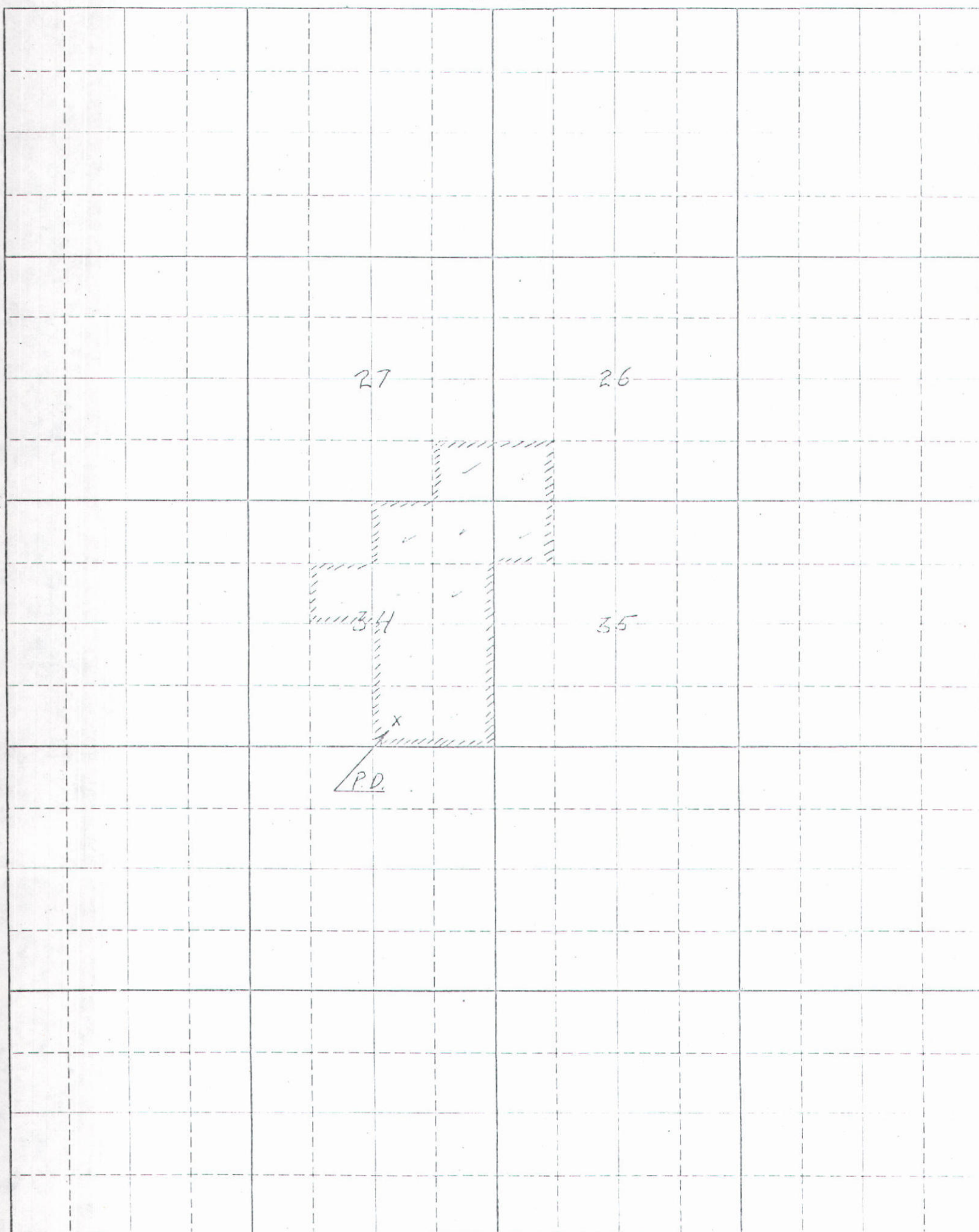


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R25E



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

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NOV 26 1990

Transfer No 1940Application No 34-0713/07140197/0200/0832/0167
0425STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of UseName of applicant Lynn J. Metcalf Phone 583-3362Post office address Leslie, Idaho 83249

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to See attachment #1 (Name)
in case of Utah Construction Co. vs John F. Abbot et al
dated Oct. 21, 1925 in District Court county of Butte & Custer
(Name of court)

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

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

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
See attachment #23. Source of water Big Lost River tributary to sinks4. Date of priority See attachment #1

5. Water is used for the following purposes:

amount 12.26 for Irrigation purposes from Apr. 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)6. Total amount of water under right: a. 12.26 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is See attachment #1 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____
Township _____ Range _____, B.M. in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	25E	2					E						A B						81.67
		3																D E	40
		10	D E		F	D			F	28.64 H	H	H	H		F				293.0
		11					AB	AB											80.0
		24													G	G	G	G	160.0

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Total number of acres to be irrigated 654.67

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

1. Amount of water: a. 9.87 cubic feet per second
&/or
b. acre feet per annum
2. Point of diversion See attachment #1 1/4, Section Township
Range , B.M., County
Additional points

3. Place of use:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	25E	2											A B 40						40
		3															D E 40		40
		10	D E 40			D 40			F F 36.18			H 12.64							206.82
												H 38							
		11						A B 40	A B 34										74
		24													G 40	G 40	G 40	G 40	160
																			520.82

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

1. Change in point of diversion
- a. Amount of water to be diverted 9.87 c.f.s. &/or acre feet
- b. Point(s) of diversion SW 1/4 SE 1/4, Section 34 Township 7N
Range 25E , B.M., Butte County
Additional points
- c. Description of diverting works pump, mainline, three center pivots
- d. Describe the reasons for applying for a change in the point(s) of diversion

2. Change in place of use

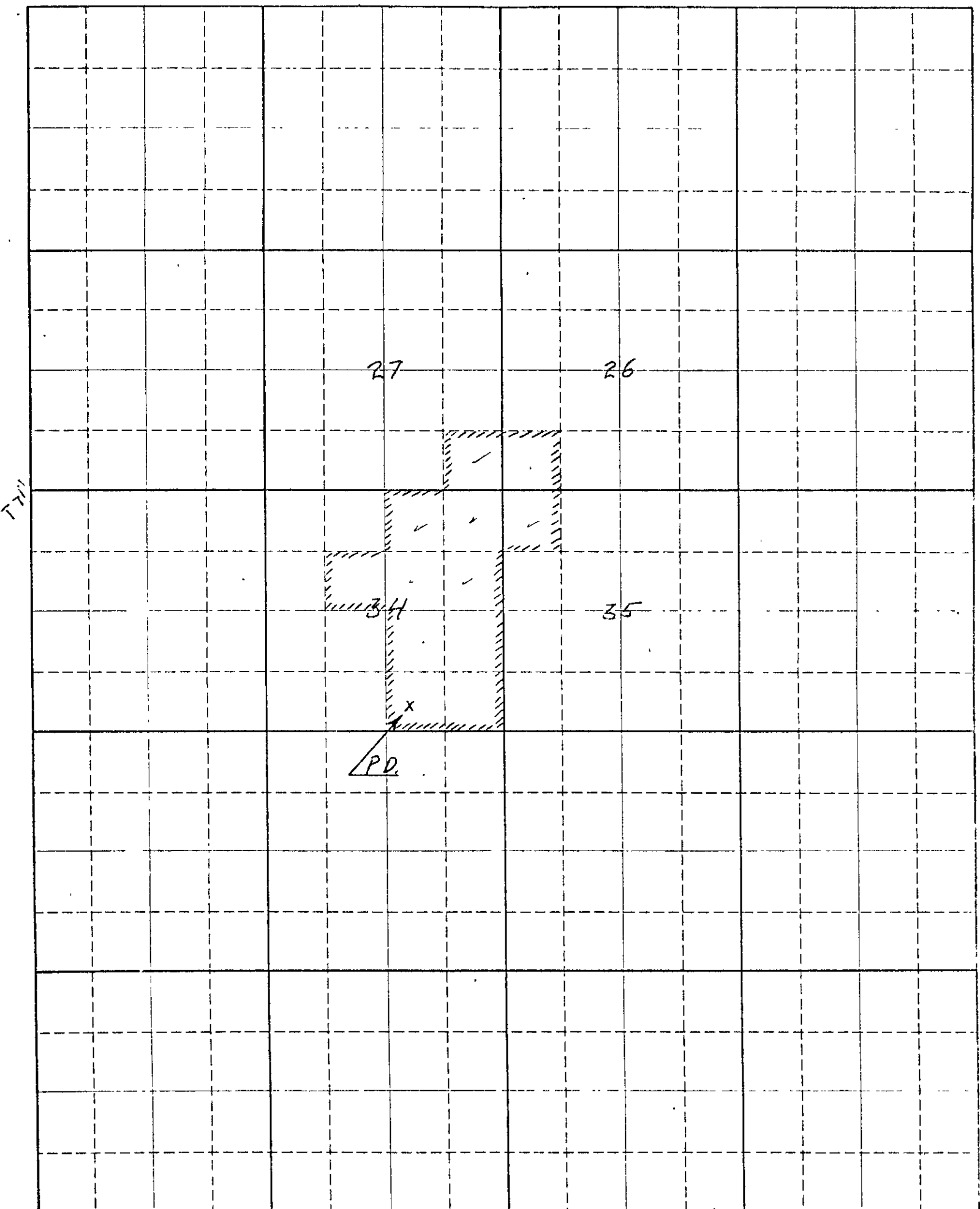
- a. Describe the lands or place of use to which the right will be transferred:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	25E	26											40						40
		27																40	40
		34	40	40	40	40				40					40	40	40	40	360
		35																	40

Total number of acres to be irrigated 480

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

R25E



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

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NOV 26 1990

3. Remarks _____

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

John J. McKeef
(Signature of applicant)

Subscribed and sworn to before me this 24 day of April, 1976

Maria M. Sullivan
(Notary public)

My commission expires 7-1-79

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 _____.

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

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

Witness my hand this _____ day of _____, 19____

FOR DEPARTMENT USE ONLY

Received by *RLG* Date *4-27-76*

Prelim. check by *RLG* Fee *\$30.00*

Received by *RLG* Date *4-27-76*

Published in _____

Pub. dates _____

Watermaster recommendation requested on _____

rec'd.

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial _____

by _____

MICROFILMED

NOV 26 1990

ATTACHMENT NO. 1

PRIORITY DATE	DECREE NO.	KEY	DECREE NAME	Q DECREEED & SUBSEQUENT DISTRIBUTION IN ABSTRACT	Q AVAILABLE FOR TRANSFER	POINT OF DIVERSION
5-30-1885	34-0713	A	Sutter, Alice M. Dale R. Metcalf	0.80	$\frac{(114)}{(120)}(.8) = .76$	SE $\frac{1}{4}$, Sec. 6, T. 6N, R. 25E (Sutter Ditch)
7-21-1886	34-0714	B	Sutter, Alice M. Dale R. Metcalf	1.60	$\frac{(114)}{(120)}(1.6) = 1.52$	SE $\frac{1}{4}$, Sec. 6, T. 6N, R. 25E (Sutter Ditch)
5-30-1885	34-0199	D	Darlington Land & Irrigation Company Lynn Metcalf	0.80	0.80	SE $\frac{1}{4}$, Sec. 6, T. 6N, R. 25E (Sutter Ditch)
7-21-1886	34-0200	E	Metcalf, Lynn J. (Transferred)	1.60	$\frac{(80)}{(121.67)}(1.6) = 1.05$	SE $\frac{1}{4}$, Sec. 6, T. 6N, R. 25E (Sutter Ditch)
3-10-1894	34-0832	F	Wells, O. J. M. Bird Tew Anita Rodarte Lynn Metcalf	2.26 0.70 0.32 0.22	$\frac{(48.82)}{(113)}(2.26) = 0.98$	SE $\frac{1}{4}$, Sec. 6, T. 6N, R. 25E (Sutter Ditch)
10-24-1907	34-0167	G	Columbia Trust Company Lynn Metcalf	3.20	3.20	NW $\frac{1}{4}$, Sec. 24, T. 6N, R. 25E (Evans Ditch)
4-01-1900	34-0435	H	Knapp, Chloe M. Carl Beeghley	2.00	$\frac{(78)}{(100)}(2) = 1.56$	SE $\frac{1}{4}$, Sec. 9, T. 6N, R. 25E (By Water Ditch)
				<u>12.26</u>	<u>9.87</u>	

NOV 16 1990
MICROFILMED

45.64 acres

All that part of the SWANEX, Soc. 10, T. 6 N. R. 25 E. lying S. & W. of the State Highway except the S. 2 rods. Also excepting therefrom the following described tracts of land: Beg. at the SE Cor. of the SEANEX of said Sec. 10, running thence N. on the E. boundary fence line of the said SWANEX, said Sec. 10 (which fence line is the West boundary line of the public road running South from Leslie P. O. to B. L. River) to the intersection of said boundary fence line with the right of way line of the southwesterly side of Idaho State Highway No. 27, which is the place of beg.; thence S 16 rods along said boundary fence line on the East line of said SWANEX, said Sec. 10 to corner stake; thence W. 11 rods to Cor. Stake; thence N 23 rods, more or less, to cor. stake on the said right of way line on the southwesterly side of said Highway No. 27; thence Southwesterly along to the place of beginning. Also except a parcel of land containing .18

acres more or less situated in the SWANEX of said sec. 80 ft. wide by 100 ft. long to be used as a burial ground. Also except a parcel of land on the E end of T-109 of which is located in the SEANEX of Sec. 10 on the S. side of state highway being 464 ft. long and 90 ft. wide more or less. Also except a strip of ground 2 rods wide running contiguous and parallel to the S border of the SWANEX of Sec. 10; also except beg. at a pt. 11 rods W. & 2 rods N. of the SE cor. of the SEANEX of Sec. 10, thence W and parallel to the S line of SEANEX Sec. 10 19.64 rods to corner stake; thence NE 28.73 rods to a pt. on the right of way line on the SW side of Idaho State Highway #27 which pt is 18.15 rods NW from the pt. of Intersection of the E boundary fence line of the SEANEX, thence SE along said right of way Highway # 27 7.15 rods to a corner stake, thence S 23 rods to place of beginning. Except a parcel of land on the East end of T. 109 in the SEANEX of Sec. 10 on the S side of State Highway. Starting at the Highway Right of Way and going thence 475.5 ft. in a Southerly direction; thence W 380 ft.; thence N. to State Highway right of way; thence in an easterly direction to point of beginning.

RECEIVED

MAR 22 1976

Department of Water Resources
Eastern District Office

28-513
32-112

Lynn J. Metcalf

Sec. 10, T. 6 N.R. 25 EBM
Frac. SWANEX

9.3 Acres

All that portion of the SWANEX of Sec. 10 T. 6 N.R. 25 EBM lying North and East of the OSLRR right of way and excepting therefrom only the Townsite of Leslie.

MICROFILMED
NOV 26 1960

T - 802 33.45 ACRES 34-171

FR. NE $\frac{1}{4}$ SW $\frac{1}{4}$, SEC. 10, TWP. 6 N.R. 25 EBM

COM. AT A PT IN THE E. LINE OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$ S. 0°03' E. 206.3' FROM THE NE COR. OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$, TH. S. 0°03' E. 943.7', MORE OR LESS, TO A PT N. 0°03' W. 1,490.0' FROM THE SE COR. OF THE SW $\frac{1}{4}$ OF SAID SEC. 10, TH. W. 1,342.7', MORE OR LESS, TO A PT IN THE W. LINE OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$, TH. N. 0°03' W. 1,150.0', MORE OR LESS, TO THE NW COR. OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$, TH. E. 930.10', MORE OR LESS, TO A PT W. 412.6' FROM THE NE COR. OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$, TH. S. 0°03' E. 206.3', TH. E. 412.6' TO THE PT OF BEG.

T-1002
34-171
28-613
30-128
Lynn Metcalf
~~Carl H. Beeghley~~
Frac. of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10 Twp. 6 N. R. 25 E. B. M.

1 acre more or less
A parcel of land on the East end of T-109 which is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10. Twp. 6 N. R. 25 E. B. M., on the South side of the State Highway being 464 feet long, and 90 ft wide more or less.

T-992
23-306
132222
Lynn Metcalf
~~Carl H. Beeghley~~
2 acres
S $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10, Twp 6 N. R. 25 E.B.M.

A strip of ground 2 rods wide running contiguous and parallel to the South border of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10, Twp 6 N. R. 25 E.B.M.

T-935
Fr. SW $\frac{1}{4}$ Sec. 10, T6 R25
16 Ac.
132222
Lynn J. Metcalf
Beginning at the S $\frac{1}{4}$ corner of Townsite of Leslie on the N. side of the County Road in E $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10, T6 R25; thence N $\frac{1}{4}$ 1734 ft. along the boundary line of the County Road to point where said road crosses S. line of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10; thence E. 1708 ft. to private land which is along Sec. line common to SW $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10; thence S. 816 ft. to Point of Beginning.

T-1813
34-171
35.45 ACRES
Lynn Metcalf
~~Carl H. Beeghley~~
FR. NW $\frac{1}{4}$ SW $\frac{1}{4}$, SEC. 10, TWP. 6 N. R. 25 EBM
COM. AT A PT IN THE W. LINE OF SAID NW $\frac{1}{4}$ SW $\frac{1}{4}$ N. 0°03' W. 1,490.01' FROM THE SW COR. OF SAID SEC. 10, TH. N. 0°03' W. 1,150.01', MORE OR LESS, TO THE NW COR. OF SAID NW $\frac{1}{4}$ SW $\frac{1}{4}$, TH. E. 1,342.71', MORE OR LESS, TO THE NE COR. OF SAID NW $\frac{1}{4}$ SW $\frac{1}{4}$, TH. S. 0°03' E. 1,150.01', MORE OR LESS, TH. W. 1,342.71', MORE OR LESS, TO THE PT OF BEG.

T-1107
Lynn Metcalf
~~Carl H. Beeghley~~
Frac. of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10, Twp 6 N. R. 25 E. B. M.

5 acres more or less
Beg. at a point approx. 600 ft. from SE corner SE $\frac{1}{4}$ NW $\frac{1}{4}$ and West corner of T-1002 th. Northeasterly 475.5 ft. to State Hwy right of way; th. Northwesterly approx. 400 ft; thence Southerly approx. 650 ft; th. East 380 ft. to point of beginning.

T-1001
Lynn Metcalf
~~Carl H. Beeghley~~
Frac. of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, Twp. 6 N, R. 25 E.B.M.

.18 acres more or less
A parcel of land situated in the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Twp. 6 N. R. 25 E.B.M. 60 ft wide by 100 ft long to be used as a burial ground.

ATTACHMENT #2
PAGE 2
RECEIVED
MAR 22 1976
Department of Water Resources
East

NOV 26 1990
MICROFILMED

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

Mrs. Hannah Babcock (or Mrs. Albern Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), 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

NOV 6 1930

✓(b) 1886-June 30 34 0121 0.9 c.f.s.
✓ 1899-January 1 34 0122 0.8 c.f.s.

To be diverted from Big Lost River through the Island 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:

East half of the Southwest quarter of Section 15, Township 5 North, Range 26 East, B. M., and

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

✓(c) 1899-June 1 34 0123 0.2 c.f.s.

Lots 1, 2, 3 and 4 of Block 7, and Lots 1 & 2 of Block 2 of Johnston's Addition to the town of Moore, Butte County, Idaho, containing 10 acres, more or less.

No. 270

Hiram Kinney ✓

✓ 1886-September 1 34 0124 0.16 c.f.s.

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

Commencing at a point 12 rods West from the Northeast corner of the Southwest quarter of the Southwest quarter of Section 26, Township 4 North, Range 26 East, B. M., running thence South 27 rods; thence West 47 rods; thence N. 27 rods; thence East 47 rods to the place of beginning.

No. 271

Chloe M. Knapp
(Successor in interest ✓
of George Bywater.)

✓ 1900-April 1 34 0125 2.0 c.f.s.

To be diverted from Big Lost River through the Bywater Ditch having its point of diversion in the Southeast quarter of Section 9, Township 6 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

The Southwest quarter of Section 10, Township 6 North, Range 25 East, B. M.

No. 272

James Knighton

✓ 1894-May 21 34 0126 0.8 c.f.s.

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

Southeast quarter of the Northwest quarter of Section 33, Township 5 North, Range 26 East, B. M.

No. 273

Gustav Kunze

✓ 1899-May 1 34 0437 0.26 c.f.s.
0.26 Trans. 34 0437

To be diverted from Big Lost River through the Jones & Lake Ditch having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

13 acres in the Southwest quarter of Lot 2, Sec 31, Township 4 North, Range 27 East, B. M. lying on the South side of the O. S. L. right-of-way.

No. 274

100-1-200-1-1-1
MAY 2 1900

INTER-DEPARTMENT MEMO--1

DATE November 9, 1990

FROM Brenda Miller

TO File (s) 34-0199/0200/0435/0714/0832

SUBJECT Withdrawn Transfer No. 1940

See file 34-0167 for all correspondence regarding the
above referenced withdrawn transfer .

Brenda Miller

Signature

MICROFILMED

NOV 26 1990

May 25, 1976

RE: Application for Transfer No. 34-0713/0714/0199/0200/0832/0167/0435

Mr. Lynn J. Metcalf
Leslie,
Idaho 83249

Dear Mr. Metcalf:

Please be advised that notice of your application for transfer has been published; copies of the protest filed against the application were previously forwarded to you.

Since your application is filed in connection with a proposed Carey Act project, the matter of protests will be set for conference and/or hearing shortly after temporary withdrawal is granted. After the hearing, further action will not be taken by the Department until the feasibility of the project is determined by approved study. When this determination is made, the Director may or may not request segregation of the lands from the Bureau of Land Management. If the feasibility studies show the project to be feasible, the Director will make a formal determination concerning your application, at such time as request for segregation of the lands is received.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: Bureau of Land Management

bc: Norm & Darlene

INDEXED

NOV 26 1976

VERNON E WARNER
President
Division No. 5, Leslie

JAMES S BABCOCK
Secretary-Treasurer
Division No. 3, Moore

RICHARD C ROTHWELL
Director
Division No. 4, Leslie

J DOYLE JENSEN
Director
Division No. 2, Moore

ARTHUR W QUIST
Director
Division No. 1, Arco

Big Lost River Irrigation District

Phone 588-2231 — P. O. Box 205

Mackay, Idaho 83251

May 7, 1976

RECEIVED

MAY 11 1976

Department of Water
Eastern District Office

Department of Water Resources

1515 Lincoln Rd

Idaho Falls, 83401

Gentlemen:

We wish to protest the application of Lynn Metcalf for permit numbers 34/0713/0714/0199/0200/0832/0167/0435.

Your consideration of the following is requested:

- 1) A review of prior years deliveries indicates that these decrees would not be ample to irrigate said land.
- 2) Taking decreed water out of the Irrigation District would be injurious to the other District members since the recharge of decreed water is a valuable and necessary requirement to satisfy all water rights.
- 3) Our Burnett Canal, necessary for the transport of said waters, is at its capacity. Mr. Metcalf does not have a ditch right in this canal.
- 4) The plan of operations in the formation of the District included the premise that decreed water would not be transferred out of the District.
- 5) The transfer of this water would reduce the tax base of the Irrigation District.

As an added comment we would like to call your attention to the fact that the decrees as stated are not accurate. Our research indicates that Decree 34-0713 had 6.11 inches deeded to Mr. Bonnell Olson from a sale "Metcalf to Olson"

Also Decree 34-0832 had 30 inches deeded to Mr. James Bauer from a sale that originated M. Bird Tew to Furniss to Bauer.

Thank you for your consideration of this protest.

Yours very truly,

Vernon E. Warner
Vernon E. Warner, President

Big Lost River Irrigation District, established in 1936 — The Mackay Reservoir

RECEIVED

NOV 26 1990

May 11, 1976

RE: Application for Transfer No. 34-0713/0714/0199/0200/0832/0167/0435

Mr. Lynn J. Metcalf
Leslie,
Idaho 83249

Dear Mr. Metcalf:

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

- (1) Are other water rights injured by the transfer?
- (2) Does the change constitute an enlargement in the use of the original right?

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

Enclosure

May 11, 1976

RE: Application for Transfer No. 34-0713/0714/0199/0200/0832/0167/0435
LYNN J. METCALF

The Big Lost River Irrigation District
Box 205
Mackay, Idaho 83251

Gentlemen:

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

- (1) Are other water rights injured by the transfer?
- (2) Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

cc: IDWR - State Office

