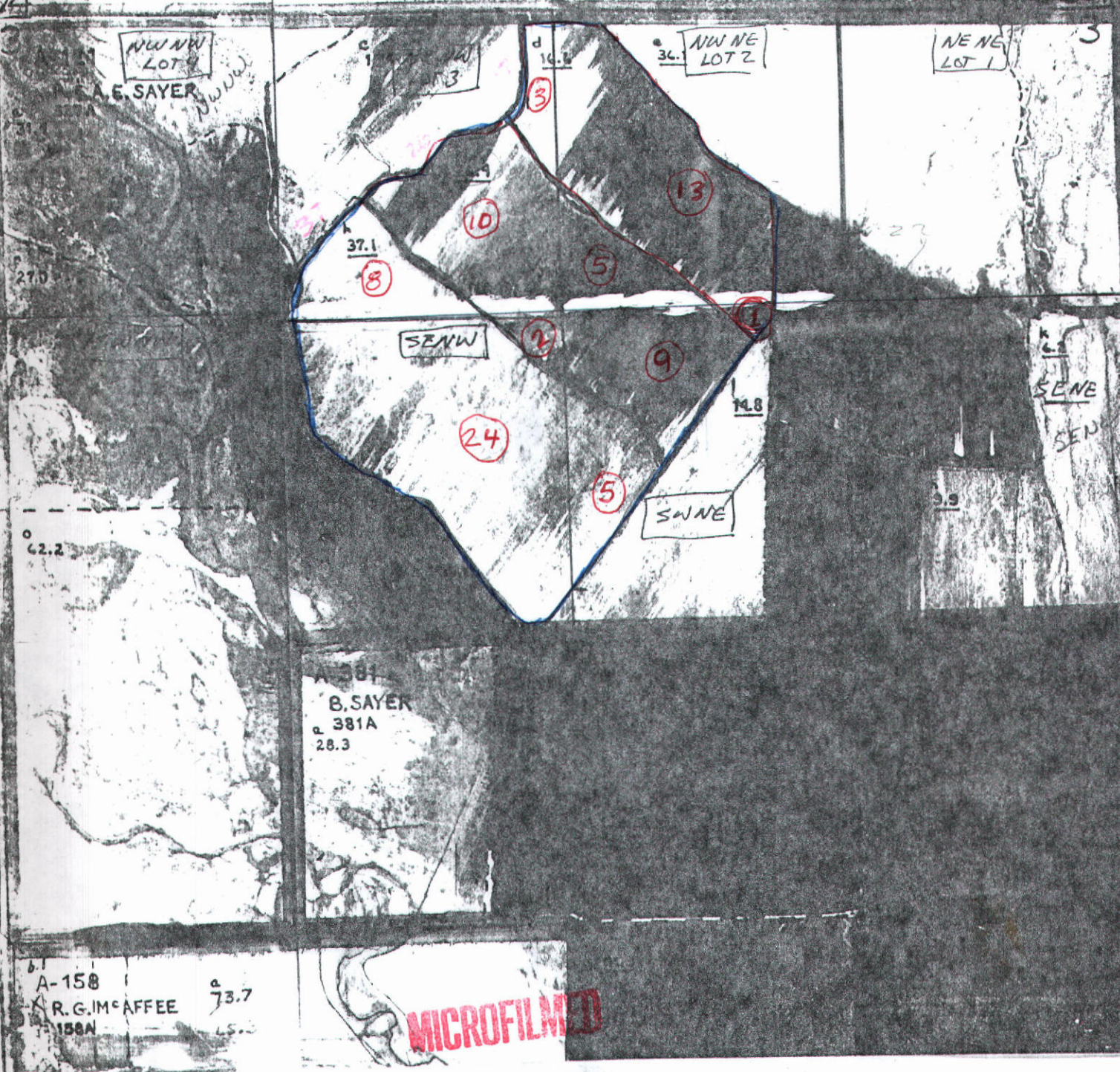


Romana + Eli Sager 34



STATE OF IDAHO

County of

Custer

ss.

On this

16

day of

January

, in the year 19 73 before me

the undersigned

, a Notary Public in and for the State of Idaho, personally

appeared

NORMA B. SORENSEN, a widow

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

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

Edward A. Brown

Notary Public

Residing at

Princeton, Idaho

My Commission Expires

12-3

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M. S. Vaught

775 (a) 1901-July 31 3.2 c.f.s.

To be diverted from Big Lost River through a private ditch having its point of diversion in the Southwest quarter of Section 13, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Southwest quarter of Section 13, and the Northwest quarter, North half of the Southwest quarter, West half of the Southeast quarter and the Southwest quarter of the Northeast quarter of Section 24, all in Township 8 North, Range 22 East, B. M.

774 (b) 1885-May 1 2.8 c.f.s.

775 1897-May 15 2.0 c.f.s.

To be diverted from Big Lost River through the Davidson Ditch, having its point of diversion in the Northwest quarter of Section 12, Township 8 North, Range 21 East, B. M., for the irrigation of the land last above described.

-0776 (c) 1885-June 30 3.2 c.f.s.

4-0777 1901-June 30 1.6 c.f.s.

To be diverted from Big Lost River through the Harris & Vaught ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M.

4-0778 (d) 1886-June 1 1.6 c.f.s.

To be diverted from Big Lost River through the Upper Burnett Ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., all for the irrigation of the following described land, to-wit:

Northeast quarter and the Northeast of the Southeast quarter of Section 1, Township 6 North, Range 24; West half of the Southwest quarter Section 31, Township 7 North, Range 25 East, B.M., East half of the Southeast quarter and the Southwest quarter of the Southeast quarter of Section 36, Township 7 North, Range 24 East, B.M.

No. 484.

Gustav Venz, and the Darlington Land and Irrigation Company, Ltd., a corporation, as their respective interest herein may appear.

1886-July 21 1.6 c.f.s.

No. 485.

To be diverted from Big Lost River through the Sutter Ditch having its point of diversion in the Southeast quarter of Section 6, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Southwest quarter of Section 3, and the Northwest quarter of the Northwest quarter of Section 10, Township 6 North, Range 25 East, B. M.

NOTICE OF PROPOSED AMENDING OF TRANSFER NO. 484/34-0778

Notice is hereby given that Transfer No. 484/34-0778 in the name of Ramona &/or Eli Sayer was filed for the diversion of 1.6 cfs of water from Big Lost River tributary to Sinks with the point of diversion in the NW $\frac{1}{4}$ (Upper Burnett Ditch), Sec. 34, T. 7N, R. 24E, B.M. to be used for irrigation of 80 acres within NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E. B.M., Custer County.

The right holder now proposes to amend Transfer No. 484/34-0778 changing the place of use to the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E, B.M.

Any protest to the proposed amending of Transfer No. 484/34-0778 must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before November 26, 1984.

A. KENNETH DUNN

Director

Published by Custer Publishing Co., Challis, ID, on November 8 & 15, 1984.

MICROFILMED

**NOTICE OF PROPOSED
AMENDING OF TRANSFER**

NO. 484/34-0778

Notice is hereby given that Transfer No. 484/34-0778 in the name of Ramona &/or Eli Sayer was filed for the diversion of 1.6 cfs of water from Big Lost River tributary to Sinks with the point of diversion in the NW $\frac{1}{4}$ (Upper Burnett Ditch), Sec. 34, T. 7N, R. 24E, B.M. to be used for irrigation of 80 acres within NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E. B.M., Custer County.

The right holder now proposes to amend Transfer No. 484/34-0778 changing the place of use to the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E, B.M.

Any protest to the proposed amending of Transfer No. 484/34-0778 must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before November 26, 1984.

A. KENNETH DUNN
Director

Published: Nov. 8 & 15, 1984.

Sayer, Phil & Eli

1973

Acct.#

Vackay, Idaho 83251

X-ref. 253-A

Custer (428)

sw 1/4 SW 1/4
 Lots 3 and 4 exc. 18L RR right of way, Sec. 31, Twp. 7 N. Range 25 E.B.M.
 18L, Sec. 36, Twp. 7 N. Range 25 E.B.M., N & W 1/4 18L RR right of way

Priority Date	Inches	Acres Approved	Storage	Decree#
6/1/1886	80	51	1721	484 d

Map ref.: CVQ14W-134

Tract area 129.3 acres

129.3 @ 5

Upper Burnett & Vaught-Harris
 See reverse side:

143

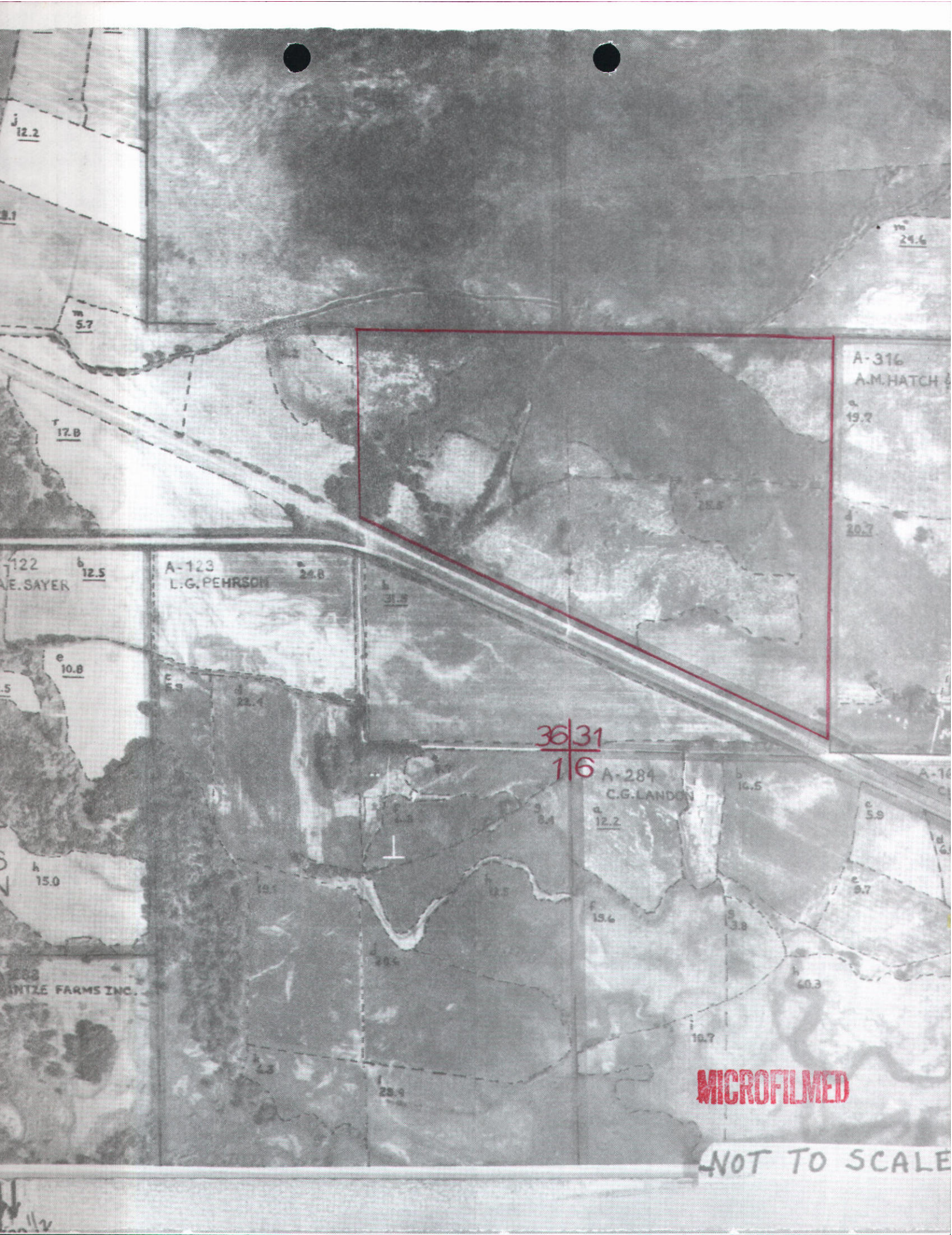
34-0773 / 34-0774 / 34-0775 / 34-0776 / 34-0777 / 34-0778

Decree#-484

Priority	CFS	Acct.	Name	Sub-Total	Total	Trsf.#	Ditch
a) 7/31/1901	3.2	17-A	Terry Donahue	3.2	3.2	248	Private ditch
b) 5/1/1885	2.8	17-A	Terry Donahue	2.8	2.8	248	"
5/15/1897	2.	17-A	Terry Donahue	2.0	2.0	248	"
c) 6/30/1885	3.2	253	Loy/Byron Pehrson	3.2	3.2		H & V
6/30/1901	1.6	253	Loy/Byron Pehrson	1.6	1.6		H & V
d) 6/1/1886	1.6	253A	Phil/Eli Sayer	1.6	1.6		U. Burnett

FOOR QUALITY ORIGINAL

MICROFILMED



j 12.2

24.6

m 5.7

r 17.8

A-316
A.M. HATCH

a 19.2

d 20.7

122
E. SAYER

b 12.5

A-123
L.G. PEHRSON

c 24.8

l 31.5

e 10.8

d 22.4

36/31
1/6

A-284
C.G. LANDON

b 14.5

a 12.2

c 5.9

h 15.0

s 8.4

f 15.6

s 3.8

e 9.7

ANTZE FARMS INC.

h 40.3

19.7

23.4

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NOT TO SCALE

Transfer No 3061

Water Right No. 34-0778

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED **APPLICATION FOR TRANSFER OF WATER RIGHT** AMENDED

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

Name of applicant Ramona &/or Eli Sayer Phone 588-2279

Post Office address Route 1 Box 12, Mackay, ID 83251

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by. (484)
a. Decree No. 34-0778 Decreed to M. S. Vaught
in case of Utah Construction vs John F. Abbott, Et al
U. S. District Court
dated in 10-21-1925 in Eastern Division county of Butte & Custer
(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. Attach a copy of last year's tax notice for the property to which the water right is appurtenant If the applicant is not the original holder of the water right, explain how it was acquired Applicant obtained water right by purchase of land. (Warranty Deed)
3. Source of water Big Lost River tributary to Sinks
4. Date of priority June 1, 1886
5. Water is used for the following purposes.
amount 1.6 for Irrigation purposes from 5-1 to 10-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a 1.6 cubic feet per second
&/or
b _____ acre feet per annum
7. Location of original point of diversion is _____ 1/4 of NW 1/4 of Section 34
Township 7N Range 24E, B.M., in Custer County
Additional points of diversion, if any Upper Burnett Ditch
8. Lands 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	
6N	24E	1	X	X	X	X									X				
7N	24E	36													X		X	X	
7N	25E	31									X	X							

Total number of acres to be irrigated Not specified

9. Describe any other water rights used for the same purpose as described above 34-0776 & 34-0777

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

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

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

MICROFILMED

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County

Additional points _____

3. Place of use:

[illegible]

Total number of acres to be irrigated _____

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

1. General Information

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

b. Description of diverting works _____

c. Describe the reasons for the proposed changes Applicant wishes to have earlier
water right on specified farm land.

2. Change in point of diversion

Point of diversion 1/4 NW 1/4, Section 34 Township 7N

Range 24E, B.M., Custer County

Additional points _____

3. Change in place of use

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

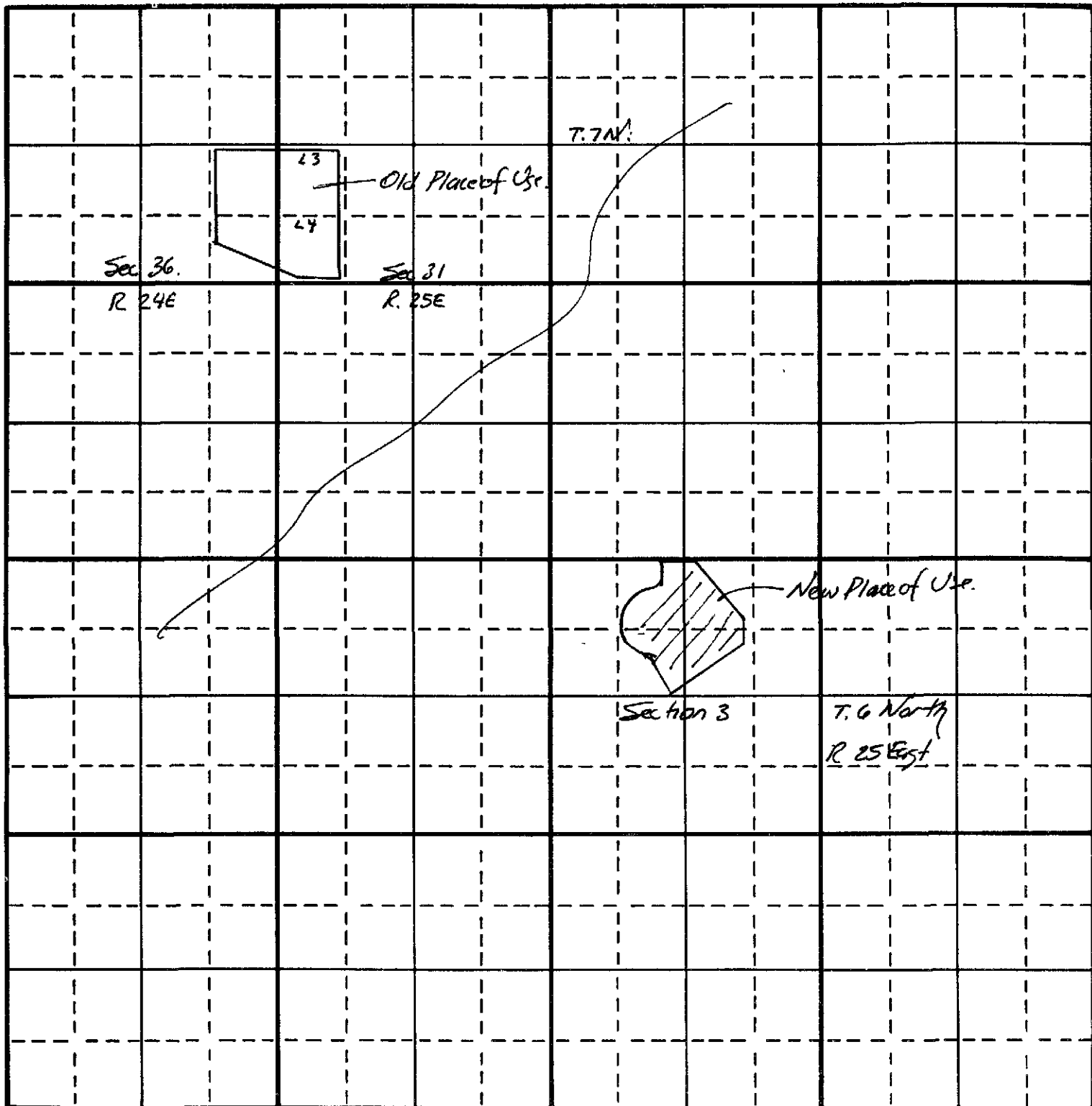
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The land listed under the old place of use will be dried up and no
longer irrigated.

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	
6N	25E	3		18	15		21			26									80

Total number of acres to be irrigated 80

4. Describe any other water rights used for the same purpose as described above. 34-0076
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated Show clearly the land involved by section, township and range number



D. REMARKS

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

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

Subscribed and sworn to before me this 26th day of October 1984
Ralph L. Lauer for James Lauer
 (Signature of Applicant)
Ronald D. Carter
 (Notary Public)

My commission expires 2/14/86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0778
 and said application is hereby APPROVED, subject to the following limitations and conditions:
 1. A measuring device and lockable controlling works of a type acceptable to the
 Department shall be permanently installed and maintained as part of the diverting
 works. 2. Use of water under this right is subject to control by the watermaster
 of State Water District No. 34, Big Lost River.

Witness my hand this 27th day of March, 1985

J. Glen Saxton
 Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Protest filed by _____
Prelim. check by <u>HWS</u>	Fee _____	
Receipted by <u>NA</u>	Date _____	
Published in <u>Custer Co. Pub. Co.</u>		Copies of protest forwarded by _____
Pub. dates <u>11-8 & 15-84</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for <u>approval</u> denial
<u>11-6-84</u> rec'd. <u>11-27-84</u>		by <u>EMC. DRT</u>

- Original, Please leave in file -

NW NE - 18 ac

SE NE - 15 ac

NENW - 21 ac

SE NW - 26 ac

TOTAL - 80 ac

37 ac

26 ac

17 ac

80 ac

Romana + Eli Sayer 34



APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 484/34-0778

RECEIVED

NOV 27 1984

Department of Water Resources
Eastern District Office

WATER DISTRICT # 34

WATERMASTER Engineer Robert

DATE 11-26-84

COMMENTS None

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

None

Engineer Robert
Watermaster

UNRECORDED

TO WHOM IT MAY CONCERN:

The undersigned, Ramona F. Sayer, of Mackay, Custer County, Idaho, widow of Phillip H. Sayer, who died at Arco, Idaho, July 23, 1983, does hereby renounce her right to act as Personal Representative (Executrix) under the Last Will and Testament of the said Phillip H. Sayer, in favor of her son, Dale L. Sayer, under the provisions of paragraph V of said Will.

DATED: August 3, 1983.

Ramona F. Sayer
Ramona F. Sayer

SUBSCRIBED AND SWORN to before me this 3rd day of August, 1983.

Eleana M. Williams
Notary Public for Idaho
Residing at ~~Idaho Falls~~, Idaho
MACKAY

(SEAL)

WARRANTY DEED

THIS INDENTURE, Made this 9th day of January, 1973,
by and between NORMA ~~R.~~ SORENSEN, a widow

of the County of Butte, State of Idaho, the part Y of the first
part, and PHIL H. SAYER and ROMONA SAYER, his wife and
ELL SAYER and ELSIE N. SAYER, his wife

of the County of Custer, State of Idaho, the part ies of the second
part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
- - - TEN (and other valuable consideration) - - - - - DOLLARS
lawful money of the United States of America, and other good and valuable considerations, to her
in hand paid by part ies of the second part, the receipt whereof is hereby acknowledged, ha s
granted, bargained and sold, and by these presents do es grant, bargain, sell, convey and confirm
unto the said part ies of the second part and to their heirs and assigns forever, all the follow-
ing described real estate, situate in the County of Custer, State of Idaho, to wit:

Lots 3 and 4 excepting the Oregon Shortline Railroad right of way, in
Section 31, Township 7 North, Range 25, East of the Boise Meridian and all
of the East half of the Southeast quarter ($E \frac{1}{2} SE \frac{1}{4}$) of Section 31, Township
7 North, Range 24 East of the Boise Meridian, North ~~of the~~ of the Oregon
Shortline Railroad right of way ~~do hereby~~.

- Together with 80 inches of June 1, 1886 decreed water rights and all
water rights described with this decree.

Dec 31, 1984

Telecon with Bob Savage, Custer Cty. Assessor, confirmed the Sayer's
own the $E \frac{1}{2} SE \frac{1}{4}$ Section 31 T7N R. 24E; Lots 3 & 4 Sec 31
T 7N R 25E.

Ernest Carlson.

MICROFILMED

County of

\$8.

My Commission Expires 12-1, 1976

ment of

d in at

order

deputy

MICROFILMED

M. B. Vaught

773 (a) 1901-July 31

3.2 c.f.s.

To be diverted from Big Lost River through a private ditch having its point of diversion in the Southwest quarter of Section 13, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Southwest quarter of Section 13, and the Northwest quarter, North half of the Southwest quarter, West half of the Southeast quarter and the Southwest quarter of the Northeast quarter of Section 24, all in Township 8 North, Range 22 East, B. M.

774 (b) 1885-May 1 2.8 c.f.s.

775 1897-May 15 2.0 c.f.s.

To be diverted from Big Lost River through the Davidson Ditch, having its point of diversion in the Northwest quarter of Section 12, Township 8 North, Range 21 East, B. M., for the irrigation of the land last above described.

-0776
(c) 1885-June 30 3.2 c.f.s.

4-0777 1901-June 30 1.6 c.f.s.

To be diverted from Big Lost River through the Harris & Vaught ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M.

4-0778
(d) 1886-June 1 1.6 c.f.s.

To be diverted from Big Lost River through the Upper Burnett Ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., all for the irrigation of the following described land, to-wit:

Northeast quarter and the Northeast of the Southeast quarter of Section 1, Township 6 North, Range 24; West half of the Southwest quarter Section 31, Township 7 North, Range 25 East, B.M., East half of the Southeast quarter and the Southwest quarter of the Southeast quarter of Section 36, Township 7 North, Range 24 East, B.M.

No. 484.

Quatar Venz, and the
Darlington Land and
Irrigation Company,
Ltd., a corporation,
as their respective in-
terest herein may appear.

1886-July 21

1.6 c.f.s.

To be diverted from Big Lost River through the Satter Ditch having its point of diversion in the Southeast quarter of Section 6, Township 6 North, Range 25 East, B.M., for the irrigation of the following described land, to-wit:

Southwest quarter of the Southwest quarter of Section 3, and the Northwest quarter of the Northwest quarter of Section 10, Township 6 North, Range 25 East, B. M.

No. 485.

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

VOID

Name of applicant Romona &/or Eli Sayer Phone 588-2279
Post Office address Rt.1, Box 12 Mackay, ID 83251

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by (484)
- a. Decree No 34-0778 Decreed to M.S. Vaught
(Name)
in case of Utah Construction Co. vs John F. Abbott, et al
dated in 10-21-1925 in U.S. District Court
(Name of court) Eastern Division county of Butte & Custer
- 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 Applicant obtained water right by purchase of land.

3. Source of water Big Lost River tributary to Sinks
4. Date of priority June 1, 1886

5. Water is used for the following purposes
amount 1.6cfs for Irrigation purposes from 5-1 to 10-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right a 1.6 cubic feet per second
&/or
b _____ acre feet per annum
7. Location of original point of diversion is _____ 1/4 of NW 1/4 of Section 34
Township 7N Range 24E, B M, in Custer County
Additional points of diversion, if any Upper Burnett Ditch

8. Lands 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	
6N	24E	1	X	X	X	X									X				
7N	24E	36													X		X	X	
7N	25E	31									X	X							

Total number of acres to be irrigated Not Specified

9. Describe any other water rights used for the same purpose as described above 34-0776 & 34-0777

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

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

- 1 Amount of water a _____ cubic feet per second
&/or
b. _____ acre feet per annum
- 2 Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

- 3 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	

Total number of acres to be irrigated _____

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

1. General Information

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

b. Description of diverting works _____

c. Describe the reasons for the proposed changes Applicant wishes to have earlier water right on specified farm land.

2. Change in point of diversion Upper Burnett Ditch; No Change

Point of diversion _____ ¼ NW ¼, Section 34 Township 7N
Range 24E, B.M., Custer County
Additional points _____

3. Change in place of use

a. Are there leins, 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.

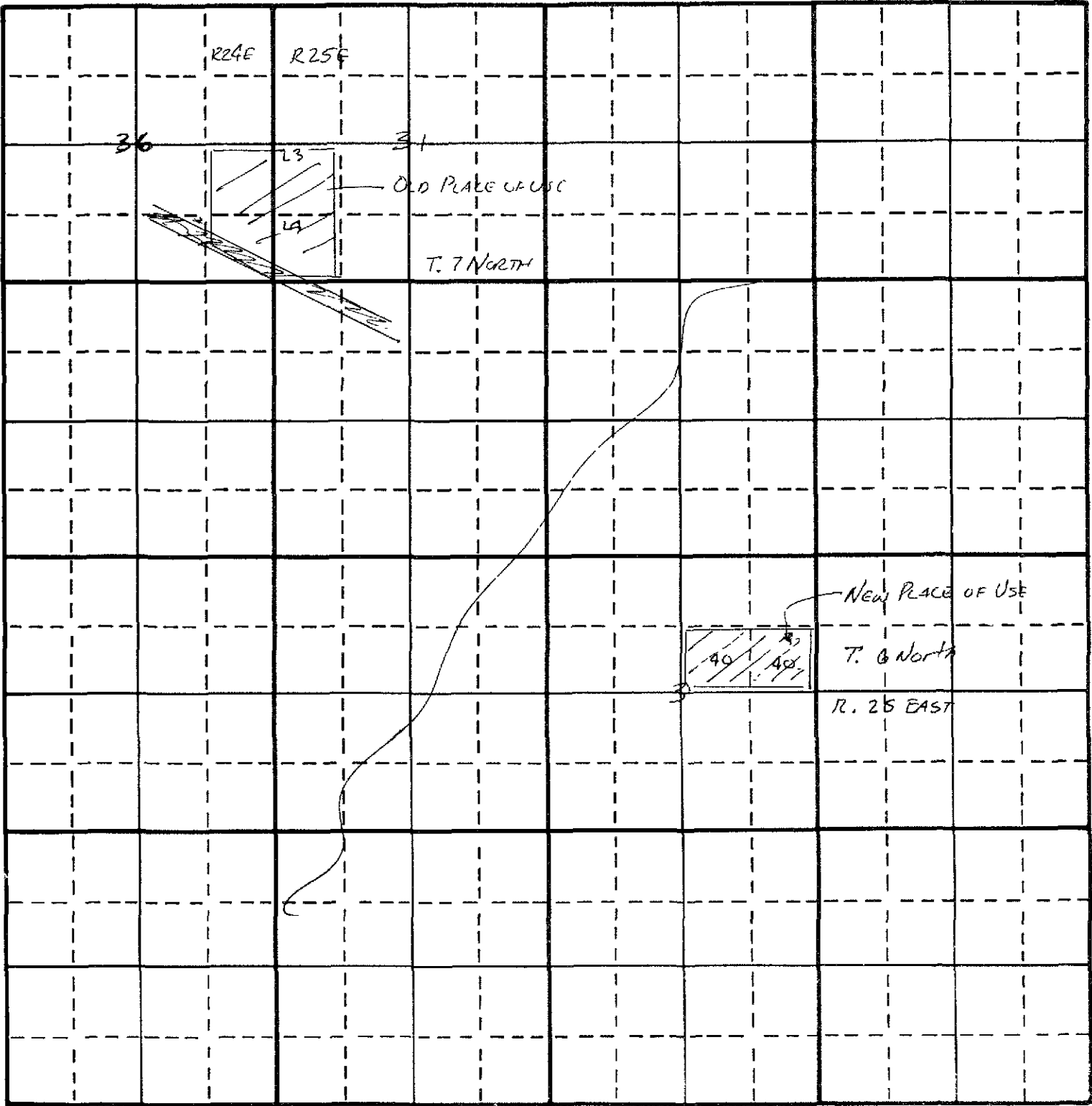
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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

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	
6N	25E	3	40		40														80

Total number of acres to be irrigated 80

4. Describe any other water rights used for the same purpose as described above 34-0076
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number



D REMARKS

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

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

Subscribed and sworn to before me this 22nd day of June, 19 84.
Ramona Dayer
(Signature of Applicant)
H. Larry Spilken
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>6/26/84</u>	Protest filed by _____
Prelim check by <u>JS</u>	Fee <u>\$50.00 #34202</u>	_____
Receipted by <u>City</u>	Date <u>6-26-84</u>	_____
Published in <u>Orinda Publishing Co</u>	Copies of protest forwarded by _____	
Pub dates <u>7/14/84</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for _____ approval _____ denial _____	
_____ rec'd _____	by _____	

AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer ss

I. *Margaret Parks*

Publisher of the Challis Messenger a weekly newspaper published at Challis Idaho do solemnly swear that the notice hereto attached and made a part hereof was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated *Nov 8*

19 *84* and ending with the issue dated *Nov 15*, 19 *84*

Margaret Parks
Subscribed and sworn to before this *16* day of *November*

19 *84*
Echel M Beck

Notary Public residing at Challis Idaho My commission expires on

Life

**NOTICE OF PROPOSED
AMENDING OF TRANSFER
NO. 484/34-0778**

Notice is hereby given that Transfer No. 484/34-0778 in the name of Ramona &/or Eli Sayer was filed for the diversion of 1.6 cfs of water from Big Lost River tributary to Sinks with the point of diversion in the NW $\frac{1}{4}$ (Upper Burnett Ditch), Sec. 34, T. 7N, R. 24E, B.M. to be used for irrigation of 80 acres within NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E B.M., Custer County.

The right holder now proposes to amend Transfer No. 484/34-0778 changing the place of use to the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E, B.M.

Any protest to the proposed amending of Transfer No. 484/34-0778 must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before November 26, 1984.

A. KENNETH DUNN
Director

Published: Nov. 8 & 15, 1984.

NOV 19 1984

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer, ss

I. MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks commencing with the issue dated JULY 19 1984 and ending with the issue dated JULY 26 1984

Margaret Parks

Subscribed and sworn to before this 27 day of July 1984

Eckel M. Peck

Notary Public residing at Challis, Idaho My commission expires on

Life

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

7-4-84-0778

Notice is hereby given that Romona & or Eli Sayer, Mackay, ID, has applied to the Department of Water Resources for a change in the place of use of the waters of Big Lost River, tributary to Sinks. The right sought to be changed is evidenced by decree to M. S. Vaught in Case of Utah Construction Company -vs- John F. Abbott, et al, dated October 21, 1925 in U. S. District Court, Eastern Division counties of Butte and Custer and is recorded as follows:

AMOUNT: 1.6 cfs

PRIORITY: 6-1-1886

DECEED POINT OF DIVERSION: NW $\frac{1}{4}$ (Upper Burnett Ditch), Sec. 34, T. 7N, R. 24E, B.M. Custer County;

The water is used on lands within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 6N, R. 24E; E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N, R. 24E; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 31, T. 7N, R. 25E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 80 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Suite 15, Idaho Falls, ID, 83402, on or before August 6, 1984.

A. Kenneth Dunn
Director

EM

Filed: 7/19 6/1984

RECEIVED

JUL 30 1984

Department of Water Resources
Eastern District Office

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01 WATER RIGHT NUMBER - 34-0778

02 OLD (D) NUMBER -

LAST NAME

03001 - VAUGHT ✓
03002 - SAYER ✓
03003 - SAYER ✓

FIRST NAME

04001 - M. S. ✓
04002 - RAMONA ✓
04003 - ELI ✓

ORIG. OWNER

05001 - O ✓
05002 - C ✓
05003 - C ✓

06 ADD LINE 1 - RT. 1 BOX 12 ✓

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - MACKAY ✓

10 STATE - ID ✓

11 ZIP - 832510000

12 STAGE - D DECREE ✓

13 STATUS -

SOURCE

14001 - BIG LOST RIVER ✓

TRIBUTARY OF

15001 - SINKS

16 DIVERSION MEANS -

17 COUNTY - 37 CUSTER

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 1.600 ✓

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 34

TRACT	SEC	TWN	RNG	LOT	DIVERSION POINTS RFLG	STREAM	INDEX	FIELDS							
22001 - NENW ✓	23001 - 34 ✓	24001 - 07N ✓	25001 - 24E ✓	26001 - 27001 -	28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
22002 - NWNW ✓	23002 - 34	24002 - 07N	25002 - 24E	26002 - 27002 -	28002 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
22003 - SWNW ✓	23003 - 34	24003 - 07N	25003 - 24E	26003 - 27003 -	28003 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
22004 - SENW ✓	23004 - 34	24004 - 07N	25004 - 24E	26004 - 27004 -	28004 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 06N ✓	32001 - 25E ✓	33001 - 03 ✓	34001 - NWNE ✓	35001 - 18 ✓	36001 -
30002 - 01 IRRIGATION	31002 - 06N	32002 - 25E	33002 - 03	34002 - SWNE ✓	35002 - 15 ✓	36002 -
30003 - 01 IRRIGATION	31003 - 06N	32003 - 25E	33003 - 03	34003 - NENW ✓	35003 - 21 ✓	36003 -
30004 - 01 IRRIGATION	31004 - 06N	32004 - 25E	33004 - 03	34004 - SENW ✓	35004 - 26 ✓	36004 -

TOTAL ACRES: 80 ✓

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0501	38001 - 1015	39001 - 01 IRRIGATION	40001 -	1.600 ✓	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 - TRANS. 3061. P/D IN NW1/4, S34, T7N, R24E. ✓

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE - 34-0776/0000000000000000000000

D A T E S		D A T E S		F L A G S	
47	PRIORITY - 1-JUN-1886	55	LICENSE -	63	TRANSFER/AMENDED - T
48	PROOF DUE -	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE -	65	FLAG_1 -
50	APPROVE/DENIED -	58	DECREE -	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED - 20-MAY-1985	61	DATE_1 -		
54	LAST UPDATE - 13-NOV-1985	62	DATE_2 -		

11/14/85
VERIFIED SRC



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

March 28, 1985

RE: Transfer of Water Right No. 34-0778

Ramona &/or Eli Sayer
Rt. 1, Box 12
Mackay, ID 83251

Dear Mr. and Mrs. Sayer:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3061). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

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

DRT:sc

Enclosure

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Memo

TO: FILE

FROM: Jim

3-26-85

TRANSFER REVIEW ON T. 3061

1. P/U ON DECREE DESCRIBES LARGER AREA THAN WARRANTY DEED.
2. Decree shows 3 rights appurtenant to P/u. warranty deed shows only 1, to a portion of decreed P/u.
3. No check w/ COUNTY ASSESSOR WAS made to determine ownership of land in section 1.
4. No information in file on use of rts. 34-0776 and 34-0777.
5. No protests received and watermaster endorsed transfer, as did region.

Note by DRT 3-26-85

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Based on the information provided in the file, it appears that originally 3 decreed water rights totalling 6.4 cfs were decreed to be appurtenant to 10 tracts with unspecified acreage. The warranty deed dated Jan 9, 1973, and information provided on the App for Transfer, combine to indicate that currently one of the three decreed rights, No. 34-0778, is solely appurtenant to lands in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 36 T7N R24E and Lts 344, Sec 31, T7N R22SE. This intimates that the remaining two decreed rts, Nos. 34-0776 & 34-0777 are appurtenant to the other six tracts. This assumption seems to be adequate for approval of T3061.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

34 0778

INITIAL REVIEW BY: HWT

1. Right number 34-0778 Applicant Sayer
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - ☒ Description of original point of diversion.
 - ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - 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). PD out of area
 - 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) 34-0076
 - j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? # 34 11-26-84

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny

3. Conditions* Watermaster control. @ Measuring device
OIE, 05(34, BIG LOST RIVER)

4. By Ernest Carlson Date _____ Department of Water Resources

Jim 3-26-85 use above conditions

* All uses within Watermaster Districts require special conditions.

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JAN 04 1985

34-0778 (1.60 cfs) → Tr # (1.6 cfs) → 34-0778 (1.6 cfs)
Change PIU
No Change P/D.

MITCHELL

Roman + El Sayer

34-0778, Tron # _____

November 6, 1984

RE: Application for Transfer No. 484/34-0778 SAYER

Eugene Gabert, Watermaster
Water District No. 34
Box 206
Mackay, ID 83251

Dear Mr. Gabert:

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 November 26, 1984.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 31, 1984

Custer County Publishing Co.
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 26, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF PROPOSED AMENDING OF TRANSFER NO. 484/34-0778

Notice is hereby given that Transfer No. 484/34-0778 in the name of Ramona &/or Eli Sayer was filed for the diversion of 1.6 cfs of water from Big Lost River tributary to Sinks with the point of diversion in the NW $\frac{1}{4}$ (Upper Burnett Ditch), Sec. 34, T. 7N, R. 24E, B.M. to be used for irrigation of 80 acres within NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E. B.M., Custer County.

The right holder now proposes to amend Transfer No. 484/34-0778 changing the place of use to the W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E, B.M.

Any protest to the proposed amending of Transfer No. 484/34-0778 must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before November 26, 1984.

A. KENNETH DUNN

Director

Published by Custer Publishing Co., Challis, ID, on November 8 & 15, 1984.

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AMENDING OF TRANSFER**
NO. 484/34-0778

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A. KENNETH DUNN
Director

Published: Nov 8 & 15, 1984.

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INTER-DEPARTMENT MEMO — 1

FROM Steve McCormick

DATE 10-24-84

TO File

SUBJECT Amended application for Romana + Eli Sayer

The original application was in error due to a typo. It therefore had to be amended. I recommend the fee be waived for the amendment.

SM MICROFILMED
URE

MEMORANDUM

FROM: Steve McCormick

TO: File (34-0778) Sayer Transfer

DATE: October 24, 1984

The records of the Big Lost River Irrigation District indicate the water right has been exclusively used on the following lands:

Lot 3 & 4 Sec. 31, Twp. 7N, Rge. 25E, B.M., excluding the O.S.L.R.O.W. and the E1/2SE1/4, Sec. 36, Twp. 7N, Rge. 24E, B.M., North and East of the O.S.L.R.O.W.

The original decree places the right on the same lands as right nos. 34-0773/0774/0775/0776/0777. These rights were used independently of right no. 34-0778, according to B.L.R.I.D. records. The old place of use will become physically dried up and no longer irrigated, according to Dale Sayer.

Right No. 34-0778 with a priority date of 6-01-1886 will become the primary water right on the new place of use. (S1/2NE1/4, Sec. 3, Twp. 6N, Rge. 25E.) Right No. 34-0076 with priority date of 03-10-1894 is already appurtenant to this land. The 1894 right is cut during the second week in June, according to the B.L.R.I.D.

34-0778-150

Acct. #

1925, 1926.

X-REF. 253-2

Custer (428)

[illegible]

priority

7-2-0

6/1/1886

1991

80

1. 2. 3. 4. 5.

1. פתח

51

Storage

1721

Decree:

484 d

Map ref.: CVG44W-~~33~~ 134

Tract area 129.3 acres

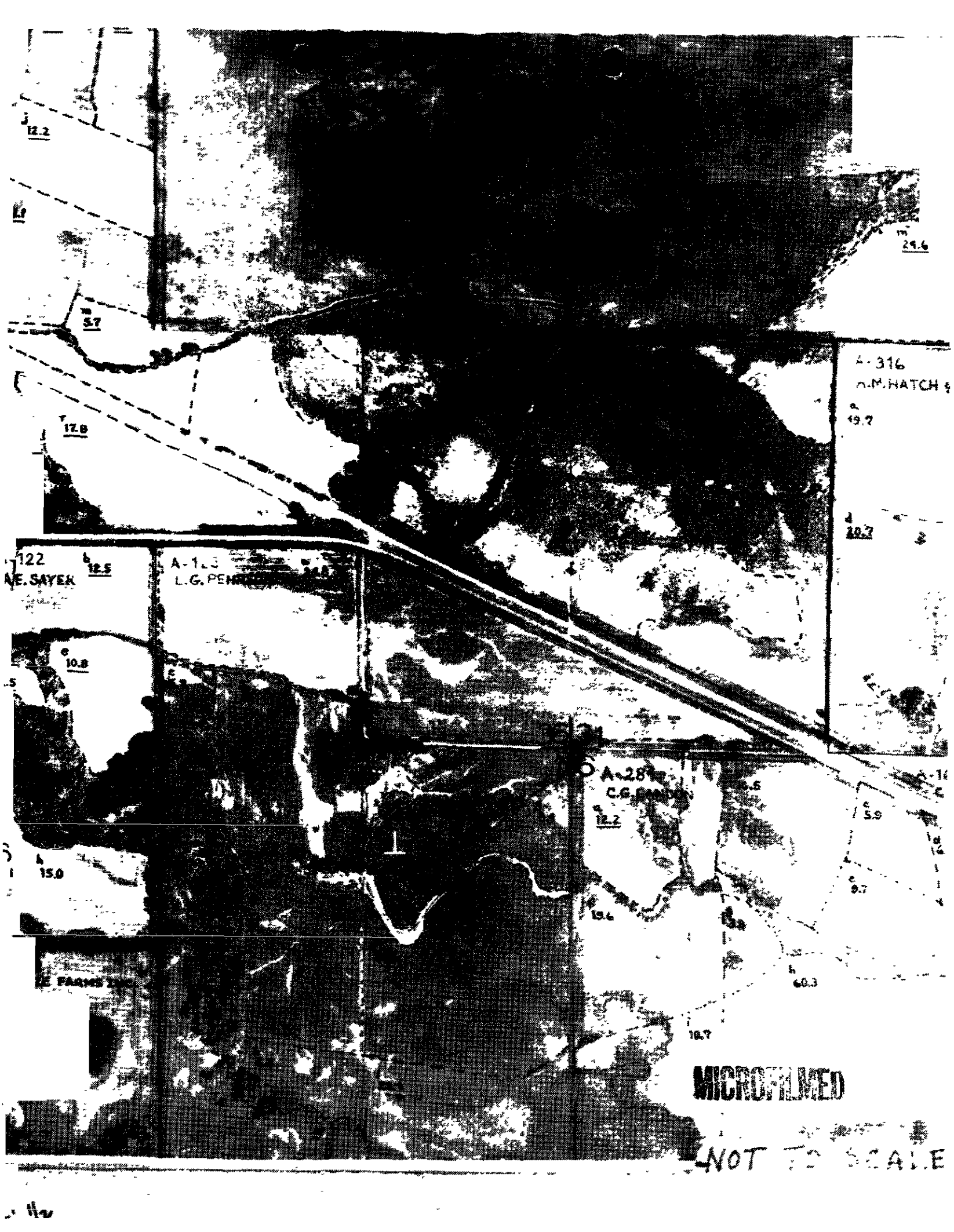
Hyperbrett ~~P. Vaughn Harris~~
see reverse side:

129.3 @ 5

34-0773 / 34-0774 / 34-0775 / 34-0776 / 34-0777 / 34-0778

Decree # 484

Priority	CFS	Acct	Name	Sub Total	Total	Trsf. #	Ditch
a) 7/31/1901	3.2	17-A	Terry Donahue	3.2	3.2	2711	Private ditch
b) 5/1/1885	2.0	17-A	Terry Donahue	2.0	2.0	2711	"
5/15/1897	2.0	17-A	Terry Donahue	2.0	2.0	2711	"
c) 6/30/1885	3.2	253	Lois/Wyron Behrson	3.2	3.2		H & V
5/30/1901	1.6	253	Lois/Wyron Behrson	1.6	1.6		H & V
d) 6/1/1886	1.6	257A	Phil/EI Gayer	1.6	1.6		U. Burnett



12.2

29.6

57

17.8

A-316
H.M. HATCH
19.7

10.7

122
E. SAYER
12.5

A-123
L.G. PENN
12.5

10.8

15.0

A-28
C.G. BARR
12.2

5.9

9.7

15.4

60.3

10.7

THE FARMS INC.

MICROFILMED

NOT TO SCALE

July 20, 1984

RE: Application for Transfer No. 34-0778 SAYER

Eugene Gabert, Watermaster
Water District No. 34
Box 206
Mackay, ID 83251

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Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

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ACTION REQUIRED

FROM: Colleen

TO: File

More additional information, etc needed
on this transfer contact:

Nale Jayer
364 Logan
Id Falls, Id 8340,
Phone 523-4732
Work 526-7563

RECEIVED

WATER RIGHT
DATA ENTRY LOG

[illegible]

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

T 484 34-0778

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T. 7N, R. 24E, B.M. Custer County;

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TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 80 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 6N, R. 25E, B.M.

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A. Kenneth Dunn

Director

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