

11/29/2005

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

RIGHT NUMBER: 21-41G

NAME AND ADDRESS: S LYNN LOOSLI
3140 E 1100 N
ASHTON ID 83420

PORTIA R LOOSLI
3140 E 1100 N
ASHTON ID 83420

SOURCE: FALL RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 4.420 CFS

The rights listed below are limited to a total combined diversion rate of 7.02 cfs.
Combined Right Nos.: 21-41G, 21-51B, 21-12358, 21-12977, 21-12978

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T08N R42E S20 SWSW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.420 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T08N R41E S12	SWSE	6.4	T08N R41E S12	SESE	6.8
T08N R41E S13	NENE	40.0	T08N R41E S13	NWNE	37.0
T08N R41E S13	SWNE	36.0	T08N R41E S13	SENE	38.0
T08N R41E S13 Lot 3	SWNW	31.0	T08N R41E S13	SENW	40.0
T08N R41E S13 Lot 5	NESW	13.0	T08N R41E S13 Lot 4	NWSW	20.0
T08N R41E S14 Lot 1	NESE	10.0			

278.2 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 278.2 acres in a single irrigation season. Combined Right Nos.: 21-12358, 21-41G, 21-51B, 21-12977, 21-12978

This right is limited to the irrigation of 153 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.

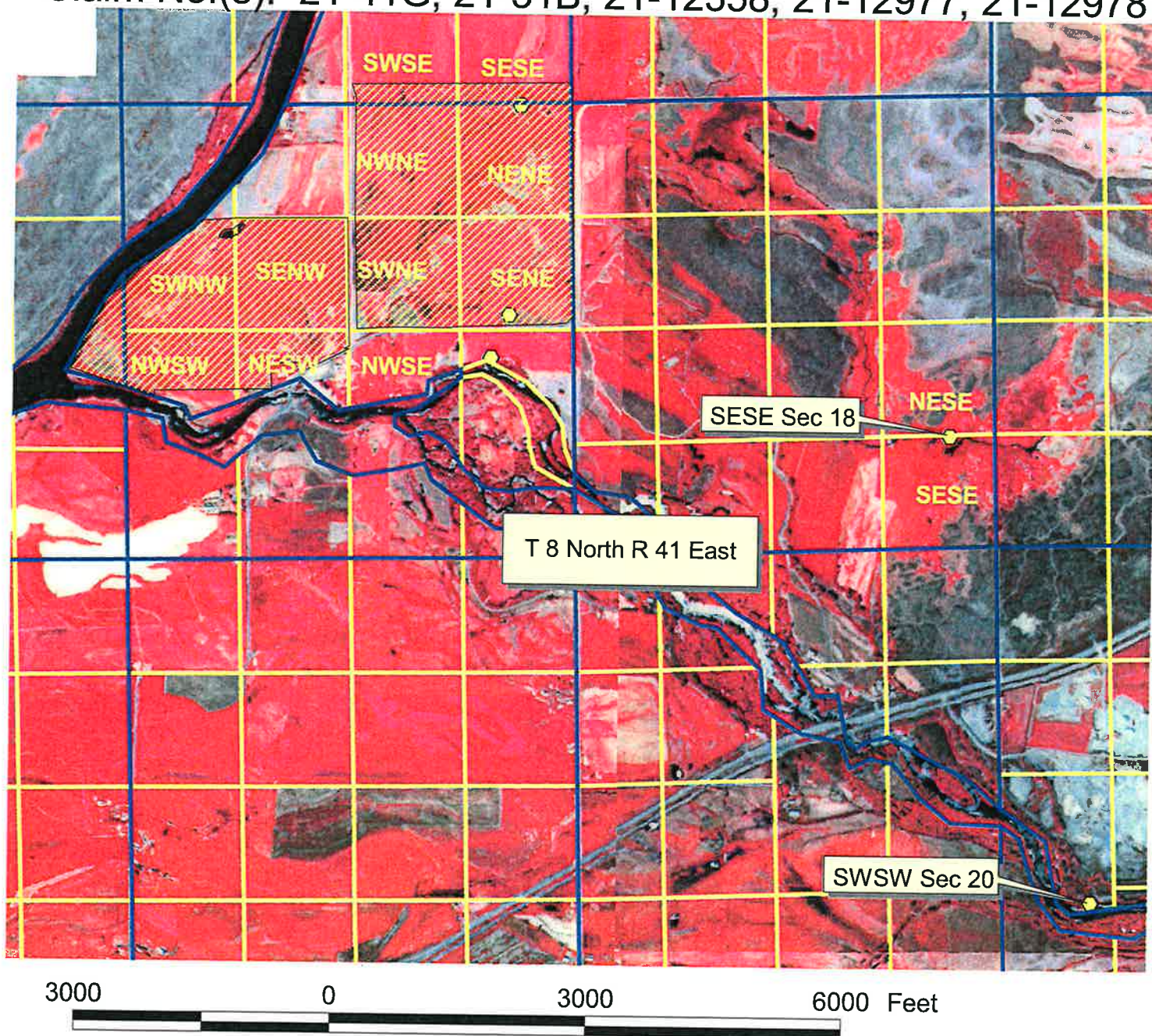
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-41G, 21-51B, 21-12358, 21-12977, 21-12978



- Place of Use
- Sections
- Quarter Quarter
- Points Of Diversion

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Nov. 2005

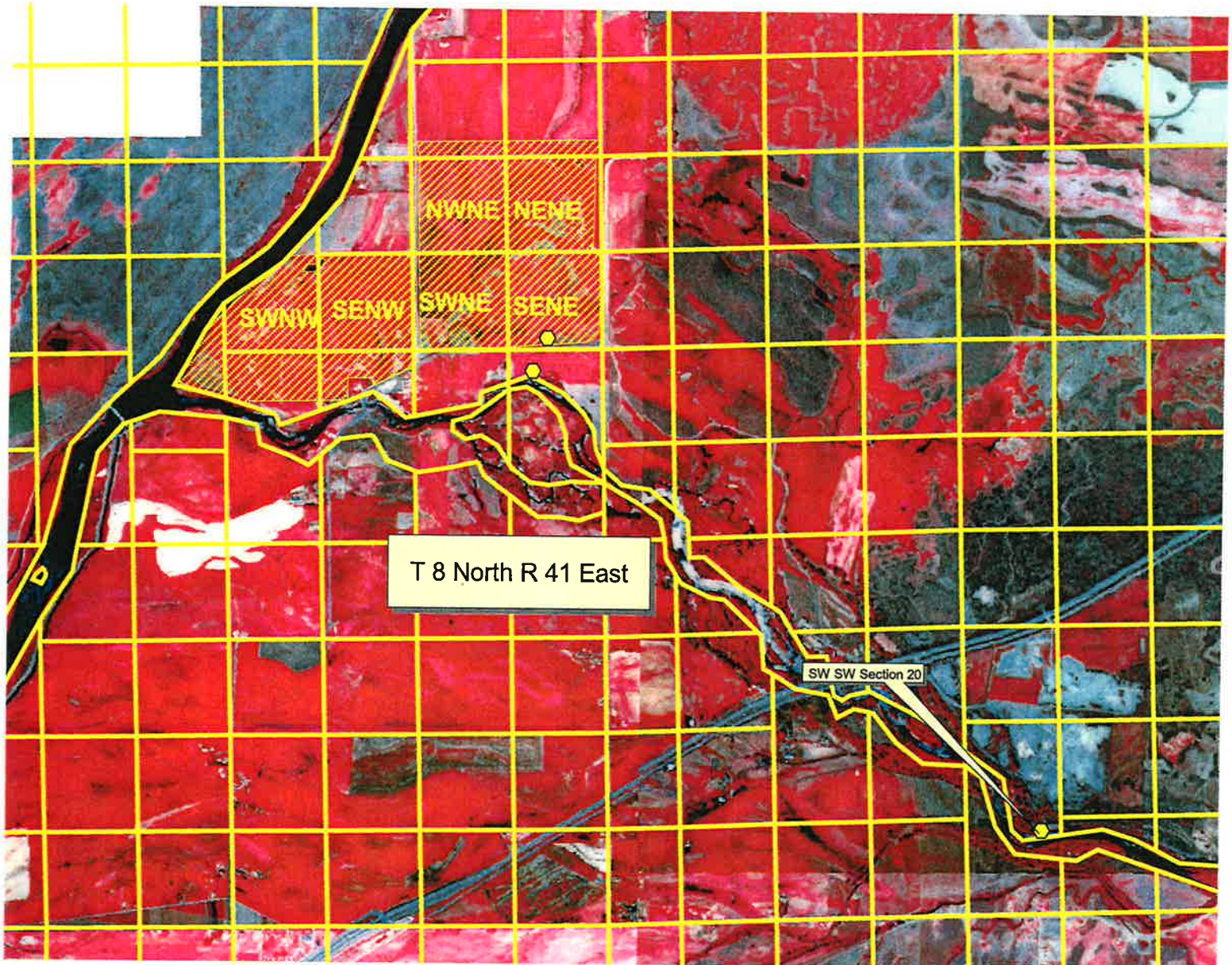




State of Idaho
Department of Water Resources
Eastern Region



Place of Use



3000 0 3000 6000 Feet

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- Points of diversion
- Place of Use
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: May 2005

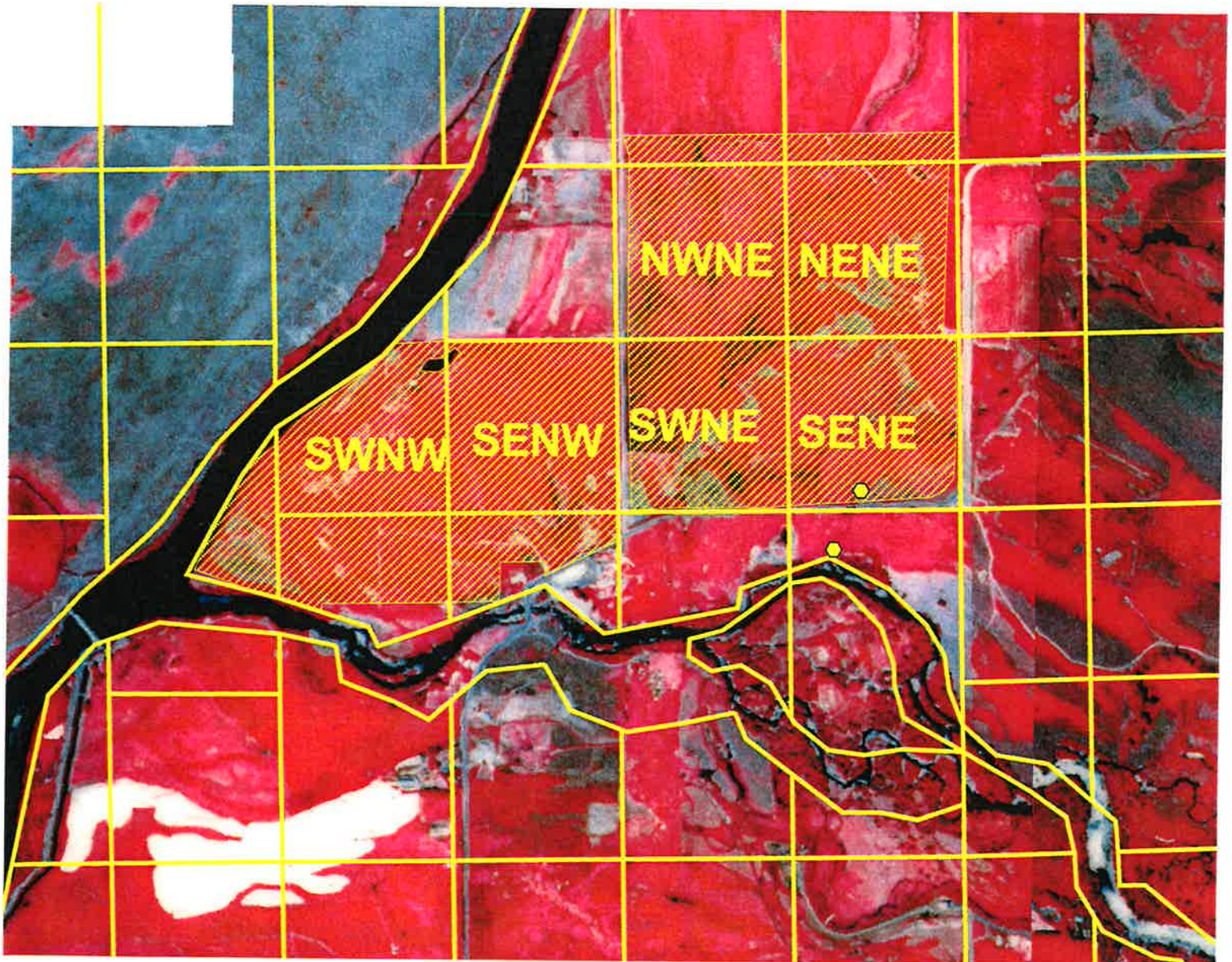




State of Idaho
Department of Water Resources
Eastern Region



Place of Use



2000 0 2000 4000 Feet
N

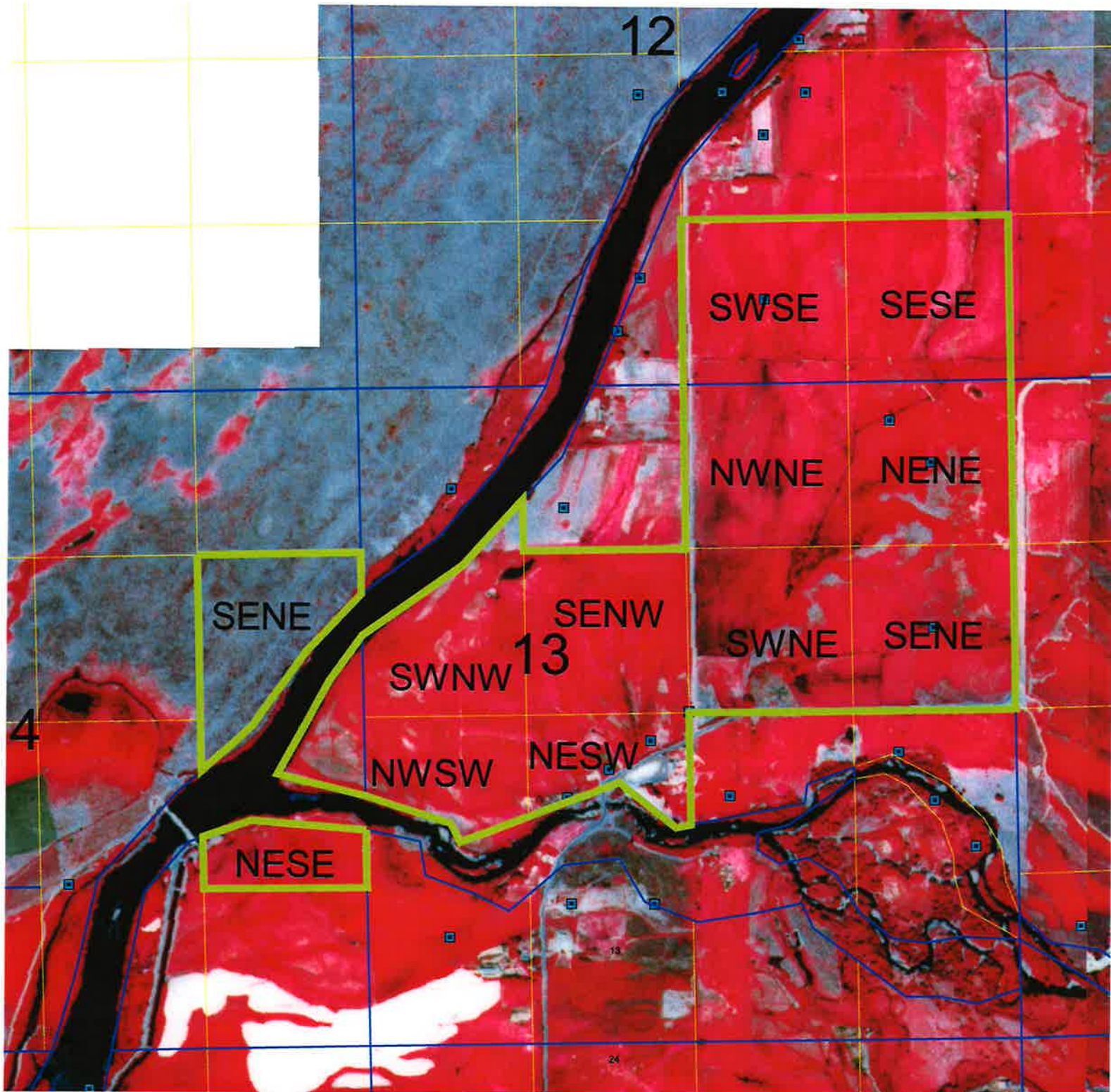
- Points of diversion
- Place of Use
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: May 2005

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21-41G
T8N R41E



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Silkey Page

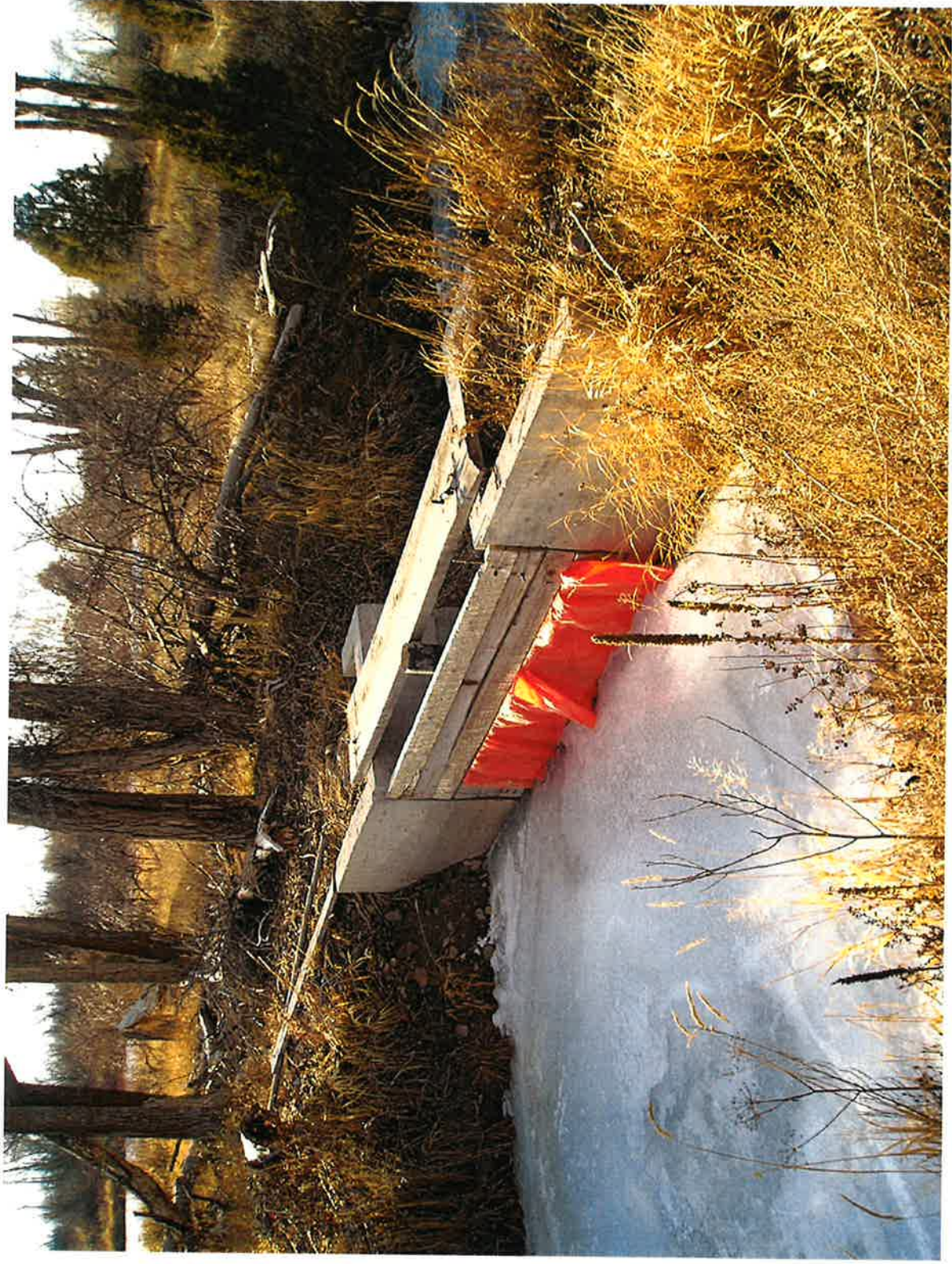
SEVENTH (continued)

INDIVIDUAL STORAGE WATER AMOUNTS

<u>Water Users</u>	<u>Acre Feet Of Storage</u>	<u>Delivery System</u>
Eliason, Sid	23.00	Middle Branch
Opsahl, Alan	4.00	Middle Branch
Tri Angle B Ranch	80.00	Mosier Springs Pump
Fall River Acres	45.00	Fall River Pump
Douglas, Norman D.	5.00	Middle Branch
Fuchs Ranch	70.00	North Branch
Loosco Farms	60.00	South Branch

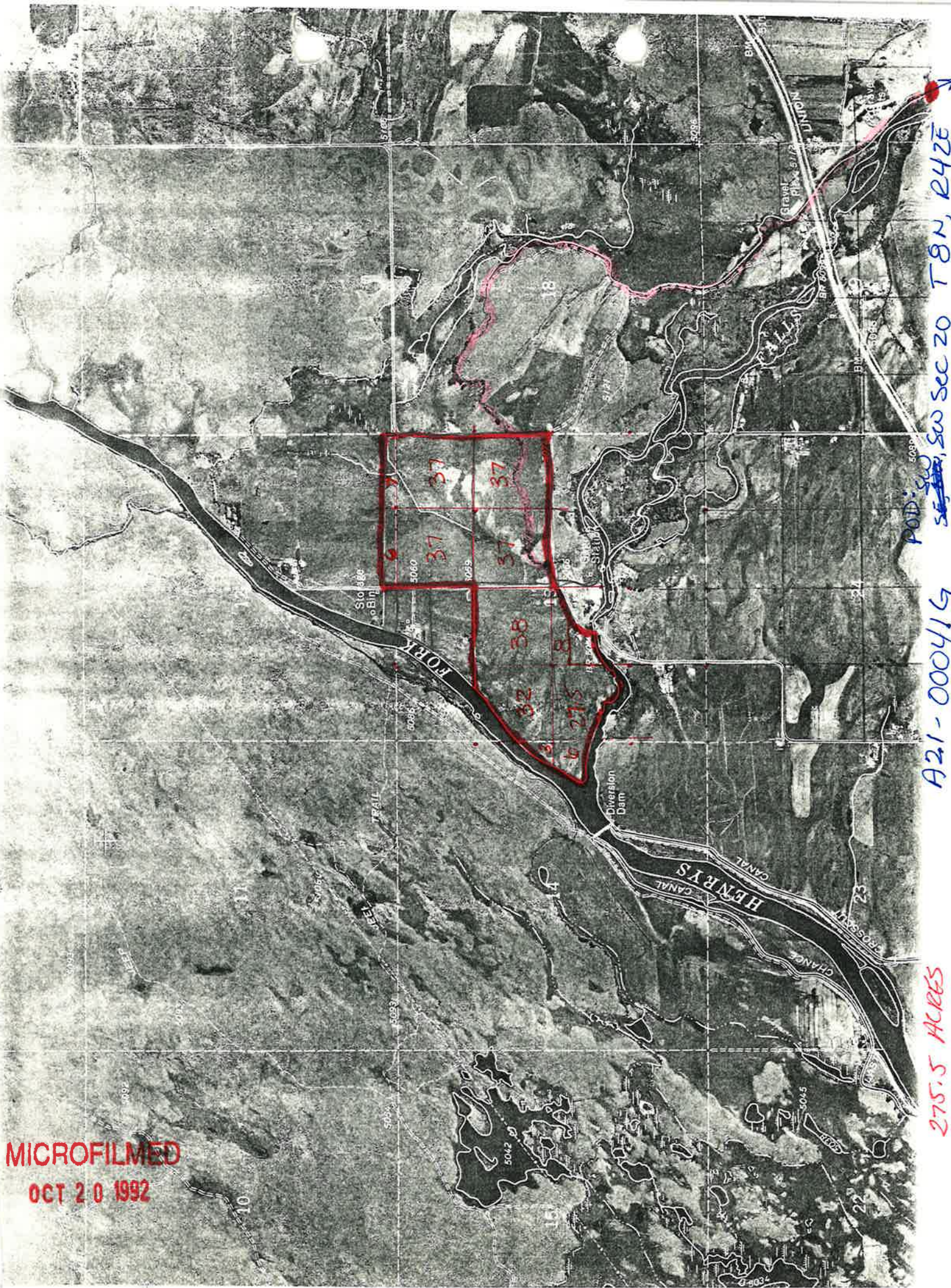
HISTORY OF WATER RIGHT CLAIMS AND TRANSFERS

Silkey June 1, 1890 A21-00102	Original Amount	8.00	cfs		
	Transfer #973	-1.00	cfs	to	John McCulloch (D)
	Transfer #967 - #1674	-.60	cfs	to	George Nedrow (B)
	Transfer #2311	-.59	cfs	to	John R. Seely (12864)
	Land Purchase	-5.81	cfs	to	Larry Simmons (12865)
Drake June 1, 1890 A21-00041	Original Amount	8.00	cfs		
	Transfer #974	-1.00	cfs	to	Clark Baum (D)
	Transfer #968-#1674	-.80	cfs	to	George Nedrow (B)
	Transfer #975	-2.00	cfs	to	Mac Reynolds (F)
	Land Purchase	-.42	cfs	to	Sid Eliason (10320)
	Land Purchase	-.36	cfs	to	Norman Douglas
	Land Purchase	-3.42	cfs	to	Loosco Farms (G)
Sundberg June 1, 1890 A21-00114	Original Amount	5.50	cfs		
	A21-00114 C	-4.00	cfs	to	Fuchs Ranch
	A21-00114 #911 - #933	-1.20	cfs	to	George Nedrow
	A21-00114	-.30	cfs	to	Tri Angle B Ranch
Farnsworth, June 1, 1890 A21-00051	Original Amount	5.20	cfs		
	Land Purchase	-.50	cfs	to	Mike McDonald
	Land Purchase	-.40	cfs	to	Michael Dolezal
	Transfer #2969	-.50	cfs	to	Fall River Acres
	Land Purchase	-3.80	cfs	to	Loosco Farms



P.O.D.

MICROFILMED
OCT 20 1992

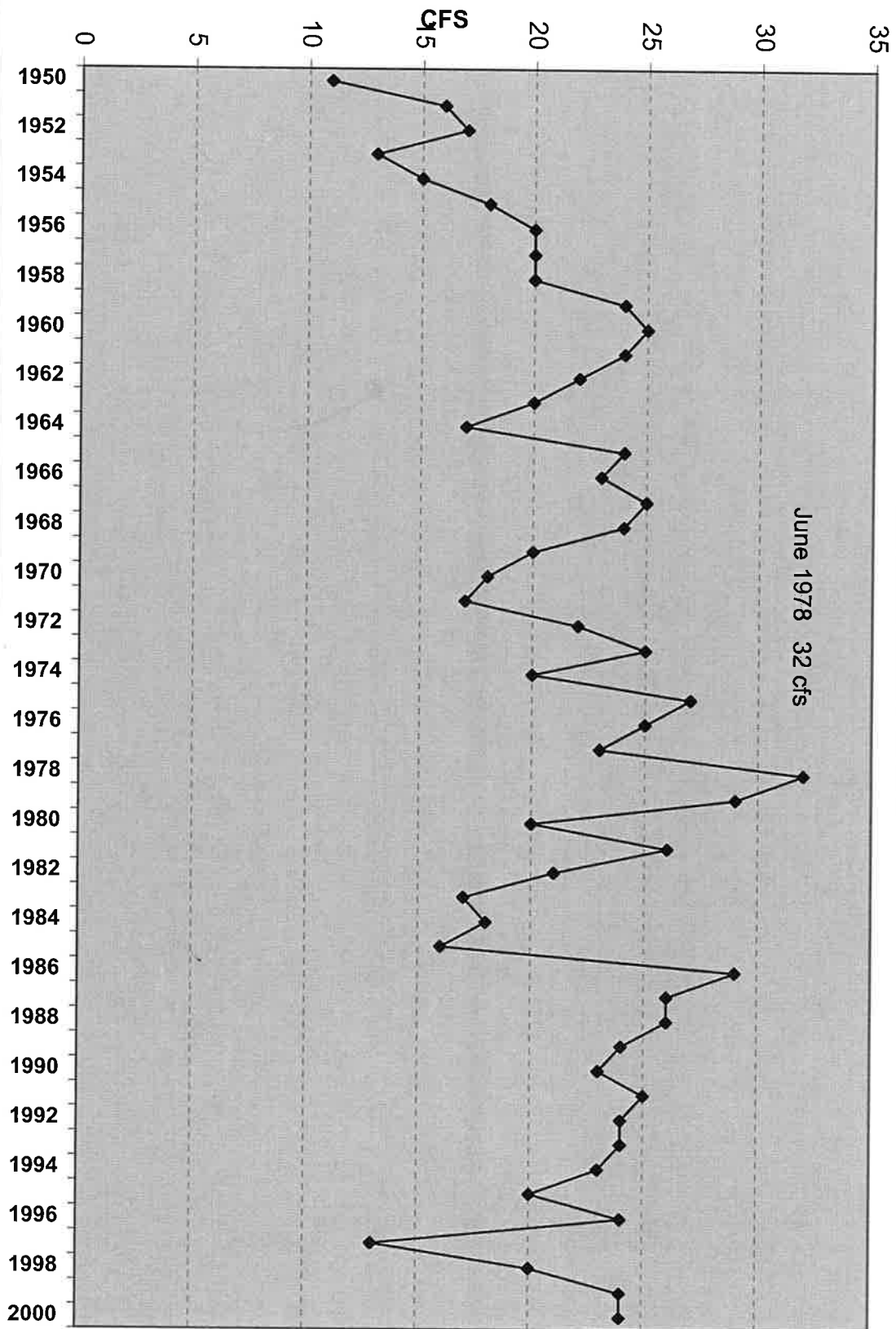


POD: SW, SW sec 20 T8N R42E

A21-00041G

275.5 ACRES

MAXIMUM MONTHLY DIVERSION 1950-2000
13049010 SILKEY CANAL



**Attachment to November 21, 2006 letter
Basin 21 Silkey Canal water rights**

Uncontested rights:

1.43	21-53D	Don Mickelsen	uncontested overlap to 21-12842
	21-106A ✓	The Silkey Canal Water Co	
		Tri Angle B Ranch	
		Loosco Farms	
	21-2120	Sidney H Eliason Trust	
	21-7160	RLF I, et al.	
.42	21-10320 ✓	Sidney H Eliason Trust	
.06	21-12860 ✓	John Ritchie Seely	
.54	21-12861 ✓	Larry & Kristen Simmons	
.6	21-12864 ✓	John Ritchie Seely	uncontested overlap with 21-12990
5.8	21-12865 ✓	Larry & Kristen Simmons	
	21-12977	Loosco Farms	
.08	21-12987 ✓	Michael & Carla McDonald	
	21-12988	Michael & Carla McDonald	
	21-12989	Sid Eliason	
	21-12993	Norman Douglas	uncontested overlap with 21-12951 ✓.12-.36
	21-12998	Larry & Kristen Simmons	late claim not yet reported to court
	21-13008	Alan & Brenda Opsahl	

Contested rights:

3.42-	4.42	21-41G ✓	Portia & Lynn Loosli	initial hearing held on 11/16/2006
4.22-	2.8	21-51B ✓	Portia & Lynn Loosli	initial hearing held on 11/16/2006
		21-114C	Donna & Robert Fuchs	initial hearing held on 11/17/2006
				BLM and private objections
				same as above
				same as above
.9		21-115A	Donna & Robert Fuchs	
		21-115B ✓	Donna & Robert Fuchs	
		21-12358	Portia & Lynn Loosli	
		21-12842	Don Mickelsen	
		21-12978	Loosco Farms	initial hearing held on 11/16/2006
				BLM and private objections
		21-12980	Michael & Laura Dolezal	
		21-12981	Michael & Laura Dolezal	
		21-12985	Donna & Robert Fuchs	
		21-12991	Donna & Robert Fuchs	

Late objections:

21-10587	Wilcox Brothers LLC
21-10588	Wilcox Brothers LLC
21-12951	Norman Douglas

Standard Forms 5 signed:

3.6	21-93 ✓	RLF I, et al.
	21-146	RLF, I, et al.
3	21-145 ✓	RLF I, et al.
	21-12990	John Ritchie Seeley
	21-12992	RLF I, et al.
.4	21-13013 ✓	RLF I, et al.

Total Recommended
24.17

Total Div obj
24.83 cfs

SEVENTH (continued)

INDIVIDUAL WATER RIGHT INFORMATION

<u>Water Users</u>	<u>Water Right</u>	<u>CFS</u>	<u>Numbers</u>	<u>Delivery System</u>
Eliason, Sid	Anderson West Springs	.06	13044 ✓	Subgate Branch
	Drake 1890	.42	10320 ✓	Middle Branch
	Anderson East Springs	.40	12959 ✓	Middle Branch
Dolezal, Michael	Farnsworth, 1890	.40	12980 ✓	South Branch
	Anderson East Springs	.20	12981 ✓	South Branch
Douglas, Norman	Drake 1890	.36	12957 ✓	Middle Branch
	Anderson East Springs	.18	12993 ✓	Middle Branch
Fall River Acres	Farnsworth 1890	.50	0051A ✓	Fall River Pump
	Smith 1902	.57	0106B ✓	Fall River Pump
	Curr 1889	.08	12848 ✓	Fall River Pump
	Curr 1887	.27	12846 ✓	Fall River Pump
	Anderson East Springs	.32	04028 ✓	South Branch
Fuchs Ranch	Sundberg 1890	3.90	00114C ✓	Farmers Own Ditch
	Sundberg 1894	.30	00115A ✓	Farmers Own Ditch
	Sundberg 1894	.90	00115B ✓	North Branch
	Anderson East Springs	.40	12991 ✓	North Branch
Loosco Farms	Farnsworth 1890	4.22	0051B ✓	South Branch
	Drake 1890	3.42	00416 ✓	South or Middle
	Smith 1902	1.00	0106A ✓	South Branch
	S.W. Groundwell 1992	5.50	12358 ✓	West McBee
	Anderson West Springs	.50	12977 ✓	Subgate Branch
	Anderson East Springs	1.50	12978 ✓	South or Middle
Opsahl, Alan	Anderson East Springs	.08	13008 ✓	Middle Branch
McDonald, Mike	Farnsworth 1890	.08	12987 ✓	South Branch
	Anderson East Springs	.04	12988 ✓	South Branch
Simmons, Larry	Silkey 1890	5.80	12865 ✓	North Branch
	Anderson West Springs	.50	12999 ✓	Subgate Branch
	West 1903	.54	12861 ✓	North Branch
	Anderson East Springs	1.24 ~~1.50~~	12998 ✓	North Branch
Seely, John R.	West 1903	.06	12860 ✓	North Branch
	Silkey 1890	.60	12864 ✓	North Branch
	Anderson East Springs	.28	12990 ✓	North Branch
Devine Ranch	Seely Bros. 1891	3.60	00093 ✓	Three Branches
	Mitchell 1894	3.00	00145 ✓	Upper System
	Moon 1895 1896	3.50	00146 ✓	Upper System
	Smith 1902	.43	0106C ✓	Mosier Springs Pump
	N.E. Groundwell 1978	3.40	07152 ✓	Pivot Sprinkler
	Moon 1895 1896	1.50	00146 ✓	Mosier Springs Pump
	Sundberg 1890	.40	13013 ✓	North Branch
	Anderson East Springs	2.00	12992 ✓	Three Branches

Claim No. 21-4119

Document Checklist

☒ Copy License/Decree

Beyburg v Teton

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

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Contacts Data Entry Form

Claim Number: 21-000416

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: LOUSCO INC Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

Current Owner: LOUSCO INC
40 LYNN LOUSCO
3127 E 1100N
ASHTON ID 83420

41E
420

41H
1.92

41G
2.28

2.16
2.54

Reviewer: SHM Date: 11-20-09**PROFILED**SCANNED
FEB 10 2006

Claim no. 21-000416

Claimant Contact Log

Date _____

Remarks

Agent initials

12-20-04

MET W/ LYNN LUSLI } CONDUCTED
FIELD INSPECTION

54M

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Water Right No(s). 21-000416

P.O. D ON Falls River

GPS- 039- 697608 / 325 469 64-20-04

PRADO 100-249- HEADGATE OF SILVER DITCH

Correction

2697608
1425256

GPS DATA:

Tag # Location:

Diversion Data:

Source: Falls River Trib to: Hawes Fall

MOTOR

Make: Model: Hp:

SN:

PUMP

Make: Model: Disch:

SN:

NOTES:

Field Exam Date: 12-20-04 Agent: Shm

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FEB 10 2006

Point of Diversion and Source Data Entry Form

Claim Number: 21-00041 GWater Right Point(s) of diversion and Source.Water Right Point of Diversion: T 8N, R 42E, Sec. 20, NE SW SW, County: FREMONTSource: FALLS R. Tributary to: HENRYS FORK

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
<u>8N</u>	<u>42E</u>	<u>20</u>		<u>SW SW</u>	<u>FREMONT</u>	<u>FALLS R</u>	<u>HENRYS FORK</u>

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
<u>8N</u>	<u>42E</u>	<u>20</u>		<u>NE SW SW</u>	<u>FREMONT</u>	<u>FALLS R.</u>	<u>HENRYS FORK</u>

Other rights from this POD? YES SEE DESCRIPTION ATTACHED TO CLAIM

Transfers Pending or approved: NONE

Document how the POD and Source were verified:

P.O.D. VERIFIED BY INSPECTION 12-20-04.

Reviewer: SHM Date: 12-20-04

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Place Of Use Data Entry Form

Claim Number: 21-000416

Claimed Place Of Use <u>SAME AS 21-00102E</u>						Purpose of Use		
Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	

Total acres _____

Recommended Place of Use <u>SAME AS 21-00102E</u>						Purpose of Use		
Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	

Total acres _____

Pending or approved Transfers: NONEOverlapping rights: 21-00102E, 12358,

Document how the POU was verified:

P.O.U. VERIFIED BY INSPECTION ON 12-20-04Reviewer: Shm Date: 12-20-04

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Rexburg Decree 21-41

W.P. Drake 400 in 6-1-1890

Decreed land

8N 41 E

Sec 13: N $\frac{1}{2}$ NE, SWNE, lot 4
Total 153 acres

T968

Transfers .8 cfs from original place of use to the following land:

9N 42 E

Sec 19: SE NE

Sec 20: S $\frac{1}{2}$ NE, SE, N $\frac{1}{2}$ SW

Sec 21: SWNW, N $\frac{1}{2}$ SW, SWSE, Lot 4

Sec 28: N $\frac{1}{2}$ NE

Sec 29: ~~SW~~ NW

21-41B

T974

Transfers 1 cfs from original place of use to following land:

9N 42 E

Sec 28: SWNW, SW

21-41D

PROFILED

T975

Transfers 2 cfs from original pou to following land:

9N 42 E

Sec 33: lots 2, 3, 6

Sec 32: E $\frac{1}{2}$ E $\frac{1}{2}$ NE, E $\frac{1}{2}$ of lot 1

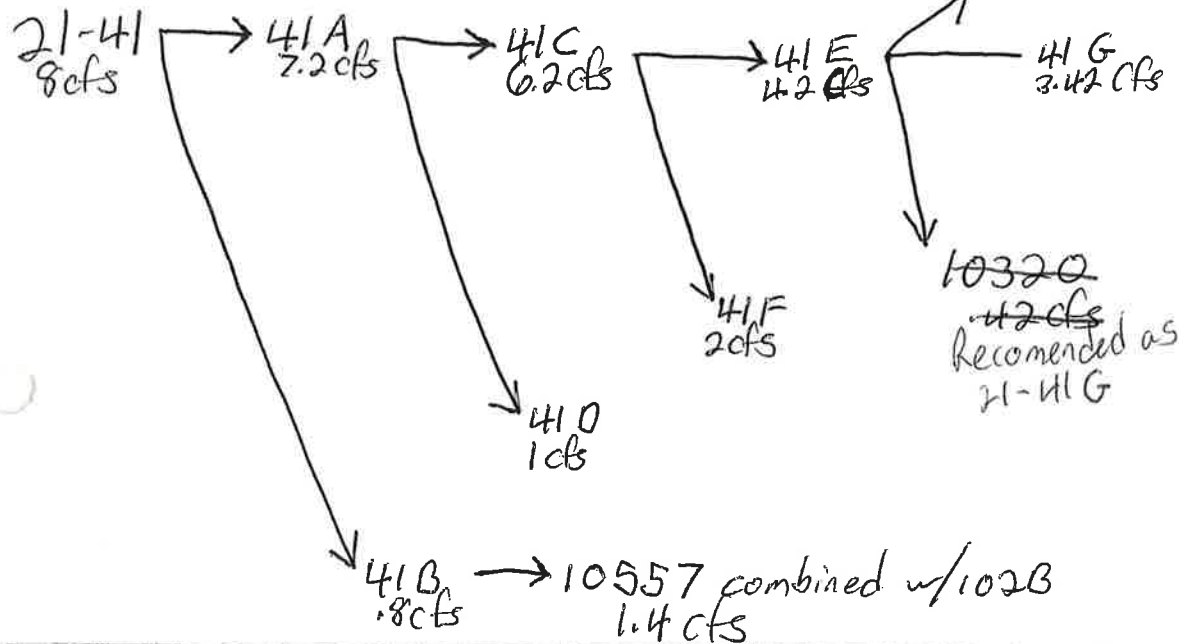
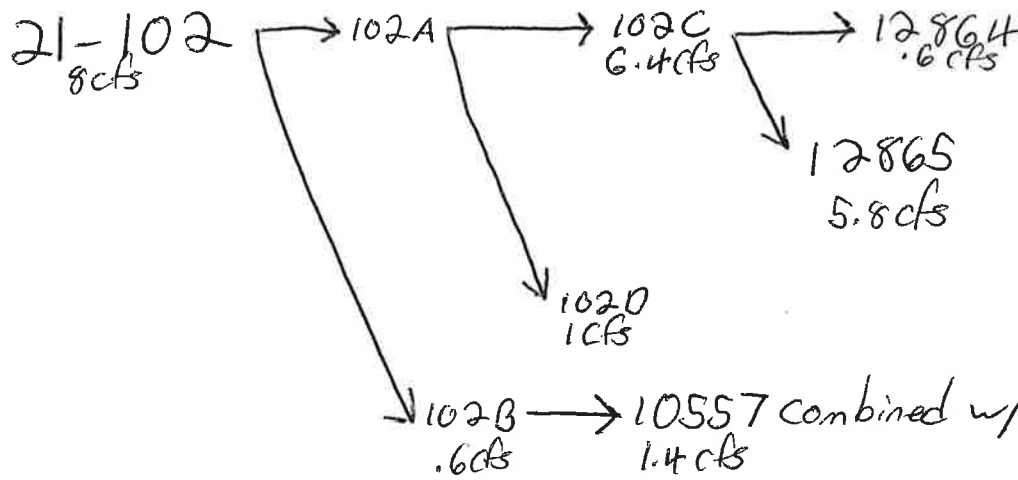
Sec 28: SE NW, NW SE, SW NE, lots 1, 2, 6

T1674

combines 102B + 41B creates SH-10557

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Norman Douglas 3.6 cfs pending part of 21-54

PROFILE

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T968

Silkie purchased 40 in from W.P. Drake
and put it to use on following land:

21-102

8N4E

Sec 12: South 13 rods of SE

Sec 13: NE

Medrow then transfers that 40 inches to
the following land:

9N42E

Sec 19: SENE

Sec 20: S $\frac{1}{2}$ NE, SE, N $\frac{1}{2}$ SW

Sec 21: SWNW, N $\frac{1}{2}$ SW, SWSE, Lot 4

Sec 28: N $\frac{1}{2}$ NE

Sec 29: NW

21-41B

1674

Mons 80 acres from sec 20 to irrigate
S $\frac{1}{2}$ N $\frac{1}{2}$

N $\frac{1}{2}$ NE sec 29

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~~T967~~

~~Transfers .6 cts from land associated
with 21-102 to George nebrons land~~

~~see 968~~

Call Maldonald + other

Douglas 21 m from 21-101 in same band

106

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Transfers for 102

Pg 7

T967

Transfers 30 in or .6 cfs from original place of use to the following land:

9N 42E

Sec 20: S $\frac{1}{2}$ NE, SE, N $\frac{1}{2}$ SW

Sec 19: SENE

Sec 21: SWNW, N $\frac{1}{2}$ SW, SWSE, Lot 4

Sec 28: N $\frac{1}{2}$ NE

Sec 29: NW

George Nedrow 102B 800 acres

T1674

Combines .6 cfs from 102B and .8 cfs of 41B and irrigates following land:

9N 42E

Sec 19: SENE

Sec 20: N $\frac{1}{2}$ SW, SE

Sec 21: SWNW, N $\frac{1}{2}$ SW, SWSE, Lot 4

Sec 28: N $\frac{1}{2}$ NE

Sec 29: N $\frac{1}{2}$ NE, NW

claim # 10557

T973

Transfers 50 in or 1 cfs from ~~original place of use~~ ^{102B} to the following land:

9N 42E

Sec 32: W $\frac{1}{2}$ NE, ^{13 $\frac{1}{3}$} ~~26 $\frac{2}{3}$~~ acres in ~~W $\frac{1}{2}$ NE~~ w $\frac{1}{2}$ of E $\frac{1}{2}$ M
W $\frac{1}{2}$ NE w $\frac{1}{2}$ lot 1
NWSE, MENW

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21-102D

PROFILED

71-102

Pg 2

Dexburg Decree

J.R. Silkey 400 in 6-1-1890
Decreed land

8N 41E

Sec 12: $5\frac{1}{2}$ SE, NESE, lot 2
152.35 acres

-
- After transfers 967 + 973 6.4 cfs is left
on this ground. Transfer 2311 states the irrigated
land:

Sec 12: NESE 40 acres

NWSE lot 2 32.35 acres

SWSE 33.7 acres

SESE 33.7 acres

Total 139.75 acres

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FEB 10 2006

9002 0 1 FEB

SCANNED

Rexburg Decree 21-41

W.P. Drake 400 in 6-1-1890

PROTECTED

Decreed land

8N 41 E

Sec 13: N $\frac{1}{2}$ NE, SWNE, lot 4
Total 153 acres

T968

Transfers .8 cfs from original place of use to the following land:

9N 42 E

Sec 19: SENE

Sec 20: S $\frac{1}{2}$ NE, SE, N $\frac{1}{2}$ SW

Sec 21: SWNW, N $\frac{1}{2}$ SW, SWSE, Lot 4

Sec 28: N $\frac{1}{2}$ NE

Sec 29: ~~SW~~ NW

21-41B

T974

Transfers 1 cfs from original place of use to following land:

9N 42 E

Sec 28: SWNW, SW

21-41D

T975

Transfers 2 cfs from original pou to following land:

9N 42 E

Sec 33: lots 2, 3, 6

Sec 32: E $\frac{1}{2}$ E $\frac{1}{2}$ NE, E $\frac{1}{2}$ of lot 1

Sec 28: SE NW, NWSE, SWNE, lots 1, 2, 6

T1674

combines 10B + 41B creates 41-105

46"

7.40	+ 9.52	= 16.92 c/s.	
	<u>8.60</u>		
.6			
8.0			
8.6,			

.42

.50 c/s.

~~4.0 c/s.~~
1.04

21-102A	7.40 c/s. -	John Seeley Property.
T967.	.60 c/s. -	Nedrow.
T973	1.00 c/s.	McCulloch
	5.8 c/s. -	John Seeley.

21-102B	0.60 c/s.	Louis Seeley
21-41	8.00 c/s.	
?	.92 c/s.	

	9.52 c/s. -	Louis Seeley.
T968	.80 c/s.	Nedrow.
T975	2.0 c/s.	Reynolds.

	6.72 c/s.	Louis Seeley.
L	5.8 c/s (1890).	
	.92 c/s. (?) may be 21-106	

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FEB 10 2006

EAST 695

Official Document
of
The Silkey Canal Water Users' Association

P.O. Box 57
Chester, Idaho 83421

Revised - January, 2005

This Copy Property
of

Name

ARTICLES OF ASSOCIATION
of
THE SILKEY CANAL WATER USERS' ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS:

That we, the following water users, all citizens of the United States of America, of legal age, have this day voluntarily associated ourselves together under the provisions of Chapter 12, Title 42, Idaho Code, for the purpose of forming a canal water users' association. (A copy of said Code provisions are attached hereto and made a part hereof by reference).

FIRST

The name of the association shall be THE SILKEY CANAL WATER USERS' ASSOCIATION.

DELIVERY SYSTEMS AND STRUCTURES

Anderson Springs East and Channel to Main Silkey Canal
Anderson Springs West, Sub Lakes, and Channels to Subgate Branch
Black Spring Creek & Wetlands (Fuch's Ranch)
Fall River Pump and Sprinkling System (Fall River Acres)
Farmers Own Ditch (Fuchs Ranch)
Henry's Fork River Pump for Surface Irrigation (Larry Simmons)
Mosier Springs Pump, Pipeline, and Sprinkling System (Tri Angle B Ranch)
Mosier Springs Wetlands, Fish Propagation, and Sub-Ponds (Tri Angle B Ranch)
Northeast Well and Pivot Sprinkling System (Tri Angle B Ranch)
Silkey Canal (Prior to diversions)
Silkey Diversion Dam and Headgate on the Fall River
Silkey Sub Gate Branch (Simmons-Loosco-Eliason)
Silkey Cave and Sink Water Shafts to Recharge the Snake River Aquifer
Silkey East Anderson Spring Recharge Ditch
Silkey Measurement Weir and Gage (Silkey Canal)
Silkey Middle Branch
Silkey North Branch
Silkey South Branch
Silkey Spillgate
Silkey System Culverts (Includes U.S. 20 culvert and Railroad Culvert #4460)
Silkey System Headgates
Silkey Major Wetland Ecosystems
Southwest Well pumps into West McBee Ditch System (Loosco Farms)
West McBee Ditch (Tri Angle B Ranch and Loosco Farms)

SECOND

This Association is not formed for profit, but as a nonprofit, mutual Association.

THIRD

The nature of the business and the objects and purposes for which this Association is formed are to exercise all the powers, functions and duties authorized by Chapter 13, Title 42, Idaho Code, all laws amendatory thereto, and all other rights, powers and duties authorized by the laws of the State of Idaho.

FOURTH

The existence of this Association shall be perpetual unless otherwise disorganized pursuant to law, and a copy of these Articles shall be recorded to form a part of the chain of title to the lands involved and all covenants herein contained shall be construed as covenants running with the land.

FIFTH

The place where the principal business of this Association is to be transacted shall be at Chester, Idaho, with the specific address of the Association to be determined from time to time, as determined by the members of said Association.

SIXTH

The legal description of the sections of land within the system to be irrigated by this Association and other irrigation entities, including major irrigation water origins within those sections are as follows:

Section 6	T.8N - R.42	South of Henry's Fork lands
Section 6	T.8N - R.42	N1/2SE1/4 (Black Spring Creek and Wetlands)
Section 7	T.8N - R.42	All of this section
Section 7	T.8N - R.42	W1/2SW1/4 (East Portion of Anderson Springs West)
Section 8	T.8N - R.42	South half of this section(Except NE1/4SE1/4)
Section 17	T.8N - R.42	NW1/4SW1/4SW1/4 (East Portion of Anderson Springs East)
Section 18	T.8N - R.42	Location of West Portion of Anderson Springs East
Section 18	T.8N - R.42	Location of Mosier Springs Pump, West McBee Ditch, and the heads of the Three Canal Branches
Section 20	T.8N - R.42	Head of Silkey Canal (SW1/4SW 1/4)
Section 12	T.8N - R.41	East of the Henry's Fork lands
Section 12	T.8N - R.41	S1/4SE1/4 (14 Acres South of Middle Branch)
Section 12	T.8N - R.41	E1/2SE1/4 (West Portion of Anderson Springs West)
Section 19	T.8N - R.42	Location of Silkey Weir, Spillgate and south portion of Mosier Springs
Section 13	T.8N - R.41	Location of lower end of West McBee Ditch & Southwest Well
Section 14	T.8N - R.41	East of Henry's Fork lands
All in Fremont County, Idaho		

SEVENTH

The names of the parties, together with their addresses and the descriptions of their acreage and properties which shall be irrigated and the amount of water that each member claims are as follows:

<u>NAME and ADDRESS</u>	<u>DESCRIPTION of PROPERTY</u>	<u>CFS/A.F.</u>
Eliason, Sid & Betsy 2056 Sierra View Salt Lake City, UT 83127	The South 860 feet of Lot 1 in Sec. 13, Twp. 8 N., Rge. 41 E.B.M, Less $1\frac{2}{3}$ Acres on East side of Henry's fork in the SE1/4NW1/4NW1/4 in Sec. 13, Twp. 8N., Rge 41 E.B.M. Fremont County, Idaho	2.42 cfs 23 A.F.
Tri Angle B Ranch c/o Rick Blanchard P.O. Box 131 Chester, ID 83421	NE1/4 NW1/4; Lots 8-9; Lots 6-7 N. of R.R., LESS Hwy., Sec. 19, twp. 8 N., Rge. 42 E.B.M. All of Sec. 18 East of Fall River Twp.8 N., Rge. 42 E.B.M. Fremont County, Idaho	18.73 cfs 80 A.F.
	SE1/4 NW1/4; S1/2; S1/2NE1/4 LESS the following: Beginning at the NE corner of the SE1/4 of the NE1/4 of Sec. 7, Twp. 8 N., Range 42 E.B.M. and running thence W. 191 feet; thence S. 250 feet; thence E. 191 feet; and thence North 250 feet to the point of beginning (also known as Tract 1). All in Sec. 7, Twp. 8 N., Rge. 42 E.B.M. All in Fremont County, Idaho	
Mc Donald, Mike & Carla P.O. Box 118 Chester, ID 83421	Beginning at a point where the South property line of Lot 5, in Sec. 13, Twp. 8 N., Rge. 41 E.B.M., in Fremont County, Idaho, intersects the existing county road right of way at the NW corner of the old steel bridge, and running thence West 140 feet, more or less, to a steel post; thence N. 375 feet; thence East 350 feet, more or less, to a steel post, thence South 225 feet, more or less, to an existing corner post; thence West 210 feet, more or less, to a point 150 feet, more or less, North of the point of beginning; and thence South 150 feet to the point of beginning.	.50 cfs
Douglas, Norman D. P.O. Box 127 Chester, ID 83421	9 acres in the NE1/4NW1/4 and Lot 1 of Sec. 13, Twp. 8 N., Rge. 41 E.B.M., Fremont County, Idaho.	.36 cfs 5 A.F.
Dolezal, Michael & Laura K. <i>P.O. Box 14 Chester, ID 83421</i>	Fall River Frontage (North Side) NW1/4NW1/4NE1/4SW1/4, N1/2NE1/4NW1/4SW1/4, Fall River Frontage is south property line. All in Section 13, Twp. 8N. Rge. 41E.B.M. in Fremont County, Idaho.	.40 cfs

SEVENTH (continued)

<u>NAME and ADDRESS</u>	<u>DESCRIPTION</u>	<u>CFS/A.F.</u>
Fall River Acres c/o Gail & Jackie Blanchard P.O. Box 145 Chester, Idaho 83421	Lot 5 South of the County Road, and Lots 6 and 7 located in Sec. 13, Twp. 8 N., Rge. 41 E.B.M. Fremont County, Idaho	2.92 cfs 45 A.F.
Fuchs Ranch c/o Bill and Teresa Fuchs P.O. Box 57 Chester, ID 83421	NW1/4SE1/4; S1/2S1/2, N1/2SW1/4, all in Sec. 8, Twp. 8 N., Rge. 42 E.B.M. Fremont County, Idaho 4 acres in the NE1/4NE1/4 and Lot 1; 4 acres in the SW1/4NE1/4 and 35 acres in the SE1/4NE1/4, all in Sec. 12, Twp. 8 N., Rge 41 E.B.M., Fremont County, Idaho	5.20 cfs 70 A.F.
	N1/2NE1/4; SW1/4NW1/4 and N1/2NW1/4 to edge of Henry's Fork all in Sec. 7, Twp. 8N., Rge. 42 E.B.M. Fremont County, Idaho	
	SE1/4 and SW1/4 to edge of Henry's Fork all in Sec. 6, Twp. 8N., Rge. 42 E.B.M. Fremont County, Idaho	
Loosco Farms, Inc. c/o Lynn & Portia R. Loosli 3140 E. 1100 N. Ashton, ID 83420	7 acres in the SW1/4SE1/4 and 7 acres in the SE1/4SE1/4, in Sec. 12; 253.5 acres in Sec. 13; 3 acres in the SE1/4NE1/4 and 6 acres in the NE1/4SE1/4 in Sec. 14, all in Twp. 8 N., Rge. 41 E.B.M. Rge. 41 E.B.M., Fremont County, Idaho	17.22 cfs .60 A.F.
Opsahl, Alan E. & Brenda M. P.O. Box 87 Chester, ID 83421 or 3577 Ridge Road Oceanside, CA 92056	Beginning at the South Quarter corner of Sec. 12, Twp. 8 N., Rge 41 E.B.M., in Fremont County, Idaho; thence North 231.00 feet , along the centerline of said section; thence South 89 degrees 56'27" West parallel to the South line of said Sec. 662.98 feet to the East bank of the Henry's Fork of the Snake River; thence South 21 degree 00'41" West, along said bank 270.54 feet; thence North 89 degrees 56'27" East 759.99 feet to a point on the East line of the NW1/4 of Sec. 13, Twp. 8 N., Rge. 41 E.B.M.; thence North along said line 21.45 feet to the point of beginning.	4 A.F.
Simmons, Larry <i>P.O. Box 36 Bancroft, ID 83217</i>	Lot 2 and the NE1/4 of the SE1/4, and the North 67 rods of the S1/2 of the SE1/4, all in Sec. 12, Twp. 8 N., Rge 41 E.B.M., Fremont County, Idaho	8.35 cfs
Seely, John R. 7364 Moore Crest Ct. Salt Lake City, UT 84121	Lot 3, excepting therefrom the South 14 rods, in Sec. 12, Twp. 8 N., Rge. 41 E.B.M., Fremont County, Idaho.	.65 cfs

SEVENTH (continued)

INDIVIDUAL WATER RIGHT CLAIMS

<u>Water Users</u>	<u>Water Claims</u>	<u>CFS</u>	<u>Delivery System</u>
Eliason, Sid	Anderson West 1888	2.00	Sub Gate #3 Branch
	Drake 1890	.42	Middle Branch
Dolezal, Michael	Farnsworth, 1890	.40	South Branch
Douglas, Norman	Drake 1890	.36	Middle Branch
Fall River Acres	Farnsworth 1890	.50	Fall River Pump
	Smith 1902	.57	Fall River Pump
	Curr 1889	.08	Fall River Pump
	Curr 1887	.27	Fall River Pump
	Anderson East 1888	1.50	South Branch
Fuchs Ranch	Sundberg 1890	4.00	Farmers Own Ditch
	Sundberg 1894	.30	Farmers Own Ditch
	Sundberg 1894	.90	North Branch
Loosco Farms	Farnsworth 1890	3.80	South Branch
	Drake 1890	3.42	Middle Branch
	Smith 1902	1.00	South Branch
	S.W. Groundwell 1992	5.50	West McBee Ditch
	Anderson East 1888	1.50	South Branch
	Anderson West 1888	2.00	Sub Gate #2 Branch
McDonald, Mike	Farnsworth 1890	.50	South Branch
Simmons, Larry	Silkey 1890	5.81	North Branch
	Anderson West 1888	2.00	Sub Gate #1 Branch
	West 1903	.54	North Branch
Seely, John R.	West 1903	.06	North Branch
	Silkey 1890	.59	North Branch
Silkey Association	Anderson East 1888	6.00	Canal System
	East Spring Excess		
Tri Angle B Ranch	Seely Bros. 1891	3.60	Upper System
	Mitchell 1894	3.00	Upper System
	Moon 1895	2.00	Upper System
	Smith 1902	.43	Mosier Springs Pump
	N.E. Groundwell 1978	3.40	Pivot Sprinkler
	Moon 1895	1.50	Mosier Springs Pump
	Sundberg 1890	.30	North Branch
	Anderson East 1888	3.00	Upper System
	Moon 1895	1.50	West McBee Ditch

SEVENTH (continued)

INDIVIDUAL STORAGE WATER AMOUNTS

<u>Water Users</u>	<u>Acre Feet Of Storage</u>	<u>Delivery System</u>
Eliason, Sid	23.00	Middle Branch
Opsahl, Alan	4.00	Middle Branch
Tri Angle B Ranch	80.00	Mosier Springs Pump
Fall River Acres	45.00	Fall River Pump
Douglas, Norman D.	5.00	Middle Branch
Fuchs Ranch	70.00	North Branch
Loosco Farms	60.00	South Branch

HISTORY OF WATER RIGHT CLAIMS AND TRANSFERS

Silkey June 1, 1890 A21-00102	Original Amount	8.00	cfs	
	Transfer #973	-1.00	cfs	to John McCulloch (D)
	Transfer #967 - #1674	-.60	cfs	to George Nedrow (B)
	Transfer #2311	-.59	cfs	to John R. Seely (12864)
	Land Purchase	-5.81	cfs	to Larry Simmons (12865)
Drake June 1, 1890 A21-00041	Original Amount	8.00	cfs	
	~~Transfer #974~~	~~-1.00~~	~~cfs~~	~~to Clark Baum (D)~~
	Transfer #968-#1674	-.80	cfs	to George Nedrow (B)
	Transfer #975	-2.00	cfs	to Mac Reynolds (F)
	— Land Purchase	-.42	cfs	to Sid Eliason (10320)
	— Land Purchase	-.36	cfs	to Norman Douglas
Sundberg June 1, 1890 A21-00114	Land Purchase	-3.42	cfs	to Loosco Farms (G)
				~~to from 1967~~
	Original Amount	5.50	cfs	
	A21-00114 C	-4.00	cfs	to Fuchs Ranch
	A21-00114 #911 - #933	-1.20	cfs	to George Nedrow
Farnsworth, June 1, 1890 A21-00051	A21-00114	-.30	cfs	to Tri Angle B Ranch
	Original Amount	5.20	cfs	
	Land Purchase	-.50	cfs	to Mike McDonald <i>no filing</i>
	Land Purchase	-.40	cfs	to Michael Dolezal <i>no filing</i>
	- Transfer #2969	-.50	cfs	to Fall River Acres
	Land Purchase	-3.80	cfs	to Loosco Farms
	Tr. 974	1.00	cfs	to Baum

SEVENTH (continued)

HISTORY OF WATER RIGHT CLAIMS AND TRANSFERS (Continued)

Smith July 16, 1902	Original Amount	2.00	cfs		
A21-00106	Transfer #4711	-1.00	cfs	to	Loosco Farms
A21-00106	Transfer #4711	-.43	cfs	to	Tri Angle B Ranch
A21-00106	Transfer # 2269	-.57	cfs	to	Fall River Acres
Sundberg June 1, 1894	Original Amount	1.20	cfs		
A21-00115	Transfer #204	-.30	cfs	to	Fuchs Ranch
A21-00115	Transfer #242	-.90	cfs	to	Fuchs Ranch
Anderson October 16, 1888	Original Amount	6.00	cfs		(East Springs)
A21-12442	Land Purchase	-1.50	cfs	to	Loosco Farms
A21-04089	Land Purchase	-3.00	cfs	to	Tri Angle B Ranch
A21-04028	Land Purchase	-1.50	cfs	to	Fall River Acres
Mitchell June 1, 1894	Original Amount	3.00	cfs	to	Tri Angle B Ranch
A21-00145					
West June 1, 1903	Original Amount	.60	cfs		
A21-00130	Land Purchase	-.54	cfs	to	Larry Simmons
A21-00130	Transfer #2311	-.06	cfs	to	John R. Seely
Moon May 10, 1895	Original Amount	5.00	cfs	to	Tri Angle B Ranch
A21-00146					
Seely Bros. June 1, 1891	Original Amount	3.60	cfs	to	Tri Angle B Ranch
A21-00093					
Anderson October 16, 1888	Secondary Amount	6.00	cfs	to	Silkey Water Users
A21-12442	East Spring Excess				
Curr June 1, 1889	Original Amount	.08	cfs	to	Fall River Acres
A21-12848	Transfer #69539				
Curr June 10, 1887	Original Amount	.27	cfs	to	Fall River Acres
A21-12846	Transfer #69539				
Anderson October 16, 1888	Original Amount	6.00	cfs		(West Springs)
A21-12442	Sub Control Gate #1	-2.00	cfs	to	Larry Simmons
A21-12442	Sub Control Gate #2	-2.00	cfs	to	Loosco Farms
A21-12442	Sub Control Gate #3	-2.00	cfs	to	Sid Eliason

SEVENTH (continued)

CONJUNCTIVE WATER MANAGEMENT (Directed Spring Water When Not In Use)

Mosier Springs 1895/1902	Original Amount	1.93	cfs		
A21-00146	Tri Angle B Ranch	-1.50	cfs	to	Recharge Fall River
A21-00106	Tri Angle B Ranch	-0.43	cfs	to	Recharge Fall River
Anderson Springs (West) 1888	Original Amount	6.00	cfs		
A21-12442	Larry Simmons	-2.00	cfs	to	Recharge Henrys Fork
A21-12442	Loosco Farms	-2.00	cfs	to	Recharge Henrys Fork
A21-12442	Sid Eliason	-2.00	cfs	to	Recharge Henrys Fork
Anderson Springs (East) 1888	Original Amount	6.00	cfs		
A21-12442	Loosco Farms	-1.50	cfs	to	Snake River Aquifer
A21-04089	Tri Angle B Ranch	-3.00	cfs	to	Snake River Aquifer
A21-04028	Fall River Acres	-1.50	cfs	to	Snake River Aquifer
Black Spring Creek 1894	Original Amount	1.20	cfs		
A21-00115	Fuchs Ranch	-1.20	cfs	to	Recharge Henry's Fork

SILKEY CANAL MAXIMUM DIVERSION (Diversion #13049010)

Drake	1890	4.20	cfs	or	210	Inches water
Sundberg	1890	.30	cfs	or	15	Inches water
Silkey	1890	6.40	cfs	or	320	Inches water
Farnsworth	1890	4.70	cfs	or	235	Inches water
Seely	1891	3.60	cfs	or	180	Inches water
Sundberg	1894	.90	cfs	or	45	Inches water
Mitchell	1894	3.00	cfs	or	150	Inches water
Moon	1895	3.50	cfs	or	175	Inches water
Smith	1902	1.00	cfs	or	50	Inches water
West	1903	.60	cfs	or	30	Inches water
		28.20	cfs	or	1410	Inches water

All Silkey Canal Systems maintenance costs shall be divided among the members according to individual water units and space rights in the Silkey Canal whether their water is used or not. The 6.0 cfs of Anderson Springs East excess flow will be distributed to the three lateral branches. There will be no Silkey Assessments charged for this secondary prioritized water due to uncertain availability.

Failure to use said system, or any part thereof, by any of the members of the Association, because they have obtained water by some other means, or for any reason, shall not excuse that member or members from fulfilling all obligations of the Association, and may be collected pursuant to the said provision of Chapter 13, Title 42, Idaho Code, and the provisions of the Articles of Association.

SEVENTH (continued)

Basic Rules of the Canal System:

1. Canal system crossing and diversion culverts to be provided by each property owner.
2. One owner historical use at end of branch determines point where canal maintenance ends.
3. Transfer of ground or decreed water from this system requires 51% of vote.
4. Protection or repair of livestock damage to canal banks is the responsibility of landowner.
5. Transfer of storage water needs Fremont Madison Irrigation Board approval.
6. Water unit assessments are needed to be paid by May 15 in each irrigation season.

The Association is empowered to assess funding for the purpose of maintaining, construction and reconstruction, in said delivery system, subject to a resolution of its Board of Directors duly adopted after said notice of said intended action has been given to the members of the Association and the members given an opportunity to appear and be heard on said matter before said Board. It shall be the duty of the Association to annually assess each member water user in the manner provided by Chapter 13, Title 42, Idaho Code; such assessment to be also made against the above described lands owned by each member water user. No irrigation water will be delivered until such assessment is paid. The Association shall allocate M and O funds on an equitable basis to the three lateral branches as well as the main canal above the diversions.

Each of the parties to this Association, together with his or her spouse, hereby grants to each of the other parties and for and in behalf of the Association, an easement for the establishment and maintenance of the main canal and lateral branches over and upon the properties above described as are necessary, including the reasonable right of ingress and egress for installation, repair and maintenance thereof. Any excavation involving Anderson Springs East must have prior Silkey Board approval.

EIGHTH

Each water user shall be entitled to one vote for each share of water unit. A share is equal to one water unit and the space right in the canal system.

<u>Name</u>	<u>Water Units Delivered</u>
Eliason, Sid & Betsy Salt Lake City, UT 83127	<u>21</u> Inches water
Tri Angle B Ranch Chester, ID 83421	<u>670</u> Inches water
McDonald, Mike & Carla Chester, ID 83421	<u>25</u> Inches water
Dolezal, Michael & Laura K. St. Anthony, Idaho 83445	<u>20</u> Inches water
Douglas, Norman D. Chester, ID 83421	<u>18</u> Inches water

EIGHTH (continued)

<u>Name</u>	<u>Water Units Delivered</u>
Fall River Acres Chester, ID 83421	<u>75</u> Inches water
Fuchs Ranch Chester, ID 83421	<u>45</u> Inches water
Loosco Farms, Inc. Ashton, ID 83420	<u>486</u> Inches water
Opsahl, Alan E. & Brenda M. Oceanside, CA 92056	<u>0</u> \$25 Min Access
Seely, John R. Salt Lake City, UT 84121	<u>32 1/2</u> Inches water
Simmons, Larry Terreton, ID 83450	<u>317 1/2</u> Inches water

1710 Assessed Units/Shares

If additional lands become a part of the system of the Association, then the Board of Directors shall so specify in the minutes of their meetings and they shall amend this agreement to reflect the water rights that the owner of each new parcel of ground added to the system. This information shall be recorded in this document.

The A21-04028, A21-04089, and A21-12442 claims have the earlier beneficial use dates and permit applications for 6.0 cfs of the Anderson East Springs, October 16, 1888 Claim. This spring water claim is for irrigation (April –October). The aquifer will then be recharged during the five months of no irrigation (November – March). Inasmuch as this 6.0 cfs has this application date priority, it will be necessary to include the 6.0 cfs in the Silkey Canal Assessments to be paid by Tri Angle B Ranch, Loosco Farms, and Fall River Acres.

The A21-12442 Anderson West Spring Slough flows are assigned to the property owners bordering the Sub Gate Branch. No canal assessments will be charged against these property owners due to uncertain flow availability as well as maintaining and managing this system by themselves.(Simmons-Loosco Farms-Eliason)

NINTH

The following offices shall be served by three elected directors until the next Annual Meeting of the Association, which shall be held sometime between the first day of March and the last Monday in April. The time and place of the next Annual Meeting shall be designated by the Secretary in the notice given of said meeting:

<u>President</u>	<u>Watermaster</u>	<u>Secretary - Treasurer</u>
Director	Director	Director
Canal Manager	Decree Distribution	Agendas and Notices
Conduct Meetings	Improvement Projects	Finance Records

TENTH

The canal watermaster shall be entitled to a wage and mileage pay approved by the water users. It was approved by the Water Users at the Annual Silkey Association Meeting that the watermaster shall receive the following compensation:

Mileage 36¢ per mile

Hourly Wage \$8.35 per hour

ELEVENTH

The Association may adopt rules and regulation for the management of the three branches and the delivery of water therefrom, as it deems best, to insure an equitable distribution of the water, not inconsistent with applicable laws. Conjunctive water management and conserving practices are a high priority in this Association. The nine full or part sections within the Silkey Irrigation System are listed below with a total of 2,221 acres under irrigation or has irrigation history.

<u>Range 41</u>	<u>Acres Irrigated</u>	<u>Claims—Water Deeds—Spring Slough Wetlands</u>
Section 12	213 Acres	10320-10944-10677-12442-02120-00102-12358 - 00093 00041-00115-00130-Spring Slough Wetlands
Section 13	355 Acres	04028-10320-10718-10677-12442-02120-12358-00041 00115-00051-00106-12848-12846
Section 14	12 Acres	12442-12358-00051
<u>Range 42</u>		
Section 6	228 Acres	00114-10944-00140-00115 - Spring Slough Wetlands
Section 7	590 Acres	02120-12442-07152-10944-00114-00140-00146 00115-00145-Spring Slough Wetlands
Section 8	220 Acres	10944-07132-04028-00140-00073-00050-00114 Water Deeds 15587-74972-239445-15430-85749
Section 17	0 Acres	04028-04089-12442-15430-Spring Slough Wetlands
Section 18	526 Acres	04028-04089-12442-10435-07160-00114-00146 00145-00093-00106-Spring Slough Wetlands
Section 19	77 Acres	00146-12442-00145-00114-00093

ELEVENTH (continued)

1. The Directors are responsible for the following:
 - a. Determining the canal budget and setting the assessment for each share or water unit.
 - b. Sending notice to water users of meetings and pertinent water information.
 - c. Approve improvement projects, for the main canal and the three branches
2. The Watermaster will be responsible to do the following:
 - a. Divert from the Fall River the full Silkey decree allowed starting 04/01 until 11/01.
 - b. Monitor checkpoints on the system daily while decreed or storage water is in canal.
 - c. Supervise canal projects as well as distribution of irrigation water.
3. The Water Users will be responsible to do the following:
 - a. Assist in removing debris snags from the canal system within their property.
 - b. Fill in cattle crossing leaks or cuts in the canal banks within their property.
 - c. Recommend improvement projects on their particular canal branch.
4. Distribution of irrigation water chart.

Filled Priorities	Canal Total Inches	Middle Branch Inches	North Branch Inches	Upper Canal Inches	South Branch Inches
1903	1710	210	410	655	435
1902	1680	210	380	655	435
1895	1630	210	380	655	385
1894	1455	210	380	480	385
1891	1260	210	335	330	385
1890	1080	210	335	150	385
1888	300			150	150
Storage Water	162 A.F.	32 A.F.	70 A.F.	0 A.F.	60 A.F.

SCANNED

AUG 01 2001

September 9, 1991

Dale L. Swensen
Fremont-Madison Irrigation District
P.O. Box 15
St. Anthony, Idaho 83445

RE: Correspondence to Ron Carlson, dated August 1, 1991

Dear Dale:

I have researched the Department of Water Resource (IDWR) records and Water District #01 accounting program to verify water rights for the L Loosli #2, L Loosli #3, J Seeley, and Silkey Canal diversions have been properly accounted.

Decreed right 01-0169 (4.8 cfs) was transferred to the L Loosli #2 diversion from the Reservation Canal in Transfer #2882. The 4.8 cfs is credited to the L Loosli #2 diversion in the Water District accounting program with the priority date of December 14, 1891. See the enclosed Memorandum Decision and Order for Transfer #2882. *NOTE: ORIGINAL PRIORITY DATE FOR THIS RIGHT WAS 2/21/1890 BUT WAS CHANGED IN A PRIOR TRANSFER.*

Water rights 21-0041, 21-0051, and 21-0102, with a priority date of June 1, 1890, were originally decreed to the Silkey Canal. After several transfers, a total remaining flow rate of 15.3 cfs is credited to the Silkey Canal for these three rights.

Water right 21-0041 was originally decreed for 8.0 cfs. George Nedrow transferred 0.8 cfs of the right to a pump (#13045940) on the Henry's Fork through IDWR Transfer #968. Clark Baum transferred 1.0 cfs to his pump (#13046015) through Transfer #974. Mac Reynolds transferred 2.0 cfs in Transfer #975 to his pump (#13045960). The remaining 4.2 cfs is still appurtenant to the Silkey Canal.

Water right 21-0051 was originally decreed for 5.2 cfs. Transfer #2969 transferred 0.5 cfs of the right to Gail Blanchard (#13049495) on the Henry's Fork.

MICROFILMED

OCT 20 1992

-Page 2-
Dale Swensen

Water right 21-0102 was originally decreed for 8.0 cfs. George Nedrow transferred 0.6 cfs of the right to his pump (#13045940) on the Henry's Fork through Transfer #967. (Note: Transfer #967 and #968 were later combined into Transfer #1674.) John McCulloch transferred 1.0 cfs to his pump (#13046020) through Transfer #973. The remaining 6.4 cfs is recorded in Transfer #2311, listing two diversions for John Seeley; the Silkey Canal and a pump (#13046315) on the Henry's Fork. Transfer #2311 does not specify how the 6.4 cfs is to be split between the pump and canal.

The accounting program credits the entire 6.4 cfs recorded in Transfer #2311 to the Silkey Canal. The water diverted by the J Seeley pump (#13046315) in previous years has been charged to the Henry's Fork excess use in the Water District final accounting.

To credit the water diverted by the Henry's Fork pump (#13046315) as something other than excess use, the owner must specify the portion of the 6.4 cfs he wishes to divert from the pump. This amount would be subtracted from the 15.3 cfs currently credited to the Silkey Canal in the accounting program.

Sincerely,

Tony Olenichak
Hydrologist

MICROFILMED
OCT 20 1992

DECREE OF FALL RIVER AND ITS TRIBUTARIES.

(Arranged According to Priority of Rights.)

43	Wilson, O. L.; June 10, 1887; Fall River	120
43	Humphrey, Richards; June 10, 1887; Fall River. (Sold to O. L. Wilson)	240
43	Hathaway, John; June 10, 1887; Fall River	205
43	Hathaway, William; June 10, 1887; Fall River	240
43	Curr, Joseph; June 10, 1887; Fall River	240
49	Brown, Hyrum; June 1, 1888; Fall River	120
49	Farnsworth, A. T., and R. J.; June 1, 1888; Fall River ..	120
49	White, Henry T.; June 1, 1888; Fall River	120
67	Farnsworth, A. T., and R. J.; June 1, 1889; Fall River ..	200
67	Fall River Irrigation Co.; June 1, 1889; Fall River	18,000
	From July 1st of each year for the balance of the irrigation season	23,000
67	Fall River Irrigation Co.; June 1, 1889; Fall River ..	
	As a high water right until July 1st of each year ..	
77	Bell, Joseph; Sept. 26, 1889; Fall River	260
85	Silkey, J. R.; June 1, 1890; Fall river. Also right bought from W. P. Drake	400
85	Sandberg, Z.; June 1, 1890; Fall River	275
85	White, Henry T.; June 1, 1890; Fall River	120
85	Blanchard, Alma; June 1, 1890; Fall River	120
85	Drake, W. P.; June 1, 1890; Fall River. (Sold to J. R. Silkey)	400
85	Farnsworth, A. S.; June 1, 1890; Fall River	260
98	Seeley Brothers; June 1, 1891; Fall River	180
98	Brown, J. J.; June 1, 1891; Fall River	240
105	Farnsworth, A. T., and R. J.; June 1, 1892; Fall River ..	200
105	Blanchard, Alma; June 1, 1892; Fall River	120
112	Smith, T. C.; June 1, 1893; Conant Creek	100
112	Peterson, S. O.; June 1, 1893; Conant Creek	120
117	Mithell, Edward; June 1, 1894; Fall River	150
127	Moon, Carlos H.; May 10, 1895; Fall River	250
232	Langley, A. C.; June 24, 1902; Squirrel Creek	125
232	Yellowstone Land & Cattle Co.; June 24, 1902; Squirrel Creek	150
235	Smith, Henry; July 16, 1902; Fall River	100
137	Marysville Canal & Improvement Co., Ltd.; Nov. 5, 1895; Fall River	16,500
138	Farmers Own Ditch Co., Ltd.; Apr. 1, 1896; Fall River ..	1,700
138	Chester Canal & Irrigation Co., Ltd.; Apr. 1, 1896; Fall River	5,600
143	Lloyd, Thomas W.; June 1, 1896; Fall River	150
184	Peterson, S. O.; June 1, 1899; Conant Creek	40
188	Langley, A. C.; Aug. 1, 1899; Squirrel Creek	20
196	Highland Ranch Improvement Co., Ltd.; May 15, 1900; Boone Creek	150
205	Harrigfeld Canal & Irrigation Co., Aug. 4, 1900; Fall River	3,000
208	Alvary, C. J.; Sept. 24, 1900; Fall River	150
214	Conant Creek Canal Co.; May 1, 1901; Conant Creek ..	1,000
218	Squirrel Creek Irrigation & Canal Co.; Sept. 1, 1901; Squirrel Creek	1,000
219	Boone Creek Canal Co.; Sept. 15, 1901; Boone Creek ..	5,000
243	West, Curtis B.; June 1, 1903; Fall River	30
245	Yellowstone Land & Cattle Co.; July 1, 1903; Squirrel Creek	250
252	Farmers Own Ditch Co., Ltd.; May 1, 1904; Fall River ..	600
252	Perry, M. R., and R. V. McBain and William H. Dunlap;	

	May 1, 1904; Conant Creek	710
260	Farmers Own Ditch Co., Ltd.; May 1, 1905; Fall River ..	2,000
263	Yellowstone Power & Irrigation Co.; May 1, 1906; Fall River	5,000
263	Harrigfeld Canal & Irrigation Co.; May 1, 1906; Fall River	4,000

Decree of the Teton River and its tributaries, arranged according to priority of rights:

1	Garn, Martin, Mar. 15, 1879; Moody Creek	480
	To be reduced to 240 inches after June 20th in each year	240
2	Rowe, Reuben H., and Morris McCormick; June 1, 1879; Teton River. (Through McCormick & Rowe Ditch) ..	220
6	Woodmansee, Charles H.; Mar. 15, 1881; Moody Creek ..	320
	To be reduced to 160 inches after June 20th of each year	
9	Teton Island Canal Co.; Mar. 1, 1883; Teton River	518
10	Woodmansee, Charles H.; Mar. 15, 1883; Moody Creek ..	160
	To be reduced to 80 inches after June 20th of each year	80
11	Pioneer Ditch Co.; May 1, 1883; Teton River	528
12	Hansen, N. P.; May 15, 1883; South Fork of Teton River. (Sold to Lee Burrows)	160
14	City of Rexburg; June 10, 1883; Teton River. (For power and municipal purposes)	1,350
14	Rexburg Irrigation Co.; June 10, 1883; Teton River	6,500
15	Bird, Martin L., F. W. Garner and George A. Pincock; Mar. 1, 1884; Pincock-Garner Ditch	444
15	Pincock-Byington Ditch Co.; Mar. 1, 1884; Teton River ..	356
17	Hill Ditch Co.; May 1, 1884; Teton River	348
18	Teton Island Canal Co.; May 22, 1884; Teton River	3,500
20	Good Luck Canal Co.; June 1, 1884; Teton River	500
20	Liston, H. S.; June 1, 1884; Spring Creek	240
20	Yearsley, John H.; June 1, 1884; Spring Creek	60
20	Wolf Ditch Co.; June 1, 1884; Teton River	1,265
20	Wilford Irrigation & Manufacturing Co.; June 1, 1884; Teton River	3,292
20	Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; June 1, 1884; Teton River	250
20	Teton Irrigation & Manufacturing Co.; June 1, 1884; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	3,798
20	Teton Irrigation & Manufacturing Co.; June 1, 1884; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	2,202
24	Woodmansee, Charles H.; Mar. 15, 1885; Moody Creek ..	640
	To be reduced to 320 inches after June 20th of each year	320
26	Nelson, David; May 1, 1885; Teton River. (Through Nelson-Jacobs Ditch)	216
27	Windmill, Richard, and Richard Withers and Oscar B. Young; May 31, 1885; Teton River. (Eckersell Canal)	216
28	Roxana Canal Co.; June 1, 1885; Teton River. (To be diverted from Teton Island Feeder Canal)	800
28	Salem Irrigation Canal Co., Ltd.; June 1, 1885; Teton River	4,000
28	Salem Irrigation Canal Co., Ltd.; June 1, 1885; Teton	

Warranty Deed

THIS INDENTURE, Made this 12th day of November in the year of our Lord One Thousand Nine Hundred and seventy

#3

Mary Blanchard Williams, formerly Mary Blanchard, of Chester, County of Fremont, State of Idaho, the part Y of the first part, and Gail Blanchard

#4

of Chester, County of Fremont, State of Idaho, the part Y of the second part:

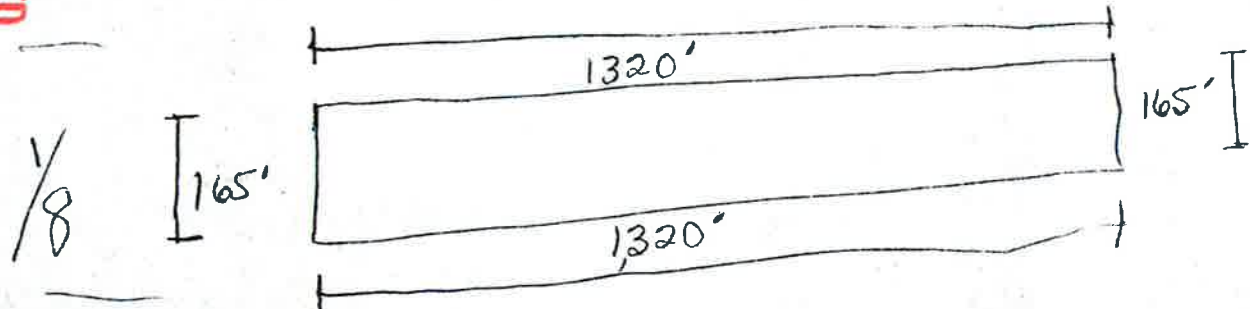
WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of Twenty-five and no/100 DOLLARS, lawful money of the United States of America, to her in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged

, do CS by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part Y of the second part, and to his heirs and assigns forever: All that certain lot piece or parcel of land situate, lying and being in the County of Fremont State of Idaho, bounded and more particularly described as follows, to-wit:

NW1/4, S1/4, NE1/4, SW1/4, and East 10 rods of NE1/4, all in Section 8, Township 8 North, Range 42, East, Boise Meridian, Fremont County, Idaho. Together all water and ditch rights thereto belonging.



1 Rod = 5 1/2 yards 55 yards
1 Rod = 16 1/2 feet 165 feet
1 Rod = 1/320 mile 10/320 mile



Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said part Y of the second part, and to his heirs and assigns forever. And the said part Y of the first part, and her heirs the said premises in the quiet and peaceable possession of the said part Y of the second part his heirs and assigns against the said part Y of the

POOR QUALITY ORIGINAL
MICROFILMED

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THIS INDENTURE, made this 12 day of September, 1903.
between Gail Blanchard and Jacqueline Beck Blanchard,
husband and wife
of Coaster, County of Fremont, State of Idaho
the parties of the first part and William Arthur Blanchard
of St. Anthony
County of Fremont, State of Idaho, the parties of the second part,

WITNESSETH that the said parties of the first part, for and in consideration of the sum of
THIRTY NINE THOUSAND SIX HUNDRED DOLLARS & NO/100 - - - - - Dollars
lawful money of the United States of America,
to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged,
have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said part of the second part, and to heirs and assigns forever, all the following described
real estate, situated in County of Fremont
State of Idaho, to-wit:

Lot 1 of Section 14; the Southeast Quarter
of the Northwest Quarter, Lot 4, and that
part of Lot 5 lying and being North and
West of the County Road as now located in
Section 13; ALSO commencing at the North-
west corner of the Southeast Quarter of
the Northwest Quarter of said Section 13;
thence South to the Southeast corner of
Lot 3; thence West to the Southwest corner
of said Lot 3; thence North to the South
Bank of Henry's Fork of the Snake River;
thence Northeasterly along said bank of
said river to a point directly West of the
point of beginning; thence East 343 feet,
more or less, to the point of beginning,
all in Township 8 North, Range 41 East,
Boise, Meridian, Fremont County, Idaho.

Together with 235 M.F., G-1-1890 Decree, Fall River in Silkey
Canal; 60 acre feet Fremont-Madison Irrigation Storage Water; one-half
of Slough Water

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
of the said part 1st of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the part 1st of the second part, and to their heirs and assigns forever.
And the said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said part 1st of the second part, their heirs and assigns, against the said parties
of the first part and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand
and seal, the day and year first above written.

Executed and Delivered in the Presence of

Gail Blanchard [SEAL]
Jacqueline Beck Blanchard [SEAL]
[SEAL]
[SEAL]

POOR QUALITY ORIGINAL

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 967

THIS IS TO CERTIFY, That George W. Nedrow of Ashton, Idaho, is the owner of and using a certain water right bearing date of priority of June 1, 1890, for 30 miners inches of the waters of Fall River, County of Fremont, State of Idaho, decreed to J.R. Silkie, by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

Rexburg Irrigation Company, et al

vs.

Teton Irrigation Canal Co., et al

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ except the South 13 rods thereof,
that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South
and East of Henry's Fork, and that portion
of the SW $\frac{1}{4}$ lying South and East of Henry's
Fork, all in Section 12, Township 8 North,
Range 41 E. S. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page No. 450;

That said George W. Nedrow has become the owner of said water right by mesne conveyance;

And that now upon the application of George W. Nedrow of Ashton, Idaho, for the transfer of 30 miners inches or .60 cubic feet per second 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 .60 cubic feet per second of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this Certificate, for irrigation purposes, are described as follows, to-wit:

SE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 20;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12;
SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 1, in
Section 21;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20;
WN $\frac{1}{4}$, Section 29;
All in Township 9 North, Range 42
E. S. M.,

From 21-102

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

30 miners inches or 1.0 cubic feet per second, bearing date of priority of June 1, 1890;

That the water right hereby transferred has heretofore been conducted from Fall River to the first above described lands through the Silkie Ditch with point of diversion in the SW $\frac{1}{4}$, Section 16, Township 8 North, Range 42 E. S. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through a sprinkler system by portable pump with various points of diversion along Henry's Fork of the Snake River were accessible to the said lands;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands 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 22nd day of September, 1961.

HELEN M. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 973

THIS IS TO CERTIFY, That John L. McCulloch of Ashton, Idaho, is the owner of and using a certain water right bearing date of June 1, 1890, for one cubic foot per second of the waters of Fall River, County of Fremont, State of Idaho, decreed to J. R. Silkie, by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

Rexburg Irrigation Company, et al,

vs.

Teton Irrigation Canal Company, et al,

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ except the South 13 rods thereof;
that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South
and East of Henry's Fork and that portion
of the SW $\frac{1}{4}$ lying South and East of Henry's
Fork, all in Section 12, Township 8 North,
Range 41 E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 450;

That said John L. McCulloch has become the owner of said water right by mesne conveyance;

And that now upon the application of John L. McCulloch of Ashton, Idaho, for the transfer of one cubic foot per second 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 one cubic foot per second of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this Certificate for irrigation purposes, are described as follows, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ of Lot 1; NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 32, Township 5
North, Range 42 E. B. M.,

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

One cubic foot per second, bearing
date of priority of June 1, 1890;

RECORDED

Application For Transfer of Water Right

RECEIVED
JUN 5 1961

STATE OF IDAHO

County of Madison

Department of Reclamation

JOHN McCULLOCH

being first duly sworn, deposes and says:

That his name is John L. McCulloch; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Ashton, Idaho

That he is the owner and using a certain water right, bearing date of priority of June 1, 1890 for one cubic feet per second in the waters of Fall River County of Fremont, State of Idaho, conveyed to J. R. Silk by decree of Judge J. M. Stevens in the Sixth Judicial District of the State of Idaho, in and for the county of Fremont in the case of Rensburg Irr. Co. et al. vs. Teton Irr. Canal Co. et al said decree bearing date of Dec. 16, 1910, (for obtained by virtue of License No. , issued by the State Department of Reclamation of the State of Idaho, dated , 19 , bearing date of , 19) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Fremont State of Idaho, to-wit:

SE $\frac{1}{4}$ except the South 13 rods thereof; that portion of the NE $\frac{1}{4}$ lying South and East of Henry's Fork and that portion of the SW $\frac{1}{4}$ lying South and East of Henry's Fork, all in Sec. 12, Twp. 8 N., R. 41, E.B.M., owned by John H. Seeley, et al. of Chester, Idaho.

That said water right was issued to the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. by purchase from John H. Seeley and Ardelle R. Seeley, who acquired same from Millie N. Seeley, who acquired same from Stewart R. Seeley, who acquired same from the State of Idaho.

That said waters are now diverted from said stream at the SW $\frac{1}{4}$ of Section 18, Township 8, Range 42, E. B. M., and conducted to the above described lands through the Silk ditch, as per map herewith and of this affidavit made

CHANGE IN USE OF WATER

That affiant and petitioner desires to increase cubic feet per second of said water upon the above described land and to use same upon the following tract, situate, lying and being in the County of Fremont State of Idaho, to-wit:

W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ of Lot 1, NW $\frac{1}{4}$ Sec. 32, Twp. 9 N., R. 42, E.B.M.

That reasons for desiring to make such change in the use of the water can be put to a much more satisfactory, beneficial use, as the lands irrigated with the same amount of water. Much of the above described land is hilly and rocky and, therefore, cannot all be irrigated, but by the use of a sprinkling system, many acres of low lands and hilly lands can be irrigated that have not been irrigated heretofore. The land upon which this water was purchased, have adequate water without said water to properly irrigate their lands.

That he intends to divert and convey said _____ second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

The water shall be diverted to the use of said lands by the use of _____ pumps from Henry's Fork through a _____ system. Said pump will be a portable pump, which will pump the water from said Henry's Fork at the nearest point accessible to the above described lands. The Seeleys are retaining water in the _____ ditch, and, therefore, will remain jointly responsible for the maintenance of said ditch.

Note—If this water right has heretofore been used partly in a ditch with other water, affiant should secure written consent of other interested parties to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in _____ of _____, Range _____, and thereafter conduct same to the _____ ditch, as per map appended. The point of diversion is any point on said Henry's Fork more accessible to the land above to be irrigated thereby.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at _____.

WHEREFORE, Affiant and Petitioner request _____, State Engineer of the State of Idaho issue to him the proper certificate to approve such change in point of diversion and or place of use, in accordance with the provisions of _____ of the Idaho Code.

Michael Wood
Applicant.

Subscribed and sworn to before me this _____ day of December, 1960.

W. A. Rigby
Notary Public,
Ketchikan, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water _____?
Where is the diversion point located _____ S. 12, R. 42, E.B.M.
Through what ditch is it conveyed _____?
How much land is now irrigated _____ acres with 370 in.
Give the description: _____; that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South _____ and that portion of the SW $\frac{1}{4}$ lying South and East _____ S. 12, Twp. 8 N., R. 41, E.B.M.

What is the total amount of water in inches, or second feet, dedicated to said land? 370 in. prior to the transfer of this 50 inches, and another 30 inches to George W. Nedrow.
What kind of crops are being raised? grain, hay, pasture and potatoes.

How much water per acre is now required to irrigate said land? approximately 1 1/2 in.

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

It will still be adequately irrigated.

Give location of new point of diversion, if change is to be made. At accessible points along Henry's Fork.

Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred?
It will irrigate as much land as the water will permit. The land is very uneven and only parts of same can be irrigated.

Do you claim any other water right for the land from which you seek to abandon the use of this water? .

If so, give amount, date and source. 290 miner's inches of the waters of Fall River with a priority date of June 1, 1890, is being retained by the Seeleys.
Is there any other water right for the land to which you seek to make this transfer? If so, give amount,

date and source. 16 shares of the capital stock of the Arcadia Ditch & Canal Co., which represents _____ inches.

Signed

John L. McCulloch
John L. McCulloch - Applicant.

We hereby join with the applicant and make application for the transfer of the above mentioned water right.

John H. Seeley
John H. Seeley

Ardelle R. Seeley
Ardelle R. Seeley

STATE OF IDAHO,

County of Bannockville

ss.

I, H. C. Eagle, Watermaster of _____

Water District No. 36, County of Bannockville, State of Idaho, whose postoffice address is Idaho Falls, Idaho,

have read or heard read the foregoing affidavit and petition of John L. McCulloch, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of transfer prayed for)~~ for the following reasons:

Watermaster, District No. 36

H. C. Eagle

Dated at Idaho Falls, Idaho, this 2nd day of June, 1961.

MICROFILMED

T 967

Application For Transfer of Water Right

RECEIVED

JUN 5 1961

STATE OF IDAHO

County of Madison

ss.

GEORGE W. NEDROWDepartment of Reclamation
being first duly sworn, deposes and says:

That his name is George W. Nedrow; that he is of lawful age, a citizen
of the United States and of the State of Idaho, and that his postoffice address is
Ashton, Idaho

That he is the owner and using a certain water right, bearing date of priority of June 1, 1890
for 30 miner's inches of the waters of Fall River
County of Fremont, State of Idaho, decreed to J. R. Silk
by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of
Idaho, in and for the county of Fremont, in the case of Rexburg Irrigation Co. et al.
vs. Teton Irr. Canal Co. et al., said decree bearing date of Dec. 16, 1910,
(or obtained by virtue of License No. _____, issued by the State Department of Reclamation of
the State of Idaho, dated _____, 19____, bearing date of _____, 19____)
for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 36 in the County of Fremont and State of Idaho, to-wit:
except the South 13 rods thereof;
SE $\frac{1}{4}$; that portion of the NE $\frac{1}{4}$ lying South and East of Henry's
Fork and that portion of the SW $\frac{1}{4}$ lying South and East of Henry's Fork,
all in Sec. 12, Twp. 8 N., R. 41, E.B.M., owned by John H. Seeley
et ux. of Chester, Idaho.

21-0102
T. 967

_____ and is the person (or representative of
the corporation) to whom such right so issued, or has become the owner thereof in the following man-
ner, i.e. by purchase from John H. Seeley and Ardelle R. Seeley, who acquired
same from Millie N. Seeley, who acquired same from Stewart R. Seeley, who
acquired same from Fred Eckman, who acquired same from J. R. Silk, who
as per abstract of title of said water right hereto attached and made a part of this statement.

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ of
Section 18, Township 8, Range 42 E. B. M., and con-
ducted to the above described lands through the Silk Ditch,
as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 30 miner's inches
of said water upon the above described land, and to convey and use same upon the following tract,
situate, lying and being in the County of Fremont and State of Idaho, to-wit:

S $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 20; SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19; SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
and Lot 4, in Sec. 21; N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 28, and W $\frac{1}{2}$ N $\frac{1}{2}$ of Sec. 29, all in
Twp. 9 N., R. 42, E.B.M.

That reasons for desiring to make such transfer are as follows: The water can be put to a
much more satisfactory, beneficial use with more lands irrigated with the
same amount of water. Much of the above described land is hilly and rocky
and, therefore, cannot all be irrigated, but by the use of a sprinkling
system, many acres of low lands and hillsides can be irrigated that have
not been irrigated heretofore. The Seeleys, from whom this water was pur-
chased, have adequate water without this water to properly irrigate their
lands.

That he intends to divert and convey said 30 miner's in. ~~second feet~~ of water to the tract of land last above described in the following manner and as per map accompanying this application:

The water shall be diverted to the use of said lands by the use of pumps from Henry's Fork through a sprinkling system. Said pump will be a portable pump, which will pump the water from said Henry's Fork at the nearest point accessible to the above described lands. The Seeleys are retaining water in the Silkie Ditch, and, therefore, will remain jointly responsible for the maintenance of said ditch.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in $\frac{1}{4}$ of $\frac{1}{4}$ of Section....., Township....., Range....., and thereafter conduct same to the above described land through the.....ditch, as per map appended. The point of diversion shall be at any point on said Henry's Fork more accessible to the lands described above to be irrigated thereby.

That his reasons for desiring to make such change are as follows:.....

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

George W. Wedgnow
Applicant.

Subscribed and sworn to before me this 19th day of December, 1960.

Ray W. Rigby
Notary Public.
Rexburg, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?..... Fall River.....
Where is the diversion point located?..... SW $\frac{1}{4}$ of Sec. 18, Twp. 8 N., R. 42, E.B.M.
Through what ditch is it now conducted?..... Silkie Ditch.....
How much land is now irrigated by the water sought to be transferred? 153 acres with 370 inches
Give the description: SE $\frac{1}{4}$, except the South 13 rods thereof; that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and East of Henry's Fork and that portion of the SW $\frac{1}{4}$ lying South and East of Henry's Fork, all in Sec. 12, Twp. 8 N., R. 41, E.B.M.

RECORDED

What is the total amount of water in inches, or second feet, dedicated to said land? 370 in. prior to the transfer of this 30 inches and another 50 inches to John McCulloch. What kind of crops are being raised? grain, hay, pasture and potatoes.

How much water per acre is now required to irrigate said land? approximately 1 1/2 in.

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....

It will still be adequately irrigated.

Give location of new point of diversion, if change is to be made. At accessible points along Henry's Fork.

Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred?
It will irrigate as much land as the water will permit. The land is very uneven and only parts of same can be irrigated.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. 290 miner's inches of the waters of Fall River with a priority date of June 1, 1890, is being retained by the Seeleys.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. 60 miner's inches of the waters of Fall River with a priority date of June 1, 1890, obtained from Earl Barney, et ux. in 1958, and another 40 miner's in. is now being acquired from Louis E. Seeley, et ux.

Signed

George W. Nedrow
George W. Nedrow - Applicant.

We hereby join with the applicant and make application for the transfer of the above mentioned water right.

John H. Seeley
John H. Seeley

Ardelle R. Seeley
Ardelle R. Seeley

STATE OF IDAHO,

County of Bonneville

I, H. C. Eagle

Watermaster of.....

Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address

is Idaho Falls, Idaho, have read or heard read the foregoing affidavit and petition

of George W. Nedrow, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or ~~(do not approve of the issuance of the certificate of transfer prayed for)~~ for the following reasons:

Watermaster, District No. 36

H. C. Eagle

Dated at Idaho Falls, Idaho, this 22nd day of June, 1961.

MICROFILMED

Application For Transfer of Water Right

RECEIVED

JUN 6 1961

STATE OF IDAHO

County of Madison

ss.

Department of Reclamation

GEORGE W. NEDROW

being first duly sworn, deposes and says:

That his name is George W. Nedrow; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Ashton, Idaho

That he is the owner and using a certain water right, bearing date of priority of June 1, 1890 for 40 miner's inches of the waters of Fall River

County of Fremont, State of Idaho, decreed to J. R. Silkie (purchased from W. P. Drake) by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of

Idaho, in and for the county of Fremont, in the case of Rexburg Irr. Co. et al.

vs. Teton Irr. Canal Co. et al., said decree bearing date of Dec. 16, 1910,

(or obtained by virtue of License No. _____, issued by the State Department of Reclamation of the State of Idaho, dated _____, 19____, bearing date of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 36 in the County of Fremont and State of Idaho, to-wit: NE $\frac{1}{4}$ of Sec. 13

and South 13 rods of SE $\frac{1}{4}$ of Sec. 12, all in Twp. 8 N., R. 41, E.B.M.,

owned by Louis E. Seeley, et ux. of Chester, Idaho,

21-0041
T. 968

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. by purchase from Louis E. and Delores M. Seeley, who acquired same from Millie N. Seeley, who acquired same from Stewart R. Seeley, who acquired same from Fred Eckman, who acquired same from J. R. Silkie, as per abstract of title of said water right hereto attached and made a part of this statement,

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ of Section 18, Township 8, Range 42 E, B. M., and con-

ducted to the above described lands through the Silkie Ditch,

as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 40 miner's in. ~~xxxxxx~~ of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Fremont and State of Idaho, to-wit:

S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 20; SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19; SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and Lot 4, in Sec. 21; N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 28, and W $\frac{1}{2}$ N $\frac{1}{2}$ of Sec. 29, all in Twp. 9 N., R. 42, E.B.M.

That reasons for desiring to make such transfer are as follows: The water can be put to a much more satisfactory, beneficial use with more lands irrigated with the same amount of water. Much of the above described land is hilly and rocky and, therefore, cannot all be irrigated, but by the use of a sprinkling system, many acres of low lands and hillsides can be irrigated that have not been irrigated heretofore. The Seeleys, from whom this water was purchased, have adequate water without this water to properly irrigate their lands.

That he intends to divert and convey said 40 miner's in ~~acres~~ of water to the tract of land last above described in the following manner and as per map accompanying this application:

The water shall be diverted to the use of said lands by the use of pumps from Henry's Fork through a sprinkling system. Said pump will be a portable pump, which will pump the water from said Henry's Fork at the nearest point accessible to the above described lands. The Seeleys are retaining water in the Silkie Ditch, and, therefore, will remain jointly responsible for the maintenance of said ditch.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in 1/4 of 1/4 of Section , Township , Range , and thereafter conduct same to the above described land through the ditch, as per map appended. **The point of diversion shall be at any point on said Henry's Fork more accessible to the lands described above to be irrigated thereby.**

That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

George W. Medlow Jr.
Applicant.

Subscribed and sworn to before me this 19th day of December, 1960.

Ray W. Rigby
Notary Public.
Reynolds, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall River

Where is the diversion point located? SW 1/4 of Sec. 18, Twp. 8 N., R. 42, E.B.M.

Through what ditch is it now conducted? Silkie Ditch

How much land is now irrigated by the water sought to be transferred? 205 acres with 476 in.

Give the description: NE 1/4 of Sec. 13 and South 13 rods of SE 1/4 of Sec. 12, all in Twp. 8 N., R. 41, E.B.M.

160
13
173 ac.

(252 cfs)

RECORDED

What is the total amount of water in inches, or second feet, dedicated to said land? 476 in. prior to the transfer of this 40 inches and another 100 in. to Mac F. Reynolds (975)
What kind of crops are being raised? grain, hay, pasture and potatoes.

How much water per acre is now required to irrigate said land? approximately 1 1/2 in. per acre

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....

It will still be adequately irrigated.

Give location of new point of diversion, if change is to be made. At accessible points along Henry's Fork.

Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred?.....
It will irrigate as much land as the water will permit. The land is very uneven and only parts of same can be irrigated.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. 6.72 cfs, 336 miner's inches of the waters of Fall River with a priority date of June 1, 1890, is being retained by the Seeleys.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount,

date and source. 60 miner's inches of the waters of Fall River with a priority date of June 1, 1890, obtained from Earl Barney, et ux, in 1958, decreed to a portion of the lands.

Signed George W. Nedrow
George W. Nedrow - Applicant.

I hereby join with the applicant and make application for the transfer of the above mentioned water right.

Louis E. Seeley
Louis E. Seeley
Delores M. Seeley
Delores M. Seeley

STATE OF IDAHO,

County of Bonneville } ss.

I, H. C. Eagle, Watermaster of Snake River

Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Idaho Falls, Idaho, have read or heard read the foregoing affidavit and petition

of Geo. W. Nedrow, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or ~~(do not approve of the issuance of the certificate of transfer prayed for)~~ for the following reasons:.....

Watermaster, District No. 36

H. C. Eagle

Dated at Idaho Falls, Idaho, this 3rd day of June, 1961.

RECORDED

THIS INDENTURE, made this 19th day of December, 1960,
between LOUIS E. SEELEY and DELORES M. SEELEY, his wife,

of the County of Fremont, State of Idaho,
the part ies of the first part and GEORGE W. NEDROW, a married man,

County of Fremont, State of Idaho, of the the of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
----- Ten and no/100 ----- Dollars

lawful money of the United States of America and other valuable considerations
to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,
have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said party of the second part, and to his heirs and assigns, forever, all the following described
real estate, situated in the County of Fremont,
State of Idaho, to-wit:

21-0041

**Forty miner's inches of the waters of Fall River, a
decreed water right, bearing date of priority of June 1,
1890.**

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
of the said part ies of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the party of the second part, and to his heirs and assigns forever.
And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said party of the second part, his heirs and assigns, against the said part ies
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part ies of the first part have hereunto set their hand B
and seal the day and year first above written.

Executed and Delivered in the Presence of

/s/ Louis E. Seeley [SEAL]

/s/ Delores M. Seeley [SEAL]

Louis E. Seeley [SEAL]

Delores M. Seeley [SEAL]

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

George W. Nedrow
Ashton, Idaho

ORDER GRANTING TRANSFER

NO. 968

For a Transfer of Water Right and
Change in Point of Diversion in
Water District No. 36,
County of Fremont, Idaho.

WHEREAS, On the 30th day of June, 1961, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of George W. Nedrow, of Ashton, Idaho, for a transfer of water right and change in point of diversion 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 efficient beneficial use and that no one will be injured thereby;

NOW, THEREFORE, IT IS 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 22nd day of September, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 968

THIS IS TO CERTIFY, That George W. Nedrow of Ashton, Idaho, is the owner of and using a certain water right bearing date of June 1, 1890, for 40 miners inches or .80 cubic feet per second of the waters of Fall River, County of Fremont, State of Idaho, decreed to J. R. Silkie by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

Rexburg Irrigation Company, et al

vs.

Teton Irrigation Canal Co., et al

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$ of Section 13, and the South 13 rods of the SE $\frac{1}{4}$ of Section 12, Township 8 North, Range 41 E. B. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 3 of Decrees at Page 450;

That said George W. Nedrow has become the owner of said water right by mesne conveyance;

And that now upon the application of George W. Nedrow of Ashton, Idaho, for the transfer of .80 cubic feet per second 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 .80 cubic feet per second of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this Certificate for irrigation purposes, are described as follows, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 20;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4,
in Section 21;
N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28;
W $\frac{1}{2}$ N $\frac{1}{2}$, Section 29;
All in Township 9 North,
Range 42 E. B. M.,

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

.80 cubic feet per second
bearing date of priority
of June 1, 1890;

That the water right hereby transferred has heretofore been conducted from Fall River to the first above described lands through the Silkis Ditch with point of diversion in the SW $\frac{1}{4}$ of Section 18, Township 8 North, Range 42 E. B. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through a sprinkler system by portable pump with various points of diversion along Henry's Fork of the Snake River more accessible to the said lands;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands 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 22nd day of September, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

MICROFILMED

T1674 NEDROW

Art Larson

21-0041
21-0102-
Identification No. 21-0102
Transfer No. 1674

RECEIVED
FEB 20 1973
Department of Water Administration
Eastern District Office

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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

1. Name of Right Holder George Nedrow, Jr.
Post office address R.F.D. #1, Ashton, Idaho

2. Right obtained by:
a. Decree to J. R. Silkey in Case of Rexburg Irrigation Co.
(Name)
vs Teton Irrigation Company Dated 12-16-1910 in 6th District Court
(Name of Court)
Court. County of Fremont
Trans. No. 967 & 968
b. License No. 21-0102 issued by the State of Idaho, Department of Reclamation. See 21-0102

3. Source of water Henry's Fork Snake River tributary to _____
(Name of stream or source)

4. Date of Priority June 1, 1890

5. Amount of water a. 1.4 c.f.s. and/or 21-0102B 0.6 cfs
b. _____ acre feet/annum 21-0041 0.8 cfs Kew 12-27-84

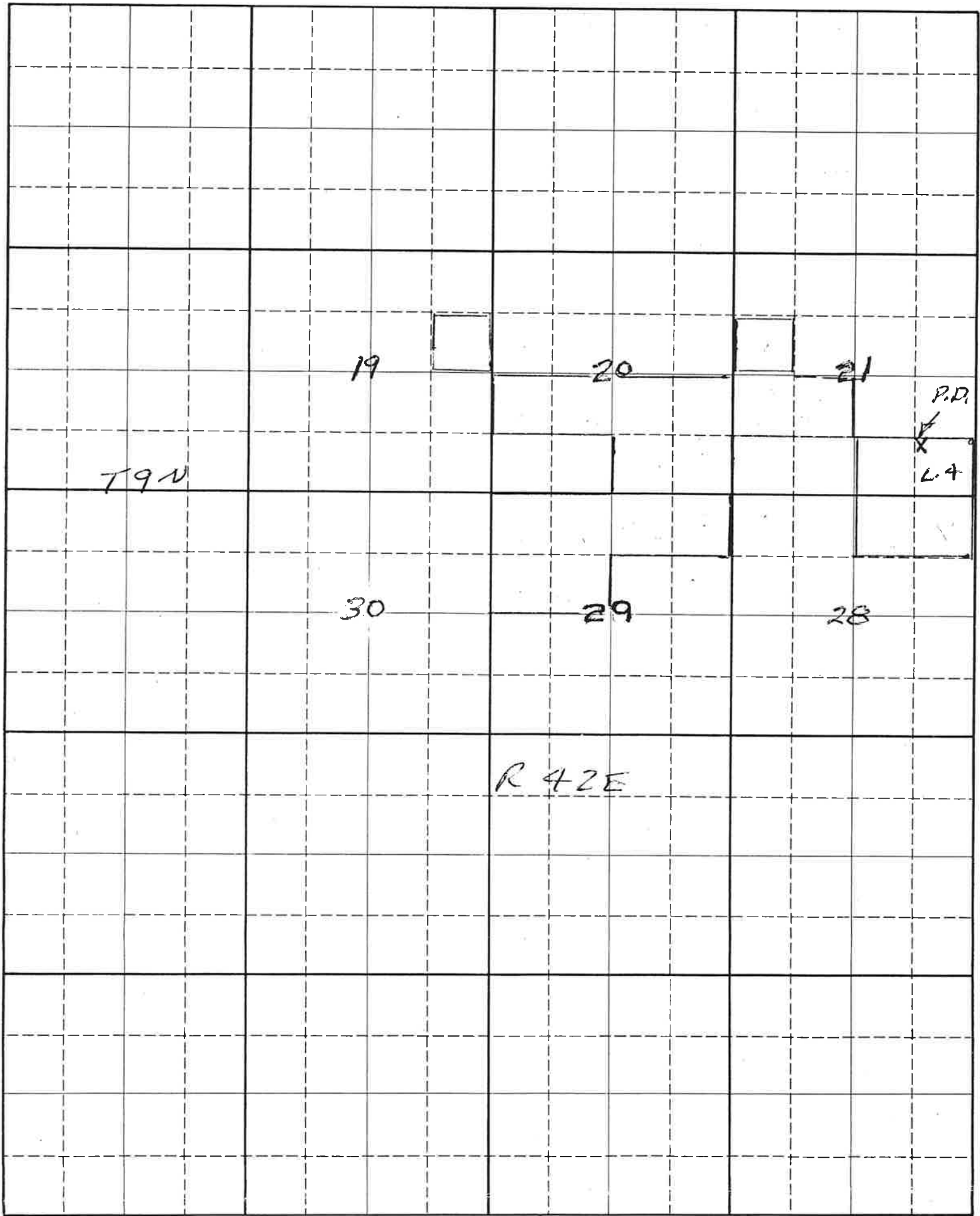
6. Water is used for irrigation from May 1 to Oct. 1
Most recent (Month, Day) (Month, Day)

7. Original location of point of diversion is Lot 4 $\frac{1}{4}$ of Section 21
Township 9N, Range 42E, B.M., in Fremont County;
Additional points of diversion, if any Transferred by # 967 & # 968 to various points
along Henry's Fork, Snake River.

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 $\frac{1}{4}$	
9N	42E	19				40													40
		20			40	40					40	40			40	40	40	40	320
		29					40	40	40	40									160
		28	40	40															80
		21							40		40	40					40	40 (Lo 4)	200

Total number of acres presently irrigated 800



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

9. If applicant was not the original holder of this right explain how it was acquired: Purchased
this portion of right from successor in interest of J. R. Silkey (Guy Seeley)
and transferred under #967 and #968 by George W. Nedrow. I am buying this property
with water right from my father George W. Nedrow.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 1.4 c.f.s. and/or _____ acre feet
- b. New point of diversion: Lot 4 $\frac{1}{4}$ $\frac{1}{4}$, Section 21, Township 9N
_____, Range 42E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
pump, mainline, and sprinkler
- 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:
Actually not changing the Point of Diversion that has existed since
Transfer # 967 & #968; only recording exact location.
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? N.A.
- 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 $\frac{1}{4}$	
9N	42E	19				40													40
		20									40	40			40	40	40	40	240
		21							40		40	40					40	40	(Lot 4) 200
		28	40	40															80
		29	40	40			40	40	40	40									240

Total number of acres to be irrigated 800

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:
No, only dropping off the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 20, Twp. 9N, Rge. 42E, which will not
be irrigated under this right, and adding the N $\frac{1}{2}$ NE $\frac{1}{4}$, SEC 29, Twp. 9N Rge 42E.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: I have decreed Sand Creek water from the Arcadia Canal Co.

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.

George Michael
(signature of applicant)

Subscribed and sworn to before me this 17th day of November, 1972

Norman C. Young
(notary public)

My commission expires 6-10-75

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

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0102,
and said application is hereby APPROVED.

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

A measuring device of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works.

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

Witness my hand this 21st day of February, 19 73

P. Karl Higin
Director ~~State Reclamation Engineer~~
Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by rij Date 11-24-72 Protest filed by: _____ Date _____

Prelim. check by _____ Date _____

Fee received by (rij) Date 11/24/72 Fee \$ 20.00

Approved for publication by _____

Published in Fremont Dates 12/28/72 and 1/4/73
County Chronicle New at St. Anthony, Idaho

Hearing held _____

Watermaster Recommendation sent _____

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Silkey, J. R.	8.0		01-0102
967	Nedrow, George W.	0.6		01-0102B
	Silkey, J. R.	7.4		01-0102A
973	McCulloch, John L.	1.0		01-0102D
	Silkey, J. R.	6.4		01-0102C
1674	Nedrow, Jr., George	0.6		01-0102B*
2311	Seeley, John &/or Christine &/or John H.	6.4		21-0102C

*Transfer 1674 was filed using Rt. No. 01-0102. The number was changed to 21-0102 apparently in 1973 or during the time the transfer was being processed for approval. All of the portions of the original water right are now under 21-0102, i.e. -

21-0102B	Nedrow, Jr., George	0.6 cfs
21-0102C	Seeley, John, et al	6.4 cfs
21-102D	McCulloch, John L.	1.0 cfs

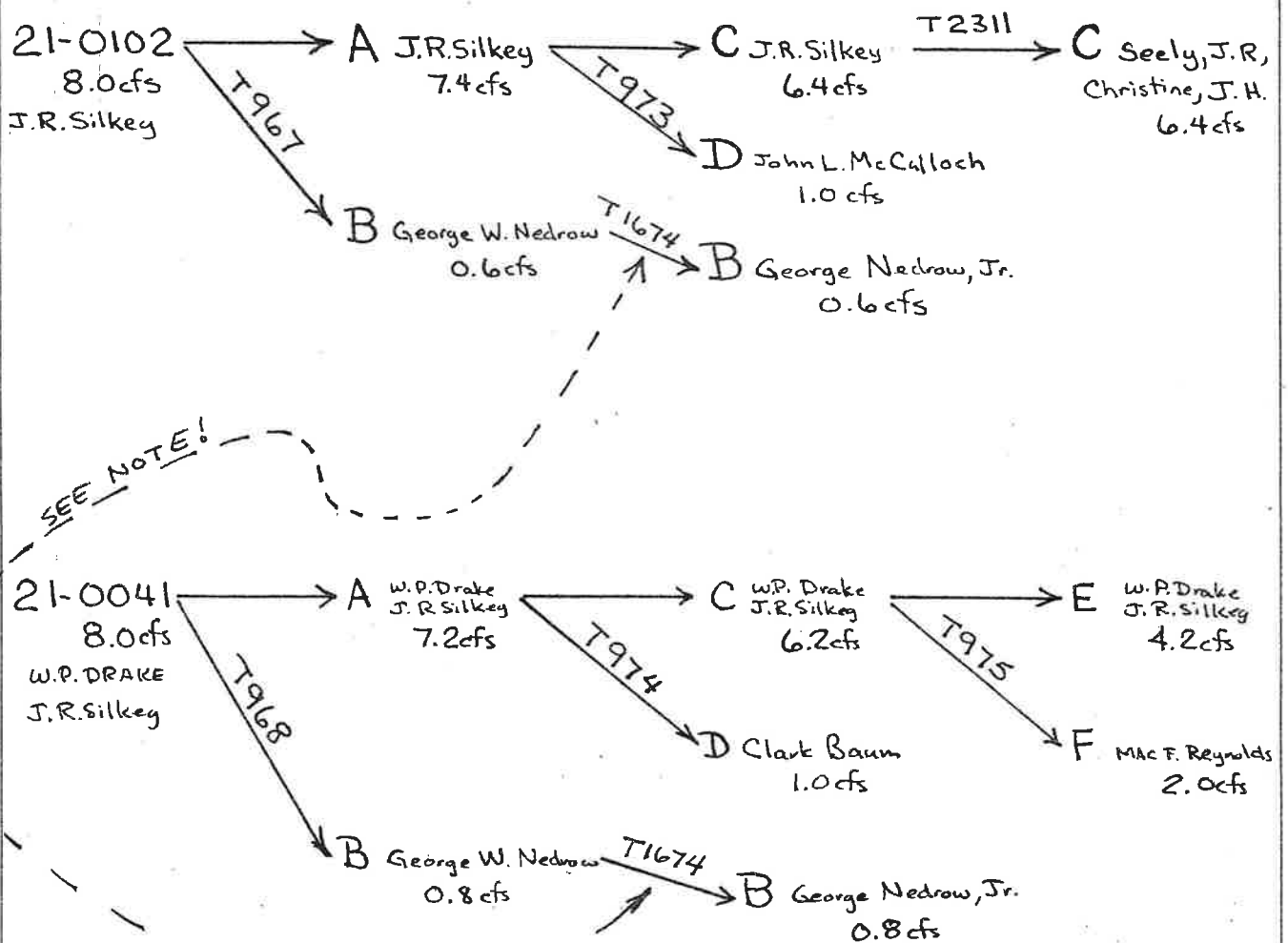
S

N

A

R

T



NOTE: T 1674 is a combination of

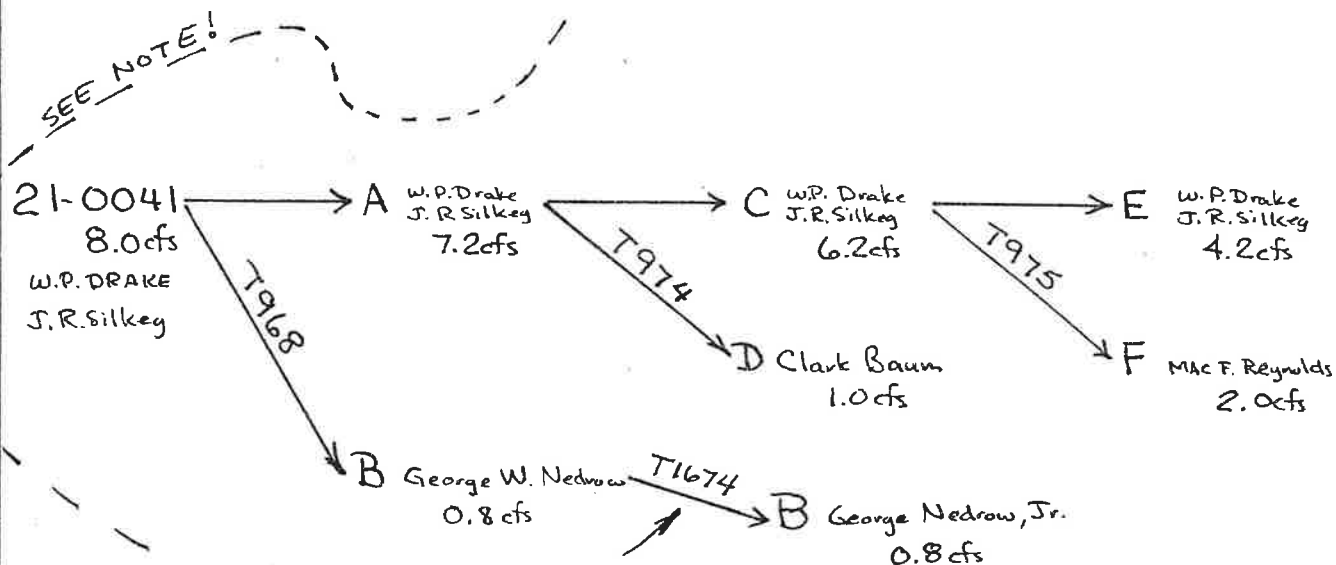
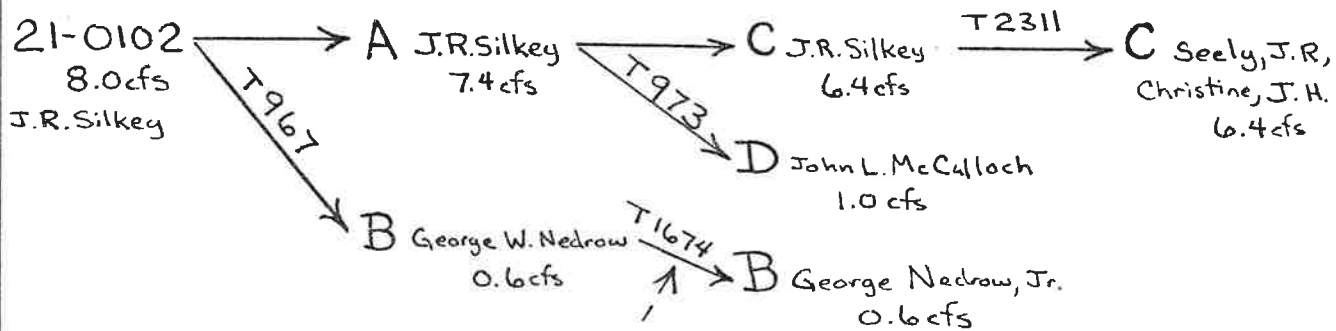
21-0102 B & 21-0041 B

0.6 cfs 0.8 cfs

$0.6 \text{ cfs} + 0.8 \text{ cfs} = 1.4 \text{ cfs}$

KEITH C WILSON
12-27-1984

T975 REYNOLDS



NOTE: T1674 is a combination of
 21-0102 B $\frac{1}{2}$ 21-0041 B
 0.6 cfs 0.8 cfs

$$0.6 + 0.8 = 1.4 \text{ cfs}$$

KEITH C. WILSON
 12-27-1984

December 29, 1961

Re: Transfer of Water Right
No. 975

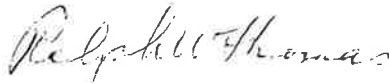
Mr. Mac F. Reynolds,
Ashton, Idaho.

Dear Mr. Reynolds:

We enclose Certificate of Decreed Water Right Transferred Right No. 975, together with Departmental Receipt No. 30889, which was issued covering payment in the amount of \$1.00 for the recording fee of the above mentioned transfer.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By



RALPH W. THOMAS
Deputy State Reclamation Engineer

Encl.

RWT:pmk

cc: H. C. Eagle, Watermaster ✓
Water District No. 36
Box 697
Idaho Falls, Idaho

C
O
P
Y

RECEIVED

APR 12 1978

Department of Water Resources
Eastern District Office

21-0041

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Mac F. Reynolds)

of)

Ashton, Idaho)

For a Transfer of Water Right, in)
Water District No. 36,)
Fremont County)

ORDER GRANTING TRANSFER

NO. 975

WHEREAS, on the 30th day of June, 1961, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Mac F. Reynolds of Ashton, 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 29th day of December, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 975

THIS IS TO CERTIFY, That Mac F. Reynolds, of Ashton, Idaho, is the owner of and using a certain water right bearing date of June 1, 1890, for two cubic feet per second of the waters of Fall River, County of Fremont, State of Idaho, decreed to J. R. Silkey, by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, et al

vs

TETON IRRIGATION CANAL COMPANY
et al

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$ of Section 13, and South 13 rods
of SE $\frac{1}{4}$ of Section 12, all in Town-
ship 8 North, Range 41, E. E. M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees at Page 450;

That said Mac F. Reynolds has become the owner of said water right by purchase;

And that now upon the application of Mac F. Reynolds for a transfer of two cubic feet per second 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 two cubic feet per second of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this Certificate, for irrigation purposes, are described as follows, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1, 2, and 6,
Section 28; E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ of Lot 1 in Sec-
tion 32; and Lots 2, 3, and 6 in Section 33;
all in Township 9 North, Range 42 E. E. M.,

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

Two cubic feet per second, bearing date
of priority of June 1, 1890;

That the water right hereby transferred has heretofore been conducted from Fall River to the first above described lands through the Silkey Ditch, with point of diversion in the SW $\frac{1}{4}$ of Section 18, Township 8 North, Range 42 E. S. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through a sprinkler system by portable pump with various points of diversion along Henry's Fork of the Snake River more accessible to the said lands;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands 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 29th day of December, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

T974 BAUM

21-0041
#974

APR 18 1962

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of
Clark Baum
of
Ashton, Idaho
For a Transfer of Water Right and
Change in Point of Diversion, in
Water District No. 36, County of
Fremont

ORDER GRANTING TRANSFER
NO. 974

WHEREAS, On the 5th day of January, 1962, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Clark Baum of Ashton, Idaho, for a transfer of water right and change in point of diversion, 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 8th day of January, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 974

THIS IS TO CERTIFY, That Clark Baum, of Ashton, Idaho, is the owner of and using a certain water right bearing date of June 1, 1890, for one cubic foot per second of the waters of Fall River, County of Fremont, State of Idaho, decreed to J. R. Silkey, by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, et al

vs.

TETON IRRIGATION CANAL COMPANY,
et al

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

Beginning at the Southeast Corner of Lot 1, Section 13, Township 8 North, Range 41 East Boise Meridian; thence North 860 feet; thence West 677 feet; thence South 15 feet; thence West to East Bank of the Snake River; thence Southwesterly along said East Bank to a point North of the S.W. Corner of said Lot 1; thence South to the SW Corner of said Lot 1; thence East to the point of beginning;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees at Page 450;

That said Clark Baum has become the owner of said water right by purchase;

And that now upon the application of Clark Baum for a transfer of one cubic foot per second 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 one cubic foot per second of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 28, Township 9 North, Range 42 East B. M.,

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

One cubic foot per second, bearing date of priority of June 1, 1890;

That the water right hereby transferred has heretofore been conducted from Fall River to the first above described lands through the Silkey Ditch, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 8 North, Range 42 E. B. M.,

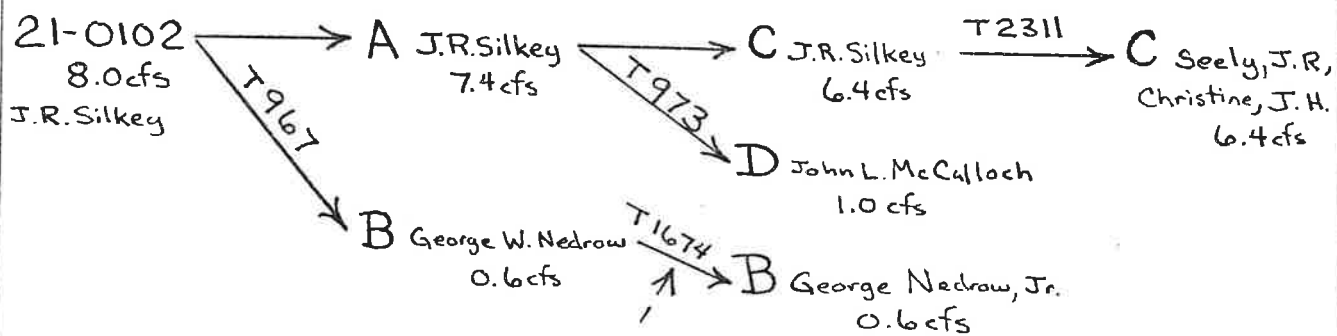
That the water right hereby transferred will hereafter be conducted to the last above described lands from a point on Henry's Fork of the Snake River in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 9 North, Range 42 E. B. M., through a pump and sprinkler system.

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

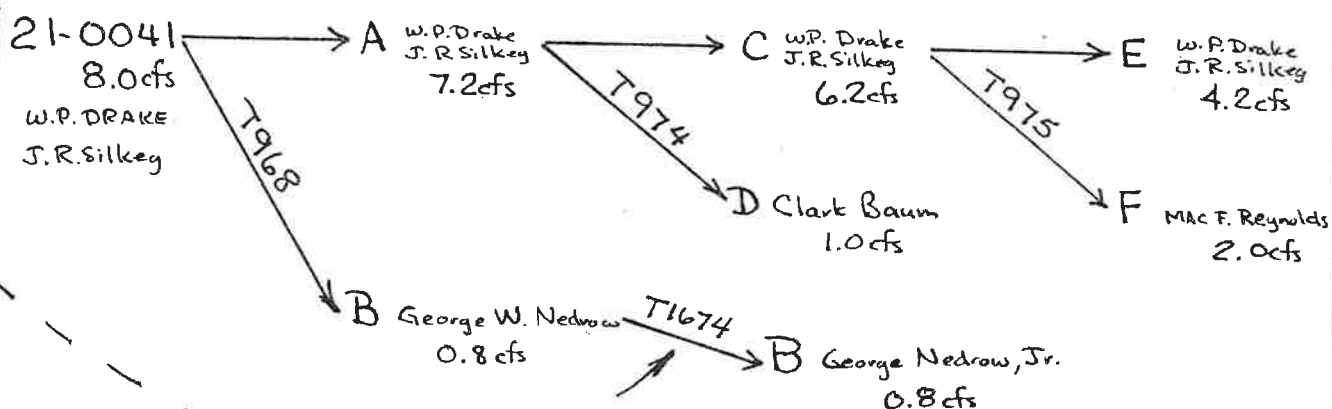
IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 8th day of January, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer

RECORDED



SEE NOTE!



NOTE: T1674 is a combination of
21-0102B & 21-0041B
0.6cfs 0.8cfs

$$0.6cfs + 0.8cfs = 1.4cfs$$

KEITH C. WILSON
12-27-1984

KEITH JERGENSEN
Attorney At Law
ST. ANTHONY, IDAHO

RECEIVED
OFFICE MA 4-7643
RESIDENCE MA 4-3204
NOV 29 1961

November 28, 1961

Department of Reclamation

Ralph W. Thomas, Deputy
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Application for transfer of
water rights. Leonard M. Hull,
Clark Baum

Dear Mr. Thomas:

Thank you for your letter of November 27, 1961. Enclosed is a copy of my letter to Henry C. Eagle as Watermaster of water district number 36.

My reason for listing both Clark Baum and Leonard M. Hull on the water application was the fact that the balance of the consideration of payment for the transfer of water right is contingent upon completion of this change of point of diversion. The bill of sale and the funds are now being held in escrow in my office until approval of this application of transfer. Also the information in the affidavit as to change in place of use seemed to require both information from the property of Leonard M. Hull and Clark Baum. As you note both men have executed the instrument, However, Clark Baum will be the ultimate beneficiary of this water transfer.

With reference to the consent of the water users on the Silky Ditch, four of the water users, including the separate consent of Louis E. Seely which you have retained in your file, have consented to the transfer and change of point of diversion. The other two water users, Dee Blanchard and Gale Blanchard have refused to sign such a consent. However, my investigation of this situation indicated that they would not be injured in any

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Mr. Thomas

November 28, 1961

Page 2

fashion. Since these two water users draw water from the canal prior to diversion by Leonard M. Hull from the common canal. In fact Leonard M. Hull is the last one to receive delivery of water from the Silky Ditch.

As soon as this application has been returned by Mr. Eagle, it will be forwarded to your office for further consideration.

Sincerely,


Keith Jergensen

KJ:ja

RECEIVED
NOV 27 1961

Department of Assamaton

WE, the undersigned water users of the Silky Ditch,
near Chester, Idaho, and within the bounds of the Fremont-
Madison Irrigation District, hereby consent to and approve
the Sale of water from the Silky Ditch from Leonard M. Hull
to Clark Baum in the amount of One (1) cubic foot per second
(50 inches) with full knowledge that Clark Baum intends to
transfer the point of diversion to a site other than serviced
by the Silky Ditch. This is decreed water under date of June, 1890.

NAME

DATE

John H. Kelly
W. S. Farner
Leonard M. Hull

RECEIVED

RELEASE AND PERMISSION TO SELL WATER RIGHTS

WHEREAS, the undersigned, JAMES R. MORTON and FLORENCE M. MORTON, husband and wife, are the contract sellers of the hereinafter described property to Leonard M. Hull and Delphia Hull, husband and wife; and

WHEREAS, the said contract purchasers are desirous to sell 50 inches of the Silkey Ditch 1890 water rights to Clark Baum of Ashton, Idaho;

NOW, THEREFORE we hereby release and grant permission unto the said LEONARD M. HULL to sell 50 inches (of the 71 inches under contract) of the 1890 water rights of the Silkey Ditch to Clark Baum. This release is granted for and in consideration of value received and deals with water rights appertaining to the following described property knowing full well that it is the intent of Clark Baum to transfer the water rights to other lands not within the service area of the Silkey Ditch:

Beginning at the Southeast corner of Lot 1, Section 13, in township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho, running thence North 860 feet; thence West 677 feet; thence South 15 feet; thence directly West to the East Bank of the Snake River; thence Southwesterly along the East Bank of said Snake River to a point directly North of the Southwest corner of said Lot 1, Section 13, Township 8 North Range 41 East; thence South to the Southwest corner of said Lot 1 thence East to the point of beginning.

DATED this 14th day of August, 1961.

James R. Morton
Florence Morton

STATE OF IDAHO }
COUNTY OF FREMONT } ss.

On this 14th day of August, 1961, before me, Keith Jergensen, a Notary Public in and for said State, personally appeared JAMES R. MORTON and FLORENCE M. MORTON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Keith Jergensen
NOTARY PUBLIC
Residing at St. Anthony, Idaho

RELEASE AND PERMISSION TO SELL WATER RIGHTS

RECEIVED
NOV 27 1961
Department of Reclamation

WHEREAS, the undersigned, Louis E. Seeley and Dolores M. Seeley, husband and wife, are contract sellers to James R. Morton and Florence M. Morton of the hereinafter described property and they in turn, with our consent, have sold under contract the same property to Leonard M. Hull and Delphia Hull, husband and wife; and

WHEREAS, the said contract purchasers are desirous to sell 50 inches of the Silkey Ditch 1890 water rights (out of the 71 inches under contract appertaining to the said property) to Clark Baum of Ashton, Idaho;

NOW THEREFORE, we hereby release and grant permission unto the said Leonard M. Hull and Delphia Hull, husband and wife, to sell 50 inches (of the 71 inches under contract) of the 1890 water rights of the Silkey Ditch to Clark Baum. This release is granted for and in consideration of value received knowing full well that it is the intent of Clark Baum to transfer the water rights to other lands not within the service area of the Silkey Ditch. Said water rights having appertained to the following described property:

Beginning at the Southeast corner of Lot 1, Section 13, in Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho, running thence North 860 feet; thence West 677 feet; thence South 15 feet; thence directly West to the East Bank of the Snake River; thence Southwesterly along the East Bank of said Snake River to a point directly North of the Southwest corner of the said Lot 1, Section 13, Township 8 North Range 41 East; thence South to the Southwest corner of said Lot 1; thence East to the point of beginning.

Dated this 15 day of August, 1961.

Louis E. Seeley

Dolores M. Seeley

974

MICROFILMED

Application For Transfer of Water Right

STATE OF IDAHO

County of Fremont

ss.

Leonard M. Hull, being first duly sworn, deposes and says:

That his name is Leonard M. Hull; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Chester, Idaho.

That he is the owner and using a certain water right, bearing date of priority of June 1, 1890 for 1.42 cubic feet per second of the waters of Fall River (Silkey Ditch) County of Fremont, State of Idaho, decreed to J. R. Silkey by decree of Judge J. M. Stevens of the 6th Judicial District of the State of Idaho, in and for the county of Fremont, in the case of Rexburg Irr. Co. et al. vs. Katon Irr. Co. et al., said decree bearing date of December 16, 1910 (or obtained by virtue of License No. _____, issued by the State Department of Reclamation of the State of Idaho, dated _____, 19____, bearing date of _____, 19____) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Fremont and State of Idaho, to-wit: Beginning at Southeast Corner of Lot 1, Section 13, Township 8 North, Range 41, East, Boise Meridian; thence North 360 feet; thence West 677 feet; thence South 15 feet; thence West to East Bank of the Snake River; thence Southwesterly along said East Bank to a point North of the S.W. Corner of said Lot 1; thence South to the S.W. Corner of said lot 1; thence East to the point of beginning.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner: As contract purchaser of the above described premises from Louis Seely through a contract of assignment through James R. Morton. as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 8 North, Range 42 East, B. M., and conducted to the above described lands through Silkey Ditch as per map herewith and of this affidavit made a part.

& CHANGE IN PLACE OF USE
Leonard M. Hull Clark Baum

That affiant and petitioner desires to abandon the use of one (1) cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Fremont and State of Idaho, to-wit: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ less right of ways of Section 28, Township 9 North, Range 42 East, Boise Meridian.

That reasons for desiring to make such transfer are as follows: Leonard M. Hull has sold said one cubic foot per second (50 inches) to Clark Baum. This water is in excess of the needs of the land belonging to Leonard M. Hull and Clark Baum desires to have this water for purpose of sprinkler irrigation of his property described above.

RECORDED

572

That he intends to divert and convey said 1 cu. ft. per second of water to the tract of land last above described in the following manner and as per map accompanying this application:

By existing pump and connecting sprinklet system from the Henry's Fork of the Snake River at a point near the Ora Bridge in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 9 North, Range 42 East, Boise Meridian.

Existing pump was installed to utilize storage water from Island Park Reservoir.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, Township 9 North, Range 42 East, and thereafter conduct same to the above described land through the pump and ~~new~~ connecting closed pipe sprinkler system, as per map appended.

That his reasons for desiring to make such change are as follows: to make an effective transfer of water and change of point of diversion so that Clark Baum (the Purchaser of said 50 inches) can use said decreed water to put new lands under irrigation and to supplement existing water rights.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Clark Baum
Water Purchaser - Applicant

Leonard D. Hill
Applicant.

Subscribed and sworn to before me this 24th day of November, 1961.

Keith Eugene
Notary Public.
Residing at St. Anthony, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall River

Where is the diversion point located? Head of Silky Ditch

Through what ditch is it now conducted? Silky Ditch

How much land is now irrigated by the water sought to be transferred? undivided portion of 24 acres.

Give the description: Same as first description

What is the total amount of water in inches, or second feet, dedicated to said land? 71 inches

What kind of crops are being raised? pasture

How much water per acre is now required to irrigate said land? 21 inches with 23 acre feet

What will be the effect on the land now irrigated, if the use of water on it is discontinued? Storage water 50 inches -

Irrigation to be continued by use of balance of decreed water 21 inches and storage water from Fremont Madison Irrigation District allocated to Hull property (23 Acre Feet)

Give location of new point of diversion, if change is to be made. SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28-9N-42E.

Through what ditch will it be conducted after transfer? closed pipe sprinkler system.

How much water will be required per acre to irrigate the land to which this water is transferred? 2.5 Acre Feet per acre per season.

Do you claim any other water right for the land from which you seek to abandon the use of this water? 21 inches decreed June 1890

If so, give amount, date and source 23 Acre Feet Fremont Madison Storage
1 Cubic ft./sec. Water permit 29582 dated March 24, 1961.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source Arcadia Canal 30 Shares Fremont - Madison Irrigation Dist.
100 Acre Feet.

Signed _____ Applicant.

Clark Baum
Water-purchaser, Applicant

STATE OF IDAHO,

County of BONNEVILLE

ss.

I, Henry C. Eagle, Watermaster of _____

Water District No. 36, County of Fremont, State of Idaho, whose postoffice address Box 697

is Idaho Falls, Idaho, have read or heard read the foregoing affidavit and petition

of Clark Baum, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: _____

Watermaster, District No. 36

Henry C. Eagle

Dated at Idaho Falls, Idaho, this 30th day of November, 19 61

RECORDED

KEITH JERGENSEN
Attorney At Law
ST. ANTHONY, IDAHO
November 25, 1961

RECEIVED
NOV 27 1961

Department of Reclamation

Ralph W. Thomas, Deputy
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Change of point of diversion

Dear Mr. Thomas:

Enclosed are the following instruments to effect the transfer or change of point of diversion as indicated in the application:

1. Application for Transfer of Water Right (Form 20).
2. Release and permission to sell by Louis E. Seeley.
3. Release and permission to sell by James R. Morton.
4. Consent to transfer the point of diversion.

The six water users of the Silkey ditch are as follows:

John H. Seely
W. S. Tanner
Louis E. Seely

Leonard M. Hull
Dee Blanchard
Gale Blanchard

I.C. 42.222 calls for a fee of \$1.00 at the time of issuing the certificate plus paying for all publication and hearing costs. Please let me know if there is an additional initial fee.

Mr. Hull has sold to Mr. Baum 1 cu. ft./sec of water and this change of point of diversion is necessary to make the sale effective.

Sincerely,


Keith Jergensen

RECORDED
INDEXED

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 21-41G
Date Received: 3/7/1989
Receipt No: M002893
Received By:

AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LYNN LOOSLI Phone: (208)652-3312
3140 E 1100 N
ASHTON ID USA 83420

PORTIA R LOOSLI Phone: (208)652-3312
3140 E 1100 N
ASHTON ID USA 83420

2. Date of Priority: 06/01/1890

3. Source: FALL RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	42E	20	SW SW	FREMONT	

5. Description of diverting works:
SILKEY DITCH, GRAVITY, DITCHES, HEADGATES, FLOOD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	4.7	

7. Total Quantity Appropriated is:
4.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
08N	41E	12	SW SE	IRRIGATION	6
			SE SE	IRRIGATION	7
				Section Acres	13
08N	41E	13	NW NE	IRRIGATION	37
			NE NE	IRRIGATION	37
			SE NE	IRRIGATION	37
			SW NW	IRRIGATION	32
			NE SW	IRRIGATION	8
			SW NE	IRRIGATION	37
			NW SW	IRRIGATION	27.5
			SE NW	IRRIGATION	38
				Section Acres	253.5
08N	41E	14	SE NE	IRRIGATION	3

NE SE

IRRIGATION
Section Acres 6
9

Total Acres 275.5

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:
AMENDED TO CHANGE CFS FROM 2.16 TO 4.70.
VERIFY THE SPLIT PORTIONS OF 21-41.
POD IS FROM SILKEY DITCH

15. Basis of Claim: Decreed

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct

Signature of Claimant(s): Lynn Loeck Date: 13 Mar 23

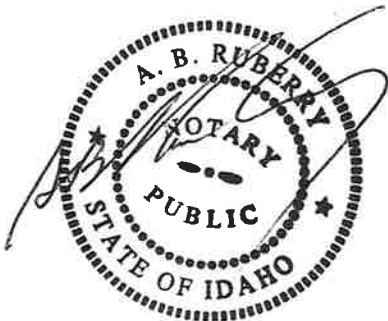
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 13th
of March 2003

Aaron Ruberry
Notary Public

Residing at Boone Falls ID
My commission Expires 9/23/03



SEVENTH (continued)

INDIVIDUAL STORAGE WATER AMOUNTS

<u>Water Users</u>	<u>Acre Feet Of Storage</u>	<u>Delivery System</u>
Baum, Russell	23.00	Middle Silkey Ditch
Opsahl, Alan	4.00	Middle Silkey Ditch
Tri Angle B Ranch	80.00	West Mcbee Pump
Fall River Acres	45.00	Fall River Pump
Douglas, Norman D.	5.00	Middle Silkey Ditch
Fuchs Ranch	70.00	North Silkey Ditch
Loosco Farms	160.00	South Ditch/S.W. Well
Seely, John R.	193.00	

HISTORY OF WATER RIGHT CLAIMS AND TRANSFERS

Silkey June 1, 1890	Original Amount	8.00	cfs	
A21-00102 C	Transfer #973	-1.00	cfs	to John McCulloch
	Transfer #967 - #1674	-.60	cfs	to George Nedrow
	Transfer #2311	-.58	cfs	to John R. Seely
	Land Purchase	-5.82	cfs	to Larry Simmons
 Drake June 1, 1890	Original Amount	8.00	cfs	
A21-00041 E	Transfer #974	-1.00	cfs	to Clark Baum
	Transfer #968-#1674	-.80	cfs	to George Nedrow
	Transfer #975	-2.00	cfs	to Mac Reynolds
	Land Purchase	-.42	cfs	to Russell Baum
	Land Purchase	-.36	cfs	to Norman Douglas
	Land Purchase	-3.42	cfs	to Loosco Farms
		4.70	cfs	
 Sundberg June 1, 1890	Original Amount	5.50	cfs	
A21-00114	A21-00114 C	-4.00	cfs	to Fuchs Ranch
	A21-00114 #911 - #933	-1.20	cfs	to George Nedrow
	A21-00114	-.30	cfs	to Tri Angle B Ranch
 Farnsworth, June 1, 1890	Original Amount	5.20	cfs	
A21-00051	Land Purchase	-.50	cfs	to Mike McDonald
	Land Purchase	-.40	cfs	to Michael Dolezal
	Transfer #2969	-.50	cfs	to Fall River Acres
	Land Purchase	-3.80	cfs	to Loosco Farms

WARRANTY DEED

For Value Received

G. W. SEELY, a single man, of Chester, Fremont County, Idaho,
the grantor , do^es hereby grant, bargain, sell and convey unto
LYNN LOOSLI and PORTIA^RLOOSLI, Husband and Wife, of
Ashton, Fremont County, Idaho,
the grantee ^S, the following described premises, to-wit:

North Half of the Northeast Quarter, Section
13, Township 8 North, Range 41, East, Boise
Meridian, Fremont County, Idaho;

South 13 rods of the Southeast Quarter of
Section 12, Township 8 North, Range 41, East,
Boise Meridian, Fremont County, Idaho,

Together with 43 acre feet of Fremont-Madison
Irrigation District and 127 inches of Fall
River Water together with all water and water
rights appertaining thereto.

2.54

WARRANTY DEED

For Value Received

JOHN H. SEELY and ARDELLE SEELY, Husband and Wife, of
Chester, Fremont County, Idaho

the grantors , do hereby grant, bargain, sell and convey unto

LYNN LOOSLI and PORTIA LOOSLI, Husband and Wife, of
Ashton, Fremont County, Idaho

the grantees , the following described premises, to-wit:

South Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$),
Section 13, Township 8 North, Range 41, East
Boise Meridian, Fremont County, Idaho

Together with 80 acre feet of Fremont-Madison
Irrigation District and 108 inches of Fall
River Water, together with all water and
water rights appertaining thereto.

2.16
21-416

1.92
2.14
4.08

SCANNED

AUG 1 2001

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: A21-00041G

Date Received: 3/07/1989

Receipt No: 1002893

Received By: JB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LYNN LOOSLI 208-652-3312
Address: RT. 1 BOX 72
ASHTON, ID 83420
AND/OR
Name: PORTIA R. LOOSLI 208-652-3312
Address: RT. 1 BOX 72
ASHTON, ID 83420

A2100041G



2. Date of Priority: JUN 01, 1890

3. Source: FALLS RIVER Trib. to: HENRYS FORK SNAKE R.

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	42E	20	SW	SW			FREMONT

5. Description of diverting works:
SILKEY DITCH, GRAVITY, DITCHES, HEADGATES, FLOOD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.160		

7. Total Quantity Appropriated is:
2.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 688.7 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	41E	12	SW	SE		IRR	6.0
			SE	SE		IRR	7.0
			Section Acres				13.0
		13	NE	NE		IRR	37.0
			NW	NE		IRR	37.0
			SW	NE		IRR	37.0
			SE	NE		IRR	37.0
			SW	NW		IRR	32.0
			SE	NW		IRR	38.0
			NE	SW		IRR	8.0
			NW	SW		IRR	27.5
			Section Acres				253.5
		14	SE	NE		IRR	3.0
			NE	SE		IRR	6.0
			Section Acres				9.0
			Total Acres				275.5

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A2100102E, A2100051B

14. Remarks:
POD IS FROM SILKEY DITCH

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Lynn Loosli Date: 7 Mar 89

Date: _____

State of Idaho)
County of Freemont) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of March 19 89
Anna Baunhoff
Notary Public

Seal

Anna Baunhoff, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 7, 1994
My Commission Expires _____