

List B

Owsley Canal Co. Transfer
Points of Diversion

N. Lake Wells				SECTION	TOWNSHIP	RANGE
ID	1/4	1/4	1/4			
1		SW	NE	13	07N	34E
3		SE	SE	13	07N	34E
4	NE	NW	NE	24	07N	34E
5	SW	NE	NE	24	07N	34E
6	Lot 1	NW	NW	19	07N	35E
7	Lot 4	SE	SW	18	07N	35E
8	Lot 1	NW	NW	19	07N	35E
9		SE	NW	19	07N	35E
10		SW	NW	19	07N	35E
11C		NW	NW	24	07N	34E
11E		NE	NE	23	07N	34E
Jackett wells						
1		NW	NE	27	07N	35E
2	SW	SW	SW	23	07N	35E
3		NW	SW	23	07N	35E
4		NE	SE	22	07N	35E
		Jackett wells (Buck Springs)				
1	SE	SE	SE	14	07N	35E
2	SE	SE	SE	14	07N	35E
3	SW	SW	SW	13	07N	35E
Halley wells						
1	NW	SE	SE	26	07N	35E
2	NE	SE	SE	26	07N	35E
3	NW	SW	SW	25	07N	35E
4		SW	SW	25	07N	35E
5	SW	SW	SW	25	07N	35E
6	SE	SW	SW	25	07N	35E
7	SE	SW	SW	25	07N	35E
8		NE	NW	36	07N	35E

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List B

List B

ID	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP	RANGE
12	NW	NW	SE	25	07N	35E
13		NW	SE	25	07N	35E
14	SW	NW	SE	25	07N	35E
15		NW	SE	25	07N	35E
16	SW	NW	SE	25	07N	35E
17		NW	SE	25	07N	35E
18	SE	SE	SW	25	07N	35E
19	SE	NW	SE	25	07N	35E
		Relift Pumps				
1		NE	SE	32	07N	35E
2		SE	SW	01	06N	34E
3		SE	SE	33	07N	34E
4		NW	NE	34	07N	34E
5		NW	SW	01	06N	34E
6		SE	SE	01	06N	34E
7		NW	NW	36	07N	35E

STOPPED

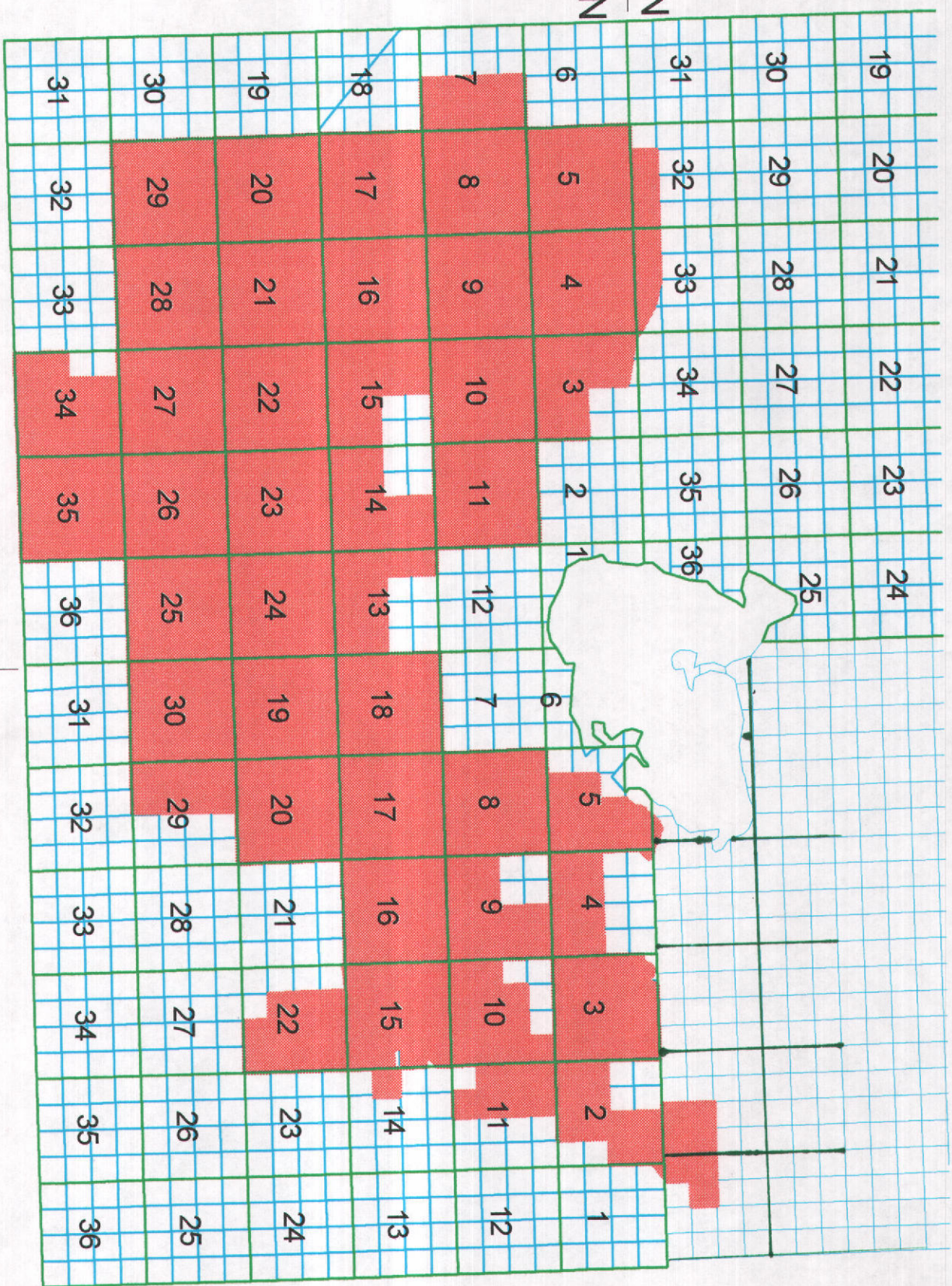
START



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07N
06N

34E 35E

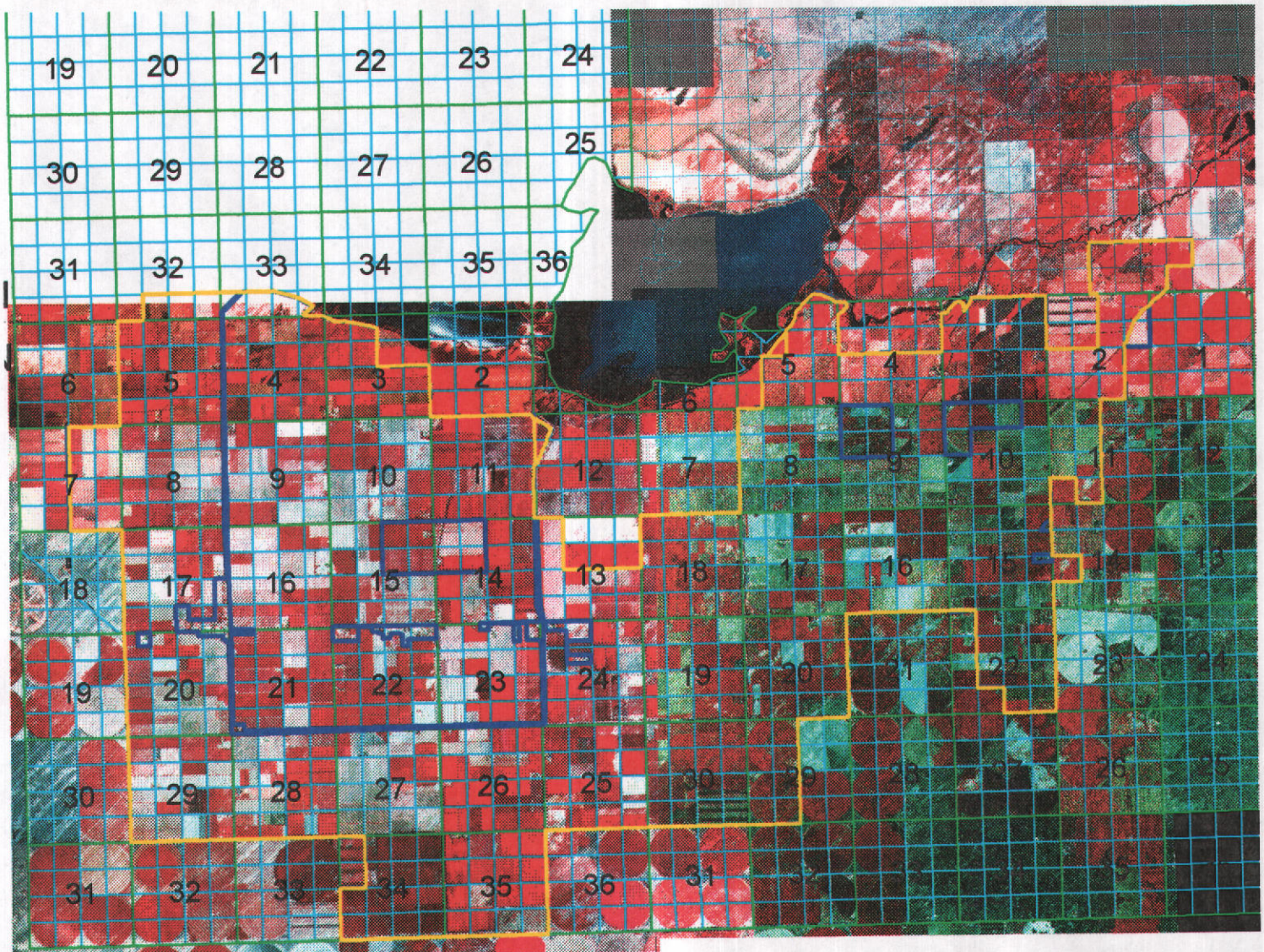


GIS SHOWS
24, 358 AC.
24, 070 b71
claus

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Owsley Canal App. for Transfer and Recommended Acres

NAPP 1987



34E 35E

- Owsley2.shp
- Owsleypou.shp
- T07n34e.shp
- T06n35e.shp
- T06n34e.shp
- P07n35e.shp
- P07n34e.shp
- P06n35e.shp
- P06n34e.shp

24,988 acres
23,941 acres

The water rights after the transfer, and the recommendations in the Director's Report will be limited to 23,903.3 acres within a permissible place of use that is filed on by the Canal Co., or, is modified by the department when making final recommendations.

*** This layout has been developed for the expressed purpose of communicating with the Canal Co. their options when they file their Application for Transfer with the department.**

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WR

AJ

	efs	acres	vol.		efs	acres	vol.
31-00327) IRR/D to Stor	110.00			IRR/IRR STOR	110.00		17985.0 (stor)
31-00328) " " "	100.00			" " "	100.00		" "
31-00329) " " "	50.00			" " "	50.00		" "
31-00330) " " "	80.00			" " "	80.00		" "
	200.00	during IRR season		IRR	24.00		
31-00331) IRR	24.00	3251?		P/U A 31-10957 - 2978			
31-00332) IRR STOR			5000.0 data	IRR STOR			5000.0 data
31-00336) IRR	11.05	3107	3040	IRR/IRR STOR	32.50		1.0 (stor)
31-00337) IRR	17.00	3107	2922	" " "	50.00		" "
	(up to 30.60)						Combined will be modified by canal CO per H.W.J. 1-22-99 Co. owns 1/3 of sts.
31-00371) IRR	23.00	3251?		IRR	23.00		
T 3480 + 3787							
31-02239) IRR/dm	40.00	13480.0	Part of same 17240 P/U	IRR/IRR STOR/F.STOR	40.00		17985.0 (stor)
31-02239) " " "	80.00	15340.0	110899.4 data	No Claim Superseded 31-00330			
Supplemental - 31-02038 Mudlake Rt.							
31-02265) IRR	64.40	17240.0	23375.9 data	IRR/IRR STOR/F.STOR	64.40		17985.0 (stor)
T 4383							
31-02289) IRR	3.20	160/3107	500.0 data	IRR/IRR STOR	3.20		1.0 (stor)
T 2303							
31-02290) IRR	3.60	240/3107	840.0 data	IRR/IRR STOR	3.60		1.0 (stor)
T 2303							
31-02297) IRR/DOM	6.00	340/3107	1190.0 data	IRR/IRR STOR	6.00		1.0 (stor)
T 2303							
31-02310) IRR	5.80	290/3107	1015.0 data	IRR/IRR STOR	5.80		1.0 (stor)
T 2303							
31-02317) IRR/DOM	8.08 (A)	404/3107	1414 data	A) IRR/IRR STOR	8.08		1.0 (stor)
T 2303	1.90 (B)	99/3107	332.5 data	B) " " "	1.90		1.0 (stor)
24 licenses same rt.							
31-02321) IRR	1.92	96/3107	336.0 data	" " "	1.92		
T 2303		3107.2	9321.0 data	5687.5 data			
31-02341) IRR	16.00	17240.0		47336B + 337B			
31-02342) IRR	16.00	17240.0		" " "	16.00		17985.0 (stor)
31-02343) IRR	16.00	17240.0		" " "	16.00		17985.0 (stor)
31-02344) IRR	16.00	17240.0		" " "	16.00		17985.0 (stor)
31-02345) IRR	16.00	17240.0		" " "	16.00		17985.0 (stor)
31-07005) IRR	13.26	17088.0	5486.0 data	IRR/IRR STOR/F.STOR	1.00/13.26		17985.0/18000 (stor)
			4939.4				
			> V/R				

Jacket Canal Co.

Dowley Canal Co.

Hollen Water Users Assn.

58.55 cfs 3107.0

537.66 cfs 17240.0

-140 during IRR season 397.66 cfs

47.00 cfs (3251.0)

643.21 (223,598.0)

-140.00

Total During IRR Season 503.21 cfs

5000.0 data (stor)

Acres Claimed

3107.3 Acres

.016 cfs/acre

17985 Acres

.029 cfs/acre

2978 Acres

.0157 cfs/acre

24070.3 Acres

.0263 cfs/acre

24070.0 per transfer app.

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

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5335 IN THE)
NAME OF OWSLEY CANAL)
COMPANY)
_____)

INTERLOCUTORY ORDER

On February 8, 1999, the Department of Water Resources ("department") issued a PRELIMINARY ORDER approving Transfer No. 5335 filed in the name of Owsley Canal Company ("applicant").

On December 19, 2000, the department amended Transfer No. 5335 by issuing a PRELIMINARY ORDER AMENDING TRANSFER APPROVAL.

On January 2, 2001, the applicant filed a PETITION FOR RECONSIDERATION ("petition") with the department advising that the applicant had information to support different dates of priority of use than shown for some of the water rights that are included in the amended transfer approval.

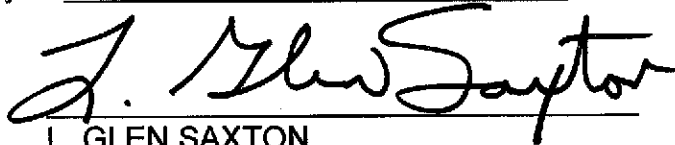
On January 3, 2001, the department issued an ORDER GRANTING PETITION FOR RECONSIDERATION.

On March 12, 2001, the applicant withdrew its petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the PRELIMINARY ORDER AMENDING TRANSFER APPROVAL issued by the department on December 19, 2000, be considered the **FINAL ORDER** in the matter as provided in Section 67-5246, Idaho Code.

Dated this 16th day of March, 2001.


L. GLEN SAXTON
Hearing Officer

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T5335/66756

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)
5335 IN THE NAME OF OWSLEY)
CANAL COMPANY)
_____)

**ORDER GRANTING
PETITION FOR RECONSIDERATION**

On February 8, 1999, the Department of Water Resources ("the department") issued a "Preliminary Order" approving Transfer No. 5335 filed in the name of Owsley Canal Company ("applicant").

On December 19, 2000, the department amended Transfer No. 5335 by issuing a "Preliminary Order Amending Transfer Approval."

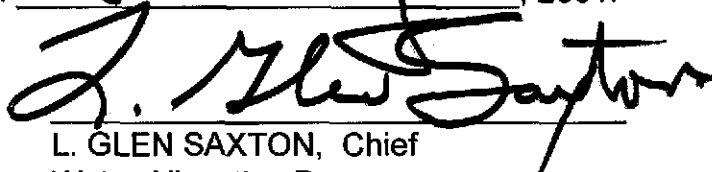
On January 2, 2000, the applicant filed a "Petition for Reconsideration" ("petition") with the department advising that the applicant has information to support different dates of priority of use than shown for some of the water rights that are included in the amended transfer approval.

ORDER

The department has reviewed the petition and HEREBY ORDERS that the petition is **GRANTED** under the following terms:

1. Granting of the petition does not represent department agreement with any provision of the petition.
2. The department retains jurisdiction of the matter to allow time for the department to review and consider any information which the applicant states it will provide in support of its petition.

Dated this 3rd day of January, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5335 IN THE)
NAME OF OWSLEY CANAL COMPANY)
_____)

**PRELIMINARY ORDER
AMENDING TRANSFER
APPROVAL**

This matter having come before the Department of Water Resources (Department) as a result of an application for transfer of water rights, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 23, 1998, Owsley Canal Company (applicant) filed Application for Transfer No. 5335 (transfer) to change the points of diversion and places of use for the following water rights:

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	31-07005

2. On February 8, 1999, the Department approved the transfer with conditions.

3. The transfer approval listed the period of use for diversion to storage purposes on the following water rights as October 16 to April 14.

31-00327	31-00329
31-00328	31-00330

4. Delivery of water for the rights listed below is regulated by the watermaster of Water District 31. Review of water district records and discussion with the watermaster indicate that the historic period of use for diversion to storage purposes for those rights is May 1 to November 1.

31-00327	31-00329
31-00328	31-00330

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5. The transfer approval listed the period of use for irrigation purposes on each of the water rights as April 15 to October 15 in conformance with the existing Department standards for the area where the water rights are used.

6. The period of use for irrigation purposes for each of the following rights was previously decreed as May 1 to November 1.

31-00327	31-00332
31-00328	31-00336B
31-00329	31-00337B
31-00330	31-00371
31-00331	

7. The period of use for irrigation purposes for each of the following licensed rights was not established on the licenses issued by the Department, but the historic period of use has been May 1 to November 1.

31-02239	31-02317B
31-02265	31-02321
31-02289	31-02341
31-02290	31-02342
31-02297	31-02343
31-02310	31-02344
31-02317A	31-02345

8. On July 24, 1973, the Department issued License No. 31-07005 with a period of use for irrigation purposes from April 1 to November 15.

9. The applicant did not request a change in the period of use for any of the rights on the transfer.

10. The transfer approval listed the authorized diversion rate for irrigation purposes for right no. 31-00328 as 110.00 cfs.

11. Water right no. 31-00328 was previously decreed with a diversion rate for irrigation purposes of 100.00 cfs.

12. The Department did not intend to increase the diversion rate for irrigation purposes for right no. 31-00328 to 110.00 cfs. The change was a typographical error.

13. The transfer approval did not make a determination of the priority date for the rights listed below. The priority date for those rights was listed on the transfer approval as 00/00/0000.

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31-00327
31-00328

31-00329
31-00330

14. On October 14, 1940, Permit Nos. 17611 and 17612 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al., without a priority date. Those decreed rights were renumbered by the Department as 31-00327 and 31-00328 respectively.

15. According to Department records, Permit No. 17611 was cancelled on March 6, 1939.

16. According to Department records, Permit No. 17612 was relinquished with a date unknown.

17. Absent any other evidence, it is reasonable to describe the priority date of a water right as the date of the decree from which it arises.

18. On October 14, 1940, Permit Nos. 17640 and 18378 were decreed in the case Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. Al., without a priority date. Those decreed rights were renumbered by the Department as 31-00329 and 31-00330 respectively.

19. According to Department records, Permit No. 17640 was licensed on February 24, 1938. The license listed the priority date as January 8, 1932.

20. According to Department records, Permit No. 18378 was licensed on January 8, 1942. The license listed the priority date as June 26, 1936.

21. The transfer approval was issued with one of the points of diversion described as being within Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

22. Lot 4 in Sec. 18, Township 07N, Range 35E, actually corresponds to the SWSW of the section.

23. The transfer approval was issued with one of the points of diversion described as being within the SWNW, Sec. 19, Township 07N, Range 35E.

24. The SWNW, Sec. 19, Township 07N, Range 35E, is more accurately described as Lot 2.

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CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

2. The Department should amend the transfer approval to show the previously decreed period of use of May 1 to November 1 for diversion to storage purposes for the following water rights.

31-00327	31-00329
31-00328	31-00330

3. The Department should amend the transfer approval to show the period of use for irrigation purposes as May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

4. The Department should amend the transfer approval to show the licensed period of use for irrigation purposes on right no. 31-07005 as April 1 to November 15.

5. The Department should amend the transfer approval to authorize the diversion rate for irrigation purposes as 100.00 cfs under right no. 31-00328.

6. The Department should amend the transfer approval to show the priority dates for right nos. 31-00327 and 31-00328 as October 14, 1940, which is the date of the final decree in the case of Owsley Canal Company, a Corporation, v. Ernest Bauerle, et. al.

7. The Department should amend the transfer approval to show the priority date for right no. 31-00329 as January 8, 1932.

8. The Department should amend the transfer approval to show the priority date for right no. 31-00330 as June 26, 1936.

9. The Department should amend the transfer approval to show Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E as one of the points of diversion, instead of Lot 4 (SESW), Sec. 18, Township 07N, Range 35E.

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10. The Department should amend the transfer approval to show Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E as one of the points of diversion, instead of SWNW, Sec. 19, Township 07N, Range 35E.

ORDER

IT IS HEREBY ORDERED that Transfer Approval No. 5335 issued by the Department on February 8 1999 is **AMENDED** as described below.

1. The period of use for diversion to storage purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-00329
31-00328	31-00330

2. The period of use for irrigation purposes shall be May 1 to November 1 for the following water rights.

31-00327	31-0336B	31-02290	31-02341
31-00328	31-0337B	31-02297	31-02342
31-00329	31-00371	31-02310	31-02343
31-00330	31-02239	31-2317A	31-02344
31-00331	31-02265	31-2317B	31-02345
31-00332	31-02289	31-02321	

3. The period of use for irrigation purposes shall be April 1 to November 15 for right no. 31-07005.

4. The diversion rate for irrigation purposes shall be 100.00 cfs for right no. 31-00328.

5. The priority date shall be October 14, 1940 for right nos. 31-00327 and 31-00328.

6. The priority date shall be January 8, 1932 for right no. 31-00329.

7. The priority date shall be June 26, 1936 for right no. 31-00330.

8. The point of diversion previously described as Lot 4 (SESW), Sec. 18, Township 07N, Range 35E shall be described as Lot 4 (SWSW), Sec. 18, Township 07N, Range 35E.

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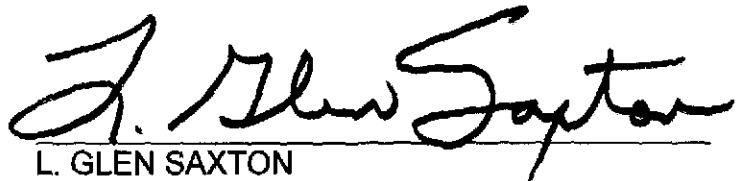
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UPDATES

9. The point of diversion previously described as SWNW, Sec. 19, Township 07N, Range 35E shall be described as Lot 2 (SWNW), Sec. 19, Township 07N, Range 35E.

DATED this 19th day of December, 2000.



L. GLEN SAXTON
Chief, Water Allocation Bureau

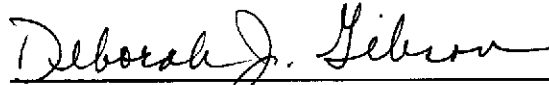
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

GARTH SODERQUIST
OWSLEY CANAL CO
PO BOX 68
TERRETON, ID 83450



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5335

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

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

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

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

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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

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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 Priority: 10/27/1956	04/15 to 10/15	1.90 CFS	332.5 AF
Right No. 31-02321 : IRRIGATION Priority: 04/25/1953	04/15 to 10/15	1.92 CFS	336.0 AF
Right No. 31-02341 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02342 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02343 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02344 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-02345 : IRRIGATION Priority: 09/03/1954	04/15 to 10/15	16.00 CFS	5839.4 AF
Right No. 31-07005 : IRRIGATION Priority: 12/04/1967	04/15 to 10/15	13.26 CFS	4939.4 AF

TOTAL: *** 643.21 CFS

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

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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	

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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	

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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	SESW 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	SESW 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	SESW 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	SESW 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	SESW 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	SESW 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	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
26			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

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

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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	

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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

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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.

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TRANSFER NO. 5335

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

CONDITIONS OF APPROVAL AND REMARKS

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

Dated this 8th day of

February, 19 99.


Chief, Water Allocation Bureau

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FEB 11 1999

RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT
DEC 23 1998
PART 1

Department of Water Resources

Name of applicant Owsley Canal Co. Phone (208) 663-4359
Post Office address % Garth Soderquist P.O. Box 68 Teton ID 83450

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 The Jekett Canal, Holley Water Users and Owsley Canal have merged and wish to consolidate all of their groundwater rights under one permissible 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 _____
See List "A" _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 715.13 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: See List "B"

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

5. Lands irrigated or place of use: See List "C"

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
FEB 11 1999The place of use is subject to adjudication
review and recommendation. ThatTotal acres 24,070

PART 1

6. General Information:

a. **Description of diversion system** _____

NA b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

d. **Remarks:**

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

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FEB 11 1989

LIST A

OD-5805
WR5805NP
SELECTION FILE: JCG

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT SOURCE INDEX

DATE: 09/09/98
TIME: 09:28:49
PAGE: 1

SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG O STA C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER <u>11.05 cfs</u>	04/27/1932	31-003368	D/	O INDEPENDENT WATER USERS OF MUD LAKE INC. C JACKETT CANAL CO.	
GROUNDWATER <u>17.00 cfs</u>	12/15/1932	31-003378	D/	O INDEPENDENT WATER USERS OF MUD LAKE INC. C JACKETT CANAL CO.	
GROUNDWATER <u>3.20 cfs</u>	01/13/1949	31-02289	L/	O CALVIN PASSEY C JACKETT CANAL CO.	
GROUNDWATER <u>3.60 cfs</u>	02/14/1949	31-02290	L/	O J. R. BIXBY C JACKETT CANAL CO.	
GROUNDWATER <u>6.00 cfs</u>	12/29/1949	31-02297	L/	O RULON R. YEARSLEY C JACKETT CANAL CO.	
GROUNDWATER <u>5.80 cfs</u>	09/24/1952	31-02310	L/	O BLAINE E. MILLER C JACKETT CANAL CO.	
GROUNDWATER <u>8.08 cfs</u>	02/28/1953	31-02317A			
GROUNDWATER <u>1.90 cfs</u>	10/27/1956	31-02317B	L/	O FRANK S. JACKETT C JACKETT CANAL CO.	
GROUNDWATER <u>1.92 cfs</u>	04/25/1953	31-02321	L/	O DENNIS GREEN C JACKETT CANAL CO.	
<u>50.47</u> <u>+8.08 (31-02317A)</u> <u>58.55 cfs</u>					

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SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG O STA C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER		31-00327	D/	C OWSLEY CANAL CO.	
GROUNDWATER		31-00328	D/	C OWSLEY CANAL CO.	
GROUNDWATER		31-00329	D/	C OWSLEY CANAL CO.	
GROUNDWATER		31-00330	D/	C OWSLEY CANAL CO.	
NORTH LAKE	01/25/1930	31-02239	L/	C OWSLEY CANAL CO.	
GROUNDWATER	01/25/1930	31-02239	L/	C OWSLEY CANAL CO.	
GROUNDWATER	06/26/1936	31-02259	L/	C OWSLEY CANAL CO.	? Superseded by 31-00330
GROUNDWATER	09/03/1954	31-02341	L/	C OWSLEY CANAL CO.	
GROUNDWATER	09/03/1954	31-02342	L/	C OWSLEY CANAL CO.	
GROUNDWATER	09/03/1954	31-02343	L/	C OWSLEY CANAL CO.	
GROUNDWATER	09/03/1954	31-02344	L/	C OWSLEY CANAL CO.	
GROUNDWATER	09/03/1954	31-02345	L/	C OWSLEY CANAL CO.	
GROUNDWATER	12/04/1967	31-07005	L/	C OWSLEY CANAL CO.	
GROUNDWATER	5/22/1940	31-02265	L	Owsley Canal Co.	

617.66 - 80.00 = 537.66 cfs Total - 140.00 cfs (combined limit = 397.66 cfs during IRR season
50.17 + 8.08 (31-02317A) = 58.55 cfs 31-00327-330 58.55
47.00 ✓ + 47.00

715.19 + 5000 AFS ✓

643.21 cfs TOTAL Limited to → 503.21 cfs during IRR season

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00-5805
WR5805NP
SELECTION FILE: HWUG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT SOURCE INDEX

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SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG O STA C	CLAIMANT NAMES	TRIBUTARIES OF
GROUNDWATER <u>24.00 cfs</u>	09/10/1928	31-00331	D/	C HOLLEY WATER USERS ASSN.	
GROUNDWATER <u>5000 AF</u>	01/25/1930	31-00332	D/	C HOLLEY WATER USERS ASSN.	
GROUNDWATER <u>23.00 cfs</u>	09/10/1928	31-00371	D/	C HOLLEY WATER USERS ASSN.	

47.00 ✓ + 5000 ✓ AF

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List B

Owsley Canal Co. Transfer Points of Diversion

N. Lake Wells						
ID	¼	¼	¼	SECTION	TOWNSHIP	RANGE
1		SW	NE	13	07N	34E
3		SE	SE	13	07N	34E
4	NE	NW	NE	24	07N	34E
5	SW	NE	NE	24	07N	34E
6	Lot 1	NW	NW	19	07N	35E
7	Lot 4	SE	SW	18	07N	35E
8	Lot 1	NW	NW	19	07N	35E
9		SE	NW	19	07N	35E
10		SW	NW	19	07N	35E
11C		NW	NW	24	07N	34E
11E		NE	NE	23	07N	34E
Jackett Wells						
		NW	NE		07N	35E
	SW	SW	SW		07N	35E
		NW	SW		07N	35E
		NE	SE		07N	35E
Jackett Wells (Juck Springs)						
	SE	SE	SE		07N	35E
	SE	SE	SE		07N	35E
	SW	SW	SW		07N	35E
Haley Wells						
1	NW	SE	SE	26	07N	35E
2	NE	SE	SE	26	07N	35E
3	NW	SW	SW	25	07N	35E
4		SW	SW	25	07N	35E
5	SW	SW	SW	25	07N	35E
6	SE	SW	SW	25	07N	35E
7	SE	SW	SW	25	07N	35E
8		NE	NW	36	07N	35E

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List B

List B

ID	¼	¼	¼	SECTION	TOWNSHIP	RANGE
12	NW	NW	SE	25	07N	35E
13		NW	SE	25	07N	35E
14	SW	NW	SE	25	07N	35E
15		NW	SE	25	07N	35E
16	SW	NW	SE	25	07N	35E
17		NW	SE	25	07N	35E
18	SE	SE	SW	25	07N	35E
19	SE	NW	SE	25	07N	35E
			Relift Pumps			
1		NE	SE	32	07N	35E
2		SE	SW	01	06N	34E
3		SE	SE	33	07N	34E
4		NW	NE	34	07N	34E
5		NW	SW	01	06N	34E
6		SE	SE	01	06N	34E
7		NW	NW	36	07N	35E

STOPPED

START



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17,985

List C

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00185Z5
Date Received: 12/ 6/1988
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: OWSLEY CANAL CO 208-523-0620
Address: HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

2. Date of Priority: DEC 2, 1916

3. Source: MUD LAKE Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	34E	1	SE	SW			JEFFERSON
			NE	SE			JEFFERSON
			SW	SE			JEFFERSON
			SE	SE			JEFFERSON
07N	34E	34	SW	SW			JEFFERSON

5. Description of diverting works:
HEADINGS FOR OWSLEY CANAL AND LEVEL CANAL, SEE ATTACHMENT A.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	72.600		
IRRIGATION STORAGE	11/01	04/01			17985.00
IRRIGATION FROM STORAGE	04/01	11/04			17985.00

7. Total Quantity Appropriated is:
72.600 C.F.S. (and/or) 17985.00 A.F.A.

8. Total consumptive use is 63017.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A31-00185Z5

MICROFILMED

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Date: 09/10/98

List C

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	3	NE	NW		IRR	26.0 ✓
			NW	NW		IRR	35.0 ✓
			SW	NW		IRR	40.0 ✓
			SE	NW		IRR	40.0 ✓
			NE	SW		IRR	40.0 ✓
			NW	SW		IRR	40.0 ✓
			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 461.0

4	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 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	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 640.0

5	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 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	SW	SW	IRR	40.0 ✓
	SE	SW	IRR	40.0 ✓
	NE	SE	IRR	40.0 ✓

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	5	NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
			SE		SE		IRR	40.0 ✓
			Section Acres					640.0
		7	NE		NE		IRR	40.0 ✓
			NW		NE		IRR	40.0 ✓
			SW		NE		IRR	40.0 ✓
			SE		NE		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					320.0
		8	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 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			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					640.0
		9	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 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	9	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 640.0

10	NE	NE	IRR	40.0✓
	NW	NE	IRR	40.0✓
	SW	NE	IRR	40.0✓
	SE	NE	IRR	40.0✓
	NE	NW	IRR	20.0✓
	NW	NW	IRR	40.0✓
	SW	NW	IRR	40.0✓
	SE	NW	IRR	40.0✓
	NE	SW	IRR	40.0✓
	NW	SW	IRR	40.0✓
	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 620.0

11	NE	NE	IRR FS	40.0✓
	NW	NE	IRR FS	40.0✓
	SW	NE	IRR FS	40.0✓
	SE	NE	IRR FS	40.0✓
	NE	NW	IRR FS	40.0✓
	NW	NW	IRR FS	40.0✓
	SW	NW	IRR FS	40.0✓
	SE	NW	IRR FS	40.0✓
	NE	SW	IRR	40.0✓
	NW	SW	IRR	40.0✓
	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 640.0

13	NW	NW	IRR	40.0✓
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	13	SW		NW		IRR	40.0✓
			NE		SW		IRR	40.0✓
			NW		SW		IRR	40.0✓
			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 400.0

14	NE	NE	IRR	40.0✓
	NW	NE	IRR	40.0✓
	SW	NE	IRR	40.0✓
	SE	NE	IRR	40.0✓
	NE	SW	IRR	40.0✓
	NW	SW	IRR	40.0✓
	SW	SW	IRR	40.0✓
	SE	SW	IRR	36.0✓
	NE	SE	IRR	40.0✓
	NW	SE	IRR	40.0✓
	SW	SE	IRR	27.0✓
	SE	SE	IRR	37.0✓

Section Acres 460.0

15	NE	NW	IRR	40.0✓
	NW	NW	IRR	40.0✓
	SW	NW	IRR	40.0✓
	SE	NW	IRR	40.0✓
	NE	SW	IRR	40.0✓
	NW	SW	IRR	40.0✓
	SW	SW	IRR	40.0✓
	SE	SW	IRR	36.0✓
	NE	SE	IRR	40.0✓
	NW	SE	IRR	40.0✓
	SW	SE	IRR	40.0✓
	SE	SE	IRR	40.0✓

Section Acres 476.0

16	NE	NE	IRR	40.0✓
	NW	NE	IRR	40.0✓
	SW	NE	IRR	40.0✓
	SE	NE	IRR	25.0✓
	NE	NW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	16	NW		NW		IRR	40.0✓
			SW		NW		IRR	40.0✓
			SE		NW		IRR	40.0✓
			NE		SW		IRR	40.0✓
			NW		SW		IRR	40.0✓
			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 625.0

17	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
	NE	SW	IRR	40.0✓
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	20.0✓
	NW	SE	IRR	40.0✓
	SW	SE	IRR	10.0✓
	SE	SE	IRR	10.0✓

Section Acres 560.0

20	NE	NE	IRR	30.0✓
	NW	NE	IRR	35.0✓
	SW	NE	IRR	40.0✓
	SE	NE	IRR	40.0✓
	NE	NW	IRR	40.0✓
	NW	NW	IRR	30.0✓
	SW	NW	IRR	40.0✓
	SE	NW	IRR	40.0✓
	NE	SW	IRR	40.0✓
	NW	SW	IRR	40.0✓
	SW	SW	IRR	40.0✓
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	34E	20	SW	SE	IRR	40.0
			SE	SE	IRR	40.0

Section Acres 615.0

21	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	25.0 ✓
	SW	NW	IRR	40.0 ✓
	SE	NW	IRR	40.0 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	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 625.0

22	NE	NE	IRR	20.0 ✓
	NW	NE	IRR	20.0 ✓
	SW	NE	IRR	40.0 ✓
	SE	NE	IRR	40.0 ✓
	NE	NW	IRR	36.0 ✓
	NW	NW	IRR	20.0 ✓
	SW	NW	IRR	40.0 ✓
	SE	NW	IRR	40.0 ✓
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	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 576.0

23	NE	NE	IRR	15.0 ✓
	NW	NE	IRR	40.0 ✓
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	23	NE		NW		IRR	35.0 ✓
			NW		NW		IRR	40.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			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 610.0

24	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0 ✓
	NE	NW	IRR	10.0 ✓
	NW	NW	IRR	30.0 ✓
	SW	NW	IRR	40.0 ✓
	SE	NW	IRR	30.0 ✓
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	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 590.0

25	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 ✓
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0 ✓
	NE	SE	IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	25	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0✓

Section Acres	640.0
---------------	-------

26	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
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	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	640.0 ✓
---------------	---------

27	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
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	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	640.0 ✓
---------------	---------

28	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0

FEB 11 1999

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	34E	28	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	40.0
			NW		SW		IRR	40.0
			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 640.0 ✓
		29	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
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			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 640.0 ✓
		34	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
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0 ✓
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	34	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				560.0
		35	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
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			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				640.0 ✓
	35E	1	NW	NW		IRR FS	4.0 ✓
			Section Acres				4.0
		2	NE	NE		IRR FS	40.0
			NW	NE		IRR FS	40.0 ✓
			SW	NE		IRR FS	40.0 ✓
			SE	NE		IRR FS	8.0 ✓
			NE	SW		IRR FS	32.0 ✓
			NW	SW		IRR FS	40.0 ✓
			SW	SW		IRR FS	40.0 ✓
			SE	SW		IRR FS	38.0 ✓
			NW	SE		IRR FS	40.0 ✓
			SW	SE		IRR FS	40.0 ✓
			Section Acres				358.0
		3	NE	NE	1	IRR	41.9 ✓
			NW	NE	2	IRR	41.7 ✓
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	41.5
			NW	NW	4	IRR	35.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	3	SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR FS	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR FS	40.0
							Section Acres	640.1
		4	NW		NW	4	IRR	7.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			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	327.0
		5	NE		NE	1	IRR	41.2
			NW		NE	2	IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		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	399.2
		8	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
			NW		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	8	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	600.0
		9	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR FS	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR FS	40.0
							Section Acres	480.0
		10	NE		NE		IRR FS	40.0
			SW		NE		IRR FS	40.0
			SE		NE		IRR FS	40.0
			SE		NW		IRR FS	40.0
			NE		SW		IRR FS	40.0
			NW		SW		IRR FS	40.0
			SW		SW		IRR FS	40.0
			SE		SW		IRR FS	40.0
			NE		SE		IRR FS	40.0
			NW		SE		IRR FS	40.0
			SW		SE		IRR FS	40.0
			SE		SE		IRR FS	40.0
							Section Acres	480.0
		11	NE		NW		IRR FS	40.0
			NW		NW		IRR FS	30.0
			SW		NW		IRR FS	40.0
			SE		NW		IRR FS	40.0
			NE		SW		IRR FS	40.0
			NW		SW		IRR FS	40.0
			SE		SW		IRR FS	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	270.0
		14	NE	SW	IRR FS	10.0
			NW	SW	IRR FS	40.0
					Section Acres	50.0
		15	NE	NE	IRR FS	34.0
			NW	NE	IRR FS	40.0
			SW	NE	IRR FS	40.0
			SE	NE	IRR FS	40.0
			NE	NW	IRR FS	40.0
			NW	NW	IRR FS	40.0
			SW	NW	IRR FS	40.0
			SE	NW	IRR FS	40.0
			NE	SW	IRR FS	40.0
			NW	SW	IRR FS	40.0
			SW	SW	IRR FS	40.0
			SE	SW	IRR FS	40.0
			NE	SE	IRR FS	40.0
			NW	SE	IRR FS	40.0
			SW	SE	IRR FS	40.0
			SE	SE	IRR FS	40.0
					Section Acres	634.0
		16	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
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			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	640.0
		17	NE	NE	IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	17	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
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			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 640.0
		18	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
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			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 640.0
		19	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
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	19	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 640.0

20	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
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	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 640.0

22	NE	NE	IRR FS	40.0
	NW	NE	IRR FS	40.0
	SW	NE	IRR FS	40.0
	SE	NE	IRR FS	40.0
	NE	NW	IRR FS	40.0
	SE	NW	IRR FS	40.0
	NE	SW	IRR FS	40.0
	NE	SE	IRR FS	40.0
	NW	SE	IRR FS	40.0
	SW	SE	IRR FS	40.0
	SE	SE	IRR FS	40.0

Section Acres 440.0

29	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
06N	35E	29	NW	SW		IRR	40.0	
			SW	SW		IRR	10.0	
			SE	SW		IRR	40.0	
					Section Acres		290.0	✓
		30	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	
			NE	SW		IRR	40.0	
			NW	SW		IRR	40.0	
			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		640.0	✓	
07N	34E		32	SE	SW		IRR	40.0
		SW		SE		IRR	40.0	
		SE		SE		IRR	40.0	
					Section Acres		120.0	
		33	NW	SW		IRR	10.0	
			SW	SW		IRR	20.0	
			SE	SW		IRR	40.0	
			SW	SE		IRR	30.0	
			SE	SE		IRR	10.0	
			Section Acres		110.0			
35E	32	SW	SE	8	IRR	2.0		
		SE	SE	7	IRR	18.0		
			Section Acres		20.0			
		33	SW	SW		IRR	1.0	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
		35	NE	SE	IRR FS	38.0 ✓
			NW	SE	IRR FS	34.0 ✓
			SW	SE	IRR FS	34.0 ✓
			SE	SE	IRR FS	38.0 ✓
					Section Acres	144.0
		36	NE	SW	IRR FS	40.0)
			NW	SW	IRR FS	40.0)
			SW	SW	IRR FS	38.0 ✓
					Section Acres	118.0

Total Acres 23863.3
(P.P.U)

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A31-00065/00168/00188/00184/00166/00263/00147/CON. IN REMARK

14. Remarks:

OWSLEY CANAL COMPANY HOLDS THIS AND ALL ITS WATER RIGHTS FOR THE USE AND BENEFIT OF THE LANDS OF ITS STOCKHOLDERS DESCRIBED IN THE ATTACHED LAND LIST (ATTACHMENT "C") MUD LAKE & TRIBUTARIES

A31-00052/00104/00105/00162/00159/00185/00163/00006/00169/00237/00034/00035/00187/00036/00037/00232/00038/00186/00363/.

BYBEE WELL FIELD-A31-00327/00328/00329/00330/.

NORTH LAKE WELL FIELD-31-02239/002265/02341/02342/02343/02344/02345/07005/. WATEWATER A31-02276/

*****MEMO*****

BASED ON IRRIGATED ACREAGE THE CONSUMPTIVE USE SHOULD BE 17985.0 X 2.5 = 44942.5.

ATTACHMENT B OF NOTICE DISCUSSES STORAGE PRACTICES BUT FAILS TO IDENTIFY A VOLUME. SINCE IRRIGATION STORAGE HAS BEEN CLAIMED FOR EACH NATURAL FLOW, RIGHT FOR DATA ENTRY PURPOSES. THE VOLUME WAS SET AT 1 AF/ACRE.

SEE A31-00065 FOR MAP OF THE AREA SERVED BY THIS RIGHT.

CONFORMED ATTORNEY MAILING ADDRESS DMS

*THIS CLAIM WAS AMENDED 9-15-97 TO BETTER REFLECT THE ACTUAL PLACE OF USE AND AMEND THE PRIORITY DATE TO THE DATE IN DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT, ET AL.

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A31-00331**
Date Received: 12/20/1988
Receipt No: E005296
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: HOLLEY WATER USERS ASSN
Address: C/O LA MOYNE BARNEY
HAMER ID 83425
OR
Name: HOLLEY WATER USERS ASSN
Address: C/O CARL HOGGAN
HAMER ID 83425

2. Date of Priority: JAN 25, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	25		SW	SW		JEFFERSON
		26		SE	SE		JEFFERSON
		36	SE	NW	NW		JEFFERSON

5. Description of diverting works:
EIGHT WELLS OPEN DISCHARE INTO HOLLY CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/15	24.000		

7. Total Quantity Appropriated is:
24.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 8075.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. 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	4.0 ✓
							Section Acres	4.0
		2	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	8.0
			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	358.0
		3	NE		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	80.0
		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	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	10	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	480.0
		11	NE	NW		IRR	40.0
			NW	NW		IRR	30.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	270.0
		14	NE	SW		IRR	10.0
			NW	SW		IRR	40.0
						Section Acres	50.0
		15	NE	NE		IRR	34.0
			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
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			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	634.0
		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

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	22	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	SE		IRR	38.0
			NW	SE		IRR	34.0
			SW	SE		IRR	34.0
			SE	SE		IRR	38.0
						Section Acres	144.0
		36	NE	SW		IRR	40.0
	NW		SW		IRR	40.0	
	SW		SW		IRR	38.0	
						Section Acres	118.0
						Total Acres	2978.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

31-00343/00344/00345/00349/00352/00354/00355/00356/00359/

14. Remarks:

PLACE OF USE OWNED BY STOCK HOLDERS IN ASSN.
OTHER RIGHTS - 31-00360/00361/00362/00363.
SEE CLAIM A31-00343 FOR MAP OF SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1946

HOLLY WATER USERS ASSN.

Decree Plaintiff

MARK R. KULP

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Liste

3107.3

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A31-02317A**
Date Received: 12/ 5/1988
Receipt No: E004936
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JACKETT CANAL COMPANY 208-523-0620
Address: HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

2. Date of Priority: FEB 28, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13		SW	SW		JEFFERSON
		22		NW	SE		JEFFERSON
		23		NW	SW		JEFFERSON
				SW	SW		JEFFERSON
		27		NW	NE		JEFFERSON

5. Description of diverting works:
5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.080		
IRRIGATION STORAGE	11/02	03/31			1.00

7. Total Quantity Appropriated is:
8.080 C.F.S. (and/or) 1.00 A.F.A.

8. Total consumptive use is 10875.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

NOTED
FEB 11 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	3	NE		NE	1	IRR	41.9 ✓
			NW		NE	2	IRR	41.7 ✓
			SW		NE		IRR	40.0 ✓
			SE		NE		IRR	40.0 ✓
			NE		NW	3	IRR	41.5 ✓
			NW		NW	4	IRR	35.0 ✓
			SW		NW		IRR	40.0 ✓
			SE		NW		IRR	40.0 ✓
			NE		SW		IRR	40.0 ✓
			NW		SW		IRR	40.0 ✓
			SW		SW		IRR	40.0 ✓
			SE		SW		IRR	40.0 ✓
			NW		SE		IRR	40.0 ✓
			SW		SE		IRR	40.0 ✓
								Section Acres 560.1
		4	NW		NW	4	IRR	7.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			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 327.0 ✓
		5	NE		NE	1	IRR	41.2
			NW		NE	2	IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		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 399.2 ✓
		8	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

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	8	NW	NW		IRR	40.0 ✓
			SW	NW		IRR	40.0 ✓
			SE	NW		IRR	40.0 ✓
			NE	SW		IRR	40.0 ✓
			NE	SE		IRR	40.0 ✓
			NW	SE		IRR	40.0 ✓

Section Acres 440.0

9	NE	NE	IRR	40.0 ✓
	NW	NE	IRR	40.0 ✓
	SW	NE	IRR	40.0 ✓
	SE	NE	IRR	40.0 ✓
	NE	SW	IRR	40.0 ✓
	NW	SW	IRR	40.0 ✓
	SW	SW	IRR	40.0 ✓
	SE	SW	IRR	40.0 ✓
	NW	SE	IRR	40.0 ✓
	SW	SE	IRR	40.0 ✓

Section Acres 400.0

16	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
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	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 640.0 ✓

17	NE	NE	IRR	40.0 ✓
	NW	NE	IRR	40.0 ✓
	SW	NE	IRR	40.0 ✓
	SE	NE	IRR	40.0 ✓
	NE	SE	IRR	40.0 ✓
	NW	SE	IRR	40.0 ✓

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	17	SW	SE		IRR	40.0 ✓
			SE	SE		IRR	40.0 ✓
						Section Acres	320.0
07N	35E	32	SW	SE	8	IRR	2.0 ✓
			SE	SE	7	IRR	18.0 ✓
						Section Acres	20.0
		33	SW	SW		IRR	1.0 ✓
						Section Acres	1.0
						Total Acres	3107.3

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

31-0135, 31-0143, 31-0144, 31-0190, 31-0336, 31-0337, 31-228

14. Remarks:

WTR. RTS. CONT'D 31-2290, 31-2297, 31-2310, 31-0134, 31-2321
 THIS WATER RIGHT IS HELD BY THE CANAL COMPANY FOR THE BENEFIT
 OF THE LANDS OF ITS STOCKHOLDERS.
 CONT. ITEM 5 ----- 5 PUMPS ARE LOCATED ON CAMAS CREEK IN LOT 4 OF
 SEC. 3 T6N R35E; 3 PUMPS ARE LOCATED ON CAMAS CREEK IN THE
 SW SW SEC. 33 T7N R35E. THESE PUMPS DIVERT WATER UNDER RIGHTS
 IN CAMAS CREEK AS WELL AS REDIVERTING WATER BROUGHT TO CAMAS
 CREEK THROUGH THE INDEPENDENT DITCH FROM THE COMPANY'S WELLS.
 THE PUMPS DIVERT UP TO ABOUT 75 CFS FROM CAMAS CREEK UNDER A
 COMBINATION OF THE CAMAS CREEK RIGHTS AND THE WELL RIGHTS
 WHICH ARE USED TO SUPPLEMENT FLOWS IN CAMS CREEK. THERE ARE
 SEVEN WELLS W/ PUMPS THAT PUMP INTO DITCHES WHICH BRING THE
 WATER TO CAMAS CREEK FOR REDIVERSION. SEE TRANSFER NO. 2303.
 CONFORMED ATTORNEY MAILING ADDRESS DMS

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

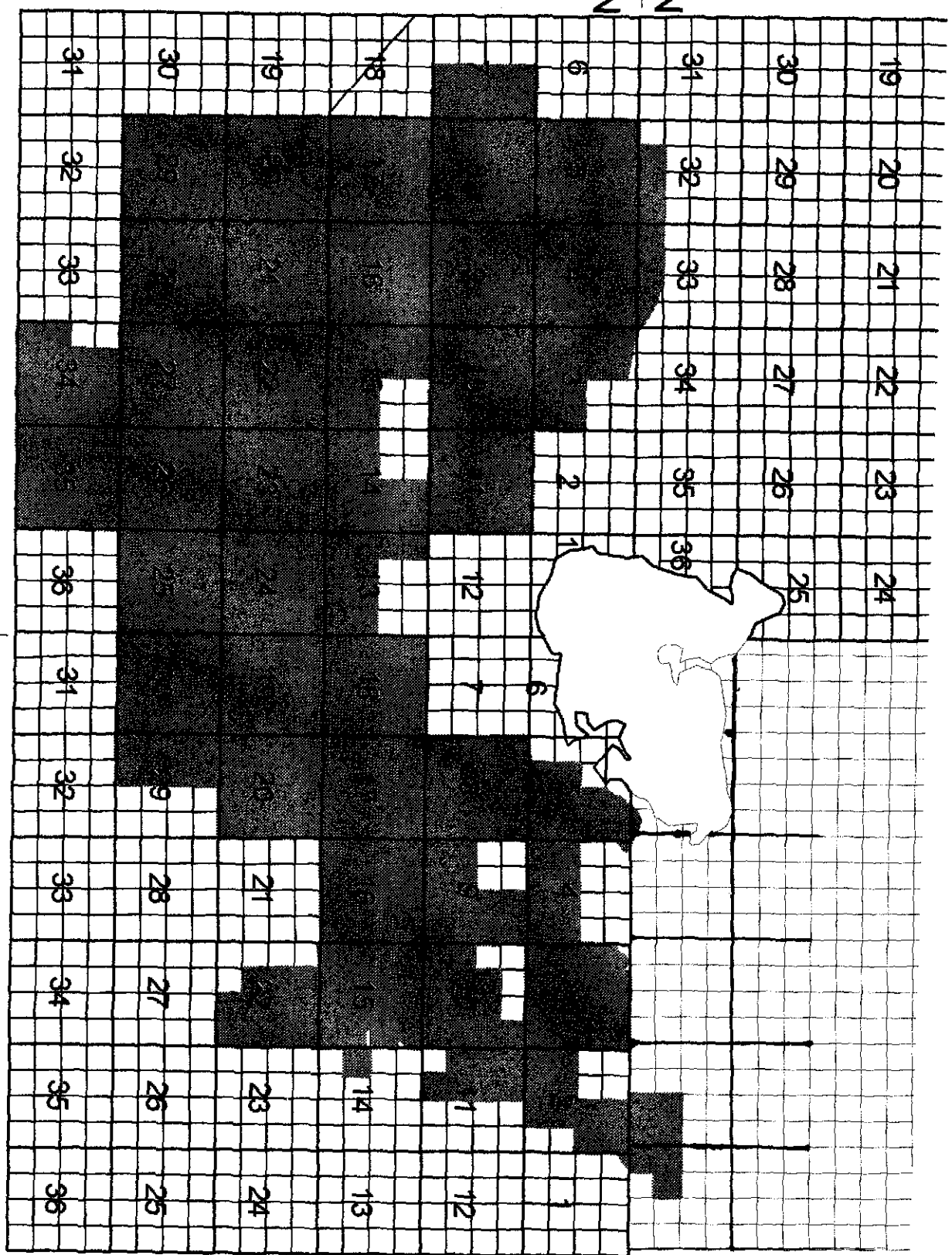
Seal

Residing at _____

My Commission Expires _____

07N
06N

34E 35E

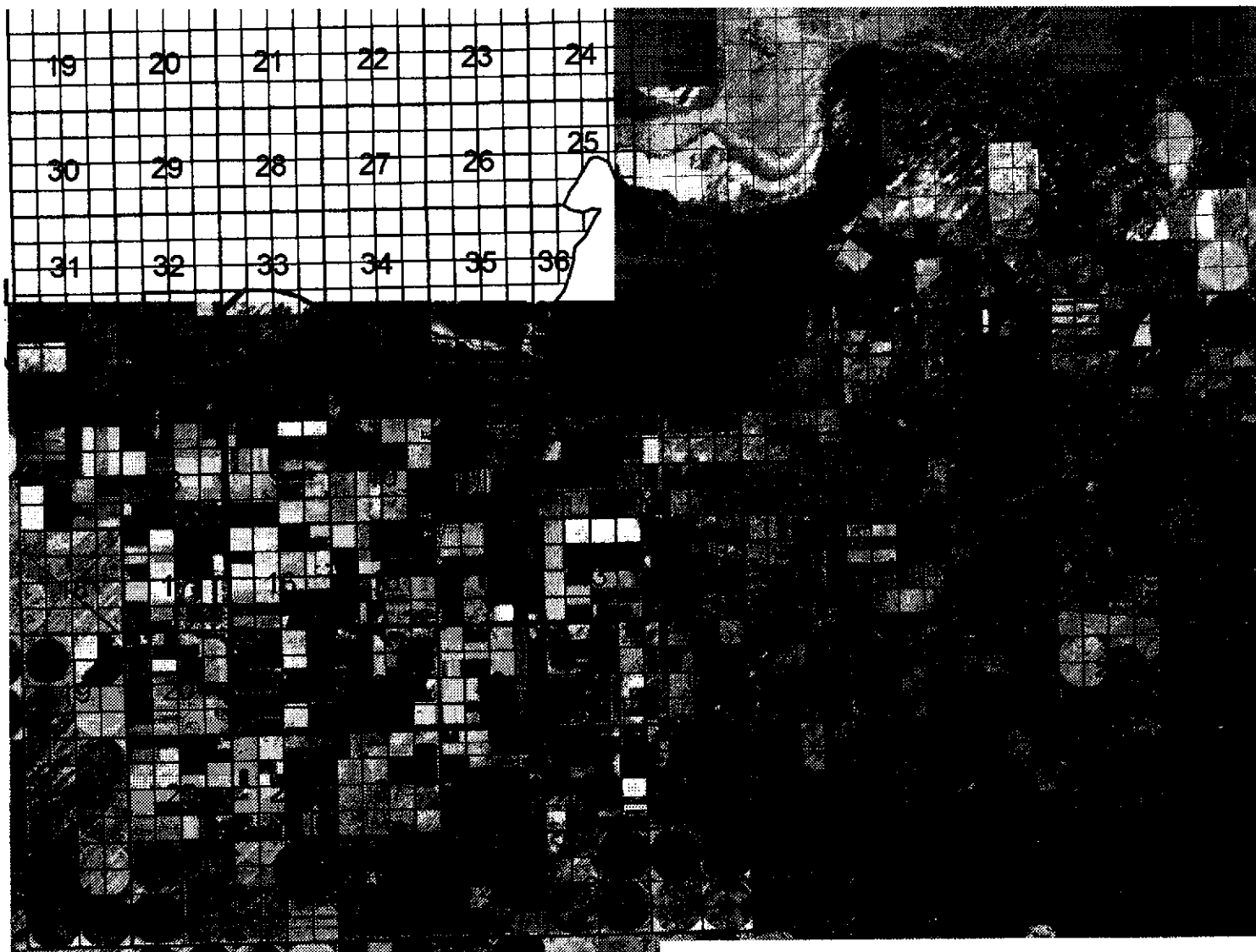


GIS SHOWS
24,358 AC.
24,070 by claims

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FEB 11 1990

Owsley Canal App. for Transfer and Recommended Acres

NAPP 1987



34E

35E

- ☐ Owsley2.shp
- ☐ Owsleypou.shp
- ☐ T07n34e.shp
- ☐ T06n35e.shp
- ☐ T06n34e.shp
- ☐ P07n35e.shp
- ☐ P07n34e.shp
- ☐ P06n35e.shp
- ☐ P06n34e.shp

24,988 acres

23,941 acres

The water rights after the transfer, and the recommendations in the Director's Report will be limited to 23,903.3 acres within a permissible place of use that is filed on by the Canal Co., or, is modified by the department when making final recommendations.

* This layout has been developed for the expressed purpose of communicating with the Canal Co. their options when they file their Application for Transfer with the department.

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FEB 11 1993

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Earth Soderquist

(Signature of Applicant)

Subscribed and sworn to before me this 12TH day of October, 1998.

Engine D Van Wagner

(Notary Public)

My commission expires June 17 2003

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 10-13-98 Protest filed by _____

Prelim. check by _____ Fee 100.00

Receipted by HWJ #E04530 Date 10-13-98

Published in Louisiana Post Register Times News ID Statesman Jefferson Star Copies of protest forwarded by _____

Pub. dates Nov 12 & 19 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

RECORDED
FEB 11 1999

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.

FILED

98 JAN 13 PM 1:18
SECRETARY OF STATE
STATE OF IDAHO

**THE
PROPOSED
MERGER

OF THE
OWSLEY CANAL COMPANY

HOLLEY WATER USERS
ASSOCIATION, INC.

AND

JACKETT CANAL COMPANY**

**1400 EAST 1500 NORTH
TERRETON, IDAHO
83450**

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FEB 11 1999

**STATE OF IDAHO
CORPORATION FILING FEES**

DOMESTIC CORPORATION
\$30.00

PAYABLE TO:
PETE T. CENARRUSA
SECRETARY OF STATE

ROOM 203, STATEHOUSE
BOISE, ID 83720
(208) 334-2300

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FEB 11 1993

ARTICLES OF MERGER
OF DOMESTIC CORPORATIONS
INTO

OWSLEY CANAL COMPANY

Pursuant to the provisions of Section 30-1-74 of the Idaho Business Corporation Act, the undersigned corporations adopt the following Articles of Merger for the purpose of merging them into one of such corporations.

FIRST: The following Plan of Merger was approved by the shareholders of each of the undersigned corporations in the manner prescribed by the Idaho Business Corporation Act:

I.

RECITALS

A. Owsley Canal Company is validly organized, existing and in good standing under the laws of the State of Idaho. All of the merging corporations are validly organized, existing and in good standing under the laws of the State of Idaho.

B. Owsley Company Canal, the surviving Corporation, has an authorized capital of 17,818 shares of Common Stock, irrigating 17,818 acres of land. One share per acre. Par value of \$1.00 each.

C. Holley Water Users Association, Inc., has 2,978 shares of Common Stock, irrigating 2,978 acres. One share each acre. Par value of \$1.00 per share.

D. Jackett Canal Company has 3,107.3 shares of Common Stock irrigating 3,107.3 acres of land. One share per acre. Par value of \$1.00 each.

E. The Board of Directors of the Constituent Corporations will consider the proposed plan, and if they determine that it is in the best interests of their respective corporations and stockholders that the Merging Corporations merge with and into Owsley Canal Company in accordance with the provisions of applicable statutes of the State of Idaho, they will submit the stockholders of the respective Merging Corporations.

1 @ 30.00 = 30.00 MERGER

C9932

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II.

PLAN OF MERGER

The plan is to have the Constituent Corporations agree, each with the other, to merge into a single corporation which shall be Owsley Canal Company the Surviving Corporation, (whose name shall not be changed and whose Articles of Incorporation shall not be amended in any respect as provided herein) pursuant to the laws of the State of Idaho, and shall agree upon and prescribe the terms and conditions of the statutory merger, the mode of carrying it into effect and the manner and basis of converting the shares of the Merging Corporations into shares of the Surviving Corporation, as herein set forth:

On the effective date of the merger, the Merging Corporations shall be merged with and into Owsley Canal Company an Idaho Corporation, and the separate existence of the Merging Corporations shall cease; the Constituent Corporations shall become a single corporation named Owsley Canal Company, an Idaho corporation, which shall be the Surviving Corporation.

III.

ARTICLES OF INCORPORATION OF SURVIVING CORPORATION

The Articles of Incorporation of Owsley Canal Company, the Surviving Corporation, which are set forth in Exhibit "A" to this Plan, shall not be amended, and shall continue to be the Articles of Incorporation of the Surviving Corporation until further amended in accordance with the Corporation Laws of the State of Idaho.

Such Articles of Incorporation, as thus set forth, were certified by the Secretary of State of the State of Idaho on April 7, 1994.

IV.

BY-LAWS OF SURVIVING CORPORATION

The By-Laws of the Owsley Canal Company, in effect immediately prior to the effective date of the merger shall continue to be the By-Laws of the Surviving Corporation, until altered or repealed in the manner provided by law and such By-Laws.

V.

DIRECTORS AND OFFICERS OF SURVIVING CORPORATION

The Directors and Officers of the Owsley Canal Company, immediately prior to the effective date of the merger shall continue to be the Directors of the Surviving Corporation, to hold office for the terms specified in the By-Laws of the Surviving Corporation and until their respective successors are duly elected and qualified.

VI.

MANNER AND BASIS OF CONVERSION OF SHARES

A. All shares of the merging companies, (a) Owsley Canal Company, (17,818 shares); (b) Holley Water Users Association, Inc., (2,978 shares); and (c) Jackett Canal Company (3,107.3 shares) have been filed in the Water Right Adjudication claims files of the Idaho Department of Water Resources as required by law. The water rights so claimed by these companies, as being equal, on a basis of one full share per one acre of ground.

B. Each share of the Merging Corporation's Common Stock which is issued and outstanding immediately prior to the effective date of the merger, shall by virtue of the merger be converted into and become, without action on the part of the holder of such Common stock, fully paid and assessable shares of a Class of the Common Stock of the Surviving Corporation. Each outstanding certificate for Common Stock of the Merging Corporations shall thereupon be deemed for all purposes to evidence ownership of the number of shares of Common Stock of the Surviving Corporation into which the same shall have been converted at the rate set forth above.

C. As soon as practicable after the effective date of the merger, each holder of outstanding certificates for Common Stock theretofore issued by the Merging Corporations shall be entitled, upon surrender of the same by such holder for cancellations, as directed by the Surviving Corporation to receive new certificates for the number of shares of Common Stock of the Surviving Corporation to which he is entitled.

VII. EFFECT OF MERGER

A. On the effective date of the merger, the Surviving Corporation shall possess all the rights, privileges, powers, and franchises of a public as well as a private nature of each of the Constituent Corporations, and shall become subject to all the restrictions, disabilities and duties of each of the Constituent Corporations and all of the singular rights, privileges, powers and franchises of each of the Constituent Corporations. All water rights, canals, diversionary works, cash, bank, checking and savings accounts, and all other property, real, personal and mixed and debts due to each of the Constituent Corporations of whatever account, as well as all other things in action or belonging to each of the Constituent Corporations shall be vested in the Surviving Corporation; and all property, assets, rights, privileges, powers, franchises and immunities, and all and every other interest shall be thereafter as effectually the property of the Surviving Corporation as they were of the respective Constituent Corporations; and the title to any real estate vested by deed or otherwise, in either of the Constituent Corporations, shall not revert or be in any way impaired by reason of the merger; provided, however, that all of the creditors and liens upon any property of either of the Constituent Corporations shall be preserved unimpaired, and all debts, liabilities, obligations and duties of the respective Constituent Corporations shall thenceforth attach to the Surviving Corporation, and may be enforced against it to the same extent as if said debts, liabilities, obligations and duties had been incurred or contracted by it.

B. If at any time after the merger becomes effective it shall appear to the Surviving Corporation that any further assignments or assurances are necessary or desirable to evidence the vesting in the Surviving Corporation of the title to any of the property or rights of the Merging Corporations, those persons who were proper officers and directors of the Merging Corporations as of the effective date of the merger shall execute, acknowledge and deliver such assignments or other instruments and do such acts as may be necessary or appropriate to evidence the vesting of title to such property or rights in the Surviving Corporation. For such purposes the capacity and authority of the Merging Corporations and their officers shall be deemed to be continuing.

C. The Surviving Corporation shall agree that it may be served with process in the State of Idaho and shall irrevocably appoint the Secretary of State of Idaho as its agent to accept service of process, in any proceeding for the enforcement of any obligation of the Merging Corporations arising in the State of Idaho prior to the effective date of the merger, and in any proceedings for the enforcement of the rights of a dissenting shareholder of the Merging Corporations against the Surviving Corporation.

VIII.

ACCOUNTING AND STATE CAPITAL

When the merger becomes effective, subject to such changes, adjustments or eliminations as may be made in accordance with generally accepted accounting principles, (a) the assets and liabilities of the Constituent Corporations shall be recorded in the accounting records of the Surviving Corporation at the amounts at which they shall be carried at that time in the accounting records of the Constituent Corporations, (B) the amount of stated capital with which the new Surviving Corporation shall begin business immediately after the effective date of the merger is \$1,323,499.00.

IX.

ABANDONMENT

This plan and Agreement of Merger may be abandoned by action of the Board of Directors of either Owsley Canal Company, or the Merging Corporations at any time prior to the effective date of the merger, whether before or after submission to their respective stockholders, upon the happening of the following:

1. If the merger fails to obtain the requisite vote of stockholders of Owsley Canal Company, or of Stockholders of the Merging Corporations not later than January 20, 1998.

X.

REPRESENTATIONS AND WARRANTIES

Owsley Canal Company, and the Merging Corporations shall each represent and warrant to the other that between the date hereof and the time when the merger becomes effective they will not enter into any employment contracts, grant any stock options or issue any stock or securities, or declare or pay any dividends in stock or cash or make any other distribution on or with respect to their outstanding stock.

XI.

EFFECTIVE DATE

The effective date of the merger provided for by this Agreement shall be the date on which the last act prior to recording required to complete the merger under the respective laws of the State of Idaho is performed.

SECOND: As to each of the undersigned corporations, the total number of shares voted for and against such Plan, respectively, and, as to each class entitled to a vote thereon as a class, the number of shares of such class voted for and against such Plan, respectively, are as follows:

	<u>Number of Shares</u>		
	<u>Total Voted For</u>	<u>Total Voted Against</u>	<u>Total Shares</u>
Owsley Canal Company	12,256	0	17,818
Holley Water Users Association, Inc.	2,828	0	2,978
Jackett Canal Company	3,078	0	3,107.3
			<u>23,903.3</u>

OWSLEY CANAL COMPANY
An Idaho Corporation
(the "Surviving Corporation")

By: Garth Soderquist
Garth Soderquist, President
Dated: 1-9-98

ATTEST:

Kevin J. Christensen
Kevin J. Christensen, Secretary
Owsley Canal Company
Dated: 1-9-98

HOLLEY WATER USERS
ASSOCIATION, INC.

An Idaho Corporation
(a "Merging Corporation")

By: Dwain Kirkham
Dwain Kirkham, President
Dated: 1-9-98

ATTEST:

LaMoyne Barney
LaMoyne Barney, Secretary
Holley Water Users Association, Inc.
Dated: 1-9-98

JACKETT CANAL COMPANY
An Idaho Corporation
(a "Merging Corporation")

By: Edgar Green
Edgar Green, President
Dated: 1-9-98

ATTEST:

Todd Simmons
Todd Simmons, Secretary
Jackett Canal Company
Dated: 1-9-98

ARTICLES OF MERGER — Page 7

NOTARIZE
Notary: Shawna Bate
Residing at: Terreton, Idaho
Commission Expires: 5-24-02
FEB 11 1999

PLAN OF MERGER

BETWEEN

OWSLEY CANAL COMPANY
An Idaho Corporation
(The Surviving Corporation)

and

THE HOLLEY WATER USERS ASSOCIATION, INC., an Idaho Corporation; and THE
JACKETT CANAL COMPANY, and Idaho Corporation, the Merging Corporations

FIRST

RECITALS

A. Owsley Canal Company is validly organized, existing and in good standing under the laws of the State of Idaho. All of the Merging Corporations are validly organized, existing and in good standing under the laws of the State of Idaho.

B. Owsley Canal Company, the Surviving Corporation, has an authorized 17,818 shares of common stock, irrigating 17,818 acres of land. Par value of \$1.00 per share. The By-laws of the Owsley Canal Company, with an effective date of January 19, 1981, show the Company with 17,527 shares, and two thousand seven hundred and forty-three (2,743) held in reserve as treasury stock.

At present the Company has issued 291 stock certificates to the original 17,527 of stock to make the 17,818 listed as the Surviving Corporation's stock to 17,818 shares of stock and 2,182 shares held by the corporation as treasury stock.

C. Holley Water Users Association, Inc. has 2,978 shares of common stock, irrigating 2,978 acres of land. Par Value of \$1.00 per share.

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FEB 11 1999

D. Jakkett Canal Company has 3,107.3 shares of common stock, irrigating 3,107.3 acres of land. Par value of \$1.00 per share.

E. The Boards of Directors of the Constituent Corporations will consider the proposed plan and if they determine that it is in the best interests of their respective corporations and stockholders that the Merging Corporations merge with and into Owsley Canal Company, in accordance with the provisions of applicable statutes of the States of Idaho, they will submit it to the stockholders of the respective Merging Corporations

SECOND

PLAN OF MERGER.

The plan is to have the Constituent Corporations agree, each with the other, to merge into a single corporation which shall be Owsley Canal Company, the Surviving Corporation, (whose name shall not be changed and whose Articles of Incorporation shall not be amended in any respects as provided herein) pursuant to the laws of the State of Idaho, and shall agree upon and prescribe the terms and conditions of the statutory merger, the mode of carrying it into effect and the manner and basis of converting the shares of the Merging Corporations into shares of the Surviving Corporation, as herein set forth:

On the effective date of the merger, the Merging Corporations shall be merged with and into Owsley Canal Company, an Idaho Corporation, and the separate existence of the Merging Corporations shall cease; the Constituent Corporations shall become a single corporation named Owsley Canal Company, an Idaho Corporation, which shall be the Surviving Corporation.

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FEB 11 1998

THIRD

ARTICLES OF INCORPORATION OF SURVIVING CORPORATION

The Articles of Incorporation of Owsley Canal Company, the Surviving Corporation, which are set forth in Exhibit "A" to this Plan, shall not be amended, and shall continue to be the Articles of Incorporation of the Surviving Corporation until further amended in accordance with the Corporation Laws of the State of Idaho.

Such Articles of Incorporation, as thus set forth, were certified by the Secretary of State of the State of Idaho on April 7, 1994.

FOURTH

BY-LAWS OF SURVIVING CORPORATIONS

The By-Laws of Owsley Canal Company, in effect immediately prior to the effective date of the merger shall continue to be the By-Laws of the Surviving Corporation, until altered or repealed in the manner provided by law and such By-Laws.

FIFTH

DIRECTORS AND OFFICERS OF SURVIVING CORPORATION

The Directors and Officers of the Owlsey Canal Company, immediately prior to the effective date of the merger shall continue to be the Directors of the Surviving Corporation, to hold office for the terms specified in the By-Laws of the Surviving Corporation and until their respective successors are duly elected and qualified.

SIXTH

DIRECTORS OF THE MERGING CORPORATIONS

A. Two new directors, one each from the Merging Corporations, (a) the Jakkett Canal Company, and (b) the Holley Water Users Association, Inc. shall be added to the present five member Board of the Surviving Corporation. The two new Board members shall be elected in the manner provided by the By-Laws of the Surviving Corporation. One new member shall be elected from the geographical location within the boundaries of the present boundaries of the Holley Water Users Association, Inc.. One new member shall be elected from the present boundaries of the Jakkett Canal Company.

B. After the effective date of the merger, the Surviving Corporation's By-Laws shall be amended or altered to reflect the changes of the two new Board member additions. The amended By-Laws shall also describe the lands that will be used as a geographical area to be represented by the new additional directors. The By-Law changes shall be in the merger provided by law, and the By-Laws of the Surviving Corporation.

SEVENTH

MANNER AND BASIS OF CONVERSION OF SHARES

A. All shares of the Merging Corporations, (a) The Owsley Canal Company, (17,818 shares); (b) The Holley Water Users Association, Inc., (2,978 shares); (c) The Jakkett Canal Company (3,107.3 shares) have been approved by the Idaho Department of Water Resources as being equal. One share of water per one acre of ground.

B. No shares of the capital stock of the Surviving Corporation have been issued. All stock to be issued by the Surviving Corporation, at the time of this merger, shall be issued to the shareholders of the Merging Corporations.

C. Each share of the Merging Corporation's Common Stock, which is issued and outstanding immediately prior to the effective date of the merger, shall by virtue of the merger be converted into and become, without action on the part of the holder of such Common Stock, fully paid and assessable shares of a Class of the Common Stock of the Surviving Corporation. Each outstanding certificate for Common Stock of the Merging corporations shall thereupon be deemed for all purposes to evidence ownership of the number of shares of Common Stock of the Surviving Corporation into which the same shall have been converted at the rate set forth above.

D. As soon as practicable after the effective date of the merger, each holder of outstanding certificates for Common Stock theretofore issued by the Merging Corporations shall be entitled, upon surrender of the same by such holder for cancellation, as directed by the Surviving Corporation, to receive new certificates for the number of shares of Common Stock of the Surviving Corporation to which he is entitled.

EIGHTH

EFFECT OF MERGER

A. On the effective date of the merger, the Surviving Corporation shall possess all the rights, privileges, powers, and franchises of a public as well as a private nature of each of the Constituent Corporations, and shall become subject to all the restrictions, disabilities, and duties of each of the Constituent Corporations and all of the singular rights, privileges, powers and franchises

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FEB 11 1989

of each of the Constituent Corporations. All water rights, canals, diversionary works, cash, bank, checking and savings accounts, and all other property, real personal and mixed, and debts due to each of the Constituent Corporations on whatever account, as well as all other things in action or belonging to each of the Constituent Corporations shall be vested in the Surviving Corporation; and all property, assets, rights, privileges, powers, franchises and immunities, and all and every other interest shall be thereafter as effectually the property of the Surviving Corporation as they were of the respective constituent Corporations; and the title to any real estate vested by deed or otherwise, in either of the Constituent Corporations, shall not revert or be in any way impaired by reason of the merger; provided, however, that all of the creditors and liens upon any property of either of the Constituent Corporations shall be preserved unimpaired, and all debts, liabilities, obligations and duties had been incurred or contracted by it.

B. If at any time after the merger becomes effective it shall appear to the Surviving Corporation that any further assignments or assurances are necessary or desirable to evidence the vesting in the Surviving Corporation of the title to any of the property or rights of the Merging Corporations, those persons who were proper officers and directors of the Merging Corporations as of the effective date of the merger shall execute, acknowledge and deliver such assignments or other instruments and do such acts as may be necessary or appropriate to evidence the vesting of title to such property or rights in the Surviving Corporation. For such purposes the capacity and authority of the Merging Corporations and their officers shall be deemed to be continuing.

C. The Surviving Corporation shall agree that it may be served with process in the State of Idaho and shall irrevocably appoint the Secretary of State of Idaho as its agent to accept service of process, in any proceeding for the enforcement of any obligation of the Merging

Corporations arising in the State of Idaho prior to the effective date of the merger, and in any proceedings for the enforcement of the rights of a dissenting shareholder of the Merging Corporations against the Surviving Corporation.

NINTH

ACCOUNTING AND STATE CAPITAL

When the merger becomes effective, subject to such changes, adjustments or eliminations as may be made in accordance with generally accepted accounting principles, (a) the assets and liabilities of the Constituent Corporations shall be recorded in the accounting records of the Surviving Corporation at the amounts at which they shall be carried at that time in the accounting records of the Constituent Corporations, (b) the amount of stated capital with which the Surviving Corporation shall begin business immediately after the effective date of the merger is \$1,323,499.00.

TENTH

ABANDONMENT

This plan and Agreement of Merger may be abandoned by action of the Board of Directors of either Owsley Canal Company, or the Merging Corporations at any time prior to the effective date of the merger, whether before or after submission to their respective stockholders upon the happening of any one of the following events:

1. If the merger fails to obtain the requisite vote of stockholders of Owsley Canal Company, Inc., or of Stockholders of the Merging Corporations not later than January 20, 1998.

2. If, in the judgment of the Board of Directors of Owsley Canal Company, Inc., or of the Merging Corporations, the merger would be impracticable because of the number of stockholders of either thereof who assert their right to have their stock appraised and to receive payment therefore as provided in the Corporation Law of the State of Idaho.

ELEVENTH

REPRESENTATIONS AND WARRANTIES

The Owsley Canal Company, and the Merging Corporations shall each represent and warrant to the other that between the date hereof and the time when the merger becomes effective they will not enter into any employment contracts, grant any stock options or issue any stock or securities, or declare or pay any dividends in stock or cash or make any other distribution on or with respect to their outstanding stock.

TWELFTH

EFFECTIVE DATE

The effective date of the merger provided for by this Agreement shall be the date on which the last act prior to recording required to complete the merger under the respective laws of the State of Idaho is performed.

① THE OWSLEY CANAL COMPANY, a Corporation,
Plaintiff.

VS.

ERNEST BAUERLE, et al,

Defendants.

CIVIL NO. 1739.

FINAL DECREE.

This cause came regularly on for trial before the court without a jury at the County Courthouse at Rigby, Idaho, on the 14th day of October, 1940.

The plaintiff and the defendant Ben H. Matkins appeared by their attorney, Edwin Snow. The defendants Ernest Bauerle, R.L.Bybie (whose name is sometimes spelled Bybee), R.P.Cope, R.P.Cope, as administrator of the estate of William Barnes, deceased, Edna Next, Cary Prugh (also known as Caroline E. Prugh), and Blanch Schaw (the last three defendants being successors to defendant H.R.Jackett, deceased), Holley Water Users' Association, a corporation, Bessie Hutchison Ellis (formerly Bessie Hutchison), Anna Hutchison (also known as Mrs. W.H.Hutchison, successor to W.H.Hutchison, deceased), Bessie M. Jackett, Frank S.Jackett, Samuel W. Lundholm, Frank E.McClain, David A.Sanders, J.L.Sanders, C.A.Sanders (successor to G.A.Adams, deceased, Charles Thieman, and John Barnes, appeared by their attorney, O.A.Johannesen; the defendants Nicholas Burgraff, Henry Jemmett, Nellie M.Skinner (also known as Nellie J.Skinner, successor to Mary Jemmett, deceased), Independent Water Users of Mud Lake, Inc., a corporation, Bertha I. Owsley, Merritt M.Owsley, Joseph B. Potter, and J.T.Sykes, were represented by their attorney, Ralph L. Albaugh.

None of the other defendants appeared either in person or by attorney.

A stipulation in writing, signed by all the parties who have appeared in the action by attorney, was presented to the court for approval, approved by the court, and filed herein, said stipulation reciting and stipulating the material facts in controversy, agreeing to compromise the cause, and consenting to the entry of this decree; and all parties who appeared in the action in their own persons filed in this cause their consent in writing to the entry of this decree; and accordingly, the cause having been duly submitted to and considered by the court, it is now,

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS: MAY 28 1996

I.

1.

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FEB 11 1999

IV.

That plaintiff is the owner of the following water permits issued to it by the Department of Reclamation of Idaho for the diversion by means of wells of underground waters in the vicinity of Mud Lake:

PERMIT NUMBER	AMOUNT.	PERMIT NUMBER	AMOUNT
31-0327 17611	110 cubic feet per second.	17640	50 cubic feet 31-0329 per second.
31-0328 17612	100 cubic feet per second.	18378	80 cubic feet 31-0330 per second.

V.

(a) That the defendant Holley Water Users Association is the owner of water permit No. 16979, issued to Bessie Hutchison (now Bessie Hutchison Ellis) by the Department of Reclamation of Idaho, for the diversion by means of wells of 25 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. 17276, issued to R.P.Cope by the Department of Reclamation of Idaho, for the diversion by means of wells of 24 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. R-528, issued by the Department of Reclamation of Idaho, for the diversion by means of wells and the storage of 5,000 acre feet annually of underground water in the vicinity of Mud Lake.

(b) That the defendant Bessie M. Jackett is the owner of water permit No. 17263, issued to her by the Department of Reclamation of Idaho, for the diversion by means of wells of 10 cubic feet per second of underground waters in the vicinity of Mud Lake.

(c) That the defendant Frank S. Jackett is the owner of water permit No. 17264, issued to him by the Department of Reclamation of Idaho, for the diversion by means of wells of 10 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. 17347, issued by the Department of Reclamation of Idaho, to H.R.Jackett for the diversion by means of wells of 10 cubic feet per second of under-ground water in the vicinity of Mud Lake; and said defendant Frank S.Jackett is also the owner of certain wells whereby he obtains 15.2 cubic feet per second of water decreed in the case of *Sauve*

3. MICROFILMED
FEB 11 1999

MAY 28 1986

(31-002-)

That the water withdrawn from the respective wells hereinbefore mentioned, whether withdrawn by natural flow or by pumping (but only up to and not exceeding the amounts as limited in the succeeding paragraph hereof) during each irrigation season; that is to say, during the period from May 1st to November 1st of each year, shall be dealt with and distributed as if said waters were derived from sources wholly independent of Mud Lake and its tributaries.

During the said irrigation season of each year the right to the use of the water withdrawn from said wells, whether natural flow or pumped water (but not exceeding the amount hereinafter limited) shall belong solely to the respective owners of such wells, and said waters shall be distributed to the said respective well-owners as they and each of them may respectively elect; and the withdrawal and use of said waters from said wells by the respective owners thereof during said irrigation season of each year in an amount up to, but not exceeding the flow thereof as hereinafter limited, does not affect or impair the water right of any other party to this suit.

XII

The provisions of this decree apply to withdrawals of water during the irrigation season from the wells of the respective owners thereof up to, but not exceeding, the following amounts:

(a) For all or any of the plaintiff's wells constructed or to be constructed under its said water permits Nos. 17611, 17612, 17640 and 18378, an amount not exceeding in the aggregate the equivalent of 200 cubic feet per second flowing continuously during the irrigation season from May 1st to November 1st of each year. $\Sigma = 340 \text{ cfs}$

(b) For all or any of the wells constructed or to be constructed under water permit No. 16979, water permit No. 17276, and water permit No. R-528 (all belonging to Holley Water Users Association), an amount not exceeding in the aggregate the equivalent of 50 cubic foot per second, flowing continuously during the irrigation season from May 1st to November 1st of each year. $\Sigma = 41$

Each of the parties hereto, and his or its agents, officers, and employees, is hereby enjoined and restrained from interfering with the free flow of water from said wells or any of them into Mud Lake during the non-irrigation season as herein directed, or from interfering during the irrigation season with the withdrawal and use of water from said wells by the respective owners thereof up to the amount of water withdrawn therefrom as limited by this decree.

XV.

The administration of this decree is hereby committed to the water-master of District No. 66.

XVI.

Each of the parties hereto shall bear his own costs,

Dated this 14th day of October, 1940.

C. J. TAYLOR, District Judge.

We hereby consent to the entry of the foregoing final decree; and hereby waive findings of fact and conclusions of law herein, and we hereby agree that the above entitled cause may be heard by the Judge of the above entitled court at any time upon motion of the plaintiff, either in open court or before the Judge at chambers.

Dated October 14, 1940.

EDWIN SNOW.

Attorney for Plaintiff.

Residence: Boise, Idaho.

Filed October 14th, 1940.
By Wm. Sauer, Clerk.

O. A. JOHANNESSEN, Attorney for Certain
Defendants. Residence: Idaho Falls, Idaho.
RALPH L. ALBAUGH, Attorney for Certain
Defendants. Residence: Idaho Falls, Idaho.

STATE OF IDAHO,)

County of Jefferson.)

SS.

I, Wm. Sauer, Clerk of the District Court, and Ex-Officio Auditor and Recorder, do hereby certify and declare that the foregoing Nine (9) sheets, numbered from 1 to 9 inclusive, are a full, true and correct copy of the FINAL DECREE, in Civil Case No. 1739, entitled The Owsley Canal Company, a Corporation, Plaintiff, VS ERNEST BAUERLE, et al, Defendants, which said Decree, is recorded in Book 122 of Judgments and Decrees, at Page 346, records of Jefferson County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 31st day of October, 1940.

MAY 28 1996

Wm Sauer
Clerk of the District Court, and Ex-Officio
Auditor and Recorder in and for Jefferson
County, State of Idaho.

9.

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FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2001

Kent W. Foster
HOLDEN KIDWELL HAHN & CRAPO PLLC
P.O. Box 50130
Idaho Falls, ID 83405

RE: In the Matter of Application for Transfer No. 5335 in the name of Owsley
Canal Company

Dear Mr. Foster:

Enclosed is an **INTERLOCUTORY ORDER** issued in the above referenced matter.

If you have any questions regarding the enclosed order, please contact Glen Saxton
at (208)327-7900.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

C: IDWR - Region
Ernie Carlson
Candice McHugh

MICROFILMED
APR 11 2001

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

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TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

MAR 14 2001

Department of Water Resources

March 12, 2001

L. Glen Saxton, P.E.
Chief, Water Allocation Bureau
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83702

*Re: Petition for Reconsideration - Transfer No. 5335 in the Name of Owsley
Canal Company*

Dear Mr. Saxton:

When the officers of the now Mud Lake Water Users, Inc., approached me and discussed the preliminary decision in the above referenced transfer, they felt that they had an obligation to review all of the records to see if there was any information that might have fixed the priority for some of the rights at a different time. We very much appreciated your grant of our Petition for Reconsideration and have now had an opportunity to review every record we have been able to find. The company has satisfied itself that the records reviewed actually confirm the proposed decision by the Department and so we really have nothing further to submit. We therefore hereby withdraw our Petition for Reconsideration and request that you proceed with issuance of the final order.

Thank you again for your kind assistance and consideration.

Very truly yours,


MICROFILMED

Kent W. Foster
APR 11 2001

cc. Garth Soderquist



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2001

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Ave, 3rd Floor
Idaho Falls, ID 83402

**RE: PETITION FOR RECONSIDERATION – TRANSFER NO. 5335 IN THE NAME
OF OWSLEY CANAL COMPANY**

Dear Mr. Foster:

On February 8, 1999, the department approved transfer no. 5335 in the name of Owsley Canal Co. ("applicant"). Even though the order had become final, on December 19, 2000, the department issued a preliminary order amending the February 8, 1999 transfer approval to facilitate some changes to the rights involved for the benefit of the applicant and the recommendation of the transfer in the SRBA. On January 2, 2001, you filed a Petition for Reconsideration seeking changes to the preliminary order.

On January 3, 2001, the department granted your petition for reconsideration in order to provide you the opportunity to submit evidence to the department to show that the priority dates shown in the preliminary order are not correct. To date neither the regional office in Idaho Falls nor this office has received any evidence from you in this regard. Please submit the information to me within twenty-one (21) days of the date of this letter. If you do not timely submit the information, the department will issue a final order based on the information in department files.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Ernie Carlson
Owsley Canal Co.
Pam Skaggs

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APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2001

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Ave, 3rd Floor
Idaho Falls, ID 83402

**RE: PETITION FOR RECONSIDERATION – TRANSFER NO. 5335 IN THE NAME
OF OWSLEY CANAL COMPANY**

Dear Mr. Foster:

Enclosed is an *Order Granting Petition for Reconsideration* in connection with the above referenced transfer. I understand that your client intends to provide information to show dates of priority for rights 31-00327 and 31-00328 that are earlier than the dates in the amended transfer approval.

Department files show that water right no. 31-00327 is based on cancelled Permit No. 17611 and that water right no. 31-00328 is based on relinquished Permit No. 17612. The Owsley v. Bauerle decree issued on October 14, 1940 did not specify a priority for either right 31-00327 or 31-00328.

I have reviewed department microfilm files and have determined the following information with respect to water use under the defunct permits:

Cancelled Permit No. 17611

- The application for this permit was submitted to the department on November 16, 1931. (See attached copy). This date is the same as the date apparently being claimed by Owsley as the priority of use under the Bauerle decree.
- On July 20, 1936, the permit holder submitted to the department an Extension of Time Request for Completion of Works. The extension request stated that the "Owsley Canal Company has been and is without funds to fully complete the works within the required time." (See attached copy).
- The department cancelled the permit on March 6, 1939 for failure of the permit holder to make proof of completion of works. (See attached copy).

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APR 11 2001

Relinquished Permit No. 17612

- The application for this permit was submitted to the department on July 16, 1931. (See attached copy).
- On December 1, 1938 the applicant filed a request for extension of time in which to complete the works. (See attached copy).

Since the applicant did not complete the requirements of either permit, the "relation back" to the date the application was filed as the basis of the priority is not applicable to the rights. In addition, since the decree did not describe a priority date, the priority date should be based on the actual date water was diverted and applied to beneficial use. I hope this is the nature of the evidence your client intends to submit to establish priority dates for the claimed uses.

If you have questions, please feel free to contact me.

Sincerely,



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 6

c: Ernie Carlson
Candice McHugh
Dave Tuthill
Norman C. Young

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APR 11 2001

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

December 28, 2000

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JAN -2 2001

Department of Water Resources

IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83702

Re: Application for Transfer No. 5335, in the name of Owsley Canal Company

Gentlemen:

We are enclosing with this letter a Petition for Reconsideration of the "Preliminary Order Amending Transfer Approval" dated December 19, 2000. The officers of the Company believe they have information available to support their claims to the priority dates and that will be supplied as soon as it is available to us.

Very truly yours,



Kent W. Foster

Enclosure

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JAN -2 2001

Department of Water Resources

Kent W. Foster, Esq.
Idaho State Bar Number 1198
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
330 Shoup Avenue, Third Floor
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

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

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 5335 IN THE
NAME OF OWSLEY CANAL
COMPANY

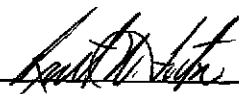
**PETITION FOR
RECONSIDERATION**

Applicant, Owsley Canal Company hereby petitions the Department to reconsider a portion of its "Preliminary Order Amending Transfer Approval" in the above entitled matter dated December 19, 2000, on the grounds and for the reason that the priority date assigned to rights numbers 31-00327 and 31-00328 of October 14, 1940, the date of the *Owsley, et al vs, Bauerle, et al*, Decree is not the date water was first applied to beneficial use under either right. The information available to applicant indicates that for right number 31-00327, the priority date should be November 16, 1931, and for right number 31-00328, the priority should be September 5, 1912.

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DATED this 28th day of December, 2000.



Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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APR 11 2001

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof.

DOCUMENT SERVED:

PETITION FOR RECONSIDERATION

PARTIES SERVED:

IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83702

[First Class Mail]



Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Dated: 12/28/00

G:\WPDATA\KWF\1047\reconsideration.pet.wpd:ljm

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APR 11 2001

Saxton, Glen

From: Tuthill, Dave
Sent: Thursday, December 28, 2000 8:28 AM
To: Saxton, Glen; Contor, Bryce; Carlsen, Ernie
Cc: Jones, Harold (Skip); McHugh, Candice
Subject: RE: Preliminary Order Amending Transfer 5335

In accordance with our standard procedure, I anticipate that we will file our Director's Report based on the most current IDWR action -- in this case the amended transfer. If the transfer is pending due to a petition for reconsideration we can also file a Notice of Administrative Procedure (NAP) with the Court, which will stay their process and allow us to complete our transfer process and amend our recommendation to the Court if need be.

Dave

-----Original Message-----

From: Saxton, Glen
Sent: Wednesday, December 27, 2000 2:48 PM
To: Contor, Bryce; Carlsen, Ernie
Cc: Jones, Harold (Skip); McHugh, Candice; Tuthill, Dave
Subject: RE: Preliminary Order Amending Transfer 5335

If I understand Bryce's e-mail, the basis of filing a petition for reconsideration appears to be that since the department approved a transfer in the past without sufficient information relative to the date of priority of a water right, that the department is obligated to not check any further into the date of priority of similar rights which also lack information relative to priority.

I checked the microfilm for cancelled Permit No. 17763/31-02254 and determined that proof of completion of works was submitted to the department on February 23, 1938. Since permit 17763 was cancelled, the right holder either has to rely upon the decree or a use right. The decree does not establish a priority and a use right is not entitled to the date of the filing of an application if the requirements of the application are not completed. Hence, if Owsley files a petition for reconsideration, I intend to grant it allowing the petitioner time to provide hard evidence showing when the water was first diverted and beneficially used. In the case of water right nos. 17611/31-00327 and 17612/31-00328, the priority that can be established probably is sometime after the application was filed and at the latest probably is the date of the decree. The department may provide the opportunity for hearing to Owsley if they wish. We may also want to require the same information for 17763/31-02254 which is the basis for 31-00337. lgs

-----Original Message-----

From: Contor, Bryce
Sent: Wednesday, December 27, 2000 10:42 AM
To: Saxton, Glen
Cc: Jones, Harold (Skip); McHugh, Candice; Tuthill, Dave
Subject: Preliminary Order Amending Transfer 5335

This morning I met with Mud Lake Water Users and the watermaster, at the request of MLWU. We can probably expect a petition for reconsideration on the priority date of the cancelled and relinquished permits; they seek the original permit priority dates.

The grounds will be the precedent set by the department in recognizing the original permit date as the priority date for 31-00337A and 31-00337B, in transfers 2303 and 5335. This right was originally issued as permit 17763, which was cancelled by the department.

Saxton, Glen

From: Contor, Bryce
Sent: Wednesday, December 27, 2000 10:42 AM
To: Saxton, Glen
Cc: Jones, Harold (Skip); McHugh, Candice; Tuthill, Dave
Subject: Preliminary Order Amending Transfer 5335

This morning I met with Mud Lake Water Users and the watermaster, at the request of MLWU. We can probably expect a petition for reconsideration on the priority date of the cancelled and relinquished permits; they seek the original permit priority dates.

The grounds will be the precedent set by the department in recognizing the original permit date as the priority date for 31-00337A and 31-00337B, in transfers 2303 and 5335. This right was originally issued as permit 17763, which was cancelled by the department.

MEMORANDUM

To: Notes
From: L. Glen Saxton
RE: PETITION FOR RECONS – AMENDED TRANSFER 5335
Date: (Dec. 27, 2000 – draft)

Bryce Contor forwarded an e-mail message advising that the Owsley Canal Co. may file a Petition for Reconsideration in connection with the Preliminary Order Amending Transfer Approval No. 5335 issued by IDWR on December 19, 2000.

- The amended transfer was issued to clear up some missing information on T5335, since the recommendation in the SRBA to the district court could not “fix” the missing information problem.
- One of several different fixes was to recommend the date of the Owsley v. Bauerle decree (October 14, 1940) as the date of priority for water right nos. 17611/31-00327 and 17612/31-00328, since the decree did not identify a priority date for the rights.
- Owsley Canal Co. filed a Petition for Reconsideration seeking to have the application for permit dates established as the priorities of the rights based on department approval of prior transfer 2303 which shows a priority based on the application for permit date for cancelled permit no. 17763/31-02254.

The microfilm for 17763/31-02254 shows that the permit holder filed proof of completion of works with IDWR on February 23, 1938. The department cancelled the permit on April 25, 1974, for failure of the permit holder to submit proof of beneficial use of water due on February 23, 1943.

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APR 11 2001

amended transfer 5335
31-00327 ~~and made~~ Oct 14, 1940
31-00328 ~~no priority~~ Oct 14, 1940

31-00337A T2303
31-00337B T5335 12-15-32

Permit 17763 - cancelled by Dept in 1974
31-02254

17763 app rec'd 12-15-32
app returned for corr. 1-14-33
Corrected app rec'd 2-18-33

Artif of comp of works made - Feb 23, 1938
Proof of B/u was due Feb 23, 1943 but not
submitted.

Permit was cancelled on Apr 25, 1974
for failure to submit proof of B/u.

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APR 11 2001

December 19, 2000

Copies of all Orders must be forwarded to:

IDWR NORTHERN - Bob Haynes

SOUTHERN - Allen Merritt

EASTERN - Ron Carlson / Skip Jones

WESTERN - Gary Spackman

SALMON OFFICE - Bob Foster

Legal Division - Phil Rassier

Adjudication Bureau - Dave Tuthill

Information Officer - Dick Larsen

Water Allocation Bureau - Glen Saxton

Water Distribution Section - Tim Luke

Water Permits Section - Jeff Peppersack / Shelley Keen

Administration - Norm Young

Planning - Bill Graham

AG's Office - David Barber (Only regarding Payette River, aka Basin 65)

One copy is routed to:

Darla Block
Sharla Curtis
Pam Skaggs
Kay Walker
Kari Lynn Townsend
Vault

Cindy Hodges
Jane Tallman
Burke Scholer
Dayna Ball

MICROFILMED

APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 19, 2000

GARTH SODERQUIST
OWSLEY CANAL CO
PO BOX 68
TERRETON, ID 83450

Re: Application for Transfer No. 5335, in the name of Owsley Canal Company

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Preliminary Order Amending Transfer Approval** pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit our homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

Cc: Ernie Carlsen
Bryce Contor
Regional File

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APR 11 2001

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after a) the service date of a preliminary order, b) the service date of a denial of a petition for reconsideration from this preliminary order, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

RE: Water Rights 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 (Transfer 5335)

Dear Mr. Soderquist:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5335). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

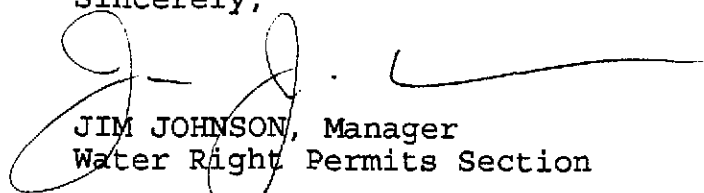
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

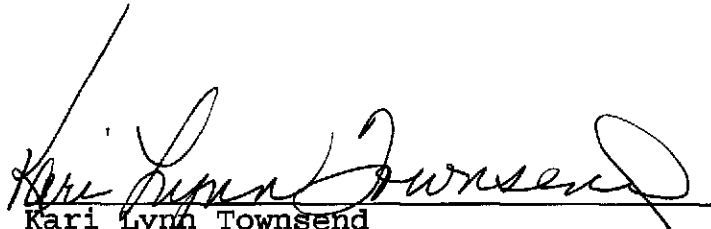
FEB 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of February, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 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 (Transfer 5261)

OWSLEY CANAL CO
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GREG SHENTON
WATERMASTER
BOX 33
DUBOIS ID 83423

RE: TRANSFER OF WATER RIGHTS 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
(Transfer 5335)

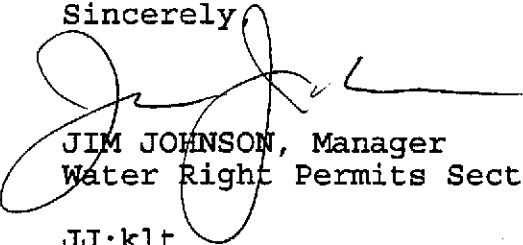
Dear Greg:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 5335) in the name of Owsley Canal Co., c/o Garth Soderquist.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at 208-327-7947.

Sincerely



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

FEB 11 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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 Skaggs *PS*/State Office

SUBJECT: Transfer 5335

DATE: February 9, 1999

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

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

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

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

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FEB 11 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Pam SKAGGS FROM: H. G. JONES

DOCUMENT DESCRIPTION: These are the last tidbits that hopefully
will allow the Owsley Canal transfer to progress.

TOTAL NUMBER OF PAGES (Including this page): 4

*
* BILLING ADDRESS: _____
* _____
* _____
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

MICROFILMED

FEB 11 1999

OWSLEY CANAL COMPANY
P.O. BOX 68
TERRETON, IDAHO 83450
PHONE (208) 663-4359 FAX (208) 663-4369

RECEIVED

FEB 03 1999

Department of Water Resources
Eastern Region

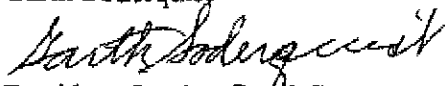
February 2, 1999

I.D.W.R.
C/O Harold W. Jones
Water Right Supervisor
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402 - 1718

Dear Mr. Jones

I have researched license # 31 - 02259 as per your request. I am in agreement with you. Decree #31-00330 does supersede license 31-02259 and only 31-00330 should be part of our pending transfer.

Respectfully
Garth Soderquist


President Owsley Canal Co.

MICROFILMED

FEB 11 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00337B
Date Received: 12/ 5/1988
Receipt No: E004936
Received By: 76/ 2-3-1991

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: OWSLEY CANAL COMPANY
Address: C/O GARTH SODERQUIST
P O BOX 68
TERRETON ID 83450
208-663-4359

2. Date of Priority: DEC 15, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13	SW	SW			JEFFERSON
		22	NW	SE			JEFFERSON
		23	NW	SW			JEFFERSON
			SW	SW			JEFFERSON
		27	NW	NE			JEFFERSON

5. Description of diverting works:
5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	17.000		

7. Total Quantity Appropriated is:
17.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A31-00337B

Page 1

Date: 01/26/99

MICROFILMED

FEB 11 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00336B

Date Received: 12/ 5/1988

Receipt No: E004936

Received By: *Shf* 2-3-1999

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: OWSLEY CANAL COMPANY
Address: C/O GARTH SODERQUIST
P O BOX 68
TERRETON ID 83450
208-663-4359

2. Date of Priority: APR 27, 1932

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	35E	13	SW	SW			JEFFERSON
		22	NW	SE			JEFFERSON
		23	NW	SW			JEFFERSON
			SW	SW			JEFFERSON
		27	NW	NE			JEFFERSON

5. Description of diverting works:
5 PUMPS/CAMAS CREEK TO DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	11.050		

7. Total Quantity Appropriated is:
11.050 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A31-00336B

Page 1

Date: 01/26/99

MICROFILMED

FEB 11 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5335

Date Reviewed 01-14-99

Right(s) 31-00327 31-00330 31-02239 31-02289 31-02310 31-02341
31-00328 31-00336B 31-02259 31-02290 31-02317AB 31-02342
31-00329 31-00337B 31-02265 31-02297 31-02321 31-02343
31-00331 & 31-00332
☒ WRQ/Split Summary ☒ SRBA Status Canal Cos. Run POU Comparison Report 31-02344
31-02345
B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use 31-07005
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U ☒ Add P/D & Change P/U

Proof of Ownership Canal Co. Rts/Owney Canal Co. Holley Water Users Assoc. Inc.
and Jackett Canal Co. Merger Agreement - All shareholders approved.
23903.3 shares & acres. - Presiding President signed application

Transfer ☒ All of Right ☐ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume
(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map
ESRPA
(11) 31 Water District (12) Yes Pertinent Conditions (13) No Expansion
WN Comment rec'd. 12-14-98 Combined limits Subject to SRBA

(3) Standard Season 4-15 to 10-15
(5) Standard Vol. = 3.5 ac/acre IRR overlap condition
(7) Add all wells
(8) P/U per SRBA Claims - Combined Canal Systems - PP/U

Transfer Remarks Total Div = 643.21 cfs limited to 503.21 cfs during IRR season
Rts 31-00327/328/329/330 limited to 200 cfs during Irr. Season
PPU/Rts 0335, 0357, 0364, 0372 Multiple wells per AG
Conditions R04 (R43), 065, 079, R63, T07, T08, T09

Database/Processing Notes Standard ☒ Non-Standard ☐
T files each rt - Edit Remarks T31-00327 when approved.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

080209-99

(Evaluation of Rts on Back Pg.)

A3

Jacket Cement Co. 58.55 cts 3107.0
 Owsley Cement Co. 537.66 cts 17240.0
 - 140 During IRR Season 397.66 cts
 Holly Water Users Assn. 47.00 cts (63251.0)
 5000.00 cts (5000.00)
 643.21 (223,548.0)
 - 140.00
 Total During IRR Season 503.21 cts

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
D	OWSLEY CANAL CO/	00/00/0000	IRRIGATION	04/15 10/15	110.000 CFS	
C	OWSLEY CANAL CO		DIVERSION TO STORAGE	10/16 04/14	110.000 CFS	
	C/O GARTH SODERQUIST					
	PO BOX 68					
	TERRETON ID 83450					
	(208) 663-4359					
TOTAL DIVERSION:					110.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:	T07N R34E S13	SWNE	SESE		JEFFERSON County
	S23	NENE			JEFFERSON County
	S24	NENE	NWNE	NWNW	JEFFERSON County
	R35E S13	SWSW			JEFFERSON County
	S14	SESE			JEFFERSON County
	S18 Lot 04(	SESW)			JEFFERSON County
	S19 Lot 01(	NWNW)	SWNW	SENW	JEFFERSON County
	S22	NESE			JEFFERSON County
	S23	NWSW	SWSW		JEFFERSON County
	S25	SWSW	SESW	NWSE	JEFFERSON County
	S26	SESE			JEFFERSON County
	S27	NWNE			JEFFERSON County
	S36	NENW			JEFFERSON County

Point of Diversion Name(s):

	Name	Rate	Number
T07N R34E S13	SW NE NORTH LAKE WELL		#1
S13	SE SE NORTH LAKE WELL		#3
S23	NE NE NORTH LAKE WELL		#11E
S24	NE NE NORTH LAKE WELL		#5
S24	NW NE NORTH LAKE WELL		#4
S24	NW NW NORTH LAKE WELL		#11C
R35E S13	SW SW JACKETT WELL/BUCK SPRING		#3
S14	SE SE JACKETT WELL/BUCK SPRING		#1, 2
S18 Lot 04 (	SE SW) NORTH LAKE WELL		#7
S19 Lot 01 (	NW NW) NORTH LAKE WELL		#6, 8
S19	SW NW NORTH LAKE WELL		#10
S19	SE NW NORTH LAKE WELL		#9
S22	NE SE JACKETT WELL		#4
S23	NW SW JACKETT WELL		#3
S23	SW SW JACKETT WELL		#2
S25	SW SW HOLLEY WELL		#3-7
S25	SE SW HOLLEY WELL		#18
S25	NW SE HOLLEY WELL		#12-17, 19
S26	SE SE HOLLEY WELL		#1, 2
S27	NW NE JACKETT WELL		#1
S36	NE NW HOLLEY WELL		#8

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								SUM
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06N	34E	3	:					:	26	35	40	40	:	40	40	40	40	:	40	40	40	40	:	461.0
06N	34E	4	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	5	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	7	:	40	40	40	40	:					:					:	40	40	40	40	:	320.0
06N	34E	8	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	9	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	10	:	40	40	40	40	:	20	40	40	40	:	40	40	40	40	:	40	40	40	40	:	620.0
06N	34E	11	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	13	:					:		40	40		:	40	40	40	40	:	40	40	40	40	:	400.0
06N	34E	14	:	40	40	40	40	:					:	40	40	40	36	:	40	40	27	37	:	460.0
06N	34E	15	:					:	40	40	40	40	:	40	40	40	36	:	40	40	40	40	:	476.0
06N	34E	16	:	40	40	40	25	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	625.0
06N	34E	17	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	20	40	10	10	:	560.0
06N	34E	20	:	30	35	40	40	:	40	30	40	40	:	40	40	40	40	:	40	40	40	40	:	615.0
06N	34E	21	:	40	40	40	40	:	40	25	40	40	:	40	40	40	40	:	40	40	40	40	:	625.0
06N	34E	22	:	20	20	40	40	:	36	20	40	40	:	40	40	40	40	:	40	40	40	40	:	576.0
06N	34E	23	:	15	40	40	40	:	35	40	40	40	:	40	40	40	40	:	40	40	40	40	:	610.0
06N	34E	24	:	40	40	40	40	:	10	30	40	30	:	40	40	40	40	:	40	40	40	40	:	590.0
06N	34E	25	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	26	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	27	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	28	:	40		40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	600.0
06N	34E	29	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	34E	34	:	40	40	40	40	:	40			40	:	40	40	40	40	:	40	40	40	40	:	560.0
06N	34E	35	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	35E	1	:					:		04			:					:					:	4.0
06N	35E	2	:	40	40	40	08	:					:	32	40	40	38	:		40	40		:	358.0
06N	35E	3	:	01-41	02-41	40	40	:	03-41	04-35	40	40	:	40	40	40	40	:	40	40	40	40	:	640.1
06N	35E	4	:					:		04-07			:	40	40	40	40	:	40	40	40	40	:	327.0
06N	35E	5	:	01-41	02-38	40	40	:					:	40			40	:	40	40	40	40	:	399.2
06N	35E	8	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	35E	9	:	40	40	40	40	:					:	40	40	40	40	:	40	40	40	40	:	480.0
06N	35E	10	:	40		40	40	:				40	:	40	40	40	40	:	40	40	40	40	:	480.0
06N	35E	11	:					:	40	30	40	40	:	40	40		40	:					:	270.0
06N	35E	14	:					:					:	10	40			:					:	50.0
06N	35E	15	:	34	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	634.0
06N	35E	16	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	35E	17	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	35E	18	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	35E	19	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	35E	20	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
06N	35E	22	:	40	40	40	40	:	40			40	:	40				:	40	40	40	40	:	440.0
06N	35E	29	:					:	40	40	40	40	:	40	40	10	40	:					:	290.0
06N	35E	30	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
07N	34E	32	:					:					:				40	:			40	40	:	120.0
07N	34E	33	:					:					:	10	20	40		:			30	10	:	110.0

Place of use Legal Description for: IRRIGATION

07N 35E 32 :	:	:	:	08-02 07-18 :	20.0
07N 35E 33 :	:	:	01 :	:	1.0
07N 35E 35 :	:	:	:	38 34 34 38 :	144.0
07N 35E 36 :	:	:	40 40 38 :	:	118.0
TOTAL ACRES					24261.3

Pou County: JEFFERSON

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
- 065 - 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.
- 079 - 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.
- R63 - 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.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 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.

Remarks: GEN 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.

The total instantaneous diversion of water from all points of diversion under Transfer 5335 shall not exceed 503.21 cfs during the irrigation season.

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.

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.

Right 31-02289 is limited to irrigation of 160.0 acres in the place of use described above in a single irrigation season.

Right 31-02290 is limited to irrigation of 240.0 acres in the place of use described above in a single irrigation season.

Remarks: Right 31-02297 is limited to irrigation of 340.0 acres in the place of use described above in a single irrigation season.
Right 31-02310 is limited to irrigation of 290.0 acres in the place of use described above in a single irrigation season.
Right 31-02317A is limited to irrigation of 404.0 acres in the place of use described above in a single irrigation season.
Right 31-02317B is limited to irrigation of 95.0 acres in the place of use described above in a single irrigation season.
Right 31-02321 is limited to irrigation of 96.0 acres in the place of use described above in a single irrigation season.
Rights 31-003368, 31-003378, 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. *10,875.2 ac*
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.
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.
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. *40,340 ac*
Two points of diversion are located within SESE, S14, T07N, R35E.
Two points of diversion are located within Lot 1(NWNW), S19, T07N, R35E.
Five points of diversion are located within SWSW, S25, T07N, R35E.
Seven points of diversion are located within NWSE, S25, T07N, R35E.
Two points of diversion are located within SESE, S26, T07N, R35E.

Dates: App. Received: Priority Date: 00/00/0000
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 31 Field Exam Fee:

Comments: Date: 01/28/1999 User-ID: PSKAGGS Subject: TRANSFER 5335
Transfer 5335 combines Owsley Canal Co., Jackett Canal Co. & Holley Water Users Association into a single combined system under the name of Owsley Canal Co. Rights included in this transfer are 31-00327/00328/00329/00330/00331/00332/00336B/00337B /00371/02239/02265/02289/02290/02297/02310/02317A/02317B/02321/ 02341/02342/02343/02344/02345 & 07005.

Audit: 01/29/99 PSKAGGS 01/29/99 PSKAGGS

SPLIT RIGHT SUMMARY

1/14/99

TRANSFER 5335

31-00327	OWSLEY CANAL CO.	C	00/00/0000	D/	GROUNDWATER	IRR	WR
						DIV S	
T31-00327	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00327	OWSLEY CANAL CO	C	11/16/1931	D/	GROUNDWATER	IRR	AJ
31-00328	OWSLEY CANAL CO.	C	00/00/0000	D/	GROUNDWATER	IRR	WR
						DIV S	
T31-00328	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00328	OWSLEY CANAL CO	C	09/05/1912	D/	MUD LAKE	IRR	AJ
31-00329	OWSLEY CANAL CO.	C	00/00/0000	D/	GROUNDWATER	IRR	WR
						DIV S	
T31-00329	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00329	OWSLEY CANAL CO	C	01/08/1932	D/	GROUNDWATER	IRR	AJ
31-00330	OWSLEY CANAL CO.	C	00/00/0000	D/	GROUNDWATER	IRR	WR
						DIV S	
T31-00330	OWSLEY CANAL CO	C	00/00/0000	D/	GROUNDWATER	IRR	WR
A31-00330	OWSLEY CANAL CO	C	06/26/1936	D/	GROUNDWATER	IRR	AJ
31-00336			00/00/0000	/			WR
31-00336A	INDEPENDENT WATER US	C	04/27/1932	D/	GROUNDWATER	IRR	WR
31-00336B	JACKETT CANAL CO.	C	04/27/1932	D/	GROUNDWATER	IRR	WR
T31-00336B	OWSLEY CANAL CO	C	04/27/1932	D/	GROUNDWATER	IRR	WR
T31-00336C	INDEPENDENT WATER US	C	04/27/1932	D/	GROUNDWATER	IRR	WR
T31-00336D	DEL RAY HOLM & SONS	C	04/27/1932	D/	GROUNDWATER	IRR	WR
A31-00336A	COMBINED RIGHT	C	04/27/1932	/Z	GROUNDWATER COMBINED RIGHT	IRR	AJ
A31-00336B	JACKETT CANAL COMPAN	C	04/27/1932	D/	GROUNDWATER	IRR	AJ
						IRR S	
R31-00336A	COMBINED RIGHT	C	04/27/1932	/Z	GROUNDWATER	IRR	AJ
31-00337			00/00/0000	/			WR
31-00337A	INDEPENDENT WATER US	C	12/15/1932	D/	GROUNDWATER	IRR	WR
31-00337B	JACKETT CANAL CO.	C	12/15/1932	D/	GROUNDWATER	IRR	WR
T31-00337B	OWSLEY CANAL CO	C	12/15/1932	D/	GROUNDWATER	IRR	WR
A31-00337A	COMBINED RIGHT	C	12/15/1932	/Z	GROUNDWATER COMBINED RIGHT	IRR	AJ

A31-00337B	JACKETT CANAL COMPAN	C	12/15/1932	D/	GROUNDWATER	IRR	AJ
						IRR S	
R31-00337A	COMBINED RIGHT	C	12/15/1932	/Z	GROUNDWATER	IRR	AJ
31-02239	OWSLEY CANAL CO.	C	01/25/1930	L/	NORTH LAKE GROUNDWATER	IRR DOMEST	WR
T31-02239	OWSLEY CANAL CO	C	01/25/1930	L/	NORTH LAKE GROUNDWATER	IRR	WR
A31-02239	OWSLEY CANAL CO	C	01/25/1930	L/	GROUNDWATER	IRR	AJ
31-02259	OWSLEY CANAL CO.	C	06/26/1936	L/	GROUNDWATER	IRR DOMEST	WR
T31-02259	OWSLEY CANAL CO	C	06/26/1936	L/	GROUNDWATER	IRR	WR
Superseded by Decree - See 31-00330							
31-02265	OWSLEY CANAL CO.	C	05/22/1940	L/	GROUNDWATER	IRR	WR
T31-02265	OWSLEY CANAL CO	C	04/27/1932	L/	GROUNDWATER	IRR	WR
A31-02265	OWSLEY CANAL COMPANY	C	05/22/1940	L/	GROUNDWATER	IRR IRR S IRR FS	AJ
31-02289	JACKETT CANAL CO.	C	01/13/1949	L/	GROUNDWATER	IRR	WR
T31-02289	OWSLEY CANAL CO	C	01/13/1949	L/	GROUNDWATER	IRR	WR
A31-02289	JACKETT CANAL COMPAN	C	01/13/1949	L/	GROUNDWATER	IRR IRR S	AJ
31-02290	JACKETT CANAL CO.	C	02/14/1949	L/	GROUNDWATER	IRR	WR
T31-02290	OWSLEY CANAL CO	C	02/14/1949	L/	GROUNDWATER	IRR	WR
A31-02290	JACKETT CANAL COMPAN	C	02/14/1949	L/	GROUNDWATER	IRR IRR S	AJ
31-02297	JACKETT CANAL CO.	C	12/29/1949	L/	GROUNDWATER	IRR DOMEST	WR
T31-02297	OWSLEY CANAL CO	C	12/29/1949	L/	GROUNDWATER	IRR	WR
A31-02297	JACKETT CANAL COMPAN	C	12/29/1949	L/	GROUNDWATER	IRR IRR S	AJ
31-02310	JACKETT CANAL CO.	C	09/24/1952	L/	GROUNDWATER	IRR	WR
T31-02310	OWSLEY CANAL CO	C	09/24/1952	L/	GROUNDWATER	IRR	WR
A31-02310	JACKETT CANAL COMPAN	C	09/24/1962	L/	GROUNDWATER	IRR IRR S	AJ
31-02317	JACKETT, FRANK S. JACKETT CANAL CO.	C C	10/27/1956	L/	GROUNDWATER	IRR DOMEST	WR

T31-02317	OWSLEY CANAL CO	C	10/27/1956	L/	GROUNDWATER	IRR	WR
A31-02317A	JACKETT CANAL COMPAN	C	02/28/1953	L/	GROUNDWATER	IRR	AJ
A31-02317B	JACKETT CANAL COMPAN	C	10/27/1956	L/	GROUNDWATER	IRR S	AJ
31-02321	JACKETT CANAL CO.	C	04/25/1953	L/	GROUNDWATER	IRR	WR
T31-02321	OWSLEY CANAL CO	C	04/25/1953	L/	GROUNDWATER	IRR	WR
A31-02321	JACKETT CANAL COMPAN	C	04/25/1953	L/	GROUNDWATER	IRR S	AJ
31-02341	OWSLEY CANAL CO.	C	09/03/1954	L/	GROUNDWATER	IRR	WR
T31-02341	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02341	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR S	AJ
31-02342	OWSLEY CANAL CO.	C	09/03/1954	L/	GROUNDWATER	IRR	WR
T31-02342	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02342	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR S	AJ
31-02343	OWSLEY CANAL CO.	C	09/03/1954	L/	GROUNDWATER	IRR	WR
T31-02343	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02343	OWSLEY CANAL COMPANY	C	09/03/1954	L/	GROUNDWATER	IRR S	AJ
31-02344	OWSLEY CANAL CO.	C	09/03/1954	L/	GROUNDWATER	IRR	WR
T31-02344	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02344	OWSLEY CANAL COMPANY	C	09/03/1954	L/	GROUNDWATER	IRR S	AJ
31-02345	OWSLEY CANAL CO.	C	09/03/1954	L/	GROUNDWATER	IRR	WR
T31-02345	OWSLEY CANAL CO	C	09/03/1954	L/	GROUNDWATER	IRR	WR
A31-02345	OWSLEY CANAL COMPANY	C	09/03/1954	L/	GROUNDWATER	IRR S	AJ
31-07005	OWSLEY CANAL CO.	C	12/04/1967	L/	GROUNDWATER	IRR	WR
T31-07005	OWSLEY CANAL CO	C	12/04/1967	L/	GROUNDWATER	IRR	WR
A31-07005	FOSTER, KENT W OWSLEY CANAL COMPANY	C	12/04/1967	D/	MUD LAKE	IRR S	AJ

31-00331	HOLLEY WATER USERS A C	09/10/1928 D/	GROUNDWATER	IRR	WR
T31-00331	OWSLEY CANAL CO C	04/27/1932 D/	GROUNDWATER	IRR	WR
A31-00331	HOLLEY WATER USERS A C	01/25/1930 D/	GROUNDWATER	IRR	AJ
	HOLLEY WATER USERS A C				
31-00332	HOLLEY WATER USERS A C	01/25/1930 D/	GROUNDWATER	IRR S	WR
T31-00332	OWSLEY CANAL CO C	04/27/1932 D/	GROUNDWATER	IRR	WR
A31-00332	HOLLEY WATER USERS A C	01/25/1930 D/	GROUNDWATER	IRR FS	AJ
	HOLLEY WATER USERS A C				
31-00371	HOLLEY WATER USERS A C	09/10/1928 D/	GROUNDWATER	IRR	WR
T31-00371	OWSLEY CANAL CO C	04/27/1932 D/	GROUNDWATER	IRR	WR
A31-00371	HOLLEY WATER USERS A C	09/10/1928 D/	GROUNDWATER	IRR	AJ
	HOLLEY WATER USERS A C				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 31-00336B et al Applicant Owslay Canal Co

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 Permissible P.O.U. created

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? WD 31 - Mud Lake - Greg Shanton mailed 12/2/98

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* WATER MEASUREMENT REQUIRED

4. By _____ Date 12/2/98

ACTION REQUIRED

12-18-98

FROM: H.W. Jones - Eastern

TO: Pam "Wild Girl" Skaggs

Each company also had surface rights which still only go to the original places of use because of the Individual Canals to old company lands. The groundwater flows & rights can be dumped into the canals & the Lake (mud lake) & the relief pumps distribute groundwater to all the ditches.

HWJ

RECEIVED

DEC 23 1998

Department of Water Resources

APPLICATION FOR TRANSFER OF
WATER RIGHT NO.

RECEIVED

DEC 14 1998

Department of Water Resources
Eastern Region

WATER DISTRICT: 31

WATERMASTER: Greg Shenton

DATE: 12-8-98

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES

☒

NO

☐

COMMENTS: I feel this Transfer #5335 would benefit everyone within the System. The system could produce and apply water more efficiently. By combining the Systems they will use less water with less losses within the system.

☒

I do endorse approval of this change.

☐

I do not endorse approval of this change.

I recommend the following conditions of approval:

MICROFILMED

FEB 11 1999


Watermaster



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 2, 1998

GREG SHENTON
WATERMASTER #31
PO BOX 33
DUBOIS ID 83423

RE: Application for Transfer #5335

Dear Greg:

Please find enclosed a copy of the above referenced application for transfer. Please review the application and submit any comments you may have to our Department as soon as possible.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

P.S. Greg, We need this back as soon as you can. Sorry for the rush. Thanks, Harold.

MICROFILMED

FEB 11 1999

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 12th day of November, 1998, last publication having been made on the 19th day of November, 1998, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 25th day of November, 1998

Jim Brum
Notary Public

My commission expires January 10, 2003



RECEIVED
DEC 10 1998

Department of Water Resources
Eastern Region

MICROFILMED
FEB 11 1999

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5335**

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published: November 12, 19, 1998

MICROFILMED
FEB 11 1999

**NOTICE OF PROPOSED
CHANGE OF A WATER
RIGHT NO. T5335**

Notice is hereby given that Owsley Canal Company, PO Box 68, Terreton, ID 83450 represents that a consolidation of the Jack-ett, Holley and original Owsley Canal Companies has taken place.

The new company in- tends to incorporate all 35 groundwater sources (wells) that are points of di- version for a combined 24 water rights as the sources for an integrated land list

sure costs.

DATED: October 27, 1998.

TITLEFACT, INC., Trustee

/s/Richard B. Stivers,

President

Coleman, Ritchie &

Robertson

Attorneys for Trustee

Residing at Twin Falls, ID

PUBLISH: November 5,
12, 19 and 26, 1998

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS }

SS.

RECEIVED

NOV 27 1998

№ 31197

Department of Water Resources

Eastern Region

I, Emily McKnight first duly sworn upon oath, depose

and say that I am Principal 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 Nov. 12, 19 98,

and ending with the issue dated Nov. 19, 19 98.

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

On this 25th day of Nov, in the year of 1998, before me,

a Notary Public, personally appeared Emily McKnight, 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. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

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

LEGAL ADVERTISING INVOICE

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

Date 11/19/98 INVOICE NO. 188574
Account No. 446600
Description 188574NOTICEOFPROPOSED
Times 2 Lines 39

Tab. Lines _____

\$ 53.63

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

188574
**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. T5335**

Notice is hereby given that Owsley Canal Company, P.O. Box 68, Terreton ID 83450 represents that a consolidation of the Jackett, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Lewiston Tribune on November 12 and 19, 1998.

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, 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 newspaper 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 188574NOTICEOFP 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 11/12, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 11/12/98, and the last publication thereof being on the 11/19/98, and said 188574NOTICEOFP was so published in the regular and entire issue of said newspaper and was 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.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 25

day of November 1998

Ray Rosel
MICROFILMED

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/02

RECEIVED

NOV 30 1998

Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

My commission expires March 8, 1999

Published in the Jefferson Star on
November 11 and 12, 1998.

RECEIVED
NOV 20 1998
Department of Water Resources
Eastern Region

MICROFILMED
FEB 11 1999

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
\$49.20

Account Number/Trans. #		Identification	
100564		PROPOSED CHANGE OF A WATER RIGHT	
Ordered By	P.O. Number	Rate	Run Dates
SHARLA COX		NT	NOVEMBER 12, 19, 1998
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES 900 N SKYLINE DRIVE IDAHO FALLS, ID 83402		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	2692

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. T5335

Notice is given that **OWSLEY CANAL COMPANY**, PO Box 68, Terreton, ID 83450 represents that a consolidation of the Jackeff, Holley and original Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for an integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24,070 acres combined land list of the 3 original companies. This land list will represent a permissible place for use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, 900 N. Skyline Dr., Ste A., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Nov. 12, 19, 1998

2692

JANICE HILDRETH

, 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

☐ single

☐ consecutive daily

☐ odd skip

insertion(s) beginning with the issue of

NOVEMBER 12, 1998

and ending with the issue of

NOVEMBER 19, 1998

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 19TH day of NOVEMBER in the year of 1998, before me, a Notary Public, personally appeared

JANICE HILDRETH 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:

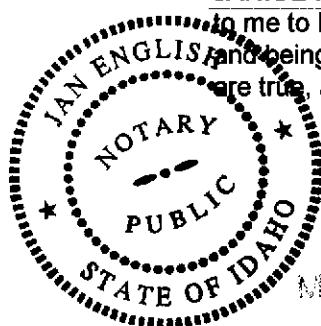
Boise, Idaho

My commission expires:

02/28/02

RECEIVED
NOV 27 1998

Department of Water Resources
Eastern Region



MICROFILMED

FEB 1 1999

From: DWR70::SCOX 6-NOV-1998 16:13:25.36
To: DWR06::"piopub@cyberhighway.net"
CC: SCOX
Subj: legal notice

Hi Terry:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed 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 November 30, 1998.

Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335

Notice is hereby given that Owsley Canal Company, PO Box 68, Terretton, ID 83450, represents that a consolidation of the Jackett, Holley, and Owsley Canal Companies has taken place.

The new company intends to incorporate all 35 groundwater sources (wells) that are points of diversion for a combined 24 water rights as the sources for all integrated land list representing the place of use of the 3 original companies.

The new company can route the water to all areas of the 24, 070 acres combined land list of the 3 original companies. This land list will represent a permissible place of use for the rights involved. Specific information on these water rights and land list can be obtained from the IDWR office at 900 N Skyline Dr, Ste A, Idaho Falls, ID 83402.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Jefferson Star on November 11 and 18, 1998.

Thanks Terry for your help.
I will call you to see if you got this e-mail
Thanks again
Sharla
IDWR

MICROFILMED

FEB 11 1999

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO.T5335**

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KARL J. DREHER
Director

Published in the Jefferson Star on November 11 and 18, 1998

*emailed
on 11/6/98
SC*

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

THE IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

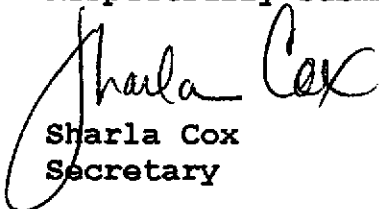
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 NOVEMBER 30, 1998.

Respectfully submitted,


Sharla Cox
Secretary

Enc.

MICROFILMED

FEB 11 1999

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335**

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KARL J. DREHER
Director

Published in the Idaho Statesman on November 12 and 19, 1998.

MICHOE LABELS

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

THE LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

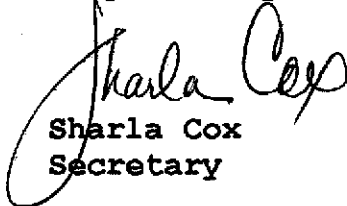
Dear Publisher:

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Sharla Cox
Secretary

Enc.

MICROFILMED

FEB 11 1999

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335**

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KARL J. DREHER
Director

Published in the Lewiston Tribune on November 12 and 19, 1998.

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

THE POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

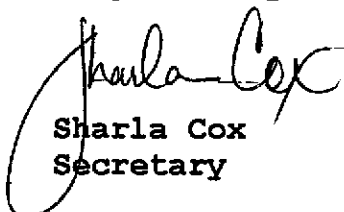
Dear Cathy VonBorstel:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 NOVEMBER 30, 1998.

Respectfully submitted,


Sharla Cox
Secretary

Enc.

MICROFILMED
FEB 11 1999

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335**

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KARL J. DREHER
Director

Published in the Post Register on November 12 and 19, 1998.

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

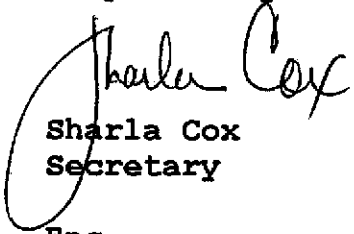
Dear Ruby Ausderheide:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 NOVEMBER 30, 1998.

Respectfully submitted,


Sharla Cox
Secretary

Enc.

MICROFILMED

FEB 11 1999

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5335**

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Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before November 30, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Times News on November 12 and 19, 1998.

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

OWSLEY CANAL
C/O GARTH SODERQUIST
PO BOX 68
TERRETON ID 83450

RE: Application for Transfer #5335

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register, Times News, Idaho Statesman and the Lewiston Tribune on November 12 and 19, 1998. The advertisement will be published once a week 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.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 9, 1998

Mr. Garth Soderquist
c/o Owsley Canal Co.
P.O. Box 68
Terreton, ID. 83450

Dear Mr. Soderquist:

I received your inquiry letter of August 27, 1998, about the status of the joint canal transfer to incorporate all the wells on all the canal's places of use. We have requested the rectified NAPP air photos (infra-red) of the areas you gave us on the 1987 overflight.

We expect them from Boise sometime in the next two weeks. I will then construct the transfer based on the correct land list the NAPP photos provide. The transfer will have to be signed and the fee paid and then sent to advertising.

As I told Dan Shenton, the backlog of transfers in Boise precluded getting approval of your application for the 1998 irrigation season. I have no way of validating your use of all the wells on all the property without said approved transfer.

When the transfer is finally written up I will send it directly to you for your review, signature and fee.

Sincerely,

Harold W. Jones

Water Rights Supervisor

HWJ::dn

RECEIVED

FEB 11 1999

OWSLEY CANAL CO.

P.O. BOX 68
1400 E. 1500 N.
TERRETON, ID 83450
Country

Phone (208)663-4359
Fax (208)663-4369

RECEIVED

AUG 31 1998

August 27, 1998

Department of Water Resources
Eastern District Office

Mr. Harold Jones
Idaho Dept. of Water Resources
900 N. Skyline
Idaho Falls, ID 83402

RE: Water Right Transfer

In Reference to your letter dated 7/6/98 in which you suggested if we could provide the data needed, mainly ASCS maps, this process could be speeded up. We did furnish you the maps shortly after your request and at this time are in need of returning them to the lender.

We have also furnished you maps recently developed by our company which are updated to the reality of operation and historical practice. This same map shows all our diversions including sub pumps.

At what point of progress are we now?

We are still concerned about the legality of operation since our merger of several canal companies. We feel this transfer is imperative for our continued operation.

If this transfer is not going to be processed quickly, we would feel more comfortable if we had a letter from your department, from the proper authority, stating our right to legally divert the waters of all our wells to any and all of our merged lands on a CO-mingled basis for both water sources and lands to be irrigated.

We would appreciate a letter or update from you addressing our concerns.

Sincerely,



Garth Soderquist

GS: RH

RECEIVED

FEB 11 1999