

05/12/2010

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

RIGHT NUMBER: 73-140

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

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 12/15/1894

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	3.200 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-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 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.

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.

Idaho Department of Water Resources



Adjudication Recommendation 73-140 (IRRIGATION)

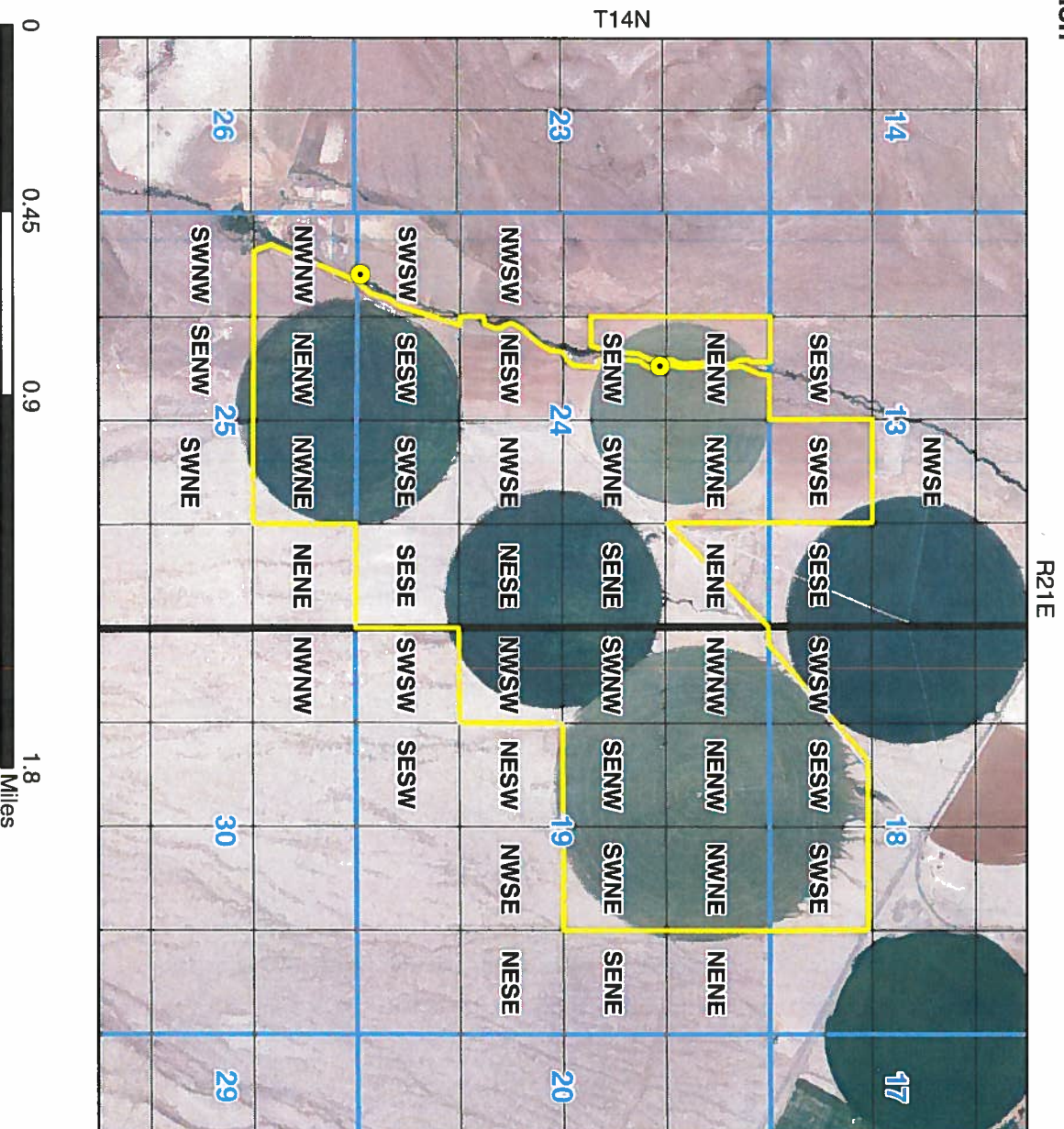
Legend

- 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



RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 73-00140
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Old Corrals & Sagebrush, LLLP

Address: 435 S. Fitness Place; Eagle, Idaho 83616

Name: AIX Sponsa Company, General Partner; c/o Brett MacNeil, President

Address: 12324 W. Lanktree Gulch Road; Star, Idaho 83669-5170

Name: FOGO, L.L.C., General Partner; c/o Wilford R. Cardon, Agent

Address: 1819 E. Southern Ave., Ste B-10; Mesa, AZ 85204-5219

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

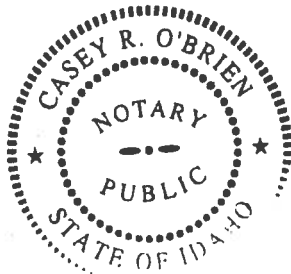
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 17, 2007

Casey R. O'Brien
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on December 18, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

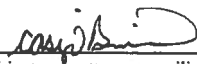
Name: Old Corrals & Sagebrush, LLLP
Address: 435 S. Fitness Place; Eagle, Idaho 83616
Name: AIX Sponsa Company, General Partner; c/o Brett MacNeil, President
Address: 12324 W. Lanktree Gulch Road; Star, Idaho 83669-5170
Name: FOGO, L.L.C., General Partner; c/o Wilford R. Cardon, Agent
Address: 1819 E. Southern Ave., Ste B-10; Mesa, AZ 85204-5219
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

POST DIRECTOR'S REPORT NCAP

08/10/2007

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

RIGHT NUMBER: 73-140

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

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 12/15/1894

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	3.200 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
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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

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

This right is limited to the irrigation of 160 acres within the place of use described above 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

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

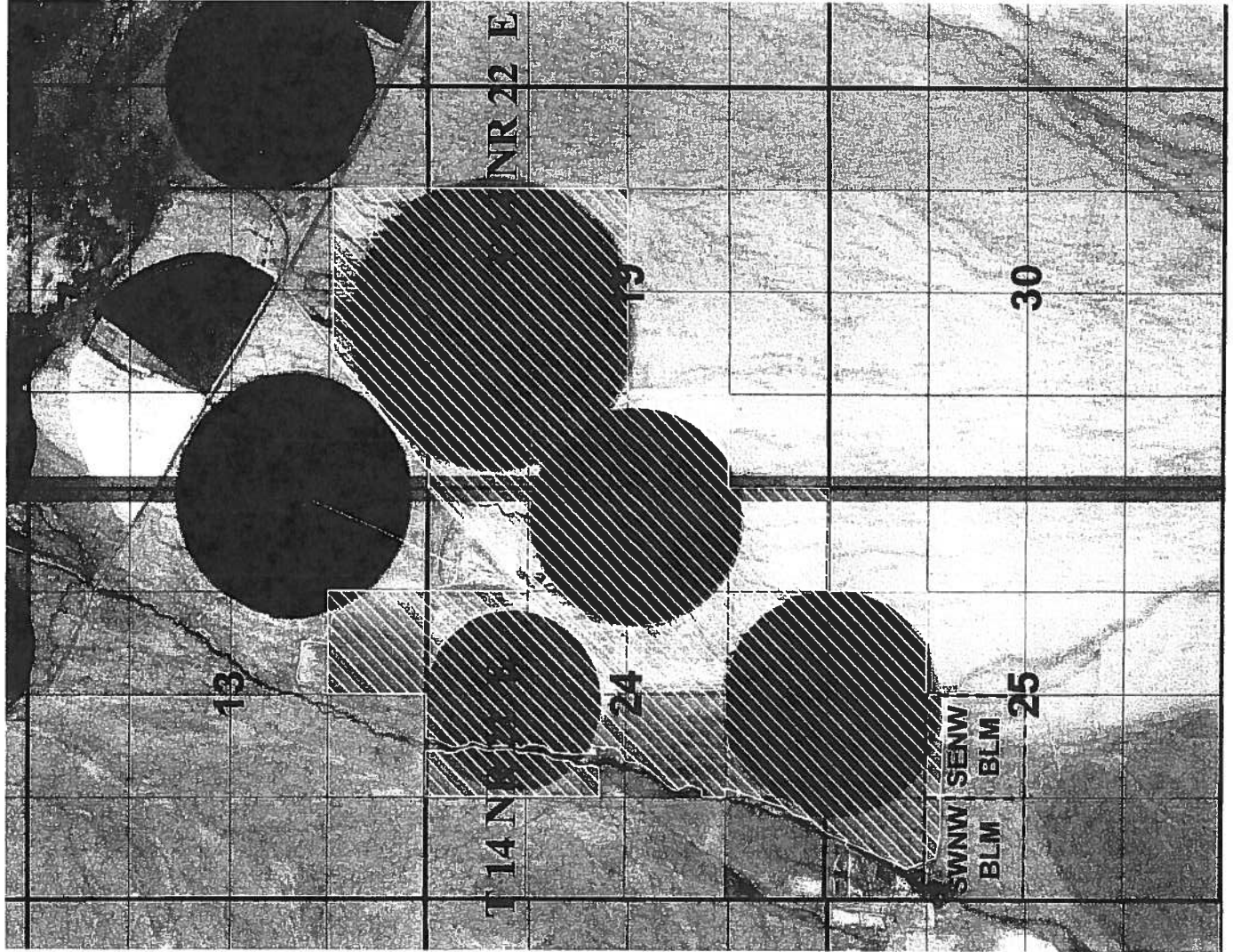
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

73-00002B, 73-00007A,
73-00007B, 73-00008B,
73-00113, 73-00140

Old Corrals & Sagebrush, LLLP

POUs on BLM:

- The places of use T14N R21E S25 SWNW and SENW are BLM land.
- Use is not authorized.
- Remove from recommendation and adjust shapefile accordingly.



ORIGINAL DIRECTOR'S REPORT

01/23/2007

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

RIGHT NUMBER: 73-140

NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 12/15/1894

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	3.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County

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T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
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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
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POUs on BLM:

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-Use is not authorized.

-Remove from recommendation and adjust shapefile accordingly.

08/10/2007

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

RIGHT NUMBER: 73-140

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

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 12/15/1894

POINT OF
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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		3.200 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
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	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
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	T14N R22E S19	NWNE	40.00	T14N R22E S19	SWNE 40.00
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Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

03/31/2006

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

RIGHT NUMBER: 73-140

NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 12/15/1894

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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

3.200 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

03/31/2006

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

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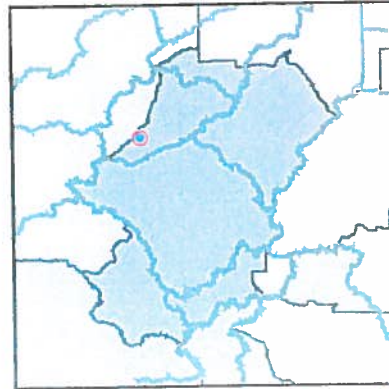
Idaho Department of Water Resources

Adjudication Claims:

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

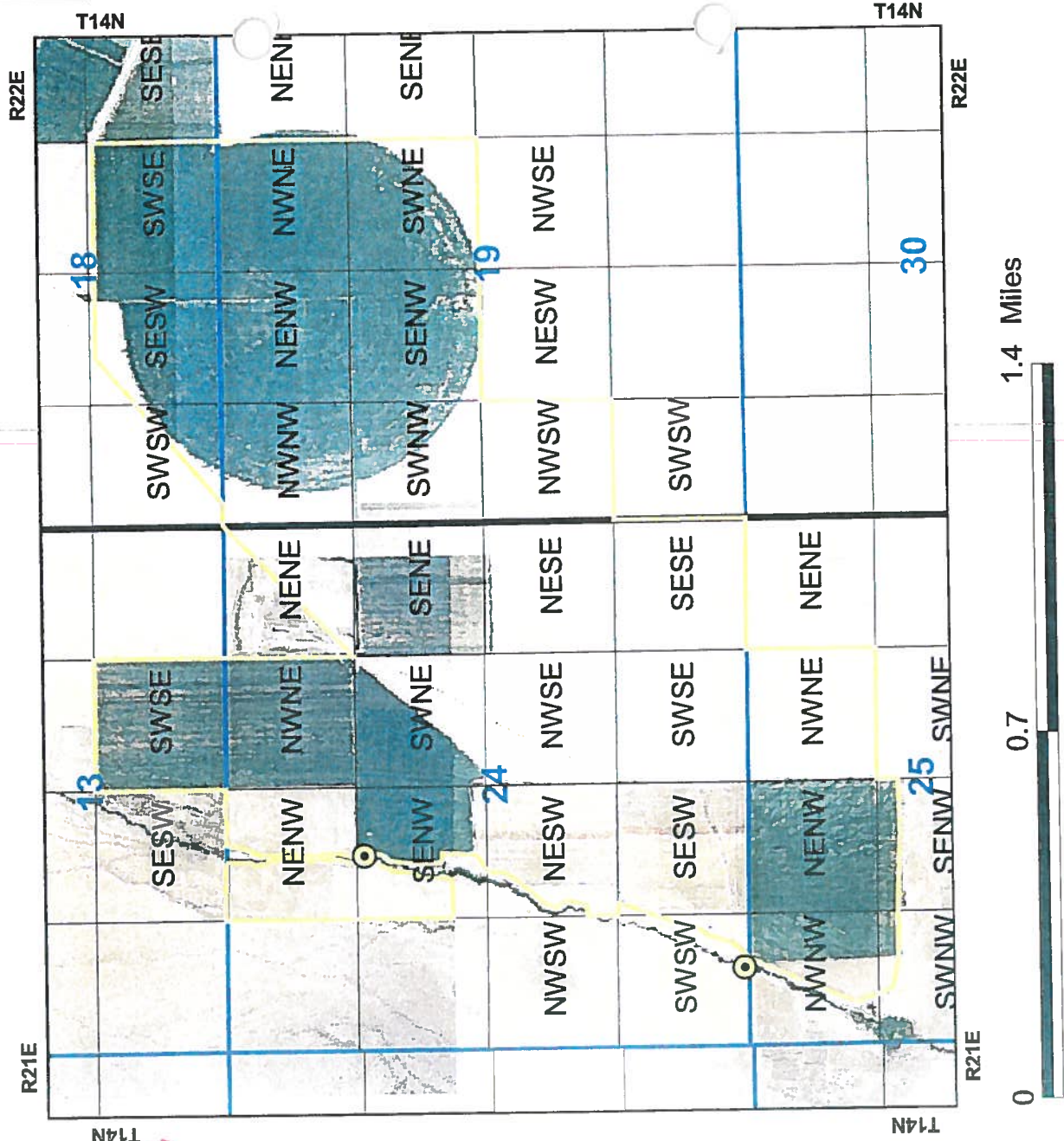
Legend

- 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



Sulphur Creek

✓ 73-2B	5/1/1884	0.6 cfs	*
✓ 73-7A	7/20/1915	1.0 cfs	80 acres
✓ 73-7B	9/16/1912	1.0 cfs	x
✓ 73-8B	1/20/1910	1.2 cfs	60 acres
✓ 73-113	5/11/1911	2.8 cfs	160 acres*
73-140	12/15/1894	3.2 cfs	160 acres+
			460 acres

Groundwater

73-2164	10/6/1966	5.0 cfs	366	XX
73-7000	10/26/1967	3.0 cfs	$\frac{232}{598}$	XX

* trans. #1576 / 160 acres total

+ trans. #1577

X same POL as 73-7A, per decree

XX same POD as 73-7000

Total PPU = 961.5 acres

R Brown 3/31/06

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 73-140

WATER RIGHT NUMBER: 73-140

Owner Type Name and Address
 Original Owner VALENTINE MAELZER

Current Owner MAY, ID 83253
 BOLEN URESTI
 BOX 11
 MACKAY, ID 83251
 (208)588-3065

Priority Date: 12/15/1894

Basis: Decreed

Status: Active

Source Tributary
 SULPHUR CREEK PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.200 CFS	
	<u>Total Diversion:</u>	3.200 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									4.0		40.0	40.0					84.0
14N	21E	25					40.0												40.0
14N	22E	19									36.0								36.0
											L 3								

Total Acres: 160

Conditions of Approval:

- 01E A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- TRANSFER #1577, CHANGED P/D, P/U FOR ENTIRE RIGHT.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 73-140

Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 10/3/1901
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: Valentine Maelzer
Decree Plaintiff: Holidah H Cochran
Civil Case Number:
Judicial District: Fourth 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.
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	Maelzer, Valentine	3.2		73-0140
1577	Uresti, Bolen	3.2	0	73-0140A

T

R

A

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S

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E

R

ENCLOSURE

Identification No. 73

Transfer No. 1577

RECEIVED

SEP 27 1969

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Reclamation

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

1. Name of Right Holder Belen Uresti

Post office address Challis, Idaho 83226

2. Right obtained by

a. Deed to Valentine Maelzer in Case of Holiday Cochran

(Name)

vs. V. Maelzer Dated 10/3/1901 in Fourth Judicial District

(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 Pahsamoro River

(Name of stream or source)

4. Date of Priority 12/15/1894

5. Amount of water a. 160 inches c.f.s. and/or

b. _____ acre feet/annum

6. Waters used for irrigation from March 1 to October 31

(Month, Day)

(Month, Day)

7. Original location of point of diversion if NE 1/4 SW 1/4 of Section 24

Township 14 N Range 21 E B.M. in Custer County;

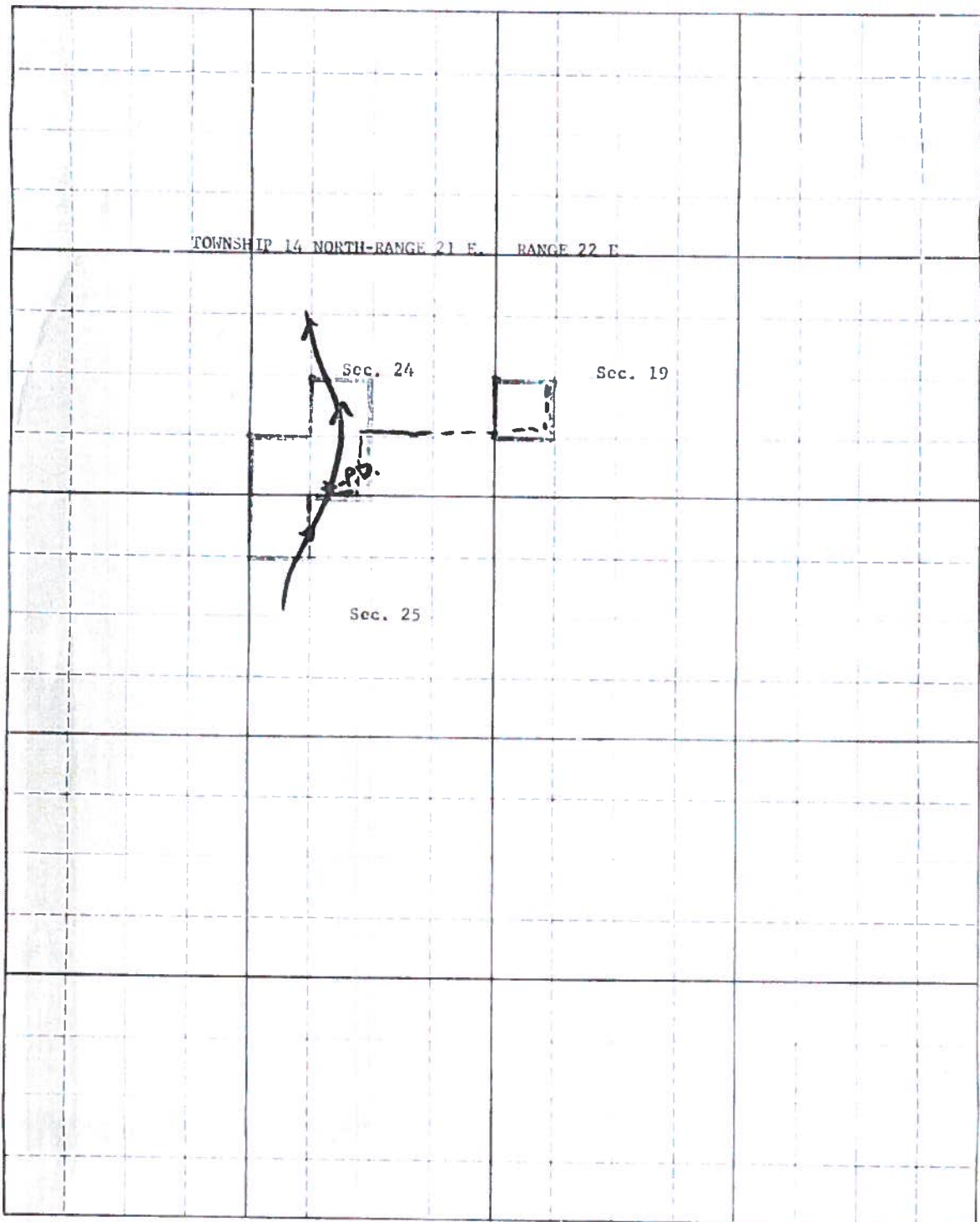
Additional points of diversion, if any, _____

8. Land presently irrigated or place of use

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	
<u>14 N</u>	<u>21 E</u>	<u>24</u>									<u>40</u>		<u>40</u>	<u>40</u>					<u>120</u>
		<u>25</u>						<u>40</u>											<u>40</u>

Total number of acres presently irrigated 160

MICROFILMED



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

MICROFILMED

9. If applicant was not the owner 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: 160 inches c.f.s. and/or _____ acre feet
- b. New point of diversion SE 1/4 SW 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 _____ No not entirely
 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 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	
14 N	21 E	24									4		40	40					84
		25					40												40
14 N	22 E	19										Lot 3 36							36

Total number of acres to be irrigated 160

1. I intend to make the transfer pursuant to _____

2. I hereby certify that the lands proposed to be transferred by this application are within your plan:

I have a well in the NW¹/₄NE¹/₄ of Section 24, T14N, R21E, B.M. which I will use to irrigate the lands I am transferring this water from.

3. Do you have other water rights that you claim for the new ground upon which you wish to transfer this right: none

4. 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
Bolen Uresti

(signature of applicant)

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

Notary Public
(notary public)

My commission expires March 17, 1971

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

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

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

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

Witness my hand this _____ day of _____, 19____

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. STENDSEN, 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 the decree should be entered in accordance with the stipulation on file herein.

73 0110¹

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 0111¹

ALBERT J. EDSON, from Big Spring Creek to be diverted through the HardScrable 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 $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, all in T. 15 N., R. 21 E. B. M.

73 0112¹

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 $\frac{1}{2}$ 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 0113¹

73 0114¹

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 0115¹

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 0116¹

LEWIS DECOCQ, 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 0117¹

MINNIE W. KERR, from Spring Creek 2 cubic feet per second of time through what is known as the Hardscrable 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 9, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, T. 15 N., R. 21 E. B. M.

73 0118¹

PAUL HALLERAN from Spring Creek 2 cubic feet per second of time 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 $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T. 15 N., R. 21 E. B. M.