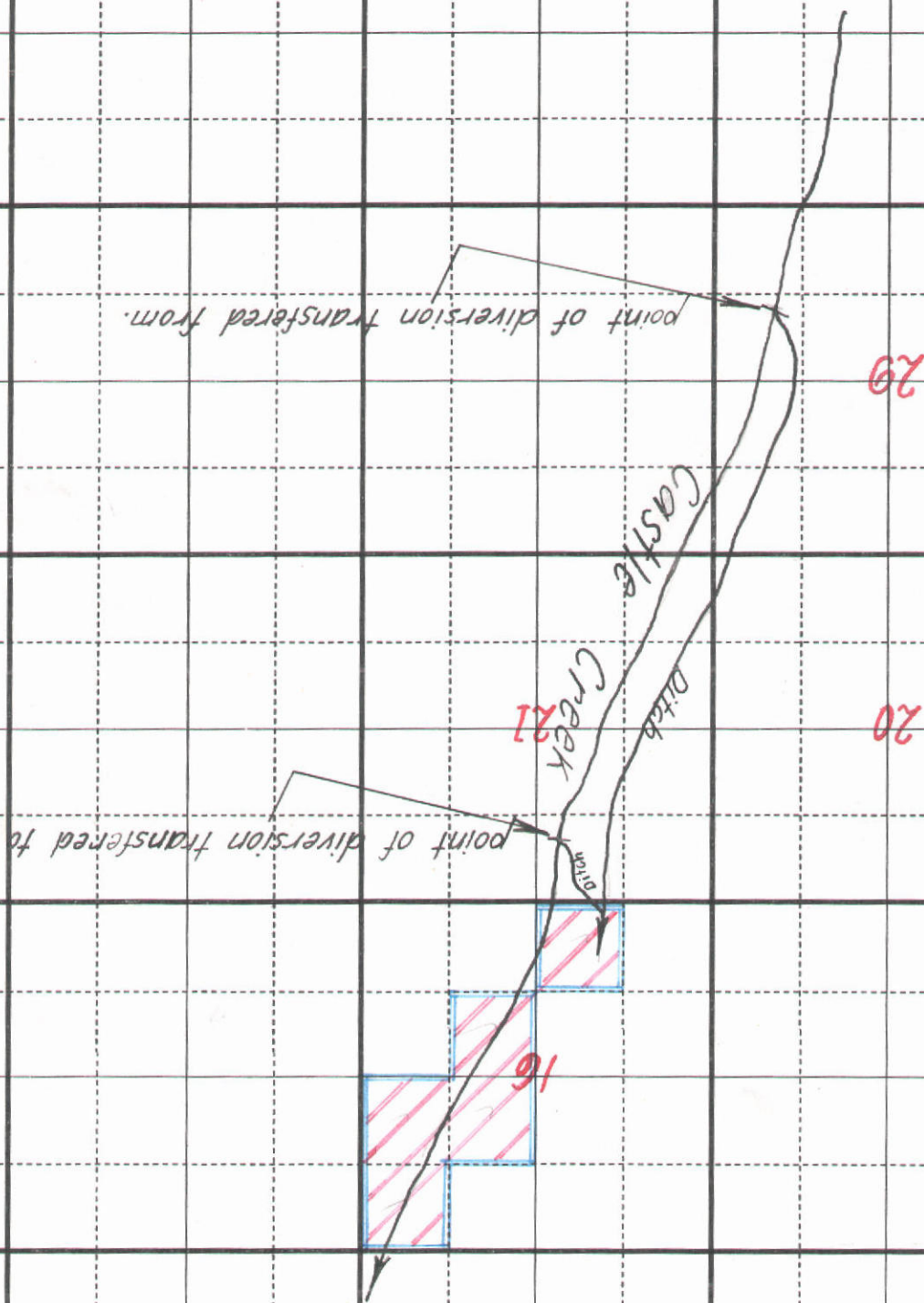


Sketch map to accompany application in the name of Kirby A. Foreman.
for change in point of diversion of the waters of Castle Creek.

Twp. 5 S, R1E



NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT

Notice is hereby given that Kirby A. Foreman, of Oreana, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing Him to change the point of diversion of the waters of Castle Creek, as follows: Amount: 1.16 cubic feet per second, Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, Township 5 S., Range 1 E., Place of Use: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Twp. 5 S., R. 1 E.

Transfer to
Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 5 S., Range 1 E., Place of Use: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Twp. 5 S., R. 1 E.

And that on the 19th day of June, 1953, at 10 o'clock A. M., at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer
Pub. May 28, - June 4, 1953

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

COUNTY OF OWYHEE)

I, Carol E. Gough, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the editor and co-publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice

Notice of Proposed Transfer of Water Rights

of which a printed copy taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in two (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

May 28, 1953

June 4, 1953

Signed

Carol E. Gough

Subscribed and sworn to before me this 3rd day of March
A. D., 1954.

Emma J. Henry
Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho.

My commission expires June 20, 1954.

RECEIVED
MAR 5 1954
Department of Reclamation

57-2129

OF THE STATE OF IDAHO, IN AND FOR OWYHEE COUNTY.

WILLIAM D. EVANS, LILLIAN L. EVANS,
JOSEPH W. HARDIMAN, CHARLES I. HARDIMAN,
EUGENE A. HARDIMAN, ANDREW T. EVANS,
MAGGIE DEVINE, THOMAS A. FOREMAN,
JOHN J. EVANS, URCILLA McDONOUGH and
HARLAN CLARK,

Plaintiffs,

vs.-

WILLIAM TOY, MARTHA HENDERSON, C. S. POLK,
M. D. POLK, ROBERT AIKMAN, OWYHEE LAND &
IRRIGATION COMPANY, LIMITED, a corporation,
J. L. WEES, MILTON G. CAGE, JOHN HENDERSON,
S. E. VANCE, THE GOLDEN CROWN MINING COMPANY,
LIMITED, a corporation, FREDERICK ZWICHER,
J. M. MORGAN, WM. SPARKS, VICTOR GAVICA,
JAMES HENDERSON, CHAS. H. MOREHOUSE, THOMAS
D. HENDERSON, DONALD F. HENDERSON, AMSEY
CRILL, WILBUR MOSSMAN and FRED T. SMITH, and
E. F. DUNHAM.

Defendants.

JUDGMENT

This cause coming on regularly for trial, Richard H. Johnson,
Esq., appearing as counsel for the plaintiffs, John F. Nugent, Esq.,
and Karl Paine, Esq., appearing as counsel for the defendants William
Toy, Martha Henderson, Thomas D. Henderson, Donald F. Henderson, J. M.
Morgan, Frederick Zwicher, Wm. Sparks, The Golden Crown Mining Company,
Limited, Amsey Crill, Wilbur Mossman and Fred T. Smith; Eugene Brasie,
Esq., appearing as counsel for defendant Victor Gavica; Hugh E. McElroy,
Esq., appearing as counsel for defendant Charles H. Morehouse, Paul

SCANNED

OCT 22 2004

57 0111 1890 - Hardiman Brothers, consisting of
Joseph W. Hardiman, Chas. I. Hardiman
and Eugene A. Hardiman - - - - - 30 "

57 0112 1890 - Lillian L. Evans and Wm. D. Evans - - - - - 25 "

57 0113 1890 - Urcilla McDonough - - - - - 5 "

57 0114 1890 - Martha Henderson - - - - - 5 "

57 0115 1895 - Lillian L. Evans and Wm. D. Evans - - - - - 20 "

57 0116 1895 - John J. Evans - - - - - 5 "

57 0117 1895 - William Toy - - - - - 30 "

57 0118 1895 - Thomas A. Foreman - - - - - 5 "

57 0119 1896 - Urcilla McDonough - - - - - 14 inches

57 0120 1896 - John J. Evans - - - - - 15 "

57 0121 1896 - Martha Henderson - - - - - 4 "

57 0122 1896 - Thomas A. Foreman - - - - - 15 "

57 0123 1897 - Martha Henderson for her desert entry - - - - 7 "

57 0124 1897 - Charles E. Morehouse - - - - - 50 "

57 0125 1898 - E. F. Dunham - - - - - 15 "

57 0126 1899 - A. T. Evans - - - - - 18 "

57 0127 1899 - J. J. Evans - - - - - 20 "

57 0128 1899 - Thomas A. Foreman - - - - - 20 "

57 0129 1899 - John Henderson - - - - - 3 "

57 0130 1900 - Wilbur Mossman - - - - - 7 1/2 "

57 0131 1901 - A. T. Evans - - - - - 15 "

57 0132 1901 - Victor Gavica - - - - - 15 "

57 0133 1902 - Hardiman Brothers - - - - - 10 "

57 0134 1902 - Victor Gavica - - - - - 5 "

57 0135 1902 - Lillian Evans and Wm. D. Evans - - - - - 12 "

57 0136 1902 - Thomas A. Foreman - - - - - 10 "

57 0137 1902 - John Henderson - - - - - 7 "

57 0138 1903 - Fred T. Smith - - - - - 5 "

Name of Party	Source of Water	Date of Priority	Amt. in Inches	Des. of Land	All Owyhee Count	Range
William Toy	Castle Creek	1870	57-0073	25	(subd)	
J. A. Morgan	Castle Creek	1874	1885 57-0076	20	SE 1/4	
		1886	1887 57-015	20	SW 1/4	
		1888	1898 57-017	30	NE 1/4	29 5 S 1E D.
		1903	57-0145	15	SE 1/4	21 5 S 1E D.
		1908	57-0157	20	NE 1/4	28 5 S 1E D.
Thomas J. Foreman		1874	57-0110	10		
Joseph W. Hardi-	Castle Creek	1885	1870 57-0074	25	SE 1/4	
man (successor to		1887	1887 57-0101	5	SW 1/4	
Hardiman Bros. Creek		1888	1890 57-0111	30	NE 1/4	4 1E
consisting of		1896	1902 57-0123	10	NE 1/4	21 5 S 1E B.
Joseph Hardiman, Charles L. Hardiman	Castle Creek	1902	1906 57-0146	15		
and Eugene A. Hardi-		1902				
man)		1903				
		1903				
Lillian L. Evans	Castle Creek	1870	57-0085	25	SW 1/4	
Lillian D. Evans	Castle Creek	1871	57-0087	20	SE 1/4	10
Foreman		1887	57-0102	30	SE 1/4	4 1E
(successor to		1890	57-0112	25	NE 1/4	9 5 S 1E B.
Charles H. Evans		1895	57-0115	20		
house)		1902	57-0125	12		
		1906	57-0147	8		
Amey Grill	Castle Creek	1870	57-0076	25	NE 1/4	
(successor to		1899	57-0126	18	SE 1/4	
Andrew D. Evans	Castle Creek	1901	57-0131	15	NE 1/4	7 3 1E B.
					NW 1/4	16 5 S 1E B.
Amey Grill	Castle Creek	1874	57-0076	25	NE 1/4	
James L. Davey	Castle Creek	1873	57-0067	5	SE 1/4	
		1874	57-0168	10	SE 1/4	
		1885	57-0169	10	NE 1/4	
		1887	57-0170	20	NW 1/4	13 6 S 1W B.M.
		1890	57-0171	20		
Amey Grill	Castle Creek	1874	57-0076	5	NE 1/4	
Ureilla McDonough	Castle Creek	1885	57-0076	15	SW 1/4	
Amey Grill	Pixley Creek	1887	57-0103	4	Lot 2	3 5 S 1E H.M.
		1890	57-0113	5		
		1896	57-0119	14		
		1906	57-0148	10		
		1908	57-0158	17		
Thomas D. Henderson	Castle Creek	1874	57-0076	12	NE 1/4	
Donald		1885	57-0076	18	SE 1/4	34 4 S
John C. Evans	Castle Creek	1887	57-0104	10	SW 1/4	35 4 S
		1895	57-0112	5	NE 1/4	3 5 S
Walter E. Jones	Castle Creek	1896	57-0120	15	NW 1/4	2 1E B.
(successor to		1899	57-0127	20	W 1/4	35 4 S 1E B.M.
Nagis Devine &		1908	57-0149	10		
Robert J. Kelley.)						

Eugene H. Anderson

504 Idaho Bldg.,

Boise, Idaho.

— appearing for Theron J. Adcock
and John Bachman

Jim H. Merton

Oreana, Ida

Lynn Bachman Jr.

Oreana

Idaho.

J. J. Adcock

Oreana
Idaho

D. J. Foreman

Oreana

Idaho 57 2127

Kidby A. Foreman
Oreana Ida.

John Bachman
Oreana Ida

J. Spofford.

Elmer Johnston
Oreana Idaho

Elmer D Johnston
Oreana Idaho

Hot spring 9°F est 5" flow
below Black - also 2
115°F springs by ex. est 5" flow.

COPY

57-0086✓
57-0126
57-0131

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Kirby A. Foreman, of)
Oreana, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

For a Change of Point of Diversion on)
Castle Creek, Owyhee County, Idaho)

No. 219

WHEREAS, On the 19th day of June, 1953, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Kirby Foreman of Oreana, Idaho, for a change of point of diversion on Castle Creek, came on regularly for hearing, pursuant to published notice, in due and statutory form, and,

WHEREAS, A protest was filed against the application by Theoren G. Adcock and John Bachman, and,

WHEREAS, The hearing was continued to June 19, 1953, and,

WHEREAS, After full consideration and investigation by the Department of Reclamation, it is the opinion of the State Reclamation Engineer that no injury could result to other Decreed water rights by the granting of said application, with certain agreed reservations;

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 1st day of April, 1954.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

~~57-2127~~

SCANNED
OCT 22 2004

Foreman as requested by his application, the water rights of protestant will be injured in that he will be deprived of the live water in Castle Creek created by the springs, seepage, and returned flow from irrigation, augmenting the flow of such Creek between the said old point of diversion and the proposed new point of diversion, and also in that he will be deprived of the flow of such Creek which heretofore for more than forty years last past has passed the old point of diversion whenever the flow of such Creek decreases to the point where there is less than 25 inches therein to fill the earliest priority for the lands of the said Kirby A. Foreman, which flow for more than 40 years last past has been abandoned to such Creek and the flow thereof for the reason that such quantity of water will not reach the lands of the said Kirby A. Foreman through his ditch from such old point of diversion.

VII

That if applicant is permitted to change the point of diversion for the irrigation of his lands from the old point of diversion to the proposed new point of diversion as requested by his application, the water rights of protestant will be injured in that he will be deprived of the live water in Castle Creek created by the springs, seepage and returned flow from irrigation, augmenting the flow of such Creek below the said old point of diversion.

That if such change of point of diversion is made, the water rights of protestant will also be injured in that the Creek flow to fill protestant's priorities will be deprived of the said water which cannot be placed to beneficial use by applicant because of

the length of his said ditch and the loss of a small flow therein.

WHEREFORE, protestant prays that the said application for change of point of diversion be denied.

John Bachman
John Bachman
PROTESTANT

STATE OF IDAHO,)
COUNTY OF OWYHEE,) ss.

John Bachman, being first duly sworn, on oath deposes and says:
That he is the protestant named in the within and foregoing
Protest;

That he has read said protest, knows the facts stated therein,
and believes the same to be true.

John Bachman
John Bachman

Subscribed and sworn to before me this 13 day of June, 1953.

Lynn Bachman
Notary Public for Idaho,
Residing at Oreana, Idaho.

5-2-53

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 219.

THIS IS TO CERTIFY That Kirby Foreman, of Oreana, Idaho, is the owner of and using the following water rights from Castle Creek:

.50 cubic feet per second, with priority of 1870
.36 cubic feet per second, with priority of 1899
.39 cubic feet per second, with priority of 1901

said water rights being decreed to Andrew T. Evans by Decree of Judge M. J. Church of the Third Judicial District of the State of Idaho, in and for the County of Ada, in the case of

JAMES L. DAVEY,

Plaintiff,

vs.

GEORGE F. BROWN, ET AL.,

Defendants.

said decree bearing date of May 15, 1923, and the water being appurtenant to the following described lands to-wit:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16
Township 5 South, Range 1 East B. M.

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume 4 of Decrees beginning at Page 617.

That said Kirby Foreman has become the owner of said water rights through purchase.

And that now, upon the application of Kirby Foreman, of Oreana, Idaho, for Certificate of Change of Point of Diversion of 1.16 cubic feet per second of the waters of Castle Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby GRANTED, subject, however, to the following stipulated reservations or agreements.

No. 1. That water for said water right, after change of point of diversion, will not be considered available at the new or lower point of diversion, unless water for said water right is available under the terms of the Decree decreasing the waters of Castle Creek at the upper point of diversion, or the point of diversion from which the water is being transferred.

No. 2. It being further agreed, that when the waters of Castle Creek recede in flow to where there is only fifteen Miner's inches available at the upper point of diversion, to fill said water rights above stated, the said fifteen Miner's inches will be returned to the stream and will not be available for diversion at the lower point of diversion.

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually and beneficial used for such purposes and shall not exceed the following amount, to-wit:

.50 cubic feet per second, with priority of 1870
.36 cubic feet per second, with priority of 1899
.30 cubic feet per second, with priority of 1901

That said water rights are appurtenant to the lands above described.

That the water rights hereby described have heretofore been diverted from Castle Creek with point of diversion in the

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29
Township 5 South, Range 1 East B. M.

That the water rights above described will hereafter be diverted from Castle Creek with point of diversion in the

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21
Township 5 South, Range 1 East B. M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 1st day of April, 1954.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Kirby A. Foreman, of
Oreana, Idaho

For a Change of Point of Diversion on
Castle Creek, Owyhee County, Idaho

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 219

WHEREAS, On the 19th day of June, 1953, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Kirby Foreman of Oreana, Idaho, for a change of point of diversion on Castle Creek, came on regularly for hearing, pursuant to published notice, in due and statutory form, and,

WHEREAS, A protest was filed against the application by Theron G. Adcock and John Bachman, and,

WHEREAS, The hearing was continued to June 19, 1953, and,

WHEREAS, After full consideration and investigation by the Department of Reclamation, it is the opinion of the State Reclamation Engineer that no injury could result to other Decreed water rights by the granting of said application, with certain agreed reservations;

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 1st day of April, 1954.

MARK R. KULP
State Reclamation Engineer

~~57-1487~~

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 219.

THIS IS TO CERTIFY That Kirby Foreman, of Oreana, Idaho, is the owner of and using the following water rights from Castle Creek:

.50 cubic feet per second, with priority of 1870
.36 cubic feet per second, with priority of 1899
.30 cubic feet per second, with priority of 1901

said water rights being decreed to Andrew T. Evans by Decree of Judge M. J. Church of the Third Judicial District of the State of Idaho, in and for the County of Ada, in the case of

JAMES L. DAVEY,

Plaintiff,

vs.

GEORGE F. BROWN, ET AL.,

Defendants.

said decree bearing date of May 15, 1923, and the water being appurtenant to the following described lands to-wit:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16
Township 5 South, Range 1 East B. M.

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume 4 of Decrees beginning at Page 617.

That said Kirby Foreman has become the owner of said water rights through purchase.

And that now, upon the application of Kirby Foreman, of Oreana, Idaho, for Certificate of Change of Point of Diversion of 1.16 cubic feet per second of the waters of Castle Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby GRANTED, subject, however, to the following stipulated reservations or agreements.

No. 1. That water for said water right, after change of point of diversion, will not be considered available at the new or lower point of diversion, unless water for said water right is available under the terms of the Decree decreeing the waters of Castle Creek at the upper point of diversion, or the point of diversion from which the water is being transferred.

No. 2. It being further agreed, that when the waters of Castle Creek recede in flow to where there is only fifteen Miner's inches available at the upper point of diversion, to fill said water rights above stated, the said fifteen Miner's inches will be returned to the stream and will not be available for diversion at the lower point of diversion.

57-2192

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually and beneficial used for such purposes and shall not exceed the following amount, to-wit:

.50 cubic feet per second, with priority of 1870
.36 cubic feet per second, with priority of 1899
.30 cubic feet per second, with priority of 1901

That said water rights are appurtenant to the lands above described.

That the water rights hereby described have heretofore been diverted from Castle Creek with point of diversion in the

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29
Township 5 South, Range 1 East B. M.

That the water rights above described will hereafter be diverted from Castle Creek with point of diversion in the

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21
Township 5 South, Range 1 East B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 1st day of April, 1954.

MARK R. KULP
State Reclamation Engineer

Whereas, A protest was filed against the application by Pheron
G. Adcock and John Bachman and,
Whereas, The hearing was continued to June 19, 1953 and,
Whereas, after full consideration and investigation, by the Dept. of
Rec. it being the opinion of the State Rec. Eng. That no injury
could result to other decreed water users rights, by the granting of
said application with certain agreed reservations,

Applicant Kirby A. Foreman,
Decree entered in Vol. 4, Page 617 of decrees,

Amount,	.50	c.f.s.	1870	priority
	.36	"	1899	"
	.30	"	1901	"

Transferred from	,	point of diversion	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 29,	5.S. 1.E.
Transferred to,	,	" " "	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 21,	5.S. 1.E.

Transfer with the following reservations,

~~57-2127~~

Affidavit for Change of Point of Diversion of Decreed Water Right

RECEIVED
MAY 25 1953
Department of Reclamation

STATE OF IDAHO,
County of Ada, } ss.

Kirby A. Foreman, being first duly sworn, deposes and says: That his postoffice address is Oreana, Idaho; That he is the owner of and using a certain water right, bearing date of priority of 1870 for .50 c.f.s.; 1899 for .36 c.f.s. cubic feet per second of the waters of Castle Creek, County of Owyhee, State of Idaho, decreed to Andrew T. Evans, by decree of Judge M.J. Church, of the Third Judicial District of the State of Idaho, in and for the County of Ada, in the case of James L. Davey, vs. George F. Brown et-al said decree bearing date of May 15, 1923, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 14-B, in the County of Owyhee, and State of Idaho, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Twp. 5.S. R. 1.E.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By purchase,

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, Twp. 5.S, Range 1.E., and conducted to the above described lands through the Partnership ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in NE $\frac{1}{4}$ $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 21, Twp. 5.S., Range 1.E., and thereafter conduct same to the above described land through the private ditch, as per map above referred to:

Remarks, Applicant will not demand or expect water to be delivered at the lower point of diversion, when the said water right is not available for diversion from the stream at the upper point of diversion.

That his reasons for desiring to make such change are as follows: To do away with waste of water

New ditch will save water, and shorten length of ditch, and save expense of ditch upkeep. and also eliminate the necessity of dividing water with co-partner in ditch from which water is proposed to be transferred

That no one will be injured by such change and that such change will be made at affiant's own risk.

Kirby A. Foreman
Affiant.

Subscribed and sworn to before me this 15th. day of May, 1953.

Wesley E. Larson
Notary Public

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

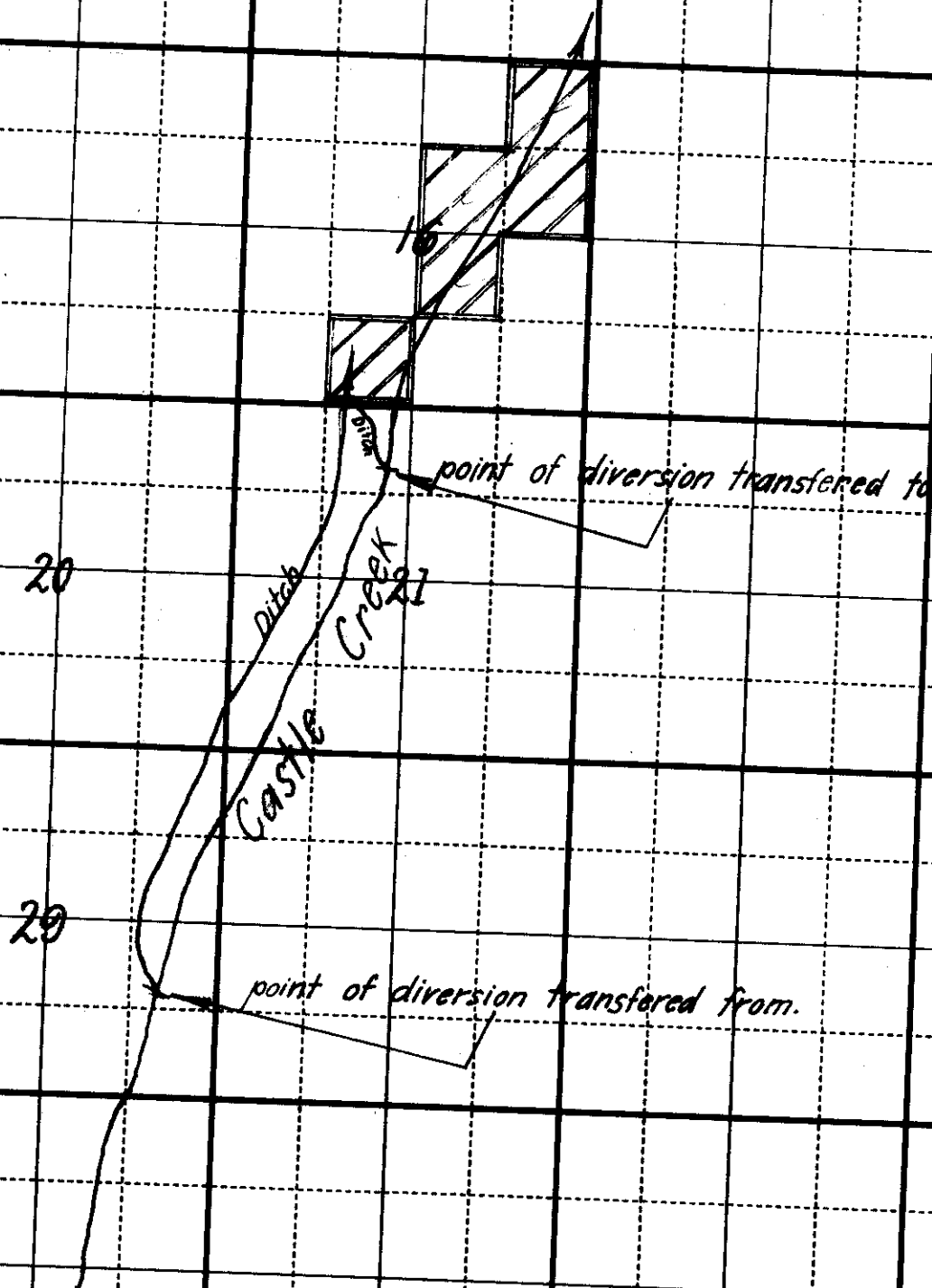
I would disapprove the application.

Lynn Bachman, Jr. Watermaster
Water district No 14A

Will send written reasons if you request same

Sketch map to accompany application in the name of Kirby A. Foreman,
for change in point of diversion of the waters of Castle Creek.

Twp. 5 S, R1E



S T A T E O F I D A H O
Department of Reclamation

In the matter of the Application of)
Kirby A. Foreman for change of)
diversion of the waters of) Stipulation
Castle Creek, Owyhee County, Idaho)

Comes now Kirby A. Foreman, Applicant requesting change in point of diversion of the Decreed waters of Castle Creek, as follows;

25 Miner's inches with 1870 priority
18 inches with 1899 priority
15 inches with 1901 priority

from point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 5 South, Range 1 East, B.M. to a point located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township 5 South, Range 1 East, B.M. and now hereby agrees, as follows:

The following stipulated reservations shall be incorporated in the certificate, changing the point of diversion of the above described water rights, as the terms agreed upon with other water users of Castle Creek in connection with the granting of said change in point of diversion.

No. 1. That water for said water right, after change of point of diversion, will not be considered available at the new or lower point of diversion, unless water for said water right is available under the terms of the Decree decreeing the waters of Castle Creek at the upper point of diversion, or the point of diversion from which the water is being transferred.

No. 2. It being further agreed, that when the waters of Castle Creek recede in flow to where there is only fifteen Miner's inches available at the upper point of diversion, to fill said water rights above stated, the said fifteen Miner's inches will be returned to the stream and will not be available for diversion at the lower point of diversion.

Kirby A. Foreman

STATE OF IDAHO) ss
County of Owyhee)

Before me, _____, a Notary Public in and for the State of Idaho, personally appeared Kirby A. Foreman, known to me to be the person whose name is subscribed to the above stipulation and acknowledged to me that he executed the same.

Hull Edison
Notary Public

Residing at Basis, Idaho-

~~57-2127~~

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF OWYHEE)

I, Carol E. Gough, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the editor and co-publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice _____

Notice of Proposed Transfer of Water Rights

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in two (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

May 28, 1953

June 4, 1953

Signed _____

Carol E. Gough

Subscribed and sworn to before me this 3rd day of March
A. D., 1954.

Emma J. Henry
Notary Public in and for the State of Idaho.

Residing at Homedale, Idaho.

My commission expires June 20, 1954.

RECEIVED

MAR 5 1954

Department of Reclamation

57-2127

Department of Reclamation

IN THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO.

IN THE MATTER OF THE APPLICATION
OF KIRBY A. FOREMAN FOR CHANGE OF
POINT OF DIVERSION.

PROTEST OF
JOHN BACHMAN

✱

COMES NOW John Bachman and as protest to the granting of the application of Kirby A. Foreman for change of point of diversion of the waters of Castle Creek alleges as follows:

I

That the address of John Bachman, protestant, is
Oreana, Idaho.

II

That John Bachman is the owner of the lands situate in Owyhee County, Idaho, particularly described as follows, to-wit:

The south half of the southwest quarter of section 21, the north half of the northwest quarter of section 28, the southeast quarter of the northeast quarter, the east half of the southeast quarter, the southwest quarter of the southeast quarter, and the northeast quarter of the northeast quarter of section 29, all in township five south, range one east, Boise Meridian;

together with water right for irrigation of said described lands adjudicated by Decree of the District Court of the Third Judicial District of the State of Idaho, in and for Ada County, in an action wherein James L. Davey was plaintiff and George F. Brown et al were defendants, by Decree dated the 15th day of May, 1923:

DATE OF PRIORITY

AMOUNT IN MINERS INCHES

1870	25
1885	20
1887	20
1895	30
1906	15
1908	20

III

That the point of diversion for the water rights of the applicant Kirby A. Foreman in Castle Creek mentioned in his application for change of point of diversion is situate in the northeast quarter of the southeast quarter of section 29, township 5 south, range 1 east, Boise Meridian, and is herein referred to as the "old point of diversion". That the old point of diversion has been the point of diversion for the water rights for the Kirby A. Foreman lands described in his application for more than 40 years immediately last past.

That the proposed point of diversion to which the said Kirby A. Foreman proposes to transfer, is situate in the northeast quarter of the northwest quarter of section 21, township 5 south, range 1 east, Boise Meridian, and is herein referred to as the "proposed new point of diversion". Such proposed new point of diversion is situate downstream from the old point of diversion approximately one and one-half ($1\frac{1}{2}$) miles, on Castle Creek.

IV

That between the old point of diversion and the proposed new point of diversion, springs, returned flow from irrigation, and seepage enters the channel of Castle Creek, augmenting the flow thereof, to fill the water rights for irrigation according to their priorities having points of diversion below the old point of diversion of applicant.

V

That the irrigation ditch of the applicant, Kirby A. Foreman, for transmission of the water rights appurtenant to his lands from the old point of diversion extends a distance of approximately one-and three-quarters miles from the old point of diversion to the lands of the applicant. That for more than 40 years last past the flow of Castle Creek at such old point of diversion has decreased during the irrigation season each year to the point where the flow thereof to fill the priorities of the applicant, Kirby A. Foreman, is less than twenty-five (25) inches. The loss seepage and evaporation in such ditch was such each such year that it would not convey a stream of water of less than 25 inches to the lands of the said applicant, and, that each such year when the flow of the waters of Castle Creek decreased to the point where the waters flowing therein were insufficient to furnish more than 25 inches to applicant at his old point of diversion, then such diversion ceased and suspended for the remainder of the irrigation season and accrued to the creek flow and to the priorities downstream in such creek.

VI

That the point of diversion for the water rights of the protestant, John Bachman, for the irrigation of his said lands is on Castle Creek between the said old point of diversion of applicant and the proposed new point of diversion and downstream from springs, seepage and returned flow to such stream below the old point of diversion of applicant.

If such change of point of diversion is made by the said Kirby A.

April 1, 1954

Mr. Kirby A. Foreman

Owner

Elko

Dear Mr. Foreman:

We enclose Certificate No. 219 authorizing change of point of diversion from Castle Creek as applied for by you.

By this same mail we are sending a copy of this Certificate to Mr. James Sheral Johnson, Water Master, Water District No. 14 A for his use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A:211

Enc.

CC: James Sheral Johnson

57 2127

February 24, 1954

Mr. Kirby A. Foreman
Oreana
Idaho

Dear Mr. Foreman:

We are enclosing herewith a stipulation, in connection with your application for change in point of diversion. Providing this stipulation meets with your approval, please sign before a Notary Public and return to this Department.

Upon return of this executed stipulation and an affidavit of publication, which was to be furnished you by the Owyhee Chronicle and also the recording fee of \$1.00, a certificate of transfer, changing the point of diversion, will be issued and sent to you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:hll

57 2127

STATE OF IDAHO
Department of Reclamation

In the matter of the Application of)
Kirby A. Foreman for change of)
diversion of the waters of) Stipulation
Castle Creek, Owyhee County, Idaho)

Comes now Kirby A. Foreman, Applicant requesting change in point of
diversion of the Decreed waters of Castle Creek, as follows;

25 Miner's inches with 1870 priority
18 inches with 1899 priority
15 inches with 1901 priority

from point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 5 South,
Range 1 East, B.M. to a point located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township
5 South, Range 1 East, B.M. and now hereby agrees, as follows:

The following stipulated reservations shall be incorporated in the
certificate, changing the point of diversion of the above described water
rights, as the terms agreed upon with other water users of Castle Creek
in connection with the granting of said change in point of diversion.

No. 1. That water for said water right, after change of point of
diversion, will not be considered available at the new or lower point of diver-
sion, unless water for said water right is available under the terms of the
Decree decreeing the waters of Castle Creek at the upper point of diversion,
or the point of diversion from which the water is being transferred.

No. 2. It being further agreed, that when the waters of Castle
Creek recede in flow to where there is only fifteen Miner's inches available
at the upper point of diversion, to fill said water rights above stated, the
said fifteen Miner's inches will be returned to the stream and will not be
available for diversion at the lower point of diversion.

STATE OF IDAHO) ss
County of Owyhee)

Before me, _____, a Notary Public in and for the
State of Idaho, personally appeared Kirby A. Foreman, known to me to be the
person whose name is subscribed to the above stipulation and acknowledged
to me that he executed the same.

Notary Public

Residing at _____

57 2157

Thereupon Mr. Anderson admitted that in his filed protest there was an error and that he had misunderstood.

Thereafter, discussion continued until the noon hour and it appears that the difference between what Mr. Foreman asks for and the amount or conditions that other concede are quite close. The only thing at present preventing agreement is that Mr. Adcock wants Foreman to guarantee him his 45 inches of 1871 water.

Mr. Foreman agrees to abandon back to the stream 5 inches of his water right when delivery from Castle Creek into their ditch drops to a total of 30 inches. Anything above that amount Mr. Foreman and Mr. Johnston will divide half and half between them. So far as the amount is concerned, that would enter the ditch at the old point of diversion.

There was considerable discussion regarding the necessity of maintaining a watermaster for a much longer period and thus making the watermaster expense much higher for the whole group using the water of Castle Creek.

After the meeting was over, I asked the younger Johnston to remain and discuss the situation with me to make certain that he had understood the proposed agreement the same I did. He feels that he will have more benefit from the extra water he can put through the ditch during the high water season so that it will overbalance any loss that may occur to him during the period when the water is slightly in excess of 30 inches and there is less water flowing through the ditch for a short period of time.

Mr. Adcock stated that he had always, up until the last two years, gotten his full 45 inches under the 1871 decree right, but that since Mr. Foreman had put in a pump he felt his water was short. Mr. D. I. Foreman stated that since the pump went in Roy had told him that he had a better water supply than he had previously. (I failed to obtain the last name of Roy.)

Considerable time was spent by Mr. Anderson and Mr. Spofford in attempting to arrive at a compromise agreement between all concerned and as stated earlier very nearly succeeded. The meeting is recessed subject to call after everyone has thought the matter over and the department has had additional time to make further checks. Meeting to be called probably the latter half of July.

I intend to make inspection on a permit for Elmer Johnston on June 29, and at that time I intend to, if time permits, look over the creek and the ditch in this area.

E. N. H.

Inspection not made on June 29 as intended.

Reason: - lack of time

E. N. H.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MEMORANDUM

June 19, 1953

Subject Change in point of diversion on Castle Creek by Kirby A. Foreman of Oreana.

File _____

Informal hearing was held on June 19, 1953, in accordance with published notice. Those present were:

Eugene H. Anderson
504 Idaho Building
Boise, Idaho

James Spofford
Boise,
Idaho

Lynn Bachman, Jr.
Oreana
Idaho

John Bachman
Oreana
Idaho

D. I. Foreman
Oreana
Idaho

Kirby A. Foreman
Oreana
Idaho

Elmer Johnston
Oreana
Idaho

Elmer D. Johnston
Oreana
Idaho

Jim Nettleton
Oreana
Idaho

T. G. Adcock
Oreana
Idaho

After the meeting was opened, Mr. Anderson explained that he represented Adcock and Bachman and proceeded to enumerate the following:

1. The new point of diversion would be below the old point of diversion.
2. There were springs and rising water below the old and above the new point of diversion.
3. There was some return flow and that by changing the point of diversion Mr. Foreman would be taking part of the return flow.
4. He made the point that Mr. Foreman had formerly gotten his water through a long ditch which is also used by Elmer Johnston.
5. He made the point that there is water accruing to the creek from the present set up.

Upon my questioning the amount of water in the ditch at the old point of diversion at the time it is returned to the creek, it was brought out that the only control is the drop of the water in the creek and that when the total water entering the ditch at the old point of diversion drops to approximately 25 inches, that Johnston took it all and that Foreman received none.

57 2127

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MEMORANDUM

Subject CHANGE IN WATER DIVERSION IN CASTLE CREEK

File _____

Inspection was made in connection with the proposed change of diversion by Kirby A. Foreman in company with Mr. Foreman, on February 16, 1954. The point of diversion was inspected and the full length of the ditch line. Then an inspection was made in company with John Bachman regarding the ditch and finally with Roy Bernard on the Adcock place.

Mr. Bachman states that they do not keep their ditch clean so that it does not have ample capacity to carry flood waters. He states further that the ditch South of his house cuts through a gravelly section and loses a large amount of water right back into Castle Creek, it being but a short distance from the stream. He stated that he has lost 7 or 8 head of cattle in this ditch in years past due to the cattle slipping into the ditch when they went to drink and getting down into the deep ditch and dieing before he discovered them. He stated that there is approximately 30 to 40 inches of rising water in the stream below the Foreman point of diversion and the new proposed point of diversion. He stated that last year Foreman used water from this new proposed ditch before a watermaster was hired and that he took all the water and left Adcock short and being a short water year Adcock was unable to make up the shortage. He stated further that when Foreman pumps, the slough immediately to the East of the point of diversion, ceases to flow into Castle Creek. Mr. Bernard stated that with the well Foreman was able to drain the field to the point where he should cut 400 bales of hay off the field that normally could be used only for pasture. Mr. Bernard stated further that waste water from Foreman's place flows under the Adcock ditch and back into Castle Creek.

I left word with Mr. Bernard to tell Mr. Adcock to contact us in Boise the next time they come to town.

Mr Adcock & wife came in on Feb 20th talked to Roy & me.

Decided to drop his complaint until he sees that he is actually hurt.

Wants Kirby to be sure to give up the last 15" of water.

Wants spec. written in transfer

57 2127

RECEIVED
JUN 15 1953
Department of Reclamation

IN THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO.

IN THE MATTER OF THE APPLICATION)
OF KIRBY A. FOREMAN FOR CHANGE OF)
POINT OF DIVERSION.)

PROTEST OF
THERON G. ADCOCK

COMES NOW Theron G. Adcock and as protest to the granting of
the application of Kirby A. Foreman for change of point of diversion
of the waters of Castle Creek alleges as follows:

I

That the address of Theron G. Adcock, protestant, is
Oreana, Idaho.

II

That Theron G. Adcock is the owner of the lands situate
in Owyhee County, Idaho, particularly described as follows, to-wit:

The southwest quarter of the northwest quarter
and the west half of the southwest quarter of
section 10, the southeast quarter of the southeast
quarter, the east half of the northeast quarter,
and the northeast quarter of the southeast quarter
of section 9, township 5 south, range 1 east,
Boise Meridian;

together with water right for irrigation of said described lands
adjudicated by Decree of the District Court of the Third Judicial
District of the State of Idaho, in and for Ada County, in an
action wherein James L. Davey was plaintiff and George F. Brown
et al were defendants, by Decree dated the 15th day of May, 1923:

DATE OF PRIORITYAMOUNT IN MINERS INCHES

1870	25
1871	20
1887	30
1890	25
1895	20

III

That the point of diversion for the water rights of the applicant Kirby A. Foreman in Castle Creek mentioned in his application for change of point of diversion is situate in the northeast quarter of the southeast quarter of section 29, township 5 south, range 1 east, Boise Meridian, and is herein referred to as the "old point of diversion". That the old point of diversion has been the point of diversion for the water rights for the Kirby A. Foreman lands described in his application for more than 40 years immediately last past.

That the proposed point of diversion to which the said Kirby A. Foreman proposes to transfer, is situate in the northeast quarter of the northwest quarter of section 21, township 5 south, range 1 east, Boise Meridian, and is herein referred to as the "proposed new point of diversion". Such proposed new point of diversion is situate downstream from the old point of diversion approximately one and one-half ($1\frac{1}{2}$) miles, on Castle Creek.

IV

That between the old point of diversion and the proposed new point of diversion, springs, returned flow from irrigation, and seepage enters the channel of Castle Creek, augmenting the flow thereof, to fill the water rights for irrigation according to their priorities having points of diversion below the old point of diversion of applicant.

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V

That the irrigation ditch of the applicant, Kirby A. Foreman, for transmission of the water rights appurtenant to his lands from the old point of diversion extends a distance of approximately one and three-quarters miles from the old point of diversion to the lands of the applicant. That for more than 40 years last past the flow of Castle Creek at such old point of diversion has decreased during the irrigation season each year to the point where the flow thereof to fill the priorities of the applicant, Kirby A. Foreman, is less than twenty-five (25) inches. The loss seepage and evaporation in such ditch was such each such year that it would not convey a stream of water of less than 25 inches to the lands of the said applicant, and, that each such year when the flow of the waters of Castle Creek decreased to the point where the waters flowing therein were insufficient to furnish more than 25 inches to applicant at his old point of diversion, then such diversion ceased and suspended for the remainder of the irrigation season and accrued to the creek flow and to the priorities downstream in such creek.

VI

That the point of diversion for the water rights of the protestant, Theron G. Adcock, for the irrigation of his said lands is on Castle Creek below the proposed new point of diversion of the said Kirby A. Foreman.

If such change of point of diversion is made by the said Kirby A. Foreman as requested by his application, the water rights of

57 2127

protestant will be injured in that he will be deprived of the live water in Castle Creek created by the springs, seepage, and returned flow from irrigation, augmenting the flow of such Creek between the said old point of diversion and the proposed new point of diversion, and also in that he will be deprived of the flow of such Creek which heretofore for more than forty years last past has passed the old point of diversion whenever the flow of such Creek decreases to the point where there is less than 25 inches therein to fill the earliest priority for the lands of the said Kirby A. Foreman, which flow for more than 40 years last past has been abandoned to such Creek and the flow thereof for the reason that such quantity of water will not reach the lands of the said Kirby A. Foreman through his ditch from such old point of diversion.

VII

That if applicant is permitted to change the point of diversion for the irrigation of his lands from the old point of diversion to the proposed new point of diversion as requested by his application, the water rights of protestant will be injured in that he will be deprived of the live water in Castle Creek created by the springs, seepage and returned flow from irrigation, augmenting the flow of such Creek below the said old point of diversion.

That if such change of point of diversion is made, the water rights of protestant will also be injured in that the Creek flow to fill protestant's priorities will be deprived of the said water which cannot be placed to beneficial use by applicant because of

the length of his said ditch and the loss of a small flow therein.

WHEREFORE, protestant prays that the said application for change of point of diversion be denied.

Theron G. Adcock
Theron G. Adcock
PROTESTANT

STATE OF IDAHO,)
) ss.
COUNTY OF OWYHEE,)

Theron G. Adcock, being first duly sworn, on oath deposes and says:

That he is the protestant named in the within and foregoing
Protest;

That he has read said protest, knows the facts stated therein,
and believes the same to be true.

Theron G. Adcock
Theron G. Adcock

Subscribed and sworn to before me this 13 day of June, 1953.

Lynn Bachman
Notary Public for Idaho,
Residing at Oreana, Idaho.

57 2127

The Owyhee Chronicle

Publishing & Printing

TELEPHONE 3581
HOMEDALE, IDAHO

June 4, 1953

RECEIVED
JUN 5 1953
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Attn: Roy W. Thompson

Gentlemen:

We received your notice for publication of Kirby A. Foreman
application for transfer of water right.

Enclosed is a copy of the first publication, May 28, 1953.

Yours truly,

THE OWYHEE CHRONICLE

Carol E. Gough
By H.R.
Carol E. Gough
Publisher

57 2127

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date May 25, 1953

**The Owyhee Chronicle,
Homedale, Idaho.**

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **June 19, 1953** the date set for the hearing, the expense of the publication to be paid by the applicant, **Kirby A. Foreman, Oreana, Idaho.**

to whom you should furnish proof of publication on or prior to the date set for the hearing.

Please acknowledge receipt of this notice, and furnish this department with a copy of the first publication, in order that we may check same.

Very truly yours,

57 2127

MARK R. KULP
State Reclamation Engineer

By
**Roy W. Thompson,
Supervisor of Water Distribution,**

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that.....**Kirby A. Foreman,**.....
of.....**Oreana, Idaho.**.....has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing **Him**.....to change the point of diversion
~~and/or place of use~~ of the waters of.....**Castle Creek,**.....
.....as follows: Amount: **1.16 cubic feet per second,**
Point of diversion:.....**NE**..... $\frac{1}{4}$**SE**..... $\frac{1}{4}$, Section.....**29**....., Township.....**5.S.**.....,
Range.....**1.E.**..... Place of Use: **NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Twp. 5.S. R. 1.E.**
.....
.....

Transfer to

Point of diversion:.....**NE**..... $\frac{1}{4}$**NW**..... $\frac{1}{4}$, Section.....**21**....., Township.....**5.S**.....,
Range.....**1.E.**..... Place of Use: **NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Twp. 5.S. R. 1.E.**
.....
.....
.....
.....
.....
.....
.....
.....

And that on the **19**..... day of.....**June, 1953**....., ~~xxx~~
at.....**10**..... o'clock **A** M., at **Room 107, State House, Boise Idaho.**
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

.....**MARK. R. KULP.**.....
State Reclamation Engineer.

57 21272

May 19, 1953

Mr. Lynn Bachman Jr., Watermaster
Water District No. 14-A
Oreana, Idaho

Dear Mr. Bachman:

We are enclosing herewith application to change the point of diversion of water right on Castle Creek, filed in this office by Mr. Kirby A. Foreman. It is a statutory requirement that the watermaster of the Water District approve or disapprove the application.

Please state on the bottom of application your approval or disapproval of the application and sign as Watermaster of Water District No. 14-A, and return to this office at an early date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Mr. Roy W. Thompson
Supervisor of Water Distribution

Tiep
Enc.

57 2127

Orelana Ida

May 17, 1953

Dear Mr. Thompson:

Enclosed

find statement, signed
by Elmer D. Johnston,
to be attached to the
application for change
in point of diversion.
Kirby A. Foreman,

RECEIVED

MAY 19 1953

Department of Reclamation

57 2127

Oreana, Idaho.

May, 1953,

To the Department of Reclamation,

This is to certify that I am a co-partner in the ditch which diverts water from Castle Creek, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Twp. 5.S. R. 1.E, with Kirby A. Foreman I hereby state that I have no objections to Mr. Kirby Foreman transferring his water rights away from said ditch.

Signed Elmer D Johnston

Date, May 17, 1953

RECEIVED
MAY 19 1953
Department of Reclamation

57 2127