

Instrument No. **120684**

State of Ohio,
County of Jefferson, ss.

I hereby certify that the within
instrument was filed for record at the
request of

Charles F. Albright
on the *11* day of *Dec* 19*59*
at *3* o'clock *9*

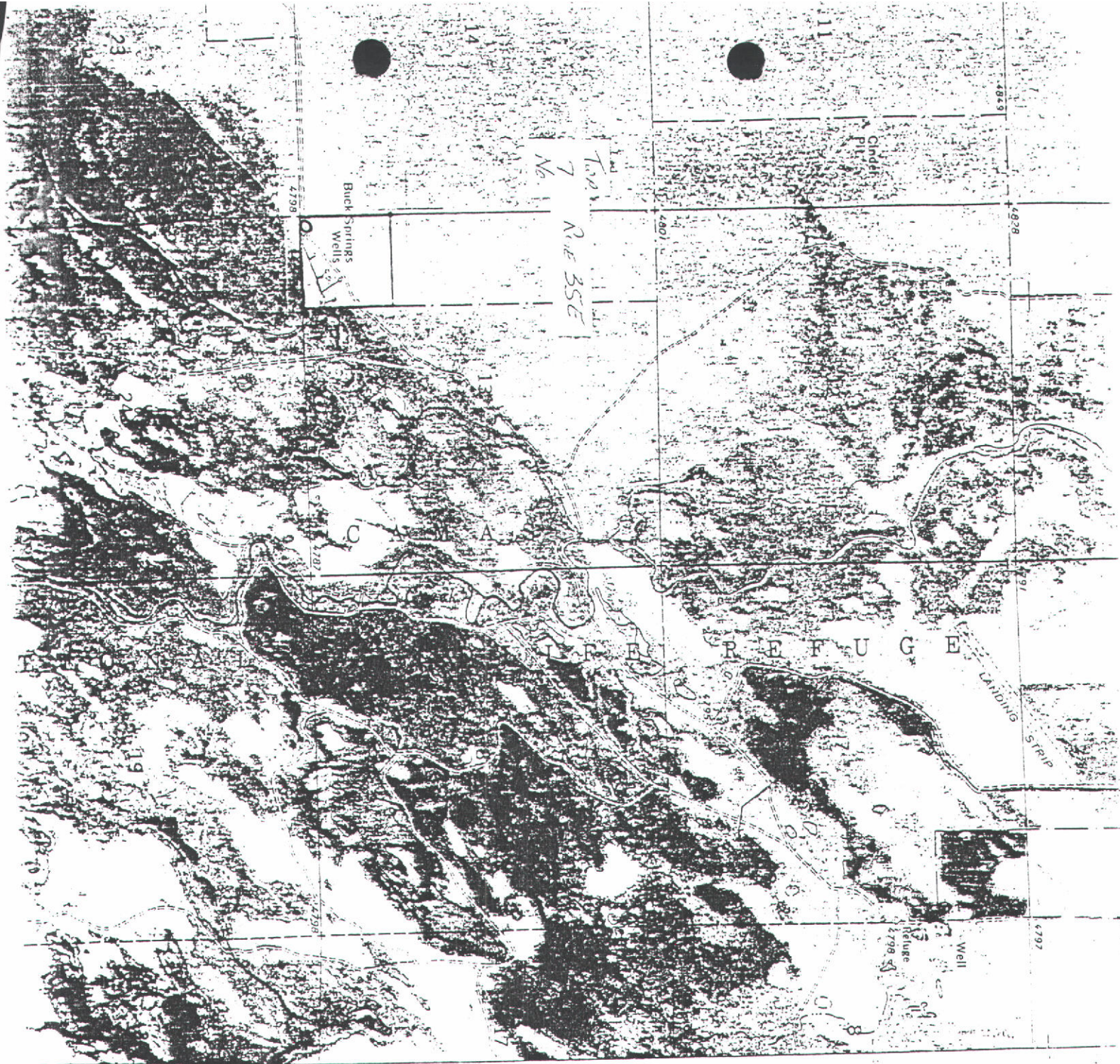
of *Wm. D. Dill*
of *Wm. D. Dill*
County of *Jefferson*

Edmund M. Menden

By _____
Recorder

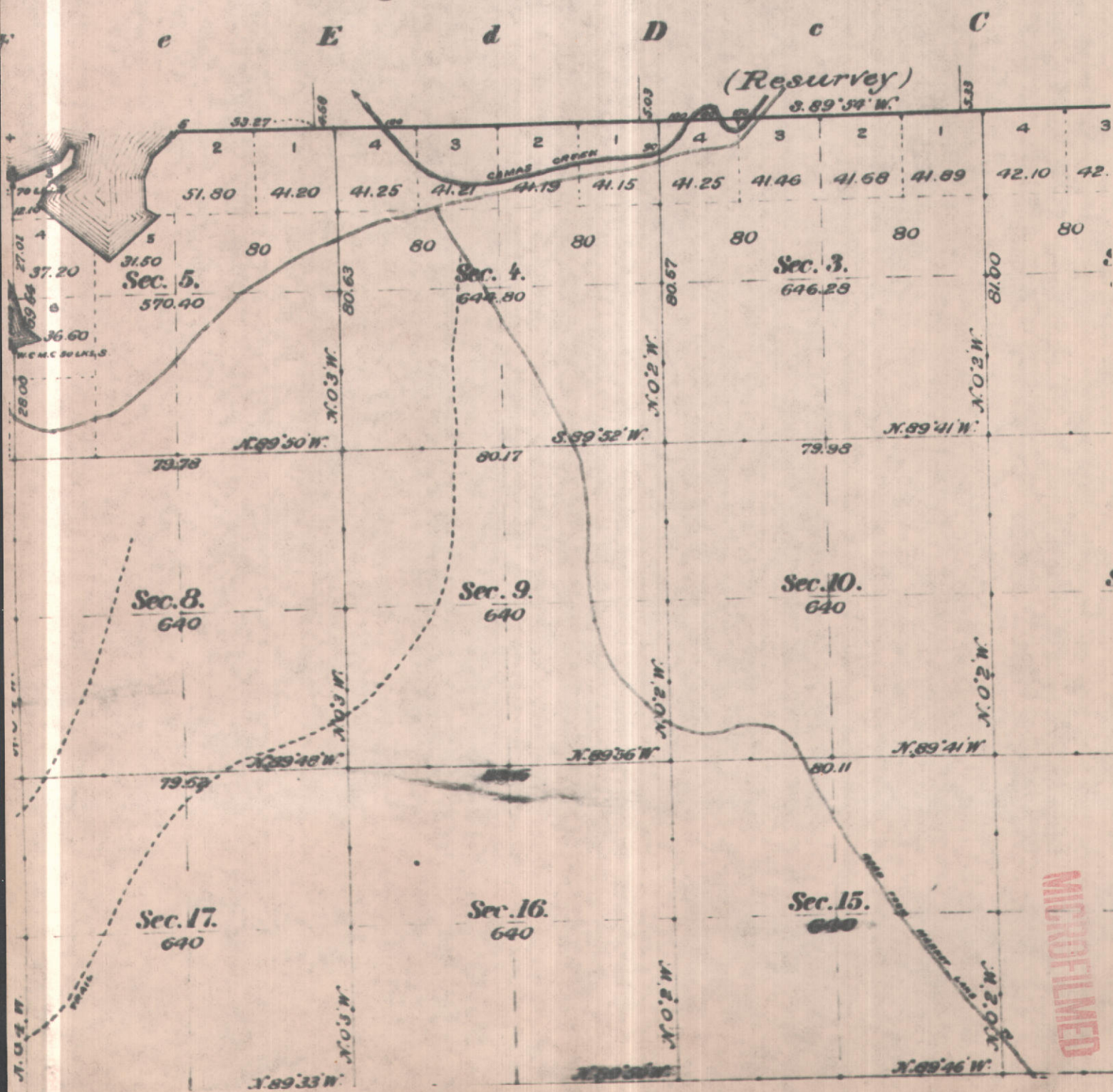
Recorder's Seal _____
Deputy

RECORDED



6

North Range N° 35 East of the Bo.



APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17963
Recorded in Book 64 Page 17963 Approved February 23, 1933
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ 1000.00 to be filed on or before April 24, 1933
Work to begin on or before August 23, 1933
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before August 23, 1933
The whole of said work to be completed on or before February 23, 1936
Beneficial use of water appropriated in accordance herewith, to be made on or before February 23, 1943

Witness my hand this 23rd day of February, 1933.

E. W. FARIS
Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Totals
			SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	
7 E	36 E	36	40	40	40	40	40	40	40	40	40	40	40	40	440
	34 E	31				40	40	40	40	40					320
	33 E	1	40	40	40	40	40	40	40	40					320
6 E	34 E	6				40	40	40	40	40					160
	34 E	12	40	40	40	40	40	40	40	40					440
	35 E	7	40	40	40	40	34.75	34.75	40	40	40	34.8	34.8	40	619.1
	35 E	5	(40)	(40)	(40)				(40)	(40)	(40)	(40)	(40)	(40)	320

Total number of acres to be irrigated..... 2619.1

REMARKS: The intention is to drill a series of deep wells, tapping the underground water, and diverting same into Camas Creek and Red Lake. The wells will be located on the SW 1/4 of Section 12 and the NW 1/4 of Section 34, T. 7 N., R. 36 E., B. 14., there being one or more wells on each 40 acre subdivision, depending upon the amount of flow from each well. From the well a ditch will convey the water about 3/4 of a mile eastward into Camas Creek, thence southerly in Camas Creek into Red Lake; however, part of the water will be diverted from Camas Creek at a point in the NE 1/4 of Section 3, T. 6 N., R. 35 E., B. 14. Part of the water will be diverted from Red Lake at a point on the NW corner of the NE 1/4 of Section 7, T. 6 N., R. 34 E., B. 14. The balance will be diverted from Red Lake at a point in the NE 1/4 of Section 1, T. 6 N., R. 34 E., B. 14. The pumping plants have been installed, ditches leading on to the lands have been completed, and the greater part of the acreage is now under cultivation.

There are two pumping plants on Red Lake, and water will be stored in the lake during that portion of the year when not irrigating. Water is pumped from Camas Creek and Red Lake by means of three pumping plants, pumping directly into ditches.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT **APPROVED**
To Change the Point of Diversion and/or the Place of Use

Name of applicant JACKETT CANAL COMPANY Phone 523-0620
Post office address c/o HOLDEN, KIDWELL, HAHN & CRAPO, Box 129, Idaho Falls, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED - See Attached Information

1. Right evidenced by:

- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

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

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ ¼ of _____ ¼ of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

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

Total number of acres to be irrigated _____

RECEIVED
MAY 11 1965
IDAHO DEPT. OF WATER RESOURCES

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

[illegible]

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

RECEIVED

Received by dh Date 3-13-79
Prelim. check by BMC Fee \$135.00
Received by dh Date 3-13-79 #12955
Published in Rigby Star
Pub. dates April 4 and 11, 1979
Watermaster recommendation requested on 4/16/79 rec'd. 3/29/79

Copies of protest forwarded by _____
Hearing held by _____
Recommended for approval DRT by BMC Qim DRT
Protest filed by _____
Date _____
denial

FOR DEPARTMENT USE ONLY

Witness my hand this 23rd day of June, 1981.
Norm Young
Administrator, Resources Admin. Div.

1. Approval of said application is subject to the following limitations and conditions:
31-0134 31-0143 31-0144 31-0337 31-2289 31-2290 31-2310 31-2321
31-0134 31-0143 31-0144 31-0337 31-2289 31-2290 31-2310 31-2321

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ approved _____
and said application is hereby approved _____

1. Approval of said application is subject to the following limitations and conditions:
(1) Any future transfer of any of these rights will cause the remaining rights to revert back to the original acreage. (2) The intent of this transfer is to record water deliver practices that have existed since 1956 - no change in delivery patterns is authorized. (3) Diversions of water authorized by this transfer shall not exceed 9321 acre feet per annum. (4) Measuring devices and controlling works of a type approved by this Department must be permanently installed and maintained at the points of diversion from groundwater diversion from Camas Creek. (5) Use of water under this transfer is subject to control by the watermaster of Water District No. 31, Mud Lake and tributaries.

My commission expires LIFE

Subscribed and sworn to before me this 26 day of JUNE, 19 78

Paul R. Hearnsley
(Signature of applicant)

Paul R. Hearnsley
(Notary public)

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

3. Remarks _____

RECORDED

JUL 7 1978

Department of Water Resources
Eastern District Office

A. DESCRIPTION OF RIGHTS AS RECORDED:

1. Rights evidenced by:

a. Decreed Rights:

(1) Ernest Sauve, Plaintiff, vs. W. H. Abbott, et al, Defendants;
dated November 1, 1930; in the District Court of the United States for the District of Idaho, Eastern Division. Proceedings were held in Pocatello, Bannock County, Idaho, but the decree purports to allocate the waters of Mud Lake in Jefferson County, Idaho, and its tributaries. All lands irrigated through applicant's system are in Jefferson County. These rights were conveyed to applicant by an instrument entitled "Water Deed", dated May 1, 1956, recorded as Instrument No. 116320 in the records of Jefferson County, Idaho, on September 15, 1958; also in Book 55 of Water Deeds at page 309. A copy of this deed is attached hereto. The information for each such water right is listed as follows:

- | | | |
|-----|----------------------|---|
| (a) | Right No. - | 31-0134 (Page 47 of Decree, No. 70) |
| | Decreed to - | Los Angeles First National Bank and Trust Company (formerly First Nat'l Bank of Los Angeles), a corporation. |
| | Source - | Camas Creek, a tributary of Mud Lake. |
| | Priority Date - | March 20, 1911. |
| | Water Used For - | Irrigation |
| | Amount - | 3.5 cfs |
| | Point of Diversion - | In Lot 4, Section 4, Township 6 North, Range 35 East, B.M. |
| | Place of Use - | 7.38 acres in Lot 7, Section 32, Township 7 North, Range 35 East, B.M. |
| | | 41. acres in Lot 4, Section 4; 41. acres in Lot 1, Section 4; 52.25 acres in Lot 2, Section 5; all in Township 6 North, Range 35 East, B.M. |
| (b) | Right No. - | 31-0135 (Page 47 of Decree, No. 70) |
| | Decreed to - | Los Angeles First Nat'l Bank and Trust Company (formerly First Nat'l Bank of Los Angeles), a corporation. |
| | Source - | Mud Lake |
| | Priority Date - | June 10, 1912 |
| | Water Used For - | Irrigation |
| | Amount - | 2.5 cfs |
| | Point of Diversion - | Near the Center of the Southwest Quarter of Section 5, Township 6 North, Range 35 East, B.M. |

- Place of Use - 320 acres as follows: 40 acres in the Northwest Quarter of the Northwest Quarter; 40 acres in the Northeast Quarter of the Northwest Quarter; 40 acres in the Southwest Quarter of the Northwest Quarter; 40 acres in the Southeast Quarter of the Northwest Quarter; 40 acres in the Northwest Quarter of the Northeast Quarter; 40 acres in the Southwest Quarter of the Northeast Quarter; 40 acres in the Northwest Quarter of the Southeast Quarter; 40 acres in the Northeast Quarter of the Southwest Quarter - all in Section 8, Township 6 North, Range 35 East B.M.
- (c) Right No. - 31-0143 (Page 49 of Decree, No. 75)
 Decreed to - Clarence O. McGill and G. B. Adams.
 Source - Camas Creek, a tributary of Mud Lake.
 Priority Date - March 29, 1911
 Water Used For - Irrigation
 Amount - 1.0 cfs
 Point of Diversion - In Lot 4, Section 3, Township 6 North, Range 35 East B.M.
 Place of Use - Lots 3⁴ and 4⁴, the Southwest Quarter of the Northwest Quarter; the Southwest Quarter of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southwest Quarter, all in Section 3, Township 6 North, Range 35 East, B.M.
- (d) Right No. - 31-0144 (Page 49 of Decree, No. 75)
 Decreed to - Clarence O. McGill and G.B. Adams
 Source - Camas Creek, a tributary of Mud Lake
 Priority Date - September 21, 1912.
 Water Used For - Irrigation
 Amount - 1.0 cfs
 Point of Diversion - Same as 31-0143.
 Place of Use - Same as 31-0143.
- (e) Right No. - 31-0190 (Page 60 of Decree, No. 99)
 Decreed to - Merritt M. Owsley
 Source - Camas Creek, a tributary of Mud Lake.
 Priority Date - October 14, 1913.
 Water Used For - Irrigation
 Amount - 5.9 cfs
 Point of Diversion - A point South 73.75° East 1222 feet from the Northwest Corner of Section 3, Township 6 North, Range 35 East, B.M.
 Place of Use - The Southwest Quarter, the West Half of the Southeast Quarter, and the West Half of the Northeast Quarter, of Section 9, Township 6 North, Range 35 East, B.M.

MICROFILMED

(2) The Owsley Canal Company, Plaintiff, vs. Ernest Bauerle, et al, Defendants; dated October 14, 1940; in the District Court of the Ninth Judicial District of the State of Idaho, In and For Jefferson County. These rights were conveyed to applicant by instrument entitled "Water Deed", dated December 20, 1956, recorded as Instrument No. 120684, in the records of Jefferson County, Idaho on December 11, 1959; also in Book 81 of Water Deeds, at Page 56. A copy of this deed is attached. By this deed, Independent Water Users of Mud Lake, Inc., conveyed to applicant:

"An undivided one-third (1/3) in and to all of the water and water rights and diversion works of every kind, nature and description owned by said First Party, or in which First Party has any interest and particularly, but not limited thereto, an undivided one-third (1/3) interest in and to the water rights evidenced by Idaho Water License No. 17690 and Idaho Water Permit No. 17763."

The Bauerle Decree recites that Independent Water Users of Mud Lake, Inc., is the owner of this license and permit and appears to confirm or decree the rights represented in both the license and the permit. Subsequently the Permit, No. 17763/31-2254 was canceled for failure to submit proof of beneficial use. However, water has been diverted and applied to beneficial use each year in reliance on this right and the applicant has always relied on the decree as evidence of the rights, rather than the license or permit. We are attaching a copy of a letter from Mr. Bobby D. Fleenor of the Department to Don Shenton, dated June 4, 1974, explaining that the permit was canceled because after the entry of the Decree there was no longer any need to prove up on the permit, and the filing was unnecessary. The rights under this decree are described as follows:

(a) Right No. - 31-0336 (License No. 17690/31-2253)
Decreed to - Independent Water Users of Mud Lake, Inc.
Source - Ground Water
Priority Date - April 27, 1932
Water Used For - Irrigation
Amount - Decree says 32.50 cubic feet per second, but combined with Right No. 31-0337 "an amount not exceeding in the aggregate the equivalent of 91.8 cubic feet per second, flowing continuously during the irrigation season from May 1 to November 1 of each year."
Point of Diversion - Northeast Quarter Northwest Quarter Section 3, Township 6 North, Range 35 E.B.M., Jefferson County.
Place of Use -

Twp	Range	Section	Forty-Acre Tract	No. Acres Actually Irrigated
7N.	35 E.	32	Lot 7 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	38
6N.	35 E.	4	Lot 4 ✓	35
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
		5	Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)	40
			Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ and part of NE $\frac{1}{4}$ NW $\frac{1}{4}$)	25
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	35
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
		8	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	30
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	20
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	35
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	15
		9	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	20
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	20
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	20
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
		10	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	20
Total Number of Acres Irrigated				1,328

UNRECORDED

31-0337

(b) Right No. - 31-0337 (Permit No. 17763/31-2254)
Decreed To - Independent Water Users of Mud Lake, Inc.
Source - Ground Water
Priority Date - December 15, 1932
Water Used For - Irrigation
Amount - 50 cfs (however, decree provides that this right, together with Right No. 31-0336 shall be permitted to develop up to 91.8 cubic feet per second as quoted above).

Points of Diversion - Southwest Quarter of Section 13, Northwest Quarter of Section 24, in Township 7 North, Range 35 E.B.M., Northeast Quarter Northwest Quarter of Section 3, Township 6 North, Range 35 E.B.M., Northwest Quarter Northwest Quarter of Section 7, Township 6 North, Range 34 E.B.M., Northeast Quarter Northwest Quarter of Section 1, Township 6 North, Range 34 E.B.M.

Place of Use -

Twp.	Range	Section	Forty-Acre Tract	No. Acres Actually Irrigated
7N.	33 E.	36	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	34 E.	31	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
6N.	33 E.	1	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	34 E.	6	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40

Twp.	Range	Section	Forty-Acre Tract	No. Acres Actually Irrigated
6N	34 E.	12	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	35 E.	7	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.75
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.75
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.8
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.8
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
	35 E.	9	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40

Total Number of Acres Irrigated 2,619.1

b. Licensed Rights:

(1) Right No. - G-20891/31-2289
 Licensed To - Calvin Passey
 Source - Ground Water
 Priority Date - January 13, 1949
 Water Used For - Irrigation
 Amount - 3.2 cfs
 Point of Diversion- Northwest Quarter Northeast
 Quarter Section 27, Township 7
 North, Range 35 E.B.M., Jefferson
 County.
 Place of Use - Northeast Quarter Northeast Quarter,
 Northwest Quarter Northeast Quarter,
 Southwest Quarter Northeast Quarter,
 Southeast Quarter Northeast Quarter
 all in Section 8, Township 6 North
 Range 35 E.B.M.

- (2) Right No. - G-20948/31-2290
 Licensed To - J.R. Bixby
 Source - Ground Water
 Priority Date - February 14, 1949
 Water Used For - Irrigation
 Amount - 3.6 cfs
 Point of Diversion - Northwest Quarter Northeast
 Quarter, Section 27 Township 7
 North, Range 35 E.B.M., Jefferson
 County.
 Place of Use - Northeast Quarter Southeast Quarter,
 Northwest Quarter Southeast Quarter,
 Southwest Quarter Southeast Quarter,
 Southeast Quarter Southeast Quarter,
 Northeast Quarter Southwest Quarter,
 and Southeast Quarter Southwest
 Quarter, all in Section 5, Township
 6 North, Range 35 E.B.M.
- (3) Right No. - G-21322/31-2297
 Licensed To - Rulan R. Yearsley
 Source - Ground Water
 Priority Date - December 29, 1949
 Water Used For - Irrigation
 Amount - 6.0 cfs
 Point of Diversion - Northwest Quarter Northeast Quarter,
 Section 27, Township 7 North, Range
 35 E.B.M. in Jefferson County.
 Place of Use - 20 acres in Northwest Quarter of
 Northeast Quarter, 20 acres in South-
 west Quarter Northeast Quarter,
 20 acres in Southeast Quarter North-
 east Quarter, 30 acres in Northeast
 Quarter Northwest Quarter, 30 acres
 in Southeast Quarter Northwest Quarter,
 40 acres in Northeast Quarter South-
 west Quarter, 30 acres in Northwest
 Quarter Southwest Quarter, 30 acrs
 in Southwest Quarter Southwest Quarter,
 20 acres in Southeast Quarter South
 west Quarter, all in Section 3, 30
 acres in Southwest Quarter Southeast
 Quarter of Section 4, 35 acres in
 Northwest Quarter Northeast Quarter
 and 35 acres in Southwest Quarter
 Northeast Quarter of Section 9, all
 in Township 6 North Range 35 E.B.M.
- (4) Right No. - G-23076/31-2310
 Licensed to - Blaine E. Miller
 Source - Ground Water
 Priority Date - September 24, 1962
 Water Used For - Irrigation 1752
 Amount - 5.8 cfs
 Point of Diversion - Southwest Quarter Southwest Quarter
 Section 23, Township 7 North, Range
 35 E.B.M. Jefferson County.

Place of Use - 35 acres in Northeast Quarter North-east Quarter, 30 acres in Northwest Quarter Northeast Quarter, Southwest Quarter Northeast Quarter, Southeast Quarter Northeast Quarter, Northeast Quarter Southeast Quarter, Northwest Quarter Southeast Quarter, 35 acres in Southwest Quarter Southeast Quarter, 30 acres in Southeast Quarter South-east Quarter, all in Section 17, Township 6 North, Range 35 E.B.M.

(5) Right No. - G-23836/31-2317 (two Rights under this Right No.)
Licensed to - Frank S. Jackett
Source - Ground Water
Priority Date - February 28, 1953 and October 27, 1956
Water Used For - Irrigation
Amounts - 8.08 cfs under February 28, 1953 priority and 1.90 cfs under October 27, 1956 priority.

Points of Diversion - Northwest Quarter Southwest Quarter, Section 23 and Northeast Quarter Southeast Quarter, Section 22, all in Township 7 North, Range 35 E.B.M.

Place of Use - 25 acres in Northeast Quarter North-east Quarter, Northwest Quarter North-east Quarter, 20 acres in Southwest Quarter Northeast Quarter, 25 acres in Southeast Quarter Northeast Quarter, Northeast Quarter Northwest Quarter, Northwest Quarter Northwest Quarter, Southwest Quarter Northwest Quarter, Southeast Quarter Northwest Quarter, Northeast Quarter Southeast Quarter, 20 acres in Northwest Quarter South-east Quarter, 25 acres in Southwest Quarter Southeast Quarter, Southeast Quarter Southeast Quarter, Northeast Quarter Southwest Quarter, Northwest Quarter Southwest Quarter, 10 acres in Southwest Quarter Southwest Quarter, 13 acres in Southeast Quarter South-west Quarter, all in Section 16, Township 6 North, Range 35 E.B.M.

(6) Right No. - G-24047/31-2321
Licensed To - Dennis Green
Source - Ground Water
Priority Date - April 25, 1953
Water Used For - Irrigation
Amount - 1.92 cfs
Point of Diversion- Northwest Quarter Northeast Quarter Section 27, Township 7 North Range 35 E.B.M.
Place of Use - 36 acres in Northeast Quarter South-west Quarter, 34 acres in North-east Quarter Southeast Quarter, 26 acres in Northwest Quarter Southeast Quarter all in Section 8, Township 6 North, Range 35 E.B.M.

RECORDED

All of the above described Licensed Rights were deeded to the Jackett Canal Company shortly after its organization in 1956. copies of all of the deeds are attached.

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

1. Change in point of diversion:

a. Amount of water to be diverted - the combination of all of the above described rights of the Jackett Canal Company amounts to 75 cubic feet per second. The decreed rights from Camas Creek are pumped out of Camas Creek at the points of diversion described below, so long as water is available to fill these rights. The seven wells maintained by the company are used only to the extent necessary to supplement the creek rights. Usually, this requires an increased use of the wells as the season progresses. Although the wells are usually operated to some extent from the time the irrigation season begins, in a sense, the wells are used as supplemental to the decreed rights from the creek.

b. Points of diversion -

- (1) Southwest Quarter Southwest Quarter, Section 13,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (2) Northwest Quarter Southeast Quarter, Section 22,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (3) Northwest Quarter Southwest Quarter, Section 23,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (4) Southwest Quarter Southwest Quarter, Section 23,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (5) Northwest Quarter Northeast Quarter, Section 27,
Township 7 North, Range 35 E.B.M., Jefferson County.
- (6) Southwest Quarter Southwest Quarter, Section 33,
Township 7 North, Range 35 E.B.M., Jefferson County.

(7) Lot 4 (Northwest Quarter Northwest Quarter), Section 3, Township 6 North, Range 35 E.B.M., Jefferson County.

- c. Description of diverting works - The Jackett Canal Company diverts both its decreed water rights from Camas Creek as well as the decreed and licensed rights from its seven wells at two locations on Camas Creek. The company maintains two pumps on Camas Creek in the Southwest Quarter of the Southwest Quarter of Section 33, Township 7 North, Range 35 E.B.M., and five pumps on Camas Creek in Lot 4 (Northwest Quarter Northwest Quarter), Section 3, Township 6 North, Range 35 E.B.M. The seven wells are located two to three miles north and east of the company's diversions from Camas Creek. Each of the wells discharges water into ditches which convey the well water into the Independent Ditch which empties into Camas Creek upstream from the two diversion points of the company. The Independent Ditch commences at a point in the Southwest Quarter of the Southwest Quarter of Section 13 where several wells are located at a point known as Buck Springs and flows in a generally southwest direction to the center of Section 27, Township 7 North, Range 35 E.B.M., and then directly south for approximately a mile where it discharges into Camas Creek in Section 34, Township 7 North, Range 35 E.B.M. In addition to assisting with the maintenance of the Independent Ditch and the small conveyances which discharge into the Independent Ditch, as well as the Jackett Canal system for distributing water to the lands of the stockholders south of Camas Creek, the company owns and maintains seven wells and fourteen pumps with electric motors ranging in size from 50 hp down to 20 hp.
- d. Describe the reasons for applying for a change in the points of diversion - The purpose of this entire application for

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transfer is to conform the records of the department to the actual practice of the company which has been carried on since its organization in 1956. Some of the points of diversion as far as the actual records are concerned may be somewhat confusing because of the changes that were made at that time, as well as a result of the numerous deeds which the company received from individual stockholders as well as the Independent Water Users of Mud Lake, Inc. at the time of the organization. In fact, in reviewing the language of the deed from Independent Water Users of Mud Lake, Inc. to Jackett Canal Company in 1956, we observed that the deed purported to convey an undivided one-third interest in the wells and pumps and other diverting works, as well as the conveyance system and water right itself. There are actually five wells at Buck Springs, all located in the Southwest Quarter of the Southwest Quarter of Section 13, Township 7 North, Range 35 E.B.M. In actual practice, Jackett Canal Company has been treated as owning the two western most wells and Independent Water Users of Mud Lake, Inc. the three eastern most wells. In order to clarify this situation, the two companies have exchanged quit claim deeds on these wells, again to make the records conform to the actual practice. Copies of those deeds are enclosed with this application.

2. Change in place of use:

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

TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	35E	32															1t 8 2	1t 7 18	20.00
		33											1						1.00
6N	35E	3	1t 1 41.89	1t 2 41.68	40	40	1t 3 41.46	1t 4 35	40	40	40	40	40	40		40	40		560.03
		4						1t 4 7			40	40	40	40	40	40	40	40	327.00
		5	1t 1 41.20	1t 2 38	40	40					40			40	40	40	40	40	399.20

TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
		8	40	40	40	40	40	40	40	40	40				40	40			440.00
		9	40	40	40	40					40	40	40	40		40	40		400.00
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640.00
		17	40	40	40	40									40	40	40	40	320.00

Total number of acres to be irrigated 3,107.23

- b. Draw a map indicating the new points of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township, and range number. The attached map showing lands of the company irrigated by its stockholders colored in yellow with points of diversion and location of wells shown in blue.
3. Remarks - An attempt has been made by the applicant to identify the exact property of its stockholders upon which the company water is to be used, as well as the points of diversion. Essentially, the actual practice of the company has been as shown for a period of nearly 22 years. Recently, when the company began to review its water rights, it was discovered that although they were deeded to the company in 1956, no effort had been made to transfer the water rights so that an equal amount was appurtenant to each acre of ground within the system. Indeed, we discovered that the records would show that some land had several water rights appurtenant and some of the company land had no water rights appurtenant. It is the desire and intention of the company that all of the company's water rights be transferred to all of the company's lands so that each acre has an equal amount of each of the company's rights appurtenant to it since this is the way the company has actually operated.

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199
**NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS**

Affidavit of Publication

THE RIGBY STAR

APR 22

Department of
Eastern District

STATE OF IDAHO,
County of Jefferson

ss

I, Karl Hanosky, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on the

Fourth day of April, 19 79

and the last publication on the

Eleventh day of April, 19 79

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Karl E. Hanosky
Publisher

Subscribed in my presence and sworn to before me this Eleventh
day of April, 19 79.
[SEAL]

Evelyn M. Flygden
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires 8-15, 19 81

Publication Fee: \$ 73.39

NOTICE IS HEREBY GIVEN that the
Jackett Canal Company has applied to
the Department of Water Resources for
a change in the points of diversion and
places of use of the waters of
ground-water sources and surface water
from Camas Creek. The rights sought
to be changed are evidenced as follows:
Decreed rights from Camas Creek
31-0134 Decree to Los Angeles First
National Bank & Trust Co. in case of
Ernest Sauve-vs-W. H. Abbott dated
Nov. 1, 1930 in U.S. District Court,
County of Bannock and recorded as:
Amount: 3.50 cfs.
Priority: 3-20-1911
Decreed Point of Diversion: Lot 4,
Sec. 4, T. 6N, R. 35E.
Place of use: Lot 7, Sec. 32, T. 7N, R.
35E, Lot 4, Lot 1, Sec. 4, Lot 2, Sec. 5,
T. 6N, R. 35E.
31-0135 Decree to Los Angeles First
National Bank in case of Ernest Sauve
-vs- W. H. Abbott dated Nov. 1, 1930 in
U.S. District Court, County of Bannock
and recorded as:
Amount: 2.50 cfs
Priority: June 10, 1912
Decreed Point of Diversion: Center
SW 1/4, Sec. 5, T. 6N, R. 35E.
Place of Use: W 1/2 NE 1/4, NW 1/4,
NW 1/4 SW 1/4, NW 1/4 SE 1/4, Sec. 8, T. 6N,
R. 35E.
31-0143 and 31-0144 Decree to
Clarence O. McGill & G. B. Adams in
case of Ernest Sauve-vs-W. H. Abbott
dated Nov. 1, 1930 in U.S. District
Court, County of Bannock and recorded
as:
31-0143 Amount: 1.00 cfs. Priority:
March 29, 1911.
31-0144 Amount: 1.00 cfs Priority:
Sept. 21, 1912.
These two rights are diverted within
Lot 4, Sec. 3, T. 6N, R. 35E, and used to
irrigate lands within Lots 3 & 4,
SW 1/4 NW 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4,
Sec. 3, T. 6N, R. 35E.
31-0190 Decree to Merritt M. Owsley
in case of Ernest Sauve-vs-W. H.
Abbott dated Nov. 1, 1930, in U.S.
District Court, County of Bannock and
recorded as:
Amount: 5.90 cfs
Priority: Oct. 14, 1913
Decreed Point of Diversion: NW
Corner, Sec. 3, T. 6N, R. 35E.
Place of Use: W 1/2 E 1/2, SW 1/4, Sec. 9,
T. 6N, R. 35E.
Decreed rights from ground-water
sources.
31-0336 Decree to Independent Water
Users in case of Owsley Canal
Co.-vs-Ernest Bauerle dated Oct. 14,
1940 in Ninth District Court, County of
Jefferson and recorded as:
Amount: 32.5 cfs
Priority: Apr. 27, 1932
Decreed Point of Diversion:
NE 1/4 NW 1/4, Sec. 3, T. 6N, R. 35E.
Place of Use: Lot 7, Sec. 32, T. 7N, R.
35E. Lot 4, S 1/2, Sec. 4, Lots 1 & 2,
S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4, Sec. 5,
NE 1/4, W 1/2 NW 1/4, SE 1/4 NW 1/4,
N 1/2 SW 1/4, NW 1/4 SE 1/4, Sec. 8,
E 1/2 NE 1/4, NW 1/4, Sec. 9, W 1/2 NW 1/4,
Sec. 10, T. 6N, R. 35E.
31-0337 (same decree as 31-0336)
Amount: 50.0 cfs
Priority: Dec. 15, 1932
Decreed Point of Diversion: SW 1/4,
Sec. 13, NW 1/4, Sec. 24, T. 7N, R. 35E;
NE 1/4 NW 1/4, Sec. 3, T. 6N, R. 35E;
NW 1/4 NW 1/4, Sec. 7, NE 1/4 NW 1/4, Sec.
1, T. 6N, R. 34E.
Place of Use: E 1/2, E 1/2 SW 1/4,
SW 1/4 SW 1/4, Sec. 36, T. 7N, R. 33E;
W 1/2, Sec. 31, T. 7N, R. 34E; N 1/2, Sec.
1, T. 6N, R. 33E; NW 1/4, Sec. 6, E 1/2,
E 1/2 NW 1/4, NE 1/4 SW 1/4, Sec. 12, T. 6N,
R. 34E; Sec. 7, W 1/2 E 1/2, SW 1/4, Sec. 9,
T. 6N, R. 35E.
Licensed ground-water rights
31-2289
Amount: 3.20 cfs
Priority: Jan. 13, 1949
Point of Diversion: NW 1/4 NE 1/4, Sec.
27, T. 7N, R. 35E.
Place of Use: NE 1/4, Sec. 8, T. 6N, R.
35E.
31-2290
Amount: 3.60 cfs
Priority: Feb. 14, 1949
Point of Diversion: NW 1/4 NE 1/4, Sec.
27, T. 7N, R. 35E.
Place of Use: E 1/2 SW 1/4, SE 1/4, Sec.
5, T. 6N, R. 35E.
31-2297
Amount: 6.00 cfs
Priority: Dec. 29, 1949
Point of Diversion: NW 1/4 NE 1/4, Sec.
27, T. 7N, R. 35E.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Frank S. Jackett (SEAL)
Bessie M. Jackett (SEAL)

STATE OF IDAHO)
County of Bonneville) ss

On this 1st day of May, 1956, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared FRANK S. JACKETT and BESSIE JACKETT, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Ralph L. Albright
Notary Public for State of Idaho
Residing at Idaho Falls, Idaho

MICROFILMED

W A T E R D E E D

THIS INDENTURE, made this 1st day of May, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between FRANK S. JACKETT and BESSIE JACKETT, his wife, of Jefferson County, Idaho, the parties of the first part, and JACKETT CANAL COMPANY, a corporation, of Jefferson County, Idaho, the party of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of Six Hundred Forty (640) shares of the capital stock of said Jackett Canal Company, to them in hand paid and delivered by the party of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do assign, sell, convey and transfer unto the said party of the second part and to its successors and assigns forever, the following described water permit to appropriate the public waters of the State of Idaho, near Hamer, in Jefferson County, Idaho, issued by the State Reclamation Engineer of the State of Idaho, and more particularly described as follows, to-wit:

<u>PERMIT NUMBER</u>	<u>DATE</u>	<u>APPLICANT</u>	<u>QUANTITY</u>
<u>G-23836</u>	March 7, 1953	Frank S. Jackett	12.8 cfs

And together with all the irrigation wells, pumps, ditches, canals, electric transformers and diversion works constructed, drilled and installed for developing, carrying and using the water appropriated and used under said permit, and all the water and water rights which have been or may be hereafter developed, appropriated and used under said water permit.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described water and water rights and the appurtenances thereunto belonging or in anywise appertaining unto the party of the second part, and to its successors and assigns forever.

Merritt E. Owsley

1912 - April 15

31 1912 ✓
7.0 c.f.s.

Source: Mud Lake

Point of Diversion: About one-half mile North of the Northeast Quarter of Section 12, Township 6 North, Range 34 East, B. M.

For use on the following described land, to-wit: The East Half of Section 12, Township 6 North, Range 34 East, B. M.; the West Half of SW $\frac{1}{4}$ of Section 7, Township 7 North, Range 35 East, B. M.

1917 - September 8

31 1921 ✓
3.0 c.f.s.

Source: Mud Lake.

Point of Diversion: A point common to the Northwest corner of Section 7, Township 6 North, Range 35 East, B. M., and the Northeast corner of Section 12, Township 6 North, Range 34 East, B. M.

For use on the following described land, to-wit: The Northeast Quarter of Section 7, Township 6 North, Range 35 East, B. M.

May 3, 1978

RECEIVED

JUL 7 1978

Department of Water Resources
Eastern District Office

TO: THE JACKETT CANAL COMPANY
FROM: JOSEPH M. AND ELLA M. MARTY

Gentlemen:

This letter will acknowledge that we have been advised that the Jackett Canal Company is proceeding under the provisions of Idaho Code, Section 42-222, to transfer water rights owned by the canal company for the purpose of conforming the records of the Idaho State Department of Water Resources to the actual practices of the canal company with respect to the places of use of the canal company's water rights since its organization in 1956.

We understand that for whatever reason, the current records of the department show a portion of the Jackett Canal Company's water right as being appurtenant (attached) to some of our land which is not irrigated with Jackett Canal Company water.

Specifically, it appears that a portion of Right No. 31-0036 (decreed in the case of the Owsley Canal Company vs. Ernest Bauerle, October 13, 1940 - formerly License No. 17690/31-2253) is shown on the department records as being appurtenant to certain of our lands in Lot 4, Section 4, Township 6 North, Range 35 E.B.M., north and east of Camas Creek. 31-0336

By this letter, we wish to verify that Jackett Canal Company water is not used on any of our land north and east of Camas Creek. We have not been assessed by the company for any such water, and do not claim any right to its use on this land. This land is irrigated with other water rights.

We understand that this error was discovered during the company's efforts to verify the records of the department, and that the Jackett Canal Company does not intend to levy or attempt to collect from us, any assessments, either for prior years or in the future, for the water rights which are erroneously assigned to the above described land.

Joseph M. Marty
Joseph M. Marty

Ella M. Marty
Ella M. Marty

RECEIVED
MAY 10 1978

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 9th day of May, 1978, before me, the under-
signed, a Notary Public in and for said state, personally
appeared JOSEPH M. and ELLA M. MARTY, his wife, known to me
to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

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

Patricia A. Carver
Notary Public for Idaho
Residing at: Lewburg, Id
My Commission Expires 10-26-80

(Seal)

May 3, 1978

RECEIVED

JUL 7 1978

TO: THE JACKETT CANAL COMPANY
FROM: J. T. and ESTHER B. FURNESS

Department of Water Resources
Eastern District Office

Gentlemen:

This letter will acknowledge that we have been advised that the Jackett Canal Company is proceeding under the provisions of Idaho Code, Section 42-222, to transfer water rights owned by the canal company for the purpose of conforming the records of the Idaho State Department of Water Resources to the actual practices of the canal company, with respect to the places of use of the canal company's water rights since its organization in 1956.

We understand that for whatever reason, the current records of the department show a portion of the Jackett Canal Company's water right as being appurtenant (attached) to some of our land which is not irrigated with Jackett Canal Company water.

Specifically, it appears that a portion of Right No. 31-0134 (a right decreed in the case of Ernest Sauve vs. W.H. Abbott, et al, dated November 1, 1930, as No. 70, at page 47 of said decree) and is shown as being appurtenant to our land in Lot 1 (Northeast Quarter Northeast Quarter) of Section 4, Township 6 North, Range 35 E.B.M., north and east of Camas Creek.

By this letter, we wish to verify that Jackett Canal Company water is not used on any of our land described above. We have not been assessed by the company for any such water, and do not claim any right to its use on this land. This land is irrigated with other water rights.

We understand that this error was discovered during the company's efforts to verify the records of the department, and that the Jackett Canal Company does not intend to levy or attempt to collect from us, any assessments, either for prior years or in the future, for the water rights which are erroneously assigned to the above described land.

J. T. Furness
J. T. Furness

Esther B. Furness
Esther B. Furness

MICROFILMED

STATE OF IDAHO)
) ss.
County of Terreton)

On this 10th day of May, 1978, before me, the undersigned, a Notary Public in and for said state, personally appeared J.T. and ESTHER B. FURNESS, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Layne A. McAffee
Notary Public for Idaho
Residing at Parmer, Id.
My Commission Expires 1-23-82

(Seal)

MICROFILM

May 3, 1978

RECEIVED

JUL 7 1978

TO: THE JACKETT CANAL COMPANY

Department of Water Resources
Eastern District Office

FROM: RULAN YEARSLEY AND ESTHER YEARSLEY
and MERLIN H. MC AFFEE AND FAYE MC AFFEE

Gentlemen:

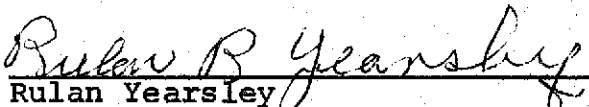
This letter will acknowledge that we have been advised that Jackett Canal Company is proceeding under the provisions of Idaho Code, Section 42-222, to transfer water rights owned by the canal company, for the purpose of conforming the records of the Idaho State Department of Water Resources to the actual practices of the canal company, with respect to the places of use of the canal company's water rights since its organization in 1956.

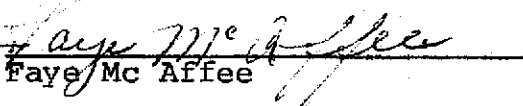
In the past, a portion of the canal company's water right has been appurtenant to and used upon the West Half of the Northwest Quarter of Section 10, Township 6 North, Range 35 E.B.M. Recently, Permit No. 31-7172 was issued for the irrigation of this land, as well as some other land which we own.

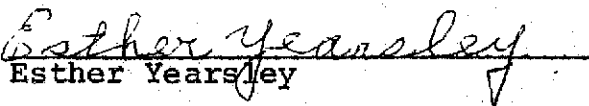
By this letter, we wish to verify that the Jackett Canal Company is no longer used on the land described above. We do not claim any right to the use of Jackett Canal Company water for this land since our lands are now irrigated with the water rights under the Permit No. 31-7172.

We hereby release any right which we may have by virtue of rights of the Jackett Canal Company being appurtenant to our lands, and consent to their transfer to other lands under the company system. In so doing, we understand that the canal company does not intend to levy or to attempt to collect from us, any assessments, either for prior years or in the future, for such canal company water rights.


Merlin H. Mc Affee


Rulan Yearsley


Faye Mc Affee


Esther Yearsley

RECEIVED

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 11th day of May, 1978, before me, the undersigned, a Notary Public in and for said state, personally appeared RULAN YEARSLEY and ESTHER YEARSLEY, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Seal)

Layne A. McAffee
Notary Public for Idaho ^{Hamer}
Residing at ~~Idaho Falls~~, Idaho
My Commission Expires: 1-23-82

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 11th day of May, 1978, before me, the undersigned, a Notary Public in and for said state, personally appeared MERLIN H. Mc AFFEE and FAYE Mc AFFEE, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Seal)

Layne A. McAffee
Notary Public for Idaho
Residing at Hamer, Id
My Commission Expires: 1-23-82

ATT. 1 31-0134
31-0135
31-0143
31-0144
31-0190

W A T E R D E E D

THIS INDENTURE, made this 1st day of May, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between FRANK S. JACKETT and BESSIE JACKETT, his wife, of Jefferson County, Idaho, the parties of the first part, and JACKETT CANAL COMPANY, a corporation, of Jefferson County, Idaho, the party of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of Four Hundred (400) shares of the capital stock of said Jackett Canal Company, to them in hand paid and delivered by the party of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do assign, sell, convey and transfer unto the said party of the second part and to its successors and assigns forever, the following described water rights to appropriate the public waters of the State of Idaho near Hamer, in Jefferson County, Idaho, decreed in the United States District Court in and for the District of Idaho, Eastern Division, in the case of *Sauve v. Abbott*, said decreed rights being more particularly described as follows, to-wit:

<u>DECREED OWNER</u>	<u>DATE OF PRIORITY</u>	<u>AMOUNT</u>
Los Angeles First National Bank & Trust Company	March 20, 1911	3.5 c.f.s.
Los Angeles First National Bank & Trust Company	June 10, 1912	2.5 c.f.s.
Clarence O. McGill & G.B. Adams	March 29, 1911	1.0 c.f.s.
Clarence O. McGill & G.B. Adams	September 21, 1912	1.0 c.f.s.
Merritt M. Owsley	October 14, 1913	5.9 c.f.s.

And together with all the canals, ditches and diversion works constructed for diverting, carrying and using the said water and water rights.

TO HAVE AND TO HOLD, all and singular the above mentioned and described water and water rights and the appurtenances thereunto

belonging or in anywise appertaining unto the party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Frank S. Jackett (SEAL)
Bessie M. Jackett (SEAL)

STATE OF IDAHO)
County of Bonneville):ss

On this 1st day of May, 1956, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared FRANK S. JACKETT and BESSIE JACKETT, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Ralph L. Albright
Notary Public for State of Idaho
Residing at Idaho Falls, Idaho

RECORDED

Instrument No. **116320**

State of Idaho,
County of Jefferson,

I hereby certify that the within
instrument was filed for record at the
request of

Ralph L. Allbaugh

on the 15 day of Sept, 1955

at 25 minutes past 9 o'clock

A M. and recorded in Book 55

of Water Right page 309

records of Jefferson County.

Eileen M. Madsen

Recorder.

By Clark Harmon

Deputy

Recorder's Fee 1.00

W A T E R D E E D

THIS INDENTURE, made this 20th day of December, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between INDEPENDENT WATER USERS OF MUD LAKE, INC., A Corporation, of Jefferson County, State of Idaho, party of the first part, and JACKETT CANAL COMPANY, A Corporation, of Jefferson County, State of Idaho, party of the second part,

W I T N E S S E T H

That the said party of the first part, for and in consideration of ONE THOUSAND ELEVEN (1011) shares of the capital stock of said Independent Water Users of Mud Lake, Inc., to it in hand paid and delivered by the said party of the second part for cancellation, the receipt whereof is hereby acknowledged, has bargained and sold and by these presents does assign, sell, grant, convey and transfer unto the party of the second part and to its successors and assigns an undivided one-third (1/3) interest in and to all of the water and water rights and diversion works of every kind, nature and description owned by the said first party, or in which first party has any interest and particularly, but not limited thereto, an undivided one-third (1/3) interest in and to the water rights evidenced by Idaho Water License No. 17690 and Idaho Water Permit No. 17763. ³¹⁻²²⁵⁴

TO HAVE AND TO HOLD all and singular the above mentioned and described water and water rights, diversion works and the appurtenances thereunto belonging or in anywise appertaining unto the party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its corporate name and behalf and its corporate seal to be hereunto affixed by its officers thereunto duly authorized under and pursuant to a resolution heretofore adopted by its stockholders.

INDEPENDENT WATER USERS OF MUD LAKE, INC.

By W. J. Cooley
President

By Harriet Cooley
Secretary

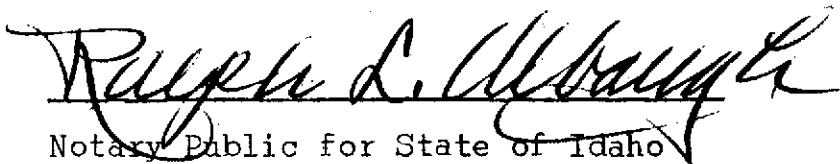
STATE OF IDAHO

County of Bonneville

)
:ss
)

On this 20th day of December, 1956, before me the undersigned notary public in and for said state, personally appeared M. M. OWSLEY and GARNET LEWIS, known to me to be the president and secretary of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

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


Notary Public for State of Idaho
Residing at Idaho Falls, Idaho

120631

State of Illinois

County of Cook

1. Heretofore

in testimony whereof

my hand and seal

are hereunto set

at the City of Chicago

this 11th day of

December 1959

at 30

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CORPORATION QUITCLAIM DEED

JUL 7 1978

THIS INDENTURE, Made this _____ day of _____ Department of Water Resources, in the
 year of our Lord one thousand nine hundred and seventy eight _____ Eastern District Office, between
 INDEPENDENT WATER USERS OF MUD LAKE, INC.

a corporation duly organized and existing under the laws of the State of Idaho, and
 having its principal office in Idaho at _____, County of Jefferson,
 State of Idaho, the party of the first part, and

JACKETT CANAL COMPANY, INC.

of _____, County of Jefferson, State of Idaho,
 the party of the second part.

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by
 resolution of its Board of Directors, for and in consideration of the sum of
 TEN AND NO/100- - - - - DOLLARS,
 lawful money of the United States of America, to it in hand paid by the said party of the second
 part, the receipt whereof is hereby acknowledged, has remised, released, and forever quitclaimed and does
 by these presents remise, release, and forever QUITCLAIM, unto the said party of the second part,
 and to its heirs and assigns, all certain lot, piece, or parcel
 of land, situate, lying, and being in _____, County of Jefferson, State of
 Idaho, bounded and particularly described as follows, to-wit:

The two westernmost wells of the five wells
 located at Buck Springs within the southwest
 quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of
 Section 13, Township 7 North, Range 35 E.B.M.,
 Jefferson County, Idaho, against all pumps and
 other diversion works and structures located
 at and used in connection with said wells.

Microfilm No. 192971

27 Day June 1978

At 9:25 O'Clock A. M.

Robert J. Barnes

Jefferson Co. Recorder

Fee \$ 3.00 Deputy

Recorded At request of

Hether, Redwell, Shon

9/2/78

MICROFILMED

TOGETHER With all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part y of the second part, and to its heirs and assigns forever. 0.0000 10

IN WITNESS WHEREOF The said party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to said resolution, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

INDEPENDENT WATER USERS OF MUD LAKE, INC.

By

Arthur E. Ealey

Its

President.

Attest

Jay A. McAllister

Its

Secretary.

STATE OF IDAHO,

County of

Jefferson

ss.

On this *22nd* day of *June*, in the year 19 *78*, before me,

FAYE A. McAllister

, a Notary Public in and for said State, personally

appeared

Art Dobson

known to me to be the *President* of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Faye A. McAllister

Notary Public for the State of Idaho,

Residing at *Meridian*, Idaho.

Corporation Quitclaim Deed

19

STATE OF IDAHO,

ss.

that this instrument

minutes past

day

A.D. 19

and duly recorded in Book

Ex-Officio Recorder.

Deputy.

BOISE

W A T E R D E E D

THIS INDENTURE, made this 1st day of May, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between LYMAN MONSON and ARLENE MONSON, his wife, ~~and WILLIAM BURTONSHAW~~ and ~~MARLENE BURTONSHAW, his wife~~, of Jefferson County, State of Idaho, parties of the first part, and JACKETT CANAL COMPANY, a corporation, of Jefferson County, Idaho, the party of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of One Hundred Sixty (160) shares of the capital stock of said Jackett Canal Company, to them in hand paid and delivered by the said party of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do assign, sell, convey and transfer unto the said party of the second part and to its successors and assigns forever, the following described water license to appropriate the public waters of the State of Idaho, near Hamer, in Jefferson County, Idaho, issued by the State Reclamation Engineer of the State of Idaho, and more particularly described as follows, to-wit:

<u>NUMBER LICENSE</u>	<u>DATE</u>	<u>APPLICANT</u>	<u>QUANTITY</u>
20891		Lyman Monson	3.2 cfs

And together with all the irrigation wells, pumps, ditches, canals, electric transformers and diversion works, constructed, drilled and installed for developing, carrying and using the water appropriated and used under said license, and all the water and water rights, which have been or may be hereafter developed, appropriated and used under said water license.

TO HAVE AND TO HOLD, all and singular the above mentioned and described water and water rights and the appurtenances thereunto belong-

MICROFILMED

ing or in anywise a[redacted] pertaining unto the party of the second part,
and to its successors and assigns forever.

IN WITNESS WHEREOF, the parties of the first part have
hereunto set their hands and seals the day and year first above
written.

Lyman Monson (SEAL)

Arlene Monson (SEAL)

____ (SEAL)

____ (SEAL)

STATE OF IDAHO)
County of Bonneville):SS

On this 1st day of May, 1956, before me the undersigned
Notary Public in and for the State of Idaho, personally appeared
LYMAN MONSON and ARLENE MONSON, his wife, ~~and FREDERICK BURTONSHAW~~
~~and MARLENE BURTONSHAW, his wife~~, known to me to be the persons whose
names are subscribed to the within instrument, and acknowledged to me
that they executed the same.

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

Ralph L. Albright

Notary Public for State of Idaho

Residing at Idaho Falls, Idaho

Instrument No. 116313

State of Idaho,
County of Jefferson, } ss.

I hereby certify that the within
instrument was filed for record at the
request of

Robert J. Tallent

on the 15 day of April 1955
at 15 minutes past 9 o'clock

2 M. and recorded in Book 55
of Math. Right page 302
records of Jefferson County.

Edmund M. Mendenhall
Recorder.

By Edmund Mendenhall
Deputy

Recorder's Fee \$ 1.00

W A T E R D E E D

THIS INDENTURE, made this 1st day of May, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between DENNIS GREEN and HARRIET GREEN, his wife, of Jefferson County, State of Idaho, the parties of the first part, and JACKETT CANAL COMPANY, a corporation, of Jefferson County, Idaho, the party of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of Three Hundred Sixty (360) shares of the capital stock of said Jackett Canal Company, to them in hand paid and delivered by the party of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do assign, sell, convey and transfer unto the said party of the second part and to its successors and assigns forever, the following described water permits to appropriate the public waters of the State of Idaho, near Hamer, in Jefferson County, Idaho, issued by the State Reclamation Engineer of the State of Idaho, and more particularly described as follows, to-wit:

<u>PERMIT NUMBER</u>	<u>DATE</u>	<u>APPLICANT</u>	<u>QUANTITY</u>
7. G-24047	May 2, 1953	Dennis Green	2.4 cfs
20948	February 14, 1949	J. R. Bixby	3.6 cfs

And together with all the irrigation wells, pumps, ditches, canals, electric transformers and diversion works constructed, drilled and installed for developing, carrying and using the water appropriated and used under said permits, and all the water and water rights which have been or may be hereafter developed, appropriated and used under said water permits.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described water and water rights and the appurtenances thereunto belonging or in anywise appertaining unto the party of the second part, and to its successors and assigns forever.

65 Place of Use: $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$,
 $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, Sec. 3, $SW\frac{1}{4}SE\frac{1}{4}$,
Sec. 4, $W\frac{1}{2}NE\frac{1}{4}$, Sec. 9, T. 6N, R. 35E.

31-2310

Amount: 5.80 cfs

Priority: Sept. 24, 1952

Point of Diversion: $SW\frac{1}{4}SW\frac{1}{4}$, Sec.
23, T. 7N, R. 35E.

Place of Use: $E\frac{1}{2}$, Sec. 17, T. 6N, R.
35E.

31-2317

Amount: 8.08 cfs Priority: Feb. 28,
1953

Amount: 1.90 cfs Priority: Oct. 27,

1956

Point of Diversion: $NW\frac{1}{4}SW\frac{1}{4}$, Sec.
23, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 22 T. 7N R. 35E.

Place of Use: Sec. 16, T. 6N, R. 35E.

31-2321

Amount: 1.92 cfs

Priority: Apr. 25, 1953

Point of Diversion: $NW\frac{1}{4}NE\frac{1}{4}$, Sec.
27, T. 7N, R. 35E.

Place of Use: $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$,
Sec. 8, T. 6N, R. 35E.

The above rights are for the purpose
of irrigation of lands within Jefferson
County.

TO BE CHANGED AS FOLLOWS

The combination of all of the above
described rights of the Jakkett Canal
Co. amounts to 75 cubic feet per second,
and will be diverted from several wells
located at a point known as Buck
Springs within the $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 13,
T. 7N, R. 35E (Independent Ditch);
from points within the $NW\frac{1}{4}SE\frac{1}{4}$, Sec.
22, $NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 23,
 $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 27, two pumps located
within the $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 33 (Camas
Creek) T. 7N, R. 35E, five pumps
located within Lot 4, Sec. 3 (Camas
Creek), T. 6N, R. 35E. B.M., Jefferson
County; and used to irrigate 3,107.23
acres within Lots 7 & 8, Sec. 32,
 $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 33, T. 7N, R. 35E;
 $N\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 3,
 $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}$, Sec. 4, $E\frac{1}{2}$,
 $E\frac{1}{2}SW\frac{1}{4}$, Sec. 5, $N\frac{1}{2}$, $NW\frac{1}{4}SW\frac{1}{4}$,
 $N\frac{1}{2}SE\frac{1}{4}$, Sec. 8, $NE\frac{1}{4}$, $SW\frac{1}{4}$,
 $W\frac{1}{2}SE\frac{1}{4}$, Sec. 9, Sec. 16; $E\frac{1}{2}$, Sec. 17,
T. 6N, R. 35E, B.M.

The Jakkett Canal Co. combines its
ground-water and surface water and is
making this transfer to reflect the
priorities of the company.

Any protest against approval of the
above proposed change of water rights
must be filed with the Idaho
Department of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho, 83401,
on or before April 23, 1979.

/s/ C. Stephen Allred
Director

Published April 4 and 11, 1979.

IN WITNESS WHEREOF, the parties of the first part have here-
unto set their hands and seals the day and year first above written.

Dennis Green (SEAL)

Harriet Green (SEAL)

STATE OF IDAHO)
County of Bonneville) :ss

On this 1st day of May, 1956, before me, the undersigned
Notary Public in and for the State of Idaho, personally appeared
DENNIS GREEN and HARRIET GREEN, his wife, known to me to be the per-
sons whose names are subscribed to the within instrument, and acknow-
ledged to me that they executed the same.

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

Ralph R. Albright
Notary Public for State of Idaho
Residing at Idaho Falls, Idaho

MICROFILMED

116317

Instrument No.

State of Idaho,
County of Jefferson, } ss.

I hereby certify that the within
instrument was filed for record at the
request of

Ralph A. McLaughlin

on the 15 day of Sept 1954

at 12 minutes past 9 o'clock

A. M. and recorded in Book 55

of Index Light page 301

records of Jefferson County.

Edwin M. Paul

Recorder.

B. W. Smith

Deputy

Recorder's Fee \$ 1.00

W A T E R D E E D

THIS INDENTURE, made this 1st day of May, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between RULON R. YEARSLEY and ESTHER YEARSLEY, his wife, of Jefferson County, Idaho, the parties of the first part, and JACKETT CANAL COMPANY, a corporation, of Jefferson County, Idaho, the party of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of Three Hundred Sixty (360) shares of the capital stock of said Jackett Canal Company, to them in hand paid and delivered by the party of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do assign, sell, convey and transfer unto the said party of the second part and to its successors and assigns forever, the following described water license to appropriate the public waters of the State of Idaho, near Hamer, in Jefferson County, Idaho, issued by the State Reclamation Engineer of the State of Idaho, and more particularly described as follows:

<u>LICENSE NUMBER</u>	<u>DATE</u>	<u>APPLICANT</u>	<u>QUANTITY</u>
21322	October 6, 1953	Rulon R. Yearsley	6 c.f.s.

And together with all the irrigation wells, pumps, ditches, canals, electric transformers and diversion works constructed, drilled and installed for developing, carrying and using the water appropriated and used under said license, and all the water and water rights which have been or may be hereafter developed, appropriated and used under said water license.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described water and water rights and the appurtenances thereunto belonging or in anywise appertaining unto the party of the second part, and to its successors and assigns forever.

RECORDED

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Rulon R. Yearsley (SEAL)

Esther R. Yearsley (SEAL)

STATE OF IDAHO)
County of Bonneville) ss

On this 26 December day of ~~May~~ 1956, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared RULON R. YEARSLEY and ESTHER YEARSLEY, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Ralph L. Whang

Notary Public for State of Idaho

Residing at Idaho Falls, Idaho

116319

Instrument No.

County of Jefferson,

I hereby certify that the within instrument was filed for record at the

request of Raymond A. Callaway

on the 15 day of Sept 1955

at 20 minutes past 9 o'clock

A.M. and recorded in Book 55

of Water Right page 308

Record of Jefferson County

By William M. Mearns Recorder

Recorder's Fee \$ 1.00 Deputy

W A T E R D E E D

THIS INDENTURE, made this 1st day of May, in the year of our Lord, One Thousand Nine Hundred and Fifty-six, by and between BLAINE E. MILLER and VERA MILLER, his wife, of Jefferson County, Idaho, the parties of the first part, and JACKETT CANAL COMPANY, a corporation, of Jefferson County, Idaho, the party of the second part,

W I T N E S S E T H

That the said parties of the first part, for and in consideration of Three Hundred Twenty (320) shares of the capital stock of said Jackett Canal Company, to them in hand paid and delivered by the party of the second part, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do assign, sell, convey and transfer unto the said party of the second part and to its successors and assigns forever, the following described water permit to appropriate the public waters of the State of Idaho, near Hamer, in Jefferson County, Idaho, issued by the State Reclamation Engineer of the State of Idaho, and more particularly described as follows, to-wit:

<u>PERMIT NUMBER</u>	<u>DATE</u>	<u>APPLICANT</u>	<u>QUANTITY</u>
G-23076	September 27, 1952	Blaine E. Miller	6 cfs

And together with all the irrigation wells, pumps, ditches, canals, electric transformers and diversion works constructed, drilled and installed for developing, carrying and using the water appropriated and used under said permit, and all the water and water rights which have been or may be hereafter developed, appropriated and used under said water permit.

TO HAVE AND TO HOLD all and singular, the above mentioned and described water and water rights and the appurtenances thereunto belonging or in anywise appertaining unto the party of the second part, and to its successors and assigns forever.

RECORDED

IN WITNESS WHEREOF, the parties of the first part have here-
unto set their hands and seals the day and year first above written.

Blaine E. Miller (SEAL)
Vera Miller (SEAL)

STATE OF IDAHO)
County of Sufferan) ss
~~Bonneville~~

On this 1st day of May, 1956, before me, the undersigned
Notary Public in and for the State of Idaho, personally appeared
BLAINE E. MILLER and VERA MILLER, his wife, known to me to be the
persons whose names are subscribed to the within instrument, and ac-
knowledged to me that they executed the same.

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

Idolo H. Smith
Notary Public for State of Idaho
Residing at Idaho Falls, Idaho

NOTARY PUBLIC

116316

Instrument No.

State of Idaho,
County of Jefferson, } ss.

I hereby certify that the within
instrument was filed for record at the
request of

Harold T. Albaugh

on the 15 day of April 1958

at 5 minutes past 9 o'clock

a M. and recorded in Book 55

of Water Right - page 306

records of Jefferson County.

E. H. Mearns

Recorder.

B. J. Lamm

Deputy

Recorder's Fee \$ 1.00

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF IDAHO, EASTERN DIVISION

ERNEST SAUVE,

Plaintiff,

No. 635. -- In Equity

- vs -

D E C R E E

To W. H. Abbott, Fay Abbott, Mary C. Adels, Allen Almonda, G. B. Allen, Allen & Harn, a co-partnership, consisting of G. B. Allen and H. R. Harn; Wm. A. Andrews, Joseph Andrasen, Anderson Bros. Bank, a corporation; Gerret Auldhouse (sometimes known as Gerret Oldhouse); Clausen Auldhouse (sometimes known as Clausen Oldhouse), William Axline, Ernest Bauerle, Edward C. Barnes, May L. Barnes, Lovisa Barney, Arthur J. Barber, Charles Bartlett, Ambrose J. Beckner, Laura E. Beckner, William Beck, David Bethune, Lloyd Bennett, Gus E. Brauer, Administrator of the Estate of Annie J. Bennett, deceased; A. W. Belnap, C. W. Belnap, The Bennett Investment Company, Limited, a corporation; Gussie Binnard, Burka Binnard, Horace L. Birch, Binnard Ranch Company, a corporation; B. Binnard, Sarah Binnard and E. F. Mobley, Trustees for Binnard Ranch Company, a defunct corporation; Charles O. Rickman, as Trustee in Bankruptcy of Binnard Ranch Company, a corporation; Oscar A. Johanneson, as Receiver of Binnard Ranch Company, a corporation; Heber J. Blackburn, W. B. Boucher, Ray Bohnay, R. T. Boatman, Mary Nicholas Boyd, Frank Boe, Charles E. Brosic, E. L. Browning, Adna E. Bramwell, Afton Bradshaw, Theresa Brinkmann, Lottie Burcham, G. F. Burcham, Kate

MICROFILMED

Los Angeles First National
Bank & Trust Company (for-
merly First National Bank
of Los Angeles), a corpora-
tion.

31

134 ✓

T. 2303

1911 - March 20

3.5 c.f.s. ✓

Source: Camas Creek, a tributary
of Mud Lake.

Point of Diversion: In Lot 4,
Section 4, Township 6 North, Range
35 East, B. M.

For use on the following described
land, to-wit:

7.38 acres in Lot 7, Section 32, Town-
ship 7 North, Range 35
East, B. M.

41. acres in Lot 4, Section 4;

41. acres in Lot 1, Section 4;

52.25 acres in Lot 2, Section 8; all
in Township 6 North,
Range 35 East, B. M.

31

135 ✓

T. 2303

1912 - June 10

2.5 c.f.s. ✓

Source: Mud Lake.

Point of Diversion: Near the center
of the Southwest Quarter of Section
5, Township 6 North, Range 35 East, B.M.

For use on the following described
land, to-wit: 320 acres as follows:

40 acres in the Northwest Quarter of
the Northwest Quarter;

40 acres in the Northeast Quarter of
the Northwest Quarter;

40 acres in the Southwest Quarter of
the Northwest Quarter;

40 acres in the Southeast Quarter of
the Northwest Quarter;

40 acres in the Northwest Quarter of
the Northeast Quarter;

40 acres in the Southwest Quarter of
the Northeast Quarter;

40 acres in the Northwest Quarter of
the Southeast Quarter;

40 acres in the Northeast Quarter of
the Southwest Quarter, --

all in Section 8, Township 6 North,
Range 35 East, B. M.

Drilling Permit No. 31-90-E-014

Water Right Permit No. T2302 31-

Injection Permit No. _____

31-88E 0030.000
9/23/88

31-88E-0029 000

State of Idaho
Department of Water Resources

DRILLING PERMIT

Applicant Jackett Canal Company (Lew Green)

Mailing Address Hamer, ID 8425

Telephone 663-4626

#31-00134
00135
00143

() Well Owner () Well Operator () Other, specify Secretary of Canal Co.

Proposed well location SW 1/4 SW 1/4, or Gov't lot No. _____,

Sec. 13, Twp. 7N, Rge. 35E, County Jefferson,

Street Address of Well Site Jackett Well #1,

Lot, block and subdivision _____

Proposed use of well:

() Single family or stockwater use (less than 13,000 gallons per day)

(X) Irrigation (more than 1/2 acre)

() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

() Other (describe fully) _____

5. Well construction information:

A. () New well (X) Deepen () Replace - See Condition 9.

B. Proposed surface diameter 30" Maximum depth 200'

C. Anticipated bottom hole temperature:

- (X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)

6. Construction Start Date 7-25-1990

7. Anticipated Well Driller Cope Drilling

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Lewis R. Green Date 6-13-90

Title Secretary Jackett Canal Co.
(Owner, Firm Representative, Other)

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 13 June 1990

approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.

This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.

The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

FOR DEEPENING WELL ONLY

Dennis M. Dunn
Signature of Authorized Department Representative

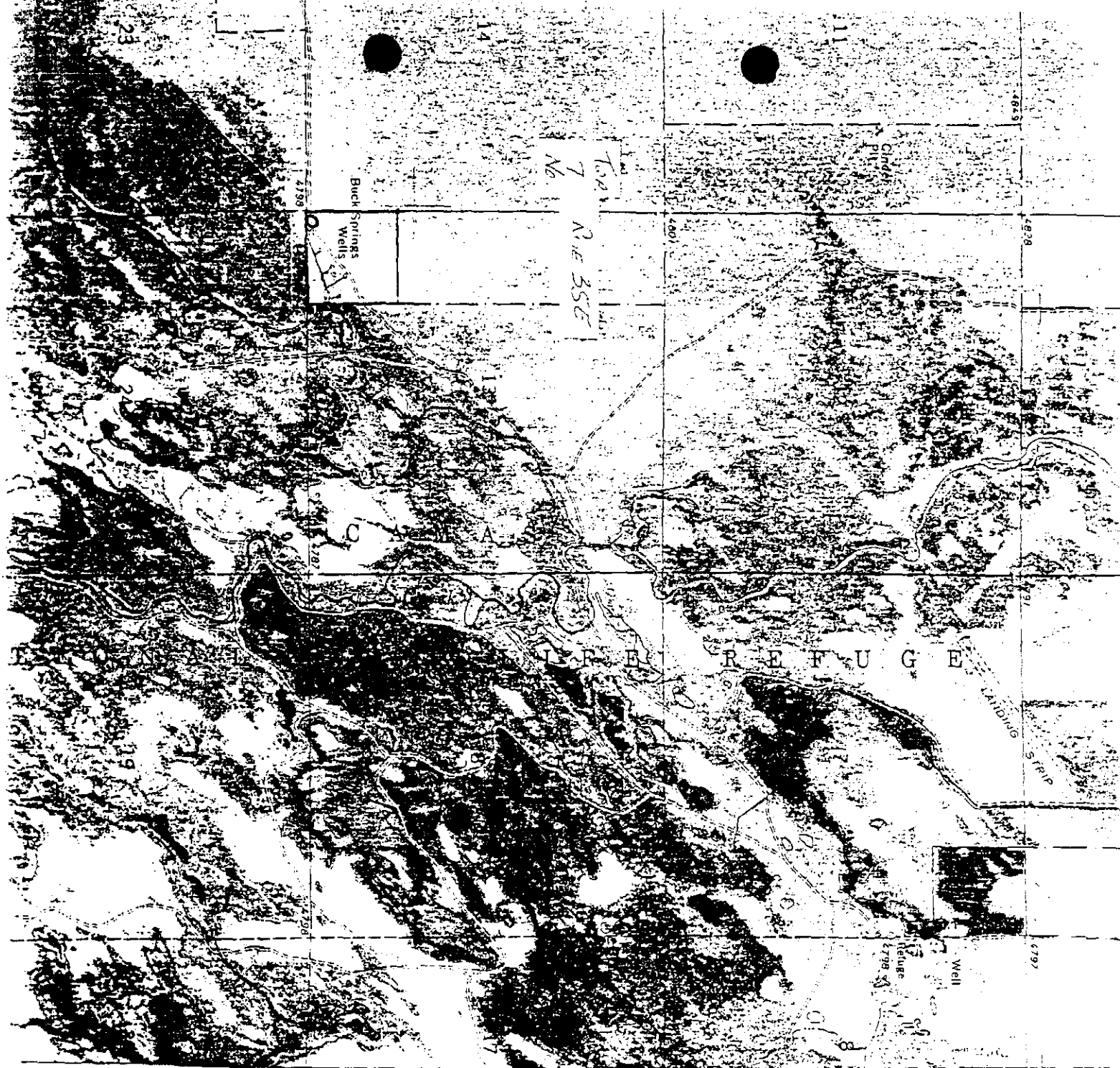
Dr. Water Resource Agent
Title

Receipt No. E014821 Received by LB Fee \$100.00 Date 6-13-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.



Twp 7 N 35 E

Buck Springs Wells

REFUGE

LANDING STRIP



Well

June 23, 1981

Jackett Canal Company
% Holden, Kidwell, Hahn & Crapo
Box 129
Idaho Falls, Idaho 83401

Dear Sirs,

RE: Transfer of Water Right No.'s 31-0143/0144/0190/0336/2297/2317/0134/0135/0337
2239/2290/2310/2321

Enclosed is a copy of your approved Application for Transfer of the above
referenced water rights (Transfer No. 2303). Be sure to note the conditions
of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr
Enclosure

RECEIVED
JUN 24 1981
FBI - IDAHO
FBI - BOISE
FBI - BUTTE
FBI - CARMICHAEL
FBI - COER
FBI - DALLAS
FBI - DENVER
FBI - EL PASO
FBI - HOUSTON
FBI - KANSAS CITY
FBI - MEMPHIS
FBI - MIAMI
FBI - MINNEAPOLIS
FBI - MOBILE
FBI - NEW ORLEANS
FBI - NEW YORK
FBI - OMAHA
FBI - PHOENIX
FBI - PORTLAND
FBI - RICHMOND
FBI - SAN ANTONIO
FBI - SAN DIEGO
FBI - SAN JOSE
FBI - SEATTLE
FBI - TAMPA
FBI - WASHINGTON
FBI - WICHITA

CONVERSATION MEMORANDUM

DATE June 10, 1981FILE T2303NAME OF PARTY Don ShentonEMPLOYEE Dave TuthillRE: Transfer No. 2303

1. Mr. Shenton feels that the existing rating system on Camas Creek is quite satisfactory, but that measuring devices are needed on the Buck Springs wells.
2. Note that water right 31-0192 will be transferred via a newly submitted transfer app (see Don Shenton's letter dated 4-12-1979).

MEMORANDUM

Der Tuthill
TO: Norm Young *NOT*
THRU: Glen Saxton, Bob Fleenor *DF*
FROM: Dave Tuthill *Der*
DATE: May 28, 1981
RE: Approval of Application for Transfer No. 2303.

The Jackett Canal Company Application for Transfer No. 2303 was originally filed with this Department on July 7, 1978. Since that date many problems have been raised related to the application. The intent of this memo is to (1) identify the two problems that have not yet been clearly resolved, (2) propose a suggested solution for each problem, and (3) list a suggested set of conditions of approval for the transfer.

Problem No. 1

Water rights nos. 31-0336 and 31-0337 represent a major conflict relating to this application for transfer. At the time the Owsley Canal Company vs. Ernest Bauerle decree was signed on October 14, 1940, two of the rights shown to be represented as valid permits were nos. 17690 and 17763. These rights were identified in paragraph V of the decree as follows:

That the defendant Independent Waters Users of Mud Lake, Inc., a corporation, is now the owner by assignment of water permit no. 17690 (31-2253) originally issued by the Department of Reclamation to Frank S. Jackett, for the diversion by means of wells of 32.50 cubic feet per second of underground water in the vicinity of Mud Lake; and is also the owner of water permit No. 17763 (31-2254), originally issued by said Department of Reclamation of Idaho to Merritt M. Owsley, for the diversion by means of wells of 50 cubic feet per second of underground water in the vicinity of Mud Lake.

Decreed right nos. 31-0336 and 31-0337 were assigned to the aforementioned water rights, respectively.

The two rights were also mentioned in part (d) of paragraph XII of the decree as follows:

For all or any of the wells constructed or to be constructed under water permits nos. 17690 and 17763 (both belonging to Independent Water Users of Mud Lake, Inc.), an amount not exceeding in the aggregate the equivalent of 91.8 cubic feet per second, flowing continuously during the irrigation season from May 1st to November 1st of each year.

The descriptions of the two water rights in the decree contain two major discrepancies. First, at the time the decree was signed on October 14, 1940, permit no. 17690 had already been licensed for nearly six months. The license was issued on April 23, 1940 for 28.0 cfs on 1328 acres.

- OK but*
- ① Be sure Shewton's comments on both items are fully addressed.
 - ② Totalizing meters are very costly. Be sure Shewton needs before we require
 - ③ Give the judge the benefit of the doubt on the 91.8 cfs *NOT*
 - ④ Emphasize only approving the present practice existing since 1956. No change in status.

TO: Norm Young
THRU: Glen Saxton, Bob Fleenor
DATE: May 28, 1981
PAGE: 2

Therefore, the decree was incorrect in describing water right no. 17690 as a permit for 32.5 cfs.

The second major discrepancy was that the maximum total rate of flow for the two rights was "limited" to 91.8 in part (d) of paragraph XII of the decree. This quantity was obviously in error considering that the two permits were initially described within the decree as 32.5 cfs and 50.0 cfs, for a total of 82.5 cfs. The clear intent of paragraph XII within the context of the decree was to limit the season of diversion to May 1st through November 1st. No expansion or enlargement of the two permit rights was indicated in any other location within the decree so the total of 91.8 cfs must be considered to be in error, eventhough it is the contention of Jackett Canal Company that the total of 91.8 cfs be used as a measure of the permit rights.

To further add to the confusion of the extent of the two water rights, permit no. 17763 was cancelled on April 25, 1974 after all mandatory notification procedures were completed by the Department. As stated in a memo from Phil Rassier dated August 28, 1979, the validity of the right represented by decree no. 31-0337 was therefore in question. However, a letter from a Department representative dated June 4, 1974, indicated that "the right to the use of water from the wells proposed by the permit was confirmed by the decree". Thus for many years we have supported the contention that decreed right 31-0337 is valid. Per a draft memo from Phil Rassier dated May 6, 1980, this should have a significant bearing on our current interpretation of validity.

As a solution to the described situation, we can consider that (1) the figure of 91.8 cfs is totally unsubstantiated and was an error in the decree, (2) at the time the decree was signed, the water right represented by decree no. 31-0336 was already licensed for 28.0 cfs, and (3) we are committed to interpreting 31-0337 as a valid decreed right. Therefore, we should recognize the following rates of flow for purposes of this transfer:

31-0336	28.0 cfs
31-0337	<u>50.0 cfs</u>
	78.0 cfs

This interpretation has an effect on the other permits identified in the Owsley Canal Company vs. Ernest Bauerle, et.al. decree. To be consistent, the other permits should be field examined by regional office personnel at the earliest opportunity to determine their current validity. A memo should be attached to decree which identifies the extent to which water rights described by the permits are still being utilized. To the extent they are currently utilized, the permit rights should be considered to be decreed.

TO: Norm Young
THRU: Glen Saxton, Bob Fleenor
DATE: May 28, 1981
PAGE: 3

Problem No. 2

The places of use of the various water rights represent the other major conflict of this transfer application. As shown in Table 1, the total acreage shown on the water rights originally summed 3965. As indicated in Kent Foster's letter dated November 3, 1978, only about 3300 unique acres are included in that total.

The original place of use described in the transfer application for 31-0336 is the place of use shown on license no. 31-2253; 1328 acres within T. 7 N., R. 35 E. and T. 6 N., R. 35 E. The original place of use described in the transfer application for 31-0337 is the place of use shown on permit no. 31-2254; 2619.1 acres within T. 7 N., R. 33-34 E. and T. 6 N., R. 33-35 E. Thus, the sum of acreage under the two water rights is 3947.1 acres. This application for transfer purports to change the place of use of 1/3 of each right (1316 acres total) to all acres served by Jackett Canal Company.

The lands within Jackett Canal Company currently total 3107.23 acres. If the water rights to be transferred were all from the same source there would be no problem with combining all the lands under all the rights. However, in this situation 20% of the rights are from surface water and the remainder are from groundwater. Therefore, if the transfer is approved it would authorize the surface water to be applied to 5 times as many acres as prior to the transfer. This is a problem cited by Ron Carlson in his letter dated October 30, 1978. In spite of the problem, the Director agreed combine the rights in a conference with the applicant's attorney on November 10, 1978. It appears that in light of the other factors associated with this transfer the Director opted to consider this situation to be acceptable. Thus, the solution regarding place of use is to accept the Jackett Canal Company land list as the place of use for the combination of rights being transferred.

Another concern regarding place of use has been the effect this transfer may have on the remaining 2/3 portion of 31-0336 and 31-0337 in the name of Independent Water Users of Mud Lake, Inc. This concern is alleviated by Application for Transfer No. 2461 which proposes to clarify the place of use on the remaining 2/3 portions. This transfer application will be reviewed separately but is mentioned here as an indication that future possible disputes between Independent and Jackett will be reduced via these transfers.

TABLE NO. 1

WATER RIGHTS OF JACKETT CANAL COMPANY

<u>WATER RIGHT NO.</u>	<u>CFS</u>	<u>ACRES</u>	<u>DATE OF PRIORITY</u>	<u>SOURCE</u>
31-0134	3.5	142	03/20/1911	Camas Creek
31-0135	2.5	320	06/10/1912	Mud Lake
31-0143	1.0	242	03/29/1911	Camas Creek
31-0144	1.0	same as above	09/21/1912	Camas Creek
31-0190	5.9	320	10/14/1913	Camas Creek
31-2289	3.2	160	01/13/1949	Groundwater
31-2290	3.6	240	02/14/1949	Groundwater
31-2297	6.0	340	12/29/1949	Groundwater
31-2310	5.8	290	09/24/1952	Groundwater
31-2317-A	8.08	404	02/28/1953	Groundwater
31-2317-B	1.90	95	10/27/1956	Groundwater
31-2321	1.92	96	04/25/1953	Groundwater
31-0336	9.33*	443*	04/27/1932	Groundwater
31-0337	16.67***	873**	12/15/1932	Groundwater
	70.4	3965		
31-0192	3.0		9/8/1917	MUD LAKE *

(Some overlapping so only 3300 acres are unique)

* This right is claimed by JACKETT CANAL COMPANY AND DELIVERED TO ITS SHARE
HOLDERS. 3.3.

* 1/3 of 28 cfs

** 1/3 of 1328 acres

*** 1/3 of 50 cfs

**** 1/3 of 2619 acres

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SUGGESTED CONDITIONS OF APPROVAL

1. Any future transfer of any of these rights will cause the remaining rights to revert back to the original acreage.*
2. Diversion of water authorized by this transfer shall not exceed 9321 acre feet per anum.
3. Totalizing measuring devices of a type approved by this Department must be permanently installed and maintained at the point of injection into Camas Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34 T. 7 N., R. 35 E. B.M., and at the points of diversion/rediversion in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec.3, T. 6 N., R. 35 E. B.M., and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T. 7 N., R. 35 E., B.M.
4. Use of water under this transfer is subject to control by the water-master of Water District No. 31, Mud Lake and tributaries.

Modified
Per Norm
Young's
Comments

* This condition came from the November 10, 1978 meeting between Allred, Carlson and Foster.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 17763/31-2254)
IN THE NAME OF Independent Water Users of)
Mud Lake, Inc.)

ORDER OF CANCELLATION

WHEREAS, the permit holder has failed to submit proof of beneficial use of
water due on February 23, 1943 ; and,

WHEREAS, on March 11, 1974, notice was sent to the holder of said permit
to appear before the Director of the Department of Water Administration on or before
April 20, 1974, to show cause why said permit should not be cancelled; and,

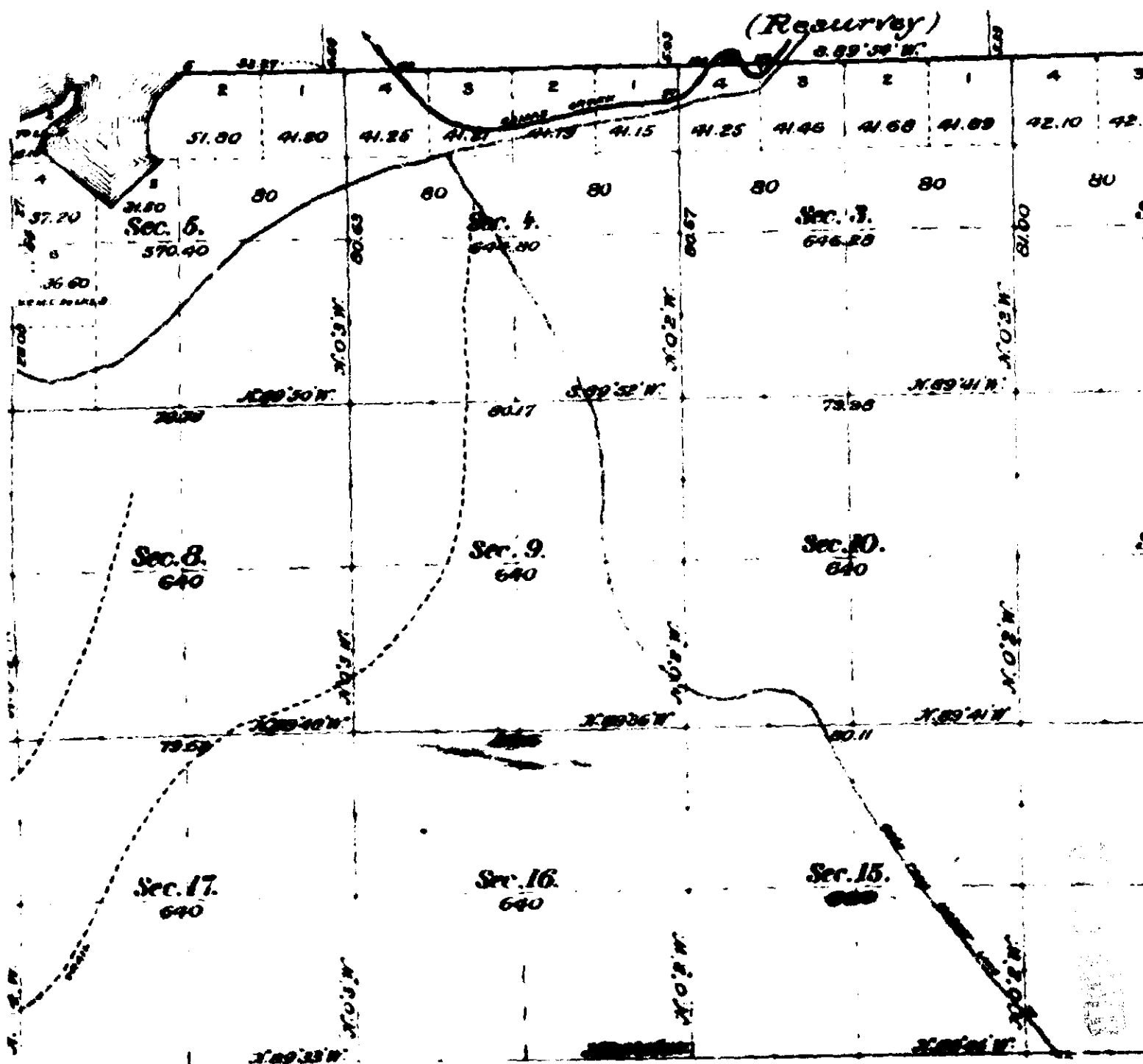
WHEREAS, the holder of said permit has failed to comply with the requirements of
said permit and has not shown adequate cause why such permit should not be cancelled;

IT IS THEREFORE ORDERED and Permit 17763/31-2254 is hereby **CANCELLED.**

Dated this 28th day of April, 19 74.


R. KEITH HIGGINSON
Director

c E d D c C



(Corrected application received)

February 28, 1908.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this period is 1908

Recorded in Book 94

Page 1908

Approved

February 28, 1908

February 28, 1908

February 28, 1908

February 28, 1908

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Based in the sum of \$ 1000.00

to be paid on or before

April 1, 1908

and to continue diligently and substantially to completion.

When temporarily interrupted by circumstances over which permit holder has no control.

August 28, 1908

One-fifth of the work above specified to be completed on or before

February 28, 1908

February 28, 1908

The whole of said work to be completed on or before

February 28, 1908

February 28, 1908

February 28, 1908

February 28, 1908

February 28, 1908

When my bond this

28th day of

February, 1908.

B. B. SMITH

Commissioner of Reclamation

14

Type	Range	Sec.	NE 1/4			NW 1/4			SE 1/4			Total
			Acres	sq. ft.	sq. ft.	Acres	sq. ft.	sq. ft.	Acres	sq. ft.	sq. ft.	
7 E	20 E	20	40	40	40	40	40	40	40	40	40	440
	24 E	21	40	40	40	40	40	40	40	40	40	380
6 E	20 E	1	40	40	40	40	40	40	40	40	40	380
	24 E	6	40	40	40	40	40	40	40	40	40	180
	24 E	12	40	40	40	40	40	40	40	40	40	440
	20 E	7	40	40	40	40	40	40	40	40	40	419.1
	20 E	9	40	40	40	40	40	40	40	40	40	380

Total number of acres to be irrigated..... 2019.1

Remarks: The intention is to drill a surface of deep wells, tapping the underground water, and diverting same into Gama Creek and Red Lake. The wells will be located on the NW 1/4 of Section 12 and the NE 1/4 of Section 20, T. 7 N., R. 24 E., where there are or were wells on each 40 acre subdivision, depending upon the amount of flow from each well. From the well a ditch will carry the water about 3/4 of a mile downstream into Gama Creek, thence substantially in Gama Creek into Red Lake. The water will be diverted from Gama Creek at a point in the right of Section 3, T. 6 N., R. 25 E., N. 7. Part of the water will be diverted from Red Lake at a point on the lake near the SE corner of the NW 1/4 of Section 7, T. 6 N., R. 24 E., N. 8. The balance will be diverted from Red Lake at a point in the right of Section 1, T. 6 N., R. 24 E., N. 8. The paying plants have been installed, ditches leading on to the lands have been completed, and the greater part of the acreage is now under cultivation.

There are two paying plants on Red Lake, and water will be allowed in the lake during that portion of the year when not irrigating. Water is pumped from Gama Creek into Red Lake by means of three pumping plants, paying directly into ditches.

RECORDED

72303

JACKET CANAL

$$3,947.1 \text{ Acres} \times .02 = 78.9 \text{ cfs}$$

$$\frac{91.8 \text{ cfs}}{3,947.1 \text{ Acres}} = 0.023 \text{ cfs/acre}$$

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4590 Acres Devere

4125 Acres permit

465 Acres (Difference)

Total (3,161.33)
over

Request for
Transfer
44.4
30.6 (1389.120)
75.0 c/s

$$\begin{array}{r}
 4-27-32 \quad 10.83 \text{ cf} \\
 12-15-32 \quad 19.77 \text{ cf} \\
 \hline
 30.60
 \end{array}$$

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$$91.8 - 82.5 = 9.3 \text{ cf}$$

$$31-0336$$

$$\frac{32.50}{82.50} = 39.39\% \times 9.3 \text{ cf} = \underline{3.66 \text{ cf}}$$

$$31-0337$$

$$\begin{array}{r}
 50.00 \\
 82.50
 \end{array}
 = \frac{60.61\%}{100.00\%} \times 9.3 \text{ cf} = \frac{5.64 \text{ cf}}{9.30}$$

$$31-0336: 32.50 + 3.66 = 36.16 \text{ cf}$$

$$31-0337: 50.00 + 5.64 = \frac{55.64 \text{ cf}}{91.80 \text{ cf}}$$

JACKETT CANAL CO.
TRANSFER # 2303

4-25-80
RTR

Rights to be transferred:

<u>Decreed Rights</u>	<u>Priority</u>	<u>Amt</u>	<u>Source</u>	<u>Acres</u>
<u>31-0134</u>	3-20-11	3.5 cfs	CAMAS Cr.	141.63
<u>31-0135</u>	6-10-12	2.5 cfs	Mud Lake	320.0
<u>31-0143</u>	3-29-11	1.0 cfs	CAMAS Cr.	
<u>31-0144</u>	9-21-12	1.0 cfs	CAMAS Cr.	
<u>31-0190</u>	10-14-13	5.9 cfs	CAMAS Cr.	

(same) { WATER Lic. 17690/
 31-2253
 Permit No. 17763/
 31-2254 (CANCELED)

[JACKETT CANAL CO.
 owns 1/3 of this right.]

* Owsley Canal Co. v. Baerle says that 31-0336 and 31-0337 combined shall not exceed 91.8 cfs.

(0.024)

→ 31-0336 4-27-32 * 32.50 Groundwater 1,328.0

(0.019)

→ 31-0337 12-15-32 * 50.00 Groundwater 2,619.1

91.80
 3 = (30.6 cfs) 3,947.1
 (1,315.7) = 1/3

Licensed Rights

(0.02)	G-20891/31-2289	1-13-49	3.2	Groundwater	160.0
	G-20948/31-2290	2-14-49	3.6	Groundwater	
(0.018)	G-21322/31-2297	1-24-49	6.0	Groundwater	340.0
(0.02)	G-23076/31-2310	9-24-62	5.8	Groundwater	290.0

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		<u>Priority</u>	<u>Rmt</u>	<u>Source</u>	<u>Acres</u>
(0.02) {	G-23836/31-2317	2-28-53	8.08	Groundwater	498.0
		10-27-56	1.90	Groundwater	

(0.02)	G-24047/31-2321	4-25-53	1.92	Groundwater	96.0
--------	-----------------	---------	------	-------------	------

Draft

May 6, 1980

M E M O R A N D U M

TO: Dave Tuthill
FROM: Phil Rassier
RE: JACKETT CANAL CO. TRANSFER

I have completed a review of the file in this matter.

The issues are as described in Jim Johnson's memo of January 31, 1980. At this point it appears that what is required is an administrative decision on the following issues:

- (1) In transferring rights 31-0336 and 31-0337, should Jackett Canal Co. be allowed to transfer 30.60 cfs (1/3 of 91.80 cfs) as requested, based upon the decree, or should they be restricted to 27.5 cfs (1/3 of 82.50)?
- (2) If the larger quantity is allowed, should it consist of 10.83 cfs (1/3 of 32.50 cfs) with a 4-27-32 priority (31-0336) and 19.77 cfs (1/3 of 59.3) with a 12-15-32 priority (31-0337); or should the extra 9.3 cfs under the decree be apportioned equally between the two rights, i.e., 12.05 cfs (1/3 of 36.16) under 31-0336 and 18.55 cfs (1/3 of 55.64) under 31-0337?

As to the first question, based upon the apparent long understanding of the parties and the Department that the 1940 decree in The Owsley Canal Co. v. Bauerle superceded permits No. 17690/31-2253 and No. 17763/31-2254, it would not appear to be appropriate for the Department to now change its interpretation of the decree to the detriment of the holders of permit rights mentioned in the decree. Whether such a result was actually intended under the decree, however, is quite questionable.

A remaining issue is raised by the fact that the applicant, Jackett Canal Co., seeks to transfer a one-third undivided interest in rights 31-0336 and 31-0337 which it acquired by water deed from Independent Water Users of Mud Lake, Inc. on December 20, 1956. The problem is that the water right represented by the one-third undivided interest was not made appurtenant to a separate one-third of the lands irrigated under the original rights. Now that Jackett Canal Co. seeks to transfer its one-third undivided interest in the two water rights, it would appear advisable to require that an agreement of partition concerning the one-third undivided interest be entered into by Jackett Canal Co. and Independent. The purpose of the agreement would be to

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identify the lands from which the right is being transferred to protect against an expansion of the remaining two-thirds of rights 31-0536 and 31-0537.

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TO: Dave Tuthill *DET*
FROM: Jim Johnson
RE: Jackett Canal Co. Transfer

DATE: 1-31-80

Dave. This particular transfer has been in the State office for some time. The reason for the delay is because of the complex and contradicting situations that make proper evaluation of the water rights identified in this transfer very difficult.

I will attempt to identify the main problem areas, however, I am not sure that I have a clear view of how to remedy the situation.

Proper Identification of Water Rights

The Jackett Canal Co. claims to own 1/3 interest in two water rights issued by the Department and also identified in the Oswley Canal Co. vs. Bauerle et al, decree.

As you are aware questions concerning the Bauerle Decree were raised as to whether the Decree actually decreed the water permits or licenses identified in the Decree.

In Phil Rassier's memo to you dated 8-28-79 he indicated that the decree did not eliminate the need for the permit holders to comply with licensing procedures. This as you also know conflicts with a letter response by the Department to the watermaster of Water District 34, dated 6-4-74. (*attached*)

I have discussed this transfer over with both Bob Fleenor and Norm Young and they are of the opinion that the transfer should be processed in accordance to the interpretation made in the letter to the watermaster dated 6-4-74.

My problem is that if we do what Bob and Norm recommend, adjustments will have to be made to the Departments records which can affect several other rights identified in the decree but not included in this transfer. I am not sure, however, exactly how these changes should be made, since there are a couple of alternatives.

Further, I don't think that we have properly identified the rights being transferred even if we follow Bob and Norm's recommendation.

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Let me try to explain. Eastern Region had a copy of the Bauerle Decree which had assigned decree numbers to each of the water rights listed within. In preparing the transfer application and legal notice, Eastern region used these numbers to identify two of the Jakkett Canal Rights. The two rights identified in the decree were originally issued by the Department and given No.'s 17690/31-2253 and 17763/31-2254. The court action simply confirmed these rights and set a maximum rate of diversion when these rights were combined. However, the court, in this particular case, set the limit 9.3 cfs higher than^N the combined sum of the two rights.

I am not sure how to interpret this additional amount in relation to the two permit rights.

1. Did the court have evidence that the diversions developed under the two permits exceeded 82.5 cfs and simply allow^a recognition of how much was actually diverted? Right No. 31-2254 was later licensed and the diversion was measured at ~~32.5~~²⁸ cfs. Does this mean that permit No. 31-2253 actually diverted 59.3 cfs instead of the applicants request for 50.0 cfs?

Did the court intend to decree an additional amount in excess of permit No. 31-2253?

2. What is the amount of the rights 82.5 cfs or 91.8 cfs?

The transfer application only recognizes 82.5 cfs but perhaps the amount should be 91.8 cfs. Once this decision is made then we can correct the Department records accordingly.

Possible Injury to Independent Canal Co.

In a memo to the file dated 6-27-79 by Ernest C., he identified possible conflicts between the rights identified on the Jakkett Canal Co. transfer. This issue is also identified in a memo written by Ron C. dated 12-5-78.

I have reviewed the overlapping lands issue and cannot think of a recommendation which would properly protect the Independent Canal Company from injury, nor prevent expansion without requesting additional information.

Because there are so many unanswered questions remaining at this time that

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can affect the rights identified in this transfer I cannot recommend that this transfer application be approved.

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June 4, 1974

Re: Permit No. 17763/31-2254 - Independent Water Users of Mud Lake

Don Shenton
Box 331
Dubois, ID 83423

Dear Don:

You called today concerning the effect of the cancellation of Permit No. 31-2254 (Old No. 17763) upon the water rights of the Independent Water Users of Mud Lake, Inc.

A review of the District Court decree, entitled The Owsley Canal Company, a corporation, -vs- Ernest Beverle, et al, indicates that the right to the use of water from the wells proposed under the permit was confirmed by the decree.

Therefore, the cancellation of this permit should not effect the operation of the Independent Water Users, since they are using water under their existing decreed rights. This cancellation simply removed from our permit records a filing that was unnecessary.

If we can be of any further assistance, or if you have additional questions, please let us know.

Sincerely

BOBBY D. FLEMMER
Assistant Director

BDF:jg

RECEIVED

FROM Eastern Region
Ernest

TO Jim Johnson

SUBJECT App/Transfer - Jackett Canal

DATE 9-21-79

Please place the attached letter from Kent Foster in the file for Jackett Canal Company's application for transfer and, if possible, send a status report on the processing of this application to Mr. Foster.

Thank you.

To: File

RE: telecon w/ Kent Foster

From: Jim Johnson

10/11/79

This P.M. I talked to Mr Foster concerning the status of this transfer.

MICROFILMED

SIGNATURE

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0820
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)

September 14, 1979

RECEIVED

OCT 2 1979

Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources

Re: Jakkett Canal Transfer

Gentlemen:

We would appreciate it if you would give us a status report on this particular transfer at your earliest convenience so that we can report to our client.

Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster
Kent W. Foster

KWF:jt

RECEIVED

SEP 17 1979

Department of Water Resources
Eastern District Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

MEMORANDUM

TO: Dave Tuthill *DT*

DATE: 8/28/79

FROM: Phil Rassier *PSR*

RE: Decree in The Owsley Canal Company vs. Bauerle [Jefferson
County Civil No. 1739, (1940)]

You have asked me to review the above-noted document to see if the permit rights identified in the decree should be treated by the Department as adjudicated rights or whether they should continue to be treated as permit or licensed rights.

My reading of the decree is that it does not purport to be an adjudication of the individual groundwater rights which it mentions. The action was apparently filed to answer the question of whether, or to what extent, these groundwater rights could be exercised without causing interference with existing surface water rights in Mud Lake as decreed in the 1930 federal court adjudication entitled Sauve v. Abbott, et al.

The decree resolves the issue by accepting the stipulation of the parties which limits the period of use under the groundwater permits to the period from May 1 to November 1 of each year. In addition, the decree sets maximum rates of diversion for various groups of rights which in some instances differ from the rates listed under the permits. The parties to the action are enjoined from interfering with each other's rights to the extent they are set out in the decree.

It is my opinion that the decree did not eliminate the need for the permit holders to comply with the applicable licensing procedures for their water rights.

RECEIVED

Memo to Dave Tuthill

8/28/79
Page 2

In administering these water rights, the Department should comply with the May 1 to November 1 period of use. Also, the rates of flow described in the decree should be considered as maximum rates but not as minimum rates which may be delivered under the various rights.

PR:sjl

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Conditions of Approval

Jackett Canal Transfer

1. Any future transfer of these rights will cause the remaining rights to revert back to the original acreage.
2. Diversion of water authorized by this transfer shall not exceed 9321.7 acre feet per annum (3 acre feet).
3. Totalizing measuring devices of a type approved by this Department shall be permanently installed and maintained at the points of diversion for groundwater and points of re-diversion from Camas Creek.
4. Use of water under this transfer is subject to control by the watermaster of State Water District No. 31, Mud Lake and tributaries.

RECEIVED

MEMO

FROM: Ernest

TO: File

DATE: June 27, 1979

This application for transfer involved decreed rights from Mud Lake, Camas Creek (a tributary of Mud Lake), decreed ground water rights, and licensed ground water rights. Although it is rare for a transfer to consist of rights from more than one source, it was agreed between Steve Allred, Director; Ron Carlson, Regional Supervisor; and Kent Foster, Attorney for the applicant, to receipt the application provided that all rights were combined in such a way that a transfer of any of the rights would cause all of the rights to revert back to the original acreages.

Review of the application identified two problems with decreed rights 31-0336 and 31-0337. One, the sum of these two rights equals 82.50 c.f.s.; however, the decree states the use of these two rights in combination cannot exceed the equivalent of 91.8 c.f.s. Two, as explained in Ron Carlson's memorandum of December 5, 1978, Jackett Canal does not irrigate an even one-third of the lands covered by these rights and the transfer does not specify the lands their one-third of the rights were appurtenant to.

Although the expansion of these rights by 9.30 c.f.s. when used in combination is certainly questionable, it is not within our jurisdiction to take corrective actions. Some compensation might be realized in conditioning the transfer to three acre feet per acre per annum.

Jackett Canal's warrantee deed to one-third of the water under these rights confirms their entitlement to transfer the water; however, with no land list describing their one-third interest, would the Department be allowing for injury to that portion of the right retained by Independent Canal Company? To eliminate this possibility and to provide an accurate description of how lands irrigated were divided, it was suggested that an application involving both canal companies would be more suitable. However, the applicant's attorney was not receptive to this idea.

Prior to final action on this application, some consideration should be given to the condition of rights 31-0336 and 31-0337 after the transfer. If they can satisfactorily be defined as to place of use, without injury to Independent Canal Company's entitlement, I have no objection to the approval of this application.

INDEXED

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APR 16 1979

Department of Water Resources
Eastern District Office

P.O. Box 33
Dubois, Idaho 83423
April 12, 1979

Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attn: Ron Carlson

RE: Jackett Canal Co.
Change of Water Rights

Dear Ron:

I fully endorse the change as proposed with exception to the numbering of the wells on the map attached to the application. The wells at Bucks Springs proper are numbered 7 and 8. The wells to the South and West of Buck Springs and located in Joe Marty's field are numbered 1, 2, 3, 4, and 5. All past pumping records are identified to these numbers. The applicant must give up his pumping records for his numbering system and historical data.

Mr. Yearsley tells me he would like a correction made to correspond with Water District #31 records.

An amendment should not be needed as the numbers above were not mentioned in the advertisement of April 4 and 11, 1979. Maybe just a simple change on the map referred to:

Well #7 should be Well #1
Well #4 should be Well #2
Well #3 should be Well #3
Well #5 should be Well #4
Well #6 should be Well #5
Well #2 should be Well #6
Well #1 should be Well #7

Changes made on map DRT
6/4/81

It also appears that you have omitted one of their decreed rights from Camas Creek as follows: 3.0 c.f.s. September 8, 1917.

RECEIVED

Ren Carlson
April 12, 1979
Page 2

Decree #99-B part 2 or maybe your department #31-0192. This should be corrected as my records show ownership to the Jackett Canal Company.

The remaining changes appear to be in order. This should straighten the record up as to the past and present practices of the Company.

I knew of no protesters to the change.

Sincerely,

Donald W. Shenton

Donald W. Shenton
Water Master
Water District #31

DWS/ts

cc: Rulon Yearsley
President of Jackett Canal Co.
Kent Foster
Attorney for Jackett Canal Co.

RECEIVED

March 27, 1979

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

Dear Mr. Shenton:

Re: Application for Transfer - Jakkett Canal

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is April 23, 1979, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 23, 1979

Kent Foster, Attorney
Holden, Kidwell, Hahn & Crapo
P. O. Box 129
Idaho Falls, Idaho 83401

Dear Kent:

Re: Application for Transfer - Jakkett Canal

In reviewing the file for Jakkett Canal's application for transfer, we seem to have water deeds for all the water rights except License 31-2317 in the name of Frank S. Jakkett.

The Department is proceeding with advertising of the application with the last date of protest scheduled to be April 16, 1979. However, prior to forwarding the application to Boise for final action, proof of ownership of License 31-2317 by the Jakkett Canal Company will have to be provided for the file.

Your cooperation in this matter is appreciated.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

RECORDED

March 23, 1979

The Rigby Star
P. O. Box 37
Rigby, Idaho 83442

Re: Jackett Canal Transfer

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 4-23-79 by _____

RDC:dh

Enclosure

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that the Jackett Canal Company has applied to the Department of Water Resources for a change in the points of diversion and places of use of the waters of ground-water sources and surface water from Camas Creek. The rights sought to be changed are evidenced as follows:

Decreed rights from Camas Creek

31-0134 Decree to Los Angeles First National Bank & Trust Co. in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930 in U. S. District Court, County of Bannock and recorded as:

AMOUNT: 3.50 cfs PRIORITY: 3-20-1911

DECREED POINT OF DIVERSION: Lot 4, Sec. 4, T. 6N, R. 35E.

PLACE OF USE: Lot 7, Sec. 32, T. 7N, R. 35E, Lot 4, Lot 1, Sec. 4, Lot 2, Sec. 5, T. 6N, R. 35E.

31-0135 Decree to Los Angeles First National Bank in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930 in U. S. District Court, County of Bannock and recorded as:

AMOUNT: 2.50 cfs PRIORITY: June 10, 1912

DECREED POINT OF DIVERSION: Center SW $\frac{1}{4}$, Sec. 5, T. 6N, R. 35E.

PLACE OF USE: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 6N, R. 35E.

31-0143 and 31-0144 Decree to Clarence O. McGill & G. B. Adams in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930 in U. S. District Court, County of Bannock and recorded as:

31-0143 AMOUNT: 1.00 cfs PRIORITY: March 29, 1911

31-0144 AMOUNT: 1.00 cfs PRIORITY: Sept. 21, 1912

These two rights are diverted within Lot 4, Sec. 3, T. 6N, R. 35E, and used to irrigate lands within Lots 3 & 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 6N, R. 35E.

31-0190 Decree to Merritt M. Owsley in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930, in U. S. District Court, County of Bannock and recorded as:

AMOUNT: 5.90 cfs PRIORITY: Oct. 14, 1913

DECREED POINT OF DIVERSION: NW Corner, Sec. 3, T. 6N, R. 35E.

PLACE OF USE: W $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 9, T. 6N, R. 35E.

Decreed rights from ground-water sources

31-0336 Decree to Independent Water Users in case of Owsley Canal Co. -vs- Ernest Bauerle dated Oct. 14, 1940 in Ninth Dist. Court, County of Jefferson and recorded as:

AMOUNT: 32.5 cfs PRIORITY: Apr. 27, 1932

DECREED POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 3, T. 6N, R. 35E.

PLACE OF USE: Lot 7, Sec. 32, T. 7N, R. 35E, Lot 4, ~~S₁~~ Sec. 4, Lots 1 & 2, S₁NE₁/₄, E₁SW₁/₄, SE₁/₄, Sec. 5, NE₁/₄, W₁NW₁/₄, SE₁NW₁/₄, N₁SW₁/₄, NW₁SE₁/₄, Sec. 8, E₁NE₁/₄, NW₁/₄, Sec. 9, W₁NW₁/₄, Sec. 10, T. 6N, R. 35E.

31-0337 (same decree as 31-0336)

G.W. AMOUNT: 50.0 cfs PRIORITY: Dec. 15, 1932

DECREED POINT OF DIVERSION: SW₁/₄, Sec. 13, NW₁/₄, Sec. 24, T. 7N, R. 35E; NE₁NW₁/₄, Sec. 3, T. 6N, R. 35E; NW₁NW₁/₄, Sec. 7, NE₁NW₁/₄, Sec. 1, T. 6N, R. 34E.

PLACE OF USE: E₁/₂, E₁SW₁/₄, SW₁SW₁/₄, Sec. 36, T. 7N, R. 33E; W₁/₂, Sec. 31, T. 7N, R. 34E; N₁/₂, Sec. 1, T. 6N, R. 33E; NW₁/₄, Sec. 6, E₁/₂, E₁NW₁/₄, NE₁SW₁/₄, Sec. 12, T. 6N, R. 34E; Sec. 7, W₁E₁/₂, SW₁/₄, Sec. 9, T. 6N, R. 35E.

Licensed ground-water rights

W. 1/2 #6
#7
1/4 NE 1/4
Subdivision

G.W. 31-2289 AMOUNT: 3.20 cfs PRIORITY: Jan. 13, 1949

POINT OF DIVERSION: NW₁NE₁/₄, Sec. 27, T. 7N, R. 35E.

PLACE OF USE: NE₁/₄, Sec. 8, T. 6N, R. 35E.

G.W. 31-2290 AMOUNT: 3.60 cfs PRIORITY: Feb. 14, 1949

POINT OF DIVERSION: NW₁NE₁/₄, Sec. 27, T. 7N, R. 35E.

PLACE OF USE: E₁SW₁/₄, SE₁/₄, Sec. 5, T. 6N, R. 35E.

G.W. 31-2297 AMOUNT: 6.00 cfs PRIORITY: Dec. 29, 1949

POINT OF DIVERSION: NW₁NE₁/₄, Sec. 27, T. 7N, R. 35E.

PLACE OF USE: W₁NE₁/₄, SE₁NE₁/₄, E₁NW₁/₄, SW₁/₄, Sec. 3, SW₁SE₁/₄, Sec. 4, W₁NE₁/₄, Sec. 9, T. 6N, R. 35E.

G.W. 31-2310 AMOUNT: 5.80 cfs PRIORITY: Sept. 24, 1952

POINT OF DIVERSION: SW₁SW₁/₄, Sec. 23, T. 7N, R. 35E.

PLACE OF USE: E₁/₂, Sec. 17, T. 6N, R. 35E.

G.W. 31-2317 AMOUNT: 8.08 cfs PRIORITY: Feb. 28, 1953

AMOUNT: 1.90 cfs PRIORITY: Oct. 27, 1956

POINT OF DIVERSION: NW₁SW₁/₄, Sec. 23, NE₁SE₁/₄, Sec. 22, T. 7N, R. 35E.

PLACE OF USE: Sec. 16, T. 6N, R. 35E.

G.W. 31-2321 AMOUNT: 1.92 cfs PRIORITY: Apr. 25, 1953

POINT OF DIVERSION: NW₁NE₁/₄, Sec. 27, T. 7N, R. 35E.

PLACE OF USE: NE₁SW₁/₄, N₁SE₁/₄, Sec. 8, T. 6N, R. 35E.

The above rights are for the purpose of irrigation of lands within Jefferson County.

TO BE CHANGED AS FOLLOWS

The combination of all of the above described rights of the Jackett Canal Co. amounts to 75 cubic feet per second, and will be diverted from several wells located at a point known as Buck Springs within the SW₁SW₁/₄, Sec. 13, T. 7N, R. 35E (Independent Ditch); from points within the NW₁SE₁/₄, Sec. 22, NW₁SW₁/₄, SW₁SW₁/₄, Sec. 23, NW₁NE₁/₄, Sec. 27, two pumps located within the SW₁SW₁/₄, Sec. 33 (Camas

UNOFFICIAL

Creek) T. 7N, R. 35E, five pumps located within Lot 4, Sec. 3 (Camas Creek), T. 6N, R. 35E. B.M., Jefferson County; and used to irrigate 3,107.23 acres within Lots 7 & 8, Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 7N, R. 35E; N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 4, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, Sec. 16, E $\frac{1}{2}$, Sec. 17, T. 6N, R. 35E, B.M.

The Jackett Canal Co. comingles its ground-water and surface water and is making this transfer to reflect the practices of the company.

Any protest against approval of the above proposed change of water rights must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April ²³~~16~~, 1979.

C. STEPHEN ALLRED
Director

Published in the Rigby Star, Rigby, Idaho, on March ~~29~~ and April ~~5~~, 1979.

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that the Jackett Canal Co., has applied to the Department of Water Resources for a change in the points of diversion and places of use of the waters of ground-water sources and surface water from Camas Creek. The rights sought to be changed are evidenced as follows:

Decreed rights from Camas Creek

✓ 31-0134 Decree to Los Angeles First National Bank & Trust Co. in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930 in U. S. District Court, County of Bannock and recorded as:

AMOUNT: 3.50 cfs PRIORITY: 3-20-1911

DECREED POINT OF DIVERSION: Lot 4, Sec. 4, T. 6N, R. 35E, Jefferson County.

PLACE OF USE: ^{Lot 7} SE¹/₄SE¹/₄, Sec. 32, T. 7N, R. 35E, NE¹/₄NE¹/₄, NW¹/₄NW¹/₄, Sec. 4, NW¹/₄NE¹/₄, Sec. 5, T. 6N, R. 35E. ^{Lot 4} ^{Lot 1} ^{Lot 2}

31-0135 Decree to Los Angeles First National Bank in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930 in U. S. District Court, County of Bannock and recorded as:

AMOUNT: 2.50 cfs PRIORITY: June 10, 1912

DECREED POINT OF DIVERSION: Center SW¹/₄, Sec. 5, T. 6N, R. 35E.

PLACE OF USE: W¹/₂NE¹/₄, NW¹/₄, NE¹/₄SW¹/₄, NW¹/₄SE¹/₄, Sec. 8, T. 6N, R. 35E.

31-0143 and 31-0144 Decree to Clarence O. McGill & G. B. Adams in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930 in U. S. District Court, County of Bannock and recorded as:

31-0143 AMOUNT: 1.00 cfs PRIORITY: Mar. 29, 1911

31-0144 AMOUNT: 1.00 cfs PRIORITY: Sept. 21, 1912

These two rights are diverted within Lot 4, Sec. 3, T. 6N, R. 35E, and used to irrigate lands within the ^{Lot 3 & 4} SWNW¹/₄ N¹/₂ SW SWSW, Sec. 3, T. 6N, R. 35E.

31-0190 Decree to Merritt M. Owsley in case of Ernest Sauve -vs- W. H. Abbott dated Nov. 1, 1930, in U. S. District Court, County of Bannock and recorded as:

AMOUNT: 5.90 cfs PRIORITY: Oct. 14, 1913

DECREED POINT OF DIVERSION: ^{NW CORNER} NW¹/₄NW¹/₄, Sec. 3, T. 6N, R. 35E.

PLACE OF USE: W¹/₂E¹/₂, SW¹/₄, Sec. 9, T. 6N, R. 35E.

Decreed rights from ground-water sources

31-0336 Decree to Independent Water Users in case of Owsley Canal Co. -vs- Ernest Bauerle dated Oct. 14, 1940 in Ninth Dist. Court, County of Jefferson and is recorded as:

AMOUNT: 32.5 cfs PRIORITY: Apr. 27, 1932

DECREED POINT OF DIVERSION: NE¹/₄NW¹/₄, Sec. 3, T. 6N, R. 35E. ^{Lot 1 + 2} S¹/₂NE, SE¹/₂

PLACE OF USE: ^{Lot 7} SE¹/₄SE¹/₄, Sec. 32, T. 7N, R. 35E, ^{Lot 4} NW¹/₄NW¹/₄, S¹/₂, Sec. 4, E¹/₂SW¹/₄, Sec. 5, NE¹/₄, W¹/₂NW¹/₄, SE¹/₄NW¹/₄, N¹/₂SW¹/₄, NW¹/₄SE¹/₄, Sec. 8, E¹/₂NE¹/₄, NW¹/₄, Sec. 9, W¹/₂NW¹/₄, Sec. 10, T. 6N, R. 35E.

31-0337 (same decree as 31-0336)

AMOUNT 50.0 cfs PRIORITY: Dec. 15, 1932

DECREED POINT OF DIVERSION: SW¹/₄, Sec. 13, NW¹/₄, Sec. 24, T. 7N, R. 35E; NE¹/₄NW¹/₄, Sec. 3, T. 6N, R. 35E; NW¹/₄NW¹/₄, Sec. 7, NE¹/₄NW¹/₄, Sec. 1, T. 6N, R. 34E.

(NOT ADD)

RECORDED

PLACE OF USE: E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 7N, R. 33E; W $\frac{1}{2}$, Sec. 31, T. 7N, R. 34E; N $\frac{1}{2}$, Sec. 1, T. 6N, R. 33E; NW $\frac{1}{4}$, Sec. 6, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 6N, R. 34E; Sec. 7, W $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 9, T. 6N, R. 35E.

~~Only portions of right No. 31-0336 and 31-0337 are being transferred.~~

Licensed ground-water rights

31-2289 AMOUNT: 3.20 cfs PRIORITY: Jan. 13, 1949

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 7N, R. 35E

PLACE OF USE: NE $\frac{1}{4}$, Sec. 8, T. 6N, R. 35E.

31-2290 AMOUNT: 3.60 cfs PRIORITY: Feb. 14, 1949

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 7N, R. 35E.

PLACE OF USE: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 6N, R. 35E.

31-2297 AMOUNT: 6.00 cfs PRIORITY: Dec. 29, 1949

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 7N, R. 35E.

PLACE OF USE: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 9, T. 6N, R. 35E.

31-2310 AMOUNT: 5.80 cfs PRIORITY: Sept. 24, ¹⁹⁵²1962

POINT OF DIVERSION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 7N, R. 35E.

PLACE OF USE: E $\frac{1}{2}$, Sec. 17, T. 6N, R. 35E.

31-2317 AMOUNT: 8.08 cfs PRIORITY: Feb. 28, 1953

AMOUNT: 1.90 cfs PRIORITY: Oct. 27, 1956

POINT OF DIVERSION: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 7N, R. 35E.

PLACE OF USE: Sec. 16, T. 6N, R. 35E.

31-2321 AMOUNT: 1.92 cfs PRIORITY: Apr. 25, 1953

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 7N, R. 35E.

PLACE OF USE: NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, T. 6N, R. 35E.

The above rights are for the purpose of irrigation of lands within Jefferson County.

75.0 cfs TO BE CHANGED AS FOLLOWS

Only 30.5 cfs of licensed ground water rights and 35.71 cfs of decreed ground-water rights will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 7N, R. 35E, Jefferson County. Surface water from Camas Creek amounting to 13.9 c.f.s. will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 7N, R. 35E; Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 3, T. 6N, R. 35E, B.M., Jefferson County; and used to irrigate 3,107.3 acres within the (S $\frac{1}{2}$ SE $\frac{1}{4}$) Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 7N, R. 35E; N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 4, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, Sec. 16, E $\frac{1}{2}$, Sec. 17, T. 6N, R. 35E, B.M.

The Jackett Canal Co. comingles its ground-water and surface water and is making this transfer to reflect the practices of the company.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before December 18, 1978.

C. STEPHEN ALLRED
Director

Published in the Rigby Star, Rigby, Idaho, on November 30 and December 7, 1978.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE November 22, 1978

FROM Colleen

TO File - Jackett Canal Co.

SUBJECT Advertising fees

In a conversation with the Rigby Star concerning approximate advertising fees for the above transfer, they indicated the following:

26¢ per line for first advertising, 15¢ per line second advertising
30¢ a line for tabulated material for both advertising.

Rigby Star indicated they would probably have to charge the "tab" rate for the complete legal notice and said we should at least double our amount of lines as their columns in the paper are considerably smaller.

Assuming we have to pay for "tab" rate - 90 lines of original (180 doubled) @ 30¢ for two advertising periods = \$108.00 approximately.

If, hopefully, we can advertise under normal rates the cost would be \$73.80.

NOTE: The Rigby Star would not commit themselves on how many lines this advertising would take, so just doubling the amount of lines may not be completely correct.

SIGNATURE

MICROFILMED

March 23, 1979

Kent Foster, Attorney
Holden, Kidwell, Hahn & Crapo
P. O. Box 129
Idaho Falls, Idaho 83401

Dear Kent:

Re: Application for Transfer - Jakkett Canal

In reviewing the file for Jakkett Canal's application for transfer, we seem to have water deeds for all the water rights except License 31-2317 in the name of Frank S. Jakkett.

The Department is proceeding with advertising of the application with the last date of protest scheduled to be April 16, 1979. However, prior to forwarding the application to Boise for final action, proof of ownership of License 31-2317 by the Jakkett Canal Company will have to be provided for the file.

Your cooperation in this matter is appreciated.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

RECEIVED
MAR 27 1979
WATER RESOURCES DIVISION
BOISE, IDAHO

March 13, 1979

Mr. Kent Foster, Attorney
Holden, Kidwell, Hahn & Crapo
P. O. Box 129
Idaho Falls, Idaho 83401

Dear Kent:

Re: Application for Transfer - Jakkett Canal

Attached herewith is Departmental receipt No. 12955 in the amount of \$135.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON

March 9, 1979

Mr. Ronald D. Carlson, Supervisor
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Jackett Canal Company

Dear Ron:

By now you have probably received the letter which we wrote yesterday with a new application form signed and notarized and our check for \$35.00. However, since you sent back the old file, I have gone ahead and notarized Mr. Yearsley's signature on that application form as well, and we are enclosing our check in the amount of \$100.00 to make up the difference mentioned in your letter of March 8th.

We have also reviewed the items you noted in red pencil on the application, and we have had our secretary retype the number to conform the correct number.

Please advise us if there is anything further we can do.

Yours very truly,

Kent
Kent W. Foster

KWF:jt

Enclosure

RECEIVED

MAR 13 1979

Department of Water Resources
Eastern District Office

RECEIVED

March 8, 1979

Mr. Kent Foster, Attorney
Holden, Kidwell, Hahn & Crapo
301 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Kent:

Re: Jakkett Canal Company

I am sure you are aware of my desire to see all of the pieces of this puzzle fit together. Representatives of the Independent Water Users have requested a meeting with the Department to discuss the possibility of their filing a transfer to improve the records of their water rights. This meeting has tentatively been scheduled to occur within the next couple of weeks, but no date has been set and, of course, the outcome of that meeting is uncertain.

I do not feel we can hold up action on the Jakkett transfer application any longer in anticipation of this meeting. I am returning your original application for signature. The processing fee necessary to cover the advertising costs of this application will be \$135.00. Before returning the application, you may want to review the items we have noted in red pencil.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosure

NO COPY FILED

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
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RANDALL K. BARTON

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1974)

March 8, 1979

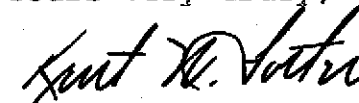
Mr. Ronald D. Carlson
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron:

As we understood from our most recent conversation regarding the Jackett Canal Company transfer, you planned to institute publication of the Notice right away. As I recall, you advised that the application form which came with our package several months ago had not been notarized. We have since obtained Mr. Yearsley's signature as President of the company, and have acknowledged his signature on a new application form which is enclosed with this letter. We are also again returning the filing fee of \$35.00. However, as we have indicated previously, the company is willing to assist with the rest of the publication costs and if you will advise us of the additional amount, we will be happy to obtain the company's check and forward it to you.

Please let us know if there is anything else we can do to expedite this matter. Thank you for your kind assistance.

Yours very truly,



Kent W. Foster

KWF:jt

Enclosure

cc: Rulan Yearsley

MICROFILMED

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

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STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON

February 2, 1979

Mr. Ronald D. Carlson
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Jakkett Canal Transfer

Dear Ron:

It has now been about three months since we last wrote to you on this matter and a couple of months since we last conferred.

In light of the dissatisfaction expressed by the Department with our clients' application, and the substantial delays, perhaps it is understandable that our clients are quite concerned and would appreciate, if possible, some sort of status report. Thank you for your kind attention to this matter.

Yours very truly,


Kent W. Foster

KWF:tjr
cc: Mr. Rulan Yearsley

RECEIVED
FEB 5 1979
Department of Water Resources
Eastern District Office

MICROFILMED

MEMORANDUM

TO: File
FROM: Ron Carlson
DATE: December 5, 1978
SUBJ: JACKETT TRANSFER

I met with Kent Foster to discuss the proposed transfer I had prepared to transfer the Jackett rights. We came to an impass when I showed him my proposal for handling the Independent water rights 31-0336 and 31-0337. The problem results from the fact that the Independent water users sold Jackett an undivided one-third interest in these water rights. In going over the land list I found that on the basis of acreage irrigated, Jackett was entitled to 80 percent of right 31-0336 and 12 percent of right 31-0337, or about 38 percent of the two rights. Kent said the deeds showed his clients had obtained one-third of each right and that was how he wanted the transfer to read. I told him that we could do that but the Independent water users and the Jackett Company would have to get together and decide upon the lands from which the water would be removed under each right. I told Kent that our records were not clear on the intent of the agreements between Jackett and Independent. He said copies of all of the deeds were supposed to have been provided with his transfer application. He said he would see that we got them. Thirty minutes later his secretary brought the enclosed deeds to our office.

MICROFILMED

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1974)

November 3, 1978

RECEIVED

NOV 6 1978

Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Jackett Transfer

Dear Ron:

We have now had an opportunity to review the contents of your letter of October 30, 1978. While we appreciate your comments on the department's views concerning the nature of water rights, about the only way we know how to respond is to say that we don't know why you view it otherwise, but our understanding of our client's intent and certainly our intent, in filing the application for transfer, was to change only the place of use of the original rights listed in the application.

We will have to confess that we are baffled as to how you found that decreed surface water rights from Camas Creek were expanded to additional acreage at the time they were assigned to the company. We would be very interested in the additional water rights which you suspect were established, except that our clients do not claim any and know of no new or additional diversions made and no new or additional applications to beneficial use, either at that time or since. Since you refer to these rights as "unsubstantiated", we assume that you might mean they would be "constitutional" or "use" rights of which there is no record. As we understand Idaho law, the appropriation of such a right would require at least a diversion and application to beneficial use of the water sought to be appropriated. The Jackett Canal Company does not claim to have done any such thing. The company has continued to divert water from the same old points of diversion listed in the decrees and licenses, in no greater amounts than is listed in the decrees and licenses. Except for a minor reduction in acreage, the company has continued to deliver and the stockholders have continued to apply the water to essentially the same number of acres listed in the decrees and licenses. The only thing that has changed is the place of use of these rights.

If you will kindly indulge us, let us try to explain again what we understand to have happened, both factually and legally in 1956 and since. When the deeds to the water rights

RECEIVED

Mr. Ronald D. Carlson
November 3, 1978
Page Two

RECEIVED
NOV 6 1978
Department of Water Resources
Eastern District Office

consisting of decreed rights under the Sauve and Bauerle Decrees and the licensed rights were delivered to the company and recorded in 1956, record title to these real property rights became that of the company. Those are the only rights that the company claims to have ever acquired. Therefore, as of that time, the company's rights under the Sauve Decree consisted of 13.9 cfs (695 miner's inches) appurtenant to 1267.05 acres of land, an undivided one-third of 91.8 cfs under the Bauerle Decree appurtenant to 3947.1 acres; and 30.5 cfs of licensed rights (1525 miner's inches) appurtenant to 1624 acres of land. The Jackett Canal Company's share of the Bauerle Decree rights would be 30.6 cfs (1530 miner's inches) and the number of acres to which one-third of the water would have been appurtenant would be 1315.7. 1021 ?

242 acres
counted
twice

If the amounts of water rights and acreages are totaled, this would have been 75 cfs (3750 miner's inches) appurtenant to 4206.75 acres. However, as you are aware, some of these rights overlapped in the sense that in several cases, more than one right was appurtenant to the same acres. If one prepares a map showing where each right was appurtenant, it appears that the combination of these rights (3750 miner's inches) were really appurtenant under the decrees and licenses to some 3300.39 acres of land.

Remember, we are speaking only of the rights acquired in 1956 by Jackett Canal Company, and not, for instance, Independent Water Users remaining two-thirds of the Bauerle Decree rights. Such a map also discloses that 2480.69 of these acres were lands owned by stockholders of the newly formed Jackett Canal Company; 40 of these acres were located in about the center of the Jackett lands, but the owner of this land did not purchase Jackett stock because he had other rights, and other arrangements for the delivery of such rights; and 779.7 of these acres were lands which we understand to have been owned by stockholders of Independent.

Today there are some 3107.23 acres of shareholder's lands actually irrigated with the combination of these Jackett rights. This is not substantially different from the amount actually irrigated in 1956. However, a review of the records would have disclosed then, as now, that the rights acquired in 1956 by Jackett were appurtenant in part to lands other than those of its stockholders and that the water rights of other entities and individuals, such as Independent Water Users of Mud Lake, Inc., were appurtenant in part, to lands of the Jackett shareholders. As we have already pointed out with respect to the Jackett, we suspect that neither Independent, nor any other entities or individuals in this area, whose water rights are not

MICROFILMED

Mr. Ronald D. Carlson
November 3, 1978
Page Three

RECEIVED

NOV 6 1978

Department of Water Resources
Eastern District Office

shown by the records to be appurtenant to the lands where actually used, have ever appropriated any additional water rights since 1956. We doubt that the water master's records will show additional diversions at different points or application to additional lands. The major change has been in the place of use of the various water rights which were shuffled at that time. In fact, in the case of the Jackett, there has been a slight reduction in acreage, if anything. Even though in 1956 the Jackett rights appear to have been appurtenant to 3300.39 acres, today the stockholders are actually irrigating 3107.23.

Please keep in mind that this application does not propose to solve anyone's problems except those of Jackett Canal Company. We have no authority, nor do you, to try to solve the remaining problems such as the fact that a portion of Independent's rights may still appear of record to be appurtenant to lands of Jackett shareholders. Neither Jackett nor its shareholders claim any interest in any such rights or have ever used them. The solution of such problems will have to await proper action by Independent or others as the case may be.

We would like to emphasize that both the Jackett Canal Company and the water master were getting along fine in the use and administration of the Jackett rights until department personnel, in conversations with the officers of the company, caused them to fear the loss of their rights. The application was not prepared until after detailed discussion with you personally and assurances that what was contemplated and proposed would indeed solve the problems which the department personnel had pointed out. The application has been prepared in good faith and with an effort to be thorough. It has been prepared at substantial expense to the company and after other alternatives, such as doing nothing, filing claims, or some sort of adjudicatory procedure in district court, had been considered at length. If so much about the genesis of this matter has been forgotten in the four months since the application was filed, we are tempted to become just a little skeptical about the quality of the examination it received.

While probably of lesser importance, we have no recollection of having requested the department to prepare an application. We assumed that we had accomplished that task and were therefore entitled to have it examined. In fact, our file contains a record of a communication with you, dated April 25, 1978, regarding this point. As a result of a particularly unsatisfactory previous experience with the department's personnel having re-prepared an application after it had been submitted, we were somewhat sensitive and requested that if, after examination of the application prepared by the applicant, the director found it to be not

NOV 10 1978

Mr. Ronald D. Carlson
November 3, 1978
Page Four

RECEIVED

NOV 6 1978

Department of Water Resources
Eastern District Office

"otherwise proper", the applicant be advised of that finding and perhaps some of the reasons, so that the applicant could revise the application or bring his mandamus action, as he chose. We just cannot find a requirement in Idaho Code, Section 42-222 for the department to prepare the application.

We note from our file that our filing fee was returned last July because it was thought the application would take considerable time to review. We cannot tell for certain if your letter is intended as a formal notice that our application is not "otherwise proper", but we are again enclosing the filing fee and are hereby requesting that our application be examined and processed in the manner provided in 42-222. If the director determines that the application is not "otherwise proper", we would very much appreciate being formally advised of this decision as well as the reasons, so that we can take appropriate action.

If we can provide assistance in helping you to understand the intent of the application or our understanding of the physical facts, please feel free to call upon us at your convenience.

Thank you for your kind consideration.

Yours very truly,



Kent W. Foster

KWF:jt

cc: Jackett Canal Company

Encl:

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 30, 1978

Mr. Kent Foster, Attorney
Holden, Kidwell, Hahn & Crapo
P. O. Box 129
Idaho Falls, Idaho 83401

Dear Kent:

Re: Jackett Transfer

After reviewing your proposed transfer of the water rights for the Jackett Canal Company, we find it very difficult to prepare an application for transfer that will accomplish what your clients seek and yet remain consistent with the Department's interpretation of the statutes. As you are aware, the Department takes the position that a water right is composed of several distinct parts, none of which may be changed without affecting the original right. If a change is desired, the only change that can be recognized is one that is executed pursuant to Section 42-222 of the Idaho State Code and changes only the point of diversion and place of use. All other parameters must remain consistent with the original right, including flow rate and acreage.

In the case of Jackett Canal Company, we find that the decreed surface water rights from Camas Creek were expanded to additional acreage at the time they were assigned to the company. In keeping with the Department's interpretation of the statutes, we must conclude that an additional water right bearing the priority of the assignment was established at that time. Similar ground-water rights were apparently established at about the same time. The undivided one-third interest that was sold by the Independent Water Users represents an additional complication. It appears that all of the land originally irrigated by the Independent Water Users is still being watered by the two-thirds they retained. In addition, the one-third sold to Jackett Canal Company comprises part of the water supply for all of the lands under that system. Again, it appears that additional water rights were established at the time of this sale and bear a priority of approximately that date.

If the Department had on record a description of these additional

Mr. Kent Foster
Page 2
October 30, 1978

rights, then perhaps a transfer could be completed that would accomplish what you are proposing. Your clients and the Independent Water Users certainly could file claims to evidence additional rights they have established, but that would leave them in a position that ultimately would end in court action when the watermaster refused to deliver water to the claimed rights during a period of scarcity. The director might also have reservations about approving a transfer that is so intimately dependent upon unsubstantiated rights.

At this point, I am of the opinion that the cleanest way to resolve the problems that now exist would come through asking the court to readjudicate your clients' water rights. We will take no further action on trying to handle the consolidation of the Jackett Water Canal Company's water rights until we have heard from you. If you would like to discuss this matter further before deciding what action you wish to take, please contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

NOV 1 1978

3016
July 12, 1978

RE: APPLICATION OF TRANSFER OF WATER RIGHTS - JACKETT CANAL CO.

Mr. Kent W. Foster
Attorney at Law
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. BOX 129
Idaho Falls, Idaho 83401

Dear Mr. Foster:

The Department has received the Application for Transfer your office submitted recently on behalf of the Jackett Canal Company. Preliminary examination of the application indicated it will take considerable time for a proper review to determine if it is in form to receipt. We are, therefore, returning check No. A 4499 representing the filing fee of \$35.00. Your office will be advised of the results when the review is completed.

The cover letter accompanying the application mentioned a color-coded plat map, showing the place of use and points of diversion; however, I was unable to find it in the enclosures. If you happen to come across this map, please forward it to our office.

Respectfully submitted,

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosure

RECEIVED
JUL 13 1978
FBI - BOJ

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83401
TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)

RECEIVED

June 26, 1978

JUL 7 1978

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Jackett Canal Company - Transfer of Water Rights

Gentlemen:

We are enclosing with this letter a completed Application for Transfer of Water Right form, together with our check in the amount of \$35.00 for the filing fee. The application form was inadequate to contain all of the information required on this application so there is a fairly extensive attachment and a larger map enclosed as well.

Finally, we have enclosed numerous copies of deeds and other documents to explain and support the application.

As always, if you have any questions, please contact our office at your convenience.

Thank you for your assistance in this matter.

Yours very truly,

Kent W. Foster
Kent W. Foster

KWF:tjr

Enclosures

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

1. Right number 31-0134 Applicant Jackett
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 Water Deed & letter of disclaimer.
Intent of transfer is to make
all the rights appurtenant to all the lands.
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31 - Mad Lake & Tributaries.

FINAL PROCESSING REVIEW BY: Ernest

1. Watermaster recommendation requested on March 27, 1979 Received on April 16, 1979
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* See attached conditions of approval.

4. By Ernest Carlson Date 7/10/79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-0135 Applicant _____
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.
Water Deed
 - h. ☒ Check for expansion in use of right. Comments See 31-0134 stuff
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-0143, 31-0144 Applicant _____
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 Water Deed See 31-0134 staff.
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-0190 Applicant _____
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.
Water Deed.
 - h. ☒ Check for expansion in use of right. Comments See 31-0134 Staff.
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

* All uses within Watermaster Districts require special conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-0336 Applicant _____
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. *$\frac{1}{2}$ of right*
 - 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.
Corporation Quitclaim Deed & 2 letters of disclaimer.
 - h. ☐ Check for expansion in use of right. Comments _____
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-0337 Applicant _____
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*).
1/2 of right.
 - 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.
Corporation Quitclaim Deed.
 - h. ☒ Check for expansion in use of right. Comments _____

 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31 _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-2289 Applicant _____
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.
Water Deed.
 - h. ☐ Check for expansion in use of right. Comments _____

 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31 _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 3/- 2290 Applicant _____
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.
Water Deed
 - h. ☐ Check for expansion in use of right. Comments _____

 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 3/- 2297 Applicant _____
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.
Water Deed
 - h. ☐ Check for expansion in use of right. Comments _____

 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31 _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-2310 Applicant _____
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.
- change from 1962 to 1952
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 Water need

i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 31

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 31-2317 Applicant _____
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
 ☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (*NOTE! Part B should be filled in only if part of the right is owned by the applicant*).
 - c. ☐ Check description of point(s) of diversion.
 - d. ☐ Check description of place of use.
 - e. ☐ Check map (shows p.d. and p.u. after transfer).
 - f. ☐ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☐ Check for expansion in use of right. Comments _____

 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
 Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☐ No
 If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____

* All uses within Watermaster Districts require special conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number 3/-2321 Applicant _____
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.
Water deed lists different priority and amount than was licensed.
 - h. ☒ Check for expansion in use of right. Comments _____

 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 3/ _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By _____ Date _____