

05/12/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-113

NAME AND ADDRESS: SULPHUR-CREEK-LIVESTOCK PO-BOX-151 MAY-ID-83253 BIG CREEK RANCH LLC 280 CRANBROOK DR HAILEY ID 83333

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 05/11/1911

POINT OF DIVERSION: T14N R21E S24 SENW Within CUSTER County T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.800 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S13 SWSE 40.00	T14N R21E S24 NENE 18.00
T14N R21E S24 NWNE 40.00	T14N R21E S24 SWNE 39.00
T14N R21E S24 SENE 40.00	T14N R21E S24 NENW 38.00
T14N R21E S24 SENW 34.00	T14N R21E S24 NESW 36.00
T14N R21E S24 SWSW 4.10	T14N R21E S24 SESW 40.00
T14N R21E S24 NESE 40.00	T14N R21E S24 NWSE 40.00
T14N R21E S24 SWSE 40.00	T14N R21E S24 SESE 40.00
T14N R21E S25 NWNE 40.00	T14N R21E S25 NENW 40.00
T14N R21E S25 NWNW 22.00	~~T14N R21E S25 SWNW 3.60~~
~~T14N R21E S25 SENW 6.80~~	T14N R22E S18 Lot 4 SWSW 10.00
T14N R22E S18 SESW 38.00	T14N R22E S18 SWSE 40.00
T14N R22E S19 NWNE 40.00	T14N R22E S19 SWNE 40.00
T14N R22E S19 NENW 40.00	T14N R22E S19 Lot 1 NWNW 39.00
T14N R22E S19 Lot 2 SWNW 36.00	T14N R22E S19 SENW 40.00
T14N R22E S19 Lot 3 NWSW 37.00	

961-5 951.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961-5 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

Right Nos. 73-2B and 73-113 are limited to the irrigation of a combined total of 160 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.

73-113

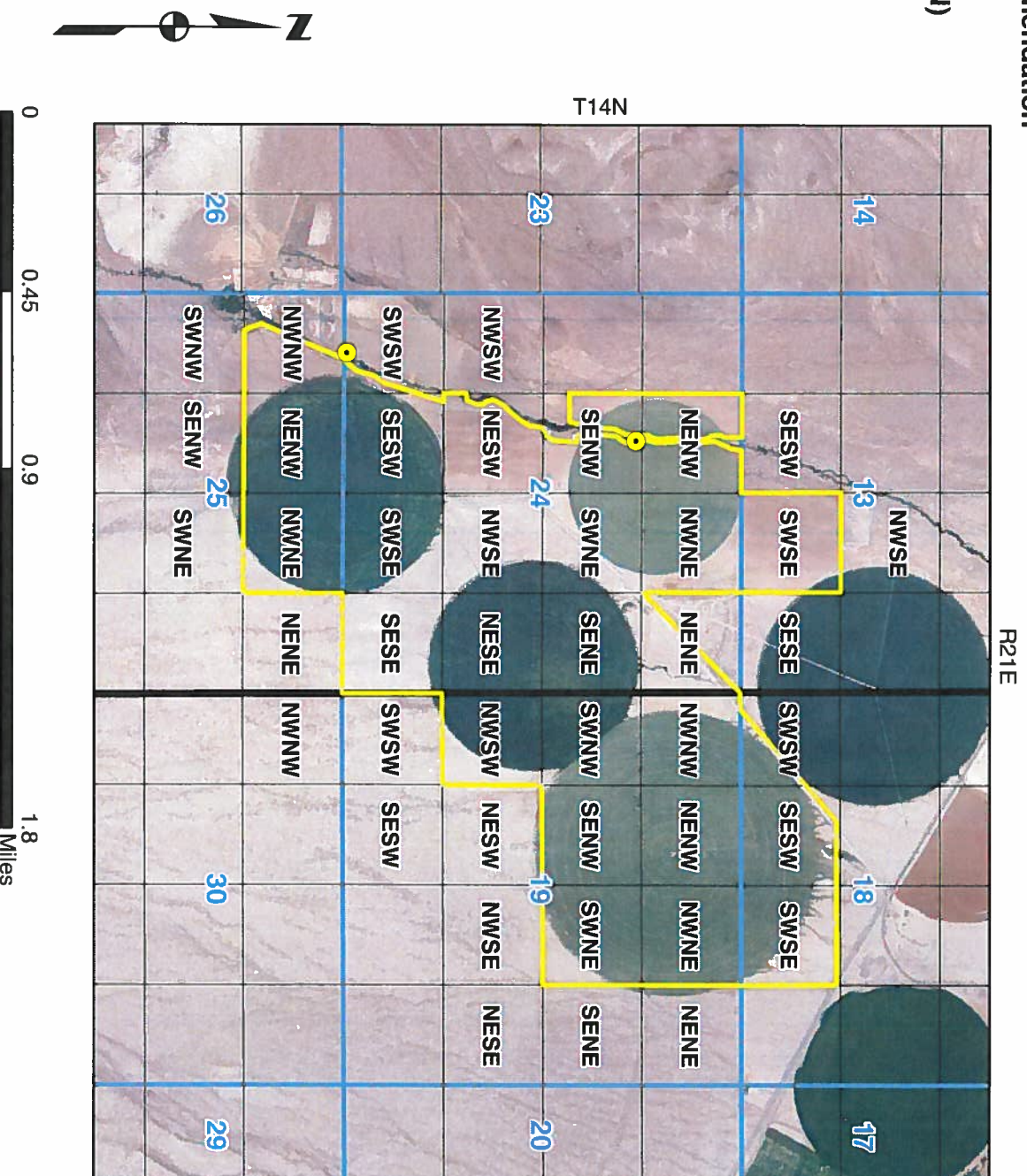
(IRRIGATION)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Custer County
IDWR Basin 73**

Prepared by Craig Saxton
On May 14, 2010
2004 Aerial Photography



08/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-113

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 05/11/1911

POINT OF
DIVERSION:

T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/01 10/31		2.800 CFS
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>				
	T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE 18.00
	T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE 39.00
	T14N R21E S24	SENE	40.00	T14N R21E S24	NENW 38.00
	T14N R21E S24	SENE	34.00	T14N R21E S24	NESW 36.00
	T14N R21E S24	SWSW	4.10	T14N R21E S24	SESW 40.00
	T14N R21E S24	NESE	40.00	T14N R21E S24	NWSE 40.00
	T14N R21E S24	SWSE	40.00	T14N R21E S24	SESE 40.00
	T14N R21E S25	NWNE	40.00	T14N R21E S25	NENW 40.00
	T14N R21E S25	NWNW	22.00	T14N R21E S25	SWNW 3.60
	T14N R21E S25	SENE	6.80	T14N R22E S18 Lot 4	SWSW 10.00
	T14N R22E S18	SESW	38.00	T14N R22E S18	SWSE 40.00
	T14N R22E S19	NWNE	40.00	T14N R22E S19	SWNE 40.00
	T14N R22E S19	NENW	40.00	T14N R22E S19 Lot 1	NWNW 39.00
	T14N R22E S19 Lot 2	SWNW	36.00	T14N R22E S19	SENE 40.00
	T14N R22E S19 Lot 3	NWSW	37.00		

961.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.

03/31/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-113
NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253
SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 2.800 CFS
PRIORITY DATE: 05/11/1911
POINT OF DIVERSION:
T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.800 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
T14N R21E S24	SENW	34.00	T14N R21E S24	NESW	36.00
T14N R21E S24	SWSW	4.10	T14N R21E S24	SESW	40.00
T14N R21E S24	NESE	40.00	T14N R21E S24	NWSE	40.00
T14N R21E S24	SWSE	40.00	T14N R21E S24	SESE	40.00
T14N R21E S25	NWNE	40.00	T14N R21E S25	NENW	40.00
T14N R21E S25	NWNW	22.00	T14N R21E S25	SWNW	3.60
T14N R21E S25	SENW	6.80	T14N R22E S18 Lot 4	SWSW	10.00
T14N R22E S18	SESW	38.00	T14N R22E S18	SWSE	40.00
T14N R22E S19	NWNE	40.00	T14N R22E S19	SWNE	40.00
T14N R22E S19	NENW	40.00	T14N R22E S19 Lot 1	NWNW	39.00
T14N R22E S19 Lot 2	SWNW	36.00	T14N R22E S19	SENW	40.00
T14N R22E S19 Lot 3	NWSW	37.00			

961.5 ACRES TOTAL

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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

03/31/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.



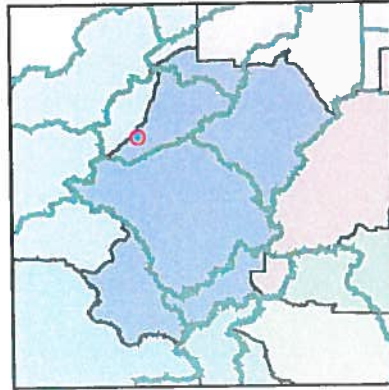
Idaho Department of Water Resources

Adjudication Claims:

**73-2B, 73-7A,
73-7B, 73-8B, 73-113,
73-140**

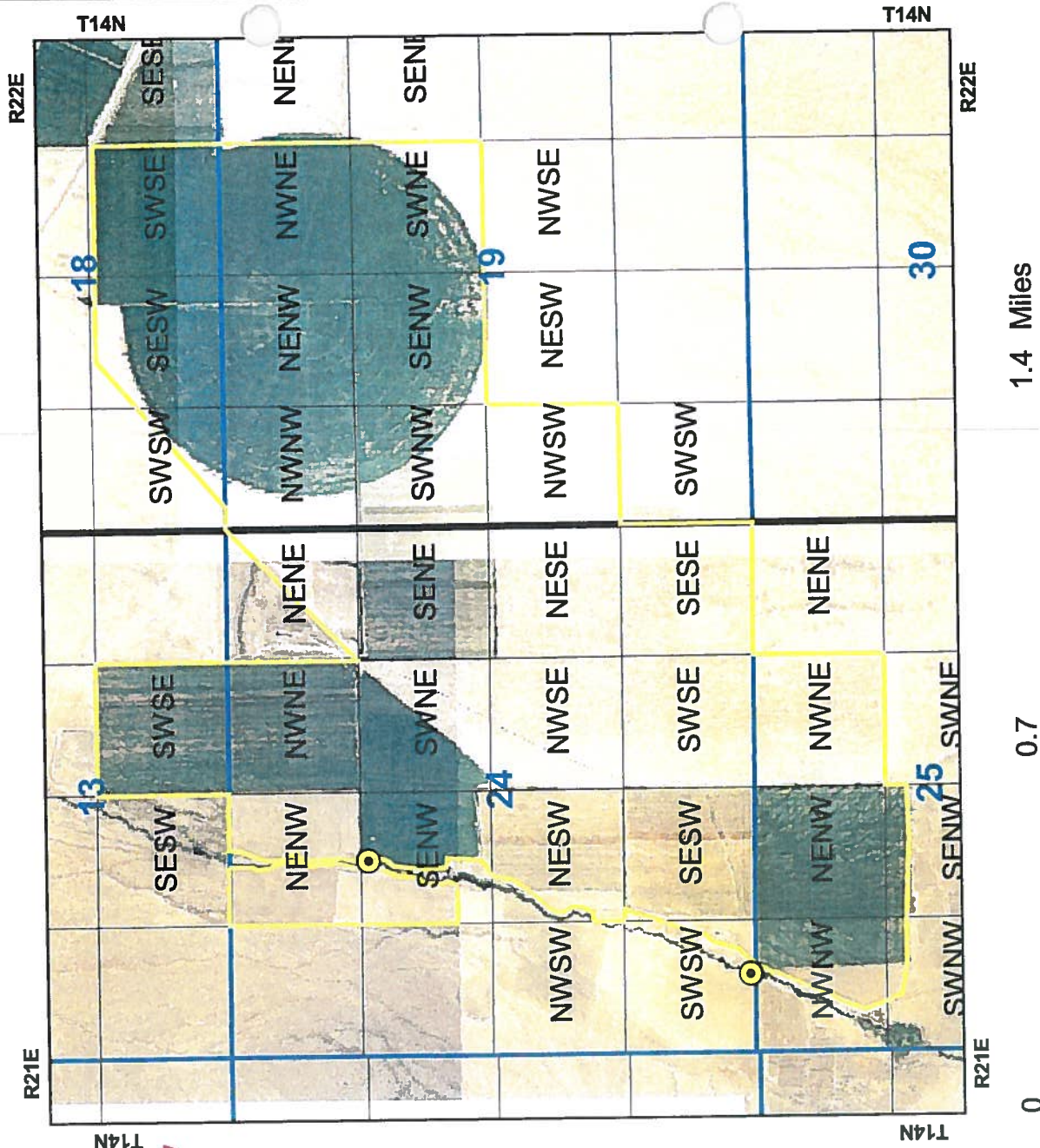
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 73

Prepared by R. Brown
On Friday, March 31, 2006
1987/88 Aerial Photography



R Brown 3/31/06

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 73-113

WATER RIGHT NUMBER: 73-113

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOLEN URESTI BOX 11 MACKAY, ID 83251 (208)588-3065
Original Owner	JULIUS G MAELZER , ID

Priority Date: 05/11/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SULPHUR CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.800 CFS	
	<u>Total Diversion:</u>	2.800 CFS	

Location of Point(s) of Diversion

SULPHUR CREEK	SE1/4SW1/4	Sec. 24, Twp 14N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	21E	24													40.0	40.0	40.0	40.0	160.0

Total Acres: 160

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. TRANS. 1576.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 73-113

Licensed Date:
Decreed Date: 2/17/1926
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 73
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: W G Swendsen, et al
Decree Plaintiff: Roscoe Hamilton, et al
Civil Case Number:
Judicial District: Sixth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Maelzer, Julius	2.8		73-0113
1576	Uresti, Bolen	2.8	0	73-0113A

T
 R
 A
 N
 S

RECEIVED
 11/11/73

Check # 2106

Identification No. 7-1

Transfer No. 1-11

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

SEP 27 1968

APPROVED

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

1. Name of Right Holder Bolen Uresti
Post office address Challis, Idaho 83226
2. Right obtained by:
a. Decree to Julius Maelzer in Case of Hamilton - filed by Judge Ralph W. Adair 2/19/26 to Julius Maelzer
(Name) vs. Swendsen, Dated _____ in 6th judicial Dist.
(Name of Court)
Court, County of Custer
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Sulphur Creek tributary to Pahsamoroi River
(Name of stream or source)
4. Date of Priority 5/1/1884 ALSO 140 inches - priority 5/11/11
5. Amount of water a. 30 inches c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from March 1 to October 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24
Township 14 N, Range 21 E, B.M., in Custer County;
Additional points of diversion, if any _____
8. Lands presently irrigated or place of use

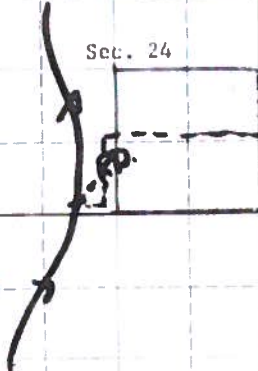
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 N	21 E	13															40		40
		24		40			40		40										120

MICROFILMED

Total number of acres presently irrigated 160

TOWNSHIP 14 NORTH - RANGE 21 EAST, B.N.

Sec. 24



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

RECORDED

9. If applicant was not the original holder of this right explain how it was acquired: by purchase
of the land

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 170 inches c.f.s. and/or acre feet
- b. New point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 14 N
 , Range 21 E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: sump pump
for sprinkler system
- d. Is water to be conveyed to the lands previously irrigated? Yes X No
 If not, the place of use should be changed below
- e. Describe the reasons for applying for a change in the point of diversion:
because of new irrigation design
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 N	21 E	24													40	40	40	40	160

Total number of acres to be irrigated 160

- b. Do you intend to make the transfer permanent? yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

I have a well in the NW 1/4 of Section 24, T14N, R21E, B.M. which I will
use to irrigate the lands I am transferring this water from.

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

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

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

Bolen Uresti (signature of applicant)

Subscribed and sworn to before me this 25th day of September, 1968

Charles E. Higgins
(notary public)

My commission expires March 17, 1971

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

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 1576
and said application is hereby APPROVED.

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

That headgate and measuring device be installed at points of
diversion.

2. Denial of said application is for the following reasons:

Witness my hand this 17 day of December, 19 68

P. Keith Higgins
State Reclamation Engineer

MICROFILMED

73-E

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

ROSCOE HAMILTON, et al,

Plaintiffs

-vs-

W. G. SWENDSEN, Commissioner
of Reclamation, et al,

Defendant.

D E C R E E

This cause came on regularly for trial before Honorable James H. Anderson, sitting as a Referee, who by consent of all the parties to this action, and by order of the Court, was appointed Referee to try the same, and report his recommendations to the court, and the said Referee sitting without a jury, on the 12th day of August, 1924, at Challis, Challis, Custer County, State of Idaho and the plaintiffs and defendants appearing by their respective attorneys, and the default of the non-answering defendants having been duly entered and the parties hereto, by stipulation, being duly filed with the Court, having agreed upon a decree and the matter having been presented to the Referee for his findings and recommendations thereon and the findings and recommendations of the Referee, and a further stipulation having been entered into under date of November 2, 1925, and filed herein permitting Minnie W. Kerr to file her complaint in intervention and that the decree heretofore reported and recommended by the Referee be amended by adding thereto and including therein the rights said Minnie W. Kerr as claimed in her complaint in intervention, and the same having been fully considered by the court, and the court being fully advised in the premises finds that a decree should be entered in accordance with the stipulation filed herein.

73 0110^L

F. M. Kobbe, from Pahsimeroi River to be diverted through the Reed & Bartlett Ditch .8 cubic feet per second of time to date from March 21, 1905, appurtenant to NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T. 14 N., R. 21 E. B. M.; from Little Spring Creek and Pahsimeroi River to be diverted through the Mulvanie Ditch; from Little Spring Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T. 14 N., R. 22 E. B. M., and from the Pahsimeroi River in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M.; .8 cubic feet per second of time to date from March 21, 1905, and to be appurtenant to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T. 14 N., R. 21 E. B. M.

73 0111^L

ALBERT J. EDSON, from Big Spring Creek to be diverted through the HardScrabble ditch 3.2 cubic feet per second of time to date from July 27, 1900, and to be appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, all in T. 15 N., R. 21 E. B. M.

73 0112^L

JULIUS MAELZER from Sulphur Creek .6 cubic feet per second of time to be diverted in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, T. 14 N., Range 21 E. B. M., to date from May 1, 1884; also 2.8 cubic feet per second of time to be diverted in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, T. 14 N., R. 21 E. B. M., to date from May 1, 1911; all to be appurtenant to the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, all in Township 14, N. R. 21 E. B. M., that the right for .6 cubic feet per second of time with date of priority May 1, 1884, shall be a part of the waters of Sulphur Creek, that was decreed to Holiday H. Cochran, as evidenced by that certain decree entered in an action in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Custer wherein Holiday H. Cochran was plaintiff and Valentine Maelzer was defendant of date of October 3rd, 1901.

73 0114^L

WILLIAM MILLICK from Big Spring Creek 1.6 cubic feet per second of time to be diverted in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M., to date from June 20, 1908, and to be appurtenant to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, all in T. 14, N., R. 21 E. B. M.

73 0115^L

ED MULVANIA from Little Spring Creek to be diverted in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 14 N. R. 22 E. B. M. 2.8 cubic feet per second of time to date from April 25, 1904, and to be appurtenant to Lot 1, Section 3, Lots 2, 3 and 4, and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 2 all in T. 14 N., R. 21 E. B. M.

73 0116^L

LEWIS DECOCC, from Big Spring Creek 1.4 cubic feet per second of time to be diverted in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T. 14 N., R. 22 E. B. M., through the Mulvanie Ditch to date from November 29, 1907, and to be appurtenant to the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T. 15 N., R. 21 E. B. M.

73 0117^L

MINNIE W. KERR, from Spring Creek 2 cubic feet per second of time through what is known as the Hardscrabble Ditch with date of priority July 27, 1900, and to be appurtenant to the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, T. 15 N. R. 21 E. B. M.

73 0118^L

MINNIE W. KERR from Spring Creek 4 cubic feet per second of time with date of priority March 24, 1891, to be conveyed through what is known as the Halleran Ditch, and to be appurtenant to the NE $\frac{1}{4}$ SE $\frac{1}{4}$, the S $\frac{1}{2}$ NE $\frac{1}{4}$, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T. 15 N., R. 21 E. B. M.