

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

86042

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

APR 08 2022

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Department of Water Resources
Eastern Region

Name of Applicant(s) Steven and Susan Johnson; Kenneth and Janette Peterson

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Steven and Susan Johnson; Kenneth and Janette Peterson Phone 208-313-4096; 208-768-2497
Mailing address 1019 Lee Creek Rd, Leadore, ID 83464; PO Box 58, Leadore, ID 83464 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Steven Johnson
Signature of Applicant or Authorized Representative

Steven Johnson
Print Name and Title if applicable

Date

Kenneth J. Peterson
Signature of Applicant or Authorized Representative

Kenneth J. Peterson
Print Name and Title if applicable

Date

Janette J. Peterson
Signature of Applicant or Authorized Representative

Janette J. Peterson
Print Name and Title if applicable

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☐ Change place of use
☒ Other Update Conditions
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Water rights 74-411, 74-15714 and 74-15715 are diverted from the same ditch and carry a combined diversion rate limit of 1.0 cfs. Water rights include inconsistent conditions about rate (1.0 cfs constant flow vs. 13,000 gpd). We propose to remove the inconsistent conditions to make the rights clear and simplify the delivery of the water rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	74-411	0.33 cfs	Stockwater	1/1 to 12/31	Big Eightmile Creek
☒ ☐	74-15714	0.33 cfs	Stockwater	1/1 to 12/31	Big Eightmile Creek
☒ ☐	74-15715	0.33 cfs	Stockwater	1/1 to 12/31	Big Eightmile Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.00 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.00 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Water is delivered through the Schoonover-Freeman-Seamour Ditch (E-14). This ditch is regulated by the watermaster for Water District 74Z and is already equipped with a measuring device.

- b. Who owns the property at the point(s) of diversion? Merritt Udy
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A. No change to point of diversion.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A. Water rights are not being moved off of our properties. No change in place of use.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A. Rights are for stockwater use. Rights include a 13,000 gpd limit which is inconsistent with other provisions of the decree ("1.0 cfs shall always be allowed to be diverted"). The 13,000 gpd limit was not included in the Lemhi Decree and does not make any sense on the rights. It should be removed from all three rights.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water rights 74-343, 74-350, 74-2323, 74-15072, 74-15716, 74-15717, 74-15719, 74-15720 and 74-15721 are diverted at the same point of diversion and are used for irrigation on the properties served by stockwater rights 74-15714 and 74-15715.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

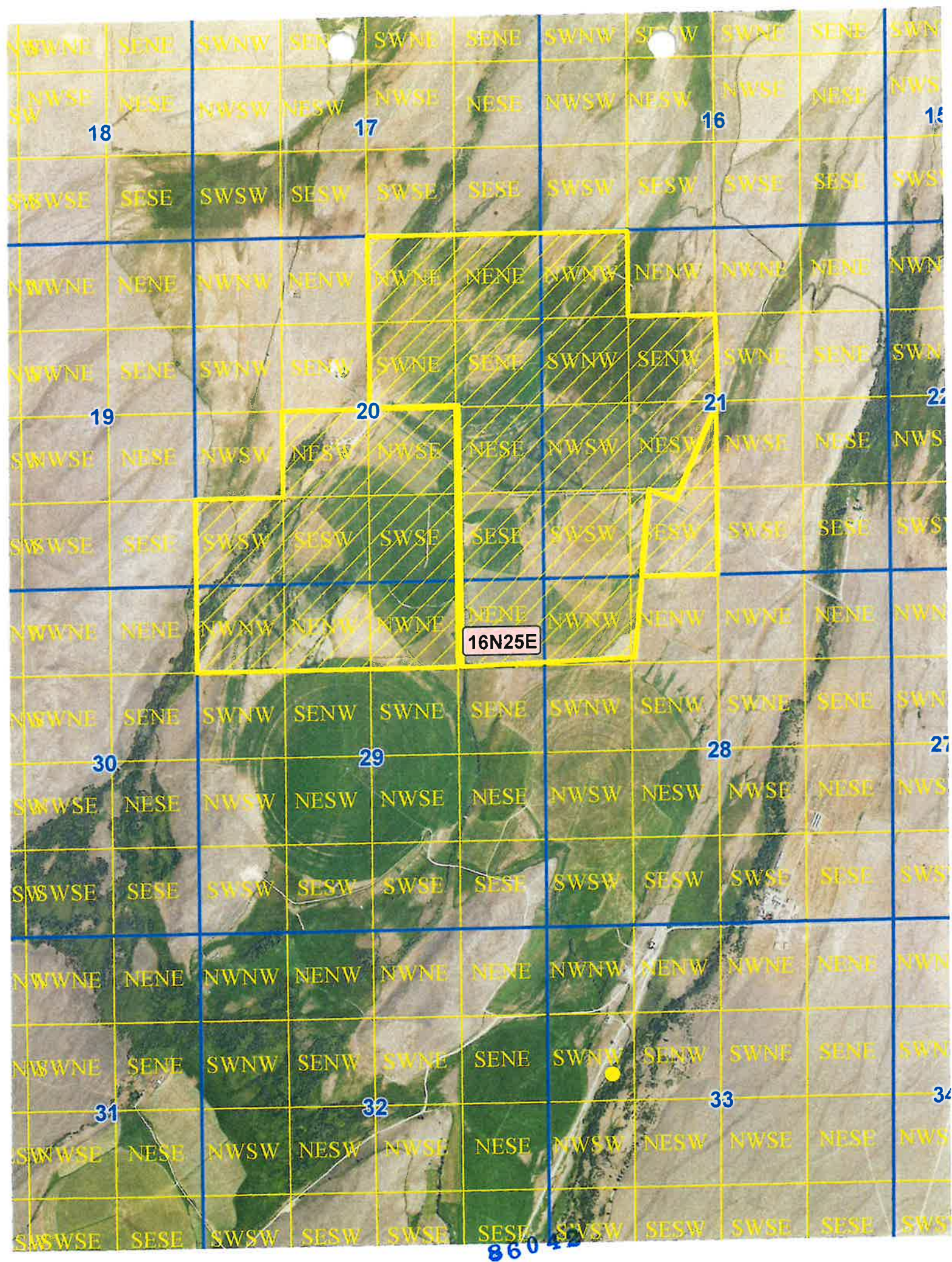
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$500.00 Date 4/8/22 Received by C. H. Receipt # E048000

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/3/2021

Water Right 74-411

Owner Type **Name and Address**
Current Owner STEVEN L JOHNSON
 1019 LEE CREEK RD
 LEADORE, ID 83464-5011

Current Owner SUSAN JOHNSON
 1019 LEE CREEK RD
 LEADORE, ID 83464-5011

Priority Date: 3/25/1887

Basis: Decreed

Status: Active

Source
BIG EIGHTMILE CREEK

Tributary
LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.330 CFS	
	<u>Total Diversion</u>		0.330 CFS	

Source and Point(s) of Diversion

BIG EIGHTMILE CREEK SWNW Sec. 33, Twp 16N, Rge 25E, LEMHI County

Place of Use

STOCKWATER within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	20									X		X	X		X	X		
16N	25E	29		X			X	X											

Conditions of Approval:

1. C18 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.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. This right and right 74-412 provide for the diversion of 1.0 cfs that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seamour" ditch.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/3/2021

Water Right 74-15714

Owner Type **Name and Address**
Current Owner KENNETH J PETERSON
 PO BOX 58
 LEADORE, ID 83464

Current Owner JANETTE S PETERSON
 PO BOX 58
 LEADORE, ID 83464

Priority Date: 3/25/1887

Basis: Decreed

Status: Active

Source
BIG EIGHTMILE CREEK

Tributary
LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.330 CFS	
	<u>Total Diversion</u>		0.330 CFS	

Source and Point(s) of Diversion

BIG EIGHTMILE CREEK SWNW Sec. 33, Twp 16N, Rge 25E, LEMHI County

Place of Use

STOCKWATER within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	20	X			X									X			X	
16N	25E	21									X		X	X					
16N	25E	28						X											
16N	25E	29	X																

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. This right is a split from former right 74-412 .
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. C18 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.
5. Water rights 74-411, 74-15714 and 74-15715 provide for the diversion of 1.0 cfs that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seamour" ditch.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/3/2021

Water Right 74-15715

Owner Type **Name and Address**
Current Owner STEVEN L JOHNSON
 1019 LEE CREEK RD
 LEADORE, ID 83464-5011

Current Owner SUSAN JOHNSON
 1019 LEE CREEK RD
 LEADORE, ID 83464-5011

Priority Date: 3/25/1887

Basis: Decreed

Status: Active

Source
BIG EIGHTMILE CREEK

Tributary
LEMHI RIVER

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	01/01	12/31	0.330 CFS	
	Total Diversion		0.330 CFS	

Source and Point(s) of Diversion

BIG EIGHTMILE CREEK SWNW Sec. 33, Twp 16N, Rge 25E, LEMHI County

Place Of Use

STOCKWATER within LEMHI County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	20	X	X	X	X									X			X	
16N	25E	21			X			X	X	X	X	X	X	X					
16N	25E	28					X	X											
16N	25E	29	X																

Conditions of Approval:

- This right is a split from former right 74-412 .
- N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
- C18 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.
- N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
- Water rights 74-411, 74-15714 and 74-15715 provide for the diversion of 1.0 cfs that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seamour" ditch.

1 **DAVID H. LEROY**
2 Attorney General
3 State of Idaho
4 Statehouse, Room 210
5 Boise, Idaho 83720
6 Telephone: (208) 384-2400

7 DON A. OLOWINSKI
8 Deputy Attorney General
9 Chief, Natural Resources Division

10 JOSEPHINE P. BEEMAN
11 Deputy Attorney General
12 Department of Water Resources
13 Statehouse
14 Boise, Idaho 83720
15 Telephone: (208) 334-4448

Filed in District Court Lemhi County
Idaho, Sept. 3 1981
at 55 minutes past 2 o'clock P. M.
Blanca Aldous Clerk
By Alberta Thiderick Deputy

16 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
17 STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

18 IN THE MATTER OF THE GENERAL
19 DETERMINATION OF THE RIGHT TO
20 THE USE OF SURFACE WATERS AND
21 TRIBUTARIES FROM WHATEVER
22 SOURCE OF THE LEMHI RIVER
23 DRAINAGE BASIN.

CIVIL NO. 4948
STIPULATION RESOLVING
THE SPECIFIC OBJECTIONS
OF HARVEY E. PETERSON

24 COME NOW the Idaho Department of Water Resources and
25 Harvey E. Peterson, through their respective counsel, and propose
26 that the following stipulation be approved by the Court as a
27 resolution of the specific objections which were filed August 31,
28 1974 by Harvey E. Peterson.

29 The parties stipulate that the following changes be made
30 to the proposed listing of water rights:

- 31 1. Right No. 74-0411 (a new right to be added to p. 40 of
32 the proposed findings, just ahead of Right No. 74-0342)

NAME:	NEF, Darrell J. and/or Verna M. Star Route Leadore, Idaho 3-25-1887
PRIORITY:	Stockwater
PURPOSE:	From: 1/1 TO: 12/31
PERIOD OF USE:	0.33
MAXIMUM RATE OF DIVERSION:	SW1/4NW1/4, S. 33
POINT OF DIVERSION:	T16N, R25E

STIPULATION/PETERSON, Page 1

PLACE OF USE AND LANDS
IRRIGATED:

Sec. 20

NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 29

NW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$,

T. 16N, R. 25E

Decree

BASIS OF RIGHT:

This right and right No. 74-0412 provide for the diversion of one cubic foot per second that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover - Freeman - Seamour" Ditch.

2. Right No. 74-0412 (a new right to be added to p. 40 just ahead of Right No. 73-0342)

NAME:

PETERSON, Harvey E.

Box 46

Leadore, Idaho

3-25-1887

PRIORITY:

PURPOSE:

Stockwater

PERIOD OF USE:

From: 1/1 To: 12/31

MAXIMUM RATE OF DIVERSION:

0.66

POINT OF DIVERSION:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 33

T. 16N, R. 25E

PLACE OF USE AND LANDS

IRRIGATED:

Sec. 20

NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 21

NW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 28

NW $\frac{1}{4}$ NW $\frac{1}{4}$,

Sec. 29

NE $\frac{1}{4}$ NE $\frac{1}{4}$,

T. 16N, R. 25E

Decree

BASIS OF RIGHT:

This right and right No. 74-0411 provide for the diversion of one cubic foot per second that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover - Freeman - Seamour" Ditch.

3. Right No. 74-0351 (p. 45 of the proposed findings): the stockwater portion of this right is to be deleted; the

maximum rate of diversion should be changed to 6.84 cfs;
the irrigated acreage is to be changed to 250.6 acres;
and the language "one cubic foot per second shall always
be allowed to be diverted through the headgate of the
ditch known as the 'Schoonover - Freeman - Seamour'
ditch for the right holders of 74-0350, 74-0352, and
74-0351" is to be deleted. All as shown below:

NAME: PETERSON, Harvey E.
Box 46
Leadore, Idaho
5-11-1910
PRIORITY: Irrigation
PURPOSE: From: 4/1 To: 11/1
PERIOD OF USE: 6.84
MAXIMUM RATE OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 33
POINT OF DIVERSION: T. 16N, R. 25E

PLACE OF USE AND LANDS

IRRIGATED:

Sec. 20	
NE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$,	20.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$,	30.9
SW $\frac{1}{4}$ NE $\frac{1}{4}$,	25.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$,	38.8
Sec. 21	
NW $\frac{1}{4}$ NW $\frac{1}{4}$,	17.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$,	38.7
NW $\frac{1}{4}$ SW $\frac{1}{4}$,	40.0
T. 16N, R25E	250.6
Decree	

BASIS OF RIGHT:

4. Right No. 74-0350 (p. 44 of the proposed findings): the stockwater portion of this right should be deleted; the language "one cubic foot per second shall always be allowed to be diverted through the headgate of the ditch known as the 'Schoonover - Freeman - Seamour' ditch for the right holders of 74-0350, 74-0352, and 74-0351." should also be deleted.
5. Right No. 74-0352 (p. 45 of the proposed findings): the stockwater portion of this right should be deleted; the maximum rate of diversion should be changed to 4.64 cfs; and the language "one cubic foot per second shall always be allowed to be diverted through the headgate of the ditch known as the 'Schoonover - Freeman - Seamour'

State of Idaho
Statehouse Room 210
Boise Idaho 83720
Telephone (208) 344-2400

ditch for the right holders of 74-0350, 74-0352, and 74-0351." should also be deleted.

The changes listed in items 1 through 5 above are incorporated into the attached Exhibit A.

DATED this 2nd day of September, 1981.

Josephine P. Beeman 11 August 1981
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

Sherman F. Furey, Jr.
SHERMAN F. FUREY, JR.
attorney for Harvey E.
Peterson

The above stipulation having duly come before the court, it is hereby approved this 3rd day of September, 1981.

Milton A. Slavin
MILTON A. SLAVIN
Special Master, Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1981, a true and correct copy of the foregoing STIPULATION RESOLVING THE SPECIFIC OBJECTIONS OF HARVEY E. PETERSON was mailed, postage prepaid, addressed to: Sherman F. Furey, Jr., Attorney at Law, P.O. Box 1127, Salmon, Idaho 83467.

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Big Eightmile Creek & Tribs.

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To				
74-0411	(to be added to p. 40 of the proposed findings, just ahead of Right No. 74-0342)								
	NEFF, Darrell J. and/or Verna M. Star Route Leadore, Idaho	3-25-1887	Stockwater	1/1	12/31	0.33	SW $\frac{1}{2}$ NW $\frac{1}{4}$, S. 33 T16N, R25E	Sec. 20 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ T16N, R25E	Decree

74-0412 (to be added to p. 40 of the proposed findings, just ahead of right No. 74-0342)

PETERSON, Harvey E.
Box 46
Leadore, Idaho

3-25-1887

Stockwater

1/1 12/31

0.66

SW $\frac{1}{2}$ NW $\frac{1}{4}$, S. 33
T16N, R25E

Sec. 20
NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$

Decree

This right and right No. 74-0411 provide for the diversion of one cubic foot per second that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seamour" ditch.

Sec. 21
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 28
NW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 29
NE $\frac{1}{4}$ NE $\frac{1}{4}$
T16N, R25E

PROPOSED FINDING OF WATER RIGHTS - LEWIS RIVER DRAINAGE

SOURCE: Big Eightmile Creek & Tribs.

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS
				From	To					
74-0351	(p. 45 of the proposed findings)									
	PETERSON, Harvey E. Box 46 Leadore, Idaho	5-11-1910	Irrigation Stockwater	4/1	11/1	5-28 0-33	SW $\frac{1}{2}$ NW $\frac{1}{4}$, S. 33 T16N, R25E	Sec. 20 NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ T16N, R25E	40.0 20.0 30.9 25.0 38.8 17.2 38.7 40.0 250.6	4-9 Decree
			One cubic foot per second shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seaman" Ditch for the right holders of 74-0350, 74-0352, and 74-0351.							
74-0350	(p. 44 of the proposed findings)									
	NEFF, Darrell J. and/or Verna M. Star Route Leadore, Idaho	5-11-1910	Irrigation Stockwater	4/1	11/1	7.04 0-33	SW $\frac{1}{2}$ NW $\frac{1}{4}$, S. 33 T16N, R25E	Sec. 20 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ T16N, R25E	14.0 4.8 37.7 38.6 40.0 36.4 1.5 1.0 174.0	Decree
			One cubic foot per second shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seaman" Ditch for the right holders of 74-0350, 74-0352, and 74-0351.							

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Big Eightmile Creek & Tribs.

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To				
74-0352	(p. 45 of the proposed findings)								
	PETERSON, Harvey E. Box 46 Leadore, Idaho	5-11-1910	Irrigation Stockwater	4/1 11/1 4/1-12/31	3-79 8-33	4.64	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 33 T16N, R25E	Sec. 20 SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21 NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 NE $\frac{1}{4}$ NE $\frac{1}{4}$ T16N, R25E	Decree 40.0 9.5 29.9 39.4 40.0 38.6 40.0 40.0 40.0 277.4

One cubic foot per second shall always be allowed to be diverted through the headgate of the ditch known as the "Sehonenover-Freeman-Seamour" Ditch for the right holders of 74-0350, 74-0352, and 74-0351.

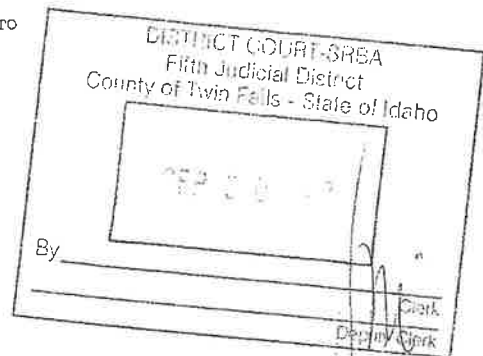
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-00411



NAME AND ADDRESS: AL RUGGLES
JAMIN K RUGGLES
1019 LEE CREEK RD
LEADORE, ID 83464

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.33 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/25/1887

POINT OF DIVERSION: T16N R25E S33 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.33 CFS

PLACE OF USE:	Stockwater		Within Lemhi County
	T16N R25E S20	NESW	SWSW
		SESW	NWSE
		SWSE	
	S29	NWNE	NENW
		NWNW	

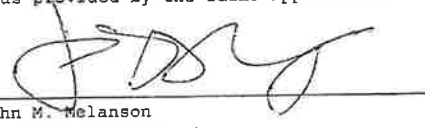
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.
This right and right 74-412 provide for the diversion of 1.0 cfs
that shall always be allowed to be diverted through the headgate
of the ditch known as the "Schoonover-Freeman-Seamour" ditch.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

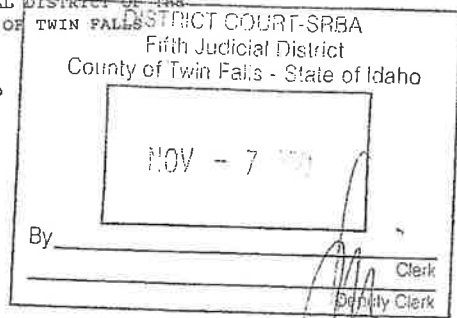
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-15715



NAME AND ADDRESS: AARON F RUGGLES
ALLEN F RUGGLES
JAMIN K RUGGLES
VIRGINIA M RUGGLES
1019 LEE CREEK RD
LEADORE, ID 83464

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.33 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/25/1887

POINT OF DIVERSION: T16N R25E S33 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.33 CFS

PLACE OF USE:	Stockwater	Within Lemhi County
	T16N R25E S20	NENE SENE
		NESE SESE
	S21	NWNW SWNW
		SENW NESW
		NWSW SWSW
		SESW

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

WATER RIGHTS 74-411, 74-15714 AND 74-15715 PROVIDE FOR THE
DIVERSION OF 1.0 CFS THAT SHALL ALWAYS BE ALLOWED TO BE DIVERTED
THROUGH THE HEADGATE OF THE DITCH KNOWN AS THE
"SCHOONOVER-FREEMAN-SEAMOUR" DITCH.

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. I.C. SECTION 42-1412(6).

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-15714

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 7 2007

By

Deputy Clerk

NAME AND ADDRESS: JANETTE S PETERSON
KENNETH J PETERSON
PO BOX 58
LEADORE, ID 83464

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.33 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 03/25/1887

POINT OF DIVERSION: T16N R25E S33 SWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.33 CFS

PLACE OF USE:	Stockwater	Within Lemhi County
	T16N R25E S20	NENE SENE
		NESE SESE
	S21	NESW SWSW
		SESW
	S28	NWNW
	S29	NENE

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

WATER RIGHTS 74-411, 74-15714 AND 74-15715 PROVIDE FOR THE
DIVERSION OF 1.0 CFS THAT SHALL ALWAYS BE ALLOWED TO BE DIVERTED
THROUGH THE HEADGATE OF THE DITCH KNOWN AS THE
"SCHOONOVER-FREEMAN-SEAMOUR" DITCH.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



IDAHO DEPARTMENT OF

WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 20, 2022

STEVEN L JOHNSON
SUSAN JOHNSON
1019 LEE CREEK RD
LEADORE, ID 83464-5011

KENNETH J PETERSON
JANETTE S PETERSON
PO BOX 58
LEADORE, ID 83464

RE: Transfer No. 86042
Water Right No(s). 74-15714, 74-15715, 74-411

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 4/28/2022 and 5/5/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 20, 2022 10:45 AM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 86042 Recorder Herald.docx

LEGAL NOTICE DEPARTMENT
RECORDER HERALD
PO BOX 310
SALMON, ID 83467

RE: Transfer No. 86042
Water Right No(s). 74-15714, 74-15715, 74-411

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/16/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86042**

STEVEN L and SUSAN JOHNSON, 1019 LEE CREEK RD, LEADORE, ID 83464-5011; KENNETH J and JANETTE S PETERSON, PO BOX 58, LEADORE, ID 83464 has filed Application No. 86042 for changes to the following water rights within LEMHI County(s): Right No(s). 74-15714, 74-15715, 74-411; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: remove the condition which limits each water right to 13,000 gallons per day. The point of diversion is in SWNW Sec 33 T16N R25E for 1.00 cfs from Big Eightmile Creek. The rights are used for stockwater purposes from 1/1 to 12/31. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 5/16/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/28/2022 and 5/5/2022