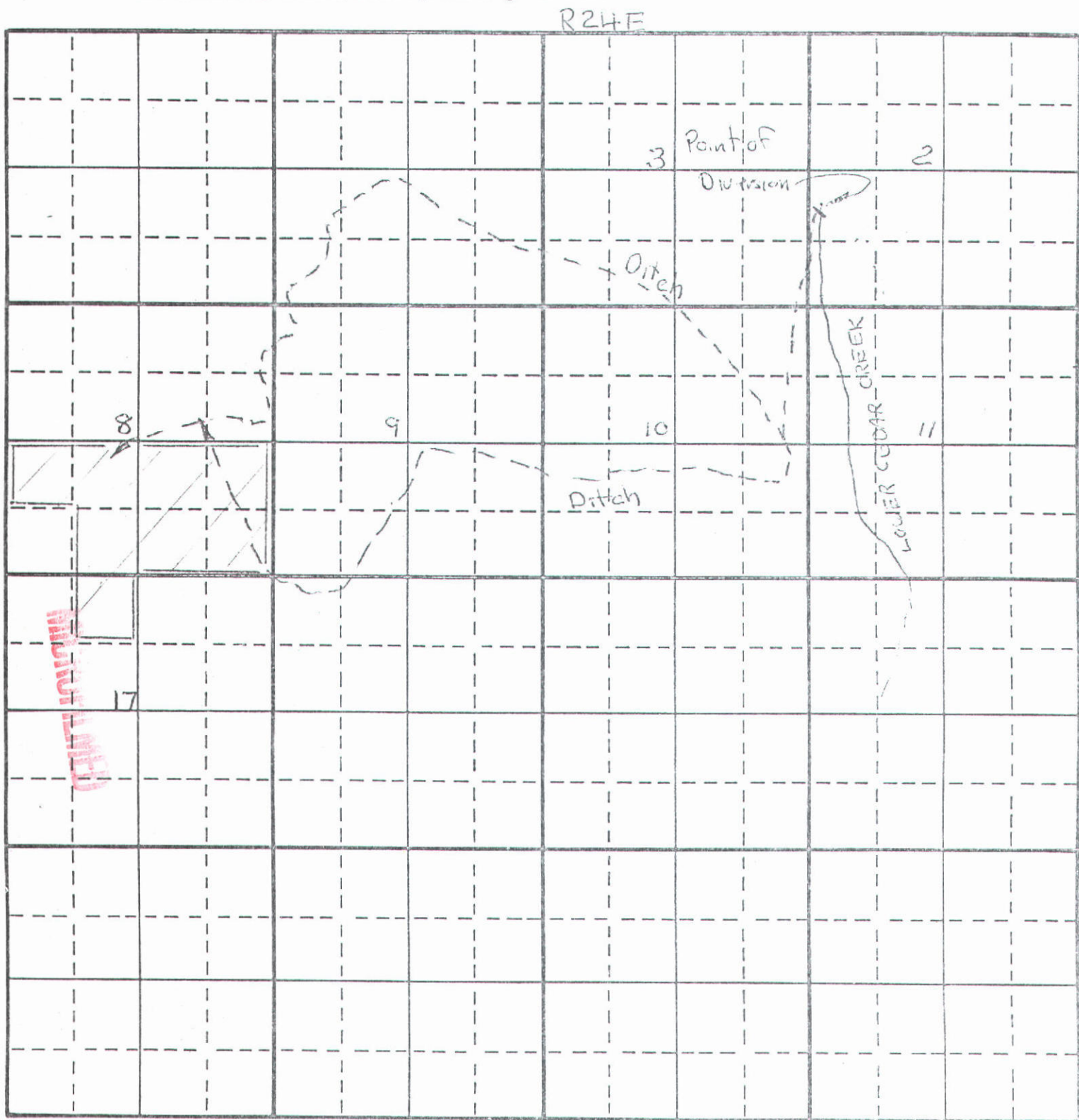


c. Describe the land place of use to which the right will be referred:

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	24E	8									40	40		40	40	40	40	40	280
		17					40												40

Total number of acres to be irrigated 320

- Describe any other water rights used for the same purpose as described above. 34-0808
*see remarks
- 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.



NOV 13 1982

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

Name of applicant Reed M. Nielsen Phone 588-2642
Post Office address Box 216, Mackay, Idaho 83251

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by
34-0884; 0885; 0886
a Decree No _____ Decreed to C.V. Hansen (Name)
in case of Utah Construction vs Abbott et al
dated in Oct. 1, 1925 in U.S. Dist. 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 Right has not been used on original place of use, but rather the Nielson family has used it on their ground. Therefore a purchase agreement was reached.
- 3 Source of water Lower Cedar Creek tributary to sinks
- 4 Date of priority Jan. 1, 1915 (34-0886) Jan. 1, 1913 (34-0884)
Jan. 1, 1914 (34-0885)
- 5 Water is used for the following purposes
- | | | | | Not specified |
|---------|--------|---------------|-----|--|
| 34-0884 | amount | <u>3.2cfs</u> | for | <u>Irrigation</u> purposes from _____ to _____ |
| 34-0885 | amount | <u>1.6cfs</u> | for | <u>Irrigation</u> purposes from _____ to _____ |
| 34-0886 | amount | <u>1.6cfs</u> | for | <u>Irrigation</u> purposes from _____ to _____
(month/day — both dates inclusive) |
- 6 Total amount of water under right a 6.4 cubic feet per second
&/or
b _____ acre feet per annum
7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2
Township 7N Range 24E, B.M. in Custer 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 $\frac{1}{4}$	
7N	25E	28	*	*	*	*	*			*	*	*							*

*acreage not listed in decree

Total number of acres to be irrigated _____ *

- 9 Describe any other water rights used for the same purpose as described above #34-2487
T2416/34-0044 & 0045 & 34-2016
- 10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive year 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 _____ 1/4 _____ 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	

Total number of acres to be irrigated _____

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

1. General Information
- a Amount of water to be diverted 6.4 cfs &/or _____ acre feet
- b Description of diverting works Wood diversion dam thru headgate to 11 miles of ditches
- c Describe the reasons for the proposed changes Applicant can make better use of water than current right holder. Right has changed hands via agreement attached

- 2 Change in point of diversion No Change
- Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
- Range _____, B M., _____ County
- Additional points _____

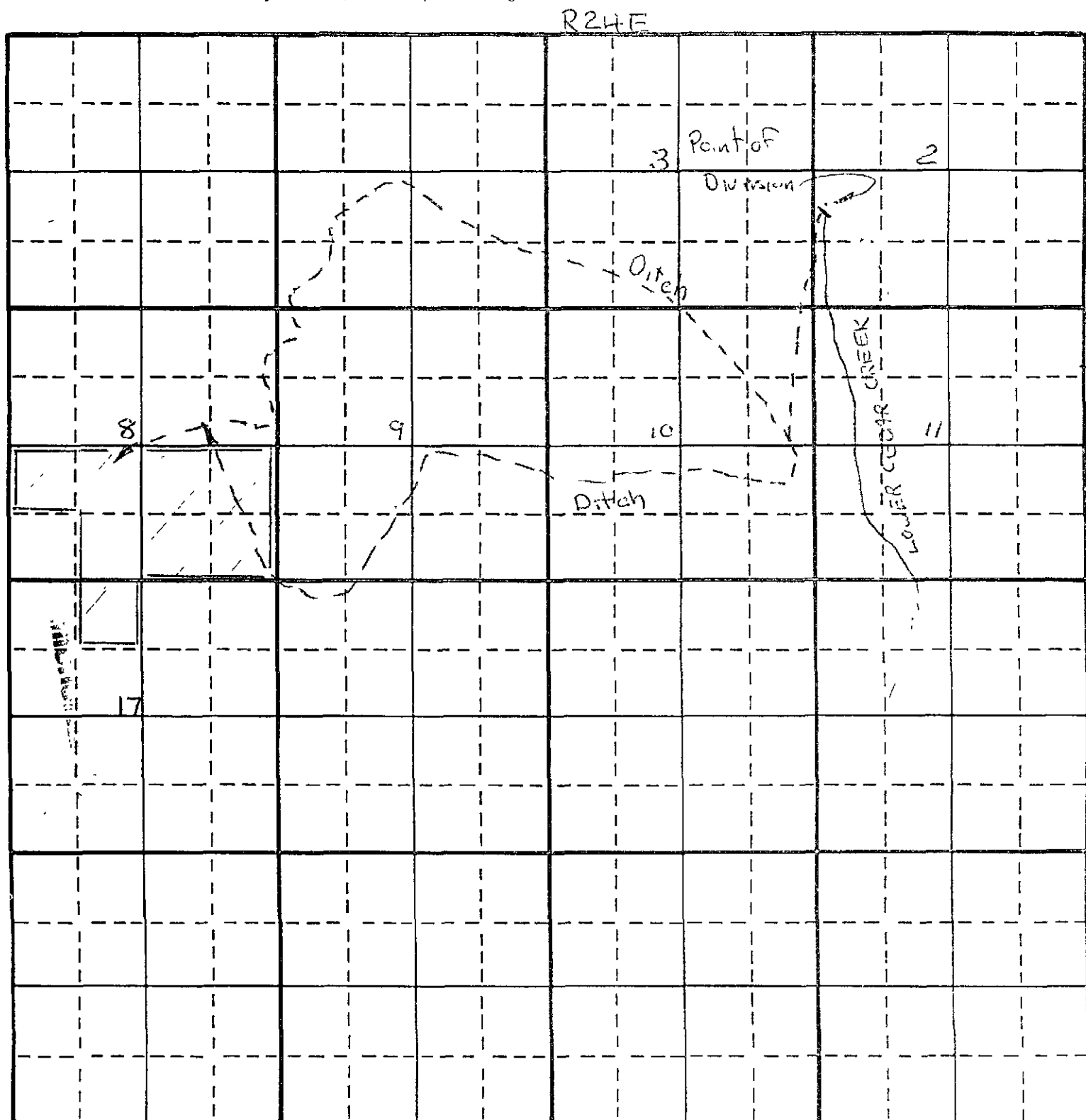
- 3 Change in place of use
- a Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract
- b Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None

b

[illegible]

Total number of acres to be irrigated 320

- 4 Describe any other water rights used for the same purpose as described above 34-0808
*see remarks
- 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

D REMARKS

Applicant feels attached Moritz formula chart for delivery water losses
establishes that 45-50% of water diverted at PD is lost via 5 miles of
ditches to the place of use. Soil is of an extremely pervious type.
The combination of this right and 34-0808 would deliver no more than
0.02cfs/acre at the place of use.

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

Subscribed and sworn to before me this 14 day of October, 1982

[Signature]
(Signature of Applicant)
[Signature]
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No 34-0884, 34-0885 and
34-0886
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting
works.
2. Use of water under these rights is subject to control by the watermaster of State
Water District No. 34, Big Lost River.
3. Water diverted under this transfer shall not exceed 0.02 cfs per acre at the field
headgate when combined with all other rights appurtenant to the lands identified
herein.

Witness my hand this 10th day of May, 1983

[Signature]
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Assist by H.W.J. CW 11-19-82
Received by SRC Date 11-10-82 Protest filed by _____
Prelim check by H.W.J. Fee 50.00
Receipted by BP Date 11-22-82 #22591
Published in Custer County Publ. Co. Copies of protest forwarded by _____
Pub dates 12/19 & 12/16/82 Hearing held by _____ Date _____
Watermaster recommendation requested on 12-16-82 Recommended for approval denial
_____ rec'd 1-11-83 by Ernest Carlson, Jim Dyer

C. V. Hansen

1913-January 1 ✓ 3.2 c.f.s.

34 0884

1914-January 1 ✓ 1.6 c.f.s.

34 0885

1915-January 1 ✓ 1.6 c.f.s.

34 0886

No. 545.

To be diverted from Lower Cedar Creek through the Hansen ditch having its point of diversion in the Northwest quarter of the Southwest Quarter of Section 2, Township 7 North, Range 24 East, B.M., for the irrigation of the following described land, to-wit:

The Northeast quarter, East half of the Northwest quarter and the North half of the Southwest quarter of Section 28, Township 7 North, Range 25 East, B.M.

William J. Harris

(Named in Plaintiff's amended complaint herein as William Harris)

1896-March 2 ✓ 0.8 c.f.s.

34 0887

No. 546.

To be diverted from Big Lost River through the Burstedt-Johnson Ditch having its point of diversion in the Northwest quarter of Section 32, Township 6 North, Range 26 East B.M., for the irrigation of the following described land, to-wit:

Southeast quarter of the Southwest quarter of Section 9, Township 5 North, Range 26 East, B.M.

G. A. Hodges

1898-June 1 ✓ 1.6 c.f.s.

34 0888

1887-June 30 ✓ 0.8 c.f.s.

12-6-1-98 Trans. 570

34 0889

No. 547.

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 following described land, to-wit:

The North half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 7, Township 6 North, Range 26 East, B.M.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHTS NOS. 34-0884,)
34-0885, AND 34-0886. IN THE NAME)
OF REID M. NIELSEN)

ORDER

WHEREAS, on November 10, 1982, Reed M. Nielsen filed with the Department of Water Resources, Application for Transfer #2759 in connection with Water Right Nos. 34-0884, 34-0885, and 34-0886; and,

WHEREAS, on December 9 and December 16, 1982 said Application for Transfer was published in the CHALLIS MESSENGER; and,

WHEREAS, on May 10 1983, the Department approved said Transfer with the condition that the use of said water rights were subject to the control of the watermaster of Water District No. 34, Big Lost River; and,

WHEREAS, May 19, 1983, Mr. Nielsen informed the Department that said water rights using Lower Cedar Creek were excluded from Water District No. 34 because water from Lower Cedar Creek was not tributary to Big Lost River,

IT IS THEREFORE HEREBY ORDERED that the condition of approval of application of transfer No. 2759 for water right Nos. 34-0884, 34-0885, and 34-0886, which subject the use of water under the transfer to the control of the watermaster of Water District No. 34 is REMOVED.

Dated this 6th day of June 1983.


L. GLEN SAXTON
Chief, Operations Bureau

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 4/21/1983

TO Water Right Files 34-0885 and 34-0886

SUBJECT Transfer No. 2759

See Water Right File No. 34-0884 for all correspondence regarding the above referenced transfer.

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SIGNATURE