

Brown, Rodney R.	50 inches.	Sept. 1, 1884.	Guy Hollow.
Superceded by Brown vs. Reardon	10	June 1, 1885.	Rock Creek.
Bryant, John P.	80	Feb. 23, 1906.	Big Wood River.
Buller, R. F. and Rosa B.	3	Apr. 17, 1883.	" " "
Do.	32	June 20, 1884.	" " "
37.0113 Do. <u>superceded</u>	780	July 10, 1884.	" " "
37.0114 Do.	750	May 1, 1886.	" " "
Do.	750	June 12, 1886.	" " " 746-779
Do.	7	June 2, 1890.	" " "
Do.	300	May 1, 1902.	" " "
Do.	400	July 1, 1904.	Swamp on lands. TRANS #32
Burkill, Frank A.	160	July 17, 1906.	Big Wood River.
Butch, James W.	260	June 1, 1884.	East Fork of Big Wood River.
Butler, Alvin L. T-2323	115	May 31, 1898.	Big Wood River.
Byrne, John and Patrick T-2324	252	May 1, 1887.	" " "
Byrne, Michael J. and Thos. J. Jr.	500	May 1, 1887.	" " "
Byrne, Thomas, Sr.	40	May 1, 1887.	" " "
Calhoun, J. E. and Charlotte	10	Apr. 1, 1884.	Silver Creek.
Cameron, Ed.			Little Wood River Canal Company shares.
Canzler, William	120	Aug. 2, 1897.	Big Wood River.
Carey, James	80	May 15, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
Carey, J. H.	100	June 1, 1882.	Corral Creek.
Carpenter, Albert	160	Jan. 27, 1908.	Big Wood River.
Carpenter, Forrest A.	160	Jan. 27, 1908.	" " "
Carpenter, Henry	160	May 15, 1897.	" " "
Carpenter, Herbert	150	May 15, 1888.	Soldier Creek.
Carpenter, Salem	160	May 15, 1899.	Big Wood River.

the waters of Silver Creek, as of a prior and exclusive right, so long as they maintain their certain dam and prevent the waters of Silver Creek from wasting through the Picabo Lake or sink-holes.

That R. P. Buller and Rosa B. Buller are entitled to 400 inches of water in their swamp ditch, as of a prior and exclusive right, so long as they maintain their said swamp ditch, and continue to develop that amount of water therein.

That M. S. Lawson be and he is hereby awarded the right to use a certain amount of the waters of Silver Creek, during the high water season, or at such other times as the waters of said stream are not in use for irrigating purposes, sufficient to fill his said reservoir described in the Findings herein.

37 0712

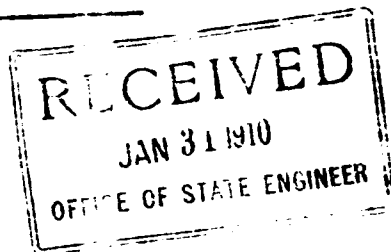
37-0717 - Alturas Water Co. - Indian Cr. - 08-01-1907
Increased amount above the 45" decreed in Caldwell, et al. vs. Tucker, et al. to fill 10" pipe to capacity. (Pipes enlarged from 7" to 10".)

37-1216 - Alturas Water Co. - Indian Cr. - 1884
Winter season to fill 7" pipe to capacity when the same not needed or required by the parties to whom it was decreed. To be used for domestic & other purposes - village of Hailey.

... decreed in the case of
Caldwell, et al., vs. Tucker, et al., shall date from the first day of
August, 1907.

It is Further Ordered, Adjudged and Decreed that the respective parties, plaintiffs and defendants, in the various actions named in the Findings herein, to-wit: N. R. Woodworth, et al., vs. Frank Anthony, et al., George H. Abbott, et al., vs. William B. Reedy, et al., E. W. Moore and Thurston Hutchins, as firm of Moore and Hutchins, vs. James McGowan, et al., A. Caldwell and Alturas Water Company vs. S. M. Tucker, et al., and John W. Dwyer and John A. Boggs vs. E. S. Morley, et al., -- they and their successors in interest, be and they are hereby awarded the right to the use of the waters of Big Wood River and its tributaries, and the various dry streams named in said decrees, to the extent that they are re-

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.



S. C. Frost, et al.,

P l a i n t i f f s,

vs.

Alturas Water Company, et al.,

D e f e n d a n t s.

DECREE.

This cause coming on to be heard this 6th day of October, 1909, upon the Report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen having filed his Report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the Report and recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for,

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

Name of applicant John Fell Stevenson Phone (208) 788-4826
 Post Office address Route #1 Box 310 Bellevue, Idaho 83313

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to R.F. Buller and Rosa B. Buller
 (Name)
 in case of S.C. Frost vs Alturas Water Company
 dated in October 6, 1909 in Book 3 Page 807 county of Blaine
 (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. 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 Right was aquired by purchase of appurtenant land.

3. Source of water Buller Drain tributary to Silver Creek

4. Date of priority 7/1/1904 (Perpetual)

5. Water is used for the following purposes:

amount 400 inches for Irrigation purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 8.0 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is NW 1/4 of SE 1/4 of Section 7
 Township 1S Range 19E, B.M., in Blaine County

Additional points of diversion, if any NW 1/4 Section 18. NW 1/4 Section 17

Springs collected in common channel called Buller Drain

8. Lands irrigated or place of use: A= Before transfer
 B= After transfer

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
1S	19E	19																	36A 36B
																			34A 34B
	20																		69A 69B
																			40A 40B
	27																		119A 43B
																			298A 222B
	28																		
	29																		

Total number of acres to be irrigated 222B

Describe any other water rights used for the same purpose as described above 37-2576

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 _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SE $\frac{1}{4}$				SW $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	

Total number of acres to be irrigated _____

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

1. General Information
 - a. Amount of water to be diverted 5.91cfs, amount left in decreed right
2.09cfs, amount transferred c.f.s. &/or _____ acre feet
 - b. Description of diverting works existing natural channel of Patton Creek and headgate
from Patton Drain.
 - c. Describe the reasons for the proposed changes to enhance nesting habitat for wildfowl
and convert area back into wetlands--wildlife year-round use
2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29 Township 1S
Range 19E, B.M., Saline County
Additional points _____
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 _____ 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
Fields from which water is transferred will return to natural state

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

New Wetlands

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 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	
		28			6		6	17	23	29	14	1				13			109
		29	9			1													10

Total number of acres to be irrigated 119

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.

T15 R19E

611



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.

Subscribed and sworn to before me this 4th day of March, 1986

John F. M. Stevens
(Signature of Applicant)

Alvin M. Rooney
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

FOR DEPARTMENT USE ONLY

Received by LH Date 3/7/86 Protest filed by _____

Prelim. check by ADH Fee 50.00 \$ 40.00 _____

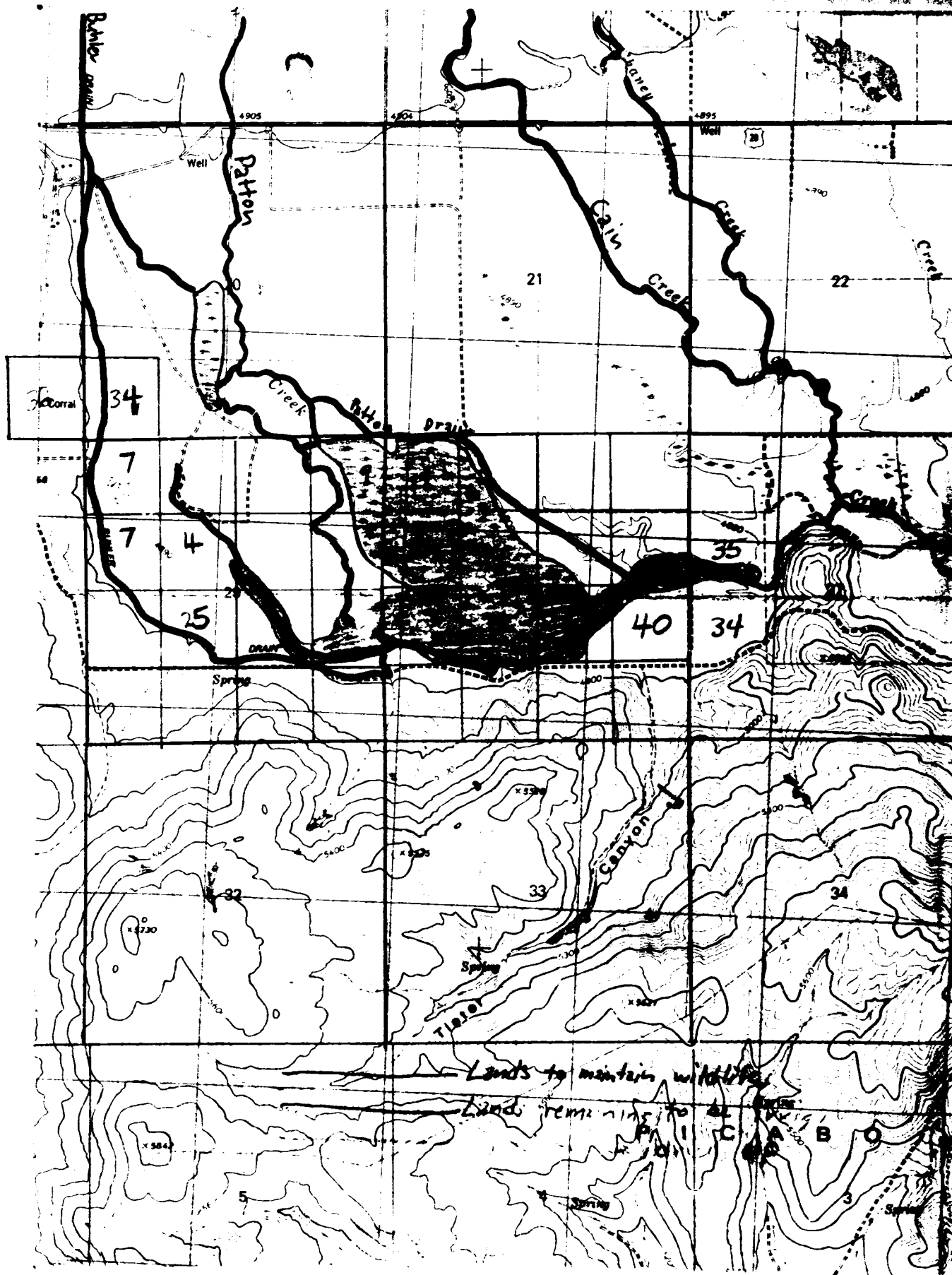
Receipted by mya Date 3/10/86 _____

Published in Utah River Journal Copies of protest forwarded by _____

Pub. dates 4/1 & 4/24/86 Hearing held by _____ Date _____

Watermaster recommendation requested on 4/10/86 Recommended for _____ approval _____ denial _____

_____ rec'd. _____ by _____



AFFIDAVIT of PUBLICATION

Name of Prospector
 Name of Lessor

I, John F. Stevenson, being first duly sworn, depose and say that the above is the content of the Wood River Journal, published at Hailey, Idaho, a newspaper of general circulation, published weekly, and that the first publication of the above advertisement was on the 11th day of April, 1986, and the date of the last publication was on the 24th day of April, 1986.

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COPY OF NOTICE

(Paste Here)

Proposed Change
27-0118 Stevenson

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Dept. of Water Resources

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0118

Notice is hereby given that John F. Stevenson of Bellevue, Idaho, has applied to the Department of Water Resources to change nature of use of the waters of Bluff Drain tributary to Silver Creek. The right sought to be changed is evidenced by decree in R.F. and Rose E. Butler in case of S.C. Frost vs. Adams Water Co., dated October 8, 1908, in District Court of Blaine, and recorded in Book 3, Page 807, Blaine.

Amount: 222 acres. Point of Diversion: NE1/4, Sec. 29, T1S, R10E, S4M, Blaine County. Place of Use: SW1/4, N1/4, N1/2SW1/4, NW1/4, Sec. 29, T1S, R10E, S4M, Blaine County. The water is used for irrigation of 222 acres within the above described section. After transfer total number of acres to be irrigated will be 222.

TO BE CHANGED AS FOLLOWS:

Amount: 2.08 cfs (5.91 cfs left in decreed right). Point of Diversion: NE1/4, Sec. 29, T1S, R10E, S4M, Blaine County. Place of Use: SW1/4, N1/4, N1/2SW1/4, NW1/4, Sec. 29, T1S, R10E, S4M, Blaine County for enhancement of wildlife habitat on 118 acres.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041, Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before May 5, 1986.

A. KENNETH DUNN

Director

Publish: Wood River Journal-April 17 & 24, 1986.

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Name of Prospector

Name of Lessor

Number of Insertions

APR 23 1986

Stevenson

AFFIDAVIT of PUBLICATION

COPY OF NOTICE

Payee Herein

Imported Notice
of Water Right

Notice of Water Right

Water Right Change filed by Stevenson

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-0118

Notice is hereby given that John Fell Stevenson of Bellevue, Idaho, has applied to the Department of Water Resources to change nature of use of the waters of Butler Drain tributary to Silver Creek. The right sought to be changed is evidenced by decree to R.F. and Rose B. Butler in case of S.C. Frost vs. Aurora Water Co., dated October 8, 1908, in District Court, County of Blaine, and recorded in Book 3, Page 807, as follows:

Amount: 400 cfs
 Priority: July 1, 1908
 Point of Diversion: NESE, Sec. 7; NENE, Sec. 16; NWNW, Sec. 17; T1S, R19E, B.M., Blaine County
 The water is used for irrigation of 288 acres within the SESE, Sec. 18; SWSW, Sec. 20; SWNW, NWSW, Sec. 27; NESE, Sec. 28; W1/2NW1/4, SE2W, NE2W, Sec. 29, T1S, R19E. After transfer total number of acres to be irrigated will be 222.

TO BE CHANGED AS FOLLOWS:

Amount: 2.09 cfs (5.91 cfs left in decreed right)
 Point of Diversion: NENE, Sec. 29, T1S, R19E, B.M., Blaine County
 Place of Use: SWNE, NE1/4, N1/2SW1/4, NWSE, Sec. 28; E1/2NE1/4, Sec. 29, T1S, R19E for enhancement of wildlife habitat on 118 acres.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041, Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before May 5, 1986.

A. KENNETH DUNN
 Director

Published: Wood River Journal
 April 11 & 24, 1986

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

NOTARIAL PUBLIC

CONFIDENTIAL MEMORANDUM

Date 8/9/88 File # 37-0118

NAME OF PARTY Chuck Brockway

EMPLOYEE LH

RE APP. for transfer

Brockway inquires about
status.

Said he would work on
getting Reg'd info &
Transferring Lic 37-2576.

— Called Brockway 423-
5/13/86 requested 4871

Deed

Aerial photo

Transfer of title

Brockway contacted 10-21-88

will get needed info. so

Hold

AD



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 10, 1986

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Gentlemen:

Enclosed you will find 2 legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you can not publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0118

Notice is hereby given that John Fell Stevenson of Bellevue, Idaho has applied to the Department of Water Resources to change nature of use of the waters of Buller Drain tributary to Silver Creek. The right sought to be changed is evidenced by decree to R. F. and Rosa B. Buller in case of S. C. Frost vs Alturas Water Co. dated October 6, 1909 in District Court, county of Blaine and recorded in Book 3 Page 807 as follows:

Amount: 400 inches

Priority: July 1, 1904 (Perpetual)

Point of Diversion: NWSE Sec. 7; NENE, Sec 18; NWNW, Sec 17, T1S, R19E, B.M., Blaine County

The water is used for irrigation of 298 acres within the SESE, Sec. 19; SWSW, Sec. 20; SWNW, NWSW, Sec. 27; NESE, Sec. 28; W1/2NW1/4, SENW, NESW, Sec. 29, T1S, R19E. After transfer total number of acres to be irrigated will be 222.

TO BE CHANGED AS FOLLOWS:

Amount: 2.09 cfs
(5.91 cfs left in decreed right)

Point of Diversion: NENE, Sec. 29, T1S, R19E, B.M., Blaine County

Place of Use: SWNE, NW1/4, N1/2SW1/4, NWSE, Sec. 28; E1/2NE1/4, Sec. 29, T1S, R19E for enhancement of wildlife habitat on 119 acres.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lake Blvd. North, Twin Falls, Idaho 83301, on or before May 5, 1986.

A. KENNETH DUNN
Director

Published in Wood River Journal on April 17 and 24, 1986.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 10, 1986

Reid J. Newby
Watermaster District 37
Box 1
Shoshone, Idaho 83352

Re: Application for Transfer of Water Right 37-0118

Dear Mr. Newby:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

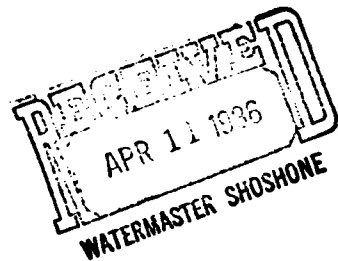
Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:



APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-0118

RECOMMENDATION OF WATERMASTER

I, Reid J Newby, watermaster of Silver Creek,
of Water District No. 37-M, County of Blaine, State of Idaho,
whose address is Box T. Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for _____
John Fell Stevenson, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: That a Measuring Device and Control Gates
be installed prior to any delivery of water to new point of diversion
and that this point of diversion be maintained..

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 14 day of April 19 86.

Reid J Newby
(signature)

RECEIVED

APR 15 1986

DEPT. OF WATER RESOURCES
BOISE, IDAHO 83725

Please use reverse side if needed.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HENDERSON
Chairman

John Stevenson
#36 Hillside Ranch Road
Bellevue, ID
83313

December 26, 1990

RE: Applications for Transfer of Rights 37-00118, 37-02576

Dear John;

We are returning the above-referenced transfer applications to you, along with Checks #7668 & 7669. Preliminary review of the transfers shows that, taken together, they would result in an increase in the number of irrigated acres. This is not allowable. Since we are not allowed to hold checks while these problems are being resolved, the checks and transfers are being returned to you.

We would be glad to assist you in revising the transfers to avoid the expansion problem. If you have questions, please feel free to contact this office.

Sincerely,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

RECEIVED

FEB 22 1991

Department of Water Resources
Southern Region Office

February 19, 1991



James E. Stanton
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Region
222 Shoshone Street E.
Twin Falls, Idaho 83301

RE: Your December 26, 1990 Letter to Mr. John Stevenson on the Change of Rights 37-00118 and 37-02576

Dear Mr. Stanton,

Mr. John Stevenson has asked that I review and comment on the applications to change the above-referenced water rights which you returned to him under your December 26, 1990 letter. The Nature Conservancy owns a conservation easement over the Stalker Marsh, which is the proposed new place of use for a portion of water right 37-00118 and owns land and water rights immediately below the Stalker Marsh along Silver Creek. We support the change of a portion of water right 37-00118 and the partial abandonment of water right 37-02576 to maintain and improve the wetlands at the Stalker Marsh, and do not believe that the partial change of water right 37-00118 constitutes an enlargement of that right. Indeed, it appears to us that Mr. Stevenson has gone to considerable expense and care to avoid an enlargement of these water rights and any injury to other water rights.

When I spoke with you on the phone last week, you referenced an administrative guideline which prohibited an increase in acreage when the point of diversion or place of use of an irrigation water right was changed but then was continued to be used for irrigation purposes. This guideline does not apply to the partial transfer of water right 37-00118 as proposed by Mr. Stevenson because he seeks not only to change the point of diversion and place of use, but also the nature of the use from irrigation to the creation and maintenance of wetlands and associated ponds. The standard assumptions about the consumption or duty of water for irrigation in the vicinity do not necessarily apply to the new wetlands use proposed by Mr. Stevenson. He therefore retained Dr. Charles Brockway to examine the consumptive use of water under the proposed new wetlands use, and made sure that the water consumption under that new use did not exceed the consumption under the old or existing irrigation use. The consumptive use balance as determined by Dr. Brockway is shown in Table 1 to Attachment D of the application to change a portion of water right 37-00118.

The change from irrigation to wetlands use is also basically different than just switching from more to less water consumptive crops on the same amount of irrigated acreage. With a switch to a less consumptive crop, it could be impossible to make sure that that crop was all that was ever

Colorado Field Office
1244 Pine Street • Boulder, Colorado 80302 • (303) 444-2950

Mr. James Stanton
February 19, 1991
page 2

produced and that the acreage was not ever switched back. With the change to wetlands use, the new acreage must stay in that use and cannot be rotated.

We do not believe that an expansion of acreage is automatically prohibited when the nature of use of an irrigation water right is changed to a different use and is no longer used for irrigation. I was unable to find anything in the Idaho statutes or your regulations which automatically prohibited such an increase in acreage. Instead, I note that Section 42-222 of the Idaho Code provides that: "[t]he transfer of the right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right, even though more acres may be irrigated, if no other water rights are injured thereby". It also seems that a transfer of an irrigation right to a municipal use where more acres were put into lawn irrigation under the municipal use than existed under the prior irrigation use would not be automatically prohibited. The change to wetlands use is analogous to such a change to municipal use: the consumption of water by either of these uses cannot be enlarged by switching crops.

We nonetheless agree that while an increase in acreage is not automatically prohibited when the nature of use of an irrigation water right is changed, the water right still cannot be enlarged or expanded in the change. Our only comment is that your standard assumptions about the consumption of water under irrigation does not tell you whether there has been an enlargement if irrigation is discontinued after the change. In the case where the nature of use is changed, whether the water right is enlarged can be determined by examining the rate of flow, the volume, and the consumptive use of water before and after the change, as suggested by your administrative guideline. In reviewing Mr. Stevenson's application on water right 37-00118 it appears to us that there is no expansion of this water right under these criteria.

1. There will be no increase in the consumptive use of water as indicated by Table 1 to Attachment D.

2. The rate of flow for continued irrigation use will be reduced by the rate of flow that is changed to wetlands use, and the two rates of flow together will not exceed the original rate of flow.

3. The time period or season over which the rate of flow for both the reduced irrigation use and the new wetlands use will not be changed, so that the volume of water for the irrigation use will be reduced by the volume that is changed to wetlands use, and the total volume of water under the two uses will not increase.

There is, of course, no question about water right 37-02576 since the only change on this water right is to abandon a portion of it, reducing the rate and volume of flow, and reducing the acreage. The purpose of this

Mr. James Stanton
February 19, 1991
page 3

application is to keep water right 37-02576 from being switched from a supplemental to a primary water supply for the acreage from which water right 37-00118 is taken in the companion application, and from thereby being enlarged.

Taken together, we think it is clear that the proposed changes can be made without injuring other water rights. Fundamentally, the amount, timing, and quality of water below the Stalker Marsh will be no different than it was before the change. The only physical change besides the different end uses is to move the point of return flow from the old irrigation use at the existing acreage to the small earthen dam at the downstream end of the Stalker Marsh. There are no water rights which intervene between those two points and which might have been injured by this change in the point of return flow.

Mr. Stevenson has asked me to return the enclosed applications to you for reconsideration and to request that you advise him whether despite the discontinuance of the old irrigation use and the change of the water right to a different wetlands use, you will still consider these applications to impermissibly expand the water rights because of the increase in acreage.

You should also receive shortly from Mr. Stevenson a written withdrawal of the applications to change water right #37-00118 and for a new wetlands water right, which were filed in 1986, along with a request for a refund of any filing fees that you may be holding on those earlier-filed applications.

The Nature Conservancy very much appreciates your re-consideration of this matter for Mr. Stevenson.

Very truly yours,



Robert F. Wigington
Western Water Attorney

RFW/jbp
cc: John Fell Stevenson

WHITE — State Auditor
 YELLOW — Remittance Advice
 PINK — State Auditor then Agency
 GOLDENROD — Agency Copy

EXPENDITURE VOUCHER

STATE OF IDAHO
 Office of State Auditor

AUDITOR USE

AGENCY USE

8888	
Date	08/21/91
Code	193002

VENDOR:

If you require additional information
 regarding this payment, please contact
 the State agency listed below.

AGENCY NAME DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY
 TO

JOHN STEVENSON
 36 HILLSIDE RANCH ROAD
 BELLEVUE, ID 83613

CHECK ONE:

() MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
 ENCUMBRANCE RESOLUTION

Encumbrance Reference No.

PAYMENT: () PARTIAL () FINAL

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Major	Minor			
1	05 40 199	1238	8831		REFUNDS PER JILL STANTON RECEIPT #S013044 8/16/91 50.00	50.00	RECEIVED AUG 26 1991 Department of Water Resources Southern Region Office
TOTAL						50.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service; that the items have been received and accounted for; and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

INTER-DEPARTMENT MEMO

TO: Fiscal Section

SUBJECT: Refund of Transfer Fee

FROM: Jim Stanton

DATE: 8-16-91

On 2-22-1991, John Stevenson of #36 Hillside Ranch Road, Bellevue, ID, 83313, applied for
two water transfers under Receipts #S013043 & S013044 for \$50. each. The two transfer
applications have now been combined into one transfer prior to advertising. Please refund
\$50. to Mr. Stevenson under Receipt S013044 (original receipt attached).

() For your information

(X) Response required

J E Stanton
signature

INTER-DEPARTMENT MEMO

TO: File

**SUBJECT: Transfer of Rts. 37-0118,
2576, John Stevenson**

FROM: Jim Stanton

DATE: 8-19-91

In 1986, Mr. Stevenson filed an application for transfer of Rt. 37-0118 to provide water for enlargement of a marsh on his property on Stalker Creek. The transfer hung around the office for a long time waiting for proof of ownership and for the filing of a transfer on Rt. 37-2576. In February of this year, two new transfers were filed by Mr. Stevenson on these rights. In July of this year, I did a pre-transfer field inspection accompanied by Mr. Stevenson. Based on that inspection, I prepared two new transfers that I feel better describe the situation on the property. By signing these latest transfers, I believe that Mr. Stevenson has agreed to withdraw the previous transfers. The purpose of the transfers remains the same, but his water system is now described more correctly than it was in previous transfers.

(X) For your information

() Response required

J. E. Stanton
signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amended **TRANSFER ANALYSIS SHEET**

INITIAL REVIEW BY: D. Jones 12/22/92

1. Right number 370118 Applicant Stevenson, John Fell

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other change nature & period of use

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use. Part 2B rzc reflect actual usage up to limit of right.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments see Analysis, attached

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) N/A

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 37

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

WITHDRAWN

3-7-2002

Transfer Analysis

John F. Stevenson

12/23/92

Douglas Jones

37-018

- Application proposes to change irrigation usage into wildlife storage use.
- Applicant will dry up more acres than necessary to provide for this change.
(will dry up 115 acres to provide for 53 ac. ponds)
- Applicant has accomplished this change in use and has been recognized by Gov. Andrus for his environmentalism, or smthg.
- Considerable changes in the place of use has occurred since the decree and 37-25% license exam (1957). Applicant has expanded the place of use in the SRBA under the 42-1416 presumptions. Acres aged in Parts 2B & C reflect actual usage up to the limit of 300 acres set in decree, but from ~~the~~ different than decree (i.e. unrecorded transfer).
- Diversion rates in Parts 2B & C reflect actual capacity & remainder from original rate, respectively.
- The excess diversion rate for the remainder of the decree will be dealt with in the SRBA. Most land is now sprinkled so rate will be decreased.

Transfer Analysis Cont' 12/23/92 JFase
John F. Stevenson 37-0118

- Expansion of right in SRBA ^{claim 37-0118} will be dealt with then.

Transfer Analysis 12/5/91 Douglas Jones
John F Stevenson 37-0118 + -2576

- Applicant intends to change nature of use from irrigation to wildlife storage.
- Water rights as recorded do not identify rights as used.
- Field work by Jim Stanton was done to sort out water diversion and usages currently exercised.
- Amended SRBA claims were filed to represent the current system.
- Present place of use includes 432 acres under 37-0118 + -02576.
- Total diversion rate available is 12.56 cfs, required is 8.64.
- ~~- License 37-2576 covered land that originally was partially irrigated at 0118 decree.~~
- Since licensing groundwater has been ^{combined with} used as supplement to surface water

on entire 432 acres.

- Air photo and visual observation evidence supports expanded acres under 42-14.6 (1).
- Diversion rate per acre under
 - a) 37-0118 = $0.019 \frac{cfs}{ac}$
 - b) 37-02576 = $0.011 \frac{cfs}{ac}$
 - c) Combined = $0.02 \frac{cfs}{ac}$ (limitation).
- Transfer proposes abandonment of 115 acres^{of imp.} to provide for 53 ac pond, array of 2' deep, w/ 1 AFA/~~ac~~ ^{ac} ~~array~~ required (Brockway analysis) (53 AFA)
- ⁱⁿ
- 115 acres has a) headgate req't of 345 AFA
b) cons req't of 288 AFA
c) diversion req't of 2.3 cfs
- Proposed transfer involves Buhler Drain which, once it enters ~~Stewart~~ property, is not diverted by anyone else from entry point to confluence with Patton Cr.

Pg 3 Transfer Analysis 37-0115, -2576

- Net effect of transfer is to decrease irrigation demand on Buhler Drain.

~~Diversion rate for wildlife storage determined by rate applied by irrigation system on land to be abandoned. Pump in Buhler Drain provided water to 104, $\frac{1}{4}$ " nozzles at 60 psi ≈ 1.52 cfs~~

per amended transfer 37-0115
48.7 mg transfer on 87-2576

Recommendations

- 37-0118A + A37-0118A :
Limit to 6.34 cfs for use on 317ac
- 37-0118B + A37-0118B :
Limit to 1.52 cfs and 159 AFA for pond.
- ~~37-2576A + A37-2576A :
Limit to 3.04 cfs for use on 317ac,
and in combination with 37-0118A + A37-0118A
shall not exceed 6.34 cfs for use on 317ac.~~
- ~~37-2576B + A37-2576B :
Limit to 1.52 cfs and 159 AFA, and in
combination with 37-0118B + A37-0118B
shall not exceed 1.52 cfs and 159 AFA for
wildlife pond.~~
- All ^{of all rights} parts in combination shall not exceed
7.86 cfs, 1110 AFA Diversion volume, and
846 AFA consumptive volume.
- Pump #2, NAWAY 529 TIS RPE, shall
be permanently abandoned henceforth.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: James 12/5/91

1. Right number 37-0118, -02576 Applicant Stevenson, John F.
2. Type of right: ☒ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Change nature & period of use
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments See attached analysis
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A
 - j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37M

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

NE/SW
check well in NE/SE? S, 1/2

check on transfer of Lic. 39-2081, well NE/NW, S. 30 nearly on May 1-
year 1 before Buller Drain floor, but run
larger if needed
all 3 wells are artesian.

no connection between ground under Luckwell and Buller Drain
ground. other 2 wells feed into Buller Drain above P/U - both
owned by Wildlife Ranch - connect ~~to~~ front field - 3rd Luckwell at
Drain via Sater Canyon pump

Present P/U ~~irrig.~~ since 1974 according to John

Patton Cr. ^{pit} dammed is Sep. 1984, washed out twice, finally built with
spillway in June 1986

check for app. in 1986 for John ~~Stevenson~~ - may have been canceled for
lack of deal

best field can always be sufficiently watered by Sater Canyon pump
on Patton Cr. (considered to be Buller Drain water) even without back
well on

consider app. for permit, change claims to true P/U including CRP land,
then agree to remove CRP land from claims to mitigate for loss in ranch
if permit is approved. CRP land must be preserved for riparian (is also
mainline), land below mainline can be gravity irrig somewhat thru same
mainline. ~~the~~

124

Map 1A

Lucke Map 2

Well

37-8881

Pump #1

Map 2

Map 1A

242 15

Map 3

12-441A

MAP 1B

17.
40.2%

CR 12

$$\Sigma C = 115 \text{ ac}$$

৫৩

北平

24

附-3

Locke
Well

37-2681

BIA

41

135

INDEX MAP (East Part)

Woke
Well

48.7

17.16

20.21

12.2

12.2

137

137

3

36.4

A

6

122.7

3

152.9

A.C.P.N



B

26

66.1

B

X

11.10

23

21.5

16.1

5.0

24.2

21.3

MAP 2

53

57.7

Map 3

33

22.4

33.4

Map 3

N
↑

map 3

N
↑

MAP 3







A37-0118, A37-0268, A37-02576

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]**Total number of acres to be irrigated**

37-0118

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NEX				NWK				SWK				SEX				TOTALS
			NEX	NWK	SWK	SEX	NEX	NWK	SWK	SEX	NEX	NWK	SWK	SEX	NEX	NWK	SWK	SEX	
15	19E	19	3			36									35.5			18.5	78
		20									2	4							26
																			78
15	19E	19																15.5	15.5
		20										3.5							3.5
		29					10	10											20
		30	40	2		34								2					76
																			115
15	19E	29					9	20											29
15	19E	29									26	38.5				6.5			71
15	19E	27						29			23								47
		28			14	19									29	8.5		21.5	90
		33	2																2
Total number of acres to be irrigated																			137

PD #1 2 pumps & mainline to sprinklers NW/NW/SW 1.20

432 ac. total

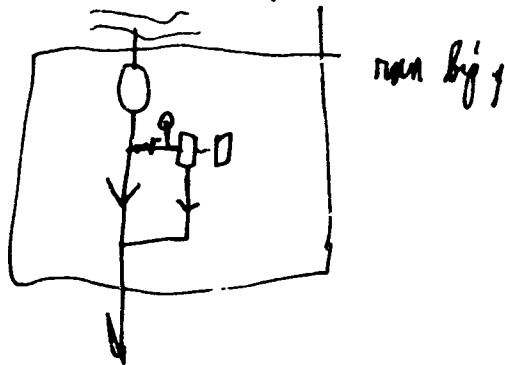
PD #2 Pump & pipeline to sprinklers NW/NW/NW 1.29

PD #3 Buried pipeline from Drain to mainline w/risers NW/SW/NW 1.29

PD #4 Pump & mainline to sprinklers NE/NW/SW 1.29

PD #5 Forks Canyon Pump, mainlines to sprinklers SE/SE/NE 1.28

PD #1 in Drain GE 75 hp #L-K-J1120462
 Lawrence pump V74-04195
 Berkeley booster pump #8262882
 GE 25 hp motor Model 5K256JL1011A

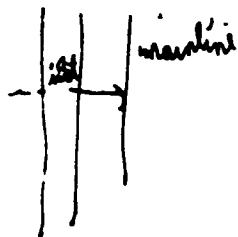


PD #2



has overflow to sub, but no active
 diversion to lower fields.

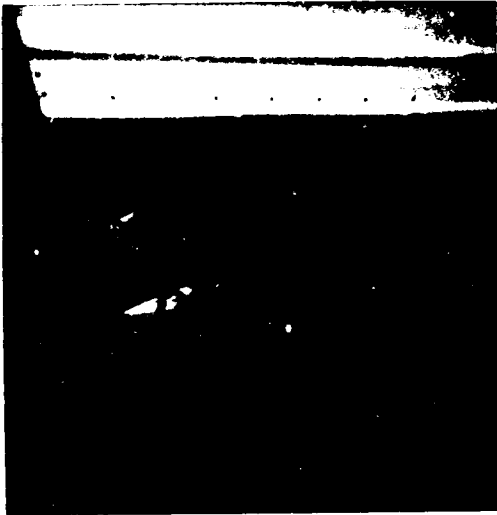
PD #3



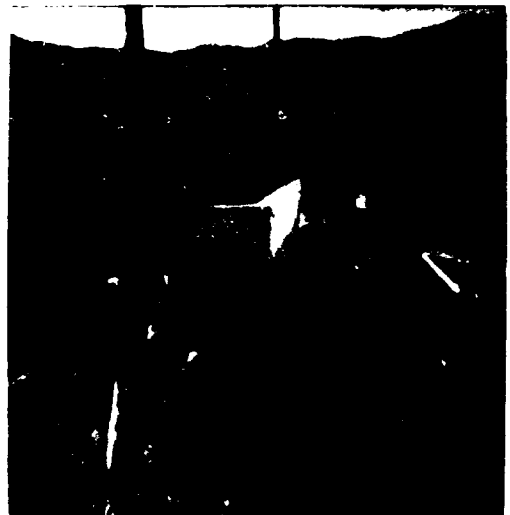
some wiring below Drain

PD #4 US Motor 60 Hp # R-7263-01-344 M
Aurora pump # 73-20818

37-0118

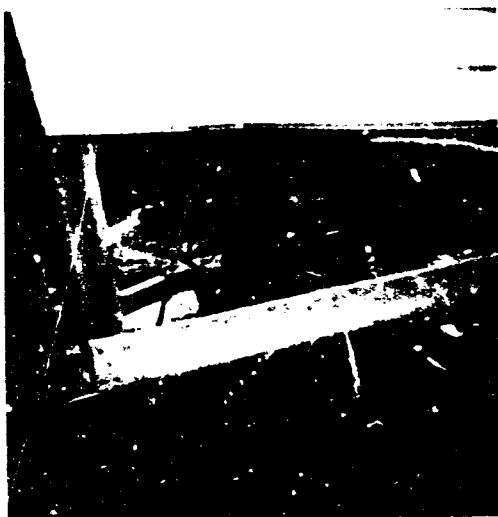


PD #1

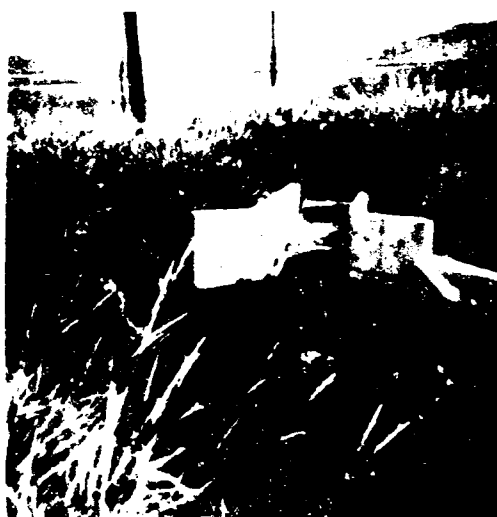


PD #2
(presently inactive)

87-0118



PD #1



PD #2

(presently inactive)

37-0118

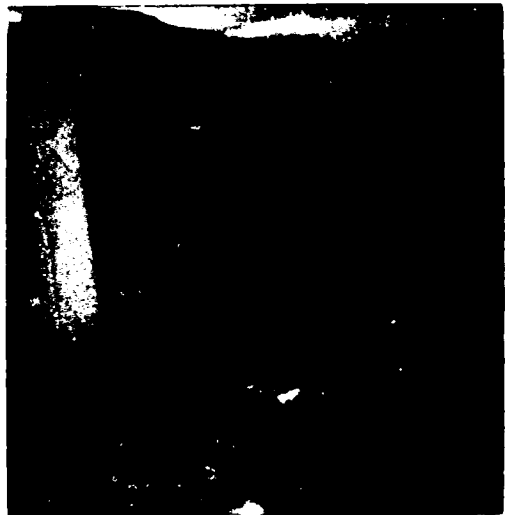


P2 93 ↑

(buried pipe from Drain to mainline)
(in east (upper) bank near photo
center)

P2 94

37-0118



PD 93 ↑

(buried pipe from Drain to mainline)
(in east (upper) bank near photo
center)

PD 94

This file has been Micro-
filmed and Destroyed.

Area photos are to be
retained.

TABLE 1: EVAPORATION AND WATER USE - SILVER CREEK AREA
 STATION - BICKETT FARM ON HW 20, ARS STUDY 1975
 PENMAN PROCEDURE MODIFIED BY J. L. WRIGHT FOR EVAPOTRANSPIRATION

MONTH	EVAPOTRANSPIRATION - MM/MONTH				WATER USE				DIFF	OFFSETTING
	REF.	ALF.	DRYLAND	POND	BEFORE		AFTER			
	(wetland)		(range)		Wetland	Range	Wetland	Pond		
					37 ac.	82 ac.	107 ac.	12.9 ac.		
					AF/MO	AF/MO	AF/MO	AF/MO		
April	47	34	34	69	5.7	9.1	16.3	2.9	4.4	8.5
May	170	101	98	134	20.6	26.4	59.1	5.7	17.8	25.2
June	204	196	41	156	24.8	11.0	70.9	6.7	41.8	46.4
July	193	152	18	161	23.4	4.8	67.1	6.9	45.8	37.9
August	172	172	16	141	20.9	4.3	59.8	6.0	40.6	42.9
September	138	104	7	119	16.7	1.9	48.0	5.1	34.5	25.9
October	78	52	25	64	9.5	6.7	27.1	2.7	13.6	13.0
SEASON	1002	801	180	844	121.6	64.2	348.3	36	198.5	199.8
	329	263		260						

Part of Attachment D.

RECEIVED

FEB 22 1991

Department of

1

REPORT ON
CONSUMPTIVE USE OF WETLANDS
AREAS
SILVER CREEK AREA, IDAHO
IN SUPPORT OF
APPLICATION FOR WATER RIGHT TRANSFER
BY JOHN FELL STEVENSON

BY

C. E. BROCKWAY P.E.

FEBRUARY 6, 1986

INTRODUCTION

John Feil Stevenson, who operates the Hillside Ranch in the Silver Creek drainage, plans to transfer water rights from 76 acres of currently irrigated alfalfa land in Section 29, T 1S, R 19E, Boise Meridian to wetlands areas to be created in Sec 28 and 29 T 1S, R 19E. This transfer is in conjunction with plans by the Nature Conservancy to enhance nesting habitat for wildfowl and convert some areas back into wetlands.

LOCATION OF LANDS

The lands in question lie south of State Highway 26 in Blaine County and are included in the watersheds and drainageways of the Buller drain and Patton Creek. The lands proposed for conversion to wetlands are in the vicinity of the junction of Patton Creek with Stalker Creek. Figure 1 shows the approximate area planned for wetlands. This area currently includes areas which support wetlands vegetative species and will be expanded by diverting Patton Creek flows from the Patton Drain back into the natural channel of Patton Creek and detention of those flows by means of a low earthen dam. The lands from which the proposed transfer is to be made lie in Section 29 T 1S R 19E and are irrigated from the Buller drain.

WATER RIGHTS

The lands from which decreed water rights are to be transferred are shown on the accompanying map. These fields are covered under the decree of S.C. Frost vs. Alturas Water Company recorded in the records of Blaine County in Book 3 at page 807, dated October 6, 1909. Rights are in the name of R.F. Buller and Rosa B. Buller for 400 inches applicable to 360 acres. Supplemental water from a groundwater source is applicable to the fields. This licensed rights is 37-2576 (old No. G-25823). The following table shows the rights applicable to specific lands.

INTRODUCTION

John Fell Stevenson, who operates the Hillside Ranch in the Silver Creek drainage, plans to transfer water rights from 76 acres of currently irrigated alfalfa land in Section 29, T 1S, R 19E, Boise Meridian to wetlands areas to be created in Sec 28 and 29 T 1S, R 19E. This transfer is in conjunction with plans by the Nature Conservancy to enhance nesting habitat for wildfowl and convert some areas back into wetlands.

LOCATION OF LANDS

The lands in question lie south of State Highway 26 in Blaine County and are included in the watersheds and drainageways of the Buller drain and Patton Creek. The lands proposed for conversion to wetlands are in the vicinity of the junction of Patton Creek with Stalker Creek. Figure 1 shows the approximate area planned for wetlands. This area currently includes areas which support wetlands vegetative species and will be expanded by diverting Patton Creek flows from the Patton Drain back into the natural channel of Patton Creek and detention of those flows by means of a low earthen dam. The lands from which the proposed transfer is to be made lie in Section 29 T 1S R 19E and are irrigated from the Buller drain.

WATER RIGHTS

The lands from which decreed water rights are to be transferred are shown on the accompanying map. These fields are covered under the decree of S.C. Frost vs. Alturas Water Company recorded in the records of Blaine County in Book 3 at page 807, dated October 6, 1909. Rights are in the name of R.F. Buller and Rosa B. Buller for 400 inches applicable to 360 acres. Supplemental water from a groundwater source is applicable to the fields. This licensed rights is 37-2576 (old No. G-25823). The following table shows the rights applicable to specific lands.

Table 1 Water Rights Applicable to Lands from Which Transfer is to be Made

Acreage	Location	Decree and/ or License	
<u>38.0</u>	S 29 NW1/4 NW1/4	Buller	37-2576
40.0	S 29 SW1/4 NW1/4	Buller	37-2576
<u>16.0</u>	S 29 SE1/4 NW1/4	Buller	37-2576

All of the above acres are part of the 360 acres (298 net irrigated) to which the 400 inches of water from the Buller drain are applicable. The proportionate part of the 400 inches applicable to the proposed 76 acres for transfer 102.0 inches. These fields have historically been in alfalfa or pasture.

EVAPOTRANSPIRATION

Water use by wetlands species will approximate the potential or reference evapotranspiration of a well watered grass or alfalfa crop. In 1975, the Agricultural Research Service in conjunction with a University of Idaho ground-water study installed weather stations in the Silver Creek area for the purpose of estimating seasonal reference evapotranspiration and crop evapotranspiration. One station was installed on the Harvey Bicket. farm just north of the Stevenson land on HW 26. Since 1975 was a reasonable representative weather year, data from that study has been used for estimated reference and crop ET. Using the Silver Creek weather data, the estimated seasonal reference evapotranspiration is 1002 mm(3.29ft.). Because of cutting the seasonal use of alfalfa is less than reference evapotranspiration. Seasonal use for alfalfa is estimated at 801 mm(2.63ft.) Evaporation from open water surfaces of small ponds can be approximated by the Kohler-Nordenson-Fox equation which is referenced in the ARS publication attached.

Table 2, attached to this report, shows the reference ET and monthly and seasonal estimates of ET for alfalfa, and open water or pond evaporation .

INCREASE IN WETLANDS

The proposal is to impound water near the junction of Stalker Creek and the Patton Creek drain, divert Patton Creek waters back into the former natural channel from the drain and create a total of 119 acres of wetlands area. Currently about 37 acres within the planned area are either open water or supporting wetlands species. These acreages were obtained from aerial photographs and recent color photography. Actual areas were delineated based on field determination of vegetative species, plotted on aerial photos and acreages determined by planimeter. The increased acreage of wetlands(82 acres) currently supports vegetation which transpires and stays green through June or early July but is dormant during the later

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summer and fall. Wright also estimated ET for waste or dryland for the 1975 season as shown in Table 2.

The areas which will be wetlands or open water under the proposal are shown in Table 3.

Table 3 Locations of Wetlands Areas Under Proposal

Section	Subdivision	Acreage
29	NE1/4 NE1/4	9
	SE1/4 NE1/4	1
28	NE1/4 NW1/4	3
	NW1/4 NW1/4	17
	SW1/4 NW1/4	23
	SE1/4 NW1/4	29
	NE1/4 SW1/4	14
	NW1/4 SW1/4	1
	NW1/4 SE1/4	13
	SW1/4 NE1/4	<u>6</u>
	Total	119

Location of the proposed wetlands areas are shown on the enclosed Figure 1. It is estimated that 12 acres of the 119 acres will be open water under full development.

WATER USE INCREASE

Table 2 shows the estimated monthly and seasonal water use in the area of the proposed new wetlands before and after the project. Water use by vegetation on the 82 acres of range land or currently not in wetlands is estimated by the ET on dryland as published by Wright. Current total water use by range land and wetlands before the proposed project is estimated to be 185.9 ac.ft per season. The total water use of the 107 ac. of wetlands and 12 acres of pond after the project is fully developed is estimated at 384.9 ac.ft. resulting in an increased consumptive use or depletion of 199 ac. ft. per season.

In order to mitigate the increased seasonal depletion, it is proposed to transfer water rights from sufficient alfalfa land currently irrigated from the Buller drain. Seventy six(76) acres of alfalfa will be taken out of production with a resulting decrease in seasonal evapotranspiration of 199.7 ac.ft. as shown in Table 2. Those acreages from which water rights are to be transferred are shown in Table 4.

Table 4. Acreage from which Decreed Water is to be Transferred

Location	Acres
Sec. 29 NW1/4 NW1/4	31.0
SW1/4 NW1/4	33.0
SE1/4 NW1/4	12.0
Total	76.0

The Patton drain which diverts water from the natural drainage of Patton Creek eastward into Stalker Creek was constructed in the 1950's apparently to decrease the water table in the vicinity and dry up some of the natural wetlands area in the Patton Creek-Stalker Creek junction. In order to determine whether or not the Patton drain is a losing or gaining channel, inflow-outflow measurements were made in March 1985. Measurements were also made on the total inflow to the area in question to determine net gain or loss during the low ground-water period. Table 5 shows the measurements in 1985 and similar measurements made by the USGS in 1975.

Table 5 Water Measurements- Patton Creek-Stalker Creek Drainage 1975 and 1985

Location	USGS 5-20-75	USGS 6-24-75	USGS 9-30-75	C. Brockway 3-18-85
Buller Dr. @H.W 26	5.11	19.9	8.2	6.37
Patton Cr. @H.W 26	5.94	31.9	21.8	7.10
Stalker Cr. Below Marsh		46.2		18.91
Gain or loss		-5.6		+5.44
Patton Dr. @Diversion				0.30
Patton Dr. @Stalker Cr.				4.01
		Net Gain		+3.71

These measurements show that during the period when the ground-water table is at the lowest elevations in the early spring, there is a net gain in the entire area. Therefore, as the water table rises from early spring through fall, there should be an even greater gain ;particularly through the July-September period.

Similarly, since the Patton Drain gains during the lowest ground-water table period, there should be no loss in the drain during any period of the year. Decreasing the diversion through the Patton Drain could therefore induce increased gain from the groundwater by keeping the level in the drain low with respect to the ground-water elevation.

CONCLUSION

Transfer of water rights from 76 acres of irrigated alfalfa in Section 29 will more than mitigate the increased consumptive use of wetlands areas under the proposal. Diversion of 102.0 nches(2.02cfs) of water appurtenant to the 76 acres from the Buller Drain through the natural channel of Patton Creek will not decrease the available flow for diversion below the Patton Creek-Stalker Creek confluence. The proposed change in place of use will create approximately 12 acres of open water and approximately 107 acres of wetlands habitat for wildfowl.

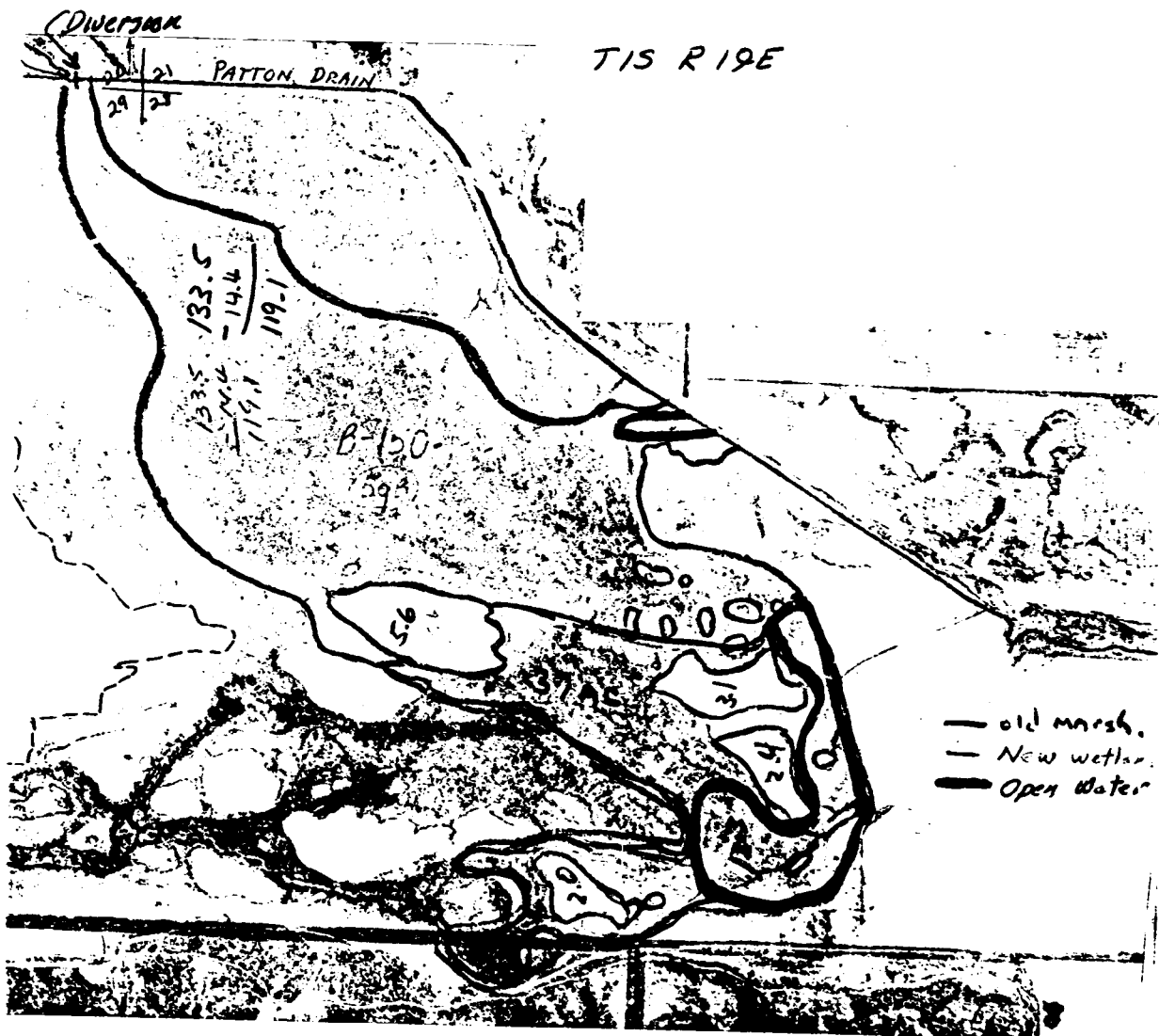


**Table 2 Evapotranspiration and Crop Water Use for Water Right
Transfer in Silver Creek Area-John Fell Stevenson**

W A T E R U S E										
MONTH					(BEFORE)		(AFTER)		(DIFF)	
	EVAPOTRANSPIRATION#				WETLAND	RANGE	WETLAND	POND	ALFALFA	
	REF.	ALF	WASTE	POND	37 AC	82 AC	107 AC	12 AC	76 AC	
	MM/MONTH				AF/MO.		AF/MO.	AF/MO.	AF/MO.	AF/MO.
APRIL	47	34	34	69	5.7	9.1	16.4	2.7	4.3	8.5
MAY	170	101	98	134	20.6	26.4	39.6	5.3	17.9	25.2
JUNE	204	186	41	156	24.8	11.0	71.7	5.1	42.0	46.4
JULY	193	152	18	161	23.4	4.8	67.8	6.3	45.8	37.9
AUGUST	172	172	16	141	20.9	4.3	60.4	5.6	40.8	42.9
SEPT	138	104	7	119	16.8	1.9	48.4	4.7	34.5	25.9
OCTOBER	70	52	27	64	9.4	6.7	27.3	2.5	13.7	13.0
SEASON	1002	801	239	843	121.6	64.3	351.7	33.2	199.0	199.7

*Station-Bickett farm and HW 26 ARS Study 1975
Penman procedure modified by J.L. Wright



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

16-Feb-1993

R. KEITH HIGGINSON
Director

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Transfer of Water Right No. (T# 4060),
37-00118B, A37-00118B) Stevenson

Dear Mr. Peterson:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Sincerely,

Douglas Jones, E.I.T.
Water Resources Engineering Specialist

DJ:MB

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Mar-1993

R. KEITH HIGGINSON
Director

JOHN F STEVENSON
#36 HILLSIDE RANCH RD
BELLEVUE ID 83313

Re: Application for Transfer No. 4060, (37-0118B, A37-0118B)

Dear Mr. Stevenson:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the Wood River Journal on 3/10 and 3/17/93. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that JOHN F. STEVENSON of Bellevue, ID has applied to the Department of Water Resources for changes to point of diversion, place of use, nature of use, period of use and to split a Snake River Basin Adjudication claim from surface water sources and further classified as Transfer # 4060.

The rights to be changed authorize diversion of water from surface water sources (Buhler Drain, tributary to Stalker Creek) and (Swamp, Buhler Drain tributary to sinks) located in S20, S28, & S29, T01S, R19E within Blaine County. The rights are recorded in part as follows:

Number	Priority	Amount	Acres
37-000118	07-01-1904	8.0 cfs	300
A37-00118	07-01-1904	8.0 cfs	432

TO BE CHANGED AS FOLLOWS

Portions of these water rights (37-00118B, A37-00118B) will be diverted from Buhler Drain tributary to Stalker Creek located in S28, T01S, R19E and will be used for year round Wildlife Storage within Blaine County using a total storage volume of 159 afa.

Any protest against approval of the above proposal must be filed with the DEPARTMENT OF WATER RESOURCES, 222 SHOSHONE ST. E., TWIN FALLS ID 83301 on or before March 29, 1993.

R. Keith Higginson, Director

Published in Wood River Journal on 3/10 & 3/17/93.



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3000

CECIL D. ANDRUS
Governor

02-Mar-1993

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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WATER RIGHTS

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Number: 37-000118
Priority: 07-01-1904
Amount: 8.0 cfs
Acres: 300

Number: A37-00118
Priority: 07-01-1904
Amount: 8.0 cfs
Acres: 432

TO BE CHANGED AS FOLLOWS

Portions of these water rights (37-001188, A37-001188) will be diverted from Buhler Drain tributary to Stalker Creek located in S28, T01S, R19E and will be used for year round Wildlife Storage within Blaine County using a total storage volume of 159 afu.

Any protest against approval of the above proposal must be filed with the DEPARTMENT OF WATER RESOURCES, 222 SHOSHONE ST. E., TWIN FALLS ID 83301 on or before March 29, 1993.

R. Keith Higgsom, Director

Published in Wood River Journal
on 3/10 & 3/17/93.

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Priority: 07-01-1904
Amount: 8.0 cfs
Acres: 300

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R. Keith Higginson, Director

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Acres: 432

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Any protest against approval of the above proposal must be filed with the DEPARTMENT OF WATER RESOURCES, 222 SHOSHONE ST. E., TWIN FALLS ID 83301 on or before March 29, 1993.

R. Keith Higginson, Director

Published in Wood River Journal
on 3/10 & 3/17/93.

RECEIVED

MAR 08 1993

HILLSIDE RANCH

36 HILLSIDE RANCH ROAD, BELLEVUE, ID 83313

Department of Real Estate
S. Albertson, 301-22

3-5-93

Dear Mr. Jones.

Thank you for your two
letters of March 1st. In accordance
with paragraph four I am
enclosing a copy of a deed
to property, which includes the
subject property.

Sincerely yours.

J. L. Stevens

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 1060

MAR 29 1993

Department of Water Resources
Southern Region Office

RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood, Little Wood, River
& Silver Creek
of Water District No. 37 & 37M, County of Lincoln, Blaine & Gooding, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352

have read the attached copy of the application for transfer of water right for _____

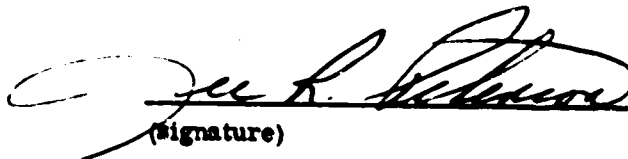
John F Stevenson, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: A measuring device be installed within the spillway
for measurement into Stalker Creek and a right of way to the structure
for the Watermaster and Deputy.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 5th day of March, 1993.


(Signature)

Please use reverse side if needed.



IDAHO FISH & GAME

REGION 4

868 East Main Street
Jerome, ID 83338
(208) 324-4350

RECEIVED

MAR 23 1993

Department of Water Resources
Southern Region Office

March 19, 1993

Mr Loren Holmes
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RE: Water Right Transfers 4059 and 4060

Dear Loren,

We would like to protest the above mentioned water right transfers on the grounds that not enough information is provided to fully evaluate impacts to fish and wildlife. We have also received unconfirmed reports that an illegal stream alteration may also have already occurred to complete one of the proposed transfers.

When conditions allow we would like to meet on-site with the applicant and Id. Dept. of Water Resource agent for further explanation. Please contact Dave Parrish, Environmental Staff Biologist for the on-site meeting.

Sincerely,

for Carl H. Nellis
Regional Supervisor

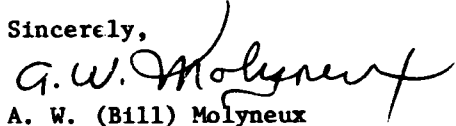
cc: IDFG-Natural Resource Policy Bureau (Robertson)
IDFG-Legal (Goddard)
IDFG-Hayspur (Esselman)

Cecil D. Andrus / Governor
Jerry M. Conley / Director



I, Bill Molyneux, do hereby protest Application for Transfer #4059 & 4060 in the name of John Stevenson. I believe that approval of these transfers will damage downstream water users by reducing stream flows thru increased seepage and evaporation losses.

Sincerely,



A. W. (Bill) Molyneux
117 1/2 Gannett-Picabo Rd.
Bellevue, ID
83313

3-18-1993

RECEIVED

MAR 18 1993

Department of Water Resources
Southern Region Office

R. Keith Bigham, Director
 Publish: Wood River Journal
 March 10 & 17, 1993

AFFIDAVIT of PUBLICATION

NOTARY PUBLIC

State of Idaho, }
County of Blaine } SS.

March 9, 1993
Department of Water Resources
Snake River Basin

On this 17 day of March, in the year 1993 before me a Notary Public of said State, personally appeared **DANIEL J. CORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 10 day of March, 1993, and the date of the last publication was on the 12 day of March, 1993

Subscribed and sworn to before me this 17th day of March, 1993.
(SEAL)

NOTARY PUBLIC

#8598
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Pages per Line _____
Number of Lines in Notice 72
Number of Insertions _____
Lines tabular at _____ 6c Pica
Lines straight at 54.00 5c Pica
Subsequent lines at 32.40 4c Pica
TOTAL COST 76.40

COPY OF NOTICE (Paste Here)

Proposed Change of

TITLE OF NOTICE

Water Rights

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO T.F.

Proposed Change of Water Rights

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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Number: 37-000118
Priority: 07-01-1904
Amount: 8.0 cfs
Acres: 300

Number: A37-06118
Priority: 07-01-1904
Amount: 8.0 cfs
Acres: 432

TO BE CHANGED AS FOLLOWS

Portions of these water rights (37-00118, A37-06118) will be diverted from Buhler Drain tributary to Stalker Creek located in S20, T01S, R19E and will be used for 3000 round Wildlife Storage within Blaine County using a total storage

volume of 159 afs.

Any protest against approval of the above proposal must be filed with the DEPARTMENT OF WATER RESOURCES, 222 SHOSHONE ST. E., TWIN FALLS ID 83301 on or before March 29, 1993.

R. Keith Higginson, Director

Publisher, Wood River Journal
March 10 & 17, 1993

RECEIVED

MAR 26 1993

Department of Water Resources
Southern Region Office

March 25, 1993

OBJECTION TO CHANGE OF WATER RIGHT

Dean R Rogers Inc. objects to the transfer of water from Buhler Drain into a man made duck pond. The water should be used as permitted for beneficial use not a duck pond.

If the water in question is used for nonconsumption use measuring devises must be in place before such use is started. Before a change of water permit is granted, there should be a history established to prove or disprove what happens to the water flow in and out of the man made pond.

Buhler Drain {permit no. 37-00118B - A37-00118B) does not now flow 8 c.f.s of water on the wettest of years. How can 8 c.f.s. of water be guaranteed without infringing on other people's water rights?

The change of water permit no. A37-02576 should not be allowed as the original permit was issued as supplimental to Buhler Drain not instead of Buhler Drain water.

Permit No. A37-02576 is well water not drain or surface water, where as Buhler Drain is surface water.

Thank You,


Dean R Rogers III


Dean R Rogers JR

John Flood
Queen's Crown Ranch
Star Route, Box 317
Picabo, ID 83348

RECEIVED

MAR 26 1993

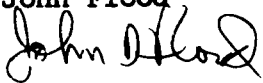
Department of Water Resources
Southern Region Office

March 23, 1993

To Whom It May Concern:

I, John Flood, am protesting the application of John Stevenson's transfer of water right #4060 N.W. section S.E. section 19 E. Blaine County, damming of flow of irrigation water for purposes of creating a marsh.

John Flood

A handwritten signature in dark ink, appearing to read "John Flood", written over the printed name.

John Flood
Queen's Crown Ranch
Star Route, Box 317
Picabo, ID 83348

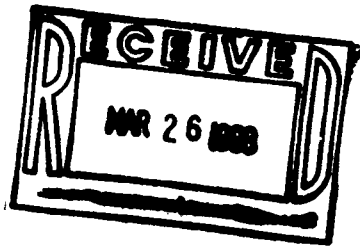
March 23, 1993

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John Flood

John Flood



RECEIVED

MAR 26 1993

Department of Water Resources
Southern Region Office

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
836-2331

FEBRUARY 11, 1993

IDAHO DEPARTMENT OF WATER RESOURCES
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Application for Permits No.
37-0000118, A37-00118, 37-00118B,
A37-00118B, 37-02576 & A37-02576
John F. Stevenson

The Big Wood Canal Company would like to protest the applications filed by JOHN F. STEVENSON on grounds the diversion and transfer of this water could be detrimental to the storage of irrigation water in Magic Reservoir.

Sincerely,


Richard M. Oneida
Manager

RMO/mae

RECEIVED

MAR 29 1993

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

Loren Holmes
Idaho Department of
Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

March 26, 1993

Dear Loren,

The Advisory Board of Water District 37 & 37M choose to
protest the John Stevenson transfers \$4059 And \$4060.

Members of the of the Board include Jim Eakin, Jerry
Nance, Bob Esterbrook, John Koyle, Brian Ross, Bill
Arkoosh, Bud Purdy and Kenneth Ohlinger.

Sincerely,

Jerry Nance
Advisory Board
Water District 37 & 37M

RECEIVED

MAR 29 1993

Department of Water Resources
Southern Region Office

RECEIVED

MAR 29 1993

Department of Water Resources
Southern Region Office

March 26, 1993

Protest of John F. Steveson Proposed Water Rights

We the undersigned protest the transfer of water from Buhler Drain transfer number 4060 because:

If the water in question is used for nonconsumption use measuring devices must be in place before such use is started. Before a change of water permit is granted, there should be a history established to prove or disprove what happens to the water flow in and out of the man made pond.

Buhler Drain (transfer number 4060) does not now flow 8 c.f.s of water on the wettest of years. How can 8 c.f.s of water be guaranteed without infringing on other people's water rights?

The change of water transfer number 4059 should not be allowed as the original permit was issued as supplemental to Buhler Drain not instead of Buhler Drain water.

Transfer number 4059 is well water not drain or surface water, where as Buhler Drain is surface water.

Thank You.,

NAME

ADDRESS

Richard L. Boring
Jordan Brown
Craig Vaughn
Lois M. Vaughn
Clint Vaughn

151 West Main road Shasta, Id 83312
Box 513 Shasta, Id
122E 102N Richfield, Id. 83399
1095N 850 Richfield Id 83399
1095N 850E Richfield Id 83399

RECEIVED

MAR 29 1993

Department of Water Resources
Southern Region Office

March 26, 1993

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The change of water transfer number 4059 should not be allowed as the original permit was issued as supplemental to Buhler Drain not instead of Buhler Drain water.

Transfer number 4059 is well water not drain or surface water, where as Buhler Drain is surface water.

Thank You,

NAME	ADDRESS
<u>Evan Huthrie</u>	<u>200E-42N - SH-SH-NE-10000</u> § 3322
<u>Pete Byell</u>	<u>Box 15 Richfield Ia 83349</u>
<u>Lesley R. Hulsmitt</u>	<u>Box 65 Richfield 83349</u>
<u>Rich Payne</u>	<u>Box 113 Cary Idaho 83720</u>
<u>Jim R. Utter</u>	<u>554 E Hy 26 Richfield 83349</u>
<u>Walter Schodens</u>	<u>Box 87 Shoshone Id 83352</u>



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

07-APR-1993

R. KEITH HIGGINSON
Director

DEAN R ROGERS III
28 HILLSIDE RANCH RD
GANNETT ID 83313

RE: APPLICATION FOR TRANSFER NO. 4059 (37-02576) & T# 4060
(37-02576)

Dear Mr. Rogers:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

07-APR-1993

R. KEITH HIGGINSON
Director

CLINT & LOUIS VAUGHN,
1095 N 850 E
RICHFIELD ID 83349

RE: APPLICATION FOR TRANSFER NO. 4059 (37-02576) & T# 4060
(37-02576)

Gentlemen:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

ECIL D. ANDRUS
Governor

07-APR-1993

A. KEITH HIGGINSON
Director

JERRY NANCE
WATER DISTRICT #37, 37M
PO BOX T
SHOSHONE ID 83352

RE: APPLICATION FOR TRANSFER NO. 4059 (37-02576) & T# 4060
(37-02576)

Dear Mr. Nance:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

Lh:MB
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

07-APR-1993

R. KEITH HIGGINSON
Director

JOHN D FLOOD
STAR RT BOX 317
PICABO ID 83348

RE: APPLICATION FOR TRANSFER NO. 4060 (37-02576)

Dear Mr. Flood:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

07-APR-1993

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JOHN F STEVENSON
#36 HILLSIDE RANCH RD
BELLEVUE ID 83313

RE: APPLICATION FOR TRANSFER NO. 4059 (37-02576) & T# 4060
(37-00118B)

Dear Mr. Stevenson:

Enclosed are copies of protests filed against the above referenced applications.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)



IDAHO FISH & GAME

REGION 4

868 East Main Street / Box 428
Jerome, Idaho 83338-0428

June 24, 1993

Mr Loren Holmes
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RECEIVED

JUN 28 1993

Department of Water Resources
Southern Region Office

RE: Water Right Transfers 4059 and 4060

Dear Loren,

After the 6/22/93 site review of this proposed transfer we will withdraw our protest of water right transfers 4059 and 4060. We appreciate your cooperation in this matter.

Sincerely,

Carl H. Nellis
Regional Supervisor

cc: IDFG-Natural Resource Policy Bureau (Robertson)
IDFG-Legal (Goddard)
IDFG-Hayspur (Esselman)
Stevenson



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

29-Jun-1993

R. KEITH HIGGINSON
Director

CARL H NELLIS
IDAHO FISH & GAME
PO BOX 428
JEROME ID 83338

RE: Application for Transfer No. 4059 (37-02576 & T# 4060
(37-0118)

Dear Mr. Nellis:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since there were multiple protestants, the concerns of the other protestants will need to be addressed by the Department before final processing of the application can be completed.

The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: John F. Stevenson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2002

John F. Stevenson
#36 Hillside Ranch Rd
Bellevue, ID 83313

RE: Transfer Application No. 4059 and 4060

Dear Mr. Stevenson:

As you may recall several years ago you filed two applications for transfer to modify water rights from ground water and the Buhler Drain in association with development of a wildlife area. Both transfer applications were protested by numerous water users in the area. To date no conference or hearing has been held regarding these protested matters.

The purpose of this letter is to inquire of your continued interest in your applications. Please let me know within 30 days of your continued interest.

Do you want to withdraw the applications? Do you want our office to continue to hold the applications? Do you want to schedule a conference and/or a hearing? What dates are you available to hold a conference?

If you have questions, please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

4044
RECEIVED

MAY 13 1991

DUPLICATE ORIGINAL

Department of Water Resources
Southern Region Office

A G R E E M E N T

THIS AGREEMENT, made this 29th day of December, 1972, between FRANK G. PIERRET, JR., and PATRICIA R. PIERRET, husband and wife, of Hailey, Idaho, herein called "Seller", and JOHN FELL STEVENSON, an unmarried man, of San Francisco, California, herein called "Buyer",

W I T N E S S E T H :

1. That the Buyer agrees to buy and the Seller agrees to sell real property in Blaine County, Idaho, set forth and described on Exhibit "A" annexed hereto with the water rights appurtenant thereto as described and set forth on Exhibit "B", and the grazing privileges on said public lands of the United States received from the United States Department of Interior, Bureau of Land Management, in connection with the above land as set forth and described on Exhibit "C", ~~and all personal property situated to be all grazing privileges owned by Seller usable in the operation on said real property and used in the operation thereof,~~ which grazing privileges Seller warrants of the property or the adjoining ranch previously owned by Seller.

2. The purchase price of all the above-mentioned property, appurtenant rights ~~and personal property~~ is \$525,000.00, payable as follows:

(a) The sum of \$5,000.00 heretofore paid as earnest money on November 18, 1972; \$122,000.00 upon execution hereof, receipt of which by the escrow agent hereinafter mentioned, on behalf of Seller, is hereby acknowledged. Interest shall be charged on the remaining

balance of \$398,000.00, and on the unpaid balances thereof from time to time existing from December 29, 1972, at the rate of 6-3/4 percent per annum. Interest in advance in the amount of \$26,865.00 on said sum of \$398,000.00 for the period from December 29, 1972, to December 29, 1973, shall be paid on December 29, 1972.

(b) On December 29, 1973, and on December 29th of each year thereafter the balance of said purchase price, to wit: the sum of \$398,000.00, shall be paid in full in twenty (20) equal installments of principal and interest, in advance, on the remaining unpaid balance of said purchase price; provided, however, that at any time and from time to time Buyer may pre-pay the whole or any part of such unpaid prin-

cipal balance without penalty or charge, except any penalty charged by Conn. Gen. Life Ins. Co. with respect to mortgage hereinafter mentioned.

3. It is understood that the premises subject to this contract of sale are or will be subject to a mortgage to Connecticut General Life Insurance Company in the amount of not more than \$190,000.00 payable in equal annual payments of principal and interest on said mortgage sufficient to pay in full the indebtedness secured by said mortgage on or before December 29, 1992. The debt which said mortgage secures carries a higher interest rate than 6-3/4 percent specified in this contract. It is agreed that the escrow agent hereinafter mentioned, who shall make the collections on this contract, will, out of such collections, remit to the holder of said mortgage the annual

payments of principal and interest required by such mortgage note and no portion of the payments made by Buyer hereunder, including the sums acknowledged to be paid pursuant to Paragraph 2(a) hereof, shall be paid to or on behalf of Seller by said escrow agent unless and until the property is free and clear of all liens and encumbrances, except liens for current real property taxes and assessments not delinquent and said mortgage. Seller shall deliver to Buyer a true copy of said mortgage and mortgage note upon recordation of said mortgage and no payments shall be made to or on behalf of Seller by said escrow agent prior thereto.

4. Coincident with the execution of this contract, Seller is executing a Warranty Deed in form attached hereto conveying the premises to the Buyer free and clear of all encumbrances. Such deed shall be deposited with the Twin Falls Bank & Trust Company in Twin Falls, Idaho, as escrow agent, together with a copy of this contract. Said escrow agent is hereby instructed, and by execution hereof hereby agrees, to make the annual collections herein required; to make the mortgage payments to Connecticut General Life Insurance Company above mentioned; to deliver the balance of such annual payments to the Seller only in accordance with this contract; and, when all of the principal and interest payments required by this contract have been made by Buyer to said escrow agent, to deliver said deed to the Buyer, through recordation thereof, whether or not said sums have been paid to or on behalf of Seller. Costs of closing escrow and

cost of opening collection escrow shall be shared equally between Buyer and Seller. Other escrow charges are to be paid by Seller.

5. It is understood that water rights are appurtenant to the land and will follow the title to the real property. Grazing rights are more in the nature of privileges granted by the Bureau of Land Management of the United States Department of Interior, and as such they are subject to revision from time to time by the Bureau; they will be extended by the Bureau to the contract purchaser and be shown on the government records as being in his name.

6. For the security of the Seller, the Buyer agrees that during the period of this contract, he will

(1) Enter into possession of the premises and farm or cause to be farmed the tillable land and graze the remainder thereof, all in accordance with the practices of good land and animal husbandry, so that the same will not deteriorate or be depleted unreasonably.

(2) Commit no waste on the premises or suffer any to be committed.

(3) Do no act or suffer any omission that will result in a default or delinquency with respect to the Connecticut General Life Insurance Company mortgage.

(4) Do no act or suffer any omission that will impair the validity, integrity, or ~~full~~

11-15
1-10
~~benefit to the premises~~ of the grazing rights
subject to this contract or the water rights
appurtenant to the premises.

(5) Pay when due any real estate
taxes, water assessments, and grazing fees
with respect to the premises for the year 1973
and subsequent years, provided Seller has de-
livered to Buyer all bills therefor and if not
so delivered Seller shall pay all interest and
penalties.

(6) Keep the improvements on the
premises in a reasonable state of repair, but
permit no labor or materialman's lien to attach
to the premises.

(7) Keep the improvements on the
premises insured to their reasonable replacement
value or as required by said mortgage, whichever
amount is greater. Subject to requirements of
the mortgage, any insurance premiums received
for any loss may at option of Buyer be used to
restore or repair damaged improvements or be
applied on balance of contract debt. Existing
insurance premiums shall be prorated to
January 1, 1973.

7. The risk of loss to the improvements on
the premises is the responsibility of the Buyer from the
date of the execution of this contract.

8. The Seller, at its expense, shall furnish
to Buyer on December 29, 1972, from a title insurance

company authorized to do business in Blaine County, Idaho, approved by Buyer, an owner's policy of title insurance insuring Buyer in the amount of \$525,000.00, that title to the property is vested in the Seller free and clear of all matters except and subject only to items 1 through 5, 8 and 10 of exceptions to title shown in the Preliminary Report No. 4044 of Land Title Guaranty Company, dated as of December 4, 1972; the mortgage described in Paragraph 3 hereof, if then of record, or, if said mortgage is not then of record, items 6 and 11 shown in said Preliminary Report; and this Agreement. In the event said mortgage is not of record on December 29, 1972, then upon release of the lien of items 6 and 11 and recordation of said mortgage, Seller, at Seller's sole cost and expense, shall cause said title insurance policy to be amended by indorsement deleting said items and adding said mortgage as a lien senior and superior to the interest of Buyer under this Agreement.

Seller will also furnish such proof of the existence of grazing rights and water rights as may be reasonable required by the Buyer.

9. Buyer shall have possession of the premises on January 1, 1973, except that possession of the dwelling and feed lots on the premises need not be delivered until May 1, 1973. During the period of January 1 through May 1, 1973, Seller as agent for the Buyer will watch over the premises not in actual possession of the Buyer and keep Buyer informed as to any matters indicating a need for care of the premises or any matter jeopardizing the Buyer's

rights thereto. In the spring of 1973 Seller will oversee the planting of 1973 crops and will show the Buyer how and the location of the grazing privileges the irrigation system works/ The Seller shall have no other duties to the Buyer after May 1st, unless further agreement of the parties is made with respect thereto.

10. It is agreed by and between the parties that Buyer has examined the premises and is relying on such inspection and not upon any representation, claims or warranties of the other party as to the fertility of the soil, existence or nonexistence of noxious weeds.

11. As long as Buyer fully performs all of the covenants and agreements on his part herein contained, he shall be entitled to continued peaceful and quiet possession of the premises. In the event that Buyer fails to make any of the payments herein agreed to or otherwise by act or omission breaches any of his covenants or agreements with the Seller, then it shall be optional with the Seller,

(a) To declare all of the unpaid balance on this contract immediately due and payable and bring action for collection of the same in any court of competent jurisdiction. In this connection, it is agreed that Seller at all times has a lien upon the equitable interest of the Buyer in the premises subject hereto; and in any action for the collection of moneys under this contract, Seller may have foreclosure of Buyer's interest in the premises.

(b) To declare this contract terminated and all of the Buyer's interest in said premises wholly forfeited, to retain all payments heretofore received hereunder as liquidated damages, to demand and receive from the escrow agent all of the escrow papers, and to enter into and take possession of all of the property subject to this contract, which possession Buyer agrees peaceably to yield up.

(c) Provided, however, that before either of the remedies of the Seller herein given may be exercised, the Seller shall give to the Buyer written notice specifying Buyer's default or delinquency and the Buyer shall have a period of ninety (90) days from the time of the service of said notice to correct the default or delinquency so specified. In this connection, notice of default or delinquency shall be deemed properly given when mailed to the Buyer by ordinary or certified mail at Buyer's post office address as furnished to the escrow agent upon the establishment of the escrow herein provided or any other time, and such notice shall be deemed given when deposited in any United States Post Office so addressed to the Buyer with postage prepaid; provided, further, that in the event of any default or delinquency of the Buyer, Seller shall have and recover from

the Buyer attorney's fees and other expenses reasonably incurred by Seller in the preparation and service of any notice herein required or the collection of any funds or the obtaining of the possession of any contract property with or without suit.

12. Seller warrants that the property consists of not less than 1750 acres and that the purchase price of the property was agreed to be \$300.00 per acre. Seller further warrants that all real estate commissions shall be paid by Seller and Buyer shall have no liability therefor.

13. Seller is a party defendant in that certain action Civil No. 3588 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, which action seeks to determine the rights of the parties to take water from the property and other properties. Seller agrees to hold Buyer free, clear and harmless from and to indemnify and defend Buyer against any and all loss, cost, expense, damage, claims, action or causes of action, including attorney's fees and expenses, arising out or as a result of or incurred in connection with said action.

14. In the event of action to enforce any of the terms, conditions or covenants of this Agreement, the prevailing party in such action shall pay to the

unsuccessful party therein a reasonable attorney's fee which shall be fixed by the court.

IN WITNESS WHEREOF, the parties have signed this Agreement and day and year first above written.


FRANK G. PIERRET, JR.


PATRICIA G. PIERRET

Seller


JOHN FELL STEVENSON

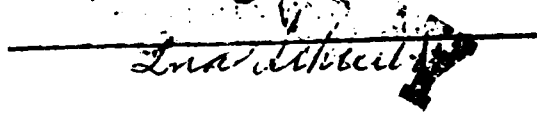
Buyer

The undersigned, Twin Falls Bank & Trust Company, hereby agrees to act as escrow agent pursuant to and in accordance with the foregoing agreement.

Dated: December 29, 1972.

TWIN FALLS BANK & TRUST COMPANY

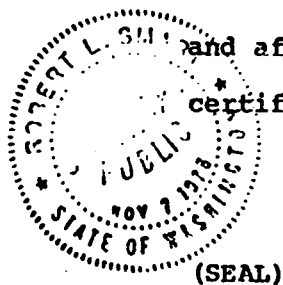
DEC 29 1972

By 

STATE OF ^{Washington} IDAHO)
County of Lewiston) ss.

On this 25th day of December, 1972, before me, a Notary Public in and for said State, personally appeared FRANK G. PIERRET, JR., and PATRICIA R. PIERRET, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

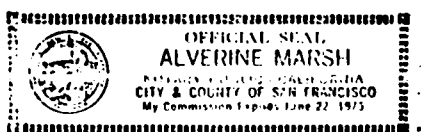


[Signature]
NOTARY PUBLIC IN AND FOR IDAHO
Residing at : Lewiston

STATE OF CALIFORNIA)
City and County of San Francisco) ss.

On this 22nd day of December, 1972, before me, a Notary Public in and for said State, personally appeared JOHN FELL STEVENSON, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Alverine Marsh
NOTARY PUBLIC IN AND FOR
CALIFORNIA
Residing at : San Francisco

My Commission Expires June 22, 1975

EXHIBIT A.

DESCRIPTION:

PARCEL I:

TOWNSHIP 1 SOUTH of RANGE 19 EAST of the BOISE MERIDIAN, BLAINE
COUNTY, STATE OF IDAHO:

SECTION 19: E $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; all that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of the public road;

SECTION 20: $W\frac{1}{2}SW\frac{1}{4}$; all that portion of the $NW\frac{1}{4}NW\frac{1}{4}$ lying South of the public road; $NE\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}$; all of the $NE\frac{1}{4}NW\frac{1}{4}$ EXCEPT that portion thereof decded to the State of Idaho by deed recorded February 10, 1969, under Recorder's Instrument No. 132006, records of Blaine County, Idaho;

SECTION 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$;

SECTION 28: S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;

SECTION 29: $E\frac{1}{2}NE\frac{1}{4}$; $SW\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NW\frac{1}{4}$; $SE\frac{1}{4}NW\frac{1}{4}$; $N\frac{1}{2}SW\frac{1}{4}$; $N\frac{1}{2}SE\frac{1}{4}$.

SECTION 30: $E\frac{1}{2}NE\frac{1}{4}$;

SECTION 33: $E\frac{1}{2}NE\frac{1}{4}$;

PARCEL II:

TOWNSHIP 1 SOUTH of RANGE 19 EAST of the BOISE MERIDIAN, BLAINE
COUNTY, STATE of IDAHO:

SECTION 20: SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;

SECTION 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$;

PARCEL III:

TOWNSHIP 1 (NORTH) of RANGE 18 EAST of the BOISE MERIDIAN, BLAINE COUNTY, STATE of IDAHO:

SECTION 24: SE¹/₄ SE¹/₄:

TOWNSHIP 1 (NORTH) OF RANGE (19) EAST of the BOISE MERIDIAN, BLAINE
COUNTY, STATE of IDAHO:

SECTION 19: Lot 4, 417th St. 10

SECTION 30: Lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$:

PARCEI TV

ALL SELLER'S INTEREST INTO AND UNDER IDAHO STATE LAND LEASE NO. 50-3 COVERING 600 ACRES OF LAND.

EXHIBIT "B"

WATER RIGHTS OF HILLSIDE RANCH

PARCEL I

SE 1/4 SF 1/4, Section 24, Township 1 North, Range 18 E.B.M., the SW 1/4 SW 1/4 of Section 19, and the N 1/2 NW 1/4, Section 30, all in Township 1 North, Range 19, E.B.M., Blaine County, Idaho.

Decreed Water

160 inches as per that certain decree of S.C. Frost vs. Alturas Water Company recorded in the records of Blaine County in Book 3 at page 807, dated October 6, 1909. Said rights in the decree are in the name of Utah and Idaho Improvement Company and each right is appurtenant to all of Parcel I. The rights are:

- 40 inches with a priority date of October 15, 1884.
- 40 inches with a priority date of June 12, 1886.
- 80 inches with a priority date of June 15, 1891.

Licensed Water

State of Idaho water license number G-29666/37-2656 from a subterranean source with a point of diversion in the SW 1/4 SW 1/4, Section 19, Township 1 North, Range 19, E.B.M., for a maximum diversion of 4.17 c/f/s/ to the maximum of 453 acre feet per year. Under priority date of April 27, 1961, appurtenant as follows:

Township 1 North, Range 18, E.B.M., Section 24, 36 acres in SE 1/4 SE 1/4;

Township 1 North, Range 19, E.B.M., Section 19, 39 acres in SW 1/4 SW 1/4;

Township 1 North, Range 18, E.B.M., Section 30, 39 acres in NE 1/4 NW 1/4, 37 acres in NW 1/4 NW 1/4.

PARCEL II

Township 1 South of Range 19, E.B.M., Blaine County, Idaho:

- Section 19: E 1/2 SE 1/4, SE 1/4 NE 1/4, all that portion lying South of the public road;
- Section 20: W 1/2 SW 1/4, all that portion of the NW 1/4 NW 1/4 lying South of the public road, NE 1/4 SW 1/4, NE 1/4 NW 1/4, S 1/2 NW 1/4;
- Section 27 SW 1/4 NW 1/4, W 1/2 SW 1/4;
- Section 28 S 1/2 NE 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4, NW 1/4, SE 1/4 SE 1/4;
- Section 29 E 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4;
- Section 30: E 1/2 NE 1/4;
- Section 33: E 1/2 NE 1/4;

Township 1 South of Range 19, E.B.M., Blaine County, Idaho:

- Section 20: SW 1/4 SE 1/4, SE 1/4 SW 1/4;
- Section 29: NW 1/4 NE 1/4, NE 1/4 NW 1/4.

Decreed Water

400 inches as per that certain decree of S.C. Frost vs. Alturas Water Company recorded in the records of Blaine County in Book 3 at page 807, dated October 6, 1909. Said rights in the decree are in the name of R. F. BULLER and ROSA B. BULLER and the right is appurtenant to the following described subdivisions:

Township 1 South of Range 19, E.B.M., Blaine County, Idaho:

Section 19: SE 1/4 SE 1/4;
Section 20: SW 1/4 SW 1/4;
Section 27: SW 1/4 NW 1/4, NW 1/4 SW 1/4;
Section 28: NE 1/4 SE 1/4;
Section 29: W 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4.

Licensed Water

1. State of Idaho water license number G-25823 from a subterranean source with a point of diversion in the SE 1/4 NE 1/4, Section 18, Township 1 South, Range 19, E.B.M., for a maximum diversion of 4.69 c/f/s/ appurtenant to the following described subdivisions:

Township 1 South of Range 19, E.B.M., Blaine County, Idaho:

Section 19: 40 acres in SE 1/4 SE 1/4;
Section 29: 80 acres in W 1/2 NW 1/4, 40 acres in NW 1/4 SW 1/4;
Section 30: 80 acres in E 1/2 NE 1/4

2. State of Idaho water license number G-20820 from a subterranean source with a point of diversion in the NE 1/4 NW 1/4, Section 20, Township 1 South, Range 19, E.B.M., for a maximum diversion of 4.5 c/f/s/ to a maximum 693 acre feet per year, under priority date of December 8, 1961, appurtenant to the following described subdivisions:

Township 1 South of Range 19, E.E.M., Blaine County, Idaho:

Section 20: 8 acres in NW 1/4 NW 1/4, 12 acres in NE 1/4 NW 1/4, 36 acres in SW 1/4 NW 1/4, 10 acres in SE 1/4 NW 1/4, 28 acres in NW 1/4 SW 1/4, 24 acres in NE 1/4 SW 1/4, 27 acres in SE 1/4 SW 1/4, 24 acres in SW 1/4 SE 1/4;
Section 29: 27 acres in NE 1/4 NW 1/4, 34 acres in NW 1/4 NE 1/4.

EXHIBIT "C"

Grazing rights pertinent to Hillside Ranch (Gannett Ranch) sold by Frank G. Pierret, Jr., to John Fell Stevenson

489 AUM's Pagari Unit (cattle)

32 spring AUM's Wildhorse Unit (sheep)

38 fall AUM's Wildhorse Unit (sheep)

658 spring AUM's Wildhorse Unit (sheep)

923 fall AUM's Wildhorse Unit (sheep)

14 spring AUM's Timmerman Hill Unit (sheep)

14 fall AUM's Timmerman Hill Unit (sheep)

196 AUM's Picabo Unit (cattle)

no: 149446

Agreement

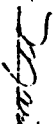


Frank J. Bennett, Jr. et al

40

John Steel Stevenson

Return to:
J. M. Robertson
Care Robertson & Mary K. Mason
P.O. Box 525

STATE OF CALIF.,
County of Alameda, ss.
I, Henry George, County Clerk of said
County, do hereby certify that the within
copy of the original of
said Steel Stevenson &
J. M. Robertson, et al
is a true and correct
copy of the original
of the same as
the same was
filed in my office
on the 1st day of
August, 1922.
Witness my hand and
the seal of said County
this 1st day of August,
1922.
Henry George, County Clerk.
By  J. M. Robertson
J. M. Robertson & Mary K. Mason

no: 147446

Agreement

Frank S. Pierret, Jr. et al

to

John Lill Stevenson

Retired to:
J. M. Robertson
Gary Robertson & Daly & Larson
C.B. Box 525

STATE OF OREGON,)
County of Clatsop)
I HEREBY CERTIFY THAT THE FOREGOING
WAS FILED FOR RECORD IN MY
OFFICE AT THE REQUEST OF _____
Frank S. Pierret, Jr.
At _____ OREGON, U.S.A.
_____ A.D. 1973
WITNESSED MY HAND AND SEAL
_____ OF _____
_____, Clerk of Court.
BY _____
DEPUTY CLERK OF COURT.

WARRANTY DEED

RECEIVED

For Value Received

FRANK G. PIERRET, JR., and PATRICIA R. PIERRET, husband and wife

MAY 08 1993

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

Department of Water Resources
Southern Region Office

JOHN FELL STEVENSON, an unmarried man, 36 Hillside Ranch Rd. Bellevue, Id.

the grantees, the following described premises, in Blaine County Idaho, to-wit:

Parcel I: Township 1 south of Range 19 east of the Boise Meridian, Blaine County, State of Idaho:

Section 19: E 1/2 SE 1/4; SE 1/4 NE 1/4; all that portion of the NE 1/4 NE 1/4 lying south of the public road;
Section 20: W 1/2 SW 1/4; all that portion of the NW 1/4 NW 1/4 lying south of the public road; NE 1/4 SW 1/4; S 1/2 NW 1/4; all of NE 1/4 NW 1/4 EXCEPT that portion thereof deeded to the State of Idaho by deed recorded February 10, 1969, under Recorder's Instrument No. 132006, records of Blaine County, Idaho;
Section 27: SW 1/4 NW 1/4; W 1/2 SW 1/4;
Section 28: S 1/2 NE 1/4; N 1/2 SW 1/4; N 1/2 SE 1/4; NW 1/4; SE 1/4 SE 1/4;
Section 29: E 1/2 NE 1/4; SW 1/4 NE 1/4; W 1/2 NW 1/4; SE 1/4 NW 1/4; N 1/2 SW 1/4; N 1/2 SE 1/4;
Section 30: E 1/2 NE 1/4;
Section 33: E 1/2 NE 1/4;

Parcel II: Township 1 south of Range 19 east of the Boise Meridian, Blaine County, State of Idaho:

Section 20: SW 1/4 SE 1/4; SE 1/4 SW 1/4;
Section 29: NW 1/4 NE 1/4; NE 1/4 NW 1/4;

Parcel III: Township 1 north of Range 18 east of the Boise Meridian, Blaine County, State of Idaho:

Section 24: SE 1/4 SE 1/4;

Township 1 north of Range 19 east of the Boise Meridian, Blaine County, State of Idaho:

Section 19: Lot 4;
Section 20: Lot 1 and NE 1/4 NW 1/4;

Together with all grazing rights and water rights appurtenant thereto, TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

12-28-71

Frank G. Pierret Jr.
Patricia R. Pierret

STATE OF WASHINGTON
COUNTY OF BLAINE
On this 28th day of December, 1971,
before me, a notary public in and for said State, personally
appeared

FRANK G. PIERRET, JR., and
PATRICIA R. PIERRET, husband and
wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Notary Public

Residing at Lewiston, Idaho
Comm. Expires 11/1/75

349339

BLAINE CO. REQUEST

OF: John Stevenson

'93 JAN 26 AM 10 29

MARY GREEN, CLERK

FEES \$3⁰⁰

INSTRUMENT NO.

Transfer No. 4068

RECEIVED

MAR - 8 2002

PART 1

Name of applicant John E. Stevenson Phone 788-4826

Post Office address #36 Hillside Ranch Road, Pelee, ID 83313

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Original land will no longer be irrigated so that water can be used to enlarge and maintain a wildlife area on the ranch.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-00118B</u>	<u>7-1-1904</u>	<u>159 1.52 cfs</u>	<u>AFR</u>	<u>1-1</u> to <u>12-31</u>
~~<u>37-02576B</u>~~	~~<u>7-12-1955</u>~~	~~<u>159 1.52 cfs</u>~~	~~<u>AFR</u>~~	~~<u>"</u>~~ to ~~<u>"</u>~~
<u>A37-00118B</u>	<u>7-1-1904</u>			

2. Total amount of water being transferred 1.52 cfs for first and/or second and/or 159 acre-feet per annum.

3. Source of water Huber Drain tributary to Stalker Creek

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	R.	County	Loca! name for diversion
		NW	SE	28	15	19E	Stark	Dam on Stalker Cr. creating marsh
		SE	NE	18	"	"	"	Supplemental artesian well

5. Lands irrigated or place of use:

[illegible]

Total acres _____

Transfer No. 4068

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

MAR - 8 2002

Department of Water Resources

Name of applicant John E. Stevenson Phone 788/4826

Post Office address #36 Hillside Ranch Road, Bellevue, ID 83313

of ~~3-7-2002~~

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Original land will no longer be irrigated so that water can be used to enlarge and maintain a wildlife area on the ranch.

Amount
(cts/ac-ft)

Nature
of Use

159 ~~1.52 cts~~ AFA Will/Wife, Florida
159 ~~1.52 cts~~ AFA _____

_____d ~~1.52~~ _____ second and/or _____
Origin _____ tributary to _____ State

WITHDRAWN

County _____ Loc _____
Name _____ Dym on Sta _____

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-----------------------------|--------------------------------|--------------------------------|------------------------------|
| <u>37-00118B</u> | <u>7-1-1904</u> | <u>159 1.52 cfs</u> | <u>Art. W/Life Storage</u> | <u>1-1</u> to <u>12-31</u> |
| ~~<u>37-02576B</u>~~ | ~~<u>7-12-1955</u>~~ | ~~<u>159 1.52 cfs</u>~~ | ~~<u>Art.</u>~~ | ~~"~~ to ~~"~~ |
| <u>A37-00118B</u> | <u>7-1-1904</u> | | | |
| | | | | |
| | | | | |
| | | | | |
| 2. Total amount of water being transferred | | <u>1.52</u> | acre-feet per annum. | |
| 3. Source of water | | <u>Public Drgin</u> | butary to <u>Stalker Creek</u> | |
| 4. Point(s) of Diversion: | | <u>Groundwater</u> | | |

Lot	¼	¼	¼	Sec.	Twp.	R.	County	Local name for diversion
		NW	SE	28	15	19E	Stark	Dam on Stalker Cr. creating marsh
		SE	NE	18	"	"	"	~~Supplemental artesian well~~

5. Lands irrigated or place of use:

[illegible]

Total acres _____

PART 1

General Information:

a. Description of diversion system Existing earth dam with spillway impounds Stalker Creek above its confluence with Patton Creek. The original marsh area was thus enlarged to cover about 53 acres (not including islands) with an average depth of 2 feet. Project completed in 1986 at the request of the Nature Conservancy.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will no longer be irrigated.

d. Remarks:

Amount needed is 2 AFA/ac (~~53 AFA~~ 53 ac. x 2' depth of water in marsh), plus an additional 1AFA/ac for evapotranspiration & use by marsh plants.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

WITHDRAWN

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 37-00118 Decreed to A. F. & Rose Auiler
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other

3. Source of water Buller Drain tributary to Stalker Creek

4. Date or priority 7-1-1904

5. Water is used for the following purpose:

amount 8.0 cfs for Irrig. purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right 8.0 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	30	15	19E	Bhine	Measuring Point for Drain

8. Lands irrigated or place of use:

Twp.	Rge.	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	
01S	19E	19																X	
		20											X						
		27						X			X								
		28													X				
		29					X	X	X	X									

Total acres 300

9. Describe any other water rights used for the same purpose as described above

A37-2576, A37-2681

PART 2

Transfer No. 4060

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe 115 acres have been in federal set-aside since 1983

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED ~~* 115/432 of 8 cfs~~ * Estimated capacity of 108 11/69
 (If the entire right is to be changed by the applicant, omit part B and C.)
 1. amount 1.52 * 211 cfs for Irrig. purposes from 4-1 to 11-1 nozzles at 60 psi.
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	29	1S	19E	Blaine	Pump #2 in Buhler Drgin; mainline to sprinklers

3. Lands irrigated or place of use: Actual description of lands to be dried up (per unrecorded transfer)

Twp.	Rge.	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	
1S	19E	17																15.5	15.5
		20											3.5						3.5
		29						10	10										20.0
		30		40			34								2				16.0

Total acres 115

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 6.48 5.89 cfs for Irrig. purposes from 4-1 to 11-1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: See Attachment

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: See Attachment

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	19E	19	→			26									258			12.5	42 12.5
		20									→	4							6 4
		29						9	20		26	~~305~~			~~65~~				700 55
		29			17 ¼			24			23								47
		28			15 ¼	42								27	~~7.5~~		26.5	90 61.5	

33 →

Total acres 314

185

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. Decreed to
in case of vs.
dated in county of
 - b. License No. issued by the Idaho Department of Water Resources.
 - c. Claim No. A37-00118 on file with the Idaho Department of Water Resources.
 - d. Transfer No. which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☒ Warranty Deed ☐ Other
3. Source of water Swamp (Buller Drain) tributary to Sinks
4. Date or priority 7-1-1904
5. Water is used for the following purpose:
- amount 8.0 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft) for purposes from to
(cfs/ac-ft) for purposes from to
(cfs/ac-ft) for purposes from to
6. Total amount of water under right 8.0 cubic feet per second and/or acre-feet per annum.
7. Point(s) of Diversion: 5 points, see claim

Lot	Twp	Rge	Sec	Tract	Lot	Rge	County	for diversion
		01S	19E	20	NW NW SW		(13) BLAINE	
		01S	19E	28	SE SE NE		(13) BLAINE	
		01S	19E	29	NW NW NW		(13) BLAINE	
		01S	19E	29	NW SW NW		(13) BLAINE	
		01S	19E	29	NE NW SW		(13) BLAINE	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15	19E	19	3			26									255			33	82.5
		20									2	7.5							9.5
		27						24			22								47
		28			14	19								29	8.5		215		90
		29					19	30		26	38.5				6.5				120
		30	40			24								2					76
			33	2															

Total acres 2 432

9. Describe any other water rights used for the same purpose as described above A37-02576, A37-02681

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe 115 acres have been in federal set-aside since 1983.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.52 cfs for Irrig. purposes from 4-1 to 11-1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NW	29	15	19E	Rdine	Pump #2, mainline to 3 sprinkler lines

3. Lands irrigated or place of use:

Twp.	Rge.	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	
15	19E	19																15.5	15.5
		20											3.5						3.5
		29					10	10											20
		30	40			34									2				76

Total acres 115

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 6.48 cfs for Irrig. purposes from 4-1 to 11-1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same, except less NW NW 529 T15 R19E

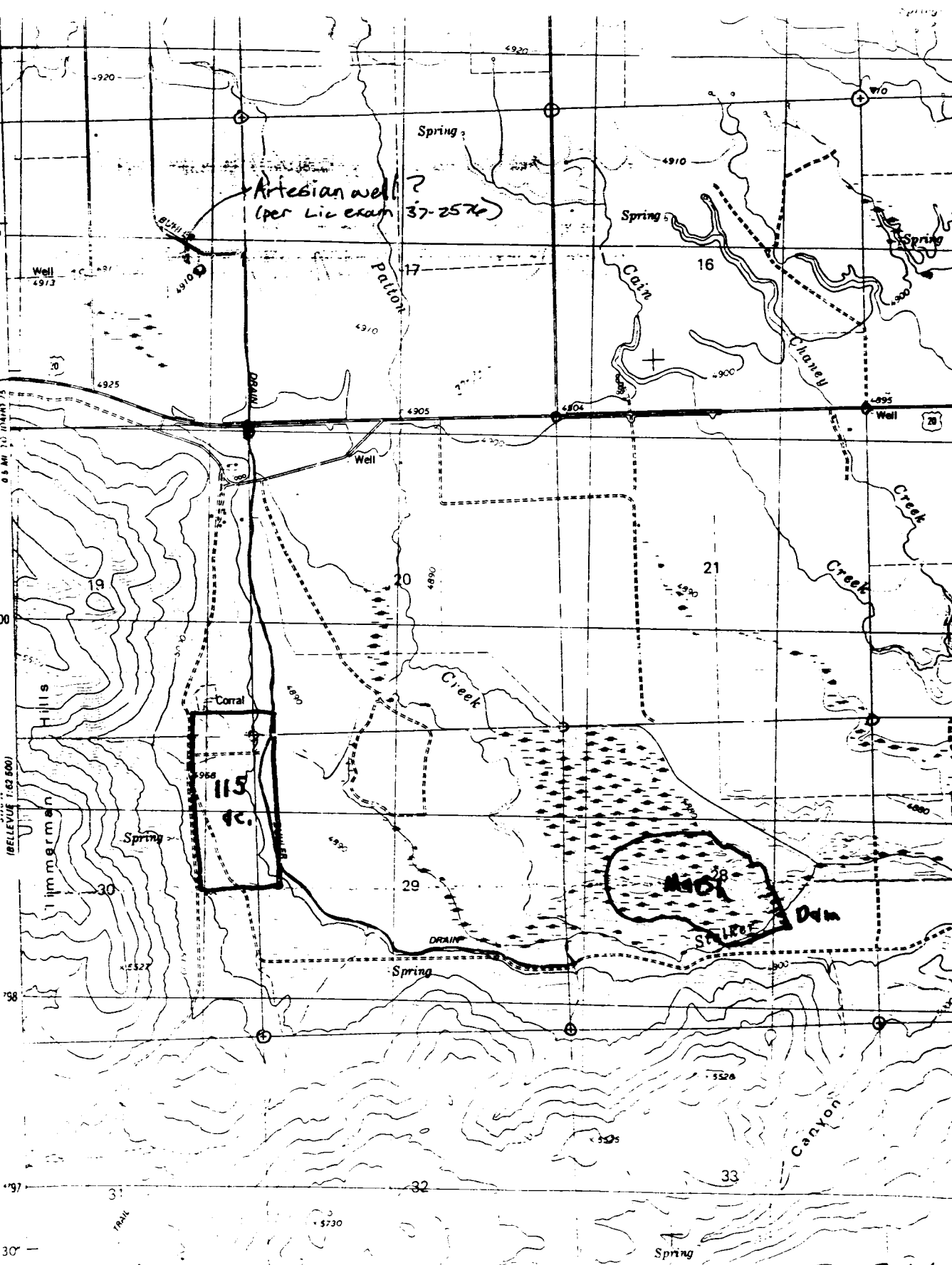
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	
15	19E	19	3			26									25.5			12.5	72
		20									2	4							6
		29							24		23								47
		28			14	19								29	8.5		21.5		70
		29					9	20		26	28.5				6.5				100

33 2

Total acres 319 2



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Wildlife Storage</u>	<u>159 AFG</u>	<u>24 hrs/day all year</u>	<u>1-1</u> to <u>12-31</u> to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

Consumptive use of water will actually decrease, thus benefitting downstream users.

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 willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 16th day of August, 19 91.

John F. Stevenson
(Signature of Applicant)

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY WITHDRAWN 3-7-2002

Transfer contains 8 pages and 1 attachments

Received by J. Stanton Date 8-16-91 Amended 1-23-92 Protest filed by _____

Prelim. check by _____ Fee \$50.00 SO13043

Receipted by JS Date 2-22-91

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 7/10 & 7/11/93 Hearing held by _____ Date _____

Watermaster recommendation requested on 2/16/93 Recommended for ☐ approval ☐ denial

_____ rec'd. 3/8/93 by _____

Copy of transfer sent to lien holder _____

HILLSIDE RANCH

36 HILLSIDE RANCH ROAD, BELLEVUE, IDAHO 83313

March 6th '02

Dear Allen,

Thank you for your letter of Feb 25th.

It is believed it would be best to
withdraw the applications referred
to at this time.

Thank you.

Sincerely,

John

RECEIVED

MAR 07 2002

Department of Water Resources
Southern Region

RECEIVED

MAR - 8 2002

State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2002

JOHN F. STEVENSON
#36 HILLSIDE RANCH ROAD
BELLEVUE ID 83313

Re: Applications for Transfer Nos. 4059/67775 & 4060/67776✓

Dear Mr. Stevenson:

This office acknowledges receipt of your request to withdraw the above referenced applications.

This action classifies the Applications as null, void and of no further consideration by the Idaho Department of Water Resources.

By copy of this letter, the protestants have been informed of this action. Please refer to the attached Certificate of Mailing.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

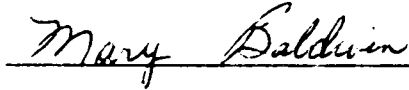

Allen D. Merritt, P.E.
Regional Manager

AM:MB

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of March, 2002 a true and correct copy of the above and foregoing document was forwarded with all required charges prepared, by Regular U.S. Mail to the parties listed:



Secretary

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

WALTER SCHOOLCRAFT
PO BOX 87
SHOSHONE ID 83352

JOHN D. FLOOD
STAR ROUTE BOX 317
PICABO ID 83348

RICHARD L. BARRY
151 WEST MAGIC RD
SHOSHONE ID 83352

ATTN LYNN HARMON
BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

GORDON SORENSON
PO BOX 513
SHOSHONE ID 83352

EVAN GUTHRIE
200 E 42 N
SHOSHONE ID 83352

CRAIG VAUGHN
728 E 1020 N
RICHFIELD ID 83349

PETE APPELL
PO BOX 15
RICHFIELD ID 83349

CLINT & LOUIS VAUGHN
1095 N 850 E
RICHFIELD ID 83349

RODNEY L. HUBSMITH
PO BOX 65
RICHFIELD ID 83349

A.W. MOLYNEUX
1174 GANNETT PICABO RD
BELLEVUE ID 83313

DICK PAYNE
PO BOX 113
CAREY ID 83320

JIM RITTER
554 E HWY 26
RICHFIELD ID 83349

DEAN ROGERS III
28 HILLSIDE RANCH RD
GANNETT ID 83313

i certify that file No. 37-0118

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

S. Curtis
Reviewer

5/17/02
Date

ok S. Keen