

T 17N
R 24E

Mile
35
0

28

L45A

② 45B

L-45C-⊕

⊕ L-456

BM 5374 ~~1~~ Campground

017 000

L46Asc

⊕ 1-44

Gravel
Pit

New POD

Creek

*5694T

Landing Strip

777

~~5815~~

5685T*

x5765T

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MAR 26 1997

L 47.5

④ 49

PELE
555

Ri

5873AT

27

Gulch
26

25

T# 480

**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. 4809**

Notice is hereby given that Mark &/or Melissa McKinney, P.O. Box 17, Lemhi, ID 83465, has applied to the Department of Water Resources to change point of diversion of the waters of the Lemhi River tributary to the Salmon River. The right sought to be changed is evidenced by a Decree and recorded as follows:

Decree No. 74-00961 Decreed to Ira D. &/or Benita A. Brown in case of State of Idaho vs. Ira D. &/or Benita A. Brown dated June 17, 1971 in Idaho county of Lemhi.

Source: Lemhi River
Amount: 0.40 cfs Priority: 04/01/1902

Point (s) of Diversion: SESE, Sec 14, T17N, R24E, L-46

The water is used to irrigate 13.3 acres from 3/15 to 11/15 within the SENW, Sec 10, T17N, R24E, B.M.

**TO BE CHANGED AS FOL-
LOWS:**

The water will be diverted from the NWNW, Sec 24, T17N, R24E, L-46A. 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, 83404, together with a protest fee of \$25 on or before May 20, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published in the Recorder Herald on May 2 & 9, 1996.

5-2-2tc

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 4809

, 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 5/2, 19 96 and ending with the issue dated 5/9, 19 96

STATE OF IDAHO }
County of Lemhi } ss.

On this 9th day of MAY 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.

Shirley K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 46.44

Account No. 630

MAR 26 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4809
WATER RIGHT NO. 74-00961

This is to certify that: **MARK MCKINNEY**
MELISSA MCKINNEY
PO BOX 17
LEMHI ID 83465

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	* 0.40 CFS	46.6 AF

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

Priority: 04/01/1902

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 24, Township 17N, Range 24E
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	24E	10	SENW	13.3		13.3
Total number of acres irrigated:						13.3

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. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
4. 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.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

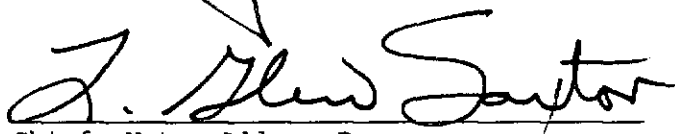
RECORDED
MAR 26 1937

TRANSFER NO. 4809
WATER RIGHT NO. 74-00961

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. 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.
- * 8. 0.13 cfs of Right No. 74-00961 is a portion of the right which is used for conveyance losses.

Dated this 4th day of February, 1997.


Chief, Water Alloc. Bureau

RECORDED
MAR 26 1997

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4809

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

AUG 09 1996

Name of applicant Mark and/or Melissa McKinney Phone (208) 768-2453
Post Office address PO Box 17 Lemhi ID. 83465

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes elimination of one Lemhi River diversion by consolidation

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 |
|-----------------|------------|-----------------------|------------------|--|
| 74-00961 | 04-01-1902 | 0.40 cfs | irrigation | 3-15
~~04-01~~ to 11-15
11-01 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.40 cfs cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Lemhi River tributary to Salmon River
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 13.3

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Witness my hand this _____ day of _____, 19____

This is to certify that I have examined Application for Transfer of Water Rights No. _____, subject to the following limitations and conditions:
And said application is hereby _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

d. Remarks:

elimination of one diversion and fish screen will reduce fish
passage obstacles and maintenance cost to irrigators and fish
& game

ADVICE

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

trust, mortgage or contract agreeing to the proposed changes.

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

1458.

6. General Information:

a. Description of diversion system Rock berm in river, headgate, ditches to place of

PART 1

Transfer No. 4809

Page _____ of _____

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. 74-00961 Decreed to IRA D. and/or Benita A. Brown
in case of STATE OF IDAHO vs. IRA D. & Benita A. Brown
dated June 17, 1971 in IDAHO county of Lemhi
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Lemhi River tributary to Salmon River

4. Date or priority 04-01-1902

5. Water is used for the following purpose:

amount 0.40 cfs for irrigation purposes from 3-15 to 11-15
(cfs/ac-ft) 04-01
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.40 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	14	17N	24E	Lemhi	L-46

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	24E	10								13.3									13.3

Total acres 13.3

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

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

RN 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 | |
|-------------|--|-----|--|---------------|--|----|--|
| (cts/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cts/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cts/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cts/ac-ft) | | | | | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

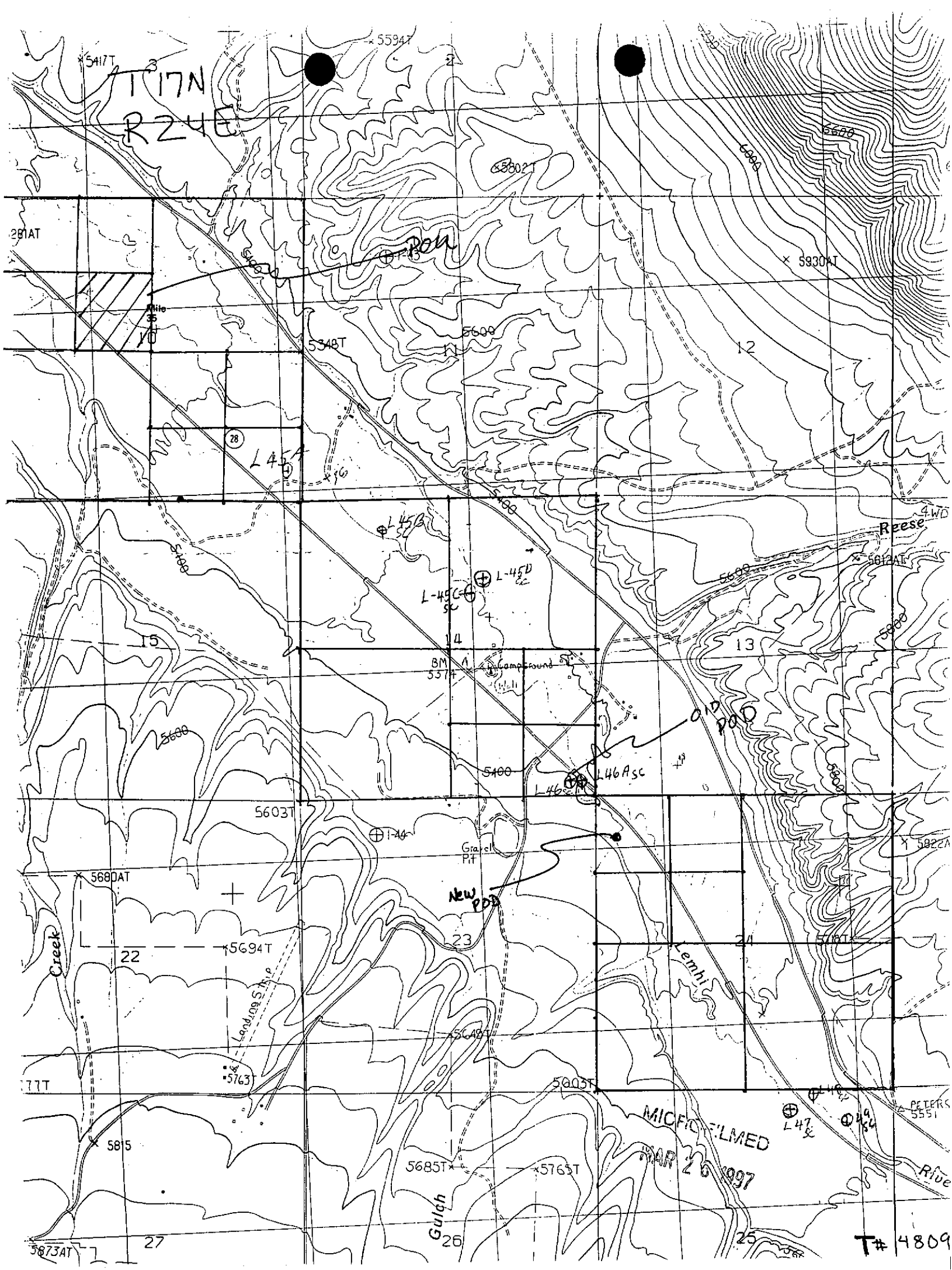
- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |

[illegible]

3. Lands irrigated or place of use:

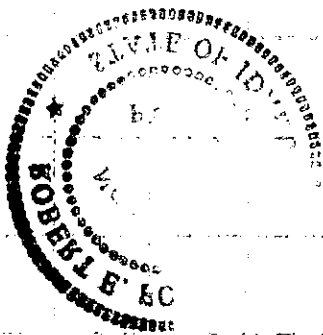
[illegible]

Total acres



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

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



*(See Attached
Topo. Map)*

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PART 3**B. CHANGES IN NATURE OF USE**

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

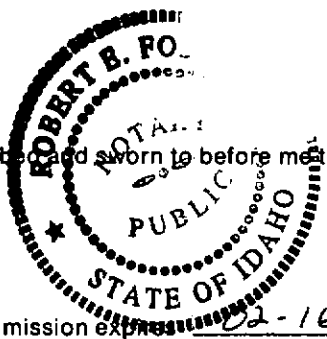
2. Quantity and quality of return flows and location of discharge:

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

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

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

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



Mark McKinney

(Signature of Applicant)

27th

day of

March

, 19 96

Robert E. Folsom

(Notary Public)

My commission expires 02-16-2001**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by WM Date 3/29/96

Protest filed by _____

Prelim. check by _____ Fee \$100.00Received by HJ #E022021 Date 4-2-96Published in Recorder Herald

Copies of protest forwarded by _____

Pub. dates May 2 and 9, 1996

Hearing held by _____ Date _____

Watermaster recommendation requested on 5-1-96Recommended for ☒ approval ☐ denialWater Dist 74 rec'd. 5-9-96by RDC

Copy of transfer sent to lien holder _____

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MAR 26 1997

MAKE CHECK PAYABLE TO:
 MARY ANN HEISER(208)756-2816
 LEMHI COUNTY TAX COLLECTOR
 206 COURTHOUSE DRIVE
 SALMON, IDAHO 83467

TAX BILL/RECEIPT
 TAX YEAR 1995
 CODE AREA 3-00
 BILL NO 7266

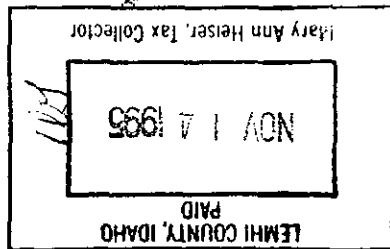
PARCEL NUMBER
 RP17N24E100600A
 50,733
 64,177

1ST TAX 353.43 2ND TAX 353.43
 HALF PEN INT COST TOT
 HALF PEN INT COST TOT

TOT MV 114,910
 HM- 17,575

NET MV 97,335
 WAC 8,469
 TOT ACS 191,531

YEARIAN R
 % MC KINNEY MARK
 PO BOX 17
 LEMHI
 ID 83465



TAXING DISTRICT **RATE** **AMOUNT**
 STATE .0000000000
 LEMHI COUNTY .002649299
 SCHOOL DIST 292 .003431404
 DISTRICT TOTALS .006080703
 SALMON TV DIST.
 SOLID WASTE
 AMOUNT DUE 706.86

S2NW4 W2NE4 SE4NE4
 10 17 24

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 MAR 26 1997

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK
 PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

AVOID LATE FEE & INTEREST---MAIL EARLY.
 ** \$25 WILL BE ADDED FOR CHECKS RETURNED BY BANK.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

SOURCE: LEMHI RIVER TRIBUTARY TO: SALMON RIVER

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0523	P.O. BOX 48 TENDON REMARKS: DIV. L-27. AC. IRR.=76.5.					LT02 (NWNE)(08) S06 T19N R24E	
74-0788	SHOUP, GEORGE LAIRD SHOUP, RAMANA L. TENDON REMARKS: DIV. L-27.	07-06-1899	IRRIGATION 03-15 11-15	.06 CFS	SENE S07 T19N R24E	S06 T19N R24E	DECREE
74-0591	NELSON, CLYDE S. NELSON, RUBY M. RT. 1 SALMON REMARKS: AC. IRR.=10.7. DIV. L-2B.	04-01-1900	IRRIGATION 03-15 11-15	.32 CFS	NENW S09 T21N R22E	S09 T21N R23E S4SW(04) SESE(02) S04 T21N R23E	DECREE
74-0592	NELSON, CLYDE S. NELSON, RUBY M. RT. 1 SALMON REMARKS: AC. IRR.=46.8. DIV. L-3.	04-01-1900	IRRIGATION 03-15 11-15	1.40 CFS	NENW S10 T21N R22E	N4SW(02) NWSE(03) S4SW(06) SESE(20) S4SE(13) SESE(03) S04 T21N R22E	DECREE
74-0470	NANCOLAS, RAYMOND E. NANCOLAS, STELLA K. P.O. BOX 5 BAKER REMARKS: DIV. L-14.	09-23-1901	IRRIGATION 03-15 11-15	.06 CFS	NESW S03 T20N R23E	S04 T20N R23E	DECREE
74-0961	BROWN, IRA D. BROWN, BENITA A. P.O. BOX 17 LEMHI REMARKS: AC. IRR.=13.3. DIV. L-46.	04-01-1902	IRRIGATION 03-15 11-15	.40 CFS	SESE S14 T17N R24E	S10 T17N R24E	DECREE
74-0677	SMITH, MARION R.	04-30-1902	IRRIGATION 03-15 11-15		NESW S30 SWNE(17)	SENE(02)	DECREE

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MAR 2 1997

RECEIVED

COPY

APR 1985

Department of Water Resources
Western Regional Office

Filed in District Court Lemhi County

Idaho, Jan 7 1982

at 10 minutes past 1 o'clock A.M.

Robert L. Hildner Clerk

By Debra L. Lang Deputy

File of Findings

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 GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE WATERS AND)
TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948

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

The report of the Idaho Department of Water Resources ("Water Resources" herein) entitled PROPOSED FINDING OF WATER RIGHTS IN THE LEMHI RIVER BASIN was filed with this court on July 9, 1974. The report contains FINDINGS OF FACT, CONCLUSIONS OF LAW, and a LISTING OF WATER RIGHTS.

As a result of objections filed to the PROPOSED FINDINGS, changes were made to the Findings of Fact, Conclusions of Law, and the Listing of Water Rights. These amendments, additions, and deletions to the PROPOSED FINDINGS are set forth in two documents already on file with the court: (1) the "Special Master's Report on Specific Objections," filed April 7, 1982 and adopted by order on September 16, 1982; and (2) the "Stipulation Resolving General Objections" filed February 12, 1982. A third document, "Order Correcting Clerical Oversights in Proposed Finding of Water Rights," filed November 16, 1982, corrects typographical errors in the PROPOSED FINDINGS. Finally, permits listed in the PROPOSED FINDINGS which have become licensed on or before the date of this partial decree will be decreed in their licensed form.

This partial decree does not include any of the rights on Geertson Creek and its tributaries because they were already the subject of a partial decree which is on appeal to the Idaho Supreme Court. The rights of the United States Department of Agriculture, Forest Service, are also not included because they

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MAR 26 1987

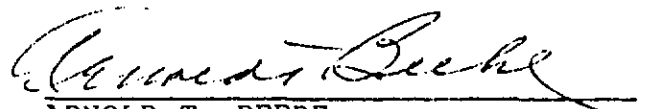
have yet to be resubmitted following the decision of U.S. v. New Mexico.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the water rights of the Lemhi River Basin with the exceptions noted above are as described in the PROPOSED FINDING OF WATER RIGHTS IN THE LEMHI RIVER BASIN, as amended by:

1. Special Master's Report on Specific Objections;
2. Stipulation Resolving General Objections;
3. Order Correcting Clerical Oversights in Proposed Finding of Water Rights; and
4. Licenses issued on or before the date of this partial decree for permits listed in the PROPOSED FINDINGS;

all of which are incorporated herein by reference.

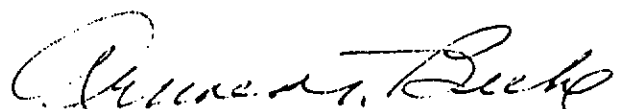
DATED this 30th day of December, 1982.


ARNOLD T. BEEBE
District Judge

Rule 54(b) Certificate

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

DATED this 30th day of December, 1982.


ARNOLD T. BEEBE
District Judge

STATE OF IDAHO) ss. NO. 175352
COUNTY OF LEMHI)

This instrument was filed for record at the request of
Dept. of Water Resources
on 11:10 A.M. April 3, 1985
and duly filed and indexed in the file of
JUDGMENTS Records of Lemhi County,
Idaho.

Alberta Wiederrick

Ex-Officio Recorder

By Pauline Brown Deputy
From None

MICROFILMED

MAR 26 1987

PARTIAL DECREE, Page 2

Return to: Josephine Beeman,
Deputy Attorney General
Dept. of Water Resources
Statehouse
Boise, Idaho 83720

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

Case No. 4948

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHT TO
THE USE OF SURFACE WATERS AND
TRIBUTARIES FROM WHATEVER
SOURCE OF THE LEMHI RIVER
DRAINAGE BASIN

Plaintiff,

NOTICE

Defendant.

I hereby certify that, pursuant to Rule 77(d), I. R. C. P., Notice is hereby given to the following that Document noted as:

Order dated _____

Judgment dated December 30, 1982

was filed of record in the District Court of the Seventh Judicial District, Lemhi County, Idaho, this 4th day

January 1983, to: enter PARTIAL DECREE PURSUANT TO RULE 54(b)

Copies to:

State of Idaho
Statehouse Room 210
Boise, Idaho 83720
Telephone (208) 334-2400

- 13 George C. Peterson, Jr.
14 485 "E" Street
14 Idaho Falls, ID 83401
15 Kent W. Foster
16 P.O. Box 129
16 Idaho Falls, ID 83401
17 Honorable H. Reynold George
18 585 N. Capital Avenue
18 Idaho Falls, ID 83401
19 Honorable Milton A. Slavin
20 P.O. Box 1103
20 Salmon, ID 83467
21 James C. Herndon
22 P.O. Box 789
22 Salmon, ID 83467
23 Jack G. Voshell
24 598 N. Capital Avenue
24 Idaho Falls, ID 83401
25 Ray W. Rigby
26 P.O. Box 250
26 Rexburg, ID 83440
27 Sherman F. Furey, Jr.
28 P.O. Box 1127
28 Salmon, ID 83467
29
30
31
32

Guy G. Hurlbutt
U.S. Attorney
Warren Derbidge
Assistant U.S. Attorney
Box 037, FBUSCH
550 West Fort
Boise, ID 83724

John E. Linskold
Trial Attorney
U.S. Department of Justice
Land and Natural Resources Div.
1961 Stout Street, Drawer 3607
Denver, Colorado 80294

Dean A. Gardner, Esq.
Office of General Counsel
U.S. Dept. of Agriculture
Room 205, Forest Service Building
507 25th Street
Ogden, Utah 84401

Fred Snook
P.O. Box 1227
Salmon, ID 83467

Alberta Wiederrick, Clerk of District
Court
by Beverly J. Laughlin Deputy

MOTION FOR PARTIAL DECREE

MICROFILMED

2017 2 6 10:12



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

February 5, 1997

MARK MCKINNEY
MELISSA MCKINNEY
PO BOX 17
LEMHI ID 83465

RE: WATER RIGHT NO. 74-00961
TRANSFER NO. 4809

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4809). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Also, 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 to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

MICROFILMED
MAR 26 1997



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

February 5, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICK SAGER, WATERMASTER
DISTRICT NO. 74
201 BROADWAY
SALMON ID 83467

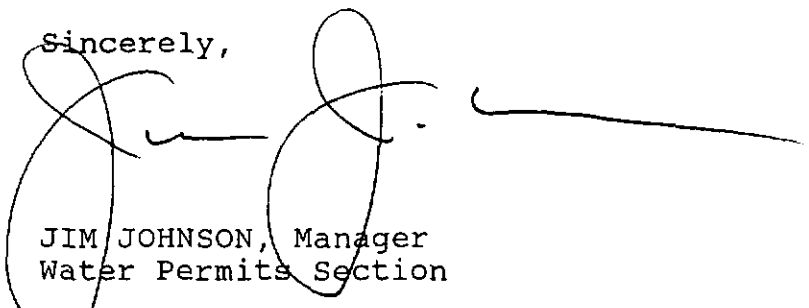
RE: WATER RIGHT NO. 74-00961
TRANSFER NO. 4809

Dear Rick:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer No. 4809) in the name of Mark and Melissa McKinney. Also included is a copy of the reviewer's notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:ph

Enclosure

MICROFILMED

MAR 26 1997

MEMORANDUM

TO: FILE NO. 74-00961

FROM: PAM SKAGGS/STATE OFFICE *CS*

SUBJECT: TRANSFER NO. 4809

DATE: September 18, 1996

=====

Transfer No. 4809 was filed to change the point of diversion under Right No. 74-00961. The transfer is one of two to consolidate diversion through L-46A and eliminate the original point of diversion.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, measuring device/lockable controlling works, irrigation overlap, conveyance losses, right-of-way and standard transfer conditions.

MICROFILMED

MAR 26 1997

TRANSFER REVIEW SHEET
(04-96)

Transfer # 4809

Date Reviewed 9-18-96

Right(s) 74-00961

WRQ11 Print Split Summary N/A 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

Proof of Ownership NA P/D change only

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

Check Transfer Against Recorded Right

Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume

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

(11) 74 Water District (12) No Pertinent Conditions (13) No Expansion
WM Comment Revid. 5-9-96

(3) Standard Season 4-15 to 10-15

(5) Standard Vol 3.5 x 13.3 = 46.6 ac-ft < VDR

(7) Change P/D to neighboring RR 1/4 mile

(4) .02 x 13.3 = .27 cfs .40 cfs - .27 cfs = .13 cfs for conveyance

Transfer Remarks .13 cfs conveyance Fish Screen No per LGR 10-3-96
Conditions R04, R43, R30, T04, T07, T08, T09
R25

Database/Processing Notes

Standard ☒

Non-Standard ☐

T file

Special edit * rate & condition

WR Reports File Mark.His; 02-04-97

File Deleted 28

Transfer Memo Complete ☒

Database Updated 02-04-97 28

Approval Cover Letter

Standard ☒

Preliminary Order ☐

WR0749NP
No. T74-00961

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/19/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK MCKINNEY	04/01/1902	IRRIGATION	04/15 10/15	0.400 CFS	46.60 AFA
C	MELISSA MCKINNEY					
	PO BOX 17					
	LEMHI ID 83465					
	(208) 768-2453					
TOTAL DIVERSION:					0.400 CFS	46.60 AFA

Water Source: LEMHI RIVER

Tributary to: SALMON RIVER

Stage: DECREED

Point(s) of Diversion: T17N R24E S24 NWNW LEMHI County

Point of Diversion Name(s):

Name	Rate	Number
T17N R24E S24 NW NW		L-46A

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
17N	24E	10	:				:				:				:	13.3
TOTAL ACRES																13.3

Pou County: LEMHI

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

74-00916 74-01731 T74-01556 T74-01589

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

74-00959 74-00961

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre not more than 3.5 afa per acre for the lands above.
- T04 - 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.
- 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.

WR0749NP
No. 174-00961

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/19/96
PAGE: 2

Conditions of Approval:

- 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.

Remarks:

A portion of Right No. 74-00961, 0.13 cfs, is limited to use for conveyance purposes.

An adequate fish screen shall be maintained as part of the diverting works to comply with fish protection statutes as directed by the Department of Fish and Game.

*Delete
NO per UG*

Dates: App. Received: Priority Date: 04/01/1902
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 74 Field Exam Fee:

Comments: Date: 09/18/1996 User-ID: PSKAGGS Subject: TRANSFER NO. 4809
Transfer No. 4809 was filed to change the point of diversion
under Right No. 74-00961.

Audit: 04/15/96 RBODELL 09/18/96 PSKAGGS 09/19/96 PSKAGGS

SEAL	Water Right No.	Name Last, First	WON	Priority Date	STG/STS	Source	Use Desc	Year
-	74-00961	BROWN, IRA D.	C	04/01/1902	D/	LEMHI RIVER	IRR	WR
-		BROWN, BENITA A.	C					
-	T74-00961	MCKINNEY, MARK	C	04/01/1902	D/	LEMHI RIVER	IRR	WR
-		MCKINNEY, MELISSA	C					
-	A74-00961	MCKINNEY, MARK	C	04/01/1902	D/	LEMHI RIVER	IRR	AJ
-		MCKINNEY, MELISSA	C					

```
(Enter=Continue)      (GOLD7=This Query)      (GOLD8=Cancel)      (Menu _____)
Natural 2.1/7V      OVR      LIB=PRODLIBS      Last key was ENTR
```

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T#4809

INITIAL REVIEW BY: HWJ

1. Right number 74-00961 Applicant Mark for Melissa McKinney
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ 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) NA
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 74-Lake River

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 5-1-96 Received on 5-9-96
2. Is transfer published correctly? ☐ Yes ☐ No NO P 5-20-96
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

RECEIVED

AUG 09 1996

Department of Water Resources

RECEIVED

Department of Water Resources

4. By RDC Date 7/31/96 Copy Tr 50 54-96

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. T4809

WATER DISTRICT 74

WATERMASTER RICK SAUER

DATE: May 6, 1996

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

Yes, This Right Has Been Delivered for the
past 5 years

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

NONE

Rick Sauer
Watermaster

MICROFILMED

MAR 26 1997

RECEIVED

MAY 19 1996

Department of Water Resources
Eastern Region

**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. 4809**

Notice is hereby given that Mark &/or Melissa McKinney, P.O. Box 17, Lemhi, ID 83465, has applied to the Department of Water Resources to change point of diversion of the waters of the Lemhi River tributary to the Salmon River. The right sought to be changed is evidenced by a Decree and recorded as follows:

Decree No. 74-00961 Decreed to Ira D. &/or Benita A. Brown in case of State of Idaho vs. Ira D. &/or Benita A. Brown dated June 17, 1971 in Idaho county of Lemhi.

Source: Lemhi River

Amount: 0.40 cfs Priority: 04/01/1902

Point (s) of Diversion: SESE, Sec 14, T17N, R24E, L-46

The water is used to irrigate 13.3 acres from 3/15 to 11/15 within the SENW, Sec 10, T17N, R24E, B.M.

**TO BE CHANGED AS FOL-
LOWS:**

The water will be diverted from the NWNW, Sec 24, T17N, R24E, L-46A. 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, 83404, together with a protest fee of \$25 on or before May 20, 1996. The protestant must also send a copy of the protest to the applicant:

KARL J. DREHER

Director.

Published in the Recorder Herald on May 2 & 9, 1996.

5-2-2tc

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 4809

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 5/2, 19 96 and ending with the issue dated 5/9, 19 96

STATE OF IDAHO

County of Lemhi

ss.

On this 9th day of MAY 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.

Shirley K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 46.44

Account No. 630

MAR 26 1997

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4809

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The water is used to irrigate 13.3 acres from 3/15 to 11/15 within the SENW, Sec 10, T17N, R24E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NWNW, Sec 24, T17N, R24E, L-46A.

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 May 20, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Recorder Herald on May 2 & 9, 1996.

RECORDED

MAR 26 1997

O.K.



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

May 1, 1996

MARK AND/OR MELISSA MCKINNEY
PO BOX 17
LEMHI ID 83465

RE: Notice of Application for Transfer 4809

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Recorder Herald on May 2 & 9, 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

RECORDED

MAR 26 1997



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

May 1, 1996

RICK SAGER
WATER DISTRICT 74
201 BROADWAY
SALMON ID 83467

RE: Applications for Transfer No.'s 4800, 4801, 4809

Dear Mr. Sager:

Please find enclosed a copy of the above referenced applications. Please review the applications and submit any comments you may have to our Department as soon as possible.

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

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

MICROFILMED

MAR 26 1997