

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66079

This is to certify that: LEVEL CANAL CO INC
C/O DON PARKER
2032 W 4200 S
REXBURG ID 83440
(208)356-5091

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
31-5	AJC/Decreed	10/03/1910		393.6 af	80.0	1,656.1	MUD LAKE
31-189	WR/Decreed	09/17/1912		5510.4 af	1,440.0	1,656.1	MUD LAKE
31-11335	WR/Decreed	06/01/1952		816.0 af	213.1	1,656.1	MUD LAKE

Purpose of Transfer (Changes Proposed)

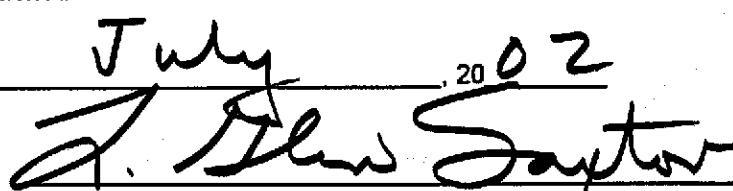
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
31-5	NO	NO	YES	NO	NO	NO
31-189	NO	NO	YES	NO	NO	NO
31-11335	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
31-5	31-5	N/A	393.6 af	80.0	1,648.0		N/A	N/A	N/A	N/A
31-189	31-189	N/A	5510.4 af	1,440.0	1,648.0		N/A	N/A	N/A	N/A
31-11335	31-11335	N/A	816.0 af	213.1	1,648.0		N/A	N/A	N/A	N/A
TOTALS			5904.0 af	N/A	1,648.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of July, 2002


Chief, Water Allocation Bureau

MICROFILMED

AUG 26 2002

WATER RIGHT NO. 31-5
As Modified by Transfer No. 66079

In accordance with the approval of Transfer No. 66079, Water Right No. 31-5 is now described as follows.

Right Holder: LEVEL CANAL CO
P O BOX 51
MONTEVIEW ID 83435

Priority Date: 10/03/1910

Source: MUD LAKE

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01 to	12/31		393.6 AF
IRRIGATION FROM STORAGE	05/01 to	11/01		393.6 AF
				393.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MUD LAKE NWSWSW Sec. 34 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 34											X						

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 33E 1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	634.0
	L1	L2			L3	L4											
06N 34E 6					40.0	39.0	39.0	40.0									158.0
					L3	L4	L5										
07N 33E 36	40.0	40.0	40.0	40.0	40.0			40.0	40.0	39.0	38.0	38.0	40.0	40.0	38.0	36.0	549.0
07N 34E 31					40.0	39.0	39.0	40.0	40.0	39.0	33.0	37.0					307.0
					L1	L2					L3	L4					

Total Acres: 1648

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-5 and 31-189 when combined shall not exceed the irrigation of 1,440.0 acres.
3. Rights 31-5, 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,904.0 af at the field headgate and the irrigation of 1,648.0 acres.

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AUG 26 2002

WATER RIGHT NO. 31-5
As Modified by Transfer No. 66079

CONDITIONS OF APPROVAL

4. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
8. Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the Clerk and Recorder of Jefferson County, Idaho, Instrument Number 307626.
10. Use of water under this right is combined with water from Independent Water Users of Mud Lake Inc.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of July, 2002



Chief, Water Allocation Bureau

MICROFILMED

AUG 26 2002

WATER RIGHT NO. 31-189
As Modified by Transfer No. 66079

In accordance with the approval of Transfer No. 66079, Water Right No. 31-189 is now described as follows.

Right Holder: LEVEL CANAL CO
P O BOX 51
MONTEVIEW ID 83435

Priority Date: 09/17/1912

Source: MUD LAKE

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		5,510.4 AF
IRRIGATION FROM STORAGE	04/01	to 10/31		5,510.4 AF
				5,510.4 AF

LOCATION OF POINT(S) OF DIVERSION:

MUD LAKE NWSWSW Sec. 34 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 34											X						

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 33E 1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	634.0
	L1	L2			L3	L4											
06N 34E 6					40.0	39.0	39.0	40.0									158.0
					L3	L4	L5										
07N 33E 36	40.0	40.0	40.0	40.0	40.0			40.0	40.0	39.0	38.0	38.0	40.0	40.0	38.0	36.0	549.0
07N 34E 31					40.0	39.0	39.0	40.0	40.0	39.0	33.0	37.0					307.0
					L1	L2					L3	L4					

Total Acres: 1648

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1,440.0 acres within the place of use described above in a single irrigation season.
2. Rights 31-5 and 31-189 when combined shall not exceed the irrigation of 1,440.0 acres.
3. Rights 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,510.4 af at the field headgate.

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AUG 26 2002

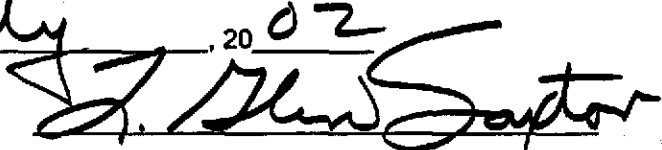
WATER RIGHT NO. 31-189
As Modified by Transfer No. 66079

CONDITIONS OF APPROVAL

4. Rights 31-5, 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,904.0 af at the field headgate and the irrigation of 1,648.0 acres.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the clerk and recorder of Jefferson County, Idaho, Instrument Number 307626.
10. Use of water under this right is combined with water from Independent Water Users of Mud Lake Inc.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of July, 2002


Chief, Water Allocation Bureau

MICROFILMED

AUG 26 2002

WATER RIGHT NO. 31-11335

As Modified by Transfer No. 66079

In accordance with the approval of Transfer No. 66079, Water Right No. 31-11335 is now described as follows.

Right Holder: LEVEL CANAL CO
P O BOX 51
MONTEVIEW ID 83435

Priority Date: 05/01/1952

Source: MUD LAKE

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		816.0 AF
IRRIGATION FROM STORAGE	04/01	to 10/31		816.0 AF
				816.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MUD LAKE NWSWSW Sec. 34 Twp 07N Rge 34E JEFFERSON County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 34											X						

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 33E 1	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	40.0	40.0	634.0
	L1	L2			L3	L4											
06N 34E 6					40.0	39.0	39.0	40.0									158.0
					L3	L4	L5										
07N 33E 36	40.0	40.0	40.0	40.0	40.0			40.0	40.0	39.0	38.0	38.0	40.0	40.0	38.0	36.0	549.0
07N 34E 31					40.0	39.0	39.0	40.0	40.0	39.0	33.0	37.0					307.0
					L1	L2					L3	L4					

Total Acres: 1648

CONDITIONS OF APPROVAL

- This right is limited to the irrigation of 213.1 acres within the place of use described above in a single irrigation season.
- Rights 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,510.4 af at the field headgate.

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AUG 26 2002

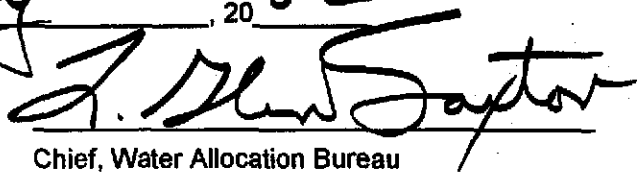
WATER RIGHT NO. 31-11335
As Modified by Transfer No. 66079

CONDITIONS OF APPROVAL

3. Rights 31-5, 31-189 and 31-11335 when combined shall not exceed a total annual maximum diversion volume of 5,904.0 af at the field headgate and the irrigation of 1,648.0 acres.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and tributaries.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. Approval of Transfer 66079 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
8. The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the clerk and recorder of Jefferson County, Idaho, Instrument Number 307626.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of July, 2002


Chief, Water Allocation Bureau

MICROFILMED

AUG 26 2002

202 JUL -6 PM 2:12

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)

Case No. 39576)

ORDER OF PARTIAL DECREE

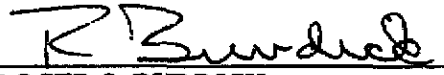
For Water Right 31-00189

On January 10, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-00189 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3-6-02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
AUG 26 2002

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

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 19576)
Water Right 31-00189

2002 FEB -6 PM 2:12
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LEVEL CANAL CO INC
C/O WILFRIED SCHMITT
HC 63 BOX 2585
MONTEVIEW, ID 83435

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 5510.40 APY

USE OF THIS RIGHT WITH RIGHT NO. 31-11335 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5510.4 AF.

PRIORITY DATE: 09/17/1912

POINT OF DIVERSION: T07N R34E S34 NWSWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	5510.40 APY
	Irrigation from Storage	04-01 TO 10-31	5510.40 APY

PLACE OF USE:	Irrigation from Storage	Within Jefferson County
	T06N R33E S01 LOT 01 (NENE) 40.0	LOT 02 (NWNE) 40.0
		SENE 40.0
	LOT 03 (NENW) 40.0	LOT 04 (NNNW) 39.0
		SENW 40.0
		NWSE 39.0
		SESW 39.0
	S11 NENE 23.0	NWNE 2.0
		SENE 0.1
	S12 NENW 39.0	NNNW 39.0
		SENW 40.0
	R34E S06 LOT 03 (NENW) 40.0	LOT 04 (NNNW) 39.0
	LOT 05 (SNNW) 39.0	SENW 40.0
	T07N R33E S36 NENE 40.0	NWNE 40.0
		SENE 40.0
		SENW 40.0
		NWSE 39.0
		SESW 38.0
		NWSE 40.0
		SESE 36.0
	R34E S31 NENW 40.0	LOT 01 (NNNW) 39.0
	LOT 02 (SNNW) 39.0	SENW 40.0
		LOT 03 (NWSW) 39.0
	LOT 04 (SWSW) 31.0	SESW 37.0
	1656.1 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 31-5 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1440 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1656.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-5, 31-11335.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1440 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

MICROFILMED
AUG 26 2002

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER DELIVERY DATED APRIL 17, 2001 WHICH IS ON FILE IN THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY IDAHO, INSTRUMENT NUMBER 307626.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
AUG 26 2002

2002 MAR 06 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 31-00189

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-00189 was mailed
on March 06, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LEVEL CANAL CO INC
C/O WILFRIED SCHMITT
HC 63 BOX 2585
MONTEVIEW, ID 83435
Phone: 208-663-4679


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/06/02

MICROFILMED

AUG 26 2002

MEMORANDUM

TO: FILE 31-00189
FROM: VAULT
RE: TRANSFER # 5712/66079
DATE: 4/17/2000

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 31-00005

MICROFILMED
AUG 26 2002