

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

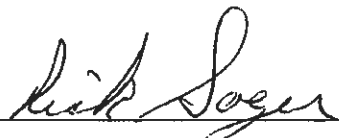
Transfer Application No: 70466 Water Right No(s): 74-714
Transfer Applicant's Name: CID E HAYDEN DONNA JEAN HAYDEN

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 24 day of March, 2003.

Water District No: 74


Watermaster's Signature

MEMORANDUM

Date: March 12, 2003
To: Transfer 70466
From: hjones
Re: Transfer Evaluation

This transfer proposes to change the point of diversion from ditch ID L-15 to L-13 on the Lemhi River.

Authority to File:
Subject land is owned by the applicant as evidenced by warranty deed.

Water Right Validity:
Validity of the right involved: The right is a Lemhi Decree and current SRBA claim.

Injury to Other Water Rights:
No issues identified

Enlargement of Use:
There is no evidence of enlargement of use.

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
No issue identified.

Review of the application finds there is consistency with criteria set forth in Section 42-222 Idaho Code in processing of this application.

The application will be advertised.

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70466

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Cid E. Hayden and/or Donna Jean Hayden Phone 208-756-1000
Post Office address 18 N. Baker Rd., Salmon, Idaho 83467

A. PURPOSE OF TRANSFER

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 The proposed point of diversion would allow water to pass through well developed fish steeps and a short way via a large ditch that passes through the center of the place of use, improving the water use in every way. Currently very long, poor ditches must be used.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-------------------|-----------------------|-------------------|--|
| <u>74-714</u> | <u>9-21-1915</u> | <u>0.28 cfs</u> | <u>Irrigation</u> | <u>3-15</u> to <u>11-15</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| 2. Total amount of water being transferred <u>0.28</u> cubic feet per second and/or <u> </u> acre-feet per annum. | | | | |
| 3. Source of water <u>Lemhi River</u> tributary to <u>Salmon River</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 9.4

Trailled.

PART 1

6. General Information:

a. Description of diversion system born in river, headgate + D. to place of use

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:

NA

d. Remarks:

This change will allow more efficient use of water by a much shorter route to the place of use, sprinkler irrigation, the point of diversion and place of use will be on the same side of Highway 28. The small quantity will have no adverse effect on this ditch.

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 _____

page 3 of 7

T70466

Page 1

03/06/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-714

WATER RIGHT NUMBER: 74-714

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CID E HAYDEN 18 N BAKER RD SALMON, ID 83467 (208) 756-1000
Current Owner	DONNA JEAN HAYDEN 18 N BAKER RD SALMON, ID 83467 (208) 756-1000
Original Owner	MABEL C PEARSON PO BOX 56 BAKER, ID 83461

Priority Date: 09/21/1915

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LEMHI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.280 CFS	
	<u>Total Diversion:</u>	0.280 CFS	

Location of Point(s) of Diversion

LEMHI RIVER	SW1/4NE1/4	Sec. 10, Twp 20N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	3						9.0											9.0
								L 4											

Total Acres: 9

Conditions of Approval:

Remarks:

- | | |
|------------|-----------------------------|
| 1. General | AC. IRR.=9.4.
DIV. L-15. |
|------------|-----------------------------|

T 70466

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. 74-714 Decreed to Mabel C. Pearson + Spouse
in case of STATE OF IDAHO vs. Mabel C. Pearson, + Spouse
dated June 6, 1982 in IDAHO county of Lemhi
- 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 Lemhi River tributary to Salmon River
4. Date or priority 9-21-1915

5. Water is used for the following purpose:

amount 0.28 cfs for Irrigation purposes from 3-15 to 11-15
(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 0.28 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

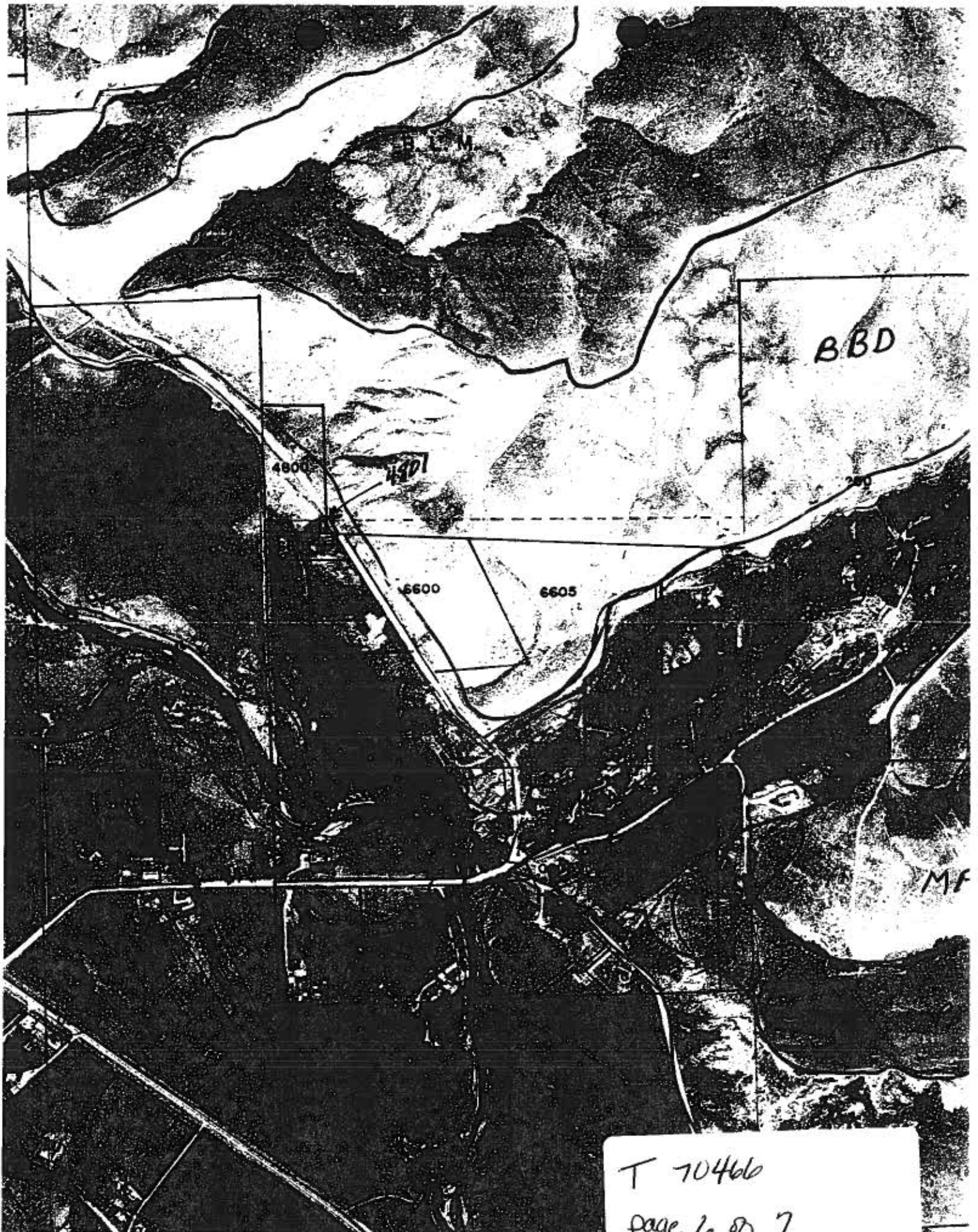
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	10	20N	23E	Lemhi	L-15

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	
20N	23E	3						9.4											9.4

Total acres 9.4

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



PART 3

B. CHANGES IN NATURE OF USE

NA

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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.

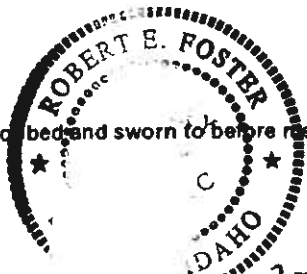
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 4th day of March, 2003.

Robert E. Foster
(Signature of Applicant)

Robert E. Foster
(Notary Public)

My commission expires 2-16-07



FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 2 attachments

Received by HWT Date 3-5-03 Protest filed by _____

Prelim. check by _____ Fee _____

Received by HWT #E028538 Date 3-5-03

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on 3/12/2003 Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Warranty Deed

For Value Received FREDRICK C. PEARSON,
who acquired title as FREDERICK C. PEARSON,

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

CID E. HAYDEN AND DONNA JEAN HAYDEN,
husband and wife,
whose current address is
265 Highway 93 S.,
Salmon, ID 83467

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

SEE EXHIBIT "A" ATTACHED HERETO:

The above conveyance is made free and clear of all other encumbrances except: Rights of way and easements, reservation in Federal patents and state deeds, or other restrictions imposed by law, building and use restrictions of records, building and zoning regulations and ordinances of any governmental unit whether of sight or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: September 21 2001

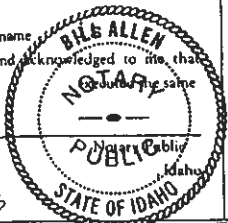
Fredrick C. Pearson
FREDRICK C. PEARSON

STATE OF IDAHO, COUNTY OF Lemhi--ss
On this 21st day of Sept 2001
before me, a notary public in and for said State, personally appeared

FREDRICK C. PEARSON

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to me that
he is the same

Residing at SALMON
Comm. Expires 2-19-2003



State of Idaho) SS No. 244326
County of Lemhi)

This instrument was filed for record at the request

of *Aliana*

at 11:30 clock A.M. 25 Sep 2001

and duly filed and indexed in the records of Lemhi

County
Tami J. Mottson
Ex-Officio Recorder

By *K. Baumert* Deputy

Fee *6.00*

Return to

T 70466
1 OF 2

ATTACHMENT

WADE SURVEYING

P.O. Box 1175
Salmon, Idaho 83467

Phone (208) 756-3070

September 22, 2001

A parcel of land located in Government Lot 4, Section 3, T. 20 N., R. 23 E., Boise Meridian, Lemhi County, Idaho, more Particularly described as follows:

Commencing at the East 1/4 corner of said Section 3, from which the West 1/4 corner of said section bears S 89°45'36" W a distance of 5245.30 ft., the Basis of Bearing of this description, run thence N 65°58'58" W a distance of 4858.36 ft. to a point on the northerly right-of-way of Baker Lane and the POINT OF BEGINNING;

Thence the following courses and distances along said right-of-way;
S 89°49'42" W 459.00 ft.; 187.97 ft. along a curve to the left having a central angle of 38°16'44", a radius of 281.36 ft., a chord bearing of S 70°41'19" W for a distance of 184.50 ft.; S 51°32'57" W 194.80 ft. to an existing fence;
Thence the following courses and distances along said fence;
N 00°57'13" E 813.58 ft.; S 89°58'11" E 642.47 ft.;
S 00°29'30" E 506.16 ft. to a point on the southerly bank of an existing irrigation main canal;

Thence the following courses and distances along said bank;
S 56°24'48" E 52.03 ft.; S 46°25'50" E 55.56 ft.;
S 41°47'25" E 75.63 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 10.05 ACRES

9/22/01
5380
WADE
KEMEL



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 23, 2003

CID E HAYDEN
DONNA JEAN HAYDEN
18 N BAKER RD
SALMON ID 83467

RE: Application for Transfer No 70466
Water Right No(s) 74-714

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Recorder Herald on May 1 and 8, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 23, 2003

Legal Notice Department
RECORDER-HERALD
PO BOX 310
SALMON ID 83467

RE: Transfer No. 70466
Water Right No(s). 74-714

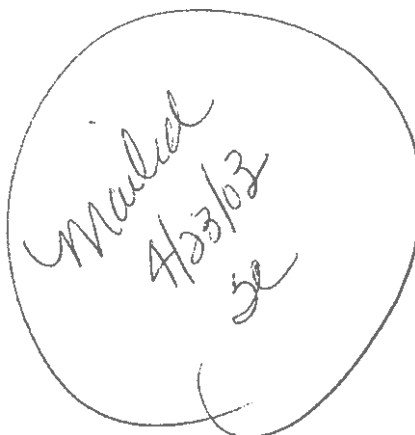
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 19, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70466

CID E HAYDEN or DONNA JEAN HAYDEN, 18 N BAKER RD, SALMON ID 83467, has filed Application No. 70466 for changes to the following water rights within LEMHI County:

Right No. 74-714

Priority 9/21/1915

Source LEMHI RIVER

Use IRRIGATION (9 acres) 0.28 CFS

Total Amount 0.28 CFS

Point(s) of Diversion S10 T20N R23E

Place of Use S3 T20N R23E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicants intends to change their point of diversion from L-14 to L-13 in the SENW SEC 3 T20N R23E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 19, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 1 and 8, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 12, 2003

RICK SAGER
WATER DISTRICT 74
RR 1 Box 52-A
Salmon, ID 83467

RE: Application for Transfer 70466
Water Right Number(s) 74-714

Dear Watermaster:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by March 26, 2003.

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

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

RECEIVED
JUN 11 2003
Department of Water Resources
Eastern Region

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT TRANSFER
NO. 70466

CID E HAYDEN OR DONNA
JEAN HAYDEN, 18 N BAKER RD,
SALMON ID 83467, have filed Ap-
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Lemhi County:

Right No. 74-714

Priority 9/21/1915

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R23E

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R23E.

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Code.

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ern Region, 900 N Skyline Dr Ste A,
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a protest fee of \$25.00 for each ap-
plication on or before May 19,
2003. The protestant must also send
a copy of the protest to the appli-
cant.

KARL J DREHER, Director

5-1-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and
of general circulation therein. That the NOTICE 70466, a true printed copy of which is attached to
the margin hereof, has been and was correctly printed and published in the regular and entire issue
of every number of said newspaper and not in any supplement thereof or thereto for TWO (2)
consecutive issue(s), commencing with the issue dated 5-1-2003 and ending with the issue dated
5-8-2003.

STATE OF IDAHO }
County of Lemhi } ss.

On this 6th day of June in this year of 2003 before me, A Notary Public, personally appeared
RICKY G. HODGES, known or identified to me to be the person whose name subscribed to 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.

Residing At Salmon, Idaho

Shelia Johnson
Notary Public for Idaho

My Commission expires: 01-02-2007

Publication Fee \$63.96

