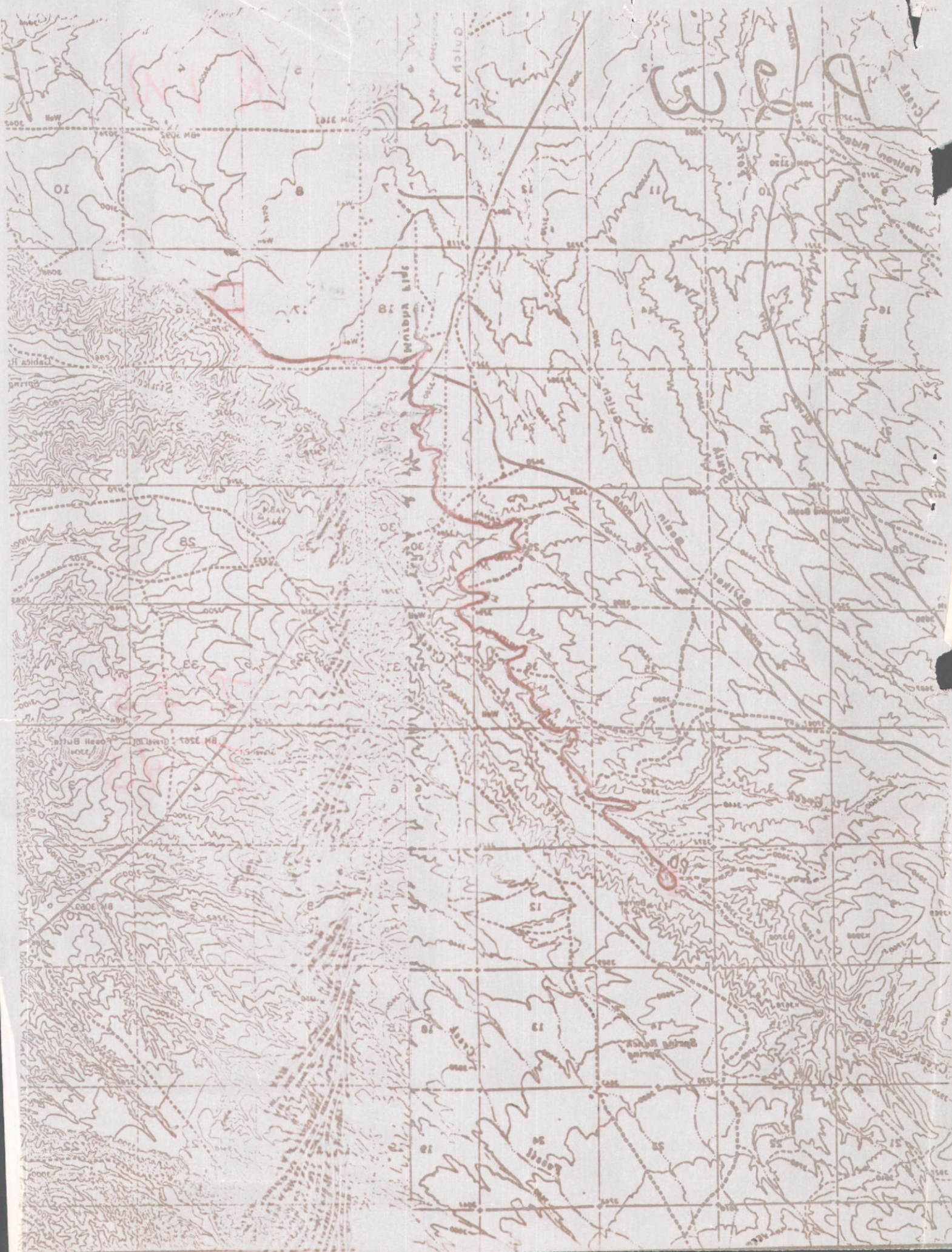


9. If applicant was not the original holder of this right explain:

Total number of acres to be irrigated.



PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 29 day of March, 1973, and the last publication being on the 5 day of April, 1973;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 5 day of April, 1973.

Lawrence L. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

RECEIVED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 57 - 0174

Notice is hereby given that H. E. Nettleton dba Joyce Livestock Company, of Murphy, Idaho, has applied to the Department of Water Administration for a change of place of use of the waters of Sinker Creek, trib. to Snake River. The right sought to be changed is evidenced by decree to Matthew & Anna Joyce in case of Matthew Joyce and Anna Joyce vs. Jacob Ruben et al, dated March 20, 1912 in 3rd Judicial District Court, County of Owyhee, and is recorded as follows: Amount: .6 c. f. s. Priority: April 1, 1876. Point of Diversion: So. 28° W., 1400 ft. from quarter section corner common to Sec. 2 & 11, T. 4 S., R. 2 W., B. M., Owyhee County. The water is used for irrigation purposes in the NW¼, NW¼, Sec. 15, T. 3 S., R. 1 W., B. M., Owyhee County.

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation purposes in the SW¼, NW¼, Sec. 16, T. 3 S., R. 1 W., B. M. Owyhee County.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse, Annex No. 2, Boise, Idaho, on or before April 16, 1973.

R. KEITH HIGGINSON,
Director.

Published in the Owyhee Nugget, Marsing Idaho on March 29, 1973 and April 5, 1973.

OK df
4-9-73

Identification No. 54-274

Transfer No. 1690

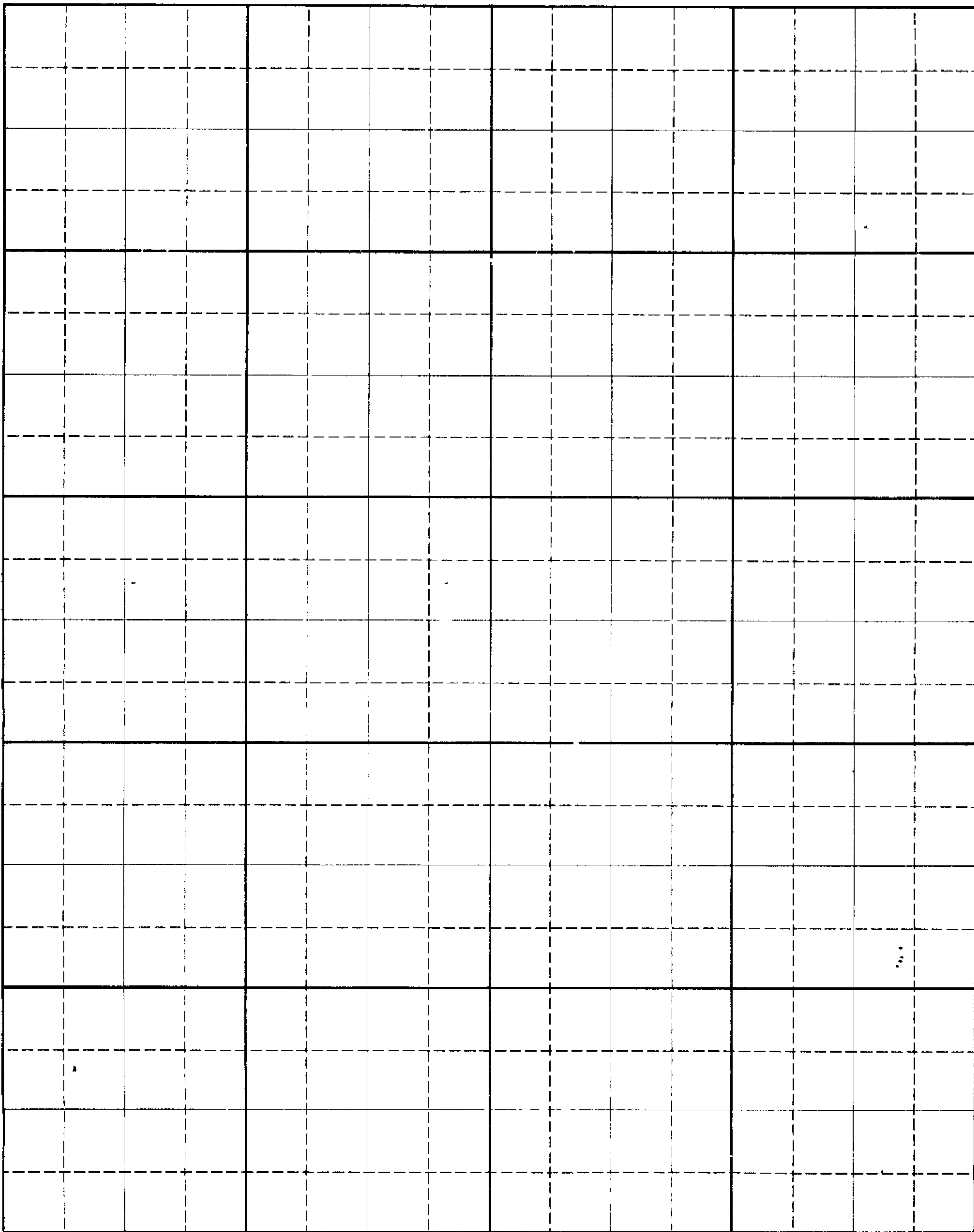
CONFIDENTIAL

Oh

- 8 Lands presently irrigated or place of use

MICROFILMED

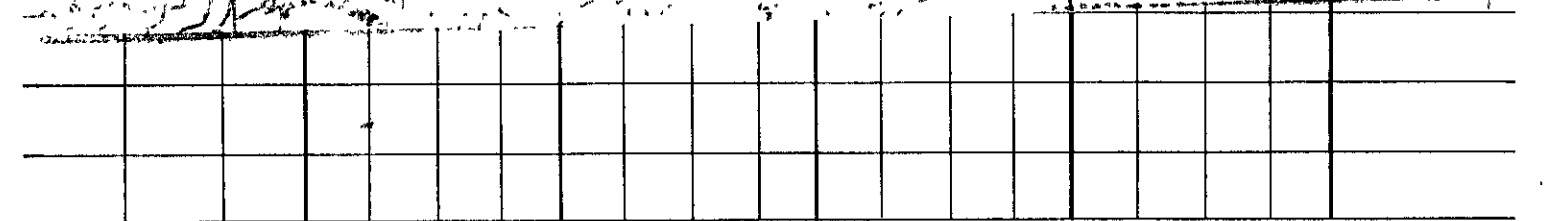
Total number of acres presently irrigated 40



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

Point of diversion on Sinker Creek. Water will be diverted from the canal and transferred by ditch to the place of irrigation.

9. If applicant was not the



40

9. If applicant was not the original holder of this right explain how it is acquired: by deed from
M. C. Shelley and Betty J. Shelley

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b. New point of diversion _____ 1/4 _____ 1/4, Section _____, Township _____
_____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____

- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____.
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion

- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? _____

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	1W	16							40										40

Total number of acres to be irrigated 40

b Do you intend to make the transfer permanent? Yes

c Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

Yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Joyce L. L. L. by H. E. H. H. H.
(signature of applicant)

Subscribed and sworn to before me this 27th day of February, 1973

Nicholas K. Shli
(notary public)

My commission expires 1/31/76

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 57-0174,
and said application is hereby APPROVED.

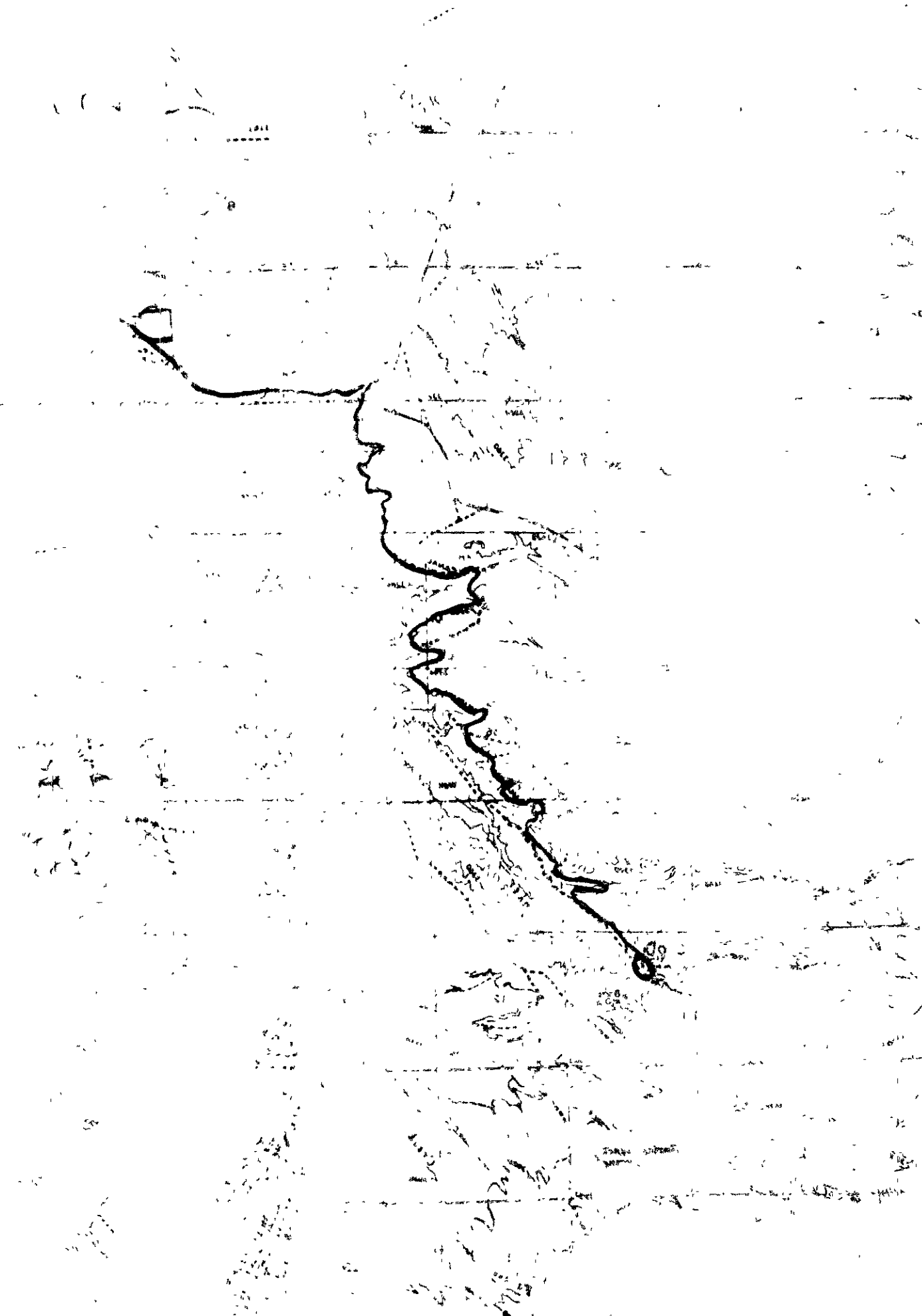
1 Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be
permanently installed and maintained as part of the diverting works.

2 Denial of said application is for the following reasons: _____

Witness my hand this 26 day of April, 19 73

R. L. L. L. L.
Director



Act. 10146 \$30,000
of 3-15-73

Identification No. 57-0174
Transfer No. 1690

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder H. E. Nettleton dba Joyce Livestock Company
Post office address Murphy, Idaho

2. Right obtained by:
a. Decree to Matthew & Anna Joyce in Case of Matthew Joyce and Anna Joyce
vs. Jacob Ruben et al ^(Name) March 20, 1912 Third Judicial District
Dated March 20, 1912 in Third Judicial District
Court. County of Owyhee (Name of Court)

b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Sinker Creek tributary to Snake River
(Name of stream or source)

4. Date of Priority April 1, 1876 1901 J.S.

5. Amount of water a. .6 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Irrigation from January to January
(Month, Day) (Month, Day)

7. Original location of point of diversion is So. 28° W. 1/4 1400 ft. 1/4 of Section from the quarter section corner common to Sections 2 and 11
Township 4 South, Range 2 West, B.M., in Owyhee County;

Additional points of diversion, if any _____

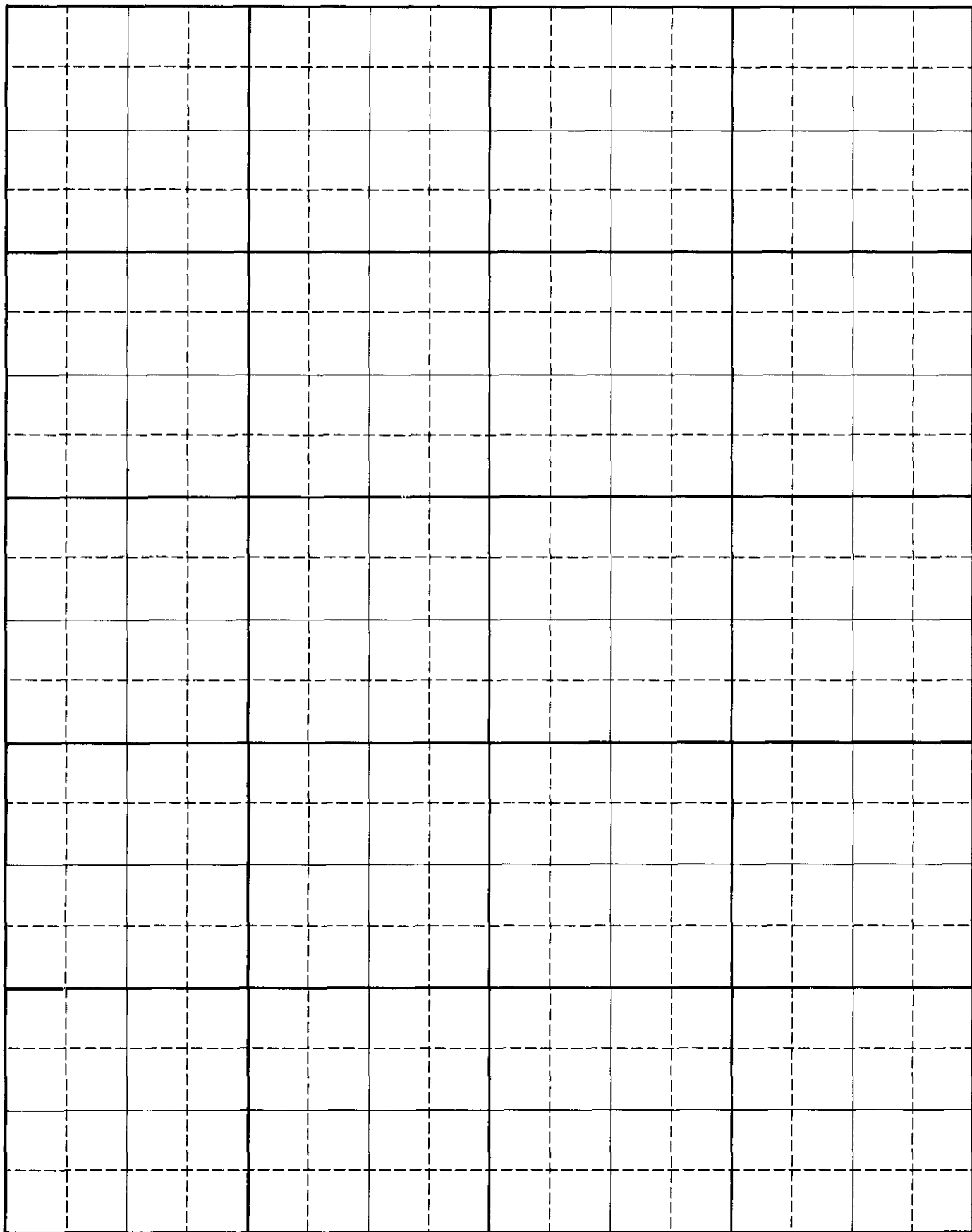
8. Lands presently irrigated or place of use.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	1W	15						40											

Total number of acres presently irrigated 40

Point of diversion on Sinker Creek. Water will be
diverted from the canal and transferred by ditch
to the place of irrigation.

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.



9. If applicant was not the original holder of this right explain how it was acquired: by deed from
M. C. Shelley and Betty J. Shelley

10. CHANGE IN POINT OF DIVERSION

- a Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b New point of diversion: _____ ¼ _____ ¼, Section _____, Township _____
_____, Range _____, B.M.
- c Description of method of diversion and conveyance from new points of diversion: _____

- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion: _____

- f. Do you intend to make the transfer permanent? Yes
- g Do you intend to abandon completely the old point of diversion? _____

- h Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	1W	16							40										40

Total number of acres to be irrigated 40

Yes

b Do you intend to make the transfer permanent?

c Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

Yes

d Describe any other water rights that you claim for the new ground upon which you wish to transfer this

right. None

e Indicate on the above plat the new land to be irrigated and the point of diversion

I hereby assert that no one will be injured by such transfer and that the change will be made at my own

risk. The information contained in this application is true to the best of my knowledge.

(signature of applicant)

Subscribed and sworn to before me this 27th day of February, 1973

(notary public)

My commission expires

11/31/76

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 57-0174

and said application is hereby **APPROVED**

1 Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be

permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 26 day of April, 1973

Director

D E E D

FOR VALUE RECEIVED, M. C. Shelley and Betty J. Shelley, husband and wife, hereinafter referred to as Grantors, do hereby sell, assign, transfer and convey unto H. E. Nettleton and Helen A. Nettleton, doing business as Joyce Livestock Company, hereinafter referred to as Grantees, .60 c.f.s. of the waters of Sinker Creek in Owyhee County, Idaho, with a priority of April 1, 1876, as decreed by Judge Alfred Budge of the Third Judicial District of the State of Idaho, in and for the County of Owyhee, in the case of Matthew Joyce and Anna Joyce, Plaintiffs, v. Jacob Rubin, et al, Defendants, said decree bearing date of March 20, 1912, and said waters having heretofore been transferred to the NW $\frac{1}{4}$ of Section 15, T. 3 S., R. 1 W., B.M.

Grantors hereby release, relinquish, give and grant unto grantees all of the rights and privileges for the use of the capacity of the Murphy Mutual Canal for conveyance of the .60 c.f.s. being conveyed by grantors herein to grantees herein.

DATED This 28th day of February, 1973.

M. C. Shelley
M. C. Shelley

Betty J. Shelley
Betty J. Shelley

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

On this 28th day of February, 1973, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared M. C. SHELLEY and BETTY J. SHELLEY, husband and wife, known to me to be the persons whose names are subscribed to the foregoing Deed and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

W. E. M. Galt
Notary Public for Idaho
Residing at Payette, Idaho

(SEAL)

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

G. C. Klein
5000 Farrington
Boise f3704

376-3100

SIGNATURE

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 29 consecutive weeks, the first publication being on the 29 day of March, 1973, and the last publication being on the 5 day of April, 1973;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 5 day of April,

1973.

Leonard Hawes
NOTARY PUBLIC

My commission expires 9-16-76

(SEAL)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 57-0174

Notice is hereby given that H. E. Nettleton dba Joyce Livestock Company, of Murphy, Idaho, has applied to the Department of Water Administration for a change of place of use of the waters of Sinker Creek, trib. to Snake River. The right sought to be changed is evidenced by decree to Matthew & Anna Joyce in case of Matthew Joyce and Anna Joyce vs. Jacob Ruben et al, dated March 20, 1912 in 3rd Judicial District Court, County of Owyhee, and is recorded as follows: Amount: .4 c. f. s. Priority: April 1, 1876. Point of Diversion: So. 28° W., 1400 ft. from quarter section corner common to Sec. 2 & 11, T. 4 S., R. 2 W., B. M., Owyhee County. The water is used for irrigation purposes in the NW¼, NW¼, Sec. 15, T. 3 S., R. 1 W., B. M., Owyhee County.

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation purposes in the SW¼, NW¼, Sec. 16, T. 3 S., R. 1 W., B. M., Owyhee County.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse, Annex No. 3, Boise, Idaho, on or before April 16, 1973.

R. KEITH HOGGINS,
Director

Published in the Owyhee
Nugget, Marsing, Idaho on March
20, 1973 and April 1, 1973.

H. E. Nettleton

4-9-73

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	SEP	4/16/73	Application No. <u>57-0174</u> Name <u>~~SEP~~ A. E. Nettleton</u>
(2)	SEP	4/16/73	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☐ Description of Diverting Works ☐ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)		NA	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)		NA	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	SEP	4/16/73	In form for advertising _____
(6)	SEP	4/16/73	Affidavit of Publication received <u>4/9/1973</u>
(7)	SEP	4/16/73	Final date for protests <u>4/16/73</u> Protests received: yes _____ no ☒
(8)		NA	Date and Place of hearing _____ Decision reached at hearing _____
(9)		NA	Located within Water District No. _____
(10)		NA	Critical groundwater area: yes _____ no _____
(11)		NA	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)	SEP	4/16/73	Action recommended: ☒ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District <u>4/20/73</u> By <u>Kent Ford</u> Date <u>Western</u> Title <u>WDA</u>

INDEXED

RECEIVED

Department of Water Administration

RECEIVED

Department of Water Administration

Identification No. 57-0174

Transfer No. ~~57-0174~~ 1690

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, George McGess, watermaster of Snake Creek,
of Water District No. 57-D, County of Owyhee, State of Idaho,
whose address is Shanabha Idaho Rt 13 Box 249 83624,
have read the attached copy of the application for transfer of water right for
Joyce F. Smith (name), and to the best of my knowledge believe the
application to be true.

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

a permanently installed head gate + measuring
device and some place the water can get to

OR

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

Dated at _____, Idaho, this _____ day of _____, 19____.

George McGess
(Signature)

April 30, 1973

Re: Transfer No. 57-0174

H. E. Nettleton
Joyce Livestock Company
Murphy, Idaho 83650

Dear Mr. Nettleton:

Enclosed is a copy of your approved Transfer of Water Right No. 57-0174. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device as part of the diverting works has been placed on your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 57-0174

Notice is hereby given that H. E. Nattleton dba Joyce Livestock Company, of Murphy, Idaho, has applied to the Department of Water Administration for a change of place of use of the waters of Sinker Creek, trib. to Snake River. The right sought to be changed is evidenced by decree to Matthew & Anna Joyce in case of Matthew Joyce and Anna Joyce vs. Jacob Ruben et al, dated March 20, 1912 in 3rd Judicial District Court, County of Owyhee, and is recorded as follows: Amount: .6 c.f.s. Priority: April 1, 1876. Point of Diversion: So. 28° W., 1400 ft. from quarter section corner common to Sec. 2 & 11, T. 4 S. R. 2 W., B.M., Owyhee County. The water is used for irrigation purposes in the NW¼NW¼, Sec. 15, T. 3 S., R. 1 W., B.M., Owyhee County.

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation purposes in the SW¼NW¼, Sec. 16, T. 3 S., R. 1 W., B.M., Owyhee County.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse, Annex #2, Boise, Idaho, on or before April 16, 1973.

R. KEITH HIGGINSON
Director

Published in the Owyhee Nugget, Marsing, Idaho on March 29, 1973 and April 5, 1973.

March 22, 1973

Re: Proposed Change of Water Right No. 57-0174 H. E. Nettleton

Owyhee Nugget
Marsing, Idaho 83639

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

" I hereby certify that the foregoing account is just and correct,
that the amount claimed is legally due, after allowing all just
credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bill submitted _____ by _____