

Affidavit of Publication

RECEIVED
MAY 18 1960
Department of Reclamation

I, Dolly Cross, 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 (two) consecutive weeks, commencing
with the issue dated May 6, 1960
and ending with the issue dated May 13, 1960

Dolly Cross

Subscribed and sworn to before me this

17 day of May, 1960

Margaret E. Pearson
Notary Public.

Residence, Arco, Idaho.

My commission expires 1-16, 1961.

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Arch Isham and Katie Isham of Howe, Idaho have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Little Lost River as follows: Amount: .8 cubic feet per second. Priority: April 15, 1891; Point of diversion: NW 1/4 NE 1/4, Section 19, Township 10 N., Range 27 E., B. M.; Place of use: NW 1/4 NE 1/4, S 1/2 NW 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4, Sec. 29, Township 10 N., R. 27 E., B. M.

To Be Transferred To

Point of diversion: SE 1/4 NE 1/4, Section 16, Township 9 N., Range 27 E., B. M.; Place of use: NE 1/4 NW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4, Sec. 21, Twp. 9 N., R. 27 E., B. M.

And that on the 27 day of May, 1960, at 10:00 o'clock A. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER,
State Reclamation Engineer.
Publish May 6, 13, 1960.

MICROFILMED

888

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Arch Isham and Katie Isham of Howe, Idaho have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Little Lost River as follows: Amount: .8 cubic feet per second. Priority: April 15, 1891; Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 10 N., Range 27 E., B. M.; Place of use: NW $\frac{1}{4}$ -NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, Township 10 N., R. 27 E., B. M.

To Be Transferred To

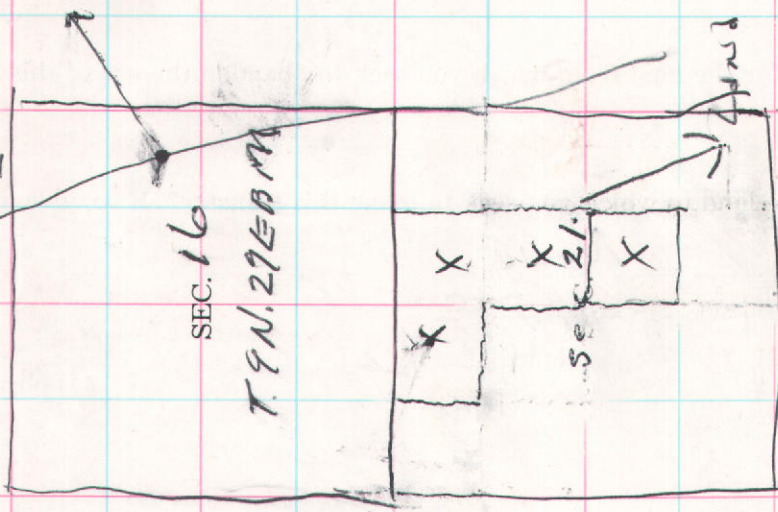
Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Township 9 N., Range 27 E., B. M.; Place of use: NE $\frac{1}{4}$ -NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 21, Twp. 9 N., R. 27 E., B. M.

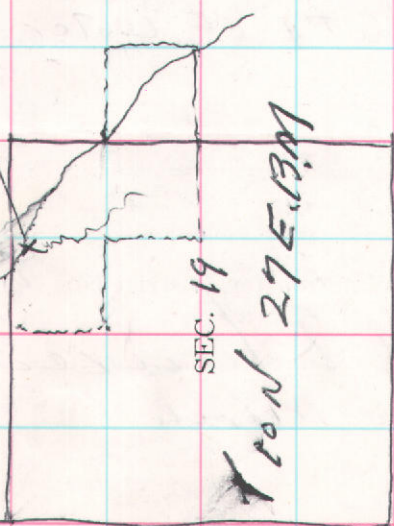
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GEO. N. CARTER,
State Reclamation Engineer.
Publish May 6, 13, 1960.

Little Lost River
New Pt. of Diversion



Little Lost River
Present Pt. of Diversion



MICROFILMED

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4077 OF WATER)
RIGHT NOS. A33-00097B AND)
A33-00100 IN THE NAME OF WOODIE)
LAND & LIVESTOCK, INC.)

FINAL ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference in the matter, the parties having agreed to allow the Director to issue a recommended order based on information presented at the conference, and the Director having issued a recommended order in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. Water right no. 33-00097 was decreed in a case of Blaine County Investment Co. v. Robert G. Mays et. al. on March 4, 1927 and provided for the diversion of 6.4 cubic feet per second (cfs) of water from Dry Creek to be diverted from Dry Creek dam. The priority of the right is April 15, 1891.

- i) Transfer No. 899 approved by the department on October 15, 1957 changed water right no. 33-00097 to be as follows:

Source: Dry Creek

Amount to be changed: all, i.e. 6.4 cfs.

Point of diversion: NE1/4NW1/4 Section 12, T10N, R26E, BM.

Place of use: S1/2SW1/4 Section 18, NW1/4 Section 19, E1/2SE1/4 Section 29, NE1/4NE1/4 Section 32, NW1/4NW1/4, S1/2NW1/4, E1/2SW1/4 Section 33, T10N, R27E, BM.

- ii) Transfer No. 1571 approved by the department on December 9, 1968, further changed the right as follows:

Source: Dry Creek

Amount to be changed: part, i.e. 3.2 cfs.

Point of diversion: No change, i.e. NE1/4NW1/4 Section 12, T10N, R26E, BM.

Place of use: Changed from the S1/2SW1/4 Section 18 and NW1/4 Section 19 to the E1/2 SE1/4 Section 13, NE1/4NE1/4 Section 24, T10N, R26E, BM., NW1/4NW1/4, S1/2NW1/4 Section 19, T10N,

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R27E,BM.

Comment: This part of the original right is identified as 33-00097B.

- iii) Adjudication claim no. A33-00097B claims the right as follows:

Source: Dry Creek

Amount: 3.2 cfs

Point of diversion: NE1/4SW1/4 Section 12, T10N, R26E,BM. and NE1/4SW1/4 Section 20, T10N, R27E,BM.

Place of use: E1/2SE1/4 Section 13, NE1/4NE1/4 Section 24, T10N, R26E,BM.; SW1/4SW1/4, SE1/4SW1/4 Section 18, NE1/4NW1/4, NW1/4NW1/4, SW1/4NW1/4, SE1/4NW1/4 Section 19, NE1/4SW1/4, SE1/4SW1/4, Section 20, T10N, R27E,BM. (342 acres)

2. Water right no. 33-00100 was also decreed in the case of Blaine County Investment Co. v. Robert G. Mays et al. and provided for the diversion of 0.80 cfs of water from Dry Creek to be diverted at the Dry Creek dam. The place of use is E1/2NE1/4, NW1/4NE1/4 Section 19, SW1/4NW1/4 Section 20, T10N, R27E,BM. The priority of use is April 15, 1891.

- i) Transfer No. 843 approved by the department on March 1, 1955, changed water right no. 33-00100 as follows:

Source: Dry Creek

Point of diversion: NW1/4NE1/4 Section 19, T10N, R27E,BM.

Place of use: NW1/4NE1/4, S1/2NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2SE1/4, Section 29, T10N, R27E,BM.

- ii) Transfer No. 943 approved by the department on June 27, 1960, further changed the right as follows:

Source: Dry Creek

Point of diversion: SE1/4NE1/4 Section 16, T9N, R27E,BM.

Place of use: NE1/4NW1/4, W1/2NE1/4, NW1/4SE1/4, Section 21, T9N, R27E,BM.

- iii) Adjudication claim no. A33-00100 claims the right as follows:

Source: Dry Creek

Point of diversion: SE1/4NE1/4 Section 16, T9N, R27E,BM.

Place of use: NW1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4, SW1/4SE1/4, Section 21, T9N, R27E,BM.

3. In 1992, James Andreason sold to Woodie Land & Livestock Company (applicant) all his interest in water right no. A33-00100 and about 37.7% of water right no. A33-00097B. Andreason has used the rights together with ground water for the irrigation of his

land. For several years, however, Andreason has been converting his irrigation system to use only ground water.

4. On January 24, 1993, the applicant submitted application for transfer no. 4077 (application) to the department to change the point of diversion and place of use of water rights A33-00097B and A33-00100 which were acquired from James Andreason. The application proposes to change the point of diversion and place of use to a location approximately 26 miles downstream from the last authorized place of use and to divert the water from the Little Lost River. Use of the water would be on land which is irrigated with other water rights.

5. On March 18 and 25, 1993, the department published notice of the application for transfer in the Arco Advertiser. The application was subsequently protested by Mays Land & Livestock, Inc. and by Robert R. Mays.

6. On June 15, 1993, the department conducted a conference in the matter in Arco, Idaho. George Woodie was present and represented the applicant. Protestant Mays Land & Livestock, Inc. was represented by Michael C. Creamer and protestant Robert Mays was represented by Randall C. Budge. At the conference, the parties agreed to allow the department to issue a recommended order based on information presented at the conference and on information in the department's files and records provided the department consider the following:

- a) Potential channel losses.
- b) Changes in return flows which could impact other users.
- c) Potential expansion in use.
- d) Forfeiture or partial forfeiture of the rights.

7. The watermaster of Water District 33, has not treated Dry Creek as a tributary to the Little Lost River for the purpose of water distribution. This practice has been followed since Dry Creek rarely reached the Little Lost River until the Dry Creek flume was constructed in 1967 and the Dry Creek hydro project was later constructed. The watermaster has since delivered Dry Creek water as "developed water" ahead of all Little Lost River rights and has charged losses for delivery of the rights. This loss of up to 40% was determined at an annual water district meeting held in 1966 and was to be used and has been used until actual conveyance losses could be more accurately determined.

8. Some reaches of the little Lost River lose water while other reaches gain water.

9. In 1992, the applicant submitted an application for transfer (no. 3997) which was ultimately withdrawn from further consideration before the department.

10. The department's investigation of the use of water by Andreason as a part of the Snake River Basin Adjudication shows that Andreason has used the water rights proposed in the transfer for irrigation purposes.

11. The new place of use proposed in the transfer is irrigated by the applicant with twenty-five (25) shares of Blaine County Canal Company water which represents seventy-five (75) acre feet of water.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The transfer will not injure other water rights if appropriate conveyance losses are assessed to the rights proposed in the application.

3. The proposed transfers change the place of use of supplemental water rights to be used as supplemental water rights on different land. Approval of the application will not result in an enlargement in use if the approval is appropriately conditioned.

4. Investigation by the department of water use in the drainage in connection with the Snake River Basin Adjudication shows that the water rights sought for transfer have not been forfeited through non-use.

5. Specific information relative to return flows of water from the use of the water rights is not available to review and consider in this matter. If a change was involved, it has already occurred, since the conversion to the use of ground water by Andreason was completed over a period of time and is complete.

6. The change is not against the local public interest since a number of changes similar to the one proposed have occurred in the Little Lost River basin in the past without the filing of an application for transfer as required by statute.

7. The change is consistent with conservation of water resources in the state of Idaho.

8. The department should approve the transfer with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4077 of water rights 33-00097B and 33-00100 is APPROVED subject to the following conditions:

1. Use of water under this approval is subject to the control of the watermaster of Water District No. 33, Little Lost River and tributaries.

2. The right holder shall install and maintain measuring devices of a type approved by the department as a part of the diversion works or shall otherwise provide for the measurement of water diverted as approved by the department.

3. The right holder is required to maintain and use the shares owned in the Blaine County canal to the extent the shares are available for use. This transfer approval is null and void if the right holder sells or removes the shares in the Blaine County canal which are appurtenant to the place of use authorized by this transfer.

4. The watermaster is authorized to assess a delivery loss to the rights approved in this transfer and to deliver the rights less the assessed loss to the new point of diversion. The department and the watermaster shall determine the loss to be assessed based on actual measurements. Until such loss has been determined, the watermaster is authorized to assess losses consistent with past practice.

5. The rate of diversion under rights changed by this transfer when combined with all other rights for the irrigation of the same land shall not exceed 0.02 cfs per acre nor more than 4.0 afa per acre.

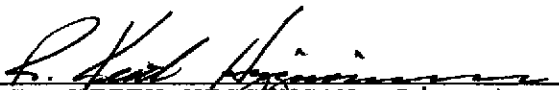
6. This approval does not grant a right-of-way or easement for the use of diversion works and/or conveyance works owned by persons other than the right holder.

7. Approval of this transfer does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

8. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind this approval.

Signed this 3rd day of NOVEMBER, 1993.


R. KEITH HIGGINSON, Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of November, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order to the following:

George Woodie
Woodie Land Livestock
HC 65 Box 1018
Howe, ID 83244

Jeff C Fereday
Givens Pursley Huntley
PO Box 2720
Boise, ID 83701

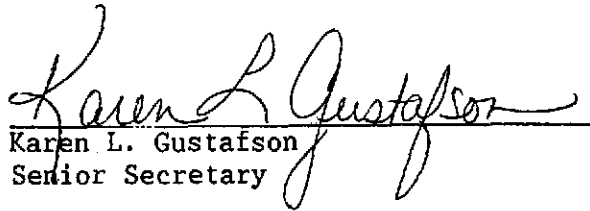
Randall C Budge
Racine Olson Nye et al
PO Box 1391
Pocatello, ID 83204-1391

Mays Land & Livestock

Robert R Mays

Howe, ID 83244

HC 65 Box 2105
Howe, ID 83244


Karen L. Gustafson
Senior Secretary



NOV 22 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4077
WATER RIGHT NO(S). 33-00097D/33-00100

This is to certify that: **WOODIE LAND & LIVESTOCK INC**
HC 65 BOX 1018
HOWE ID 83244

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. 33-00097D :			
IRRIGATION	04/15 to 10/15	1.20 CFS	427.0 AF
Priority: 04/15/1891			
Right No. 33-00100 :			
IRRIGATION	04/15 to 10/15	0.80 CFS	292.0 AF
Priority: 04/15/1891			

SOURCE

DRY CREEK

TRIBUTARY OF

LITTLE LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 32, Township 06N, Range 29E
BUTTE 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>
06N	29E	35	NENE 38	NWNE 29	SWNE 16	
			SENE 39			122
				Total number of acres irrigated:		122

CONDITIONS/REMARKS:

Right Nos. 33-00097D and 33-00100 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4077.

Dated this 3rd day of November, 1993.

J. Glen Saxton
Chief, Water Alloc. Bureau

NOV 22 1993

33-0100

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Arch and Katie Ishom)

of Howe, Idaho)

For a Transfer of Water Right in
Water District No. 9,
Butte County, Idaho.)

ORDER GRANTING TRANSFER

NO. 943

WHEREAS, On the 27th day of May, 1960, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Arch and Katie Ishom, of Howe, 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 water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS 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 official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed this 27th day of June, 1960.

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 943

THIS IS TO CERTIFY, That Arch and Katie Ishom, of Howe, Idaho, are the owners of and using the following water rights, to-wit:

0.80 cubic feet per second of
the waters of Little Lost River
with priority of April 15, 1891;

said waters having been decreed to Emily Basinger by Judge Ralph W. Adair, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY

Plaintiff

vs.

ROBERT G. MAYS, et al.,

Defendants

said Decree bearing date of March 4, 1927, and by Transfer of Water Right No. 843 to the following described lands, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
Section 29, Township 10 N., Range 27
E. B. M.,

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 86 thereof; and Transfer of Water Right No. 843 has been entered in the records of the State of Idaho of Transfer of Water Rights under Volume 2 at Page 843 thereof;

That said Arch and Katie Ishom have become the owners of said water rights through purchase;

And that now, upon the application of Arch and Katie Ishom, of Howe, Idaho, for a transfer of the above described water rights made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of said water upon the above described lands is hereby abandoned, and the lands to which these waters shall, by this Certificate, become appurtenant for irrigation and domestic purposes, are described as follows, to-wit:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21,
Township 9 North, Range 27 E.B.M.

RECORDED

That the water rights hereby transferred have heretofore been conducted to the first above described lands with point of diversion in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Township 10 North, Range 27 E.B.M., through a private ditch;

That the water right hereby transferred will hereafter be conducted to the last above described lands in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 9 North, Range 27 E.B.M.,

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 caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed, at Boise, Idaho, this 27th day of June, 1960.

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Arch and Katie Ishom)

of Howe, Idaho)

For a Transfer of Water Right in
Water District No. 9,
Butte County, Idaho.)

ORDER GRANTING TRANSFER

NO. 943

WHEREAS, On the 27th day of May, 1960, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Arch and Katie Ishom, of Howe, 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 water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS 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 official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed this 27th day of June, 1960.

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

MAINTAINED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 943

THIS IS TO CERTIFY, That Arch and Katie Ishom, of Howe, Idaho, are the owners of and using the following water rights, to-wit:

0.80 cubic feet per second of
the waters of Little Lost River
with priority of April 15, 1891;

said waters having been decreed to Emily Basinger by Judge Ralph W. Adair, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY

Plaintiff

vs.

ROBERT G. MAYS, et al.,

Defendants

said Decree bearing date of March 4, 1927, and by Transfer of Water Right No. 843 to the following described lands, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
Section 29, Township 10 N., Range 27
E. B. M.,

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at Page 86 thereof; and Transfer of Water Right No. 843 has been entered in the records of the State of Idaho of Transfer of Water Rights under Volume 2 at Page 843 thereof;

That said Arch and Katie Ishom have become the owners of said water rights through purchase;

And that now, upon the application of Arch and Katie Ishom, of Howe, Idaho, for a transfer of the above described water rights made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of said water upon the above described lands is hereby abandoned, and the lands to which these waters shall, by this Certificate, become appurtenant for irrigation and domestic purposes, are described as follows, to-wit:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21,
Township 9 North, Range 27 E.B.M.

That the water rights hereby transferred have heretofore been conducted to the first above described lands with point of diversion in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Township 10 North, Range 27 E.B.M., through a private ditch;

That the water right hereby transferred will hereafter be conducted to the last above described lands in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 9 North, Range 27 E.B.M.,

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 caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed, at Boise, Idaho, this 27th day of June, 1960.

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

RECORDED

See file 33-0099 for Appl.,
Letters, etc.

C O P Y

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Donald Frederick Waymire and
Margaret Waymire
of Howe, Idaho

For a Transfer of Water Right, in Water
District No. 9, Butte County, Idaho.

ORDER GRANTING TRANSFER

NO. 813.

WHEREAS, On the 17th day of January, 1955, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Donald Frederick Waymire and Margaret Waymire of Howe, 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 applicants, with the application, shows that the water will be put to a higher and more beneficial use, 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 official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 1st day of March, A. D. 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 843.

THIS IS TO CERTIFY THAT Donald Frederick Waymire and Margaret Waymire of Howe, Idaho, are the owners of and using certain water rights including .30 cubic foot per second from Little Lost River with priority of April 15, 1891 and .80 cubic foot per second from Dry Creek with priority of April 15, 1891, said waters being decreed to Emily Bassinger by Judge Ralph W. Adair of the District Court of the 6th Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT COMPANY

Plaintiff,

vs.

ROBERT G. MAYS, et al.,

Defendants.

said decree bearing date of March 4, 1927, and being appurtenant to the following described lands, to-wit:

E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20
Township 10 North, Range 27 East B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Decrees beginning at Page 86.

That said Donald Frederick Waymire and Margaret Waymire have become the owners of said water rights through purchase.

And that now, upon the application of Donald Frederick Waymire and Margaret Waymire of Howe, Idaho, for the transfer of .30 cubic foot per second of the water of Little Lost River and .80 cubic foot per second of the water of Dry Creek made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of said waters upon the above described lands is hereby abandoned and the land to which these water rights shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29
Township 10 North, Range 27 East, B.M.

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

.30 cubic foot per second of the waters of Little Lost River with priority of April 15, 1891.

.80 cubic foot per second of the waters of Dry Creek with priority of April 15, 1891.

RECORDED

That the water rights hereby transferred have heretofore been conducted to the first above described lands through private ditch with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, Township 10 North, Range 27 East, S.M.

That the water rights hereby transferred will be hereafter conducted to the last above described land through the same private ditch with no change in 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 caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 1st day of March, A. D. 1955.



MARK R. KULP
State Reclamation Engineer

RECORDED

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BUTTE COUNTY.

33-8 ✓
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. Glennon 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

From Saw Mill Creek:
From Dry Creek:

50 inches, May 25, 1891; 33 0096
320 inches, April 15, 1891; 33 0097

Points of diversion:

33 0097

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 Northwest Quarter, and the East half of the Southwest Quarter of Section Thirty-three, the East half of the Southeast Quarter of Section Twenty-nine, and the Northeast Quarter of the Northeast Quarter of Section Thirty-two, and the Northwest Quarter of the Northwest Quarter of Section Thirty-three, and the South half of the Southwest Quarter of Section Eighteen and the Northwest quarter of Section Nineteen, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXIX

PERRY BASINGER:

From Dry Creek: 257.5 inches, April 15, 1891; 33 0098

Point of diversion at Dry Creek Dam;

to be used upon and appurtenant to:

The Southwest quarter of the Northeast Quarter, the North half of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section Nineteen, the West half of the Southwest Quarter of Section Twenty, the Northwest quarter of the Northwest Quarter of Section Twenty-nine, and the Northeast Quarter of the Northeast Quarter of Section Thirty, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXX.

EMILY BASINGER:

From Little Lost River: 15 inches, April 15, 1891; 33 0099
From Dry Creek: 40 inches, April 15, 1891; 33 0100

Points of diversion:

From Little Lost River:

From Dry Creek: At the Dry Creek dam;

to be used upon and appurtenant to:

The East half of the Northeast Quarter, and the Northwest Quarter of the Northeast Quarter of Section Nineteen and the Southwest Quarter of the Northwest Quarter of Section Twenty, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXXI.

NORTH AMERICAN MORTGAGE COMPANY, a corporation:

From South Creek: 100 inches, May 1, 1889; 33 0101

Point of diversion:

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. Glennon 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

MICROFILMED

1.

From Saw Mill Creek:
From Dry Creek:

50 inches, May 25, 1891; 33-0076
320 inches, April 15, 1891; 33-0077

Points of diversion:

33 0097

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 Northwest Quarter, and the East half of the Southwest Quarter of Section Thirty-three, the East half of the Southeast Quarter of Section Twenty-nine, and the Northeast Quarter of the Northeast Quarter of Section Thirty-two, and the Northwest Quarter of the Northwest Quarter of Section Thirty-three, and the South half of the Southwest Quarter of Section Eighteen and the Northwest quarter of Section Nineteen, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXIX

PERRY BASINGER:

From Dry Creek: 257.5 inches, April 15, 1891; 33-0098

Point of diversion at Dry Creek Dam;

to be used upon and appurtenant to:

The Southwest quarter of the Northeast Quarter, the North half of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section Nineteen, the West half of the Southwest Quarter of Section Twenty, the Northwest quarter of the Northwest Quarter of Section Twenty-nine, and the Northeast Quarter of the Northeast Quarter of Section Thirty, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXX.

EMILY BASINGER:

From Little Lost River: 15 inches, April 15, 1891; 33 0099
From Dry Creek: ✓ 40 inches, April 15, 1891; 33 0100

Points of diversion:

From Little Lost River:

From Dry Creek: At the Dry Creek dam;

to be used upon and appurtenant to:

The East half of the Northeast Quarter, and the Northwest Quarter of the Northeast Quarter of Section Nineteen and the Southwest Quarter of the Northwest Quarter of Section Twenty, all in Township Ten North, Range Twenty-seven East of the Boise Meridian.

XXXI.

NORTH AMERICAN MORTGAGE COMPANY, a corporation:

From South Creek: 100 inches, May 1, 1889; 33 0101 ✓

Point of diversion:

MEMORANDUM

TO: FILE 33-00100

FROM: PAM SKAGGS

RE: TRANSFER # 4077

DATE: 09-02-93

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 33-00097B.

RECORDED

NOV 22 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1993

Re: In the matter of application for transfer no. 4077 of Water Right Nos. A33-00097B and A33-00100 in the name of Woodie Land and Livestock, Inc

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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.

RECORDED

NOV 2 1993

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection, or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

NOV 22 1993

WR0749NP
No. T33-00100

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 10/28/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WOODIE LAND & LIVESTOCK INC HC 65 BOX 1018 HOWE ID 83244 (208) 767-3461	04/15/1891	IRRIGATION	04-15 10-15	0.80 CFS	292.0 AFA
TOTAL DIVERSION:					0.80 CFS	292.0 AFA

Water Source: DRY CREEK

Tributary to: LITTLE LOST RIVER

Stage: DECREED

Point(s) of Diversion: T06N R29E S32 NW NW

Place of Use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	
06N	29E	35	:	38	29	16	39	:				:				122.0
TOTAL ACRES																122.0

Pou County: BUTTE

Other Water Rights Listing Overlapping Place(s) of use:

33-00068 33-00075 33-00077 33-00098 33-02095 T33-00097D

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Remarks:

The right holder shall install and maintain measuring devices of a type approved by the department as a part of the diversion works or shall otherwise provide for the measurement of water diverted as approved by the department.
The right holder is required to maintain and use the shares owned in the Blaine County canal to the extent the shares are available for use. This transfer approval is null and void if the right holder sells or removes the shares in the Blaine County canal which are appurtenant to the place of use authorized by this transfer.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

Remarks: The water master is authorized to assess a delivery loss to the rights approved in this transfer and to deliver the rights less the assessed loss to the new point of diversion. The department and the watermaster shall determine the loss to be assessed based on actual measurements. Until such loss has been determined, the watermaster is authorized to assess losses consistent with the past practice.

Right No. 33-00100 subject to the conditions of the Final Order in the matter of Application for Transfer No. ~~4202~~ 4077.

Dates: App. Received: Priority Date: 04/15/1891
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 33 Field Exam Fee:

Comments: Date: 10/28/1993 User-ID: SKAGGS Subject: TRANSFER NO. 4077
Transfer No. 4077 was filed to change the point of diversion and the place of use under Right No. 33-00100 and a portion of Right No. 33-00097B, splitting the right into parts C and D.

Audit: 10/28/93 SKAGGS

MEMORANDUM

TO: File 33-00100

FROM: Sharla

DATE: February 22, 1993

RE: Trans. #3997

See file 33-00097 for all correspondence regarding the above referenced transfer.

UNRECORDED

APR 08 1993

Edna

June 9, 1960

Re: Transfer of Water Right

Arch & Katie Ishom,
Howe, Idaho.

Dear Mr. & Mrs. Ishom:

We have received the Affidavit of Publication from the paper in connection with your transfer proceedings transferring 40 inches of Little Lost River water.

However, there is a fee of \$1.00 for recording purposes which you may send to this Department and we will immediately send you a Transfer of Water Right.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pak

Thank you for 20166 fee

June 27, 1960

Re: Transfer of Water Right No. 943

Arch & Katie Ishom,
Howe, Idaho.

Dear Mr. & Mrs. Ishom:

We are enclosing Certificate of Water Right Transferred Right No. 943, together with Departmental Receipt No. 30166, which was issued covering payment in the amount of \$1.00 for the recording fee of the above mentioned Transfer.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.

RWT:pmk

cc: N. W. Hansen, Watermaster
Water District No. 9
Howe, Idaho

June 27, 1960

Re: Transfer of Water Right No. 943

Arch & Katie Ishom,
Howe, Idaho.

Dear Mr. & Mrs. Ishom:

We are enclosing Certificate of Water Right Transferred Right No. 943, together with Departmental Receipt No. 30166, which was issued covering payment in the amount of \$1.00 for the recording fee of the above mentioned Transfer.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.

RWT:pmk

cc: N. W. Hansen, Watermaster
Water District No. 9
Howe, Idaho



ROBERT E. SMYLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

June 9, 1960

RECEIVED
JUN 1 6 1960
Department of Reclamation

Re: Transfer of Water Right

Arch & Katie Ishom,
Howe, Idaho.

Dear Mr. & Mrs. Ishom:

We have received the Affidavit of Publication from the paper in connection with your transfer proceedings transferring 40 inches of Little Lost River water.

However, there is a fee of \$1.00 for recording purposes which you may send to this Department and we will immediately send you a Transfer of Water Right.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By

A handwritten signature in dark ink, appearing to read "Roy W. Thompson", written over a horizontal line.

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

June 9, 1960

Re: Transfer of Water Right

Arch & Katie Ishom,
Howe, Idaho.

Dear Mr. & Mrs. Ishom:

We have received the Affidavit of Publication from the paper in connection with your transfer proceedings transferring 40 inches of Little Lost River water.

However, there is a fee of \$1.00 for recording purposes which you may send to this Department and we will immediately send you a Transfer of Water Right.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pak

Affidavit of Publication

RECEIVED
MAY 18 1960
Department of Reclamation

I, Dolly Cross, 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 (two) consecutive weeks, commencing
with the issue dated May 6, 1960
and ending with the issue dated May 13, 1960

Dolly Cross

Subscribed and sworn to before me this

17 day of May, 1960

Margaret E. Pearson
Notary Public.

Residence, Arco, Idaho.

My commission expires 1-16, 1961.

NOTICE

ICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Arch Isham and Katie Isham of Howe, Idaho have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Little Lost River as follows: Amount: 8 cubic feet per second. Priority: April 15, 1891; Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 10 N., Range 27 E., B. M.; Place of use: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, Township 10 N., R. 27 E., B. M.

To Be Transferred To

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Township 9 N., Range 27 E., B. M.; Place of use: NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 9 N., R. 27 E., B. M.

And that on the 27 day of May, 1960, at 10:00 o'clock A. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER,
State Reclamation Engineer.
Publish May 6, 13, 1960.

April 12, 1960

Re: Water District No. 9

Mr. N. W. Hansen, Watermaster,
Water District No. 9,
Howe, Idaho.

Dear Neph:

We are in receipt of the enclosed Application for Transfer of Water Right signed by Arch and Katie Ishom, for the transfer of 40 inches of April 15, 1891 water right decreed to Emily Basinger; place of use being the E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 10 South, Range 27 E.B.M.

We wish to state that by Transfer No. 843, the Department of Reclamation transferred 40 inches of April 15, 1891, and 15 inches of April 15, 1891 decreed water right, at the request of Donald Frederick and Margaret Waymire, to the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, of Section 29, Township 10 North, Range 27 E. B. M.

Provided the Ishoms purchased 40 inches of said right, the transfer should have stated (subject to Transfer No. 843) that the lands from which the water is to be transferred should be the last above described lands, and not the lands in Section 19 and 20.

Please correct the Application for Transfer and return to this Department, and many thanks.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Arch Isham and Katie Isham of Howe, Idaho have applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of Little Lost River as follows: Amount: .8 cubic feet per second. Priority: April 15, 1891; Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 10 N., Range 27 E., B. M.; Place of use: NW $\frac{1}{4}$ -NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, Township 10 N., R. 27 E., B. M.

To Be Transferred To

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Township 9 N., Range 27 E., B. M.; Place of use: NE $\frac{1}{4}$ -NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 21, Twp. 9 N., R. 27 E., B. M.
And that on the 24th day of May, 1960, at 10:00 o'clock A. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER,
State Reclamation Engineer.
Publish May 6, 13, 1960.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 29, 1960

Re: Transfer of Water Right
Arch & Katie Ishom

Arco Advertiser,
Arco, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **May 27, 1960** the date set for hearing; the expense of the publication is to be paid by the applicant **Arch & Katie Ishom** of **Howe, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

**If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.
RWT:pmk

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Aron Ishom and Katie Ishom of Howe, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and ~~the~~ place of use of the waters of Little Lost River as follows:
Amount: .8 cubic feet per second. Priority: April 15, 1891
Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 10 N, Range 27 E, B. M.
Place of Use: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, Twp. 10 N. R. 27 E.B.M.

To Be Transferred To

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Township 9 N, Range 27 E, B. M.
Place of Use: NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 9 N., R. 27 E.B.M.

And that on the 27 day of May, 1960, at 10:00 o'clock A. M., at Room 107, State House, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

GEO. N. CARTER
State Reclamation Engineer

RECEIVED



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

April 12, 1960

ROBERT E. SMYLLIE
Governor

Re: Water District No. 9

Mr. N. W. Hansen, Watermaster,
Water District No. 9,
Howe, Idaho.

Dear Neph:

We are in receipt of the enclosed Application for Transfer of Water Right signed by Arch and Katie Ishom, for the transfer of 40 inches of April 15, 1891 water right decreed to Emily Basinger; place of use being the $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, Section 19, and the $SW\frac{1}{4}NW\frac{1}{4}$, Section 20, Township 10 South, Range 27 E.B.M.

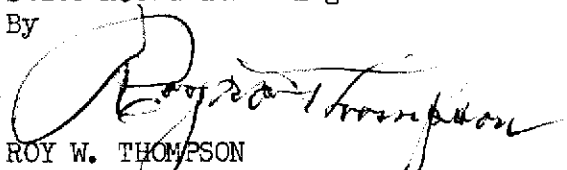
We wish to state that by Transfer No. 843, the Department of Reclamation transferred 40 inches of April 15, 1891, and 15 inches of April 15, 1891 decreed water right, at the request of Donald Frederick and Margaret Waymire, to the $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, of Section 29, Township 10 North, Range 27 E. B. M.

Provided the Ishoms purchased 40 inches of said right, the transfer should have stated (subject to Transfer No. 843) that the lands from which the water is to be transferred should be the last above described lands, and not the lands in Section 19 and 20.

Please correct the Application for Transfer and return to this Department, and many thanks.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By


ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

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Department of Reclamation

Application For Transfer of Water Right

STATE OF IDAHO

County of Butte

ss.

J. H. Arch Esham; Kate Esham, being first duly sworn, deposes and says:

That his name is _____; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is _____

Howe Idaho

That he is the owner and using a certain water right, bearing date of priority of Apr. 15, 1891, for .8 cubic feet per second of the waters of Dry Creek, At the Lost River County of Butte, State of Idaho, decreed to Emily Basinger by decree of Judge Ralph W. Adair of the 6th Judicial District of the State of Idaho, in and for the county of Butte, in the case of A.L. Co. Const. & Invest. Co., G. Corp. vs. Robert G. Meigs, et al., said decree bearing date of Mar. 4-1927 (or obtained by virtue of License No. _____, issued by the State Department of Reclamation of the State of Idaho, dated _____, 19____, bearing date of _____, 19____.)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 9 in the County of Butte and State of Idaho, to-wit:

40" April 15, 1891 water from Dry Creek. Hailey Patent # 08936

Blaine County

For E¹NE¹; NW¹NE¹ Sec. 19; E¹NE¹ Sec. 20 Twp 10N Range 27 EBM

Subject To Transfer # 843 To NW⁴NE⁴, S²NW⁴, SW⁴NE⁴, E²SW⁴, W²SE⁴ Sec. 29 T10N 27E and is the person (or representative of

the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. Purchase

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the SE¹NWNE⁴ of Section 19, Township 10N, Range 27 E, B. M., and conducted to the above described lands through Private Ditch as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of .8 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Butte and State of Idaho, to-wit:

NE⁴NW⁴, W²NE⁴, NW⁴SE⁴ Mc 21 T 9N 27EBM.

That reasons for desiring to make such transfer are as follows: Purchased water To be put on better land.

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That he intends to divert and convey said 8 second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Down Little Lost River To New Pt. of Diversion
SE⁴NE⁴ Sec. 16 T9N 27E BM.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, Township 9N, Range 27E, and thereafter conduct same to the above described land through the Private ditch, as per map appended.

That his reasons for desiring to make such change are as follows: To be put on

better Land

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Arch Isom
Ratie Isom

Applicant.

Subscribed and sworn to before me this 4th day of April, 19 60

Edna H. Meyford
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Little Lost River

Where is the diversion point located? NW⁴NE⁴ Sec 19 T10N. 27E BM.

Through what ditch is it now conducted? Private

How much land is now irrigated by the water sought to be transferred? 50 Acres.

Give the description: Part of N²NE⁴, SE⁴NE⁴ Sec 19, SW⁴NW⁴ Sec 20

All in T. 10N 27E BM

Part of NW⁴NE⁴, S²NW⁴, SW⁴NE⁴, E²SW⁴, W²SE⁴ of Sect 29, T10N 27E BM.

What is the total amount of water in inches, or second feet, dedicated to said land?.....

What kind of crops are being raised? Pasture

How much water per acre is now required to irrigate said land?.....

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....

Irrigated with Pump water

Give location of new point of diversion, if change is to be made Sec 4 NE 1/4 16 - T 9 N R 27 E B M

Through what ditch will it be conducted after transfer? Private

How much water will be required per acre to irrigate the land to which this water is transferred? 1/2 inch

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.....

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.....

None

Arch Isham
Hattie Isham

Signed

Applicant.

STATE OF IDAHO,

County of Butte } ss.

I, N. W. Hansen, Watermaster of Little Lost River

Water District No. 9, County of Butte, State of Idaho, whose postoffice address is Howe Idaho,

have read or heard read the foregoing affidavit and petition of J. Arch Isham,

and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of

~~transfer prayed for~~ for the following reasons: Higher duty of water on

New Land.

Watermaster, District No. 9

N. W. Hansen

Dated at Howe, Idaho, this 21 day of March, 1960

