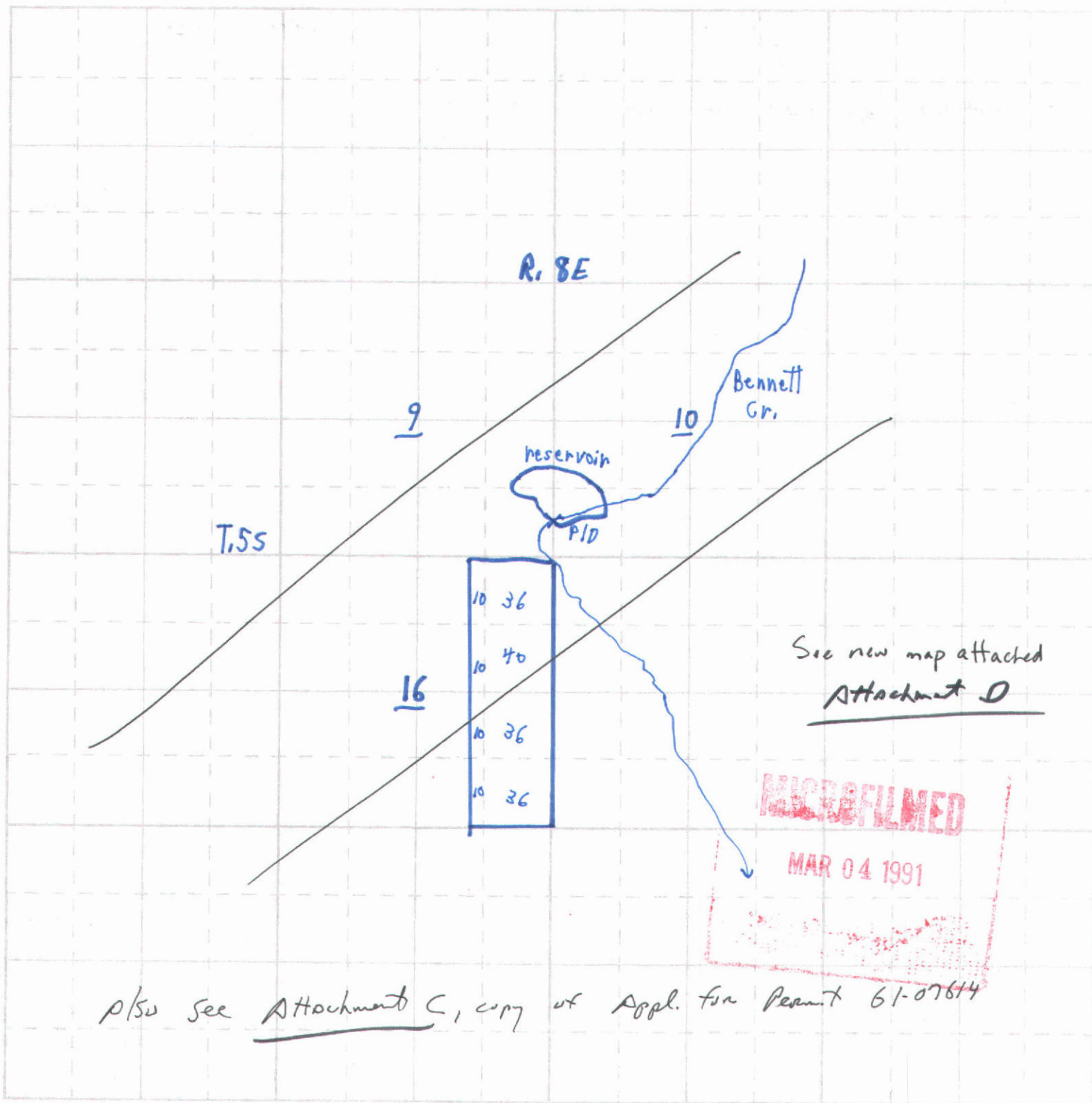


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



61-07614

N

P/O 9
Reservoir

P/O
Spring

P/O
DAM

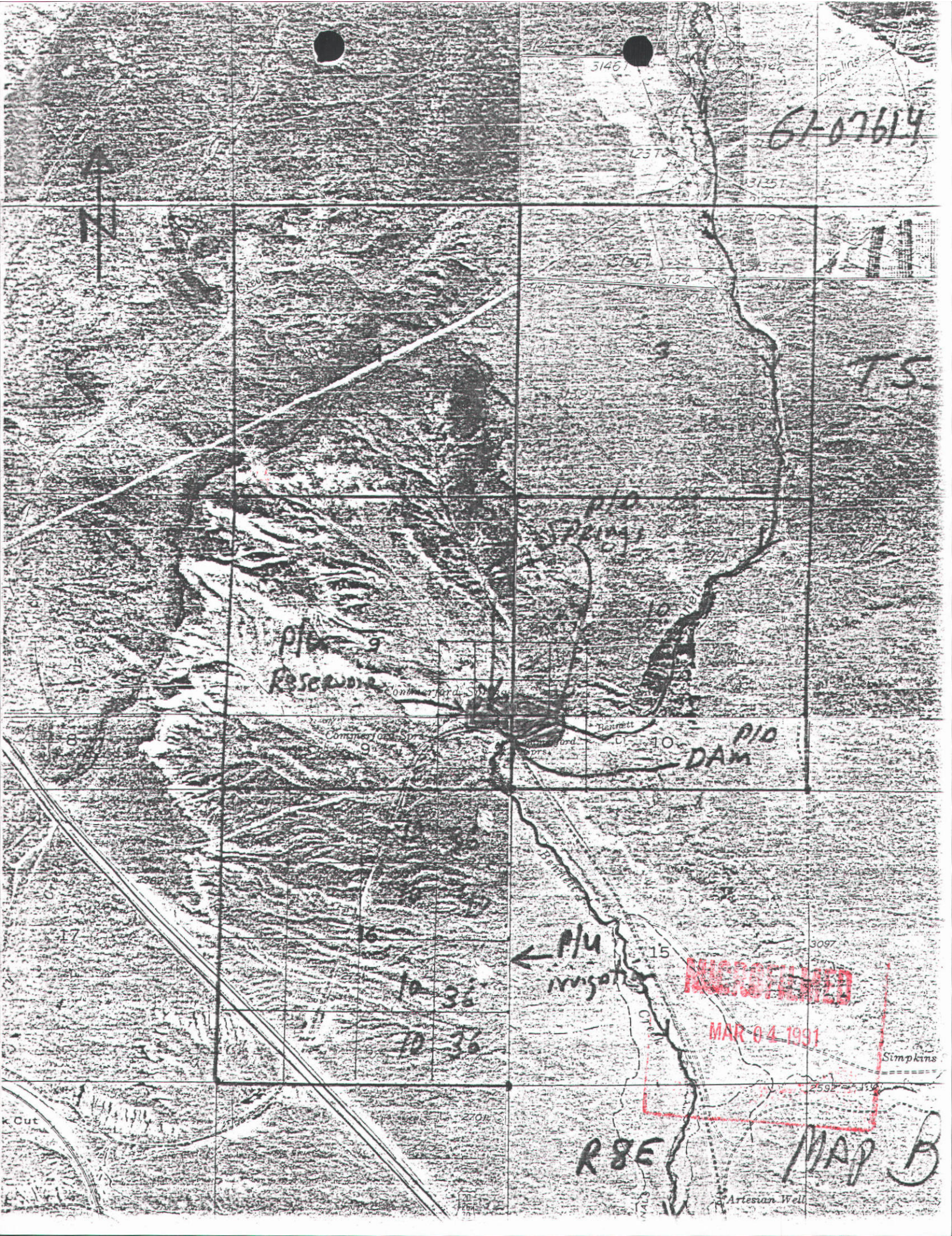
← MU
irrigation

RECEIVED

MAR 04 1991

R8E

MAP B



[illegible]

7-69 KV
F45

~~TOP SECRET~~

Dam, spring,
Reservoir
HANNETT HILL RD
14 13 18

R. 8 E.

Microfilm

MAR 04 1991

1970 POP. 17,479

67-07614

MA P A

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Sec. 16, T4S, R8E BM

S9, T8S, R8E

S10, T4S, R8E BM

I-84

OSHR

NOTE :

SEE ATTACHED MAPS
BASED ON APPLICANT'S
11/17/89 OFFICE VISIT

I-84
MICROFILMED
MAR 04 1991

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

82
Carlyle Butler
(Applicant)

Sec 9
T5S R8E

Sec 10
T5S R8E

1

3

NEW
MAP

CB

11/8/90

20

20

20

20

Place of Use

16

S-16

T5S, R8E

Boise M

MICROFILMED

MAR 04 1991

Attachment D

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO. 36-07613 ✓st

Notice is hereby given that Carlyle Butler of Jerome has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, Nature of Use, Period of Use of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 1.60 cfs

Priority: 2/26/1976

Point(s) of Diversion: T8S R20E S29 NWNW. The water is used for irrigation purposes 3/15 to 11/15 on 80 acres in T8S R20E S30 W1/2NE1/4.

TO BE CHANGED
AS FOLLOWS

Amount: 320 acre feet per annum (from Bennett Creek, Commerford Springs, and Unnamed Springs).

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water will be used for Irrigation Storage (1/1 to 12/31), and Irrigation from Storage (3/15 to 11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before May 21, 1990.

R. Keith Higginson

Director

PUBLISH: Thursday, May 3, and 10, 1990.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 21139

I, Linda Capps McGuire being first duly sworn upon oath, depose and say that I am Business Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated May 3, 1990, and ending with the issue dated May 10, 1990.

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

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

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 18 day of May in the year of 1990, before me, a Notary Public, personally appeared Linda Capps McGuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Lueva R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 36-07613 ✓

Notice is hereby given that Carlyle Butler of Jerome has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, Nature of Use, Period of Use of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 1.60 cfs; Priority: 2/26/1976.

Point(s) of Diversion: T8S R20E S29 NWNW. The water is used for irrigation purposes 3/15 to 11/15 on 80 acres in T8S R20E S30 W1/2NE1/4.

TO BE CHANGED AS FOLLOWS

Amount: 320 acre feet per annum (from Bennett Creek, Commerford Springs, and Unnamed Springs).

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water will be used for Irrigation Storage (1/1 to 12/31), and Irrigation from Storage (3/15 to

11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before May 21, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News
on 5/2 & 5/9/1990.

RECEIVED

MAY 21 1990

Department of Water Resources
Western Regional Office

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Mike Thornberry do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 2nd day

of May, 1990, and

the last publication having been made on the

9th day of May

19 90; every Wednesday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Mike Thornberry
Subscribed and sworn to me this 17th

day of May, 1990

Deen D. Sue
Notary Public

MICROFILMED

MAR 04 1991

RECEIVED
DEC 20 1990

Affidavit of Publication Department of Water Resources
Western Regional Office

County of Elmore } ss.
STATE OF IDAHO }

I, Mike Thornberry, do solemnly swear that I am
the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 12th day of

December, 1990, and the last publication having been made on the 19th day of

December, 1990; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this 19th day of

December, 1990

Donald W. Scur
Notary Public

**NOTICE OF APPLICATION
FOR AMENDMENT OF
PROPOSED CHANGE
OF WATER RIGHT NO. 36-07613**

Notice is hereby given that Carlyle Butler of Jerome, Idaho has applied to the Department of Water Resources for an amended change of point of diversion and place of use of License 36-07613.

The original proposed change was advertised in the Mountain Home News 5/2 and 5/9/1990 and the Time News 5/3 and 5/10/1990 and proposed these changes:

Amount: 320 acres feet per annum from Bennett Creek, Commerford Springs, and Unnamed Springs.

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water would have been used for Irrigation Storage (1/1-12/31) and Irrigation from Storage (3/15-11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

TO BE CHANGED AS FOLLOWS

Amount: 1.60 cfs from groundwater
Priority: 2/26/1976

Point(s) of Diversion: T5S R8E S16 NENE. The water will be used for Irrigation (3/15-11/15) on 80 acres in T5S R8E S16 NE1/4.

Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before December 24, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News on 12/12 and 12/19/1990.

MICROFILMED

MAR 14 1991

Migration of ...
 Canal Land leased concern
 Grant L. & Gladys A Butler and
 Carlyle & Fromy M. Butler

15675, Patented Lama, and

T85 R20 E, Boise M.
 Scale 4" = 1 Mile

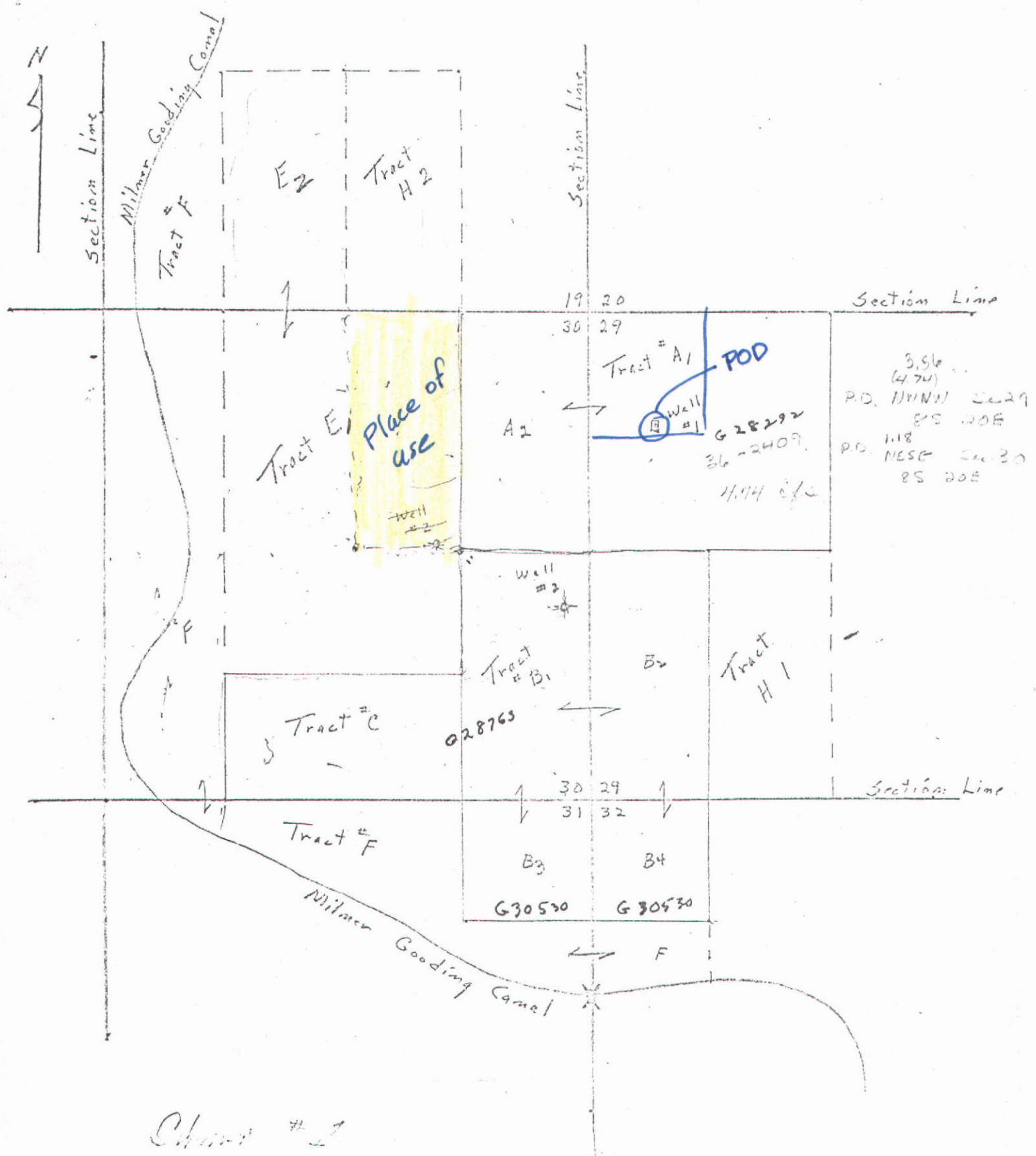
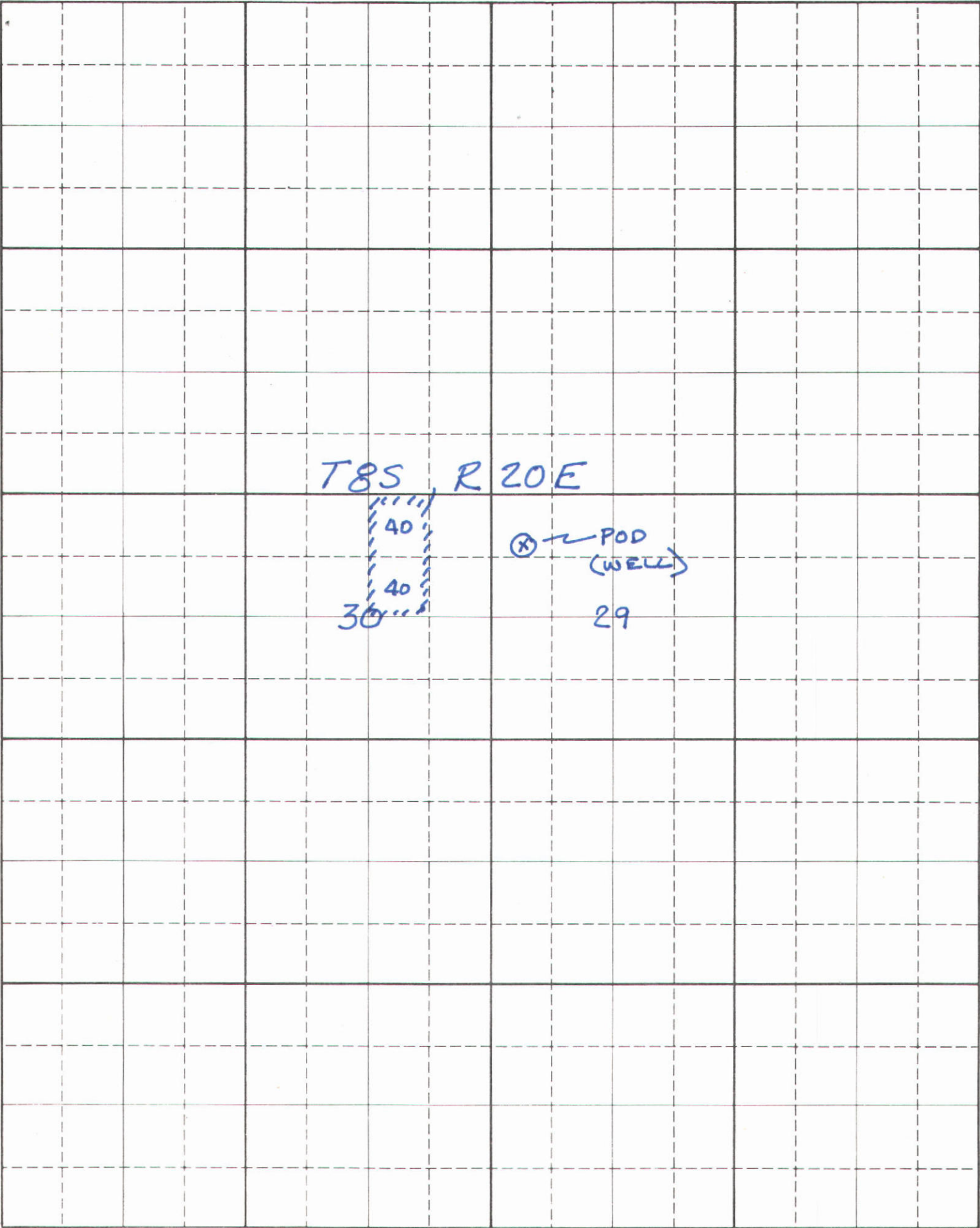


Chart #1

Kenneth Foit

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Carlyle Butler
(Applicant)

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASMANN, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 11th day of March, 1976, and the date of the last publication was on the 18th day of March, 1976.

Gordon O. Glasmann

Subscribed and sworn to before me this 18th day of March, 1976.
(SEAL)

Darla Brett
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice 29
Number of Insertions 2
Lines tabular at 315c
29 Lines straight at 21c 6.09
29 Subsequent lines at 15c 4.35
TOTAL COST \$10.44

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Carlyle Butler, 705 E. Main, Jerome, Idaho 83338, has on 2-26-76 submitted Application No. 36-7613 for a permit to appropriate 1.60 cubic feet per second of water from Ground-water by means of well, pump, pipe and sprinklers within the NW¹/₄NW¹/₄, Sec. 29, Twp. 8S, Rge. 20E, B.M. Jerome County to be used from March 15 - November 15 for the irrigation of 80 acres within the W¹/₂NE¹/₄, Sec. 30, Twp. 8S, Rge. 20E, B.M. If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 29, 1976.

R. KEITH HIGGINSON
Director

3-11-21c-n

RECEIVED

MAR 19 1976

Department of Water Resources
Southern District Office

PUBLICATION RATES

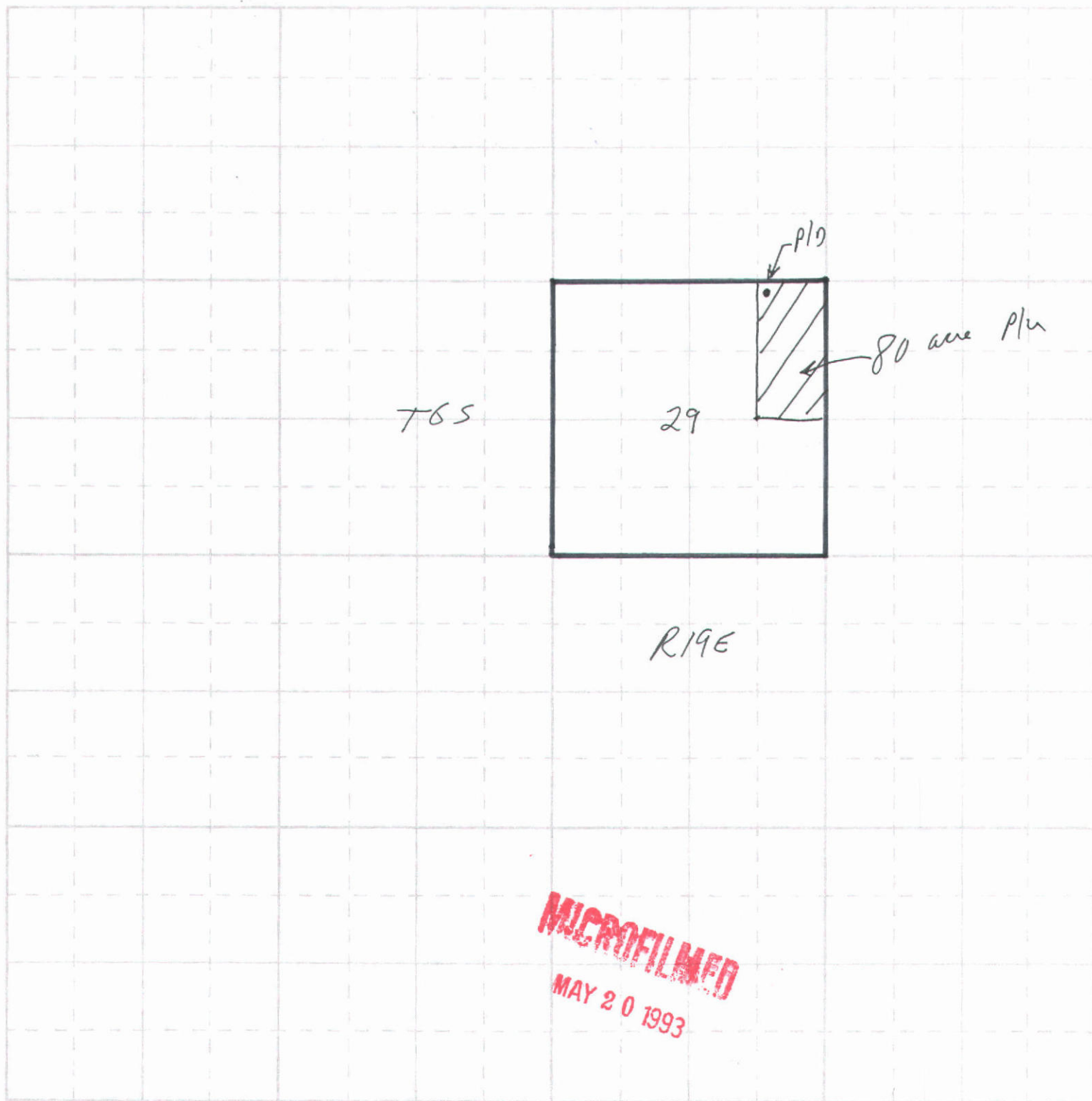
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

No. 2867

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MICROFILMED
MAY 20 1993

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,)
)SS.

County of Lincoln)

MAY 30 1991

Department of Water Resources
Southern Region Office

Patty Spence, being first duly sworn,
deposes and says that he is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln,
State of Idaho, that said newspaper has been continuously and uninterruptedly
published for a period of seventy-eight consecutive weeks prior to the first
publication of the annexed notice, and is a newspaper qualified to publish
legal notices as provided by act of the 1919 session of the legislature of the
State of Idaho, know as House Bill 145; that the annexed advertisement was
published once

each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 22nd day of May

19 91, and the date of the last publication was on the 29th

day of May, 19 91.

Subscribed and sworn to before me this 29th
day of May, 19 91.
(SEAL)

Vincent J. Anderson
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 6¢/Pica
492.1 Lines straight at 24.61 5¢/Pica
Subsequent lines at 19.69 4¢/Pica
TOTAL COST 44.30

COPY OF NOTICE (Paste Here)

Not. Prop. Chng. Wat. Rt.
TITLE OF NOTICE

36-07613

C. Butler

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Water Res.
BILL TO T.F.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 36-07613

Notice is hereby given that Carlyle
Butler of Jerome, ID has applied to the
Department of Water Resources to
change the following described water
right(s) pursuant to Section 42-222 of the
IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 36-07613

Basis of right: License, Transfer
No. 3796

Source: groundwater

Priority Date: 2-26-1976

Amount of water: 1.60 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NE1/4, S16

T5S, R8E; Elmore County.

Place of use: 80 acres within
NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4,
SE1/4NE1/4, S16, T5S, R8E.

TO BE CHANGED AS FOLLOWS

Water right No.: 36-07613

Amount: 1.60 cfs

Total amount being transferred: 1.60 cfs

Source: groundwater

Point of diversion: NE1/4NE1/4, S29,
T6S, R19E; Lincoln County (New well to
be drilled).

Place of use: 80 acres within
NE1/4NE1/4, SE1/4NE1/4, S29, T6S,
R19E.

Any protest against approval of the ap-
plication for transfer must be filed with
the Department of Water Resources, 222
Shoshone Street East, Twin Falls, ID
83301 on or before June 10, 1991.

-s- R. Keith Higginson, Director
Pub: 5-22, 29 L4411

4411 MICROFILMED

MAY 20 1993

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

From Shaw

R. 19 E,

T6 S.

Sec. 29
E $\frac{1}{2}$ NE $\frac{1}{4}$

E $\frac{1}{2}$

MICROFILMED
MAY 20 1993

1
Photographs taken 8-24-90
61-07615 , 36-07613 (transfer)

Bennett Cr.



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MAR 04 1991

Photographs 8-24-90

Bennett Cr.



MICROFILMED

MAR 04 1991

Photographs 8-24-90

Springs

#1



#1



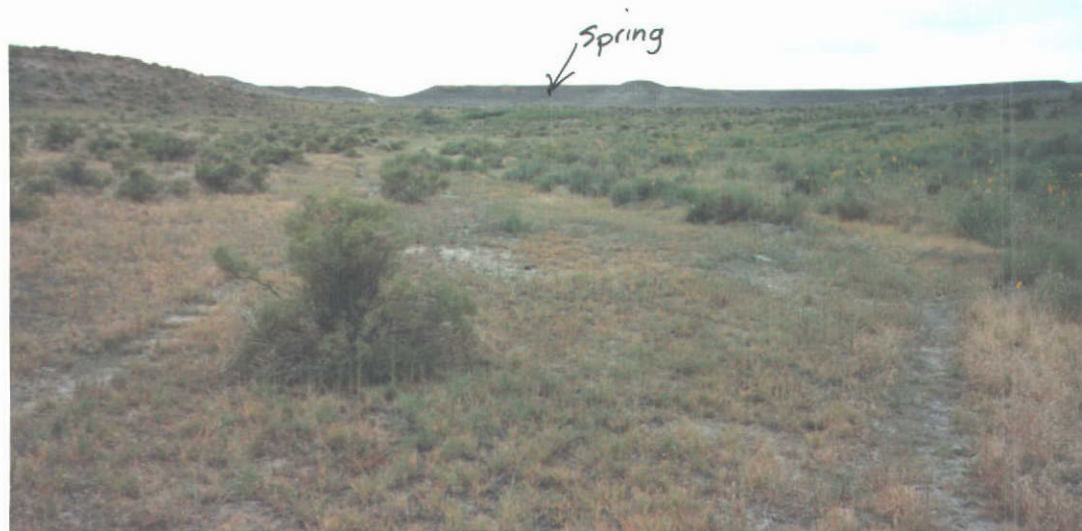
MICROFILMED

MAR 04 1991

Photographs 8-24-90

Springs

#2

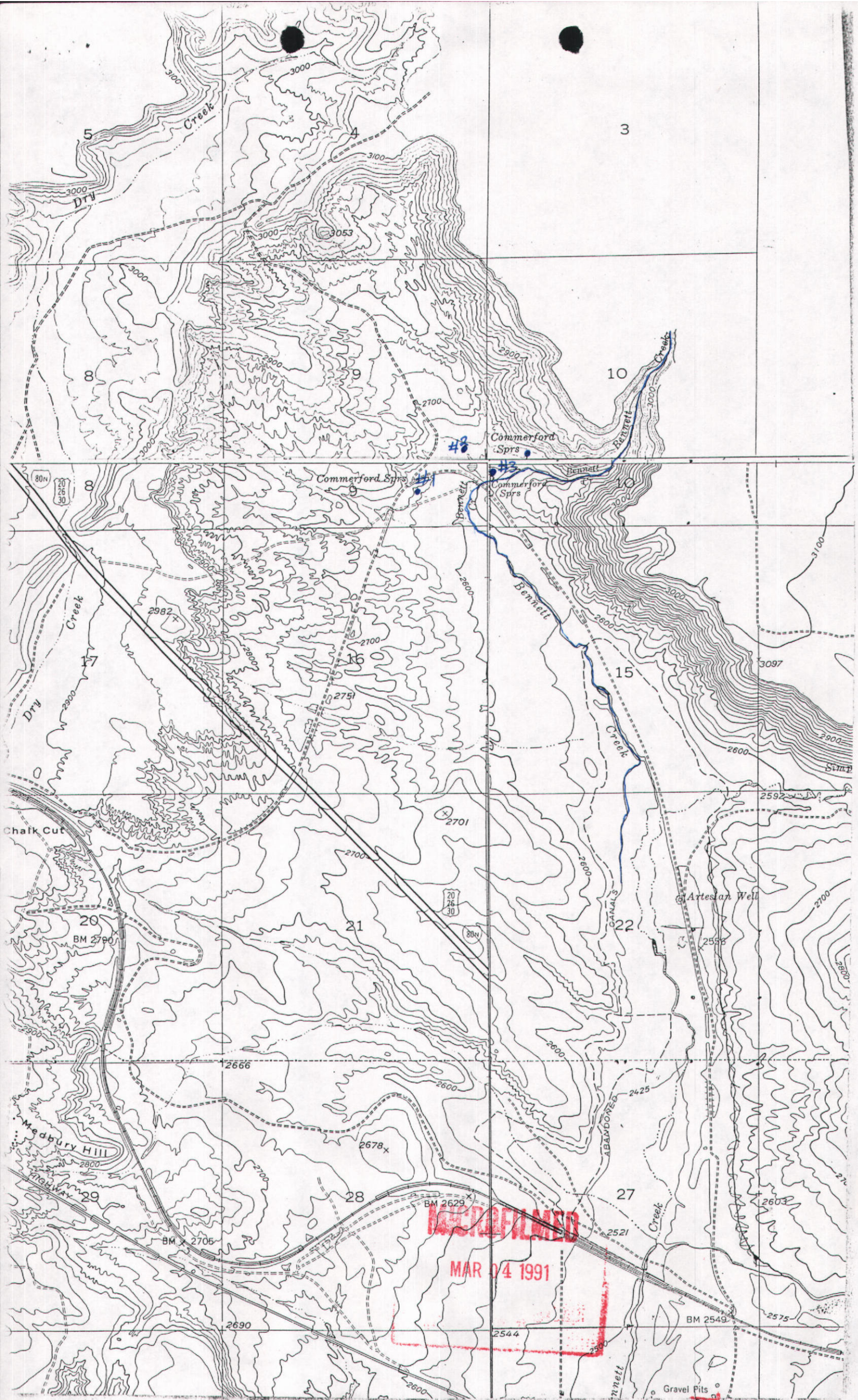


#3



REPRODUCED
FILMED

MAR 04 1991



T
8
S

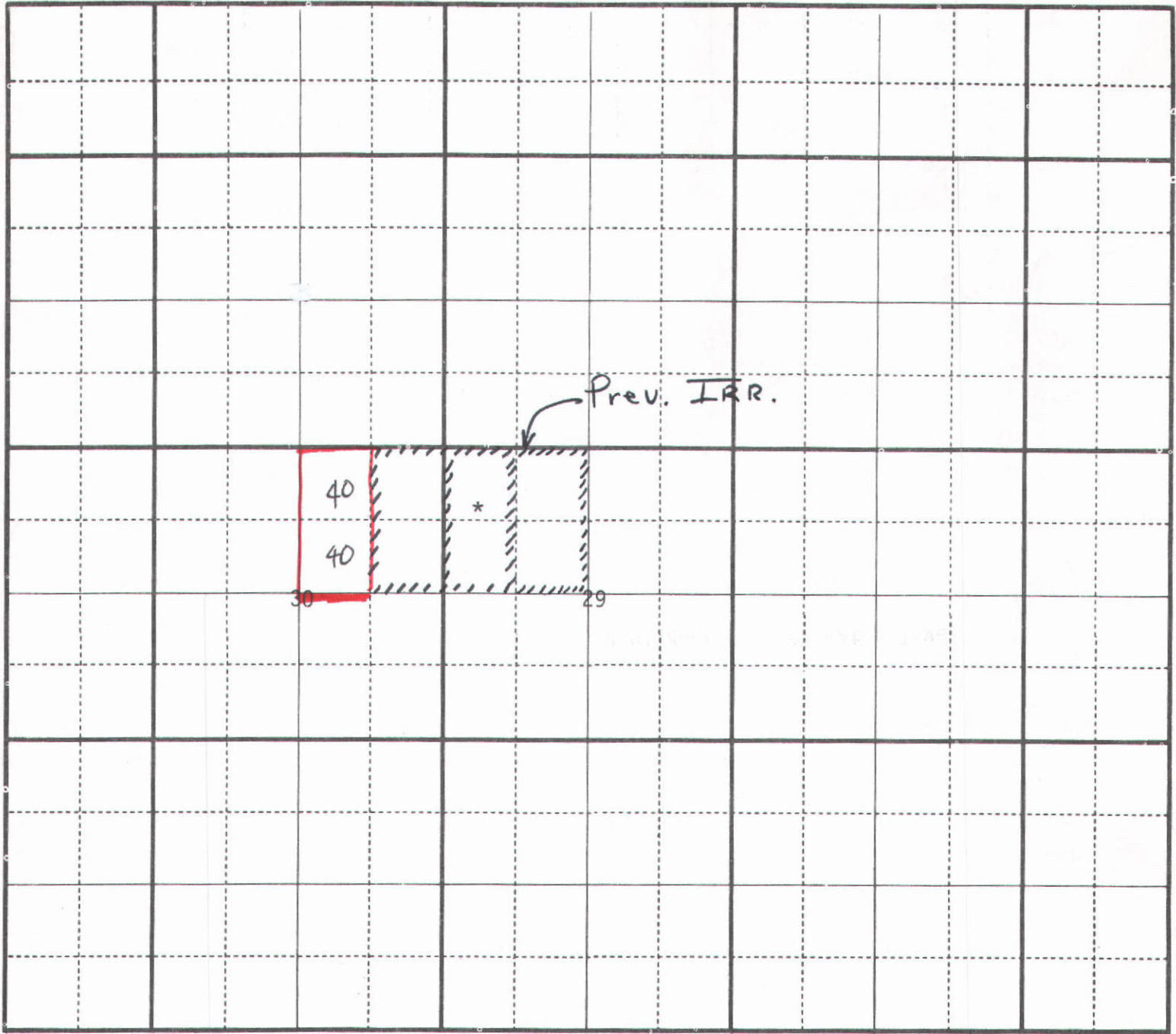
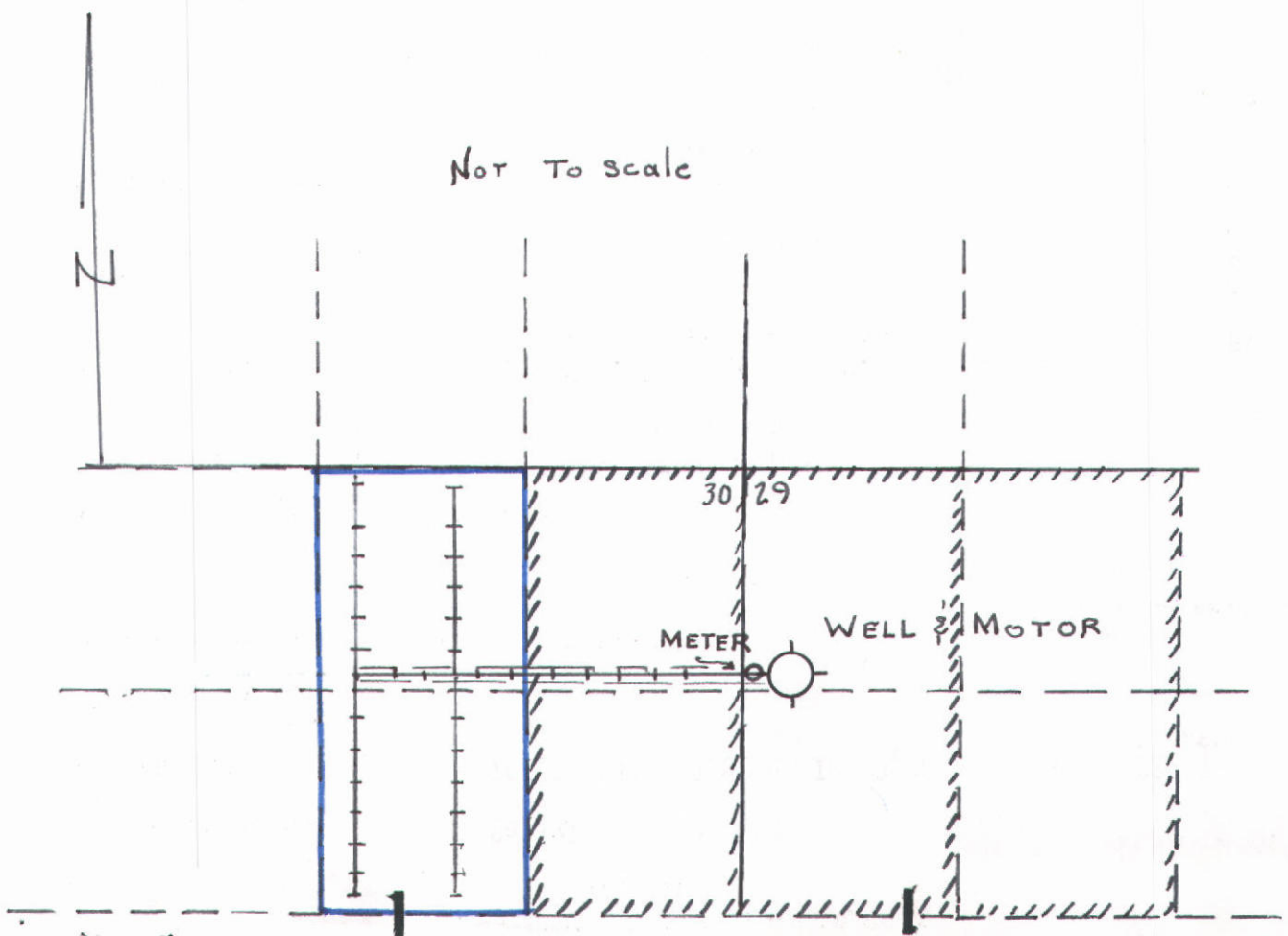


Diagram of System

Not To Scale



WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-07613	BUTLER, CARLYLE	C		02/26/1976	L/	GROUNDWATER	IRR	WR
X36-07613	WATERS, TIM H	C		02/26/1976	D/	GROUNDWATER	IRR	WR
	WATERS, LINDA K	C						

36-07613	BUTLER, FRONY M	C		02/26/1976	D/	GROUNDWATER	P DECR	AJ
	BUTLER, CARLYLE	C						
A36-07613	BUTLER, CARLYLE	C		02/26/1976	L/	GROUNDWATER	IRR	AJ
	BUTLER, FRONY M	C						
R36-07613	BUTLER, FRONY M	C		02/26/1976	D/	GROUNDWATER	P DECR	AJ
	BUTLER, CARLYLE	C						

MICROFILMED
APR 18 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5348
WATER RIGHT NO(S). 36-02409E/36-02440A/36-02543A/36-02637B
36-07096A/36-07613

This is to certify that: **TIM H WATERS**
LINDA K WATERS
1931 HUNT RD
JEROME ID 83338

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02409E : IRRIGATION Priority: 12/02/1959	04/01 to 10/31	4.70 CFS	1248.8 AF
Right No. 36-02440A : IRRIGATION Priority: 06/01/1960	04/01 to 10/31	1.74 CFS	463.2 AF
Right No. 36-02543A : IRRIGATION Priority: 06/18/1962	04/01 to 10/31	1.12 CFS	308.8 AF
Right No. 36-02637B : IRRIGATION Priority: 01/27/1966	04/01 to 10/31	1.54 CFS	308.8 AF
Right No. 36-07096A : IRRIGATION Priority: 12/01/1969	04/01 to 10/31	0.77 CFS	154.4 AF
Right No. 36-07613 : IRRIGATION Priority: 02/26/1976	03/15 to 11/15	1.60 CFS	320.0 AF

TOTAL: * 11.47 CFS * 2804.5 AF

SOURCE

GROUNDWATER

MICROFILMED

APR 14 2003

TRANSFER NO. 5348
 WATER RIGHT NO(S). 36-02409E/36-02440A/36-02543A/36-02637B
 36-07096A/36-07613

LOCATION OF POINT(S) OF DIVERSION:

SENWNW , Sec. 29, Township 08S, Range 20E
 SENESE , Sec. 30, Township 08S, Range 20E
 JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	20E	29	NENW 40	NWNW 40	SWNW 40	
			SENW 35	NWSW 40	SWSW 40	235
		30	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 33	SESW 33	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			386
		31	NENE 40			40
		32	NWNW 40			40
Total number of acres irrigated:						** 701

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- ** 6. Right 36-02409E is limited to the irrigation of 312.2 acres in the place of use described above in a single irrigation season.
- ** 7. Right 36-02440A is limited to the irrigation of 115.8 acres in the place of use described above in a single irrigation season.
- ** 8. Right 36-02543A is limited to the irrigation of 77.2 acres in the place of use described above in a single irrigation season.
- ** 9. Right 36-02637B is limited to the irrigation of 77.2 acres in the place of use described above in a single irrigation season.
- ** 10. Right 36-07096A is limited to the irrigation of 38.6 acres in the place of use described above in a single irrigation season.

MICROFILMED

APR 18 2001

TRANSFER NO. 5348
WATER RIGHT NO(S). 36-02409E/36-02440A/36-02543A/36-02637B
36-07096A/36-07613

CONDITIONS OF APPROVAL AND REMARKS

- ** 11. Right 36-07613 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- * 12. The total instantaneous diversion of water from all points of diversion under Transfer 5348 shall not exceed 11.47 cfs, nor a total combined annual volume of 2804.0 af.
- 13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 3rd day of

April

, 2000

J. Glen Saylor

Chief, Water Allocation Bureau

MICROFILMED

SEP 14 2000

RECEIVED

MAR 20 1990

RECEIVED

MAR 14 1990

STATE OF IDAHO

Transfer No. 3796Department of Water Resources
Southern Region OfficeDepartment of Water Resources
Western Regional Office

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Department of Water Resources

Name of Applicant Carlyle ButlerPhone 324-8046Post Office address 705 E. Main, Jerome, ID 83338

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☒ Change nature of use ☒ Change period of use ☒ Other Change Source

2. Describe the reason for the proposed changes Present land is in federal CRP program for 9 more years. Moving water to the new land temporarily will allow it to be irrigated until Application for Permit 61-07614 can be approved under Swan Falls.

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

1. Right Number 36-07613 Priority 2-26-1976 Amount (cfs/ac-ft) 320 AFA 1.6 cfs Nature of Use Irrig. Storage Period of Use 3/15 to 11/15
Jan 1 to Dec 31
320 AFA Irrig. from Mar 15 to Nov 15
Storage to _____
to _____
2. Total amount of water being transferred 1.6 cubic feet per second and/or 320 acre-feet per annum.
3. Source of water Bennett Creek Groundwater tributary to Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	5S	8E	Elmore	Dam to be built on Bennett Creek
		SW	SW	10	"	"	"	"
		NE	NE	16	5S	8E	Elmore	New well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	8E	16	20	20	20	20									36	10	10	36	188 80

Total acres 188 80

PART 1

6. General Information:

a. Description of diversion system Dam to be built on Bennett Creek to catch flow from Spring runoff & also from natural springs above reservoir. Headgate & pipeline from reservoir to irrigated land. Well to be drilled.

C.B.
11/8/90

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

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

Will not be irrigated during term of CRP program.

d. Remarks:

Due to upstream storage rights on Bennett Creek, it is doubtful that more than 320 AFA of water will be available for storage in the reservoir. Flow comes mainly from Spring runoff. Reservoir will be located in E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 9 & W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 10 T. 5S R. 8E.

C.B.
11/8/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-7613

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

See attached sheet for conditions of approval.

Witness my hand this 8th day of February, 19 91

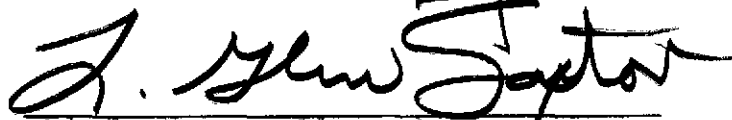
J. Glen Saxon
Chief, Water Allocation Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right No. 36-07613

1. This transfer shall expire either on the date that application for permit No. 61-7654 is approved by the Department or on November 15, 1995, whichever is first. The place of use and point of diversion shall revert back to the place of use and point of diversion prior to the transfer.
2. The priority date of this right is advanced to the transfer approval date, but shall revert back to the original priority upon expiration of the transfer.
3. This right shall provide no more than 4.0 acre-feet per acre for the lands above.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 8th day of February, 1991.


Chief, Water Allocation Bureau



MAR 04 1991

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-07613 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 2-26-1976

5. Water is used for the following purpose:

amount 1.6 cfs for Irrigation purposes from Mar 15 to Nov 15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.6 cubic feet per second and/or 320 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	29	8S	20E	Jerome	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	20E	30		40	40														80

Total acres 80

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

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

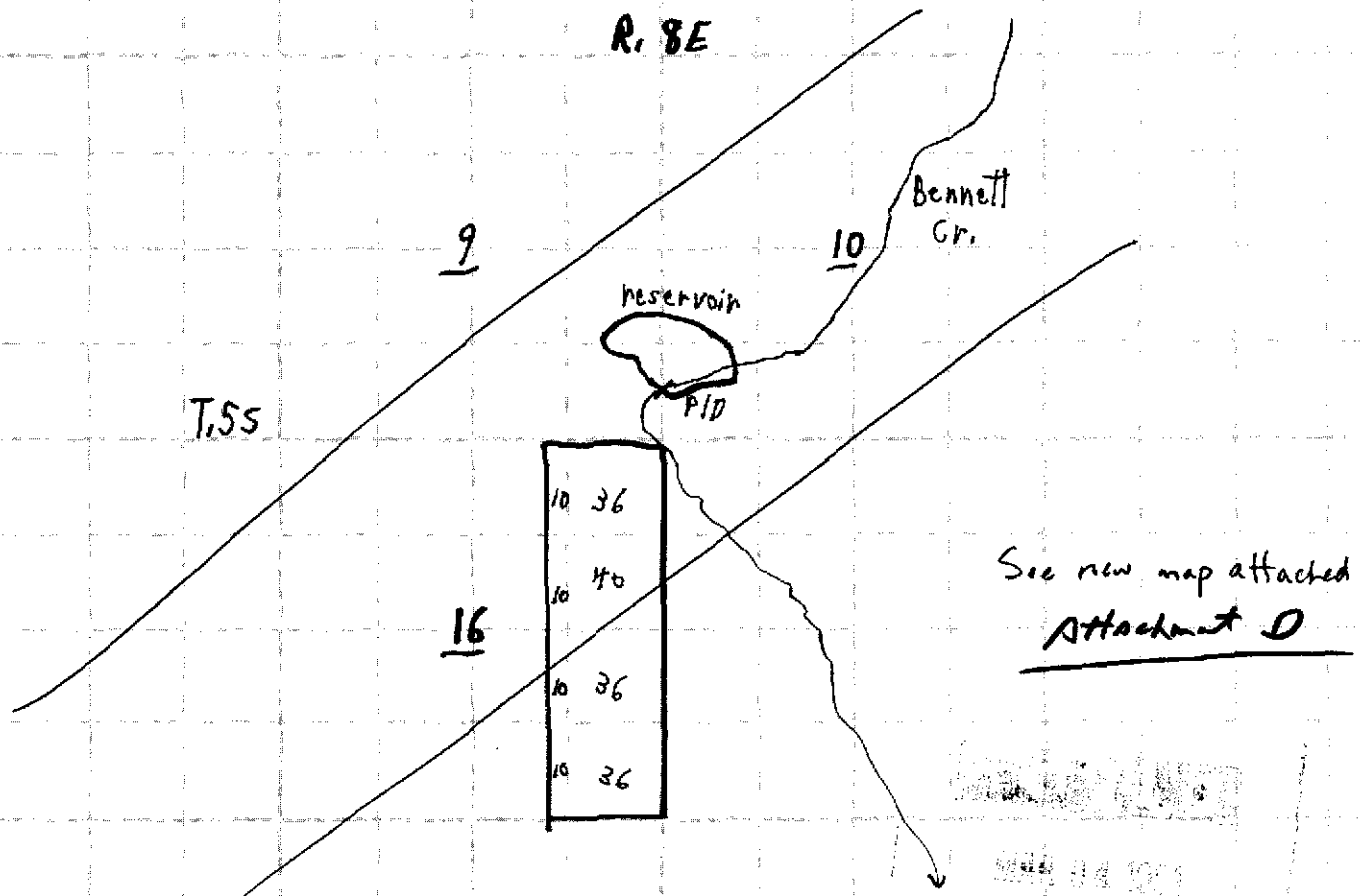
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

C.B. 11/8/90	1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
N/A for		~~Storage for Irrig.~~	~~320 AFA~~	~~365 days/ann.~~	~~Jan 1 to Dec 31~~
new proposal		Irrig. from Storage	320 AFA	245 days/ann.	Mar 15 to Nov 15

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

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

C.B.
11/8/90 ~~Principle users are upstream from proposed use and will not be affected.~~

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

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

Carlyle Butler
(Signature of Applicant)

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

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/1992

Revised for well on 11/8/90

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 24 attachments

Received by J.F. Stanton Date 3-13-90 Protest filed by _____

Prelim. check by SL Fee \$50, \$01/495 \$20 for readvertisement pd 11/8/90, Receipt No. 46130
W012849

Received by J.F. Stanton/Dec Date 3-13-90 11/8/90

Published in Mountain Home and Times News

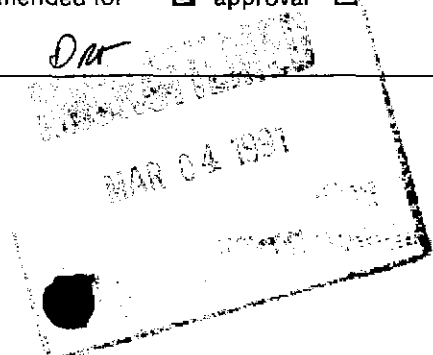
Pub. dates 5/3 & 5/10/90 Copies of protest forwarded by _____

Watermaster recommendation requested on _____ Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

by DA

Copy of transfer sent to lien holder _____



CONSOLIDATED TAX NOTICE AND RECEIPT

JEROME COUNTY
REAL PROPERTY TAX 1989

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
52164	17	08520E292401	R 2698

NW1/4
SEC 29 T8 R20

160 AC

BUTLER, CARLYLE & FRONY

705 EAST MAIN

JEROME ID 93338 0000

TAXING DISTRICT	RATE	AMOUNT	REC
JEROME AMBULANCE	.0393%	20.50	FULL P.
JEROME COUNTY	.3829%	199.74	TAX 6
SCHL DIST #262	.4486%	234.01	PEN.
COLLEGE OF S. ID	.1600%	83.46	SUB TOT.
HILLSDALE HIGHW	.2155%	112.41	INT.
HAZELTON CEMETA	.0088%	4.60	TOT.
			1ST INS
			TAX 3
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INS
			TAX 3
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL TAXES	1.2551%	654.72	
TOTAL DUE		654.72	

YOUR CANCELLED CHECK IS YOUR RECEIPT

LEVY LISTS AT TAX COLLECTOR'S OF

CONSOLIDATED TAX NOTICE AND RECEIPT

JEROME COUNTY
REAL PROPERTY TAX 1989

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
53282	17	08520E300001	R 2700

NE1/4
SEC 30 T8 R20

160 AC

BUTLER, CARLYLE & FRONY

705 EAST MAIN

JEROME ID 93338 0000

TAXING DISTRICT	RATE	AMOUNT	REC
JEROME AMBULANCE	.0393%	20.94	FULL P.
JEROME COUNTY	.3829%	204.02	TAX
SCHL DIST #262	.4486%	239.02	PEN.
COLLEGE OF S. ID	.1600%	85.25	SUB TOT.
HILLSDALE HIGHW	.2155%	114.82	INT.
HAZELTON CEMETA	.0088%	4.69	TOT.
			1ST INS
			TAX
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INS
			TAX
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL TAXES	1.2551%	668.74	
TOTAL DUE		668.74	

YOUR CANCELLED CHECK IS YOUR RECEIPT

LEVY LISTS AT TAX COLLECTOR'S OF

Attachment A

1. This application for transfer is filed to allow for diversion of water from Bennett Creek, Commerford Springs and Springs during the period that Application for Permit No. 61-07614 is awaiting review for trust water. Water under this right is intended to be returned to the original place of use if Permit No. 61-07614 is approved.
2. This water right is intended to establish a diversion from Bennett Creek, Commerford Springs and Springs with date of priority of 11/17/1989, which is the date of priority of water right No. 61-07614. Approval of this application for transfer is not intended to preempt any senior water rights in the Bennett Creek drainage basin.

RECEIVED

MAR 04 1991

Attachment B

Wan Falls HOLD

copy
↓

Form 202
6/85

Ident. No. 61-07614

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Carlyle Butler Phone 324-8046
 Post office address 705 East Main - - Jerome, Id. 83338
 2. Source of water supply a) Bennett Creek which is a tributary of a) Snake River
b) Comerford Springs b) Bennett Creek
c) Springs c) Bennett Creek
 3. Location of point of diversion is — 1/4 of SE 1/4 of SE 1/4, Govt. Lot —
 Sec. 9 Township 5S Range 8E B.M. Elmore County; additional
 points of diversion if any: SENESE, S. 9; SENWSW & SWSW, S. 10; T5S, R8E

4. Water will be used for the following purposes:
 Amount .40 for Diversions to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 3.76 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 400 for Irrigation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 400 for Irrigation from Storage purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
 5. Total quantity to be appropriated is (a) 4.00 and/or (b) 400
cubic feet per second acre feet per annum

6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Dam, pump & pipelines for
sprinkler irrigation.
 b. Height of storage dam 34 feet; active reservoir capacity 400 acre-feet; total
 reservoir capacity 400 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
 c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

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MAR 04 1991
Attachment C

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
45	8E	16	36	10	10	40									36	10	10	36	188
see remarks		10																	—
																			—
		9																	—
																			—

Total number of acres to be irrigated 188

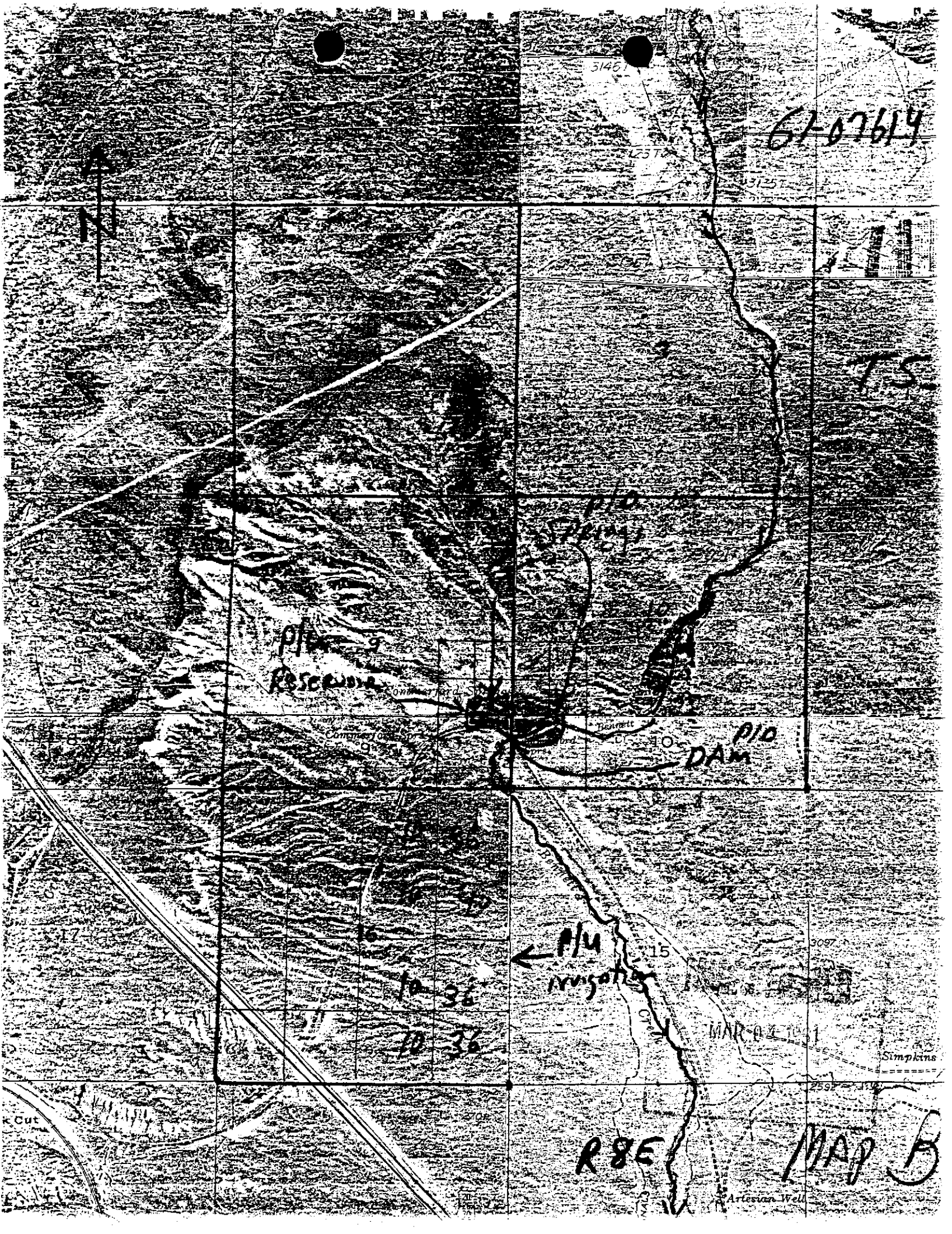
10. Describe any other water rights used for the same purposes as described above. 61-07615 Same system but for wildlife storage & stockwater use.

11. a. Who owns the property at the point of diversion? USDI BLM

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Special use permit to be obtained. Also, BLM & Applicant working on acquiring OSLR right-of-way for dam & diversion site.

12. Remarks: Diversion to storage occurs from springs in SENESE S. 9 & SENWSW S. 10 (Commoned sp. in S. 9, unnamed springs in S. 10). Storage occurs in E½SE¼ S. 9 & W½SW¼ S. 10. Dam appears to straddle section line.



61-07614

N

P/O 9
Reservoir

P/O
Spring

P/O
DAM

← MU
irrigation

10-36

10-36

MAR 04 1941

R8E

MAP 5

Section 4, 9, 10, 16
Highlighted in 45-8E

T45

T55

Dam, Spring Reservoir

R. 8 E.

745

~~TOP SECRET~~

- Dam, spring
Reservoir
acres

R. 8 E. >

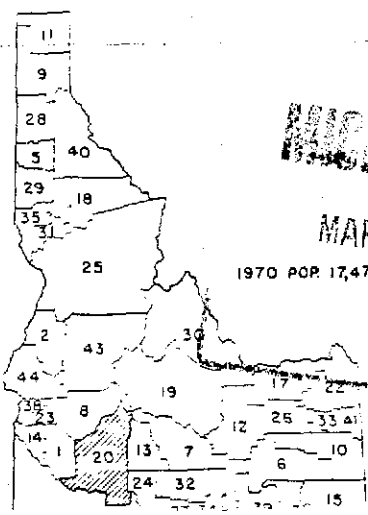
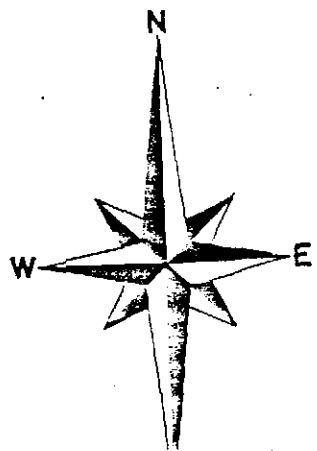
DECLASSIFIED

MAR 04 1991

1970 POP. 17,479

62-07614

MA P A



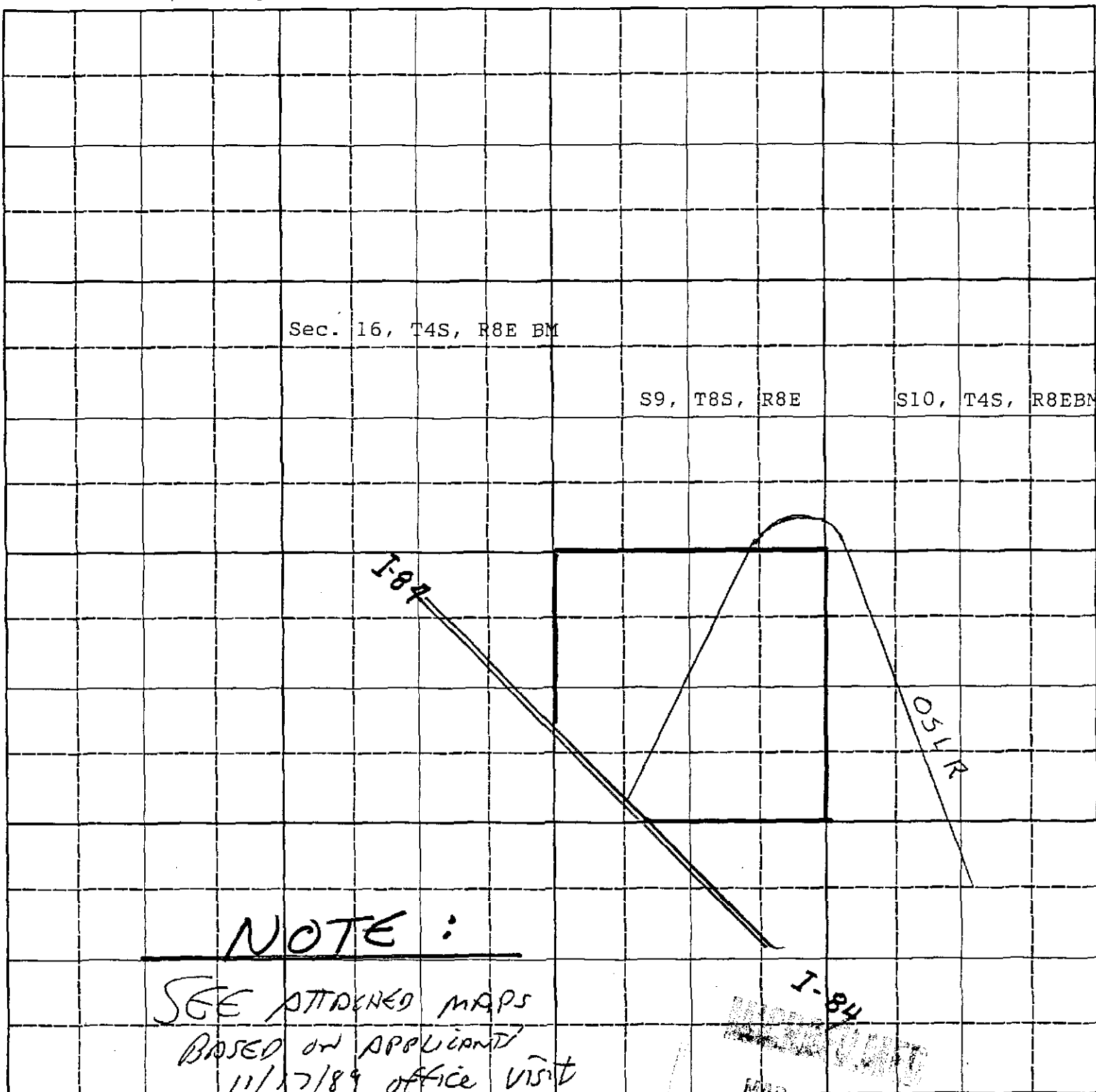
25N 34E
41N 16E
35N 31E

6N 12E
42N 43E
19N 34E
51N 21E
33N 49E
46N 16E

4N 16E
71N 22E
3N 22E

44N 21E
6N 14E
2N 11E
72N 30E
6N 54E
22N 22E

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



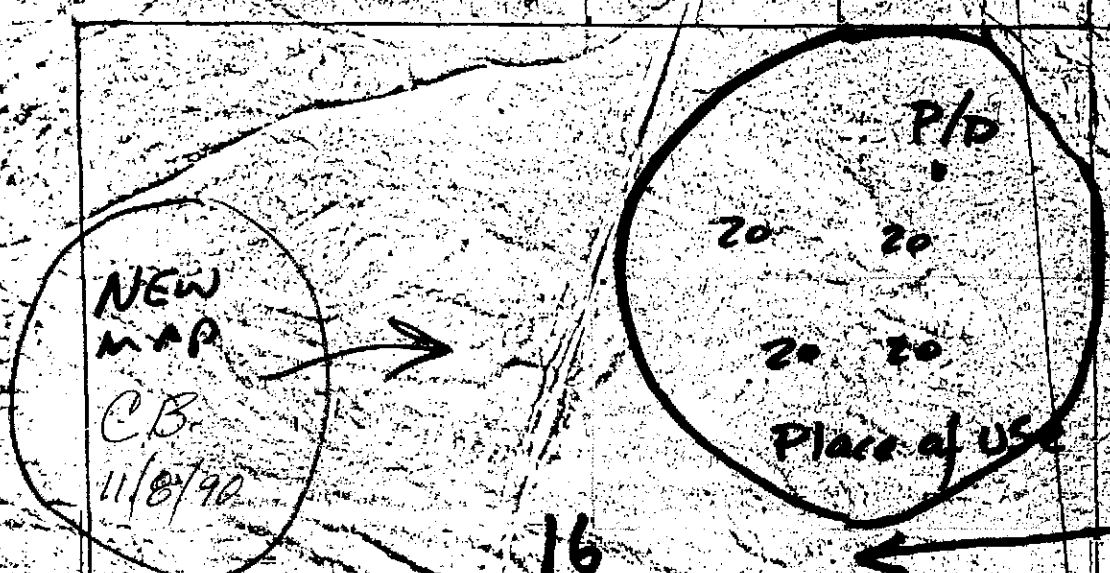
Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Carlyle Butler
(Applicant)

Sec 9
T5S R8E

Sec 10
T5S R8E



S-16
T5S, R8E
Boise M

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Attachment D

NOTICE OF APPLICATION FOR AMENDMENT OF PROPOSED CHANGE

OF WATER RIGHT NO. 36-07613

Notice is hereby given that Carlyle Butler of Jerome, Idaho has applied to the Department of Water Resources for an amended change of point of diversion and place of use of License 36-07613.

The original proposed change was advertised in the Mountain Home News 5/2 and 5/9/1990 and the Time News 5/3 and 5/10/1990 and proposed these changes:

Amount: 320 acres feet per annum from Bennett Creek, Commerford Springs, and Unnamed Springs.

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water would have been used for Irrigation Storage (1/1-12/31) and Irrigation from Storage (3/15-11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

TO BE CHANGED AS FOLLOWS

Amount: 1.60 cfs from groundwater

Priority: 2/26/1976

Point(s) of Diversion: T5S R8E S16 NENE. The water will be used for Irrigation (3/15-11/15) on 80 acres in T5S R8E S16 NE1/4.

Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before December 24, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News on 12/5 and 12/12/1990.

MICROFILMED

MAR 04 1991

WESTERN REGION COPY

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
NO. 36-07613 ✓ *st*

Notice is hereby given that Carlyle Butler of Jerome has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, Nature of Use, Period of Use of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 1.60 cfs

Priority: 2/26/1976

Point(s) of Diversion: T8S R20E S29 NWNW. The water is used for irrigation purposes 3/15 to 11/15 on 80 acres in T8S R20E S30 W1/2NE1/4.

TO BE CHANGED
AS FOLLOWS

Amount: 320 acre feet per annum (from Bennett Creek, Commerford Springs, and Unnamed Springs).

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water will be used for Irrigation Storage (1/1 to 12/31), and Irrigation from Storage (3/15 to 11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before May 21, 1990.

R. Keith Higginson

Director

PUBLISH: Thursday, May 3, and 10, 1990.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 21139

I, Linda Capps McQuire being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated May 3, 1990, and ending with the issue dated May 10, 1990.

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

And I further certify that pursuant to Section 60-106 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 18 day of May in the year of 1990, before me,

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

Jenna R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 38-07613**

Notice is hereby given that Carlyle Butler of Jerome has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, Nature of Use, Period of Use of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 1.60 cfs; Priority: 2/26/1976.

Point(s) of Diversion: T8S R20E S29 NWNW. The water is used for irrigation purposes 2/15 to 11/15 on 80 acres in T8S R20E S30 W1/2NE1/4.

TO BE CHANGED AS FOLLOWS

Amount: 820 acre feet per annum (from Bennett Creek, Commerford Springs, and Unnamed Springs).

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water will be used for Irrigation Storage (1/1 to 12/31), and Irrigation from Storage (2/15 to

11/15) on 185 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before May 21, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News
on 5/2 & 5/9/1990.

RECEIVED

MAY 21 1990

Department of Water Resources
Western Regional Office

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Mike Thornberry, do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 2nd day

of May, 1990, and

the last publication having been made on the

9th day of May

19 90; every Wednesday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Mike Thornberry
Subscribed and sworn to me this 17th

day of May, 1990

Alvan D. Sue
Notary Public

DEC 20 1990

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Mike Thornberry, do solemnly swear that I am
the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 12th day of

December, 1990, and the last publication having been made on the 19th day of

December, 1990; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this 19th day of

December, 1990

Donald W. Scott
Notary Public

NOTICE OF APPLICATION FOR AMENDMENT OF PROPOSED CHANGE OF WATER RIGHT NO. 36-07613

Notice is hereby given that Carlyle Butler of Jerome, Idaho has applied to the Department of Water Resources for an amended change of point of diversion and place of use of License 36-07613.

The original proposed change was advertised in the Mountain Home News 5/2 and 5/9/1990 and the Time News 5/3 and 5/10/1990 and proposed these changes:

Amount: 320 acres feet per annum from Bennett Creek, Commerford Springs, and Unnamed Springs.

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water would have been used for Irrigation Storage (1/1-12/31) and Irrigation from Storage (3/15-11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

TO BE CHANGED AS FOLLOWS

Amount: 1.60 cfs from groundwater
Priority: 2/26/1976

Point(s) of Diversion: T5S R8E S16 NENE. The water will be used for Irrigation (3/15-11/15) on 80 acres in T5S R8E S16 NE1/4.

Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before December 24, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News
on 12/12 and 12/19/1990.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NOS. 3500, 3502, 3503, 3504,)
3505, 3506, 3507, 3508, 3512 PROPOSING)
TRANSFER OF WATER RIGHTS NOS. 35-7390,)
35-7391, 35-7630, 35-7605, 35-7586,)
36-7015A, 36-2074, 36-7613, 36-2409A,)
36-7495, 37-2652, 36-2121, 36-2122,)
36-2127, 36-2193, 36-2194, 35-2821A,)
35-2728, 35-2844, 35-7361, 21-7050)
21-7051, 36-7022, 36-2632, 36-7272,)
36-7897, 36-2300 IN THE NAME OF)
BLAINE LARSEN.)

ORDER APPROVING
TRANSFERS

Blaine Larsen having applied to transfer the above-captioned water rights, protests having been filed and withdrawn, and the Director of the Department of Water Resources, having reviewed the available information, finds concludes and orders as follows:

FINDINGS OF FACTS

1. On January 6, 1989, Blaine Larsen ("Larsen") filed transfer application nos. 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3512 with the Department of Water Resources ("department") proposing transfer of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300. On January 25, 1989, Larsen filed transfer application no. 36-2300 with the department proposing transfer of water right nos. 36-2300 and 21-7051.

2. The transfer applications propose irrigation of 4594 acres in Jefferson and Clark Counties, and the withdrawal from

irrigation of 4894 acres in Bingham, Lincoln, Minidoka, Jefferson, and Fremont counties for the 1989 irrigation season.

3. The department published notice of the applications for transfer on February 2 and 9, 1989. Due to errors in some of the original transfer applications, the department republished notice of the applications on February 16 and 23, 1989.

4. Timely protests against approval of the application were filed by Burgess Canal Company; Great Feeder Canal Company; Lloyd R. Hicks; Owsley Canal Company; Jackett Canal Company; Holly Water Users Association; Jefferson Irrigation; Producers Canal Company; Montevue Canal Company; Level Canal Company; Independent Water Users of Mud Lake; U.S. Department of Interior, Fish and Wildlife Service; State of Idaho, Department of Fish & Game; and Ray Sanders.

5. A hearing was scheduled for March 29, 1989. Lloyd R. Hicks, Burgess Canal Company, and Great Feeder Canal Company withdrew their protests on February 27, 1989.

6. Protestant Ray Sanders withdrew his protest on March 16, 1989.

7. Two days prior to the hearing, Larsen informed the Department that the remaining protestants had agreed to withdraw their protests. As a result, the department vacated the scheduled hearing.

8. On April 6, 1989, the parties filed with the department a stipulation withdrawing the protests of the U.S. Fish & Wildlife Service, the Idaho Department of Fish & Game, and the other remaining protestants.

9. The applications for transfer do not propose an enlargement in the rights as originally defined.

10. The stipulation for withdrawal of protests calls for a three year study to determine the effects of groundwater pumping in the Mud Lake hydrologic basin.

11. Many of the transfer applications propose to transfer water rights from a considerable distance and from areas outside the Mud Lake basin. Information does not presently exist to determine the probable impact of pumping the tranferred rights in the Mud Lake area.

12. If the original priority dates of the rights proposed to be changed are retained, later in time appropriators in the Mud Lake hydrologic basin could be injured.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the criteria the department must consider in evaluating an application for transfer:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in section 42-203A, Idaho Code. . .

2. Approval of the applications for transfer will not result in an enlargement of the water rights sought to be transferred.

3. Approval of applications for transfer will not conflict with the local public interest.

4. The department should retain jurisdiction over the transfer to modify, amend or cancel the transfer if it finds that other water rights are being injured by groundwater withdrawals authorized by the transfer.

5. The priority dates of water rights transferred under this transfer should be advanced to the date the transfer was filed to protect water users in the Mud Lake hydrologic basin from possible injury.

6. The transfers must be limited to one year as requested.

ORDER

IT IS HEREBY ORDERED that transfer nos. 3500, 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 proposing transfer of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 21-7050, 21-7051, 36-7022, 36-2632, 36-7272, 36-7897, 36-2300 are APPROVED subject to the following conditions:

1. The department retains jurisdiction over the transfers to modify, amend or cancel the transfers if it finds that the diversion and use of water under the transfers injures other water rights.

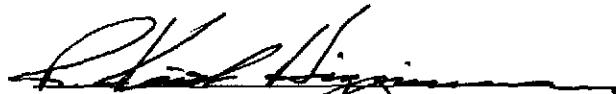
2. The transfers are approved for a period of one year. On November 1, 1989, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A,

36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 25-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300 shall be advanced to January 6, 1989. The priority of water right nos. 21-7050 and 21-7051 shall be advanced to January 25, 1989.

4. The place of use is limited to the 4594 acres listed on the summary attached hereto.

Dated this 19th day of April, 1989.



R. KEITH HIGGINSON, Director
Department of Water Resources

MICROFILMED

JUL 17 1989

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of May, 1989, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER APPROVING TRANSFERS to the following:

Jeff Fereday
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Mr. Ray Sanders
112 E. 20th
Idaho Falls, Idaho 83404

Stephen V. Goddard
Deputy Attorney General
Idaho Department of
Fish & Game
P.O. Box 25
Boise, Idaho 83707

Kent Foster
Idaho First National Bank
P.O. Box 50130
Idaho Falls, Idaho 83405

United States Department
of Interior, Fish & Wildlife
Service
Attn: Barbara Scott-Brier
500 N.E. Multnomah Street
Suite 607
Portland, Oregon 97232

Lloyd R. Hicks
225 North 3600 East
Rigby, Idaho 83442

Diana Schuett
DIANA SCHUETT, Clerical
Assistant

MICROFILMED

JUL 17 1989

BLAINE LARSEN TRANSFERS 1989
PLACE OF USE
LISTED BY DIVERSION NUMBER

			N E				N W				S W				S E				DIV			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTAL	NUMBER	TOTAL	
6N	35E	31					30.9	30.9	30.9	30.9									123.6	8		
6N	35E	31									30.5	30.5	30.4	30.4					121.8	9		
6N	35E	31			31.6	31.6													126.5	10		
6N	35E	31									30.9	30.9	30.9	30.9					123.6	11		
7N	36E	4													35			25	60.0	49		
7N	36E					15													40.0	49	100.0	
8N	36E	11							2	5					40	27	27	38	139.0	89		
8N	36E	12										10	7						17.0	89	156.0	
8N	36E	10				7									38			35	80.0	90		
8N	36E	11							12	5.3	12	40	36	13					118.3	90	198.3	
8N	36E	3											14						14.0	93		
8N	36E	9		5		1.7													6.7	93		
8N	36E	10			8	6		40	40	31	36								161.0	93	181.7	
8N	36E	3				2				33	33	40	40	18	18		4		188.0	94		
8N	36E	4														8			13.0	94	201.0	
8N	36E	3						19	40										59.0	95		
8N	36E	4		10															10.0	95		
9N	36E	33																13	13.0	95		
9N	36E	34												36	6.7				42.7	95	124.7	
9N	36E	33				18									10				28.0	96		
9N	36E	34							40	20	14.3	39							113.3	96	141.3	
9N	36E	34		27	16	37	40							30	19				169.0	97		
9N	36E	35						8	20			10							38.0	97	207.0	
9N	36E	26											20	38			15		73.0	98		
9N	36E	35			30	12		40	32	12	22.3								148.3	98	221.3	
9N	36E	27													1.6			4				
9N	36E	34		4	8											20	27	40	32	124.6	99	
																			12.0	99	136.6	
9N	36E	26						4	5										9.0	100		
9N	36E	27		36	34	38	39								4.4	4			155.4	100	164.4	
9N	36E	26			8	18		35	20	30	40		9	4.7					164.7	101		
9N	36E	25							12	16									28.0	102		
9N	36E	26		37	10.9	17	40												104.9	102	132.9	
9N	36E	25											12						12.0	103		
9N	36E	26															4	31	35.0	103		
9N	36E	35		28	3														31.0	103		
9N	36E	36							5										5.0	103	83.0	
9N	36E	24				3				6	40	14.6	16	39		36	35		189.6	104		

JUL 17 1989

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9N 36E 25 :	3	:	6	:	:	:	:	:	:	:	:	9.0	104	198.6
9N 36E 24 :		:		:	:	:	:	:	:	:	:	22.5	22.5	105
9N 36E 25 :	38	:	5	:	:	:	:	:	:	:	:	:	43.0	105
9N 37E 19 :		:		:	:	:	19	:	:	:	:	:	19.0	105
9N 37E 30 :		:		:	33	2	:	:	:	:	:	:	35.0	105 119.5
9N 36E 21 :		:	23	:				:	31	:	:	10	64.0	106
9N 36E 22 :		:		:	36	15	17	40	18	3.2	:	:	129.2	106 193.2
9N 36E 27 :		:		:	20	39	40	33	8	17	:	:	157.0	107
9N 36E 28 :	14	:	23	:							:	2	39.0	107 196.0
9N 36E 27 :		:		:			7	14	40	36	:	:	97.0	108
9N 36E 28 :		:		:							:	2.4	23	25.4 108
9N 36E 33 :	16	:		:							:	:	16.0	108
9N 36E 34 :		:		:	24	37					:	:	61.0	108 199.4
9N 36E 33 :	10.2	37	39	14	12		15	:		:	:	:	127.2	109
9N 36E 28 :		:		:	32	32	32	32	:	:	:	:	128.0	110
9N 36E 31 :		19	:			5	39	39	5	:	19	:	126.0	111
10N 36E 33 :		23.5	:					:	40	:	25	:	88.5	112
10N 36E 34 :			:		23			40	25	:	:	:	88.0	112 176.5
8N 36E 3 :	27	27	:					:		:	:	:	54.0	113
9N 36E 34 :			:					7	2.4	39	25	:	73.4	113 127.4
9N 36E 25 :			:			39.5	14	12	36	:	9	7	:	117.5 119
9N 36E 25 :		30	35	:						26	23.4	:	114.4	120
8N 36E 13 :			:	31.4	:			:		:	:	:	31.4	123
8N 36E 12 :			:		:		31.4	:		:	:	:	31.4	123 62.8
													TOTAL	4594.9

JUL 17 1989
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
Transfer No. 305

APPLICATION FOR TRANSFER OF WATER RIGHTS 1989

Butler transfer (There are two Part 2s) **PART 1**

Department of Water Resources

Name of applicant Blaine Larsen Phone (208) 662-5522

Post Office address P.O. Box 188 Hamer, Idaho 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide irrigation water on cropland owned by the Applicant for 1989. This is one of several transfers filed contemporaneously.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|----------|-----------------------|------------------|-----------------------|
| 36-07613 | 2/26/76 | 1.60 cfs | irrigation | April 1 to November 1 |
| 36-02409A | 12/2/59 | 3.56 | irrigation | April 1 to November 1 |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>5.16</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>groundwater</u> tributary to <u>Snake River</u> | | | | |
| 4. Point(s) of Diversion: See Attachment and Remarks on page 2 | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres _____

PART 1

6. General Information:

a. Description of diversion system wells and pumps with pivot irrigation systemb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

Will receive only natural rain fall and snow fall and will not otherwise be irrigated in 1989. The land will be set-aside from production under the Conservation Reserve Program.

d. Remarks:

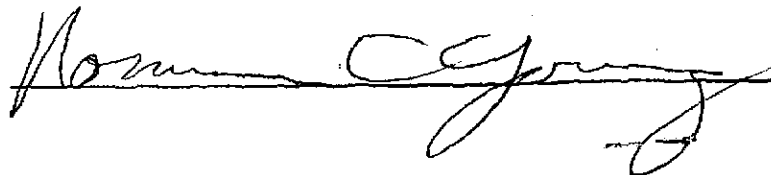
Pursuant to discussions with Idaho Water Resources Department officials, the description of the place of use is contained on one attachment attached to each of the Applicant's transfers filed contemporaneously with this transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-7613/2409AAnd said application is hereby APPROVED, subject to the following limitations and conditions:PURSUANT TO ORDER DATED APRIL 19, 1989

MICROFILMED

JUL 17 1989

Witness my hand this 19th day of April, 19 89.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

b. License No. 36-07613 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Lease of Water Rights

3. Source of water groundwater tributary to Snake River

4. Date or priority February 26, 1976

5. Water is used for the following purpose:

amount 1.60 cfs for irrigation purposes from April 1 to November 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	29	8S	20E	Jerome	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8S	20E	30		40	40														80

Total acres 80

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

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

b. License No. 36-02409A issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Lease of Water Rights

3. Source of water groundwater tributary to Snake River

4. Date or priority December 12, 1959

5. Water is used for the following purpose:

amount 3.56 cfs for irrigation purposes from April 1 to Nov. 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.56 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	29	8S	20E	Jerome	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	20E	29					40	40	40	40									160
8S	20E	30	40			40													80

Total acres 240

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

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

MICROFILMED

JUL 17 1989

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

- | 1. | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|---------------|
| | | | | to |
| | | | | to |
2. Quantity and quality of return flows and location of discharge:
3. Describe effects on other water uses resulting from the proposed change:

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

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

Blaine Larson

(Signature of Applicant)

Subscribed and sworn to before me this 13th day of December, 19 88.

Gena Carrero

(Notary Public)

My commission expires 9/26/94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by JIM Date 1-10-89 Protest filed by _____

Prelim. check by JIM Fee \$50.00

Receipted by CP Date 1/10/89 0004992

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

RECEIVED
JUL 17 1989

by _____

Copy of transfer sent to lien holder _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7613 Priority February 26, 1976 Amount 1.60 cfs

THIS IS TO CERTIFY, that CARLYLE BUTLER
of Jerome, Idaho, has complied with the terms and conditions of Permit
No. 36-7613 issued pursuant to Application for Permit dated February 26, 1976,
and has submitted proof to the Department of Water Resources on May 2, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.35 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>1.60</u> cfs and	<u>320</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 1.60 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
320 acre feet per year, said waters to be diverted within the NW¹/₄ NW¹/₄, Sec. 29, Twp. 8S,
Rge. 20E, B. M. in the County of Jerome

Description and location of place of use:

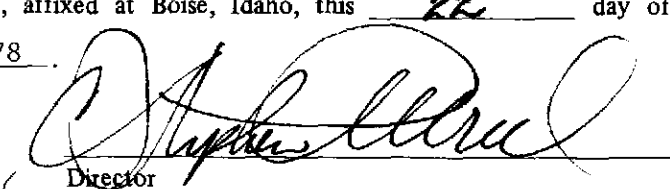
Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
8S	20E	30		40	40														80

Total number of acres irrigated 80

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of

September 19 78

Director

RECEIVED

MAR 1 1976

Identification No. _____

Application No. 36-7613

Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Carlyle Butler Phone: 324-8166 (Buss)
324-8046 (home)
post office address 705 E. Main, Jerome, Idaho 83338
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29 Township 8S
Range 20E B.M. Jerome County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.60 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.60 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, pipe and sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 15,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____80

c. Describe any other water rights used for the same purposes as described above. New land using old well (36-2409)

9. a. Who owns the property at the point of diversion Applicant

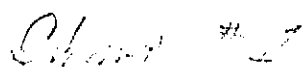
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

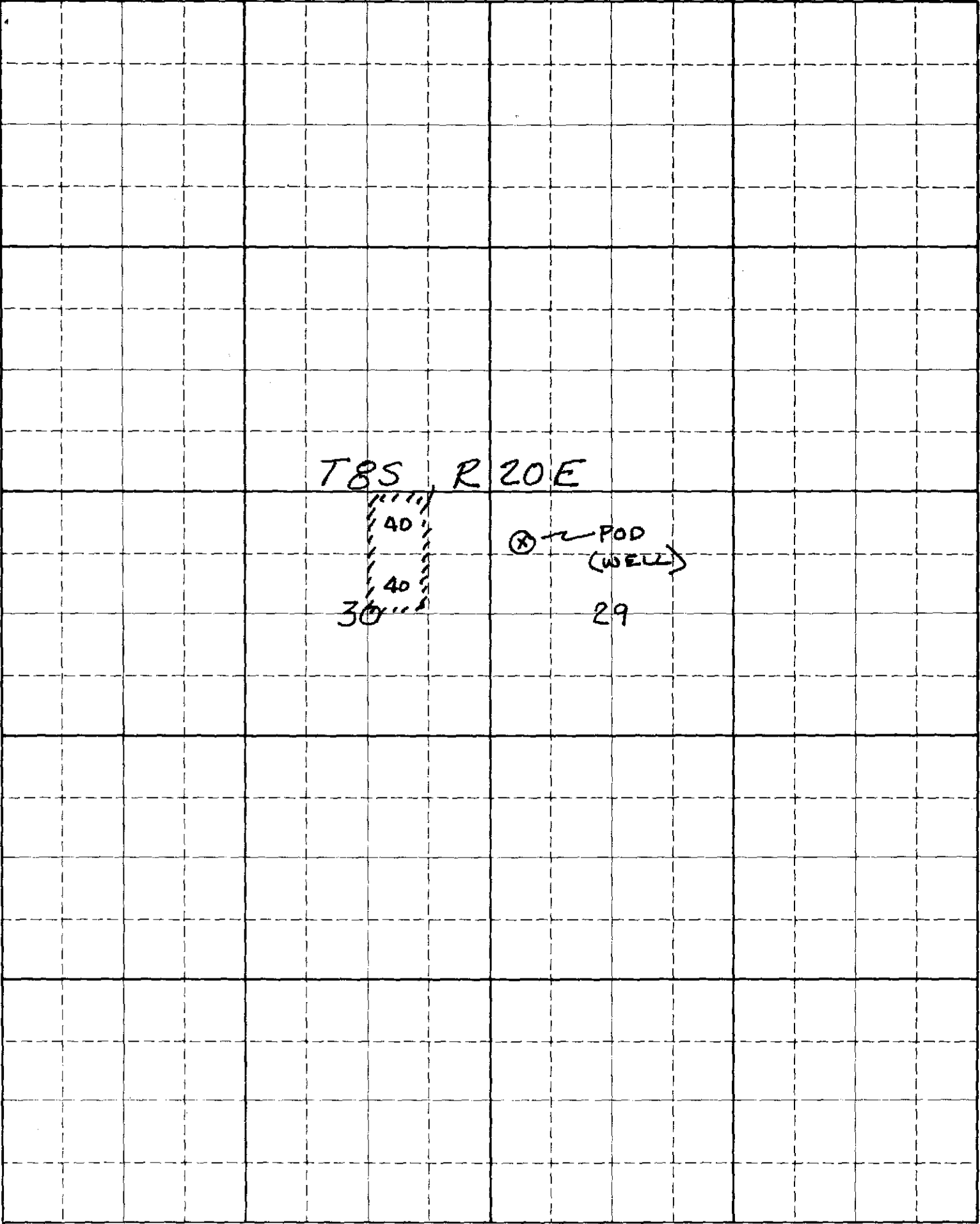
XEROX
COPY

T85 R20 E. Boise M.
Scale 4" = 1 Mile



Kenneth Felt

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Carlyle Butler
(Applicant)

Proposed Priority 2-26-76

Received by KHF Date 2/26/76 Time 2:50 PM
Preliminary check by KHF Fee \$ 35.00
Receipted by ab Date 2-26-76 # 26028
Publication prepared by CC Date 3-2-76
Published in North Side News
Publication dates 3-11 & 3-18-76
Publication approved CC Date 3-19-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by mls JDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

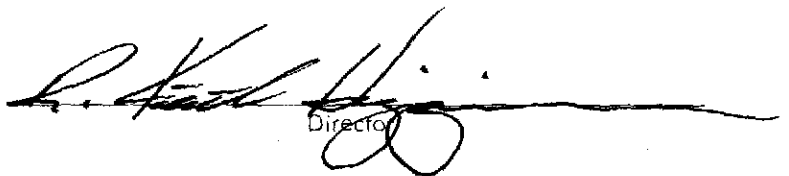
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7613, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1977.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 7 day of April, 1976.


Director

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASMANN, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 11th day of March, 1976, and the date of the last publication was on the 18th day of March, 1976.

Gordon O. Glasmann

Subscribed and sworn to before me this 18th day of March, 1976.
(SEAL)

Darla Brett
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>29</u>
Number of Insertions	<u>2</u>
Lines tabular at	315c
<u>29</u> Lines straight at	21c
<u>29</u> Subsequent lines at	15c
TOTAL COST	<u>\$10.44</u>

COPY OF NOTICE

AP NOTICE OF APPLICATION FOR WATER PERMIT

Pe Notice is hereby given that Carlyle Butler, 705 E. Main, Jerome, Idaho 83338, has on 2-26-76 submitted Application No. 36-7613 for a permit to appropriate 1.60 cubic feet per second of water from Ground-water by means of well, pump, pipe and sprinklers within the NW¹/₄, NW¹/₄, Sec. 29, Twp. 8S, Rge. 20E, B.M. Jerome County to be used from March 15 - November 15 for the irrigation of 80 acres within the W¹/₂NE¹/₄, Sec. 30, Twp. 8S, Rge. 20E, B.M. If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 29, 1976.

R. KEITH HIGGINSON
Director

3-11-21c-n

RECEIVED

MAR 19 1976

Department of Water Resources
Southern District Office

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

No 2867

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASMANN, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 11th day of March, 1976, and the date of the last publication was on the 18th day of March, 1976.

Subscribed and sworn to before me this 18th day of March, 1976.
(SEAL)

Darla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice 29
Number of Insertions 2
Lines tabular at 315c
29 Lines straight at 21c 6.09
29 Subsequent lines at 15c 4.35
TOTAL COST \$10.44

the City Council of the
on precedent to the pass
itemization and
Application FOR WATER
TITLE OF NOTICE
PERMIT — BUTLER

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDAHO DEPT. OF WATER
BILL TO
RESOURCES

RECEIVED

MAR 19 1976

Department of Water Resources
Southern District Office

PUBLICATION RATES		
(Idaho Code, Rev. Statutes 1971)		
7 pt. per line, straight		21c
7 pt. per line, tabular		315c
7 pt. per line, successive insertions		15c

No 2867

O.K. cc
3/19/76

MEMORANDUM

TO: FILE 36-07613

FROM: PAM SKAGGS

RE: TRANSFER # 5348

DATE: 12-2-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 36-02409.

MICROFILMED

APR 18 2000

MEMORANDUM

TO: FILE NO. 36-07613

FROM: PAM SKAGGS^{ES}/STATE OFFICE

SUBJECT: EXPIRATION OF TRANSFER NO. 3796

DATE: October 25, 1993

=====

Transfer No. 3796 was filed to change the point of diversion and place of use under Right No. 36-07613, and was approved on a temporary basis. The transfer was authorized until Application for Permit No. 61-07654 is approved or 11-15-95, whichever is first.

Permit No. 61-07654 was approved on this date, 10-25-93, and Right No. 36-07613 has been returned to the original licensed point of diversion and place of use. The database has been updated to reflect the change.

RECEIVED
OCT 28 1993

DATE: 10/25/93
PAGE: 1

Stage: LICENSE

Date: 10/25/1993 User-ID: SKAGGS Subject: TRANSFER NO.3796
Transfer No. 3796 was filed to change the point of diversion and
place of use under Right No. 36-07613, and was approved on a

WR0749NP
No. 36-07613

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 10/25/93
PAGE: 2

=====
Comments: Date: 10/25/1993 User-ID: SKAGGS Subject: TRANSFER NO.3796
temporary basis. The transfer was authorized until Application
for Permit No. 61-07654 is approved or expires on 11-15-95,
whichever is first.
Permit No. 61-07654 was approved on this date, 10-25-93, and
Right No. 36-07613 has been returned to the original licensed
point of diversion and place of use. Database has been updated
to reflect the change.

Audit: 10/25/93 SKAGGS



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 14, 1993

Carlyle Butler
705 E. Main
Jerome, ID 83338

RE: Application for Transfer No. 3834
On Water Right No. 36-07613

Dear Water Right Holder:

The Department acknowledges the withdrawal of the above referenced Transfer.

If you have any questions regarding this matter, please contact me directly at 327-7943.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Water Resource Agent

MICROFILMED

MAY 20 1993

April 7, 1993

RECEIVED

APR - 7 1993

Department of Water Resources

Department of Water Resources
1301 N. Orchard St
Boise, Idaho 83703

RE: APPLICATION FOR TRANSFER NO. 3834 ON WATER RIGHT LICENSE 36-07613

Gentlemen:

I hereby request that the department void the above referenced application for transfer which I filed with the department on March 13, 1991. I am no longer interested in pursuing the application.

Date

4/7/93

Applicant

Carlyle Butler

RECEIVED

MAY 20 1993

INTER-DEPARTMENT MEMO

TO: Gary Spaulson

well drilling, possible
SUBJECT: temp water right

FROM: Steve Lester

DATE: 1-12-93

Carlyle Butler of Jerome expressed an interest in drilling a well in
WENE S.16 T55 R8E. Some water will be used from the well for a
temp. construction project on nearby roads. A contractor is working with Mr.
Butler in the heavy dept. on possible road projects in the area (work not
started yet). It appears that Mr. B. could drill a well in Q&A per
36-07613 (T. 3796 where no time limit has expired yet to complete transfer).
Then, the parties could request a temp. water permit or file an appl.
for transfer to supply water to road work project. Am sending this to you
for files 36-07613, 61-07614, 61-07654 (latter 2 are appls. held at
S.O.). Asked Mr. B. to work heavy region office but just in case....

(✓) For your information

() Response required

CC: Appl. 61-07670 held at Region (non-determining)

signature

NOTED

MAY 20 1993

MEMORANDUM

TO: FILE
FROM: TIM LUKE
RE: TRANSFER NO. 3834/APP. NO.S 61-7654 & 37-8719
DATE: 6-16-92

Application no. 61-7654 was filed by Carlyle Butler in November of 1990 for land in Elmore County. The application was not immediately processed because of the Swan Falls backlog. Since the application could not be immediately approved, Butler filed application for transfer no. 3796 which moved right no. 36-7613 from lands owned by Butler in Jerome County to his land in Elmore County. The transfer was approved in February of 1991.

In March of 1991, Butler filed a second transfer (transfer no. 3834) on right 36-7613. This transfer changed the place of use and point of diversion from Butler's Elmore County land to land in Lincoln County owned by William H. Shaw. Shaw had a pending application on his Lincoln County land, application no. 37-8719, which also could not immediately be approved because of the Swan Falls backlog.

The second transfer did not reach the state office for final processing until December of 1991. By this time, the Department was in a position to approve the pending applications held by both Butler and Shaw. I notified both applicants of this situation and recommended that the transfer of 36-7613 from Butler to Shaw be withdrawn because it appeared that the transfer would be obsolete if Shaw's application was approved. I did not receive any immediate response from either Butler or Shaw. Butler finally contacted me on March 27, 1992 and suggested that I process the applications for permit held by Shaw and Butler. Butler said he would withdraw the application for transfer if both his and Shaw's applications for permit would be approved. Both applications for permit were subsequently advertised. Upon completion of advertising, the Department began holding applications due to the potential moratorium on new permits in the Snake River basin. The moratorium was then established on May 15, 1992.

On June 2, 1992, Shaw returned a Department questionnaire stating that his application for permit no. 37-8719 was a supplemental groundwater application and that the place of use under the filing receives water from the Big Wood Canal Co. A review of 1980 and 1984 infrared aerial photos shows that most of the land was not irrigated in either of these years. Shaw's claim that the application represents a supplemental filing is therefore suspect. I recommend that temporary approval of this application not be granted.

Butler has not yet returned a questionnaire for application no. 61-7654. This application therefore should be held without action. As for transfer application no. 3834, I believe it is appropriate to eventually contact Butler and ask whether he wishes to withdraw the transfer. Right no. 36-7613 still remains appurtenant to the same land covered by application no. 61-7654.

MICROFILMED

MAY 20 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

March 4, 1991.

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Mr. Carlyle Butler
705 East Main
Jerome, ID. 83338

Re: Application for Transfer

Dear Mr. Butler:

This office received an Application for Transfer for water right no. 61-07654 on 2/20/91. Right no. 61-07654 is an Application for Permit that cannot be approved yet due to delays related to trust water concerns as explained to you in my letter of 11/26/90 for application 61-07654. Therefore, you cannot transfer water from 61-07654.

However, you recently transferred 1.60 cfs for 80 acres from license no. 36-07613 to irrigate the 80 acres in T5S R8E S.16 that are described in application 61-07654. The transfer contains a condition that the water will revert to the original place of use in T8S R20E S.30 by 11/15/95 or when application 61-07654 is approved, whichever occurs first.

If you want to move water from T5S R8E S.16 to T6S R19E S.29, you must apply to transfer water from license 36-07613. Of course, you could not irrigate the 80 acres in S.16 if the new transfer is approved. Please let me know if you want to transfer water as explained in this paragraph and I will prepare the correct application. A response within 30 days would be appreciated.

Sincerely,

Steve Lester
Sr. Water Resource Agent

CC: Application File 61-07654

MACROFILMED

MAY 20 1993

CONVERSATION MEMORANDUM

DATE 3/13/91

FILE 61-07615 } Appl. for
61-07660 } PermitNAME OF PARTY Carlyle Butler & John SullivanEMPLOYEE Steve Luster (BLM)61-07654 } Appl. for
36-07613 } transferRE: RESPONSE PER OFFICE RE: APPL. 61-07660 QUESTIONS:

- ① Relinquished appl 61-07660, apply \$20 (W013025) to
amend & advertise 61-07615. Returned \$10.
- ② 61-07615 Amend the APPL.:
no storage on Bennett Creek
stockwater & domestic (1)
same pl in S.16; domestic is NWS 5.16
working on special use permit with BLM
- ③ BLM will file its own appl. for permit for same
springs for ? hd. stock & wildlife in ? QQ.
after receive appl. & give #, go to item 4.
- ④ Draw up agreement for both parties to sign whereby
BLM appl. takes priority over 61-07615 due to
BLM concern about using H2O on public land before
water is diverted to private land.
- ⑤ Appl. 61-07615 contains assignment to BLM (mistakenly
as 63-11053) & DRT's 1/17/90 letter of acknowledgement
of assignment. There is no basis for an assignment
since BLM holds no possessory interest in the
land in S.16. Disregard such assignment. Amended
Appl. 61-07615 plus BLM appl. to follow will
take care of the concerns that led to assignment.
Transfer appl for 61-07654 of 2-20-91 was in
error. 61-07654 is an Appl. for Permit. Meant to
file transfer on 36-07613 (recently transferred via
T3796 but disencum was not feasible to drill & pump
in area of TSS RBE S.16. Revised transfer appl. prepared.

MAY 20 1993

MR. Butler visited
office today (3/27)

He said go ahead &
process application for permit
we have agreed to of IAW
transfer when his & shows
Approved
for permit

MAY 20 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 13, 1991

Carlyle Butler
705 E. Main
Jerome, ID 83338

Re: Transfer Application No. 3834/Application for Permit no. 61-7654 in name of Carlyle Butler/Application for Permit No. 37-8719 in name of William Hubert Shaw.

Dear Applicants:

In March of 1991, you filed an application for transfer of water right no. 36-7613. The intent of the transfer was to change the point of diversion and place of use of this right from land which you owned in Elmore County to land owned by William Hubert Shaw in Lincoln County. The right was originally licensed for land which you own in Jerome County but was then transferred to your Elmore County land.

Upon review of the transfer, I noticed that Mr. Shaw has a pending application for permit covering his land in Lincoln County. I also noted that we have a pending permit application of yours for the Elmore County land. Since we have reduced our backlog of permit applications in the former Swan Falls moratorium area, we can now process and issue approval of these two permit applications. Such approval would make the transfers obsolete. Rather than pursue approval of the most recent transfer, I would recommend that you instead withdraw it and request that right no. 36-7613 revert back to the original place of use in Jerome County. The Department will not require you to file an additional transfer to move the right back to the original lands in Jerome County. Any action that the Department takes is not intended to interfere with any lease or contract arrangements which you may have with Mr. Shaw.

The purpose of this letter is to ask how you wish to proceed with the transfer. We ask that you respond to this inquiry at your earliest convenience. The earlier you respond, the earlier I think we will be able to approve the groundwater filings and resolve all pending matters. You do not have to formally withdraw the transfer until after the groundwater applications have been approved.

Respectfully,

Tim Luke
Sr. Water Resource Spec.

cc: William Hubert Shaw



MAY 20 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J F Stanton Date 11/27/91

1. Right number 36-07613 Applicant BUTLER, CARLYLE
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 no expansion
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) none
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37 - watermaster comments not needed

FINAL PROCESSING REVIEW BY: JF

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

Note: This transfer will require
change to R36-7613

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* 46, Subject to SRBA

4. By Loren O. Baker Date 11/27/91

RECEIVED
DEC 03 1991

DATE

TRANSFER APPL. FOR 36-07613

Originally

- 1) Elmore Co. Appl. for Permit 61-07654, 80"/80 ac.
Trust water H₂O
- 2) Jerome Co. Transf. no. 3796 moved 80" from 80 ac.
to D/W in 61-07654 for limited
term.
No well drilled in Elmore Co., found out
was not promising per well logs.

Then

- 3) Applied to Transfer 61-07654 from Elmore Co. to
Lincoln Co., but " is Appl. for Permit. Intent
was to move the H₂O in transfer 3796 to
Lincoln Co.

- 4) Replaced with new transfer appl. for 36-07613.

Thus

- 5) 80" 36-07613 from Jerome to Elmore to Lincoln
counties. Have not used the H₂O in Elmore Co.
but this lack of use is < 5 yr. period so OK.

QUESTION

ADVERTISE in ELMORE CO. ?
" " LINCOLN CO. ?
PROCESS VIA SOUTHEAST REGION ?

yes ✓

MICROFILMED

MAY 20 1993

Steve
3/13

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No.

3834

MAR 26 1991

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Southern Region Office

Name of applicant

Carlyle Butler

Phone

324-8046

Post Office address

705 East main

Jerome

ID.

83338

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Proposed well in Transfer No. 3796 did not look productive. A better use of the water in License 36-07613 would be to drill a new well in Lincoln county instead of Elmore county.

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

1. Right Number 36-07613 Priority 2-26-1976 Amount (cfs/ac-ft) 1.60 cfs Nature of Use Irrigation Period of Use 3/15 to 11/15
2. Total amount of water being transferred 1.60 cubic feet per second and/or 320 acre-feet per annum.
3. Source of water groundwater tributary to
4. Point(s) of Diversion: from Hubert show

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	29	6S	19E	Lincoln	new well to be drilled

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	19E	29	40			40													80

Total acres

80

PART 1**6. General Information:**

a. Description of diversion system new well, pump, sprinkler irrigation

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

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

Land in Elmore is not irrigated & land in Terrene
County is not irrigated, thus freeing the water in License
for transfer to land in Lincoln county.

d. Remarks:

See Attachment B, Lease of Water Rights. Water shall
return to original place of use in T8S R20E S.30
W 1/2 NE 1/4, Terrene County, upon termination of the lease.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

RECORDED

MAY 20 1993

PART 2

(Attach one copy for each right)

1. Right evidenced by:

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

b. License No. 36-07613 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. 3796 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below: FOR LAND IN

☒ Tax Notice☐ Warranty Deed☐ Other

3. Source of water groundwater tributary to _____

4. Date or priority 2-26-1976

5. Water is used for the following purpose:

amount 1.60 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	16	55	86	ELmore	PER TRANSFER 3796
		(NW	NW	29	85	20E	Jerome	Prior to transfer 3796)

8. Lands irrigated or place of use:

[illegible]

Total acres 50

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

* Just shown for informational purposes, Right as recorded = 1 pld & 80 acres

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

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

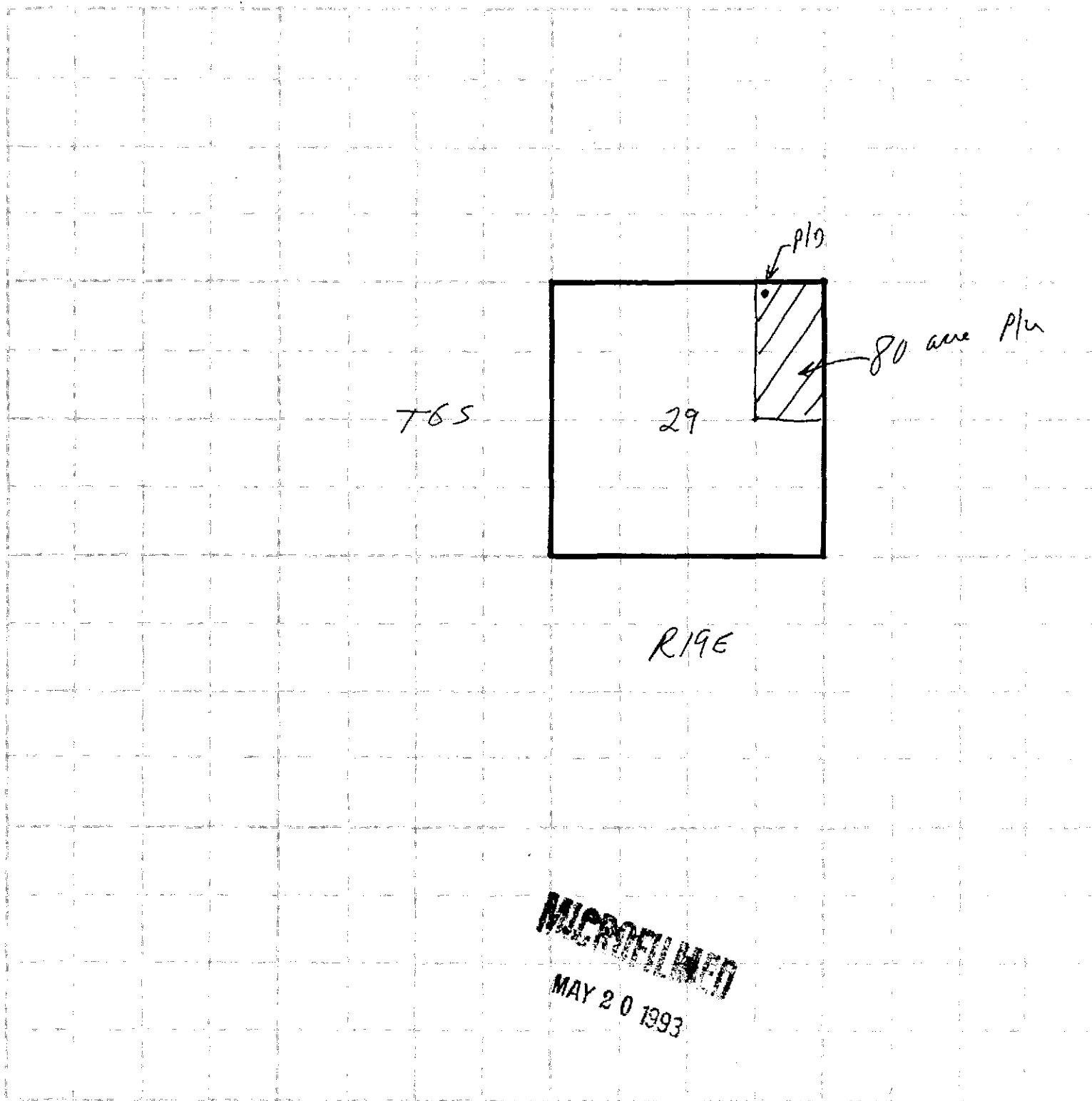
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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MAY 20 1993
Total acres _____

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

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE***N/A*

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

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

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

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

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

**Carlyle B. Miller*
(Signature of Applicant)

Subscribed and sworn to before me this 13 day of March, 19 91.

Helen Harris
(Notary Public)

My commission expires 12.8.94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by 82 MB Date 3-13-91/3/21/91 Protest filed by _____

Prelim. check by JA Fee \$50

Receipted by CJH Date 2-20-91 A W 013025

Published in Lincoln Co. Journal Copies of protest forwarded by _____

Pub. dates 5/22 & 5/29/91 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED
MAY 20 1991

UNCONSOLIDATED TAX NOTICE AND RECEIPT

ELMORE
REAL

COUNTY
PROPERTY TAX 1990

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
46984	31	05808E160010	R- 5620
594.73 ACRES			
ALL SEC 16 LESS TAX 1			
AND HWY TSS RSE			

BUTLER, CARLYLE

705 E MAIN ST

JEROME

ID 83338 0000

DELINQUENT CERT.

TAXING DISTRICT	RATE	AMOUNT	REL.
COUNTY	.3431%	161.20	FULL P
COUNTY FAI	.0057%	2.68	TAX
VETERANS MEN	.0040%	1.88	PEN.
HOSPITAL DIST	.0916%	43.04	SUB TOT.
SCHOOL #192	.5565%	261.47	INT.
GLENNS FERRY HW	.1655%	77.76	TOT.
EEC REC DIST	.0584%	27.43	1ST INST
			TAX
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INST
			TAX
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL TAXES	1.2248%	575.46	
TOTAL DUE		575.46	

YOUR CANCELLED CHECK IS YOUR RECEIPT

LEVY LISTS AT TAX COLLECTOR'S OFF

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

BUTLER, CARLYLE

05808E160010

R- 5620

705 E MAIN ST

1990

JEROME

ID 83338 0000

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
		31		287.73	287.73
					PEN.
					SUB TOT.
					INT.
					TOT.

2nd

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

CAROL OLDS; TAX COLLECTOR
P.O. BOX 708
MOUNTAIN HOME ID 83647
208-587-2138

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1991

RECEIVED
FEB 22 1991

Department of Water Resources
Western Regional Office

MICROFILMED

MAY 20 1993

ATTACHMENT A

LEASE OF WATER RIGHTS

CARLYLE BUTLER, 705 East Main, Jerome, Idaho, 83338, ("Lessor"), hereby leases to WILLIAM HUBERT SHAW, 411 South 750 East, Dietrich, Idaho, 83324, ("Lessee"), the Lessor's right title and interest in and to the Water Right 61-07654 consisting of 1.6 CFS, in exchange for \$1,500.00 per year and other good and valuable considerations from Lessee; said \$1,500.00 per year to be paid in full upon approval of the transfer of lease rights by the Idaho Department of Water Resources, ("Department").

1. Lessor covenants that all of the land to which this water right is appurtenant shall not be irrigated during the term of this lease.

2. During the term of this lease, Lessee shall place to beneficial use for irrigation purposes all water approved for use under the subject water right.

3. The terms for this lease shall be for seven years to commence February 20, 1991 and shall continue each year thereafter to and through the irrigation season of 1997. The consideration of \$1,500.00 per year shall be due and payable on the 1st day of December of each year prior to each additional year of this lease term. This lease shall terminate December 1, 1997.

4. Lessor covenants and represents that he is the true and lawful owner of the water rights and that these rights have not lapsed, been abandoned or forfeited either in whole or in part. Lessor makes no covenant or representation about the actual quantities of water that the Idaho Department of Resources may recognize for transfer or diversion under the water rights, regardless of the amount stated in any permit, claim or license.

MICROFILMED

MAY 20 1993

*Replaces transfer condition in T-3796.
See Remarks in 36-07613 (DITRANS Remarks)*

ATTACHMENT B

LEASE OF WATER RIGHTS

Butler/Shaw; February 20, 1991

Page 2

5. Lessor shall be entitled to file all necessary applications with the Department to transfer the places of use and the points of diversion of the water rights on a temporary basis. Lessee shall cooperate in securing such transfers and processing such applications and shall execute any documents necessary to achieving the transfer. This lease is conditioned upon the Department's approval of a transfer of the water rights from the Lessor's present place of use and point of diversion to the places of use and point of diversion located upon lands owned or leased by the Lessee. Payment shall be made upon such approval of the transfer.

6. At the termination of the lease, Lessee shall cooperate with the Lessor for all action necessary to transfer the water rights back to such place of use as shall be specified by the Lessor.

7. This contract shall be binding upon the Lessor and Lessee.

DATED this 19th day of February, 1991.

LESSOR

Carlyle Butler
CARLYLE BUTLER

LESSEE

William Hubert Shaw
WILLIAM HUBERT SHAW

RECORDED

MAY 20 1993

STATE OF IDAHO)
) ss.
County of Jerome)

On this 19 day of February, 1991, before me, the undersigned, a Notary Public, in and for said State, personally appeared CARLYLE BUTLER, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he 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.

Barbara A. Sherman
Notary Public for Idaho
Residing at Jerome, Ida
My commission expires 6/30/91

STATE OF IDAHO)
) ss.
County of Jerome)

On this 19 day of February, 1991, before me, the undersigned, a Notary Public, in and for said State, personally appeared WILLIAM HUBERT SHAW, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he 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.

Ray E. Hubert
Notary Public for Idaho
Residing at Dietrich, Idaho
My commission expires 3-16-94

MICROFILMED

MAY 20 1993

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,)
)SS.
County of Lincoln)

MAY 30 1991

Department of Water Resources
Southern Region Office

Patty Spence, being first duly sworn,
deposes and says that he is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln,
State of Idaho, that said newspaper has been continuously and uninterruptedly
published for a period of seventy-eight consecutive weeks prior to the first
publication of the annexed notice, and is a newspaper qualified to publish
legal notices as provided by act of the 1919 session of the legislature of the
State of Idaho, know as House Bill 145; that the annexed advertisement was
published once

each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 22nd day of May

19 91, and the date of the last publication was on the 29th

day of May, 19 91.

Patty Spence

Subscribed and sworn to before me this 29th
day of May, 19 91.
(SEAL)

Vivian J. Anderson
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

OK
MB
6-24-91

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
492.1 Lines straight at 24.61 5¢/Pica
Subsequent lines at 19.69 4¢/Pica
TOTAL COST 44.30

COPY OF NOTICE
(Paste Here)

Not. Pub. Chas. Wat. R.
TITLE OF NOTICE

36-07613

C. Butler

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

W. Dept. Water Res.
BILL TO T.F.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 36-07613

Notice is hereby given that Carlyle
Butler of Jerome, ID has applied to the
Department of Water Resources to
change the following described water
right(s) pursuant to Section 42-222 of the
IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 36-07613
Basis of right: License, Transfer
No. 3796
Source: groundwater
Priority Date: 2-26-1976
Amount of water: 1.60 cfs
Water use: irrigation
Point(s) of diversion: NE1/4NE1/4, S16
T5S, R8E; Elmore County.
Place of use: 80 acres within
NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4,
SE1/4NE1/4, S16, T5S, R8E.

TO BE CHANGED AS FOLLOWS

Water right No.: 36-07613
Amount: 1.60 cfs
Total amount being transferred: 1.60 cfs
Source: groundwater
Point of diversion: NE1/4NE1/4, S29,
T6S, R19E; Lincoln County (New well to
be drilled).
Place of use: 80 acres within
NE1/4NE1/4, SE1/4NE1/4, S29, T6S,
R19E.

Any protest against approval of the ap-
plication for transfer must be filed with
the Department of Water Resources, 222
Shoshone Street East, Twin Falls, ID
83301 on or before June 10, 1991.

-s- R. Keith Higginson, Director
Pub: 5-22, 29 L4411

4411 **NOT RECORDED**

MAY 20 1993

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO.36-07613

Notice is hereby given that Carlyle Butler of Jerome, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 36-07613
Basis of right: License, Transfer No. 3796
Source: groundwater
Priority Date: 2-26-1976
Amount of water: 1.60 cfs Water use: irrigation
Point(s) of diversion: NE1/4NE1/4, S16, T5S, R8E; Elmore County.
Place of use: 80 acres within NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4, S16, T5S, R8E.

TO BE CHANGED AS FOLLOWS

Water right No.: 36-07613 Amount: 1.60 cfs

Total amount being transferred: 1.60 cfs

Source: groundwater
Point of diversion: NE1/4NE1/4, S29, T6S, R19E; Lincoln County
(New well to be drilled).
Place of use: 80 acres within NE1/4NE1/4, SE1/4NE1/4, S29, T6S, R19E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before June 10, 1991.

R. Keith Higginson, Director

Published in Lincoln County Journal on 5/22 & 5/29/91.

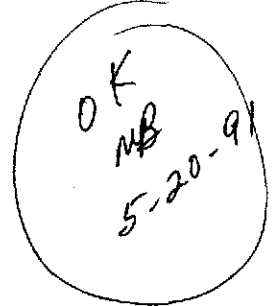
RECORDED

MAY 20 1993

RECEIVED

MAY 20 1991

Department of Water Resources
Southern Region Office



NSN
Lincoln Co. Journal

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 36-07613**

Notice is hereby given that Carlyle Butler of Jerome, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 36-07613
Basis of right: License, Transfer
No. 3796

Source: groundwater

Priority Date: 2-26-1978

Amount of water: 1.60 cfs

Water use: Irrigation

Point(s) of diversion: NE1/4NE1/4, S16
T5S, R8E; Elmore County.

Place of use: 80 acres within
NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4,
SE1/4NE1/4, S16, T5S, R8E.

TO BE CHANGED AS FOLLOWS

Water right No.: 36-07613 Amount: 1.60
c f s

Total amount being transferred: 1.60 cfs

Source: groundwater

Point of diversion: NE1/4NE1/4, S29,
T6S, R19E; Lincoln County (New well to
be drilled).

Place of use: 80 acres within
NE1/4NE1/4, SE1/4NE1/4, S29, T6S,
R19E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before June 10, 1991.

-s- R. Keith Higginson, Director
Pub: 5-22, 29 L4411

*Needs
proof.*

RECEIVED

MAY 20 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

01-May-1991

R. KEITH HIGGINSON
Director

LINCOLN COUNTY JOURNAL
PO BOX 704
SHOSHONE ID 83352

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 required publication dates. If time allows, please submit 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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECORDED

MAY 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

01-May-1991

R. KEITH HIGGINSON
Director

CARLYLE BUTLER
705 EAST MAIN
JEROME ID 83338

Re: Application for Transfer No. 36-07613

Dear Mr. Butler:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the Lincoln County Journal on 5/22 and 5/29/91. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

RECEIVED
MAY 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Carlyle Butler Phone 324-8046
Post Office address 705 East Main, Jerome, Idaho 83338

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Present land does not appear feasible
for irrigation at this time.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-----------------------|--------------------------------------|---|---------------|
| ~~61-07654~~ CB | ~~8-Feb-1991~~ | 1.6 CFS | Irrigation | 3/15 to 11/15 |
| | 11-8-1990 | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| 2. Total amount of water being transferred | | 1.6 | cubic feet per second and/or _____ acre-feet per annum. | |
| 3. Source of water | | Groundwater _____ tributary to _____ | | |
| 4. Point(s) of Diversion: From Hubert Shaw | | | | |

Lot	¼ NE ¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	29	6S	19E	Lincoln	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	19E	29	40			40												80	
REPLACED MICROFILMED MAY 20 1993 ORIGINALLY FILED THIS BUT WAS REPLACED BY REVISED TRANSFER APPL FOR																			

36-07613 on 3/13/41 Total acres 80

PART 1

6. General Information:

- a. Description of diversion system None
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Will not be irrigated
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

MAY 20 1993

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 61-07654 on file with the Idaho Department of Water Resources.
- d. Transfer No. 3796 C.B. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 8 February 1991 11-8-1990 C.B.

5. Water is used for the following purpose:

amount 1.6CFS for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.6 cubic feet per second and/or 320 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	16	5S	8E	Elmore	new well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	8E	16	20	20	20	20													80

Total acres 80

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

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

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

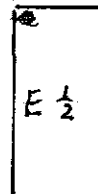
MAY 20 1993

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

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

From Shaw

R. 19 E.



T 6 S.

Sec. 29

E 1/2 NE 1/4

MICROFILMED
MAY 20 1993

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

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

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

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

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

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

Carlyle Butler
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of February, 19 91.

Merna Johnson
(Notary Public)

My commission expires 4/29/94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by CJH Date 2-20-91 Protest filed by _____

Prelim. check by _____ Fee 50.00 #W013025

Receipted by CJH Date 2-20-91

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

20013025

MAY 20 1991

February 8, 1991

RE: Transfer of Water Right No. 36-07613

Carlyle Butler
705 E. Main St.
Jerome, ID 83338

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3796). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

MAR 04 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: January 10, 1991/ Revised 2-6-91

RE: TRANSFER NO. 3796/LICENSE NO. 36-7613

=====

This application proposes a change in point of diversion and place of use for the above licensed right. The change in place of use will move the right from basin 36 to basin 61. The applicant has indicated that this is only a temporary transfer. A groundwater application for the proposed new place of use was filed in November of 1990. Because the new place of use is within the trust water area, the department can not immediately process the new application and the applicant therefore filed this transfer.

I recommend approval of this application as a temporary transfer. Treating this as a temporary transfer is preferable since the new application can not immediately be processed, and because the right will revert back to the original place of use upon approval of the 1990 trust water applications. Although we may view this as a temporary transfer, I further recommend that we make the appropriate changes to the database as if it were a permanent transfer, except that we do not renumber the transferred portion from basin 36 to basin 61. Renumbering should only be done for permanent transfers.

Recommended conditions:

(Note: Condition that transfer must be accomplished within one year is omitted in this case since this is a temporary transfer. It is likely that the trust water application will be approved within a year and thereby terminating this transfer.)

1) This transfer shall expire on the date that application for permit no. 61-7654 is approved by the department. The place of use and point of diversion shall revert back to the place of use and point of diversion prior to the transfer.

2) The priority date of this right is advanced to the transfer approval date, but shall revert back to the original priority upon expiration of the transfer.

3) This right shall provide no more than 4.0 acre-feet per acre for the lands above.

4). <<T08>> Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

* Cond. #2 above added pursuant to Jim's memo of 2-5-91

MEMORANDUM

TO: GARY

FROM: JIM JOHNSON

RE: TEMPORARY TRANSFER OF WATER RIGHT 36-7613 INTO BASIN 61

DATE: February 5, 1991

=====

While I really don't like to see transfers changing water rights across basin boundaries I think this one is acceptable. In this case I view the transfer as simply means to speed up the development of a new water right.

I think the data base should show the new location using a T prefix for the duration of the transfer. Renumbering the water right in this case is not justified.

A condition should be added to those already proposed which advances the priority date to the date of transfer approval such as was done when the water right was temporally transferred by Blaine Larsen.

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: January 10, 1991

RE: TRANSFER NO. 3796/LICENSE NO. 36-7613

=====

This application proposes a change in point of diversion and place of use for the above licensed right. The change in place of use will move the right from basin 36 to basin 61. The applicant has indicated that this is only a temporary transfer. A groundwater application for the proposed new place of use was filed in November of 1990. Because the new place of use is within the trust water area, the department can not immediately process the new application and the applicant therefore filed this transfer.

I recommend approval of this application as a temporary transfer. Treating this as a temporary transfer is preferable since the new application can not immediately be processed, and because the right will revert back to the original place of use upon approval of the 1990 trust water applications. Although we may view this as a temporary transfer, I further recommend that we make the appropriate changes to the database as if it were a permanent transfer, except that we do not renumber the transferred portion from basin 36 to basin 61. Renumbering should only be done for permanent transfers.

Recommended conditions:

(Note: Condition that transfer must be accomplished within one year is omitted in this case since this is a temporary transfer. It is likely that the trust water application will be approved within a year and thereby terminating this transfer.)

- 1) This transfer shall expire on the date that application for permit no. 61-7654 is approved by the department. The place of use and point of diversion shall revert to the place of use and point of diversion prior to the transfer.
- 2) These rights shall provide no more than 4.0 acre-feet per acre for the lands above.
- 3). <<T08>> Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

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Interbasin transfer
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: gl (Revised 11/26/90 per 11/8/90 amended appl.)

1. Right number 36-07613 Applicant Carlyle Butler
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.

Original plan is proposed plan
both within trust water
boundary.

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 See 4/20/90 memo about
expanded place via storage N/A per 11/8/90 amended appl.
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NONE approved (Trust water Appl 61-07614 & 61-07654
held at Region)

- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? 61-C - N/A per 11/8/90 amended appl.

surface flow
Same well
as in transfer
appl. now pld

FINAL PROCESSING REVIEW BY: DR

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

RECOMMENDED ACTION

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

RECEIVED
DEC 28 1990

4. By DR Date 12/24/1990 Department of Water Resources

NOTICE OF APPLICATION FOR AMENDMENT OF PROPOSED CHANGE

OF WATER RIGHT NO. 36-07613

Notice is hereby given that Carlyle Butler of Jerome, Idaho has applied to the Department of Water Resources for an amended change of point of diversion and place of use of License 36-07613.

The original proposed change was advertised in the Mountain Home News 5/2 and 5/9/1990 and the Time News 5/3 and 5/10/1990 and proposed these changes:

Amount: 320 acres feet per annum from Bennett Creek, Commerford Springs, and Unnamed Springs.

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water would have been used for Irrigation Storage (1/1-12/31) and Irrigation from Storage (3/15-11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

TO BE CHANGED AS FOLLOWS

Amount: 1.60 cfs from groundwater

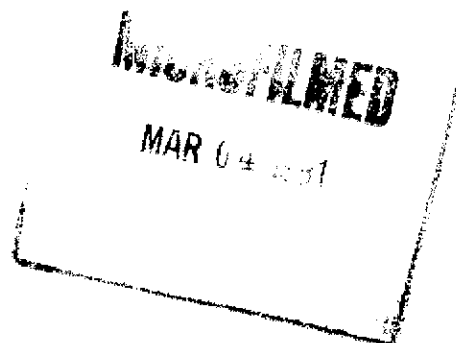
Priority: 2/26/1976

Point(s) of Diversion: T5S R8E S16 NENE. The water will be used for Irrigation (3/15-11/15) on 80 acres in T5S R8E S16 NE1/4.

Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before December 24, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News on 12/5 and 12/12/1990.





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 26, 1990

Mr. Carlyle Butler
705 E. Main St.
Jerome, ID. 83338

Re: Application for Amendment of Transfer of License No. 36-07613 and
Application for Permit No. 61-07654

Dear Mr. Butler:

The amended transfer application for License 36-07613 was reviewed and will be advertised soon.

The application for permit for ground water, application 61-07654, must be held due to trust water or "Swan Falls" delays as described in my 10/31/89 letter to you concerning application 61-07614 (Bennett Creek, Commerford Springs, and unnamed springs for irrigation, irrigation storage, and irrigation from storage).

Trust water includes surface and ground water considered hydraulically tributary to the Snake River upstream from Swan Falls Dam. A moratorium on trust water uses was recently lifted due to a negotiated settlement that allows an orderly approval of outstanding and new applications. Applications in the trust water area will be subject to delays related to availability of water and dates of priority for other applications (applications are processed in the order of dates of priority). This office will keep you informed of developments in the trust water area.

Please let me know if additional help is needed.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Sr. Water Resource Agent

Enclosure

RECEIVED
MAR 04 1991

CONVERSATION MEMORANDUM

DATE 10/22/90

NAME OF PARTY

Carlyle Butler

EMPLOYEE

Dave T. HillFILE 61-0761461-07615Trans of 36-07613RE: Status

Mr. Butler came into the office to discuss the status of these apps. The discussion ended by him requesting that the apps be held until June 1, 1991 to allow him an opportunity to study the availability of flows in Bennett Creek.

I advised him that we would agree to this request.

Mr. Butler revisited the office on 11/8/90 & opted to change his transfer app to reflect irrigation only, eliminating the storage & limiting the place of use to 80 acres.

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MAR 04 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 7, 1990

Carlyle Butler
705 E. Main
Jerome, ID 83338

Re: Application for Transfer of Water Right no. 36-07613, and Applications
for Permit nos. 61-07614 and 61-07615

Dear Mr. Butler:

When the Department advertised the three above-referenced applications, we received no timely protests. However, we did receive a number of late protests, and due to the scarcity of water in Bennett Creek and other sources in basin 61, we determined that it would be appropriate to conduct a pre-permit field exam on each of the applications. As documentation of a field exam, a field inspection report was prepared. A copy of this field inspection report is enclosed for your review.

Our concern at this point is that there might not be water available for new appropriation in the Bennett Creek area. At a water right conference this summer, many of the neighbors came to express concern about another downstream appropriation, and the lack of water available for the appropriation. Presently it is my perception that the limited nature of water in the Bennett Creek drainage might render your development proposals as infeasible.

The purpose of this letter is to provide to you the information that we presently have in this regard, and to allow you an opportunity to respond with any information that you may have regarding water availability in the drainage. Given the concern of the limited nature of the resource, it is possible that this office will conduct a conference relative to the applications, even though we have not received a valid protest. The purpose of such a conference would be to solicit data to determine if indeed there is enough water available to provide for the new appropriations that you have proposed. Accordingly, please advise this office if you wish to proceed with the applications in light of the information that has been provided.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl: Field Inspection Report

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MAR 6 4 1991

File No. 61-07615

STATE OF IDAHO
Department of Water Resources

36-07613 (transfer)

FIELD INSPECTION REPORT

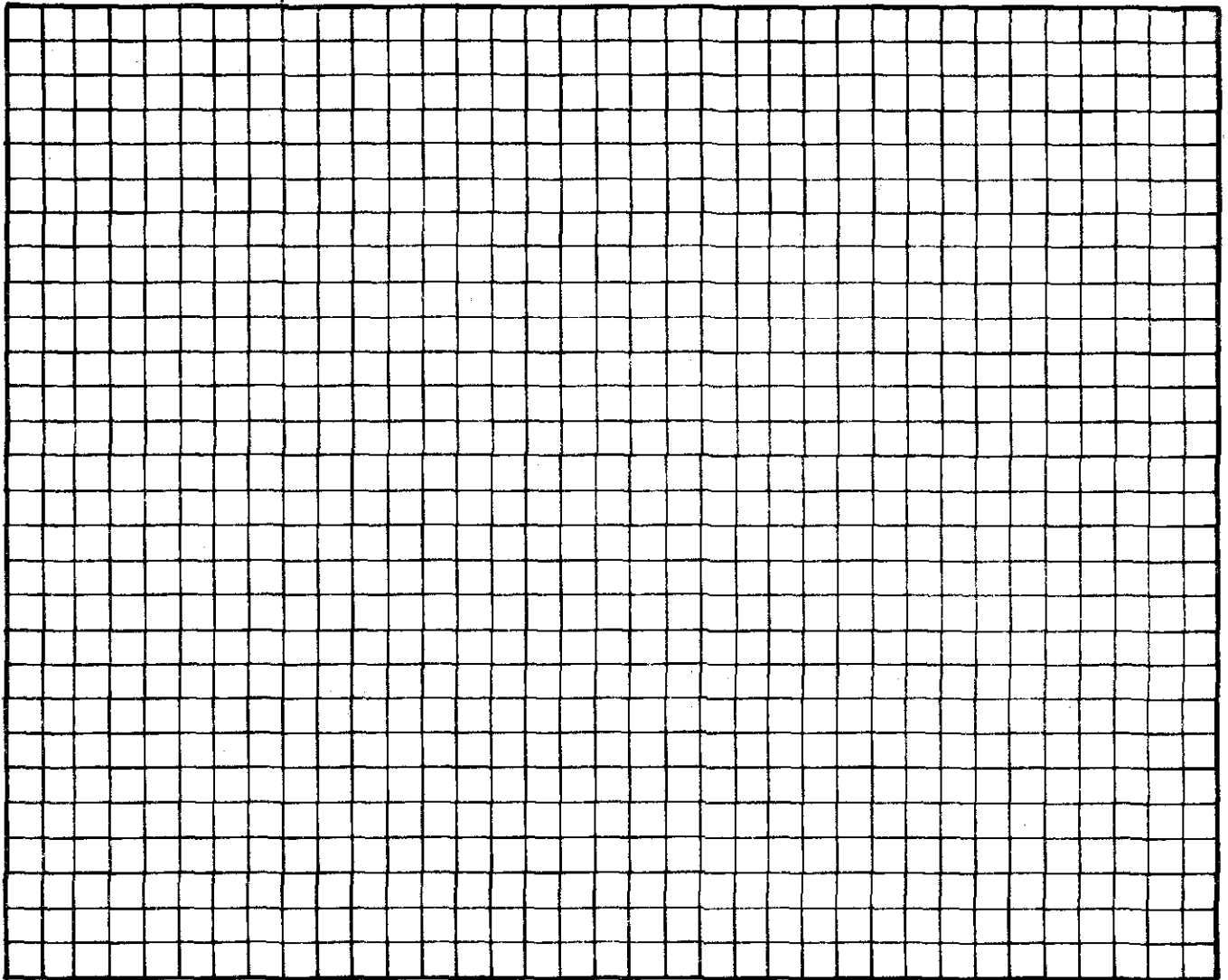
1. Date: 8-24-90 RW Time: 2:00 p.m. Photos: ☒ Yes ☐ No
2. Inspection involves: ☒ Water Rights ☐ Dam Safety ☐ Well Construction or Driller
☐ Waste Well ☐ Stream Channel Alteration ☐ Water Distribution
☐ Other _____
3. Reason for inspection: Determine if water is available for
appropriation
4. Stream name: Bennett Cr., Commerford Sprgs., Sprgs.
5. Stream characteristics: Intermittant Flow through Fractured
basalt, Channel 95% dry at time of inspection
6. Stream width: _____ Depth: _____ Gradient: _____ Q: _____ est. _____
meas. _____
7. Location: 1/4 1/4, Sec. _____, Twp. 5S, Rge. 8E, County Elmore
Landmark: Bennett Cr. Crossing @ old RR bed
8. Person(s) contacted: Elsie Riggs (stated that there is very little if any
water in that reach of Bennett Cr.)
9. Dam name: _____ Spilling: ☐ No ☐ Yes ☐ Q _____
Outlet open: ☐ No ☐ Yes ☐ Q _____ Spillway open: ☐ Yes ☐ Fibrd ☐ Gate open
Freeboard: Spillway _____ Crest _____ Res. stage: ☐ Rising ☐ Falling _____ Rate _____
10. Area characteristics: Sandy at edge of Basalt rim. Stream
bed was dry w/exception of small pool south of RR track.
Springs in the area were not producing enough water
to flow into stream channel of Bennett Cr.
11. Weather conditions: moderate, warm & windy
12. Describe activity/conditions inspected: Evaluation of Stream Channel
to determine if water is available for appropriation.
Refer to Photos (Attached)
13. Are all requirements being met? ☐ Yes
If not, check type violated: ☐ Statutory ☐ Rules & Regs ☐ Permit
14. Describe impact on others: Consumptive use of live flow
would have negative impact on water rights
down stream.
15. Describe alternatives: _____

MAR 9 1991

16. Remarks _____

17. Followup Necessary: ☐ Yes ☐ No Describe: _____

18. Sketch: Include direction, important dimensions, photo locations, landmark or reference point



19. Action taken at time of inspection: Photographs

20. Signed: RB Whitney

21. Follow up action: Date: _____ Additional Memo Prepared: ☐ Yes ☐ No
Describe: _____

22. Signed: _____

MAR 6 1997

FROM

Dave T

DATE 7/22/90

TO

Rob

SUBJECT

Attached

In light of the lake protest & limited nature of water in Bennett Cr., a pre-approval exam is warranted on this one. Plz conduct when you get a chance. (both on transfer app & app for permit)

Dave

SIGNATURE

1
Photographs taken 8-24-90
61-07615 , 36-07613 (transfer)

Bennett Cr.



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NOV 6 4 1990

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
DENVER, COLORADO

Photographs 8-24-90

Bennett Cr.



Photographs 8-24-90
Bennett Cr.

Photographs 8-24-90

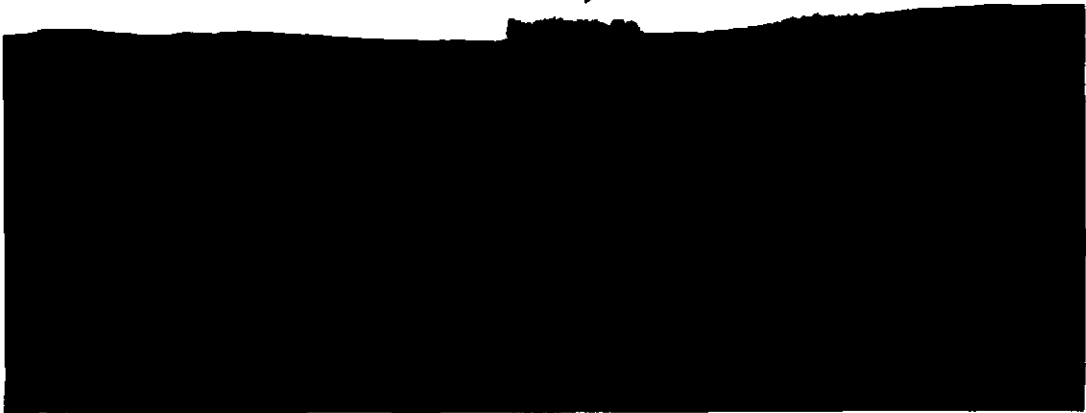
Springs

#1



#1

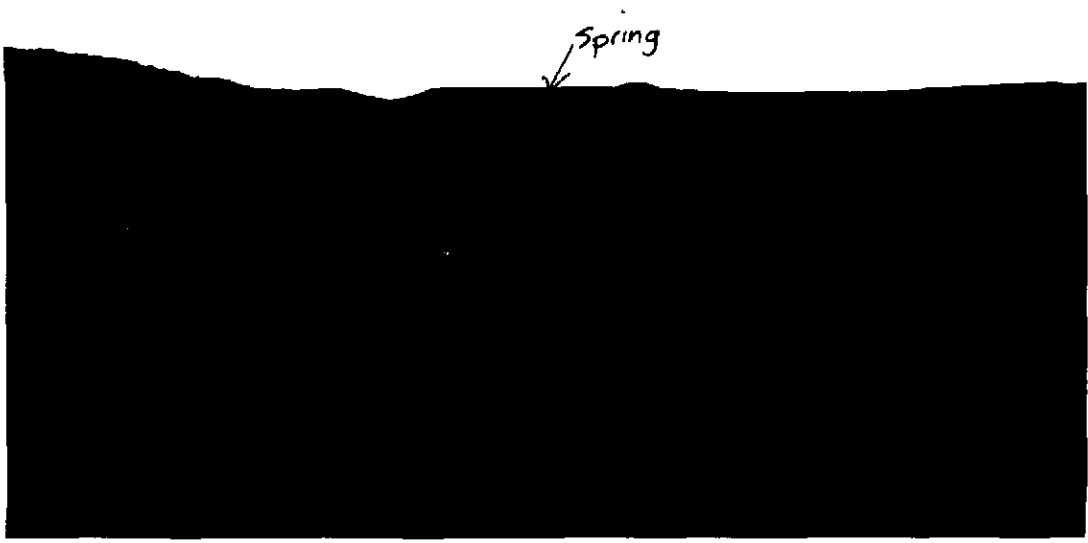
Spring
↓



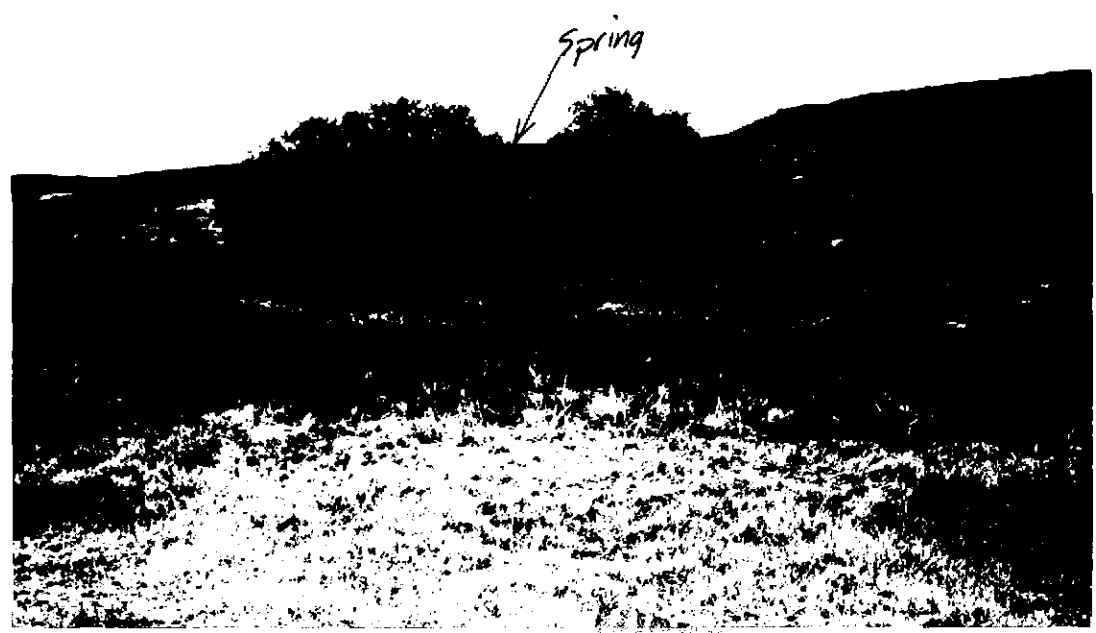
Photographs 8-24-90

Springs

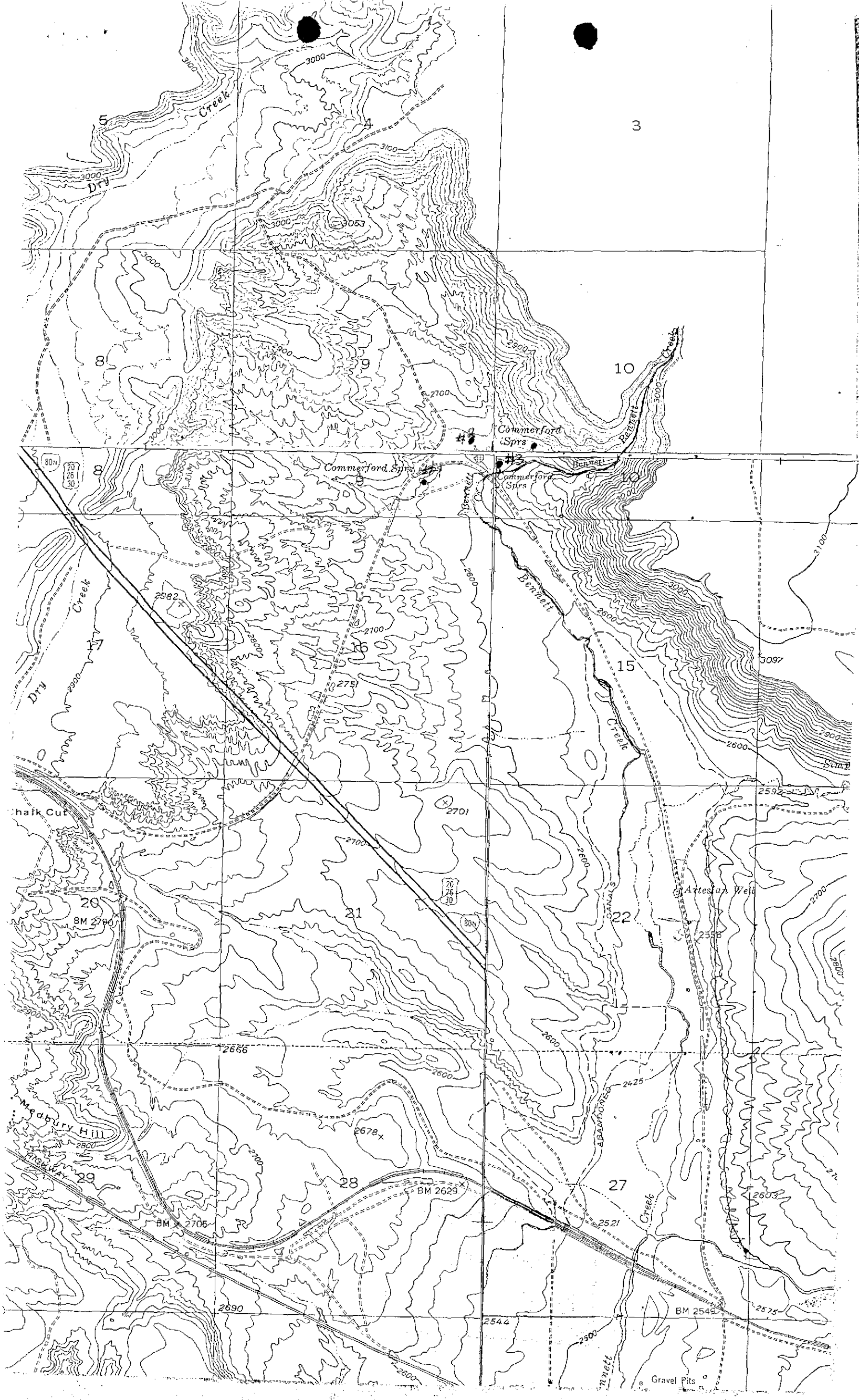
#2



#3



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FBI - MEMPHIS
AUG 24 1990



May 19, 1990
Hammett, ID.

R. Keith Higgins
Dept. of Water Resources
2735 Airport Way
Boise, ID. 83705

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MAY 29 1990

Department of Water Resources
Western Regional Office

Dear sir -

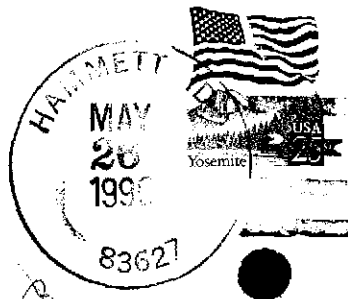
This is to protest approval of the
proposed change of water right No.
36-07613. The right sought to be
changed is by Corlyle Butler, Jerome, ID.

In protesting this change as it
would greatly effect my stock water.
Also would have a negative effect
on wildlife in the area.

Sincerely,
Daryl Neek
Star Rt. Box 27
Hammett, ID. 83627



DARYL KECK
STAR RT BOX 27
HAMMETT, ID. 83627



Department of Water Resources
2735 Airport Way
Boise, ID. 83705



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 31, 1990

Daryl Keck
Star Route Box 27
Hammett, ID 83627

Re: Application for Transfer #36-07613 in the Name of Carlyle Butler

Dear Mr. Keck:

We are in receipt of your letter dated May 19, 1990, in which you protested the approval of the above-referenced application for permit. Please be advised, however, that the final protest date was May 21, 1990, and that the letter was not received by this office until May 29, 1990. Pursuant to Idaho Code, we cannot officially accept the protest as valid.

The concerns that you have noted have been reviewed by this office. Please be advised that any water right issued by this office is conditioned to be "subject to all prior water rights." This does offer protection to any senior water rights you may have.

At this time we will proceed with processing of the application. If you have any questions in this matter please call this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

*Letter Not sent, as a
"pre-permit" exam is warranted.*

DRT



MAILED 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 23, 1990

Viola A. Allison
Star Route Box 62
Hammett, ID 83627

Re: Application for Transfer #36-07613 in the Name of Carlyle Butler

Dear Mrs. Allison:

We are in receipt of your letter dated May 19, 1990, in which you protested the approval of the above-referenced application for permit. Please be advised, however, that the final protest date was May 21, 1990, and that the letter was not received by this office until May 22, 1990. Pursuant to Idaho Code, we cannot officially accept the protest as valid.

The concerns that you have noted have been reviewed by this office. Please be advised that any water right issued by this office is conditioned to be "subject to all prior water rights." This does offer protection to any senior water rights you may have.

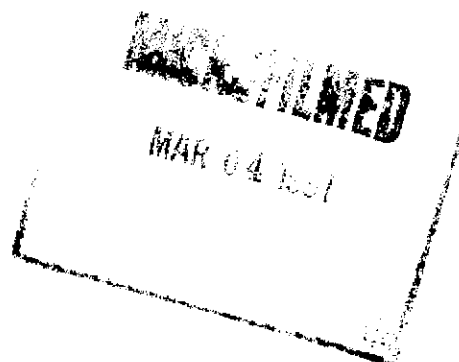
At this time we will proceed with processing of the application. If you have any questions in this matter please call this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st



RECEIVED

MAY 23 1990

Ms.

Department of Water Resources
Western Regional Office

Hammett, Idaho.

5-19-90

Mr. R. Keith Higginson

Dear Sir,

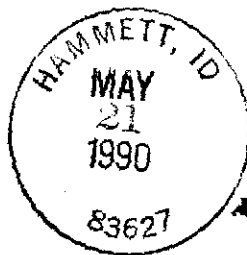
I am apposed to Carlyle Butler of Jerome, taking the water from Bennett Creek, and putting it into reservoirs for irrigation. I believe the water should be left to run down Bennett Creek for the wild life, cattle & horses of the People who live along Bennett Creek below the Railroad bridge.

I own 29 acres adjoining hiway 30 north and I have maintained it many years for the wildlife. I have written you before about it, please stop Butler from taking all the water.

Sincerely,

Mrs Viola G. Allison
Star Rt. - Box 62
Hammett, Idaho. 83627

Miss Viola A. Allison
Star Rt. - Box 62
Hammett, Idaho, 83627



IDAHO



MAILED
MAR 24 1990
Department of Water Resources
2735 Airport Way -
Boise,
Idaho, 83705

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 36-07613

Notice is hereby given that Carlyle Butler of Jerome has applied to the Department of Water Resources for a change of Source, Point of Diversion, Place of Use, Nature of Use, Period of Use of groundwater. The right sought to be changed is evidenced by License and is recorded as follows:

Amount: 1.60 cfs

Priority: 2/26/1976

Point(s) of Diversion: T8S R20E S29 NWNW. The water is used for irrigation purposes 3/15 to 11/15 on 80 acres in T8S R20E S30 W1/2NE1/4.

TO BE CHANGED AS FOLLOWS

Amount: 320 acre feet per annum (from Bennett Creek, Commerford Springs, and Unnamed Springs).

Point(s) of Diversion: T5S R8E S9 SESE, S10 SWSW. The water will be used for Irrigation Storage (1/1 to 12/31), and Irrigation from Storage (3/15 to 11/15) on 188 acres in T5S R8E S16 E1/2E1/2 with an 11/17/1989 date of priority from these new sources.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before May 21, 1990.

R. Keith Higginson
Director

Published in the Time News on 5/3 and 5/10/1990.
Published in the Mountain Home News on 5/2 and 5/09/1990.

RECEIVED

MAR 14 1991

MEMORANDUM

TO: DAVE TUTHILL
FROM: STEVE LESTER
DATE: APRIL 20, 1990
RE: TRANSFER APPLICATION FOR CARLYLE BUTLER, 36-07613

This is an interbasin transfer from ground water in Basin 36 to surface water in Basin 61. Several items are addressed.

1) The license covers 80 acres and the transfer includes 188 acres to be irrigated with the 320 afa provided under the direct flow ground water right. The expanded acres may be allowed under the storage language in Idaho Code 42-222 (supplement).

2) The transfer is based on pending trust water application 61-07614 (copy attached with file). Page 2, item 6 of the transfer and Attachment B discuss the springs described in 61-07614. If approved, the transfer should include Commerford Springs and the unnamed springs as sources. See 61-07614 for legal descriptions and map. This could be included in remarks or conditions of approval (instead of adding later and readvertising).

3) The applicant will need a dam safety permit.

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MAR 04 1991

FROM Dave

DATE 4/3/1990

TO Steve ✓

SUBJECT Attached App for Transfer

This unusual app involves a request to moveⁿ water right from Basin 36 downstream to Basin 61, for the purpose of allowing land to be irrigated while App 61-07614 awaits review for Swan Falls approval.

The app could be advertised by either Southern Reg or Western Reg, but because the resulting use ^(is proposed to) ~~will~~ be in Basin 61, we probably have more vested interest than Southern. Thus, let's prepare for advertising both in Jerome County & Elmore County.

SIGNATURE

Dave

Water Right Number - 36-07613

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BUTLER

CARLYLE

1 - 705 E. MAIN

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/26/1976 ✓ 17 L - LICENSE ✓+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER ✓+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

08S 20E 29 NW NW (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 ✓ 11/15 ✓ 1.600 320.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.600 ✓ 320.00 ✓+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 20E 30 NW NE 40.0 01 IRRIGATION (53) JEROME
08S 20E 30 SW NE 40.0 01 IRRIGATION (53) JEROME

Total Acres: 80.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.MAILED
APR 24 1991RECEIVED
APR 24 1991

Water right number - 36-07613

Adj. flag translation: Standard Water Right Number

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 03/26/85

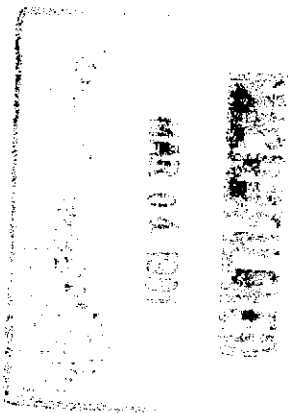
05/28/88 CONVERT

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

Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 05/08/1979
Decree Date - 00/00/0000

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 03/26/1985
Receipt Number -
Appl Received - 00/00/0000
Presumption Flag -

Field Exam Fee -
Swan Falls - Z
Temporary Right - P
DLE/Carey Act -
Water District -
Transfer/Amended -
Microfilm Roll Number -





State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 3, 1989

Blaine Larsen
Box 188
Hamer, Idaho 83425

Re: Application for Transfer

Dear Applicant:

Enclosed is a copy of an Order Approving Transfers for the applications for transfer listed above.

Please be advised that if you do not agree with the decision of the Department, you may, within fifteen (15) days of receipt of the Order Approving Transfers, request a hearing before the Director. Failure to timely petition the Director within fifteen days of the receipt of the Order may prevent further contest of the Order.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:ds

Enclosure

cc: Jeff Fereday
Ray Sanders
Stephen V. Goddard
Kent Foster
U.S. Dept. of Interior, Fish & Wildlife Service
Lloyd R. Hicks

MICROFILMED

JUL 17 1989

IDENT. NO. 36-7613

WATER RIGHT
DATA ENTRY LOG

[illegible]



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:

Storehouse

Boise, Idaho 83720

(208) 384-2215

September 29, 1978

Re: Permit No. 36-7613

Carlyle Butler
705 E. Main
Jerome, ID 83338

Dear Mr. Butler:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

ENCLOSURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

**Statehouse
Boise, Idaho 83720
(208) 384-2215**

29 August 1978

Carlyle Butler
705 E. Main
Jerome ID 83338

RE: Permit No. 36-7613

A representative of this Department made an examination of the works covered by your Permit No. **36-7613** on **Sept. 2, 1977**, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 1.60 cfs Source: groundwater

The maximum quantity diverted shall not exceed **320** acre feet per year.

Point of diversion: NW¹/₄ NW¹/₄, Sec. 29, Twp. 8S, Rge. 20E, E.M.

Beneficial use: Irrigation of 80 acres within the $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30,
Twp. 8S, Rge. 20E, B.M.

Priority date established: February 26, 1976

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JGkw

WAL
J6
5
5

May 20 1961

- TOTAL ACREAGE** _____ 80

Permit No. 36-7613
Examination for b/u

T
8
S

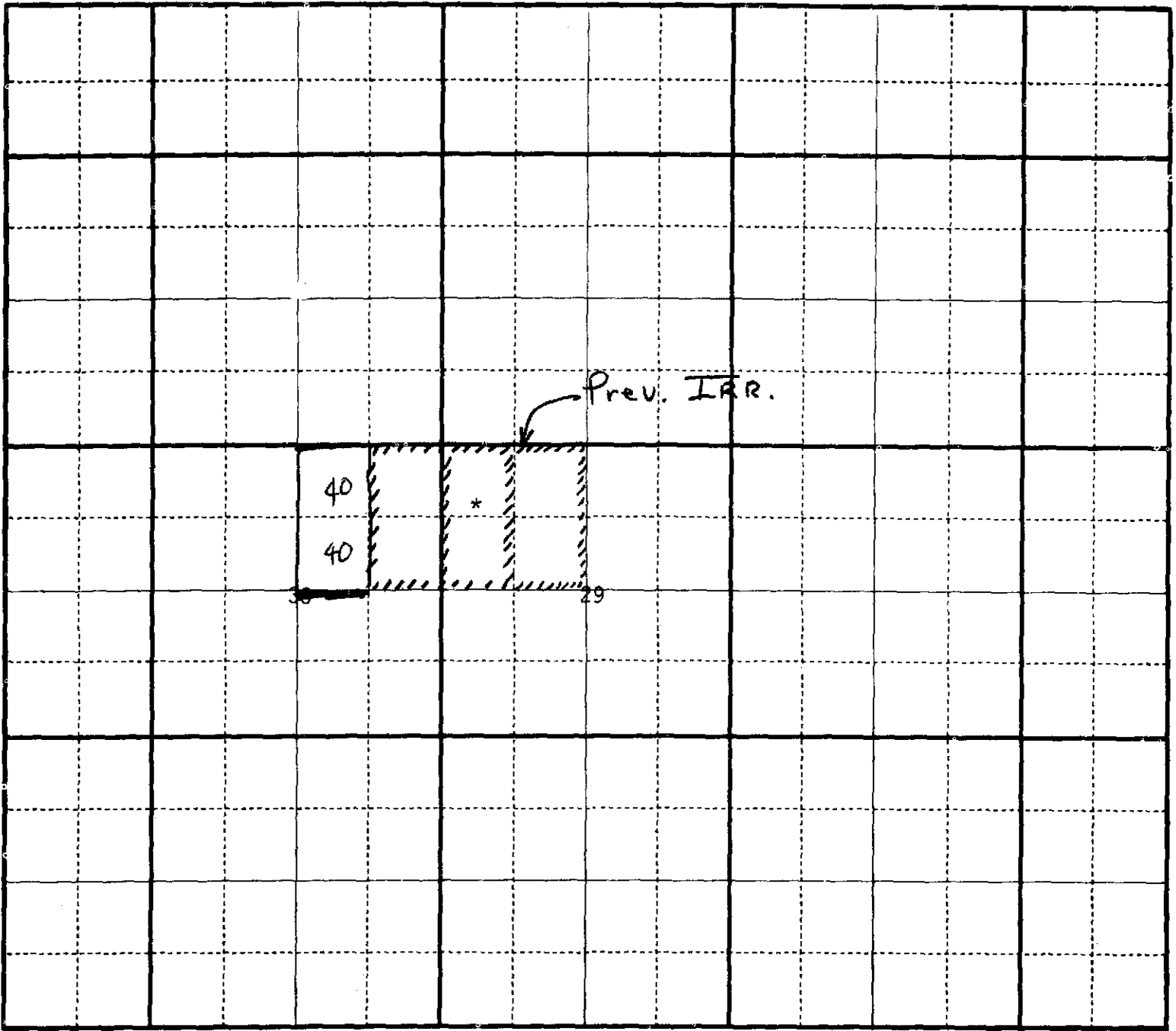
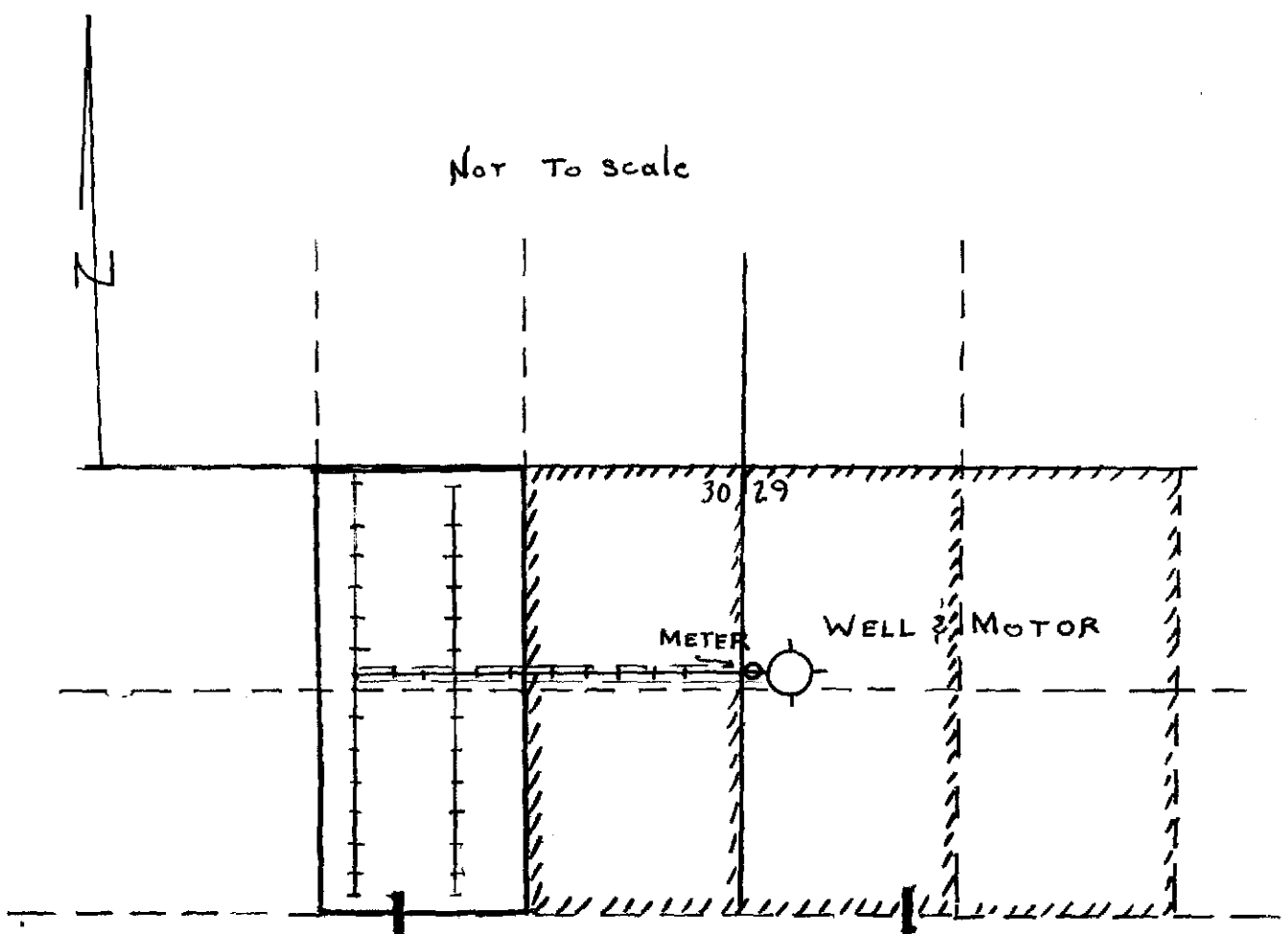


Diagram of System

Not To Scale



DATE OF EXAM June 14, 1977

ACREAGE
Found 320
Recommended 80

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 1.60 c.f.s. V = 320 AF/Ann. from March 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 2400 gal/min = 5.35 c.f.s. Method of measurement Badger Meter

Total Q recommended 1.60 c.f.s. Meter No. M0647189 Type 12" Condition New

Total V recommended 320 Ac Ft/ANN.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Meas: 5.35 c.f.s. (2400 gal/min) ÷ (448.8 gal/min)
Allowed 1.60 c.f.s. Amount Applied For
Volume 320 Ac Ft/ANN. (Irr. Req. 4.0 Ac Ft/Ac) (80 Acres)

SYSTEM DESCRIPTION:

Gen. Electric Motor 450Hp. Serial # NYJ124001
Layne & Bowler Pump
Sprinkler System (Hand lines) 1/4 Mile lines (16) lines were in Service.
System was at capacity flow. 1/4 Mile lines have 32 Hds per line.
(16) lines were used upon (320 Acres) at the time of the field Exams.

REMARKS:

Carl Butler was present during field Exam.

Examiner's Signature Gay Lunderburg Date Sept. 2, 1977

Checked by James E. Stanton Date 9-29-77

Approved by Michael L. Steele Date 1-17-78

May 20, 1977

Re: Permit No. 36-7613

Carlyle Butler
705 E. Main
Jerome, ID 83338

Dear Mr. Butler:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

Identification No. _____

Permit No. 36-7613

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Earlyle Butler
b) Post Office Address _____

2. Permit Number 36-7613

3. Date of Priority that you are prepared to establish _____

4. a) Source from which water was appropriated Deep well

b) Location of the point of diversion: 1/4 1/4, Section 29
Township 8 South, Range 20 East Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount 1.6 for _____ purposes from March 1 to Oct. 10 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated _____ cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch)

450 HP. 20" hole well depth 420', static water level 365'.

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

12" Badger MO 647 189

c) Give well driller's name and address and the date the well was completed: 1965

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

5/10/77 j

If you are irrigating 15 or more acres, please submit an aerial photo of the property with this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40-acre subdivision:

| T | R | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|-----|------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 8S | 20E | 30 | West ½ | | | | | | | | | | | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 80

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

4/29/77
(Date)

Carlyle Butler
(Signature)

State of Idaho)
County of Jerome) ss.

On this 29th day of April, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Barbara A. Looman
Notary Public residing at Jerome Idaho

My commission expires 6/30/77

February 28, 1977

CERTIFIED MAIL

138310

Re: Permit No. 36-7613

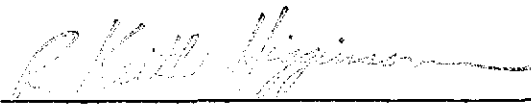
Carlyle Butler
705 E. Main
Jerome, Idaho 83338

Dear Mr. Butler:

One of the conditions of approval of your water Permit No. 36-7613 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

April 7, 1976

Re: Permit No. 36-7613

Carlyle Butler
705 E. Main
Jerome, ID 83338

Dear Mr. Butler:

Enclosed is a copy of your approved Application for Permit No. 36-7613. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Carlyle Butler - 36-7613

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) ADM 3-2-76

In form to receipt

(2) LAB 3-3-76

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) LAB 3-3-76

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) LAB 3-3-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) mls 3-30-76

Critical groundwater area: yes _____ no ☒

(8) mls 3-30-76

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) mls 3-30-76

Other rights on the see appl same place of use

(10) _____

Comments: _____

(11) cc 3/19/76

Affidavit of Publication received(date) 3.19.76

(12) _____

Final date for protests 3.29.76

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) mls 3-30-76

Action recommended:

☒ Approve

Deny

_____ Proposed Priority

MAR 31 1976

Department of Water Resources

Field Checked by _____

Date _____

Comments _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Southern By Michael Stule Date 3-30-76

March 2, 1976

RE: Application For Permit No. 36-7613 - Carlyle Butler

North Side News
P. O. Box 468
Jerome, Idaho 83338

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 ample 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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

MICHAEL L. STEELE
Southern Region Supervisor

MLS:cc

Bill submitted: _____

GALLEY PROOF NEEDED

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Carlyle Butler, 705 E. Main, Jerome, Idaho 83338, has on 2-26-76 submitted Application No. 36-7613 for a permit to appropriate 1.60 cubic feet per second of water from Groundwater by means of well, pump, pipe and sprinklers within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Twp. 8S, Rge. 20E, B.M. Jerome County to be used from March 15 - November 15 for the irrigation of 80 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30, Twp. 8S, Rge. 20E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 29, 1976.

*D.K.Cc
3/8/76*

KEVIN HIGGINSON
Director
RECEIVED
3-11-76

MAR 8 1976

Department of Water Resources
Southern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Carlyle Butler
705 E. Main, Jerome, Idaho 83338
has on 2-26-76 submitted Application No. 36-7613
for a permit to appropriate 1.60 cubic feet per second ~~acre feet per annum~~
of water from Groundwater
by means of well, pump, pipe and sprinklers
within the NW¹/₄ NW¹/₄, Sec. 29, Twp. 8S, Rge. 20E, B.M. Jerome County

to be used from March 15 - November 15
for the irrigation of 80 acres

within the W¹/₂ NE¹/₄, Sec. 30, Twp. 8S, Rge. 20E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 29, 1976.

R. KEITH HIGGINSON

Director

Published in the Jerome North Side News
on 3-11 and 3-18-76