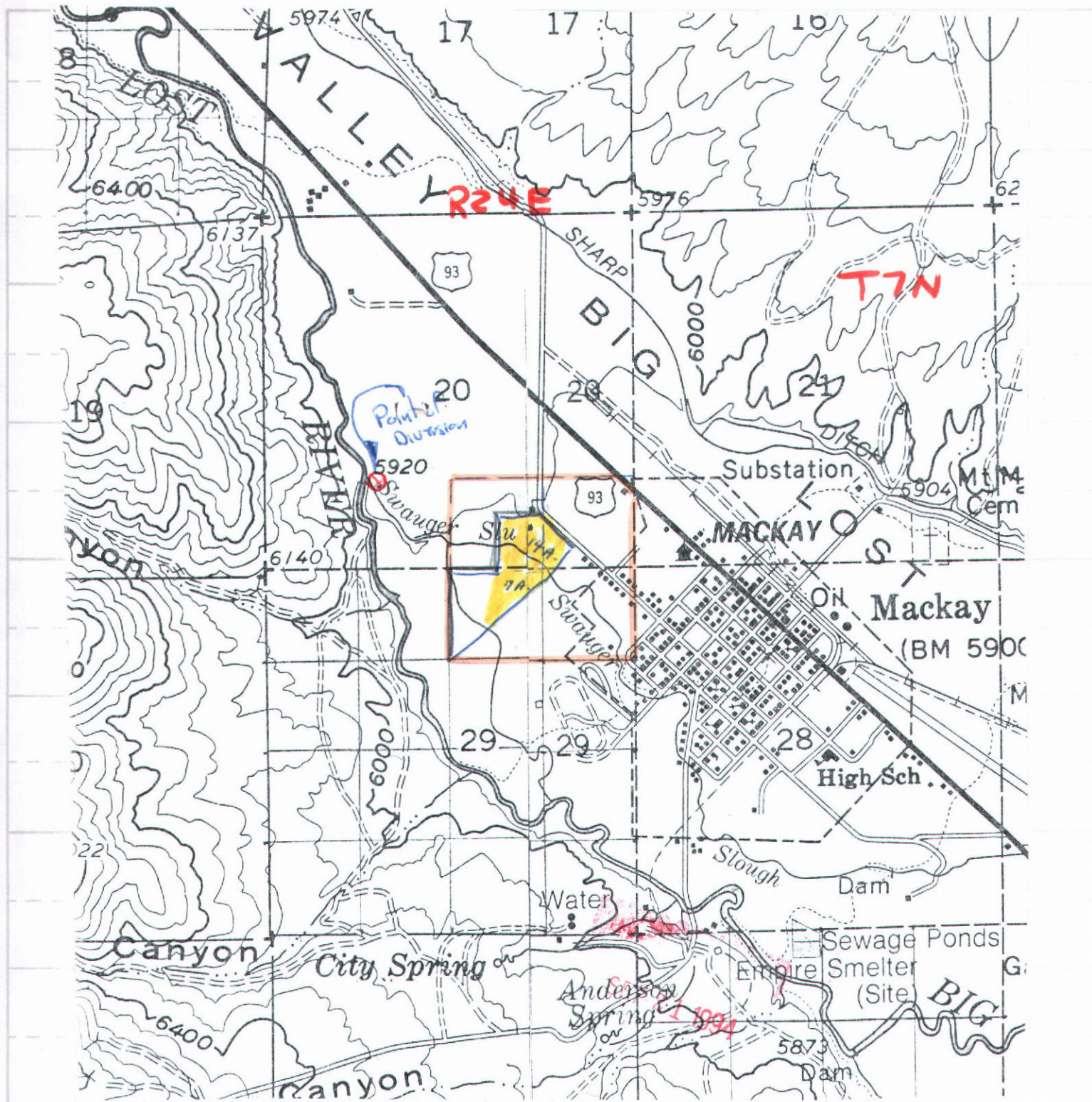


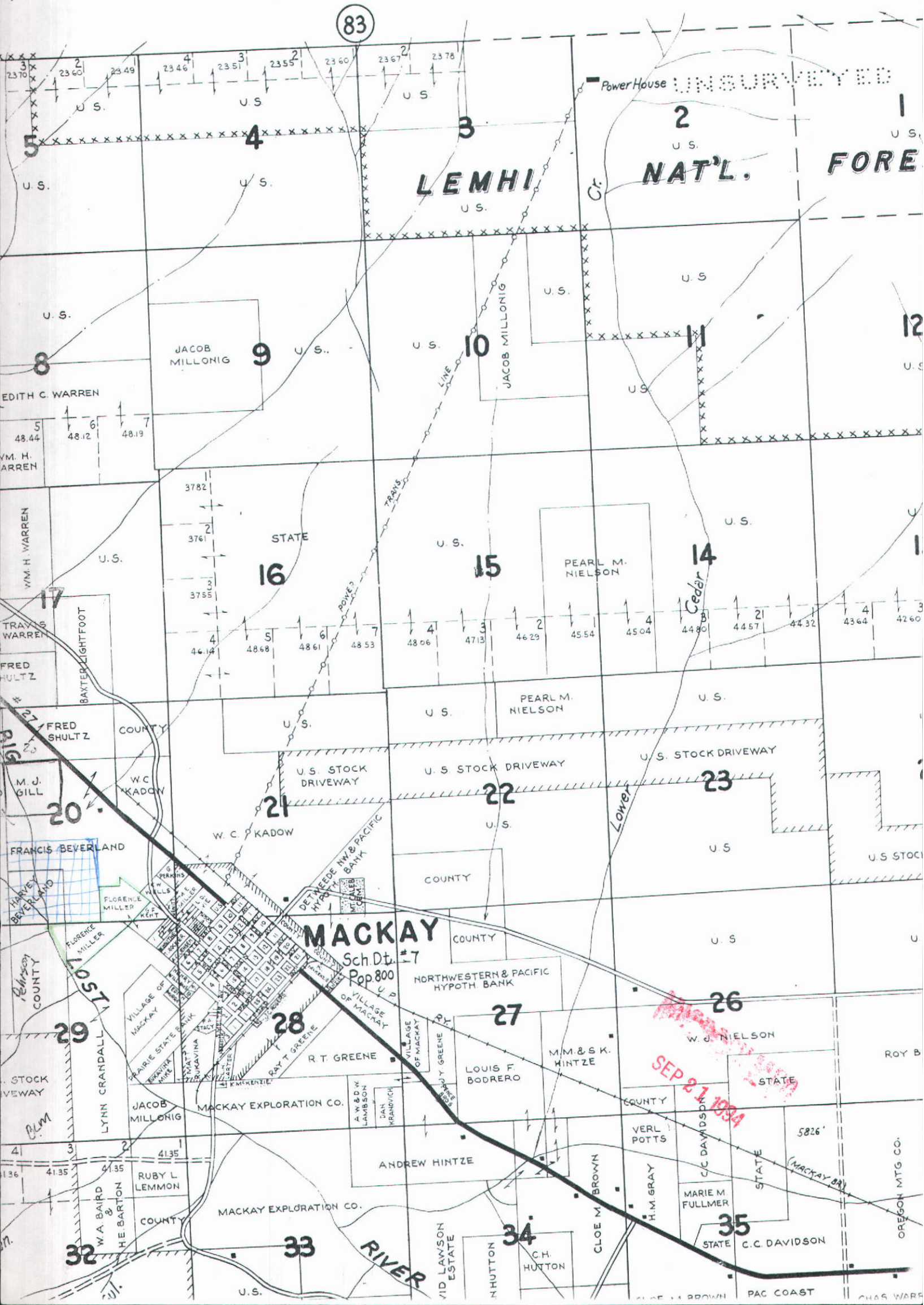
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



SCALE: 2 inches equal 1 mile. Draw plan in ink.

CUSTER COUNTY, IDAHO



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4363 (PART)
WATER RIGHT NO. 34-00851

This is to certify that: **CHARLOTTE MC KELVEY**
DONALD T MC KELVEY
PO BOX 90
MACKAY ID 83251

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	0.20 CFS	* 66.2 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
BIG LOST RIVER	SINKS		

Priority: 06/01/1888

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 20, Township 07N, Range 24E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	24E	20	SWSE 6	SESE 8		14
		29	NENE 1	NWNE 6		7
Total number of acres irrigated:						* 21

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

SEP 21 1944

TRANSFER NO. 4363 (PART)
WATER RIGHT NO. 34-00851

CONDITIONS/REMARKS:

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Use of combined Right Nos. 34-00851 and 34-10374 is limited to a total combined annual consumptive use volume of 52.5 af, diversion volume of 73.5 af and to the irrigation of a combined total of 21 acres in a single irrigation season.
9. Snake River Basin Adjudication Claim No. 34-10374 is also changed under Transfer No. 4363 and is represented on a separate transfer approval.

Dated this 2nd day of

September, 1994

J. Glen Saxton

Chief, Water Alloc. Bureau

SEP 1 1994

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4363

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED
PART 1

Name of applicant Don or Charlotte McKelvey Phone 588-3356
Post Office address Box 90 Mackay, ID 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes It is difficult to get water delivered at the old diversion. The ditch is not in good shape and district would like to eliminate it.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|--------------------|-------------------|----------------------|
| <u>34-10324</u> | <u>4/22/1884</u> | <u>0.34</u> | <u>Irrigation</u> | <u>5-01 to 10-15</u> |
| <u>34-00851</u> | <u>6/01/1888</u> | <u>0.20</u> | <u>Irrigation</u> | <u>5-01 to 10-15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.54 cubic feet per second and/or 52.5 acre-feet per annum.
3. Source of water Big Lost River tributary to Sinks
4. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	20	7N	24E	Custer	Swauger Ditch

5 Lands irrigated or place of use

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	24E	20															6	8	14
		29	1	6															7

Total acres 21

PART 1**6 General Information**

a. Description of diversion system Swauger ditch to place of use

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

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

N.A. - Good possibility of more consistant delivery

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

SEP 21

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 34-10374

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.34 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 04/22/1884

LOCATION OF POINT(S) OF DIVERSION: NWNWSE , Sec. 12, Township 07N, Range 23E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	24E	20	SWSE 6	SESE 8		14
		29	NENE 1	NWNE 6		7
Total number of acres irrigated:						21

CONDITIONS/REMARKS:

1. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00280 AND 34-00850.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00851 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 52.5 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21 ACRES IN A SINGLE IRRIGATION SEASON.
3. WATER DELIVERED THROUGH SHARP DITCH.

4363

01 1994

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. RT 34-10374 Decreed to Charlotte + Donald McKelvey
 in case of SRBA Directors Report vs _____
 dated _____ in _____ county of _____

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

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

d. Transfer No. _____ which produced this right

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Big Lost River tributary to Sinks

4. Date or priority 4/22/1884

5. Water is used for the following purpose

amount 0.34 cfs for Irrigation purposes from 5-01 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.34 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge.	County	Local name for diversion
	NW	NW	SE	12	7N	23E	Custer	Sharp Ditch

8. Lands irrigated or place of use.

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	24E	20															6	8	14
		29	1	6															7

Total acres 21

9. Describe any other water rights used for the same purpose as described above 34-00851

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3 Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion

Lot	¼	¼	¼	Sec	Twp	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

SEP 21 1994

Total acres _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 34-00851

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 06/01/1888

LOCATION OF POINT(S) OF DIVERSION: NWNWSE , Sec. 12, Township 07N, Range 23E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	24E	20	SWSE 6	SESE 8		14
		29	NENE 1	NWNE 6		7
Total number of acres irrigated:						21

CONDITIONS/REMARKS:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-10374 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 52.5 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21 ACRES IN A SINGLE IRRIGATION SEASON.
2. WATER DELIVERED THROUGH SHARP DITCH.

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by

a Decree No Rt 34-00851 Decreed to Charlotte + Donald McKelvey
 in case of SRBA Directors Report vs _____
 dated _____ in _____ county of _____

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

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

d. Transfer No _____ which produced this right

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

☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Big Lost River tributary to Sinks4. Date or priority 6/01/1888

5. Water is used for the following purpose

amount 0.20 cfs for Irrigation purposes from 5-01 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.20 cubic feet per second and/or _____ acre-feet per annum

7 Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion
	NW	NW	SE	12	7N	23E	Custer	Sharp Ditch

8. Lands irrigated or place of use

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	24E	20															6	8	14
		21	1	6															7

Total acres 219. Describe any other water rights used for the same purpose as described above 34-10374

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use

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

Total acres _____

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

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

2. Point(s) of Diversion.

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

3. Lands irrigated or place of use:

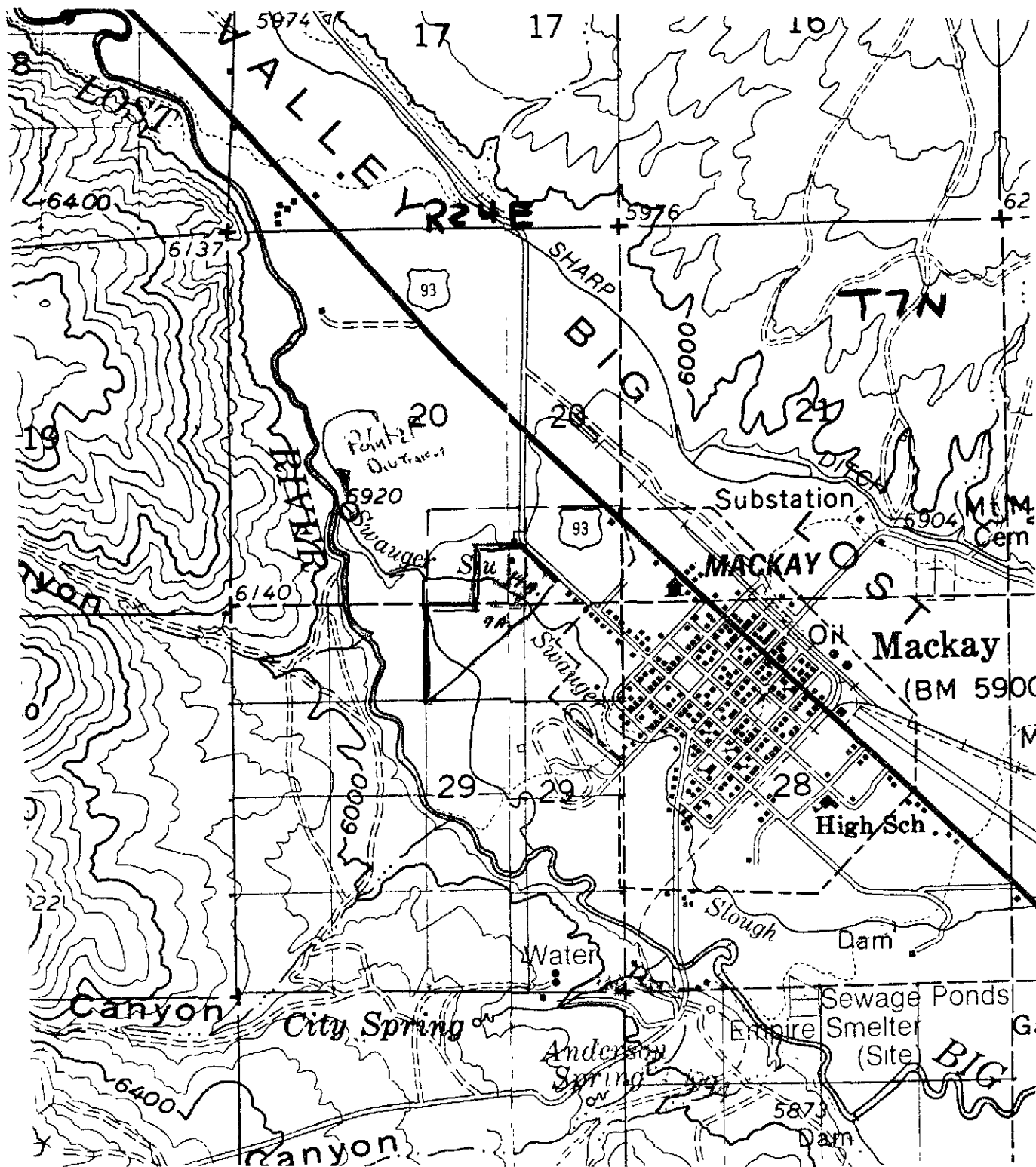
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

SEP 21 1994

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

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



SCALE: 2 inches equal 1 mile Draw plan in ink.

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

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

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

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

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

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

Subscribed and sworn to before me this 27th day of MAY, 19 94.

Donald T. McKelvey
(Signature of Applicant)

My commission expires 5-31-94

James D. McKelvey
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date _____ Protest filed by _____

Prelim. check by _____ Fee \$50.00

Receipted by HWT #E019834 Date 5-23-94

Published in Custer Publishing Co. Copies of protest forwarded by _____

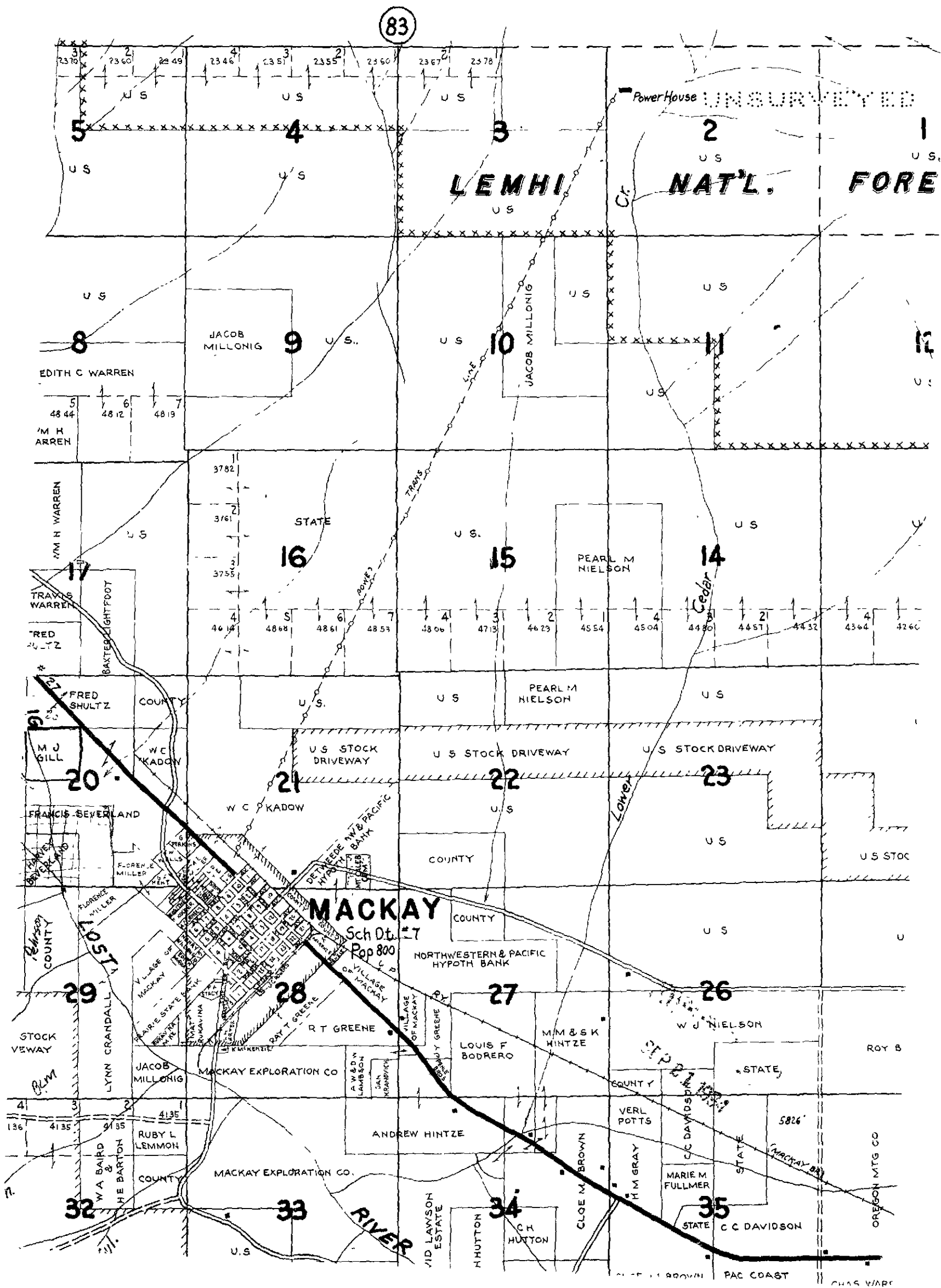
Pub. dates June 9 & 16, 1994 Hearing held by _____ Date _____

Watermaster recommendation requested on 6-20-94 Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by AKC

Copy of transfer sent to lien holder _____

V



THIS INDENTURE, Made this 19th day of April
 in the year of our Lord one thousand nine hundred and seventy-two, between
 LON S. JARVIS and VIVIAN P. JARVIS, his wife,
 of , County of Custer, State of Idaho
 the parties of the first part, and DONALD McKELVEY and CHARLOTTE McKELVEY,
 his wife,
 of Mackay, County of Custer, State of Idaho
 the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 TEN and 00/100----- DOLLARS,
 lawful money of the United States of America, and other good and valuable consideration
 to them in hand paid by the said
 parties 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 parties
 of the second part, and to their heirs and assigns forever, all of the following described real estate,
 situated in , County of Custer, State of Idaho, to-wit:

Tract 1: Commencing at the Northwest corner
 of the Northeast Quarter of the Northeast Quarter
 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 29, Township 7 North, Range 24
 East of the Boise Meridian, thence North 13.76 chains;
 thence South 44 East 12.12 chains; thence South 45
 West 7.71 chains, more or less to the intersection
 of this course with the North boundary line of said
 Section 29; thence due West to the point of beginning,
 containing 7.31 acres, more or less.

Tract 2: Commencing at the Northwest corner
 of the Northeast Quarter of the Northeast Quarter
 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 29, Township 7 North, Range 24 East
 of the Boise Meridian, thence South 44 East 2.76
 chains; thence North 46 East 2.60 chains; thence due
 West to the point of beginning, containing .36 acres,
 more or less.

Tract 3: Commencing at the Northeast corner
 of the Northwest Quarter of the Northeast Quarter
 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 29, Township 7 North, Range 24 East
 of the Boise Meridian, thence South 44 East 182 feet;
 thence Southwesterly a distance of 1870 feet, more or
 less to the Southwest corner of the Northwest Quarter
 of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section
 29; thence North a distance of 1320 feet, more or
 less to the Northwest corner of the Northwest Quarter
 of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 29;
 thence due East a distance of 1320 feet, more or less,
 to the point of beginning, containing 23.9 acres, more
 or less.

Tract 4: Commencing at the Southeast corner
 of the Southwest Quarter of the Southeast Quarter
 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 20, Township 7 North, Range 24 East
 of the Boise Meridian, thence North a distance of 50
 rods and 36 feet; thence West at right angles, 32
 rods and 6 feet; thence South at right angles, 50
 rods and 36 feet; thence East at right angles, 32
 rods and 6 feet to the point of beginning, containing
 10.55 acres, more or less.

SUBJECT to all existing patents, reservations,
 easements, rights of way, protective covenants,
 zoning ordinances, and applicable building codes,
 laws and regulations.

Attachment A

VOID

Page 1 of 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Dan + Charlotte McKelvey Phone 588-3356
Post Office address Box 90 McKay Idaho 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes difficult to get water delivered at old diversion. Ditch is not in good shape and district would like to eliminate it

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-10374</u>	<u>4-22-84</u>	<u>.34</u>	<u>irrigation</u>	<u>May 1</u> to <u>Oct 15</u>
<u>34-00851</u>	<u>6-1-88</u>	<u>.2</u>	<u>irrigation</u>	<u>May 1</u> to <u>Oct 15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .54 cubic feet per second and/or _____ acre-feet per annum

3. Source of water Big Lost River tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>3W</u>			<u>20</u>	<u>7N</u>	<u>24E</u>	<u>Custer</u>	<u>Swager ditch</u>

5. Lands irrigated or place of use:

Twp.	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7N</u>	<u>24E</u>	<u>20</u>																	
		<u>29</u>	<u>1</u>				<u>6</u>						<u>6</u>				<u>8</u>		<u>21</u>

Total acres _____

PART 1**6. General Information**a Description of diversion system Headgate - measuring deviceb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes

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

Would be able to irrigate better.

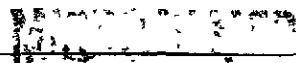
d. Remarks:

Place of use of water is not being transferred, just point of diversion**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 _____



SEP 21 1994

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No 34-10374 Decreed to _____
in case of Utah Construction vs Abbott (people)
dated _____ in _____ county of Custer
- b. License No _____ issued by the Idaho Department of Water Resources
- c. Claim No _____ on file with the Idaho Department of Water Resources.
- d. Transfer No _____ which produced this right

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Big Lost River tributary to _____

4. Date or priority 4-22-84

5. Water is used for the following purpose:

amount .34 for irrigation purposes from July 1 to Oct 15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .34 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
				12	7N	23E	Custer	Sharp ditch

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	24E	20																	
		29	1				6						6				8		21

Total acres _____

9. Describe any other water rights used for the same purpose as described above # 34-00851-6-1-88

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion.

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

SEP 21 1994

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No 34-00851 Decreed to _____
in case of Utah Construction vs Allett - (proprietor)
dated _____ in _____ county of Custer
- b. License No _____ issued by the Idaho Department of Water Resources.
- c. Claim No _____ on file with the Idaho Department of Water Resources.
- d. Transfer No _____ which produced this right.

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Big Lost River tributary to _____

4. Date of priority 6-1-88

5. Water is used for the following purpose:

amount 20 for irrigation purposes from May 1 to Oct 15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 20 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion
				12	7N	23E	Custer	Sharp ditch

8. Lands irrigated or place of use

Twp.	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	24E	20																	
		29	1				6						6				8		21

Total acres _____

9. Describe any other water rights used for the same purpose as described above H 34-10374-4-22-84

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

no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

16-1-1

SEP 21 1994

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

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

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

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

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

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

Charlotte McKelvey
Donald McKelvey
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of May, 1994.

James D. McKelvey
(Notary Public)

My commission expires 5-31-94

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by WJH Date 5/19/94 Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by WJH #20198X Date 5-23-94

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by [Signature]

Copy of transfer sent to lien holder _____

SEP 21 1994

WR5809NP
No. 34-00851

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/06/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HENRY WILLIAMS	06/01/1888	IRRIGATION	05-01 10-15	0.20 CFS	
TOTAL DIVERSION:					0.20 CFS	

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T07N R24E S18 SE CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	24E	20	:																	:	
07N	24E	29	:	I																:	

Polu County: CUSTER

Other Rights: 34-0850.

Other Water Rights with Same Point(s) of Diversion and Source:
34-00077 34-00269 34-00637B 34-00712 34-00850

Other Water Rights Listing Overlapping Place(s) of use:
34-00077 34-00176 34-00280 34-00541 34-00850 34-02380 34-07030 T34-00851 T34-10374

Remarks: P/D STREETER DITCH.
P/U INCOMPLETE.

Dates:	App. Received:	Priority Date:	06/01/1888
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 34 Field Exam Fee:

Audit: 05/06/86 05/22/88 CONVERT

No. 518.

176 c.f.s. 34 0849 ✓

Trans 1730

Henry Williams

✓ 1884-April 22 ✓ 0.16 c.f.s. 34 0849 ✓
✓ 1888-June 1 ✓ 0.20 c.f.s. 34 0854 ✓

No. 519.

irrigation of the following land, to-wit:

The Southeast quarter of Section 3, Township 4 North, Range 26 East, B.M. ✓

To be diverted from Big Lost River through the Streeter ditch having its point of diversion in the Southeast quarter of Section 18, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

Commencing at the Southeast Corner of the Southwest quarter of the Southeast quarter of Section 20, Township 7 North, Range 24 East, B.M., running thence North 50 rods 36 feet; thence West at right angles 32 rods and 6 feet; thence South at right angles 50 rods 36 feet; thence East at right angles 32 rods 6 feet, the place of beginning, all in the Southwest quarter of the Southeast quarter of Section 20, Township 7 North, Range 24 East, B.M., commencing at a point 16.90 chains West of the Northeast corner of Section 29, Township 7 North, Range 24 East, B.M., the place of beginning; thence South 46 degrees West 2.60 chains to corner post; thence North 44 degrees West 2.76 chains to corner post; thence North 13.76 chains to corner post; thence South 44 degrees East 12.12 chains to corner post; thence South 46 degrees West 7.71 chains to place of beginning, 7.31 acres being in the Southeast quarter of the Southeast quarter of Section 20, and .36 acres being in the Northeast quarter of the Northeast quarter of Section 29, Township 7 North, Range 24 East, B.M.

DECREE

IN THE UNITED STATES DISTRICT COURT, IN

AND FOR THE DISTRICT OF IDAHO, EASTERN

DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Ahern, Andreas Aikele (or A. Aiken), Calvin S. Allen, Frank A. Allen, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Anderson, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hannah Babcock (or Mrs. Albern Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jacob F. Baird, Bank of Nyssa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K. Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Beal, Eldon E. Beck; J. W. Beck and John Doe (or John Pingree) and Richard Roe (or F. S. Lack,) as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Agnes T. Best (or Agnes Best), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (successor in interest of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverland), James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Bidegain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Zina Bitton (or Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, M. Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David S. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert G. Boyd (successor in interest of Charles H. Rampton), I. W. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Brads' waite, R. F. Braithwaite (or Robert R. Braithwaite, William H. Braithwaite, on, M. G. sen,



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 6, 1994

CHARLOTTE MC KELVEY
DONALD T MC KELVEY
PO BOX 90
MACKEY ID 83251-0090

RE: Transfer of Water Right Nos. 34-00851 and 34-10374

Dear Water Right Holder(s):

Enclosed are copies of your approved Applications for Transfer of the above referenced water rights (Transfer No. 4363 (PARTS)). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

1994

WR0749NP
No. X34-00851

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/06/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLOTTE MC KELVEY	06/01/1888	IRRIGATION	05-01 10-15	0.20 CFS	66.20 AFA
C	DONALD T MC KELVEY PO BOX 90 MACKAY ID 83251 (208) 588-3356					
TOTAL DIVERSION:					0.20 CFS	66.20 AFA

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T07N R24E S20 NESW CUSTER County

Point of Diversion Name(s):

	Name	Rate	Number
T07N R24E S20 NE SW	SWAUGER DITCH		

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	24E	20	:																	:	14.0
07N	24E	29	:	01		06														:	7.0
																				TOTAL ACRES	21.0

Pou County: CUSTER

Other Rights: 34-10374.

Other Water Rights with Same Point(s) of Diversion and Source:

34-00073A	34-00073D	34-00094C	34-00094D	34-00366	34-00452A	34-00453	34-00497	34-00639	34-00649
34-00650	34-00715	34-00716	34-00746	34-00827E	34-00828	34-00829E	T34-10374		

Other Water Rights Listing Overlapping Place(s) of use:

34-00077	34-00176	34-00280	34-00541	34-00850	34-00851	34-02380	34-07030	T34-10374
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Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval

Conditions of Approval:

- of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: Use of combined Right Nos. 34-00851 and 34-10374 is limited to a total combined annual consumptive use volume of 52.5 af, diversion volume of 73.5 af and to the irrigation of a combined total of 21 acres in a single irrigation season.

Dates:	App. Received:	Priority Date:	06/01/1888
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 34 Field Exam Fee:

Comments: Date: 05/09/1992 User-ID: AJTEMP Subject: ADDED TOTAL ACREAGE OF 21 TO REMARKS

Date: 06/03/1994 User-ID: BODELL Subject: TRANSFER NO. 4363
IT IS DIFFICULT TO GET WATER DIVERTED AT THE OLD DIVERSION. THE
DITCH IS NOT IN GOOD SHAPE AND THE DISTRICT WOULD LIKE TO
ELIMINATE IT.

Transfer proposes to change the point of diversion from Sharp to
Swauger ditch.

Transfer was processed using the SRBA Director's Report
recommended version of Right Nos. 34-00851 and 34-10374. Right
No. 34-10374 is a combination of 2 old decreed rights. The
approved transferred rights will be stored under an X prefix on
the WR (X34-00851) and AJ (X34-10374) databases.

Audit: 09/06/94 PSKAGGS

MEMORANDUM

TO: FILE NOS. 34-00851 & 34-10374

FROM: PAM SKAGGS/²³STATE OFFICE

SUBJECT: TRANSFER NO. 4363

DATE: September 1, 1994

=====

Transfer No. 4363 was filed to change the point of diversion under Right Nos. 34-00851 and 34-10374. The existing point of diversion is into Sharp ditch, which is not in good condition and the Big Lost River Irrigation District would like to eliminate it from the system. The new point of diversion into Swauger ditch is located closer to the irrigated acres which the ditch passes directly through.

The transfer was prepared and processed using the SRBA Basin 34 Director's Report recommendations of these rights. Right No. 34-10374 is a combination of two previously decreed rights, 34-00280 and 34-00850, that will reference the transfer. The approved transfer versions of these rights will be stored under an X prefix in the WR (X34-00851) and AJ (X34-10374) database pending conclusion of the adjudication.

The rights held specific overlap conditions that apply to use of these combined rights. Other recommended conditions include watermaster control, measuring device, irrigation overlap, right-of-way and standard transfer conditions.

SEP 1 1994

TRANSFER REVIEW SHEET

Transfer # 4363

Date Reviewed 8-31-94
28

Right(s) 34-00851 }
34-10374 } SRBA Claims/Basin 34 Directors Report

☒ B: Change P/D C: Add P/D D: Change P/U E: Change Nature of Use
F: Change Period of Use G: Other H: Change P/D & Add P/D
I: Change P/D & P/U J: Add P/D & Change P/U

Proof of Ownership NA - Directors Report + Warranty deed (Must QO)
WM #34 Approval
Big Lost River IRR District Approval - Change from Sharp to Swauge Ditch

Transfer ☒ All of Right ☐ Portion of Right (Part B)

Resulting Split(s) NONE

Check Transfer Against Right

(1) ☒ Priority (2) ☒ Use (3) Season (4) ☒ Rate (5) B/3.5 Volume
(6) ☒ Source (7) P/D (8) ☒ P/U (9) NA Proof/Owner (10) ☒ Map
(11) 34 Water District (12) Yes Pertinent Conditions (13) NO Expansion

(3) Season less than standard 4-15 to 10-15 - Per Report 5-1 to 10-15
(5) 851 = VOL = 66.2 afa 10374 = 73.5 afa = VER & VOL
(7) Change P/D to Swauger Ditch

Transfer Remarks Combine VOL = 73.5 afa

Conditions R04, R42, R30, T04, T07, T08, T09

Database/Processing Notes T Files

when approved. Comments to base WR files 34-00851, 34-00280 & 850
34-10374

Special Edit XFER - 2 Parts

Database updated 9-6-94 28

McKavey 1.15j
McKavey 2.115j

WR0749NP
No. T34-00851

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/31/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLOTTE MC KELVEY	06/01/1888	IRRIGATION	05-01 10-15	0.20 CFS	66.20 AFA
C	DONALD T MC KELVEY					
	PO BOX 90					
	MACKAY ID 83251					
	(208) 588-3356					
				TOTAL DIVERSION:	0.20 CFS	66.20 AFA

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T07N R24E S20 NESW CUSTER County

Point of Diversion Name(s):

	Name	Rate	Number
T07N R24E S20 NE SW	SWAUGER DITCH		

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	24E	20	:																	:	14.0
07N	24E	29	:	01		06														:	7.0
																				TOTAL ACRES	21.0

Pou County: CUSTER

Other Rights: 34-10374.

Other Water Rights with Same Point(s) of Diversion and Source:

34-00073A	34-00073D	34-00094C	34-00094D	34-00366	34-00452A	34-00453	34-00497	34-00639	34-00649
34-00650	34-00715	34-00716	34-00746	34-00827E	34-00828	34-00829E			

Other Water Rights Listing Overlapping Place(s) of Use:

34-00077	34-00176	34-00280	34-00541	34-00850	34-00851	34-02380	34-07030	T34-10374
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Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval

WR0749NP
No. T34-00851

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/31/94
PAGE: 2

Conditions of Approval:

- of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.

Remarks: Use of combined Right Nos. 34-00851 and 34-10374 is limited to a total combined annual consumptive use volume of 52.5 af, diversion volume of 73.5 af and to the irrigation of a combined total of 21 acres in a single irrigation season.

Dates: App. Received: Priority Date: 06/01/1888
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 34 Field Exam Fee:

Comments: Date: 05/09/1992 User-ID: AJTEMP Subject: ADDED TOTAL ACREAGE OF 21 TO REMARKS

Date: 06/03/1994 User-ID: BODELL Subject: TRANSFER NO. 4363
IT IS DIFFICULT TO GET WATER DIVERTED AT THE OLD DIVERSION. THE
DITCH IS NOT IN GOOD SHAPE AND THE DISTRICT WOULD LIKE TO
ELIMINATE IT.
Transfer proposes to change the point of diversion from Sharp to
Swauger ditch.

Audit: 06/03/94 BODELL 08/31/94 PSKAGGS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac							
T3400851	T07N R24E S20	BIG LOST RIVER																																
3400010	BIG LOST R																																	
3400011	BIG LOST R																																	
3400012	BIG LOST R																																	
3400013	ANTELOPE C																																	
3400077	BIG LOST R																																	
*3400077	BIG LOST R																																	
A3400077	BIG LOST R																																	
3400269	BIG LOST R																																	
*3400269	BIG LOST R																																	
A3400269	BIG LOST R																																	
3400280	BIG LOST R																																	
3400367B	BIG LOST R																																	
*3400367B	BIG LOST R																																	
A3400367B	BIG LOST R																																	
3400569E	BIG LOST R																																	
*3400569F	BIG LOST R																																	
A3400569F	BIG LOST R																																	
3400637B	BIG LOST R																																	
A3400637B	BIG LOST R																																	
*3400637E	BIG LOST R																																	
3400711	BIG LOST R																																	
*3400711	BIG LOST R																																	
A3400711	BIG LOST R																																	
3400712	BIG LOST R																																	
*3400712	BIG LOST R																																	
A3400712	BIG LOST R																																	
3400810	BIG LOST R																																	
A340081024	BIG LOST R																																	
A340081026	B L R																																	
3400811	BIG LOST R																																	
3400814	BIG LOST R																																	
3400817B	BIG LOST R																																	
3400818	BIG LOST R																																	
3400819	BIG LOST R																																	
3400850	BIG LOST R																																	
3400851	BIG LOST R																																	
*3400851	BIG LOST R																																	
A3400851	BIG LOST R																																	
3402269	GROUNDWATE																																	
*3402269	GROUNDWATE																																	
A3402269	GROUNDWATE																																	
3402380	GROUNDWATE																																	
*3402380	GROUNDWATE																																	
A3402380	GROUNDWATE																																	
3402415	GROUNDWATE																																	
*3402415	GROUNDWATE																																	

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A3402415	GROUNDWATE :											18																					18	
3402456	GROUNDWATE :																	40															40	
*3402456	GROUNDWATE :																		31														31	
A3402456	GROUNDWATE :																		38														38	
3404070	GROUNDWATE :								32																	04							36	
*3404070	GROUNDWATE :		31						35																	02							68	
A3404070	GROUNDWATE :								32																	03							35	
3407207	GROUNDWATE :								02																	15							17	
*3407207	GROUNDWATE :								02																	15							17	
A3407207	GROUNDWATE :								02																	15							17	
*3410374	BIG LOST R :																									15							17	
A3410374	BIG LOST R :																														06	08	14	
A3410374	BIG LOST R :																														06	08	14	
~~A3410374~~	~~BIG LOST R :~~																														06	08	14	
A3410401	BIG LOST R :											18																					18	
*341087321	LARGE CLAI :		1		1		1				1	1														1		1		1	1			
	C37q-W 30 :		37		40		40		39		34	27		15		26		36		03				30		41		39		37		37	481	

T3400851	T07N R24E S29	BIG LOST RIVER	:		:		:		:	7
	:	01 06	:		:		:		:	
3400010	BIG LOST R :		:		:		:		:	
3400011	BIG LOST R :		:		:		:		:	
3400012	BIG LOST R :		:		:		:		:	
3400013	ANTELOPE C :		:		:		:		:	
A3400077	BIG LOST R :		: 13		: 05		:		:	18
3400176	BIG LOST R :		:		:		:		:	
3400280	BIG LOST R :		:		:		:		:	
*3400284	BIG LOST R :		:		:		:		:	1
A3400284A	BIG LOST R :		:		:		:		:	1
3400541	BIG LOST R :		:		:		:		:	1
*3400541	BIG LOST R :		:		:		:		:	
A3400541	BIG LOST R :		:		:		:		:	1
3400705	BIG LOST R :		: 02		:		: 08		:	10
*3400705	BIG LOST R :		: 02		:		: 08		:	10
A3400705	BIG LOST R :		: 02		:		: 08		:	10
3400807	BIG LOST R :		: 03		:		:		:	3
3400810	BIG LOST R :		:		:		:		:	
A3400810Z1	BIG LOST R :	I I	I :		:		I I I		:	
A3400810Z6	B L R --	02 06	02 :		:		I		I :	10
3400811	BIG LOST R :		:		:		:		:	
3400814	BIG LOST R :		:		:		:		:	
3400817B	BIG LOST R :		:		:		:		:	
3400818	BIG LOST R :		:		:		:		:	
3400819	BIG LOST R :		:		:		:		:	
3400826A	BIG LOST R :		: 02		:		: 08		:	10
*3400826A	BIG LOST R :		: 02		:		: 08		:	10
A3400826A	BIG LOST R :		: 02		:		: 08		:	10
3400850	BIG LOST R :	I	:		:		:		:	

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		
3400851	BIG LOST R :																																	
*3400851	BIG LOST R :	01		06																											7			
A3400851	BIG LOST R :	01		06																											7			
*3400959	CITY SPRIN :																											05			5			
A3400959	CITY SPRIN :																											05			5			
A3400961	WASTE WATE :																											15			15			
~~3402336~~	~~GROUNDWATE :~~																																	
*3402380	GROUNDWATE :									14							06														20			
A3402380	GROUNDWATE :									13							05														18			
3407030	GROUNDWATE :	16		12		02		02																							32			
*3407030	GROUNDWATE :	16		12		02		02																							32			
A3407030	GROUNDWATE :	16		12		02		02																							32			
3407088	SPRING :																											05			5			
*3407088	SPRING :																											05			5			
A3407088	SPRING :																											05			5			
3407089	GROUNDWATE :							02																			08				10			
*3407089	GROUNDWATE :							02																			08				10			
A3407089	GROUNDWATE :							02																			08				10			
*3410374	BIG LOST R :	01		06																											7			
A3410374	BIG LOST R :	01		06																											7			
~~3410374~~	~~BIG LOST R :~~	~~01~~		~~06~~																											~~7~~			
*341087321	LARGE CLAI :	I		I				I																				I						
C37Q-W 30 :		41		45		39		39		17							06										33	16		05		241		

6-1-94
6-2-94 HWT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 34-10574 - CROSSI Applicant Don McKelvey
2. Type of right: ☒ ~~Decree~~ ^{RT recommended by SRBA} ☐ 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 _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NA
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 34 also send copy to B. Lost River Tring.

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 6-20-94 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* under the control of WM of WD 34
4. By RRC Date 8/15/94

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 4363

JUN 24 1994
Department of Water
Eastern District

WATER DISTRICT 34

WATERMASTER Doug Rosenkranz

DATE: June 23 1994

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Doug Rosenkranz
Watermaster

RECEIVED
JUN 24 1994

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated June 9 1994 and ending with the issue dated June 16 1994.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 16th day of June in the year of 1994 before me, a Notary Public, personally appeared Ruth E. Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Esther M. Veck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-98

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4363

Notice is hereby given that Don or Charlotte McKelvey, Mackay, ID. has applied to the Department of Water Resources to change point of diversion of the waters of the Big Lost River. The rights sought to be changed are evidenced by rights and recorded as follows:

RIGHT NO. 34-10374
AMOUNT: .34 CFS
PRIORITY: 4/22/1884
POINT(S) OF DIVERSION:
NWNWSE, SEC 12, T7N, R23E,
B.M., (Sharp Ditch), Custer
County

The water is used from May 1 to October 15 to irrigate 21 acres within the S1/2SE, SEC 20, N1/2NE, SEC 29, T7N, R24E, B.M.

RIGHT NO. 34-00851
AMOUNT: .20 CFS
PRIORITY: 6/01/1888
POINT(S) OF DIVERSION:
NWNWSE, SEC 12, T7N, R23E,
B.M., (Sharp Ditch), Custer
County

The water is used from May 1 to October 15 to irrigate 21 acres within the S1/2SE, SEC 20, N1/2NE, SEC 29, T7N R24E, B.M.

TO BE CHANGED AS FOLLOWS:
~~The water will be diverted from~~

the NESW, SEC 20, T7N, R24E, B.M., (Swauger Ditch), Custer County

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before June 27, 1994.

R. Keith Higginson, Director
Pub: June 9 & 16, 1994.

RECEIVED

JUN 17 1994

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4363

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The water is used from May 1 to October 15 to irrigate 21 acres within the S1/2SE, SEC 20, N1/2NE, SEC 29, T7N, R24E, B.M.

RIGHT NO. 34-00851 AMOUNT: .20 CFS

PRIORITY: 6/01/1888

POINT(S) OF DIVERSION: NWNWSE, SEC 12, T7N, R23E, B.M., (Sharp Ditch), Custer County

The water is used from May 1 to October 15 to irrigate 21 acres within the S1/2SE, SEC 20, N1/2NE, SEC 29, T7N, R24E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESW, SEC 20, T7N, R24E, B.M., (Swauger Ditch), Custer County

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before June 27, 1994.

R. Keith Higginson
Director

1 21 1994

Published in the Custer Publishing Co. on June 9 & 16, 1994.

RECEIVED
JUN 13 1994

Big Lost River Irrigation District
P.O. Box 205
Mackay, Idaho 83251

Department of Water Resources
Eastern District Office

June 10, 1994

Idaho Department of Water Resources
900 N. Skyline
Idaho Falls, Idaho 83402
Attn: Harold Jones

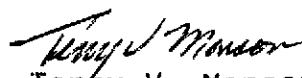
RE: Don and Charlotte McKelvey
Transfer of Point of Diversion

Dear Harold:

This is written confirmation as per your request, in your telephone conversation with Don Scarr of the Big Lost River Irrigation District. In the general meeting held June 7, 1994, the Board of Directors passed a motion to allow Don and Charlotte McKelvey to change their point of diversion from the Sharp ditch to the Swauger ditch.

If you have any questions or concerns, please contact Don Scarr in the office at 208-588-2231. Thank you.

Sincerely,


Terry V. Monson, Chairman
Board of Directors

SEP 27 1994