

T3224 DICKY LIVESTOCK

APR 21 1986

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant DICKY LIVESTOCK, INC. &/or GORDON FULTON Phone 588-2267

Post Office address Star Route, Mackay, ID 83251

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

34-0057

a. Decree No. 34-0058 Decreed to E.W. Bascom

in case of Utah Construction Co. vs John F. Abbott, et al

dated in 10-21-1925 3-15-1923 in U.S. District Court, County of Eastern Division

b. License No. issued by the Idaho Department of Water Resources

c. Claim No. on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicants will provide evidence of ownership of ground and disclaimers from other effected land owners.

3. Source of water Willow & Rock Creek tributary to Sinks

4. Date of priority (34-0057) 6-1-1887 (34-0058) 10-27-1910

5. Water is used for the following purposes:

34-0057 amount 2.40cfs for Irrigation purposes from 5-1 to 10-15

34-0058 amount 3.20cfs for Irrigation purposes from 5-1 to 10-15

amount for purposes from to (month/day — both dates inclusive)

6. Total amount of water under right: a. 5.60 cubic feet per second &/or b. acre feet per annum

7. Location of original point of diversion is See Decree for Description % of Section

Township Range, B.M., in County

Additional points of diversion, if any

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	21E	1													X	X		X	
9N	22E	5						X	X										
		6			X	X					X	L-6 X	L-7 X			X			

Total number of acres to be irrigated 280

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.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 34-0057 2.40cfs
 34-0058 3.20cfs
- a. Amount of water to be diverted 5.60cfs c.f.s. &/or _____ acre feet
- b. Description of diverting works _____

- c. Describe the reasons for the proposed changes This transfer is to clarify actual
place of use and point of diversion for the rights as used.

2. Change in point of diversion (Willow Creek)
Point of diversion SE ¼ SW ¼, Section 32 Township 10N
Range 22E, B.M., Custer County
Additional points (Rock Creek) NE¼NW¼, Sect. 3, T. 9N, R. 22E

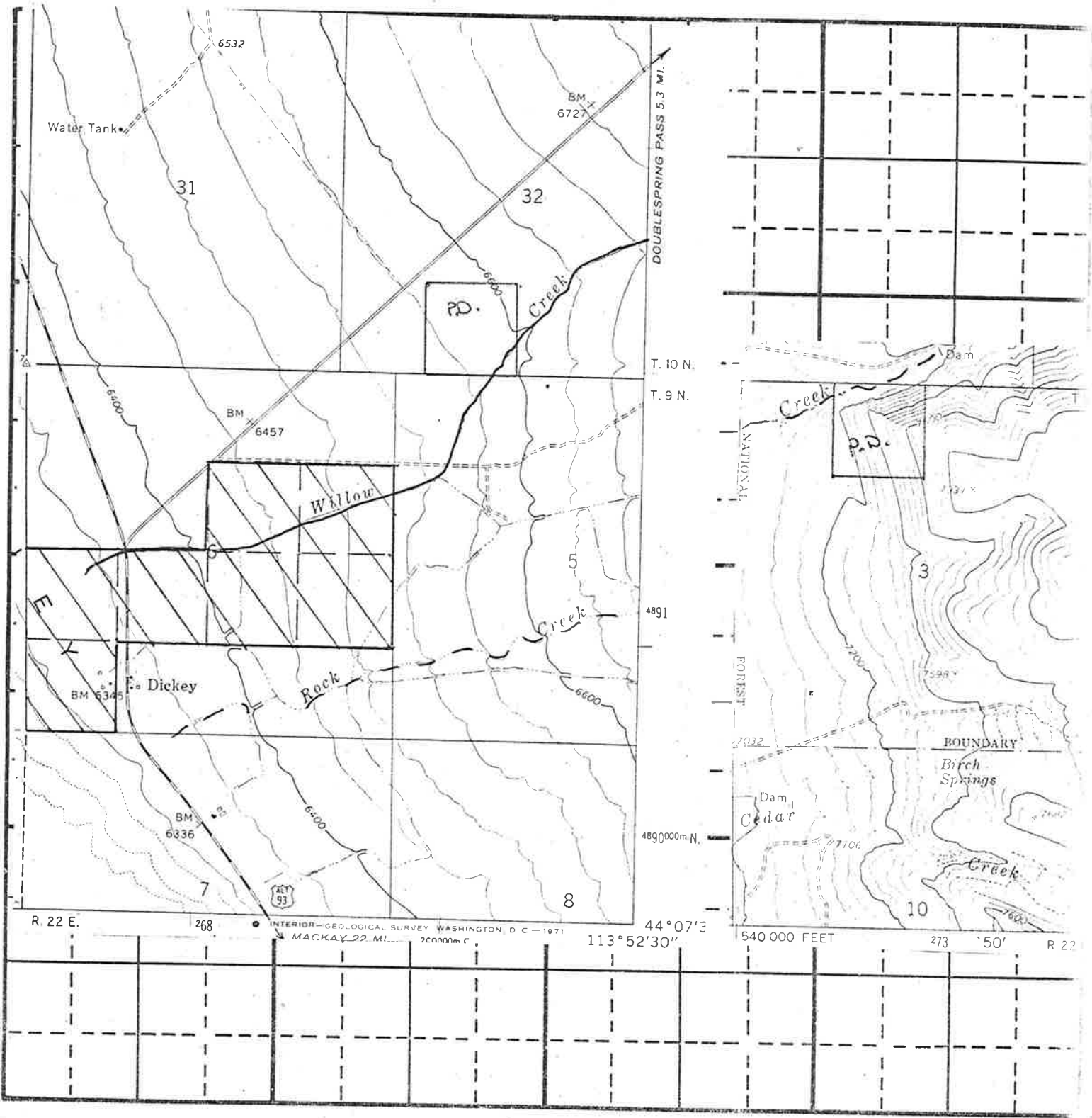
3. Change in place of use
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
N. A. With the exception of the NESE Sect. 6 the land in the "NEW"
place of use has been the actual place of use.

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	22E	6			40	40					40	40	40		✓40	40			280

Total number of acres to be irrigated 280

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.



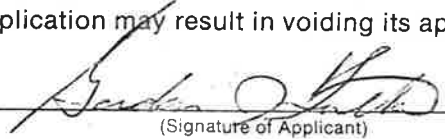
SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

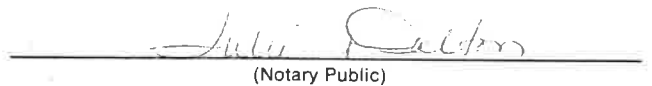
Applicant does not now own lands in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sect. 5. The water was incorrectly
decreed to this ground now owned by the BLM and Wylie Smith. Applicant will obtain
proper relinquishment forms from these owners. Also the NESE of Sect. 6 in the new
place of use is Desert Land Entry ground that is being released to me by the BLM.
The BLM feels this transfer will be adequate evidence of a water right.

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.


(Signature of Applicant)

Subscribed and sworn to before me this 9th day of August, 19 85

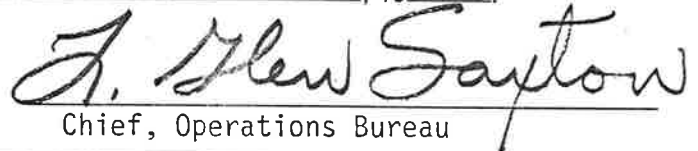

(Notary Public)

My commission expires 10/30/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0057/0058
and said application is hereby APPROVED, subject to the following limitations and conditions:
Use of water under these rights is subject to control by the watermaster
of Water District No. 34, Big Lost River.

Witness my hand this 8th day of April, 19 86


Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 9-03-85 Protest filed by _____
Prelim. check by HWJ Fee 50.00
Receipted by CW Date 9-18-85 #35400
Published in Right Star Custer Pub Co. Copies of protest forwarded by _____
Pub. dates 10/7/85 + 11/7/1985 - 11/28 + 12/5 1985 Hearing held by _____ Date _____
Watermaster recommendation requested on 10-24-85 Recommended for approval denial
WD #34 rec'd. 10-29-85 by RDC Jim