

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 70466

This is to certify that: CID E HAYDEN And/Or  
DONNA JEAN HAYDEN  
18 N BAKER RD  
SALMON ID 83467  
(208) 756-1000

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 74-714       | AJC/Decreed         | 09/21/1915      | 0.28 cfs    | N/A           | N/A               | 9.0                | LEMHI RIVER   |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 74-714                | NO           | YES        | NO         | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 74-714                 | <b>74-714</b>                    | 0.28 cfs             | N/A                    | N/A               | 9.4                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.28 cfs</b>      | N/A                    | N/A               | 9.4                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this 19 day of June, 2003

For   
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 74-714**  
**As Modified by Transfer No. 70466**

In accordance with the approval of Transfer No. 70466, Water Right No. 74-714 is now described as follows.

**Right Holder:** DONNA JEAN HAYDEN And  
CID E HAYDEN  
18 N BAKER RD  
SALMON ID 83467

**Priority Date:** September 21, 1915

**Source:** LEMHI RIVER

**Tributary:** SALMON RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.28 CFS              |               |
|                       |             |           | 0.28 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

LEMHI RIVER      SENW      Sec. 3      Twp 20N      Rge 23E      LEMHI County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |     |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 20N | 23E | 3   |    |    |    |    |    | 9.4 |    |    |    |    |    |    |    |    |    |    | 9.4    |
|     |     |     |    |    |    |    |    | L 4 |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 9.4

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74, Lemhi River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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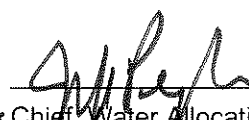
**WATER RIGHT NO. 74-714**  
**As Modified by Transfer No. 70466**

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 20 03

  
For Chief, Water Allocation Bureau

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Page 1 of 1

STATE OF IDAHO

Transfer No. 10466

**DEPARTMENT OF WATER RESOURCES**

# 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 streams 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<br>(cfs/ac-ft) | Nature<br>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 0.28 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Lemhi River tributary to Salmon River

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

2. Total acres 9.7

T7046do

**PART 1**

**6. General Information:**

a. Description of diversion system born in river, headgate + ditch 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:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

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70466

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<br>18 N BAKER RD<br>SALMON, ID 83467<br>(208) 756-1000      |
| Current Owner     | DONNA JEAN HAYDEN<br>18 N BAKER RD<br>SALMON, ID 83467<br>(208) 756-1000 |
| Original Owner    | MABEL C PEARSON<br>PO BOX 56<br>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:

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

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T70466

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 CSF 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    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

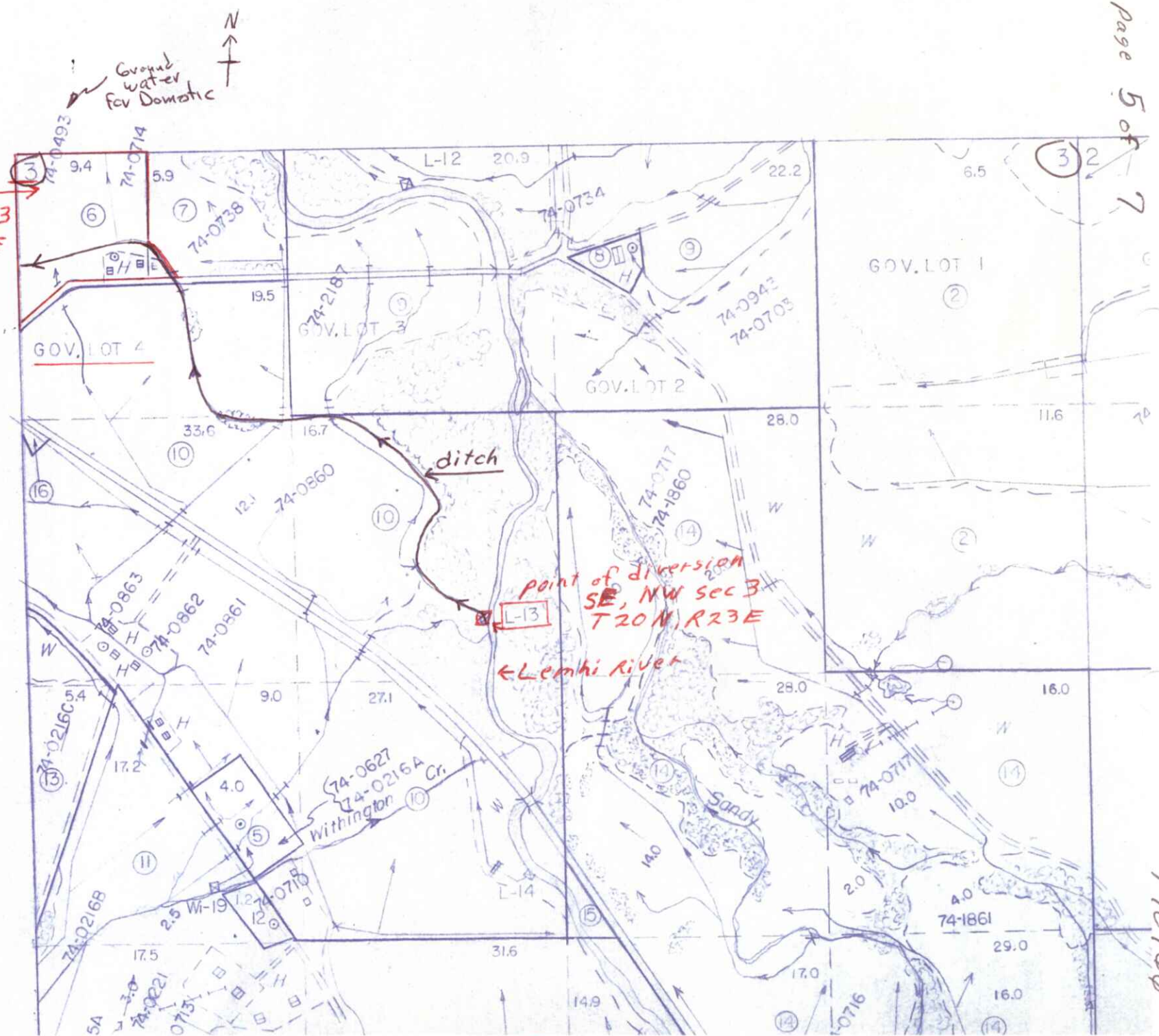
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Total acres 9.4

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

place of use  
NW, NW, NW Sec 3  
T20 N, R23 E



L-15

T70466

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## PART 3

B. CHANGES IN NATURE OF USE NA

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

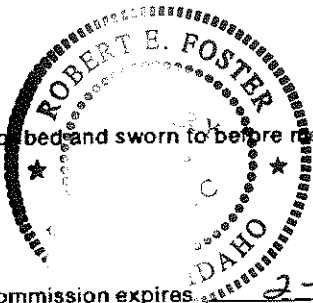
2. Quantity and quality of return flows and location of discharge:

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, 18 2003.



Cid E. Hayden  
(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 \_\_\_\_\_

Receipted by HWT #E028538 Date 3-5-03

Published in Reconcord Herald Copies of protest forwarded by \_\_\_\_\_

Pub. dates May 1 & May 7, 03 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

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

\_\_\_\_\_ rec'd. 3/25/03 by Je

Copy of transfer sent to lien holder \_\_\_\_\_

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AUG 11 2003

T70466

# 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

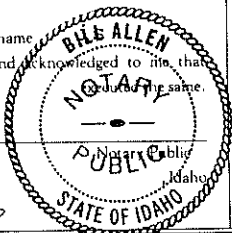
STATE OF IDAHO, COUNTY OF Lemhi--ss  
On this 21<sup>st</sup> day of Sept 2001  
before me, a notary public in and for said State, personally appeared

FREDRICK C. PEARSON

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

he

*Fredrick C. Pearson*



Residing at SALMON  
Comm. Expires 2-13-2003

State of Idaho ) SS No. 248326  
County of Lemhi )

This instrument was filed for record at the request

of *Aliana*

at 10 o'clock A.M. 25 Sep 2001

and duly filmed and indexed in the records of Lemhi County

Terri J. Morton  
Ex-Officio Recorder

By *K. Baumert* Deputy

Fee *6.00*

Returned to \_\_\_\_\_

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T 70466

ATTACHMENT 1 OF 2

2-8336

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



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T 70466  
ATTACHMENT 2 OF 2

WRD416

05/04/83

S T A T E O F I D A H O  
DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS ABSTRACT

PAGE 193

\*INDICATES TOTAL\*

SOURCE: LEMHI RIVER

TRIBUTARY TO: SALMON RIVER

| RIGHT<br>NUMBER | NAME AND<br>ADDRESS                                                                                                                                                                      | PRIORITY<br>DATE | USE        | USE PERIOD<br>FROM TO | MAX AMOUNT<br>MAX RATE | DIVERSION<br>POINT    | PLACE OF USE<br>AND ACREAGE               | BASIS FOR<br>RIGHT |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|------------------------|-----------------------|-------------------------------------------|--------------------|
| 74-1154         | C/O TRUMAN CHAPMAN<br>LEADORE ID 83464<br>REMARKS: AC. IRR.=20.3.<br>DIV. L-61A.                                                                                                         |                  |            |                       | .61 CFS                | T10N R26E             | S20 T16N R26E<br>* 21 ACRES*              |                    |
| 74-0827         | JOLLEY, ELDON<br>JOLLEY, EDNA Z.<br>P.O. BOX 712<br>SALMON ID 83467<br>REMARKS: DIV. L-22.<br>AC. IRR.=271.3.<br>P/O: T20N R23E S05 SWNE(01)<br>S04 SWNE(27)<br>NWSE(38)<br>S03 NWSW(05) | 08-17-1915       | IRRIGATION | 03-15 11-15           | 8.14 CFS               | SENE S25<br>T20N R23E | DECREE                                    |                    |
|                 |                                                                                                                                                                                          |                  |            |                       |                        |                       | * 272 ACRES*                              |                    |
| 74-0714         | PEARSON, MABEL C.<br>P.O. BOX 56<br>BAKER ID 83461<br>REMARKS: AC. IRR.=9.4.<br>DIV. L-15.                                                                                               | 09-21-1915       | IRRIGATION | 03-15 11-15           | .28 CFS                | SWNE S10<br>T20N R23E | S03 T20N R23E<br>DECREE                   |                    |
|                 |                                                                                                                                                                                          |                  |            |                       |                        |                       | * 9 ACRES*                                |                    |
| 74-2196         | KORNELL, WILLIAM<br>KORNELL, CHARLOTTE<br>P.O. BOX 521<br>SALMON ID 83467<br>REMARKS: AC. IRR. = 15.2.<br>DIV. L-13.                                                                     | 09-21-1915       | IRRIGATION | 03-15 11-15           | .46 CFS                | SENE S03<br>T20N R23E | S03 T20N R23E<br>DECREE                   |                    |
|                 |                                                                                                                                                                                          |                  |            |                       |                        |                       | * 15 ACRES*                               |                    |
| 74-0996         | CARRINGTON, FRANCIS<br>SANTA ROSA CA<br>REMARKS: AC. IRR.=26.3.<br>DIV. L-36.                                                                                                            | 01-10-1916       | IRRIGATION | 03-15 11-15           | 1.00 CFS               | SWSW S09<br>T18N R24E | SENE(18) SENE(08) DECREE<br>S08 T18N R24E |                    |
|                 |                                                                                                                                                                                          |                  |            |                       |                        |                       | * 26 ACRES*                               |                    |
| 74-0996         | CLINGER ENTERPRISES INC.<br>230 HARVARD AVE.<br>REXBURG ID 83440<br>REMARKS: AC. IRR.=277.1.<br>DIV. L-63.                                                                               | 09-10-1918       | IRRIGATION | 03-15 11-15           | 8.32 CFS               | SESE S28<br>T16N R26E | DECREE                                    |                    |

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JUN 11 2003

Evelyn  
#3187

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 74-714

WATER RIGHT NUMBER: 74-714

|                   |                                                 |
|-------------------|-------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                         |
| Current Owner     | MABEL C PEARSON<br>PO BOX 56<br>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:

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

Comments:Dates and Other Information:

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AUG 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-714

Dates and Other Information:

Licensed Date:  
Decreed Date: 12/30/1982  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant: Mary Adams, et al  
Decree Plaintiff: State of Idaho  
Civil Case Number: 4948  
Judicial District: Seventh District  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

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AUG 11 2003



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 20, 2003

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

RE: Transfer No.: 70466 - Water Right 74-714 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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If you have any questions, please contact me at 208-327-7940.

Sincerely,



for Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

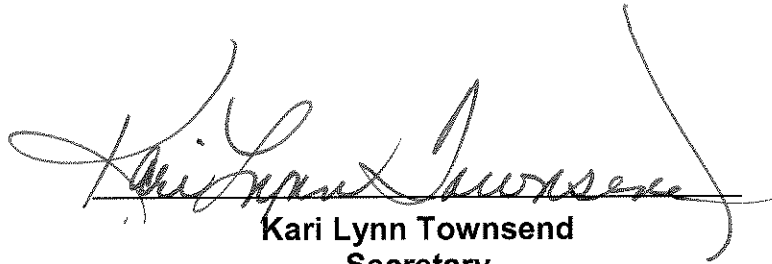
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AUG 11 2003

## CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70466 - WATER RIGHT 74-714

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



Kari Lynn Townsend  
Secretary

MICROFILMED  
AUG 11 2003

EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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### FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 20, 2003

RICK SAGER  
WATERMASTER  
RR 1 BOX 52-A  
SALMON ID 83467

RE: TRANSFER OF WATER RIGHT 74-714 - (Transfer 70466)

Dear Rick:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 70466) in the names Cid E. Hayden and Donna Jean Hayden.

If you have any questions, please call me at 208-327-7940.

Sincerely,



Jeff Peppersack, Manager  
Water Right Permits Section

JP:kit

Enclosure

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AUG 11 2003

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-  
plication 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 intend 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 De-  
partment of Water Resources, East-  
ern Region, 900 N Skyline Dr Ste A,  
Idaho Falls ID 83402 together with  
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

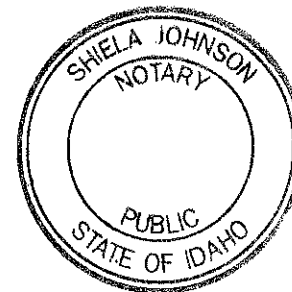
ss.

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.

*Shiela Johnson*  
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 01-02-2007



Publication Fee \$63.96

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AUG 11 2003

Revd et So.  
6-17-03



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

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AUG 11 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

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



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AUG 11 2003

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

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AUG 11 2003

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

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APR 1 2003

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APR 25 2003

Department of Water Resources  
Bureau of Water

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

3-6-03  
T 70466

INITIAL REVIEW BY: HWT

1. Right number 74-714 Applicant Hayden

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

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

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. Map for remainder of right? ☐ Yes ☐ No

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

e. ☒ Check description of place of use

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

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

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

i. ☒ Check for expansion in use of right. Comments

use CID and Donna  
on Water Right

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

Right number(s) NA

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

If yes, what district? WD 74 -

Sent copy to Rick Sasser WM

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on \_\_\_\_\_ Received on \_\_\_\_\_

2. Reviewed by Adjudication Staff? ☒ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions\* \_\_\_\_\_

4. By [Signature] Date 3/13/03

\*All uses within Watermaster District require special conditions

70466

# TRANSFER REVIEW SHEET

Trans # 70466

Date Reviewed \_\_\_\_\_

Right No(s). \* 74-714  
Split? Y N Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes \_\_\_\_\_

## PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Add p/d Change use period Change p/u Change nature of use

RightID's of From & To records correct? Y N (resolve with S.O.)  
Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U ✓ Lien Holder Release NA

## GROUNDWATER:

### DRILLING PERMIT

All wells - 046  
DP upgrade req'd Y N (contact GW)  
WMD - North/East/West  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 067

### WMD

≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 01M or 01Q

### SUPPLEMENTAL SUPPLEMENTAL

- 065-104 (where irrigation is the only use)  
- 100-105 (where there are other uses besides irrigation)

## SURFACE WATER:

### WD

≤ 0.20 cfs/others - R05 (WD# 74) WM comments rec'd  
> 0.20 cfs - R02, 01P or No MD  
WB, SPRINGS/SINK, INACTIVE WD & REST OF STATE  
≤ 0.24 cfs/5 acres - R43  
> 0.24 cfs/5 acres - No MD  
- 01M or 01Q

STANDARD SEASON 3-15 to 11-15 (use X61 if extended season)

STANDARD VOLUME 3.5 af/ac

CONSUMPTIVE USE VOLUME \_\_\_\_\_ af/ac

~~WITHIN ESPA~~ - 113-114-116 (mitigation)  
\*Not in ESPA - 115 (meas. Device)

## USES:

STORAGE - 18C-R02-01P-18B-NA  
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)  
Volume only - R62/R63/R64/R65 (0.02 cfs/ac)  
STOCKWATER - R58/R59/R60/R61  
MINING - R37 (all BLM/USFS)  
FISH PROP - R37 (all BLM/USFS)  
HEAT/COOL - R07 (injection well)  
FIRE PROT. - 054-106  
DAIRY - 029 (70's basins only)-007-122-106  
- R07 (injection well)  
- 077  
- 082 (zoning if a concern)-106-WD8

## USES:

POWER - 17H-17K (+uses)-025-106  
MUNICIPAL  
Restricted area - 022-075 RAFN - 007-109-X64  
Irr., GW supp to SW - 102  
DOMESTIC  
Surface water - WB5 (Big Wood or Boise above Star Bridge)  
- 27A (Payette River)  
>1 in restricted area - 070-071-075 (no parks/common areas, etc)  
Irr use listed separate - WB5

## MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop  
T08 - comply or rescind  
T17 - >1 pd, measure all (use w/ WB4)  
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19  
Water Quality - 106-R07

X27 - Number of acres/season in ppu  
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)  
X51 - 2+ yrs to develop  
X53 - Use ltd to orig. source availability  
X54 - forfeited ac/rate (used rarely)  
X55 - (transfer shrinks total water to less ac)  
004 - no right-of-way  
X58 - pending claim (statutory or AJ b/u claim)  
X61 - extended irr season  
X62 - replaces N11 and N13  
X63 - replaces C12  
WB4 - + p/ds, cfs & afa (used with T17)  
WD8 - land application of waste water  
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

## Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)  
T19 - replaces C18 (if at Recommendation or Partial Decree stage)

T20 - use only on unchg'd rts not subject to SRBA

## OTHER CONDITIONS/REMARKS

## COMMENTS

Database files updated ✓ Approval form printed ✓ Shape files created ✓

Special Mailing Instructions (cc's, etc)

Final database update after approval 28 \*Comment to WR No(s). 74-714

6-19-03

70466



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

MICROFILMED

AUG 11 2003

## 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.

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AUG 11 2003