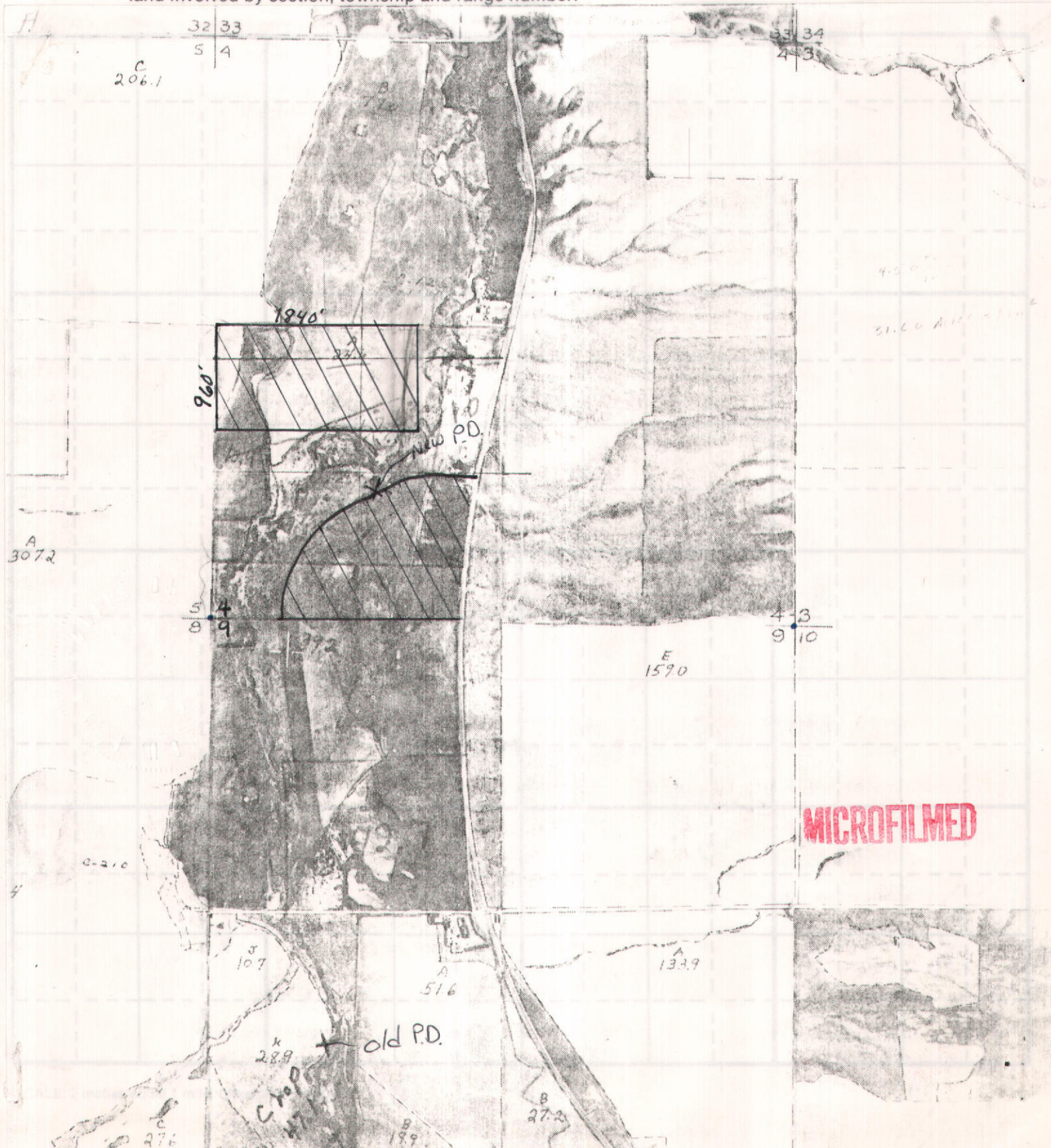


c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	31E	4									11	30	14	27					82

Total number of acres to be irrigated 82

4. Describe any other water rights used for the same purpose as described above. Applicant also owns a portion of 41-0004. A Separate transfer will be filed to show the lands it is being used on
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



2-2460

WARRANTY DEED

For Value Received ARTHUR EMIL ANDERSON, a widower, of Rockland, Idaho,

REVENUE STAMPS

the grantor . do es hereby grant, bargain, sell and convey unto STANLEY R. GROOM and MARGIE E. GROOM, husband and wife, and BLAINE J. MITCHELL and SHIRLEY MITCHELL, husband and wife, of Rockland, Idaho, the grantees , the following described premises, in Power County Idaho, to wit:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Four, the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine and the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Southeast Quarter (SE $\frac{1}{4}$) of Section Seventeen, Township Eleven South, Range Thirty-one East, Boise Meridian.

The Northwest Quarter (NW $\frac{1}{4}$), Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine, EXCEPT therefrom that portion described as follows: Beginning at the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Nine; thence South 25.282 rods; thence East 12.641 rods; thence North 25.282 rods; thence West 12.641 rods to the Point of Beginning, Township Eleven South, Range Thirty-one East, Boise Meridian.

Subject to note and mortgage to Federal Land Bank Association of Blackfoot, Idaho, recorded as Instrument No. 49649, in Drawer #2, records of Power County.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 10, 1972.

LEWING

Arthur Emil Anderson

110846

STATE OF IDAHO, COUNTY OF POWER
On the 15 day of April, 1972,
before me, a notary public in and for said State, personally
appeared

ARTHUR EMIL ANDERSON

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Notary Public

Residing at American Falls
Comm. Expires

My Commission Expires
Aug. 26, 1973

Am Land Title
3-25
THO P 77
110846
#5

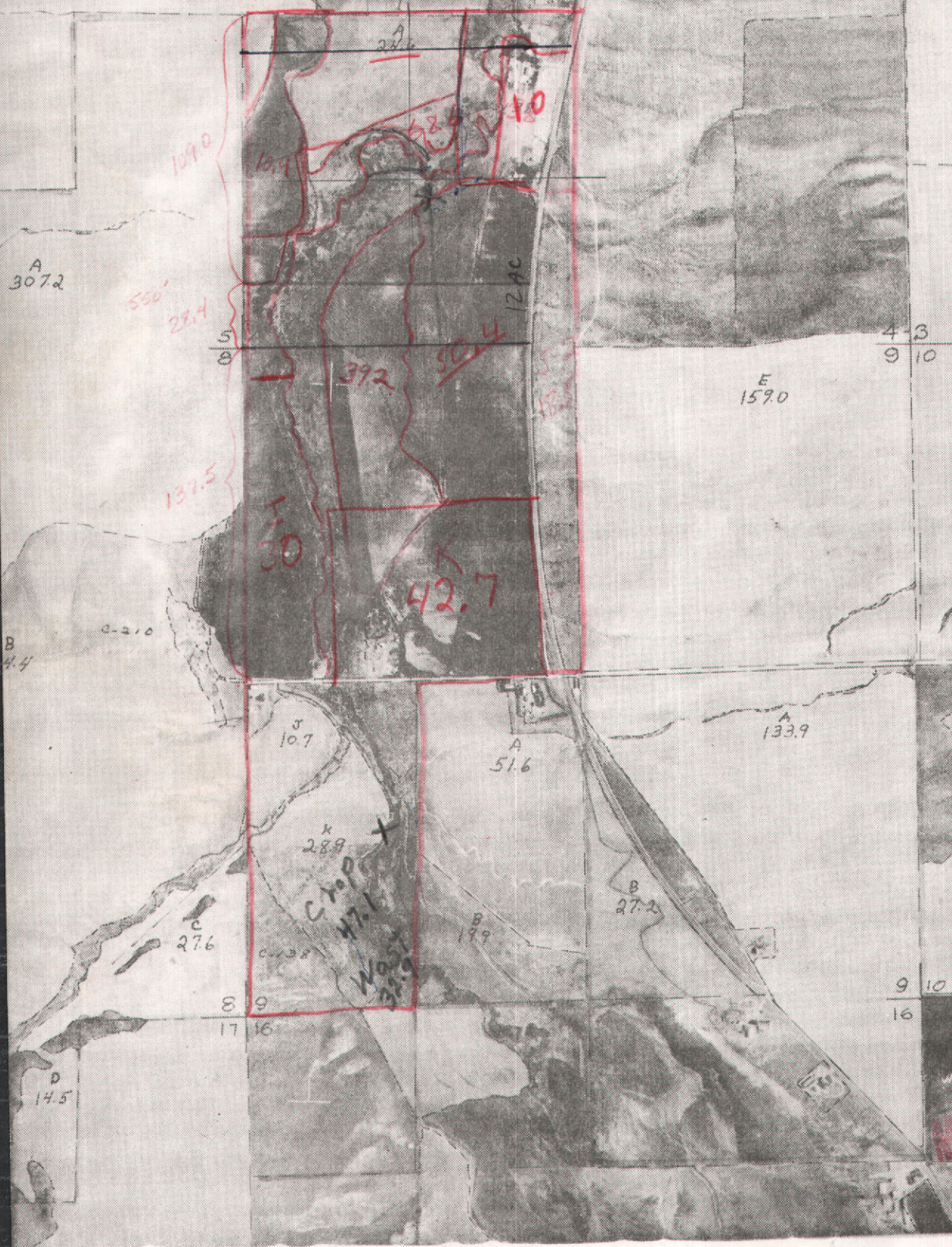
Furnished by the FOCATELLO TITLE CO

RECORDED

Anderson 32 33
5 4
C
206.1

11-15 33 34
4 3

4.50"/mi
31.60 Acres = 1 m²



C
206.1

32/33
5/4

33/34
4/3

4.50 $\frac{1}{2}$ mi

31.60 Acres = 1 m²



960
1090

550
284

5/8

4/3
9/10

E
1590

1315

0-210

3
107

A
516

A
133.9

x
289

c
276

8/9
17/16

9/10
16

MICROFILMED

License and Certificate of Water Right

41-2020

Water License No. G-28522

Amount .86 c.f.s.

Water District No.

Priority March 8, 1960

THIS IS TO CERTIFY that

F. A. SCHUMACHER

of American Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 8, 1960; that Permit No. G-28522 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .86 second feet, was issued thereunder on August 18, 1964, showing that said works were completed on the 2nd day of August, 1960; and that on the 2nd day of August, 1960,

F. A. SCHUMACHER

of American Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation and domestic, under Use Permit No. G-28522 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 7946, on the 18 day of August, 1964.

The right hereby confirmed dates from March 8, 1960.

The Point of Diversion is located

in the SE 1/4 NW 1/4, Sec. 9, Tp. 12 S., R. 3 E., B. M. Power County

That the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .86 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	31 E	9	NE 1/4 NW 1/4	30	25
			NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	30	27
Total number of acres to be irrigated:				132	

POOR QUALITY ORIGINAL

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of

August

19 64

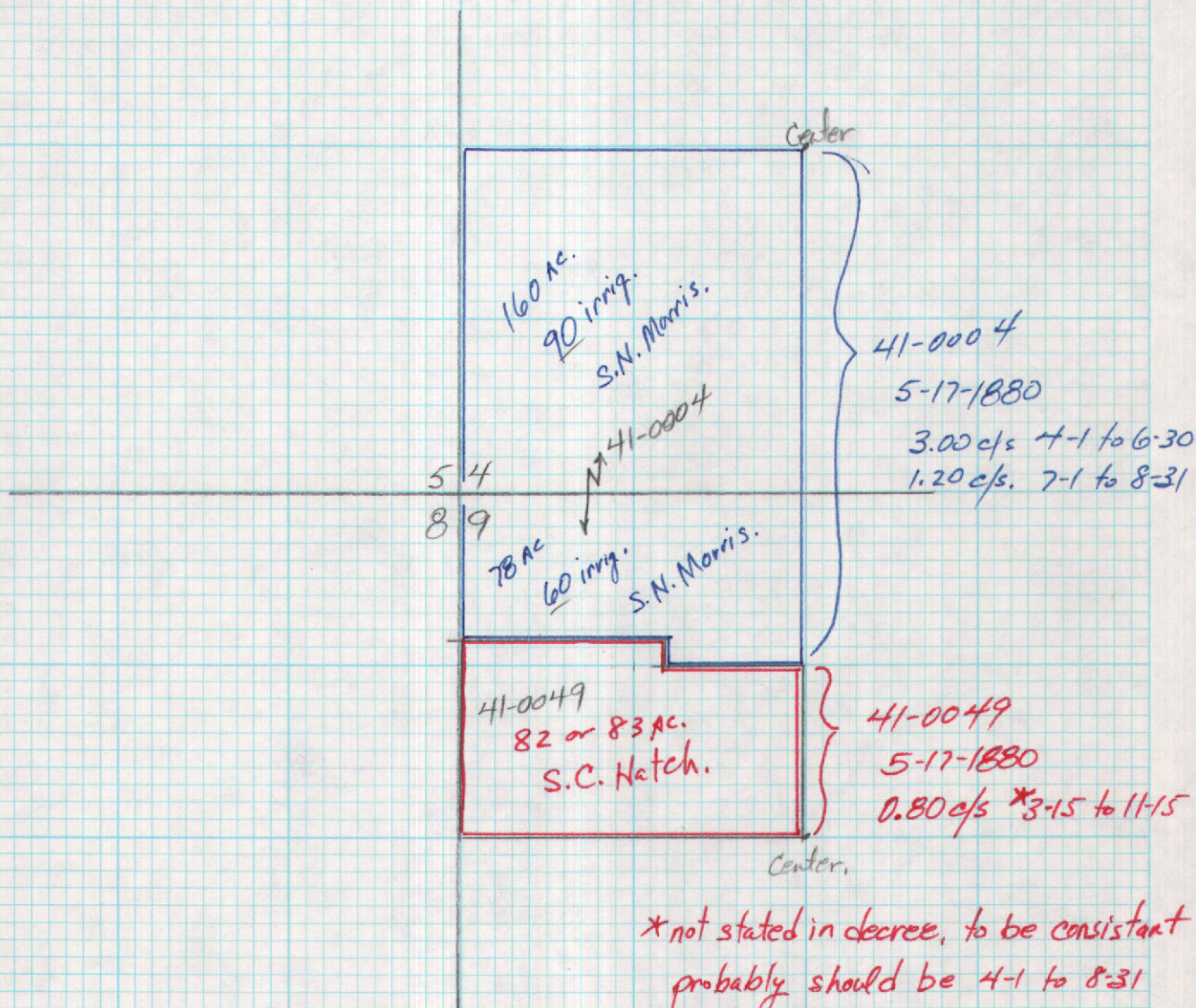
RALPH W. THOMAS

Deputy State Reclamation Engineer.

MICROFILMED

Diagram showing decreed place of use for
rights 41-0004 & 41-0049.

E. Carlsen.
1-31-84



*not stated in decree, to be consistent
probably should be 4-1 to 8-31
(see 41-0004).

MICROFILMED

c. Describe the lands [redacted] place of use to which the right will be transferred:

Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



Transfer No. 2953Water Right No. 41-0049

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

Name of applicant Blaine AND/or Shirley Mitchell Phone 548-2287
Post Office address Star Rt. Box 17, Rockland ID 83271

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 41-0049 Decreed to S. C. Hatch
Application of H. P. Hourz. et al for the arbitration of the claims to the use of
in case of Water of Rock Creek and its Tributaries
dated in June 6, 1903 in 5th Judicial Dist county of Oneida
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Through
Purchase

3. Source of water South Fork Rock Creek tributary to Rock Creek

4. Date of priority May 17, 1880

5. Water is used for the following purposes:

amount 0.80 cfs for Irrigation purposes from MAR 15 to NOV 15 *
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.80 cubic feet per second
&/or
b. _____ acre feet per annum

*7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9
Township 11 S Range 31 E, B.M., in Power County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

* Not given in Decree

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	31E	9					1	1	40	40									82

Total number of acres to be irrigated 82

9. Describe any other water rights used for the same purpose as described above 41-0004
41-2020

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

omit part B).

2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____

Additional points

-

Total number of acres to be irrigated

1. General Information

- b. Description of diverting works 20hp Electric pump to sprinkler system.

- ~~This right has actually been used for at least 20 years. There will be some change in place of use as fields will be expanding for sprinkler sys.~~

- Point of diversion SE 30 1/4, Section 4 Township 11S
Range 31E, B.M., Power County

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes / No . If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

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

The land described on the original right has not been irrigated by this right for at least 20 years. This transfer will not affect physical change in use as the land to be irrigated is the land which has been historically irrigated by this right.

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 24 day of October, 19 83

Blaine Mitchell
(Signature of Applicant)

David O. Fisher
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 41-0049

and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 41, Rock Creek.

Witness my hand this 17 day of October, 19 84

D. Blaine Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

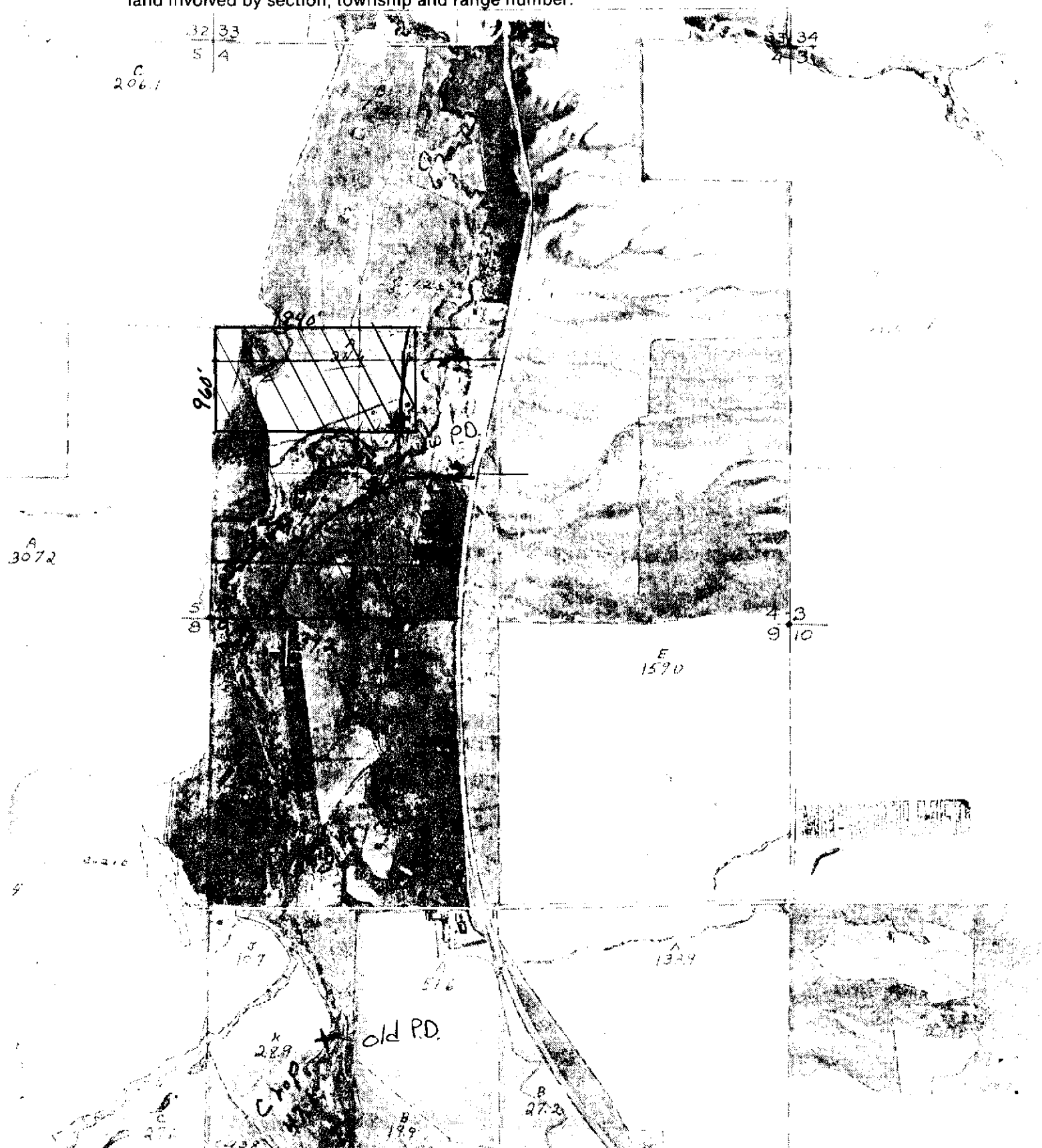
Received by TB Date 10-24-83 Fee 50.00 Received by mary z. Date 10-24-83 32886
Prelim. check by JK
Published in Journal of Commerce 11/24 11/9/83
Pub. dates 11/24 11/9/83
Watermaster recommendation requested on 10/28/83 rec'd. 11/7/83
Recommended for Approval by Alvin Jim 12/1
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by None

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	31E	4									11	30	14	27					82

Total number of acres to be irrigated 82

- Describe any other water rights used for the same purpose as described above. Applicant also owns a portion of 41-0004. A Separate transfer will be filed to show the lands it is being used on
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



Federal Land Bank Association of Blackfoot

10 West Judicial, P.O. Box 10
Blackfoot, Idaho 83221
Telephone: (208) 785-0820

RICHARD E. SPENCER, *Manager*



RECEIVED

OCT 28 1983

Department of Water Resources
Southern District Office

October 25, 1983

Blaine Mitchell
Rockland, ID 83271

RE: FLB 170565-8

Dear Mr. Mitchell:

We understand that it is your intention to change the point of diversion for irrigation water from Rock Creek from the present point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, Twp. 11 So., Rge. 31 EBM to a point in the SW $\frac{1}{4}$ Sec. 4, Twp. 11 So., Rge. 31 EBM.

This letter is to advise that we have no objection to this action provided we can be assured that it will not adversely affect the present water right on the land which secures our mortgage.

Very truly yours,

Richard E. Spencer
Manager

mj

cc: Stanley R. Groom
Rockland, ID 83271



RECEIVED

2 2400

WARRANTY DEED

For Value Received ARTHUR EMIL ANDERSON, a widower, of Rockland, Idaho,

REVENUE STAMPS

the grantor, does hereby grant, bargain, sell and convey unto STANLEY R. GROOM and MARGIE E. GROOM, husband and wife, and BLAINE J. MITCHELL and SHIRLEY MITCHELL, husband and wife, of Rockland, Idaho, the grantee, the following described premises, in Power County Idaho, to wit:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Four, the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine and the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Southeast Quarter (SE $\frac{1}{4}$) of Section Seventeen, Township Eleven South, Range Thirty-one East, Boise Meridian.

The Northwest Quarter (NW $\frac{1}{4}$), Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine, EXCEPT therefrom that portion described as follows: Beginning at the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Nine; thence South 25.282 rods; thence East 12.641 rods; thence North 25.282 rods; thence West 12.641 rods to the Point of Beginning, Township Eleven South, Range Thirty-one East, Boise Meridian.

Subject to note and mortgage to Federal Land Bank Association of Blackfoot, Idaho, recorded as Instrument No. 49649, in Drawer #2, records of Power County.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 10, 1972.

110516

STATE OF IDAHO, COUNTY OF POWER

On this day of April, 1972, before me, a notary public in and for said state, personally appeared

ARTHUR EMIL ANDERSON

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public
Residing at American Falls, Idaho
Comm. Expires

Submitted by the REGISTRAR THIS 00

H 1025 32 33
5 4
C
206.1

33 34
2

4.5 8 1/4

31.60 Acres = 1 m²

A
3072

5
8

4 3
9 10

E
1590

0.210

5
107

A
516

1339

289

276

B
273

8 9
17 16

9 8
16

D
145

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) Donald D. Burnside - Notary Public

Filed for record the 5th day of July A. D. 1910, at 9-20 o'clock A. M. Request of
Riverside Merc. Co. John J. Evans ex-officio Recorder
By J. Jones Jr. Asst. Recorder

Reference: Book "Z" of Deeds at page 260 Original Oneida County Records.

COPIED
OCT 10 1983

Department of Water Resources
Caretaker's Office

INDEXED

Instrument No 16704

This Indenture, made the 28th day of July in the year of our Lord one thousand eight hundred and ninety one between James W. Frodsham of County of Oneida State of Idaho the part of the first part, and Stephen C. Hatch of County of Oneida State of Idaho the party of the second part,

Witnesseth: That the said party of the first part, for and in consideration of the sum of Four Hundred and fifty dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Oneida, State of Idaho, bounded and more particularly described as follows, to-wit:

Commencing at the southwest corner of the northwest quarter of section nine Township eleven range 31 east Boise Meridian running east one hundred and sixty rods; thence north eighty two rods; thence west 67 rods; thence north 12 rods; thence west 1 1/4 rods;

STATE OF IDAHO)
COUNTY OF POWER) ss.

I hereby certify that the foregoing instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court, of the Sixth Judicial District of Idaho, for Power County.

MARJORIE GLASCOCK, CLERK

By *Eileen Sparkley*
DEPUTY CLERK

thence south 1 rod; thence east $\frac{1}{2}$ rods; thence south 11 rods; thence west 92 rods; thence south 82 rods to place of beginning containing 83 acres more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereto;

To have and to hold, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said party of the first part, and his heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In Witness whereof, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of

J. P. Caldwell Walter T. Oliver

J. W. Frodsham (Seal)

State of Idaho,

ss.

County of Oneida

On this 28th day of July 1891, before me, Walter T. Oliver a Notary Public in and for said County, personally appeared James T. Frodsham known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(Seal)

Walter T. Oliver - Notary Public

Filed for record the 19th day of Sept A. D. 1910, at 4-35 o'clock P. M.

and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said party of the first part, and his heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In Witness whereof, the said party of the first part has herunto set his hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of

J. W. Frodsham (Seal)

J. P. Caldwell Walter T. Oliver

State of Idaho,

ss.

County of Oneida

On this 28th day of July 1891, before me, Walter T. Oliver a Notary

Public in and for said County, personally appeared James T. Frodsham known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(Seal)

Walter T. Oliver - Notary Public

Filed for record the 19th day of Sept A. D. 1910, at 4-35 o'clock P. M.

John J. Evans ex-officio Recorder
By J. Jones Jr. Assistant

Reference: Book "2" of Deeds at page 266 Original Oneida County Records.

COMPALED

INDEXED

Instrument No 16705

This Indenture, made the eighth day of December in the year of our Lord

206.1

32 53
5 4

34

4.50 $\frac{m}{mi}$

31.60 Acres = 1 mi^2

960

72

E
1590

4 3
9 10

10.7

A
51.6

A
133.9

276

8
17

8 10
16

5

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

S.S.

Brett Crompton being first duly sworn

on oath, states:

That he is the editor of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for successive weekly issues thereof, the date of the first publication being the 2 day of Nov, 1983

the date of last publication being the

9 day of Nov, 1983

(Signed) Brett Crompton

Subscribed and sworn to before me this

9 day of Nov, 1983

Randa Hobb
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

10 day of March, 1986

Proposal for change of water right.

Published in The Power County Press November 2 and 9, 1983.

NOTICE OF CHANGE OF WATER RIGHT NO. 41-0049

Notice is hereby given that Blaine &/or Shirley Mitchell of Rockland, Idaho have applied to the Department of Water Resources for a change of point of diversion and change of place of use of a right from South Fork Rock Creek tributary to Rock Creek. The right sought to be changed is evidenced by decree to S.C. Hatch in case of Application of H.P. Houtz, et al for the

arbitration of the claims to the use of the waters of Rock Creek and tributaries, dated June 6, 1903 in Fifth Judicial District county of Oneida and recorded as follows:

Amount: 0.08 cfs

Priority: May 17, 1880

Point of Diversion: NW 1/4 SW 1/4, Sec. 9, T11S, R31E, Power County The water is used for irrigation of 82 acres within the NW 1/4, Sec. 9, T11S, R31E

from March 15 to November 15.

TO BE CHANGED AS FOLLOWS:

Amount: 0.08 cfs

Point of Diversion: SE 1/4 SW 1/4, Sec. 4, T11S, R31E, B.M., Power County

Place of Use: SW 1/4, Sec. 4, T11S, R31E for irrigation of 82 acres from March 15 to November 15.

Any protest against the approval of the above named proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before November 14, 1983.

A. KEN DUNN, Director

RECEIVED

NOV 15 1983

DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

op maye

and S.W.1/4 N.W.1/4 Sec., 23 in tp., 11 S.R.31, E., containing 160 acres and has homestead receipt therefor dated Oct., 27th., 1883; that on May 8th., 1884 he constructed a ditch from Landen creek, a tributary of south fork creek, and diverted said water to and upon the above described tracts of land and has continued to use the same until he now has in cultivation about 12 acres of grain, 5 or 6 acres of lucerne and 30 acres of meadow. that the said Hyrum Hartley is entitled to the use at all times of 48 inches of the water of said Landen creek and the springs tributary thereto, except during the months of July and August when he is entitled to the flow of 18 inches of said water to be used upon the land above described, his right to the use thereof to date from May 8th., 1884. 41 0012

That S.C.Hatch is entitled to the use at all times to the flow of 40 inches of water to be used upon the lands purchased by him from Jas.Prodsham and before refered to containing 82 acres: his right to the use thereof, to date from the 17th. day of May 1880. 41 049 - 41-0049

That in the spring of 1881 Chas. Tayson jr., settled upon a tract of land adjoining the Chas Tayson, sr., tract above described and in the spring of said year constructed a ditch from south fork of Rock Creek to and upon said tract and in the summer of said year cultivated 10 acres of grain and 10 acres of meadow and continued to use said water every year up to 1888 when he sold to Bradley Jackson; that there is now in cultivation upon said tract about 30 acres of lucerne; that said Bradley Jackson is entitled to the use at all times of 30 inches of water of the said south fork creek to be used upon the lands purchased from Chas. Tayson, jr. and his right to the use thereof to date from the 1st. day of May 1881.

That in the spring of 1885 John Stredder made settlement upon the following described tract of land: N.W.1/4, N.E.1/4 of sec.29, tp., 10 S.R., 31 E. 40 acres; constructed a ditch from south fork of Rock Creek to and upon said lands and used said water every year up to the year 1884; that he sold to J. Mc, Donald; said Mc, Donald is now residing upon said tract of land and has now in cultivation about 12 acres of lucern.

That the said George Mc.Donald is entitled to the use at all times to 40
inches of water to be used upon the said tract of land for the irrigation
thereof, the said right to date from May, 1st., 1885. 41 045

E.T.Olney on April 2nd., 1889 settled upon and made entry to and upon the N.1/2 N.W.1/4 and N.1/2 S.W.1/4 sec., 34 tp., 11 S.R.31 E. and diverted water from Indian creek a tributary of south fork and used upon said land about 20 inches of said water and still continues the same. he is entitled at all times to the use of 20 inches of water of said Indian creek to be used upon said land, his right to date from April 1st., 1889. 41 001

James Mongn and John Mantiwitch, Indians in the spring of 1882 made settlement upon the following described tracts of land to wit: E.1/2, S.E.1/4 sec.21 W.1/2 S.W.1/4 sec.22 and W.1/2 N.W.1/4 sec.27 E.1/2 N.E.1/4 sec.28 tp.11 S.R.31.E and have continued to reside thereon and each of them made final homestead proof on same; that in the spring of 1883 they diverted water from spring on the claim of V.I.Stewart, said spring tributary to south of Rock Creek and used said water upon the above described tracts of land and so continued to use said water between them untill the spring of 1886 when V.I.Stewart made settlement upon the following described tract to wit: S.1/2 S.E.1/4 and S.E.1/4 S.W.1/4 sec.22 N.E.1/4 N.E.1/4 sec.27 tp.,11 S.R.31 E. when they the said Indians permitted the said V.I.Stewart to use on the last described tract a joint and equal share of the water flowing from said spring and that said Indians and said V.I.Stewart have continued to use said water jointly ever since. that the said Mongn and Montiwitch and the said Stewart are entitled to the use at all times of the flow of all the water flowing from said springs their right to the use thereof to date from May 1st., 1883. 41 0015

That I.L.Stewart on the 3rd., day of Oct., 1885 made settlement upon the following described tract of land; N.E.1/4 S.W.1/4 N.1/2 S.E.1/4 sec 22 and N.W.1/4 S.W.1/4 sec 23 tp.11 S.R.31.E. and has homestead receipt the refor; that in the spring of 1886 he diverted and appropriated the water from certain springs tributary to the south fork of Rock Creek rising upon and near said land and has continued to use said water each and every season since.

That said I.L. Stewart is entitled at all times to the use of the water of said springs, his right to said use to date from Apr., 1st., 1886. We find that Joseph Perkins made settlement upon a tract of land lying upon the south fork of Rock Creek (a description of which we were unable to procure) about the year 1885; that in the spring of the year 1886 he made an appropriation of water from said south fork and cultivated a small portion of said land and irrigated the same from said stream and has con-

October 22, 1984

RE: Transfer of Water Right No. 41-0049

Blaine &/or Shirley Mitchell
Star Rt., Box 17
Rockland, ID 83271

Dear Mr. and Mrs. Mitchell:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2952). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. Stanton

1. Right number 41-0049 Applicant Blaine & Shirley Mitchell
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- ☒ Description of original point of diversion.
- ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- ☒ Check description of point(s) of diversion.
- ☒ Check description of place of use.
- ☒ Check map (shows p.d. and p.u. after transfer).
- ☒ Check for correct signature, notarization, and fee.

☒ Check proof of ownership of right &/or land from which water is transferred. *Needs statement from lender & proof of ownership*

h. ☒ Check for expansion in use of right. Comments no apparent expansion → land wtr removed from is irrigated by G.W. under rt. 41-2020.

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 41-0004 Part

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 41 - Rock Creek

FINAL PROCESSING REVIEW BY: ADM & LOH

1. Watermaster recommendation requested on 10/28/83 Received on 11/7/83
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny

3. Conditions* Under Control W.M. Dist. 41
Access device & control works.
05(41 Rock Creek), OIE

4. By ADM Date 11/18/83

Jim 6-7-84 USE ABOVE CONDITIONS
* All uses within Watermaster Districts require special conditions.

RECEIVED
12-2-83
After 3/22/1984
MICROFILMED

License and Certificate of Water Right

Water License No. G-28522

41-2000

Amount .86 c.f.s.

Water District No.

Priority March 8, 1960

THIS IS TO CERTIFY that

F. A. SCHUMACHER

of American Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 8, 1960; that Permit No. G-28522 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .86 second feet, was issued thereunder on August 18, 1964, showing that said works were completed on the 2nd day of August, 1960; and that on the 2nd day of August, 1960,

F. A. SCHUMACHER

of American Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation and domestic, under Use Permit No. G-28522 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 7946, on the 18 day of August, 1964.

The right hereby confirmed dates from March 8, 1960.

The Point of Diversion is located

in the 11 S. 14 N. 1 E. Sec. 9, Twp. 14 S., R. 1 E., B. M. Power, County

That the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually needed and beneficial for said purposes, and shall not exceed .86 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	14 N.	1 E.	N. 1/2 NW 1/4	40	40
			NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			Total number of acres to be irrigated:	132	132

POOR QUALITY ORIGINAL

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of

August

W. H. HMAS

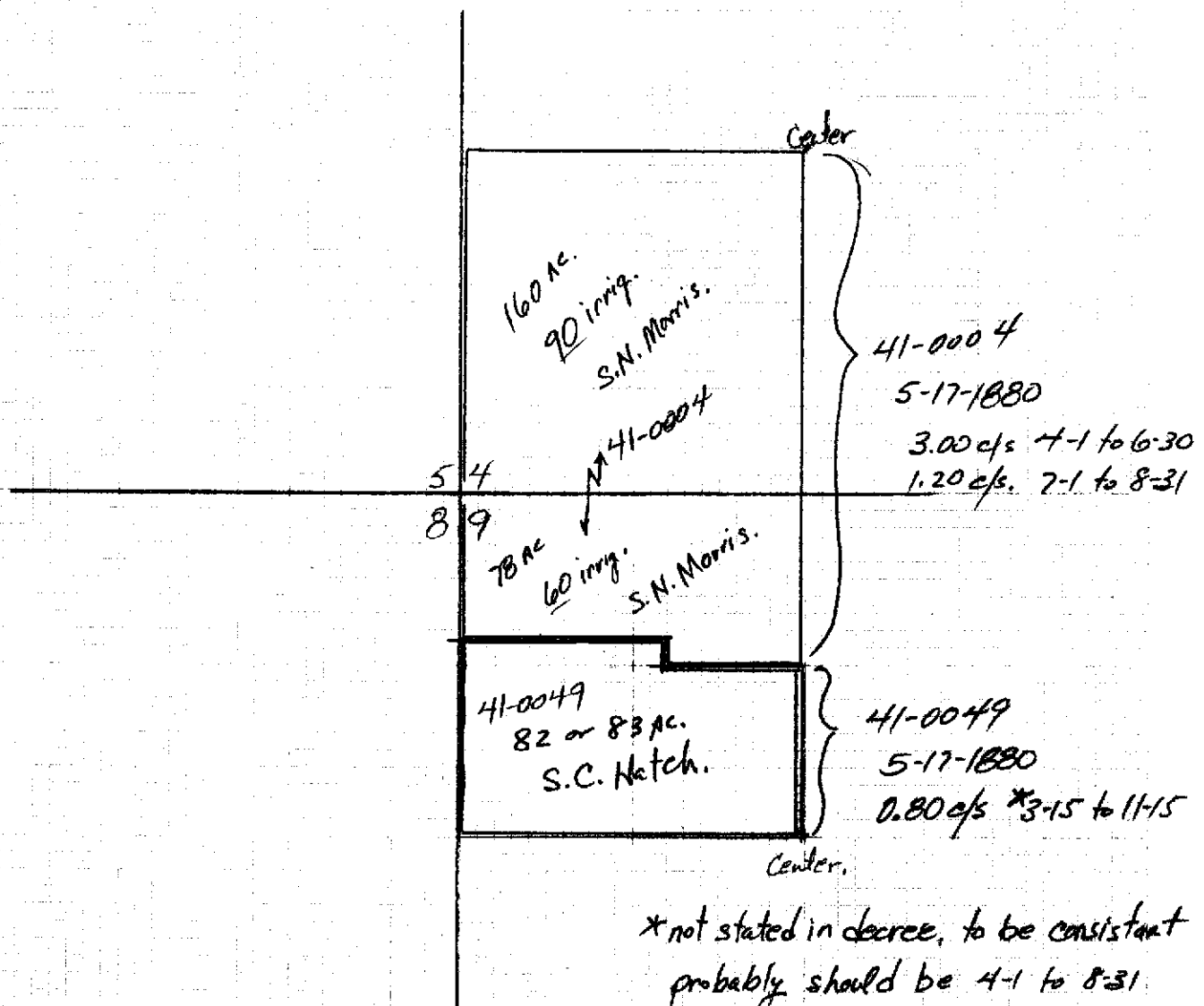
State Reclamation Engineer.

MICROFILMED

90" Landing Oth

Diagram showing decreed place of use for
rights 41-0004 & 41-0049.

E. Carlsen.
1-31-84



*not stated in decree, to be consistent
probably should be 4-1 to 8-31
(see 41-0004).

MICROFILMED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 41-0049

RECEIVED

NOV 7 1983

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Southern District Office

I, James Robinson, watermaster of 1983,
of Water District No. 41, County of Power, State of Idaho,
whose address is P.O. Box 157 Rocklaid Idaho 83271

have read the attached copy of the application for transfer of water right for Blaine and/or
Shirley Mitchell, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: that there be some metering device and
Valve installed on the Pump to control water flow water
delivery. Or that the water be measured before entering
the pump.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Rocklaid, Idaho, this 30 day of Oct 1983.

James Robinson
(signature)

RECEIVED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT *LH*
NO. 41-0049

Notice is hereby given that Blaine &/or Shirley Mitchell of Rockland, Idaho have applied to the Department of Water Resources for a change of point of diversion and change of place of use of a right from South Fork Rock Creek tributary to Rock Creek. The right sought to be changed is evidenced by decree to S. C. Hatch in case of Application of H. P. Houtz, et al for the arbitration of the claims to the use of the waters of Rock Creek and tributaries, dated June 6, 1903 in Fifth Judicial District county of Oneida and recorded as follows:

Amount: 0.80 cfs

Priority: May 17, 1880

Point of Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T11S, R31E, Power County

The water is used for irrigation of 82 acres within the NW $\frac{1}{4}$, Sec. 9, T11S, R31E from March 15 to November 15.

TO BE CHANGED AS FOLLOWS:

Amount: 0.80 cfs

Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T11S, R31E, B.M., Power County

Place of Use: SW $\frac{1}{4}$, Sec. 4, T11S, R31E for irrigation of 82 acres from March 15 to November 15.

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before November 14, 1983

A. KEN DUNN, Director

Published in Power County Press on November 2 and November 9, 1983.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

October 28, 1983

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Re: Application for Transfer of Water Right No. 41-0049

Gentlemen:

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

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

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

Sincerely,

Mary A. Newby
Sec/Office Coord

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 28, 1983

James Robinson
Watermaster District 41- Rock Creek
Rockland, Idaho 83271

Re: Application for Transfer of Water Right No. 41-0049

Dear Mr. Robinson:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

UNRECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

October 4, 1983

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Re: Notice of Proposed Change of Water Right No. 41-0004

Gentlemen:

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

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

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

Sincerely,

Mary A. Newby
Sec/Office Coord

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

October 4, 1983

Blaine &/or Shirley Mitchell
Star Route Box 17
Rockland, Idaho 83271

Re: Application for Transfer of Water Right No. 41-0004

Dear Mr. & Mrs. Mitchell:

Enclosed is a copy of an Application for Transfer of Water Right No. 41-0004 which I completed in this office from information provided by you and from the Department's records.

Advertising of the application is scheduled for October 19 and October 26, 1983, in the Power County Press.

Please review the application carefully and advise me if any changes need to be made prior to the first advertising date.

Please note that the amounts of water to be transferred to the new point of diversion are based on the acreage which was scaled from your aerial photo.

The 50 acres is equal to 1/3 of the 150 irrigated acres indicated by the decree and the amounts of water are 1/3 of the total amounts under the right.

If you have any questions, please feel free to contact me.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

Encl:

RECEIVED
OCT 10 1983

Transfer No. _____

Water Right No. _____

Wrong wtr. rt. listed
on trans. should have been
41-0019

This transfer has
been Superseded
by Trans. 2953

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Blaine Mitchell &/or Shilet Mitchell Phone 548-2287
Post Office address Stat Rt Box 17 Rockland, ID 83271

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 41-0004 Decreed to E.N. Morris
Application of H.P. Houtz et al for (Name)
in case of to the use of the waters of vs Rock & tributaries
dated in June 6, 1903 in 5th Judicial Dist county of Oneida
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water South Fork Rock Creek tributary to Snake River
& Londen Creek Rock Creek

4. Date of priority 5/17/1880

5. Water is used for the following purposes:

amount 3.00 for irrigation purposes from (April 1)* to June 30
amount 1.20 for irrigation purposes from July 1 to Aug 31
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.00 cubic feet per second
&/or
b. _____ acre feet per annum

* 7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9
Township 11S Range 31E, B.M., in Power (Rock Creek) County
Additional points of diversion, if any SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 22 T11S R31E, Rediverted
in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 9 T11S R31E (Londen Creek)

8. Lands irrigated or place of use:

* Not Given in Decree

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	31E	4									X	X	X	X					
		9					X	X	X	X									

Total number of acres to be irrigated 150

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 nonuse? NO If yes, describe in item D, REMARKS.

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B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.0 cfs from 4/1 to 6/30
0.40 cfs from 7/1 to 8/31 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9 Township 11S
Range 31E, B.M., Power County (Rock Co.)
Additional points SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 22 T9S R31E (Landon Co.)

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11S	31E	4									8	29	13						50

Total number of acres to be irrigated 50

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 1.0 cfs 4/1 to 6/30
a. Amount of water to be diverted 0.40 cfs 7/1 to 8/31 c.f.s. &/or _____ acre feet
b. Description of diverting works Pump & Pipeline
c. Describe the reasons for the proposed changes To convert from gravity ditch irrigation to sprinkler irrigation

2. Change in point of diversion

Point of diversion SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4 Township 11S
Range 31E, B.M., Power County
Additional points _____

3. Change in place of use No Change

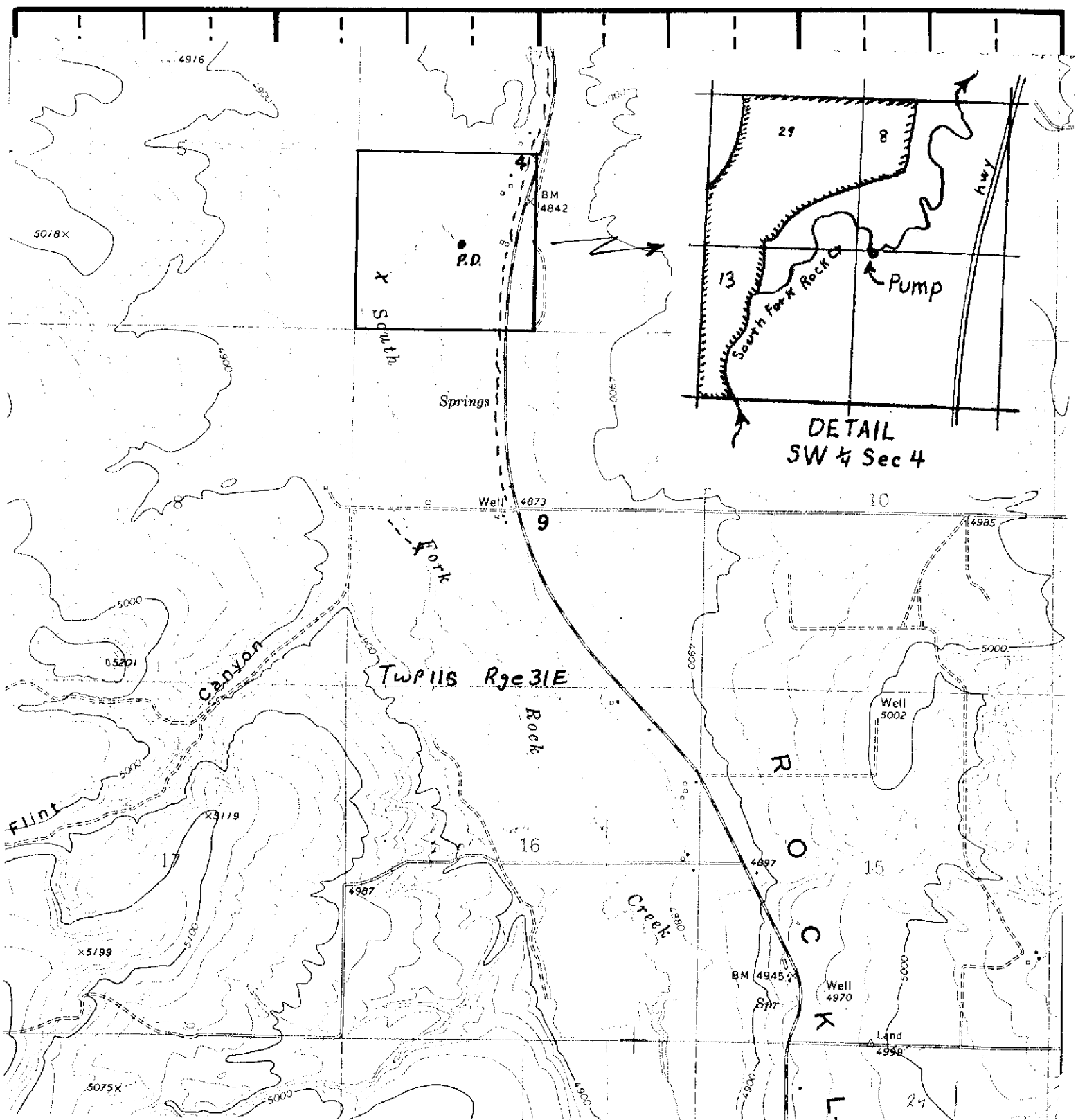
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the lands place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Shirley Mitchell
(Signature of Applicant)

Subscribed and sworn to before me this 8 day of August, 19 83

Loren O. Halmer
(Notary Public)

My commission expires Life

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 _____

FOR DEPARTMENT USE ONLY

Received by <u>lh</u>	Date _____	Protest filed by _____
Prelim. check by <u>IB</u>	Fee <u>50.⁰⁰</u>	_____
Receipted by <u>manya</u>	Date <u>9/29/83</u> # <u>32886</u>	_____
Published in <u>Peoria County press</u>	Copies of protest forwarded by _____	
Pub. dates <u>10/19 + 10/26/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for approval _____ denial _____	
_____ rec'd. _____	by _____	