

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Water Right No. 662

THIS IS TO CERTIFY THAT GEORGE R. LEAVITT, of Mackay, Idaho, is the owner of and using a certain right, bearing dates of priority as follows: 3.2 cubic feet per second of the waters of Warm Springs Creek, priority November 1, 1892, and 0.8 cubic foot per second of the waters of Warm Springs Creek, priority July 12, 1907, County of Custer, State of Idaho, decreed to RUDOLPH LEHMAN, by decree of Judge E. S. Farrington, of the United States District Court in and for the District of Idaho, Eastern Division, bearing date of March 15, 1923, in the case of

UTAH CONSTRUCTION COMPANY, A CORPORATION,

Plaintiff,

vs.

JOHN F. ABBOTT, ET AL.,

Defendants,

being appurtenant to the following described lands, to-wit:

Lots 3 & 4, Section 6, Township
7 North, Range 23 East, B.M.

Lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31,
Township 8 North, Range 23 East, B. M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 8 North,
Range 22 East, B. M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 104.

That the said George R. Leavitt has become the owner thereof by purchase.

That now, upon the application of George R. Leavitt, of Mackay, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 3.2 cubic feet per second, with priority of November 1, 1892, and 0.8 cubic foot per second, with priority of July 12, 1907, of the waters of Warm Springs Creek upon the lands above described is hereby abandoned, and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED shall be made appurtenant, by this certificate, for irrigation and domestic purposes, is described as follows, to-wit:

Lots 3 & 4, Section 6, Township
7 North, Range 23 East, B.M.

E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Section 31,
Township 8 North, Range 23 East, B.M.

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts, to-wit:

MICROFILMED

3.2 cubic feet per second of the waters
of Warm Springs Creek, with priority of
November 1, 1892

0.6 cubic feet per second of the waters
of Warm Springs Creek, with priority of
July 12, 1907

That the water right hereby transferred has been conducted to the
first above described lands through a private ditch, with point of diversion
in the Southeast quarter (SE $\frac{1}{4}$) of Section 34, Township 8 North, Range 22 East, B.M.

That the water right hereby transferred will hereafter be conducted to
the last above described lands through the same ditch, and with the same point
of diversion,

That the right to the use of the water aforesaid, hereby confirmed,
is restricted to the lands or place of use last above described, as provided
by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this
18th day of April, A. D. 1944.

MARK R. KULP
State Reclamation Engineer
By

Ray W. Thompson
Supervisor of Water Distribution

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

GEORGE R. LEAVITT,
Mackay, Idaho

For a Transfer of Water Right, in Water
District No. 27, County of Custer

ORDER GRANTING TRANSFER

No. 662

WHEREAS, On the 18th day of April, 1944, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of GEORGE R. LEAVITT, of Mackay, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the transfer is made for the purpose of apportioning the water right in accordance with the present ownership, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 18th day of April, A. D. 1944.

MARK R. KULP
State Reclamation Engineer
By

Ray A. Thompson
Supervisor of Water Distribution

NOT FILMED

Ovid Lawson

✓ 1904-May 1 ✓ 34 0464 1.0 c.f.s.

✓ 1914-May 1 ✓ 34 0465 1.4 c.f.s.

See 409(c)

No. 291

Joseph P. Leaden and
Revella Leaden

✓ 1899-June 1 ✓ 34 0466 0.021 c.f.s.

No. 292

Carl Lehman

✓ 1905-May 1 ✓ 34 0467 2.4 c.f.s.

✓ 1912-March 18 ✓ 34 0468 0.8 c.f.s.

No. 293

Rudolph Lehman

✓ 1892-November ✓ 34 0469 3.2 c.f.s.

✓ 1903-April 1 ✓ 34 0470 1.6 c.f.s.

✓ 1907-July 12 ✓ 34 0471 0.8 c.f.s.

Trans. 661-4-1-03-1.6 cfs

" 662-11-1-92-3.2 cfs

" " 7-12-07-0.8 cfs

No. 294

John E. Lehman

✓ 1880-June 1 ✓ 34 0472 0 c.f.s.

No. 295

To be diverted from Big Lost River through the Lawson Ditch having its point of diversion in the Northwest quarter of the Southwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Northwest quarter of the Southwest quarter, Southwest quarter of the Southwest quarter, Southwest quarter of the Northwest quarter and Southeast quarter of the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M.

To be diverted from Big Lost River through the Harger-Sullivan ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Lot 5 and 6 of Block 26 of the town of Moore, Lot 2 of Block 6, Johnston's addition to the townsite of Moore being a part of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southwest quarter of Section 28, Township 5 North, Range 26 East, B. M.

To be diverted from Warm Springs Creek through private ditches having their points of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Lots 1, 2 and 3 and the Southeast quarter of the Northwest quarter of Section 1, Township 7 North, Range 22 East, B. M.

To be diverted from Warm Springs Creek through a private ditch having its point of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Lots 3 and 4 of Section 6, Township 7 North, Range 23 East, B. M., Lot 4, East half of the Southwest quarter and Northwest quarter of the Southwest quarter of Section 31, Township 8 North, Range 23 East, B. M., and the Northeast quarter of the Southeast quarter of Section 36, Township 8 North, Range 22 East, B. M.

To be diverted from Lehman Creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land to-wit:

The East half of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 2, and the South half of the Southeast quarter of Section 3, all in Township 7 North, Range 22 East, B. M.

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00471	LEAVITT, GEORGE R.	C		07/12/1907	D/	WARM SPRINGS CREEK	IRR	WR
X34-00471	CUSTER SPRINGS LLC	C		07/12/1907	D/	WARM SPRINGS CREEK	IRR	WR

34-00471	ASLETT RANCHES	C		07/12/1907	D/	WARM SPRINGS CREEK	P DECR	AJ
34-00471A	ZOLLINGER, BRET L	C		07/12/1907	/W		P DECR	AJ
A34-00471	ASLETT RANCHES	C		07/12/1907	D/	WARM SPRINGS CREEK	IRR	AJ
						HAMILTON CREEK		
A34-00471A	ZOLLINGER, BRET L.	C		07/12/1907	/W	WARM SPRINGS CREEK	IRR	AJ
						WITHDRAWN		
R34-00471	ASLETT RANCHES	C		07/12/1907	D/	WARM SPRINGS CREEK	P DECR	AJ

MICROFILMED

JUL 14 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5456
WATER RIGHT NO(S). 34-00469/34-00471

This is to certify that: CUSTER SPRINGS LLC
C/O JAMES R BENNETTS
1231 MAIN ST
CHALLIS ID 83226

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-00469 :			
Priority: 11/01/1892			
IRRIGATION	05/01 to 10/15	3.20 CFS	745.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.7 AF
		3.20 CFS	750.2 AF
Right No. 34-00471 :			
Priority: 07/12/1907			
IRRIGATION	05/01 to 10/15	0.80 CFS	307.8 AF
TOTAL:		4.00 CFS	* 750.2 AF

SOURCE

WARM SPRINGS CREEK

TRIBUTARY OF

BIG LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 34, Township 08N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	22E	1	SWNE 40			40
	23E	6	Lot 3 (NENW) 42	Lot 4 (NWNW) 41	Lot 5 (SWNW) 5	
			SESW 5			93
08N	23E	31	Lot 4 (SWSW) 40	SESW 40		80
Total number of acres irrigated:						* 213

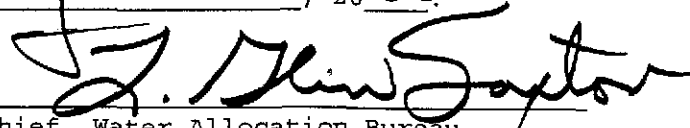
PLACE OF USE: STOCKWATER, same as IRRIGATION use

MICROFILMED

JUL 14 2000

TRANSFER NO. 5456
WATER RIGHT NO(S). 34-00469/34-00471CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
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. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. The quantity of water decreed for Right 34-00469 for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
- * 9. Rights 34-00469 and 34-00471 when combined shall not exceed a total annual maximum diversion volume of 750.2 af at the field headgate for the irrigation of 213.0 acres and stockwater use.
10. Approval of Transfer 5456 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit 34-07591, In the Name of L & S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

Dated this 10th day ofJuly, 2000
Chief, Water Allocation Bureau

MICROFILMED

JUL 14 2000

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Lehman, Rudoph	0.8		34-0471
662	Leavitt, George R.	0.8	0	34-0471A

TRANSFER
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Water Right No. 448

THIS IS TO CERTIFY THAT GEORGE R. LEAVITT, of Mackay, Idaho, is the owner of and using a certain right, bearing dates of priority as follows: 3.8 cubic feet per second of the waters of Warm Springs Creek, priority November 1, 1898, and 0.8 cubic feet per second of the waters of Warm Springs Creek, priority July 12, 1907, County of Cassia, State of Idaho, decreed to RUDOLPH LEBMAN, by decree of Judge E. S. Farrington, of the United States District Court in and for the District of Idaho, Eastern Division, bearing date of March 13, 1923, in the case of

SEAN CONSTRUCTION COMPANY, A CORPORATION,

Plaintiff,

vs.

JAMES F. ARBUTT, ET AL.,

Defendants,

being appurtenant to the following described lands, to-wit:

Lots 3 & 4, Section 6, Township
7 North, Range 23 East, B.M.

Lot 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31,
Township 8 North, Range 23 East, B. M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, Township 8 North,
Range 23 East, B. M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 184.

That the said George R. Leavitt has become the owner thereof by purchase.

That now, upon the application of George R. Leavitt, of Mackay, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 3.8 cubic feet per second, with priority of November 1, 1898, and 0.8 cubic feet per second, with priority of July 12, 1907, of the waters of Warm Springs Creek upon the lands above described is hereby abandoned, and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED shall be made appurtenant, by this certificate, for irrigation and domestic purposes, is described as follows, to-wit:

Lots 3 & 4, Section 6, Township
7 North, Range 23 East, B.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Section 31,
Township 8 North, Range 23 East, B.M.

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts, to-wit:

MICROFILMED

3.2 cubic feet per second of the waters
of Warm Springs Creek, with priority of
November 1, 1898

0.6 cubic feet per second of the waters
of Warm Springs Creek, with priority of
July 12, 1907

That the water right hereby transferred has been conducted to the
first above described lands through a private ditch, with point of diversion
in the Southeast quarter (SE $\frac{1}{4}$) of Section 34, Township 8 North, Range 22 East, N.M.

That the water right hereby transferred will hereafter be conducted to
the last above described lands through the same ditch, and with the same point
of diversion,

That the right to the use of the water aforesaid, hereby confirmed,
is restricted to the lands or place of use last above described, as provided
by the laws of the State of Idaho,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this
18th day of April, A. D. 1944,

MARK E. KILP
State Reclamation Engineer
By

Ray A. Thompson
Supervisor of Water Distribution

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

GEORGE R. LEAVITT,
Mackay, Idaho

ORDER GRANTING TRANSFER

For a Transfer of Water Right, in Water
District No. 27, County of Owyhee

No. 442

WHEREAS, On the 18th day of April, 1944, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of GEORGE R. LEAVITT, of Mackay, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the transfer is made for the purpose of apportioning the water right in accordance with the present ownership, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 18th day of April, A. D. 1944.

MARK R. KILP
State Reclamation Engineer
By

Ray A. Thompson
Supervisor of Water Distribution

Ovid Lawson

✓ 1904-May 1 ✓ 34 0464 1.8 c.f.s.

✓ 1914-May 1 ✓ 34 0465 1.4 c.f.s.

See 409(c)

No. 291

Joseph P. Leaden and
Revelia Leaden

✓ 1899-June 1 ✓ 34 0466 0.021 c.f.s.

No. 292

Carl Lehman

✓ 1905-May 1 ✓ 34 0467 2.4 c.f.s.

✓ 1912-March 18 ✓ 34 0468 0.8 c.f.s.

No. 293

Rudolph Lehman

✓ 1892-November ✓ 34 0469 3.2 c.f.s.

✓ 1903-April 1 ✓ 34 0470 1.6 c.f.s.

✓ 1907-July 12 ✓ 34 0471 0.8 c.f.s.

Trans. 661-4-1-03-1.6 cfs

" 662-11-1-92-3.2 cfs

" 7-12-07-0.8 cfs

No. 294

John E. Lehman

✓ 1880-June 1 ✓ 34 0472 4.0 c.f.s.

No. 295

To be diverted from Big Lost River through the Lawson ditch having its point of diversion in the Northwest quarter of the Southwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Northwest quarter of the Southwest quarter, Southwest quarter of the Southwest quarter, Southwest quarter of the Northwest quarter and Southeast quarter of the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M.

To be diverted from Big Lost River through the Harger-Sullivan ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 23 East, B. M., for the irrigation of the following described land, to-wit:

Lot 5 and 6 of Block 26 of the town of Moore, Lot 2 of Block 6, Johnston's addition to the townsite of Moore being a part of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southwest quarter of Section 28, Township 5 North, Range 23 East, B. M.

To be diverted from Warm Springs Creek through private ditches having their points of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Lots 1, 2 and 3 and the Southeast quarter of the Northwest quarter of Section 1, Township 7 North, Range 22 East, B. M.

To be diverted from Warm Springs Creek through a private ditch having its point of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Lots 3 and 4 of Section 6, Township 7 North, Range 22 East, B. M., Lot 4, East half of the Southeast quarter and Northwest quarter of the Southwest quarter of Section 31, Township 8 North, Range 23 East, B. M., and the Northeast quarter of the Southeast quarter of Section 36, Township 8 North, Range 22 East, B. M.

To be diverted from Lehman Creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land to-wit:

The East half of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 2, and the South half of the Southeast quarter of Section 5, all in Township 7 North, Range 22 East, B. M.

This
Right has been
Decreed in the
SRBA.

MEMORANDUM

TO: FILE 34-00471
FROM: PAM SKAGGS
RE: TRANSFER # 5456
DATE: 5-18-99

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 34-00469.

Transfer No.

5400

LAS Partners

34-04035C

Transfer No.

5456

Aslot Ranches

34-00469

34-00471

MICROFILMED

JUL 14 2000

MEMORANDUM

TO: FILE 34-00471
FROM: PAM SKAGGS *PS*
RE: TRANSFER # 4906
DATE: 9-20-96

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Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 34-00469.

MICROFILMED

OCT 22 1997