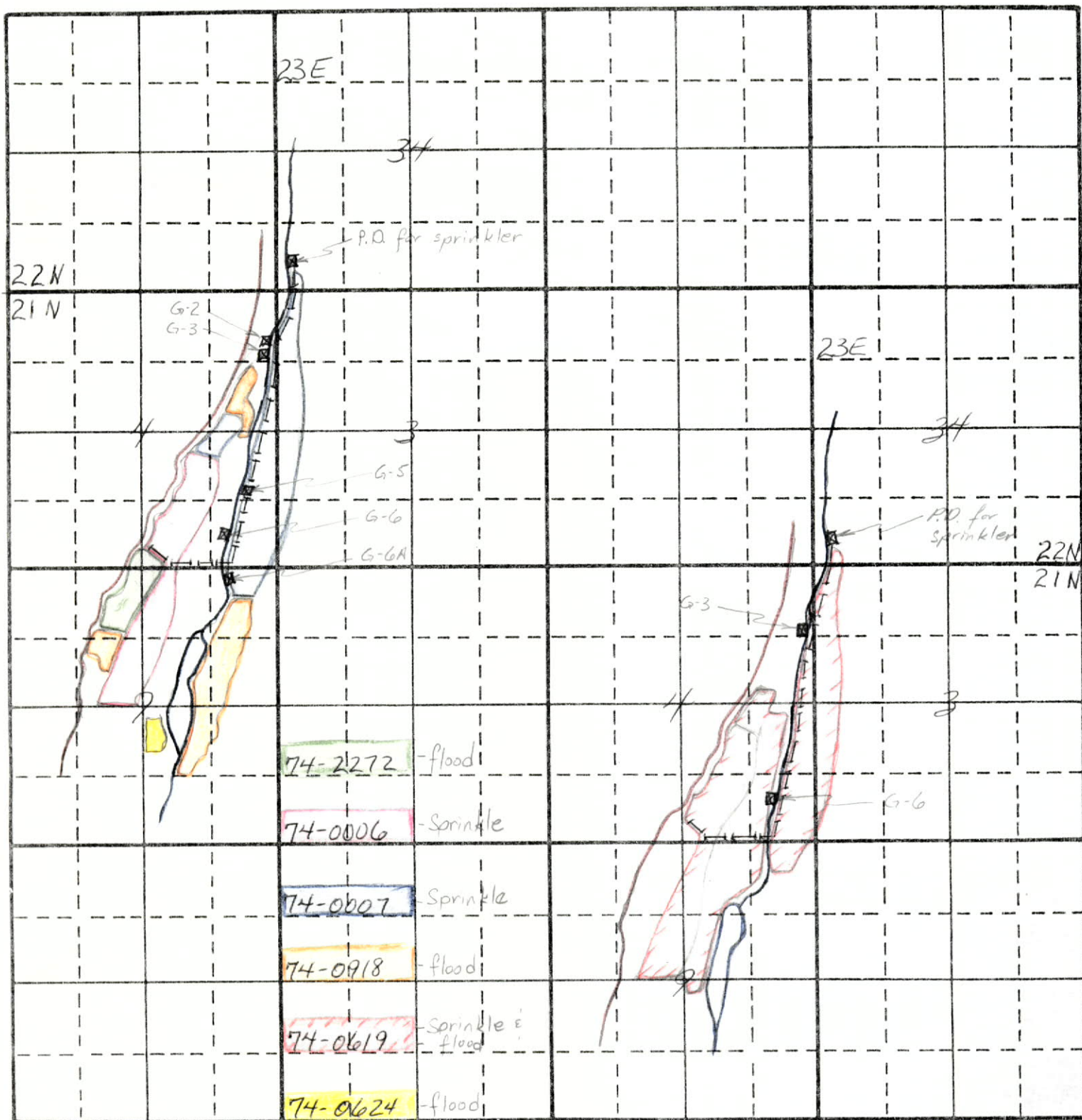
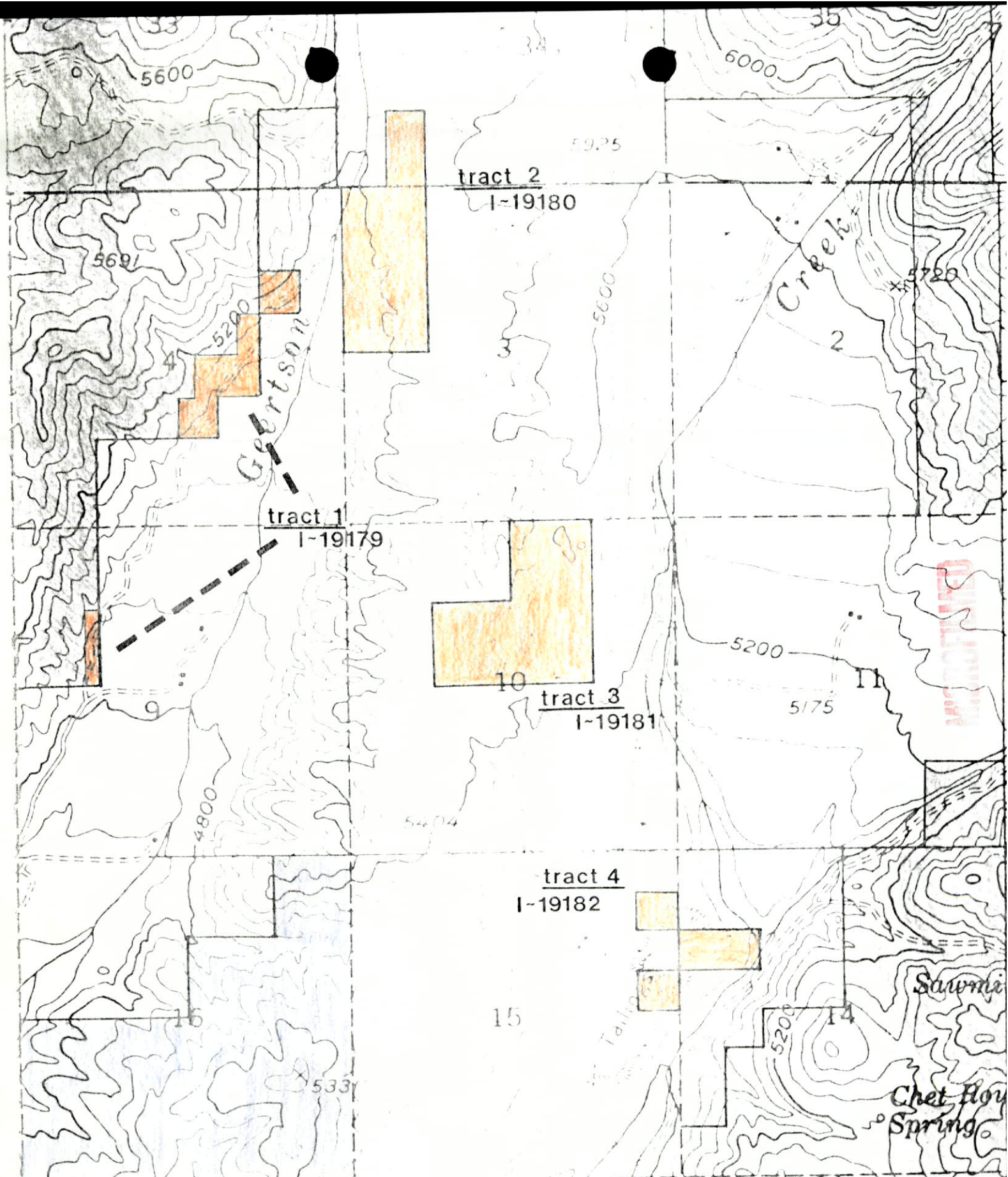


5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

APPROVED



KEY

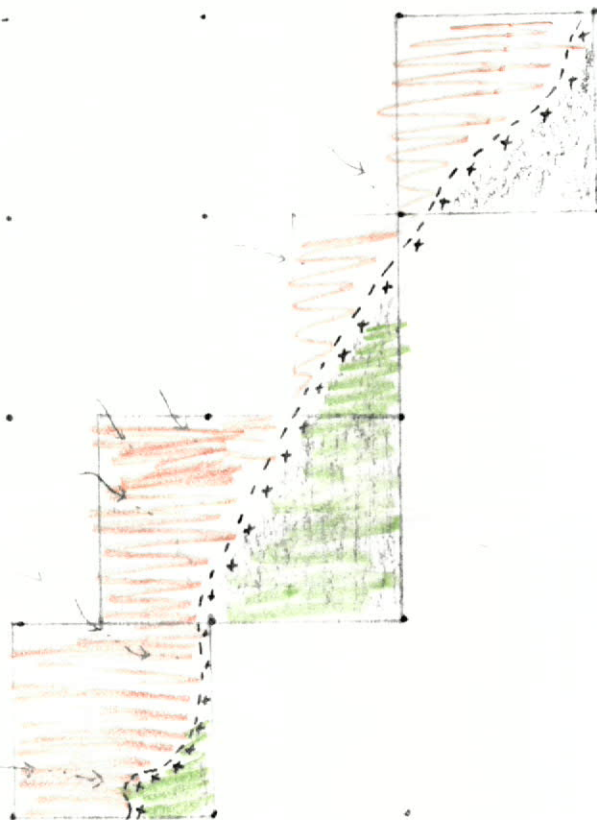
- Public land proposed for sale
- Public land
- State of Idaho
- All uncolored is private

ILLUSTRATION 1

Township 21N, Range 23E, BOISE Meridian

REPROFILMED

33 34
4 3



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

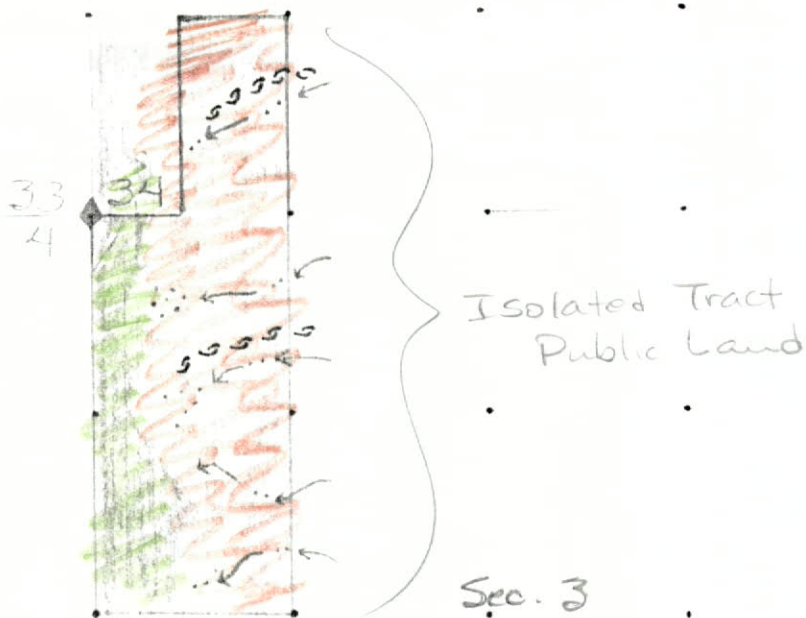
Scale: 1" = 1/8 mile

Subject Land		Irrig. alfalfa		Dry sagebrush/ grass hillside
Found Section corner		Unimproved land		
County Road (25' wide)		Capable of being irrigated		
Fence along road		Drawn		

ILLUSTRATION 2

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

MICROFILMED



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

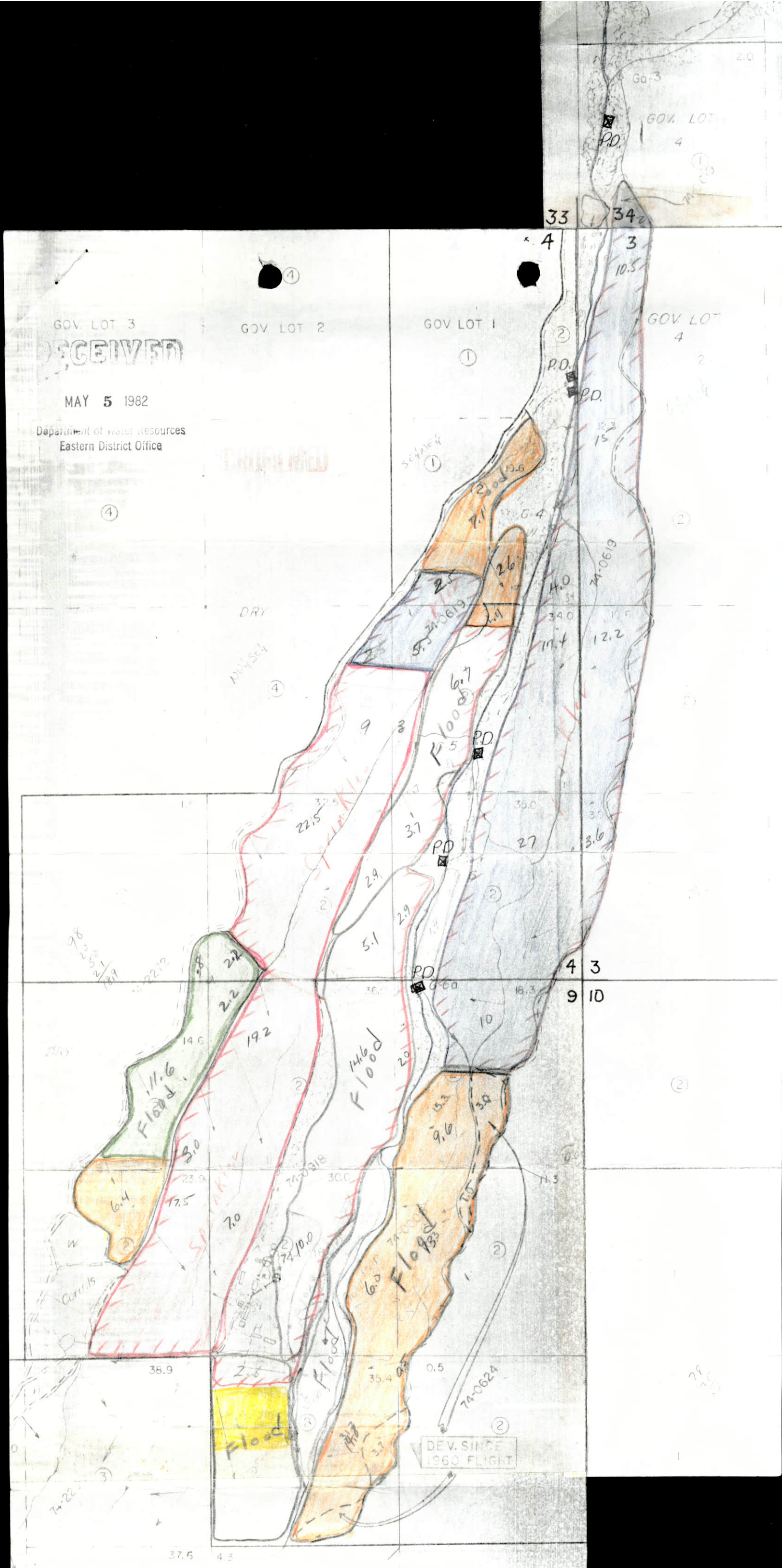
Scale: 1" = 1/4 mile

Subject tract		Brushy creek bottom (Green Creek)
Found Section Corners		Draws Intermittent drainages
Irrigated alfalfa		Ridge
Unimproved sagebrush		

ILLUSTRATION 4

GOV LO
4

Department of Water Resources
Eastern District Office



GOV LOT 3

GOV LOT 2

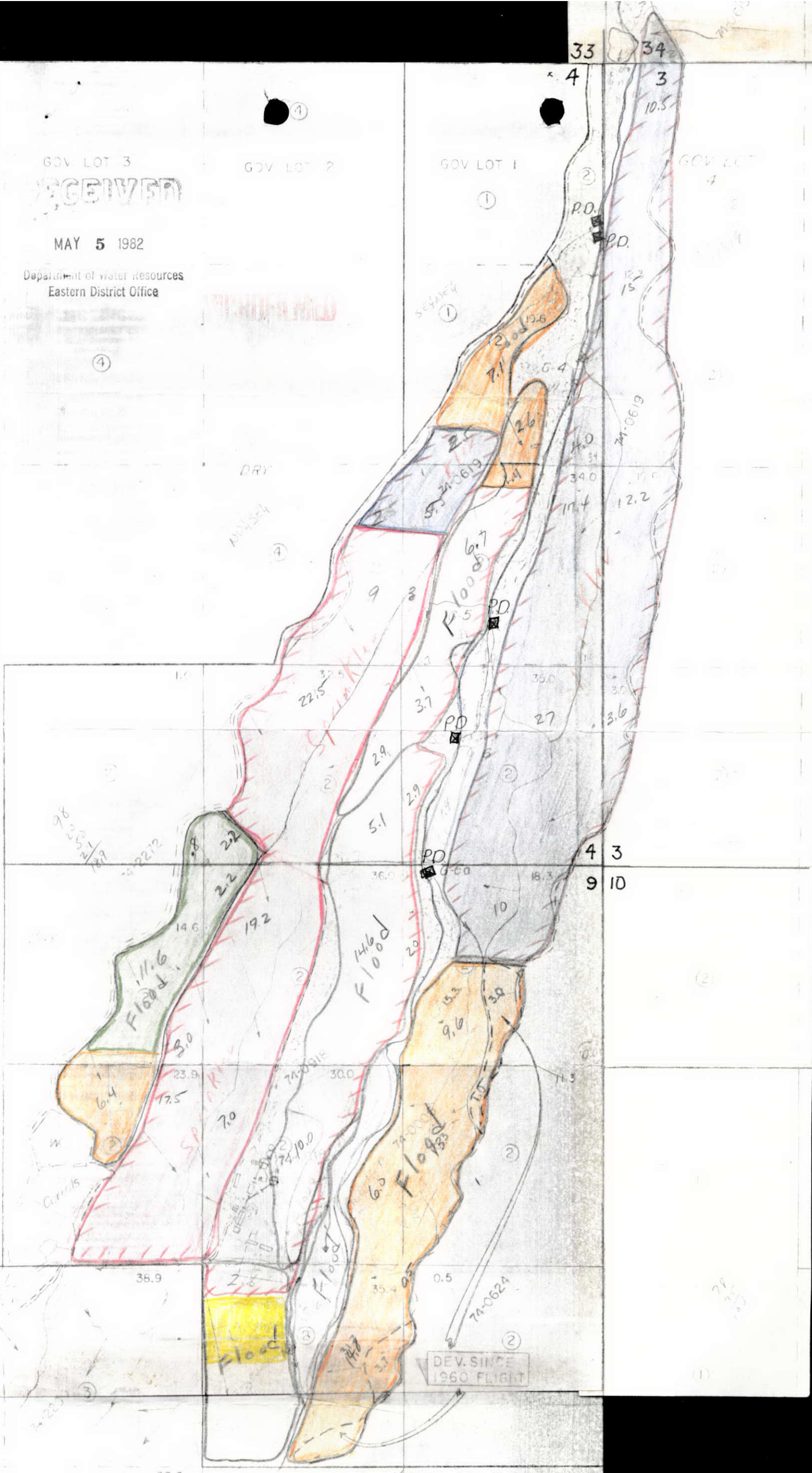
GOV LOT 1

GOV LOT 4

RECEIVED

MAY 5 1982

Department of Water Resources
Eastern District Office



Department of Water Administration	
APPLICANT'S	
Exhibit	1
Date Admitted	11-16-82

Applicants

BDF

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 DIVERSION: NE 1/4 NE 1/4, Sec. 9, Lot 1

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

The water is used to 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.

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 five issues, commencing with the issue dated July 22, 1982, ending with the issue dated July 29, 1982.

Jerry G. Rosin

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

W. L. Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

(no charge)

on Fee \$

7-22-2tc

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 ⁷

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 2
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

Neil Armstrong

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

Publication Fee \$ 89.10

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

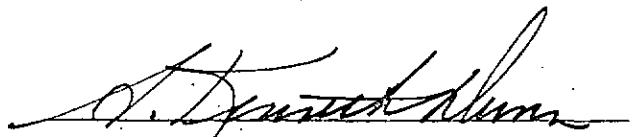
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on August 25, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter; pursuant to Idaho Code, Section 67-5211; and,

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

WATER RESOURCES

BEFORE THE DIRECTOR OF 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.

ORDER ISSUING
PROPOSED DECISION

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

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

I.
EXCEPTIONS

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

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

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

II.
BRIEFS

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

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

MICROFILMED

III.
ORAL ARGUMENTS

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

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

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

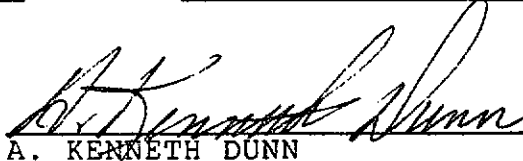
IV.
CERTIFICATION OF SERVICE

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

V.
FINAL DECISION

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

Dated this 25th day of August, 1983.


A. KENNETH DUNN
Director
Department of Water Resources

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

	Bolton, William B.	0.16		74-0624
2703	Bolton Ranch Inc.	0.16		74-0624

R

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1974

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R

T

2763

Bolton Ranch Inc.

0.16

74-0624

~~Bolton, William B. 0.16 74-0624~~

Transfer No. 2703

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

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, Idaho 83467

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

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

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right3. 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 annum7. 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 T. 21NR. 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 81.29. 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- Lemhi10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years
River Drainag

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

b. _____ &/or
acre feet per annum

2. Point of diversion _____

Range _____, B.M., _____

County _____

Township _____

Additional points _____

3. Place of use: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS	
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4		
												</								

100-443889-1

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. Transfer (Name of court)
- 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 ¼ of SW) ¼ 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:

[illegible]

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

N 7

REMARKS

WATER RIGHTS

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 74-0918 Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____ (Name of court)
- b. ~~License~~ ^{Transfer} No. 2580/75-0918 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is
recognized holder of water right.
3. Source of water Geertson Creek tributary to Lemhi River
- * 4. Date of priority 5/5/1893 Of Water Rights-Lemhi River Basin
reduces priority to 5-24-1923
5. Water is used for the following purposes:
amount 1.32 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 1.32 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is Lot #6 SW % of SW % 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.

MICROFILMED

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

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	23E	3						9.4	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										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
&/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 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 $\frac{1}{4}$	
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.

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 ¼ SW ¼, 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

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

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

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

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

4. Date of priority 6-1-1961

5. Water is used for the following purposes:

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

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

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

8. Lands irrigated or place of use:

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

Total number of acres to be irrigated 7.7

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

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

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 $\frac{1}{4}$ 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%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
22N	23E	34											6.2						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

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

1. General Information

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

2. Change in point of diversion

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

3. Change in place of use

- a. Are there 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 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:

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				13.1									1.4				14.5
21N	23E	9	9.6		6	13.1	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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 Township 22N
 Range 23E, B.M., Lemhi County
 Additional points (G-3) NE $\frac{1}{4}$ NE $\frac{1}{4}$ (lot #1), (G-6) SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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 $\frac{1}{4}$				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						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	3.8	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:

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											.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

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

3. Change in place of use

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

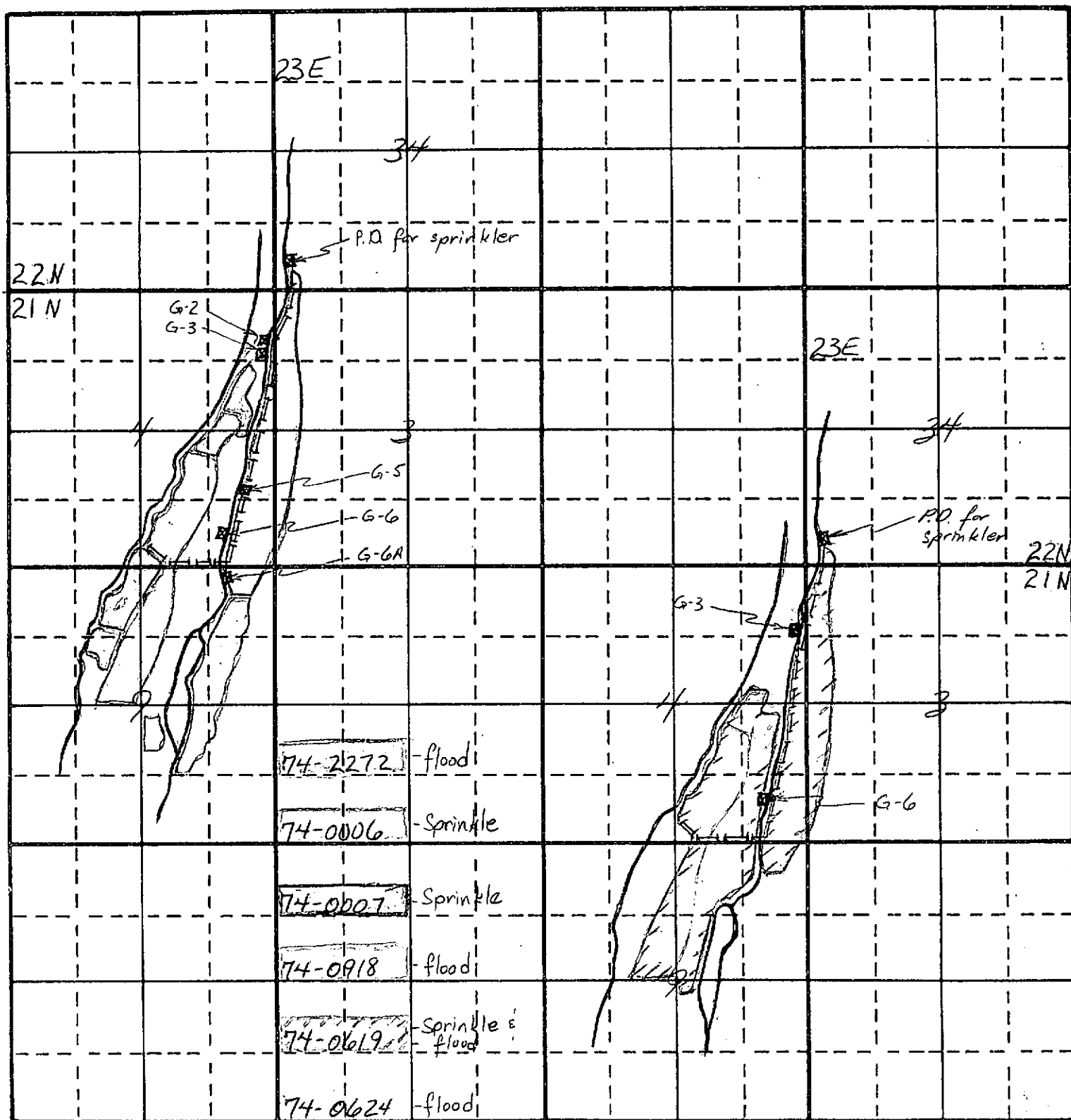
c. Describe the lands or place of use to which the right will be transferred:

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

Total number of acres to be irrigated 7.7

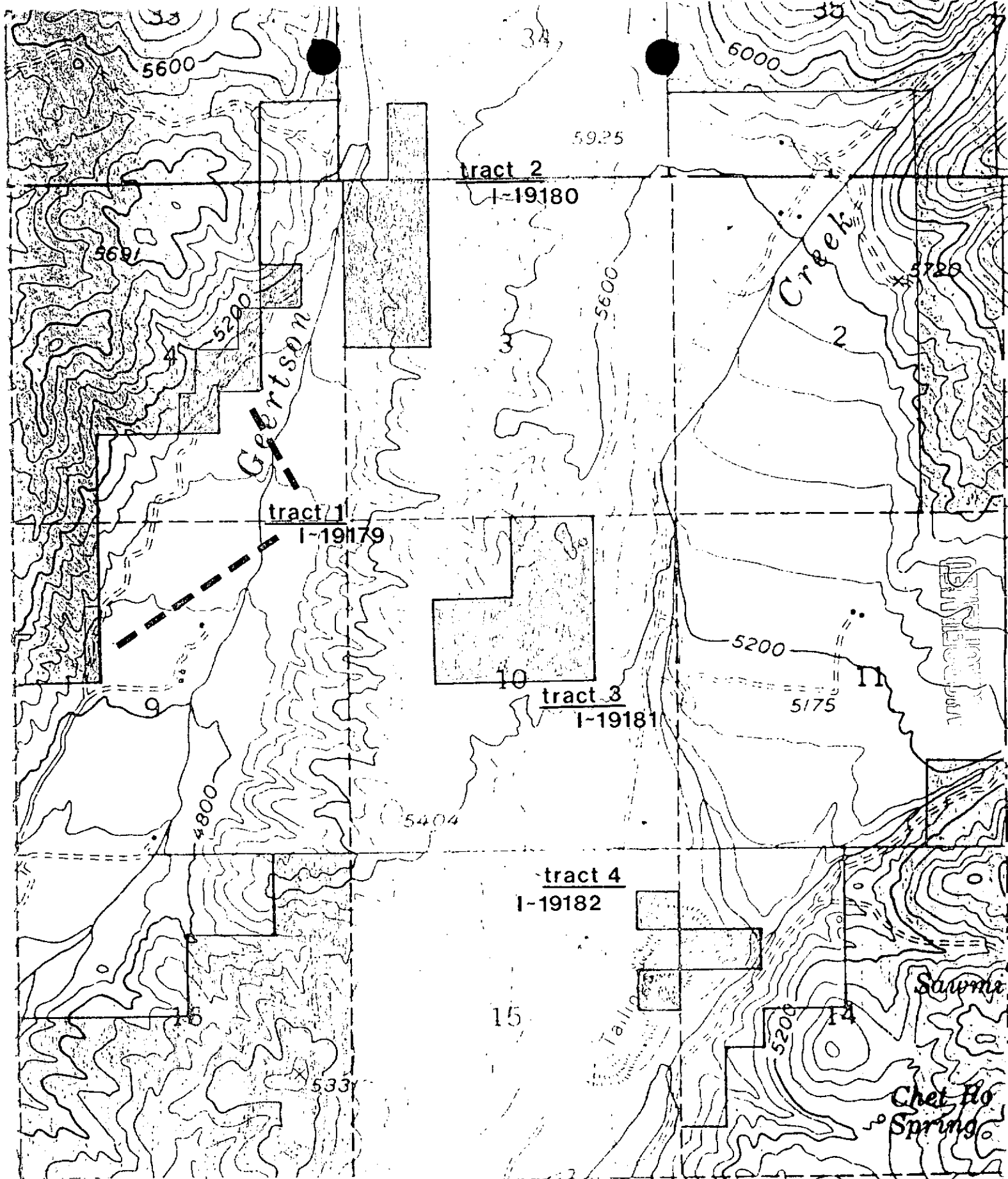
4. Describe any other water rights used for the same purpose as described above. None

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



KEY

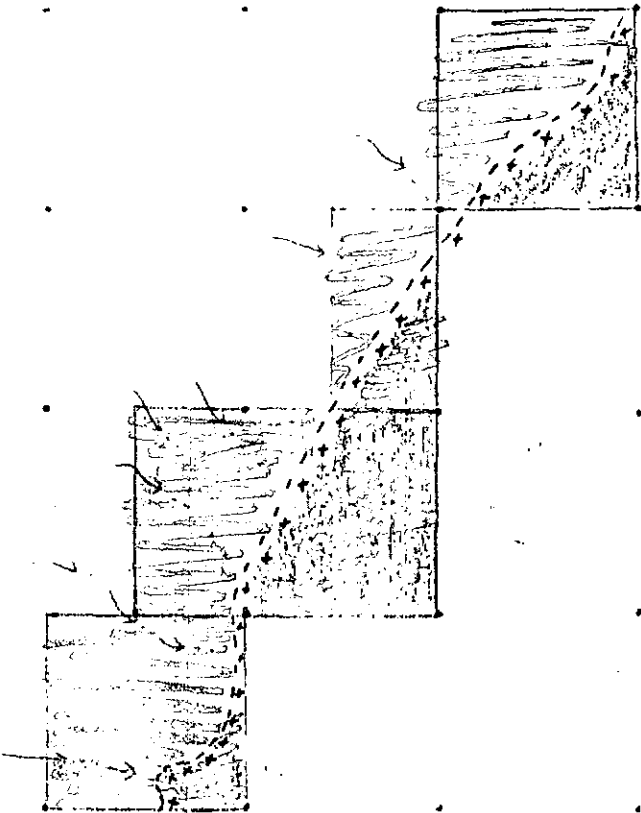
-  Public land proposed for sale
-  Public land
-  State of Idaho
- All uncolored is private

ILLUSTRATION 1

Township 21N, Range 23E., BOISE Meridian

UNRECORDED

33 34
4 3

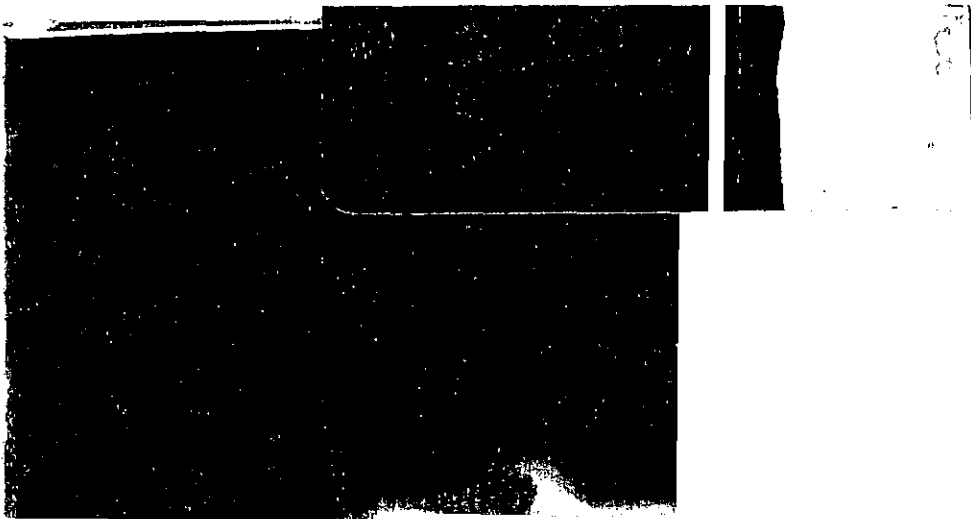


LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/8 mile

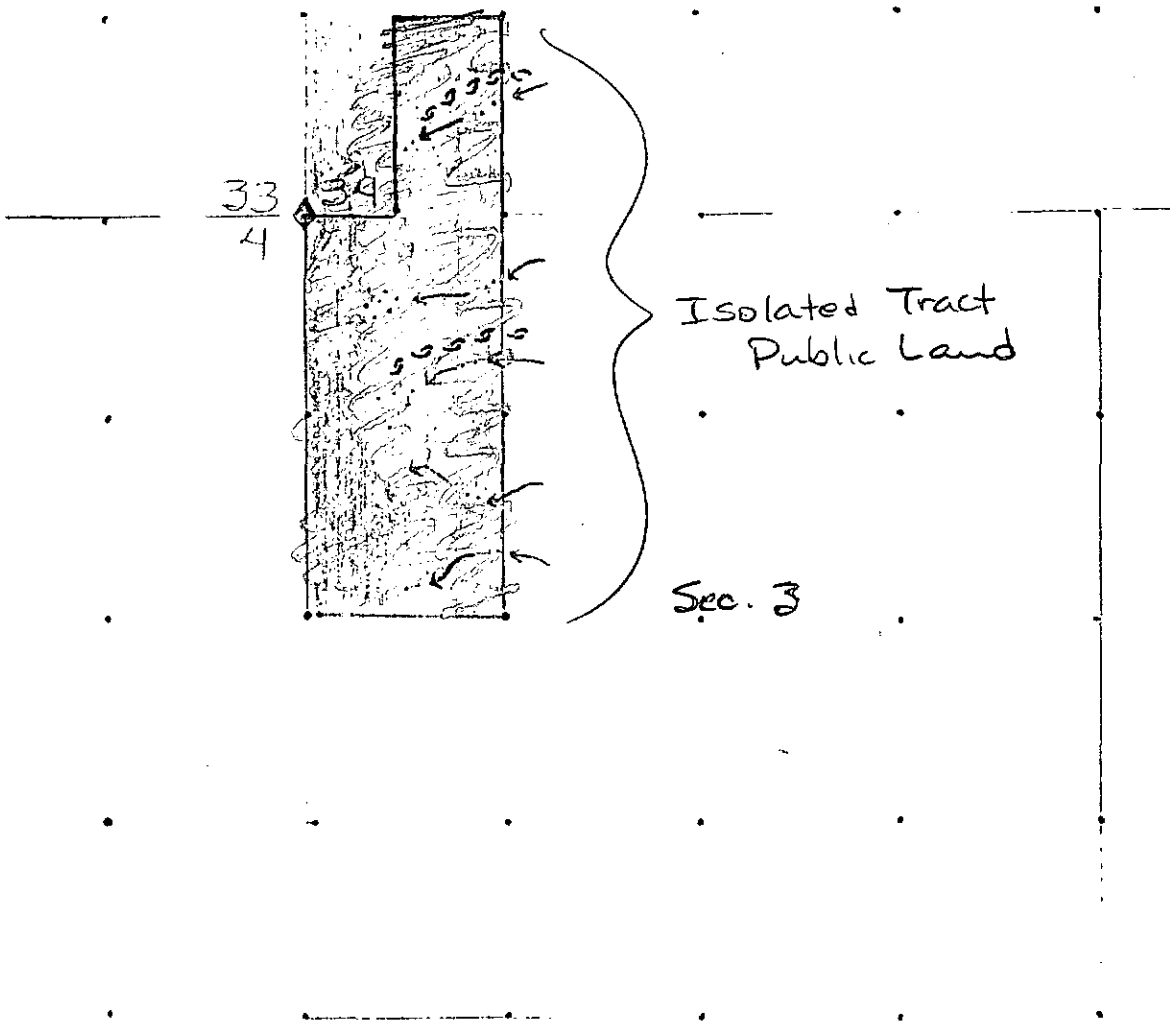
Subject Land		Irrig. alfalfa		Dry sagebrush/ grass hillside
Found Section Corner		Willows, brush		
County Road (215 2477)		Capable of being farmed		
Fence along road		Draws		

ILLUSTRATION 2



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

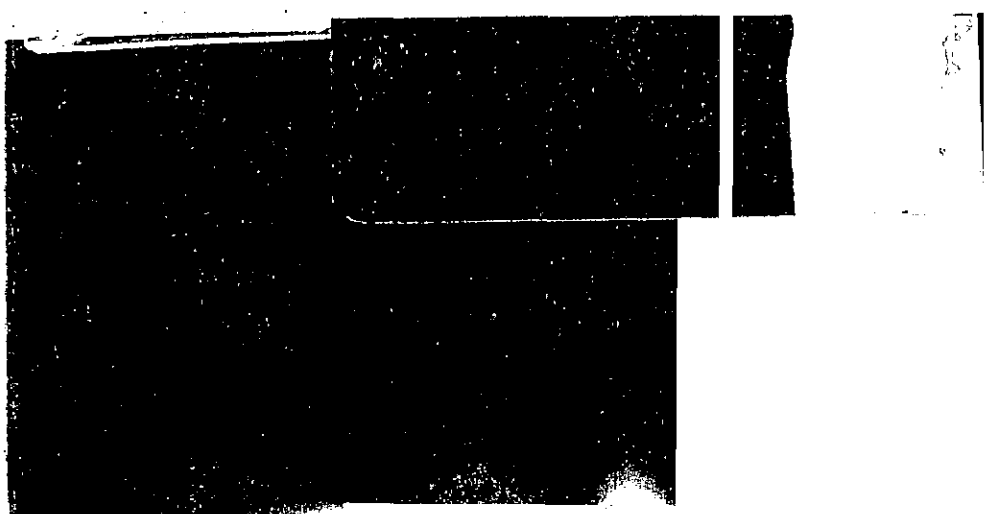
MICROFILMED



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

Subject tract		Brushy creek bottom (Geetson Creek)
Found Section Corner		Draws Intermittent drainages
Irrigated alfalfa		Ridge top
Unimproved sagebrush		

ILLUSTRATION 4



GOV. LOT 3

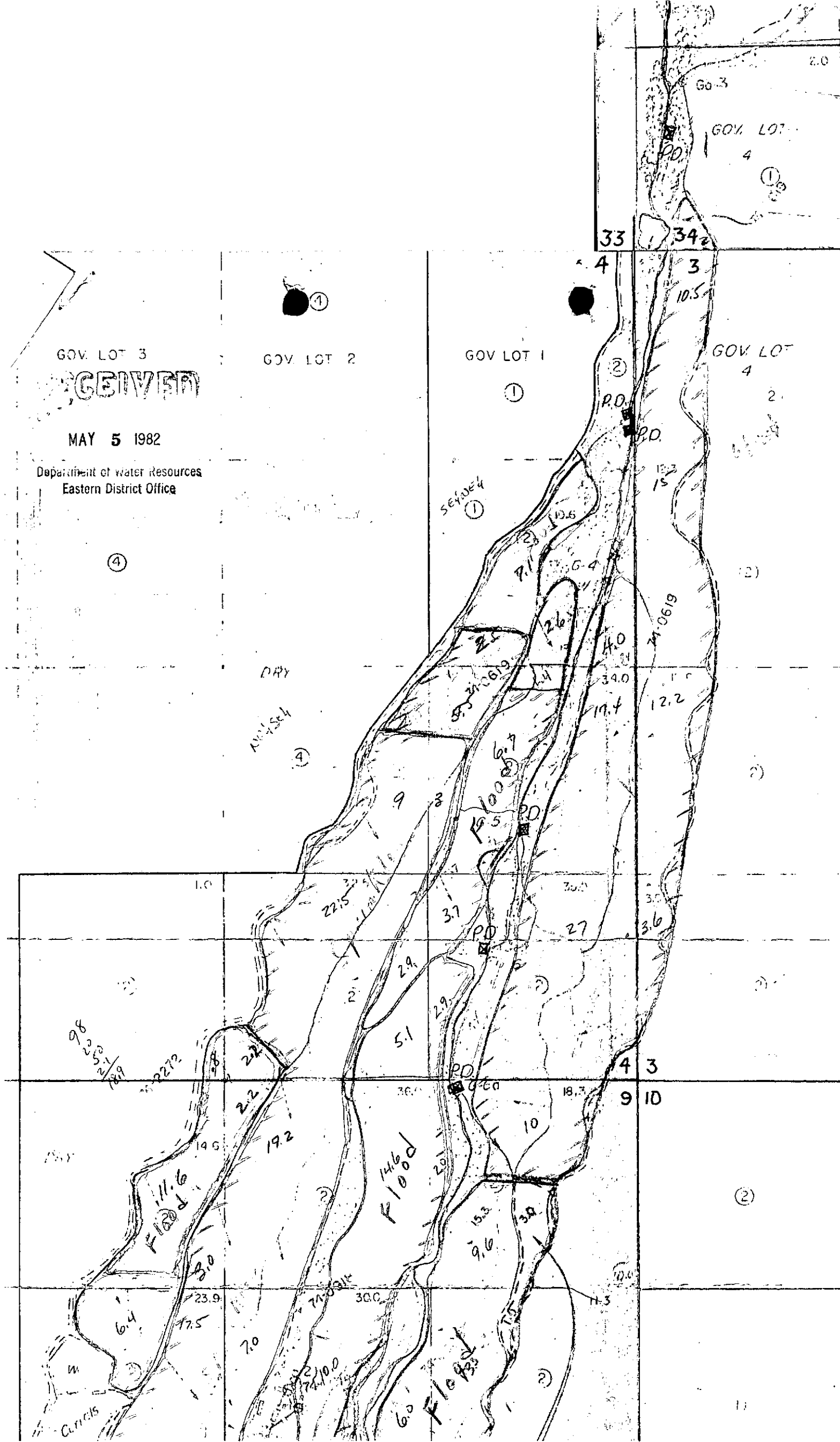
GOV. LOT 2

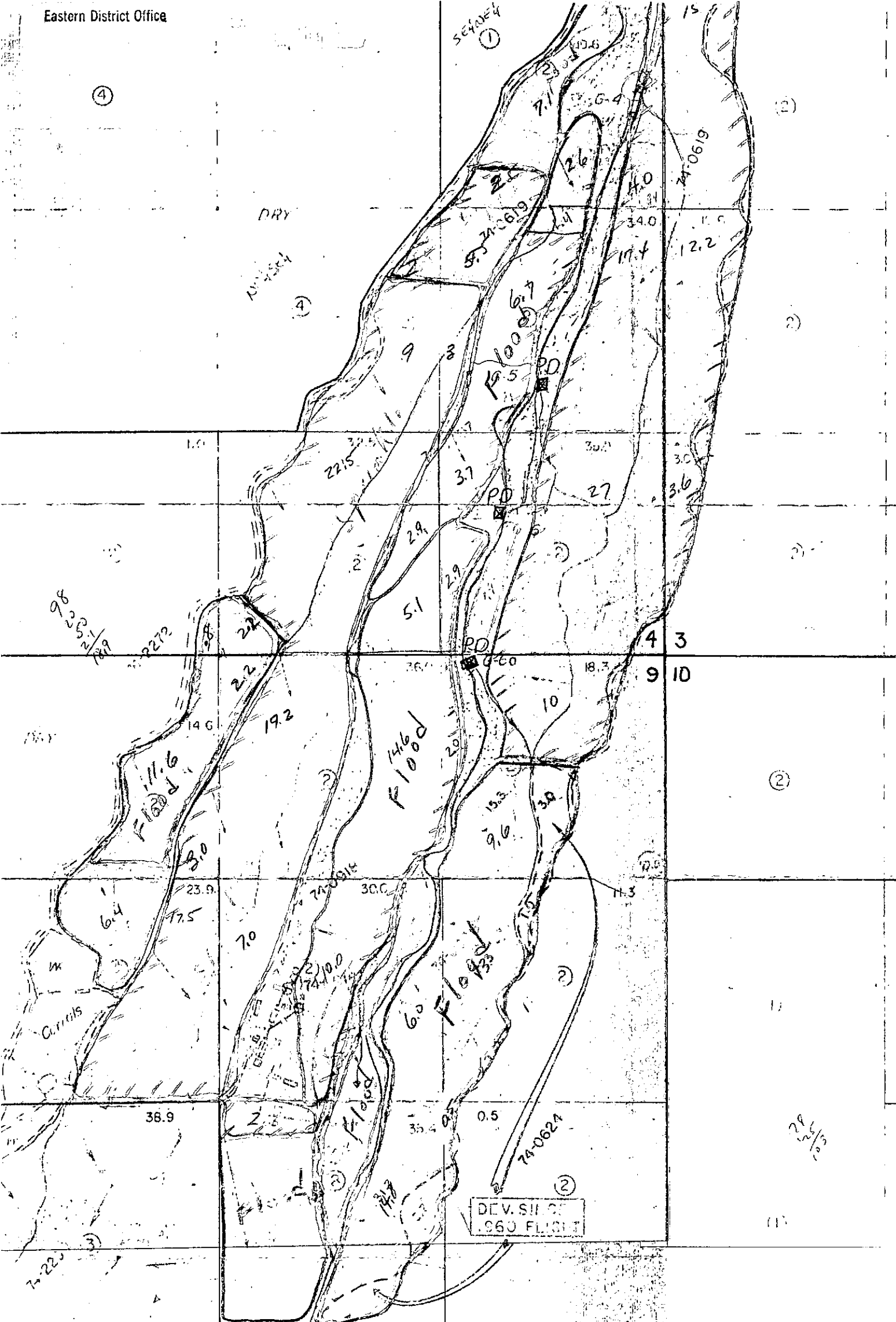
GOV. LOT 1

GOV. LOT 4

MAY 5 1982

Department of Water Resources
Eastern District Office





Department of Interior Air Force
APPLICANTS
EXAM 1 ③
Date Approved 11-16-82

Applicants SDF 9

[illegible]

5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the

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

Total number of acres to be irrigated

[illegible]

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

D. REMARKS

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

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

Bolton Ranch Inc. By

David J. Taylor V.P. Manager
(Signature of Applicant)

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>ew</u>	Date <u>6-01-82</u>	Protest filed by <u>Virgil + Verdel</u>
Prelim. check by <u>HWS</u>	Fee <u>\$ 50⁰⁰</u>	<u>Olson</u>
Received by <u>BP</u>	Date <u>6-15-82</u> # <u>22317</u>	
Published in <u>Recorder Herald</u>		Copies of protest forwarded by <u>ew</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 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

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

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

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

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

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

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

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

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

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

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

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

RECORDED

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

WATERMASTER
74-0006

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

MICROFILMED

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 RANCHES, INC.)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 4th day of October, 1983, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed postage prepaid to:

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

Vergil Olson
Route 1, Box 12
Salmon, ID 83467

Verdell Olson
Route 1, Box 17A
Salmon, ID 83467

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

Ray Rigby
25 N. 2nd E.
Rexburg, ID 83440

RECORDED
INDEXED
OCT 10 1983
IDAHO DEPARTMENT OF WATER RESOURCES



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

NOTICE OF
CORRECTION

Notice is hereby given that the Proposed Change of Water Rights 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: Any protests against the above proposed change of water right 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 DIVERSION: 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.

MICROFILMED

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

W. L. Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

(no charge)

on Fee \$

7-22-2tc

**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 irrigate 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 **7**

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.

MACROFILMED

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 correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated 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

Neil 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 Decreed to Bolton, William B. &/or Rose Starr in case #4948 of the Stipulation to Proposed Finding of Water Rights Lemhi River Basin in Seventh Judicial District, County of Lemhi, and are recorded as follows:

No. 74-0619 AMOUNT: 3.40 cfs

PRIORITY: 5-24-1923

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

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

No. 74-0624 AMOUNT: 0.16 cfs

PRIORITY: 6-01-1961

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

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

T#2580/74-2272

AMOUNT: 0.54 cfs

PRIORITY: 5-23-1923

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

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

TO BE CHANGED AS FOLLOWS

The proposed changes under each right are described as follows:

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

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

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

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

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

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

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

A. KENNETH DUNN
Director

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

6-24-2tc

RECORDED

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

67

SOURCE: Geertson Creek and Tribs.

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS
				From	To					
74-0832	OLSON, Vergil and/or Mary Route 1 Salmon, Idaho	4 -11-1925	Irrigation	7/1	10/1	2.00	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S.18 T22N, R24E	Sec. 17 SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20 NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, T21N, R23E	25.8 6.8 31.0 35.8 13.9 <u>113.3</u>	Beneficial Use Storage Geertson Lake
	The amount of storage under this right is 28.0 AF.									
74-0621	BOLTON, William B. and/or Rose Starr Box 6 Salmon, Idaho	6 -1 -1936	Irrigation	4/1	11/1	1.03	Sec. 16 NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ T21N, R23E	Sec. 16 NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17 SE $\frac{1}{4}$ NE $\frac{1}{4}$, T21N, R23E	6.0 24.3 14.7 5.3 <u>50.3</u>	Beneficial Use
74-2350	KOHL, Frank J. and/or Betty Route 1 Salmon, Idaho	10-5 -1959	Irrigation	4/1	11/1	1.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.17 T21N, R23E	Sec. 17 NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, T21N, R23E	11.9 8.9 26.9 29.4 <u>77.1</u>	License
74-0624	BOLTON, William B. and/or Rose Starr Box 6 Salmon, Idaho	6 -1 -1961	Irrigation	4/1	11/1	0.16	Sec. 9 NE $\frac{1}{4}$ NE $\frac{1}{4}$ T21N, R23E Sec. 34 Lot 4 T22N, R23E	Sec. 9 NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, T21N, R23E	3.0 1.0 3.7 <u>7.7</u>	Beneficial Use Gary Creek and Geertson Creek

MICROFILMED

To - I think I have the Bolton's
land figured out. On Claim 74-0619
they placed 316 acres as their place of
use. I concur ^{not for the specific it but for the total} except in the SENE, S. 9.
In this tract I believe 13 acres are
irrigated instead of 3^{acres} as claimed (See
color coded map in Transfer 74-0624 where
my 3 Redraft is protruding) Given that
the total would be 326 acres.

Now: With 74-0006 + 74-0007 we
have 193 acres. 74-0619 is used to
bring that land up to 1" per acre or 193 acres.
With 74-0918 we add 66 acres (66")
of new ground bringing the total to 259 acres.

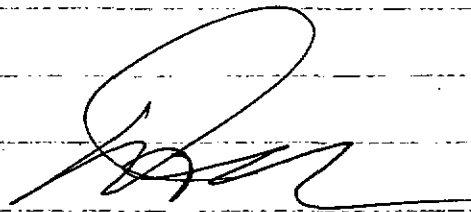
With 74-1877 another 67 acres ^(67¹) are added to get to 326 acres.

The sub is the last right where Bolton's testimony said about 40 acres of new since '47, and I've stretched it first to 57 and now 67. I feel ~~the~~ bound by my thinking of a maximum 193 with -06~~4~~ -07~~4~~ -69.

Then the Transfer (Colored map) for -9/8 is for no more than 66 acres. That leaves the balance (67 acres) coming with the last right. 74-0624~~4~~ 74-2272 are adjacent to this land (326 acres) but were not claimed as Common Place of Use

and I have not recommended
them that way.

My 3rd redraft reflects my
recommendation for Bolton's rights.

A handwritten signature in cursive script, appearing to be 'R. M. S.', written in dark ink.



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 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 29 1983
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



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 2, 1983

RE: Water Delivery in Water District No. 74-A, Geertson Creek and Tributaries

Dear Interested Party:

On July 7, 1983, the Idaho Supreme Court filed its decision in Case No. 14578, Vergil O. and Irene Olson v. Idaho Department of Water Resources, et al. This decision, a copy of which is enclosed for your information, reversed and remanded to the District Court the stipulated determination of water rights on Geertson Creek.

The immediate effect of the decision is to change the list of water rights deliverable by the watermaster from those described in the Stipulation adopted by the District Court to those described in the Proposed Finding of Water Rights in the Lemhi River Basin (Green Book) filed with the District Court on July 17, 1974. Pursuant to Section 42-1410, Idaho Code, the water rights in the Proposed Finding shall for purposes of water delivery be considered to be adjudicated, unless and until its operation shall be stayed by a stay bond. As provided in Section 42-1415, Idaho Code, the filing of a stay bond in district court can prevent delivery of water pursuant to the Proposed Finding, provided that the party who obtains the stay will pay all damages that will accrue by reason of the Proposed Finding not being enforced.

Please be advised that the Department is continuing to make every effort to resolve the matter of determining water rights on Geertson Creek as soon as possible. If you have questions or concerns about this matter, please contact Mr. Ronald Carlson, Supervisor of our Eastern Regional Office, 150 Shoup Ave., Idaho Falls 83301 (525-7162).

Sincerely,

NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:DRT:sc

Enclosures

RECEIVED
AUG 15 1983
BOISE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWS

1. Right number 74/0006/0007/0918/0619/2272 Applicant Bolton Ranch Inc
10624
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

4. By _____ Date _____

Jim 7-5-83

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MAR 23 1983

Department of Water Resources

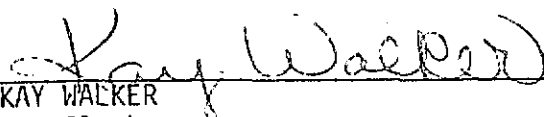
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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.


KAY WALKER
Sr. Clerk
Idaho Department of Water Resources

RECEIVED

T. No. 84-0006/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 9:38.

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.

- 74-0006 - consolidated 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 - (high water). 3 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 ~~not~~ included under sprinkler
system -

where is govt ground? (never identified)

second tape.

10:23.

- lot 4 was divided into lot 5 & 6.

NW 1/4 N9 will not be irrigated.

CONFIDENTIAL

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 -

04/11/08

Vergil -

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

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

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

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.

Object to all ditches put in in the past →

Verdell Olson

He is enlarging the land that is being irrigated
Would like → an on site — No

RECORDED

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

Commissioner's Room, Lemhi County Courthouse, Salmon, Idaho
Tuesday, November 16, 1982 (9:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer: Bob Fleener & Ernie Carlson

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

OFFICE OF THE CLERK
LEMMI COUNTY, IDAHO

November 5, 1982

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, 1982, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED
NOV 16 1982

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHoup AVE.

IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

☐ Registered
☐ Insured
☒ COD
☐ Certified

☐ 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. 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	Bostan, Sandra, Rt #1, Box 113, Salmon	20	75		\$19.40						74-0006 RM
2	Therrell, Alan, Rt #1, Box 113, Salmon										"
3	Mullins, Murray, 802 W. Bonnell, Searles										"
4	Wickham, Alan, Rt #1, Box 117, Salmon										"
5	Therrell, Alan, Rt #1, Box 113, Salmon										74-0006 RM
6	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM
7	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM
8	Therrell, Alan, Rt #1, Box 113, Salmon										74-0006 RM
9	Therrell, Alan, Rt #1, Box 113, Salmon										74-0006 RM
10	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM
11	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM
12	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM
13	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM
14	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM
15	Wickham, Alan, Rt #1, Box 117, Salmon										74-0006 RM

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN * U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

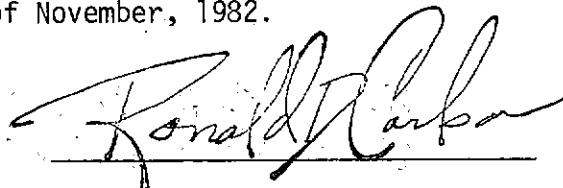
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	}	
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

VERDILL OLSON

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 2nd day of October, 1982.



A. KENNETH DUNN, Director

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OCT 10 1982

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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

CERTIFICATE OF MAILING

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

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

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

Verdell Olson
Salmon, ID 83467

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

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

RECEIVED
OCT 15 1982
IDAHO DEPT. OF WATER RESOURCES



RITA I. FLECK
Sr. Secretary

FUREY & FUREY

ATTORNEYS AT LAW

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

SALMON, IDAHO 83467

August 31, 1982

SHERMAN F. FUREY, JR.

SHERMAN F. FUREY, III

(208) 756-2577

(208) 756-4655

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SEP 1 1982

Department of Water Resources
Eastern District Office

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

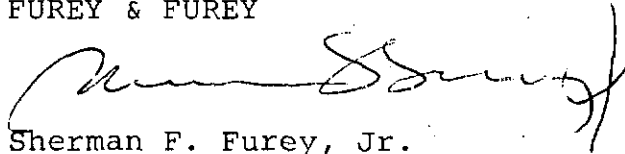
Re: Bolton Ranch, Inc., Application No. 74-0006, 0007,
0918, 0619, 2272 and 0624

Gentlemen:

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

Very truly yours,

FUREY & FUREY



Sherman F. Furey, Jr.

SFF:ga
Enclosure

cc: Matthew Mullaney, Esq.
Mr. David Logan

RECEIVED

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

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SEP 1 1982

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

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

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

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

RECEIVED

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

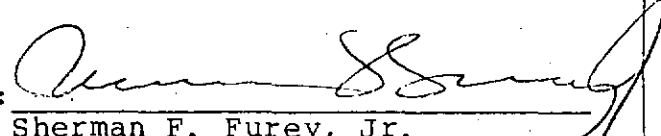
We further urge that the Department has already rendered its decisions on the basic issues in this case and that the only matters left for determination at a future hearing are review, and correction if necessary, of possible misapprehensions by the Department of certain geographical details.

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.

RECEIVED
AUG 31 1982
FBI

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
WATER RESOURCES
DIVISION
BOISE, IDAHO

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

CERTIFIED

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

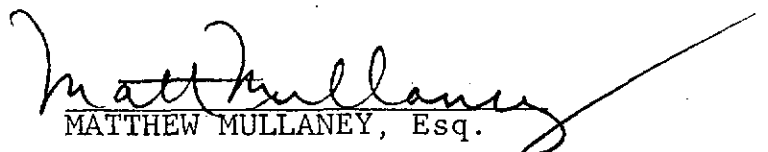
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

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



74-00062tc

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered..... ☐ Show to whom, date and address of delivery..... ☐ RESTRICTED DELIVERY Show to whom and date delivered..... ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery.\$____ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>Boston Ranches</i> <i>Rt #1 Box 14</i> <i>Salmon, Id 83467</i>		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13010	
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent		
4. DATE OF DELIVERY <i>NOV - 4 1982</i>		
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>[Signature]</i>

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

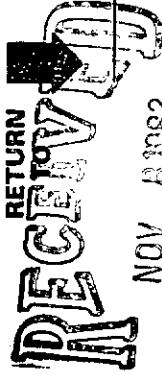
NOV

1982

83467



DEPARTMENT OF WATER RESOURCES



EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Jan 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

74-00061 TC

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☒ Show to whom and date delivered.....¢

☐ Show to whom, date and address of delivery.....¢

☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.\$ ____

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
Matthew Mulhoney, Atty
802 W. Bannock
Boise Id 83707

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13012	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Sm Henderson

4. **DATE OF DELIVERY** **POSTMARK**

11-5-82

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS
[Signature]

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE. \$300



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO
MAIL

NOV 8 1982

Department of Water Resources
Eastern District Office

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

74-0006 etc.

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered.....¢ ☐ Show to whom, date and address of delivery.....¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered.....¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery.\$____ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>Vernell Olson</i> <i>Et #1 B0117</i> <i>Salmon Id. 83467</i>		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>13013</i>	
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent		
4. DATE OF DELIVERY <i>NOV - 4 1982</i>		POSTMARK <i>NOV 4 1982</i>
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		
		CLERK'S INITIALS <i>[Signature]</i>

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Department of Water Resources
Eastern District Office

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

NOV 1982
PENALTY FOR FAILURE
TO PREPAY POSTAGE
\$300



PM 1

1982

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RECEIVED
NOV 1982

44-0006, to 44-73-22

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered..... \$ ☐ Show to whom, date and address of delivery..... \$ ☐ RESTRICTED DELIVERY Show to whom and date delivered..... \$ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery \$		
(CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>Sherman James Jr Atty</i> <i>Dec 11:27</i> <i>Salmon, Id 83467</i>		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13014	
(Always obtain signature of addressee or agent)		
I have received the article described above.		
SIGNATURE ☐ Addressee ☐ Authorized agent		
<i>[Signature]</i>		
4. DATE OF DELIVERY	POSTMARK	
NOV - 4 1982	<i>[Postmark]</i>	
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		
<i>[Initials]</i>		

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

**RETURN
TO**



(Name of Sender)

NOV 5 1982

(Street or P.O. Box)

Department of Water Resources
Eastern District Office

(City, State, and ZIP Code)

74-0006

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered..... ¢ ☐ Show to whom, date and address of delivery..... ¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered..... ¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>Bellow Ranches</i> <i>Rt # 1 Box 14</i> <i>Salmon, Id 83467</i>		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12980	
(Always obtain signature of addressee or agent)		
I have received the article described above.		
SIGNATURE ☐ Addressee ☒ Authorized agent		
4. DATE OF DELIVERY AUG 23 1992		POSTMARK AUG 23 1992
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>[Signature]</i>

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN

TO

Eastern District Office
Department of Water Resources

DEPARTMENT OF WATER RESOURCES,
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

AUG 25 1982



PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

74-0086

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. \$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$ ____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Virdell Olson
Rt #1 Box 17-A
Salmon Id 83467

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12983	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
Virdell Olson
 AUG 24 1982

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

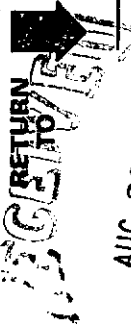
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

Penalty for Private
Use to Avoid Payment
of Postage, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401



AUG 26 1982

(Name of Sender)

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

74-0006 etc

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete Items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....¢
☐ Show to whom, date and address of delivery.....¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.\$____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Vergil Olson
RT #1 Box 12
Salmon, Id 83467

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13011	

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY
 NOV 12 1982

POSTMARK
 SALMON, ID
 NOV 12 1982

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

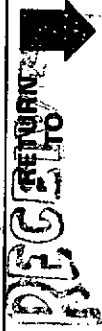
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401



NOV 15 1982

(Name of Sender)

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

74-0006

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☒ Show to whom and date delivered. \$

☐ Show to whom, date and address of delivery. \$

☐ RESTRICTED DELIVERY
Show to whom and date delivered. \$

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
Matthew Mullany
802 W. Darnock
Dixie Id 83707

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12984	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

M. Henderson

4. **DATE OF DELIVERY**
8-23-82

POSTMARK
DIXIE ID 83707

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN
TO

AUG 25 1982

Department of Water Resources
Eastern District Office

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

74-0006 etc

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one.) ☒ Show to whom and date delivered.....¢ ☐ Show to whom, date and address of delivery.....¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered.....¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery.\$ ____ (CONSULT POSTMASTER FOR FEES)								
2. ARTICLE ADDRESSED TO: <i>Virgil O Olson</i> <i>Rt #1 Box 12</i> <i>Salmon Id 83467</i>								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>12982</td> <td></td> </tr> </table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		12982	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	12982							
(Always obtain signature of addressee or agent)								
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>Virgil O. Olson</i>								
4. DATE OF DELIVERY AUG 26 1982	POSTMARK AUG 26 1982							
5. ADDRESS (Complete only if requested)		CLERK'S INITIALS <i>[Signature]</i>						
6. UNABLE TO DELIVER BECAUSE:								

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

RETURN

RECEIVED
AUG 27 1982

(Name of Sender)

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

74-0006

PS Form 3811, Jan 1979
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1. SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered. c ☐ Show to whom, date and address of delivery. c ☐ RESTRICTED DELIVERY Show to whom and date delivered. c ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: <i>Sherman Gurey</i> <i>Salmon Idaho 83467</i>		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	12981	
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>[Signature]</i>		
4. DATE OF DELIVERY AUG 23 1982		POSTMARK AUG 23 1982
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE		
		CLERK'S OFFICE <i>[Signature]</i>

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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- Attach to front of article if space permits; otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



DEPARTMENT OF WATER RESOURCES

**RETURN
TO**



EASTERN DISTRICT OFFICE

150 SHOUP AVE.

IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RECEIVED

AUG 24 1982

**Department of Water Resources
Eastern District Office**

Returned receipts

T & Rehearing 74-0006/etc.

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 Verdel 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.

RECEIVED
AUG 20 1982



RONALD D. CARLSON

Eastern Regional Supervisor

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO

BOYD R. THOMAS
DISTRICT JUDGE

ROSS L. OVIATT
COURT REPORTER



RESIDENT CHAMBERS
LAW ENFORCEMENT BUILDING
145 N. CAPITAL AVENUE
IDAHO FALLS, IDAHO 83401
(208) 529-1378

August 11, 1982

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

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

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

Gentlemen:

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

Very truly yours,

Boyd R. Thomas
Boyd R. Thomas

RECEIVED
AUG 11 1982

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

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

JUL 9 1982
Department of Water Resources
Eastern District Office

Salmon Idaho
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 decreed water rights.

Vergil O Olson
Rt#1 Box 12
Salmon

Ida.

83467

RECEIVED

Verdell Olson
Rt#1 Box 17A
Salmon, Ida.

83467

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)

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 of 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

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.

MICROFILMED

Sincerely,

K. Grant Harbour
K. Grant Harbour
Acting District Manager

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

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 $\frac{1}{2}$ 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.

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 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: 1.00cfs 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 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 irrigations 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.

APPROVED

William T. Bramlette
(signature)

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.

MICROFILMED

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