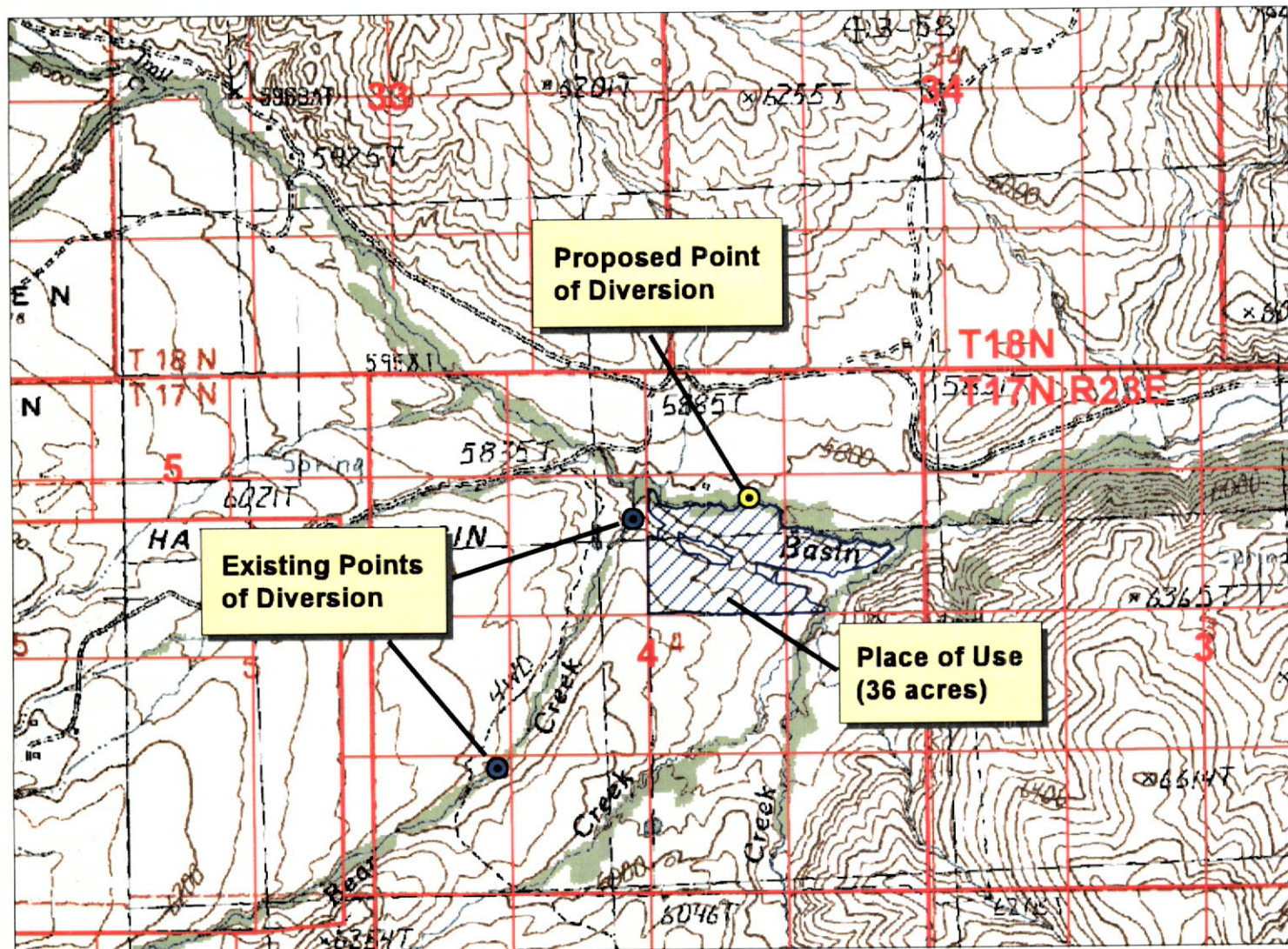
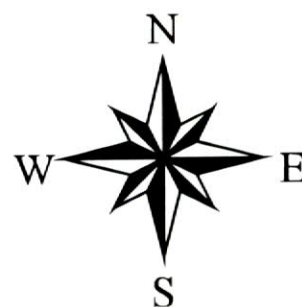




- Existing Point of Diversion
- Proposed Point of Diversion
- ▨ Place of Use

Transfer -- Kirkham
74-00979, 74-00980

MICROFILMED
 JAN 12 2001



**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
TRANSFER NO. T5807**

Notice is hereby given that Beverly Kirkham Heinz, 5529 Cottonwood Club Dr, Salt Lake City UT 84117, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 74-00979 Source: Bear Creek/Basin Creek
Amount: 0.21 cfs Priority: 04/01/1968

Point(s) of Diversion: SWSW SEC 4 T17N R23E, LEMHI COUNTY
The water is irrigation of 10 acres within SEC 4 T17N R23E.

Decree No.: 74-00980 Source: Bear Creek/Basin Creek
Amount: 0.53 cfs Priority: 04/01/1917

Point(s) of Diversion: SENW SEC 4 T17N R23E, LEMHI COUNTY
SWSW SEC 4 T17N R23E, LEMHI COUNTY

The water is irrigation of 26 acres within SEC 4 T17N R23E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to move the point of diversion out of Bear Creek down stream into Basin Creek at the SWNE SEC 4 T17N R23E.

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 August 28, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the *Recorder Herald* on August 10 and 17, 2000.

8-10-2tc

RECEIVED

SEP 25 2000

Department of Water Resources
Eastern Region

Affidavit of Publication

STATE OF IDAHO }

ss.

County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **IDAHO DEPT. OF WATER RESOURCES - NOTICE OF PROPOSED CHANGE, NO. T5807**, 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 issue(s), commencing with the issue dated **8-10-2000** and ending with the issue dated **8-17-2000**.

STATE OF IDAHO }

ss.

County of Lemhi

On this **22nd day of September** in this year of 2000 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.

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 2-19-2003

Publication Fee \$73.44

MICROFILMED
JAN 12 2001

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SEP 29 2000

DEPARTMENT OF WATER RESOURCES

SKJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5807
WATER RIGHT NO(S). 74-00979/74-00980

This is to certify that: **BEVERLY K HEINZ TRUST**
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

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>
Right No. 74-00979 :			
IRRIGATION	03/15 to 11/15	0.21 CFS	36.1 AF
Priority: 04/01/1968			
Right No. 74-00980 :			
IRRIGATION	03/15 to 11/15	0.53 CFS	91.7 AF
Priority: 04/01/1917			
	TOTAL:	0.74 CFS	126.0 AF *

SOURCE

** BASIN CREEK

TRIBUTARY OF

HAYDEN CREEK

LOCATION OF POINT(S) OF DIVERSION:

NESWNE , Sec. 4, Township 17N, Range 23E
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>
17N	23E	4	SWNE 28	SENE 8		36
Total number of acres irrigated:						36 *

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

JAN 12 2001

TRANSFER NO. 5807
WATER RIGHT NO(S). 74-00979/74-00980

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Bear Creek at the original points of diversion and at the point of diversion from Basin Creek.
- ** 7. Diversion of water from Basin Creek under Rights 74-00979 and 74-00980 is limited to those times water is available for diversion under these rights and priorities from the original source, Bear Creek.
- * 8. Right 74-00979 is limited to the irrigation of 10.3 acres in a in the place of use described above single irrigation season.
- * 9. Right 74-00980 is limited to the irrigation of 26.2 acres in a in the place of use described above single irrigation season.
- * 10. Rights 74-00979 and 74-00980 when combined shall not exceed a total annual maximum diversion volume of 126.0 af at the field headgate and the irrigation of 36.0 acres.

Dated this 29th day of September, 2000.


Chief, Water Allocation Bureau

MICROFILMED

JAN 12 2001

Transfer No. 5807

~~\$500~~
250

Phone (801) 277-5279

RECEIVED

SEP 8 2000

DEPARTMENT OF WATER RESOURCES

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ ~~Change place of use~~
☐ Change nature of use ☐ Change period of use ☒ Other **Create permissible place of use**

2. Describe the reason for the proposed changes. **Applicant wishes to move diversion from ditches with no headworks to pump in Basin Creek. Present ditch system does not allow for watermaster control and existing ditches are difficult to maintain and have high transmission loss. New system would include handlines for sprinkler irrigation.**

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
74-00979	04/01/1968	0.21 cfs	Irrigation	03/15 to 11/15
74-00980	04/01/1917	0.53 cfs	Irrigation	03/15 to 11/15
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

4. Point(s) of Diversion:

Hayden

[illegible]

5. Lands irrigated or place of use:

[illegible]

MICROFILMED

BAU 4 2 260

TS807

Total Acres 36

6. General Information:

- a. Description of diversion system Pump in Basin Creek to pipelines for sprinkler irrigation.**

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?**

_____ Yes _____ No. 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:

Permissible place of use will be created. Water right 74-00979 will irrigate 10 acres within the 36 acres listed as place of use and 74-00980 will irrigate 26 acres within the 36 acres listed.

- 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 the said application is hereby _____, subject to the following conditions:

[illegible]

Witness my hand this _____ day of _____, 20_____

For the Director

~~MICROFILMED~~

JAN 12 2002

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00979

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.21 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR CREEK	BASIN CREEK

Priority: 04/01/1968

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 4, Township 17N, Range 23E
LEMHI CountyPLACE OF USE:

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
17N	23E	4	:				08		02	:																						
																												TOTAL ACRES	* 10.0			

CONDITIONS/REMARKS:

1. AC. IRR.= 10.3.*

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

74-00980To 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:

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

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JAN 12 2001

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00980

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.53 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR CREEK	BASIN CREEK

Priority: 04/01/1917

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 4, Township 17N, Range 23E
 SWSW , Sec. 4, Township 17N, Range 23E
 LEMHI County

PLACE OF USE:

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	Lt	Ac	:	SUM
17N	23E	4	:				20		06			:									:																:	26.0
																																TOTAL ACRES				* 26.0		

CONDITIONS/REMARKS:

1. AC. IRR.=26.2.*

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

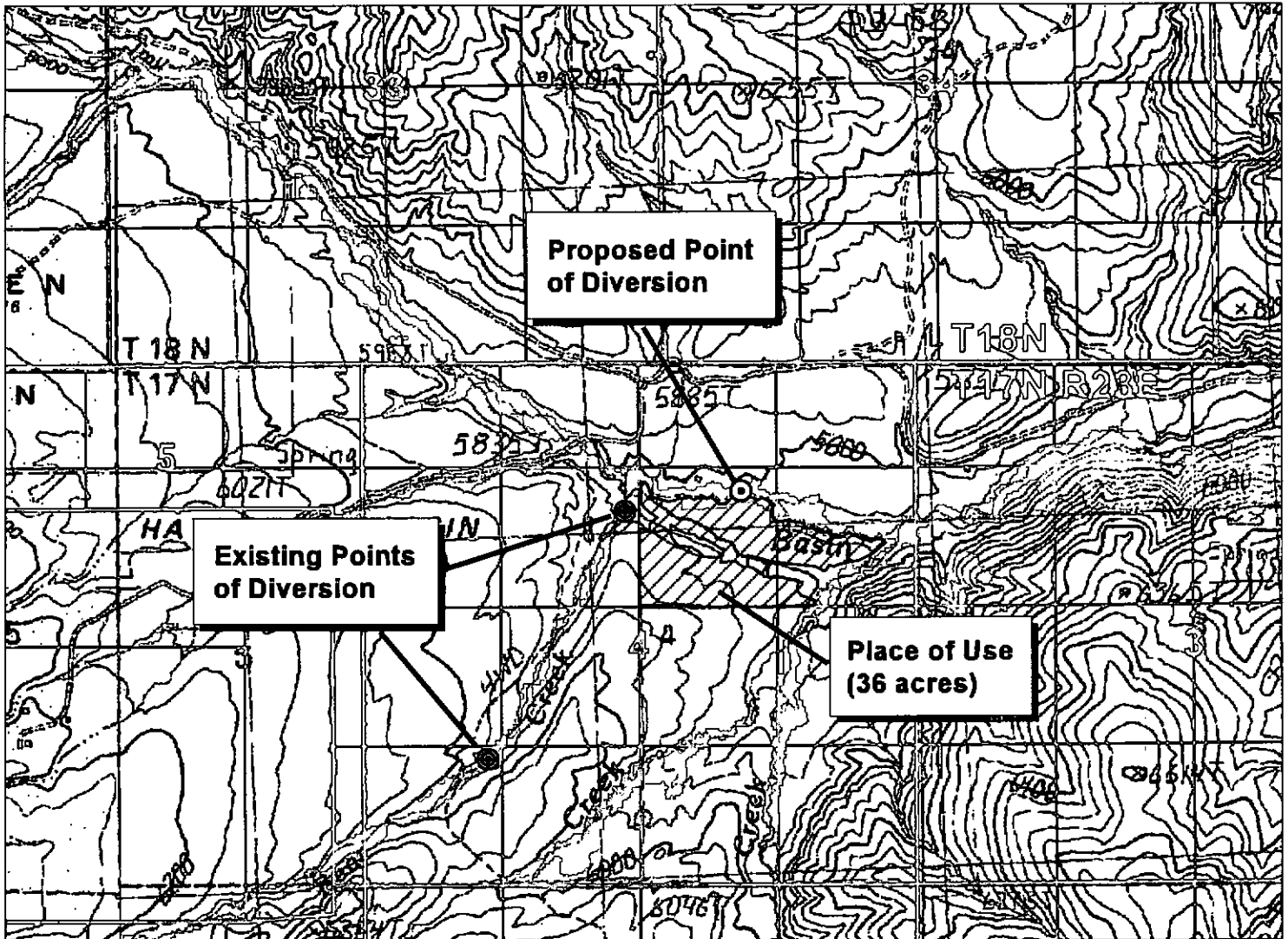
74-00979

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:

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☒ MICROSOLMED

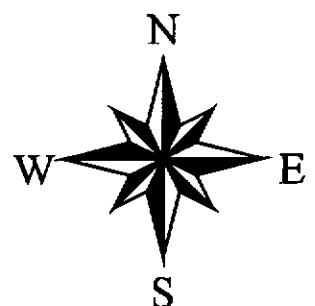
JAN 12 2001



- Existing Point of Diversion
- ⊙ Proposed Point of Diversion
- ▨ Place of Use

Transfer -- Kirkham
74-00979, 74-00980

MICROFILMED
 JAN 12 2001



B. CHANGES IN NATURE OF USE

1.

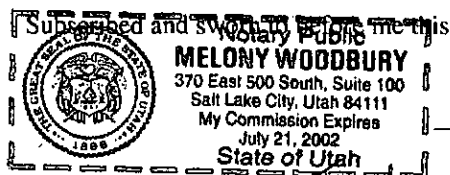
<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

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.

Dorely K. Leming
 (Signature of Applicant)



27th day of July, 2000

Melony Woodbury
 (Notary Public)

My commission expires July 21, 2002

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by [Signature] Date 7/3/00 Protest filed by _____

Prelim. Check by _____ Fee 250

Receipted by JC #E026018 Date 7/3/00

Published in Recorder Herald Copies of protest forwarded by _____

Pub. Dates Aug 10 & 17, 2000 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

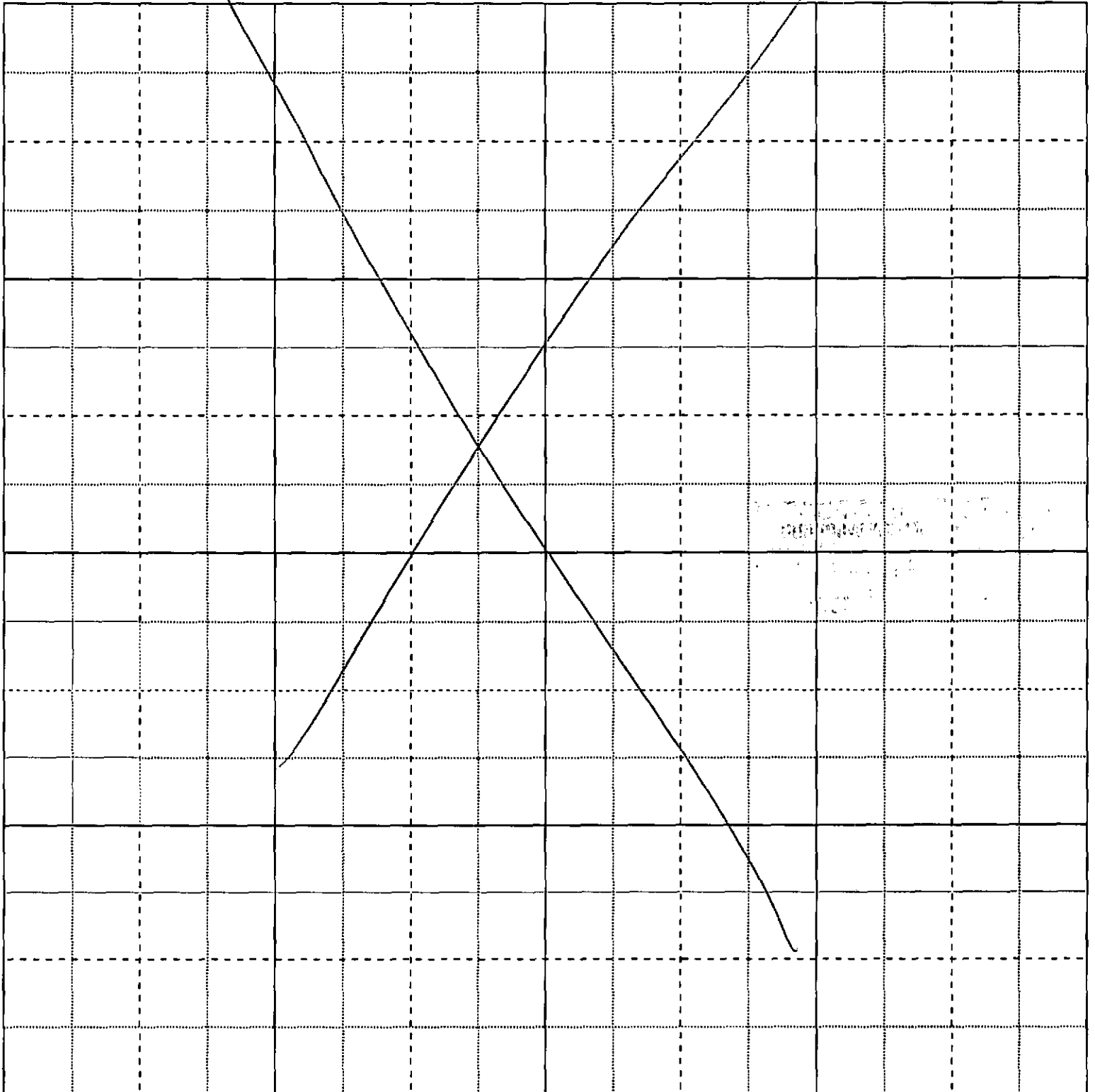
_____ received _____ by RRC MICROFILMED

Copy of transfer sent to lien holder _____

JAN 12 2001

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 the rights described in part 1. Clearly depict the land by section, township and range number.



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

05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 12

INDICATES TOTAL

SOURCE: BEAR CREEK

TRIBUTARY TO: BASIN CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM	USE TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0261	WHITSON, ISABEL P.O. BOX 22 LEMHI REMARKS: AC. IRR.=39.4. ID 83465	05-01-1911	IRRIGATION	03-15	11-15	.94 CFS	SESE S05 S4NW(36) SENE(03) DECREE S04 T17N R23E S04 T17N R23E	DECREE
74-2218	WHITSON, ISABEL P.O. BOX 22 LEMHI REMARKS: AC. IRR.=21.5. ID 83465	03-17-1917	IRRIGATION	03-15	11-15	1.00 CFS	SESE S07 N4NW(15) S08 T17N R23E L09 (SWSW)(06) S05 T17N R23E	DECREE
74-0980	KIRKHAM, LA VERNE KIRKHAM, NELL RT. 1 ASHTON REMARKS: AC. IRR.=26.2. ID 83420	04-01-1917	IRRIGATION	03-15	11-15	.53 CFS	SWSW S04 S4NE(20) SENE(06) DECREE T17N R23E S04 T17N R23E SENE S04 T17N R23E	DECREE
74-0914	WHITSON, ISABEL P.O. BOX 22 LEMHI REMARKS: AC. IRR.=100.2. ID 83465	04-01-1926	IRRIGATION	03-15	11-15	2.00 CFS	SESE S05 N4NE(10) T17N R23E S08 T17N R23E SENE S08 N4SW(28) SWSW(06) T17N R23E S04 T17N R23E NESE(22) SWSW(06) SESE(29) S05 T17N R23E	DECREE
74-0979	KIRKHAM, LA VERNE KIRKHAM, NELL RT. 1 ASHTON REMARKS: AC. IRR.=10.3. ID 83420	04-01-1968	IRRIGATION	03-15	11-15	.21 CFS	SWSW S04 S4NE(08) SENE(02) DECREE T17N R23E S04 T17N R23E	DECREE

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JAN 12 2001

Lemhi Decree



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 2000

BEVERLY K HEINZ TRUST
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

RE: TRANSFER OF WATER RIGHTS 74-00979/74-00980 (Transfer 5807)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5807). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Samula S. Skaggs

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

JAN 12 2001

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of October, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 74-00979/74-00980 (Transfer 5807)

**BEVERLY K HEINZ TRUST
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117**


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 2000

RICK SAGER
WATERMASTER
201 BROADWAY
SALMON ID 83467

RE: TRANSFER OF WATER RIGHTS 74-00979/74-00980
(Transfer 5807)

Dear Rick:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 5807) in the name Beverly K. Heinz Trust.

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

Sincerely,

Samuel S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

MICROFILMED

JAN 12 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

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

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

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5807

Date Reviewed 9-29-2000

CB

Right(s) 74-00979

74-00980

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

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

☒ I:Change P/D & P/U
Source

J:Add P/D & Change P/U

Proof of Ownership SEE T 5806/74-00265/County Assessor confirmed current owner as Beverly K Heinz Trust.

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 3-15 to 11-15

Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate .0200/dshare (5) Volume

(6) Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 74 Water District (12) NO Pertinent Conditions (13) NO Expansion w/limits

(5) Standard Vol $3.5 \times 10.3 = 36.1 \text{ afu}$ $3.5 \times 26.2 = 91.7 \text{ afu}$

(6) Change both rts. from Bear Creek to tributary, Basin Creek

(7) Change P/D (same as T5806)

(8) Create P/D

HWS confirmed claim in SRBA for 74-00980 on new system.

W35/36 acres + 126 afu

Transfer Remarks PP/U each rt. W249/original source Bear Creek

Conditions R04, R59, T07, T08, T09

Database/Processing Notes

Standard ☒ Non-Standard ☐

T files

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

CB 09-29-00

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
74-00980	KIRKHAM, LA VERNE	C		04/01/1917	D/	BEAR CREEK	IRR	WR
	KIRKHAM, NELL	C						
T74-00980	HEINZ, BEVERLY KIRKHAM	C		04/01/1917	D/	BASIN CREEK	IRR	WR

No apparent SRBA Claim - Confirmed by HWJ on new system. X

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 09/29/00

TIME: 09:44:19

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
74-00979	KIRKHAM, LA VERNE	C		04/01/1968	D/	BEAR CREEK	IRR	WR
	KIRKHAM, NELL	C						
T74-00979	HEINZ, BEVERLY KIRKHAM	C		04/01/1968	D/	BASIN CREEK	IRR	WR
A74-00979	HEINZ, BEVERLY KIRKHAM	C		04/01/1968	D/	BEAR CREEK	IRR	AJ

RECEIVED

SEP 25 2000

Department of Water Resources
Eastern Region

Affidavit of Publication

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5807

Notice is hereby given that Beverly Kirkham Heinz, 5529 Cottonwood Club Dr, Salt Lake City UT 84117, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 74-00979 Source: Bear Creek/Basin Creek
Amount: 0.21 cfs Priority: 04/01/1968

Point(s) of Diversion: SWSW SEC 4 T17N R23E, LEMHI COUNTY
The water is irrigation of 10 acres within SEC 4 T17N R23E.
Decree No.: 74-00980 Source: Bear Creek/Basin Creek
Amount: 0.53 cfs Priority: 04/01/1917

Point(s) of Diversion: SENW SEC 4 T17N R23E, LEMHI COUNTY
SWSW SEC 4 T17N R23E, LEMHI COUNTY
The water is irrigation of 26 acres within SEC 4 T17N R23E.

TO BE CHANGED AS FOLLOWS:
The applicant intends to move the point of diversion out of Bear Creek down stream into Basin Creek at the SWNE SEC 4 T17N R23E.

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 August 28, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published in the Recorder Herald
on August 10 and 17, 2000.

8-10-20c

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 IDAHO DEPT. OF WATER RESOURCES NOTICE OF PROPOSED CHANGE, NO. T5807, 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 issue(s), commencing with the issue dated 8-10-2000 and ending with the issue dated 8-17-2000.

STATE OF IDAHO }
County of Lemhi } ss.

On this 22nd day of September in this year of 2000 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.

Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 2-19-2003

Publication Fee \$73.44

JAN 12 2001

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SEP 29 2000

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

7-31-00
75807

INITIAL REVIEW BY: HWS

1. Right number 74-00919
74-00980 Applicant Beverly Heinz

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

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

4. Check:
a. ☒ Source ☐ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

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SEP 8 2000

DEPARTMENT OF WATER RESOURCES

5. Amount of land &/or water transferred:

a. ☒ All of right.

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

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

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

e. ☒ Check description of place of use

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

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

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

i. ☒ Check for expansion in use of right. Comments Will this expand opportunity to
get water in larger stream?

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

Right number(s) NA

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

If yes, what district? WD 74 - Rick Sager - Send copy to Fish Game (Salmon)
Will this interfere with existing right holders on Hayden Creek

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☐ Yes ☐ No

4. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By RSC Date 9/11/2000

(Original Copy on Back)

The Recorder Herald, Thursday, August 10, 2000

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**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
TRANSFER NO. T5807**

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KARL J. DREHER

Director

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8-10-2tc

**NOTICE TO CREDITORS
Case No. SP-99-2**

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE ESTATE OF:

RAY EDWIN SANDSTROM,
Deceased.

NOTICE IS HEREBY GIVEN That Emily Sandstrom has been appointed personal representative of the above named decedent. All persons having claims against the decedent or his estate are required to present their claims within four (4)

months after the date of the first publication of this notice or said claims will be forever barred. Claims must be presented to the undersigned at the address indicated, or filed with the Clerk of the Court.

ANDERSON; NELSON; HALL, SMITH

By: /s/ Marvin M. Smith
Attorneys for Personal Representative

Marvin M. Smith
ANDERSON NELSON HALL SMITH, P.A.

409 Memorial Drive
Post Office Box 51630
Idaho Falls, Idaho 83405-1630
Telephone: (208) 522-3001
Fax (208) 523-7254

8-10-3tc

**SUMMONS
CASE NO. CF-00-147**

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI
MAGISTRATE DIVISION
KENNETH L. JESSUP,
Plaintiff,

vs.

DONALD G. PECK and NAOMA PECK, husband and wife, THOMAS MANDRELL, BEVERLY MANDRELL, DEBORAH CHRISTENSON, MARIAN GERTRUDE FURNESS, and MARIE H. FURNESS,
Defendants.

TO: DONALD G. PECK NAOMA PECK, THOMAS MANDRELL, BEVERLY MANDRELL, DEBORAH CHRISTENSON, MARIAN GERTRUDE FURNESS, AND MARIE H. FURNESS

NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PETITIONER. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

YOU ARE HEREBY NOTIFIED that in order to defend this lawsuit, an appropriate written response must be filed with the above designated court within 20 days after service of this Summons on you. If you fail to so respond the court may enter judgment against you as demanded by the Plaintiff in the Complaint.

If you wish to seek the advice or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

an appropriate written response

a copy of your response to attorney, as designated above. To determine whether to pay a filing fee with your response, contact the Clerk of the named Court.

DATED this 3rd day of 2000.

CLERK OF THE DISTRICT COURT

/s/ Jana Eagle
Deputy Clerk

**NOTICE TO CREDITORS
CASE NO. SP00-51**

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO FOR THE COUNTY OF LEMHI
MAGISTRATE DIVISION
IN THE MATTER OF THE ESTATE OF:

DOYLE W. DANCE,
DOD: 06/16/99
and
LOA B. DANCE,
DOD: 03/01/99,
Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed co-personal representatives of the above-named estate. Persons having claims against decedents are required to present their claims within four (4) months after the date of the first publication of this notice or said claims will be forever barred. Claims against the estate must be presented to the undersigned or personal representatives at the address below indicated and filed with the Court.

DATED this 14 day of July
/s/ JERALD B. DANCE
/s/ VICKY DANCE SMITH
c/o Stephen J. Blaser
P.O. Box 1047
Blackfoot, Idaho 83221

STEPHEN J. BLASER
Blaser, Sorensen & Hansen, Attorneys at Law

285 N.W. Main
P.O. Box 1047
Blackfoot, Idaho 83221
(208) 785-4700

Fax No. (208) 785-7080
Attorneys for Personal Representatives

JAN 12 2001

Club Note

Stock and Stitch

The seventh meeting of the

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
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KARL J. DREHER

Director

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8-10-2tc

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The Recorder Herald, Thursday, August 17, 2000

MICROFILMED

JAN 12 2001

Transfer # 5807

APPLICATION FOR TRANSFER OF
WATER RIGHT NO.

74-00979
74-00980

WATER DISTRICT:

WATERMASTER:

DATE: Aug 7, 2000

RECEIVED

AUG 09 2000

Department of Water Resources
Eastern Region

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES A NO

COMMENTS: _____

_____ I do endorse approval of this change.

_____ I do not endorse approval of this change.

I recommend the following conditions of approval:

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JAN 12 2001

Keith Sage
Watermaster



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FISH & GAME
PO BOX 1336
SALMON ID 83467

RE: Application for Transfer #5807

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is August 28, 2000, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

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JAN 12 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICK SAGER
WATERMASTER #74
RR1 BOX 52-A
SALMON ID 83467

RE: Application for Transfer #5806 and 5807

Dear Rick:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by August 28, 2000.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

MICROFILMED

JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BEVERLY KIRKHAM HEINZ
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

RE: Application for Transfer # 5806 and 5807

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on August 10 and 17, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

JAN 12 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 2000

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 dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before August 28, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



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JAN 12 2001

JAN 12 2001