

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

IN THE MATTER OF APPLICATION	)	
	)	
FOR TRANSFER OF WATER RIGHT	)	PRELIMINARY ORDER
	)	DENYING APPLICATION
NO. 37-02614 FILED BY DEE	)	FOR TRANSFER
	)	
WALKER	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of filing an application for transfer of water right by Dee Walker. The Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On July 20, 1990, Dee Walker applied to the Department for transfer No. 3759, to change the place of use of Water Right No. 37-02614.
2. On or near April 24, 1992 the Department received a document labeled "Assignment of Application for Transfer" signed by Dee Walker. This document listed Gregory C. Smith as the party to receive a portion of said water right.
3. On October 1, 1992, the Department received a copy of a Warranty Deed from Gertrude L. Peet showing ownership of said water right.
4. On October 23, 1992, this Department corresponded with Mr. Walker and Mr. Smith requesting they withdraw Application

for Transfer No. 3759, due to no showing of possessory interest of the water right.

5. On July 23, 1993, the Department sent Notice of Pending Order to Deny the application to Mr. Walker and to Mr. Smith.

6. To date this Department has not received a response.

7. Pursuant to the provisions of Section 42-222, Idaho Code, the Director may deny a transfer application.

CONCLUSIONS OF LAW

1. Neither Dee Walker nor Gregory C. Smith have provided the Department evidence of ownership of the water right identified on the application for transfer of a water right.

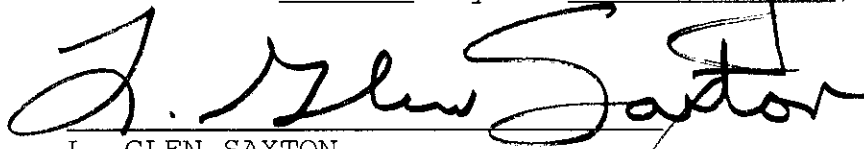
2. The Director is unable to grant an approval of the application for transfer of water right without a showing of possessory interest in the water right by the applicants Dee Walker or Gregory C. Smith.

3. The Director should deny the application for transfer.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer No. 3759 for Water Right No. 37-02614 is DENIED.

Dated this 6th day of July, 1994.

A large, stylized handwritten signature in black ink, appearing to read "L. Glen Saxton".

L. GLEN SAXTON
Chief, Water Allocation Bureau

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3759

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Dee Walker Phone 788-5420Post Office address P.O. Box 525, Bellevue, ID 83813

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Show how the ground has always been irrigated with this right.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-02614A</u>	<u>5-18-1959</u>	<u>0.22 cfs</u>	<u>Irrig.</u>	<u>4-11</u> to <u>11-1</u>
<u>37-02614B</u>	<u>"</u>	<u>0.58 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>A37-02614A</u>	<u>"</u>	<u>0.32 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>A37-02614B</u>	<u>"</u>	<u>0.58 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 0.90 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	13	15	18E	Blaine	Part A Well
		SW	SE	"	"	"	"	Part B Well

5. Lands irrigated or place of use:

Twp.	Rge.	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	
A) 15	18E	13	3			13													16
B) 15	18E	13											16			8			24
		24		1			4												5

Total acres 45

PART 1

6. General Information:

- a. Description of diversion system Two separate artesian wells, gravity irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will be irrigated with surface water, some will no longer be irrigated.
Overall, the number of irrigated acres will not increase thru the transfer process
- d. Remarks:

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:

WITHDRAWN 11-07-94

Witness my hand this _____ day of _____, 19____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-02614 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 5-18-1957

5. Water is used for the following purpose:

amount 2.0 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 cubic feet per second and/or 450 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	13	15	18E	Blaine	229" well
		SW	SE	"	"	"	"	40" well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15	18E	~~24~~																	
		24	27	40	20					40	23								150

Total acres 150

9. Describe any other water rights used for the same purpose as described above None, Permit 37-7872 on adjacent land

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No Yes If yes, describe Much of the licensed ground was never actually irrigated.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-02614 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____4. Date or priority 5-18-1959

5. Water is used for the following purpose:

amount 2.0 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 cubic feet per second and/or 450 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	13	15	18E	Blaire	228" well
		~~SW~~ SE		"	"	"	"	40" well
		NE	SW					

8. Lands irrigated or place of use:

Twp.	Rge.	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	
15	18E	24	27	40	20					40	23								150

Total acres 150

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

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No Yes If yes, describe Much of the licensed ground was never actually irrigated.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

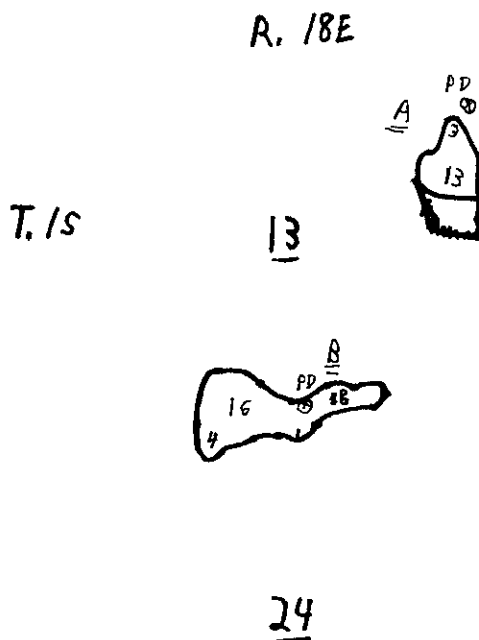
3. Lands irrigated or place of use:

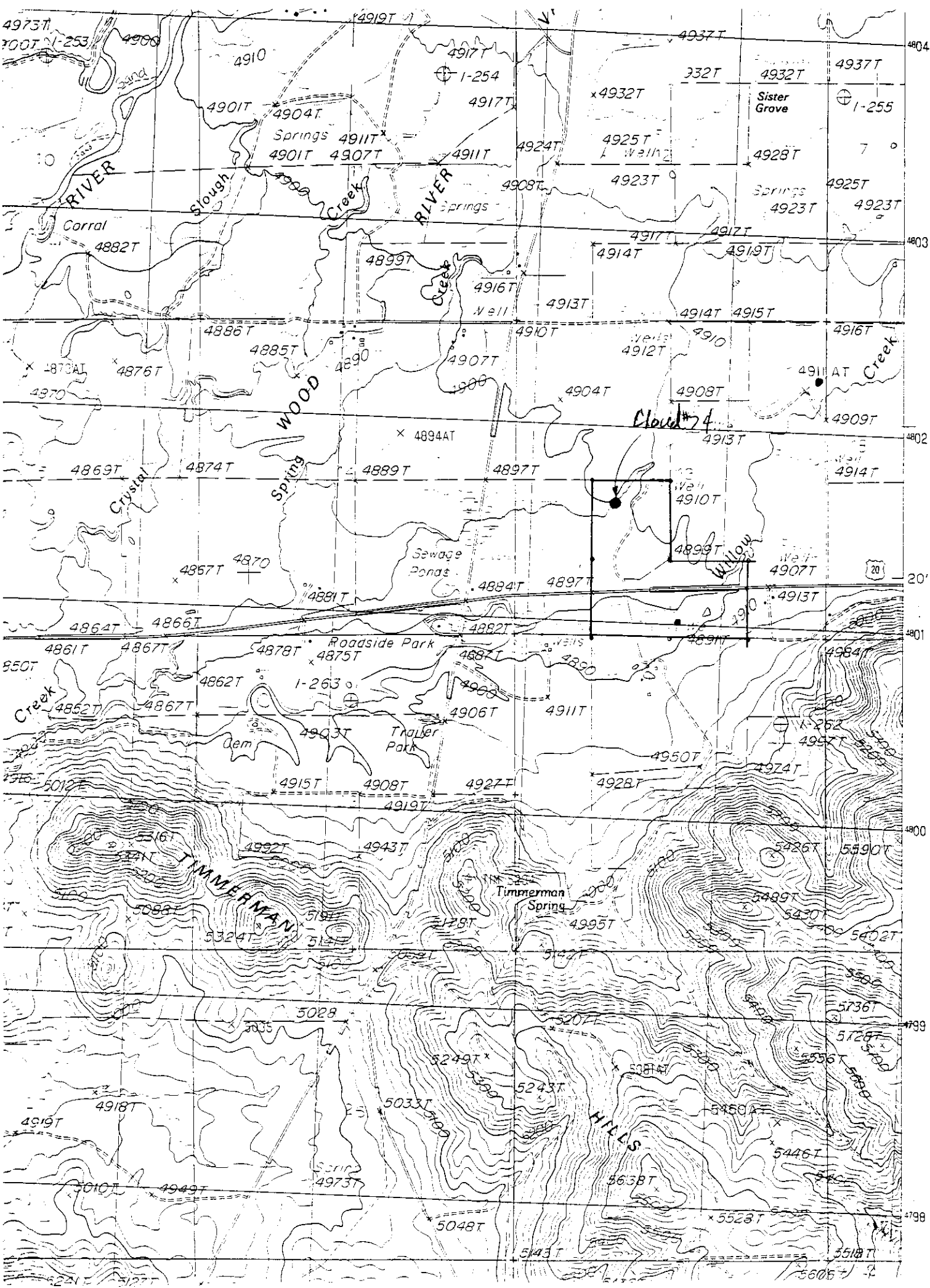
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.





State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

License of Water Right No. G-27968/37-2614 Priority May 18, 1959 Amount 2.0 cfs

THIS IS TO CERTIFY, that HENRY L. WURST
of Gannett, Idaho, has complied with the terms and conditions of Permit
No. G-27968/37-2614 issued pursuant to Application for Permit dated May 18, 1959,
and has submitted proof to the Department of Water Resources on May 15, 1964,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.38 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>2.0</u> cfs and	<u>450</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 2.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
450 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13,
Twp. 1S, Rge. 18E, B.M. in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	18E	24	27	40	20				40	23									150

Total number of acres irrigated 150

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
February _____, 19 78.

Director

State of Idaho
License and Certificate of Water Right

Water License No. G-27968 Amount 2.0 c.f.s.
Water District No. Priority May 18, 1959

THIS IS TO CERTIFY that HENRY L. WURST
of Gannett, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 18, 19 59 ; that Permit No. G-27968
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on October 21, 19 64 , showing that said works
were completed on the 15th day of May, 19 64 ; and that on the 15th
day of May, 19 64 , HENRY L. WURST

of Gannett, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-27968 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page 8029, on the 21 day of October, 19 64 ;
The right hereby confirmed dates from May 18, 19 59 ;
The Point of Diversion is located NE 1/4 NE 1/4,

in the SW 1/4 SE 1/4, Sec. 13, Tp. 1 S., R. 18 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	13 E.	24	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27	27
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	20	20
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{2}$ SW $\frac{1}{4}$	23	<u>23</u>
			Total number of acres to be irrigated:		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
21st day of October, 19 64 .

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

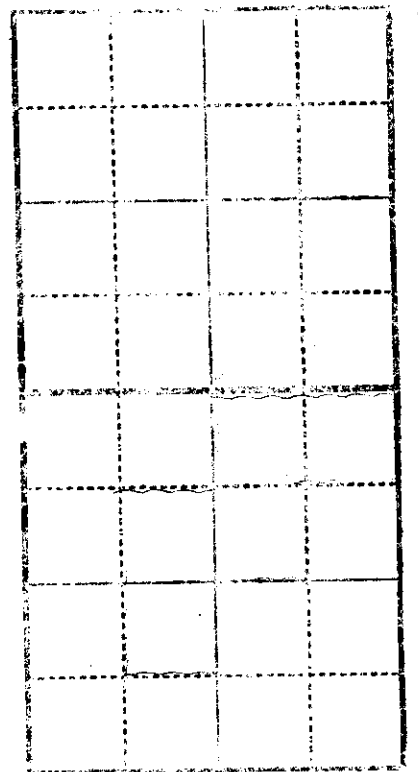
34-211

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35899
Permit No. G- 27968
District No.

1. Name of Applicant: Henry L. Wurst
Postoffice address: Gannett County: Blaine State: Idaho
2. Quantity of water claimed: 3.0
(a) Rate of withdrawal in cubic feet per second 150 or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Two wells
4. Location of point of diversion or well is in the NE NE 13
SW ¼ of the SE ¼ of Section 13
Twp. 1 S. , Rge. 18 E. , B.M., County of Blaine
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the ¼ of the ¼ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled, cased, artesian well
8. Estimated cost of works: \$ 5,000
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources: clear deed
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Creek rights
(a) 1.5 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks: Artesian well water is transported in unnamed stream to diversion in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, thence in ditch to well and pump in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Henry L. Wurst

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. May 18, 1959

Returned to applicant for correction: May 21, 1959

Corrected application received: June 1, 1959

Approval of State Reclamation Engineer

The number of this permit is G— 27968

Recorded in Book 98 Page 27968 Approved June 11, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before December 11, 1961

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before June 11, 1964

Witness my hand this 11th day of June, 1959

s/ GEO. N. CARTER

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ... ROBERT E. SMYLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....11th.....
day of June 1959

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor

Secretary of State.

12.

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		
1 S.	18 E.	24	27	40	20	40	23	150
Permit No. G-27968 CERTIFICATE OF COMPLETION OF WORKS								
TO ALL WHOM IT MAY CONCERN:								
This is to certify that HENRY L. WURST of Gannett, County of Blaine, and State of Idaho, the holder of Permit No. G-27968, issued upon Application No. G35899 bearing date of priority of May 18, 1959, authorizing the diversion of 3.0 second feet of waters of 2 wells, County of Blaine, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.0 second feet of the waters of 2 wells from subterranean flow; that the points of diversion of said waters NE¹/₄NE¹/₄, SW¹/₄SE¹/₄, Sec. 13, T. 1 S., R. 18 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE¹/₄NE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, NE¹/₄SW¹/₄, Sec. 24, T. 1 S., R. 18 E., B.M. Witness my hand this 21st day of October, A. D. 1964. /s/ RALPH W. THOMAS Deputy State Reclamation Engineer Proof of Completion of Works Made: May 15, 1964 MAILED FOR 2.0 SEC. FL. JUL 1 1964 8429								



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

04/11/01

Robert P Dreyer
PO Box 4917
Ketchum, ID 83340

RE: Rights 37-02614 & 37-01153

Dear Applicant:

The department acknowledges the withdrawal of Application for Transfer that proposed a change to Rights 37-02614 and 37-01153. The application has been voided and no further action will be taken.

A refund of the application fee has been requested and will be sent to you under separate cover.

Sincerely,

A handwritten signature in cursive script that reads "Pamela S. Skaggs". The signature is written in dark ink and is positioned above the printed name and title.

Pamela S. Skaggs
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

04/11/01

Robert P Dreyer
PO Box 4917
Ketchum, ID 83340

RE: Rights 37-02614 & 37-01153

Dear Applicant:

The department acknowledges the withdrawal of Application for Transfer that proposed a change to Rights 37-02614 and 37-01153. The application has been voided and no further action will be taken.

A refund of the application fee has been requested and will be sent to you under separate cover.

Sincerely,

A handwritten signature in cursive script that reads "Pamela S. Skaggs".

Pamela S. Skaggs
Sr. Water Resource Agent

8/2000

RECEIVED
MAR 05 2001
Department of Water Resources
Southern Region

REQUEST FOR WITHDRAWAL OF APPLICATION FOR ~~PERMIT~~ ^{Transfer}

To: State of Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

Gentlemen:

^{Transfer}
I/We wish to withdraw Application for ~~Permit~~ to Appropriate the Public Waters of the
State of Idaho, No. Filed 5-11-2000 on Rts 37-2614*1/53

The application is filed in the name of Robert A. Dreyer

Dated this 22nd day of March, 2001.

[Signature]
(Signature of Applicant)

OWNER
(Title)

Co. #4117 KETUWID ID 83340
(Address)

Transfer No. _____
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

MAY 03 2000

Department of Water Resources
Southern Region

PART 1

Name of applicant ROBERT P. DREYER Phone 208-726-2874
Post Office address P.O. #4917 KETCHUM, ID. 83340 Cell # 720-3372

PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes TO BUILD AND PROVIDE FOR NEW WILDLIFE HABITAT, INCLUDING WATER FOWL, UPLAND GAME BIRDS, & FISHERY HABITAT

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE					
1	Right Number	Priority	Amount	Nature	Period of Use

(NOTE: PARTIAL LIST OF AFFECTED RIGHTS ONLY)

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>A37-02014</u>	<u>5/10/1959</u>	<u>415.0 AFA</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
		<u>31.0 AFA</u>	<u>POND EVAPORATION</u>	<u>1/1</u> to <u>12/31</u>
<u>A37-01153</u>	<u>6/30/1988</u>	<u>350.25 AFA</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>11/1</u>
		<u>31.0 AFA</u>	<u>POND EVAPORATION</u>	<u>1/1</u> to <u>12/31</u>

2. Total amount of water being transferred _____ cubic feet per second and/or 31.0 acre-feet per annum.
3. Source of water GROUNDWATER / WILLOW CREEK tributary to BIG WOOD RIVER
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name or diversion
	SW	SW	SE	13	1S	18E	BLAINE	
	NE	SW	SE	13	1S	18E	BLAINE	

WITHDRAWN
5-5-2001

5. Lands irrigated or place of use:

[illegible]

149 6 + 12 4 W

PART 1

6. General Information:

a. Description of diversion system ARTESIAN WELL, CONCRETE DIVERSION GATEb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

FORMER IRRIGATED PASTURE TO BE CONVERTED TO
WETLANDS & PONDS FOR WILDLIFE

d. Remarks:

THIS PROJECT WILL GREATLY ENHANCE THE WATER QUALITY
AND WILDLIFE HABITAT FOR THIS AREA OF BLAINE COUNTY.

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:

WITHDRAWN

Witness my hand this _____ day of _____, 19 _____

RECORDED

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

PART 2

(Attach one copy for each right)

RECEIVED**MAY 03 2000**Department of Water Resources
Southern Region**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. A-37-01153 Decreed to ROBERT DREYER
 in case of _____ vs. _____
 dated 6/30/1886 in BLAINE county of IDAHO
- b. License No. A37-02614 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water WILLOW CREEK tributary to BIG LICK RIVER4. Date or priority 6/30/1886

5. Water is used for the following purpose:

amount 2.40 CFS for IRRIGATION purposes from 4/15 to 11/01
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 2.40 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	13	15	18E	BLAINE	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
15	18E	13												12			14		27.2
15	18E	24	13	39	13		27			39	3								137.3

Total acres 164.59. Describe any other water rights used for the same purpose as described above A37-02614

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 31.0 AFA for WILD LIFE purposes from 4/1 to 12/31
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	13	1S	18E	BLAINE	
	NE	SW	SE	13	1S	18E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	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	
1S	18E	13											6.0				3.2		9.2
1S	18E	24			3.0				8.5										11.5

Total acres 14.8

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 380.25 AFA for IRRIGATION purposes from 4/15 to 11/1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	13	1S	18E	BLAINE	
	NE	SW	SE	13	1S	18E	BLAINE	

WITHDRAWN

3. Lands irrigated or place of use:

Twp.	Rge.	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	
1S	18E	13											6.7				15.2		21.9
1S	18E	24	13.1	39.1	13.3		19.4			39.8	3								127.7

Total acres 147.6

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

PART 2

(Attach one copy for each right)

RECEIVED**MAY 03 2000**Department of Water Resources
Southern Region**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. A37-02614 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice
☐ Warranty Deed
☐ Other _____
3. Source of water GROUNDWATER tributary to _____4. Date or priority 5/18/1959

5. Water is used for the following purpose:

amount 2.0 for IRRIGATION purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	13	15	1BE	BLAINE	
	SW	SW	SE	13	15	1BE	BLAINE	

WITHDRAWN

8. Lands irrigated or place of use:

Twp.	Rge.	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	
15	1BE	13												14			12		272
15	1BE	24	13	31	13		27			25	3								122.8

Total acres 150.09. Describe any other water rights used for the same purpose as described above A37-01153

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 31.0 AFA for WILD LIFE purposes from 1/1 to 12/31
 (cfs/ac-ft) (POOD EVAPORATION)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	13	15	18E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	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	
15	18E	13												W 60			W 32		609.8
15	18E	24			3W			85W											8.5

Total acres ~~148~~ 136**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 18429 AFA for _____ purposes from 4/15 to 10/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

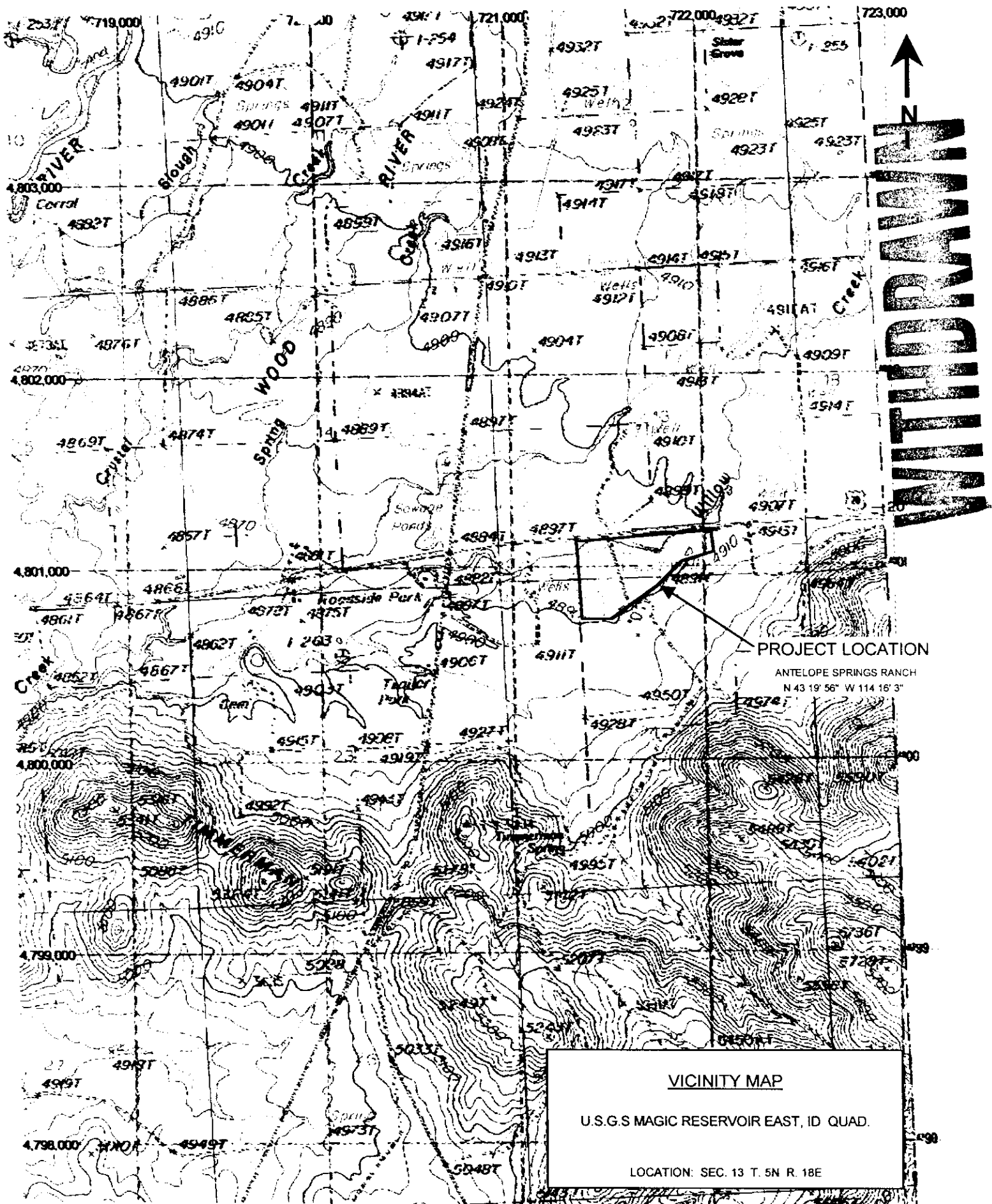
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	13	15	18E	BLAINE	
	SW	SW	SE	13	15	18E	BLAINE	

WITHDRAWN

3. Lands irrigated or place of use:

Twp.	Rge.	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	
15	18E	13												67			152		219
15	18E	24	13.13	13.13			124			25	3								112.9

Total acres 134.9



ANTELOPE SPRINGS
HABITAT IMPROVEMENT PROJECT

Robert B Dreyer Transfer Application 5-3-2000



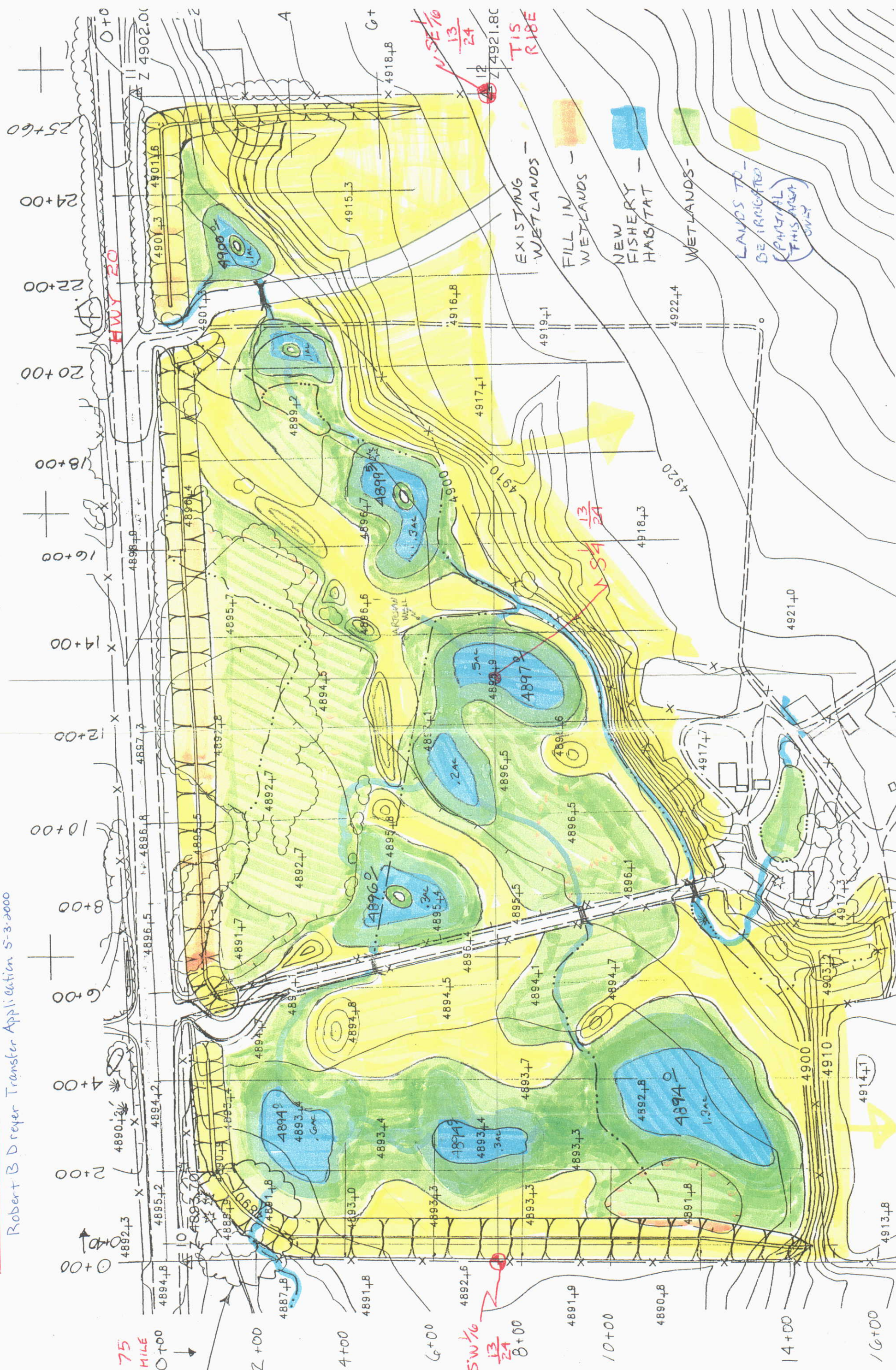
SCALE: 1"=200'

HWY 75
← 2.6 MILE

SEE
DRAINAGE
DETAIL

SW 1/4
13
24
8+00

WITHDRAWN



PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

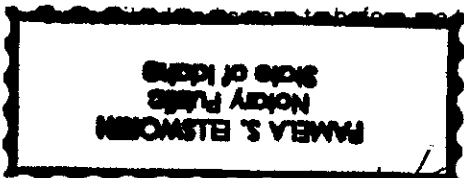
WITHDRAWN

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 willful misrepresentations made in this application may result in voiding its approval.

 (Signature of Applicant)
 10TH day of MAY 2000

 (Notary Public)



My commission expires 1/24/06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. P. Stanton Date 5-11-00 Protest filed by _____

Prelim. check by _____ Fee \$100, S023087

Receipted by JS Date 5-11-00

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

WATERMASTER

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Normandy

April 17, 1995

RECEIVED

APR 18 1995

Department of Water Resources

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

Re: Gertrude Peet/Geoffrey Smith

Dear Pat:

Our client, Gertrude Peet, is in the process of attempting to finalize a lease of her ranch, located near Timmerman Hill in Blaine County. As a new lessee is likely to start irrigating the property in the near future, this letter is meant to once again advise your client, Geoffrey Smith, of our client's rights regarding the well from which they both divert water. See Letter of September 21, 1994 from Thomas J. Ryan to Geoffrey C. Smith. We want to avoid the type of conflicts that have occurred in the past:

In sum, Geoffrey Smith may not: (1) divert more water from the well than he is entitled to; or (2) interfere with Gertrude Peet, or her lessee, when accessing, maintaining, or repairing the well, ditch or other irrigation works located between the well and the Peet ranch.

1. Diversion of Water from the Well

Gertrude Peet, by virtue of Water Right No. 37-02614, has a licensed right to receive 2.0 cfs, or 100 inches, of water under a priority date of May 18, 1959. In large part, this right is served by the well in question. Geoffrey Smith has a statutory claim, A37-04159, with a priority date of April 1, 1955, totaling .32 cfs. As a result, any diversion by Smith in excess of .32 cfs, and irrigation in excess of 16 acres, is unauthorized.

Exceeding the .32 cfs limit will result in a request to the Idaho Department of Water Resources (IDWR) for a cease and desist order, a request for injunctive relief from the Snake River Basin Adjudication (SRBA) District Court, and/or pursuit of criminal violations with the Blaine County Prosecuting Attorney.

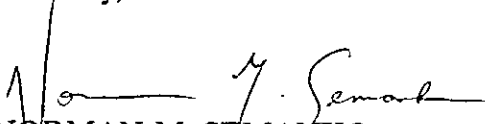
Patrick D. Brown
April 17, 1995
Page 2

2. Access, Maintenance and Repair of the Well, Ditch and Other Irrigation Works

The deed conveying the ranch to Gertrude Peet conveys all water and ditch rights appurtenant to and used in connection with the property. There also exists an implied easement. This includes the right to access, repair and maintain the well, ditch and other irrigation works. Again, interference with these rights will result in a request to IDWR, the SRBA Court, and/or the Blaine County Prosecuting Attorney for relief.

As before, we remain open to any negotiations or discussions regarding this matter. Certainly, we have tried to foster such talks over the past several months. However, in the meantime, we must again insist that your client refrain from interfering with the rights of Gertrude Peet, as set forth above.

Sincerely,


NORMAN M. SEMANKO

04179501.NMS

cc: Keith Higginson, Director, Idaho Department of Water Resources
Lee Peterson, Watermaster, District 37 and 37M
Fritz Haemmerle, Blaine County Prosecuting Attorney
Geoffrey Smith
Gertrude Peet



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

November 8, 1994

Dee Walker
P.O. Box 525
Bellevue, ID 83313

5

RE: Application for Transfer Nos. 3758 & 3759
On Water Right Nos. 37-01153 & 37-02614

Dear Water Right Holder:

The Department acknowledges the withdrawal of the above referenced Transfers by your representative Robert Korb of Kneeland, Korb Collier & Legg Law Offices (copy attached).

If you have any questions regarding this matter, please contact me directly at 327-7943.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Water Resource Agent

cc: Robert Korb

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG
KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340

(208) 726-9311
TELEFAX (208) 726-4515

RECEIVED
NOV 7 1994

Department of Water Resources
HAILEY OFFICE:

301 FIRST AVENUE SOUTH
P.O. BOX 606
HAILEY, IDAHO 83333
(208) 788-4733
TELEFAX (208) 788-5101

ROBERT KORB III
BRUCE COLLIER
ANN LEGG
DAVID C. EPIS

G.R. KNEELAND
OF COUNSEL

November 2, 1994

Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

RE: Dee Walker -- Water Right No. ³⁷~~36~~-02614, Transfer No.
~~379959~~ and Water Right No. ~~36~~-01153, Transfer No. 3758
KK&C File No. 5381-G

Dear Mr. Saxton:

This letter confirms our phone conversation of Tuesday, September 2, 1994. As advised, the transfer applications by Dee Walker have been withdrawn. Mr. Walker is considering whether to pursue his claims in court.

Your patience, assistance and cooperation is appreciated.

Thank you.

KNEELAND, KORB, COLLIER & LEGG

Robert Korb

RK:HKH

Enclosure(s): as stated

cc: Geoff Smith
Dee Walker

rk\walker.1

ROSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
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Twin Falls Office
142 3rd Ave. North
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TELEPHONE (208) 734-0700
FAX (208) 736-0041

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1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

OCT 17 1994

October 13, 1994

Department of Water Resources

Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: ³⁷
Water Right No. 37-02614/Transfer No. 3759
Water Right No. 37-01153/Transfer No. 3758
³⁷

Dear Glen:

This letter is sent on behalf of our client, Gertrude L. Peet, regarding Dee Walker's applications for transfer No. 3759, to change the place of use of Water Right No. 37-02614, and No. 3758, to change the place of use of Water Right No. 37-01153.

Simply put, Gertrude Peet is the sole and complete owner of Water Right No. 37-02614 and the portion of Water Right No. 37-01153 that Walker seeks to transfer. As a result, any attempt by any other party, including Dee Walker, to transfer any portion of these rights is void. There can be no attempt to transfer except by the current owner. As a result, the pending transfer applications should not even be considered by the department.

Nevertheless, the transfer applications have been processed and two Preliminary Orders, dated July 6, 1994, have been issued proposing to deny the applications for transfer. Dee Walker's attorney subsequently requested that the department's decision be reconsidered, by letter dated August 19, 1994. In an August 22, 1994 response, the department indicated that an opportunity for hearing could be provided, but advised that evidence of ownership of a portion of Water Right No. 37-02614 would be needed. The same could be advised regarding Water Right No. 37-01153.

Dee Walker has not, and indeed, cannot, show that he has any possessory interest in any portion of Water Right No. 37-02614 or that portion of Water Right No. 37-01153 that he is seeking to transfer. Gertrude L. Peet is, and has been since November 17, 1989, the exclusive owner of these rights, as previously indicated to the department.

Glen Saxton, Chief
October 13, 1994
Page 2

In a letter dated October 3, 1994, Dee Walker's attorney informed the department that he does "not desire to waste the Department's time concerning this matter if we cannot show Mr. Walker owns part of the water right." It is clear that they cannot.

Therefore, pursuant to the October 3, 1994 letter, the findings of the Preliminary Orders, section 42-222, Idaho Code, and the IDWR Rules of Procedure¹, we request that the department either:

1. Void Applications for Transfer Nos. 3758 and 3759; or
2. Deny the Request for Reconsideration and issue Final Orders, denying the Applications for Transfer.

We look forward to receiving your response. Please direct any communications to the Twin Falls address on this letterhead.

Sincerely,


NORMAN M. SEMANKO

10139401.NMS

cc: Gertrude L. Peet

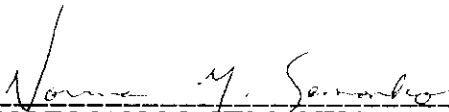
¹ The service date of the Preliminary Orders was July 8, 1994. The request for reconsideration was dated August 19, 1994, well after the fourteen (14) day deadline. In addition, more than twenty-one (21) days have passed since receipt of the request for reconsideration without disposing of the request. As a result, the request for reconsideration should be considered denied by operation of law. See Rule 730.02.a., IDWR Rules of Procedure. Finally, an additional twenty-one (21) days during which a written appeal or exceptions could have been filed has also passed. As a result, the preliminary orders should become final orders. See Rule 730.02.b. In the event that the department concludes that the request for reconsideration should be, or has been, granted, our client should be allowed an opportunity to submit a brief in support of her position and should be notified of further proceedings regarding the applications for transfer. See Rule 730.02.d.

Glen Saxton, Chief
October 13, 1994
Page 3

CERTIFICATE OF MAILING

I hereby certify that on this 14 day of October, 1994, I served a copy of the foregoing letter to Glen Saxton, dated October 13, 1994, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Dee Walker
c/o Robert Korb
Kneeland, Korb, Collier & Legg
P.O. Box 249
Ketchum, ID 83340



NORMAN M. SEMANKO



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

October 13, 1994

Robert Korb
Kneeland, Korb & Collier
P.O. Box 249
Ketchum, ID 83340

RE: APPLICATION FOR TRANSFER NO. 3759 OF WATER RIGHT LICENSE 37-02614

Dear Mr. Korb:

I have reviewed your letter dated October 3, 1994 in connection with the above referenced matter.

My August 22, 1994 letter to you was intended to advise you that the information presently before the department shows that Devon Walker has conveyed water right no. 37-02614 together with some other water rights to other parties and is no longer authorized to make changes to the water rights.

More specifically, the enclosed copies of deeds shows that on November 17, 1989, Devon Walker conveyed certain land and certain water rights including 37-02614 to St. Finnbar Land Company and that St. Finnbar subsequently conveyed the land and water rights to Gertrude L. Peet. Assuming the copies of the deeds represent what has actually occurred, Dee Walker is not entitled to make changes to the water rights by filing an application for transfer in July 1990 without approval of the new owner.

If you have information to show that the deeds are without merit or have otherwise become invalid, please provide the information at your earliest convenience. If you do not have such information, please withdraw your request for hearing so the department will not needlessly schedule a hearing. The department is certainly willing to wait until the end of October 1994 to allow you to check into this matter.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: IDWR - S. Region

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG
KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340

(208) 726-9311

TELEFAX (208) 726-4515

October 3, 1994

RECEIVED

OCT 12 1994

HAILEY OFFICE:
301 FIRST AVENUE SOUTH
P.O. BOX 606
HAILEY, IDAHO 83333
Department of Water Resources
(208) 788-4733
TELEFAX (208) 788-5101

ROBERT KORB III
BRUCE COLLIER
ANN LEGG
DAVID C. EPIS

G.R. KNEELAND
OF COUNSEL

L. Glen Saxton, Chief
Water Allocation Bureau
Department of Water Resources
1301 No Orchard St
Statehouse Mail
Boise ID 83720-9000

Re: Application for Transfer No. 3759
of Water Right No. 37-02614

Dear Mr. Saxton:

Enclosed is a copy of your letter to our office dated September 23, 1994, for reference.

I apologize for not promptly responding to this matter and advising you of acceptable hearing dates in late October or early November. I have been attempting to obtain information reflecting that Dee Walker is the owner of a portion of Water Right No. 37-02614. According to your August 22, 1994, a letter, security interest in the property that the water right was intended to benefit is not sufficient. It would be appreciated if you could advise of the Code Section which defines what constitutes a possessory interest (ownership) of a water right, or other applicable law.

I do not desire to waste the Department's time concerning this matter if we cannot show Mr. Walker owns part of this water right. It is requested that the Department grant us until the end of October to determine whether to pursue this matter without jeopardizing Mr. Walker's right to pursue this claim. Please advise. Thank you.

Very truly yours,

KNEELAND, KORB, COLLIER & LEGG


Robert Korb

RK/df
Encl.
CC: Geoff Smith
Dee Walker

RK\walker.101



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

September 23, 1994

Robert Korb
Kneeland, Korb & Collier
P.O. Box 249
Ketchum, ID 83340

RE: APPLICATION FOR TRANSFER NO. 3759 OF WATER RIGHT NO. 37-02614

Dear Mr. Korb:

Enclosed is a copy of my August 22, 1994 letter to you in connection with the above referenced matter to which you did not respond.

Please advise me within twenty (20) days of the date of this letter of hearing dates in late October or early November which are acceptable to you. Failure to timely respond to this letter may be cause to dismiss with prejudice your request for hearing.

If you have questions, please feel free to contact me.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region



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

August 22, 1994

Robert Korb
Kneeland, Korb & Collier
P.O. Box 249
Ketchum, ID 83340

RE: APPLICATION FOR TRANSFER NO. 3759 OF WATER RIGHT NO. 37-02614

Dear Mr. Korb:

I have received your letter dated August 19, 1994 in which you request reconsideration of a Preliminary Order issued by the department in connection with the above referenced application for transfer.

The department will provide the opportunity for hearing as you have requested, if you can not otherwise provide the requested information. More specifically, the department has asked the applicant, Dee Walker, to provide evidence to show that he owns the portion of water right no. 37-02614 which he seeks to transfer. Mr Walker has not provided the information.

As background for you, license 37-02614 provides the following:

Priority:	May 18, 1959
Rate of div:	2.0 cubic feet per second
Source:	Groundwater
Use:	Irrigation
Point of div:	NE1/4NE1/4 and SW1/4SE1/4 Section 13, T1S, R18E,BM.
Place of use:	150 acres in Section 24, T1S, R18E,BM as follows:
	NENE - 27 acres
	NWNE - 40
	SWNE - 20
	SENE - 40
	NESW - 23

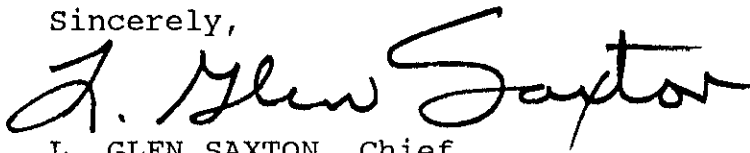
Application for transfer no. 3759 seeks to change the place of use of 0.90 cfs of the water on 45 acres, 5 acres of which is proposed in Section 24, and 40 acres of which is proposed in Section 13, all in T1S, R18E,BM.

If your client can show that he owns part of this water right, you should provide the information to the department at first opportunity. You do not need to wait for a hearing on this matter to show ownership of part of the water right. The copy of the Real Estate Mortgage you provided with your letter does not show that your client owns a part of the water right.

Please advise me of dates in September and early October 1994 when you are available for a hearing. I am hopeful that if you have information to show ownership of the right, however, you will provide it to the department in order to avoid an unnecessary hearing.

If you have questions, please feel free to contact me. My direct phone number is 327-7955.

Sincerely,

A handwritten signature in cursive script that reads "L. Glen Saxton". The signature is written in dark ink and is positioned above the typed name.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Dee Walker

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG

KNEELAND PROFESSIONAL BUILDING

128 SADDLE ROAD, SUITE 103

P.O. BOX 249

KETCHUM, IDAHO 83340

(208) 726-9311

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OF COUNSEL

HAILEY OFFICE:

301 FIRST AVENUE SOUTH

P.O. BOX 606

HAILEY, IDAHO 83333

(208) 788-4733

TELEFAX (208) 788-5101

RECEIVED

AUG 22 1994

Department of Water Resources

August 19, 1994

L. Glen Saxton
Department of Water Resources
1301 N. Orchard Street
State House Mall
Boise, ID 83720-9000

SENT FACSIMILE: (208) 327-7866

RE: Dee Walker, Permit No. 37-02614; Preliminary Order Denying
Application for Transfer; Petition for Reconsideration.
KK&C File No. 5381-B

Dear Mr. Saxton:

Our office represents Dee Walker. A preliminary order denying Mr. Walker's application for transfer No. 3758 for Water Right No. 37-01153 was denied by the Department on July 6, 1994.

Dee Walker requests that the Department's decision be reconsidered and that Mr. Walker be given the opportunity for a hearing. The denial was based on the Department's decision that Mr. Walker did not show a possessory interest of the water right. The transfer of the water right was for the benefit of real property Mr. Walker holds a mortgage on. A copy of that mortgage is attached hereto. Mr. Walker believes that as mortgagee he has the requisite possessory interest of the water right.

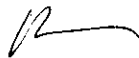
Further, the water right No. 37-02614 was inadvertently transferred to Gertrude L. Peet by mistake. Ms. Peet has refused to assist in the resolution of this mistake. Mr. Walker intends to take the necessary steps to correct this matter.

WCHD: [unclear]

Respectfully submitted on behalf of Dee and Joan Walker.

Thank you.

KNEELAND, KORB, COLLIER & LEGG



Robert Korb

RK:jd

cc: Geoff Smith

Enclosure(s): as stated

rk\smith.2

EXHIBIT A

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 18: A parcel of land more particularly described by me bounds as follows:

Commencing at the brass cap marking the West $\frac{1}{4}$ corner of Section 18, T.1S., R.19E., B.M., Blaine County, Idaho, said corner lying N. $00^{\circ}01'02''$ W., 2641.70 feet from a brass cap marking the Southwest section corner of said Section 18, said West $\frac{1}{4}$ corner being the TRUE POINT OF BEGINNING;
Thence N. $89^{\circ}29'11''$ E., 2772.85 feet along the Northerly boundary of the SW $\frac{1}{4}$ of said Section 18 to a $\frac{5}{8}$ " rebar marking the Center $\frac{1}{4}$ corner of said Section 18;
Thence S. $00^{\circ}03'44''$ E., 1915.65 feet along the Easterly boundary of the SW $\frac{1}{4}$ of said Section 18 to a $\frac{5}{8}$ " rebar on the Northerly boundary of U.S. Highway 20;
Thence N. $74^{\circ}42'42''$ W., 311.54 feet along said Northerly boundary of the highway to a brass cap;
Thence N. $78^{\circ}42'21''$ W., 404.46 feet along said Northerly boundary of the highway to a brass cap;
Thence 1143.75 feet along a curve on said Northerly boundary of the highway, said curve being concave to the South with central angle of $11^{\circ}18'33''$, a radius of 5794.60 feet, and a chord length of 1141.90 feet that bears N. $86^{\circ}21'58''$ W., to a brass cap;
Thence S. $87^{\circ}58'37''$ W., 938.16 feet along said Northerly boundary of the highway to a brass cap on the Westerly section line of said Section 18;
Thence leaving said highway N. $00^{\circ}01'02''$ W., 1690.18 feet to the TRUE POINT OF BEGINNING.

REAL ESTATE MORTGAGE

ORIGINAL

For Value Received, GEOFFREY C. SMITH, a single man, of P. O. Box 732, Bellevue, Idaho 83313

the mortgagor , does hereby grant, bargain, sell and convey unto DEVON WALKER and JOAN WALKER husband and wife, of 1144 Del Rio Road, Roseburg, OR 97

the mortgagees , the following described premises, in Blaine County, Idaho, to-wit:

See Attached Exhibit "A"

BLAINE CO. REQUEST

OF Kenecland, Karl

1992 AUG 24 P 2:40

344013

MARY GREEN, CLERK

FEES \$

6⁰⁰

MP

mtge

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said mortgagees , the heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of the sum of \$188,512.33 ONE HUNDRED EIGHTY EIGHT THOUSAND FIVE HUNDRED TWELVE AND 33/100---DOLLARS with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of mortgagee, with final payment due August 8, 2000 and providing for acceleration of the due date of the principal for default in the payment of interest or any installment of principal, and providing for a reasonable attorney's fee in case of suit or action.

The mortgagor covenant and agree with, the mortgagee S as follows: That he is the owner in fee simple of the above described premises and the same are free from all encumbrances

That he will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That he will pay all taxes, liens and assessments of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. That he will keep the bulk of said premises insured against loss or damage by fire, by some insurance company acceptable to the mortgagee with loss, if any, payable to the mortgagee S as to interest may appear, in the sum of at least \$, and deliver such policy or policies of insurance to the mortgagee , until the sums secured by this mortgage are fully paid with interest. The mortgagee may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title from a reputable title company and the mortgagor agree to pay the cost thereof upon demand.

If the mortgagor shall fail to pay any such tax or lien, abstract or title report charge, or fail to maintain such fire insurance, the mortgagee S may pay the same and procure said insurance, abstract continuation or title report and pay the cost thereof, and all payments by the mortgagee S for any such purpose shall be added to the indebtedness hereby secured, and shall be repayable on demand, with interest at the rate of eight (8) per cent per annum until paid.

For the purpose of further securing said indebtedness and performance of the covenants herein contained, the mortgagor hereby sell S and assign S to the mortgagee any and all rentals accruing, or to accrue on said premises, during the life of this mortgage.

Now, if the said mortgagor shall pay or cause to be paid all moneys which may become due upon said promissory note and shall otherwise comply with the terms and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, or any part thereof, principal or interest or in any of the covenants or agreements herein contained, then the mortgagee S, their heirs or assigns, at his option, may declare the entire indebtedness hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged premises to be sold in the manner provided by law, and out of the moneys arising from such sale retain principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with the costs and charges of such foreclosure suit and sale, including such sum as the court may adjudge reasonable as an attorney's fee to be allowed the plaintiff, and the overplus, if any there be, pay to the mortgagor . HIS heirs and assigns.

Dated: July 6, 1992

Geoffrey C. Smith
Geoffrey C. Smith

STATE OF IDAHO, COUNTY OF BLAINE

On this 24 day of JULY, 19 92
before me, a Notary Public in and for said State, personally appeared

Geoffrey C. Smith

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Maria Vaughan
Notary Public,

Residing at Blaine County Idaho.

STATE OF IDAHO, COUNTY OF

I HEREBY CERTIFY That this instrument was filed for record at the request of

at _____ minutes past _____ o'clock M
this _____ day of _____
19 _____, in my office, and duly recorded in Book _____
of Mortgages at page _____

Ex-Officio Recorder.

By _____

Deputy.

Fees: \$

LAW OFFICE
KNEELAND, KORB & COLLIER
KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340
208-726-9311
FAX 208-726-4515

FAX COVER SHEET

DATE: 8-19-94 TIME: 130 TOTAL PAGES: 5
(include cover sheet)
TO: L. Glen Saxton FAX NO: 208-327-7866

RE: Dee Walker
FROM: Bob Korb

PLEASE FIND THE FOLLOWING:

COMMENTS:

Hard copy to follow via U.S. Mail

IMPORTANT MESSAGE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS IS NOT THE INTENDED RECIPIENT, YOU ARE NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.
THANK YOU.

Original Document to be mailed:

☒ Yes ☐ No

KKC&L FILE NO. 5381-B

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG

KNEELAND PROFESSIONAL BUILDING

128 SADDLE ROAD, SUITE 103

P.O. BOX 249

KETCHUM, IDAHO 83340

(208) 726-9311

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ROBERT KORB III
BRUCE COLLIER
ANN LEGG
DAVID C. EMB

G.R. KNEELAND
OF COUNSEL

HAILEY OFFICE:

301 FIRST AVENUE SOUTH

P.O. BOX 606

HAILEY, IDAHO 83333

(208) 788-4733

TELEFAX (208) 788-5101

August 19, 1994

L. Glen Saxton
Department of Water Resources
1301 N. Orchard Street
State House Mall
Boise, ID 83720-9000

SENT FACSIMILE: (208) 327-7866

RE: Dee Walker, Permit No. 37-02614; Preliminary Order Denying
Application for Transfer; Petition for Reconsideration.
KK&C File No. 5381-B

Dear Mr. Saxton:

Our office represents Dee Walker. A preliminary order denying Mr. Walker's application for transfer No. 3758 for Water Right No. 37-01153 was denied by the Department on July 6, 1994.

Dee Walker requests that the Department's decision be reconsidered and that Mr. Walker be given the opportunity for a hearing. The denial was based on the Department's decision that Mr. Walker did not show a possessory interest of the water right. The transfer of the water right was for the benefit of real property Mr. Walker holds a mortgage on. A copy of that mortgage is attached hereto. Mr. Walker believes that as mortgagee he has the requisite possessory interest of the water right.

Further, the water right No. 37-02614 was inadvertently transferred to Gertrude L. Peet by mistake. Ms. Peet has refused to assist in the resolution of this mistake. Mr. Walker intends to take the necessary steps to correct this matter.

Respectfully submitted on behalf of Dee and Joan Walker.

Thank you.

KNEELAND, KORB, COLLIER & LEGG

Robert Korb

RK:jd
cc: Geoff Smith
Enclosure(s): as stated

rk\smith.2

REAL ESTATE MORTGAGE**ORIGINAL****COPY**For Value Received, GEOFFREY C. SMITH, a single man, of P. O. Box 732,
Bellevue, Idaho 83313the mortgagor , does hereby grant, bargain, sell and convey unto DEVON WALKER and JOAN WALKER
husband and wife, of 1144 Del Rio Road, Roseburg, OR 9747

the mortgagees , the following described premises, in Blaine County, Idaho, to-wit:

See Attached Exhibit "A"

BLAINE CO. REQUEST

OF Kneeland, Karl

1992 AUG 24 P 2:40

344013

MARY GREEN, CLERK
FEES \$6⁰⁰ MP

mtge

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said mortgagees, their
heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of the sum of \$188,512.33
ONE HUNDRED EIGHTY EIGHT THOUSAND FIVE HUNDRED TWELVE AND 33/100---DOLLAR
with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of the
mortgagee, with final payment due August 8, 2000
and providing for acceleration of the due date of the principal for default in the payment of interest or any installment
of principal, and providing for a reasonable attorney's fee in case of suit or action.

The mortgagor covenants and agrees with the mortgagees as follows: That he is the owner in fee simple of the above described premises and that they
are free from all encumbrances.

That he will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That he will pay all taxes, liens and assessments
of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. That he will keep the building
on said premises insured against loss or damage by fire, by some insurance company acceptable to the mortgagee with loss, if any, payable to the mortgagee as the
interest may appear, in the sum of at least \$, and deliver such policy or policies of insurance to the mortgagee, until the sums secured by this mortgage are
fully paid with interest. The mortgagee may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title report
from a reputable title company and the mortgagor agrees to pay the cost thereof upon demand.

If the mortgagor shall fail to pay any such tax or lien, abstract or title report charge, or fail to maintain such fire insurance, the mortgagee may pay the same or
procure said insurance, abstract continuation or title report and pay the cost thereof, and all payments by the mortgagee for any such purpose shall be added to the indebtedness
hereby secured, and shall be repayable on demand, with interest at the rate of eight (8) per cent per annum until paid.

For the purpose of further securing said indebtedness and performance of the covenants herein contained, the mortgagor hereby sells and assigns to the mortgagee
any and all rentals accruing, or to accrue on said premises, during the life of this mortgage.

Now, if the said mortgagor shall pay or cause to be paid all moneys which may become due upon said promissory note and shall otherwise comply with the terms
and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, or any part thereof, principal or interest
or in any of the covenants or agreements herein contained, then the mortgagee, their heirs or assigns, at his option, may declare the entire indebtedness
hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged premises to be sold in the manner provided by law, and out of the
moneys arising from such sale retain principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with the costs and charges of
such foreclosure suit and sale, including such sum as the court may adjudge reasonable as an attorney's fee to be allowed the plaintiff, and the overplus, if any there be, pay over
to the mortgagor, his heirs and assigns.

Dated: July 6, 1992

Geoffrey C. Smith

STATE OF IDAHO, COUNTY OF BLAINE

On this 24 day of July 1992

STATE OF IDAHO, COUNTY OF

before me, a Notary Public in and for said State, personally appeared

Geoffrey C. Smith

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

M. Vaughan
Notary Public,

Residing at *Big Lost Creek* Idaho.
Comm. Expires *2-1-15*

I HEREBY CERTIFY That this instrument was filed for record at the request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Mortgages at page _____

Ex-Officio Recorder.

By _____ Deputy.

Fees: \$

Mail to:

EXHIBIT A

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 18: A parcel of land more particularly described by met bounds as follows:

Commencing at the brass cap marking the West $\frac{1}{4}$ corner of Section 18, T.1S., R.19E., B.M., Blaine County, Idaho, said corner lying N. $00^{\circ}01'02''$ W., 2641.70 feet from a brass cap marking the Southwest section corner of said Section 18, said West $\frac{1}{4}$ corner being the TRUE POINT OF BEGINNING;
Thence N. $89^{\circ}29'11''$ E., 2772.85 feet along the Northerly boundary of the SW $\frac{1}{4}$ of said Section 18 to a $\frac{5}{8}$ " rebar marking the Center $\frac{1}{4}$ corner of said Section 18;
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Thence N. $78^{\circ}42'21''$ W., 404.46 feet along said Northerly boundary of the highway to a brass cap;
Thence 1143.75 feet along a curve on said Northerly boundary of the highway, said curve being concave to the South with central angle of $11^{\circ}18'33''$, a radius of 3794.60 feet, and a chord length of 1141.90 feet that bears N. $86^{\circ}21'58''$ W., to a brass cap;
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Thence leaving said highway N. $00^{\circ}01'02''$ W., 1690.18 feet to the TRUE POINT OF BEGINNING.



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

August 5, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DEE WALKER
PO BOX 14
WINCHESTER OR 77495-0014

RE: Permit No. 37-02614

Dear Permit Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director.

The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

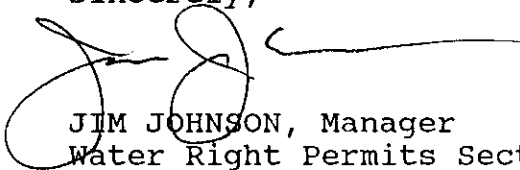
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final

order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal flourish extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of August, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

Dee Walker
PO Box 14
Winchester, OR. 77495-0014



Donna L. Corless
Clerical Specialist

MEMORANDUM

DATE: August 5, 1994
TO: File No. 37-02614
FROM: Donna Corless
SUBJECT: RETURNED MAIL

=====

A Preliminary Order Denying Application for Transfer, mailed to Dee Walker at 1144 Del Rio Rd., Roseburg, OR. 97470 was returned by the US Postal Service with the following notation:

Forwarding Time Expired - Return to Sender

A notation on the return label gave Mr. Walker's new address as PO Box 14, Winchester, OR. 77495-0014. The order was forwarded to that address today.



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

July 8, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DEE WALKER
1144 DEL RIO ROAD
ROSEBURG OR 97470

RE: Permit No. 37-02614

Dear Permit Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director.

The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

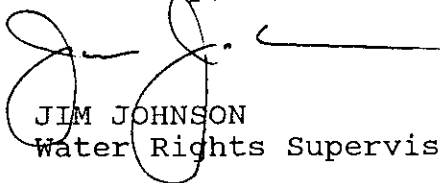
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final

order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

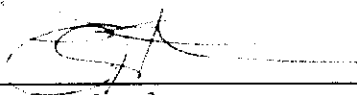
JJ:dc

Enclosure

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8th day of July, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

Dee Walker
1144 Del Rio Road
Roseburg, OR. 97470



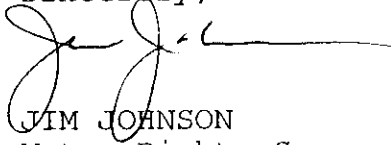
Donna L. Corless
Clerical Specialist

The purpose of this letter is to inform you that I will take action to void your application after thirty (30) days from the date of this letter unless you can show possessory interest in applying for transfer #3758, of Water Right #37-01153.

If you are no longer interested in this application for transfer, you can shorten the process by signing and returning the enclosed withdraw form in the pre-addressed, stamped envelope provided.

If you have any questions in regard to this matter, please feel free to call me at (208) 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal stroke extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure



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

July 23, 1993

RE: Application for Transfer No. 3759
Water Right No. 37-02614

Certified Mail # 35053

Dee Walker
1144 Del Rio Road
Roseburg, OR 97470

NOTICE OF PENDING ORDER
TO DENY APPLICATION FOR TRANSFER

Dear Mr. Walker:

On July 20, 1990, you filed an Application for Transfer of the above referenced water right. The transfer proposed to change the place of use under this recorded right.

On July 20, 1990, you filed notice of change of ownership on your Snake River Basin Adjudication claim. On October 1, 1992, the new property owner requested withdraw of application of transfer #3759, on Water Right #37-02614.

On October 23, 1992, this Department corresponded with you requesting you to withdraw the application for transfer #3759, on Water Right #37-02614, as you no longer have possessory interest in that application. As of this date, the Department has not received a response to that correspondence.

Section 42-222(1), Idaho Code, reads in part, "Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under this right shall first make application to the department of water resources for approval of such change."



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

July 23, 1993

RE: Application for Transfer No. 3759
Water Right No. 37-02614

Certified Mail # 35054

Gregory C. Smith
PO Box 2026
Ketchum, ID 83340

NOTICE OF PENDING ORDER
TO DENY APPLICATION FOR TRANSFER

Dear Mr. Smith:

On July 20, 1990, Mr. Dee Walker filed an Application for Transfer of the above referenced water right. The transfer proposed to change the place of use under this recorded right.

On July 20, 1990, Mr. Walker filed notice of change of ownership on your Snake River Basin Adjudication claim. On October 1, 1992, the new property owner requested withdraw of application of transfer #3759, on Water Right #37-02614.

On October 23, 1992, this Department corresponded with you and Mr. Walker requesting you to withdraw the application for transfer #3759, on Water Right #37-02614, as you no longer have possessory interest in that application. As of this date, the Department has not received a response to that correspondence.

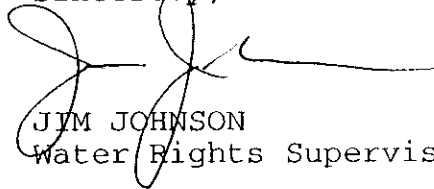
Section 42-222(1), Idaho Code, reads in part, "Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under this right shall first make application to the department of water resources for approval of such change."

The purpose of this letter is to inform you that I will take action to void your application after thirty (30) days from the date of this letter unless you can show possessory interest in applying for transfer #3759, of Water Right #37-02614.

If you are no longer interested in this application for transfer, you can shorten the process by signing and returning the enclosed withdraw form in the pre-addressed, stamped envelope provided.

If you have any questions in regard to this matter, please feel free to call me at (208) 327-7947.

Sincerely,

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

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

23-Oct-1992

R. KEITH HIGGINSON
Director

Gregory C. Smith
P.O. Box 2026
Ketchum, ID 83340

Dee Walker
1144 Del Rio Road
Roseburg, OR 97470

Re: Application for transfer of water right 37-2614

Gentlemen:

This office acknowledges partial assignment of this application to by the original applicant, Dee Walker to Greg Smith. In future proceedings on this application you will be considered co-applicants.

This office has received a request from Ms. Gertrude Peet to void the application based on the fact that the water right and the associated real property has been conveyed to her.

Ms. Peet has provided a copy of a warranty deed evidencing the conveyance. In addition, our records indicate that she is the only claimant in the Snake River Basin Adjudication basing a claim on this right.

Based on the information held by this office, it appears that you no longer have an ownership interest in this water right. We will continue to hold the application for thirty (30) days for your response.

If no response is received, the application will be recommended to be voided.

Sincerely,

A handwritten signature in cursive script, reading 'Loren O. Holmes'.

Loren O. Holmes, P. E.
Southern Region Manager

C: Gertrude Peet

I, Gertrude L. Peet, do hereby request that the Application for Transfer of Water Right 37-02614 in the name of Dee Walker be voided. As per the attached deed, the original place of use of this right is now owned by me. The property was purchased from Mr. Walker with appurtenant water rights, and I desire to keep this right on my land. I will be filing an amended SRBA claim to show how this right is presently used.

Thank You,

Gertrude L. Peet

Gertrude L. Peet
10-21-1992

RECEIVED

OCT 21 1992

Department of Water Resources
Southern Region Office

WARRANTY DEED

For Value Received

DEVON A. WALKER AND JOAN WALKER, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

ST. FINNBAR LAND COMPANY, a Colorado corporation

the grantee, whose current address is c/o M. A. Heller, Box 98, Woody Creek, CO 81656

the following described premises, in Blaine County, Idaho, to-wit:

See Attached Exhibit A

and

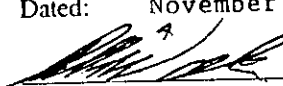
All water and ditch rights appurtenant to or used in connection with the described real property, including, without limiting the generality of the foregoing:

Water Right Number	Priority Date	Status
37-01153 (formerly 37-0389) But only 70 inches therefrom	June 30, 1888	Decreed
37-02614	May 18, 1959	License
37-07872	January 7, 1981	Permit
A37-11638	May 15, 1910	Beneficial Use
A37-11639	June 14, 1934	Beneficial Use
A37-11641	May 15, 1938	Beneficial Use

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee its heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee, that they the owner s in fee simple of said premises; that they are free from all incumbrances And with respect to the herein described water rights, grantor shall and will warrant and forever defend the quiet and peaceable possession of the Grantee, its successors and assigns against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 17, 1989


 X DEVON A. WALKER


 X JOAN WALKER

STATE OF IDAHO

COUNTY OF Blaine

ss

On this 17th day of November, in the year 1989, before me, a Notary Public, personally appeared

Devon A. Walker

STATE OF IDAHO

COUNTY OF Blaine

ss.

On this 17th day of November, in the year 1989, before me, a Notary Public, personally appeared

Devon A. Walker

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO

SECTION 25: NE $\frac{1}{4}$ NW $\frac{1}{4}$

SECTION 24: S $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 13: All that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying
South of Idaho State Highway Number 20.

SECTION 13, TOWNSHIP 1 SOUTH, RANGE 18 EAST, and SECTION 18, TOWNSHIP 1
SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Beginning at the southeast corner of said Section 13, T 1S., R 18 E.,
the Point of Beginning;

thence S. 89°56'50" W, 649.87 feet;

thence N. 0°04'00" E, 38.50 feet;

thence N. 89°24'05" E, 339.77 feet;

thence N. 51°24'08" E, 396.75 feet;

thence N. 64°30'04" E, 76.72 feet;

thence N. 56°14'31" E, 97.04 feet;

thence N. 90°00'00" E, 287.15 feet;

thence S. 0°00'00" E, 375.91 feet;

thence S. 90°00'00" W, 437.08 feet to the True Point of Beginning.

DEED

FOR VALUE RECEIVE_,

ST. FINNBAR LAND COMPANY, a Colorado corporation
CO

a corporation duly organized and existing under the laws of the State of ~~Idaho~~, grantor, does hereby Grant,
Bargain, Sell and Convey unto GERTRUDE L. PEET, an unmarried woman,

grantee whose current address is 3200-100 Road, Carbondale, CO 81623

the following described real estate, to-wit:

See Attached Exhibit A

And

All water and ditch rights appurtenant to or used in connection with the described
real property, including, without limiting the generality of the foregoing:

Water Right Number	Priority Date	Status
37-01153 (formerly 37-0389) But only 70 inches therefrom	June 30, 1888	Decreed
37-02614	May 18, 1959	License
37-07872	January 7, 1981	Permit
A37-11638	May 15, 1910	Beneficial Use
A37-11639	June 14, 1934	Beneficial Use
A37-11641	May 15, 1938	Beneficial Use

Grantor herein has served merely as a conduit of the title to the herein described property,
and has never examined or inspected said property and has no knowledge as to said property,
and has therefore made no representations or warranties expressed or implied, as to said
property or the title, condition, use, operation or zoning thereof, and Grantor shall
have no personal liability for any of the covenants, agreements, terms and provisions
of the within deed beyond its interest in the herein described property as a conduit
of title, and Grantee herein agrees to look solely to the Grantor in the deed recorded
concurrently herewith for satisfaction of any covenants, agreements, terms and provisions
of this deed.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee
her heirs and assigns forever

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused
its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its
Secretary this day of November, 1989.

ST. FINNBAR LAND COMPANY,

By 
Morton A. Heller
Vice- PRESIDENT.

ATTEST: 

ASSISTANT SECRETARY.

Colorado
STATE OF ~~Idaho~~, County of Pitkin
On this 17th day of November, 1989,
before me, a Notary Public in and for said State, person-
ally appeared Morton A. Heller and
William K. Guest, known to me to
be the Vice President and Asst. Secretary of the corpora-
tion that executed this instrument or the persons who exe-
cuted the instrument on behalf of said corporation, and
acknowledged to me that such corporation executed the

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at minutes past o'clock M.,
this day of
19, in my office, and duly recorded in Book
of Deeds at Page

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO

SECTION 25: NE $\frac{1}{4}$ NW $\frac{1}{4}$

SECTION 24: S $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{4}$ NE $\frac{1}{4}$

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SECTION 13, TOWNSHIP 1 SOUTH, RANGE 18 EAST, and SECTION 18, TOWNSHIP 1
SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Beginning at the southeast corner of said Section 13, T 1S., R 18 E.,
the Point of Beginning;

thence S. 89°56'50" W, 649.87 feet;

thence N. 0°04'00" E, 38.50 feet;

thence N. 89°24'05" E, 339.77 feet;

thence N. 51°24'08" E, 396.75 feet;

thence N. 64°30'04" E, 76.72 feet;

thence N. 56°14'31" E, 97.04 feet;

thence N. 90°00'00" E, 287.15 feet;

thence S. 0°00'00" E, 375.91 feet;

thence S. 90°00'00" W, 437.08 feet to the True Point of Beginning.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer
ASSIGNMENT OF APPLICATION FOR ~~PERMIT~~

I, Dee Walker, hereby assign to Gregory C. Smith
of, Box 2026 Ketchum, Idaho 391 First Ave North, 83340
(Full Address)

All my right, title, and interest in and to Application for Permit
No. _____ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. 37-02614 to appropriate the public
waters of the State of Idaho, *Transfer* A37-02614.

as concerns property described in Mtg. recorded as Inst. No. 322847 records Blaine County, Idaho.
Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

The part designated as Part A (Well in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, land in
E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 13 T. 1S R. 18E). P/U will be amended by new property
owners.

Made this 24 day of April, 1992 *PM*

[Signature]
Applicant

State of Oregon)
County of Douglas)
ss

On this 24th day of April, 1992,
personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

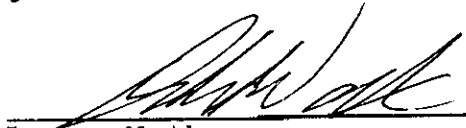
[Signature]
Notary Public

seal

My commission expires: 11-11-93

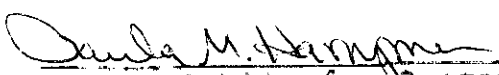
Your affiant requests judgment in the foregoing amounts,
together with the amounts prayed for in the Complaint on file
herein.

DATED this 24 day of April, 1992.


Devon Walker

April SUBSCRIBED AND SWORN TO before me this 24th day of
1992.

(see)


Notary Public for Oregon
Residing at Roseburg, Oregon
Commission Expires 11-11-93

AFFIDAVIT of PUBLICATION

RECEIVED

NOV 13 1990

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region Office

DANIEL J. CROFT, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 2 day of 11, 1990, and

the date of the last publication was on the 10 day of 11, 1990.

Daniel J. Croft
Subscribed and sworn to before me this 10th day of Oct., 1990.
(SEAL)

Winton McKee
NOTARY PUBLIC

7298
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 31
Number of Insertions 2

Lines tabular at 1/4" KH 6¢ / Pica
Lines straight at 1/4" KH 5¢ / Pica
Subsequent lines at 30.00 4¢ / Pica
TOTAL COST \$85.19

COPY OF NOTICE

(Paste Here)

1. State of Idaho
TITLE OF NOTICE

See Under
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Water right change

Notice is hereby given that W. R. Johnson of P.O. Box 526, Blaine ID 83313 has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 37-02614

Basis of right: License

Source: Groundwater

Priority Date: 5/18/1969

Amount of water: 2.0 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NE1/4,

S13, T1S, R18E; SW1/4SE1/4,

S13, T1S, R18E; Blaine County,

Place of use: 150 acres within

NE1/4NE1/4, NW1/4NE1/4,

SW1/4NE1/4, SE1/4NW1/4,

NE1/4SW1/4, S24, T1S, R18E.

WATER RIGHT AS RECORDED

Water right No. A37-02614

Basis of right: Snake River Basin

Adjudication Claim

Source: groundwater

Priority Date: 5/18/1969

Amount of water: 2.0 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NE1/4,

S13, T1S, R18E; NE1/4SW1/4,

S13, T1S, R18E; Blaine County,

Place of use: 150 acres within

NE1/4NE1/4, NW1/4NE1/4,

SW1/4NE1/4, SE1/4NW1/4,

NE1/4SW1/4, S24, T1S, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-02614A

Amount: 0.32 cfs

Water right No.: 37-02614B

Amount: 0.58 cfs

Water right No.: A37-02614A

Amount: 0.32 cfs

Water right No.: A37-02614B

Amount: 0.58 cfs

Total amount being transferred:

0.90 cfs

Source: groundwater

Part A point of diversion: NE1/4-

NE1/4, S13, T1S, R18E; Blaine

County.

Part B point of diversion:

SW1/4SE1/4, S13, T1S, R18E;

Blaine County.

Part A place of use: 16 acres

within E1/2NE1/4, S13, T1S,

R18E.

Part B place of use: 29 acres

within SE1/4SW1/4, SW1/4SE1/4,

S13, T1S, R18E; NE1/4NE1/4,

NE1/4NW1/4, S24, T1S, R18E.

Any protest against approval of

the application for transfer must

be filed with the

on or before

R. Keith Higginson, Director

Publish: Wood River Journal-

October 3 & 10, 1990.

AFFIDAVIT of PUBLICATION

COPY OF NOTICE
(Paste Here)

State of Idaho, }
County of Blaine } SS.

_____, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for _____ consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the _____ day of _____, 19_____, and

the date of the last publication was on the _____ day of _____, 19_____.

Subscribed and sworn to before me this _____ day of _____, 19_____.
(SEAL)

NOTARY PUBLIC

7248
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions _____
_____ Lines tabular at _____ 6¢ / Pica
_____ Lines straight at _____ 5¢ / Pica
_____ Subsequent lines at _____ 4¢ / Pica
TOTAL COST \$ _____

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Walker seeks
water right change

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NOS. 37-02614, A37-02614

Notice is hereby given that Dee Walker of P.O. Box 525, BELLEVUE ID 83313 has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 37-02614

Basis of right: License

Source: Groundwater

Priority Date: 5/18/1959

Amount of water: 2.0 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NE1/4,

S13, T1S, R18E; SW1/4SE1/4,

S13, T1S, R18E; Blaine County.

Place of use: 150 acres within

NE1/4NE1/4, NW1/4NE1/4,

SW1/4NE1/4, SE1/4NW1/4,

NE1/4SW1/4, S24, T1S, R18E.

WATER RIGHT AS RECORDED

Water right No. A37-02614

Basis of right: Snake River Basin

Adjudication Claim

Source: groundwater

Priority Date: 5/18/1959

Amount of water: 2.0 cfs

Water use: irrigation

Point(s) of diversion: NE1/4NE1/4,

S13, T1S, R18E; NE1/4SW1/4,

S13, T1S, R18E; Blaine County.

Place of use: 150 acres within

NE1/4NE1/4, NW1/4NE1/4,

SW1/4NE1/4, SE1/4NW1/4,

NE1/4SW1/4, S24, T1S, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-02614A

Amount: 0.32 cfs

Water right No.: 37-02614B

Amount: 0.58 cfs

Water right No.: A37-02614A

Amount: 0.32 cfs

Water right No.: A37-02614B

Amount: 0.58 cfs

Total amount being transferred:

0.90 cfs

Source: groundwater

Part A point of diversion: NE1/4-

NE1/4, S13, T1S, R18E; Blaine

County.

Part B point of diversion:

SW1/4SE1/4, S13, T1S, R18E;

Blaine County.

Part A place of use: 16 acres

within E1/2NE1/4, S13, T1S,

R18E.

Part B place of use: 29 acres

within SE1/4SW1/4, SW1/4SE1/4,

S13, T1S, R18E; NW1/4NE1/4,

NE1/4NW1/4, S24, T1S, R18E

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before October 22, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal--
October 3 & 10, 1990.

Walker seeks water right change

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Place of use: 150 acres within NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, S24, T1S, R18E.

WATER RIGHT AS RECORDED

Water right No. A37-02614
Basis of right: Snake River Basin Adjudication Claim

Source: groundwater
Priority Date: 5/18/1959
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Water use: irrigation
Point(s) of diversion: NE1/4NE1/4, S13, T1S, R18E; NE1/4SW1/4, S13, T1S, R18E; Blaine County.

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Amount: 0.32 cfs
Water right No.: 37-02614B
Amount: 0.58 cfs
Water right No.: A37-02614A
Amount: 0.32 cfs
Water right No.: A37-02614B
Amount: 0.58 cfs
Total amount being transferred:
0.90 cfs

Source: groundwater
Part A point of diversion: NE1/4-NE1/4, S13, T1S, R18E; Blaine County.

Part B point of diversion: SW1/4SE1/4, S13, T1S, R18E; Blaine County.

Part A place of use: 16 acres within E1/2NE1/4, S13, T1S, R18E.

Part B place of use: 29 acres within SE1/4SW1/4, SW1/4SE1/4, S13, T1S, R18E; NW1/4NE1/4, NE1/4NW1/4, S24, T1S, R18E.

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R. Keith Higginson, Director
Publish: Wood River Journal—
October 3 & 10, 1990.

*Spoke w/ Patty, WRS
10/2/90 @ 9:36 -
She would put in
changes prior to
publication.
MB*

*Place of use
A37-02614*

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-02614A & 37-02614B

RECOMMENDATION OF WATERMASTER

RECEIVED
SEP 28 1990
Department of Water Resources
Southern Region Office

I, Reid J. Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P. O. Box T, Shoshone, ID 83352
have read the attached copy of the application for transfer of water right for _____
Dee Walker, 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: _____

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: How Does this water get from location
of wells to Section 24? If it co-mingles with surface water where
and how?

Dated at Shoshone, Idaho, this 27th day of September 1990.

Reid J. Newby
(signature)

Frederickson has 40" of 3.25 SS

① Nothing shows

875

Dashman

1) NEVER
never sa on

2) SUBS 13 up
on hill, can't
mean it
willow

26/4

2.4

no road
2) SUBS on hill, gain
measures willows
2.4
Walker → 70° Pa

① Nothing shows
Frederickson will
have water in
ditch to get
rotation.

② description for ~~1st~~ P/D
not possible

3 Walker does not have div. out of cloud in his 3 birds

Page 18

USGS 154

9/26/90 TRI

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS.37-02614, A37-02614

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Place of use: 150 acres within NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, S24, T1S, R18E.

WATER RIGHT AS RECORDED

Water right No. A37-02614
Basis of right: Snake River Basin Adjudication Claim
Source: groundwater
Priority Date: 5/18/1959
Amount of water: 2.0 cfs Water use: irrigation
Point(s) of diversion: NE1/4NE1/4, S13, T1S, R18E; NE1/4SW1/4, S13, T1S, R18E; Blaine County.
* Place of use: 150 acres within NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, S24, T1S, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-02614A	Amount: 0.32 cfs
Water right No.: 37-02614B	Amount: 0.58 cfs
Water right No.: A37-02614A	Amount: 0.32 cfs
Water right No.: A37-02614B	Amount: 0.58 cfs

Total amount being transferred: 0.90 cfs

Source: groundwater
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Part B place of use: 29 acres within SE1/4SW1/4, SW1/4SE1/4, S13, T1S, R18E; NW1/4NE1/4, NE1/4NW1/4, S24, T1S, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before October 22, 1990.

R. Keith Higginson, Director

Published in Wood River Journal on 10/3 & 10/10/90.

21-Sep-1990

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

21-Sep-1990

REID J NEWBY WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Transfer of Water Right Nos. 37-01153A,
37-01153B, A37-01153A, A37-01153B; 37-02614A, 37-02614B,
A37-02614A, A37-02614B (Dee Walker)

Dear Mr. Newby:

Enclosed are copies of Applications for Transfer of a Water
Right within your District, and Watermaster's Recommendation
Forms.

Section 42-222 of the IDAHO CODE requires that the
watermaster must be advised of proposed changes in water
rights in the water district and must notify the Department
of his recommendation on the application.

Please complete the enclosed recommendation forms and return
them to this office.

Processing of the applications can be completed in 20 days,
therefore, your prompt response to this request will be
appreciated.

If you have any questions about the applications, please
contact this office or the applicant.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineering
Specialist

DJ:MB

Enclosures

21-Sep-1990

DEE WALKER
PO BOX 525
BELLEVUE ID 83313

Re: Application for Transfer Nos. 37-02614, A37-02614; 37-01153,
A37-01153

Dear Mr. Walker:

The Department of Water Resources acknowledges receipt of your Applications for Transfer.

This office will be advertising the applications in the Wood River Journal on 10/3 & 10/10/90. The advertisements will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land from which the water is being removed such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

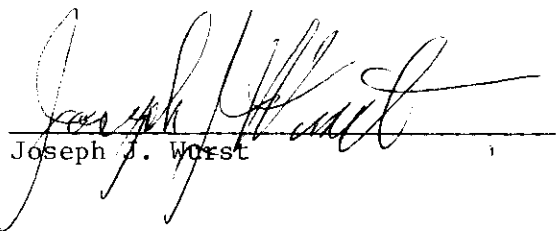
Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineering
Specialist

DJ:MB

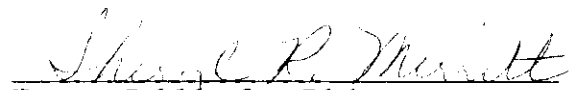
February 17, 1978

Notice is hereby given that Amended License No. G-27968/37-2614 in the name of Henry L. Wurst is now incorporated under the name of Circle Hanging H Ranch, Inc., % Joseph J. or Mary L. Wurst, Route #1, Box 300, Bellevue, Idaho 83313. Henry L. Wurst died in 1969, therefore, all correspondence concerning this license or any other license under the name of Henry L. Wurst should be sent to the above corrected address.


Joseph J. Wurst

STATE OF IDAHO,)
) ss.
COUNTY OF TWIN FALLS.)

On this 17th day of February, 1978, before me, the undersigned, a Notary Public for Idaho, personally appeared Joseph J. Wurst, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Twin Falls, Idaho

Re: License No. 37-2614

Dear Mr. Wurst:

Enclosed herewith is a copy of your Amended Water Right License.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

1. *Chlorophyll a* (Chl *a*)
 2. *Chlorophyll b* (Chl *b*)
 3. *Chlorophyll c* (Chl *c*)
 4. *Chlorophyll d* (Chl *d*)
 5. *Chlorophyll e* (Chl *e*)
 6. *Chlorophyll f* (Chl *f*)
 7. *Chlorophyll g* (Chl *g*)
 8. *Chlorophyll h* (Chl *h*)
 9. *Chlorophyll i* (Chl *i*)
 10. *Chlorophyll j* (Chl *j*)
 11. *Chlorophyll k* (Chl *k*)
 12. *Chlorophyll l* (Chl *l*)
 13. *Chlorophyll m* (Chl *m*)
 14. *Chlorophyll n* (Chl *n*)
 15. *Chlorophyll o* (Chl *o*)
 16. *Chlorophyll p* (Chl *p*)
 17. *Chlorophyll q* (Chl *q*)
 18. *Chlorophyll r* (Chl *r*)
 19. *Chlorophyll s* (Chl *s*)
 20. *Chlorophyll t* (Chl *t*)
 21. *Chlorophyll u* (Chl *u*)
 22. *Chlorophyll v* (Chl *v*)
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 103. *Chlorophyll ayz* (Chl *ayz*)
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 105. *Chlorophyll azaa* (Chl *aza*)
 106. *Chlorophyll abz* (Chl *abz*)
 107. *Chlorophyll acz* (Chl *acz*)
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 113. *Chlorophyll aiz* (Chl *aiz*)
 114. *Chlorophyll ajz* (Chl *ajz*)
 115. *Chlorophyll akz* (Chl *akz*)
 116. *Chlorophyll alz* (Chl *alz*)
 117. *Chlorophyll amz* (Chl *amz*)
 118. *Chlorophyll anz* (Chl *anz*)
 119. *Chlorophyll aoz* (Chl *aoz*)
 120. *Chlorophyll apz* (Chl *apz*)
 121. *Chlorophyll aqz* (Chl *aqz*)
 122. *Chlorophyll arz* (Chl *arz*)
 123. *Chlorophyll asz* (Chl *asz*)
 124. *Chlorophyll atz* (Chl *atz*)
 125. *Chlorophyll auz* (Chl *auz*)
 126. *Chlorophyll avz* (Chl *avz*)
 127. *Chlorophyll awz* (Chl *awz*)
 128. *Chlorophyll axz* (Chl *axz*)
 129. *Chlorophyll ayz* (Chl *ayz*)
 130. *Chlorophyll azz* (Chl *azz*)
 131. *Chlorophyll azaa* (Chl *aza*)
 132. *Chlorophyll abz* (Chl *abz*)
 133.

October 21, 1964

RE: Permit No. G-27968

Henry L. Wurst
Gannett, Idaho

Dear Mr. Wurst:

Enclosed are the Certificate of Completion of Works and License and Certificate of Water Right on the above numbered permit.

Also enclosed is departmental receipt No. G-8951 in the amount of \$15.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license
certificate
receipt

P. S. You should control your wells so no excess water is diverted to conserve the artesian pressure.

RECEIVED
OCT 20 1964

Department of Reclamation

Oct. 18, 1964

Gannett, Idaho

Department of Reclamation

Room 107, State House

Boise, Idaho

Dear Mr. Tappin:

In regard to permit # G27968 you will find enclosed my
check for \$15.00.

Very truly yours,

Henry L. Wurst
Henry L. Wurst

27968

500 - June 20-62

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho
October 14, 1964

Re: Permit No. G-27968

Henry L. Wurst
Garnett, Idaho

Dear Mr. Wurst:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-27968 shows the well is (are) capable of conveying 100 miner's inches, or 2.0 c.f.s. of water for the irrigation of 150 acres.

Upon receipt of the statutory fees, totaling \$ 15.00, which consists of a Completion of Works fee of \$ _____ and License and Certificate of Water Right fee of \$ _____ - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of May 18, 1959 to the use of 2.0 second feet of subterranean water with the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13 for irrigation of 150 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 1 S., R. 18 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

229/8 05

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. C-27968

REPORT ON PROOF OF Completion of Works & Beneficial Use

Henry L. Wurst, Garnett, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-27968

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Henry L. Wurst
2. Source of water supply: 2 wells (Subterranean)
3. Location of point of diversion: Is in the NE¹/₄ & SW¹/₄ SE¹/₄ of Section 13
T. 1 S. R. 18 E.B.M. County of Blaine
4. Describe works as they exist, giving dimensions and capacities of same: #1 6" x 175' Column
Passing near well depth 175' 6" x 10' discharge pipe to 20 H.P. Louis
Allen motor #2385976 B.I. pump #359859 6" x 11' suction pipe from
sump 4" gate valve to 10" main line #2 8" x 175' Column 8" gate valve
to 8" x 10' discharge pipe to open ditch
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

150 acres in NE¹/₄, W¹/₄, SE¹/₄, NE¹/₄ SW¹/₄ Sec. 24., Twp. 1 S., R. 18 E.B.M.

Pump described above controls amount of water used

Both wells artesian both controlled
Excess water flows down unnamed stream

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Henry Wurst (son) participated in the
examination

#1 .24 over 2' weir OK 40 inches

#2 .77 over 2' weir OK 229 inches

269

This examination was made on the 12th day of August, 1954

(Signed) R. W. Heber

Examiner.

Henry L. Worst
Gannett, Idaho

Permit No. C-27968

Examination for Completion of Works & Beneficial Use

County Elaine

Sec. 13 T. 15 R. 18 E. 1

Quantity: 5000

Source: 2 Wells

P. D.: A. E. H. & Co. 13-15-NE

Use: Irrigation

Filed: 10-18-19

Due: 10-18-19

Extension:

Protest:

Completion of Works:

Other Rights:

Orlinda - Gene Walker #1 & #2

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

1M April 1962

May 27, 1964

Re: Permit No. ^{G-27968}

Henry L. Wurst
Gannett, Idaho

Dear Mr. Wurst:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the HAILEY TIMES, all submitted in proof of completion of works and beneficial use on Permit No. ^{G-27968}.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours ,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

27968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DEPT. OF RECLAMATION
MAY 15 1959
Boise, Idaho

Permit No. 27968

* * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

* * * * *

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: _____

Henry L. Wurst, Gannett, Idaho, farmer, Gannett, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf: _____

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G-27968, June 11, 1959, June 11, 1959

Ques. 4. State source of water supply: subterranean from two wells
Give location of point of diversion, showing subdivision, section, township and range: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13, TWP 1 S. Rge. 18 E. B. M., County of Blaine.

Ques. 5. Describe your works of diversion: two (2) wells each 175 ft.

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 4 c.f.s. ; Give name of canal or ditch or other works by which water is conducted to such place of use: unnamed stream
_____ ; if a well, state depth of wells 175 ft. each depth and size of casing: one 8 inch and one 6 inch ; depth to water artesian ; if pump is used, state discharge of pump: 4 c.f.s. ; tell how it was measured or determined: estimated ; if sprinkler irrigation, give number and size of nozzles and operating pressure: none

Ques. 6. State for what purpose water is used: irrigation
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : 27 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$, 23 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$.

all in TWP 1 S. Rge 18 E. Section 24

State nature of all improvements which have been made as a direct result of said use:

clearing land for farming. Pipe line to raise water from sump to irrigation ditch.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Gene Walker, Twin Falls, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:
not applicable

Ques. 8. What is the minimum amount of water required for the purpose specified above:
150 miners inches

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: July 1959 Time used since first use:

200 inches

Ques. 11. Describe all other water rights appurtenant to same place of use:
none

(sign) Henry L. Wurst

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Hailey, County of Blaine

State of Idaho, on this 15th day of May, A.D. 1964.

[Signature]
Notary Public for Idaho
Residing at Hailey, Idaho

My Commission expires: August 10, 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

at Corralcreek, W. Id.

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Harvey T. Bickett, 32, Gannett, Idaho, farmer, Gannett, Idaho

Ques. 2. Are you acquainted with Henry L. Wurst, the holder of
Permit No. _____? How long have you known him and where does he reside:

Yes. 15 years. He resides at Gannett, Idaho.

Ques. 3. Have you read or heard said Permit No. _____ read, and are you familiar
with its provisions and conditions: Yes: Yes. No: _____

Ques. 4. State source of water supply: subterranean

State place of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13, TWP 1 S.
Rge. 18 E.B.M., County of Blaine

Describe works for conveying water to place of use: Open ditches and a
natural creek channel

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4 c.f.s. How much water have you seen being so
conveyed: 4 c.f.s.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

27 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$.

23 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in TWP 1 S. Rge. 18 E. Section 24

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Not applicable

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Ficabo silt loan requiring about one miner's inch per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: None

Ques. 10. When did you first see this water used: 4 years ago

Other times you have seen such use: Many times since

(Signed)

Harvey T. Bickett

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey

 , County of Blaine, State of Idaho, on this 15th day of May,

A. D., 1964.

[Signature]

Notary Public for State of Idaho

Residing: Hailey, Idaho

My commission expires: August 10, 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Walter E. Nelson 65, Gannett, Idaho, farmer, Gannett, Idaho

Ques. 2. Are you acquainted with Henry L. Wurst, the holder of
Permit No. _____? How long have you known him and where does he reside:

Yes. many years, He resides at Gannett, Idaho

Ques. 3. Have you read or heard said Permit No. _____ read, and are you familiar
with its provisions and conditions: Yes: yes No: _____

Ques. 4. State source of water supply: subterranean from two wells

State place of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13, TWP 1 S.,
Rge. 18 E. B. M., County of Blaine

Describe works for conveying water to place of use: open ditch, natural creek
channel and pump from sum to raise water to higher ground

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4 c.f.s. How much water have you seen being so
conveyed: 4 c. f. s.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

27 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$.

23 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in TWP 1S. Rge. 18 E. Section 24

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Not Applicable

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

silt loam one miner's inch per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: None

Ques. 10. When did you first see this water used: 1959

Other times you have seen such use: every summer since then

(Signed)

Walter E. Nelson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey

 , County of Blaine, State of Idaho, on this 15th day of May,

A. D., 1964.

[Signature]

Notary Public for State of Idaho

Residing: Hailey, Idaho

My commission expires: August 10, 1967

**NOTICE OF PROOF OF COM-
PLETION OF WORKS
and
APPLICATION OF WATER TO
BENEFICIAL USE**

NOTICE IS HEREBY GIVEN that at 2:00 P. M., on the 15th day of May 1964, at Hailey, Idaho, County of Blaine, State of Idaho, before V. K. Jeppeson, Notary Public, at Hailey, Idaho, proof will be submitted of the completion of works for the diversion of 3.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27968, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Henry L. Wurst, Gannett, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying

to the place of use is 3.0 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 3.0 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 1 S., Rge 18 E. B. M.

5. The place where said water is used is N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge 18 E.B.M.

6. The date of priority which said user is prepared to establish is May 18, 1959.

CARL E. TAPPAN
State Reclamation Engineer
Pub: 4/23 - 30 - 5/7 and 14

Affidavit of Publication

STATE OF IDAHO, } ss.
County of Blaine,

BERWYN BURKE, being first duly sworn deposes and says that he is now and at all times herein mentioned has been the publisher of The Hailey Times, which is now, and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey

Times, and not in any supplement thereof, for four consecutive weeks commencing with the first publication thereof on the

twenty-third day of April, 1964, and ending with the last publication thereof on the

fourteenth day of May, 1964.

Cost of this publication is \$ 22.88

Berwyn Burke
BERWYN BURKE, Publisher.

Subscribed and sworn to before me, this 15th day of May, 1964.

A. H. H. H.
Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

April 20, 1964

Re: Permit No. **G-27968**

Mr. Henry L. Wurst,
Gannett, Idaho.

Dear Mr. Wurst:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. **G-27968**. The proofs are to be made at **2:00 o'clock P.M.**, on the **15th** day of **May**, 19 **64**, before **V. K. Jeppesen, Hailey, Idaho**, Notary Public.

As of this date, we have mailed the Notice to the **Hailey Times** **Hailey, Idaho**, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

Re: Permit No. G-27968

Date: April 20, 1964

Hailey Times,
Hailey, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to May 15, 1964 the date set for proof; the expense of the publication is to be paid by the applicant Henry L. Wurst of Gannett, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

RECEIVED
10/1/63
APR 20 1964

NOTICE OF PROOF OF COMPLETION OF WORKS

Department of Reclamation

and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:45^P M., on the 15th day of May, 1964, at Hailey, Idaho, County of Blaine, State of Idaho, before V. K. Jepperson, Notary Public, at (address) _____, Hailey, Idaho, proof will be submitted of the completion of works for the diversion of 3.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27968, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lewy L. Wurst, Bonnell, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 3.0 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 3.0 cubic feet per second.

4. The point of diversion of said water is NE⁴ NE⁴, SW⁴ SE⁴, Sec 13, Twp 1 S., Rge 18 E., S. M.

5. The place where said water is used is N¹/₂ NE⁴, SW⁴ NE⁴, SE⁴ NW⁴, NE⁴ SW⁴, Sec 24, Twp 1 S., Rge 18 E.

6. The date of priority which said user is prepared to establish is May 18, 1959.

CARL E. TAPPAN

State Reclamation Engineer

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) 4-20-64

(P. O.) Gannett, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Hailey Times of
Hailey Idaho published in the
county in which the works are situated.

Henry L. Wurst

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the
attached notice are true.

Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 27968

April 1, 1964

Henry L. Wurst
Gannett, Idaho

Dear Mr. Wurst:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 27968 are due not later than **June 15, 1964**

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

Carl E. Tappan

State Reclamation Engineer

Enclosures 36 and 11

June 16, 1959

Re: Permit No. G-27968

Mr. Henry L. Wurst,
Gannett, Idaho.

Dear Mr. Wurst:

We enclose Permit No. G-27968 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental Receipt No. G-4030 in the amount of \$5.25, and Receipt No. G-4065 in the amount of .25¢ were mailed you with our letter of May 21, 1959. This was issued covering payment for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

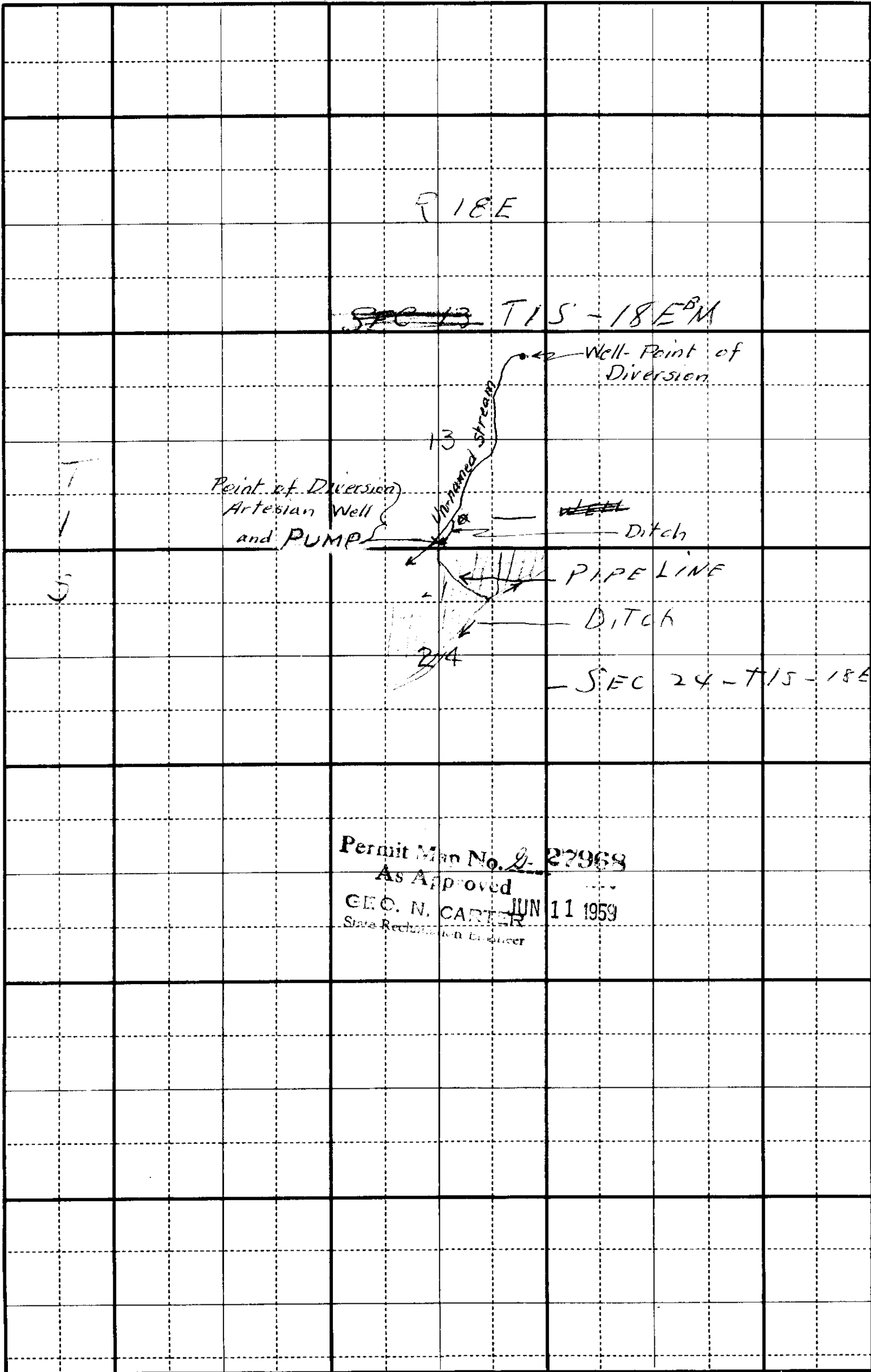
Encl.

EPR/pmk

27968

NAME OF APPLICANT HENRY L. WURST

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

27968

RECEIVED
JUN 1 1959
Department of Reclamation

May 29, 1959
Gannett, Idaho

State Of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Returned herein is my application for a well permit, with corrections.

Since Permit # G - 24453 has been cancelled, what procedure should be followed. I still have the well, it has been used to supplement creek rights in the past, and will be used with the water from the well for which application is enclosed, on the lands as decided.

Yours truly,


H. L. Wurst

June 1, 1959

Re: Application for Permit G-35899

Mr. Henry L. Wurst
Gannett, Idaho

Dear Mr. Wurst:

Cancelled permit G-24453 was to irrigate 70 acres of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 1 S., R. 18 E. B. M., with point of diversion from well in the southwest corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13.

Application G-35899 shows the well in the center of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, with the pump in the southwest corner of that "40", to irrigate NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 1 S., R. 18 E.

In your letter of May 29, you say that the well described in Permit G-24453 has been used in the past to supplement water from the creek. It is possible you allowed that permit to be cancelled though you had actually developed and used the water.

We will hold Application G-35899 until June 11 for approval to give you time to make changes you may desire. If you have a well in the southwest corner of Section 13 where you showed on Permit G-24453 and where the pump is shown on your new application, an extra point of diversion can be shown on the new application, the land list changed to include the NE NW $\frac{1}{4}$, Sec. 24, and additional water may be claimed. The amount claimed under the new application No. G-35899 is 1.5 c.f.s. for which the fee received was \$5.25. You may change that to 2.0 c.f.s. without increasing the fee, or \$0.25 additional for each c.f.s. or fraction thereof over the 2.0 c.f.s. The increase in the amount of water would be the production of the second well.

If you increase the amount of water, a new application number will be assigned, the date of priority changed to the day the increased fee is received and the application G-35899 would be cancelled. The change in priority would be about three weeks.

27968 RT

Page Two - Continued - Henry L. Wurst

You can leave the new application as it is and if you do have the second well you could depend upon your use right. When the underground water is adjudicated in your area, the amount of water and date of priority under your use right would have to be proven in court.

Kindly reply promptly, also note the name of the creek which furnished water for your place.

Very truly yours,

GED. N. CARTER
State Reclamation Engineer

GNC:
RT:ew

May 21, 1959

Re: Application for Permit

Mr. Henry L. Wurst,
Garnett, Idaho.

Dear Mr. Wurst:

Enclosed is your Application for Permit with attached receipt for the filing fee.

On Page 2, you show 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, as part of the land to be irrigated while the map shows the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, as the portion to be irrigated. Map and land list must agree in the land to be irrigated.

Under 13, Page 2, you list Permit G-24453 as being an existing water right. According to our record, you did not prove completion of works and beneficial use of the water. That permit has been cancelled.

Correct the land to be irrigated and return the application to this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

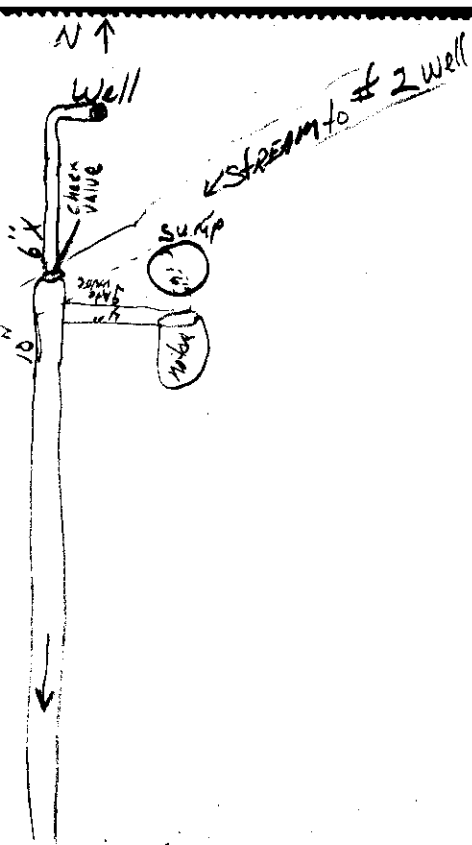
R. W. Thomas
Office Engineer

Encl.

GNT/RWT/pak

22868 DT

#1



NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN that at 2:00 P. M., on the 15th day of May 1964, at Hailey, Idaho, County of Blaine, State of Idaho, before V. K. Jeppeson, Notary Public, at Hailey, Idaho, proof will be submitted of the completion of works for the diversion of 3.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-27968, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Henry L. Wurst, Gannett, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying

to the place of use is 3.0 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 3.0 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 13, Twp. 1 S., Rge 18 E. B. M.

5. The place where said water is used is N $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp. 1 S., Rge 18 E.B.M.

6. The date of priority which said user is prepared to establish is May 18, 1959.

CARL E. TAPPAN
State Reclamation Engineer
Pub: 4/23/30 - 5/7 and 14

27968

27968