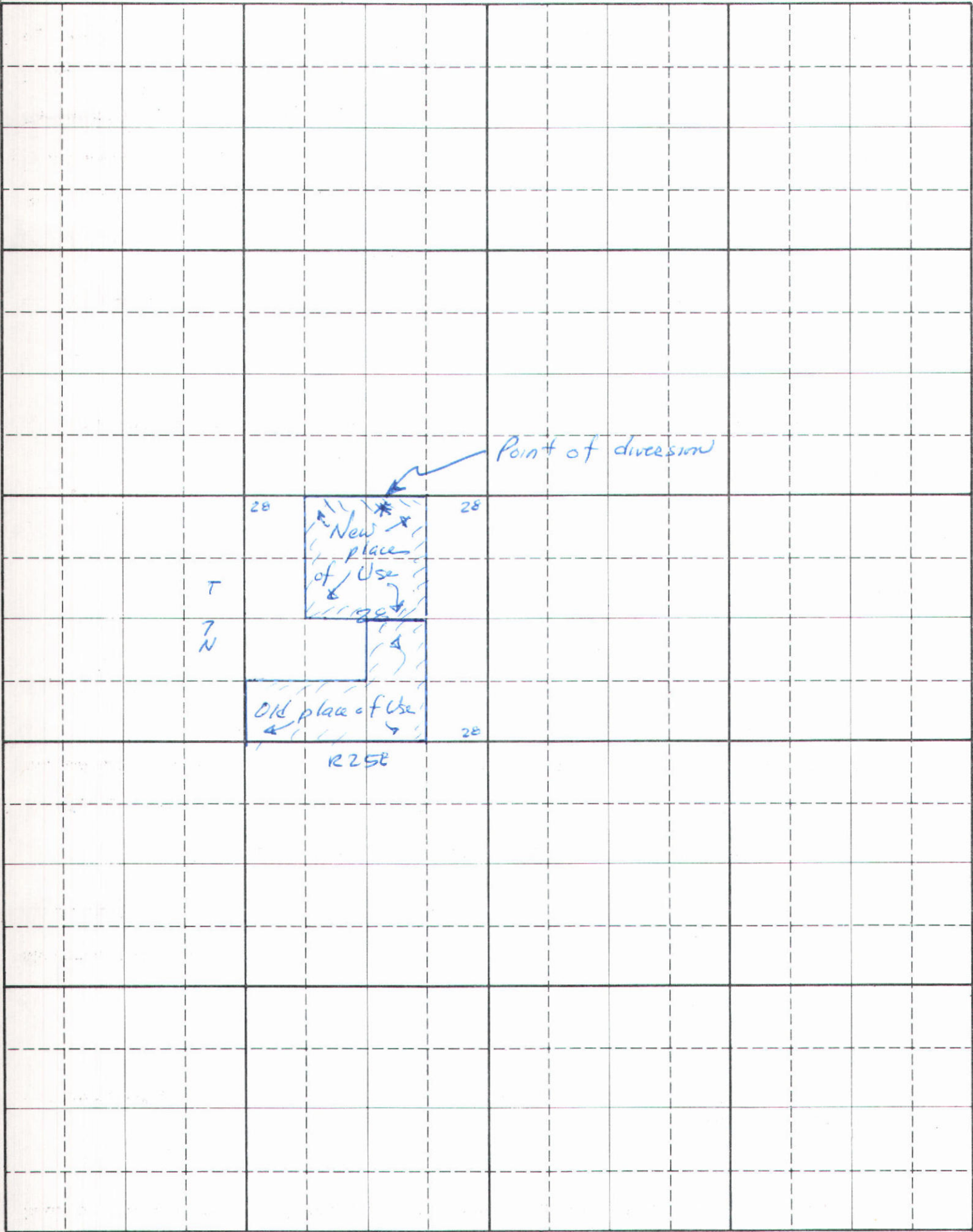


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

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.

Sandra M. Jones.....
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. □□□

ok kw
3/2/80

RECEIVED

MAR 5 1980
MICROFILMED
Department of Water Resources
Eastern District Office

NAME OF APPLICANT Reed Army Transfer

Form No. 0

T
T
N

28

Reed

Vernon Warner Army

R2SE

Consulted Custer County Assessors office
1-25-1980, 3:45

The following lands are owned by
Reed Army: W 1/4 Sec 28, T.7N, R. 2SE
Vernon Warner; S 1/4 Sec 28, T.7N R. 2SE
Steve McCormick

MICROFILMED

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

To Change the Point of Diversion and/or the Place of Use **APPROVED**

Name of applicant 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 Elezyer & 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
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is * 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	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
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 **NOT RECORDED**

*Not stated in decree.

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	

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 _____

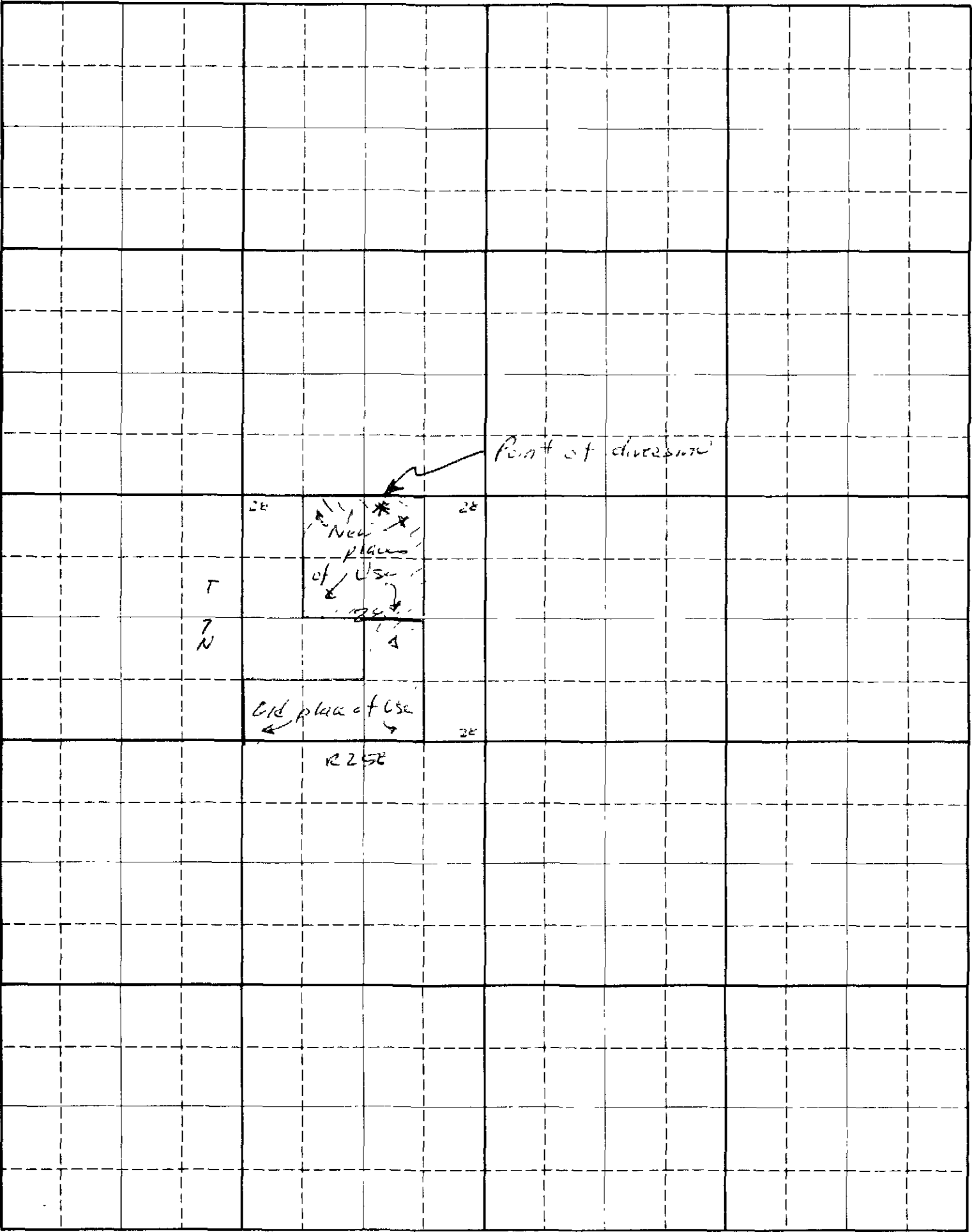
2. Change in place of use

- 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

Total number of acres to be irrigated 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 Z. Asay
(Signature of applicant)

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

Rita M. Hunsley
(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 16TH 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 _____
KW 2/4/80
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 & 2/28/80 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
2/20/80 rec'd. 3/4/80 by Jim DRT

7 North, Range 24 East, B. M.;
tion 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.

No. 21

ARCO TOWNSITE COMPANY

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

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.

No. 22

ELIAZER ASAY and
ERNEST W. ASAY

34-0044 (a) 1884-June 1 0.8 c.f.s.
34-0045 1902-June 1 0.4 c.f.s.

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.

NO. 23

ANNA ATHA

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

No. 24

April 16, 1980

Reed Asay
Box 415
Mackay, Idaho 83251

Dear Mr. Asay,

RE: Transfer of Water Right No.'s 34-0044/34-0045

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2416). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

RECEIVED
APR 22 1980
LMEB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY:

A R Kozlowski

1. Right number 34-0044/34-005 Applicant Red Army

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

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

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 none see file for resolution of ownership.

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) none

j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? W.D. 34

FINAL PROCESSING REVIEW BY:

Ernst

1. Watermaster recommendation requested on 2/20/80 Received on 3/3/80

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* ① Minimum direct requirement ② Subject to control by water master of W.D. #34
01 05 (34 Big Lost River)

4. By Ernst

Date 3/17/80

4/9/80 SEE ABOVE FOR CONDITIONS.

* All uses within Watermaster Districts require special conditions.

MICROFILMED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 34-0044/34-0045

RECOMMENDATION OF WATERMASTER

I, Eugene H. Gabert, watermaster of Big Lost River,
of Water District No. 34, County of Butte & Custer, State of Idaho,
whose address is Box 206 Mackay, Idaho 83251
have read the attached copy of the application for transfer of water right for _____
Reed Asay, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: None

OR

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

Dated at Mackay, Idaho, Idaho, this 28 day of February 19 80.

Eugene H. Gabert
(signature)

RECEIVED
MICROFILMED 3 1980

Please use reverse side if needed.

Department of Water Resources
Eastern District Office

INTER-DEPARTMENT MEMO — 1

DATE 4-11-80

FROM Dave TUTHILL

TO 34-0044

SUBJECT

Ownership of SW SW, SE SW, T4N 1, S 1/2 SE 1/4 S 28 T 7N R 25 E
by Vernon Warner confirmed by telecon w/ assessor in Custer Co this
date.

Det **MICHAEL**

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 " "

RECEIVED

JAN 16 1980

Department of Water Resources
Eastern District Office

Owned by Reed Asay

Vernon E Warner

STATE OF IDAHO)
 ss
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

Life

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,

19 80 and ending with the issue
dated FEB 28, 19 80.

Margaret Parks

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

August 31, 1980

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 34-0044/34-0045

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in U S District Court, Eastern
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PRIORITY: June 1, 1884

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PRIORITY: June 1, 1902

DECEED 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

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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
Custer District Office

7
N

26

Lead

17 1 1 1 1 1
Kernan K. Kernan

13-7

225E

Centred Custer County Assessors office

1-25-1980 3:45

The following lands are owned by
Reed Bray: W¹/₂ SE¹/₄ Sec 28, T 7N, R 25E
Nelson Warner; E¹/₂ SW¹/₄ Sec 28, T 7N, R 25E
Steve McGinnis



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

February 20, 1980

RE: Applications for Transfer of Water Right Nos. 34-0016 - Reed Asay
34-0044/34-0045 - Reed Asay
34-0046 - Vernon Warner

Eugene Gabert
Watermaster, District 34
413 Elm
Mackay, ID 83251

Dear Mr. Gabert:

Please find enclosed copies of the above referenced applications and watermaster recommendation forms. Please review the applications and complete the forms, returning them to this office on or before March 10, 1980.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST M. CARLSEN
Sr. Resource Analyst

EMC:kw
Enclosures

117-117-117

February 19, 1980

RE: Application for Transfer of Water Right No. 34-0044/34-0045

Reed Asay
Box 415
Mackay, ID 83251

Dear Mr. Asay:

Attached herewith is Departmental Receipt No. 15590 in the amount of \$35.00 for the above referenced application.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 34-0044/34-0045

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34-0045	0.4 cfs	June 1, 1902

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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.

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C. STEPHEN ALLRED

Director

Published in the Custer Publishing Co. on 2/21 & 2/28/1980.

RECEIVED