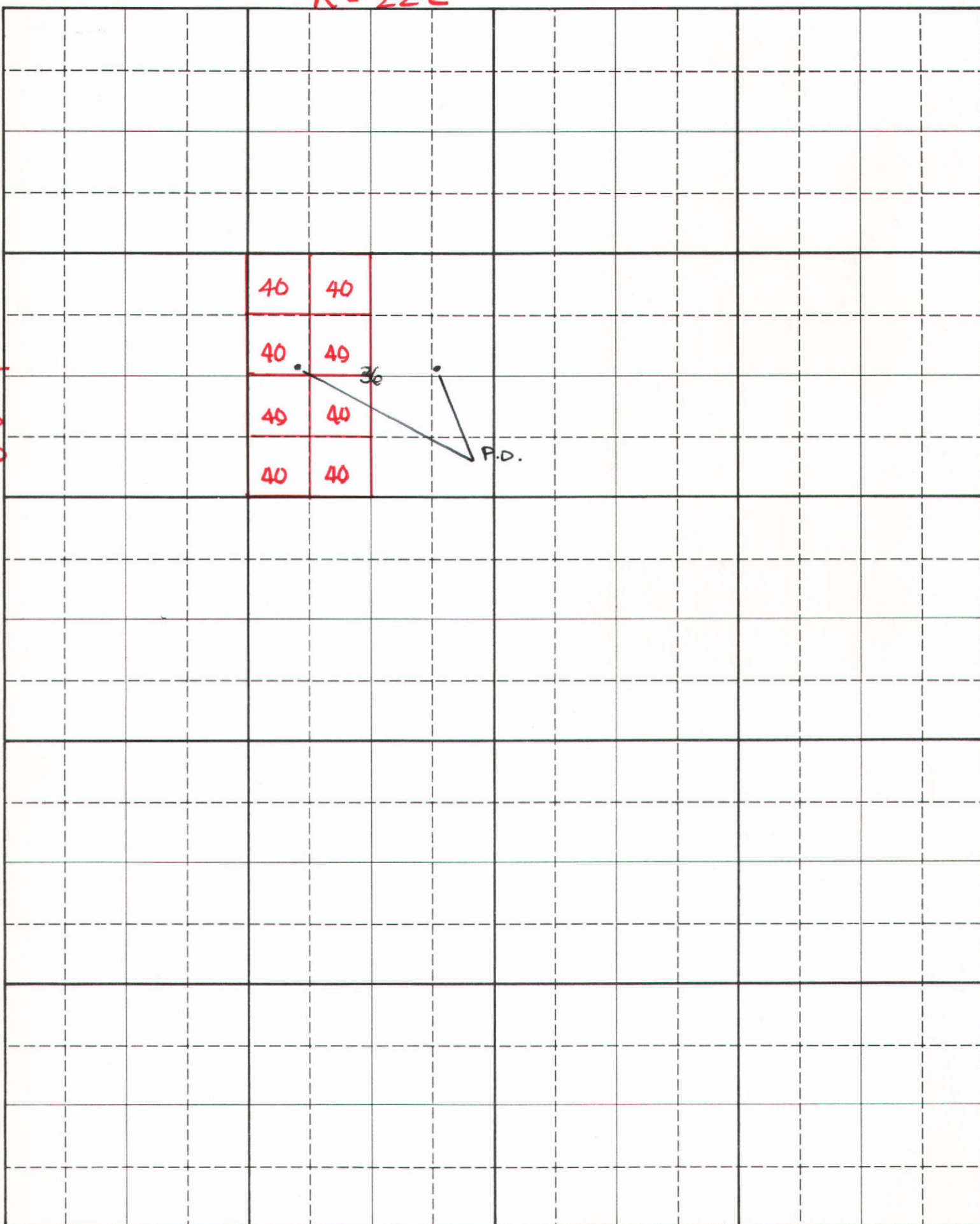


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R-22E

T6S



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.

William Kerk
(Applicant)

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AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Rec: 9-6-74 LT

Charles De Gaskin, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, 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 two 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 August, 1974 and the date of the last publication was on the 29th day of August, 1974.

William Harbison

Subscribed and sworn to before me this 5th

day of September, 1974.
(SEAL)

Lillian Magoffin
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice 28
Number of Insertions two
Lines tabular at 315c
28 Lines straight at 21c 5.88
28 Subsequent lines at 15c 4.20
TOTAL COST \$10.08

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William Kerbs and or L. W. Routh, Box 425, Rupert, Id., has on 8-13-74 submitted Application No. 36-7495 for a permit to appropriate 6.4 cubic feet per second of water from ground-water by means of pump, motor, sprinkler system within the SW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T 6S, R 22E, B.M., Lincoln Co., to be used from Mar. 15 to Nov. 15 for irrigation of 320 acres within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, T 6S, R 22E, 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 9-9-74.

R. KEITH HIGGINSON
Director

8-22-2tc-L

PUBLICATION RATES

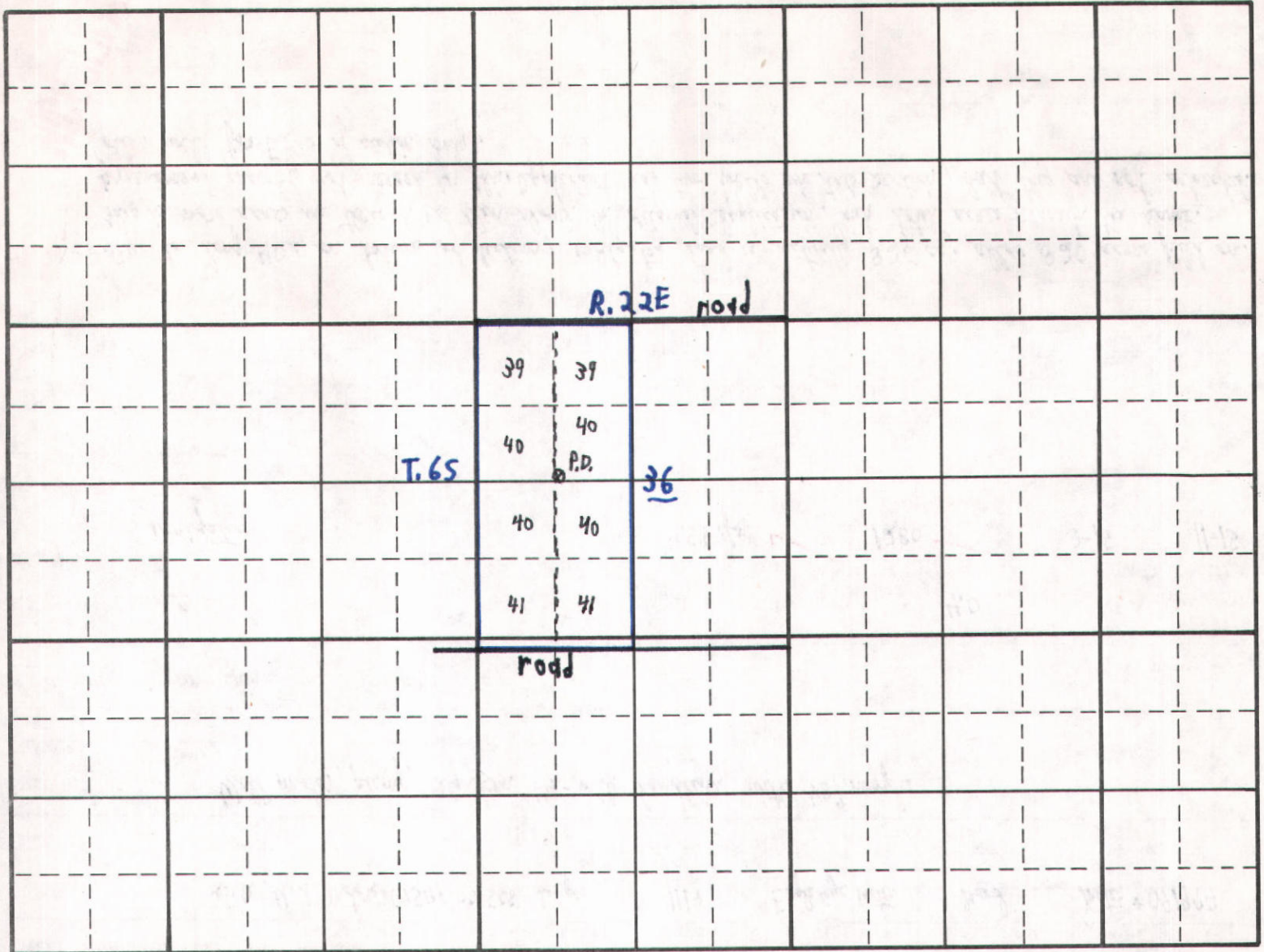
(Idaho Code, Rev. Statutes 1971)

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

No. 1273

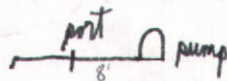
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MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE 1/4 NW 1/4 Sec. 36 T. 6S R. 22E

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6S	22E	36					39	39	40	40	40	40	39	39					320
													174	173					

Recommended Amendments:

- ☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

Examiner's Signature

Checked by

Approved by

Date

Date

Date

6-3-81

6-3-81

12/14/81

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NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that William Kerbs and/or L. W. Routh, Box 425, Rupert, Id., has on 8-13-74 submitted Application No. 36-7495 for a permit to appropriate 6.4 cubic feet per second of water from ground-water by means of pump, motor, sprinkler system within the SW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T 6S, R 22E, B.M., Lincoln Co., to be used from Mar. 15 to Nov. 15 for irrigation of 320 acres within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, T 6S, R 22E, B.M.

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R. KEITH HIGGINSON
Director

8-22-2tc-L

ak LT
8-20-74

33/4

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TRANSFER BY BLAINE LARSEN)
AND BLAINE LARSEN FARMS, INC.)
OF WATER RIGHT AND CLAIM NOS.)
35-02821B, 35-02728, 35-02844, 35-7361,)
35-07632, A35-10948, 36-02727, 36-07495,)
35-07605, 35-07586, 36-02398B, 36-07022,)
36-02632, 36-07272, 36-07897, 36-02300,)
36-07015A, 36-02074B, 36-02198B, 36-02122B,)
36-02124B, 36-02127B, 36-02190B, 36-02193B,)
36-02195B, 36-02197B, AND APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
36-7883(Part).)

MEMORANDUM DECISION
AND ORDER

Blaine Larsen and Blaine Larsen Farms, Inc. (Larsen) filed applications to transfer or amend a total of 27 separate water rights and permits to allow use of ground water for irrigation of lands near Hamer, Idaho for the 1993 irrigation season. Notices describing these applications were published in the South Idaho Press, Burley, Idaho; Times-News, Twin Falls, Idaho; Post-Register, Idaho Falls, Idaho; Lewiston Morning Tribune, Lewiston, Idaho; Morning News, Blackfoot, Idaho; Rigby Star, Rigby, Idaho; Lincoln County Journal, Shoshone, Idaho; and Idaho Statesman, Boise, Idaho.

Protests against the granting of the proposed transfers and permit amendment were filed by the Idaho Department of Fish and Game (Fish and Game); Owsley Canal Company, Jakkett Canal Company, Holley Water Users, Jefferson Irrigation Company,

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Producers Canal Company, Montevieu Canal Company, and Independent Canal Company (hereafter referred to collectively as Mud Lake Canals); U.S. Fish and Wildlife Service (USFWS); Edward Breiter (Breiter); Idaho Power Company (Idaho Power); and The Twin Falls and North Side Canal Companies (TF&NSCC).

A hearing concerning the protests against approval of the transfer applications and permit amendment was held at Rigby, Idaho February 23, 24 and 25, 1993. The Director of the Department of Water Resources served as hearing officer.

Prior to the start of the hearing the USFWS and Idaho Power withdrew their protests. Also, prior to the start of the hearing the Mud Lake Canals petitioned for a continuance of the hearing which was denied by Order of the Director dated February 17, 1993. The Mud Lake Canals participated at the beginning of the hearing on February 23, 1993, but withdrew their protest following noon recess on that date and discontinued their participation in the hearing. Their withdrawal was based on the fact that the applications propose water right transfers for the 1993 irrigation season only. (Tr. p. 83-85).

The TF&NSCC filed a protest related to only part of the applications but orally moved to intervene in all the applications being considered. This motion was granted by the Director. (Tr. p. 13).

It was agreed that the Director would take notice of the files and records of the Department, particularly the following:

- 1) The record of the 1988 hearing held on Larsen's applications for permits for the Larsen "A" wells.

2) The record of decision in the Montevue Canal Company application for water right transfer dated May 11, 1990.

3) The claims to water rights filed by Larsen in the Snake River Basin Adjudication.

The hearing proceeded with the applicant, Larsen, represented by Jeffrey C. Fereday; protestant, Fish and Game, represented by Stephen V. Goddard; and TF&NSCC represented by Gary Slette. Protestant Edward Breiter represented himself, however, he did not remain throughout the hearing and did not testify or make a statement although the hearing officer stated that an opportunity to do so would be provided.

At the conclusion of the hearing, the parties agreed at the request of the Director to provide briefs on the following two questions along with other matters to be addressed in summation of the evidence:

1) What is the role of the public interest criterion under Section 42-222, Idaho Code, in balancing the need for protecting existing water rights under the prior appropriation doctrine against the need to provide for the full economic development of the water resources of the state?

2) What evidentiary value, if any, should the Director place in this transfer proceeding upon the results of pumping the Larsen "A" wells over some indeterminate time period as projected by the U.S.G.S. steady state hydrologic model?

The Director, having considered the evidence and testimony presented at the hearing on the matter, the files and records of the Department of which notice was taken, and the briefs submitted by the parties, now enters the following Findings of Fact, Conclusions of Law, and Order.

MEMORANDUM DECISION
AND ORDER - Page 3

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FINDINGS OF FACT

1. The Transfer Applications filed by Larsen propose to change the points of diversion and places of use of all or parts of licensed or claimed ground water rights as follows:

<u>Appl.</u> <u>No.</u>	<u>Location</u> <u>Sec. Twp. Rng.</u>	<u>County</u>	<u>Quan.</u> <u>cfs</u>	<u>Acreage</u>
35-02821B	24 4S 30E	Bingham	0.60	30
35-02728	23 4S 30E	Bingham	3.40	170
35-02844	23 4S 30E	Bingham	3.30	165
35-07361	23 4S 30E	Bingham	0.54	27
35-07632	16 4S 31E	Bingham	4.40	264
A35-10948	16 4S 31E	Bingham	0.56	28
35-02727	36 6S 22E	Lincoln	5.10	320
35-07495	36 6S 22E	Lincoln	4.58	320
35-07605	19 4N 35E	Jefferson	4.00	200
35-07586	19 4N 35E	Jefferson	6.41	391
36-02398B	13 7S 22E	Lincoln	2.44	124
36-07022	4 7S 23E	Lincoln	4.64*	232
36-02632	4 7S 23E	Lincoln	1.94*	97
36-07272	3 9S 23E	Minidoka	1.50	78.5
36-07897	25 6S 22E	Lincoln	2.84	203
36-02300	25 6S 22E	Minidoka	3.88	194
36-07015A	28 8S 22E	Minidoka	0.97	152.6
36-02074B	28 8S 22E	Minidoka	0.75	80
36-02198B	17 7S 24E	Minidoka	0.62	34.3
36-02122B	26 6S 24E	Minidoka	0.67	47.9
36-02124B	35 6S 24E	Minidoka	0.40	20
36-02127B	2 7S 24E	Minidoka	2.47	160
36-02190B	26 6S 24E	Minidoka	1.20	120
36-02193B	26 6S 23E	Minidoka	2.16	160
36-02195B	8 7S 24E	Minidoka	0.49	43
36-02197B	7 7S 24E	Minidoka	<u>2.00</u>	<u>147</u>
			60.52	3808.3

* Diversion of water under these two rights is limited to a combined maximum rate of 5.24 cfs.

MEMORANDUM DECISION
AND ORDER - Page 4

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2. Larsen proposes to divert the quantities of water specified in Finding of Fact No. 1 from wells located in Clark and Fremont Counties at locations shown on Attachment A and Applicant's Exhibit No. 12, for irrigation of a total of 4,230.4 acres of land described in Attachment B. Attachments A and B are incorporated herein by reference.

3. Claimed right No. A 35-10948 is included in Finding of Fact No. 1 and is based on a beneficial use claim. The right is subject to determination in the Snake River Basin Adjudication of water rights.

4. Larsen also has proposed to amend Permit 36-07883(Part) to allow the use of 9.97 cfs, out of the authorized 11.48 cfs, to be diverted from wells shown on Attachment A for irrigation of the 4,230.4 acres in the Attachment B tract of land. Permit 36-7883 provides for diversion of the 11.48 cfs from three wells for irrigation of 574 acres of land in Lincoln County. The prorated acreage represented by 9.97 cfs out of 11.48 cfs is 498 acres.

5. Transfer and amendment of the licensed rights, claim and permit as requested by Larsen would allow diversion of a total of 70.49 cfs of water from the Attachment A wells for irrigation of a total of 4,306.3 acres of land. Approval of all the transfers and amendment is unnecessary since the total acreage proposed to be irrigated is 4,230.4 acres or some 76 acres less than the rights would allow.

6. It is the position of Fish and Game that approval of the transfers and amendment will result in harm to prior water rights; that water is not available to satisfy the rights as they are proposed to be transferred; and that approval would not be in the public interest. The public interest concern includes possible induced losses of flow in the Henry's

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Fork and Snake Rivers.

7. TF&NSCC's protest is based on a position that pumping from the Larsen "A" wells depletes flows of the Henry's Fork and Snake River and will thereby injure prior rights to water from those sources.

8. The wells shown on Attachment A, and others not proposed for operation in 1993, are referred to as the Larsen "A" wells and were drilled without the benefit of approved permits from the Department. Some of the Larsen "A" wells were used for irrigation water supply beginning in 1986 and the others from 1987. Larsen filed applications for permanent water rights for these wells in April and November 1986. These applications were protested and a hearing was held on the protests in Rigby, Idaho in 1988. No decision was reached on these pending applications due to the fact that the applicant and the parties who filed protests and others, including the Department and the U.S. Geological Survey (USGS), entered into an agreement (Applicant's Exhibit No. 11) for the USGS to conduct a three-year study of the ground and surface water resources of the area. During the study period, which has extended over more than four years, Larsen has operated the Larsen "A" wells under authority of approved annual transfers of ground water rights similar to those being considered here.

9. Applicant's Exhibit No. 11, which outlines the proposed USGS study which has been the basis for annual consideration of approval of one-year transfer applications to cover use of the Larsen "A" wells provides:

Results of the study will be published as a Water-Resources Investigation by

the U.S. Geological Survey. Contents of the report will include a description of the geologic setting, surface-water system, ground-water system, surface-water/ground-water interactions, chemical quality of ground and surface water and lake and wetland bottom sediments, and an evaluation of model results that address water availability for real and hypothetical recharge and discharge conditions. Model description and calibration will be presented in the report appendix.

10. Although the study has apparently been completed, the final study report providing the information indicated in Finding of Fact No. 9 is not yet available. The hearing record does include Applicant's Exhibit No. 9, Geohydrologic and Chemical Data from Wells in the Mud Lake Area, Eastern Idaho, 1988-91 and Applicant's Exhibit Nos. 1, 2, 3, 4A, 4B, 4C, and 4D which contain information developed by the USGS during the course of the study. Joseph Spinazola, USGS hydrologist, appeared as a hearing witness and described the study activities which included the development of a hydrologic computer model.

11. Much of the hearing testimony by the hydrologic experts Spinazola, Dr. Charles Brockway, Terry Scanlan and Alan Robertson centered on the USGS model. It was described as an equilibrium-condition, steady-state hydrologic model of projected effects in the study area from operation of several groups of wells and from changes in water use practices on the Egin Bench.

12. Spinazola was unable to identify or forecast the time in the future when such condition might be reached. Model documentation was not provided so information on the number of annual cycles of model stresses used to reach equilibrium conditions could not be determined.

13. It was indicated by several witnesses that the USGS had difficulty with model calibration and convergence and that the model did not produce transient-state condition results anticipated by the entities which funded the study activities. As a result, the USGS was forced to use a technique of superposition which was described by Brockway as giving him "concern about the ability of the model to simulate over the full range of stresses." (Tr. p. 34). The model used numerous estimates of ground water withdrawals, ground water underflow across model boundaries, stream flow gains and losses, precipitation and other information.

14. Spinazola testified that the initial transient-state modelling results were not approved by reviewers within the USGS because of the addition of "some amount of stream flow loss to the Henry's Fork." (Tr. p. 106). Regarding the possible need for adding stream flow loss from the Henry's Fork, Spinazola testified as follows:

Maybe I had an error in well pumpage or recharge from tributary underflow or recharge from precipitation and irrigation returns. (Tr. p. 109).

15. Spinazola testified further that he adjusted the stresses in the model with regard to Henry's Fork gains and losses in order to obtain "relatively good correspondence between the measured water levels and the simulated water levels" and that such adjustment was the basis for rejection by USGS reviewers. The hearing record includes this colloquy between the applicant's attorney and witness Spinazola on this subject:

Q Let me see if I can characterize what was going on here. Is it accurate to say that in your transient model runs the model was finding less water recharged into the aquifer than the aquifer itself was telling you it had based on well levels actually measured in the field?

A Yeah, that's right. And I might add too that that doesn't mean that it was gains and losses to the Henry's Fork. That doesn't mean that that was the culprit. But given the method that I used that was my best insight as to where my problem lay. But that didn't mean necessarily that that in actuality was the problem.

Q So in other words you went to the Henry's Fork and just projected greater losses out of the Henry's Fork in order to make the model result add up to with what you actually saw in terms of water table measurements in the aquifer?

A That's right.

Q Okay. And your reviewers didn't like that?

A No, they didn't like that.

Q So what happened next?

A Well, at that point they gave me the option of spending the time to analyze the gain and loss regimen in Henry's Fork in greater detail and try to improve my estimates of what those gains and losses actually were or to step back and rely on the steady state analysis to address the custom runs which we were aware of at that time. We decided to go with the steady state mainly because of the time element involved. (Tr. p. 111-112).

16. The USGS model used information (stresses) from an eleven-year period, 1980-1990. This included an estimate of average annual pumpage from the Larsen "A" wells. However, the USGS erred in the estimate since the Larsen "A" wells have operated only since either 1986 or 1987. The figure developed for the average annual pumpage from these wells was based on the accumulated total pumpage during the five-year period, 1986 through 1990, divided by eleven years. The result, 5,300 acre feet per year (Applicant's Exhibit No. 1), is an under-estimate of the average annual pumpage of the Larsen "A" wells and the model would thus also under estimate any impact from such pumpage. Larsen

provided information (Applicant's Exhibit No. 14) indicating that the average annual pumpage from the Larsen "A" wells is actually about 8,985 acre feet.

17. The Larsen "A" wells have now operated for six or seven years and it is the apparent intention of Larsen to continue to pump these wells in future years if approval for such continued use can be obtained.

18. Pumping of water from wells results in ground water declines. The USGS model projected that at equilibrium conditions, which may occur at some indeterminate future point in time, the decline caused by Larsen "A" well pumping, adjusted by Scanlan for the USGS error in estimation of pumping, may be a maximum of as much as from 1.6 to 4.0 feet in the immediate vicinity of the wells and less than 0.4 foot elsewhere in the study area (Applicant's Exhibit No. 15). This projected decline was described as an average annual condition and seasonal declines resulting from well pumping would be greater.

19. Witness Scanlan estimated the drawdown of water levels caused by the pumping of the Larsen "A" wells using the Theis equation. Assuming a pumping rate for the Larsen "A" wells of 32,500 gallons per minute and an irrigation pumping season of 100 days, expected aquifer drawdown at a distance of one mile from the center of pumping was estimated to be 4.522 feet and 0.558 feet using an assumed aquifer transmissivity (T) value of 2,000,000 gpd/ft and 35,000,000 gpd/ft respectively. (Applicant's Exhibit No. 19).

20. The USGS model estimated changes in the study area water budget (Applicant's Exhibit No. 1) at equilibrium from the pumping of 5,300 acre feet of water per year from the Larsen "A" wells. The changes would include an increase in aquifer recharge

resulting from use of the water for irrigation, an increase in stream losses (Henry's Fork and Snake River), an increase in ground water flow across the southeast study boundary (from Henry's Fork and Snake River area), a decrease in ground water outflow across the southwest study boundary (Snake Plain aquifer), a decrease in artesian flow and a decrease in stream gains.

21. From the USGS model it is not possible to estimate when the hydrologic system of the Mud Lake area would reach equilibrium from the applied pumping stresses. (Tr. p. 174). Equilibrium was defined by Spinazola as "conditions whereby all the components of recharge equal all the components of discharge, and there is no change in storage in the system." (Tr. p. 173).

22. Applicant's Exhibits Nos. 9, 11 and 16 include hydrographs of water levels as measured in wells throughout the area. These hydrographs generally exhibit a downward trend in ground water levels for 1987-1991, the period of the USGS study. The Exhibits also show that the long-term (1954 to 1992) ground water level trend in the Mud Lake study area has been stable.

23. Spinazola used 1980 as a base case for the USGS modelling activity because he considered the aquifer to be in equilibrium at that point despite the fact that there was an estimated 235,000 acre feet of ground water being pumped from the aquifer in 1980. (Tr. p. 142).

24. Besides applicant Larsen and the Larsen "A" wells, there are a number of other users of ground water within the Mud Lake area. These include Larsen's "B" wells,

the irrigation districts and canal companies which also divert waters from Mud Lake and from Camas and Beaver Creeks, the federal and state wildlife refuges, and numerous private individuals. Each of these ground water uses influences the water levels and conditions under which other users are able to obtain a water supply from the aquifer system. The USGS model indicates that, at equilibrium, well pumping and the resulting declines in ground water levels also will affect losses from and gains to interconnected streams in the area.

25. The USGS model indicates that the hydrologic system of the area is impacted by ground water pumping. Operation of various groups of wells, such as the Larsen "A" wells, the Larsen "B" wells, the Mud Lake Canal Company wells, the refuge wells, and the non-party wells, causes changes in the water balance among streamflow gains and losses, artesian outflow, ground water flow across the model boundaries, and recharge from irrigation use. (Applicant's Exhibit No. 1). While the model produced figures attempting to show the extent of such changes at equilibrium, the figures are not considered usable for administrative purposes. They are, however, an indicator of changes which may be taking place in the hydrologic system as a result of well development.

26. The Henry's Fork and the Snake River support important fish and wildlife resource values. Fish and Game introduced several studies (Protestant Fish and Game's Exhibit Nos. 1, 2, 3, 4, 5, 6, and 7) and provided testimony through its witnesses that a reduction in the flow of these streams would be detrimental to those public values and would be contrary to the public interest.

27. Witness Brockway, testifying for the protestants TF&NSCC, indicated that the Mud Lake area was in the "Trust Water" area of the Snake River basin and that pumping of wells in that area probably would not affect the non-trust water area (inflow to the Snake River upstream from Milner Dam). (Tr. p. 216). He also indicated, however, that his understanding of the USGS model studies is that ground water pumping in the Mud Lake area may induce additional recharge into the area from Henry's Fork and the Snake Rivers and that this could result in impacts on water rights. (Tr. p. 217).

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides the following with regard to the responsibility of the Director in connection with applications for transfer of water rights:

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 consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code

2. Section 42-211, Idaho Code, provides as follows with regard to the authority of the Director to approve applications for amendment of permits:

[I]f approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder.

3. Section 42-226, Idaho Code, provides, in part, as follows:

The traditional policy of the state of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources. Prior appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be established by the director of the department of water resources as herein provided. (Emphasis added).

4. Section 42-237a, Idaho Code, provides, in part, as follows:

In the administration and enforcement of this act and in the effectuation of the policy to conserve its ground water resources, the director of the department of water resources is empowered:

....

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may by summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available.... Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing of the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge....

In connection with his supervision and control of the exercise of ground water rights the director of the department of water resources shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district (Emphasis added).

5. The "declared policy of this act," referenced in Section 42-237a(g), Idaho Code, is designed to protect prior surface and ground water rights, and also includes the policy of providing for "full economic development" of surface and ground water resources as

referenced in Section 42-226, Idaho Code.

6. The ground water resources of the Mud Lake area presently are not administered as part of Water District 01 - Upper Snake River. Some of the wells in the area are administered by the watermaster of Water District 31 - Beaver and Camas Creeks.

7. The conditions under which water is available to Larsen and the other Mud Lake area ground water users is subject to the provisions of Section 42-226, Idaho Code, relating to "reasonable ground water pumping levels."

8. Applications seeking approval of a one-year transfer of existing water rights do not require consideration of long-term effects of the operation of wells to which the rights are sought to be transferred. In this instance, the Director is only required to determine if the 1993 diversion of water from the Larsen "A" wells would result in injury to other water rights, would constitute an enlargement in use of the original rights, is consistent with the conservation of water resources and is in the local public interest.

However, 1993 would be the seventh or eighth year that these wells will have been used if the transfers are approved and it is apparently Larsen's intent to use such wells in future years. The Department of Water Resources should not continue to treat the wells as temporary uses of water but must consider at some point that they are intended as permanent withdrawals of ground water from within the Mud Lake area. Consideration of any temporary use of these wells after 1993 should be treated in the same manner as approval of permanent water rights for the wells.

9. Without the availability of the planned study report with model description

and calibration information, the USGS model study is not a useful tool in evaluating short or long-term effects of the operation of the Larsen "A" wells. The USGS model results presented in the hearing provide no quantifiable information on the likely impact of the proposed operation of the Larsen "A" wells pursuant to the proposed transfer and amendment in 1993.

10. Protestants did not present adequate evidence, independent of the USGS model results, to establish injury to their existing water rights or the local public interest.

11. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, will not injure other water rights. Pumping of the Larsen "A" wells will result in drawdown of the aquifer in the vicinity of such wells but the water level will not be lowered beyond the reasonable ground water pumping level for other ground water users as a result of Larsen's 1993 operations.

12. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, will not constitute an enlargement in use of the original water rights.

13. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, is consistent with the conservation of water resources within the state of Idaho.

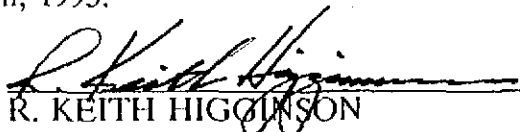
14. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, is in the local public interest.

ORDER

It is therefore ordered that Larsen's Applications for Transfer of Water Rights and the Application for Amendment of Permit considered in this proceeding are hereby APPROVED, subject to the following conditions:

1. No more ground water may be diverted from the wells to which the rights are transferred than the reasonable beneficial requirements of the 4,230.4 acres of lands to be irrigated as shown on Attachment B.
2. The water transferred may be diverted only from the wells on Attachment A and used only on the lands on Attachment B.
3. Approval of these transfers and the amendment are for use during the 1993 irrigation season only and such approval shall not be interpreted as any assurance that the use of the Larsen "A" wells will be permitted for additional years pursuant to temporary water right transfers or on a permanent basis. For future years, Larsen will be required to demonstrate that the impacts on water resources projected by the USGS model will not occur or can be mitigated.
4. Transfer of claimed right No. A35-10948 is REJECTED for the reason that transfer of the claimed right is not necessary to provide sufficient water and acreage to cover the 4,230.4 acres of land proposed to be served.

DATED This 15TH day of April, 1993.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 1993, I served a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER by placing a copy thereof in the United States mail addressed to the following:

Jeffrey C. Fereday
GIVENS PURSLEY & HUNTLEY
277 North 6th Street
P.O. Box 2720
Boise, Idaho 83701-2720

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

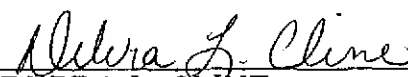
Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
142 - 3rd Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Edward Breiter
6549 South 15 West
Idaho Falls, Idaho 83402

Kent W. Foster
HOLDEN, KIDWELL, HAHN &
CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, Idaho 83405

Barbara Scott-Brier
U.S. Department of Interior
Office of the Solicitor
500 N.E. Multnomah
Portland, Oregon 97232

Don Shenton, Watermaster
Water District 31
P.O. Box 33
Dubois, Idaho 83423


DEBRA L. CLINE
Administrative Secretary

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Clark	123

MAY 20 1993

ATTACHMENT 1: Poi [REDACTED] of Diversion after requested ch:

[illegible]

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MAY 20 1993

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
		9	25			15													#49	75
8N	36E	11							2	5					40	27	27	38		
		12										10	7						#89	156
3N	36E	10				7									38			35		
		11							12	5.3	12	40	36	13					#90	198.3
8N	36E	3										7	7							
		9	5			1.7													#93	181.7
		10		8	6		40	40	31	36										
8N	36E	3			2				33	33	40	40	18	18		4				
		4				5									8				#94	201
8N	36E	3					19	40												
		4	10																	
9N	36E	33																13	#95	124.7
		34											36	6.7						
9N	36E	33				18									10					
		34							40	20	14.3	39							#96	141.3
9N	36E	34	27	16	37	40									30	19				
		35						8	20			10							#97	207
9N	36E	26											20	38			15			
		35		30	12		40	32	12	22.3									#98	221.3
9N	36E	27									1.6			4	20	27	40	32		
		34	4	8															#99	136.6
9N	36E	26						4	5											
		27	36	34	38	39									4.4	4			#100	164.4
9N	36E	26		8	18		35	20	30	40	9	4.7							#101	164.7

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Pump	Acres
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4		
7N	35E	4										35		25		
9N	36E	25					12	16								
		26	37	10.9	17	40									#102	132.9
9N	36E	25									12					
		26														
		35	28	3									4	31	#103	83
		36					5									
9N	36E	24			3				6	40	14.6	16	39	35		198.6
		25		3		6									#104	
9N	36E	24												22.5		
		25	38			5										
	37E	19									19				#105	119.5
		30					33		2							
9N	36E	21			23							31		10		
		22						36	16	17	40	18	3.2		#106	193.2
9N	36E	27					20	39	40	33	17					
		28	14			23									#107	
9N	36E	27								7	14	40	36			
		28										2.4		23		
		33	16												#108	199.4
		34					24	37								
9N	36E	33	10.2	37	39	14	12		15						#109	127.2
9N	36E	28					32	32	32						#110	128
9N	36E	31			19			5	39	39	5		19		#111	126
10N	36E	33				23.5						40		25		
		34						23			40		25		#112	176.5

MAY 20 1993
MURPHY MCD

ATTACHMENT 2: Places of use after requested change																				
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
8N	36E	3	27	27																
9N	36E	34											7		2.4	39	25	#113	127.4	
9N	36E	25									39.5	14	12	36		9	7		#119	117.5
9N	36E	25			30	35									26	23.4			#120	114.4
8N	36E	13						31.4												
		12											31.4						#123	6
																			TOTAL ACRES	4074.4

RECEIVED
MAY 20 1993

[illegible]

MAY 20 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO'S)	
3666, 3667, 3668, 3669, 3670, AND)	ORDER EXTENDING
3671 ON WATER RIGHT NO.'S 35-2728)	TEMPORARY APPROVAL
35-2821B/2844/7361/7586/7605/7632,)	OF TRANSFERS
A35-10948, 36-2074/2121/2122/2124)	
2127/2190/2193/2194/2300/2632/2727)	
7015A/7022/7272/7495/7897)	

Blaine Larsen, having received approved transfers from the Department of Water Resources in 1989, and having requested that the Department extend the two year approval period, the Director of the Department of Water Resource finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 6, 1989, Blaine Larsen (Larsen) filed transfer applications no's 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 with the Department of Water Resources (department) proposing transfer of water right no.'s 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. 3500 with the Department, proposing transfer water right no.'s 21-7050 and 21-7051.

2. The transfer applications proposed irrigation of 4,594 acres in Jefferson and Clark counties from groundwater and withdrawal from irrigation of 4,894 acres in Bingham, Lincoln, Minidoka, Jefferson and Fremont counties to compensate for the proposed water use.

3. Timely protests against the approval of the applications were filed by various parties. Two days before a scheduled hearing, the protestants withdrew their protests based on a stipulation between the parties. The parties agreed that Blaine Larsen should be allowed to temporarily transfer water rights to his existing places of use pending the completion of a study by United States Geological Survey (USGS). USGS predicted completion of its study in 1991. Blaine Larsen's pending transfers in 1989 were approved for one year. Blaine Larsen subsequently filed other applications for transfer, numbered 3666, 3667, 3668, 3669, 3670, and 3671, proposing transfer of water right no's 35-2728, 35-2821, 35-2844, 35-7361, 35-7586, 35-7632, A35-10948, 36-2074, 36-2121, 36-2122, 36-2124, 36-2127, 36-2190, 36-2193, 36-2194, 36-

MAY 20 1993

2300, 36-2632, 36-2727, 36-7015A, 36-7022, 36-7272, 36-7495, and 36-7897.

4. The last set of applications for transfer were advertised properly, and the applications were not protested. The department approved the transfers in the spring of 1990 for a period of two irrigation seasons. The transfers authorized the irrigation of 4,075 acres listed on the summary attached, and labeled as Attachment 2.

5. In the spring of 1991, Blaine Larsen filed another application for transfer, numbered 3847, proposing to transfer water right no. 36-2197 for the irrigation of an additional 147 acres in Fremont County. The application was protested by some of the original protestants, but the protests were subsequently withdrawn. The application for transfer was approved for one year.

6. The approved transfer authorized the diversion of 1.47 cfs for irrigation of the following lands:

Township	Range	Section			Acres
08N	37E	32	NE	NE	37
08N	37E	32	SE	NE	37
08N	37E	32	NE	SE	37
08N	37E	32	SE	SE	36
			TOTAL		147

7. The transfers expired at the end of the 1991 irrigation season.

8. As the end of the transfer approval period approached, the USGS represented that it would not complete its study prior to the 1992 irrigation season. Larsen negotiated with and received consent from all the original protestants to extend the prior approved transfer for one more year.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-222 sets forth the criteria the department must consider in evaluation of 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 consistent with conservation of water resource within the state of Idaho and is in the local public interest.

2. All of the criteria listed above were considered in the prior applications for transfer listed above, which were approved by the Department of Water Resources.

3. The petition for renewal of the transfer approval does not propose any change in the points of diversion, places of use, or water rights which were originally approved in 1990. A one year extension of time will not change the Director's original analysis of the criteria of Idaho Code, § 42-222.

4. No additional notice to the public is required. The published notice of the applications described the present water use, and, at the time, the public had an opportunity to contest the applications.

5. The request for an extension of the transfer approval should be granted.

ORDER

IT IS HEREBY ORDERED that applications for transfer no.'s 3666, 3667, 3668, 3669, 3670, and 3671, are REAPPROVED, 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 (1) year. On November 1, 1992, 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 all water rights involved in these transfers shall be advance to December 22, 1989.

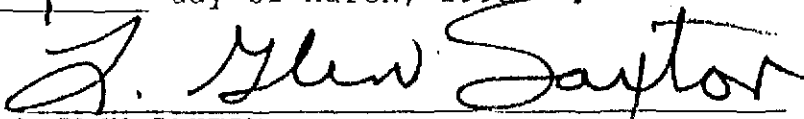
4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

5. Any change in point of diversion, place of use, period of use, or nature of use, or any change in the water rights transferred to these lands for an additional years will require the filing of a new application of transfer.

Dated this

4th

day of March, 1992



L. GLEN SAXTON

Chief, Water Allocation Bureau

ORDER EXTENDING APPROVAL OF TEMPORARY TRANSFERS -

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MAY 20 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 4th day of March 1992, a true and correct copy of the ORDER EXTENDING TEMPORARY APPROVAL OF TRANSFERS was mailed, postage prepaid to:

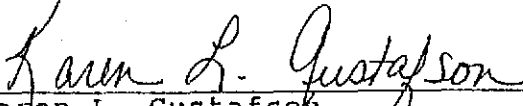
Blaine Larsen
P.O. Box 188
Hamer, ID 83425

Michael C. Creamer
Givens, Pursley, Webb, and Huntley
P.O. Box 2720
Boise, ID 83701

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

Barbara Scott-Brier
Fish and Wildlife Service
500 N.E. Multnomah Street
Suite 607
Portland, OR 97232

Steven V. Goddard
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707



Karen L. Gustafson
Secretary/Records Manager

MICROFILMED

MAY 20 1993

**SUMMARY OF
BLAINE TRANSFER APPLICATIONS 1990**

NUMBER	PRIORITY	CFS	ACRES
1. ACEQUIA			
36-2121	12-13-1948	2.44	240
36-2122B	12-24-1948	3.26	263.1
36-2124B	06-07-1951	0.40	20
36-2127B	05-04-1950	2.47	160
36-2190B	02-25-1953	1.20	120
36-2193B	12-23-1950	2.16	160
36-2194	02-19-1951	3.18	240
		=====	=====
TOTAL		15.11	1203.1

2. ANDERSON			
36-2632	01-07-1966	1.94	97
36-7022	04-12-1968	4.64	232
36-7272	11-07-1972	1.50	78.5
36-7897	02-25-1980	2.84	203
36-2300	05-15-1956	3.88	194
		=====	=====
TOTAL		14.80	804.5

3. KERBS			
36-7495		4.58	320
36-2727		5.10	320
		=====	=====
TOTAL		9.68	640

4. MCFARLAND			
35-7015A	02-14-1968	0.94	152.6
36-2074	07-27-1943	0.75*	80*
		=====	=====
TOTAL		0.94	152.6

* Same land as in 35-7015A

5. STEWART			
35-2821B	05-02-1960	0.60	30
35-2728	07-09-1963	3.40	170
35-2844	10-17-1966	3.30	165
35-7361	12-26-1973	0.54	27
35-7632	08-05-1976	4.40	264
A35-10948	04-01-1978	0.56	28
		=====	=====
TOTAL		12.80	684

6. TAYLOR			
35-7605	04-28-1976	4.00	200
35-7586	02-23-1976	6.41	391
		=====	=====
		10.41	591

TOTAL

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MAY 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4097

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

APPROVED

PART 1

DEC 21 1992

Department of Water Resources

3. KERBS (There are two Part 2 forms to this application)

Name of applicant Blaine Larsen, Blaine Larsen Farms, Inc. Phone (208) 662-5501
 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 crop land owned by the Applicant for the 1993 irrigation season. This is one of six transfers filed contemporaneously as a package. See Remarks on page 2.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-07495</u> ✓	<u>8/13/74</u>	<u>4.58 c.f.s.</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
<u>36-02727</u> ✓	<u>3/10/61</u>	<u>5.10 c.f.s.</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 9.68 cubic feet per second and/or _____ acre feet per annum.3. Source of water Groundwater tributary to _____4. Point(s) of Diversion: See Attachment 1 and Remarks on page 2.5. Lands irrigated or place of use. See Attachment 2 and Remarks on page 2.

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Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Wells and pumps with pivot and lateral irrigation systems
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
- The transfer is identical to the transfers of these rights approved in 1990 and 1992. The points of diversion and places of use after change are contained in Attachments 1 and 2, respectively, which accompany all six transfers in this package.
- 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. 36-07495/02727
And said application is hereby APPROVED, subject to the following limitations and conditions:

see the attached Memorandum Decision and Order.

Witness my hand this 15th day of April, 19 93.


R. KEITH HIGGINSON
Director

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. 35-07495 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 for 1993

3. Source of water groundwater tributary to Snake River

4. Date of priority August 13, 1974

5. Water is used for the following purpose:

amount 4.58 cfs for irrigation purposes from March 15 to November 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 4.58 cubic feet per second and/or 1,280 acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	36	6S	22E	Lincoln	

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	22E	36					39	39	40	40	40	40	41, Lot 4	41, Lot 3					320

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Total acres 320

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

MAY 20 1993

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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

MAY 20 1993

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. 95-02652 issued by the Idaho Department of Water Resources.
36-2727
- 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 for 1993

3. Source of water groundwater tributary to Snake River

4. Date or priority March 10, 1961

5. Water is used for the following purpose:

amount 5.1 cfs for irrigation purposes from March 15 to November 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 5.1 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	6S	22E	Lincoln	
		SE	NE	36	6S	22E	Lincoln	

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	22E	36	40	40	40	40									40	40	40	40	320

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

Total acres 320

MAY 20 1993

PART 2

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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

RECEIVED

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.

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

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

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<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.

Subscribed and sworn to before me this 17th day of December, 19 92.

Blaine Larsen
(Signature of Applicant)

Herold Rodgers
(Notary Public)

My commission expires 5/15/95

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by SC Date 12/21/92 Protest filed by _____

Prelim. check by [Signature] Fee 50⁰⁰ _____

Receipted by SC Date 1/5/93 #C026425 _____

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 _____

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ATTACHMENT 1: Points of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

NOT RECORDED

MAY 20 1993

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
		9	25			15													#49	75
8N	36E	11							2	5					40	27	27	38		
		12										10	7						#89	156
8N	36E	10				7									38			35		
		11							12	5.3	12	40	36	13					#90	198.3
8N	36E	3										7	7							
		9	5			1.7													#93	181.7
		10		8	6		40	40	31	36										
8N	36E	3			2				33	33	40	40	18	18		4				
		4				5									8				#94	201
8N	36E	3					19	40												
		4	10																	
9N	36E	33																13	#95	124.7
		34											36	6.7						
9N	36E	33				18									10					
		34							40	20	14.3	39							#96	141.3
9N	36E	34	27	16	37	40									30	19				
		35						8	20			10							#97	207
9N	36E	26											20	38			15			
		35		30	12		40	32	12	22.3									#98	221.3
9N	36E	27									1.6			4	20	27	40	32		
		34	4	8															#99	136.6
9N	36E	26						4	5											
		27	36	34	38	39									4.4	4			#100	164.4
9N	36E	26		8	18		35	20	30	40	9	4.7							#101	164.7

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ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
9N	36E	25						12	16											
		26	37	10.9	17	40													#102	132.9
9N	36E	25											12							
		26																31		
		35	28	3															#103	83
		36						5												
9N	36E	24			3					6	40	14.6	16	39		36	35			
		25		3			6												#104	198.6
9N	36E	24																22.5		
		25	38			5														
	37E	19											19						#105	119.5
		30						33		2										
9N	36E	21				23									31			10		
		22							36	15	17	40	18	3.2					#106	193.2
9N	36E	27					20	39	40	33	8	17								
		28	14			23									2				#107	196
9N	36E	27									7	14	40	36						
		28													2.4			23		
		33	16																#108	199.4
		34					24	37												
9N	36E	33	10.2	37	39	14	12			15									#109	127.2
9N	36E	28					32	32	32	32									#110	128
9N	36E	31			19				5	39	39	5				19			#111	126
10N	36E	33				23.5									40			25		
		34							23			40	25						#112	176.5

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MAY 20 1993

[illegible]

TOTAL ACRES

4074.4

SECRET

MAY 20 1993

SECRET

MAY 20 1993

RENEWAL OF LEASE OF WATER RIGHTS FOR 1993

This Renewal, made and entered into on the 16th day of December, 1992, is an addendum to the Lease of Water Rights entered into on the 16th day of December, 1988 ("Lease"), a copy of which is attached hereto, by and between Kerbs & Routh, a partnership, Lessor, and Blaine Larsen, Larsen of Idaho and Larsen Farms, Lessee.

1. The Lessee hereby exercises and, Lessor hereby accepts, Lessee's option to renew the Lease for a term of one additional year commencing April 1, 1993.

2. In consideration of the mutual covenants contained herein, and in consideration of Ten Dollars (\$10.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged by the parties hereto, the parties hereby modify the Lease to provide that the Lessee may renew the Lease at Lessee's option on the same terms and on a year-to-year basis for two additional years following the 1993 irrigation season. The parties waive the restrictions under the Lease in the paragraph entitled OPTION TO RENEW at page 4 which limits Lessee's power to renew until after the expiration of the period of the Lease.

3. The parties hereto contemplate the filing of a one-year transfer to the Lessee's property of the places of use and points of diversion of the water rights described in the Lease for the 1993 irrigation season (the "1993 Transfer"), similar to the one-year transfer referenced in the Lease and approved by the Idaho Department of Water Resources on April 19, 1989. This Renewal is completely contingent upon the approval of the 1993 Transfer.

4. The amount of rent to be paid for this Renewal shall be \$7.00 per acre per year for 640 acres or \$4,480.00. Payment of such sum shall be made on April 1, 1993 or within 10 days following the approval of the 1993 Transfer, whichever is later.

5. All other terms of the Lease not expressly modified herein shall govern the rights and obligations of the parties during the period of this Renewal. (NOTE: This Renewal also clarifies the correct titles of the Lessee)

IN WITNESS WHEREOF, the parties executed this Renewal of Lease on the day and year first above written.

LESSOR:

LESSEE:

KERBS & ROUTH

By: William Kerbs

William Kerbs

Blaine Larsen

Blaine Larsen, individually and on behalf of Larsen Farms and Larsen of Idaho

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MAY 20 1993

STATE OF IDAHO)
County of Jefferson) ss.

On this 16th day of Dec ~~November~~, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, known or identified to me to be the person whose name is subscribed to the within 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.

Kurt E. Van
Notary Public for Idaho
Residing at Castroville, Id
My commission expires: 8-16-97

STATE OF IDAHO)
County of Jefferson) ss.

On this 16th day of Dec ~~November~~, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, on behalf of Larsen Farms, and on behalf of Larsen of Idaho, corporations, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of said corporations.

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

Kurt E. Van
Notary Public for Idaho
Residing at Castroville, Id
My commission expires: 8-16-97

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MAY 20 1993

LEASE OF WATER RIGHTS

THIS LEASE made and entered into this 16th day of December, 1988, by and between KERBS & ROUTH, a partnership, consisting of William Kerbs and Vern Routh, hereinafter called the LESSOR, and BLAINE LARSEN, LARSEN FARMS OF IDAHO and LARSEN FARM, hereinafter called the LESSEE.

WITNESSETH:

PROPERTY LEASED: The Lessor does hereby lease to the Lessee, and the Lessee does hereby lease from the Lessor those certain water rights and licenses described on Exhibit "A" currently used in connection with the real property described on Exhibit "A". Said lease includes the complete use of said water rights and licenses.

TERM OF LEASE: The term of this lease shall be for one year commencing upon April 1, 1989 and may be renewed on a year to year basis on the same terms and conditions, up to four (4) additional years. This lease or any renewals thereof cannot be terminated except upon written agreement by the Lessor and Lessee.

PURPOSE OF LEASE: The purpose of this lease is to provide water for approximately 620 acres owned by the Lessee and described on Exhibit "B" attached hereto, in order to allow the Lessee to pump irrigation water for said real property.

APPROVAL OF TRANSFER: This lease is conditioned upon the Department of Water Resource's approval of a transfer of the water rights from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee.

RENTAL PAYMENTS: The Lessee shall pay to the Lessor for the lease of said water rights \$7.00 per acre for 640 acres, or a total of \$4,480.00 per year. The first said lease payment

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MAY 20 1993

for the year 1989 shall be payable as follows: \$200.00 upon the execution of this agreement which sum shall be nonfundable; the balance of \$4,280.00 upon the transfer of the place of use and point of diversion by the Department of Water Resources to the property described on Exhibit "B". Any payments for renewal of the lease shall be paid at the time of renewal of the lease.

NON-USE OF WATER RIGHTS BY LESSOR: The Lessor specifically covenants and agrees that during the term of the lease or any renewals of this lease that the Lessor will not pump any water from the well located on the real property described on Exhibit "A" which is the current point of diversion of the water licenses being leased to the Lessee, nor use the water covered by this lease.

TRANSFER OF POINT OF DIVERSION AND PLACE OF USE: The Lessor specifically agrees that during the term of this lease, the Lessee may transfer the location of the point of diversion and place of use of said water rights and water licenses to the real property described in Exhibit "B", and the Lessee does agree to pay all cost of transfer of said water rights during the lease period to said property and at the termination of said lease, to pay the necessary cost to transfer said point of diversion and place of use to the real property described on Exhibit "A". Lessee shall be entitled to file all necessary applications with the Department to transfer the places of use and points of diversion of the water rights on a temporary basis. Lessor shall cooperate in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving the transfer.

SUBMISSION TO STATE DEPARTMENT OF WATER RESOURCES: Lessor specifically agrees that the Lessee shall be permitted to provide an executed copy of this lease to the Department of Water Resources.

ACKNOWLEDGEMENT OF PURPOSE OF LEASE: The Lessor specifically acknowledges that the Lessor has been informed that it is the Lessee's intent to transfer said point of diversion and water use to the real property described on Exhibit "B". Said transfer will be accomplished by moving the point of diversion by drilling a new well or wells on the property described in Exhibit "B" and to use said water for the purpose of irrigating agricultural crops to be grown on said property. The Lessor specifically agrees not to take any actions during the term of this lease, so long as the Lessee is current on their rental to the Lessor, that will in any way interfere with the Lessee's use of said water rights.

BENEFICIAL USE FOR IRRIGATION: During the term of this lease and during any extension, Lessee shall place to beneficial use for irrigation purposes all waters approved for use under the water rights.

NON-LIABILITY OF LESSOR: Lessor shall not be liable for any damage to Lessee sustained by reason of any action of the Department effecting the shutdown of some or all irrigation operations by Lessee under the leased water rights to protect the water rights of other appropriators.

LESSEE'S POSSESSION: During the term of this lease, as long as Lessee is paying the rent and performing the covenants provided for in this lease, the Lessee shall peaceably and quietly hold, occupy and enjoy said water rights.

REMEDY ON DEFAULT: Should the Lessee default in the performance of any of the covenants or conditions of this lease and remain in default for a period of thirty (30) days after receiving written notice of said default from the Lessor, the Lessor may, at its option, terminate this lease, repossess the leased water rights and transfer the same back to lessor's property at the cost of the Lessee. This remedy is not exclusive

EXHIBIT "A"

Water License No. 36-7495 for 320 acres located in the
W₁ of Section 36, Township 6 South, Range 22 EBM, Lincoln County,
Idaho.

Water License No. 37-2652 for 320 acres located in the
E₁ of Section 36, Township 6 South, Range 22 EBM, Lincoln County,
Idaho.

Exhibit B - Places of use and points of diversion on Blaine Larsen's land after requested transfer

Pump	Points of Diversion	Places of Use	Acreage
8,9 10,11	SE1/4, NE1/4 and NE1/4, SE1/4, Sec. 31, T6N R35E	All of Sec. 31, T6N, R35E	495.3
69	SE1/4, SE1/4, Sec. 4, T7N, R36E	N1/2, SE1/4 and SE1/4, SE1/4 Sec. 4, T7N, R36E E1/2, NE1/4 and NE1/4, SE1/4, Sec. 9, T7N, R36E	100
89	SE1/4, NW1/2, SE1/4, Sec. 11, T8N, R36E	SE1/4, Sec. 11, T8N, R36E	156
90	NE1/4, SW1/4, SW1/4, Sec. 11, T8N, R36E	SW1/4, Sec. 11, T8N, R36E	198.3
93	NE1/4, NE1/4, NW1/4, Sec. 10, T8N, R36E	NW1/4, NE1/4 and NE1/4, NW1/4, Sec. 10, T8N, R36E SE1/4, SW1/4 and SW1/4, SE1/4 Sec. 3, T8N, R36E	181.7
94	NE1/4, NW1/4, SW1/4, Sec. 3, T8N, R36E	S1/2, NW1/4 and N1/2, SW1/4 Sec. 3, T8N, R36E	201.0
95	SE1/4, SW1/4, SW1/4, Sec. 34, T9N, R36E	N1/2, NW1/4, Sec. 3, T8N, R36E S1/2, SW1/4, Sec. 34, T9N, R36E	124.7
96	SE1/4, SW1/4, NW1/4, Sec. 34, T9N, R36E	S1/2, NW1/4, and N1/2, SW1/4, Sec. 34, T9N, R36E	141.3
97	SE1/4, SE1/4, NE1/4, Sec. 34, T9N, R36E	SE1/4, NE1/4 and NE1/4, SE1/4, Sec. 34, T9N, R36E SW1/4, NW1/4 and NW1/4, SW1/4 Sec. 35, T9N, R36E	207.0
98	SE1/4, NE1/4, NW1/4, Sec. 34, T9N, R36E	N1/2, NE1/4 and E1/2, NW1/4 Sec. 35, T9N, R36E	221.3
99	NW1/4, SE1/4, SE1/4, Sec. 27, T9N, R36E	SE1/4, Sec. 27, T9N, R36E	136.6
100	NW1/4, SE1/4, NE1/4, Sec. 27, T9N, R36E	NE1/4, Sec. 27, T9N, R36E	164.4
101	NW1/4, SE1/4, NW1/4, Sec. 26, T9N, R36E	NW1/4, Sec. 26, T9N, R36E	164.7
102	SE1/4, NW1/4, NE1/4, Sec. 26, T9N, R36E	NE1/4, Sec. 26, T9N, R36E	132.9
103	NE1/4, NW1/4, NE1/4, Sec. 35, T9N, R36E	S1/2, SE1/4, Sec. 26, T9N, R36E N1/2, NE1/4, Sec. 35, T9N, R36E	83.0
104	NW1/4, SW1/4, SE1/4, Sec. 24, T9N, R36E	E1/2, SW1/4 and N1/2, SE1/4, Sec. 24, T9N, R36E	198.6
105	SE1/4, SE1/4, SE1/4, Sec. 24, T9N, R36E	SE1/4, SE1/4, Sec. 24, T9N, R36E NE1/4, NE1/4, Sec. 25, T9N, R36E SW1/4, SW1/4, Sec. 19, T9N, R37E NW1/4, NW1/4, Sec. 30, T9N, R37E	119.5
106	NW1/4, NW1/4, SW1/4, Sec. 22, T9N, R36E	SE1/4, NE1/4 and E1/2, SE1/4, Sec. 21, T9N, R36E S1/2, NW1/4 and SW1/4, Sec. 22, T9N, R36E	193.3
107	NE1/4, SW1/4, NW1/4, Sec. 27, T9N, R36E	NW1/4 and N1/2, SW1/4, Sec. 27, T9N, R36E E1/2, NE1/4 and NE1/4, SE1/4, Sec. 28, T9N, R36E	196.0

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108	SE1/4, SW1/4, SW1/4, Sec. 27, T9N, R36E	SW1/4, Sec. 27, T9N, R36E E1/2, SE1/4, Sec. 28, T9N, R36E NE1/4, NE1/4, Sec. 33, T9N, R36E N1/2, NW1/4, Sec. 34, T9N, R36E	199.4
109	SE1/4, NW1/4, NE1/4, Sec. 33, T9N, R36E	NE1/4, Sec. 33, T9N, R36E	127.2
110	NW1/4, SE1/4, NW1/4, Sec. 28, T9N, R36E	NW1/4, Sec. 28, T9N, R36E	128.0
111	NW1/4, NW1/4, SE1/4, Sec. 31, T9N, R36E	SW1/4, NE1/4 and SE1/4, NW1/4 and NE1/4, SW1/4 and NW1/4, SE1/4, Sec. 31, T9N, R36E	126.7
112	SE1/4, NW1/4, SE1/4, Sec. 33, T10N, R36E	S1/2, NE1/4 and SE1/4, Sec. 33, T10N, R36E SW1/4, NW1/4 and N1/2, SW1/4, Sec. 34, T10N, R36E	176.5
113	NE1/4, SW1/4, SE1/4, Sec. 34, T9N, R36E	E1/2, SW1/4 and SE1/4, Sec. 34, T9N, R36E N1/2, NE1/4 and NE1/4, NW1/4, Sec. 3 T8N, R36E	127.4
119	SW1/4, NE1/4, SW1/4, Sec. 25, T9N, R36E	S1/2, NW1/4 and SW1/4, Sec. 25, T9N, R36E	117.5
120	SE1/4, SW1/4, NE1/4, Sec. 25, T9N, R36E	S1/2, NE1/4 and N1/2, SE1/4, Sec. 25, T9N, R36E	114.4
123	NW1/4, SW1/4, NW1/4, Sec. 13, T8N, R36E	N1/2, NW1/4, Sec. 13, T8N, R36E	62.8
Total			4,729.9

NOTIFIED

MAY 20 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO'S	)	
3666, 3667, 3668, 3669, 3670, AND	)	ORDER EXTENDING
3671 ON WATER RIGHT NO.'S 35-2728	)	TEMPORARY APPROVAL
35-2821B/2844/7361/7586/7605/7632,	)	OF TRANSFERS
A35-10948, 36-2074/2121/2122/2124	)	
2127/2190/2193/2194/2300/2632/2727	)	
7015A/7022/7272/7495/7897	)	
	)	

Blaine Larsen, having received approved transfers from the Department of Water Resources in 1989, and having requested that the Department extend the two year approval period, the Director of the Department of Water Resource finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 6, 1989, Blaine Larsen (Larsen) filed transfer applications no's 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 with the Department of Water Resources (department) proposing transfer of water right no.'s 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. 3500 with the Department, proposing transfer water right no.'s 21-7050 and 21-7051.

2. The transfer applications proposed irrigation of 4,594 acres in Jefferson and Clark counties from groundwater and withdrawal from irrigation of 4,894 acres in Bingham, Lincoln, Minidoka, Jefferson and Fremont counties to compensate for the proposed water use.

3. Timely protests against the approval of the applications were filed by various parties. Two days before a scheduled hearing, the protestants withdrew their protests based on a stipulation between the parties. The parties agreed that Blaine Larsen should be allowed to temporarily transfer water rights to his existing places of use pending the completion of a study by United States Geological Survey (USGS). USGS predicted completion of its study in 1991. Blaine Larsen's pending transfers in 1989 were approved for one year. Blaine Larsen subsequently filed other applications for transfer, numbered 3666, 3667, 3668, 3669, 3670, and 3671, proposing transfer of water right no's 35-2728, 35-2821, 35-2844, 35-7361, 35-7586, 35-7605, 35-7632, A35-10948, 36-2074, 36-2121, 36-2122, 36-2124, 36-2127, 36-2193, 36-2194, 36-

MAY 20 1993

2300, 36-2632, 36-2727, 36-7015A, 36-7022, 36-7272, 36-7495, and 36-7897.

4. The last set of applications for transfer were advertised properly, and the applications were not protested. The department approved the transfers in the spring of 1990 for a period of two irrigation seasons. The transfers authorized the irrigation of 4,075 acres listed on the summary attached, and labeled as Attachment 2.

5. In the spring of 1991, Blaine Larsen filed another application for transfer, numbered 3847, proposing to transfer water right no. 36-2197 for the irrigation of an additional 147 acres in Fremont County. The application was protested by some of the original protestants, but the protests were subsequently withdrawn. The application for transfer was approved for one year.

6. The approved transfer authorized the diversion of 1.47 cfs for irrigation of the following lands:

Township	Range	Section		Acres
08N	37E	32	NE NE	37
08N	37E	32	SE NE	37
08N	37E	32	NE SE	37
08N	37E	32	SE SE	36
			TOTAL	147

7. The transfers expired at the end of the 1991 irrigation season.

8. As the end of the transfer approval period approached, the USGS represented that it would not complete its study prior to the 1992 irrigation season. Larsen negotiated with and received consent from all the original protestants to extend the prior approved transfer for one more year.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-222 sets forth the criteria the department must consider in evaluation of 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 consistent with conservation of water resource within the state of Idaho and is in the local public interest.

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2. All of the criteria listed above were considered in the prior applications for transfer listed above, which were approved by the Department of Water Resources.

3. The petition for renewal of the transfer approval does not propose any change in the points of diversion, places of use, or water rights which were originally approved in 1990. A one year extension of time will not change the Director's original analysis of the criteria of Idaho Code, § 42-222.

4. No additional notice to the public is required. The published notice of the applications described the present water use, and, at the time, the public had an opportunity to contest the applications.

5. The request for an extension of the transfer approval should be granted.

ORDER

IT IS HEREBY ORDERED that applications for transfer no.'s 3666, 3667, 3668, 3669, 3670, and 3671, are REAPPROVED, 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.

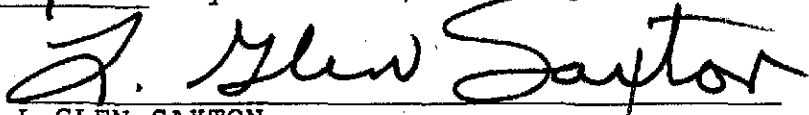
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of all water rights involved in these transfers shall be advance to December 22, 1989.

4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

5. Any change in point of diversion, place of use, period of use, or nature of use, or any change in the water rights transferred to these lands for an additional years will require the filing of a new application of transfer.

Dated this 4th day of March, 1992



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

MAY 20 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 4th day of March
1992, a true and correct copy of the ORDER EXTENDING TEMPORARY
APPROVAL OF TRANSFERS was mailed, postage prepaid to:

Blaine Larsen
P.O. Box 188
Hamer, ID 83425

Michael C. Creamer
Givens, Pursley, Webb, and Huntley
P.O. Box 2720
Boise, ID 83701

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

Barbara Scott-Brier
Fish and Wildlife Service
500 N.E. Multnomah Street
Suite 607
Portland, OR 97232

Steven V. Goddard
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

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MAY 20 1993

**SUMMARY OF
BLAINE TRANSFER APPLICATIONS 1990**

NUMBER	PRIORITY	CFS	ACRES
1. ACEQUIA			
36-2121	12-13-1948	2.44	240
36-2122B	12-24-1948	3.26	263.1
36-2124B	06-07-1951	0.40	20
36-2127B	05-04-1950	2.47	160
36-2190B	02-25-1953	1.20	120
36-2193B	12-23-1950	2.16	160
36-2194	02-19-1951	3.18	240
		=====	=====
TOTAL		15.11	1203.1
2. ANDERSON			
36-2632	01-07-1966	1.94	97
36-7022	04-12-1968	4.64	232
36-7272	11-07-1972	1.50	78.5
36-7897	02-25-1980	2.84	203
36-2300	05-15-1956	3.88	194
		=====	=====
TOTAL		14.80	804.5
3. KERBS			
36-7495		4.58	320
36-2727		5.10	320
		=====	=====
TOTAL		9.68	640
4. MCFARLAND			
35-7015A	02-14-1968	0.94	152.6
36-2074	07-27-1943	0.75*	80*
		=====	=====
TOTAL		0.94	152.6
* Same land as in 35-7015A			
5. STEWART			
35-2821B	05-02-1960	0.60	30
35-2728	07-09-1963	3.40	170
35-2844	10-17-1966	3.30	165
35-7361	12-26-1973	0.54	27
35-7632	08-05-1976	4.40	264
A35-10948	04-01-1978	0.56	28
		=====	=====
TOTAL		12.80	684
6. TAYLOR			
35-7605	04-28-1976	4.00	200
35-7586	02-23-1976	6.41	391
		=====	=====
TOTAL		10.41	591

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4075.2

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MAR 21 1990

The approved transfer under this sheet is valid for the irrigation seasons of 1990 and 1991 only.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3670

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

3. Kerbs (there are 2 Part 2s)

Name of applicant Blaine Larsen Phone (208) 662-5501

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 the 1990 and 1991 irrigation seasons. This is one of six transfers filed contemporaneously as a package. See Remarks on page 2.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|----------------------------|----------------|-----------------------|-------------------|---------------------------------------|
| <u>36-07495</u> | <u>8/13/74</u> | <u>4.58 cfs</u> | <u>irrigation</u> | <u>March 15</u> to <u>November 15</u> |
| ~~<u>38-02652</u>~~ | <u>3/10/61</u> | <u>5.10 cfs</u> | <u>irrigation</u> | <u>March 15</u> to <u>November 15</u> |
| <u>36-2727</u> | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 9.68 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to Snake River
4. Point(s) of Diversion: See Attachment 1 and Remarks on page 2.

[illegible]

5. Lands irrigated or place of use: See Attachment 2 and Remarks on page 2.

[illegible]

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MAR 21 1990

DEC 24 1989

Department of Water Resources

PART 1

6. General Information:

a. Description of diversion system wells and pumps with a pivot irrigation system.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
That land will be set aside from preduction and will not be irrigated
in 1990 and 1991.

d. Remarks:

This transfer is identical to the one-year transfer of the same water
rights approved on April 19, 1989, except that this is for two years.
The points of diversion and places of use after change are contained
in Attachments 1 and 2, respectfully, which accompany all six transfers
in this package.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-2727/7495

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

SEE ATTACHED CONDITIONS OF APPROVAL.

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MAR 21 1990

Witness my hand this 19th day of March

J. Glen Saxton
 Chief, Water Alloc. Bureau

90

CONDITIONS OF APPROVAL
of Transfer Nos. 3666, 3667, 3668, 3669, 3670 & 3671
on Water Right Nos. 35-2728/28218/2844/7361/
7586/7605/7632, A35-109480, 36-2074/2121/2122/2124/
2127/2190/2193/2194/2300/2632/2727/7015A/
7022/7272/7495/7897

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 two (2) years. On November 1, 1991, 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 all water rights involved in these transfers shall be advanced to December 22, 1989.
4. The place of use is limited to the 4074.4 acres listed on Attachment 2.

Dated this 19th day of March, 1990.

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Alloc. Bureau

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MAR 21 1990

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. 36-07495 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: Renewal of lease of water
☐ Tax Notice ☐ Warranty Deed ☒ Other rights for 1990, 1991
 & 1992

3. Source of water groundwater tributary to Snake River

4. Date or priority August 13, 1974

5. Water is used for the following purpose:

amount 4.58 cfs for irrigation purposes from March 15 to November 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 4.58 cubic feet per second and/or 1,280 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	36	6S.	22E.	Lincoln	

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	
6S.	22E.	36					39	39	40	40	40	40	41	41	3				320

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MAR 21 1990

Total acres 320

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

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. 37-02652 issued by the Idaho Department of Water Resources.
- c. Claim No. 36-2727 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

☒ Renewal of lease of water
☒ Other rights for 1990, 1991

3. Source of water groundwater tributary to Snake River & 1992

4. Date or priority March 10, 1961

5. Water is used for the following purpose:

amount 5.1 for irrigation purposes from March 15 to November 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 5.1 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	6S.	22E	Lincoln	
		SE	NE	36	6S.	22E	Lincoln	

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	
6S	22E	36	40	40	40	40									40	40	40	40	320

MICROFILMED

MAR 21 1990

Total acres 320

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

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

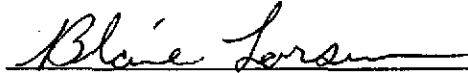
1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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

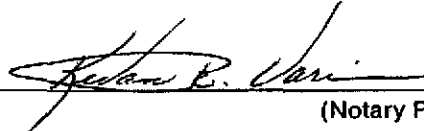
_____3. Describe effects on other water uses resulting from the proposed change:

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.



(Signature of Applicant)

Subscribed and sworn to before me this 18 day of December, 19 89.

(Notary Public)

My commission expires 8-19-91**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

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 _____

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MAR 21 1990

ATTACHMENT 1: Points of Diversion after requested change							
1 / 4	1 / 4	1 / 4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

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MAR 21 1990

Twp.	Rge.	Sec.
------	------	------

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MAR 21 1990

9N	36E	25								39.5	14	12	36		9	7	#119	117.5
9N	36E	25			30	35								26	23.4		#120	114.4
8N	36E	13						31.4										
		12										31.4					#123	62.8
																	TOTAL ACRES	4074.4

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MAR 21 1990

The approved transfer contained under this sheet was valid only
for the 1989 irrigation season.

MICROFILMED

MAR 21 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, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 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. 3500 with the department proposing transfer of water right nos. 21-7050 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. **MICROFILMED**
JUL 17 1989
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 transferred 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. . .

MICROFILMED
JUL 17 1989
Approval of the applications for transfer will not result in an enlargement of the water rights sought to be transferred.

3. Approval of the 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^{ed} use of water under the transfers injures other rights.

MICROFILMED
JUL 17 1989
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		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	:	31.7	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	9	:			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	:			1.7	:							:					6.7	93		
8N	36E	10	:				:	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	:			5	:					:				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	20	27	40	32	124.6	99	
9N	36E	34	:	4	8		:							:					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

MICROFILMED

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
9N	36E	21		23		64.0	106
9N	36E	22			36	15	17
9N	36E	27			40	18	3.2
9N	36E	28	14	23			2
9N	36E	27			7	14	40
9N	36E	28					36
9N	36E	33	16				2.4
9N	36E	34		24	37		
9N	36E	33	10.2	37	39	14	12
9N	36E	28			32	32	32
9N	36E			19		5	39
10N	36E	33				39	5
10N	36E	33		23.5			
8N	36E	27					
9N	36E	3				7	2.4
9N	36E	25			39.5	14	12
9N	36E	25		30	35		
8N	36E	13			31.4		
8N	36E	12				31.4	
					TOTAL	4594.9	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
Transfer No. 3506

09 1989

APPLICATION FOR TRANSFER OF WATER RIGHT

Kerbs Transfer (There are two Part 2s)

PART 1

Department of War

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. | <u>Right Number</u> | <u>Priority</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Nature
of Use</u> | <u>Period of Use</u> |
| | <u>B6-07495</u> | <u>8/13/74</u> | <u>4.85 cfs</u> | <u>irrigation</u> | <u>March 15</u> to <u>November 15</u> |
| | <u>~~37-02652 Newt~~</u> | <u>3/10/61</u> | <u>5.10 cfs</u> | <u>irrigation</u> | <u>March 15</u> to <u>November 15</u> |
| | <u>36-2127</u> | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| 2. | Total amount of water being transferred <u>9.68</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 system

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

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

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. 36-7495 37-2652And 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 89Ron C. Young

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. 36-07495 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 August 13, 1974

5. Water is used for the following purpose:

amount 4.58 for irrigation purposes from March 15 to November 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 4.58 cubic feet per second and/or 1.280 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	36	6S	22E	Lincoln	

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	
6S	22E	36					39	39	40	40	40	40	41	41					320

Total acres 320

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. 37-02652 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 March 10, 1961

5. Water is used for the following purpose:

amount 5.10 for irrigation purposes from March 15 to November 15

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

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

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

6. Total amount of water under right 5.10 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	6S	22E	Lincoln	
		SE	NE	36	6S	22E	Lincoln	

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	
6S	22E	36	40	40	40	40									40	40	40	40	320

Total acres 320

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:

MICROFILMED

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.

A large grid of dashed lines, approximately 10 units wide by 10 units high, intended for drawing a map or indicating land sections, townships, and ranges.

MICROFILMED
JUL 17 1989

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

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<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.

Blaine Larson

(Signature of Applicant)

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

Gena Cameron

(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 JMA Fee \$50.00

Receipted by CP Date 1/10/89 C004992

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

by _____

Copy of transfer sent to lien holder _____

MICROFILMED
JUL 17 1989
rec'd.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7495 Priority August 13, 1974 Amount 4.58 cfs

THIS IS TO CERTIFY, that William Kerbs &/or L. W. Routh
of Rupert, Idaho, has complied with the terms and conditions of Permit
No. 36-7495 issued pursuant to Application for Permit dated August 13, 1974,
and has submitted proof to the Department of Water Resources on July 11, 1979,
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 4.58 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>	<u>from March 15 to November 15</u>	<u>at 4.58 cfs and</u>	<u>1280.0 acre feet</u>
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.58 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
1280.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Twp.
6S, Rge. 22E in the County of Lincoln

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	22E	36					39	39	40	40	40	40	41	41					320

Total number of acres irrigated 320

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 29TH day of
July, 19 82.

For the Director

Norman C. Young

RECEIVED

Ident. No. _____

STATE OF IDAHO JUL 2 1982
DEPARTMENT OF WATER RESOURCES
Licensing Amendment Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT RECEIVED

To change the point of diversion and/or the place of use. JUN 17 1982

Department of Water Resources
Southern District Office

Comes now William Kerbs &/or L. W. Routh
of (address) Box 425, Rupert, ID 83350, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 36-7495, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 NW 1/4, Section 36, Township 6S, Range 22E, B.M.,
County of Lincoln. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) No Change

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: No Change

TWP	RGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicants
b. Who owns the land to be irrigated or the place of use? "
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Signed at Twin Falls, Idaho, this 18 day of June, 1982.
William Leuba
 (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by <u>LSF.</u>	Fee = \$20.00	Received by <u>JS</u>	Date <u>6-18-82</u>	# <u>20835</u>
Publication prepared by <u>N/A</u>	Date _____	Published in _____		
Publication dates _____				

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby
APPROVE the above Application for Amendment of Permit No. 36-7495.

Witness my hand this 29th day of July, 19 82

For the

~~Director~~

DE:

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

IN THE MATTER OF PERMIT NO. 36-7495)

IN THE NAME OF WILLIAM KERBS &/or)

L. W. ROUTH)

ORDER TO SHOW CAUSE

WHEREAS, on August 13, 1974, William Kerbs &/or L. W. Routh applied to the Department of Water Resources for a permit to appropriate 6.4 cubic feet per second of water from a groundwater source within the SW1/4NW1/4, SE1/4NE1/4, Section 36, Twp. 6S, Rge. 22E, B.M., Lincoln County, to be used for irrigation purposes; and,

WHEREAS, on September 18, 1974, the Department approved said Application for Permit; and,

WHEREAS, on July 11, 1979, the Department received Proof of Beneficial Use for said permit; and,

WHEREAS, on June 2, 1981, the Department conducted a field examination and the examiner's report indicated that water has been diverted for a beneficial use within a different legal description as set forth on said permit; and,

WHEREAS, on January 14, 1982, the Department sent a notice and an Amendment to the Permit holder stating that said Permit had to be amended before the Department could issue a license; and,

WHEREAS, on February 25, 1982, the Department sent a second notice to the Permit holder stating that said Permit had to be amended before the Department could issue a license; and,

WHEREAS, as of this date the Department has not received the Amendment of Permit; and,

WHEREAS, pursuant to the provisions of Section 42-311, Idaho Code, the Director of the Department of Water Resources is empowered to cancel permits for which development requirements have not been completed;

IT IS, THEREFORE ORDERED that the permit holder show cause before the Director of the Department of Water Resources on or before June 30, 1982, why Permit No. 36-7495 should not be Cancelled.

Dated this 20 day of May, 1982.


A. KENNETH DUNN
Director

DET
N21

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING }
DEVICE REQUIREMENT FOR PERMIT NO. 36-7495 }

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

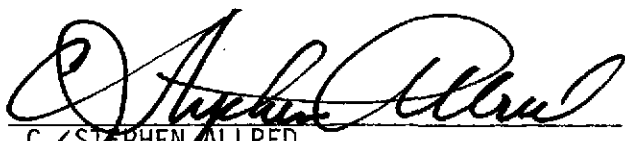
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

Identification No. _____

Application No. 36-7495

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant William Kerbs and/or L.W. Routh
post office address Box 425, Rupert, Id.
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36 Township 6S
Range 22E B.M. Lincoln County; additional points of diversion if any: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T 6S, R 22E, B.M.
- 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 6.4 cfs for irrigation purpose from Mar. 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. 6.4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
pump, motor, sprinkler system

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 20 inches; proposed depth of well is 320 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 65,500.
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: _____

APPROVED

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	22E	36					40	40	40	40	40	40	40	40					320

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. none

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

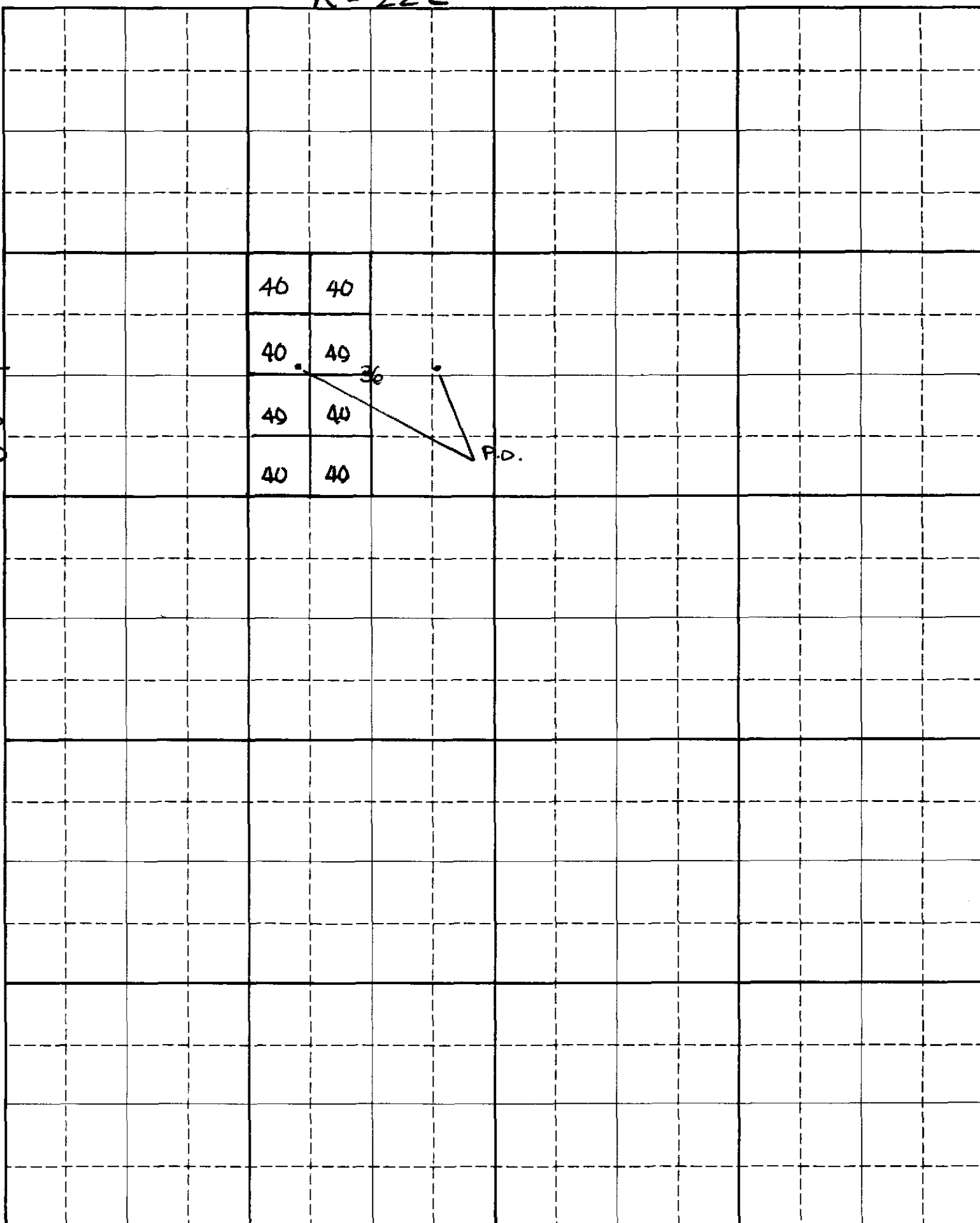
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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

R-22E

T
6
S



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.

X William K. Kuba
(Applicant)

RECEIVED
JAN 10 1960

Proposed Priority 8-13-1974

Received by MLS Date 8-13-74 Time 11:30
Preliminary check by NOT Fee \$ 85.00 (13973)
Receipted by LT Date 8-13-74
NOT Publication prepared by LT Date 8-13-74
Published in Lincoln Co. Journal
Publication dates 8-22 & 8-29-74
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by dr BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7495, 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 September 1, 1979.
- c. Other: A measuring device of a type approved by this Department 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 18 day of September 1974.


Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)			Application No. <u>36-7495</u> <u>William Harbs 4/or</u> <u>L.W. Routh</u>
(2)	<u>KDF</u>	<u>8-13-74</u>	☒ 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
(3)	<u>KDF</u>	<u>8-13-74</u>	In form to receipt Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U. S. F. S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>KDF</u>	<u>8-13-74</u>	In form for advertising
(6)	<u>KDF</u>	<u>9-10-74</u>	Located within Water District No. <u>36</u>
(7)			Critical groundwater area: yes ☐ no ☒
(8)			Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>LT</u>	<u>9-6-74</u>	Affidavit of Publication received (date) <u>9-6-74</u>
(11)	<u>KDF</u>	<u>9-10-74</u>	Final date for protests <u>9-9-74</u> Protests received: yes ☐ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>NA</u>		All requested information received from agencies or applicant yes ☐ no ☐
(14)	<u>KDF</u>	<u>9-10-74</u>	Action recommended: ☒ Approve Priority <u>8-13-74</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>Southern</u>	By <u>KDF</u>	Date <u>9-10-74</u>

RECEIVED
SEP 25 1974
Department of Water Administration
MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Rec: 9-6-74 LT

Barbara Caswell, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, 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 two 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 August, 1974 and the date of the last publication was on the 29th day of August, 1974.

Subscribed and sworn to before me this 5th day of September, 1974.
(SEAL)

Lila Magoffin
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice 28
Number of Insertions two
Lines tabular at 315c
28 Lines straight at 21c 5.88
28 Subsequent lines at 15c 4.20
TOTAL COST \$10.08

Notice is hereby given that William Kerbs and or L. W. Routh, Box 425, Rupert, Id. has on 8-13-74 submitted Application No. 96-2485 for a permit to appropriate 6.4 cubic feet per second of water from ground-water by means of pump, motor, sprinkler system within the SW 1/4 NW 1/4, SE 1/4 NE 1/4, Sec. 36, T 6S, R 23E, B.M. Lincoln Co., to be used from Mar. 15 to Nov. 15 for irrigation of 320 acres within the NW 1/4, SW 1/4, T 6S, R 23E, 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 9-4-74.

R. KEITH HIGGINSON
Director

8-22-21c-L

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. 1273

Microfilm

WR5809NP
No. X36-07495

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/28/93
PAGE: 23

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLAINE LARSEN FARMS INC	08/13/1974	IRRIGATION	04-01 11-01	4.58 CFS	
C	BLAINE LARSEN PO BOX 188 HAMER ID 83425					
TOTAL DIVERSION:					4.58 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07N R36E S04	SE SE		
T08N R36E S03	NW SW		
	NE NW		
	S10		
	S11	NW SE	
	S13		
	R37E S32		
T09N R36E S22	SE NE		
	NW SW		
	S24	SE SE	
	S25	NE SW	
	S26	SE NW	
	S27	SW NW	SW SW
	S27		SE SE
	S28	SE NW	
	S31	NW SE	
	S33	NW NE	
	S34	SE NE	NE NW
	S34	SW SE	SW NW
	S35	NW NE	
T10N R36E S33	NW SE		

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENE	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07N	35E	4	:					:					:					:	35			25	:	60.0
07N	35E	9	:	25			15	:					:					:					:	40.0
08N	36E	3	:	27	27	02		:	19	40	33	33	:	40	40	25	18	:		04			:	308.0
08N	36E	4	:	10			05	:					:					:	08				:	23.0
08N	36E	9	:	05			01	:					:					:					:	6.7
08N	36E	10	:		08	06	07	:	40	40	31	36	:					:	38			35	:	241.0
08N	36E	11	:					:			14	10	:	12	40	36	13	:	40	27	27	38	:	257.3
08N	36E	12	:					:					:		10	38		:					:	48.4
08N	36E	13	:					:		31			:					:					:	31.4
08N	37E	32	:	39			39	:					:					:	39			39	:	156.0
09N	36E	21	:				23	:					:					:	31			10	:	64.0
09N	36E	22	:					:			36	15	:	17	40	18	03	:					:	129.2
09N	36E	24	:			03		:				06	:	40	14	16	39	:		36	35	22	:	212.1
09N	36E	25	:	38	03	30	40	:	06	12	16		:	39	14	12	36	:	26	32	07		:	311.9
09N	36E	26	:	37	18	35	40	:	35	24	35	40	:	09	04	20	38	:			19	31	:	386.6
09N	36E	27	:	36	34	38	39	:	20	39	40	33	:	16	31	40	40	:	24	31	40	32	:	534.0
09N	36E	28	:	14			23	:	32	32	32	32	:					:	04			23	:	192.4
09N	36E	31	:			19		:			05	39	:	39	05			:		19			:	126.0

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09N	36E	33	26	37	39	32	12			15					10			13	184.2
09N	36E	34	31	24	37	40	24	37	40	20	14	39	36	13	30	21	39	25	471.4
09N	36E	35	28	33	12		40	40	32	22		10							217.3
09N	36E	36						05											5.0
09N	37E	19											19						19.0
09N	37E	30						33		02									35.0
10N	36E	33				23									40			25	88.5
10N	36E	34							23			40	25						88.0
TOTAL ACRES																			4236.4

Pou County: JEFFERSON, FREMONT, CLARK

Remarks: This right is authorized under approved Transfer No. 4097 and subject to the conditions of the Memorandum Decision and Order signed 04-15-93 for use in the 1993 irrigation season.

Dates: App. Received: Priority Date: 08/13/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER†
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB
STEPHANIE C. WESTERMEIER
† ADMITTED ONLY IN COLORADO
& WASHINGTON, D.C.
* ADMITTED ONLY IN UTAH
& WASHINGTON, D.C.

LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY

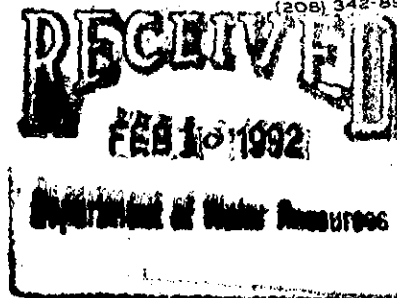
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

JAMES A. MCCLURE
OF COUNSEL

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-8492
(208) 342-8920

February 7, 1992



via Hand Delivery

Jim Johnson
Idaho Department of Water Resources
1301 Orchard
Boise, ID 83706

RE: Extension of Temporary Transfers of Blaine Larsen
Our File: 1207-25

Dear Mr. Johnson:

At your instruction, I am submitting this letter on behalf of Blaine Larsen to request that the Department of Water Resources grant an extension of the temporary transfers of groundwater rights that were approved for Blaine Larsen during the 1991 irrigation season. Mr. Larsen proposes to use these same water rights on the same places of use again in 1992. This request includes those water rights that were included in the group transfer application in 1991 and the portion of water right 36-02197, that was approved for temporary transfer as an individual application in 1991. Extension of the 1991 transfer approval through 1992 will not result in any changes from the previous year.

I am enclosing copies of the original lease agreements between Mr. Larsen and the water right lessors, together with copies of the extensions of the same lease agreements for the 1992 irrigation season. Also enclosed, is a copy of an extension of the 1989 Mud Lake Memorandum Agreement, executed by Blaine Larsen, the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game and the eight Mud lake area canal companies together with a stipulation by the same parties. This extension carries the 1989 Agreement forward through the 1992 irrigation season.

MICROFILMED

MAY 20 1993

Jim Johnson
February 7, 1992
Page 2

Based upon my conversation with you, and upon the Director's position at the last U.S.G.S. status meeting regarding the Mud Lake Study, we understand that this request should be directed to the Boise office rather than the Eastern Region, and that the extension of the transfers for one additional year will not require submission of new transfer application forms or publication of notice. This seems appropriate since there will be no change from last year's situation.

Because we are anxious to move forward with this process as quickly as possible, please contact either me or Jeff Fereday immediately if you require additional information. Thank you in advance for your assistance.

Sincerely,



Michael C. Creamer

cc: R. Keith Higginson (w/o encl.)
Blaine Larsen c/o Kevan Varin (w/encl.)
Kent Foster, Esq. (w/encl.)
Barbara Scott-Brier, Esq. (w/encl.)
Stephen Goddard, Esq. (w/encl.)

RECEIVED

MAY 20 1993

FROM Sharla

DATE 3/8/90

TO File 36-7495

SUBJECT Transfer No. 3670

See file 36-2727 for all correspondence regarding the above referenced transfer.

MICROFILMED

MAR 21 1990

SIGNATURE

FROM Sharla

TO Blaine Larsen Transfer Files for 1990/1991

SUBJECT Copies

DATE 3/8/90

See file 35-2728 for copies of the advertising and misc. correspondence preceeding the approval of the transfers for the 1990/1991 irrigation seasons.

SIGNATURE

MICROFILMED

MAR 21 1990



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,

A handwritten signature in cursive script that reads "Gary Spackman".

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

August 6, 1982

RE: Permit No. 36-7495

William Kerbs &/or L. W. Routh
213 Pleasant Way
Rupert, ID 83350

Gentlemen:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

RECEIVED
AUG 10 1982

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ RESTRICTED DELIVERY
Show to whom and date delivered. \$
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

William Kerbs &/or L.W. Routh
213 Pleasant Way
Rupert, ID 83350

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	32882	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

4. DATE OF DELIVERY

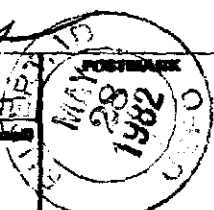
5/28/82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

CP



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO



DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RECEIVED

JUN 1 1982

Department of Water Resources

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton

JUN 24 1982

DATE 6-18-82

TO Jim Johnson

Department of Water Resources

SUBJECT Show Cause Order, 36-7495, William Kerbs

Bill Kerbs came in today & filled the needed licensing amendment. Apparently he never got the first one that we sent out. Anyway, permit shouldn't be cancelled.

6/24/82 called Jim - he is sending the Amendment
Today - Call up 1 wk

JJ

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 24, 1982

CERTIFIED MAIL # 32882

RE: Permit No. 36-7495

William Kerbs &/or L. W. Routh
213 Pleasant Way
Rupert, ID 83350

Gentlemen:

Enclosed is an Order to Show Cause why Permit No. 36-7495 in your names, should not be cancelled.

Please note that any information in response to this Order must be submitted by June 30, 1982. Please contact this office if you have any questions.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

cc: Southern Region

MAILED
MAY 27 1982

FROM

Kay Walker

INTER-DEPARTMENT MEMO — 1

TO

36-7495

obp/u

DATE

4/1/82

SUBJECT

property check¹ on ownership
as per Lincoln Co. assessor's
office —

William Herbst & L. Routh

~~5/4 S. D. St.~~

~~Rupert~~

213

Pleasant way
Rupert

own
all of
Sec. 36
6S, 22E

SIGNATURE

February 25, 1982

RE: Permit No. 36-7495

William Kerbs &/or L. W. Routh
Box 425
Rupert, ID 83350

Dear Sirs:

On January 14, 1982, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED
FEB 28 1982
WATER DIVISION



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 14, 1982

RE: Permit No. 36-7495

William Kerbs or L. W. Routh
Box 425
Rupert, ID 83350

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 36-7495 and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.58 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1280.0 acre feet
per year.

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, Twp. 6S, Rge. 22E, Lincoln County

Beneficial use: Irrigation of 320 acres within the W $\frac{1}{2}$, Sec. 36, Twp.
6S, Rge. 22E

Priority date established: August 13, 1974

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

J. M. JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED
JAN 15 1982

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

36-7495

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	8-24-79	GLF	
☐ Telephone call made: (List Telephone No. used)			
☒ Appointment scheduled for: (Date, time, location)	6-2-81 9:30	JP	

EXAMINATION

Date 6-2-81 Accompanied by William Kerbs Total Q measured 4.58 cfs
If source is surface water, estimate total flow of source _____
Methods of measurement 10.020" Annular Meets Permit requirements? ✓

Measurement calculations:

Measured 32' pressure = 28.26" corrected = 4.58 cfs capacity

Volume - 320 ac x 4.0 AFA/ac = 1280 AFA ✓

4.58 x 1.9835 x 245 = 2225.7

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	250	4.2 Motor	C9536-00-508	Linger	1113	Eagle Eye Meter	Good	Meter # 091474

System Description Well, motor, pump, eighteen 1/4-mile handlines with 1/8" nozzles

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

irrigation

Irrigation requirement = 4.0 AFA/Acre

Q (cfs)

4.58 cfs ✓

V (afa)

1280 ✓

FROM

3-15

TO

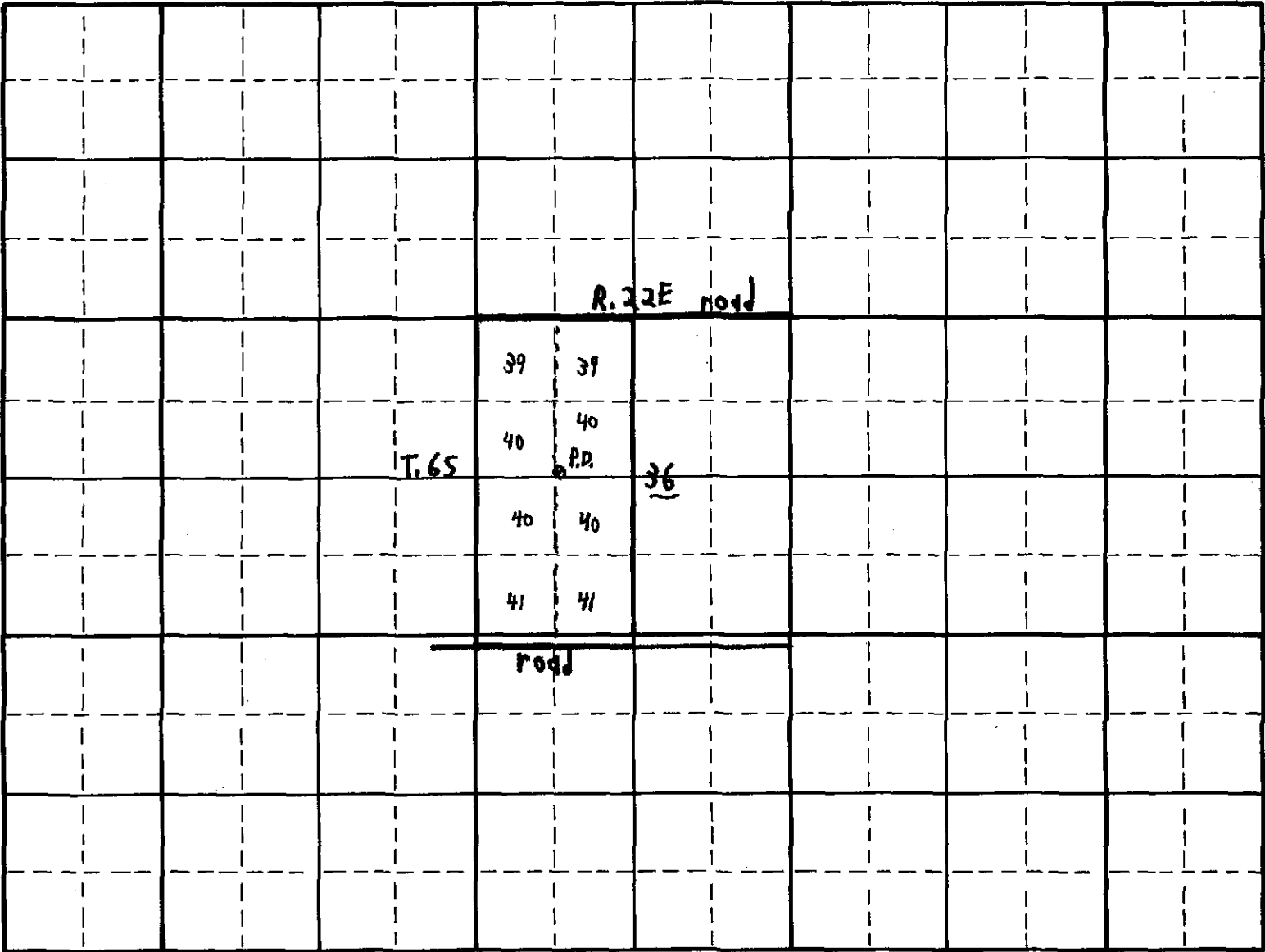
11-15

Total

Remarks Due to long 40s on bottom of section, irrigated land is actually 326 ac: allow 320 acres filed on. this is more acres in these 40s than shown in original application, but total acres remain the same. amendment probably not needed for this applicant has two wells in this section, but they are not connected. (other well for E 1/2 of section only).

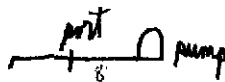
RECEIVED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE 1/4 NW 1/4 Sec. 36 T. 6S R. 22E

Place(s) 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	22E	36					39	39	40	40	40	40	39 1/4	39 1/4					320
													174	172					

Recommended Amendments:

- ☒ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☐ None
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other

Examiner's Signature J. F. Stanton

Checked by [Signature]

Approved by [Signature]

Date 6-3-81

Date 6-3-81

Date 12/14/81



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

William Kerbs or L. W. Routh
Box 425
Rupert, Idaho
83350

August 24, 1979

Dear Sir;

RE: Water Permit 36-7495

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 just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary Funderburg
Senior Water Resource Agent

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 36-7495.

Name(s) of Permit Holder: William Kerbs - LW Routh

Post Office Address: Box 425
Rupert Idaho 83350 Tel. No. 436-3002

Source of Water: _____

Extent of Use: ☐ Domestic _____ (number of households)
 ☐ Stockwater _____ (number and type of stock)
 ☒ Irrigation 320 _____ (acres)
 ☐ Other _____

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No
 Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

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

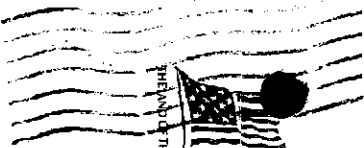
7-9-79
 Date

William Kerbs
 Signature of Permit Holder

William Keels

Box 425

Rupert, Idaho 83350



USA 15c
HOME OF THE BRAVE

RECEIVED



JUN 11 1979

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

June 29, 1979

101671

William and/or L. W. Routh
Box 425
Rupett, ID 83350

Gentlemen:

One of the conditions of approval of your water Permit No. 36-7495 was that evidence of the extent of development must be submitted to this office on or before September 1, 1979. (See last page of your approved permit). Enclosed is a post card which may 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 post card 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 within 60 days.

Sincerely,

RITA FLECK
Sr. Secretary

Enc: 1

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

DEC 4 1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition should be less restrictive and provide more flexibility to you in the development of your water right system. The specifications related to the size and location of the access port will be available upon request from the Department, as soon as the Department's measuring equipment is obtained.

If you have questions regarding this matter, please contact this office or our regional offices.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:JG:kw

Enclosure

MICROFILMED

September 19, 1974

Re: Permit No. 36-7495

William Kerbs &/or L. W. Routh
Box 425
Rupert, Idaho 83350

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 36-7495 . 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

BDF:jfr

Enclosures

MICROFILMED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 13, 1974

RE: Application No. 36-7495 - William Kerbs &/or L. W. Routh

Lincoln County Journal
P.O. Box 704
Shoshone, Idaho 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 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,

Bob Haynes
Southern District Engineer

Bill submitted 9-6-74

MICROFILMED

SHONI LEGAL

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that William Kerbs and/or L. W. Routh, Box 425, Rupert, Id., has on 8-13-74 submitted Application No. 36-7495 for a permit to appropriate 6.4 cubic feet per second of water from groundwater by means of pump, motor, sprinkler system within the SW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T 6S, R 22E, B.M., Lincoln Co., to be used from Mar. 15 to Nov. 15 for irrigation of 320 acres within the NW $\frac{1}{4}$, SW $\frac{1}{4}$, T 6S, R 22E, 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 9-9-74.

R. KEITH HIGGINSON
Director

8-22-21c-L

ack LT
8-20-74

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William Kerbs and/or L. W. Routh
Box 425, Rupert, Id.
has on 8-13-74 submitted Application No. 36-7495
for a permit to appropriate 6.4 cubic feet per second ~~XXXXXX XXXX XXXX XXXX~~
of water from groundwater
by means of pump, motor, sprinkler system
within the SW 1/4, SE 1/4, Sec. 36, T 6S, R 22E, B.M., Lincoln Co.

to be used from Mar. 15 to Nov. 15
for irrigation of 320 acres

within the NW 1/4, SW 1/4, T 6S, R 22E, 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 9-9-74.

R. KEITH HIGGINSON

Director

Published in the Lincoln County Journal
on 8-22 and 8-29-74

MICROFILMED