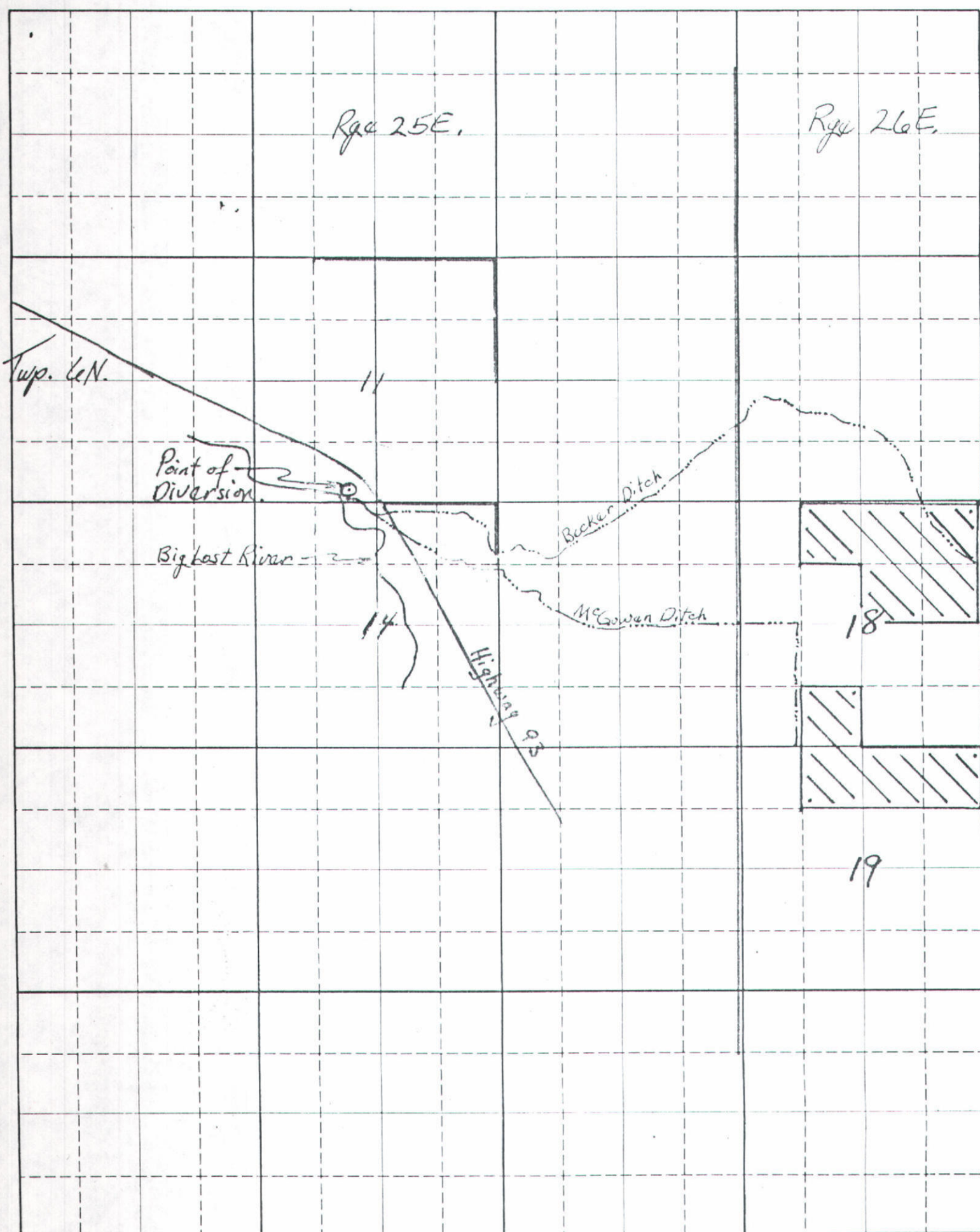
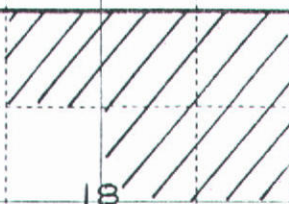


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

BEFORE Transfer

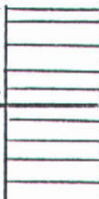


34-0479

34-0856 B. T. 437

18

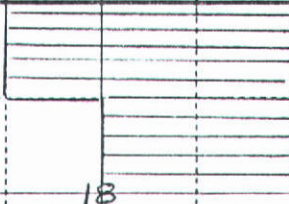
34-0507 →



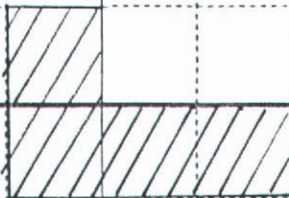
34-0114 A
T. 379

19

AFTER TRANSFER



18



19

MICROFILMED

126

Harney Ranch

Beck Creek

Parcel A: 19.3

Parcel B: 10.5

Parcel C: 61.2 Total

Parcel D: 37.9

Parcel E: 27.1

Parcel F: 29.5

Parcel G: 11.6

Parcel H: 11.2

Parcel I: 13.2

Parcel J: 23.3

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F. S.	RIGHT NO.
2230	Brad Pearson	1.6	0	34-0507

T

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MICROFILMED

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

APPROVED

Name of applicant Brad Pearson Phone 554-3392
Post office address Moore, ID 83255

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Dell Hanks is listed as present owner of each right
(Name)
in case of Utah Construction Co. vs John F. Abbott et al
dated 10-21-25 in U.S. District Court 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. 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 purchased land to which water rights are appurtenant.

3. Source of water Big Lost River tributary to sinks
4. Date of priority (A) 4-30-1884 (B) 9-14-86 (C) 6-01-87 (D) 5-18-99

5. Water is used for the following purposes:
- A) T #437 amount 1.6 for irrigation & Domestic purposes from * to *
- B) 34-0479 amount 3.2 for " purposes from _____ to _____
- C) 34-0507 amount 1.6 for " purposes from _____ to _____
- D) T #379 1.16 " (month/day – both dates inclusive)

6. Total amount of water under right: a. 7.56 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is _____ ¼ of NW ¼ of Section 14
Township 6N Range 25E, B.M., in Custer County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
T437 and	34-0479																		
		6N 26E 18	40	40	40	40	40												200
		34-0507																	
T379	6N 26E	18											40						40
		19					40												40
		19	40	40															80

Total number of acres to be irrigated 360

*Not stated in decree

MINUTEMAN

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, 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	

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

1. Change in point of diversion
- a. Amount of water to be diverted 7.56 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 11 Township 6N
Range 25E, B.M., Custer County
Additional points _____
- c. Description of diverting works headworks for McGowen & Becker Ditches
- d. Describe the reasons for applying for a change in the point(s) of diversion _____
no change in point of diversion but legal description needed correcting.

2. Change in place of use SEE REMARKS

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

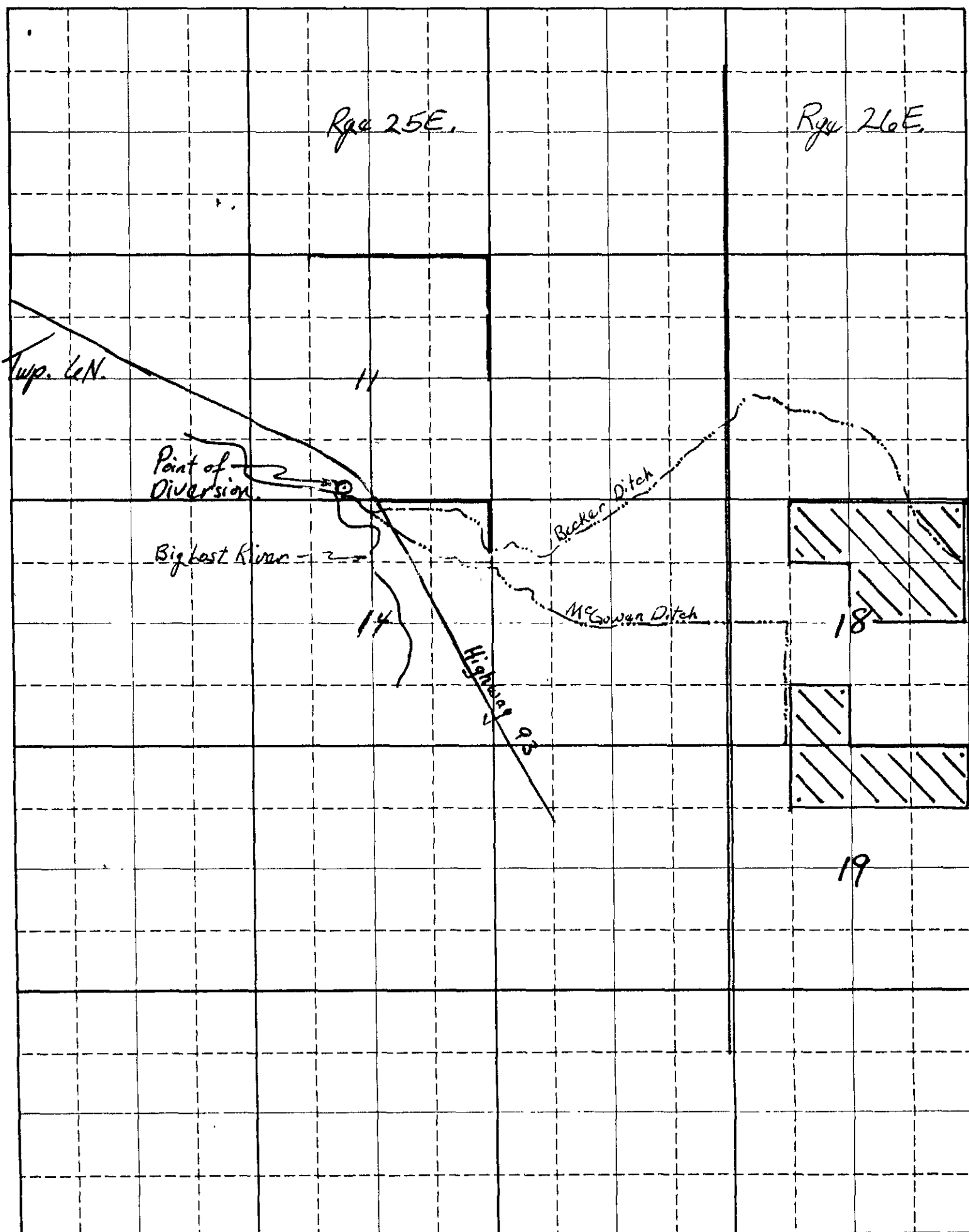
TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
T#437, 34-0507 & T#379																			
6N	26E	18	40	40	40	40	40												200
34-0479																			
6N	26E	18											40						40
		19	40	40			40												120

Total number of acres to be irrigated 360

NOTE: T#437, 34-0507 and T#379 are appurtenant to the 200 acres in the NE¼, NE¼NW¼, Sec. 18,

T 6N R 26E B.M.

- b. 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.



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

3. Remarks Water rights T 437, 34-0507 and T 379 shall be treated as a single right evenly distributed over all of the 200 acres. Any future transfers or sales of water will require removal of a proportionate share of each and physically drying up the land from which the water was taken. They can not be sold or transferred individually.

I hereby assert that no one will be injured by such change and 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.

Bradley D. Pearson
(Signature of applicant)

Subscribed and sworn to before me this 21 day of March, 19 78

Jack L. Shullip
(Notary public)

My commission expires 10-20-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0507/34-0856
34-0114/34-0479/,
and said application is hereby APPROVED.

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

- a. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. b. Use of water under this transfer is subject to the control of the watermaster of State Water District No. 34, Big Lost River. c. Maximum number of acres that may be irrigated under Water Right No.'s 34-0114A, 34-0507, and 34-0856B is 200 acres.

Witness my hand this 9th day of May, 19 78

Norman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by OW Date 3-22-78

Protest filed by _____

Prelim. check by ARIK Fee \$30.00

Receipted by OW Date 3-27-78

Published in Valley Messenger #9896

Copies of protest forwarded by _____

Pub. dates Apr 6 & 13, 1978

Hearing held by _____ Date _____

Watermaster recommendation requested on 3-31-78

Recommended for approval denial

Dep. Asst. #34 rec'd. 4-05-78

by EMC J.S.

7 May 1978

I N D E X

Tributary Stream

Page in Decree

Antelope Creek	20, 35, 43, 48, 53, 55, 54, 56, 60, 70, 71, 72, 76, 95, 96, 99, 101, 102, 109, 114, 121, 124, 125, 127, 146, 147, 149, 156, 163, 177, 189, 190, 197, 204, 211, 226, 227, 238, 239, 242	
Alder Creek	49, 82, 87, 88, 129, 131, 142, 150, 153, 203, 208	
Bradshaw Springs	41, 46, 223	
Big Springs Creek	47	
Bear Creek	74	
Boyle Creek	121	
Beda Creek	122	(Not tributary)
Cedar (or Dry) Creek <i>E. of Dickey</i> <i>Cedar, Lower</i>	41, 189, 190, 192, (237) 237	(Not tributary)
Cliff or White Knob Creek	52, 87	
Congdon Springs	63	
Congdon Springs Creek	132, 151, 224	
Corral Creek	82	(Not tributary)
Cherry Creek	114, 115	
Cold Springs Creek	117	
Dry Fork of Antelope Creek	27, 39, 73, 74, 115, 125, 151, 152, 159, 169, 227	
Deer Creek	137	
East Fork Big Lost River	117, 137, 148	
Fox Creek	32	
Grant Creek	174	(Not tributary)
Hamilton Creek	7	(Not tributary)
Jensen Springs	30 <i>also on lower end of section</i>	
James Creek	48, 118	
Jagles Springs	61	
Kent Springs	96	
Lower Cedar Creek	49, 50, 120, 126, 183, 205, 54, 237	(Not tributary)
Lower Pass Creek	34, 90	
Lehman Creek	107	(Not tributary)
North Fork of B. L. River	32	
Navarre Creek	37, 184, 230	

MACROFILMED

Charles H. Smith

0.0 0.1.2.

OF RECORD FOR THE
 RECORD OF THE
 OF RECORD FOR THE
 OF RECORD FOR THE

William P. Matthews

1896-June 1 ✓

0.5 c.f.s.

34 0506

To be diverted from Big Lost River through the Moore canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Lots 5,6,9,10,11,12,13,14,17,18, Block 4, Lots 13,14,15,16, Block 6; Lots 18, 19, 20, Block 7; Lots 1, 2,3,4,5,6,9,10,11,12,13,14, 15, Block 8; Lots 10,11,19,20, Block 9; Lot 1, Block 17; Lots 1,2,6,7,8,9,10,11 to 20, inc. Block 19; Lot 2, Block 20, Lots 1 to 10 inc. and 16 to 20 inc. Block 21; Lots 11 to 20 inc., Block 22, Lots 1,2,3, Block 22, Lots 1 to 6 inc. 11 to 20 inc. Block 24; Lots 6, 7,8, Block 25; Lots 14,15,16, Block 26; Lots 1,2,15,16,17,18, Block 27, Total 122 lots, original townsite of Moore, Butte County, Idaho.

Tax Lot #321. Described as beginning at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 28, Township 5 North, Range 26 East, B. M., thence South 300 feet, thence East 815 feet, more or less to O. S. L. Railroad right-of-way, thence Northwesterly along said right-of-way to the North line of said Section 28, thence West to place of beginning, containing 5.5 acres. Also tax lot #333, being all that part of the Southeast quarter of the Northwest quarter of Section 28, Township 5 North, Range 26 East, B. M., lying South of the original townsite of Moore and East of the School block in District #2, Butte County, containing 1.3 acres, more or less.

No. 323Elmer Mechem

1887-June 1 ✓

1.6 c.f.s.

Trans. #2230

To be diverted from Big Lost River through the McGowan ditch having its point of diversion in the Northwest quarter of Section 14, Township 6 North, Range 25 East, B. M., for the irrigation of the following described land to-wit:

The Southeast quarter of the Southwest quarter of Section 18 and the Northeast quarter of Northwest quarter of Section 19, Township 6 North, Range 26 East, B. M.

No. 324W. L. Meinzer

1902-May 1 ✓

2.7 c.f.s.

34 0508

To be diverted from Big Lost River through West Side ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The Northeast quarter of Section 21, Township 4 North, Range 26 East, B. M.

No. 325

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 15, 1978

Re: Transfer of Water Right No.'s 34-0479,
34-0507, 34-0114 and 34-0856

Brad Pearson
Moore,
Idaho 83255

Dear Mr. Pearson:

Enclosed is a copy of the Approved Application for Transfer of the above referenced water rights.

Be sure to note the conditions of approval as listed on the fourth page.

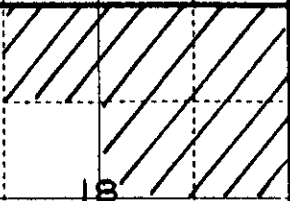
Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

BEFORE TRANSFER

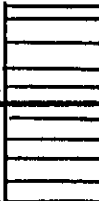


34-0479

34-0856 B T 437

18

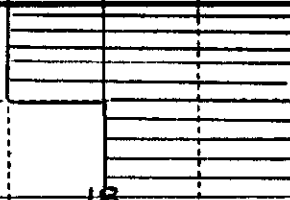
34-0507 2



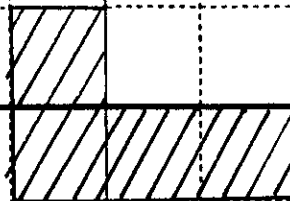
34-0114 A
T 379

19

AFTER TRANSFER



18



19

MICROFILMED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 34-0479/T#437/ 34-0507/T#379

RECEIVED

APR 5 1978

Department of Water Resources
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Max E. Wall, watermaster of Big Lost River,
of Water District No. #34, County of Custer + Butte, State of Idaho,
whose address is Box 113 Mackay Idaho 83251,
have read the attached copy of the application for transfer of water right for _____
Brad Pearson, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: _____

None

OR

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

Dated at Mackay, Idaho, this 5 day of April 19 78.

Max E. Wall
(signature)

M E M O R A N D U M

TO: File, Transfer of Water Rights Nos. 34-0470, 34-0507, T. #379 and T. #437
FROM: Ernest Carlsen *ENC*
RE: Intent of Transfer
DATE: February 10, 1978

Present water rights for the 200 acres in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 6N, R. 26E, are T. #437 (original right #34-0856) for 1.60 c.f.s. and decree #34-0479 for 3.20 c.f.s. Each of these rights are appurtenant to the entire 200 acres for a total of 4.80 c.f.s. Decreed right #34-0507 is appurtenant to the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, for 1.60 c.f.s. and T. #379 (original right #34-0114) for 1.16 c.f.s. is appurtenant to the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, for a total of 2.76 c.f.s. on 160 acres.

Since the applicant wishes to sell the 200 acres in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, along with water rights T. #437, 34-0507, and T. #379 while retaining right 34-0479 for the NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, he has requested the appropriate rights be transferred.

Although transferring right No. 34-0479 to 160 acres will reduce the right by 40 acres, it will not exceed one miner's inch per acre. In transferring T #379, 34-0507 and T #437 to the 200 acres in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, the miner's inch per acre limitation will be exceeded. It should be noted, however, that these three rights will be used on all of the 200 acres with their combined total of those rights presently appurtenant to the same 200 acres.

It should be noted, that approval of this application for transfer means T. #379, 34-0507 and T. #437 are to be treated as a single water right. They can not be sold or transferred individually. Any future transfer or sale of water will require removal of a proportionate share of each and physically drying up the land from which the water was taken.

MICROFILMED

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBJECT: Irrigation Water

DATE: 3/9/78

TO: •Dept. of Water Res.
1514 Lincoln Road
Idaho Falls, Idaho 83041

RECEIVED

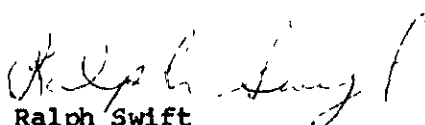
MAR 22 1978

Department of Water Resources
Eastern District Office

Dear Sirs,

I have been asked by Brad Pearson to confirm the need for transfer of 230 miners inches of water with 200 acres of farm ground laying in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of sec. 18, T.6N., R.26E. According to ASCS records 183.6 acres of this is cropped. Aflood irrigation system is being used. Soils are Arco silt loam.

Water is delivered through the Beck canal which has an average shrink of 25 to 30 percent, according to the irrigation district. $230 \times .75 = 172.5$ or less than an inch to the acre. Ditch loss coupled with the high infiltration rate (.63-2in./hr) of the soil justifies the need of greater than an inch per acre in my and the Butte Soil Conservation Districts opinions.


Ralph Swift
District Conservationist
Soil Conservation Service


MICROFILM

R 26 E

D
193

E
27.4

G
11.6

12.6 I

II
8.7

J
14.9

K
14.6

March 31, 1978

RE: Application for Transfer No. 34-0479/T#437/34-0507/T#379 PEARSON

Challis Messenger
Challis,
Idaho 83226
Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARDSON
Supervisor
Eastern Region

Bill submitted

4-18-78

by

CD

RDC:CD

Enclosure: Legal Notice

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Brad Pearson, Moore, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the Big Lost River. The right sought to be changed is evidenced by decree to Dell Hanks (listed as present owner of each right) in case of Utah Construction Co. -vs- John F. Abbott et al, dated 10-21-25 in U. S. District Court County of Butte and Custer and is recorded as follows:

T #437	AMOUNT: 1.60 cfs	PRIORITY: 4-30-84
- 34-0479	AMOUNT: 3.20 cfs	PRIORITY: 9-14-86
PLACE OF USE: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 6N, R. 26E.		
34-0507	AMOUNT: 1.60 cfs	PRIORITY: 6-01-87
PLACE OF USE: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 6N, R. 26E.		
T #379	AMOUNT: 1.16 cfs	PRIORITY: 5-18-99
PLACE OF USE: N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, T. 6N, R. 26E, B.M.		

The above rights totalling 7.56 c.f.s. are diverted within the NW $\frac{1}{4}$, Sec. 14 T. 6N, R. 25E, B.M., Custer County; and are used for domestic purposes and the irrigation of 360 acres.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 6N, R. 2E, B.M., Custer County; and used to irrigate 360 acres as follows:

T #437, 34-0507 & T #379 - NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 6N, R. 26E, B.M.

34-0479 - SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 6N, R. 26E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 24, 1978.

C. STEPHEN ALLRED

Director

Published in the Challis Messenger, Challis, Idaho, on April 6 and April 13, 1978.

MICROFILMED

me. Q.
H. M.
me. K.

March 31, 1978

RE: Application for Transfer No. 34-0479/T#437/
34-0507/T#379

Mr. Max Wall, Watermaster
Water District No. 34
Box 113
Mackay, ID - 83251

Dear Mr. Wall:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before April 24, 1978.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosures

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 28, 1978

RE: Application for Transfer No. 34-0479/34-0507/T #437/T #379

Mr. Brad Pearson
Moore,
Idaho 83255

Dear Mr. Pearson:

Enclosed you will find receipt No. 9896 for the statutory filing of your application for transfer and a copy of your Real Estate Purchase and Sales Agreement. We can accept a copy of this agreement as proof of ownership provided the necessary signatures and notarization are evident.

Processing of your application for transfer has been initiated with the final date of protest scheduled to be April 24, 1978. In order for us to forward your application to Boise for final action, we will need to receive a copy of a signed sales contract. If this could be accomplished before the above mentioned date it would be appreciated.

Please feel to contact me at this office for any questions you need answering.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Attachment

Enclosures



MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

February 28, 1978

Mr. Brad Pearson
Moore,
Idaho 83255

Dear Mr. Pearson:

Enclosed you will find an application for transfer of water right and attachments which we have completed in our office. To insure the application is consistent with your intentions, please review it carefully. If there are no corrections or changes necessary, sign it in the presence of a notary and forward to our office with the statutory filing fee of \$30.00.

You will need to include a copy of your warranty deed showing proof of ownership, and a statement from the Soil Conservation Service indicating irrigation requirements exceed the one inch per acre normally allowed.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Enclosure

MICROFILMED

Please note
provided in
correspondence
between
the
and the
surveys

TRANSFER ANALYSIS SHEET

1. Source Big Lost River

Name Brad Person
T# 437, 34-0479,

2. Right Being Transferred

Right No. 34-0507, T# 379

- a. ☒ Decree
- ☐ License
- ☐ Use

Transfer No. _____

APK
3/24/78

- b. ☒ Priority
- c. ☒ Location - Original P.D.

d. ☒ " - Original P.U.

Please note

e. ☒ " - New P.D. same as old - however original description of P.D. location was incorrect (no change)

f. ☒ " - New P.U.

g. ☒ Amount

All

Please note Part

3. ☒ Proof of Ownership of Right (inadequate) proof of
Comment ownership is necessary

4. ☒ Expansion of Right
Comment no expansion

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments Water District #34
Comments received 4/5/78 J.S.

9. Comments

10. Initial Review by _____ Date _____

11. Recommended Action

☒ Approve

☐ Deny

☒ Conditions measuring device requirement.
subject to control by water master.

RECEIVED
APR 26 1978

Department of Water Resources

BY Brad Person

DATE 4-24-78

MICROFILMED

Copy sent