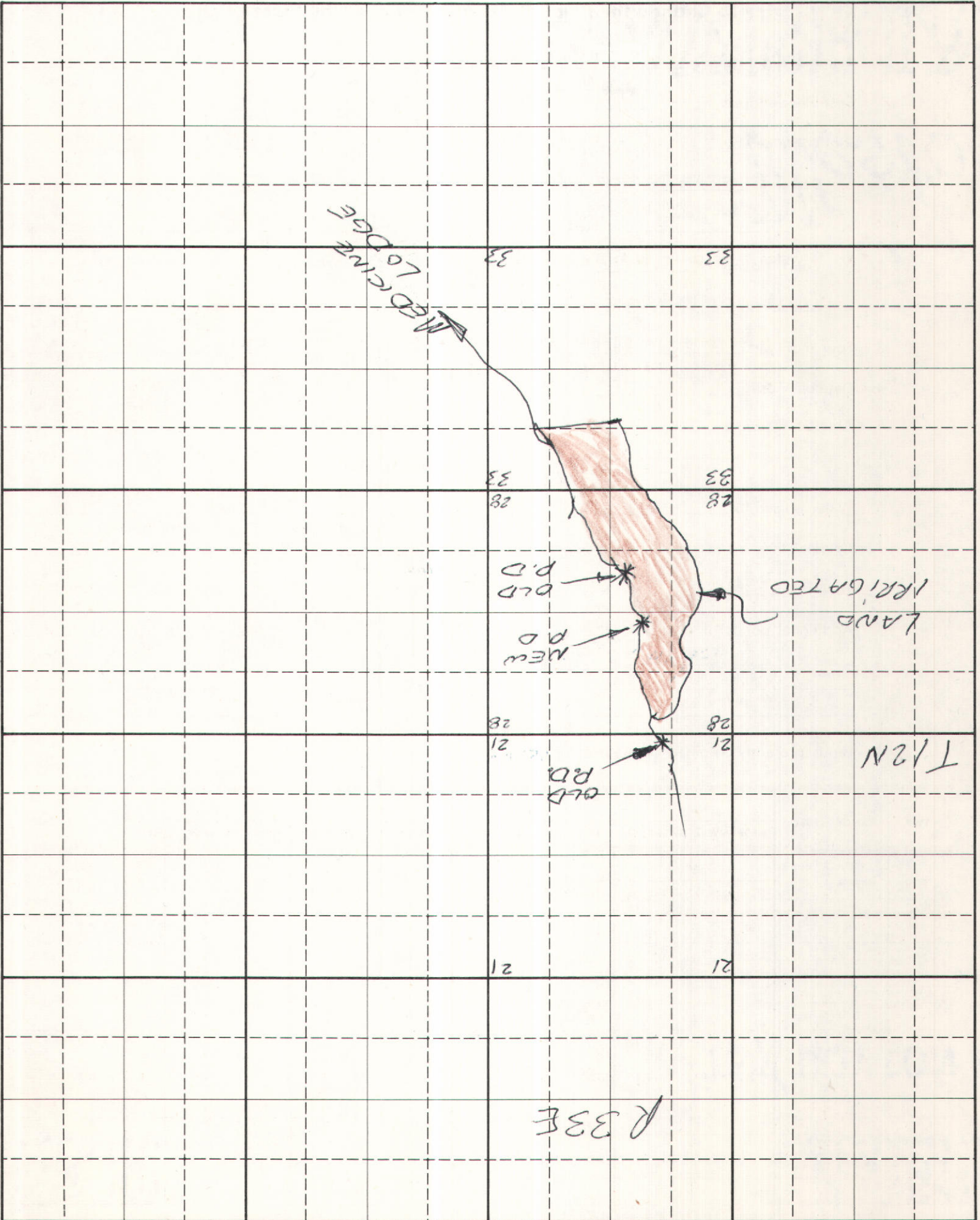


MICROFILMED

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



APPROVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

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

1. Name of Right Holder Hoggan Brothers, Inc.
Post office address Dubois, Idaho
2. Right obtained by:
a. Decree to George R. Hoggan in Case of Thomas A. Robson, et al.

(Name)

vs. James Calson, et al, Dated 6-13-1901 in Fifth District

(Name of Court)

Court. County of Fremont, as modified by the stipulation and agreement dated 9-15-1953.

Decree

~~XXXXX~~ No. 32-0050 issued by the State of Idaho, Department of Reclamation.

3. Source of water Medicine Lodge Creek tributary to sinks

(Name of stream or source)

4. Date of Priority February 10, 1898

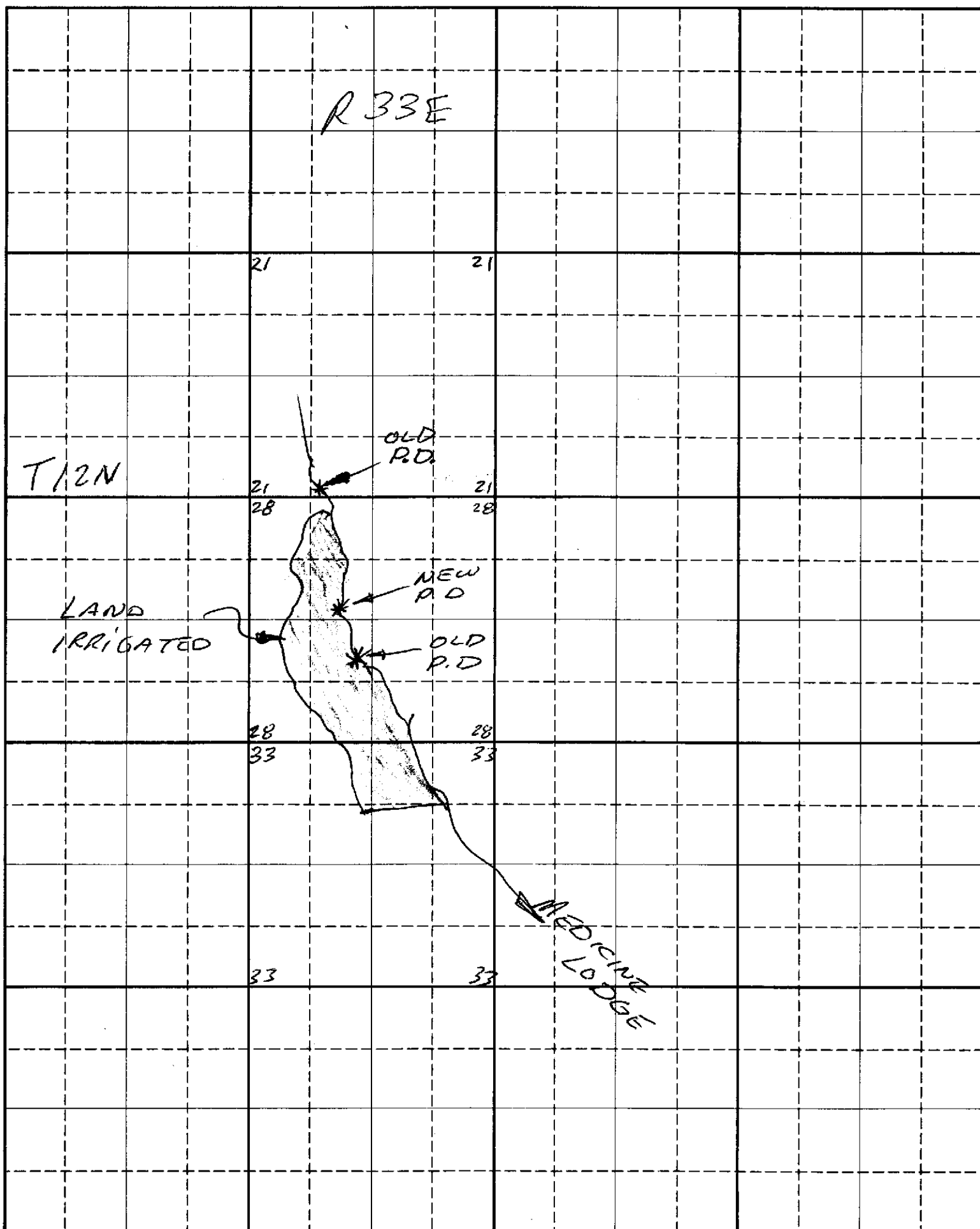
5. Amount of water a. 3.20 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Irrigation from Apr. 1 to Nov. 1

(Month, Day) (Month, Day)

7. Original location of point of diversion is SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21,
Township 12N, Range 33E, B.M., in Clark County;
Additional points of diversion, if any NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 12N, R. 33E, B.M.

8. Lands presently irrigated or 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 $\frac{1}{4}$ | |
| 12N | 33E | 28 | | | | | 10 | 7 | 8 | 16 | 30 | 15 | 5 | 35 | | 2 | 5 | | 133 |
| " | " | 33 | | 26 | | | 15 | | | | | | | | | | | | 41 |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
- Total number of acres presently irrigated 174



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

RECEIVED
FEB 10 1964

9. If applicant was not the original holder of this right explain how it was acquired: _____

Purchase of land from Geroge R. Hoggan by Mary I. Hoggan who assigned it to the
corporation.

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 3.2 c.f.s. and/or _____ acre feet

b. New point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 12N
Range 33E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: Headgate,
ditch and flood irrigation.

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____.

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

Efficiency in irrigating a difficult part of the field.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? No, the right will continue to be diverted part of the time through the other two points to irrigate other parts of the field.

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

11. CHANGE IN PLACE OF USE

NO CHANGE

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

[illegible]

Total number of acres to be irrigated_____

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

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

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

Lynn H. Logan Pres. of Corp.
 (signature of applicant)

Subscribed and sworn to before me this 14th day of June, 19 74

Norman C. Young
 (notary public)

My commission expires 6/10/75

ACTION OF DIRECTOR, DEPT. OF WATER RESOURCES AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 32-0050,
and said application is hereby APPROVED.

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

1. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this transfer is subject to control by the watermaster of State Water District No. 32-C, Medicine Lodge Creek.

Witness my hand this 15 day of July, 19 74

R. Keith Higginson
 R. KEITH HIGGINSON, Director
 Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by <u>MB</u>	Date <u>6-14-74</u>	Protest filed by:	Date
Prelim. check by <u>NEY</u>	Date <u>6/17/74</u>		
Fee received by <u>MB</u>	Date <u>6-14-74</u>	Fee \$ <u>30.00</u>	
Approved for publication by <u>MB</u>	Date <u>7/15/74</u>	# <u>12919</u>	
Published in <u>Enterprise</u>	Dates <u>June 20+27, 1974</u>		
Hearing held			
Watermaster Recommendation sent <u>J.D. #32 Don Shenton</u>	Date <u>6-19-74</u>	<u>MB</u>	

RECEIVED

Review of Application For TRANSFER OF RIGHT #32-0050

1. Signature AND Fee are acceptable.
2. RATE OF DIVERSION, PRIORITY, AND Nature of use Agree WITH RECORDS
3. The place of use as listed doesn't agree in total with the stipulated agreement. The rightholder indicates that only 174 acres are now irrigated using this right while the land list of record covers 20 forty acre subdivisions for a possible 800 acres. It is unlikely THAT MUCH MORE CROD WAS IRRIGATED PREVIOUSLY using SURFACE diversions. I believe it's OKAY because place of use is not being changed.
4. Only a CHANGE in point of diversion. Meet of ownership is not required.
5. Send copy to W.M. & W.M. Recommendation Form
6. Require M.O & W.M. contract.

RECEIVED

Received 7/5/74-145

Proof of Publication

STATE OF IDAHO
County of Clark

ss.

John A. Porter being
first duly sworn, deposes and says that he is the

printer of THE CLARK COUNTY
ENTERPRISE, a weekly newspaper published in
Dubois, Clark County, in the State of Idaho. That

the notice of proposed change,
a true copy of which is hereto attached was pub-
lished in THE CLARK COUNTY ENTERPRISE for

two consecutive weeks, first publication

having been made on the 20 day of

June, 1974 and the last

publication having been made on the 27

day of June, 1974.

That said paper has been continuously and
uninterruptedly published in said county during
a period of seventy-eight consecutive weeks
prior to the first publication of said notice or
advertisement, and is a newspaper within the
meaning of the laws of Idaho.

John A. Porter
SUBSCRIBED AND SWORN TO before me

this 28 day of June, A.D., 1974

Ray A. Fort
Notary Public.

My commission expires 8-5, 1977

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 32-0050

Notice is hereby given that Hoggan
Brothers, Inc., Dubois, Idaho, has ap-
plied to the Department of Water Ad-
ministration for a change of the point
of diversion of the waters of Medicine
Lodge Creek, tributary to sinks. The
right sought to be changed is evi-
denced by decree to George R. Hog-
gan in Case of Thomas A. Robson, et
al. vs. James Calson, et al. dated
6-13-1901 in Fifth District Court, Coun-
ty of Fremont, as modified by the
stipulation and agreement dated 9-15-
1953 and is recorded as follows:

Amount: 3.20 cfs. Priority: Feb-
ruary 10, 1898. Decreed Point of
Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 12N, R. 33E,

B.M., Clark County.

The water is used for the irrigation of
174 acres within the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
33, T. 12N, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12N, R. 33E,
B.M., Clark County, but parts of the
land to be irrigated will still be irrigated
from the original points of diversion.

Any protests against approval of the
above proposed change of water right
must be filed with the Idaho Depart-
ment of Water Administration, 1515
Lincoln Road, Idaho Falls, Idaho,
83401, on or before July 8, 1974.

/s/ R. KEITH HIGGINSON
Director

Publ. June 20, 27, 1974

July 16, 1974

Re: Transfer No. 32-0050

Hoggan Brothers, Inc.
Dubois,
Idaho 83423

Gentlemen:

Enclosed herewith is a copy of your approved Application for Transfer of Water Right No. 32-0050. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at the point of diversion has been placed upon this transfer. We have enclosed a letter describing different types of measuring devices approved by the Department.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enclosures

cc: Mr. Donald W. Shenton, Watermaster
Enc: Copy of transfer

bc: Eastern District Office

INTER-DEPARTMENT MEMO — 1

FROM Ron

DATE July 8, 1974

TO Bob

SUBJECT Application for Transfer No. 32-0050

I recommend that the above referenced transfer be approved under the following conditions:

1. A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this application is subject to control by the watermaster of State Water District No. 32-C, Medicine Lodge Creek.

RDC/MB
SIGNATURE

RECEIVED

JUN 24 1974

Department of Agriculture
Bureau of Reclamation

Identification No. _____

Transfer No. 32-0050

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Donald W. Shenton, watermaster of Water Dist. #32-C
of Water District No. 32-C, County of CLARK, State of Idaho,
whose address is Box 33 Dubois, Idaho,
have read the attached copy of the application for transfer of water right for
HOGGAN Bros. Inc., and to the best of my knowledge believe the
(name)
application to be true.

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

NONE

OR

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

Dated at Dubois, Idaho, this 20th day of JUNE, 1974.

Donald W. Shenton
(Signature)

June 14, 1974

RE: Application for Transfer of Water Right No. 32-0050 - HOGGAN BROS.

Enterprise Citizen
Box 7
Beyburg, Idaho 83440

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 time for you to submit us a galley proof for review before publication.

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:CB

Enc: Legal Notice (1)

Bill submitted 7/15/74 by VB

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 32-0050

Notice is hereby given that Hoggan Brothers, Inc., Dubois, Idaho, has applied to the Department of Water Administration for a change of the point of diversion of the waters of Medicine Lodge Creek, tributary to sinks. The right sought to be changed is evidenced by decree to George R. Hoggan in Case of Thomas A. Robson, et al., vs. James Calson, et al., dated 6-13-1901 in Fifth District Court, County of Fremont, as modified by the stipulation and agreement dated 9-15-1953 and is recorded as follows:

Amount: 3.20 c.f.s. Priority: February 10, 1898

Decreed Point of Diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28,
T. 12N, R. 33E, B.M., Clark County. 21

The water is used for the irrigation of 174 acres within the W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 12N, R. 33E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 12N, R. 33E, B.M., Clark County, but parts of the land to be irrigated will still be irrigated from the original points of diversion.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before July 8, 1974.

R. KEITH HIGGINSON

Director

Published in the Enterprise-Citizen, Rexburg, Idaho, on June 20 and June 27, 1974.

Called 6-19-74
CB H