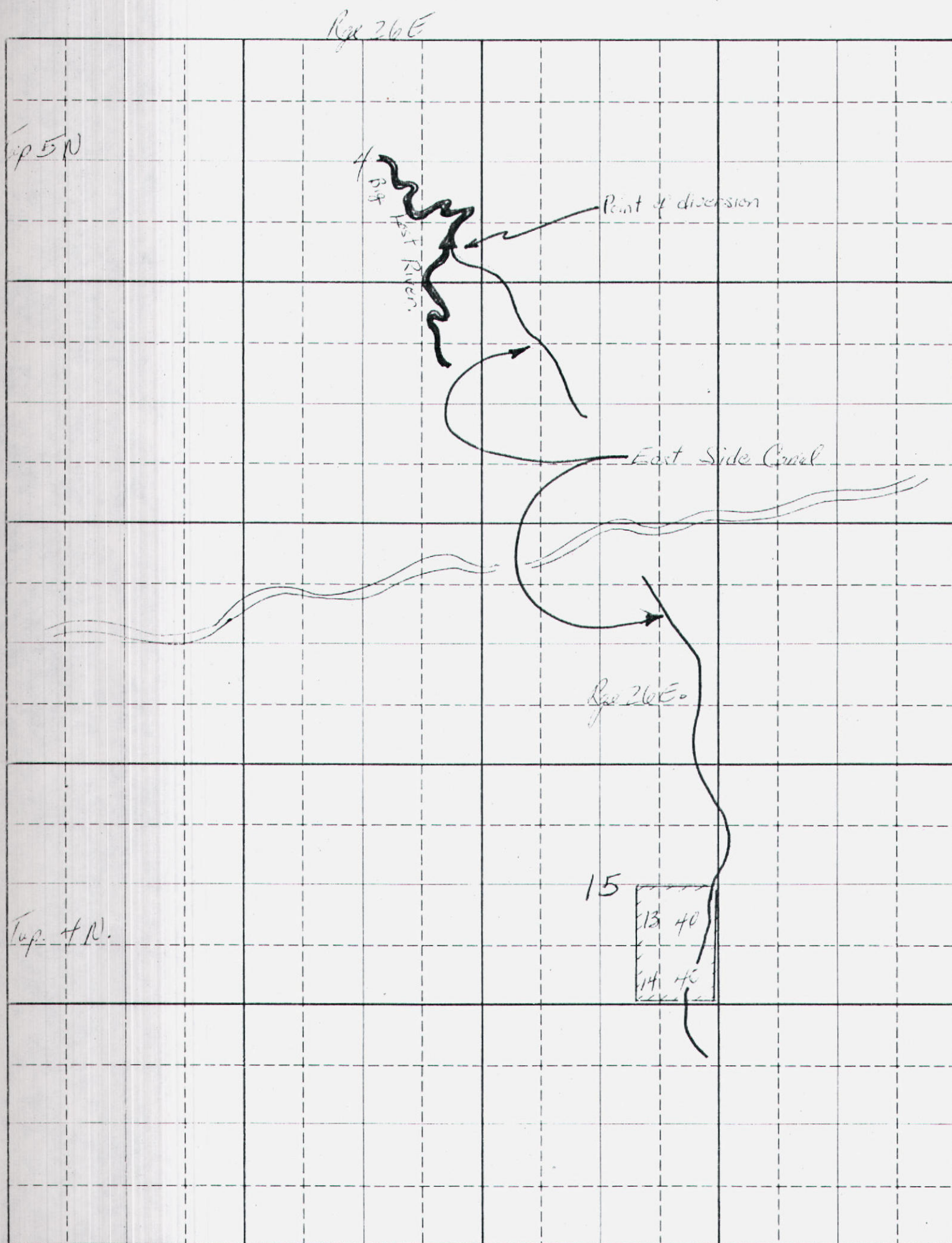


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

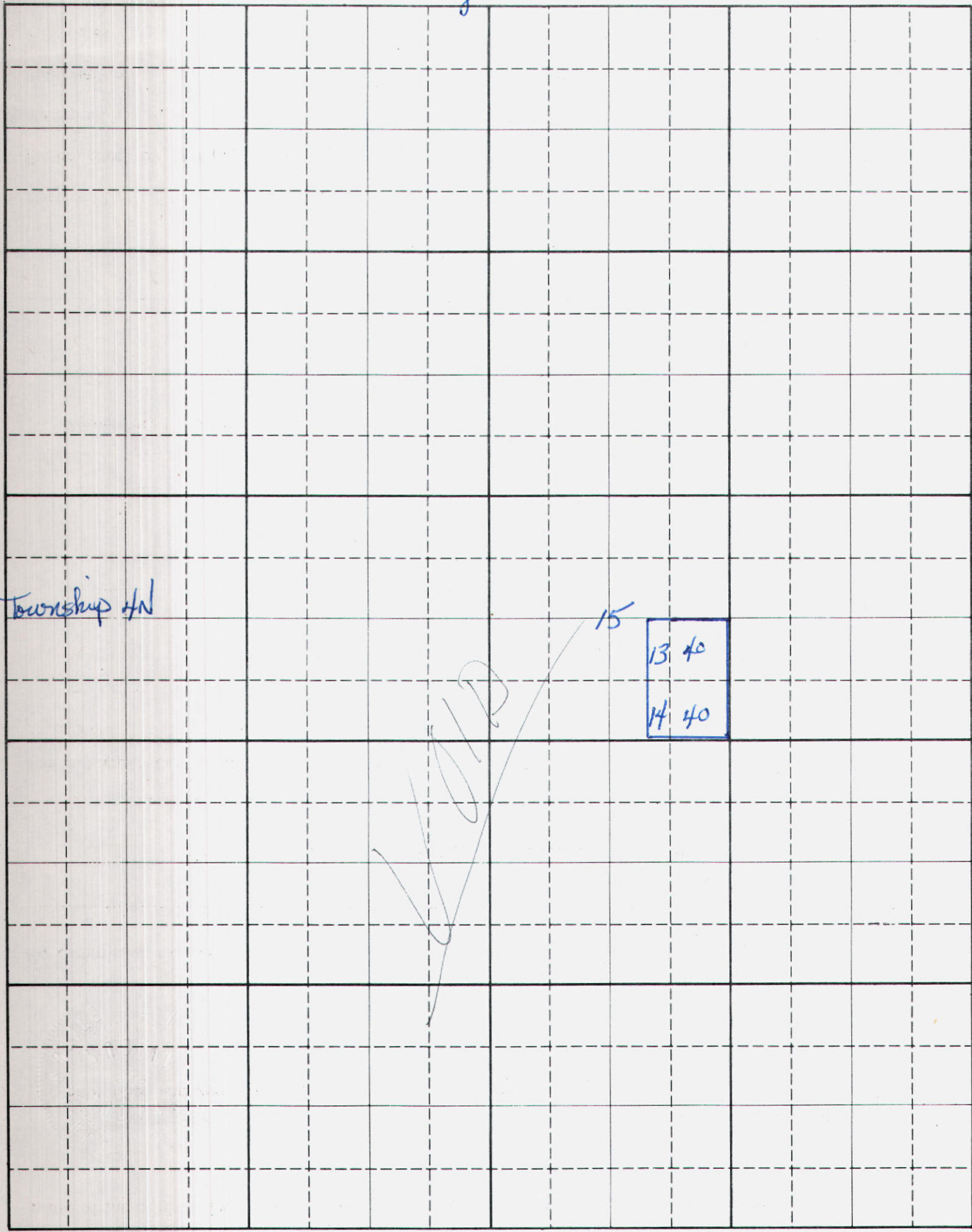


SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.

Range 26E

Township 4N



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

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 Anthony E. Madsen Phone 527-3368

Post office address Rt. #1, Box 124, Arco, Idaho 83213

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to William Hanna #184 (Page 76)
(Name)
in case of Utah Construction Co. vs Abbott and others
dated 3-13-1923 in Eastern Division county of *
(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 acquired a portion of the decreed water right through the purchase of real property

3. Source of water Big Lost River tributary to sinks

4. Date of priority (a) 5-01-1885 (b) 4-22-1889

5. Water is used for the following purposes:
amount (a) 3.00* for irrigation purposes from May 1 to Oct. 15
amount (b) 3.20 for " purposes from " to "
amount for purposes from to
(month/day - both dates inclusive)

6. Total amount of water under right: a. 6.20 cubic feet per second
&/or
b. acre feet per annum

7. Location of original point of diversion is 1/4 of SE 1/4 of Section 4
Township 5N Range 26E, B.M., in Butte 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	
4N	26E	14					40	40	40	40									160
		15	40	40	40	40									40	40	40	40	320

Total number of acres to be irrigated 480

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 the applicant, omit part B).

5/1/1885

1. Amount of water: a. 1.00 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion 1/4 SE 1/4, Section 4 Township 5N
Range 26E, B.M., Butte County
Additional points Headworks for the East Side Canal

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	
4N	26E	15													40	40	40	40	160

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 _____ 1/4 _____ 1/4, 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 _____

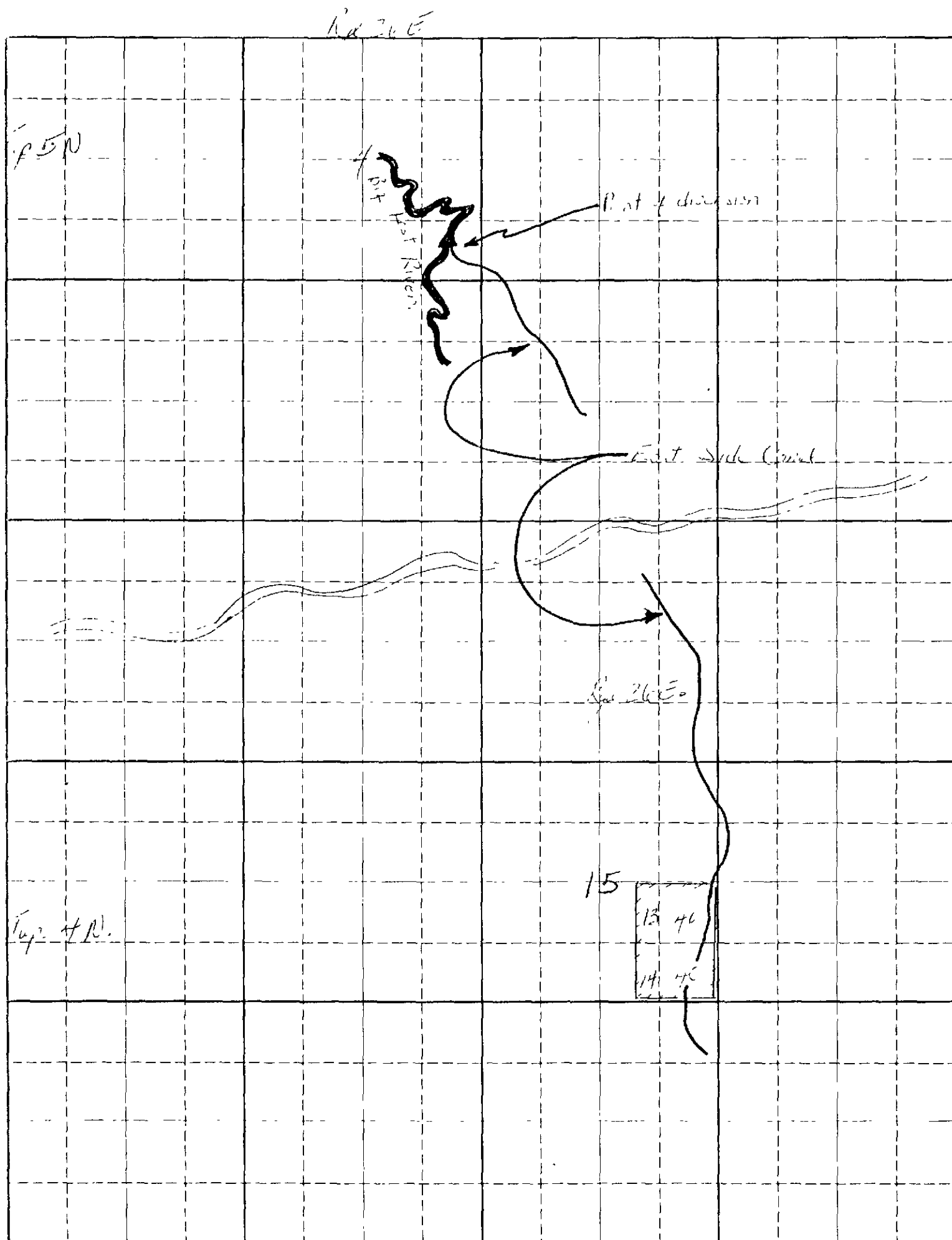
2. Change in place of use

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

TWP	RANGE	SEC	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	
4N	26E	15													40	13	14	40	107

Total number of acres to be irrigated 107

- 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 Applicant has sold 53 acres of land having a portion of
the decreed right appurtenant to it. It is the intent of
this transfer to physically dry up the 53 acres of land
that were sold and to transfer that amount of water to
lands still owned by the applicant.

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.

Anthony E. Maden
(Signature of applicant)

Subscribed and sworn to before me this 18 day of December, 1979.

Richard A. Wacker
(Notary public)

My commission expires June

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0301/34-0302 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 27th day of May, 19 80.

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

FOR DEPARTMENT USE ONLY

Received by <u>MC</u>	Date <u>12/15/79</u>	Protest filed by _____
Prelim. check by <u>JC</u>	Fee _____	_____
Receipted by <u>CW</u>	Date <u>10/16/79 #13750</u>	_____
Published in <u>The Arco Advertiser</u>	Copies of protest forwarded by _____	_____
Pub. dates <u>1/03 & 1/10/80</u>	Hearing held by _____ Date _____	_____
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	_____
<u>2/19/80</u> rec'd. <u>3/24/80</u>	by <u>JC</u>	_____

REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS AGREEMENT, Made and entered into this 19th day of May, 1979, by and between ANTHONY E. MADSEN and H. LUCILLE MADSEN, Husband and Wife, of Arco, Butte County, State of Idaho, the party of the first part, hereinafter called "Seller", and PU RANCH, LTD., an Idaho Corporation, the party of the second part, hereinafter called "Purchaser";

W I T N E S S E T H:

In consideration of the mutual covenants and agreements herein contained, the Seller agrees to sell, and the Purchaser agrees to purchase the real property situate and being in Butte County, State of Idaho, described as follows, to-wit:

Township 4 North, Range 26 East, Boise Meridian, Butte County, Idaho:

Section 15:

A parcel of land in the Southeast Quarter (SE $\frac{1}{4}$) more particularly described as follows:

Beginning at the SW corner of said SE $\frac{1}{4}$, which is the Real Point of Beginning; thence East along the South boundary line a distance of 873 feet to a point; thence Northerly a distance of 2640 feet, more or less, to a point which is on the North boundary line of said SE $\frac{1}{4}$ and is 883 feet East of the Northwest corner of said SE $\frac{1}{4}$; thence West along said North boundary line 883 feet to the said Northwest corner; thence South along the West boundary line of said SE $\frac{1}{4}$ a distance of 2640 feet, more or less, to the Real Point of Beginning.

RESERVING To Seller the following:

1. All Water Rights appurtenant to the property.
2. An easement for ingress and egress to the remainder of Seller's land in the said SE $\frac{1}{4}$, over and across the southerly portion of the described property.
3. An undivided one-half interest in an undeveloped well in the Northwest corner of the said SE $\frac{1}{4}$.
4. An easement for an existing irrigation ditch over and across the Northerly portion of the described property.

PURCHASE PRICE:

The agreed purchase price for the above described real

THIS INDENTURE, Made this 2nd day of April

in the year of our Lord one thousand nine hundred and sixty-two , between

E. A. MADSEN, a married man but dealing with his sole and separate property,

of Arco , County of Butte , State of Idaho

the party of the first part, and

ANTHONY E. MADSEN and LUCILLE MADSEN

husband and wife,

of Arco , County of Butte , State of Idaho

the parties of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of

TWENTY NINE THOUSAND AND NO/100 (\$29,000.00)----- DOLLARS,
lawful money of the United States of America,

to him in hand paid by the said
part ies of the second part, the receipt whereof is hereby acknowledged, ha s granted, bargained
and sold, and by these presents do es grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to heirs and assigns forever, all of the following described real estate,
situated in the , County of Butte . State of Idaho, to-wit:

Southeast Quarter (SE $\frac{1}{4}$) of Section Fifteen (15),
Township Four (4) North, Range Twenty-six (26),
East of the Boise Meridian, containing 160 acres,
more or less.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said part y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever,
and the said part y of the first part, and his heirs, the said premises in the quiet and peaceable
possession of the said parties of the second part, their heirs and assigns, against the said part y
of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

STATE OF IDAHO DEED

Number 868
Certificate No.

All to Whom These Presents Shall Come, Greetings:

Whereas, on the 1st day of March 19 40 , all that tract or parcel of Agricultural Co Foreclosu
nd of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

E. A. MADSEN
Arco , State of Idaho , for the aggregate p

Three Thousand Three Hundred and No/100 DOL

And Whereas, the said sum of Three Thousand Three Hundred and No/100 DOL
s been fully paid to the proper receiving officer for the State of Idaho, by

E. A. MADSEN

shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the pu
ce for the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration
emises aforesaid, and of the aforesaid sum of

Three Thousand Three Hundred and No/100 DOL

the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said
E. A. MADSEN

his heirs and assigns, all of the said tract and parcel of land situated in the County of BUTTE
d State of Idaho, and described as follows, to-wit:

Southeast Quarter (SE $\frac{1}{4}$), of Section Fifteen (15), Township Four (4)
North, Range Twenty-six (26) East, Boise Meridian, containing 160 acres,
more or less.

have and to hold the said premises and parcel of land above particularly described, with the appurtenances thereon, unto th
E. A. MADSEN

his heirs and assigns, in fee simple forever, subject to the provisions of Section 58-604, Idaho Code, as amended by Cl
1951 Session Laws; which grants over all lands belonging to the state a right of way for ditches constructed by authority
ited States; and to the provisions of Section 47-701, Idaho Code, reserving to the State all Mineral rights in lands sold subsequ
8th day of May, 1923.

In Witness Whereof, I, Robert E. Smylie , the Governor of the State of I
have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal
Board of Land Commissioners to be hereunto affixed, this 15th day of November, 1950

Countersigned:
Secretary of State
Governor of Idaho and President of
State Board of Land Commissioners

Countersigned:
Arthur W. S.

Affidavit of Publication

I, Le Ella Cammack,
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated 1-3-80

and ending with the issue dated 1-10-80

Le Ella Cammack

Subscribed and sworn to before me this

4 day of Feb, 1980

Charles G. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires Sept, 1981

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Nos. 34-0301-0302

Notice is hereby given that Anthony E. Madsen, Arco, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of the Big Lost River tributary to sinks. The rights sought to be changed are evidenced by decree Right Nos. 34-0301 & 34-0302 and are recorded as follows:

Amount:	Priority:
3.00 cfs (34-0301)	5-01-1885
3.20 cfs (34-0302)	4-22-1889

POINT OF DIVERSION: SE $\frac{1}{4}$, Sec. 4, Twp. 5N, Rge. 26E, Butte County.

The water is used to irrigate 480 acres within the NW $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$, Sec. 15; Twp. 4N, Rge. 26E, B.M.

TO BE CHANGED AS/FOLLOWS

Only 1.0 cfs of water from Right No. 34-0301 with the point of diversion within the SE $\frac{1}{4}$, Sec. 4, Twp. 5N, Rge. 26E will be used to irrigate 107 acres within the SE $\frac{1}{4}$, Sec. 15, Twp. 4N, Rge. 26E, 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 January 21, 1980.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser
on January 3 and 10, 1980.

ok
kw
2/12/80

RECEIVED

FEB 6 1980

Department of Water Resources
Eastern District Office

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 Anthony E. Madsen Phone 527-3368
Post office address Rt. #1, Box 124, Arco, Idaho 83213

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to William Hanna #184 (Page 76)
(Name)
in case of Utah Construction Co. vs Abbott and others
dated 3-15-1923 in Eastern Division county of *
(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 acquired a portion of the decreed water right through the
purchase of real property.

3. Source of water Big Lost River tributary to sinks

4. Date of priority (a) 5-01-1885 (b) 4-22-1889

5. Water is used for the following purposes:

- a. amount 3.60 ~~4.00~~ cfs for irrigation purposes from May 1 to Oct. 15
- b. amount 3.20 for " purposes from " to "
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 7.20 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ 1/4 of SE 1/4 of Section 4
Township 5N Range 26E, B.M. in Butte 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	
4N	26E	14					40	40	40	40									160
		15	40	40	40	40									40	40	40	40	320

Total number of acres to be irrigated 480

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

Original right was decreed to 3.60 cfs assignment to E. No. 807.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B). ~~(a) 1.33 cfs 5-01-1885 (b) 1.07 cfs 4-22-1889~~

1. Amount of water: a. 1.00 cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion 1/4 SE 1/4, Section 4 Township 5N
Range 26E, B.M., Butte County

Additional points Head works for East Side Canal

3. 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	
4N	26E	15													40	40	40	40	160

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 1/4 1/4, 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.	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	
4N	26E	15													40	13	14	40	107

Total number of acres to be irrigated 107

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.

Revised

Township 4N

15

13	42
14	40

14 40

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

4. Remarks Applicant has sold 53 acres of land having a portion of the decreed
right appurtenant to it. It is the intent of this transfer to
physically dry up the 53 acres of land that were sold and to transfer
that amount of water to lands still owned by the applicant.

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.

Anthony E. Madson
(Signature of applicant)

Subscribed and sworn to before me this 16th day of October, 19 79.

William E. Madson
(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 ____.

FOR DEPARTMENT USE ONLY

Received by <u>De</u>	Date <u>10-10-79</u>	Protest filed by _____
Prelim. check by <u>ARK</u>	Fee <u>\$25.00</u>	_____
Receipted by <u>De</u>	Date <u>10-10-79</u> <u># 12345</u>	_____
Published in _____		Copies of protest forwarded by _____
Pub. dates _____		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for approval denial
_____ rec'd. _____		by _____

FROM

DATE

TO

SUBJECT

For further correspondence relating
to this file see # 34-0301

MICROFILMED

SIGNATURE

May 28, 1980

Anthony E. Madsen
Rt. # 1, Box 124
Arco, Idaho 83213

Dear Mr. Madsen,

RE: Transfer of Water Right No.'s 34-0301 & 34-0302

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2380). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

TO Jim Johnson

WHILE YOU WERE OUT

DATE _____ TIME _____

M _____

OF _____

PHONE _____

AREA CODE

NUMBER

EXT.

☐ Telephoned

☐ Returned Your Call

☐ Will Call Again

☐ Please Call

☐ Called to See You

Assuming that Mr. McAfee and Reynolds believe they only own 1.0 cts of the 34-0301 right for their $\frac{1}{4}$ sections, we should be able to approve the Xfer at least from the ownership standpoint.

Probably need Xfers
filed on 34-0302 to not exceed

MICROFILMED

ROUTING SLIP

DATE <u>4/16/80</u>	TIME _____
TO: <u>NORM</u>	REF. No. (if any) _____
FROM: (show title) <u>Jim & Dave</u>	_____

FOR YOUR

- ☐ Information
☐ Approval
☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
☐ Comment & Return
☐ Take Proper Action
☐ Draft a Reply for Me

PER:

- ☐ Our Conversation
☐ Your Request
☐ Boss's Request

This is the transfer I
talked to you about in
the Big Lost R. Basin
the 1st acre.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J.C.

1. Right number 184 p. 76 Applicant Madsen
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.

Note. only one water right
is being transferred. 34-0301

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. No change
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 LAND IRRIGATED by 34-0301 is being reduced from 160 ac to 107 ac. 53 ac is being sold w/o water
i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) None - None platted
j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? Big Lost R. Irr. Dist 34 #

FINAL PROCESSING REVIEW BY: Ernest Carlson

1. Watermaster recommendation requested on 2/19/80 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* ① Measuring device ② Subject to Water Master control, W.D. #34
01 05 (34 Big Lost River)

4. By Ernest Carlson Date 4/26/1980

Jim 4/9/80
* All uses within Watermaster Districts require special conditions.

MICROFILMED

Identification No. _____

Transfer No. 37-0501 + 37-0502

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Engene H. Robert watermaster of Don Lee River,
of Water District No. 25, County of Butte & Blaine, State of Idaho,
whose address is Box 200 Mackay, Idaho 83201,
have read the attached copy of the application for transfer of water right for
Anthony E. Nielsen, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

None

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Mackay, Idaho, this 22 day of MARCH, 1980

Engene H. Robert
(Signature)

RECEIVED

MAR 24 1980

Department of Water Resources
Eastern District Office

MICROFILMED

March 19, 1980

RE: Application for Transfer of Water Right No. 34-0301/0302

Eugene Gabert
Watermaster, Water District No. 34
413 Elm
Mackay, ID 83253

Dear Mr. Gabert:

On February 19, 1980, the Department forwarded to you a copy of Application for Transfer No. 34-0301/0302 in the name of Anthony E. Madsen along with a watermaster recommendation form. Although the initial processing of this application has been completed, pursuant to Section 42-222, Idaho Code, it can not be forwarded to the State Office for final action without the watermaster recommendations.

To avert additional delays, please complete your recommendations concerning this application and send them to this office as soon as possible.

We will be glad to send you another copy of the application for your review, upon request.

Respectively submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw

MICROFILMED

February 19, 1980

RE: Transfer of Water Right Nos. 34-0301 & 34-0302

Eugene Gabert
423 Elm
Mackay, ID 83251

Dear Mr. Gabert:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office as soon as possible so we may complete our processing of this application.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

MICROFILMED

January 23, 1980

RE: Application for Transfer No. 34-0301/0302 MADSEN

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on January 3 and 10, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

11/19/80 11:11 AM

January 22, 1980

William G. Carlson
Attorney at Law
P. O. Drawer 804
Arco, ID 83213

Dear Mr. Carlson:

Attached herewith is Departmental Receipt No. 15519 in the amount of \$1.00
for the copies that we sent to you.. Thank you for your attention in this
matter.,

Sincerely,

KAY WALKER
Secretary

Attachment

MICROFILMED

NOTE-D-RAM

WILLIAM G. CARLSON

ATTORNEY AT LAW

P. O. DRAWER 804 • ARCO, IDAHO 83213 • PHONE 527-3054

M E

TO State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

DATE

DATE

ATTENTION: Kay Walker, Secretary
January 16, 1980

Re: Madsen Application for
Transfer of Water
#34-0301/0302

Gentlemen:

Enclosed herewith is our check in
the amount of \$1.00, to pay for the
copying charges, for copy of above
Water Application.

W. G. C.

For PU Ranch, Ltd.

Encls.

BY mp

SIGNED

RECEIVED

JAN 17 1980

Department of Water Resources
Eastern District Office

MICROFILMED

January 15, 1980

RE: Application for Transfer No. 34-0301/0302

William G. Carlson
Attorney at Law
P. O. Drawer 804
Arco, ID 83213

Dear Mr. Carlson:

As per your request enclosed is a copy of the Transfer Application in the name of Anthony E. Madsen. There is a fee of \$1.00 for the copying charges. There have been no protests filed in connection with this transfer as of this date. The final date for protests will be January 21, 1980.

If we can be of further assistance, please feel free to contact this office.

Sincerely,

KAY WALKER
Secretary

KW
Enclosure

MICROFILMED

MASONIC BUILDING
260 W GRAND AVE

WILLIAM G. CARLSON
ATTORNEY AT LAW
P O DRAWER 804
ARCO, IDAHO 83213

AREA CODE 208
527-3458

January 10, 1980

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Anthony E. Madsen
Application #S 34-0301-0302

Gentlemen:

Would you please forward to us copies of the above
Application for Proposed Change of Water Rights, and any
protests filed.

Please bill us for any charge, and we will remit by
return mail.

Very truly yours,



William G. Carlson

WGC/mp

RECEIVED

JAN 14 1980

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 27, 1979

The Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen,

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 21, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Nos. 34-0301-0302

Notice is hereby given that Anthony E. Madsen, Arco, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of the Big Lost River tributary to sinks. The rights sought to be changed are evidenced by decree Right Nos 34-0301 & 34-0302 and are recorded as follows:

Amount:	Priority
3.00 cfs (34-0301)	5-01-1885
3.20 cfs (34-0302)	4-22-1889

POINT OF DIVERSION SE $\frac{1}{4}$,
Sec. 4, Twp. 5N, Rge. 26E, Butte
County

The water is used to irrigate 480
acres within the NW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$,
Sec. 15, Twp. 4N, Rge. 26E, B M

TO BE CHANGED AS FOLLOWS

Only 1.0 cfs of water from Right
No. 34-0301 with the point of
diversion within the SE $\frac{1}{4}$, Sec. 4,
Twp. 5N, Rge. 26E will be used to
irrigate 107 acres within the SE $\frac{1}{4}$,
Sec. 15, Twp. 4N, Rge. 26E, 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 January 21,
1980.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser
on January 3 and 10, 1980

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 34-0301/0302

Notice is hereby given that Anthony E. Madsen, Arco, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of the Big Lost River tributary to sinks. The rights sought to be changed are evidenced by decreed Right Nos. 34-0301/34-0302 and are recorded as follows:

AMOUNT:	3.00 cfs (34-0301)	PRIORITY:	5/01/1885
	3.20 cfs (34-0302)		4/22/1889

POINT OF DIVERSION: SE $\frac{1}{4}$, Sec. 4, Twp. 5N, Rge. 26E, Butte County.

The water is used to irrigate 480 acres within the NW $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$, Sec. 15; Twp. 4N, Rge. 26E, B.M.

TO BE CHANGED AS FOLLOWS

Only 1.0 cfs of water from Right No. 34-0301 with the point of diversion within the SE $\frac{1}{4}$, Sec. 4, Twp. 5N, Rge. 26E will be used to irrigate 107 acres within the SE $\frac{1}{4}$, Sec. 15, Twp. 4N, Rge. 26E, 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 January 21, 1980.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser on January 3 and 10, 1980.



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

October 26, 1979

RE: Application for Transfer No. 34-0301/0302

Mr. Anthony E. Madsen
Rt. #1, Box 124
Arco, Idaho 83213

Dear Mr. Madsen:

The Department's review of your application for transfer filed on October 16, 1979, revealed some previous changes to the original rights which we were not aware of when the application was drafted. Subsequent correspondence with the Big Lost River Irrigation District indicated there may have been additional changes without benefit of transfers filed with the Department.

You may recall Mr. Kozlowski mentioned that we need verification of ownership concerning the waters prior to final action on the application. In light of the matters discussed above, we are delaying further processing of your application until proof of ownership is provided. Since we are anxious to comply with your request for transferring the water and updating the records, it is hoped you can give this matter your immediate attention.

Please feel free to contact Mr. Kozlowski or myself should you have any questions.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw

Send Assignment of permit

~~Let Sprackman
State Fish Hatchery
Ashton, Idaho
83420~~

Rita Lundy called

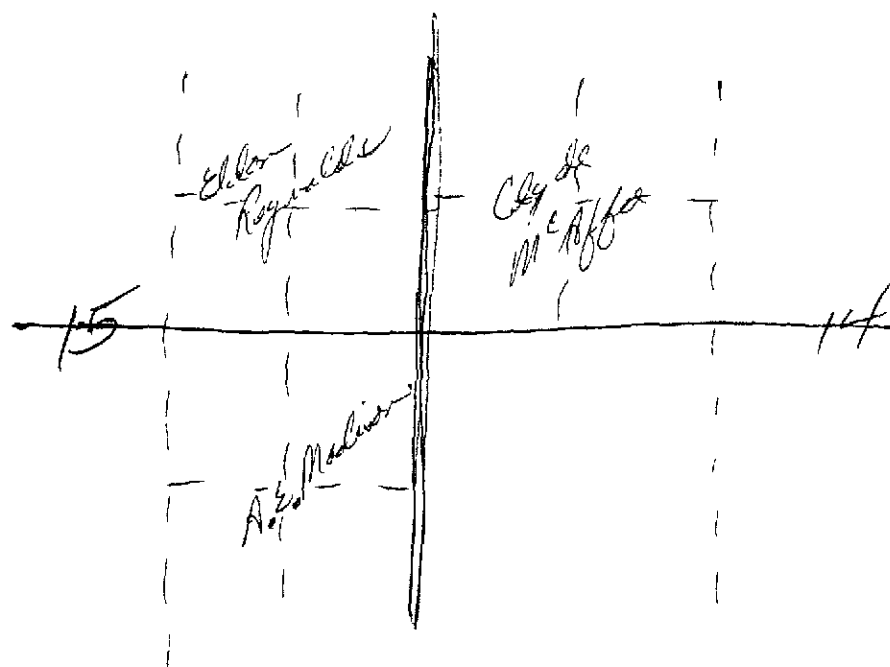
4.22.89 1889 - Clyde McAffee
owns all of Sec 14 - which
is the NW 1/4

12/18/79.

Conservation Memorandum.

In response to a letter of 10/26/1979 Mr. Madison visited
office and indicated following:

- 1) Originally all the 8 under 2 acres in question
was appurtenant to the ranch, "The Hanna Place".
- 2) This property was subsequently subdivided - shared
with Mr. E. A. Madison, C's father, obtaining
1 SE 1/4 of Sec 15 NW 26E; from the state
of Idaho with 2.00 acs of 5-01-1885 &
(available warranty deeds do not specify ~~existing~~ Easements).
- 3) E. A. Madison sold 1.00 acs of 1/8 & 1/4 Ray King
in 1957, and retained entitlement to 1.00 acs.
- 4) To C's knowledge his father never used 8 with
a priority of 4/22/1889. (Record of B.L.L.D. indicate 1/8
is appurtenant to the NW 1/4 of S. **MICROFIL 26E**).



T. 897 Ray King

no P.D. change
transferred 19 cfs from SE $\frac{1}{4}$ of
section 15 to NW $\frac{1}{4}$ =

to
W $\frac{1}{2}$ SW $\frac{1}{4}$ sec 15 & E $\frac{1}{2}$ SE $\frac{1}{4}$ sec 14.
Twp 4N 24E
all other lands remained the same
Problem #1 - Rita says Madsen
has 1.0 cfs of H₂O left on
SE $\frac{1}{4}$ of sec 15. I calculate
that there is only .33 cfs left
on this quarter section after the
Ray King transfer.

Problem #2 - Decree book shows
a portion of 3.2 cfs 1889 right
appurtenant to SE $\frac{1}{4}$ of 15.
Rita says that this water
has been sold off in the past
without benefit of a transfer
and that the applicant has
no right to any water under
this priority.

T. 897

1.0 cfs - A.E. Madsen -
1.8 cfs - A.L. Reynolds
0.2 cfs - V. Jensen
1.0 cfs - King Bros.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: L.M.

1. Right number No 125 0146 0004 Applicant Anthony E. Mason
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 _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? Big Lost Creek 115

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* _____

4. By _____ Date _____

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