

5/15/1923

IN THE DISTRICT COURT OF THE THIRD JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR A D A COUNTY.

JAMES L. DAVEY,

Plaintiff,

vs.

George F. Brown, James L.
Murphy, William Gordy, William
Toy, Joseph E. Hardiman, Andrew
T. Evans, William L. Evans,
Lillian L. Evans, William Hender-
son, Martha Henderson, Ursilla
McDonough, John J. Evans, Thomas
A. Foreman, Victor Foreman,
Donald (Fred B.) Henderson, Thomas
D. Henderson, John Henderson, Charles
H. Morehouse, Maggie Devine, Robert
J. Kelley, James L. Tees, John (James H.)
Morgan, Arsey Brill, Will Chambers,
Alva Reed, Atta Bethel, Charles
Johnson, James Henderson, Belos
Foreman, John H. Munger, Edna
Munger, his wife, James Torrence,
Mina B. Torrence, his wife, Alex
Delap, Thomas Payne, John Kidd,
John Skillern, John Doe Schewabala,
Will T. Skillern, Victor Gabica,
J. S. Fischer, Della Bethel, John
Bethel, her husband, Richard McGurber,
Harry Delap, John Salberg, and the
Castle Falls Mining Company, a cor-
poration, (whose charter was forfeited
November 30, 1914) and J. A. Stanley,
H. P. Ross, P. L. Bloom, A. L. Garber,
and S. L. Kennedy, as directors and
statutory trustees of said the Castle
Creek Mining Company, Walter L. Jones
and Anna Joyce,

Defendants.

FILED

The above entitled cause came on regularly
for trial on November 14th, 1922, in open court be-
fore Honorable Charles F. Sedgwick, Judge of said Court.

JUN 19 1996

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JUN 09 1998

Name of Party	Source of Water	Date of Priority.	Amt. in inches.	Des. of All Owyhee County Land.	Sec.	Twp.	Range
William Toy	Castle Creek	1870 57-0083	25	(subd)			
		1885 57-0096	20	SE 1/4 NE 1/4			
		1887 57-0105	20	E 1/2 SE 1/4			
		1895 57-0117	30	SW 1/4 SE 1/4			
		1906 57-0145	15	NE 1/4 NE 1/4	29	5 S	1E B.M.
		1908 57-0157	20	SW 1/4 SW 1/4	21		
				N 1/4 NW 1/4	28	5 S	1E B.M.
Joseph W. Hardiman (successor to Hardiman Bros. consisting of Joseph Hardiman, Charles L. Hardiman and Eugene A. Hardiman)	Castle Creek	1870 57-0084	25	E 1/2 NW 1/4			
		1887 57-0101	5	SW 1/4 NW 1/4			
		1890 57-0111	30	NW 1/4 SW 1/4			
		1902 57-0133	10	NE 1/4 SW 1/4	21	5 S	1E B.M.
		1906 57-0146	15				
			85				
Lillian L. Evans & William D. Evans	Castle Creek	1870 57-0085	25	SW 1/4 NE 1/4	10		
		1871 57-0087	20	W 1/2 SW 1/4			
		1887 57-0102	30	SE 1/4 SE 1/4			
		1890 57-0112	25	E 1/2 NE 1/4	9		
		1895 57-0125	20	NE 1/4 SE 1/4			
		1902 57-0135	12			5 S	1E B.M.
		1906 57-0147	8				
Andrew T. Evans	Castle Creek	1870 57-0086	25	NE 1/4 NE 1/4			
		1899 57-0124	18	S 1/2 NE 1/4			
		1901 57-0134	15	SE 1/4 SW 1/4	16	5 S	1E B.M.
James L. Davey	Castle Creek	1870 57-0166	25	N 1/4 NW 1/4	13		
		1873 57-0167	5	E 1/2 NE 1/4	14		
		1874 57-0168	10	SE 1/4 SW 1/4	12		
		1885 57-0169	10	W 1/2 SE 1/4			
		1887 57-0170	20	NW 1/4 NE 1/4	13	6 S	1W B.M.
		1890 57-0171	20				
Urcilla McDonough	Castle Creek	1874 57-0088	5	W 1/2 SE 1/4			
		1885 57-0097	15	SW 1/4 NE 1/4			
		1887 57-0103	4	Lot 2	3	5 S	1E B.M.
		1890 57-0113	5				
		1896 57-0119	14				
		1906 57-0148	10				
		1908 57-0158	17				
John J. Evans	Castle Creek #3300	1874 57-0089	12	E 1/2 SE 1/4	34	4 S	
		1885 57-0095	18	SE 1/4 NE 1/4			
		1887 57-0110	10	SW 1/4 NW 1/4	35	4 S	
		1895 57-0114	5	NE 1/4 NE 1/4	3	5 S	
		1896 57-0120	15	NW 1/4 NW 1/4	2		
		1899 57-0127	20	W 1/2 SW 1/4	35	4 S	1E B.M.
		1906 57-0149	10				

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James L. Davey, Permits No. 12842⁼⁵⁷⁻²¹⁰²
and No. 15712,

Pedro Echevarria and William T.
Skillern, Permit No. 5896,

A. T. Evans, Permit No. 15112,

John J. Evans, Permit No. 12871,

Donald F. Henderson, Permit No. 9901,

Thomas D. Henderson, Permit No. 6151, *in decree*

Robert W. Henderson (successor to Robert
W. Henderson and James Henderson) Per-
mit No. 11266,

Edna Munger, Permit No. 11494, *called #2776 in decree*

John H. Munger, Permit No. 8602, *in decree*

Anna Joyce, (successor to Alex
Delapp) Permit no 7743. *in decree*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

That the foregoing rights are established and shall
be in operation during the irrigation season from the
1st day of April to and until the 15th day of October
of each year. It is further adjudged that the average
amount of water required each year for the irrigation
of the lands hereinbefore described during such season
is one inch of water to the acre. It is further ad-
judged that the waters hereinbefore decreed shall be
diverted and applied to the respective lands to which
they are made appurtenant as aforesaid, by means of the
headgates, ditches and laterals owned by the respective
parties at the date of this decree, It is further
adjudged and decreed that each party shall pay his
own costs herein.

Done in open court this 15th day of May,
1923.

MICROFILMED

JUN 19 1996

M. J. Church

District Judge.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5173
WATER RIGHT NO(S). 57-00084/57-00101/57-00111/57-00133
57-00146/57-02210A

This is to certify that: **CHARLIENE RANDALL**
MICHAEL W RANDALL
7761 MURPHY RD
MELBA ID 83641

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 57-00084 : IRRIGATION Priority: 04/01/1870	04/01 to 10/15	0.50 CFS	195.4 AF
Right No. 57-00101 : IRRIGATION Priority: 04/01/1887	04/01 to 10/15	0.10 CFS	39.1 AF
Right No. 57-00111 : IRRIGATION Priority: 04/01/1890	04/01 to 10/15	0.60 CFS	234.4 AF
Right No. 57-00133 : IRRIGATION Priority: 04/01/1902	04/01 to 10/15	0.20 CFS	78.1 AF
Right No. 57-00146 : IRRIGATION Priority: 04/01/1906	04/01 to 10/15	0.30 CFS	117.2 AF
Right No. 57-02210A : IRRIGATION Priority: 08/16/1954	03/15 to 11/15	1.80 CFS	490.5 AF
TOTAL:		* 2.18 CFS	* 490.5 AF

SOURCE

TRIBUTARY OF

Right No. 57-00084/57-00101/57-00111/57-00133/57-00146 :
CASTLE CREEK SNAKE RIVER MICROFILMED

Right No. 57-02210A :
GROUNDWATER

JUN 09 1998

TRANSFER NO. 5173
 WATER RIGHT NO(S). 57-00084/57-00101/57-00111/57-00133
 57-00146/57-02210A

LOCATION OF POINT(S) OF DIVERSION:

Right No. 57-00084/57-00101/57-00111/57-00133/57-00146 :

SENE , Sec. 21, Township 05S, Range 01E

SESE , Sec. 29, Township 05S, Range 01E

Right No. 57-02210A :

NWSW , Sec. 21, Township 05S, Range 01E

OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 01E 21	NENW 23	SWNW 16	SENE 30	
	NESW 12	NWSW 28		109
		Total number of acres irrigated:		109

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 3. Rights 57-00084, 57-00101, 57-00111, 57-00133, 57-00146 and 57-02210A shall not exceed a total combined diversion rate of 2.18 cfs from all points of diversion, a total annual diversion volume of 490.5 af at the field headgate, and the irrigation of 109.0 acres.

Dated this 18th day of March, 1998.

J. New Stanton
 Chief, Water Allocation Bureau

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JUN 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5173
WATER RIGHT NO(S). 57-00084/57-00101/57-00111/57-00133
57-00146/57-02210A

This is to certify that: **CHARLENE RANDALL**
MICHAEL W RANDALL
7761 MURPHY RD
MELBA ID 83641

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 57-00084 : IRRIGATION Priority: 04/01/1870	04/01 to 10/15	0.50 CFS	195.4 AF
Right No. 57-00101 : IRRIGATION Priority: 04/01/1887	04/01 to 10/15	0.10 CFS	39.1 AF
Right No. 57-00111 : IRRIGATION Priority: 04/01/1890	04/01 to 10/15	0.60 CFS	234.4 AF
Right No. 57-00133 : IRRIGATION Priority: 04/01/1902	04/01 to 10/15	0.20 CFS	78.1 AF
Right No. 57-00146 : IRRIGATION Priority: 04/01/1906	04/01 to 10/15	0.30 CFS	117.2 AF
Right No. 57-02210A : IRRIGATION Priority: 08/16/1954	03/15 to 11/15	1.80 CFS	490.5 AF
TOTAL:		* 2.18 CFS	* 490.5 AF

SOURCE

TRIBUTARY OF

Right Nos. 57-00084/57-00101/57-00111/57-00133/57-00146 :
CASTLE CREEK SNAKE RIVER

Right No. 57-02210A :
GROUNDWATER

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JUN 09 1998

TRANSFER NO. 5173
WATER RIGHT NO(S). 57-00084/57-00101/57-00111/57-00133
57-00146/57-02210A

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 57-00084/57-00101/57-00111/57-00133/57-00146 :

SENW , Sec. 21, Township 05S, Range 01E

SESE , Sec. 29, Township 05S, Range 01E

Right No. 57-02210A : NSW , Sec. 21, Township 05S, Range 01E

OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 01E 21	NENW 23	SWNW 16	SENW 30	
	NESW 12	NWSW 28		109
		Total number of acres irrigated:		109

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 57C.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5173 shall not exceed 2.18 cfs, nor total combined annual volume of 490.5 af.
- * 8. Rights 57-00084, 57-00101, 57-00111, 57-00133, 57-00146 and 57-02210A when combined shall not exceed a total diversion rate of 2.18 cfs, a total annual diversion volume of 490.5 af at the field headgate, and the irrigation of 109.0 acres.

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JUN 09 1998

TRANSFER NO. 5173
WATER RIGHT NO(S). 57-00084/57-00101/57-00111/57-00133
57-00146/57-02210A

CONDITIONS OF APPROVAL AND REMARKS

9. Right 57-02210A shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
10. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 57-02210A and shall only divert groundwater under this right when sufficient water from the appurtenant surface water rights cannot be delivered to the right holder.

Dated this 28th day of January, 1998


Chief, Water Allocation Bureau

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5/15/1923

IN THE DISTRICT COURT OF THE THIRD JUDICIAL
DISTRICT OF THE STATE OF IDAHO,
IN AND FOR A D A COUNTY.

JAMES L. DAVEY,

Plaintiff,

vs.

George F. Brown, James E.
Murphy, William Gordy, William
Toy, Joseph W. Hardiman, Andrew
T. Evans, William D. Evans,
Lillian L. Evans, William Hender-
son, Martha Henderson, Ursilla
McDonough, John J. Evans, Thomas
A. Foreman, Victor Foreman,
Donald (Fred E.) Henderson, Thomas
D. Henderson, John Henderson, Charles
H. Marchouse, Maggie Devine, Robert
J. Kelley, James L. Lees, John (James H.)
Morgan, Amsey Mill, Alton O. O'Brien,
Alva Reed, Atta Bethel, Charles
Johnson, James Henderson, Pelos
Foreman, John H. Munger, Edna
Munger, his wife, James Torrence,
Mina B. Torrence, his wife, lex
Delap, Thomas Payne, John Kidd,
John Skillern, John Doe Echevarria,
Will T. Skillern, Victor Babica,
J. S. Fischer, Della Bethel, John
Bethel, her husband, Richard McDumbe,
Harry Delap, John Alberg, and the
Castle Falls Mining Company, a cor-
poration, (whose charter was forfeited
November 30, 1914) and J. L. Kelley,
H. P. Ross, P. L. Bloom, J. L. Garber,
and S. L. Kennedy, as directors and
statutory trustees of said the Castle
Creek Mining Company, Walter L. Jones
and Anna Joyce,

Defendants.

DLC JE

The above entitled cause came on regularly
for trial on November ~~11th~~, 1922, in open court be-
fore Honorable Charles F. Sedgock, Judge of said Court.

-17-

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Name of Buyer	Water	Date of Priority.	Amt. in inches.	Des. of Land.	All Owyhee County	Sec.	Twp.	Range
William Toy	Black	1870 57-0073 25 1885 57-0096 20 1887 57-0115 20 1888 57-0117 30 1888 57-0145 15 1888 57-0157 20		(subd) SE 1/4 NE 1/4 E 1/2 SE 1/4 SW 1/4 SE 1/4 NE 1/4 NE 1/4 S 1/4 SW 1/4 NE 1/4 NW 1/4	20 21 22	5 S	1E	B.M.
James M. Hardman (successor to Hardman Bros. consisting of James M. Hardman, O. and Reginald L. Hardman sons)	Black	1870 57-0084 25 1887 57-0101 5 1888 57-0111 30 1888 57-0133 10 1888 57-0146 15	85"	E 1/2 NW 1/4 SW 1/4 NW 1/4 NW 1/4 SW 1/4 NE 1/4 SW 1/4	21	5 S	1E	B.M.
Lillian L. Evans & William D. Evans	Black	1870 57-0085 25 1871 57-0087 20 1887 57-0102 30 1888 57-0112 25 1888 57-0115 20 1888 57-0135 12 1888 57-0147 8		SW 1/4 NW 1/4 W 1/2 SW 1/4 SE 1/4 SE 1/4 E 1/2 NE 1/4 NE 1/4 SE 1/4	10 9	5 S	1E	B.M.
Andrew T. Evans	Black	1870 57-0086 25 1888 57-0126 18 1901 57-0131 15		NE 1/4 NE 1/4 S 1/2 NE 1/4 SE 1/4 SW 1/4 NW 1/4 SE 1/4	15	5 S	1E	B.M.
James L. Davy	Black	1870 57-0146 25 1873 57-0167 5 1874 57-0168 10 1885 57-0169 10 1887 57-0170 20 1888 57-0171 20		N 1/2 NW 1/4 E 1/2 NE 1/4 SE 1/4 SW 1/4 W 1/2 SE 1/4 NW 1/4 NE 1/4	13 14 12 13	6 S	1W	B.M.
Ureilla McDonough	Black	1874 57-0101 5 1885 57-0115 15 1887 57-0103 4 1888 57-0113 5 1888 57-0119 14 1888 57-0148 10 1888 57-0158 17		W 1/2 SE 1/4 SW 1/4 NE 1/4 Lot 2	5 5	5 S	1E	B.M.
John J. Evans	Black #3300	1874 57-0084 12 1885 57-0118 18 1887 57-0111 10 1888 57-0111 5 1888 57-0120 15 1888 57-0127 20 1888 57-0149 10		E 1/2 SE 1/4 SE 1/4 NE 1/4 SW 1/4 NW 1/4 NE 1/4 NE 1/4 NW 1/4 NW 1/4 W 1/2 SW 1/4	24 25 26 27 28 29	4 S		
						4 S		
						4 S		
						5 S		
						4 S	1E	B.M.

RECORDED

JUN 19 1996

-7-

James L. Davey, Permits No. 12842⁼⁵⁷⁻²¹⁰²
and No. 15712,

Pedro Eschevarria and William T.
Skillern, Permit No. 5996,

A. T. Evans, Permit No. 15112,

Jahn J. Evans, Permit No. 12871,

Donald F. Henderson, Permit No. 9901,

Thomas D. Henderson, Permit No. 6151, *in decree*

Robert W. Henderson (successor to Robert
W. Henderson and James Henderson) Per-
mit No. 11266,

Eana Munger, Permit No. 11494, *called #2776 in decree*

John H. Munger, Permit No. 8602, *in decree*

Anna Joyce, (successor to Alex
Delapp) Permit no 7743. *in decree*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

That the foregoing rights are established and shall
be in operation during the irrigation season from the
1st day of April to and until the 15th day of October
of each year. It is further adjudged that the average
amount of water required each year for the irrigation
of the lands hereinbefore described during such season
is enough of water to the acre. It is further ad-
judged that the waters hereinbefore decreed shall be
diverted and applied to the respective lands to which
they are made appurtenant as aforesaid, by means of the
headwaters, ditches and laterals owned by the respective
parties at the date of this decree. It is further
adjudged and decreed that each party shall pay his
own share herein.

Done in open court this 15th day of May.

1923

M. J. Church
JUN 8 1930

District Judge.

191996

MEMORANDUM

To: Jim Johnson
From: L. Glen Saxton *LS*
RE: CONDITIONS OF APPROVAL - TRANSFER NO. 5173
Date: February 25, 1998

I discussed the conditions of approval of transfer No. 5173 with Norm Young this morning. His general direction was to continue to use the conditions of approval as we have done in the past.

In this specific case, Norm had no problem with deleting condition No. 1. and condition No. 5. We need to confirm, however, with our SRBA staff that Adjudication Bureau has reviewed the claim and is satisfied with it as Steenson states. On future transfers where the SRBA claim is still pending dept review, we should continue to use condition No. 5.

Please prepare and issue an amended transfer deleting conditions 1 and 5 and mail it out as an amended preliminary order. If the department receives another petition for reconsideration objecting to the conditions which we have not deleted, we will deny the petition.

MICROFILMED
JUN 09 1998

MEMORANDUM

TO: FILES 57-00084/101/111/133/146 & 57-02210A

FROM: PAM SKAGGS⁸/STATE OFFICE

SUBJECT: TRANSFER 5173

DATE: January 22, 1998

Transfer 5173 changes the place of use under Rights 57-00084/00101/00111/00133/00146 and 57-02210A. The transfer is based on the SRBA Basin 57 current recommendations for these rights. The applicant is transferring 4 acres of irrigation developed on BLM land to his own land. The transfer is an effort to resolve SRBA objections and BLM has agreed with the proposal.

Diversion volume adjusted to current standards. Recommended conditions include watermaster control, measuring devices & lockable controlling works, irrigation overlap, combined right limits, supplemental groundwater and standard transfer conditions.

MICROFILMED
JUN 09 1998

MEMORANDUM

TO: FILE 57-00146

FROM: PAM SKAGGS

RE: TRANSFER # 5173

DATE: 12-9-97

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 57-00084.

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JUN 09 1998