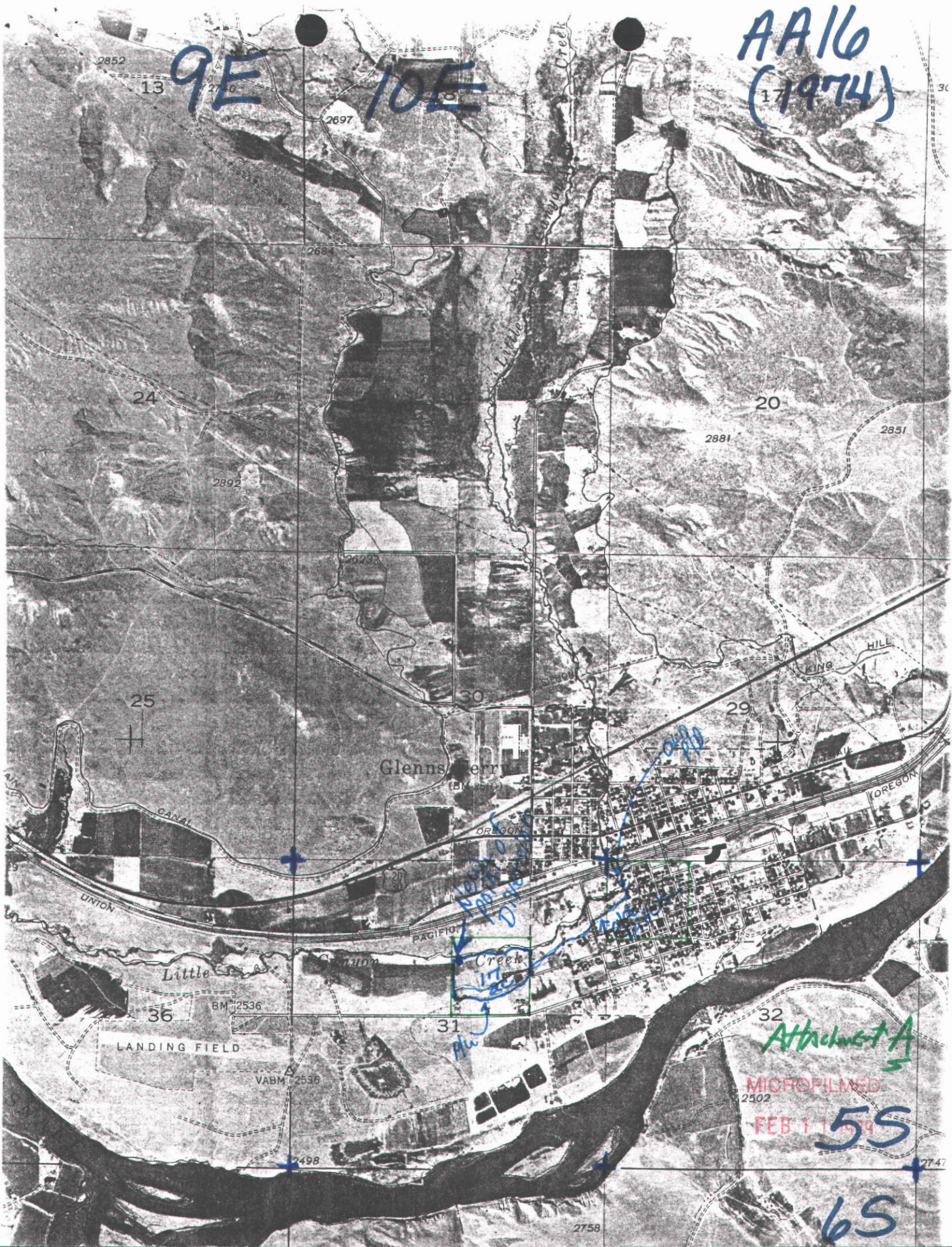
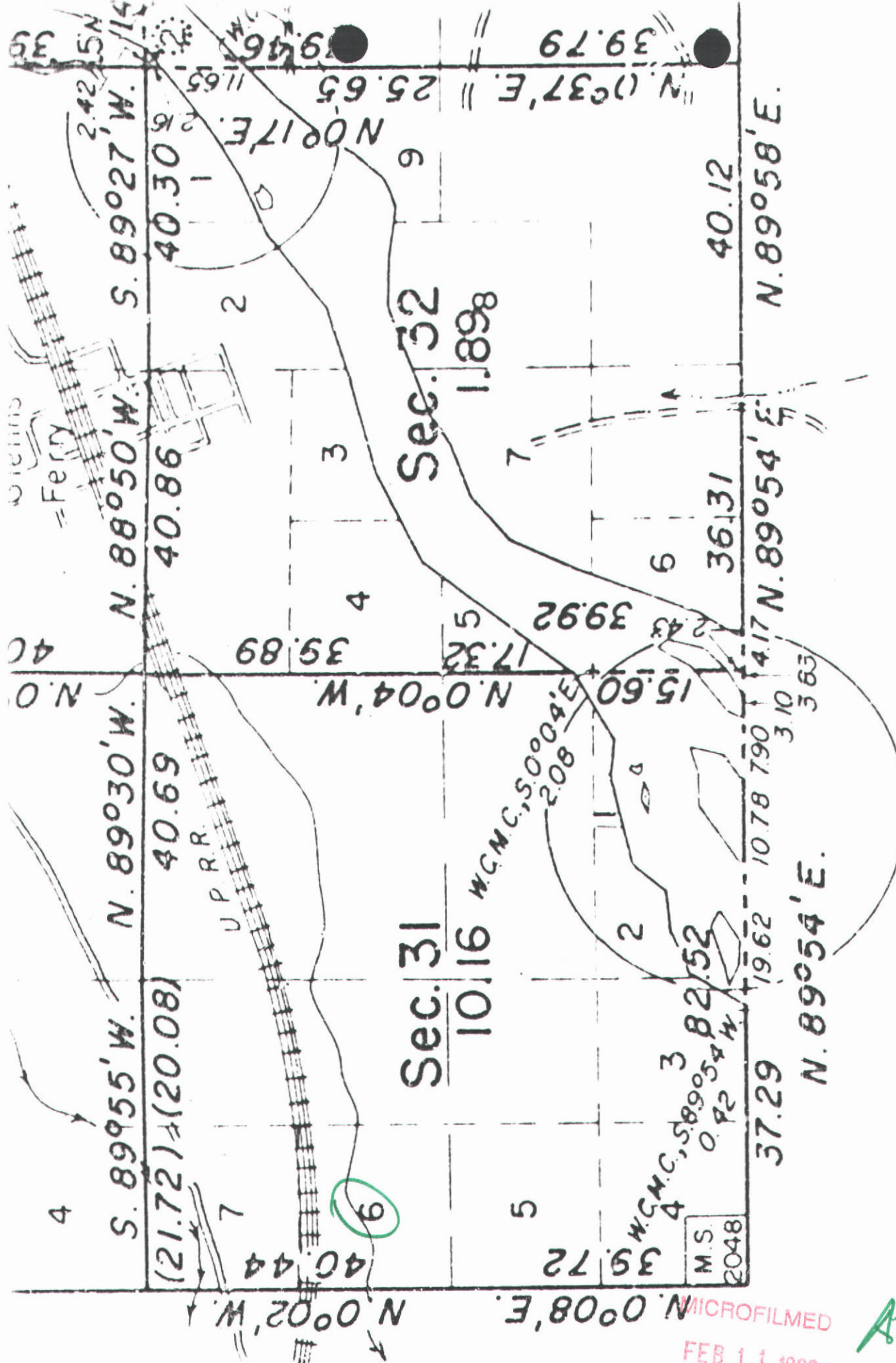






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SS 10E S. 31-32
1963 Survey
Attachment B

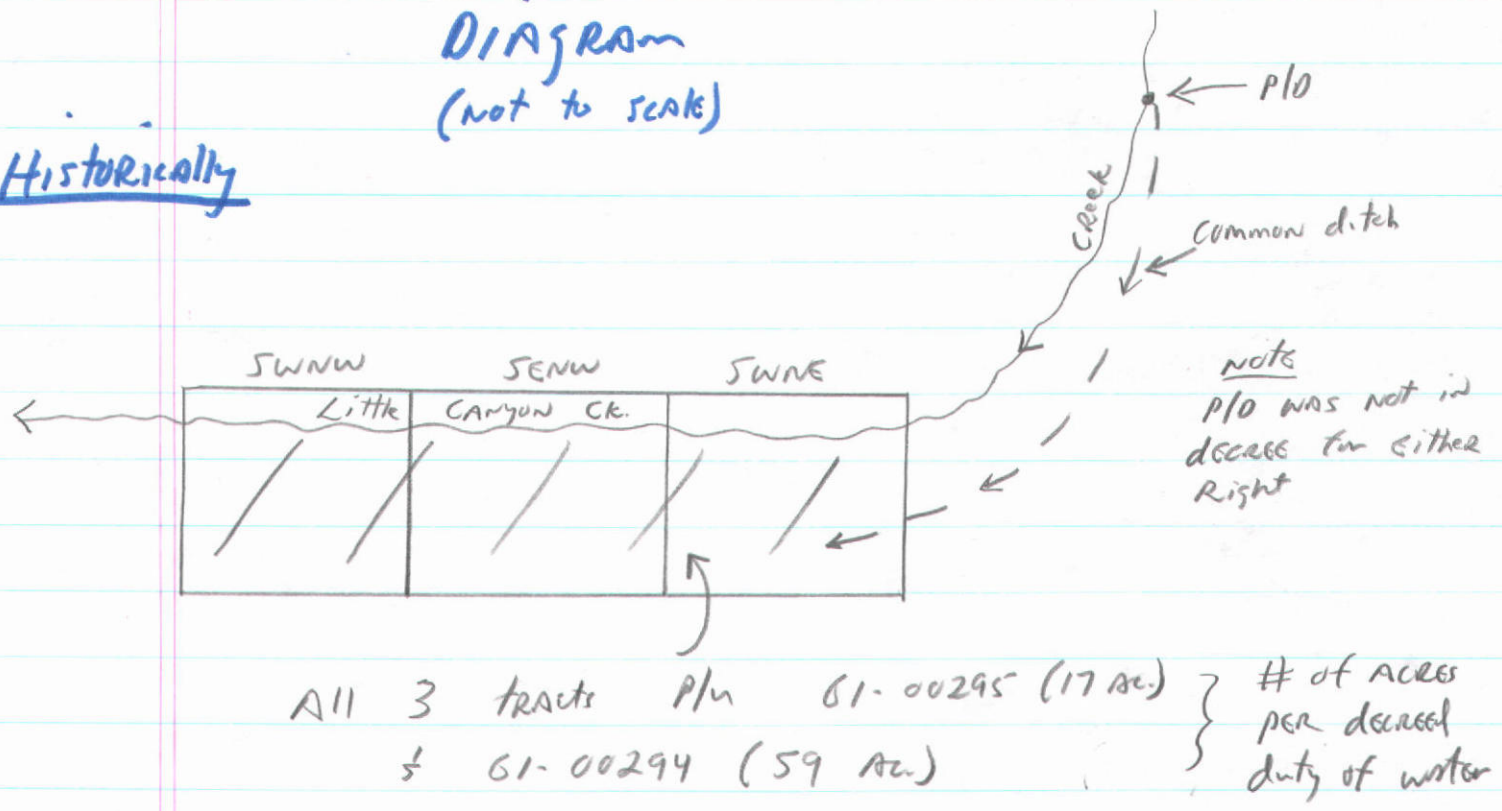
T. 4479

61-00295

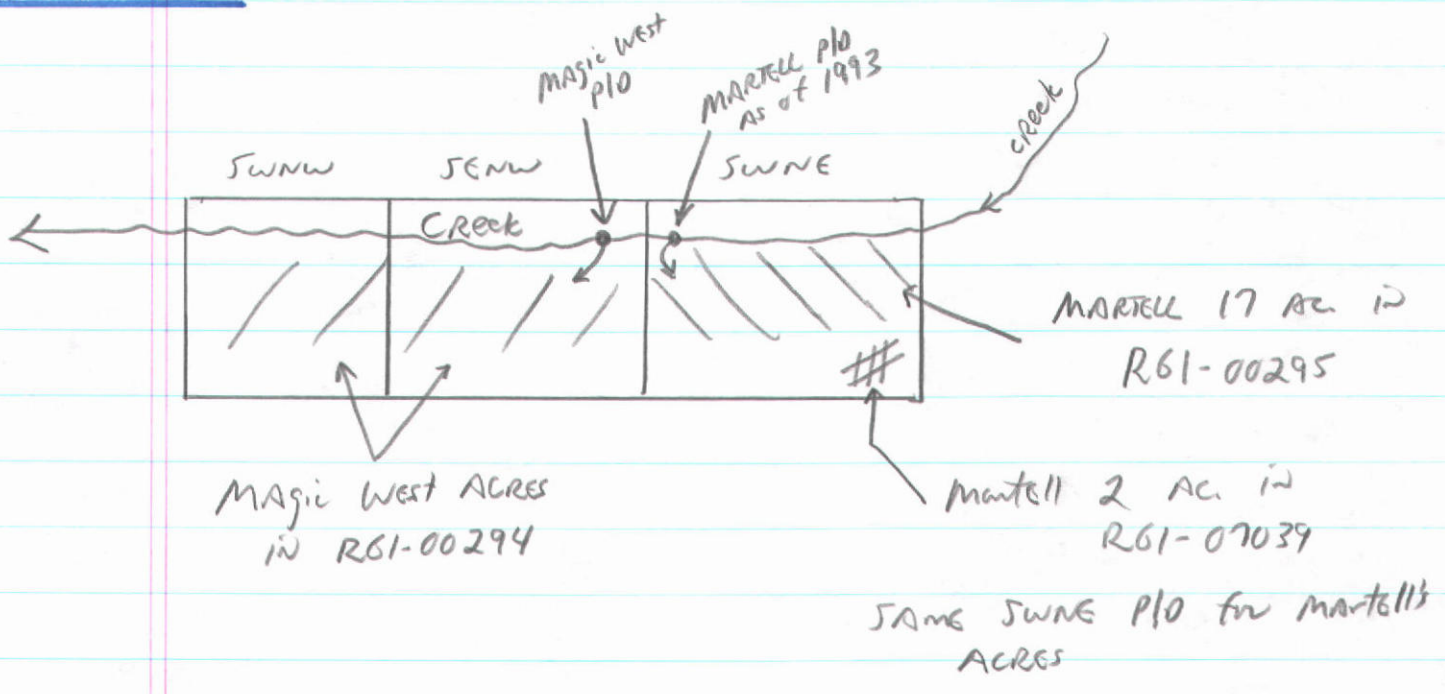
-82
11/16/98

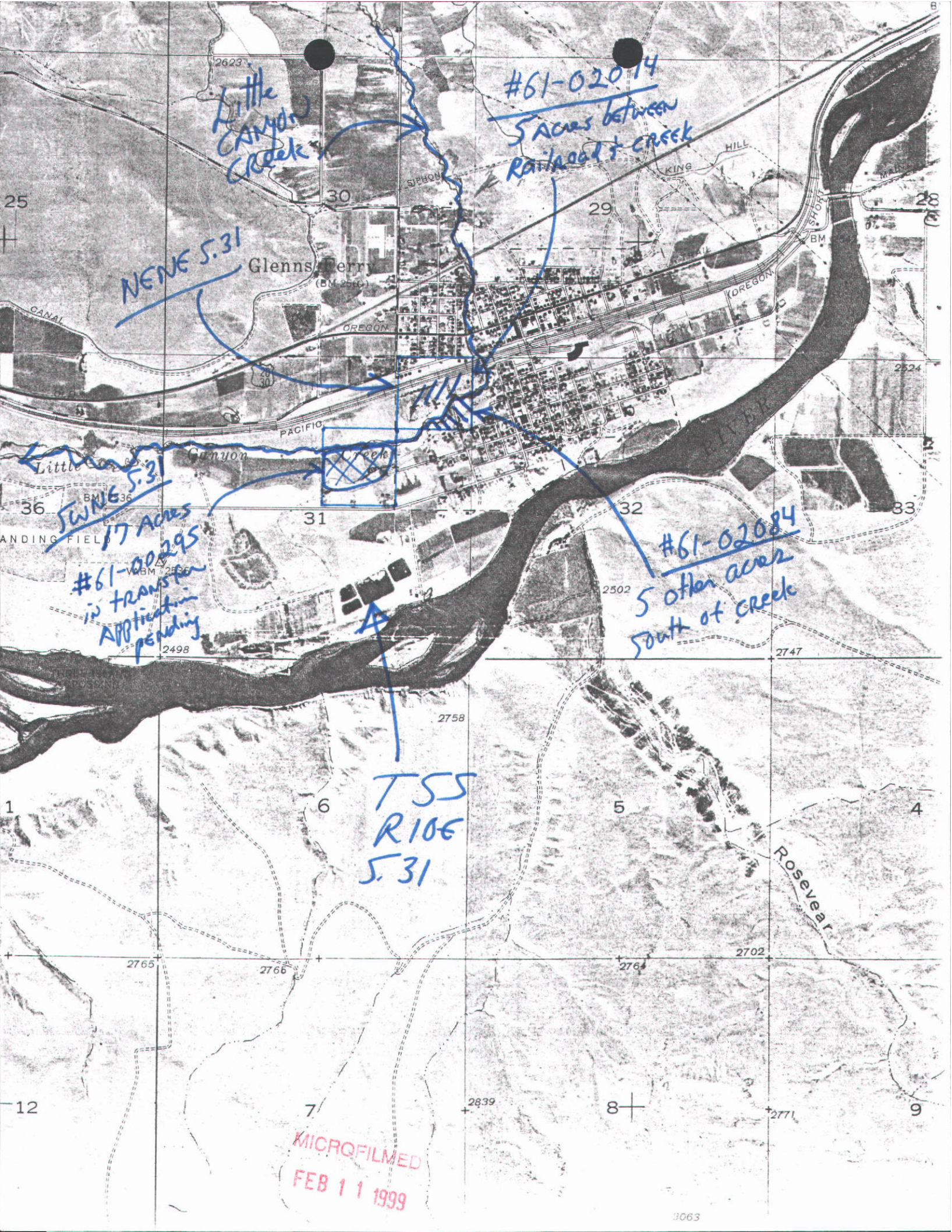
Diagram
(not to scale)

Historically



TRANSFER (builds on SRBA recommendation)





Little Canyon Creek

#61-02014
5 Acres between
Railroad & creek

NENE 5.31

Glenns Ferry
(BM 2566)

30

29

28

CANAL

OREGON

KING HILL

OREGON

PACIFIC

Little Canyon Creek

SWNE 5.31
17 Acres
#61-00295
in transfer
Application
pending

31

32

33

#61-02084
5 other acres
south of creek

TSS
R106
5.31

Rosevear

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FEB 11 1999

RECEIVED

NOV 29 1994

WATER RESOURCES
WESTERN REGION

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 61-00295**

Notice is hereby given that James Martell of Glens Ferry, ID has applied to the Department of Water Resources for Transfer No. 4479 for a Change in Point of Diversion and clarification of Place of Use of the following described water right to be changed pursuant to Section 42-222 of Idaho Code:

WATER RIGHT AS RECORDED:

BASIS: Decree.

DATE OF PRIORITY: 11-18-1888.

SOURCE: Little Canyon Creek tributary to Snake River.

AMOUNT: 0.34 cfs.

USE: Irrigation (period of use not decreed).

POINT OF DIV.: Not identified in decree.

PLACE OF USE: SWNE, Lot 6 (SWNW) & SENW, S31, T5S, R10E, Elmore County.

**WATER RIGHT AS CLAIMED IN
SNAKE RIVER BASIN
ADJUDICATION:**

Same as above claimed by James Martell as Claim No. A61-00295B with previously unspecified information now included and clarification of irrigated acres as follows: 3/15-11/15 irrigation season, point of diversion in NWNW, S32 & point of re-diversion in SWNE, S31. Place of use claimed as 17 acres in SWNE, S31, all within T5S, R10E.

**RIGHT NO. 61-00295 AND
ADJUDICATION CLAIM
NO. A61-00295B TO BE
CHANGED AS FOLLOWS:**

POINT OF DIV.: SWNE, S31, T5S, R10E (sump pump & culvert at creek).

REMARKS: Irrigated acres unchanged since have been using water on 17 acres in SWNE, S31 instead of in three tracts listed in decree. Will omit two tracts from right but retain one tract for irrigation.

Any protest against approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00 on or before December 5, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published in the Mountain Home News
on November 16 and 23, 1994.

MICROFILMED

FEB 11 1999

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 16th day of

November, 1994, and the last publi-

cation having been made on the 23rd day of

November, 1994; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 23rd day of

November, 1994

Brenda M. Jacoby
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4479
WATER RIGHT NO. 61-00295

This is to certify that: **JAMES R MARTELL**
PO BOX 969
GLENNS FERRY ID 83623

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>
IRRIGATION	03/15 to 11/15	0.34 CFS	68.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LITTLE CANYON CREEK	SNAKE RIVER

Priority: 11/18/1888

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 31, Township 05S, Range 10E
ELMORE 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>
05S	10E	31	SWNE	17		17
Total number of acres irrigated:						17

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 61D.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.

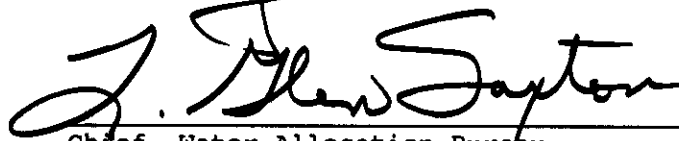
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FEB 11 1999

- TRANSFER NO. 4479
WATER RIGHT NO. 61-00295

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. Approval of Transfer 4479 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 21st day of January, 1999.


Chief, Water Allocation Bureau

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FEB 11 1999

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4477
RECEIVED

RECEIVED
DEC 09 1998

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

DEC 27 1994
WATER RESOURCES

**WATER RESOURCES
WESTERN REGION**

Department of Water Resources

Department of Water Resources

Name of applicant James R. Martell Phone (208)366-2614

Post Office address PO Box 969, Glens Ferry, ID 83623 ^{2313 Winery}

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Existing ditch destroyed by upstream cattle and we prefer to sprinkle rather than flood irrigate.

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

1. Right Number 61-00295B Priority 11-18-1888 Amount (cfs/ac-ft) 0.34 Nature of Use irrig. Period of Use 3-15 to 11-15
Will be 61-00295 per correct
SRBA Recommendation - 82 11/16/98
 2. Total amount of water being transferred 0.34 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Little Canyon Ck. tributary to Snake River
 4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 17

PART 1

6 General Information:

- a** Description of diversion system New system is a small sump pump that is placed in a culvert 8 feet deep , four feet wide with an eight inch inlet from Canyon Creek. From the sump pump we pump into a reservoir on the golf course.
- b.** Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c.** Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None
- d. Remarks:**

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____ , 19 _____ .

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 FEB 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by

- a. Decree No 61-00295 Decreed to C. E. Corker
in case of Corker vs Anthony, et al
dated March 29, 1903 in 4th Judicial Dist. county of Elmore
- b. License No _____ issued by the Idaho Department of Water Resources.
- c. Claim No _____ on file with the Idaho Department of Water Resources.
- d. Transfer No _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water Little Canyon Ck. tributary to Snake River
4. Date or priority 11-18-1888

5 Water is used for the following purpose

amount 0.34 cfs for irrig. purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.34 cubic feet per second and/or _____ acre-feet per annum

7 Point(s) of Diversion: None listed in Decree

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
in recorded previous situation	NW	NW	NW	32	5S	10E	Elmore	old Ditch From Canyon Ck. no longer used
	SW	NE	NE	31	5S	10E	Elmore	Rediversion to plu

8 Lands irrigated or place of use

Twp	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	10E	31			17														17
					X				X	X									*
									4.6										

Total acres 17

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

King Hill Irrig. Dist. water* AS listed in decree
- 82 11/9/94

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

— NOT SPLIT OWNERSHIP —

(If the entire right is to be changed by the applicant, omit part B and C.)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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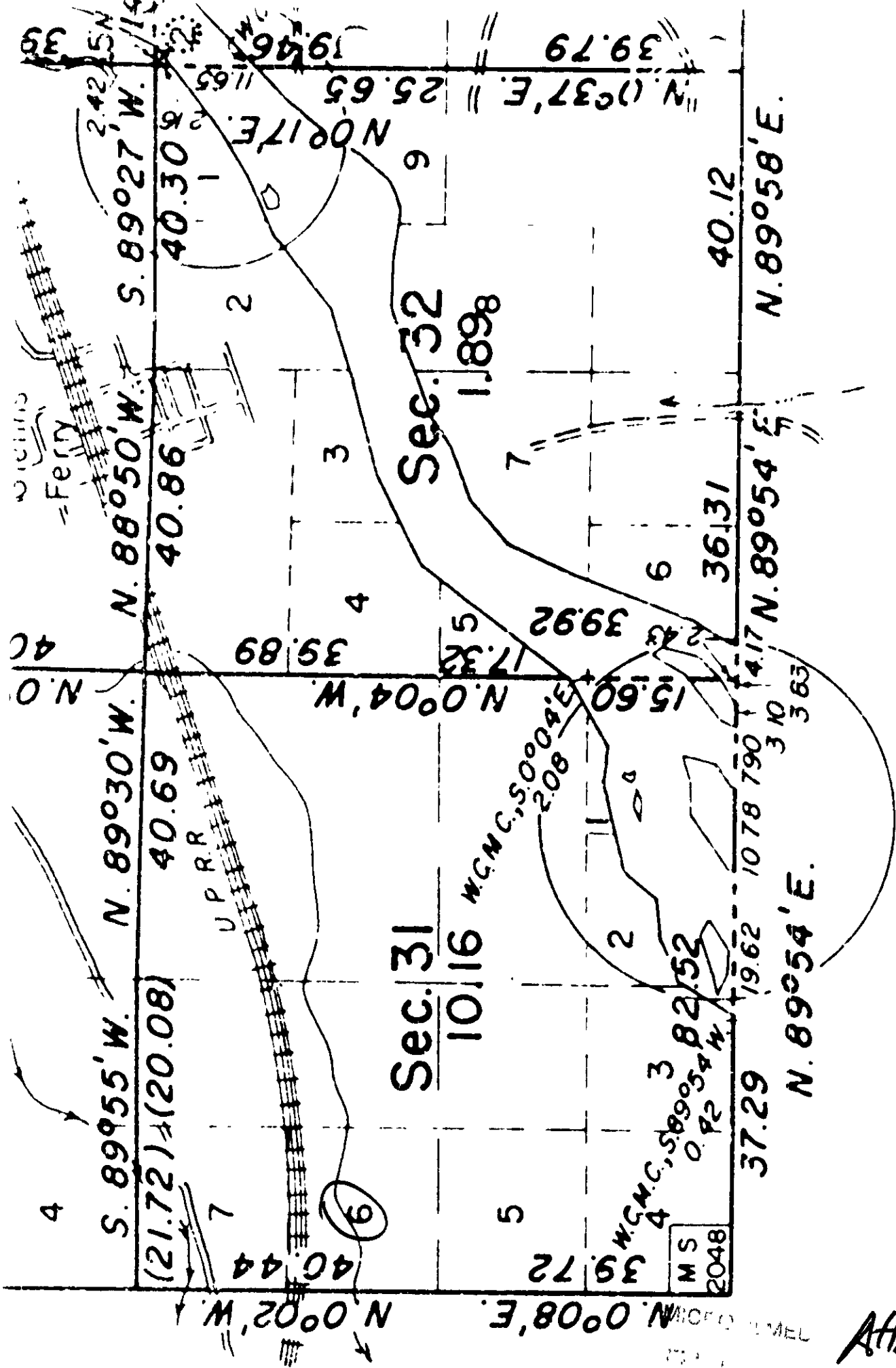
AA16
(174)



LANDING FIELD

OREGON

FEB 11



SS 10E S. 31-32
1963 Survey

Attachment B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

*See
Attached
Attachment A*

MIC
FEB 1 1999

B. CHANGES IN NATURE OF USE

PART 3

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

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

(Signature of Applicant)

day of

Subscribed and sworn to before me this

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by

Prelim. check by

Received by

Published in

Pub. dates

Watermaster recommendation requested on

rec'd.

Copy of transfer sent to lien holder

MICRO

FEB 1 1995

61-12

②

In the District Court of the Fourth Judicial District, State of Idaho,
County of Elmore.

Charles E. Corker, Plaintiff,

VS.

T. H. Anthony, David Macy, C. C. Glenn
as administrator of the Estate of G. P.
Glenn, deceased, Jenny Glenn, Charles
Glenn, Horace Glenn, Thomas Glenn, and
Leroy Glenn heirs of G. P. Glenn, de-
ceased, W. C. Howie, Guardian of Myrtle
Glenn, May Glenn, and Irene Glenn, in-
fant children and heirs of said G. P.
Glenn, deceased, Emma Glenn, and O. S.
Glenn, her husband, Mrs. E. A. Smith,
Minnie Watkins, Executrix and heir of
Richard Oliver, deceased, J. H. Morrow,
T. H. Young, H. E. Miller, John Latty,
substituted for defendants Emma D.
Glenn and O. S. Glenn, Joseph Rosevear,
substituted for C. C. Glenn, Administra-
tor, W. H. Manion, Thomas Stevenson and
John VanSchaick as Board of County Com-
missioners of Elmore County and I. A.
Herron, Defendants.

4

This cause coming on regularly for trial on the 31st, day of January
1898, F. E. Ensign, Esq., appearing for the Plaintiff and N. M. Ruick, Esq.
appearing for defendants Jenny Glenn, Charles Glenn, Horace Glenn, Thomas
Glenn and Leroy Glenn Heirs of G. P. Glenn, deceased, and Joseph Rosevear
successor in interest of the heirs and administrator of the Estate of said
G. P. Glenn, deceased in a portion of the estate of said G. P. Glenn and
John Latty substituted for defendants Emma D. Glenn and O. S. Glenn and Min-
nie Watkins as Executrix and heir of Defendant of Richard Oliver, deceased
and W. C. Howie, Esq., appearing as Guardian and Attorney for Myrtle Glenn,
Irene Glenn and May Glenn, minor heirs of said G. P. Glenn, deceased and
Wyman & Wyman Esqs., appearing for defendant Isaac A. Herron and R. F. Bul-
ler, Esq., appearing for defendant H. E. Miller, all the other defendants
having disclaimed any right to the water controversy, or had failed to an-
swer the complaint of the plaintiff herein filed, and their default there-
for had been duly entered.

JUN 1 9 1896

Atrial by Jury having been expressly waived by the respective parties,
the cause was tried by the Court without a Jury; witnesses were duly sworn

MICROFILMED

1994

61-D

and examined and documentary evidence introduced by the respective parties, and the evidence being closed the cause was submitted to the Court for consideration and decision; and after due deliberation thereon the Court files its findings and decision in writing, and orders that Judgement be entered in accordance therewith.

Wherefor by reason of the law and the findings aforesaid, it is ordered, adjudged and decreed as follows:

1st. That all the agricultural lands mentioned in the pleadings in this action are arid in character and require water artificially applied to irrigate them to enable them to produce profitable crops,

2nd. That the quantity of water necessary to irrigate said agricultural lands is one inch and one inch only, per acre, except the tract of land known as the Corker Desert claim, which requires one and one fourth inch to the acre, measured under a four inch pressure, or its equivalent in cubic feet per second of time.

3rd. That the several tracts of land hereinafter mentioned was at the time of the several appropriations of water made for use thereon, owned and occupied by the several parties mentioned in connection therewith, or their grantors ~~and~~ or predecessors in interest, and that the said parties and their grantors and predecessors in interest appropriated therefore, ~~and~~ and at the respective dates hereinafter mentioned, the several quantities of water of said Little Canyon Creek, as hereinafter stated for use upon said agricultural lands and shall be and are entitled to the use of said waters upon said lands for the cultivation thereof and for irrigating the same and for domestic uses during each year as follows:

That C. E. Corker, Plaintiff, is entitled to and is hereby awarded ~~for~~ for use upon the S. W. 1/4 of the N. E. 1/4 and the S. E. 1/4 of the N. W. 1/4 and Lot 6 in Section 31 Township 5 South Range 10 East Boise Meridian, containing 123.23/100 acres, and referred to as the "Corker Preemption", 59 inches of water from March 15th, 1886. 61 0291 T-2919/UN 1 91996
17 inches of water from November 18th, 1888. 61 0295

That C. E. Corker, Plaintiff, is entitled to and is hereby awarded ~~for~~

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FEB 11 1999

for use upon Lots 2, 3, and 4 of section 31, Township 5 South Range 10 East Boise Meridian, containing 106 acres and referred to as the "Corker Desert Claim."

125 inches of water from the first day of May, 1892.

61 0296 T.3/53

That C. E. Corker, Plaintiff, is entitled to and is hereby awarded for use upon the W. 1/2 of the N. E. 1/4 and the N. E. 1/4 of the N. W. 1/4 Section 15 and the S. W. 1/4 of the S. E. 1/4 and the E. 1/2 of the S. W. 1/4 and the N. W. 1/4 of the S. W. 1/4 of Section 10 all in township 4 South of Range 10 East, containing 280 acres and referred to as the "Mahoney and Mrs. Corker Tracts."

100 inches of water from June 1st, 1883.

61 0297 T. #2287

25 inches of water from May 25th, 1885.

61 0298 T. #2287

That Minnie Watkins, as Executrix of the Estate of Richard Oliver, deceased, and heir of said Richard Oliver, is entitled to and is hereby awarded for use upon the E. 1/2 of the N. E. 1/4 of Section 18 and the S. E. 1/4 of the S. E. 1/4 of Section 7 and the S. W. 1/4 of the S. W. 1/4 of Section 8, Township 5 South Range 10 East Boise Meridian, containing 160 acres and referred to as the "Richard Oliver Tract."

30 inches of water from May 1st, 1871.

61 0299

70 inches of water from May 5th, 1892.

~~61 0300~~
61-0370

That Jenny Glenn and the other heirs at law of G. P. Glenn, deceased, herein named are entitled to and are hereby awarded for use upon the N. E. 1/4 of Section 19 Township 5 South Range 10 East Boise Meridian, containing 160 acres of land and referred to as the "G. P. Glenn Home Tract."

60 inches of water from May 2nd, 1872.

~~61 0301~~
61-0371

80 inches of water from May 6th, 1892 subject to whatever rights may hereafter be established against said land or water right by the defendant H. E. Miller, or his assigns, as Mortgagee of O. S. Glenn, deceased.

61 91996

That John Letty, successor to Emma D. Glenn and O. S. Glenn is entitled to and is hereby awarded for use upon the S. W. 1/4 of the N. E. 1/4 and the S. E. 1/4 of Section 18, Township 5 South Range 10 East, Containing

MICROFILMED

FEB 11 1963

taining 200 acres, and referred to as the "Emma D. Glenn Desert Claim." 61-11301 SEE CORRESPONDENCE
25 inches of water from the date of May 2nd, 1892. 61-11303 FILE.
100 inches of water from the date of May 7th, 1892. 61-11304 T-1854
1924

That Joseph Rosevear, successor to heirs of G. P. Glenn, deceased, and C. C? Glenn, Administrator of said G. P. Glenn's ~~heirs~~ Estate, is entitled to and is hereby awarded for use upon the N. E. 1/4 of the N. E. 1/4 of Section 30 and the S. E. 1/4 and the E 1/2 of the S. W. 1/4, Section 19, Township 5 South Range 10 East Boise Meridian, containing 280 acres, and referred to as the "G. P. Glenn Desert Claim."

20 inches of water from the date of May 3rd, 1892. 61-11305

100 inches of water from the date of May 8th, 1892. 61-11306

That Charles E. Corker is entitled to and is hereby awarded for use upon that certain Placer Mining Claim, described as follows:

Commencing at a Stake and Notice situated on the North Bank of Snake River about two miles below Glenn's Ferry in the County of Elmore, running thence down the ^{said} river three thousand yards to a stake, thence ~~up said river~~ ~~xx~~ back from said River two hundred yards to a stake, thence up said river three thousand yards to a stake and thence towards said river two hundred yards to the place of beginning, containing 120 acres of land; all of ~~said~~ said Mining ground, except about six acres, being situated in Section 36 Township 5 South Range 9 East Boise Meridian; the remaining six acres being situated in Section 31, Township 5 South Range 10 East Boise Meridian, 61-11307
and for agricultural and mining purposes, 600 inches of water from the date of February 1st, 1880, Referred to as the Corker Placer Mining Claim.

Said amount last herein appropriated and allowed for the operation and working of the said Placer Mining Claim to be used during such period, and such period only, in each year, as the said claim or any portion thereof can be successfully and profitably operated and worked by means of the water or some portion thereof herein decreed for the operation and working of said mining claim. JUN 7 1904

That the plaintiff, Charles E. Corker, was at the time of the commencement of this action and ever since has been and is now the owner and in

PROFILME

JUN 11 1904

possession of the Placer Mining Claim last hereinbefore in this decree mentioned, and that it requires 600 inches of water from said Little Canyon Creek, Measured under a four inch pressure, to successfully operate on and work the same with the best results.

61 0308

That Isaac A. Herron, Defendant, is entitled to and is hereby awarded the use of 10,000 inches of water, measured under a four inch pressure, or its equivalent in cubic feet per second of time, of the waters of said Little Canyon Creek from and after August 7th, 1895, for the purpose of storing the same in a Reservoir or reservoirs heretofore partially constructed and now in course of construction or hereafter to be constructed for the purpose of subsequently distributing the same to the inhabitants of Glenn's Ferry and vicinity and for other domestic, agricultural and mining uses. Such waters to be diverted from said creek at such time and in such manner as not to interfere with the priority of right to the use of the waters of said stream by the several parties as is in this decree specifically stated.

That each and every of the tracts of land, reservoir, water ditches mentioned in this decree is situated in the County of Elmore and State of Idaho. That each and all of the parties included in this decree using water from Little Canyon Creek shall, as soon as a beneficial use of said water has ceased, either for irrigating, Mining or Milling, Storing or domestic purposes, return all surplus water into or permit the same to return into the channel of said stream.

That each of the parties to whom water is awarded in this decree are entitled to the use of said water for the several periods mentioned, throughout the entire season (with the exception of the said Mining Claim) to the extent and from the dates hereinbefore stated and in the order of priority, as hereinbefore specified, and to have the quantity of water specified in the decree flow in the channel of said Creek, without interruption, to the head of their respective ditches subject, as between each other, to the several priorities of right as hereinbefore specified.

garry That all the parties awarded water by this decree shall be required to

FILED
JUN 1 1895

to construct and maintain at the point or points where such water so awarded is so diverted a headgate or headgates and a box or boxes suitably constructed for measuring water in inches under a four inch pressure, or its equivalent in second feet, and shall, and shall be required to construct and maintain, or having constructed suitable and sufficient ditches and laterals for the economical distribution and use of said water. That each of the parties to this decree and their and each of their successor successors in interest and their and each of their Attorneys, agents, employees and all other persons acting for them or either of them in any manner whatsoever are hereby forever enjoined, restrained and forbidden from interfering with, obstructing or preventing in any manner whatsoever the flow of the waters of said Little Canyon Creek to the heads of the respective ditches and to the said lands of each of the other parties to this decree or their or each of their successors in interest in their respective amounts and in the order of priority provided for and prescribed in this decree.

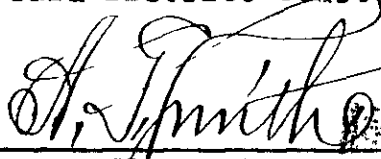
That each of the parties to this action shall pay his own costs.

C. O. Stockslager, Dist. Judge.

Filed Mch. 22nd, 1898. W. H. Manion, Clerk.

State of Idaho, }
County of Elmore, } ss. I, A. G. Smith, Clerk of the District Court of the Fourth Judicial District, in and for said County and State do hereby certify that the within and foregoing is a full, true and correct copy of the Decree of Distribution of the Waters of Little Canyon Creek in said County as appears of record in Book 1 of Judgements at page 315 of the records of Elmore County State of Idaho.

Given under my hand and the seal of said District Court this 29th, day of March 1903.


Clerk District Court.

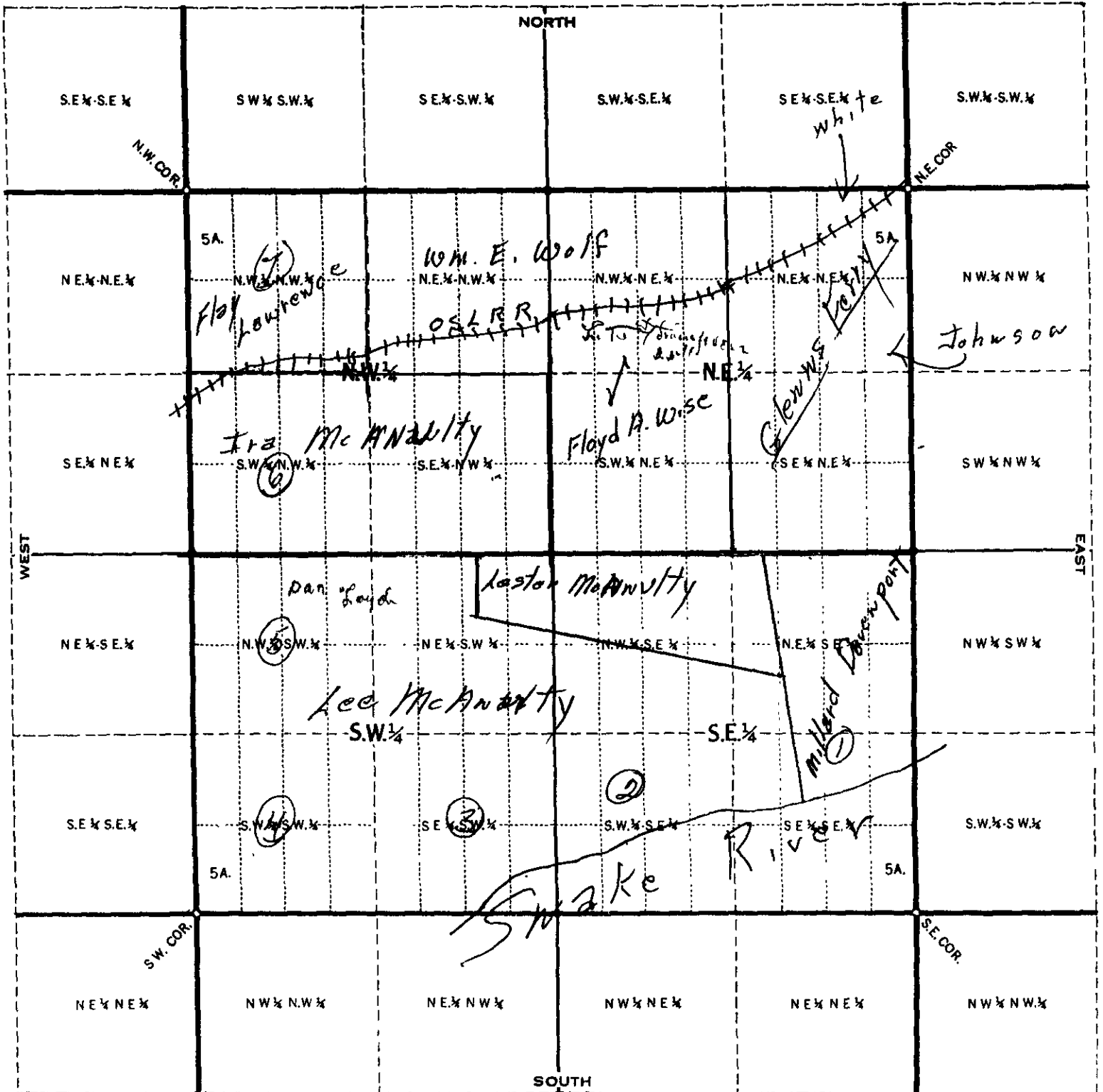
JUN 1 9 1896

MR. C. O. STOCKSLAGER

FEB 1 1896

96616 T.N.P.
No. 723 SURVEYORS SECTION PLAT
THE CLASON MAP CO., CHICAGO-DENVER

SECTION NO. 31 TWP. 5S RANGE 10E COUNTY Elmore STATE Idaho



SCALE, 1000 FEET = ONE INCH

COPYRIGHTED

NOT TO SCALE

1908



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623

RE: Water Right 61-00295 (Transfer 4479)

Dear Mr. Martell:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 4479). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

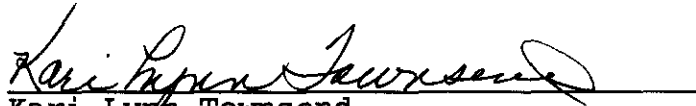
FEB 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 61-00295 (Transfer 4479)

**JAMES R MARTELL
PO BOX 969
GLENN FERRY ID 83623**


Kari Lynn Townsend
Secretary

RECEIVED
FEB 1 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JIM ALLEN
WATERMASTER
RT 1 BOX 14 C
KING HILL ID 83633

RE: TRANSFER OF WATER RIGHT 61-00295 (Transfer 4479)

Dear Jim:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 4479) in the name of James R. Martell.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICPC-LMED

FEB 11 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
FEB 11 1999

MEMORANDUM

TO: File 61-00295

FROM: Pam Skaggs²/State Office

SUBJECT: Transfer 4479

ok y

DATE: January 20, 1999

Transfer 4479 changes the point of diversion and identifies the specific irrigated acres within the originally decreed place of use under Right 61-00295. The transfer is to correct the record to reflect the existing use.

Season of use was identified by SRBA staff in their recommendation of this right and confirmed by region staff as the most recent recommended season of use for this area. Diversion volume was also adjusted to current standards.

Recommended conditions include watermaster control, measuring device & lockable controlling works, irrigation overlap, protest agreement, right-of-way and standard transfer conditions.

MICRO FILMED

FEB 11 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 4479

Date Reviewed 01-20-99

Right(s) 61-00295 (R61-00295)

☒ WRQ/Split Summary ☒ No Action/No Records SRBA Status Run POU Comparison Report

B: Change P/D C: Add P/D D: Change P/U E: Change Nature of Use
F: Change Period of Use G: Other H: Change P/D & Add P/D
I: Change P/D & P/U J: Add P/D & Change P/U

Proof of Ownership NA - SRBA confirmed ownership

Transfer ☒ All of Right Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. C/4.0

(1) ☒ Priority (2) ☒ Use (3) Season (4) ☒ Rate (5) Volume
(6) ☒ Source (7) P/D (8) P/U (9) NA Proof/Owner (10) ☒ Map
(11) old Water District (12) NO Pertinent Conditions (13) NO Expansion
WM Approval Recd, 12-02-98

(3) Standard season 4-1 to 10-31 - SRBA recommends "New" season (3-15 to 11-15)
Region Staff recommend this season
(5) Standard Vol = $4 \times 17 = 68.0 \text{ ac}$ < VDR
(7) Identifies current P/D - used since 1993
(8) Specific 17 acres identified within Decree P/U

Transfer Remarks W57

Conditions R04, R43, R104, T07, T08, T09
020 - Protest Agreement

Database/Processing Notes T file Standard ☒ Non-Standard

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

38 01-21-99

WR0749NP
No. T61-00295

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES R MARTELL PO BOX 969 GLENN'S FERRY ID 83623 (208) 366-2614	11/18/1888	IRRIGATION	03/15 11/15	0.340 CFS	68.00 AFA
TOTAL DIVERSION:					0.340 CFS	68.00 AFA

Water Source: LITTLE CANYON CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T05S R10E S31

SWNE

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
05S	10E	31	:			17		:					:					:					:	17.0
TOTAL ACRES																							17.0	

Pou County: ELMORE

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 61D.
- R43 - The right holder shall maintain a measuring device and lockable
- controlling works of a type approved by the Department in a
- manner that will provide the watermaster suitable control of the
- diversion.
- R64 - This right when combined with all other rights shall provide no
- more than 0.02 cfs per acre nor more than 4.0 afa per acre at the
- field headgate for irrigation of the lands above.
- 020 - Use of water under this right may be affected by an agreement
- between the protestant and the right holder.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- 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.

Remarks: GEN Approval of Transfer 4479 does not grant any right-of-way or
easement for use of a delivery system owned by person(s) other
than the right owner.

Dates: App. Received: Priority Date: 11/18/1888
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 61D Field Exam Fee:

WR0749NP
No. T61-00295

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/20/99
PAGE: 2

=====
Comments: Date: 11/09/1994 User-ID: SLESTER Subject: TRANSFER 4479
Applicant is changing P/D and clarifying that P/U has been in one
tract instead of three tracts as decreed.

Audit: 11/09/94 SLESTER 01/20/99 PSKAGGS

AJ5809NP
No. R61-00295

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES R MARTELL	11/18/1888	IRRIGATION	03-15 11-15	0.340 CFS	
C	CARMELA M MARTELL					
	PO BOX 764			TOTAL DIVERSION:	0.340 CFS	
	GLENNS FERRY ID 836230764					
	(208) 366-2557					

Water Source: LITTLE CANYON CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T05S R10E S32

NWNW

ELMORE County

Point(s) of Re-diversion: T05S R10E S31

SWNE

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	: SUM
---	---	---	: -----	-----	-----	-----	-----	: -----	-----	-----	-----	: -----	-----	-----	-----	: -----
05S	10E	31	:	17	:			:				:				: 17.0
															TOTAL ACRES	17.0

POU County: ELMORE

Other Rights: A61-07039 & KING HILL IRRIG. DISTRICT WATER

Conditions of Approval:

- W03 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- KING HILL IRRIGATION DISTRICT.
- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 61:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Dates: Exam Made Date: 10/18/1994 Verified Date: 12/18/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/07/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS

AJ5809NP
No. R61-00295

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/20/99
PAGE: 2

=====

Comments: Date: 11/07/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY RDH ON 2/24/93.

Date: 11/16/1998 User-ID: KWALKER Subject: RECOMMENDATION
THIS CLAIM WAS FILED UNDER A61-00295B. MAGIC WEST FILED ON A
PORTION OF A61-00295A. THE MARTELS OWN SWNE, S31 AND MAGIC WEST
OWNS S1/2NW, S31. MAGIC WEST'S LANDS ARE COVERED UNDER 61-00294
AND MARTEL SHOULD HAVE ALL OF 61-00295.

Date: 11/21/1998 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 12/18/1998 User-ID: KWALKER Subject: ADDRESS CHANGE
CHANGED THIS ADDRESS PER ONE OF SALLY'S LETTER REQUESTING UPDATE
AND SIGNED BY MR. MARTEL.

Audit: 11/16/98 KWALKER 11/21/98 AJU10-JS 12/18/98 KWALKER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R61-00295A

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MAGIC WEST INC

1 - PO BOX 425
2 -
3 -
City- RUPERT State- ID Zip- 833500000
Phone - 208-436-3126

*** O - ORIGINAL OWNER ***
CORKER

C E

1 -
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
11/18/1888 14 WESTERN I - DISALLOWED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
LITTLE CANYON CREEK SNAKE RIVER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
05S 10E 31 SW NW 6 (39) ELMORE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.340

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.340 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05S 10E 31 SW NE 5.7 01 IRRIGATION (39) ELMORE
05S 10E 31 SW NW 6 5.7 01 IRRIGATION (39) ELMORE
05S 10E 31 SE NW 5.7 01 IRRIGATION (39) ELMORE

Total Acres: 17.1

+ - - Diversion Means - PUMP, PIPELINE, SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A61-00294

+ - - - - Remarks - - - - - +

GEN RECOMMENDED AS RIGHT NO. 61-00294.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R61-00295A

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
6100295

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
CHARLES E. CORKER T. H. ANTHONY ET. AL. 00/00/0000

+ - - - - Comments - - - - - +

Date: 11/17/1998 User Id: KWALKER Subject: COPIED FROM REMARKS
FOR USE ON THE CORKER PRE-EMPTION. DECREE STATES THAT QUANTITY OF WATER NECESSARY TO IRR. SAID
LANDS IS 1.0 INCHES/AC., THEREFORE AC. IRR. = 17.
Date: 11/17/1998 User Id: KWALKER Subject: RECOMMENDATION
BOTH MAGIC WEST AND MARTEL FILED ON RIGHT 61-00295. THERE WERE 3 40-ACRE TRACTS DECREED UNDER 61-00295 AND 61-00294. MAGIC WEST
OWNS S1/2NW AND MARTEL OWNS SWNE, ALL SECTION 31. I RECOMMEND WE ALLOW MARTEL THE RIGHT DECREED UNDER 61-00295 FOR THEIR 17
ACRES AND MAGIC WEST SHOULD RECEIVE 61-00294 FOR THEIR 65 ACRES OF IRRIGATION FROM LITTLE CANYON CREEK. MAGIC WEST DOES NOT OWN
ANY PROPERTY IN SWNE, S31, EVEN THOUGH THEY CLAIMED IRRIGATION OF 5.7 ACRES IN THAT 40. SEE FIELD EXAM OF 11/21/1991 CONDUCTED BY
LORI WHITE (NOW LORI GRAVES) IN FILE.

+ - - Audit Fields - - +
00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 10/03/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S009570 | Water District | - 610 |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R61-00295B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

MARTELL

JAMES R

1 - PO BOX 540

2 -

3 -

City- GLENNS FERRY

State- ID Zip- 83623

Phone - 208-366-2557

MARTELL

CARMELA M

1 - PO BOX 540

2 -

3 -

City- GLENNS FERRY

State- ID Zip- 83623

Phone - 208-366-2557

*** O - ORIGINAL OWNER ***

ANDERSON

VIRGINIA A

1 - PO BOX 432

2 -

3 -

City- GLENNS FERRY

State- ID Zip- 83623

Phone - 208-366-2352

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/18/1888 14 WESTERN I - DISALLOWED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
LITTLE CANYON CREEK SNAKE RIVER

| Point of Diversion | | | | | | |
|--------------------|-----|-----|-------|-----|------|-------------|
| Twn | Rng | Sec | Tract | Lot | RFlg | County |
| 05S | 10E | 32 | NW NW | | (39) | ELMORE |
| | | 31 | SW NE | | R | (39) ELMORE |

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 03/15 | 11/15 | | 0.340 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.340 0.0

| Place of Use | | | | | | |
|--------------|-----|-----|-------|-----|-------|---------------|
| Twn | Rng | Sec | Tract | Lot | Acres | Code |
| 05S | 10E | 31 | SW NE | | 17.0 | 01 IRRIGATION |

Total Acres: 17.0

+ - - Diversion Means - CONC. BOX, DITCH, GRAVITY FLOW

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A61-07039 & KING HILL IRRIG. DISTRICT WATER

DAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R61-00295B

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

GEN RECOMMENDED AS RIGHT NO. 61-00295.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments- - - - - +

Date: 11/07/1998 User Id: KWALKER Subject: COPIED FROM REMARKS

OWNERSHIP CHANGED BY RDH ON 2/24/93.

Date: 11/16/1998 User Id: KWALKER Subject: RECOMMENDATION

THIS RIGHT IS BEING RECOMMENDED AS 61-00295 SINCE MARTELS HAVE
FILED ON THIS RIGHT BUT THEIR PORTION (61-00295A) IS BEING

ENTIRE AMOUNT OF WATER DECREED UNDER 61-00295. MAGIC WEST ALSO
DISALLOWED - THEIR USE IS COVERED UNDER 61-00294.

+ - - Audit Fields - - +

00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 10/18/1994 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 11/16/1998 | Old Judicial District | - |
| Claim Received Date | - 11/08/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - M005188 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 01/20/99

TIME: 13:37:33

PAGE: 1

| WATER RIGHT NO. | NAME | OWNER | PRIORITY | DATE | STG/STS | SOURCE | USE DESC | SYSTEM |
|-----------------|--|-------|----------|------------|---------|--------------------|----------|--------|
| 61-00295 | CORKER, C. E. | C | | 11/18/1888 | D/ | LITTLE CANYON CREE | IRR | WR |
| T61-00295 | CORKER, C. E. | C | | 11/18/1888 | D/ | LITTLE CANYON CREE | IRR | WR |
| ----- | | | | | | | | |
| A61-00295 | SPLIT RIGHT | C | | 11/18/1888 | /Z | LITTLE CANYON CREE | IRR | AJ |
| | | | | | | SPLIT RIGHT | | |
| A61-00295A | MAGIC WEST INC | C | | 11/18/1888 | D/ | LITTLE CANYON CREE | IRR | AJ |
| A61-00295B | MARTELL, JAMES R | C | | 11/18/1888 | D/ | LITTLE CANYON CREE | IRR | AJ |
| | MARTELL, CARMELA M | C | | | | | | |
| R61-00295 | MARTELL, JAMES R | C | | 11/18/1888 | D/ | LITTLE CANYON CREE | IRR | AJ |
| | MARTELL, CARMELA M | C | | | | | | |
| R61-00295A | MAGIC WEST INC Recommended as 61 00294 | C | | 11/18/1888 | /I | LITTLE CANYON CREE | IRR | AJ |
| R61-00295B | MARTELL, JAMES R " 61 00295 | C | | 11/18/1888 | /I | LITTLE CANYON CREE | IRR | AJ |
| | MARTELL, CARMELA M | C | | | | | | |

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NEED
watermaster
comment letter

TRANSFER ANALYSIS SHEET

* updated 11/16/98

T. 4479

INITIAL REVIEW BY: RL

APPLICANT James Montell

1. Right number 61-00295
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change of point of diversion ☐ Add diversion point(s) ☐ Change of place of use
☐ Change nature of use ☒ Other clarify pld
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use ☒ SRBA claim
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion. - NONE in decree
 - 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. OK per R61-00295 file
 - h. ☒ Check for expansion in use of right. Comments NONE Apparent. Watermaster control will cover this.
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NONE (61-07039 uses same pld but separate areas)
 - j. ☒ SRBA claim. Comments Entire Right now = Applicant for 17 Ac. June 5.31.
 - k. ☒ Is use within Water District? ☒ Yes ☐ No
If yes, what district? 61-D Comment letter sent ☒ Yes ☐ No RE-SENT 11/16/98 want written reply
 - l. ☐ Legal notice electronically transmitted to DWR03::Vault?

RECEIVED
DEC 09 1998

Department of Water Resources

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 11-18-94 Received on 11-29-94 per phone call to DRT
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No (note on 11-18-94 letter) at

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* standard xfer conditions

4. By Gay S Date 12/7/98

*All uses within Water Districts require special conditions. *SEE 11/16/98 REVIEW MEMO

RECEIVED

DEC 02 1998

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 61-00295 (Transfer # 4479)

RECOMMENDATION OF WATERMASTER

I, Jim Allen, watermaster of Little Canyon Creek
of Water District No. 161D, County of Elmore, State of Idaho,
whose address is Rt. 1 Box 14C King Hill, ID 83633
have read the attached copy of the application for transfer of water right for
James R. Martell, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: - no conditions

- approved

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons:

Dated at King Hill, Idaho, this 30th day of November 1998.

Jim Allen
(signature)

Please use reverse side if needed.

MEMORANDUM

TO: FILE

FROM: STEVE LESTER 

DATE: NOVEMBER 16, 1998

RE: MARTELL TRANSFER #4479, RIGHT 61-00295

The transfer proposes to codify a P/D change dating to about 1993. The transfer must be considered in light of the SRBA recommendation now in progress: the R file has been completed by Kay Walker for the deadline of November 20, and the notice of error process will start shortly after that date. With luck, the transfer will be resolved within the notice of error period, allowing the R file to be changed to match the transfer conclusion. If that works, the right can be presented to the SRBA Court in the most up to date manner.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 6 pages and 2 attachments utilizing the traditional form. The attachments are the maps. The application was submitted in 1994 and protested. The protest was withdrawn by August, 1997. Processing has been delayed since then (I'm responsible for that).

Other information used in this review includes current SRBA recommendations and office/field work related to SRBA conclusions. Also, a diagram is attached to this memo showing the "before and after" situations.

CURRENT RECORDS & PROPOSED CHANGE

The right currently includes some undefined elements: season of use, P/D, number of acres per tract and total acres. The decree includes .02 cfs/acre, implying 17 acres in the three P/U tracts in Section 31.

The right was claimed as A and B portions in the SRBA. However, the split has been resolved, and the entire right is being recommended to the applicant as R61-00295. The transfer matches the SRBA recommendation except for the P/D. The R file reflects the diversion in use through 1987, while the transfer lists the one in use since 1993 (post-1987 so cannot be included in R file unless transfer is approved in time).

VERIFICATION & OTHER ANALYSIS

The R file recognizes the historical P/D, which was a ditch used by more than one user. The ditch originated in NWNW S32, and R61-00295 includes a re-diversion point in SWNE S31. In 1993, Martell changed his diversion practice

T. 4479
Nov. 16, 1998
Page 2

to take water solely from the SWNE P/D, which is also used for his other right from the same source but for other acres, 61-07039.

SRBA work concludes that all of right 61-00295 is owned by Martell for the 17 acres in SWNE. Magic West is recognized as the owner of adjacent right R61-00294 (historically diverted via the common ditch in S32), which is dedicated to the SWNW and SENW for the balance of the land originally decreed under 61-00295 (as decreed, both rights covered separate acres in the same tracts).

In this manner, Martell uses his S31 diversion for rights R61-00295 and R61-07039, each for separate acres in the SWNE. Magic West retains all of R61-00294 for adjacent land in the SWNW and SENW. Therefore, the P/U of 61-00295 changed from three tracts to a single tract by or before 1987.

R61-00295 recognizes the validity of the right at least through 1987. Lori Graves confirmed irrigation for this right with her 1991 field work for water right matters related to Magic West's adjacent land now defined by R61-00294. The transfer application was filed in late 1994. Therefore, beneficial use is shown within the five years prior to the transfer filing. Additionally, Kay Walker confirmed that irrigation occurred in SWNE in 1994 and 1998 field visits. The applicant has met the "beneficial use" burden one expects in a transfer, plus the right is on track to being decreed in the SRBA.

The transfer should recognize a season of use of 3/15-11/15. The widely distributed season of use map available to staff shows 4/1-10/31 but the newest map available to SRBA staff indicates the longer season. King Hill Irrigation District water is also used on Martell's acres.

RECOMMENDATIONS

1. The transfer for a change completed after 1987 can be approved subject to normal conditions of approval.
2. Approval within the next 60 days will allow R61-00295 to be changed to match the transfer.
3. Although the watermaster for Little Canyon Creek verbally approved the transfer several years ago, a written reply is needed to complete the record. The watermaster was sent a comment letter today. Allow processing to continue while his reply is pending.

c: Kay Walker and Lori Graves

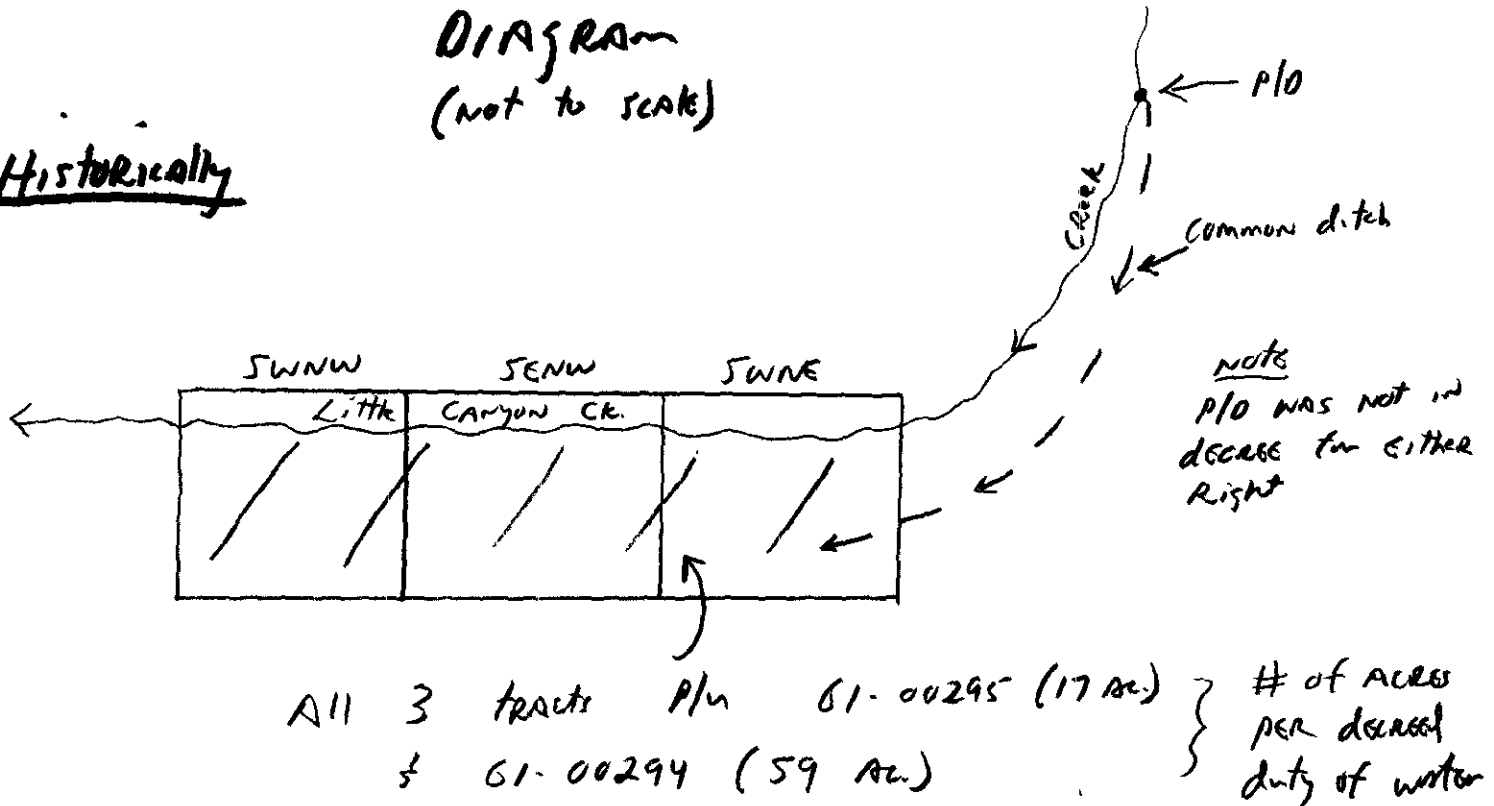
T. 4479

61-00295

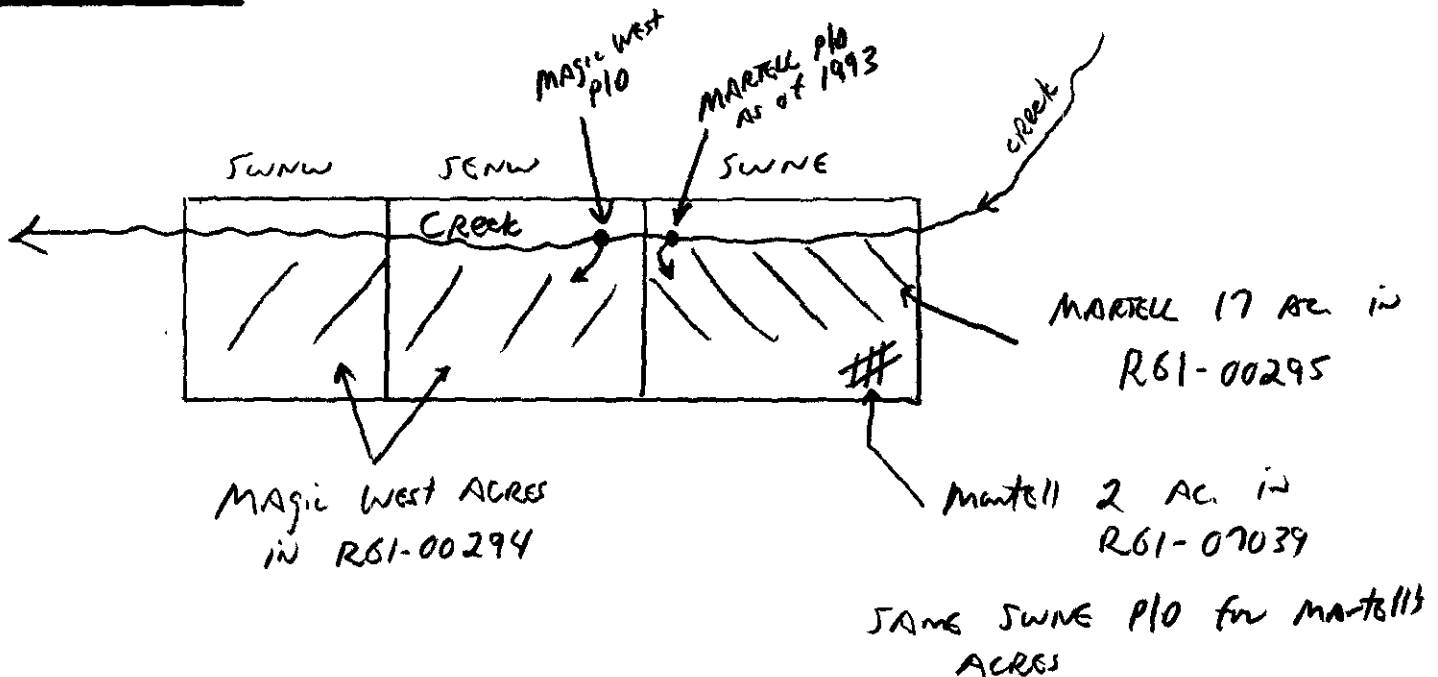
-82
11/16/98

Diagram
(not to scale)

Historically



TRANSFER (builds on SRBA recommendation)



(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

| WR-NUMBER | SOURCE | NE | | | | NW | | | | SW | | | | SE | | | | SUM | |
|-----------|---------------|---------------------|----|----|----|----|----|-------|----|----|----|----|----|----|----|----|----|-----|--|
| | | NE | | NW | | SW | | SE | | NE | | NW | | SW | | SE | | | |
| | | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | | |
| R6100295 | T05S R10E S31 | LITTLE CANYON CREEK | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| A0200214 | SNAKE RIVE : | I | I | I | I | I | I | 07-1 | | | | | | | | | | | |
| A0200215 | SNAKE RIVE : | I | I | I | I | I | I | 07-1 | | | | | | | | | | | |
| A0200216 | SNAKE RIVE : | I | I | I | I | I | I | 07-1 | | | | | | | | | | | |
| A0200217 | SNAKE RIVE : | I | I | I | I | I | I | 07-1 | | | | | | | | | | | |
| 0200222 | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| A0200222 | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| 0202444 | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| A0202444 | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| A0204008A | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| A0204008B | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| 0207050 | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| A0207050 | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| A0210061 | SNAKE RIVE : | | | | | | | | | | | | | | | | | | |
| 3704112 | MALAD RIVE : | 24 | 19 | 23 | 34 | | 33 | 07-22 | | | | | | | | | | | |
| A3704112 | MALAD RIVE : | 19 | 14 | 17 | 37 | | 25 | | | | | | | | | | | | |
| 6100294 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| A6100294 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| T6100295 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| A6100295A | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| A6100295B | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| 6100307 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| 6102074 | LITTLE CAN : | 05 | | | | | | | | | | | | | | | | | |
| 6102076 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| 6102084 | LITTLE CAN : | 05 | | | | | | | | | | | | | | | | | |
| 6107011 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| A6107011 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| 6107039 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |
| A6107039 | LITTLE CAN : | | | | | | | | | | | | | | | | | | |

○ = Martell
17 Ac. e R61-00295
2 Ac. e R61-07039
19 unique acres

Overlap per JRSA = King Hill In Dist. water
from other sources

82 11/16/98

WR5809NP
No. 61-00295

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/01/98
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| P | DON L. ANDERSON | 11/18/1888 | IRRIGATION | 00/00 00/00 | 0.340 CFS | |
| C | C. E. CORKER | | | | | |
| TOTAL DIVERSION: | | | | | 0.340 CFS | |

Water Source: LITTLE CANYON CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | | | | | | | | | | | |
|------|-----|------|------|------|----|------|----|------|----|------|----|------|----|------|----|------|------|------|----|------|----|------|----|------|------|------|----|------|----|------|-------|--|
| NENE | | NWNE | | SWNE | | SENE | | NENW | | NWNW | | SWNW | | SENW | | NESW | | NWSW | | SWSW | | SESW | | NESE | | NWSE | | SWSE | | SESE | | |
| 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 | Lt | Ac | : SUM | |
| 05S | 10E | 31 | : | | | | I | : | | | | 06-1 | I | : | | | : | | | | | | | | : | | | | | | | |

Pou County: ELMORE

Remarks: GEN FOR USE ON THE CORKER PRE-EMPTION.
DECREE STATES THAT QUANTITY OF WATER NECESSARY TO IRR. SAID
LANDS IS 1.0 INCHES/AC., THEREFORE AC. IRR. = 17.

| | | | |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received: | Priority Date: | 11/18/1888 |
| | Proof Due Date: | Proof Made Date: | |
| | Exam Made Date: | Exam Sent to S.O.: | |
| | Licensed Date: | | |

Misc: Water District Number: 61D Field Exam Fee:

Audit: 03/06/87 05/01/88 CONVERT 05/24/95 RLOVEALL

AIRBORNE
N. R61-00295B

now is
R61-00295

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/16/98

PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|-----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | JAMES R MARTELL | 11/18/1888 | IRRIGATION | 03-15 11-15 | 0.34 CFS | |
| C | CARMELA M MARTELL | | | | | |
| | PO BOX 540 | | | | | |
| | GLENNS FERRY ID 83623 | | | | | |
| | (208) 366-2557 | | | | | |
| TOTAL DIVERSION: | | | | | 0.34 CFS | |

Water Source: LITTLE CANYON CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T05S R10E S32
Point(s) of Re-diversion: T05S R10E S31

NWNW
SWNE

} Recognizes historical
use (though 1987)

ELMORE County
ELMORE County

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | | | |
|-----|-----|----|---|------|------|------|------|--------|------|------|------|--------|------|------|------|--------|------|------|------|----|-------------|------|
| T | R | S | | NENE | NWNE | SWNE | SENE | : NENW | NWNW | SWNW | SENW | : NESW | NWSW | SWSW | SESW | : NESE | NWSE | SWSE | SESE | : | SUM | |
| | | | | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | |
| 05S | 10E | 31 | : | | | 17 | : | | | | | | | | | | | | | | | 17.0 |
| | | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 17.0 |

POU County: ELMORE

Other Rights: A61-07039 & KING HILL IRRIG. DISTRICT WATER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A61-00295B A61-07039 A61-07228 R61-07039 R61-07228

Other Water Rights Listing Overlapping Place(s) of Use:
A37-04112 A61-00295 A61-00295A A61-00295B A61-07039 R61-07039

Conditions of Approval:

- W03 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- KING HILL IRRIGATION DISTRICT.

Dates: Exam Made Date: 10/18/1994 Verified Date: 11/07/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/07/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY RDH ON 2/24/93.

Audit: 11/07/98 KWALKER

11/16/98: said will recommend all of w.r. 61-00295
to Martell as R61-00295 (no A/B split).

AJ5809NP
No. R61-07039

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/16/98

PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|-----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | CARMELA M MARTELL | 07/29/1968 | IRRIGATION | 04-01 10-15 | 0.07 CFS | 9.00 AFA |
| C | JAMES R MARTELL | | | | | |
| | PO BOX 540 | | | TOTAL DIVERSION: | 0.07 CFS | 9.00 AFA |
| | GLENNS FERRY ID 83623 | | | | | |
| | (208) 366-2557 | | | | | |

Water Source: LITTLE CANYON CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R10E S31

SWNE

ELMORE County

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|-------------|-----|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM | |
| 05S | 10E | 31 | : | | | 02 | : | | | | | | | | | | | : | 2.0 | |
| | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 2.0 |

POU County: ELMORE

Other Rights: KING HILL DITCH

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A61-00295B A61-07039 R61-00295B

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

A37-04112 A61-00295 A61-00295A A61-00295B A61-07039 R61-00295B

Conditions of Approval:

W03 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- KING HILL IRRIGATION DISTRICT.

Dates: Exam Made Date: 10/18/1994 Verified Date: 11/07/1998 Objection Filed Date:

Misc: Water District Number: 61D Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/07/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
LIC. INCORRECTLY SHOWS PERIOD OF USE FROM 4/1 TO 10/15.

Audit: 11/07/98 KWALKER

2 Acres to south of river in R61-00295 -
Same pld but different p/c.

-K



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WATERMASTER JIM ALLEN
RT 1 BOX 14C
KING HILL ID 83633

RE: MARTELL TRANSFER OF RIGHT #61-00295

Dear Watermaster Allen:

Mr. Martell filed a transfer to relocate the point of diversion of the above referenced right several years ago. Due to a number of factors that are now resolved, transfer processing can enter its final phase at this time. It appears that everything is in order to recognize a diversion point for this right in SWNE Section 31 to irrigate 17 acres in that same area.

Until about 1993, the right was diverted from a ditch used by at least one other owner (now Magic West). The ditch originated in NWNW Section 32. The applicant changed from the Section 32 diversion point to the one in Section 31 several years ago. The current transfer application seeks to protect this change.

This office did not obtain a written response from the previous watermaster, a step required by Idaho law. Please review the enclosed transfer application copy and complete the "Recommendation of Watermaster" form. The form can be returned to this office as soon as possible.

Your reply within a week will be very helpful in moving the transfer to completion. Please call me at 334-2190 if you want to discuss it before responding. Thanks for your help.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED

FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 12, 1997

DICK ANDERSON
BOX 807
GLENN'S FERRY ID 83623

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

Re: Application for Transfer of Water Right No. A61-00295B in the
Name of James R. Martell

Dear Protestant:

This letter is to acknowledge your withdrawal of protest
against the above-referenced application for transfer of water
right.

The Department now will continue to process the application,
subject to certain conditions of approval.

If you have any questions please call this office.

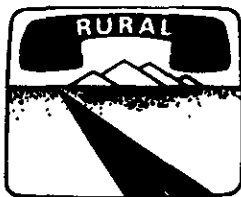
Sincerely,

Gary Spackman

GS:st

CC: Applicant

RECORDED
FEB 11 1999



RURAL TELEPHONE COMPANY

704 WEST MADISON AVENUE
P.O. BOX 969 • GLENNS FERRY, IDAHO 83623
(208) 366-2614 FAX (208) 366-2615

RECEIVED

JUN 05 1997

WATER RESOURCES
WESTERN REGION

June 03, 1997

Gary Spackman
State of Idaho
Department of Water Resources
Western REgion
2735 Airport Way
Boise, ID 83705

Re: Withdrawal of Protest &
Agreement of Conditions

Dear Mr. Spackman:

Enclosed please find the Withdrawal of Protest and Agreement of Conditions which has been executed by all parties involved.

It is my understanding that this will resolve the protest.

Thank you.

Sincerely,

James R. Martell
James R. Martell

smr
encl.

FEB 11 1999

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

JUN 05 1997

WATER RESOURCES
WESTERN REGION

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)

FOR TRANSFER OF WATER RIGHT NO.)

61-00295B IN THE NAME OF JAMES R.)

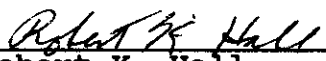
MARTELL.)

WITHDRAWAL OF PROTEST
AND AGREEMENT OF
CONDITIONS

We, the undersigned, hereby agree to withdraw our protests to the above-referenced application for transfer, subject to the following conditions:

1. Mr. Martell agrees to show the system to Mr. Anderson.
2. Water diverted from Canyon Creek and water delivered by King Hill Irrigation District is commingled in a pond and applied to the place of use described by water right no. 61-00295B and to lands within the King Hill Irrigation District. Only the 17 acre place of use described by water right no. 61-00295B may be irrigated with Canyon Creek water when King Hill Irrigation District is not delivering water.
3. Delivery of water under this water right is subject to distribution by the watermaster of Water District 61-D, Little Canyon Creek.

Dated this ____ day of May, 1997.


Robert K. Hall
2 June 97


Dick Anderson
12-27-97

Agreement of conditions by applicant:

Dated this 12 day of May, 1997.


James R. Martell

LOC 11-1
FEB 11 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1997

JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623

Re: Withdrawal of Protest & Agreement of Conditions

Dear Mr. Martell:

Enclosed is a withdrawal of protest and agreement of conditions prepared after the prehearing conference conducted on May 7, 1997. Please sign the document and forward it to Robert Hall and Dick Anderson for signature. It must be returned to this office to finally resolve the protests.

Sincerely,


Gary Spackman

GS:st

Encl.

MAY 10 1997

REG 11

Z 418 316 503



**Receipt for
Certified Mail**

No Insurance Coverage Provided

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

PS Form 3800

| | |
|--|--------|
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing
to Whom & Date Delivered | |
| Return Receipt Showing to Whom,
Date, and Addressee's Address | |
| TOTAL Postage
& Fees | \$ 252 |
| Postmark or Date | |

MICROFILMED
FEB 17 1999

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.
CERTIFIED MAIL FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt and mail the article
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
- 6 Save this receipt and present it if you make inquiry

105603 93-B-0218

Z 418 316 502



**Receipt for
Certified Mail**

No Insurance Coverage Provided

**DICK ANDERSON
BOX 807
GLENN'S FERRY ID 83632**

PS Form 3801

| | |
|---|--------|
| Postage | |
| Certificate Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing
to Whom & Date Delivered | |
| Return Receipt Showing to Whom,
Date and Addressee's Address | |
| TOTAL Postage
& Fees | \$2.52 |
| Postmark or Date | |

RECEIVED
FEB 11 1999

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window, ³ h_o ⁴ + ⁵ t_o your rural carrier (no extra charge).
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
- 4 If you want delivery restricted to the addressee or to an authorized agent of the addressee endorse **RESTRICTED DELIVERY** on the front of the article.
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. Except if return receipt is requested, check the applicable blocks in item 1 of Form 3811.
- 6 Save this receipt and present it if you make inquiry.

105603-93 B-0218

Z 41A 316 501



**Receipt for
Certified Mail**

No Insurance Coverage Provided

**JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623**

PS Form 380

| | |
|---|---------|
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing
to Whom & Date Delivered | |
| Return Receipt Showing to Whom
Date, and Addressee's Address | |
| TOTAL Postage
& Fees | \$ 2 52 |
| Postmark or Date | |

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee endorse **RESTRICTED DELIVERY** on the front of the article.
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
- 6 Save this receipt and present it if you make inquiry.

105005-93-0-02'8

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

3 Article Addressed to

DICK ANDERSON
BOX 807
GLENN'S FERRY ID 83632

Signature (Addresser)
Dick Anderson
Signature Agent

4a. Article Number

2418 216 502

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-19-95

8 Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee)

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee

61-295

PS Form 3811, December 1991

☆ U.S. GPO: 1993-382-714

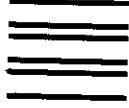
DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED
JAN 20 1995
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back, if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

- 1 ☐ Addressee's Address
- 2 ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

4a Article Number

2 418 316 503

4b Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

11/8/95

8. Addressee's Address (Only if requested and fee is paid)

5 Signature (Addressee)

Robert K Hall

6. Signature (Agent)

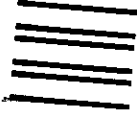
PS Form 3811, December 1991 *U.S. GPO: 1993-552-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RECEIVED

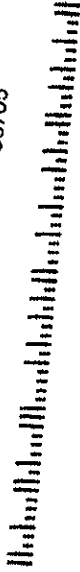
JAN 19 1995

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

56



Is your RETURN ADDRESS completed on the reverse?

| | | | |
|--|--|--|--|
| <p>SENDER:</p> <ul style="list-style-type: none"> • Complete items 1 and/or 2 for additional services • Complete items 3, and 4a & b • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit • Write "Return Receipt Requested" on the mailpiece below the article number • The Return Receipt will show to whom the article was delivered and the date delivered | | <p>1 also wish to receive the following services (for an extra fee):</p> <p>1 ☐ Addressee's Address</p> <p>2 ☐ Restricted Delivery</p> <p>Consult postmaster for fee</p> | |
| <p>3 Article Addressed to</p> <p>JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623</p> | | <p>4a. Article Number</p> <p>2-416 316 501</p> | |
| <p>5. Signature (Addressee)</p> <p><i>James R Martell</i></p> | | <p>4b. Service Type</p> <p>☐ Registered ☐ Insured</p> <p>☒ Certified ☐ COD</p> <p>☐ Express Mail ☐ Return Receipt for Merchandise</p> | |
| <p>6. Signature (Agent)</p> <p><i>R Frank</i></p> | | <p>7. Date of Delivery</p> <p>1-18-95</p> | |
| <p>8. Addressee's Address (Only if requested and fee is paid)</p> | | | |

PS Form 3811, December 1991 U.S. GPO: 1993-382-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

7009 UNITED STATES POSTAL SERVICE

Official Business

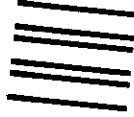
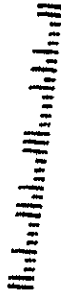
RECEIVED

JAN 19 1995

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

JAN 19 1995

P 363 550 602

US Postal Service
Receipt for Certified Mail

DICK ANDERSON

BOX 807

GLENN'S FERRY ID 83623

| | | | | | | | | | | | | | | | |
|---------|--|---------------|--|----------------------|--|-------------------------|--|---|--|---|--|----------------------|--|------------------|--|
| Postage | | Certified Fee | | Special Delivery Fee | | Restricted Delivery Fee | | Return Receipt Showing to Whom & Date Delivered | | Return Receipt Showing to Whom, Date, & Addressee's Address | | TOTAL Postage & Fees | | Postmark or Date | |
| \$ 1.37 | | | | | | | | | | | | \$ 2.52 | | | |

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the address, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the address of the article, date, detach, and retain the receipt and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

P 363 550 601

US Postal Service

Receipt for Certified Mail

ROBERT K HALL

RT 1 BOX 103

GLENNS FERRY ID 83623

| | |
|---|----|
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, & Addressee's Address | |
| TOTAL Postage & Fees | \$ |

Postmark or Date

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*)
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make an inquiry

P 363 550 603

US Postal Service
Receipt for Certified Mail

JAMES R MARTELL
PO BOX 969

GLENN'S FERRY ID 83623

| | |
|---|----|
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, & Addressee's Address | |
| TOTAL Postage & Fees | \$ |
| Postmark or Date | |

PS Form 3800, April 1995

stick postage stamps to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address, leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)*
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article*
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number*
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article*
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811*
- 6 Save this receipt and present it if you make an inquiry*

Is your **RETURN ADDRESS** completed on the reverse?

| | | | |
|--|--|---|--|
| SENDER:
☐ Complete items 1 and/or 2 for additional services
☐ Complete items 3, 4a, and 4b
☐ Print your name and address on the reverse of this form so that we can return this card to you
☐ Attach this form to the front of the mailpiece, or on the back, if space does not permit
☐ Write "Return Receipt Requested" on the mailpiece below the article number
☐ The Return Receipt will show to whom the article was delivered and the date delivered | | I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee | |
| 3. Article Addressed to

DICK ANDERSON
BOX 807
GLENN'S FERRY ID 83623 | | 4a. Article Number
8363 550 602 | |
| 4b. Service Type
☐ Registered
☐ Registered Mail
☐ Express Mail
☐ Return Receipt for Merchandise
☐ Insured
☐ Certified | | 7. Date of Delivery
9 1997 | |
| 5. Received By (Print Name)

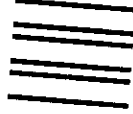
_____ | | 8. Addressee's Address (Only if requested and fee is paid) (Sec. 5)

_____ | |
| 6. Signature (Addressee or Agent)
X <i>Dick Anderson</i> | | Domestic Return Receipt | |

PS Form 3811, December 1994

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83708

RECEIVED

APR 14 1997

WATER RESOURCES
WESTERN REGION

Is your **RETURN ADDRESS** completed on the reverse

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

- 1 ☐ Addressee's Address
 - 2 ☐ Restricted Delivery
- Consult postmaster for fee

3. Article Addressed to:

JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623

4a. Article Number

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7 Date of Delivery

12/36/93 550 603

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6 Signature (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No G-10

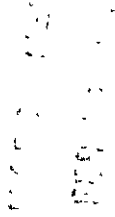
• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83706

RECEIVED

APR 07 1997

WATER RESOURCES
WESTERN REGION



61-2958

SENDER:

- ☐ Complete items 1 and/or 2 for additional services
- ☐ Complete items 3, 4a, and 4b
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

- 1 ☐ Addressee's Address
 2 ☐ Restricted Delivery
 Consult postmaster for fee

3. Article Addressed to:

ROBERT K HALL
 RT 1 BOX 103
 GLENN'S FERRY ID 83623

4a. Article Number

P 363550 601

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4/3/97

5. Received By (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature (Addressee or Agent)**

X

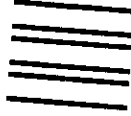
PS Form 3811, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

APR 04 1997

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

FILED
FEB 11 1998

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

CERT. mail
1995-1997

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT NO.)
61-00295B IN THE NAME OF JAMES R.)
MARTELL.)

WITHDRAWAL OF PROTEST
AND AGREEMENT OF
CONDITIONS

We, the undersigned, hereby agree to withdraw our protests to the above-referenced application for transfer, subject to the following conditions:

1. Mr. Martell agrees to show the system to Mr. Anderson.
2. Water diverted from Canyon Creek and water delivered by King Hill Irrigation District is commingled in a pond and applied to the place of use described by water right no. 61-00295B and to lands within the King Hill Irrigation District. Only the 17 acre place of use described by water right no. 61-00295B may be irrigated with Canyon Creek water when King Hill Irrigation District is not delivering water.
3. Delivery of water under this water right is subject to distribution by the watermaster of Water District 61-D, Little Canyon Creek.

Dated this ____ day of May, 1997.

Robert K. Hall

Dick Anderson

Agreement of conditions by applicant:

Dated this ____ day of May, 1997.

James R. Martell

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Conducted by: Gary Spackman

ADDRESS

Day 4/71 214

RECEIVED

FEB 27 1997

WATER RESOURCES
WESTERN REGION

EDWARD T. POTACEIT

P.O. BOX 537 ROSEUCAR Rd
GLENVIEW, IDAHO 83623

FEBRUARY 24, 1997

DEPT. OF WATER RESOURCES

Deputy Regional Manager

STEVE LESTER

2735 AIRPORT WAY

BOISE, IDAHO 83705-5082

DEAR STEVE:

I AM WRITING IN REFERENCE TO MY ARTESIAN
WELL LOCATED ON MY RANCH ON ROSEUCAR ROAD
ACROSS FROM GLENVIEW FERRY ON THE SNAKE RIVER.

I HAVE BEEN EXPERIENCING PROBLEMS WITH
MY WARM WATER WELL. I HAVE LOST MY
STOCK WATER FOR MY LIVESTOCK AND NO LONGER
HAVE ANY PRESSURE AT ALL COMING FROM MY
WELL. IT'S APPARENT THAT THINGS ARE CONTINUALLY
GETTING WORSE AND I FEEL MY ONLY RECOURSE
MAY HAVE TO BE A LEGAL ONE. MY WELL HAS
A PRIORITY DATE OF 1947 WHICH WILL BE PROTECTED

VERY TRULY YOURS, (EDWARD T. POTACEIT) 



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 4, 1996

JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623

RE: Protested Application for Transfer of Water Right No. 61-00295

Dear Applicant:

On February 28, 1995, we sent you the original "Withdrawal of Protest and Agreement of Conditions" signed by the protestants in this matter. We asked that you sign this document and return it to us if it was acceptable and we would continue to process your application. We have had no response to this request.

The purpose of this letter is to inquire as to the status of the above-referenced application.

Please bring us up to date on this matter as soon as possible.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

NOV 14 1996
FEB 11 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT NO.)
61-00295B IN THE NAME OF JAMES R.)
MARTELL.)
_____)

NOTICE OF HEARING

On October 27, 1994, James R. Martell filed with the Department of Water Resources (Department) application for transfer of water right no. 61-00295. The application was protested by Robert K. Hall and Dick Anderson. The conference held by the department on Tuesday, January 31, 1995, did not resolve the matter of protest.

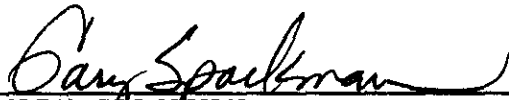
The Department has scheduled the matter for hearing on Wednesday, May 7, 1997, at 9:00 a.m. at the Glenns Ferry City Hall, 204 E. 2nd, Glenns Ferry, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of the Department. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

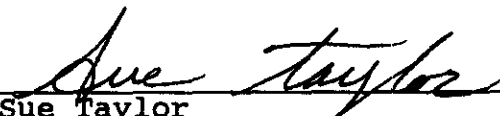
The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 2nd day of April, 1997.


GARY SPACKMAN

I hereby certify that on the 2nd day of April, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

CERTIFIED MAIL

JAMES R MARTELL
PO BOX 969
GLENNS FERRY ID 83623

DICK ANDERSON
BOX 807
GLENNS FERRY ID 83623

ROBERT K HALL
RT 1 BOX 103
GLENNS FERRY ID 83623

CONFERENCE AND HEARING PROCEDURE APPLICATION FOR TRANSFER

ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1,2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure or at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of the hearing are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. After the hearing, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may waive their right to a recommended order, by written stipulation, particularly when a shortened decision process is desirable or necessary. A waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 28, 1995

James R. Martell
P.O. Box 969
Glenns Ferry, ID 83623

RE: Protested Application for Transfer of Water Right No. 61-00295

Dear Mr. Martell:

Enclosed please find the original "Withdrawal of Protest and Agreement of Conditions" for the above-referenced water right which was signed by the two protestants at our conference last month.

If this document appears to be acceptable, please sign it and return it to this office in the enclosed envelope, and we will continue to process your application.

Sincerely,

David R. Tuthill, Jr., P. E.
Manager, Western Region Office

RECEIVED
FEB 1 1995

In the Matter of Application
for Transfer No. 61-00295
in the Name of James R. Martell

Withdrawal of
Protest and
Agreement of Conditions

We, the undersigned, hereby agree to withdraw our protests to the above-referenced application for transfer, subject to the following conditions:

1. Mr. Martell agrees to show the system to Mr. Anderson.
2. Mr. Martell shall provide a mechanism for accounting for the Little Canyon Creek water and the King Hill Irrigation Dist water to ensure that expansion of use of water does not occur.
3. Delivery of water under this water right is subject to distribution by the watermaster of Water District 61-D, Little Canyon Creek.

Dated this 31st day of January, 1995

James R. Martell

Dick Anderson

Agreement of conditions by Applicant:

Dated this 31st day of January, 1995

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

**Re: Protested Application for Transfer #61-00295 in the Name of
James R. Martell**

Place: Elmore County Courthouse, 150 S. 4th E., Mountain Home,
Idaho 83647

Date: Tuesday, January 31, 1995

Conducted by: David R. Tuthill, Jr., P.E.

NAME**ADDRESS**

Robert T. Hall 571 Box 103 Glenview Ferry Ia 283613
Duke Anderson Box 807 Glenview Ferry Ia 283613

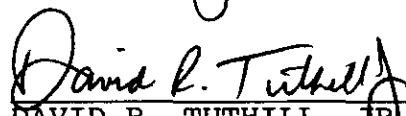
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

| | | |
|----------------------------------|---|----------------------|
| IN THE MATTER OF APPLICATION |) | |
| |) | NOTICE OF CONFERENCE |
| FOR TRANSFER NO. 61-00295 IN THE |) | |
| |) | |
| NAME OF JAMES R. MARTELL |) | |
| _____ |) | |

On October 27, 1994, James R. Martell filed with the Department of Water Resources an application for transfer of a water right. The application was protested by Robert K. Hall and Dick Anderson.

The Department has set the matter of protest for a conference to be held on Tuesday, January 31, 1995, at 10:00 a.m., at the Elmore County Courthouse, 150 S. 4th St. E., Mountain Home, Idaho 83647. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 17th day of January, 1995.



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

NOTED 1/20/95
1/20/95

I hereby certify that on the 17th day of January, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary-Office Coordinator

Certified Mail

JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623

DICK ANDERSON
BOX 807
GLENN'S FERRY ID 83623

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

NOTED
FEB 1 1995

CONFERENCE AND HEARING PROCEDURE APPLICATION FOR TRANSFER

ISSUES

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
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BURDEN OF PROOF

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The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure or at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

SEP 11 1988

HEARING

The department will tape record the hearing. Copies of the hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties by written stipulation, may waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

December 19, 1994

State of Idaho *WHR*
Department of Water Resources
Attention: David R. Tuthill, Jr.
Manager Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

DEC 20 1994

WATER RESOURCES
WESTERN REGION

RE: Transfer of Water Right No. 61-00295

Dear Mr. Tuthill:

I have received your letter regarding our application for a change of water diversion point for Water Right 61-00295.

Our reply to the questions are as follows:

1. In our estimation there are no other water rights injured by our transfer.
2. The transfer does not constitute any enlargement of use of the original right.
3. The change will not conflict with any public interest.
4. The change will actually conserve water.

I have personally contacted both protestants and explained what I was doing, but I was unable to get an answer from either one.

I do not feel they have any legitimate complaint whatsoever.

Sincerely,

James R. Martell
James R. Martell
PO Box 969
Glenns Ferry, ID 83623

JRMspb



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

TO: JAMES MARTELL

FROM: STEVE LESTER

fax 366-2615

DOCUMENT DESCRIPTION: found 2 Little Canyon Creek licenses,
each for 5 acres in NENE S.31 T5S R10E:

#61-02074 5 acres north of creek } see attached
#61-02084 5 " south " " } Profile Reports

TOTAL PAGES SENT: 3 + COVER SHEET
(2 reports + map)

CONTACT: _____

NEED to file Adjudication CLAIMS to protect
these rights. NO record found of claims filed.
CALL 334-2190 ADJUDICATION STAFF for help
in filing claims. If no claims filed, licenses
will be lost in the adjudication process.

RECEIVED
DEC 11 1994

12/9/94

DIVERSION
VOLUME

$= 8$ minel's
inches

Stage: LICENSE

ELMORE County

SH

[illegible]

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

| | | | | | |
|----------|----------|-----------|-----------|-----------|-----------|
| 37-04112 | 61-02084 | A02-00214 | A02-00215 | A02-00216 | A02-00217 |
|----------|----------|-----------|-----------|-----------|-----------|

Dates: **App. Received:** **Priority Date:** 10/27/1942

Exam Made Date: Exam Sent to S.O.:

Licensed Date: 12/03/1979

Misc: Water District Number: 61D Field Exam Fee:

Audit: 02/25/87 05/01/88 CONVERT

WRS809NP
No. 61-02084

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/05/94
PAGE: 2

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | MARK WHITE | 06/02/1949 | IRRIGATION | 00-00 00-00 | 0.10 CFS | |

TOTAL DIVERSION: 0.10 CFS

Water Source: LITTLE CANYON CREEK Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion: T05S R10E S32 NW/4 ELMORE County

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 Lt Ac Lt Ac Lt Ac | : SUM |
| 05S 10E 31 | : 05 | : | : | : | : 5.0 |
| | : | : | : | : | : 5.0 |
| | : | : | : | : | : 5.0 |

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-02076 61-02083

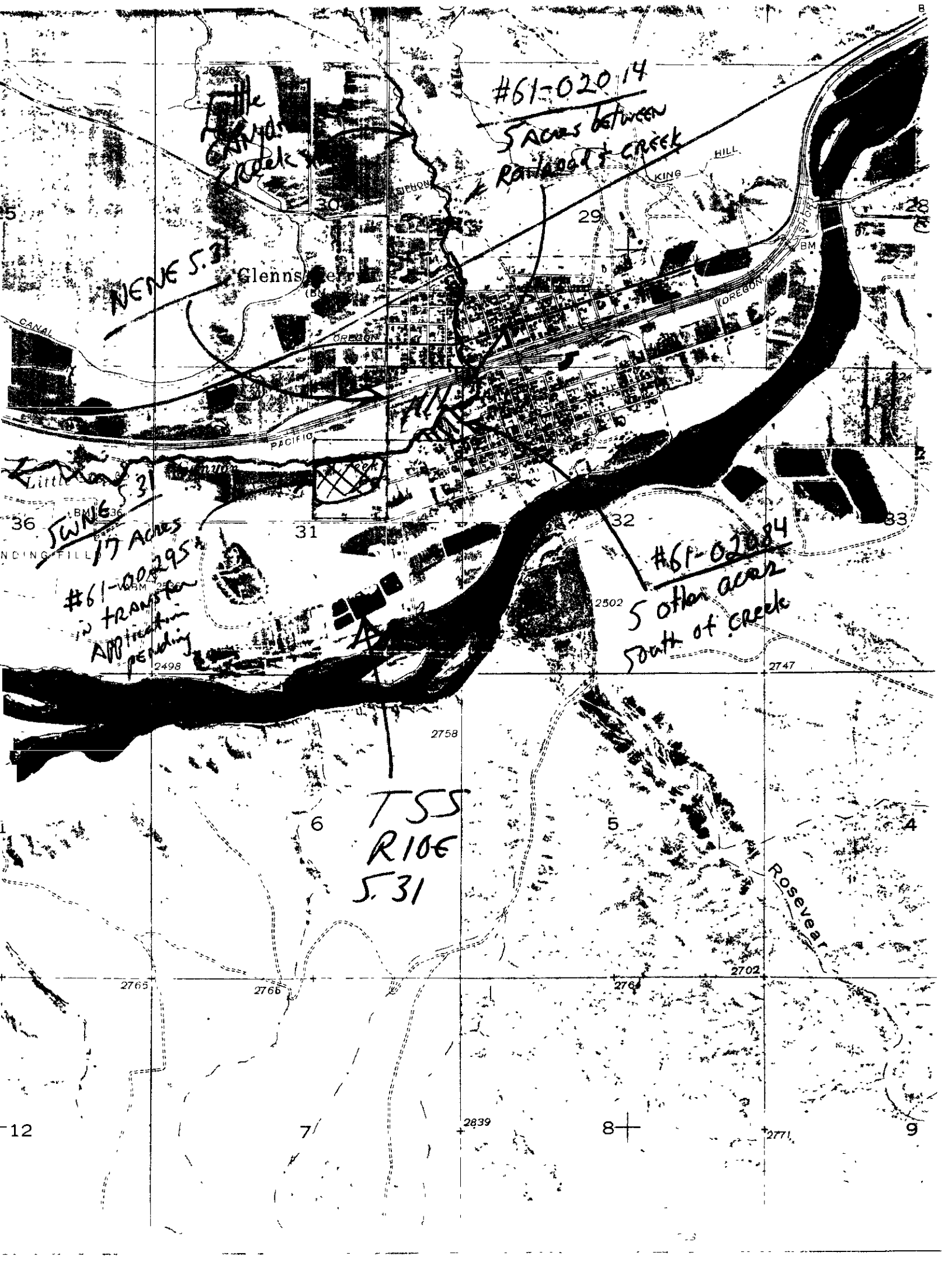
Other Water Rights Listing Overlapping Place(s) of use:
37-04112 61-02074 A02-00214 A02-00215 A02-00216 A02-00217

Dates: App. Received: Priority Date: 06/02/1949
Proof Due Date: Proof Made Date: Exam Made Date: Exam Sent to S.O.:

Misc: Water District Number: 61D Field Exam Fee:

Audit: 02/25/87 05/01/88 CONVERT

= 5 minutes
inches



#61-02014

5 acres between
Railroad & Creek

NENE S. 31

Glenns

31

32

33

17 Acres
#61-00295
in transfer
Application
pending

#61-02084
5 other acres
South of Creek

TSS
R10E
S. 31

Rosevear

TO/POUR

J. W. R. de ...

SUBJECT/M

RE Water Right #6/00295

FROM/DE

Dick Anderson

DATE

Some mistake.

12-2-94

Water Right app #6/00295 of Jones.
mistake

RECEIVED

DEC 05 1994

WATER RESOURCES
WESTERN REGION

Dick Anderson

130 x 8.7

Winniford

12-6-94

W018402

93

\$25.00

MICROFILMED

FEB 11 1995

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W018402

Date: 12/ 6/1994
Time: 08:27:40

Received
From: ANDERSON, DICK

| Type of Payment | Program A cct | Amount |
|-----------------|---------------|--------|
| PROTEST FEE | | |
| | 62103 | |
| | 229 21 1155 | 25.00 |

Total

CHECK 1188

\$25.00

Region: WESTERN

Signature:

DBuffington

COPIED
SEP 11 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 9, 1991

JAMES R MARTELL
PO BOX 969
GLENNS FERRY ID 83623

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Transfer of Water Right No. 61-00295

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.', written over a horizontal line.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure

ENCLOSURE

DEC 11 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 9, 1994

DICK ANDERSON
BOX 807
GLENN'S FERRY ID 83623

Re: Application for Transfer No. 61-00295 in the name of James R. Martell

Dear Protestant:

This office acknowledges receipt of your protest to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

RECEIVED

NOV 29 1994

WATER RESOURCES
WESTERN REGION

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Coleen W. Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 16th day of November, 1994, and the last publication having been made on the 23rd day of November, 1994, every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 23rd day of November, 1994

Brenda L. Jacoby
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 2, 1994

JAMES R MARTELL
PO BOX 969
GLENN'S FERRY ID 83623

Re: Application for Transfer of Water Rights Nos. A61-00295B

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 2, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

ROBERT K HALL
ROUTE 1 BOX 103
GLENN'S FERRY ID 83623

Re: Application for Transfer No. A61-00295B in the name of James
R. Martell

Dear Protestant:

This office acknowledges receipt of your protest to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

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If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the Department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

A handwritten signature in cursive script, reading "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

ROBERT K HALL
ROUTE 1 BOX 103
GLENNS FERRY ID 83623

Re: Protest of Application No. 61-00295 in the Name of James
Martell

Dear Mr. Hall:

We received your protest of the above-referenced application for
transfer. Your letter states that a check for \$25.00 was enclosed
but we could find no money enclosed.

Please send the necessary \$25.00 protest fee to this office by
December 5, 1994.

If you have any questions please call this office.

Sincerely,

David R. Tuthill
DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

*Thank you very much
for calling this to my
attention, my error*

Robert Hall

W/018393 502 \$25.00

11-28-94

10000 LMEU

DEC 13 1994

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

ROBERT K HALL
ROUTE 1 BOX 103
GLENN'S FERRY ID 83623

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Please send the necessary \$25.00 protest fee to this office by December 5, 1994.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr." followed by a stylized flourish.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

WICPO-10120

FEB 11 1994

RECEIVED

NOV 21 1994

WATER RESOURCES
WESTERN REGION

Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Id. 83705

17 Nov. 1994

Re: Proposed change of Water Right No. 61-00295
James Martell

I protest the change of diversion point and use of the water on land other than listed in the decree.

If this letter fails to meet legal standards to protest this change of Water Right, please notify me immediately so I can correct my protest letter.

Robert K. Hall

Robert K. Hall
Rt. 1 Box 103
Glenns Ferry, Id. 83623

cc: Jim Martell
enclosure check for \$25.00

NOT RECORDED

FEB 11 1995

Robert K. Hall
Rt 1 Box 103
Glenns Ferry, Idaho 83623

For return to the originator, please affix a return address on the right of the return address

CERTIFIED

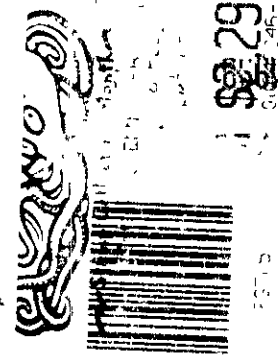
ED 1822-04 11-17-84 2303

Z 097 116 942

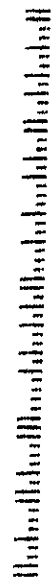
MAIL

Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RE: Proposed change of Water Right
No. 61-00295



63705-5062 06





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 18, 1994

DAN J HALL
PO BOX 644
GLENN'S FERRY ID 83623

Re: Application for Transfer No. A61-00295B in the Name of
James R. Martell

Dear Sir:

Enclosed is a copy of the above referenced application for
transfer.

Please review the application and return any comments you might
have within two weeks. If you have questions or need
information, feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

Called on 11/29/94

Supports approval of the transfer.

D. Tuthill

NOV 29 1994
NOV 29 1994

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 61-00295

Notice is hereby given that James Martell of Glenns Ferry, ID has applied to the Department of Water Resources for Transfer No. 4479 for a Change in Point of Diversion and clarification of Place of Use of the following described water right to be changed pursuant to Section 42-222 of Idaho Code:

WATER RIGHT AS RECORDED:

| | |
|------------------|--|
| BASIS | Decree |
| DATE OF PRIORITY | 11-18-1888 |
| SOURCE | Little Canyon Creek tributary to Snake River |
| AMOUNT | 0.34 cfs |
| USE | Irrigation (period of use not decreed) |
| POINT OF DIV | Not identified in decree |
| PLACE OF USE | SWNE, Lot 6 (SWNW) & SENW, S31, T5S, R10E, Elmore County |

WATER RIGHT AS CLAIMED IN SNAKE RIVER BASIN ADJUDICATION:

Same as above claimed by James Martell as Claim No. A61-00295B with previously unspecified information now included and clarification of irrigated acres as follows: 3/15-11/15 irrigation season, point of diversion in NWNW, S32 & point of re-diversion in SWNE, S31. Place of use claimed as 17 acres in SWNE, S31, all within T5S, R10E.

RIGHT NO. 61-00295 AND ADJUDICATION CLAIM
NO. A61-00295B TO BE CHANGED AS FOLLOWS:

| | |
|--------------|--|
| POINT OF DIV | SWNE, S31, T5S, R10E (sump pump & culvert at creek) |
| REMARKS | Irrigated acres unchanged since have been using water on 17 acres in SWNE, S31 instead of in three tracts listed in decree. Will omit two tracts from right but retain one tract for irrigation. |

Any protest against approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00 on or before December 5, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

Published in the Mountain Home News on November 16 and 23, 1994.

10-27-94 @ 12:43

Called phone number shown
to request fee - talked to
a lady who had helped
Mr. Martel complete form -
said they would get
transfer app. fee in the mail.
kw

Kay Walker

Check is for
diversion on Little
Canyon Creek.

RECEIVED

OCT 31 1994

WILSON

Receipt sent
to Martell's
10/31/94 kw

MICROFILMED