached certificate of mailing and mail copies to each party or forward the original to me and I will do so. I am hopeful that the turnaround on this can be about one week.

Thank you for your attention to this matter.

Sincerely,



Michael C. Creamer

MCC/mcc
Enclosure

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

MICROFILMED

NOV 01 1990

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) 342-6571

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

May 25, 1990

NDRM
Johnson
FJR

RECEIVED
MAY 29 1990

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
West One Building
P. O. Box 50130
Idaho Falls, ID 83405

31-0331
31-0337
Phil

Department of Water Resources

RE: Holley Water Users' Ass'n Transfers

Dear Kent:

As per our conversation this morning, I am sending you a revised stipulation between Larsen, Holley, Murdock, Hoggan, Bybee and Ashcraft. As we discussed, I think it will be just as easy to revise the stipulation to include the Hoggan/Ashcraft application and have it resigned by each party as it will be to amend the prior stipulation and have it recirculated for initialization by each party.

The changes which you will find in the enclosed stipulation are intended to show that it encompasses both transfer applications and both protests. The legal descriptions have been changed to reflect those which were indicated by Mr. Bybee, Mr. Hoggan and Mr. Murdock. Additional language was added to paragraphs 1 and 8 to show that the stipulation applies to both applications. Paragraph 6 was modified slightly to clarify that the protests remain in effect so long as the Department has not yet approved the applications subject to the conditions contained in the stipulation.

We recognize that Mr. Bybee needs water from his well at the present time. However, without waiving our protests, we do not intend to object if the Department allows him to pump while it decides what course of action it will take regarding the stipulation.

I will be contacting Mr. Bybee and asking him to sign this stipulation to each of the parties for their signature and return it to you to avoid the delays which we experienced the last time around. If Mr. Bybee cannot do this I will let you know and

MICROFILMED

NOV 01 1990

MEMORANDUM

MS
TO: GLEN/GARY *Dang*

FROM: TIM LUKE

DATE: May 25, 1990

RE: TRANSFER APPLICATION 3654/LARSEN PROTEST AGAINST HOLLEY WATER
USERS ASSN.

=====

Attached is a letter I drafted as a response to the May 21 letter from Larsen's attorney concerning proposed stipulations on transfer 3654.

I have drafted a somewhat brief letter. I proposed conditions that read differently than those proposed by the stipulation, but which I think may satisfy the concerns raised by the stipulation.

I have left open the number of years for Director's jurisdiction under condition no. 3. This is a standard condition whereby the department uses 5 years as the period of retained jurisdiction. The stipulation requests 3 years. I am not certain as to which period we should use. Furthermore, this condition does not include language about forfeiture and expansion investigations during the retainment period as suggested by the stipulation. I think somewhere in the body of the letter we may need to say that condition no. 3 does not prohibit someone from submitting information concerning these issues. Perhaps a general condition could be added which states that the Director has the authority to void or further condition the rights if in fact an expansion does occur as a result of the transfer.

Condition no.4 is a modification of one of our license conditions (condition no. R38). I have used this condition because I think it may satisfy Larsen's concern about possible expansion. I also wanted to get away from using specific flow rates in the conditions because the transfer application lists less total acreage than that provided by the decree.

Finally, I inserted condition no. 5 because Larsen's protest alleged an expansion in period of use. My review of the decree revealed that the decree specifies a period of use less than that identified by the transfer. It appears that previous transfers recognized periods of use greater than that authorized by the decree. Perhaps condition no. 5 will correct the rights and set the record straight for all parties involved.

MICROFILMED
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

A handwritten signature in dark ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

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 ~~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.

NOV 01 1990

MICROFILMED

6-13-90
per Mike
Creamer
omit this
language

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

MICROFILMED

NOV 01 1990

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

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

MICROFILMED

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

MICROFILMED

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

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.

MICROFILMED

NOV 01 1990

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

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

TELEPHONE
(208) 342-6571

TELECOPIER
(208) 343-9492
(208) 342-6520

June 14, 1990

RECEIVED
JUN 15 1990

* ALSO ADMITTED IN OREGON
LISTED ALPHABETICALLY

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

MICROFILMED

MCC/mcc
cc: Blaine Larsen
Kent Foster

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 May 1 to November 1.

MICROFILMED

NOV 01 1990

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 8th day of ^{August}~~June~~, 1990, I served the foregoing STIPULATION upon:

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

Robert B. Bybee
2043 E. 1900 N.
Hamer, ID 83425

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

Sterling Murdock
1894 East 1500 North
Terreton, ID 83450

Carl Hoggan
Holley Water Users Association
Hamer, ID 83425

Sidney Ashcraft
2104 East 1800 North
Hamer, ID 83425

Mr. Blaine Larsen
c/o Kevan Varin
Blaine Larsen Farms
Box 188
Hamer, ID 83425

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



MICROFILMED

NOV 1 1990

STIPULATION -- 7

ROBERT B. BYBEE

Robert B. Bybee

CARL HOGGAN

Carl Hoggan

STERLING MURDOCK

Sterling Murdock

SIDNEY ASHCRAFT

Sidney Ashcraft

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS AND
LARSEN OF IDAHO

By: Jeffrey C. Fereday
Jeffrey C. Fereday
Attorney in Fact

STIPULATION -- 6

MICROFILMED

NOV 01 1990

with respect to Bybee shall apply to the Murdock and Hoggan/Ashcraft wells, including the condition that the Department shall retain jurisdiction over this matter and shall impose a reduction in pumping from the Holley wells to correspond to pumping from the Murdock and Hoggan/Ashcraft wells, pending further or different conditions as specified above.

9. In entering into this Stipulation, Larsen, Holley, Bybee, Hoggan and Murdock and Ashcraft do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

10. In May, 1990, the parties executed a previous version of this Stipulation. This Stipulation contains amendments reflecting concerns of the Department, but otherwise is essentially identical to the earlier version. Nevertheless, upon execution by all the parties hereto, this Stipulation shall be the sole agreement between the parties and shall supersede the prior stipulations entered into by the parties in this matter and all such other prior stipulations shall thereafter be void.

DATED this 8th day of ^{August} ~~June~~, 1990.

APPLICANTS:

HOLLEY WATER USERS, INC.

By:

LeMoyne Barney
LeMoyne Barney

By:

Carl Hoggan
Carl Hoggan, President

STIPULATION -- 5

MICROFILMED

NOV 01 1990

1057 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 and that the Department may reserve the right to impose additional or different conditions on the transfers based on evidence provided during the period of retained jurisdiction. Holley agrees to make its wells available for inspection by Larsen and the Department at all times in order to assure that this condition is being met.

7. Holley and Bybee acknowledge and agree that the Department may, as a result of information submitted during the period of retained jurisdiction or as a result of its own information, impose conditions beyond those specified in this stipulation.

The Murdock and Hoggan/Ashcraft transfers

8. Application 3654 also seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the site of a well Murdock wishes to construct in the NE 1/4 of section 22, T 6N R 35E, B.M. Application 3680 seeks to transfer the point of diversion for a portion of the water rights decreed to Holley from the Holley wells to the proposed site of a well to be located in the W 1/2, SE 1/4 of section 2, T 6N R 35E, BM, being land belonging to Ashcraft. (the "Hoggan/Ashcraft well"). The Hoggan/Ashcraft well will be used to irrigate land belonging to both Hoggan and Ashcraft. Larsen agrees to withdraw his protest as to these proposed transfers, as he will with respect to the Bybee transfer, provided that all the above terms specified

MICROFILMED

NOV 01 1990

2497 protest to the transfer application upon the Department's approval of the transfers subject to the condition that the Department expressly retains jurisdiction over this matter for up to, but not more than five 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. During such five year period, the Department and the parties shall be entitled to investigate, and the parties shall be entitled to submit information concerning, issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley wells to cover the Bybee transfer and to prevent an expansion of use under the Holley rights. Applicants agree to the inclusion of such a condition in the Department's order approving the transfer, and ~~further~~ agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition. The parties agree to the inclusion by the Department of 203A7 a condition requiring that the cumulative rate of diversion and annual volume diverted under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use described in the transfer applications so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. The parties also agree that such condition may also provide that unless and until the Department imposes a different restriction,

STIPULATION -- 3

MICROFILMED

NOV 01 1990

Wells"), to the proposed site of a well Bybee wishes to construct on Bybee's property in section 15, T 6N R 35E.

3. Bybee holds 140 shares of stock in Holley, and flood irrigates approximately 140 acres in the S 1/2, SE 1/4 of section 10 and the N 1/2, NE 1/4 of section 15, T 6N, R 35E (the "Bybee farm"). The Bybee farm has been irrigated continuously for at least thirty years. Bybee has obtained his irrigation water under such shares from the Holley Canal, which has been supplied from the Holley Wells pursuant to the Holley water right.

4. Holley and Bybee agree that their respective transfers may be conditioned in quantity and time in order to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of this transfer. The initial condition is as specified in paragraph 6 below. These transfers may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

5. Bybee already has purchased and installed a center-pivot sprinkler system and has obliterated the ditches formerly serving the land which he now plans to irrigate with a new well and the sprinkler system. He has made a considerable investment in these and other efforts to change his irrigation from flood to sprinkler. Bybee will suffer economic hardship if he is not allowed to begin immediately to construct the new well.

6. In order to allow Bybee to avoid suffering such hardship, Larsen hereby stipulates that he will immediately withdraw his

STIPULATION -- 2

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

RECEIVED

AUG 10 1990

Department of Water Resources
Eastern District Office

IN THE MATTER OF
APPLICATION FOR TRANSFER
NOS. 3654 AND 3680 OF HOLLEY
WATER USERS ASSOCIATION

STIPULATION

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Robert B. Bybee ("Bybee"), Carl Hoggan ("Hoggan"), Sterling Murdock ("Murdock"), Sidney Ashcraft ("Ashcraft") and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby agree and stipulate as follows:

1. Holley and Bybee jointly filed Application for Transfer of Water Right No. 3654 ("application") and Holley and Hoggan/Ashcraft jointly filed Application for Transfer No. 3680 with the Idaho Department of Water Resources ("Department") on January 17, 1990 and February 16, 1990 respectively. Larsen timely filed protests to the applications.

2. Application 3654 seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of section 25, T 7N R 35 E, Boise Meridian (the "Holley

STIPULATION -- 1

MICROFILMED

NOV 01 1990

24-Aug-1990

MICHAEL CREAMER
P.O. BOX 2720
BOISE, ID 83701

Dear Mr. Creamer:

I have reviewed the stipulation you sent in reference to transfers No.'s 3654 & 3680 for the Holley Water Users Association. In the Bybee action, I find that some of what the parties agreed to is probably not within the jurisdiction of the Department. One such item would be the inspection guarantee implied in the first paragraph of page 4.

I've included a list of conditions that I feel are necessary on the transfer and that also parallel most of your clients concerns. I would appreciate your review and response within 30 days in order to facilitate recommending approval of the transfer application or setting a conference/hearing date.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

*Ron, this is a draft letter
& attachment that I'm preparing
to send to Larson's attorney.*

Any comments.

HWJ

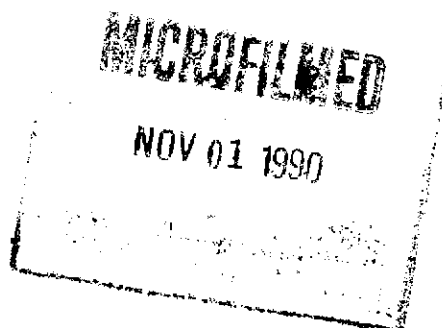
*Conditions similar to mine already
discussed by Creamer & Glen*

MICROFILMED

NOV 01 1990

1990
STANDARD CONDITIONS OF APPROVAL

1. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 31.
4. This permit is subject to the agreement dated 8-8-90 between permit holder and protestant to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.



11-5-90
11-27-86 - HLT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

1. Right number 31-0331/0371 Applicant Holley Water Users Association
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☐ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use. (SEE MEMO)
 - 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) NO CHANGE
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 12-10-90 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

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

4. By RDC Date 4/29/91

RECEIVED
MAY 03 1991

Department of Water Resources

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:
POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 10	SWSW	TORGERSON WELL (NEW)
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	NESE	HOGGAN WELL (NEW)
		SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9	E1/2SE1/4	76.6 ACRES
	SEC 10	W1/2SW1/4, SESW	95.9 ACRES
	SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before **JANUARY 7, 1991.**

R. Keith Higginson
Director

Published in the Lewiston Morning Tribune on **DECEMBER 20 & 27, 19**

MICROFILMED

MAY 30 1991

OK.
Cul

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:
POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 10	SWSW	TORGERSON WELL (NEW)
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	NESE	HOGGAN WELL (NEW)
		SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:
RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9	E1/2SE1/4	76.6 ACRES
	SEC 10	W1/2SW1/4, SESW	95.9 ACRES
	SEC 15	N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35	SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before JANUARY 7, 1991.

R. Keith Higginson
Director

Published in the TIMES NEWS on DECEMBER 20 & 27, 1990.

MICROFILMED
MAY 30 1991

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371 AMOUNT: 23.0 PRIORITY: September 10, 1928
No. 31-0331 AMOUNT: 24.0 PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2,	NESE	ASHCRAFT WELL
	SEC 15	NWNE	BYBEE WELL
	SEC 22	SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25,	SWSW	HOLLEY WELLS
	SEC 26,	SESE	HOLLEY WELLS
	SEC 35,	SESW	HOGGAN WELL
	SEC 36,	NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11,	N1/2
T 6N, R 35E, B.M.	SEC 1,	NWNW
	SEC 2,	N1/2, SW1/4, W1/2SE1/4
	SEC 3,	E1/2SE1/4
	SEC 9,	E1/2SE1/4
	SEC 10,	NENE, S1/2NE1/4, SENW, S1/2
	SEC 11,	W1/2
	SEC 14,	N1/2SW1/4
	SEC 15	
	SEC 22,	NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35,	NESW, S1/2SW, SE1/4
	SEC 36,	NESW, W1/2SW

RECORDED
MAY 30 1991

10-Dec-1990

THE TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED

MAY 30 1991

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371	AMOUNT: 23.0	PRIORITY: September 10, 1928
No. 31-0331	AMOUNT: 24.0	PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11, N1/2
T 6N, R 35E, B.M.	SEC 1, NWNW
	SEC 2, N1/2, SW1/4, W1/2SE1/4
	SEC 3, E1/2SE1/4
	SEC 9, E1/2SE1/4
	SEC 10, NENE, S1/2NE1/4, SENW, S1/2
	SEC 11, W1/2
	SEC 14, N1/2SW1/4
	SEC 15
	SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35, NESW, S1/2SW, SE1/4
	SEC 36, NESW, W1/2SW

MAY 30 1991

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:
POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 10 SWSW	TORGERSON WELL (NEW)
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, NESE	HOGGAN WELL (NEW)
	SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9 E1/2SE1/4	76.6 ACRES
	SEC 10 W1/2SW1/4, SESW	95.9 ACRES
	SEC 15 N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35 SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before JANUARY 7, 1991.

R. Keith Higginson
Director

Published in the IDAHO STATESMAN on DECEMBER 20 & 27, 1990.

MICROFILMED
MAY 30 1991

10-Dec-1990

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MAILED
MAY 30 1991

TO BE CHANGED AS FOLLOWS:

The water will be diverted and used to irrigate as follows:
POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 10 SWSW	TORGERSON WELL (NEW)
	SEC 15 NUNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, NESE	HOGGAN WELL (NEW)
	SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

Places of use are included within the PLACE OF USE for all the water rights of the Holley Water Users Association.

The specific places of use to be irrigated from the proposed new wells are as follows:

RON TORGERSON PLACE OF USE:

T 6N, R 35E, B.M.	SEC 9 E1/2SE1/4	76.6 ACRES
	SEC 10 W1/2SW1/4, SESW	95.9 ACRES
	SEC 15 N1/2NW1/4	77.5 ACRES

CARL HOGGAN PLACE OF USE:

T 7N, R 35E, B.M.	SEC 35 SE1/4	126.0 ACRES

Any protest against the above change to a water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before JANUARY 7, 1991.

R. Keith Higginson
Director

Published in the JEFFERSON STAR on DECEMBER 20 & 27, 1990.

OK
MAY 30 1991

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 31-0371 & 31-0331**

Notice is hereby given that Holley Water Users Association, Hamer, ID, has applied to the Department of Water Resources to add points of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by Decree No.'s 31-0371 & 31-0331 and are recorded as follows:

No. 31-0371	AMOUNT: 23.0	PRIORITY: September 10, 1928
No. 31-0331	AMOUNT: 24.0	PRIORITY: January 25, 1930

POINTS OF DIVERSION:

T 6N, R 35E, B.M.	SEC 2, NESE	ASHCRAFT WELL
	SEC 15 NWNE	BYBEE WELL
	SEC 22 SWNE	MURDOCK WELL
T 7N, R 35E, B.M.	SEC 25, SWSW	HOLLEY WELLS
	SEC 26, SESE	HOLLEY WELLS
	SEC 35, SESW	HOGGAN WELL
	SEC 36, NWNW	HOLLEY WELLS

The water is used from April 1 to November 15 to irrigate 3,230 acres of land.

PLACE OF USE:

T 6N, R 34E, B.M.	SEC 11, N1/2
T 6N, R 35E, B.M.	SEC 1, NWNW
	SEC 2, N1/2, SW1/4, W1/2SE1/4
	SEC 3, E1/2SE1/4
	SEC 9, E1/2SE1/4
	SEC 10, NENE, S1/2NE1/4, SENW, S1/2
	SEC 11, W1/2
	SEC 14, N1/2SW1/4
	SEC 15
	SEC 22, NE1/4, E1/2NW1/4, NESW, SE1/4
T 7N, R 35E, B.M.	SEC 35, NESW, S1/2SW, SE1/4
	SEC 36, NESW, W1/2SW

MICROFILMED

MAY 30 1991.

10-Dec-1990

LAMOYNE BARNEY

HAMER ID 83425

RE: Application No. T31-0371/31-0331

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the STATEWIDE on DECEMBER 20 & 27, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

MAY 30 1991

10-Dec-1990

THE JEFFERSON STAR
PO BOX 37
RIGBY ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JANUARY 7, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

RECEIVED
MAY 30 1991

10-Dec-1990

MICHAEL T CREAMER
GIVENS, PURSLEY, WEBB & HUNTLEY
SUITE 200 PARK PLACE
277 N 6TH ST
PO BOX 2720
BOISE ID 83701

RE: Application NO. T31-0371/31-0331

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is JANUARY 7, 1991, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

APPROPRIATE

MAY 30 1991

10-Dec-1990

DON SHENTON
WATER DIST 31
BOX 33
DUBOIS ID 83423

RE: Application No. T31-0371/31-0331

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is JANUARY 7, 1991, and we are required to take action shortly thereafter.

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

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

RECEIVED

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
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

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

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

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

 HAND DELIVER
 X 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
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

Michael C. Creamer

MICROFILMED

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

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

28 December 1990

Carl Hogan
1968 East 1800 North
Hamer, Idaho 83425

RE: Amended Adjudication Claims for Holly Water Users
Association

Dear Mr. Hogan:

Enclosed are the amended adjudication claims for Holly Water Users Association. The place of use within the SE1/4 of Sec 35, T07N, R35E, has been changed to reflect the 132 acres that are to be irrigated by the pivot. Please sign the last page on each water right in front of a notary, then return the adjudication claims to me so that they can be properly filled.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

RECEIVED
MAY 30 1991

APPLICATION FOR TRANSFER OF

WATER RIGHT NO 31-0321/
31-0331/

DEPARTMENT OF
NATURAL RESOURCES

Department of Natural Resources
Eastern District Office

WATER DISTRICT 31

WATERMASTER Donald W. Shenton

DATE: 1/4/91

COMMENTS: There is some controversy within the
canal Co, But I feel as water master that
conditions haven't changed to make my endorsement
change from the last endorsements of well water
transfers of the last two years.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

RECEIVED
MAY 30 1991

Donald W. Shenton
Watermaster

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

RECEIVED

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

MICROFILMED

MAY 30 1991

RECEIVED

JAN 29 1991

LAW OFFICES OF
BRECK BARTON & ASSOCIATES, P.A. Department of Water Resources
305 WEST MAIN Eastern District Office
REXBURG, IDAHO 83440

BRECK H. BARTON
January 24, 1991

P.O. Box 100
(208) 356-4880

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

RE: Holley Water Users Association/Ron Torgerson

Dear Harold:

I understand from our conversation of January 24, 1991, that Blaine Larson Farms, the protestant in the application of Holley Water Users for change in point of diversion and Carl Hoggan Property and Ron Torgerson property has not filed a conditional withdrawal protest but, nevertheless, has suggested that a stipulation could be reached that would facilitate withdrawing the protest as was reached with the Holley Water Users Association by the protestant and other transfer applications. As I explained, the pending transfer application is for the benefit of Carl Hoggan and Ron Torgerson and that the issues as they pertain to each separate beneficiary may be different. I also explained that Ron was very anxious due to financial commitments to get his pivot system erected and be ready for irrigation this spring and of course he can't do that until he gets a permit for the drilling of a new well.

I understand you will speak with Mr. Carlson and will attempt to arrange a hearing on this matter at Mr. Carlson's earliest convenience. Hopefully that will precipitate further discussion between the water users association and counsel for the protestant that may result in a stipulation being executed. I also understand you will visit with Ron about the potential of some type of conditional approval for either Part A or Part B of the application so that if hearing in fact does take place issues not germane to both applicants would not hold the other approval up.

As indicated in our conversation, I will stop by the office this coming Monday between 3:00 and 3:30. If I get held up, I will try and give you a call so that you won't be delaying other pressing matters that I know you have. I appreciate the opportunity of meeting with you and having you help me with the transfer application.

Best regards,


Breck Barton
BB/cb

RECEIVED

MAY 30 1991

CERTIFICATE OF MAILING

I, hereby certify that on this 25th day of January, 1991, I mailed a true and correct copy by certified mail, postage prepaid, of this Notice of Conference for Application for Transfer No. 31-0371/31-0331 in the name of Holley Water Users and No. 31-2235 in the name of Montevieu Canal Company:

LaMoyne Barney
Holley Water Users
Hamer, ID 83425

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

Breck Barton
Attorney at Law
P.O. Box 100
Rexburg, ID 83440

Dale Cope, President
Montevieu Canal Company
Montevieu, ID 83435

Michael C. Creamer
Attorney at Law
P.O. Box 2720
Boise, ID 83701

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

Notice not sent by certified mail:

Don Shenton, Watermaster
P.O. Box 33
Dubois, ID 83423



COLLEEN WRAY
Adm. Assistant
Department of Water Resources

1991

purpose of this conference will include:

1. Identification and/or simplification of issues.
2. Obtaining admissions of fact and of documents which will avoid unnecessary proof.
3. Arranging for the exchange of proposed exhibits.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the conference.

The conference will be held in accordance with provisions of the adopted Rules of Practice and Procedure of the Department of Water Resources.

Dated this 25th day of January, 1991.



RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

MAY 30 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER NO. 31-0371/31-0331 THE	)	
IN NAME OF HOLLEY WATER USERS	)	
ASSOCIATION	)	NOTICE OF CONFERENCE

On August 8, 1990, Holley Water Users Association, Hamer, Idaho filed an application with the Department of Water Resources to add points of diversion and change places of use for Ron Torgerson and Carl Hoggan through Transfer No. 31-0371/31-0331 of the public waters of the State of Idaho. The application proposes to divert water from ground-water sources with a point of diversion within the SW1/4SW1/4, Sec. 10, T. 6N, R. 35E for the irrigation of 250 acres within the E1/2SE1/4, Sec. 9, W1/2SW1/4, SE1/4SW1/4, Sec. 10, N1/2NW1/4, Sec. 15, T. 6N, R. 35E, B.M. (Torgerson well); and within the NE1/4SE1/4, Sec. 35, T. 7N, R. 35E, for the irrigation of 132 acres within the SE1/4, Sec. 35, T. 7N, R. 35E, B.M. (Hoggan well). On December 21, 1990, the Department received a protest against approval of said application from Michael C. Creamer, Attorney at Law, in behalf of Blaine Larsen, Larsen Farms and Larsen of Idaho.

The Department has set the matter of protest for an administrative conference to be conducted at 10:00 a.m. on Thursday, February 14, 1991, in the Second Floor Conference Room, State Office Building, 150 Shoup, Idaho Falls, Idaho. The

MAY 30 1991

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regs.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Ret. Del. Fee	Remarks
1	0544	Therese Marie Planted	.35	.85					.90				31-0371/0331
2	0545	Brick Pointed 100 Highway	.25										" "
3	0546	Michael Chinner 1084 3120 80150	.45										31-0371-0331
4	0547	Alvina Brown 1084 188 11000	.45										31-0371-0331
5	0548	Paula Pope Montreuil 1001 11000	.35										31-0371-0331
6	0549	Heute Jester 1084 3120 801	.45										31-0371-0331
7													
8													
9													
10													
11													
12													
13													
14													
15													

T31-0371/0331 - HOLLEY WATER USERS ASSOC.

Thursday, February 14, 1991 - 1:00 p.m.
Second Floor Conference Room, State Office Building,
150 Shoup, Idaho Falls, ID

Hearing Officer:

Ren Carlson

Name

Representing

Address

Carl Hoggan Holley Water 1968 E 1800 N

La'Mayne Barney Holley Water 1800 E 1548 N

Ronald Torgerson Holley water 1854 N 2500 E

Lex Coleman Holley water 1558 P 1600 E

Dale Cope Montevideo Canal RT 1

Bruce Borth Ren Carlson PO Box 100 Riggins

Kent Foster Holley Water Users & Montevideo CC PO Box 50130 Idaho Falls

MICHAEL CREAMER BLAINE LARSEN (CONFERENCE CALL)

MICROFILMED

MAY 30 1991

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of April, 1990, I served the foregoing Stipulation upon:

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

Breck Barton, Esq.
P.O. Box 100
Rexburg, ID 83440

Kent W. Foster, Esq.
P.O. Box 50130
Idaho Falls, ID 83405

Philip J. Rassier, Esq.
Department of Water Resources
Statehouse
Boise, ID 83720

Karl Hoggan
Holley Water Users Association
Hamer, ID 83425

Blaine Larsen
c/o Kevan Varin
Box 188
Hamer, ID 83425

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

MICROFILMED

MAY 30 1991

MAR 07 '91 15:53 225-358 FAX#

P.7

Dwain Kirkham
Dwain Kirkham, Director

Kent Foster
Kent Foster, attorney for
Holley Water Users Association

Ronald Torgerson
Ronald Torgerson, personally

Carl Hoggan
Carl Hoggan, personally

PROTESTANTS:

BLAINE LARSEN, LARSEN FARMS, AND
LARSEN OF IDAHO

Jeffrey C. Fereday
Jeffrey C. Fereday
Michael C. Creamer, Attorney in
Fact

MICROFILMED

MAY 30 1991

MAR 07 '91 15:53 225-355 FAX#

P.6

in this stipulation.

12. In entering into this stipulation, Larsen, Holley, Torgerson and Hoggan do not admit or confirm any fact concerning injury, expansion of use, historical use, forfeiture or abandonment that may be alleged with respect to the transfer, and reserve their rights to submit information on these and other relevant subjects during the period of retained jurisdiction.

13. This stipulation is distinct from, and does not affect, that stipulation between Larsen, Holley, Hoggan, Bybee, Murdock and Ashcraft regarding Holley's Application for Transfer Nos. 3654 and 3680, which was executed on August 8, 1990.

14. The Department may issue a well driller's permit to Torgerson and/or Hoggan pending resolution of the protest of Larsen. The permit shall state as a condition that the cumulative rate of diversion under such permit or permits shall be subject to the conditions of paragraph 7 of this stipulation.

DATED this 14 day of March, 1991.

APPLICANTS

HOLLEY WATER USERS, INC.

By

LeMoyne Barney
LeMoyne Barney

By

Carl Hoggan
Carl Hoggan, PresidentRonald Torgerson
Ronald Torgerson, DirectorRex Coleman
Rex Coleman, Director

MICROFILMED

MAY 30 1991

hearing before the Department at any time during the period of retained jurisdiction to present such information or seek such modifications as Larsen deems appropriate. During such five year period, the Department and the parties shall be entitled to investigate and submit information concerning issues such as the historical use under the Holley rights, forfeiture, abandonment, carriage losses and other factors relevant to establishing an appropriate amount of pumping reduction at the Holley Wells to cover the Torgerson and Hoggan transfers and to prevent an expansion of use under the Holley rights. Applicants stipulate to the inclusion of such a condition in the Department's order approving the transfer, and further agree that Larsen shall be entitled to continue his protest should the Department decline to include this condition.

The parties agree to the inclusion by the Department of a condition requiring that the cumulative rate of diversion and annual volume diverted under Right Nos. 31-0331 and 31-0371 shall be appurtenant to the place of use described in the transfer applications so that each irrigated acre will receive an equal portion of water from the same source identified under both rights. The parties also agree that such condition may also provide that 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, and that the Department may reserve the right to impose additional or different conditions on the transfers based on evidence provided during the period retained

MICROFILMED

MAY 30 1991

jurisdiction.

8. Torgerson and Hoggan agree to make their wells and any diversion or irrigation records they may have available for inspection at all reasonable times by Larsen and the Department to assure that this condition is being met.

9. Holley agrees to make all diversion or irrigation records at their disposal available to the Department upon request of any party to this matter for review by any party. Holley further agrees that they will make available for inspection their wells and/or pumps upon reasonable notice and request by any party to this action. Inspection of Holley's wells and/or pumps may be made by any party to this action but in the event such inspection is desired by Larsen, then Larsen shall be accompanied either by the Department or by Torgerson and/or Hoggan in such inspection.

10. The Department or any court having jurisdiction shall be the decision maker in any factual dispute or difference between the parties to this agreement. Larsen shall not have the authority to dictate to Holley the manner in which Holley runs their irrigation system. Holley shall be the sole entity to determine their system, within the confines of Department directives and orders. Holley shall have the exclusive control of the hiring of their water master and the overseeing of the operation of their irrigation wells and canals, subject to orders of the Department or a court.

11. Holley, Torgerson and Hoggan acknowledge and agree that the Department may, as a result of information submitted by any party during the period of retained jurisdiction, or as a result of its own information, impose conditions beyond those specified

MICROFILMED

MAY 30 1991

3. Torgerson has historically flood irrigated lands located in the SW 1/4 of Sec. 10, T 6 N, R 35 E; the SE 1/4 of Sec. 9, T 6 N, R 35 E; and the NW 1/4 of Sec. 15, T 6 N, R 35 E (the "Torgerson Place of Use"). Water to irrigate this land has been diverted by Torgerson from the Holley Canal pursuant to Torgerson's ownership of 250 shares of stock in Holley. Water in the Holley Canal is provided from the Holley Wells.

4. Hoggan has historically flood irrigated lands located in the SE 1/4 of Sec. 35, T 7 N, R 35 E (the "Hoggan Place of Use"). Water to irrigate this land has been diverted by Hoggan from the Holley Canal pursuant to Hoggan's ownership of ____ shares of stock in Holley.

5. Torgerson, Hoggan and Holley agree that their respective transfers may be conditioned in quantity and time to avoid injury to other water rights or an enlargement in use under the Holley water rights as a result of such transfers, which conditions are set forth below. These transfers may be conditioned by such other terms and conditions to which the parties mutually agree in writing and which are accepted by the Department.

 Larsen hereby stipulates that it will withdraw its protest to the transfer application upon the Department's approval of the transfers subject to the condition that the Department expressly retains jurisdiction over this matter for up to, but not more than five years to determine potential injury to existing rights, both junior and senior, and to modify the conditions of transfer approval as necessary to prevent such injury. In such withdrawal of protest, Larsen may expressly reserve the right

MICROFILMED

MAY 30 1991

MAR 07 '91 15:51 208-356-4880 FAX#

P.2

Law Offices of
Breck Barton & Associates, P.A.
305 West Main
P.O. Box 100
Rexburg, ID 83440
(208) 356-4880

IN THE MATTER OF)
APPLICATION FOR TRANSFER) STIPULATION
NO. _____ OF HOLLEY)
WATER USERS ASSOCIATION)

Applicants Holley Water Users Association, an Idaho non-profit corporation ("Holley"), Ron Torgerson ("Torgerson") and Karl Hoggan ("Hoggan"), and Protestants Blaine Larsen, Larsen Farms, and Larsen of Idaho ("Larsen"), hereby stipulate and agree as follows:

1. Holley, Torgerson, and Hoggan jointly filed an Application for Transfer of Water Right (the "Application") with the Idaho Department of Water Resources ("Department") on November 22, 1990. Larsen timely filed its protest to the application.

2. The Application seeks, in part, to transfer the point of diversion for a portion of the water rights decreed to Holley from certain groundwater wells Holley owns or controls in the SW 1/4 of the SW 1/4 of Sec. 25, T 7 N, R 35 E, Boise Meridian (the "Holley wells"), to a point of diversion for a well which Torgerson wishes to construct in the SW 1/4 of the SW 1/4, Sec. 10, T 6 N, R 35 E. The Application further seeks to transfer the point of diversion for a portion of the water rights decreed to the Holley Wells to a point of diversion for a well which Hoggan intends to construct in the NE 1/4 of the SE 1/4, Sec. 35, T 7 N, R 35 E, Boise Meridian.

MICROFILME

MAY 30 1991

Law Office
GIVENS, PURSLEY, WEBB & HUNTLEY
Suite 200, Park Place
277 No 6th Street
Post Office Box 2720
Boise, Idaho 83701

Telephone (208) 342-6571
Telecopier (208) 343-9492

TELECOPIER COVER SHEET

DATE March 7, 1991

TIME: 3:20 pm

TO: HAROLD JONES

FIRM: IDAHO DEPARTMENT OF WATER RESOURCES - EASTERN REGION

RE: Holley Water Users Stipulation

TELECOPY NUMBER: 525-7177

FROM: MICHAEL C. CREAMER

CLIENT NO: 1207-17

TOTAL PAGES (INCLUDING COVER SHEET): 8

MICROFILMED
MAY 30 1991

* * * * * IMPORTANT MESSAGE * * * * *

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY-CLIENT AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

April 11, 1991

RE: Application for Transfer No. 31-0371/31-0331
HOLLEY WATER USERS/Torgerson & Hoggan

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

Dear Mr. Creamer:

Based upon the Stipulation dated March 7, 1991, the Department has considered the protest against the above referenced application resolved. The Department has now resumed processing of this application.

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

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: Holley Water Users Assoc.
Carl Hoggan
Ronald Torgerson
Kent Foster, Attorney

MAY 30 1991

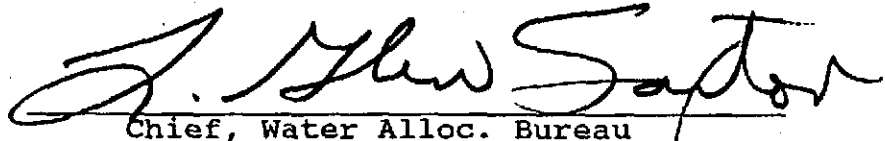
Attached Conditions

CONDITIONS OF APPROVAL

<<20A>> This permit is subject to the agreement dated <date> between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

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.


Chief, Water Alloc. Bureau

MAY 20 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: May 8, 1991

RE: TRANSFER APPS. 3680 & 3787/RIGHT NO.S 31-0331 & 31-0371
HOLLEY WATER USERS

=====

Both of the above transfer applications will add points of diversions to Holley Water Users rights 31-0331 and 31-0371. These transfers are the same as approved transfers 3654, 3645 and 3517. Wells are being drilled by individual users within the Holley group in order to reduce conveyance losses.

Since both transfers were protested by the same party that protested transfer no. 3654, I recommend using the same conditions that were used with approval of that transfer. These conditions are attached to this memo. There should also be three additional conditions. One is standard transfer condition no. T09 shown below. The second is proposed condition no. 20A on the attached list of conditions. This latter condition was recommended by the region (there is no need to add this condition to the permanent list of conditions).

The third condition is more of a remark and is shown below. This remark has been added in order to clarify the intent of the transfer and record place of use changes which will be accomplished.

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

Transfer no.s 3680 & 3787 add place of use descriptions to right no.s 31-0331 & 31-0371, but do not expand the amount of irrigated acreage authorized under the rights.

157-0371

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
L. EDWARD MILLER
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

RECEIVED

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

MCC/mcc
cc: Kevan Varin
Kent Foster
Breck Barton

MAY 30 1991

May 22, 1991

RE: Transfer of Water Right No. 31-0331/0371

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

Dear Water Right Holder(s):

Enclosed are a copies of your approved Applications for Transfer of the above referenced water rights (Transfer Nos. 3680 and 3787). Be sure to note any conditions of approval as listed on the second pages.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED
MAY 30 1991