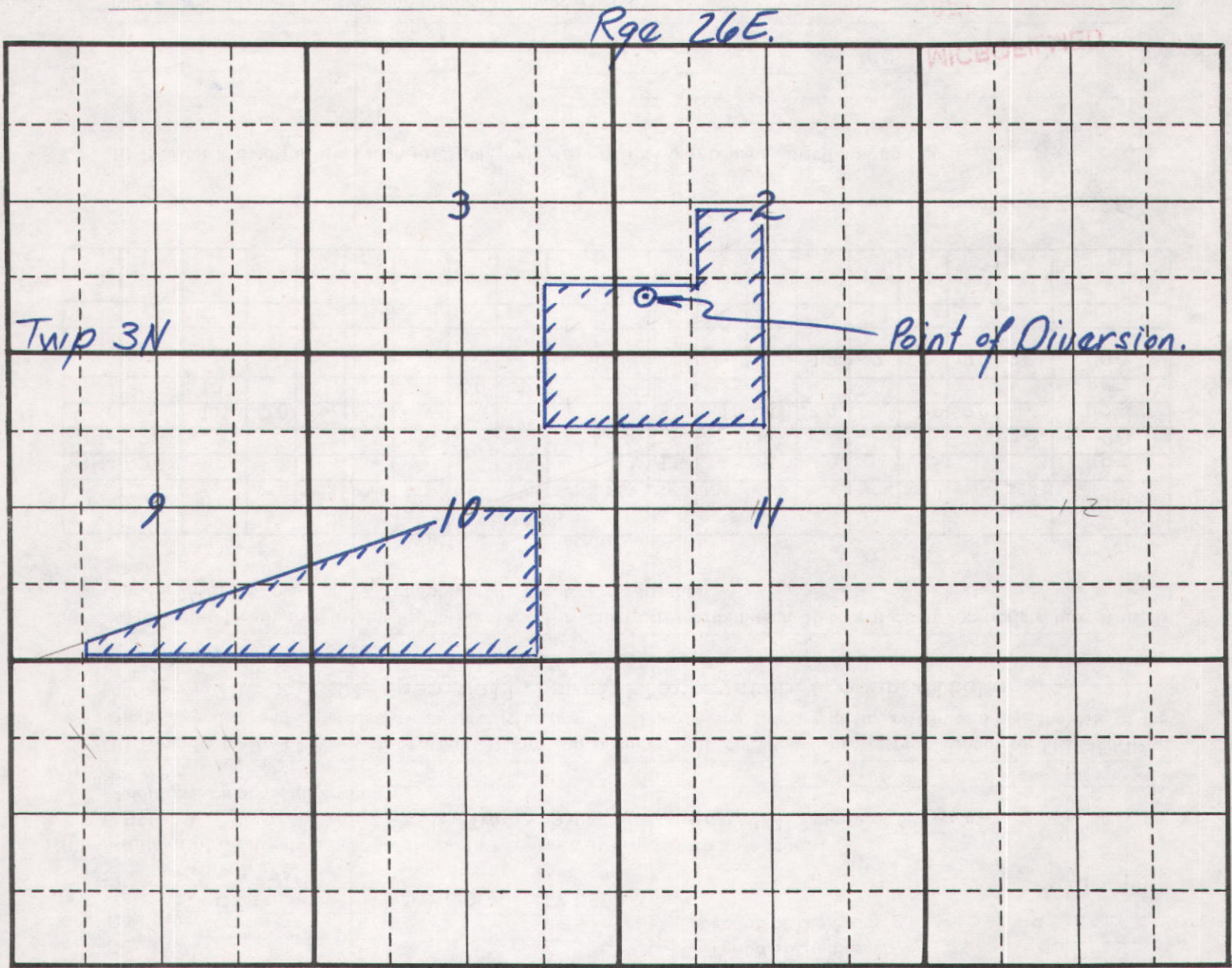


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

R. Bruce Saelle
(Claimant)

Sworn to before me this 3rd day of February, 1982.

Colleen McKay
Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by EMC Date 2-3-82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$20.00 fee received by NA Date 2-03-82
Published in Idaho Advertiser _____
Dates 4/01/82 4/08/82 _____

MICROFILMED
DEC 31 1998

Affidavit of Publication

Lella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated April 1, 1982

and ending with the issue dated

April 8, 1982

Lella Cammack

Subscribed and sworn to before me this

9th day of April, 1982

R.C. S.

Notary Public

Residence: Arco, Idaho. Life
My commission expires Life, 19

PUBLIC NOTICE

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

No. 34-4015

Notice is hereby given that claim to
a water right No. 34-4015 in the name
of Soelberg Farms, Inc., Idaho Falls,
Idaho, was filed with a priority date
of September, 1958 for the diversion
and application to beneficial use of
6.00 cfs of water from a groundwater
source with the point of diversion
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N,
R. 26E, B.M., Butte County; the
water is claimed to be used from Apr.
1 to Nov. 1 for the irrigation of 530
acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec.
11, N $\frac{1}{2}$, Sec. 15, T. 3N, R. 26E, B.M.

The claimant now proposes to
amend claim No. 34-4015 amending
the place of use for 496 acres within
the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
9, T. 3N, R. 26E, B.M.

Any exception to any claim of
water right may be filed with the
Idaho Department of Water
Resources, 150 Shoup, Idaho Falls,
Idaho, 83402.

A. KENNETH DUNN
Director

Published in the Arco Advertiser,
Arco, Idaho, on April 1 & 8, 1982.

RECEIVED

APR 19 1982

Department of Water Resources
Eastern District Office

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DEC 31 1998

Hand-drawn map on grid paper showing two rectangular areas. The top area is labeled "R 26 E" and has dimensions 3 by 2. The bottom area is labeled "T 3 N" and has dimensions 10 by 11. Both areas are outlined in blue ink. The top area also has a small "PD" label and a "2" label. The bottom area has a "15" label.

Received by <u>MB</u>	Date <u>10-17-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JW</u>	Date <u>10/17/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>10-17-74</u>			
Approved for publication by <u>MB 11-26-74 Receipt # 13108</u>				
Published in <u>Arco Advertiser</u>				
Dates <u>October 24 & 31, 1974</u>				

Affidavit of Publication

RECEIVED

NOV 26 1974

Department of Water Resources
Eastern District Office

I, Le Ella Cammack, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated October 24, 1974

and ending with the issue dated Oct. 31, 1974

Le Ella Cammack

Subscribed and sworn to before me this

35 day of Jan, 1974

Charles Jones

Notary Public

Residence: Arco, Idaho.

My commission expires 5/14, 1978

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

NO. 34-4015

Notice is hereby given that
Earl J. &/or R. Bruce &/or
Dean S. Soelberg, Box 146, Ar-
co, Idaho has filed a claim to
a water right established by di-
version and application to ben-
eficial use of 6.0 cubic feet per
second of water from a ground-
water source with point of di-
version in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
2, T. 3N, R. 26E, B.M., Butte
County.

The water is claimed to be
used from Apr. 1 to Nov. 1 for
the irrigation of 530 acres with
a priority of September, 1958;
the place of use is within the
E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, N $\frac{1}{2}$,
Sec. 15, T. 3N, R. 26E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401.
R. KEITH HIGGINSON
Director

Published in the Arco Adver-
tiser, Arco, Idaho on October
24 and October 31, 1974.

MICROFILMED

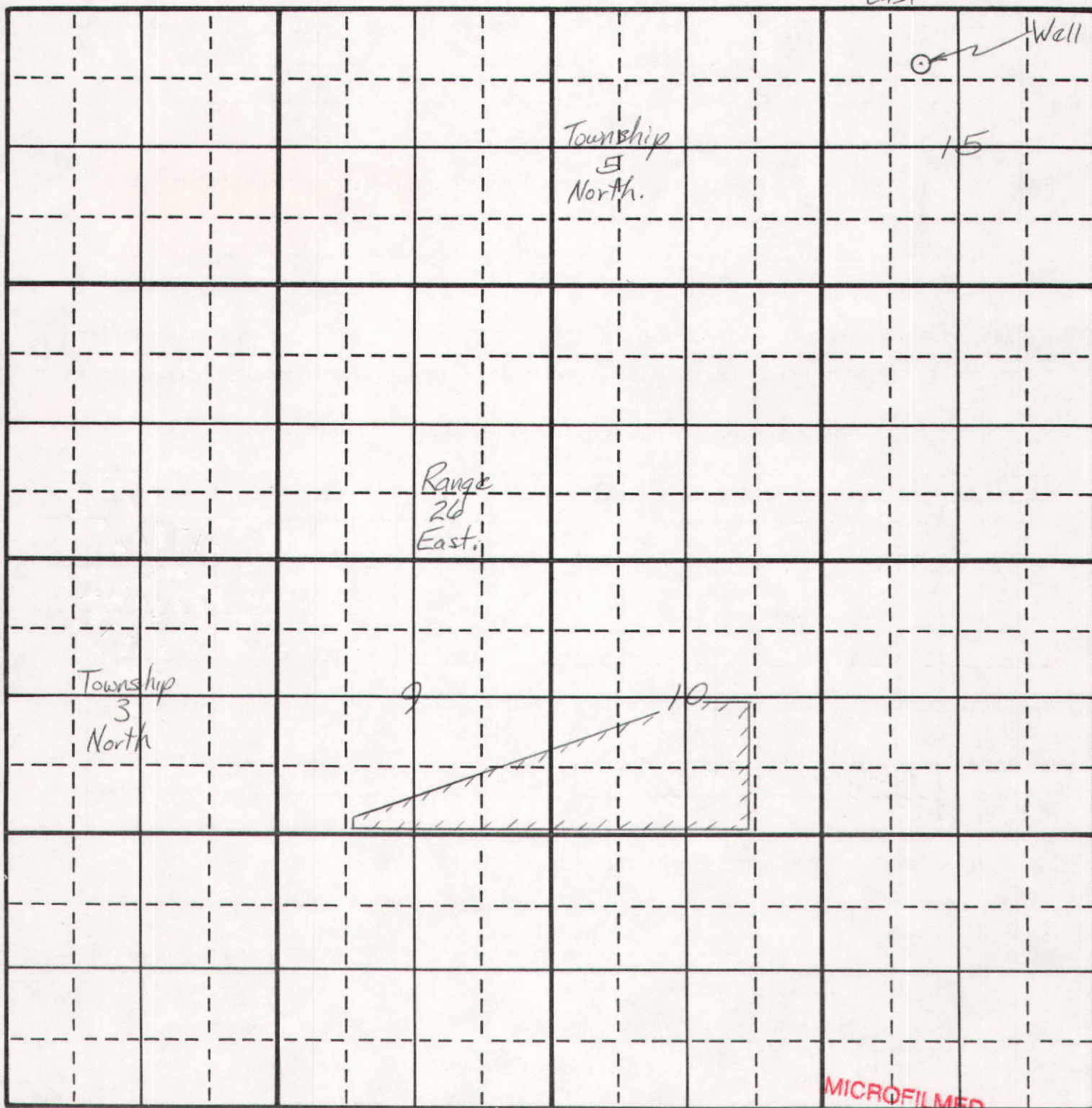
c. Describe the lands and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	26E	9												12	2			2838	80
		10									32	17	40	40		39	38		206

Total number of acres to be irrigated 286

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Range
26
East



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DEC 31 1998

WATERWAYS TRANSPORT AGREEMENT

THIS AGREEMENT, made and entered into this 8th day of June
1982, by and between Leon Folkman and _____
_____ of Butte County, State of Idaho and the Big
Lost River Irrigation District, an Irrigation District duly organized under
the laws of the State of Idaho, with its principal office in Mackay, Custer
County, State of Idaho.

WITNESSETH:

WHEREAS, Leon Folkman is the owner of certain

rights to well waters with a point of diversion described as follows:
a parcel of land used as a well-site, in the NW¹/₄, Section 15, Township 5 North
Range 26 E, Boise Meridian described as follows: Beginning at the center of an existi
well located near the NW corner of said NW¹/₄; thence North 80 feet to a point on the
North line of said Section 15; thence West 8 feet; thence South 90 feet; thence West
23 feet; thence North 90 feet to a point on the said North Section line; thence West
15 feet to the true point of Beginning.

and,

WHEREAS these rights to waters are in the amount of approximately 200 miners inches of capacity, and

WHEREAS Leon Follman desires to transport said waters through an existing canal of District for use at a point other than the point of diversion.

WHEREAS, the District is the owner of a canal known as the Island/Munsey
Canal, being a part of the facilities of the District for the transmission
of decreed and storage waters within the boundaries of said district, and,

WHEREAS, Leon Folkman desires to transport said waters described above through said island/munsey Canal to the end of said canal at the boundaries of the District, and thereafter beyond said boundary on to land owned by Leon Folkman outside the boundary lines of the district, to the end that said waters would be used on lands described as follows:

to the end that said waters would be used on lands described as follows.
(enter legal description) TOWNSHIP 3 N RANGE 26 E 136th MEMPHIS
SECTION 9: ALL OF THE $S\frac{1}{2}$ LYING SOUTH OF U.S. HIGHWAY 93.
SECTION 10: ALL OF THE $SW\frac{1}{4}$ AND THE $W\frac{1}{2} SE\frac{1}{4}$ LYING
SOUTH OF U.S. HIGHWAY 93.

WATERWAYS TRANSPORT AGREEMENT --Page 1

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APR 20 1990

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DEC 31 1998
Department of Water Resources
Eastern District Office

DEC 31 1998

Affidavit of Publication

SEP 20 1982

Department of Water Resources
Eastern District Office

I, ... Le. Ella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 ... consecutive weeks, commencing with

the issue dated Aug. 26/82

and ending with the issue dated

..... Sept. 2/82

Le Ella Cammack

Subscribed and sworn to before me this

3rd day of September 19 .. 82 ..

R. C. Sen

Notary Public

Residence: Arco, Idaho.

My commission expires Life 19

Public Notice

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-4015

Notice is hereby given that Leon Folkman, Arco, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of a groundwater source. The right sought to be changed is evidenced by Claim No. 34-4015 and is recorded as follows:

AMOUNT: 6.00 cfs

PRIORITY: Sept. 1, 1958

POINT OF DIVERSION:
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N, R. 26E,
B.M. Butte County

The water is used to irrigate 496 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, T. 3N, R. 26E, B.M.

TO BE CHANGED AS FOLLOWS

2.0 cfs of water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 5N, R. 26E, B.M. Butte County and used to irrigate 286 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T. 3N, R. 26E, B.M.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before Sept. 13, 1982.

A. KENNETH DUNN
Director

Published in the Arco Advertiser,
Arco, Idaho on Aug. 26 & Sept. 2, 1982.

MICROFILMED
DEC 31 1998

POOR QUALITY

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

AND CERTIFIED MAIL

ACCEPTANCE OF REGISTERED, INSURED

PS Form 3877, Sept. 1

1. NO.	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE	REMARKS
1	13055	William M. Yamaoka, 330 Shoup, Idaho Falls	20	75				60				731-0140
2	13056	Leont Foster, P.O. Box 129, Idaho Falls							34-742			21-0148 31-2342
3	13057	Leont Foster, P.O. Box 814, Hamer										31-2342
4	13058	William Gladys Linderholm, Hamer										
5	13059	Leont Foster, P.O. Box 129, Idaho Falls										734-4015
6	13060	David & Lois Shook, Rt #1, Box 27, More										
7	13061	Dee Smith, Rt #1, Box 22, More										
8	13062	Donald L. Littenhouse, Rt #1, More										
9	13063	Altant or Jim Sawyer, P.O. Box 101, Mackay										
10	13064	Liggett Lewis, Wright, P.O. Box 205, Mackay										
11												
12												
13												
14												
15												

POOR QUALITY

TOTAL NUMBER OF PIECES LISTED BY SENDER

10

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

10

POSTMASTER, PER (Name of receiving employee)

R. Oles

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

RECEIVED

Sept. 10, 1982

SEP 13 1982

Department of Water Resources
Eastern District Office

I protest this Application
no. 34-4015 because in my
opinion there would be too
much loss of water running
at that far.

Yours

Joe Smith

Rt # 1 Box 22

Moore, Idaho 83255

Public Notice

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PRIORITY: Sept. 1, 1958

POINT OF DIVERSION:

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TO BE CHANGED AS FOLLOWS

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Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before Sept. 13, 1982.

A. KENNETH DUNN

Director

Published in the Arco Advertiser,
Arco, Idaho on Aug. 26 & Sept. 2, 1982.

MICROFILMED

DEC 31 1998

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A. KENNETH DUNN
Director

Published in the Arco Advertiser,
Arco, Idaho on Aug. 26 & Sept. 2, 1982.

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SEP 13 1982

Department of Water Resources
Eastern District Office

I would like to protest the
above application for change
in point of diversion.

Donald L Rittenhouse
Rt-1

Moore Idaho 83255

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SEP 13 1982

Department of Water Resources
Western District Office

PT 1 Box 27

Moore Rd 83255

Sept 9, 1982

Public Notice

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

NO. 34-4015

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A. KENNETH DUNN
Director

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Arco, Idaho on Aug. 26 & Sept. 2, 1982.

Department of Water Resources

150 Shoup ave

Idaho Falls, Id 83401

Sirs:

We protest the granting of
this permit on the following
grounds:

① It is not in the public

interest to transfer water out of the district.
This well should have been protected before it
was dug.

② It is not right to transfer priority date.
The permit date is earlier than the first
permit for this well.

③ Irrigation district cannot deliver this water with
the existing canals without keeping somebody from
receiving water that is legally owned. The canals
are running at capacity now and any further
(over)

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water would necessitate construction of larger
facilities - Big Lost River Irrigation District members
at the end of the canals are unable to get
water most of the time even when water is
flowing past their headgates because of the
transfer of water being carried on -

Sincerely,

Love M. Bleak

David Bleak

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DEC 31 1998

RECEIVED

Sept. 10, 1982

SEP 13 1982

Department of Water Resources
Eastern District Office

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A. KENNETH DUNN
Director

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MICROFILMED

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CHANGE OF WATER RIGHT
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The water is used to irrigate 496 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, T. 3N, R. 26E, B.M.

TO BE CHANGED AS FOLLOWS

2.0 cfs of water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 5N, R. 26E, B.M. Butte County and used to irrigate 286 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T. 3N, R. 26E, B.M.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before Sept. 13, 1982.

A. KENNETH DUNN
Director

Published in the Arco Advertiser,
Arco, Idaho on Aug. 26 & Sept. 2, 1982.

RECEIVED

SEP 13 1982

Department of Water Resources
Eastern District Office

*I would like to protest the
above application for change
in point of diversion.*

*Donald L Rittenhouse
Rt-1
Moore Idaho 83255*

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DEC 31 1998

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SEP 13 1982

Department of Water Resources
Eastern District Office

Public Notice

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

NO. 34-4015

Notice is hereby given that Leon Folkman, Arco, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of a groundwater source. The right sought to be changed is evidenced by Claim No. 34-4015 and is recorded as follows:

AMOUNT: 6.00 cfs
PRIORITY: Sept. 1, 1958
POINT OF DIVERSION:
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N, R. 26E,
B.M. Butte County

The water is used to irrigate 496 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, T. 3N, R. 26E, B.M.

TO BE CHANGED AS FOLLOWS

2.0 cfs of water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 5N, R. 26E, B.M. Butte County and used to irrigate 284 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T. 3N, R. 26E, B.M.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before Sept. 13, 1982.

A. KENNETH DUNN
Director

Published in the Arco Advertiser,
Arco, Idaho on Aug. 26 & Sept. 2, 1982.

Rt 1 Box 27

Moore Id 83255

Sept 9, 1982

Department of Water Resources
150 Shoup ave
Idaho Falls, Id 83401

Sirs:

We protest the granting of
this permit on the following
grounds:

① It is not in the public

interest to transfer water out of the district.
This well should have been protected before it
was dug.

② It is not right to transfer priority date.
The permit date is earlier than the first
permit for this well.

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DEC 31 1998

③ Irrigation district cannot deliver this water into
the existing canals without keeping somebody from
receiving water that is legally owned. The canals
are running at capacity now and any further
(over)

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DEC 31 1998

David Black

For Mr. Black

(Sincerely)

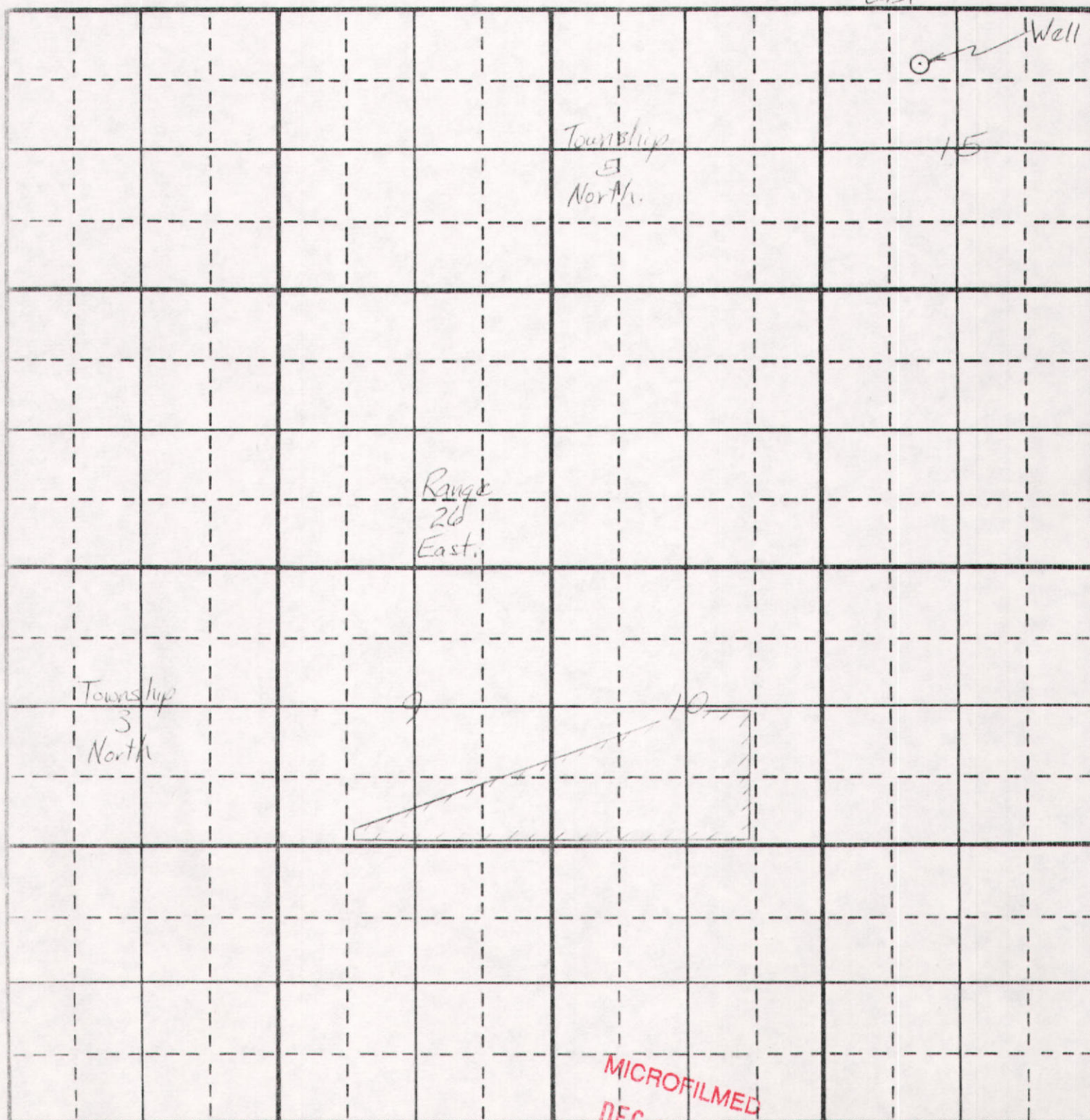
write would appreciate construction of large
facilities - Big job for American Contract
at the end of the canal are unable to go
with most of the the area when water is
having good then navigation because of the
creation of water they carried on -

c. Describe the land and place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	26E	9												12	2			2838	80
		10									32	17	40	40		39	38		206

Total number of acres to be irrigated 286

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED
DEC 31 1998

1998 JAN -7 PM 1:45

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Case No. 39576

)
)
)
)
)
ORDER OF PARTIAL DECREE

For Water Right 34-04015

On November 28, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 34-04015 is hereby **decreed** as set forth in the -attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 7, 1998.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-04015

1998 JAN -7 PM 1:46

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: LEON D FOLKMAN
MARLENE FOLKMAN
PO BOX 823
ARCO ID 83213

SOURCE: GROUNDWATER

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM THE BIG
LOST RIVER.

QUANTITY: 1.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-02401A IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 969.5 AF.

PRIORITY DATE: 09/01/1961

POINT OF DIVERSION: T05N R26E S15 NWENW Within BUTTE County
T04N R26E S26 NWNWNW (INJECTION)
NWNWNW (REDIVERSION)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.64 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T03N R26E S09	SESW 12	NESE 2	SWSE 28	SESE 38
	S10	NESW 32	NWSW 17	SWSW 40	SESW 40
		NWSE 30	SWSE 38		
	277 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NO. 34-02401A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 277 ACRES IN A SINGLE
IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

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


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED
DEC 31 1998

1998 JAN 07 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 34-04015

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-04015 was mailed
on January 07, 1998, with sufficient first-class postage prepaid
to the following:

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

LEON FOLKMAN
MARLENE FOLKMAN
PO BOX 823
ARCO, ID 83213

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

DEC 31 1998

PAGE 1
01/07/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED CLAIM TO A WATER RIGHT

AMENDED



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that SOELBERG FARMS, INC.

(Name of Claimant)

1461 Woodruff Avenue, Idaho Falls, Id.

(Mailing Address)

Telephone No. 522-3012

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Sept. 1, 1958

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

GROUNDWATER tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>6.0cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 6.0cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SW 1/4, Sec. 2 Twp. 3N Rge. 26E B.M., County of Butte

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 20" x 220' deep well, sprinkler system & open ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	26E	2									15		40	40					95
3N	26E	3																30	30
		10	20								32	17	40	40		39	38		226
		11					40	25											65
		9												12	2		28	38	80

No. of acres 496

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

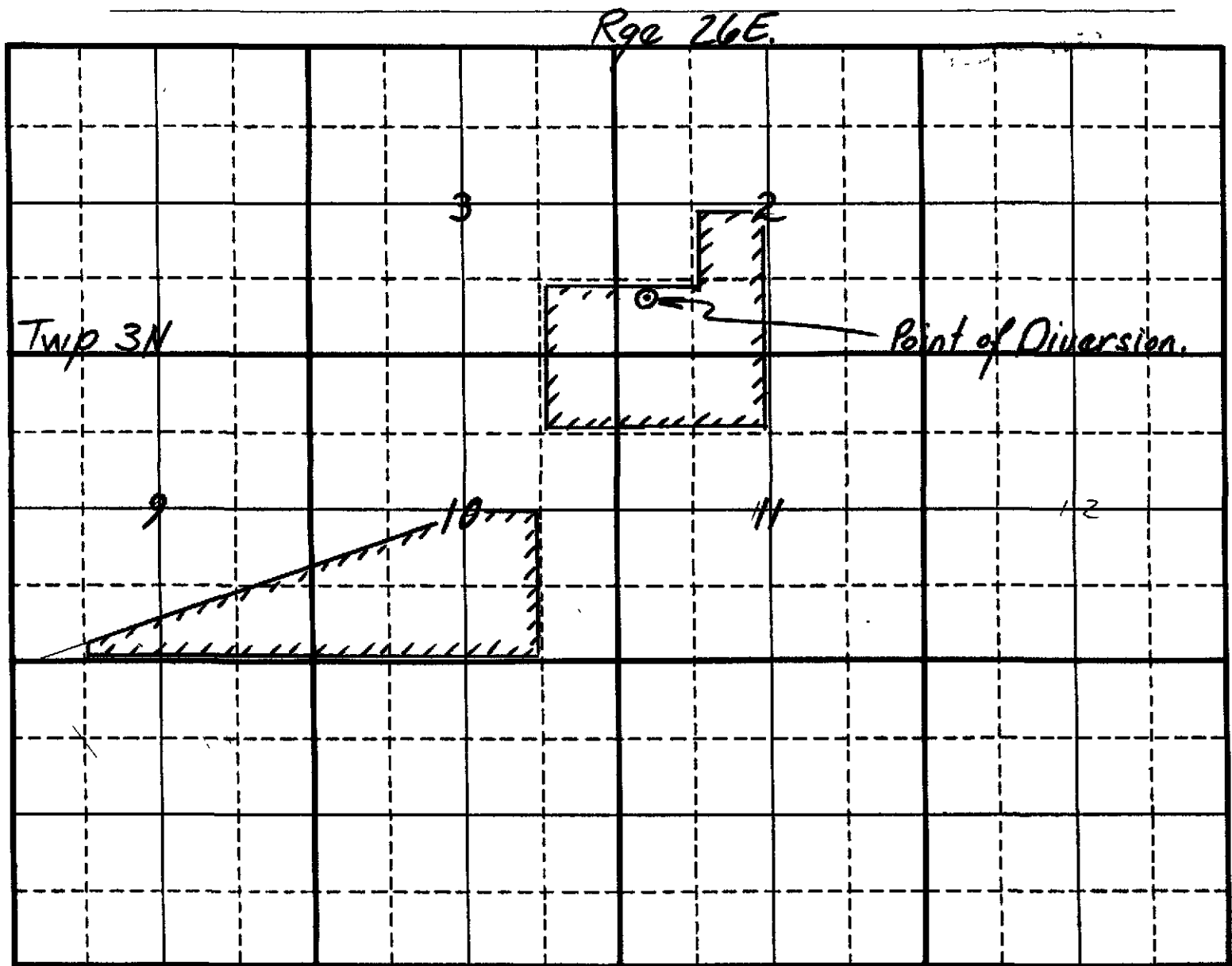
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NOTE: Include here the type and number of stock watered:

DEC 31 1998

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 3rd day of February, 1982.

R. Bruce Jacobson
(Claimant)
Calvin McKay
Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by EMC Date 2-3-82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$20.00 fee received by NA Date 2-03-82
Published in Idaho Advertiser _____
Dates 4/01 & 4/08/82 _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAMENDED CLAIM TO A WATER RIGHTAMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that SOELBERG FARMS, INC.

(Name of Claimant)

1461 Woodruff Avenue, Idaho Falls, Id.

(Mailing Address)

Telephone No. 522-3012

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Sept. 1, 1958

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

GROUNDWATER tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>6.0cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 6.0cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2 Twp. 3N Rge. 26E B.M., County of Butte

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 20" x 220' deep well, sprinkler system & open ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
3N	26E	2									15		40	40					95
3N	26E	3															30		30
		10	20								32	17	40	40		39	38		226
		11					40	25											65
		9												12	2		28	38	80

No. of acres 496

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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NOTE: Include here the type and number of stock watered:

DEC 31 1998

(7) If you are claiming water as a member of an organization, list name of organization:

Affidavit of Publication

Lella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated April 1, 1982

and ending with the issue dated

April 8, 1982

Lella Cammack

Subscribed and sworn to before me this

9th day of April, 1982

R.C. Sam
Notary Public

Residence: Arco, Idaho. Life
My commission expires, 19.....



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APR 19 1982

Department of Water Resources
Eastern District Office

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DEC 31 1998

OCT 17 1974

**Department of Water Resources
Eastern District Office**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

Claim No. **34 4015**

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Earl J. Soelberg &/or R. Bruce Soelberg &/or Dean S. Soelberg
(name of claimant)
of Box 146, Arco, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water
, tributary to,

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>6.0</u>	Use	<u>Irrig.</u>	Period of Use:	From	<u>Apr. 1</u>	To	<u>Nov. 1</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm, or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

(3) Total quantity of water claimed: 6.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) September 1958

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 2 Twp. 3N Rge. 26E B.M. County of Butte
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 20" x 220' deep well, Winthramp 200 HP pump, 200' list, 10 in. column, open ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

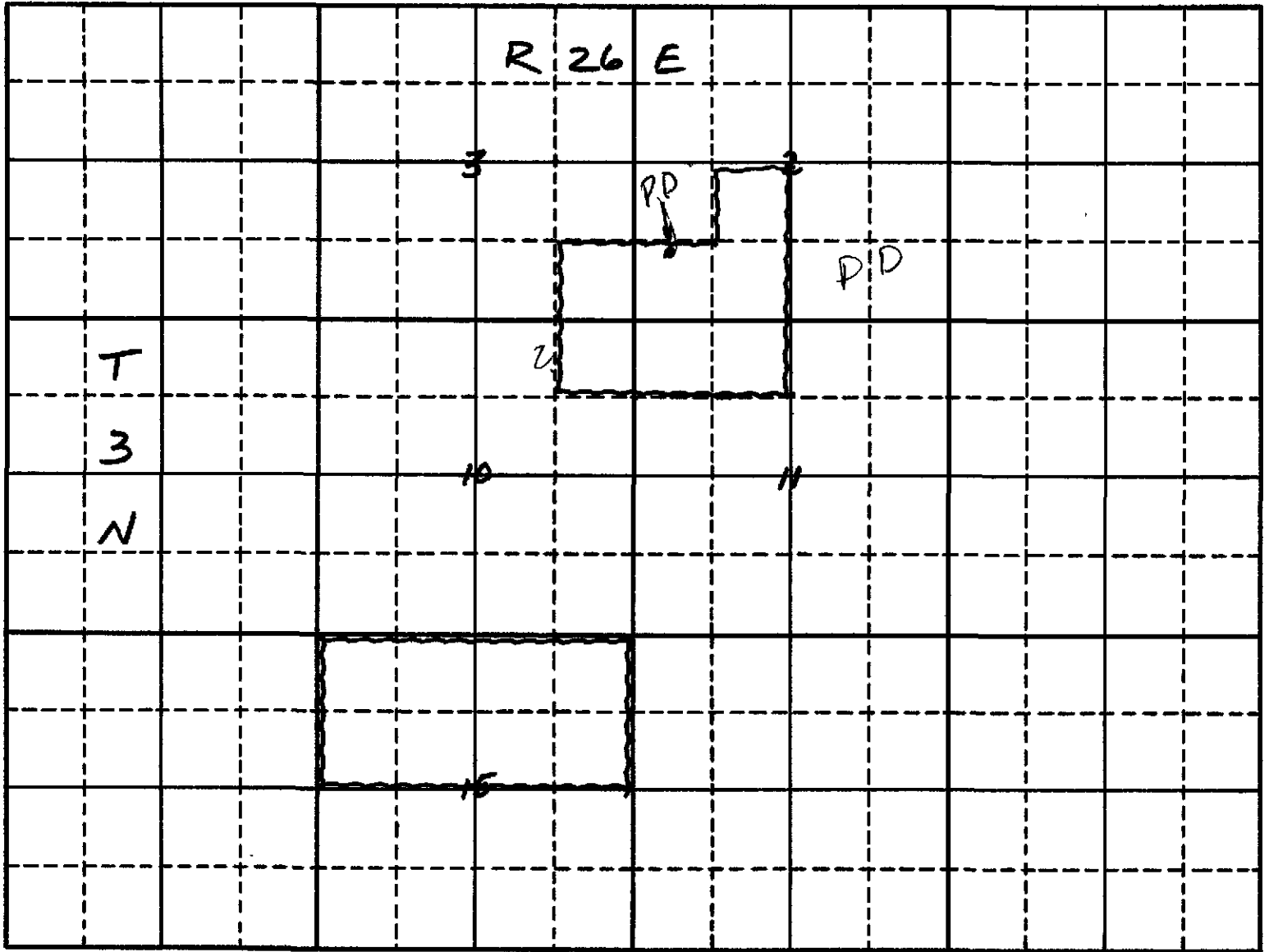
[illegible]

Total No. of acres 530

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: N.A.

(7) If you are claiming water as a member of an organization, list name of organization: N.A.

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 17 day of October, 1974.
R. Bruce Saalberg (Claimant)
Judith A. Kohn
Notary Public
Residing at Helena Falls, Idaho

My commission expires April 4, 1975

For Department Use Only

Received by <u>MB</u>	Date <u>10-17-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JMB</u>	Date <u>10/17/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>10-17-74</u>			
Approved for publication by <u>MB</u>	Date <u>11-26-74</u>			
Published in <u>Oreco Advertiser</u>				
Dates <u>October 24 & 31, 1974</u>				

Affidavit of Publication

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NOV 26 1974

Department of Water Resources
Eastern District Office

I, Le Ella Cammack, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated October 24, 1974

and ending with the issue dated Oct. 31, 1974

Le Ella Cammack

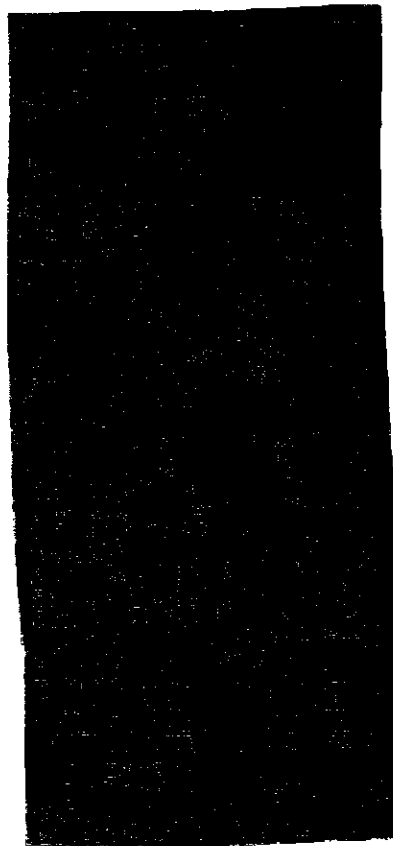
Subscribed and sworn to before me this

25 day of June, 1974

Charles Jones
Notary Public

Residence: Arco, Idaho.

My commission expires 5/14, 1978



MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

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NOV 30 1998

Department of Water Resources

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER
OF WATER RIGHT**

I, Leon Folkman, hereby withdraw Application
For Transfer 2720 to change Right 34-04015.

Signed this 24 day of NOVEMBER, 1998.


Signature

MICROFILMED
DEC 31 1998

Transfer No. 2720
Water Right No. 34 4015STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of UseName of applicant Leon Folkman Phone 527-8231
Post Office address Arco, Idaho 83213

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. 34-4015 on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Applicant obtained a portion of the claimed right through purchase from Soelberg Farms previous owner

3. Source of water groundwater tributary to _____

4. Date of priority September 1, 1958

5. Water is used for the following purposes:

amount 6.00 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 6.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2
Township 3N Range 26E, B.M., in Butte County
Additional points of diversion, if any _____

8. Lands 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 $\frac{1}{4}$	
3N	26E	2									15		40	40					95
		3															30		30
		10	20								32	17	40	40		39	38		226
		11					40	25											65
		9												12	2		28	38	80

Total number of acres to be irrigated 496

9. Describe any other water rights used for the same purpose as described above None **NOT MICROFILMED**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2 Township 3N
Range 26E, B.M., Butte County
Additional points _____
3. 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 $\frac{1}{4}$	
3N	26E	9												12	2		28	38	80
		10									32	17	40	40		39	38		206

Total number of acres to be irrigated 286

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

1. General Information
- a. Amount of water to be diverted 2.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works well, pump, gravity flow ditch
- c. Describe the reasons for the proposed changes to transfer applicants portion of claimed right to an existing well included in the purchase agreement
2. Change in point of diversion
- Point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15 Township 3N
Range 26E, B.M., Butte County
Additional points _____
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
There will be no change in the place of use.

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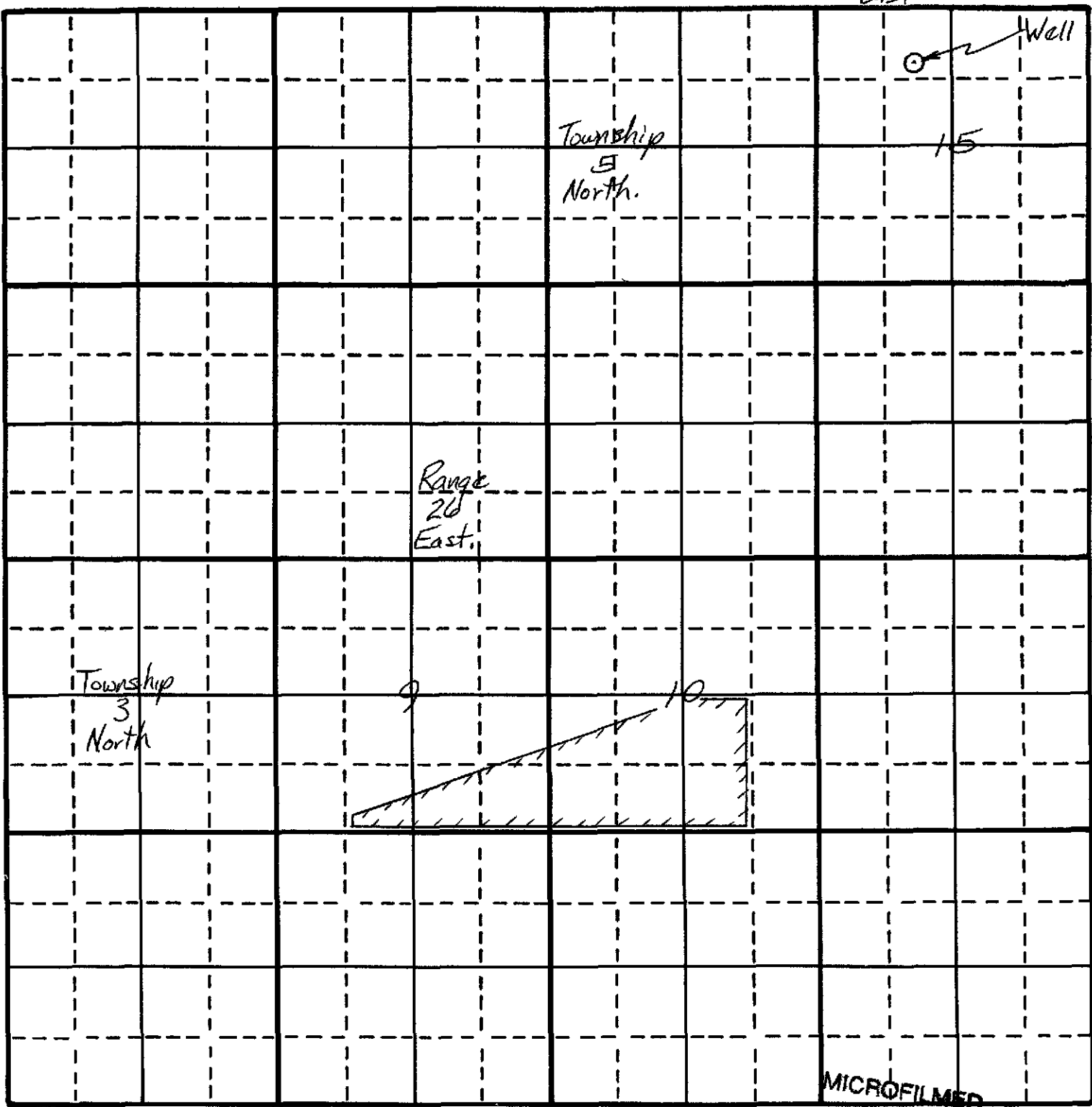
DEC 31 1998

c. Describe the lands and place of use to which the right will be transferred:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	26E	9											12	2			28	38	80
		10									32	17	40	40		39	38		206

Total number of acres to be irrigated 286

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D REMARKS

The well discharges water into the Arco Canal and transported to the Big Lost River. The water is then rediverted into the Muncey Ditch and transported to the place of use.

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 willfull misrepresentations made in this application may result in voiding its approval.

Joe Smith
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of July, 19 82.

Charlene McAffee
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

FOR DEPARTMENT USE ONLY

Received by <u>ENC</u>	Date <u>7-30-82</u>	Protest filed by <u>Joe Smith, Donald L. Rittenhouse,</u>
Prelim. check by <u>HWT</u>	Fee <u>50.00</u>	<u>David & Lois Bleak</u>
Received by <u>BP</u>	Date <u>7-30-82 #22416</u>	
Published in <u>Arco Advertiser</u>		Copies of protest forwarded by _____
Pub. dates <u>8-26 & 9-2-82</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for _____ approval _____ denial
_____ rec'd. _____		by _____

MICROFILMED
DEC 31 1998

34-4015A

WATERWAYS TRANSPORT AGREEMENT

THIS AGREEMENT, made and entered into this 8th day of June 1982, by and between Leon Folkman and _____ of Butte County, State of Idaho and the Big Lost River Irrigation District, an Irrigation District duly organized under the laws of the State of Idaho, with its principal office in Mackay, Custer County, State of Idaho.

WITNESSETH:

WHEREAS, Leon Folkman is the owner of certain

rights to well waters with a point of diversion described as follows: a parcel of land used as a well-site, in the NE 1/4, Section 15, Township 5 North Range 26 E, Boise Meridian described as follows: Beginning at the center of an existing well located near the NE corner of said NE 1/4; thence North 80 feet to a point on the North line of said Section 15; thence East 8 feet; thence North 90 feet; thence East 23 feet; thence North 90 feet to a point on the said North Section line; thence West 14 feet to the true point of beginning.

and,

WHEREAS these rights to waters are in the amount of approximately 200 miners inches of capacity, and

WHEREAS Leon Folkman desires to transport said waters through an existing canal of District for use at a point other than the point of diversion.

WHEREAS, the District is the owner of a canal known as the Island/munsey Canal, being a part of the facilities of the District for the transmission of decreed and storage waters within the boundaries of said district, and,

WHEREAS, Leon Folkman desires to transport said waters described above through said Island/munsey Canal to the end of said canal at the boundaries of the District, and thereafter beyond said boundary on to land owned by Leon Folkman outside the boundary lines of the district, to the end that said waters would be used on lands described as follows.

(enter legal description) TOWNSHIP 3 N RANGE 26 E BOISE MERIDIAN
SECTION 9; ALL OF THE S 1/2 LYING SOUTH OF U.S. HIGHWAY 93.
SECTION 10; ALL OF THE SW 1/4 AND THE W 1/2 SE 1/4 LYING
SOUTH OF U.S. HIGHWAY 93.

WATERWAYS TRANSPORT AGREEMENT -Page 1

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APR 20 1990

MICROFILMED Department of Water Resources
DEC 31 1998 Eastern District Office

NOW, THEREFORE, it is mutually agreed as follows:

1. Leon Folkman may transport the well waters with the point of diversion at noted on page one in the amount of approximately 200 miners inches capacity, in and through said island/munsey Canal owned by the District, subject to the terms and conditions of this agreement.

2. Leon Folkman Shall construct and maintain at their own expense, any additional ditch, structures, or other improvements, other than the existing island/munsey Canal, that might be required to make the waters available to the land of Leon Folkman.

3. The right of Leon Folkman as set forth above is subordinated to all existing and prior rights for the transportation of waters of the District in and through said island/munsey Canal, and the right granted herein is granted only as long as there is sufficient additional capacity in island/munsey Canal beyond the needs and uses of District to carry said waters of Leon Folkman. The determination of the availability of additional capacity in island/munsey Canal shall be the sole determination of District. In the event that there is no additional capacity in the island/munsey Canal for the transportation of said waters, Leon Folkman agrees to construct at their sole expense any additional carrying capacity in the island/munsey Canal. In the event Leon Folkman decides to forego the use of the island/munsey Canal when there is no additional capacity, this agreement shall terminate.

4. Leon Folkman shall pay a proportionate part of the annual operation, maintenance, assessment and overhead costs of the District as a toll charge for the use of island/munsey Canal. The operation and maintenance portions of the toll charge shall be based upon an assessment of the benefit received, said amount to be set by District on the same basis as other toll charges made concerning like rights. The assessment and overhead charges will be set against all lands benefitted hereby proportionately. Since all charges, including operation and maintenance are based on the number of irrigated acres, Leon Folkman shall notify District of the number of acres that have been irrigated by Leon Folkman with said waters each year.

Notice of charges shall be given to Leon Folkman by the District on or after the 1st day of April and are payable in full within thirty (30) days of such notice.

5. No water rights, transmission rights, or ditch rights, in the island/munsey Canal shall accrue to Leon Folkman by reason of this agreement, the rights of said Leon Folkman being contained only in the terms of this agreement.

6. This agreement shall be for a term of twenty(20) years beginning the 8th day of June, 1982, and shall remain in full force and effect until the 8th day of June, 2002, unless terminated as indicated in paragraph 7.

7. Failure to pay all charges and assessments agreed to when due shall be a breach of this agreement. Failure to accurately report the number of irrigated acres or to increase the flow of water through the island/munsey Canal above that specified in this agreement without the written consent of the District shall also constitute a material breach of this agreement. In the event the District is required to file suit to collect past due charges or to remedy any other breach of this agreement, Leon Folkman agrees to pay the District's costs and attorney's fees. Leon Folkman is entitled to ten(10) days notice of any breach before suit is filed.

8. Leon Folkman agrees that no assignment or other transfer of this agreement may be made except as hereafter provided.

In the event Leon Folkman desires to assign this agreement to any institution as security for a farm loan, the District hereby agrees to give its written consent upon ten(10) days written notice of said assignment. In the event said assignment is consented to by the District, however, Leon Folkman agrees to continue to remain responsible and obligated under all the terms, covenants and conditions of this agreement.

9. This document constitutes the full agreement of the parties hereto and any amendments or changes shall be invalid unless written.

ATTEST:

Richard C. Bethwell
Secretary-Treasurer

Leon Folkman
Authorized signature dated

by: J. Doyle Jensen
Big Lost River Irrigation District dated
Chairman of the Board

STATE OF IDAHO)
ss
COUNTY OF Custer)

ON THIS 8th day of June, 1982, before me, the undersigned a Notary Public in and for said County and State, personally appeared Leon Folkman and _____ known to me to be the person(s) whose name(s) are 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.

S E A L

Rita M. Hundley
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho

STATE OF IDAHO)
ss
COUNTY OF Custer)

ON THIS 6th day of July, 1982, before me, the undersigned a Notary Public in and for said county and State, personally appeared J. Doyle Jensen and Richard C. Rathwell known to me to be the Chairman and Secretary respectively, of the Corporation that executed the foregoing instrument, and acknowledged to me that such Corporation executed the same.

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

S E A L

Rita M. Hundley
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho

Entered	☒
Confirmed	☒
Indexed	☒

No. m-1990

FILED

DEC 1 1981

4:00 PM

BUTTE COUNTY RECORDER

MEMORANDUM AGREEMENT

[Signature]

THIS AGREEMENT, Made this 22nd day of Spetember, 1981,
by and between SOELBERG FARMS, a Co-Partnership, of Butte
County, State of Idaho, the party of the first part, hereinafter
called "Seller", and LEON FOLKMAN and MARLENE FOLKMAN,
Husband and Wife, of Arco, Butte County, State of Idaho, the
party of the second part, hereinafter called "Purchaser";

W I T N E S S E T H

Seller and Purchaser acknowledge that they have entered
into a Real Estate Purchase and Sale Agreement for the sale
and purchase of the following described property, situate
and being in Butte County, Idaho, to-wit:

TRACT ONE:

TOWNSHIP 3 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE
COUNTY, IDAHO:

SECTION 9: All of the S $\frac{1}{2}$ lying South of U. S. Highway 93.

SECTION 10: All of the SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$, lying South
of U. S. Highway 93.

[Signature]

EXCEPTING THEREFROM a parcel of land lying
in the SE Corner of the said W $\frac{1}{2}$ SE $\frac{1}{4}$, of said
Section 10, more particularly described as
follows:

Beginning at the SE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;
thence North 208 feet; thence East 208 feet;
thence South 208 feet; thence West 208 feet,
to the Point of Beginning, containing 1 acre,
more or less.

TRACT TWO:

A parcel of land used as a well-site, in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 15, Township 5 North, Range 26 East, Boise Meridian,
more particularly described as follows:

Beginning at the center of an existing well located
near the NW corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North approximately
80 feet to a point on the North line of said Section 15,
which point is the true Point of Beginning; thence West 8
feet; thence South 90 feet; thence East 23 feet; thence
North 90 feet to a point on the said North Section Line;
thence West 15 feet to the true Point of Beginning, together
with an easement for ingress and egress to service said well
and appurtenances located on the property;

AND THE FOLLOWING EASEMENTS AND RIGHTS-OF-WAY:

1. Easement given by CRATER FARMS, INC., to SOELBERG
FARMS, a Co-partnership, granting and confirming

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DEC 31 1998

existing irrigation ditch in Sections 2, 3 and 10, Township 3 North, Range 26 E.B.M.

2. An Easement and right-of-way for an electric pump installation and buried pipeline, pursuant to an Easement granted by Darrell E. McDonald and Nancy McDonald, Husband and Wife, to Soelberg Farms, a Co-Partnership, in the following terms:

"An Easement and Right-of-way from the approximate Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 3 North, Range 26 East, Boise Meridian, Butte County, Idaho, Northwesterly to an existing irrigation ditch, for the purpose of construction, operation and maintenance of a buried irrigation pipe, and an easement for the maintenance and use of said existing irrigation ditch."

3. An Easement and Right-of-Way for buried irrigation pipeline, granted by Irene Collins House, to Soelberg Farms, a Co-Partnership, in the following terms:

"An Easement and Right-of-way for the purpose of contruction, operation and maintenance of a buried irrigation pipeline, described as follows:

Beginning at a point which is 995.7 feet east and 1320 feet North of the South Quarter Corner of Section 2, Township 3 North, Range 26 E.B.M., Butte County, Idaho; thence approximately 995.7 feet West to the NW Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section; together with the right to ingress and egress over Grantor's lands for the purpose of such construction, operation and maintenance of said pipeline."

TOGETHER WITH THE FOLLOWING PERSONAL PROPERTY:

1. U. S. Electric Motor, 50 h.p., Serial No. 1246354, with Johnston Vertical Pump, Serial No. JS-2719, and associated electrical installation. (Located at well-site, TRACT TWO.)
2. Approximately 5,900 feet of buried PVC Mainline, with Risers (12", 10", 8" and 6").
3. Six (6) one-fourth ($\frac{1}{4}$) Mile, Wade Wheel Lines.
4. 95 pieces of 3" x 40' aluminum handlines, with risers.
5. 125 h.p. Aurora Booster Pump, Serial #3757180.
6. 125 h.p. G. E. Motor, Ser. #FLJ60102.
7. 125 h.p. Square D Company Electric Panel.

ESCROW: The parties further represent and agree that the original of said Agreement, together with a Warranty

Deed from Seller to Purchaser, is being held in escrow at the FIRST SECURITY Bank, Idaho Falls, Idaho, conditioned upon the Purchaser making certain payments to the said Escrow Holder. It is agreed in said Agreement, that the title to the real property in said Agreement shall remain in Seller until the full amount of the purchase price and interest shall have been paid in full. This Memorandum Agreement is executed and recorded for the purpose of evidencing the Purchaser's contract interest in the real property above described.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands the day and year first above written.

SOELBERG FARMS, a Co-Partnership,

Erte A. Soelberg
Erte A. Soelberg

Winston J. Soelberg
Winston J. Soelberg

Dean S. Soelberg
Dean S. Soelberg

Ray Bruce Soelberg
Ray Bruce Soelberg

Eileen McKinney
Eileen McKinney

Marilyn Morrow
Marilyn Morrow

Betty Larsen
Betty Larsen

Renee Page
Renee Page

Kent David Soelberg
Kent David Soelberg

Bradley Hale Soelberg
Bradley Hale Soelberg

DEC 31 1998

Janice Pedersen

Cornell Brent Soelberg

Douglas Earl Soelberg

Exie A. Soelberg
Exie A. Soelberg, Attorney in Fact

ALL OF THE ABOVE SIGNED BY EXIE A.
SOELBERG, ATTORNEY IN FACT.

"SELLER"

Leon Folkman
Mariene Folkman

"PURCHASER"

STATE OF IDAHO)
County of Bonneville : ss.

On this 27th day of September, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared EXIE A. SOELBERG, known to me to be the person whose name is subscribed to the within instrument as the ATTORNEY IN FACT of WINSTON J. SOELBERG, DEAN S. SOELBERG, RAY BRUCE SOELBERG, EILEEN MCKINNEY, MARILYN MORROW, BETTY LARSEN, RENEE PAGE, KENT DAVID SOELBERG, BRADLEY DALE SOELBERG, JANICE PEDERSEN, CORNELL BRENT SOELBERG, and DOUGLAS EARL SOELBERG, and acknowledged to me that she subscribed the names thereto as principal, and her own name as ATTORNEY IN FACT.

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

(SEAL)
Notary Public for Idaho
Residing at Bonneville, Idaho.

STATE OF IDAHO)
County of Butte)
On this 18th day of September, 1981, before me, the undersigned, a Notary Public in and for said State, personally

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DEC 31 1998

appeared LEON FOLKMAN and MARLENE FOLKMAN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

William Starlin
Notary Public for Idaho,
Residing at Arco, Idaho.

Affidavit of Publication

RECEIVED

SEP 20 1982

Department of Water Resources
Eastern District Office

I, Le. Ella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated Aug. 26/82.

and ending with the issue dated

Sept. 2/82 ..

Le Ella Cammack

Subscribed and sworn to before me this

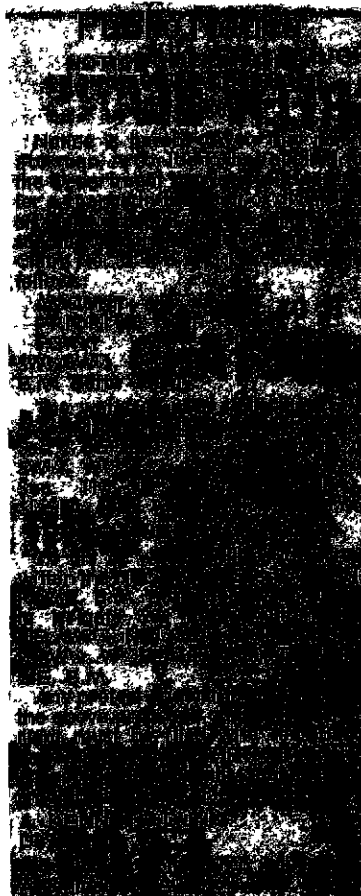
3rd day of September .., 19 82

R. E. Sen

Notary Public

Residence: Arco, Idaho.

My commission expires.....Life , 19....



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DEC 31 1998

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 34-4015

Notice is hereby given that Leon Folkman, Arco, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of a groundwater source. The right sought to be changed is evidenced by Claim No. 34-4015 and is recorded as follows:

AMOUNT: 6.00 cfs
PRIORITY: Sept. 1, 1958
POINT OF DIVERSION:
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N, R. 26E,
B.M. Butte County

The water is used to irrigate 496 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, T. 3N, R. 26E, B.M.

TO BE CHANGED AS FOLLOWS

2.0 cfs of water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 5N, R. 26E, B.M. Butte County and used to irrigate 286 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T. 3N, R. 26E, B.M.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before Sept. 13, 1982.

A. KENNETH DUNN
Director

Published in the Arco Advertiser,
Arco, Idaho on Aug. 26 & Sept. 2, 1982.

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DEC 31 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Leon Folkman
P.O. Box 823
Arco, ID 83213

RE: Transfer 2720

Dear Mr. Folkman:

I am writing to you in an effort to clear our records of Application for Transfer 2720. I have recently received the transfer application and file from our region office in Idaho Falls and would like to bring this process to a conclusion.

I have researched Right 34-04015 and found that in January of this year, a portion of this right was decreed in the Snake River Basin Adjudication in your name for the same property and point of diversion as proposed under this transfer application. Right 34-02401A has also been decreed to the same property.

The decreed right identifies the accomplished change in point of diversion and place of use, in effect recognizing the changes you accomplished under this right. The transfer is no longer required to record the changes, nor would the right be modified beyond the recommendations of the court through the transfer.

I have enclosed a Withdrawal of Transfer form for you to complete and return. This will allow the transfer to be set aside and your water right to stand as decreed in the SRBA.

I appreciate your assistance in this matter and will withhold the transfer from further processing until the withdrawal form is received. Please return the form within 14 days in order to avoid an Order to Reject the transfer.

If you have any questions regarding this matter, please call me directly at 327-7943. I have also included a copy of the decreed right for your reference.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

Pamela Skaggs
Sr. Water Resource Agent

Enclosures

MICROFILMED
DEC 21 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER
OF WATER RIGHT**

**I, Leon Folkman, hereby withdraw Application
For Transfer 2720 to change Right 34-04015.**

Signed this _____ day of _____, 1998.

Signature

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DEC 31 1998

SPLIT RIGHT SUMMARY
11/10/98
TRANSFER 2720

SD-0611-2 Basin: 34 Starting Water Right: 04015

S	Water	Name	O	Priority	STG/	Use	S
L	Right No.	Last, First	N	Date	STS	Desc	S
—	34-04015	SOLBERG FARMS INC.	C	09/01/1958	S/	GROUNDWATER	WR
—	T34-04015	SOLBERG FARMS INC.	C	09/01/1958	S/	GROUNDWATER	WR
—	34-04015	FOLKMAN, LEON D	C	09/01/1961	D/	GROUNDWATER	P DECR AJ
—		FOLKMAN, MARLENE	C				

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DEC 31 1998

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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Original Claim P/O subject to transfer 2720

Disallowed/Renumbered to 34-02401A

T03N R26E S 10

A3400635	BIG LOST R :													20				37	57
A3402313	BIG LOST R :													20				37	57
*3402401A	GROUNDWATE :									32	17	40	40			30	38		197
R3402401A	GROUNDWATE :									32	17	40	40			30	38		197
*3402497	GROUNDWATE :													20				37	57
A3402497	GROUNDWATE :													20				37	57
R3402497	GROUNDWATE :													20				37	57
*3402505	GROUNDWATE :													20				37	57
A3402505	GROUNDWATE :													20				37	57
R3402505	GROUNDWATE :													20				37	57
*3402506	GROUNDWATE :													20				37	57
A3402506	GROUNDWATE :													20				37	57
R3402506	GROUNDWATE :													20				37	57
3404008	GROUNDWATE :													25				40	65
*3404008	GROUNDWATE :													20				37	57
A3404008	GROUNDWATE :													20				37	57
R3404008	GROUNDWATE :													20				37	57
3404015	GROUNDWATE :	20								32	17	40	40			39	38		226
R3404015	GROUNDWATE :									32	17	40	40			30	38		197
T3404015	GROUNDWATE :	20								32	17	40	40			39	38		226
*3407145	BIG LOST R :													20				37	57
A3407145	BIG LOST R :													20				37	57
R3407145	BIG LOST R :													20				37	57
*3407176	GROUNDWATE :													20				37	57
A3407176	GROUNDWATE :													20				37	57
R3407176	GROUNDWATE :													20				37	57
*3410028	GROUNDWATE :	18																	24
A3410028	GROUNDWATE :	20																	20
R3410028	GROUNDWATE :	18																	18

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DEC 31 1998

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
A3410163	GROUNDWATE :									32	17	40	40			39	38	206
R3410163	GROUNDWATE :									32	17	40	40			30	38	197
*3410896	GROUNDWATE :	18			6													24
R3410896	GROUNDWATE :	18																18
A3410929	GROUNDWATE :									32	17	40	40			39	38	206
*3412368	GROUNDWATE :													20			37	57
A3412368	GROUNDWATE :													20			37	57
R3412368	GROUNDWATE :													20			37	57
--86 MAP--	C23Q-X 82 :	21		10	7			7	5	40	39	40	40	26	39	39	38	351

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DEC 31 1998

SRBA

SUBCASE SUMMARY REPORT 34-04015

Return to SRBA Home Page

SRBA
11-09-1998

SUBCASE SUMMARY REPORT

SUBCASE: 34-04015 FILE#: 00013
CLAIMANT: FOLKMAN, LEON
STATUS: PD ISSUED
WATER SOURCE: * ERROR,

**** PARTIES INVOLVED ****

LEON FOLKMAN

PRO SE

**** ROA ENTRIES ****

02-25-1997	STIPULATION (ASSIGN WATER RIGHT 34-10028A NEW NUMBER OF 34-04015)		
02-25-1997	SF5 FILED IN 34-10028A		
05-05-1997	NOTICE SETTING STATUS CONFERENCE	US	06-18
06-18-1997	HEARING HELD - STATUS CONFERENCE	UH	06-18
06-18-1997	MINUTES - STATUS CONFERENCE		
11-28-1997	REPORT & RECOMMENDATION OF MASTER	CB	12-29
11-28-1997	NOTICE OF ISSUANCE - FINAL R & R		
11-28-1997	CERTIFICATE OF MAILING - FINAL R & R		
01-07-1998	ORDER OF PARTIAL DECREE		
01-07-1998	PARTIAL DECREE FILED		01-07
01-07-1998	CERTIFICATE OF MAILING - PARTIAL DECREE		

Return to SRBA Home Page

MICROFILMED

DEC 31 1998

SRBA SUBCASE SUMMARY REPORT 34- 02401A

Return to SRBA Home Page

SRBA

SUBCASE SUMMARY REPORT

11-09-1998

SUBCASE: 34-02401A FILE#: 01890
CLAIMANT: FOLKMAN, LEON D & MARLENE
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

LEON D & MARLENE FOLKMAN PRO SE

**** ROA ENTRIES ****

12-22-1994	42-1416/1416A CLAIM PER IDWR		
02-07-1997	AMENDED ORDER OF REFERENCE APPOINTING BRIGETTE BILYEU SPECIAL MASTER		
05-05-1997	NOTICE SETTING STATUS CONFERENCE	US	06-18
06-18-1997	HEARING HELD - STATUS CONFERENCE	UH	06-18
06-18-1997	MINUTES - STATUS CONFERENCE		
	AMENDED DIR. REPORT DUE	ZB	07-02
06-20-1997	PRINTOUT REQUESTED		
06-20-1997	AMENDED DIRECTORS REPORT FILED (PRIORITY)		
11-20-1997	REPORT & RECOMMENDATION OF MASTER	CB	12-29
11-20-1997	NOTICE OF ISSUANCE - FINAL R & R		
11-20-1997	CERTIFICATE OF MAILING - FINAL R & R		
01-08-1998	ORDER OF PARTIAL DECREE		
01-08-1998	PARTIAL DECREE FILED		01-08
01-08-1998	CERTIFICATE OF MAILING - PARTIAL DECREE		

Return to SRBA Home Page

MICROFILMED

DEC 31 1998

SRBA SUBCASE SUMMARY REPORT 34- 10163

[Return to SRBA Home Page](#)

SRBA
11-09-1998

SUBCASE SUMMARY REPORT

SUBCASE: 34-10163 FILE#: 00000
CLAIMANT: FOLKMAN, LEON D & MARLENE
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

LEON D & MARLENE FOLKMAN PRO SE

**** ROA ENTRIES ****

12-06-1996 PARTIAL DECREE FILED (DISALLOWED)

12-06

[Return to SRBA Home Page](#)

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DEC 31 1998

SPLIT RIGHT SUMMARY

11/9/98

TRANSFER 2720

SD-0611-2 Basin: 34 Starting Water Right: 04015

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	34-04015	SOLBERG FARMS INC.	C	09/01/1958	S/	GROUNDWATER	IRR	WR
-	T34-04015	SOLBERG FARMS INC.	C	09/01/1958	S/	GROUNDWATER	IRR	WR
-	R34-04015	FOLKMAN, LEON D	C	09/01/1961	J/	GROUNDWATER	IRR	AJ
-		FOLKMAN, MARLENE	C					
-								
-								
-								

MICROFILMED

DEC 31 1998

Memo

To: PAM SKAGGS
From: H.W. JONES
RE: Tr. 2720

RECEIVED
OCT 09 1998
Department of Water Resources

This transfer was based on claim 34-04015.
The adjudication decreed in Jan, 1998 Rt 34-02401A
which was renumbered from claim 34-10103 which in
turn was based on claim 34-04015.

It appears to me the intent of transfer 2720
has been accomplished. However the applicant has
failed to respond to my letters & calls.

I would ask that tr. 2720 be rejected.

Thanks!

H.W. Jones

9-30-1998

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DEC 31 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T 2720

INITIAL REVIEW BY: HWS

1. ^{Claim} Right number 34-4015 Applicant Folkman

2. Type of right: ☐ Decree ☐ License ☒ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments N/A

i. ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

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

If yes, what district? WD# 34 *Send Copy to Big Lost River Irrig. Co. For comment

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on N.A. Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By _____ Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1998

Leon Folkman
PO Box 823
Arco ID 83213

RE: Notice of Intent to Void Transfer #2720

Mr. Folkman:

I contacted you on March 6, 1998, advising you that SRBA Recommendation 34-02401A had accomplished what was intended by application for transfer #2720 (see copy enclosed).

In that light I will need you to withdraw application for transfer #2720 since claim #A34-10163 which reflected the attempt to transfer a portion of 34-04015 was rejected.

I have enclosed a withdrawal form for your use I will need you to return it to this office within 14 days.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

Enclosure

Letter Re-sent on July, 1998
HWJ

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DEC 31 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

December 21, 1990

RE: Application for Transfer No. 34-04015

Leon Folkman
Box 823
Arco, ID 83213

Dear Mr. Folkman:

This letter is to advise you that the protests filed against approval of the above referenced application for transfer have been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

MICROFILMED

DEC 31 1998

December 21, 1990

RE: Application for Transfer No. 34-04015 LEON FOLKMAN

Joe Smith
Rt. 1, Box 22
Moore, ID 83255

Dear Mr. Smith:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application for transfer.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED
DEC 31 1998

December 21, 1990

RE: Application for Transfer No. 34-04015 LEON FOLKMAN

David &/or Lois Bleak
Rt. 1, Box 27
Moore, ID 83255

Dear Bleaks:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application for transfer.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED

DEC 31 1998

December 21, 1990

RE: Application for Transfer No. 34-04015 LEON FOLKMAN

Donald L. Rittenhouse
Rt. 1
Moore, ID 83255

Dear Mr. Rittenhouse:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application for transfer.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

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DEC 31 1998

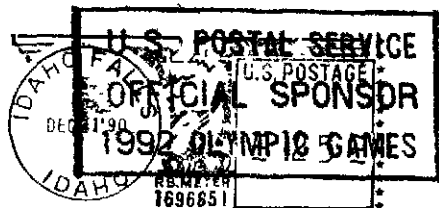
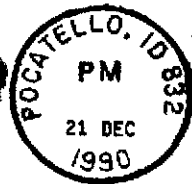
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402



UNDELIVERABLE AS ADDRESSED—
FORWARDING ORDER EXPIRED

DONALD L RITTENHOUSE
RT 1
MOORE ID 83255



REC'D
MICROFILMED
DEC 31 1998

DEC 27 1990

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 21, 1990

RE: Application for Transfer No. 34-04015 LEON FOLKMAN

Donald L. Rittenhouse
Rt. 1
Moore, ID 83255

Dear Mr. Rittenhouse:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application for transfer.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

RECEIVED

APR 20 1990

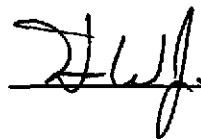
DATE 4-19-90

FROM H.W. Jones - Easton
TO Glen Saxton - Base
SUBJECT Withdrawal of Protest

Department of Water Resources

Attached is the withdrawal of Protest we discussed for
Transfer applic. on claim 34-4015.

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DEC 31 1998



SIGNATURE

IN THE MATTER OF
APPLICATION FOR TRANSFER
OF CLAIM TO A WATER
RIGHT #34-4015 IN THE
NAME OF LEON FOIKMAN

Withdrawal
of
Protest.

We hereby agree to withdraw our protest of
the above captioned application with the understanding
that the priority date for the applicants portion of
claimed right #34-4015 be reduced in time to the
date of Sept. 1, 1961.

Signed January 27, 1983 at Arco, Idaho.

~~David Bleak~~
David Bleak

Lois M. Bleak
Joe Smize

I hereby agree to reduce the priority of my
portion of claimed right #34-4015 to Sept. 1, 1961.
Signed January 27, 1983 at Arco, Idaho.

Leon Foikman

MICROFILMED
DEC 31 1998

MEMORANDUM

To: File 34-4015
From: L. Glen Saxton *LS*
RE: STATUS OF PENDING APPLICATION FOR TRANSFER NO. 2720 OF
STATUTORY CLAIM 34-4015
Date: April 19, 1990

During a meeting in Mackay conducted by the department on April 9, 1990, Leon Folkman (applicant) asked me about the status of the above referenced pending application for transfer. His concern was that the protests against the application have been withdrawn but that the department has not completed action on the application. He also advised the department has subsequently approved similar applications.

E. Region advised me that the protests have been withdrawn and that they would forward copies to the state office.

I have reviewed the application for transfer and have determined the information described below. The application proposes a change in point of diversion (a well) from a point South of Arco to a point upstream from Moore. The water thus diverted would be conveyed a number of miles on the surface to the place of use.

In a conversation today with the applicant, I advised that his application is very similar to the types of ground water uses in the Big Lost River drainage which surface water users allege interferes with their rights. I advised that the study authorized and funded by the legislature in the amount of \$50,000 this session hopefully will provide information to evaluate this practice.

I also advised the applicant that the department likely will not take action on the pending application prior to the preparation of findings in the Snake River Adjudication.

The change proposed by the application has already occurred and water is being delivered under a transport agreement with the Big Lost River Irrigation District. The applicant has also filed adjudication claim A34-10163 in connection with the use.

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DEC 31 1998

IN THE MATTER OF
APPLICATION FOR TRANSFER
OF CLAIM TO A WATER
RIGHT #34-4015 IN THE
NAME OF LEON FOLKMAN

Withdrawal
of
Protest.

We hereby agree to withdraw our protest of
the above captioned application with the understanding
that the priority date for the applicants portion of
claimed right #34-4015 be reduced in time to the
date of Sept. 1, 1961.

Signed January 27, 1983 at Arco, Idaho.


Daniel Bleak


Lois M. Bleak

Joe Smize

I hereby agree to reduce the priority of my
portion of claimed right #34-4015 to Sept. 1, 1961.

Signed January 27, 1983 at Arco, Idaho.


Leon Folkman

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DEC 31 1998

34-4015 T

Leon Folkman

Protestant

Joe Smith

Donald Rittenhouse

Lois & David Bleak

Well is being moved upstream about 12 miles

Property not in the district —

There was a permit on the well where water will be moved
had a permit —

The wells may be drying up the stream —

Object to the water being moved out of the area —

14 wells are east of Bleak's place —

— Check on Gavin Knitting

— The use of the airport well would require $\frac{1}{2}$ mile of mainline —

Trans. 34-4015.

Jan 27, 1983.

Applicant - Leon Folkman - present

Protestants - Donald Rittenhouse - present

Joe Smith - present

David Bleak - present

Louis Bleak - present.

Folkman - New p.d. is approx. 12 miles from p.o.u.

- Can not deliver his portion of the right from old p.d. into existing irrigation system, but does have right to well.

Smith - New p.d. was drilled in 1961 and was the p.d. on a permitted right, which has subsequently been transfer to a different problem.

Rittenhouse - Historically his property was sub irrigated. He diverts water from Big Lost ~~about~~ upstream from the new p.d. Protest is against use of wells in general. that co-mingle gw with surface water and transport it ~~to~~ other lands.

Bleak - Originally new p.d. was for irrigation of adjacent lands. ~~Approx. 7 yrs ago~~ Well was jointly owned by Bud Acor & Gavin Greeting. Acor transferred his right to different well. ~~Greeting sold~~ Well and property sold to Solberg Farms.

Folkman - Crater Farms has used the well to supply water for their farm south of Arca for several years. Crater Farms is adjacent to Folkman property. Irrigation by Crater Farms was not authorized by permit or license.

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DEC 31 1998

issue: What is the impact to existing rights both g.w. & s.w. situated between original p.d. to new p.d.

Bleak - flood irrigation is only possible when ^{elevation of} subwater ~~is existing~~ is being maintained. ~~Though~~

- Though elevation of subwater is primarily dependent on flow of water in River. Groundwater pumping ~~do~~ has some impact on the recharge to the river, thereby affecting subwater.

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DEC 31 1998

T 34-4015 - Leon Folkman

Courtroom, Memorial Building, Arco, Idaho
Thursday, January 27, 1983 (10:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer Bob Fleenor & Ernest Carlsen

Name	Address	Representing
LEON FOLKMAN	BOX 823 ARCO	STAFF
Dale Smith	Moore, Ida.	
Joe Smith	Moore ID	
Donald L. Rittenhouse	Moore Idaho	Self
J. Doyle Jensen	Moore Ida.	self.

MICROFILMED
DEC 31 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 34-4015 IN THE NAME OF) STIPULATION
LEON FOLKMAN)
_____)

BY THIS STIPULATION, the undersigned parties to the above-captioned case waive compliance with the requirements of Idaho Code, Section 67-5211, including the right to a proposed decision, to file exceptions to a proposed decision and to present briefs and oral arguments to the Director of the Department of Water Resources and agree that the Director may render a final decision in this case without first submitting a proposed decision.

Dated this _____ day _____, 19____.

(Notary Subscription)

MICROFILMED
DEC 31 1998

January 17, 1983

Arco Memorial Building
Magistrate Court
Arco, Idaho 83213

Gentlemen:

This is to confirm the use of the Courtroom for water right hearings to be conducted by this Department on Thursday, January 27, 1983, beginning at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED
DEC 31 1998

T34-4015

PS Form 3811, Jan. 1979

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

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

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

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Donald Rittenhouse
Rt #1
Morse Id 83255

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13062	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

D. Rittenhouse

4. **DATE OF DELIVERY**5. **ADDRESS CORRECTED**

DEC 31 1998

6. **UNABLE TO DELIVER BECAUSE:**CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

DEC 31 1988

**RETURN
TO**

To Avoid Delay, Please
Include Your Address and
Your Box Number. Please
Advise Your Correspondents.

RECEIVED

JAN 17 1983

PERMIT NO. 100
USE TO AVOID PAYMENT
OF POSTAGE, ETC.

JAN 1983
13



Department of Water Resources
Eastern District Office

DEPT. OF WATER RESOURCES
DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

T 34-4015

PS Form 3811, Jan. 1978

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

1. The following service is requested (check one.)
- ☒ Show to whom and date delivered.....\$
 - ☐ Show to whom, date and address of delivery.....\$
 - ☐ **RESTRICTED DELIVERY**
Show to whom and date delivered.....\$
 - ☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
David & Lois Bleak
Rt #1 Box 27
Miami Id 83255

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13060	

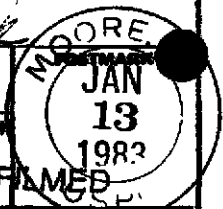
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Lois Bleak*
DATE OF DELIVERY
1-12-83

5. **ADDRESS** (Complete only if requested)

MICROFILMED



6. **UNABLE TO DELIVER BECAUSE:**

DEC 31 1982

CLERK'S INITIALS
Km

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL.

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

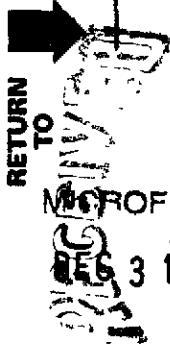
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN

TO



(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Department of Water Resources
Eastern District Office

734-4015

PS Form 3811, Jan. 1979

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

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

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

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Joe Smith
Rt #1 Box 22
Moscow, Id 83255

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13061	

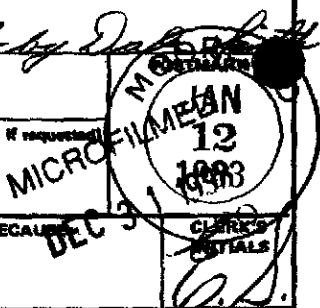
(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

5. **ADDRESS** (Complete only if requested)6. **UNABLE TO DELIVER BECAUSE**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

RETURN TO

DEC 1983

RECEIVED

13

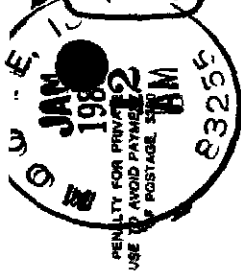
JAN 13 1983

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



T34-4015

PS Form 3811, Jan. 1979

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

1. The following service is requested (check one.)
- ☒ Show to whom and date delivered..... \$
 - ☐ Show to whom, date and address of delivery..... \$
 - ☐ RESTRICTED DELIVERY
Show to whom and date delivered.....
 - ☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
Arnold Folkman
Arco, Id. 83213

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
-	13059	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent

[Signature]
DATE OF DELIVERY
 JAN 12 1983

5. **ADDRESS** (Complete only if registered)

MICROFILM

POSTMARK
 JAN 12 1983

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS
[Signature]

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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



QUALITY FOR PRIVATE
MAILS TO AVOID PAYMENT
OF POSTAGE 1000

WATER RESOURCES

RETURN

RECEIVED

DEC 3 1983

Department of Water Resources
Western District Office

EASTERN DISTRICT OF IDAHO

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

POOR QUALITY

NAME AND ADDRESS OF SENDER

DEPARTMENT OF

EASTERN DISTRICT OFFICE

150 SHOLP AVE.

IDAHO FALLS, IDAHO 83401

Indicate by check mark the type of mail:
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have:
☐ Commercial Insurance
☐ A deductible clause of \$

Attach stamp here if issued as certificate of mailing or for additional copies of this bill
POSTMARK AND DATE OF RECEIPT

AND CERTIFIED MAIL

ACCEPTANCE OF REGISTERED, INSURED, AND CERTIFIED MAIL

PS Form 3877, Sept. 1, 1978

1 No	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C O D	R R FEE	S D FEE	S H FEE	REST DEL FEE	REMARKS
1	10015											
2	10015											
3												
4												
5												
6												
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8												
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10												
11												
12												
13												
14												
15												

MICROFILMED

DEC 3 1998

POOR QUALITY

TOTAL NUMBER OF PIECES LISTED BY SENDER

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF
TRANSFER NO. 34-4015 IN THE NAME OF
LEON FOLKMAN

NOTICE OF HEARING
AND/OR CONFERENCE

On July 30, 1982, Leon Folkman, Arco, Idaho, Idaho filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On September 13, 1982, the Department received protests against approval of said application from Joe Smith, Donald L. Rittenhouse, and David and Lois Bleak.

The Department has set the matter of protest for hearing for Thursday, January 27, 1983, at 10:00 a.m. in the Courtroom, Memorial Building, Arco, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 10th day of January, 1983.



RONALD D. CARLSON

Eastern Regional Supervisor

MICROFILMED
DEC 31 1998

RECEIVED

Sept. 10. 1982

SEP 13 1982

Department of Water Resources
Eastern District Office

I protest this Application
no. 34-4015 because in my
opinion there would be too
much loss of water running
at that far.

Yours

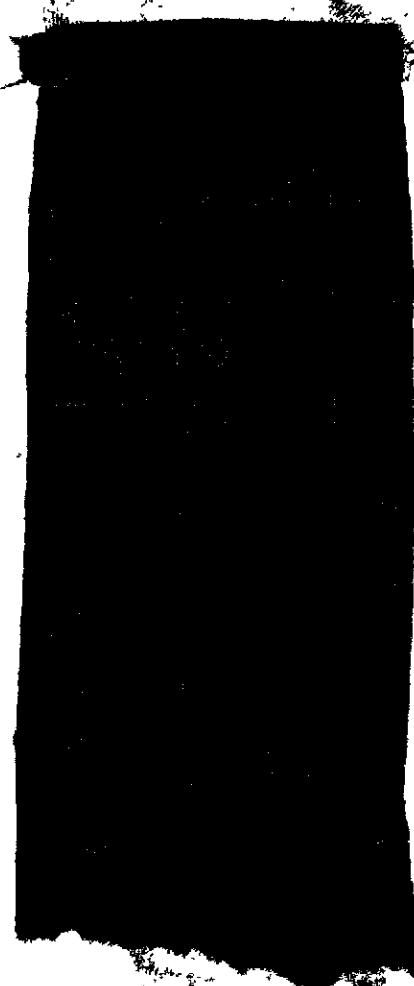
Joe Smith

Rt # 1 Box 22

Moore, Idaho 83255

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DEC 31 1998



RECEIVED

SEP 13 1982

Department of Water Resources
Eastern District Office

I would like to protest the
above application for change
in point of diversion.

Donald L Rittenhouse
Rt-1

MICROFILMED

DEC 31 1998

Moore Idaho 83255

DECEMBER

PT 1 Box 27

SEP 13 1982

Mosby LA 83255

Department of Water Resources
Water District Office

Sept 8, 1982

Department of Water Resources
150 Sharp Ave
Alto Falls, Wt 83401

Jim:

We protect the rights of
this permit on the following
grounds:

① It is not in the public

interest to transfer water out of the district.
This well should have been protected before it
was dug.

② It is not right to transfer priority slots -
The permit slots is earlier than the first
permit for the well.

MICROFILMED

③ Any time district cannot deliver water with
DEC 31 1998

the quantity can be kept from somebody from
receiving water that is legally owned. The wells
are running at capacity now - it may further
(over)

water would necessitate construction of larger
facilities - Big Lost River Irrigation District members
at the end of the canals are unable to get
water most of the time even [REDACTED]
flowing past their headgates [REDACTED]
transfer of water being carried on -

Sincerely,

Les M. Bleak
David Bleak

[REDACTED]

MICROFILMED

MICROFILMED

DEC 31 1998

September 17, 1982

RE: Application for Transfer No. 34-4015 FOLKMAN

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on August 26 and September 2, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

DEC 31 1998

September 17, 1982

RE: Application for Transfer No. 34-4015

Leon Folkman
Arco,
Idaho 83213

Dear Mr. Folkman:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

MICROFILMED

DEC 31 1998

September 17, 1982

RE: Application for Transfer No. 34-4015 FOLKMAN

Donald L. Rittenhouse
Rt. #1
Moore, Idaho 83255

Dear Mr. Rittenhouse:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED

DEC 31 1982

September 17, 1982

RE: Application for Transfer No. 34-4015 FOLKMAN

David &/or Lois Bleak
Rt. #1, Box 27
Moore, Idaho 83255

Dear Mr. & Mrs. Bleak:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED

DEC 31 1982

September 17, 1982

RE: Application for Transfer No. 34-4015 FOLKMAN

Joe Smith
Rt. #1, Box 22
Moore, Idaho 83255

Dear Mr. Smith:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED
DEC 31 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-4015

Notice is hereby given that Leon Folkman, Arco, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of a groundwater source. The right sought to be changed is evidenced by Claim No. 34-4015 and is recorded as follows:

AMOUNT: 6.00cfs

PRIORITY: Sept. 1, 1958

POINT OF DIVERSION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N, R. 26E, B.M. Butte County.

The water is used to irrigate 496 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, T. 3N, R. 26E, B. M.

TO BE CHANGED AS FOLLOWS

2.0cfs of water will be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 5N, R. 26E, B.M. Butte County and used to irrigate 286 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T. 3N, R. 26E, B.M.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before Sept. 13, 1982.

A. KENNETH DUNN

Director

Published in the Arco Advertiser, Arco, Idaho on Aug. 26 & Sept. 2, 1982.

MICROFILMED

DEC 31 1998

BDF

September 17, 1982

RE: Application for Transfer No. 34-4015

Leon Folkman
Arco,
Idaho 83213

Dear Mr. Folkman:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

MICROFILMED

DEC 3 1982

September 17, 1982

RE: Application for Transfer No. 34-4015 FOLKMAN

Donald L. Rittenhouse
Rt. #1
Moore, Idaho 83255

Dear Mr. Rittenhouse:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED

DEC 31 1982

September 17, 1982

RE: Application for Transfer No. 34-4015 FOLKMAN

David &/or Lofis Bleak
Rt. #1, Box 27
Moore, Idaho 83255

Dear Mr. & Mrs. Bleak:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED
DEC 31 1982
MICROFILM

September 17, 1982

RE: Application for Transfer No. 34-4015 FOLKMAN

Joe Smith
Rt. #1, Box 22
Moore, Idaho 83255

Dear Mr. Smith:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

DEC 31 1998

156

Sept. 10 1982

SEP 13 1982

Department of Water Resources
Eastern District Office

I protest the Application
no. 34-4015 because in my
opinion there would be too
much loss of water running
at that far.

Yours

Joe Smith

RT # 1 Box 22

Mo. Idaho 83255

Public Notice
NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 34-4015

Notice is hereby given that Leon Folkman, Arco, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of a groundwater source. The right sought to be changed is evidenced by Claim No. 34-4015 and is recorded as follows:

AMOUNT: 400 cfs
POINT OF DIVERSION: SW/4SW/4, Sec. 1, T. 1 N., R. 24 E., B.M. Butte County and land to irrigate 206 acres within the SE/4SW/4, NE/4SE/4, SW/4SE/4, Sec. 9, SW/4, W/4SE/4, Sec. 10, T. 1 N., R. 24 E., B.M.

Any protest against the application for the above proposed change of water right must be filed with the Department of Water Resources, 1000 Broadway, Boise, Idaho 83725, on or before September 20, 1982.

A. KENNETH BLUM
Director

MICROFILMED
DEC 31 1998

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

AMOUNT: 6.00 ch. in. to

PRIORITY: Sept. 7, 1958
POINT

POINT W/4SW/4. CEN DIVERSION.

SWASWIA, B.M. Butte County, CA. 26E.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 N. State, Boise, Idaho 83702, by January 13, 1982.

A. KENNETH DUNN, Director

Arco Advertiser, Arco, Idaho, Aug. 14 & 20th, 1962

SEP 13 1982

Department of Water Resources
Eastern District Office

Donald L Rittenhouse
Rt-1
Moore Idaho 83255

MICROFILMED
DEC 1980

DEC 31 1998

RECEIVED

SEP 13 1982

Department of Water Resources
Eastern District Office

27 1 Box 27

Moore Rd 83255

Sept 9, 1982

Department of Water Resources
150 Shoy Ave
Ed. Falls, Ht 83401

Sir:

We protest the granting of
this permit on the following
grounds.

(1) It is not in the public

interest to transfer water out of the district.
This well should have been protected before it
was dug.

(2) It is not right to transfer priority date -
The permit date is earlier than the first
permit for this well.

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DEC 31 1998

(3) Irrigation district cannot deliver this water into
the existing canals without keeping somebody from
receiving water that is legally owned. The canals
are running at capacity now and any further
(over)

water would necessitate construction of large facilities - Big Lost River Irrigation District members at the end of the canals are unable to get water most of the time even when water is flowing past their headgates because of the transfer of water being carried on.

Sincerely,

Les M. Bleak

David Bleak

MICROFILMED

DEC 31 1998

Transfer No. 2720
Water Right No. 34 4015

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

Name of applicant Leon Folkman Phone 321-5151
Post Office address Arco, Idaho 83213

A DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by**

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 34-4015 on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Applicant obtained a portion of the claimed right through purchase
from Soelberg Farms previous owner

3. Source of water groundwater tributary to _____

4. Date of priority September 1, 1958

5. Water is used for the following purposes:

amount 6.00 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 6.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2
Township 3N Range 26E, B.M., in Butte County
Additional points of diversion, if any _____

8. Lands 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 $\frac{1}{4}$	
3N	26E	2									15		40	40					95
		3																30	30
		10	20								32	17	40	40		39	38		226
		11					40	25											65
		9												12	2		28	38	80

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DEC 31 1998

Total number of acres to be irrigated 496

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No
If yes, describe in item D, REMARKS.

B DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If right is owned by the applicant, omit part B)

1. Amount of water: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2 Township 3N
Range 26E, B.M., Butte County
Additional points _____
3. 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 $\frac{1}{4}$	
3N	26E	9											12	2			28	38	80
		10									32	17	40	40			39	38	206

Total number of acres to be irrigated 286

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

1. General Information

- a. Amount of water to be diverted 2.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works well, pump, gravity flow ditch
- c. Describe the reasons for the proposed changes to transfer applicants portion of claimed right to an existing well included in the purchase agreement

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15 Township 5N
Range 26E, B.M., Butte County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
There will be no change in the place of use.

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DEC 31 1998

[illegible]

286

- Ring e
26
East

Well

Township 15 North

Range 26 East

Township 3 North

10-7-71

MICROFILMED
DEC

MICROFILMED
DEC 31 1998

D. REMARKS

The well discharges water into the Arco Canal and transported to the Big Lost River. The water is then rediverted into the Muncey Ditch and transported to the place of use.

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 willfull misrepresentations made in this application may result in voiding its approval.

John F. Thuan
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of July, 19 82

Shirley Mc Caffee
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by <u>EHC</u>	Date <u>7-30-82</u>	Protest filed by <u>Joe Smith, Donald L. Rittenhouse,</u>
Prelim. check by _____	Fee <u>50.00</u>	<u>David & Lois Bleak</u>
Receipted by <u>BP</u>	Date <u>7-30-82 #22416</u>	_____
Published in <u>Arco Advertiser</u>	Copies of protest forwarded by _____	
Pub. dates <u>8-26 & 9-2-82</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for approval <u>denial</u>	
_____ rec'd. _____	by <u>MICROFILMED</u>	

DEC 31 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF	}	
TRANSFER NO. 34-4015 IN THE NAME OF		NOTICE OF HEARING
LEON FOLKMAN		AND/OR CONFERENCE

On July 30, 1982, Leon Folkman, Arco, Idaho, Idaho filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On September 13, 1982, the Department received protests against approval of said application from Joe Smith, Donald L. Rittenhouse, and David and Lois Bleak.

The Department has set the matter of protest for hearing for Thursday, January 27, 1983, at 10:00 a.m. in the Courtroom, Memorial Building, Arco, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 10th day of January, 1983.



RONALD D. CARLSON

Eastern Regional Supervisor

FILED
DEC 31 1998

April 27, 1982

RE: Amended Claim to a Water Right No. 34-4015

Soelberg Farms, Inc.
1461 Woodruff Avenue
Idaho Falls, Idaho 83401

Dear Mr. Soelberg:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your amended claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your amended claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

157-111-111
RECEIVED
MAY 11 1982
Department of Water Resources

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

No. 34-4015

Notice is hereby given that claim to a water right No. 34-4015 in the name of Soelberg Farms, Inc., Idaho Falls, Idaho, was filed with a priority date of September, 1958 for the diversion and application to beneficial use of 6.00 cfs of water from a groundwater source with the point of diversion within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N, R. 26E, B.M., Butte County; the water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 530 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, N $\frac{1}{2}$, Sec. 15, T. 3N, R. 26E, B.M.

The claimant now proposes to amend claim No. 34-4015 amending the place of use for 496 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9, T. 3N, R. 26E, B.M.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402.

A. KENNETH DUNN

Director

Published in the Arco Advertiser, Arco, Idaho, on April 1 & 8, 1982.

MICROFILMED
DEC 31 1998

*Protest Date
4-19-82*

November 27, 1974

RE: Claim to a Water Right No. 34-4015

Mr. Earl J. Soelberg
Mr. R. Bruce Soelberg
Mr. Dean S. Soelberg
Box 146
Arco, Idaho 83213

Gentlemen:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosure

MICROFILMED

November 13, 1974

RE: Application for a Claim to a Water Right No. 34-4015

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on October 24 and 31, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:CW

RECEIVED
MED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 17, 1974

Re: Claim to a Water Right No. 34-4015 Soelberg

Arco Advertiser
Box "C"
Arco, ID 83213

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

Bill submitted 11-26-74 by MB

RDC:MB

Enc: Legal Notice (1)

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

NO. 34-4015

Notice is hereby given that Earl J. &/or R. Bruce &/or Dean S. Soelberg, Box 146, Arco, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.0 cubic feet per second of water from a ground-water source with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N, R. 26E, B.M., Butte County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 530 acres with a priority of September, 1958; the place of use is within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, N $\frac{1}{2}$, Sec. 15, T. 3N, R. 26E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser, Arco, Idaho on October 24 and October 31, 1974

NOTICE OF CLAIM TO A WATER RIGHT

NO. 34-4015

Notice is hereby given that Earl J. &/or R. Bruce &/or Dean S. Soelberg,

Box 146, Arco, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 6.0 cubic feet per second ~~XXXXXXXXXXXXXXXXXX~~

of water from a ground-water source

with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3N, R. 26E, B.M.,

Butte County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation
of 530 acres

with a priority of September, 1958;

the place of use is within the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, N $\frac{1}{2}$, Sec. 15, T. 3N, R. 26E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho

on October 24 and October 31, 1974

REC-100

06-11
MB-N