

5/15/1923
①
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 A.
Murphy, William Gordy, William
Toy, Joseph W. 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 D.) Henderson, Thomas
D. Henderson, John Henderson, Charles
H. Morehouse, Maggie Devine, Robert
J. Kelley, James L. Rees, John W. (James H.)
Morgan, Arsey Brill, Elt Onethers,
Alva Reed, Etta 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 Rchevabria,
Will T. Skillern, Victor Gabica,
J. S. Fischer, Della Bethel, John
Bethel, her husband, Richard McDumber,
Harry Delap, John Salberg, and the
Castle Falls Mining Company, a cor-
poration, (whose charter was forfeited
November 30, 1914) and J. W. Conley,
H. P. Ross, P. L. Bloom, A. T. Garber,
and S. L. Kennedy, as directors and
statutory trustees of said the Castle
Creek Mining Company, Walter H. Jones
and Anna Joyce,

Defendants.

DLC JE

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

MICROFILMED

FEB 25 1998

Name of Party	Source of Water	Date of Priority.	Amt. in inches.	Des. of All Land.	Owyhee County 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	57-0097 20	W 1/2 SW 1/4			
		1887	57-0103 30	SE 1/4 SE 1/4			
		1890	57-0112 25	E 1/2 NE 1/4	9		
		1895	57-0115 20	NE 1/4 SE 1/4		5 S	1E B.M.
		1902	57-0135 12				
		1906	57-0147 8				
Andrew T. Evans	Castle Creek	1870	57-0102 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 1/2 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	57-0100 5	W 1/2 SE 1/4			
		1885	57-0115 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 #3900	1874	57-0079 12	E 1/2 SE 1/4	34	4 S	
		1885	57-0095 18	SE 1/4 NE 1/4			
		1887	57-0101 10	SW 1/4 NW 1/4	35	4 S	
		1895	57-0111 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				

JUN 19 1906

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FEB 25 1998

James L. Davey, Permits No. 12842⁼⁵⁷⁻²¹⁶²
and No. 15712,

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

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

Right No. 57-02210A :
GROUNDWATER

SCANNED
OCT 22 2004

NOT RECORDED
OCT 22 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 :

SENEW , 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</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	01E	21	NENW 23	SWNW 16	SENEW 30	
			NESW 12	NWSW 28		
Total number of acres irrigated:						109
						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. Glen Saylor
 Chief, Water Allocation Bureau

MICROFILMED

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

Right No. 57-02210A :
GROUNDWATER

PHOTOCOPIED

SEP 25 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 :

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	109
	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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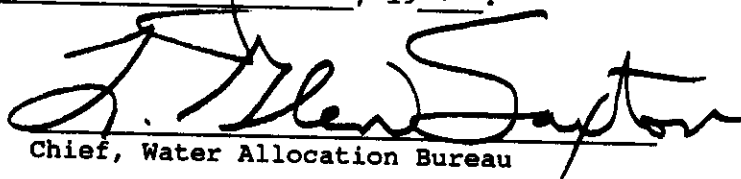
FEB 20 1988

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

MICROFILMED

FEB 25 1998

5/15/1923

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

JAMES L. DAVEY,

Plaintiff,

vs.

George F. Brown, James L.
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 D.) Henderson, Thomas
D. Henderson, John Henderson, Charles
H. Morehouse, Maggie Devine, Robert
J. Kelley, James L. Tees, John L. (James H.)
Morgan, Amsey Brill, Hilt Carothers,
Alva Reed, Etta 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 Lee Echovarria,
Will T. Skillern, Victor Babica,
J. S. Fischer, Della Bethel, John
Bethel, her husband, Richard McCumber,
Harry Delap, John Salberg, and the
Castle Falls Mining Company, a cor-
poration, (whose charter was forfeited
November 30, 1914) and J. A. Conley,
H. P. Ross, P. L. Bloom, A. C. Garber,
and S. L. Kennedy, as directors and
statutory trustees of said the Castle
Creek Mining Company, Walter H. Jones
and Anna Joyce,

Defendants.

DEC 22

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

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JUN 19 1996

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FEB 25 1988

Name of Party	Water	Date of Priority.	Amt. in inches.	Des. of Land.	All Owyhee County Sec.	Twp.	Range
William Toy	Cattle Creek	1870 57-0073	25	(subd)			
		1885 57-0096	20	SE 1/4 NE 1/4			
		1887 57-0115	20	E 1/2 SE 1/4			
		1895 57-0117	30	SW 1/4 SE 1/4	29	5 S	1E B.M.
		1906 57-0145	15	NE 1/4 NE 1/4	21		
		1908 57-0157	20	SW 1/4 SW 1/4	28	5 S	1E B.M.
Joseph W. Hardiman (successor to Hardiman Bros. consisting of Joseph Hardiman, Charles Hardiman and Eugene A. Hardiman)	Cattle Creek	1870 57-0084	25	NE 1/4 NE 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	Cattle Creek	1870 57-0035	25	SW 1/4 NW 1/4	10		
		1871 57-0027	20	W 1/2 SW 1/4			
		1887 57-0102	30	SE 1/4 SE 1/4	9		
		1890 57-0112	25	E 1/2 NE 1/4			
		1895 57-0115	20	NE 1/4 SE 1/4			
		1902 57-0135	12		5 S	1E	B.M.
Andrew T. Evans	Cattle Creek	1870 57-0086	25	NE 1/4 NE 1/4			
		1899 57-0126	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	Cattle Creek	1870 57-0166	25	N 1/2 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				
Ureilla McDonough	Cattle Creek	1874 57-0100	5	W 1/2 SE 1/4			
		1885 57-0115	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				
John J. Evans	Cattle Creek #3900	1874 57-0084	12	E 1/2 SE 1/4	34	4 S	
		1885 57-0115	18	SE 1/4 NE 1/4			
		1887 57-0117	10	SW 1/4 NW 1/4	35	4 S	
		1895 57-0112	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				

JUN 19 1936

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FEB 25 1938

James L. Davey, Permits No. 12842⁵⁷⁻²¹⁰⁰
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 T. 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 share herein.

Done in open court this 15th day of May.

1923.

MICROFILMED

JUN 19 1996

M. J. Church

District Judge.

MEMORANDUM

To: Jim Johnson
From: L. Glen Saxton *LSJ*
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

SCANNED
OCT 22 2004

MEMORANDUM

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

FROM: PAM SKAGGS/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.

RECEIVED
FEB 25 1998

MEMORANDUM

TO: FILE 57-00101

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.

MED
12 1998