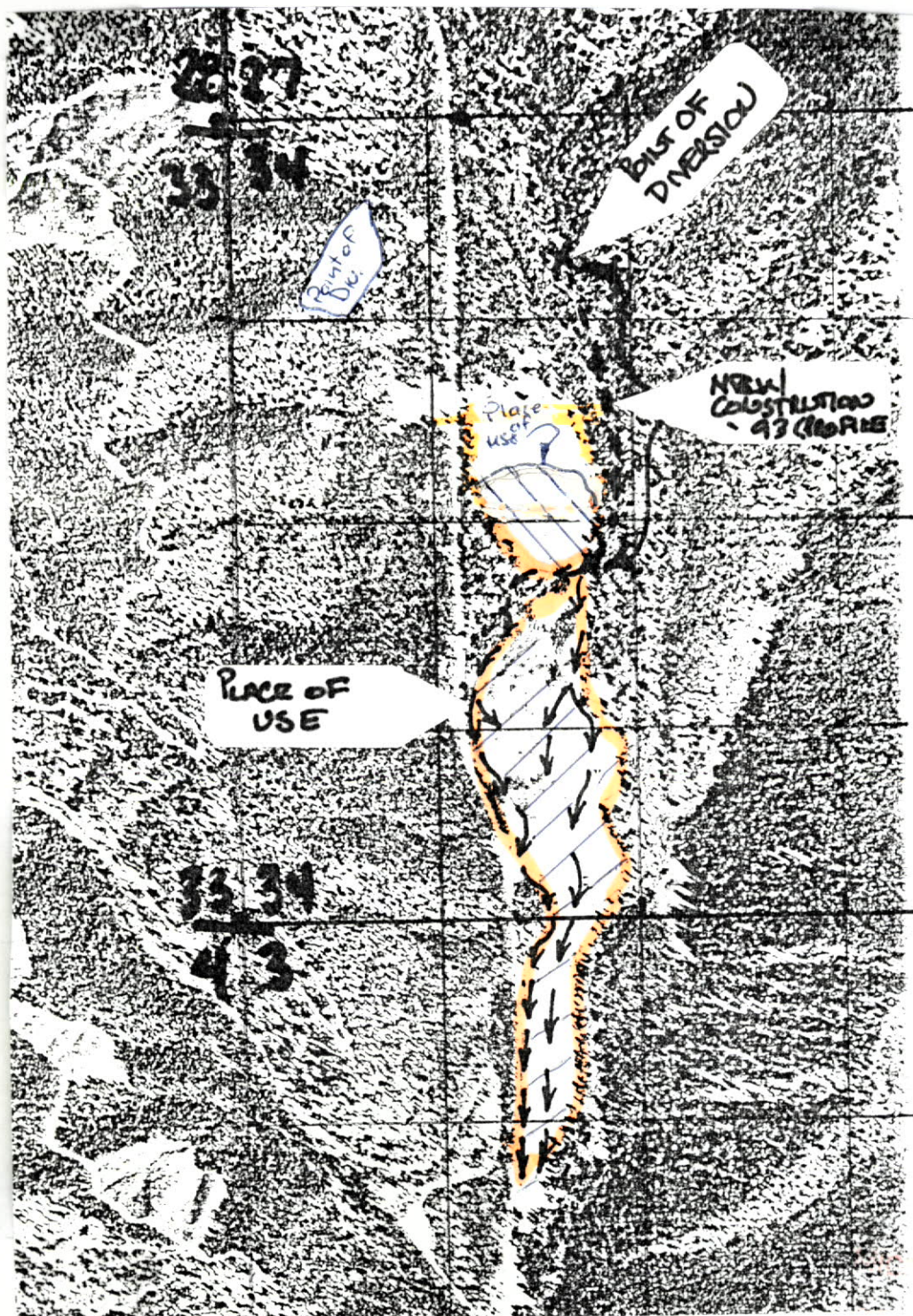


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.



FILMED

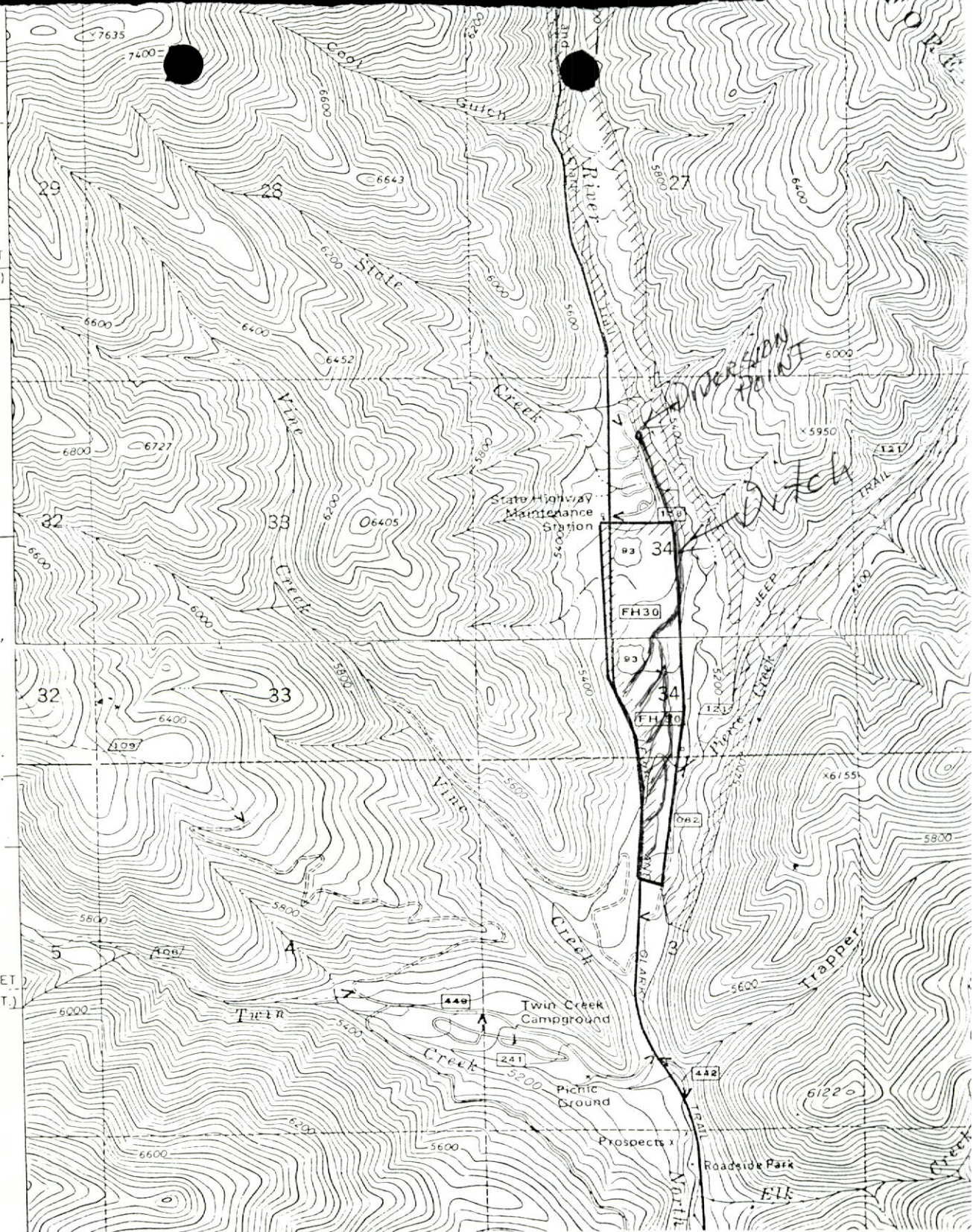
630 000 FEET
(MONT.)

45° 37' 30"

T. 27 N.
T. 26 N.

0 000 FEET
(MONT.)

RECEIVED
14454
QUETT MO



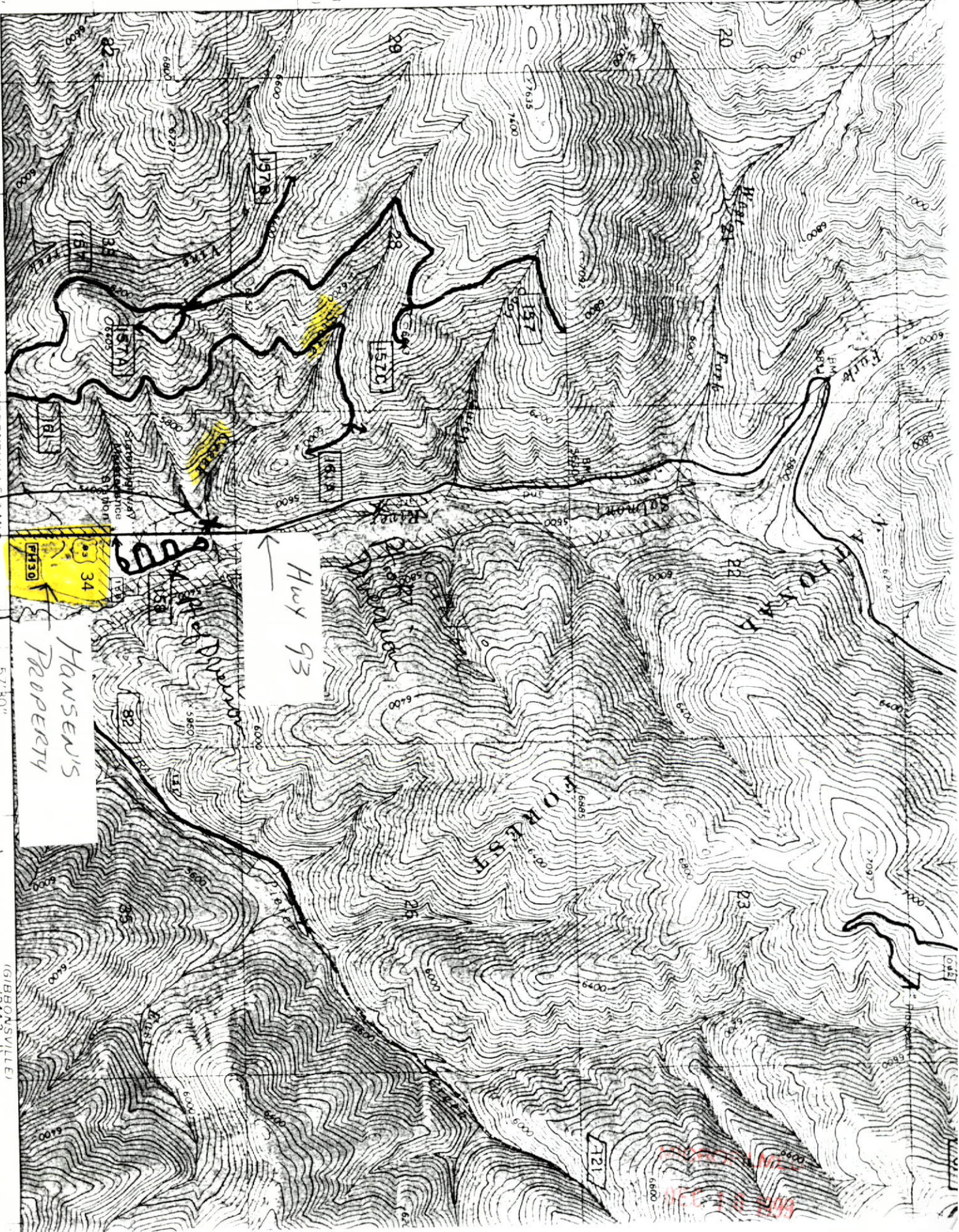
T27N

630000 FEET
(MONT)

45° 37' 30"
114° 00' 1850000 FEET (MONT)

MAINTAIN SE
Mapped, edited, and published by the Geological Survey 1966
Control by USGS and USCGS

Proposed Division from
State Creek - T27N. R21E.
Sec 34 NE1/4



Hansen's
Property

Hwy 93

(GIBBONSVILLE)
(344.3 ft)

NW1/4

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5309**

Notice is hereby given that Harry and/or Joanne Hansen, 6810 Birds Landing Rd., Birds Landing CA 94512, has applied to the Department of Water Resources to add a point of diversion, change the place of use and add a source of a surface water source. The right sought to be changed is evidenced by claim and recorded as follows:

Claim No.: 75-04417 Source: Salmon River

Amount: 1.30 cfs Priority: 11/13/1903

Point(s) of Diversion: NENW SEC 34 T26N R21E, LEMHI COUNTY.

The water is used for irrigation of 61 acres within SEC 3 and 34 T26N R21E B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has filed this transfer to correct the legal description on his claim #75-04417. The place of use is defined as 14 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 3 T26N R21E and 44 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and SENE Sec 34 T27N R21E. Finally a point of diversion will be added on State Creek in the NWNW Sec 34 T27N R21E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before August 24, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published in The Recorder Herald
on August 6 and 13, 1998.

8-6-2tc

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 T-5309

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 or thereto for Two(2) consecutive issues, commencing with the issue dated 8-6-1998 and ending with the issue dated 8-13-1998

STATE OF IDAHO }
County of Lemhi } ss.

On this 13th day of August in this year of 1998 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 K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 62.04

Account No. 630

RECEIVED

SEP 14 1998

Department of Water Resources
Eastern Region

MICROFILMED

SEP 10 1999



Head of State Creek
Ditch



Ditch from State
Creek



Ditch enters Hansen
Property

MICROFILMED

DEC 10 1999



Metal pipe from abandoned
N. Fork Diversion



Old ditch from
N. Fork Diversion

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DEC 10 1999



Splitter in Culvert
for power + irrigation.
water from State Creek



Ditch leaving splitter
in culvert to upper
portion of Hansen property



Upper portion of Hansen
Property.

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DEC 10 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5309
WATER RIGHT NO. 75-04417

This is to certify that: **JOANNE HANSEN**
HARRY HANSEN
6810 BIRDS LANDING RD
BIRDS LANDING CA 94512

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.16 CFS	203.0 AF
STOCKWATER	04/15 to 10/15	0.02 CFS	0.2 AF
	Totals	* 1.16 CFS	* 203.2 AF

SOURCE

SALMON RIVER, NORTH FORK
STATE CREEK

TRIBUTARY OF

SALMON RIVER
SALMON RIVER, NORTH FORK

Priority: 11/13/1908

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 34, Township 27N, Range 21E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
26N	21E	3	NENW 10	SEnw 4		14
27N	21E	34	SEnw 5	NESW 23	SESW 16	44
Total number of acres irrigated:						58

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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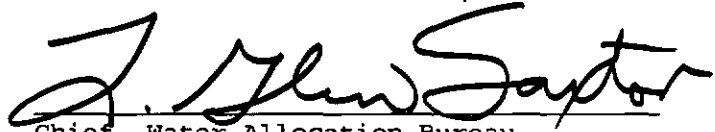
DEC 10 1999

TRANSFER NO. 5309
WATER RIGHT NO. 75-04417

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5309 shall not exceed 1.16 cfs, nor a total combined annual volume of 203.2 af.
8. The right holder shall comply with Forest Service recommendations to modify the existing diversion structure in the Salmon River, North Fork to allow for fish passage.
9. Approval of Transfer 5309 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Approval of Transfer 5309 does not confirm Claimed Right 75-04417.
11. Two points of diversion are located within NENW, S34, T27N, R21E.

Dated this 8th day of June, 1999.


Chief, Water Allocation Bureau

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DEC 10 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5309
RECEIVEDAPPLICATION FOR TRANSFER OF WATER RIGHT JUL 27 1998
PART 1Department of Water Resources
Eastern RegionName of applicant HARRY and/or JOANNE HANSEN Phone (707) 374-5192
Post Office address 6810 Birds Landing Rd Birds Landing CA 94512

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 Add Source

2. Describe the reason for the proposed changes Original claim had incorrect legal descriptions. Also State creek was added as a source when the North Fork diversion north of our property washed out. See Ad Foster on-site exam + photos.

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>75-04417</u>	<u>11/13/1908</u>	<u>1.16 cfs</u>	<u>Irrigation</u>	<u>4/15 to 10/15</u>
<u>" "</u>	<u>" "</u>	<u>0.02</u>	<u>Stockwater</u>	<u>" to "</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>to</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>to</u>

2. Total amount of water being transferred 1.16 cubic feet per second and/or acre-feet per annum.
 3. Source of water Salmon River North Fork tributary to Salmon River
State Creek Salmon River, North Fork
 4. Point(s) of Diversion: State Creek

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>ALL</u>	<u>NW</u>	<u>34</u>	<u>27N</u>	<u>21E</u>	<u>Lemhi</u>	<u>State Creek (new)</u>
		<u>NE</u>						
		<u>NE</u>	<u>NW</u>	<u>34</u>	<u>27N</u>	<u>21E</u>	<u>Lemhi</u>	<u>Salmon River, North Fork</u>

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	
<u>26N</u>	<u>21E</u>	<u>3</u>					<u>10</u>			<u>4</u>									<u>14</u>
<u>27N</u>	<u>21E</u>	<u>34</u>								<u>5</u>	<u>23</u>			<u>16</u>					<u>44</u>

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DEC 10 1999

Total acres

58

PART 1

6. General Information:

a. Description of diversion system A ditch from State Creek for upper 10
acres and a ditch from the North Fork for the lower
48 acres. (Rbad irrigation)

N.A.

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:

N.A.

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 _____

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PART 2

TRANS NO. 5309

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 75-04417

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	1.30 CFS
STOCKWATER	04/01 to 11/01	CFS
Totals		1.30 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON RIVER, NORTH FORK	SALMON RIVER

Priority: 11/13/1908

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 34, Township 26N, Range 21E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
26N	21E	3	NENW 12	SENEW 11		23
		34	NESW 23	SESW 15		38
Total number of acres irrigated:						61

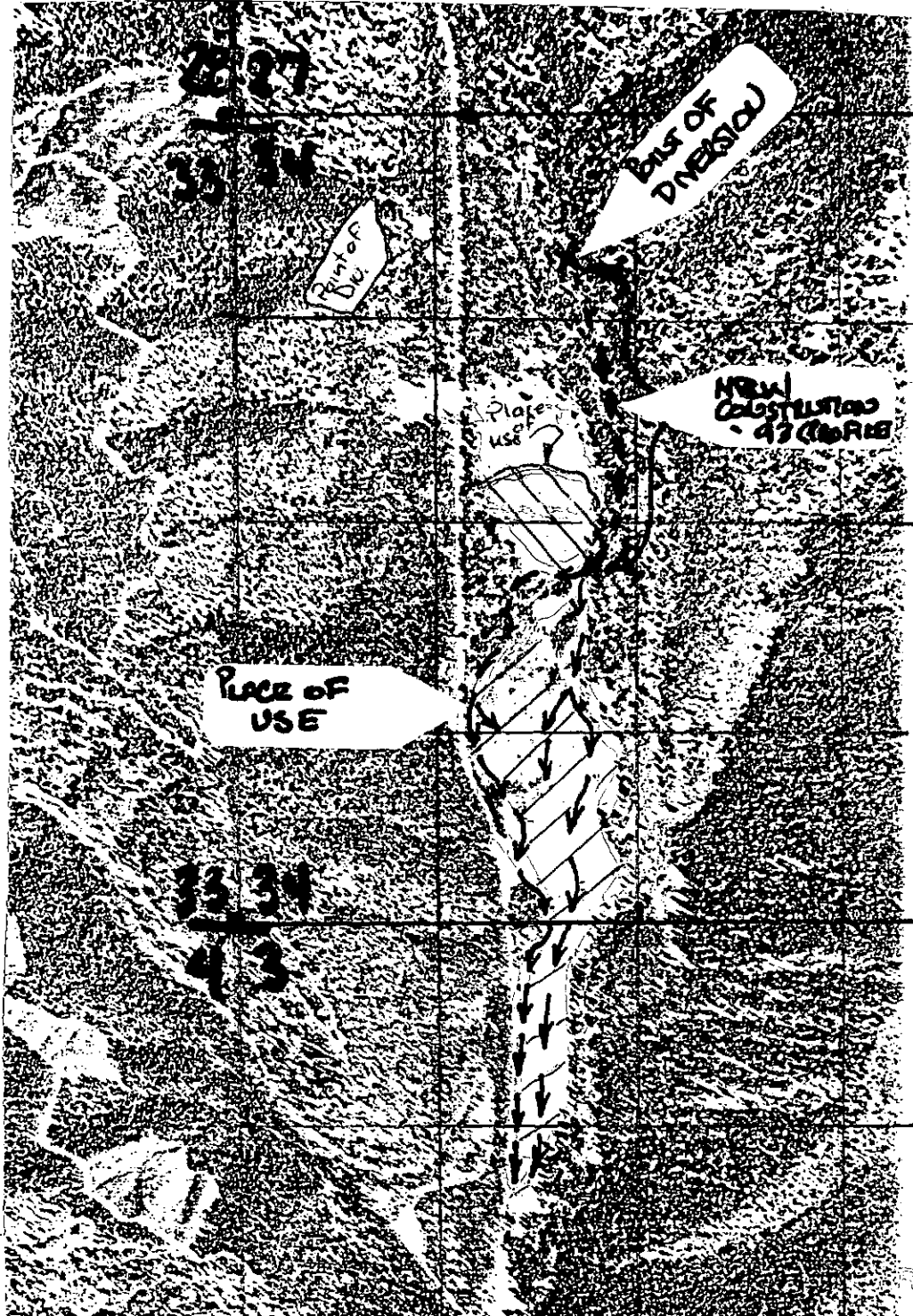
PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

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DEC 10 1999

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.



PART 3

B. CHANGES IN NATURE OF USE

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

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

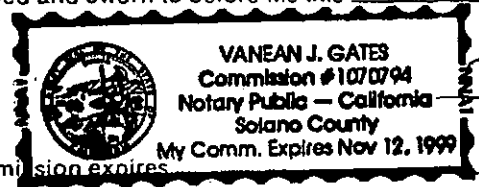
3. Describe effects on other water uses resulting from the proposed change:
NA.

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.

Harry W. Hansen
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of July, 19 98.



Vanean J. Gates
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____	Date _____	Protest filed by _____
Prelim. check by _____	Fee <u>\$100.00</u>	
Receipted by <u>Aut #E021904</u>	Date <u>7-9-1998</u>	
Published in <u>Record Herald</u>		Copies of protest forwarded by _____
Pub. dates <u>Aug 6 & 13, 1998</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on _____		Recommended for ☒ approval ☐ denial
_____ rec'd.		by <u>RDC</u>
Copy of transfer sent to lien holder _____		

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DEC 10 1999

Water Right Number - A75-04417

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HANSEN	HARRY	1 - 6810 BIRDS LANDING ROAD 2 - 3 - City- BIRDS LANDING State- CA Zip- 94512 Phone - 707-374-5192
HANSEN	JOANNE	1 - 6810 BIRDS LANDING ROAD 2 - 3 - City- BIRDS LANDING State- CA Zip- 94512 Phone - 707-374-5192

*** O - ORIGINAL OWNER ***

HEMPHILL	HOWARD H	1 - HC 10 BOX 1060 2 - 3 - City- GIBBONSVILLE State- ID Zip- 83463 Phone - 208-000-0000
EDWARDS	JOSEPH S	1 - PO BOX 1167 2 - 3 - City- SALMON State- ID Zip- 83467 Phone - 208-000-0000
HEMPHILL	MOIRA M	1 - HC 10 BOX 1060 2 - 3 - City- GIBBONSVILLE State- ID Zip- 83463 Phone - 208-000-0000

+ - - Priority Date - - +	+ - - - Region - - - +	+ - - - Stage - - - +	+ - - - Status - - - +
11/13/1908	'15 EASTERN	S - STATUTORY CLAIM	

+ - - - - Source - - - - +	+ - - - - Tributary - - - - +
SALMON RIVER, NORTH FORK	SALMON RIVER

+ - - - - Point of Diversion - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg County	Diversion Name
26N	21E	27	NW NE SW		(59) LEMHI	
		34	SE NE NW		(59) LEMHI	

+ - - - - Water Use - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION		04/01	11/01	2.640		
04 - STOCKWATER		04/01	11/01	0.020		

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
2.640			220.0	

MICROFILMED
DEC 10 1999

Water right number - A75-04417

Prefix Translation: ADJUDICATION CLAIM

----- Place of Use -----								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
26N	21E	3	NE NW		12.0	01	IRRIGATION	(59) LEMHI
26N	21E	3	SE NW		11.0	01	IRRIGATION	(59) LEMHI
26N	21E	34	SE NW		27.0	01	IRRIGATION	(59) LEMHI
26N	21E	34	NE SW		23.0	01	IRRIGATION	(59) LEMHI
26N	21E	34	SE SW		15.0	01	IRRIGATION	(59) LEMHI

Total Acres: 88.0

+ - - Diversion Means - DAMS & DITCHES, GRAVITY IRRIGATION

+ - - Non-Irrigation Use - S/10 HORSES, 15 CATTLE

+ - - Other Rights for Same Use - N/A

----- Remarks -----

GEN BECAUSE OF ROCKY NATURE OF SOIL, CLAIMANT IS CLAIMING 1.5" PER
ACRE FOR IRRIGATION. CLAIMANT WILL OBTAIN DOCUMENTATION FOR THE
RATE OF DIVERSION PER ACRE.

----- Old Water Right Numbers -----

No Old Water Right Numbers found.

----- Conditions of Approval -----

No Conditions of Approval found.

----- Decree Plaintiff ----- + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 04/24/90 MOBILE3 04/02/93 THOMPSON 03/30/95 POST-STD

----- Comments -----

No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 04/24/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- M006725	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND/OR	Notice of Error Flag	-

MICROFILMED

DEC 10 1999

Water Right Number - A75-04418

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HANSEN	HARRY	1 - 6810 BIRDS LANDING ROAD 2 - 3 - City- BIRDS LANDING State- CA Zip- 94512 Phone - 707-374-5192
HANSEN	JOANNE	1 - 6810 BIRDS LANDING ROAD 2 - 3 - City- BIRDS LANDING State- CA Zip- 94512 Phone - 707-374-5192

*** O - ORIGINAL OWNER ***

HEMPHILL	HOWARD H	1 - HC 10 BOX 1060 2 - 3 - City- GIBBONSVILLE State- ID Zip- 83463 Phone - 208-000-0000
EDWARDS	JOSEPH S	1 - PO BOX 1167 2 - 3 - City- SALMON State- ID Zip- 83467 Phone - 208-000-0000
HEMPHILL	MOIRA M	1 - HC 10 BOX 1060 2 - 3 - City- GIBBONSVILLE State- ID Zip- 83463 Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/13/1908 15 EASTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
STATE CREEK SALMON RIVER, NORTH FORK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

26N 21E 34 NW NW (59) LEMHI

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

28 - POWER 01/01 12/31 2.300

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.300 0.0 2.5

MICROFILMED
DEC 10 1999

Water right number - A75-04418

Prefix Translation: ADJUDICATION CLAIM

Place of Use						Description	County
Twn	Rng	Sec	Tract	Lot	Acres	Code	
26N	21E	34	NE SW			28 POWER	(59) LEMHI

- - - Diversion Means - DAM & PIPELINE, 6"PIPE TO GENERATOR

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

- - - - - Remarks - - - - -

GEN NO MANUFACTURER'S NAME-PLATE RATING IS AVAILABLE FOR THE GENER-
ATOR.

- - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

- - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

- - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - + 00/00/0000
----------------------------------	------------------------------------	-----------------------------------

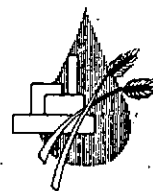
- - - Audit Fields - 04/24/90 MOBILE3 04/02/93 THOMPSON 03/30/95 POST-STD

- - - - - Comments - - - - -
No Comments Found

- - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 04/24/1990	Last Amended Date - 00/00/0000	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 00/00/0000	Water District -
Licensed Date - 00/00/0000	Receipt Number - M006725	Federal/State Indicator - S
	POU Ownership Flag - Y	Presumption Flag -
	Name Connector - AND/OR	Notice of Error Flag -

MICROFILMED
DEC 10 1999



If you are claiming water as a member of an organization, list name of organization:

MCDFL 112

[illegible]

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Lemhi)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of June

(Claimant

Notary Public
Residing at

My commission expires _____ Life

FOR DEPARTMENT USE ONLY

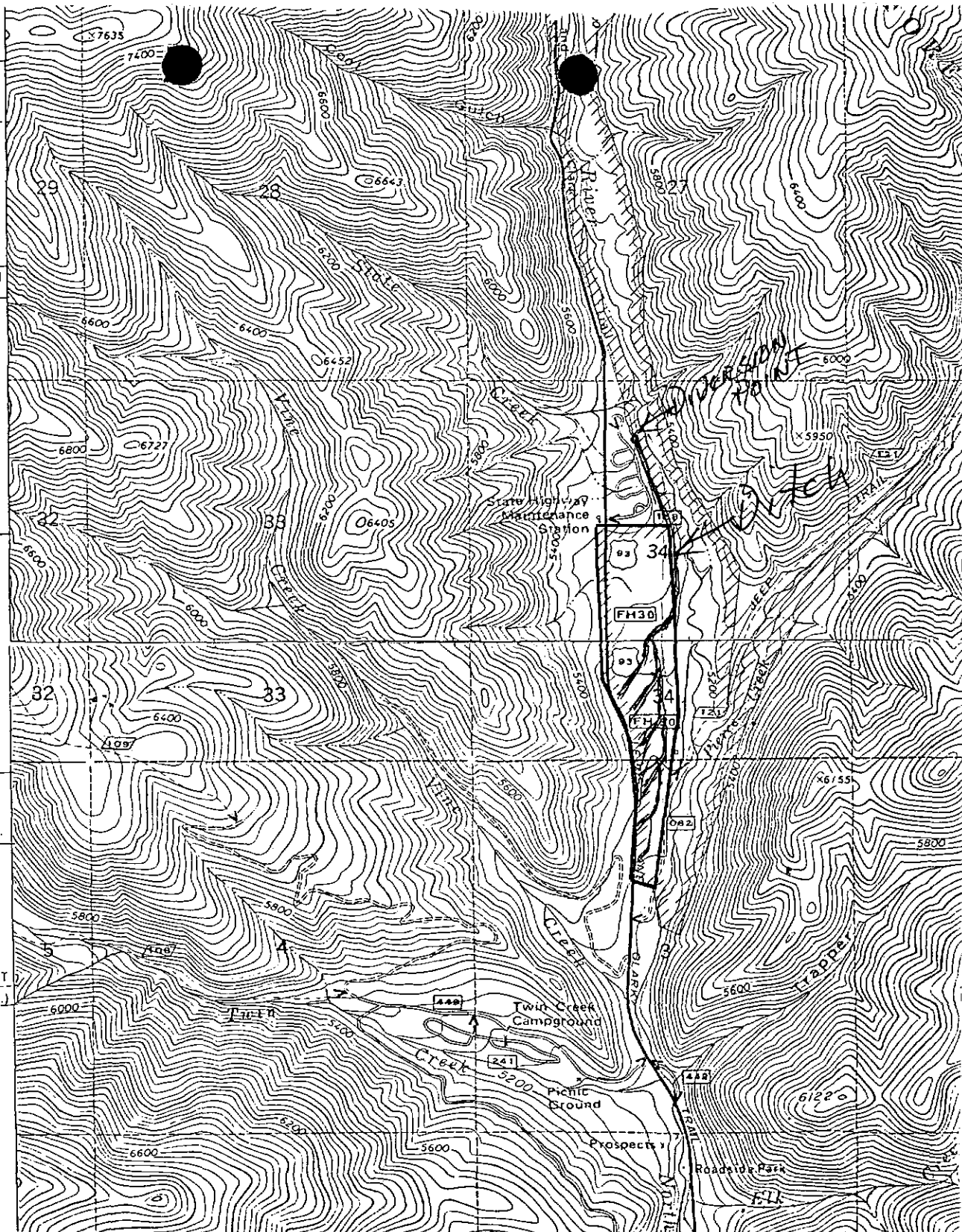
Received by CW Date 6-22-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JEM Date _____ claimant by: _____
\$30.00 fee received by CW Date 6-22-83
Published in Recorder Herald #3269
Dates 8/4 - 8/11/83

45° 37' 30"

T. 27 N.
T. 26 N.-

0,000 FEET
(MONT.)

CELESTIAL



75-4413

BOSWORTH, PAUL SR.
P. O. BOX 482, SALMON,
ID 83467

Source: RAPPS CREEK
trib. to ARNETT CREEK
Priority Date: 06/01/1958
Diversion Pt: NWNE Sec
25 T 22N R 19E
Use: MINING (1.00 CFS)
In: NENE NWNE Sec 25 T
22N R 19E

75-4414

U.S. DEPT. OF INTER-
IOR

BUREAU OF LAND
MGMT., IDAHO STATE
OFFICE, 3380 AMERI-
CANA TERRACE,
BOISE, ID 83706

Source: SPRING trib. to
FREEMAN CREEK
Priority Date: 07/01/1967
Diversion Pt: SENE Sec
07 T 22N R 23E
Use: STOCKWATER
(0.02 CFS)
WILDLIFE (0.01 CFS)
In: NWNW Sec 07 T 22N
R 23E NENW Sec 12 T
22N R 22E SESE Sec 01 T
22N R 22E

75-4415

ENGLAND, WAYNE &/
or MARGARETTE
BOX 1167, NORTH
FORK, ID 83466

Source: INDIAN CREEK
trib. to SALMON RIVER
Priority Date: 04/01/1900
Diversion Pt: SESE Sec 19
T 24N R 20E SWNW Sec
29 T 25N R 20E

Use: IRRIGATION (0.40
CFS)
In: SESE Sec 19 T 25N R
20E SWNW Sec 29 T 25N
R 20E NESE Sec 30 T 25N
R 20E FOR 25 ACRES

75-4416

HEMPHILL, HOWARD

H. &/or MOIRA M.
HC 10, BOX 1060, GIB-
BONSVILLE, ID 83463

Source: SPRING
Priority Date: 11/13/1908
Diversion Pt: SESW Sec
34 T 26N R 21E
Use: DOMESTIC (0.02
CFS)
In: SESW Sec 34 T 26N R
21E

75-4417

HEMPHILL, HOWARD
H. &/or MOIRA M.
HC 10, BOX 1060, GIB-
BONSVILLE, ID 83463

Source: SALMON RIVER,
NORTH FORK trib. to
SALMON RIVER
Priority Date: 11/13/1908
Diversion Pt: NENW Sec
34 T 26N R 21E
Use: IRRIGATION (1.30
CFS)
STOCKWATER (0.0060
CFS)
In: NESW SESW Sec 34 T
26N R 21E NENW SENW
Sec 03 T 26N R 21E FOR
61 ACRES

75-4418

HEMPHILL, HOWARD
H. &/or MOIRA M.
HC 10, BOX 1060, GIB-
BONSVILLE, ID 83463

Source: STATE CREEK
trib. to SALMON RIVER,
NORTH FORK
Priority Date: 11/13/1908
Diversion Pt: NWNW Sec
34 T 26N R 21E
Use: POWER (2.30 CFS)

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

AUG 12 1983

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein,

That the Notice of Claims to Water Rights 75-4401 thru

75-4421

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated Aug. 4 1983
and ending with the issue dated Aug. 11 1983

Jerry G. Rosin

Subscribed and sworn to before me, this eleventh

day of August 1983

W. C. Amstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 158.85

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

June 8, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOANNE HANSEN
HARRY HANSEN
6810 BIRDS LANDING RD
BIRDS LANDING CA 94512

RE: Water Right 75-04417 (Transfer 5309)

Dear Mr. & Mrs. Hansen:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5309). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

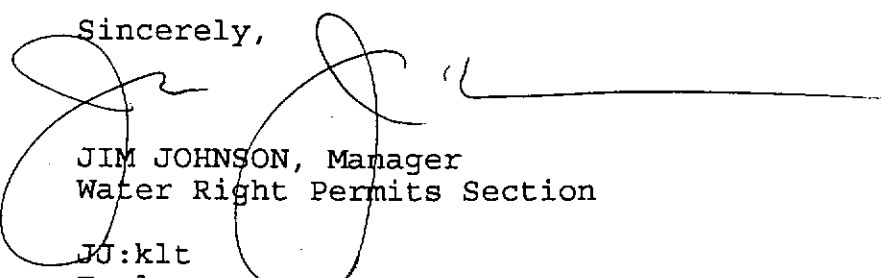
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JU:klt
Enclosures

MICROFILMED

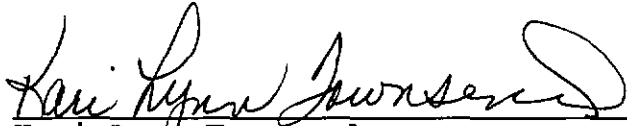
DEC 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 75-04417 (Transfer 5309)

**JOANNE HANSEN
HARRY HANSEN
6810 BIRDS LANDING RD
BIRDS LANDING CA 94512**



Kari Lynn Townsend
Secretary

MICROFILMED
DEC 10 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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 Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

DEC 10 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MEMORANDUM

TO: File 75-04417

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5309

DATE: June 7, 1999

OK 

Transfer 5309 changes the place of use, and adds a second source and point of diversion under Right 75-04417. A second point of diversion from State Creek that is tributary to the original source of Salmon River, North Fork has been used for some time. The transfer will describe the right as currently used; no physical changes will be made.

Forest Service protested the transfer, and a conference was held to discuss concerns with the applicant. The protest was withdrawn predicated upon the inclusion of conditions addressing measuring devices and modification of the diversion structure to allow for fish passage.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include multiple points of diversion/measuring devices, protest agreement, modification of diversion structure for fish passage, right-of-way, non-confirmation of claim, irrigation overlap and standard transfer conditions.

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DEC 10 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5309

Date Reviewed 6-3-99 28

Right(s) 75-04417

☒ WRQ/Split Summary ☒ ^{No Activity - Claim larger} SRBA Status ☐ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use ☒ Other H:Change P/D & Add P/D
I:Change P/D & P/U Add P/D+Source Change P/U J:Add P/D & Change P/U

Proof of Ownership SRBA Claim

Transfer ☒ All of Right ☐ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☐ Rate (5) ☐ Volume
(6) ☐ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map
(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion

(3) Standard IRR season per application 4-15 to 10-15 - Stods same season.
(4) Reduced to reflect confirmed acres .02 x 58 acres = 1.16 cfs
(5) Standard IRR Vol = 58 x 3.5 = 203 af
STOCK Vol = 25 x 12 gpd = 300 gpd = .2 af
(6) Add State Creek as a source.
(7) Add 2nd P/D NENW
(8) Reduce acres to confirmed P/U - add SENW, 534 - reflect historical use.

Stock - 10 Horses & 15 cattle per CVR & SRBA Claim

Transfer Remarks 2 P/Ds NENW Modify 029
Non Confirmation of Claim/W58, W57, W34
Conditions 020, R63, T07, T08, T09 T17

Database/Processing Notes

Standard ☒ Non-Standard ☐

T File

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

28 06-08-99

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
75-04417	HEMPHILL, HOWARD H.	C	11/13/1908	S/	SALMON RIVER, NORT	IRR		WR
	HEMPHILL, MOIRA M.	C				STOCK		
175-04417	HANSEN, HARRY	C	11/13/1908	S/	SALMON RIVER, NORT	IRR		WR
	HANSEN, JOANNE	C			STATE CREEK	STOCK		

A75-04417	HANSEN, HARRY	C	11/13/1908	S/	SALMON RIVER, NORT	IRR		AJ
	HANSEN, JOANNE	C				STOCK		

Send Copy to USFS

7-27-1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T5309

RECEIVED

INITIAL REVIEW BY: HWT

NOV 12 1998

1. Right number 75-04417 Applicant HARRY HANSEN Department of Water Resources
2. Type of right: ☐ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Other Add a Source
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☐ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No ** Needs on-site exam verification report (Done)*
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* CONDITIONS - NORTH FORK MEASURING DEVICE
MODIFICATION OF DIVERSION STRUCTURE TO
PROVIDE FOR FISH PASSAGE. See #142 of USFS letter
4. By RRC Date 11/9/98

* All uses within Watermaster Districts require special conditions.

** Send copy to USFS as per on their report mailed 7/29/98*

T5309



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 4, 1998

HARRY AND/OR JOANNE HANSEN
6810 BIRDS LANDING RD
BIRDS LANDING CA 94512

RE: Withdrawal of protest on Application of a Transfer
No. 5309

Dear Sir:

This Department has received a withdrawal of protest, with conditions, from United States Department of Agriculture.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc

MICROFILMED
DEC 10 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 4, 1998

US DEPT OF AGRICULTURE
RR2 BOX 600
SALMON ID 83467

RE: Withdrawal of protest on Application for Transfer No.5309

Dear Protestants:

This Department has received your withdrawal of protest with conditions against the application of Harry and/or Joanne Hansen.

If you have any questions, please call our office.

Sincerely,
Harold W. Jones

Harold W Jones
Water Rights Supervisor

HWJ/sc

MICROFILMED

DEC 10 1999



United States
Department of
Agriculture

Forest
Service

Salmon-Challis
National Forest

Headquarters Bldg.
RR 2 Box 600
Salmon, ID 83467

RECEIVED

NOV 12 1998

Department of Water Resources

File Code: 2540

Date: October 26, 1998

RECEIVED

OCT 28 1998

Department of Water Resources
Eastern Region

Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Dear Harold:

This letter is a follow-up to our meeting with Harry and Joanne Hansen and Bob Foster, IDWR, to resolve our protest of the Hansens' Application for Transfer No. 5309. At our informal meeting with the Hansens on September 25, 1998, we discussed our concerns with the proposed transfer and possible solutions to our concerns. Based on our discussion, we reached consensus on the following mitigation:

1. Installation of a measuring device on the water diversion from the North Fork of the Salmon River. It was agreed that a staff gage would be the easiest for installation and monitoring. Bob Foster has agreed to measure the diversion and set up a rating curve for the staff gage. The Hansens agreed to limit their total water diversion to a maximum of 1.16 cfs from both the North Fork of the Salmon River and State Creek.

2. Modification of the existing diversion structure that has been placed in the North Fork of the Salmon River to allow for fish passage. The Fishery Biologist on the North Fork Ranger District, Dan Garcia, will work with the Hansens to design an appropriate remedy to the existing structure that is a fish passage barrier at low flows.

We agree to withdraw our protest of the proposed water right transfer if these two conditions are made part of the approved water right transfer. In addition, the Hansens will need to work with the North Fork Ranger District to obtain a Special Use Permit for their occupancy of National Forest lands for their diversion structure and ditch that are required for the State Creek diversion.

During our review of the Hansens' Application for Transfer, we noted that the legal description of the State Creek diversion is incorrect. The State Creek diversion is immediately above the Highway 93 crossing of State Creek, and the legal location at the diversion would be the NENW of Section 34, T27N, R21E.

* Attached map confirms NENW location.
Recommend changing database as this area
is all USFS property anyway.

JW/MICROFILMED

11-4-98 DEC 10 1998

Caring for the Land and Serving People





Harold Jones

2.

If you have any questions about our meeting with the Hansens, or the agreed-upon conditions for withdrawal of our protest, please call Betsy Rieffenberger, Forest Hydrologist, at 208-756-5108, or Rogers Thomas, North Fork District Ranger, at 208-865-2700.

Sincerely,

George Matejko

GEORGE MATEJKO
Forest Supervisor

CC:

Harry and Joanne Hansen, HC 10, Box 1090, Gibbonsville, ID 83463
Bob Foster, IDWR, 206 Van Dreff St., Salmon, ID 83467
Dan Garcia, North Fork RD
Rogers Thomas, North Fork RD
Betsy Rieffenberger, SO
Norma Staaf, SO



Caring for the Land and Serving People

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DEC 10 1999

Printed on Recycled Paper
FS-6200-28b (12/93)



Harold,

Map showing

Harry & Joanne

Hansen's Pt. of

Division from

State Creek.

Hope this
helps!

RECEIVED

NOV 03 1998

Department of Water Resources
Eastern Region

USFS

Ta7N

6,400.00 FEET
(MONT.)

45°37'30"
114°00' 1850 000 FEET (MONT.)

CONTAIN SE

Mapped, edited, and published by the Geological Survey 1966
Control by USGS and USCGS

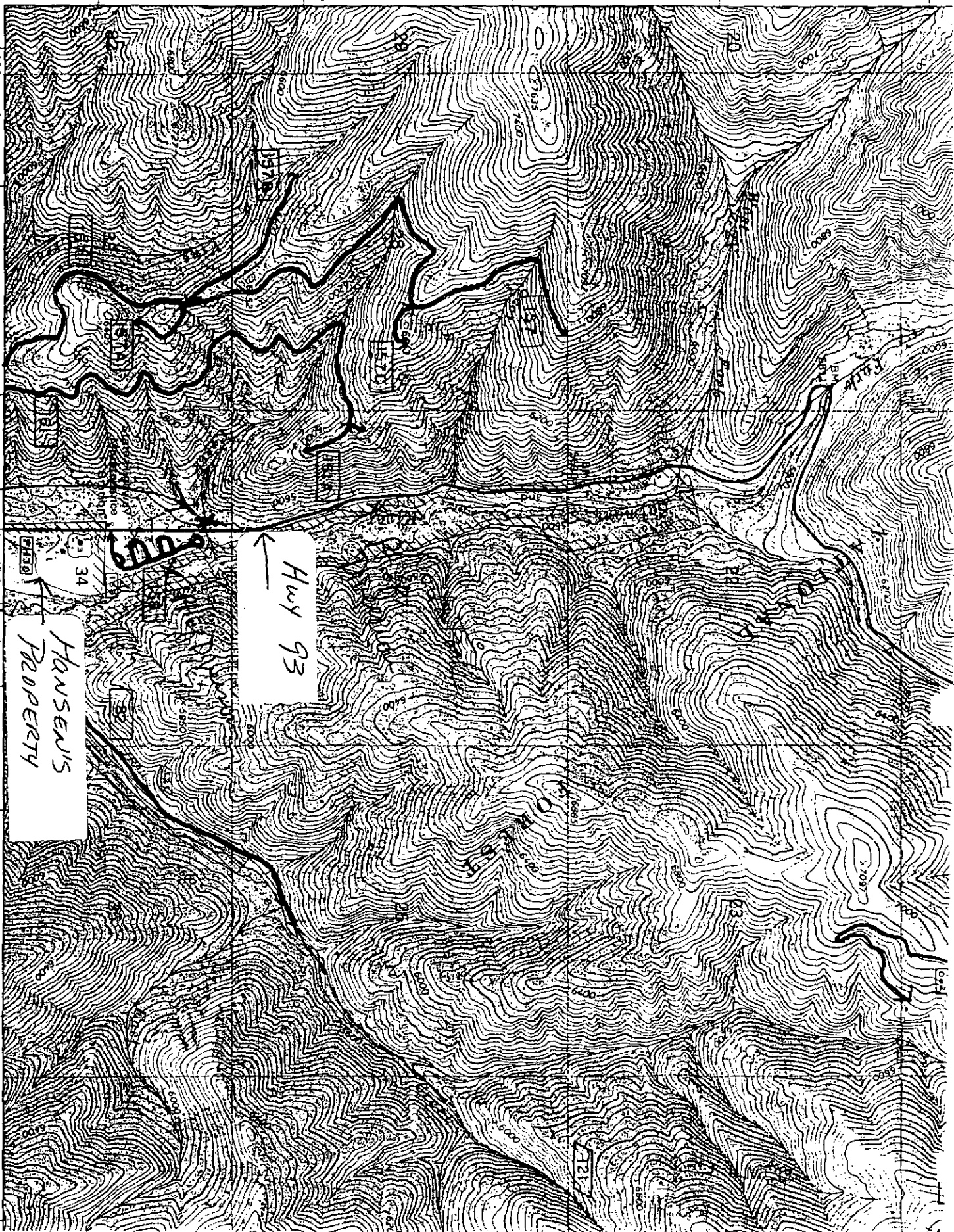
R. 21 E,

GIBBONSVILLE 7 M.
SALMON 30 M.

57°30"

(GIBBONSVILLE)
(3443 J)

WUPEN



**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5309**

Notice is hereby given that Harry and/or Joanne Hansen, 6810 Birds Landing Rd., Birds Landing CA 94512, has applied to the Department of Water Resources to add a point of diversion, change the place of use and add a source of a surface water source. The right sought to be changed is evidenced by claim and recorded as follows:

Claim No.: 75-04417 Source: Salmon River
Amount: 1.30 cfs Priority: 11/13/1903
Point(s) of Diversion: NENW SEC 34 T26N R21E, LEMHI COUNTY.

The water is used for irrigation of 61 acres within SEC 3 and 34 T26N R21E B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has filed this transfer to correct the legal description on his claim #75-04417. The place of use is defined as 14 acres in the E½ NW¼ Sec 3 T26N R21E and 44 acres in the E½ SW¼ and SENE Sec 34 T27N R21E. Finally a point of diversion will be added on State Creek in the NWNW Sec 34 T27N R21E.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before August 24, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published in The Recorder Herald on August 6 and 13, 1998.

8-6-2tc

MICROFILMED

DEC 10 1999

Affidavit of Publication

STATE OF IDAHO

ss.

County of Lemhi

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 T-5309

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 or thereto for Two(2) consecutive issues, commencing with the issue dated 8-6-1998 and ending with the issue dated 8-13-1998

STATE OF IDAHO

ss.

County of Lemhi

On this 13th day of August in this year of 1998 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.

Shelia K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 62.04

Account No. 630

RECEIVED

SEP 14 1998

Department of Water Resources
Eastern Region

Receipt #E024396

United States
Department of
Agriculture

Forest
Service

Salmon and
Challis
National Forests

Headquarters Bldg.
RR 2 Box 600
Salmon, ID 83467

File Code: 2540

Date: August 24, 1998

RECEIVED

AUG 26 1998

Department of Water Resources
Eastern Region

Mr. Harold Jones
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Dear Harold,

We are writing to protest the Application for Transfer No. 5309 that was submitted to your office by Mr. Harry Hansen of Birds Landing, California. While we agree that use of water from State Creek versus the North Fork of the Salmon River would be beneficial from a fisheries standpoint we have several concerns with the proposed transfer.

Without a water master to enforce the split water right we feel that Mr. Hansen will not limit his total water diversion to 1.16 cubic feet per second and will just augment his current diversion from the North Fork with the State Creek diversion. Mr. Hansen has been illegally using State Creek water for irrigation and recreational purposes for the last two years despite repeated warnings from the District Ranger to shut off his State Creek diversion. In addition he reactivated 1000 feet of abandoned irrigation ditch on National Forest land without permission or prior knowledge of the Forest Service. His action is considered a willful trespass on public lands.

Our second concern is that the water from State Creek is being used for recreational purposes to fill a pond that has been constructed on Mr. Hansen's property. The current Application for Transfer does not state recreation as a purpose of use for the diversion from State Creek. Additionally we are concerned that his current diversion on the North Fork of the Salmon River presents a fish migration barrier for migrating chinook salmon and steelhead during periods of low flow. While we understand it is not in your regulatory authority to require Mr. Hansen to modify the diverting structure he has placed in the North Fork to divert water into his headgate we would like to bring some attention to this problem.

If you have any questions regarding this protest please contact Rogers Thomas, North Fork District Ranger, at (208) 865-2700, or Betsy Rieffenberger, Forest Hydrologist, at (208) 756-5100.

Sincerely,

George Matejko
GEORGE MATEJKO
Forest Supervisor

MICROFILMED

DEC 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

September 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HARRY AND/OR JOANNE HANSEN
6810 BIRDS LANDING RD
BIRDS LANDING CA 84512

RE: Applications for Transfer No. 5309

Dear Applicant:

Enclosed are copies of a protest filed against the issuance of the above referenced applications. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

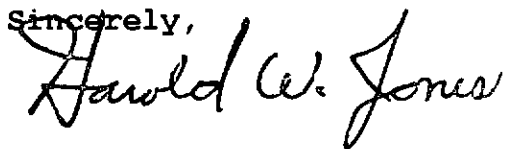
MICROFILMED
DEC 10 1999

Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones". The signature is written in dark ink and is positioned below the word "Sincerely,".

HAROLD W. JONES
Water Rights Supervisor

Enclosure

HWJ:sc

MICROFILMED
DEC 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

September 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPARTMENT OF AGRICULTURE
SALMON AND CHALLIS NATIONAL FORESTS
RR 2 BOX 600
SALMON ID 834667

RE: Application for Transfer No. 5309

Dear Sir:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

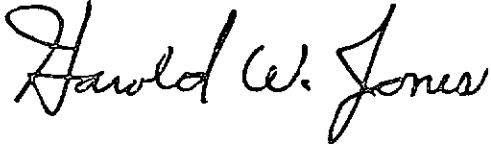
HARRY AND/OR JOANNE HANSEN
66810 BIRDS LANDING RD
BIRDS LANDING CA 94512

MICROFILMED
DEC 10 1999

Page 2

If we may be of further assistance, please contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones". The signature is written in dark ink and is positioned above the typed name.

HAROLD W. JONES
Water Rights Supervisor

HWJ/sc

cc: IDWR - State Office

MICROFILMED
DEC 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 29, 1998

US DEPT OF AGRICULTURE
FOREST SERVICE
PO BOX 729
SALMON ID 83467

RE: Application for Transfer No. 5309

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is August 24, 1998, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc
enc.

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DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULY 28, 1998

Legal Notices Department
RECORDER-HERALD
P.O. BOX 310
SALMON, ID 83467

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before AUGUST 24, 1998.

Yours truly,

Sharla Cox
Secretary

Encl.



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DEC 10 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

July 28, 1998

KARL J. DREHER
DIRECTOR

HARRY AND/OR JOANNE HANSEN
6810 BIRDS LANDING RD
BIRDS LANDING CA 94512

RE: Application for Transfer #5309

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on August 6 and August 13, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is 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.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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DEC 10 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5309

Notice is hereby given that Harry and/or Joanne Hansen, 6810 Birds Landing Rd., Birds Landing CA 94512, has applied to the Department of Water Resources to add a point of diversion, change the place of use and add a source of a surface water source. The right sought to be changed is evidenced by claim and recorded as follows:

Claim No.: 75-04417 Source: Salmon River
Amount: 1.30 cfs Priority: 11/13/1903
Point(s) of Diversion: NENW SEC 34 T26N R21E, LEMHI COUNTY.
The water is used for irrigation of 61 acres within SEC 3 and 34 T26N R21E B.M.

TO BE CHANGED AS FOLLOWS:

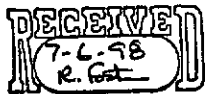
The applicant has filed this transfer to correct the legal description on his claim #75-04417. The place of use is defined as 14 acres in the E1/2 NW1/4 Sec 3 T26N R21E and 44 acres in the E1/2 SW1/4 and SENE Sec 34 T27N R21E. Finally a point of diversion will be added on State Creek in the NWNW Sec 34 T27N R21E.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before August 24, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Recorder Herald on August 6 and 13, 1998.

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DEC 10 1999



IDAHO DEPT OF WATER RESOURCES
900 NORTH SKYLINE DR
IDAHO FALLS, IDAHO 83402

RECEIVED

JUL 07 1998

Department of Water Resources
Eastern Region

JUNE 28, 1998

AFFIDAVIT

I, HOWARD HEMPHILL PURCHASED HES 94 SEPTEMBER 1975. AT THAT TIME THE DITCH AND FLUME FROM THE UPPER NORTH FORK DIVERSION WERE COMPLETELY DESTROYED IN THE AREA OF THE STATE CREEK.

IN THE SPRING OF 1977, I FILED FOR WATER RIGHTS ON THE NORTH FORK OF THE SALMON RIVER, STATE CREEK, A SPRING WITH A SMALL AMOUNT OF WATER ON THE RANCH, AND MY WELL WHICH WE DRILLED ON THE HES 94. AT THAT TIME I BROUGHT WATER IN FROM THE STATE CREEK FOR IRRIGATION OF THE NORTH END OF THE AREA AND TO RUN MY PELTON WHEEL TO GENERATE ELECTRICITY WHEN ENOUGH WATER WAS AVAILABLE.

Howard Hemphill
HOWARD HEMPHILL

State of Idaho
County of Lemhi

Claudia Maxwell Notary
Commission Expires 03-07-2000

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JUL 07 1998

Department of Water Resources
Eastern Region

June 29, 1998

Idaho Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402

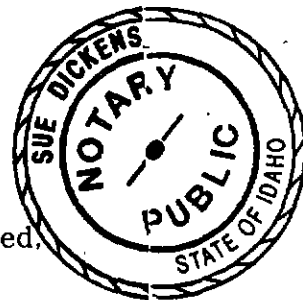
To Whom It May Concern,

I, Wayne A. Randolph, do hereby state that I saw the pipe, used by Howard Hemphill for the purpose of irrigating, in the culvert which carries State Creek under U. S. highway 93 from the west side to the east side. I saw the pipe in the culvert in Sept. 1985 and the pipe was subsequently removed from that culvert the same month, Sept. 1985, by myself and Bernie Bradshaw.

Wayne A. Randolph
Wayne A. Randolph

STATE OF IDAHO)
County of Lemhi)

SS:



SUBSCRIBED AND SWORN To before the undersigned.

Sue Dickens, a Notary Public for the
State of Idaho, on the 29 day of June,
1998.

Sue Dickens
Notary Public
Residing at:
Commission Expires:

MICROFILMED
DEC 10 1999



June 29, 1998
Bernie Bradshaw
PO Box 51
Gibbonsville ID 83465

Affidavit
Idaho Dept of Water Resources
900 No. Skyline Dr.
Idaho Falls Idaho 83402
Dear Sir:

RECEIVED

JUL 07 1998

Department of Water Resources
Eastern Region

I started working for the State of Idaho Highway Dept in October 1981. On my job I was by Hemphills Lost Trail Ranch many times. This Ranch is now known as the Royal Elk Ranch.

Every summer on my many trips going by this ranch, I saw Howard Hemphill irrigating with water that was coming up a six inch pipe out of State Creek.

On the fourth of July we went to a Bar-B-Q and Howard always had water in his ditch to irrigate with. Stayne Randolph and I removed this pipe in September of 1985 when Howard ^{sold} this ranch.

Claudia Maxwell
Notary for the
State of Idaho,
Gemmi County.
My commission expires
03-07-2000

Bernie Bradshaw
6-30-98

RECEIVED
DEC 10 1999

EXHIBIT "A"

H.E. SURVEY NO. 94, EMBRACING A PORTION OF THE UNSURVEYED PUBLIC DOMAIN, IDAHO, MORE PARTICULARLY DESCRIBED AND BOUNDED AS FOLLOWS:

BEGINNING AT CORNER NO. 1, FROM WHICH U.S. LOCATION MONUMENT NO. 9, DAHLONEGA MINING DISTRICT, BEARS SOUTH 40 DEGREES 58' WEST, 10.01 CHAINS DISTANT; THENCE N. 73 DEGREES 30' WEST 5.34 CHAINS TO CORNER NO. 2; THENCE NORTH 2 DEGREES 55' EAST, 20.26 CHAINS TO CORNER NO. 3; THENCE NORTH 8 DEGREES 55' WEST, 10.00 CHAINS TO CORNER NO. 4; THENCE NORTH 23 DEGREES 00' WEST, 14.00 CHAINS TO CORNER NO. 5; THENCE NORTH 9 DEGREES WEST 7.26 CHAINS TO CORNER NO. 6; THENCE NORTH 0 DEGREES 34' WEST, 26.68 CHAINS TO CORNER NO. 7; THENCE SOUTH 86 DEGREES 23' EAST, 15.94 CHAINS TO CORNER NO. 8; THENCE SOUTH 7 DEGREES 15' EAST, 15.26 CHAINS TO CORNER NO. 9; THENCE SOUTH 0 DEGREES 05' WEST, 24.05 CHAINS TO CORNER NO. 10; THENCE SOUTH 7 DEGREES 48' WEST, 38.43 CHAINS TO CORNER NO. 1, THE PLACE OF BEGINNING.

EXCEPTING THEREFROM ANY AND ALL PIECES AND PARCELS OF THE ABOVE-DESCRIBED PROPERTY HERETOFORE DEEDED FOR ROAD RIGHT-OF-WAY PURPOSES, RECORDED FEBRUARY 19, 1938 IN BOOK 31 OF DEEDS AT PAGE N. 444, RECORDS OF LEMHI COUNTY, IDAHO. . .

A PORTION OF THE ABOVE DESCRIBED REAL PROPERTY IS ALSO KNOWN AS ROYAL ELK ESTATES SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF FILED FOR RECORD IN BOOK 6 OF PLATS AT PAGE NO. 8 RECORDS OF LEMHI COUNTY, IDAHO.

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DEC 10 1999

This Warranty Deed being re-recorded to correct Legal Description.

WARRANTY DEED

For Value Received

JOSEPH S. EDWARDS, A SINGLE PERSON

the grantor , does hereby grant, bargain, sell and convey unto

HARRY HANSEN AND JOANNE HANSEN, husband and wife

whose current address is

6810 BIRDS LANDING ROAD
BIRDS LANDING, CA 94512

the grantees , the following described premises, in LEMHI County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

State of Idaho)
County of Lemhi) ss No. **218087**

This instrument was filed for record at
the request of American Land Title
at 2:46 o'clock P m 3-17 19 93
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederrick

Ex-Officio Recorder

By Larry J. Morton Deputy
Fees: 16.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantee S, that he is the owner in fee simple of said premises; that they are free
from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 2-24-93

Joseph S. Edwards
JOSEPH S. EDWARDS

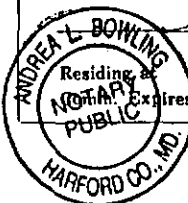
Maryland

STATE OF ~~IDAHO~~ COUNTY OF Harford
On this 24th day of February, 19 93,
before me, a notary public in and for said State, personally
appeared

JOSEPH S. EDWARDS

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

Andrea L. Bowling
Notary Public
ANDREA L. BOWLING
NOTARY PUBLIC STATE OF MD.
My Commission Expires Dec. 1, 1995



State of Idaho)
County of Lemhi) ss No. **218046**

This instrument was filed for record at
the request of American Land Title
at 2:00 o'clock P m 3-12 19 93
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederrick

Ex-Officio Recorder

By Deanne L. Thayer Deputy
Fees: 16.00

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DEC 10 1999

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Continuation of Abstract of Title

THE LEMHI TITLE AND ABSTRACT CO., SALMON, IDAHO

DEED OF RIGHT-OF-WAY.

THIS INDENTURE, Made the 17th day of May, in the year of our Lord One Thousand nine Hundred and Twenty-three, between JENNIE ACHORD, in her own right, and as Administratrix of the Estate of John B. Achord, deceased, of Gibbonsville, County of Lemhi, State of Idaho, the party of the first part, and the STATE OF IDAHO, the party of the second part;

WITNESSETH, that for and in consideration of the location and establishment of the Salmon Montana Forest Project High Way as now surveyed and to be constructed and the benefits to accrue to me by such location, and for the further consideration of ONE DOLLAR lawful money of the United States to me in hand paid, the receipt whereof is hereby acknowledged, I the owner of the land required for road purposes on the line of the foregoing designated route, to wit:

Beginning at a point on the center line of the Salmon Montana Line Road Survey, At Sta. 906+26.4 in unsurveyed Sec. 3, Twp. 26 N. R. 21 E. Boise Base and Meridian, whence U. S. Mineral Monument No. 9, Dahlonga Mining District bears S. 11° 40' W. 603.4 feet, being a point on the south property line of the grantors land; thence N. 73° 30' W. along said south property line a distance of 28.0 feet more or less to a point marked Cor. No. 2, H. E. S. No. 94; thence N. 2° 55' E. along the west property line of said grantor's land (crossing said center line at Sta. 917+59.5 at a distance of 1122.2 feet from said Cor. No. 2) a distance of 1337.16 feet to a point marked Cor. No. 3 H.E.S. No. 94; thence N. 8° 55' W. along said west property line (crossing said center line at station 922+03.2 at a distance of 231.3 feet more or less from said Cor. No. 3) for a distance of 533.3 feet more or less to a point 30 feet distant from, measured at right angles to said center line at Station 925+03.8; thence N. 3° 13' W. parallel to said center line, a distance of 103.4 feet more or less; thence curving to the left with a radius of 686.78 feet, parallel to said center line, a distance of 407.5 feet more or less; thence N. 37° 13' W. parallel to said center line, a distance of 27.6 feet more or less; thence curving to the right with a radius of 746.78 feet, parallel to said center line, a distance of 485.7 feet more or less; thence N. 0° 03' E. parallel to said center line, a distance of 2245.5 feet more or less to a point on the north property line of said grantor's land; thence S. 86° 23' E. along said north property line, a distance of 60.1 feet more or less to a point 30 feet distant from and measured at right angles to said center line at Sta. 957+ 67.3; thence S. 0° 03' W. parallel to said center line a distance of 2241.7 feet more or less; thence curving to the left with a radius of 686.78 feet, parallel to said center line, a distance of 446.7 feet more or less; thence S. 37° 13' E. parallel to said center line, a distance of 27.6 feet more or less; thence curving to the right with a radius of 746.78 feet, parallel to said center line a distance of 443.1 feet more or less; thence S. 3° 13' E. parallel to said center line, a distance of 824.1 feet more or less; thence curving to the right with a radius of 5759.65 feet, parallel to said center line, a distance of 728.8 feet more or less; thence S. 4° 02' W. parallel to said center line, a distance of 358.3 feet more or less to a point on said south property line; thence N. 73° 30' W. along said south property line, a distance of 30.7 feet, more or less to point of beginning, containing 6.45 acres

MICROFILMED
APR 19 1994

Continuation of Abstract of Title

THE LEMHI TITLE AND ABSTRACT CO., SALMON, IDAHO

more or less.

Do hereby approve of the location of said Forest Highway and consent thereto and I do hereby deed, grant, and dedicate the lands belonging to me for the same as may be required for said highway to the State of Idaho, to that purpose, and for the use of such road, and I hereby waive all claims for damages for and on account of the same, and hereby agree that the said party of the second part shall have the right at any time to enter said premises for the construction and maintenance of said State Highway.

PROVIDED, HOWEVER, and this conveyance is made under the express condition that if the State Highway shall not be built, or, if after said highway has been constructed, same shall be abandoned and not used for highway purposes, then, and in that event the said above described premises hereby conveyed shall revert to and become the property of the said party of the first part, her heirs, executors and assigns.

It is also further provided, that the said highway department shall place culverts across said right of way to take care of the irrigation water of the said party of the first part, whether the ditches for said water are now on the land, or to be hereafter constructed.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of:

Jennie Achord (SEAL)
Jennie Achord (SEAL)
Administratrix of the Estate of
John B. Achord, Deceased.

Acknowledged May 17, 1923,
Before W. W. Simmonds, Clerk of the District Court,
Seal Attached.
Recorded February 19, 1931,
Book 29 of Deeds, page 595,
Records of Lemhi County, Idaho.

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DEC 10 1999
APR 19 1994

Memorandum

RECEIVED

JUN 23 1998

Department of Water Resources
Eastern Region

Date: June 19, 1998

To: H. W. Jones

From: Bob Foster

Re: 75-04417 transfer

On June 17, 1998 I made an on-site visit to property owned by Harry Hansen. The purpose of this visit was to determine if ground owned by Mr. Hansen had been irrigated with water from the North Fork of the Salmon River from a diversion that had washed out sometime in the past and had then been irrigated from another source, State Creek.

The following conditions were observed during my visit to Mr Hansen's property, (See enclosed photos) . There are remnants of a ditch and pipe from a diversion on the North Fork of the Salmon River located approximately one-half mile north of Mr. Hansen's property. The diversion had apparently conveyed water to the ditch which currently is used for claim 75-04418.

Mr. Hansen stated that previous owners of the property had used State Creek water to irrigate the upper portion of the property after the North Fork diversion had washed out, but was unsure of the date(s) this had been done. There appears to be evidence that this had been done with the existence of ditches from the State Creek diversion to the upper portion of the Hansen property. There is no return ditch to State Creek for claim 75-04418 which is claimed for power generation, it appears that the State Creek was used for irrigation and power generation on the upper portion of the property in the past.

Mr. Hansen stated he was trying obtain documentation from previous owners of the property as to when the North Fork diversion was abandoned and when the upper ten to twelve acres were irrigated with State Creek water utilizing the point of diversion for claim 75-04417. Based on my findings and statements from Mr. Hansen it appears the upper portion of the property had been irrigated initially with North Fork water under claim 75-04417 until the diversion was abandoned and then State Creek water when it was available under claim 75-04418. The documentation Mr. Hansen provides will determine if we can proceed with the transfer application.

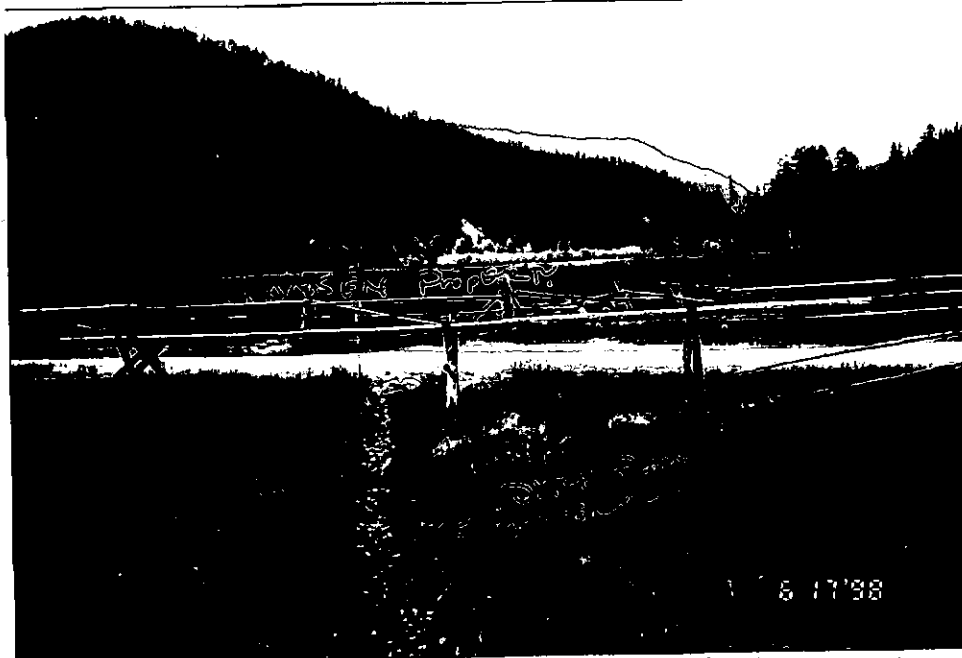
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Head of state Creek
Ditch



Ditch from state
Creek

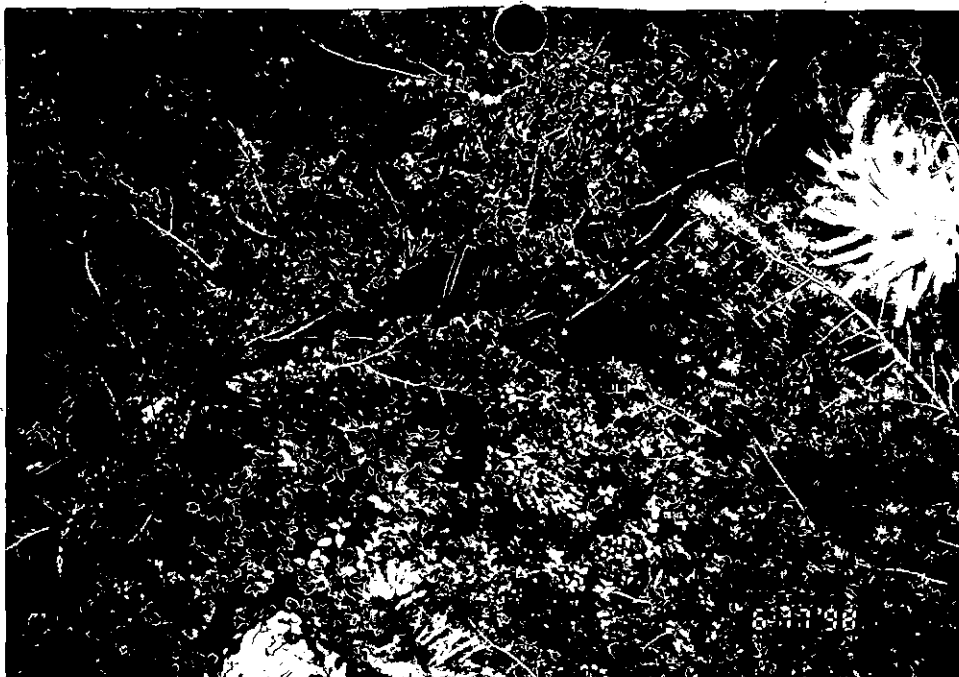


Ditch enters Hansen
Property

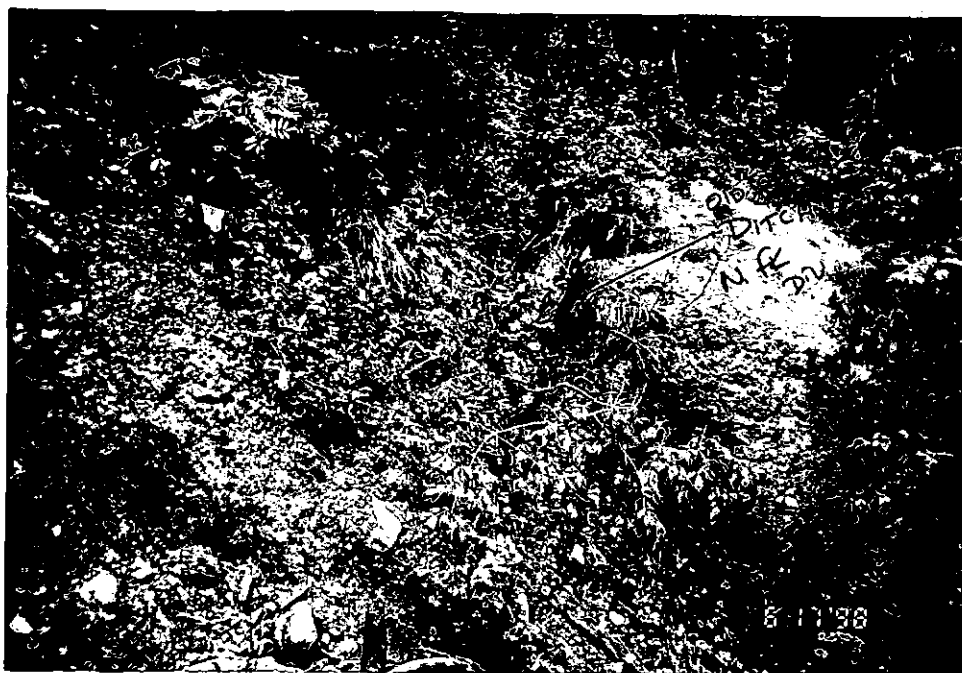
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DEC 10 1999

6 17'98



Metal pipe from abandoned
N. Park Diversion



Old ditch from
N. Park diversion

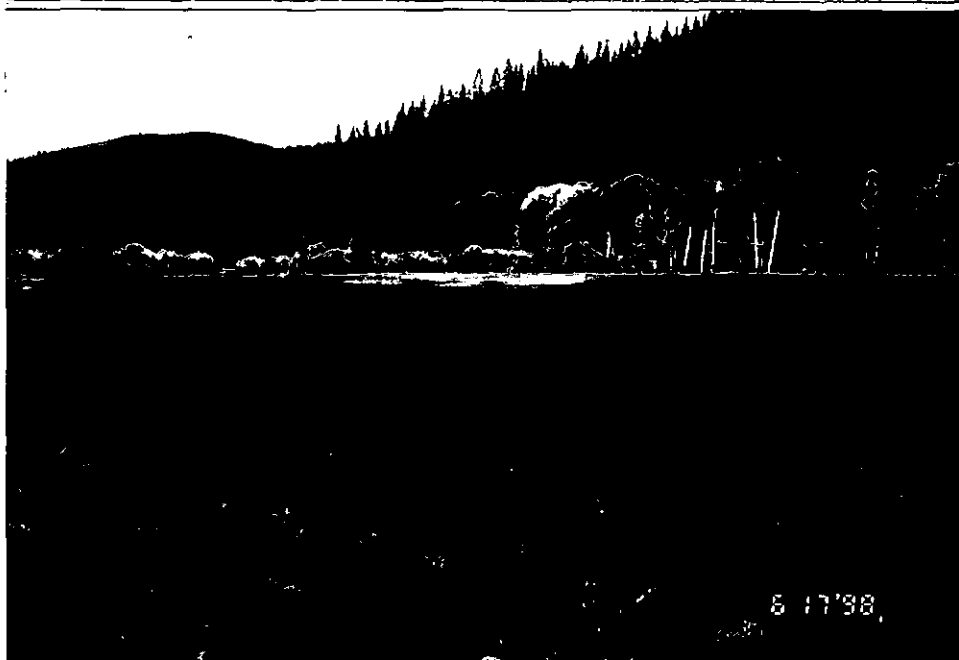
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Splitter in Culvert
for power + irrigation
water from State Creek



Ditch having splitter
in culvert to upper
portion of Hansen property



upper portion of Hansen
property.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MARCH 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HARRY HANSEN
6810 BIRDS LANDING RD
BIRDS LANDING CA 94512

Mr. Hansen:

I have received your application to transfer part of water right claim 74-04417 to another source (State Creek). Since the original use of water is reflected by a statutory claim and not a license or decree, I am required to have an on-site exam done.

The findings of the exam will constitute a recommendation which in many cases changes and/or clarifies the original claim. As it happens an on-site exam was done in 1993 by one of our agents. I've enclosed a copy of how your claim A75-04417 is filed and a copy of the recommendations by our field agent.

Unless you can provide specific data which changes that recommendation, I can only recommend the transfer application using the 48 acres and 0.98 cfs amounts. As you can see from the field exam there is no 10 acre piece in the SENW Sect 34 to even utilize in a transfer to a new source.

If I do not hear from you in writing within 14 days of receipt of this letter, I will assume you are no longer interested in this application for transfer and I will refund your \$100.00 fee.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ::sc

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DEC 10 1999

V O D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

Page _____ of _____

RECEIVED

FEB 19 1998

APPLICATION FOR TRANSFER OF WATER RIGHT**PART 1**

Department of Water Resources
Eastern Region

Name of applicant HARRY AND/OR JOANNE HANSEN Phone (707) 374-5192Post Office address 6810 BIRDS LANDING ROAD, BIRDS LANDING CA. 94512**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 SOURCE
2. Describe the reason for the proposed changes CHANGE SOURCE FOR A PORTION OF RIGHT TO COVER
GROUND PREVIOUSLY COVERED BY A DIVERSION FROM THE NORTH FORK OF SALMON RIVER
WHICH HAS WASHED OUT AND WOULD NOT BE FEASIBLE TO RECONSTRUCT.

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
- A75-04417 11-13-1903 0.30cfs irrigation 04-01 to 11-01
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.30 cfs cubic feet per second and/or _____ acre-feet per annum.
3. Source of water STATE Creek tributary to Salmon River, North Fork
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NW	34	27N	21E	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	
27N	21E	34								10.0									10.0

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DEC 10 1999

Total acres 10.0

PART 1**6. General Information:**

a. Description of diversion system HEADGATE LITNES TO PLACE OF USE

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 _____

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DEC 10 1999

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. A75-04417 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 Salmon River, North Fork tributary to Salmon River

4. Date or priority 11-13-1903

5. Water is used for the following purpose:

amount 2.64 cfs for Irrigation purposes from 1-04-01 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 2.64 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	27	26N	21E	Lemhi	
	SE	NE	NW	34	26N	21E	Lemhi	

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	
26N	21E	3					12			11									23.0
		34								27	23			15					65.0

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DEC 10 1999

Total acres 88.0

9. Describe any other water rights used for the same purpose as described above NONE

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 0.30 cfs for irrigation purposes from 04-01 to 11-01
 (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
	NW	NE	NW	34	27N	21E	Lemhi	

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	
27N	21E	34								10.0									10.0

Total acres 10.0

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

1. amount 2.34 cfs for irrigation purposes from 04-01 to 11-01
 (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
	SE	NE	NW	34	27N	21E	Lemhi	

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	
26N	21E	3					12			11									23.0
27N	21E	34								17	23			15					55.0

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Total acres 78.0

Dave Carlson
Idaho Dept. of Water Resources
900N. Skyline Dr.
Idaho Falls, Id 83402-1718

Dear Mr. Carlson:

In reference to H.E.S. 94 we are herein complying with "Evidence of Priority" on Notices of Claim A75-04418 and A75-04417. (Legal description Attached)

Attached is evidence from Abstract of Title that John B. Achord Patented H.E.S. # 94 July 28, 1916. It is our belief that John B. Achord patented the land after he had proved up on it as a farm and diverted water from the North Fork of the Salmon River and from State Creek as early as the summer of 1908; but that the works were not completed until Nov. 13, 1908.

The first written evidence we found that John B. Achord irrigated and ran the property as a ranch is in the attached Probate Letter dated Dec. 1922 after Mr. Achord deceased. The property was referred to as a ranch with cattle, horses, and other barnyard animals. (See sheets # 7 and 14) Sheet # 10 of the legal description refers to Water Rights and Ditch Rights.

Sheets # 15 & 16 describe a Deed of Right-of-Way given the State of Idaho to improve the highway wherein it was provided that the highway dept. shall place culverts across said right of way to take care of the irrigation water. That irrigation water of course would have come from State Creek which is located across and to the East side of the highway from H.E.S. 94.

To further evidence the date of priority and where irrigation water was extracted from we respectfully submit the attached letter and affidavit of a long-time resident, Mr. Harold Hansen, whom worked on the Achord Ranch for that same family as a youth and whom currently still lives on the North Fork of the Salmon River just 9 miles south of H.E.S. # 94.

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LEMHI TITLE & ABSTRACT CO.
BONDED ABSTRACTERS

POOR ORIGINAL

ABSTRACT OF TITLE

To the Following Described Property in
Lemhi County, State of Idaho

For the H.E. Survey No. 94, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U.S. Location Monument N. 9, Dahlenega Mining District, bears south $40^{\circ} 58'$ West 10.01 chains distant; thence North $73^{\circ} 30'$ West 5.34 chains to Corner No. 2; thence North $2^{\circ} 55'$ East 20.26 chains to Corner No. 3; thence North $8^{\circ} 55'$ West 10 chains to Corner No. 4; thence North 23° West 14 chains to Corner No. 5; thence North 9° West 7.26 chains to Corner No. 6; thence North $34'$ West 26.68 chains to Corner No. 7; thence South $86^{\circ} 23'$ East 15.94 chains to Corner No. 8; thence South $7^{\circ} 15'$ East 15.26 chains to corner No. 9; thence South $5'$ West 24.05 chains to Corner No. 10; thence South $7^{\circ} 48'$ West 38.43 chains to Corner No. 1, the place of beginning.

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Continuation of Abstract of Title

THE LEMHI TITLE AND ABSTRACT CO., SALMON, IDAHO

THAT on the eighteenth day of May, 1923, your petitioner duly published notice to creditors to present their claims against the said deceased, in the manner and for the period prescribed by law and this court, and on due proceedings had said court on the 1st day of August, 1923, made a decree showing that due notice to creditors had been given, which said decree under the direction of said court was entered and recorded in the minutes thereof.

THAT more than eight months have elapsed since the appointment of your petitioner as such administratrix and more than four months have expired since the first publication of notice to creditors.

THAT your petitioner herewith files and presents for settlement the first and final account of her administration of said estate.

THAT all the debts of said deceased, and of said estate, and all the expenses of administration thereof thus far incurred, and all taxes that have attached to or accrued against the said estate, have been paid and discharged and said estate is now in a condition to be closed.

THAT THE residue of the said estate now remaining in the hands of your petitioner is fully set forth and described in the schedule marked "A", hereunto annexed and made a part of this petition.

THAT the whole of said estate is community property.

THAT the said John B. Achord died intestate, in the County of Lemhi on the 26th day of November, 1922, leaving him surviving, Jennie Achord, his widow.

THAT The said Jennie Achord, widow, is entitled to all the residue of the said estate.

SCHEDULE A

REAL ESTATE.

All of the following lot, piece or parcel of land, situate, lying and being in Lemhi County, Idaho, particularly bounded and described as follows, to wit: H.E. Survey No. 94, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which U.S. Location monument No. 9, Dahlenega Mining District bears South 40° 58' West 10 and 1/100 chains distant; thence North 73° 30' West 5 and 34/100 chains to corner No. 2; thence North 2° 55' East 20 and 26/100 chains to corner No. 3; thence North 8° 55' West 10 chains to corner No. 4; thence North 23° West 14 chains to corner No. 5; thence North 9° West 7 and 26/100 chains to corner No. 6; thence North 34° West 26 and 68/100 chains to corner No. 7; thence South 6° 23' East 15 and 94 chains to corner No. 8; thence South 7° 15' East 15 and 26/100 chains to corner No. 9; thence South 5° West twenty four and 5/100 chains to corner No. 10; thence South 7° 48' West 38 and 43/100 chains to corner No. 1, the place of beginning, containing ninety-five and fifty hundredths acres according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General. Together with all water and water rights, ditches and ditch rights, and all hereditaments and appurtenances to the same belonging in anywise thereto appertaining.

Together with certain personal property listed here.

WHEREFORE your petitioner prays that her first and final account be settled, allowed and approved, and that the administration of said estate may be brought to a close, and that she may be discharged from her

DEC 10 1933

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A/5-04417	26N	21E	27	NW	NE	SW		LEMHI
A/5-04417	26N	21E	34	SE	NE	NW		LEMHI

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SALMON RIVER, NORTH FORK

TRIB: SALMON RIVER

B. R POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
75-04417	26N	21E	34		NE	NW		LEMHI

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: SALMON RIVER, NORTH FORK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DUE TO SOURCE DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
	Y		N		Y

FOUND ONLY 1 POINT OF DIVERSION w/ 1 SECT NW Sec 34 AS CLAIMED. HAZARDOUS
To QUARRY, THERE ARE NO OTHER DIVERSIONS FROM THE NORTH FORK SALMON RIVER

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ROOT WATER RIGHT NUMBERS: A75-04417

POU LISTING

APRNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
52	21E	3	NE	ND	HANSEN, HARRY	A75-04417 712.0	75-04417 712.0		10	10
52	21E	3	SE	ND	HANSEN, HARRY	A75-04417 711.0	75-04417 711.0		4	4
52	21E	3	SE	ND	HANSEN, HARRY	A75-04417 727.0	75-04417 727.0		4	4
52	21E	3	NE	ND	HANSEN, HARRY	A75-04417 723.0	75-04417 723.0		18	18
52	21E	3	SE	ND	HANSEN, HARRY	A75-04417 715.0	75-04417 715.0		16	16
52	21E	3	SE	ND	HANSEN, JOHANN	A75-04416 /	75-04416 /		4	4
TOTAL ACRES						A75-04417	38.00		61.00	

SE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)
YES SEE ATTACHED SHEET:

FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

RESUMPTION FLAG:

NOTES:

1. 1991 USFS Aerial Photo. Several 4" line. These are in those marked with
observation of boundary lines & state check. Dates and length of property.
CROSS-SECTION: TOWN, CORNER, NINE BEARS HAY

RECOMMENDATIONS:

TOTAL ACRES:

48

REVIEWED BY:

28/19/93

DATE:

28/19/93

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AL CLAIMED USES:

PURPOSES
75-04417 IRRIGATION ✓
75-04417 STOCKWATER

MONTH/DAY
FROM 04-01 TO 11-01
FROM 04-01 TO 11-01

DIVERSION QUANTITY
✓ 2.640 CFS
.020 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

WR RECORDED USES:

PURPOSES
75-04417 IRRIGATION ✓
75-04417 STOCKWATER

MONTH/DAY
FROM 04-01 TO 11-01
FROM 04-01 TO 11-01

DIVERSION QUANTITY
✓ 1.300 CFS
.006 CFS
✓ 1.300 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

RESUMPTION FLAG:

FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE EXAMINER
N Y N
Y Y Y

PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y (X) N ()

Y () N () Explain in notes, below.

NOTES:

• Uses - Leveled Irrigation of 48 Acres Also Permanents Livestock.

• Q: WADUGES EQUATION ESTIMATES CAPACITY OF PITCH IS 4.12 cfs. Recommended 1' base = 0.96 cfs for
IRRIGATION. STOCKWATER FOR 10 HORSES AND 15 CATTLE = 2.02 cfs. Farm Q = 0.98 cfs.

• Period of Use Recommended is

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 22, 1983

HOWARD H. HEMPHILL
MOIRA M. HEMPHILL
HC 10, BOX 1060
GIBBONSVILLE

ID 83463

RE: Claim No. 75-4417

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED

RECEIVED
AUG 30 1983
Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J d m

Right Number 75 4117

Applicant Harold H & Maria M Hengstler

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

Aug 22, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date Aug 29, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/30/83

RECORDED

kw

IDENT. NO. 75 4417

WATER RIGHT
DATA ENTRY LOG

[illegible]

75-4417

HEMPHILL, HOWARD H. &/or MOIRA M.

HC 10, BOX 1060, GIBBONSVILLE, ID 83463

Source: SALMON RIVER, NORTH FORK trib. to SALMON RIVER

Priority Date: 11/13/1908

Diversion Pt: NENW Sec 34 T 26N R 21E

Use: IRRIGATION (1.30 CFS)
STOCKWATER (0.0060 CFS)

In: NESW SESW Sec 34 T 26N R 21E NENW SENW Sec 03 T 26N R 21E
FOR 61 ACRES

75-4417

HEMPHILL, HOWARD
H. &/or MOIRA M.
HC 10, BOX 1060, GIB-
BONSVILLE, ID 83463
Source: SALMON RIVER,
NORTH FORK trib. to
SALMON RIVER
Priority Date: 11/13/1908
Diversion Pt: NENW Sec
34 T 26N R 21E
Use: IRRIGATION (1.30
CFS)
STOCKWATER (0.0060
CFS)
In: NESW SESW Sec 34 T
26N R 21E NENW SENW
Sec 03 T 26N R 21E FOR
61 ACRES

RECORDED