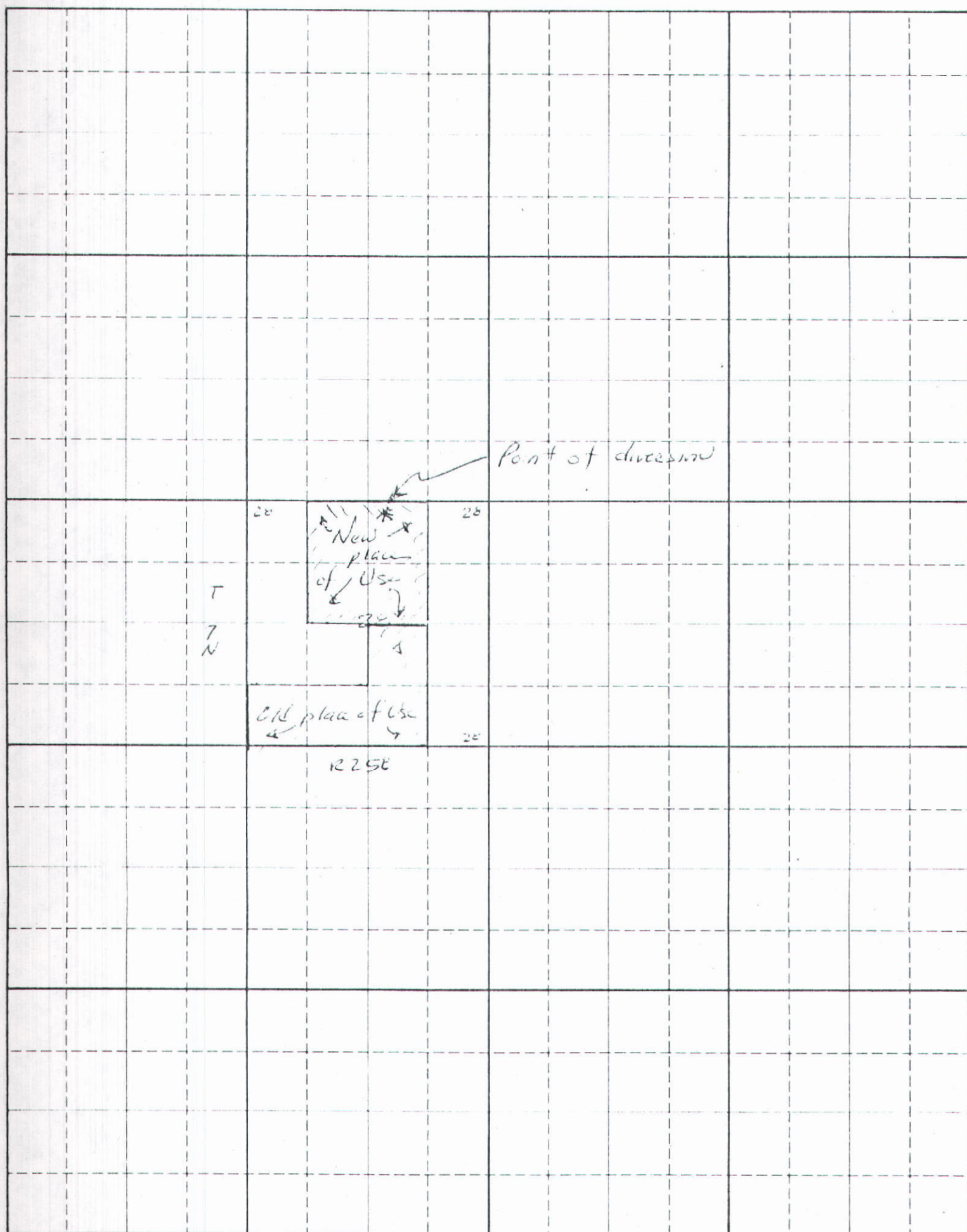


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

T
7
N

28

Reed

Verma Warner Asay

R2SE

Centred Custer County Assessors office

1-25-1980 3:45

The following lands are owned by
Reed Asay: W¹/₂SE¹/₄ Sec 28, T.7N, R.2SE
Verma Warner; E¹/₂SW¹/₄ Sec 28, T.7N R.2SE
Steve McCormick

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated FEB 21,
1980 and ending with the issue
dated FEB 28, 1980.

Margaret Parks

Subscribed and sworn to before
me this 4 day of March,
1980.

Andrea M. Conrad

Notary Public, residing at Challis,
Idaho. My commission expires on

April 30, 1983

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

NOS. 34-0044/34-0045

Notice is hereby given that Reed
Asay, Mackay, Idaho, has applied to
the Department of Water Resources
for a change in the place of use of the
waters of Jensen Springs. The rights
sought to be changed are evidenced
by decree to Elezyer and Ernest
Asay in Case of Utah Construction vs.
John F. Abbott, dated March 15, 1923
in U.S. District Court, Eastern
Division and are recorded as follows:
34-0044 AMOUNT: 0.8 cfs
PRIORITY: June 1, 1884
34-0045 AMOUNT: 0.4 cfs
PRIORITY: June 1, 1902

DECREED POINT OF DIVER-
SION: Within the NE $\frac{1}{4}$, Sec. 28, Twp.
7N, Rge. 25E, B.M., Custer County.

The water is used to irrigate 160
acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 28, Twp. 7N, Rge. 25E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate
160 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 28, Twp. 7N, Rge.
25E, B.M.

Any protest against approval of the
above proposed change of water
right must be filed with the Idaho
Department of Water Resources,
1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before March 10,
1980.

C. STEPHEN ALLRED
Director

Published in the Challis Messenger
on 2/21 & 2/28/1980. □□□

RECEIVED

MAR 5 1980

Department of Water Resources
Eastern District Office

UNFILED

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 Reed Asay Phone 588-3363
Post office address Box 415, Mackay, ID 83251

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to Elezzer & Ernest Asay, Page 30, Right No. 23A (34-0044, 34-0045)
(Name)
in case of Utah Construction vs John F. Abbott
dated 3/15/1923 in U.S. District Court county of 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. 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

3. Source of water Jensen Springs tributary to sinks

4. Date of priority 34-0044 6/1/1884; 34-0045 6/1/1902

5. Water is used for the following purposes

34-0044 amount 0.8 cfs for irrigation purposes from 5/1 to 10/15
34-0045 amount 0.4 cfs 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. 1.2 cubic feet per second
b. _____ &/or
_____ acre feet per annum

7. Location of original point of diversion is * 1/4 of NE 1/4 of Section 28
Township 7N Range 25E, B.M. in Custer 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	
7N	25E	28											40	40		40	40		160

Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purposes as described above

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by 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	

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

1. Change in point of diversion NO CHANGE

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

b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

c. Description of diverting works _____

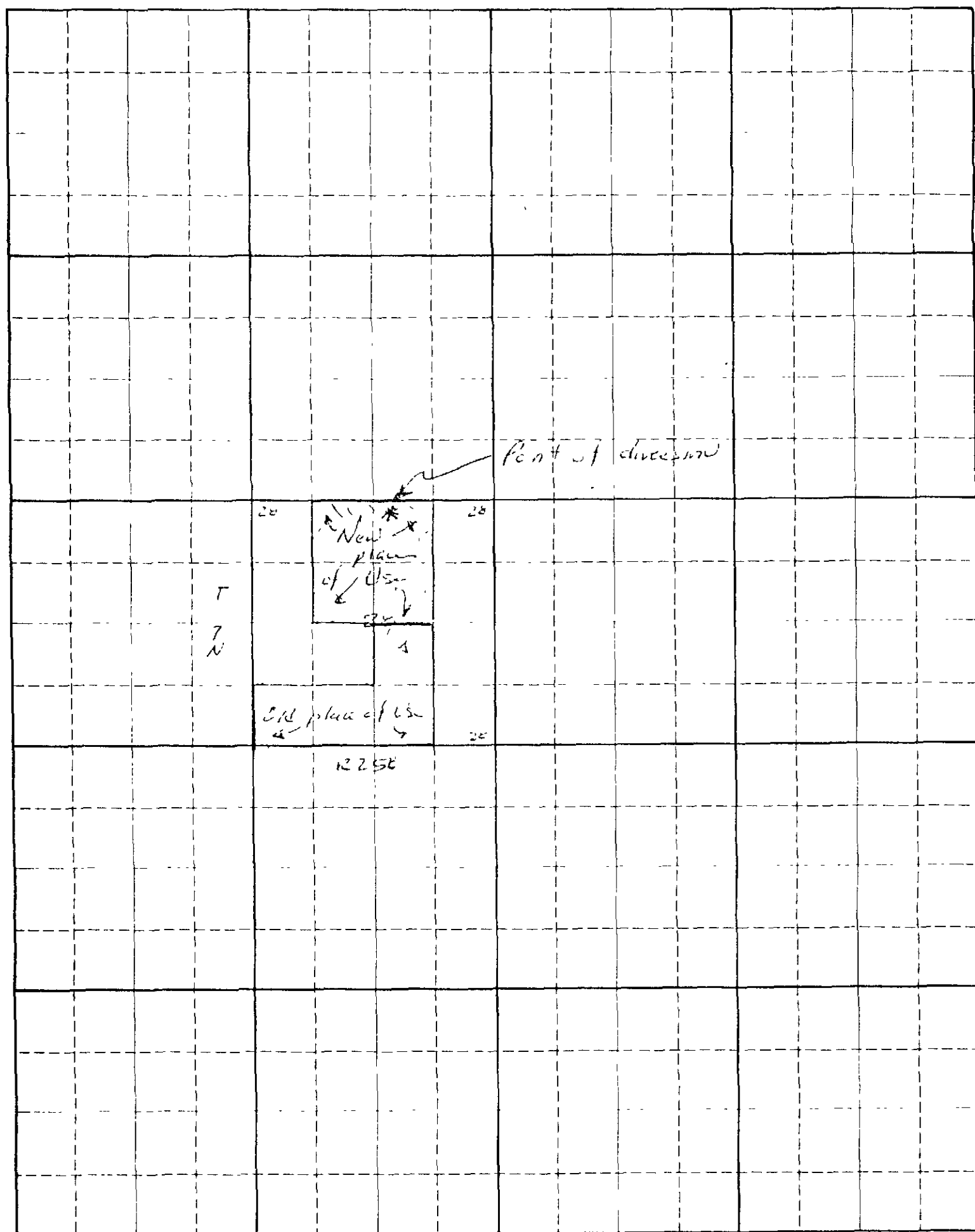
d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	25E	28		40	40		40			40									160

3. 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.

4. 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.

Reed J. Asay
(Signature of applicant)

Subscribed and sworn to before me this 12 day of February, 1980.

Robert Lee Henry
(Notary public)

My commission expires 3/15/1981

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0044/34-0045 and said application is hereby approved, subject to the following limitations and conditions:

(1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this right is subject to control by the watermaster of State Water District # 34, Big Lost River.

Witness my hand this 5th day of April, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by kw Date 2/13/80 Protest filed by _____
Prelim. check by _____ Fee 35.00
Receipted by kw Date 2/13/80 #15590
Published in Custer Publishing Co. Copies of protest forwarded by _____
Pub. dates 2/21 & 2/18/80 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
2/20/80 rec'd. 3/4/80 by Jim DSI

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

For further correspondence relating
to this file see # 34-0044

RECEIVED

SIGNATURE

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), Jacob 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

MARIE L. ANTHONY

✓ 1884-April 22

1.0 Trans 684 Retrans. #950 1.0

1.9 684 688

All Trans fer

No. 20

NO. 20

1884-April 22

1.0 Trans 684 Retrans. #950 1.0

1.9 684 688

All Trans fer

No. 21

ARCO TOWNSITE COMPANY

1901-July 22

1.6 c. 34.0043

No. 22

No. 22

ELEAZER ASAY and
ERNEST W. ASAY

(a) 1884-June 1

1902-June 1

1884-May 10

0.8 c. 34.0044

0.4 c. 34.0045

(b) 1889-June 1

1889-June 1

2.0 c. 34.0046

No. 23

ANNA ATHA

1905-May 1

1912-August 30

0.8 c.f.s 34.0047

2.0 c.f.s 34.0048

No. 24

TO BE DIVERTED from Big Lost River through the Swauger ditch having its point of diversion in the Southwest quarter of Section 20, Township 7 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

The Northeast quarter of the Northeast quarter of Section 33 and the North half of the Northwest quarter of Section 34 and beginning at the Southwest corner of Section 27, Township 7 North Range 24 East, B. M., thence easterly 19.515 chains to corner stake on public road, thence northwesterly along said public road 21.71 chains to corner stake on west boundary line of said Section 27, thence along said boundary line in a southerly direction 15.645 chains to place of beginning containing 20.22 acres; all in Township 7 North, Range 24 East, B. M.

To be diverted from Big Lost River through the Arco canal 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:

The Northeast quarter of Section 36, Township 4 North, Range 26 East, B. M.

To be diverted from Jensen springs through a private ditch having its point of diversion in the Northeast quarter of Section 28, Township 7 North Range 25 East, B. M., for the irrigation of the following described land, to-wit:

The South half of the Southwest quarter and the West half of the Southeast quarter of Section 28, Township 7 North, Range 25 East, B. M.

To be diverted from Big Lost River through the Upper Burnett ditch having its point of diversion in the Northwest quarter of Section 34, Township 7 North, Range 24 East, B. M., for the irrigation of the land last above described.

To be diverted from Big Lost River through the Nielsen ditch having its point of diversion in the Northwest quarter of Section 15, Township 8 North, Range 21 East, B. M., for the irrigation of 140 acres of land in the following described legal subdivisions, to-wit:

The South half of the Northeast quarter and the North half of the Southeast quarter of Section 17, Township 8 North, Range 22 East, B. M.

MARIE L. ANTHONY

✓ 1884-April 22

1.0 Trans 684 Retrans. #950 1.0

1.8 698

All Transfer

No. 20

W. L. HARK

1884-1885

1885-1886

1886-1887

1887-1888

No. 21

ARCO TOWNSITE COMPANY

1901-July 22

1.6 c.s. 34.0043

No. 22

ELEAZER ASAY and
ERNEST W. ASAY

(a) 1884-June 1

1902-June 1

1885-June 1

0.8 c.s. 34.0044

0.4 c.s. 34.0045

(b) 1889-June 1

1898 Trans 798

2.0 c.s. 34.0046

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1912-August 30

2.0 c.f.s. 34.0048

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IN EQUITY NO. 222

DECREE

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AND FOR THE DISTRICT OF IDAHO, EASTERN

DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

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34-0043 1901-July 22 1.6 c.f.s.

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ERNEST W. ASAY

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34-0045 1902-June 1 0.4 c.f.s.

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The South half of the Southwest quarter and the West half of the Southeast quarter of Section 7 Township 7 North, Range 25 East, B. M.

34-0046 (b) 1889-June 1 2.0 c.f.s.
Trans. " 798

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34-0047 1905-May 1 0.8 c.f.s.
34-0048 1912-August 30 2.0 c.f.s.

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No. 24

NAME OF APPLICANT Reed Tring Transfer

Form No. 0

T
N

28

Reed

Vernon Warner Tring

R2SE

Centred Custer County Assessors office
1-25-1980 3:45

The following lands are owned by
Reed Tring: W 1/4 SE 1/4 Sec 28, T.1N, R 2SE
Vernon Warner; E 1/2 SW 1/4 Sec 28, T.1N R 2SE
Steve McCormick

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1, *MAO LAGET PARKS*

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated *FEB 21*,
19 *80* and ending with the issue
dated *FEB 28*, 19 *80*.

Notary Public

Subscribed and sworn to before
me this *4* day of *March*,
19 *80*.

Notary Public
Notary Public, residing at Challis,
Idaho. My commission expires on

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**
NOS. ~~34-0044~~ 34-0015

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Asay, Mackay, Idaho, has applied to
the Department of Water Resources
for a change in the place of use of the
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Asay in Case of Utah Construction vs
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PRIORITY, June 1, 1884

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SION, Within the NE¹/₄, Sec. 28, Twp
7N, Rge. 25E, B.M., Custer County.

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Sec. 28, Twp. 7N, Rge. 25E, B.M.

TO BE CHANGED AS FOLLOWS:

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160 acres within the W¹/₂NE¹/₄,
E¹/₂NW¹/₄, Sec. 28, Twp. 7N, Rge.
25E, B.M.

Any protest against approval of the
above proposed change of water
right must be filed with the Idaho
Department of Water Resources,
1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before March 10
1980.

C. STEPHEN ALLRED

Director

Published in the Challis Messenger
on 2/21 & 2/28/1980

RECEIVED

MAR 5 1980

Department of Water Resources
Idaho Falls Office

RELINQUISHMENT

I, Vernon E. Warner, owner of the property described as:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Fr: S $\frac{1}{2}$ SE $\frac{1}{4}$, Tax 1, Section 28 Twp 7 North Rge 25 EBM

hereby relinquish all rights to Decree 23 (A)) which reads as follows:

1884-June 1, .8 cfs

1902-June 1, .4 cfs

appurtenant to the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ and W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 28, Twp 7 N Rg25 EBM

To be diverted from Jensen Springs through a private ditch having its point of diversion in the NE $\frac{1}{4}$ of section 28, Twp 7 N. Rge 25 EBM.

T O

NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 28 twp 7 Rge 25 EBM

N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27 " "

Lot 1,2,3, NE $\frac{1}{4}$ SE $\frac{1}{4}$ section 21

Lot 1,2,3,4 section 22

E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ section 22 " "

Owned by Reed Asay

Vernon E. Warner

STATE OF IDAHO)
COUNTY OF CUSTER)

On this 14 day of January, 1980 before me, the undersigned a Notary Public in and for said County and State, personally appeared Vernon E. Warner known to me to be the person whose name is subscribed above and that he executed the foregoing instrument.

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

S E A L

Larry D. Silver
Notary public for the State of Idaho
Residing in Mackay, Idaho
My commission expires 3/15/1981

Lipe

RECEIVED

JAN 16 1980

Department of Water Resources
Eastern District Office