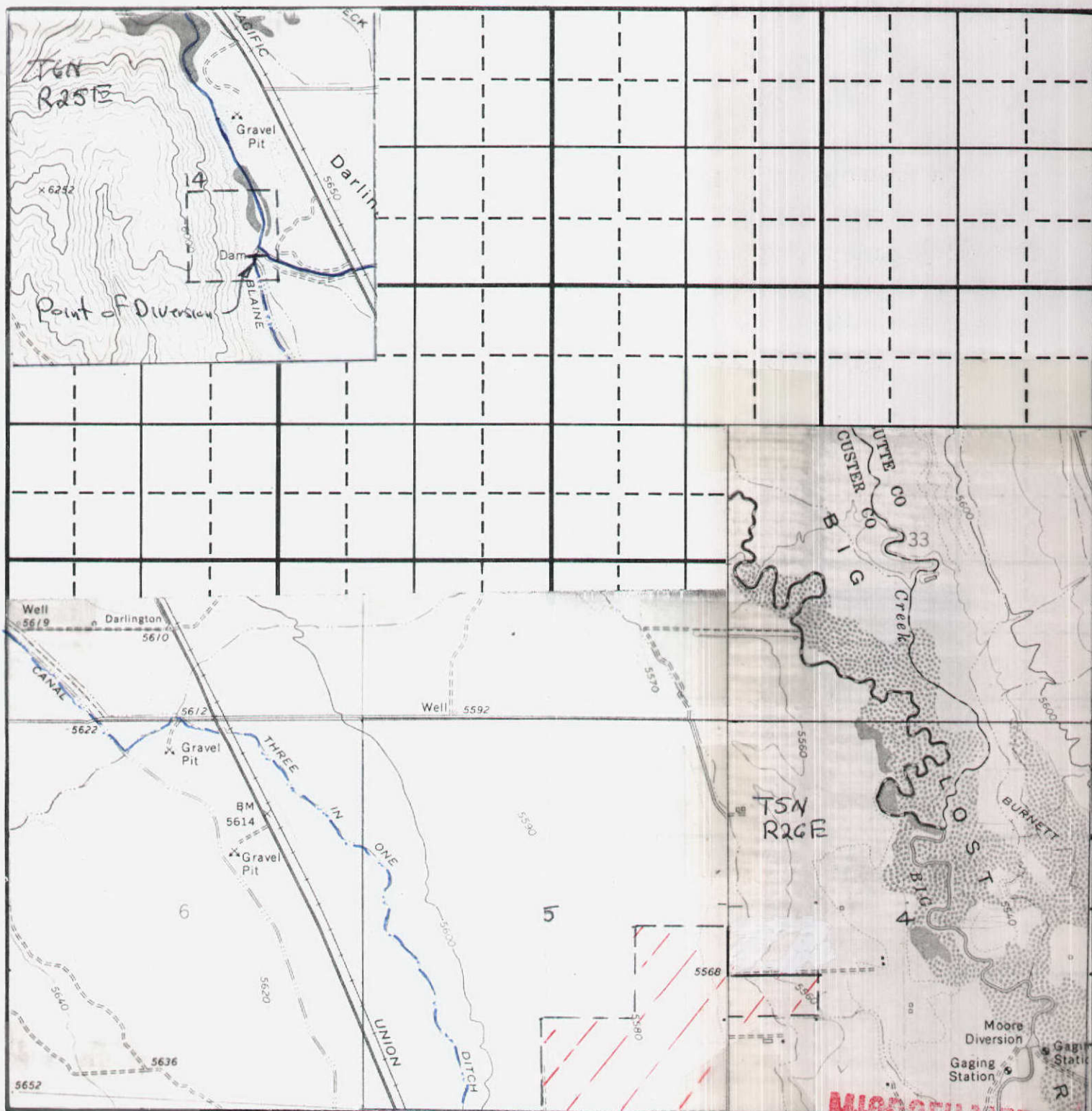


c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	26E	4										5							5
		5													40		40	40	120

Total number of acres to be irrigated 125

4. Describe any other water rights used for the same purpose as described above. 34-0405 and 34-0406
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.

JAN 26 1993

Please see page 3 where Board of directors transferred this water. It should have been for storage water only - but no doubt was misunderstood and assumed it transferred everything.

THIS AGREEMENT, made and entered into this 5 day of Oct, 1948, by and between Big Lost River Irrigation District, a duly organized Irrigation District of the counties of Butte and Custer, State of Idaho, having its office and principal place of business at Mackay, Custer County, Idaho, the party of the first part, here-in-after called the District, and E. S. Gail, of Moore, Idaho, the party of the second part, WITNESSETH:

WHEREAS, the District is a duly organized Irrigation District of the State of Idaho, in the counties of Butte and Custer of said State, and has its office and principal place of business at Mackay, Custer County, Idaho, and as such District is the owner and in possession of all the water rights out of the Big Lost River and its tributaries, Butte and Custer Counties, Idaho formerly owned by the Utah Construction Company, a corporation, and certain individual land owners on said company's Carey Act Project in Butte County, Idaho, said water rights having heretofore been purchased by said District from said Company from the proceeds of a bond issue in the sum of \$258,500.00 voted by the resident land owners of the District on May 18th, 1935; and

WHEREAS, pursuant to and in accordance with the Statutes of Idaho, in such case made and provided, a Petition was filed in the District Court of the County of Custer, State of Idaho, on December 3rd, 1935, by the Board of Directors of said District, for the examination, approval and confirmation among other things, of all proceedings taken by said District connected with the formulation of a plan of operations for said District of all proceedings taken in connection with the assessment and apportionment of benefits, had and taken by said District by reason of the carrying out of such plan, the cost of which is represented by its first issue, first series bonds in the amount of \$238,500.00 issued for the purchase of irrigation works and water rights, and for the examination, approval and confirmation of all proceedings had and taken by said District connected with the authorization, issuance and sale of said bonds, and of all matters in connection with or related to any of the above mentioned proceedings; and

WHEREAS, after due and legal hearing on said petition, a judgment and decree was entered in said Court on January 6, 1936, approving and confirming each and all of the above mentioned proceedings and making an apportionment and distribution of benefits to and upon the lands within said District

NOTED

JAN 26 1993

which lands are more particularly described in said judgment and decree and in the books and records of the District, and which includes the lands hereinafter described; and that said judgment and decree apportioned the benefits properly assessable against said lands of the party of the second part as to tract acreage, irrigable acres, acres approved for storage water benefits, amount of basic assessment, amount of storage water assessment, and the total amount of assessment as follows, to-wit:

<u>Tract Acreage</u>	<u>Irrigable Acres</u>	<u>Acres approved for storage water benefits</u>	<u>Amount Basic Assess.</u>	<u>Amount storage Water Assessment</u>	<u>Total amount assessment.</u>
160	62	59	124000	601.74	625.74

WHEREAS, the total amount of the aforesaid assessment and apportionment of benefits as fixed by said Court by its said judgment and decree of January 6, 1936, was made and decreed to be a prior and superior lien on said lands first described herein and water rights appurtenant thereto, to all mortgages and other liens against said lands and the appurtenances; and the said supplemental storage water right was decreed by judgment and decree for use upon said lands only and no other lands.

WHEREAS, bonds duly and regularly issued in the sum of \$238,500.00 by the District pursuant to legal authority therefor, have heretofore been purchased and are now owned by Reconstruction Finance Corporation under the terms and conditions of a certain agreement made and entered into between the District and Reconstruction Finance Corporation, approved by said District of date, March 20, 1935; and

WHEREAS, George Judd is the owner and in possession of the following described lands situate in the County of Butte, State of Idaho, to-wit:

NE¹/₄ Section 30, Twp. 6 North, Range 26 E.B.M.

and said lands having appurtenant thereto 125 inches of waters of Big Lost River with date of priority of May 31, 1898, said water right having been decreed to John E. Harper as right # 196 by decree signed by Judge E. S. Farrington of date of March 15, 1923, in the United States District Court of the District of Idaho, Eastern Division, in the case of the Utah Construction Company, a Corporation, as plaintiff, vs John F. Abbott, et al, as defendants in Equity # 222, which water right has been sold by George Judd to E. R. South, then E. R. South sold said water right to E. B. Call.

WHEREAS, the said George Judd was entitled to the use of said

RECORDED

JAN 26 1993

using upon said above described lands a certain supplemental storage water right out of the Mackay Reservoir belonging to the District for 59 acres of said lands in the amount of 1.77 acre feet per acre, or such proportion of such stored water as may be available in said reservoir from year to year to the above lands, as have been approved and allotted storage water and benefits by the said decree of confirmation dated January 6, 1936, in the District Court of the Sixth Judicial District for the State of Idaho, and for the County of Custer; and that the aforementioned supplemental storage water was sold by George Judd to E.R. South, then E. R. South sold said supplemental storage right to E.B. Call; and

WHEREAS, the party of the second part desires to change the place of use of said decreed water right, to-wit: 125 inches of the waters of Big Lost River with date of priority of May 31, 1898, and the above described supplemental storage water right of 1.77 acre feet per acre for 59 acres, from the lands above described, to the following described lands owned by the said E.B. Call, situate in the County of Butte, State of Idaho, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, Twp. 5 North, Range 26 E.B.M.
SW $\frac{1}{4}$ SW $\frac{1}{4}$, FR. S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 4, Twp. 5 N. Range 26 E.B.M.

WHEREAS, said District has and holds first and prior lien upon said lands and said water first described herein for the payment of the sum of \$625.74, due thereon as an assessment and apportionment of benefits as aforesaid and it cannot legally agree to the change of place of use of all or any part of the decreed water rights or supplemental storage water rights appurtenant to said lands, unless the amount of said assessment and apportionment of benefits is first paid by the parties of the second part or shall become a first lien upon said lands to which said water rights are sought to be made appurtenant by this agreement, the maintaining of said first lien being required of said District by the said Reconstruction Finance Corporation under its said agreement with the latter; and

WHEREAS, it will be for the best interests of said District and the parties of the second part that the change of the place of use of a portion of the said water right be made as hereinbefore set forth and that such change in place of use thereof will result in a better and more efficient use of said water right and on a better quality of lands

NOT THEREFORE, this agreement, WITNESSETH:

1. It is agreed that the aforesaid portion of the above decreed

MICROFILMED

JAN 26 1993

water right supplemental storage water right, to-wit:- 125 inches
May 31, 1898 priority and storage water supplemental thereto of 1.75
acre feet per acre (58 acres) or portion thereof, appurtenant to said lands
first above described herein, may be transferred, or the place of use
changed, by proper proceedings filed in the Department of Reclamation of
the State of Idaho, from said lands first described herein to the
following described lands; to-wit:-

S¹/₄S¹/₄E¹/₄, SW¹/₄E¹/₄, NE¹/₄E¹/₄ Sec. 4, Twp. 5 North Range 26 E.B.M. and
SW¹/₄SW¹/₄, E¹/₄S¹/₄SW¹/₄, Section 4, Twp. 5 N. Range 26 E.B.M.

such transfer or change of place of use to be made with the distinct
understanding and it is specifically agreed, that the sum of \$325.74
consisting of the following assessments, to-wit:-

Basic assessment on the 58 irrigable acres of May 31, 1898 priority	\$124.00
Storage " " " 19 acres of May 31, 1898 priority	501.74

the amount of said original assessment and apportionment of benefits, together
with accrued interest, penalties, bond interest and collection charges, shall
be ~~fit~~ a first lien in favor of said District on the said lands last above
described to which said change in place of use of said water right shall
be made, over and above any claim of the parties of the second part and of
any and all claimants and mortgagees of said land, which amount the parties
of the second part agree to pay to the District in full on the same terms and
conditions as assessments and apportionments of benefits are paid by other
land owners within said District under the aforesaid bond issue; and it is
hereby specifically agreed that the District does not by this agreement waive,
and it is hereby granted any and all legal rights provided by Title 42 of the
Statutes of Idaho for levy, collection and enforcement of any and all
assessments of every kind and character, including assessment for bond
interest and sinking fund, hereafter levied by the District against the
said lands to which said water rights are herein agreed to be transferred.

2. As a further consideration for said transfer or change of place
of use, the parties of the second part specifically agree to pay any and
all Irrigation District bond interest charges hereafter accruing against
said lands last above described, when and as the same shall become due and
under the same terms and conditions as required other land owners in said
District, and they also agree to pay all assessments and apportionment of
benefits and bond interest charges heretofore against said original lands
so that there shall be no delinquent charges of any kind or character against

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said land at the time of signing of this agreement.

3. It is fully agreed that before this agreement shall be fully operative and the parties bound by the provisions thereof, all mortgagees and other claimants against said lands, if any there be, shall consent in writing of such character that the claims of said mortgagees and claimants shall be subject to and inferior to the claim of the said District on said lands to which said water rights shall be transferred in the aforesaid sum of \$625.00, together with accrued interest, penalties, back interest and collection charges.

4. It is further agreed that the parties of the second part shall at their own expense file with the Department of Reclamation of the State of Idaho, an application for the change in place of use of said water rights and they shall bear all expenses connected therewith, and this agreement shall be incorporated in and become a part of such application for transfer and should the same be approved by the Department of Reclamation it shall be issued subject to the terms and conditions of this agreement and not otherwise, and the District agrees to file a written consent to such transfer with the said Department of Reclamation provided only that such transfer is made in accordance herewith.

5. It is further agreed that should it become legally necessary subsequent hereto, in order to effectuate the change of place of use or transfer of the water rights herein described, and carry out the terms and conditions of this agreement, the parties of the second part agree to pay any and all the necessary expense thereof, including the expense of any legal action and the recording of this contract in the proper county.

6. It is further agreed that this agreement is made and entered into subject to the approval of the Reconstruction Finance Corporation.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 5th October day of 1948, at Mackay, Idaho, in triplicate, one copy as signed being retained by each of the parties hereto, and one copy filed with the Department of Reclamation of the State of Idaho.

WITNESSED BY

Monty L. Dick
J. E. Mitalf

WITNESSED BY

SIG LOST RIVER IRRIGATION DISTRICT

By Clarence B. Leonard
President
Party of the first part

E. B. Coe
Party of the second part

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 2891 OF WATER RIGHT)
NO. 34-00314 IN THE NAME OF)
STEVEN C. PURSER)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of related Snake River Basin Adjudication claims filed with the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 19, 1983, Steven C. Purser (applicant) filed Application for Transfer No. 2891 (application) with the department in connection with water right no. 34-00314. The application proposed a change in the point of diversion.

2. A review of the Snake River Basin Adjudication claim filed by the present owner in connection with the above captioned water right shows that the change proposed on the application has been claimed as already "accomplished" pursuant to Section 42-1416A, Idaho Code.

3. The adjudication claim has been filed pursuant to Section 42-1416A, Idaho Code, as if the change(s) proposed on the pending application and a subsequent change in the point of diversion can be approved and decreed without the necessity of filing for a change as required in Sections 42-108 and 42-222, Idaho Code.

CONCLUSIONS OF LAW

1. Section 42-1416A, Idaho Code, provides in part as follows:

If any person entitled to the use of water has made a change in point of diversion, place of use, period of use or nature of use of all or a part of the water, including a change as part of an exchange as defined in section 42-105, Idaho Code, prior to the entry of an order commencing a general adjudication pursuant to section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections

42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code; and

(b) the water right may be determined by the director in the director's report pursuant to section 42-1411, Idaho Code, and decreed by the district court pursuant to section 42-1412, Idaho Code, as changed, if the change meets the substantive criteria of section 42-222, Idaho Code, for approval of such changes, provided that the change may be approved subject to conditions necessary to satisfy the substantive criteria of section 42-222, Idaho Code, for approval of such changes.

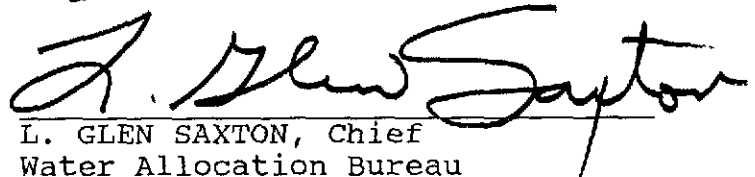
2. The department should set aside Application for Transfer No. 2891, and should consider the change(s) proposed in the application which have been claimed in the related adjudication claim(s) as being combined with and included in the review and recommendation of the adjudication claim in the Director's report required by Section 42-1411, Idaho Code.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 2891 filed in connection with water right no. 34-00314 is set aside and will not be separately considered by the department.

IT IS FURTHER, hereby ORDERED that if the applicant decides to contest this order, the applicant may request a hearing within thirty (30) days of the date of service of this order pursuant to Section 42-1701A, Idaho Code.

Dated this 15th day of December, 1992.


L. GLEN SAXTON, Chief
Water Allocation Bureau

Transfer No. 3891

Water Right No. 34-0314

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 Steven C. Purser Phone 554-2034
Post Office address Rt. 1, Box 119A, Moore, Idaho 83255

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by.
(195)
a. Decree No 34-0314 Decreed to John S. Harper
(Name)
in case of Utah Construction Co. vs John F. Abbott, et al
dated in 10/21/1925 in U.S. 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 Applicant owns
ground that right was transferred to by WD #34 in 1948.
3. Source of water Big Lost River tributary to Sinks
4. Date of priority 5/31/1898
5. Water is used for the following purposes
amount 2.5 cfs for Irrigation purposes from 5-1 to 10-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 2.50 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is _____ 1/4 of NE 1/4 of Section 24
Township 6N 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	
6N	26E	30	X	X	X	X													*

*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 _____

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
- ✓ 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

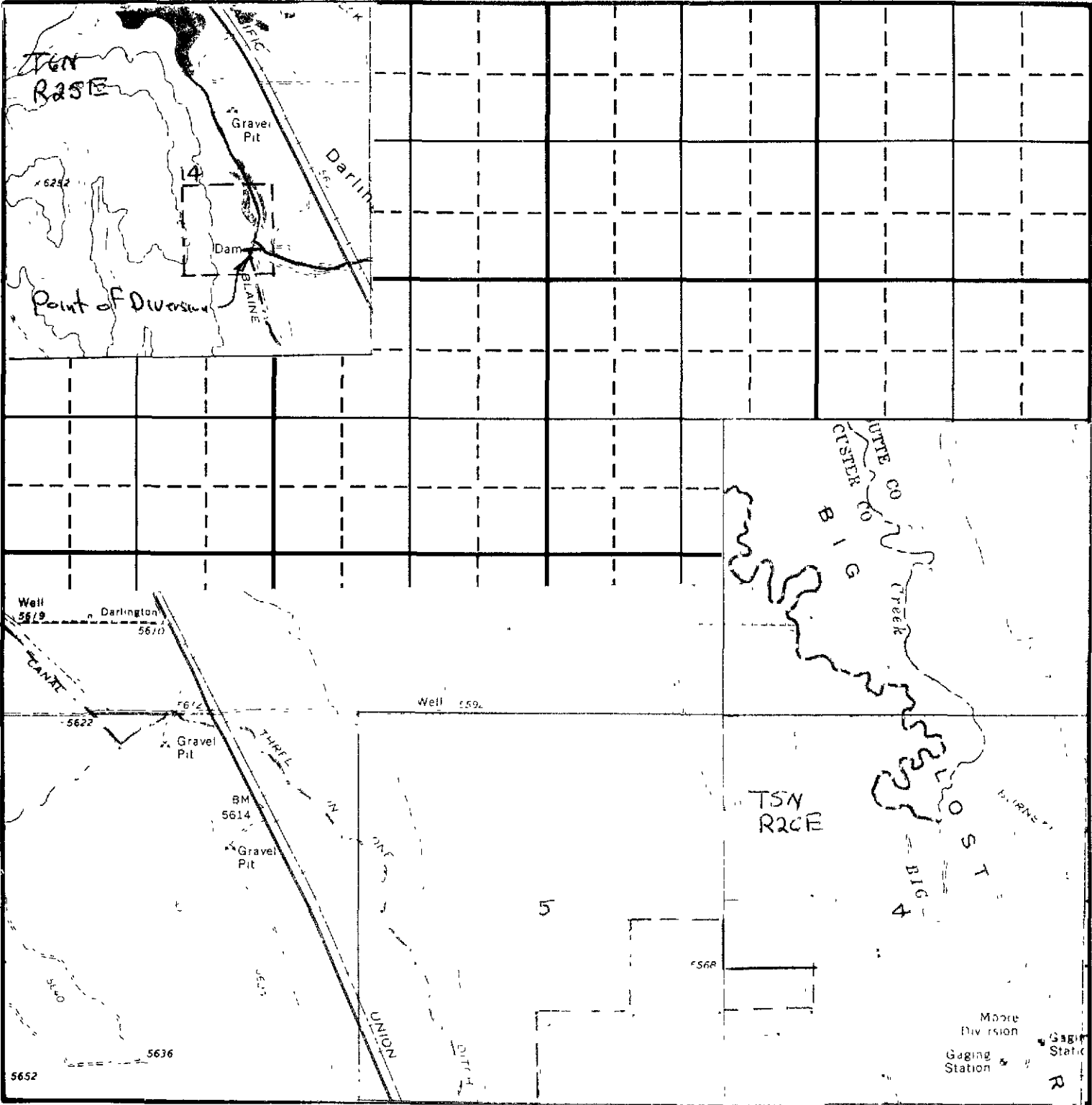
1. General Information
- a. Amount of water to be diverted 2.5 c.f.s. &/or _____ acre feet
- b. Description of diverting works Diversion dam on Blaine Canal via canal
and then the Three-In-One ditch to a lateral ditch
- c. Describe the reasons for the proposed changes This is the way water has
traditionally been used since 1948.
2. Change in point of diversion
- Point of diversion NW ¼ SE ¼, Section 14 Township 6N
Range 25E, B.M., Custer County
Additional points _____
3. Change in place of use
- a. Are there leins, 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, this transfer was initiated in fact in 1948 by the
Big Lost Irrigation District.

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

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	
5N	26E	4									5								5
		5													40		40	40	120

Total number of acres to be irrigated 125

- 4 Describe any other water rights used for the same purpose as described above 34-0405 and 34-0406
- 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

Actual place of use since 1948 action by Big Lost River is reflected in Section 3C and map section. Water has not been used on the SWSW of Sec. 4, T. 5N, R. 26E.

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 10 day of May, 19 83

[Signature]
(Notary Public)

My commission expires Sept 1984

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0314 and said application is hereby APPROVED, subject to the following limitations and conditions:

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.

Use of water under this right is subject to control by the watermaster of State Water District No. 34, Big Lost River.

This right when combined with all other rights shall not exceed 0.02 cfs/acre nor 3 acre feet per acre per annum.

Witness my hand this _____ day of October, 19 83

Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Assist by <u>HWS</u>	Date <u>5-19-83</u>	Protest filed by _____
Received by <u>[Signature]</u>	Fee <u>50.00</u>	
Prelim check by <u>EMC</u>	Date <u>6/13/83</u>	# <u>30544</u>
Receipted by <u>BP</u>		
Published in <u>Custer Publishing Co.</u>	Copies of protest forwarded by _____	
Pub. dates <u>7/14 & 7/21/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd.	by <u>[Signature]</u>	

34-0314 1993

HARRIET H. HARPER

1884-May 20 ✓

1.6 c.f.s. 1884

1884-July 15
0.8-7-15-84 Trans. 462 ✓

1.6 c.f.s. 1884

To be diverted from Big Lost River through the Harper-Sullivan ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. 1., for the irrigation of the following described land, to-wit:

The East half of the Southeast quarter and the South half of the Northeast quarter of Section 8, Township 4 North, Range 26 East, B. 1.

No. 192

CHESTER HARPER

1894-May 31 ✓

0.8 c.f.s. 1894

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. 1., for the irrigation of the following described land, to-wit:

The Northeast quarter of the Southwest quarter of Section 33, Township 5 North, Range 26 East, B. 1.

No. 193

HILDA CHARLOTTE JONES HARPER,
as Executrix of the estate of
Edwin L. Jones, deceased.

1899-May 1 ✓ 2010

2.7 c.f.s. 1899

To be diverted from Big Lost River through the Jones and Lake ditch having its point of diversion in the Northwest quarter of Section 36, Township 4 North, Range 26 East, B. 1., for the irrigation of 165 acres of land in the following described legal subdivisions, to-wit:

The East half of the Southeast quarter and Lots 3 and 4 of Section 31, Township 4 North, Range 27 East, B. 1.

No. 194

JOHN S. HARPER

1898-May 31 ✓

2.5 c.f.s. 1898

To be diverted from Big Lost River through the Lower Burnett ditch having its point of diversion in the Northeast quarter of Section 24, Township 6 North, Range 25 East, B. 1., for the irrigation of the following described land, to-wit:

The Northeast quarter of Section 30, Township 6 North, Range 26 East, B. 1.

No. 195

PARK HARPER

(Successor in interest
to Ardelia Hutchinson,
also named in plaintiff's
amended complaint as Ardelia
N. Hutchinson)

1899-March 27 ✓
1213 1899

0.535 c.f.s. 1899

To be diverted from Big Lost River through the Harper-Sullivan ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. 1., for the irrigation of the following described land, to-wit:

The Northeast quarter of the Southeast quarter of Section 4, Township 4 North, Range 26 East, B. 1.

No. 196

AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer ss

1 **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 **JULY 14**

19 **83** and ending with the issue dated **JULY 21** 19 **83**

Margaret Parks

Subscribed and sworn to before this **29th** day of **July**

19 **83** *Earl M. Beck*

Notary Public residing at Challis Idaho My commission expires on

Life

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 34-0314

Notice is hereby given that Steven C. Purser, Moore, Idaho, has applied to the Dept. of Water Resources for a change in the point of diversion and place of use of the waters of Big Lost River tributary to sinks. The right sought to be changed is evidenced by Decree No. 34-0314 to John S. Harper in case of Utah Construction Co vs. John F. Abbott, et al dated in 10-21-1925 in District Court, Butte and Custer Counties and is recorded as follows:

AMOUNT: 2.5 cfs
PRIORITY: 5-31-1898
POINT OF DIVERSION:
NE 1/4 Sec 24, T 6N, R 25E,
B.M. Custer County;

The water is used to irrigate lands within the NE 1/4 Sec. 30, T. 6N, R 26E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

The water will be diverted within the NW 1/4 SE 1/4 Sec 14, T 6N, R. 25E, B.M. Custer County and used to irrigate 125 acre within the NW 1/4 SW 1/4 Sec. 4, NE 1/4 SE 1/4, S 1/4 SE 1/4 Sec 5, T. 5N, R 26E, B.M.

Any protest against the above proposed change of water right must be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before August 1, 1983

A KENNETH DUNN
Director

Published 7/14 & 7/21/83.

204 23 7000

TO WHOM IT MAY CONCERN:

Undersigned certify that they are the present owners of the following described Real Property situated in Custer County, State of Idaho, to-wit:

TOWNSHIP 6 NORTH, RANGE 26 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO:

SECTION 30: NE $\frac{1}{4}$.

Undersigned further represent that they do not claim any right title or interest in a certain Decreed Water Right from Big Lost River, more particularly described as follows:

Decree No. 34-0314 for 125 miner's inches, with a priority of 5/31/98, which said Right may, at one time, have been appurtenant to, or used on the land above described.

DATED This 22nd day of April, 1983.

Hayes R. White
Hayes R. White

Faye B. White
Faye B. White

STATE OF IDAHO)
 :
County of)

On this 22nd day of April, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared HAYES R. WHITE and FAYE B. WHITE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Clifford J. Barber
Notary Public for Idaho,
Residing at , Idaho.

AGREEMENT

THIS AGREEMENT, made and entered into this 2 day of Oct, 1948, by and between Big Lost River Irrigation District, a duly organized Irrigation District of the counties of Butte and Custer, State of Idaho, having its office and principal place of business at Mackay, Custer County, Idaho, the party of the first part, here-in-after called the District, and E. J. Galt, of Moore Idaho, the party of the second part, WHEREAS:

WHEREAS, the District is a duly organized Irrigation District of the State of Idaho, in the counties of Butte and Custer of said State, and has its office and principal place of business at Mackay, Custer County, Idaho, and as such District is the owner and in possession of all the water rights out of the Big Lost River and its tributaries, Butte and Custer Counties, Idaho formerly owned by the Utah Construction Company, a corporation, and certain individual land owners in said company's Carey Hot Project in Butte County, Idaho, said water rights having heretofore been purchased by said District from said Company from the proceeds of a bond issue in the sum of \$250,000.00 voted by the resident land owners of said District on May 10, 1938; and

WHEREAS, pursuant to and in accordance with the Statutes of Idaho, in such case made and provided, a Petition was filed in the District Court of the County of Custer, State of Idaho, on December 3rd, 1938, by the Board of Directors of said District, for the examination, approval and confirmation among other things, of all proceedings taken by said District connected with the formulation of a plan of operations for said District of all proceedings taken in connection with the assessment and apportionment of benefits, had and taken by said District by reason of the carrying out of such plan, the cost of which is represented by its first issue, first series bonds in the amount of \$238,500.00 issued for the purchase of irrigation works and water rights, and for the examination, approval and confirmation of all proceedings had and taken by said District connected with the authorization, issuance and sale of said bonds, and of all matters in connection with or related to any of the above mentioned proceedings; and

WHEREAS, after due and legal hearing on said petition, a judgment and decree was entered in said Court on January 6, 1939, approving and confirming such and all of the proceedings taken by said District connected with the formulation of a plan of operations for said District of all proceedings taken in connection with the assessment and apportionment of benefits, had and taken by said District by reason of the carrying out of such plan, the cost of which is represented by its first issue, first series bonds in the amount of \$238,500.00 issued for the purchase of irrigation works and water rights, and for the examination, approval and confirmation of all proceedings had and taken by said District connected with the authorization, issuance and sale of said bonds, and of all matters in connection with or related to any of the above mentioned proceedings; and

which lands are more particularly described in said judgment and decree and in the books and records of said District, and which lands are hereinafter so described; and by said judgment and decree apportioned the benefits proper assessable against said lands on the basis of the same, part as to tract acreage, irrigable acres, acres approved for water benefits, amount of basic assessment, amount of storage water assessment, and the total amount of assessment as follows, to-wit:

Tract Acreage	Irrigable Acres	Acres approved for storage water benefits	Amount Basic Assess.	Amount storage water Assessment	Total amount assessment.
160	60	0	124.00	63.74	187.74

WHEREAS, the total amount of said assessment was apportioned of benefits as fixed by said decree by its said district court on January 7, 1935, as said decree led to the water right of said lands first described here and water rights appurtenant thereto, to all mortgagors and other liens held at said lands and the appurtenances, and the said supplemental storage water right was decreed by judgment and decree for use upon said lands only and no other lands.

WHEREAS, bonds duly and regularly issued in the sum of \$238,500.00 by the District pursuant to legal authority therefor, have heretofore been purchased and are now owned by Reconstruction Finance Corporation under the terms and conditions of a certain agreement made and entered into between the District and Reconstruction Finance Corporation, approved by said District of date, March 10, 1935; and

WHEREAS, George Judd is the owner and in possession of the following described lands situate in the County of Blaine, State of Idaho, to-wit:

NE 1/4 Section 30, Twp. 6 North, Range 26 E.B.M.

and said lands having appurtenant thereto 125 inches of waters of Big Lost River with date of priority of May 31, 1908, said water right having been decreed to John G. Hager as right #196 by decree signed by Judge E. S. Farrington of date of March 15, 1923, in the United States District Court of the District of Idaho, Eastern Division, in the case of the Utah Construction Company, a Corporation, as plaintiff, vs John F. Abbott, et al., defendants in Equity No. 232, which water right has been sold by George Judd to E. T. South, when E. T. South sold said water right to E. T. Gill.

AND, WHEREAS, the said water right was sold to E. T. Gill and

using the above described lands, certain supplemental storage
water right to the said lands, to wit: the right to use
50 acres of said lands to the amount of 1.77 acre feet per acre, of
such proportion of such storage water as may be available to said
reservoir from water from the above lands, as have been a reserve
and allotted storage water as provided by the said decree of confirmation
dated January 6, 1916, by the District Court of the Sixth Judicial
District for the County of Butte, State of Idaho; and that the
aforementioned right to use said water was sold by George J. Call, Jr.
South, then to E. B. Call, and that said storage water right to E. B. Call
and

WHEREAS, the words of the second part of said decree of confirmation of the place of
use of said reserved water right, to wit: 128 inches of water from the
River with date of priority of March 1, 1908, and the above described
supplemental storage water right of 1.77 acre feet per acre from 50 acres,
from the lands above described, to the following described lands owned by
the said E. B. Call, situate in the County of Butte, State of Idaho, to-wit:
Section 36, Twp. 5 N., R. 10 E., Sec. 3, Twp. 5 North, Range 10 East,
S.W. 1/4, Sec. 3, Twp. 5 N., Range 10 East.

WHEREAS, said District Court has held first and prior lien upon said
lands and said water first described herein for the payment of the sum of
\$625.74, due thereon as an assessment and apportionment of benefits to
said lands and to the extent of said water right to the owner of said lands
or any part of said reserved water right or supplemental storage water
rights appurtenant to said lands, and that said District Court has decreed
and apportionment of benefits to said lands and to the extent of the reserved
part or shall become a first lien upon said lands to which said water
rights are sought to be made appurtenant to said lands, the said lien
of said first lien being reserved to said District Court by the said State of
Finance Corporation under its said agreement with said District Court,

WHEREAS, it will be for the best interests of said District Court and
parties of the second part that the share of the proceeds of the sale of
portion of the said water right to be made appurtenant to said lands
that such share in place of the reserved water right will result in the
payment of said water right to the said District Court and

May 1, 1936

more fact be here (5 acres) or further where it, appropriate to a
first above be or had to rein, but as referred, at the place of
changed, by proper procedure led to the payment of Reclamation of
the State of Utah, from 1911 until 1925 and to the rein to the
following described lands; to-wit:-

[illegible]

such transfer or conveyance to be made with the distinct understanding and intention, on the part of the donor, that the same shall be for the use and behoof of the children of the donor, and of the issue of the children of the donor, consisting of the following persons, to-wit:

Basic assessment on	68	series of No. 1,1	1-1-77
the " "	" "	series of No. 3,1,2	3-1-77

the amount of said principal, interest and appointment of benefits, together with accrued interest, penalties, and interest and collection charges, shall be fit a first lien in favor of said District on the said lands last above described to which said change in place of use of said water shall be made, over and above any claim of the holder of the second part and of any and all claimants and mortgagees of said land, which action the parties of the second part agree to take as provided in all on the same terms and conditions as assessments of a mortgagor's creditors or other land owners within said District under the same said bond and conditions, and hereby specifically agreed to by the District and the parties of the second part, and it is hereby created and established by the laws of the State of Idaho for the purpose of the said bond and conditions, and as assessments of every holder of water rights, to be paid by the holder of said interest and sinking fund, heretofore provided by the laws of the State of Idaho, to which said water rights the same shall be applied to be paid of said.

2. As a further consideration of said transfer to change of place of use, the parties of the second part, have mutually agreed to convey and all Irrigation Districts and water companies hereafter incorporated in said lands as above described, when on or after the sale is held before a court under the state laws and condition of the said other land owners in said District, and that the same shall be subject to the same laws and conditions.

said land at the

4. The
operative
and other claimants against said lands, in any there be, shall consent
in writing of such character that the claims of said mortgagees and
claimants shall be subject to the interest in the claim of the said
District on said lands, when said water rights shall be transferred in
the aforesaid sum
interest and collection

5. It is further agreed that the parties of the second part shall
at their own expense
of Idaho, an application for the change in location of said water
rights and they shall bear all the expenses connected therewith, and this
agreement shall be incorporated in and become a part of such application
for transfer and the same be approved by the Department of
Reclamation and shall be subject to the terms and conditions of
this agreement and not otherwise, and the District agrees to file a written
consent to such transfer with the said Department of Reclamation provided
only that such transfer be made in accordance herewith.

6. It is further agreed that should it become legally necessary
subsequent hereto, in order to effectuate the change in location of use or
transfer of said water rights herein described, and carry out the terms and
conditions of this agreement, the parties of the second part shall pay
and all the necessary expenses connected with the execution of any legal
action and the payment of said water in the proper county.

7. It is further agreed that this agreement is made and entered
into subject to the approval of the Reclamation Service Corporation.

8. It is further agreed that the parties hereto have caused to be signed and
sealed this 5th day of April, 1915, at Idaho, in which to
copy so signed being retained by each of the parties hereto, and one copy
filed with the Department of Reclamation of the State of Idaho.

WITNESSED BY

Marion A. Lusk
J. E. Miller

WITNESSED BY

By *Wm. B. Lusk*

County Clerk of the County of ...

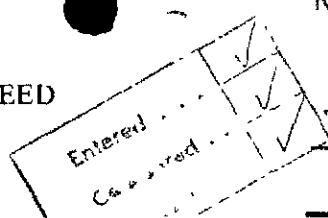
Wm. B. Lusk
County Clerk of the County of ...

WARRANTY DEED
(Idaho)

No. 1984

JUL 29 1981

LOIS J. COBURN, unmarried



BUTTE COUNTY, RECORDS
Lois J. Coburn
Butte County,

Idaho, hereinafter called the Grantor, for and in consideration of ONE HUNDRED THIRTY ONE THOUSAND ONE HUNDRED FIFTY & NO/100- DOLLARS (\$131,150.00), GRANTS, CONVEYS, and WARRANTS to STEVEN C. PURSER and DIANA A. PURSER, his wife, of Jefferson County, Idaho currently residing at Route #1, Box 391, Rigby, Idaho, hereinafter called the Grantee, as a community property estate, the following-described premises situated in Butte County, Idaho

TOWNSHIP 5 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO:

SECTION 4: S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$
SECTION 5: SE $\frac{1}{4}$

TOGETHER With all water and water rights, ditch and ditch rights, including, but not limited to: 60 miner's inches of Decreed Water, priority of May 1, 1898; 125 miner's inches of Decreed Water, priority of May 31, 1898; and 6 miner's inches of Decreed Water, priority of June 1, 1895, all in Big Lost River; and water under Application No. 34-2447, approved by the Department of Water Resources on July 16, 1963.

TOGETHER With all irrigation equipment of every kind and character, used in the irrigation of the above premises, as follows:

1400' Steel Mainline (buried), 10", used;
300' Steel Mainline (buried), 10", new;
880' Steel Mainline 8", new;
1200' Steel Mainline, 6", new;
5 Wheel lines, Wade Rain, 1400', new;
1 Wheel line, Wade Rain, 1960', new;
14 Joints, handline, 3" 40', new;
1 Pump, 50 h.p., used;
1 Booster Pump, 75 h.p.,
1 Pump, 100 h.p., 1450 gpm, used.

L.C.
D.P.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that the Grantor is lawfully seized in fee simple of said premises, that they are free from all encumbrances, except as above described; and that Grantor will warranty and forever defend the title thereto against all lawful claims and demands whatsoever.

Dated this 28th day of July, 19 81

Lois J. Coburn
Lois J. Coburn

STATE OF IDAHO

COUNTY OF Butte

} ss:

ACKNOWLEDGMENT

On this 28th day of July, 19 81, before me,
the undersigned officer, personally appeared

LOIS J. COBURN

known to me or satisfactorily proven to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(S.E.A.L.)

William G. Carlson
William G. Carlson Notary Public

My commission expires: Lifetime
Bond expires: 11/5/83

Residing at Arco, Idaho

JAN 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 22, 1992

STEVEN C PURSER
RT 1 BOX 119A
MOORE ID 83255

RE: Transfer No. 2891 of Water Right No. 34-00314

Dear Mr. Purser:

Enclosed please find an Order which sets aside the above referenced transfer from further consideration by the Department.

Please be advised that if you do not agree with the decision of the Department you may, within thirty (30) days of the receipt of the order, request a hearing before the Director. Failure to timely petition the Director within thirty days of receipt of the order may prevent you from further contesting the order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Right Supervisor

JJ:cz

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CFCIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 11, 1990

Steven C. Purser
Rt 1, Box 119A
Moore, ID 83255

RE: APPLICATION FOR TRANSFER NO. 2891 OF RIGHT NO. 34-0314

Dear Mr. Purser:

On May 19, 1983, you submitted to the department the above referenced application for transfer which is still pending in department files. Final action to either approve or deny the application has not occurred.

A review of department records shows that you have not filed a Snake River Basin adjudication claim in connection with the right but that the right has apparently been claimed by Jack Walker under identification number A34-10802. The right has been claimed differently than the original right and differently from the pending application for transfer.

Since the adjudication claim is likely the more current representation of the water right than the application for transfer, the department plans to void the application for transfer and allow the adjudication claim to be the document to represent the right unless you can show within thirty (30) days why the application for transfer should be considered separately by the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in black ink, reading 'L. Glen Saxton'. The signature is written in a cursive, flowing style.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region - Water rights
- Adjudication
- Harold Jones

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-10802
Date Received: 1/12/1990
Receipt No: S010947
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK WALKER 208-554-3282
Address: RT 1 BOX 119
MOORE, ID 83255

AND/OR

Name: LOIS WALKER 208-554-3282
Address: RT 1 BOX 119
MOORE, ID 83255

2. Date of Priority: MAY 01, 1898

3. Source: BIG LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County
06N 26E 32 NW NW BUTTE

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. ✓ (or)	A.F.A.
IRRIGATION	05/01	10/15	2.500	

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 625.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	26E	4	NE	SW		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	26E	4	NW	SW		IRR	20.0
			SW	SW		IRR	40.0
						Section Acres	80.0
		5	NE	SE		IRR	45.0
			NW	SE		IRR	45.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	170.0
						Total Acres	250.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A34-00405, 02447

14. Remarks:
CLAIMANTS RECORDS SHOW 125" FROM SPECIFIED DECREE WITH 1898 PRIORITY. OUR P/U RECORDS FAIL TO LIST THAT PRIORITY FOR THE ACRES CLAIMED. DECREE 34-00406 IS LISTED, BUT HAS A 1906 PRIORITY AND IS FOR 130". FURTHER RESEARCH AS TO EXACT DECREE NUMBER REQUIRED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UTAH CONSTRUCTION
Decree Plaintiff

JOHN F. ABBOTT, ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number _____ Applicant Purser
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:
☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
☒ Description of original point of diversion.
☒ Description of original place of use.
5. Amount of land &/or water transferred:
☒ All of right.
☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
☒ Check description of point(s) of diversion.
☒ Check description of place of use.
☒ Check map (shows p.d. and p.u. after transfer).
☒ Check for correct signature, notarization, and fee.
☒ Check proof of ownership of right &/or land from which water is transferred.
☒ Check for expansion in use of right. Comments None apparent

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

Right number(s) T575 / 34-0405 / 34-0406

- ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? WD#34 - Big Lost R.

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny

3. Conditions* Code 01E, 05(W.D.#34, Big Lost R.)

This right when combined with all other rights shall not

exceed 0.02 cfs/acre nor 3 acre-feet per acre ^{per} annum.

4. By Emmet Carlan Date Aug 26, 1983

9-30-83 USE CONDITIONS SHOWN ABOVE

* All uses within Watermaster Districts require special conditions.

MEMORANDUM

TO: File 34-0314

DATE: Jan. 13, 1984

FROM: Ernest

RE: Item 9- Other Water Rights

Department records indicate that there are no other water rights for the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, T. 6N, R. 26E, currently owned by Melvin McAffee. The remainder of the NE $\frac{1}{2}$ which was owned by Hayes White (died Nov. 1983) only has one water right. This right identified by no. 34-0049 and described by transfer no. 2247 is appurtenant to 40 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 30 T. 6N, R. 26E. There is no water appurtenant to the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 30, T. 6N, R. 26E.

March 26, 1984

Steven C. Purser
Rt. 1, Box 119A
Moore, ID 83255

RE;; Application for Transfer of Water Right No. 34-0314

Dear Mr. Purser:

Our office continues to hold the above captioned application pending receipt of a disclaimer from Mr. Melvin McAfee. This disclaimer is needed in order for you to remove water from the NE-NE-NE of Sec. 30, T. 6N, R. 26E.

In order for you to keep the file on your application current, we need some direction on how you want the Department to proceed. The Department can either extend the period for holding the application or proceed with administrative action.

Final action could only grant the transfer of that portion of the right once appurtenant to the property previously owned by Mr. Hayes White. Because of the decree's vague description for the place of use, additional evidence would be needed to determine the amount eligible for transfer.

To continue postponing administrative action, we need a report of what you have done to obtain a disclaimer and a tentative date when you feel the action will be concluded.

If you need assistance or have questions, feel free to call or contact me.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:bp

44-2413-1

CONVERSATION MEMORANDUM

DATE January 13, 1984

FILE 34-0314

NAME OF PARTY Rita Lundy

EMPLOYEE Ernest Carlsen

RE: I described to Rita Lundy, Secretary of Big Lost Irrigation District, the difficulty we were having in obtaining a disclaimer from Mr. Melvin McAfee, allowing Mr. Purser's transfer of right no. 34-0314 off of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 30, T. 6N, R. 26E. According to her records, Mr. McAfee who is an older gentleman, lives out of state and traditionally is slow in responding to correspondence. To help expedite obtaining the disclaimer, Rita volunteered to contact Mr. Purser and confirm that the disclaimer had been sent to Mr. McAfee. She will follow this up with a letter asking Mr. McAfee to return the disclaimer. If the disclaimer is not received by March 1, 1984, we need to send Mr. Purser another letter urging him to follow-up on this matter.

November 3, 1953

Steven C. Purser
Rt. 1, Box 119A
Moore, ID 83255

RE: Application for Transfer No. 34-0314

Dear Mr. Purser:

Several months ago you filed the above application for consummate the transfer of right 34-0314 as described in an agreement between E.B. Call and the Big Lost River Irrigation District, dated October 5, 1948.

Since you do not own the decreed place of use identified as the NE $\frac{1}{4}$ Sec. 30, T. 6N, R. 26E, the Department cannot consider approval of the application unless we are convinced the current owners of said land are agreeable to removal of the water right. This was partially accomplished by the disclaimer from Mr. Hayes White. However, we have not received a disclaimer from Mr. Melvin McAfee who is the owner of record for the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, T. 6N, R. 26E. To assist you in providing a disclaimer, from Mr. McAfee, we have enclosed an affidavit form intended to satisfy this requirement. Once the document has been signed and notarized return it to this office.

If you have questions or encounter problems in obtaining Mr. McAfee's disclaimer, please call or contact me.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:bp

Enclosure

APPLICATION FOR TRANSFER OF WATER RIGHT

Aug 8 1963

NO. 34-0314

Dep. of Water Resources
Boise, Idaho 83725

RECOMMENDATION OF WATERMASTER

I, Eugene Gabert, watermaster of Big Lost River,
of Water District No. 34, County of 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 _____
Purser, 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, this 5 day of August 19 63.

Eugene Gabert
(signature)

July 14, 1983

Eugene Gabert, Watermaster
Water District No. 34
Box 206
Mackay, ID 83251

RE: Applications For Transfer No. 34-0314 PURSER
34-0446A McAfee
34-0503B McAfee

Dear Mr. Gabert:

Please find enclosed a copy 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 Aug. 1, 1983.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA L. POWERS
Secretary

Enclosures

CONVERSATION MEMORANDUM

DATE 6-9-1933

FILE _____

NAME OF PARTY Charley Burns - Carter Co. Assessor's OfficeEMPLOYEE Ernest Carlson

RE: Telecon w/ Charley Burns at Carter County Assessor's Office
Records indicate ownership of NE 1/4 sec. 30 T. 4 N
Rge 26 E as follows:

NE 1/4 NE 1/4 - Milton McAffee ✓

W 1/2 NE 1/4, SE 1/4 NE 1/4 - Hays - White ✓

Telecon w/ Mrs. Steven Poirer & Adm'd Miss Poirer
need for disclaimer from Milton McAffee, and that
we would initiate processing of the appraisal right ✓
final action would be delayed pending receipt of
McAffee disclaimer. ✓

JAN 26 1933

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-0314

Notice is hereby given that Steven G. Harser, Moore, Idaho, has applied to the Dept. of Water Resources for a change in the point of diversion and place of use of the waters of Big Lost River tributary to Sinks. The right sought to be changed is evidenced by Decree No. 34-0314 to John S. Harper in case of Utah Construction Co. vs John F. Abbott, et al dated in 10-21-1925 in District Court, Butte and Custer Counties and is recorded as follows:

AMOUNT: 2.5 cfs

PRIORITY: 5-31-1898

POINT OF DIVERSION: NE $\frac{1}{4}$ Sec. 24, T. 6N, R. 25E, B.M.
Custer County;

The water is used to irrigate lands within the NE $\frac{1}{4}$ Sec. 30, T. 6N, R. 26E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 6N, R. 25E, B.M. Custer County and used to irrigate 125 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 5, T. 5N, R. 26E, B.M.

Any protest against the above proposed change of water right must be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before August 1 1983

A. KENNETH DUNN

Director

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