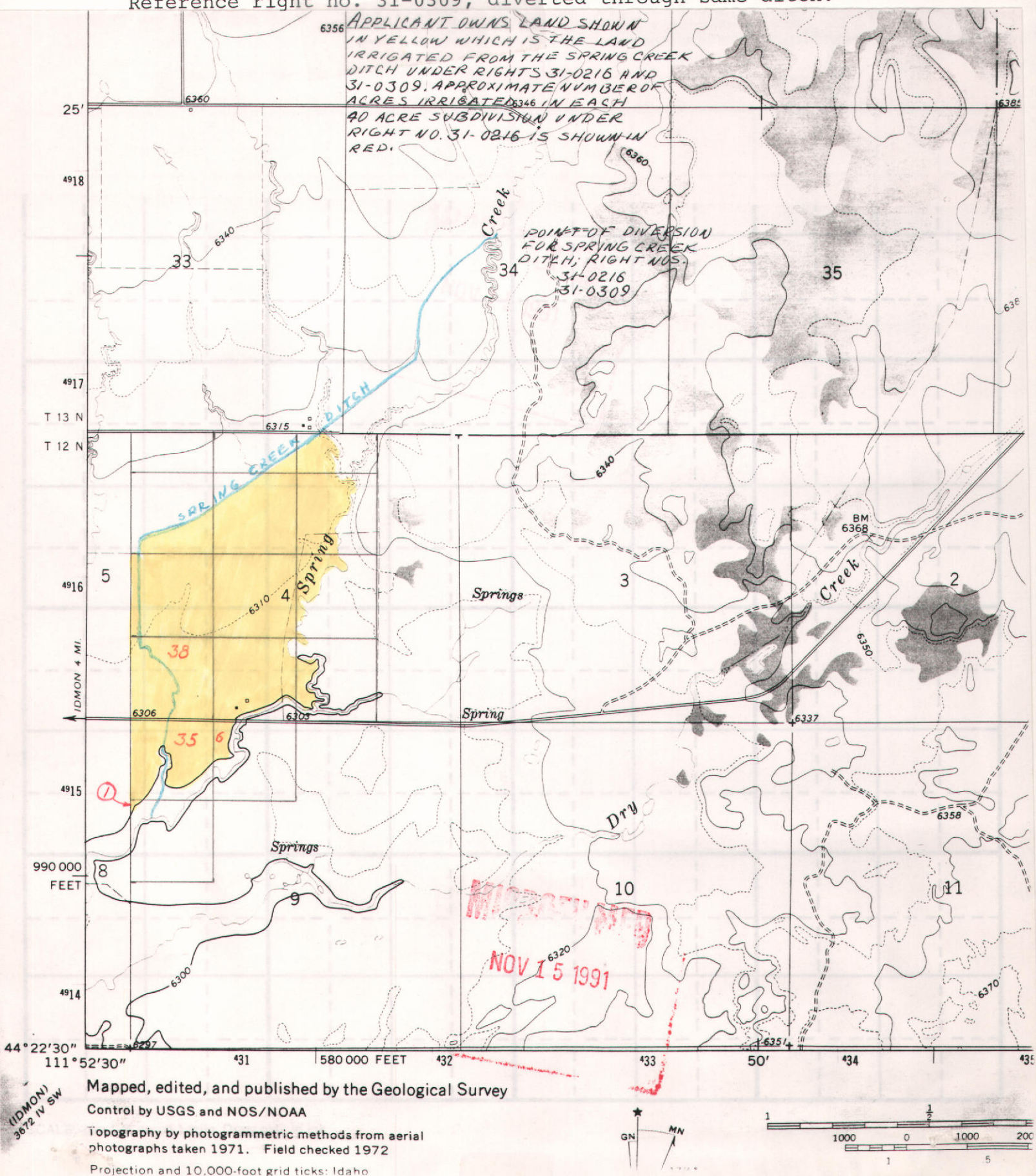


c. Describe the land place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	39E	4											38						38
		9					6	35	1										42

Total number of acres to be irrigated 80

4. Describe any other water rights used for the same purpose as described above. _____
Reference right no. 31-0309, diverted through same ditch.

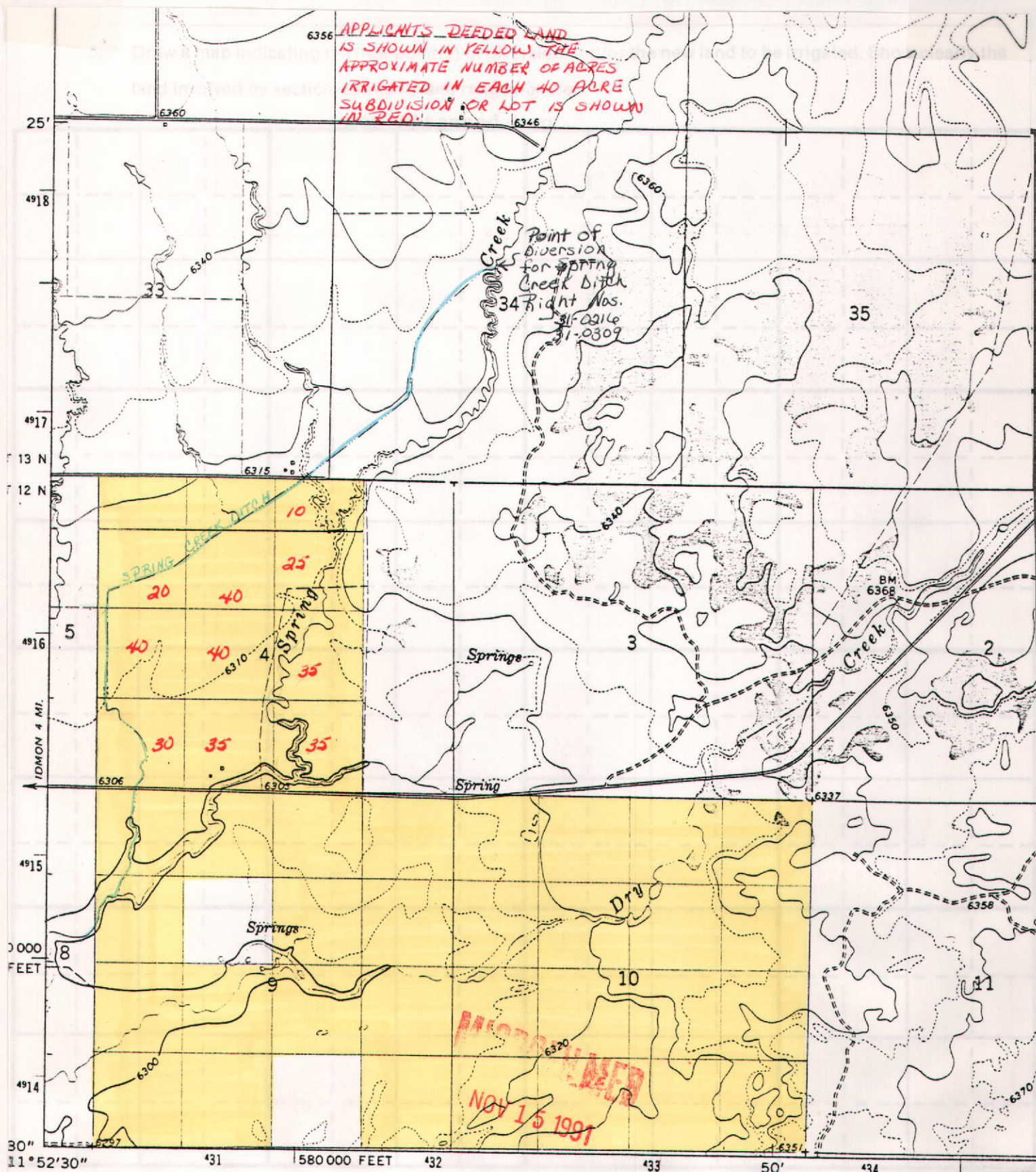


c. Describe the lands of place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	39E	4		10	25				20	40	40	40	30	35		35	35		310

Only an undivided 80 acres of this total of 310 will be irrigated with this right.

4. Describe any other water rights used for the same purpose as described above. 31-0309



State of Idaho

License and Certificate of Water Right

13-2280
Water License No. 14380
Water District No.

Amount 6.0 sec.ft.
Priority 9-15-1919

THIS IS TO CERTIFY that Wood Live Stock Company of Spencer, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 15, 1919; that Permit No. 14380 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.0 second ft., was issued thereunder on September 30, 1925, showing that said works were completed on the 15th day of September, 1925; and that on the 2nd day of June, 1930,

Wood Live Stock Company of Spencer, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Dry Creek, a tributary of Camas Creek, for the purpose of irrigation and domestic, under Use Permit No. 14380 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3661, on the 24th day of April, 1931;

The right hereby confirmed dates from September 15, 1919;

The Point of Diversion is located in the NW 1/4 SW 1/4, Sec. 9, Tp. 13 N., R. 40 E., B. M. Clark 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 6.0 cubic feet per second.

Description and location of use:

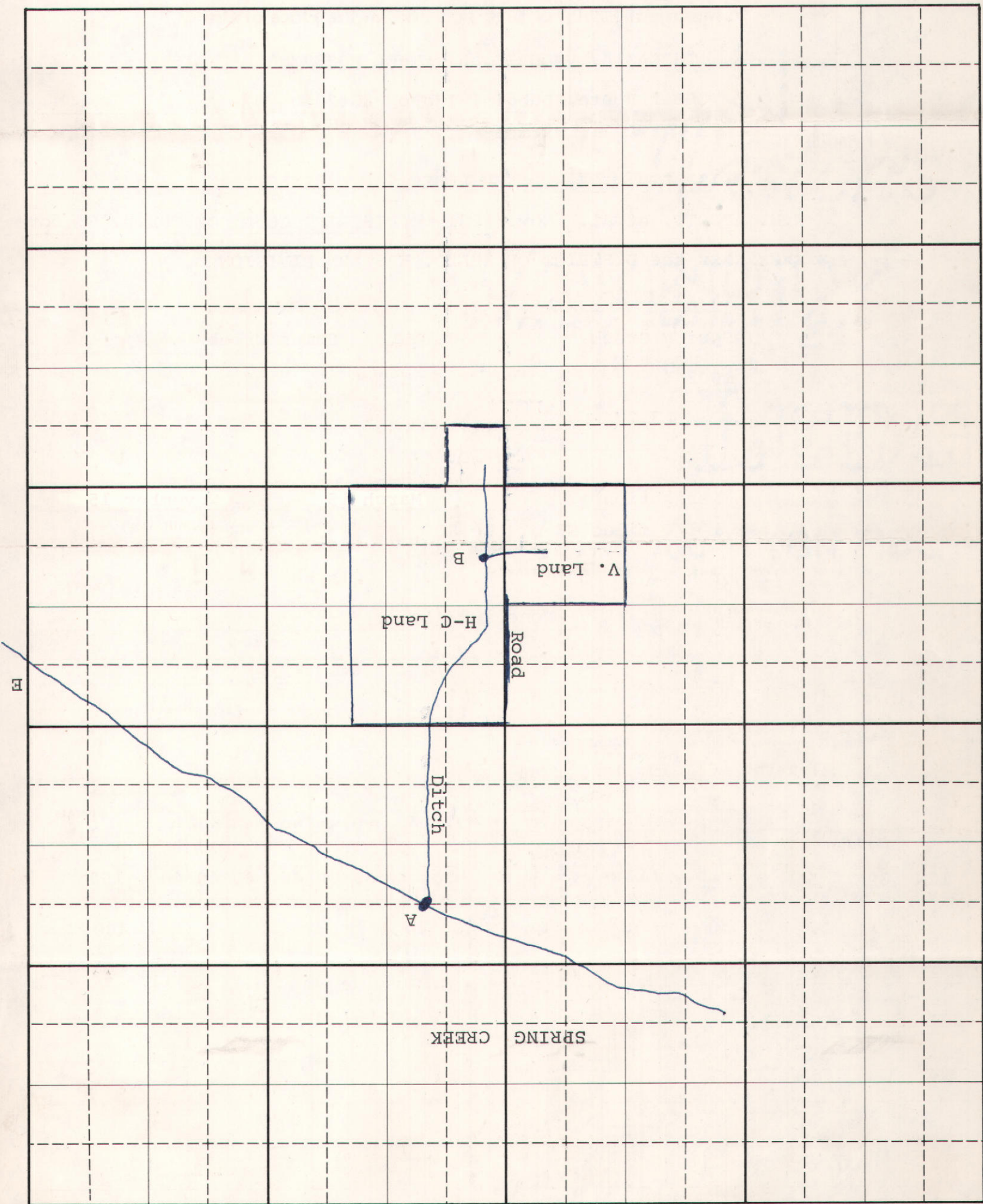
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N	39 E	34	SE-SW	40	30
			SW-SW	40	20
12 E	39 E	4	SE-SW	40	30
		9	NE-SW	40	30
			SE-SW	40	30
11 N	38 E	24	NW-SE	40	25
		26	NW-NE	40	25
		28	SE-NE	40	30
			NE-SE	40	30
			NE-SE	40	30
			SW-SE	40	25
Total				306	306

The right to the use of the water aforesaid hereby confirmed is restricted to the land shown on the map.

A = Point of Diversion from Spring Creek
 B = Headgate of Lateral Ditch for water to be used on Vadnais Land.
 H-C Land = Land to be irrigated by change of place of use of Vadnais right to
 1.6 c.f.s. from Spring Creek

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

S



N

12-11-90

ACTION REQUIRED

FROM: H.W. Jones

TO: File 31-00216/Transfer

It appears Sheridan Golden Eagle Ranch % Mike Webster
is the successor in interest to Half Circle Cattle Comp.

New address is:
Sheridan Golden Eagle
P.O. Box 519

Rebours, ID 83440

Phone # 356-3715

NOV 15 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 2959 OF WATER RIGHT)
NO. 31-0216 IN THE NAME OF HALF)
CIRCLE CATTLE COMPANY, INC.)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of Snake River Basin Adjudication claims filed, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 14, 1984, Half Circle Cattle Company , Inc. (applicant) filed Application for Transfer No. 2959 (application) with the department in connection with water right no. 31-0216.

2. A review of the Snake River Adjudication claim filed in connection with the above captioned water right shows that the proposed transfer does not agree with the later in time adjudication claim which was filed by a different party.

3. The adjudication claim has been filed as the right was originally decreed and does not claim the change proposed by the transfer.

4. The department corresponded with the applicant to determine continued interest of the applicant but the letter was returned to the department since the forwarding address order at the post office had expired.

CONCLUSIONS OF LAW

1. The applicant did not submit an adjudication claim in the Snake River Basin Adjudication for water right no. 31-0216 or part thereof.

2. Water right no. 31-0216 has been claimed in the adjudication in its entirety by a party other than the applicant.

3. The department should set aside Application for Transfer No. 2959 since the applicant no longer can be contacted and

NOV 15 1991

apparently no longer has an interest in the application or the land to which water right no. 31-0216 is appurtenant.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 2959 in the name of Half Circle Cattle Company, Inc. in connection with water right no. 31-0216 is set aside and will not be further considered by the department.

Dated this 31st day of October, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

NOV 15 1991

RECEIVED

NOV 28 1983

Department of Water Resources
Eastern District Office

IN THE MATTER OF
APPLICATION FOR TRANSFER
OF RIGHT 31-0216, HALF
CIRCLE CATTLE COMPANY.

PROTEST

I am opposed to the application for transfer of right 31-0216 filed by Half Circle Cattle Company, on the grounds there is sufficient water already appurtenant to the designated place of use for adequate irrigation. Furthermore, the 80 inches being transferred has historically been used on the SE $\frac{1}{4}$, Section 5, T. 12N, R. 39E, which I own.

Signed the 28th day of November, 1983.


THOMAS A. VADNAIS
Hamer, Idaho 83425

NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

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

HALF CIRCLE CATTLE COMPANY, INC., 1945 Westwood Hill, Casper, WY 82601

Name of applicant e/o Holden, Kidwell, Hahn & Grapo Phone 523-0620Post Office address P.O. Box 129, Idaho Falls, Idaho 83402

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 109 Decreed to Elizabeth Maria Adolphine Croker Reber
(Name)
in case of Suave vs Abbott
dated in Nov. 1, 1930 in United States District Court District of Idaho
(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 _____

Copies of "Agreement" and deed attached to application dated 8-1-83.3. Source of water Spring Creek tributary to Camas Creek4. Date of priority "Beginning of Irrigation Season" 1903

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from May 1 to Nov. 1
April 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.2 cubic feet per second
&/or

b. _____ acre feet per annum

7. Location of original point of diversion is "one and one-fourth miles Northeast of the land to be irrigated and hereafter described"
Township 12N Range 39 E, B.M., in Clark County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
12N	39E	5													40	40	40	40	160

Total number of acres to be irrigated 160

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.

continue as at present.

There will be no effect because if there ever was an actual transfer it occurred many years ago and irrigation practices are intended to

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

a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide

a. Are there leases, mortgages, or contracts on the lands from which you propose to transfer the water

3. Change in place of use

Additional points:

Range 39E, B.M., Clark County

Point of diversion SE 1/4 NW 1/4, Section 34 Township 13N

2. Change in point of diversion

• use

been used on applicants land for many years. See "Agreement." It is proposed to make record comply as nearly as possible with actual

c. Describe the reasons for the proposed changes One half of right No. 31-0216 has

ditch to place of use.

b.	Description of diverting works	Treated lumber headgate on Spring Creek;
----	--------------------------------	--

a. Amount of water to be diverted 1.6 c.f.s. &/or acre feet

1. General Information

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

Applicants $\frac{1}{2}$ will be applied to $\frac{1}{2}$ this amount of acreage or 80 acres

160 Total number of acres to be irrigated

[illegible]

3. Place of use:

Additional points

Range _____, B.M., _____ County _____

2. Point of diversion _____¹/₄ _____¹/₄ _____¹/₄, Section _____ Township _____ Range _____, and hereinafter described:

b. _____ acre feet per annum
Decree states: "one and one-fourth mil

1. Amount of water: a. $\frac{1.6}{8 \text{ or } 8}$ cubic feet per second ($\frac{1}{2}$ of total amount of 3.2 cfs)

omit part B).

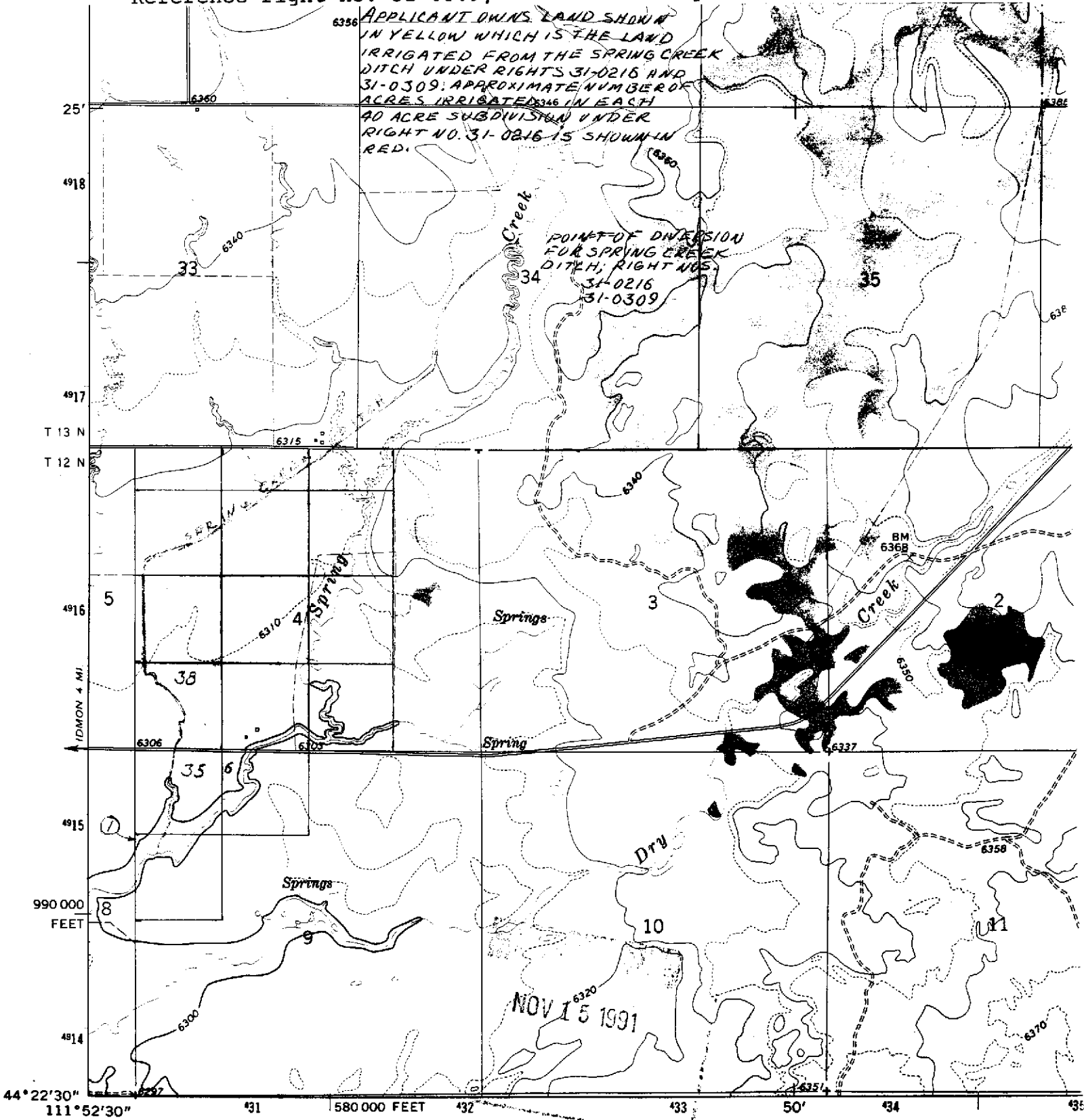
B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (if the entire right is owned by the applicant,

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	
12N	39E	4											38						38
		9					6	35	1										42

Total number of acres to be irrigated 80

4. Describe any other water rights used for the same purpose as described above. Reference right no. 31-0309, diverted through same ditch.

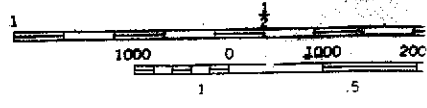
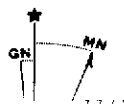


Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1971. Field checked 1972

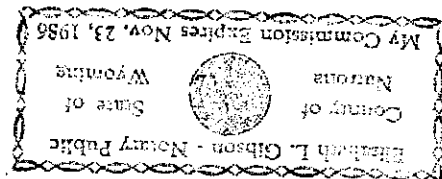
Projection and 10,000-foot grid ticks: Idaho



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.

HALF CIRCLE CATTLE COMPANY, INC.
BY: M. J. Lawrence & Son
(Signature of Applicant)

Subscribed and sworn to before me this 26 day of April, 19 84



My commission expires 11-23-86

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 WJ Prelim. check by HUS Date 5-14-84 Fee \$20.00
Received by WJ Date 5-14-84 #33543
Published in Standard Journal Pub. dates 5/31 + 6/07/84
Watermaster recommendation requested on 5-22-84 #31 rec'd. 6-14-84
Copies of protest forwarded by _____
Hearing held by _____
Recommended for _____
by _____
approval _____
denial _____
Date _____
NOV 15 1991

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

Half Circle Cattle Company, Inc.

Name of applicant c/o Holden, Kidwell, Hahn & Crapo Phone 523-0620
Post Office address P. O. Box 129, Idaho Falls, Idaho 83402

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 109 Decreed to Elizabeth Maria Adolphine Croker Reber
(Name)
in case of Sauve vs Abbott
dated in Nov 1, 1930 in United States Dist. court District of Idaho
(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 See attached
copies of "Agreement" and deed.

3. Source of water Spring Creek tributary to Camas Creek

4. Date of priority "Beginning of Irrigation Season" 1903

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from May 1 to Nov 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is "one and one-fourth miles Northeast of the land to be irrigated and hereafter described"
Township 12N Range 39E., B.M., in Clark County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	39E.	5													40	40	40	40	160

Total number of acres to be irrigated 160

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.

omit part B).

omit part B).

- | | | | |
|----|---|-------------------------|---------------|
| 1. | Amount of water: a. _____
1.6
cubic feet per second ($\frac{1}{2}$ of total amount of 3.2 cfs)

b. _____
acre feet per annum
Decree states: "one and one-fourth miles Northeast of the land to be irrigated, and hereinafter described: "
$\frac{1}{4}$ Section _____ Township _____ Range _____ B.M., _____ County _____ | Additional points _____ | Place of use: |
| 2. | Point of diversion _____
Irrigated, and hereinafter described: " | | |
| 3. | | | Place of use: |

3. Place of use:

Additional points

Range _____, B.M., _____ County _____

irrigated, and hereinafter described: "

Decree states: "one and one-fourth miles Northeast of the land to be _____ Township _____

b. _____ acre feet per annum

1. Amount of water: a. 1.6 cubic feet per second ($\frac{1}{2}$ of total amount of 3.2 cfs) $\frac{8}{8/01}$

[illegible]

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

Applicants $\frac{1}{2}$ will be applied to $\frac{1}{2}$ this amount of acreage or 80 acres	Total number of acres to be irrigated
160	

1. General Information

- | a. | b. |
|---|--|
| Amount of water to be diverted
1.6 c.f.s. &/or acre feet | Description of diverting works
Treated lumber headgate on Spring Creek;
ditch to place of use. |

ditch to place of use.

- c. Describe the reasons for the proposed changes One half of right No. 31-0216 has

been used on applicants land for many years. See "Agreement". It is

proposed to make record comply as nearly as possible with actual use.

2. Change in point of diversion

Additional points

Range 39E, B.M., Clark County

Point of diversion SE ¼ NW ¼, Section 34 Township 13N

3. Change in place of use
- 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 X _____ If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

3. Change in place of use

- b. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

There will be no effect because if there ever was an actual transfer,

it occurred many years ago and irrigation practices are intended to

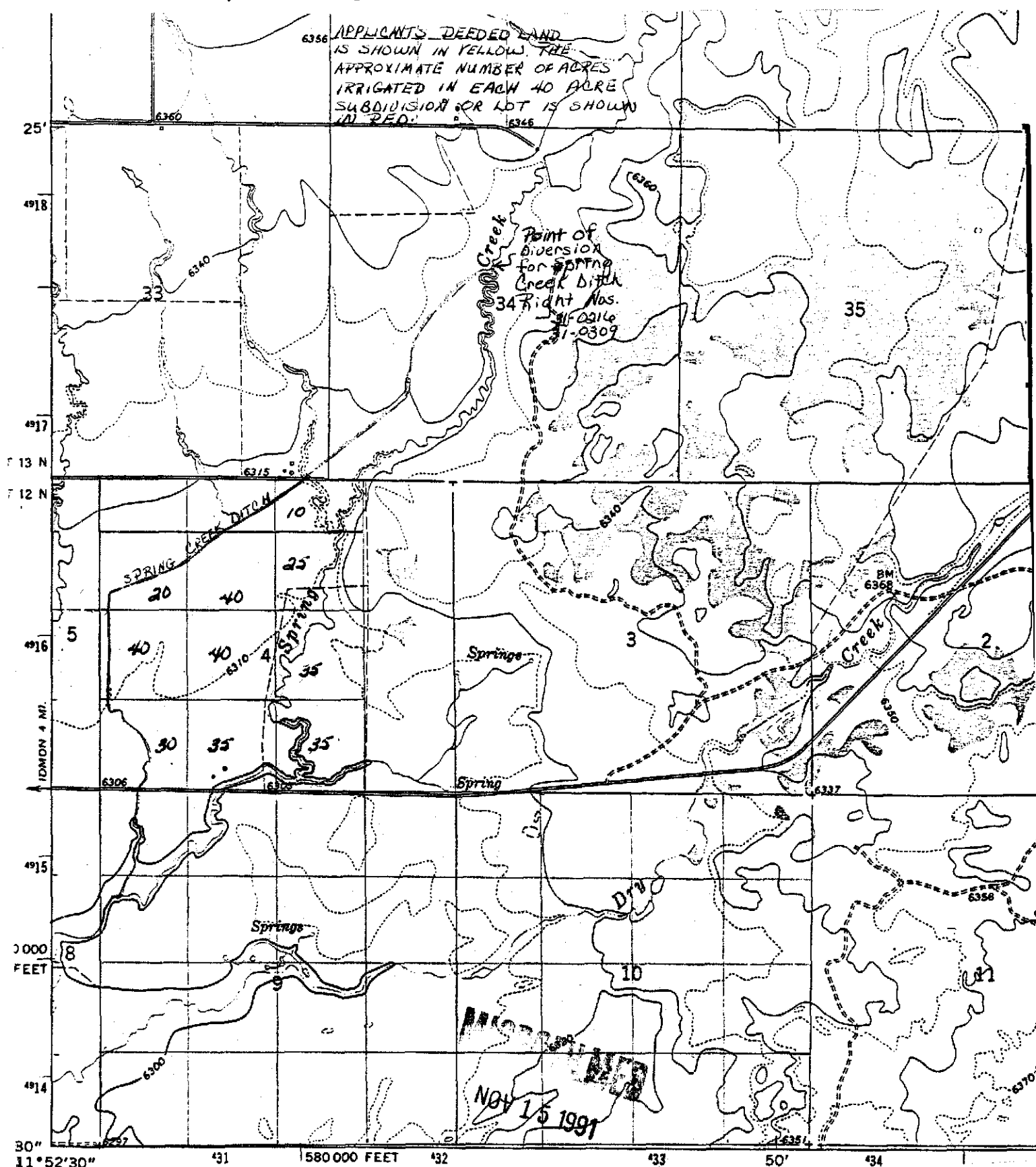
continue as at present.

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

[illegible]

Only an undivided 80 acres of this ~~total amount of water~~ total of 310 will be irrigated with this right.

4. Describe any other water rights used for the same purpose as described above. 31-0309



Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography by photogrammetric methods from aerial

HALF CIRCLE CATTLE COMPANY, INC. BY: M. J. Lawrence & Co.

(Notary Public)

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

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[illegible]

NOV 15 1991

Date 7/29/63

Fee 50.00

Date 8/1/83 #2987

Standard Journal

11/10 : 11/17/83

_____ by

approval denial

Date:

~~Copies of protest forwarded by~~

Protest filed by

State of Idaho

License and Certificate of Water Right

13-2290
Water License No. 14380
Water District No.

Amount 6.0 sec.ft.
Priority 9-15-1919

THIS IS TO CERTIFY that **Wood Live Stock Company** of **Spencer, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **September 15, 1919**; that Permit No. **14380** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **6.0** second ft., was issued thereunder on **September 30, 1925**, showing that said works were completed on the **15th** day of **September**, **1925**; and that on the **2nd** day of **June**, **1930**,

Wood Live Stock Company

of **Spencer**, State of **Idaho**, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of **Dry Creek**, a tributary of **Canas Creek**, for the purpose of **Irrigation and Domestic**, under the Permit No. **14380** of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume **7** of Licenses, at page **3661**, on the **24th** day of **April**, **1931**;

The right hereby confirmed dates from **September 15, 1919**;

The Point of Diversion is located in the **NW 1/4, SW 1/4, Sec. 9, Twp. 13 N., R. 40 E., B. M.** **Clark 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 **6.0** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N	39 E	34	SE-SW	40	30
			SW-SW	40	20
12 N	39 E	4	SE-SW	40	30
		9	NE-SW	40	30
			SE-SW	40	30
11 N	38 E	24	NW-SE	40	25
		26	NW-NE	40	25
		28	SE-NE	40	30
			NE-SE	40	30
			NE-SE	40	30
			SW-SE	40	25
Total					306

Microfilm No. _____
10 Day _____ 19 75-
10:10 AM _____ M
CLERK OF DISTRICT COURT
COUNTY OF CALHOUN
RECORDED AT REQUEST OF
F. J. 5.00 F.B. Deputy
Am. Land Title

WARRANTY DEED

THIS INDENTURE, made this 5th day of January, in the year of our Lord One Thousand Nine Hundred and Sixty-Seven, between JOHN STRINGER and ELIZABETH STRINGER, husband and wife, of Nyssa, County of Malheur, State of Oregon, the parties of the first part, and M. T. LAWRENCE, JR., of Phoenix, County of Maricopa, State of Arizona, the party of the second part;

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate situated in the State of Idaho, to-wit:

All of the real estate situate in the State of Idaho more particularly described on Exhibit A attached hereto and made a part hereof, and likewise signed by the parties of the first part.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including but not limited to, all water rights and rights to the use of water appurtenant to said described lands, and all wells, pumps and engines, together with all dams, ditches, canals, flumes, waterways, pipes, pipelines, reservoirs and all other means or methods for the diversion, impounding, distribution

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or use of any of the waters appurtenant to said real property or any part thereof; but, SUBJECT to all reservations in patents or deeds to said described lands or any part thereof from the United States of America or from the State of Idaho, and SUBJECT to all mineral reservations appearing in the record of title as of the date Seller acquired title to said described lands, or any part thereof, as appears in the Office of the County Recorder of the Counties of Clark and Fremont, Idaho, and SUBJECT to all rights of way and easements appearing of record as of January 5, 1967, granted to Idaho Power Company, Utah Power and Light Company, American Telephone & Telegraph Company, Clark County, Idaho and the State of Idaho, and Oregon Short Line Railroad, and all rights of way established by ^{prescriptive} ~~deed~~ uses.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever, and the said parties of the first part, and their 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 parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

THIS CONVEYANCE is made subject to that certain mortgage from the parties of the first part to The Connecticut Mutual Life Insurance Company, dated December 17, 1962, and recorded in the office of the County Recorder of Clark County, Idaho on the 24th day of December 1962 in Book 8 of Mortgages at page 439, and subject to all taxes and assessments/levied ^{to be}

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and assessed on said described premises in the year 1967 and the years subsequent thereto; and, subject to that certain oil and gas lease dated October 15, 1958 between the parties of the first part herein as Lessors and Richfield Oil Corporation as Lessees recorded in the office of the County Recorder in Clark County, Idaho on December 26, 1958 in Book 4 of Miscellaneous at page 364.

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

John Stringer
John Stringer

Elizabeth Stringer
Elizabeth Stringer

STATE OF IDAHO,)
County of Ada,) ss.

On this 4th day of March, 1967, before me, the undersigned Notary Public, personally appeared JOHN STRINGER and ELIZABETH STRINGER, husband and wife, known to me to be the persons whose names are subscribed to the written 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.

[Signature]

Notary Public for the State of Idaho

RECORDED

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LANDS DESCRIBED AS FOLLOWS:

Clark County, Idaho

Township 12 North, Range 36 East, Boise Meridian,
Clark County, Idaho.

Section 2: $S\frac{1}{2}SE\frac{1}{4}$

Section 11: $NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$

Section 14: $W\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ and that portion of $SE\frac{1}{4}SW\frac{1}{4}$
described as:

Beginning at a point which is 624 feet North and
2043.6 feet East from the Section corner common to
Sections 14, 15, 22, and 23, Township 12 North, Range
36 East, Boise Meridian, Clark County, Idaho; said
point of beginning being the concrete right-of-way
marker for Highway No. 91. This point being the point
of beginning of a curve and designated as Station #1;
thence North $72^{\circ}03'$ West for a distance of 450.4 feet
to Station #2; thence
North $17^{\circ}57'$ East for a distance of 108 feet to Station
#3; thence
North $72^{\circ}03'$ West for a distance of 120 feet to Station
#4; thence
North $17^{\circ}57'$ East for a distance of 183 feet to Station
#5; thence
South $83^{\circ}33'$ East 430 feet, more or less, to a point
which is 380 feet Northwesterly from the point of begin-
ning; thence
Southeasterly 380 feet, more or less to the point of be-
ginning.

Sections 14 & 23: All those portions of the $SW\frac{1}{4}SE\frac{1}{4}$ of
Section 14 and of the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 23 included in
the following description:

Beginning at the Northwest corner of the $SE\frac{1}{4}SE\frac{1}{4}$ of
Section 14; thence running
South 39.80 chains; thence
South $89^{\circ}54'$ West 6.14 chains; thence
North 24° West 4.90 chains; thence
North $17^{\circ}24'$ West 16.25 chains; thence
North $23^{\circ}30'$ West 7.92 chains; thence
North $1^{\circ}35'$ West 2.41 chains; thence
North $42^{\circ}48'$ East 1.50 chains; thence
North $38^{\circ}27'$ East .98 chains; thence
North $56^{\circ}55'$ East 2.10 chains; thence
North $48^{\circ}7'$ East 2.87 chains; thence
North $27^{\circ}44'$ East 3.99 chains; thence
North $18^{\circ}57'$ East 1.87 chains; thence
North $89^{\circ}53'$ East 8.23 chains to the place of beginning.

Section 23: $NE\frac{1}{4}NE\frac{1}{4}$ and those portions of the $SE\frac{1}{4}NE\frac{1}{4}$ and
 $NE\frac{1}{4}SE\frac{1}{4}$ North and East of the following described line:

Beginning at the Northwest corner of the $SE\frac{1}{4}NE\frac{1}{4}$; thence
South 941 feet to the North side of the Highway; thence
South $75^{\circ}44'$ East 370 feet; thence
South $35^{\circ}03'$ East 670 feet; thence
South $41^{\circ}52'$ East 335 feet; thence
South $52^{\circ}38'$ East to the East line of the $NE\frac{1}{4}SE\frac{1}{4}$ of the
Section.

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Section 24: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Township 12 North, Range 39 East, Boise Meridian,
Clark County, Idaho.

Section 1: Lots 1, 2, 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 2: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4: Lots 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$
W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 9: NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 10: Lots 1, 2, 3 and 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$
Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$

Township 13 North, Range 40 East, Boise Meridian,
Clark County, Idaho.

Section 12: SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13: N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
Section 14: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 24: E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 25: N $\frac{1}{2}$ NW $\frac{1}{4}$
Section 26: N $\frac{1}{2}$ NE $\frac{1}{4}$

Township 13 North, Range 41 East, Boise Meridian,
Clark County, Idaho.

Section 4: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$
Section 5: W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 7: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 8: S $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 9: SW $\frac{1}{4}$
Section 16: All
Section 17: All
Section 18: All
Section 19: All
Section 20: All
Section 21: All
Section 30: Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

Fremont County, Idaho

The West Half of the West Half of Section 10, Township
13 North, Range 41 East, Boise Meridian, Fremont County,
Idaho.

The East Half of the West Half of Section 10, Township
13 North, Range 41 East, Boise Meridian, Fremont County,
Idaho. The West Half of Section 15, Township 13 North,
Range 41 East, Boise Meridian, Fremont County, Idaho,
less the following described tract: Beginning 1220 feet
East of the Southwest corner of said Section 15, thence
running East 1420 feet; thence North 5380 feet; thence
West 100 feet; thence South 5280 feet; thence West 1320
feet; thence South 100 feet to the point of beginning.

30307

FILED FOR RECORD AT _____ MINUTES PAST
O'CLOCK A. M. THIS _____ DAY OF _____
AND RECORDED AS
MICROFILM NO. _____
RECORDS OF CLERK COUNTY, IDAHO
By _____ Recorder
_____ Deputy
FEE FILED _____ MICROFILM _____ INDEX _____ PLAT _____

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EXHIBIT A (page 2)

21

AGREEMENT

THIS AGREEMENT, made and entered into this day of January, 1974, by and between THOMAS A. VADNAIS and ETHEL ROSEANNA VADNAIS, his wife, of Kilgore, Idaho, hereinafter referred to as "Vadnais", and TAYLOR LAWRENCE of Kilgore, Idaho, hereinafter referred to as "Lawrence", and HALF CIRCLE CATTLE COMPANY, INC., a corporation, hereinafter referred to as "Corporation",

WITNESSETH:

WHEREAS, Vadnais are the successors in interest to and owners of that certain decreed water right referred to in the decree entered by the District Court of the United States for the District of Idaho, Eastern Division, in the case of Ernest Sauve v. W. H. Abbott, et al, bearing equity case no. 635, said decreed water right being referred to in said decree as going to Elizabeth Maria Adolphine Croker Reber, with a 1903 priority date, for 3.2 c.f.s. of water, as follows:

Source: Spring Creek, a tributary
of Camas Creek.

Point of diversion: One and one-fourth
miles northeast of the southeast quarter
Section 5, Township 12 North, Range 39
East of the Boise Meridian.

Place of Use: The southeast quarter of
Section 5, Township 12 North, Range 39,
East of the Boise Meridian.

the said decreed right is hereinafter referred to as the "Vadnais decreed water right"; and,

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WHEREAS, Vadnais, Lawrence and Corporation are desirous of having 80 miner's inches of said Vadnais decreed water right transferred to the Corporation and to change the place of use of

said 80 inches of water from the place specified in the decree to the following described lands, located in Clark County, Idaho, to-wit:

The West half of the West half of the East half, and the West half of Section 4 of Township 12 North, Range 39 East of the Boise Meridian, and the Northwest quarter of the Northwest quarter of Section 9 of Township 12 North, Range 39 East of the Boise Meridian;

and,

WHEREAS, Vadnais, Lawrence, and the Corporation are desirous of having the Corporation grant an easement over lands owned by the Corporation to Vadnais for a ditch to be used by Vadnais to convey water to certain property owned by Vadnais; and

WHEREAS, the parties desire to resolve certain other disputes and matters pertaining to their mutual affairs as herein-after stated;

NOW, THEREFORE, the parties hereto, in consideration of the covenants and conditions contained herein agree, as follows:

1.

Vadnais agree to, and to the extent that they can do so without approval of the Department of Water Administration of the State of Idaho, do hereby convey and transfer to Half Circle Cattle Co., Inc., 80 miner's inches of the Vadnais decreed water right and further agree to and to the extent that they can do so without formal approval of the Department of Water Administration of the State of Idaho, do hereby formally change the place for use of said 80 miner's inches of water to the lands described, as follows:

The West half of the West half of the East half, and the West half of Section 4 of Township 12 North, Range 39 East of the Boise Meridian and the Northwest quarter of the Northwest quarter of Section 9 of Township 12 North, Range 39 East of the Boise Meridian, in Clark County, Idaho.

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Vadnais agree to diligently file such applications, documents or other papers with the Department of Water Administration of the State of Idaho, to obtain the approval for such transfer and change of place of use, and further agree to execute such documents and diligently take such other action as may be necessary to accomplish such transfer and change of place of use and agree that the Corporation may have use of said 80 miner's inches of water pending the final approval of said transfer and change of place of use. The attorney fees, filing fees, and other out-of-pocket expenses incurred in obtaining the change of place of use of said water and the approval thereof shall be paid one-third by Vadnais, and two-thirds by the Corporation. Vadnais further agree that the Corporation shall be entitled to have and use the first 80 miner's inches of the aforementioned Vadnais decreed water right, i.e., if 80 inches or less of said decreed right is available at a given time, the Corporation shall have the right to the use of all such water decreed up to the first 80 inches thereof.

II.

Vadnais shall simultaneously with the execution of this agreement pay to the Corporation the sum of Five Hundred Dollars (\$500.00), cash lawful money of the United States as reimbursement for work previously done by the Corporation on the headgates and common ditch used by Corporation and Vadnais. All future operation and maintenance costs pertaining to the common ditch, headgates, checks or dams used by both Vadnais and the Corporation to convey water to their premises from Spring Creek, a tributary of East Camas Creek shall be paid one-third by Vadnais and two-thirds by the Corporation, provided, however, that neither party shall incur expenses for such operation and maintenance without the consent of the other party, but such consent shall not be unreasonably refused and the parties agree to cooperate to maintain such common ditches, headgates, dams and checks in good condition in accordance with the accepted irrigation practices. Each party shall pay all costs incurred by such party in maintaining the laterals, headgates, dams or checks used solely by it or the other.

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III.

The Corporation agrees to and does hereby grant to Vadnais

a permanent easement and right of way 10 feet in width to construct, inspect, maintain, operate and repair a certain ditch for the purpose of conveying water from the aforementioned common ditch to the premises owned by Vadnais located in the Southeast Quarter of Section 5, Township 12 North, Range 39 East of the Boise Meridian in Clark County, Idaho. The said ditch and easement shall be placed and maintained in its present position on the premises currently occupied by said ditch in the Southwest Quarter of Section 4, Township 12 North, Range 39 East of the Boise Meridian, and shall be no more than 10 feet in width, and the Corporation further grants to Vadnais the right to ingress to and egress from said easement and ditch and the aforementioned common ditch for the purpose of inspecting, maintaining, operating, cleaning, and repairing said common ditch and lateral, provided that such ingress and egress to said easement shall be by such practical route or routes as shall occasion the least damage and inconvenience to the Corporation, and to the extent possible to utilize the portion of land included in the easement granted.

IV.

It is understood that the Corporation is the successor in interest to and the owner of a decreed water right to 80 miner's inches of water with a 1900 priority date pursuant to the above mentioned decree, and nothing stated herein is intended to in any way affect the Corporation's ownership of the above said right or the use thereof. It is agreed, however, that any waters that are available for use by Vadnais or the Corporation over and above the above mentioned decreed rights of Vadnais and the Corporation shall be shared one-third by Vadnais and two-thirds by the Corporation, and each such party may take such action as it may desire to establish a water right in such available waters as it is allowed to have pursuant to this agreement, and no protest shall be filed by the other parties in connection with any such effort by the Corporation to establish a water right as to its two-thirds share of said waters or in connection with any such effort by Vadnais to establish a water right as to their one-third share of such waters.

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V.

That certain law suit pending in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Clark, captioned Thomas A. Vadnais v. Taylor Lawrence and Half Circle Cattle Company, Inc., and bearing case no 2-269, shall be dismissed with prejudice with each party to bear its own costs.

VI.

When the Corporation is not irrigating south of the headgate on the aforementioned common ditch which diverts water into the Vadnais lateral, the Corporation grants to Vadnais the right to put a temporary check or dam in the common ditch to divert water into the Vadnais lateral.

VII.

The parties hereto agree that should any party default in any of the covenants or agreements contained herein, that the defaulting party shall pay to the other party all costs and expenses, including but not limited to a reasonable attorney fee which the non-defaulting party may incur in enforcing this agreement or in pursuing any remedy provided hereunder or by the statutes of the State of Idaho, whether such remedy is pursued by filing suit or otherwise.

VIII.

The terms and conditions set forth herein shall be binding upon the successors and assigns of the Corporation, and the heirs, executors, administrators and assigns of Vadnais and Lawrence, and each of them.

IX.

The above constitutes a full and complete settlement between and among the parties hereto of all claims, demands, actions, causes of action, accounts, damages and costs, and in consideration thereof, and excepting for the obligations hereinabove set forth, each of the parties hereby releases the other, and its heirs, executors, administrators, successors and assigns from all sums of money,

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accounts, damages, costs, actions, causes of action, claims and demands of every kind and nature whatsoever which it or they may have against the other parties hereto up to the date of the execution of these premises.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed this day of January, 1974.

Thomas A. Vadnais
Thomas A. Vadnais

Ethel Roseanna Vadnais
Ethel Roseanna Vadnais

Taylor Lawrence
Taylor Lawrence

HALF CIRCLE CATTLE COMPANY, INC.

By M.J. Lawrence
Its Pres.

RECEIVED

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STATE OF IDAHO

County of Bonneville

ss.

ON THIS ^{February} 4th day of January, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS A. VADNAIS and ETHEL ROSEANNA VADNAIS, his wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

[Signature]

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires:

(SEAL)

STATE OF IDAHO

County of Bonneville

ss.

ON THIS day of , 1974, before me, the undersigned a Notary Public in and for said State, personally appeared TAYLOR LAWRENCE, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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

[Signature]

Notary Public for Idaho
Residing at Idaho Falls Idaho
My Commission Expires: 8-21-74

(SEAL)

STATE OF IDAHO

County of

ss.

ON THIS day of , 1974, before me, the undersigned a Notary Public in and for said State, personally appeared Taylor Lawrence, known to me to be the President of Half Circle Cattle Co., Inc., the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation 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.

[Signature]

Notary Public for Idaho
Residing at Idaho Falls Idaho
My Commission Expires: 8-21-74

(SEAL)

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The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

§

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bryce Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Water Right Change...
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on November 10, 1983
and the last publication having been made

on November 17, 1983.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Subscribed to and sworn to before me

this November 18, 1983

Dere Larnue

(SEAL)

Notary Public.

My commission expires Life

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DEC 1 1983

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 31-0216**

Notice is hereby given that Half Circle
Cattle Co., Inc. c/o Holden, Kidwell, Hahn &
Crapo, Idaho Falls, Idaho has applied to the
Dept. of Water Resources for a change in the
place of use of the waters of Spring Creek
tributary to Camas Creek. The right sought to
be changed is evidenced by Decree 109 to
Elizabeth Maria Adolphine Croker Reber in
case of Sauve vs. Abbott dated in Nov. 1,
1930 in District Court and is recorded as
follows:

AMOUNT: 9.2 cfs

PRIORITY: "Beginning of Irrigation
Season" 1903

POINT OF DIVERSION: "one and
one-fourth miles Northeast of the land to be
irrigated and hereafter described" T. 12N, R.
39E, B.M. Clark County.

The water is used to irrigate 180 acres
within the SE $\frac{1}{4}$ Sec. 5, T. 12N, R. 39E, B.M.

TO BE CHANGED AS FOLLOWS

1.6 cfs of water will be diverted within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T. 13N, R. 39E, B.M.
Clark County and used to irrigate 310 acres
within Lot 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4, T. 12N,
R. 39E, B.M. Only and undivided 80 acres of
this total of 310 will be irrigated with this
right.

Any protest against approval of the above
proposed change of water right must be filed
with the Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83401, on or before Nov. 28, 1983.

A. KENNETH DUNN
Director

Publ. Nov. 10 and 17, 1983J

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The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED
JUN 20 1984

Department of Water Resources
Eastern District Office

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry Weatherston
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Propsed Amending
of Transfer

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on May 31, 1984
and the last publication having been made

on June 7, 1984

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Terry Weatherston

Subscribed to and sworn to before me

this 8 June 1984

Jeri Garner
(SEAL)

Notary Public.

My commission expires Life

**NOTICE OF PROPOSED
AMENDING OF TRANSFER
NO. 31-0216**

Notice is hereby given that Transfer No.
31-0216 in the name of Half Circle Cattle
Company, Inc., Idaho Falls, Idaho was filed
for the diversion of 1.60 cfs of water from
Springs Creek tributary to Camas Creek, with
the point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 34, T. 13N, R. 39E, B.M., Clark
County; to be used from May 1 to Nov. 1 for
the irrigation of 310 acres within the
W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
4, T. 12N, R. 39E, B.M. and stating that only
an individd 80 acres of this total 310 will be
irrigated.

The right holder now proposes to amend
transfer No. 31-0216 changing the place of
use to 80 acre within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4.

N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 12N, R.
39E, B.M.

Any protest to the proposed amending of
this transfer must be filed with the Idaho
Department of Water Resources, 150
Shoup, Suite 15, Idaho Falls, Idaho, 83402,
on or before June 18, 1984.

A. KENNETH DUNN
Director

Publ. May 31 and June 7, 1984J

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER

NO. 31-0216 IN THE NAME OF

THOMAS A. VADNAIS & ETHEL ROSEANNA VADNAIS

MEMORANDUM DECISION
AND ORDER

On December 15, 1975, Thomas A. and Ethel Roseanna Vadnais applied to the Department of Water Resources to change the place of use of the right decreed to Elizabeth M. A. Kroker Reber in the case of Ernest Sauve vs. W. H. Abbott, et. al., November, 1931.

The right the applicants are seeking to transfer, numbered in the Department's records as 31-0216, has a priority of 1903 and specifies a diversion rate of 3.20 cubic feet per second for the irrigation of the SE $\frac{1}{4}$, Sec. 5, T. 12N, R. 39E, B.M. The change requested in the application for transfer would add 80 acres located within the W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 4, T. 12N, R. 39E.

The applicants, through their attorney, argued that since the land is being partially irrigated through natural sub-irrigation, there is sufficient water to irrigate 240 acres without using more water than has been decreed.

The question that must be answered is, can the number of irrigated acres be increased without enlarging the use under this right. Idaho Code, Sec. 42-222, provides in part with respect to transfers that:

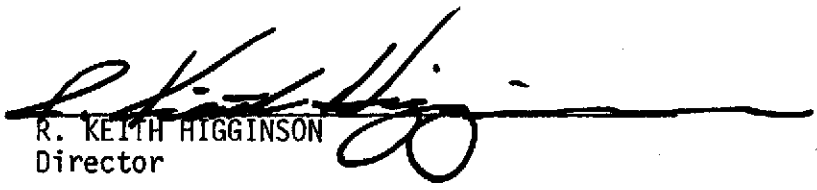
"The Director of the Department of Water Resources shall examine all evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, and the change does not constitute an enlargement in use of the original right . . ." (emphasis added)

Thus, the question will be answered by determining if the requested change will constitute an enlargement in use. The measure of an irrigation water right is not only the rate of diversion, but also the total number of acres of land that the water right owner is entitled to irrigate in any given year. Under the applicants' decreed right, they are entitled to divert at a maximum rate of 3.20 cubic feet per second, sufficient water to raise a crop on 160 acres of land. If 160 acres of crop will consume a given quantity of water during the year, then it holds that 240 acres of crop will consume a proportionally larger amount of water. Thus, an expansion in the irrigated acreage would constitute an enlargement of the right. Further, if, as is indicated by the application, the applicants only need to divert 1.60 cubic feet per second to irrigate the 160 acres specified in the decree, then the remaining 1.60 cubic feet per second is not being used beneficially and, therefore, is not available

to be transferred to new ground, but must go to fill the water right of the next appropriater in line of priority. It must be concluded that the proposed transfer would be an enlargement in use of the original right.

THEREFORE, Transfer Application No. 31-0216 is hereby DENIED.

Dated this 6 day of January, 1976.


R. KEITH HIGGINSON
Director

NOTED

Identification No. 1920
Transfer No. 31 0216

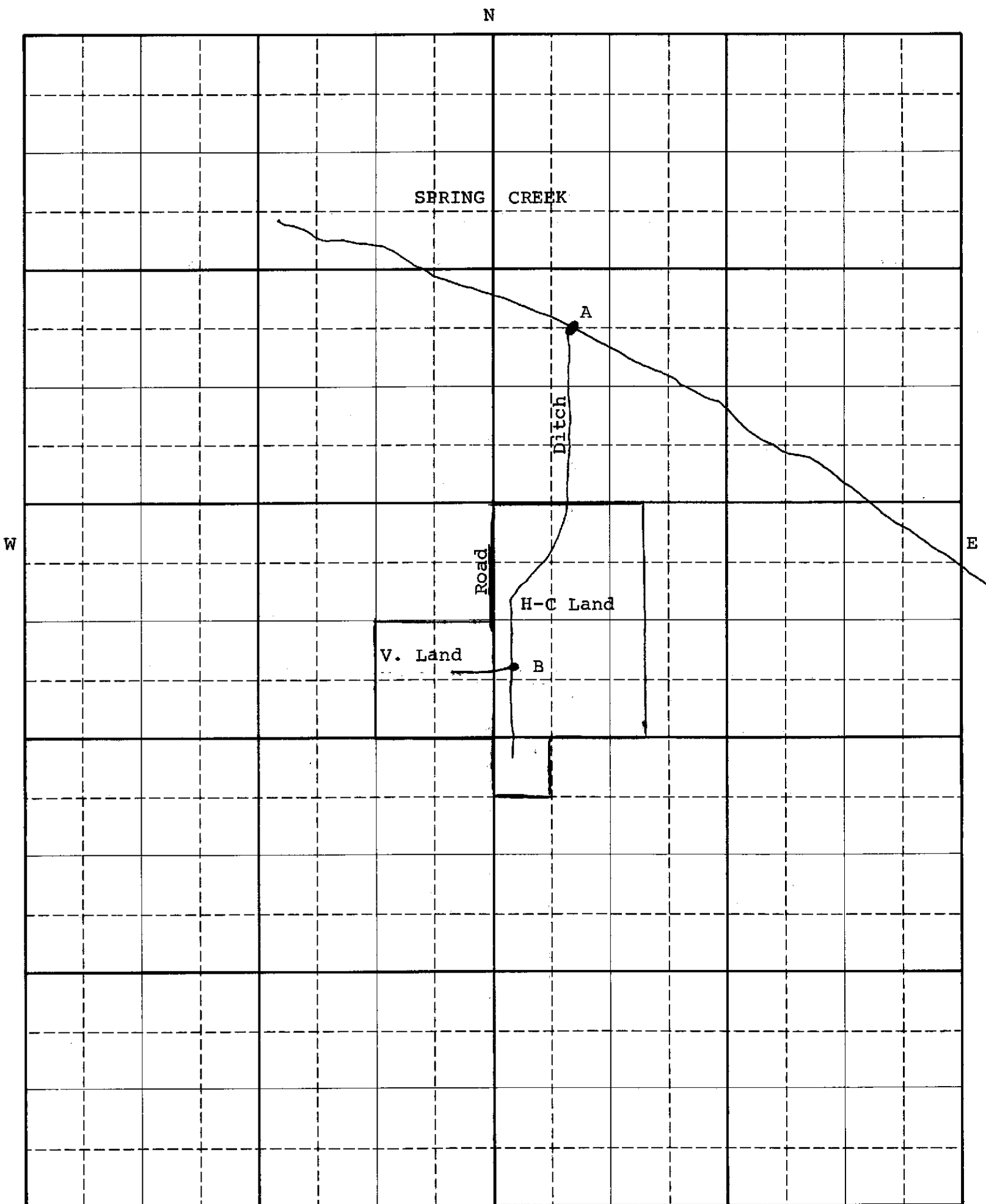
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

1. Name of Right Holder THOMAS A. VADNAIS and ETHEL ROSEANNA VADNAIS
Post office address Star Route, Dubois, Idaho 83423
2. Right obtained by:
a. Decree to ELIZABETH M. A. CROKER REBER in Case of ERNEST SAUVE
(Name)
vs. W.H. ABBOTT, et al, Dated Nov. 1931 in DISTRICT COURT OF THE U. S. for
(Name of Court)
XXXXXXXXXX the DISTRICT OF IDAHO, EASTERN DIVISION
Court: County of _____
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Spring Creek tributary to Camas Creek
(Name of stream or source)
4. Date of Priority 1903
5. Amount of water a. 3.2 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from April 1 to November 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is 1 1/4 miles NE of the SE xx' 1/4 of Section 5,
Township 12 North, Range 39 E, B.M., in Clark County;
Additional points of diversion, if any None
8. Lands presently irrigated or place of use:

TWP.	RANGE	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	
12N	39E	5													40	40	40	40	160

Total number of acres presently irrigated 160



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

S

A = Point of Diversion from Spring Creek

B = Headgate of Lateral Ditch for water to be used on Vadnais land.

H-C [REDACTED] be irrigated by change of place of use of Vadnais right to [REDACTED] from Spring Creek

9. If applicant was not the original holder of this right explain how it was acquired: We are the
successors in interest to the water right referred to in the decree
of the District Court of the United States for the District of Idaho,
Eastern Division, by way of deed from LAVERN VADNAIS

10. CHANGE IN POINT OF DIVERSION NO CHANGE

- a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ 1/4 _____ 1/4, Section _____, Township _____
_____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____

- d. Is water to be conveyed to the lands previously irrigated? Yes _____ 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: _____

- f. Do you intend to make the transfer permanent? _____
- g. Do you intend to abandon completely the old point of diversion? _____

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

11. CHANGE IN PLACE OF USE

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

TWP.	RANGE	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	

The Spring Creek water involved in this particular water right has been and is being used to irrigate lands belonging to the Half Circle Cattle Company and lying within the W1/2, W1/2E1/2, of Section 4, Township 12 North, Range 39 East, Boise Meridian.

More Specifically, these waters are appurtenant to the following described tract of land lying within the above description and containing 80 acres, more or less: Commencing at the North quarter corner of Section 4; thence East along the section line between Section 4 and 33 for 754.3 feet to the point of beginning; thence due South 1131.4 feet, thence South 60° West 3772.0 feet, thence due North 1131.4 feet, thence North 30° East 3772.0 feet to the point of beginning.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Total number of acres to be irrigated _____

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

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No - We seek to change place of use of 1.6 c.f.s. out of our total

water right of 3.20 c.f.s. to 440 acres owned by Half Circle Cattle

Company, Inc.; and irrigate our 160 acres with the remaining 1.6 c.f.s.

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

right: Half Circle Cattle Company, Inc., has a decreed right to 1.6

c.f.s. diverted at the same point to irrigate their 440 acres; thus,

together we have rights to 4.8 c.f.s. from the diversion to irrigation

of 600 acres which will remain the same, but is a more efficient use

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.

X John A. Johnson

Thomas A. Johnson

(signature of applicant)

Subscribed and sworn to before me this 30th day of October, 1974

Alvin H. Johnson

(notary public)

My commission expires 3/31/77

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 1920/31-0216,

and said application is hereby **DENIED**

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

2. Denial of said application is for the following reasons:

Pursuant to the Memorandum Decision and Order of this date.

Witness my hand this 6 day of January, 1976

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by me all at

Date 12-15-75
12-05-74
11-27-74

Protest filed by: _____

Date _____

Prelim. check by _____ Date _____

Fee received by me Date 12-15-75 Fee \$30.00 #15529

Approved for publication by _____

Published in _____ Dates _____

Hearing held _____

Watermaster Recommendation sent _____

RECEIVED

DEC 5 1974

Department of Water Resources
Eastern District Office

Elisabeth Maria
Adolphine Croker
Reber

1903 - Beginning of
1903 irrigation
season

31 216
3.2 c.f.s.

Source: Spring Creek, a tributary
of Canas Creek.

Point of Diversion: One and one-
fourth miles Northeast of the land
to be irrigated, and hereinafter
described.

For use on the following described
land, to-wit: The Southeast Quar-
ter of Section 8, Township 18
North, Range 39 East, Boise Meridian.

No. 109

RECORDED

THIS INDENTURE, Made this 5th day of October
in the year of our Lord one thousand nine hundred and seventy

100-10-100
Department of Water Resources

LaVerne L. Vadnais, a widow
of Dubois(Kilgore Route) County of Clark.
the party of the first part, and

State of Idaho
RECEIVED DEC 10 1974

Thomas A. Vadnais and Ethel R. Vadnais, his wife
of Dubois(Kilgore Rt) , County of Clark , State of Idaho
the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
Ten and no/100----- DOLLARS,

lawful money of the United States of America, and other valuable consideration
to her in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained
and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in , County of Clark , State of Idaho, to-wit:

SE $\frac{1}{4}$ Section 5, Township 12 North, Range 39, East Boise Meridian.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with
the appurtenances unto the parties of the second part, and to their heirs and assigns forever.

And the party of the first part, and her heirs, shall and will warrant and by these presents
forever defend the premises in the quiet and peaceable possession of the parties of the second part,
person and persons whomsoever, lawfully claiming 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 her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Laverne L. Vadnais [Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO

County of Clark

ss.

On this 5th day of October

in the year 19 70 , before me

R. Rhule Leonardson, a Clerk of the District Court

, a Notary Public

in and for said State, personally appeared

Laverne L. Vadnais

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

R. Rhule Leonardson

Notary Public for the State of Idaho,
Residing at _____, Idaho

R. Rhule Leonardson
Clerk of the District Court
Clark County, Idaho

No. 27801

WARRANTY DEED

Laverne L. Vadnais

—TO—

Thomas A. Vadnais

et ux

Dated October 6, 1970

STATE OF IDAHO

County of Clark

ss.

I hereby certify that this instrument was filed for record at request of *Thomas Vadnais*

at 05 minutes past 6th day of October, A. D. 1970

in my office, and duly recorded in Book

of *Micro # 27801* at page

R. Rhule Leonardson

By *Lil Parkinson* Ex-Officio Recorder.

Fees, \$ 200 Deputy.

Mail to *Thomas Vadnais*
Highway Route, Clark, Idaho

Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402

ELIVERAB
IDREED
LE TO FORM
RNT TO WRITER

Time

May 5 1991
- The ~~order~~
doesn't need
to be mailed,
since we
know the
Casper, Wyoming
address is not
good.

- suggest just coding the data base appropriately

10-31

NOV 15 1997

POSTAL SERVICE
SIAL SPONSOR
OLYMPIC GAMES



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 12, 1990

RECEIVED
SEP 09 1991

Half Circle Cattle Co.
1945 Westwood Hill
Casper WY 82601

Department of Water Resources

RE: NOTICE OF PENDING ORDER TO VOID APPLICATION

Dear Sirs:

On July 29, 1983, Half Circle Cattle Company filed with the Department of Water Resources an application to transfer a portion of water right 31-00216. The application proposed diversion from Spring Creek for 1.60 cfs located in Sec. 34 T13N R39E, B.M., Clark County.

The application was protested by Thomas Vadnais on November 28, 1983 and said protest is still in effect. On November 11, 1987 the State of Idaho initiated the Snake River Basin Adjudication (SRBA). Idaho Code 42-1408 requires all persons or organizations that have water rights to file a claim through the Department to submit to the District Court. As of this date the Department has no record of any SRBA claim filed by Half Circle Cattle Company on any part of water right 31-00216.

The purpose of this letter is to request that you withdraw the application or file an adjudication claim on that portion of 31-00216 that you feel is appurtenant to your ground. Enclosed is a withdrawal form for your use. If no adjudication claim is filed, the Department will take action to void your application when the Directors report for Basin 31 is filed with the District Court.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

IN THE MATTER OF)
APPLICATION FOR PERMIT)
NUMBER TR 2959 /)
31-0216)

WITHDRAWAL

IN THE NAME OF)
Half Circle Cattle)
Company)

I hereby withdraw Application for Permit number ^{TR}2959/31-0216
and ask that it be voided from the Idaho Department of Water
Resources records.

Signed this _____ day of _____ 19__.

Signature: _____

COPY

December 12, 1990

Half Circle Cattle Co.
1945 Westwood Hill
Casper WY 82601

RE: NOTICE OF PENDING ORDER TO VOID APPLICATION

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Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

NOV 15 1991

RECEIVED

DEC 10 1990

Department of Water Resources
Eastern District Office

MEMORANDUM

To: Skip Jones
From: L. Glen Saxton *LS*
RE: PROTESTED APP FOR TRANSFER 31-00216 - HALF CIRCLE CATTLE
COMPANY, INC.
Date: December 6, 1990

I have reviewed application for transfer no. 2959 in connection with right 31-0216 and have also reviewed the adjudication claim associated with the right.

The app for transfer proposed to change the place of use of 1/2 (1.6 cfs) of the water right for the alleged reason of making the paper work agree with what has actually happened on the ground thru the years.

Half circle did not submit an adjudication claim on the right or a portion of the right. All of the right (3.2 cfs) was claimed by Thomas Vadnais for the irrigation of the original place of use described for the water right.

I think you should correspond with Half Circle and advise that the department intends to void the application for transfer unless they can show within so many days that they still have an interest in the water right. Note that my suggested "voiding" in this case is different than "combining" action on the pending app for transfer with action on the adjudication claims as we have done in other cases where the claimant and applicant for transfer are one and the same party.

Your correspondence can be termed "Notice of Pending Order to Void Application". After the time for response has expired, you can send appropriate info to the state office for issuance of the final order.

MAILED

NOV 15 1990

ACTION REQUIRED

FROM: H.W. Jones

TO: 31-0416, 31-0309 app. For trans F.

Call made to Bill Dupree. 1-18-88

Will call back - Number disconnected 12-5-90

Mike Webster of Golden Eagle Ranch called on 2-3-88
+ will come in during Feb & work
on transfer

Nov 15 1991

356-3716 - ^{For trans}
Sheridan Golden Eagle
P.O. Box 519
Roxbury, ID 83840



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

January 19, 1988

Bill DuPree
Attorney at Law
220 South 2nd West
Rexburg, ID 83440

Dear Mr. DuPree:

As per our telephone conversation of January 19, 1988, I am enclosing copies of two applications for Transfer of Water Rights initiated by Half Circle Cattle Company. The transfer application for a part of right 31-0216 was protested by Thomas Vadnais. This leaves three options: 1) if Golden Eagle Ranches wants to continue pursuing this transfer, a hearing must be held, 2) Golden Eagle Ranches could decide not to pursue this matter, or 3) if Mr. Vadnais decided to drop his protest, we would continue normal review and possible approval.

Also enclosed is a copy of an Application for Transfer of Right 31-0308. This application has problems inherent in the original decree of this right. The legal description for the decreed place of use was so general it is impossible to determine the exact acreage under the right. We feel an on site inspection is necessary before we can take any further action.

I need you to evaluate what Golden Eagle Ranches should do in regards to these applications and respond to Ernest Carlsen, the Hearing Officer, within 30 days. I feel that these applications should be cancelled if some action is not taken by Golden Eagle Ranches by the end of February, 1988.

If you have any questions, please call Mr. Carlsen or myself.

Sincerely,

Harold W. Jones
Sr. Resource Agent

HWJ/dg
Enclosures

MAILED
NOV 15 1991

Mike Webster of Golden Eagle Ranch called on 2-3-88
& will come in this month to work on transfer.
HWJ

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER
J. MICHAEL WHEELER

May 7, 1987

Mr. Ronald Carlson
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Ron:

We are in receipt of your letter of April 28, 1987,
addressed to the Half Circle Cattle Company c/o our office. We
no longer represent the Half Circle Cattle Company but understand
that correspondence can be addressed to that entity at 1945
Westwood Hill, Casper, Wyoming, 82601

Yours very truly,



Kent W. Foster

sam/5400e

RECEIVED
JUN 26 1987

Department of Water Resources

RECEIVED
MAY 11 1987

Department of Water Resources
Eastern District Office

Half Circle Cattle Co. TRANSFERS

31-4096	31-4102	31-0308/0310
31-4097	31-4103	31-0309
31-4098		31-0216
31-4099		31-7419
31-4100		31-7420
31-4101		

July 16, 1985

RE: Application for Transfer No. 31-0216 HALF CIRCLE CATTLE CO.

Mr. Thomas Vadnais
Hamer,
Idaho 83425

Dear Mr. Vadnais:

Department records on the above application indicate the Stipulation and Agreement sent to you July 2, 1984 for signature has not been returned. Without a signed Stipulation our only alternative for proceeding with administrative action is to schedule the matter for hearing. We have not established a date for the hearing; however, it will be scheduled at our earliest convenience.

Should you have questions concerning the transfer application or the Stipulation, please don't hesitate to contact me.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Kent Foster, Attorney at Law

NOV 18 1985



STATE OF IDAHO

DEPARTMENT OF LANDS

Eastern Idaho Area Office
Route 1, Box 400 (Beeches Corner)
Idaho Falls, Idaho 83401

April 15, 1985

IN ADDITION TO 31-7419
31-7420 PLACE COPIES
OF THIS LETTER WITH
31-0216. IN HAND FILE.

Ernest Carlsen
Assistant Regional Supervisor
150 Shoup - Suite 15
Idaho Falls, ID 83402

Dear Mr. Carlsen:

Thank you for providing copies of "Application For Permit No's 31-7419 and 31-7420 for our review.

You may want to be aware all grazing rights and lands owned by Half Circle Cattle Company including water and water rights appurtenant to the property were recently purchased by Golden Eagle Ranch at a Sheriffs sale. The sale has apparently caused some rift between Half Circle Cattle Company and Golden Eagle Ranches. If you need more information on the recent sale you may want to contact the Sheriff of Clark County.

Because neither well is on State land we have no objections to processing of the above applications, but we do suggest you determine status of ownership.

Sincerely yours,

Jim Wood
Assistant Area Supervisor -
Range Management

JW/mjh

CC: Chief, Bureau of Range

RECEIVED

APR 18 1985

Department of Water Resources
Eastern District Office

NOV 15 1991

EQUAL OPPORTUNITY EMPLOYER

INTER-DEPARTMENT MEMO — 1

FROM Ernest.

DATE ~~10-5-83~~
10-5-84

TO

SUBJECT Telecon. Mr. Valrais indicated he would sign the ^{stipulation} agreement so the Dept. could proceed with issuing a decision.

RECEIVED

NOV 15 1991

SIGNATURE

ACTION REQUIRED

FROM: Ernie 4/04/84

TO: _____

Applicant is going to amend ^{the new place of use on} both applications #31-0216 & 31-0309.

These amendments should be advertised. During processing

a copy of amended #31-0216 should be sent to Thomas

Vadnais along with a Stipulation & Agreement authorizing the

Dept. to reach a decision based on the 4/04/84 conference.

If stipulation is not returned ~~the~~ a hearing should be scheduled.

A similar stipulation should also be sent to Kent Fisher
for signature.

NOV 15 1991

On 7-29-83, Half Circle Cattle Co., Inc. filed with the Dept. of Water Resources an $\frac{1}{2}$ I. water right #31-0216.

This right was devised #109 in the case of *Sauve vs Abbott* dated 11-1-1930. It was devised to Elizabeth Maria Adolphine Crocker

Reber with a priority of 1903. The right consisted of 3.2 cfs

diverted from Spring Creek tributary to Conasa Creek and used to

irrigate 160 acres in the SE $\frac{1}{4}$ Sec 5 T12N R39E.

The purpose of the application was to transfer

$\frac{1}{2}$ of the right or 1.60 cfs to an undivided 80 acres with of

a 3/0 acre parcel in the W $\frac{1}{2}$ N $\frac{1}{2}$ $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Sec 4. Twp. 12N R. 39E.

Notice of the application was published in the Rexburg

Journal on Nov. 10 and 17, 1983 and was subsequently protected

on Nov 23, 1983 by Thomas Vadnais.

RECEIVED
NOV 15 1991

CONCLUSIONS OF 'NW':

1. Based on the Feb. 1974 agreement the applicant is authorize to pursue the transfer of $\frac{1}{2}$ of right #31-0216.
2. Thomas Vadnais continues to hold 1.60 cfs of right #31-0216 for the irrigation of 80 acres in the SE4, Section 5, Twp 12N Rge 39E, B.M.
3. Transfer of the water right will not constitute an enlargement in use.
4. The applicant is entitled to an approved transfer from the Dept. of Water Resources.

ANALYSIS

The removing of a water right from irrigated land will ~~decrease~~ the value of the ^{devalued} property as contended by the protestant. But the protestant authorized the transfer of $\frac{1}{2}$ of right #31-0216 without compensation when he signed the Feb. 1974 agreement. ~~Devaluation of property, is not an issue properly before the Director when taking administrative action on an application for transfer.~~

ORDER:

RECEIVED
NOV 15 1991

FINDINGS OF FACT:

1. The protestant, Thomas Vadnais, owns the decreed place of use for water right #31-0216 described as 160 acres in the SE $\frac{1}{4}$ N5 Twp. 12N Rge 39E.

was consummated

2. In Feb. 1974, an agreement between Thomas Vadnais and Taylor Lawrence Jr. representing Half Circle Cattle Co., Inc., wherein Mr. Vadnais conveyed to Half Circle Cattle Co. $\frac{1}{2}$ of right #31-0216.

3. Subsequent to the agreement Mr. Vadnais filed application for transfer #1920, proposing that right #31-0216 be modified to ~~cover~~ describe the place ~~of use~~ as 600 acres owned by both Mr. Vadnais and Half Circle Cattle Company.

his authority under

4. On Jan. 6, 1976, pursuant to, Section 42-222, Idaho Code the Director of the Dept. of Water Resources, denied application for transfer #1920 on the grounds it would "constitute and enlargement in use of the original right."

5. Based on the agreement 1. Half Circle Cattle Co., Inc. has filed a new application for transfer intended "to make 1.60 cfs of right 31-0216 appurtenant to 80 acres owned by the Corp. in the SW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 4, T12N, R39E. N $\frac{1}{2}$ W $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 9 T12N. R39E. This land is owned by the corporation.

6.

NOV 15 1991

Application for transfer # 31-0216.

Concerns that need to be addressed:

1- Are there other water rights appurtenant to the new place of use? 80" with a 1920 priority? right 31-0309.

2.- Item B 3 - Which 80 acres will the water be removed from?

3. How will applicant limit irrigation to 80 acres per annum?
They will amend application to identify specific 80 acres.

4- Why are lands on the east side of Spring Creek included as part of the new place of use?

They will amend application to cover other lands.

FILED

NOV 15 1991



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

July 2, 1984

Thomas Vadnais
Hamer,
Idaho 83425

663-4880.

Dear Mr. Vadnais:

On April 4, 1984 the Department conducted a conference on Half Circle Cattle Company's application to transfer half of decreed right #109/31-0216. During this conference the Department collected information relative to your protest against granting the transfer. After considerable discussion it was decided that Half Circle would amend its application to designate the specific lands where the water will be transferred to, and that you would have the opportunity to review this application prior to the Department issuing a decision.

Processing of the amended application has been completed and a copy of it is enclosed for your review. Included with the application is a Stipulation & Agreement. Returning the Stipulation to this office after you have signed it authorizes the Department to proceed with issuing a decision. If the Stipulation is not returned we will schedule the matter for hearing at our earliest convenience.

Please feel free to call or contact me if you have questions or wish to withdraw your protest.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:jk

Enclosures

RECEIVED

NOV 15 1991



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 18, 1984

RE: Application for Amended Transfer No. 31-0216 HALF CIRCLE CATTLE
No. 31-0309 "

Standard Journal
P.O. Box 10
Rexburg, ID 83440

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on May 31 and June 7, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

NOV 15 1991

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 31-0216

RECEIVED

JUN 14 1984

Department of Water Resources
Eastern District Office

WATER DISTRICT

31

WATERMASTER

Donald W. Shenton

DATE:

JUNE 9, 1984

COMMENTS:

I endorse this application if
it isn't contrary to the agreements of
the conference in Idaho Falls of applicant vs Uadnais
this spring. I think it was agreed by all parties
that this transfer was forth coming -

I do endorse approval of this change.

I do not endorse approval of this change.

I would not endorse if transfer would damage an existing
water right of Uadnais
recommend the following conditions of approval:

That all changes be controllable

by measuring devices and

control works.

Donald W. Shenton
Watermaster

NOV 15 1991

May 22, 1984

RE: Amended Applications for Transfer No. 31-0309 & 31-0216
HALF CIRCLE CATTLE

Don Shenton, Watermaster
Water District No. 31
Box 33
Dubois, 83424

Dear Don:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before June 18, 1984.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC: CW

Enclosure

NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

Amended

INITIAL REVIEW BY: HWT

1. Right number 31-0216 Applicant Half Circle Cattle Comp
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:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ 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).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. b x agreement
 - h. ☒ Check for expansion in use of right. Comments In Part B a specific 80 acres must be identified rather than the phrase "1/2 of the above acreage (160)."
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 31-0208, 0310, 0311, 0312, 0313, 0314, 0315, 0316 Do not specify distinct separate acreage; all are implied approp. to land list #7
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD #31

6/18/84

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 5-22-84 Received on 6-14-84
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

NOTICE OF PROPOSED AMENDING OF TRANSFER

NO. 31-0216

Notice is hereby given that Transfer No. 31-0216 in the name of Half Circle Cattle Company, Inc., Idaho Falls, Idaho was filed for the diversion of 1.60 cfs of water from Spring Creek tributary to Camas Creek, with the point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 13N, R. 39E, B.M., Clark County; to be used from May 1 to Nov. 1 for the irrigation of 310 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4, T. 12N, R. 39E, B.M. and stating that only an undivided 80 acres of this total 310 will be irrigated.

The right holder now proposes to amend transfer No. 31-0216 changing the place of use to 80 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 12N, R. 39E, B.M.

Any protest to the proposed amending of this transfer must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before June 18, 1984.

A. KENNETH DUNN

Director

Published in the Standard Journal, Rexburg, ID on 5/31 & 6/7/84.

RECEIVED

NOV 15 1991

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0820
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P.A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK

May 11, 1984

RECEIVED

MAY 14 1984

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Carlsen:

We have now completed and Mr. Lawrence has executed amended applications for transfer regarding Water Rights Nos. 31-0216 and 31-0309. The original executed copies are enclosed with this letter together with our check in the amount of \$40.00. We assumed there would be a readvertising required, and that the fee under Section 42-221 F would be applicable. If this is incorrect, please advise us and we will be happy to make the adjustment.

As always, if there are any questions, or additional information required, please advise us.

Yours very truly,

Kent W. Foster
cl
Kent W. Foster

KWF/cl
2247.
Enclosures

NOV 15 1991

31-0216 Transfer.

04/04/84

Applicant - Half Circle Cattle Co.
represented by. Kent Foster, attorney & Taylor Lawrence.

Protestant - Thomas Vadnais -

Conference -

1:20 p.m.

- Application proposes to change $\frac{1}{2}$ of water right.

Vadnais - proposed change will devalue his property.

- there is sufficient water for new place of use without transferring
80" of right 31-0216.

Foster - pre-1974 law suit settlement by agreement signed
in Feb, 1974. (copy in application file.). Agreement
authorizes transfer of $\frac{1}{2}$ of the water right to be filed
by Vadnais. Initial application filed Oct. 1974. Denied
by Dept. because change constitutes an expansion of the right.

- This application filed in conjunction with another application
to transfer 31-0309. for irrigation of 310 acres. NOV 15 1991
This application was filed on the basis of 1974 agreement.

Vadnais - Claims use of entire water right ~~since~~ following denial by
Dept. in 1974, despite covenants of agreement.
No other water rights appurtenant to SE $\frac{1}{4}$ Sec. 5.

Shenton - Normally ~~there would not be~~ either both the water rights are being filled or both are turned off.

Johnson - Land on east side of Spring Creek is flooded during spring run off, no diversion from creek, drain ditches direct water back to the creek.

Vadnais - Prior to 1974, 100 acres were irrigated with high water thru upper ditch, while spring creek was overflowing banks. After 1974 - constructed channel from Half Circle Ditch allowed him to water for longer period during irrigation season. Irrigates land on west side of Ching Creek.

Shenton - Water master during 1960 - 1900 & 1903 rights are filled during years of normal run off.

Foster - Water for both 31-0309 & 31-0216 are conveyed through a common ditch for irrigation of land in Section 4. It is therefore not possible to ~~be~~ distinguish between the ~~these~~ lands irrigated under either water right.

RECEIVED

NOV 15 1991

31-0216

April 4,

Half Circle Cattle Co.

Taylor Lawrence - Kent Foster attorney -
Protestant

Thomas Vadnais

Source Spring Ck.

1. Are there other right appurtenant to the new place of use
2. What land will the water be removed from the 160 of Vadnais
3. How will applicant limit irrigation to 80 acres
4. Why are lands on east side of Spring Creek included as part of the place of use -

Conference -

Issues -

There is enough water for the new place of use

Suit filed prior to 1974 - Divided

This right with 31-0309 ^{will irrigate} 230 acres of 300 acres

Ownership of 1.6 cfs is based upon the agreement -

Since the agreement the 3.2 cfs has continued to be used -

Mr Vadnais has no other water right for his 160 acres

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NOV 15 1991

1.68 is proportion to 230 acres



Mr Vadins

Irrigates the 100 acres ~~that~~ east of Ching Creek

— No effect of Watermaster delivery

NOV 15 1991

T 31-0216 - Half Circle Cattle Company

Wednesday, April 4, 1984 (1:00 p.m.)

Third Floor Conference Room, State Office Building, Idaho Falls, Idaho

ROSTER OF ATTENDANCE

Hearing Officer: Bob Fleenor & Ernest Carlson

Name	Address	Representing
------	---------	--------------

Thomas A. Vadnaier	Star Route Dubois, Ida.	
--------------------	-------------------------	--

Ethel K. Vadnaier	Star Rt. Dubois, Ida.	
-------------------	-----------------------	--

Donald W Shenton	Box 33 Dubois, Idaho	
------------------	----------------------	--

M.J. Lamm	1945 Westward Hill Aspen, Wyoming	
-----------	-----------------------------------	--

Kent M. Fritts	P.O. Box 129 IF.	applicant
----------------	------------------	-----------

Bucky Johnson	HC 69 Box 162 Hamer Idaho	
---------------	---------------------------	--

NOV 15 1984

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 31-0216 IN THE NAME OF HALF CIRCLE) STIPULATION
CATTLE COMPANY)
_____)

BY THIS STIPULATION, the undersigned parties to
the above-captioned case waive compliance with the requirements
of Idaho Code, Section 67-5211, including the right to a
proposed decision, to file exceptions to a proposed decision
and to present briefs and oral arguments to the Director of
the Department of Water Resources and agree that the Director
may render a final decision in this case without first
submitting a proposed decision.

Dated this _____ day _____, 19____.

(Notary Subscription)

RECORDED

NOV 15 1991

NAME AND ADDRESS OF SENDER

EASTERN DISTRICT OFFICE
150 SHOUF AVE.
DANFALLS, IDAHO 83401Indicate type of mail:
☒ Registered
☐ Insured
☐ CertifiedIndicate that we have:
☒ Commercial description
☐ International description

After stamp has been placed, attach a copy of this form to the POSTMASTER AND DATE OF MAILING

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)	The full declaration of value is required on all domestic and international registered mail. Commercial insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.
NUMBER OF PIECES	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	REG	Handling Charge	Actual Value (if registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. N. FEE	REMARKS								
1	13193 West 32nd St Bay 129 I.F.	20	75												16	16	1984	
2	13191 Thomas A. Adams St																	
3	13192 2nd Avenue 550 kinders I.F.																	
4	13193 Fayville St 2516 2nd E Hedberg																	
5	13194 Wm T. Thomas, Pubors, 2nd J																	
6	13195 Chase Station 485 E St I.F.																	
7	13196 1st St 2nd Ave BLM 9th Ave 1187																	
8	13197 1st St 2nd Ave BLM 9th Ave 1187																	
9	13198 1st St 2nd Ave BLM 9th Ave 1187																	
10	13199 1st St 2nd Ave BLM 9th Ave 1187																	
11																		
12																		
13																		
14																		
15																		

MICROFILMED
NOV 15 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

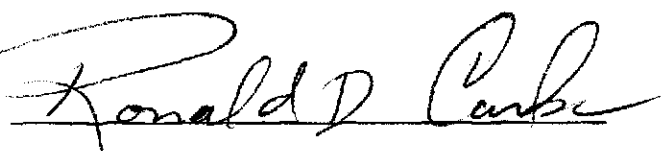
IN THE MATTER OF PROTEST AGAINST APPROVAL OF
TRANSFER NO. 31-0216 IN THE NAME OF HALF
CIRCLE CATTLE COMPANY

NOTICE OF HEARING
AND/OR CONFERENCE

On July 29, 1983, Half Circle Cattle Company, Idaho Falls, Idaho filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On November 28, 1983, the Department received a protest against approval of said application from Thomas A. Vadnais.

The Department has set the matter of protest for hearing for Wednesday, April 4, 1984 at 1:00 p.m. in the Third Floor Conference Room, State Office Building, 150 Shoup, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 21st day March, 1984.



RONALD D. CARLSON

Eastern Regional Supervisor

NOV 15 1991

INTER-DEPARTMENT MEMO — 1

FROM Ernest Carlsen

DATE 1/5/84

TO File No. 31-0216

SUBJECT

This is a companion application to another application filed to transfer 31-0309. The lands actually irrigated should be determined through a field investigation.

Special attention should be given to those lands in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4 on the other side of Spring Creek.

INDEXED

NOV 15 1991



SIGNATURE

December 9, 1983

RE: Application for Transfer No. 31-0216 HALF CIRCLE CATTLE CO.

Thomas A. Vadnais
Hamer,
Idaho 83425

Dear Mr. Vadnais:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

NOV 15 1991

December 9, 1983

RE: Application for Transfer No. 31-0216 HALF CIRCLE CATTLE CO.

Kent Foster
Attorney at Law
P.O. Box 129
Idaho Falls, ID 83401

Dear Mr. Foster:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON NOV 15 1983
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: J. L. S. Office

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 31-0216

DEC 2 1983

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Eastern District Office

I, Donald W. Shenton, watermaster of CAMAR Creek,
of Water District No. 31, County of CLARK, State of Idaho,
whose address is Box 33 Dubois Idaho 83423
have read the attached copy of the application for transfer of water right for _____
HAIF Circle Cattle Co INC., 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: _____

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: This same attempted transfer has
already been denied by the I.D.W.R. on Jan. 6, 1976.
There was a memorandum Decision and Order handed
down to the watermaster under transfer # 31,0216
on this date of denial.
Dated at Dubois, Idaho, Idaho, this 2 day of Dec 19 83.

Donald W. Shenton
(signature)

OVER

Please use reverse side if needed.

NOV 15 1981

This water has since been treated as the water owned by Mr. VADNAIS and been delivered and recorded and charged in the same matter

It has also been considered as a total right of 3.20 cfs. as the decree states.

It all belongs to the ground of Mr. VADNAIS by decree.

With the denial of first transfer it has to be considered as property of Mr. VADNAIS and not Half Circle Cattle Co. INC.

Therefore the water master could not authorize a transfer of property or rights of an individual not belonging to the Applicant —

Dec. 2-1983

Donald W. Shenter — water master —
water Dist. #31

RECEIVED

NOV 15 1991



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

November 29, 1983

RE: Application for Transfer No. 31-0216 HALF CIRCLE CATTLE CO.
31-0309 "
31-0308 "

Don Shenton, Watermaster
Water District No. 31
Box 33
Dubois, ID 83423

Dear Don:

Our files indicate we have not received your watermaster comments on the above captioned application for transfer, which was forwarded to you on November 4, 1983. Therefore, enclosed please find a copy of the application and another watermaster recommendation form.

Section 42-222 of the Idaho Code states that watermaster recommendations must be submitted to the Department before proceeding with final administrative action. Since advertising of the application is completed, I urge you to give this matter immediate attention.

Your cooperation is appreciated.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosures

NOV 15 1983



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

November 29, 1983

RE: Application for Transfer No. 31-0216 HALF CIRCLE CATTLE
31-0309 "
31-0308 "

Claim to a Water Right No. 22-4158 GROVER

Standard Journal
P.O. Box 10
Rexburg, ID 83440

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on November 10 and 17, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

NOV 15 1991

November 4, 1983

RE: Application for Transfer No.'s 31-0216, 31-0308/0310,
31-0309-- HALF CIRCLE CATTLE CO.

Don Shenton, Watermaster
Water District No. 31
Box 33
Dubois, ID 83423

Dear Mr. Shenton:

Please find enclosed a copy of the above referenced applications and watermaster recommendation forms. Please review the applications and complete the forms, returning them to this office on or before November 28, 1983.

Thank you for your cooperation in this matter.

Very truly yours,

BARBARA L. POWERS
Secretary

Enclosures

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 31-0216

Notice is hereby given that Half Circle Cattle Co., Inc. c/o Holden, Kidwell, Hahn & Crapo, Idaho Falls, Idaho, has applied to the Dept. of Water Resources for a change in the place of use of the waters of Spring Creek tributary to Camas Creek. The right sought to be changed is evidenced by Decree 109 to Elizabeth Maria Adolphine Croker Reber in case of Sauve vs. Abbott dated in Nov. 1, 1930 in District Court of Idaho and is recorded as follows:

AMOUNT: 3.2 cfs

PRIORITY: "Beginning of Irrigation Season" 1903

POINT OF DIVERSION: "one and one-fourth miles Northeast of the land to be irrigated and hereafter described" T. 12N, R. 39E, B.M. Clark, County.

The water is used to irrigate 160 acres within the SE $\frac{1}{4}$ Sec. 5, T. 12N, R. 39E, B.M.

TO BE CHANGED AS FOLLOWS

1.6 cfs of water will be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T. 13N, R. 39E, B.M. Clark County and used to irrigate 310 acres within Lot 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4, T. 12N, R. 39E, B.M. Only and undivided 80 acres of this total of 310 will be irrigated with this right.

Any protest against approval of the above proposed change of water right must be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before November 28, 1983.

A. KENNETH DUNN

Director

Published in the Standard Journal on 11/10 & 11/17/83.

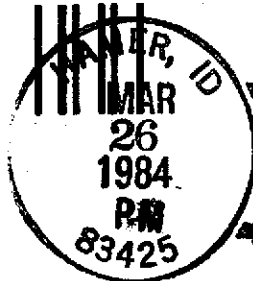
NOV 15 1991

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to number.



USE, \$300

RETURN
TO



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

RECEIVED

15 1991

MAR 27 1984

(Street or P.O. Box)

Department of Water Resources
Eastern District Office

(City, State, and ZIP Code)

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered
☐ Show to whom, date, and address of delivery

2. ☐ **RESTRICTED DELIVERY**

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**

*Thomas Adnand
Hamer, Wd. 83425*

4. **TYPE OF SERVICE:**

☐ REGISTERED

☒ **INSURED**

☒ **CERTIFIED**

☒ **COD**

☐ EXPRESS MAIL

ARTICLE NUMBER

13191

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

5. **DATE OF DELIVERY**

3-24

HAMER POSTMARK

MAR

26

1984

6. **ADDRESSEE'S ADDRESS (only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

USPO EMPLOYEE'S INITIALS

NW

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

MAR 22 1984

(Street or P.O. Box)

Department of Water Resources

Eastern District Office

(City, State, and ZIP Code)

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered

☐ Show to whom, date, and address of delivery

☐ RESTRICTED DELIVERY

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO

Postmaster
P.O. Box 1319
Wabeko Falls, Id. 83402

4. TYPE OF SERVICE:

☐ REGISTERED ☐ INSURED

☒ CERTIFIED ☐ COD

☐ EXPRESS MAIL

ARTICLE NUMBER

13190

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

DATE OF DELIVERY

POSTMARK

(Write on reverse)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

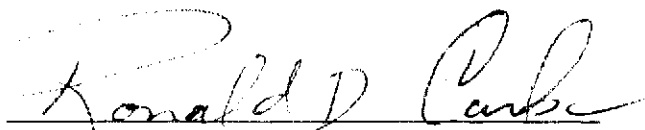
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF)
TRANSFER NO. 31-0216 IN THE NAME OF HALF)
CIRCLE CATTLE COMPANY) NOTICE OF HEARING
AND/OR CONFERENCE

On July 29, 1983, Half Circle Cattle Company, Idaho Falls, Idaho filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On November 28, 1983, the Department received a protest against approval of said application from Thomas A. Vadnais.

The Department has set the matter of protest for hearing for Wednesday, April 4, 1984 at 1:00 p.m. in the Third Floor Conference Room, State Office Building, 150 Shoup, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 21st day March, 1984.



RONALD D. CARLSON

Eastern Regional Supervisor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 31-0216 Applicant Half Circle Cattle Comp
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:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ 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).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments in part B the land description should be for a specific 80 acres not 160 - This 80 will then be without water from #31-0216
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) #31-2220 #5-2220 from Dry Creek
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD #31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 11-04-82 Received on 12-2-82
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

RECEIVED

NOV 28 1983

IN THE MATTER OF
APPLICATION FOR TRANSFER
OF RIGHT 31-0216, HALF
CIRCLE CATTLE COMPANY.

Department of Water Resources
Eastern District Office

PROTEST

I am opposed to the application for transfer of right 31-0216 filed by Half Circle Cattle Company, on the grounds there is sufficient water already appurtenant to the designated place of use for adequate irrigation. Furthermore, the 80 inches being transferred has historically been used on the SE $\frac{1}{4}$, Section 5, T. 12N, R. 39E, which I own.

Signed the 28th day of November, 1983.


THOMAS A. VADNAIS
Hamer, Idaho 83425

December 9, 1983

RE: Application for Transfer No. 31-0216 HALF CIRCLE CATTLE CO.

Thomas A. Vadnais
Hamer,
Idaho 83425

Dear Mr. Vadnais:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

December 9, 1983

RE: Application for Transfer No. 31-0216 HALF CIRCLE CATTLE CO.

Kent Foster
Attorney at Law
P.O. Box 129
Idaho Falls, ID 83401

Dear Mr. Foster:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

file 31-0216

May 27, 1980

Mr. Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P.O. Box 129
Idaho Falls, ID 83401

Dear Mr. Foster:

As requested from our regional office in Idaho Falls, I have enclosed a copy of the denied transfer of decreed right No. 31-0216. The fee for the enclosed copy is \$1 which you may remit to this office.

If you have any questions or need further assistance, please feel free to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ss

Enclosures

MICROFILMED

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83401

TELEPHONE 523-0620

AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)

WILLIAM S. HOLDEN
R. VERN KIDWELL
FRED J. HAHN
TERRY L. CRAPO
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN

CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

May 15, 1980

Mr. Ronald D. Carlson
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Transfer No. 31-0216 in the
Name of Thomas A. and Ethel Roseanna Vadnais

Dear Ron:

Sometime ago, our office was contacted by Mr. M. T. Lawrence, Jr., President of the Half Circle Cattle Company. Apparently the company owns some land in the Kilgore area and Mr. Lawrence indicated that as a result of a settlement of a dispute several years ago with Mr. and Mrs. Vadnais, they were to file an Application for Transfer of a certain portion of a water right. Mr. Lawrence seemed to be unaware of what had transpired since that time and asked us to look into it.

Sometime ago, Don Shenton gave us a copy of a Memorandum Decision and Order dated January 6, 1976, which denied an application by the Vadnaises to change the place of use of a portion of the right about which our client is apparently concerned. After reading the Memorandum Decision and Order, I am unable to fully understand it. I thought perhaps if I had a copy of the application which was filed by the Vadnaises December 15, 1975, it might be possible to understand the matter better.

I would appreciate it if you could see if you could locate it and send me a copy of the application which was filed in this matter on December 15, 1975.

Yours very truly,

Kent
Kent W. Foster

KWF:jt

RECEIVED
MAY 16 1980

Department of Water Resources
Eastern District Office

January 6, 1976

Re: Application for Transfer No. 31-0216

Thomas A. &/or Ethel Roseanna Vadnais
Star Route
Dubois, ID 83423

Dear Mr. & Mrs. Vadnais:

Enclosed is a copy of your denied Application for Transfer No. 31-0216 along with the Memorandum Decision and Order.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enc.

cc: Donald Shenton, Watermaster
Dubois, ID 83423

{ C. Timothy Hopkins
Salisbury Bldg., 428 Park Ave., Box 1196
Tahoe Falls, ID 83401 }

Hopkins - applicant
cc sent to 3-16-1976
j

CONVERSATION MEMORANDUM

DATE 12-18-75

FILE T 31-0216

NAME OF PARTY Don Shenton , Watermaster

EMPLOYEE Ron Carlson

RE: Called Don Shenton, Watermaster, Water District 31, to obtain his recommendation on Application for Transfer No. 31-0216, Thomas and Ethel Vadnais. Don said last year Taylor Lawrence of Half Circle Cattle Co. blocked off the Vadnais ditch where it crossed Half Circle land and told him that he was no longer getting water because his water right had been relinquished through non-use. Apparently, the matter went to court, and a preliminary hearing was held. According to Shenton, Vadnais decided that it would be better to compromise with Taylor Lawrence and retain half of his water than to continue the court battle, pay attorney fees, and have the court find the right had been relinquished. Therefore, he agreed to transfer half of his water to Half Circle Cattle Co. I asked Don Shenton if water had been delivered to fill the Vadnais right in the last few years, and he reported that it had. During our conversation he neither endorsed nor objected to the approval of this application.

NAME OF PARTY Timothy Hopkins, Attorney at LawEMPLOYEE Ronald D. Carlson

RE: Yesterday I spoke with Timothy Hopkins concerning application
for transfer he sent in the name of Thomas A. and Ethel Roseanna
Vadnais.

I told him that the Department could not allow an expansion
in the acreages to be irrigated under this right.

Specifically, this application requests to transfer 1.6 cfs
from the original 3.2 cfs decreed, leaving 1.6 cfs on the original
160 acres and transferring the other 1.6 cfs to a new 80.

Originally when this application for transfer was submitted a
year ago, they showed the 1.6 cfs being diverted to 400 acres with
the remainder staying on the original 160.

At that time I told Mr. Hopkins that it had to be an acre
for acre transfer and that the 1.6 cfs must be removed from a
specific 80 acre tract and transferred to a different 80 acre tract.

The transfer application we have now received leaves half the
water on the original 160 but transfers 1.6 cfs to a different 80.

I told Mr. Hopkins that the Department would view this transfer
as an expansion of right and that the application could not be approved.

He said that he did not wish to take my word for it and wanted
the application processed to find out for certain what the Director's
decision would be.

December 17, 1975

RE: Application for Transfer No. 31-0216

Mr. Timothy Hopkins
Attorney at Law
Salisbury Building - 428 Park Ave.
P.O. Box 1196
Idaho Falls, Idaho 83401

Dear Mr. Hopkins:

Attached herewith is Departmental receipt No. 15529 in the amount of \$30.00 for the above referenced application you submitted on behalf of Thomas A. and Ethel Roseanna Vadnais.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment

HOPKINS & FRENCH

LAWYERS

C. TIMOTHY HOPKINS
SEWARD H. FRENCH, III
GREGORY L. CROCKETT

SALISBURY BUILDING - 428 PARK AVENUE
P. O. BOX 1196
IDAHO FALLS, IDAHO 83401

TELEPHONE
AREA CODE 208
523-4445

December 12, 1975

RECEIVED

DEC 15 1975

Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson, Acting District Engineer
State of Idaho, Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Transfer of Water Right - Thomas
A. Vadnais - Half Circle Cattle Company, Inc.

Dear Ron:

We have finally received the description which we have been waiting for in order to resubmit the Application for Transfer of Water Right as noted above. You will therefore find that we have enclosed the Application, together with the appropriate exhibits as were previously submitted to you.

You will note that the Application has been revised in accordance with your suggestions in the following respects:

1. The date of use has been changed to April 1 to November 1; and
2. The lands to which the water is to be transferred have been more specifically described in paragraph 11.

We trust that the foregoing information, together with the enclosed Application and filing fee in the amount of \$30.00, will allow you to go forward with the routine processing of this Application.

We shall look forward to hearing from you should you have any questions or, in any event, upon your final action with respect to the application.

Thank you for your continuing help.

Very truly yours,
HOPKINS & FRENCH

Tim Hopkins
C. Timothy Hopkins

CTH/cc
Enclosures

CC: Mr. Thomas A. Vadnais
Mr. Taylor Lawrence

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source SPRING CREEK ✓

Name THOMAS & ETHELVADNALS

2. Right Being Transferred

Right No. 31-0216

a. ☒ Decree

Transfer No. _____

_____ License

_____ Use

b. 1903 Priority

c. ☒ Location - Original P. D.

d. ☒ " - Original P. U.

e. _____ " - New P.D.

f. ☒ " - New P.U.

g. _____ Amount

_____ All

☒ Part

3. OK Proof of Ownership of Right

Comment YES - ATTY FOR APPLICANT
REFUSES TO SPECIFY 80 FROM WHICH

4. YES Expansion of Right

WATER

Comment _____

5. OK Map

6. OK Signature

7. OK Fee

8. Watermaster's Comments TC - DON SHENTON

SEE MEMO

9. Comments _____

10. Initial Review by RDC

Date 12/17/75

11. Recommended Action

_____ Approve

☒ Deny

_____ Conditions _____

By RDC

Date 12/18/75