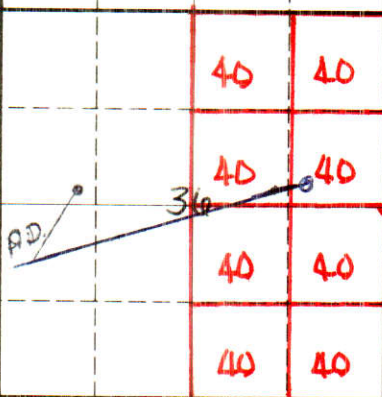


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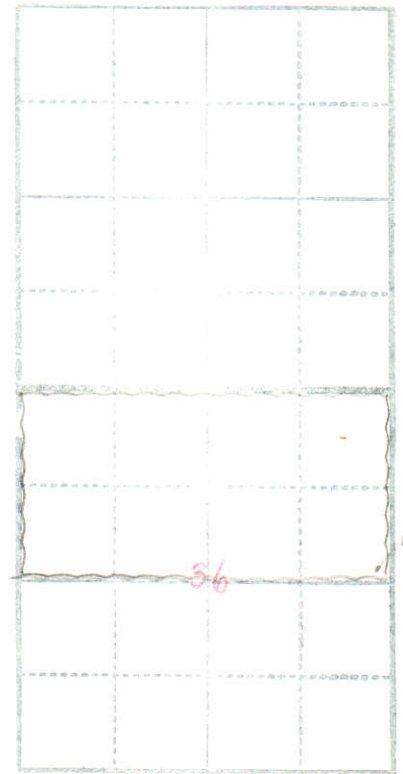
SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

37-2652

Application No. G- 37564
Permit No. G- 29561
District No.

1. Name of Applicant: William Kerbs
Postoffice address: 514 E. D St.,
Rupert County: Minidoka State: Idaho
2. Quantity of water claimed: 320 Miner's inches
 - (a) Rate of withdrawal in cubic feet per second 6.4 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Drilled well
4. Location of point of diversion or well is in the SE 1/4 of the NE 1/4 of Section 36
Twp. 3 S , Rge. 22 E , B.M., County of Lincoln
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B. M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B. M.
7. Kind of works: Drilled well, to be cased and equipped with turbine type pump and motor
8. Estimated cost of works: \$ 15,000
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.



AFFIDAVIT of PUBLICATION

Rec: 9-6-74 LT

State of Idaho,
County of Lincoln

SS.

Barlene Gaskill, 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.

Barlene Gaskill

Subscribed and sworn to before me this 5th

day of September, 1974.
(SEAL)

Lillian Maguffin
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>44</u>	
Number of Insertions	<u>two</u>	
Lines tabular at	315c	
<u>44</u> Lines straight at	21c	<u>9.24</u>
<u>44</u> Subsequent lines at	15c	<u>6.60</u>
TOTAL COST		<u>\$15.84</u>

COPY OF NOTICE

(Paste Here)

Notice Proposed
TITLE OF NOTICE
Change Water Right

PLAINTIFF ATTORNEY

No 37-2652
William Kerbs - Rupert
DEFENDANT

PLAINTIFF

BILL TO

200 Dept Water Res.
Twin Falls, Ida

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-2652

Notice is hereby given that William Kerbs, Box 425, Rupert, Id., has applied to the Department of Water Resources for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 37-2652 and recorded as follows:

Amount: 5.10 cfs

Priority: 3-10-61

The water is used for irrigation of 320 acres from Mar. 15 to Nov. 15 within Sec. 36, T 6S, R 22E, B.M.

TO BE CHANGED AS
FOLLOWS:

Points of diversion:
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.

The water will be used for irrigation of 320 acres within the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T 6S, R 22E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Id. on or before 9-9-74.

R. KEITH HIGGINSON
Director

8-22-2tc-L

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14	19	20	31
18	9	18	20
12	25	14	0

120

84

65

51

320

PD

Kimama

Sat. 16

Rela 320 am

@ 5.10 cph

2.55 inches

To Minidoka

Minidoka

William Kerbs ✓ Res 436-3008
514 South "D" Street ✓ Ranch 532-2863
Rupert, Idaho ✓ Asquith 436-6920
Permit No. G-29561 ✓ Mobil 436-4835

Examination for Completion of Works & Beneficial Use

County Lincoln ✓

Sec. 36 T.6S R.22 EEM

Quantity: 6.4 cfs

Source: well

P.D.: SE 1/4 NE 1/4

536, T6S, R22

Use:

Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: none

Filed: Mar. 10, 1961

Due: Sept 20, 1963

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

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OCT 11 1965

Department of Reclamation

September 22, 1965

RE: Permits No. G-23393, G-23396, G-24458,
G-24464, G-28101, G-29561

George Peterson
Peterson, Moss and Olsen Attorneys
405 "E" Street
Idaho Falls, Idaho

Dear Mr. Peterson:

In response to our telephone conversation of this date, the following information is forwarded:

G-23393: Point of Diversion, NE¹/₄SW¹/₄, Section 16, T. 7 S.,
R. 21 E. Land List: NE¹/₄SW¹/₄, SW¹/₄SW¹/₄, SE¹/₄, Section 16,
S¹/₂NE¹/₄, SE¹/₄, Section 17, T. 7 S., R. 21 E.

G-23396: Point of Diversion, NE¹/₄SW¹/₄, Section 16, T. 7 S.,
R. 21 E. Land List: S¹/₂NE¹/₄, SE¹/₄, Section 17, NE¹/₄SW¹/₄, SW¹/₄SW¹/₄,
SE¹/₄, Section 16, T. 7 S., R. 21 E.

G-24464: Point of Diversion, SE¹/₄NW¹/₄, Section 16, T. 7 S.,
R. 21 E. Land List: NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, NE¹/₄, Section 16, T. 7 S.,
R. 21 E.

G-24458: Point of Diversion, SE¹/₄SW¹/₄, Section 16, T. 7 S.,
R. 21 E., Land List: SE¹/₄SW¹/₄, SE¹/₄, Section 16, T. 7 S.,
R. 21 E.

G-28101: Point of Diversion, SE¹/₄NE¹/₄, Section 20, T. 7 S.,
R. 21 E. Land List: NE¹/₄SE¹/₄, NE¹/₄, E¹/₂NW¹/₄, Section 20,
SE¹/₄SW¹/₄, Section 17, T. 7 S., R. 21 E.

G-29561: Point of Diversion, SE¹/₄NE¹/₄, Section 36, T. 6 S.,
R. 22 E., Land List: All of Section 36, T. 6 S., R. 22 E.

There is no record of a well in Section 36, T. 7 S., R. 24 E.

Enclosed are 25 copies of our assignment forms. The fee for recording each is 50¢.

Very truly yours,

29561

No. 36 - 4M
1/65

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NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10:00 A.M., on the 16th day of August, 1965, at Boise, County of Ada, State of Idaho before Sharron Deroin, Notary Public, at (address) Room 224 Idaho Building, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G29561, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is William Kerbs; 514 E. D Street, Rupert, Idaho

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes and the amount applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is SE 1/4, Section 36, T 6 S - R 22 E., B.M. LINCOLN

5. The place where said water is used is ALL Sec 36, NE 1/4, NW 1/4; Sec. 36, T 6 S - R 22 E., B.M.

6. The date of priority which said user is prepared to establish is 3/20/61

CARL E. TAPPAN

State Reclamation Engineer

29561

T 3 S - R 22 E., B.M.

Sec. 36

dry well

Permit Map No. 29561

As Approved

GEO. N. CARTER

Reclamation Engineer

MAR 20 1961

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, Jackett Canal Company, Holley Water Users, Jefferson Irrigation Company,

MEMORANDUM DECISION
AND ORDER - Page 1

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MAY 20 1993

Producers Canal Company, Montevue 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.

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2) The record of decision in the Montevieu 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.

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

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

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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.

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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.

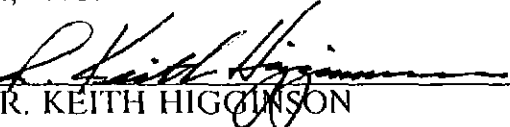
14. Approval of the Applications for Transfer and Amendment of Permit for use during the 1993 irrigation season, only, is in the local public interest.

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:

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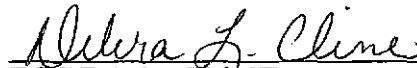
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DEBRA L. CLINE
Administrative Secretary

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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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																		
		34																		
9N	36E	33				18									10					
		34							40	20	14.3	39							#96	141.3
9N	36E	34	27	16	37	40									30	19				
		35										10							#97	207
9N	36E	26															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				4	5										#99	136.6
9N	36E	26																		
		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	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		
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		36	35			
		25		3															#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	19
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

NOT CONTINUED
MAY 20 1993

[illegible]

MAY 20 1993

[illegible]

REPRODUCTION
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, 36-2190, 36-2193, 36-2194, 36-2199, 36-2200, 36-2201, 36-2202, 36-2203, 36-2204, 36-2205, 36-2206, 36-2207, 36-2208, 36-2209, 36-2210, 36-2211, 36-2212, 36-2213, 36-2214, 36-2215, 36-2216, 36-2217, 36-2218, 36-2219, 36-2220, 36-2221, 36-2222, 36-2223, 36-2224, 36-2225, 36-2226, 36-2227, 36-2228, 36-2229, 36-2230, 36-2231, 36-2232, 36-2233, 36-2234, 36-2235, 36-2236, 36-2237, 36-2238, 36-2239, 36-2240, 36-2241, 36-2242, 36-2243, 36-2244, 36-2245, 36-2246, 36-2247, 36-2248, 36-2249, 36-2250, 36-2251, 36-2252, 36-2253, 36-2254, 36-2255, 36-2256, 36-2257, 36-2258, 36-2259, 36-2260, 36-2261, 36-2262, 36-2263, 36-2264, 36-2265, 36-2266, 36-2267, 36-2268, 36-2269, 36-2270, 36-2271, 36-2272, 36-2273, 36-2274, 36-2275, 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36-2609, 36-2610, 36-2611, 36-2612, 36-2613, 36-2614, 36-2615, 36-2616, 36-2617, 36-2618, 36-2619, 36-2620, 36-2621, 36-2622, 36-2623, 36-2624, 36-2625, 36-2626, 36-2627, 36-2628, 36-2629, 36-2630, 36-2631, 36-2632, 36-2633, 36-2634, 36-2635, 36-2636, 36-2637, 36-2638, 36-2639, 36-2640, 36-2641, 36-2642, 36-2643, 36-2644, 36-2645, 36-2646, 36-2647, 36-2648, 36-2649, 36-2650, 36-2651, 36-2652, 36-2653, 36-2654, 36-2655, 36-2656, 36-2657, 36-2658, 36-2659, 36-2660, 36-2661, 36-2662, 36-2663, 36-2664, 36-2665, 36-2666, 36-2667, 36-2668, 36-2669, 36-2670, 36-2671, 36-2672, 36-2673, 36-2674, 36-2675, 36-2676, 36-2677, 36-2678, 36-2679, 36-2680, 36-2681, 36-2682, 36-2683, 36-2684, 36-2685, 36-2686, 36-2687, 36-2688, 36-2689, 36-2690, 36-2691, 36-2692, 36-2693, 36-2694, 36-2695, 36-2696, 36-2697, 36-2698, 36-2699, 36-2700, 36-2701, 36-2702, 36-2703, 36-2704, 36-2705, 36-2706, 36-2707, 36-2708, 36-2709, 36-2710, 36-2711, 36-2712, 36-2713, 36-2714, 36-2715, 36-2716, 36-2717, 36-2718, 36-2719, 36-2720, 36-2721, 36-2722, 36-2723, 36-2724, 36-2725, 36-2726, 36-2727, 36-2728, 36-2729, 36-2730, 36-2731, 36-2732, 36-2733, 36-2734, 36-2735, 36-2736, 36-2737, 36-2738, 36-2739, 36-2740, 36-2741, 36-2742, 36-2743, 36-2744, 36-2745, 36-2746, 36-2747, 36-2748, 36-2749, 36-2750, 36-2751, 36-2752, 36-2753, 36-2754, 36-2755, 36-2756, 36-2757, 36-2758, 36-2759, 36-2760, 36-2761, 36-2762, 36-2763, 36-2764, 36-2765, 36-2766, 36-2767, 36-2768, 36-2769, 36-2770, 36-2771, 36-2772, 36-2773, 36-2774, 36-2775, 36-2776, 36-2777, 36-2778, 36-2779, 36-2780, 36-2781, 36-2782, 36-2783, 36-2784, 36-2785, 36-2786, 36-2787, 36-2788, 36-2789, 36-2790, 36-2791, 36-2792, 36-2793, 36-2794, 36-2795, 36-2796, 36-2797, 36-2798, 36-2799, 36-2800, 36-2801, 36-2802, 36-2803, 36-2804, 36-2805, 36-2806, 36-2807, 36-2808, 36-2809, 36-2810, 36-2811, 36-2812, 36-2813, 36-2814, 36-2815, 36-2816, 36-2817, 36-2818, 36-2819, 36-2820, 36-2821, 36-2822, 36-2823, 36-2824, 36-2825, 36-2826, 36-2827, 36-2828, 36-2829, 36-2830, 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36-3164, 36-3165, 36-3166, 36-3167, 36-3168, 36-3169, 36-3170, 36-3171, 36-3172, 36-3173, 36-3174, 36-3175, 36-3176, 36-3177, 36-3178, 36-3179, 36-3180, 36-3181, 36-3182, 36-3183, 36-3184, 36-3185, 36-3186, 36-3187, 36-3188, 36-3189, 36-3190, 36-3191, 36-3192, 36-3193, 36-3194, 36-3195, 36-3196, 36-3197, 36-3198, 36-3199, 36-3200, 36-3201, 36-3202, 36-3203, 36-3204, 36-3205, 36-3206, 36-3207, 36-3208, 36-3209, 36-3210, 36-3211, 36-3212, 36-3213, 36-3214, 36-3215, 36-3216, 36-3217, 36-3218, 36-3219, 36-3220, 36-3221, 36-3222, 36-3223, 36-3224, 36-3225, 36-3226, 36-3227, 36-3228, 36-3229, 36-3230, 36-3231, 36-3232, 36-3233, 36-3234, 36-3235, 36-3236, 36-3237, 36-3238, 36-3239, 36-3240, 36-3241, 36-3242, 36-3243, 36-3244, 36-3245, 36-3246, 36-3247, 36-3248, 36-3249, 36-3250, 36-3251, 36-3252, 36-3253, 36-3254, 36-3255, 36-3256, 36-3257, 36-3258, 36-3259, 36-3260, 36-3261, 36-3262, 36-3263, 36-3264, 36-3265, 36-3266, 36-3267, 36-3268, 36-3269, 36-3270, 36-3271, 36-3272, 36-3273, 36-3274, 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36-3386, 36-3387, 36-3388, 36-3389, 36-3390, 36-3391, 36-3392, 36-3393, 36-3394, 36-3395, 36-3396, 36-3397, 36-3398, 36-3399, 36-3400, 36-3401, 36-3402, 36-3403, 36-3404, 36-3405, 36-3406, 36-3407, 36-3408, 36-3409, 36-3410, 36-3411, 36-3412, 36-3413, 36-3414, 36-3415, 36-3416, 36-3417, 36-3418, 36-3419, 3

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.

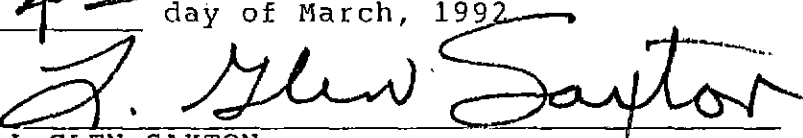
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

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

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

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			4075.2

ATTACHMENT 2

RECEIVED

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.**APPROVED**

Total acres _____

MAY 20 1993

PART 1

6. General Information:

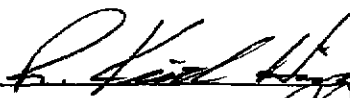
- a. Description of diversion system Wells and pumps with pivot and lateral irrigation systems
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, 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

RECEIVED

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

Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				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

MAY 20 1993

Total acres 320

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

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	

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. 35-02052 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 _____

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	SE ¼	SW 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

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Total acres 320

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

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	

Total acres _____

MAY 20 1993

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

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

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

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

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

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

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

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

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

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

Blaine Larsen
(Signature of Applicant)

Gerald 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 Jim J 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

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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
			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		
7N	35E	4													35			25	#49	75
		9	25			15														
8N	36E	11							2	6					40	27	27	38		
		12									10	7							#89	156
8N	36E	10				7									38			35	#90	198.3
		11							12	5.3	12	40	36	13						
8N	36E	3				1.7						7	7						#93	181.7
		9	5																	
		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																		
		4	10																	
9N	36E	38																13	#95	124.7
		34																		
9N	36E	33				18									10				#96	141.3
		34							40	20	14.3	39								
9N	36E	34	27	16	37	40									30	19				
		35																	#97	207
9N	36E	26															15			
		35					40	32	12	22.3									#98	221.3
9N	36E	27									1.6				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					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	36E	4																		
9N	36E	25						12	16											
		26	37	10.9	17	40												#102	132.9	
9N	36E	25									12									
		26														4	31			
		35	28	3														#103	83	
		36						6												
9N	36E	24			3				6	40	14.6	16	39		36	35		#104	198.6	
		25																		
9N	36E	24																		
		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		#112	176.5	
		34						23			40	25								

[illegible]

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.

Robert 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.

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

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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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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.

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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

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EXHIBIT "A"

Water License No. 36-7495 for 320 acres located in the
W1/4 of Section 36, Township 6 South, Range 22 EBM, Lincoln County,
Idaho.

Water License No. 37-2652 for 320 acres located in the
E1/4 of Section 36, Township 6 South, Range 22 EBM, Lincoln County,
Idaho.

MICROFILMED

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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 R15E	All of Sec. 31, T6N, R15E	495.3
49	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	221.5
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. 28, 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, NW1/4, 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

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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, 35-10948, 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.

MAY 20 1993

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.

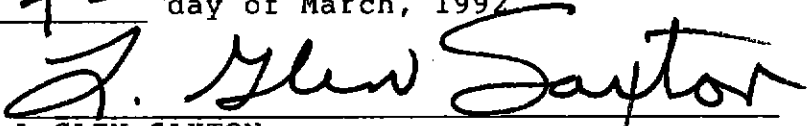
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

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
			4075.2

ATTACHMENT 2

MAY 20 1993

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

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MAR 21 1990

Total acres _____

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. 36-2727/7495And said application is hereby APPROVED, subject to the following limitations and conditions:SEE ATTACHED CONDITIONS OF APPROVAL.**MICROFILMED**

MAR 21 1990

Witness my hand this

19th

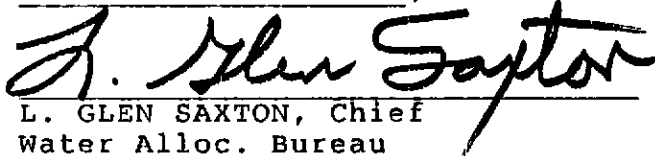
day of

March, 19 90J. Glen Saxton
Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL
of Transfer Nos. 3666, 3667, 3668, 3669, 3670 & 3671
on Water Right Nos. 35-2728/2821~~8~~/2844/7361/
7586/7605/7632, A35-10948~~6~~, 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, 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	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				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					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 _____

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	

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 MAR 21 1990

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. 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) amount _____ for _____ purposes from _____ to _____

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

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MAR 21 1990

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 _____

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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.**

The form consists of a large grid of squares, intended for drawing a map. On the left side of the grid, there is a faint, circular outline, possibly representing a river or a specific area of interest. The grid is composed of solid lines forming the main sections and dashed lines for further subdivisions.

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

- | 1. | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|-------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:

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

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

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

Blaine Larson

(Signature of Applicant)

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

John R. Varian

(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 _____	_____
Received 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 MICROFILMED	
Copy of transfer sent to lien holder _____		

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

[illegible]

[illegible]

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MAR 21 1990

EXHIBIT "A"

Water License No. 36-7495 for 320 acres located in the
W $\frac{1}{2}$ of Section 36, Township 6 South, Range 22 EBM, Lincoln County,
Idaho.

Water License No. 37-2652 for 320 acres located in the
E $\frac{1}{2}$ of Section 36, Township 6 South, Range 22 EBM, Lincoln County,
Idaho.

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Exhibit B - Places of use and points of diversion on Blaine Larsen 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 R36E	All of Sec. 31, T6N, R36E	495.3
49	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, R36E NW1/4, NW1/4, Sec. 30, T9N, R36E	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 NW1/4, SW1/4, Sec. 27, Sec. 28, T9N, R36E	196.0

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108	SE1/4, SW1/4, NW1/4, 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 W1/2, 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	W1/2, NW1/4, Sec. 13, T8N, R36E	62.8
Total			4,729.9

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RENEWAL OF LEASE OF WATER RIGHTS FOR 1990, 1991 AND 1992

This Renewal, made and entered into on this 13 day of July, 1989, 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, consisting of William Kerbs and Vern Routh, 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 two additional years commencing April 1, 1990 and one additional year commencing April 1, 1992.. 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 and which limits Lessee's ability to exercise such option for only one year at a time.

2. The parties hereto contemplate the filing of a two-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 irrigation seasons 1990 and 1991 (the "Two-year 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 Two-year Transfer.

3. The parties hereto also contemplate the possible need to file 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 1992 irrigation season (the "1992 Transfer") similar to the one-year transfer referenced in the Lease and approved by the Idaho Department of Water Resources on April 19, 1989. If the Two-year Transfer is approved, this Renewal for the 1992 irrigation season is still contingent on the approval of the 1992 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 per year. Payment of such sums, however, shall be made in the following manner:

(a) \$4,480.00 to be paid on April 1, 1990 or within 10 days following the approval of the Two-year Transfer, whichever is later; and

(b) \$4,480.00 to be paid on April 1, 1991; and

(c) \$4,480.00 to be paid on April 1, 1992 or within 10 days following the approval of the 1992 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. (This Renewal also clarifies the correct titles of the Lessee).

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

KERBS & ROUTH

By: William Kerbs
William Kerbs
LESSOR

Blaine Larsen
Blaine Larsen

LARSEN FARMS OF IDAHO

By: Blaine Larsen
Blaine Larsen

LARSEN FARMS

By: Blaine Larsen
Blaine Larsen
LESSEE

STATE OF ARIZONA)
County of Yuma) ss.

On this 13th day of July, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared William Kerbs for Kerbs & Routh, a partnership, known 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.

Larry Rieff
Notary Public for Arizona
Residing at Yuma Arizona
My commission expires: 9-1-92

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MAR 21 1990

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 20th day of July, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Blaine Larsen, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

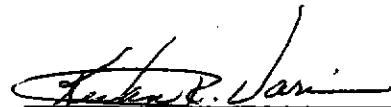
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 8-19-91

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 20th day of July, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Blaine Larsen, on behalf of Larsen Farms of Idaho, a corporation, known 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 corporation.

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


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 8-19-91

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 20th day of July, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Blaine Larsen on behalf of Larsen Farms, a partnership, known 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.


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 8-19-91

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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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.

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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

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and the Lessor shall have any other remedy available to it at law or in equity, including the right to recovery rental payments and damages caused by the breach of this lease.

TRANSFER OF WATER RIGHTS UPON TERMINATION OF LEASE:

Upon the termination of this lease for any reason, the Lessee shall surrender the water licenses and water rights covered by this lease to the Lessor and shall pay such cost as is necessary to transfer said water rights and water licenses back to the Lessor's real property described on Exhibit "A" attached hereto.

OPTION TO RENEW: It is further understood and agreed that the Lessee, after the expiration of the first lease period hereunder, shall have the option to continue this lease for four (4) additional terms of one (1) year each upon the same terms and conditions. The amount of rent to be paid during the renewal period shall be \$4,200 per year. The amount of the annual rent to be paid for the renewal period shall be paid at the time of renewal. The option to renew shall be exercised by the Lessee giving written notice to the Lessor prior to March 1 of the year in which the water is to be leased.

NOTICES: Any notices required or desired to be given by one party to the other may be given by placing the same in a sealed envelope and mailing the same, postage prepaid, in the United States Mail to the other party at the address hereinafter set forth.

Lessor:

c/o William Kerbs
213 Pleasant Way
Rupert, Idaho 83350

Lessee:

c/o Blaine Larsen
P. O. Box 188
Hamer, Idaho 83245

In addition to the foregoing notices, copies of notices will be sent to the attorneys for the party to whom notice is

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Attorney for Lessor:
Larry R. Duff
Goodman & Duff
P. O. Box D
Rupert, Idaho 83350

Attorney for Lessee:
James D. Hansen
Given, McDevitt, Pursley, Webb & Buser
P. O. Box 2720
Boise, Idaho 83701

ATTORNEY FEES: In the event suit is instituted by either party to enforce any provisions of this agreement, the successful party to said suit shall be entitled to recover their costs of the suit and a reasonable attorney fee in such amount as the Court may set.

SUCCESSORS AND ASSIGNS: This agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

KERBS & ROUTH

By William Kerbs
William Kerbs
LESSOR

Blaine Larsen
Blaine Larsen

LARSEN FARMS OF IDAHO

By Blaine Larsen
Blaine Larsen

LARSEN FARM

By Blaine Larsen
Blaine Larsen
LESSEE

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STATE OF ARIZONA
County of Yuma

)
) ss.
)

On this 16th day of DECEMBER, 1988, before me the undersigned Notary Public in and for said State personally appeared WILLIAM KERBS for Kerbs & Routh, a partnership, known 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 first above written.

(SEAL)

Raymond Stapleton
Notary Public Yuma, ARIZONA
Residing at Reposit, Idaho
My Commission Expires: 5-17-91

STATE OF IDAHO

)
) ss.
)

County of Jefferson

On this 29th day of December, 1988, before me the undersigned Notary Public in and for said State personally appeared BLAINE LARSEN known 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 first above written.

(SEAL)

Robert P. Van
Notary Public
Residing at: Idaho Falls, Idaho
My Commission Expires: 8-19-91

STATE OF IDAHO

)
) ss.
)

County of Jefferson

On this 29th day of December, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, on behalf of Larsen Farms of Idaho, a corporation, known 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 corporation.

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

(SEAL)

Robert L. Larsen
Notary Public
Residing at: Idaho Falls, Idaho
My Commission Expires: 8-19-91

STATE OF IDAHO

County of Jefferson

ss.

On this 29th day of December, 1988,
before me the undersigned Notary Public in and for said State
personally appeared BLAINE LARSEN, on behalf of Larsen Farm, a
partnership, known 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 first above written.

(SEAL)

Robert L. Larsen
Notary Public
Residing at: Idaho Falls, Idaho
My Commission Expires: 8-19-91

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

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

ORDER APPROVING
TRANSFERS

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

FINDINGS OF FACTS

1. On January 6, 1989, Blaine Larsen ("Larsen") filed transfer application nos. 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3512 with the Department of Water Resources ("department") proposing transfer of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300. On January 25, 1989, Larsen filed transfer application no. 3500 with the department proposing transfer of water right nos. 21-7050 and 21-7051.

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

ORDER

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

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

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

3. The priority of water right nos. 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 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:

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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

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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

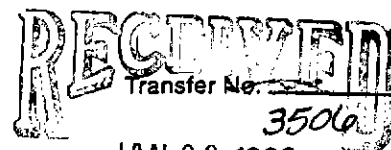
Diana Schuett
DIANA SCHUETT, Clerical
Assistant



BLAINE LARSEN TRANSFERS 1989
PLACE OF USE
LISTED BY DIVERSION NUMBER

	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE	SW	SE	DIV	DIV
	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SE	SW	SE	NUMBER	TOTAL
6N 35E 31 :	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	30.9	8	123.6
6N 35E 31 :					30.5	30.5	30.4	30.4								9	121.8
6N 35E 31 :31.7	31.6	31.6	31.6	31.6												10	126.5
6N 35E 31 :									30.9	30.9	30.9	30.9	30.9	30.9	30.9	11	123.6
7N 36E 4 :																49	60.0
7N 36E 9 : 25	15 :															49	100.0
8N 36E 11 :					2	5 :										38	139.0
8N 36E 12 :								10	7							89	156.0
8N 36E 10 :			7 :													90	80.0
8N 36E 11 :					12	5.3 :	12	40	36	13 :						90	118.3
8N 36E 3 :																93	14.0
8N 36E 9 : 5	1.7 :															93	6.7
8N 36E 10 :	8	6			31	36 :										93	161.0
8N 36E 3 :					33	33 :	40	40	18	18 :						94	188.0
8N 36E 4 :			5 :													94	13.0
8N 36E 3 :																95	59.0
8N 36E 4 : 10																95	10.0
9N 36E 33 :																95	13.0
9N 36E 34 :																95	42.7
9N 36E 34 : 27	16	37	40 :													96	28.0
9N 36E 35 :					40	20 :	14.3	39								96	113.3
9N 36E 26 :																97	169.0
9N 36E 35 :	30	12			8	20 :		10								97	38.0
9N 36E 26 :																98	73.0
9N 36E 35 :					40	33	12	22.3 :								98	148.3
9N 36E 25 :																99	124.6
9N 36E 35 :																99	12.0
9N 36E 25 :																100	9.0
9N 36E 35 :	36	34	38	39 :												100	155.4
9N 36E 26 :																101	164.7
9N 36E 25 :																102	28.0
9N 36E 26 :	37	10.9	17	40 :												102	104.9
9N 36E 25 :																103	12.0
9N 36E 26 :																103	35.0
9N 36E 35 :	28	3														103	31.0
9N 36E 36 :																103	5.0
9N 36E 24 :																104	189.6

MICROFILMED
JUL 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 09 1989
APPROVED
Department of Water Resources

Kerbs Transfer (There are two Part 2s)

PART 1

Name of applicant Blaine Larsen Phone (208) 662-5522Post Office address P.O. Box 188 Hamer, Idaho 83425

A. PURPOSE OF TRANSFER

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

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-07495</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~~ New #</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>				

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 and Remarks on page 2

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

5. Lands irrigated or place of use:

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

Total acres _____

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

PART 1

Transfer No. _____

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. _____

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

MICROFILMED
JUL 17 1989

Witness my hand this _____

day of _____

19 _____

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 37-2652

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

PURSUANT TO ORDER DATED APRIL 19, 1989

MICROFILMED

JUL 17 1989

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

Norm C. [Signature]

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	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				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	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)

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

MICROFILMED

JUL 17 1989

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 3

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

MICROFILMED

JUL 17 1989

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

- | 1. | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|-------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:

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

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

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

Blaine Larson

(Signature of Applicant)

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

Lena 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 JIM 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

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Identification No. 36-2727
Transfer No. 1889

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder William Kerbs
Post office address Box 425, Rupert, Id.
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____
b. License No. 36-2727
37-2652 issued by the State of Idaho, Department of Reclamation.
3. Source of water groundwater tributary to _____
(Name of stream or source)
4. Date of Priority 3-10-61
5. Amount of water a. 5.10 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from Mar. 15 to Nov. 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36,
Township 6S, Range 22E, B.M., in Lincoln County;
Additional points of diversion, if any _____

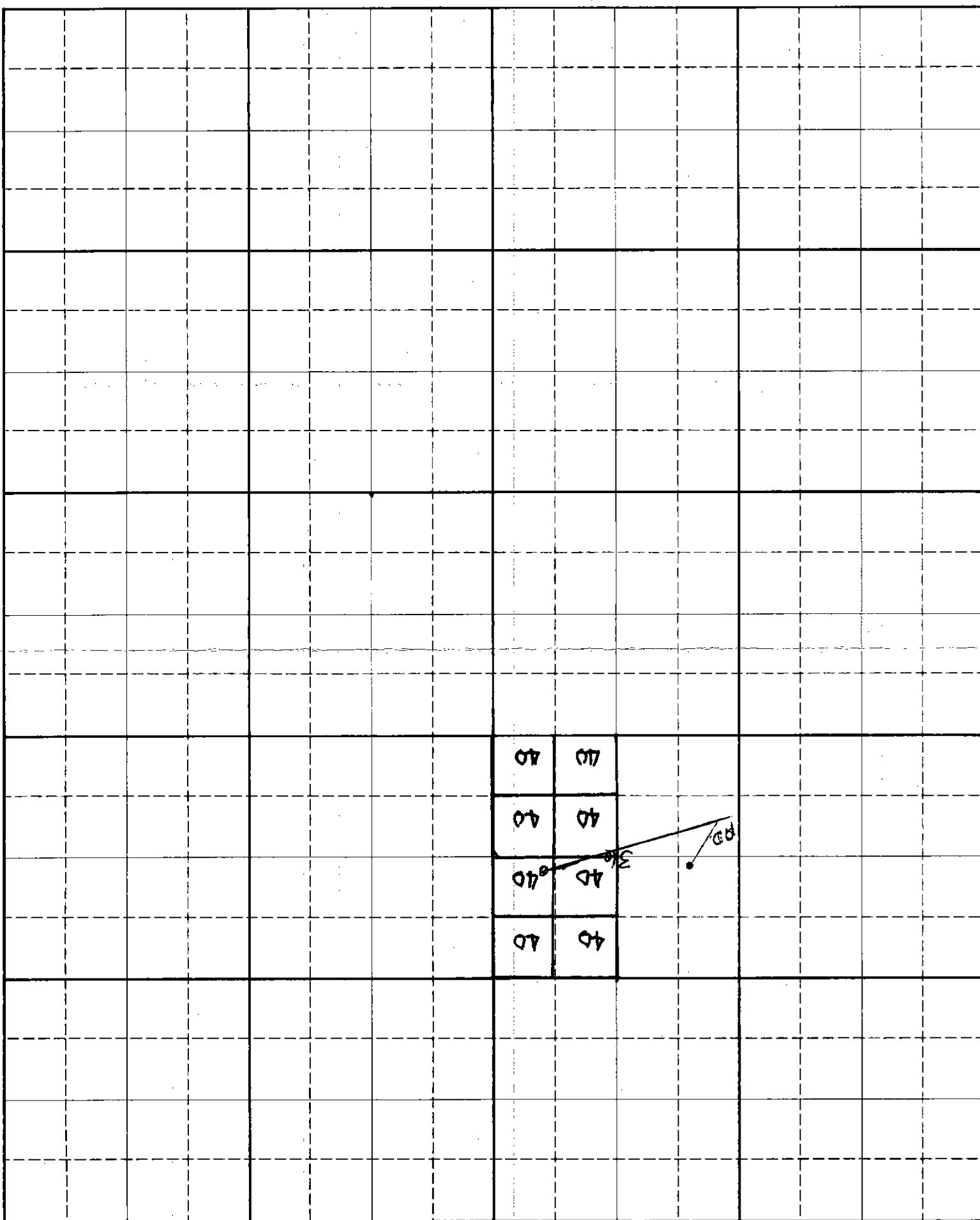
8. Lands presently irrigated or place of use:

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	28	27	20	31	35	30	14	19	9	18	12	25	20	18	14	0	320

Total number of acres presently irrigated 320

MICROFILMED

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.



R-22E

Sheet

9. If applicant was not the original holder of this right explain how it was acquired: applicant is original rights holder

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 5.10 c.f.s. and/or _____ acre feet
- b. New point of diversion: SW SE 1/4 NW NE 1/4, Section 36, Township 6S
22E, Range Lincoln Co, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: sprinkler system (enclosed)
- d. Is water to be conveyed to the lands previously irrigated? in part Yes _____ No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
To allow for more flexibility and to put the water to more beneficial use
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? no
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	22E	36	40	40	40	40									40	40	40	40	320

Total number of acres to be irrigated 320

MICROFILMED

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No - some land will still be covered under this right

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: none

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

X William Serbs
(signature of applicant)

Subscribed and sworn to before me this 13th day of August, 1974

Lydia L. Trippett
(notary public)

My Commission expires 2-24-78

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 37-2652,
and said application is hereby APPROVED.

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

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

R. Karl Lipp
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by MLS Date 8-13-74

Prelim. check by RAH Date 8-13-74

Fee received by LT Date 8-13-74 Fee \$ 30.00
(13975)

Approved for publication by RAH

Published in Lin. Co. Jrnl Dates 8-22 & 8-29-74

Hearing held _____

Watermaster Recommendation sent _____

Protest filed by: _____ Date _____

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

- Transfer*
- (1) _____ Application No. 37-2652 William Kerbs
- (2) RA 8-13-74 ☒ 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) RA 8-13-74 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) RA 8-13-74 In form for advertising
- (6) KOF 9-10-74 Located within Water District No. 36
- (7) ↓ Critical groundwater area: yes _____ no ☒
- (8) ↓ Groundwater levels:
☐ Decline (comment) _____
☒ Stable (comment) _____
☐ Increasing (comment) _____
- (9) ↓ Comments: _____
- (10) LT 9-6-74 Affidavit of Publication received (date) 9-6-74
- (11) KOF 9-10-74 Final date for protests 9-9-74
Protests received: yes _____ no ☒
- (12) _____ Date and Place of hearing _____
Decision reached at hearing _____
- (13) NA All requested information received from agencies or applicant
yes _____ no _____
- (14) KOF 9-10-74 Action recommended:
☒ Approve Priority _____
☐ Deny Reason for Reduction _____
☒ Measuring device required
☐ See attached sheet for additional conditions of approval
☐ No additional conditions for approval
- (15) District Southern By K.O. Thomsen Date 9-10-74

RECEIVED
MICROFILMED
Department of Water Resources

8347+

State of Idaho
License and Certificate of Water Right

Water License No. G-29561

Amount 5.10 c.f.s.

Water District No. _____

Priority March 10, 1961

THIS IS TO CERTIFY that **WILLIAM KERBS**
of **Rupert, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **March 10**, 19 **61**; that Permit No. **G-29561**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.10 second feet, was issued thereunder on **October 22**, 19 **65**, showing that said works
were completed on the **16th** day of **August**, 19 **65**; and that on the **16th**
day of **August**, 19 **65**, **William Kerbs**

of **Rupert**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of **a well**
, a tributary of sunterranean flow, for the purpose of **irrigation**
, under Use Permit No. G-29561 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page **8347**, on the **22** day of **October**, 19 **65**;

The right hereby confirmed dates from **March 10**, 19 **61**;

The Point of Diversion is located

in the **SE 1/4 NE 1/4, Sec. 36, Tp. 6 S, R. 22 E, B. M. Lincoln County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed **5.10** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S	22 E	36	NE ¹ / ₄ NE ¹ / ₄	40	28
			NW ¹ / ₄ NE ¹ / ₄	40	27
			SW ¹ / ₄ NE ¹ / ₄	40	20
			SE ¹ / ₄ NE ¹ / ₄	40	31
			NE ¹ / ₄ NW ¹ / ₄	40	35
			NW ¹ / ₄ NW ¹ / ₄	40	30
			SW ¹ / ₄ NW ¹ / ₄	40	14
			SE ¹ / ₄ NW ¹ / ₄	40	19
			NE ¹ / ₄ SW ¹ / ₄	40	9
			NW ¹ / ₄ SW ¹ / ₄	40	18
			SW ¹ / ₄ SW ¹ / ₄	40	12
			SE ¹ / ₄ SW ¹ / ₄	40	25
			NE ¹ / ₄ SE ¹ / ₄	40	20
			NW ¹ / ₄ SE ¹ / ₄	40	18
			SW ¹ / ₄ SE ¹ / ₄	40	14
			SE ¹ / ₄ SE ¹ / ₄	40	0
Total number of acres to be irrigated					320

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

22nd day of **October**, 19 **65**.

S/ **RALPH W. THOMAS**
Deputy State Reclamation Engineer.

(SEAL)

36-2727

37-2652

+ 8348

State of Idaho
License and Certificate of Water Right

Water License No. G-28638

Amount .46 c.f.s.

Water District No.

Priority April 21, 1960

THIS IS TO CERTIFY that LAWRENCE C. BALL
of Wilder, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 21, 1960; that Permit No G-28638
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.46 second feet, was issued thereunder on October 22, 1965, showing that said works
were completed on the 2nd day of April, 1965; and that on the 2nd
day of April, 1965, Lawrence C. Ball

of Wilder, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28638 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8348, on the 22 day of October, 1965;
The right hereby confirmed dates from April 21, 1960;

The Point of Diversion is located
in the SW 1/4 NW 1/4, Sec. 10, Tp. 1 N, R. 4 W, B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed .46 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N	4 W	10	SW 1/4 NW 1/4	23	23

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
22nd day of October, 1965.

S/ RALPH W. THOMAS
DEPUTY State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

37-2652

Application No. G- 37564
Permit No. G- 29561
District No.

1. Name of Applicant: William Kerbs
Postoffice address: 514 E. D St.,
Rupert County: Minidoka State: Idaho

2. Quantity of water claimed: 320 Miner's inches

(a) Rate of withdrawal in cubic feet per second 6.4 or Idaho
Miners' inches or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Drilled well

4. Location of point of diversion or well is in the SE 1/4 of the NE 1/4 of Section 36
Twp. 3 S , Rge. 22 E , B.M., County of Lincoln

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.,

(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.

7. Kind of works: Drilled well, to be cased and equipped with turbine type pump and motor

8. Estimated cost of works: \$ 15,000

9. (a) Is reservoir to be used? no

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5
years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

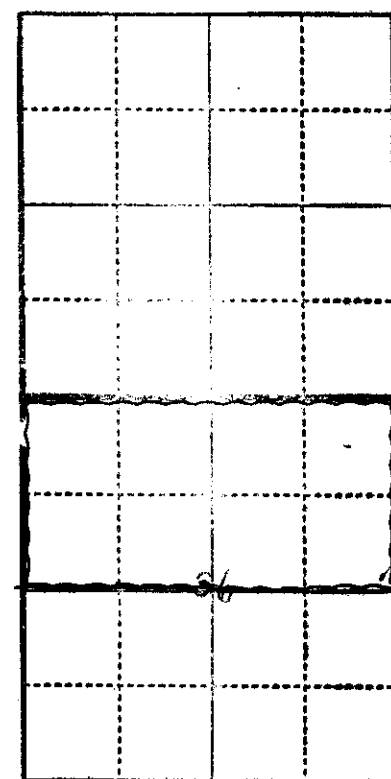
(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks: This permit is to be used for the irrigation of state contract lands

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

William Kerbs Applicant.

By s/ Harley M. McDowell Agent.

Date of first receipt at Department of Reclamation: 1:30 P.M. March 10, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29561

Recorded in Book 104 Page 29561 Approved March 20, 1961

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

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 20, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before March 20, 1966

Witness my hand this 20th day of March, 1961

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th day of March, 1961.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLIE

Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 S	22 E	36	40	40	40	40	40	40	40	40									320
Application for Amendment POINT OF DIVERSION ✓ Permit No. G-29561																			
Comes now WILLIAM KERBS and represents to the State Reclamation Engineer of the State of Idaho:																			
That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-29561.																			
That the point of diversion is described in said Permit as being located: SE¼NE¼, Sec. 36, T. 3 S., R. 22 E., B. M., Idaho																			
That he now requests that the point of diversion be changed to a point located: SE¼NE¼, Sec. 36 T. 6 S., Rge. 22 E., B. M., Idaho																			
That the reason for desiring to make such change is as follows: A typographical error was made in applying for the original permit. The township should have been 6 S., instead of 3 S.																			
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.																			
Signed at Boise, Idaho, this 29th day of May, 1961																			
s/ WILLIAM KERBS																			
Date of receipt at Department of Reclamation: May 31, 1961																			
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-29561. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.																			

Recorded: June 2, 1961

s/ GEO. N. CARTER
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-29561

Comes now WILLIAM KERBS and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-29561, and requests that the list of lands to be irrigated as described in said permit, be changed to read as follows:

N $\frac{1}{2}$, Section 36, T. 6 S., R. 22 E., B. M., Idaho - making a total of 320 acres.

When the original permit was filed a typographical error was made in the township and this amendment is for the purposes of correcting this error

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 29 day of May, 1961.

William Kerbs

Date of receipt at office of Department of Reclamation: May 31, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-29561. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s. GEO. N. CARTER
State Reclamation Engineer

Recorded: June 2, 1961

APPLICATION FOR AMENDMENT
LAND LIST
Permit No. G-29561

Comes now William Kerbs and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-29561 and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

All, Section 36, T. 6 S., R. 22 E., B. M., making a total of 640 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 10th day of July, 1965

s/ WILLIAM KERBS

By Harley M. McDowell, Agent

Date of Receipt at office of Department of Reclamation: July 12, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-29561. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Recorded: July 12, 1965

Permit No. G-29561

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that William Kerbs of Rupert, County of Minidoka and State of Idaho the holder of Permit No. G-29561, issued upon Application No. G-37564 bearing date of priority of March 10, 1961, authorizing the diversion of 6.4 second feet of waters of a well County of Lincoln, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of Completion of the Works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5.10 second feet of the waters of a well from subterranean flow that the point of diversion of said waters SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T 6 S., R 22 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to wit; Section 36, T 6 S., R 22 E., B.M.

Witness my hand this 22nd day of October, A.D. 1965.

LICENSE ISSUED FOR 5.10 SEC. FT. s/ RALPH W. THOMAS
LICENSE PAGE NO. 8347 Deputy State Reclamation Engineer

Proof of Completion of Works made: August 16, 1965.

AFFIDAVIT of PUBLICATION

Rec: 9-6-74 LT

State of Idaho, }
County of Lincoln } SS.

Darlene Gaskill, 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.

Darlene Gaskill

Subscribed and sworn to before me this 5th

day of September, 1974.
(SEAL)

Helen Magoffin
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>44</u>	
Number of Insertions	<u>two</u>	
Lines tabular at	315c	
<u>44</u> Lines straight at	21c	<u>9.24</u>
<u>44</u> Subsequent lines at	15c	<u>6.60</u>
TOTAL COST		<u>\$15.84</u>

COPY OF NOTICE

(Paste Here)

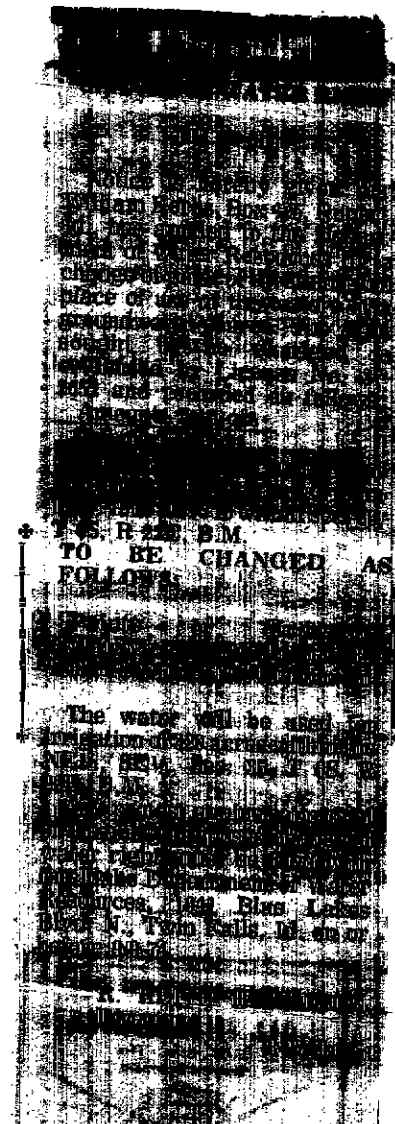
Notice Proposed
TITLE OF NOTICE
Change Water Right

PLAINTIFF ATTORNEY
No 37-2652
William Kerbs - Rupert
DEFENDANT

PLAINTIFF

BILL TO

200. Dept Water Res.
Chin Falls. Id.



MEMORANDUM

TO: FILE 36-02727

FROM: PAM SKAGGS

RE: TRANSFER # 4097

DATE: 04-27-93

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 36-07495.

RECEIVED

MAY 20 1993

DATE: 04/28/93
PAGE: 19

DIVERSION RATE
5.10 CFS
DIVERSION VOLUME
5.10 CFS

tributary to:

Stage: LICENSE

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44

Place of use Legal Description for: IRRIGATION

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

Place of use Legal Description for: IRRIGATION

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.

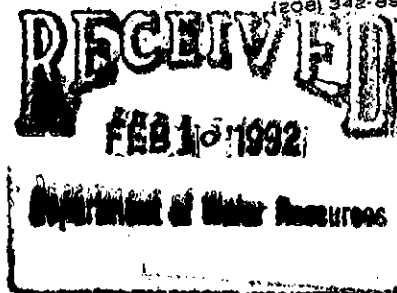
LAW OFFICES
GIVENS, PURSLEY, WEBB & HUNTLEY
 SUITE 200, PARK PLACE
 277 NO. 6TH STREET
 POST OFFICE BOX 2720
 BOISE, IDAHO 83701

JAMES A. MCCLURE
 OF COUNSEL

TELEPHONE
 (208) 342-8571

FACSIMILE
 (208) 343-9492
 (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.)

MICROFILMED
MAY 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 20, 1990

RE: Transfers of Water Right Nos. 35-2728/2821/2844/7361/7586/
7605/7632, A35-10948, 36-2074/
2121/2122/2124/2127/2190/2193/
2194/2300/2632/2727/7015A/
7022/7272/7495/7897

Blaine Larsen
Box 188
Hamer, ID 83425

Dear Mr. Larsen:

Enclosed are copies of the approved Applications for Transfer of the above referenced water rights. Please note the conditions of approval listed on the attachment following the second page of each transfer.

If you have any questions concerning these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

cc: Jim Hansen

MICROFILMED

MAR 21 1990

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.

MICROFILMED
MAR 21 1990

SIGNATURE

PAGE:

1 3. KERBS

PLACE OF USE 1/4 1/4 OVERLAP REPORT

NE

NW

SW

SE

12/27/89

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	SUM
3607495	KERBS	L	GROUNDWATER	065	22E	36	40	40	40	40	320
3602727	ROUT	L	GROUNDWATER	065	22E	36	40	40	40	40	238
3607495	1986 MAPPING DATA	-	COUNTY 63 QUAD AA 78 065	22E	36	38	40	40	38	37	465

MICROFILMED

MAR 21 1990

WR-NUMBER	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	LOT + SUM
3607495	T065	R22E	S36														82
3607495																	

63 MAPPING: 1L41 2L45 3L45 4L45

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176

MICROFILMED

MAR 21 1990

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	SUM
3602727	KERBS	L	GROUNDWATER	06S	22E	36	40	40	40	40	320
3602727	ROUTH	L	GROUNDWATER	06S	22E	36	40	40	40	40	238
3607495	1986 MAPPING DATA		COUNTY 63 QUAD AA 78	06S	22E	36	38	40	40	38	465

MICROFILMED

MAR 21 1990

PAGE: 2

MR-NUMBER	NE	NW	SW	SE
3602727	T06S	R22E	S36	
3607495				
63 MAPPING:	1L41	2L45	3L45	4L45

PLACE OF USE LOTS OVERLAP REPORT
SW

4L41 3L41

SE	SW	NW	NE
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LOT	SUM
1	100
2	200
3	300
4	400
5	500
6	600
7	700
8	800
9	900
10	1000
11	1100
12	1200
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77	7700
78	7800
79	7900
80	8000
81	8100
82	8200
83	8300
84	8400
85	8500
86	8600
87	8700
88	8800
89	8900
90	9000
91	9100
92	9200
93	9300
94	9400
95	9500
96	9600
97	9700
98	9800
99	9900
100	10000

176

8

12/27/89

MICROFILMED

MAR 21 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 3, 1989

Blaine Larsen
Box 188
Hamer, Idaho 83425

Re: Application for Transfer

Dear Applicant:

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

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

MICROFILMED

JUL 17 1989

GS:ds

Enclosure

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

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

MICROFILMED
JUL 17 1989

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 of Water Resources 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

and the Lessor shall have any other remedy available to it at law or in equity, including the right to recovery rental payments and damages caused by the breach of this lease.

TRANSFER OF WATER RIGHTS UPON TERMINATION OF LEASE:

Upon the termination of this lease for any reason, the Lessee shall surrender the water licenses and water rights covered by this lease to the Lessor and shall pay such cost as is necessary to transfer said water rights and water licenses back to the Lessor's real property described on Exhibit "A" attached hereto.

OPTION TO RENEW: It is further understood and agreed that the Lessee, after the expiration of the first lease period hereunder, shall have the option to continue this lease for four (4) additional terms of one (1) year each upon the same terms and conditions. The amount of rent to be paid during the renewal period shall be \$4,200 per year. The amount of the annual rent to be paid for the renewal period shall be paid at the time of renewal. The option to renew shall be exercised by the Lessee giving written notice to the Lessor prior to March 1 of the year in which the water is to be leased.

NOTICES: Any notices required or desired to be given by one party to the other may be given by placing the same in a **MICROFILMED** and mailing the same, postage prepaid, in the United States Mail to the other party at the address hereinafter set forth. JUL 17 1989

Lessor:
c/o William Kerbs
213 Pleasant Way
Rupert, Idaho 83350

Lessee:
c/o Blaine Larsen
P. O. Box 188
Hamer, Idaho 83245

In addition to the foregoing notices, copies of notices will be sent to the attorneys for the party to whom notice is sent.

Attorney for Lessor:
Larry R. Duff
Goodman & Duff
P. O. Box D
Rupert, Idaho 83350

Attorney for Lessee:
James D. Hansen
Given, McDevitt, Pursley, Webb & Buser
P. O. Box 2720
Boise, Idaho 83701

ATTORNEY FEES: In the event suit is instituted by either party to enforce any provisions of this agreement, the successful party to said suit shall be entitled to recover their costs of the suit and a reasonable attorney fee in such amount as the Court may set.

SUCCESSORS AND ASSIGNS: This agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

KERBS & ROUTH

By William Kerbs
William Kerbs
LESSOR

MICROFILMED

JUL 17 1989

By Blaine Larsen
Blaine Larsen

LARSEN FARMS OF IDAHO

By Blaine Larsen
Blaine Larsen

LARSEN FARM

By Blaine Larsen
Blaine Larsen
LESSEE

STATE OF ~~IDAHO~~ ^{ARIZONA}
County of ~~Minidoka~~ ^{Yuma}

)
) ss.
)

On this 16th day of DECEMBER, 1988, before me the undersigned Notary Public in and for said State personally appeared WILLIAM KERBS for Kerbs & Routh, a partnership, known 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 first above written.

(SEAL)

Raymond L Stapleton
Notary Public Yuma, ARIZONA
Residing at Report, Idaho
My Commission Expires: 5-12-91

STATE OF IDAHO

)
) ss.
)

County of Jefferson

On this 29th day of December, 1988, before me the undersigned Notary Public in and for said State personally appeared BLAINE LARSEN known 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 first above written.

(SEAL)

MICROFILMED

JUL 17 1989

Robert L. Van
Notary Public
Residing at: Idaho Falls, Idaho
My Commission Expires: 8-19-91

STATE OF IDAHO

)
) ss.
)

County of Jefferson

On this 29th day of December, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, on behalf of Larsen Farms of Idaho, a corporation, known 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 corporation.

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

(SEAL)

[Signature]
Notary Public
Residing at: Idaho Falls, Idaho
My Commission Expires: 8-19-91

STATE OF IDAHO)

County of Jefferson) ss.

On this 29th day of December, 1988,
before me the undersigned Notary Public in and for said State
personally appeared BLAINE LARSEN, on behalf of Larsen Farm, a
partnership, known 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 first above written.

(SEAL)

[Signature]
Notary Public
Residing at: Idaho Falls, Idaho
My Commission Expires: 8-19-91

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JUL 17 1989

EXHIBIT "A"

Water License No. 36-7495 for 320 acres located in the W $\frac{1}{2}$ of Section 36, Township 6 South, Range 22 EBM, Lincoln County, Idaho.

Water License No. 37-2652 for 320 acres located in the E $\frac{1}{2}$ of Section 36, Township 6 South, Range 22 EBM, Lincoln County, Idaho.

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JUL 17 1989

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
49	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	W1/2, 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 W1/2, 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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JUL 17 1989

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 W1/2, 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	W1/2, NW1/4, Sec. 13, T8N, R36E	62.8

Total 4,729.9

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JUL 17 1989

ATTACHMENT 1: Points of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
NE	SE	NW	31	6N	35E	Jefferson	8
SE	NE	SW	31	6N	35E	Jefferson	9
NE	SE	NW	31	6N	35E	Jefferson	10
SE	NE	SW	31	6N	35E	Jefferson	11
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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JUL 17 1989

Town- ship	Range	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10N	36E	33				23.5									40			25	176.5
		34							23										# 112
8N	36E	3	27	27															127.4
9N	36E	34												7				25	# 113
9N	36E	25									39.5	14	12	36			7		117.5
9N	36E	25			30	35									26	23.4			# 119
8N	36E	13						31.4											114.4
		12											31.4						# 120
																			62.8
																			# 123
TOTAL ACRES																			4,594.7

JUL 17 1979

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

[illegible]

September 19, 1974

Re: Transfer No. 37-2652

Mr. William Kerbs
Box 425
Bupert, Idaho 83350

Dear Mr. Kerbs:

Enclosed is a copy of your approved Application for Transfer of Water Right No. 37-2652. 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 Transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

RECEIVED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 13, 1974

RE: Application for Transfer No. 37-2652

Lincoln County Journal
P.O. Box 704
Shoshone, Id. 83352

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the 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

MICROFILMED

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shoni legal

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 37-2652

Notice is hereby given that William Kerbs, Box 425, Rupert, Id., has applied to the Department of Water Resources for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 37-2652 and recorded as follows:

Amount: 5.10 cfs

Priority: 3-10-61

The water is used for irrigation of 320 acres from Mar. 15 to Nov. 15 within Sec. 36, T 6S, R 22E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

Points of diversion:
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.

The water will be used for irrigation of 320 acres within the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T 6S, R 22E, B.M. *5-4*

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Id. on or before 9-9-74.

R. KEITH HIGGINSON
Director

8-22-2tc-L

*ok LT
8-20-74*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-2652

Notice is hereby given that William Kerbs, Box 425, Rupert, Id., has applied to the Department of Water Resources for a change of point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 37-2652 and recorded as follows:

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The water is used for irrigation of 320 acres from Mar. 15 to Nov. 15 within Sec. 36, T 6S, R 22E, B.M.

TO BE CHANGED AS FOLLOWS:

Points of diversion: 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.

The water will be used for irrigation of 320 acres within the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T 6S, R 22E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Id. on or before 9-9-74.

R. KEITH HIGGINSON
Director

Published in the Lincoln Co. Journal 8-22 & 8-29-74.

MICROFILMED

October 22, 1965

RE: Permit No. G-29561

William Kerbs
514 South "D" Street
Rupert, Idaho

Dear Mr. Kerbs:

Enclosed are the Certificate of Completion of Works
and License and the Certificate of Water Right issued on
the above numbered permit.

Also enclosed is departmental receipt No. G-9920, in
the amount of \$37.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ejw

Encl: certificates
receipt

29561

RECEIVED
OCT 20 1965

Department of Reclamation

514 S. D. St.
Rupert, Idaho
October 18, 1965

Dept. of Reclamation, State of Idaho
107 State House
Boise, Idaho

Att: Mrs. Edna P. Rule, Chief Clerk

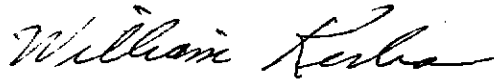
Re: Permit No. G-29561 - William Kerbs

Dear Mrs. Rule:

In accordance with your form letter of October 15th concerning the Certificate of Completion of Works and the License and Certificate of Water Right, we are enclosing a check in the amount of \$37.00 to cover the necessary fees. I trust we will receive these papers at your earliest convenience.

Thank you.

Yours very truly,



William Kerbs

ew
Encl.

29561

500 - July 8, 1964

October 15, 1965

RE: Permit No. G-29561

William Kerbs
514 South D Street
Rupert, Idaho

Dear Mr. Kerbs:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-29561 shows the well is ~~(are)~~ capable of conveying 255 miner's inches, or 5.10 c.f.s. of water for the irrigation of 320 acres.

Upon receipt of the statutory fees, totaling \$ 37.00 , we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of March 10, 1961 , to the use of 5.10 second feet of subterranean water with the point of diversion in the SE 1/4, Sec. 36 for irrigation of 320 acres in Sec. 36, T. 6 S., R. 22 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

29561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29561 ✓

REPORT ON PROOF OF Completion of Works & Beneficial Use

30	35	27	28
14	19	20	31
18	9	18	20
12	25	14	0

120
84
65
51
320

PD

Kimpton

Sat. 16
Total 300000
@ 5.10 %
255000

X
Minidoka
H
V

$$S = \frac{1}{2} g t^2$$

$$t^2 = \frac{2S}{g}$$

$$t = \sqrt{\frac{2S}{g}}$$

$$t = \sqrt{\frac{1}{32.2}}$$

$$= \sqrt{.0310}$$

$$= .176 \text{ sec}$$

$$V = S/t$$

$$= \frac{1.21}{.176} = 9.71$$

$$S = \frac{1}{2}$$

$$g = 32.2$$

$$A = \frac{(9.8)^2 \pi}{4 (144)}$$

$$= .5255 \text{ ft}$$

$$Q = A V$$

$$= 9.71 (.525)$$

$$= \frac{5.1065}{29561}$$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-29561 ✓

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant William Kerbs ✓

2. Source of water supply: Subterranean ✓

3. Location of point of diversion: Is in the SE 1/4 ✓ of Section 36 ✓

T. 6 S. ✓ R. 22 E.B.M. ✓ County of Lincoln ✓

4. Describe works as they exist, giving dimensions and capacities of same: _____

200 H.P. G.E. Motor # VJT 819 008; B.J. Pump # 378692
10" Disch thru 10" line 8' ± & 5' to hard placed
3 way concrete diversion Pool

5. Water is used for: Irrigation ✓

6. State whether or not water has been turned into works of diversion: yes ✓ 28

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

~~Sec. 36., Twp. 6 S., Rge. 22 E.B.M.~~
Sec. 36., Twp. 6 S., Rge. 22 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

William Kerbs contacted before measurement
was made

9.8" I.D. Pipe

By Coordinate Method

X = 20' @ Y = 6"

Q = 5.10 cfs

This examination was made on the 22 day of September, 1965

(Signed) _____

Don Watter

Examiner.

29561

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 11 1965

Department of Reclamation

William Kerbs ✓ Res 436 - 3008
51 1/2 South "D" Street ✓ Ranch 532-2863
Rupert, Idaho - Asequa 436-6400
Permit No. G-29561 ✓ Mobil 436-4835

Examination for Completion of Works & Beneficial Use

County Lincoln ✓

Sec. 36 T.6S R.22 EBM

Quantity:

6.4 cfs

Source:

well

P.D.:

SE 1/4 NE 1/4
S 36, T 6 S, R 22

Use:

irrigation

Extension:

Protest:

Completion of Works: -

Other Rights:

None

Filed: Mar 10, 1961

Due:

Sept 20, 1962

29561

September 22, 1965

RE: Permits No. G-23393, G-23396, G-24458,
G-24464, G-28101, G-29561

George Peterson
Peterson, Moss and Olsen Attorneys
105 "E" Street
Idaho Falls, Idaho

Dear Mr. Peterson:

In response to our telephone conversation of this date, the following information is forwarded:

G-23393: Point of Diversion, NE 1/4, Section 16, T. 7 S.,
R. 21 E. Land Lists: NE 1/4, SE 1/4, Section 16,
SW 1/4, SE 1/4, Section 17, T. 7 S., R. 21 E.

G-23396: Point of Diversion, NE 1/4, Section 16, T. 7 S.,
R. 21 E. Land Lists: SW 1/4, SE 1/4, Section 17, NE 1/4, SW 1/4,
SE 1/4, Section 16, T. 7 S., R. 21 E.

G-24464: Point of Diversion, SE 1/4, Section 16, T. 7 S.,
R. 21 E. Land Lists: NE 1/4, SE 1/4, NE 1/4, Section 16, T. 7 S.,
R. 21 E.

G-24458: Point of Diversion, SE 1/4, Section 16, T. 7 S.,
R. 21 E., Land Lists: SE 1/4, SE 1/4, Section 16, T. 7 S.,
R. 21 E.

G-28101: Point of Diversion, SE 1/4, Section 20, T. 7 S.,
R. 21 E. Land Lists: NE 1/4, NE 1/4, E 1/4, Section 20,
SE 1/4, Section 17, T. 7 S., R. 21 E.

G-29561: Point of Diversion, SE 1/4, Section 36, T. 6 S.,
R. 22 E., Land Lists: All of Section 36, T. 6 S., R. 22 E.

There is no record of a well in Section 36, T. 7 S., R. 24 E.

Enclosed are 25 copies of our assignment forms. The fee for
recording each is \$90.

Very truly yours,

29561

September 1, 1965

Re: Permit No. 29561

William Kerbs
514 South "D" St.,
Rupert, Idaho

Dear Mr. Kerbs:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the LINCOLN COUNTY JOURNAL, all submitted in proof of completion of works and beneficial use on Permit No. 29561

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

cc: Harley M. McDowell

EPR:

29561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. G-29561

AUG 28 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: William Kerha,
514 S. "D" Street, Rupert, Idaho, farmer, 514 South "D" Street, Rupert, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business
(if foreign corporation, give name of postoffice of statutory agent), your
position with reference to same, and your authority for appearing in its behalf:

Acting for an individual

Ques. 3. State number, approval date of permit, and date of priority: No: G-29561;

Approved: March 20, 1961; Priority: March 10, 1961

Ques. 4. State source of water supply: deep well
Give location of point of diversion, showing subdivision, section, township and range
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T6S-R22E, B.M.

Ques. 5. Describe your works of diversion: well, 200 hp Turbine pump, ditches & pipeline
; state amount of water they are capable of con-
veying from point of diversion to place of use: 300"; Give name of canal or ditch
or other works by which water is conducted to such place of use: Private Ditch
; if a well, state depth of well 320'; depth and size of
casing 12' of 20" casing; depth to water 247'; if pump is used,
state discharge of pump: 10"; tell how it was measured or determined

A water engineer.; if sprinkler irrigation, give number and size
of nozzles and operating pressure: Gravity

Ques. 6. State for what purpose water is used: Irrigation
(If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:

T6S-R22E, B.M., Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 ac; NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 ac; NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 ac;

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 24 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 ac; NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ SE $\frac{1}{4}$ -

15 ac; NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 5 ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 25 ac; SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 5 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 35 ac; ~~SW $\frac{1}{4}$ SW $\frac{1}{4}$~~ SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac;

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 5 ac; for a total of 374 acres.

29561

State nature of all improvements which have been made as a direct result of said use:

All improvements are a direct result of said use.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Strasser Drilling Co., Rupert, Idaho

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Irrigation only.

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Original applicant

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: May 1961 - Time used since first use:

Every irrigation season since.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

NONE

(sign)

William Kerbs

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Boise

, County of Ada

State of Idaho, on this 16th day of August, A. D. 1965.

Sharon Desain

My commission expires: 9/28/68

29561

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
AUG 23 1965
Department of Reclamation

Permit No. G-29561

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

William G. Strasser, 49, Rupert, Idaho, well drilling contractor, Box 155, Rupert,
Idaho.

Ques. 2 Are you acquainted with William Kerbs, the holder of
Permit No. G-29561 ? How long have you known him and where does he reside?

I have known Bill about 11 years and he lives in Rupert, Idaho

Ques. 3. Have you read or heard said Permit No. G-29561 read, and are you familiar
with its provisions and conditions: Yes xxx No.

Ques. 4. State source of water supply: well

Give location of place of diversion, showing subdivision, section, township and range
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T6S-R22E, B.M.

Describe works for conveying water to place of use: well, pump, motor, ditches & pipeline

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 300" How much water have you seen being so
conveyed? 300"

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Township 6 South - Range 22 East, B.M., Sec. 36 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 ac. each;

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac. each; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 35 ac. each;

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 ac. each; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 ac; NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 5 ac. each;

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 ac;

29561

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Irrigation only

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Land is a medium loam and is slightly rocky. It requires at least 5/8" per acre for profitable irrigation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? Early 1961, ~~XXXXXXXXXXXXXXXXXXXX~~

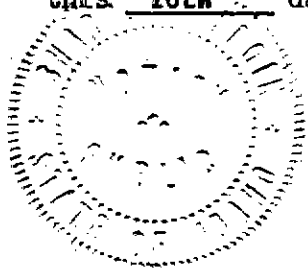
Other times you have seen such use: every irrigation season since.

(Signed):

[Signature]

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise

 , County of Ada, State of Idaho, on this 16th day of August, A. D. 19 65



Sharon Deen

Notary Public for the State of Idaho

Residing Boise, Idaho

My commission expires 9/28/68

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-29561

* * * * *

RECEIVED
AUG 23 1965

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Walter Asson, 57, 2236 Hansen Drive, Burley, Idaho, car dealer, Box 297,

Burley, Idaho

Ques. 2 Are you acquainted with William Kerbs, the holder of
Permit No. G-29561? How long have you known him and where does he reside?

I have known Mr. Kerbs 15 years and he resides at Rupert, Idaho

Ques. 3. Have you read or heard said Permit No. G-29561 read, and are you familiar
with its provisions and conditions: Yes xxx No.

Ques. 4. State source of water supply: well

Give location of place of diversion, showing subdivision, section, township and range

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T6S-R22E, B.M.

Describe works for conveying water to place of use: pipeline, well, pump, motor, ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4 How much water have you seen being so

conveyed? 4 cfs

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 ac; NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 30 ac; SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 25 ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 ac;

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 ac; SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 ac; NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 5 ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 25 ac;

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 5 ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 35 ac; NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 ac; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 25 ac;

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 5 ac; Township 6 South - Range 22 East, B.M., Section 36.

29561

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Irrigation only.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Silt Loam soil and all of the water used is required for profitable, productive cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? 1961

Other times you have seen such use: Every year since.

(Signed):

Walter Olson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____

Boise, County of Ada, State of Idaho, on this 16th day of August, A. D. 1965

Sharon Devoe

Notary Public for the State of Idaho

Residing Boise, Idaho

My commission expires 9/28/68

29561

NOTICE

OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 16th day of August, 1965, at Boise, County of Ada, State of Idaho before Sharron Deroin, Notary Public, at Room 224 Idaho Building, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground water from a well, and the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G29561, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is William Kerbs; 514 E. D Street, Rupert, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.4 cubic feet per second.

3. The use to which said water has been applied to beneficial use is 6.4 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T 6 S - R 22 E., B.M.

5. The place where said water is used is all of Sec. 36, T 6 S - R 22 E., B.M.

The date of priority which said user is prepared to establish is 3/10/61.

CARL E. TAPPAN

State Reclamation Engineer
Jy22-A112

RECEIVED
JUL 22 1965
Department of Reclamation

AFFIDAVIT OF PUBLICATION

LINCOLN COUNTY JOURNAL SHOSHONE, IDAHO

John H. George,
being first duly sworn, says that he is the

Publisher of
the Lincoln County Journal, a newspaper published
weekly at Shoshone, Idaho, having legal publication
rights within the State of Idaho, and that the notice,
a true copy of which is hereto attached, was

published in said newspaper for 4
consecutive weeks, beginning with the issue of

JULY 22, 1965
and ending with the issue of

AUG. 12, 1965

John H. George

Subscribed and sworn to before me this

16th day of August, 1965

Ellen M. Miller

Notary Public, Shoshone, Idaho

29561

July 16, 1965

Re: Permit No. G-29561

William Kerbs

Lincoln County Journal
Shoshone, Idaho

Dear Sir:

We mailed you a Notice of Publication on the above numbered permit, and we now have a change in the land list and ask the following correction:

Paragraph 5, Line 2 should read All of Section 36, T. 6 S., R. 22 E., B. M. - instead of NE~~1~~NW~~1~~, Sec. 36 as shown.

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

29561

Re: Permit No. G-29561
William Kerbs

July 15, 1965

Mr. Harley M. McDowell,
Idaho Land and Appraisal Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-29561, in the name of **SHARRON William Kerbs**, Final Proof is to be made before ~~5:00~~ **DEROIN** as Notary on the 16th day of August, 19 65, at 10:00 o'clock A.M., at Room 224 Idaho Building, Boise, Idaho.

As of this date, we have mailed the Notice to the Lincoln County Journal Shoshone, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

29561

Re: Permit No. G-29561
William Kerbs

Date: July 15, 1965

Lincoln County Journal,
Shoshone, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to August 16, 1965
the date set for proof; the expense of the publication is to be paid
by the ~~applicant~~ Idaho Land and Appraisal Service
of Box 2161, Boise, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

29561

36 - 4M
1/65

RECEIVED
JUL 14 1965

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10:00 A.M., on the 16th day of August
1965, at Boise, County of Ada, State of Idaho
before Sharron Deroin, Notary Public, at (address) _____
Room 224 Idaho Building, proof will be submitted of the completion
of works for the diversion of 6.4 cubic feet per second of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. G29561, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is William Kerbs; 514 E. D Street, Rupert, Idaho

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is 6.4 cubic feet per second.

3. The use to which said water has been applied is irrigation
_____, purposes and the amount applied to beneficial use is
6.4 cubic feet per second.

4. The point of diversion of said water is _____
SE 1/4, Section 36, T 6 S - R 22 E., B.M.

5. The place where said water is used is _____
ALL Sec 36, NE 1/4, Sec. 36, T 6 S - R 22 E., B.M.

6. The date of priority which said user is prepared to establish is 3/20/61

CARL E. TAPPAN

State Reclamation Engineer

29561

RECEIVED
JUL 14 1965

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 13, 1965

(P. O.) Rupert, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Lincoln County Journal ✓ of
Shoshone, Idaho ✓ Published in
the county in which the works are situated.

William Kerbs ✓
William Kerbs

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached
notice are true.

Engineer

29561

Application for Amendment

LAND LIST

Permit No. G-29561

RECEIVED
JUL 12 1965
Department of Reclamation

Comes now William Kerbs, and represents
to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho, No. G-29561, and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

All, Section 36, T6S-R22E, B.M.

, making a total of 640 acres.

That an additional amount of water is not asked for, and that the rights of others
will not be adversely affected by such change.

Signed at Boise, Idaho this 10th day of July, 1965
William Kerbs

By: Harley M. McDowell
Harley M. McDowell, Agent

Date of receipt at office of Department of Reclamation July 12, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

~~Deputy State Reclamation Engineer~~ Ralph W. Thomas, Deputy
State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. G-29561. This approval constitutes a new permit
and is issued as an amendment to the original permit, to which it refers, and of which
it becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

Recorded in Book 104 of
Permits, at Page 29561
July 12, 1965

Ralph W. Thomas
Deputy
State Reclamation Engineer

July 12, 1965

Re: Permit No. G-29561
William Kerbs

Idaho Land & Appraisal Service
P. O. Box 2161
Boise, Idaho

Gentlemen:

We enclosed the Application for Amendment to the
land list on the above numbered permit, which has been recorded
in this office.

Also enclosed is departmental receipt no. G-9454, in
the amount of \$1.00 covering the fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By

(MRS.) EDNA P. RULE
Chief Clerk

EPR:ew

Enc. amendment
receipt

C
O
P
Y

June 2, 1961

Re: Permit No. G-29561
William Kerbs

Mr. Harley M. McDowell
Idaho Land & Appraisal Service
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

We enclose herewith the Applications for Amendment to the point of diversion and to the land list which have been recorded in this office in connection with Permit No. G-29561, in the name of William Kerbs.

Departmental receipt No. G-5984 is also enclosed covering the \$2.00 recording fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. amendments (2)
receipt

29561/01

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. . G-29561

Comes now William Kerbs, and represents
to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho, No. . . G-29561 . . , and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

. N $\frac{1}{2}$ Section 36, T6S-R22E., B.M., Idaho.
.
. When the original permit was filed, a typographical error was made in the
. township and this amendment is for the purpose of correcting this error.
.
.
.
. making a total of . . . ~~634~~ 320 acres.

That an additional amount of water is not asked for, and that the rights of others
will not be adversely affected by such change.

Signed at . Boise, Idaho. this . . . 29 day of May 19 61
William Kerbs

Date of receipt at office of Department of Reclamation . May 31, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. . G-29561 This approval constitutes a new permit
and is issued as an amendment to the original permit, to which it refers, and of which
it becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

Application for Amendment

POINT OF DIVERSION

Permit No. G-29561

Comes now William Kerbs and represent a to the State Reclamation Engineer of the State of Idaho:

That he is (~~was~~) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-29561.

That the point of diversion is described in said Permit as being located:

SE 1/4, Sec. 36, T3S-R22E., B.M., Idaho.

That he now requests that the point of diversion be changed to a point located: SE 1/4, Sec. 36, T6S-R22E., B.M., Idaho.

That the reason for desiring to make such change is as follows:

A typographical error was made in applying for the original permit.

The township should have been 6S instead of 3S.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 29 day of May, 1961.

William Kerbs
William Kerbs.

Date of Receipt at Department of Reclamation May 31, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-29561. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 104 of
Permits, at Page 29561
June 2, 1961

Geo. N. Carter
State Reclamation Engineer

March 24, 1961

Re: Permit No. G-29559
J. L. Stocking & J. M. Barton

Permit No. G-29560
J. L. STOCKING

Permit No. G-29561 ✓
William Kerbs

Mr. Harley M. McDowell,
Idaho Land & Appraisal Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

We enclose the above numbered permits in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-5764 which was issued covering payment in the amount of \$19.50 for the filing fee of the above mentioned permits.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

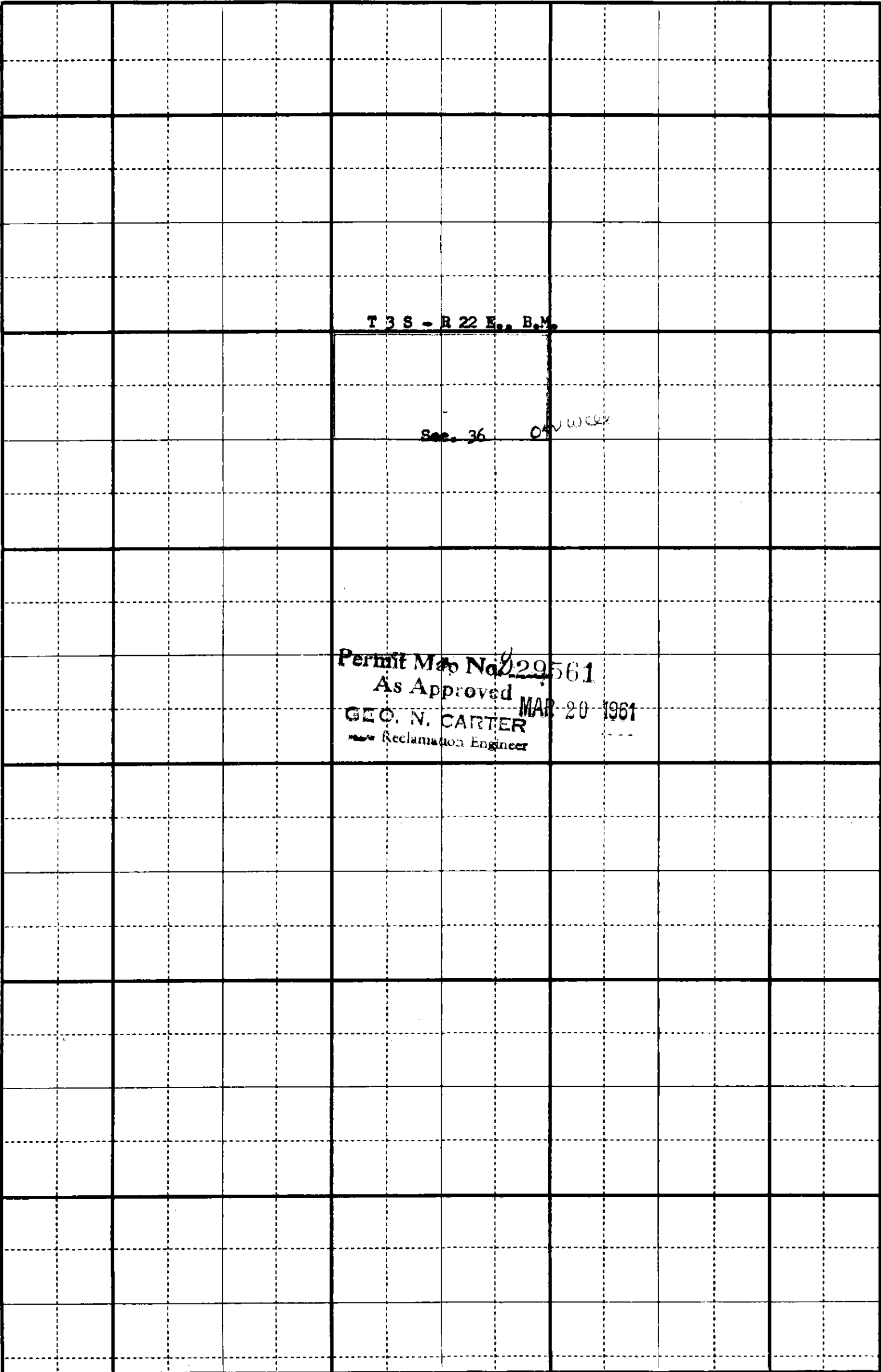
(Mrs.) Edna P. Hale
Chief Clerk

Encl.
EPR:pmk
cc: J. L. Stocking
J. M. Barton
William Kerbs

29561

NAME OF APPLICANT.....William Kerbs.....

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

29561