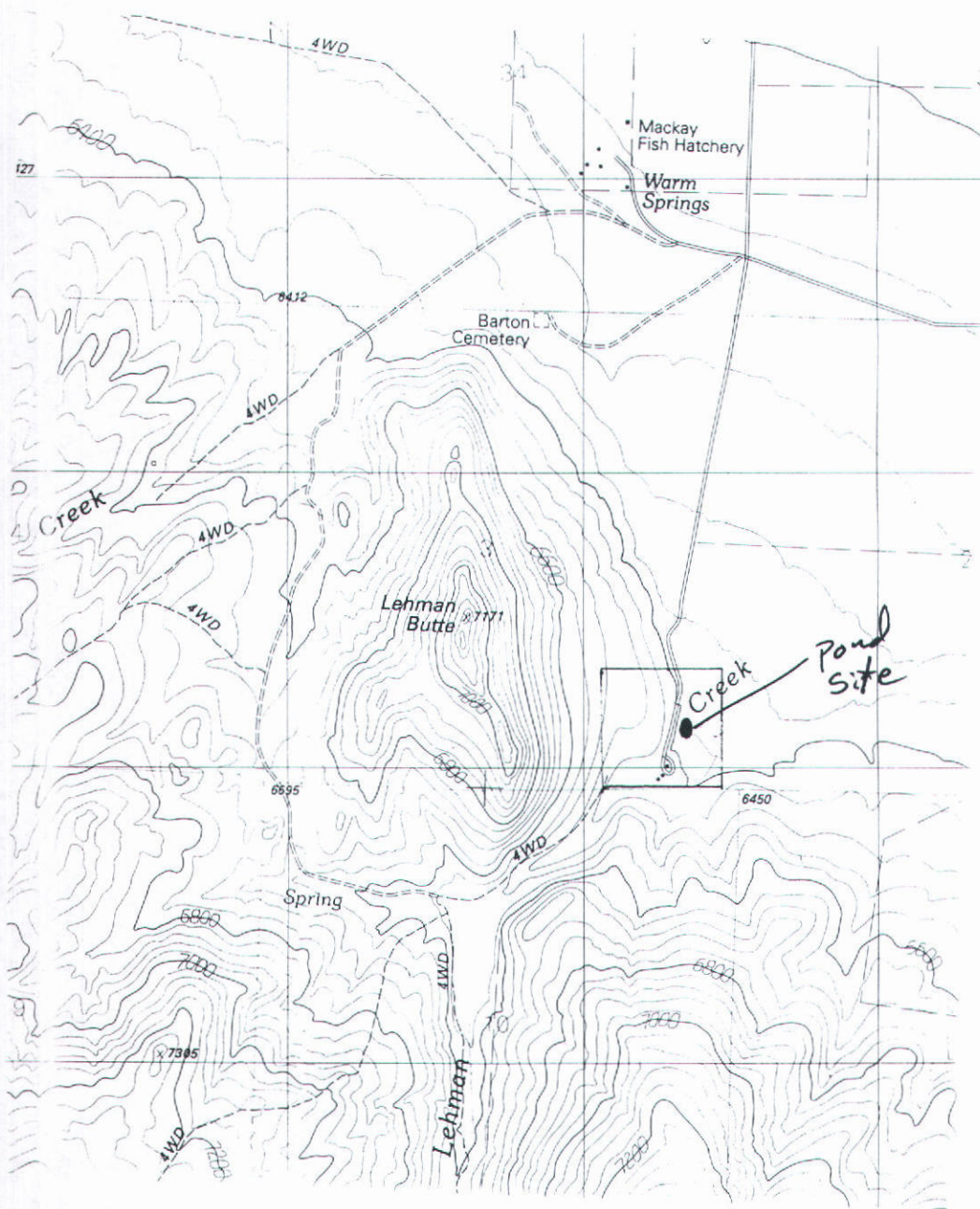


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

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.

Lehman Butte Quad
T 8 N R 22 E Sec 3



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

PART 2

(Attach one copy for each right)

RECEIVED**JUL 11 1994**

Department of Water Resources

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 34-04068 Decreed to Donald van Hagen
 in case of Snake River Basin Adj 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 Lehman Creek tributary to _____4. Date or priority 03-16-1922

5. Water is used for the following purpose:

amount 100 AF for Truckee Storage purposes from 01-01 to 12-31
 (cfs/ac-ft)
 amount 100 AF for Truckee from Storage purposes from 05-01 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or 100 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NW	10	7N	22E	Custer	

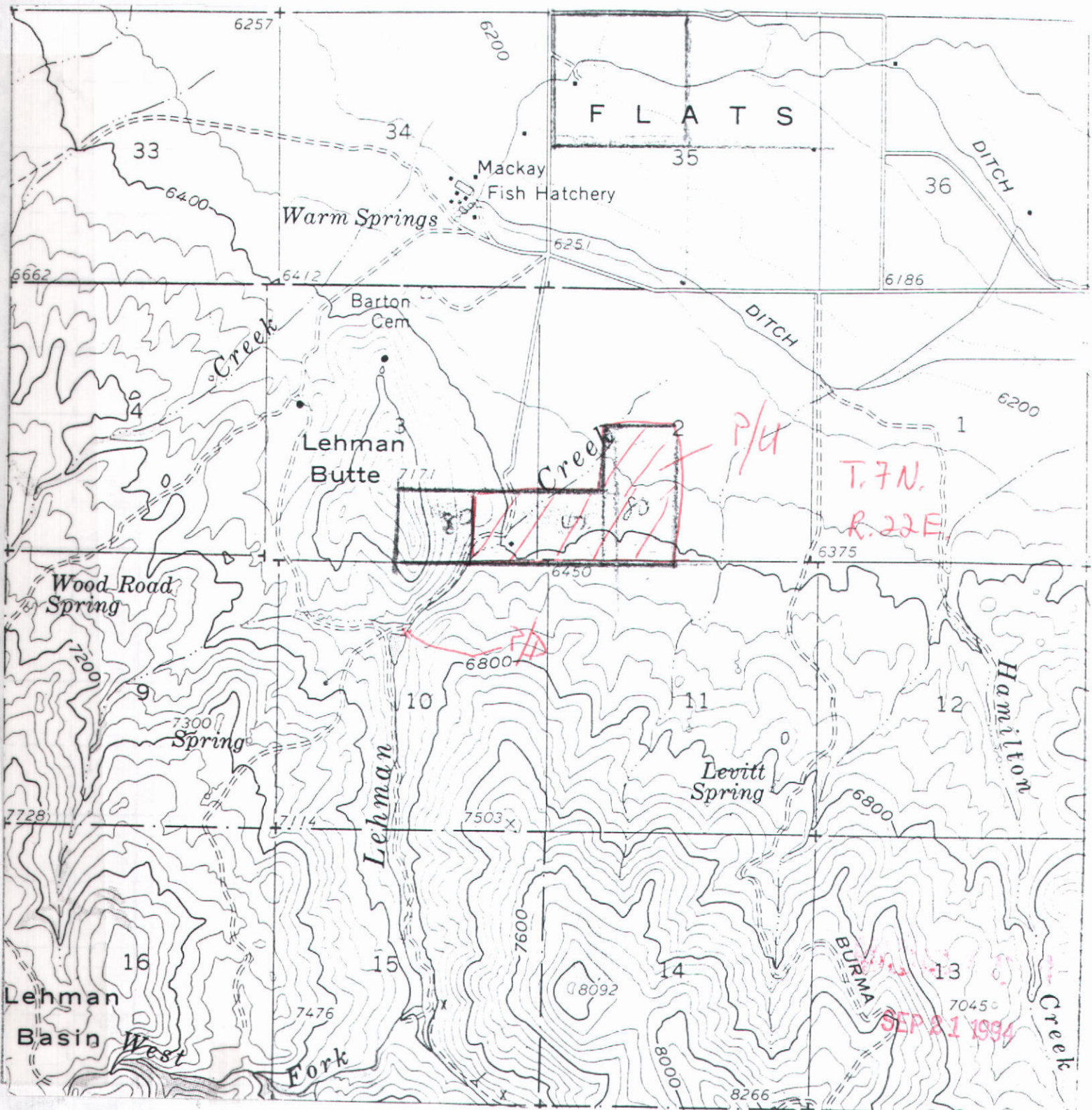
8. Lands irrigated or place of use:

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	22E	2									13		24	40					87
		3													4			28	32
		11					15	8											12

Total acres 1329. Describe any other water rights used for the same purpose as described above 34-00472

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.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

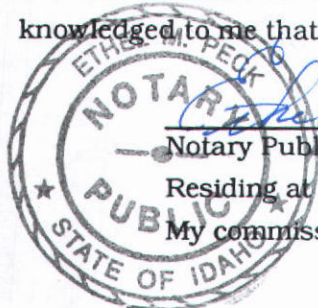
I, Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Jan 28 1999 and ending with the issue dated Feb 4 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 4th day of Jan. in the year of 1999 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.



Ethel M. Peck
Notary Public for Idaho

Residing at Challis, Id

My commission expires: 3-19-2004

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5382

Notice is hereby given that Andrew Dike Goodwin, P.O. Box 418, Mackay ID 83251, has applied to the Department of Water Resources to change the nature of use of a portion of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 34-00472

Source: Lehman Creek/Sinks

Amount: 2.64 cfs

Priority: 06/01/1880

Point of Diversion: NESENW
SEC 10 T07N R22E, Custer
County

The water is used for irrigation for 132 acres within SEC 2 and 3 T07N R22E, B.M.

Decree No.: 34-04068

Source: Lehman Creek/Sinks

Amount: 100.0 afa

Priority: 03/16/1923

Point of Diversion: NESENW
SEC 10 T07N R22E, Custer
County

The water is used for irrigation for 132 acres within SEC 2 and 3 T07N R22E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up 6 acres of irrigated ground and dig a 6 surface acre pond on the same ground for recreation use.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste. A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 15, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub: Jan. 28 & Feb. 4, 1999.

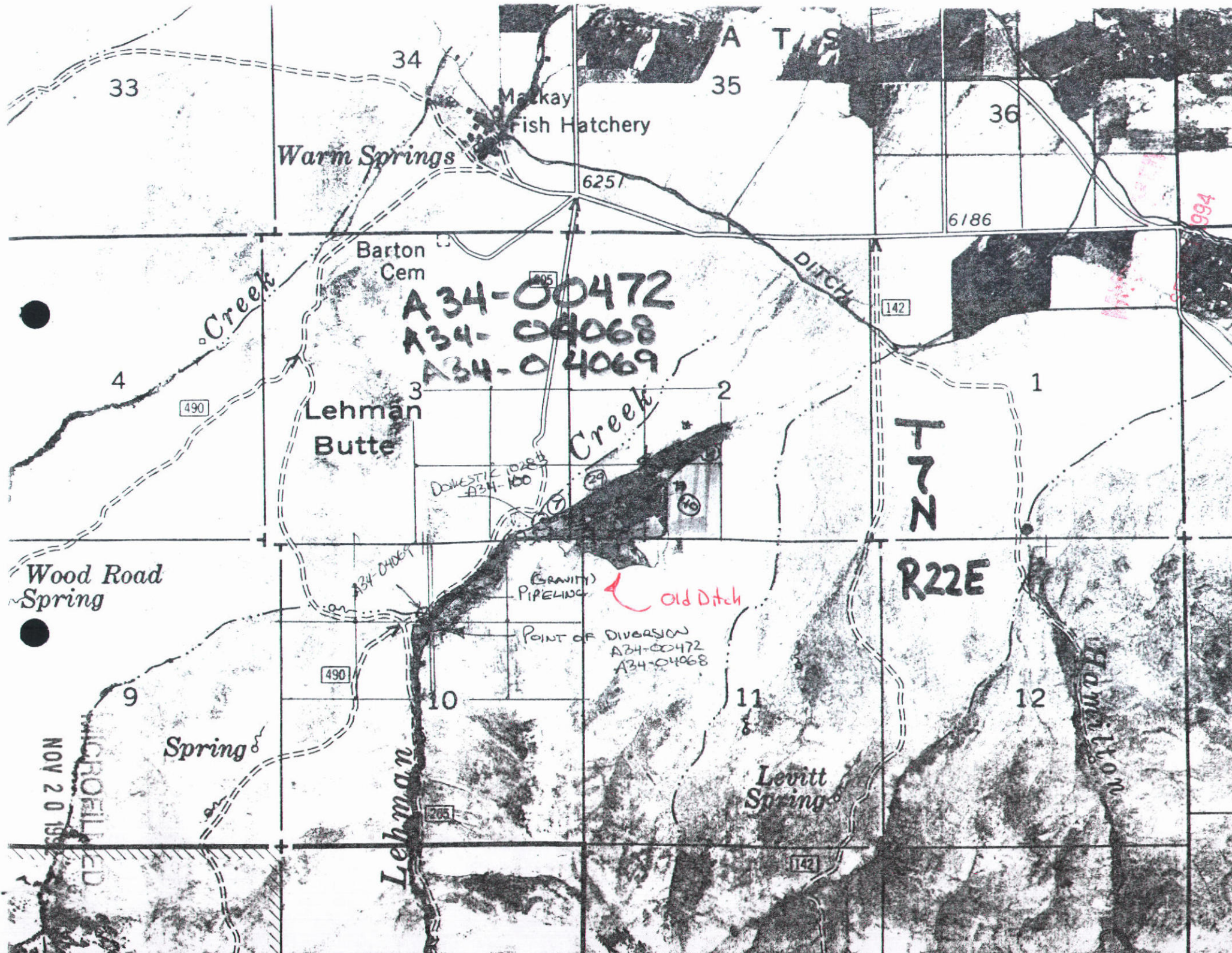
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FEB 05 1999

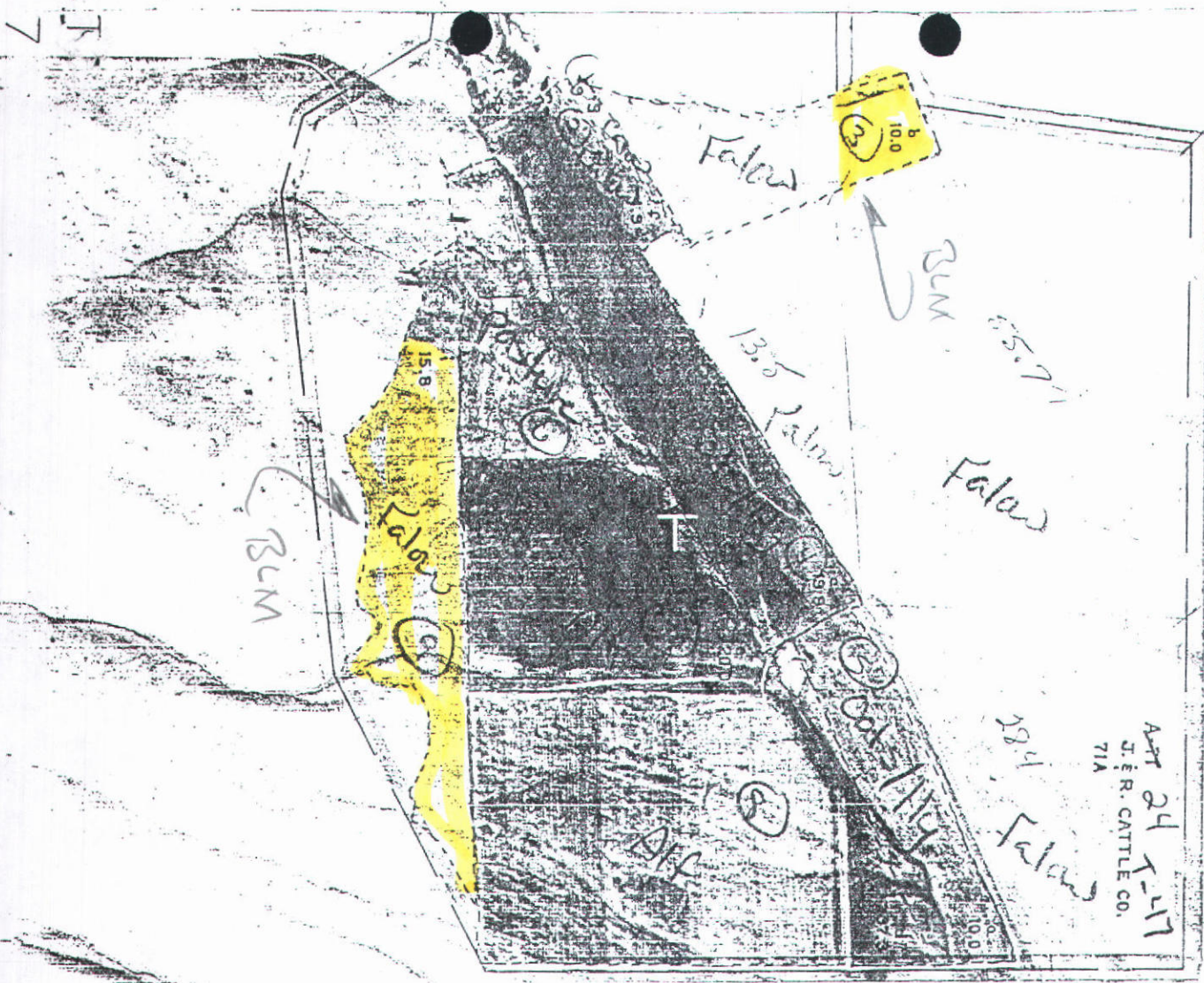
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APR 13 1999

Department of Water Resources
Eastern Region



75



24
 J. E. R. CATTLE CO.
 71A

NO 20-1992

SEP 21 1994

HOGUE, SPECK & AANESTADA PROFESSIONAL ASSOCIATION OF
ATTORNEYSTERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
JOHN A. SEILLER120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

May 23, 1994

VIA FACSIMILE - 1-208-525-7177Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Application for Transfer No. 4334 - Ronald von Hagen

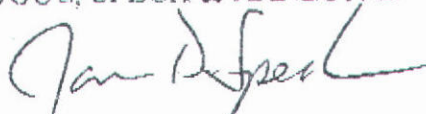
Dear Mr. Jones:

As you know from the cover letter for the filing of the above-referenced Application for Transfer, it has been filed at the request of IDWR's attorney, Ms. Susan Hamlin, to assist in the resolution of objections filed in the SRBA to Water Rights 34-00472 and 34-04068 by the Bureau of Land Management ("BLM"). Enclosed is a copy of the January 4, 1994 letter to my client from Mark Johnson, Challis Resource Manager for the BLM, in which he states "This matter can be resolved by your agreeing to delete these POU's from your claims." In other words, it is at the specific request of the BLM that we are removing these water rights from BLM lands. This should certainly constitute the required "permission" from the BLM for such removal for IDWR to continue to process this Application!

Please call me as soon as you receive this letter if there are any further questions and to advise me how IDWR will proceed in this matter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j (enclosure)

cc: client (w/ enclosure)
Ms. Susan Hamlin (w/ enclosure)
Ms. Daria Zane (w/ enclosure)RECEIVED
MAY 24 1994

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, 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 April 14 1994 and ending with the issue dated April 21 1994.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 21st day of April 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.

Ernest M. Peck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-98

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T-4334

Notice is hereby given that Ronald Von Hagen, Ketchum, Idaho, has applied to the Department of Water Resources to change place of use of the waters of a Lehman Creek tributary to sinks. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 34-00472 Decreed to Ronald Von Hagen in case of Snake River Basin Adjudication.

Amount: 2.64 cfs

Priority: 06/01/1880

Point(s) of Diversion: NESENW SEC 10 T7N R22E, Custer County

The water is used from May 1 to October 15 to irrigate 132 acres within the NESW, S1/2SW, SEC 2, E1/2SE, SEC 3, N1/2NW, SEC 11, T4N, R22E, B.M.

Decree No. 34-04068 Decreed to Ronald Von Hagen in case of Snake River Basin Adjudication.

Amount: 100 af

Priority: 03/16/1923

Point(s) of Diversion: NESENW SEC 10 T7N R22E, Custer County

The water is used from 01/01 to 12/31 for irrigation storage and from 05/01 to 10/15 for irrigation from storage to irrigate 132 acres within the NESW, S1/2SW, SEC 2, E1/2SE, SEC 3, N1/2 NW, SEC 11, T7N R22E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESENW, SEC 10, T7N, R22E, Custer County, and used to irrigate 132 acres within the NESW, S1/2SW, SEC 2, SESE, SEC 3, T7N, R22E, B.M.

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho 83402, on or before May 2, 1994.

R. Keith Higginson, Director

Pub: April 14 & 21, 1994.

SEP 21 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5382
WATER RIGHT NO(S). 34-00472/34-04068

This is to certify that: **ANDREW DIKE GOODWIN**
PO BOX 418
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>
Right No. 34-00472 :			
IRRIGATION	05/01 to 10/15	2.52 CFS	441.0 AF
RECREATION	01/01 to 12/31	0.12 CFS	21.0 AF
Priority: 06/01/1880			
	SUBTOTAL:	2.64 CFS	462.0 AF
Right No. 34-04068 :			
IRRIGATION STORAGE	01/01 to 12/31		95.5 AF
IRRIGATION FROM ST	05/01 to 10/15		95.5 AF
RECREATION STORAGE	01/01 to 12/31		4.5 AF
Priority: 03/16/1923			
	SUBTOTAL:		100.0 AF
	TOTAL:	* 2.64 CFS	* 462.0 AF

SOURCE

LEHMAN CREEK

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 10, Township 07N, Range 22E
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	22E	2	NESW 30	SWSW 34	SESW 40	104
		3	SESE 22			22
Total number of acres irrigated:						* 126

PLACE OF USE: RECREATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
07N	22E	3
		SESE

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TRANSFER NO. 5382
WATER RIGHT NO(S). 34-00472/34-04068

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department 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 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 6. Rights 34-00472 and 34-04068 when combined shall not exceed a total annual maximum diversion volume of 441.0 af at the field headgate for the irrigation of 126.0 total acres, and a total annual maximum diversion volume for all uses of 462.0 af.
- * 7. The first year that water is diverted for recreation storage use, the irrigation use under Rights 34-00472 and 34-04068 shall be limited to 114.9 acres, 2.30 cfs and 402.2 afa.
8. The reduction of irrigation during the first year will provide the additional storage volume to fill the pond when combined with the 21.0 af associated with the 6.0 acres no longer irrigated.
9. Irrigation storage capacity is 54.0 af.

Dated this 12th day of

April

, 1999.

J. Shaw Saylor
Chief, Water Allocation Bureau

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APR 13 1999

RECEIVED

JAN 13 1999

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Andrew Dike Goodwin Phone (208)726-3252
 Post Office address P.O. Box 418, Mackay 83251

A. PURPOSE OF THE 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 Constructing a recreational pond for private use fishing

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
34-00472 B	6/1/1880	0.12 cfs	Recreation	5/1-1-1 to 10/15 12-31
34-04068B3-16-1923		4.50 cfs	Recreation	" to "
				to
				to
				to

2. Total amount of water being transferred 0.12 cubic feet per second and/or 15 acre-feet per annum.3. Source of water Lehman Creek tributary to Sinks

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	NW	10	7 N	22 E	Custer	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	3																	6

Total Acres 6MICROFILMED
APR 13 1999

6 General information:

a Description of diversion system. Existing diversion will be used

b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

X 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 (~~Lien by Ron Von Hagen, Box 1907, Sun Valley, ID~~)

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

Six acres previously irrigated will no longer be irrigated and a recreational storage pond will be constructed on those 6 acres

d Remarks

Applicant is giving up six irrigated acres and 15 af of consumptive use water to install a recreational storage pond of 60 af capacity on those same 6 acres. There will be a one time fill of 60 af and after that the consumptive water use in the pond will be 15 af/irrigation season. Lehman Creek is above Mackay Reservoir but water sinks before reaching any tributaries of Mackay Reservoir.

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____

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APR 11 1999

3 of 8

5382

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-04068

NAME & ADDRESS: ANDREW DIKE GOODWIN
PO BOX 1658
KETCHUM ID 83340

SOURCE: LEHMAN CREEK TRIBUTARY: SINKS

QUANTITY: 100.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.
STORAGE CAPACITY 54 AF.

PRIORITY DATE: 03/16/1923

POINT OF DIVERSION: T07N R22E S10 NESENW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STORAGE	01-01 12-31	100.0 AFY
	IRRIGATION FROM STORAGE	05-01 10-15	100.0 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within CUSTER County
T07N R22E S02 NESW 30 SWSW 34 SESW 40
S03 SESE 28
132 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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APR 13 1999

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

1 Amount 0.12 ^{4.50 cfs} for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)

2. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

3 Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

4 Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	SW	10	7 N	22 E	Custer	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	3																6	6

Total acres 6**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. Amount 2.52 ^{95.5 cfs} for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)

2 Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

3 Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

4. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for diversion
	NE	SE	NW	10	7 N	22 E	Custer	

3 Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	2									30		34	40	MICROFILMED APR 13 1999				104
		3																	22

Total acres 126

588

5382

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-00472

NAME & ADDRESS: ANDREW DIKE GOODWIN
PO BOX 1658
KETCHUM ID 83340

SOURCE: LEHMAN CREEK TRIBUTARY: SINKS

QUANTITY: 2.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T07N R22E S10 NESENW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		05-01 10-15	2.64 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T07N R22E S02 NESW 30 SWSW 34 SESW 40
S03 SESE 28
132 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED
APR 13 1999

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

1. Amount 0.12 for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)

2. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

3. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

4. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Local Name for diversion
	NE	SE	SW	10	7 N	22 E	Custer	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	3																6	6

Total acres 6**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. Amount 2.52 for Irrigation purposes from 5/01 to 10/15
(cfs or acre-feet per annum)

2. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

3. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

4. Amount _____ for _____ purposes from _____ to _____
(cfs or acre-feet per annum)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local Name for diversion
	NE	SE	NW	10	7 N	22 E	Custer	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7 N	22 E	2									30		34	40					104
		3															22		22

MICROFILMED

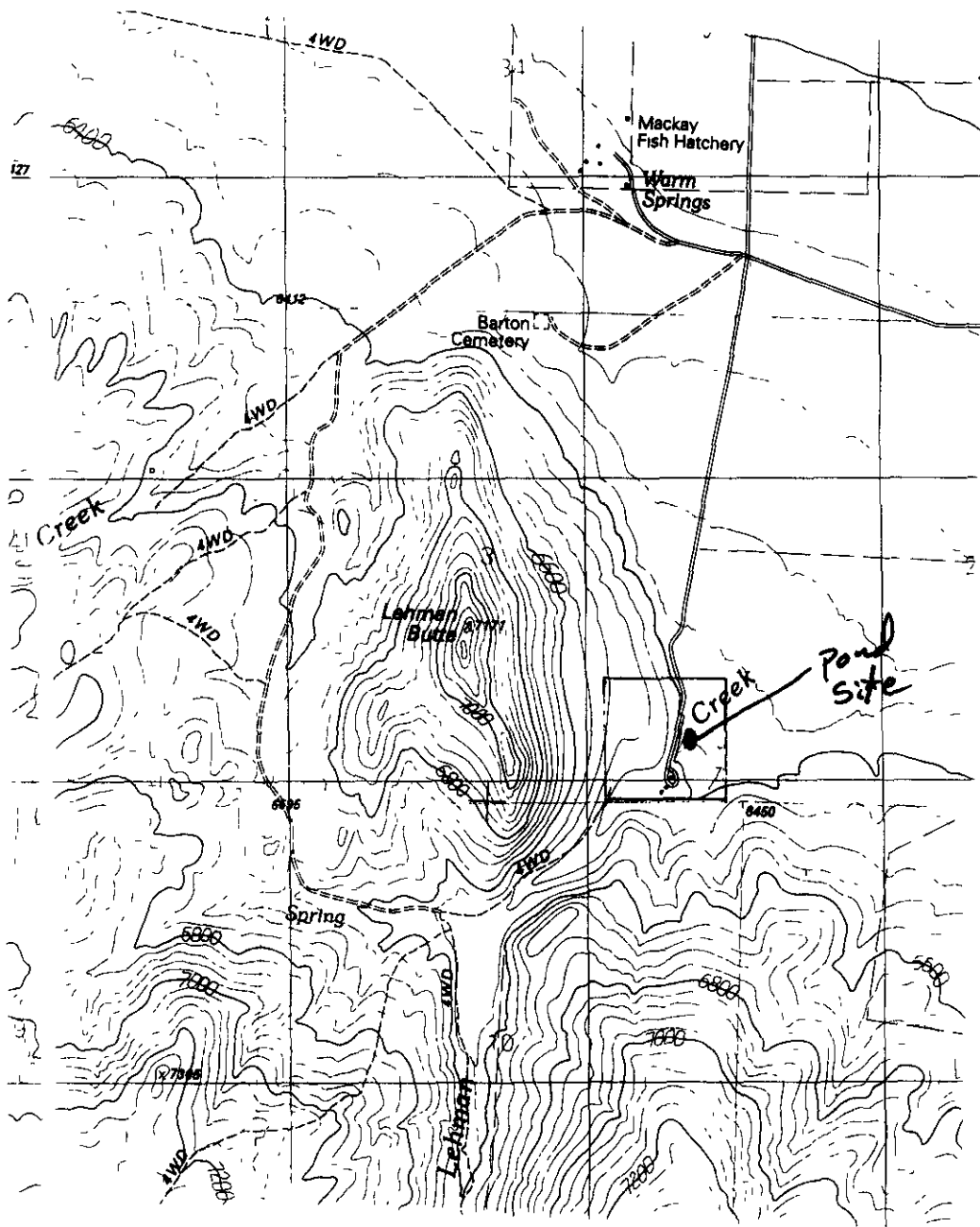
Total acres 126

APR 13 1999

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.

Lehman Butte Quad
T 8 N R 22 E Sec 3



MICROFILMED
APR 13 1999

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>
	<u>Recreation</u>	<u>0.12 cfs</u>	<u>24/day</u>	<u>5-1 to 10-15</u>

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

Additional irrigation water will be passed through the pond as part of the delivery route to the irrigated ground.
The portion of the right changed to recreational storage will cover shrink in the pond.

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

No other people have water rights from Lehman Creek.

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 wilful misrepresentations made in this application may result in voiding its approval.

Andrew Dike Goodwin
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of January, 19 99.

Cris R. Mink
(Notary Public)

My commission expires 10-19-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$ 100.00

Receipted by HWJ #E024725 Date 01-13-99

Published in Challis Messenger Copies of protest forwarded by _____

Pub. dates Jan 28 & Feb 4, 1999 Hearing held by _____ Date _____

Water master recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec.d. _____ by _____

Copy to transfer sent to lien holder _____

MICROFILMED
APR 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4334
WATER RIGHT NO(S). 34-00472/34-04068

This is to certify that: **RONOLD VON HAGEN**
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

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>
Right No. 34-00472 :			
IRRIGATION	05/01 to 10/15	2.64 CFS	* 462.0 AF
Priority: 06/01/1880			
Right No. 34-04068 :			
IRRIGATION STORAGE	01/01 to 12/31		100.0 AF
IRRIGATION FROM ST	05/01 to 10/15		* 100.0 AF
Priority: 03/16/1923			

SOURCE

LEHMAN CREEK

TERMINARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 10, Township 07N, Range 22E
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	22E	2	NESW 30	SWSW 34	SESW 40	104
		3	SESE 28			28
Total number of acres irrigated:						132

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 of a type approved by this Department shall be maintained as a part of the diverting works.
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.

NOTED

SEP 21 1994

TRANSFER NO. 4334
WATER RIGHT NO(S). 34-00472/34-04068

CONDITIONS/REMARKS:

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.
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. 34-00472 and 34-04068 is limited to a total combined diversion rate of 2.64 cfs, a total combined annual consumptive use volume of 330 af, total combined diversion volume of 462.0 af and to the irrigation of a combined total of 132 acres in a single irrigation season.

Dated this 6th day of September, 1994.


Chief, Water Alloc. Bureau

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SEP 21 1994

Form 222
7/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

JUL 11 1994

Department of Water Resources

Name of applicant : Ronold von Hagen Phone: 1-208-726-4421Post Office address: c/o James P. Speck, Hogue, Speck & Aarstad, P.O. Box 987, Ketchum, ID 83340**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 : In the SRBA, it has been determined a portion (17 acres) of the historic place of use is BLM land. Applicant desires to transfer this portion to his land. Applicant also requests a change in point of diversion to confirm the "accomplished transfer" recommended in the Director's Report.

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

1.

Right Number	Priority	Amount	Nature	Period of Use	Volume
34-00472	June 1, 1880	2.64 cfs	irrigation	May 1 to October 15	
34-04068	March 16, 1923	100 AFY	irrigation storage	January 1 to December 31	
"	"	100 AFY	irrigatin from storage	May 1 to October 15	

2. Total amount of water being transferred: 2.64 cubic feet/second and/or ~~100~~ acre-feet per annum.3. Source of water: Lehman Creek tributary to sinks

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	NW	10	7N	22E	Custer	

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	22E	2										30		34	40				104
7N	22E	3																28	28

Total acres: 132

RECEIVED
SEP 21 1994

6. General Information:

a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ 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.

b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: The BLM lands will no longer be irrigated.

c. Remarks:

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT

1. amount _____ for _____ purposes from _____ to _____
(cfs/a0-ft)
 amount _____ for _____ purposes from _____ to _____
(cfs/a0-ft)

2. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres: _____

SEP 21 1994

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00472

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	2.64 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LEHMAN CREEK	SINKS

Priority: 06/01/1880

LOCATION OF POINT(S) OF DIVERSION: NESENW , Sec. 10, Township 07N, Range 22E
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	22E	2	NESW 13	SWSW 34	SESW 40	87
		3	NESE 4	SESE 28		32
		11	NENW 5	NWNW 8		13
Total number of acres irrigated:						132

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 34-04068 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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. 34-00472 Decreed to Reynold van Hagen
 in case of Snake River Basin Adj 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 Lehman Creek tributary to _____

4. Date or priority 06-01-1880

5. Water is used for the following purpose:

amount 2.64 for Irrigation purposes from 05-01 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 2.64 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
	NE	SE	NW	10	7N	22E	Custer	

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	22E	2									13		34	40					87
		3													4			28	32
		11					5	8											13

Total acres 132

9. Describe any other water rights used for the same purpose as described above 34-04068

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 2.34 for Irrigation purposes from 01-01 to 12-31
 (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
	NE	SE	NW	10	7N	22E	Custer	

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	
7N	22E	3													4				4
		11					5	8											13

Total acres 17

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

1. amount 2.30 for Irrigation purposes from 01-01 to 12-31
 (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
	NE	SE	NW	10	7N	22E	Custer	

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	
7N	22E	2									13	34	40						87
		3																	28

SEP 21 1994

Total acres 115

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

~~Claim No.~~ 34-04068

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		100.0 AF
IRRIGATION FROM ST	05/01 to 10/15		100.0 AF
Totals			100.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
LEHMAN CREEK	SINKS

Priority: 03/16/1923

LOCATION OF POINT(S) OF DIVERSION: NESENW , Sec. 10, Township 07N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION FROM ST, same as useCONDITIONS/REMARKS:

1. ~~STORAGE~~ CAPACITY 54 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.64 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 34-00472 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

1994

SD-52 Idaho Department of Water Resources Date: 08/18/94
 INQUIRY Adjudication Places of Use Screen Time: 15:42:59
 Water Right Number: 34-04068 FIRST PAGE

10. TWP	RNG	SEC	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
07N	22E	2	NE	SW		13.0	01	IRR	37	CUSTER
07N	22E	2	SW	SW		34.0	01	IRR	37	CUSTER
07N	22E	2	SE	SW		40.0	01	IRR	37	CUSTER
07N	22E	3	NE	SE		4.0	01	IRR	37	CUSTER
07N	22E	3	SE	SE		28.0	01	IRR	37	CUSTER
07N	22E	11	NE	NW		5.0	01	IRR	37	CUSTER
07N	22E	11	NW	NW		8.0	01	IRR	37	CUSTER

AJ5809NP
 No. 34-04068

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/18/94
 PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RONOLD VON HAGEN PO BOX 1907 SUN VALLEY ID 83353 (208) 726-4564	03/16/1923	IRRIGATION STORAGE IRRIGATION FROM STORAGE	01-01 12-31 05-01 10-15		100.00 AFA 100.00 AFA
TOTAL DIVERSION:						100.00 AFA

Water Source: LEHMAN CREEK

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R22E S10

NESENW

CUSTER County

POU County:

Other Rights: 34-00472

Remarks: STORAGE CAPACITY 54 AF.
 USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO A
 TOTAL COMBINED DIVERSION RATE OF 2.64 CFS, A TOTAL COMBINED
 ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF, AND TO THE IRRIGATION
 OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.
 RIGHT NO. 34-00472 IS ALSO DIVERTED THROUGH POINT OF
 DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: 09/20/1990 Verified Date:

Misc: Water District Number: Field Inspection Flag:
 Presumption Flag:

Comments: Date: 04/23/1992 User-ID: DCARLSON Subject: CHANGED PRIORITY DATE TO 3-16-1923

Date: 05/10/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
 CHANGE IN BASIS OF CLAIM FROM STATUTORY CLAIM TO BENEFICIAL USE
 MADE PER LYNN KROGH-HAMPE.

Audit: 11/30/90 DCARLSON 04/01/91 DCARLSON 04/24/91 DCARLSON 08/09/91 DCARLSON
 08/26/91 DCARLSON 08/30/91 DCARLSON 09/04/91 DCARLSON 09/05/91 DCARLSON
 09/09/91 DCARLSON 09/13/91 DCARLSON 01/10/92 SHAW 01/26/92 PR-PROD
 04/23/92 DCARLSON 05/10/92 THORNTON 07/01/92 CPSHAW 12/02/92 ADT-SHAW
 04/14/93 CM1-SMIT 05/14/93 CM2-SEIF 05/14/93 CM2-SEIF 06/24/93 UPD-SCHU

SEP 21 1994

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

PART 2

(Attach one copy for each right)

RECEIVED**JUL 11 1994****A. DESCRIPTION OF RIGHT AS RECORDED****1 Right evidenced by**

Department of Water Resources

a Decree No 7-1-062 Decreed to State of Idaho
 in case of State of Idaho vs State of Idaho
 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 State of Idaho tributary to _____

4 Date or priority 7-1-062

5 Water is used for the following purpose

amount 100 ac-ft for Irrigation purposes from 7-1-062 to 10-1-062
 (cfs/ac-ft)
 amount 100 ac-ft for Irrigation purposes from 05-01 to 10-1-062
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6 Total amount of water under right _____ cubic feet per second and/or 100 acre-feet per annum

7 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion
	NE	E	NW	10	2N	2E	Boise	

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	2E	2									10		20						30
		3													20				20
		11					5	8											13
							10	8											

Total acres 120

9 Describe any other water rights used for the same purpose as described above 7-1-062

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 12.88 af for Irrigation Storage purposes from 01-01 to 12-31
 (cfs/ac-ft)
 amount 12.88 af for Irrigation from Storage purposes from 05-01 to 10-15
 (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
	NE	SE	NW	10	7N	22E	Custer	

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	
7N	22E	3													4				4
		11					5	8											13

Total acres 17**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 87.12 af for Irrigation Storage purposes from 01-01 to 12-31
 (cfs/ac-ft)
 amount 87.12 af for Irrigation from Storage purposes from 05-01 to 10-15
 (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
	NE	SE	NW	10	7N	22E	Custer	

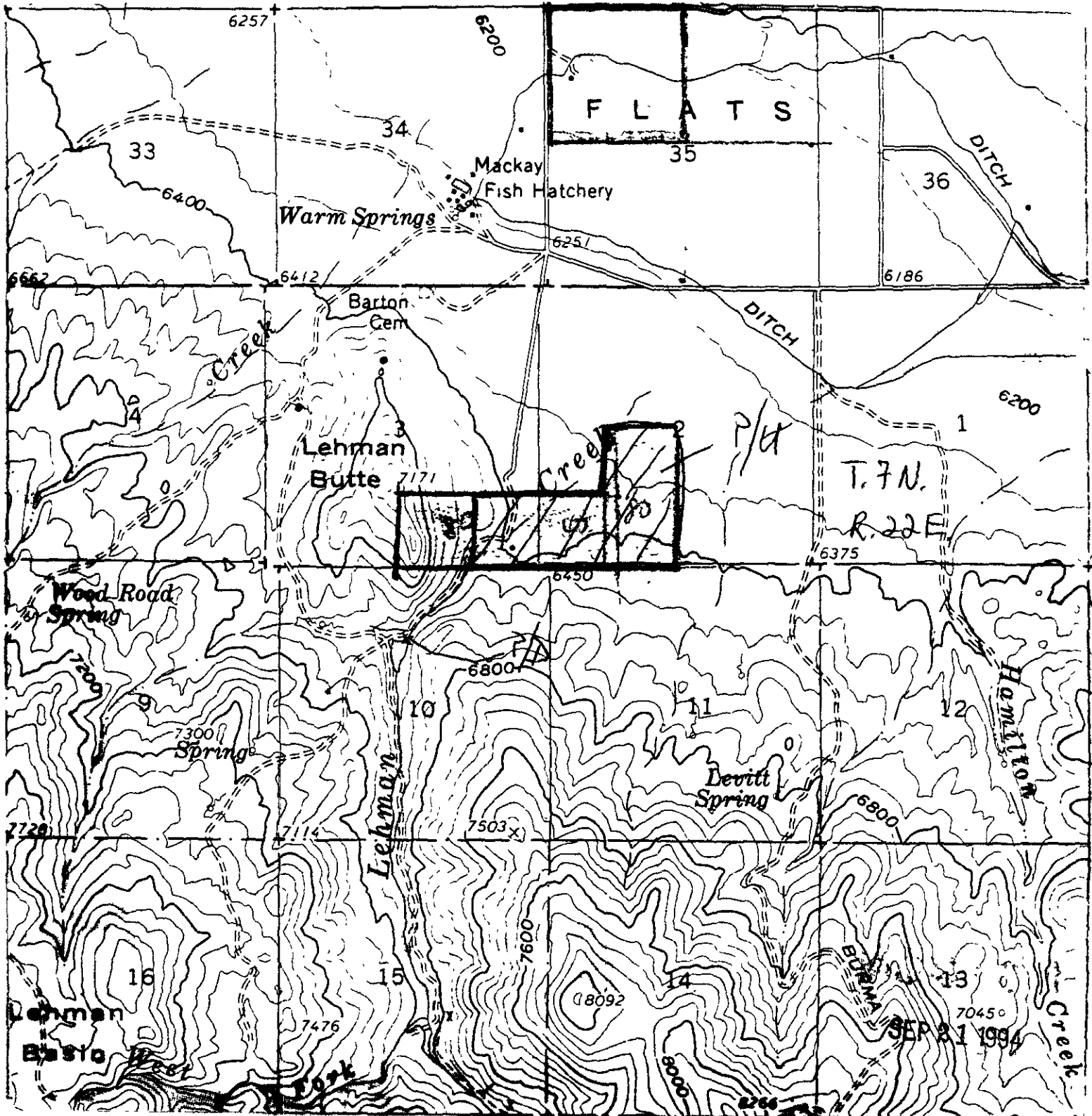
3. Lands irrigated or place of use:

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	
7N	22E	2									13	34	40						87
		3															28		28

SEP 21 1994
Total acres 715

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

A. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/AF)	<u>Hours/Days/Year</u>	<u>Period Of Use</u>
			to
			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.

Ronald Von Hagen
(Signature of applicant)

Subscribed and sworn to before me this 22 day of March, 1994.

J. P. Speed
Notary Public for Idaho
Residing at East Fork, ID
My commission expires 1/29/97

FOR DEPARTMENT USE ONLY

Received by WM Date 3/24/94
Prelim. check by DMD Fee \$50.00
Receipted HWT # E019618
Published in Custer Publishing Co.
Pub. dates 4-14-94 Recommend: approve deny
Watermaster recommendation requested 4-13-94 rec'd 4-18-94
Field exam conducted (required for statutory claims) _____

Protest filed by:

Hearing held by:

Date:

SEP 21 1994

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

 x FAX COVER SHEET FAX MESSAGE

FAX NO. 1-208-525-7177

To: Mr. Harold Jones

Date: 4/05/94 Time: 11:55 a.m.

From: James P. Speck, Esq.

Dept: vl

 Reply to above (FAX No. 726-0752)

If prompt response is requested check:
by FAX Phone (726-4421)

 6 pages faxed (including this sheet)

Re: Ronald Von Hagen - Water Rights

Message:

RECEIVED
SEP 21 1994

The information contained in this fax is confidential information intended only for the use of the recipient named above and may be subject of attorney/client privilege. If the reader of this message is not the named recipient, you are hereby notified that any distribution, dissemination, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this message in error, please immediately notify us by telephone.

Thank you.

Order No. 16950

WARRANTY DEED

FOR VALUE RECEIVED

Jack Goddard and Rosemary Goddard, husband and wife

GRANTOR (s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Ronald Von Hagen, a single man

GRANTEE (s) whose address is P. O. Box 1907, Sun Valley, ID 83353

the following described real property in Custer County, Idaho, to wit:

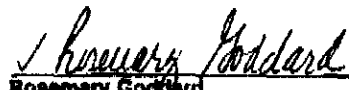
SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

Together with all mineral rights, oil water, water rights, ditch and ditch rights appurtenant thereto, including but not limited to 200 inches of June 1, 1880 priority decreed water from Lehman Creek and 54 acre feet of storage water in Lehman Reservoir with a May 1, 1925 priority, and also including any rights to acquire contiguous Bureau of Land Management property which has been previously fenced and used in conjunction with the above described property.

Subject To. Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises, that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 15, 1991

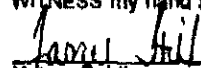

Jack Goddard
Rosemary Goddard

State of Idaho

County of Custer

On this July 21, 1991, before me, a notary public in and for said State, personally appeared Jack Goddard and Rosemary Goddard personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same

WITNESS my hand and official seal.


Notary Public
Residing at Mackay, Idaho
Commission Expires 8-1-94

JMS:caw:form:wd

RECORDED
SEP 21 1994

EXHIBIT "A" to Order No. 16950

A parcel of land generally described as a portion of the South Half of the Southeast Quarter (S1/2 SE1/4) of Section 3, Township 7 North, Range 22 East, of the Boise Meridian, Custer County, Idaho; being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 3; thence
S. 88° 51' 40" W. along the Southern boundary of said Section 3, a distance of 403.18 feet
to the POINT OF BEGINNING; thence
N. 24° 33' 56" W., a distance of 454.13 feet; thence
S. 30° 02' 12" W., a distance of 165.10 feet; thence
S. 65° 57' 04" W., a distance of 99.01 feet; thence
S. 06° 19' 44" E., a distance of 237.87 feet to the Southern boundary of said Section 3;
thence
N. 88° 51' 40" E. along the Southern boundary of said Section 3, a distance of 335.70 feet to
THE POINT OF BEGINNING.

REGISTERED
SEP 21 1994

Order No 16951

WARRANTY DEED

FOR VALUE RECEIVED

Jack Goddard and Rosemary Goddard, husband and wife, Ross K. Goddard, a married man dealing with his sole and separate property doe J & R Cattle Company, a Co-Partnership

GRANTOR (s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Ronold Von Hagen, a single man

GRANTEE (s) whose address is: P. O. Box 1907, Sun Valley, ID 83353

the following described real property in Custer County, Idaho, to wit:

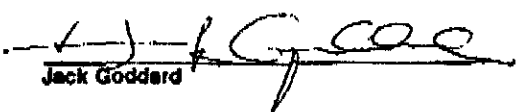
SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

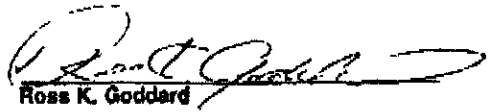
Together with all mineral rights, all water, water rights, ditch and ditch rights appurtenant thereto, including but not limited to 200 inches of June 1, 1980 priority decreed water from Lehman Creek and 54 acre feet of storage water in Lehman Reservoir with a May 1, 1925 priority, and also including any rights to acquire contiguous Bureau of Land Management property which has been previously fenced and used in conjunction with the above described property.

Subject To: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever

Dated: July 15, 1991


Jack Goddard


Ross K. Goddard

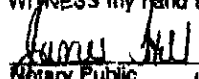

Rosemary Goddard

State of Idaho

County of Custer

On this July 21, 1991, before me, a notary public in and for said State, personally appeared Jack Goddard, Rosemary Goddard, Ross K. Goddard personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public

Residing at

Commission Expires: 8-1-94

Witnessed/Informant


SEP 21 1994

J:\escrew\forms\data

State of Idaho

County of Buster

On this July 22 1994, before me, a notary public in and for said State, personally appeared Jack Goddard, Rosemary Goddard, Rose K. Goddard known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she executed the same.

Garry Hill
Notary Public

Residing at

Mockay, IdahoCommission Expires: 8-1-94

NOTARY

SEP 21 1994

EXHIBIT "A" to Order No. 16951

Township 7 North, Range 22 East, Boise Meridian, Custer County, Idaho:

Section 2: E1/2 SW1/4; SW1/4 SW1/4

Section 3: S1/2 SE1/4

EXCLUDING

A parcel of land generally described as a portion of the South Half of the Southeast quarter (S1/2 SE1/4) of Section 3, Township 7 North, Range 22 East, of the Boise Meridian, Custer County, Idaho; being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 3; thence
S. 88° 51' 40" W. along the Southern boundary of said Section 3, a distance of 403.18 feet
to the POINT OF BEGINNING; thence
N. 24° 33' 56" W., a distance of 454.13 feet; thence
S. 30° 02' 12" W., a distance of 165.10 feet; thence
S. 65° 57' 04" W., a distance of 99.01 feet; thence
S. 06° 19' 44" E., a distance of 237.87 feet to the Southern boundary of said Section 3;
thence
N. 88° 51' 40" E. along the Southern boundary of said Section 3, a distance of 335.70 feet to
THE POINT OF BEGINNING.

RECORDED

SEP 21 1994

IN EQUITY NO. 222

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. Alleh, 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), Jaacob 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, 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 Bradshaw deceased); Francis Braithwaite, R. F. Braithwaite (or Robert Braithwaite), William F. Braithwaite, H. C. Brake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin W. Brown, deceased (substituted for

SEP 21 1994

Ovid Lawson

✓ 1904-May 1 ✓ 34 0464 ✓ 1.0 c.f.s.

✓ 1914-May 1 ✓ 34 0465 ✓ 1.4 c.f.s.

See 409(c)

No. 291

Joseph P. Leaden and
Revella Leaden

✓ 1899-June 1 ✓ 34 0466 ✓ 0.021 c.f.s.

No. 292

Carl Lehman

✓ 1905-May 1 ✓ 34 0467 ✓ 2.4 c.f.s.

✓ 1912-March 18 ✓ 34 0468 ✓ 0.8 c.f.s.

No. 293

Rudolph Lehman

✓ 1892-November ✓ 34 0469 ✓ 3.2 c.f.s.

✓ 1903-April 1 ✓ 34 0470 ✓ 1.6 c.f.s.

✓ 1907-July 12 ✓ 34 0471 ✓ 0.8 c.f.s.

Trans 661-4-1-03-1.6 cfs ✓

" 662-11-1-92-3.2 cfs

" " - 7-12-07-0.8 cfs

No. 294

John E. Lehman

✓ 1880-June 1 ✓ 34 0472 ✓ 4.0 c.f.s.

No. 295

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

Northwest quarter of the Southwest quarter, Southwest quarter of the Southwest quarter, Southwest quarter of the Northwest quarter and Southeast quarter of the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M. ✓

To be diverted from Big Lost River through the Harger-Sullivan 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:

Lot 5 and 6 of Block 26 of the town of Moore, Lot 2 of Block 6, Johnston's addition to the townsite of Moore being a part of the Northwest quarter of the Southeast quarter and the Northeast quarter of the Southwest quarter of Section 28, Township 5 North, Range 26 East, B. M.

To be diverted from Warm Springs Creek through private ditches having their points of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Lots 1, 2 and 3 and the Southeast quarter of the Northwest quarter of Section 1, Township 7 North, Range 22 East, B. M.

To be diverted from Warm Springs Creek through a private ditch having its point of diversion in the Southeast quarter of Section 34, Township 8 North, Range 22 East, B. M., for the irrigation of the following described land, to-wit:

Lots 3 and 4 of Section 6, Township 7 North, Range 23 East, B. M., Lot 4, East half of the Southwest quarter and Northwest quarter of the Southwest quarter of Section 31, Township 8 North, Range 23 East, B. M., and the Northeast quarter of the Southeast quarter of Section 36, Township 8 North, Range 22 East, B. M. ✓

To be diverted from Lehman Creek through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land to-wit:

The East half of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 2, and the South half of the Southeast quarter of Section 3, all in Township 7 North, Range 22 East, B. M. ✓



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ANDREW DIKE GOODWIN
PO BOX 418
MACKAY ID 83251

RE: Water Rights 34-00472/34-04068 (Transfer 5382)

Dear Mr. Goodwin:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5382). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

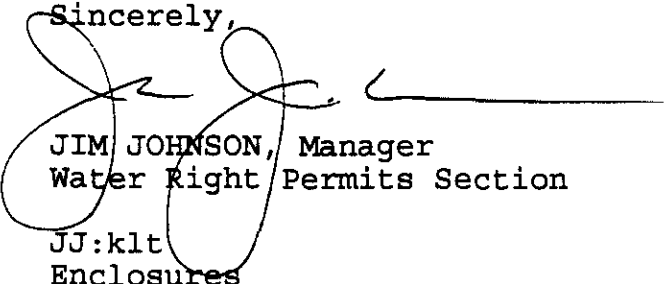
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of **April, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 34-00472/34-04068 (Transfer 5382)

**ANDREW DIKE GOODWIN
PO BOX 418
MACKAY ID 83251**



Kari Lynn Townsend
Secretary

MICROFILMED

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHTS 34-00472/34-04068
(Transfer 5382)

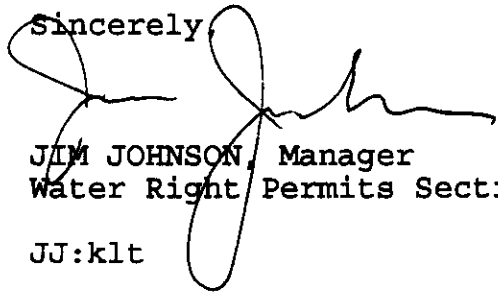
Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Rights for the above referenced water rights (Transfer 5382) in the names of Andrew Dike Goodwin.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

APR 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

APR 13 1999

MEMORANDUM

TO: Files 34-00472 & 34-04068

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5382 61- ✓

DATE: April 9, 1999

Transfer 5382 changes the nature of use under a portion of Rights 34-00472 and 34-04068 to provide for development of a recreation pond. Although the application represents a splitting of the water rights, the proposal simply adds a new pond to an existing part of the system with irrigation water also passing through the pond as part of the delivery route to the irrigated land.

The 60.0 af pond is being developed on the six (6) acres of land that will no longer be irrigated. The permanent reduction of irrigation compensates for the consumptive use of the pond. In order to compensate for the initial fill of the pond, additional acres will have to be taken out of irrigation for the first year.

$6 \text{ acres} \times 3.5 = 21.0 \text{ af}$ $60.0 \text{ af} - 21.0 \text{ af} = 39.0 \text{ additional af to fill pond.}$

$39.0 \text{ af} / 3.5 \text{ af} = 11.1 \text{ additional acres out the first year.}$

$126.0 \text{ acres} - 11.1 \text{ acres} = 114.9 \text{ acres irrigation the first year the pond is filled.}$

Other recommended conditions include watermaster control, measuring devices/lockable controlling works, irrigation overlap, combined right limits, first fill pond conditions/limits, and standard transfer conditions.

MICROFILMED

APR 13 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5382

Date Reviewed 04-08-99 38

Right(s) 34-00472 } SRBA Decreed Rts. 2-13-97
34-04068 }

☒ WRQ/Split Summary ☒ Decreed/Copied to WR D'base by JJ 4-8-99
☒ SRBA Status ☐ Run POU Comparison 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 SRBA Decree / County Records Query 10-29-98 covers 80
Lien Holder's agreement to transfer 01-11-99 Fax

Transfer ☒ All of Right ☒ *No Split required/Same system w/new uses
Portion of Right (see Part 3B./Change Not U.)

Resulting Split(s) A+B each rt.
34-00472 A) 2.52 cfs 126 Acres 441 afu/315 afu 34-04068 A) IRR ST 95.5 af 126 acres IRR+STOR
B) .12 cfs (6 Acres Out) 21 afu/15 afu B) 4.5 af (6 Out) REC+STOR

Check Transfer Against Recorded Right Season/Vol. B/3.5

(1) ☒ Priority (2) ☐ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☒ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map
per region review

(11) 34 Water District (12) Yes Pertinent Conditions (13) No Expansion
w/ comment by telephone w/HWJ on 2-26-99 w/1st yr. reduction of IRR 114.9 acres IRR

(2) 6 Acres Out - IRR uses to Rec & Rec Storage - On site pond/6 Acres
(3) Allow 1st yr. round use for Rec Flow.
(5) Combined Vol - limited to 3.5 x 6 acres = 21 afu for Rec. uses.
60 af pond - 21 af = 39 af first year to fill pond. 39 af/3.5 = 11.1 acres
11.1 additional acres not irrigated the first year to fill pond to capacity.
(8) Reduce/Split P/D IRR acres - Pond at same location.

6 Acres Out = 21 afu/15 afu for 60 af capacity pond on same 6 acres (CU Vol =)

Transfer Remarks w/35/ Pond conditions
Conditions R04, R43, R63, T07, T08, T09
Decreed

Database/Processing Notes Standard ☒ Non-Standard ☐
T Files/No Splits.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

4-12-99 38

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 04/08/99

TIME: 11:42:27

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
*34-00472	GOODWIN, ANDREW DIKE	C	06/01/1880	D/	LEHMAN CREEK	P DECR	WR	
X34-00472	VON HAGEN, RONOLD	C	06/01/1880	D/	LEHMAN CREEK	IRR	WR	

*34-00472	GOODWIN, ANDREW DIKE	C	06/01/1880	D/	LEHMAN CREEK	P DECR	AJ	
A34-00472	VON HAGEN, RONOLD	C	06/01/1880	D/	LEHMAN CREEK	IRR	AJ	
X34-00472	VON HAGEN, RONOLD	C	06/01/1880	D/	LEHMAN CREEK	IRR	AJ	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

1-15-99

9382

INITIAL REVIEW BY: HWT

1. Right number 34-00472 Applicant Goodwin

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use

☒ Other change nature of use

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 (send copy) also to Big Lost River Irrigation District

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* _____

4. By RDC Date 2/24/99

* All uses within Watermaster Districts require special conditions.

RECEIVED
MAR - 3 1999
Department of Water Resources

75382

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 5382

WATER DISTRICT: 34

WATERMASTER: Doug Rosenkrance

DATE: _____

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES ☒ NO ☐

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

MICROFILMED

APR 13 1999

Watermaster

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

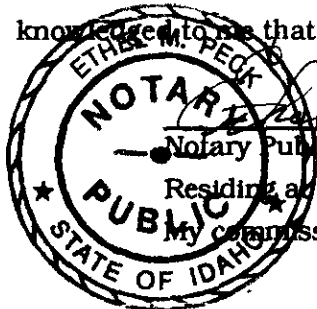
I, Ruth E Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Jan 28 1999 and ending with the issue dated Feb 4 1999.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 4th day of Jan in the year of 1999 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.



Ethel M. Peck
Notary Public for Idaho

Residing at Challis, Id

My commission expires: 3-19-2004

**NOTICE OF PROPOSED
CHANGE OF A SURFACE WATER
RIGHT**

Notice is hereby given that I, James L. Lehmans, P.O. Box 430, Mackay ID 83251, has applied to the Department of Water Resources to change the nature of use of a portion of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 34-04672

Source: Lehman Creek/Sage

Amount: 200 cfs

Priority: 08/01/1906

Point of Diversion: NESEEN
SEC 10 T07N R22E, Custer County

The water is used for irrigation for 132 acres within SEC 2 and 3 T07N R22E, R.M.

Decree No. 34-04609

Source: Lehman Creek/Sage

Amount: 100.0 cfs

Priority: 03/16/1923

Point of Diversion: NESEEN
SEC 10 T07N R22E, Custer County

The water is used for irrigation for 132 acres within SEC 2 and 3 T07N R22E, R.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up 6 acres of irrigated ground and dig a 6 surface acre pond on the same ground for recreation use.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 600 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 15, 1999. The protest must also send a copy of the protest to the applicant.

James L. Lehmans, Applicant
Filed Jan. 28 & Feb. 4, 1999

RECEIVED

FEB 05 1999

MICROFILMED

APR 13 1999

Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION
January 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ANDREW DIKE GOODWIN
PO BOX 418
MACKAY ID 83251

RE: Application for Transfer #5382

Dear Applicant:

This office is currently in the process of advertising the application in the Challis Messenger on January 28 and February 4, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

APR 13 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

January 20, 1999

KARL J. DREHER
DIRECTOR

CHALLIS MESSENGER
PO BOX 405
CHALLIS ID 83226

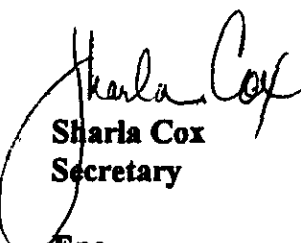
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. 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 FEBRUARY 15, 1999.

Respectfully submitted,


Sharla Cox
Secretary

Enc.

MICROFILMED

APR 13 1999

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5382**

Notice is hereby given that Andrew Dike Goodwin, PO Box 418, Mackay ID 83251, has applied to the Department of Water Resources to change the nature of use of a portion of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.:	34-00472	Source:	Lehman Creek/Sinks
Amount:	2.64 cfs	Priority:	06/01/1880
Point of Diversion: NESENW SEC 10 T07N R22E, CUSTER COUNTY			
The water is used for irrigation for 132 acres within SEC 2 and 3 T07N R22E, B.M.			

Decree No.:	34-04068	Source:	Lehman Creek/Sinks
Amount:	100.0 afa	Priority:	03/16/1923
Point of Diversion: NESENW SEC 10 T07N R22E, CUSTER COUNTY			
The water is used for irrigation for 132 acres within SEC 2 and 3 T07N R22E, B.M.			

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up 6 acres of irrigated ground and dig a 6 surface acre pond on the same ground for recreation use.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before February 15, 1999. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER
Director**

Published in the Challis Messenger on January 28 and February 4, 1999.

MICROFILMED

APR 13 1999

10/29/98

PMO100 - PARCEL MASTER INQUIRY

11:19:20

PARCEL: RP 07N22E038401 A F1=SL

F10=SW F12=RC
F17=DD F19=SP F23=AG

LEGAL DESCRIPTION

NAME/ADDRESS
GOODWIN, ANDREW DIKES2SE4
SEC 3 T7N R22EPO BOX 1658CODE AREA 4300 OWNER CODE _____PARC TYPE AG LOC CODE 322KETCHUM ID 83340EFFDATE 10/1987 EXPDATE _____

PREV PARCEL _____

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
2	1997	16000	AC	6320				
5	1997	63000	AC	2457				
10	1997	1000	AC	10000				
31	1997			62258				
TOTALS		80000		81785				

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

MICROFILMED

APR 13 1999

10/29/98

PM0100 - PARCEL MASTER INQUIRY

11:17:50

PARCEL: RP 07N22E024801 A F1=SL

F17=DD F23=AG

NAME/ADDRESS
GOODWIN, ANDREW DIKELEGAL DESCRIPTION
E2SW4, SW4SW4
SEC 2 T7N R22E

PO BOX 1658

CODE AREA 4300 OWNER CODE

KETCHUM ID 83340

PARC TYPE AG LOC CODE 322

EFFDATE 12141983 EXPDATE

PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
2	1997	109000	AC	43055				
5	1997	11000	AC	605				

TOTALS 120000 43660

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SRch F22=EU

MICROFILMED

APR 13 1999

I Ron Von Hagen hereby agree to the proposed changes in Water Right # 34-4068 as requested in the enclosed Application For Transfer of Water Right submitted by Andrew Goodwin. Namely the transfer of 6 acres of irrigation water to recreational storage for a 6 acre fish pond.

Ron Von Hagen
(Ron Von Hagen, Lien Holder)

Subscribed and sworn to before me this 11 day of January, 1999

Cris R. Nink
(Notary Public)

My commission expires 10-19-2000

MICROFILMED

APR 1 1999

STARHEAT

Masonry Supply

Native Stone
Dimensional Stone
Glass Block
Used Brick

P.O. Box 1658

Ketchum, Idaho 83340

(208) 726-3252

January 11, 1993

Dear Mr. Jones:

Enclosed is my application to permit a pond at Lehman Creek Ranch. If there is anything herein not done as it should be, or if I have inadvertently left something out, I'd appreciate your letting me know immediately. The best place to catch me is at work, and that number is 726-3252.

I appreciate your help on this.

Sincerely,

Andy Goshorn

RECEIVED

JAN 13 1993

Department of Water Resources
Eastern Region

MICROFILMED

DEC 13 1996

atriums • bathrooms • balustrades • casings • chimneys • cladding • counters • entryways • fireplaces • flooring • greenhouses • hearths
hot tubs • keystones • kitchens • landscaping • lobbies • patios • pavers • pilasters • planters • pools • quoins • room dividers • sculpture
showers • siding • sinks • slate roofs • staircases • steps • sun rooms • tabletops • thermal mass • thresholds • vanities • veneer • wainscot • walkways • walls

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO 13 51
I.R.C.P. 54(b) FOR
Water Right 34-00472

FILED

NAME & ADDRESS: ANDREW DIKE GOODWIN
PO BOX 1658
KETCHUM ID 83340

SOURCE: LEHMAN CREEK TRIBUTARY: SINKS
QUANTITY: 2.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T07N R22E S10 NESEW Within CUSTER County

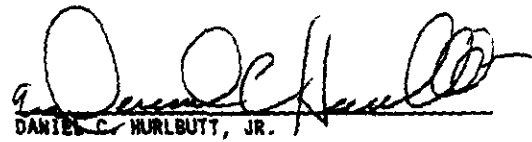
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 2.64 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T07N R22E S02 NESW 30.0 SWSW 34.0 SESW 40.0
S03 SESE 28.0
132.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE
IRRIGATION SEASON.

CONSUMPTIVE USE: USE OF THIS RIGHT WITH RIGHT NO. 34-04068 IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 330 AF.

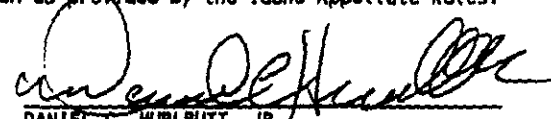
DATED: Feb. 13, 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DAT Feb 3, 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00472

5.2 ac ft.

PAGE
JAN-28

228096
43560

MICROFILMED
APR 13 1999



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 8, 1994

RONOLD VON HAGEN
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340-0987

RE: Transfer of Water Right Nos. 34-00472 and 34-04068

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 4334). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

SEP 21 1994

MEMORANDUM

TO: FILE NOS. 34-00472 & 34-04068

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: TRANSFER NO. 4334

DATE: September 2, 1994

=====

Transfer No. 4334 was filed to change the place of use and statutorily confirm accomplished change in point of diversion under Right Nos. 34-00472 and 34-04068.

✓ The transfer was prepared from the SRBA Director's Report recommendation of these rights. An objection from BLM regarding 17 acres irrigation developed on their property resulted in this transfer application. The purpose of the transfer is to remove the acres in question to the applicant's property as covered in the warranty deed provided.

BLM was sent a copy of the transfer for comment and it was advertised correctly. Copies of all correspondence regarding the transfer and permission to remove the acres from BLM land from the applicant's attorney were also sent to the US Dept. of Justice. No protests or objections were received and to all intent it appears they agree with, if not promote the approval of this transfer.

The transfer will also formally change the point of diversion, without actually changing the physical location according to the claim recommendations. The original letter from BLM to Mr. Von Hagen also questions whether the point of diversion is located on public land or not. Changing the point of diversion was not requested, but a right-of-way condition has been added to the transfer approval to address this concern.

Apparently the storage right was recommended for multiple fills since the 100 af total exceeds the 54 af capacity of the facility. The capacity was noted in comments.

Recommended conditions include right-of-way, watermaster control, measuring device, irrigation overlap and standard transfer conditions.

RECEIVED

SEP 21 1994

1994

TRANSFER REVIEW SHEET

Transfer # 4334

Date Reviewed 9-1-94 CS

Right(s) 34-00472 }
34-04068 } Per Basin 34 Director's 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 At BLMs request to remove acres from claims -
same as transferring acres 2 No objection/protest to Transfer by
BLM - No interest in maintaining irr. on BLM Land 2 - Assume Not.

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

Resulting Split(s) NONE

Check Transfer Against Right

- 2.5/ B/3.5
- (1) ☒ Priority (2) ☒ Use (3) Season (4) ☒ Rate (5) ☒ Volume
(6) ☒ Source (7) P/D (8) P/U (9) Not Owner Proof/Owner (10) ☒ Map
BLM
(11) 34 Water District (12) Yes Pertinent Conditions (13) NO Expansion
Overlap
(3) Standard 4-15 to 10-15 - Leave @ Recommended 5-1 to 10-15
(7) No actual change from recommended claim - formalizes accomplished work
(8) Change P/U - Remove Acres from BLM land

(5) Multiple bill allowed per recommendation - Original statutory claim reflects
same use 100ak from storage

Transfer Remarks Div VOL = 462.0 data

Conditions R04, R01, R30, T07, T08, T09, T04

Original letter from BLM
state POD may be on their
land (NESENW). Show Q&A condition

Database/Processing Notes I files * Copy to X on WR database when
approved. Database updated 9-7-94 CS

Hagen-lisj

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Dennis M. Dunn

1. Right number 34-04068 / 00472 Applicant Ronald Von Hagen

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Confirm p.d. location

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) _____

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No (B.L.S.F.)
If yes, what district? 34 - Send copies to WM + WD + BLM

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 4-13-94 Received on 4-18-94

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By B.C. Date 7/5/94

FROM: HAROLD W. JONES

TO: FILE T4334 / 34-00472, -04068

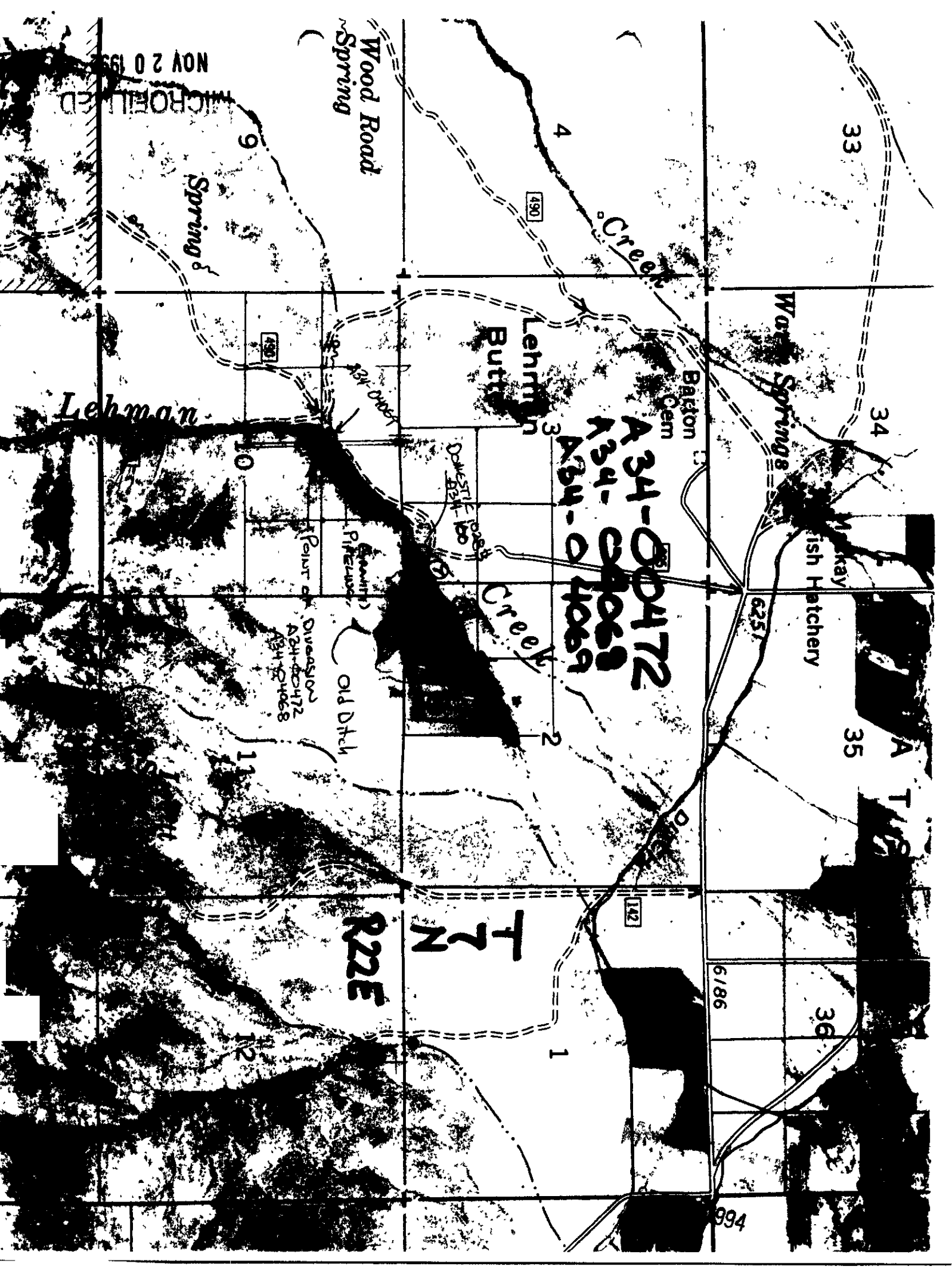
RE: APPROVED TO MOVE 17 ACRES OF WATER RIGHT FROM BLM GROUND

It appears that the original P.O.U. on right 34-00472 was flood irrigated by a ditch in the N1/2 NW1/4 of Sec. 11 T7N R22E (see map). This included 13 acres in the N1/2 NW1/4 of Sec. 11 that belonged to the BLM.

The January 4, 19⁹4 letter from the BLM allows they will withdraw the protest of the claim if Mr. Von Hagen removes the 17 acres on other portions of the applicants property.

This would seem to fulfill everyone's needs. The only question is, was a water right developed by trespass on BLM property? From an IDWR point of view, I would say yes. Therefore, I would recommend approval.

RECEIVED
JAN 21 1994



Wood Road Spring

Spring

4

490

Creek

33

34

Wash Springs

Mackay Fish Hatchery

6257

35

A T

36

6186

994

Lehman Butte

Barton Cem

A 34-00472
A 34-04068
A 34-04069

Domestic path
A34-100

Creek

2

Old Ditch

Point of Diversion
A34-04072
A34-04068

Lehman

R22E

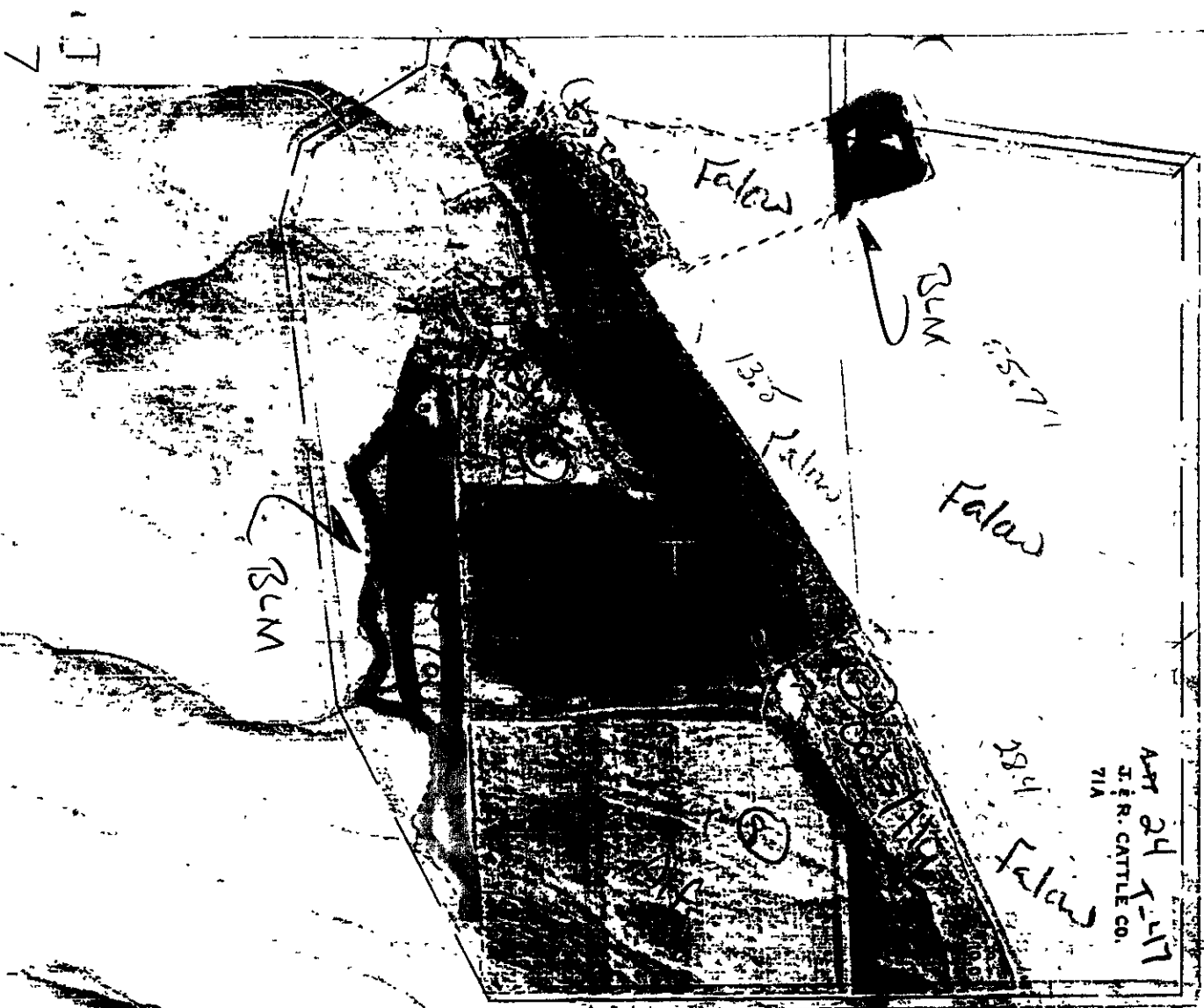
T7N

142

12

1

MICROFILMED
NOV 20 1996



APR 24 1977
J. R. CATTLE CO.
71A

NO 000002

SEP 21 1994

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION OF
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340
(208)726-4421
FAX (208)726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

May 23, 1994

VIA FACSIMILE - 1-208-525-7177

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Application for Transfer No. 4334 - Ronald von Hagen

Dear Mr. Jones:

As you know from the cover letter for the filing of the above-referenced Application for Transfer, it has been filed at the request of IDWR's attorney, Ms. Susan Hamlin, to assist in the resolution of objections filed in the SRBA to Water Rights 34-00472 and 34-04068 by the Bureau of Land Management ("BLM"). Enclosed is a copy of the January 4, 1994 letter to my client from Mark Johnson, Challis Resource Manager for the BLM, in which he states, "[REDACTED] ...". In other words, it is at the specific request of the BLM that we are removing these water rights from BLM lands. This should certainly constitute the required "permission" from the BLM for such removal for IDWR to continue to process this Application!

Please call me as soon as you receive this letter if there are any further questions and to advise me how IDWR will proceed in this matter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j (enclosure)

cc: client (w/ enclosure)
Ms. Susan Hamlin (w/ enclosure)
Ms. Daria Zane (w/ enclosure)

1 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salmon District Office
P.O. Box 430
Salmon, Idaho 83467



IN REPLY REFER TO

7250

January 04, 1994

Ronald Von Hagen
P.O. Box 1907
Sun Valley, ID 83353

Re: Snake River Basin Adjudication (SRBA)
Water Right Claims: #34-00472 and #34-04068

Dear Mr. Von Hagen:

This is with regard to your claims for water, #34-00472 and #34-04068, filed in the Snake River Basin Adjudication and the Bureau of Land Management's (BLM) objection thereto.

As you know, the Court's procedures require all persons, including the Bureau of Land Management, in the SRBA to file objections to other claims even where the objection is only to a small part of the entire claim.

After reviewing your claims, BLM determined that some of the places of use you claim appear to be on public lands administered by the BLM instead of on private lands. Specifically, the following Points of Use (POU) listed in your claims in the Directors' Report appear to be on public lands:

POU: B.M., T. 7 N., R. 22 E., sec. 3, NESE;
sec. 11, NENW, NWNW;
Identified in Claims #34-00472 and #34-04068

17A total

In addition, BLM believes the Point of Diversion (POD) claimed is on Public Land

POD: B.M., T. 7 N., R. 22 E., sec. 10, NESENW
Identified in Claims #34-00472 and #34-04068

As a result, BLM objects to those portions of your claims.

This matter can be resolved by your agreeing to delete these POUs from your claims as listed in the Directors' Report, a proportionate reduction of water as determined by IDWR, if necessary, and agreeing to note the POD and the conveyance system to the Master Title Plat. The BLM would then agree to withdraw its objections. This would avoid further court involvement and unnecessary time and costs. Of course, this resolution would not affect any administrative action which may be necessary to resolve the agricultural trespass.

SEP 21 1994

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 34-04068-3400472

WATER DISTRICT 34

WATERMASTER Doug Rasmussen

DATE: 4-15-94

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Doug Rasmussen
Watermaster

RECEIVED

APR 18 1994

SEP 21 1994

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, 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 April 14 1994 and ending with the issue dated April 21 1994.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 21st day of April 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.

Ernest M. Peck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-98

NOTICE OF DECREE CASE NO. 34-00472

Notice is hereby given that Ronald Von Hagen, Plaintiff, has applied to the Department of Water Resources to change place of use of the waters of a Lemhi Creek tributary to snake. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 34-00472 Decreed to Ronald Von Hagen in case of Snake River Basin Adjudication.

Amount: 2.84 cfs

Priority: 06/01/1880

Point(s) of Diversion: NESENW SEC 10 T7N R22E, Custer County

The water is used from May 1 to October 15 to irrigate 132 acres within the NESEW, S1/2SW, SEC 2, S1/2SE, SEC 3, N1/2NW, SEC 11, T4N, R22E, B.M.

Decree No. 34-04068 Decreed to Ronald Von Hagen in case of Snake River Basin Adjudication.

Amount: 100 cfs

Priority: 03/16/1883

Point(s) of Diversion: NESENW SEC 10 T7N R22E, Custer County

The water is used from 01/01 to 12/31 for irrigation storage and from 05/01 to 10/15 for irrigation from storage to irrigate 132 acres within the NESEW, S1/2SW, SEC 2, S1/2SE, SEC 3, N1/2NW, SEC 11, T7N R22E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESEW, SEC 10, T7N, R22E, Custer County, and used to irrigate 132 acres within the NESEW, S1/2SW, SEC 2, SESE, SEC 3, T7N, R22E, B.M.

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 908 N. Skyline Drive, Idaho Falls, Idaho 83402, on or before May 2, 1994.

R. Ruth, Director

Pub: April 14, 1994

SEP 21 1994

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. T #4334

Notice is hereby given that Ronald Von Hagen, Ketchum, ID, has applied to the Department of Water Resources to change place of use of the waters of a Lehman Creek tributary to sinks. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 34-00472 Decreed to Ronald Von Hagen in case of Snake River Basin Adjudication.

AMOUNT: 2.64 cfs PRIORITY: 06/01/1880

POINT(S) OF DIVERSION: NESENW SEC 10 T7N R22E, Custer County

The water is used from May 1 to October 15 to irrigate 132 acres within the NESW, S1/2SW, SEC 2, E1/2SE, SEC 3, N1/2NW, SEC 11, T4N, R22E, B.M.

Decree No. 34-04068 Decreed to Ronald Von Hagen in case of Snake River Basin Adjudication.

AMOUNT: 100 af PRIORITY: 03/16/1923

POINT(S) OF DIVERSION: NESENW SEC 10 T7N R22E, Custer County

The water is used from 01/01 to 12/31 for irrigation storage and from 05/01 to 10/15 for irrigation from storage to irrigate 132 acres within the NESW, S1/2SW, SEC 2, E1/2SE, SEC 3, N1/2NW, SEC 11, T7N R22E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESENW, SEC 10, T7N, R22E, Custer County, and used to irrigate 132 acres within the NESW,

SEP 21 1994

S1/2SW, SEC 2, SESE, SEC 3, T7N, R22E, B.M.

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 May 2, 1994.

R. Keith Higginson
Director

Published by the Custer Publishing Co. on April 14 & 21, 1994.

RECEIVED

SEP 21 1994

13-Apr-1994

RONALD VON HAGEN
C/O JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Application for Transfer of a Water Right No. 4334

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your permit for a water right transfer. This office is currently in the process of advertising the application in the Custer Publishing Co. on April 14 & 21, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

RECEIVED

SEP 21 1994

13-Apr-1994

DOUG ROSENKRANCE
WATER DIST 34
PO BOX 53
MACKAY ID 83251

RE: Application No.'s 4333, 4334

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

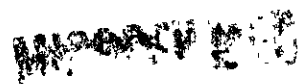
If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ:rb
enc.



SEP 21 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

11-Apr-1994

CUSTER PUBLISHING CO
PO BOX 405
CHALLIS ID 83226

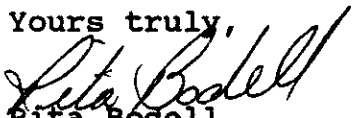
Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, 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 May 2, 1994.

Yours truly,


Rita Bodell
Senior Secretary

Encl.


SEP 21

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

March 23, 1994

Mr. Earnest Carlsen
State of Idaho Department
of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED
MAR 24 1994

Department of Water Resources
Eastern District Office

Re: Application for Transfer of Water Rights
Nos. 34-00472 and 34-04068
Ronald Von Hagen

Dear Mr. Carlsen:

I represent Mr. Ronald Von Hagen, the owner of Water Rights Nos. 34-00472 and 34-04068 as recommended in the Directors Report for Basin 34. The recommended place of use includes seventeen (17) acres of BLM lands. As a result, an objection was filed by BLM. We have agreed to resolve this objection as long as the seventeen (17) acres can be transferred to lands owned by Mr. Von Hagen on the NE ¼, SW ¼ of Section 2, Township 7 N., Range 22 E., B.M. In discussing this proposed resolution of the BLM objections, Ms. Susan Hamlin has asked me to prepare and submit an Application for Transfer to document this change in place of use. This Application and the Fifty Dollar (\$50.00) filing fee is enclosed.

I would greatly appreciate your giving this Application as much priority as possible so that we can resolve the objections and move forward on the SRBA subcases. Please call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/vl

Enclosures

cc: Mr. Ron Von Hagen (with enclosure)
Ms. Susan Hamlin/IDWR Boise office (with enclosure)
Ms. Daria Zane/US Dept. of Justice (with enclosure)

WR5809NP
No. 34-00472

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/11/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN E. LEHMAN	06/01/1880	IRRIGATION	05-01 10-15	4.00 CFS	
TOTAL DIVERSION:					4.00 CFS	

Water Source: LEHMAN CREEK

Tributary to: BIG LOST RIVER

Stage: DECREED

Point(s) of Diversion: T07N R22E S02

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	22E	2	:																
07N	22E	3	:																

Pou County: CUSTER

Remarks: P/D ON LANDS OF PLACE OF USE.

Dates:	App. Received:	Priority Date:	06/01/1880
	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: 10/08/86 05/22/88 CONVERT