

T20N R22E and T21N R22E

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010116

Chokecherry PL
75-07402
7504688123
364135
Page 2 of 2

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T 21 N
T 20 N

T 69855 OCT 4 2002
page 5 of 6

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69855

This is to certify that: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467
(208)756-5400

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
75-7402	WR/Decreed	08/01/1983	0.04 cfs	1.4 af			SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
75-7402	NO	YES	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
75-7402	75-7402	0.04 cfs	1.4 af	N/A			N/A	N/A	N/A	N/A
TOTALS		0.04 cfs	1.4 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of

September, 2002
J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

OCT 04 2002

WATER RIGHT NO. 75-7402
As Modified by Transfer No. 69855

In accordance with the approval of Transfer No. 69855, Water Right No. 75-7402 is now described as follows.

Right Holder: US DEPT OF INTERIOR
 BUREAU OF LAND MANAGEMENT
 SALMON DISTRICT
 50 HWY 93 S
 SALMON ID 83467

Priority Date: August 01, 1983

Source: SPRING

Tributary: HOT SPRING CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	05/01 to 07/31		0.03 CFS	1.4 AF
WILDLIFE	01/01 to 12/31		0.01 CFS	1.4 AF
			0.04 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING Lot 6 SWNWSW Sec. 2 Twp 20NRge 22E LEMHI County

SPRING SESWNE Sec. 10 Twp 20N Rge 22E LEMHI County

SPRING SENWSW Sec. 35 Twp 21N Rge 22E LEMHI County

SPRING SWSESW Sec. 35 Twp 21N Rge 22E LEMHI County

SPRING SWSESW Sec. 35 Twp 21N Rge 22E LEMHI County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N 22E 21		X															
21N 22E 22			X			X											
21N 22E 23										X							
21N 22E 26						X				X						X	
21N 22E 27													X	X			
21N 22E 35					X												

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OCT 04 2002

WATER RIGHT NO. 75-7402
As Modified by Transfer No. 69855

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N 22E 2										X							
21N 22E 21		X								L 6							
21N 22E 22			X			X											
21N 22E 23											X						
21N 22E 26						X					X					X	
21N 22E 27													X	X			
21N 22E 35					X												

CONDITIONS OF APPROVAL

1. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
2. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of September, 2002

[Signature]
 Chief, Water Allocation Bureau

MICROFILMED
 OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

69855
RECEIVED
Transfer No. 69855
APR 04 2002
Department of Water Resources
Eastern RegionName of applicant UNIV. of ID - BLM Phone 208 756-5400
Post Office address Hwy 93 S Salmon ID 83467

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 Change tributary
2. Describe the reason for the proposed changes There is a total of 5 springs feeding this pipeline.

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
- | | | | | |
|----------|----------|-------------------|------------|--------------|
| 75-07402 | 8/1/1983 | .03 cfs/1.4 ac-ft | Stockwater | 5/1 to 7/31 |
| 75-07402 | 8/1/1983 | .01 cfs/1.4 ac-ft | Wildlife | 1/1 to 12/31 |
| | | | | |
| | | | | |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Springs tributary to unnamed stream
Hot Springs Creek
4. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NE	10	20N	22E	Lemhi	
6	SW	NW	SW	2	20N	22E	Lemhi	
	SW	SE	SW	35	21N	22E	Lemhi	(2 diversions/headboxes)
	SE	NW	SW	35	21N	22E	Lemhi	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
20N	22E	2										W lot 6							
21N	22E	21		SW															
21N	22E	22			SW			SW											
21N	22E	23										SW							
21N	22E	26						SW				SW					SW		
21N	22E	27												SW	SW				
21N	22E	35					SW												

OCT 04 2002

69855

PART 1

6. General Information:

a. Description of diversion system Culvert-type headboxes in all springs.

b. 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:

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:

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

MICROFILMED
OCT 14 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

69855
RECEIVED
Transfer No. APR 04 2002
Department of Water Resources
Eastern Region

Name of applicant USDI - BLM Phone 208 756-5400
Post Office address 50 Hwy 93 S Salmon ID 83467

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 Change tributary
 2. Describe the reason for the proposed changes There is a total of 5 springs feeding this pipeline.

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>75-07402</u>	<u>8/1/1983</u>	<u>.03 cfs/1.4 afy</u>	<u>Stockwater</u>	<u>5/1</u> to <u>7/31</u>
<u>75-07402</u>	<u>8/1/1983</u>	<u>.01 cfs/1.4 afy</u>	<u>Wildlife</u>	<u>1/1</u> to <u>12/31</u>
				to
				to

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Springs tributary to Unnamed Stream
Hot Springs Creek
 4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NE	10	20N	22E	Lemhi	
6	SW	NW	SW	2	20N	22E	Lemhi	
	SW	SE	SW	35	21N	22E	Lemhi	(2 diversions / headboxes)
	SE	NW	SW	35	21N	22E	Lemhi	

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	
20N	22E	2										W lot 6							
21N	22E	21			SW														
21N	22E	22			SW			SW											
21N	22E	23										SW							
21N	22E	26						SW				SW						SW	
21N	22E	27													SW	SW			
21N	22E	35						SW											

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. 75-07402 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 Spring tributary to Hot Spring Creek

4. Date or priority 8/1/1983

5. Water is used for the following purpose:

amount 0.3 cfs / 1.4 afy for Stockwater purposes from 5/1 to 7/31
 (cfs/ac-ft)
 amount 0.1 cfs / 1.4 afy for Wildlife purposes from 7/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .04 cubic feet per second and/or 1.4 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	SE	3	20N	22E	Lemhi	
		SW	NE	10	20N	22E	Lemhi	

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	
20N	22E	2					S+W												
21W	22E	21		S+W															
21N	22E	22			S+W										S+W		S+W		
21W	22E	26					S+W					S+W					S+W		
21N	22E	27							S+W						S+W				
21W	22E	35					S+W												

24 2002

Total acres _____

9. Describe any other water rights used for the same purpose as described above 75-2215 covers

Stockwater for the original Chokecherry Spring.

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 _____ 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 _____

Chokecherry PL
IDWR# = 75-07402
BLM# = 7504688123
Project# = 364135
T20N R22E and T21N R22E

headbox
headbox
headbox
trough headbox
headbox

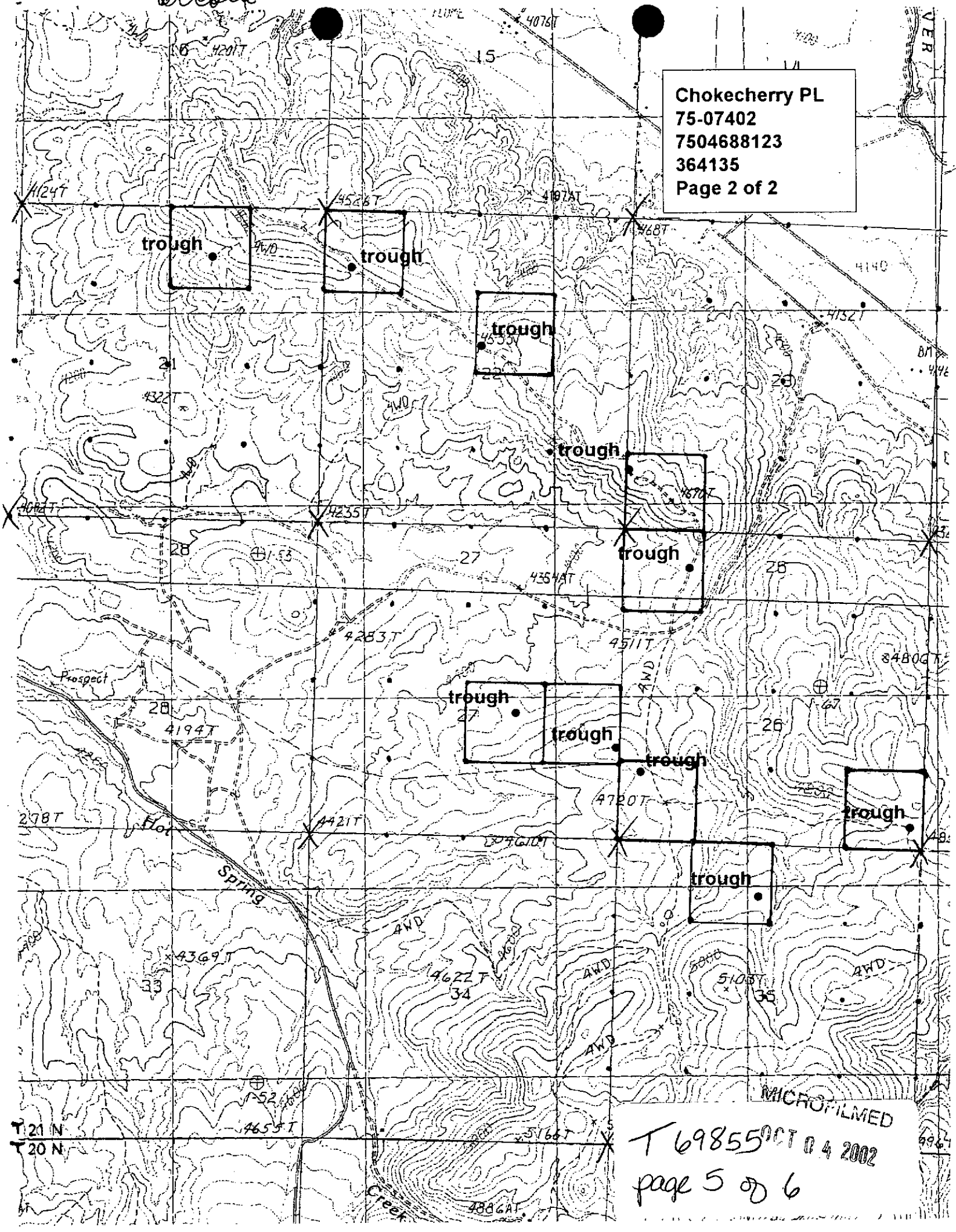
Spring
Salmon Hot Spring

T 69855
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MICROFILM OCT 04 2002

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6100113

Chokecherry PL
75-07402
7504688123
364135
Page 2 of 2



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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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:

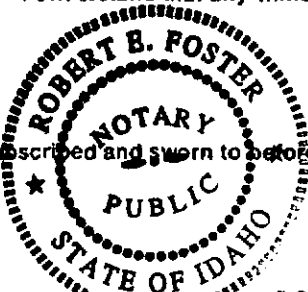
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

3rd

day of

April18 2002Alan B. Foster

(Signature of Applicant)

Robert E. Foster

(Notary Public)

My commission expires

02-16-07

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachmentsReceived by HWT Date 4-4-2002

Protest filed by _____

Prelim. check by HWT Fee 100^{xx}Received by HWT # F02767 Date 4-4-2002Published in Recorder Herald

Copies of protest forwarded by _____

Pub. dates May 2 & 9, 2002

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MICROFILMED
OCT 04 2002

FOR INFO

Page 1

04/10/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-7402 V1

WATER RIGHT NUMBER: 75-7402 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WY BOISE, ID 83709-1657 (208)373-4000

Priority Date: 08/01/1983

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	HOT SPRING CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	5/01 to 7/31	0.030 CFS	1.40 AF
WILDLIFE	1/01 to 12/31	0.010 CFS	1.40 AF
	<u>Total Diversion:</u>	0.040 CFS	1.40 AF

Location of Point(s) of Diversion

SPRING	SW1/4NE1/4	Sec. 10, Twp 20N, Rge 22E, B.M.
LEMHI County		
SPRING	L6	Sec. 2, Twp 20N, Rge 22E, B.M.
LEMHI County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	22E	2										X							
21N	22E	21		X															
21N	22E	22			X			X											
21N	22E	23										X							
21N	22E	26						X				X						X	
21N	22E	27													X	X			

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OCT 04 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-7402 V1

21N 22E 35		X		
------------	--	---	--	--

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	22E	2										X							
20N	22E	35					X												
21N	22E	21	X																
21N	22E	22			X			X											
21N	22E	23									X								
21N	22E	26						X			X							X	
21N	22E	27												X	X				
21N	22E	35					X												

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory BLM RECORD ID = 7504688123 STOCKWATER, 402 RANGE CATTLE; WILDLIFE VAR. AMT.

Comments:

1. AJU10-EC 10/15/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) N11 N13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

MICROFILMED
OCT 04 2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 75-7402 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre: 1.4
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

SubCase:

SubCase Number: 75-7402
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 4/6/1999 Objection Status: Active

MICROFILMED

OCT 04 2002

RECEIVED

JUN 13 2002

Department of Water Resources

2002 JUN 14 PM 3:40

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

)
) **ORDER OF PARTIAL DECREE**

)
) **For Water Right 75-07402**
)

On April 23, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 75-07402 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED June 14, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

MICROFILMED

OCT 04 2002

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-07402

2002 JUN 14 PM 3:41

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: HOT SPRING CREEK

QUANTITY: 0.04 CFS
1.40 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/01/1983

POINT OF DIVERSION: T20N R22E S02 LOT 06 (NWSW) Within Lemhi County
S10 SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 07-31	0.03 CFS
			1.40 AFY
	Wildlife	01-01 TO 12-31	0.01 CFS
			1.40 AFY

PLACE OF USE:	Stockwater	Within Lemhi County
	T10N R22E S02	NWSW
	T21N R22E S21	NWNE
	S22	SWNE
	S23	SWSW
	S26	NWNW
		SESE
	S27	NESE
	S35	NENW
	Wildlife	Within Lemhi County
	T20N R22E S02	NWSW
	S35	NENW
	T21N R22E S21	NWNE
	S22	SWNE
	S23	SWSW
	S26	NWNW
		SESE
	S27	NESE
	S35	NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

MICROFILMED
OCT 04 2002

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JUN 14 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 75-07402

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 75-07402 was mailed
on June 14, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

OCT 04 2002

PAGE 1
06/14/02



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

September 24, 2002

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

RE: Transfer No.: 69855 - Water Right 75-7402 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 

Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED

OCT 11 2002

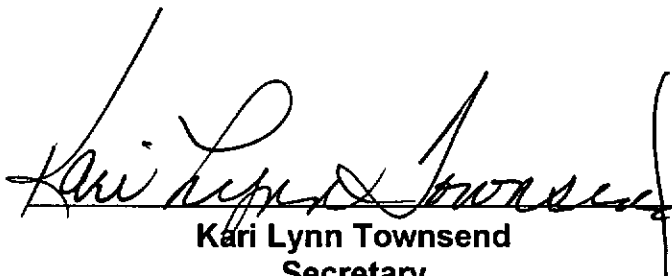
JP:klt
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69855 - WATER RIGHT 75-7402

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467



Kari Lynn Townsend
Secretary

MICROFILMED

OCT 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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OCT 04 2002

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.

TRANSFER REVIEW SHEET

Trans # 69855

Date Reviewed 9/20/02

Right No(s) * 75-7402

Split? Y X N Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes s/c
uses ok

PURPOSE OF TRANSFER FOR EACH RIGHT:
Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with State Office personnel)
Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U _____ Lien Holder Release _____

GROUNDWATER:

DRILLING PERMIT

All wells - 046
DP upgrade req'd Y N (contact GW personnel)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL (irr = only use) - 065-104
SUPPLEMENTAL (irr + other uses) - 100-105

SURFACE WATER:

WD

≤ 0.20 cfs/others - R05 (WD# _____) WM comments rec'd _____
> 0.20 cfs - R02, 01P or No MD
- R43
WB, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
STANDARD VOLUME _____ af/ac
CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER R37 (all BLM/USFS)
MINING - 054-106
FISH PROP 029/70'S only - 007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern) - 106-WD8

USES:

POWER - 17H-17K (+uses) - 025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - measure all p/d's (used with WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one to chg'd and unchg'd rts:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)
T20 - use instead of T09 where not ongoing in SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated _____ Approval form printed _____ Shape files created _____

Special Mailing Instructions (cc's, etc) _____

Final database update after approval _____ *Comment to WR No(s). 2/1

9/23 gc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T69855

INITIAL REVIEW BY: HWS

1. Right number 75-7402 Applicant BLM - PY

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

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

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments _____

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

Right number(s) _____

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

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☒ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By ROC Date 6/5/02

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that several application(s) for transfer have been filed with the Idaho Department of Water Resources for changes to water rights in Lemhi County.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69839 on April 4, 2002 for the purpose of changing the location of their water troughs. The new place of use are in Sections 16, 17, 20 and 21, T18N R23E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69840 on April 4, 2002 for the purpose of clarifying the actual location of their water troughs. The locations are the SWNE and SWSW Section 8, T17N R24E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69844 on April 4, 2002 for the purpose of clarifying actual point of diversion and places of use. The point of diversion is in the SWNW Section 5 with places of use in Sections 5, 6 and 7, all in T21N R23E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69848 on April 4, 2002 for the purpose of clarifying the actual point of diversion location. That location is the SWNWNE Lot 2 Section 10, T20N R22E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93S, Salmon ID 83467, filed application No. 69855 on April 4, 2002 for the purpose of clarifying the actual amount and locations of the spring sources. These are 2 springs located in Sections 2 and 10, T20N R22E and 3 springs in the SW¼ Section 35, T21N R22E.

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

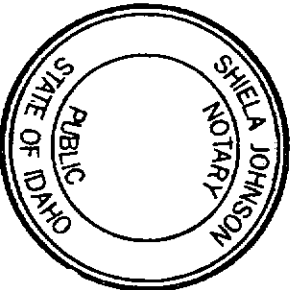
RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED CHANGE TO WATER RIGHTS**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof thereto for **TWO(2)** consecutive issue(s), commencing with the issue dated **5-2-2002** and ending with the issue dated **5-9-2002**.

STATE OF IDAHO }
County of Lemhi } ss.

On this **20th day of May** in this year of 2002 before me, A Notary Public, personally appeared **RICKY G. HODGES**, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheila Johnson
Notary Public for Idaho

My Commission expires: 01-02-2007



RECORDED
OCT 04 2002

RECEIVED
MAY 28 2002
Department of Water Resources
Eastern Region

Original in transfer 69839

For specific details regarding the application(s), please contact Idaho Department of Water Resources, Eastern Regional Office at 208-525-7161 or visit www.idwr.state.id.us, Idaho with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J Dreher, Director
5-2-20c



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF LAND MANGEMENT
SALMON DISTRICT
50 HWY 93 S
SALMON ID 83467

RE: Application for Transfer No 69839, 69840, 69844, 69848 and 69855
Water Right No(s) 74-7198

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Recorder Herald on May 2 and 9, 2002. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

OCT 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
RECORDER-HERALD
PO BOX 310
SALMON ID 83467

RE: Transfer No. 69839, 69840, 69844, 69848 and 69855

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 20, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
4/25/02
sc*

MICROFILMED
OCT 04 2002

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that several application(s) for transfer have been filed with the Idaho Department of Water Resources for changes to water rights in Lemhi County.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69839 on April 4, 2002 for the purpose of changing the location of their water troughs. The new place of use are in Sections 16, 17, 20 and 21 T18N R23E.

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United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69848 on April 4, 2002 for the purpose of clarifying the actual point of diversion location. That location is the SWNWNE Lot 2 Section 10 T20N R22E.

United States Department of Interior, Bureau of Land Management, 50 Hwy 93 S, Salmon ID 83467, filed application No. 69855 on April 4, 2002 for the purpose of clarifying the actual amount and locations of the spring sources. These are 2 springs located in Sections 2 and 10 T20N R22E and 3 springs in the SW ¼ Section 35 T21N R22E.

For specific details regarding the application(s), please contact Idaho Department of Water Resources, Eastern Regional Office at 208-525-7161 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J Dreher, Director

Published on May 2 and 9, 2002

RECEIVED

MAY 4 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69855

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
50 HWY 93 S

SALMON ID 83467, has filed Application No. 69855 for changes to the following water rights within LEMHI County:

Right No. 75-7402

Priority 8/1/1983

Source SPRING

Use STOCKWATER (0 acres) 0.03 CFS 1.4 AFA
WILDLIFE (0 acres)

Total Amount 0.04 CFS 1.4 AFA

Point(s) of Diversion L6 S2 T20N R22E
SWNE S10 T20N R22E

Place of Use S2 T20N R22E
S21 T21N R22E
S22 T21N R22E
S23 T21N R22E
S26 T21N R22E
S27 T21N R22E
S35 T20N R22E
S35 T21N R22E

The purpose of the transfer is to change a portion of the above rights as follows:

Proposed Right No. 75-7402

Priority 8/1/1983

Source SPRING

Use STOCKWATER (0 acres) 0.03 CFS 1.4 AFA
WILDLIFE (0 acres)

Total Amount 0.04 CFS 1.4 AFA

Point(s) of Diversion L6 SWNWSW S2 T20N R22E
SESWNE S10 T20N R22E
SENWSW S35 T21N R22E
SWSESW S35 T21N R22E

Place of Use S2 T20N R22E
S21 T21N R22E
S22 T21N R22E
S23 T21N R22E
S26 T21N R22E
S27 T21N R22E
S35 T20N R22E
S35 T21N R22E

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 20, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 2 and 9, 2002

MICROFILMED

OCT 04 2002