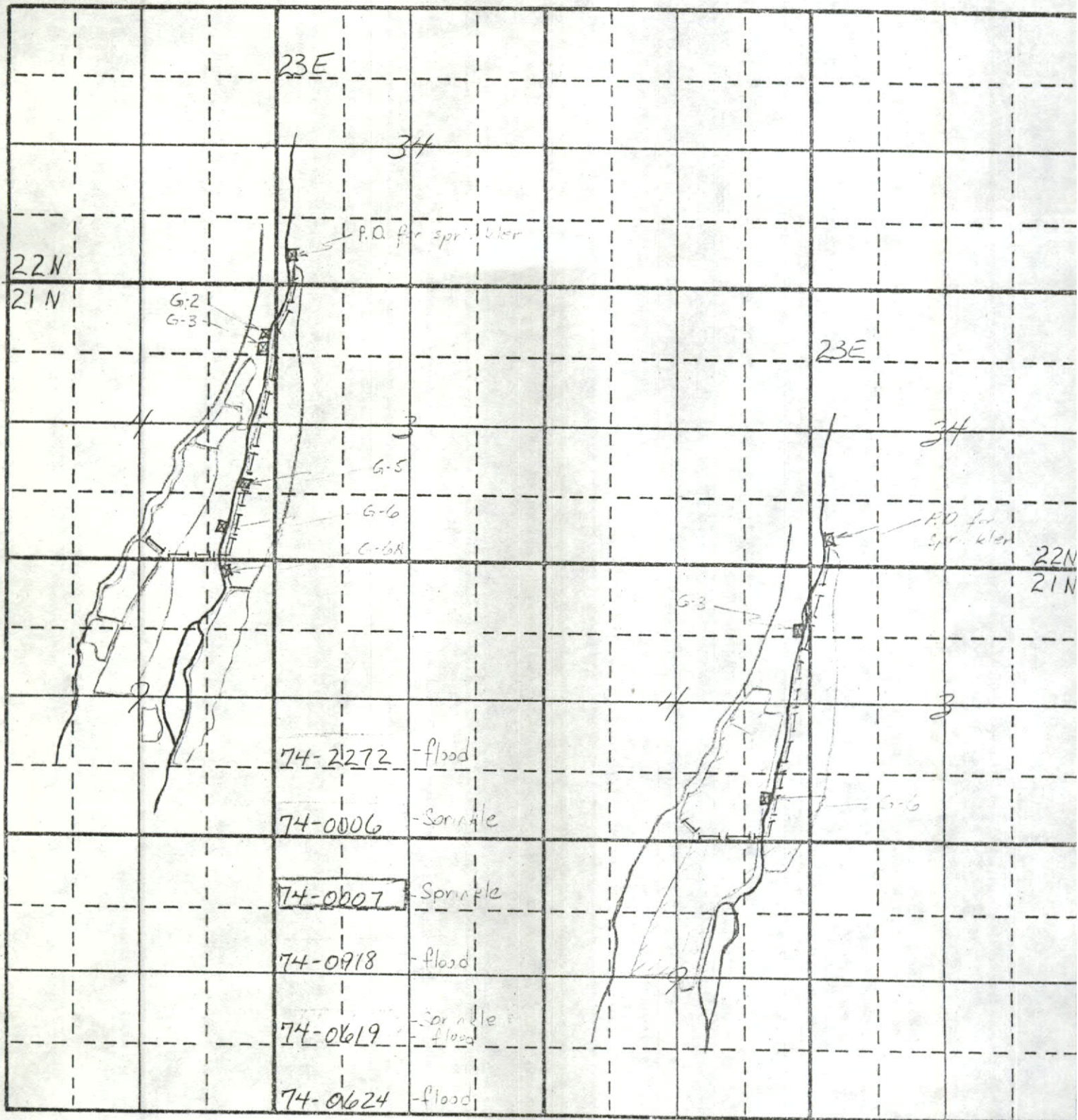
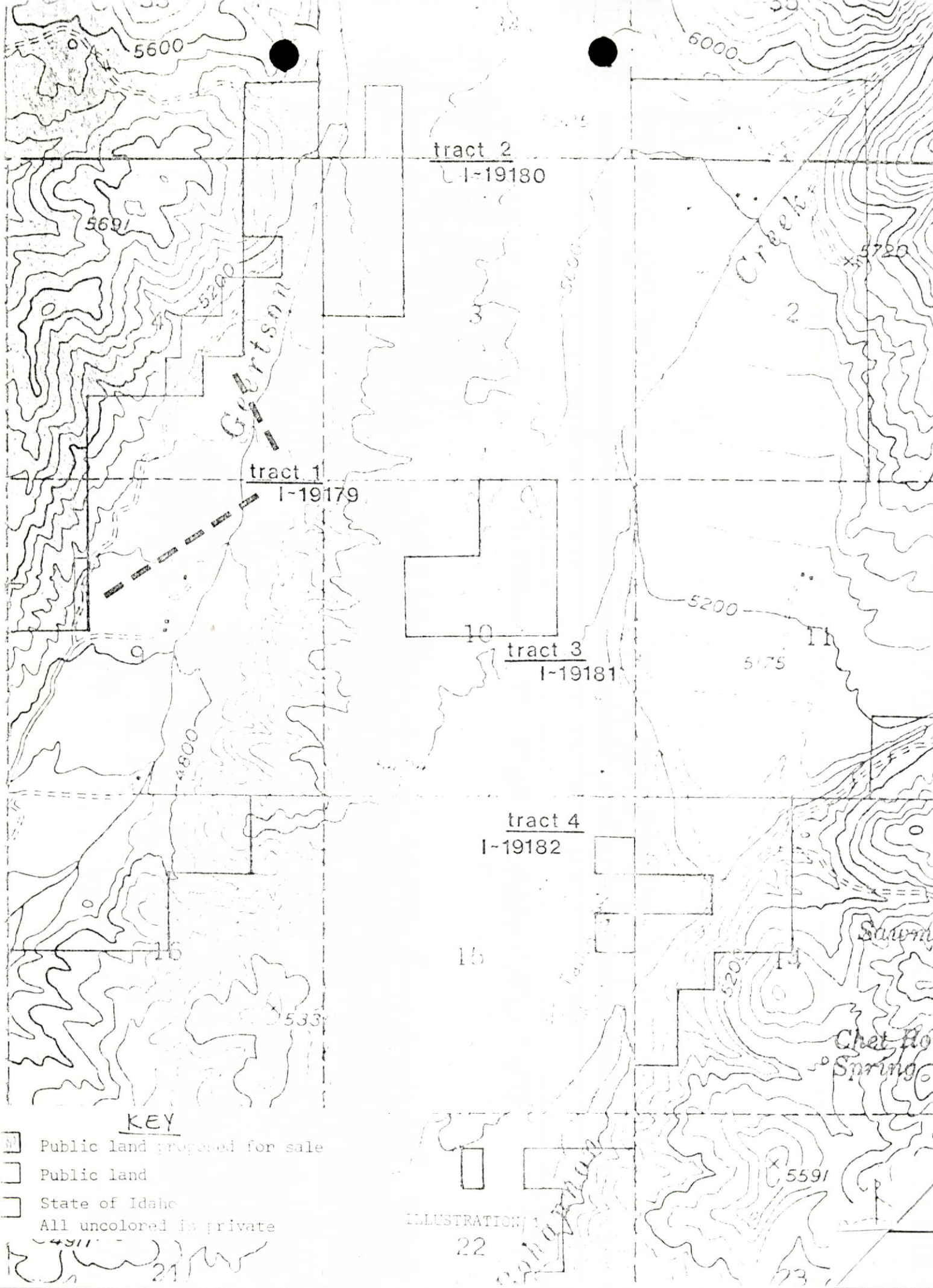


5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED



KEY

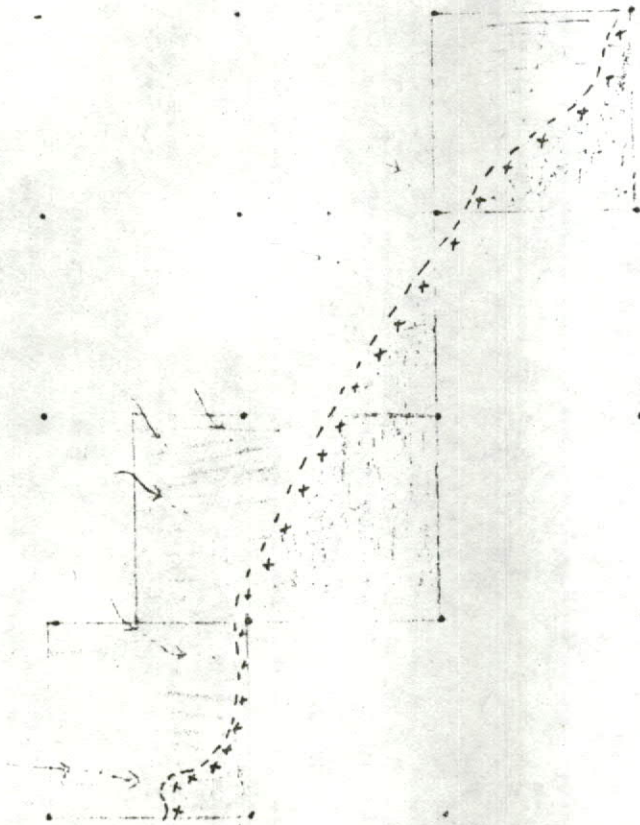
- ☒ Public land proposed for sale
- ☐ Public land
- ☐ State of Idaho
- ☐ All uncolored is private

ILLUSTRATION
22

MICROFILMED

Township 21N, Range 22E., Boss Meridian

33 34
4 3



UNRECORDED

LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

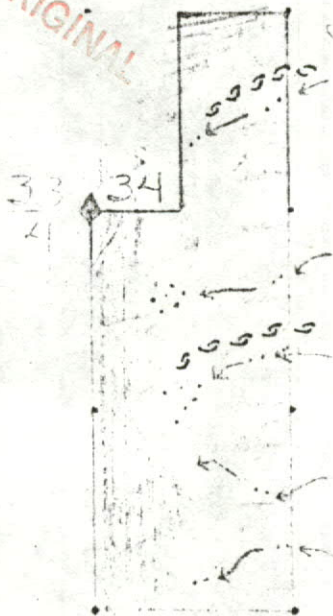
Scale: 1" = 1/8 mile

Subject Land		Irrig. alfalfa		Dry sagebrush/ grass hills	
Found Section					
County Road					
Fence along					

ILLUSTRATION 2

Township 22 N, Range 23 E, E03E Meridian
21 N, 23 E

POOR QUALITY ORIGINAL



Isolated Tract
Public Land

Sec. 3

MICROFILMED

LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

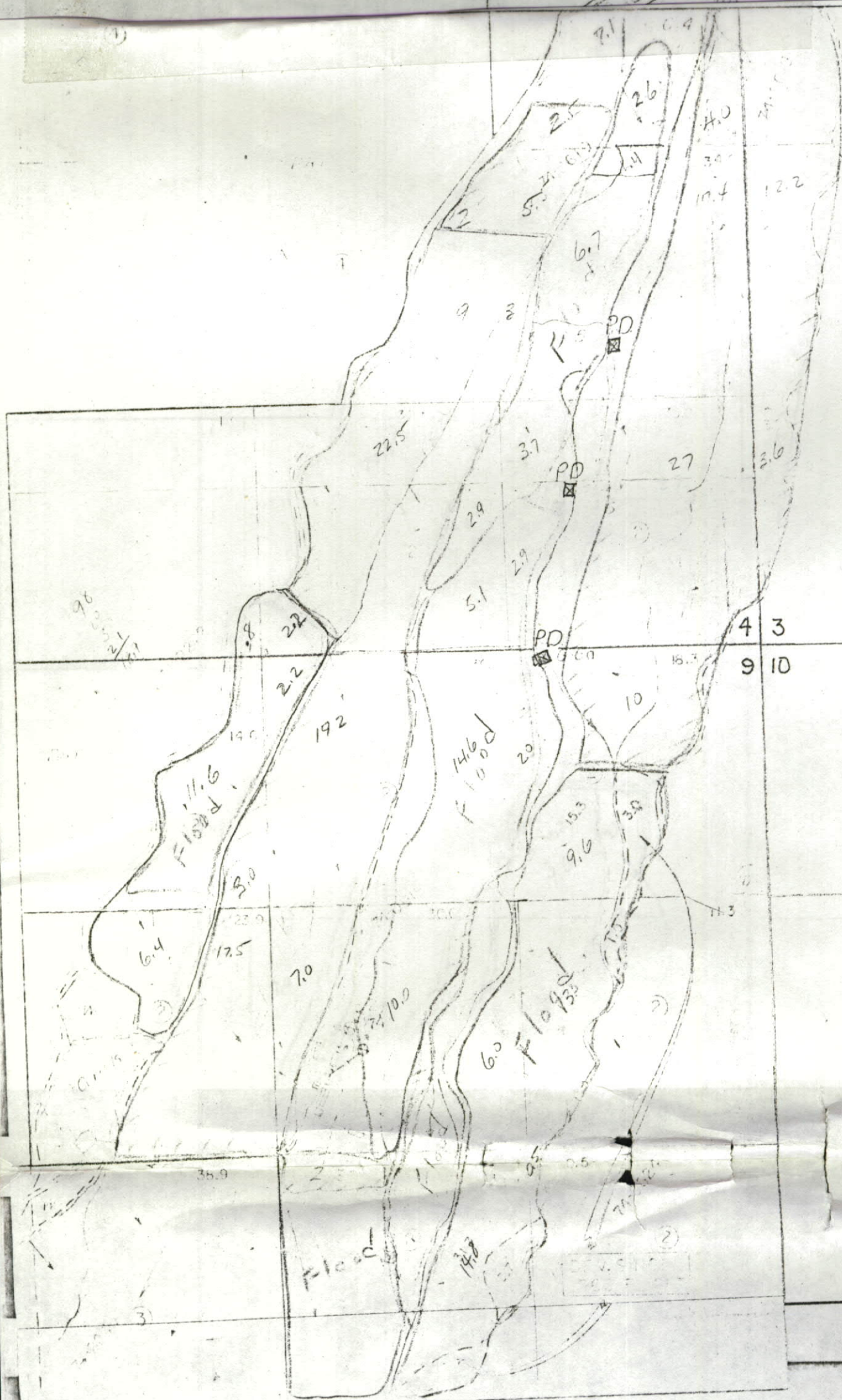
Scale: 1" = 1/4 mile

Subject tract		Brushy area with some small trees
Found Section Corners		Drawn in by hand with lines
Irrigated area	SSS	Range
Unimproved scrubbrush		

ILLUSTRATION 4

RECEIVED

Department of Water Resources
Eastern District Office



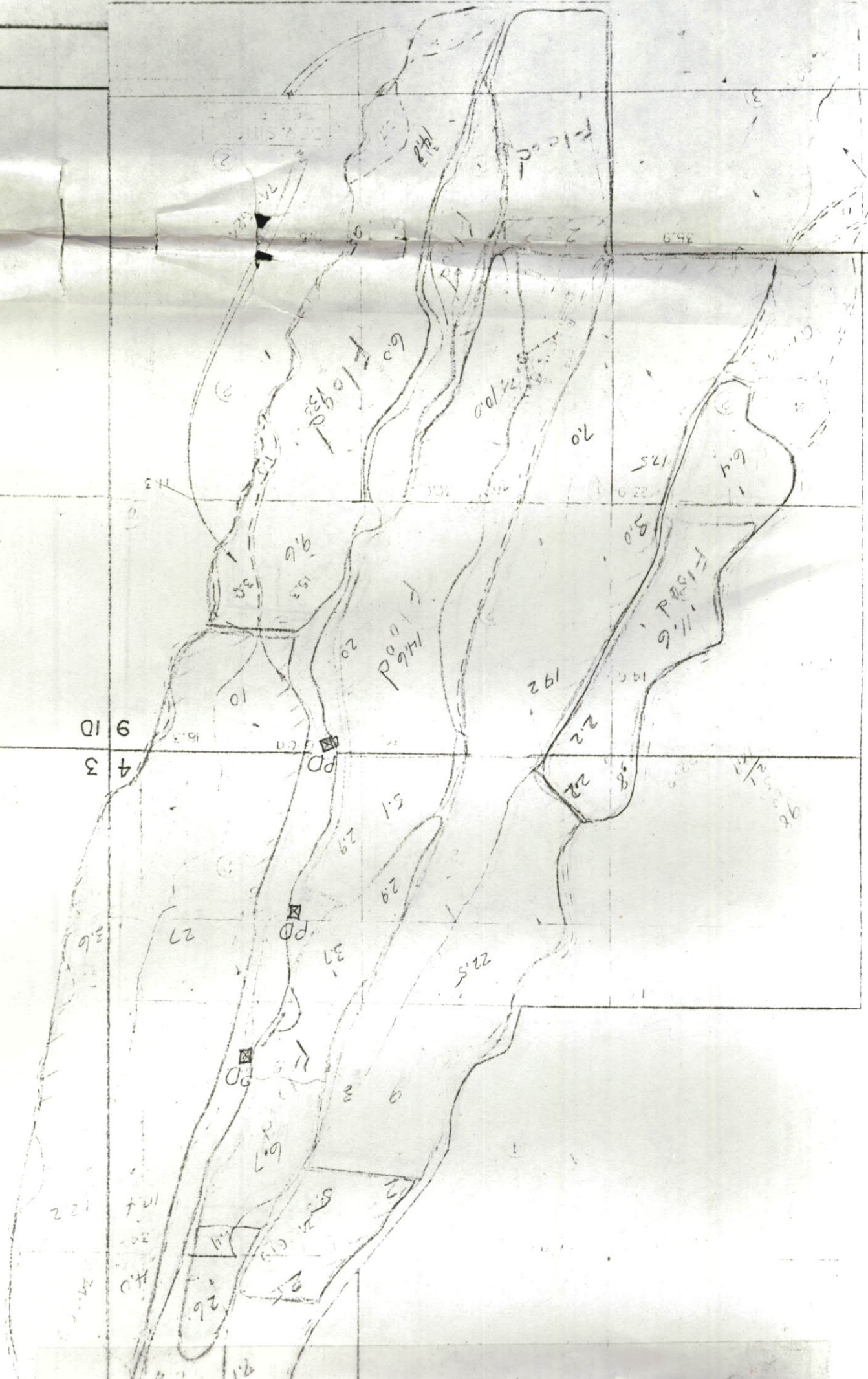
3DF

Applicants

11-16-82

③

ADJUTANT

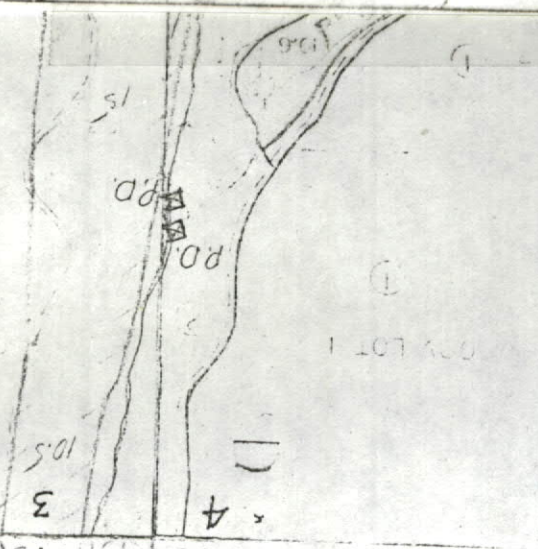


Department of Natural Resources
Eastern District Office

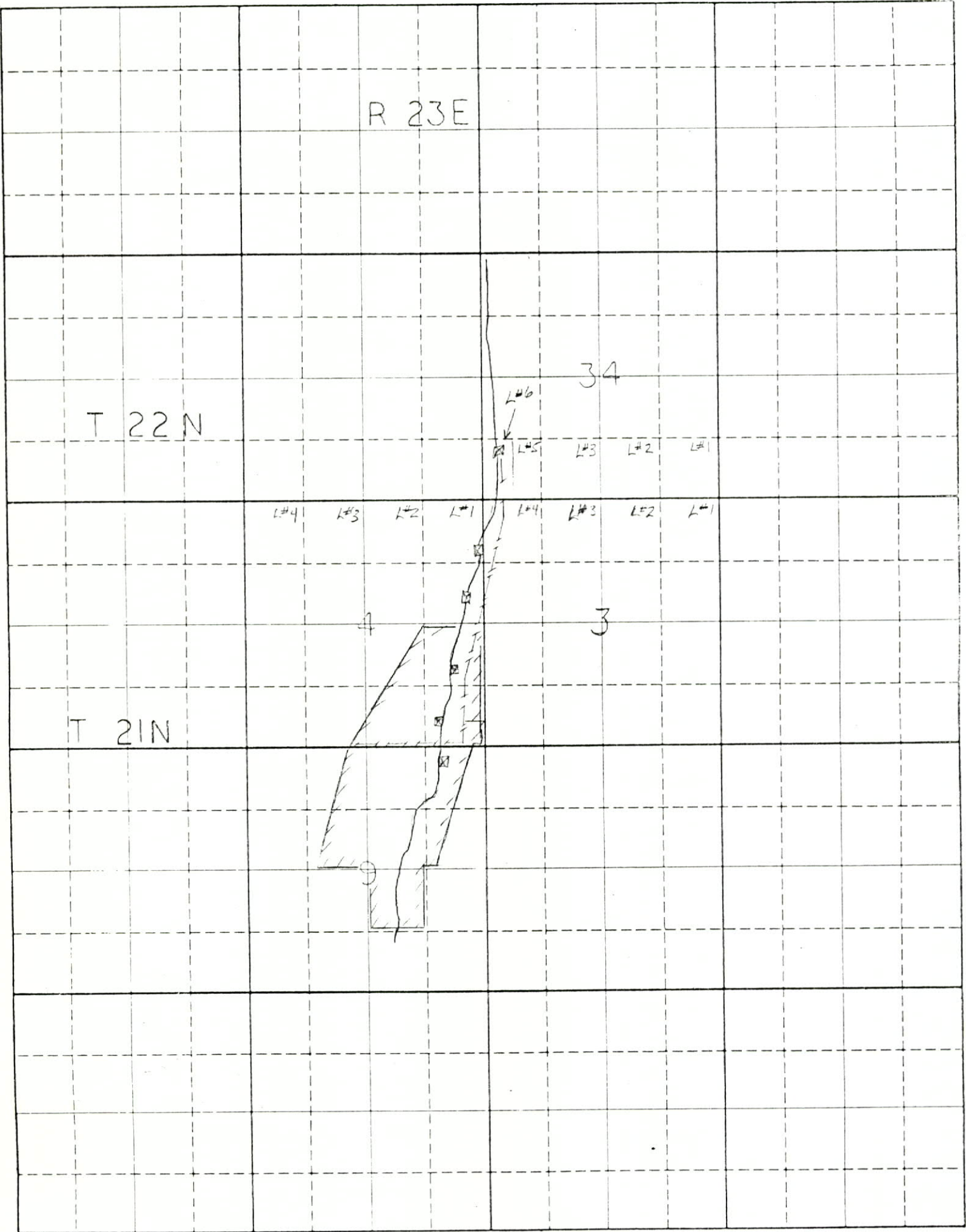
MAY 5 1982

RECEIVED

GOV. LOT 3



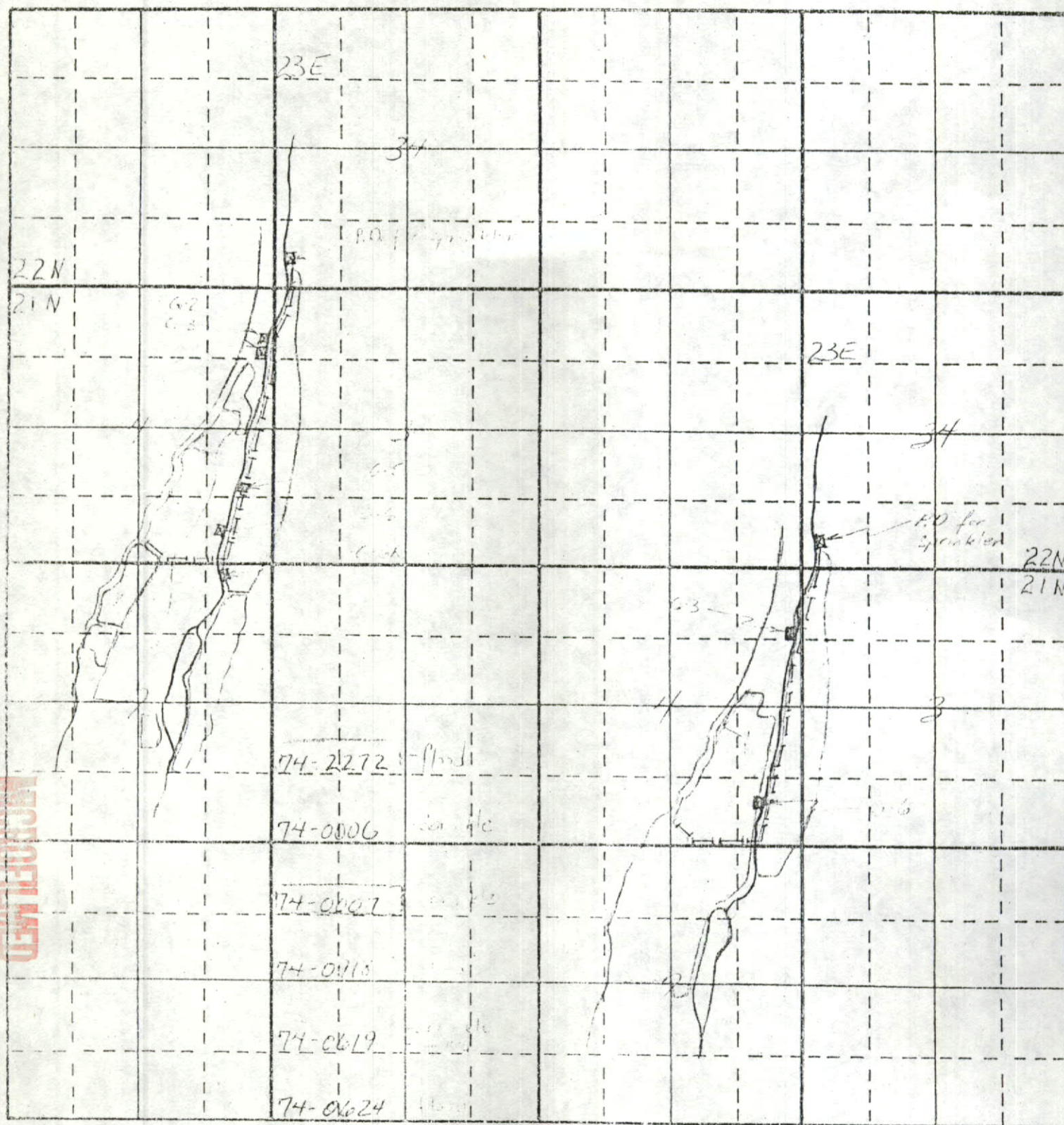
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

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.



1" = 2 inches equal 1 mile. Draw plan in ink.

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

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

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

MICROFILMED

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

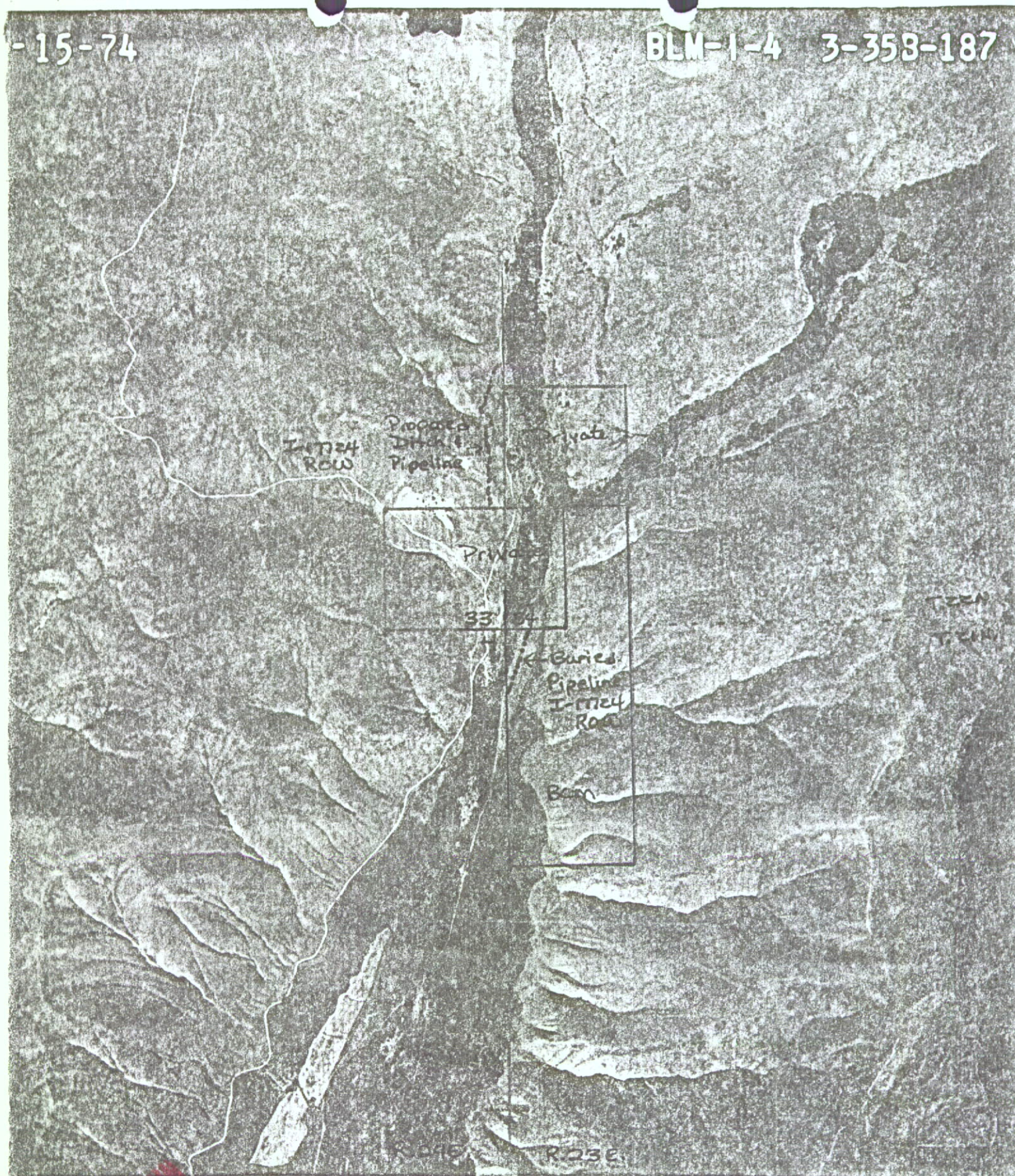
Enclosure

cc: Bolton Ranch, Inc.
Sherman Furey, Attorney

MICROFILMED

-15-74

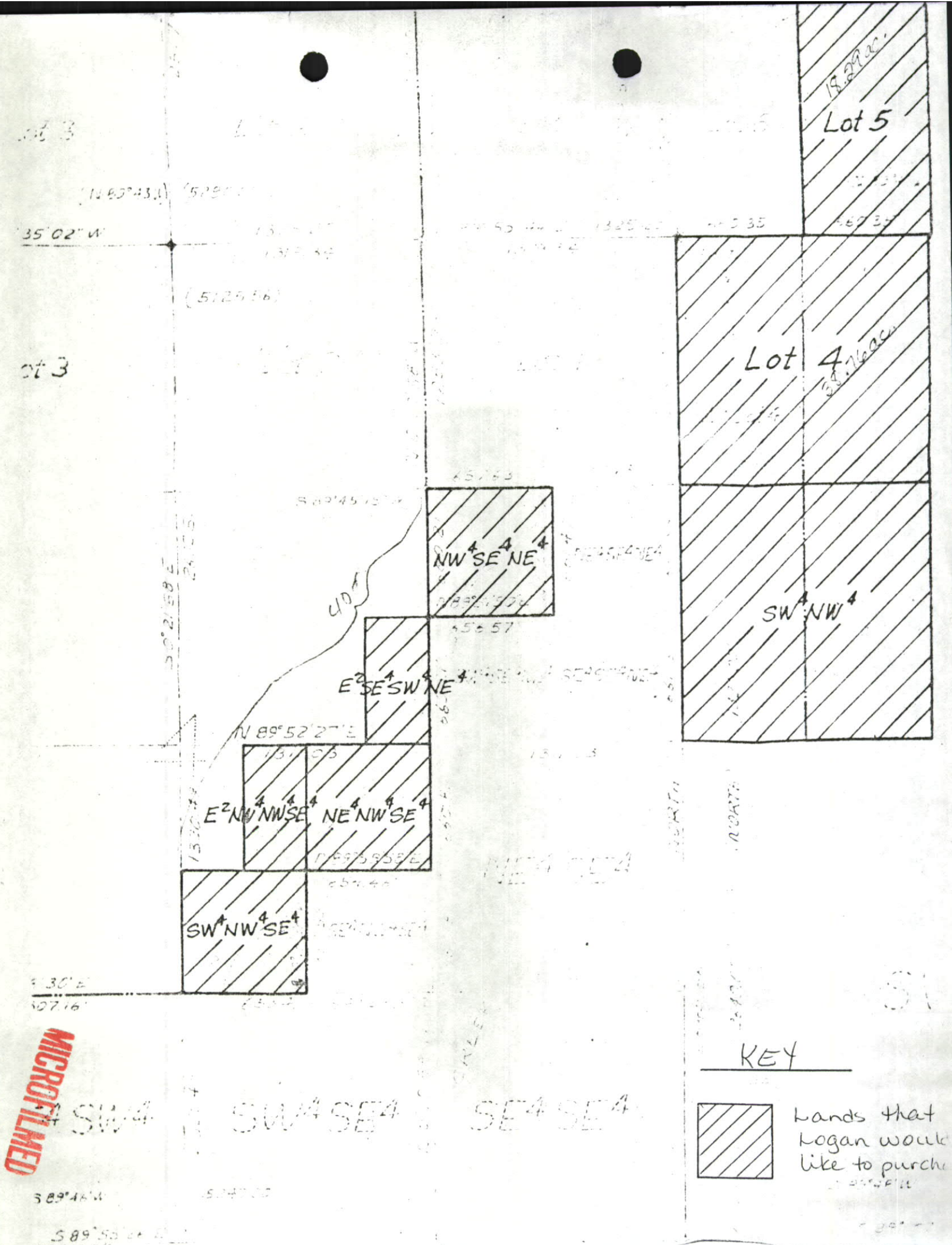
BLM-1-4 3-358-187



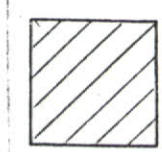
Goldstone mtn. Quad (12)

MICROFILMED

MICROFILMED



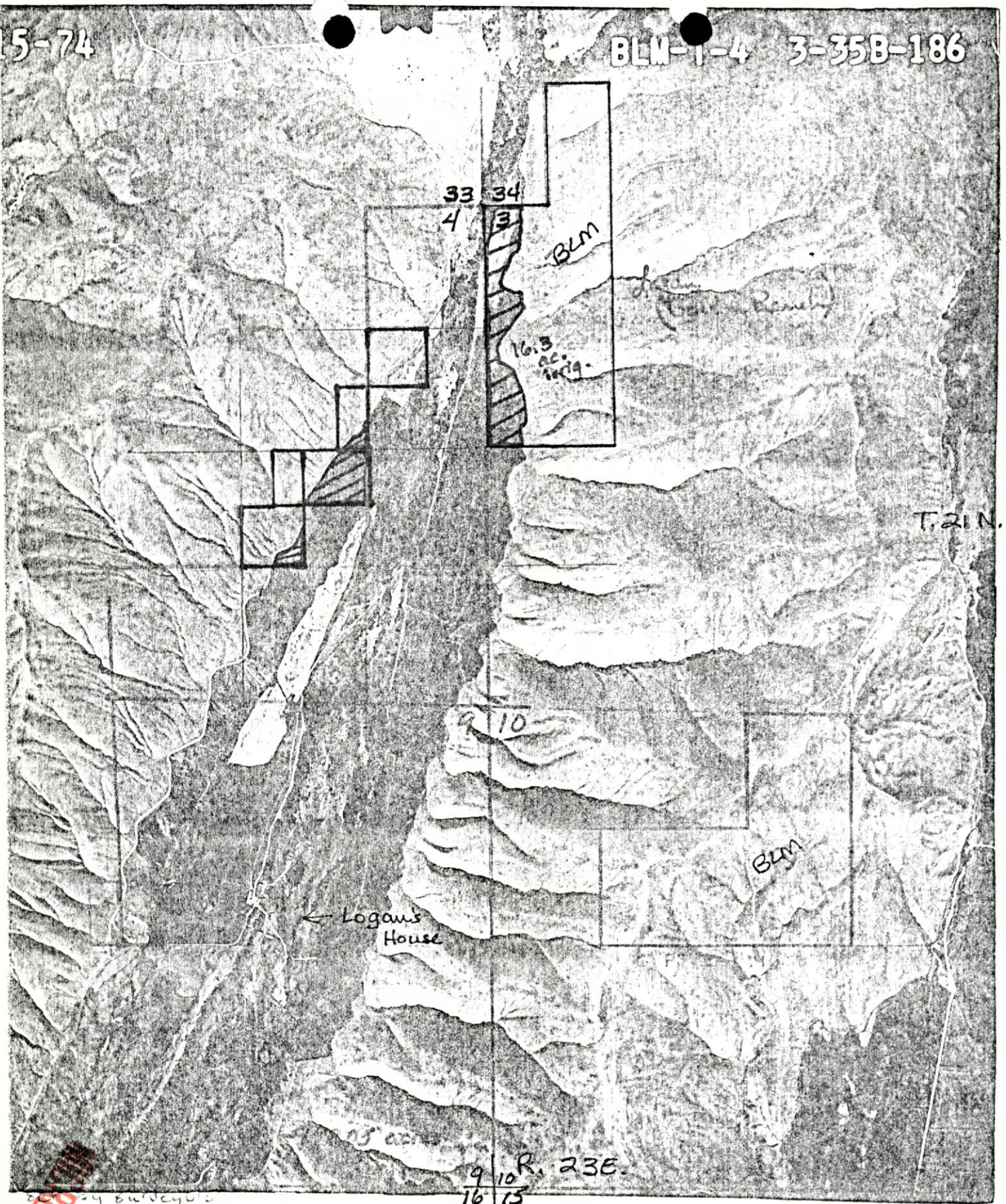
KEY



Lands that
Logan would
like to purchase

5-74

BLM-1-4 3-35B-186



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Isolated tract identified for disposal

Tracts Logan would like BLM to sell



Unauthorized irrigated & cultivated public lands

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

MICROFILMED

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

August 5, 1981

RE: Application for Transfer No. 74-2200

78-0006/0007/0918/2272 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

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 G. Zogman VP + Mgr.

MICROFILMED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Wayant, Mary	1.0		74-0007
2580 WITHDRAWN	Bolton Ranch Inc.	1.0		74-0007
2703	Bolton Ranch Inc.	1.0		74-0007

TRANSFER

~~Wayant, Mary 1.0 74-0007~~

~~2580 Bolton Ranch Inc. 1.0 74-0007~~

2703 Bolton Ranch Inc 1.0 74-0007

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

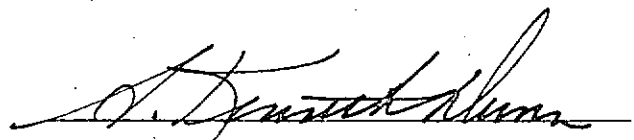
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on August 25, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

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

RECORDED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

RECEIVED

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.

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.

(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

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

RECEIVED
JUL 28 1983

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. ^{Transfer} License 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:

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

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 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

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	
<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.

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 _____
Transfer
b. ~~License~~ 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 $\frac{1}{4}$	
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 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.

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 ^{*Stipulation to Proposed Findings}
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 $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34

Township 22N Range 23E, B.M. in Lemhi County

Additional points of diversion, if any NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9; SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 $\frac{1}{4}$	
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. 74-0619 Decreed to Bolton, William B. &/or Rose Starr
(Name)
 in case of Stipulation to Proposed Finding of Water Rights Lemhi River
Basin Case #4948
 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 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, SW 1/4 NE 1/4 Sec. 9 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	3						L.4 9.2	12.3			10.6	3.0						35.1
		4				19.6									34	10.7	32.5		131.8
		9	15.3			10.3				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.

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
b. _____ &/or _____ acre feet per annum

7. Location of original point of diversion is Lot #6 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ 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 $\frac{1}{4}$, 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>1</u>					<u>1</u>
		<u>9</u>																	<u>14.6</u>

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.

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 1/4 of NE 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:

[illegible]

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

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.

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

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											1.6						2
21N	23E	3											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 #74-0918

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.
L o t #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 #74-0619

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.

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 #74-2272

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.

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 #74-0624

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

(G-6)
Point of diversion 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

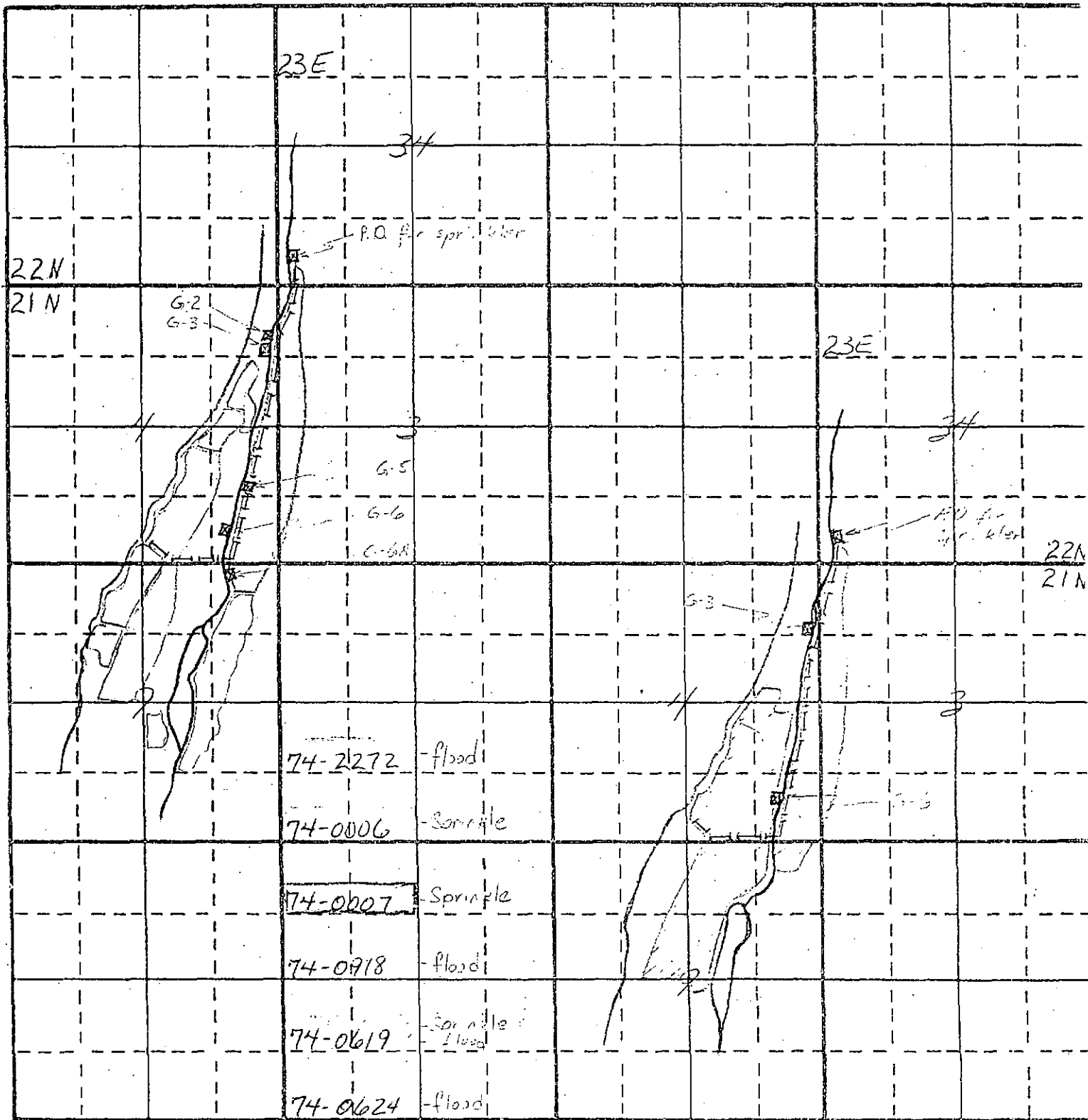
c. Describe the lands or place of use to which the right will be transferred:

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	9													7.7				7.7

Total number of acres to be irrigated 7.7

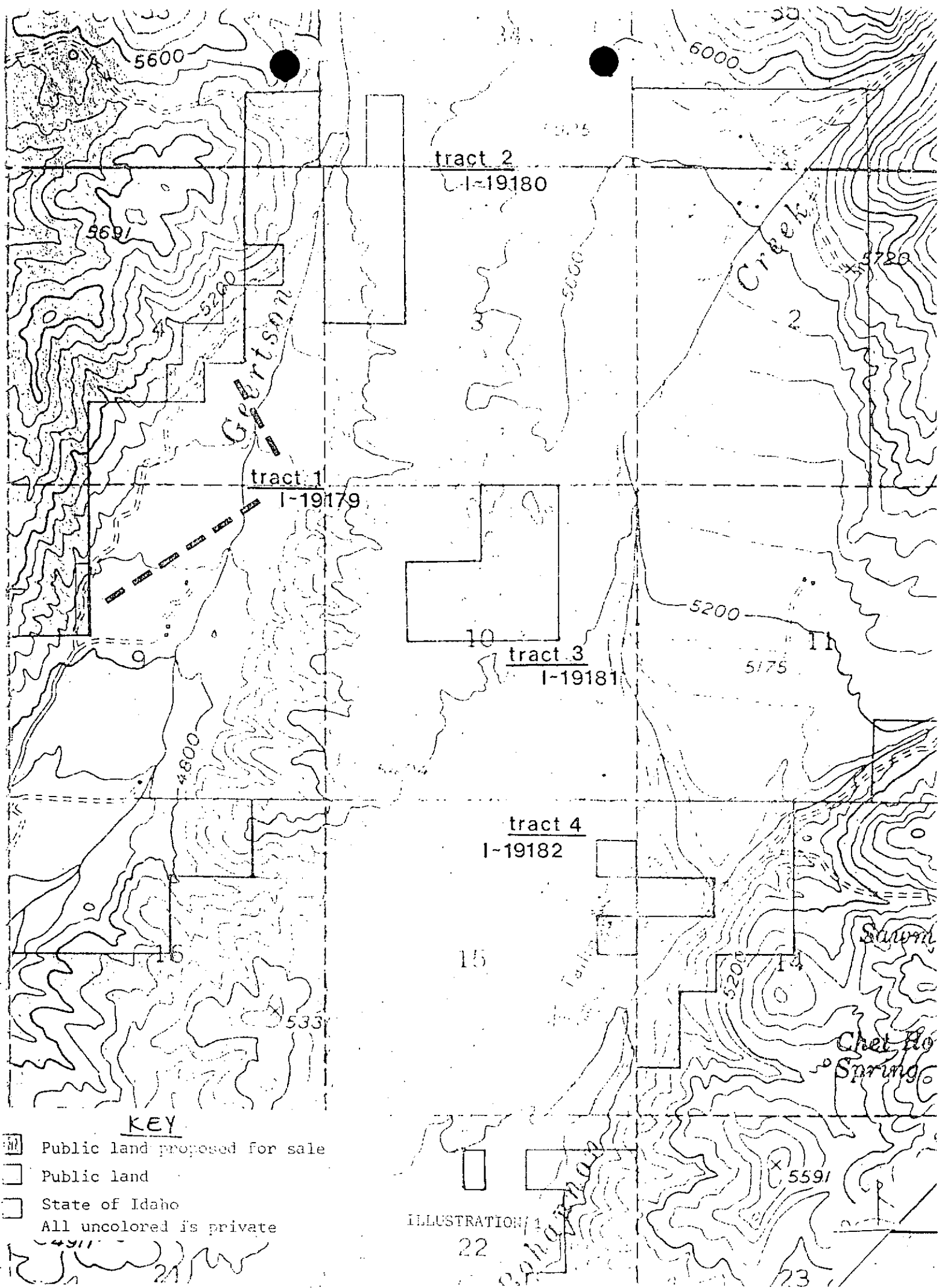
4. Describe any other water rights used for the same purpose as described above. None

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.

U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF RECLAMATION
WASHINGTON, D.C.



KEY

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

ILLUSTRATION 1

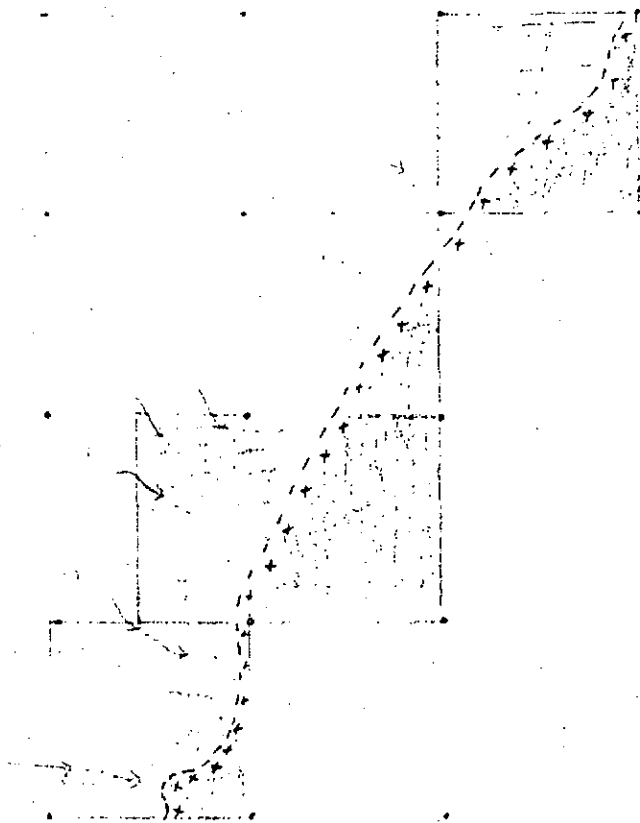
22

MICROFILMED

Township 21N, Range 23E, Range Meridian

33 34
4 3

1574 1100000

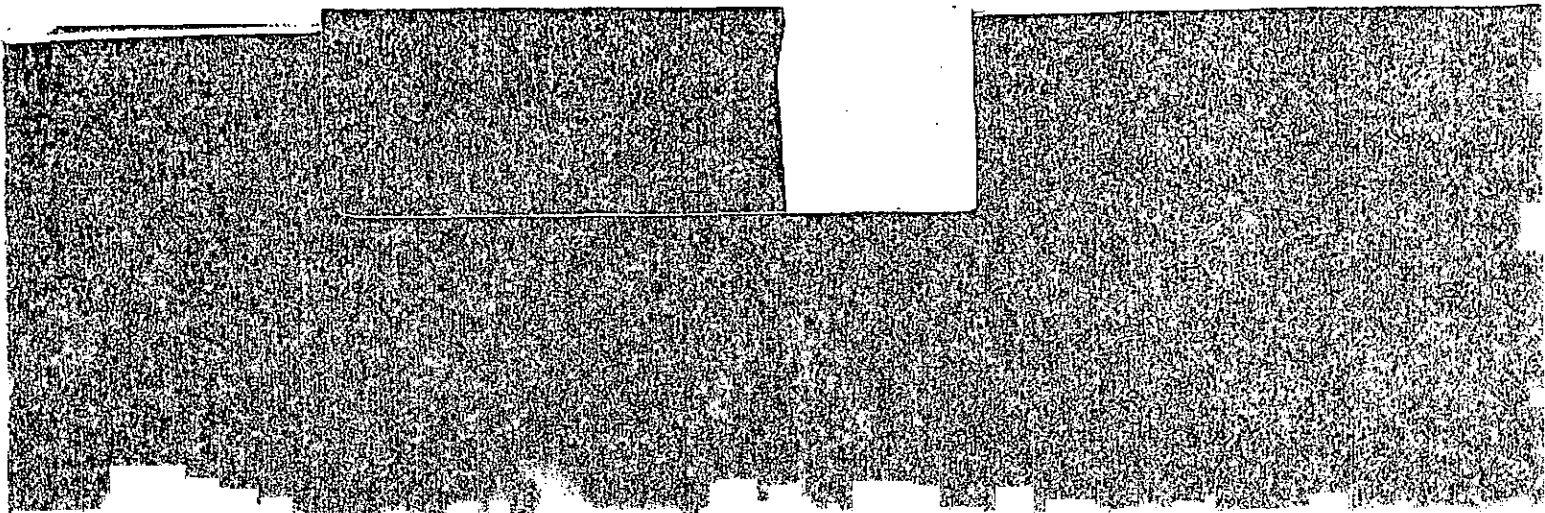


LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/2 mile

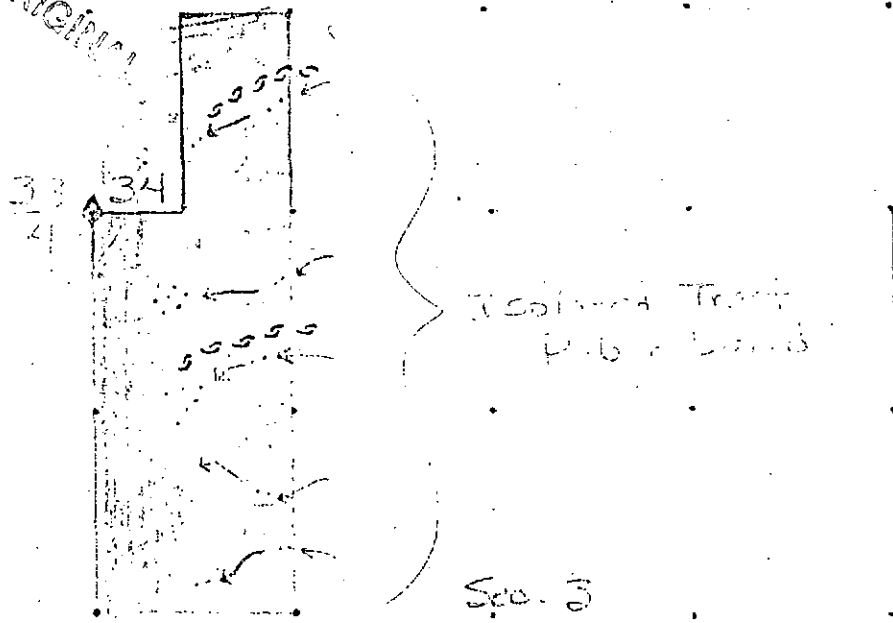
Subject land	33	Irrig. ditch	Dr. scrubbrush/
Found Soil			grass hills
County Road			
Fence along			

ILLUSTRATION 2



Township 22 N., Range 23 E., 60 Meridian
21 N. 23 E.

POOR QUALITY ORIGINAL

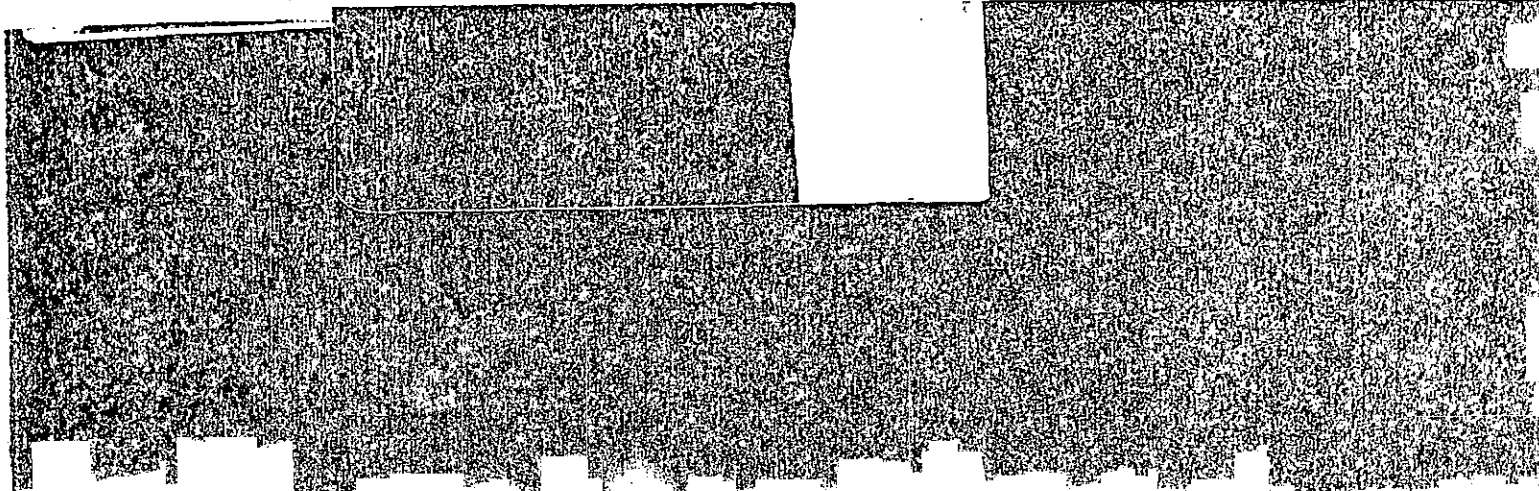


MICROFILMED

LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS Scale: 1" = 1/4 mile

Subject tract	h	Brush - 2nd growth along creek
Found Section corner	h	Brush - 2nd growth along creek
Irrigated area	ss	Brush
Unimproved original		

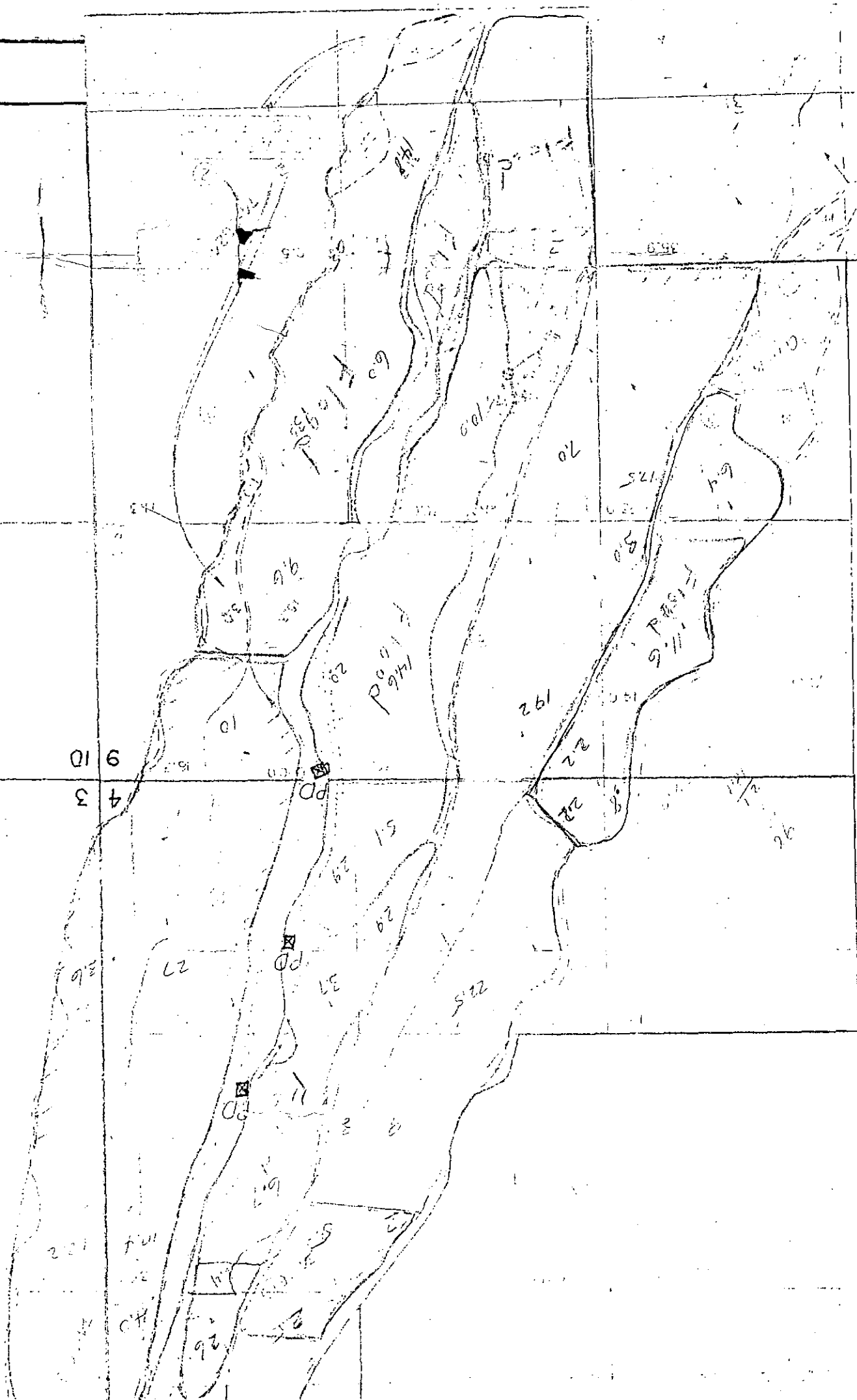
ILLUSTRATION 4



RECEIVED

Department of Water Resources
Eastern District Office

\$100,000



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.

Bellon Ranch Inc. Co

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

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

[Signature]
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

74-0006/0007/0918/

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

[Signature]
Director

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>6-01-82</u>	Protest filed by <u>Virgil + Wendell</u>
Prelim. check by <u>HWS</u>	Fee <u>\$50.00</u>	<u>Alson</u>
Received by <u>BP</u>	Date <u>6-15-82 #22317</u>	
Published in <u>Recorder Herald</u>		Copies of protest forwarded by <u>CW</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>

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.



A. KENNETH DUNN, Director

RECEIVED
OCT 10 1982
WATER RESOURCES
DIVISION

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 prepaid 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



RITA I. FLECK
Sr. Secretary

100-111111

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 paper 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 \$

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 9, 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, B.M., Lemhi
County.

The water is used to ir-
rigate 81.2 acres with the
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.

T #2580/74-0006 **1**

AMOUNT: 1.00 cfs

PRIORITY: 6-01-1884

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 $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
4, T. 21N, R. 23E.

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

T #2580/74-0918

AMOUNT: 1.32 cfs

PRIORITY: 5-05-1893

POINT OF DIVERSION:

Lot 6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 34,
T. 22N, R. 23E; NW $\frac{1}{4}$ -
NE $\frac{1}{4}$, Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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#2580/74-0918, 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 thereto for

consecutive issues, commencing with the issue dated June 24, 1982
and ending with the issue dated July 1, 1982

Jerry G. Rosin

Subscribed and sworn to before me, this first

day of July, 1982

Carl Armstrong

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

Publication Fee \$ 89.10

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 Deceaded 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.

RECORDED

plaint filed herein, and that his said right to the use of said waters commence and date from the first day of March, 1869.

5:- That the defendant James Light be and he is hereby awarded the right to the
4 0005 continuous use of fifty of the flow of the waters of Geertson Creek, measured under a four inch pressure, for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the first day of May, 1879.

6:- That the defendant Delos Simons be and he is hereby awarded the right to the
4 0006 continuous use of thirty inches measured under a four inch pressure of the flow of the waters of Geertson Creek for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the 1. day of May 1881.

7:- That the defendant Mary Wayant be and she is hereby awarded the right to the
4 0007 continuous use of fifty inches of the flow of the waters of Geertson Creek, measured under a four inch pressure, for the irrigation of the lands described in the answer and cross-complaint filed herein, and that her said right commence with and date from the first day of June 1884.

8:- That the defendant Elijah Schofield be and he is hereby awarded the right
74 0008 the continuous use of thirty inches measured under a four inch pressure of the flow of the waters of Geertson Creek for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the 1. day of May 1887.

9:- That the defendant James Beattie be and he is hereby awarded the right to
74 0009 the continuous use of fifteen inches measured under a four inch pressure, of the flow of the waters of Geertson Creek, for the irrigation of his said lands described in his answer and cross-complaint filed herein and that his said right commence with and date from the 1. day of May 1868.

10:- That the defendants Frank Wayant and William Bohannon be and they are her
74 0010 by awarded the right to the continuous use of Six hundred inches measured under a four inch pressure of the flow of the waters of Geertson Creek between the first day of March and the first day of August of each year, for the purpose of working the mining claims owned by them and described in their answer and cross-complaint filed herein, and that their said right commence with and date from the first day of March 1890. But in the use of said waters for said purpose the said defendant Frank ~~Wayant~~ Wayant

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

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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 change. 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 received 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

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.

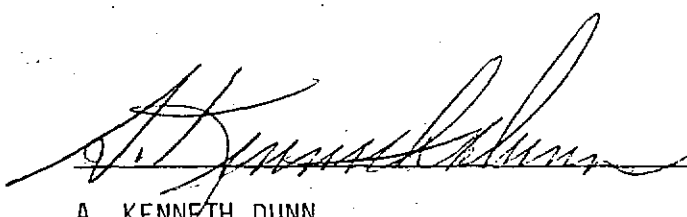
6. The right holder shall provide reasonable access to the watermaster to inspect the point of diversion and place of use for water being diverted under the rights included under this transfer.

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.


A. KENNETH DUNN
Director

RECEIVED
APR 10 1982

Transfer No. _____

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								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 of nonuse? no If yes describe in item DREMARKS

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 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 1/4 of SE 1/4 of Section 4
 Township 21N Range 23E, B.M., in Lemhi County
 Additional points of diversion, if any Lot #1 (NE1/4NE1/4), NE1/4SE1/4, SE1/4NE1/4, Sec. 4, Twp. 21N,
Rge. 23E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
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

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 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 % of NE % 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

66

Total number of acres to be irrigated _____

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.

MICROFILMED

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

RECORDED

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 appurtanent to rights described by application.

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 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; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; Twp. 21N, Rge. 23E

3. Change in place of use

a. Are there leins, 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:

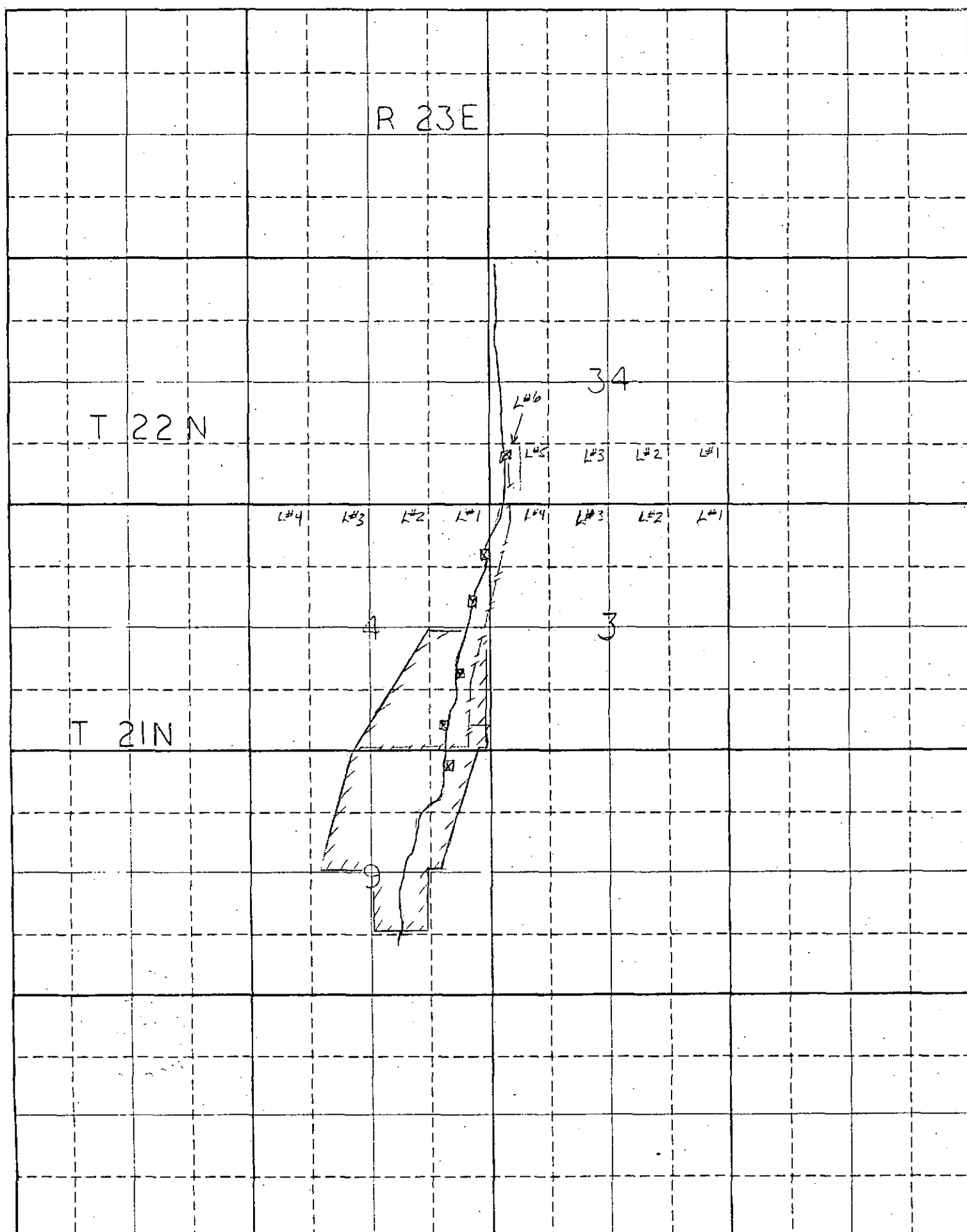
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

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

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

RECEIVED
JAN 11 1960

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.

X David M. Egan U.P. Mon.
Butler Ranch, Calif. (Signature of Applicant)

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

Elaine Burel
(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

[Signature]
Director

FOR DEPARTMENT USE ONLY

Received by CW Date 7/1/81

Prelim. check by Kew Fee 50.00

Received by kw Date 7/7/81 #17779

Published in Recorder-Herald

Pub. dates 7/16 & 7/23/81

Watermaster recommendation requested on _____

rec'd. _____

Protest filed by Virgil Olson

Virgil Olson

Copies of protest forwarded by CW

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial

by _____

RECEIVED

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

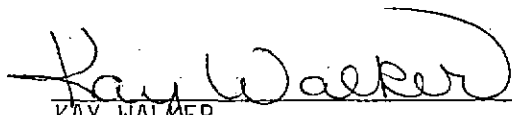
I HEREBY CERTIFY That on this 6th day of April, 1982, a true and correct
copy of the foregoing MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

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

MICROFILMED

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; Lot 1
(NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$,

Sec. 4; Twp. 21N, Rge.
23E, Lemhi County

The water is used for
irrigation purposes from
April 1 to November 1

within the E $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 9, Twp. 21N, Rge.
23E, for 81.2 acres.

Right No. 74-0007

Amount: 1.00 cfs

PRIORITY: 6/1/1884

POINT OF DIVERSION:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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, Lemhi County.

The water is used for
irrigation purposes from
April 1 to November 1

within the SE $\frac{1}{4}$, 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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 4, Twp. 21N, Rge.
23E, Lemhi County.

The water is used for
irrigation purposes from
April 1 to November 1

within the W $\frac{1}{2}$ NE $\frac{1}{4}$, 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 $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 1 (NE $\frac{1}{4}$ -
NE $\frac{1}{4}$), Sec. 4, Twp. 21N,
Rge. 23E, Lemhi County.

The water is used for
irrigation purposes from
April 1 to November 1

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 4; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.

9; Twp. 21N, Rge. 23E,
for 15.6 acres.

TO BE CHANGED AS

RECEIVED

JUL 24 1981

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

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 [98] general
circulation therein,

That the Notice of Proposed Change of Water Rts. 74-0006,
74-0007, 74-0918, 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 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

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

\$ 47.25

FOLLOWS

The water will be di-
verted within Lot 6
(SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34,
Twp. 22N, Rge. 23E; 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; NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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

plaint filed herein, and that his said right to the use of said waters commence and date from the first day of March, 1869.

5:- That the defendant James Light be and he is hereby awarded the right to the continuous use of fifty of the flow of the waters of Geertson Creek, measured under a four inch pressure, for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the first day of May, 1879.

6:- That the defendant Delos Simons be and he is hereby awarded the right to the continuous use of thirty inches measured under a four inch pressure of the flow of the waters of Geertson Creek for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the 1 day of May 1881.

7:- That the defendant Mary Wayant be and she is hereby awarded the right to the continuous use of fifty inches of the flow of the waters of Geertson Creek measured under a four inch pressure, for the irrigation of the lands described in the answer and cross-complaint filed herein, and that her said right commence with and date from the first day of June 1884.

8:- That the defendant Elijah Schofield be and he is hereby awarded the right to the continuous use of thirty inches measured under a four inch pressure of the flow of the waters of Geertson Creek for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the 1 day of May 1887.

9:- That the defendant James Beattie be and he is hereby awarded the right to the continuous use of fifteen inches measured under a four inch pressure of the flow of the waters of Geertson Creek, for the irrigation of his said lands described in his answer and cross-complaint filed herein and that his said right commence with and date from the 1 day of May 1888.

10:- That the defendants Frank Wayant and William Bohannon be and they are hereby awarded the right to the continuous use of Six hundred inches measured under a four inch pressure of the flow of the waters of Geertson Creek between the first day of March and the first day of August of each year for the purpose of working the mining claims owned by them and described in their answer and cross-complaint filed herein, and that their said right commence with and date from the first day of March 1890. But in the use of said waters for said purpose the said defendants Frank Wayant

INTER-DEPARTMENT MEMO — 1

DATE Dec. 28, 1983

FROM Sharla

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.

REPROFILMED

SIGNATURE



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

RECEIVED
OCT 10 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

September 13, 1983

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

74-0007

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.

RECEIVED

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

RECORDED

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

RECEIVED
SEP 14 1983
FBI - SALT LAKE



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.

RECEIVED
AUG 28 1983
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

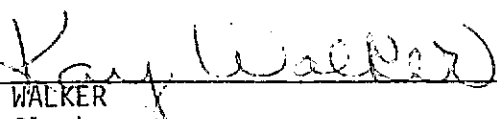
IN THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHT NOS. 74-0006/
0007/0918/0619/2272/0624 IN THE NAME
OF BOLTON RANCH INC.

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.

RECEIVED
AUG 27 1983
DEPT. OF WATER RESOURCES
BOISE, IDAHO


KAY WALKER
Sr. Clerk
Idaho Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWS

- 74/0006/0007/0918/0619/2272
10624
1. Right number 10624 Applicant Bolton Ranch Inc
2. Type of right: ☒ ^{Pending} Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments _____

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

Right number(s) _____

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

If yes, what district? 74-A

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 6-21-82 Received on 7-01-82
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny

3. Conditions* See Memorandum Decision

RECEIVED

MAR 23 1983

4. By _____ Date _____

Jim 7-5-83

Department of Water Resources

T. No. 24-0006/etc.

Nov. 16, 1982

Applicant - Bolton Ranch Inc.

Dave Logan - Manager.

Sherman Furey - Attorney.

Protestants -

Vergil Olson - (self)

Verdell Olson - (self).

NOTE:

Rehearing on initial application for transfer continued until action on second application is completed. If second application is approved the initial application will be withdrawn.

started at 9:28.

Direct - Dave Logan - manager for 4 yrs.

- History - late 1800's consisted of 5 separate properties.

1920's property purchased. 1978-80 - installed

gravity flow sprinkler, changing irrigation practices;

2nd application conforms to actual practice, no. of

acres irrigated have not changed (no expansion);

efficiency. flood - 50-55%. sprinkler 70-75%;

can not envision an adverse effect to other rights

in water district.

POOR QUALITY ORIGINAL

- 74-0006 - converted to lands irrigated entirely by
sprinkler system. 1 pd.
- 74-0007 - ditto.
- 74-0918 - all flood irrigation. 4 pds.
- 74-0619 - some lands covered by 0006 & 0007 & other
lands with no water - (dry water). 2 pds.
- 74-2272 - all flood irrigation. 2 pd. -
- pipeline included for future sprinkling.
- 74-0624 - all flood irrigation - 1 pd.
- Have been issued right of way for pipeline across
BLM & ~~reached an agreement~~ just settled agricultural
trespass with BLM. for federal lands being farmed
by Bolton Inc.

X-exam - new lands have been put under sprinkler
system -

where 13 govt ground? (never identified)

same type,
13123.

- lot 4 was divided into lot 5 & 6.

NW 1/4 N7 will not be irrigated.

direct - William Bramlett - water master during 1982; opinion is that no other rights will be adversely; water master recommendation favors approval;

X-exam - by Vergil -

Vergil -

direct - Niel Ankrum - watermaster for 7 seasons. - ~~del~~ never delivered water from Carey Creek over out of p.d. in lot 4 section 34, delivered water ~~at~~ to 6 p.d.s.

direct - William Bramlett - waste water helps, part is not apart of your right. -

direct Vergil - objecting to the affect that p.d. is p.d. changes will have ~~to~~ on return flows to Steel Gulch. Tape 3
objecting to all ditches being put in the past.
Applicant will receive more than one inch/piece.

direct Verdell - feels there will be an expansion and would like an site field inspection. department is at fault for operation of sprinkler system.

Vigil also recording the proceeding -

T 74-0006, 0007 etc.

Nov 16, 1982

47-1701 A →

Applicant

Dave Logan manager of Bolton Ranches

Manager 4 years -

History of water development on the Ranch

Originally five separate properties -

Changes were made over the years

In 1979 gravity flow sprinkler

This transfer is filed to make the records conform to the actual practice.

There is no difference in net acreage irrigated under each right.

Sprinkler is more efficient than flood irrigation

Injure - can't envision how another right would be damaged -

Only possible effect is less return flow -

→ Applicant's Exhibit No 1

74-0006 - Would only be used in the pipeline

74-0007 - " " " " " "

74-0918 - Four points of diversions would irrigate land presently gravity irrigated

70-0619 - Three points of diversion - High Water right 1923 prior
2 plus pipeline -

74-2272 - One pd used now; pipeline may be a future p.d.

74-0624 - One pd - ground near his house -

→ Have been issued r/w and is no
Six points

Virgil Olsen Questions of Dave Logan. —

~~Stipulation~~

Trespass has been settled —

Government ground 30 acres —

On the government land the first use was

→ The department staff will assist →

→ Lot 6 & In Sec 34 lot 4 ^{was divided into} lot 5 & 6

→ Some land being vacated in NW SW Sec. 9 —

Bill Bramlett

Formerly owned land sold to Bolton Ranches — not land affected by this transfer. —

No adverse effect —

The use of a single diversion for early rights will make dist easier

→ Neil Ankrum Rte 1 Salmon —

Watermaster 7 seasons —

Delivered water at six points of diversion —

~~MM~~

→ Virgil Olsen —

Questioning Stipulation —

Objection to moving points of diversion after the fact —

Losing waste water —

Has more than one inch per acre —

Land on BLM is still in trespass — Claims no water can be put on government ground.

T No. 0006/etc. & Rehearing 74-0006/etc - Bolton Ranches, Inc.

Commissioner's Room, Lemhi County Courthouse, Salmon, Idaho
Tuesday, November 16, 1932 (9:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer: Bob Fleener & Ernie Carlson

Name	Address	Representing
Sherman F. Furey Jr.	Box 1127	Bolton Ranch, Inc.
Sherman F. Furey III	Salmon, Ida. 83467	
Merry B. Logan	Rt. Box 14	Bolton Ranch, Inc.
	Salmon Id.	
David J. Logan	Rt 1 Box 14	Bolton Ranch Inc
	Salmon, Id.	
William F. Bramlett	Water master	
	Box 336 Salmon Idaho	
Vergil O. Olson	Rt 1 Box 12	
	Salmon Ida.	
Herdel Olson	Rt 1# Box 17A	
	Salmon, Idaho	
	83467	
Niel Carlson	Rt 1 Box 47	
	Salmon Id. 83467	

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUR AVE.

IDAHO FALLS, IDAHO 83401

NAME AND
ADDRESS
OF SENDER

Indicate type of mail

- ☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have

- ☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

1 No	NUMBER OF ARTICLE	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 REMARKS
1	13010	Bettie Lander, Rt #1 Box 112, Salmon	20	75				60			74-0006 RN 74-0006 IT
2	13011	Daryl Blaw, Rt #1 Box 112, Salmon									"
3	13012	Matthew Mullany, 802 W Bonanza, Boise									"
4	13013	Vivian Olson, Rt #1 Box 117, Salmon									"
5	13014	Theresa Jurey, P.O. Box 1127, Salmon									74-0006 LA 74-0006 IT 75-7322
6	13015	Lt S. West, 324-25th St. Ogden									75-7284 75-2400 75-7421
7	13016	Quada Smith, Box 517, Salmon									75-7284
8	13017	Daryle Miller, Box 24, Duboisville									"
9	13018	Bruce & Mary A. Courtney, Box 2346, Salmon									75-7322
10	13019	John & Nan Bryant, Box 1170, Salmon									"
11	13020	Jim Smith, 200 Main St, Salmon									"
12	13021	Carl & Margaret Dever, Box 777, Salmon									"
13	13022	Bill Ballard, Box 205, Salmon									71-7301
14	13023	Don Zischberger, Rt #2, Ashton									"
15	13024	Barry Dime, Rt #2, Ashton									"
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, \$400 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.					
15		15		[Signature]							

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877, Sept. 1979

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

★ U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

MICROFILMED

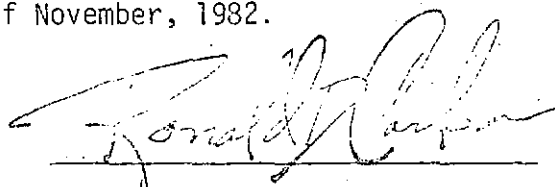
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	}	
OF TRANSFER NO. 74-0006, 74-0007, 74-0918		NOTICE OF HEARING
74-0619, 74-2272, and 74-0624 IN THE NAME OF		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 O. and Verdell Olson.

The Department has set the matter of protest for hearing for Tuesday, November 16, 1982, at 9:00 a.m. in the Commissioners Room, 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 Chapter 2, Title 42, 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.

Dated this 2nd day of November, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

November 5, 1932

Lemhi County Clerk
Lemhi County Courthouse
Salmon, Idaho 83467

ATTN: Beverly

Dear Beverly:

This letter is to confirm the use of the Commissioner's Room
for conference and/or hearing to be held by this Department on
November 16, 1932, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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 30th day of August, 1982.


RONALD D. CARLSON
Eastern Regional Supervisor

RECEIVED
AUG 31 1982

August 24, 1982

Lemhi County Clerk
Lemhi County Courthouse
Salmon, Idaho 83467

ATTENTION: Beverly

Dear Beverly:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Wednesday, September 8, 1982, beginning at 9:00 a.m. and continuing throughout the day.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED

NAME AND ADDRESS OF SENDER

EAS.

IDAHO FALLS, IDAHO 83401

POOR QUALITY ORIGINAL

Indicate type of mail

☐ Insured
☐ COD
☒ Certified

I certify that we have

☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURE

PS Form 3877, Sept. 1977

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1	12985	11 Street Jackson, Boise, Idaho	30	75								75-724
2	12986	Salmon, Idaho										"
3	12987	John H. Davis, Salmon, Idaho										74-7149
4	12988	Walt E. Allen, Rt. 1, Salmon, Idaho										"
5	12989	Robert W. Foster, Rt. 1, Salmon, Idaho										"
6	12990	Walter Francis, Rt. 1, Salmon, Idaho										74-7206 etc.
7	12991	Norman J. Jones, Salmon, Idaho										"
8	12992	Wagel, Salmon, Idaho										"
9	12993	W. L. Jones, Rt. 1, Salmon, Idaho										"
10	12994	Walter Williams, Salmon, Idaho										"
11	12995	W. L. Jones, Rt. 1, Salmon, Idaho										74-730
12	12996	W. L. Jones, Rt. 1, Salmon, Idaho										"
13	12997	W. L. Jones, Rt. 1, Salmon, Idaho										"
14	12998	W. L. Jones, Rt. 1, Salmon, Idaho										"
15	12999	W. L. Jones, Rt. 1, Salmon, Idaho										"

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PIECES LISTED BY
SENDER

15

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

15

POSTMASTER, PER (Name of receiving employee)

F. J. Jones

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, \$400 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: 1979-301-994

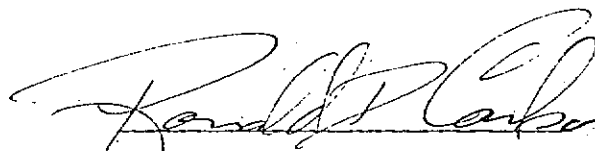
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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 O. 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 20th day of August, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

July 20, 1982

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

Verdell Olson
Rt. #1, Box 17-A
Salmom, 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

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

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

RECEIVED

July 15, 1982

RE: Notice of Correction No. 74-0006/0007/0619/2272/0624 BOLTON

Recorder Herald
P.O. Box 310
Salmon, Idaho 83467

Gentlemen:

We are resubmitting a legal notice to be published on July 22 and 29, 1982. This notice was originally published in your paper on June 24 and July 1, 1982. Unfortunately, it was advertised incorrectly. We reviewed the galley proof and telephoned corrections, however, after our conversation identification numbers were evidently changed. We, therefore, request this be readvertised again at your expense.

An affidavit of publication must be submitted to this office by August 9, 1982. Your cooperation in this matter is greatly appreciated.

Very truly yours,

BARBARA POWERS
Secretary

Enclosure (1)

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: 1.00cfs PRIORITY: 6-01-1884

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 $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 21N, R. 23E.

The water is used to irrigate 112.2 acres within the SE $\frac{1}{4}$, Sec. 4, T. 21N, R. 23E.

T #2580/74-0007 AMOUNT: 0.60cfs PRIORITY: 5-01-1881

POINT OF DIVERSION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, 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; B.M. Lemhi Co.

The water is used to irrigate 81.2 acres within the E $\frac{1}{4}$ 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.

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

T #2580/74-0006 AMOUNT: 0.60cfs PRIORITY: 5-01-1881

POINT OF DIVERSION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, 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, B.M. Lemhi Count

The water is used to irrigate 81.2 acres within the E $\frac{1}{4}$ 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.

T #2580/74-0007 AMOUNT: 1.00cfs PRIORITY: 6-01-1884

POINT OF DIVERSION: Lot 6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 32, T. 22N, R. 23E; 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.

The water is used to irrigate 112.2 acres within the SE $\frac{1}{4}$, Sec. 4, T. 21N, R. 23E.

The proposed changes on the legal notice remain the same.

Any protest 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.

RECEIVED

JUL 9 1982

Department of Water Resources
Eastern District Office

Salmon Ida. Co.
July 8, 1982

Dear Sirs:

We are protesting any change of
water rights 74-0006 - 74-0007 - 74-0918
74-0619 - 74-2272 and 74-0624

because we have protested these
rights twice before and they have
protested also. They are now using
these rights illegal now as they never
applied for change or made any study to
see if it affected rights down stream
some of these rights is from Gary Creek
of which Bolton does not have any
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 is for
Gov ground of which Bolton does
not own giving him more water
per acre than law permits. It has
already been proved that the sprinkler
has affect our water down stream by
making up and down so we cannot get our
desired water rights.

Vergil O Olson
RT#1 Box 12
Salmon

Ida.

83467

Vergil Olson
RT#1 Box 17A
Salmon, Ida.

83467

RECEIVED

JUL 1 1982

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 74-0006/0007/0918/0619/2272/0624

RECOMMENDATION OF WATERMASTER

I, William T. Bramlette, watermaster of Geertson Creek,
of Water District No. 74-A, County of Lemhi, State of Idaho,
whose address is P.O. Box 336 Salmon Id. 83467
have read the attached copy of the application for transfer of water right for
Bolton Ranch Inc., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: Yes I endorse the Application with modern irrigation systems
gravity flow sprinklers) the transfer would allow maximum use of the system and the
water master would be in better control of the water, as there would be only one
diversion for the sprinkled land. OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Salmon, Idaho, this 29 day of June 1982.

William T. Bramlette
(signature)

Please use reverse side if needed.

June 21, 1982

RE: T 74/0006/0007/0918/0619/2272/0624 Bolton Ranch Inc.

Bill Bramlette
WD-74A
P.O. Box 336
Salmon, ID 83467

Dear Mr. Bramlette:

Please find enclosed a copy pf the above referenced transfer and water recommendation form. Please review the transfer and complete the form, returning it to this office on or before July 12, 1982.

Thank you for your cooperation in this matter.

Very truly yours,

BARBARA L. POWERS
Secretary

bp

Enclosures

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 #2580/74-0006 AMOUNT: 0.60 cfs PRIORITY: 5-01-1881

POINT OF DIVERSION: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, 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, B.M., Lemhi County.

The water is used to irrigate 81.2 acres within the 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.

T #2580/74-0007 AMOUNT: 1.00 cfs PRIORITY: 6-01-1884

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 $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 21N, R. 23E.

The water is used to irrigate 112.2 acres within the SE $\frac{1}{4}$, Sec. 4, T. 21N, R. 23E.

T #2580/74-0918 AMOUNT: 1.32 cfs PRIORITY: 5-05-1893

POINT OF DIVERSION: Lot 6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 34, T. 22N, R. 23E; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 21N, R. 23E.

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 $\frac{1}{4}$ 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.

RECORDED

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.

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) 755-2577

(208) 755-4655

RECEIVED

SEP 1 1982

Department of Water Resources
Eastern District Office

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

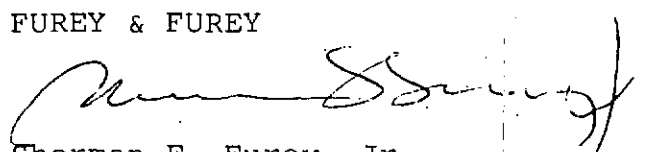
Re: Bolton Ranch, Inc., Application No. 74-0006, 0007,
0918, 0619, 2272 and 0624

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
SEP 1 1982

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 con-
tract 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

RECORDED

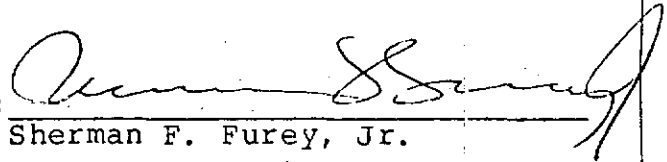
Stipulation dispute such as to make a resolution of the latter necessary to a resolution of the former.

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.

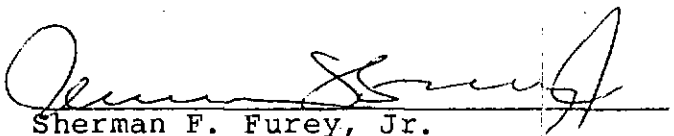
FUREY & FUREY

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.

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO

BOYD R. THOMAS
DISTRICT JUDGE

ROSS L. OVIAIT
COURT REPORTER



RESIDENT CHAMBERS
LAW ENFORCEMENT BUILDING
535 N. CAPITAL AVENUE
IDAHO FALLS, IDAHO 83401
(208) 343-1178

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:

RECEIVED
AUG 11 1982

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

MATTHEW MULLANEY, Attorney at Law

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

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AUG 27 1982

Department of Water Resources

August 26, 1982

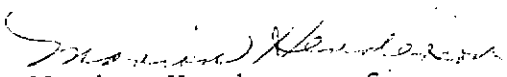
A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

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.

MICROFILMED

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

RECEIVED
JUL 27 1982

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

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

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.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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SEP 1 1982

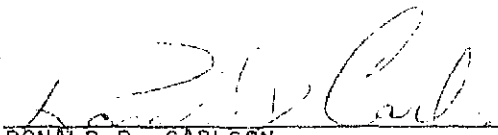
Department of Water Resources

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 15 day of August, 1982.


RONALD D. CARLSON
Eastern Regional Supervisor

RECEIVED

Transfer No. T 2703

Water Right No. 74-0007

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 756-3675
Post 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 county)
b. Transfer License 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 Ceetson 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 of NE 1/4 of Section 9
Township 21N Range 23E B.M. in Lemhi County

Additional points of diversion, if any Lot #1 (NE 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

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	15.3			10.6				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. To your knowledge, has any water right undergone a period of five or more consecutive years

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-0007 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
Transfer
b. ~~License~~ 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 $\frac{1}{4}$	
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 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.

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

Lot #6
Point of diversion 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
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 $\frac{1}{4}$				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 $\frac{1}{4}$	
22N	23E	34										L6 2							2
21N	23E	3						10.5	15			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

-
- Hand-drawn map on a grid showing two locations. The left location is marked with a vertical line and several points, with labels '22N', '21N', '23E', and '34'. The right location is also marked with a vertical line and points, with labels '22N', '21N', '23E', and '34'. A list of numbers is on the left side of the grid.
- | | |
|---------|-----|
| 74-2272 | 100 |
| 74-0006 | 100 |
| 74-0007 | 100 |
| 74-0010 | 100 |
| 74-0019 | 100 |
| 74-0024 | 100 |

244 Z. NICHOLS, C. QUINN AND B. J. LEE, JR.

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.

(Signature of Applicant)

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

(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19____

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Protest filed by <u>Wright & Warden</u>
Prelim. check by <u>HWS</u>	Fee _____	<u>Record</u>
Receipted by <u>BP</u>	Date <u>6-15-82 #0317</u>	
Published in <u>Recorder Herald</u>	Copies of protest forwarded by <u>cat</u>	
Pub. dates <u>June 24 & July 1 - 1982</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>6-24-82</u>	Recommended for _____ approval _____ denial _____	
_____ rec'd. <u>7-9-82</u>	by _____	

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
Salmom, 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

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

RECEIVED
JUL 9 1962

POOR QUALITY ORIGINAL

DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

Salmon, Idaho
July 8, 1962

Dear Sirs:

We are protesting any change of
water rights 74-0006 - 74-0007 - 74-0918
74-0619 - 74-2272 and 74-0624

because we have protested these
rights twice before and they have
protested also. They are now using
these rights illegal power as they now
applied for change or made any supply to
see if it affected rights. Down stream
some of these rights in from Gary Co.
which is not allowed. They are now
trying to get water to their ground.

also some of these rights are in stipulated
of which Judge Thomas has not yet
ruled on. Some of these rights are for
our ground of which Bottom does
not show giving him more water
per acre than laws permits. It has
been ruled that they probably
has left out water down stream by
making big and down about we can not get our
desired water right.

Vergil O'Leary
Rt 1 Box 12
Salmon,

Idaho

83467

Harold Olsen
Rt 1 Box 17A
Salmon, Idaho

83467

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

POOR QUALITY ORIGINAL STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
TRANSFER NO. 74-0006, 74-0007, 74-0918,
74-0619, 74-2272, AND 74-3624 IN THE NAME
BOLTON RANCHES, INC.

NOTICE OF HEARING
AND/OR CONFERENCE

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 O. 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 22nd day of August, 1982.

RONALD D. CARLSON

Eastern Regional Supervisor

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 Western 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-	)	
0918 AND 74-2272 IN THE NAME OF BOLTON	)	ORDER GRANTING REHEARING
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.

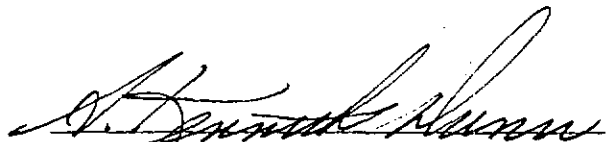
On April 29, 1982, the protestants Vergil and Verdell Olson through their attorney Matthew Mallaney requested a rehearing.

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



A. KENNETH DUNN

Director

RECEIVED

9230

JUN 7 1982

Department of Water Resources
Eastern District Office

SALMON DISTRICT OFFICE
P.O. Box 430
Salmon, Idaho 83467
(208) 756-2201

June 3, 1982

Bolton Ranch, Inc.
c/o Dave Logan
Rt. 1, Box 14
Salmon, Idaho 83467

Dear Mr. Logan:

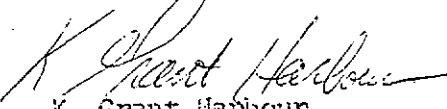
As you are already aware, you are farming approximately 25 acres of public land in conjunction with your private land in the Geertson Creek area. Before any authorization can be given for your use of these lands, we will process an unauthorized use case (trespass) against you for your past use. This will require you to pay "damages" to us.

Within the next two weeks an appraiser from our Boise office will be here to determine the "damages" or fair market value for use of the land. He may be contacting you for information concerning the type(s) of crops grown, past yields, water costs, etc. to help with this determination.

After the appraisal is done, we will contact you regarding the steps involved in processing the trespass case. Then, once the trespass case is settled, we can begin work on interim authorization for the agricultural use of these lands pending completion of the proposed public sale.

We will keep you informed on the progress of this case. If you have any questions, please contact Stephanie (Brady) Thurow or Lawrence Bardsley.

Sincerely,


K. Grant Harbour
Acting District Manager

cc: State of Idaho Dept. of Water Resources
Eastern Region
150 Shoup
Idaho Falls, Idaho 83401

May 19, 1982

Mr. David Logan, Mgr.
Bolton Ranch, Inc.
Rt. #1, Box 14
Salmon, Idaho 83467

Dear Mr. Logan:

Here is the application for transfer you requested. I have attempted to relocate the place of use under each water right so it is consistent with your operation, and allows maximum use of the gravity flow sprinkler system. The application basically consists of two sections. They are Section A, which describes the right as recorded in the Department's files; and Section C, which reflects how the right is to be changed. There is a Section A and C for each right. The new places of use and points of diversion as listed in each Section C are illustrated on a map included in the application and on the map you provided. Both maps have the same color coding for easy comparison.

After reviewing the application, if you are certain it accurately describes how you want the water rights; then sign it in the presence of a notary and return it to this office along with the filing fee of \$50.00.

Feel free to contact me if there are any questions.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

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 16 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
DEPT. OF WATER RESOURCES

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

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.

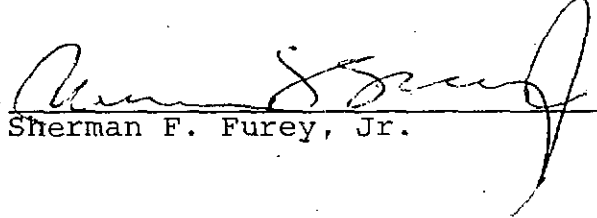
BOLTON RANCH, INC., responds to Request for Rehearing of Vergil Olson, et al, and supplements Bolton Ranch's Request for Rehearing as follows:

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.

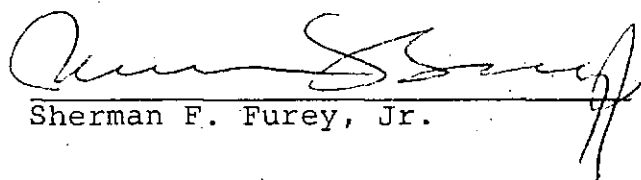
FUREY & FUREY

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.

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET P.O. BOX 1127

SALMON, IDAHO 83467

(208) 756-2577

RECEIVED

MAY 5 1982

Department of Water Resources

April 28, 1982

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

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/rnh
encl.

FUREY & FUREY

ATTORNEYS AT LAW

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

SALMON, IDAHO 83467

April 21, 1982

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

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

RECEIVED

APR 29 1982

Department of Water Resources

Department of Water Resources
Statehouse
Boise, Idaho 83720

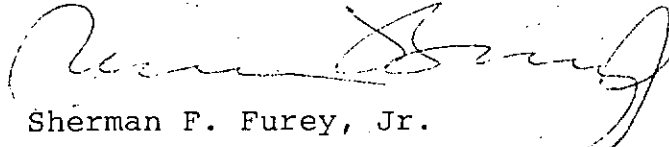
Re: Application for Transfer of Water Right Nos.
74-0006, 74-0007, 74-0918 and 74-2272

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.

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

RECEIVED

APR 28 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.*
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.

Sherman F. Furey, Jr.
Attorney

FUREY & FUREY

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

RECEIVED

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

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 REHEARING
NO. 74-0006, 74-0007, 74-0918 and 74-2272)
IN THE NAME OF BOLTON RANCH, INC.)

COMES NOW, VERGIL and VERDELL OLSON, (hereafter "Olsons")
by the undersigned counsel, and respectfully moves the
Director for rehearing of the above matter pursuant to Rule
3.5 for the reasons that the Order of the Director is unreasonable,
unlawful, erroneous, and not in conformity with the law.
Specifically, the Olsons assert as follows:

1. Approval of the application for transfer leads to a
further proliferation of points of diversion on Geertson
Creek for the benefit of Bolton Ranch. As best we can now
count, Bolton Ranch enjoys ten (10) points of diversion over
a 1.5 mile reach of Geertson Creek. The difficulty in
regulating the flow and administering the water rights on
Geertson Creek is already well known to the Department. The
Director concluded that "Proper administration by the water-
master will prevent injury to other water rights in Water
District No. 74-A, Geertson Creek." (Conclusion of Law 2).
However, grant of another point of diversion aggravates the
situation and makes proper administration of Geertson Creek
even more difficult than presently. So many points of
diversion are contrary to the local public interest and
deprive the Olsons of their rights to receive water on a
regular and reliable basis. Upon rehearing, the Olsons
would introduce evidence to show that the new point of

diversion (which diversion already exists in fact and is the subject of this belated application for transfer), cannot be controlled by the watermaster in any secure and reliable way.

2. I.C. 42-222 requires that before a new point of diversion is established, the holder of the water right "shall first make application to the Department." This was not done. Yet, Bolton Ranch suffers no adverse consequence, only the Olsons do. The Olsons and the Department were presented with a fait accompli. The evidence also shows that Bolton Ranch recently enlarged the amount of land under the right subject to the application for transfer. The Director is referred to the admission of David Logan upon cross-examination by Vergil Olson at tape 320, side one. For these reasons, the application for transfer should not have been granted in the first instance. Upon rehearing, Olsons would offer additional evidence to quantify the amount of the enlarged right and establish more precisely the amount of time the unauthorized diversion was in use prior to approval of the application for transfer.

3. Olsons assert that Bolton Ranch has been diverting from the new point of diversion contrary to the provisions of paragraph one of the Director's Order, and that there is good cause for the Director to revoke approval of the transfer pursuant to paragraph 7 of that Order. The Director has retained jurisdiction to assure compliance. Upon rehearing, Olsons would place this question in issue and would offer evidence to show that the design of the diversion and headworks used by Bolton Ranch cannot be controlled by the watermaster in any secure and reliable way.

4. At the close of the proceeding, the Hearing Examiner assured the Olsons that there would be a proposed decision circulated to the parties with the opportunity for comment

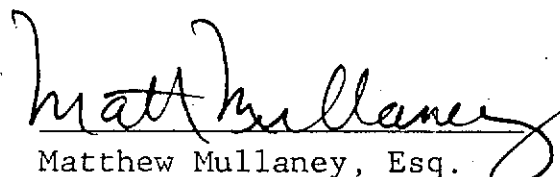
MATTHEW MULLANEY, ESQUIRE
THE HOFF BUILDING / SUITE 308
802 WEST BANNOCK STREET
BOISE, IDAHO 83702
208-344-2860

before a final decision was issued by the Director. That was not done. Instead, apparently the Director reviewed the record and auditioned the testimony and proceeded to a final decision. Without debating the question of whether the Director may do so, it is improper for the Director to proceed directly to a final decision when the parties were led to believe that a proposed decision would first issue. A rehearing would cure this error.

5. Olsons were not represented by counsel and were unaware of their opportunity to present additional witnesses to the Department at the administrative hearing. Erroneously, Olsons believed that they would have the opportunity to present witnesses to the District Court upon appeal of any adverse decision by the Director. Olsons seek the opportunity by rehearing to further protect their water rights with the benefit of counsel and to bring to the attention of the Department facts which Olsons believe will lead to denial of the application of Bolton Ranch for transfer.

6. Olsons are advised that Bolton Ranch has filed yet another application to transfer concerning the same water that is the subject of the present application to transfer. Apparently, this second application is to legitimize another fait accompli, to change the place of use of certain waters away from the point of use in the Green Book of the Lemhi adjudication. The Olsons are concerned about a dissipation of their financial resources meeting these staggered applications. In light of this second application for transfer, the requests of Bolton Ranch and Olsons for rehearing on the first application, Olsons suggest that rehearing of the subject application and hearing on the second transfer application be consolidated.

Dated: April 28, 1982.


Matthew Mullaney, Esq.

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



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.

RECEIVED
APR 10 1982

RECEIVED

MAR 9 1982

Department of Water Resources
Eastern District Office

Mar 5, 1982
Salmon, Idaho,

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 can not 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.

Vergil G. O'Leary
Salmon,
Idaho.

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 E. 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
JAN 10 1974

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

Vice Pres. Manager
Title
Bolton Ranch Inc.

10-30-81
Date

RECEIVED
NOV 1 1981

RECEIVED
NOV 1 1981
BUREAU OF LAND MGMT
IDAHO STATE OFFICE
BOISE IDAHO

NOV 9-1981

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

RECEIVED
OCT 30 1981

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.L.M. lands requested ~~2~~ 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.

RECEIVED

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 -

- Received instruction from Dept. to regulate rights

Tap #2 7:37
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.

RECORDED

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. ~~made~~

X-Exam - Furry -

- There is vegetation along banks of channel.

03/11/2011

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."

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- 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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- 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.

RECEIVED

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

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 W_{1/2} 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,

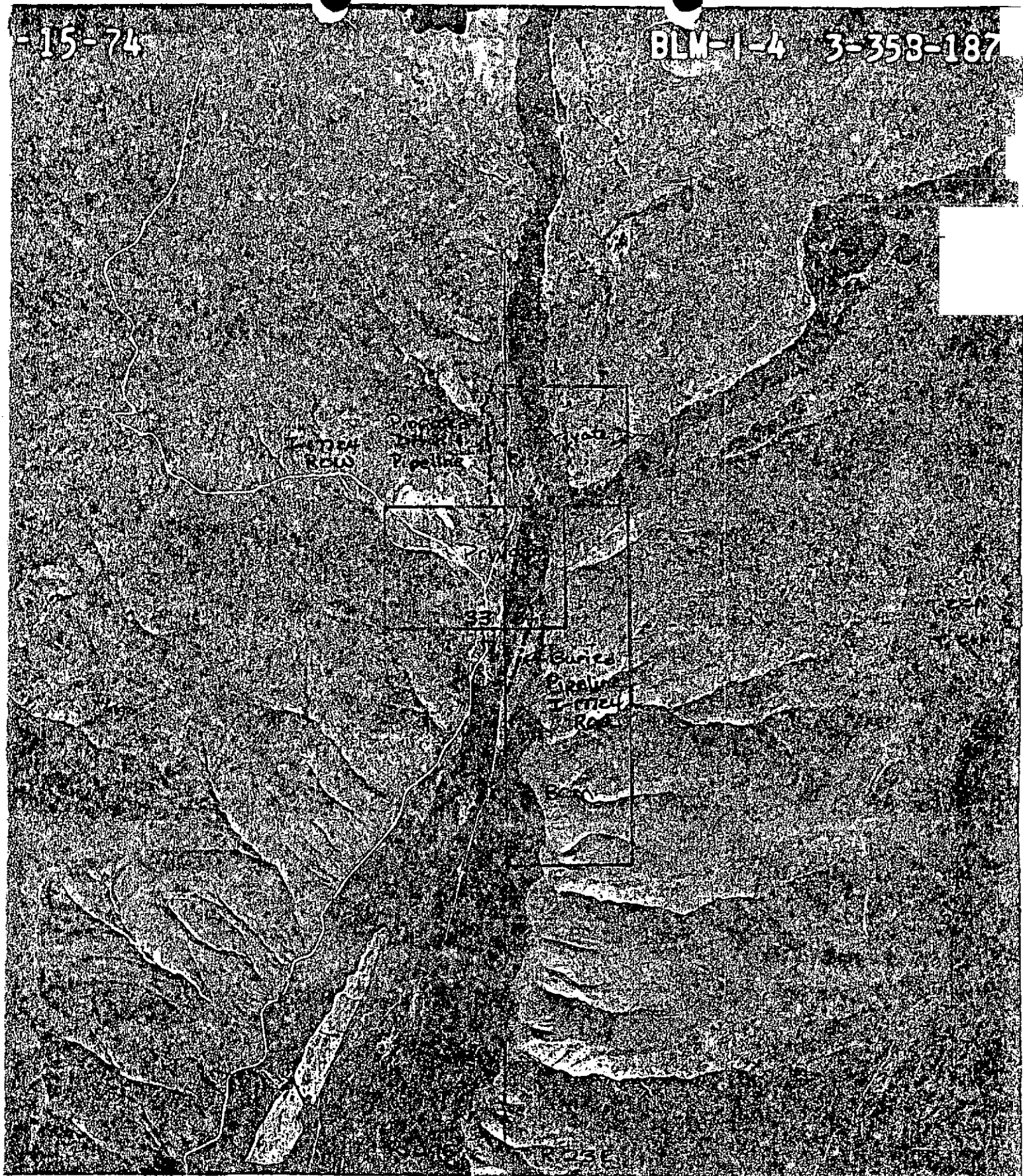
Jerry Goodman

Jerry Goodman
Acting District Manager

ENCLOSURE
Enclosures

-15-74

BLM-1-4 3-358-187



Goldstone mtn. Quad (10)

RECEIVED
JAN 10 1975

Lot 3

N 89° 43' 30" E (5725.16)

35° 02' W

Lot 3

18.29 ac.
Lot 5

Lot 4

NW⁴ SE⁴ NE⁴

SW⁴ NW⁴

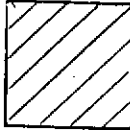
E² SE⁴ SW⁴ NE⁴

E² NW⁴ NW⁴ SE⁴

NE⁴ NW⁴ SE⁴

SW⁴ NW⁴ SE⁴

KEY



Lands that Logan would like to purchase

MICROFILMED

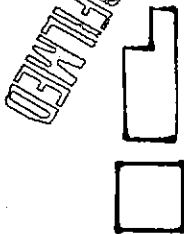
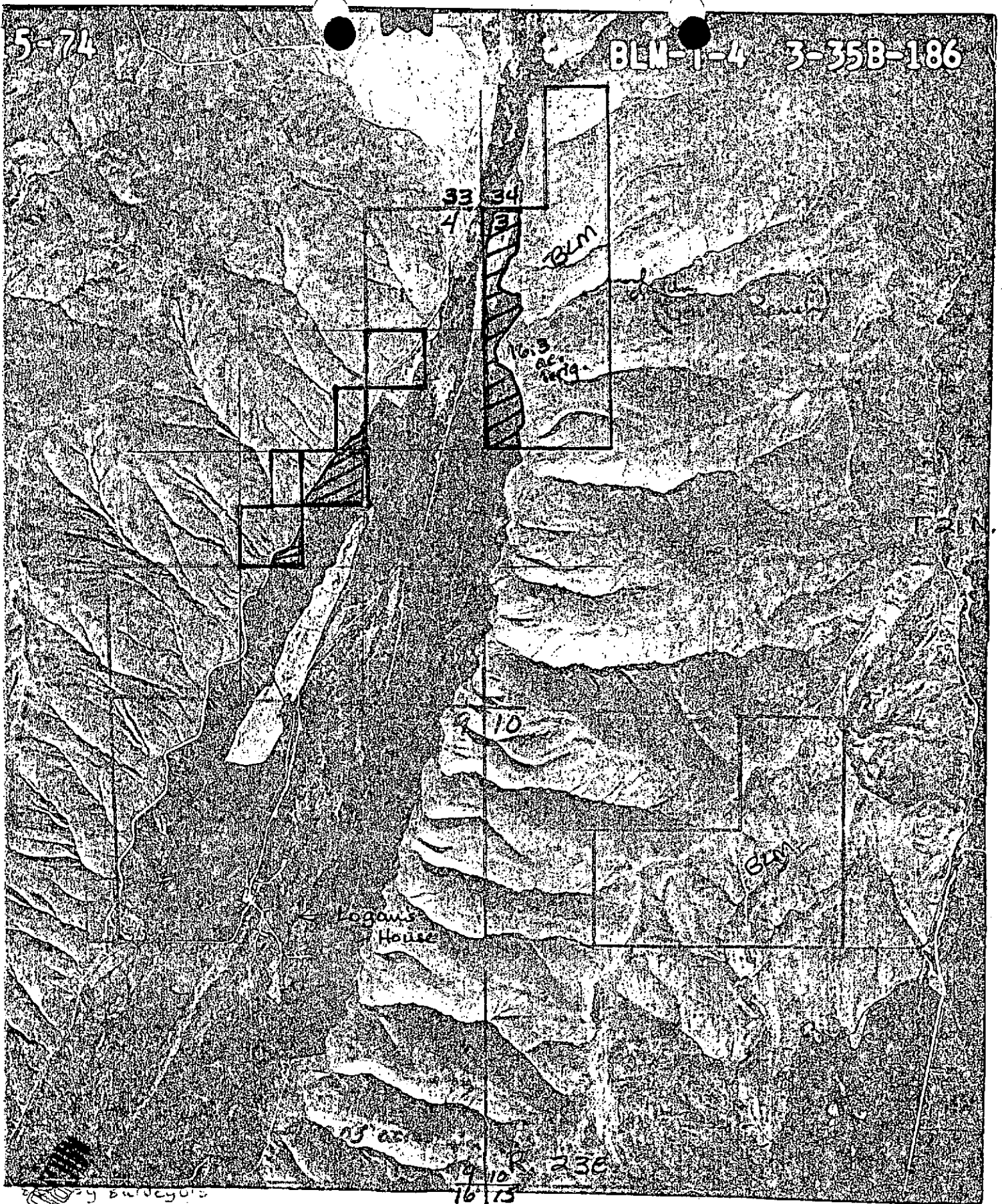
SW⁴

SW⁴ SE⁴

SE⁴ SE⁴

5-74

BLN-1-4 3-35B-186



Isolated tract
identified for disposal

Tracts Logan would
like BLN 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 ~~74-2200~~

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
Will all the existing PD be continued to be used

DELETED

- 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 ~~and~~ 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 Gadsden Creek,

Would not adversely affect Olsen.

X-exam -

UNRECORDED

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

. 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 -

MICROFILMED

→

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. 83467	Bolton Ranch, Inc.
Neil 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
Virgil O. Olson	Rt 1 Box 13	Salmon Idaho
Verdell Olson	Rt 1 st Box 17A	Salmon, Idaho

RECORDED

PS Form 3877, Sept. 1979
 ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES EASTERN DISTRICT OFFICE 150 SHOUF AVE.		Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☒ Certified		I certify that we have ☐ Commercial Insurance ☐ A deductible clause of \$		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT				
1 No.	NUMBER OF ARTICLE	DATE PAID, IDARO 83401 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 REMARKS	
1	12795	Allyd A. Chas, P.O. Box 451, Salmon	18	75							74-7092	
2	12796	Irvin L. Jones, Box 28, Vondy	"	"							74-7094	
3	12797	Paul E. Hill, 44 Montway, In. Man.	"	"							74-7408	
4	12798	Reverend H. Butler, P.O. Box 121, Okla. City	"	"							75-721	
5	12799	Miley Jones, Box 881, Salmon	"	"							"	
6	12800	Robert Jones, Box 121, Salmon	"	"							44-2206	
7	12801	Walter Wilson, Rt #1, Box 12, Salmon	"	"							74-0006	
8	12802	Wendell Olsen, Salmon, Id.	"	"							"	
9	12803	Paul Johnson, Rt #1, Box 47, Salmon	"	"							"	
10	12804	Fred Jones, P.O. Box 1227, Salmon	"	"							"	
11	12805	John Johnson, P.O. Box 812, Salmon	"	"							13-9200	
12												
13												
14												
15												
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, \$400 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.						
11		11		C.B.R.		16.83 22.75 39.58 Total						

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN ★ U. S. GOVERNMENT PRINTING OFFICE: 1979-301-99

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

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
AUG 11 1981
IDWR

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:cm

Enclosure

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

74-0007

RECEIVED

AUG 3 1981

Department of Water Resources
Eastern District Office

Salmon Lake, ID

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
Irrigation.

a. The point of diversion being
sought is now in trespass of B. S. N.
Gunderson.

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 Garton 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 Garton creek of ask that these
changes be revoked.

Virgil O. Olson

RECEIVED

74-0007

Salmon Lake
July 31, 1981

Water Dept State of Idaho

Dear Sir:

I protesting the change ~~etc~~ of point of diversion that Bolton Ranch Inc. are filing the following numbers 74-0006; 74-0007; 74-0913, 74-2272, & 74-2200 -

A. Never got a permit to move the ditched diversions in the first place.

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

RECEIVED

AUG 3 1981

Department of Water Resources
Eastern District Office

Charles Larson
July 31, 1981

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