

73-12082

THOMSEN STEPHENS
LAW OFFICES

Alan C. Stephens*
Curt R. Thomsen (Challis Office)
James D. Holman**

*Also Member of Wyoming Bar

**Also Member of Nebraska Bar

VIA OVERNIGHT MAIL

RECEIVED
OCT 12 2006
J. Michael Wheeler
Michael J. Whyte
T. Jason Wood
Brian L. Boyle
DEPARTMENT OF
WATER RESOURCES

October 10, 2006

CARTER FRITSCHLE
SECTION MANAGER
ADJUDICATION BUREAU
IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT STREET
P O BOX 83720
BOISE ID 83720

RE: Claim of Water Right-Basin 73
Richard and Victoria Bergeman

Dear Mr. Fritschle:

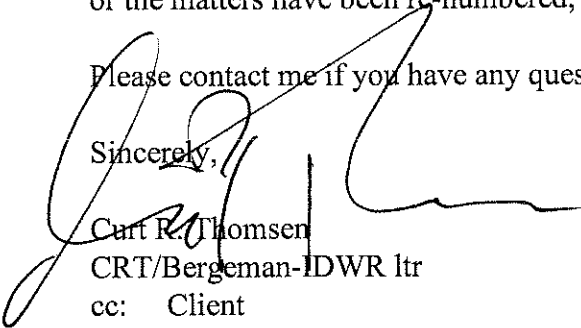
This follows our conversation on October 5, 2006 about the noted claim. You had previously spoken to Mr. Bergeman about this claim, which is apparently a new or previously unnoted claim concerning water rights first used in 1888.

The claim we have prepared for Bergemans is enclosed along with our check for the required filing fee.

Bergeman's gave me your note that they should include in Item 14 language to the effect: "This claim combines rights 73-213C and 73-213D." We have included this language, but are otherwise uninformed about 73-213 C and D. Bergemans have other rights identified as A73-215 B and C, but we assume they are not the same as the 73-213 items noted. If I am mistaken, or the matters have been re-numbered, please advise.

Please contact me if you have any questions about this claim. Thank you for your assistance.

Sincerely,



Curt R. Thomsen
CRT/Bergeman-IDWR ltr
cc: Client

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-12082

Date Received 10-12-06

Receipt Number 2082361

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 12 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly

1. Name of Claimant (s) RICHARD AND VICTORIA BERGEMAN Phone (208) 876-4283

Mailing Address 2255 PAHSIMERGI RD. MAY, ID Zip 83253

2. Date of Priority (Only one (1) per claim) FEB. 22, 1888

3. Source of water supply (a) PATTERSON CREEK
which is tributary to (b) PAHSIMERGI RIVER4. a. Location of existing point of diversion is: Township 14N Range 23E Section 26,
NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section, 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section, 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. METAL HEADGATE TO DITCH
TO PUMP AND MAINLINE SYSTEM. HEADGATE DIVERTS
WATER OUT OF PATTERSON CREEK IN SECTION 26,
NW 1/4 NW 1/4 NW 1/4

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-01 to 11-01 amount 0.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.8 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	23E	22									23*					17*			

* COMBINED WITH OTHER RIGHTS
TOTAL 107 ACRES IRRIGATED

Total number of acres irrigated 40

11. In which county (ies) are lands listed above as place of use located? LEMMING

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A73-215B, A73-215C USED WITH CLAIMED RIGHT HEREIN or None ()

14. Remarks: PER INSTRUCTIONS FROM MR. CARTER FRITSCHLE, THE
CLAIMED RIGHT COMBINES OTHER RIGHTS IDENTIFIED AS
73-213C AND 73-213D
DECREE ATTACHED
MAP OF POINT OF USE ATTACHED
MAP OF POINT OF DIVERSION ATTACHED

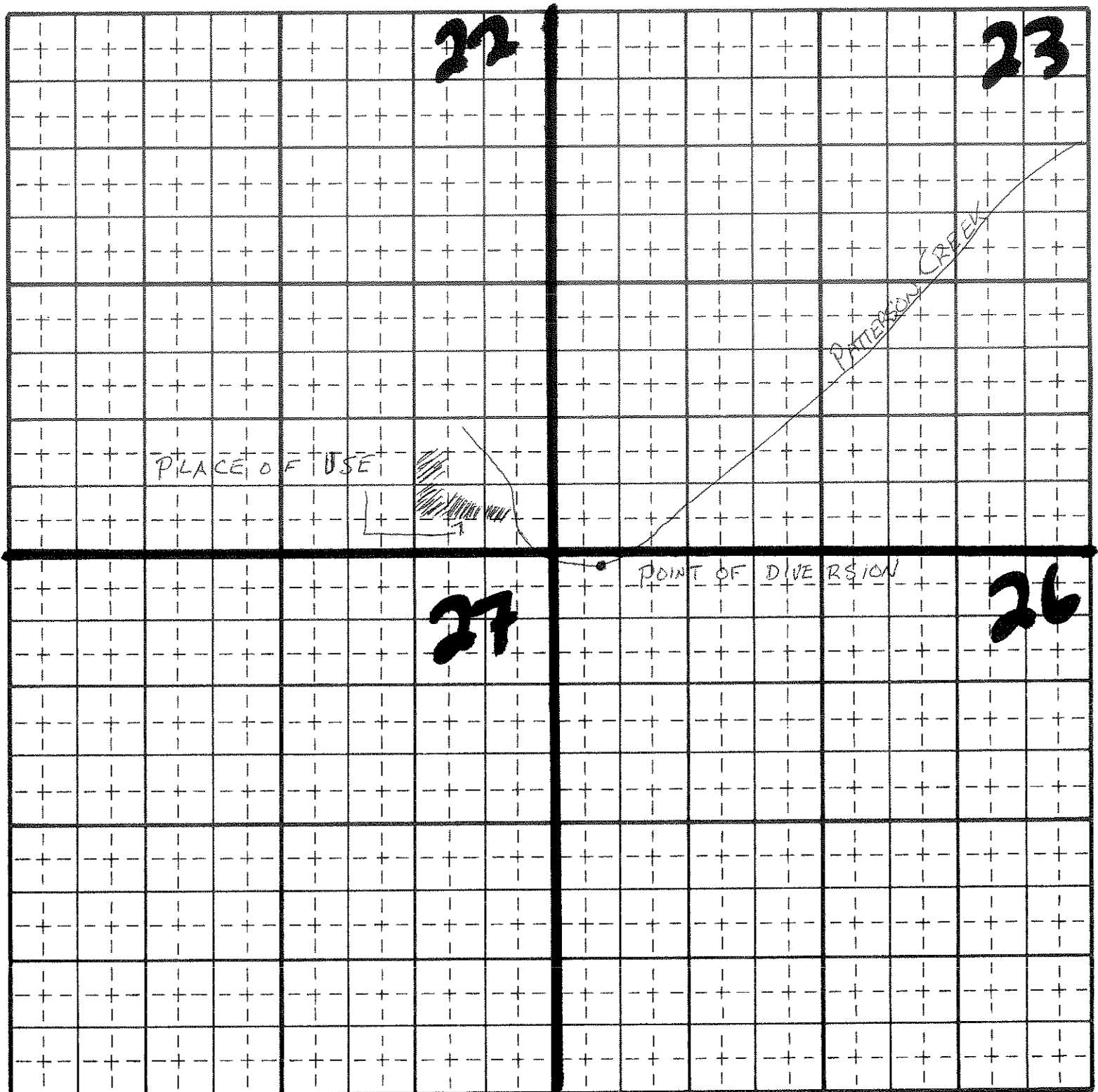
Last Name BERGEMAN Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

ALL IN SECTION 22 -- PLACE OF USE
TOWNSHIP 14N RANGE 23E



Last Name BERGEMAN

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number SEE ATTACHED

Court LEMHI (TWIN LAKES DIST.) Case Number _____ Decree Date 4-18-1910

Plaintiff vs Defendant HAMMOND v. MILLER

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Richard Bergeman

Date 10/10/06

Victoria Bergeman

Date 10/10/06

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of CUSTER) SS.

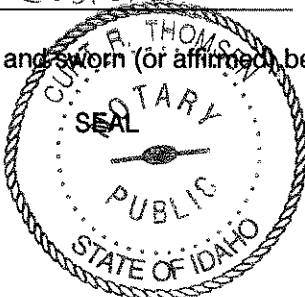
Subscribed and sworn (or affirmed) before me this

10TH

day of

OCTOBER

2006



Notary Public [Signature]

Residing at CHALLIS ID

My Commission Expires 12-13-13

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, CORT R. THOMSEN will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

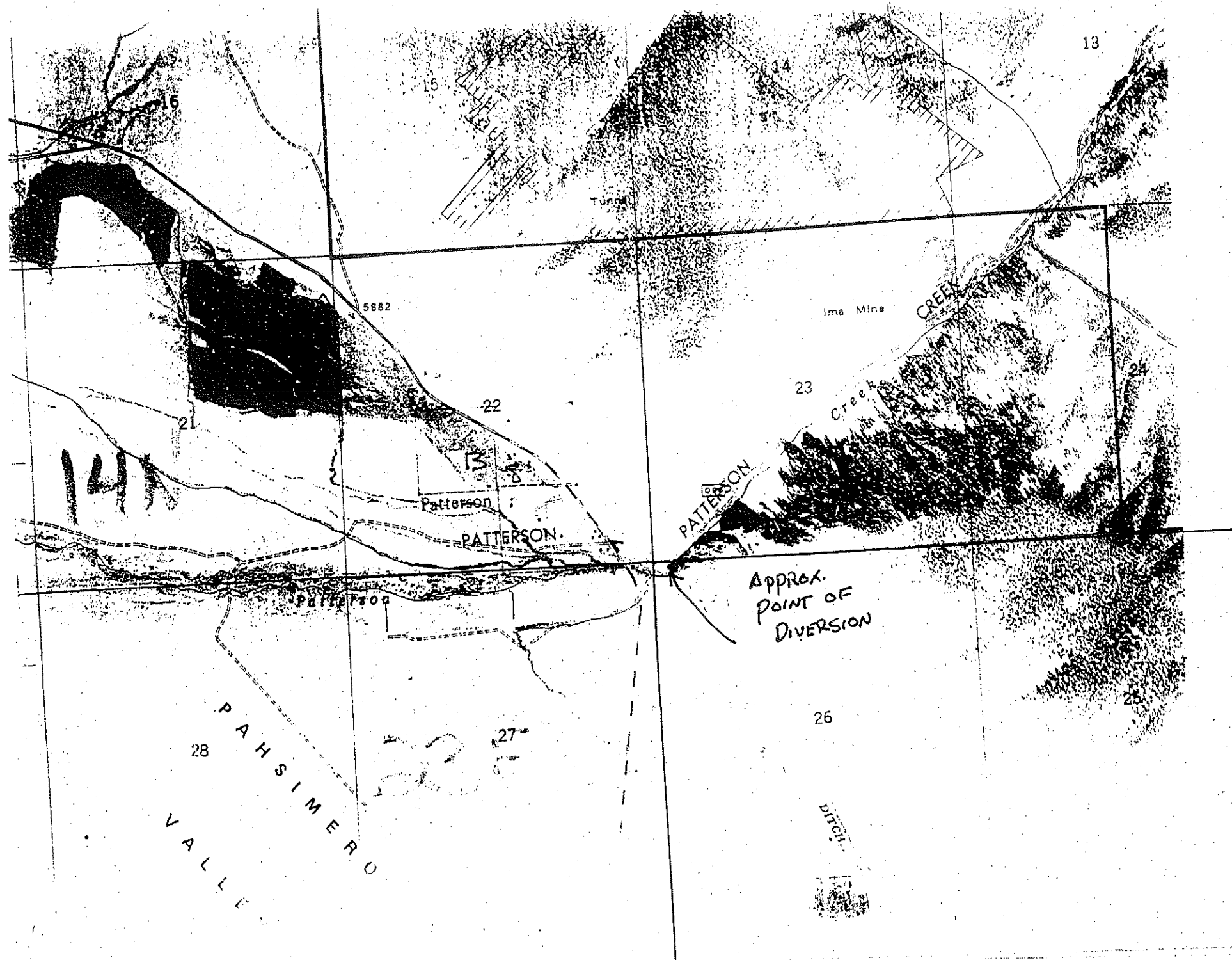
Address P.O. BOX 600 CHALLIS ID 83226

Date 10-10-06

Last Name BERGEMAN

Ident. Number _____

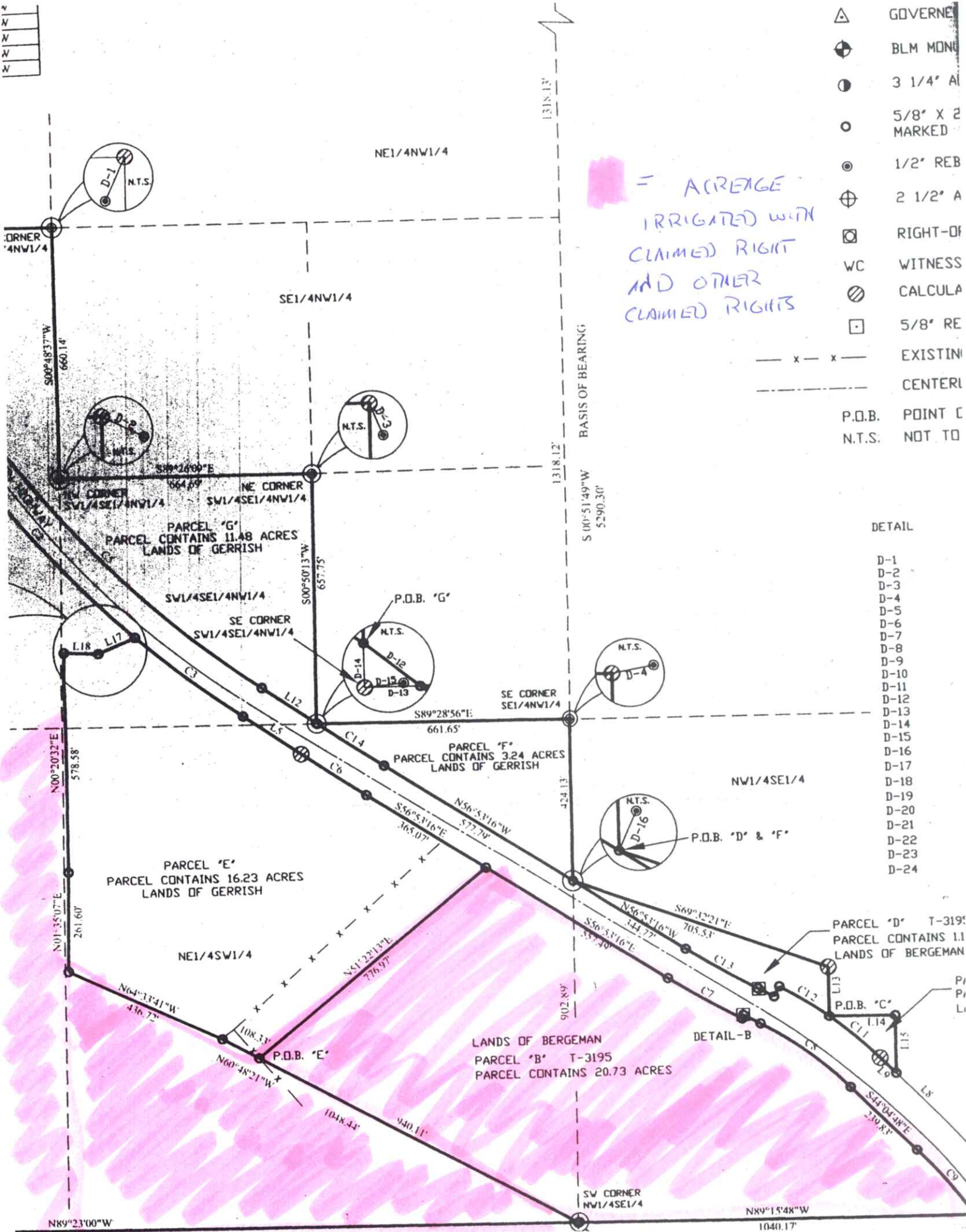
Copies White-State, Yellow-Claimant

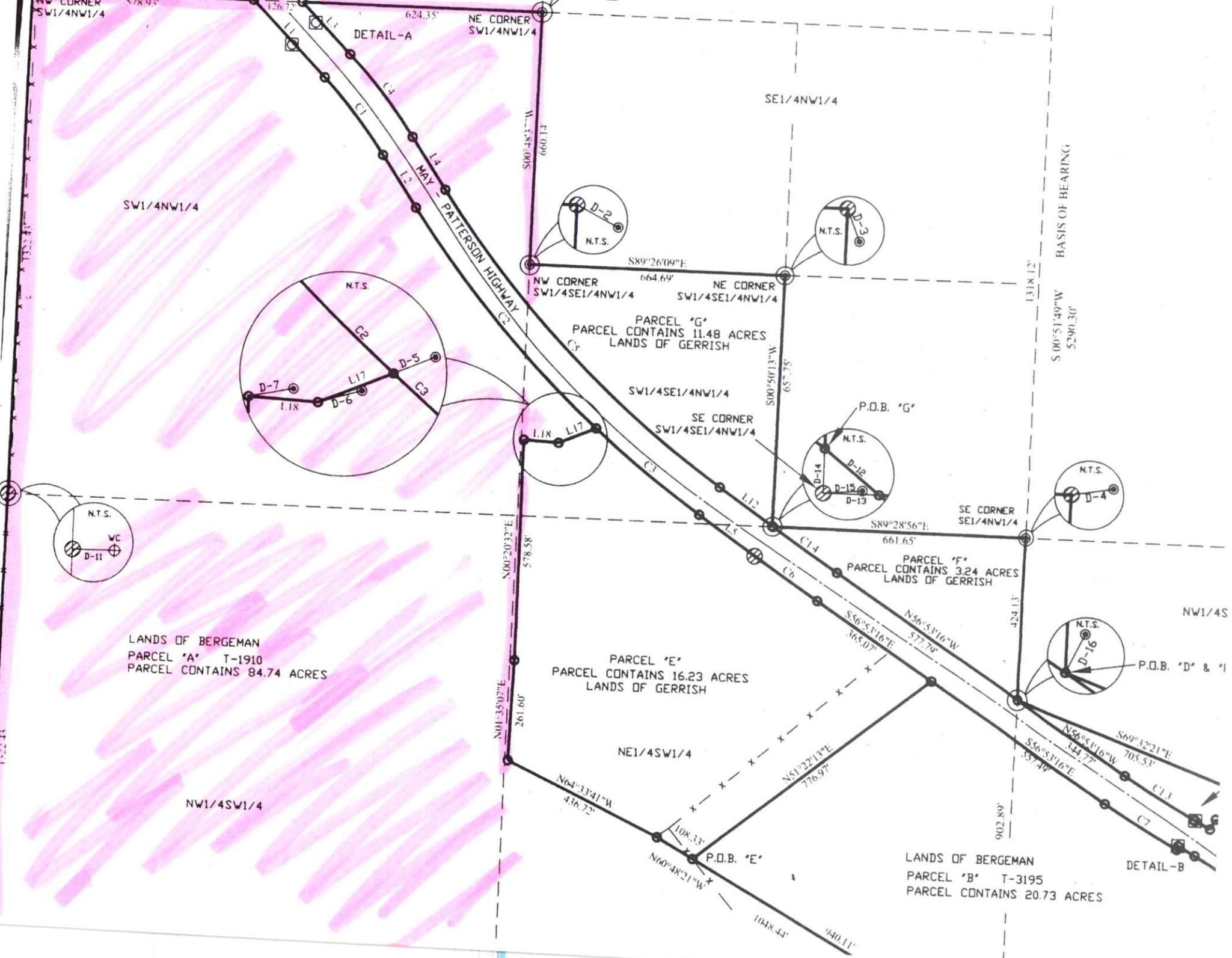


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- △ GOVERNOR
- ⊕ BLM MONUMENT
- 3 1/4" AL
- 5/8" X 2 MARKED
- ⊙ 1/2" REB
- ⊕ 2 1/2" A
- ⊠ RIGHT-OF-WC
- ⊙ WITNESS
- ⊙ CALCULATED
- ⊠ 5/8" RE
- x — EXISTING
- CENTERLINE
- P.O.B. POINT OF BEGINNING
- N.T.S. NOT TO SCALE

= ACREAGE
IRRIGATED WITH
CLAIMED RIGHT
AND OTHER
CLAIMED RIGHTS





IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR LEMHI COUNTY.

William J. Hammond, JanE Hammond and
George E. Morrison, substituted for Gris
Cocanoughner,

Plaintiffs

vs

Laura Miller, Lynn D. Finch, Rufus A. Wells,
William P. Kirkpatrick, Samuel G. Bradbury,
Eliza A. Bradbury, John L. Kirkpatrick and
Lillie M. Kirkpatrick,

Defendants.

DECREE

This cause coming on to be heard this 7th day of April, 1910, upon the report of George F. Hansbrough, Referee, heretofore appointed for the purpose of taking the testimony and making recommendations as to the Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said George F. Hansbrough having filed his report of the testimony taken and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel and the Court being fully informed and advised in the premises and having ordered that Judgment be entered in accordance with the report and recommendations of the said Referee;

Therefore by reason of the Law and the premises and the report and Findings of Fact and Conclusions of Law aforesaid, it is ordered, adjudged and decreed as follows;

(1)
That each and every of the tracts of land described in the Complaint, answers and cross-complaints in this action as belonging to the said several parties, plaintiff and defendant herein are arid in character and will not successfully raise an agricultural crop with out the application of water thereon for the irrigation thereof

(2)
That one inch of water per acre, or its equivalent in cubic feet per second of time is ample and sufficient for the proper irrigation of said lands.

(3)
That the dams, and diverting works of the said several parties to this action were at the time of the several appropriations and are now of sufficient size and capacity to carry and convey the water so appropriated to and upon the several tracts of land of the said several parties for the irrigation thereof and that each and every of the said several tracts of land are situated in Lemhi County, Idaho.

(4)
That each of the parties to this action, or their predecessors in interest, plaintiff and defendant, hereinafter named were at the time of the several appropriations of water as hereinafter set forth, the owners, respectively of the several tracts of land set forth and described in the complaint, answers and cross-complaints in said action and that for the irrigation of the same, the said parties or their predecessors in interest did respectively appropriate the quantities of water hereinafter stated and on the dates and from the streams respectively as hereinafter stated and set forth, such water being estimated and measured under a four inch pressure, or its equivalent in cubic feet per second of time and ever since said dates of said appropriations, the said water has been so diverted and used upon said lands in the irrigation thereof:

(5)
The following named persons, parties to this suit are entitled to the uninterrupted use of the flow of the waters of Patterson Creek and Mahogany Springs Creek, upon the lands mentioned and described in the complaint, answers and cross-complaints and in the Findings herein as described herein, in the following amounts and from the following dates, to wit:

Jane Hammond, from Patterson Creek, 120 inches or 2 2/5 cubic feet per second of time, to date from the 8th day of May, 1899, appurtenant to the S. 1/2 of the N. E. 1/4 and the N. 1/2 of the S. E. 1/4 of Section 18, Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Jane Hammond from Mahogany Springs Creek, 40 inches or 4/5 cubic feet per second of time, to date from the 8th day of May, 1899, appurtenant to the land above described of Jane Hammond, in Lemhi County, Idaho.

George E. Morrison from Patterson Creek, 140 inches or 2 4/5 cubic feet per second of time, to date from the 1st day of April, 1902, appurtenant to the S. E. 1/4 of the S. E. 1/4 of Section 7, and the N. W. 1/4 of the N. W. 1/4 of Section 23 and the N. 1/2 of the N. E. 1/4 of Section 18, in Township 14, North Range 23 East of the Boise Meridian, in Idaho.

George E. Morrison from Mahogany Springs Creek 20 inches or 2/5 cubic feet per second of time to date from the 1st day of April, 1902, appurtenant to the above described land of George E. Morrison.

Samuel G. Bradbury from Patterson Creek 160 inches or 3 1/5 cubic feet per second of time to date from the 1st day of April, 1887, appurtenant to the S. E. 1/4 of the S. E. 1/4 of Section 17, the N. 1/2 of the N. W. 1/4 of Section 21, and the N. E. 1/4 of the N. E. 1/4 of Section 20, in Township 14, North Range 23 East of the Boise Meridian, in Idaho.

William P. Kirkpatrick from Patterson Creek 160 inches or 3 1/5 cubic feet per second of time, to date from the 1st day of April, 1887, appurtenant to the N. E. 1/4 of Section 21, in Township 14, North Range 23 East of the Boise Meridian, in Idaho.

John L. Kirkpatrick from Patterson Creek 160 inches or 3 1/5 cubic feet per second of time to date from the 1st day of April, 1887, appurtenant to the N. W. 1/4 of the S. E. 1/4 of Section 17, Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Laura Miller from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time to date from the 22nd day of February, 1888, appurtenant to the N.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 35, in Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Lynn D. Finch from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time, to date from the 22nd day of February 1888, appurtenant to the N.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 35; the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$, the N. $\frac{1}{2}$ of the S.E. $\frac{1}{4}$ of Section 34, in Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Lynn D. Finch from Patterson Creek 40 inches or $\frac{4}{5}$ cubic feet per second of time to date from the 1st day of June, 1901, appurtenant to the N. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 34, Township 14, North Range 23 East of the Boise Meridian, in Idaho.

Rufus A. Wells from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time, to date from July 2nd, 1902, appurtenant to the S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$, the N. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ and the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 22, Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Lynn D. Finch from Patterson Creek 40 inches or $\frac{4}{5}$ cubic feet per second of time to date from the 1st day of August, 1902, appurtenant to the N. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 34, Township 14 North Range 23 east of the Boise Meridian, in Idaho.

Samuel G. Bradbury from Patterson Creek 80 inches or $1 \frac{3}{5}$ cubic feet per second of time to date from the 3rd day of July, 1906, appurtenant to the S. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 16, Township 14, North Range 23 East of the Boise Meridian, in Idaho.

John L. Kirkpatrick from Patterson Creek, 120 inches or $2 \frac{2}{5}$ cubic feet per second of time to date from the 3rd day of July, 1906, appurtenant to the S. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ and the S.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 17, Township 14, North Range 23 East of the Boise Meridian, in Idaho.

(6)

It is further adjudged and decreed that where the points of diversion of the said several parties from said streams are not fixed by this decree, the point of diversion and measurement of the waters of said streams to the said several parties to this action shall be the point of diversion of the parties on the 24th day of June 1909, the time of trial of this action.

(7)

It is further adjudged and decreed that each of the parties to this action shall pay his or her proportionate share of the costs in this action.

(8)

That each and every of the parties to this suit, plaintiff and defendant, their agents, servants, attorneys and employees, and each, every and all persons acting in aid of and for any of the parties to this action are hereby forever restrained and enjoined from in any way or manner interfering with or diverting or using the waters of said streams or their tributaries, except in accordance with the terms and provisions of this Decree. Dated this 7th day of April, 1910.

J. N. Stevens,
Judge of said District Court.

Filed this 18th day of April, 1910.

W. C. Smith
Clerk.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Bradley Mining Company, a corporation,
of Patterson, Idaho
For a Transfer of Water Right, in Water
District No. 19, Lemhi County, Idaho

ORDER GRANTING TRANSFER

NO. 854.

WHEREAS, On the 3rd day of June, 1955, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Bradley Mining Company, a corporation, of Patterson, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of June, 1955.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 854.

THIS IS TO CERTIFY That BRADLEY MINING COMPANY, a corporation, of Patterson, Idaho, is the owner of and using Four-fifths (4/5) of a second foot (or 40 inches) of the waters of Patterson Creek with priority of February 22, 1888, said water being decreed to Lynn D. Finch, by Judge J. M. Stevens of the 6th Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of WILLIAM F. HAMMON, ET AL., Plaintiffs, vs. LAURA MILLER, ET AL., Defendants. said decree bearing date of April 7, 1910, and being appurtenant to the following described lands, to-wit:
SE 1/4 NE 1/4, N 1/4 SE 1/4 Section 34, NW 1/4 SW 1/4 Section 35 Township 14 North, Range 23 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 274.

That said Bradley Mining Company, a corporation, of Patterson, Idaho, has become the owner of said water right through purchase.

That by Transfer Certificate No. 802, approved by the State Reclamation Engineer February 17, 1953, 10 inches of said water was transferred for milling and mining at the Ima Mine in the SE 1/4 NE 1/4 Section 23, Township 14 North, Range 23 East, B.M.; and 30 inches for irrigation and domestic use on the S 1/4 SE 1/4 Section 22, Township 14 North, Range 23 East, B.M.

And that now, upon the application of Bradley Mining Company, a corporation, of Patterson, Idaho, for the transfer of twenty (20) inches of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of twenty (20) inches of the waters of Patterson Creek upon the S 1/4 SE 1/4 Section 22, Township 14 North, Range 23 East, B.M. is hereby abandoned and the place of use of said water under such right hereby confirmed shall by this Certificate become appurtenant is described as follows, to-wit:

20 inches for milling and mining at the Ima Mine in the SE 1/4 NE 1/4 Section 23, Township 14 North, Range 23 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.4 of a second foot (or 20 inches) of the waters of Patterson Creek, with priority of February 22, 1888.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Patterson Creek with point of diversion in the NW 1/4 NW 1/4 Section 26, Township 14 North, Range 23 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described land with point of diversion in the SE 1/4 NE 1/4 Section 23, Township 14 North, Range 23 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of June, 1955.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

(SEAL)

State of Idaho }
County of Lemhi } 23

Recorded at the request of Oscar W. Worthwine June 24th 1955 at - minutes past 9 o'clock A.M., in Book E of Judgments Page 404 Records of Lemhi County, Idaho.

W. W. Simmonds
County Recorder
By *Opal Redington*
Deputy

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

J. E. ROVINEN,
Plaintiff,
vs.
O. O. ALEXANDER,
Defendant.

J U D G M E N T
No. 3531

The above entitled cause came on regularly to be heard this 10th day of January, 1953, at Salmon, Idaho, upon the Complaint herein taken as confessed by the defendant on the proof taken herein, and upon said hearing it appearing to the satisfaction of the Court, that the defendant herein was duly served in person with Summons herein, attached to a copy of the Complaint on file in this action; and the defendant having failed to appear and answer said Complaint of the plaintiff, and the time for answering having expired, and no answer or other pleading having been filed, the default of the defendant, O. O. Alexander, was duly entered according to law, and having heard the evidence offered by the plaintiff, and upon application of C. Walker Lyon, Attorney for plaintiff, judgment is hereby entered against said defendant for the sum of ONE THOUSAND, TWO HUNDRED THIRTY-ONE and 97/100 (\$1,231.97) DOLLARS, with interest thereon at the rate of six (6) per cent per annum from the date hereof until paid; together with the plaintiff's costs and disbursements incurred in this action, amounting to the sum of SEVENTEEN and 40/100 (\$17.40) DOLLARS.

Dated in Open Court this 10th day of January, 1953.

Preston Thatcher
District Judge

Filed January 10th, 1953
at 30 minutes past 4 o'clock P. M.
W. W. Simmonds, Clerk
Book E of Judgments
Page 309

Instrument No. 76605

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Bradley Mining Company, a corporation,
of Patterson, Idaho

ORDER GRANTING TRANSFER

No. 800

For a Transfer of Water Right, in Water
District No. 19, Lemhi County, Idaho.

WHEREAS, On the 12th day of February, 1953, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Bradley Mining Company, a corporation, of Patterson, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of February, 1953.

(SEAL)

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 800.

THIS IS TO CERTIFY That BRADLEY MINING COMPANY, a corporation, of Patterson, Idaho, is the owner of and using Four-fifths (4/5) of a second foot (or 40 inches) of the waters of Patterson Creek with priority of February 22, 1888, said water being decreed to Lynn D. Finch, by Judge J. M. Stevens of the 6th Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of

WILLIAM F. HAMMOND, ET AL.,
Plaintiffs.

vs.

LAURA MILLER, ET AL.,
Defendants.

said decree bearing date of April 7, 1910, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Township 14 North, Range 23-
East, B.M.

of the State of Idaho, in Volume 4 of Decrees, beginning at Page 274.

That said Bradley Mining Company, a corporation, of Patterson, Idaho, has become the owner of said water right through purchase.

And that now, upon the application of Bradley Mining Company, a corporation, of Patterson, Idaho, for the transfer of Four-fifths ($\frac{4}{5}$) of a second foot (or 40 inches) of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Four-fifths ($\frac{4}{5}$) of a second foot (or 40 inches) of the waters of Patterson Creek upon the above described lands is hereby abandoned and the place of use of said water under such right hereby confirmed shall by this Certificate become appurtenant is described as follows, to-wit:

10 inches for milling and mining at the Ima Mine in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 14 North, Range 23 East, B.M.

30 inches for irrigation and domestic use on the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22, Township 14 North, Range 23 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount to-wit:

$\frac{4}{5}$ of a second foot of the waters of Patterson Creek, with priority of February 22, 1888.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Patterson Creek through the Bien-Miller-Finch Ditch, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Township 14 North, Range 23 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands with points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 14 North, Range 23 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have herunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of February, 1953.

(SEAL)

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

State of Idaho)
) ss.
County of Lemhi)

Recorded at the request of Oscar W. Worthwine February 24th 1953 at 45 minutes past 9 o'clock A. M., in Book E of Judgments Page 309-310 Records of Lemhi County, Idaho

W. W. Simmonds
County Recorder

By *Opal Reddington*
Deputy.

Fee \$1.50

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

Axel Sorenson,
Plaintiff. -
vs.
G. William Yarger,

DISMISSAL JUDGMENT
No. 3546

In this action, C. Walker Lyon, Attorney for the Plaintiff files in this Court on February 26th, 1953, an Praecipe for Dismissal of the above entitled action without prejudice, and to release the attachment hereto made on personal property. And it appearing to the Court that no answer or counter-claim has been filed by the Defendant:

WHEREFORE: By virtue of the law, and by reasons of the premises aforesaid, it is ORDERED, ADJUDGED and DECREED, that the above entitled be, and the same hereby is, dismissed without prejudice, and it is further ordered that the Attachment heretofore made on personal property, be, and the same hereby is satisfied and released of record.

Witness the Hon. Preston Thatcher Judge of the above entitled Court this 26th. day of February, 1953.

(SEAL)

By W. W. Simmonds
Clerk of the District Court

Filed February 26th 1953
at 40 minutes past 11 o'clock A. M.
W. W. Simmonds, Clerk
Book E of Judgments
Page 310