

Transfer No. 2703

Water Right No. _____

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

APPROVEDName of applicant Bolton Ranch Inc. Phone 756-3675Post Office address Route 1, Box 14 Salmon, Idaho 83467**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. 74-0006 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. ~~License~~ ^{Transfer} No. 2580/74-0006 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5-1-1881

5. Water is used for the following purposes:

amount 0.60 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9
Township 21N Range 23E, B.M., in Lemhi County

Additional points of diversion, if any Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 4 T. 21N
R. 23E; Lot #6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34 T. 22N R. 23E

8. Lands 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 $\frac{1}{4}$	
21N	23E	9	15.3			10.3				23.9								31.7	81.2

Total number of acres to be irrigated 81.2

9. Describe any other water rights used for the same purpose as described above Right #74-0619
described in stipulation of Proposed Finding of Water Right- Lemhi

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years River Drainag

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0007 Decreed to _____
(Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. ~~License~~ ^{Transfer} No. 2580/74-0007 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 6-1-1884

5. Water is used for the following purposes:

amount 1.00 cfs for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is Lot #6 (SW 1/4 of SW 1/4 of Section 34
Township 22N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any Lot #1 (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. 4 T. 21N R 23E

8. Lands 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 $\frac{1}{4}$	
<u>21N</u>	<u>23E</u>	<u>4</u>													<u>34</u>	<u>10.7</u>	<u>32.5</u>	<u>35</u>	<u>112.2</u>

Total number of acres to be irrigated 112.2

9. Describe any other water rights used for the same purpose as described above Right #74-0619
described in Stipulation of Proposed Finding of Water Right- Lemhi
River Drainage
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0918 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
b. ~~License~~ ^{Transfer} No. 2580/75-0918 issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right.

3. Source of water Geertson Creek tributary to Lemhi River

* 4. Date of priority 5/5/1893 ^{*Stipulation to Proposed Findin}
Of Water Rights-Lemhi River Basin
reduces priority to 5-24-1923

5. Water is used for the following purposes:

amount 1.32 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.32 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW ^{Lot #6} $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34
Township 22N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4 T. 21N
R. 23E

8. Lands 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 $\frac{1}{4}$	
21N	23E	9		36	30														66

Total number of acres to be irrigated 66

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0619 Decreed to Bolton, William B. &/or Rose Starr
(Name)
in case of Stipulation to Proposed Finding of Water Rights Lemhi River
Basin Case #4948
dated in _____ in 7th Judicial Dist. county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right.

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5-24-1923

5. Water is used for the following purposes:

amount 3.4 cfs for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.40 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is Lot #4 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34
Township 22N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any 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. 4
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9 T. 21N R. 23E

8. Lands 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 $\frac{1}{4}$	
21N	23E	3					L.4 9.2	12.3			10.6	3.0							35.1
		4				19.5									34	10.7	32.5	35.	131.8
		9	15.3			10.3				23.9					31.7				81.2
22N	23E	34										L.4 2							2.0

Total number of acres to be irrigated 250.1

9. Describe any other water rights used for the same purpose as described above 74/0006/0007

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-2272 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. ~~License~~ ^{Transfer} No. 2580/74-2272 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of right

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5-23-1923

5. Water is used for the following purposes:

amount 0.54 cfs for Irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.54 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is Lot #6 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34
Township 22N Range 23E, B.M. in Lemhi County
Additional points of diversion, if any Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4. T. 21N
R. 23E

8. Lands 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 $\frac{1}{4}$	
21N	23E	4												1					1
		9							14.6										14.6

Total number of acres to be irrigated 15.6

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0624 Decreed to Bolton, William E. &/or Rose Starr
Stipulation to Proposed Finding of (Name)
in case of Water Rights-Lemhi River Basin Case No. 4948
dated in _____ in 7th Judicial District County of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right

3. Source of water Gary & Geertson Creek tributary to Lemhi River
4. Date of priority 6-1-1961
5. Water is used for the following purposes:
amount 0.16 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 0.16 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9
Township 21N Range 23E, B.M. in Lemhi County
Additional points of diversion, if any Lot #4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34 T. 22N R. 23E

8. Lands 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 $\frac{1}{4}$	
21N	23E	9	3			1										3.7			7.7

Total number of acres to be irrigated 7.7

9. Describe any other water rights used for the same purpose as described above None
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0006

1. General Information

- a. Amount of water to be diverted 0.60 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headworks for gravity flow sprinkler system
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system.

2. Change in point of diversion

Point of diversion ^{Lot #6} SW 1/4 SW 1/4, Section 34 Township 22N
 Range 23E, B.M., Lemhi County

Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Other rights will be transferred to cover those lands now irrigated.

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
21N	23E	4													3	9	22.5		34.5
		9		19.2	7		3		17.5	17.5									46.7

Total number of acres to be irrigated 81.2

4. Describe any other water rights used for the same purpose as described above. #74-0619

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0007

1. General Information

- a. Amount of water to be diverted 1.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works headworks for gravity flow sprinkler system
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system.

2. Change in point of diversion

Point of diversion Lot #6 SW 1/4 SW 1/4, Section 34 Township 22N
Range 23E, B.M., Lemhi County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Water rights are being transferred to cover those lands now irrigated

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
22N	23E	34										L6							2
21N	23E	3										2							
		4																	
		9	10																

Total number of acres to be irrigated 112.2

4. Describe any other water rights used for the same purpose as described above. #74-0619

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0918

1. General Information

- a. Amount of water to be diverted 1.32 c.f.s. &/or _____ acre feet
- b. Description of diverting works Lockable headgates & weirs
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system

2. Change in point of diversion

(G-5)
Point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 Township 21N
Range 23E, B.M., Lemhi County
Additional points (G-6A) NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.
(G-2 & G-3) NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot #1) Sec. 4, T. 21N, R. 23E.
Lot #6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34, T. 22N, R. 23E.

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Other rights will be transferred to cover those lands
now irrigated.

c. Describe the lands or place of use to which the right will be transferred:

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 $\frac{1}{4}$	
21N	23E	4				13.1									1.4				14.5
21N	23E	9	9.6		6	13.1	1.2			6.4					.5	14.8			51.5

Total number of acres to be irrigated 66.0

4. Describe any other water rights used for the same purpose as described above. None

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0619

1. General Information

- Amount of water to be diverted 3.4 c.f.s. &/or _____ acre feet
- Description of diverting works Headworks for gravity flow sprinkler system & headgates & weirs
- Describe the reasons for the proposed changes To allow maximum use of the gravity flow sprinkler system.

2. Change in point of diversion

Point of diversion ^{Lot #6} SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 Township 22N
 Range 23E, B.M., Lemhi County
 Additional points (G-3) NE $\frac{1}{4}$ NE $\frac{1}{4}$ (lot #1), (G-6) SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 21N
R. 23E.

3. Change in place of use

- Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Other rights will be transferred to lands now irrigated.

c. Describe the lands or place of use to which the right will be transferred:

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 $\frac{1}{4}$	
22N	23E	34										L6 2							2
21N	23E	3						L4 10.5	15			12.2	3.6						41.3
		4				6.5										30.5	32.6	11.5	114.7
		9	12	33.8	20.6		3			17.5					5.2				92.1

Total number of acres to be irrigated 250.1

4. Describe any other water rights used for the same purpose as described above. #74-0006, 74-0007

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-2272

1. General Information

- a. Amount of water to be diverted 0.54 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate & Weir
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system.

2. Change in point of diversion
(G-2)

(Lot #1)
Point of diversion NE 1/4 NE 1/4, Section 4 Township 21N
Range 23E, B.M., Lemhi County
Additional points Lot #6 (SW1/4) Sec 34, T.22N, R.23E.

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Right #74-0918 will be transferred to cover lands now irrigated.

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
21N	23E	4											.8				2.2		3
21N	23E	9		2.2			10.4												12.6

Total number of acres to be irrigated 15.6

4. Describe any other water rights used for the same purpose as described above. None

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0624

1. General Information

- a. Amount of water to be diverted 0.16 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate & Weir
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system

2. Change in point of diversion

Point of diversion ^(G-6) SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 Township 21N
Range 23E, B.M., Lemhi County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Right #74-0918 will be transferred to lands now irrigated

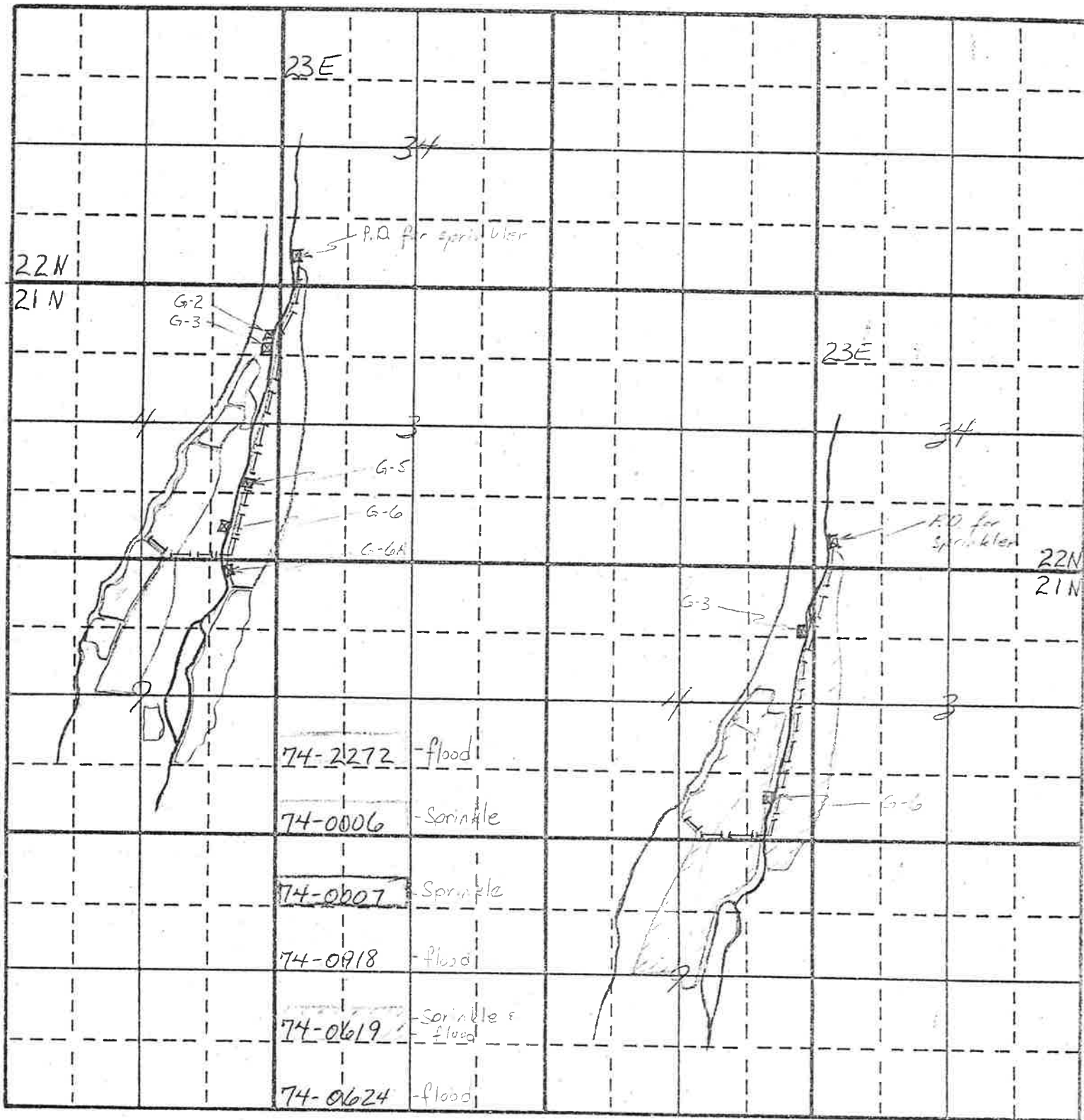
c. Describe the lands or place of use to which the right will be transferred:

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 $\frac{1}{4}$	
21N	23E	9														7.7			7.7

Total number of acres to be irrigated 7.7

4. Describe any other water rights used for the same purpose as described above. None

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Bellon Ranch Inc. Co

David J. Egan V.P. Manager
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of May, 1982

[Signature]
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

74-0006/0007/0918/

This is to certify that I have examined Application for Transfer of Water Rights No. 0619/2272/0624

and said application is hereby APPROVED, subject to the following limitations and conditions:

PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER and ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

Witness my hand this 29 day of September, 1983

[Signature]
Director

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>6-01-82</u>	Protest filed by <u>Virgilio + Verdell</u>
Prelim. check by <u>HWS</u>	Fee <u>\$ 50⁰⁰</u>	<u>Elson</u>
Receipted by <u>BP</u>	Date <u>6-15-82 #22317</u>	
Published in <u>Recorder Herald</u>	Copies of protest forwarded by <u>aw</u>	
Pub. dates <u>June 24 + July 1 - 1982</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>6-21-82</u>	Recommended for <u>approval</u> denial	
_____ rec'd. <u>7-01-82</u>	by <u>Jim</u>	

T 2703

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER OF WATER RIGHT NOS.
74-0006/0007/0918/0619/2272/0624
IN THE NAME OF BOLTON RANCH INC.

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on November 16, 1982, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

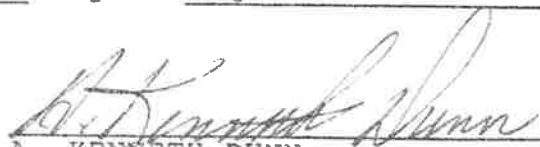
IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 25th day of August, 1983.


A. KENNETH DUNN

Director

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 2703 ON WATER RIGHT NOS. 74-0006/0007/)
0918/0619/2272/0624 IN THE NAME OF BOLTON)
RANCH INC.)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On June 1, 1982, Bolton Ranch Inc. applied to the Department of Water Resources (IDWR) for an application to change the points of diversion and places of use for water rights numbered 74-0006, 74-0007, 74-0918, 74-0619, 74-2272 and 74-0624. While all these rights are listed in the Proposed Finding of Water Rights in the Lemhi River Basin, Case No. 4948 in the Seventh Judicial District Court, Lemhi County; the points of diversion for rights 74-0006, 74-0007, 74-0619, and 74-2272 were changed by Transfer No. 2580 granted to the applicant on April 7, 1982. Notice of the application was published in the Recorder Herald, Salmon, Idaho, on June 24 and July 1, 1982, with a notice of correction published on July 22 and 29, 1982. A protest by Vergil O. Olson and Verdell Olson against granting the transfer was received on July 9, 1982.

On November 16, 1982, at the Lemhi County Courthouse, Salmon, Idaho, IDWR held a combined hearing to consider the Olson's protest of this application and to conduct a rehearing on the issuance of Transfer 2580. The protestants, Vergil and Verdell Olson, were present and represented themselves. The applicant was represented by Dave Logan, Manager of Bolton Ranch, Inc. and Sherman Furey, Jr. Attorney at Law. Also present were Neil Ankrum and William Bramlette, past and present watermasters of Water District 74-A, Geertson Creek, respectively.

The rehearing on Transfer 2580 was continued pending the final action on Transfer 2703, since some of the rights proposed to be changed are duplicated by the transfers.

Dave Logan, Manager of Bolton Ranch, Inc. for the past four years, testified the property now owned by Bolton Ranch, Inc. originally consisted of five separate homesteads. These homesteads were combined under one ownership in the 1920's and have since been operated as a single unit. In 1979 and 1980, Bolton Ranch installed a gravity flow sprinkler system substantially changing traditional flood irrigation practices. Mr. Logan testified the changes

identified in this application conform to the applicant's actual irrigation practices and can be summarized as follows:

Rights Nos. 74-0006 and 74-0007 have been consolidated and used on lands irrigated entirely by the sprinkler system through one point of diversion.

Right No. 74-0619 will be used as a supplemental right for those lands irrigated by the sprinkler system and as a primary right for the flood irrigation of other lands.

Right No. 74-0918 will be appurtenant to lands entirely flood irrigated through four points of diversion.

Right No. 74-0624 will also be appurtenant to the lands entirely flood irrigated and diverted through a single point of diversion.

Right No. 74-2272 will be appurtenant to lands that are entirely flood irrigated through two points of diversion. These lands, however, have the potential for being irrigated under the sprinkler irrigation system so the point of diversion for the gravity flow pipeline has been included under this right.

Mr. Logan indicated the changes in place of use proposed by the application do not identify any increases in the number of acres irrigated by each right. According to him, the applicant has already received a right-of-way for the pipeline to cross lands administered by the BLM and they have also settled an agricultural trespass for federal lands being irrigated by Bolton Ranch, Inc.

William Bramlette, the watermaster on Geertson Creek during 1982, testified that to his knowledge no other water rights would be adversely affected by the proposed transfer. It was his opinion that use of a single point of diversion for the earliest rights held by the applicant would simplify regulation for the watermaster.

Vergil Olson testified he objected to these changes in the place of use and points of diversion because of the effects it will have on return flows to Steel Gulch. Mr. Olson stated he also objected to all of the ditches constructed by the applicant in the past.

Verdell Olson testified the transfer would enlarge the number of acres irrigated.

The hearing officer, having considered testimony obtained at the hearing and information contained in the files and records of IDWR and based upon his understanding of the law, proposes the following Findings of Fact, Conclusions of Law, and Order.

Review of Evidence

IDWR Records Considered:

1. Application for transfer of water rights numbered 74-0006, 74-0007, 74-0619, 74-0624, 74-0918, and 74-2272 received June 1, 1982.
2. Affidavit of publication of Notice of Proposed Change of Water Rights received July 2, 1982.
3. Affidavit of publication of Notice of Correction of Proposed Change of Water Rights received July 30, 1982.
4. Letter from Vergil Olson and Verdell Olson received July 9, 1982 protesting the application for transfer.
5. Proposed Findings of Water Rights in the Lemhi River Basin, Case No. 4948 in the Seventh Judicial District Court in Lemhi County.
6. Transfer No. 2580 approving a point of diversion change for water rights 74-0006, 74-0007, 74-0918, and 74-2272 approved by the Director of the Department of Water Resources on April 7, 1982.

Summary of Exhibits:

1. Applicant's exhibit No. 1, a map with a scale of eight inches equals one mile illustrating the new place of use for each of the water rights being transferred.

FINDINGS OF FACT

1. The applicant is the holder of rights 74-0619 and 74-0624 identified in the Proposed Finding of Water Rights in the Lemhi River Basin. Both these rights being based on diversion and beneficial use of water. The applicant was previously granted a point of diversion transfer for water rights Nos. 74-0006, 74-0007, 74-0918, and 74-2272.

2. The proposed changes to water rights described in this application are summarized as follows:

(a) No. 74-0006 - the place of use will be changed to 81.2 acres in the N1/2SE1/4, SW1/4SE1/4, Section 4, W1/2NE1/4, E1/2NW1/4, Section 9, both in Township 21 North, Range 23 East; with the three points of diversion reduced to one point in Lot 6, Section 34, Township 22 North, Range 23 East.

(b) No. 74-0007 - the place of use will be changed to 112.2 acres in Lot 6, Section 34, Township 22 North, Range 23 East, W1/2NW1/4, W1/2SW1/4, Section 3, SE1/4NE1/4, N1/2SE1/4, SE1/4SE1/4, Section 4, NE1/4NE1/4, Section 9, Township 21 North, Range 23 East; with the three points of diversion reduced to one point in Lot 6, Section 34, Township 22 North, Range 23 East.

(c) No. 74-0619 - this will be a supplemental right for those lands under right 74-0006 and 74-0007 listed above. This right will also serve as a primary right for land in the NE1/4SE1/4, S1/2SE1/4, Section 4; N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4, Section 9; Township 21 North, Range 23 East. The total lands irrigated will be 250.1 acres. The seven points of diversion originally identified under this right will be consolidated and reduced to three points in Lot 6, Section 34, Township 22 North, Range 23 East, Lot 1, SE1/4SE1/4, Section 4, Township 21 North, Range 23 East.

(d) No. 74-0624 - the place of use will be changed to 7.7 acres in the NW1/4SE1/4, Section 9, Township 21 North, Range 23 East; with the two points of diversion reduced to a single point in the SE1/4SE1/4, Section 4, Township 21 North, Range 23 East.

(e) No. 74-0918 - the place of use will be changed to 66 acres in the SE1/4NE1/4, NE1/4SE1/4, Section 4, NE1/4NE1/4, S1/2NE1/4, E1/2NW1/4, N1/2SE1/4, Section 9, Township 21 North, Range 23 East; with the four points of diversion increased to five points in Lot 6, Section 34, Township 22 North, Range 23 East; Lot 1 (two points), NE1/4SE1/4, Section 4, NE1/4NE1/4, Section 9, Township 21 North, Range 23 East.

(f) No. 74-2272 - the place of use will be changed to 15.6 acres in the SE1/4SW1/4, SW1/4SE1/4, Section 4, NW1/4NE1/4, NE1/4NW1/4, Section 9, Township 21 North, Range 23 East; with the three points of diversion reduced to two points in Lot 6, Section 34, Township 22 North, Range 23 East, and Lot 1, Section 4, Township 21 North, Range 23 East.

3. The application identifies no change in the number of acres irrigated under each right or the total number of acres irrigated when the rights are used in combination.

4. The diversion in Lot 6, Section 34, Township 22 North, Range 23 East, is the headworks of a gravity flow sprinkler system. The other five points of diversion divert water into open ditches for irrigation of lands not watered by the sprinkler system.

5. The change from flood irrigation to sprinkler irrigation will reduce the amount of tail or waste water and will most likely result in less water flowing into Steel Gulch.

6. Geertson Creek is within the boundaries of State Water District No. 74-A.

7. Reducing the number of diversions from seven to six, is expected

to simplify regulation by the watermaster and prevent injury to downstream rights.

8. Portions of land in the NW1/4SE1/4, SE1/4NE1/4, Section 4, Township 21 North, Range 23 East, have historically been farmed by the applicant and are included under the applicant's water rights. These lands are now recognized as being public lands administered by the BLM. There is also an isolated tract of land in the W1/2NW1/4, Section 3, Township 21 North, Range 23 East that is classified as public land administered by the BLM but historically has been farmed by the applicant and is included under the applicant's water rights. The Department in preparing the Proposed Findings of Water Rights in the Lemhi River Basin, consistently recommended that water rights be recognized on the public lands being irrigated in agricultural trespass.

CONCLUSIONS OF LAW

1. The proposed changes in points of diversion and places of use will not constitute an enlargement of those rights identified in the application.

2. The reduction in the amount of waste water flowing into Steel Gulch will affect the downstream users of Steel Gulch but it is a well established principle of law that no demand can be made by those downstream users to require the upstream users to continue to waste water for use by the downstream user.

3. The proposed changes will not increase the difficulty of regulation for the watermaster of Water District 74-A, Geertson Creek.

4. Approval of this application does not grant the applicant right-of-way or easement to the use of public lands described in the places of use for the applicant's water rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer of water rights Nos. 74-0006, 74-0007, 74-0619, 74-0624, 74-0918, and 74-2272 be and is APPROVED subject to the following conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works for each diversion identified under this transfer.

2. Use of water under these rights is subject to control of the watermaster of Water District No. 74-A, Geertson Creek.

3. Use of water under this transfer in no way grants any right-of-way

or easement across the lands of another.

4. The Director of the Department of Water Resources retains jurisdiction over this transfer until the adjudication of the Lemhi River Basin, Case 4948, is completed and the final decree is issued by the District Court of the Seventh Judicial District to allow the modification of the transfer to conform to the court's final decree.

Dated this 25 day of August, 1983.


BOBBY D. FLEENOR
Hearing Officer

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

OCT 6 1983

Department of Water Resources
Eastern District Office

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF)
APPLICATION FOR TRANSFER NO. 2703 OF WATER RIGHT)
NOS. 74-0006/0007/0918/0619/2272/0624 IN THE)
NAME OF BOLTON RANCHES INC.)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on August 25, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 29 day of September, 1983.

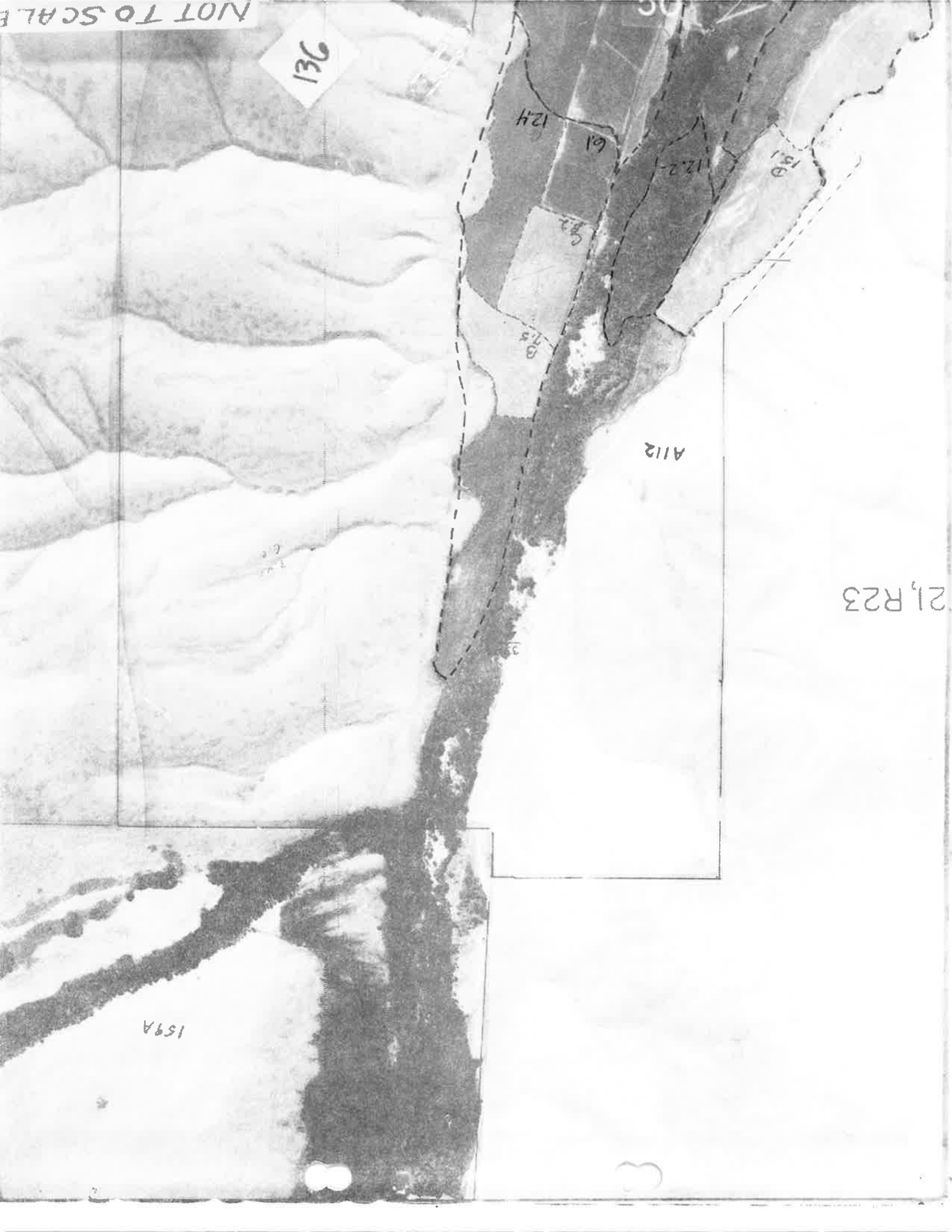


A. KENNETH DUNN

Director

NOT TO SCALE

136



21, R23



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Secretary

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

RECEIVED

SEP 1 1983

Department of Water Resources
Eastern District Office

August 25, 1982

RE: Application for Transfer of Water Right Nos. 74-0006/0007/0918/0619/
2272/0624Bolton Ranch Inc.
Route #1, Box 14
Salmon, ID 83467

Gentlemen:

Enclosed is a copy of the Proposed Memorandum Decision and Order and a copy of the Order Issuing the Proposed Decision.

If you wish to file exceptions to the proposed decision, please notice the requirements and procedure for doing so in the Order Issuing Proposed Decision.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".
L. GLEN SAXTON
Chief, Operations BureauLGS:kw
Enclosurescc: Vergil O. Olson
Verdell Olson
Sherman Furey, Jr., Attorney at Law
Matthew Mullaney, Esq.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

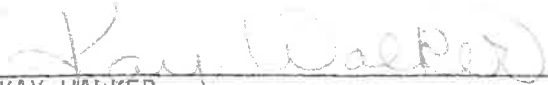
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHT NOS. 74-0006/
0007/0918/0619/2272/0624 IN THE NAME
OF BOLTON RANCH INC.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25th day of August, 1983, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Bolton Ranch Inc.
Vergil O. Olson
Verdell Olson
Sherman Furey, Jr., Attorney at Law
Matthew Mullaney, Esq.


KAY WALKER
Sr. Clerk
Idaho Department of Water Resources