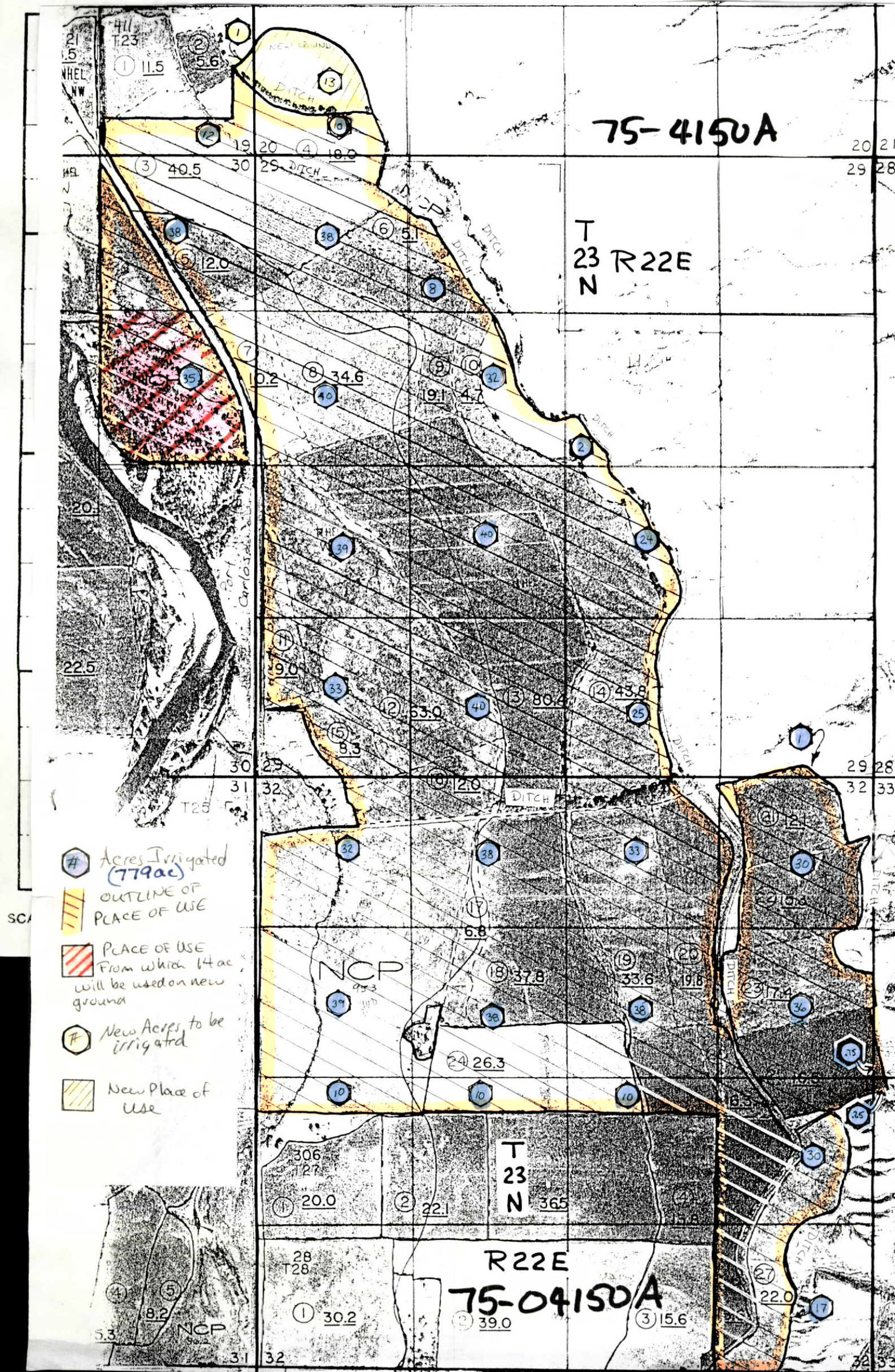


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

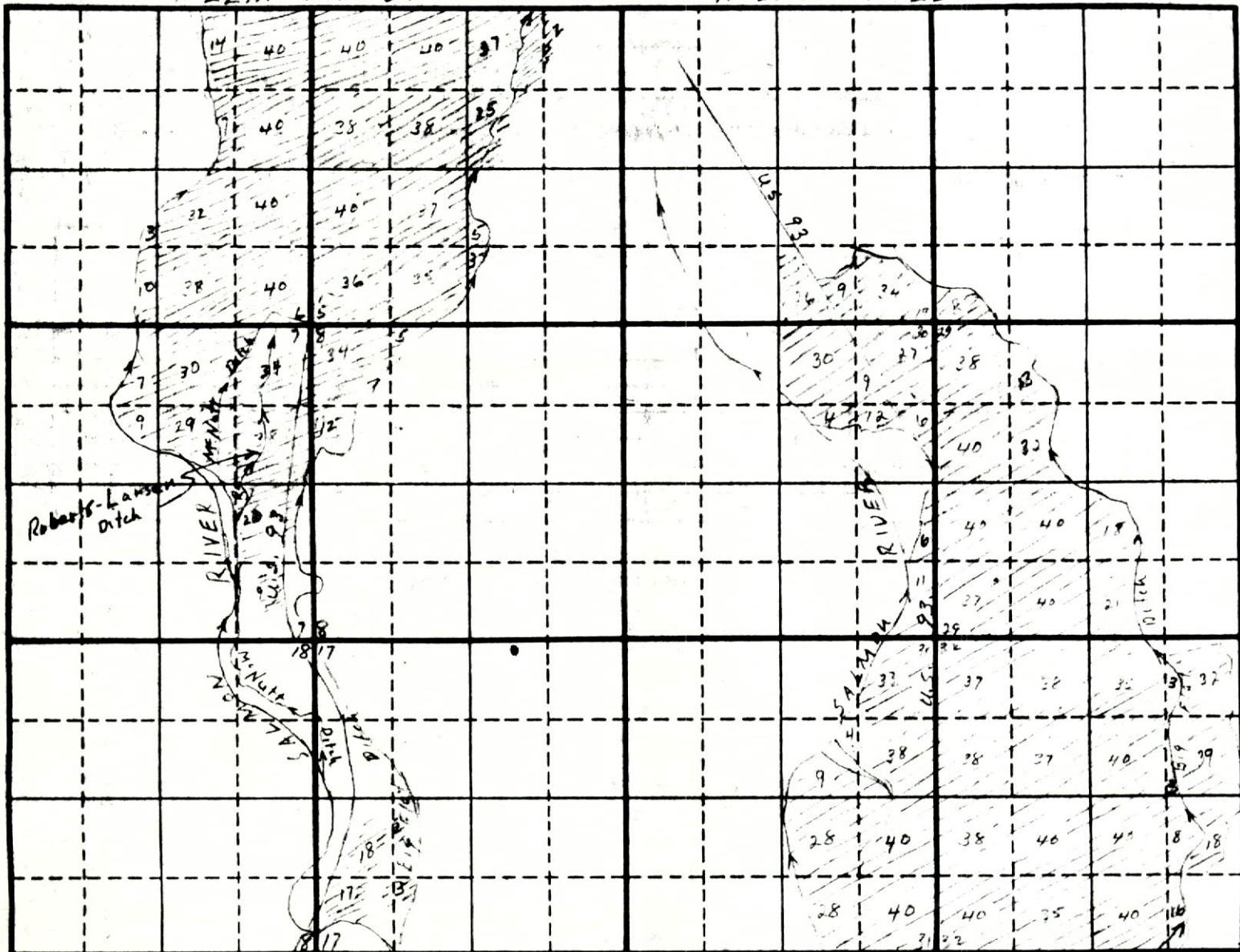
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Remarks Water Right Exchange for C. C. Bolander to Salmon River
water through the Big Flat ditch after Mar 30, 1904 when recorded.

T. 22 N. R. 22 E.

T. 23 N. R. 22 E.



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)
County of Lemhi) ss.

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.

Big Flat Ditch Co. Mrs. C. C. Bolander (Sec. - treas.)
(Claimant)

Sworn to before me this 17 day of January, 19 80.

Arden Huddard
Notary Public
Residing at Salmon, Idaho

My commission expires 9/5/82

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by _____	Date _____		claimant by: _____	
\$20.00 fee received by _____	Date _____			
Published in _____				
Dates _____				

RECORDED

NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO 4749

Notice is hereby given that Berger A. Trust, c/o Ronald Auen, P.O. Box 3064, Arcadia, CA, 91066 has applied to the Department of Water Resources to change place of use and clarify portion owned of the waters of the Salmon River tributary to the Snake River. The right sought to be changed is evidenced by a claim and recorded as follows:

Claim No. : 75-04150 Source: Salmon River

Amount: 19.06 cfs Priority: 03/10/1904

Point (s) of Diversion: SWSWNW, SWSESW, SEC 17, T22N, R22E, Lemhi County

Only 15.58 cfs of the water is used for the irrigation of 779 acres from 04/15 to 10/15, .23 cfs is used for stockwater from 11/01 to 03/01, and 3.25 cfs is used for groundwater recharge from 11/01 to 03/01. The water is used within SEC 9, 20, 29, 30, 32, & 33, T23N, R22E, B.M.

TO BE CHANGED AS FOLLOWS:

A portion of the water will be moved from the SENE, SEC 30, T23N, R22E, which is about 2 miles south of Tower Creek and approximately 1/8 mile southeast of Hwy 93, to the SWSW, SEC 20, T23N, R22E, which is approximately 3/4 miles north-east of where it is currently located. This water will be used to irrigate 13 acres within that area.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before February 5, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published in the Recorder Herald on January 18 & 25, 1996.

1-18-2tc

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 DEPT OF WATER RESOURCES NO 4749

_____ 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 1/18, 19 96 and ending with the issue dated 1/25, 19 96

STATE OF IDAHO }
County of Lemhi } ss.

On this 25 day of JANUARY in this year of 19 96

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 \$ 5⁰⁰

Account No. 630

AUG 22 1996

Publication

TWIN FALLS } SS.

No 27877

NOTICE OF PROPOSED CHANGE OF A WATER
RIGHT NO. 4749

Notice is hereby given that Berger A. Trust, c/o Ronald Auen, PO Box 3064, Arcadia, CA, 91066 has applied to the Department of Water Resources to change place of use and clarify portion owned of the waters of the Salmon River tributary to the Snake River. The right sought to be changed is evidenced by a claim and recorded as follows:

Claim No.: 75-04150 Source: Salmon River
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Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 12, 1996. The protestant must also send a copy of the protest to the applicant.

/s/ KARL J. DREHER, Director

PUBLISH: January 25 and February 1, 1996.

Larry McQuinn being first duly sworn upon oath, depose
Principle Clerk of the TIMES-NEWS, published daily, at
and do solemnly swear that a copy of the notice of advertisement, as per
as published in the regular and entire issue of said newspaper, and not in any
for Two consecutive Weeks,
the issue dated January 25, 19 96,
the issue dated February 1, 19 96.

Her certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except newspapers prior to consolidation had been published under said names in said city and county aptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since been published as a daily newspaper except Saturday, until July 31, 1978, at which time said blication under said name in said city and county continuously and uninterruptedly.
Her certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published; and that at the head of the editorial column of said combined newspapers, and in each announced as the day on which said legal notices will be published.

LS

16 day of Feb. in the year of 1996 AUG 22 1996, before me,
appeared, Larry McQuinn,
to be the person whose name subscribed to the within instrument, and being by me first duly atements therein are true, and acknowledged to me that he executed the same.

Ineva R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 02/01/96INVOICE NO. 103274Account No. 446600Description 103274NOTICEOFPROPOSED**LEGAL ADVERTISING
INVOICE**Times 2Lines 29

Tab. Lines _____

\$ 72.50

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

RECEIVED
FEB 05 1996
Department of Water Resources
Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 103274NOTICEOFP attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/25, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 01/25/96, and the last publication thereof being on the 02/01/96, and said 103274NOTICEOFP was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1996

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

AUG 22 1996

103274
NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4749
Notice is hereby given that Berger A. Trust, c/o Ronald Auen, P.O. Box 3064, Arcadia, CA 91066 has applied to the Department of Water Resources to change place of use and clarify portion owned of the waters of the Salmon River tributary to the Snake River. The right sought to be changed is evidenced by a claim and recorded as follows:
Claim No.: 75-04150
Amount: 19.06 cfs
Point(s) of Diversion: SWSWNW, SECSW, SEC 17, T22N, R22E Lemhi County
Only 15.58 cfs of the water is used for the irrigation of 779 acres from 4/15 to 10/15, .23 cfs is used for stockwater from 11/01 to 03/01, and 3.25 cfs is used for groundwater recharge from 11/01 to 03/01. The water is used within SEC 19, 20, 29, 30, 32, & 33, T23N, R22E, B.M.
TO BE CHANGED AS FOLLOWS
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KARL J. DREHER
DIRECTOR
Published in the LEWISTON MORNING TRIBUNE January 25, & February 1, 1996

RECEIVED

FEB 14 1996

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources

Amount Due

\$54.84

Account Number 10056400		Identification NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4749	
Ordered By Rita Bodell	P.O. Number	Rate NT	Run Dates Jan. 25 & Feb. 1, 1996
Rita Bodell IDAHO DEPARTMENT OF WATER RESOURCES Eastern Region 900 N. Skyline Dr. Idaho Falls, Idaho 83402-1718		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 4140

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4749

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Claim No.: 75-04150
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KARL J. DREHER, Director
Pub. Jan. 25 & Feb. 1, 1996

4140

LINDA PORTER

_____, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of JANUARY 25, 1996

and ending with the issue of FEBRUARY 1, 1996

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 1st day of FEBRUARY in the year of 1996, before me, a Notary Public, personally appeared LINDA PORTER, 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 she executed the same.

Janice Madie

Notary Public for Idaho
Residing at Boise, Idaho

My commission expires: 5/97

AUG 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4749
WATER RIGHT NO. 75-04150B

This is to certify that: **BERGER A TRUST**
C/O RONALD AUVEN, TRUSTEE
PO BOX 3064
ARCADIA CA 91066

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	15.58 CFS	2726.5 AF
STOCKWATER	01/01 to 12/31	0.23 CFS	13.5 AF
Totals		15.81 CFS	2740.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON RIVER	SNAKE RIVER

Priority: 03/30/1904

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 17, Township 22N, Range 22E
SESW , Sec. 17, Township 22N, Range 22E
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>
23N	22E	19	SESE 13			13
		20	SWSW 23			23
		29	SWNE 2	NENW 8	NWNW 38	
			SWNW 40	SENE 32	NESW 40	
			NWSW 39	SWSW 33	SESW 40	
			NWSE 24	SWSE 25	SESE 1	322
		30	NENE 38	SENE 21		59
		32	NENE 30	NWNE 33	SWNE 38	
			SENE 36	NENW 38	NWNW 32	
			SWNW 39	SENE 38	NESW 10	
			NWSW 10	NESE 30	NWSE 10	
			SESE 17			361
		33	SWNW 0.8	NWSW 0.2		1

Total number of acres irrigated: 779

AUG 22 1996

TRANSFER NO. 4749
WATER RIGHT NO. 75-04150B

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

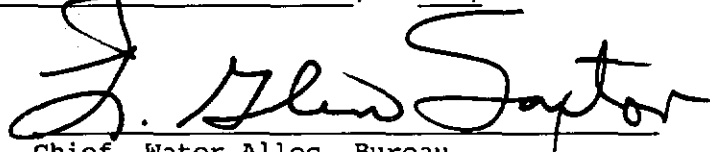
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
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. The right holder is entitled to the quantity of water described above for stock water purposes at a point of measurement in SESE, S32, T23N, R22E.
7. A measuring device of a type approved by this Department shall be maintained at the point that water enters the conveyance system serving the place of use.
8. Approval of Transfer No. 4749 in no way confirms Statutory Claim No. 75-04150 or related Snake River Basin Adjudication Claim No. A75-04150A.

Dated this 9th day of

July

, 19

96



Chief, Water Alloc. Bureau

AUG 22 1996

100. Fee
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 4749
RECEIVED
APR 11 1996
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant BERGER A TRUST C/O RONALD AUEN, TRUSTEE Phone (818) 447-3551
Post Office address PO BOX 3064 ARCADIA, CA 91066

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 CLARIFY PORTION OWNED
2. Describe the reason for the proposed changes WE WISH TO DRY UP 14 ACRES OF PASTURE AND FARM A DIFFERENT 14 ACRE PIECE ABOVE THE DITCH.

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
A75-04150A	3/30/1904	15.58 cfs	IRRIGATION	4-15 to 10-15
		0.23	STOCKWATER	11-01 to 3-01
		3.25	GROUNDWATER	11-01 to 3-01
			RECHARGE	

2. Total amount of water being transferred 19.06 cubic feet per second and/or 1961.0 acre-feet per annum. (consumptive use vol. per claim)3. Source of water SALMON RIVER tributary to SNAKE RIVER

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	17	22N	22E	LEMHI	
	SW	SE	SW					

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	
23N	22E	19																13	13
		20										23							23
		29			2		8	38	40	32	40	39	33	40		24	25	1	322
		30	38			21													59
		32	30	33	38	36	38	32	39	38	10	10			30	10		17	361
		33							.8			.2							1

Total acres 779

PART 1

6. General Information:

a. Description of diversion system _____

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. 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 _____

AUG 22 1996

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 75-04150

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/01 to 11/01	135.00 CFS
STOCKWATER	01/01 to 12/31	5.00 CFS
Totals		140.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON RIVER	SNAKE

Priority: 03/30/1904

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 17, Township 22N, Range 22E
 SESW , Sec. 17, Township 22N, Range 22E
 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>
22N	22E	5	NENE 2	NWNE 37	SWNE 25	
			NENW 40	NWNW 40	SWNW 38	
			SENE 38	NESW 37		257
		6	NENE 40	NWNE 14	SWNE 7	
			SENE 40	NESW 3	SESW 10	
			NESE 40	NWSE 32		186
		7	NENE 34	NWNE 30	SWNE 29	
			SENE 38	NENW 7	SENE 9	
			NESE 26	SESE 9		182
		8	NENW 5	NWNW 34	SWNW 12	51
		17	NESW 2	NWSW 18	SWSW 17	
			SESW 3			40
23N	22E	19	SWSE 35	SESE 34		69
		20	SWNE 8			8
		29	NENW 13	NWNW 38	SWNW 40	
			SENE 32	NESW 40	NWSW 40	
			SWSW 37	SESW 40		280
		30	NENE 36	NWNE 30	SWNE 4	
			SENE 18	NESE 6	SESE 11	105
		31	NENE 33	SWNE 13	SENE 38	
			NESE 40	NWSE 28	SWSE 28	
			SESE 40			220
		32	NENE 35	NWNE 35	SWNE 40	
			SENE 39	NENW 38	NWNW 37	
			SWNW 38	SENE 37		299
Total number of acres irrigated:						1697

JUL 22 1996

Page ____ of ____

TRANS NO. 4749

Water Right No. 75-04150

PLACE OF USE: STOCKWATER, same as IRRIGATION use

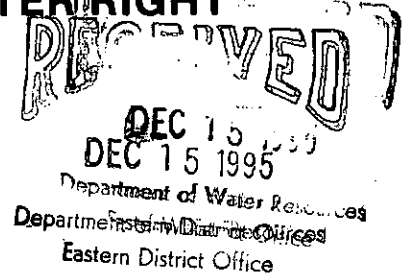
CONDITIONS/REMARKS:

AUG 22 1996

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. A75-04150A (Amended) 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 tributary to SNAKE RIVER4. Date or priority MARCH 30, 1904

5. Water is used for the following purpose:

amount 15.58 cfs for IRRIGATION purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount 0.23 cfs for STOCKWATER purposes from 11-1 to 3-01
 (cfs/ac-ft)
 amount 3.25 cfs for GROUNDWATER purposes from 11-1 to 3-01
 (cfs/ac-ft)
 amount _____ for RECHARGE purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 19.06 cubic feet per second and/or 1961.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NW	17	22N	22E	LEMHI	
	SW	SE	SW					

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	
23N	22E	19																12	12
		20											10						10
		29			2		8	38	40	32	40	39	33	40		24	25	1	322
		30	38			35													73
		32	30	33	38	36	38	32	39	38	10	10			30	10		17	361
		33							.8			.2							1

Total acres 779

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

AUG 22 1996

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

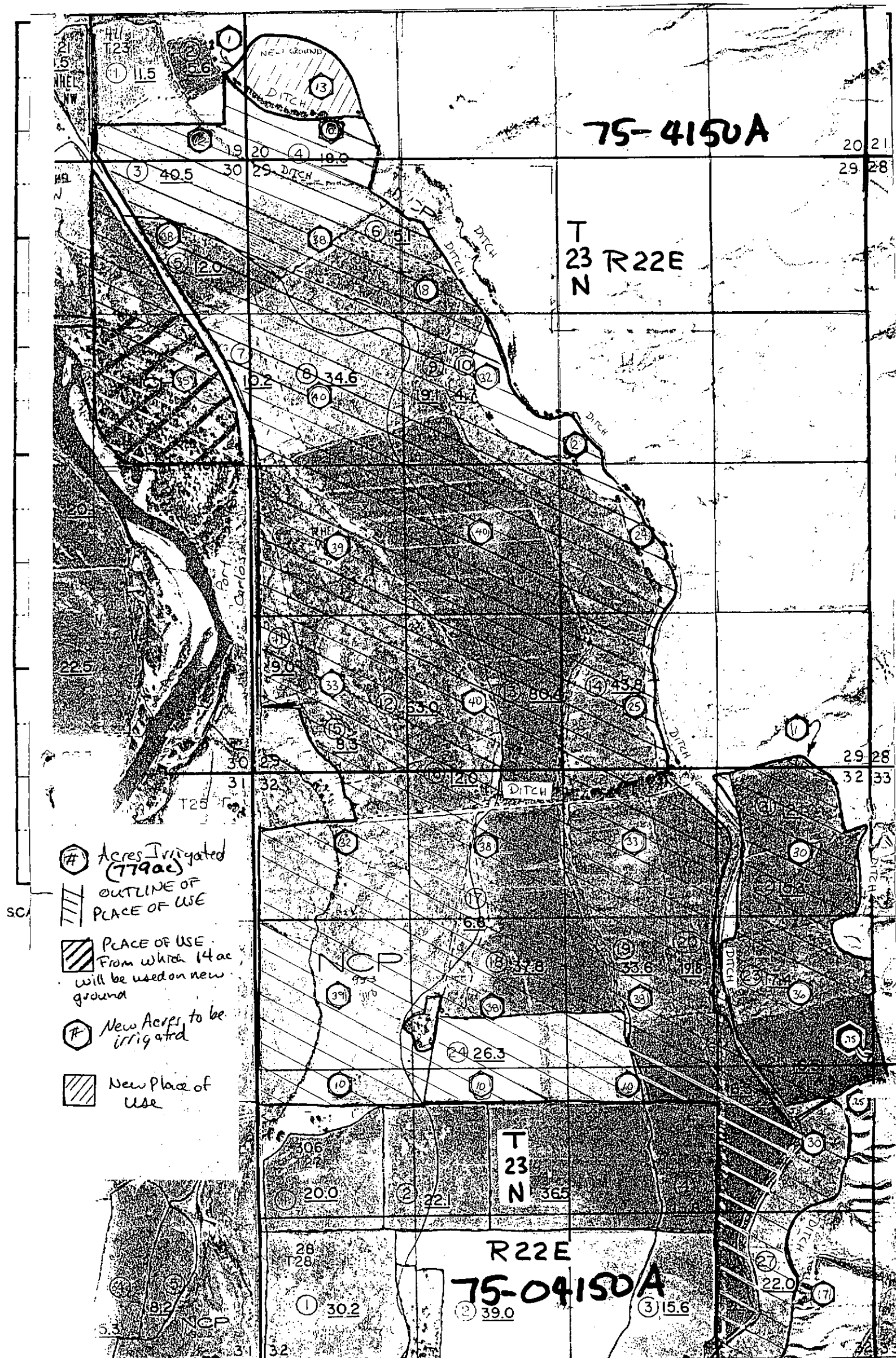
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres

AUG 22 1996

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

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

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

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

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

[Signature]
(Signature of Applicant)

11/29/95

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

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWJ Date 12-15-95

Protest filed by _____

Prelim. check by _____ Fee \$100.00Received by HWJ #E021779 Date 12-18-95Published in Recorder Herald

Copies of protest forwarded by _____

Pub. dates 1-18-95-96

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd.

by RDC

Copy of transfer sent to lien holder _____

AUG 22 1996

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of LOS ANGELES

On November 29, 1995 before me, CHRISTOPHER M. MC GUIRE, Notary Public,
Date Name and Title of Officer (e.g., "Janie Doe, Notary Public")

personally appeared Ronald M. Aven
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Christopher M. M. Guire
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

AUG 22 1996

LAND LIST ATTACHMENT

I. PLACE OF USE BEFORE CHANGE

75-04150A

Description and location of place of use:

I.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
23N	22E	19															12		12
		20											10						10
		29			2		8	38	40	32	40	39	33	40		24	25	1	322
		30	38			35													73
		32	30	33	38	36	38	32	39	38	10	10			30	10		17	361
		33							.75			.25							1
Total Acres Before Change =																			779 ac

II. PLACE OF USE AFTER CHANGE

II.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
23N	22E	19																13	13
		20											23						23
		29			2		8	38	40	32	40	39	33	40		24	25	1	322
		30	38			21													59
		32	30	33	38	36	38	32	39	38	10	10			30	10		17	361
		33							.75			.25							1
Total Acres After Change =																			779 ac

AUG 22 1955

Total number of acres irrigated.

75-04150A

Internal Revenue Service

RECEIVED OCT 04 1993
Department of the Treasury

District
Director

THE AUEN-BERGER FOUNDATION
c/o RONALD M AUEN TTEE
P.O. BOX 661178
ARCADIA, CA 91006

Employment Identification Number:
95-4325051

Person to Contact:

EOMF Coordinator

Contact Telephone Number:

(213) 725-1235

Internal Revenue Code Section: 501(c)(3)

Date:

SEP 29 1993

Dear Sir or Madam:

Thank you for submitting the information shown below or on the enclosure. We have made it a part of your file.

The changes indicated do not adversely affect your exempt status and the exemption letter issued to you continues in effect.

Please let us know about any future change in the character, purpose, method of operation, name or address of your organization. This is a requirement for retaining your exempt status.

Thank you for your cooperation.

Sincerely yours,



District Director

Item Changed

From

To

(NAME)

THE BERGER A TRUST

(SEE ABOVE)

EP/EO Division
McCaslin Industrial Park
2 Cupania Circle
Monterey Park, CA 91755-7406

AUG 22 1996

Letter 976(DO) (Rev. 1-87)

THE
BERGER A
TRUST

A PRIVATE FOUNDATION

August 12, 1993

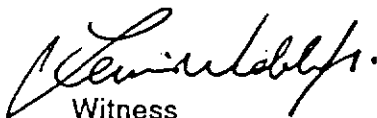
Amendment to Governing Instrument
of the Berger A Trust

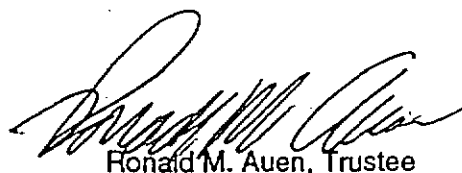
EIN: 95-432505~~1~~

The undersigned, as the sole Trustee of the Berger A Trust, acting pursuant to the power of the Trustee under Article 6 (Powers and Authority of Trustee) hereby renames the Trust:

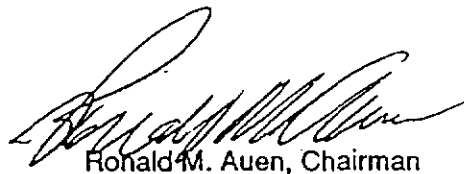
THE AUEN - BERGER FOUNDATION

The aforecited amendment executed on, and effective as of, the 12th day of August, 1993, and is acknowledged to be the free act and deed of Ronald M. Auen.


Witness


Ronald M. Auen, Trustee

As the Chairman of the Board of Directors of the H.N. & Frances C. Berger Foundation, the Trustor of The Berger A Trust, I certify that said amendment is recognized as non-objectionable.


Ronald M. Auen, Chairman

AUG 22 1996

CHECK PAYABLE TO:
ANN HEISER(208)756-2816
COUNTY TAX COLLECTOR
COURTHOUSE DRIVE
IDAHO 83467

TAX BILL/RECEIPT

CODE AREA 21-00

PARCEL NUMBER

RP23N22E32060

TAX YEAR 1995

BILL NO 9227

L 182,2

I 130,0

TOT MV 312,3

TAX	1,141.04	2ND	TAX	1,141.04	FULL TAX	2,282.08
PEN		HALF	PEN		PEN	
INT			INT		INT	
COST			COST		COST	
TOT			TOT		TOT	

WAC 3.3

TOT ACS 441.6

AUEN-BERGER FOUNDATION
AUEN RONALD M TRUSTEE
PO BOX 661178
ARCADIA CA 91066-1178

TAXING DISTRICT **RATE** **AMOUNT

STATE .000000000 827.

LEMHI COUNTY .002649299 1,113.

SCHOOL DIST 291 .003564977 191.

LEMHI RURALFIRE .000612629 2,132.

DISTRICT TOTALS .006826905 150.

SOLID WASTE 2,282.

AMOUNT DUE

E2SE4 SE4NE4 FR N2SW4
FR NW4SE4 N2NW4 NW4NE4 NE4NE4
S2NW4 SW4NE4

Set 32-23 22
= T R

*** IMPORTANT ***

PLEASE READ BOTH FRONT AND BACK

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TO AVOID LATE CHARGES, PAYMENTS MUST BE
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SUBJECT TO BANK CLEARANCE.

LATE FEE & INTEREST--MAIL EARLY.
IS WILL BE ADDED FOR CHECKS RETURNED BY BANK.

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BERGER FOUNDATION

1995 AUEN-BERGER FOUNDATION
9227

19

92

2ND HALF TAX



AMOUNT DUE 1,141.04

1ST HALF TAX



AMOUNT DUE 1,141.04 2,282.

FULL TAX



COUNTY
122E320602A
00

PEN

INT

COST

TOT

LEMHI COUNTY
RP23N22E320602A
21-00

PEN

INT

COST

TOT

AUG 22 1996

PEN

INT

COST

TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 1996

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1995

CHECK PAYABLE TO:
ANN HEISER(208)756-2816
COUNTY TAX COLLECTOR
COURTHOUSE DRIVE
IN, IDAHO 83467

TAX BILL/RECEIPT

CODE AREA 21-00

PARCEL NUMBER

TAX YEAR 1995

BILL NO

9230

L

RP23N22E33360

13,0

TOT MV

13,0

TAX	44.60	2ND	TAX	44.60	FULL	TAX	89.20
PEN		HALF	PEN			PEN	
INT			INT			INT	
COST			COST			COST	
TOT			TOT			TOT	

TOT ACS

40.0

AUEN-BERGER FOUNDATION
AUEN RONALD M TRUSTEE
P O BOX 661178
ARCADIA CA 91066-1178

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
LEMHI COUNTY	.002649299	34.
SCHOOL DIST 291	.003564977	46.
LEMHI RURALFIRE	.000612629	8.
AMOUNT DUE		89.

SW4NW4
33 23 22

*** IMPORTANT ***

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BERGER FOUNDATION

1995
9230

AUEN-BERGER FOUNDATION

19
92



2ND HALF TAX

AMOUNT DUE

44.60

PEN
INT
COST
TOT

COUNTY
122E333600A
00

IF NOT PAID ON OR BEFORE

JUNE 20, 1996



1ST HALF TAX

AMOUNT DUE

44.60
AUG 22 1996

LEMHI COUNTY
RP23N22E333600A
21-00

PEN
INT
COST
TOT

PEN
INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1995

CHECK PAYABLE TO:
ANN HEISER(208)756-2816
COUNTY TAX COLLECTOR
COURTHOUSE DRIVE
N, IDAHO 83467

TAX BILL/RECEIPT

CODE AREA 21-00

PARCEL NUMBER
RP23N22E199005
1,49

TAX YEAR 1995

BILL NO

9195

L

RECEIVED NOV 0 2 1995

TAX 5.10 2ND TAX
PEN HALF PEN
INT
COST
TOT

5.10 FULL TAX
PEN
INT
COST
TOT

TOT MV 1,49

TOT ACS 3.74

AUEN-BERGER FOUNDATION
AUEN RONALD M TRUSTEE
P O BOX 661178
ARCADIA CA 91066-1178

TAXING DISTRICT **RATE** **AMOUNT**
STATE .000000000
LEMHI COUNTY .002649299 3.9
SCHOOL DIST 291 .003564977 5.2
LEMHI RURALFIRE .000612629 .9
AMOUNT DUE 10.2

SE4SE4 LESS T-3369
LESS FR OF T-3379
19 23 22

*** IMPORTANT ***

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BERGER FOUNDATION

1995
9195

AUEN-BERGER FOUNDATION

1995
9195



2ND HALF TAX



AMOUNT DUE

5.10



1ST HALF TAX



AMOUNT DUE

5.10

FULL TAX



10.2

COUNTY
22E199005A
00

PEN
INT
COST
TOT

LEMHI COUNTY
RP23N22E199005A
21-00

PEN
INT
COST
TOT

PEN
INT
COST
TOT

AUG 22 1996

IF NOT PAID ON OR BEFORE

JUNE 20, 1996

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1995

CHECK PAYABLE TO:
ANN HEISER(208)756-2816
COUNTY TAX COLLECTOR
COURTHOUSE DRIVE
IN, IDAHO 83467

TAX BILL/RECEIPT

CODE AREA 21-00

PARCEL NUMBER
RP23N22E324801
54,7
95,9

TAX YEAR 1995

BILL NO 9228

L
I

TOT MV 150.68

TAX	546.84	2ND TAX	546.84	FULL TAX	1,093.68
PEN		HALF PEN		PEN	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT ACS 100.0

AUEN-BERGER FOUNDATION
AUEN RONALD M TRUSTEE
P O BOX 661178
ARCADIA CA 91066-1178

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
LEMHI COUNTY	.002649299	399.
SCHOOL DIST 291	.003564977	537.
LEMHI RURALFIRE	.000612629	92.
DISTRICT TOTALS	.006826905	1,028.
SALMON TV DIST.		15.
SOLID WASTE		50.
AMOUNT DUE		1,093.

T-1402
32 23 22

Heber Stokes

*** IMPORTANT ***

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BERGER FOUNDATION

1995 AUEN-BERGER FOUNDATION
9228

19
92.



2ND HALF TAX



AMOUNT DUE 546.84

COUNTY
22E324801A
-00

PEN
INT
COST
TOT

JUNE 20, 1996

IF NOT PAID ON OR BEFORE



1ST HALF TAX



AMOUNT DUE 546.84

LEMHI COUNTY
RP23N22E324801A
21-00

PEN
INT
COST
TOT

AUG 22 1996

DECEMBER 20, 1995

DELINQUENT IF NOT PAID ON OR BEFORE

FULL TAX



1,093.

CHECK PAYABLE TO:
ANN HEISER(208)756-2816
COUNTY TAX COLLECTOR
COURTHOUSE DRIVE
IDAHO 83467

TAX BILL/RECEIPT

CODE AREA 21-00

PARCEL NUMBER
RF23N22E206000
13,02

TAX YEAR 1995

BILL NO 9197

L

TAX 44.45 2ND TAX
PEN HALF PEN
INT INT
COST COST
TOT TOT

44.45 FULL TAX 88.90
PEN
INT
COST
TOT

TOT MV 13,02

TOT ACS 40.00

AUEN-BERGER FOUNDATION
AUEN RONALD M TRUSTEE
P O BOX 661178
ARCADIA CA 91066-1178

TAXING DISTRICT **RATE** **AMOUNT**
STATE .000000000
LEMHI COUNTY .002649299 34.5
SCHOOL DIST 291 .003564977 46.4
LEMHI RURALFIRE .000612629 7.9
AMOUNT DUE 88.9

SW4SW4
20 23 22

*** IMPORTANT ***

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BERGER FOUNDATION

1995
9197

AUEN-BERGER FOUNDATION

1995
9197



2ND HALF TAX



AMOUNT DUE 44.45



1ST HALF TAX



AMOUNT DUE 44.45

FULL TAX



88.90

COUNTY
22E206000A
-00

PEN
INT
COST
TOT

LEMHI COUNTY
RF23N22E206000A
21-00

PEN
INT
COST
TOT

COST
TOT

AUG 22 1996

IF NOT PAID ON OR BEFORE

JUNE 20, 1996

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1995

CHECK PAYABLE TO:
ANN HEISER(208)756-2816
COUNTY TAX COLLECTOR
COURTHOUSE DRIVE
N, IDAHO 83467

BILL/RECEIPT

CODE AREA 1-00

PARCEL NUMBER

TAX YEAR 1995

BILL NO 9213

RP23N22E29240
L 139,2
I (outbuildings) 13,1

TOT MV 152,4

TAX	542.91	2ND	TAX	542.91	FULL	TAX	1,085.82
PEN		HALF	PEN			PEN	
INT			INT			INT	
COST			COST			COST	
TOT			TOT			TOT	

TOT ACS 360.0

AUEN-BERGER FOUNDATION
AUEN RONALD M TRUSTEE
P O BOX 661178
ARCADIA CA 91066-1178

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.000000000	
LEMHI COUNTY	.002649299	403.
SCHOOL DIST 291	.003564977	543.
LEMHI RURALFIRE	.000612629	93.
DISTRICT TOTALS	.006826905	1,040.
SALMON TV DIST.		45.
AMOUNT DUE		1,085.

W2 SW4SE4
29 23 22

*** IMPORTANT ***

PLEASE READ BOTH FRONT AND BACK

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BERGER FOUNDATION

1995
9213

AUEN-BERGER FOUNDATION

19
92



2ND HALF TAX



AMOUNT DUE 542.91



1ST HALF TAX



AMOUNT DUE 542.91

FULL TAX



1,085.

COUNTY
122E292400A
00

PEN
INT
COST
TOT

LEMHI COUNTY
RP23N22E292400A
21-00

PEN
INT
COST
TOT

AUG 22 1996

PEN
INT
COST
TOT

IF NOT PAID ON OR BEFORE

JUNE 20, 1996

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1995

CHECK PAYABLE TO:
ANN HEISER(208)756-2816
COUNTY TAX COLLECTOR
COURTHOUSE DRIVE
N, IDAHO 83467

TAX BILL/RECEIPT
TAX YEAR 1995

CODE AREA 1000
BILL NO 10317

PARCEL NUMBER
MHMH0000000276
22,180

TAX	108.20	2ND TAX	108.20	FULL TAX	216.40
PEN		HALF PEN		PEN	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT MV 22,180

MC LAUGHLIN DORSEY
% BERGER A TRUST
AUGEN RONALD M TRUSTEE
P O BOX 3064
ARCADIA CA 91066-3064

TAXING DISTRICT	**RATE**	**AMOUNT**
STATE	.0000000000	
LEMHI COUNTY	.002649299	58.70
SCHOOL DIST 291	.003564977	79.00
LEMHI RURALFIRE	.000612629	13.50
DISTRICT TOTALS	.006826905	151.40
SALMON TV DIST.		15.00
SOLID WASTE		50.00
AMOUNT DUE		216.40

TRAILERHOUSE
24X56
LOCATION: HOT SPRINGS RANCH

RECEIVED NOV 3 1 1995

HWY 93 N 83467

*** IMPORTANT ***

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PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

GER A TRUST

1995 % BERGER A TRUST
10317

1995
10317



2ND HALF TAX



AMOUNT DUE 108.20

COUNTY
000000276A
00

PEN
INT
COST
TOT

IF NOT PAID ON OR BEFORE
PAID

JUNE 20, 1996
CHECK #



1ST HALF TAX



AMOUNT DUE 108.20

LEMHI COUNTY
MHMH0000000276A
21-00

PEN
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COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID

AUG 2 2 1996

DECEMBER 20, 1995
CHECK #

PEN
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that BIG FLAT DITCH CO. (Name of Claimant)
(Sec. - Treas.)
c/o Mrs. E. C. Bolander, Box 128, Carmen, ID 83462 Telephone No. 208-756-2605
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) March 30, 1904 (when recorded)

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Salmon River tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>135 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>3/1</u>	To <u>11/1</u>
Quantity	<u>5.0 cfs</u>	Use	<u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 140 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 17 Twp. 22N Rge. 22E B.M., County of Lemhi
Additional points of diversion: McNutt Ditch - SW ¼ NW ¼, Sec. 17, Twp. 22N, Rge. 22E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgates and ditches.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22N	22E	17									2	18	17	3					40
		7	34	30	29	38	7			9					26			9	182
		8					5	34	12										51
		5	2	37	25		40	40	38	38	37	40	36	35		5	3		376
		6	40	14	7	40					3			10	40	32	38	40	264
23N	22E	32	35	35	40	39	38	37	38	37	40	38	40	35	26	40	40	16	574
		31	33		13	38									40	28	28	40	220
		30	36	30	4	18									6			11	105
		29					13	38	40	32	40	40	37	40		18	21		319

23N 22E 19 35 34 69
20 8 8

Total No. of Acres 2208

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Livestock water year round.

(all livestock on 10 ranches.)

NOTE: Include here the type and number of stock watered: Approx. 5,000 range cattle, 2,000 head sheep,

(7) If you are claiming water as a member of an organization, list name of organization: Big Flat Ditch Co. 50 horses.

1. **THE PROBLEM**
 2. **THE SOLUTION**
 3. **THE RESULT**
 4. **THE CONCLUSION**
 5. **THE SUMMARY**
 6. **THE DISCUSSION**
 7. **THE RECOMMENDATION**
 8. **THE SUGGESTION**
 9. **THE NOTE**
 10. **THE REFERENCE**
 11. **THE APPENDIX**
 12. **THE BIBLIOGRAPHY**
 13. **THE GLOSSARY**
 14. **THE INDEX**
 15. **THE LIST OF FIGURES**
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[illegible]

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.

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.

Mrs. C. C. Blander
(Claimant)


 Notary Public
 Residing at 

My commission expires September

Received by EW Date 3/6/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by N/A Date _____
Published in _____
Dates _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Big Flat Ditch Co.

(Name of Claimant)

% Mrs. C. C. Bolander, Box 128, Carmen, ID. 83462

Telephone No. 208-756-2605

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Mar. 30, 1904 when recorded

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Salmon River

tributary to

Snake River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>135</u> cfs		Use <u>irrigation</u>		Period of Use From <u>Mar. 1</u>	To <u>Nov. 1</u>
Quantity <u>500</u> cfs		Use <u>stock water</u>		Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 140 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source) Big Flat Ditch
SE 1/4 SW 1/4, Sec. 17 Twp. 22N Rge. 22E B.M., County of Lemhi
Additional points of diversion: McNitt Ditch SW 1/4 NW 1/4 Sec. 17 T22N R22E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgates and ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

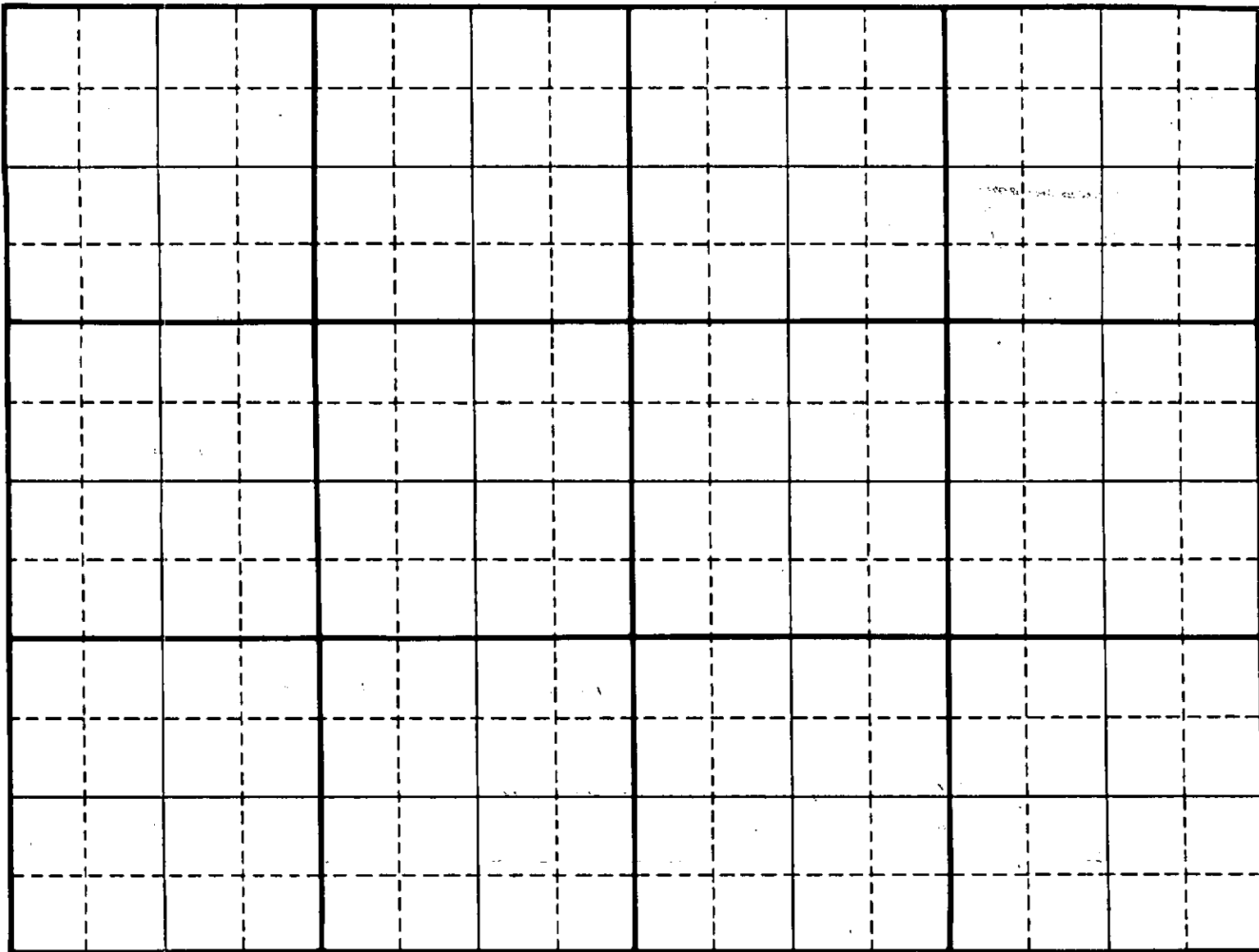
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
22N	22E	17	-	-	-	-	-	-	-	-	2	18	17	3	-	-	-	-	40
		7	34	30	29	38	7	-	-	9	-	-	-	-	26	-	-	9	182
		8	-	-	-	-	5	34	12	-	-	-	-	-	-	-	-	-	51
		5	2	37	25	-	40	40	38	38	37	40	36	35	-	5	3	-	376
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		31	33	-	13	38	-	-	-	-	-	-	-	-	40	28	28	40	224
		30	36	30	4	18	-	-	-	-	-	-	-	-	6	-	-	11	105
		29	-	-	-	-	13	38	40	32	40	40	37	40	-	18	21	-	319
23N	22E	19	-	-	-	-	-	-	-	-	-	-	-	-	-	-	35	34	69
		20	-	-	8	-	-	-	-	-	-	-	-	-	-	-	-	-	8

No. of acres 2205

2208

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(8) Remarks _____



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 For)
County of Lemhi) ss.

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.

Big Flat Ditch Co - Mrs C. C. Blander (See Tract)
(Claimant)

Sworn to before me this 17 day of January, 19 80.

Arthur Stoddard
Notary Public
Residing at Salmon, Idaho

My commission expires 9/5/82

FOR DEPARTMENT USE ONLY

Received by KW Date 1/21/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by KW 20.00 Date 1/21/80 #15570
Published in The Recorder-Herald _____
Dates 1/31 & 2/7/80 _____

75-4150

BIG FLAT DITCH CO.

C/O MRS. E. C. BOL-
ANDER, BOX 128, CAR-

MEN, ID 83462

Source: SALMON RIVER
tributary to SNAKE

Priority Date: 03/30/1904

Amount: 140.00 CFS

Diversion Point: SESW

SWNW Sec 17 T 22N R

22E, LEMHI Co.

Use: IRRIGATION (135-
00 CFS) from 03/01 to
11/01

STOCKWATER (5.00

CFS) from 01/01 to 12/31

Place of Use: NESW

NWSW SWSW SESW Sec

17 T 22N R 22E NENE

NWNE SWNE SENE

NENW SENW NESE

SESE Sec 07 T 22N R 22E

SENE NWNW SWNW

Sec 08 T 22N R 22E

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SESE Sec 31 T 23N R 22E

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SENE NESE SESE Sec 30

T 23N R 22E NENW

NWNW SWNW SENW

NESW NWSW SWSW

SESW NWSE SWSE Sec

29 T 23N R 22E SWSE

SESE Sec 19 T 23N R 22E

SWNE Sec 20 T 23N R

22E FOR 2208 ACRES

Diversion Means: HEAD-

GATES AND DITCHES.

Any exception to any
claim of water right may
be filed with the Director
of the Idaho Department
of Water Resources, 1515
Lincoln Road, Boise, Ida-
ho 83709.

C. STEPHEN ALLRED

Director

Published 1/31 & 2/07/80

80

1-31-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO

County of Lemhi

ss.

FEB 7 1980

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 Claim to Water Rights 75-4146, 75-4147,
75-4148, 75-4149, 75-4150

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 Jan. 31, 1980
and ending with the issue dated Feb. 7, 1980

Jerry G. Rosin

Subscribed and sworn to before me, this seventh

day of February, 1980

Neil Armstrong

Notary Public for the State of Idaho,
Residing at Salmon, Idaho

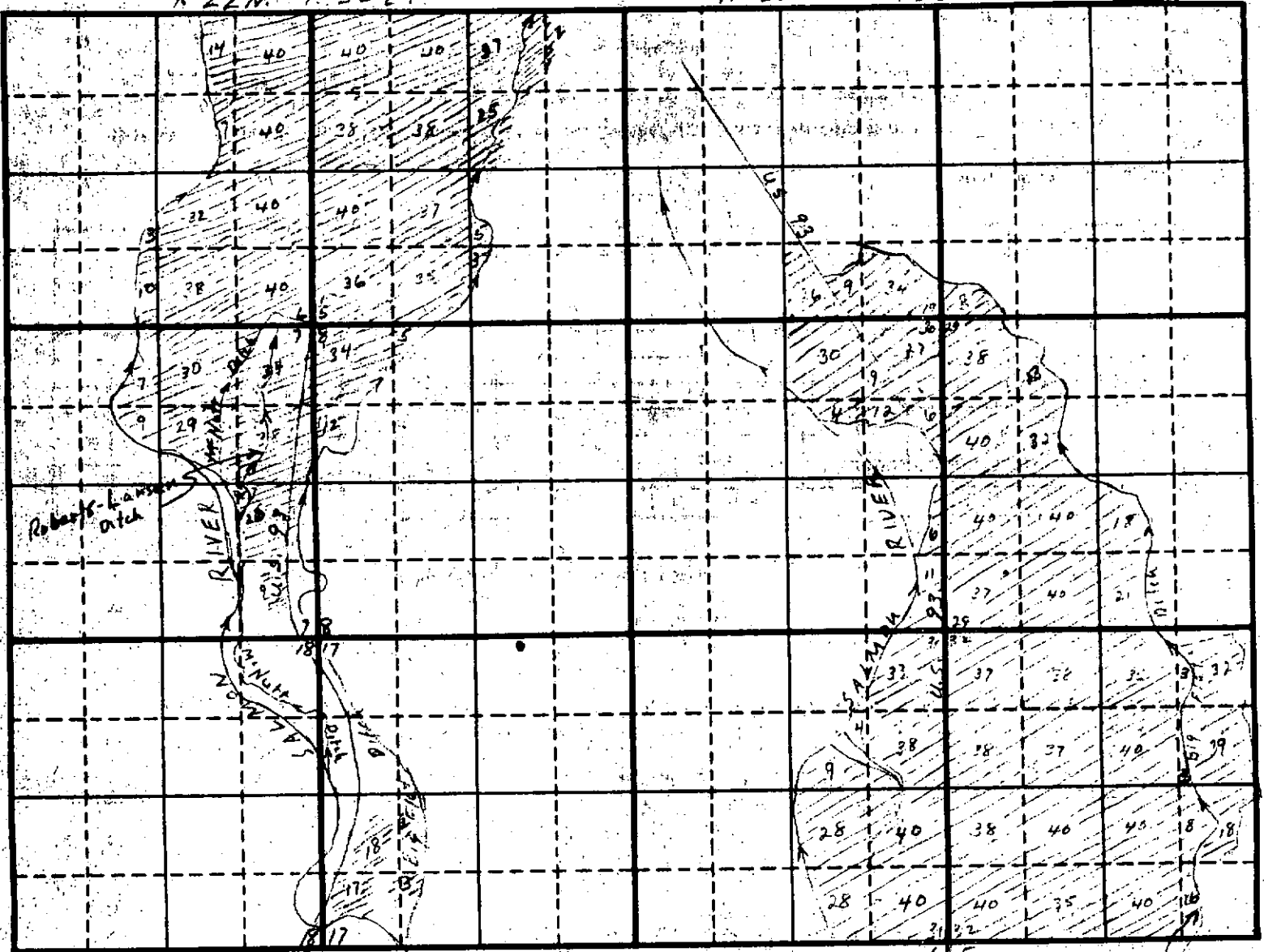
Publication Fee \$56.10

RECEIVED
FEB 10 1980
IDAHO DEPT. OF WATER RESOURCES

Remarks Water Right Exchange for C. Bolander for Salmon River
Water clearing the Big Flat area Mar 30, 1904 when recorded.

T. 22 N. R. 22 E.

T. 23 N. R. 22 E.



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)

County of Lemhi) ss.

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.

Big Flat Ditch Co. Mrs. C. C. Bolander (Sec. - treas.)
(Claimant)

Sworn to before me this 17 day of January, 19 80.

Charles Huddard
Notary Public
Residing at Salmon, Idaho

My commission expires 9/5/82

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by _____	Date _____		claimant by: _____	
\$20.00 fee received by _____	Date _____			
Published in _____				
Dates _____				

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1996

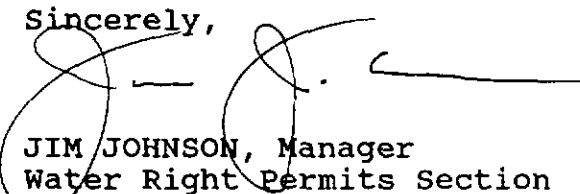
BERGER A TRUST
C/O RONALD AUEN, TRUSTEE
PO BOX 3064
ARCADIA CA 91066

RE: Transfer of Water Right No. 75-04150B

Dear Water Right Holder(s):

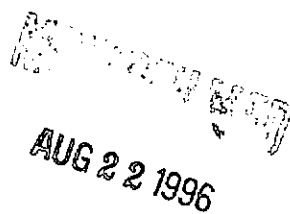
Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4749). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure


AUG 22 1996

WR0749NP
No. T75-04150B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/05/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BERGER A TRUST	03/30/1904	IRRIGATION	04/15 10/15	15.580 CFS	2726.50 AFA
	C/O RONALD AUVEN, TRUSTEE		STOCKWATER	01/01 12/31	0.230 CFS	13.50 AFA
	PO BOX 3064					
	ARCADIA CA 91066					
	(818) 447-3551			TOTAL DIVERSION:	15.810 CFS	2740.00 AFA

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T22N R22E S17 SWNW SESW LEMHI County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																					
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
23N	22E	19	:						:						:																13	13.0	
23N	22E	20	:						:						:																	23	23.0
23N	22E	29	:				02		:	08	38	40	32		:	40	39	33	40					24	25	01	:					322.0	
23N	22E	30	:	38				21	:						:																	59.0	
23N	22E	32	:	30	33	38	36		:	38	32	39	38		:	10	10						30	10			17	:			361.0		
23N	22E	33	:						:			.8			:			.2														1.0	
TOTAL ACRES																												779.0					

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: LEMHI

Other Water Rights with Same Point(s) of Diversion and Source:

75-04150 75-04339 T75-04150A

Other Water Rights Listing Overlapping Place(s) of use:

75-04150 T75-04150A

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - 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.

T04 - Right-of-Way (Ditch System)

Remarks: The right holder is entitled to the quantity of water described above for stock water purposes at a point of measurement in SESE,

WR0749NP
No. 175-04150B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/05/96
PAGE: 2

Remarks: S32, T23N, R22E.
A measuring device of a type approved by this Department shall be maintained at that point that water enters the conveyance system serving the place of use.
Approval of Transfer No. 4749 in no way confirms Statutory Claim No. 75-04150 or related Snake River Basin Adjudication Claim No. A75-04150A.

Dates: App. Received: Priority Date: 03/30/1904
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/09/1996 User-ID: RBODELL Subject: TRANSFER NO. 4749
Change place of use. Applicant wishes to clarify portion owned and to dry up 13 acres of pasture & farm a different 13 acre piece above the ditch, splitting the right into parts A & B.

Audit: 01/09/96 RBODELL 07/05/96 PSKAGGS

AJ5809NP
No. A75-04150B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/03/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRENT MULKEY	03/30/1904	IRRIGATION	03-01 11-01	1.30 CFS	
C	KARLA MULKEY		STOCKWATER	11-01 03-01	0.02 CFS	
TOTAL DIVERSION:					1.30 CFS	
CONSUMPTIVE USE:						53.70 AFA

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T22N R22E S17 SWSWNW SWSESW LEMHI County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	

23N 22E 19 :																																
TOTAL ACRES 21.5																																

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: LEMHI

Other Rights: WATER FROM CARMEN CREEK

Remarks: GEN WATER CLAIMED FOR GROUNDWATER RECHARGE IS PRIMARILY RELIED ON TO
TRANSPORT STOCKWATER THE LENGTH OF THE DITCH. ALL EXCESS WATER
RETURNS TO THE RIVER.
THIS RIGHT PAID FOR UNDER RECEIPT #M006789.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 06/08/95 GTAYLOR 05/06/96 RMCCARTH

WR0749NP
No. T75-04150A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/05/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY		WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
		DATE			FROM	TO		
C	BIG FLAT DITCH CO	03/30/1904		IRRIGATION	03/01	11/01	119.420 CFS	
	C/O MRS E C BOLANDER			STOCKWATER	01/01	12/31	4.770 CFS	
	BOX 128							
	CARMEN ID 83462							
TOTAL DIVERSION:							124.190 CFS	

Water Source: SALMON RIVER

Tributary to: SNAKE

Stage: STATUTORY CLAIM

Point(s) of Diversion: T22N R22E S17 SWNW SESW LEMHI County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---		
22N	22E	5	:	02	37	25		:	40	40	38	38	:	37				:							:	257.0
22N	22E	6	:	40	14	07	40	:					:	03			10	:	40	32					:	186.0
22N	22E	7	:	34	30	29	38	:	07			09	:					:	26			09			:	182.0
22N	22E	8	:					:	05	34	12		:					:							:	51.0
22N	22E	17	:					:					:	02	18	17	03	:							:	40.0
23N	22E	19	:					:					:					:			35	22			:	57.0
23N	22E	20	:			08		:					:					:							:	8.0
23N	22E	29	:					:	05				:		01	04	40	:							:	50.0
23N	22E	30	:		30	04		:					:					:	06				11		:	51.0
23N	22E	31	:	33		13	38	:					:					:	40	28	28	40			:	220.0
23N	22E	32	:	05	02	02	03	:		05			:					:							:	17.0
																							TOTAL ACRES		1119.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: LEMHI

Other Water Rights with Same Point(s) of Diversion and Source:

75-04150 75-04339

Other Water Rights Listing Overlapping Place(s) of use:

75-00063A 75-00075 75-04036 75-04129 75-04150 75-04174 75-04175 75-04183 75-04184 75-04338
75-04339 75-04340 75-04347 75-04473 75-07075 75-07086 75-07136 175-04150B

Remarks: Irrigated acres limited to 918 acres.

Dates: App. Received: Priority Date: 03/30/1904
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. 175-04150A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/05/96
PAGE: 2

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Comments: Date: 01/09/1996 User-ID: RBODELL Subject: TRANSFER NO. 4749
Change place of use. Applicant wishes to clarify portion owned
& dry up 13 acres of pasture to farm a different 13 acre parcel
above the ditch, splitting the right into parts A & B.

Audit: 07/03/96 PSKAGGS 07/03/96 PSKAGGS

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 10

T23N R22E S 30

(14) Acres dried-up

7504036	SALMON RIV :	5	:	:	:	7	16	26	8	:	62
A7504036	SALMON RIV :	07-4	:	:	:	:	08-27	11-31	:	:	62

No Lots Part B. / No Overlaps

.....

A7504150A	SALMON RIV :	:	0	:	0	:	:
T7504150A	SALMON RIV :	:	0	:	0	:	:
T7504150B	SALMON RIV :	:	0	:	0	:	:
--86 MAP--	C59Q-Q 78 :	:	1	:	1	:	9

AJ5809NP
No. A75-04150A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/03/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BERGER A TRUST	03/30/1904	IRRIGATION	04-15 10-15	15.58 CFS	
			STOCKWATER	11-01 03-01	0.23 CFS	
			GROUNDWATER RECHARGE	11-01 03-01	3.25 CFS	
TOTAL DIVERSION:					19.06 CFS	
CONSUMPTIVE USE:						1961.00 AFA

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T22N R22E S17 SWSWNW SWSSEW LEMHI County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
23N	22E	19	:						:						:																12	12.0
23N	22E	20	:						:						:						10		:									10.0
23N	22E	29	:				02		:	08	38	40	32	:	40	39	33	40	:				24	25	01	:						322.0
23N	22E	30	:	38				35	:					:					:													73.0
23N	22E	32	:	30	33	38	36	:	38	32	39	38	:	10	10			:	30	10					17	:					361.0	
23N	22E	33	:						:			.8	:			.2		:														1.0
																												TOTAL ACRES	779.0			

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for GROUNDWATER RECHARGE is the same location as described for: IRRIGATION

POU County: LEMHI

Non-Irrigation Uses: S/1000 CATTLE, 9 HORSES.

Other Rights: WATER FROM CARMEN CREEK

Remarks: GEN WATER CLAIMED FOR GROUNDWATER RECHARGE IS PRIMARILY RELIED ON TO
TRANSPORT STOCKWATER THE LENGTH OF THE DITCH. ALL EXCESS WATER
RETURNS TO THE RIVER.
THIS RIGHT PAID FOR UNDER RECEIPT #M006789.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SD-0611-2 Basin: 75 Starting Water Right: 04150

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
-	75-04150	BIG FLAT DITCH CO.	C	03/30/1904	S/	SALMON RIVER	IRR STOCK	WR
-	T75-04150A	BERGER A TRUST	C	03/30/1904	S/	SALMON RIVER	IRR STOCK	WR
-	T75-04150B	BERGER A TRUST	C	03/30/1904	S/	SALMON RIVER	GWR IRR STOCK	WR
-	A75-04150	SPLIT RIGHT	C	03/30/1904	/Z	SALMON RIVER SPLIT RIGHT	IRR STOCK	AJ
-	A75-04150A	BERGER A TRUST	C	03/30/1904	S/	SALMON RIVER	GWR IRR STOCK	AJ
-	A75-04150B	MULKEY, BRENT	C	03/30/1904	S/	SALMON RIVER	GWR IRR	AJ

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
 (Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
 Natural 2.1/7V OVR Help available LIB=PRODLIBS Last key was ENTR

12-18-95
12-26-95 - HWT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: DEM

1. Right number A75-04150A Applicant Berger A. Trust c/o Ronald Allen, Trustee
2. Type of right: ☐ Decree ☐ License ☒ Claim - SRBA
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other CLARIFY OWNERSHIP
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. — ALL OF A75-04150A, PORTION OF X-04150
 - 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) None or Use Comparison Report Attached
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☒ No
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* _____

4. By RK Date 4/7/96

Department of Water Resources
Copy TR to Water Resources 16-96
Copy Ad to SO 2-16-96

MEMORANDUM

TO: FILE NO. 75-4150
FROM: PAM SKAGGS/^{PS}STATE OFFICE
SUBJECT: TRANSFER NO. 4749
DATE: July 5, 1996

✓ J

=====

Transfer No. 4749 was filed to change the place of use under a portion of Statutory Claim No. 75-04150, splitting the right into parts A and B.

The application was completed using SRBA Claim No. A75-04150A as the source right. Only 14 currently irrigated acres are being relocated, but the transfer also describes minor shifts in the acres over time under the applicant's portion of the right.

Since the application addresses those acres claimed under A75-04150A, not all the identified acres under the transfer match those originally claimed under 75-04150. The remaining unaddressed portion of Claim No. 75-04150, Part A, is left with a more general place of use of 1119 acres limited to 918 irrigated acres. The remaining portion of the right has only been partially claimed in the SRBA and verification of use will be confirmed through the adjudication process.

The requested use of water for groundwater recharge has not been recommended for approval because of lack of any recharge plan other than normal conveyance loss through the ditch system. Rather the rate appears necessary to deliver the stockwater right during non-irrigation season. A condition was added to allow for delivery of the full stockwater right to the place of use.

Seasons of use, rates of diversion and diversion volume were recommended at the current standard for both irrigation and stockwater uses. Other recommended conditions include non-confirmation of claim, right-of-way, measuring device, irrigation overlap and standard transfer conditions.

RECEIVED
AUG 22 1996

AUG 22 1996

TRANSFER REVIEW SHEET
(04-96)

Transfer # 4749

Date Reviewed 07-03-96 28

Right(s) 75-04150 _____

WRQII Print Split Summary ☒ 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 G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Power of Attorney
Proof of Ownership HWS Memo - Confirmed Ownership of Transferred Acres
'95 Tax Notices cover other portions of right.

Transfer _____ All of Right ☒ Portion of Right
Resulting Split(s) A+B

A) 119.42 cfs 918 stock = 4.77
B) 15.58 cfs 779 Acres 2726.5 Afs 15.81 cfs
135.00 cfs Stock = .23 cfs + 3.25 conveyance + 13.5 Afs 790.6 cfs / 2740 Afs

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) NO Water District (12) NO Pertinent Conditions (13) NO Expansion

(2) Retain original IRR + STOCK / No Groundwater Recharge - simple conveyance
(3) Stockwater limits based on annual use - allow standard yr. round use.
(4) Maximum rate each use.
(5) Allow standard Vol IRR = 3.5 X 779 = 2726.5 STOCK = 13.5 Afs
(8) Split P/U Identify 779 acres with 14 Acres moved.

Protest Withdrawn 3-27-96

Transfer Remarks Modified TO1 SRBA - 75-04150A Modified ROI @ Field Headgate
Conditions R30, T07, T08, T09, T04 D07 - SESE, S32, 23N, 22E.

Database/Processing Notes Standard ☒ Non-Standard _____
Split T Files A+B ☒

WR Reports File Burger, Liss Transfer Memo Complete ☒
File Deleted 8-23-96 Database Updated 08-23-96 28

Approval Cover Letter Standard _____ Preliminary Order ☒

INTER-DEPARTMENT MEMO

TO: Tr. 4749

Ownership of Ground
SUBJECT: Recommendation

FROM: H.W. Jones

DATE: 4-4-96

Linhi County assessor confirm ownership of 84 acres in E 1/2
of NE 1/4 Sect 30 T23N R22E by Berger A Trust.

Also I could not recommend approving 3.25 cfs for groundwater
recharge as listed on transfer. There is no evidence of a
recharge plan other than what would be called normal
ditch operation. The non-irrigation uses of water would
be stockwater & it appears the applicant needs a large cfs
amt. to push said stockwater thru the ditch system.
Also our office did an on-site & verified the irrigated ground component.

☒ For your information

☐ Response required

APPROVED

signature

AUG 22 1996

April 2, 1996

BRENT MULKEY
PO BOX 629
SALMON ID 83467

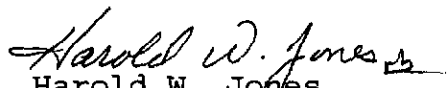
RE: Application for Transfer No. 4749 Berger A. Trust

Dear Protestant:

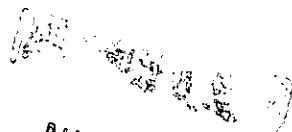
This letter acknowledges receipt of the withdrawal of protest from you against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb


AUG 22 1996

April 2, 1996

BERGER A TRUST
C/O RONALD AUEN
PO BOX 3064
ARCADIA CA 91066

RE: Application for Transfer No. 4749

Dear Applicant:

This letter is to advise you that the protest filed by Brent Mulkey against approval of the above referenced application has been withdrawn.

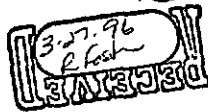
If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones _{rb}
Harold W. Jones
Water Right Supervisor

HWJ/rb

AUG 22 1996



3/27/96

To whom it may concern

I Brent Mulkey withdraw my
protest, on Hot Springs Ranch
transfer of water # B-09150A

Brent Mulkey

RECEIVED

MAR 29 1996

Department of Water Resources
Eastern District Office

AUG 22 1996

**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO 4749**

Notice is hereby given that Berger A. Trust, c/o Ronald Auen, P.O. Box 3064, Arcadia, CA, 91066 has applied to the Department of Water Resources to change place of use and clarify portion owned of the waters of the Salmon River tributary to the Snake River. The right sought to be changed is evidenced by a claim and recorded as follows:

Claim No. : 75-04150 Source: Salmon River

Amount: 19.06 cfs Priority: 03/10/1904

Point(s) of Diversion: SWSWNW, SWSSEW, SEC 17, T22N, R22E, Lemhi County

Only 15.58 cfs of the water is used for the irrigation of 779 acres from 04/15 to 10/15, .23 cfs is used for stockwater from 11/01 to 03/01, and 3.25 cfs is used for groundwater recharge from 11/01 to 03/01. The water is used within SEC 9, 20, 29, 30, 32, & 33, T23N, R22E, B.M.

TO BE CHANGED AS FOLLOWS:

A portion of the water will be moved from the SENE, SEC 30, T23N, R22E, which is about 2 miles south of Tower Creek and approximately 1/8 mile southeast of Hwy 93, to the SWSW, SEC 20, T23N, R22E, which is approximately 3/4 miles northeast of where it is currently located. This water will be used to irrigate 13 acres within that area.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before February 5, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published in the Recorder Herald on January 18 & 25, 1996.

1-18-2tc

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 DEPT OF WATER RESOURCES NO 4749

, 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 1/18/96, 19 96 and ending with the issue dated 1/25, 19 96

STATE OF IDAHO

County of Lemhi

ss.

On this 25 day of JANUARY in this year of 19 96

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:

9-23-2001

Publication Fee \$ 5.00

Account No. 630

AUG 22 1996

Publication

D
IN FALLS } SS.

No 27877

NOTICE OF PROPOSED CHANGE OF A WATER
RIGHT NO. 4749

Notice is hereby given that Berger A. Trust, c/o Ronald Auen, PO Box 3064, Arcadia, CA, 91066 has applied to the Department of Water Resources to change place of use and clarify portion owned of the waters of the Salmon River tributary to the Snake River. The right sought to be changed is evidenced by a claim and recorded as follows:

Claim No.: 75-04150 Source: Salmon River
Amount: 19.06 cfs Priority: 03/10/1904
Point(s) of Diversion: SWSWNW, SWSESW, SEC 17, T22N, R22E, Lemhi County

Only 15.58 cfs of the water is used for the irrigation of 779 acres from 04/15 to 10/15, .23 cfs is used for stockwater from 11/01 to 03/01, and 3.25 cfs is used for groundwater recharge from 11/01 to 03/01. The water is used within SEC 19, 20, 29, 30, 32, & 33, T23N, R22E, B.M.

TO BE CHANGED AS FOLLOWS:

A portion of the water will be moved from the SENE, SEC 30, T23N, R22E, which is about 2 miles south of Tower Creek and approximately 1/8 mile southeast of Hwy 93; to the SWSW, SEC 20, T23N, R22E, which is approximately 3/4 miles northeast of where it is currently located. This water will be used to irrigate 13 acres within that area.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 12, 1996. The protestant must also send a copy of the protest to the applicant.

/s/ KARL J. DREHER, Director

PUBLISH: January 25 and February 1, 1996.

Lapps McQuinn being first duly sworn upon oath, depose Principle Clerk of the TIMES-NEWS, published daily, at and do solemnly swear that a copy of the notice of advertisement, as per as published in the regular and entire issue of said newspaper, and not in any for Two consecutive Weeks, issue dated January 25, 1996, issue dated February 1, 1996.

her certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except ewspapers prior to consolidation had been published under said names in said city and county uptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since een published as a daily newspaper except Saturday, until July 31, 1978, at which time said blication under said name in said city and county continuously and uninterruptedly. certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published; and that at the head of the editorial column of said combined newspapers, and in each announced as the day on which said legal notices will be published.

LS
16 day of Feb. in the year of 1996 AUG 22 1996, before me,
appeared Arvida Lapps McQuinn,
to be the person whose name subscribed to the within instrument, and being by me first duly
statements therein are true, and acknowledged to me that he executed the same.

Ineva R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 27877

y, February 1, 1996 Times-New

I, Linda Capps McSwine being first duly sworn upon oath, depose and say that I am Principle Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks,

commencing with the issue dated January 25, 19 96,
and ending with the issue dated February 1, 19 96.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 16 day of Feb. in the year of 1996 AUG 22 1996, before me,

a Notary Public, personally appeared Linda Capps McSwine, 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.

Ineva R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

crease in]

At the same time, the coal
continued to grow faster than
expanding by another 3.2
340,000.

Vastly improved water conservation
Idaho Power's generation
reducing outlays for coal-fired
chased power. Hydroelectric
dropped well below half of
output in recent years, producing
electricity sold by the utility.

Reliance on more expensive
dropped to 29 percent, cutting
the 1994 bill, while purchasing
for just 13 percent to save a

ngs fall

per truck, the accounted for
hicle. quarter profit,
se product million, compared
use near-term a year ago. For

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 02/01/96INVOICE NO. 103274Account No. 446600Description 103274NOTICEOFPROPOSED**LEGAL ADVERTISING
INVOICE**Times 2Lines 29

Tab. Lines _____

\$ 72.50**RECEIVED**

FEB 05 1996

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

Department of Water Resources
Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 103274NOTICEOFP attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/25, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 01/25/96, and the last publication thereof being on the 02/01/96, and said 103274NOTICEOFP was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1996

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

AUG 22 1996

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

Notice is hereby given that Berger A. Trust, c/o Ronald Aven, P.O. Box 3064, Arcadia, CA 91066 has applied to the Department of Water Resources to change place of use and clarify portion owned of the waters of the Salmon River tributary to the Snake River. The right sought to be changed is evidenced by a claim and recorded as follows:

Source: Salmon River

Priority: 03/10/1904

Amount: 19.06 cfs

Point(s) of Diversion: SWSWNW, SWSESW, SEC 17, T22N, R22E Lemhi County
Only 15.58 cfs of the water is used for the irrigation of 779 acres from 4/15 to 10/15, 23 cfs is used for stockwater from 11/01 to 03/01, and 3.25 cfs is used for groundwater recharge from 11/01 to 03/01. The water is used within SEC 19, 20, 29, 30, 32, & 33, T23N, R22E, B.M.

TO BE CHANGED AS FOLLOWS

A portion of the water will be moved from the SENE, SEC 30, T23N, R22E, which is about 2 miles south of Tower Creek and approximately 1/8 mile south-east of Hwy 93, to the SWSW, SEC 20, T23N, R22E, which is approximately 3/4 miles northeast of where it is currently located. This water will be used to irrigate 13 acres within that area.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 12, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

DIRECTOR

Published in the LEWISTON MORNING TRIBUNE January 25, & February 1, 1996

RECEIVED

FEB 14 1996

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$54.84

Department of Water Resources

Account Number 10056400		Identification NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4749	
Ordered By Rita Bodell	P.O. Number	Rate NT	Run Dates Jan. 25 & Feb. 1, 1996
Rita Bodell IDAHO DEPARTMENT OF WATER RESOURCES Eastern Region 900 N. Skyline Dr. Idaho Falls, Idaho 83402-1718		Estimated Inches.	Real Inches
		# Affidavits 1	Legal Number 4140

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4749

Notice is hereby given that Berger A. Trust, c/o Ronald Auen, P.O. Box 3064, Arcadia, CA, 91066 has applied to the Department of Water Resources to change place of use and clarify portion owned of the waters of the Salmon River tributary to the Snake River. The right sought to be changed is evidenced by a claim and recorded as follows:

Claim No.: 75-04150
Source: Salmon River
Amount: 19.06 cfs
Priority: 03/10/1904
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KARL J. DREHER, Director
Pub. Jan. 25 & Feb. 1, 1996 4140

LINDA PORTER

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of JANUARY 25, 1996

and ending with the issue of FEBRUARY 1, 1996

Linda Porter

STATE OF IDAHO)

SS.

COUNTY OF ADA)

On this 1st day of FEBRUARY in the year of 1996, before me, a Notary Public, personally appeared LINDA PORTER, 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 she executed the same.

Janice Madie

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 5/97

AUG 22 1996

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4749

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KARL J. DREHER
Director

Published in the STATE WIDE January 25, & February 1, 1996

RECORDED

AUG 22 1996

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4749

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KARL J. DREHER
Director

Published in the Recorder Herald on January 18 & 25, 1996

RECORDED

AUG 22 1996



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

March 4, 1996

BRENT MULKEY
PO BOX 629
SALMON ID 83467

RE: Application for transfer No. 4749

Dear Mr. Mulkey:

Your protest against approval of the above referenced application for transfer has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application 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 protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application (Sec. 42-222, Idaho Code):

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original water 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 allegations involving one or more of the four items.

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

Sincerely,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office

AUG 22 1996



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 4, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BERGER A TRUST
C/O RONALD AUEN TRUSTEE
PO BOX 3064
ARCADIA CA 91066

RE: Application for Transfer No. 4749

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a transfer. 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.

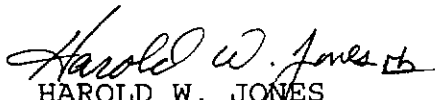
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1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original water right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change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

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

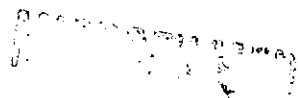
If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

pc: IDWR - STATE OFFICE
enc



AUG 22 1996

Receipt # E021874



RECEIVED

JAN 31 1996

Department of Water Resources
Eastern District Office

January 27, 1996

To: Karl J. Dreher
Director
Idaho Dept. of Water Resources

Ref: Claim #75-04150

I, Brent W. Mulkey do protest the approval of this claim, that Berger A. Trust proposes to change water right No: 4749 published in the Recorder-Herald on January 18 & 25 in Salmon, Idaho.

My water right is A75-04150B of 1.3 CFS for 21.5 acres which is very inconsistent now.

How is it possible to take more water out of this ditch if I don't get my right now?

Brent Mulkey
P.O. Box 629
Salmon, Idaho 83467

Brent Mulkey

AUG 22 1996



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

January 16, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, 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 February 12, 1996.

Yours truly,

Rita Bodell
Secretary

Enc.

AUG 22 1996



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

January 16, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THE TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, 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 February 12, 1996.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.

JAN 22 1996



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

January 16, 1996

KARL J. DREHER
DIRECTOR

THE IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

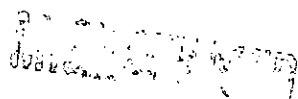
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Yours truly,


Rita Bodell
Secretary

Enc.



AUG 22 1996
~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



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

January 16, 1996

RONALD AUEN TRUSTEE
BERGER A TRUST
PO BOX 3064
ARCADIA CA 91066

RE: Notice of Application for Transfer No. 4749

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the applications in the Recorder Herald on January 18 & 25, 1996. The advertisement will be published 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.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb

RECEIVED
AUG 22 1996

AUG 22 1996



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

January 11, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECORDER HERALD
PO BOX 310
SALMON ID 83467

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, 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 February 5, 1996.

Yours truly,

Rita Bodell
Secretary

Enc.

AUG 22 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 20, 1980

BIG FLAT DITCH CO.
C/O MRS. E.C. BOLANDER
BOX 128
CARMEN ID 83462

RE: Claim No. 75-4150

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

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest
Right Number 75-4150 75 4150 Applicant Big Flat Ditch Co.

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 3/6/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jim Date 3/11/80

MICROFILMED

February 29, 1980

Big Flat Ditch Co.
c/o Mrs. E. C. Bolander
Box 128
Carmen, ID 83462

Dear Mrs. Bolander:

The Department has completed the processing of the claim to a water right for the Big Flat Ditch Company. However, to provide a neater copy for our records, enclosed you will find a typed copy of the original which requires signing in the presence of a notary.

Once it has been signed and notarized, simply return it to this office for filing in the permanent record.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

MICROFILMED

January 25, 1980

RE: Claim to a Water Right No. 75-4150

Big Flat Ditch Co.
C/o Mrs. E. C. Bolander
Box 128
Carmen, ID 83462

Dear Mrs. Bolander:

Attached herewith is Departmental Receipt No. 15520 in the amount of \$20.00 for the above referenced claim.

Sincerely,

KAY WALKER
Secretary

Attachment

BIG FLAT DITCH CO.

C/O MRS. E.C. BOLANDER, BOX 128, CARMEN, ID 83462

Source: SALMON RIVER tributary to SNAKE

Priority Date: 03/30/1904

Amount: 140.00 CFS

Diversion Point: SESW SWNW Sec 17 T 22N R 22E, LEMHI Co.

Use: IRRIGATION (135.00 CFS) from 03/01 to 11/01
STOCKWATER (5.00 CFS) from 01/01 to 12/31

Place of Use: NESW NWSW SWSW SESW Sec 17 T 22N R 22E NENE NWNE SWNE SENE NENW
SENW NESE SESE Sec 07 T 22N R 22E NENW NWNW SWNW
Sec 08 T 22N R 22E NENE NWNE SWNE NENW NWNW SWNW SENW NESW NWSW
SWSW SESW NWSE SWSE Sec 05 T 22N R 22E NENE NWNE SWNE SENE NESW
SESW NESE NWSE SWSE SESE Sec 06 T 22N R 22E NENE NWNE SWNE SENE
NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
Sec 32 T 23N R 22E NENE SWNE SENE NESE NWSE SWSE SESE
Sec 31 T 23N R 22E NENE NWNE SWNE SENE NESE SESE
Sec 30 T 23N R 22E NENW NWNW SWNW SENW NESW NWSW SWSW SESW NWSE
SWSE Sec 29 T 23N R 22E SWSE SESE Sec 19 T 23N R 22E SWNE
Sec 20 T 23N R 22E FOR 2208 ACRES.

Diversion Means: HEADGATES AND DITCHES.

RECORDED
INDEXED