

Identification No. 13 7161

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

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

1. Name of applicant Clynn H. Christensen Phone: 425-3243
post office address Rt 1 Bx 50 Grace ID 83241
2. Source of water supply Deep well which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32 Township 39S
Range 40E B.M. CARIBOU County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:
Allow 4.8 cfs Amount 0 cfs for IRR purpose from April 1 to Nov 1 (both dates inclusive)
(see letter of 4/18/77) Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
je Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:
Allow 4.8 cfs a. 0 cfs cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. _____
PUMP AND SPRINKLER SYSTEM

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur: _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

- c. Proposed well diameter is 18" inches; proposed depth of well is 200 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.

b. Estimated construction cost is \$ 30,000.

8. Description of proposed uses:

- a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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

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	
9S40E	29													X					
9S40E	32						X	X	X	X		X							

Total number of acres to be irrigated 240

c. Describe any other water rights used for the same purposes as described above.

150 SHARES LAST CHANCE CANAL

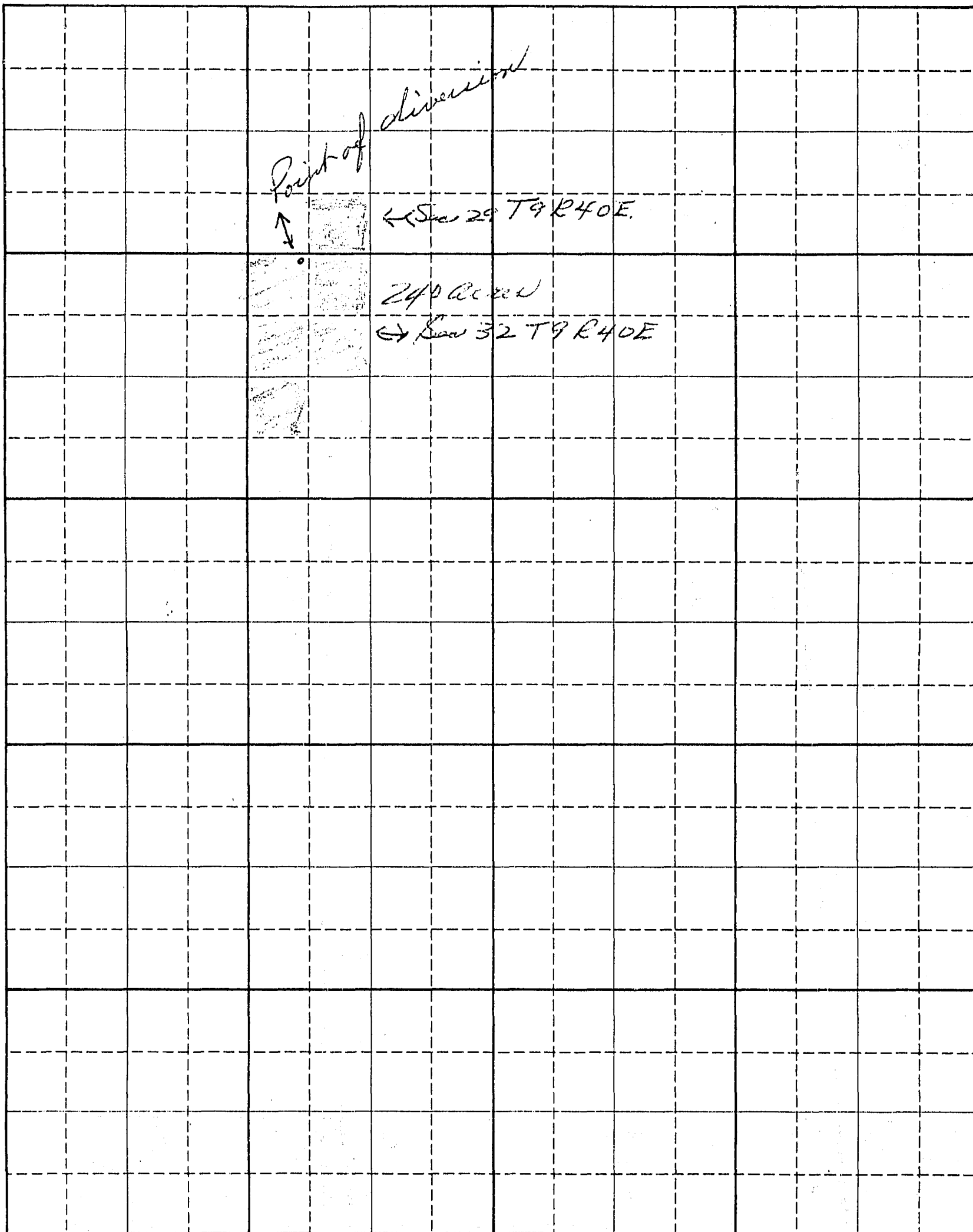
9. a. Who owns the property at the point of diversion Clynn H. CHMSTENSEN

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

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

10. Remarks I am buying this 240 Acre farm but it only had 150 shares of water which is enough to run 1 1/2 lines. My neighbors have helped me buy letting me use their excess water but now with this dry year upon us, I have to have a well to irrigate or I can not make my farm pay. Please give me every break possible as far as time is concerned as I need to be watering in 7 to 8 weeks if I am to get a crop this year. Thank you for your prompt attention to this application.

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



Scale: 2 inches equal 1 mile

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

Henry H. Christensen
(Applicant)

Proposed Priority 13-7161

Received by Cal Date 3-28-77 Time 10:45 A.

Preliminary check by BR Fee \$ 25.00

Receipted by Cal Date 3-28-77 # 484

Publication prepared by Cal Date 4-11-77

Published in Parish County Journal

Publication dates April 7 & 14, 1977

Publication approved me Date 5-9-77

Priority reduced to _____ Reason _____

Protests filed by: Utah Power & Light

Copies of protests forwarded by Cal

Hearing held by _____ Date _____

Recommended for approval denial by RDC JG

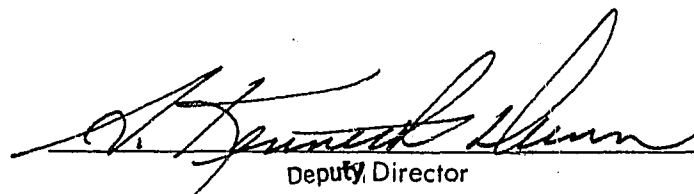
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7161, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 78.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.
The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
The the rate of diversion shall not exceed 4.8 cubic feet per second.

Witness my hand this 22 day of August 19 77.


Deputy Director

RECEIVED
MAY 9 1977

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

No. 13-7161

Notice is hereby given that Clynn H. Christensen, Grace, Idaho has on 3-28-77 submitted Application No. 13-7161 for a permit to appropriate 6.00 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E, B.M., Caribou County; to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 25, 1977.

Director

Published in the Caribou County Sun, Soda Springs, Idaho on April 7 and April 14, 1977

**Affidavit of
Publication**

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

7th

day of

April

1977

The date of the last publication

being the 14th day of

April

1977

Subscribed and sworn to be-

fore me this 2nd day

of May, 1977

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1980

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

- ☒ Source
☒ Point of Diversion
☒ County *NO, Send letter Requesting Of Accession*
☒ Quantity of Water and Period of Use Justification
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
Fee

(1) BR 3-28

In form to receipt

(2) ll h

Send Copies to:

- Idaho State Health Department
Idaho Fish and Game Department
NO Bureau of Land Management

(3) ll ll

- Request Special Use Permit from U.S.F.S.
NO Request Easement from B.L.M.
Request Information from Applicant

(4) ll h

In form for advertising

(5) ll ll

Platted on Map No. 9540E

(6) ll ll

Located within Water District No. N.A.

(7) ll ll

Critical groundwater area: yes no ☒

(8) ll ll

Groundwater levels:

Declining, ☒ Stable, Increasing

(comment) _____

(9) ll ll *RNS*

Other rights on the same place of use NONE b.w.

(10) ll ll

Comments: _____

(11) MC 5-9-77

Affidavit of Publication received(date) 5-9-77

(12) ll 4-25-77

Final date for protests April 25-77

Protests received: yes ☒ no no

(13) RDC 6/29/77

All requested information received from agencies or applicant: yes no

(14) ll ll

Action recommended:

☒ Approve Deny

3/28/77 Proposed Priority

Reason for Reduction

- ☒ Measuring device required
☒ That the rate of diversion shall not exceed 4.8 cfs.
See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC

Date 6/29/77

Supplemental

Copy

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Clynn H. Christensen,
Grace, Idaho

has on 3-28-77 submitted Application No. 13-7161
for a permit to appropriate 6.00 cubic feet per second CCCCCCCCCCCCCCCCCCCC acre feet per annum
of water from a ground-water source
by means of well and pump
within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E, B.M., Caribou County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 240 acres

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____

April 25, 1977

~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on April 7 and April 14, 1977

the-
the-
the-

**NOTICE OF APPLICATION
FOR WATER PERMIT
No. 13-7161**

Notice is hereby given that Clynn H. Christensen, Grace, Idaho has on 3-28-77 submitted Application No. 13-7161 for a permit to appropriate 6.00 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E, B.M., Caribou County; to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 25, 1977.

Director

Published in the Caribou County Sun, Soda Springs, Idaho on April 7 and April 14, 1977

April 1, 1977

RE: Application for Permit No. 13-7161 CHRISTENSEN

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted

May 9, 1977 by me

RDC:CW

Enc: Legal Notice (1)

called 5-02-77

April 4, 1977

RE: Application for Permit No. 13-7161

Mr. Clynn H. Christensen
Rt. #1, Box 50
Grace, Idaho 83241

Dear Mr. Christensen:

Attached herewith is departmental receipt No. 6484 in the amount of \$75.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

Attachment

April 5, 1977

RE: Application for Permit No. 13-7161

Mr. Clynn H. Christensen
Rt. #1, Box 50
Grace, Idaho 83241

Dear Mr. Christensen:

We have commenced the processing of the application for permit you submitted for ground water located at the following point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 9S, R. 40E, B.M., Caribou County.

However, in our review of this application we find the quantity you have applied for exceeds the statutory maximum appropriation of one miners inch per acre. The Department can accept applications requesting to appropriate more than one miners inch per acre if the applicant can provide adequate justification that the additional water will be required.

We will complete the processing of your application on April 25, 1977, at which time it will be ready for final departmental action. If, at that time, acceptable justification for the 6.00 c.f.s. has not been received, the quantity on the application will be reduced to 4.80 c.f.s.

Very truly yours,

BILL RHOADS
Regional Planner

BR: CW

CHRISTENSEN FARMS

"The Better We Grow Our Seed,
The Better Your Seed Grows."

RECEIVED

APR 18 1977



CERTIFIED SEED DOESN'T COST, IT PAYS

Quality Certified Seed Potatoes

CLYNN H. CHRISTENSEN
ROUTE 1 BOX 50
GRACE, IDAHO
425-3243

April 15, 1977

*Dept of Water Resources,
Dear Mr Rhoades,*

*I cannot justify the 6.00 CFS
applied for on Permit # 13-7161.*

*Please process my application
in the amount of 4.80 CFS.*

*Thank you,
Clynn Christensen*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 25, 1977

RE: Application for Permit No. 13-7161 CHRISTENSEN

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on April 7 and April 14, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

APR 25 1977

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION :
OF CLYNN H. CHRISTENSEN TO DIVERT :
6.00 CUBIC FEET PER SECOND OF : PROTEST OF
WATER FROM A GROUND-WATER SOURCE :
BY MEANS OF WELL AND PUMP IN : UTAH POWER & LIGHT COMPANY
CARIBOU COUNTY, IDAHO.

APPLICATION NO. 13-7161

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Clynn H. Christensen and alleges as follows:

1. Utah Power holds Water Rights decreed in the matter of Utah Power & Light Company vs. The Last Chance Canal Company, Limited, et al, In Equity No. 203, July 14, 1920, and Utah Power & Light Company vs. Richmond Irrigation Company, et al, February 21, 1922, as well as other rights in the Bear River.

2. The Bear River below Stewart Dam is fully appropriated.

3. Clynn H. Christensen has filed an Application with the Office of the Idaho Department of Water Resources numbered 13-7161 seeking to appropriate 6.00 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Clynn H. Christensen for the appropriation of 6.00 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of
Clynn H. Christensen be denied inasmuch as there is
no unappropriated water in the proposed source and the proposed use
will impair existing rights.

DATED this 21st day of April, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY

~~Attorneys for Protestant~~
~~Utah Power & Light Company~~
~~1407 West North Temple~~
~~Salt Lake City, Utah 84116~~

UTAH POWER & LIGHT COMPANY

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

April 21, 1977.

RECEIVED

APR 25 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

MARY STIRK
LEGAL ASSISTANT
350-3217

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

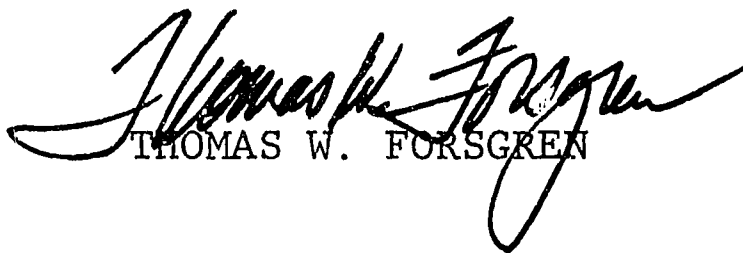
Gentlemen:

Enclosed please find the following listed Protests of Utah Power & Light Company, which have been signed in duplicate:

Application No. 11-7111 - DeMar Romrell

Application No. 13-7161 - Clynn H. Christensen

Yours truly,


THOMAS W. FORSGREN

TWF:LK
ENCS.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 28, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

RE: Application for Permit No. 11-7111 ROMRELL and 13-7161 CHRISTENSEN

Mr. Thomas W. Forsgren, Attorney
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 28, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

Mr. Clynn Christensen
Rt. #1, Box 50
Grace, Idaho 83241

Dear Mr. Christensen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 13-7161. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

June 16, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

Mr. Thomas W. Forsgren, Attorney
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

I have reviewed your proposals of June 8, 1977, and find proposal "A" to be quite acceptable. The Department will, and does, issue all permits for both surface and ground water subject to all prior water rights.

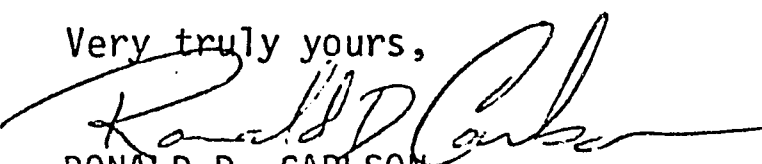
I have enclosed a Stipulation for your review which would take care of any present protests against ground water applications or future objections unless Utah Power and Light has a specific reason for protesting a given application.

Your second proposal is not acceptable because water either is available or is not available for a given application. If water is available, the statutes require the Department to issue a permit. If it is not available, then the permit must be denied or approved with conditions to protect prior existing water rights.

I believe a preferable approach would be for Utah Power and Light to prepare a letter expressing their concern and any data that they have available concerning the water supply, and rather than protesting the applications simply request that both the Department and the applicant consider this information in any further action they might take.

Unless Utah Power and Light can decide upon a plan of action that will be acceptable to both the Department of Water Resources and themselves in the very near future, it will be necessary for us to proceed scheduling conferences and/or hearings to dispose of the protests we now have in our files. We are tentatively planning to send out hearing notices and schedule conferences and/or hearings in the matter of these protests during the last week in June. It is, therefore, imperative that I hear from you prior to that time if we are to resolve these protests without going to required hearings.

Very truly yours,


RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

Enclosure

STIPULATION

Utah Power and Light is becoming increasingly concerned over the growing number of applications for permit within the drainage area of the Bear River. Unfortunately, the data available do not show a direct connection between ground water and surface water sources and, therefore, it is difficult to demonstrate damage at this time. Therefore, Utah Power and Light will withdraw any and all protests submitted against ground water applications with the understanding that the Department imposes as a condition of approval, a statement clearly showing that the permit is subject to all prior water rights.

Signed at _____ this _____ day of _____, 1977.

THOMAS W. FORSGREN, Attorney
Utah Power and Light Company

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

June 8, 1977

RECEIVED

JUN 9 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3786

MARY STIRK
LEGAL ASSISTANT
350-3217

Mr. Ronald D. Carlson, Supervisor
Eastern Region
State of Idaho Department of
Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Applications filed with Idaho Department
of Water Resources effecting Utah Power &
Light Company Water Rights

Dear Mr. Carlson:

I am taking this opportunity to submit for your
Department's consideration the following procedures concern-
ing applications filed with the Idaho Department of Water
Resources which effect Utah Power & Light Company water rights:

A. Applications to Appropriate Ground Water. Utah
Power & Light Company will not protest these applications and
the State Engineer, if issuing a permit, will do so subject to
all prior rights.

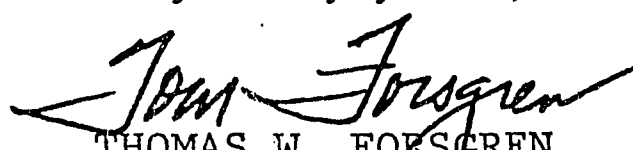
B. Applications to Appropriate Surface Water. Utah
Power & Light Company will protest these applications but will
withdraw the protest in the event the applicant agrees to compen-
sate the Power Company for its losses incurred by virtue of the
applicant's acquisition of the water.

Mr. Ronald D. Carlson
June 8, 1977
Page Two

If the above procedure is acceptable or if you wish to treat the subject applications in some other manner, please so notify me.

Thank you for your cooperation.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb

MEMORANDUM

TO: Bob Fleenor
FROM: Ron Carlson *RDC*
RE: Protested Ground-Water Applications by Utah Power & Light
DATE: June 30, 1977

I am sending these applications to appropriate ground water to Boise with the recommendation that they be approved. I believe we have ample evidence in the file indicating that Utah Power & Light has no desire to pursue protests they have filed against ground water applications.

I feel badly that these applications have been delayed by the protests, since some of the applicants were seeking to complete their development in hopes of producing a crop during the 1977 season.

Enclosures: Applications No.	11-7115	13-7164	13-7175
	11-7116	13-7167	29-7387
	13-7155	13-7169	
	13-7161	13-7171	
	13-7163	13-7172	

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION)
OF CLYNN H. CHRISTENSEN TO)
DIVERT 6.00 C.F.S. OF WATER FROM)
A GROUND-WATER SOURCE BY MEANS)
OF WELL AND PUMP IN CARIBOU)
COUNTY, IDAHO.)

APPLICATION NO. 13-7161
)
)
)
)
)

WITHDRAWAL OF PROTEST
OF
UTAH POWER & LIGHT COMPANY

COMES NOW the Protestant, Utah Power & Light Company,
and hereby withdraws its protest filed in the above matter with
the understanding that the permit issued by the Department of
Water Resources will be issued subject to prior rights.

DATED this 7th day of July, 1977.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

By

Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

UTAH POWER & LIGHT COMPANY

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

July 7, 1977

RECEIVED

JUL 8 1977

Department of Water Resources
Eastern District Office

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

MARY STIRK
LEGAL ASSISTANT
350-3217

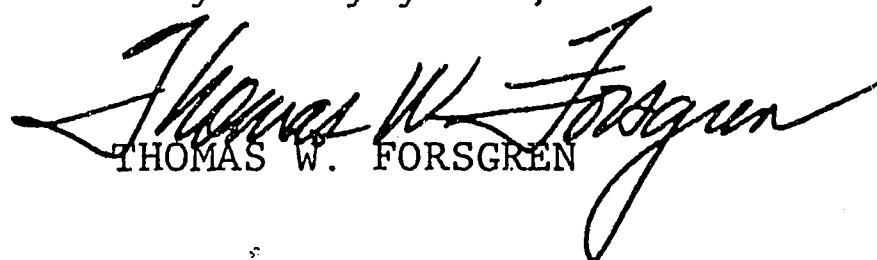
Mr. Ronald D. Carlson
Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Enclosed please find Withdrawals of Protest concerning ground water applications previously filed with your Department. With regard to applications for other than ground water, I agree with your language in your June 16, 1977 letter in which you state, "If water is available, the statutes require the Department to issue a permit. If it is not available, then the permit must be denied or approved with conditions to protect prior existing water rights." I don't think there is any question but that the Bear River is fully appropriated and that there is no water which could be the subject of a new permit. As support for this conclusion, I would refer you to the Watermaster's Report on Flow and Diversion for Idaho District II. If you wish us to supply you with this report, we will be pleased to do so. In light of the above, we would respectfully submit that applications for surface water in the subject area be denied.

Thank you for your cooperation in this matter.

Very truly yours,


THOMAS W. FORSGREN

TWF:mb

August 25, 1977

Re: Permit No. 13-7161

Clynn H. Christensen
Rt. 1, Box 50
Grace, ID 83241

Dear Mr. Christensen:

Enclosed is a copy of your approved Application for Permit No. 13-7161. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

April 28, 1977

C
RE: Application for Permit No. 11-7111

Q
Mr. DeMar Romrell
Rt. #1
Montpelier, Idaho 83254

P
Dear Mr. Romrell:

Please find enclosed an additional protest filed by Thomas W. Forsgren, Attorney for Utah Power and Light against the above referenced application.

Very truly yours,

V
RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7161

IN THE NAME OF CLYNN H. CHRISTENSEN

ORDER OF REINSTATEMENT

WHEREAS, on March 28, 1977, Clynn H. Christensen filed with the Department of Water Resources an application for permit to appropriate 4.80 cubic feet per second of water from a groundwater source within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 9S, Rge. 40E B.M., Caribou County to be used for irrigation of 240 acres; and,

WHEREAS, on August 22, 1977, the Department approved said application and issued Permit No. 13-7161 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1978; and,

WHEREAS, on June 30, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on September 1, 1978, the permit automatically lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use of water on September 19, 1978;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7161 be REINSTATED and the priority advanced to April 15, 1977.

Dated this 21st day of September, 1978.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 30, 1978

CERTIFIED MAIL

Re: Permit No. 13-7161

138-95

Clynn H. Christensen
Route 1, Box 50
Grace, ID 83241

Dear Mr. Christensen:

One of the conditions of approval of your water Permit No. 13-7161 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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


RITA FLECK
Water Rights

Encl: Proof affidavit

CHRISTENSEN FARMS

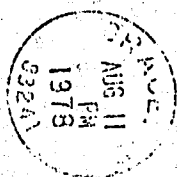


Quality Certified Seed Potatoes

ROUTE 1, BOX 50

GRACE, IDAHO 83241

Statehouse
Boise, Idaho 83720
Attn: Rita Slack
Water Rights



you 13-7161
CHRISTENSEN FARMS
"The Better We Grow Our Seed,
The Better Your Seed Grows."

Quality Certified Seed Potatoes

CLYNN H. CHRISTENSEN
ROUTE 1 BOX 50
GRACE, IDAHO
425-3243

CERTIFIED SEED DOESN'T COST, IT PAYS



RECEIVED

AUG 14 1978

Department of Water Resources

Dear Mr. Fleck,

Regarding your letter of June 30, 1978,
concerning permit # 13-7161, I request an
extension of time because the measuring
device is not installed yet on the water
system.

Thank you,

Clynn H. Christensen

P.S.

Could you suggest a place
of business that installs measuring
devices?

August 22, 1978

Re: Permit No. 13-7161

Clynn H. Christensen
Route #1, Box 50
Grace, ID 83241

Dear Mr. Christensen:

We have received your letter requesting an extension of time for the above referenced permit. However, before we can process this request we need some additional information concerning the amount of work completed on the project to date. The enclosed request for extension of time will give us this information.

On July 1, 1978, the Department adopted a new policy concerning measuring devices. It reads as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department." This condition is retroactive and does include your permit also. Therefore, if you can obtain one of the other methods of measurement and can submit proof of beneficial use please complete and return the enclosed proof of beneficial use form. If not, then the extension request form should be completed and returned.

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosures

September 15, 1978

Re: Permit No. 13-7161

Clynn H. Christensen
Route #1, Box 50
Grace, ID 83241

Dear Mr. Christensen:

On August 22, 1978, we sent you an extension request form and a proof of beneficial use form, one of which to be completed and returned to our office as soon as possible.

Your permit did automatically lapse on September 1, 1978 and a day of priority will be lost for each day one of these forms is late. However, if we receive either the extension form or proof form within 15 days your permit can be reinstated.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

Identification No. _____
Permit No. 13-7161

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 19 1978

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Clynn H. Christensen
b) Post Office Address Rt 1 Bx 50 GRAVE ID 83241
2. Permit Number 13-7161
3. Date of Priority that you are prepared to establish APRIL 4, 1977
4. a) Source from which water was appropriated Deep well
b) Location of the point of diversion: NW 1/4 NW 1/4, Section 32
Township 9 S, Range 40 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 4.8 for IRR purposes from APR 1 to NOV 1 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 4.8 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: ACCESS PORT
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 345' Well 306' 16" casing
150 HP PUMP 300 H.P. ENGINE
b) Describe the type and size of measuring device which you have installed at your point of diversion: ACCESS PORT IS INSTALLED AS PASSED
IN RECENT LEGISLATION
c) Give well driller's name and address and the date the well was completed: PAUL VOILMER - Aberdeen
MAY 30, 1977
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Examined

9/21/78

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: THIS 240 ACRE FARM IS WATERED BY DEEP WELL WITH MAIN LINE IN BOTH DIRECTIONS FROM POINT OF DIVERSION + 4" HAND LINES ARE USED

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
9S	40E	29												40					40
9S	40E	32					40	40	40	40	40								200

Total number of acres irrigated 240

10. Remarks: _____

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

9-18-78
 (Date)

Lynn H. Christensen
 (Signature)

State of Idaho)
) ss.
 County of Caribou)

On this 18 day of September, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert J. Baker
 Notary Public residing at Idaho

My commission expires lifetime



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 21, 1978

Clynn H. Christensen
Route 1, Box 50
Grace, ID 83241

Dear Mr. Christensen:

Re: Permit No. 13-7161

Enclosed is a copy of the Order reinstating your permit and advancing your priority date to April 15, 1977.

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

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

If you have any questions regarding the field examination, please contact our regional office in Idaho Falls.

Sincerely,

RITA FLECK
Water Rights

State of Idaho
Department of Water Resources

RECEIVED
OCT 24 1980
OCT 10 1980

ASSIGNMENT OF PERMIT

I, Clynn H. Christensen and / Michele Christensen, hereby assign to Farmers Home Administration
of 159 East 2nd South #3, Soda Springs, ID. 83276
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 137161
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 14th day of July, 19 80.

Clynn H. Christensen
Permit Holder - CLYNN H. CHRISTENSEN

Michele Christensen
Spouse of Permit Holder - MICHELE CHRISTENSEN

State of Idaho)
County of Caribou) ss.

On this 14th day of July, 19 80, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

A. Bruce Larson
Notary Public residing at Soda Springs, Idaho

My commission expires:
Lifetime

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
~~App. for Permit~~	~~13-7161~~	~~Clynn H. Christensen (& Michele Christensen)~~	~~4.8~~
Assignment	13-7161	Farmers Home Administration	4.8

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7161

Priority: April 15, 1977 Amount: 4.54 CFS 690.0 AFA

This is to certify, that U.S. DEPT. OF AGRI.

FARMERS HOME ADMINISTRATION

159 E. 2ND S. #3

SODA SPRINGS, ID 83276

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated March 28, 1977, and has submitted proof to the Department of Water Resources on September 19, 1978, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 4.54 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	4.54 cfs	690.0 afa

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 32, Township 9S, Range 40E
Caribou County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
9S	40E	29	SESW 38				38
		32	NENW 38	NWNW 38	SWNW 38	SENW 40	192
			NWSW 38				

Total number of acres irrigated: 230

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 19th day of July, 1988.

Director

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7161.

Name(s) of Permit Holder: Clynn H. Christensen

Post Office Address: Rt. 1 Bx 50

Grace Id 83241 Tel. No. 425-3243

Source of Water: groundwater

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 240 (acres)
☐ Other

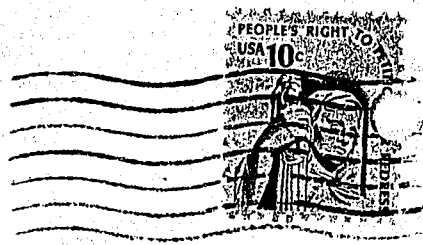
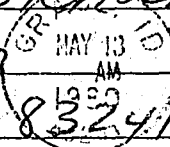
Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

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

5-12-80
Date

Clynn H. Christensen
Signature of Permit Holder

Clynn Christensen
Rt 1 Bx 50
GRACE ID 83241



RECEIVED

MAY 15 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION
159 East 2nd South #3
Soda Springs, ID. 83276

RECEIVED

OCT 24 1980

Department of Water Resources

October 8, 1980

RECEIVED

OCT 10 1980

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, ID. 83401

Gentlemen:

We are enclosing an Assignment of Permit No. 137161 which has been executed by Clynn H. and Michele Christensen. Please incorporate this into your records.

Thank you for your cooperation.

Sincerely,


J. STEPHEN MALAN
County Supervisor

Enclosure

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination based on race, sex, religion,
national origin or marital status should be sent to:
Secretary of Agriculture, Washington, D. C. 20250



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

November 12, 1980

Farmers Home Administration
159 East 2nd South #3
Soda Springs, Idaho 83276
Permit # 13-7161

Gentlemen:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

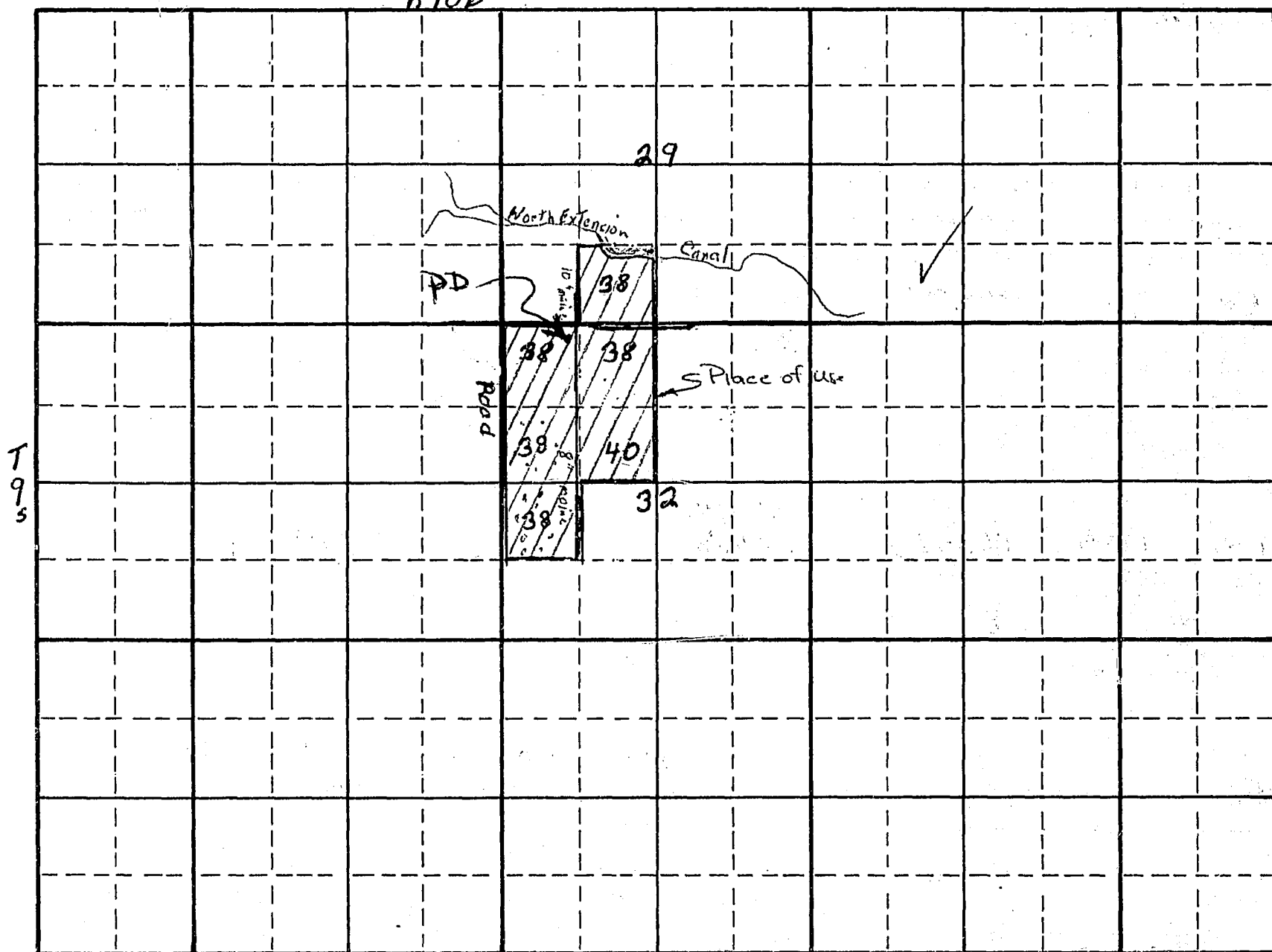
JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

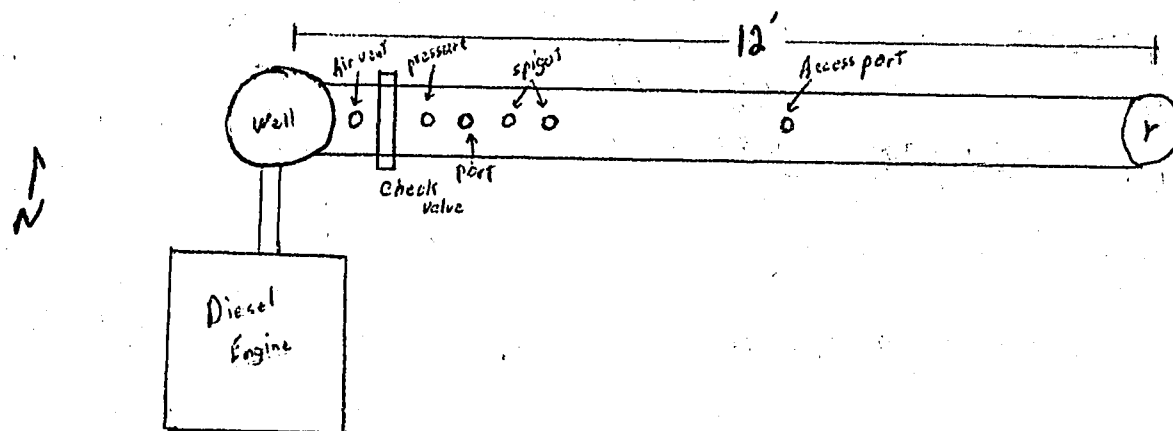
B40E

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

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



Point(s) of diversion: NW 1/4 Sec 32 T9S B40E BM. Caribou

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	40E	29					38	38	38	40		38		38					38 ✓
		~~30E~~																	~~192~~ 192 ✓
		32																	~~192~~ 230 ✓

Recommended Amendments:

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

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

- ☒ None
☐ Other

Examiner's Signature John D. Carlson Date 9/15/83
 Checked by Keith Wilson Date 13 Jan 1984
 Approved by K. Walker Date 4-15-86



29-7477

29-7601
29-7544
29

13
29-7526
29-7438
13-7261
29-4230
13-7259
29-4229

13-4113

11-0258 A
11-0258 B T.212
11-0258 C T.212
11-0258

13-4114
13-7155
13-7058A

13-2321

July 22, 1988

U.S. DEPT. OF AGRI.
FARMERS HOME ADMINISTRATION
159 E. 2ND S. #3
SODA SPRINGS, ID 83276

RE: PERMIT NO. 13-07161

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3993

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant CARL B. OR PATRICIA JORGENSEN Phone 208/425-3953
Post Office address 1699 LLOYD RD., BAUCROFT, ID 83217

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 APPLICANTS WISH TO MOVE PORTION OF
WATER RIGHT ONTO MORE PRODUCTIVE LAND.

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

1. Right Number 13-7161 Priority 04/15/1977 Amount (cfs/ac-ft) 4.54 Nature of Use IRRIGATION Period of Use 04/01 to 11/01

_____ to _____
_____ to _____
_____ to _____
2. Total amount of water being transferred 4.54 cubic feet per second and/or _____ 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	32	9S	40E	CARLETON	

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	
9S	40E	31	30	32	33	30													125
		32					30	28	20	27									105

Total acres 230

Page _____ of _____

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system WELL, PUMP & PIPELINES TO TWO CENTER PLOTS

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

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

land will continue to be irrigated with Lost Chance water.
lands in SEC. 31 shown in this transfer are presently ir-
rigated with Lost Chance water as well. No NEW GROUND
WILL BE IRRIGATED AS A RESULT OF THIS TRANSFER.

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. 13-07161

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

APPROVAL OF THIS TRANSFER IS EFFECTIVE THROUGH NOVEMBER 1, 1992, AT
WHICH TIME THE RIGHT REVERTS BACK TO THE ORIGINAL PLACE OF USE.

Witness my hand this 10th day of September 19 92

J. Blum Garton
CHIEF, WATER ALLOC. BUREAU

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. 13-07161 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 QUITCLAIM DEED

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 04/15/1977

5. Water is used for the following purpose:

amount 4.54 for IRRIGATION purposes from 04/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.54 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	32	4S	40E	CARIBOU	

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	
4S	40E	29												38					38
		32					38	38	38	40	38								192

Total acres 230

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

CHANCE CANAL.

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 2.47 for IRRIGATION purposes from 4-1 to 11-1
 (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
		NW	NW	32	7S	40E	CARIBOU	

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	
~~9S~~	~~40E~~	~~32~~																	
9S	40E	29												38					38
		32					8	10	18	13		38							87

Total acres 125**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.07 for IRRIGATION purposes from 4-1 to 11-1
 (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
		NW	NW	32	9S	40E	CARIBOU	

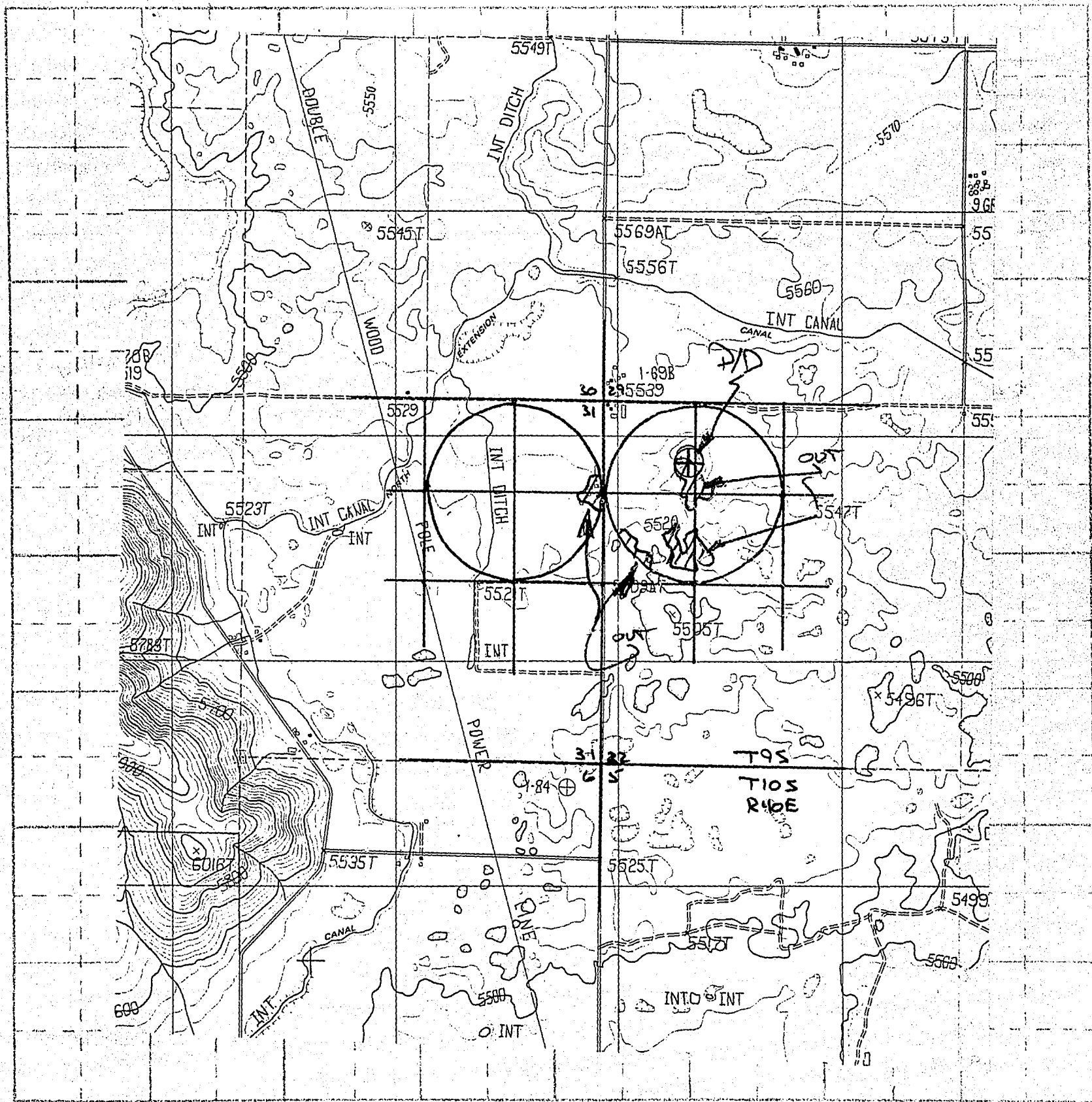
3. Lands irrigated or place of use:

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	
9S	40E	32					30	28	20	27									105

Total acres 105

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.



Page _____ of _____

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Cal B. Jorgensen
(Signature of Applicant)

Subscribed and sworn to before me this 19 day of May, 19 92.

[Signature]
(Notary Public)

My commission expires 9-12-1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DPW Date 5-19-92 Protest filed by _____

Prelim. check by Kaw Fee #50.00 E017347

Receipted by DPW Date 5-19-92

Published in Caribou County Sun Copies of protest forwarded by _____

Pub. dates 7-2-92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

#10353

Position 5

Form FmHA 1955-49

(Rev. 10-28-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

CARL B. JORGENSEN AND PATRICIA JORGENSEN, HUSBAND AND WIFE,
HC 72, BOX 2410, BANCROFT, ID. 83217

, Grantee, for the sum of ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$150,000.00) DOLLARS

all interest in the following described real estate situated in the County of CARIBOU

State of IDAHO, to-wit:

Township 9 South, Range 40 East of the Boise Meridian:

Section 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT that portion thereof lying North of the North Extension Company canal.

Section 32: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Together with 150 shares of stock in the North Extension Canal Co. and 150 shares of stock in the Last Chance Canal Co.

STATE OF IDAHO }
County of Caribou }

SS 129998

I Hereby certify that this instrument was filed

at the request of Caribou Title Co.

at 3:30 o'clock P M this 3

November, 1981 in my office as

recorded in Microfilm Records

Myra W. Archibald

Ex-Officio Recorder

4:00

Dt. ...

COPY

This deed is executed and delivered pursuant to the provisions of a credit sale of Government
Inventory Property formerly belonging to Clynn H. Christensen and Michele
Christensen, 12-15-518605189, Advice No. 20965, and the

authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated August 26, 1986.

UNITED STATES OF AMERICA (Grantor)

By Dennis R. Nelson
Dennis R. Nelson, Acting State Director

Farmers Home Administration
United States Department of Agriculture

In the presence of:

*

*

ACKNOWLEDGMENT

STATE OF IDAHO)
)
County of Ada)

On this 26th day of August, before me, the undersigned, a Notary Public in and for said State, personally appeared Dennis R. Nelson, known to me to be the Acting State Director, Farmers Home Administration, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above mentioned.

Joyce Stachler
JOYCE STACHLER
Notary Public in and for the
State of Idaho
Residing at Boise, Idaho
My Bond Expires 8-11-87

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

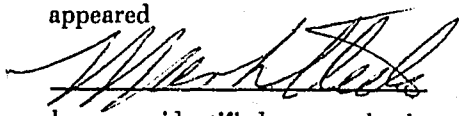
2nd day of
July, 19 92

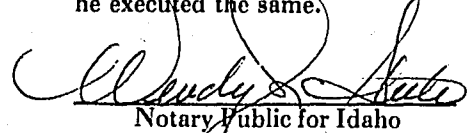
The date of the last publication
being the 9th day of

July, 19 92

On this 31st day of July
in the year of 1992 before

me, a Notary Public, personally
appeared


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.


Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 1994

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. 13-07161

Notice is hereby given that Carl
B. or Patricia Jorgensen has applied
to the Department of Water
Resources to change place of use of
the waters of a groundwater source.
The right sought to be changed is
evidenced by a license and recorded
as follows:

LICENSE NO. 13-07161

AMOUNT: 4.54 cfs

PRIORITY: 4-15-1977

POINT(S) OF DIVERSION:

NWNW SEC 32 T9S R40E,
CARIBOU COUNTY

The water is used from April 1
to November 1 to irrigate 230 acres
within the SESW SEC 29, NW
NWSW SEC 32 T09S R40E, B.M.

TO BE CHANGED AS
FOLLOWS:

The water will be diverted from
the NWNW SEC 32 T09S R40E,
B.M.

Any protests against the
proposed change must be filed with
the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID, 83402, on or before July
20, 1992.

(s) R. KEITH HIGGINSON
Director

Published in the Caribou County
Sun on July 2 and 9, 1992.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 13-07161

Notice is hereby given that Carl B. or Patricia Jorgenson has applied to the Department of Water Resources to change place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:
LICENSE NO. 13-07161 AMOUNT: 4.54 cfs

PRIORITY: 4-15-1977

POINT(S) OF DIVERSION: NWNW SEC 32 T9S R40E, CARIBOU COUNTY

The water is used from April 1 to November 1 to irrigate 230 acres within the SESW SEC 29, NW NWSW SEC 32 T09S R40E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NWNW SEC 32 T09S R40E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before July 20, 1992.

R. Keith Higginson
Director

Published in the Caribou County Sun on July 2 & 9, 1992.



United States
Department of
Agriculture

Farmers
Home
Administration

159 East 2nd S., No. 3
Soda Springs, Idaho 83276

RECEIVED

MAY 25 1992

Department of Water Resources
Eastern District Office

May 22, 1992

Idaho Department of Water Resources
Attn: Paul Myers
150 W. Shoup St. Suite 15
Idaho Falls, ID. 83402-3653

Dear Myers:

As discussed with you regarding the transfer of water on land owned by Mr. Carl B. Jorgensen and Patricia Jorgensen, FmHA is prepared to do the following:

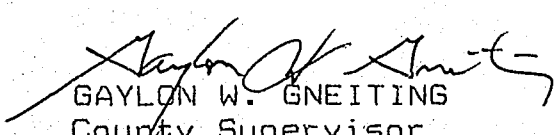
allow the temporary transfer of water as described in Parts 1, 2 and 3 of "Application for Transfer of Water Right" dated May 19, 1992. This temporary basis would be for the crop year of 1992. As of December 1, 1992, the water use would terminate and the water right would revert back to the original land.

The temporary transfer of water is felt justified to FmHA in light of the severe shortage of water in the area at present time.

Reasonable water management will be needed by all in our area in order to get through this year with minimal negative impact.

We hope this may help Mr. Jorgensen's water use needs. If you have any questions, please call at 547-4926.

Sincerely,


GAYLON W. GNEITING
County Supervisor

cc: Carl Jorgensen

FORM FmHA-ID 1940-1
(8-20-84)

ACKNOWLEDGMENT BY INDIVIDUAL

STATE OF IDAHO)
) ss:
COUNTY OF Caribou)

On this 22nd day of May, in the year of 1992, before me,
JoAnn L. Rhodes, a Notary Public, personally appeared
Gaylon W. Gneiting, known or identified to me
(or proved to me on the oath of _____), to be the
person(s) whose name(s) (is) (are) subscribed to the within instrument, and
acknowledged to me that (he) (she) (they) executed the same.

(SEAL)

JoAnn L. Rhodes
Notary Public in and for the State of Idaho
Residing at: Soda Springs, ID.

My Bond Expires: 5-13-97

MEMORANDUM

TO: File 13-07161
FROM: Sharla
DATE: September 8, 1992
RE: Trans. No. 3993

This transfer application was filed May 19 to move the right onto more productive land for the 1992 irrigation season. Approval of the transfer thus ends on November 1.

Obviously at this point, approval is after-the-fact. Because of the short-term request, the normal conditions regarding one-year completion will not be added. The transfer can be approved without conditions.

BECAUSE OF THE FACT THAT THIS IS A TEMPORARY TRANSFER, THE "T" FILE WILL REMAIN IN THE DATABASE FOR THE APPROVAL PERIOD AND WILL BE DELETED FROM THE DATABASE AT THE END OF THE APPROVAL PERIOD.



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

September 14, 1992

CARL B JORGENSEN
PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

RE: Transfer of Water Right No. 13-07161

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3993). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

\$100% fee

Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4560APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant CARL B OR PARICIA JORGENSON Phone 208/425-3953
Post Office address 1699 LLOYD RD, BANCROFT, ID 83217

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 APPLICANTS WISH TO MOVE PORTION OF WATER RIGHT ONTO MORE PRODUCTIVE LAND.

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
13-7161 4/15/1977 4.54 IRRIGATION 4/1 to 11/1

_____ to _____
_____ to _____
2. Total amount of water being transferred 4.54 cubic feet per second and/or _____ 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	32	9S	40E	CARIBOU	

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	
9S	40E	31	30	32	33	30													125
		32					30	28	20	27									105

Total acres 230

PART 1

6. General Information:

a. Description of diversion system WELL, PUMP, AND PIPELINES TO TWO CENTER PIVOTS

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

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

LAND WILL CONTINUE TO BE IRRIGATED WITH LAST CHANCE WATER. LANDS IN SEC 31 SHOWN IN THIS TRANSFER ARE PRESENTLY IRRIGATED WITH LAST CHANCE WATER AS WELL. NO NEW GROUND WILL BE IRRIGATED AS A RESULT OF THIS TRANSFER.

d. Remarks:

This duplicates the effects of transf. # 3993 which expired in Nov. 1992.

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 _____.

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. 13-07161 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 QUIT CLAIM DEED

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 4/15/1977

5. Water is used for the following purpose:

amount 4.54 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.54 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	32	9S	40E	CARIBOU	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals.
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	40E	29												38					38
		32					38	38	38	40		38							192

Total acres 230

9. Describe any other water rights used for the same purpose as described above SHARES IN LAST CHANCE
CANAL.

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

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 13-07161

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.54 CFS	690.0 AF

SOURCE

GROUNDWATER

Priority: 04/15/1977

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 32, Township 09S, Range 40E
CARIBOU CountyPLACE OF USE: IRRIGATION

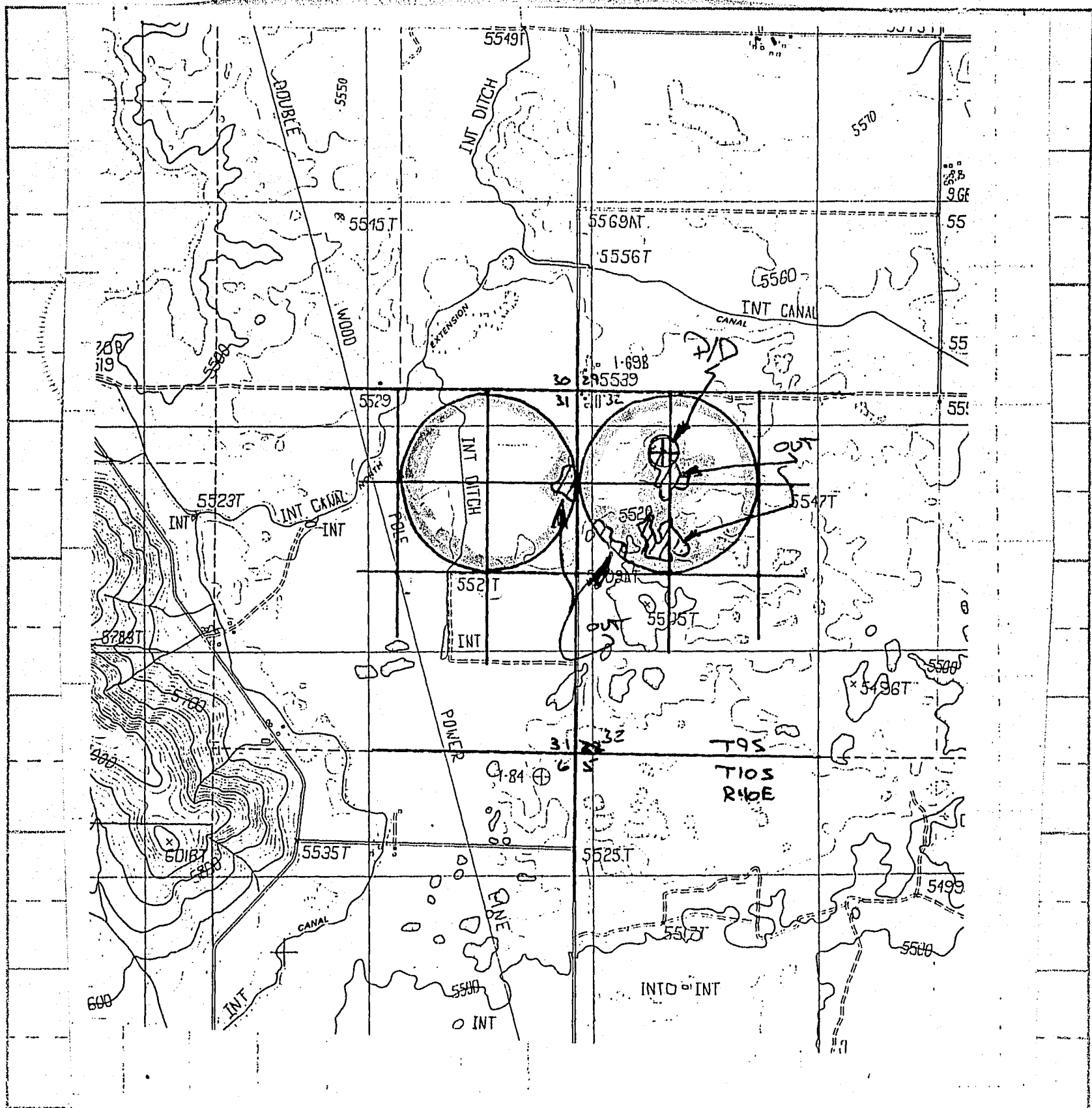
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	40E	29	SESW 38			38
		32	NENW 38	NWNW 38	SWNW 38	
			SESW 40	NWSW 38		192
Total number of acres irrigated:						230

CONDITIONS/REMARKS:

1. THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE

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.



SCALE: 1 inch equal 1 mile. Draw plan in ink.

Page 7 of 7

Transfer No. 4560

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Carl Jorgensen
(Signature of Applicant)

Subscribed and sworn to before me this 1ST day of MARCH, 19 95.

Ray B. [Signature]
(Notary Public)

My commission expires 4-13-2000

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 0 attachments

Received by RB Date 3-2-1995 Protest filed by (1) Warren & Jennie Lloyd

Prelim. check by _____ Fee \$100.00 E020735 (2) David Lloyd of Lloyd Farms

Receipted by RB Date 3-2-1995

Published in Caribou County Sun Copies of protest forwarded by RB 4-18-95

Pub. dates March 17 & 24 - 1995 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE)
NAME OF CARL B. OR PATRICIA)
JORGENSEN)

RECOMMENDED
ORDER

Carl B. or Patricia Jorgenson filed application for transfer no. 4560 with the Department of Water Resources (Department), proposing to move the place of use described by license no. 13-07161. The application for transfer was protested by Warren and Jennie Lloyd and by Lloyd Farms. David Lloyd signed on behalf of Lloyd Farms.

A hearing was conducted at the Pocatello Airport on November 2, 1995. Carl Jorgenson (Jorgenson) was present, and was represented by his attorney, A. Bruce Larsen. Warren and Jennie Lloyd also attended. No one appeared representing Lloyd Farms. As a result, Lloyd Farms' protest is set aside because of their failure to appear.

Evidence having been taken, and the record having closed, the hearing officer recommends the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. License no. 13-07161 authorizes diversion of ground water from a well located in the NWNW, S32, T9S, R40E. It also authorizes irrigation of 230 acres, described as follows:

Place of use

<u>Township</u>	<u>Range</u>	<u>Section</u>		<u>Acres</u>
9S	40E	29	SESW	38
			NENW	38
		32	NWNW	38
			SWNW	38
			SESW	40
			NWSW	38
				230 Total

2. Each of the parcels described above contain 40 acres. The license describes less than 40 acres irrigated within each of

these parcels because of boundary roads and perhaps some unirrigated rocks or rough terrain.

3. Jorgenson testified he owns 240 acres of which 230 acres are authorized for irrigation. Approximately 41 acres of the 240 acres owned by Jorgenson contain rock piles or natural land features which are not tillable acres (hereafter referred to as "the nonproductive acres").

4. Jorgenson's irrigation system has applied water to the nonproductive acres. The licensing examiner recognized that nonproductive acres were being watered, but included the nonproductive acres within the recommended place of use. He also stated that some of the nonproductive acres were not watered where adjacent productive acres were irrigated with handlines. Some of the nonproductive acres were described by the license as part of the place of use upon which the water was being beneficially used.

5. Jorgenson testified that water was applied to 30 of the 41 nonproductive acres.

6. Application for transfer no. 4560 proposes to dry up 38 acres in the SESE of S29, T9S, R40E, 38 acres in the NWSW of S32, and the corners of a pivot located in the NW of S32, T9S, R40E. The place of use proposed by the application for transfer is described as follows:

Place of Use

<u>Township</u>	<u>Range</u>	<u>Section</u>		<u>Acres</u>		
9S	40E	31	NENE	30		
			NWNE	32		
			SWNE	33		
			SENE	30		
		32	NENW	30		
			NWNW	28		
			SWNW	20		
			SENW	27		
			230 Total			

7. Jorgenson testified that 5 to 7 acres of the nonproductive acres which had previously been watered would no longer be watered. He also testified that approximately 23 more acres would be irrigated than had previously been irrigated.

8. A 1/4 mile radius circular pivot irrigation system like Jorgenson's pivot typically waters 125 to 135 acres. A low estimate of 128 acres is a factual assumption which benefits Jorgenson's proposal. A 128 acre circular pivot centered in a

160 acre parcel should water approximately 128 acres, or 32 acres in each 40 acre parcel. One would expect that the application for transfer would describe approximately 32 acres in each 40 acre tract.

9. The proposed place of use for each 40 acre parcel in the NW1/4 of Section 32 is less than 32 acres. The difference between 32 acres and what is proposed for a place of use in each of the 40 acre parcels is described below.

<u>Twnshp</u>	<u>Rng</u>	<u>Sec</u>	<u>Parcel</u>	<u>Acres under Pivot</u>	<u>Proposed POU</u>	<u>Diff</u>
9S	40E	32	NENW	32	30	2
			NWNW	32	28	4
			SWNW	32	20	12
			SEnw	32	27	5
			TOTALS	128	105	23

10. At the hearing, Carl Jorgenson testified that part of the purpose of the application was to move water traditionally applied to the nonproductive acres, described as a place of use by license no. 13-07161, to more productive lands. He also stated that the nonproductive acres within Section 32 will continue to be irrigated, but will not identified as a place of use by water right 13-07161.

11. The proposed place of use for the NW1/4 of Section 32 was derived by determining the number of productive, tillable acres irrigated by the pivot, even though the 23 nonproductive acres will continue to be watered as described by license no. 13-07161.

12. Jorgenson proposes to irrigate 7 productive acres and abandon 7 non-productive acres which were previously watered, presumably in the corners of the NW1/4 of Section 32, which will be taken out of production. He also proposes to irrigate 23 new productive acres, and ignore describing as a place of use the 23 non-productive acres in the NW1/4 of Section 32 which will continue to be watered.

13. Jorgenson owns 750 shares of Last Chance Canal Company water. The lands from which the water is being removed, and the lands to which the water is proposed to be applied, are served by the Last Chance Canal Company system. These lands were also described as lands irrigated by Last Chance Canal Company at the time license no. 13-07161 was approved.

14. The water is delivered to both the old place of use, and the new place of use through a common system which commingles surface and ground water. Jorgenson stated he will construct the

system so that surface water can be injected into the system delivering ground water, but will install valves which will prevent delivery of ground water to lands not described by the ground water right, but are irrigated by surface water delivered by Last Chance Canal.

15. Some water is consumed by evaporation and consumptive use of natural growth when applied to the non-productive acres, but consumption resulting from watering of the nonproductive acres is less than consumption resulting from irrigation of productive acres.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the criteria that the Department can consider in determining whether an application for transfer should be approved:

[T]he 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, Idaho Code;

2. The applicant carries the burden of coming forward with evidence that his proposed transfer will not result in an enlargement in use, will not injure other water rights and is consistent with conservation of water resources.

3. All parties carry the burden of coming forward with the evidence regarding matters of local public interest, but the applicant bears the burden to show that his proposal is in the local public interest, or that public interests which favor the proposal are of greater worth than the public interests with which it conflicts.

4. The applicant bears the ultimate burden of proof regarding all issues.

5. Transfer of water from 23 acres of a place of use to other lands, while continuing to apply water to the lands from which the water was to be removed is an enlargement of the right.

6. Transfer of water from 7 acres of unproductive land to 7 acres of productive lands is an enlargement of use.

7. The proposed project will irrigate more acres than

authorized by license no. 13-07161.

8. The Department should deny application for transfer no. 4560.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 4560 in the name of Carl B. or Patricia Jorgenson is DENIED.

Dated this 19th day of December, 1995.


Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

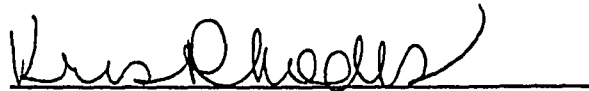
I do hereby certify that on this 20th day of December, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing RECOMMENDED ORDER to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd
Bancroft ID 83217

Warren P & Jennie G Lloyd
Bancroft ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd
Bancroft ID 83217

A BRUCE LARSON
241 S MAIN
SODA SPRINGS ID 83276


Kris Rhodes

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE)
NAME OF CARL B. OR PATRICIA)
JORGENSEN)

ORDER DENYING
PETITION FOR
RECONSIDERATION

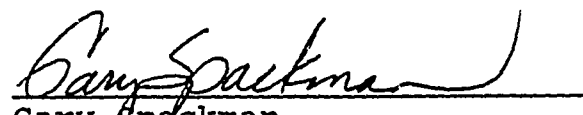
The applicants, Carl B. or Patricia Jorgenson (Jorgenson), filed a petition for reconsideration of the Recommended Order issued by the Department. The petition alleges that there will not be an increase in the number of acres irrigated, and states that there will not be continuing irrigation of land from which the water is removed. The petition also states that the enlargement evaluation should not be based on a comparison of unproductive land watered versus productive land watered, but should simply focus on whether the amount of water being used is increased.

The Department of Water Resources considers three factors in determining whether there is an enlargement of use: (1) flow rate, (2) total volume of water diverted, and (3) total consumptive use of water. A primary method of determining total consumptive use is a comparison of the number of acres irrigated before the transfer, and the number of acres proposed to be irrigated if the application for transfer is approved. The historical use of water is also important in determining the consumptive use of water.

In his testimony, Jorgenson stated more acres will be irrigated if the transfer is approved. He also stated that non-productive acres which were described by the license, would continue to be irrigated, even though those acres would be counted as credit towards productive acres irrigated elsewhere. Both of these admissions fail the comparison of acreage test and the historical use of water test.

IT IS HEREBY ORDERED that Jorgensons's petition for reconsideration is DENIED.

Dated this 9th day of January, 1996.


Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on this 9th day of January, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd
Bancroft ID 83217

Warren P. & Jennie G. Lloyd
Bancroft ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd
Bancroft ID 83217

A Bruce Larson
241 S Main
Soda Springs ID 83276

Kris Rhodes
Kris Rhodes

RECEIVED

JAN 08 1996

Department of Water Resources

Gary

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In The Matter of Application For Transfer) PETITION FOR RECONSIDERATION
No. 4560 (Water Right No. 13-07161) in)
the name of Carl B. or Patricia)
Jorgenson)

COMES NOW Applicants Carl B. and Patricia Jorgenson and Petition the
Department of Water Resources for a reconsideration of that certain recommended order with the
service date of December 20, 1995.

1. Petitioners request that the hearing officer reconsider the facts and
testimony presented heretofore and specifically request that the hearing officer reconsider
Conclusions of Law numbered 5, 6, 7, and 8.
2. That this Petition is based upon the fact that the proposed transfer will not
increase the number of acres irrigated nor will there be any irrigation continuing to apply the
water to the lands from which the water was removed.
3. Petitioners further request that the hearing officer reconsider the
termination of an enlargement of use based upon watering productive land versus unproductive
land when the amount of water being used is not increased.

DATED this 4th day of January, 1996.


A. BRUCE LARSON
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing
PETITION FOR RECONSIDERATION to the following by the method indicated:

Department of Water Resources	(X)	U.S. Mail, Postage Prepaid
1301 N. Orchard St.	()	Overnight Mail
Statehouse Mail	()	Hand Delivery
Boise, ID 83720	(X)	Facsimile (208/327-7866)

DATED this 4th day of January, 1996.


A. BRUCE LARSON

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE NAME)
OF CARL B. OR PATRICIA JORGENSEN)

**FINAL
ORDER**

Carl B. or Patricia Jorgenson (Jorgenson) filed application for transfer no. 4560 with the Department of Water Resources (Department), proposing to move the place of use described by license no. 13-07161. The application for transfer was protested by Warren and Jennie Lloyd and by Lloyd Farms. David Lloyd signed on behalf of Lloyd Farms.

A hearing was conducted at the Pocatello Airport on November 2, 1995. Carl Jorgenson was present, and was represented by his attorney, A. Bruce Larsen. Warren and Jennie Lloyd also attended. No one appeared representing Lloyd Farms. As a result, Lloyd Farms' protest is set aside because of their failure to appear.

A recommended order, dated December 9, 1996, denied the application for transfer. Having reviewed the files and the recommended order, the Director of the Department issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. License no. 13-07161 authorizes diversion of ground water from a well located in the NWNW, Section 32, T9S, R40E, B.M. for the irrigation of 230 acres described as follows:

Place of Use				
Township	Range	Section	Parcel	Acres
9S	40E	29	SESW	38
			NENW	38
			NWNW	38
			SWNW	38
			SESW	40
			NWSW	38
			TOTAL	230

2. Each of the one-sixteenth section parcels described above contain 40 acres. The license describes 38 acres irrigated instead of 40 acres irrigated within some of the 40 acre parcels because of boundary roads, rocks, or rough terrain to which water is not applied.

3. Carl Jorgenson testified he owns 240 acres that contain the 230 acres described as a place of use by license no. 13-07161. Approximately 41 acres of the 240 acres owned by Jorgenson contain rock piles or natural land features which are not tillable acres (hereafter referred to as "the nonproductive acres").

4. Jorgenson's irrigation system applies water to 30 of the 41 nonproductive acres. The beneficial use examiner recognized that nonproductive acres were being watered but included the nonproductive acres as part of the recommended place of use. The license describes some of the nonproductive acres as part of the place of use upon which the water was being beneficially used.

5. Application for transfer no. 4560 proposes to dry up 38 acres in the SESE of Section 29, 38 acres in the NWSW of Section 32, and the corners of a pivot located in the NW of Section 32, all located in T9S, R40E, B.M. The place of use proposed by the application for transfer is described as follows:

Place of Use				
Township	Range	Section	Parcel	Acres
9S	40E	31	NENE	30
			NWNE	32
			SWNE	33
			SENE	30
		32	NENW	30
			NWNW	28
			SWNW	20
			SENW	27
			TOTAL	230

6. Jorgenson testified that five to seven acres of the nonproductive acres which were previously watered would no longer be watered. He also testified that approximately 23 more acres of productive land would be irrigated than were previously irrigated.

7. A one-quarter mile radius circular pivot irrigation system similar to Jorgenson's pivot, located in the NW1/4 of Section 32, T9S, R40E, B.M. (hereafter referred to as Section 32), typically waters 125 to 135 acres. A low estimate of 128 irrigated acres is a factual assumption which benefits Jorgenson's proposal. A 128 acre circular pivot centered in a 160 acre

parcel should water approximately 32 acres in each 40 acre parcel. This application for transfer should describe approximately 32 acres in each 40 acre tract.

8. The proposed place of use for each 40 acre parcel in the NW1/4 of Section 32 is less than 32 acres. The difference between 32 acres and what is proposed for a place of use in each of the 40 acre parcels is described below.

Township	Range	Section	Parcel	Acres under Pivot	Proposed POU	Difference
9S	40E	32	NENW	32	30	2
			NWNW	32	28	4
			SWNW	32	20	12
			SEnw	32	27	5
			TOTALS	128	105	23

9. At the hearing, Carl Jorgenson testified the application for transfer proposes to move water traditionally applied to the nonproductive acres described as a place of use by license no. 13-07161 to more productive lands. He also stated that water will continue to be applied to the nonproductive acres within Section 32, but the nonproductive acres will not be identified as a place of use by water right no. 13-07161.

10. The proposed place of use for the NW1/4 of Section 32 was derived by determining the number of productive, tillable acres irrigated by the pivot, even though the 23 nonproductive acres will continue to be watered as described by license no. 13-07161.

11. Jorgenson proposes to irrigate seven productive acres and abandon watering seven non-productive acres which were previously watered, presumably in the corners of the NW1/4 of Section 32. He also proposes to irrigate 23 new productive acres and ignore describing as a place of use the 23 non-productive acres in the NW1/4 of Section 32 which will continue to be watered.

12. Some water is consumed by evaporation and by natural growth when applied to the non-productive acres, but water consumption resulting from watering the nonproductive acres is less than consumption resulting from irrigation of productive acres.

13. Jorgenson owns 750 shares of Last Chance Canal Company water. The lands from which the water is being removed and the lands to which the water is proposed to be applied are served by the Last Chance Canal Company system. These lands were also described as lands irrigated by Last Chance Canal Company at the time license no. 13-07161 was approved.

14. The water is delivered to both the old place of use and the new place of use through a common system which commingles surface and ground water. Jorgenson stated he will construct the system so that surface water can be injected into the system delivering ground water

but will install valves which will prevent delivery of ground water to lands not described by the ground water right that are irrigated by surface water delivered by Last Chance Canal.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the criteria that the Department can consider in determining whether an application for transfer should be approved:

[T]he 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 applicant carries the burden of coming forward with evidence that his proposed transfer will not result in an enlargement of use, will not injure other water rights, and is consistent with conservation of water resources.

3. All parties carry the burden of coming forward with the evidence regarding matters of local public interest, but the applicant bears the burden to show that his proposal is in the local public interest, or that public interests which favor the proposal are of greater worth than the public interests with which it conflicts.

4. Transfer of water from 23 acres of a place of use to other lands, while continuing to apply water to the lands from which the water was to be removed is an enlargement of the right.

5. Transfer of water from seven acres of unproductive land to seven acres of productive land is an enlargement of use.

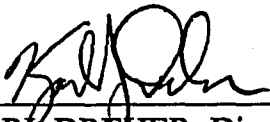
6. The proposed project will irrigate more acres than authorized by license no. 13-07161.

7. The Department should deny application for transfer no. 4560.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 4560 in the name of Carl B. or Patricia Jorgenson is DENIED.

Dated this 10th day of April, 1996.


KARL DREHER, Director

CERTIFICATE OF MAILING

I do hereby certify that on this 11th day of April, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing FINAL ORDER to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd.
Bancroft, ID 83217

A. Bruce Larson
241 S. Main
Soda Springs, ID 83276

Warren P. Lloyd
Jennie G. Lloyd
Bancroft, ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd.
Bancroft, ID 83217


Deborah Drew-Ellis

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

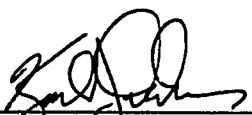
IN THE MATTER OF APPLICATION FOR)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE NAME)
OF CARL B. OR PATRICIA JORGENSEN)

**ORDER DENYING
PETITION FOR
RECONSIDERATION**

Carl B. or Patricia Jorgenson (Jorgenson) filed a Petition for Reconsideration of a Final Order denying application for transfer no. 4560. Jorgenson alleges that the Final Order incorrectly holds that approval of the application for transfer would result in an enlargement of use. After reviewing the matter again, I find that approval of the application for transfer would result in application of water to more acres than were authorized by the original license, resulting in an enlargement of use.

IT IS HEREBY ORDERED that the Petition for Reconsideration of the Final Order denying application for transfer no. 4560 is DENIED.

DATED this 13th day of May, 1996.



KARL J. DREHER, Director

CERTIFICATE OF MAILING

I do hereby certify that on this 14th day of May, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd.
Bancroft, ID 83217

A. Bruce Larson
241 S. Main
Soda Springs, ID 83276

Warren P. Lloyd
Jennie G. Lloyd
Bancroft, ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd.
Bancroft, ID 83217

Deborah Drew-Ellis
Deborah Drew-Ellis

March 10, 1995

CARL B OR PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Ms. Jorgenson:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Caribou County Sun on March 17 & 24, 1995. 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 the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, 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
Harold W. Jones ^{rb}
Water Right Supervisor

HWJ/rb

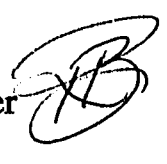


Farm Credit Services

102 North State
P.O. Box 386
Preston, Idaho 83263
208/852-2145

Date: March 1, 1995

To: Idaho Department of Water Resources

From: Farm Credit Services
Ray Buttars, Sr. Credit Officer 

RE: Carl B. Jorgensen request for change in place of use / point of diversion
Water Right Numbers: 13-7161

Farm Credit Services has a secured interest in real property owned / operated by Carl B. Jorgensen and related entities. The water rights noted above are appurtenant to a portion of that real property. Mr. Jorgensen has presented a plan to slightly modify the place of use of the water under these rights (copy provided to your office).

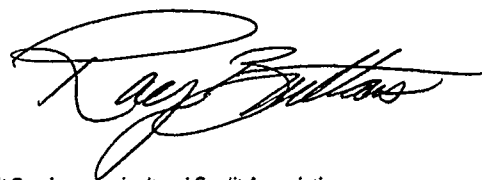
It is our understanding:

- 1) that such a change will enhance the productive capacity of his operation, and is to be done within the parameters of these water rights.
- 2) that there will be no reduction in the volume, period of use, total quantity or quality of these water rights, neither with this change nor over the foreseeable future,
- 3) that Mr. Jorgensen, along with his heirs and assigns, will not lose any benefit, real or implied, which is presently enjoyed as part of these water rights.

Subject to the above conditions, and the concurrence and approval of the IDWR, Farm Credit Services has no objection to the proposed modification.

cc: Carl B. Jorgensen



 3/1/95

Northwest Farm Credit Services, Agricultural Credit Association

March 29, 1995

Warren P. Lloyd
Bancroft ID 83217

Mr. Lloyd:

I have received your recent protest against transfer application #4560 in the name of Carl and Patricia Jorgenson. Your protest statement implies that Mr. Jorgenson will be irrigating more acres than his license permits.

I have enclosed a copy of License 13-07161. As you can see it was licensed for 230 acres and 4.54 cfs. The transfer application is also for 230 acres and 4.54 cfs. I cannot see what basis your protest has from your letter.

I would ask you to explain how this acre for acre transfer which is using the original well and irrigating ground in the same 1/2 mile area would constitute an injury.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 18, 1995

WARREN P & Jennie G LLOYD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Mr. & Mrs. Lloyd:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

Warren P. & Jennie G. Lloyd
page 2

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

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 18, 1995

DAVID LLOYD
LLOYD FARMS
1915 LUND RD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Mr. Lloyd:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

David Lloyd
page 2

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

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 18, 1995

CARL B OR PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Mr. & Mrs. Jorgenson:

Enclosed is a copy of a protest filed against the issuance of a permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

Carl B. or Patricia Jorgenson
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

pc: IDWR - STATE OFFICE
enc

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4560

Notice is hereby given that Carl B. or Patricia Jorgenson, 1699 Lloyd RD., Bancroft, ID 83217, has applied to the Department of Water Resources to change place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

No.: 13-07161 Source: groundwater
Amount: 4.54 cfs Priority: 4/15/1977
Point(s) of Diversion: NWNW, SEC 32, T09S, R40E, Caribou County
The water is used for irrigation from 04/01 to 11/01 within
the SESW, SEC 29, NW1/4, NWSW, SEC 32, T09S, R40E,

TO BE CHANGED AS FOLLOWS:

The water will be used within the NE1/4, SEC 31, NW1/4, SEC 32, T09S, R40E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before April 3, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

*Published in the Caribou County Sun on MARCH 17 & 24, 1995

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

16th day of
March, 1995

The date of the last publication

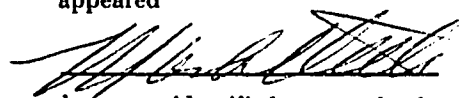
being the 23rd day of

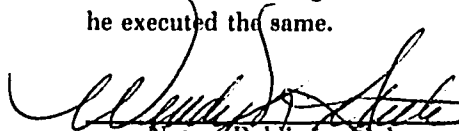
March, 1995

On this 3rd day of April

in the year of 1995 before

me, a Notary Public, personally
appeared


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.


Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4560

Notice is hereby given that Carl
B. or Patricia Jorgenson, 1699
Lloyd Road, Bancroft, ID 83217,
has applied to the Department of
Water Resources to change place of
use of the waters of a groundwater
source. The right sought to be
changed is evidenced by a license
and recorded as follows:

No. 13-07161

Source: Groundwater

Amount: 4.54 cfs

Priority: 4/15/1977

Point(s) of Diversion: NWNW,
SEC 32, T09S, R40E, Caribou
County

The water is used for irrigation
from 04/01 to 11/01 within the
SESW, SEC 29, NW1/4, NWSW,
SEC 32, T09S, R40E,

TO BE CHANGED AS FOLLOWS:

The water will be used within
the NE1/4, SEC 31, NW 1/4, SEC
32, T09S, R40E, B.M.

Any protests against approval of
the proposed change must be filed
with the Idaho Department of
Water Resources, 900 N. Skyline
Dr., Idaho Falls, ID 83402, together
with a protest fee of \$25 on or
before April 3, 1995. The protestant
must also send a copy of the protest
to the applicant.

R. Keith Higginson
Director

Published in the Caribou County
Sun on March 16 and 23, 1995.

PS Form 3877, Oct. 1986 FOR REGISTERED, INSURED, C.O.D., CERTIFIED, RETURN RECEIPT FOR MERCHANDISE, AND EXPRESS MAIL

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered ☐ Return Receipt For Merchandise
☐ 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	1277	Merrill Brower or William Robinson P.O. Box 147 Tetonian 83452	.32	1 ¹⁰					1 ¹⁰				Prehearing Brower & Robinson
2	1278	Richard Briggs Box 28 Tetonian 83452											
3	1279	Carl or Patricia Jorgenson 1699 Lloyd Rd. Bancroft 83217											Prehearing Jorgenson
4	1280	Warren P. or Jennie Lloyd Bancroft 83217											
5	1281	David Lloyd 1915 Lund, Bancroft 83217											
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													

Total number of Pieces Listed by Sender

5

Total Number of Pieces Received at Post Office

FIVE

POSTMASTER, PER (Name of receiving employee)

JO MARR

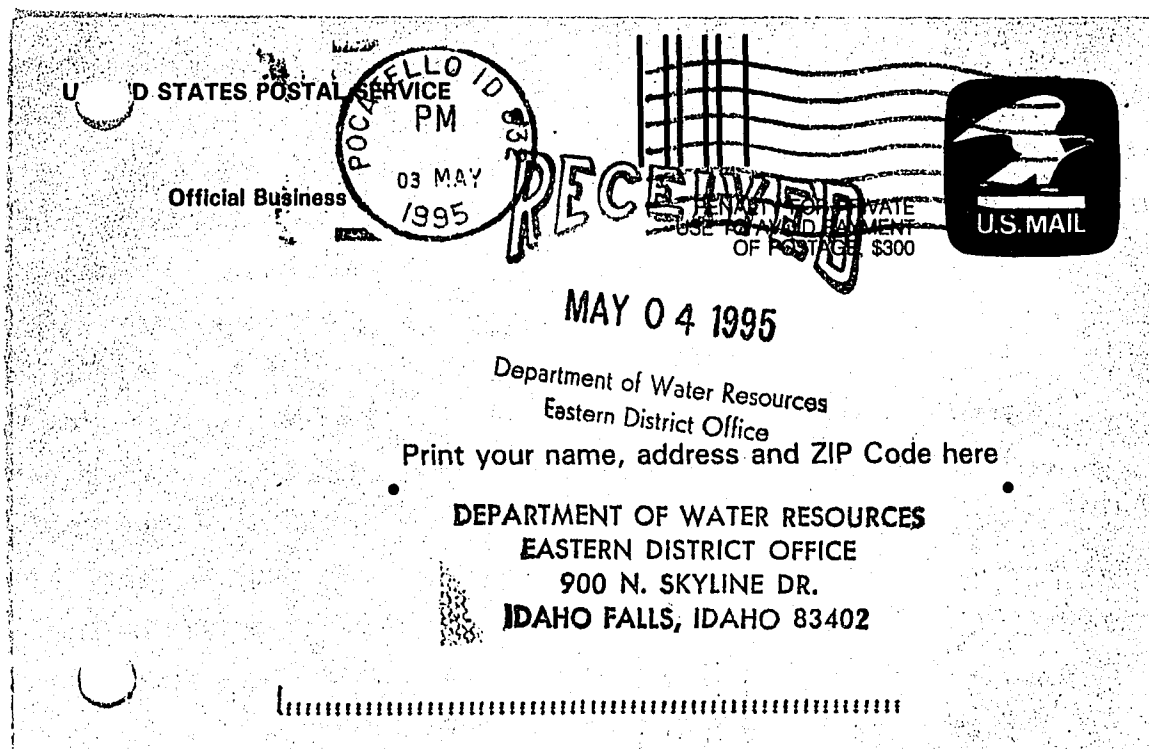
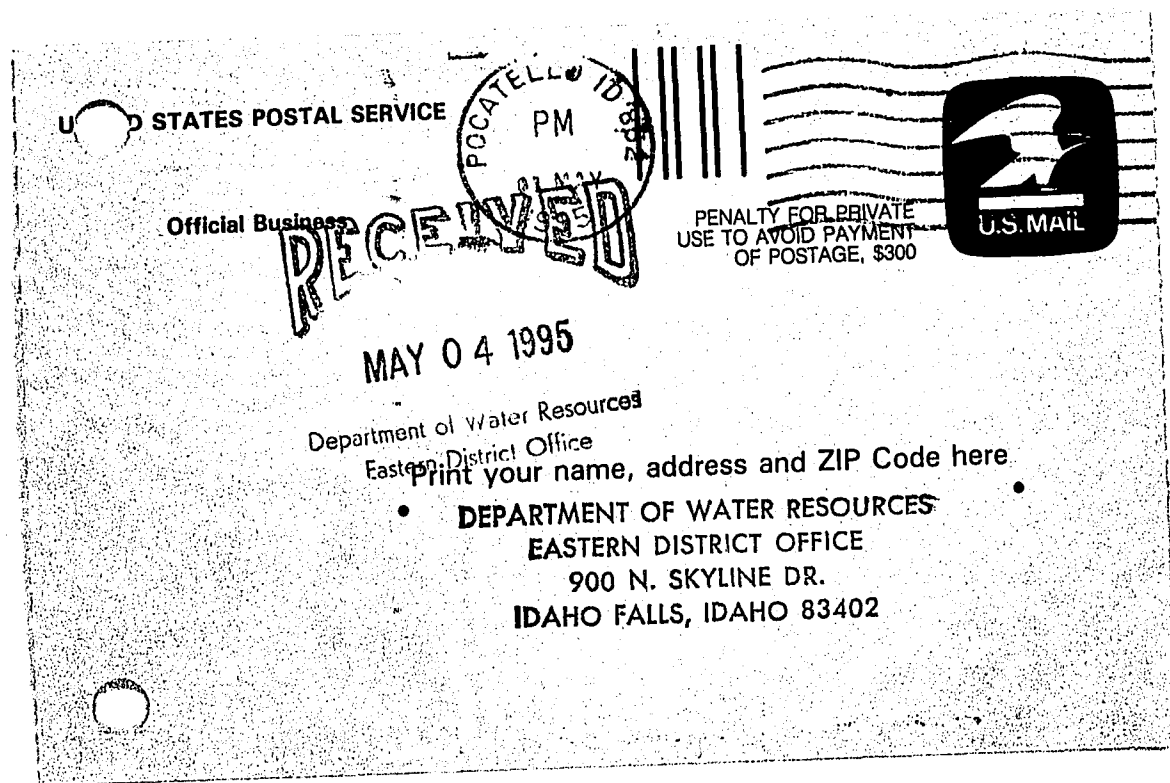
The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1980-255-306

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive following services (for an additional fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
		3. Article Addressed to: RICHARD BRIGGS BOX 68 TETONIA, ID 83452	
4a. Article Number 1278		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee)		7. Date of Delivery 05-03-95	
6. Signature (Agent) <i>Jessica Briggs</i>		8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1991 ★ U.S.G.P.O. : 1992-307-530 DOMESTIC RETURN RECEIPT			

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive following services (for an additional fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
		3. Article Addressed to: MERRILL BROWER & SONS, INC WILLIAM A. ROBINSON PO BOX 147 TETONIA, ID 83452	
4a. Article Number 1277		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee)		7. Date of Delivery 05-03-95	
6. Signature (Agent) <i>William A. Robinson</i>		8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1991 ★ U.S.G.P.O. : 1992-307-530 DOMESTIC RETURN RECEIPT			



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
CARL OR PATRICIA JORGENSEN
1699 LLOYD RD.
BANCROFT, ID 83217

4a. Article Number
1279

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)
Pat Jorgensen

6. Signature (Agent)
Janet B. Tolman

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

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
WARREN & JENNIE LLOYD
BANCROFT, ID 83217

4a. Article Number
1280

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)
Jennie Lloyd

6. Signature (Agent)
Janet B. Tolman

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

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
DAVID LLOYD
LLOYD FARMS
1915 LUND RD
BANCROFT, ID 83217

4a. Article Number
1281

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)
David Lloyd

6. Signature (Agent)
Janet B. Tolman

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

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

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



MAY 04 1995

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

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



MAY 04 1995

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

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UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

PENALTY FOR PRIVATE
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OF POSTAGE, \$300



MAY 04 1995

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

INTER-DEPARTMENT MEMO

TO: Jorgensen Transf.

SUBJECT: _____

FROM: _____

DATE: 3-30-95

Conversational memo - Warren Lloyd says that the
pivots are already in place & have traditionally
been irrigating more than 230 acres.

Mr Lloyd has requested a hearing.

() For your information

() Response required

J. W. Jones
signature

Receipt # EO20819

RECEIVED

MAR 28 1995

Department of Water Resources
Eastern District Office

March 24, 1995
Warren P. Lloyd
Bancroft ID 83217

Idaho Dept. Water Resources
900 N. Skyline Drive
Idaho Falls ID 83402

To Whom it may concern:

We Protest the application of the proposed change of water right license number 13-07161. Which has been applied for by Carl B. and Patricia Jorgenson, 1699 Lloyd Road Bancroft ID 83217.

After considering the facts presented in the notice of proposed change of a water right number 4560, published in the Caribou County Sun March 16 & 23, 1995, we feel Mr. Jorgenson will be irrigating more acres than his license permits. This will contribute to the well interference and the diminishing ground water problems that already exist in this area.

We are enclosing a protest fee of \$25.00 and also sending a copy of the protest to Mr. & Mrs. Jorgenson.

Warren P. Lloyd
Jennie G. Lloyd

Warren P. Lloyd
Jennie G. Lloyd

Receipt # 2020841

Lloyd Farms
1915 Lund Road
Bancroft, Idaho 83217

RECEIVED
APR 03 1995

Department of Water Resources
Eastern District Office

April 1, 1995

Dear Sir: Re: Protest of Permit #13-07161

This letter is in protest to the following application for
water permit transfer:

Application #13-07161 Proposed change of
water right #4560 by Carl and Patricia Jorgensen.

The reasons for this protest are listed below:

1. The proposed change would tie Last Chance Canal Water with well water and it would be hard if not impossible to check the amount of water being used from the well.
2. This well is within one mile of our well which has an earlier permit. Our well has serious water problems. In July we can only run four or five hours out of the twenty-four.
3. The proposed change would put him over his legal irrigated acres.
4. This area has serious water problems. Each change takes more water. More applications are likely to come in for water changes which will also make a bad situation worse.

We will withdraw this protest if he will separate the canal system from the well system and drop corner irrigation under pivot so that he does not go over legal irrigated acrea this well permit has.

Sincerely,

David Lloyd

Lloyd Farms

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4560) NOTICE OF
IN THE NAME OF CARL B OR) PREHEARING CONFERENCE
PATRICIA JORGENSEN)

On March 2, 1995, Carl B. or Patricia Jorgenson filed with the Department of Water Resources application for transfer of water rights No. 4560. On March 28, 1995, the application was protested by Warren P. & Jennie G. Lloyd, and on April 3, 1995, it was protested by David Lloyd of Lloyd Farms.

The Department has scheduled the matter for a prehearing conference at 9:30 a.m. on June 1, 1995, at the Pocatello Airport, Pocatello, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

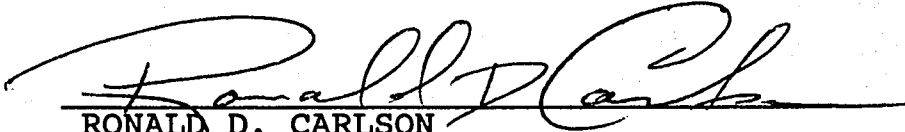
1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act.

NOTICE OF PREHEARING CONFERENCE 1

If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

Dated this 30th day of April, 1995.


RONALD D. CARLSON
Regional Manager

I hereby certify that on the 1st day of ^{May}~~April~~, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicants (s) and protestant (s) listed below:


RITA BODELL
Secretary

Certified

CARL B. OR PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT, ID 83217

WARREN P. & JENNIE G. LLOYD
BANCROFT, ID 83217

DAVID LLOYD
LLOYD FARMS
1915 LUND RD
BANCROFT, ID 83217

TRANSFER APPLICATION

1 JUNE 95.

13-07161.

APPLICANT - CARL JORGENSEN. SELF.

ERNIE C

HAROLD J.

PROTESTANTS -

- KEITH LLOYD }

DAVID LLOYD. } OF LLOYD FARMS. SELF

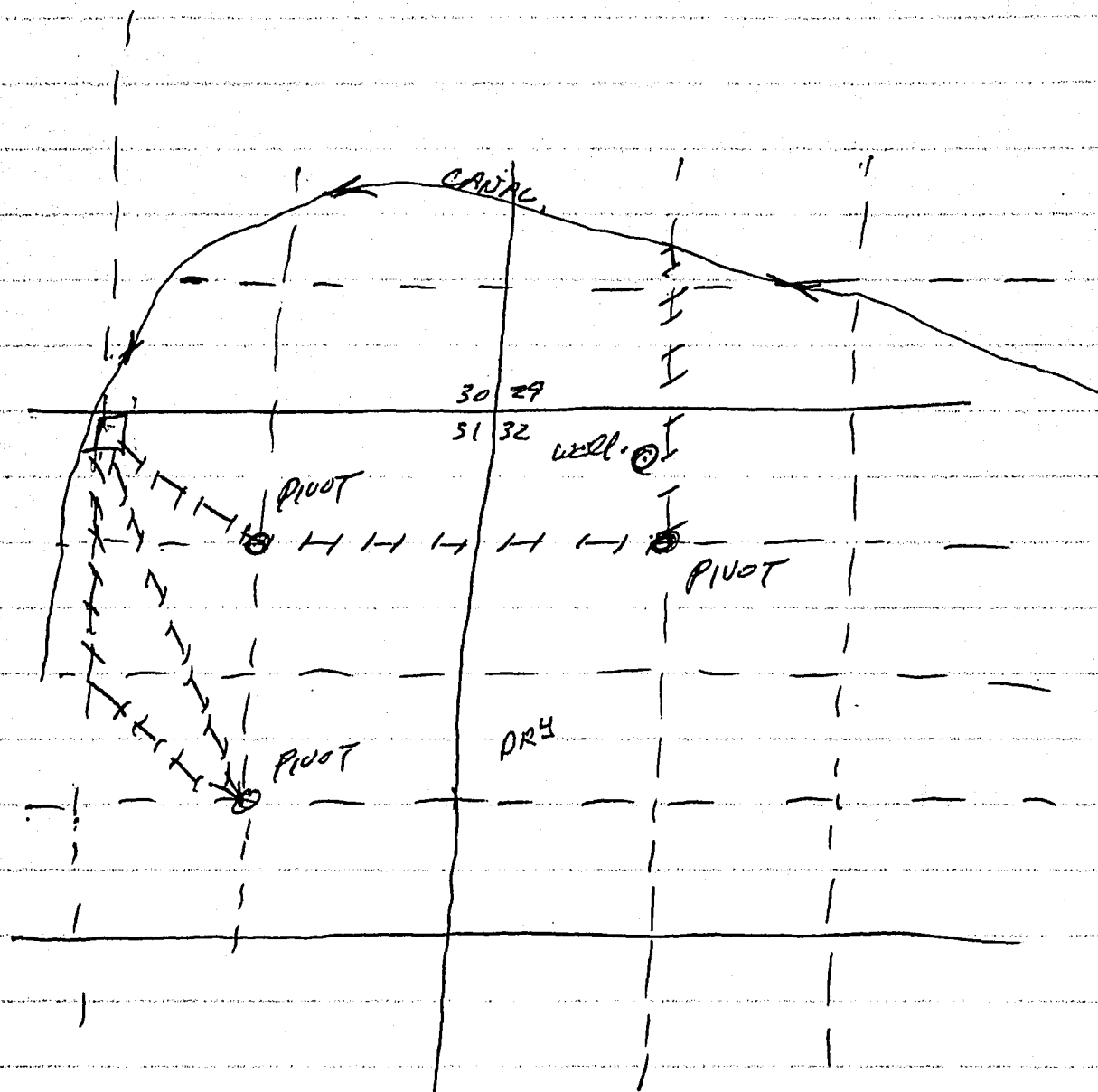
- Warren Lloyd - - SELF.

ISSUE B9 illuminating rock piles that have always been irrigated and still be irrigated but not included as irrigated acres - the place of use will be increased.

Applicant decided to postpone action on application until 2nd transfer application can be filed to cover ~~the~~ 33 acres in SE SW 529.

Carl acknowledged that no groundwater is to be used on pivot in NE 531 while this application is on hold. Only well water can be used on SE SW 529. Both sources can be used on pivot in NW 532.

Application for extension of time to avoid forfeiture needs to be filed for NW SW 532.



(connected with surface water).
 Ground water can go to pivot in NE 331, NW 332
 and SE 329.

SW 331 can only get water ~~with~~ from canal.

Conf. on Tr. 4560, Carl Jorgensen
June 1, 1995

Applicant - wishes to change place of use to match existing places of use.

Protestant - Warren Lloyd feels that applicant will irrigate more acres than original because of rock piles on original place of use. By shifting place of use, real acres are picked up + potentially more acres are irrigated.

Also interconnection of mainline bottoms Protestant in that he feels applicant will use well water in areas not covered.

Also area (33 acres) north of East pivot is watered by well + needs to be covered by a transfer.

Need opinion on "rock" areas located + what future manipulation will be.

PREHEARING CONFERENCE
FOR
CARL B. OR PATRICIA JORGENSEN

9:30 A.M.
JUNE 1, 1995
POCATELLO AIRPORT
POCATELLO, ID

REPRESENTING

ADDRESS

Carl Jorgensen

1699 Lloyd Road

Perry Jones

Bancroft Ib. 83217

1928 old HWY 30 Bancroft, Id.
83217

Keith Jorgensen

503 Bench Lago Rd. Grace, Id. 83241

Keith Lloyd

1917 Lund Road Bancroft Idaho

Karen Lloyd

1475 Mountain Rd. Barre, Vt.

Gennie Lloyd

1475 Mt Rd Bancroft Pa 83217

David Hays

1625 Land B. Bancroft ID 83217

INTER-DEPARTMENT MEMO

TO: Tr. 4560

SUBJECT: _____

FROM: HWT

DATE: 6-5-95

Pre-hearing conf. was inconclusive & applicant asked
that transfer be put on hold

() For your information

() Response required

signature

▶

POSTMARK AND DATE OF RECEIPT

[illegible]

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

pH.5. GOVERNMENT PRINTING OFFICE: 1990-255-306

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4560 IN THE NAME OF)
CARL B OR PATRICIA JORGENSEN)

NOTICE OF
HEARING

On March 2, 1995, Carl B. or Patricia Jorgenson filed with the Department of Water Resources application for Transfer No. 4560. On March 28 1995, the application was protested by Warren P. & Jennie G. Lloyd, and on April 3, 1995, it was protested by David Lloyd of Lloyd Farms.

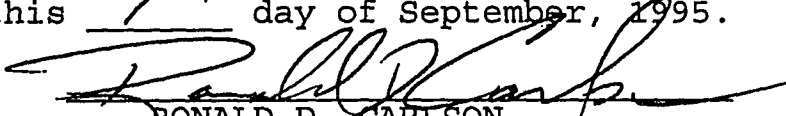
The Department has now scheduled the matter for hearing on November 2, 1995, at 9:30 a.m., at the Pocatello Airport, Pocatello, ID.

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the hearing.

Dated this 7th day of September, 1995.


RONALD D. CARLSON
Regional Manager

NOTICE OF HEARING pg 1

I hereby certify that on the 8th day of September, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicants (s) and protestant (s) listed below:

Rita Bodell
RITA BODELL
Secretary

Certified

CARL B. OR PATRICIA JORGENSEN
1699 LLOYD RD.
BANCROFT, ID 83217

WARREN P. OR JENNIE G. LLOYD
BANCROFT, ID 83217

DAVID LLOYD
LLOYD FARMS
1915 LUND RD.
BANCROFT, ID 83217

HEARING CONFERENCE
FOR
CARL B. OR PATRICIA JORGENSEN

9:30 A.M.
NOVEMBER 2, 1995
POCATELLO AIRPORT
POCATELLO, ID

NAME	REPRESENTING	ADDRESS
------	--------------	---------

Keith Jorgensen	Carl	503 Bench Loop Rd. Coeur, ID.
Zerry Jorgensen	Carl	1928 old HWY 30 Bancroft, ID.
Call Jorgensen	Self.	1699 Lloyd Road
A. Bruce Van	Carl J.	241 S. Main Soda Springs
Warren P. Lloyd	self	1475 Mountain Road
Jennie L. Lloyd	self	Bancroft, ID. 83217

Carl Jorgensen hearing
November 2, 1995

Change POU described by 13-7161

groundwater right

No change in POD - in NWNW Sec. 32 T9S R40E

Protested by Warren Lloyd & Jennie Lloyd
by Lloyd Farms (David Lloyd)

Carl Jorgensen -

Water acquired - irrigated in 1977.

Original POU - NWNW -

Authorized to irrigate 230 acres -

No other water irrigates the POU?

What about Last Chance

Wells within a mile of his wells - irrigation

Duane Christensen may have a well

Look at 102. Tillable acreage in present system
Exhibit 1 / + 33.3

135.3 - tillable - balance of acreage is
not tillable.

Exhibit 2 contains the proposed POU

Wants to transfer 105 acres from the
old site to the new site -

Part already irrigated

APP.
System marking on Exhibits 1 & 2.

#1 canal #2 pump site & #3 well location

Not increasing water -

Wants to use water he hasn't been using

Water has been pumped on non tillable

acreage -

Will dry farm land leaving

No increase in irrigated acreage

Well water vs. surface water - Last year
used canal water first -

Should he be required to use

Doesn't think he will injure anyone.

Less of an impact than what he was doing
otherwise -

X-Exam

Conserve water because of well water use -

Has pumped

Used well water on D -

Used well water on D since ~~filing~~

~~application~~ 1992

Commingled GW & SW for

Used well water on D because he

didn't have enough -

Uses canal water elsewhere

750 shares of Last Chance -

How many shares - 600 shares of water
on that farm -

Summer fallow A & all the corners
Will water C out of the well

Circle D - what are total acres irrigated.

137.4 acres -

~~Rock piles~~ -

Parcel A irrigated in 1991 & prior to
that -

of the 230 acres - how many acres
of rock piles -

102.8

33.3

41.

177.1

41 acres of rock piles - within the 240
acres -

Will continue to irrigate rock piles -
piles

Less well water used?

Redirect by Larsen

Total acreage purchased 240 acres -

Right to 230 acreage

Rock piles in D - not as many here -
Has some rocks.

Was he irrigating all 41 rock pile
acreage -

10 acres included a portion of the
rock piles -

30 acres of rock piles under irrigation -
Not near as many.

Would gain an additional 30 tillable
acres over prior irrigation

5-6 acres of rock piles -

Then Larsen said 6-7 acres -

Approximately 23 acres more after
transfer.

Warren Lloyd 275 acres

Can only get canal water once a day -
~~gets~~ Surface water doesn't get there

~~CONFIDENTIAL~~
Carl Jorgensen Hearings
12-3-1995 (#4560 transf)

Tape #

51-602

Carl Jorgensen

(Testimony)

"

"

(Cross-examine)

by Warren Lloyd

603-1837

1838-1860

Spackman clarification

1861-1945

Carl Jorgensen

(Redirect by Bruce Larsen)

1950-2658

"

"

(Cross-examine)

2660-2900

"

"

(Redirect by Bruce Larsen)

2906-3039

"

"

(Redirect by Warren Lloyd)

3044-3271

"

"

(Questions by Gary Spackman)

3290-3319

"

"

(Redirect by Bruce Larsen)

3321-3431

"

"

(Redirect by Warren Lloyd)

4800
3465-~~4800~~

Warren Lloyd (Testimony)

4801-4920

Gary Spackman

explanation

4940-

"

"

"

Exhibits

Applic.

1

accepted

stipulated

2

stipulated

Protellant #1

Stipulated

LOS

Applic. #

13-07005

355 acres 5.82 cfs

Take 50 acres &
bring in via separate
transfer to 2)

35.8

7177

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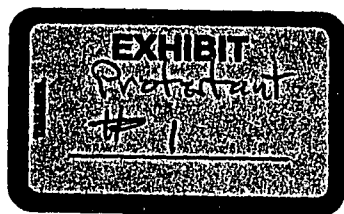
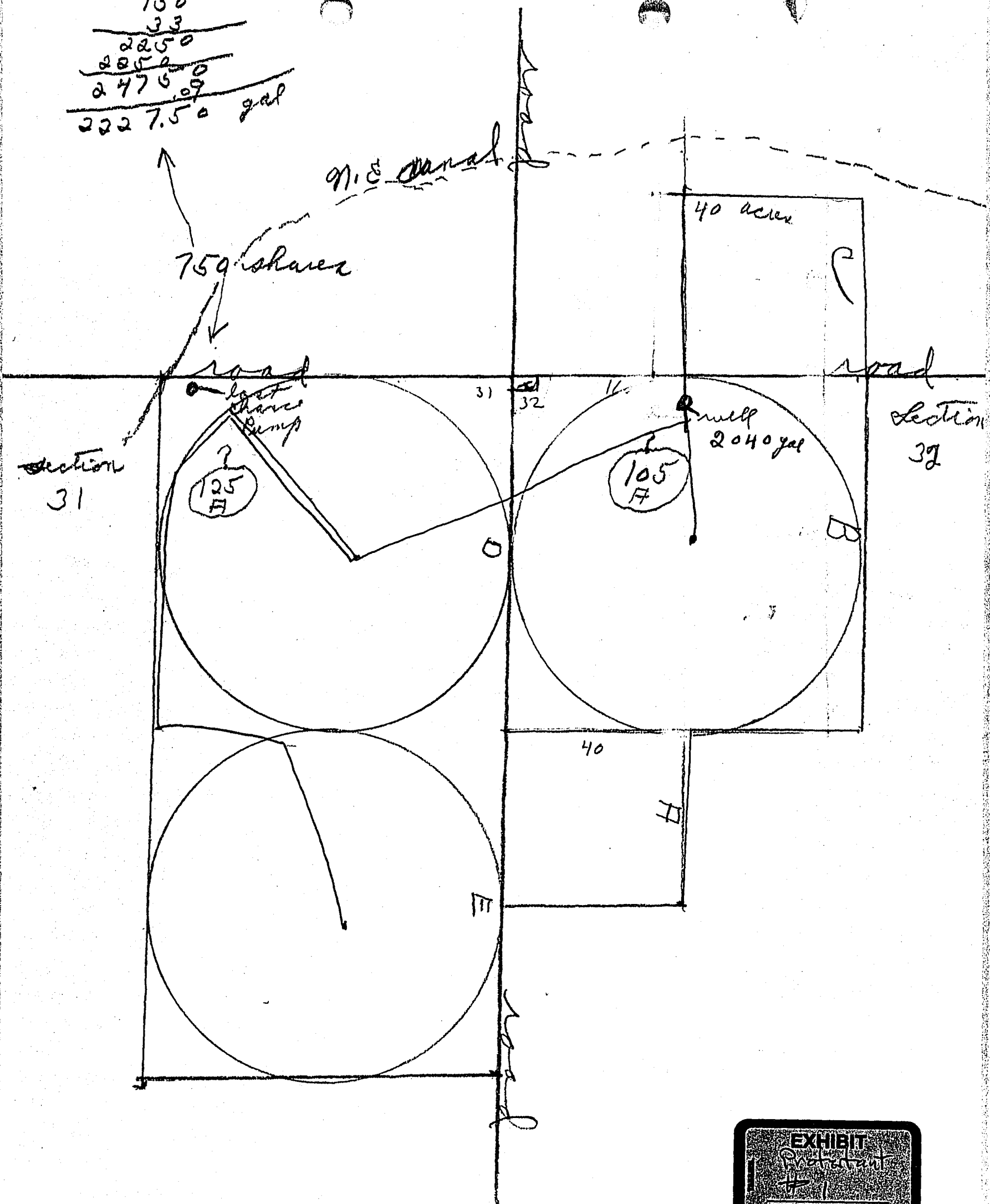
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 20, 1995

RE: In the matter of Application for Transfer No. 4560 (Water Right No. 13-07161) in the name of Carl B. or Patricia Jorgenson

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with Sections 67-5271 through 67-5279, Idaho Code.

Sincerely,

L. Glen Saxton

L. Glen Saxton
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region



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

COPY

April 11, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Application for Transfer No. 4560 (Water Right No. 13-07161) in the name of Carl B. Or Patricia Jorgenson

Dear Interested Parties:

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
 - (a) the petition for reconsideration is disposed of; or
 - (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



Gary Spackman

Encl.

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APR 26 1996

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In The Matter of Application For Transfer) PETITION FOR RECONSIDERATION
No. 4560 (Water Right No. 13-07161) in)
the name of Carl B. or Patricia)
Jorgenson)
_____)

COMES NOW Applicants Carl B. and Patricia Jorgenson and Petition the
Department of Water Resources for a reconsideration of that certain Final Order dated April 10,
1996 and served on April 11, 1996.

1. The Petitioners request that the Director of the Department of Water
Resources reconsider the facts and testimony presented as it relates to conclusions of law nos. 4,
5, 6, 7, of the final order issued herein on the 10th day of April, 1996.

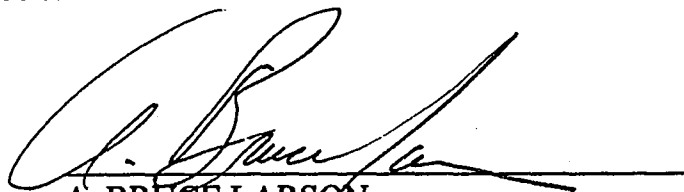
2. Petitioners assert that the testimony and facts presented in this matter show
that there would not be enlargement of the proposed use of the water. License No. 13-07161
specifically allowed Petitioners to water stated number of acres.

Even though a portion of that acreage originally used was not productive the
license had authorized the irrigation of the same. There is no factual evidence presented which
would show that any enlargement occurs transferring this right based upon productivity of the
land.

The essence of the finding is that in order to transfer a authorized, licensed use of water that it would be necessary to make a determination as to the productivity of the properties in question. A second factor is that the same amount of water would be used regardless of if it applied to productive or non-productive acreage.

Petitioners further assert that the issue of unproductive lands being watered is not significant in regard to the actual use of the water. In the application of water from 7 acres of unproductive land to 7 acres of productive land does not harm any other use or as a matter of law create an enlargement of use.

DATED this 25th day of April, 1996.

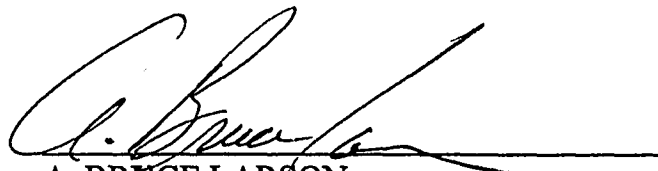

A. BRUCE LARSON
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing PETITION FOR RECONSIDERATION to the following by the method indicated:

Department of Water Resources	☐	U.S. Mail, Postage Prepaid
1301 N. Orchard St.	☒	Overnight Mail
Statehouse Mail	☐	Hand Delivery
Boise, ID 83720	☒	Facsimile (208/327-7866)

DATED this 25th day of April, 1996.


A. BRUCE LARSON

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CARIBOU COUNTY CLERK

STATE OF IDAHO }
County of Caribou } ss.

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A m this 5th day of
August, 1992 in my office and duly
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry nd
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of further partial decrees as

FINAL DECREE, Page 1

MAY 14 1996

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necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.
2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLBUTT, JR.
District Judge

FINAL DECREE, Page 2

MAY 14 1996

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-12-1991
PAGE: A-69

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
13-07161	U.S. DEPT. OF AGRICULTURE FARMERS HOME ADMINISTRATION 159 E. 2ND S. #3 SODA SPRINGS ID 83276	04/15/1977	IRRIGATION	04-15 10-15	4.54 690.0	CFS AFY LICENSE
					TOTAL QUANTITY:	4.54 690.0
					CONSUMPTIVE USE:	575.0 AFY
POINT OF DIVERSION: T09S R40E S32 PLACE OF USE: IRRIGATION						
NWSE 38.0 NENW 38.0 NWSW 38.0						
230.0 ACRES TOTAL						
REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE						
29-07387	U.S. DEPT. OF AGRICULTURE FARMERS HOME ADMINISTRATION 159 E. 2ND S. #3 SODA SPRINGS ID 83276	04/18/1977	IRRIGATION	04-15 10-15	3.2 480.0	CFS AFY LICENSE
					TOTAL QUANTITY:	3.2 480.0
					CONSUMPTIVE USE:	400.0 AFY
POINT OF DIVERSION: T09S R40E S08 PLACE OF USE: IRRIGATION						
NWSE 40.0 SWNE 40.0 NWSE 40.0						
160.0 ACRES TOTAL						
REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE						

MAY 14 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7161

Priority: April 15, 1977 Amount: 4.54 CFS 690.0 AFA

This is to certify, that U.S. DEPT. OF AGRI.

FARMERS HOME ADMINISTRATION

159 E. 2ND S. #3

SODA SPRINGS, ID 83276

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated March 28, 1977, and has submitted proof to the Department of Water Resources on September 19, 1978, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 4.54 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>				
Irrigation	04/01 to 11/01	4.54 cfs	690.0 afa				
<u>LOCATION OF POINT OF DIVERSION(S):</u>		NWNW , Sec. 32, Township 9S, Range 40E Caribou County					
<u>PLACE OF USE:</u> Irrigation							
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
9S	40E	29	SESW 38				38
		32	NENW 38	NWNW 38	SWNW 38	SENW 40	192
			NWSW 38				
Total number of acres irrigated:							230

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 19th day of July, 1988.

Director

Form FmHA 1955-49
(Rev. 10-28-81)

Position 5

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

CARL B. JORGENSEN AND PATRICIA JORGENSEN, HUSBAND AND WIFE,
HC 72, BOX 2410, BANCROFT, ID. 83217

, Grantee, for the sum of ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$150,000.00) DOLLARS

all interest in the following described real estate situated in the County of CARIBOU

State of IDAHO, to-wit:

Township 9 South, Range 40 East of the Boise Meridian:

Section 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT that portion thereof lying North of the
North Extension Company canal.

Section 32: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Together with 150 shares of stock in the North Extension Canal Co. and
150 shares of stock in the Last Chance Canal Co.

STATE OF IDAHO } SS 129993
County of Caribou }

I hereby certify that this instrument was filed

at 3:30 o'clock P. M. this 3

November, 1981 in my office

in Microfilm Records

by *[Signature]*

Ex-Officio Recorder 4.00

executed and delivered pursuant to the provisions of a credit sale of Government
Inventory Property formerly belonging to Clynn H. Christensen and Michele
Christensen, 12-15-518605189, Advice No. 20965, and the
authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated August 26, 1986

UNITED STATES OF AMERICA (Grantor)

By Dennis R. Nelson
Dennis R. Nelson, Acting State Director

Farmers Home Administration
United States Department of Agriculture

In the presence of:

ACKNOWLEDGMENT

STATE OF IDAHO)
County of Ada)

On this 26th day of August, before me, the undersigned, a Notary Public in and for said State, personally appeared Dennis R. Nelson, known to me to be the Acting State Director, Farmers Home Administration, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above mentioned.

Joyce Stachler
JOYCE STACHLER
Notary Public in and for the
State of Idaho
Residing at Boise, Idaho
My Bond Expires 8-11-87

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MAR 8 2000

MAR - 9 2000

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MAR 11 2000

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Department of Water Resources
Eastern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 13-7161

Adjudication Claim No(s):

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former
Owner/Claimant

Clynn Christensen USA FmHA

Route 1, Box 50, Grace, Idaho 83241

4. New Owner/Claimant(s)

Carl B. Jorgensen & Patricia Jorgensen

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

1699 Lloyd Road

City, State and ZIP Code

Bancroft, ID 83217

New Telephone Number

(208) 425-3953

5. Date you acquired the property

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s)
or Claimant(s)*Carl Jorgensen Patricia Jorgensen*

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 20, 2000

CARL B JORGENSEN
PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

RE: Change of Ownership for Decreed Water Right 13-07161

Dear Mr. & Mrs. Jorgensen:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

je Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

TC-13-03

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT ²⁹⁻⁸²⁴⁰ IN THE NAME)
OF ²⁹⁻⁸²⁴¹)
¹³⁻⁷¹⁶¹)
Carl Jorgensen)

ORDER AUTHORIZING RECEIVED
TEMPORARY CHANGE SEP 13 2002

Department of Water Resources

WHEREAS, a drought emergency has been declared for Caribou County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (A Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 9/9/02, Carl Jorgensen submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

1. Diversion and use of right no(s) ²⁹⁻⁸²⁴⁰ 29-8241 ¹³⁻⁷¹⁶¹ is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. This temporary change approval may only be used to provide a

TC-13-03

replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

4. Right(s) ¹³⁻⁷¹⁶¹_{29-8240, 29-8241} are limited to the irrigation of a total of 585 acres in a single irrigation season.
5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 13-T is authorized to administer the temporary change approval.
10. This temporary change approval expires on Nov 1, 2002 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 10 day of Sept, ²⁰⁰²~~2001~~

H. L. Jones
AUTHORIZED PERSON
IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Carl Jorgensen Phone (208) 425-3953
Post Office Address 1699 Lloyd Rd, Bancroft, Id 83217

A. PURPOSE OF TRANSFER

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

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions, well under
13-2198 & 13-7005 went dry, running out of water (canal)

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>13-2198</u> ²⁹⁻⁸²⁴⁰	<u>12/22/1958</u>	<u>2.88 cfs*</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
<u>13-7005</u> ²⁹⁻⁸²⁴¹	<u>5/15/1969</u>	<u>3.74 cfs*</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
<u>13-7161</u>	<u>4/15/1977</u>	<u>4.54 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>

2. Total amount of water being transferred 8.36 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	NW	32	9S	40E	Caribou	(P/D for 13-7161)

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	40E	29												38					38
		31	31	32	32	31									31	32	32	31	252
		32					32	31	31	32			16	16					158
10S	40E	5		5	2		38	34	17	21						20			137
				L-2			L-3	L-4											

* ²⁹⁻⁸²⁴⁰ 13-2198 combined with ²⁹⁻⁸²⁴¹ 13-7005 Limited to 355ac and 3.82cfs Total Acres 585

6. General Information:

TC-13-03

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will be able to raise crops under pivots & handlines
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. 13-2198 & 13-7005 well went dry, 13-7161 will not irrigate land not under pivot & handline
- e. Absent the changes, how would the right be used for the remainder of the year? 13-2198 & 13-7005 could not be used, 13-7161 could be used on P/u under rights
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: Drought conditions are forcing us to find alternative sources of water

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Carl B. Jorgensen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 8/23/2002 Fee 50⁰⁰
Receipted KCW # 4028131 Recommend: _____ approve _____ deny _____
Watermaster recommendation _____

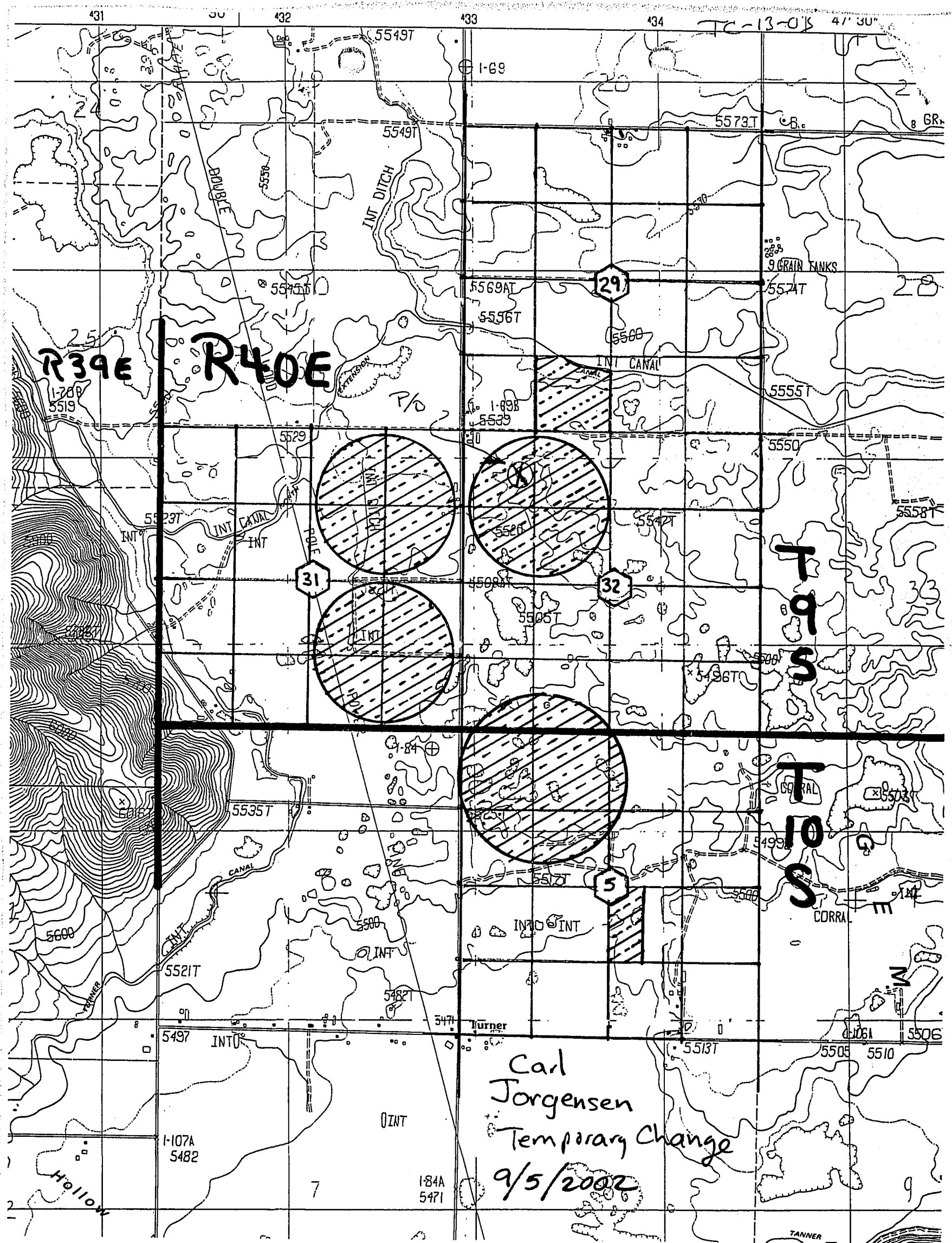
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

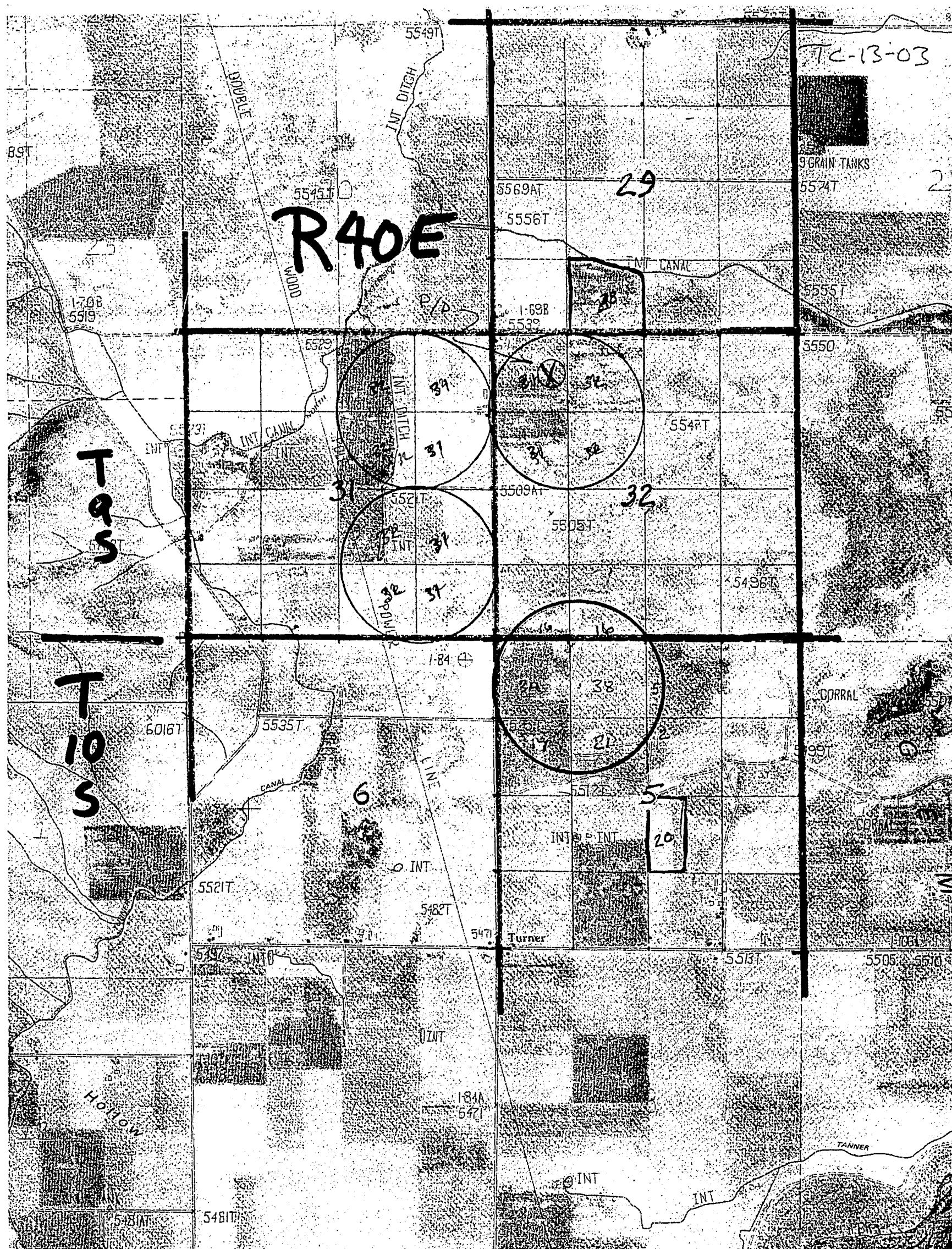
This is to certify that I have examined Temporary Change Application No. TC-13-03

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

Witness my hand this 10 day of Sept, 2002.

[Signature]
For the Director





RECEIVED

AUG 10 1992

143995

FILED

'92 JUL 28 PM 1 56

CARIBOU COUNTY CLERK

STATE OF IDAHO }
County of Caribou } ss.

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A m this 5th day of
August, 1992 In my office and duly
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry nd
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of further ~~partial~~ decrees as

FINAL DECREE, Page 1

MAY 14 1996

143995

necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.

2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLEY
District Judge

MAY 14 1996

143995

STATE OF IDAHO)
COUNTY OF CARIBOU) SS.

I, Rebecca A. Jenkins, Clerk of the District Court of the Sixth Judicial District of this State of Idaho, in and for the County of Caribou, do hereby certify the foregoing to be a full, true and correct copy of the Judgment duly made and entered on the minutes of the said District Court in the above entitled action, and that I have compared the same with the original, and the same in a correct transcript therefrom, and or the whole thereof.

ATTEST, my hand and the Seal of said District Court this 28th day of July 1992.

REBECCA JENKINS-SMITH, Clerk

by: Keda Massarinas
Deputy Clerk

CRH1A

RECORDED

MAY 14 1996

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-12-1991
PAGE: A-69

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: GROUNDWATER

13-07161	U.S. DEPT. OF AGRICULTURE FARMERS HOME ADMINISTRATION 159 E. 2ND S. #3 SODA SPRINGS ID 83276	04/15/1977	IRRIGATION	04-15 10-15	4.54 690.0	CFS AFY LICENSE
				TOTAL QUANTITY:	4.54 690.0	CFS AFY
				CONSUMPTIVE USE:	575.0	AFY
	POINT OF DIVERSION: T09S R40E S32		NWNW			
	PLACE OF USE: IRRIGATION					
	T09S R40E S29 S32	SESW 38.0 NENW 38.0 NWSW 38.0	NWNW 38.0	SNW 38.0	SENW 40.0	
	230.0 ACRES TOTAL					
	REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE					
29-07387	U.S. DEPT. OF AGRICULTURE FARMERS HOME ADMINISTRATION 159 E. 2ND S. #3 SODA SPRINGS ID 83276	04/18/1977	IRRIGATION	04-15 10-15	3.2 480.0	CFS AFY LICENSE
				TOTAL QUANTITY:	3.2 480.0	CFS AFY
				CONSUMPTIVE USE:	400.0	AFY
	POINT OF DIVERSION: T09S R40E S08		NWSE			
	PLACE OF USE: IRRIGATION					
	T09S R40E S08	NWNE 40.0	SWNE 40.0	NWSE 40.0	SWSE 40.0	
	160.0 ACRES TOTAL					
	REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE					

J-222A

Ident. No. ~~TC-29-05~~STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-29-05

TEMPORARY CHANGE APPLICATION

RECEIVED

AUG - 6 2003

(To change point of diversion, place of use or purpose of use)

Department of Water Resources

Name of Applicant Carl Jorgensen Phone (208) 425-3953
 Post Office Address 1699 Lloyd Rd, Bancroft, Id 83217

PURPOSE OF TRANSFER

1. ☒ Change point of diversion
☐ Change purpose of use

☐ Add diversion point(s)
☐ Other

☒ Change place of use

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions, well under
13-2198-13-7005 went dry, running out of water (canal)

LAST CHANCE CANAL HAS NO WATER -

3. 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>13-2198-29-8240</u>	<u>12/22/1958</u>	<u>2.86 cfs*</u>	<u>IRRIGATION</u>	<u>4/15 to 10/15</u>
<u>13-7005-29-8241</u>	<u>5/15/1969</u>	<u>3.74 cfs*</u>	<u>IRRIGATION</u>	<u>4/15 to 10/15</u>
<u>13-7161</u>	<u>4/15/1977</u>	<u>4.54 cfs</u>	<u>IRRIGATION</u>	<u>4/15 to 10/15</u>

2. Total amount of water being transferred 8.36 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversions
			NW	NW	32	9S	40E	Caribou	(P/D for 13-7161)

5. Lands irrigated or place of use:

Twp	Rge	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	
9S	40E	29												38					38
		31	31	32	32	31									31	32	32	31	252
		32					32	31	31	32			16	16					158
10S	40E	5		5	2		38	34	17	21						20			137
				L-2			L-3	L-4											

* ²⁹⁻⁸²⁴⁰ 13-2198 combined with ²⁹⁻⁸²⁴¹ 13-7005 Limited to 355ac and 3.82cfs Total Acres 585

6. General Information:

- a. Who owns the water right to be changed? Applicant TC-29-05
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will be able to raise crop under pivots. Handlines
OLD POU HAVE TO BE DRY
- d. Has the water right sought to be transferred been used this year? yes If yes, explain.
USED ON OLD POU - LAST CHANCE CANAL HAD WATER
- e. Absent the changes, how would the right be used for the remainder of the year? ON THE POU THATS
LICENSED
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: Drought conditions are forcing us to find
alternative sources of water.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Carl B. Jorgensen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by DC Date 7/21/2003 Fee 50
Receipted DC # E029017 Recommend: _____ approve _____ deny _____
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____

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

Witness my hand this _____ day of _____.

For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED
AUG - 6 2003

Department of Water Resources

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF WATER RIGHT)
29-8240, 29-8241, & 13-7161)
IN THE NAME OF)
CARL JORGENSEN)

ORDER DENYING
TEMPORARY CHANGE
TC - 29 - 05

WHEREAS, a drought emergency has been declared for Caribou County to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary changes of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on July 21, 2003, Carl Jorgensen ("Applicant"), submitted the attached Temporary Application for Change of Water ("Application") to the Department; and

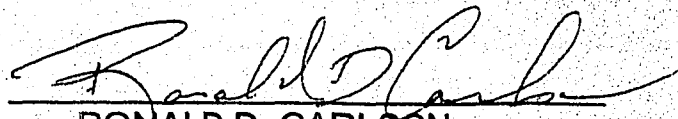
WHEREAS, the Department has reviewed the application and has determined the application **CANNOT** be approved for the following reasons;

ORDER

IT IS HEREBY ORDERED that the application is **DENIED** for the following reasons:

1. The proposed Temporary Change Application constitutes an enlargement of the water right described on the application.
2. The proposed Temporary Change Application cannot be administered to prevent injury to other water users.
3. The proposed Temporary Change Application cannot be regulated.

DATED this 28th day of July, 2003.


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant JORGENSEN FARMS J.V. Phone 208-425-3138Post Office Address 503 BENCH LAGO RD GRACE, ID 83241

A. PURPOSE OF TRANSFER

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

2. Describe the proposed change(s) and the reason(s) thereof Temporary change to provide
ground water to lands irrigated by LAST CHANCE CANAL
SHARES. Provide emergency water due to failure of last change
Flume on 8/13/03. TRANSFER CORNERS NOT IRRIGATED IN 2003
under g.w. rights.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
13-7161	4/15/1977	1.22 cfs	Irreg.	8/5/03 to 11/01/03
13-2197	8/14/1957	1.20 cfs	"	" to "
13-7010	3/5/1970	0.69 cfs	"	" to "
13-7097	1/3/1975	0.72 cfs	"	" to "
13-7163	4/4/1977	0.32 cfs	"	" to "

2. Total amount of water being transferred 4.14 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	NW	32	9S	40E	MACIBON	JORGENSEN NORTH H&K

5. Lands irrigated or place of use:

Twp	Rge	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	
9S	40E	32	40	35	40	35								35			20		205
10S	40E	6		40			35												75

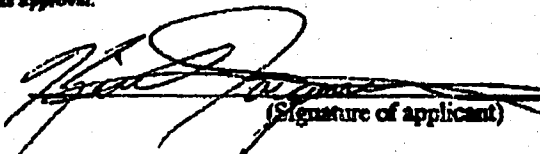
Total Acres 280

TC-13-04

6. General Information:

- a. Who owns the water right to be changed? Applicants; Phil Yost (13-7097 & 13-7163)
- b. Describe the arrangement allowing use of the right Applicants lease lands & water rights from Phil Yost
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
NO Affect. These lands ARE NOT irrigated this year under the water rights.
- d. Has the water right sought to be transferred been used this year? NO If yes, explain.
Portions of rights (privat corners) not irrig. in 2003.
- e. Absent the changes, how would the right be used for the remainder of the year? Right would not be used for these portions this year, corners not planted as yet.
- f. Describe other water rights used for the same purpose.
Last Chance Canal shares appurtenant to 13-7161 but not used on this POV this year
- g. Remarks: Tim Luke, EDWR, checked corners and POV on 8/4/03 confirmed non use of corners & other parcels.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.


(Signature of applicant)

FOR DEPARTMENT USE ONLY

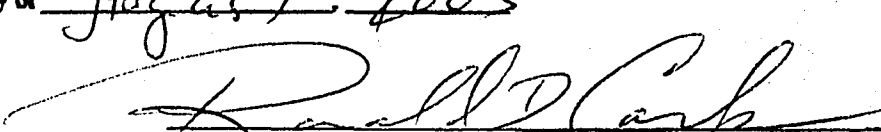
Received by Tim Luke Date 8-5-03 Fee \$50.00
Received KCW # E 029080 Recommend: approve deny
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-13-

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

Witness my hand this 6th day of August 2003.


For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 13-7161, 13-2197, 13-7010)

13-7097, 13-7163 JORGENSEN Farms)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-13-04

WHEREAS, a drought emergency has been declared for Caribou
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 8/5/03, KEITH Jorgensen submitted the attached
Temporary Change Application TC-13-04 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the
following conditions:

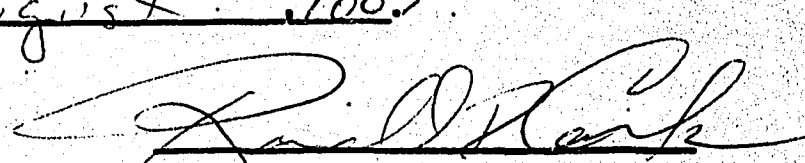
1. Diversion and use of right no(s) 13-7161, 13-2197, 13-7010,
13-7097, 13-7163 is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-13-04

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

- 13-7161, 13-2197, 13-7010,
13-7097, 13-7163
5. Right(s) 1,176 are limited to the irrigation of a total of 1,176 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 13 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 11/01/2003 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 6th day of August, 2003.


RONALD D. CARLSON
EASTERN REGION MANAGER