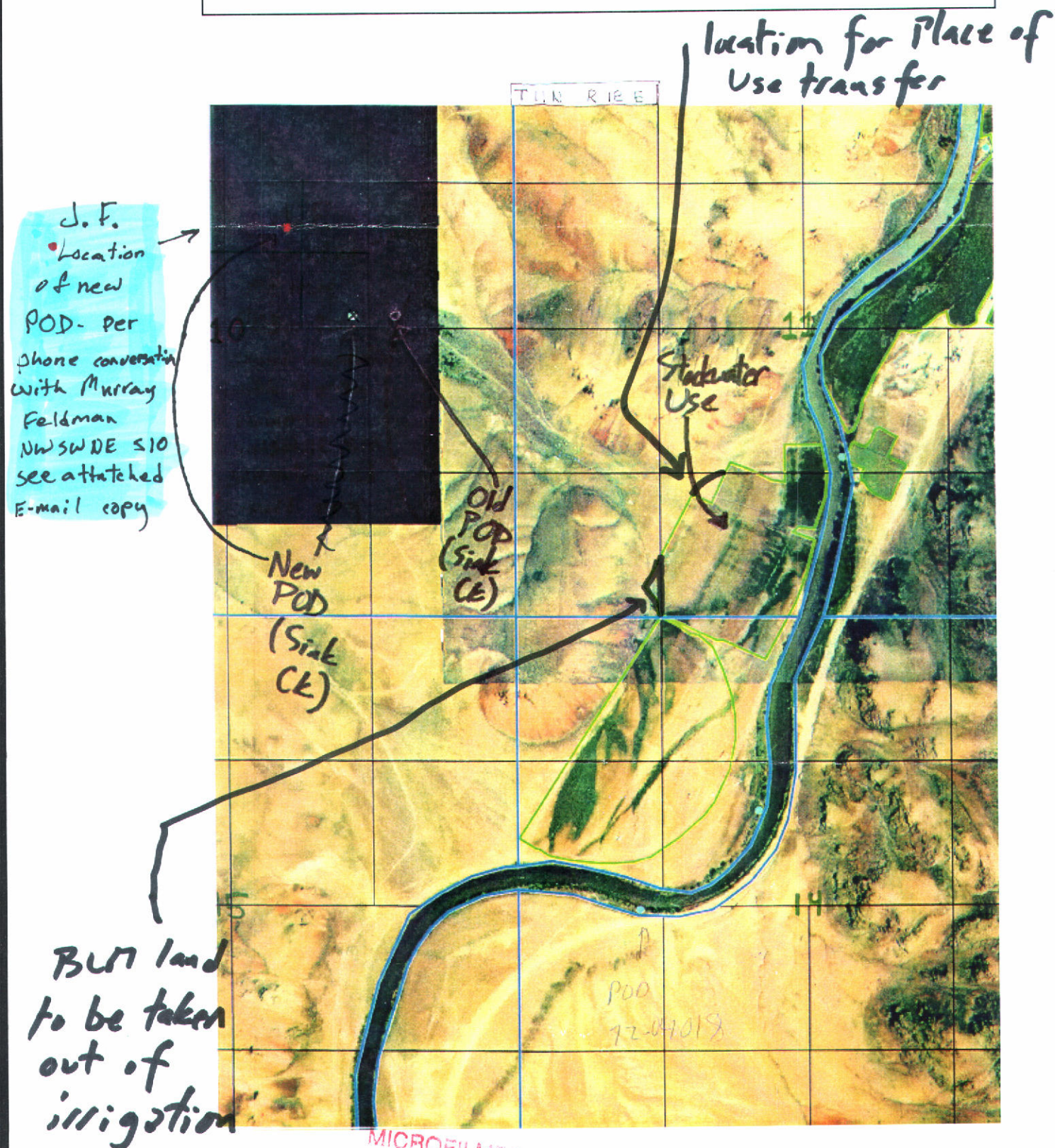


Pg 5 of 6

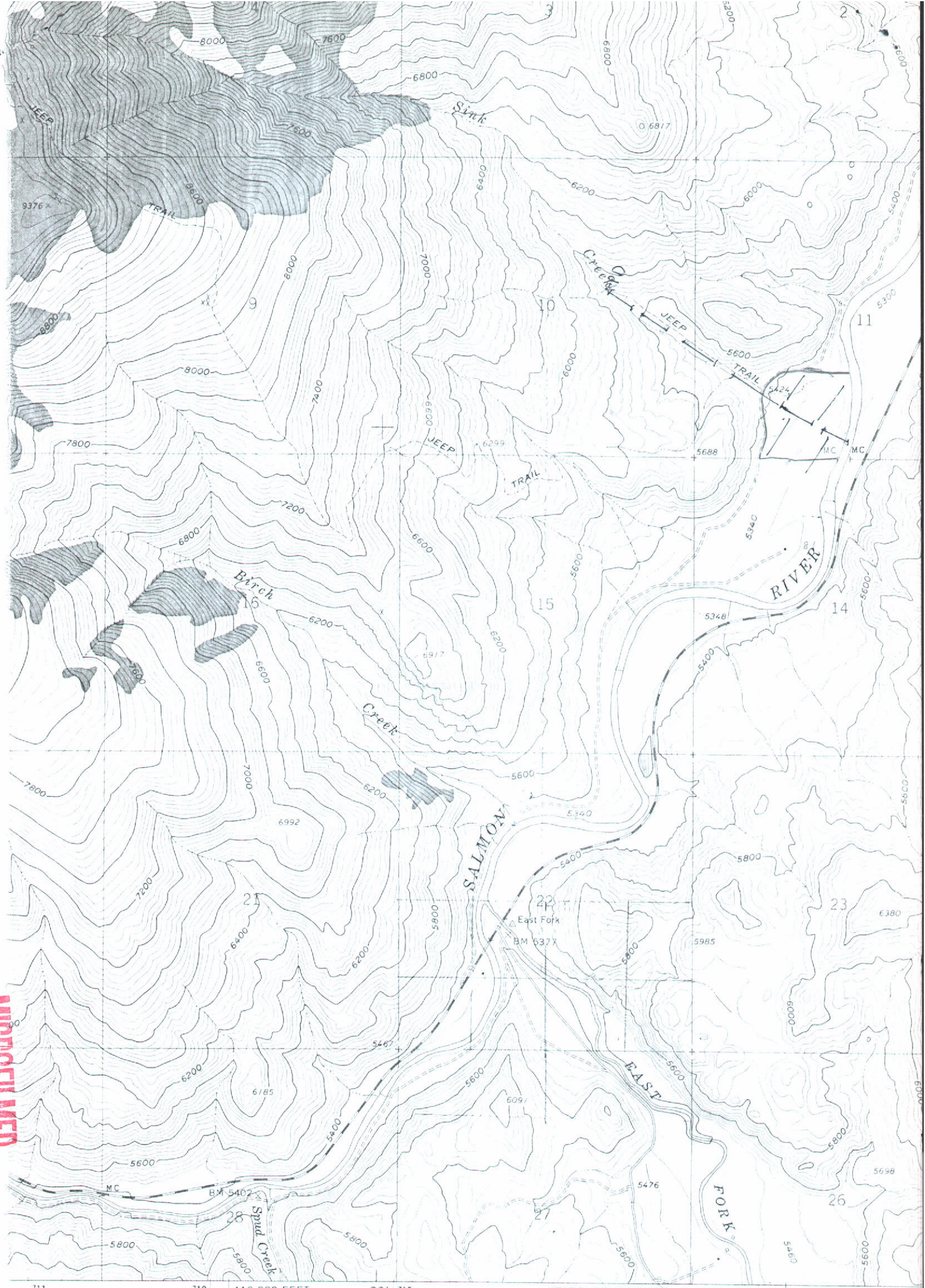
Please indicate the land being taken out of irrigation on BLM land and where it will be put back into irrigation.



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NOV 28 2000

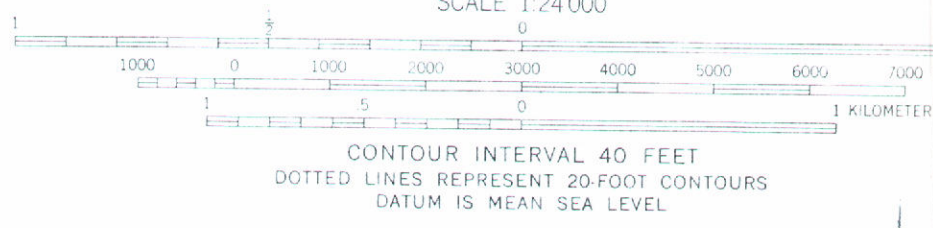
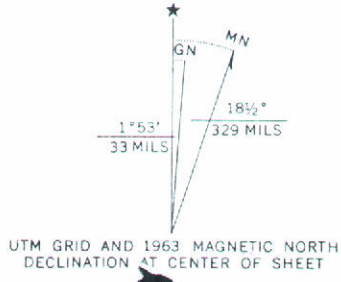
MICROFILMED



Geological Survey

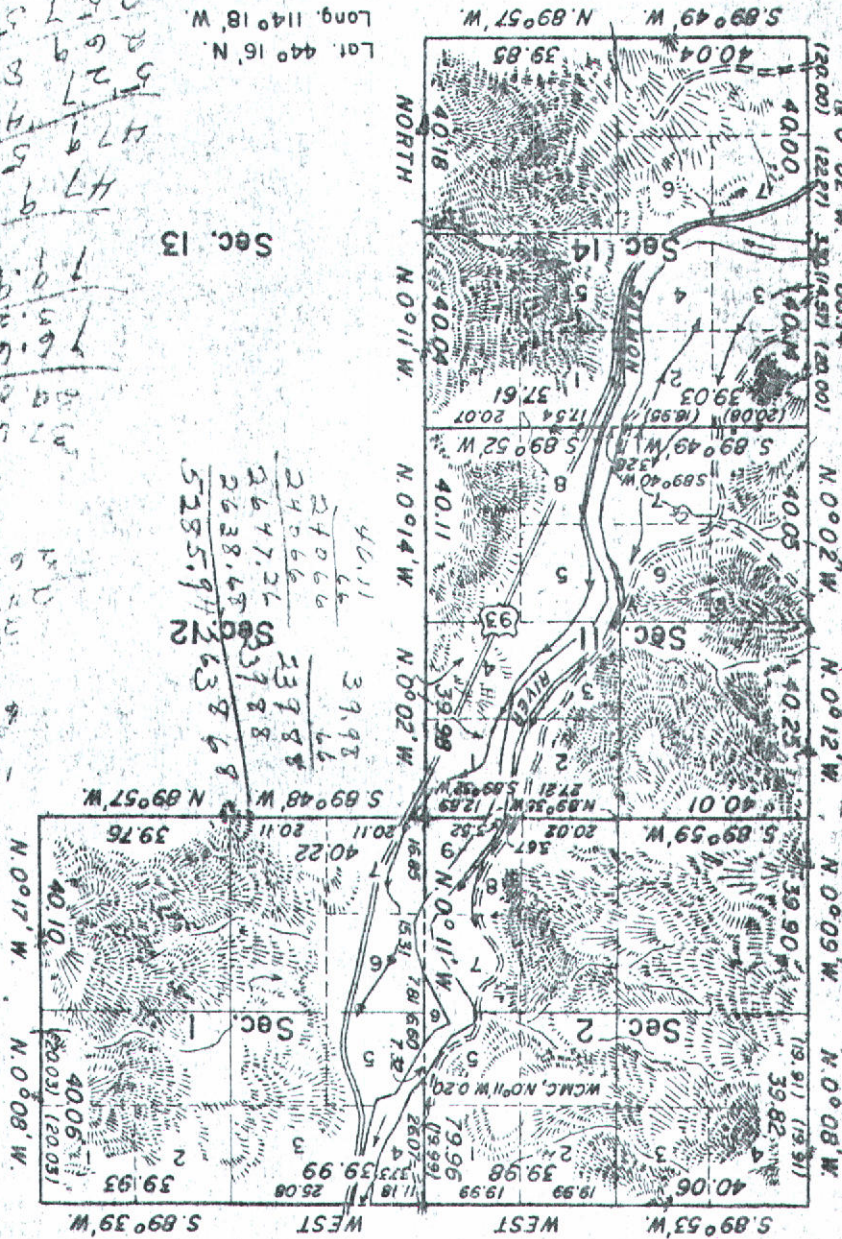
from aerial  
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ate system, central zone  
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established



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Lat. 44° 16' N.  
Long. 114° 18' W.



Sec. 13

Seedling

5277.3 + check  
16.85 -  
10.31  
6.60  
7.32

79.96  
47976

47976

|                |              |
|----------------|--------------|
| 14.35          | 6.65         |
| 15.31          | 7.32         |
| 7.81           | 26.97        |
| <u>39.47</u>   | <u>39.99</u> |
| 6.00           | 39.99        |
| 33.982         | 99.990       |
| 23952          | 99.990       |
| <u>2635.02</u> | <u>27976</u> |
|                | 27976        |

$$\begin{array}{r} 12638.62 \\ - 639.34 \\ \hline \end{array}$$

79.96  
47976  
49976  
5277.36

51 sections  
comp. 1/2

The  
The  
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The  
The

Sec. 15

$$\begin{array}{r} 24030 \\ 24030 \\ \hline 48060 \end{array}$$

99701305

Sec. 3

418-32  
 261.32  
 261.32  
 2589.2  
 3488.12

$$\begin{array}{r} 40.25 \\ 24158 \\ \hline 224153 \\ 26576.5 \end{array}$$
$$\begin{array}{r} 24030 \\ 24030 \\ \hline 48060 \end{array}$$

998-101205

39.20  
23940  
-----  
39.20

Sec. 3

$$\begin{array}{r} 418.33 \\ 245.53 \text{ v} \\ \hline 245.53 \end{array}$$

$\begin{array}{r} 769 \\ \times 800 \\ \hline 615200 \end{array}$

999999  
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263

$$\begin{array}{r} 99.52 \\ 5.02 \\ \hline 99.97 \end{array}$$

16  
16  
16  
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16

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34

**MICROFILMED**

72-04090  
Herrick  
T11N R18E S10, 11, 14

Diversion  
Re-diversion  
10 1

Photo Point 3  
Photo Point 2  
Photo Point 1  
1

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NOV 28 2000

Requested location for place of use transfer for 72-04090

T11N R18E



New Pond  
(Sink Creek)

Old Pond  
(Sink Creek)

Stockwater  
Use

POD

72-04018

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NOV 28 2000

IDAHO DEPARTMENT OF WATER RESOURCES  
PREFIX/SPLIT QUERY

DATE: 10/20/00

TIME: 10:38:26

PAGE: 1

| WATER RIGHT NO. | NAME                                  | OWNER | PRIORITY DATE | STG/STS | SOURCE     | USE DESC | SYSTEM |
|-----------------|---------------------------------------|-------|---------------|---------|------------|----------|--------|
| 72-04090        | CARLISLE, LEWIS                       | C     | 04/01/1902    | S/      | SINK CREEK | IRR      | WR     |
|                 | CARLISLE, MILDRED                     | C     |               |         |            | STOCK    |        |
| X72-04090       | HIGH MOUNTAIN RANCHES LTD PARTNERSHIP | C     | 04/01/1902    | J/      | SINK CREEK | IRR      | WR     |
|                 |                                       |       |               |         |            | STOCK    |        |
| 72-04090        | HERRICK, GERALD D                     | C     | 04/01/1902    | J/      | SINK CREEK | IRR      | AJ     |
|                 | HERRICK, KATHRYN S                    | C     |               |         |            | STOCK    |        |
| A72-04090       | HERRICK, GERALD D                     | C     | 04/01/1902    | S/      | SINK CREEK | IRR      | AJ     |
|                 | HERRICK, KATHRYN S                    | C     |               |         |            | STOCK    |        |
| R72-04090       | HIGH MOUNTAIN RANCHES LTD PARTNERSHIP | C     | 04/01/1902    | J/      | SINK CREEK | IRR      | AJ     |
|                 |                                       |       |               |         |            | STOCK    |        |

MICROFILMED

MAY 24 2000

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5769  
WATER RIGHT NO. 72-04090

This is to certify that: **HIGH MOUNTAIN RANCHES LTD PARTNERSHIP**  
**2027 SILVER CREEK LANE**  
**BOISE ID 83706**

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.90 CFS              | 157.5 AF             |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              | 2.7 AF               |
| Totals                |                      | 0.90 CFS              | 160.2 AF             |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| SINK CREEK    | SALMON RIVER        |

Priority: 04/01/1902

LOCATION OF POINT(S) OF DIVERSION: NWSWNE, Sec. 10, Township 11N, Range 18E  
CUSTER 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> |
|------------|------------|------------|------------------|-------------------|------------------|--------------|
| 11N        | 18E        | 11         | Lot 6 (NESW) 1.5 | Lot 7 (SESW) 34.8 | Lot 6 (NWSE) 1.0 |              |
|            |            |            | Lot 7 (SWSE) 2.1 |                   |                  | 39.4         |
|            |            | 14         | Lot 2 (NENW) 5.6 |                   |                  | 5.6          |
|            |            |            |                  |                   |                  | 45.0         |

Total number of acres irrigated:

PLACE OF USE: STOCKWATER

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> |
|------------|------------|------------|
| 11N        | 18E        | 11         |

Lot 7 (SESW)

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.

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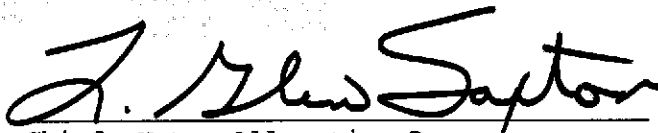
NOV 28 2000

TRANSFER NO. 5769  
WATER RIGHT NO. 72-04090

CONDITIONS OF APPROVAL AND REMARKS

3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Approval of Transfer 5769 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 20<sup>th</sup> day of October, 2000.

  
Chief, Water Allocation Bureau

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NOV 28 2000

RECEIVED

DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT

**AUG 29 2000**

**PART 1**

JUN 14 2022

Department of Water Resources

Department of Water Resources  
Southern Region

Name of applicant High Mountain Ranches Limited Partnership Phone 208.336.8719  
Post Office address 2027 Silver Creek Lane, Boise, Idaho 83706

### **PURPOSE OF TRANSFER**

1. ☒ Change point of diversion      ☐ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To move historical use from public (BLM)  
land onto private land at request of BLM to avoid unpermitted  
use of BLM land. To change point of diversion to  
more efficient location.

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

- | 1. Right Number | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use   | Period of Use                |
|-----------------|-------------------|-----------------------|--------------------|------------------------------|
| <u>72-04090</u> | <u>04/01/1902</u> | <u>0.9</u>            | <u>Irrigation</u>  | <u>4-01</u> to <u>10-31</u>  |
| <u>72-04090</u> | <u>04/01/1902</u> | <u>0.02</u>           | <u>Stock water</u> | <u>01-01</u> to <u>12-31</u> |
| _____           | _____             | _____                 | _____              | _____ to _____               |
| _____           | _____             | _____                 | _____              | _____ to _____               |
2. Total amount of water being transferred 0.9 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Sink Creek tributary to Salmon River
4. Point(s) of Diversion: \_\_\_\_\_

[illegible]

## 5. Lands irrigated or place of use:

[illegible]

7.5769

PART 1

**T#5769**

i. General Information:

a. Description of diversion system Pipe, headgate, and ditch off stream

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Public land parcel would cease to be directly irrigated and may return to native vegetation or other desired management condition selected by BLM.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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NOV 28 2000

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 72-04090

STAGE: BENEFICIAL USE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/01 to 10/31       | 0.90 CFS              |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              |
|                       | Totals               | 0.90 CFS              |

SOURCE

SINK CREEK

TRIBUTARY OF

SALMON RIVER

Priority: 04/01/1902

LOCATION OF POINT(S) OF DIVERSION:SESWNE , Sec. 10, Township 11N, Range 18E  
CUSTER CountyPLACE OF USE:

## IRRIGATION

|     |        | NE   |      |      |      | NW    |      |      |      | SW    |      |      |       | SE   |       |       |             |      |
|-----|--------|------|------|------|------|-------|------|------|------|-------|------|------|-------|------|-------|-------|-------------|------|
|     |        | NENE | NWNE | SWNE | SENE | NENW  | NWNW | SWNW | SENW | NESW  | NWSW | SWSW | SESW  | NESE | NWSE  | SWSE  | SESE        |      |
| T   | R S    | Lt   | Ac   | Lt   | Ac   | Lt    | Ac   | Lt   | Ac   | Lt    | Ac   | Lt   | Ac    | Lt   | Ac    | Lt    | Ac          | SUM  |
| 11N | 18E 11 | :    |      | :    |      | :     |      | :    |      | 06-01 |      | .8   | 07-34 | :    | 06-01 | 07-02 | :           | 39.4 |
| 11N | 18E 14 | :    |      | :    |      | 02-05 | :    |      |      | :     |      |      |       | :    |       |       | :           | 5.6  |
|     |        |      |      |      |      |       |      |      |      |       |      |      |       |      |       |       | TOTAL ACRES | 45.0 |

## STOCKWATER

|     |        |   |  |   |  |   |  |   |  |      |   |  |   |  |  |  |  |  |
|-----|--------|---|--|---|--|---|--|---|--|------|---|--|---|--|--|--|--|--|
| 11N | 18E 11 | : |  | : |  | : |  | : |  | 07-S | : |  | : |  |  |  |  |  |
|-----|--------|---|--|---|--|---|--|---|--|------|---|--|---|--|--|--|--|--|

CONDITIONS/REMARKS:

1. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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NOV 28 2002

Page 4 of 6

TRANS NO.

Claim No. 72-04090

CONDITIONS/REMARKS:

3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE            | NONE   |
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE            | NONE   |
- ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
5. STOCKWATER, 200 RANGE

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

---

---

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? \_\_\_\_\_ If yes, describe:

---

---

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

☐ Tax Notice      ☐ Warranty Deed      ☐ Other \_\_\_\_\_

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NOV 28 2000

Pg 5 of 6

Please indicate the land being taken out of irrigation on BLM land and where it will be put back into irrigation.

J.F.  
 • Location  
 of new  
 POD- per  
 phone conversation  
 with Murray  
 Feldman  
 NW SW DE S10  
 see attached  
 E-mail copy



BLM land  
 to be taken  
 out of  
 irrigation

MICROFILMED

NOV 2 8 2000

**Freitag, John**

---

**From:** Murray Feldman [MFELDMAN@HOLLANDHART.COM]  
**Sent:** Tuesday, June 27, 2000 1:41 PM  
**To:** jfreitag@idwr.state.id.us  
**Cc:** twalther@micron.com  
**Subject:** Re: High Mountain Ranches

John:

On the POD issue, Terry Walther confirmed that the new POD is still located on Sink Creek, upstream of the old diversion point. Our review of the topo maps indicated that at that location Sink Creek is in the NWSWNE of Section 10. So the application form is correct as we understand it.

On the 72-04090, I have marked on the map/photo you sent where the areas being dried up and put under irrigation are. These were reflected in the earlier application submitted, but that information did not get transferred to the revised application. I apologize for that oversight. I will send you the marked up map/photo by mail today.

Thanks for your help. Please let me know if there are any questions.

—Murray Feldman  
Holland & Hart LLP  
P.O. Box 2527  
Boise, ID 83701  
ph: 208.342.5000  
fx: 208.343.8869

>>> "Freitag, John" <jfreitag@idwr.state.id.us> 06/22/00 11:45AM >>>  
Murray,

The attachment I sent is the map for the transfer involving water right 72-04090. I need to know which acres are being dried up on BLM land and what land the transfer is proposing to move these acres to. Also from the map it looks like the new POD is in the SESWNE of Section 10. On part 1 of the application it is shown as NWSWNE of Section 10. Please confirm for me that it should indeed be SESWNE as the map indicates or let me know otherwise and I can make the appropriate correction. If you have any questions you can e-mail me, or call me at 736-3033.

Thanks,

John Freitag  
Idaho Department of Water Resources

<<highmtn.doc>>

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NOV 28 2000

## PART 3

T#5769

## B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|---|-------------------|-----------------------|-----------------|----------------|
|   |                   |                       |                 | _____ to _____ |
|   |                   |                       |                 | _____ to _____ |

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

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

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

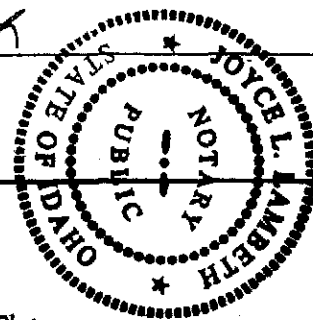
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 19 2000

Kathryn Herrick (Signature of Applicant) President Herrick Ranches, title, Inc.

My commission expires 11/10/2000

Joyce L. Lambeth (Notary Public)



## FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by John Freitag Date 06/14/00 Protest filed by N/A

Prelim. check by John Freitag Fee \$300 (\$100 per transfer)

Receipted by John Freitag Date 04/03/2000 50 22951

Published in Charles Messenger Copies of protest forwarded by \_\_\_\_\_

Pub. dates 8/3 & 8/10/00 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. by AI

Copy of transfer sent to lien holder \_\_\_\_\_

MICROFILM  
NOV 28 2000

COPY

ORIGINAL IN  
H & H VAULT

AMENDED BARGAIN AND SALE DEED

0213673

THIS INDENTURE, made the 17<sup>th</sup> day of June, 1997, between GERALD D. HERRICK and KATHRYN S. HERRICK, husband and wife, "Grantors," and HIGH MOUNTAIN RANCHES LIMITED PARTNERSHIP, an Idaho limited partnership, "Grantee."

W I T N E S S E T H:

WHEREAS, Grantors transferred title to the property described herein to Grantee pursuant to a Bargain and Sale Deed dated March 3, 1997 and recorded in Custer County, Idaho under Instrument No. 0212975 on March 7, 1997, and

WHEREAS, the parties have determined that there is an error in the legal description, and

WHEREAS, the parties intend by this deed to correct the legal description for said property.

The Grantors for good and valuable consideration, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said Grantee, and to its heirs and assigns, forever, all of that certain piece or parcels of land situate, lying and being located in the County of Custer, State of Idaho, particularly described as follows, to-wit:

See Exhibit A attached hereto.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest in the property, possession, claim and demand whatsoever, as well in law as in equity of the Grantors, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

Gerald D. Herrick  
GERALD D. HERRICK

Kathryn S. Herrick  
KATHRYN S. HERRICK

AMENDED BARGAIN AND SALE DEED - 1

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NOV 20 1999

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MAR 31 2000

Department of Water Resources  
Southern Region

T#5769

STATE OF IDAHO                    )  
                                           : ss.  
 County of Ada                    )

On this 17<sup>th</sup> day of June, 1997, before me, a notary public in and for said State, personally appeared GERALD D. HERRICK and KATHRYN S. HERRICK, husband and wife, known or identified to me to be the persons who executed the instrument, 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.

Jayce L. Mitchell  
 Notary Public for Idaho  
 Residing at: Bain, Idaho  
 My Commission Expires: 11/10/2000

WP 71426



# 213673  
Granger County Rec. of  
Holland and Hart

Time 10:05 A.M.

6-23 1997  
Wanda J. Murphy  
• 12<sup>th</sup>

MICROFILMED

NOV 23 1998

## TRACT I:

TOWNSHIP 11 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 1: Lot 4

Section 2: Lots 1, 7 and 8

TOWNSHIP 12 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 35: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .

Section 36: Lots 5 and 6.

## TRACT II:

TOWNSHIP 11 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 11: Lots 6 and 7.

Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Lots 2, 3 and 4.MICROFILMED  
NOV 28 2000

EXHIBIT

**A**

## TOWNSHIP 11-NORTH, RANGE 18 EAST, BOISE MERIDIAN

Section 1: Lots 5, 6, and 7.

Section 2: Lot 9.

Section 11: Lots 1, 4, 5, and 8.

## EXCEPTING THEREFROM:

The following described parcels from said Lot 5 and Lot 8.

A tract of land in Lots 5 and 8, Section 11, Township 11 North, Range 18 East of the Boise Meridian, described as:

Commencing at the intersection of the Southerly boundary of said Section 11 and the Westerly right-of-way line of U.S. Highway No. 93; thence Northeasterly along said Right-of-way line 1,112.7 feet to the TRUE POINT OF BEGINNING; continuing thence Northeasterly along said Right-of-way line a distance of 392.5 feet; thence North  $66^{\circ}19'$  West, 680.0 feet to a point on the Easterly bank of the Salmon River; thence South  $9^{\circ}58'$  East along the Easterly bank of the Salmon River 457.9 feet; thence South  $66^{\circ}19'$  East, 434.8 feet to the TRUE POINT OF BEGINNING.

## AND ALSO EXCEPTING:

A fraction of Lot 5, Section 11, Township 11 North, Range 18 East of the Boise Meridian, described as:

Commencing at the intersection of the Southerly boundary of said Section 11, and the Westerly right-of-way line of U.S. Highway No. 93; thence Northeasterly along the Westerly Right-of-way line of U.S. Highway No. 93, a distance of 1505.2 feet to the POINT OF BEGINNING, which is also the Northeast corner of the land described in the Deed to George Bryan Forestier, et. ux., recorded as instrument No. 134996, records of Custer County, Idaho, continuing thence Northeasterly along said Right-of-way line 469.0 feet; thence North  $66^{\circ}19'$  West, 1156.7 feet to a point on the Easterly bank of the Salmon River; thence meandering said bank in a Southerly direction 670.0 feet, more or less, to a point which lies North  $66^{\circ}19'$  West, from the POINT OF BEGINNING, which point is also the Northwest corner of said Forestier land; thence South  $66^{\circ}19'$  East 680.0 feet along the Northeasterly boundary line of said Forestier land to the POINT OF BEGINNING.

## ALSO EXCEPTING:

A parcel of land being a portion of Government Lot 5 of Section 11, Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Beginning at the Northeast corner of Government Lot 5 of Section 11, Township 11 North Range 18 East, Boise Meridian, thence South  $0^{\circ}00'16''$  East along the East line of said Government Lot 5 a distance of 610.51 feet to a point in the Westerly right of way line of existing State Highway No. 75; thence South  $25^{\circ}02'00''$  West along said existing Westerly right of way line 275.29 feet to Grantor's most Southerly property corner; said point also being the Northeast corner of the land described in the deed dated July 16, 1979, Pamela C. Moorhead, grantor to Stephen C. Moorhead, recorded August 10, 1979, as instrument No. 150767, records of Custer County, Idaho, thence North  $66^{\circ}11'25''$  West along said Northerly property line 627.35 feet; thence North  $28^{\circ}16'49''$  East, 688.58 feet to a point in the North line of said Government Lot 5; thence North  $89^{\circ}57'10''$  East along said North line 364.16 feet to the PLACE OF BEGINNING.

## ALSO EXCEPTING:

A fraction of Lot 8 in Section 11, Township 11 North, Range 18 East of the Boise Meridian more particularly described as follows, to-wit:

Beginning at the meander corner of the Easterly bank of the Salmon River on the line between Section 11 and 14, run thence East along the South boundary of Section 11 a distance of 215.3 feet, more or less, to a point on the Westerly right-of-way line of U.S. Highway No. 93, thence North  $25^{\circ}02'$  East, along the Westerly right-of-way line of U.S. Highway No. 93 a distance of 1,112.7 feet; thence North  $66^{\circ}19'$  West 434.8 feet to a point on the Easterly bank of the Salmon River; thence meandering the Easterly bank of the Salmon River in a Southwesterly direction as follows: South  $12^{\circ}49'$  West 365.4 feet; thence South  $12^{\circ}31'$  West 442.5 feet; thence South  $17^{\circ}33'$  West 409.3 feet to the POINT OF BEGINNING.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lewis and/or Mildred Carlisle  
(Name of Claimant)  
Star Route, Challis, ID 83226 Telephone No. 838-2387  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1902

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
SINK Creek tributary to Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity                | (cfs, gpd, AFA) | Use                   | (Domestic, Irrigation, Stock, Etc.) | Period of Use From                |                  | (Both dates inclusive) |  |
|-------------------------|-----------------|-----------------------|-------------------------------------|-----------------------------------|------------------|------------------------|--|
|                         |                 |                       |                                     | (Mo., Day)                        | (Mo., Day)       |                        |  |
| Quantity <u>1.0 cfs</u> |                 | Use <u>Irrigation</u> |                                     | Period of Use From <u>April 1</u> | To <u>Nov 1</u>  |                        |  |
| Quantity <u>.02</u>     |                 | Use <u>Stockwater</u> |                                     | Period of Use From <u>Jan 1</u>   | To <u>Dec 31</u> |                        |  |
| Quantity _____          |                 | Use _____             |                                     | Period of Use From _____          | To _____         |                        |  |
| Quantity _____          |                 | Use _____             |                                     | Period of Use From _____          | To _____         |                        |  |
| Quantity _____          |                 | Use _____             |                                     | Period of Use From _____          | To _____         |                        |  |

(4) 1.0 cfs TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
SW 1/4 NE 1/4, Sec. 10 Twp. 11N Rge. 18E B.M., County of Custer  
Additional points of diversion: \_\_\_\_\_

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Original diversion was by earth ditch. Pipeline was installed in early 1940s and sprinklers added about 1960. New pipeline & sprinkler system installed in 1980. Original system intermingled with Birch & Salmon River water on lower land.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T   | R   | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|-----|-----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|     |     |      | 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 |       |
| 11N | 18E | 11   |        |        |        |        |        |        |        |        | 2      |        |        | 2      |        |        |        |        | 4     |
|     |     | 14   |        |        |        |        | 2      |        |        |        | ↑      |        |        | ↑      |        |        |        |        | 2     |
|     |     |      |        |        |        |        | Lot 2  |        |        |        | Lot 6  |        |        | Lot 7  |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres 47

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water used by 200 head Range cattle.

NOTE: Include here the type and number of stock watered: 200 head Range cattle

(7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

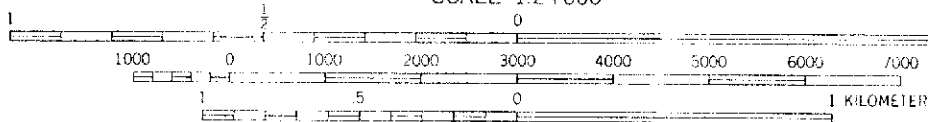
MICROFILMED



A detailed topographic map of a mountainous region. The map features numerous contour lines indicating elevation, with labels such as 5400, 5600, 5800, 6000, 6200, 6400, 6600, 6800, 7000, 7200, 7400, 7600, and 7800. A prominent river, labeled 'SALMON RIVER', flows through the center of the map. To the right, a 'FORK RIVER' is also visible. Several creeks are marked, including 'Birch Creek' and 'Spout Creek'. A trail is shown with segments labeled 'JEEP' and 'TRAIL'. A road is marked 'MC'. A small structure, possibly a cabin or shed, is depicted near the center. A benchmark is labeled 'BM 5402'. The map includes a grid system with numbers 10, 11, 14, 15, 16, 21, 22, 23, 26, and 27. A large, dark, irregular shape in the upper left corner represents a forested area. The map is oriented with North at the top.

from aerial  
1963  
can datum  
ste system, central zone  
or grid ticks,

UTM GRID AND 1963 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET  
DOTTED LINES REPRESENT 20-FOOT CONTOURS  
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



It is intended to use said water for irrigating the following described lands: The land claim heretofore known as the Frank Smith land claim (unsurveyed) about 6 miles below Clayton on west side of Salmon River 5th. It is intended to have the works for diversion and use of said water as aforesaid completed within 5 years.

Witness my hand at  
of October 1891.

Idaho this 28th day

Timothy Cooper } Claimants  
Bertha Cooper }

State of Idaho } ss.  
County of Blaine }

Timothy Cooper being first duly sworn deposes and says that he is of lawful age and one of the claimants of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in the said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 28th day of October at 6 o'clock P. M.

Timothy Cooper  
Subscribed and sworn to before me this 29th day of October 1891.

Seal

Geo. A. Keyes  
Recorder

Recorded at the request of Timothy Cooper at 5:30 P. M. October 29th 1891.

Geo. A. Keyes  
Recorder

MICROFILMED

water claims Custer  
county South Dakota

Book B 101 + 102

Notice of Water Right

State of Idaho } ss  
County of Custer }

To All Concerned:

Notice is hereby given:

1st. That Timothy Cooper & Warren Cooper of Custer County hereby claim the use of the water of Sink Creek to the extent of One cubic foot-per-second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: On the South side of Sink Creek west of the mouth of the Frank Smith land claim about one-half mile.

3d. The purpose for which said water is intended to be used is irrigation and domestic use, the place of intended use is on land claim formerly known as the Frank Smith land claim about 6 miles below Clayton on the West side of Layman river.

4th. It is intended to divert said water by means of ditch and flume. The general course of the proposed canal is Easterly.

The length of the proposed canal is one-half mile.

Sink Creek & Birch Creek  
Oct - 1897

NOT RECORDED

# AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss.

I, MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated January 14, 1982, and ending with the issue dated January 21, 1982.

Margaret Parks

Subscribed and sworn to before this 21<sup>st</sup> day of January, 1982.

Ethel M. Reck

Notary Public, residing at Challis, Idaho. My commission expires on

January 21, 1986

MICROFILMED

72-4090  
CARLISLE, LEWIS &/or  
MILDRED  
STAR ROUTE, CHALLIS,  
ID 83226

Source: SINK CREEK  
tributary to SALMON  
RIVER

Priority Date: 04/01/1902

Amount: 1.00 CFS

Diversion Point: SWNE  
Sec 10 T 11N R 18E, CUSTER  
Co.

Use: IRRIGATION (1.00  
CFS) from 04/01 to 11/01 and  
STOCKWATER (0.02 CFS)  
from 01/01 to 12/31

Place of Use: LOT 06  
(NESW) SWSW LOT 07  
(SESW) Sec 11 T 11N R 18E  
LOT 02 (NENW) Sec 14 T 11N  
R 18E FOR 47 ACRES

Diversion Means: EARTH  
DITCH, PIPELINE, SPRIN-  
KERS

Any exceptions to any  
claim of water right may be  
filed with the Director of the  
Idaho Department of Water  
Resources, 1041 Blue Lakes  
Blvd. North, Twin Falls,  
Idaho 83301.

A. KENNETH DUNN  
Director

Pub: 1/14 & 1/21/82

cb  
mays

RECEIVED  
JAN 27 1982  
Department of Water Resources  
Southern District Office



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709-1657

**RECEIVED**

**OCT 23 2000**

*Department of Water Resources*

In Reply Refer To:

7250 (SRWR) (934)

October 18, 2000

Pam Skaggs  
State of Idaho  
Idaho Department of Water Resources  
State Office  
Allocations Bureau  
1301 N. Orchard St.  
Boise, Idaho 83706

**RE: Transfer Consent Letter**  
**Transfer No.: 5769, High Mountain Ranches Limited Partnership**  
**72-04090**

Dear Ms. Skaggs:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that High Mountain Ranches Limited Partnership wishes to transfer water under rights 72-04090 from the federal public property to land which it owns as private property. The federal public property legal description being transferred is as follows:

T11N R18E S11 SWSW 0.8 acres  
0.8 acres TOTAL to be transferred.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

**MICROFILMED**

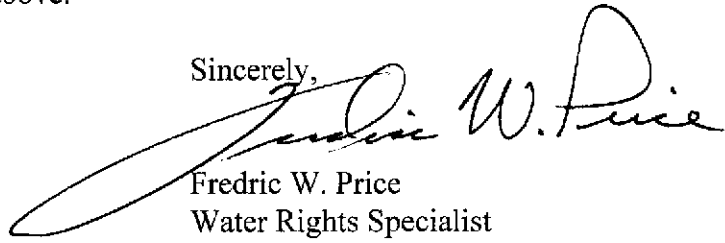
Transfer No.: 5769, High Mountain Ranches Limited Partnership

**OCT 23 2000**

REDISCOVER YOUR PUBLIC LANDS

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in cursive script, reading "Fredric W. Price". The signature is written in black ink and is positioned above the printed name and title.

Fredric W. Price  
Water Rights Specialist

cc:

Larry Brown, Dept. of Justice, ENRD  
Nick Spencer, Deputy Attorney General  
CACI, Boise

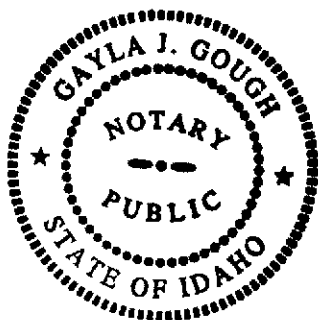
SUBSCRIBED and SWORN to before me this 19<sup>th</sup> day of October, 2000.

STATE OF IDAHO )  
 ) ss:  
COUNTY OF ADA )

On this 19<sup>th</sup> day of October, 2000, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Seal



Notary public in and for the  
State of Idaho,  
County of Ada

Residing at KUNA, IDAHO

My commission expires: 11-17-2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 20, 2000

HIGH MOUNTAIN RANCHES LTD PARTNERSHIP  
2027 SILVER CREEK LANE  
BOISE ID 83706

RE: Water Right 72-04090 (Transfer 5769)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5769). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

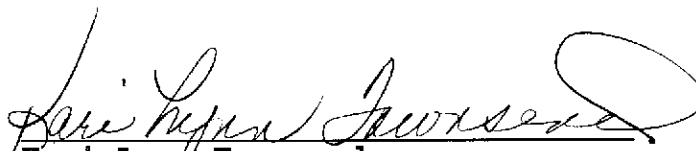
NOV 20 2000

**CERTIFICATE OF MAILING**

I hereby certify that on the 20<sup>th</sup> day of **October, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: WATER RIGHT 72-04090 (Transfer 5769)**

**HIGH MOUNTAIN RANCHES LTD PARTNERSHIP  
2027 SILVER CREEK LANE  
BOISE ID 83706**

  
**Kari Lynn Townsend  
Secretary**

MICROFILMED  
NOV 28 2000

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

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

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

NOV 28 2000

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Fax

October 19, 2000

TO: Pam Skaggs, IDWR, State Office, Allocations Bureau

FROM: Fred Price, BLM-ISO

RE: Transfer Consent Letters  
Transfer No.s: 5769 & 5771  
High Mountain Ranches Limited Partnership

Once we get a better idea with what's happening with transfer #5770 (72-04018 & 04046), then I'll send you a letter for that one also.

MICROFILMED

NOV 23 2000



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709-1657

In Reply Refer To:

7250 (SRWR) (934)

October 18, 2000

Pam Skaggs  
State of Idaho  
Idaho Department of Water Resources  
State Office  
Allocations Bureau  
1301 N. Orchard St.  
Boise, Idaho 83706

**RE: Transfer Consent Letter**  
**Transfer No.: 5769, High Mountain Ranches Limited Partnership**  
**72-04090**

Dear Ms. Skaggs:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that High Mountain Ranches Limited Partnership wishes to transfer water under rights 72-04090 from the federal public property to land which it owns as private property. The federal public property legal description being transferred is as follows:

T11N R18E S11 SWSW 0.8 acres  
0.8 acres TOTAL to be transferred.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

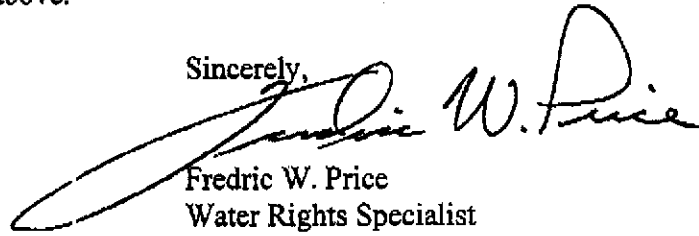
On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

Transfer No.: 5769, High Mountain Ranches Limited Partnership

MICROFILMED  
REDISCOVER YOUR PUBLIC LANDS  
NOV 28 2000

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,

A handwritten signature in black ink, appearing to read "Fredric W. Price". The signature is fluid and cursive, with a large initial "F" and "P".

Fredric W. Price  
Water Rights Specialist

cc:

Larry Brown, Dept. of Justice, ENRD  
Nick Spencer, Deputy Attorney General  
CACI, Boise

Transfer No.: 5769, High Mountain Ranches Limited Partnership

MICROFILMED

REDISCOVER YOUR PUBLIC LANDS

NOV 28 2000

SUBSCRIBED and SWORN to before me this 19<sup>th</sup> day of October, 2000.

STATE OF IDAHO )

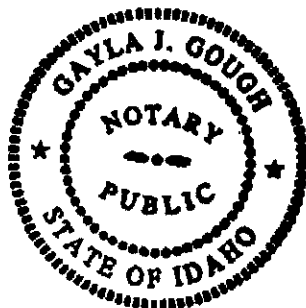
) ss:

COUNTY OF ADA )

On this 19<sup>th</sup> day of October, 2000, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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

Seal



A handwritten signature of Gayla J. Gough in dark ink.

Notary public in and for the  
State of Idaho,  
County of Ada

Residing at KUNA, IDAHO

My commission expires: 11-17-2004

MICROFILMED

NOV 28 2000

Transfer No.: 5769, High Mountain Ranches Limited Partnership

REDISCOVER YOUR PUBLIC LANDS



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

# FAX

To: Fred Price/BLM From: Pam Skaggs/Water Allocations  
Fax: 373-3839 Pages: This One  
Phone: \_\_\_\_\_ Date: 10-13-2000  
Re: \_\_\_\_\_ CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

### COMMENTS:

Hi Fred,

I have tried to contact you by telephone with no luck. Please call me at 327-7943 to discuss transfers 5769/5770 + 5771 for High Mountain Ranch Limited Partnerships/Harricks. We need BLM releases for the acres removed from BLM land.

MICROFILMED

NOV 28 2000

10-13-2000 - Fred called + said he would get to work on this.

# TRANSFER REVIEW SHEET

(10-99)

Transfer # 5769

Date Reviewed 10-05-2000

G8

Right(s) 72-04090 SRBA Recommendation

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use

F:Change Period of Use G:Other H:Change P/D & Add P/D

☒ I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership SRBA Claim - Change of Ownership 4-3-2000 BLM Land

Amended Bargain & Sale Deed - Herricks to High Mtn. - covers P/U except .8 in SW SW.

\* Need Release From BLM ☒ Road 1049-00 by Fax from Fred Price BLM.

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31 Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) ☒ Water District (12) ☒ Pertinent Conditions per SRBA recommendation (13) ☐ Expansion

(5) Standard Vol for IRR =  $3.5 \times 45 = 157.5 \text{ ac} < \text{VDR}$   
 " " " STOCK =  $12 \text{ gpd} \times 200 \times 365 \text{ days} = 2.7 \text{ ac}$  } 160.2 total ac.

(7) Move P/D upstream of old P/D same creek.

(8) Shift .8 acres from BLM land to applicant's property.

STOCK = 200 to Comments

Transfer Remarks Remark from Recommendation W62, W63, W57

Conditions T19, D1M, R63, T07, T08

Database/Processing Notes

Standard ☐ Non-Standard ☒

Copy approval to an "X" prefix when approved. Delete T, Comment to base WR.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

10-20-2000

IDAHO DEPARTMENT OF WATER RESOURCES  
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORTDATE: 10/05/00  
PAGE: 1(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

| WR-NUMBER                           | SOURCE     | NE |       |    |    | NW |       |    |       | SW |    |    |      | SE |    |    |    | NE |    |    |    | NW |    |    |    | SW |         |    |    | SE |    |    |    | SUM |     |
|-------------------------------------|------------|----|-------|----|----|----|-------|----|-------|----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|---------|----|----|----|----|----|----|-----|-----|
|                                     |            | NE |       | NW |    | SW |       | SE |       | NE |    | NW |      | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    | NE |         | NW |    | SW |    | SE |    |     |     |
|                                     |            | Lt | Ac    | Lt | Ac | Lt | Ac    | Lt | Ac    | Lt | Ac | Lt | Ac   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac      | Lt | Ac | Lt | Ac | Lt | Ac |     |     |
| T11N R18E S 11                      |            |    |       |    |    |    |       |    |       |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |         |    |    |    |    |    |    |     |     |
| 7204018                             | SALMON RIV | :  | 01-25 | :  |    | :  | 8     | :  | 04-40 | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 118 |
| *7204018                            | SALMON RIV | :  | 01-20 | :  |    | :  | 04-10 | :  | 04-27 | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 66  |
| A7204018                            | SALMON RIV | :  | 01-25 | :  |    | :  | 8     | :  | 04-40 | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 118 |
| R7204018                            | SALMON RIV | :  | 01-20 | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 66  |
| T7204018                            | SALMON RIV | :  | 01-22 | :  |    | :  | 04-10 | :  | 04-28 | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 69  |
| 7204046                             | ALKALI SPR | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 66  |
| *7204046                            | ALKALI SPR | :  | 01-20 | :  |    | :  | 04-10 | :  | 04-27 | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 25  |
| A7204046                            | ALKALI SPR | :  | 25    | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 66  |
| R7204046                            | ALKALI SPR | :  | 01-20 | :  |    | :  | 04-10 | :  | 04-27 | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 69  |
| T7204046                            | ALKALI SPR | :  | 01-22 | :  |    | :  | 04-10 | :  | 04-28 | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 13  |
| 7204089                             | SALMON RIV | :  |       | :  |    | :  |       | :  |       | :  |    | :  | 06-3 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 07-10   | :  |    | :  |    | :  |    | :   | 34  |
| A7204089                            | SALMON RIV | :  |       | :  |    | :  |       | :  |       | :  |    | :  | 06-3 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 07-31   | :  |    | :  |    | :  |    | :   | 45  |
| 7204090                             | SINK CREEK | :  |       | :  |    | :  |       | :  |       | :  |    | :  | 06-2 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 2 07-41 | :  |    | :  |    | :  |    | :   | 38  |
| *7204090                            | SINK CREEK | :  |       | :  |    | :  |       | :  |       | :  |    | :  | 06-1 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 0 07-34 | :  |    | :  |    | :  |    | :   | 34  |
| A7204090                            | SINK CREEK | :  |       | :  |    | :  |       | :  |       | :  |    | :  | 06-3 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 07-31   | :  |    | :  |    | :  |    | :   | 38  |
| R7204090                            | SINK CREEK | :  |       | :  |    | :  |       | :  |       | :  |    | :  | 06-1 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 0 07-34 | :  |    | :  |    | :  |    | :   | 38  |
| T7204090                            | SINK CREEK | :  |       | :  |    | :  |       | :  |       | :  |    | :  | 06-1 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 07-34   | :  |    | :  |    | :  |    | :   | 2   |
| 7207170                             | SALMON RIV | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 07-2    | :  |    | :  |    | :  |    | :   | 31  |
| A7207170                            | SALMON RIV | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  | 07-31   | :  |    | :  |    | :  |    | :   | 4   |
| 7207247                             | SALMON RIV | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 4   |
| *7207247                            | SALMON RIV | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 4   |
| A7207247                            | SALMON RIV | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 34  |
| A7210378                            | GROUNDWATE | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   | 53  |
| --86 MAP--                          | C37Q-U 74  | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   |     |
| NO QTRS                             | MAPPING    | :  |       | :  |    | :  |       | :  |       | :  |    | :  |      | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |         | :  |    | :  |    | :  |    | :   |     |
| Lot01-25 Lot04-47 Lot05-19 Lot06-07 |            |    |       |    |    |    |       |    |       |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |         |    |    |    |    |    |    |     |     |

## T11N R18E S 14

|            |            |          |  |  |       |          |       |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
|------------|------------|----------|--|--|-------|----------|-------|-------|--|----------|--|--|--|----------|--|--|--|--|--|--|--|
| 7204089    | SALMON RIV |          |  |  | 02-12 | 11       | 03-17 | 04-11 |  |          |  |  |  |          |  |  |  |  |  |  |  |
| *7204089   | SALMON RIV |          |  |  | 02-17 | 13       | 03-22 | 04-8  |  |          |  |  |  |          |  |  |  |  |  |  |  |
| A7204089   | SALMON RIV |          |  |  | 02-19 | 14       | 03-14 |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
| 7204090    | SINK CREEK |          |  |  | 02-2  |          |       |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
| *7204090   | SINK CREEK |          |  |  | 02-5  |          |       |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
| A7204090   | SINK CREEK |          |  |  | 02-19 |          |       |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
| R7204090   | SINK CREEK |          |  |  | 02-5  |          |       |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
| T7204090   | SINK CREEK |          |  |  | 02-5  |          |       |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
| 7207170    | SALMON RIV |          |  |  | 02-12 |          | 03-10 | 04-10 |  |          |  |  |  |          |  |  |  |  |  |  |  |
| *7207170   | SALMON RIV |          |  |  | 02-17 | 13       | 03-22 | 04-8  |  |          |  |  |  |          |  |  |  |  |  |  |  |
| A7207170   | SALMON RIV |          |  |  | 02-19 |          | 03-14 |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
| A7210378   | GROUNDWATE |          |  |  |       | 19       |       | 14    |  |          |  |  |  |          |  |  |  |  |  |  |  |
| --86 MAP-- | C37Q-U 74  |          |  |  |       |          |       | 15    |  |          |  |  |  |          |  |  |  |  |  |  |  |
| NO QTRS    | MAPPING    |          |  |  |       |          |       |       |  |          |  |  |  |          |  |  |  |  |  |  |  |
|            |            | Lot01-02 |  |  |       | Lot02-27 |       |       |  | Lot03-23 |  |  |  | Lot04-08 |  |  |  |  |  |  |  |

No apparent direct overlaps.

# SRBA

## SUBCASE SUMMARY REPORT 72-04090

[Return to SRBA Home Page](#)

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SRBA  
09-29-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 72-04090      FILE#: 00381  
CLAIMANT: HERRICK, GERALD D  
STATUS: AT ISSUE  
WATER SOURCE: SINK CREEK, SALMON RIVER  
ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.

\*\*\*\* PARTIES INVOLVED \*\*\*\*

|                   |                                  |
|-------------------|----------------------------------|
| GERALD D HERRICK  | C ATTY: MURRAY D. FELDMAN        |
| USDI BLM          | O ATTY: US DEPARTMENT OF JUSTICE |
| KATHRYN S HERRICK | C PRO SE                         |

\*\*\*\* ROA ENTRIES \*\*\*\*

|            |                                                                       |    |                          |
|------------|-----------------------------------------------------------------------|----|--------------------------|
| 06-02-1999 | OBJ 01 F/B USDI BLM                                                   | RB | 10-04-1999 0001          |
| 10-21-1999 | NOTICE SETTING INITIAL HEARING                                        | 1V | 11-30-1999 0400          |
| 11-23-1999 | JOINT MOTION TO CONTINUE INITIAL HEARING                              | MG | 11-23-1999               |
| 11-23-1999 | ORDER GRANTING CONTINUANCE                                            |    |                          |
| 11-23-1999 | NOTICE RESETTNG INITIAL HEARING                                       | 1V | 12-28-1999 1000          |
| 12-23-1999 | MOTION TO STAY PROCEEDINGS (PENDING ADMIN<br>PROCEEDINGS)             | MG | 12-23-1999               |
| 12-23-1999 | ORDER GRANTING STAY OF PROCEEDINGS                                    |    |                          |
| 03-30-2000 | OBJECTOR HAERRICK'S REPORT ON STATUS OF<br>ADMINISTRATIVE PROCEEDINGS |    | 03-30-2000<br>03-30-2000 |
| 03-30-2000 | NOTICE SETTING STATUS CONFERENCE                                      | US | 06-30-2000 1100          |
| 06-30-2000 | HEARING HELD - STATUS CONFERENCE                                      | UH | 06-30-2000 1100          |
| 06-30-2000 | MINUTES - STATUS CONFERENCE                                           |    |                          |
| 06-30-2000 | NOTICE SETTING STATUS CONFERENCE                                      | US | 09-29-2000 0900          |
| 08-21-2000 | NOTICE OF ADMINISTRATIVE PROCEEDING<br>IC 42-222 TFER 5769            | AZ | 06-14-2001               |
| 09-29-2000 | HEARING HELD - STATUS CONFERENCE                                      | UH | 09-29-2000 0900          |
| 09-29-2000 | MINUTES - STATUS CONFERENCE                                           |    |                          |
| 09-29-2000 | NOTICE SETTING STATUS CONFERENCE                                      | US | 01-24-2001 0900          |

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[Return to SRBA Home Page](#)

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MICROFILMED  
NOV 28 2000

| WATER RIGHT NO. | NAME                                  | OWNER | PRIORITY DATE | STG/STS | SOURCE     | USE DESC | SYSTEM |
|-----------------|---------------------------------------|-------|---------------|---------|------------|----------|--------|
| 72-04090        | CARLISLE, LEWIS                       | C     | 04/01/1902    | S/      | SINK CREEK | IRR      | WR     |
|                 | CARLISLE, MILDRED                     | C     |               |         |            | STOCK    |        |
| T72-04090       | HIGH MOUNTAIN RANCHES LTD PARTNERSHIP | C     | 04/01/1902    | J/      | SINK CREEK | IRR      | WR     |
|                 |                                       |       |               |         |            | STOCK    |        |
| -----           |                                       |       |               |         |            |          |        |
| 72-04090        | HERRICK, GERALD D                     | C     | 04/01/1902    | J/      | SINK CREEK | IRR      | AJ     |
|                 | HERRICK, KATHRYN S                    | C     |               |         |            | STOCK    |        |
| A72-04090       | HERRICK, GERALD D                     | C     | 04/01/1902    | S/      | SINK CREEK | IRR      | AJ     |
|                 | HERRICK, KATHRYN S                    | C     |               |         |            | STOCK    |        |
| R72-04090       | HIGH MOUNTAIN RANCHES LTD PARTNERSHIP | C     | 04/01/1902    | J/      | SINK CREEK | IRR      | AJ     |
|                 |                                       |       |               |         |            | STOCK    |        |

Change of Ownership

## IDWR TRANSFER ANALYSIS SHEET

APPLICANT High Mtn Ranches TRANSFER NO. 5769

1. Right number(s) 72-04090

2. Type of right ☐ Decree ☐ License ☐ Statutory Claim  
☒ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☒ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other:

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose  
☒ Period ☒ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Check Proposed Right for amount of land &/or water transferred:

     Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☐ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None apparent

i. X Existing rights from same source, on land water is being transferred to; right number(s): \_\_\_\_\_

j. X SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) \_\_\_\_\_

k. X Comment letters X Yes      No  
If yes X Water District #  
Lienholder, others, see #2  
below for name and address

INITIAL ALLOCATION REVIEW BY John Freitag DATE 4/11/00  
SRBA SUPERVISOR REVIEW BY Stan C. O. O. DATE \_\_\_\_\_  
PUBLICATION REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_

1. Legal Notice electronically sent to DWRO3::VAULT ✓ Yes 8/2/00

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 7/31/00

Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_

Other comments letters - send to the following name(s) & address(es):  
\_\_\_\_\_

3. Transfer published correctly? ✓ Yes      No

4. Affidavit of publication received? ✓ Yes      No

5. Protests received?      Yes ✓ No; Acknowledgement sent?      Yes

6. Copies made for Region file (see attached supplemental page)?      Yes

# RECOMMENDED ACTION

1. ✓ Approve

2.      Deny due to \_\_\_\_\_

3. Conditions (special conditions in Water Districts) \_\_\_\_\_

✓ Also see attached memo for recommendation dated: 8/24/00

4. By AD- Date 8/25/00

RECEIVED

AUG 29 2001

MEMO

Department of Water Resources

FROM: Allen Merritt 

DATE: August 24, 2000

TO: Transfer Files

In the name of: High Mountain Ranches Limited Partnership

|                 |             |             |             |
|-----------------|-------------|-------------|-------------|
| Transfer Nos.   | <u>5769</u> | <u>5770</u> | <u>5771</u> |
| Water Right(s): | 72-04090    | 72-04018    | 72-00246    |
|                 |             | 72-04046    | 72-00247    |

**SUBJECT: Review and Recommendation**

These three transfer all deal with changing the place of use slightly to remove a portion of the historically irrigated land off of BLM property and place the allowable irrigated acreage on lands owned by the applicant in an effort to resolve objections in the SRBA. T5769 also has the additional purpose of relocating the point of diversion.

The transfers were processed without protest.

No GIS work has been done to modify initial GIS shapes for original director's reports. This needs to be done.

On this day I have left message with Fred Price (BLM Boise 373-3831) requesting a letter acknowledging agreement with transfers to be included in files. I am forwarding transfers to SO assuming the letters will follow.

**Recommendation**

I recommend that these transfers be approved subject to the following conditions:

- Subject to SRBA.
- Measuring device & control works be maintained as part of diversion works and report of use reported to department as may be required in the future.
- Approval does not authorize trespass on land of others.
- Subject to other federal, state or county requirements as may apply.
- Other conditions as apply listed on recent director's report for subject rights.

MICROFILMED

NOV 23 2000

APPLICANT: High Mtn Ranches WATER RIGHT NO. 72-04090

# AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 11 2000

Department of Water Resources  
Southern Region

State of Idaho, County of Custer, ss:

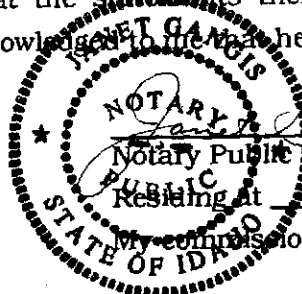
I, Ruth E. Burchill, representing the  
Challis Messenger, a weekly newspaper, pub-  
lished at Challis, Idaho, do solemnly swear that  
the notice hereto attached and made a part here-  
of, was published in the regular and entire issue  
of the Challis Messenger for 2  
consecutive weeks, commencing with the issue  
dated Aug 3 2000 and ending with  
the issue dated Aug 10 2000.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 10<sup>th</sup> day of August in the  
year of 2000 before me, a Notary Public,  
personally appeared Ruth E. Burchill  
known or identified to me to be the person  
whose name subscribed to the within instru-  
ment, and being by me first duly sworn, declared  
that the statements therein are true, and ac-  
knowledge to be the person who executed the same.



## NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that High Mountain Ranches Limited Partnership, c/o Kathryn Herrick, 2027 Silver Creek Lane, Boise ID 83706 has filed three (3) Transfer Applications with the Department of Water Resources for changes to water rights in Custer County as described below:

**Transfer No. 5769** involves Right No. 72-04090 recorded with priority date of 04/01/1902 from Sink Creek tributary to Salmon River within SESWNE, S10 for stockwater (0.02 cfs) and irrigation (0.90 cfs) of 45 acres within Sections 11 & 14. The applicant requests to record an upstream point of diversion within NWSWNE, S10; stockwater use within SESW, S11; all T11 N, R18E and a re-distribution of the acres at the place of use listed above to reflect discontinued irrigation of BLM land.

**Transfer No. 5770** involves Right No. 72-04018 (5.40 cfs) recorded with priority date of 04/15/1914 from Salmon River tributary to Snake River within Lot 7 (NENWSW), S14 and Right No. 72-04046 (2.23 cfs) recorded with priority date of 05/01/1916 from Alkali Spring Creek tributary to Salmon River within Lot 1 (SWNENE), S11 are co-mingled for irrigation of 135 acres within Sections 1, 2, 11, & 12; all T11N, R18E. The applicant requests to record a re-distribution of the acres at the place of use listed above to reflect discontinued irrigation of BLM land.

**Transfer No. 5771** involves Right No. 72-00246 (1.86 cfs) recorded with priority date of 04/01/1880 and Right No. 72-00247 (1.86 cfs) recorded with priority date of 04/01/1884 are diverted from Lyon Creek tributary to Salmon River within SENWSE, S35 for irrigation of 82 acres within Sections 1 & 2, T11 N, R8E and Sections 35 & 36 T12N, R8E. The applicant request to record a re-distribution of the acres at the place of use listed above to reflect discontinued irrigation of BLM land.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before August 21, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director  
Pub: Aug. 3 & 10, 2000.

MICROFILMED

NOV 23 2000

OK  
8/17/00

## STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Dept. of Water  
1341 Heermore St., Suite 200  
Jern Falls, Id 83301-3380*

| Job No. | Date    | DESCRIPTION                                                                                                                                                                                                                                                | Amount                                              |
|---------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|         | 8-10-00 | <p>Notice of Proposed<br/>Change of Water Right.<br/>8/3+10/00 76 lines<br/>Transfer No. 5769, 5770,<br/>5771 (72-04090) (72-04018)<br/>(72-00246)</p> <p><b>RECEIVED</b><br/><b>AUG 11 2000</b><br/>Department of Water Resources<br/>Southern Region</p> | <p>\$104.88</p> <p><i>OK<br/>mb<br/>8/17/00</i></p> |

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

MICROFILMED

NOV 28 2000

## NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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Karl J. Dreher, Director

Published in the Challis Messenger on 08/03 & 08/10/00.

MICROFILMED

NOV 20 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 28, 2000

ATTN LEGALS  
CUSTER PUBLISHING  
PO BOX 405  
CHALLIS ID 83226

Ladies and 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.

*Taped also on this date  
thx!*

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

*Mary Baldwin*

Mary Baldwin

Administrative Assistant

Enclosure

MICROFILMED

NOV 28 2000

Memorandum

**To:** T5769

**From:** John Freitag, Water Resource Agent

**Re:** Overlapping Rights

**Date:** 07/13/00

---

Transfer 5769 is proposing to change the place of use and point of diversion. 0.8 acre is to be dried up on BLM land and put back into irrigation on applicants land. The POD is being moved upstream for more efficient delivery.

There are three irrigation rights which have acres listed in some of the same tracts as 72-04090, which is the right being transferred. These rights are; 72-04046, 72-04018, and 72-07247. Upon review of the claim files, it appears that they are different acres than 72-04090. 72-04046, 72-04018, and 72-07247 are on the east side of the Salmon River, and 72-04090 is on the west side.

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NOV 20 2000

**T#5769**

HOLLAND & HART <sup>LLP</sup>  
ATTORNEYS AT LAW

DENVER • ASPEN  
BOULDER • COLORADO SPRINGS  
DENVER TECH CENTER  
BILLINGS • BOISE  
CHEYENNE • JACKSON HOLE  
SALT LAKE CITY

SUITE 1400  
101 SOUTH CAPITOL BOULEVARD  
BOISE, IDAHO 83702-7714  
MAILING ADDRESS  
P.O. BOX 2527  
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000  
FACSIMILE (208) 343-8869

Murray D. Feldman  
mfeldman@hollandhart.com

June 13, 2000

John Freitag  
Water Resource Agent  
Idaho Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301-3380

RECEIVED  
JUN 14 2000  
Department of Water Resources  
Southern Region

Re: High Mountain Ranches Limited Partnership Applications for  
Transfer of Water Right Nos. 72-04090, 72-00246, 72-00247,  
72-04018, 72-04046

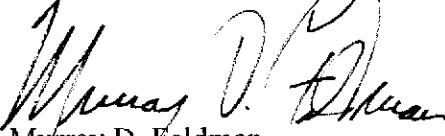
Dear Mr. Freitag:

As we discussed and in response to your letter of April 13, 2000, I enclose revised applications for transfer involving the above-referenced water rights for the High Mountain Ranches Limited Partnership. We have endeavored to answer each of the items you indicated on the revised transfer applications.

If you have any questions about the applications or require additional information or clarification, please let me know. Thank you very much for your assistance with these applications.

Sincerely,

HOLLAND & HART <sup>LLP</sup>

  
Murray D. Feldman

MDF:cd

Enclosures

cc: Mr. Terry Walther  
Ms. Kathryn S. Herrick  
2673774\_1.DOC

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NOV 28 2000

T#5769



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 13, 2000

Murray D. Feldman  
P.O. Box 2527  
Boise, ID 83701-2527

Dear Mr. Feldman:

Please find enclosed three suggested Applications for Transfer in the name of High Mountain Ranches Limited Partnership involving water rights 72-04090, 72-00246 and 72-00247, and 72-04018 and 7204046. There are some items that need to be addressed before we can proceed any further with these applications.

For each application I have filled out what I think will reflect the changes you are trying to achieve. The original transfers submitted had portions of the applications filled in which suggested the rights would be split into two parts. I do not think that this is what you are trying to achieve with any of these transfers. It seems that the transfers are simply trying to move acres from BLM land to private ground (except 72-04090 which is also changing the point of diversion) the applications I have included should reflect this. The applications I filled out still need some sections filled in (that were either not filled in on the original application or filled out incorrectly). I have hopefully clearly indicated what needs to be filled in with notes next to each section for each application.

**Please be aware that I have sent these Applications for Transfer so you may address the issues that need completion/correction. I will give you 30 days from the date of this letter to resubmit the corrected applications before I return your original applications and refund your \$300 filing fee (\$100 per application).**

I strongly encourage you to send the corrected applications to this office (attn. John Freitag) as soon as possible to prevent further delays in the processing of your applications. If you have any questions or need any further assistance feel free to contact me at your convenience.

Sincerely,

John Freitag  
Water Resource Agent

cc: High Mountain Ranches Limited Partnership

MICROFILMED

NOV 28 2000

**T#5769**

COPY

HOLLAND & HART<sup>LLP</sup>  
ATTORNEYS AT LAW

DENVER • ASPEN  
BOULDER • COLORADO SPRINGS  
DENVER TECH CENTER  
BILLINGS • BOISE  
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P.O. BOX 2527  
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000  
FACSIMILE (208) 343-8869

Murray D. Feldman  
mfeldman@hollandhart.com

March 29, 2000

*Via UPS Overnight*

RECEIVED

MAR 31 2000

Department of Water Resources  
Southern Region

Mr. Steve Clelland  
Senior Water Resource Agent  
Idaho Department of Water Resources  
Southern Region  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301

Re: Herrick Water Right Claims in Basin 72  
Notice of Change of Water Right Ownership and Application for  
Transfer Forms

Dear Mr. Clelland:

As we discussed at the close of last year, I am transmitting to you for submission to IDWR the following applications and materials concerning the Herricks' water rights and water right claims in Basin 72.

1. A Notice of Change of Water Right Ownership form and supporting documents. This Notice of Change of Water Right Ownership form will serve to change the name for the indicated water rights from Mr. and Mrs. Herrick individually to the present record owner of the appurtenant real property for the water rights, the High Mountain Ranches Limited Partnership. In accordance with this requested change, all of the following water right transfer applications have been prepared in the name of the High Mountain Ranches Limited Partnership.
2. Application for Transfer of Water Right concerning Water Right No. 72-04090.
3. Application for Transfer of Water Right concerning Water Rights Nos. 72-04018 and 72-04046.

MICROFILMED  
APR 28 2000

Mr. Steve Clelland  
March 29, 2000  
Page 2

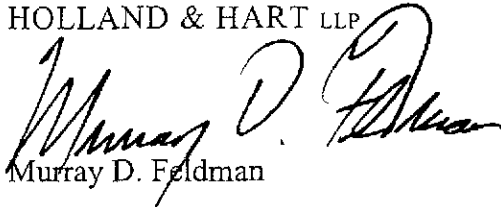
4. Application for Transfer of Water Right concerning Water Rights  
Nos. 72-00246 and 72-00247.

I have also enclosed a check in the amount of \$300.00 payable to IDWR  
for the \$100 fee for each transfer application.

If you have any questions about these applications or the notice of change,  
or need additional information, please let me know. Thank you very much for  
your assistance with these items and your attention to this matter.

Sincerely,

HOLLAND & HART LLP



Murray D. Feldman

MDF:cd  
Enclosures  
cc: Mr. Terry Walther  
(w/encls. via U.S. Mail)  
2643989\_1.DOC/29727.1799

MICROFILMED  
NOV 28 2000

**Labels in This Space**

**Labels:** ☒ UPS Tracking Label and your address label

Place the Tracking Label to the left of the address label.

Stamp your UPS Shipper Number or place parcel register tape above the address label.

☒ UPS Air Shipping Document

☒ UPS Waybill

RECEIVED

MAR 31 2000

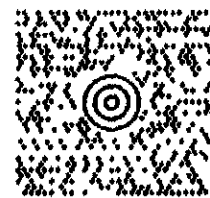
Department of Water Resources  
Southern Region

HOLLAND & HART  
MURRAY D. FELDMAN  
(208) 342-5000  
101 SOUTH CAPITAL , SUITE 14  
BOISE ID 83702

1 OF 1

**SHIP TO:**

MR. STEVE CLELLAND  
IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION  
SENIOR WATER RESOURCE AGENT  
1341 FILLMORE STREET , SUITE 200  
TWIN FALLS ID 83301



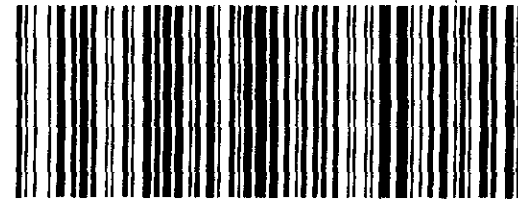
**ID 8330-10**



**UPS NEXT DAY AIR**

TRACKING #: 1Z E79 W29 01 4080 8618

**1**



PKG REF 1: 29727.6001/06550

UOF 7.0.4 UPS Thermal 2442 1025



International Shipping Notice - Carriage hereunder may be subject to the rules relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (the "Warsaw Convention") and/or the Convention on the Contract for the International Carriage of Goods by Road (the "CMR Convention"). These commodities, technology or software were exported from the U.S. in accordance with the Export Administration Regulations. Diversion contrary to U.S. law prohibited. For stopping places, call 1-800-782-7892. United Parcel Service, Louisville, KY

100% Recycled Fiber  
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Shipping Notice - Carriage hereunder may be subject to the rules relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (the "Warsaw Convention") and/or the Convention on the Contract for the International Carriage of Goods by Road (the "CMR Convention"). These commodities, technology or software were exported from the U.S. in accordance with the Export Administration Regulations. Diversion contrary to U.S. law prohibited. For stopping places, call 1-800-782-7892.

UPS Airline: ISO 9001 Quality Registered 010195201 Rev. 4/99 RT United Parcel Service, Louisville, KY 36 USC 380

MEMO

High Mtn. Ranches  
Transfer 5769 w/ 72-04090  
Overlaps

.3

1.5

1.7

72-10244 — Domestic / stock

72-04046  
72-04018  
72-07247 } All on E side of River

Moving ~~acres~~ 0.8 acres off of BLM  
Changing POD to more efficient location

---

|                 |       |           |
|-----------------|-------|-----------|
| 5769            | Moves | 0.8 acres |
| 5770            | "     | 3.5 acres |
| <del>5771</del> | "     | 4.1 acres |

---

T5770

OVERLAPS

72-04018 + 72-04046 appear to overlap with 72-07247

both indicate acres in NWSE of 511  
AJ files show that they are  
diff. acres

5771

00046  
00047

72-04169

SWNW 53

72-04048 MICROFILMED

72-04048 diff lot #15

also WR 72-07398 not filed in AJ

T#5769

RECEIPT  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No: S022951

Date: 4/ 3/2000  
Time: 17:00:21

Received  
From: HOLLAND & HART LLP

| Type of Payment                            | Program Acct | Amount    |
|--------------------------------------------|--------------|-----------|
| 3 APPS FOR TRANSFER - HIGH MTN RANCH 64106 | 229 21 1155  | 300.00    |
| CHECK 22139                                | Total        | \$ 300.00 |

Region: SOUTHERN

Signature: \_\_\_\_\_

*J. E. Stanton*

MICROFILMED

NOV 23 2000

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED

MAR 31 2000

Department of Water Resources  
Boise RegionName of applicant High Mountain Ranch<sup>65</sup> Limited Partnership Phone 208-336-8719  
Post Office address 2027 Silver Creek Lane, Boise, Idaho 83706

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To move historical use from public (BLM) land onto private land at request of BLM to avoid unpermitted use of BLM land. To change point of diversion to more efficient location.

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

- | 1. Right Number | Priority         | Amount (cfs/ac-ft) | Nature of Use     | Period of Use                |
|-----------------|------------------|--------------------|-------------------|------------------------------|
| <u>72-04090</u> | <u>4/01/1902</u> | <u>0.9 cfs</u>     | <u>Irrigation</u> | <u>4-01</u> to <u>10-31</u>  |
| <u>72-04090</u> | <u>4/01/1902</u> | <u>0.02 cfs</u>    | <u>Stockwater</u> | <u>01-01</u> to <u>12-31</u> |
| _____           | _____            | _____              | _____             | _____ to _____               |
| _____           | _____            | _____              | _____             | _____ to _____               |
2. Total amount of water being transferred 0.02 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Sink Creek tributary to Salmon River
4. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|----|----|----|------|------|------|--------|--------------------------|
|     | SW | SW | NE | 10   | 11N  | 18E  | Custer |                          |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 11N  | 18E  | 11   |      |      |      |      |      |      |      |      | 1.5  |      |      | 34.8 |      | 1    | 2.1  |      | 39.4   |
|      |      | 14   |      |      |      |      | 5.6  |      |      |      |      |      |      |      |      |      |      |      | 5.6    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 45.0

**PART 1****6. General Information:**

a. Description of diversion system Pipe, headgate, and ditch off stream (see attached photograph)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Public land parcel would cease to be directly irrigated and may return to native vegetation or other desired management condition selected by BLM.

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

MICROFILMED  
NOV 28 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A72-04090 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Amended Bargain and Sale Deed

3. Source of water Sink Creek tributary to Salmon River

4. Date or priority 4/01/1902

5. Water is used for the following purpose:

amount 0.9 cfs for Irrigation purposes from 4-01 to 10-31  
(cfs/ac-ft)  
amount 0.02 cfs for Stockwater purposes from 01-01 to 12-31  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.9 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|----|----|----|------|------|------|--------|--------------------------|
|     | SE | SW | NE | 10   | 11N  | 18E  | Custer |                          |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 11N  | 18E  | 11   |      |      |      |      |      |      |      |      | 1.5  |      | 0.8  | 34   |      | 1    | 2.1  |      | 39.4   |
|      |      | 14   |      |      |      |      | 5.6  |      |      |      |      |      |      |      |      |      |      |      | 5.6    |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 45

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

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

NO

If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

Note: Point of Diversion is changed to reflect requested new <sup>POD.</sup> ~~POD.~~ <sup>Place of</sup> ~~Point~~  
 2. Point(s) of Diversion: ~~use of Diversion~~ is changed only to extent of moving 0.8 acres of use as noted  
 on pages 1 and 3.

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

3. Lands irrigated or place of use:

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

Total acres \_\_\_\_\_

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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NOV 24 2003

Total acres \_\_\_\_\_

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

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

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72-04090  
Herrick  
T11N R18E S10, 11, 14

Overlaid  
on aerial photo  
10

Photo Point 2  
Photo Point 1

Registered location for place of use transfer for 72-04090

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|---|-------------------|-----------------------|-----------------|----------------|
|   |                   |                       |                 | _____ to _____ |
|   |                   |                       |                 | _____ to _____ |

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

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

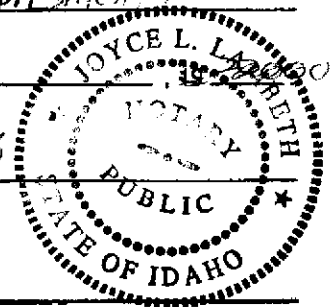
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Kathryn A. Huppert (Signature of Applicant) President J.F.

Subscribed and sworn to before me this 9<sup>th</sup> day of March

Joyce L. Lambeth  
(Notary Public)

My commission expires 11/10/2000**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by MB Date 3/31/00 Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee 100.00 ch# 22139

Receipted by JP Date 4-3-00 5022951

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

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NOV 28 2000

T I I N R I B E

LOS ANGELES

1000 ELYSIAN PARK AVE.

LOS ANGELES, CALIFORNIA 90012-1199

PHONE: 213 - 224-1443

*Dodgers*

1981 WORLD CHAMPIONS

LEWIS G. CARLISLE

Chief Pilot - Director  
of Flight Operations

Mr. David R. Tuthill, Jr., P.E.  
Supervisor, Water Allocation Section  
State of Idaho  
Dept. of Water Resources  
Statehouse  
Boise, ID 83720

RECEIVED

AUG 13 1982

Department of Water Resources

Dear Mr. Tuthill:

I am enclosing a beneficial use card filled out for permit 72-7170.

In regard to this permit we have installed an electric pump in the river and a main line running up to the hay fields where we are running two wheel line sprinkler lines. There is about 20 more additional acres that can be cleared and put in and this will be our next project.

In regard to claim no. 72-4090 on Sink Creek originally we had a concrete main line running down to the irrigated fields on which we had hand lines. This finally started to deteriorate and we then used flood irrigation and now we have replaced the whole system with a new water gathering box, a complete new main line and we are now irrigating with four wheel lines and some permanent set. Needless to say the waters of sink creek are a very important part of the ranch.

I would welcome your people to inspect the ranch at anytime convenient to them.

Sincerely,

*Lewis Carlisle*

Lewis G. Carlisle

New address:

HC 67 Box 2092  
Challis, ID 83226

8-11-82

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NOV 23 2000



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

June 17, 1982

*File 72-4090*

Mr. Lewis G. Carlisle  
Scenic Rt. 75  
Challis, ID 83226

Dear Mr. Carlisle:

As requested in your letter of May 23, 1982, enclosed is a proof to beneficial use postcard to be submitted to this office as a statement that development has been completed as shown on the permit. Proof is due on or before April 1, 1983 for Permit No. 72-7110.

With regard to your inquiry pertaining to status of an application for use of the waters of Sink Creek, I located on record Claim No. 72-4090 for 1 cfs of the waters of Sink Creek, claiming a priority date of April 1, 1902. A claim is not a confirmed water right, but is an affidavit kept on file with the department alleging right to water acquired by diverting and beneficially using the water prior to May 20, 1971, for surface water; and for groundwater, March 25, 1963. Enclosed is a copy of your claim.

Recent applications filed within the past month are being held in our regional office and I do not have access to the data at this time. If the claim is not the water right you spoke of in your letter, please let me know and I will conduct further research for a recent application for permit filed after April 1982.

If you have any questions or need further assistance, please do not hesitate to contact me.

Sincerely,

*Roberta Garrett*

Roberta Garrett  
Records Supervisor

Enclosure

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NOV 28 2000

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3579

FEBRUARY 8, 1982

LEWIS CARLISLE  
MILDRED CARLISLE  
STAR ROUTE  
CHALLIS

ID 83225

RE: Claim No. 72-4090

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



LOREN O. HOLMES  
Southern Region Supervisor

Enclosure

**MICROFILMED**

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

---

22-4090-

CARLISLE, LEWIS &/or MILDRED

STAR ROUTE, CHALLIS, ID 83226

Source: SINK CREEK tributary to SALMON RIVER

Priority Date: 04/01/1902

Amount: 1.00 CFS

Diversion Point: SWNE Sec 10 T 11N R 18E, CUSTER Co.

|                 |            |                     |
|-----------------|------------|---------------------|
| Use: IRRIGATION | (1.00 CFS) | from 04/01 to 11/01 |
| STOCKWATER      | (0.02 CFS) | from 01/01 to 12/31 |

Place of Use: LOT 06 (NESW) SWSW LOT 07 (SESW) Sec 11 T 11N R 18E  
LOT 02 (NENW) Sec 14 T 11N R 18E FOR 47 ACRES

Diversion Means: EARTH DITCH, PIPELINE, SPRINKLERS

---

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 1/14 & 1/21/82.

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

JANUARY 6, 1982

Custer Publishing Company  
P. O. Box 405  
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 1, 1982.

Yours truly,

Mary A. Hill  
Secretary

Encl.

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State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 72. 4090 Applicant CARLISLE, Lewis &/or Mildred

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. None

By ADM Date 2/3/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 2/5/82

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POINT OF DIVERSION AND STREAM INDEX INFORMATION

4-74

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
| SWNE  | 10  | 11N | 18E |              |               | 0.9   |

IDAHO STREAM CODE INDEX

272.0 0920 404.0

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|       |     |     |     |              |               |       |

IDAHO STREAM CODE INDEX

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|       |     |     |     |              |               |       |

IDAHO STREAM CODE INDEX

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|       |     |     |     |              |               |       |

IDAHO STREAM CODE INDEX

| TRACT | SEC | TWP | RGE | gov't<br>lot | rediv.<br>(R) | REACH |
|-------|-----|-----|-----|--------------|---------------|-------|
|       |     |     |     |              |               |       |

IDAHO STREAM CODE INDEX

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