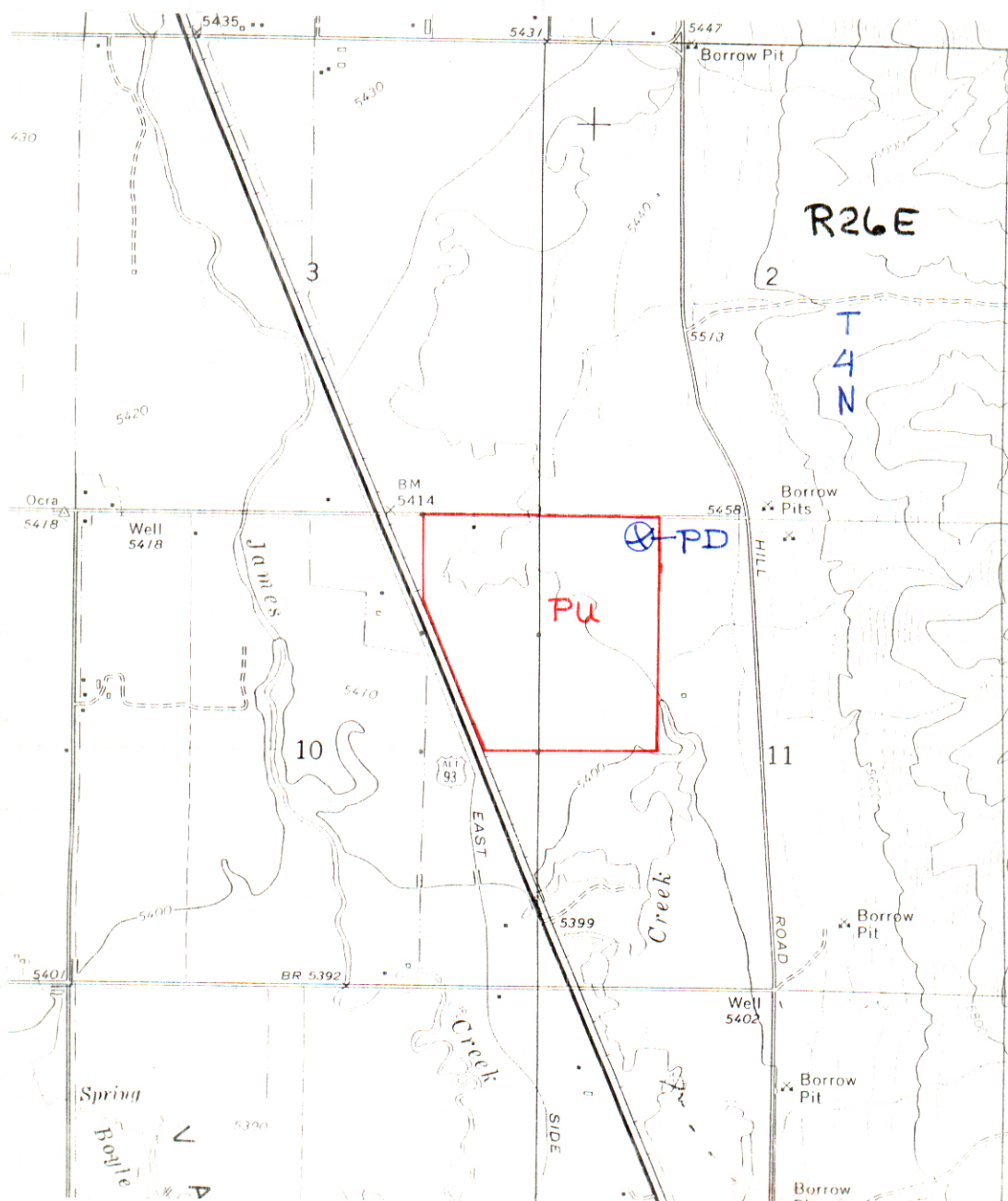


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

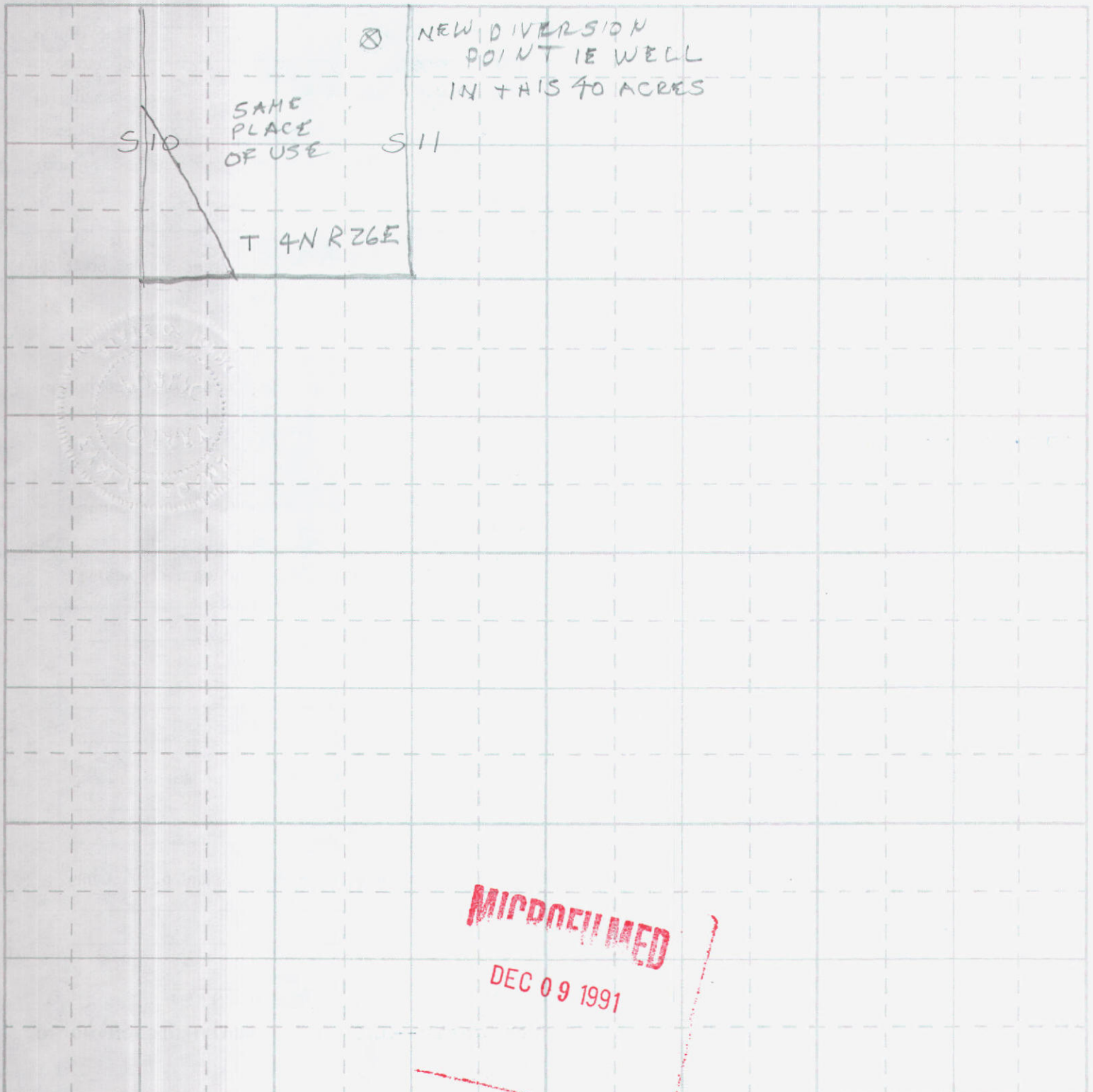
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



DEC 09 1991

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

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

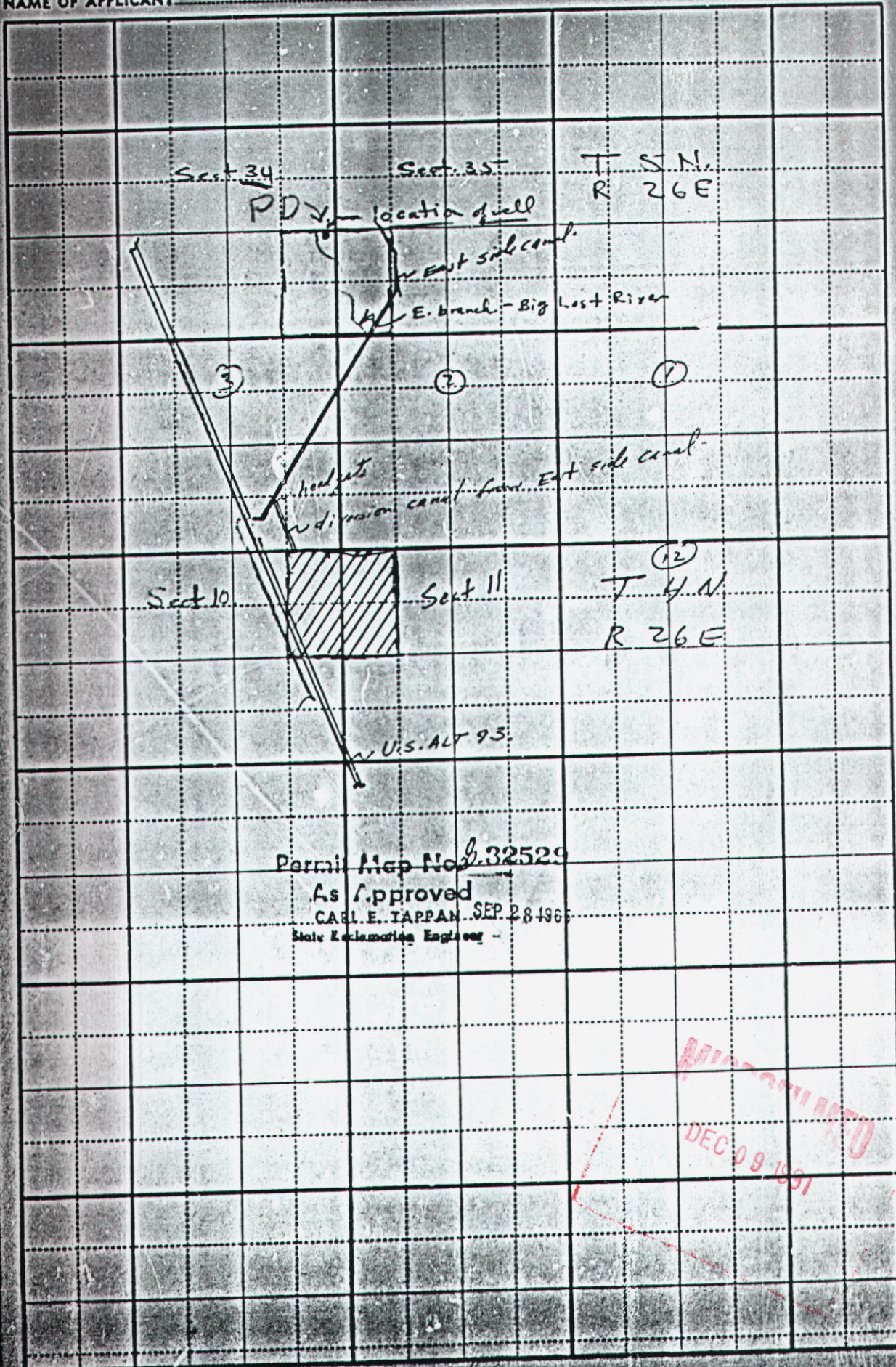


MICROFILMED

DEC 09 1991

NAME OF APPLICANT J. W. F. W. T. Sowers

Form No. 0



Permit Map No. 32529

As approved

CARL E. TAPPAN SEP 28 1965

State Reclamation Engineer

RECEIVED
DEC 09 1965

SCALE: 2 inches Equal 1 Mile. Draw Plan in ink.

32529

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
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 July 20, 1989

and ending with the issue dated

July 27, 1989

Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 27 day of July

in the year of 1989, before me, a Notary Public,

personally appeared

Colleen Babcock

known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Cannon
Notary Public for Idaho

Residing at Arco, Id.

My commission expires: 12-17-91

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 34-2467**

Notice is hereby given that Dr. Jack
Sowards, Arco, ID, has applied to the
Department of Water Resources to Add a
Point of Diversion from the waters of a
groundwater source. The right sought to
be changed is evidenced by License No. 34-
2467 and is recorded as follows:

AMOUNT: 2.82 CFS

PRIORITY: September 28, 1965

POINT OF DIVERSION: NESE SEC34
T5N R26E, B.M. BUTTE COUNTY

The water is used to irrigate 141 acres
within the E $\frac{1}{4}$ NE $\frac{1}{4}$ SEC10; W $\frac{1}{4}$ NW $\frac{1}{4}$ SEC11
T4N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

A point of diversion will be added in the
NWNW SEC11 T4N R36E, B.M.

Any protest against approval of the above
proposed change of water right must be
filed with the Department of Water Re-
sources, 150 Shoup Ave., Idaho Falls, ID
83402, on or before August 7, 1989.

R. Keith Higginson
Director

Published in the Arco Advertiser on July
20 & 27, 1989.

RECEIVED

JUL 31 1989

Department of Water Resources
Eastern District Office

RECORDED

DEC 09 1991

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
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. 17, 1989
and ending with the issue dated Aug. 24, 1989
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 25 day of August
in the year of 1989, before me, a Notary Public,
personally appeared

Colleen Babcock
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Cunningham
Notary Public for Idaho

Residing at Arco, ID

My commission expires: 12-17-91

NOTICE OF CORRECTION

Notice is hereby given that Transfer No. 34-2467 in the name of Dr. Jack Sowards, Arco, ID, was advertised incorrectly on July 20 & 27, 1989. The point of diversion to be added was advertised as being in the NWNW SEC11 T4N R36E, B.M.

Whereas, the actual point of diversion is in the NWNW SEC11 T4N R26E, B.M.

Any protests against the granting of this transfer as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before September 4, 1989.

R. Keith Higginson
Director

Pub. 8-17,24, 1989

RECEIVED

AUG 28 1989

Department of Water Resources
Eastern District Office

RECEIVED
DEC 09 1991

Affidavit of Publication

RECEIVED

DEC 30 1970

Department of Water Administration

I, Elizabeth L. Brammer, 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 two (2) consecutive weeks, commencing with

the issue dated October 22, 1970

and ending with the issue dated October 29, 1970

Elizabeth L. Brammer

Subscribed and sworn to before me this

2 day of Nov, 1970

Betty J. Mayo
Notary Public

Residence: Arco, Idaho.

My commission expires 2-4, 1972

PUBLIC NOTICE

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that J. W. and W. T. Sowards, Moore, Idaho have received an approved Permit No. G-32529/34-3467 issued by the Idaho Department of Water Administration authorizing the diversion of 3.2 cubic feet per second of water from a ground water source. The priority to be established under this permit is September 28, 1965 and the permit was approved September 22, 1965.

Water is to be diverted by well, pump, and power plant from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 5 N., R. 26 E., B.M., Butte County, to be used for irrigation in the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, T. 4 N., R. 26 E., B.M.

Proof of the application of the water to beneficial use was submitted to the Department on September 28, 1970. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit.

R. KEITH HIGGINSON,
Director, Idaho Dept. of
Water Administration.

Published in the Arco Advertiser, Arco, Idaho, on October 22 and October 29, 1970.

34-2467

dk
OK
1-5-71

K. HIGGINSON, DIRECTOR

IOWA

YOUNG

SPACKMAN

SLIKKA

19 June 92

Drilling Log

RICHARD HENDRICKS

0-4' brownish clay
 4-105' clay + gravel (will stand)
 105-125' gravel sand + clay (will not stand) (some water)
 125-130' sand + gravel (water)
 130-138' sand + clay (some water)
 138-155' clay
 155-188' clay, sand + gravel
 188-205' clay + gravel

125-130' is a washed fine gravel, clean rock. Appears to be a good water bearing area.

Richard Hendricks
Driller

RANCH LIES AGAINST A
VERY ROCKY MOUNTAIN

Recommend

Perforate 120' - 138'

PLEASE FURNISH AUTHORIZATION TO PERFORATE
120 FT TO 138 FT.

STANDING TIME IS COSTING ME
\$100 AN HOUR.

VERY MUCH

THANKS FOR YOUR HELP

DR. JACK SOWARDS, P.E., D.S.C.

208-527-3111

ATTENTION.

NORM YOUNG

GARY SPACKMAN

MARK SLIKKA.

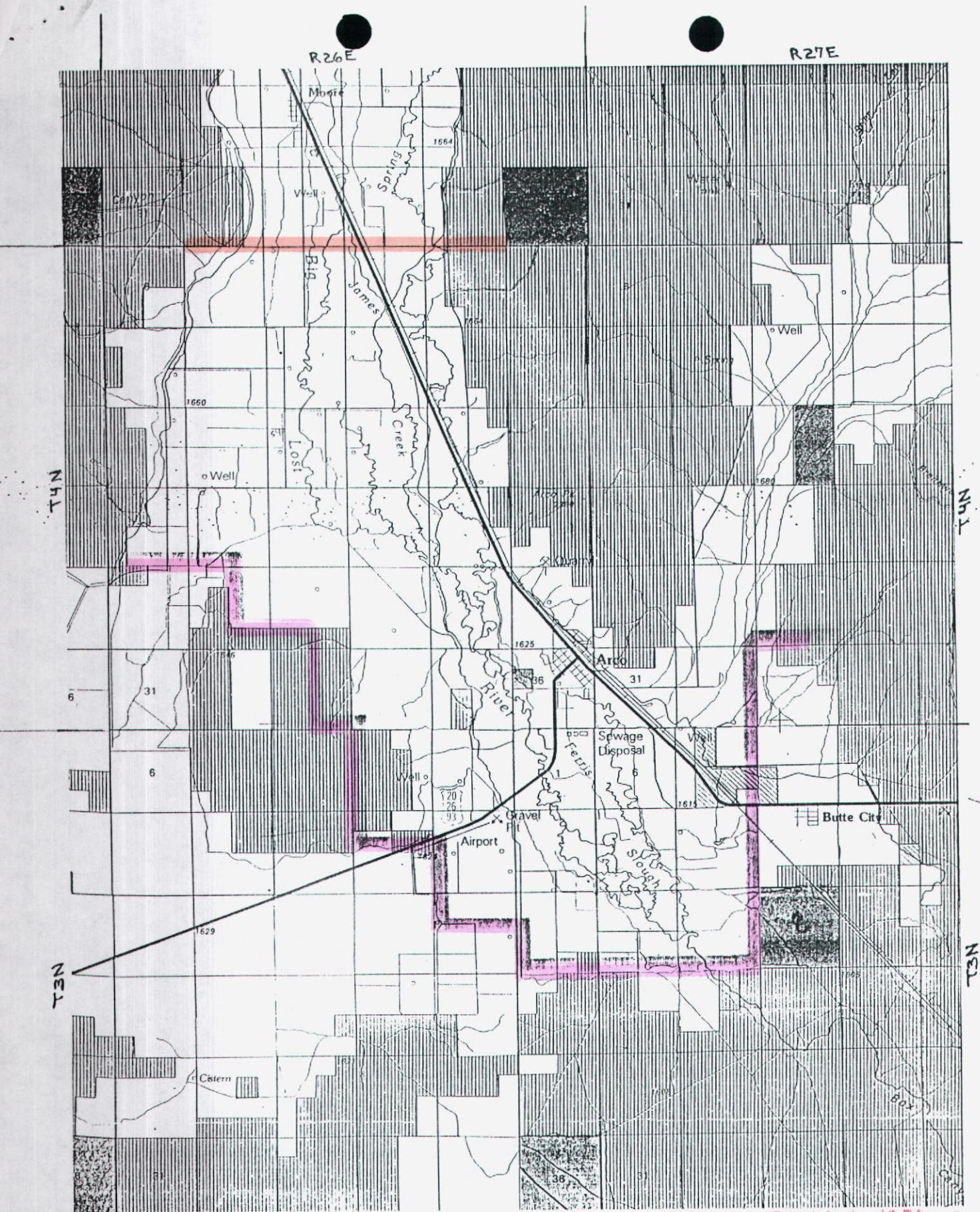
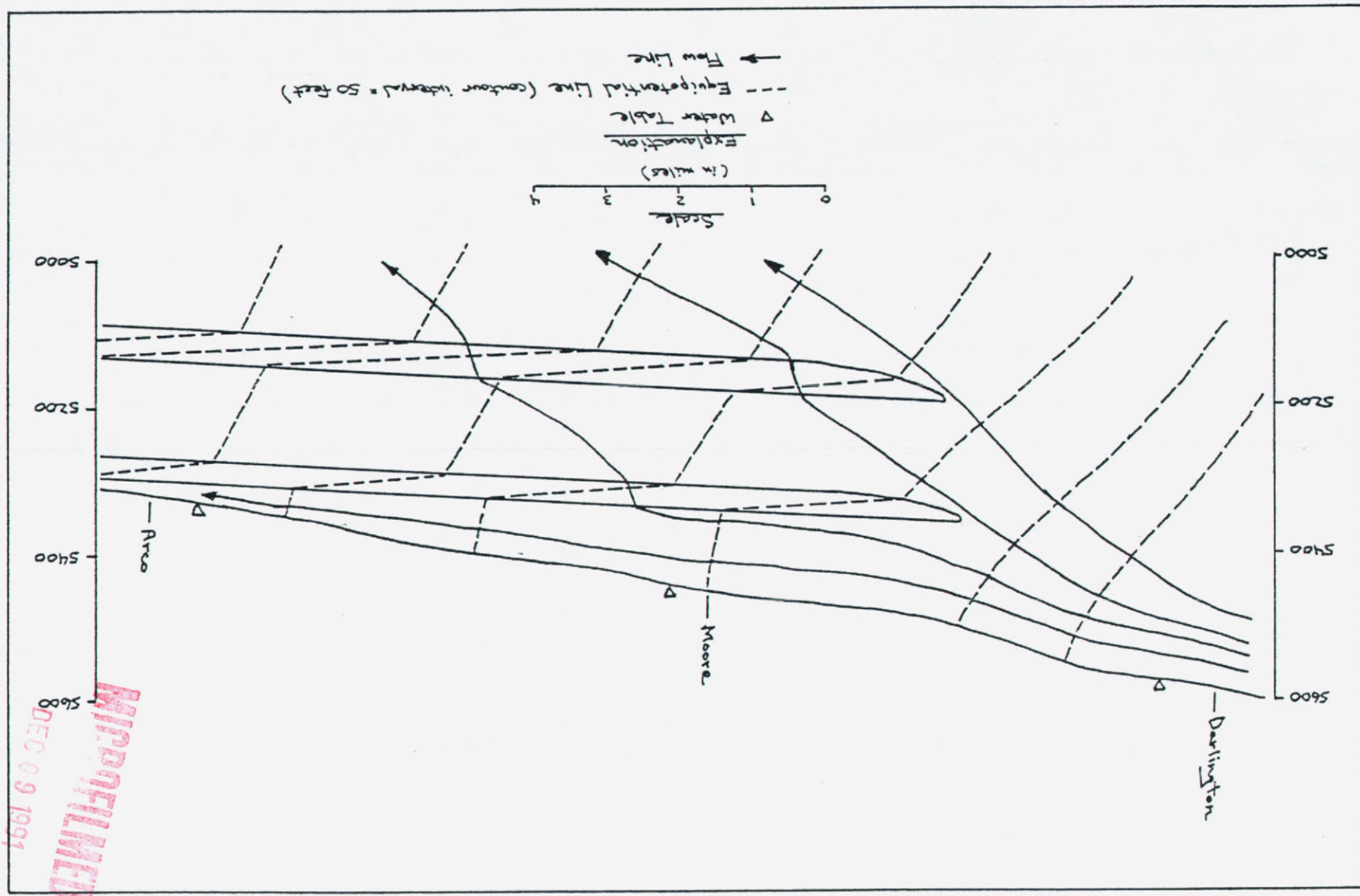


Figure 1. Map Showing Proposed Boundary Where Ground Water Underflow Leaving Big Lost River Valley is "No Longer" Tributary to Surface Water.

DEC 09 1991

Figure 1. Conceptual Flow Net of Aquifer System Near Mouth of Big Lost River Valley



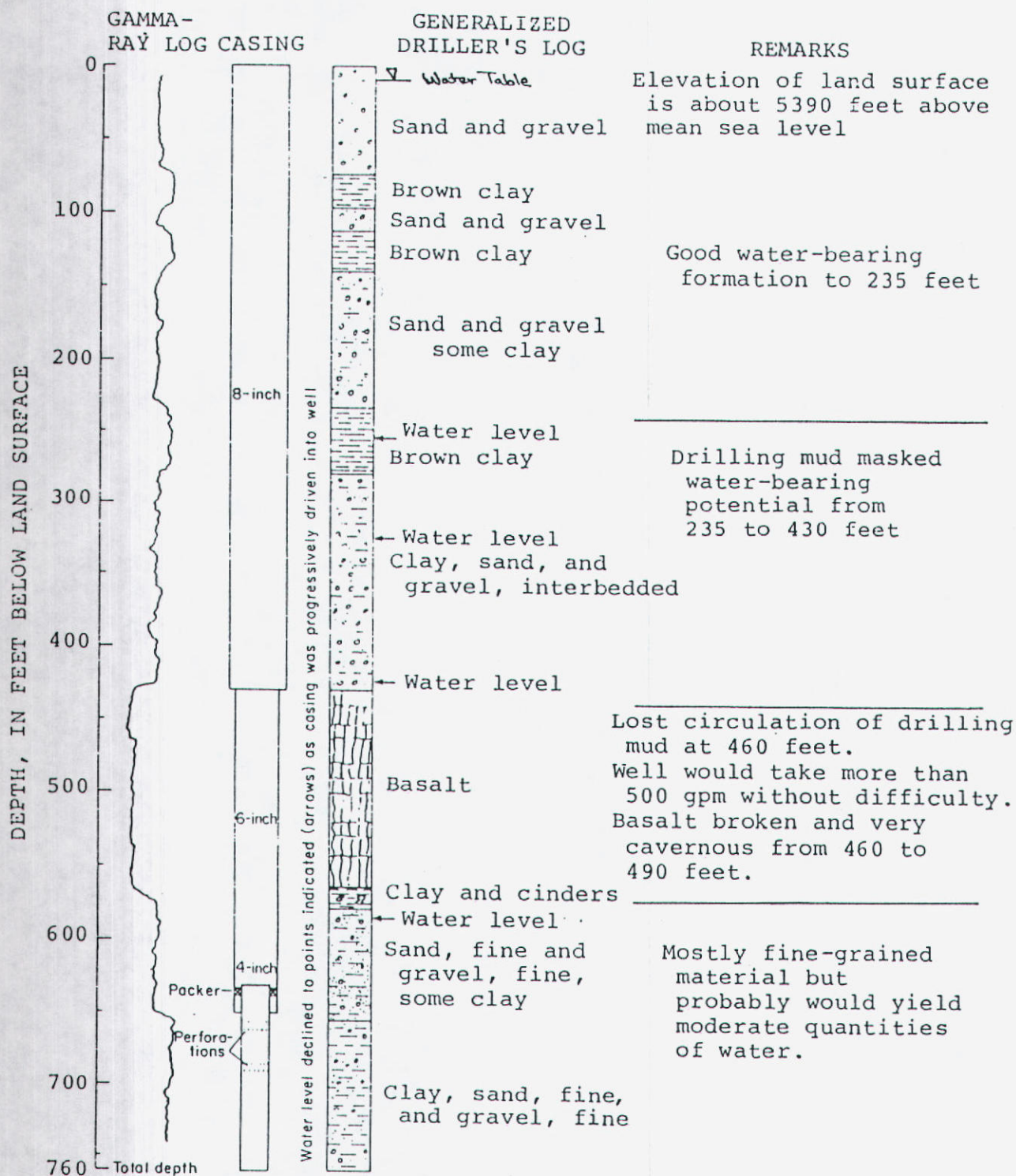


FIGURE 2 -- Logs and water levels in well 4N-26E-2labbl.

MICROFILMED
DEC 09 1991

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**
NO. 34-2467

Notice is hereby given that Dr. Jack Sowards, Arco, ID, has applied to the Department of Water Resources to Add a Point of Diversion from the waters of a groundwater source. The right sought to be changed is evidenced by License No. 34-2467 and is recorded as follows:

AMOUNT: 2.82 CFS

PRIORITY: September 28, 1965

POINT OF DIVERSION: NESE SEC34

T5N R26E, B.M. BUTTE COUNTY

The water is used to irrigate 141 acres within the E1/4NE1/4 SEC10; W1/4NW1/4 SEC11 T4N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

A point of diversion will be added in the NWNW SEC11 T4N R36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before August 7, 1989.

R. Keith Higginson
Director

Published in the Arco Advertiser on July 20 & 27, 1989.

LETTER of PROTEST

34-2467

RECEIVED

AUG 1 1989

Department of Water Resources
Eastern District Office

I, _____, of the Department of Water Resources;

do hereby protest the above applications are protested for one or more

of the following reasons.

1. The Dept. currently has a back-log of unprocessed applications that should be reviewed and acted upon before other applications are processed.
2. Due to the unrest and conflict over water issues that exist in the Big Lost River District #34, it would be in the best public interest if a thorough plan of administration for all water rights be developed and implemented before proceeding with these applications.
- 3.

These protestors support the "due process" afforded by IDWR and encourage all new appropriations, changes of point of diversions, or place of use, etc., to comply with these rules of law. We also reserve the right of protest for reasons not mentioned herein.

Mitchell Sorenson
Kurt Neoz
W. Todd Barber
Thomas Aikler
Dana A. Gabel

MICROFILMED

DEC 09 1991



Photo 1 Sept 6 1989 DMD ESV
34-2467



Photo 2 6 Sept 89 DMD, ESV
34-2467



Photo 3 Sept 6 1989 DMD, ESV
34-2467

MICROFILMED

DEC 09 1991

41N

42' 30"

R 26E

field inspection

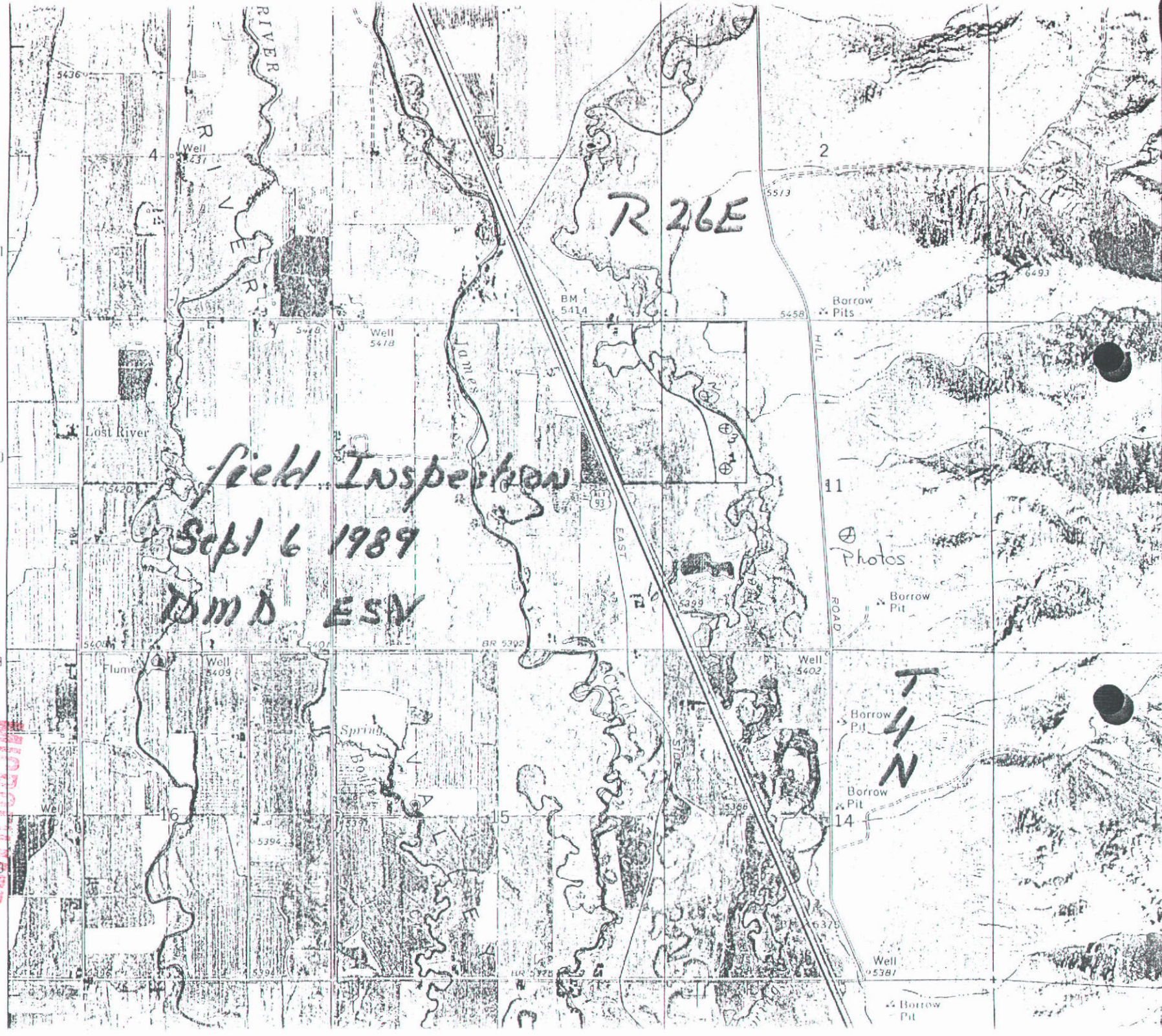
Sept 6 1989

DMD ESN

T
4
N

DEC 09 1991

PRODUCED



010

AP-226-10
W. B. R. 10

53.50000

A-122

Mr. L. H. Fillion

tion

8.7 E

RECEIVED
DEC 09 1991

R26E

REFILMED
DEC 09 1981

A-222
E. Bend
1-131

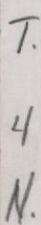
A-121
J.W. Stinson
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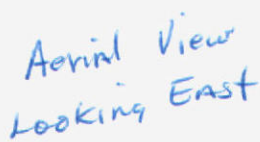
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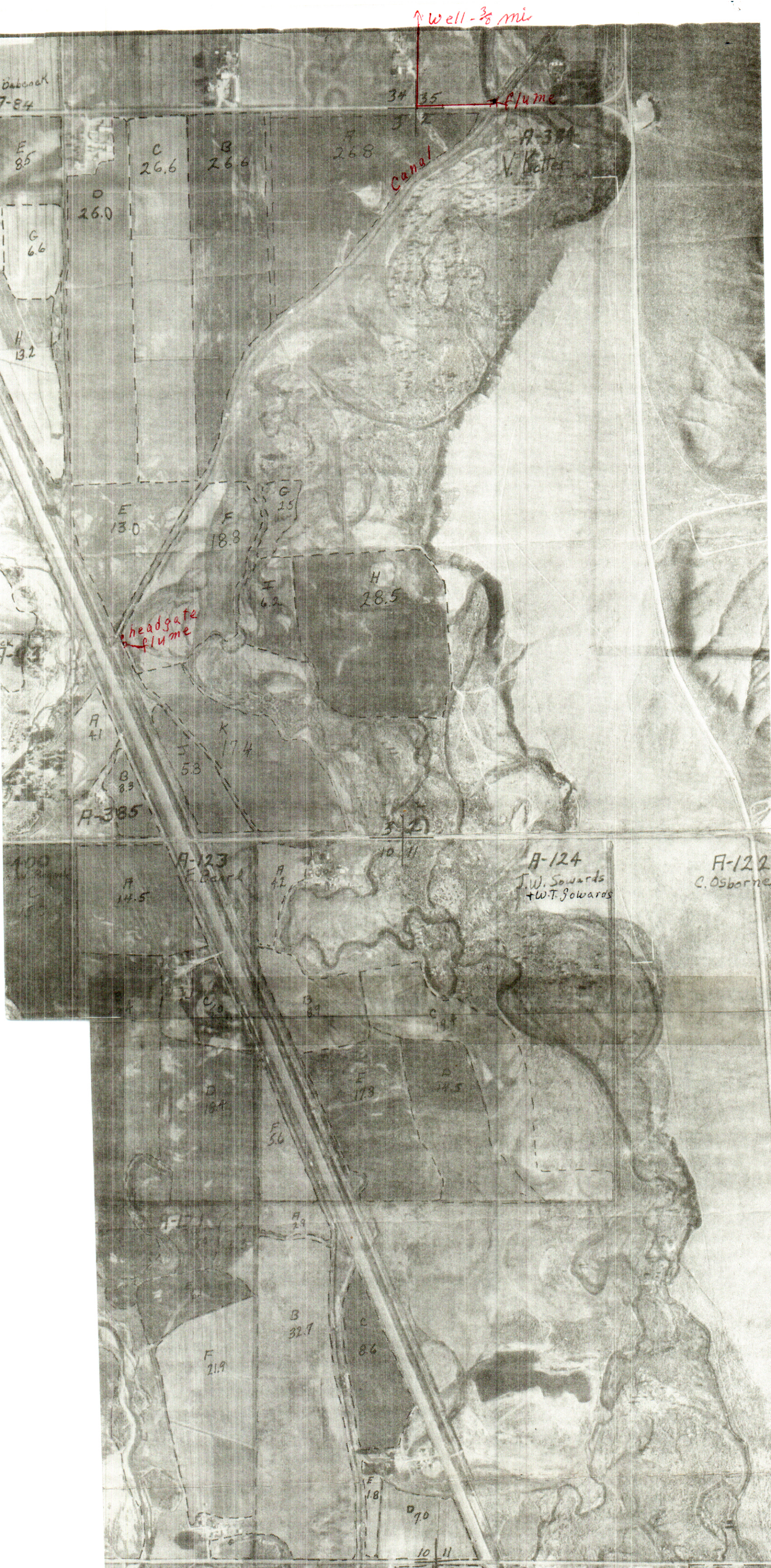
Del Rio, Texas



$E \uparrow$



34 2467



Well - 3/8 mi

Babcock
7-84

34 35

flume

E
85

C
26.6

B
26.6

A
26.8

A-384
V. Ketter

D
26.0

G
6.6

H
13.2

E
13.0

F
18.3

G
15

I
6.2

H
28.5

headgate
flume

A
4.1

K
17.4

J
5.3

B
8.9

A-385

400
A. Sowards
C
10.5

A
14.5

A-123
E. Beard

A
4.2

10 11

A-124
J.W. Sowards
+ W.T. Gowards

A-122
C. Osborne

C
10

B
8.9

C
14.4

D
18.4

E
17.3

A
14.5

F
5.6

F
21.9

B
32.7

C
8.6

F
1.8

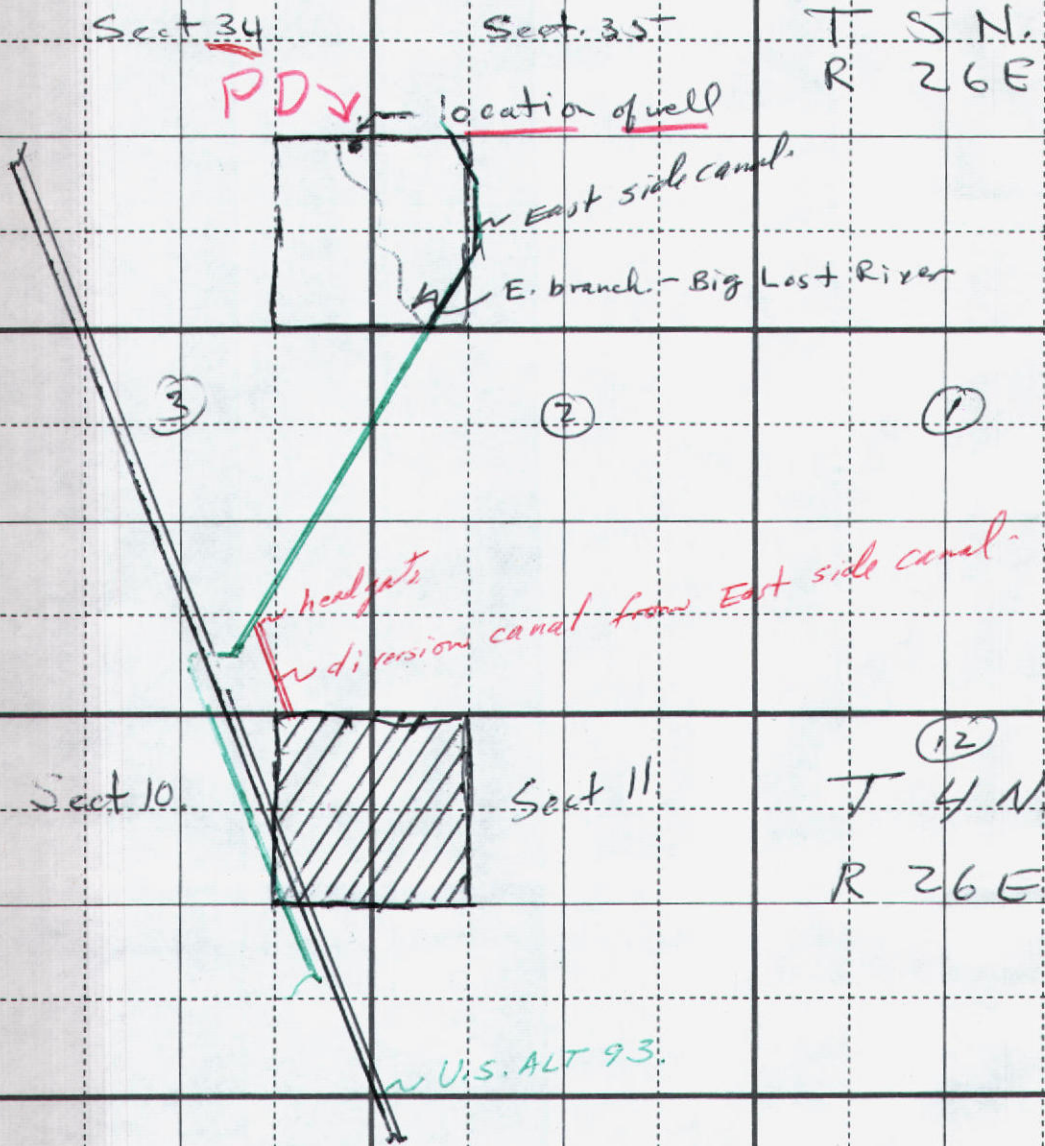
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7.0

10 11

NAME OF APPLICANT

J. W. & W. T. Sowards

Form No. 0



Permit Map No. 32529
As Approved
CARL E. TAPPAN SEP 28 1965
State Reclamation Engineer

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER OF WATER RIGHT NO. 34-2467	)	ORDER ADOPTING PROPOSED
IN THE NAME OF JACK W. SOWARDS	)	MEMORANDUM DECISION
_____	)	AND ORDER

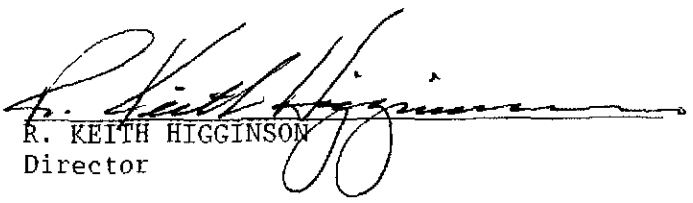
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record on September 17, 1991, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and Application for Transfer of Water Right No. 34-2467 is APPROVED.

Dated this 7th day of OCTOBER, 1991.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 9th day of October, 1991, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, was mailed, postage prepaid to:

Jack W. Sowards
Box 100
Arco, ID 83255

Mitchell Sorensen
Route 1, Box 63-C-1
Moore, ID 83255


RITA I. FLECK
Secretary/Records Manager

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No 3111

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Dr Jack Sowards Phone (208) 527-3111Post Office address Box 100, Arco Idaho 83203-0100

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reduce the losses in the current system, make more efficient use of the water

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-2467</u>	<u>28 September 1, 2</u>	<u>2.82</u>	<u>Irrigation</u>	<u>11 May</u> to <u>15 September</u>
	<u>WELL AND PUMP WORK</u>			to _____
	<u>IN USE BEFORE 1960</u>			to _____
				to _____

2. Total amount of water being transferred 2.82 cubic feet per second and/or 423 acre-feet per annum3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion _____

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
		NW	NW	11	4N	26E	BUTTE	
		NE	SE	34	5N	26E	BUTTE	

5. Lands irrigated or place of use:

Twp	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26E	10	36																62
		11						39	40										79

Total acres 141

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by

- a Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b License No. 34-2467 issued by the Idaho Department of Water Resources
- c Claim No. _____ on file with the Idaho Department of Water Resources
- d Transfer No. _____ which produced this right

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 28 September 1965

5. Water is used for the following purpose

amount 2.82 for Irrigation purposes from 10 May to 15 September
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.52 cubic feet per second and/or 423 acre-feet per annum

7 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	34	5N	26E	BuHe	

8 Lands irrigated or place of use

Twp.	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26E	10	36			26													62
		11					37	40											74

Total acres 141

9 Describe any other water rights used for the same purpose as described above 34-0364

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2 Point(s) of Diversion

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

3. Lands irrigated or place of use

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

Total acres _____

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

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

2 Point(s) of Diversion:

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

3. Lands irrigated or place of use

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

Total acres _____

PART 1

6 General information:

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

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

d. Remarks:

The current system is an open discharge to the East Branch of the Big Lost River. The water is then
rediverted to (by) the East Side Canal and [delivered] to the applicant's land. Due to the East branch
of the Big Lost River being dry and shrinkage rates charged by the East Side Canal the applicant is not receiving
his licensed amount. See capacity on the license.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

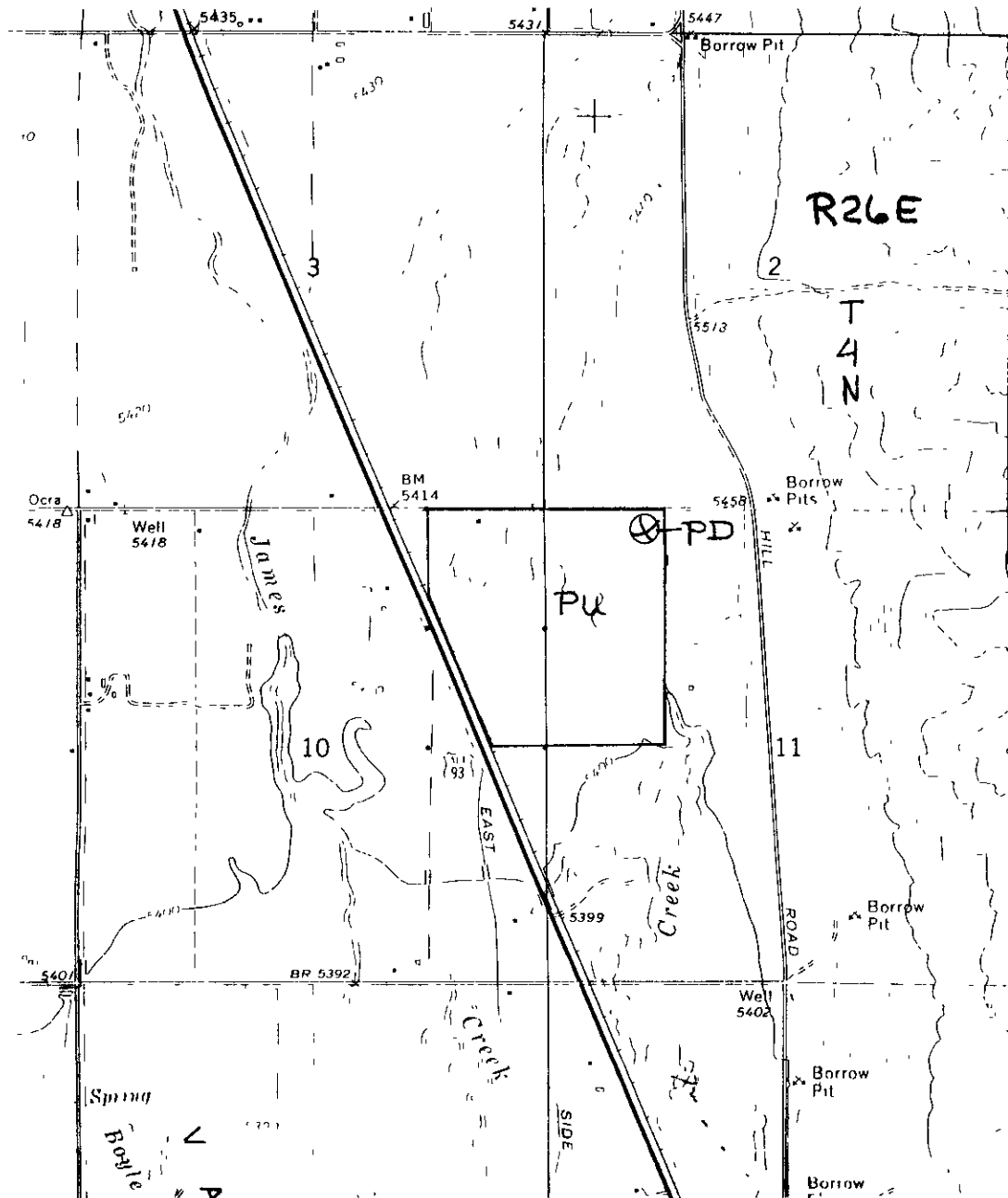
This is to certify that I have examined Application for Transfer of Water Rights No 34-2467And said application is hereby APPROVED, subject to the following limitations and conditions:PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND ORDERADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.Witness my hand this 7TH day of October, 19 91

Director



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

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



DEC 09 1991

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

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

2 Quantity and quality of return flows and location of discharge

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

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

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

Jerry K. Lamond
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of May, 19 89.

Shirley Upman
(Notary Public)

My commission expires life

ALSO SWORN 4/24/89
BEFORE EVALYN ADAMS

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by RC Date 4-24-89 Protest filed by _____

Prelim check by DWD Fee 50⁰⁰ _____

Receipted by RB Date 4-24-89 _____

Published in Area Advertiser Copies of protest forwarded by _____

Pub dates 7-20 & 27, 89 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

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

IN THE MATTER OF APPLICATION FOR)	ORDER ISSUING
TRANSFER No. 3582 OF WATER RIGHT)	PROPOSED MEMORANDUM
NO. 34-2467 IN THE NAME OF)	DECISION
<u>JACK W. SOWARDS</u>)	

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, L. GLEN SAXTON, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

- A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.
- B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

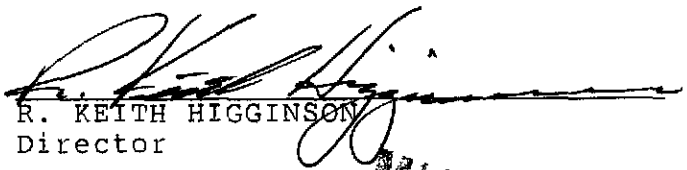
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 17th day of September, 19 91.


R. KEITH HIGGINSON
Director

DEC 09 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3582 OF WATER)
RIGHT NO. 34-2467 IN THE NAME)
OF JACK W. SOWARDS)

PROPOSED MEMORANDUM
DECISION AND ORDER

BY HEARING OFFICER L. GLEN SAXTON

Jack W. Sowards (applicant) having filed with the Idaho Department of Water Resources (department) an application for transfer, protests having been filed, and the parties having had an opportunity to participate in a hearing, the department finds, concludes and orders as follows:

FINDINGS OF FACT

1. License 34-2467 authorizes the diversion of 2.82 cubic feet per second from a well located in the NESE Section 34, T5N, R26E, BM. for the irrigation of 141 acres in parts of Sections 10 and 11, T4N, R26E, BM. The priority of use is September 28, 1965.

2. On April 24, 1989, the applicant filed Application for Transfer No. 3582 involving water right no. 34-2467 (application) with the department proposing to add a second point of diversion (well) which would be located within the NWNW Section 11, T4N, R26E, BM. The applicant did not propose other changes to the water right.

3. The department advertised the application in the Arco Advertiser on July 20 and 27, 1989. Mitchell Sorensen, Kurt Acor and Herman Aikele filed protests against approval of the application.

4. The department scheduled a hearing in the matter on May 15, 1991. The applicant did not appear but later provided a satisfactory reason for non-appearance.

5. The department then again scheduled a hearing in the matter to be held on August 20, 1991. Again the applicant did not appear but again provided a satisfactory reason for non-appearance.

6. Kurt Acor and Herman Aikele withdrew their protests without reservation and Mitchell Sorensen entered a conditional withdrawal of protest.

7. By letter dated June 18, 1991, the applicant clarified that even though the application for transfer proposed to add a

well, the applicant's intent is to drill a well on his property in Section 11, T4N, R26E, BM for his own use and to no longer use the existing well to provide water for his right. The existing well would, however, continue to be used to provide water for other existing water rights from the well which are not rights of the applicant.

8. The applicant now beneficially uses water on less acreage than when license 34-2467 was issued. A recent field examination shows that 91 acres are presently irrigated rather than the 141 acres shown on the license.

9. The maximum diversion rate authorized from the existing well shall not exceed the amount determined in the SRBA.

10. Ground water management will be addressed in the Director's report in the Snake River Basin Adjudication (SRBA).

11. Any conveyance losses associated with use of the original well as identified in the Director's report in the SRBA will not be incurred when using the new well. This identified loss should be deducted from the authorized diversion at the new well.

12. The applicant shall not divert and use more water than provided for by the original water right.

CONCLUSIONS OF LAW

1. Section 42-222 (1), Idaho Code, sets forth the criteria that the department can consider in determining whether an application for transfer should be approved:

... The director of the department of water resources shall examine all of the evidence and available information and shall approve the change in whole or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in Section 42-203A(5) Idaho Code; ...

2. The water right use will not be enlarged if the department limits the place of use to the acreage found during field investigations performed in connection with the SRBA and limits the rate of diversion from the new and existing wells not to exceed authorized diversion rates.

3. The rights of the protestants will not be injured by approval of the application if the applicant does not increase the diversion rate or extent of use of the water and the point of diversion is not moved into close proximity of the protestants' wells.

4. The application is in the local public interest.

5. Approval of the application is consistent with conservation of water.

6. The application should be approved with certain conditions and limitations.

7. The extent of use of right no. 34-2467 and the conditions of use will be determined in the SRBA.

ORDER

IT IS THEREFORE HEREBY ORDERED that Application for Transfer No. 3582 of water right no. 34-2467 is APPROVED subject to the following conditions:

1. This approval provides for the construction of a new well within the NW1/4NW1/4 Section 11, T5N, R26E, BM. The new well shall be the only well to provide water for right 34-2467. The use of the original well in the NE1/4SE1/4, Section 34, T5N, R26E, BM may not be used to provide water for this right.

2. The permit holder shall notify the department at least five (5) days prior to the start of well construction in order that the department can observe the work.

3. The well shall be cased with unperforated casing and sealed to a minimum depth of 150 feet or to the first confining layer, whichever is deeper. Both the owner and well driller are charged with the responsibility of taking whatever steps are necessary to prevent ground water from the cased and sealed interval of the well from entering the well.

4. Prior to diversion of water under this transfer, the right holder shall install and permanently maintain a measuring device of a type approved by the department.

5. The Director retains jurisdiction of the construction of the well to require mitigation or reconstruction of the well if prior rights are injured as determined by the Director.

6. The change authorized by this transfer shall be accomplished within one (1) year of the date of approval of this transfer.

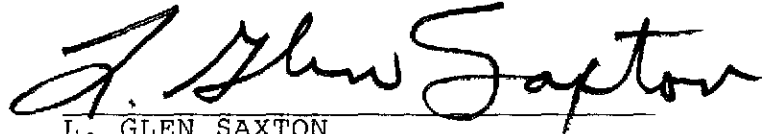
7. The Director retains jurisdiction of this transfer in order to instruct the watermaster of Water District No. 34, the Big Lost River, in the diversion and delivery of the right as determined by the Director to be needed to protect prior water rights.

8. Failure to comply with the conditions of approval of this order is cause for the Director to rescind approval of the transfer.

9. Approval of this transfer limits the extent of the right including the amount of acreage to the amount ultimately determined in the SRBA.

10. Use of water under this transfer is subject to other findings, conclusions, conditions and management plans which are determined in the SRBA to the extent the findings, conclusions, conditions and management plans may be applicable to this transferred water right.

Dated this 17th day of September, 1991.

A handwritten signature in cursive script, reading "L. Glen Saxton". The signature is written in dark ink and is positioned above the printed name and title.

L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 17th day of September, 1991, a true and correct copy of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Jack W. Sowards
Box 100
Arco, ID 83255

Mitchell Sorensen
Route 1, Box 63-C-1
Moore, ID 83255


RITA I. FLECK
Secretary/Records Manager

MICROFILMED

DEC 09 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 34-2467 Priority Sept. 28, 1965 Amount 2.82 cfs.

THIS IS TO CERTIFY, that J. W. & W. T. Sowards
of Moore, Idaho, has complied with the terms and conditions of Permit
No. 34-2467 issued pursuant to Application for Permit dated Sept. 28, 1965
and has submitted proof to the Department of Water Resources on Sept. 23, 1970
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 4.19 cfs. of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>May 10</u> to <u>Sept. 15</u>	at <u>2.82</u> cfs and	<u>423</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 2.82 cfs. of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
423 acre feet per year, said waters to be diverted within the NESE, section 34; twp. 5n,
rge. 26E, B. M. in the County of Butte

Description and location of place of use:

Town	Range	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	10	36			26													62
		11					39	40											79

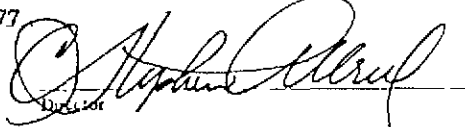
Total number of acres irrigated 141 acres

Condition: This Right when combined with 34-0304 shall not produce a rate
of diversion greater than 3.20 cfs. or on annual volume greater than 423
acre feet.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-227, Idaho
Code, or the applicable Idaho law. This right may be forfeited by five years of non use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of
December, 19 77


Director

Idaho



Department of Water Resources

150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83401

5 May 1989

Dr Jack Sowards

Box 100

Arco, Idaho 83213-0100

DENNIS DUNN
WATER RESOURCE AGENT
(208) 525-7161

Mr Sowards,

Enclosed is a reminder application for transfer. Please read it and return it
noted; as soon as it is returned with a copy of your letter or my notice I will continue with
processing of the application.

If you have any questions please contact me.

sincerely,

Dr. Dennis Dunn

Water Resource Agent.

MAIL ROOM

DEC 09 1991

Page 1 of 4STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Dr. Jack Sowards Phone 208/527-3111
 Post Office address Box 100 Arco Idaho 83213-0100

A. PURPOSE OF TRANSFER

- 1 ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes losses in transferring by river or canal:
water was formerly transported by river or canal, River is now dry
and canal is over-loaded and shrink charged is intolerable.

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

1. Right Number 34-2467 Priority Sept 28, 1965 Amount 2.82 (cfs/ac-ft) Nature of Use Irrigation Period of Use c. May 10 c. Sept 15
 to _____
 to _____
 to _____
 to _____
2. Total amount of water being transferred 2.82 cubic feet per second and/or 423 acre-feet per annum.
3. Source of water NESE S34 T5N R26E B.M. well
tributary to
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion
	NW	NW		11	4N	26E	Butte	well
		NE	SE	34	5N	26E		

5 Lands irrigated or place of use

Twp	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26E	10	36			26													62
		11						39	40										79

Total acres 141

PART 1

6. General Information:

a. Description of diversion system Irrigation Well

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
will reduce losses, the load on the canal, and provide
much more efficient watering

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

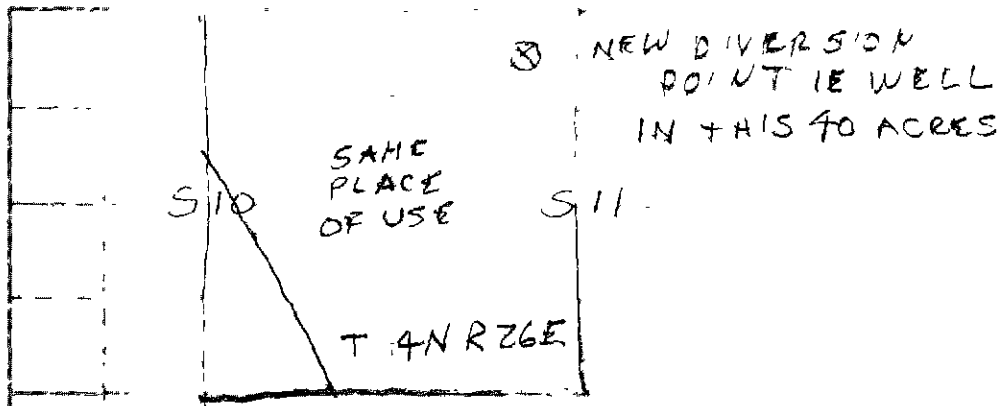
Witness my hand this _____ day of _____, 19 _____

MICROFILMED

DEC 09 1991

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

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



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DEC 09 1991

PART 3**B. CHANGES IN NATURE OF USE** NONE--diversion point only (well)

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

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

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

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

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

Subscribed and sworn to before me this 24th day of April, 19 89.

(Signature of Applicant)

Evelyn Adams

(Notary Public)

My commission expires July 14, 1992**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by RC Date 4-24-89 Protest filed by _____Prelim. check by _____ Fee \$50.00 _____Receipted by RB Date 4-24-89 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

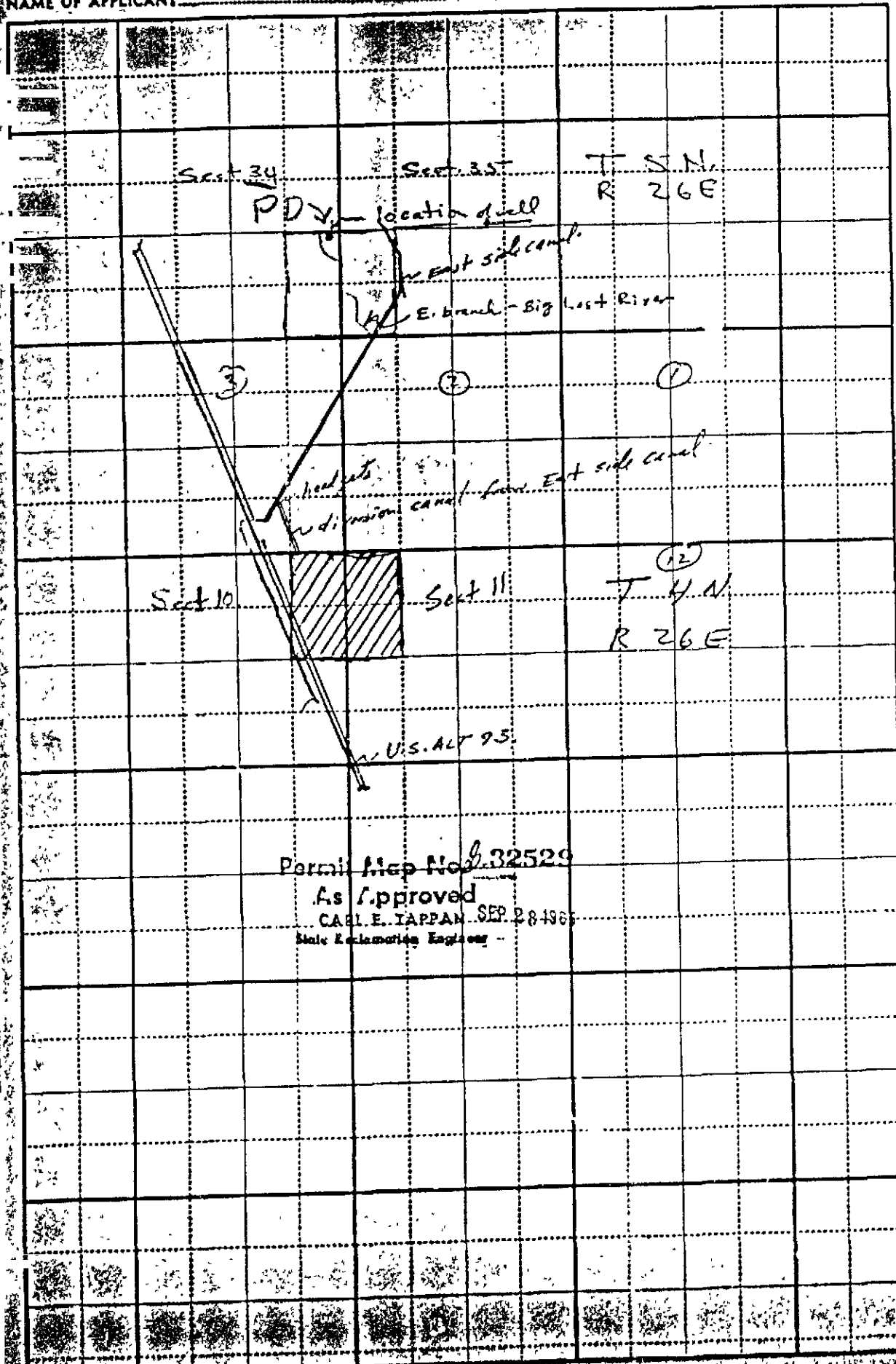
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DEC 09 1991

NAME OF APPLICANT

E. W. T. SOWERS

Form No. 0



Permit Map No. 32529

As Approved

CARL E. YAPPAN SEP 28 1965

State Examination Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan in 16

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock

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 July 24, 1989

and ending with the issue dated

July 27, 1989
Colleen Babcock

STATE OF IDAHO

COUNTY OF BUTTE

On this 27 day of July
in the year of 1989, before me, a Notary Public,
personally appeared

Colleen Babcock

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same

Thomas R. D. Carr
Notary Public for Idaho

Residing at

Arco, Id.

My commission expires

12-17-91

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 34-2467**

Notice is hereby given that Dr. Jack Sowards, Arco, ID, has applied to the Department of Water Resources to Add a Point of Diversion from the waters of a groundwater source. The right sought to be changed is evidenced by License No. 34-2467 and is recorded as follows:

AMOUNT: 2.82 CFS

PRIORITY: September 28, 1965

POINT OF DIVERSION: NESE SEC34
T5N R26E, B.M. BUTTE COUNTY

The water is used to irrigate 141 acres within the E1/4NE1/4 SEC10; W1/4NW1/4 SEC11 T4N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

A point of diversion will be added in the NWNW SEC11 T4N ~~R36E~~ B.M.

Any protest against approval of the above proposed change of water right must be filed with the Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before August 7, 1989.

R. Keith Higginson
Director

Published in the Arco Advertiser on July 20 & 27, 1989.

RECEIVED

JUL 31 1989

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

Colleen Babcock

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. 17, 1989*

and ending with the issue dated

Aug. 24, 1989
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this *25* day of *August*
in the year of *1989*, before me, a Notary Public,

personally appeared

Colleen Babcock

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same

Thomas D. Cunningham
Notary Public for Idaho

Residing at *Arco, ID*

My commission expires *12-17-91*

NOTICE OF CORRECTION

Notice is hereby given that Transfer No. 34-2467 in the name of Dr. Jack Sowards, Arco, ID, was advertised incorrectly on July 20 & 27, 1989. The point of diversion to be added was advertised as being in the NWNW SEC11 T4N R36E, B.M.

Whereas, the actual point of diversion is in the NWNW SEC11 T4N R26E, B.M.

Any protests against the granting of this transfer as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before September 4, 1989.

R. Keith Higginson
Director

Pub. 8-17,24, 1989

RECEIVED

AUG 28 1989

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 34-2467 Priority Sept. 28, 1965 Amount 2.82 cfs.

THIS IS TO CERTIFY, that J. W. & W. T. Sowards
of Moore, Idaho, has complied with the terms and conditions of Permit
No. 34-2467 issued pursuant to Application for Permit dated Sept. 28, 1965
and has submitted proof to the Department of Water Resources on Sept. 23, 1970
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 4.19 cfs. of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>May 10</u> to <u>Sept. 15</u>	at <u>2.82</u> cfs and	<u>423 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.82 cfs. of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
423 acre feet per year, said waters to be diverted within the NESE, section 34; twp. 5n,
rge. 26E, B. M. in the County of Butte

Description and location of place of use

Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	26E	10	36			26													62
		11					39	40											79

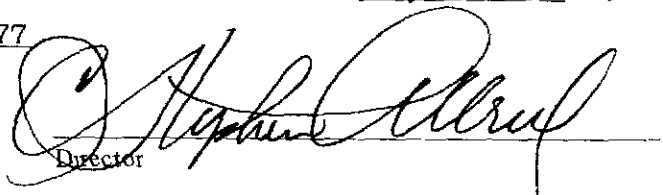
Total number of acres irrigated 141 acres

Condition: This Right when combined with 34-0304 shall not produce a rate
of diversion greater than 3.20 cfs. or on annual volume greater than 423
acre feet.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of
December, 19 77


Director

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO G-32529/34-2467)

in the name of J. W. & W. T. Sowards)

Moore, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

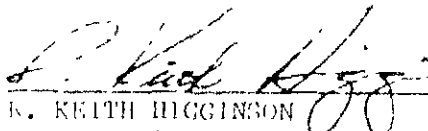
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No 34-2467 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature
2. The conditions of the above-numbered permit are modified as follows.
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 3rd day of April, 1970.


K. KEITH HIGGINSON
State Reclamation Engineer

RKH/DG

32529
34-2467

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40683
Permit No. G- 32529
District No.

1. Name of Applicant: J. W. & W. T. Sowards
Postoffice address: Moore County: Butte State Idaho
2. Quantity of water claimed: 160 miners inches or 3.2 c.f.s.
 (a) Rate of withdrawal in cubic feet per second or Idaho
 Miners' inches or gallons per minute
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: subterranean
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34
 Twp. 5 N , Rge. 26 E , B.M., County of Butte
5. Water is to be used for: agricultural irrigation
6. If for municipal, industrial or recreational purposes, give:
 (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp , Rge . B M
7. Kind of works: Drilling & casing well, incl'ld of pump & power plant
8. Estimated cost of works: \$ 5000.00
- 9 (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors.
 II. The financial resources of the applicant are (a) Cash onhand: \$
 (b) Treasury stock: (c) Bonds to be issued.
 (d) Other resources:
- 12 The land to be irrigated is described in the following tabulation
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are 160 inches decreed water Big Lost River, Oct. 1887
 (a) 160 ~~(cubic feet per second, inches or gallons per minute)~~ of the water herein applied for is to be supplemental to the existing water rights
 (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Affidavit of Publication

I, Elizabeth L. Brammer, 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 two (2) consecutive weeks, commencing with

the issue dated October 22, 1970

and ending with the issue dated October 29, 1970

Elizabeth L. Brammer

Subscribed and sworn to before me this

2 day of Nov, 1970

Betty J. Mayo
Notary Public

Residence: Arco, Idaho.
My commission expires 2-4, 1972

W2 PUBLIC NOTICE

Notice is hereby given that the Idaho Department of Water Administration has approved September 28, 1965 and the same was approved September 28, 1965.

to be diverted by
power plant from
point within the NE 1/4 SE 1/4
34, T. 5 N., R. 26 E., B.M.,
County, to be used for
in the E 1/4 NE 1/4, Sec. 10,
NW 1/4, Sec. 11, T. 4 N., R.
B.M.

Proof of the application
water to beneficial use was
mitted to the Idaho Department
September 28, 1965, and
against the same.

License for the above referred
permit should be filed with the
Idaho Department of Water Administration within the time
of the last day of the month
of this notice or the day of the
censing of the same.

R. KEITH LARSON,
Director, Idaho Dept. of
Water Administration.
Published in the Arco Advertiser,
Arco, Idaho, on October 22,
and October 29, 1970.

OK 1-5-71

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder J.W. Sowards + W.T. Sowards
b) Post Office Address Moore, Idaho
2. Permit Number G. 32529/34-2467
3. Date of Priority that you are prepared to establish Sept. 22 1965
4. a) Source from which water was appropriated Irrigation well
b) Location of the point of diversion. NE 1/4 1/4 SE 1/4 1/4, Section 34
Township 5 N, Range 26 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied
amount 3 1/2 C.F.S. for irrigation purposes from May 10 to Sept 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3 1/2 C.F.S. cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Parshall flume - measured by Alex Caram, Ditch Riders Big Lost River Irrigation Dist. (1966/1967)
+ Scott Walker

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: East Side Canal - Big Lost River Irr. Dist.
b) Describe the agreement or understanding by which you take water from the works: Permit from water board

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 16" well casing - 160' deep. Power - 75 horsepower Diesel - water conveyed 5/8 mile by ditch to canal thru canal approx 1 mile. Diverted from canal thru parshall flume
b) Describe the type and size of measuring device which you have installed at your point of diversion: Parshall flume, 18" at point of discharge into canal
c) Give well drillers name and address and date the well was completed Cape Drilling Co. Idaho Falls, Idaho. Comp. June, 1961

Exam typed 4-26-71 CR

34-2467

32529

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

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 N	26 E	10	40a			40a													
4 N	26 E	11					40a	40a											

Total number of acres irrigated 160

10. Remarks: Water from this permit is used as auxiliary water in dry seasons. Flood water past two years has damaged installation at point of entering canal. Repairs will be made when installation is needed in dry year.

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

9/25/70 (Date) W. J. Lowards (Signature) Jack W Lowards

State of Idaho ss.
County of Butte

On this 25 day of Sept, 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Fred L Boyer
Notary Public residing at Town ID

My commission expires 6/13/73

W. I. Sowat's
Moore, Idaho



AIR
MAIL



R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

34-246
33529

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESUSE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

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

1. WELL OWNER

Name Jack Soward
Address Box 100 Arco, ID
Drilling Permit No. 34-72E-016
Water Right Permit No. 73582-24-02461

7. WATER LEVEL

Static water level 58 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ OF. Quality _____
Describe artesian or temperature zones below _____

2. NATURE OF WORK

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Well diameter increase
-
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☒ Bailor ☐ Air ☐ Other _____

Discharge G.P.M. Pumping Level Hours Pumped

3. PROPOSED USE

- ☐
- Domestic
- ☒
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

4. METHOD DRILLED

- ☐
- Rotary
- ☐
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☒
- Cable
- ☐
- Dug
- ☐
- Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____Thickness Diameter From To
250 inches 16 inches + 1 feet 200 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feetWas casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☒ Yes ☐ NoHow perforated? ☐ Factory ☒ Knife ☐ Torch ☐ GunSize of perforation 1/2 inches by 4 inchesNumber From To
210 perforations 150 feet 192 feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feetWell screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 30 + Material used in seal: ☐ Cement grout☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

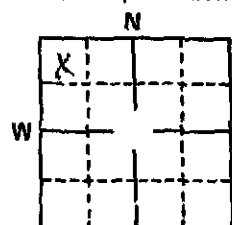
☐ Cemented between strataDescribe access port 1 1/2" pipe

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
20'	0	40	brownish clay		X
	4	30	clay + gravel		X
110	30	105	clay + gravel	X	
	125	125	gravel sand clay	X	
	125	130	sand + gravel	X	
	130	133	sand + clay		X
	138	155	clay	X	
	155	183	clay sand + gravel	X	
	183	200	clay + gravel	X	

RECEIVED
SEP 18 1992
Department of Water Resources
Eastern District OfficeRECEIVED
OCT 21 1992
Department of Water Resources

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County Butte14W 1/4 14W 1/4 Sec. 4 T. 5 N. 8 R. 26 E. X

10.

Work started 21 May 92 finished 20 June 92

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Friday Drilling Firm No. 062Address 285 Park Ave. N. ID Date 6-22-92Signed by (Firm Official) Richard H. Haddockand
(Operator) Richard H. Haddock



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 23, 1992

Jack W. Sowards
PO Box 100
Arco, ID 83255

RE: Approved Transfer No. 3582/Water Right No. 34-02467

Dear Water Right Holder:

On October 7, 1991, the Department approved an application for transfer of the above referenced water right(s). A copy of the transfer as approved has been enclosed for your reference. One of the conditions of approval of this transfer was that the authorized change(s) be accomplished within one year of the date of approval.

Please complete and return the enclosed form to confirm that the transfer has been accomplished. If the approved transfer has not been completed or is only partially complete, please provide an explanation why the changes have not been made and give an expected date for completion. The form must be returned to this office within 15 days of the date of this letter. If you wish to return the form by FAX, the number is (208)327-7866.

Please contact me if you have questions concerning this matter.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

Enclosure

M E M O R A N D U M

DATE: JUNE 19, 1992
TO: FILE 34-02467
FROM: NORM YOUNG NY
RE: CASING AND SEALING OF NEW WELL

Jack Sowards contacted several employees in this office seeking to have the casing and sealing requirement eased to allow the perforation of the casing in the 125 to 130 foot interval at which the driller reported finding the best water flow. Staff reviewed the draft drillers report faxed to the department and concluded that the first significant clay layer occurred at 155 feet. Further review of the file indicated that the Sorenson protest against approval of the new well had been conditionally withdrawn with the understanding that the water source for the new well would not be from the part of the aquifer in contact with the river.

I advised Sowards that without reopening the protest issue the well needed to be constructed in accordance with the approved conditions. He reluctantly agreed, indicating that if the well was too expensive to pump with the deeper perforated zone, he would renew his request to perforate the upper zone. I told him that IDWR's primary concern was protection of other rights and not economic feasibility for the new well. However, if requested, we could take another look at the condition, but it would require reviewing the effect of the protests. I explained that because he had not contested the approval, it could be considered final. I also indicated that abandonment of the lower part of the well would be needed if the upper perforations were allowed.

Mom -

This man would like
you to call him
ASAP about his well.
His # 527-3111.

He is very angry
He has talked to
Gary Spackman & Mark
Slifka - They would
like to speak to you
before you call Mr.
Jack Sowards Thank you -
Dana

K. HIGGINS, SCIENTIFIC DIRECTOR

IDWR

YOUNG
SPACKMAN
SLICKA

19 June 90

Drilling Log

RICHARD HENDRICKS

0-4' ...
4-10' ... (will stand)
105-120' ... (will not stand) (some water)
125-130' ... (water)
130-135' ... (some water)
135-155' ...
55-135' clay, sand + gravel
155-205' clay +

155-205' ...
205-210' ...
210-215' ...

215-220' ...
220-225' ...

Recom 1-2

PLEASE PRINT AUTHORIZATION TO PERFORATE
120 FT TO 135 FT.

FOR 70-
72
7

STAND NO TIME IS COST, & HE
\$100 AN HOUR.

ATTEN: 1011

VERY MUCH
THANKS FOR YOUR HE.

NOR 150 H.
GARY SPACKMAN
MARK S.

1. TACK SOWARDS RE, 11 SE.
205-527-3111

34-02467

POD. 04N 06E Section 11

NW NW

2,920 FS 423 AFA

To Nelson

Dated 6/19/92

From: Dr Jack Smith

Drilling Log - Jack Smith

0-4 brownish clay

4-105 Clay + gravel 'W 1 Stand'

105-125 gravel, sand, clay (will not stand,
some water)

125-130 sand & gravel (good water)

130-138 sand & clay

138-155 clay

155-188 clay sand & gravel

next 150' ?
188-205 clay + gravel

* 125-130 washed pea gravel, clay + k.
Appears to be a good water-bearing
area.

155-188 Is sandy, but might produce a
little water.

J. Richard Hawkins
D. ER

Recommendation - Perforate 125-130'

Please furnish approval to perforate 125-130'
per driller's recommendation.

JUL 30 1982 WELL DRILLER'S REPORT

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

1. WELL OWNER Name <u>Willard Bell</u> Address <u>Box 100, Idaho Falls, ID 83401</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>4</u> feet below land surface Flowing? <u>Yes</u> ☒ No ☐ GPM flow _____ Artesian closed in pressure ☐ PSI _____ Controlled by <u>Valve</u> ☐ Plug ☐ Temperature <u>68</u> ☐ C ☐ F																																																																																																					
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ Discharge GPM _____ Pumping Level _____ Hours Pumped _____																																																																																																					
3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type) _____		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Hole Diam</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>28"</td><td>0</td><td>5</td><td>Soil</td><td></td><td>☒</td></tr><tr><td></td><td>5</td><td>14</td><td>Coarse Gravel to Sand</td><td></td><td>☒</td></tr><tr><td></td><td>14</td><td>30</td><td>Coarse Gravel to Sand</td><td>☒</td><td>☒</td></tr><tr><td></td><td>30</td><td>34</td><td>Gray Clay mixed w/ Sand & Gravel</td><td></td><td>☒</td></tr><tr><td></td><td>34</td><td>64</td><td>Coarse Gravel & Sand</td><td></td><td>☒</td></tr><tr><td></td><td>64</td><td>94</td><td>Sand and Gravel</td><td></td><td>☒</td></tr><tr><td></td><td>94</td><td>97</td><td>Sand w/ small amt. Clay</td><td></td><td>☒</td></tr><tr><td></td><td>97</td><td>114</td><td>Sand & Gravel</td><td></td><td>☒</td></tr><tr><td></td><td>114</td><td>120</td><td>Clay + Sand + Gravel</td><td></td><td>☒</td></tr><tr><td></td><td>120</td><td>140</td><td>Sand & Gravel w/ some clay</td><td></td><td>☒</td></tr><tr><td></td><td>140</td><td>144</td><td>Coarse Sand & Pea Gravel</td><td></td><td>☒</td></tr><tr><td></td><td>144</td><td>160</td><td>Sand & Little Gravel</td><td></td><td>☒</td></tr><tr><td></td><td>160</td><td>164</td><td>Clay & Gravel</td><td></td><td>☒</td></tr><tr><td></td><td>164</td><td>214</td><td>Gravel and Sand</td><td></td><td>☒</td></tr><tr><td></td><td>214</td><td>224</td><td>Gravel and Sand w/ Little Clay</td><td></td><td>☒</td></tr></tbody></table>		Hole Diam	Depth		Material	Water		From	To	Yes	No	28"	0	5	Soil		☒		5	14	Coarse Gravel to Sand		☒		14	30	Coarse Gravel to Sand	☒	☒		30	34	Gray Clay mixed w/ Sand & Gravel		☒		34	64	Coarse Gravel & Sand		☒		64	94	Sand and Gravel		☒		94	97	Sand w/ small amt. Clay		☒		97	114	Sand & Gravel		☒		114	120	Clay + Sand + Gravel		☒		120	140	Sand & Gravel w/ some clay		☒		140	144	Coarse Sand & Pea Gravel		☒		144	160	Sand & Little Gravel		☒		160	164	Clay & Gravel		☒		164	214	Gravel and Sand		☒		214	224	Gravel and Sand w/ Little Clay		☒
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☒ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		RECEIVED JUL 1 1982 Department of Water Resources Western Regional Office 12/5																																																																																																					
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness <u>.250</u> inches <u>20"</u> Diameter <u>21 1/4"</u> From <u>134' 5"</u> To <u>214' 5"</u> feet <u>.250</u> inches <u>20"</u> inches <u>21 1/4"</u> inches <u>22' 5"</u> feet <u>22' 5"</u> feet Inches inches feet feet Inches inches inches feet feet Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch Size of perforation <u>1/2</u> inches by <u>3</u> inches Number <u>15</u> per ft. <u>35' 5"</u> From <u>134' 5"</u> To <u>214' 5"</u> feet perforations feet feet perforations feet feet perforations feet feet Well screen installed? ☒ Yes ☐ No Manufacturer's name <u>Roscoe Moss</u> Type <u>Full Flow</u> Model No. _____ Diameter <u>20"</u> Slot size <u>80</u> Set from <u>134' 5"</u> feet to <u>214' 5"</u> feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☒ Yes ☐ No ☐ Size of gravel <u>minus</u> Placed from <u>0</u> feet to <u>20</u> feet Surface seal depth <u>20'</u> Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>2"</u>																																																																																																							
6. LOCATION OF WELL Sketch map location must agree with written location. <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table> Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Butte</u> NE <u>1/4</u> NW <u>1/4</u> Sec. <u>3</u> T. <u>5N</u> N/S. R. <u>26E</u> E/W																																																																																																							
11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. <u>PETE GUNN</u> <u>Willard Bell</u> , I.R.G. Firm Name _____ Firm No. <u>213</u> <u>6505 W. Chandler Blvd.</u> Address <u>Meridian, Id. 83442</u> Date <u>May 24, 1982</u> Signed by (Firm Official) <u>Pete Gunn</u> and (Operator) <u>Jessie Jones</u>																																																																																																							

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

Drilling Permit No. 34-92E-016
Water Right Permit No. T# 3582
Injection Permit No. _____

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Jack W. Sowards

2. Mailing Address Box 100

City & State Arco Id Zip Code 83213 Telephone 527-3111

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location NW 1/4 NW 1/4, or Gov't Lot No. _____

Sec. 11, Twp. 5N, Rge. 26E, County Butte

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

() Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

() Injection

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

() Other _____
(Describe)

5. Well construction information:

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

B. Proposed Surface Diameter 12" Proposed Maximum Depth 150' plus

C. Anticipated bottom hole temperature:

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

6. Construction Start Date May 20, 1992

7. Anticipated Well Driller Indlay Drilling

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

8. Applicant's signature Betty Ann Sowards Date May 20, 1992

Title _____

(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 5-20-92

If approved, this permit authorizes the constuction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

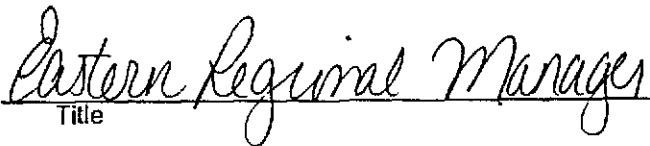
1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

See attached memorandum order.



Signature of Authorized Department Representative



Title

Receipt No E017351 Received by jc Fee 200.00 Date 5-20-92

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

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

Copy

T-3582

Approval of the application is consistent with
diversion of water.

6. The application should be approved with certain
conditions and limitations.

7. The extent of use of right no. 34-2467 and the
conditions of use will be determined in the SRBA.

ORDER

IT IS THEREFORE HEREBY ORDERED that Application for Transfer
No. 3582 of water right no. 34-2467 is APPROVED subject to the
following conditions:

1. This approval provides for the construction of a new well
within the NW1/4NW1/4 Section 11, T5N, R26E, BM. The new well
shall be the only well to provide water for right 34-2467. The
use of the original well in the NE1/4SE1/4, Section 34, T5N,
R26E, BM may not be used to provide water for this right.

2. The permit holder shall notify the department at least
five (5) days prior to the start of well construction in order
that the department can observe the work.

3. The well shall be cased with unperforated casing and
sealed to a minimum depth of 150 feet or to the first confining
layer, whichever is deeper. Both the owner and well driller are
charged with the responsibility of taking whatever steps are
necessary to prevent ground water from the cased and sealed
interval of the well from entering the well.

4. Prior to diversion of water under this transfer, the
right holder shall install and permanently maintain a measuring
device of a type approved by the department.

5. The Director retains jurisdiction of the construction of
the well to require mitigation or reconstruction of the well if
prior rights are injured as determined by the Director.

6. The change authorized by this transfer shall be
accomplished within one (1) year of the date of approval of this
transfer.

7. The Director retains jurisdiction of this transfer in
order to instruct the watermaster of Water District No. 34, the
Big Lost River, in the diversion and delivery of the right as
determined by the Director to be needed to protect prior water
rights.

8. Failure to comply with the conditions of approval of
this order is cause for the Director to rescind approval of the
transfer.

9. Approval of this transfer limits the extent of the right
including the amount of acreage to the amount ultimately
determined in the SRBA.

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BOX 100 ARCO IDAHO
83213-0100

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

ERIC VERNER

PAUL SAXTON

KEITH HIGGINSON

GENTLEMEN;

CONFIRMING DISCUSSIONS WITH YOURSELVES AND
PARTICULARLY ERIC VERNER (WHO SPENT A VERY GOOD &
SUBSTANTIAL AMOUNT OF TIME STUDYING MY RANCH)
AND BASED ON A LIFETIME OF MY EXPERIENCE AS A
LICENSED ENGINEER AND PROFESSOR WITH A SUBSTANTIAL FRACTION
SPENT IN TEACHING, EXPLORING, AND CONSULTING IN GEOLOGY,
HYDROLOGY, GEOHYDROLOGY, AND RELATED FIELDS FOR
SEVERAL FAMOUS AND WELL-KNOWN UNIVERSITIES,
COMPANIES, AND BRANCHES OF THE GOVERNMENT.

I SUBMIT THE FOLLOWING:

(1) THE ACTION WHICH IS MOST ECONOMIC AND LEAST
IN RISK IS THAT DIRECTED BY ERIC VERNER; THE
USE OF SHALLOW WELL(S) TO UTILIZE THE AQUIFER
FLOWING FROM THE ADJACENT MOUNTAIN EASTWARD,
WHICH IS VISIBLE AT THE SURFACE AND WHICH I
WAS ABLE TO USE TO IRRIGATE THE EAST HALF OF
THE RANCH UNTIL THE WATER TABLE WAS LOWERED.

DEC 68

FOR THE WEST SIDE,
I WOULD NOT FOR THE PRESENT PURSUE THE
DRILLING OF A ONE-HUNDRED-FIFTY FOOT WELL,
SEALED ALL THE WAY DOWN AND WITH NO PERFORATIONS,
BUT WOULD INSTEAD UTILIZE THE WATER WHICH I HAVE
FROM THE MACKAY RESERVOIR AND THE WELL WHICH I
HAVE HAD FOR MANY YEARS ON OUR FAMILY RPOPERTY
NORTH. THE SEALED WELL WOULD BE VERY EXPENSIVE
AND SEEMS TO ME FROM THE GEOLOGY TO BE QUITE RISKY.

VERY TRULY,

DR. JACK SOWARDS, P.E.

Jack Sowards

I HAVE INTENDED TO COMMUNICATE WITH YOURSELVES
EARLIER BUT HAVE HAD TO SPEND MANY UNSCHEDULED
HOURS BECAUSE OF A BROKEN LEG AND MOVING CATTLE
BECAUSE OF THE UNSEASONABLE STORMS IN THE MOUNTAINS.

1937

● **SENDER** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

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3 Article Addressed to

Mr Jack Edwards
Box 100
Arco, ID 83213-0100

4 Article Number

0751

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X Betty Ann Edwards

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

150 SHoup AVE. #15

IDAHO FALLS, IDAHO 83402

AUG 26 1991

Department of Water Resources
Eastern District Office

PENALTY FOR PRIVATE
USE, \$300





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 9, 1991

Jack W. Sowards
Box 100
Arco, ID 83255

Dear Mr. Sowards:

Re: Transfer No. 3582 of Water Right No. 34-2467

Enclosed is a copy of the Order Adopting Proposed Memorandum Decision and Order and a copy of the approved Application for Transfer of Water Right.

Anyone who feels aggrieved by the decision of the Department may request a rehearing before the Director within twenty (20) days or appeal to the district court within thirty (30) days of the date of mailing.

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

Sincerely,

L. GLEN SAXTON
Chief, Water Allocations Bureau

LGS:rf

Enclosure

c: IDWR
Mitchell Sorensen

Transf. ³⁵⁸² 34-2467

8-20-91

Sowards Hearing

0014 Tape start - Glen Saxton remarks

0100

0101 - Herman Alder - Protestant

Applicant did not show up for this hearing.
Applicant

T 34-02467 - SOWARDS

Tuesday, August 20, 1991 - 11:00 a.m.
Second Floor Conference Room, State Office Building
150 Shoup, Idaho Falls, ID

Hearing Officer: Glen Saxton

Name Representing Address

HERMAN AIKELI SELF BOX 61, RT 1, 17600 RD ID

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State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

MEMORANDUM

TO: Glen Saxton DATE: June 23, 1989
THRU: Alan Robertson, Hal Anderson H/A
FROM: Steve Baker
SUBJECT: Proposed boundary where ground water and surface water are "no longer" hydraulically connected in the Big Lost River Valley.

About a week and a half ago, you asked the Hydrology Section to delineate a line at the mouth of the Big Lost River Valley where ground water and surface water are "no longer" in communication with each other. The purpose of your request (as I understand it) was to define an area where additional groundwater development could occur and have no adverse effects on surface water users in the valley. This memo is in response to the above request.

The primary sources of data that I used to answer this question came from data acquired by the U.S. Geological Survey during a 1985 study they performed in the lower half of the valley. These data include mass measurements of ground-water levels and seepage measurements taken along segments of the Big Lost River. Both sets of data were acquired in the spring and fall of the year. Historic data for the Big Lost River near Mackay indicate that 1985 stream flow between April and September was near normal. This stream gage is above all major diversions and is thought to measure a majority of the runoff that occurs in the basin.

Utilizing the water-level data, water-table maps were constructed for spring and fall of 1985. Because of the complex structure and stratigraphy of the water-bearing units near the mouth of the valley, significant downward components of flow occur as ground water leaving the valley merge with flow in the Snake River Plain aquifer system. This phenomena is most prevalent in wells that are greater than 200 feet deep. In an attempt to create a surface representative of the water table where horizontal flow predominates, only wells less than 200 feet total depth were used. Since most wells that were measured in the area fall into this depth range, few were eliminated.

Memorandum to Glen Saxton
Page 2
June 23, 1989

By overlaying the water-table maps on topographic quads, a point where the elevation of the Big Lost river remained above the water table was determined. Data from seepage measurements supported the location of this point. Flow lines on the water table were then drawn up-gradient from this point.

In order to account for the effects of local pumping on the ground-water system, an area surrounding the delineated flow lines was added. Based on computations performed by Crosthwaite, et al (1970, pg. 81), a mile wide buffer zone seemed adequate to inhibit any adverse effects of pumping.

Finally, to assist in the ease of administering this line and due to the uncertainty of its exact location, the line was modified to follow legal boundaries. The final version of this line is shown on the attached figure.

If you have any questions regarding my findings, please contact me.

SB:cjk
Attachment

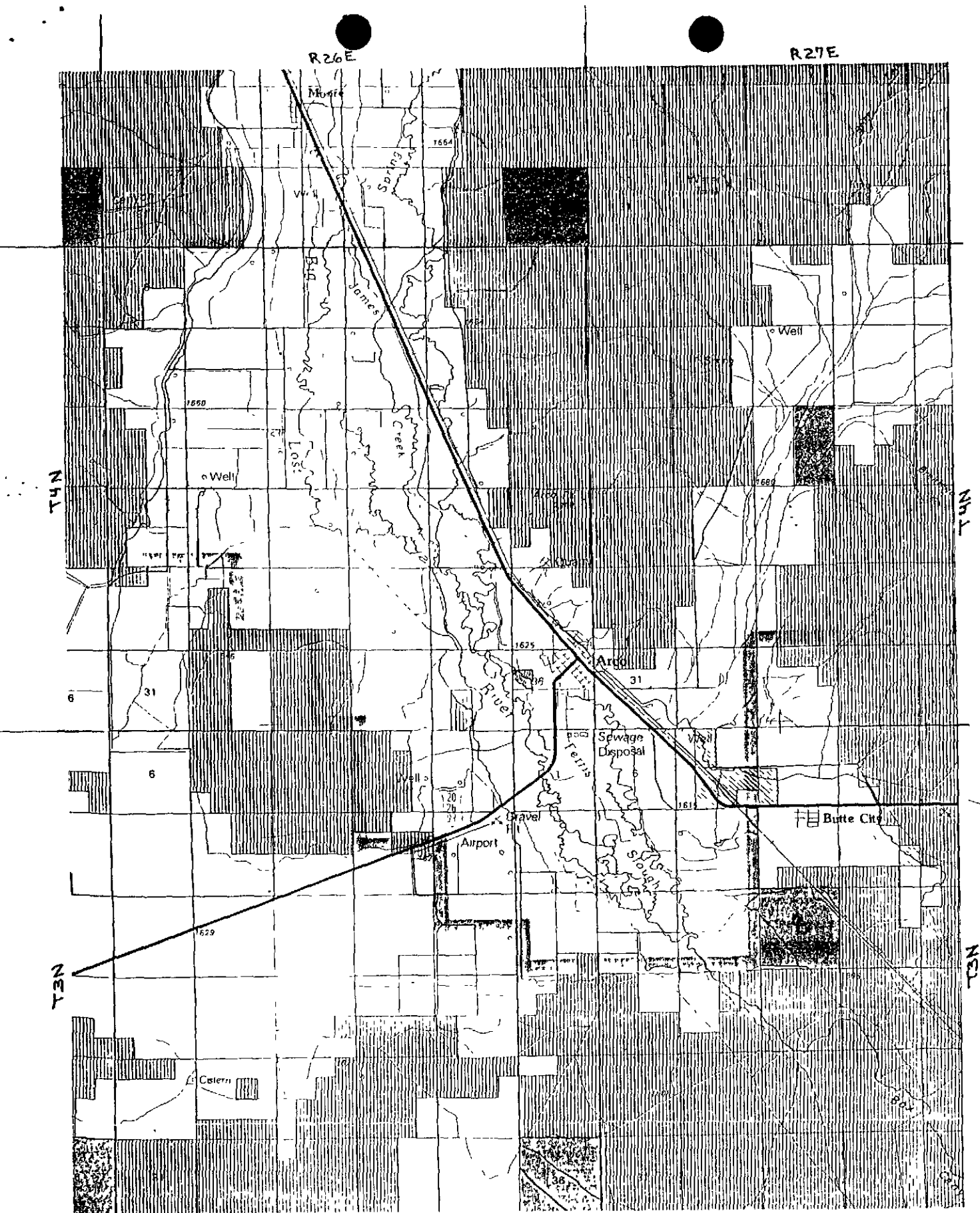


Figure 1. Map Showing Proposed Boundary Where Ground Water Underflow Leaving Big Lost River Valley is "No Longer" Tributary to Surface Water.

DEC 29 1961



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Pict. 100's Exhibit #3

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

M E M O

TO: Norm Young DATE: July 14, 1989
THRU: Alan Robertson, Hal Anderson
FROM: Steve Baker
SUBJECT: Possibility of a Transition Zone near the Mouth
of Big Lost River Valley

On June 23, I wrote a memo in response to a request by Glen Saxton to delineate a line near the mouth of the Big Lost River Valley where ground water and surface water are "no longer" in communication with each other. Upon review of this memo, you had some question of whether a region exists north of this line where wells completed below a certain depth could withdraw ground water without having adverse effects on existing water users in the valley. In the following paragraphs I have addressed the possibility for the existence of this so called "transition zone."

The data sets that are necessary to develop a complete and accurate response to your request are sparse. Lithologic data (well logs) are not of adequate detail or depth to define the geologic framework of the area. Nested piezometer data are also lacking to understand the distribution of hydraulic head both horizontally and vertically. So with this in mind, please realize my findings are tentative and subject to change as more data is collected.

As stated in the memo to Glen, the flow of ground water near the mouth of the valley is complex. Relatively steep hydraulic gradients are indicated by the significant differences in water table elevations in the valley with those that occur in the plain immediately to the south. If it is assumed that horizontal flow predominates in the aquifer near Darlington, then the water table drops 1100 feet over 17 miles as it merges with the Snake River Plain aquifer system, 4 miles south of Arco.

The flow of ground water in the area is further complicated by the high degree of heterogeneity of the material filling the valley. From at least two million years ago to as recent as

DEC 09 1991

July 14, 1989

2,000 years ago, volcanism in the plain has intermittently caused basalt flows to intrude into the mouth of the valley. As flows advanced up the valley, temporary lakes were created allowing fine-grained sediments to settle out and accumulate. Eventually, the basalt dams would be breached and free-flowing streams would be reestablished.

The occurrence of these lake deposits impedes the downward movement of ground water near the mouth of the valley. Permeable sands and gravels between these impeding layers laterally convey portions of the underflow leaving the valley. Ultimately, the water in these zones leaks downward through the fine-grained sediments. The flow net shown in Figure 1 illustrates this concept. The equipotential lines that are drawn represent lines of equal hydraulic head.

Most wells in the valley are less than 250 feet deep, especially, west and north of Arco. As a result, knowledge of the water-bearing zones below this depth is extremely limited. A test hole drilled by the U.S. Geological Survey (USGS) about five miles south of Moore (well 4N-26E-2labbl) offers the primary source of data regarding the hydrogeology of the deeper water-bearing zones in this area. The driller's log and other pertinent notes for the well are shown in Figure 2. As shown on the log, a 245 foot head difference is indicated between the upper sand and gravel layer where water was first encountered and the fourth sand and gravel layer (between 280 to 425 feet). In order to have this significant difference in hydraulic head, the intervening clay layers must be relatively tight and occupy a fairly large areal extent.

If wells were completed and pumping from this lower water-bearing zone, they would undoubtedly alter the current flow regime. However, their effects should be more regionally distributed and of lower magnitude than wells pumping from shallower zones. The severity of these effects cannot be determined at this time. Only after the drilling and testing of wells completed in this lower zone can the potential effects be fully assessed.

Because the lateral extent of the third clay layer in well 4N-26E 2labbl (between 235-280 feet) is uncertain, an arbitrary line was selected to delineate the northern boundary of this so-called "transition zone." With this in mind, the boundary between townships 4N and 5N appears to be a reasonable dividing line. As more wells are drilled or deepened into this lower water-bearing zone, the line may be subject to change. A high-resolution seismic survey may help to delineate the extent of the clay layers and associated water-bearing zones.

North
boundary

July 14, 1989

Before I close, I would like to note a potential problem that currently exists near the mouth of the valley that you may not be aware of. Many of the wells drilled in this area are open to multiple water-bearing zones. If significant differences in head exist between the zones, then downward flow will occur from the upper to the lower zones. When this occurs, a significant drainage of the upper water-bearing zone(s) can take place, whether or not the wells are pumping. USGS personnel during their 1985 study, noted several wells where cascading water was occurring in them. This type of well completion that has been used for deeper wells may be in part responsible for declining water-levels in shallow domestic wells.

If you have any questions regarding my findings, please contact me.

SB:cjk

DEC 09 1989

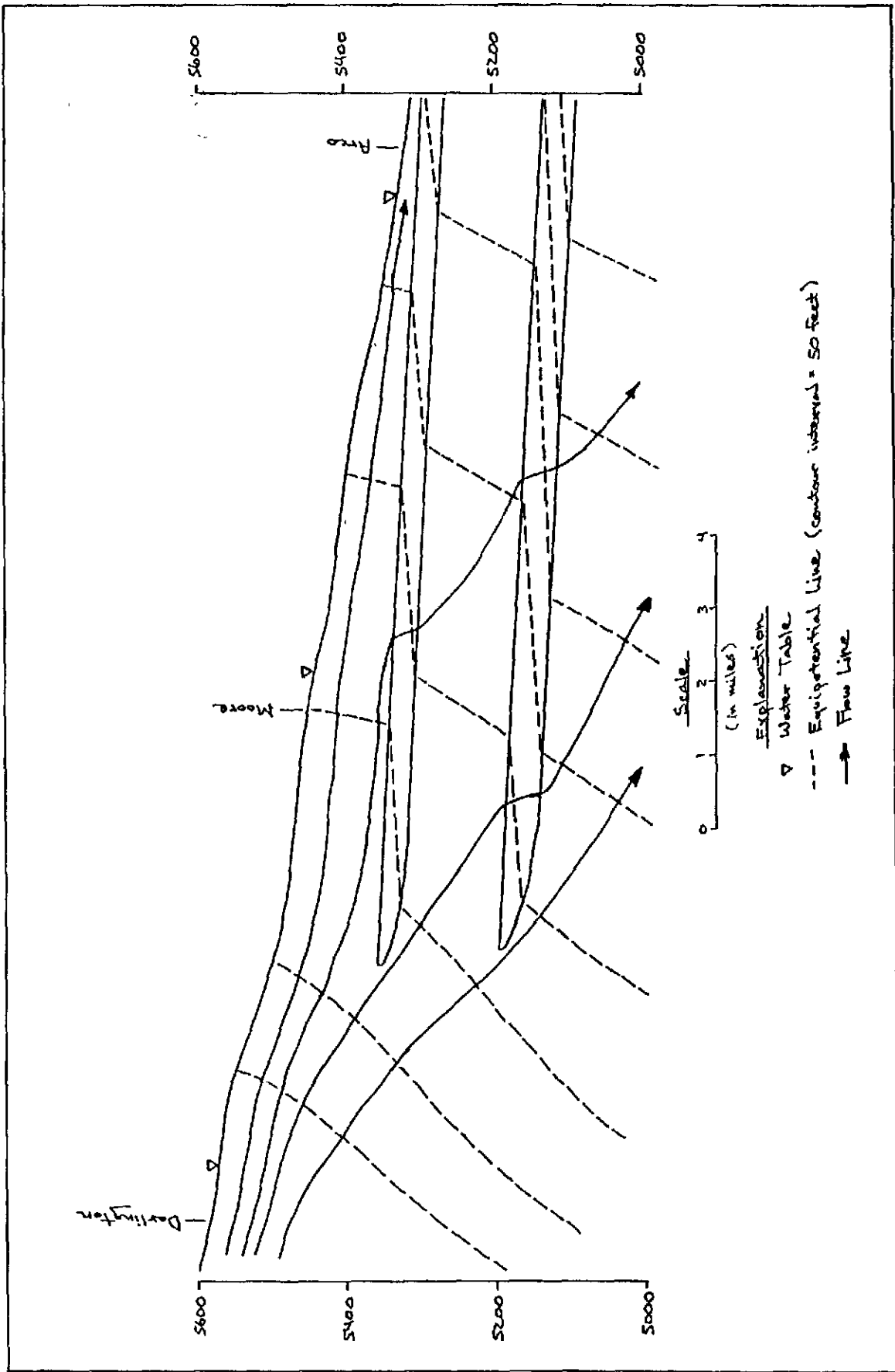


Figure 1. Conceptual Flow Net of Aquifer System Near Mouth of Big Lost River Valley

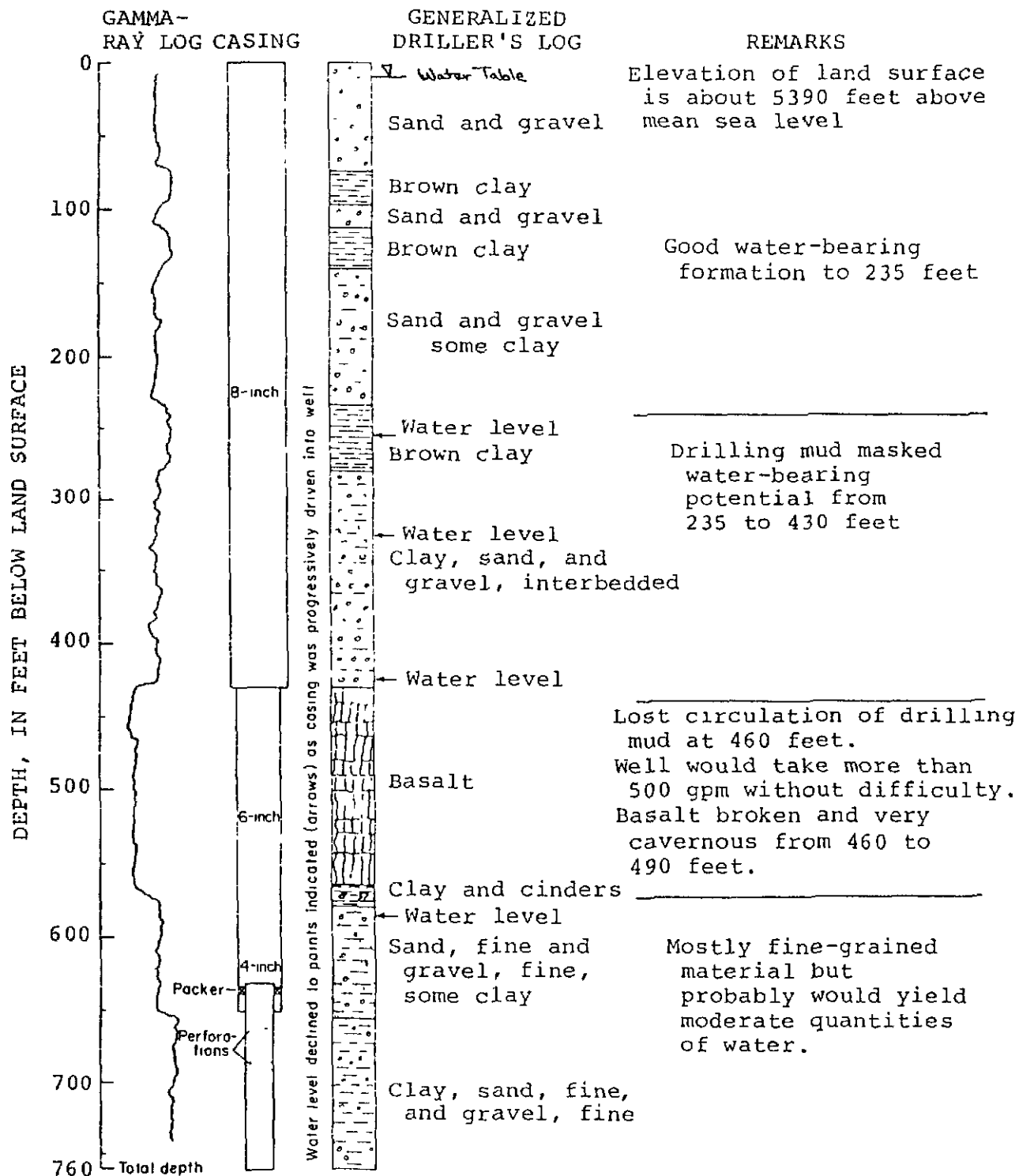


FIGURE 2 -- Logs and water levels in well 4N-26E-2labbl.

DEC 09 1961

Principles of Ground Water Management
Big Lost River Basin

- 1) Ground Water pumping (at most locations) has an effect upon the flow of the Big Lost River
- 2) Drought has a greater effect upon streamflow and ground water levels than does pumping
- 3) If all ground water pumping were to now stop the amount of water returning to the Big Lost River would be insignificant
- 4) The underflow (ground water) of the Big Lost River basin is a major resource
- 5) If this ground water resource is to be used for the benefit of the local economy, compensation or replacement of water to prior surface right holders must take place
- 6) A requirement to compensate or replace should be applied to all ground water users, not just those with pending applications
- 7) Idaho water law provides for the Director to incorporate ground water rights into a surface water district where it is found that use of ground water affects surface water rights
- 8) A replacement water bank, pool or program needs to be created from which water can be drawn as needed by the watermaster to assure delivery to surface right holders of the quantities they have historically received, but no more
- 9) If such replacement program were available then the pending ground water applications and all prior ground water rights could be brought within the jurisdiction of the water district under a scheme which would assure the protection of the prior surface rights
- 10) It should be the responsibility of the ground water pumpers to propose a program of replacement or compensation
- 11) Use of ground water for household domestic purposes and livestock watering has such a minimal impact on basin water levels that such users should be excluded from any replacement obligation
- 12) Ground water pumpers (including domestic users) are not protected in the maintenance of ground water levels unless it can be shown that a particular well is the single cause of the loss of water level

DEC 8 9 1954

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of the Administration)
of the Use of the Surface and Ground)
Waters of the Big Lost River Basin,) FINAL ORDER
Water District 34)
_____)

On May 7, 1990 the Director of the Department of Water Resources issued a Notice and Proposed Order in the matter of the administration of the use of the surface and ground waters of the Big Lost River Basin. A hearing concerning the Proposed Order was held at Mackay, Idaho, May 30, 1990. Some 106 persons signed the hearing register and of these five made oral statements. Subsequently, written statements were received from six persons.

The Director now finds and determines as follows:

FINDINGS AND CONCLUSIONS

1) The Big Lost River basin is located in central Idaho in parts of Butte and Custer Counties. The principal communities within the basin are Arco at the southern end of the basin and Mackay located near the basin center. The Big Lost River is the principal stream. Major tributary streams include Antelope Creek, Lower Cedar Creek, Pass Creek and Alder Creek although water from some of these does not reach the Big Lost River at all times each year.

2) The name, "Big Lost River" properly describes this unusual water system. During the course of its travel from the mountain watershed to the place of discharge onto the Snake Plain the water of the river sinks then rises again at several locations. The result is a closely interconnected surface and ground water system within the basin. These surface and ground waters are, for the most part, one single water source. Diversion and consumptive use of water, whether from a surface diversion or from a well, decreases the total water supply available and can have an effect on other uses of the resource.

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3) Where water was available in the surface streams, it was used early in the settlement of the basin. As a result water rights were established to the use of surface water for the irrigation of some 23,000 acres of land with priorities generally from 1880 to 1900. In low streamflow periods, the holders of these rights divert and use the entire available water supply of the river. However, during most years, only the very earliest priority surface water rights are able to receive water throughout the entire irrigation season.

4) The Mackay dam and reservoir was originally constructed in 1917-1918. It currently has an active storage capacity of 44,370 acre feet and is operated by the Big Lost River Irrigation District under water right priorities of 1905 and 1916.

5) Rights to the use of water pumped from wells within the basin have been established with priorities generally subsequent in time and inferior to the early direct flow and storage surface water rights. Several hundred wells have been drilled within the basin and the water from these is used for domestic, municipal and agricultural purposes, including irrigation and livestock watering. These wells intercept part of the total water supply of the basin and, except as hereafter noted, have an impact on the quantity of water available to those diverting surface water from the Big Lost River and its tributaries. There is only a finite quantity of water within the system and any increase in consumptive use of surface or ground water at one location results in a decrease in the water supply available for use at another location either inside or outside the basin at some later time. Some of these wells have operated for as long as 30 years without objection from surface right holders.

6) The flow of the Big Lost River fluctuates widely from year to year. As measured at the USGS gaging station near Arco it has annually totalled as much as 395,900 acre feet in water year 1984 and as little as only 4,900 acre feet in 1988. The gaging station reported zero flow for the entire water year of 1989.

7) A number of studies and estimates have been made of the ground water resources of the basin. An estimate by the U.S. Geological Survey based on data collected in 1968 indicated that the underflow of ground water past Arco in a southerly direction toward the Snake Plain ground water system was in the range of 300,000 acre feet per year

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(425 cfs). This indicates that there was then a substantial resource which had been partially developed and was being used to supplement and augment the widely fluctuating surface water supplies of the basin. There has been considerable development of the ground water since that time and the present quantity of unused ground water exiting from the basin is unknown.

8) Idaho water law provides that "first in time is first in right" (Section 42-106, Idaho Code). The surface water rights in the Big Lost River basin generally have the senior priorities as against those using ground water. Strict adherence to the priority of right system could require that whenever any of the prior surface water rights is unable to receive its full entitlement, all subsequent priority uses, including uses of the interconnected ground water, be curtailed. Such priority system, if strictly enforced would protect the use of the limited surface water supplies of the basin while large quantities of ground water would flow unused out of the basin.

9) Section 42-237a, Idaho Code provides, in part, as follows:

In connection with his supervision and control of the exercise of ground water rights the director of the department of water resources shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district ... The administration of water rights within water districts created or enlarged pursuant to this act shall be carried out in accordance with the provisions of title 42, Idaho Code, as the same have been or may hereafter be amended, except that in the administration of ground water rights either the director of the department of water resources or the watermaster in a water district ... shall, upon determining that there is not sufficient water in a well to fill a particular ground water right therein by order, limit or prohibit further withdrawals of water under such right as hereinabove provided....

10) Under the provisions cited in paragraph 9 it is possible for the Director to include the rights to the use of ground water which have an effect upon the flow of the Big Lost River within the jurisdiction of the watermaster of Water District 34 (Big Lost River). Before doing so however, the water rights must first be adjudicated as provided in Section 42-604, Idaho Code which reads, in part, as follows:

The department of water resources shall divide the state into water districts in such manner that each public stream and tributaries, or independent source of water supply, shall constitute a water district: ... provided, that this section shall not apply to streams or water supplies whose priorities of appropriation have not been adjudicated by the courts having jurisdiction thereof.

11) The necessity for adjudication of water rights within a proposed combined water district was further emphasized by the Idaho Supreme Court in the case of Nettleton v. Higginson, 98 Idaho 87, 558 P.2d 1048 (1977). Since the ground water rights within the Big Lost River drainage have not been quantified it is necessary to complete an adjudication covering the basin before the rights can be combined within a single district for the purpose of administration by the department or a watermaster.

12) The Big Lost River basin water rights (both surface and ground water) are subject to adjudication in the Snake River Basin General Adjudication of Water Rights currently pending in the District Court of the Fifth Judicial District of Idaho. The Director has determined that the report which is required to be filed with the court under the provisions of Section 42-1411, Idaho Code, covering rights within the Big Lost River sub-basin of the Snake River basin will be the first such report submitted to the court in this matter due to the concerns and conflicts within the area. The Director plans to file this report with the court in 1991. Through this adjudication the water users, the Department and the court can address the legal relationships and priorities of surface and ground water rights within the Big Lost River basin.

13) Section 42-1409(9), Idaho Code, provides that the holders of permits or licenses from the water system within which rights are being adjudicated, and who submit proof of appropriation of water after the date of the commencement of the adjudication may be given notice of the requirement to file an adjudication claim covering such rights. Such notice is required to be furnished at least 120 days prior to the filing of the Director's Report.

14) Section 42-1417, Idaho Code provides for interim administration of water rights at any time after the filing of the Director's report in a water rights adjudication proceeding upon order of the court. An order allowing such administration may be entered

DEC 09 1991

by the court only upon a) a motion by the director or a claimant in such adjudication, b) notice to all claimants who could be adversely affected by the order, and c) a determination by the court that interim administration of water rights is reasonably necessary to protect senior water rights.

15) The 1990 session of the Idaho Centennial Legislature appropriated \$50,000 to the Department "for the purpose of conducting a water management study for the (Big) Lost River Basin for the period July 1, 1990, to June 30, 1991." The results of studies conducted using such funding will not be available until some time in 1991. It is not possible at this time to determine whether the studies to be conducted using this funding will provide information needed to resolve all conflicts over use of Big Lost River basin water.

16) As of the date of this order, the Big Lost River drainage basin is in its fourth consecutive season with below-average water supplies. As a result, ground water levels have declined throughout the basin and streamflow has decreased. Information is not currently available to determine the extent to which the operation of specific wells has had an effect upon streamflow and upon ground water levels.

17) There are currently pending before the Department some sixty (60) applications for new permits to divert and use 600 cfs of surface and ground water within the Big Lost River basin for irrigation of approximately 26,000 acres of land. In addition there are 10 outstanding permits for the diversion of 42 cfs of surface and ground water for irrigation of 2,200 acres and for which proof of appropriation of water has not been submitted to the Department. Some of these permits are subject to and are currently undergoing the review provisions of Section 42-203D, Idaho Code.

18) Petitions have been filed seeking a moratorium on the issuance of additional permits and prohibiting further development under existing permits for the diversion and use of ground water within the Big Lost River basin under the provisions of Section 42-

1805(7), Idaho Code, which includes among the powers and duties of the Director the following:

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code

19) Petitions have been filed opposing the imposition of a moratorium on the consideration of the pending applications and further development under permits to divert ground water within the basin. Said petitions recommend a cooperative effort among the entire Big Lost River community to formulate a method for utilizing the ground water supplies of the basin while still protecting vested rights.

20) Unless some action is taken at this time, Big Lost River water users may not be able to respond in a timely manner to water administration requirements which may result from the ongoing adjudication and to information obtained through proposed studies.

IT IS THEREFORE, HEREBY ORDERED AS FOLLOWS:

1) The rights to the use of ground water within the Big Lost River drainage basin will be incorporated into Water District 34 and shall become subject to the administrative supervision of the Water District 34 watermaster, upon satisfaction of the following conditions:

a. The Director has filed with the court his report in the Snake River Basin Adjudication pursuant to Section 42-1411, Idaho Code covering all water rights within Water District 34.

b. The court has issued either (1) an order pursuant to Section 42-1417, Idaho Code, permitting interim administration or (2) its final decree of the water rights of the Big Lost River drainage pursuant to Section 42-1412, Idaho Code.

c. The Director's report shall have identified each well the operation and/or use of which, in the opinion of the Director, has an effect upon the flow of the Big Lost River upstream from the USGS gaging station near Arco and also identifies each well

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which, in the opinion of the Director, has no such effect.

d. The Director's report shall include findings and recommendations, as appropriate, concerning the relationship between the early priority surface water rights and subsequent ground water rights as to whether certain legal principles apply including, but not limited to adverse possession, equitable estoppel, estoppel by laches, forfeiture, and abandonment.

e. Those ground water rights which the Director's report finds and recommends and the court determines have an effect upon the flow of the Big Lost River and which are subject to the prior rights of the surface water users after consideration of the legal principles affecting the relationship of surface and ground water rights will become part of the Water District 34.

f. The Director's report shall include findings and recommendations concerning all previously adjudicated water rights in the Big Lost River basin which are rebuttably presumed to have been applied to beneficial use under the provisions of Section 42-1416(1), Idaho Code.

g. The Director's report shall include findings and recommendations concerning the validity of rights claimed to have been created as an expansion of a valid (previously) unadjudicated water right under the provisions of Section 42-1416(2), Idaho Code.

h. The Director's report shall include findings and recommendations concerning rights (surface and ground water) claimed to have been changed without having first obtained approval of a required application for change pursuant to Section 42-222, Idaho Code as necessary to satisfy the substantive criteria of said code section for approval of such changes as provided in Section 42-1416A, Idaho Code.

i. The Director shall give notice to the holders of all permits and licenses to appropriate water within the Big Lost River basin and in connection with which proof of appropriation was submitted after the date of the commencement of the Snake River Basin Adjudication of the requirement to file a claim to such permitted or licensed right in the

adjudication, and such claimed rights shall be evaluated along with all other claimed rights being adjudicated.

2. A moratorium on the consideration and issuance of new permits to appropriate surface and ground water within the Big Lost River drainage is imposed pursuant to the provisions of Section 42-1805(7), Idaho Code. This moratorium shall remain in place until revoked by the Director after the Director's report for the basin is filed with the court in the Snake River Basin Adjudication. This moratorium shall not apply to applications for drilling permits to replace or deepen existing wells nor to applications to transfer existing rights.

3. This order providing for the future combining of ground water rights into Water District 34 and establishing a moratorium on the consideration and issuance of new ground water permits shall not apply to any well used solely for "domestic" purposes as such term is defined by Section 42-111, Idaho Code, as amended by the 1990 Idaho Legislature. An exception will also be considered for any well proposed to be used for municipal purposes.

4. No moratorium is imposed on development under outstanding permits to appropriate water, provided, however, that such permits remain subject to all water law provisions including the requirement for reprocessing under Section 42-203D, Idaho Code. Any risks associated with development under such permits prior to the completion of the reprocessing is borne by the permittees.

5. In lieu of strict administration of affected ground water rights according to water right priority the holders of such rights may propose, either individually or with others similarly situated, a program of compensation or water replacement to assure that the senior water rights in the basin are not affected by the operation of wells which are found in the Director's report to have an effect upon the flow of the Big Lost River upstream from the USGS gaging station near Arco. Such program may include consideration of artificial ground water recharge to mitigate the effects of ground water pumping and to make use of

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DEC 09 1991

the waters which otherwise escape from the basin during periods of high runoff.

ISSUED THIS 7TH DAY OF AUGUST, 1990


R. KEITH HIGGINSON
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 8, 1991

Mitchell D. Sorensen
Route 1, Box 63
Moore, ID 83255

Dear Mitch:

Even though we have had the meetings in Arco and Mackay, I felt that I needed to respond to your letter of January 18, 1991. We have reviewed the material included in your letter and generally concur with the conclusions you have reached.

The most difficult issue for us to deal with at this time is related to an alternative to strict administration of priority of rights according to the decree which will result from the Snake River Basin Adjudication. I am unable to predict at this point in time the number and location of wells which will be recommended in the category of ground water rights which have an effect upon streamflow. My personal view is that most of the wells upstream from Moore will be in this category. There may be a transition area downstream from Moore and most wells south and west of Arco will be found to have no effects. But until such time as we have completed our review of claims and available hydrologic information, we will take no position on this matter.

I realize the difficulty of users being able to organize or even discuss how to propose a mitigation plan until further information is available. But, as I said at the Mackay meeting, if I were a resident of the Big Lost River valley, I would be working toward a basin-wide organization and combining of the water user interests into a single surface and ground water management system. You should be able to assure the old surface water rights that they will continue to receive the quantity of water they have historically enjoyed. The holders of these rights should not care where the water comes from. Then water could continue to be used by the pumpers, including those who have supplemental wells.

We will attempt to provide as much information and "early warning," as I hear the people of the area asking for, as we can. But I cannot assure that there will be an opportunity to take a "peak" at the Director's report before it is filed with the court.

Sincerely,

DEC 09 1991

A handwritten signature in dark ink, appearing to read 'Keith', written over a horizontal line.

R. KEITH HIGGINSON
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Application)
for Permit No. 34-7247 in the)
Name of Mitchell Sorensen)
_____)

PROPOSED MEMORANDUM
DECISION AND ORDER

On May 30, 1980, Mitchell Sorensen (applicant) filed with the Idaho Department of Water Resources (IDWR) Application for Permit No. 34-7247 proposing to appropriate 8.34 cubic feet per second (cfs) of water from a ground water source. The diversion of water is to be from a well located in the SE1/4NE1/4 Section 5, Township 4 North, Range 26 East, B.M., Butte County. The water is to be conveyed by an open ditch for a distance of about 7 miles and used to irrigate 200 acres located in the NW1/4, SE1/4SW1/4 Section 35, Township 4 North, Range 25 East, B.M.

Notice of the application was published in the Arco Advertiser on June 19 and June 26, 1980 and protests against approval of the application were received within the protest period from Richard Taylor, David Bleak, Lois M. Bleak, Chris Bleak, Larman Andersen, Bill Haralson, Jay F. Pearson, Gerald Stewart, Virgil Hail, Lewis Rothwell, Joe Smith, Mrs. Jesse W. Jensen, Ned R. Walker and Reuben Babcock. The protests cited the following reasons for objecting to approval of the application:

1. There would be injury to existing surface and ground water rights caused by the lowering of the water table as a result of the pumping.
2. The capacity of existing ditches to carry the water to the proposed place of use is insufficient.
3. There would be injury to existing water rights since licensed right No. 34-2428 which is sought to be transferred to a new place of use would be expanded.

A conference to consider the matter was conducted in Arco, Idaho, on December 16, 1981. The applicant was present and represented himself. Protestants Richard Taylor, Bill Haralson, Lewis Rothwell, Joe Smith and Mrs. Jesse W. Jensen were not present at the conference. The other protestants were present and represented themselves.

The applicant described the location and construction of the well which had been completed prior to the conference.

A decision on this and other applications in the basin has been delayed because of the general moratorium on development in the Snake River Basin in locations where the water is tributary to the Snake River upstream from Swan Falls Dam. Several studies have been completed of the water resources of the Big Lost River Basin and other information has been collected since the

DEC 09 1991

conference was held on Application No. 34-7247.

On February 21, 1984, the applicant submitted an amended application which proposed to change the place of use to 200 acres within the NW1/4, NESW1/4, SE1/4SW1/4 Section 35, Township 4 North, Range 25 East, B.M.

Based upon the agreement signed at the conference and the information available to IDWR as herein listed, IDWR makes the following findings of fact, conclusions of law, and order.

INFORMATION CONSIDERED

- IDWR water right records of applications, permits and licenses for surface and ground water in the Big Lost River Basin;
- U. S. District Court Decree in the case of Utah Construction Company v. John F. Abbott et al. dated October 21, 1925;
- IDWR open file report "Review of Ground-Water Conditions in the Big Lost River Valley", dated December 1982;
- Driller's well construction reports filed with IDWR;
- IDWR staff analysis memorandum from Steven J. Baker to L. Glen Saxton dated June 23, 1989;
- IDWR staff analysis memorandum from Steven J. Baker to Norm Young dated July 14, 1989;
- The agreement and contract to resolve the Swan Falls controversy signed by the state of Idaho and Idaho Power Company on October 25, 1984;
- "Policy and Implementation Plan for Processing Water Right Filings in the Swan Falls Area", dated November 3, 1988;
- IDWR "Water Appropriation Rules and Regulations", adopted October 1986;
- The Fifth Notice of Dismissal of Certain Defendants from Ada County Case No. 81375.

FINDINGS OF FACT

1. The water sought to be appropriated is located in the Snake River Basin where the water is presumed to be tributary to the Snake River in the reach between Milner Dam and Swan Falls Dam (Trust Water Area).

2. Application No. 34-7247 has been released by Idaho Power Co. from Ada County Case No. 81375.

3. Hydrologic information indicates that the surface and ground water within the Big Lost River basin are closely connected from the headwaters of the stream to a point near Arco. South of this point the ground water drops steeply to join the deeper Snake Plain Aquifer which then exits to the Snake River at Thousand Springs and other locations. Wells drilled south of the location where

the ground water loses connection with the Big Lost River will have no effect on the flow of the river. There is a "transition zone" within which wells can be operated without interference with other rights if cased and sealed through the shallow ground water zone. Upgradient from this transition zone, any well will intercept water tributary to the Big Lost River and thus, at times, will injure prior surface water rights unless a mitigation or compensation plan is implemented to protect holders of rights to surface water.

4. Each year, during the peak period of irrigation water demand, the surface water flows are not adequate to satisfy all prior rights to the surface sources. Water depleted from surface sources by diversion of ground water that would have been available to holders of surface water users during times of scarcity causes injury to the surface rights. This injury is not restricted to the rights in the reach depleted, since it has an effect in other reaches as water is allocated under the priority system.

5. The location (SE1/4NE1/4, Section 5, Township 4 North, Range 26 East) for the well requested by Application No. 34-7247 is in the transition zone described in Finding No. 3. A well at this location can be constructed to prevent depletion of surface flows and lowering of water levels in shallow wells.

6. The capacity of the canal system to convey the proposed appropriation to the place of use is a matter properly before the owner of the conveyance works, not IDWR.

7. The place of use associated with Application for Transfer of Licensed right No. 34-2428 is different than the land associated with this application for permit. Hence the disposition of the application for transfer will be treated in a separate memorandum decision and order.

8. Estimates of the rate of ground water discharge from the Big Lost River Basin to the Snake Plain Aquifer range from 227 cfs to 425 cfs. Development and use of some of this outflow is permitted by the Swan Falls Agreement provided there is no injury to other water rights in the local area.

CONCLUSIONS OF LAW

1. Paragraph 7(C) of the Swan Falls Agreement subordinated the use of water under Idaho Power Co.'s prior water rights for hydropower generation purposes in the Milner Dam to Swan Falls reach of Snake River to use of water under Application No. 34-7247.

2. Application No. 34-7247 is not subject to review under the public interest requirement of the Swan Falls Agreement but is to be evaluated under the criteria of Section 42-203A(5), Idaho Code, and Water Appropriation Rule 5,1. These criteria require an evaluation of:

- a. Whether the proposed use will reduce the quantity of water under existing rights.
- b. Whether the water supply is sufficient for the purposes intended.
- c. Whether the application is filed for speculation or delay.

- d. Whether the applicant has the financial resources to complete the project.
- e. Whether the project will conflict with the local public interest.
3. Prior water rights from surface sources will be injured by diversion of ground water as proposed by Application No. 34-7247 unless the well is constructed to prevent depletion of surface water flows.
4. Water Appropriation Rule 5,1,1,4. provides that:

"An application that would otherwise be denied because of injury to another water right may be approved upon conditions which will mitigate losses of water to the holder of an existing water right, as determined by the director."
4. There is unappropriated ground water available for appropriation under Application No. 34-7247.
5. The well proposed under Application No. 34-7247 has been drilled. Therefore, the application was not filed for purposes of speculation or delay, and the applicant has the financial resources to construct the project.
6. Appropriation of ground water for irrigation purposes under Application No. 34-7247 is in the local public interest as long as prior water rights of other users are not injured.
7. The applicants are entitled to a permit to appropriate water under Application No. 34-7247.

ORDER

It is therefore hereby ordered that the protests against approval of amended Application No. 34-7247 be set aside and that amended Application No. 34-7247 be and the same is APPROVED subject to the following conditions:

1. Diversion of water from the well requested in Application No. 34-7247 shall be stopped immediately upon issuance of a Final Memorandum Decision and Order on this matter and shall not recommence until the requirements of Condition No. 2 of this order are fully met and a written verification of compliance is issued by IDWR.
2. The well authorized by this permit in the SE1/4NE1/4 Section 5, Township 4 North, Range 26 East, which is already constructed, shall be reconstructed to prevent water from any depth less than 300 feet from entering the well. The well shall be reconstructed with unperforated casing sealed into a clay layer of at least 20 feet thickness, as determined by IDWR, which is encountered at least 300 feet below land surface. The reconstruction work shall be approved prior to diverting water from the well under this permit. The permit holder shall notify IDWR prior to installing and sealing the casing to allow IDWR personnel to observe the remedial work.
3. Use of water under this permit is subject to all prior surface and ground water rights.

4. Use of water under this permit is subject to the control of the watermaster of Water District No. 34, Big Lost River. Water shall only be diverted under this permit in accordance with requirements of Condition No. 2 of this order as determined by the director of IDWR.

5. Proof of application of the water to beneficial use shall be submitted on or before the date indicated in the Final Memorandum Decision and Order entered by the Director in this matter.

6. An access port or other device as specified by IDWR shall be installed by the permit holder prior to diversion of water under this permit to provide for the installation of flow measuring equipment. Jurisdiction is reserved to require the permit holder to install permanent measuring equipment for use by the watermaster.

7. A locking device approved by IDWR shall be installed by the permit holder prior to diversion of water under this permit to allow authorized officials to prevent diversion of water from the well.

8. Issuance of this permit does not grant a right of way or easement across the lands of another.

9. The permit holder shall comply with the provisions of Section 42-235, Idaho Code, prior to commencing reconstruction of the well.

Dated this 15th day of AUGUST, 1989.

for Norman C. Young
BOBBY D. FLEENOR
Hearing Officer

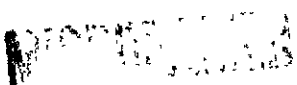
DEC 09 1991

**Withdraw Protest of application to change point of diversion
34-02467 conditioned on Stipulation**

Protest will be withdrawn if any one of the following options is agreed to by stipulation. They are listed in reversed order of preference.

- 1- Well is constructed and operated in compliance with the same conditions of the Proposed Memorandum Decision and Order in the matter of application for permit 34-7247.
- 2- The cfs rate of diversion is reduced 30% from the original licence to replace the natural seepage losses that occur in canal transmission. The new right of diversion is then regulated accordingly to other wells similarly situated in the "transition zone".
- 3- No change in the point of diversion is approved until a basin-wide system of administration is adopted by Court Decree. Operation of this well would then be regulated with other wells similarly situated.
- 4- No change in the point of diversion until an "alternative plan" that meets the requirements described in the "Principles of Ground Water Management" for the Big Lost River Basin be proposed to and approved by the Director of IDWR.

I will not try to compel Jack, but ask him to join with myself and other water users to work in a cooperative coordinated effort to identify and quantify the "causes and effects" associated with use of the water resource. If Jack would prefer to participant vicariously through and expert or consultant, I am sure that those individuals currently assisting some water users would be willing to accommodate him.

 Mitchell D. Sorensen

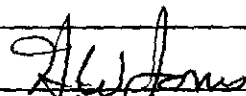
DEC 09 1991

INTER-DEPARTMENT MEMO

TO: Glen Saxton-BoiseSUBJECT: Sowards ResponseFROM: H.C. Jones-EasternDATE: 9-9-91

Attached is the reply from Dr. Sowards which I assume
is a reply to your show-cause order for failure
to appear at the hearings.

☒ For your information☐ Response required


signature

Bo 00
Arco, Id 83213-0100
September 3, 1991

Idaho Department of Water Resources

Glenn Saxton
Norm Young
Harold Jones

SEP 3 1991
Department of Water Resources
Eastern District Office

Respecting transfer of water well right to a point on my ranch,
about one mile south

Following your request, I am verifying what my wife has previously
told your office in Idaho Falls

1. On the day of the hearing, I was in the hospital at Hailey
with a smashed knee, smashed by a stallion on my ranch.
The surgeon has said I will not walk for some months.
- 2 Your department's notification of the hearing was not
received until the day after the hearing.

It will be much appreciated when this transfer is effected.

Your agent spent several days last year verifying irrigated acreage
in the SE and NE corners of the property and allowed us 140 inches
from the previous standing right for 160 inches.

Very truly,
Betty Ann Sowards
J. W. Sowards D.Sc.
P.E.

RECEIVED
FILMED

DEC 09 1991

Enclosed: record of hospitalization

RESPONSIBLE PARTY Sowards, Jack W		DATE OF BIRTH 9-11-28	DOCTOR Levin/Pletcher
BOX # / STREET P O Box 100		INSURANCE MUT of OMAHA	
CITY Arco, ID 83213	STATE	ZIP CODE	GMSI-2T80 507-24-8222

BLAINE COU

HALL

Jan
Sheet

ROOM RATE	LABOR DEL OP RM	RESPIRATORY THERAPY ANESTHESIA	X RAY RADIOLOGIST	LAB	SUPPLIES	CRUTCHES CASTS SPLINTS	DRUGS	BLOOD PROCESSING	EMERG	MISC CHG		TOTAL CHARGES	DATE	REC NO	CREDITS	CURRENT BALANCE
										ACCT	AMT					

NOTE: PLEASE READ ACROSS FOR BILLING DETAIL.

LAST ENTRY IN FAR RIGHT COLUMN "CURRENT BALANCE" INDICATES TOTAL AMOUNT OF THIS ACCOUNT. 

ICU
Semi
Private
Isolation
Telemetry

LR - Labor Rm
6 - Delivery Rm
F - Operating Rm
REC - Recovery

14 - Resp Therapy
8 - Anesthesia
E - EKG
- Interpretation

R - Radiologist
C - Callback
HM - Holtermonitor

4007 - Anesthetist
4016 - IP Physical Therapy
4027 - IP - ER Physician
4110 - C Physical Therapy

4102 - OP ER Physician
4115 - Occupational &
4118 - Speech Therapy

Jack W. Sowards
Box 100
Arco, Id. 83213

DEC 09 1991
MICROFILMED

Mr. Harold Jones
Department of Water Resources
Eastern District Office
150 Shoup Av.
Idaho Falls, Id.
83402



Box 100
Arco, Id. 83213-0100
September 3, 1991

Idaho Department of Water Resources

Glenn Saxton
Norm Young
Harold Jones

RECEIVED
SEP 06 1991

Department of Water Resources

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RECORDED & INDEXED
DEC 09 1991

Very truly,
Betty Ann Sowards
Jill W Sowards
D. Sc., P. E.

Enclosed: record of hospitalization

face sheet

BLAINE COUNTY
HAIL

RESPONSIBLE PARTY Sowards, Jack W		DATE OF BIRTH 9-11-28	DOCTOR Levin/Pletcher
BOX # / STREET P O Box 100		INSURANCE MUT of OMAHA	
CITY Arco, ID 83213	STATE	ZIP CODE	GMSI-2T80 507-24-8222

ROOM RATE	LABOR DEL OP RM	RESPIRATORY THERAPY ANESTHESIA	X RAY RADIOLOGIST	LAB	SUPPLIES	CRUTCHES CASTS SPLINTS	DRUGS	BLOOD PROCESSING	EMERG	MISC CHG		TOTAL CHARGES	DATE	REC NO	CREDITS	CURREN BALANCE
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LAST ENTRY IN FAR RIGHT COLUMN "CURRENT BALANCE" INDICATES TOTAL AMOUNT OF THIS ACCOUNT. ↗

- | | | | | | |
|-----------|------------------|-------------------|--------------------|----------------------------|------------------------|
| ICU | LR - Labor Rm | 14 - Resp Therapy | R - Radiologist | 4007 - Anesthetist | 4102 - OP ER Physician |
| Semi | 6 - Delivery Rm | 8 - Anesthesia | C - Callback | 4016 - IP Physical Therapy | 4115 - Occupational & |
| Private | 5 - Operating Rm | E - EKG | HM - Holtermonitor | 4027 - IP ER Physician | 4118 - Speech Therapy |
| Isolation | | | | 4110 - OP Phys Ther | |
| T - try | REC - R very | #/r pretation | | | |

IDAHO BUSINESS FORMS (208) 678-3335

Jackie H. Edwards
P.O. Box 100
Armo, Id 83213

DEC 09 1991

Mr Norm Young
1301 N Orchard Street
% Statehouse Mail
Boise, Idaho
83706



Box 100
Arco, Id. 83213-0100
September 3, 1991

Idaho Department of Water Resources

RECEIVED
SEP 09 1991

Department of Water Resources

Glenn Saxton
Norm Young
Harold Jones

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RECEIVED

DEC 09 1991

Very truly,
Betsy Ann Sowards
Jack W. Sowards D.S.C.
P. E.

Enclosed: record of hospitalization
copy of envelope showing date received

RESPONSIBLE PARTY	DATE OF BIRTH	DOCTOR
[REDACTED]	9-11-28	Levin/Pletcher
BOX #7 STREET		INSURANCE
P O Box 100		MUT of OMAHA
CITY	STATE	ZIP CODE
Arco, ID 83213		GMS1-2T80
		507-24-8222

BLAINE COUNTY

HALL

face
sheet

[illegible]

NOTE: PLEASE READ ACROSS FOR BILLING DETAIL.

LAST ENTRY IN FAR RIGHT COLUMN "CURRENT BALANCE" INDICATES TOTAL AMOUNT OF THIS ACCOUNT.

ICU
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4110 - OP - Physical Therapy

4102 - OP ER Physician
4115 - Occupational &
4118 - Speech Therapy

DEC 09 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402
525-7161

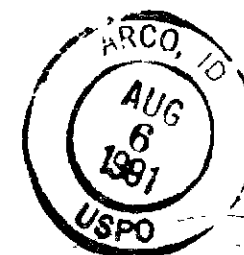


0751

RETURN RECEIPT REQUESTED

**RETURN RECEIPT
REQUESTED**

DR JACK SOWARDS
BOX 100
ARCO ID 83213-0100



NAME _____
1st Notice _____
2nd Notice 8-11
Return 8-21



Water Right Number - R34-02467

Prefix Translation: RESEARCH

Old (D) Number - 32529

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

*** C - CURRENT OWNER ***
SOWARDS

DR. JACK W.

1 - P.O. BOX 100

2 -

3 -

City- MOORE

State- ID Zip- 83255

Phone - 208-527-3111

*** O - ORIGINAL OWNER ***
SOWARDS

W. T.

1 - P.O. BOX 100

2 -

3 -

City- MOORE

State- ID Zip- 83255

Phone - 208-000-0000

+ - - Priority Date - - +
09/28/1965 ✓

+ - - - Region - - - +
15 EASTERN

+ - - - Stage - - - +
L - LICENSE

+ - - - Status - - - +

+ - - - - Source - - - - +
GROUNDWATER ✓

+ - - - - Tributary - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
05N ✓ 26E ✓ 34 ✓ NE NE SE (23) BUTTE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 05/10 09/15 2.820 273.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.820 273.00 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
04N 26E 10 NE NE 30.0 01 IRRIGATION (23) BUTTE
04N 26E 10 SE NE 26.0 01 IRRIGATION (23) BUTTE
04N 26E 11 NW NW 12.0 01 IRRIGATION (23) BUTTE
04N 26E 11 SW NW 23.0 01 IRRIGATION (23) BUTTE

Total Acres: 91.0

+ - - Diversion Means - WELL WITH A 60HP ELECTRIC PUMP. DISCHARGE INTO EASTSIDE CANAL.

+ - - Non-Irrigation Use - INCIDENTAL STOCKWATERING OF 150 HEAD OF RANGE CATTLE

+ - - Other Rights for Same Use - 34-00304

+ - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH EASTSIDE DITCH.
0.22 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE

DEC 09 1991

Water right number - R34-02467

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

LOSSES IN DELIVERY OF THIS RIGHT.

USE OF THIS RIGHT WITH RIGHT NO. 34-00304 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.64 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 227.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 91 ACRES IN A SINGLE IRRIGATION SEASON.

1.04 CFS OF THE TOTAL COMBINED DIVERSION RATE IS LIMITED TO
USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO.
34-00304.

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM SPRING
CREEK.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

C09 - PORTION OF RIGHT FORFEITED/ABANDONED.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date +

00/00/0000

+ - - Audit Fields - 06/25/91 MEYER 06/27/91 MEYER 07/30/91 KEEN

+ - - - - - Comments - - - - - +

Date: 07/30/1991 User Id: KEEN Subject: CLAIM REVIEWERS

FIELD EXAM CONDUCTED BY ERIC VERNER AND DENNIS DUNN IN 1989.

FURTHER REVIEW AND DATA ENTRY BY PAUL MEYER IN 1919. FINAL

REVIEW AND DATA ENTRY BY S.W. KEEN ON 7-30-1991.

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/16/1989	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 07/30/1991	Old Judicial District	-
Claim Received Date	- 11/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- E011181	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR		

DEC 09 1991

MEMORANDUM

To: Glen Saxton

From: Paul Meyer, Eastern

Date: 22 August 1991

RE: Recommendation for A/R34-02467 (Sowards)

Glen,

Please find attached a proof report of the "research" record (R-record) for A34-02467.

My review and recommendation of SRBA Notice of Claim A34-02467 is based on the information gathered by Dennis Dunn and Eric Verner during the field examination conducted 9/6/1989 of Dr. Sowards' place of use.



100-100000-100000

August 21, 1991

DR JACK SOWARDS
BOX 100
ARCO ID 83213

RE: Transfer No. 3582
Water Right No. 34-2467

Dear Dr. Sowards:

Enclosed please find a show cause order in reference to Transfer No. 3582, Water Right No. 34-2467. Note that you have twenty days to respond. Your response should be written.

If you have any questions concerning this matter, feel free contact the Department.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

DEC 09 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3582 OF WATER RIGHT)
NO. 34-2467 IN THE NAME OF DR.)
JACK SOWARDS)

SHOW CAUSE ORDER

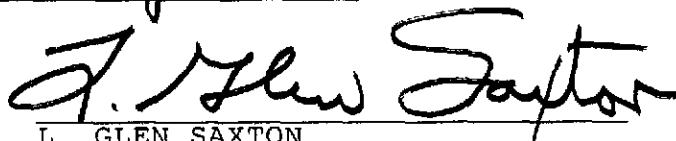
On April 24, 1989, Dr. Jack Sowards (applicant) filed with the Department of Water Resources Application for Transfer No. 3582 of water right no. 34-2467 to add a point of diversion. The department advertised the application which was subsequently protested.

The department scheduled a hearing in the matter on May 15, 1991, in the Butte County Courthouse, Arco, Idaho. The applicant failed to appear at the hearing. In an effort to give the benefit of the doubt to the applicant and to allow the matter to be heard, the department rescheduled the hearing for August 20, 1991 in Idaho Falls, Idaho and sent notice to both the applicants and protestants.

The applicant again failed to appear at the rescheduled hearing on August 20, 1991 in Idaho Falls, Idaho.

The department hereby ORDERS the applicant to SHOW CAUSE within twenty (20) days why Application for Transfer No. 3582 of water right no. 34-2467 should not be set aside for failure of the applicant to appear at the rescheduled hearing and why all costs associated with the hearing should not be assessed against the applicant in compliance with Practice and Procedure Rule 9,2.

Dated this 21st of August, 1991.


L. GLEN SAXTON
Hearing Officer

SEP 13 1991

June 18, 1991

Idaho Department of Water Resources
Attention Ronald D. Carlson et. al.

Gentlemen:

Reference is made to your letter of June 5, 1991, regarding application for transfer 34-2467. The intent of the application is to transfer the point of diversion rather than to add a diversion, and that when the new diversion is proven, the former diversion 1½ miles north of my property be discontinued. It is set for high pressure and low flow and the transport losses are excessive.

My wife Betty Ann Sowards had indicated her intention to speak on April 24th. I went to Sun Valley where I have a dwelling and had exercise therapy on my leg. When I telephoned her and learned that she had spoken on another issue, I quickly returned to Arco but the hearing was completed. I had called the court house earlier and been told that the hearing would be continuing late or into the next day, but this devolved to be a trial upstairs rather than the conference under discussion, whereas I had expected the opportunity to testify.

I called your officer and was advised to contact the adversaries which I have done. The water of these adversaries is not involved by my transfer. Therefore, the contest is a sort of blackmail.

I recall that Norman Young had told me earlier that a simple transfer would be approved without contest, and it is my petition that this be summarily granted as stated above. My property is devastated without this and could be saved by this action.

Very truly,

Jack W. Sowards

Jack W. Sowards, D.Sc., P. E.

copies to:
Norman Young
Keith Higginson

RECEIVED

JUN 20 1991

Department of Water Resources
Eastern District Office

DEC 09 1991

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(Extra charge) (Extra charge)

3. Article Addressed to

*Mitchell Sorenson
Furt Assoc, German Aikole
Rt 1 Box 63 C-1
Moore, Id. 83255*

4. Article Number

0752

Type of Service

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature - Addressee

X *Mitchell Sorenson*

6. Signature - Agent

X

7. Date of Delivery

8-7-91

B. Addressee's Address (ONLY if
requested and fee paid)

DEC 09 1991

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AUG 1 1991

Department of Water Resources
Eastern District Office



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USE, \$300

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TO



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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1000 1ST AVE., 15

IDAHO FALLS, ID 83402-0015

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15

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☐ Insured
☐ COD
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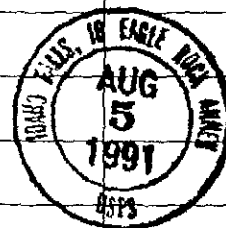
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Registered Mail
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certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

IDAHO FALLS, IDAHO 83402

Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C O D	R R. Fee	S D. Fee	S H. Fee	Rest. Del Fee Remarks
0751	Mr Jack Edwards Box 100 Arco	29	1 ⁰⁰					1 ⁰⁰			T 34-2467
0752	Mitchell Jensen Rt 1 Box 63 -C-1	29	1 ⁰⁰					1 ⁰⁰			T 34-2467
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											



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. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. 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.

2

Two

[Signature]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 34-02467 IN THE)
NAME OF DR. JACK SOWARDS) NOTICE OF HEARING
_____)

On April 24, 1989, Dr. Jack Sowards filed with the Department of Water Resources an application for transfer for water right No. 34-02467 to add a point of diversion. Notices of this proposed appropriation was published in the Arco Advertiser, Arco, Idaho, on July 20 and 27, 1989.

WHEREAS, on August 7, 1989, the Department received protests against approval of said application from Mitchell Sorensen, Kent Acor, and Herman Aikele.

WHEREAS, a conference was scheduled for May 15, 1991, to hear protests filed against approval of this application in the Butte County Courthouse, Arco, Idaho.

WHEREAS, the applicant, Dr. Jack Sowards, failed to appear.

WHEREAS, the Department issued a Show Cause Order why the application for transfer No. 34-02467 should not be set aside for failure of the applicant to appear.

WHEREAS, on June 20, 1991, the Department received a response to the Show Cause Order.

WHEREAS, the Department has scheduled the matters of protest for hearing on Tuesday, August 20, 1991, at 11:00 a.m. in the Second Floor Conference Room, State Office Building, 150 Shoup Avenue, Idaho Falls, 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.

Date this 5th day of August, 1991.


RONALD D. CARLSON
Eastern Regional Manager

DEC 09 1991

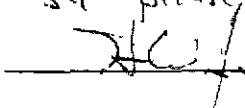
FROM H.W. JONES - Eastern

DATE 6-4-90

TO Gary Speckman - Boise

SUBJECT Sowards' Applica For transf.

This is a response to your memorandum of 6-1-1990 (see attached). Resa had written a letter of inquiry about average discrepancies on the Sowards' Applica For transfer (see attached copy of letter). This led to the May 15, 1990 response from Dr. Sowards. We were not going to schedule a conf on this due to our understanding we have had with Glen to hold off in Basin 34 until the Director had finished & finalized a direction in that Basin. If you are giving us a go ahead on conf. in Basin 34 please let me know.


SIGNATURE

RECEIVED

JUN 1 1990

Department of Water Resources
Eastern District Office

MEMORANDUM

TO: Eastern Region
FROM: Gary Spackman *Gary*
DATE: June 1, 1990

RE: Transfer No. 3582, Water Right No. 34-2467 in the Name of
Dr. Jack Sowards

The state office recently received an inquiry from Jack Sowards about his application for transfer of water right no. 34-2467. I have enclosed copies of correspondence for your review. Please update this office about the present status of the transfer application.

Enclosure



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

April 25, 1991

ATTN: Deanna
Magistrate Court
Butte County Courthouse
Arco, ID 83213

Dear Deanna:

This is to confirm the use of the Courtroom, Butte County Courthouse, for water right conferences to be held by this Department beginning at 9:00 a.m. on Wednesday, May 15 and Thursday, May 16, 1991.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested

1. ☐ Show to whom delivered, date, and addressee's address (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to

Mr. Jack Southerland
Box 100
Arco, Id. 83201

4. Article Number

0216

Type of Service

- ☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature - Addressee

X *J. Southerland*

6. Signature - Agent

X

8. Addressee's Address (ONLY if requested and fee paid)

7. Date of Delivery

JUN 14 1991

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TO

JUN 17 1991

Department of Water Resources
Eastern District Office

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EASTERN DISTRICT OFFICE

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IDAHO FALLS, IDAHO 83402

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Dr. Jack Sowards
Box 100
Arco, ID 83210

4. Article Number

0576

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

8. Addressee's Address (ONLY if requested and fee paid)

7. Date of Delivery

APR 2 1991

34-2467

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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TO



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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHoup AVE. #15

IDAHO FALLS, IDAHO 83402

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APR 30 1991

Department of Water Resources
Eastern District Office

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USE, \$300

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mitchell Sorensen, Kurt Acor,
Herman Aikele
c/o Mitchell Sorensen
Rt 1, Box 63 C-4
Moore, ID 83255

4. Article Number

0575

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature - Address

X

6. Signature - Agent

X Daine R. Sorensen

7. Date of Delivery

5-2-91

8. Addressee's Address (ONLY if requested and fee paid)

34-2467

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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TO



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MAY - 6 1991

Department of Water Resources
Eastern District Office



DEC 09 1991

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EASTERN DISTRICT OFFICE

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IDAHO FALLS, IDAHO 83402

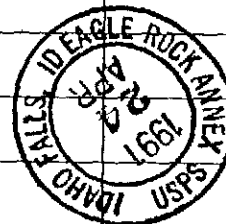
NAME AND
ADDRESS
OF SENDER

Indicate type of mail

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☐ Insured
☐ COD
☒ Certified ☐ Express Mail
Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance
Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
1	0570	James Home P.O. Box 66 Arco	29	1.00					1.00			T34-0727B
2	0571	Betty Lowards Rt 1 Box 80 Moore										
3	0572	Leed Z. Aray Box 415 Mackay										
4	0573	Jessie C. Home 1582 600 S. Fridge										
5	0574	George C. Home Darlington										
6	0575	Mitchell Foreman Rt 1 Box 63-C1										34-2467
7	0576	Dr. Jack Lowards Box 100 Arco	29	1.00				1.00				34-2467
8	0577	Kirby Jensen Paul O. Kiles Rt 1 Box 50 Moore	52	1.00				1.00				34-0259 etc 34-0032 etc
9	0578	Leet Foster P.O. Box 50130 - Od. Falls										"
10	0579	Denise Moss Rt Box 104 Moore										"
11	0580	Dennis Braswell Rt 1 Arco										
12	0581	Mary Hintz Rt 1 Box 14 Mackay										
13	0582	Wayne Schwartz Box 903 Moore										
14	0583	Karen J. Jinge Monson Darlington										
15	0584	Don MacKelvey Mackay										34-0259 etc 34-0032 etc
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. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. 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						
15		fifteen		R. J. Smith								



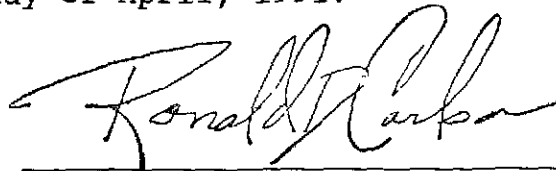
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHT NO. 34-02467) NOTICE OF HEARING
IN THE NAME OF DR. JACK SOWARDS)
_____)

On April 24, 1989, Dr. Jack Sowards, Arco, Idaho filed the above referenced application to transfer the public waters of the State of Idaho. On August 7, 1989, the Department received a protest against approval of said application from Mitchell Sorensen, Kurt Acor, and Herman Aikele.

The Department has set the matter of protest for hearing for 1:00 p.m., Wednesday, May 15, 1991, in the Courtroom, Butte County Courthouse, 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.

Date this 23rd day of April, 1991.


RONALD D. CARLSON
Eastern Regional Manager

DEC 09 1991

RECEIVED

MAY 21 1990

Department of Water Resources
Eastern District Office

BOX 100 ARCO ID
83213-0100
MAY 18, 1990

IDaho DEPARTMENT OF WATER RESOURCES
REF IDWR LETTER 4/20/90 RE TRANSFER 34-2467
ATTENTION RONALD CARLSON AND NORM YOUNG

1. NO CHANGE IN THE PLACE OF USE OF SUBJECT WATER
HAS BEEN REQUESTED, ONLY THE POINT OF DIVERSION.

2. SOME SE ACREAGE OF MY PROPERTY IS IRRIGATED PASTURE,
IT HAS BEEN DIFFICULT TO IRRIGATE DURING RECENT DRY YEARS
BECAUSE OF EXCESSIVE SHRINK CHARGES IN THE CANAL,
NECESSITATING THIS CHANGE IN POINT OF DIVERSION, AND THE
SYSTEM OF DITCHES IS BEING REPLACED BY A WHEEL LINE,
WITH RE-PLANTING.

WITH SOME
SAGEBRUSH
INTRUSION

3. NO PROTEST WAS FILED WHEN THE POINT OF DIVERSION
WAS CORRECTLY ADVERTISED BY THE BUREAU. IT IS THEREFORE
REQUESTED THAT THIS POINT OF DIVERSION, WHICH HAS
SUFFERED EXPENSIVELY SINCE ACTION WAS PROMISED, BE
SUMMARILY GRANTED. THANK YOU.

Jack W. Sowards
JACK SOWARDS, P.E., D.S.C.
COPY TO ATTORNEY

SOWARDS
BOX 100 ARCO, ID.
83213-0100



25^{USA}



DEC 09 1991

IDAHO DEPT OF WATER RESOURCES
ATTENTION RONALD CARLSON
150 SHOUP AVE. SUITE 15
IDAHO FALLS, ID.
83402

CONVERSATION MEMORANDUM

DATE May 14, 1990

FILE _____

NAME OF PARTY Dr. Sowards

EMPLOYEE Colleen

RE: Application for Transfer 34-2467

Dr. Sowards called today asking that I take the following message:

1. No change in place of use was requested as stated in your letter.
 2. Southeast corner is irrigated pasture & difficult to water from upper ranch. Also excess shrink being charged by irrigation district. (He indicated he felt the shrinkage was not to excessive.)
 3. Place has been continually in use (then he said to never mind that statement and just leave it off.)
- I told Dr. Sowards that he really needed to put this in writing for the file. His comment is:
4. I am in the process of moving cattle and will write when I am through.

DEC 09 1991

April 26, 1990

RE: Application for Transfer No. 34-2467

Dr. Jack Sowards
Box 100
Arco, ID 83213

Dear Dr. Sowards:

We are in the process of reviewing your application to change the point of diversion and place of use of water right 34-2467. Because we have received protests against the approval of this application we will need to schedule the matter for hearing unless either the protests or application are withdrawn.

In gathering required information related to this matter, we found that of the 141 acres described in the license for right 34-2467 only 91 acres of the described land show any sign of irrigation in many years. Your application indicates you have irrigated 141 acres. It would be helpful if you could provide information to clear up this apparent discrepancy prior to our scheduling the matter for hearing.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Manager

RDC:cw

April 26, 1990

RE: Application for Transfer No. 34-2467 DR. JACK SOWARDS

Mitchell Sorensen
Kurt Acor
Herman Aikele
c/o Mitchel Sorensen
Rt. 1, Box 63 C-1
Moore, ID 83255

Gentlemen:

We are in the process of scheduling conferences and/or hearings for protested water right applications. On August 7, 1989, you submitted the attached protest letter. We are trying to determine the issues to be heard when we schedule this matter for conference/hearing. Idaho Code, Section 42-222 provides for the approval of proposed water right changes "provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest" Your protest does not appear to address any of the issues the Department must consider in acting upon a transfer application. If you wish to continue your protest, please indicate:

- 1) How or why you think the approval of this application will injure other water rights?
- 2) How or why you believe the approval of this application would reduce your water supplies?
- 3) Why you believe the change proposed is not in the best interest of the water resources of this area.

Please provided the requested information by May 10, 1990. If you have protested the approval of this application for reason other than those identified above, you may wish to consider withdrawing your protest and pursue these objections through a more appropriate process.

L. J. Sorensen

Mitchell Sorensen
April 26, 1990
Page 2

If you have any questions related to the information we are requesting, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Manager

RDC:cw

Enclosure

LETTER of PROTEST

34-2467

Department of Water Resources
Eastern District Office

SBC34

Id. Name
SBC34

WRS:
Id. to the

the above
must be
Id. to
Id. to

Id. to
Id. to

to Department of Water Resources;

the above applications are protested for one or more
of the following reasons.

1. The Dept. currently has a back-log of unprocessed applications that should be reviewed and acted upon before other applications are processed.
2. Due to the unrest and conflict over water issues that exist in the Big Lost River District #34, it would be in the best public interest if a thorough plan of administration for all water rights be developed and implemented before proceeding with these applications.
- 3.

These protestors support the "due process" afforded by IDWR and encourage all new appropriations, changes of point of diversions, or place of use, etc., to comply with these rules of law. We also reserve the right of protest for reasons not mentioned herein.

Mitchell D. Brown
Kurt Neoz
[Signature]
[Signature]

RECEIVED

DEC 6 9 1991

LETTER of PROTEST

34-2467

Department of Water Resources
Eastern District Office

To Idaho Department of Water Resources;

The above applications are protested for one or more
following reasons.

The Dept. currently has a back-log of unprocessed
applications that should be reviewed and acted upon
before other applications are processed.

Due to the unrest and conflict over water issues
that exist in the Big Lost River District #34, it
would be in the best public interest if a thorough
plan of administration for all water rights be developed
and implemented before proceeding with these applications.

These protestors support the "due process" afforded
by IDWR and encourage all new appropriations, changes of
point of diversions, or place of use, etc., to comply
with these rules of law. We also reserve the right of
protest for reasons not mentioned herein.

Mitchell D. Jensen
Ken Neoz
[Signature]
[Signature]

RECEIVED

DEC 09 1991

MD Sorensen

Rt 1 Box 63 C-1

Moore Idaho

83255

Dept. of Water Resources

150 Shoup Ave.

Idaho Falls, ID.

83402

DEC 09 1991

Br. of W. Res. 150 Shoup
25 US



DECLARATION OF WATER RIGHT
AND
APPLICATION FOR TRANSFER
POINT OF DIVERSION BY WELL

BOX 100 ARCO, IDAHO
83213-0100
SEPTEMBER 1, 1988

DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO
KEITH HIGGINSON, DIRECTOR.

DEAR MR. HIGGINSON;

FOR MANY YEARS I USED SPRINGS LOCATED IN THE BED OF THE EAST BRANCH OF THE BIG LOST RIVER ON MY RANCH PROPERTY, NEAR ARCO, T4N R 26E S11 NW 1/4 AND S10 NE 1/4; TO WATER MY CATTLE AND THE LAND, THE SPRINGS HAVING A SOURCE ON MY RANCH SEPARATE FROM THE RIVER. THIS WATER RIGHT WAS FILED IN YOUR OFFICE SOME YEARS AGO.

I ALSO HAVE A GROUNDWATER LICENSE 34-2467 SEPT. 28, 1965. THE PROLIFERATION OF WELLS PUMPING WATER AND REMOVING THIS WATER (AND RIPARIAN WATER) OUT OF THE WATER DISTRICT TO THE ADJOINING DESERT, TO MY MIND UNETHICAL AND ILLEGAL, HAS LOWERED THE AQUIFER TO THE POINT THAT THE RIVER IS DRY AND EVEN THE SPRINGS ARE NO LONGER USABLE. ALSO THIS SITUATION HAS RESULTED IN OVERLOADED CANALS, INEFFICIENT AND COSTLY PUMPING BECAUSE OF THE CHANGED LIFT, DEPLETION "MINING" OF THE AQUIFER, AND AN EXCESSIVE SHRINKAGE CHARGE FOR TRANSPORT OF THE WATER FROM WR34-2467 TO MY RANCH.

WILL YOU PLEASE GIVE FAVORABLE CONSIDERATION TO A PRESENT AND NEAR-TERM DEMONSTRATION OF THIS ALTERNATE DIVERSION WELL SITE FOR WRL34-2467.

CONGRATULATIONS AND BEST WISHES FOR THE GOOD WORK OF YOUR SUSTAINED OFFICE.

VERY TRULY YOURS,

Jack W. Sowards
JACK W. SOWARDS, D.SC., P.E.

MINISTERED

DEC 09 1991

RECEIVED

NOV 21 1989

Department of Water Resources
Eastern District Office

To the file: Transfer 34-2467
from Dennis Dunn.

On September 6 1989 Eric Verner and I did an inspection
of the ground covered by licence 34-2467. We found the following
amounts of ground to be irrigated.

T4N R26E Sec 10 NENE 30 acres
SE NE 26.0 acres

Sec 11 NW NW 11.6 acres
SW NW 23.2 acres.

I recommend that licence 34-2467 be reduced to reflect this.

Dennis M Dunn
Senior Water Resources Agent

DEC 09 1991



Photo 1 Sept 6 1989 LIND, ESV
34-2467



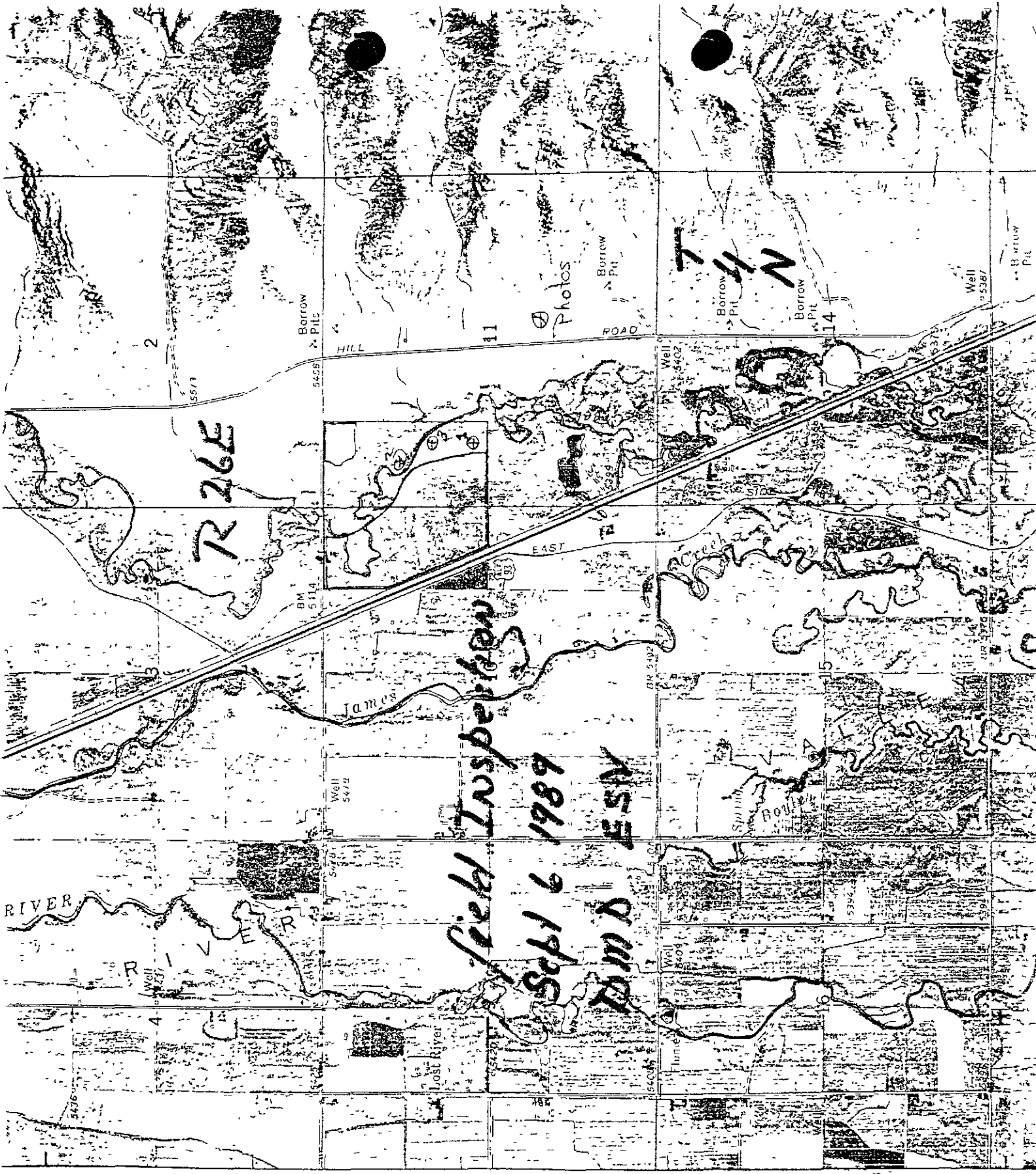
Photo 2 6 Sept 89 LIND, ESV
34-2467



Photo 3 Sept 6 1989 LIND, ESV
34-2467

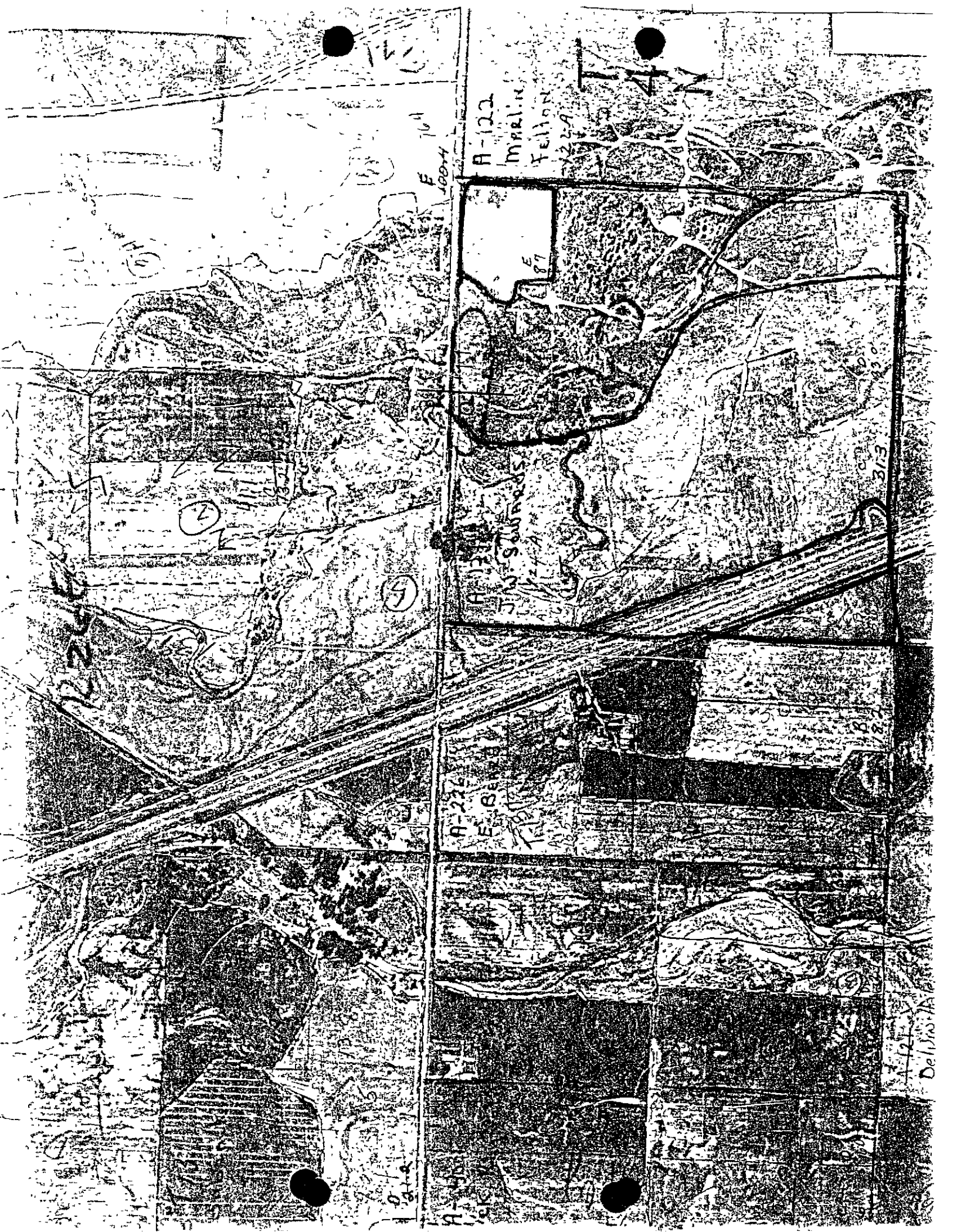
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N

42' 30" 40' 41" 40' 40" 40' 39" 40' 38" 41'



A-122

MARLIN

FELLION

122-A

E 104
1004

A-123

SUBWAYS

A-226

E-8

313

82

124

Del 1/20/78

Delirious

R-24
E-8
10/10/87

E
87

R-122
Muelin
Fellon
10/10/87

E
10/4

(7)

(6)

August 22, 1989

RE: Application for Transfer No. 34-2467

Dr. Jack Sowards
Box 100
Arco, ID 83213-0100

Dear Applicant:

Enclosed please find a copy of a 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?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

DEC 09 1991

August 22, 1989

RE: Application for Transfer No. 34-2467 DR. JACK SOWARDS

Mitchell Sorensen
Kurt Acor
Herman Aikele
c/o Mitchell Sorensen
Rt. 1, Box 63 C-1
Moore, ID 83255

Gentlemen:

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

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

RECEIVED
DEC 09 1991

To the file : Dr Jack Sowards
from Dennis Dunn

16 August 1989

On the fourth of August Tony Olmcheck and I did a brief inspection of the ground covered by the application for transfer by Mr Sowards.

We found that only the area outlined in red had been irrigated. The rest of the ground was covered by sagebrush up to 3-4 feet tall, and old channels from the big lost river.

I recommend a full inspection of the ground prior to sending the application to Basie.

If the ground has not been irrigated I suggest that a memo be written to Basie contesting the amount of ground covered by the transfer.

Dennis M Dunn

MICROFILMED

DEC 09 1991

AUGUST 8, 1989

M TODD PERKES
RT 1 BOX 69
MOORE, IDAHO 83255

IDAHO DEPARTMENT OF WATER RESOURCES
150 SHOUP AVE SUITE 15
IDAHO FALLS, IDAHO 83401

I AM FORMALLY REQUESTING THAT YOU WITH DRAW A PROTEST
THAT I MADE ON A APPLICATION OF MR. SWORDS TO MOVE THE POINT
OF DIVERSION IN THE BIG LOST RIVER DRAINAGE #34.

IF IT BE POSSIBLE I WOULD LIKE IT NOT BE KNOWN THAT I
EVEN ISSUED THE PROTEST.

THANK YOU,



M TODD PERKES

RECEIVED

DEC 09 1991

RECEIVED

AUG 9 1989

Department of Water Resources
Eastern District Office

August 9, 1989

The Arco Advertiser
P.O. Drawer C
Arco, ID 83213

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before September 4, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

DEC 09 1991

NOTICE OF CORRECTION

Notice is hereby given that Transfer No. 34-2467 in the name of Dr. Jack Sowards, Arco, ID, was advertised incorrectly on July 20 & 27, 1989. The point of diversion to be added was advertised as being in the NWNW SEC11 T4N R36E, B.M.

Whereas, the actual point of diversion is in the NWNW SEC11 T4N R26E, B.M.

Any protests against the granting of this transfer as a result off this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before September 4, 1989.

R. Keith Higginson

Director

Published in the Arco Advertiser on August 17 & 24, 1989.

DEC 09 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

5-31-89 RB
6-24-89 HED

INITIAL REVIEW BY: Dennis Luna

1. Right number 34-02467 Applicant Dr. Jack Sowards

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

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

4. Check:

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

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

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

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

d. ☒ Check description of place of use.

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

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

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

h. ☒ Check for expansion in use of right. Comments _____

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

Right number(s) 34-0304

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

If yes, what district? 34 (alone)

Send Copies to Rita Lundy
of Big Lost River Irrig. Comp
Mackay, ID
(00-10)

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No

D.O.P. 8-7-89

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By _____ Date _____

Copy
to
Rita Lundy

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. _____

RECEIVED

JUL 26 1989

Department of Water Resources
Eastern District Office

WATER DISTRICT 34

WATERMASTER Doug Rosenkrantz

DATE: 7/19/89

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Doug Rosenkrantz
Watermaster

FILED

DEC 09 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Dr. Jack Sowards Phone (208) 527-3111
Post Office address Box 100, Arco Idaho 83243-0100

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reduce the losses in the current system; make more efficient use of the water

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

- | 1. Right Number | Priority | Amount
(cfs/ae-ft) | Nature
of Use | Period of Use |
|-----------------|----------------------------|-----------------------|-------------------|--------------------------------------|
| <u>34-2467</u> | <u>28 September 1965</u> | <u>2.82</u> | <u>Irrigation</u> | <u>10 May</u> to <u>15 September</u> |
| | <u>WELL AND PUMP WORK</u> | | | to |
| | <u>IN 1960 BEFORE 1960</u> | | | to |
| | | | | to |
2. Total amount of water being transferred 2.82 cubic feet per second and/or 423 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
		NW	NW	11	4N	26E	Butte	
		NE	SE	34	5N	26E	BUTTE	

5. Lands irrigated or place of use.

Twp.	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26E	10	36			24													62
		11					39	40											79

Total acres 141

July 18, 1989

Dr. Jack Sowards
Box 100
Arco, ID 83213-0100

RE: Transfer Application No. 34-2467

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your transfer application. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application in the Arco Advertiser. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before final action is taken. If the protest is not resolved by the involved parties this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. Department personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When final processing of the application is complete, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Harold W. Jones
Water Rights Supervisor

HWJ/rb

RECEIVED
DEC 9 1989

DEC 09 1989

July 17, 1989

Douglas Rosenkrance
Water District 34
Rt.1, Box 24
Mackay, ID 83251

RE: Application for Transfer #34-2467

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

DEC 09 1989

July 17, 1989

The Arco Advertiser
P.O. Drawer C
Arco, ID 83213

Gentlemen:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before August 7, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

DEC 02

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-2467

Notice is hereby given that Dr. Jack Sowards, Arco, ID, has applied to the Department of Water Resources to Add a Point of Diversion from the waters of a groundwater source. The right sought to be changed is evidenced by License No. 34-2467 and is recorded as follows:

AMOUNT: 2.82 CFS PRIORITY: September 28, 1965

POINT OF DIVERSION: NESE SEC34 T5N R26E, B.M. BUTTE COUNTY

The water is used to irrigate 141 acres within the E1/2NE1/4 SEC10; W1/2NW1/4 SEC11 T4N R26E, B.M.

TO BE CHANGED AS FOLLOWS:

A point of diversion will be added in the NWNW SEC11 T4N R36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402, on or before August 7, 1989.

R. Keith Higginson

Director

Published in the Arco Advertiser on July 20 & 27, 1989.

050 00 100

MEMORANDUM

To: File 34-2467
From: L. Glen Saxton
RE: EXPANATION OF THE TWO ATTACHED LETTERS DATED 9-15-88
Date: September 15, 1988

The attached letters relative to a proposed change in point of diversion were given to me on this date by Mr. Sowards who requested they be filed.

I gave Mr. Sowards a transfer form together with instructions. I assume he will eventually complete and file a transfer in connection with the attached letters. He did not file any transfer on this date.

The attached letters are being forwarded to the file for information purposes and do not need a response.

MICROFILMED
DEC 09 1991

RECEIVED

SEP 15 1988

Department of Water Resources

DIRECTOR OF WATER RESOURCES
STATE OF IDAHO

REF. WATER RIGHT LICENSE 34-2467 SEPT. 28, 1965
JACK W. SOWARDS
REQUEST FOR CHANGE IN POINT OF DIVERSION

REQUEST IS MADE TO CHANGE POINT OF DIVERSION TO:
NW 1/4 NW 1/4 T4N R26E S11 PENDING DEMONSTRATION
OF THIS POINT OF DIVERSION, PER EXPLANATION IN THE
ACCOMPANYING LETTER.

Jack W. Sowards

JACK W. SOWARDS, D.S.C., P.E.
BOX 100 ARCO IDAHO 83213-0100

Sept 1, 1988

DEC 09 1988

REC-11

SEP 15 1988

Department of Water Resources

BOX 100 ARCO, IDAHO
83213-0100

Sept. 1 1988

DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO
KEITH HIGGINSON, DIRECTOR.

DEAR MR. HIGGINSON;

FOR MANY YEARS I USED SPRINGS LOCATED IN THE BED OF THE EAST BRANCH OF THE BIG LOST RIVER ON MY RANCH PROPERTY, NEAR ARCO, T4N R 26E S11 NW 1/4 AND S10 NE 1/4; TO WATER MY CATTLE AND THE LAND, THE SPRINGS HAVING A SOURCE ON MY RANCH SEPARATE FROM THE RIVER. THIS WATER RIGHT WAS FILED IN YOUR OFFICE SOME YEARS AGO.

I ALSO HAVE A GROUNDWATER LICENSE 34-2467 SEPT. 28, 1965. THE PROLIFERATION OF WELLS PUMPING WATER AND REMOVING THIS WATER (AND RIPARIAN WATER) OUT OF THE WATER DISTRICT TO THE ADJOINING DESERT, TO MY MIND UNETHICAL AND ILLEGAL, HAS LOWERED THE AQUIFER TO THE POINT THAT THE RIVER IS DRY AND EVEN THE SPRINGS ARE NO LONGER USABLE. ALSO THIS SITUATION HAS RESULTED IN OVERLOADED CANALS, INEFFICIENT AND COSTLY PUMPING BECAUSE OF THE CHANGED LIFT, DEPLETION "MINING" OF THE AQUIFER, AND AN EXCESSIVE SHRINKAGE CHARGE FOR TRANSPORT OF THE WATER FROM WR34-2467 TO MY RANCH.

WILL YOU PLEASE GIVE FAVORABLE CONSIDERATION TO A PRESENT AND NEAR-TERM DEMONSTRATION OF THIS ALTERNATE DIVERSION WELL SITE FOR WRL34-2467.

CONGRATULATIONS AND BEST WISHES FOR THE GOOD WORK OF YOUR SUSTAINED OFFICE.

VERY TRULY YOURS,

Jack W. Sowards
JACK W. SOWARDS, D.S.C., P.E.

DEC 09 1988

WATER RIGHT NUMBER 34-2467

OWNER LAST NAME - SOWARDS
OWNER LAST NAME - SOWARDS
ADDRESS LINE 1 - P.O. BOX 100
ADDRESS LINE 3 -FIRST NAME - J. W.
FIRST NAME - W. T.
ADDRESS LINE 2 -
CITY - MOOREORIG OWNER -
ORIG OWNER -

STATE - ID ZIP CODE - 83255

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 09-28-1965 COUNTY - BUTTE

TOTAL DIV. RATE - 2.8200 -CFS

TOTAL DIV. VOLUME - 423.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESE 34 05N 26E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 05-10 TO - 09-15 USE - IRRIGATION

USE DIV. RATE - 2.8200 CFS USE DIV. VOLUME - 423.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 26E SEC 11 TRACT NWNW LOT AC 39 TRACT SWNW LOT AC 40

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 26E SEC 10 TRACT NENE LOT AC 36 TRACT SENE LOT AC 26

DECREE NAME -

DATE -

TOTAL ACRES 141

REMARKS - THIS RT. WHEN COMBINED WITH 34-0304 SHALL NOT PRODUCE A RATE OF
DIVERSION GREATER THAN 3.2 CFS OR AN ANNUAL VOLUME GREATER THAN
423 ACRE FEET.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 32529

PROOF MADE - FLD EXAM - COND. OF APPROVAL - 16

DIVERSION MEANS -

July 22, 1983

Mr. Jack W. Sowards
P. O. Box 100
Arco, ID 83213

Dear Mr. Sowards:

I researched our records for water rights appurtenant to your lands identified in the W₁NW₄ Sec. 11, and the E₁NE₄ Sec. 10, T. 4 N., R. 26 E.

We show on record License No. 34-2467 for 2.82 cfs from groundwater for irrigation of 141 acres and decreed right No. 34-0304 for 3.2 cfs from Big Lost River. Both rights are for the lands described above.

Since the rights are already on record with this department, no additional filing is required for the water being used in compliance with the license and decree. Also excepted from filing are users receiving water from a canal company or irrigation district as the organization must file on behalf of all the water users in the system. Included in exceptions to filing are for stock watering directly from the source. A stockwater right can only be established by diversion through artificial means.

The "Declaration of a Water Right" you sent does not constitute a valid filing or claim to a water right. However, I have placed it in file as a reference to your use of the water.

Enclosed is our leaflet entitled "Keep Your Water" explaining the methods of filing for a water right and the exceptions to filing. If you feel the above rights and exceptions do not cover all your use of the water, you may wish to consider filing.

If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

Enclosure

34-3467

PL 100
AUG 11

JUNE 29, 1983

DECLARATION OF A WATER RIGHT

Beginning in 1958 I have been using up to fifty miner's inches, or one cubic foot per second, to sprinkle fields otherwise not reachable and to water my herd of cattle, from the East Branch of the Big Lost River,* otherwise (erroneously) known as Spring Creek. The water is used on the following deeded land:

W₂NW₄S11T4NR26E BM
E₂NE₄S10T4NR26EBM

*and springs in river bed

Jack W. Sowards, D.Sc., P.E.

Jack W. Sowards

witness

Donald L. Schussele

Donald L. Schussele

PRE TELECON

HAVE BEEN AWAY
FROM MY RANCH

THANKS YOUR
CONSIDERATION

H
UNDERSTAND THIS
COVERS KIDARIAN
WATER ONLY. I
ALSO HAVE IRRIGATION
WATER FROM DISTRICT
160 INCHES AND
A PUMPING PERMIT
FOR 160 INCHES. ALSO
SPRINGS ON THE RANCH.

Box 100
Arco, ID 83213



State Engineer
& WATER RESOURCES BOARD
STATE OF IDAHO

BOISE, IDAHO 83720

WATER RIGHT NUMBER 34-2467

WATER RIGHTS EDIT REPORT

04/16/79

PAGE 53

ACT
IDN

N OWNER LAST NAME - SOWARDS
N OWNER LAST NAME - SOWARDS

FIRST NAME - J. W.
FIRST NAME - W. T.

CITY - MOORE

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - LICENSE

PRIORITY - 09-28-1965

COUNTY - BUTTE

TOTAL DIV. RATE -

2.8200CFS

N TOTAL DIV. VOLUME - 423.00 AFA

N DIVERSION POINT - NESE 34 05N 26E

N FROM - 05-10 TO - 09-15 USE - IRRIGATION

USE DIV. RATE - 2.8200CFS

USE DIV. VOLUME -

423.00 AFA

N USE - IRRIGATION

PLACE OF USE - T4N 04N R4G 26E SEC 10 TRACT NENE

AC 36 TRACT SENE

AC 26

N USE - IRRIGATION

PLACE OF USE - T4N 04N R4G 26E SEC 11 TRACT N4NW

AC 39 TRACT S4NW

AC 40

N REMARKS - DIVERSION RATE NOT TO EXCEED 3.2 CFS BIR 423.0 AF.

N OTHER RIGHTS FOR SAME USE - 34-0304.

OLD NO. - 32529

IDENT. NO. 34-2467

WATER RIGHT
DATA ENTRY LOG

[illegible]

December 27, 1977

Re: Permit No. 34-2467

J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

Bill MacAllister
Water Resource Agent

BM/kw
Enclosure

December 6, 1977

Re: Field Exam of Permit No. 34-2467

J. W. & W. T. Sowards
Moore, Idaho 83255

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 34-2467 on Sept. 27, 1972, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.82 cfs Source: groundwater

The maximum quantity diverted shall not exceed 423 acre feet per
year.

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Twp. 5N, Rge. 26E, B. M.

Beneficial use: Irrigation of 141 acres within E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10 and
W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, Twp. 4N, Rge. 26E, B. M.

Priority date established: September 28, 1965

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

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

To: File # 34-2467
From: Jan Grover

I sent the original
field exam to Eastern
Region this date 8/18/77
for a measurement
of the rate of division.

Jan

7-17-73

Mr Higginson advised permit
holder by phone that Dept would
accept measurement from
certified engineer.

34 2467

Box 100, Arco, Id.
July 12, 1973

R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse Annex 2
Boise, Idaho

Permit 32529'34-2467

Dear Mr. Higginson

Reference is made to your letter of June 8, my telephone call, and our conversation in your office during 1971.

The subject permit is for pumping from a completed well with pump and motor, the installation having cost several thousand dollars. It is needed very badly in seasons of drouth.

Pursuant to our conversation, the capacity of the installation will be measured next time the pump is started, which will probably be this fall, and a flow measurement will be certified to you.

Very truly yours,

Jack W. Sowards

Jack W. Sowards

P.E. 2227

RECEIVED

JUL 17 1973

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

31753

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

3

34 2467

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$360



Postmark of Delivering Office

SENDER INSTRUCTIONS

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



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

June 8, 1973

CERTIFIED MAIL

* 31753

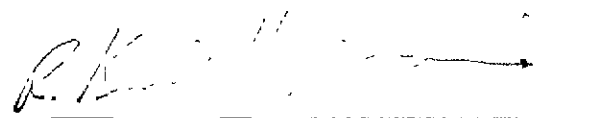
J.W. & W.T. Sowards
Moore,
Idaho 83255

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 32529/34-2467 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit adequate proof of beneficial use of water,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before July 18, 1973, why said permit should not be cancelled.

Permit 32529/34-2467 claims the use of 3.2 cubic feet per second of water from a ground water source, the point of diversion was to be located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, Twp. 5N, Rge. 26E, B.M. and the permit was approved Sept. 28, 1965.



R. KEITH HIGGINSON
Director

34 2467

7-17-73

Mr Higginson advised permit
holder by phone that Dept would
accept measurement from
certified engineer

RECEIVED

Mr 34 2487

AUG 19 1977

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder J. W. & W. T. Sowards
Post office address Moore, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply. Groundwater ☒ Surface water ☐ Subterranean
(name spring, stream, etc)
Tributary to _____

3. Water will be used for the following purposes:

Amount 3.2 c.f.s. for Agricultural Irrigation
_____ AF/Annum (nature of use)

Period of Use. from May 10 to September 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use. from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use. from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 3.2 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5 N N/S, Range 26 E E/W, B M., Section 34, Subdivision NE $\frac{1}{4}$ SE $\frac{1}{4}$, Butte
County
Township _____ N/S, Range _____ E/W, B M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions _____

Description of diverting works: 16" well casing - 160' deep. Power, 75 horsepower Diesel.
Water conveyed 5/8 mile by ditch to canal through canal approx. 1 mile, diverted from
canal through Parshall flume.

Measuring device required. yes ☐ no ☒

6. Lands to be 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 $\frac{1}{4}$	
4 N	26 E	10	40			40													80
		11					40	40											80

TOTAL ACREAGE

160

R. 36 E.

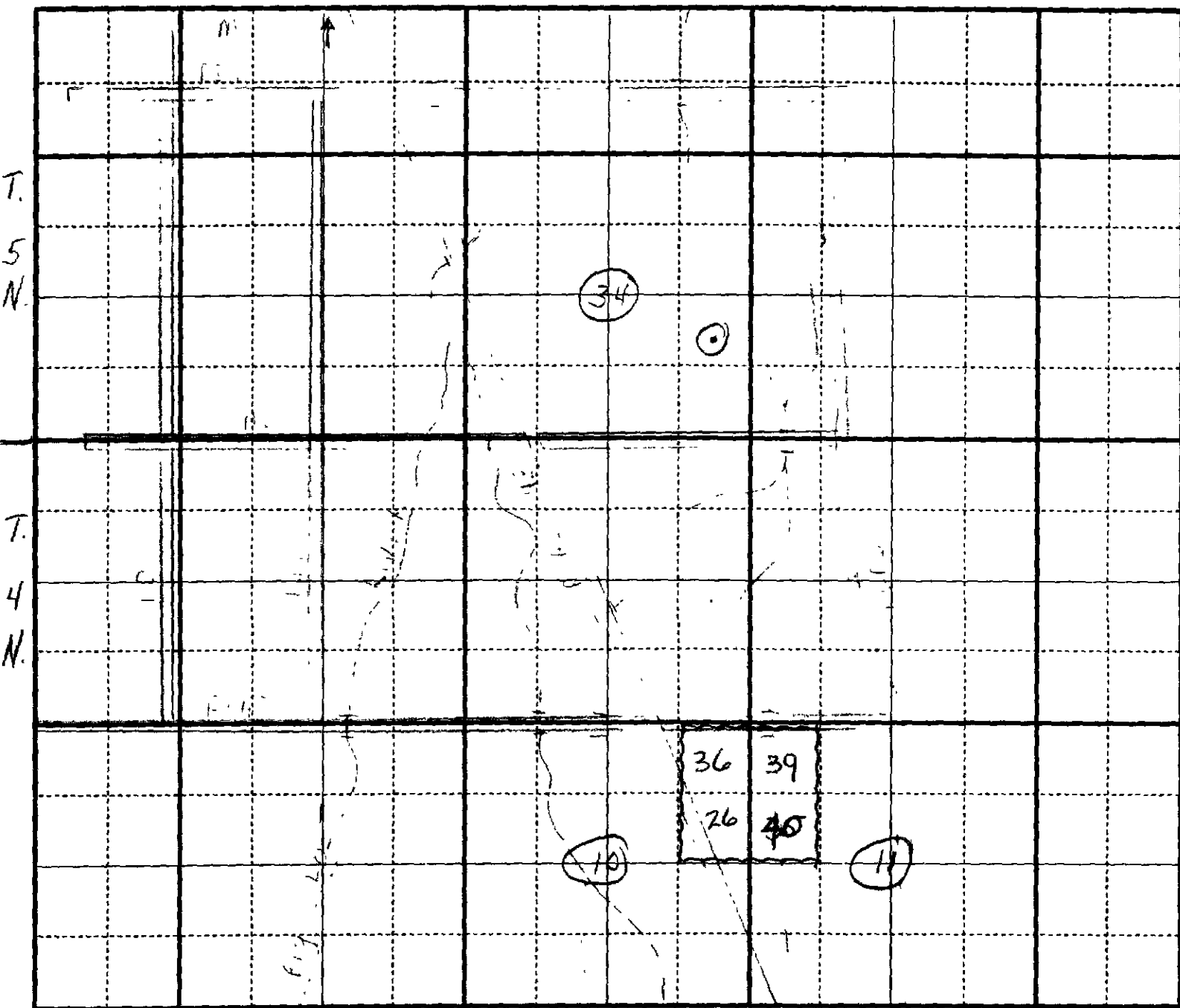
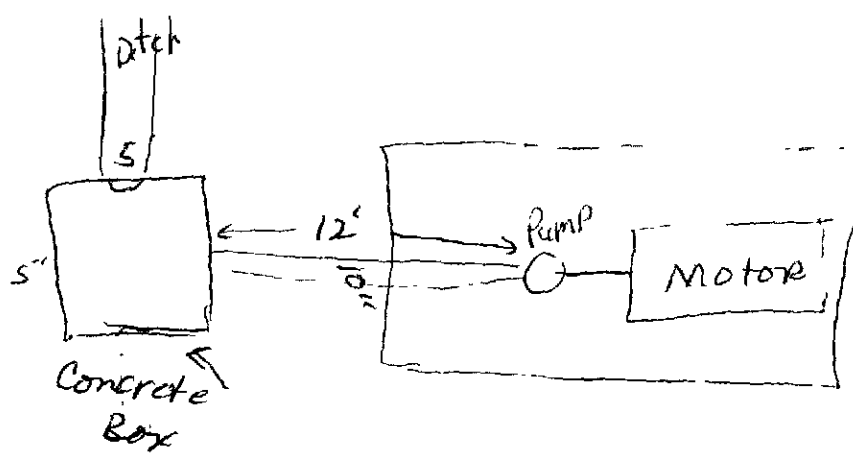


Diagram of System
E



Ditch

Aerial View
Looking East



50

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11

12

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73-156

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Feb 10

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34 2400

613

Ex. 101 de Canal

73.59

Tax 114 115

DATE OF EXAM Sept. 27, 1972

ACREAGE
Found 141
Recommended 141

Irrigation Requirement 3 Ac Ft/Ac

USE
Irrigation Q = 2.82 c.f.s. V = Irrigation AF/Ann. from May 16 to Sept 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes X no _____

Name source EAST Side Canal
twp T5N Rge R24 E/W, B.M., Sec. 36, Sub. SE 1/4 SE 1/4 Butte County

Exchange? yes _____ no X

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

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

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

Total Q measured 4.19 cfs Method of measurement Dept Spalling meter
Total Q recommended 2.82 cfs Meter No. n/a Type Spalling Condition good
Total V recommended 423 AF/yr

Recommended Amendments.

P.D. _____
Place of Use _____
Other None

MEASUREMENT CALCULATION:

Meter $\Rightarrow$ Diesel Waukesha & Equipment Co.
Serial # 108723 20HP 1200 RPM
Randolph Right Angle pump drive 1.1 cubic Serial # 51425
WINTROATH Pump. Serial # 9556

SYSTEM DESCRIPTION:

Measured 104 seconds $\therefore .01 \text{ AF} = 435.60 \text{ cu ft}$
 $435.60 \div 104 \text{ sec} = 4.19 \text{ cfs}$
 $V = 141 \times 3.0 = 423 \text{ AF/yr}$ $< 128 \times 1.9835 \times 2.82 = 715.96 \text{ AF/yr}$
ARK 8/23/77

REMARKS:

System shown by drawings
Supplemental water for periods of drought.

Examiner's Signature William R. Kozlowski Date Sept 30, 1972
Checked by Anthony R. Kozlowski Date Nov. 14, 1977
Approved by _____ Date _____

INTER-DEPARTMENT MEMO — 1

DATE December 20, 1972

FROM Bill Rhoads

TO Bob Fleenor

SUBJECT Permit No. 34-2467

A third attempt was made in August, 1972 to examine Permit No. 34-2467; unfortunately, Mr. Soward's deisel engine power was completely out of service and, as stated by Soward's "has been for about three years". The field exam was completed, less rate of diversion. Sowards stated that he would send a notice to the department as soon as he achieved an operating engine this year. No such notice has been made. The well already has a previous license, No. 34-2422, for 2.4 c.f.s., priority-6/09/61. Is a notice to show cause now in order? I don't want to give Mr. Sowards an unauthorized extention of time.

Send show cause order

DDF 12/20/72

Bill Rhoads

SIGNATURE

34 2467

January 28, 1971

Re: Permit No. G-32529/34-2467

C
J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

As stated in our letter of January 7, 1971, please find enclosed an exam form for your use in examining your system.

If we can be of any further assistance, please contact us.

P
Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: exam form

34 2467

January 7, 1971

Re: Permit No. G-32529/34-2467

J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made on your system. On October 14, 1970, you requested the Department to send you an exam form for your use in this matter. However, at this time, the Department is out of exam forms. As soon as we receive our new supply, we will send you the exam form.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

34 2467

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 2, 1970

Re: Permit No. G-32529/34-2467

J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. 34-2467; You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Arco Advertiser, Arco, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald W. McEldowney", written over a horizontal line.

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

266-11
WHEN THE AFFIDAVIT OF PUBLICATION
IS RECEIVED, FILL OUT AN EXAM RE-
PORT AND SEND IT TO THE PERMIT
HOLDER. HE IS GOING TO HAVE ANOTHER
EXAMINER MAKE THE EXAM.

DG
10-14-70

34-2467
32529

December 31, 1970

Re: Permit No. G-32529/34-2467

J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. 34-2467. You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Arco Advertiser, Arco, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:CM

34-2467

December 2, 1970

Re: Permit No. G-32529/34-2467

J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. 34-2467; You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Arco Advertiser, Arco, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

34 2467

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 + W.T. Goward
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October 14, 1970

Re: Permit No. G-32529/34-2467

J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

The legal notice for the above-referenced permit is being published in the
Arco Advertiser, Arco, Idaho on October 22

and October 29, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

34-2467

32529

October 14, 1970

Re: Permit No. G-32529/34-3467

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Jacob W. Sowards, Box 100,
Moore, Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG
Enc: legal notice

34-2467
32529

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that J. W. & W. T. Sowards, Moore, Idaho have
Had received an approved Permit No.
G-32529/34-3467 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~storage~~ of 3.2 cubic feet per second ~~which~~ ~~flow~~
~~per~~ ~~annum~~ of water from a ground water source.
The priority to be established under this permit is September 28, 1965
and the permit was approved September 22, 1965.

Water is to be diverted by well, pump, and power plant
from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 5 N, R. 26 E, B. M., Butte County
to be used for irrigation
in the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, T. 4 N, R. 26 E, B. M.

Proof of the application of the water to beneficial use ^{was} ~~is~~ ~~to~~ ~~be~~ sub-
mitted to the Department on ~~or before~~ September 28, 1970. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice or prior to the licensing
of the permit. Licensing may commence prior to the date beneficial use proof
is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Arco Advertiser, Arco, Idaho
on October 22 and October 29, 1970.

Permit No. _____

Director:

You are hereby authorized to have the above notice published at my expense
in the _____ of _____;
published in the county in which the works are situated.

Jacob W. Sowards
(Signature)

Box 100 ARCO, ID.
(Address)

10-12-70
(Date)

34-2467
32529

September 28, 1970

Re: Permit No. G-32529/34-2467

J. W. & W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

We acknowledge receipt of the affidavit of beneficial use submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this department. However, before we can schedule your permit for a field examination, it will be necessary for notice of your permit to be published in the Arco Advertiser of Arco, Idaho.

A copy of this notice was sent to you on April 8, 1970. We will need your signature as authorization for the Department to have this notice published at your expense. Please sign the authorization and return it to this office as soon as possible. If you have misplaced this notice, please advise and we will send you another one.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

34-2467
32529

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

21948

1

J. J. T. Howard

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

32529

34-2467

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

POSTMARK OF
DELIVERING OFFICE

NO
JUL
1
PM
70

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex #2 Statehouse

Boise, Idaho 83707

POST OFFICE, STATE, AND ZIP CODE

June 30, 1970

Re: Permit No. G-32529/34-2467

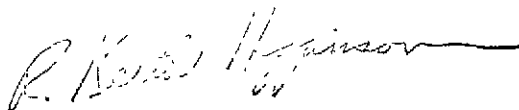
J. W. and W. T. Sowards
Moore,
Idaho 83255

Gentlemen:

One of the conditions of the approval of your permit no. G-32529/34-2467 was that proof of application of the water to beneficial use be submitted to this office on or before September 28, 1970.

Enclosed is an affidavit form which must be used to submit this proof. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code Amended.

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



State Reclamation Engineer

Enc: Proof form
dr

CERTIFIED MAIL

#21988

32529
34-2467

April 8, 1970

Re: Permit No. G-32529/34-2467

J. W. & W. T. Sowards
Moore,
Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM/DG

Enc: order
advertising package

32529
34-2467

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that J. W. & W. T. Sowards, Moore, Idaho have
has received an approved permit No.
G-32529/34-2467 issued by the Idaho State Reclamation Department authorizing the
diversion ~~storage~~ of 3.2 cubic feet per second ~~added / deleted / per / amount~~
of water from a ground-water source
subject to all prior rights. The priority to be established under this permit is
September 22, 1965 and the permit was approved September 28, 1965.
Water is to be diverted by well, pump and power plant
from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T. 5 N, R. 26 E, B. M., Butte County
to be used for irrigation
in the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11, T. 4 N, R. 26 E, B. M.,

Proof of the application of the water to beneficial use is to be submitted to the
department on or before September 28, 1970. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Arco Advertiser, Arco, Idaho on
and

33529
24-5-101

April 4, 1966

32529

Mr. Norman K. Sowards,
Moore, Idaho.

Dear Mr. Sowards:

Your application for permit is herewith returned for correction in the following particulars:

\$2.00 additional due for copies to the Bureau of Land Management.

Statutes provide for sixty (60) days from the date of first return for filing a completed application. If it is received after that date the priority will be advanced to the actual date of receipt of corrected application.

Very truly yours,

DONALD J. WATTS:
Office Engineer

Encl. - Application (Form 3)
Check for \$6.50

DJW:pmk

h 32529

March 31, 1966

Gentlemen,

Enclosed is an application for a permit to appropriate subterranean waters.

I have applied for a Desert Entry on the described property.

In accordance with the request of the Department of Interior Land Office, would you kindly submit to that office a copy of the permit.

Sincerely yours,

Norman K. Sowards

Norman K. Sowards

R + 1

Moore, Idaho

RECEIVED
APR 4 1966

DEPARTMENT OF AGRICULTURE

532529

Re: Permit No. G-32529

October 6, 1965

J. W. & W. T. Sowards,
Moore, Idaho.

Gentlemen:

We enclose Permit No. G-32529 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9830 which was issued covering payment in the amount of \$.75 for the filing fee of the above mentioned permit.

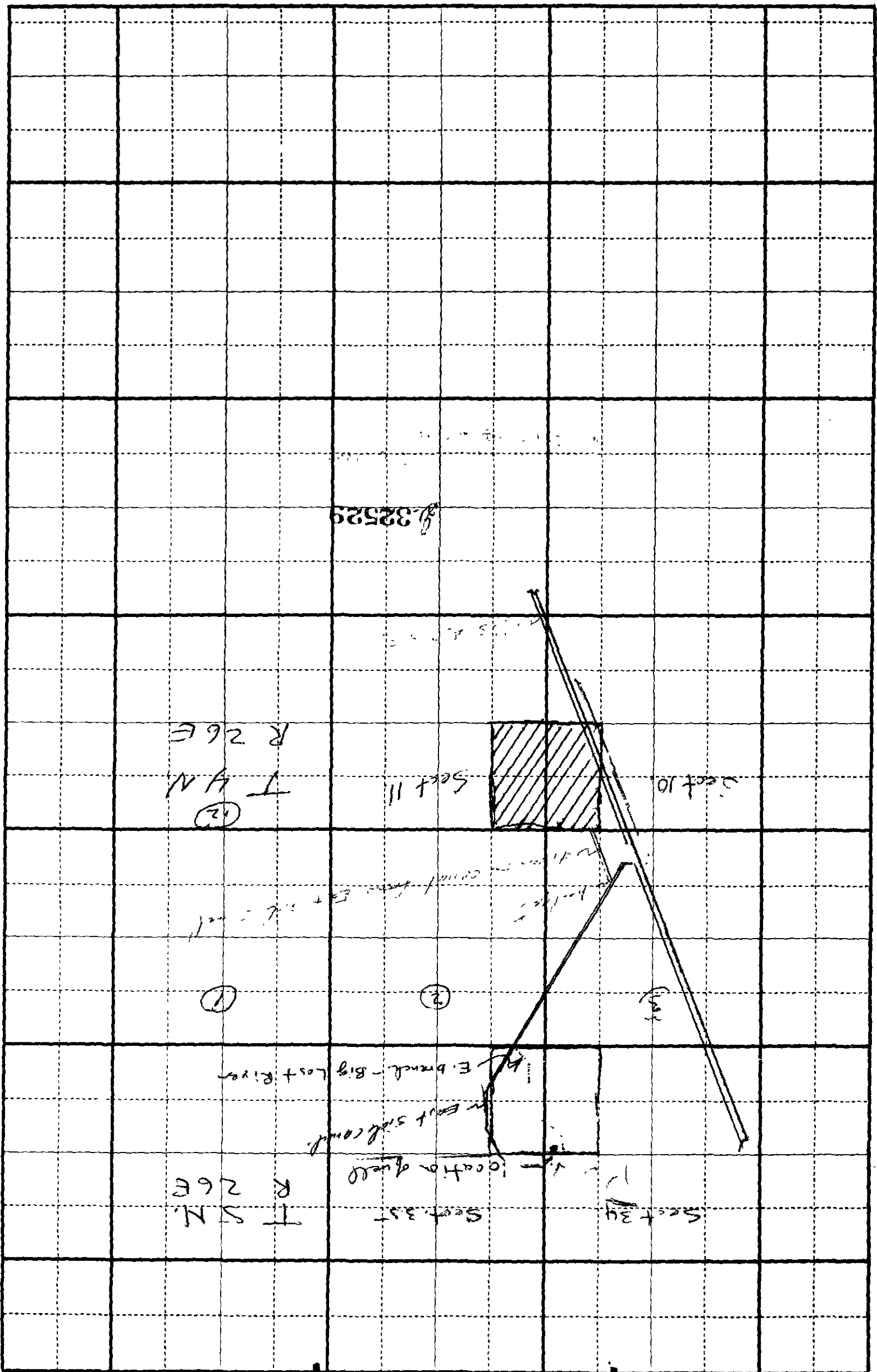
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

b 32529



h 32529

September 16, 1965

Re: Application for Permit
J. W. & W. T. Sowards

Mr. W. T. Sowards,
Moore, Idaho.

Dear Mr. Sowards:

Returned herewith is your check for \$5.00 received
with your Application to appropriate 3.2 CFS of water. The
filing fee for that amount of water is \$5.75.

Kindly return the proper filing fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl. Check for \$5.00
RWT:aw

632529