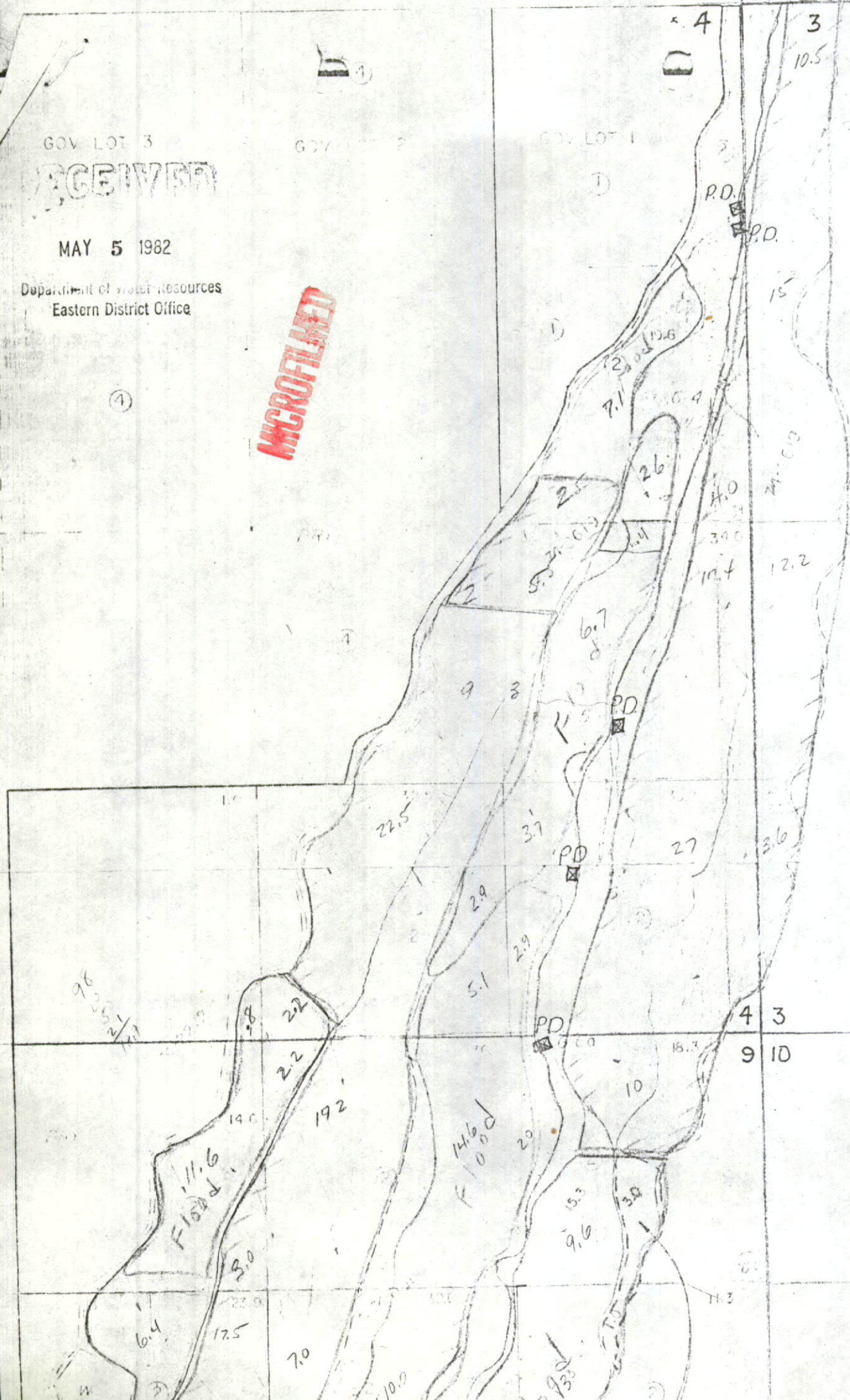
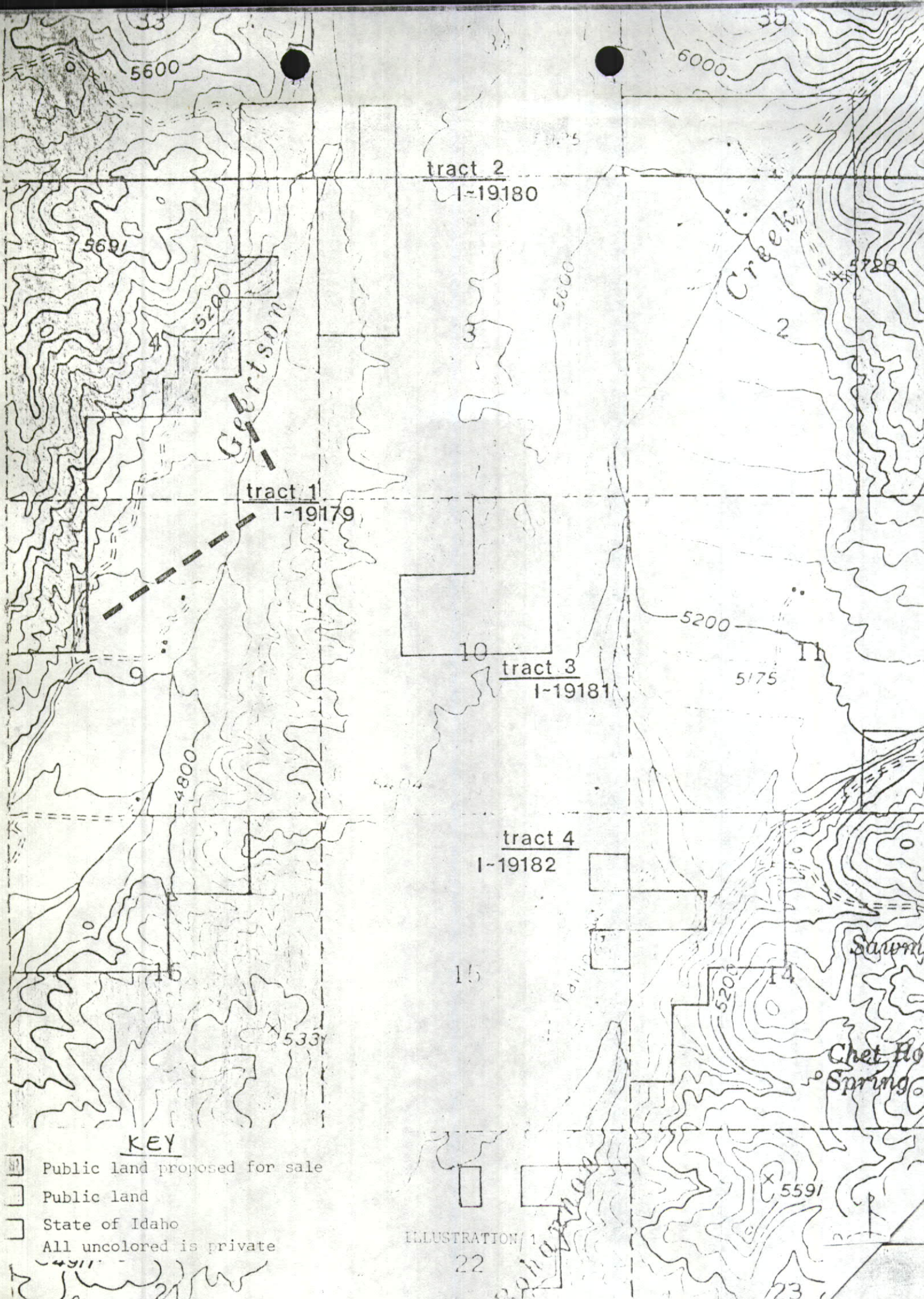


RECEIVED

Department of Water Resources
Eastern District Office

MICROFILMED





- KEY**
- ☒ Public land proposed for sale
 - ☐ Public land
 - ☐ State of Idaho
 - ☐ All uncolored is private
- 4911

ILLUSTRATION 1
22

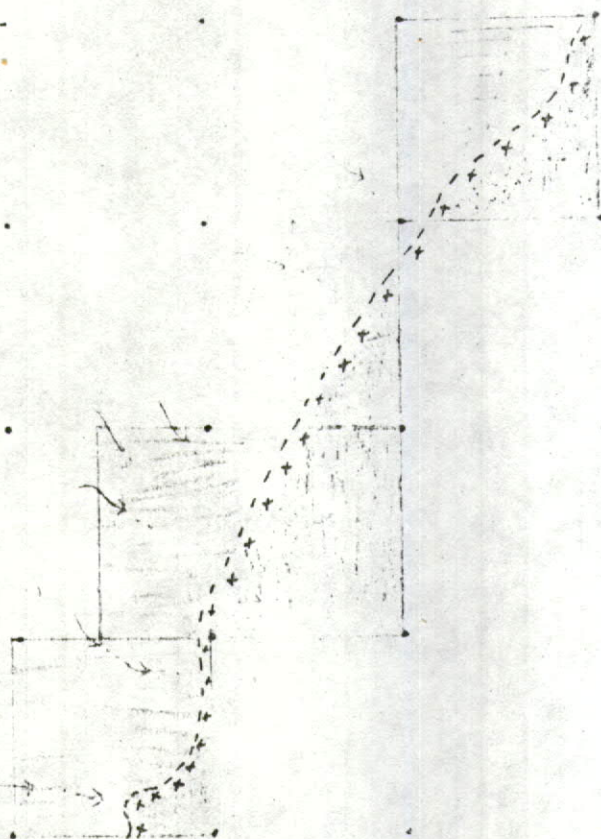
MICROFILMED

MICROFILMED

Tract #1
Serial Number I-19179

Township 21N, Range 23E., Base Meridian

33 34
4 3



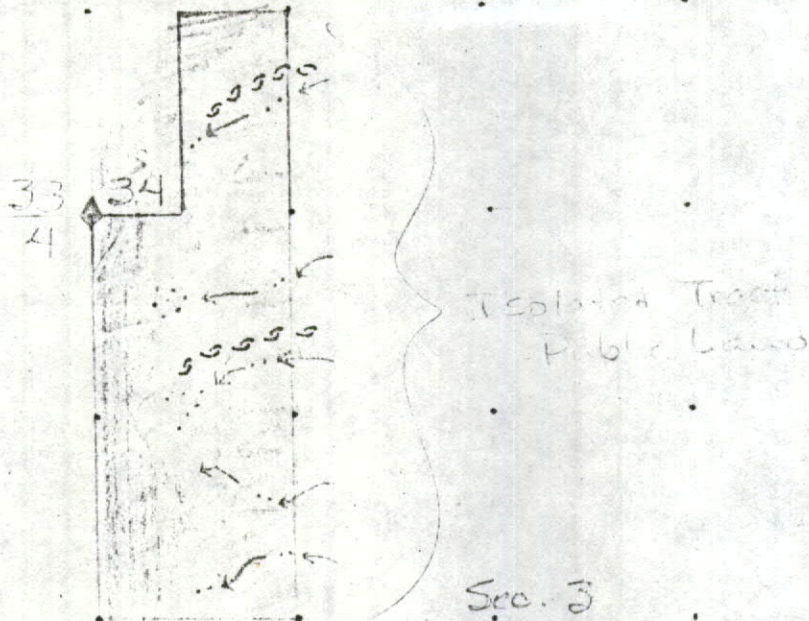
LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/8 mile

Subject Land		Irrig. alfalfa		Dry sagebrush/ grass hills
Found Sect.				
County Rec.				
Fence along road				

ILLUSTRATION 2

Township 22N, Range 23E, E01SE Meridian
21N, 23E



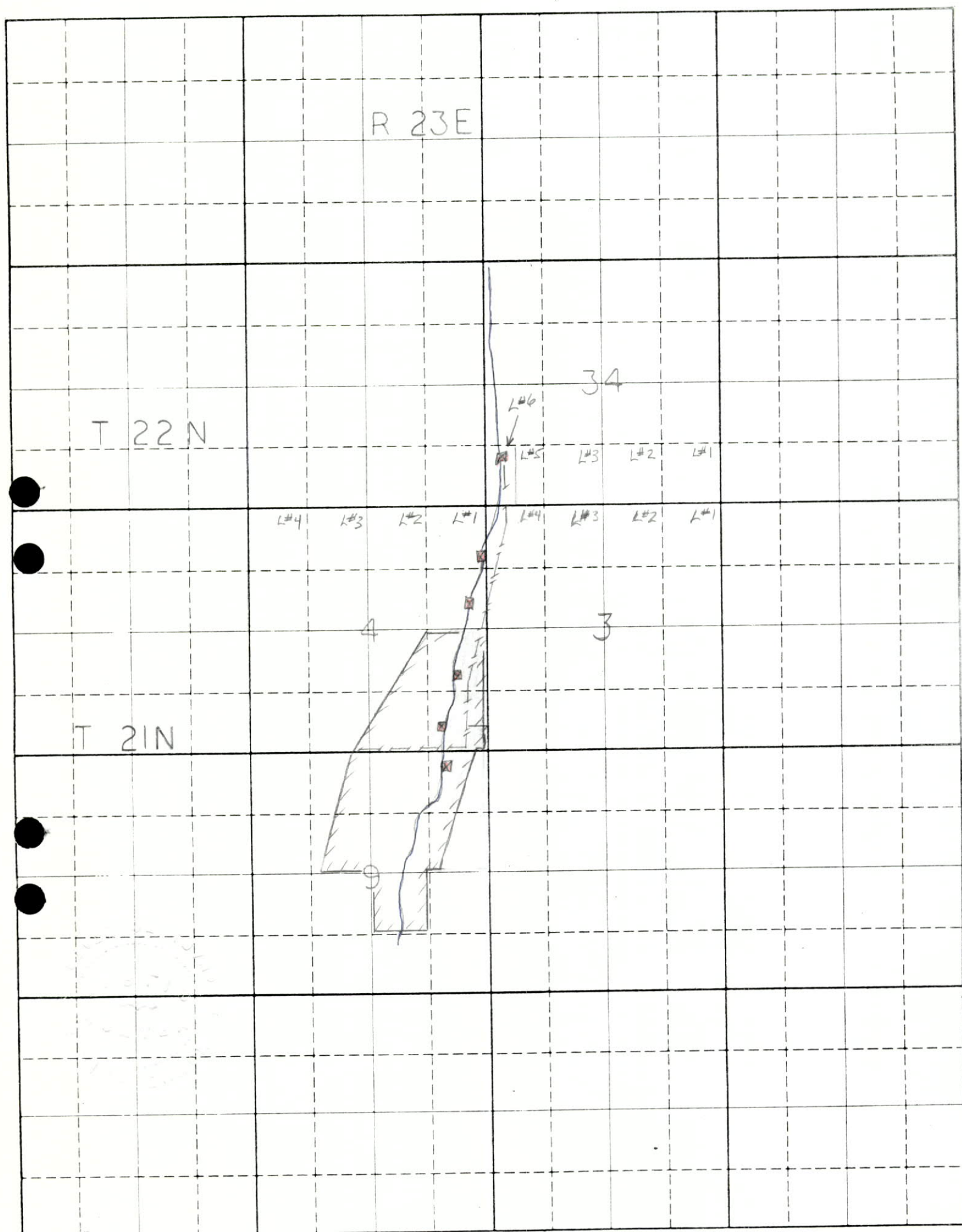
LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/4 mile

Subject tract		Brush
Found Section Corner		Drainage
Irrigated area	SS	Range
Unimproved sagebrush		

ILLUSTRATION 4

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

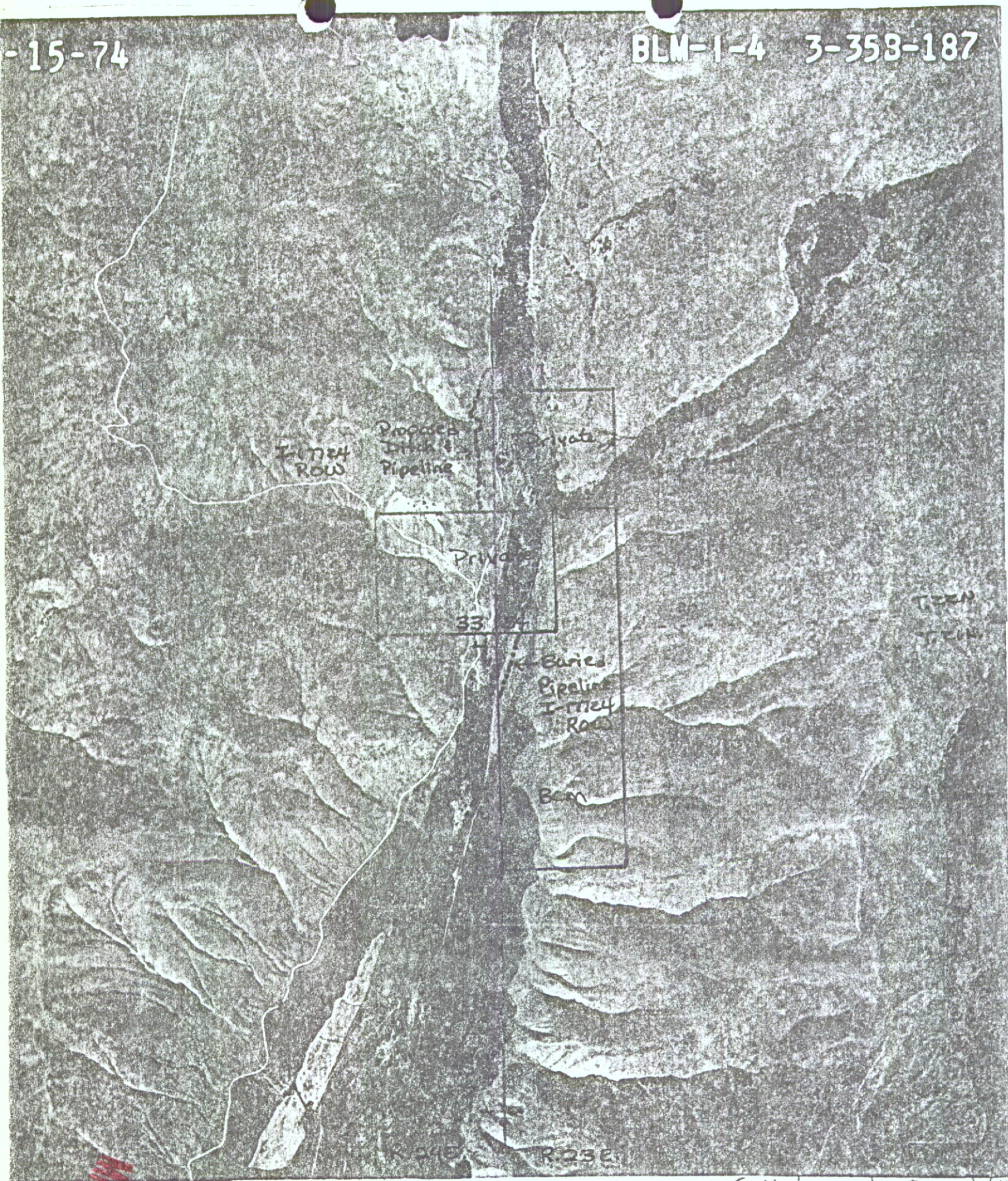


SCALE: 2 inches equal 1 mile. Draw plan in ink.

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-15-74

BLM-1-4 3-358-187



Goldstone mtn. Quad 412

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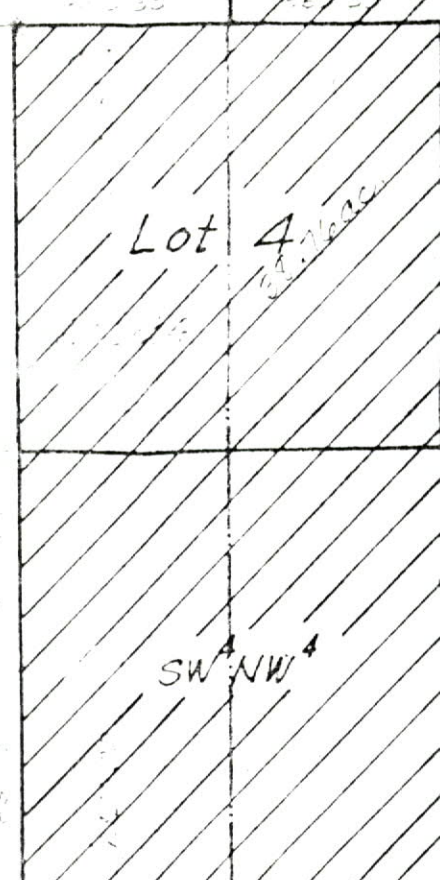
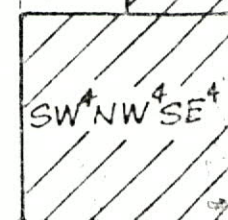
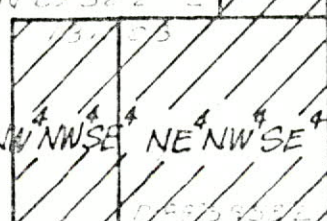
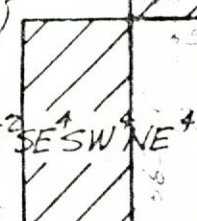
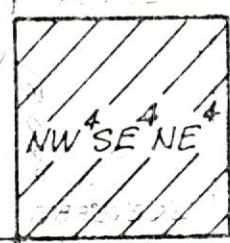
Lot 3

Lot 5

Lot 4

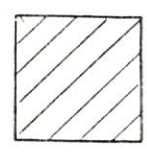
35° 02' 41"

Lot 3



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KEY

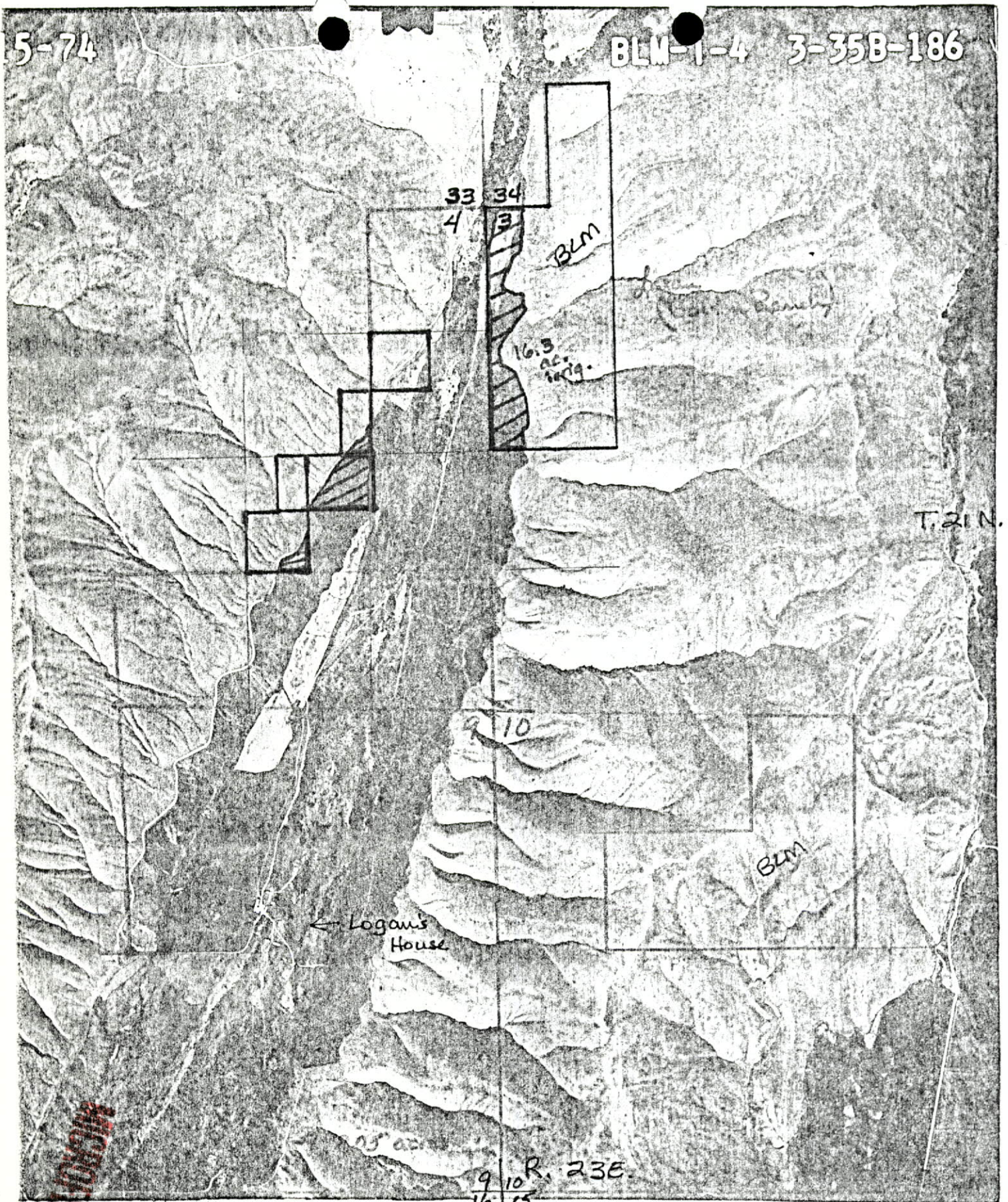


Lands that Logan would like to purchase

SW¹/₄ SE¹/₄ SE¹/₄ SE¹/₄

5-74

BLM-1-4 3-35B-186



RECORDED



Isolated tract
identified for disposal



Tracts Logan would
like BLM to sell



Unauthorized
Irrigated & cultivated
public lands

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 2580/74-0006/0007/0918/2272 IN THE) WITHDRAWAL
BOLTON RANCHES)
_____)

We/I hereby withdraw the above referenced application for transfer and request the Department void the application in the records.

Dated this 7th day of December, 1983.

Bolton Ranch Inc. By
David J. Zogor VP & Mgr.

RECEIVED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

Bolton, William B.

1.32

74-0918

~~2580~~ ~~WITHDRAWN~~ ~~Bolton Ranch Inc.~~

~~1.32~~

~~74-0918~~

2703

Bolton Ranch Inc.

1.32

74-0918

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF	)	
APPLICATION FOR TRANSFER NO. 2703 OF WATER RIGHT	)	ORDER ADOPTING
NOS. 74-0006/0007/0918/0619/2272/0624 IN THE	)	PROPOSED MEMORANDUM
NAME OF BOLTON RANCHES INC.	)	DECISION AND ORDER
	)	
	)	

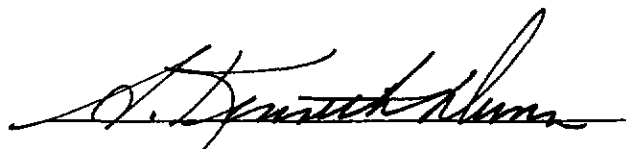
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on August 25, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 29 day of September, 1983.



A. KENNETH DUNN

Director

10/10/83

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

RECORDED
INDEXED

IN THE MATTER OF APPLICATION
FOR TRANSFER OF WATER RIGHT NOS.
74-0006/0007/0918/0619/2272/0624
IN THE NAME OF BOLTON RANCH INC.

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on November 16, 1982, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

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III.

ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATION OF SERVICE

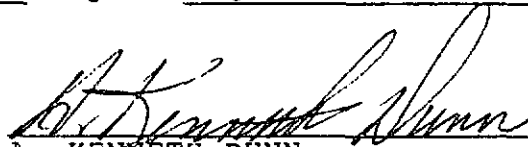
A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 25th day of August, 1983.



A. KENNETH DUNN

Director

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

IN THE MATTER OF APPLICATION FOR TRANSFER)
NO. 2703 ON WATER RIGHT NOS. 74-0006/0007/)
0918/0619/2272/0624 IN THE NAME OF BOLTON)
RANCH INC.)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On June 1, 1982, Bolton Ranch Inc. applied to the Department of Water Resources (IDWR) for an application to change the points of diversion and places of use for water rights numbered 74-0006, 74-0007, 74-0918, 74-0619, 74-2272 and 74-0624. While all these rights are listed in the Proposed Finding of Water Rights in the Lemhi River Basin, Case No. 4948 in the Seventh Judicial District Court, Lemhi County; the points of diversion for rights 74-0006, 74-0007, 74-0619, and 74-2272 were changed by Transfer No. 2580 granted to the applicant on April 7, 1982. Notice of the application was published in the Recorder Herald, Salmon, Idaho, on June 24 and July 1, 1982, with a notice of correction published on July 22 and 29, 1982. A protest by Vergil O. Olson and Verdell Olson against granting the transfer was received on July 9, 1982.

On November 16, 1982, at the Lemhi County Courthouse, Salmon, Idaho, IDWR held a combined hearing to consider the Olson's protest of this application and to conduct a rehearing on the issuance of Transfer 2580. The protestants, Vergil and Verdell Olson, were present and represented themselves. The applicant was represented by Dave Logan, Manager of Bolton Ranch, Inc. and Sherman Furey, Jr. Attorney at Law. Also present were Neil Ankrum and William Bramlette, past and present watermasters of Water District 74-A, Geertson Creek, respectively.

The rehearing on Transfer 2580 was continued pending the final action on Transfer 2703, since some of the rights proposed to be changed are duplicated by the transfers.

Dave Logan, Manager of Bolton Ranch, Inc. for the past four years, testified the property now owned by Bolton Ranch, Inc. originally consisted of five separate homesteads. These homesteads were combined under one ownership in the 1920's and have since been operated as a single unit. In 1979 and 1980, Bolton Ranch installed a gravity flow sprinkler system substantially changing traditional flood irrigation practices. Mr. Logan testified the changes

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identified in this application conform to the applicant's actual irrigation practices and can be summarized as follows:

Rights Nos. 74-0006 and 74-0007 have been consolidated and used on lands irrigated entirely by the sprinkler system through one point of diversion.

Right No. 74-0619 will be used as a supplemental right for those lands irrigated by the sprinkler system and as a primary right for the flood irrigation of other lands.

Right No. 74-0918 will be appurtenant to lands entirely flood irrigated through four points of diversion.

Right No. 74-0624 will also be appurtenant to the lands entirely flood irrigated and diverted through a single point of diversion.

Right No. 74-2272 will be appurtenant to lands that are entirely flood irrigated through two points of diversion. These lands, however, have the potential for being irrigated under the sprinkler irrigation system so the point of diversion for the gravity flow pipeline has been included under this right.

Mr. Logan indicated the changes in place of use proposed by the application do not identify any increases in the number of acres irrigated by each right. According to him, the applicant has already received a right-of-way for the pipeline to cross lands administered by the BLM and they have also settled an agricultural trespass for federal lands being irrigated by Bolton Ranch, Inc.

William Bramlette, the watermaster on Geertson Creek during 1982, testified that to his knowledge no other water rights would be adversely affected by the proposed transfer. It was his opinion that use of a single point of diversion for the earliest rights held by the applicant would simplify regulation for the watermaster.

Vergil Olson testified he objected to these changes in the place of use and points of diversion because of the effects it will have on return flows to Steel Gulch. Mr. Olson stated he also objected to all of the ditches constructed by the applicant in the past.

Verdell Olson testified the transfer would enlarge the number of acres irrigated.

The hearing officer, having considered testimony obtained at the hearing and information contained in the files and records of IDWR and based upon his understanding of the law, proposes the following Findings of Fact, Conclusions of Law, and Order.

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Review of Evidence

IDWR Records Considered:

1. Application for transfer of water rights numbered 74-0006, 74-0007, 74-0619, 74-0624, 74-0918, and 74-2272 receipted June 1, 1982.
2. Affidavit of publication of Notice of Proposed Change of Water Rights received July 2, 1982.
3. Affidavit of publication of Notice of Correction of Proposed Change of Water Rights received July 30, 1982.
4. Letter from Vergil Olson and Verdell Olson received July 9, 1982 protesting the application for transfer.
5. Proposed Findings of Water Rights in the Lemhi River Basin, Case No. 4948 in the Seventh Judicial District Court in Lemhi County.
6. Transfer No. 2580 approving a point of diversion change for water rights 74-0006, 74-0007, 74-0918, and 74-2272 approved by the Director of the Department of Water Resources on April 7, 1982.

Summary of Exhibits:

1. Applicant's exhibit No. 1, a map with a scale of eight inches equals one mile illustrating the new place of use for each of the water rights being transferred.

FINDINGS OF FACT

1. The applicant is the holder of rights 74-0619 and 74-0624 identified in the Proposed Finding of Water Rights in the Lemhi River Basin. Both these rights being based on diversion and beneficial use of water. The applicant was previously granted a point of diversion transfer for water rights Nos. 74-0006, 74-0007, 74-0918, and 74-2272.

2. The proposed changes to water rights described in this application are summarized as follows:

(a) No. 74-0006 - the place of use will be changed to 81.2 acres in the N1/2SE1/4, SW1/4SE1/4, Section 4, W1/2NE1/4, E1/2NW1/4, Section 9, both in Township 21 North, Range 23 East; with the three points of diversion reduced to one point in Lot 6, Section 34, Township 22 North, Range 23 East.

(b) No. 74-0007 - the place of use will be changed to 112.2 acres in Lot 6, Section 34, Township 22 North, Range 23 East, W1/2NW1/4, W1/2SW1/4, Section 3, SE1/4NE1/4, N1/2SE1/4, SE1/4SE1/4, Section 4, NE1/4NE1/4, Section 9, Township 21 North, Range 23 East; with the three points of diversion reduced to one point in Lot 6, Section 34, Township 22 North, Range 23 East.

PROPOSED

(c) No. 74-0619 - this will be a supplemental right for those lands under right 74-0006 and 74-0007 listed above. This right will also serve as a primary right for land in the NE1/4SE1/4, S1/2SE1/4, Section 4; N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4, Section 9; Township 21 North, Range 23 East. The total lands irrigated will be 250.1 acres. The seven points of diversion originally identified under this right will be consolidated and reduced to three points in Lot 6, Section 34, Township 22 North, Range 23 East, Lot 1, SE1/4SE1/4, Section 4, Township 21 North, Range 23 East.

(d) No. 74-0624 - the place of use will be changed to 7.7 acres in the NW1/4SE1/4, Section 9, Township 21 North, Range 23 East; with the two points of diversion reduced to a single point in the SE1/4SE1/4, Section 4, Township 21 North, Range 23 East.

(e) No. 74-0918 - the place of use will be changed to 66 acres in the SE1/4NE1/4, NE1/4SE1/4, Section 4, NE1/4NE1/4, S1/2NE1/4, E1/2NW1/4, N1/2SE1/4, Section 9, Township 21 North, Range 23 East; with the four points of diversion increased to five points in Lot 6, Section 34, Township 22 North, Range 23 East; Lot 1 (two points), NE1/4SE1/4, Section 4, NE1/4NE1/4, Section 9, Township 21 North, Range 23 East.

(f) No. 74-2272 - the place of use will be changed to 15.6 acres in the SE1/4SW1/4, SW1/4SE1/4, Section 4, NW1/4NE1/4, NE1/4NW1/4, Section 9, Township 21 North, Range 23 East; with the three points of diversion reduced to two points in Lot 6, Section 34, Township 22 North, Range 23 East, and Lot 1, Section 4, Township 21 North, Range 23 East.

3. The application identifies no change in the number of acres irrigated under each right or the total number of acres irrigated when the rights are used in combination.

4. The diversion in Lot 6, Section 34, Township 22 North, Range 23 East, is the headworks of a gravity flow sprinkler system. The other five points of diversion divert water into open ditches for irrigation of lands not watered by the sprinkler system.

5. The change from flood irrigation to sprinkler irrigation will reduce the amount of tail or waste water and will most likely result in less water flowing into Steel Gulch.

6. Geertson Creek is within the boundaries of State Water District No. 74-A.

7. Reducing the number of diversions from seven to six, is expected

~~UNCLASSIFIED~~

to simplify regulation by the watermaster and prevent injury to downstream rights.

8. Portions of land in the NW1/4SE1/4, SE1/4NE1/4, Section 4, Township 21 North, Range 23 East, have historically been farmed by the applicant and are included under the applicant's water rights. These lands are now recognized as being public lands administered by the BLM. There is also an isolated tract of land in the W1/2NW1/4, Section 3, Township 21 North, Range 23 East that is classified as public land administered by the BLM but historically has been farmed by the applicant and is included under the applicant's water rights. The Department in preparing the Proposed Findings of Water Rights in the Lemhi River Basin, consistently recommended that water rights be recognized on the public lands being irrigated in agricultural trespass.

CONCLUSIONS OF LAW

1. The proposed changes in points of diversion and places of use will not constitute an enlargement of those rights identified in the application.

2. The reduction in the amount of waste water flowing into Steel Gulch will affect the downstream users of Steel Gulch but it is a well established principle of law that no demand can be made by those downstream users to require the upstream users to continue to waste water for use by the downstream user.

3. The proposed changes will not increase the difficulty of regulation for the watermaster of Water District 74-A, Geertson Creek.

4. Approval of this application does not grant the applicant right-of-way or easement to the use of public lands described in the places of use for the applicant's water rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer of water rights Nos. 74-0006, 74-0007, 74-0619, 74-0624, 74-0918, and 74-2272 be and is APPROVED subject to the following conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works for each diversion identified under this transfer.

2. Use of water under these rights is subject to control of the watermaster of Water District No. 74-A, Geertson Creek.

3. Use of water under this transfer in no way grants any right-of-way

or easement across the lands of another.

4. The Director of the Department of Water Resources retains jurisdiction over this transfer until the adjudication of the Lemhi River Basin, Case 4948, is completed and the final decree is issued by the District Court of the Seventh Judicial District to allow the modification of the transfer to conform to the court's final decree.

Dated this 25 day of August, 1983.


BOBBY D. FLEENOR
Hearing Officer

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Transfer No. 2703

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVEDName of applicant Bolton Ranch Inc. Phone 756-3675Post Office address Route 1, Box 14 Salmon, Idaho 83467**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 74-0006 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. ~~License~~ ^{Transfer} No. 2580/74-0006 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5-1-1881

5. Water is used for the following purposes:

amount 0.60 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9
Township 21N Range 23E, B.M., in Lemhi County

Additional points of diversion, if any Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 4 T. 21N
R. 23E; Lot #6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34 T. 22N R. 23E

8. Lands irrigated or place of use:

RECORDED

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	9	15.3			10.3				23.9								31.7	81.2

Total number of acres to be irrigated 81.2

9. Describe any other water rights used for the same purpose as described above Right #74-0619
described in stipulation of Proposed Finding of Water Right- Lemhi

10. This water right is not subject to this water right under an annuity of five or more consecutive years River Drains

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0624

1. General Information

- a. Amount of water to be diverted 0.16 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate & Weir
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system

2. Change in point of diversion

Point of diversion ^(G-6) SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 Township 21N
 Range 23E, B.M., Lemhi County
 Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Right #74-0918 will be transferred to lands now irrigated

- c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	9													7.7				7.7

Total number of acres to be irrigated 7.7

4. Describe any other water rights used for the same purpose as described above. None

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-2272

1. General Information

- a. Amount of water to be diverted 0.54 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate & Weir
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system.

2. Change in point of diversion
(G-2)

(Lot #1)

Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4 Township 21N
Range 23E, B.M., Lemhi County
Additional points Lot #6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec 34, T.22N, R.23E.

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Right #74-0918 will be transferred to cover lands now irrigated.

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c. Describe the lands or place of use to which the right will be transferred:

FWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	4											.8				2.2		3
21N	23E	9		2.2				10.4											12.6

Total number of acres to be irrigated 15.6

4. Describe any other water rights used for the same purpose as described above. None

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0619.

1. General Information

- a. Amount of water to be diverted 3.4 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headworks for gravity flow sprinkler system & headgates & weirs
- c. Describe the reasons for the proposed changes To allow maximum use of the gravity flow sprinkler system.

2. Change in point of diversion

Point of diversion Lot #6 SW 1/4 SW 1/4, Section 34 Township 22N
 Range 23E, B.M., Lemhi County
 Additional points (G-3) NE 1/4 NE 1/4 (lot #1), (G-6) SE 1/4 SE 1/4, Sec. 4, T. 21N
R. 23E.

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Other rights will be transferred to lands now irrigated.

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c. Describe the lands or place of use to which the right will be transferred:

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	
22N	23E	34											L6 2						2
21N	23E	3					L4 10.5	15				12.2	3.6						41.3
		4				6.5									32.6	11.5	30.5 33.6		114.7
		9	12	33.8	20.6		3			17.5					5.2				92.1

Total number of acres to be irrigated 250.1

4. Describe any other water rights used for the same purpose as described above. #74-0006, 74-0007

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0918

1. General Information

- a. Amount of water to be diverted 1.32 c.f.s. &/or _____ acre feet
- b. Description of diverting works Lockable headgates & weirs
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system

2. Change in point of diversion

(G-5)
Point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 Township 21N
Range 23E, B.M. Lemhi County
Additional points (G-6A) NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.
(G-2 & G-3) NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot #1) Sec. 4, T. 21N, R. 23E.
Lot #6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34, T. 22N, R. 23E.

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Other rights will be transferred to cover those lands
now irrigated.

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	4				13.1									1.4				14.5
21N	23E	9	9.6		6	13	1.2			6.4					.5	14.8			51.5

Total number of acres to be irrigated 66.0

4. Describe any other water rights used for the same purpose as described above. None

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0007

1. General Information

- a. Amount of water to be diverted 1.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works headworks for gravity flow sprinkler system
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system.

2. Change in point of diversion

Point of diversion Lot #6 SW 1/4 SW 1/4, Section 34 Township 22N
 Range 23E, B.M., Lemhi County
 Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Water rights are being transferred to cover those lands now irrigated

- c. Describe the lands or place of use to which the right will be transferred:

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	
22N	23E	34										L6 2							2
21N	23E	3						10.5	1.5			12.2	3.6						41.3
		4				6.5									22.9	2.5		27	58.9
		9	10																10.0

Total number of acres to be irrigated 112.2

4. Describe any other water rights used for the same purpose as described above. #74-0619

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE #74-0006

1. General Information

- a. Amount of water to be diverted 0.60 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headworks for gravity flow sprinkler system
- c. Describe the reasons for the proposed changes To allow maximum use of gravity flow sprinkler system.

2. Change in point of diversion

Point of diversion Lot #6 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 Township 22N
 Range 23E, B.M., Lemhi County
 Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Other rights will be transferred to cover those lands now irrigated.

MICROFILMED

- c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	4													3	9	22.5		34.5
		9		19.2	7		3			17.5									46.7

Total number of acres to be irrigated 81.2

4. Describe any other water rights used for the same purpose as described above. #74-0619

MICROFILMED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 74-0624 Decreed to Bolton, William B. &/or Rose Starr
Stipulation to Proposed Finding of (Name)
 in case of Water Rights-Lemhi River Basin vs Case No. 4948
 dated in _____ in 7th Judicial District County of Lemhi
 (Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right

3. Source of water Gary & Geertson Creek tributary to Lemhi River

4. Date of priority 6-1-1961

5. Water is used for the following purposes:

amount 0.16 cfs for Irrigation purposes from 4/1 to 11/1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day -- both dates inclusive)

6. Total amount of water under right: a. 0.16 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9
 Township 21N Range 23E, B.M., in Lemhi County
 Additional points of diversion, if any Lot #4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34 T. 22N R. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	9	3			1										3.7			7.7

Total number of acres to be irrigated 7.7

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 nonuse? No If yes, describe in item D. REMARKS.

RECORDED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-2272 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____ (Name of court)
b. ~~License~~ ^{Transfer} No. 2580/74-2272 issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of right

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5-23-1923

5. Water is used for the following purposes:

amount 0.54 cfs for Irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____ (month/day -- both dates inclusive)

6. Total amount of water under right: a. 0.54 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is Lot #6 SW 1/4 of SW 1/4 of Section 34
Township 22N Range 23E B.M. in Lemhi County
Additional points of diversion, if any Lot #1 (NE 1/4 NE 1/4), SE 1/4 NE 1/4, Sec. 4: T. 21N
R. 23E

8. Lands irrigated or place of use:

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	
21N	23E	4											1						1
		9					14.6												14.6

Total number of acres to be irrigated 15.6

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 nonuse? No If yes, describe in item D. REMARKS.

RECEIVED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0619 Decreed to Bolton, William B. &/or Rose Starr
(Name)
in case of Stipulation to Proposed Finding of Water Rights Lemhi River
Basin Case #4948 vs
dated in _____ in 7th Judicial Dist. county of Lemhi
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right.

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5-24-1923

5. Water is used for the following purposes:

amount 3.4cfs for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.40 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is Lot #4 SW 1/4 of SW 1/4 of Section 34
Township 22N Range 23E B.M. in Lemhi County
Additional points of diversion, if any NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9 T. 21N R. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	3					9.2	12.3			10.6	3.0							35.1
		4				19.6									34	10.7	32.5	35	131.8
		9	15.3			10.8				23.9						31.7			81.2
22N	23E	34										L.4 2							2.0

Total number of acres to be irrigated 250.1

9. Describe any other water rights used for the same purpose as described above 74/0006/0007

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes describe in item D. REMARKS.

RECORDED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0918 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
b. ~~License~~ Transfer No. 2580/75-0918 issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right.

3. Source of water Geertson Creek tributary to Lemhi River

- * 4. Date of priority 5/5/1893 Of Water Rights-Lemhi River Basin
reduces priority to 5-24-1923

5. Water is used for the following purposes:

amount 1.32 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 1.32 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is Lot #6 SW 1/4 of SW 1/4 of Section 34
Township 22N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any NW 1/4 NE 1/4 Sec. 9; SE 1/4 NE 1/4, SE 1/4 SE 1/4 Sec. 4 T. 21N
R. 23E

8. Lands irrigated or place of use:

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	
21N	23E	9		36	30														66

Total number of acres to be irrigated 66

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 nonuse? No If yes, describe in item D. REMARKS.

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A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 74-0007 Decreed to _____
(Name)
in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)

b. ~~License~~ ^{Transfer} No. 2580/74-0007 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 6-1-1884

5. Water is used for the following purposes:

amount 1.00 cfs for Irrigation purposes from 4-1 to 11-1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is ^{Lot #6} (SW 1/4 of SW 1/4 of Section 34
Township 22N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 4 T. 21N R 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>21N</u>	<u>23E</u>	<u>4</u>													<u>34</u>	<u>10.7</u>	<u>32.5</u>	<u>35</u>	<u>112.2</u>

Total number of acres to be irrigated 112.2

9. Describe any other water rights used for the same purpose as described above Right #74-0619
described in Stipulation of Proposed Finding of Water Right- Lemhi
River Drainage

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

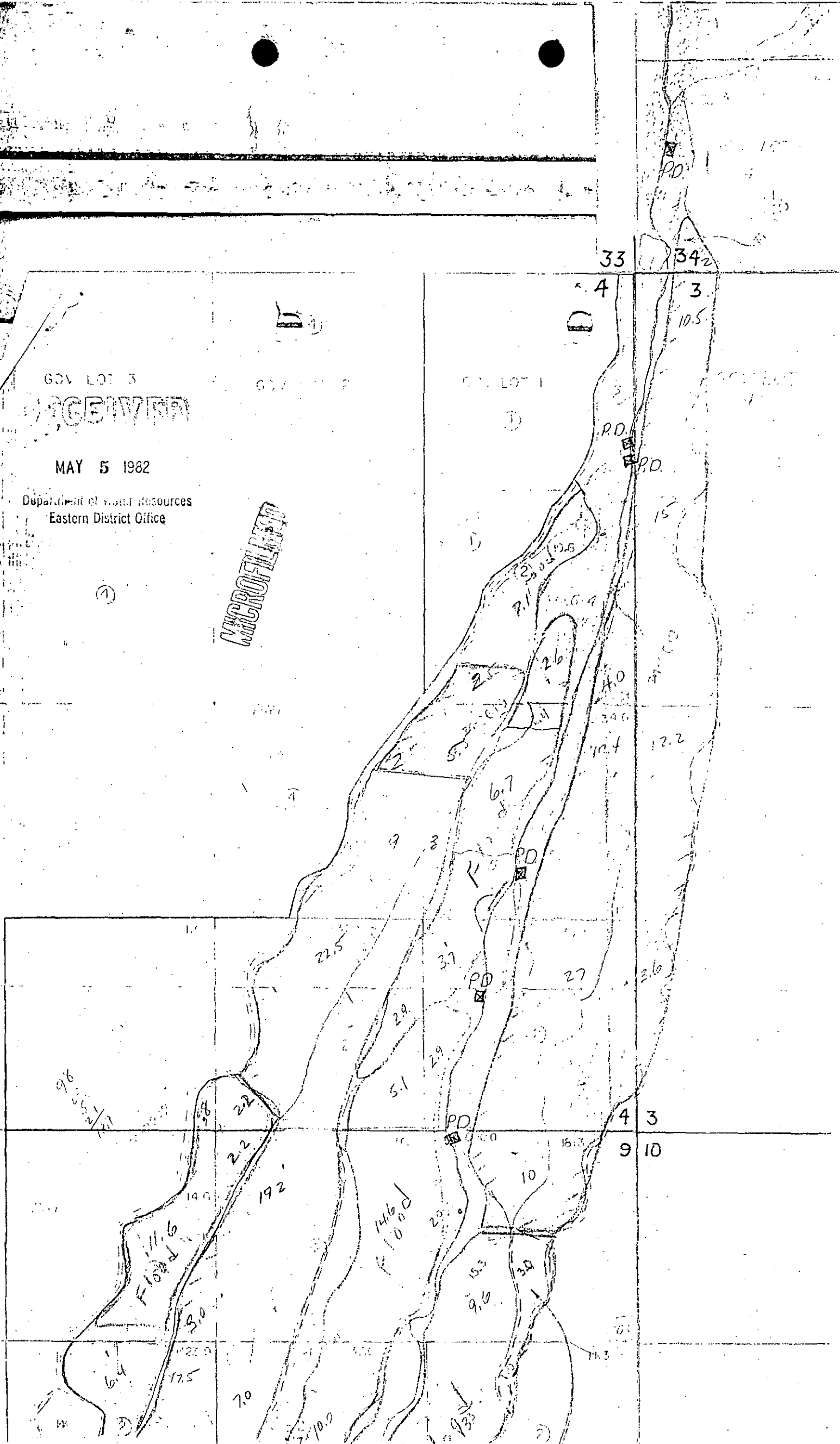
GOV LOT 3

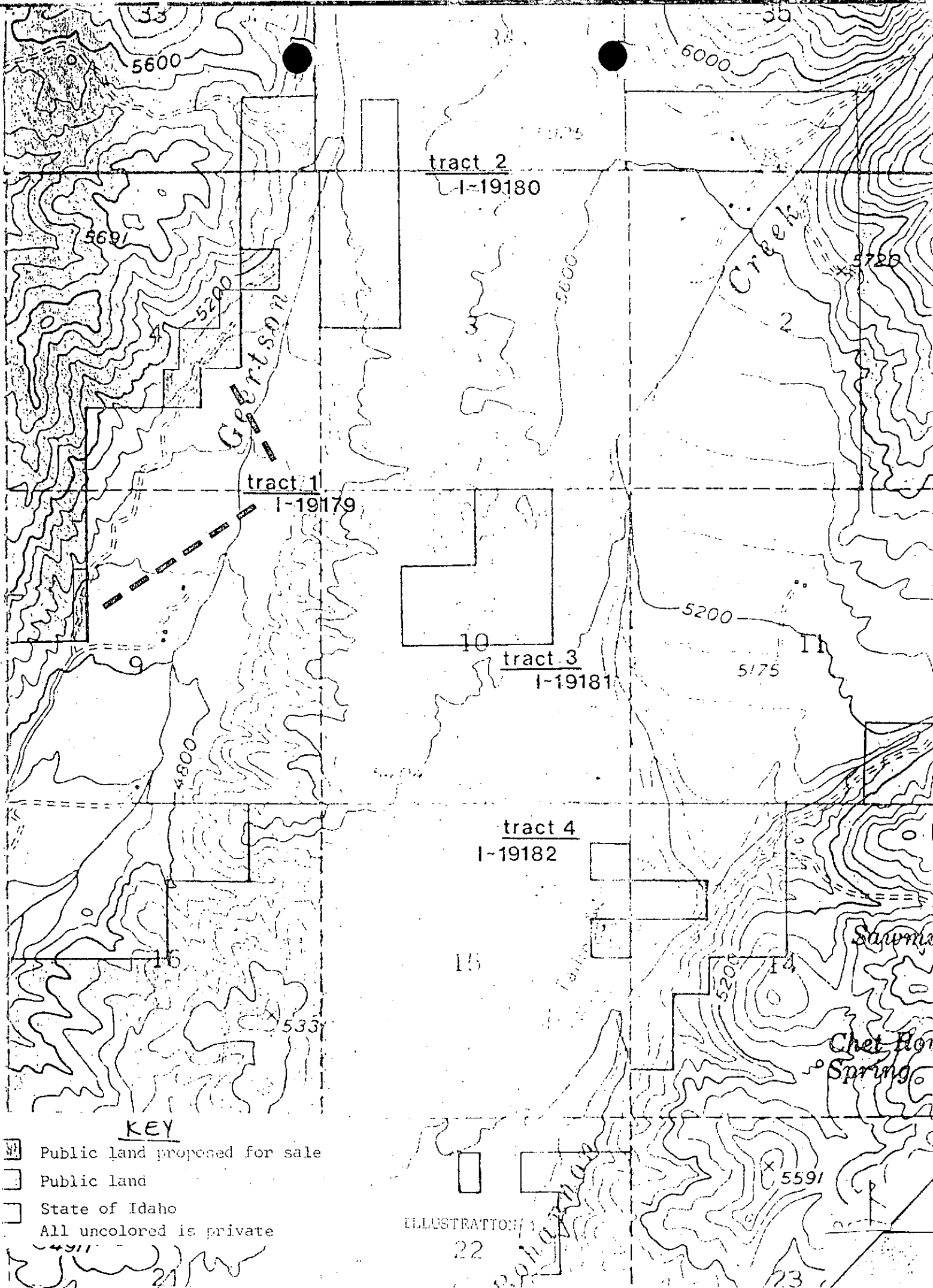
RECEIVED

MAY 5 1982

Department of Water Resources
Eastern District Office

MICROFILMED





KEY

-  Public land proposed for sale
-  Public land
-  State of Idaho

All uncolored is private

ILLUSTRATION 22

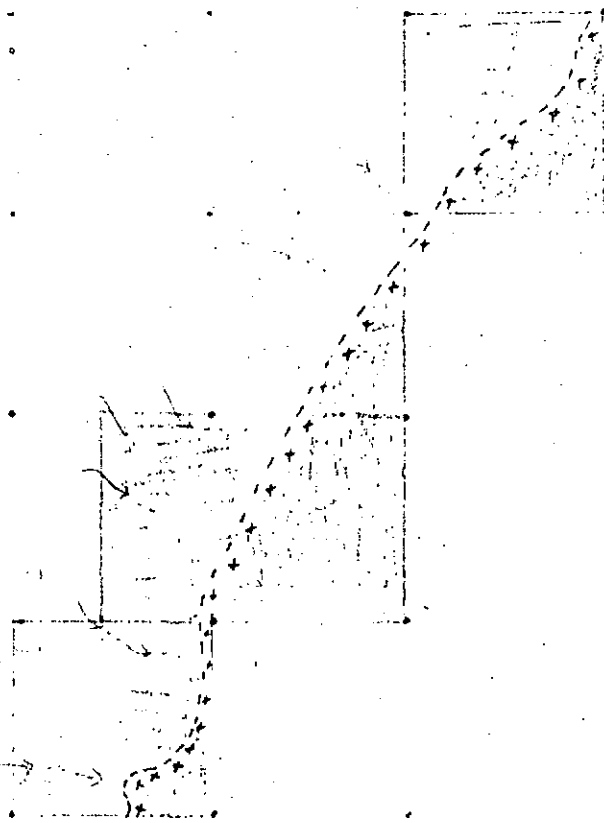
MICROFILMED

MICROFILMED

Tract #1
Serial Number I-19179

Township 21N, Range 22E, Base Meridian

33 34
4 3

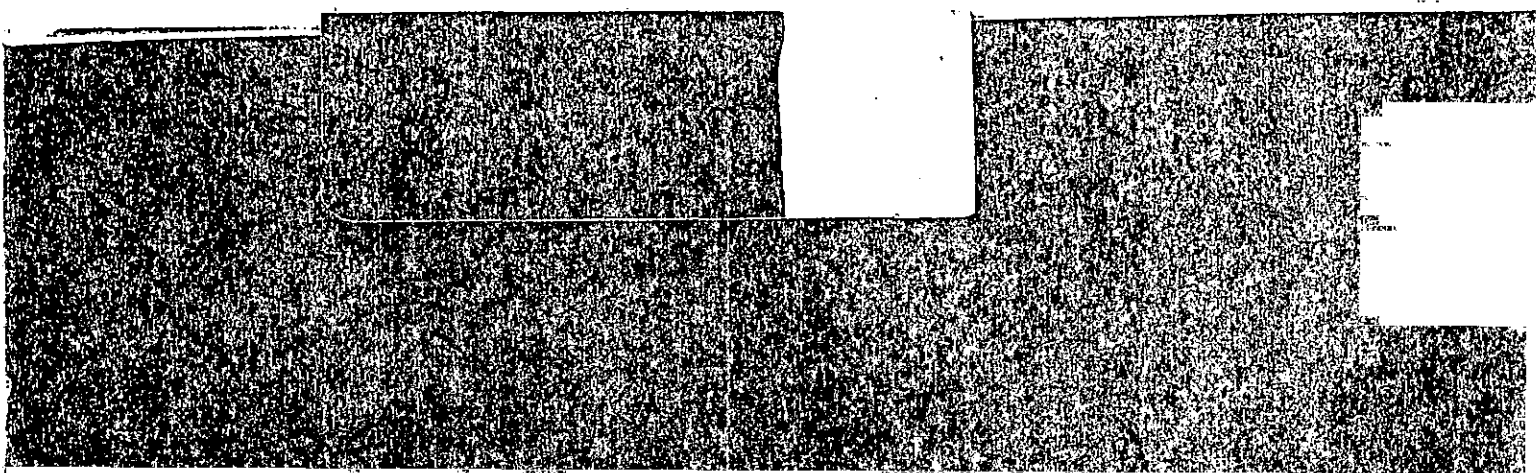


LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

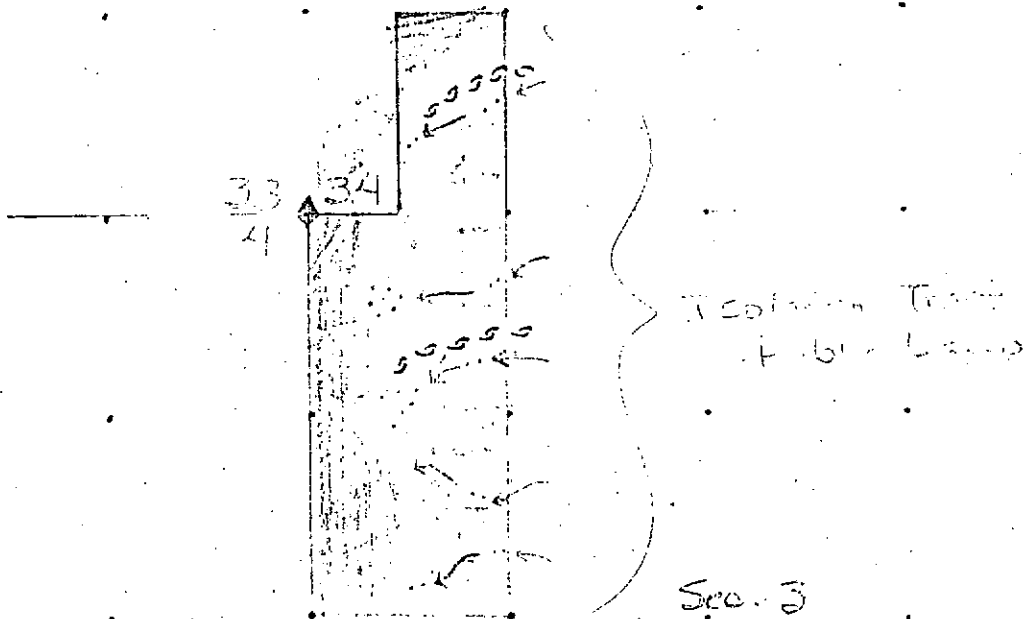
Scale: 1" = 1/8 mile

1	Subject Land	---	Irrig. alfalfa	--- Dry sagebrush/ grass hills
	Found. Sect. 1			
	County Road			
	Fence along			

ILLUSTRATION 2



Township 22 N., Range 23 E., Range Meridian
21 N. 23 E.

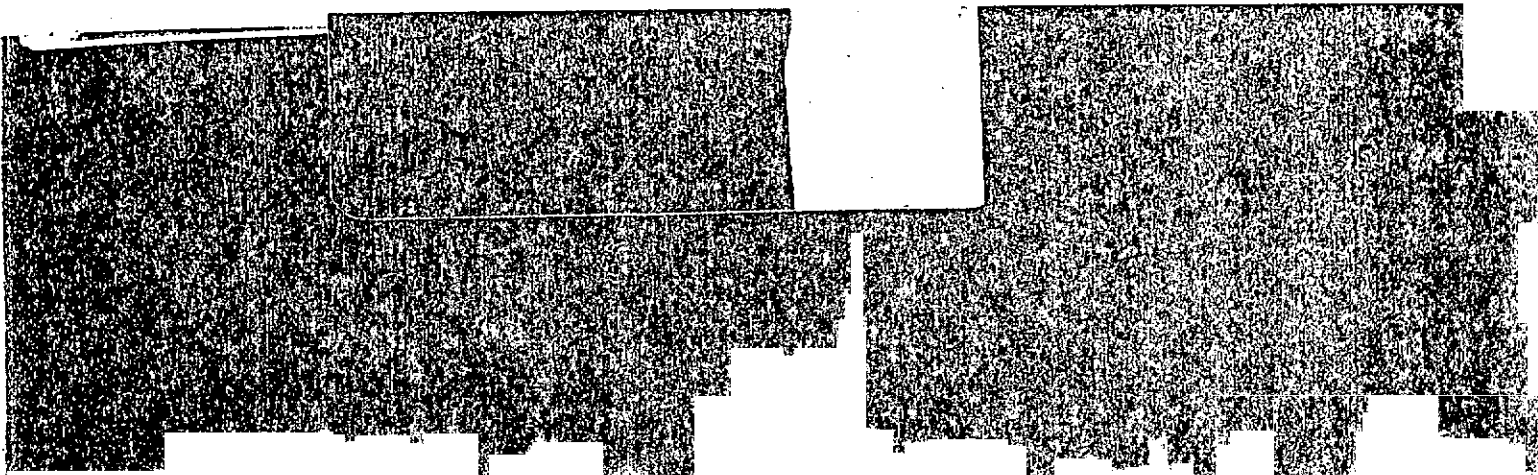


LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/4 mile

Subject land		Found Section 3
Found Section 3		Irrigated land
Irrigated land	SSS	Unimproved land
Unimproved land		

ILLUSTRATION #1



D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Bolton Ranch Inc. Co

David J. Egan U.P. Manager
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of May, 1982

NOT FILMED

(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

74-0006/0007/0918/
0619/2272/0624

This is to certify that I have examined Application for Transfer of Water Rights No. 0619/2272/0624 and said application is hereby APPROVED, subject to the following limitations and conditions:

PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER and ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

Witness my hand this 29 day of September, 1983

Director

FOR DEPARTMENT USE ONLY

Received by <u>CU</u>	Date <u>6-01-82</u>	Protest filed by <u>Virgil + Verdell</u>
Prelim. check by <u>HWS</u>	Fee <u>50.00</u>	<u>Alson</u>
Receipted by <u>BP</u>	Date <u>6-15-82</u> # <u>22317</u>	
Published in <u>Recorder Herald</u>	Copies of protest forwarded by <u>CU</u>	
Pub. dates <u>June 24 + July 1 - 1982</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>6-21-82</u>	Recommended for <u>approval</u> denial	
_____ rec'd. <u>7-01-82</u>	by <u>Jim</u>	

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHTS**

Notice is hereby given that Bolton Ranch, Inc., Salmon, Idaho has applied to the Department of Water Resources for a change in points of diversions and places of use of the waters of Geertson and Gary Creeks. The rights sought to be changed are described as follows:

T #2580/74-0007 ⁶
AMOUNT: 0.60 cfs
PRIORITY: 5-01-1881
POINT OF DIVERSION:
NE 1/4 NE 1/4, Sec 9, Lot 1
(NE 1/4 NE 1/4), SE 1/4 NE 1/4,
Sec. 4, T 21N, R 23E; Lot
6 (SW 1/4 SW 1/4), Sec. 34, T.
22N, R. 23E, B.M., Lemhi
County.

The water is used to ir-
rigate 81.2 acres with the
E 1/4 NE 1/4, SE 1/4 NW 1/4,
NW 1/4 SE 1/4, Sec. 9, T. 21N,
R. 23E.

T #2580/74-0006 ⁷
AMOUNT: 1.00 cfs
PRIORITY: 6-01-1884
POINT OF DIVERSION:
Lot 6 (SW 1/4 SW 1/4), Sec.
34, T. 22N, R. 23E; Lot 1
(NE 1/4 NE 1/4), SE 1/4 NE 1/4,
NE 1/4 SE 1/4, SE 1/4 SE 1/4, Sec.
4, T. 21N, R. 23E.

The water is used to ir-
rigate 112.2 acres within
the SE 1/4, Sec. 4, T. 21N,
R. 23E.

T #2580/74-0918
AMOUNT: 1.32 cfs
PRIORITY: 5-05-1893
POINT OF DIVERSION:
Lot 6 (SW 1/4 SW 1/4), Sec. 34,
T. 22N, R. 23E; NW 1/4-
NE 1/4, Sec. 9; SE 1/4 NE 1/4,
SE 1/4 SE 1/4, Sec. 4, T. 21N,
R. 23E.

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JUL 2 1982

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.

Notice Proposed Change of Water Rts. T#2580/74-0007

That the

T#2580/74-0006, T#2580/740918, 74-0619, 74-0624, T#2580/74
2272 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 thereof for 2

consecutive issues, commencing with the issue dated June 24 19 82
and ending with the issue dated July 1 19 82

Jerry G. Rosin

Subscribed and sworn to before me, this first

day of July 19 82

Carl Armstrong

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

Publication Fee \$ 89.10

RECORDED

The water is used to irrigate 66 acres within the $W\frac{1}{2}NE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

No. 74-0619 and 74-0624 Decreed to Bolton, William B. &/or Rose Starr in case #4948 of the Stipulation to Proposed Finding of Water Rights Lemhi River Basin in Seventh Judicial District, County of Lemhi, and are recorded as follows:

No. 74-0619 AMOUNT: 3.40 cfs

PRIORITY: 5-24-1923

POINT OF DIVERSION: Lot 4 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E; $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, Sec. 4, $NE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

The water is used to irrigate 250.1 acres within the $W\frac{1}{2}W\frac{1}{2}$, Sec. 3, $SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, Sec. 4, $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E; Lot 4 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E.

No. 74-0624 AMOUNT: 0.16 cfs

PRIORITY: 6-01-1961

POINT OF DIVERSION: $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E; Lot 4 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E.

The water is used to irrigate 7.7 acres within the $E\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E. This right is the only right that involves water from Gary Creek.

T#2580/74-2272

AMOUNT: 0.54 cfs

PRIORITY: 5-23-1923

POINT OF DIVERSION: Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E; Lot 1 ($NE\frac{1}{4}NE\frac{1}{4}$), $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 4, T. 21N, R. 23E.

The water is used to irrigate 15.6 acres within the $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 4, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

TO BE CHANGED AS FOLLOWS

The proposed changes under each right are described as follows:

Water under right No. 74-0006 will be diverted within Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E, and used to irrigate 81.2 acres within the $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 4, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

Water under right No. 74-0007 will be diverted within Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E, and used to irrigate 112.2 acres within the Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E, $W\frac{1}{2}W\frac{1}{2}$, Sec. 3, $SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 4, $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

Water under right No. 74-0918 will be diverted within the $NE\frac{1}{4}SE\frac{1}{4}$, Lot 1 ($NE\frac{1}{4}NE\frac{1}{4}$), Sec. 4, $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E; Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E, and used to irrigate 66 acres within the $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 4, $E\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

Water under right No. 74-0619 will be diverted within Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E; Lot 1 ($NE\frac{1}{4}NE\frac{1}{4}$), $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 4, T. 21N, R. 23E, and used to irrigate 250.1 acres within Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E; Lot 4 ($NW\frac{1}{4}NW\frac{1}{4}$), $SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, Sec. 3, $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}$, Sec. 4, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

Water under right No. 74-2272 will be diverted within Lot 1 ($NE\frac{1}{4}NE\frac{1}{4}$), Sec. 4, T. 21N, R. 23E, Lot 6 ($SW\frac{1}{4}SW\frac{1}{4}$), Sec. 34, T. 22N, R. 23E, and used to irrigate 15.6 acres within the $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 4, $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

Water under right No. 74-0624 will be diverted within the $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 4, T. 21N, R. 23E, and used to irrigate 7.7 acres within the $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 9, T. 21N, R. 23E.

Any protest to the above proposed change of water rights must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before July 12, 1982.

A. KENNETH DUNN
Director

Published in the Recorder Herald, Salmon, Idaho, on June 24 and July 1, 1982.

6-24-2tc

RECEIVED JUN 24 1982

NOTICE OF
CORRECTION

Notice is hereby given that the Proposed Change of Water Right No. 74-0006/0007/0918/0619/2272/0624 in the name of Bolton Ranch Inc. was advertised incorrectly on June 24 and July 1, 1982. Portions No. T. #2580/74-0006 and T. #2580/74-0007 were advertised as follows: (before proposed changes) T. #2580/74-0006. AMOUNT: 1.00 cfs. PRIORITY: 6-01-1884. POINT OF DIVERSION: LOT 6 (SW 1/4 SW 1/4), Sec. 34, T. 22N, R. 23E; Lot 1 (NE 1/4 NE 1/4 SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 4, T. 21N, R. 23E.

The water is used to irrigate 112.2 acres within the SE 1/4, Sec. 4, T. 21N, R. 23E. T. #2580/74-0007. AMOUNT: 0.60 CFS. PRIORITY: 5-01-1881. POINT OF DIVERSION: NE 1/4 NE 1/4, Sec. 9, Lot 1 (NE 1/4 NE 1/4), SE 1/4 NE 1/4, Sec. 4, T. 21N, R. 23E; Lot 6 (SW 1/4 SW 1/4), Sec. 34, T. 22N, R. 23E, B. M. Lemhi Co.

The water is used to irrigate 81.2 acres within the E 1/2 NE 1/4, SE 1/4 NW 1/4, NW 1/4 SE 1/4, Sec. 9, T. 21N, R. 23E.

WHEREAS, portions No. T. #2580/74-0006/0007 are as follows:

T. #2580/74-0006. AMOUNT: 0.60 cfs. PRIORITY: 5-01-1881. POINT OF DIVER NE 1/4 NE 1/4, Sec.

(NE 1/4 NE 1/4), SE 1/4 NE 1/4, Sec. 4, T. 21N, R. 23E; Lot 6 (SW 1/4 SW 1/4), Sec. 34, T. 22N, R. 23E, B. M. Lemhi County.

The water is used to irrigate 81.2 acres within the E 1/2 NE 1/4, SE 1/4 NW 1/4, NW 1/4 SE 1/4, Sec. 9, T. 21N, R. 23E.

T. #2580/74-0007. AMOUNT: 1.00 cfs. PRIORITY: 6-01-1884. POINT OF DIVERSION: Lot 6 (SW 1/4 SW 1/4), Sec. 32, T. 22N, R. 23E; Lot 1 (NE 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 4, T. 21N, R. 23E.

The water is used to irrigate 112.2 acres within the SE 1/4, Sec. 4, T. 21N, R. 23E.

The proposed changes on the legal notice remain the same.

Any protests against the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402, on or before August 9, 1982.

A. KENNETH DUNN
Director

Published in The Recorder-Herald, Salmon, Idaho on July 22 and 29, 1982.

7-22-2tc

Affidavit of Publication

OF IDAHO

of Lemhi

ss.

JUL 30 1982

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

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

Notice of Correction-Proposed Change of Water Rights

74-0006/0007/0918/0619/2272/0624

a true copy of which is attached to the margin hereof, has been and was corrected and published in the regular and entire issue of every number of said per and not in any supplement thereof or thereto for 2 ive issues, commencing with the issue dated July 22, 1982. ing with the issue dated July 29, 1982.

Jerry G. Rosin

ed and sworn to before me, this twenty ninth day of July, 1982.

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

(no charge)
on Fee \$

RECORDED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR TRANSFER OF WATER RIGHTS)
NO. 74-0006, 74-0007, 74-0918 AND 74-2272 IN)
THE NAME OF BOLTON RANCH, INC.)

MEMORANDUM DECISION
AND ORDER

On July 1, 1981, Bolton Ranch, Inc. applied to the Department of Water Resources (IDWR) for an application to change the points of diversion for rights No. 74-0006, 74-0007, 74-0918 and 74-2272, with no requested change in the place of use. These rights are listed in the Proposed Finding of Water Rights in the Lemhi River Basin, Case No. 4948 in Seventh Judicial District Court, Lemhi County. Rights No. 74-0006 and 74-0007 are based upon a prior decree, Right No. 74-2272 is based upon a license issued by IDWR, and Right No. 74-0918 is based upon diversion and beneficial use of the water. The transfer proposes to add an additional point within Lot 6 (SW1/4SW1/4), Sec. 34, Twp. 22N, Rge. 23E, B.M., Lemhi County, from which the waters of Geertson Creek tributary to Lemhi River could be diverted.

Notice of the application was published in the Recorder Herald, Salmon, Idaho on July 16 and 23, 1981 and protests were received on August 3, 1981 from Vergil O. Olson and Verdell Olson. The protests cited the following issues:

- 1) The point of diversion to be added is in trespass on U. S. Bureau of Land Management ground.
- 2) The applicant has not obtained a permit to change the point of diversion to the new point of diversion.
3. Granting the new point of diversion will adversely effect other water rights diverted from Geertson Creek.
- 4) Part of the rights included in the transfer application are still contested in district court.

On October 29, 1981, IDWR conducted a combined hearing in the matter and on protested application for transfer No. 74-2200 at the Lemhi County Court-house, Salmon, Idaho. The protestants, Vergil and Verdell Olson, were present and represented themselves. The applicant was represented by Dave Logan, Manager of Bolton Ranch, Inc. and Sherman F. Furey, Jr., Attorney at Law. Also

present were Niel Ankrum, Watermaster of Water District No. 74-A and Stephanie Brandy from the Bureau of Land Management.

Dave Logan testified that the purpose of this application was to establish the headworks of their gravity flow sprinkler system as a point of diversion. This system diverts water from Geertson Creek in Lot 6, Sec. 34, Twp. 22N, Rge. 23E B.M. He stated the place of use for the water rights diverted through the system would not be changed. He anticipated there would not be an adverse effect to other rights on the creek since the sprinkler irrigation system would actually allow a more efficient use of the water. Mr. Logan stated installation of the pipeline did require a right-of-way across lands administered by the Bureau of Land Management. The right-of-way had been requested and recent correspondence from the BLM indicated favorable consideration of the request was expected.

Niel Ankrum, Watermaster on Geertson Creek from 1975 through 1981, testified that in his opinion, the requested change in point of diversion would not adversely affect the protestants' water rights.

Vergil Olson, protestant, stated that his primary concern dealt with management of the stream. Allowing the applicant to regulate diversions and move the water rights up and down the creek from diversion point to diversion point during the irrigation season would adversely affect downstream rights. Mr. Olson further stated that if the applicant received only the water he was entitled to, there would be no adverse effect on other water rights.

Subsequent to the hearing, on February 12, 1982, the IDWR received a copy of the Bureau of Land Management's decision to grant the right-of-way requested by the applicant. A copy of the decision was sent to each protestant on February 19, 1982, asking for written objections to inclusion of the right-of-way decision in the hearing record. On March 9, 1982, the IDWR received a letter from Vergil O. Olson reiterating his protest of the application but expressing no objection to acceptance of the right-of-way decision as part of the hearing record.

The Director having read the record herein in conformance with Idaho Code, 67-5211, and based upon testimony obtained at the hearing, files and records of IDWR and the Director's understanding of the law, the following Findings of Fact, Conclusions of Law, Analysis and Order are hereby entered.

REVIEW OF EVIDENCE

IDWR Records Considered:

1. Application for transfer of water rights No. 74-0006, 74-0007, 74-0918 and 74-2272 receipted July 1, 1981.

2. Affidavit of publication of Notice of Application for Transfer received July 24, 1981.

3. Letters from Vergil Olson and Verdell Olson received August 3, 1981 protesting the application for transfer.

4. Proposed Finding of Water Rights in the Lemhi River Basin, Case No. 4948 in the Seventh Judicial District Court in Lemhi County.

5. Right-of-way decision by BLM received February 12, 1982.

6. Letter from Vergil O. Olson dated March 5, 1982.

FINDINGS OF FACT

1. The applicant has filed an application for transfer and has stated the intent of the application for transfer was to add a point of diversion in Lot 6 of Sec. 34, Twp. 22N, Rge. 23E B.M. to each right listed in the transfer. This is the location of the headworks for a gravity flow sprinkler system.

2. Geertson Creek is within the boundaries of State Water District 74-A.

3. There will be no change in the decreed place of use for each right identified in the application for transfer.

4. Testimony by Niel Ankrum, watermaster, indicated he did not expect the transfer to adversely affect downstream diversions.

5. Protestant Vergil Olson stated if the applicant was held to his water rights, there would be no injury.

6. The issue of public interest was not raised.

7. The applicant has received a right-of-way for the pipeline to cross lands administered by the BLM.

8. Each right sought to be transferred is represented by existing decreed, licensed, or claimed rights on record with the IDWR.

CONCLUSIONS OF LAW

1. The addition of a point of diversion to those rights identified in the application for transfer will not constitute an enlargement of these rights if the place of use is not changed for each right.

2. Proper administration by the watermaster will prevent injury to other water rights in Water District No. 74-A, Geertson Creek.

3. The applicant's pipeline is not in trespass on BLM administered land.

4. Section 42-222, Idaho Code, authorizes the Director of IDWR to consider a transfer for decreed, licensed, or claimed rights.

5. The change will not conflict with the local public interest.

6. The applicant is entitled to an approval of the requested change in point of diversion.

ANALYSIS

The transfer does not grant any change in the place of use for the water rights involved. Therefore, to prevent use of the water rights on lands to which they are not appurtenant thru the single pipeline distribution system, regulation by the watermaster must extend beyond the point of diversion to the place of use. The watermaster must ensure that the acreage being irrigated is consistent with the water rights being delivered to prevent the expansion of those water rights approved for diversion into the applicant's sprinkler system.

Alternating the point of diversion of a water right between points of diversion during the irrigation season can interfere with the watermaster's ability to regulate diversions from a stream and reduce the quantity of water available to other water rights. In the case at hand, the applicant's points of diversion are located along nearly one mile of Geertson Creek. Adding the new point of diversion increases this distance by approximately 1/2 mile. Approval of the new point of diversion must include some provision to enable the watermaster to control movement between points of diversion during the irrigation season. The applicant's representative indicated the existing points of diversion would only be used for diverting "high water". The definition of "high water" is not clear in the testimony, but it appears that the necessary watermaster regulation can be obtained by limiting the diversion point of each of the rights to the new point of diversion unless water is available to fill rights junior to May 23, 1923, the priority date of right No. 74-2272, unless the applicant has given the watermaster written notice prior to April 1 of any year that all or any part of any of the rights included in this transfer is to be delivered for the entire irrigation season at one or more of the other authorized points of diversion.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Water Rights No. 74-0006, 74-0007, 74-0918 and 74-2272 be and is APPROVED to add the additional point of diversion in Lot 6, Sec. 34, Twp. 22N, Rge. 23E B.M. to each of the rights. This approval is subject to the following conditions:

1. A measuring device and lockable controlling works of a type acceptable to IDWR shall be permanently installed and maintained as part of the diverting works at each point of diversion identified in Section C of the transfer prior to diversion of water under this approval.

2. Use of water under this transfer is subject to control by the Watermaster of Water District No. 74-A, Geertson Creek.

3. Approval of this transfer in no way grants any right-of-way or easement across the land of another.

4. Diversion of water under rights 74-0006, 74-0007, 74-0918 and 74-2272 shall be only from the point of diversion in Lot 6, Sec. 34, Twp. 22N, Rge. 23E B.M. unless water is available in Geertson Creek to fill rights junior in priority to May 23, 1923, or unless the right holder notifies the watermaster in writing prior to April 1 of any year that all or any specific part of any of said rights is to be delivered for the entire irrigation season at one or more of the other authorized points of diversion.

5. Each of the rights included in this transfer shall be used only on the lands to which they are appurtenant as listed in the records of IDWR. The right holder shall not use nor demand delivery of water by the watermaster for use on lands to which the rights are not appurtenant.

6. The right holder shall provide reasonable access to the watermaster to inspect the point of diversion and place of use for water being diverted under the rights included under this transfer.

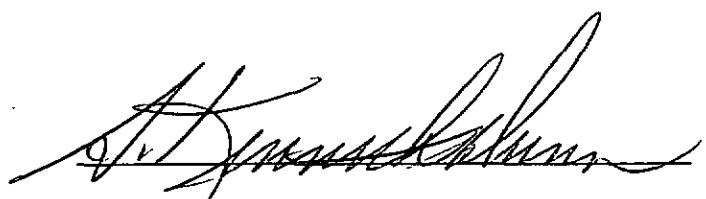
7. Failure of the right holder to comply with the conditions of this approval shall constitute cause for the Director of IDWR to revoke approval of this transfer.

8. The Director of IDWR retains jurisdiction of this approval to insure compliance with the conditions listed herein.

9. This approval is not intended to confirm the validity of claim to a water right No. 74-0918.

Signed this 7th day of April, 1982.

RECEIVED


A. KENNETH DUNN
Director

BEFORE THE DEPARMTENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR TRANSFER OF WATER RIGHTS
NO. 74-0006, 74-0007, 74-0918 AND 74-2272
IN THE NAME OF BOLTON RANCH, INC.

CERTIFICATE OF MAILING

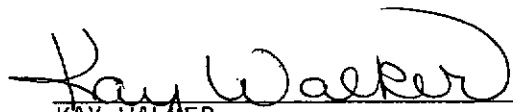
I HEREBY CERTIFY That on this 6th day of April, 1982, a true and correct
copy of the foregoing MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Bolton Ranch, Inc.
Route 1, Box 14
Salmon, ID 83467

Vergil O. Olson
Route 1, Box 12
Salmon, ID 83467

Verdell Olson
Salmon, ID 83467

Sherman F. Furey, Jr.
Box 1127
Salmon, ID 83467


KAY WALKER
Secretary
Idaho Department of Water Resources

RECEIVED
APR 14 1982

Transfer No. 2580

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Bolton Ranch Inc. Phone 756-3675Post Office address Route #1, Box 14, Salmon, ID 83467**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. 74-0006 Decreed to William B. Bolton &/or Rose Starr
(Name)
in case of Proposed Finding of Water Rights ~~vs~~ in the Lemhi River Basin
Case No. 4948
dated in _____ in 7th Judicial District county of Lemhi
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right.

3. Source of water Geertson Creek tributary to Lemhi River4. Date of priority 5/1/1881

5. Water is used for the following purposes:

amount 0.60 cfs for irrigation purposes from April 1 to Nov. 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9Township 21N Range 23E, B.M., in Lemhi CountyAdditional points of diversion, if any Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 21N, Rge. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	9	15.3			10.3				23.9								31.7	81.2

Total number of acres to be irrigated 81.2

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

74-0619

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 74-0918 Decreed to William B. Bolton &/or Rose Starr
(Name)
in case of Proposed Finding of Water Rights vs in the Lemhi River Basin
Case No. 4948
dated in _____ in 7th Judicial District county of Lemhi
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right.

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5/5/1893

5. Water is used for the following purposes:

amount 1.32 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.32 cfs cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9
Township 21N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 21N, Rge. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	9		36	30														66

Total number of acres to be irrigated 66

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 nonuse? no If yes, describe in item D, REMARKS.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 74-0007 Decreed to William B. Bolton &/or Rose Starr
(Name)
in case of Proposed Finding of Water Rights vs in the Lemhi River Basin
Case No. 4948
dated in _____ in 7th Judicial District county of Lemhi
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is recognized holder of water right.

3. Source of water Geertson
Geerton Creek tributary to Lemhi River

4. Date of priority 6/1/1884

5. Water is used for the following purposes:

amount 1.00 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE % of SE % of Section 4
Township 21N Range 23E, B.M., in Lemhi County
Additional points of diversion, if any Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 21N,
Rge. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
21N	23E	4													34	10.7	32.5	35	112.2

Total number of acres to be irrigated 112.2

9. Describe any other water rights used for the same purpose as described above 74-0619

To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? no If yes, describe in item D, REMARKS.

RECORDED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 74-2272 Decreed to William B. Bolton &/or Rose Starr
(Name)
 in case of Proposed Finding of Water Rights in the Lemhi River Basin
 Case No. 4948
 dated in _____ in 7th Judicial District county of Lemhi
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of right.

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5/23/1923

5. Water is used for the following purposes:

amount 0.54 cfs for irrigation purposes from 4/1 to 11/1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.54 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4

Township 21N Range 23E, B.M., in Lemhi County

Additional points of diversion, if any Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 4, Twp. 21N, Rge. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	4												1					1
		9					14.6												14.6

Total number of acres to be irrigated 15.6

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 nonuse? no If yes, describe in item D, REMARKS.

RECORDED

omit part B).

1. Amount of water: a. _____ cubic feet per second

b. _____ acre feet per annum

2. Point of diversion $\frac{1}{4}$ Section $\frac{1}{4}$, Township _____

Range _____, B.M., _____ County _____

Additional points

3. Place of use:

[illegible]

Total number of acres to be irrigated -

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 0.60 cfs (74-0006) 1.00 cfs (74-0007) 1.32 cfs (74-0918)
 0.54 cfs (74-2272)
- a. Amount of water to be diverted 3.46 c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgates and open ditches, concrete headbox for gravity flow sprinkler system.
- c. Describe the reasons for the proposed changes The installation of a gravity flow sprinkler system has established a new point of diversion for the lands appurtenant to rights described by application.

2. Change in point of diversion

Point of diversion Lot 6 SW 1/4 SW 1/4, Section 34 Township 22N
Range 23E, B.M., Lemhi County
Additional points Lot #1 (NE¹/₄NE¹/₄), SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, SE¹/₄SE¹/₄, Sec. 4; NE¹/₄NE¹/₄,
Sec. 9; Twp. 21N, Rge. 23E

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No XX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
no change _____

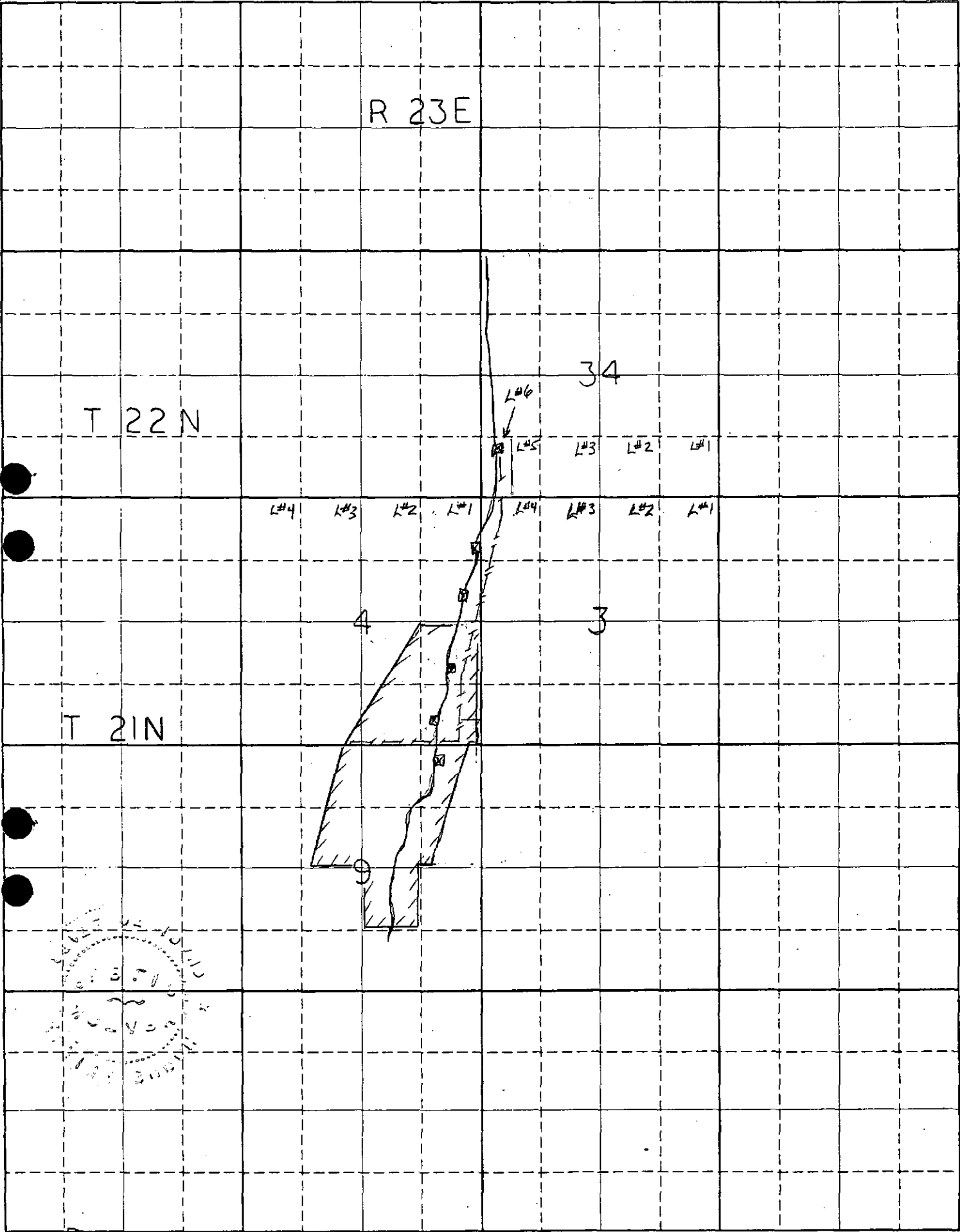
- c. Describe the lands or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. 74-0619

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 1 inch equals 1 mile. Draw plan in ink.

RECEIVED
JAN 10 1960
FEDERAL BUREAU OF SURVEY
WASHINGTON, D.C.

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30 day of June, 19 81

X David D. Egan U.P. Mon.
Botton Ranch (Signature of Applicant)

Elaine Burch
(Notary Public)

My commission expires 12-21-82

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-0006
and said application is hereby APPROVED, subject to the following limitations and conditions:
Pursuant to Memorandum Decision and Order

Witness my hand this 7th day of April, 19 82

Director

Received by KW Date 6/20/81
Prelim. check by KW Fee 50.00
Receipted by kw Date 7/7/81 #17779
Published in Recorder-Herald
Pub. 7/16 & 7/23/81
Water master recommendation requested on _____
_____ rec'd. _____

FOR DEPARTMENT USE ONLY
Protest filed by Virgil Olson
Verdel Olson
Copies of protest forwarded by KW
Hearing held by _____ Date _____
Recommended for _____ approval _____ denial
by _____

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHTS

NOS. 74-0006, 74-0007,
74-0918, 74-2272

Notice is hereby given
that Bolton Ranch, Inc.,
Salmon, Idaho, has ap-
plied to the Department of
Water Resources for a
change in the point of
diversion of the waters of
Geertson Creek tributary
to Lemhi River. The rights
sought to be changed are
evidenced by the Propos-
ed Finding of Water
Rights in the Lemhi River
Basin, Case No. 4948 in
7th Judicial District
Court, Lemhi County and
are recorded as follows:

Right No. 74-0006

Amount: 0.60 cfs

PRIORITY: 5/1/1881

POINT OF DIVERSION:

NE 1/4 NE 1/4, Sec. 9; Lot 1

(NE 1/4 NE 1/4), SE 1/4 NE 1/4,

Sec. 4; Twp. 21N, Rge.

23E, Lemhi County.

The water is used for

irrigation purposes from

April 1 to November 1

within the E 1/4 NE 1/4,

SE 1/4 NW 1/4, NW 1/4 SE 1/4,

Sec. 9, Twp. 21N, Rge.

23E, for 81.2 acres.

Right No. 74-0007

Amount: 1.00 cfs

PRIORITY: 6/1/1884

POINT OF DIVERSION:

SE 1/4 SE 1/4, Lot 1 (NE 1/4-

NE 1/4), NE 1/4 SE 1/4, SE 1/4-

NE 1/4, Sec. 4, Twp. 21N,

Rge. 23E, Lemhi County.

The water is used for

irrigation purposes from

April 1 to November 1

within the SE 1/4, Sec. 4,

Twp. 21N, Rge. 23E, for

112.2 acres.

Right No. 74-0918

Amount: 1.32 cfs

PRIORITY: 5/5/1893

POINT OF DIVERSION:

NW 1/4 NE 1/4, Sec. 9,

SE 1/4 NE 1/4, SE 1/4 SE 1/4,

Sec. 4, Twp. 21N, Rge.

23E, Lemhi County.

The water is used for

irrigation purposes from

April 1 to November 1

within the W 1/4 NE 1/4, Sec.

9, Twp. 21N, Rge. 23E,

for 66 acres.

Right No. 74-2272

PRIORITY: 5/23/1923

Amount: 0.54 cfs

PRIORITY: 5/23/1923

POINT OF DIVERSION:

SE 1/4 NE 1/4, Lot 1 (NE 1/4-

NE 1/4), Sec. 4, Twp. 21N,

Rge. 23E, Lemhi County.

The water is used for

irrigation purposes from

April 1 to November 1

within the SE 1/4 SW 1/4,

Sec. 4; NE 1/4 NW 1/4, Sec.

9; Twp. 21N, Rge. 23E,

for 15.6 acres.

TO BE CHANGED AS

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JERRY G. ROSIN

and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and is in general circulation therein.

That the Notice of Proposed Change of Water Rights, Nos. 74-0006, 74-0007, 74-0918, 74-2272

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 2 consecutive issues, commencing with the issue dated July 16, 1981 and ending with the issue dated July 23, 1981

Jerry G. Rosin

Subscribed and sworn to before me, this twenty third

day of July, 1981

FOLLOWS

The water will be diverted within Lot 6 (SW 1/4 SW 1/4) Sec. 34, Twp. 22N, Rge. 23E; Lot 1 (NE 1/4 NE 1/4), SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 4; NE 1/4 NE 1/4, Sec. 9; Twp. 21N, Rge. 23E, Lemhi County.

Any protest against approval of the above proposed change of water rights must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402, on or before August 3, 1981.

A. KENNETH DUNN
Director
Published in the Recorder-Herald

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

\$ 47.25

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JUL 24 1981

Department of Water Resources
Eastern District Office

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Department of Water Resources
Eastern District Office

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INTER-DEPARTMENT MEMO — 1

FROM Sharla

DATE Dec. 28, 1983

TO Files 74-0007/0918/2272

SUBJECT Transfer No. 2580

See file 74-0006 for all correspondence regarding the above referenced transfer.

ALSO HEARING TAPES.

SIGNATURE

W. PROFT
MED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 4, 1983

David J. Logan
Bolton Ranches, Inc.
Route 1, Box 14
Salmon, ID 83467

Dear Mr. Logan:

Re: Application for Transfer No. 2703 of Water Right Nos. 74-0006/
0007/0918/0619/2272/0624

Enclosed is a copy of the approved Application for Transfer along with a copy of the Order Adopting Proposed Memorandum Decision and Order and a copy of the Proposed Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the order.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control your rate of diversion.

Please feel free to contact us if you have any questions concerning this application.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Vergil Olson
Verdell Olson
Sherman Furey, Jr.
Ray Rigby



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 13, 1983

Bill Bramlette, Watermaster
Water District No. 74-A
P. O. Box 336
Salmon, ID 83467

MICROFILMED

74-0918

Dear Mr. Bramlette:

Several issues associated with the watermaster's responsibilities in allocating water were recently brought to my attention while visiting Geertson Creek. Based upon the Department's obligation to oversee water distribution in the state and my assessment of the Geertson Creek water rights as they presently exist, I believe the following instructions to be appropriate.

Because of the status of pending transfers, the Bolton Ranch gravity pipeline is the first issue I wish to address. Transfer No. 2580 approved the pipeline as a diversion for rights 74-0006, 74-0007, 74-0918, and 74-2272. A proposed decision has been issued on a second transfer No. 2703 modifying the place of use for rights 74-0006, 74-0007, and 74-0619 to 193 acres irrigated under the sprinkler system. A field exam by Department personnel has confirmed the lands being sprinkled from the pipeline are those identified on the application and the number of acres corresponds to the number appurtenant to right 74-0006 and 74-0007. Since Bolton Ranch has filed an application to transfer the place of use for these water rights, and because it has been determined the application presents current practice without increasing the total number of acres irrigated or otherwise expanding the use of water, use of the pipeline will not injure downstream users. Right 74-0006 and 74-0007 should be delivered at the headworks for the pipeline.

There is a related question of how the channel commonly referred to as the "House Ditch" should be regulated. Bolton Ranch must install a lockable, controlling works and measuring device at the head of this ditch in the SE1/4SE1/4, Section 4, Township 21 North, Range 23 East, to comply with the conditions of approval for transfer No. 2581 of water right 74-2200. Bolton Ranch has historically diverted their domestic water from springs apparently associated with the "House Ditch" and this may be continued as long as water is available at that point. However, when there are no irrigation rights with a priority early enough to be

September 13, 1983

diverted at the diversion point of the "House Ditch", there may be no water in the springs for their domestic use.

The third issue concerns your responsibility to regulate diversions from James Steele Gulch. Because James Steele Gulch, which is a natural drain, serves as a ditch for delivery of right 74-2200 and collects water which would normally be tributary to the creek, its regulation has become an issue of dispute. I believe that any equitable method of distributing water from the gulch must consider water supplies and how it is being used. During those periods when sufficient water is available to fill right 74-2200, that portion of the draw above the section line common to Sections 9 and 16 will be considered a ditch and regulated at the diversion on Geertson Creek. After right 74-2200 has been cut, the irrigation waste water and spring flows should drain into the gulch in the NW1/4 corner of Section 16, Township 21 North, Range 23 East. The holder of right 74-2200 should be instructed to close off all the lateral ditches originating in the draw. This can essentially be accomplished with earth or canvas dams. However, if the lateral ditches are not otherwise closed according to your instructions, I will at your request, order the installation of locking headgates at each opening.

The fourth and final issue involves the exchange of water between Dale Jolley and Joseph Tonsmeire. Examination by Department personnel confirms there are water rights for the irrigated land owned by them. However, the place of use described by their respective water rights is different from the actual field boundaries established years ago. Though Mr. Tonsmeire and Mr. Jolley need to rectify those discrepancies, you should continue to deliver their rights at the designated headings. The arrangement between them appears to be similar to that existing between Vergil Olson and Verdell Olson, where they maintain separate diversions but combine the two streams into a common ditch.

Therefore, the water of Geertson Creek should be delivered according to the Green Book as set out in Mr. Young's August 2, 1983 letter with the exceptions discussed above including approved transfers and as the Green Book has been modified by a court approved stipulation involving the rate of diversion on right 74-0845.

Feel free to contact the Eastern Regional Office if you have questions concerning these matters.

Sincerely,



A. KENNETH DUNN
Director

AKD:BDF:rf

cc: All Geertson Creek Waterusers
Eastern Region



A copy of the letter dated September 13, 1983 sent to Bill Bramlette was also sent to each of the following waterusers on Geertson Creek

A. M. Santos
Rt. 1, Box 17
Salmon, ID 83467

Joe Tonsmeire
Rt. 1, Box 871
Salmon, ID 83467

Dale Jolley
Rt. 1, Box 15
Salmon, ID 83467

Bolton Ranches
Rt. 1, Box 14
Salmon, ID 83467

Vergil Olson
Rt. 1, Box 12
Salmon, ID 83467

Frank Cohl
Rt. 1, Box 17C
Salmon, ID 83467

Verdell Olson
Rt. 1, Box 17A
Salmon, ID 83467

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SEP 20 1983



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 25, 1983

RE: Application for Transfer of Water Right Nos. 74-0006/0007/0918/0619/
2272/0624

Bolton Ranch Inc.
Route #1, Box 14
Salmon, ID 83467

Gentlemen:

Enclosed is a copy of the Proposed Memorandum Decision and Order and a copy of the Order Issuing the Proposed Decision.

If you wish to file exceptions to the proposed decision, please notice the requirements and procedure for doing so in the Order Issuing Proposed Decision.

Please let us know if you have any questions.

Sincerely,


L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosures

cc: Vergil O. Olson
Verdell Olson
Sherman Furey, Jr., Attorney at Law
Matthew Mullaney, Esq.

MICROFILMED

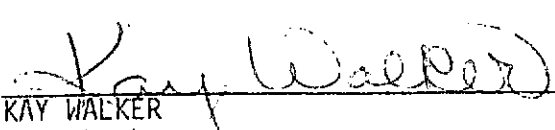
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHT NOS. 74-0006/
0007/0918/0619/2272/0624 IN THE NAME
OF BOLTON RANCH INC.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25th day of August, 1983, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Bolton Ranch Inc.
Vergil O. Olson
Verdell Olson
Sherman Furey, Jr., Attorney at Law
Matthew Mullaney, Esq.


KAY WALKER
Sr. Clerk
Idaho Department of Water Resources

RECEIVED
AUG 26 1983
IDaho DEPARTMENT OF WATER RESOURCES

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF TRANSFER OF WATER RIGHT NOS. 74-0006,)
74-0007, 74-0918, 74-0619, 74-2272 AND)
74-0624 IN THE NAME OF BOLTON RANCHES, INC.)

DENIAL OF MOTION TO
CONTINUE HEARING

WHEREAS, on June 1, 1982, Bolton Ranches, Inc. filed with the Department of Water Resources an application for transfer of the above referenced water rights; and,

WHEREAS, on July 9, 1982, a protest against the approval of the transfer was received by the Department from Vergil O. Olson and Verdell Olson; and,

WHEREAS, on August 26, 1982, a request to continue any hearing in this matter until the Seventh District Court considers a motion to reconsider its judgment on Geertson Creek was received from the protestants thru Matt Mullaney, their attorney; and,

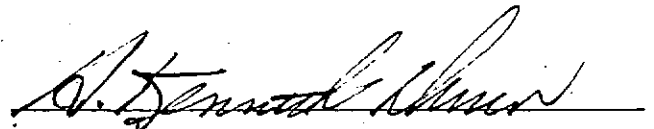
WHEREAS, on September 1, 1982, the applicant thru his attorney, Sherman F. Furey, Jr. objected to any extended delay in holding the hearing; and,

WHEREAS, after considering the request for delay and the objection to a delay, the Director has determined that it is in the best interest of all parties for the matter to be decided prior to the beginning of the coming irrigation system;

THEREFORE, the motion to continue any hearing pending the outcome of a reconsideration by the Seventh District Court of its decision is DENIED.

Dated this 7th day of October, 1982.

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A. KENNETH DUNN, Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF TRANSFER OF WATER RIGHT NOS. 74-0006,)
74-0007, 74-0918, 74-2272, 74-0619 AND)
74-0624 IN THE NAME OF BOLTON RANCHES, INC.)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 12th day of October, 1982, a true and correct
copy of the foregoing DENIAL OF MOTION TO CONTINUE HEARING was mailed, postage pre-
paid to:

Bolton Ranches, Inc.
Route 1, Box 14
Salmon, ID 83467

Vergil O. Olson
Route 1, Box 12
Salmon, ID 83467

Verdell Olson
Salmon, ID 83467

Sherman F. Furey, Jr.
Box 1127
Salmon, ID 83467

Matthew Mullaney, Esq.
The Hoff Building, Suite 308
802 W. Bannock
Boise, ID 83702

RECORDED



RITA I. FLECK
Sr. Secretary

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET, P. O. BOX 1127

SALMON, IDAHO 83467

August 31, 1982

SHERMAN F. FUREY, JR.

SHERMAN F. FUREY, III

(208) 756-2577

(208) 756-4655

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SEP 1 1982

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

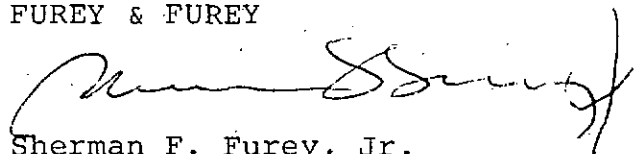
Re: Bolton Ranch, Inc., Application No. 74-0006, 0007,
0918, 0619, 2272 and 0624

Gentlemen:

Enclosed is Response of Bolton Ranch, Inc., to Motion To Continue the Administrative Hearing which is respectfully submitted in opposition to Mr. Mullaney's Motion to Continue dated August 26, 1982.

Very truly yours,

FUREY & FUREY


Sherman F. Furey, Jr.

SFF:ga
Enclosure

cc: Matthew Mullaney, Esq.
Mr. David Logan

RECEIVED

Sherman F. Furey, Jr.
FUREY & FUREY
Attorneys at Law
116 N. Center
P.O. Box 1127
Salmon, Idaho 83467
Telephone: (280) 756-2577

RECEIVED

SEP 1 1982

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL TRANSFER NO. 74-0006,) RESPONSE OF BOLTON
74-0007, 74-0918, 74-0619, 74-2272,) RANCH, INC., TO MOTION
and 74-0624 IN THE NAME BOLTON) TO CONTINUE THE
RANCHES, INC.) ADMINISTRATIVE HEARING
)

Bolton Ranch, Inc., through its undersigned attorneys, make the following Response in opposition to Motion to Continue the Administrative Hearing dated August 26, 1982, heretofore filed in behalf of Vergil and Verdell Olson:

Olsons, through their attorney Matthew Mullaney, Esq., state--"that there is pending before the Seventh District Court in the Lemhi Adjudication a Rule 60(b) motion to reconsider and set aside the Court's judgment making effective an oral contract for the settlement of water rights." We dispute this statement and in this connection refer the Department to a letter dated August 11, 1982, true copy of which is annexed hereto as Exhibit "A", in which the presiding District Judge, Honorable Boyd R. Thomas, specifically declines to act on said motions pending determination of an appeal of the matter by Olsons to the Idaho Supreme Court. In the state of the present record, and contrary to the assertions of Olsons, said Rule 60(b) motions are not pending before the Seventh District Court.

Bolton Ranch, Inc., further disputes Olsons' assertion that--"the applications of Bolton Ranches, Inc., are bottomed on that oral contract and a Stipulation decreed for Geertson Creek". We urge, and we believe the Department's own records and knowledge of the matter will confirm, that the matters covered by the subject applications are not involved with the

MICROFILMED

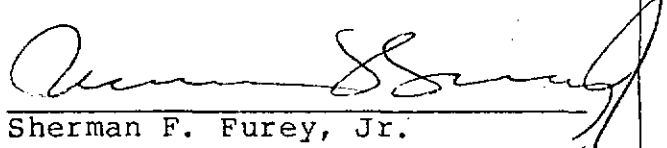
Stipulation dispute such as to make a resolution of the latter necessary to a resolution of the former.

We further urge that the Department has already rendered its decisions on the basic issues in this case and that the only matters left for determination at a future hearing are review, and correction if necessary, of possible misapprehensions by the Department of certain geographical details.

Although the undersigned requested, and the Department granted, a postponement of the hearing of this matter heretofore set for September 8, 1982, because of a conflict between said setting and a previously scheduled jury trial in which the undersigned is counsel, Bolton Ranch, Inc., urges that this matter be rescheduled for final hearing at the earliest possible date and that Olsons' Request for indefinite postponement be denied.

Respectfully submitted this 31st day of August, 1982.

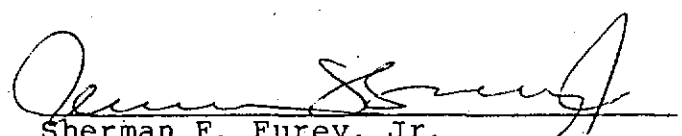
FUREY & FUREY

By: 

Sherman F. Furey, Jr.

CERTIFICATE OF MAILING

I CERTIFY That on this 31st day of August, 1982, I mailed a true copy of the above RESPONSE to Matthew Mullaney, Esq., Attorney for Vergil and Verdell Olson, at The Hoff Building, Suite 308, 802 W. Bannock, Boise, ID 83702, by depositing the same in the U.S. Mail, postage prepaid.


Sherman F. Furey, Jr.

ENCLOSURE

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO

BOYD R. THOMAS
DISTRICT JUDGE

ROSS L. OVIATT
COURT REPORTER



RESIDENT CHAMBERS
LAW ENFORCEMENT BUILDING
125 N. CAPITAL AVENUE
IDAHO FALLS, IDAHO 83401
(208) 521-1378

August 11, 1982

To: Matthew Mullaney, Esq.
802 West Bannock Street
Boise, ID 83702

Kent W. Foster, Esq.
P. O. Box 129
Idaho Falls, ID 83402

Re: Lemhi Adjudication - Geertson Creek
Lemhi County Case No. 4948

Gentlemen:

In light of the fact that this matter is now pending on appeal to the Supreme Court I do not feel this Court has jurisdiction of any post-judgment motion particularly the nature of the one herein. Consequently the Court declines to act on the matter at this time.

Very truly yours,

Boyd R. Thomas
Boyd R. Thomas

MAILED

Exhibit "A"

MATTHEW MULLANEY, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702 / 208-344-2860

RECEIVED

AUG 27 1982

Idaho Department of Water Resources

August 26, 1982

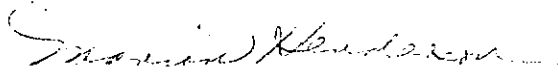
A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Re: In the Matter of Protests Against
Approval Transfer No. 74-006, 74-007,
74-0918, 74-0619, 74-2272 and 74-0624
In the Name Bolton Ranches, Inc.

Dear Mr. Dunn:

Enclosed please find Motion to Continue the
Administrative Hearing in the above-referenced matter.

Very truly yours,


Marion Henderson for
Matthew Mullaney, Esq.

h
encl.

RECEIVED

MATTHEW MULLANEY, ESQ.
ATTORNEY AT LAW
The Hoff Building, Suite 308
802 West Bannock
Boise, ID 83702
(208) 344-2860

RECEIVED
AUG 11 1982

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL TRANSFER NO. 74-0006,)
74-0007, 74-0918, 74-0619, 74-2272,)
and 74-0624 IN THE NAME BOLTON)
RANCHES, INC.)
MOTION TO CONTINUE
THE ADMINISTRATIVE
HEARING

Vergil and Verdell Olson, by the undersigned counsel, move the Department to continue the administrative hearing in the above-captioned matter set for Salmon, Idaho on September 8, 1982. As grounds therefore, the Olsons assert that there is pending before the Seventh District Court in the Lemhi Adjudication a Rule 60(b) motion to reconsider and set aside the Court's judgment making effective an oral contract for the settlement of water rights. The applications of Bolton Ranches, Inc. are bottomed on that oral contract and a Stipulation decreed for Geertson Creek.

There is reason to believe that the Seventh District Court erred and that the Court will take the opportunity to correct its error and not put the parties and the courts to the time and expense of the appellate process. If the judgment is vacated, these administrative proceedings would be useless. It is late in the irrigation season. These applications are designed to affirm the status quo. Continuance would not prejudice Bolton Ranches, Inc. A continuance may relieve the parties and the Department from an unnecessary and fruitless administrative hearing.

Respectfully submitted, this 26th day of August, 1982.


MATTHEW MULLANEY, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO CONTINUE THE ADMINISTRATIVE HEARING was mailed, postage prepaid, to Sherman Furey, Esq., P. O. Box 1127, Salmon, ID 83467 on the 26th day of August, 1982. Mr. Furey is counsel for Bolton Ranches, Inc.

Marion Henderson
Marion Henderson, Legal Secretary

RECORDED
INDEXED

MATTHEW MULLANEY, ESQUIRE
THE HOFF BUILDING / SUITE 308
802 WEST BANNOCK STREET
BOISE, IDAHO 83702
208-344-2860

B. Fleenor

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

SEP 1 1982

Department of Water Resources

IN THE MATTER OF APPLICATION FOR TRANSFER
NO. 74-0006, 74-0007, 74-0918, 74-0619,
74-2272 and 74-0624 AND REHEARING FOR
74-0006, 74-0007, 74-0918 and 74-2272 IN THE
NAME OF BOLTON RANCHES, INC.

NOTICE OF CANCELLATION

Notice is hereby given that the Department of Water Resources
has cancelled the conference and/or hearing concerning the above applications
scheduled for Wednesday, September 8, 1982, at 1:00 p.m. in the Courtroom,
Lemhi County Courthouse, Salmon, Idaho. This conference and/or hearing
has been cancelled at the request of the applicant's attorney.

Dated this _____ day of August, 1982.

RONALD D. CARLSON
Eastern Regional Supervisor

RECORDED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	)	
TRANSFER NO. 74-0006, 74-0007, 74-0918,	)	NOTICE OF HEARING
74-0619, 74-2272, AND 74-0624 IN THE NAME	)	AND/OR CONFERENCE
BOLTON RANCHES, INC.	)	

On June 1, 1982, Bolton Ranches, Inc., Salmon, Idaho filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On July 9, 1982, the Department received a protest against approval of said application from Vergil G. and Verdell Olson.

The Department has set the matter of protest for hearing for Wednesday, September 8, 1982, at 1:00 p.m. in the Courtroom, Lemhi County Courthouse, Salmon, Idaho. This hearing will be a combined hearing in conjunction with a rehearing for No. 74-0006, 74-0007, 74-0918 and 74-2272. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 26th day of August, 1982.


RONALD D. CARLSON

Eastern Regional Supervisor

RECEIVED
AUG 26 1982
WATER RESOURCES
DIVISION

July 20, 1982

RE: Application for Transfer No. 74-0006/etc.

Bolton Ranch Inc.
Rt. #1, Box 14
Salmon, Idaho 83467

Gentlemen:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

July 20, 1982

RE: Application for Transfer No. 74-0006/etc. BOLTON

Verdell Olson
Rt. #1, Box 17-A
Salmon, Idaho 83467

MICROFILMED

Dear Mr. Olson:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

July 20, 1982

RE: Application for Transfer No. 74-0006/etc. BOLTON

Vergil O. Olson
Rt. #1, Box 12
Salmon, Idaho 83467

Dear Mr. Olson:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

RECORDED

RECEIVED
JUL 9 1982

DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

POOR QUALITY ORIGINAL

Salmon Lake, Ida.
July 8, 1982

Dear Sirs:

We are protesting any change of water rights 74-0006 - 740007 - 7400918
74-0019 - 74-02272 and 74-0624
because we have protested these rights twice before and they have protested also. They are now using these rights illegally since as they never applied for change or made any study to see if it affected rights down stream some of these rights in from Gary Creek of which Bottom Lake must have some ditch to get water to their ground. Also some of these rights or in stipulation of which Judge Thomas has not yet ruled on. Some of these rights if for grow ground of which Bottom does not show giving them more water per acre than law permits. It has already been proved that the sprinkler has affected our water down stream by making big and down so we cannot get our desired water right.

Vergil O'Connell
Rt 1 Box 12
Salmon

Ida.

83467

Wendell Olsen
Rt 1 Box 17A
Salmon, Ida.

83467

July 28, 1982

David Logan
Bolton Ranch Inc.
Route 1 Box 14
Salmon, ID 83467

Dear Mr. Logan:

Re: Application of Transfer of Water Right Nos.
74-0006, 74-0007, 74-0918 and 74-2272

Enclosed is a copy of the Order which grants the petitions for rehearing of the above-referenced matter.

Please be advised that our Eastern Regional office in contact you of the time and place when the hearing is rescheduled.

Sincerely,

RITA I. FLECK
Sr. Secretary

cc: Eastern Region
Vergil O. Olson
Verdell Olson
Sherman F. Furey, Jr.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER	)	
OF WATER RIGHT NOS. 74-0006, 74-0007, 74-	)	ORDER GRANTING REHEARING
0918 AND 74-2272 IN THE NAME OF BOLTON	)	
RANCHES, INC.	)	

The Director of the Department of Water Resources on April 7, 1982 issued his memorandum decision and order approving, with conditions, Transfer No. 2580 of water right Nos. 74-0006, 74-0007, 74-0918 and 74-2272 in the name of Bolton Ranches, Inc.

The applicant, Bolton Ranches, Inc. through their attorney, Sherman F. Furey, Jr. requested on April 23, 1982, a rehearing of the matter.

On April 29, 1982, the protestants Vergil and Verdell Olson through their attorney Matthew Mallaney requested a rehearing.

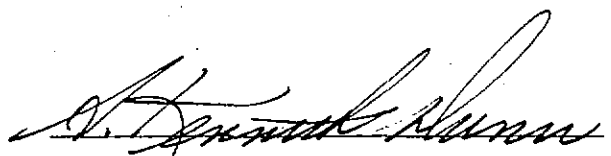
On May 23, 1982, the applicant responded to the protestants' request for rehearing and supplemented their own request for a rehearing.

The Director finds that a rehearing would be beneficial in his reaching a final decision.

IT IS, THEREFORE, HEREBY ORDERED that the Director of the Department of Water Resources grants the petitions for rehearing.

Signed at Boise, Idaho this 20 day of July, 1982

RECEIVED
JUL 20 1982



A. KENNETH DUNN

Director

RECEIVED

MAY 5 1982

Department of Water Resources

April 28, 1982

Sherman F. Furey, Jr.
Furey & Furey
P. O. Box 1127
Salmon, ID 83467

MICROFILMED

Dear Mr. Furey:

Enclosed is the request of Vergil and Verdell Olson for rehearing of the application of Bolton Ranch to transfer under 74-0006 et al.

Very truly yours,

MATTHEW MULLANEY, Esq.

MM/mh
encl.

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET, P. O. BOX 1127

SALMON, IDAHO 83467

May 11, 1982

SHERMAN F. FUREY, JR.
SHERMAN F. FUREY, III

(208) 756-2577
(208) 756-4655

May 11 1982
Department of Water Resources

Department of Water Resources
Statehouse
Boise, Idaho 83720.

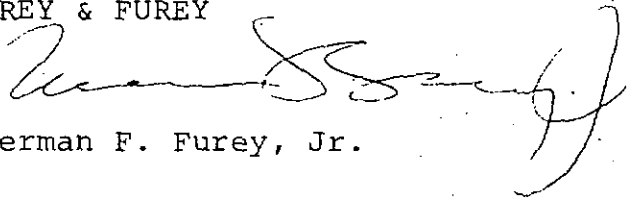
Re: Application for Transfer of Water Right
Nos. 74-0006, 74-0007, 74-0918 & 74-2272

Dear Sir:

Enclosed is Supplemental Request for Rehearing of Bolton
Ranch, Inc., for filing in the above case.

Very truly yours,

FUREY & FUREY


Sherman F. Furey, Jr.

SFF:ga

Enclosure

cc: Matthew Mullaney, Esq.
Bolton Ranch, Inc.

RECEIVED
MAY 11 1982
DEPARTMENT OF WATER RESOURCES

Sherman F. Furey, Jr.
FUREY & FUREY
Attorneys at Law
P.O. Box 1127
Salmon, Idaho 83467
Telephone: (208) 756-2577

RECEIVED
MAY 11 1982

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR TRANSFER OF WATER RIGHTS) SUPPLEMENTAL REQUEST
NO. 74-0006, 74-0007, 74-0918 and 74-2272) FOR REHEARING OF
IN THE NAME OF BOLTON RANCH, INC.) BOLTON RANCH, INC.

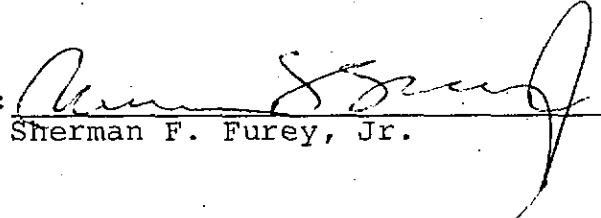
BOLTON RANCH, INC., responds to Request for Rehearing of Vergil Olson, et al, and supplements Bolton Ranch's Request for Rehearing as follows:

1. Responding to Paragraph 6 of the Olson Request for Rehearing Bolton Ranch, Inc., confirms that it is preparing and will soon file an application to change the place of use of certain of its irrigation rights and agrees with Olson, et al that the convenience of the parties and the ends of justice would be served by consolidating the hearing on said application with the rehearing in this case. Bolton Ranch, Inc., joins with Olson et al, in requesting such consolidated hearing.

2. By way of extension and explanation of the previous Request for Rehearing of Bolton Ranch, Inc., said request was made, and was intended, for the purpose of obtaining clarification and interpretation of certain provisions of the Department's Memorandum Decision and Order rather than as a protest of said decision.

DATED: May 11, 1982.

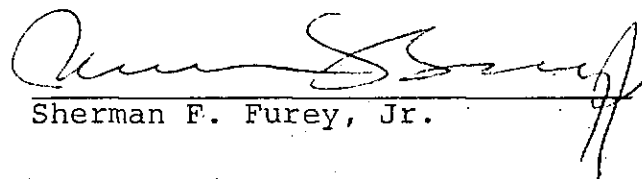
FUREY & FUREY

By: 
Sherman F. Furey, Jr.

FUREY & FUREY

ATTORNEYS AT LAW
116 N. CENTER STREET P.O. BOX 1127
SALMON, IDAHO 83467
(208) 756-2577

I CERTIFY That on this 11th day of May, 1982, I mailed a true copy of SUPPLEMENTAL REQUEST FOR REHEARING OF BOLTON RANCH, INC., to Matthew Mullaney, Esq., at 802 W. Bannock Street, Boise, Idaho 83702, by depositing the same in the U.S. Mail,, postage prepaid.


Sherman F. Furey, Jr.

WITNESSED

FUREY & FUREY
ATTORNEYS AT LAW
116 N. CENTER STREET P.O. BOX 1127
SALMON, IDAHO 83467
(208) 756-2577

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET, P. O. BOX 1127

SHERMAN F. FUREY, JR.
SHERMAN F. FUREY, III

SALMON, IDAHO 83467
April 21, 1982

(208) 756-2977
(208) 756-4655

RECEIVED

APR 23 1982

Department of Water Resources

Department of Water Resources
Statehouse
Boise, Idaho 83720

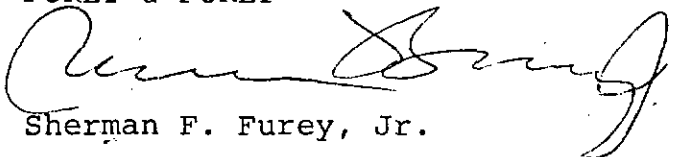
Re: Application for Transfer of Water Right Nos.
74-0006, 74-0007, 74-0918 and 74-2272

Dear Sir:

Enclosed is Request for Rehearing for filing in the
above case.

Very truly yours,

FUREY & FUREY


Sherman F. Furey, Jr.

SFF:si

Enclosure

cc: Mr. Vergil Olson
Mr. Verdell Olson
Mr. David Logan,
Bolton Ranch, Inc.

MICROFILMED

Sherman F. Furey, Jr.
FUREY & FUREY
Attorneys at Law
P.O. Box 1127
Salmon, Idaho 83467
Telephone: 756-2577

RECEIVED

APR 23 1982

Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

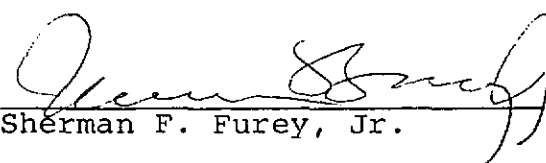
IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR TRANSFER OF WATER RIGHTS) REQUEST FOR
NO. 74-0006, 74-0007, 74-0918 AND 74-2272 IN) REHEARING
THE NAME OF BOLTON RANCH, INC.)

Bolton Ranch, Inc., through its undersigned attorney, hereby requests a rehearing in this matter.

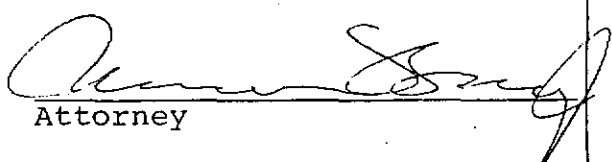
This request is made and based on the ground that the Memorandum Decision and Order dated April 7, 1982, of the director misconstrues and misapplies the facts and the law, particularly as expressed, and represented by, Paragraph 4 of the Order.

DATED: April 21, 1982.

FUREY & FUREY

By: 
Sherman F. Furey, Jr.

I CERTIFY That on this 21st day of April, 1982, I mailed a true copy of Request for Rehearing to Vergil O. Olson at Route 1, Box 12, Salmon, Idaho 83467, and Verdell Olson at Salmon, Idaho 83467, by depositing the same in the U.S. Mail, postage prepaid.


Attorney

RECEIVED

FUREY & FUREY

ATTORNEYS AT LAW
116 N. CENTER STREET P.O. BOX 1127
SALMON, IDAHO 83467
(208) 756-2577



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 2, 1982

Bolton Ranches, Inc.
Route 1, Box 14
Salmon, ID 83467

Gentlemen:

Re: Application for Transfer of Water Right Nos. 74-0006, 74-0007, 74-0918
and 74-2272

Enclosed is a copy of your approved Application for Transfer of the above-referenced water rights. We direct your attention to the conditions of approval as set forth in the order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days or may appeal directly to the district court within thirty (30) days from the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Vergil Olson
Verdell Olson
Sherman F. Furey, Jr.

RECORDED

RECEIVED

MAR 9 1982

Department of Water Resources
Eastern District Office

May 5, 1982
Salmon, Ida.

Dear Sirs,

In regard to your letter dated Feb 19, 1982, I am again opposing any transfer of water to this illegal point of diversion even if the B.I.M. has given them a right of way.

I have a letter from them saying that there would not be a permit used until a legal point was established, according to water law Bolton cannot get a legal point until he has done research and that no damage will be done to existing water rights which we have proved it all ready has.

Virgil G. Olson
Salmon,
Ida.

P.S.

Again I am opposing transfer No. 44-0006/0007/0718/2292 to this illegal point of diversion.

RECEIVED

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office
Federal Building, Box 042
550 West Fort Street
Boise, Idaho 83724

DECISION

RIGHT-OF-WAY GRANTED

Details of Grant

Serial Number of Grant: I-17724

Name of Grantee: Bolton Ranch, Inc.

Map showing the location and dimensions of grant:

Map designations: Pipeline Right of Way for Bolton Ranch, Inc.

Date filed: May 26, 1981

Permitted use by grantee: Irrigation ditch and pipeline across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, T. 22 N., R. 23 E., B.M.; and a buried irrigation pipeline across the W $\frac{1}{2}$ Lot 4, Sec. 3, T. 21 N., R. 23 E., B.M., Idaho

Authority for grant: P.L. 94-579 (Oct. 21, 1976) Title V, 90 Stat. 2743

Regulations applicable to grant:

Code reference: 43 CFR 2800

Date of Grant: November 13, 1981

Expiration of Grant: 30 years from date of issuance

Rental:

Amount: \$25 per five-year period subject to adjustment pursuant to 43 CFR 2803.1-2(d)

When payable: On or before the first day of each five-year period.

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), as amended, a right-of-way, the details of which are shown above, is hereby granted subject to the following terms and conditions:

1. All valid existing rights existing on the date of grant.
2. All regulations specified above.
3. Further terms and conditions as follows:
 - (a) The District Manager of the Salmon District Office, P.O. Box 430, Salmon Idaho, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.
 - (b) Stipulations of Exhibit A attached hereto and made a part hereof.

William F. Ireland

William F. Ireland, Acting Chief
Branch of L&M Operations

STIPULATIONS
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY I-17724

1. The holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this permit. The permittee shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.
2. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of the irrigation ditch and pipeline within the limits of the right-of-way.
3. There is reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
4. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
5. This right-of-way is subject to all applicable regulations in 43 CFR Part 2800 which are hereby incorporated in and made a part of this grant.
6. There is reserved to the United States a continuing right of access onto the public lands covered by the right-of-way grant, and upon reasonable notice to the holder, access and entry to any facility constructed on the right-of-way or permit area.
7. The permittee, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
 - (a) To the extent practicable, all State and Federal laws applicable to the authorized use and such additional State and Federal laws along with the implementing regulations, that may be enacted and issued during the term of the grant or permit.
 - (b) That in the construction, operation, maintenance and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex or national origin and all subcontracts shall include an identical
 - (c) To rebuild and repair roads, fences, and established trails that may be destroyed or damaged by construction, operation or maintenance of the project and to build and maintain suitable crossings for existing roads and significant trails that intersect the project.
 - (d) To do everything reasonably within his or her power, both independently and upon request of the Authorized Officer, to prevent and suppress fires on or in the immediate vicinity of the right-of-way or permit area. This includes making available such construction and maintenance forces as may be reasonably obtained for the suppression of fires.

RECEIVED
BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR

8. This grant is subject to periodic review at the end of the twentieth year and at regular intervals thereafter not to exceed ten years.
9. The permittee is not authorized to irrigate or cultivate public lands. Any cultivation of public lands for forage or crop production shall be considered an agricultural trespass and the trespasser shall be liable for damages to the United States.
10. The irrigation facilities shall be constructed and maintained in a manner to prevent erosion on any public land. Any erosion created by the facilities shall be corrected by the permittee, and as required by the District Manager, Bureau of Land Management.
11. Permittee shall confine all disturbance to the right-of-way area, and shall reseed the disturbed areas with the following grass mixtures:
 - 4 lbs. Intermediate wheatgrass
 - 4 lbs. Smooth brome
 - 2 lbs. Yellow sweet clover
 - 1 lb. Orchard grass
 - 1 lb. Ladak alfalfa

This mixture shall be applied at a rate of 12 lbs. per acre, and the seed shall have a germination and purity of 95%. Seeding shall be done during the fall (September or October) or spring (April or May) following completion of construction. The seeding shall be repeated until a satisfactory stand is obtained, as determined by the District Manager or his representatives.

12. The total width of this right-of-way is limited to 20 feet; 10 feet on either side of the centerline.

BOLTON RANCH, INC.

Accepted by

Signature

Title

Vice Pres. Manager
Bolton Ranch Inc.

Date

10-30-81

RECEIVED

BUREAU OF LAND MGMT
IDAHO STATE OFFICE
BOISE IDAHO

NOV - 6 1981

NOV 17 1981

Transfer 74-0006/0007/0918/2272.
Transfer 74-2200.

Oct. 29, '81

Bolton Ranch Inc. - Dave Logan. 74-0006/0007/0918/2272

New p.d. in lot 6 Section 34 services new gravity flow sprinkler system.

Will continue to use original p.d.s. during high water.

Does not intend to change the place of use
74-2200.

- New p.d.s. will accommodate current irrigation practices.

Virgil Olson

42-222 requires hydrologic study.

- did not ~~secure~~ secure stream channel alternation permit.

- operation of sprinkler system affects delivery of water to Olson p.d.

- water master allowing Dave Logan to regulate his own diversion on Bolton Ranch.

- trespass on B.L.M. ground. - applies to lands in Sec 4.
listed on the application.

Q. Are these rights included in the stipulation.

1881

AC CFC.

81 .6

1884

112. 1.0

MICROFILMED

HEARING.

10:39 A.M.

Bolton Ranch Inc. represented by Sherman Furey Jr.

Virgil Olson, } representing self.
Verdell Olson, }

Direct. - Dave Logan - Manager since Nov. 1978.

74-0006/ etc. {
- Intent - record new p.d. which services gravity flow sprinkler system. Will continue to irrigate same P.O.U. identified by each right.
- Injury - does not feel injury will occur to down stream users,

74-2200 - Intent - record change in location of ditch ~~as~~ resulting from installation of gravity flow sprinkler system.
SENE Section 9 - new p.d.
NW SE " - believed to be traditional p.d. but not listed in proposed findings.
- NENE Section 4 - primary p.d.
- No change in P.O.U.
- No Injury.

74-0006 -
- Right-of-way through B.h.M. lands requested ~~xx~~ 8 months.
- 10-22-81 - reply affirming recommendation for approval of right-of-way.

74-2200 - New p.d.s. are in side channels of creek.

RECORDED

x-exam - Virgil

- Sprinkler system ~~was~~ ^{does} irrigate lands administered by B.L.M.
- Does pump for house & yard.
- Changes made prior to filing application.

x-exam Verdel -

- Who recognizes ~~side~~ channels? "The Dept. I assume."

Direct Neal Ankrum - Watermaster

- Watermaster in W.D. 7th A since 1975.
- Does not believe change in p.d. will adversely effect down stream users.

x-exam - Virgil. -

- Received instruction from Dept. to regulate rights

Tap #2 7:33
11:24.

- July 29th. Gerry Ramsey - measured over 80 inches at Bolton p.d. - Virgil p.d. had less than 30 inches
- Steel Gulch is tributary to creek. should not be effected by change in p.d.

x-exam Verdel -

- Will in p.d. cause ^{more} loss thru evaporation & seepage

Q. by Bob - is Geertson Creek a gaining or losing stream below lot 6 section 34? Do Not Know.

MICROFILMED

Direct Virgil Olson -

- Fluctuation on creek ~~required~~ ^{method of} caused by operation of the sprinkler system.
- Are in trespass on B.L.M.

Direct Virgil Olson

- Channel heading in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4 is not natural channel of creek, appears to have been ~~made~~ man made.

X-Exam - Furey -

- There is vegetation along banks of channel.

UNPROCESSED

X-exam - Virgil

- Sprinkler system ~~does~~ irrigate lands administered by B.L.M.
- Does pump for house & yard.
- Changes made prior to filing application.

X-exam Verdel -

- Who recognizes ~~side~~ channels? "The Dept. I assume."

Direct Neal Ankrum - Watermaster

- Watermaster in W.D. 7th A since 1975.
- Does not believe change in p.d. will adversely effect down stream users.

X-exam - Virgil. -

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X-exam Verdel -

- Will in p.d. cause ^{more} loss thru evaporation & seepage

Q. by Bob - is Geertson Creek a gaining or losing stream below Lot 6 section 34? Do Not Know.

RECORDED

February 19, 1982

RE: Application for Transfer No. 74-0006/0007/0918/2272
BOLTON RANCH, INC.

Vergil O. Olson
Rt. #1, Box 12
Salmon, Idaho 83467

Dear Mr. Olson:

Subsequent to the Department's October 29, 1981 hearing on the above captioned application, the applicant has been granted a right-of-way by the Bureau of Land Management. This right-of-way allows for the applicant's gravity flow pipeline to remain in its present location where it crosses the W₂ (Lot 4), Section 3, T. 21N, R. 23E, B.M. A copy of this document is enclosed for your review.

It has been proposed that the right-of-way permit be introduced into the hearing record making it eligible for consideration in the Department's decision. If you are opposed to this proposal, then written objection must be submitted to this office. If no objections are received by March 8, 1982, the Department will accept the right-of-way permit as part of the record subject to consideration in its proposed Memorandum Decision and Order.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

cc: Bolton Ranch, Inc.
Sherman Furey, Attorney

RECEIVED

February 19, 1982

RE: Application for Transfer No. 74-0006/0007/0918/2272
BOLTON RANCH, INC.

Verdell Olson
Salmon,
Idaho 83467

Dear Mr. Olson:

Subsequent to the Department's October 29, 1981 hearing on the above captioned application, the applicant has been granted a right-of-way by the Bureau of Land Management. This right-of-way allows for the applicant's gravity flow pipeline to remain in its present location where it crosses the W₂ Lot 4, Section 3, T. 21N, R. 23E, B.M. A copy of this document is enclosed for your review.

It has been proposed that the right-of-way permit be introduced into the hearing record making it eligible for consideration in the Department's decision. If you are opposed to this proposal, then written objection must be submitted to this office. If no objections are received by March 8, 1982, the Department will accept the right-of-way permit as part of the record subject to consideration in its proposed Memorandum Decision and Order.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

cc: Bolton Ranch, Inc.
Sherman Furey, Attorney



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

SALMON DISTRICT OFFICE

P.O. Box 430

Salmon, Idaho 83467

(208) 756-2201

IN REPLY REFER TO

R/W

I-17724

FEB 12 1982

Department of Water Resources
Eastern District Office

February 10, 1982

State of Idaho
Department of Water Resources
Attn: Ernie Carlsen
150 Shoup
Idaho Falls, Idaho 83401

Dear Ernie:

Enclosed is a copy of the Bolton Ranch, Inc. right-of-way grant for their existing buried pipeline and proposed pipeline and irrigation ditch. The stipulations attached with the grant are also enclosed. Stipulation #9 specifically addresses the irrigation and cultivation of the subject public lands.

Mr. Logan and his predecessors have farmed public lands in this area over the last few years without any authorization. He is aware that this use is unauthorized and that he is liable to the U.S. for "damages". If any of the public land is sold, the unauthorized use(s) have to be cleared up and damages collected before the sale takes place.

The attached aerial photo (copy) shows the right-of-way facilities and the lands that were identified for disposal through our land use planning process. These lands are proposed to be sold and a sale is being considered at this time.

Mr. Logan would also like us to sell a total of 40 acres located along the road. These lands are included in with his private farmland. (These tracts are also outlined on the photo copy). We have not determined whether these will be put up for sale and, whether or not they are sold, the unauthorized use will be settled and the lands either returned to their original state or authorized for agricultural use. This will depend on what is considered to be their highest and best use.

If you should have any questions regarding this or any other matters, please feel free to contact us.

Sincerely,

Jerry Goodman

Jerry Goodman
Acting District Manager

ENCLOSURES

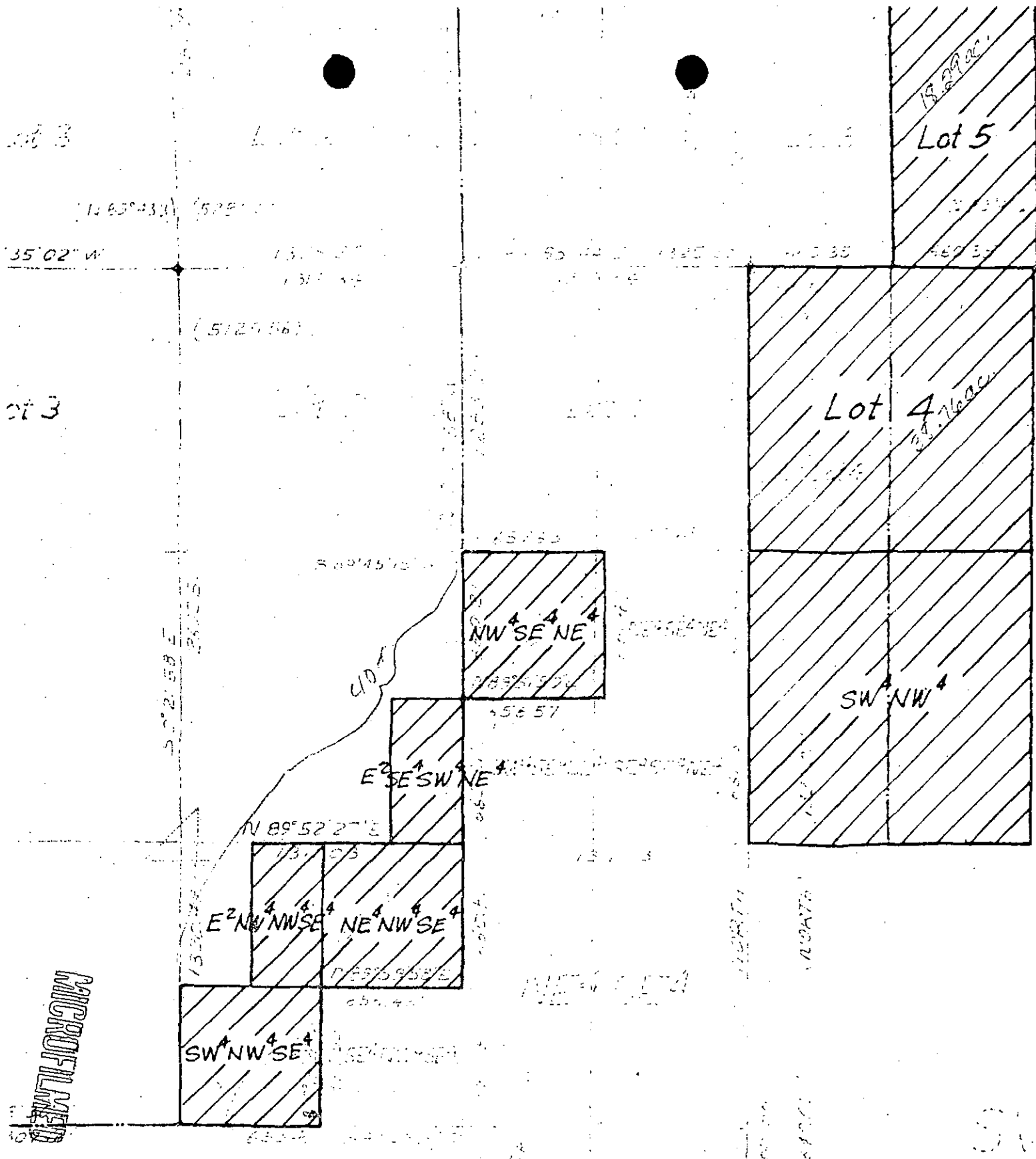
-15-74

BLM-1-4 3-353-187

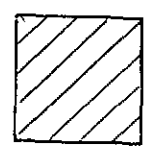


Goldstone mtn. Quad (12)

RECEIVED



KEY

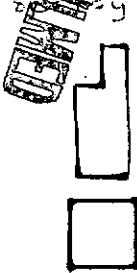
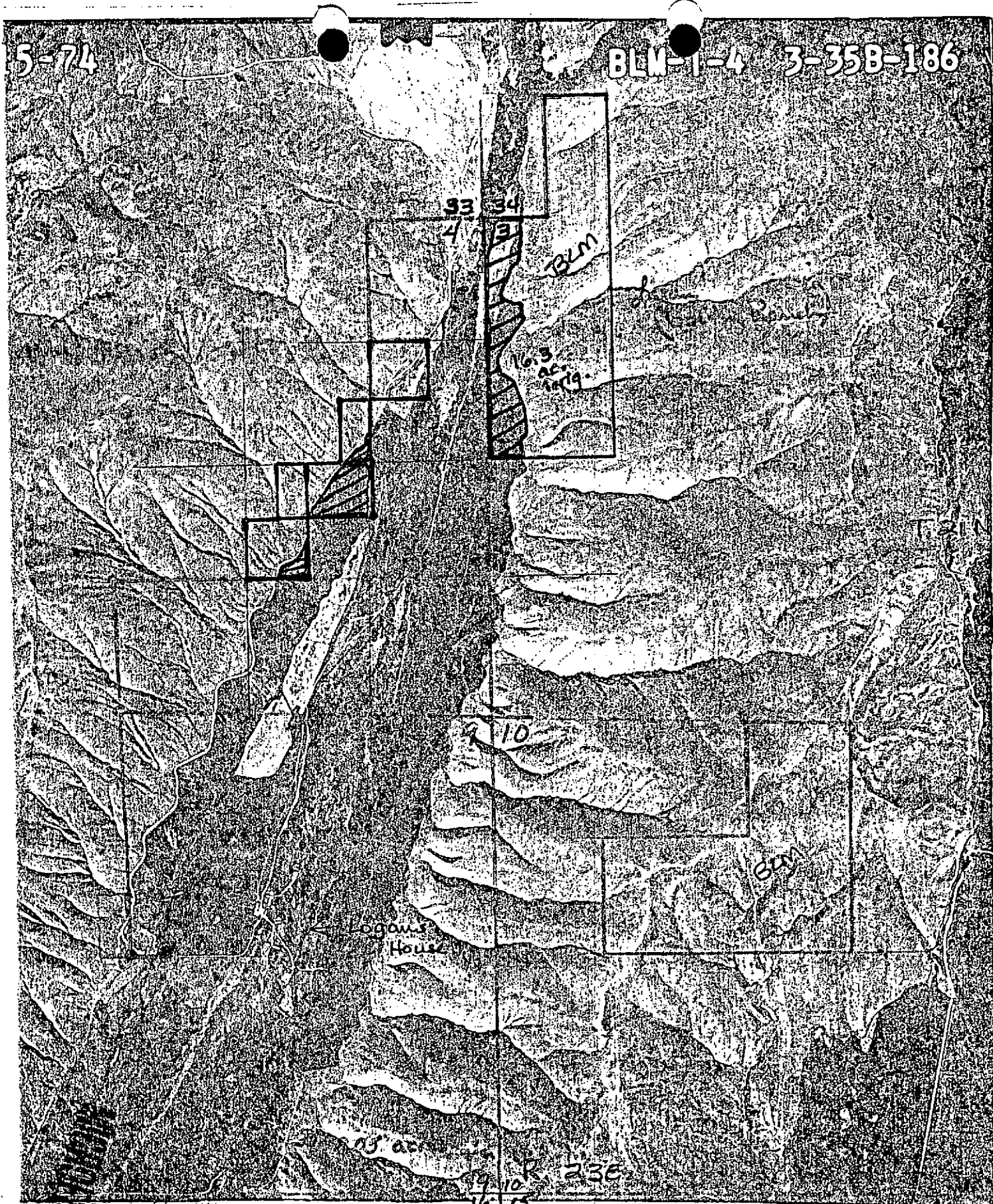


Lands that Logan would like to purchase

5-74

BLM-1-4

3-35B-186



Isolated tract identified for disposal

Tracts Logan would like BLM to sell



Unauthorized irrigated & cultivated public lands

74-0006 etc

74-2200

Conference

Sec. 42.

~~74-2200~~

-74-0006 Wants to add PD in lot 6 of Sec 34

-74-2200 Is the PD on SW NE on the Creek
or is it a ditch with PD in SESE sec 4

Issue

-Trespass on BLM ground →

-
-

Hearing

Direct David Logan, Manager

Case 4948 -

Reason for filing - 74-0006

- To add a P.D. for gravity sprinkler system
- No change in P.U. is proposed.
- No ground added -
- No injury would be caused by the change -

Reason for filing 74-2200

There was a PD in NW NE that will be deleted and PD added in SW NE
The P.D. in NW SE has always been there but not claimed

Take official notice of Findings of Proposed Decree
Ask if affidavits can be considered
at the existing PD be continued to be used

- 74-2200 Will not be used on other land.

- Right of Way on Transfer 2580

Application applied for 8 months ago

Recent letter read into the record - from BLM

→ P.D. on private land but pipeline crosses
- BLM ground.

X-exam -

1. Has use been expanded - ?

2.

3. Changes

→ Changing sprinkling system effects

→

→ Was a stream channel → application filed -

→ The Green Book shows PD in Sec 34

Two ~~PD~~ Pumps

1

Direct - Neil Ankram -

Rancher for 30 years - Retired - Now Watermaster

Watermaster since ~~1950~~ 1975 on Gertson Creek,

Would not adversely affect Olson.

X-exam -

RECEIVED

Statement by Virgil

→ If he is held to his ~~the~~ rights then there would be not injury =

→ ~~Water~~ →

Verdell X-exam

- Is there going to be a loss in the creek
- caused by moving the water upstream
- ~~the~~

There is

No

Protestant -

- Virgil Olson - testimony -
- Asking for P.D. not presently of record
- Illegal stream channel alteration -

Protestant - Verdell Olson

- The channel appears to be man~~made~~ made -
- There should have been a permit -

X-exam

There are willows along the ditch or channel -
Known of ditch for eighteen years -

RECORDED

→

T 74-0006/etc. and 74-2200 - Bolton Ranch Inc.
Courtroom, Lemhi County Courthouse, Salmon, Idaho

Thursday, October 29, 1981 (9:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer _____

Name	Address	Representing
Sherman F. Frey, Jr.	Box 1127 Salmon, ID. 83447	Bolton Ranch, Inc.
Niel Askrum	Rt 1 Box 47 Salmon Id.	
Merry B. Logan	Rt 1 Box 14 Salmon Id	Bolton Ranch, Inc
Stephanie Brady	Box 430 Salmon	Bolton
Vergil O. Olson	Rt 1 Box 13	Salmon Idaho -
Verdell Olson	Rt 1 st Box 17A	Salmon, Idaho.

MICROFILMED

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT OFFICE 150 SHOUR AVE.		Indicate type of mail		I certify that we have		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.				
1 No.	NUMBER OF ARTICLE	DATE OF MAILING	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R.R. FEE	S.D. FEE	S.H. FEE	REST. DEL. FEE
1	12705		Walter A. Hall, 1000 1st St., Baltimore	18	75							74-70002
2	12706		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70004
3	12707		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70006
4	12708		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70008
5	12709		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70010
6	12710		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70012
7	12711		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70014
8	12712		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70016
9	12713		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70018
10	12714		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70020
11	12715		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70022
12	12716		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70024
13	12717		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70026
14	12718		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70028
15	12719		Walter A. Hall, 1000 1st St., Baltimore	"	"							74-70030
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. Commercial insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$500 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.						

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1979-301-09

MICROFILMED



DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

October 16, 1981

Lemhi County Courthouse
Lemhi County Clerk
Salmon, Idaho 83467

Dear Beverly:

This is to confirm the use of the courtroom for conference and/or hearing to be held by this office on Wednesday, October 28, 1981 beginning at 9:00 a.m. and on Thursday, October 29, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER
NO. 74-2200 AND 74-0006/0007/0918/2272 IN
THE NAME OF BOLTON RANCH, INC.

COMBINED
NOTICE OF HEARING
AND/OR CONFERENCE

On July 1, 1981, Bolton Ranches, Inc. filed with the Department of Water Resources two applications to transfer the public waters of the State of Idaho. On August 3, 1981, the Department received protests against approval of said applications from Vigil O. Olson and Verdell Olson.

The Department has set the matter of protest for hearing for Thursday, October 29, 1981, at 9:00 a.m. in the Courtroom of the Lemhi County Courthouse, Salmon, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with Idaho Code, Section 42-222, the following issues are involved in the consideration of the application and protest(s):

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

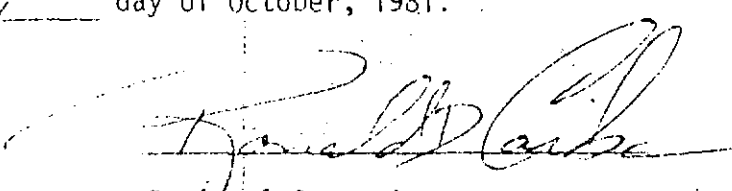
RECORDED
INDEXED

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 9th day of October, 1981.


Regional Supervisor

MICROFILMED

August 5, 1981

RE: Application for Transfer No. 74-2200

74-0006/0007/0918/2272 BOLTON RANCHES

Verdell Olson
Salmon,
Idaho 83467

Dear Mr. Olson:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

RECEIVED

August 5, 1981

RE: Application for Transfer No. 74-2200
No. 74-0006/0007/0918/2272

Bolton Ranch Inc.
Rt. #1, Box 14
Salmon, Idaho 83467

Gentlemen:

Enclosed please find a copy of the protest filed against the above referenced applications. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

MICROFILMED

August 5, 1981

RE: Application for Transfer No. 74-2200

75-0006/0007/0918/2272 BOLTON RANCHES

Vergil O. Olson
Rt. #1, Box 12
Salmon, Idaho 83467

Dear Mr. Olson:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

MICROFILMED

74-0918

Salmon Lake
July 31, 1981

Water Dept State of Idaho

Dear Sir:

I protesting the change ~~from~~ of point of diversion that Bolton Ranch Inc. are filing the following numbers 74-0006; 74-0007; 74-0918; 74-2272; & 74-2200 -

A. Never got a permit to move the ditcher dimensions in the first place.

B. If the points of diversion are changed it will greatly affect all the rest of the users on Sheshaon Creek.

C. Some of these rights is still being contested in the courts there is a trespassing action on the pipeline and I think that the requests should be revoked until this matter is settled.

MICROFILMED

RECEIVED

AUG 3 1981

Department of Water Resources
Eastern District Office

Charles L. Lison
July 31, 1981

74-0918

RECEIVED

AUG 3 1981

Department of Water Resources
Eastern District Office

Salmon Falls to

July 31, 1981

Water Dept State of Idaho
to Whom it may concern.

Dear Sir:

~~We~~ I am objecting to the change of point of diversion of Bolton Ranch.

a. The point of diversion being sought is now in trespass of B. P. Gunders.

B. He has never got a permit to change his water to this point of diversion by filling ditches at least $\frac{1}{2}$ mile below the point of diversion by use now.

C. If this point of diversion is granted it will ~~be~~ affect all the users on Gulson creek.

The rights affected to is following Nos: 74-0006 - 74007 - 740918 - 74227

Other rights include 74-2200 -

Some of these rights is still being contested in court until then and the trespass on the pipe line is settled and this can be brought up in a water meeting by the users of Gulson creek and ask that these changes be revoked.

Virgil O. Olson

MICROFILMED