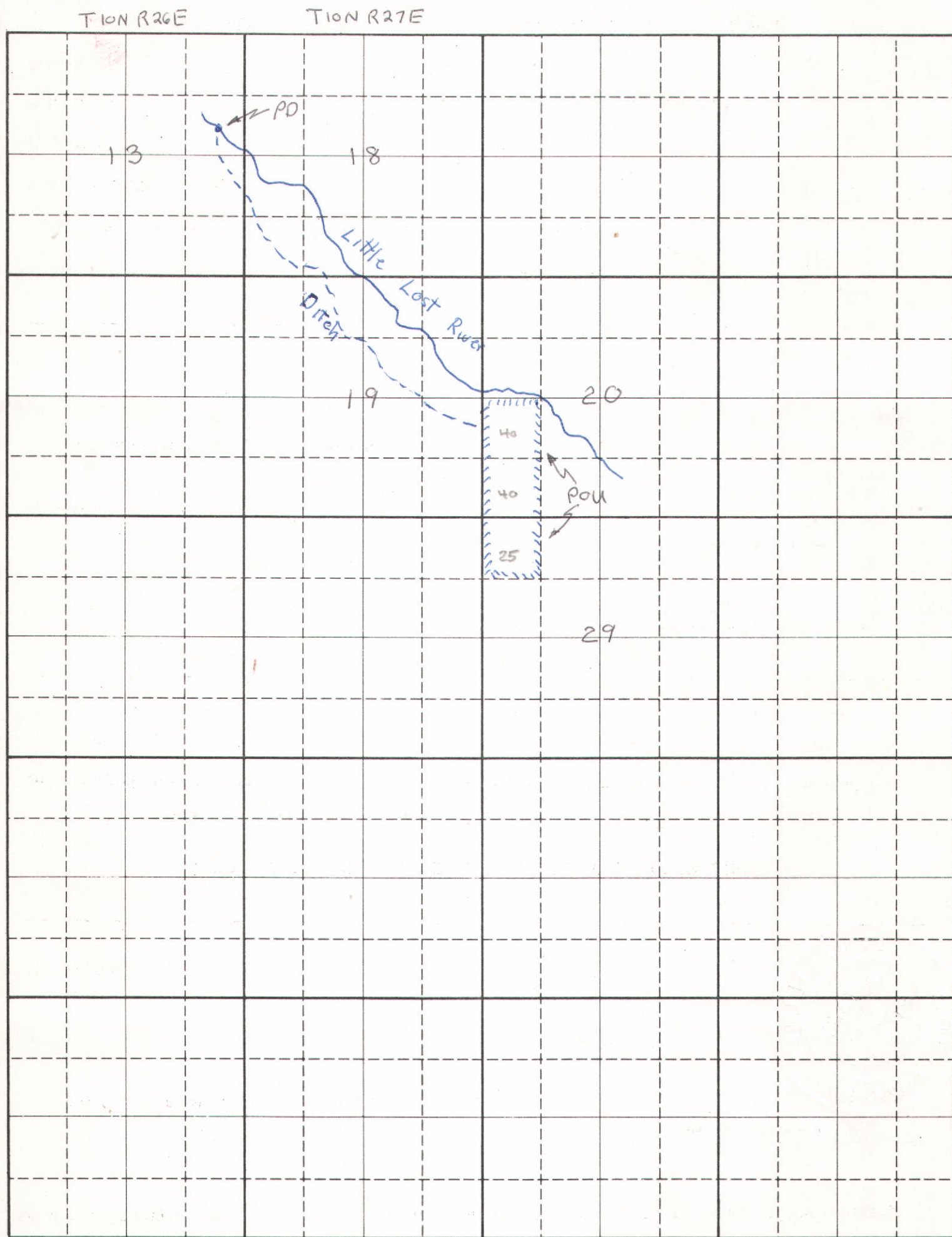


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

m 1160
FILED

JUL 10 1975

MEMORANDUM AGREEMENT

A.M. 4:35 P.M.
BUTTE COUNTY RECORDER
Yellow Pine

THIS AGREEMENT, Made this 23rd day of December, 1974, by and between ARNOLD K. MUNSON and LOIS A. MUNSON, Husband and Wife, of Butte County, Idaho, the parties of the first part, hereinafter called "Sellers", and KARL McDANIEL and BONNIE B. McDANIEL, Husband and Wife, of Irwin, Bonneville County, Idaho, the parties of the second part, hereinafter called "Purchasers";

W I T N E S S E T H:

Sellers and Purchasers acknowledge that they have entered into a Real Estate Purchase and Sale Agreement for the sale and purchase of the following described property, situate and being in Butte County, Idaho, to-wit:

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section 4; the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 9, all in Township 9 North, Range 27, East Boise Meridian, Butte County, Idaho.

Together with all ditch and water rights, including, but not limited to, 80 inches of decreed water from Dry Creek, with a priority of 4/24/81; 80 inches of decreed water from Little Lost River, with a 1906 priority; and, State of Idaho Water License No. 33-2089;

And, the following grazing rights:
17 head cattle, Challis National Forest
from May 1 to June 30;
17 head cattle, Challis National Forest,
from November 16 to December 15;
49 head cattle, Challis National Forest,
from July 1 to September 30;
Taylor Grazing Privileges for 215 AUM's (BLM).

AND THE FOLLOWING DESCRIBED PERSONAL PROPERTY:

All irrigation equipment, including, but not limited to:

1. 4 Western movers. Wheel lines - 5" diameter.
2. 3/4 mile of portable Main Line - 9, 8, 6 and 5 inches in diameter.

MICROFILMED

3. 1/2 mile 8" permanent Main Line. (Approximate)
4. 2 Ames Hand Lines - 4" diameter, 1/4 mile long.
5. 1/8-mile, 3" Hand Line (approximately).
6. Irrigation Pump - Turbine, Fairbanks Morse, Serial No. H6L100A.
7. Irrigation Motor - 75 h.p., General Electric, Serial No. BGJ224524.
8. 1,000 gallon LP Gas Tank.

Membership Certificate in Clyde Grazing Association, Inc., a non-profit, non-stock membership corporation, organized under the Laws of the State of Idaho.

ESCROW:

The parties further represent and agree that the original of said Agreement, together with a Warranty Deed and Bill of Sale from Sellers to Purchasers, is being held in Escrow at the Butte County Bank, Arco, Idaho, conditioned upon the Purchasers making certain payments to the said Escrow Holder. It is agreed in said Agreement, that the title to the real property in said Agreement shall remain in Sellers until the full amount of the purchase price and interest shall have been paid in full. This Memorandum Agreement is executed and recorded for the purpose of evidencing the Purchasers' contract interest in the real property above described.

IN WITNESS WHEREOF, The parties have set their hands this 23rd day of December, 1974.

Arnold K. Munson
Arnold K. Munson

Lois A. Munson
Lois A. Munson
SELLERS

Karl McDaniel
Karl McDaniel

Bonnie B. McDaniel
Bonnie B. McDaniel
PURCHASERS

MICROFILMED

te)
ng.
STATE OF IDAHO)
County of Butte) ss.

On this 23rd day of December, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared ARNOLD K. MUNSON and LOIS A. MUNSON, 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 day and year in this certificate first above written.



William G. Carlson
Notary Public for Idaho,
Residing at Arco, Idaho.

d
crow
STATE OF IDAHO)
County of Butte) ss.

On this 23rd day of December, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared KARL McDANIEL and BONNIE B. McDANIEL, 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 day and year in this certificate first above written.



William G. Carlson
Notary Public for Idaho,
Residing at Arco, Idaho.

STATE OF IDAHO)
County of Butte) ss.

I hereby certify that the foregoing is a full, true and correct copy of the original Memorandum Agreement on file in this office.
Dated February 24, 1981

Page 3 - Memo Agree

Judith R. Bailey
Clerk of the District Court
of Butte County, Idaho

By: *Sharon S. Waffner*
Deputy

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Alan J. Amy Phone 767-3374

Post office address Howe, ID 83244

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to William I. Peck and Caroline Peck
(Name)
in case of Blaine County Investment Co. vs Robert G. Mays
dated 3/4/1927 in 6th Judicial District county of Butte
(Name of court)
- b. License No. 33-2034 issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Applicant acquired rights through purchase of said rights - source of water -
Deep Creek Springs/Black Canyon Springs tributary to sinks (33-2034)

3. Source of water Deep Creek (33-0087) tributary to sinks

4. Date of priority 33-0087 (10-1-1900) 33-2034 (5-16-1934) Season of use, not

5. Water is used for the following purposes: specified in decree - Right No. 33-0087

33-0087 amount 1.6 cfs for irrigation purposes from 4/1 to 11/1

33-2034 amount 0.30 cfs for irrigation purposes from 4/1 to 11/1

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

6. Total amount of water under right: a. 1.90 cubic feet per second

b. &/or acre feet per annum

⑦ Note: see Remarks 33-2034 Location of original point of diversion is SW SE Section 10
SE 1/4 of NW 1/4 of Section 14

Township 10N Range 27E, B.M., in Butte County

Additional points of diversion, if any NE 1/4 of SW 1/4 Sec. 14 T. 10N. R. 27 E.B.M.

NOTE: Point of diversion from Deep Creek not specified in decree.

8. Lands irrigated or place of use:

TWP.	RANGE	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	
33-0087 9N	27E	9		40	40	40	40												160
33-2034 9N	27E	4															15		15

Total number of acres to be irrigated 175

9. Describe any other water rights used for the same purposes as described above From Little Lost

River: 70 miners inches, Priority April 1, 1906; 33-0088

applicant, omit part B).

cubic feet per second &/or

acre feet per annum

Point of diversion

Additional points

Place of use:

[illegible]

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

Change in point of diversion

a. Amount of water to be diverted

acre feet

06'I

c.t.s. &/or

Range 26E, B.M., Butte County

County

Additional points

dissep

c.	Description of diverting works	Ditch from creek to place of use.
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d. Describe the reasons for applying for a change in the point(s) of diversion Place of use

is adjacent to new point of diversion. Right was purchased by Mr. Amy

to be applied to his property.

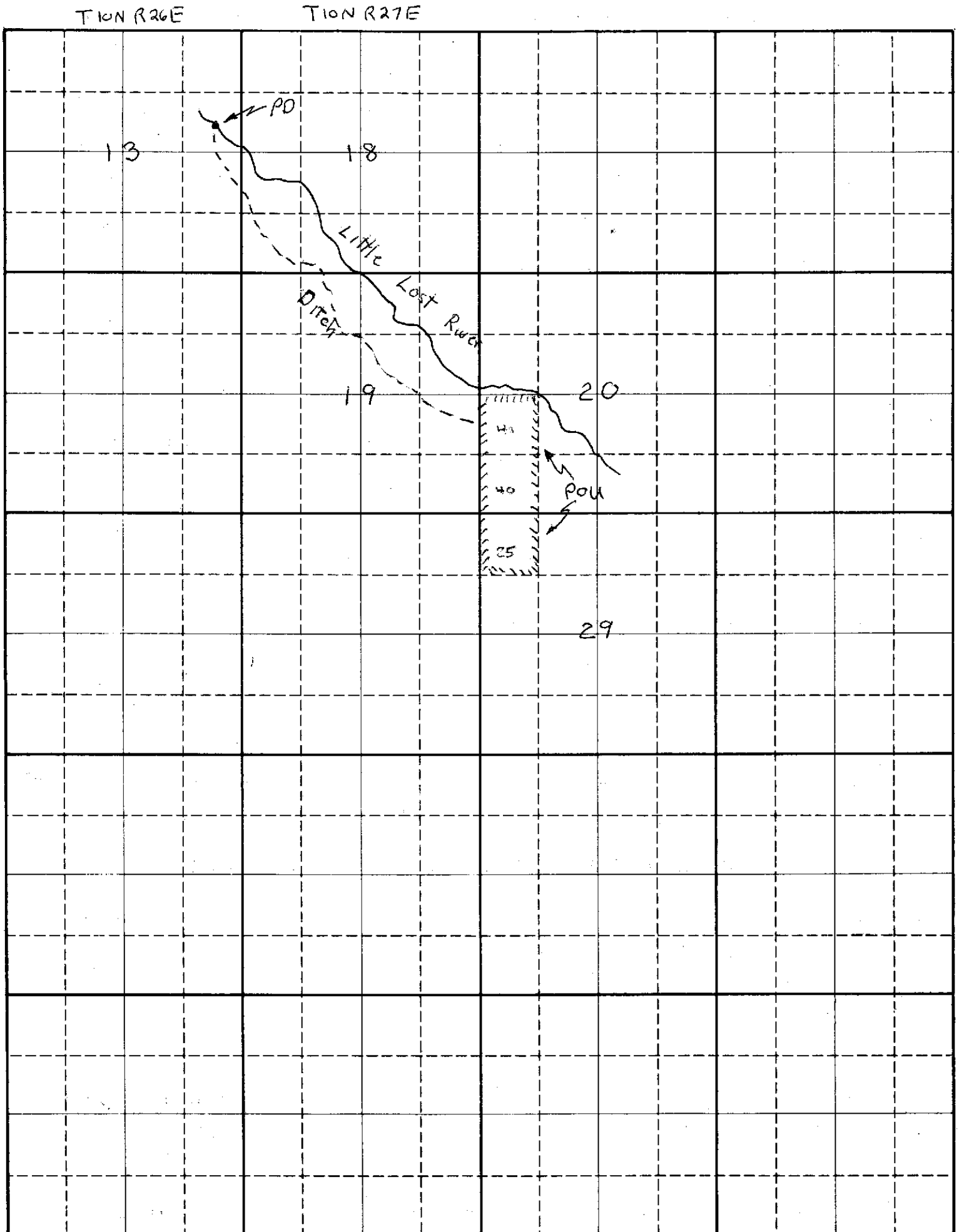
Change in place of use

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

[illegible]

105 Total number of acres to be irrigated

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

APPROVED

4. Remarks Legal description corrections to Water Right Licence #17958/33-2034 Black Canyon Spring, point of diversion is within SE 1/4 of SW 1/4 Sec 10 T. 10 N. R. 27 E. B. M. Deep Creek Spring, point of diversion is within SW 1/4 of NW 1/4 Sec 14 T. 10 N. R. 27 E. B. M. both in Butte County.

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 19th day of March 1981.

My commission expires Oct 10, 1981

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 33-0087 and 33-2034

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

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

2. Use of water under this right is subject to control by the watermaster of State Water District No. 33, Little Lost River.

Witness my hand this 11th day of May, 1982.

J. Allen Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by Date 3/20/81 Fee 50.00
Prelim. check by Date 3/24/81 #17121
Received by Date 3/24/81 #17121
Published in Date 4/9 & 4/10/81
Pub. date 4/7/81
Watermaster recommendation requested on 4/16/81
Recommended for approval by E.M.C. Der
denial

TRANSFER AND RELINQUISHMENT OF WATER RIGHTS

THIS INSTRUMENT, Made and executed this 27th day of February, 1981, For Value Received, KARL McDANIEL and BONNIE B. McDANIEL, Husband and Wife, of near Howe, Butte County, Idaho, hereby relinquish, grant, transfer and convey the hereinafter described water rights to ALAN J. AMY and AFTON LOUISE AMY, Husband and Wife, of near Howe, Butte County, Idaho.

The Water Rights to which this instrument refers are:

Water Right #1: That certain Decreed Water Right originally decreed to WILLIAM I. PECK and CAROLINE PECK, Husband and Wife, from Deep Creek, being State of Idaho Number 33-0087, for 80 miner's inches of water, priority 10/1/1900, which water was declared to be appurtenant to the following described land, now owned by Grantors herein, to-wit:

The South half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 9, Township 9 North, Range 27 East, Boise Meridian.

Water Right #2: That certain Water License issued by the State of Idaho, being No. 17958/33-2034, for .30 c.f.s., priority 5/16/34, issued originally to HAZEL M. AMY, which right is appurtenant to the following described land, now owned by Grantors herein, to-wit:

Township 9 North, Range 27 East, Boise Meridian;

Section 4: SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Undersigned Grantors consent to the transfer of the appurtenancy of said two (2) water rights to the following owned land of the Grantees, to-wit:

Southwest Quarter of Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), the North Half of Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 19; the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 20; the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29; and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 30; All in Township 10 North, Range 27 East, Boise Meridian, Butte County, Idaho.

Provided that all expenses involved with said transfer shall be borne by Grantees, and Grantees shall save harmless.

and indemnify Grantors against loss thereunder.

IN WITNESS WHEREOF, The parties hereto have hereunto
set their hands the day and year first above written.

Karl McDaniel
Karl McDaniel

Bonnie B. McDaniel
Bonnie B. McDaniel

STATE OF IDAHO)
 ;
County of Butte)

On this 27th day of February 1981, before me, the
undersigned, a Notary Public in and for said State, personally
appeared KARL McDANIEL and BONNIE B. McDANIEL, 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 day and year in this certi-
ficate first above written.

(SEAL)

William A. Carter
Notary Public for Idaho,
Residing at Arco, Idaho.

RECEIVED

1160
FILED

JUL 10 1975

4:35 P.M.
BUTTE COUNTY CLERK
Butte, Idaho

THIS AGREEMENT, made this 23rd day of December,
1974, by and between ARNOLD E. HUNSON and LOIS A. HUNSON, Husband
and Wife, of Butte County, Idaho, the parties of the first part,
hereinafter called "Sellers", and EARL McDANIEL and BONNIE B.
McDANIEL, Husband and Wife, of Irwin, Bonneville County, Idaho,
the parties of the second part, hereinafter called "Purchasers";

WITNESSETH:

Sellers and Purchasers acknowledge that they have
entered into a Real Estate Purchase and Sale Agreement for the
sale and purchase of the following described property, situate
and being in Butte County, Idaho, to-wit:

The Southwest Quarter of the Southeast
Quarter (SWSE $\frac{1}{4}$) and the East Half of the
Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Section 4; the
South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$),
the Northeast Quarter of the Northeast Quarter
(NE $\frac{1}{4}$ NE $\frac{1}{4}$), and the Northeast Quarter of the
Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 9, all in
Township 9 North, Range 21, East Boise Meridian,
Butte County, Idaho.

Together with all ditch and water rights, in-
cluding, but not limited to, 80 inches of
decreed water from Dry Creek, with a priority
of 4/24/51; 80 inches of decreed water from
Little Lost River, with a 1906 priority; and,
State of Idaho Water License No. 33-2089;

And, the following grazing rights:
17 head cattle, Challis National Forest,
from May 1 to June 30;
17 head cattle, Challis National Forest,
from November 15 to December 15;
49 head cattle, Challis National Forest,
from July 1 to September 30;
Taylor Grazing Privileges for 215 AUM's (BLM).

AND THE FOLLOWING DESCRIBED PERSONAL PROPERTY:

All irrigation equipment, including, but not
limited to:

1. 4 Western movers. Wheel lines - 5" diameter.
2. 3/4 mile of portable Main Line - 9, 8, 6 and
5 inches in diameter.

F.M.
ORDER

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(date)
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three,
Electric,
William
Certificate of Association
non-profit corporation
organized under the laws of the
State of Illinois

ESCROW:

It is agreed that the original Bill of Sale, Mortgage, Warranty Deed and Bill of Sale, all of which are being held in Escrow at the time of the closing, shall remain upon the Purchaser's Bill of Sale, and shall be the property of the Escrow Holder. It is agreed in said agreement that the real property in said agreement shall remain in the full amount of the purchase price until the full amount of the purchase price has been paid in full. This Memorandum of Understanding is provided for the purpose of evidence of the purchase price in the real property.

In witness whereof, the parties have set their hands this 23rd day of

William F. Thompson
SELLERS
William F. Thompson
SELLERS
William F. Thompson
BUYERS
William F. Thompson
BUYERS

MICROFILM

WILLIAM F. THOMPSON
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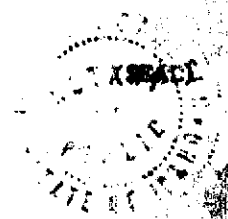
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I hereby certify that the foregoing is a full, true and correct copy of the original on file in this office.

Dated February 24, 1936

Clerk of the District
of Butte County, Cal.
By: *Sharon*
Deputy

MICRO

Affidavit of Publication

L. Ella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated 4-16-81

and ending with the issue dated 4-23-81

L. Ella Cammack

Subscribed and sworn to before me this

12 day of May, 1981

Charles L. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires July, 1981

Public Notice

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that Alan J. Amy, Howe, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use for the following rights:

Right No. 33-0087 evidenced by decree to William I. Peck and Caroline Peck in case of Blaine County Investment Co. vs. Robert G. Mays dated 3-4-1927 in Sixth Judicial District, County of Butte and recorded as follows:

AMOUNT: 1.60 cfs from Deep Creek PRIORITY: 10-01-1900

Point of diversion was not specified in decree, to be used from Apr. 1 to Nov. 1 for the irrigation of 160 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 9N, R. 27E.

License No. 33-2834 AMOUNT: 0.30 cfs PRIORITY: 5-16-1934

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 10N, R. 27E, B.M., Butte County.

The water is used to irrigate 15 acres from Apr. 1 to Nov. 1 within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 9N, R. 27E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 10N, R. 26E, B.M., Butte County; to be used for the irrigation of 105 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 10N, R. 27E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83401, on or before April 27, 1981.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on April 9 and 16, 1981.

RECEIVED

MAY 26 1981

Department of Water Resources
Eastern District Office

RECEIVED

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38
Plaintiff's Exhibit
for identification
①
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BUTTE COUNTY.

33-B ✓
NUMBERED

THE BLAINE COUNTY INVESTMENT
COMPANY, a corporation,

Plaintiff,

ROBERT G. MAYS, et al.,

Defendants.

D E C R E E

This matter having been referred to Honorable L. E. Glenn, by an order of this court, made and entered on the 4th day of May, 1923, to take the testimony herein and to try all of the issues in said action, both of fact and law, and to report findings and judgment thereon, as required by law, and the said Referee having heard and considered said cause and having submitted a full and complete report thereon setting forth his findings of fact and conclusions of law, and the court having duly considered said report and the objections filed thereto, and having heard the arguments of counsel for the respective parties in support of their objections to said report, and given due consideration thereto, and the court having heretofore made an order approving and adopting the report of the Referee, and the court having heretofore made and filed findings of fact and conclusions of law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I.

That all of the lands hereinafter described are arid in character and require artificial irrigation in order to produce profitable crops thereon.

II.

That the duty of water upon the several tracts of land herein described corresponds to the quantity of water awarded thereto, respectively, and the quantity of water herein awarded

1.

From Dry Creek: ✓

160 inches, Date of priority April 15, 1891, — 17

Points of diversion:

33 0085

From Saw Mill Creek: At the mouth of said stream,

From Dry Creek: At the Dry Creek Dam,

to be used upon and appurtenant to:

The Southwest quarter of the Northeast quarter, the Northeast quarter of the Southeast quarter and the South half of the Southeast quarter of Section Eight, and the West half of the Southwest quarter of Section Nine, all in Township Eleven North, Range Twenty-six East of the Boise Meridian.

Also, the Southwest quarter and the North half of the Northwest quarter, Section Nine, Township Nine North, Range Twenty-seven East of the Boise Meridian. C.

XXIV

E. B. JONES:

From Taney Creek:

162.5 inches, Date of priority April 15, 1891, the 33 0086 17

right of said claimant to have delivered to him water from Taney Creek being conditioned upon his delivering, or causing to be delivered, into Wet Creek, at the head of the Basinger-Mulkey Ditch, on said Wet Creek, an equal quantity of water from Dry Creek;

Points of diversion:

From Dry Creek: At the Dry Creek Dam

From Taney Creek:

to be used upon and appurtenant to:

The Southeast Quarter of the Northwest Quarter, the East half of the Southwest quarter, the Southwest quarter of the southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section One, Township Six North, Range Twenty-eight East of the Boise Meridian.

XXV

WILLIAM I. PECK and CAROLINE PECK, husband and wife:

From Deep Creek: 80 inches, October 1, 1900; 33 0287

From Little Lost River: 70 inches, April 1, 1906; 33 0088

Points of diversion:

From Little Lost River:

From Deep Creek:

right of said cross-complainants to receive the amount of water

awarded them from Deep Creek being conditioned upon their delivery of said Deep Creek water into the main channel of Little Lost River and said parties shall only be entitled to such amount of water on account of such award as they may cause to be delivered from the channel of Deep Creek into the main channel of Little Lost River, to be used upon and appurtenant to:

The South half of the Northeast Quarter, the Northwest Quarter of the Northeast Quarter, and the Northeast Quarter of the Northwest Quarter, Section Nine, Township Nine North, Range Twenty-seven East of the Boise Meridian.

XXVI

ROY PECK and MAY PECK, husband and wife:

From Wet Creek:

10 inches, Date of priority July 24, 1905, 33-0089

Point of diversion:

From Wet Creek:

to be used upon and appurtenant to:

The Southwest quarter of the Northeast quarter, the Southeast Quarter of the Southwest Quarter, and the West half of the Southeast Quarter, Section Four, Township Nine North, Range Twenty-seven East of the Boise Meridian.

XXVII

ROBERTS WILLIAMS, HAROLD WILLIAMS, STANLEY WILLIAMS and JOHN WILLIAMS, heirs at law of A. H. WILLIAMS, Deceased:

From Little Lost River:	40 inches, April 1, 1887;	33-0090
	70 inches, June 1, 1891;	33-0091
From Saw Mill Creek:	50 inches, May 25, 1891;	33-0092
From Dry Creek:	160 inches, April 15, 1891;	33-0093

Points of diversion:

From Little Lost River:

From Saw Mill Creek: At the mouth of said stream;

From Dry Creek: At the Dry Creek Dam;

to be used upon and appurtenant to:

The South half of the Southwest quarter of Section Ten; the East half of the Southeast Quarter of Section Nine, the North half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section Fifteen, Township Nine North, Range Twenty-seven East of the Boise Meridian.

XXVIII

O. P. WILLIAMS:

From Little Lost River:	40 inches, April 1, 1887;	33-0001
	70 inches, June 1, 1891;	33-0095

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE ARMY
WASHINGTON, D. C. 20315

OFFICE OF THE ADJUTANT GENERAL

100-100000

RECEIVED 10/10/54

100-100000

M E M O R A N D U M

TO: Glen Saxton

FROM: Dave Tuthill *DMT*

May 10
DATE: ~~April~~ 29, 1982

RE: T2529

I had hoped that the Administrative Memo on Expansion of a Water Right via a Transfer would provide some insight to a resolution of this transfer application. This right, however, is too complex to be fully addressed by the memo.

Here we have a case of an application for transfer of a decreed right which proposes to convey water from land A to land B, where (1) land B is already irrigated with both groundwater and a small right from Deep Creek, (2) land A will continue to be irrigated with old decreed river rights after the transfer, and (3) the total diversion from surface sources will likely increase if the transfer is approved.

In favor of approving the application are the following factors:

- a. 33-0087 is the only decreed right on Deep Creek (per the abstract). The only other recorded rights on Deep Creek are two statutory rights in the name of the applicant.
- b. The date of priority of 1900 is not an early priority in the Little Lost system so 330-0087 is almost a "high water right".
- c. 33-2034 is a "high water right", since the date of priority is 1934.
- d. By the description in the Administrative Memo, we would consider this transfer application to be dealing with a secondary water right, where there is no net change in irrigated acreage. Per the memo this would not comprise an expansion.
- e. To determine net change in consumptive use as a result of this transfer would be extremely time consuming and difficult.

Based on these factors I recommend approval of this transfer as shown.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Dave Turhill

DATE 4/26/82

TO T 2529

SUBJECT Water Rights on Lands to Which Water is Being Transferred
Via T2529:

<u>Tract</u>	<u>SOURCE</u>	<u>Rt. No.</u>	<u>Stage</u>	<u>" / acre</u>	<u>No acres</u>
NWSW S. 20 T 10 N R 27 E	G.W.	33-2141	L	1.0	40
SWSW " " " "	G.W.	33-2106	L	1.0	40
NWNW S. 29 " "	G.W.	33-2141	L	1.0	40
	G.W.	33-2106	L	1.0	40
	Deep Creek	33-7094	P	1.0	15

DET

SIGNATURE

DATE

11/16/51

FROM

Jim

TO

Dave

SUBJECT

Transfer application

Dave, we have received an answer from Mr. Amy. It appears that an expansion will occur if we approve this transfer, without some kind of condition.

We will use this right as an example of the need for an admin memo on transfer expansions.

DNR

SIGNATURE

RECEIVED

NOV 18 1981

Department of Resources
Nov. 13, 1981

RE: Application for Transfer of Water
Right Nos. 330087 & 33-2034

Dear Sirs:

For the additional information
you asked for of water rights
33-0087 & 33-2034 and 33-0088

Question #1 - answer = right No.
33-0088 remains appurtenant
to land owned by Karl and Bonnie
McDaniel

Question #2 - answer = this right
is being delivered by water
master

RECORDED

Thank You
Alan J. Arny



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 7, 1981

RE: Application for Transfer of Water Right Nos. 33-0087 & 33-2034

Alan J. Amy
Howe,
Idaho 83244

Dear Mr. Amy:

On August 18, 1981, we wrote to you asking for additional information related to your application for transfer of water rights 33-0087 and 33-2034. To date, we have not heard from you and we won't be able to process your transfer until this information is received.

For your convenience I am including the questions we asked in our first letter:

1. What happened to the other decreed water right that was appurtenant to the land owned by Karl and Bonnie McDaniel? This right number is 33-0088.
2. Is the water master still delivering this right?

Please respond to the above questions on or before November 15, 1981. If we have not received any word from you by then we will have no alternative but to deny your transfer application.

If I can be of any assistance or answer any questions you may have, please let me know.

Sincerely,

JIM HENSON
Water Distribution Supervisor

kw

RECEIVED
OCT 14 1981
WATER RESOURCES

August 18, 1981

Alan J. Amy
Howe,
Idaho 83244

Dear Mr. Amy:

Your application for Transfer of Water Right 33-0087 and 33-2034 has been forwarded to us for final review and approval.

We find however that before we can continue to process your application a couple of items need to be addressed.

In your transfer you provided a document in which Karl and Bonnie McDaniel relinquished Decreed Water Right No. 33-0087 from their land. There were however two decreed water rights to this land. We would like to know what happened to the other Water Right No. 33-0088 and is the water master still delivering this right?

We will hold processing your transfer until we receive your response.

If you have any questions on this please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED

May 13, 1982

RE: Water Rights Nos. 33-0087 and 33-2034

Alan J. Amy
Howe,
Idaho 83244

Dear Mr. Amy:

Enclosed is a copy of your approved application for transfer of the above referenced water rights (Transfer No. 2529). Be sure to note the conditions of approval on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

RECEIVED
MAY 14 1982

TO DAVE

This transfer proposes to change only one of the two decreed water rights described having the place of use in section 9

The applicant does not appear to own the land at the said P/u but does have a release from Karel & Bonnie Mc DANIEL of right 33-0087.

Perhaps we should ask the watermaster ^{where} ~~if~~ he delivers right 33-0088.

But on the other hand it may not make any difference because the copy of a Memorandum Agreement in the file shows that Mc DANIEL'S only received 33-0087 and 33-2089 when they purchased the property in 1974.

Comments?

Jim 8/4/81

Jim: Even though 33-0088 was not mentioned in the 1974 memorandum agreement I am still concerned about where it is currently delivered and used. Unanswered? on this one are:

- 1) What will happen to the lands from which the water is proposed to be removed?
- (over)

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2) Is water at 33-0088 used anywhere now?

Due to the water short nature of basin 33 I
think we should pursue this with a letter to
the applicant and a C.C. to the watermaster.

Date
8/5/81

Ref. transfer - Alan J. Amy

Not everything written on transfer was advertized.
Reason being that all material written in pen was added
by Mr. Amy even though the Form did not call
for the information or was not given in original
decece.

Also decece states that right holder may
take his water from the Little Lost River if
he delivers same quantity from sources named to
the Little Lost.

HWS

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: JK

1. Right number 33-0087, 33-2034 Applicant Alan J. Amy
2. Type of right: ☒ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check: Some additions to type on form: see penciled stars

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use
- (b) ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

copy to
SO 4/1

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 The only other rights on original
and 'transferred to' place of use are from groundwater source,
and from Deep Creek Spring & Black Canyon Spring
- i. ☒ Check for existing water rights from same source, on land water is being transferred to Spring & Black Canyon Spring
- Right number(s) None
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
- If yes, what district? 33

4/27

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 4/7 Received on 4/16/81
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny

Conditions* - Watermaster control & measuring device.

OIE, OS (33 Little Lost River)

4. By Ernest Carlson Date June 12, 1981 Department of Water Resources

* All uses within Watermaster Districts require special conditions.

May 1, 1981

RE: Application for Transfer No. 33-0087/2034 AMY

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on April 9 and 16, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

APR 27 1981

Identification No. _____

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Lucas Johnson watermaster of Little Lost River
of Water District No. 33, County of Butte, State of Idaho,
whose address is 40 Leo Amy Howe, Idaho 83244
have read the attached copy of the application for transfer of water right for
Alan J. Amy (name), and to the best of my knowledge believe the
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

None

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Howe, Idaho, this 14 day of April, 1981.

Lucas Johnson
(Signature)

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RECEIVED

APR 16 1981

Department of Water Resources
Eastern District Office

150 Shoup Ave. -----

525-7161

April 7, 1981

RE: Application for Transfer of Water Right Nos. 33-0087 & 33-2034

Kirk Smith
Watermaster
Water District No. 33
Howe, ID 83244

Dear Mr. Smith:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before April 27, 1981.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

RECEIVED
APR 10 1981
WATER DISTRICT NO. 33
HOWE, ID

150 Shoup Ave. -----

525-7161

April 7, 1981

RE: Application for Transfer of Water Right Nos. 33-0087 & 33-2034
Applications for Permit Nos. 33-7093 & 33-7094

Alan J. Amy
Howe,
Idaho 832555

Dear Mr. Amy:

Attached herewith is Departmental Receipt No. 17121 in the amount of \$320.00 for the above referenced applications.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

APR 10 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shour Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

APRIL 2, 1981

The Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 27, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that Alan J. Amy, Howe, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use for the following rights:

Right No. 33-0087 evidenced by decree to William

I. Peck and Caroline Peck in case of Blaine County Investment Co. -vs- Robert G. Mays dated 3/4/1927 in Sixth Judicial District, County of Butte and recorded as follows:

AMOUNT: 1.60 cfs from Deep Creek PRIORITY: 10/01/1900

Point of diversion was not specified in decree, to be used from Apr. 1 to Nov. 1 for the irrigation of 160 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 9N, R. 27E.

License No. 33-2034 AMOUNT: 0.30 cfs PRIORITY: 5/16/1934

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 10N, R. 27E, B.M., Butte County.

The water is used to irrigate 15 acres from Apr. 1 to Nov. 1 within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 9N, R. 27E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 10N, R. 26E, B.M., Butte County; to be used for the irrigation of 105 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 10N, R. 27E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83401, on or before April 27, 1981.

C. STEPHEN ALLRED

Director

Published in the Arco Advertiser, Arco, Idaho on April 9 and 16, 1981.

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