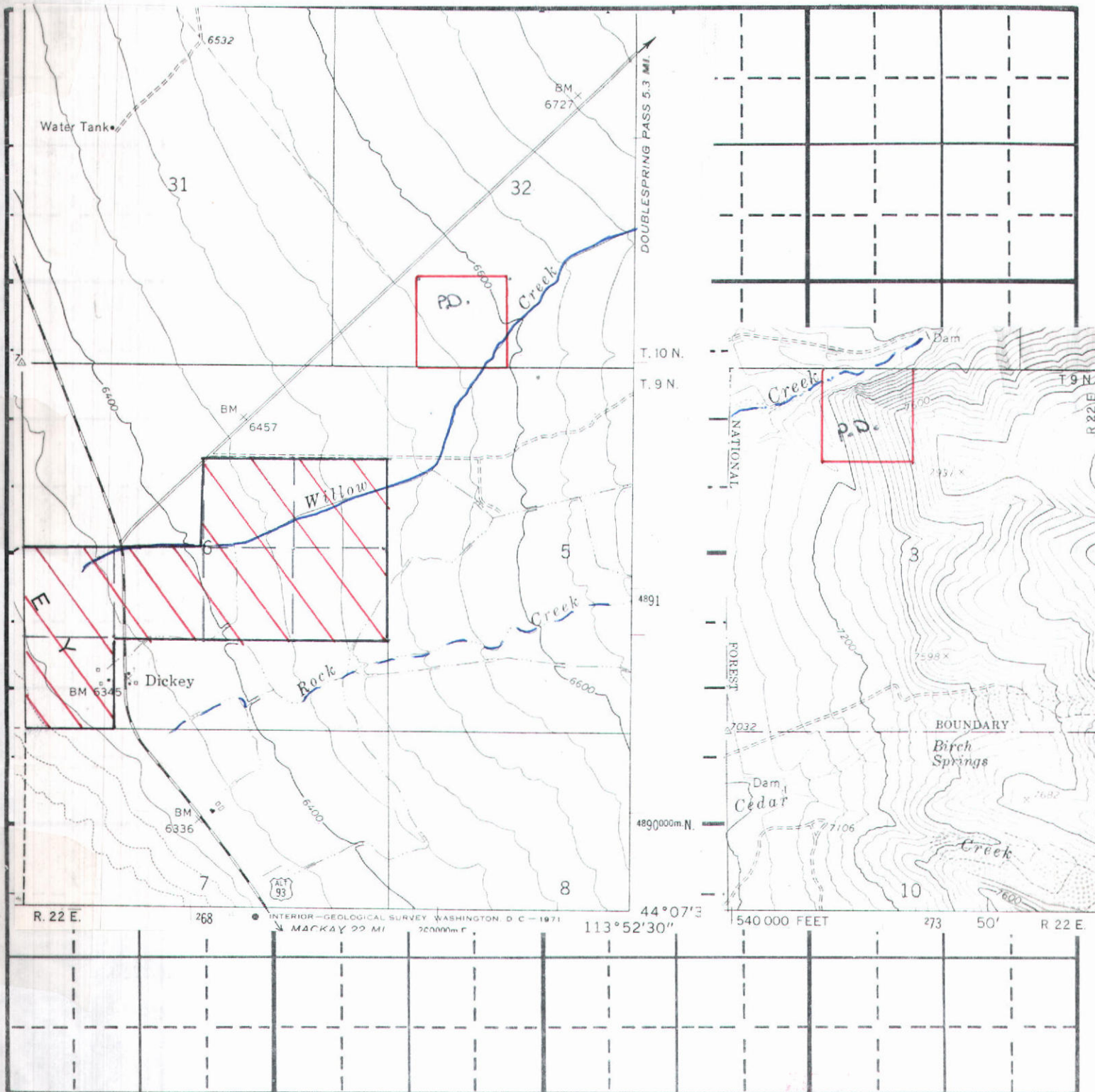


c. Describe the lands or place of use to which the right will be transferred:

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	
9N	22E	6			40	40					40	40	40		✓ 40	40			280

Total number of acres to be irrigated 280

4. Describe any other water rights used for the same purpose as described above. None.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

CUSTER COUNTY PROPERTY TAX

1984

REAL PROPERTY

35,376 44-00RP09N22053601A 4090

35,376L

SWANNA, SW4
SEC 5 T9N R2E

AC 200.000 SMITH, WILEY F FAMILY TRUST
X SMITH, WILEY F
E SMITH, MARJORIE CAROLYN N
STAR ROUTE
WACKAY, ID 83251

STATE	.000005	.18	355.74
COUNTY	.001153	40.90	
SCHOOL #182	.005262	186.16	
SO. CUSTER AMB	.000622	14.94	
LOST RIVER HOSP	.000552	19.54	
MOS AGATEMENT	.001000	35.38	
LOST RIVER HWY	.000983	34.78	
SO. CUSTER FIRE	.000577	23.96	177.87

TOTAL .010034 355.74

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

MICROFILMED

Transfer No 3224

Water Right No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant DICKY LIVESTOCK, INC. &/or GORDON FULTON Phone 588-2267
Post Office address Star Route, Mackay, ID 83251

A DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by 34-0057
a. Decree No. 34-0058 Decreed to E.W. Bascom (Name)
in case of Utah Construction Co. vs John F. Abbott, et al
dated in 10-21-1925 3-15-1923 in U.S. District Court, xxxxxx Eastern Division (Name of court)
b. License No issued by the Idaho Department of Water Resources
c. Claim No on file with the Idaho Department of Water Resources

- 2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired Applicants will provide evidence of ownership of ground and disclaimers from other effected land owners.

3. Source of water Willow & Rock Creek tributary to Sinks

4 Date of priority (34-0057) 6-1-1887 (34-0058) 10-27-1910

5 Water is used for the following purposes:

34-0057 amount 2.40cfs for Irrigation purposes from 5-1 to 10-15
34-0058 amount 3.20cfs for Irrigation purposes from 5-1 to 10-15
amount for purposes from to (month/day — both dates inclusive)

6 Total amount of water under right: a 5.60 cubic feet per second &/or b. acre feet per annum

7 Location of original point of diversion is See Decree for Description 1/4 of 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 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	
9N	21E	1													X	X		X	
9N	22E	5						X	X										
		6			X	X					X	L-6 X	L-7 X			X			

Total number of acres to be irrigated 280

9. Describe any other water rights used for the same purpose as described above None

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS

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

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



TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

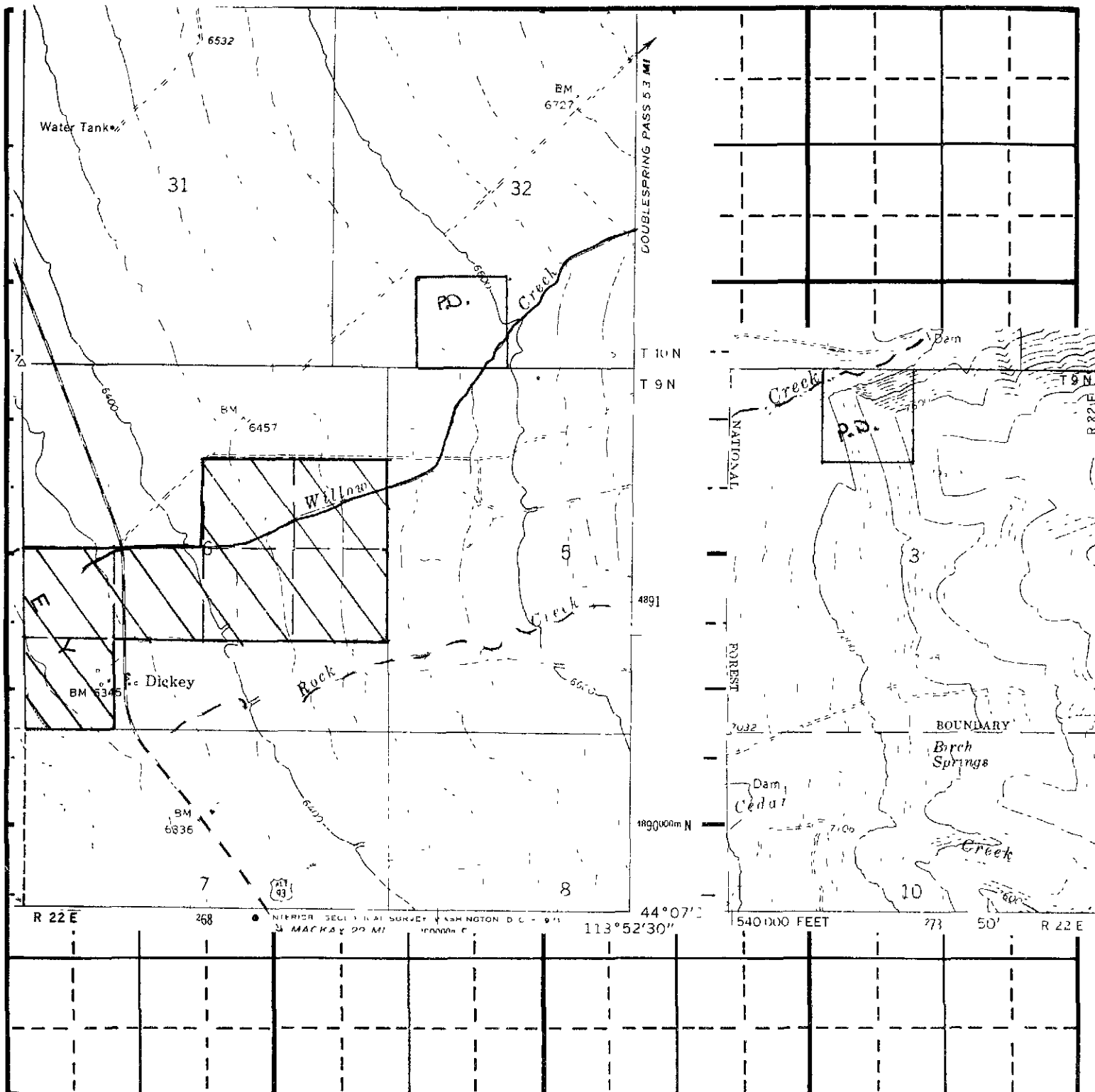
1. General Information
34-0057 2.40cfs
34-0058 3.20cfs
a. Amount of water to be diverted 5.60cfs c.f.s. &/or _____ acre feet
b. Description of diverting works _____
c. Describe the reasons for the proposed changes This transfer is to clarify actual place of use and point of diversion for the rights as used.
2. Change in point of diversion (Willow Creek)
Point of diversion SE ¼ SW ¼, Section 32 Township 10N
Range 22E, B.M., Custer County
Additional points (Rock Creek) NE¼NW¼, Sect. 3, T. 9N, R. 22E
3. Change in place of use
a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
N. A. With the exception of the NESE Sect. 6 the land in the "NEW" place of use has been the actual place of use.

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	22E	6			40	40					40	40	40		40	40			280

Total number of acres to be irrigated 280

- 4 Describe any other water rights used for the same purpose as described above. None.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated Show clearly the land involved by section, township and range number



MICROFILMED

D REMARKS

Applicant does not now own lands in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sect. 5. The water was incorrectly decreed to this ground now owned by the BLM and Wylie Smith. Applicant will obtain proper relinquishment forms from these owners. Also the NESE of Sect. 6 in the new place of use is Desert Land Entry ground that is being released to me by the BLM. The BLM feels this transfer will be adequate evidence of a water right.

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

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

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of August, 19 85.

[Signature]
(Notary Public)

My commission expires 10/30/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0057/0058 and said application is hereby APPROVED, subject to the following limitations and conditions:
Use of water under these rights is subject to control by the watermaster of Water District No. 34, Big Lost River.

Witness my hand this 8th day of April, 19 86

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 9-03-85 Protest filed by _____
Prelim. check by HWJ Fee 50.00
Receipted by CW Date 9-18-85 #35402
Published in Right Star Custer Pub Co. Copies of protest forwarded by _____
Pub. dates 10/31 + 11/7/1985 - 11/28 + 12/5 1985 Hearing held by _____ Date _____
Watermaster recommendation requested on 10-24-85 Recommended for approval denial
WD #34 rec'd. 10-29-85 by RDC Jim

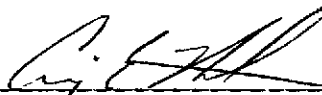
DISCLAIMER

The undersigned hereby disclaims any right, title, equity or interest in the water rights described below:

Portions of water rights 34-0057 and 34-0058 from Willow and Rock Creek decreed in the case of Utah Construction Company vs. John F. Abbott, et al in March 15, 1923 which are on record as being appurtenant in part to the NW 1/4 NW 1/4 Sect. 5, T. 9N, R. 22E, Boise Meridan, Custer County, Idaho

The undersigned by virtue of this Disclaimer disclaims any right and interest to any portion of the water rights previously considered appurtenant to the undersigned's property in the NW 1/4 NW 1/4 Sect. 5, T. 9N, R. 22E, B.M.

Dated this 19 day of June, 1985.



Charles Area Manager BLM

Subscribed and sworn to before me this 19 day of June, 1985.

Stephanie Snook
Notary
Residing at: Salmon, Idaho

My Commission expires: June 3, 1991

MICROFILMED

DISCLAIMER

The undersigned hereby disclaims any right, title, equity or interest in the water rights described below:

Portions of water rights 34-0057 and 34-0058 from Willow and Rock Creek decreed in the case of Utah Construction Company vs. John F. Abbott, et al in March 15, 1923 which are on record as being appurtenant in part to the SW¹/₄ NW¹/₄ Sect. 5, T. 9N, R. 22E, Boise Meridan, Custer County, Idaho

The undersigned by virtue of this Disclaimer disclaims any right and interest to any portion of the water rights previously considered appurtenant to the undersigned's property in the SW¹/₄ NW¹/₄ Sect. 5, T. 9N, R. 22E, B.M.

Dated this 18th day of July, 1985.

Wiley F. Smith
Wiley Smith

Subscribed and sworn to before me this 18th day of July, 1985.

Lew R. Greene
Notary
Residing at: Mackay

My Commission expires: 6-13-91

MICROFILMED

TOTAL

CONSOLIDATED TAX NOTICE AND RECEIPT
CUSTER COUNTY PROPERTY TAX

1984

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
35,376	44-00RPO9N22L053601A		4090
35,376L			
	SW4N4, S4		
	SEC 5 T9N R22E		

AC 200.000 SMITH, WILEY F FAMILY TRUST
 & SMITH, WILEY F
 & SMITH, MARJORIE CAROLYN N
 STAR ROUTE
 MACKAY, ID 83251

PAYMENT DATE

	RATE	AMOUNT	
STATE	.000005	.18	FULL PAYMENT
COUNTY	.001153	40.90	TAX 355.7
SCHOOL #182	.005262	186.16	PEN
SO. CUSTER AMB	.000422	14.94	SUB TOT
LOST RIVER HOSP	.000552	19.54	INT
MOS ABATEMENT	.001000	35.38	TOT
LOST RIVER HWY	.000983	34.78	1ST INSTALLMENT
SO. CUSTER FIRE	.000677	23.96	TOT 177.7
			PEN
			SUB TOT
			INT
			TOT
			2ND INSTALLMENT
			TAX 177.7
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.010054	355.74	

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 THANK YOU

WILSON

"ATTACHMENT A"
(Initial)
CLASSIFICATION DECISION

The following described Public Land has been examined and found suitable for Desert Land Entry.

It is hereby proposed to classify the following lands as suitable for entry under the provisions of the Desert Land Act of March 3, 1877, as amended.

T. 9 N., R. 22 E., B.M.

Section 6: NE1/4SE1/4

Containing 40 Acres

The classification is based on the following reasons:

1. The lands are physically suitable or adaptable to agricultural development (43 CFR 2410.1(a)).
2. The lands meet the disposition criteria as stated in 43 CFR 2520.0-8.
3. The Soil Conservation Service has classified these lands as Class IV which is suitable classification for agricultural production.

Pursuant to Section 402(g) of the Federal Land Policy and Management Act of October 21, 1976, the grazing permittee(s) involved are hereby notified that grazing use of the lands described in this decision will be terminated in the event these lands are transferred out of Federal ownership.

As required in 43 CFR 2521.2(d), the applicant must submit a showing of a right to the permanent use of sufficient water to irrigate and reclaim all of the irrigable portion of the land sought. This showing must be made prior to the allowance of a notice of entry.

The following petition for classification is hereby approved. The following person, by reason of having filed a petition-application for Desert Land Entry will have a preference right to make entry under this classification as provided by 43 CFR 2450.

Name of Petitioner: Gordon D. Fulton

Type of Petition: Desert Land Act of March 3, 1877, as amended

The proposed decision relates only to the proper classification or disposition of the described public land administered by the Bureau of Land Management. Adjudicative action by the appropriate office, at a later date, will determine the merits of the application, as well as the qualifications of the applicant.

8-19-83

Date

Kenneth S. Wells

For the State Director

Harold

Enclosed are our
Tax receipts for all
lots pertaining to
Sections 1 and
6.

Yours
Gordon Latta

CONSOLIDATED TAX NOTICE AND RECEIPT CUSTER COUNTY PROPERTY TAX

1984

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
5,614	43-00R	P09N21E013601A	4060
5,614L			
	TRACT 444 SEC 1 T9N R21E		

AC 42.000 DICKEY LIVESTOCK INC

DELINQUENT CERT

MACKAY, ID 83251

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	.000005	.04	FULL PAYMENT
COUNTY	.001153	6.48	TAX 56.48
SCHOOL #182	.005262	29.54	PEN
SO. CUSTER AMB	.000422	2.38	SUB TOT
LOST RIVER HOSP	.000552	3.10	INT
MOS ABATEMENT	.001000	5.62	TOT
LOST RIVER HWY	.000983	5.52	1ST INSTALLMENT
SO. CUSTER FIRE	.000677	3.80	TAX 28.24
			PEN
			SUB TOT
			INT
			TOT
			2ND INSTALLMENT
			TAX 28.24
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.010054	56.48	

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THANK YOU

CONSOLIDATED TAX NOTICE AND RECEIPT CUSTER COUNTY PROPERTY TAX

1984

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
18,639	45-00R	P09N21E010601A	4058
18,639L			
	LOTS 2,3 S2NE4, N2SE4, SE4SE4 SEC 1 T9N R21E		

AC 262.600 DICKEY LIVESTOCK INC

DELINQUENT CERT

MACKAY, ID 83251

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	.000005	.10	FULL PAYMENT
COUNTY	.001153	21.50	TAX 196.16
SCHOOL #182	.005262	98.08	PEN
SO. CUSTER AMB	.000422	7.88	SUB TOT
LOST RIVER HOSP	.000552	10.30	INT
MACKAY LIBRARY	.000243	4.54	TOT
B.L.R. CEMETERY	.000224	4.18	1ST INSTALLMENT
MOS ABATEMENT	.001000	18.64	TAX 98.08
LOST RIVER HWY	.000983	18.32	PEN
SO. CUSTER FIRE	.000677	12.62	SUB TOT
			INT
			TOT
			2ND INSTALLMENT
			TAX 98.08
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.010521	196.16	

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CONSOLIDATED TAX NOTICE AND RECEIPT CUSTER COUNTY PROPERTY TAX

1984

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
19,172	43-00R	P09N21E014201A	4061
19,172L			
	SE4NW4, SW4SE4, E2SW4 SEC 1 T9N R21E		

AC 160.000 DICKEY LIVESTOCK INC

DELINQUENT CERT

MACKAY, ID 83251

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	.000005	.10	FULL PAYMENT
COUNTY	.001153	22.12	TAX 192.80
SCHOOL #182	.005262	100.88	PEN
SO. CUSTER AMB	.000422	8.10	SUB TOT
LOST RIVER HOSP	.000552	10.58	INT
MOS ABATEMENT	.001000	19.18	TOT
LOST RIVER HWY	.000983	18.86	1ST INSTALLMENT
SO. CUSTER FIRE	.000677	12.98	TAX 96.40
			PEN
			SUB TOT
			INT
			TOT
			2ND INSTALLMENT
			TAX 96.40
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.010054	192.80	

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CONSOLIDATED TAX NOTICE AND RECEIPT CUSTER COUNTY PROPERTY TAX

1984

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
106,841	45-008	P09N22E061201A	4091
57,980L			
6,877I	LOT 6		
41,984P	TRACT 382, 77-9		
	S2NE4, NW4SE4		
	SEC 6 T9N R22E		

AC 238.820 DICKEY LIVESTOCK INC

DELINQUENT CERT

MACKAY, ID 83251

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	.000005	.54	FULL PAYMENT
COUNTY	.001153	123.20	TAX 1,124.12
SCHOOL #182	.005262	562.20	PEN
SO. CUSTER AMB	.000422	45.10	SUB TOT
LOST RIVER HOSP	.000552	58.98	INT
MACKAY LIBRARY	.000243	25.96	TOT
B.L.R. CEMETERY	.000224	23.94	1ST INSTALLMENT
MOS ABATEMENT	.001000	106.84	TAX 562.06
LOST RIVER HWY	.000983	105.02	PEN
SO. CUSTER FIRE	.000677	72.34	SUB TOT
			INT
			TOT
			2ND INSTALLMENT
			TAX 562.06
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.010521	1,124.12	

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CONSOLIDATED TAX NOTICE AND RECEIPT CUSTER COUNTY PROPERTY TAX

1984

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
24,741	45-008	P09N22E066010A	4092
6,384L			
18,357I	TRACT 77-8		
	SEC 6 T9N R22E		

9,179HM

15,562*

AC 2.660 FULTON, MARGERY CLAUDINE

DELINQUENT CERT

MACKAY, ID 83251

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	.000005	.08	FULL PAYMENT
COUNTY	.001153	17.94	TAX 163.78
SCHOOL #182	.005262	81.90	PEN
SO. CUSTER AMB	.000422	6.58	SUB TOT
LOST RIVER HOSP	.000552	8.60	INT
MACKAY LIBRARY	.000243	3.78	TOT
B.L.R. CEMETERY	.000224	3.50	1ST INSTALLMENT
MOS ABATEMENT	.001000	15.56	TAX 81.89
LOST RIVER HWY	.000983	15.30	PEN
SO. CUSTER FIRE	.000677	10.54	SUB TOT
			INT
			TOT
			2ND INSTALLMENT
			TAX 81.89
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.010521	163.78	

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THANK YOU

CONSOLIDATED TAX NOTICE AND RECEIPT CUSTER COUNTY PROPERTY TAX

1984

MOBILE HOME

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
4,101	9-00M	H00S1700 A	334
4,101I			
	1970 CAMELOT 12 X 62		
	SER#FS2491		
	TRACT 77-8		
	SEC 6 T9N R22E		

SMITH, MARGE FULTON

DELINQUENT CERT

MACKAY, ID 83251

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	.000005	.02	FULL PAYMENT
COUNTY	.001153	4.74	TAX 39.08
SCHOOL #182	.005262	21.58	PEN
SO. CUSTER AMB	.000422	1.74	SUB TOT
LOST RIVER HOSP	.000552	2.26	INT
MACKAY LIBRARY	.000243	1.00	TOT
B.L.R. CEMETERY	.000224	.92	1ST INSTALLMENT
LOST RIVER HWY	.000983	4.04	TAX 19.54
SO. CUSTER FIRE	.000677	2.78	PEN
			SUB TOT
			INT
			TOT
			2ND INSTALLMENT
			TAX 19.54
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.009521	39.08	

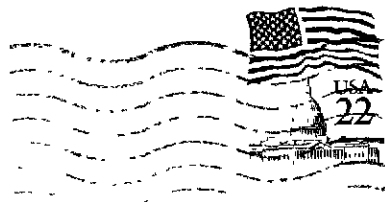
RECEIPT NOT VALID UNTIL CHECK CLEARS

MICROFILMED

DICKEY LIVESTOCK INCORPORATED

Fulton Ranch — Star Route

Mackay, Idaho 83251



ATTN!
HAROLD JONES

3

Idaho DEPT. OF WATER RESOURCES

150 SHOUP

SUITE 15

IDAHO FALLS, ID. 83402

Leah
83402-11

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Terry Weatherston,
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho, and I do
solemnly swear that the

Notice Of Proposed Change

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on Oct. 30, 1985
and the last publication having been made

on Nov. 6, 1985

Further, that said newspaper is one of general
circulation in said county, that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes, that it has at least two
hundred bona fide subscribers living within the
county of publication, and that it has been
continuously and uninterrupted published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston



Subscribed to and sworn to before me
this Nov. 7, 1985

John L. Lerner
Notary Public
(SEAL)

My commission expires life

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 34-0057/34-0058

Notice is hereby given that Dickey
Livestock and/or Gordon Fulton, Mackay,
Idaho have applied to the Department of
Water Resources for a change in the place
of use and clarification of the point of diver-
sion of the waters of Willow and Rock Creek
tributary to sinks. The right sought to be
changed is evidenced by Decree to E. W.
Bascom in case of Utah Construction Co
vs. John F. Abbott, et al dated 10/21/1925 in
U.S. District Court, Eastern Division and is
recorded as follows:

34-0057

AMOUNT: 2.40 cfs

PRIORITY: 6/1/1887

34-0058

AMOUNT: 3.20 cfs

PRIORITY: 10/27/1910

DECREED POINT OF DIVERSION: Not
clearly defined in decree.

The water is used to irrigate 280 acres
within NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T. 9N R.
21E, W $\frac{1}{4}$ Sec 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ Ne $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot. 6) SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 7)
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 6 T. 9N R. 22E-B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted (34-0057 2.40
cfs and 34-0058 3.20 cfs) will be diverted
within SE $\frac{1}{4}$ Sec. 32 T. 10N R. 22E (
Willow Creek) and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 3 T. 9N
R. 22E, B.M. (Rock Creek) Custer County.
The waters will be used to irrigate 280 acres
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 6 T. 9N R. 22E B.M.

Any protest against approval of the above
proposed change of water right must be fil-
ed with the Idaho Department of Water
Resources, 150 Shoup, Suite 15, Idaho
Falls, Idaho, 83402, on or before November
18, 1985.

Publ Oct. 30 and Nov. 6, 1985RS

Willow and Rock Creek

RECORDED

THURSDAY, NOVEMBER 28, 1985

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer ss

I Margaret Parks ^{9 1985}
_{Editor}

Publisher of the Challis Messenger
a weekly newspaper published at
Challis Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof was published
in the regular and entire issue of
the Challis Messenger for 2

consecutive weeks commencing with
the issue dated November 28
19 85 and ending with the issue
dated December 5 19 85

Margaret Parks

Subscribed and sworn to before
me this 6 day of Dec

19. 85

Ethel M. Peck

Notary Public residing at Challis

Idaho My commission expires on

Sept

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

No. 34-0057/34-0058

Notice is hereby given that
Dickey Livestock and/or Gordon
Fulton, Mackay, Idaho have
applied to the Department of Water
Resources for a change in the place
of use and clarification of the point
of diversion of the waters of Willow
and Rock Creek tributary to Sinks.
The right sought to be changed is
evidenced by Decree to E.W.
Bascom in the case of Utah
Construction Co. vs. John F.
Abbott, et al dated 10/21/1925 in
U.S. District Court, Eastern
Division and is recorded as follows:

34-0057

Amount: 2.40 cfs

Priority: 6/1/1887

34-0058

Amount: 3.20 cfs

Priority: 10/27/1910

**DECREED POINT OF DIV-
ERSION:** Not clearly defined in
decree The water is used to
irrigate 280 acres within N $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1 T 9N R 21E,
W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 6) SW $\frac{1}{4}$ SW $\frac{1}{4}$
(Lot 7) NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 6 T 9N R 22E
B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted (34-
0057 2.40 cfs and 34-0058 3.20 cfs)
within SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 32 T 10N R 22E
(Willow Creek) and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec
3 T 9N R 22E B.M. (Rock Creek),
Custer County. The water will be
used to irrigate 280 acres within the
S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6
T 9N R 22E B.M.

Any protest against approval of
the above proposed change of water
right must be filed with the Idaho
Department of Water Resources,
150 Shoup, Suite 15, Idaho Falls,
Idaho, 83402, on or before
December 16, 1985

A. KENNETH DUNN

Director

Published: November 28 &
December 5, 1985.

E. W. BASCOM

✓ 1887-June 1

2.4 c. **34.0057**

✓ 1910-October 27

3.2 c. **34.0058**

To be diverted from Willow and Rock Creeks through a private ditch having its point of diversion at the point of diversion maintained on Willow Creek at the date of the Moe-Harger decree being at the junction of Willow and Rock Creeks and an additional amount sufficient to make up the amount herein decreed to be diverted from Rock Creek at the point where the weir in Rock Creek is now located, for the irrigation of 280 acres of land in the following legal subdivisions, to-wit:

Lot 6 and 7; the Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter and the South half of the Northeast quarter of Section 6 and the West half of the Northwest quarter of Section 5, all in Township 9 North, Range 22 East, B.M., also the Southeast quarter of the Southeast quarter and the North half of the Southeast quarter of Section 1, Township 9 North, Range 21 East, B. M.

No. 29

HARLOW BASSETT

(Named in Plaintiff's amended complaint as H. Bassett)

✓ 1885-May 12

0.8 c.f. **34.0059**

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:

Northwest quarter of the Southeast quarter of Section 22, Township 5 North, Range 26 East, B. M.

No. 30

CLARA M. BATE

✓ 1883-August 10

1.5 c. **34.0060**

1.5 Trans. No. 422

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 10, Township 4 North, Range 26 East, B. M., except 5 acres along the East side thereof.

No. 31

J. M. BATE

(Or Joseph M. Bate)

✓ 1883-August 10

1.7 Trans. 428

.95 " 455

1.7 c. **34.0061**

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:

West half of the Southeast quarter of Section 10, Township 4 North, Range 26 East, B. M. and five acres on the East side of the Southwest quarter of Section 10, Township 4 North, Range 26 East, B. M.

No. 32

12-17-85

Decree specified Rock & Willow Creeks to be
nontributary streams of the Big Lost River,

It also stated they are not affected by
the rights & priorities of the river system.

Ernest

PROVIDED, HOWEVER, THAT NOTHING IN THE FOREGOING IS TO BE CONSTRUED AS AFFECTING THE RIGHTS OF THE PARTIES TO SAID "BLACK CHANNEL" AS HEREIN PROVIDED. SAID "BLACK CHANNEL" SHALL BE CONSTRUED TO MODIFY OR ENLARGE THE AMOUNT OF WATER TO WHICH THE USERS DIVERTING WATER INTO SAID "BLACK CHANNEL" SHALL BE ENTITLED AS SET FORTH IN THIS DECREE.

PROVIDED FURTHER THAT THE USERS OF WATER, WHOSE POINTS OF DIVERSION ARE BY THE PROVISIONS OF THIS DECREE FIXED ON SAID "BLACK CHANNEL", AND THEIR RESPECTIVE SUCCESSORS IN INTEREST, SHALL AT THEIR OWN EXPENSE UNDER THE DIRECTION OF THE COMMISSIONER OR OTHER OFFICIAL CHARGED WITH THE ADMINISTRATION OF THIS DECREE PROVIDE AND MAINTAIN A SUITABLE DAM AND CONTROLLING WORKS FOR THE REGULATION OF THE FLOW OF THE WATERS IN SAID "BLACK CHANNEL" AS HEREIN PROVIDED. SUCH EXPENSE TO BE PRO-RATED AMONG SAID PERSONS ACCORDING TO THE RESPECTIVE AMOUNT OF WATERS HEREIN DECREED TO EACH.

8. In the administration of this decree Rock Springs Creek, Rock Creek, Beda Creek, Corral Creek, Sage Creek, Upper Cedar Creek, Lower Cedar Creek, Dry Creek, sometimes called Cedar Creek, Pete Creek, Willow Creek, Pinto Creek, Lehman Creek, Vance Creek, Grant Creek, and Hamilton Creek shall not be regarded as tributaries of Big Lost River, and while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting waters from said respective creeks, the rights of the parties on said separate respective creeks shall not be affected by the rights and priorities of any other parties as herein decreed.

SECRET

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 20, 1985

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 16, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
No. 34-0057/34-0058**

Notice is hereby given that Dickey Livestock and/or Gordon Fulton, Mackay, Idaho have applied to the Department of Water Resources for a change in the place of use and clarification of the point of diversion of the waters of Willow and Rock Creek tributary to Sinks. The right sought to be changed is evidenced by Decree to E.W. Bascom in the case of Utah Construction Co vs John F. Abbott, et al dated 10/21/1925 in U.S. District Court, Eastern Division and is recorded as follows:

34-0057

Amount: 2.40 cfs

Priority: 6/1/1887

34-0058

Amount: 3.20 cfs

Priority: 10/27/1910

DECREED POINT OF DIVERSION: Not clearly defined in decree. The water is used to irrigate 280 acres within N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1 T 9N R 21E, W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 6) SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 7) NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 6 T 9N R 22E B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted (34-0057 2.40 cfs and 34-0058 3.20 cfs) within SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 32 T 10N R 22E (Willow Creek) and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 3 T 9N R 22E B.M. (Rock Creek), Custer County. The water will be used to irrigate 280 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6 T 9N R 22E B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before December 16, 1985.

A KENNETH DUNN
Director

Published: November 28 &
December 5, 1985

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 34-0057/34-0058

Notice is hereby given that Dickey Livestock and/or Gordon Fulton, Mackay, Idaho have applied to the Department of Water Resources for a change in the place of use and clarification of the point of diversion of the waters of Willow and Rock Creek tributary to sinks. The right sought to be changed is evidenced by Decree to E. W. Bascom in the case of Utah Construction Co. vs. John F. Abbott, et al dated 10/21/1925 in U.S. District Court, Eastern Division and is recorded as follows:

34-0057

AMOUNT: 2.40 cfs

PRIORITY: 6/1/1887

34-0058

AMOUNT: 3.20 cfs

PRIORITY: 10/27/1910

DECREED POINT OF DIVERSION: Not clearly defined in decree.

The water is used to irrigate 280 acres within $N\frac{1}{2}SE\frac{1}{4}$ $SE\frac{1}{4}SE\frac{1}{4}$ Sec 1 T 9N R 21E, $W\frac{1}{2}NW\frac{1}{4}$ Sec 5, $S\frac{1}{2}NE\frac{1}{4}$ $NE\frac{1}{4}SW\frac{1}{4}$ $NW\frac{1}{4}SW\frac{1}{4}$ (Lot 6) $SW\frac{1}{4}SW\frac{1}{4}$ (Lot 7) $NW\frac{1}{4}SE\frac{1}{4}$ Sec 6 T 9N R 22E B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted (34-0057 2.40 cfs and 34-0058 3.20 cfs) within $SE\frac{1}{4}SW\frac{1}{4}$ Sec 32 T 10N R 22E (Willow Creek) and $NE\frac{1}{4}NW\frac{1}{4}$ Sec 3 T 9N R 22E B.M. (Rock Creek), Custer County. The water will be

MICROFILMED

used to irrigate 280 acres within the $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$
Sec. 6 T 9N R22E B.M.

Any protest against approval of the above proposed change
of water right must be filed with the Idaho Department of Water
Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or
before December 16, 1985.

A. Kenneth Dunn

Director

Published by the Custer Publishing Company November 28, and December 5, 1985.

MICROFILMED

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 34-0057/0058

RECEIVED

OCT 29 1985

Department of Water Resources
Eastern District Office

WATER DISTRICT #34

WATERMASTER Eugene H. Faber

DATE: 10-28-85

COMMENTS: none

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change

I recommend the following conditions of approval:

Eugene H. Faber
Watermaster

MICROFILMED

October 24, 1985

RE: Application for Transfer No. 34-0057/0058 DICKY & FULTON

Mr. Eugene Gabert, Watermaster
Water District 34
Box 205
Mackay, ID 83251

Dear Mr. Gabert:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before November 18, 1985.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

50

March 15, 1985

Gordon Fulton
Star Route
Mackay, ID 83251

Dear Mr. Fulton:

Enclosed is your application for transfer and two disclaimers. Please review the application and if everything seems correct sign, have it notarized and return it with the \$50.00 fee.

You will also have to provide a copy of last years tax notice which shows ownership of the new places of use and a copy of your BLM permit and I-number for the 40 acres you're getting.

Wylie Smith and the BLM will also have to sign their respective disclaimers and evidence (tax notice copy) of ownership must accompany these disclaimers for the property mentioned.

Please send all this paperwork back together to this office.

Sincerely,

HAROLD W. JONES
Senior Resource Agent

HWJ/cz

Enclosures

RECEIVED
MAR 16 1985
BLM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 23, 1985

The Risby Star
P. O. Box 37
Risby, Idaho 83442

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 18, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

[Handwritten signature]

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DECREED POINT OF DIVERSION: Not clearly defined in
decree.

The water is used to irrigate 280 acres within N1/2SE1/4 SE1/4SE1/4 Sec. 1 T. 9N R. 21E, W1/2NW1/4 Sec. 5, S1/2NE1/4 NE1/4SW1/4 NW1/4SW1/4 (Lot 6) SW1/4SW1/4 (Lot 7) NW1/4SE1/4 Sec. 6 T. 9N R. 22E B. M.

TO BE CHANGED AS FOLLOWS

The water will be diverted (34-0057 2.40 cfs and 34-0058 3.20 cfs) ~~will be diverted~~ within SE1/4^{SE1/4} Sec. 32 T. 10N R.

RECORDED

22E (Willow Creek) and NE1/4NW1/4 Sec. 3 T. 9N R. 22E, B. M.
(Rock Creek), Custer County. The waters will be used to irrigate
280 acres within the S1/2NE1/4, N1/2S1/2, SW1/4SW1/4, Sec. 6 T.
9N R. 22E B.M.

Any protest against approval of the above proposed change of
water right must be filed with the Idaho Department of Water
Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or
before November 18, 1985

Justo
Published in the Rigby Star October 31, and November 7, 1985

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWS

1. Right number 34-0057
34-0058 Applicant Dickey Livestock or Gordon Fulton
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Clarify Point of Diversion
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
If yes, what district? 34

Bestis date
11/13/85 - 12/16/85

FINAL PROCESSING REVIEW BY: _____

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

MICROFILMED

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Adequate headgates & measuring devices & -
under the control of a Big Lost water district #39
4. By JDC Date 1/20/86
Jim 3-31-86 -

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

WATER RIGHT
DATA ENTRY LOG

[illegible]