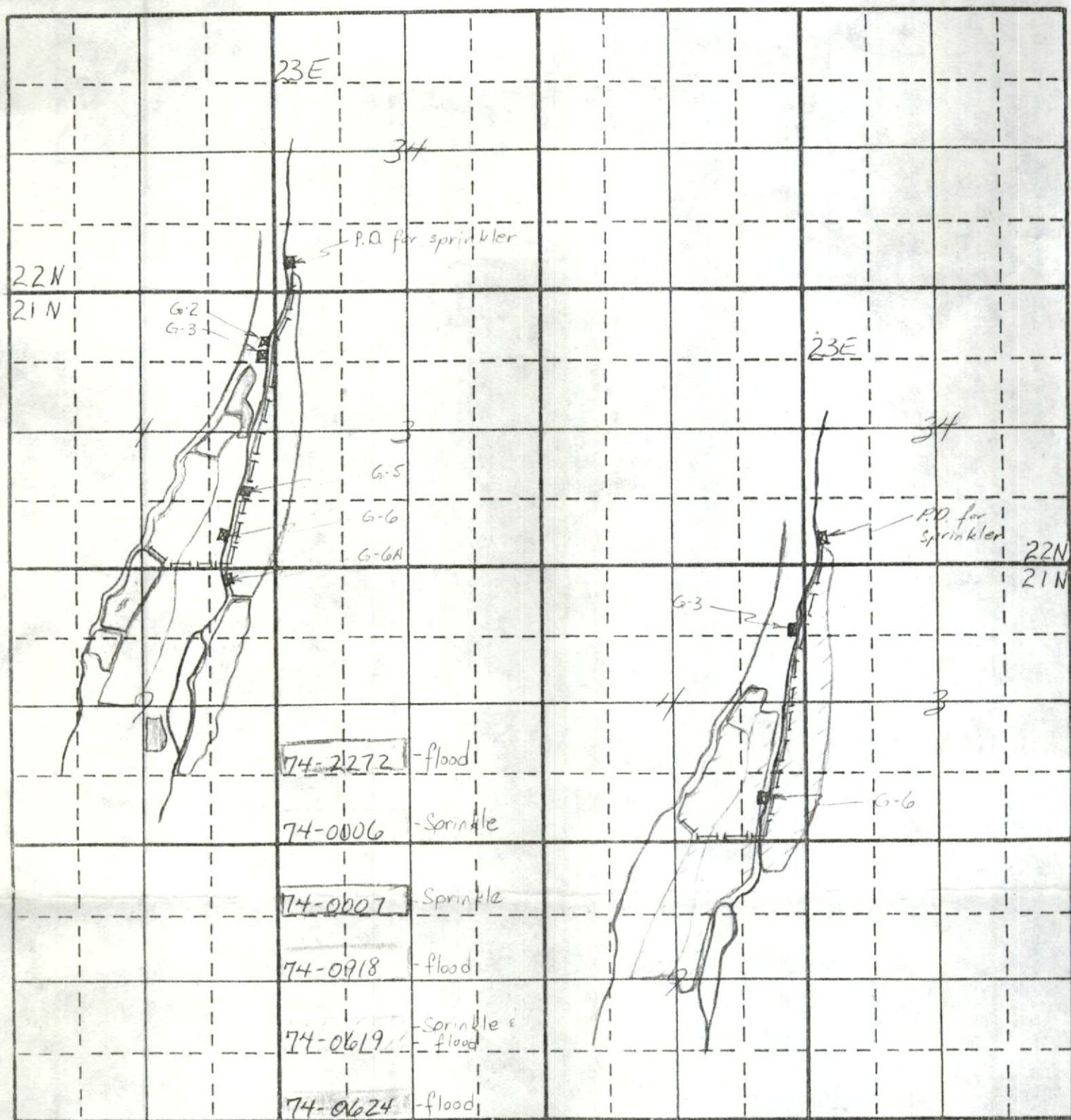


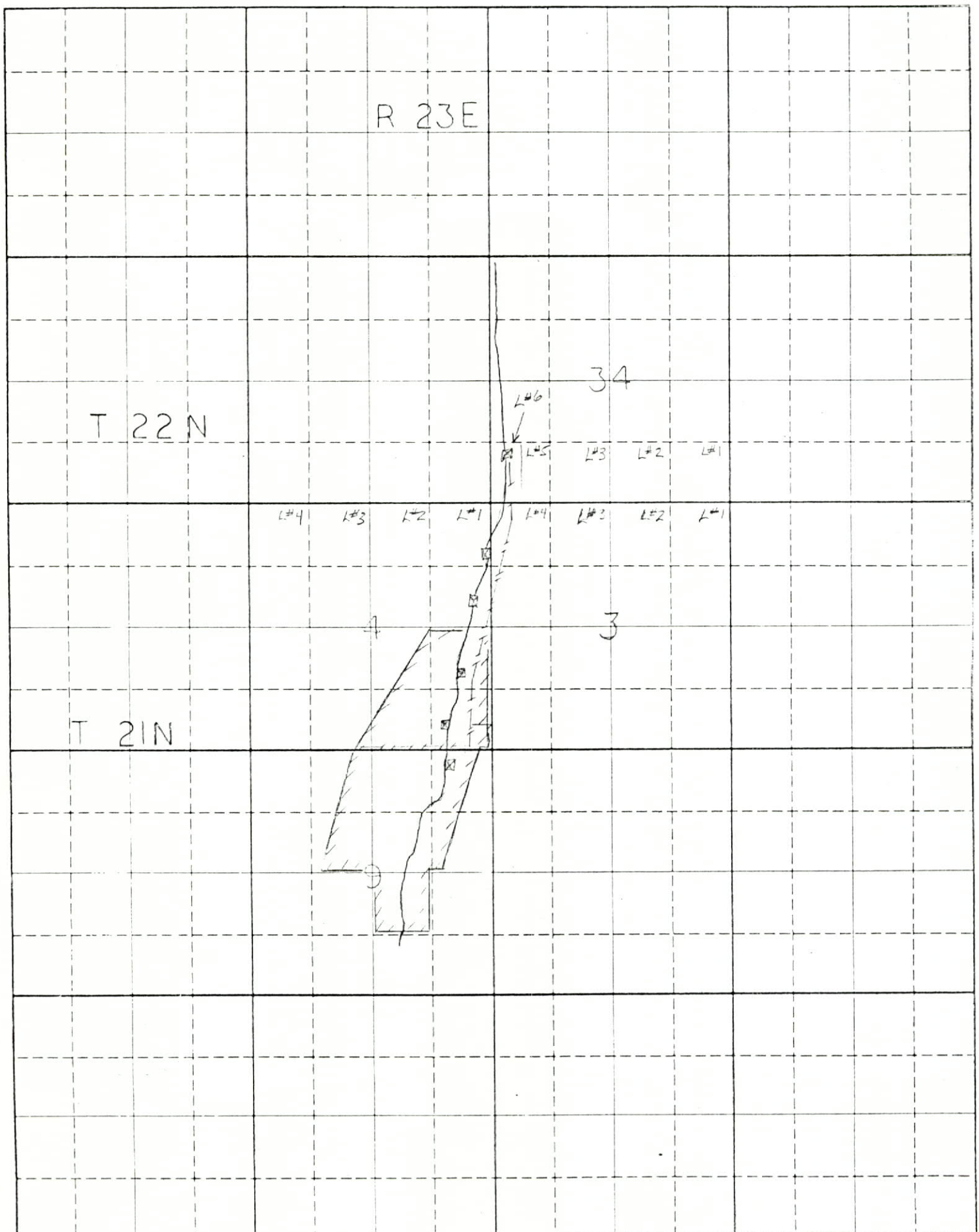
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

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



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

**MICROFILMED**

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

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

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

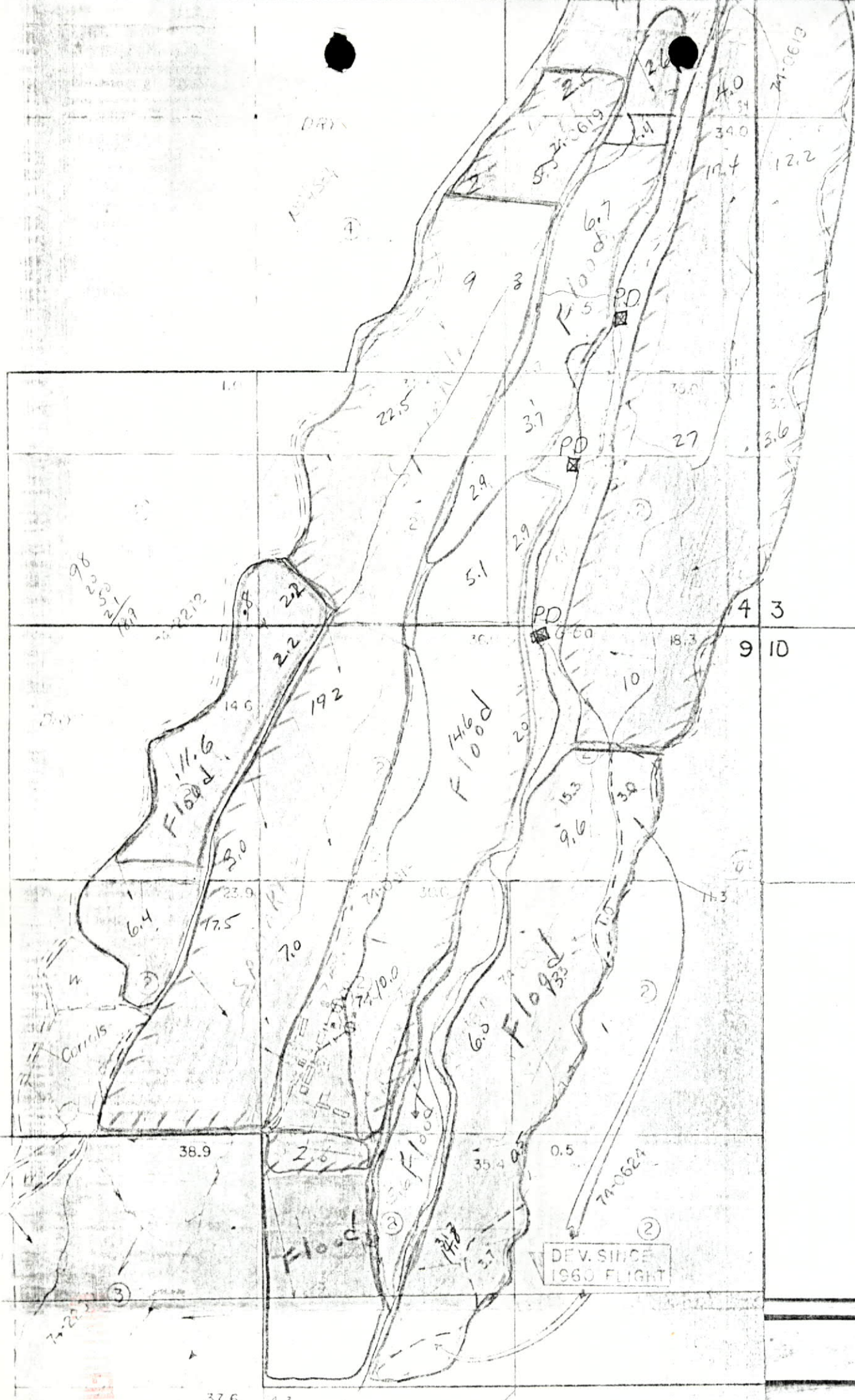
7:- That the defendant Mary Wayant be and she is hereby awarded the right to the continuous use of fifty inches of the flow of the waters of Geertson Creek measured under a four inch pressure, for the irrigation of the lands described in the answer and cross-complaint filed herein, and that her said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

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

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

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

MICROFILMED



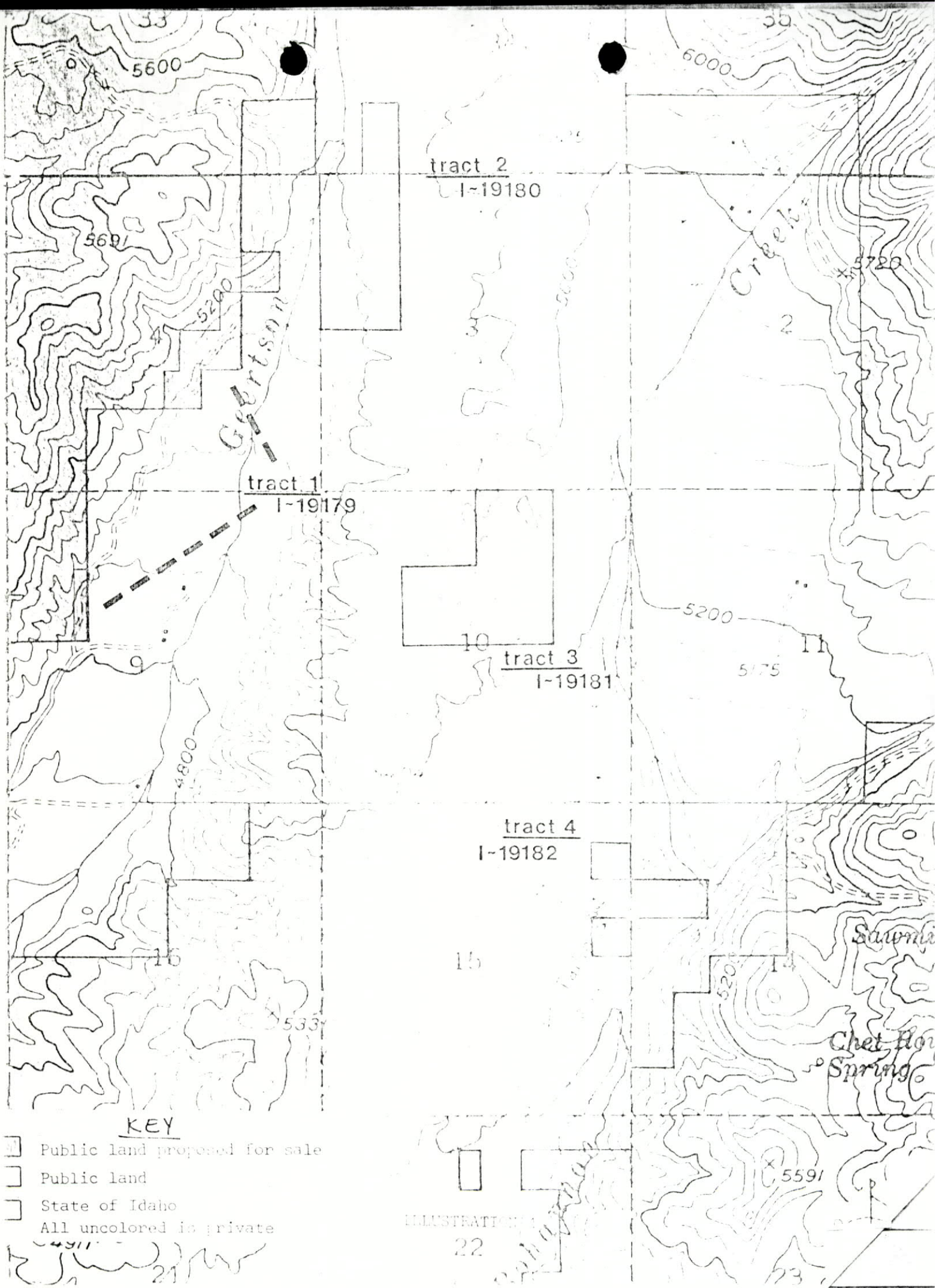
|            |   |
|------------|---|
| APPLICANTS |   |
| 1          | 3 |
| 11-16-82   |   |

Applicants

3DF

100-443886-1

Department of Public Resources  
Eastern District Office



KEY

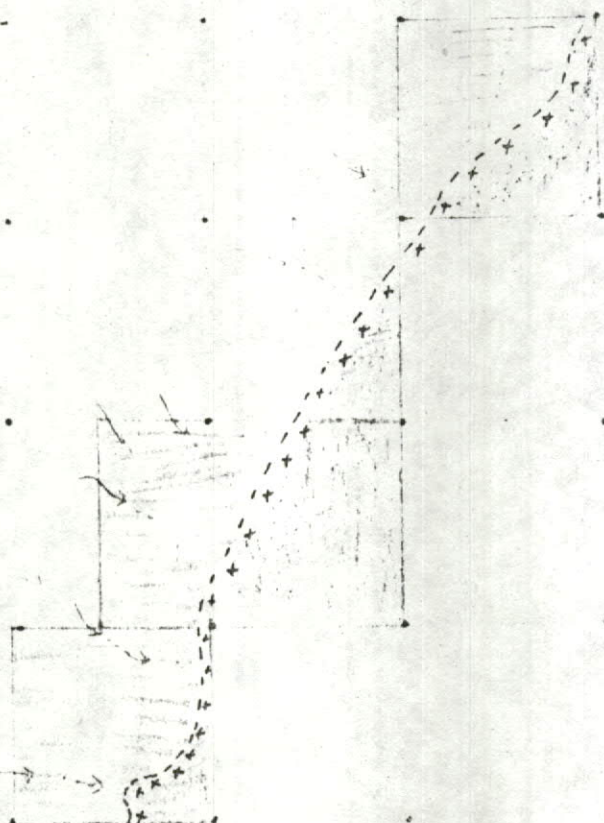
- ☒ Public land proposed for sale
- ☐ Public land
- ☐ State of Idaho
- All uncolored is private

ILLUSTRATION

22

Township 21N, Range 23E., Boise Meridian

33 34  
4 3



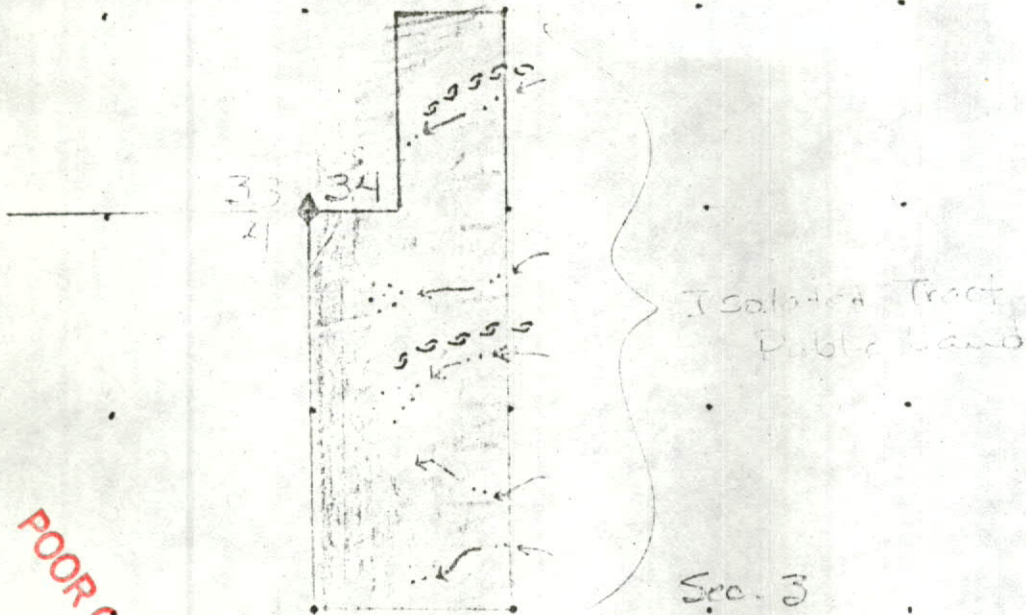
LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/8 mile

|                      |  |                |  |                                  |
|----------------------|--|----------------|--|----------------------------------|
| Subject land         |  | Irrig. alfalfa |  | Dry sagebrush/<br>grass hillside |
| Found Section corner |  |                |  |                                  |
| County Record        |  |                |  |                                  |
| Fence along road     |  |                |  |                                  |

ILLUSTRATION 2

Township 22N, Range 23E, E0155 Meridian  
21N, 23E



POOR QUALITY ORIGINAL

MODIFIED

LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/4 mile

|                      |     |       |
|----------------------|-----|-------|
| Subject tract        |     | Brush |
| Found Section corner |     | Drain |
| Irrigated area       | SSS | Range |
| Unimproved sagebrush |     |       |

ILLUSTRATION 4

NAME AND ADDRESS OF SENDER

IDAHO FALLS, IDAHO 83401

Indicate type of mail  
☐ Registered  
☐ Insured  
☐ C.O.D.  
☒ Certified

I certify that we have  
☐ Commercial Insurance  
☐ A deductible clause of \$

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

POSTMARK AND DATE OF RECEIPT

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

POOR QUALITY ORIGINAL

-15-74

BLM-1-4 3-353-187

I-7724  
ROW

Proposed  
Ditch &  
Pipeline

Private

Private

33 34

← Buried  
Pipeline  
I-7724  
ROW

Beam

T.22N  
T.21N

R.24E

R.23E

Goldstone mtn. Quad (15)

MICROFILMED

Lot 3

Lot 2

Lot 1

Lot 6

Lot 5

(N 89° 43' W) (5280.00')

35° 02' W

1325.20'

1319.34'

(N 89° 55' 44" E) 1325.20'

1319.34'

660.35'

660.35'

(5125.56')

Lot 3

Lot 2

Lot 1

Lot 4

Lot 5

N 0° 10' 58" W

1283.09'

657.63'

657.63'

S 89° 45' 15" W

NW 1/4 SE 1/4 NE 1/4

(N 89° 51' 50" E)

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

656.57'

E 1/2 SE 1/4 SW 1/4 NE 1/4

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

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

N 89° 52' 27" E

1317.03'

E 1/2 NW 1/4 NW 1/4 SE 1/4

NE 1/4 NW 1/4 SE 1/4

(N 89° 59' 58" E)

1311.03'

654.46'

SW 1/4 NW 1/4 SE 1/4

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

660.53'

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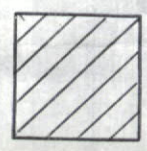
SW 1/4 SE 1/4

SE 1/4 SE 1/4

S 89° 46' W

5247.00'

S 89° 55' 26" E



KEY  
Lands that Logan would like to purchase

(S 89° 48' W)

S 89° 07' W

5-74

BLM-1-4 3-35B-186



Isolated tract  
identified for disposal



Tracts Logan would  
like BLM to sell



Unauthorized  
Irrigated & cultivated  
public lands

|              |              |              |              |
|--------------|--------------|--------------|--------------|
|              |              |              |              |
|              |              | 10.7<br>0007 | 34<br>0007   |
|              | 1<br>2272    | 32.5<br>0007 | 35<br>0007   |
|              | 14.6<br>2272 | 36<br>0912   | 15.3<br>0006 |
|              | 23.9<br>0006 | 30<br>0912   | 10.3<br>0006 |
|              |              | 31.7<br>0006 |              |
| 6<br>2200    | 38.9<br>2200 |              |              |
| 27.2<br>2200 | 37.6<br>2200 |              |              |

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## THE SALMON HERALD

### NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that Peter McKinney of Salmon, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet of the water of Geertson Creek, from the land upon which is now use, i. e. SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 27, and W $\frac{1}{2}$  W $\frac{1}{2}$  Sec. 34, Twp. 22 N., R. 23 E. B. M. to the following described tract E $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 9, Twp. 21 N., R. 23 E., B. M.

And that, on the 19th day of July, A. D. 1922, at 1030 a. m., at the Department of Reclamation of the State of Idaho, Boise, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

W. G. SWENDSEN,  
Commissioner of  
Reclamation.

27-30.

State of Idaho, County of Lemhi, ss:

I, Edwin K. Abbott, Publisher of The Salmon Herald, a newspaper published weekly at Salmon, Idaho, do solemnly swear that a copy of the notice hereto attached,

### Notice of Proposed Transfer of Water Right

was published weekly, in the regular and entire issue of said newspaper, and not in a supplement thereof, for four consecutive weeks, commencing with the issue dated July 5, 1922, and ending with the issue dated July 26, 1922.

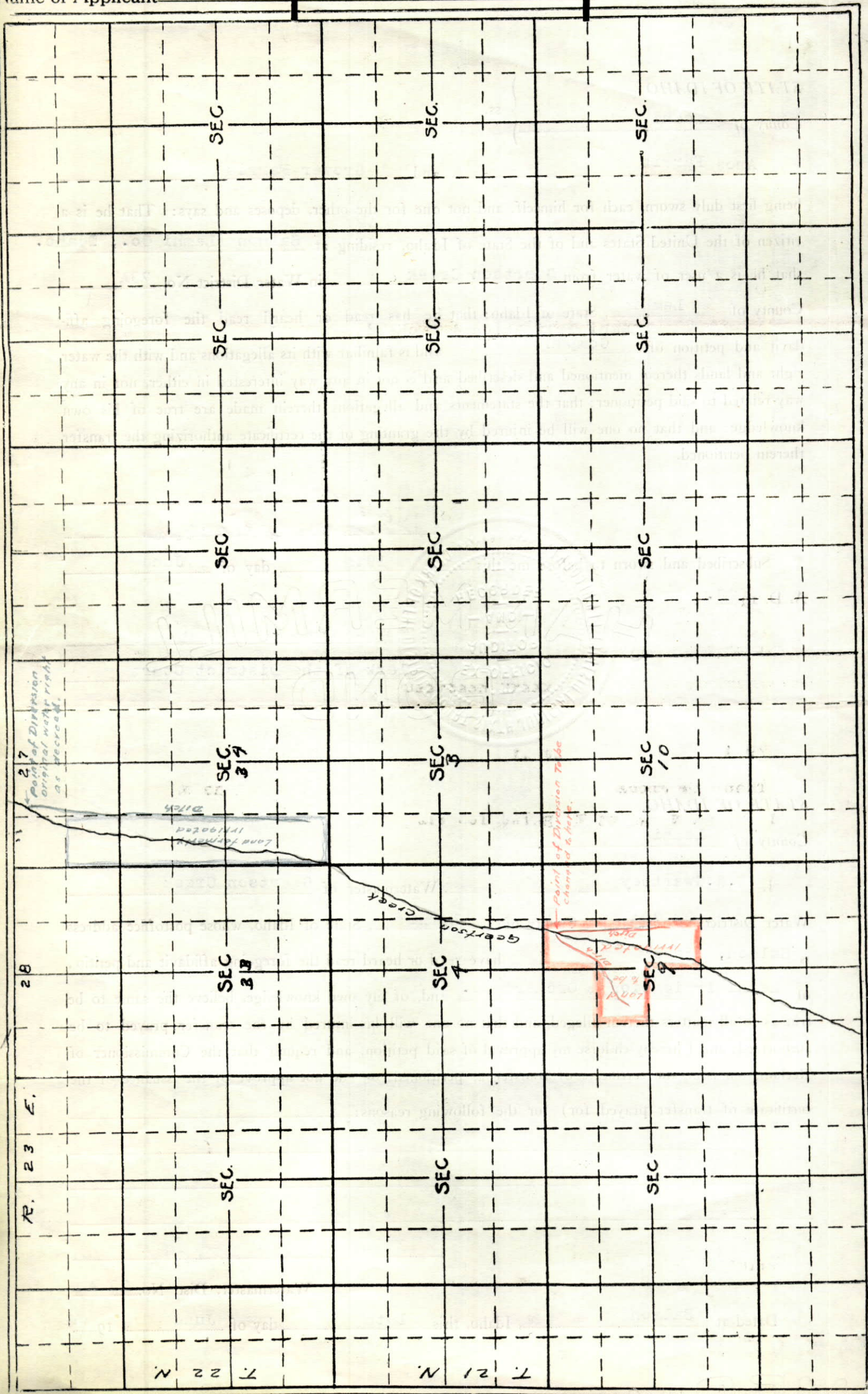
*Edwin K. Abbott*

Subscribed and sworn to before me this 27th  
day of July, 1922.

*Allen Merrill*

Notary Public,  
Residence at Salmon, Idaho.

Name of Applicant The Lemh Irrigation and Orchard Co. Ltd. by Peter McKinney, Manager.



Scale: 2 Inches—1 Mile. Draw Plan in Ink

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER )

NO. 2580/74-0006/0007/0918/2272 IN THE ) WITHDRAWAL

BOLTON RANCHES )  
\_\_\_\_\_)

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

Dated this 7<sup>th</sup> day of December, 1983.

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

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER  
OF WATER RIGHTS NOS. 74-0006, 74-0007,  
74-0918 AND 74-2272 IN THE NAME OF  
BOLTON RANCHES, INC.

NOTICE OF REHEARING

On July 1, 1981, Bolton Ranches, Inc. applied to the Department of Water Resources for an application to change the points of diversion for rights No. 74-0006, 74-0007, 74-0918, and 74-2272, with no requested change in the place of use.

On April 7, 1982, the Director of the Department of Water Resources issued his memorandum decision and order approving, with conditions, Transfer No. 2580 of water rights Nos. 74-0006, 74-0007, 74-0918, and 74-2272.

On April 23, 1982, and April 29, 1982, the Department received requests from Bolton Ranches, Inc. and Vergil and Verdell Olson, respectively, for a rehearing; and on July 20, 1982, the Director granted the petition for rehearing.

The Department has set the matter of rehearing for Tuesday, November 16, 1982, at 9:00 a.m. in the Commissioners Room, Lemhi County Courthouse, Salmon, Idaho. The hearing will be held in accordance with Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources.

Dated this 2<sup>nd</sup> day of November, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER  
OF WATER RIGHTS NOS. 74-0006, 74-0007,  
74-0918 AND 74-2272 IN THE NAME OF BOLTON  
RANCHES, INC.

NOTICE OF REHEARING

On July 1, 1981, Bolton Ranch, Inc. applied to the Department of Water Resources for an application to change the points of diversion for rights No. 74-0006, 74-0007, 74-0918, and 74-2272, with no requested changed in the place of use.

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On April 23, 1982 and April 29, 1982, the Department received requests from Bolton Ranches, Inc. and Vergil and Verdell Olson, respectively, for a rehearing; and on July 20, 1982, the Director granted the petition for rehearing.

The Department has set the matter of rehearing for Wednesday, September 8, 1982, at 1:00 p.m. in the Courtroom, Lemhi County Courthouse, Salmon, Idaho. The hearing will be held in accordance with Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources.

Dated this 20<sup>th</sup> day of August, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

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| TRANSFER NO.                         | NAME                         | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO.       |
|--------------------------------------|------------------------------|------------------|-------------------|--------------------|
|                                      | Simons, Delos                | 0.6              |                   | 74-0006            |
| 322                                  | Lemhi Irr. & Orchard Co      | 0.6              |                   | 74-0006            |
| <del>2580</del> <del>WITHDRAWN</del> | <del>Bolton Ranch Inc.</del> | <del>0.6</del>   |                   | <del>74-0006</del> |
| 2703                                 | Bolton Ranch Inc.            | 0.6              |                   | 74-0006            |

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REPRODUCTION

~~Simons, Delos - 0.6 - 74-0006~~

~~322 Lemm Irrigation Orchard Company 0.6 74-0006~~

~~2580 Bolton Ranch Inc. 0.6 74-0006~~

2703 Bolton Ranch Inc. 0.6 74-0006

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  
NOS. 74-0006/0007/0918/0619/2272/0624 IN THE  
NAME OF BOLTON RANCHES INC.

)  
) ORDER ADOPTING  
) PROPOSED MEMORANDUM  
) DECISION AND ORDER  
)  
)

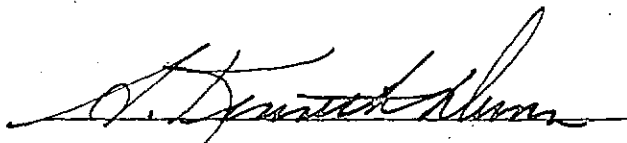
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on August 25, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

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

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 proposed decision.

II.  
BRIEFS

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

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

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III.  
ORAL ARGUMENTS

- A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.
- B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.
- C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

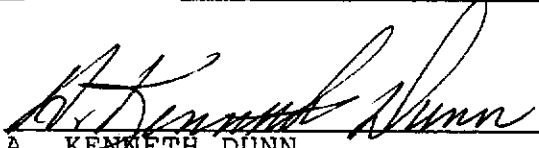
IV.  
CERTIFICATION OF SERVICE

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

V.  
FINAL DECISION

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

Dated this 25th day of August, 1983.

  
A. KENNETH DUNN  
Director  
Department of Water Resources

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 )  
RANCH INC. )

PROPOSED  
MEMORANDUM DECISION  
AND ORDER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## Review of Evidence

### IDWR Records Considered:

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

### Summary of Exhibits:

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

### FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### CONCLUSIONS OF LAW

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

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

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

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

#### ORDER

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

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

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

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

or easement across the lands of another.

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

Dated this 25 day of August, 1983.

  
BOBBY D. FLEENOR  
Hearing Officer

SEP 11 1983

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 7<sup>th</sup> day of October, 1982.

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A. KENNETH DUNN, Director

Transfer No. 2703

Water Right No. \_\_\_\_\_

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

**APPROVED**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. ~~Transfer~~ License No. 2580/74-0006 issued by the Idaho Department of Water Resources

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

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

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5-1-1881

**5. Water is used for the following purposes:**

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

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

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

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

**8. Lands irrigated or place of use:**

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

Total number of acres to be irrigated 81.2

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

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

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 1/4 SW 1/4, Section 34 Township 22N  
Range 23E B.M., Lemhi County  
Additional points \_\_\_\_\_

3. Change in place of use

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

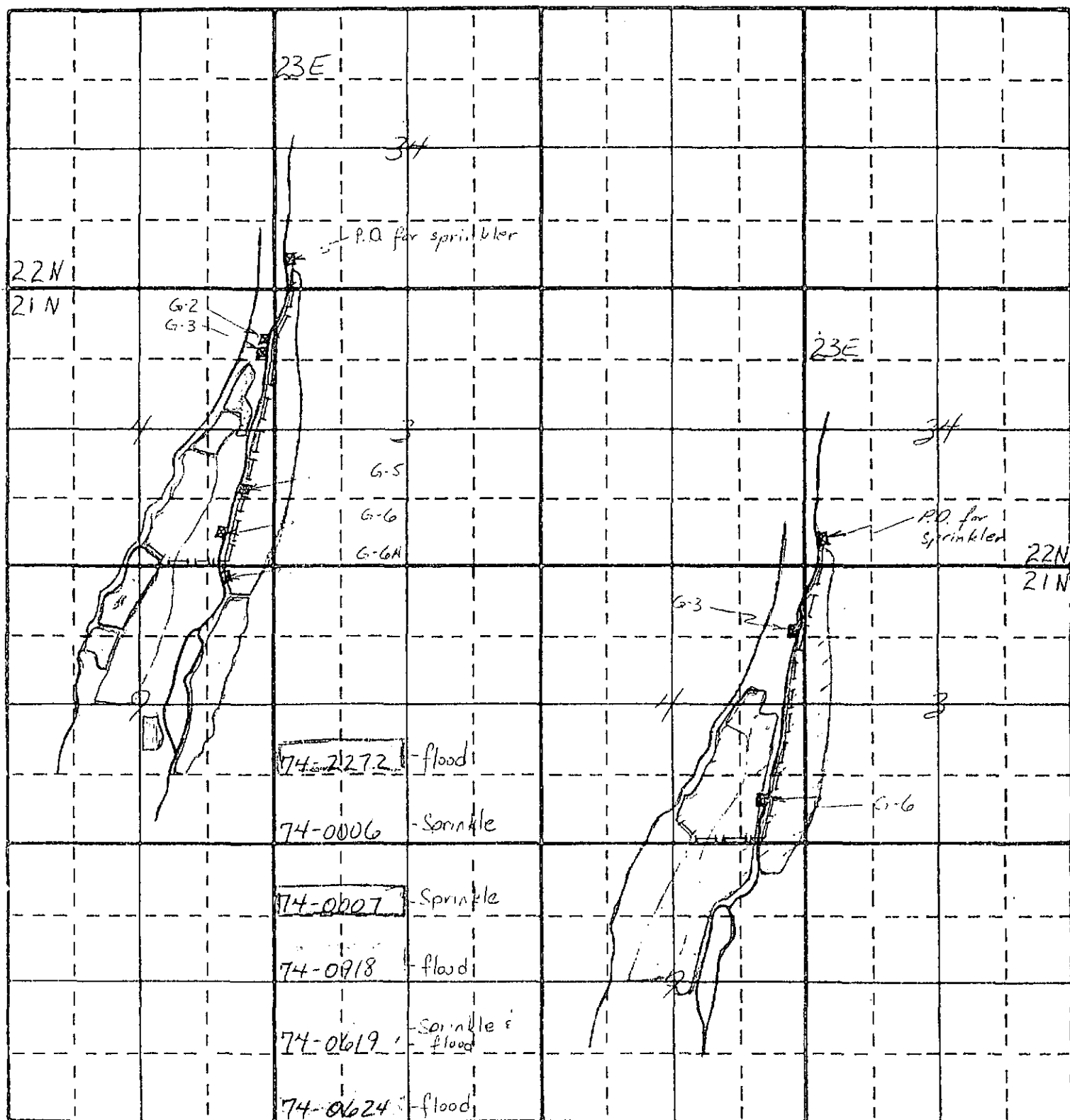
c. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 21N  | 23E   | 4    |        |        |        |        |        |        |        |        |        |        |        |        | 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 needed for the same purpose as described above. #74-0619

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



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

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.

*Better Home Inc. By*

*[Signature]*  
(Signature of Applicant)

Subscribed and sworn to before me this 24<sup>th</sup> day of May, 1982

*[Signature]*  
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

FOR DEPARTMENT USE ONLY

|                                               |                                                   |                        |
|-----------------------------------------------|---------------------------------------------------|------------------------|
| Received by <u>[Signature]</u>                | Date <u>6-1-82</u>                                | Protest filed by _____ |
| Prelim. check by <u>HWS</u>                   | Fee <u>50.00</u>                                  | _____                  |
| Receipted by <u>BP</u>                        | Date <u>6-15-82</u> # <u>22317</u>                | _____                  |
| Published in <u>Recorder Herald</u>           | Copies of protest forwarded by _____              |                        |
| Pub. dates <u>June 24 &amp; July 1-1982</u>   | Hearing held by _____ Date _____                  |                        |
| Watermaster recommendation requested on _____ | Recommended for _____ approval _____ denial _____ |                        |
| _____ rec'd.                                  | by _____                                          |                        |

RECEIVED

D. REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Bolton Ranch Inc. Co

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

Subscribed and sworn to before me this 24<sup>th</sup> 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 AW Date 6-01-82 Protest filed by Virgil + Wendell  
Prelim. check by HWS Fee 50<sup>00</sup> Alson  
Receipted by BP Date 6-15-82 #22317  
Published in Recorder Herald Copies of protest forwarded by AW  
Pub. dates June 24 + July 1 - 1982 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on 6-21-82 Recommended for approval denial  
\_\_\_\_\_ rec'd. 7-01-82 by Jim

RECEIVED

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

  
RITA I. FLECK  
Sr. Secretary

RECORDED  
INDEXED

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 <sup>6</sup>

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 <sup>7</sup>

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#2580/740918, 74-0619, 74-0624, T#2580/74-  
2272 a true

printed copy of which is attached to the margin hereof, has been and was correct-  
ly printed and published in the regular and entire issue of every number of said  
newspaper and not in any supplement thereof or thereto for <sup>2</sup>  
consecutive issues, commencing with the issue dated June 24, 19 82  
and ending with the issue dated July 1, 19 82

*Jerry G. Rosin*

Subscribed and sworn to before me, this first

day of July, 19 82

*Carl Amatory*

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 $\frac{1}{4}$ 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.

NOTICE OF  
CORRECTION

Notice is hereby given that the Proposed Change of Water Right No. 74-0006/0007/0918/0619/2272/0624 in the name of Bolton Ranch Inc. was advertised incorrectly on June 24 and July 1, 1982.

Portions No. T. #2580/74-0006 and T #2580/74-0007 were advertised as follows: (before proposed changes) T #2580/74-0006 AMOUNT: 1.00 cfs PRIORITY: 6-01-1884 POINT OF DIVERSION: LOT 6 (SW 1/4 SW 1/4), Sec. 34, T. 22N, R. 23E; Lot 1 (NE 1/4 NE 1/4 SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 4, T. 21N, R. 23E.

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

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

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

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

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

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

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

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

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

The proposed changes on the legal notice remain the same.

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

A. KENNETH DUNN  
Director

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

7-22-2tc

Affidavit of Publication

OF IDAHO

of Lemhi

ss.

JUL 30 1982

Department of Water Resources  
Eastern District Office

JERRY G. ROSIN

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

Notice of Correction-Proposed Change of Water Rights

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

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

*Jerry G. Rosin*

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

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

(no charge)

on Fee \$

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

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

6:- That the defendant Delos Simons be and he is hereby awarded the right to the continuous use of thirty inches measured under a four inch pressure of the flow of the waters of Geertson Creek for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the 1 day of May 1861.

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

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

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

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

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL )  
OF APPLICATION FOR TRANSFER OF WATER RIGHTS )  
NO. 74-0006, 74-0007, 74-0918 AND 74-2272 IN )  
THE NAME OF BOLTON RANCH, INC. *Trans 2580* )

MEMORANDUM DECISION  
AND ORDER

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

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

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

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

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OCT 31 1981

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

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

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

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

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

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

#### REVIEW OF EVIDENCE

IDWR Records Considered:

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

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

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

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

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

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

#### FINDINGS OF FACT

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

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

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

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

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

6. The issue of public interest was not raised.

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

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

#### CONCLUSIONS OF LAW

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

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

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

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

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

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

#### ANALYSIS

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

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

#### ORDER

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

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

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

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

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

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

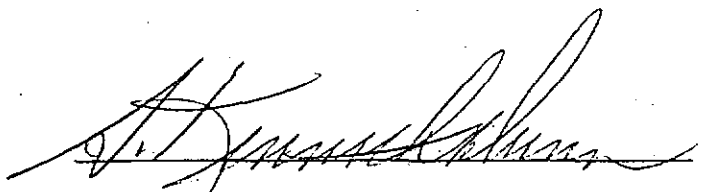
6. The right holder shall provide reasonable access to the watermaster to inspect the point of diversion and place of use for water being diverted under the rights included under this transfer.

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

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

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

Signed this 7<sup>th</sup> day of April, 1982.

  
A. KENNETH DUNN  
Director

Transfer No. 2580

Water Right No. \_\_\_\_\_

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

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

## 1. Right evidenced by:

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

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

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

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

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

## 5. Water is used for the following purposes:

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

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

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

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

## 8. Lands irrigated or place of use:

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

Total number of acres to be irrigated 81.2

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

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

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

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

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

3. Source of water Geerton Creek tributary to Lemhi River

4. Date of priority 6/1/1884

5. Water is used for the following purposes:

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

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

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

8. Lands irrigated or place of use:

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

112.2

Total number of acres to be irrigated \_\_\_\_\_

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

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
  - a. Decree No. 74-0918 Decreed to William B. Bolton &/or Rose Starr  

(Name)

 in case of Proposed Finding of Water Rights vs in the Lemhi River Basin  
 Case No. 4948  
 dated in \_\_\_\_\_ in 7th Judicial District county of Lemhi  

(Name of court)
  - b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
  - c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is  
recognized holder of water right.
3. Source of water Geertson Creek tributary to Lemhi River
4. Date of priority 5/5/1893
5. Water is used for the following purposes:  
 amount 1.32 cfs for irrigation purposes from 4/1 to 11/1  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  

(month/day — both dates inclusive)
6. Total amount of water under right: a. 1.32 cfs cubic feet per second  

&/or

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

8. Lands irrigated or place of use:

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

Total number of acres to be irrigated 66

9. Describe any other water rights used for the same purpose as described above none
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe in item D, REMARKS.

UNRECORDED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

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

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

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

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

3. Source of water Geertson Creek tributary to Lemhi River

4. Date of priority 5/23/1923

5. Water is used for the following purposes:

amount 0.54 cfs for irrigation purposes from 4/1 to 11/1  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

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

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

8. Lands irrigated or place of use:

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

Total number of acres to be irrigated 15.6

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

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.

NOT RECORDED

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

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

2. Change in point of diversion
 

Point of diversion Lot 6 SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 34 Township 22N  
Range 23E, B.M., Lemhi County  
Additional points Lot #1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 9; Twp. 21N, Rge. 23E

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

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

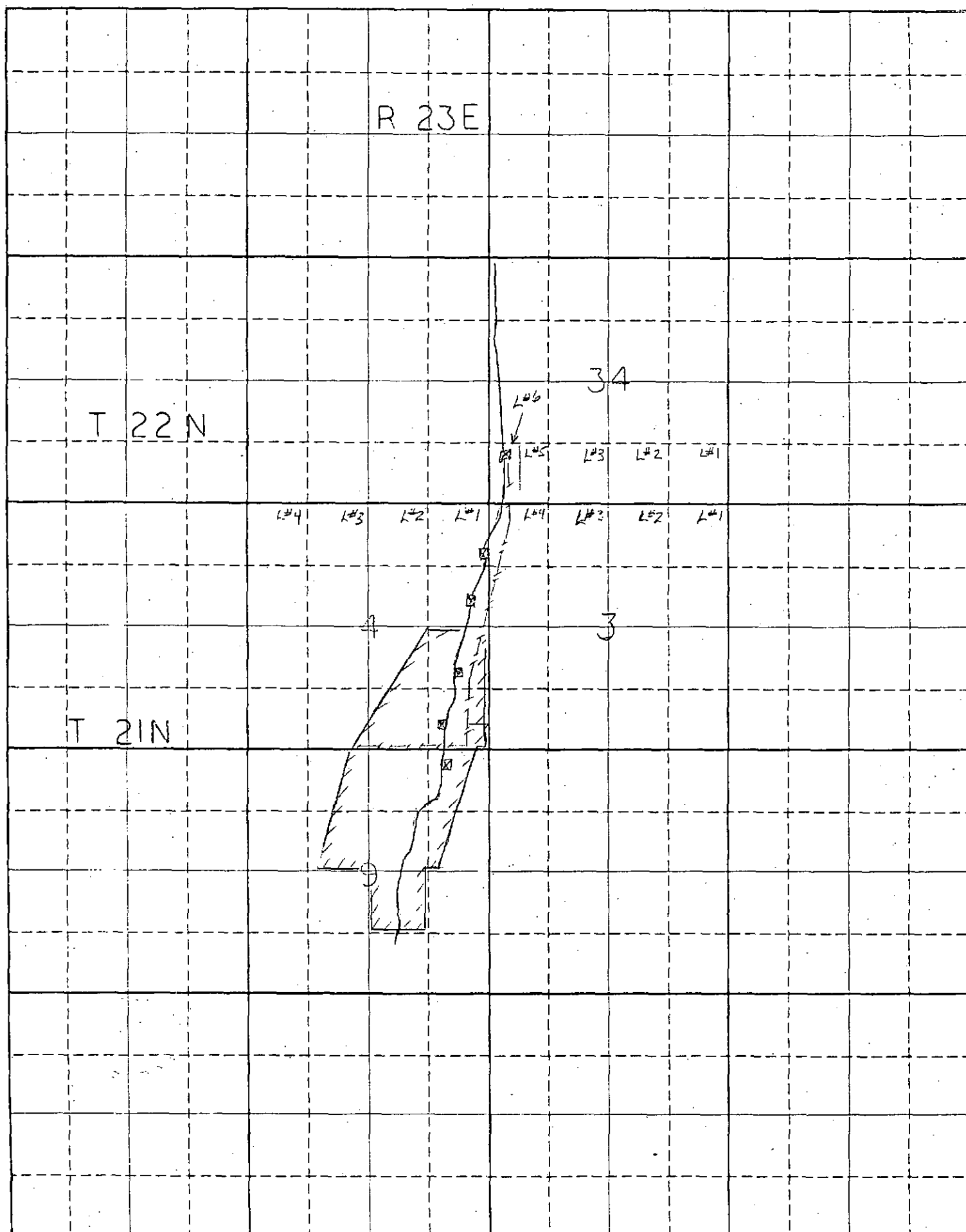
| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |           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

Total number of acres to be irrigated \_\_\_\_\_

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

MICROFILMED

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



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

APPROVED

D. REMARKS

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

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

Subscribed and sworn to before me this 30 day of June, 19 81.  
X David M. Egan U.P. M.C.  
Beltor Ranch, Inc.  
(Signature of Applicant)  
Elaine Bural  
(Notary Public)

My commission expires 12-21-82

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

[Signature]  
Director

FOR DEPARTMENT USE ONLY

|                                               |                           |                                                   |
|-----------------------------------------------|---------------------------|---------------------------------------------------|
| Received by <u>KW</u>                         | Date <u>7/1/81</u>        | Protest filed by <u>Vergil Olson</u>              |
| Prelim. check by <u>KW</u>                    | Fee <u>50.00</u>          | <u>Vergil Olson</u>                               |
| Receipted by <u>KW</u>                        | Date <u>7/7/81</u> #17779 |                                                   |
| Published in <u>Recorder-Herald</u>           |                           | Copies of protest forwarded by <u>KW</u>          |
| Pub. dates <u>7/16 &amp; 7/23/81</u>          |                           | Hearing held by _____ Date _____                  |
| Watermaster recommendation requested on _____ |                           | Recommended for _____ approval _____ denial _____ |
| _____ rec'd. _____                            |                           | by _____                                          |

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

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

CERTIFICATE OF MAILING

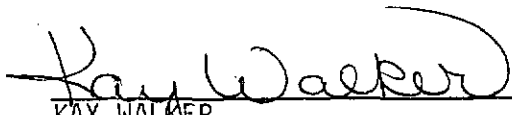
I HEREBY CERTIFY That on this 6<sup>th</sup> day of April, 1982, a true and correct  
copy of the foregoing MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

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

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

Verdell Olson  
Salmon, ID 83467

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

  
KAY WALKER  
Secretary  
Idaho Department of Water Resources

MICROFILMED

NOTICE OF PROPOSED  
CHANGE OF WATER  
RIGHTS

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

Notice is hereby given  
that Bolton Ranch, Inc.,  
Salmon, Idaho, has ap-  
plied to the Department of  
Water Resources for a  
change in the point of  
diversion of the waters of  
Geertson Creek tributary  
to Lemhi River. The rights  
sought to be changed are  
evidenced by the Propo-  
sed Finding of Water  
Rights in the Lemhi River  
Basin, Case No. 4948 in  
7th Judicial District  
Court, Lemhi County and  
are recorded as follows;  
Right No. 74-0006  
Amount: 0.60 cfs  
PRIORITY: 5/1/1881  
POINT OF DIVERSION:  
NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 9; Lot 1  
(NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ), SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ,  
Sec. 4; Twp. 21N, Rge.  
23E, Lemhi County.

The water is used for  
irrigation purposes from  
April 1 to November 1  
within the E  $\frac{1}{2}$  NE  $\frac{1}{4}$ ,  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ,  
Sec. 9, Twp. 21N, Rge.  
23E, for 81.2 acres.

Right No. 74-0007  
Amount: 1.00 cfs  
PRIORITY: 6/1/1884  
POINT OF DIVERSION:  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Lot 1 (NE  $\frac{1}{4}$ -  
NE  $\frac{1}{4}$ ), NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ -  
NE  $\frac{1}{4}$ , Sec. 4, Twp. 21N,  
Rge. 23E, Lemhi County.

The water is used for  
irrigation purposes from  
April 1 to November 1  
within the SE  $\frac{1}{4}$ , Sec. 4,  
Twp. 21N, Rge. 23E, for  
112.2 acres.

Right No. 74-0918  
Amount: 1.32 cfs  
PRIORITY: 5/5/1893  
POINT OF DIVERSION:  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 9,  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ,  
Sec. 4, Twp. 21N, Rge.  
23E, Lemhi County.

The water is used for  
irrigation purposes from  
April 1 to November 1  
within the W  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Sec.  
9, Twp. 21N, Rge. 23E,  
for 66 acres.

Right No. 74-2272  
PRIORITY: 5/23/1923  
Amount: 0.54 cfs  
PRIORITY: 5/23/1923  
POINT OF DIVERSION:  
SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Lot 1 (NE  $\frac{1}{4}$ -  
NE  $\frac{1}{4}$ ), Sec. 4, Twp. 21N,  
Rge. 23E, Lemhi County.

The water is used for  
irrigation purposes from  
April 1 to November 1  
within the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ,  
Sec. 4; NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec.  
9; Twp. 21N, Rge. 23E,  
for 15.6 acres.

TO BE CHANGED AS

RECEIVED

JUL 24 1981

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

SS.

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 its general  
circulation therein.

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

a true  
printed copy of which is attached to the margin hereof, has been and was correct-  
ly printed and published in the regular and entire issue of every number of said  
newspaper and not in any supplement thereof or thereto for 2  
consecutive issues, commencing with the issue dated July 16, 1981  
and ending with the issue dated July 23, 1981

Subscribed and sworn to before me, this twenty third

day of July, 1981

FOLLOWS

The water will be di-  
verted within Lot 6  
(SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) Sec. 34,  
Twp. 22N, Rge. 23E; Lot 1  
(NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ), SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ,  
NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ,  
Sec. 4; NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 9;  
Twp. 21N, Rge. 23E,  
Lemhi County.

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

A. KENNETH DUNN  
Director

Published in the Record-  
er-Herald 7/16 & 7/23/  
1981.

\$ 47.25

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

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

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

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

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

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

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

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



State of Idaho  
DEPARTMENT OF RECLAMATION  
Boise.

-----  
In re: Application for Transfer Water  
District No. 79-A Transfer Case No. 104  
The Lemhi Irrigation and Orchard Company  
Ltd., a corporation, by Peter McKinney,  
Manager---Application  
-----

ORDER GRANTING TRANSFER.

WHEREAS, under date of June 26, 1922, there was received in the Department of Reclamation, the application of the Lemhi Irrigation and Orchard Company Ltd., a corporation, praying for the transfer of .6 cubic feet per second of the waters of Geertson Creek, which water right is evidenced by a decree of the Judge of the Sixth Judicial District, State of Idaho, in the case of Lars C. Geertson Vs. John Barracks et al, the said decree bearing date of May 5, 1893, from lands described in the decree to certain other lands in the same county, and

WHEREAS, pursuant to the said application, a hearing was set on the 19th day of July, 1922 at 10:30 A.M. at the Department of Reclamation, State of Idaho, and same was duly advertised in The Herald, a newspaper of general circulation in the same county as are the lands from which water is sought to be transferred, and

WHEREAS, pursuant to the said notice, a hearing was duly convened at which no personal appearances were made, but the affidavits of Walter E. Schofield and Elijah Schofield protesting against the granting of the said transfer were received, and

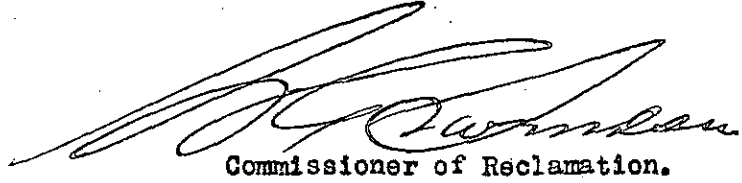
WHEREAS, pursuant to the statutes, rules and regulations of this Department, the petition for transfer, together with all available data relating thereto, including the protests of the said Schofields, has been duly considered and the following conditions are found to exist:

1. That the application for transfer is in proper form and accompanied by the necessary and requisite data and information.
2. That the affidavits in protest of the said Schofields, contain allegations and contentions which can only be determined by a court of competent jurisdiction, and that the granting of the said application for transfer will not in any way affect, change or jeopardise the interests of the said protestants or other water users upon the stream.
3. That insofar as this Department is able to ascertain, no person or persons will be injured through the granting of said transfer.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of the said Lemhi Irrigation and Orchard Company Ltd., praying for the transfer of .6 cubic feet per second of the waters of Geertson Creek, be granted, and that a certificate of transfer be accordingly issued.

MICROFILMED

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
the seal of the Department of Reclamation this 28th day of July, 1922.



Commissioner of Reclamation.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
CERTIFICATE OF WATER RIGHT  
Transferred Right No. 322

74-0006

This is to certify that The Lemhi Irrigation and Orchard Company, Limited, by Peter McKinney, Manager, of Salmon, County of Lemhi, State of Idaho, has a right to the use of the waters of Geertson Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the district court of the Sixth Judicial District of the State of Idaho, in and for Lemhi County, in the case entitled Lars. C. Geertson, plaintiffs, vs. John Barracks, et al, defendants, D. W. Standrod, District Judge, wherein 0.6 second feet of the waters of Geertson Creek, in Water District No. 79-A, was dedicated to the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 27, and the W $\frac{1}{2}$ W $\frac{1}{2}$ , Sec. 34, in Twp. 22 N., R. 23 E., B. M., with date of priority of May 1, 1881; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation of the State of Idaho, in Book 1 of decrees, page 376; that, upon the application of the Lemhi Irrigation and Orchard Company, Ltd., for transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.6 second feet of the waters of Geertson Creek, upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

0.6 sec. ft. dated May 1, 1881

| Twp. | Rge. | Sec. | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |                  |                  |                  | Total |
|------|------|------|---------------------------------------------------------------------|------------------|------------------|------------------|---------------------------------------------------------------------|------------------|------------------|------------------|-------|
|      |      |      | NW $\frac{1}{4}$                                                    | NE $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NW $\frac{1}{4}$                                                    | NE $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |       |
| 21N  | 23E  | 9    |                                                                     | 40               | 40               | 40               |                                                                     |                  | 40               |                  | 160   |

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands herein described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein described exists at the date of this certificate except as herein set forth.

WITNESS The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 18th day of September, 1922.



Commissioner of Reclamation

RECORDED  
SEP 20 1922  
IDAHO

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
CERTIFICATE OF WATER RIGHT  
Transferred Right No. 322

This is to certify that The Lemhi Irrigation and Orchard Company, Limited, by Peter McKinney, Manager, of Salmon, County of Lemhi, State of Idaho, has a right to the use of the waters of Geertson Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the district court of the Sixth Judicial District of the State of Idaho, in and for Lemhi County, in the case entitled Lars. C. Geertson, plaintiffs, vs. John Barracks, et al, defendants, D. W. Standrod, District Judge, wherein 0.6 second feet of the waters of Geertson Creek, in Water District No. 79-A, was dedicated to the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 27, and the NW $\frac{1}{4}$  Sec. 34, in Twp. 22 N., R. 23 E., B. M., with date of priority of May 1, 1881; that said decree has been entered at Boise, Idaho, in the records of the Department of Reclamation of the State of Idaho, in Book 1 of decrees, page 376; that, upon the application of the Lemhi Irrigation and Orchard Company, Ltd., for transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 0.6 second feet of the waters of Geertson Creek, upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

| 0.6 sec. ft. dated May 1, 1881 |                                                                     |                                                                     |                                                                     |                                                                     |                                                                     |                                                                     | Total |
|--------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|-------|
| Twp. Rge. Sec.                 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |       |
| 21N 23E 9                      | 40                                                                  | 40                                                                  | 40                                                                  |                                                                     | 40                                                                  |                                                                     | 160   |

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands herein described, as provided by the laws of the State of Idaho.

No right to the use of waters on the lands herein described exists at the date of this certificate except as herein set forth.

WITNESS The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 18th day of Sept., 1922.

Commissioner of Reclamation

MICROFILMED

| TRANSFER NO. | NAME | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO. |
|--------------|------|------------------|-------------------|--------------|
|--------------|------|------------------|-------------------|--------------|

|     |                                       |     |   |          |
|-----|---------------------------------------|-----|---|----------|
|     | Simons, Delos                         | 0.6 |   | 74-0006  |
| 322 | Lemhi Irrigation & Orchard<br>Company | 0.6 | 0 | 74-0006A |

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MICROFILM

174-4

In the District Court of the Fifth Judicial District of Idaho, in and for Lemhi County.

Lars C. Geertson, plff, )

vs. )

John Barracks et. al. )

DECREE.

This cause having come on to be heard upon the pleadings and proofs, evidence of witnesses for the respective parties and the arguments of counsel herein, and the Court having found its findings of fact and made its conclusions of law and the same having been filed herein, and the Court being sufficiently advised in the matter,

**74 0001** It is ordered, adjudged and decreed,

1:- That the plaintiff Lars C. Geertson be and he is hereby awarded the use of Ninety inches measured under a four inch pressure of the flow of the water of Geertson Creek, continuously, for the irrigation of his lands described in his amended complaint filed herein, and that his said right commence with and date from the first day of June 1868.

**74 0002**  
2:- That the defendant John Barracks be and he is hereby awarded the right to the continuous use of Forty-five inches measured under a four inch pressure of the flow of the water of Geertson Creek for the irrigation of the lands in his answer and cross-complaint described and filed herein, and that his said right commence with and date from the first day of May 1870.

**74 0003**  
3:- That the defendants Thomas H. Ball and Chas. Jacks are entitled to and are hereby awarded the continuous use of thirty inches measured under a four inch pressure of the flow of the waters of Geertson Creek for the irrigation of the lands described in their answer and cross-complaint and filed herein, and that their said right commence with and date from the first day of October, 1884..

**74 0004**  
4:- That the defendant Isaiah Bohannon be and he is hereby awarded the right to the continuous use of 100 inches measured under a four inch pressure of the flow of the waters of Geertson Creek at all times between the first day of March and the first day of August of each year for the purpose of working the mining claims owned by him and described in his answer and cross-complaint.

MICROFILMED

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

5:- That the defendant James Light be and he is hereby awarded the right to  
74 0005 continuous use of fifty of the flow of the waters of Geertson Creek, measured under a four inch pressure, for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the first day of May, 1879.

6:- That the defendant Delos Simons be and he is hereby awarded the right to  
74 0006 continuous use of thirty inches measured under a four inch pressure of the flow of the waters of Geertson Creek for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the 1 day of May 1881.

7:- That the defendant Mary Wayant be and she is hereby awarded the right to  
74 0007 continuous use of fifty inches of the flow of the waters of Geertson Creek measured under a four inch pressure, for the irrigation of the lands described in the answer and cross-complaint filed herein, and that her said right commence with and date from the first day of June 1884.

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

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

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

MICROFILMED

December 9, 1983

RE: Application for Transfer No. 2580/74-0006/0007/0918/2272

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

Dear Mr. Logan:

This is to acknowledge receipt of your withdrawal of the above referenced application for transfer. The Department will take no further action in this matter and has taken the steps necessary to void the application in our files.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw

cc: Vergil O. Olson  
Verdell Olson  
Sherman F. Furey, Jr.  
Matthew Mullaney, Esq.  
with copy of withdrawal



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 4, 1983

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

Dear Mr. Logan:

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

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

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

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

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rf

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

RECEIVED  
OCT 10 1983



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 13, 1983

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

74-0006

Dear Mr. Bramlette:

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

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

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

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September 13, 1983

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

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

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

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

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

Sincerely,



A. KENNETH DUNN  
Director

AKD:BDF:rf

cc: All Geertson Creek Waterusers  
Eastern Region

RECEIVED  
SEP 14 1983  
EASTERN REGIONAL OFFICE

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

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

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

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

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

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

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

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

SENT BY MAIL

MEMORANDUM

September 12, 1983

TO: Files 74-0006 and 74-2200

FROM: Bob Fleenor

RE: Bolton Ranch domestic water from "House Ditch"

Bolton Ranch diverts domestic (culinary) water from a perforated pipe that collects water from the underflow of the "House Ditch". Water has always been available at the domestic diversion since the "House Ditch" was used to deliver some of the ranch's early irrigation water. Now the earliest rights have been transferred to new points of diversion leaving only a high water right for irrigation to be delivered through the "House Ditch". Therefore, the Bolton Ranch domestic system may no longer have sufficient water to supply the ranch with water.

Alternatives available to resolve the loss of domestic water would be to move the point of diversion for domestic water to Geertson Creek; to transfer an older priority water right back to the "House Ditch" diversion point; to petition the court to include carrying water for the "House Ditch" in its decree; and others.

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SEP 15 1983  
FBI - DENVER



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS  
Governor

A KENNETH DUNN  
Lieutenant Governor

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

August 25, 1982

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.

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AUG 27 1982  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

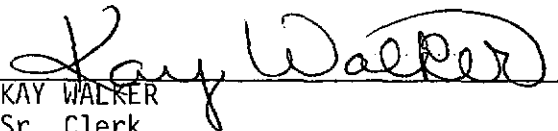
STATE OF IDAHO

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

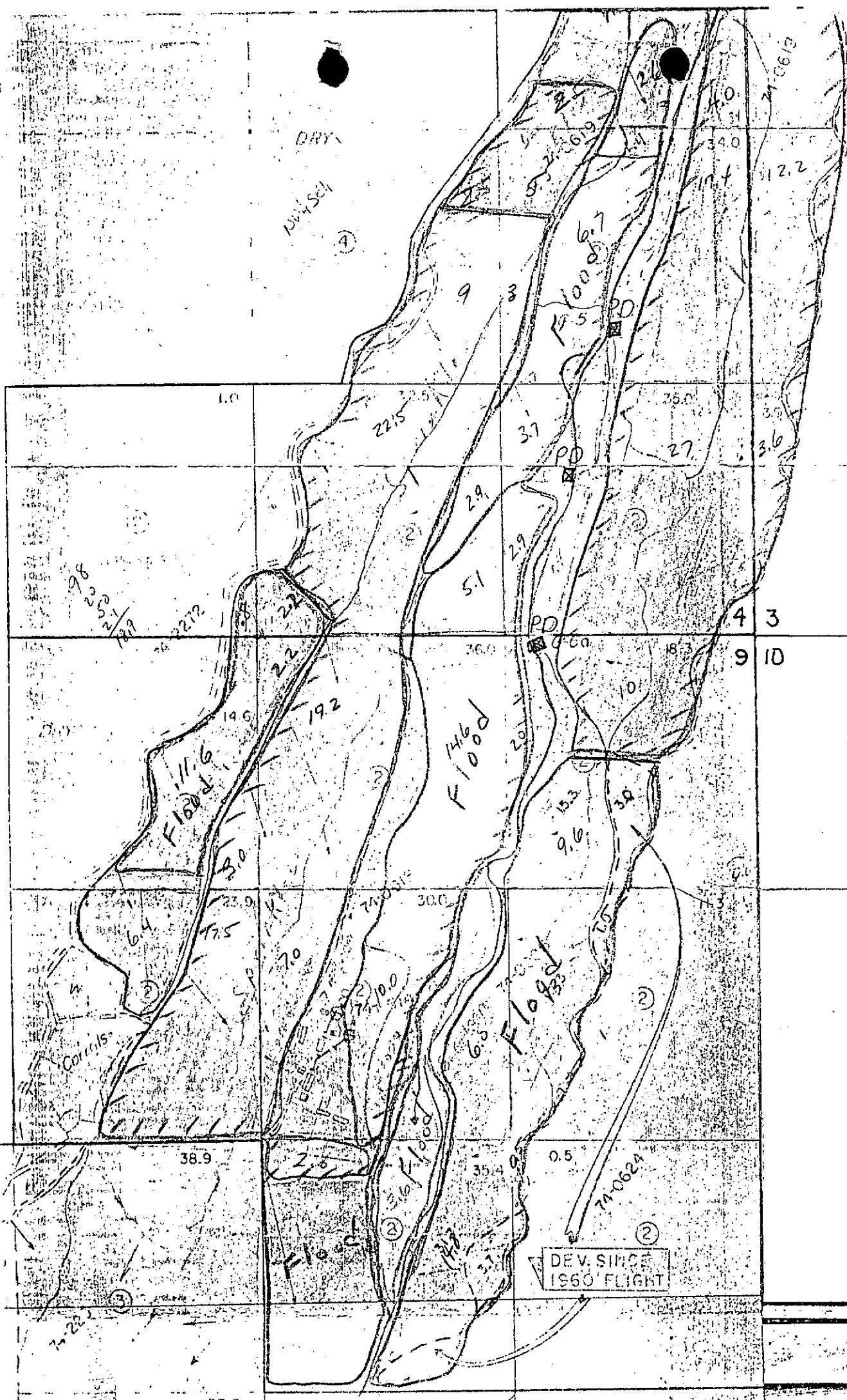
I HEREBY CERTIFY that on this 25th day of August, 1983, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

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

RECORDED  
INDEXED  
AUG 28 1983  
IDAHO DEPARTMENT OF WATER RESOURCES

DRY  
MUSEL



|                            |   |
|----------------------------|---|
| Department of the Interior |   |
| BUREAU OF LAND MANAGEMENT  |   |
| Form 11                    | ③ |
| Date Submitted 11-16-82    |   |

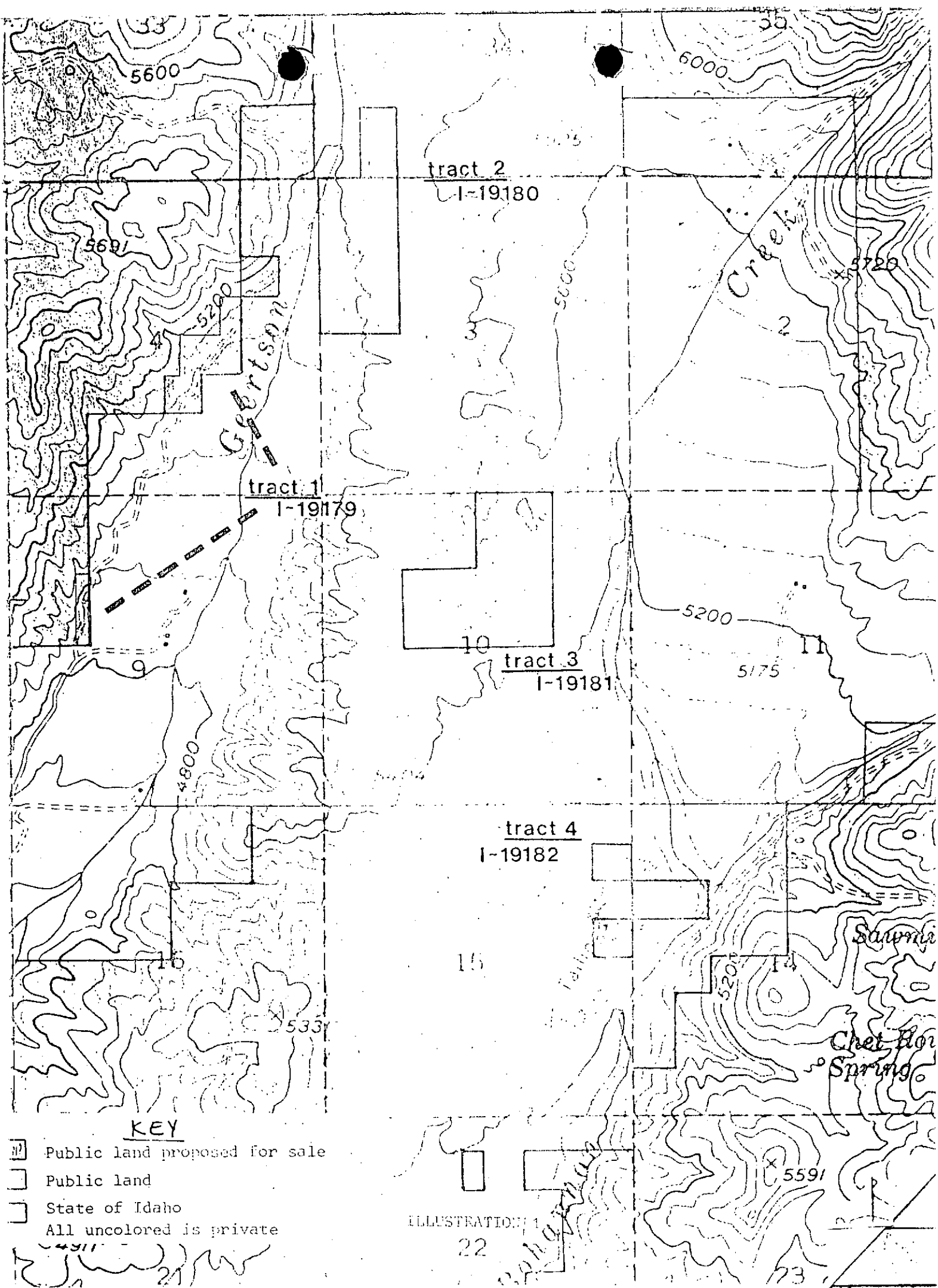
Applicants

3DF

9

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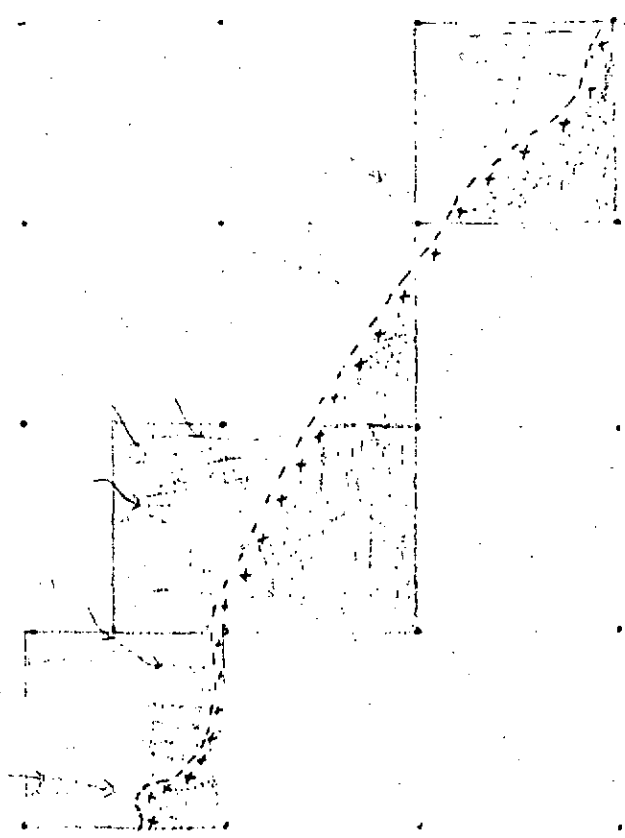
Department of Forest Resources  
Eastern District Office



Township 21N, Range 23E, Piose Meridian

33 34  
 4 3

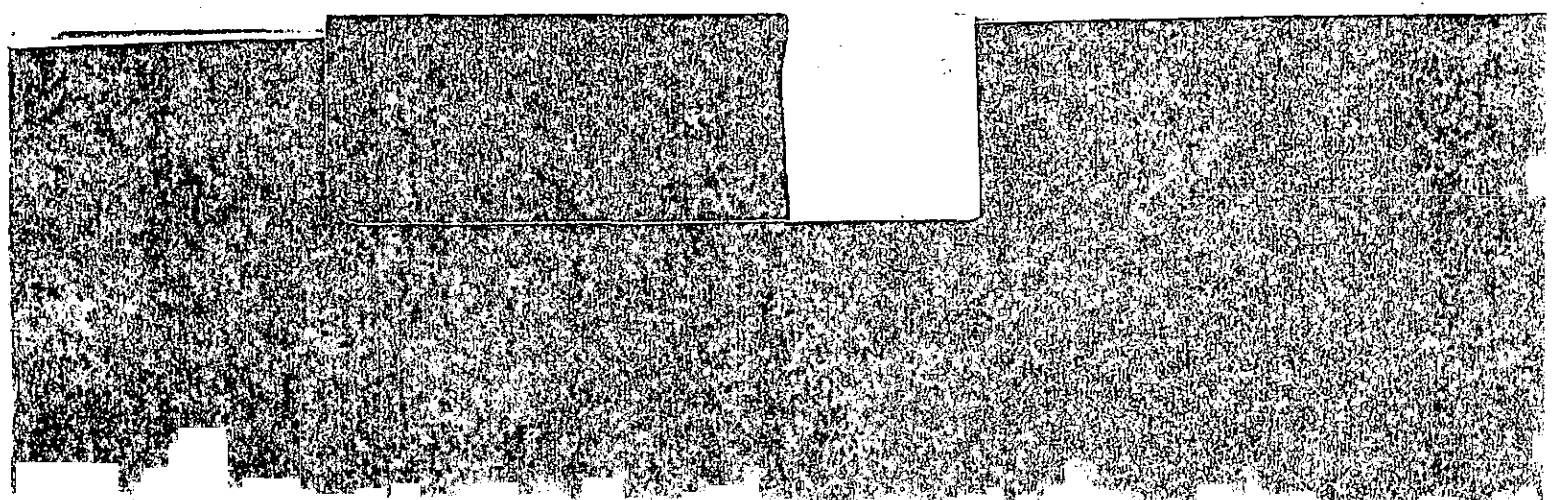
WATER



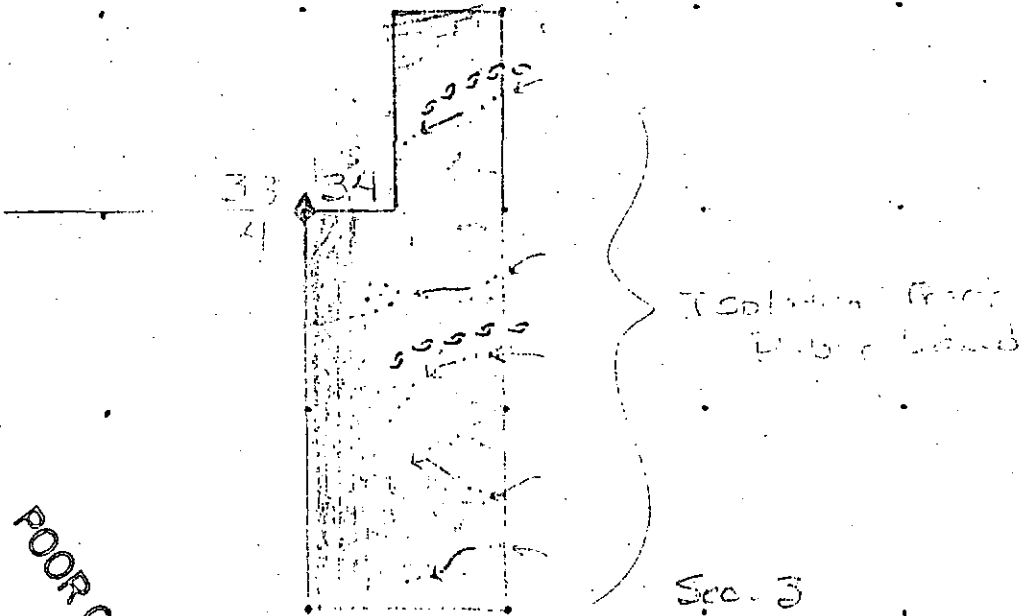
LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS      Scale: 1" = 1/2 mile

|         |                |                               |
|---------|----------------|-------------------------------|
| Subject | Irreg. alfalfa | Dr. sagebrush/<br>grass hills |
| Found   |                |                               |
| County  |                |                               |
| Fence   |                |                               |

ILLUSTRATION 2



Township 22 N., Range 23 E., E. 1/4 Meridian  
21 N., 23 E.



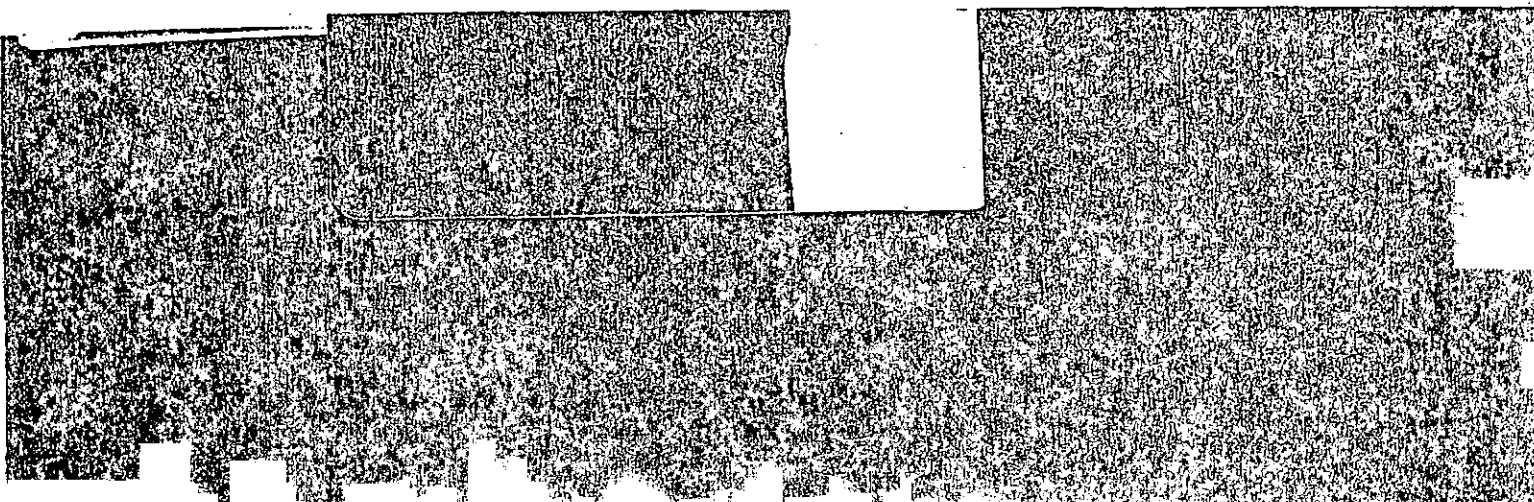
POOR QUALITY ORIGINAL

LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1/4 mile

|                        |    |                        |
|------------------------|----|------------------------|
| Subject land           |    | Unimproved swampy land |
| Found Section 34       |    | Unimproved swampy land |
| Irrigated land         | SS | Unimproved swampy land |
| Unimproved swampy land |    |                        |

ILLUSTRATION #



T. No. 84-0006/etc.

Nov. 16, 1982

Applicant - Bolton Ranch Inc.

Dave Logan - Manager.

Shermer Furey - Attorney.

Protestants -

Vergil Olson - (self)

Verdell Olson - (self).

### NOTE:

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

started at 9:28.

direct - Dave Logan - manager for 4 yrs.

- History - late 1800's consisted of 5 separate properties. 1920's property purchased. 1978-80 - installed gravity flow sprinkler, changing irrigation practices; 2<sup>nd</sup> application conforms to actual practice, no. of acres irrigated have not changed (no expansion); efficiency flood - 50-55%. sprinkler 70-75%; can not envision an adverse effect to other rights in water district.

POOR QUALITY ORIGINAL

- 74-0006 - 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 - (light 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 Walton Inc.
- X-exam - new lands have been put under sprinkler  
system -
- where is quit ground? (never identified)      sand tape,  
15123.
- lot 4 was divided into lot 5 & 6.
- NW 1/4 N9 will not be irrigated.

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JAN 10 1975

POOR QUALITY ORIGINAL

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

X-exam - by Vergil -

Vergil -

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

direct - William Bramlett - waste water helps, part 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. Type 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

Then 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 -

→ Applicants 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 priority  
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 <sup>was divided into</sup> 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 —

~~WMA~~

→ 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

RECEIVED  
JAN 11 1961

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 F. Leemor & Ernie Carlson

| Name                                                    | Address                               | Representing       |
|---------------------------------------------------------|---------------------------------------|--------------------|
| Sherman F. Furey Jr.<br><del>Sherman F. Furey III</del> | Box 1127<br>Salmon, Ida.<br>83467     | Bolton Ranch, Inc. |
| Merry B. Logan                                          | Rt. Box 14<br>Salmon Id.              | Bolton Ranch, Inc. |
| David J. Logan                                          | Rt. Box 14<br>Salmon, Id.             | Bolton Ranch Inc   |
| William T. Bramlett                                     | Water master<br>Box 336 Salmon Idaho  |                    |
| Vergil O. Olson                                         | Rt. Box 12<br>Salmon Ida.             |                    |
| Verdell Olson                                           | Rt. Box 17A<br>Salmon, Idaho<br>83467 |                    |
| Niel Carlson                                            | Rt. Box 47<br>Salmon Id. 83467        |                    |

RECORDED

## DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUR AVE.

IDAHO FALLS, IDAHO 83401

Indicate type of mail

☐ Registered☐ Insured☐ COD☒ Certified

I certify that we have

☐ Commercial Insurance☐ A deductible clause of

\$

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

POSTMARK AND DATE OF RECEIPT

NAME AND  
ADDRESS  
OF SENDER

| 1<br>No | NUMBER OF<br>ARTICLE | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS | POSTAGE | FEE | Handling<br>Charge | Actual Value<br>(If Registered) | QUE SENDER<br>IF C.O.D. | R. R.<br>FEE | S.D.<br>FEE | S. H.<br>FEE | REST. DEL. FEE | REMARKS                              |
|---------|----------------------|----------------------------------------------------|---------|-----|--------------------|---------------------------------|-------------------------|--------------|-------------|--------------|----------------|--------------------------------------|
| 1       | 13010                | Boston Ranches Rt #1 Box 112, Salmon               | 20      | 75  |                    |                                 |                         | 60           |             |              |                | 74-0006 RN<br>74-0006 TC             |
| 2       | 13011                | Durill House Rt #1 Box 112, Salmon                 |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 3       | 12212                | Markus Mullany, 802 W. Bonanza, Boise              |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 4       | 13013                | Madell Olson, Rt #4, Box 17, Salmon                |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 5       | 13014                | Thurman Wiley P.O. Box 1127, Salmon                |         |     |                    |                                 |                         |              |             |              |                | 71-0006 RN<br>76-0006 CTO<br>75-7328 |
| 6       | 13015                | Lt. S. J. Hunt, 324-25th St. Ogden                 |         |     |                    |                                 |                         |              |             |              |                | 75-7284<br>72-7400<br>72-7401        |
| 7       | 13016                | Quadan Smith, Box 517, Salmon                      |         |     |                    |                                 |                         |              |             |              |                | 75-7284                              |
| 8       | 13017                | Bryon M. Mee, Box 24, Dubboisville                 |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 9       | 13018                | Bryon & Mary R. Country, Box 2346, Salmon          |         |     |                    |                                 |                         |              |             |              |                | 75-7322                              |
| 10      | 13019                | John & Nan Bryant, Box 1170, Salmon                |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 11      | 13020                | Jim Smith, 200 Main St., Salmon                    |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 12      | 13021                | Carl & Margaret Dyer, Box 777, Salmon              |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 13      | 13022                | Bill Boeland, Box 205, Salmon                      |         |     |                    |                                 |                         |              |             |              |                | 71-7301                              |
| 14      | 13023                | Alon Zerkberger, Rt #2, Ashton                     |         |     |                    |                                 |                         |              |             |              |                | "                                    |
| 15      | 13024                | Larry Dyer, Rt #2, Ashton                          |         |     |                    |                                 |                         |              |             |              |                | "                                    |

TOTAL NUMBER OF  
PIECES LISTED BY  
SENDER

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TOTAL NUMBER OF  
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AT POST OFFICE

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The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

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

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

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

PS Form 3877, Sept. 1979

Sent by registered mail 4/3/82 C.W.

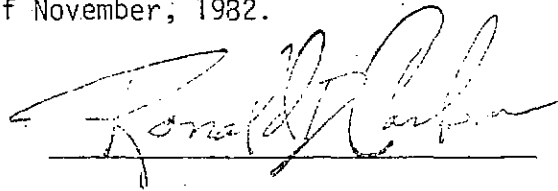
BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                              |   |                                        |
|----------------------------------------------|---|----------------------------------------|
| IN THE MATTER OF PROTESTS AGAINST APPROVAL   | } | NOTICE OF HEARING<br>AND/OR CONFERENCE |
| OF TRANSFER NO. 74-0006, 74-0007, 74-0918    |   |                                        |
| 74-0619, 74-2272, and 74-0624 IN THE NAME OF |   |                                        |
| 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

RECEIVED  
NOV 16 1982

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

PS Form 3877, Sept. 1977  
 ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

| NAME AND ADDRESS OF SENDER                    |                   | EASTERN DISTRICT OFFICE<br>150 BRIDGE AVE.<br>IDAHO FALLS, IDAHO 83401 |         | Indicate type of mail<br><input type="checkbox"/> Registered<br><input type="checkbox"/> Insured<br><input type="checkbox"/> COD<br><input checked="" type="checkbox"/> Certified |                 | I certify that we have<br><input type="checkbox"/> Commercial Insurance<br><input type="checkbox"/> A deductible clause of \$                                                                                                                                                                                                                                                                                                                                                                                             |                      | Affix stamp here if issued as certificate of mailing or for additional copies of this bill.<br>POSTMARK AND DATE OF RECEIPT |          |           |                           |  |
|-----------------------------------------------|-------------------|------------------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------|----------|-----------|---------------------------|--|
| 1<br>No.                                      | NUMBER OF ARTICLE | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS                     | POSTAGE | FEE                                                                                                                                                                               | Handling Charge | Actual Value (If Registered)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | DUE SENDER IF C.O.D. | R. R. FEE                                                                                                                   | S.O. FEE | S. H. FEE | REST. DEL. FEE<br>REMARKS |  |
| 1                                             | 12975             | US Forest Service 32425 <sup>th</sup> Ogden St.                        | 20      | 75                                                                                                                                                                                |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | 75-7284                   |  |
| 2                                             | 12976             | Darylee Mear, P.O. Box 24 Libbonville                                  |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 3                                             | 12977             | Joseph & Frances Inman, Box 871 Salmon                                 |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | 74-7149                   |  |
| 4                                             | 12978             | Walt & Jallay Rt #1 Box 15 Salmon, Id                                  |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 5                                             | 12979             | Kent W Foster, P.O. Box 129 Salmon Id                                  |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 6                                             | 12980             | Bolton Ranches Rt #1 Box 14, Salmon Id                                 |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | 74-0006 etc               |  |
| 7                                             | 12981             | Sherman & Furey Salmon Id                                              |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 8                                             | 12982             | Virgil Olson Rt #1 Box 12 Salmon                                       |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 9                                             | 12983             | Verdell Olson Rt #1 Box 17-A Salmon                                    |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 10                                            | 12984             | Mathew Mullaney 802 W Cannock Boise                                    |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 11                                            | 12985             | Bill Bolland P.O. Box 205 Ashton                                       |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | 21-7301                   |  |
| 12                                            | 12986             | Barry D Orme Rt #2 Ashton                                              |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 13                                            | 12987             | Norm Thorsberger Rt #2 Ashton                                          |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 14                                            | 12988             | Frederic Madison P.O. Box 5 St Anthony                                 |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| 15                                            | 12989             | Mary Smith 30 S 2nd W Lihburg                                          |         |                                                                                                                                                                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                             |          |           | "                         |  |
| TOTAL NUMBER OF PIECES LISTED BY SENDER<br>15 |                   | TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE<br>Fifteen              |         | POSTMASTER, PER (Name of receiving employee)<br><i>Frederic</i>                                                                                                                   |                 | The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service. |                      |                                                                                                                             |          |           |                           |  |

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 11/20/77

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

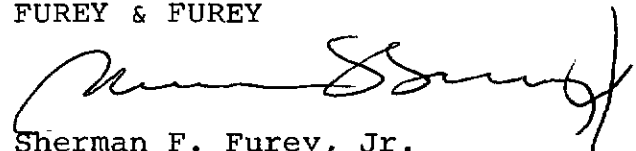
Re: Bolton Ranch, Inc., Application No. 74-0006, 0007,  
0918, 0619, 2272 and 0624

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  
SEP 1 1982

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

RECEIVED

SEP 1 1982

Department of Water Resources  
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

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

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

Olsons, through their attorney Matthew Mullaney, Esq., state--"that there is pending before the Seventh District Court in the Lemhi Adjudication a Rule 60(b) motion to reconsider and set aside the Court's judgment making effective an oral 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

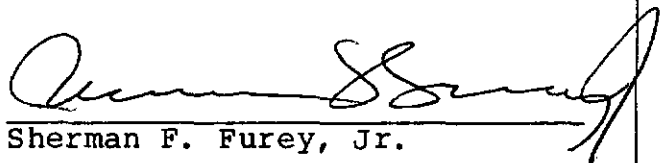
Stipulation dispute such as to make a resolution of the latter necessary to a resolution of the former.

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

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

Respectfully submitted this 31st day of August, 1982.

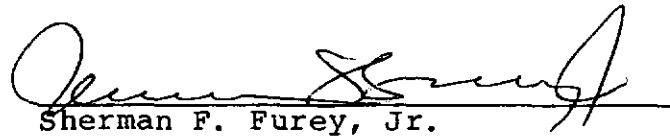
FUREY & FUREY

By: 

Sherman F. Furey, Jr.

CERTIFICATE OF MAILING

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

  
Sherman F. Furey, Jr.

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT  
STATE OF IDAHO

BOYD R. THOMAS  
DISTRICT JUDGE

ROSS L. OVIATT  
COURT REPORTER



RESIDENT CHAMBERS  
LAW ENFORCEMENT BUILDING  
585 N. CAPITAL AVENUE  
IDAHO FALLS, IDAHO 83401  
(208) 579-1378

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

RECEIVED

AUG 27 1982

Department of Water Resources

*Bel*  
MATTHEW MULLANEY, Attorney at Law

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

August 26, 1982

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

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

Dear Mr. Dunn:

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

Very truly yours,

*Marion Henderson*  
Marion Henderson for  
Matthew Mullaney, Esq.

h  
encl.

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AUG 27 1982

Department of Water Resources

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

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

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

MOTION TO CONTINUE  
THE ADMINISTRATIVE  
HEARING

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

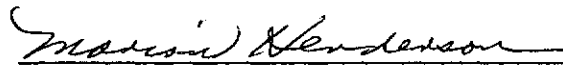
There is reason to believe that the Seventh District  
Court erred and that the Court will take the opportunity  
to correct its error and not put the parties and the courts  
to the time and expense of the appellate process. If the  
judgment is vacated, these administrative proceedings would  
be useless.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

Respectfully submitted, this 26<sup>th</sup> day of August, 1982.

  
MATTHEW MULLANEY, Esq.

CERTIFICATE OF SERVICE

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

  
Marion Henderson, Legal Secretary

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

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 30<sup>th</sup> day of August, 1982.

  
RONALD D. CARLSON  
Eastern Regional Supervisor

RECEIVED  
AUG 31 1982

August 24, 1932

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, 1932, 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

NAME AND ADDRESS OF SENDER

EAST POST OFFICE

IDAHO FALLS, IDAHO 83401

Indicate type of mail

- ☐ Registered  
☐ Insured  
☐ COD  
☐ Certified

I certify that we have

- ☐ Commercial Insurance  
☐ A deductible clause of \$

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ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL  
PS Form 3877, Sept. 1977

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|----------|-------------------|----------------------------------------------------|---------|-----|-----------------|------------------------------|----------------------|-----------|-----------|-----------|----------------|---------|
| 1        | 12975             | 1111 1st St. Idaho Falls, ID                       | 30      | 75  |                 |                              |                      |           |           |           |                | 75-7214 |
| 2        | 12976             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 3        | 12977             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | 74-7149 |
| 4        | 12978             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 5        | 12979             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 6        | 12980             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | 74-7214 |
| 7        | 12981             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 8        | 12982             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 9        | 12983             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 10       | 12984             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 11       | 12985             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | 74-7214 |
| 12       | 12986             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 13       | 12987             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 14       | 12988             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |
| 15       | 12989             | 1111 1st St. Idaho Falls, ID                       |         |     |                 |                              |                      |           |           |           |                | "       |

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POOR QUALITY ORIGINAL

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

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

NOTICE OF HEARING  
AND/OR CONFERENCE

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

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

Dated this 20<sup>th</sup> day of August, 1982.



RONALD D. CARLSON

Eastern Regional Supervisor

July 28, 1982

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

Dear Mr. Logan:

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

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

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

Sincerely,

RITA I. FLECK  
Sr. Secretary

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

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

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

---

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

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

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

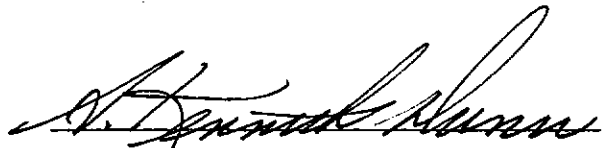
On May 23, 1982, the applicant responded to the protestants' request for rehearing and supplemented their own request for a rehearing.

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

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

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

RECEIVED  
JUL 20 1982



A. KENNETH DUNN

Director

RECEIVED

AUG 2 1982

Department of Water Resources  
Eastern District Office

July 28, 1982

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

Dear Mr. Logan:

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

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

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

Sincerely,

RITA I. FLECK  
Sr. Secretary

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

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

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

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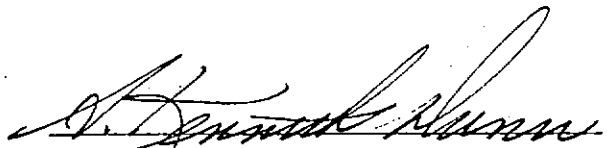
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The Director finds that a rehearing would be beneficial in his reaching a final decision.

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

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

MICROFILMED



A. KENNETH DUNN

Director

NOTICE OF CORRECTION

Notice is hereby given that the Proposed Change of Water Right No. 74-0006/0007/0918/0619/2272/0624 in the name of Bolton Ranch Inc. was advertised incorrectly on June 24 and July 1, 1982. Portions No. T #2580/74-0006 and T #2580/74-0007 were advertised as follows: (before proposed changes)

T #2580/74-0006                      AMOUNT: 1.00cfs                      PRIORITY: 6-01-1884

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

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

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

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

The water is used to irrigate 81.2 acres within the E $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 9, T. 21N, R. 23E.

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

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

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

The water is used to irrigate 81.2 acres within the E $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 9, T. 21N, R. 23E.

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

POINT OF DIVERSION: Lot 6 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ), Sec. 32, T. 22N, R. 23E; Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, T. 21N, R. 23E.

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

The proposed changes on the legal notice remain the same.

Any protest against the above proposed change of water right must be

filed with the Idaho Department of Water Resources 150 Shoup Ave., Idaho Falls Idaho, 83402, on or before August 9, 1982.

A. KENNETH DUNN

Director

Published in the Recorder/Herald, Salmon, Idaho on July 22 and 29, 1982.

July 20, 1982

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

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

Gentlemen:

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

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

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

July 20, 1982

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

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

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 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)

RECORDED

RECEIVED

JUL 8 1982

Department of Justice  
Eastern District Office

Salmon Idaho  
July 8, 1982

Dear Sirs:

We are protesting any change of water rights 74-0006 - 740007 - 74-0918 74-0819 - 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 O'Leary  
Rt 1 Box 12  
Salmon

Ida

83467

Vergil O'Leary  
Rt #1 Box 17A  
Salmon, Ida.

83467

## 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: 6-01-1834

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.

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. 74-0913 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

- 74/0006/0007/0918/0619/2272  
10624
1. Right number 10624 Applicant Bolton Ranch Inc
2. Type of right: ☒ Decree <sup>Pending</sup> ☐ 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 \_\_\_\_\_

RECEIVED

MAR 23 1983

Department of Water Resources

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 Geartson 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.

William T. Bramlette  
(signature)

Please use reverse side if needed.

June 21, 1982

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

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

Dear Mr. Bramlette:

Please find enclosed a copy 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:

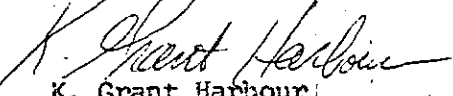
As you are already aware, you are farming approximately 25 acres of public land in conjunction with your private land in the Geertson Creek area. Before any authorization can be given for your use of these lands, we will process an unauthorized use case (trespass) against you for your past use. This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

Sincerely,

  
K. Grant Harbour  
Acting District Manager

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

May 19, 1982

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

Dear Mr. Logan:

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

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

Feel free to contact me if there are any questions.

Respectfully submitted,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED

MAY 5 1982

Department of Water Resources

April 28, 1982

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

Dear Mr. Furey:

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

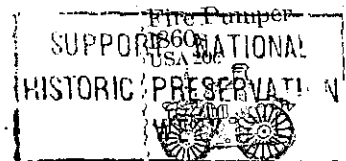
Very truly yours,

MATTHEW MULLANEY, Esq.

MM/mh  
encl.

**MATTHEW MULLANEY**, Attorney at Law

Suite 308 / The Hoff Building / 802 West Bannock Street / Boise, Idaho 83702



Rita Fleck  
Department of Water Resources  
Statehouse  
Boise, ID 83720

RECEIVED  
MAY 1 1982

RECEIVED

MAY 13 1982

Department of Water Resources

FUREY & FUREY

ATTORNEYS AT LAW

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

SALMON, IDAHO 83467

May 11, 1982

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

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

Department of Water Resources  
Statehouse  
Boise, Idaho 83720

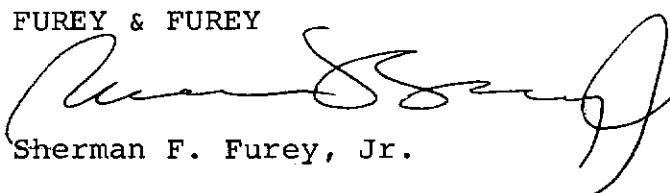
Re: Application for Transfer of Water Right  
Nos. 74-0006, 74-0007, 74-0918 & 74-2272

Dear Sir:

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

Very truly yours,

FUREY & FUREY

  
Sherman F. Furey, Jr.

SFF:ga

Enclosure

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

RECEIVED

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

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

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

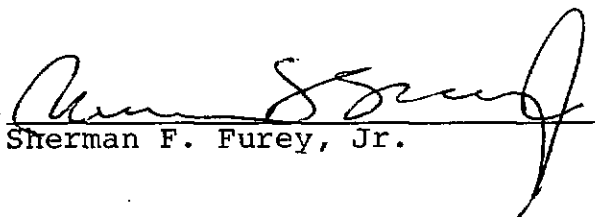
BOLTON RANCH, INC., responds to Request for Rehearing of Vergil Olson, et al, and supplements Bolton Ranch's Request for Rehearing as follows:

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

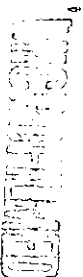
2. By way of extension and explanation of the previous Request for Rehearing of Bolton Ranch, Inc., said request was made, and was intended, for the purpose of obtaining clarification and interpretation of certain provisions of the Department's Memorandum Decision and Order rather than as a protest of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

DATED: May 11, 1982.

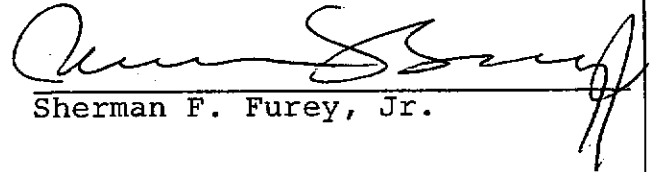
FUREY & FUREY

By:   
Sherman F. Furey, Jr.

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



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

  
Sherman F. Furey, Jr.

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

**FUREY & FUREY**

ATTORNEYS AT LAW

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

SALMON, IDAHO 83467

April 21, 1982

SHERMAN F. FUREY, JR.

SHERMAN F. FUREY, III

(208) 756-2577

(208) 756-4655

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APR 23 1982

Department of Water Resources

Department of Water Resources  
Statehouse  
Boise, Idaho 83720

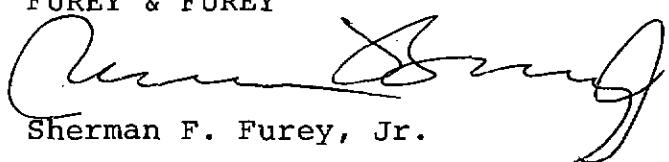
Re: Application for Transfer of Water Right Nos.  
74-0006, 74-0007, 74-0918 and 74-2272

Dear Sir:

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

Very truly yours,

FUREY & FUREY

  
Sherman F. Furey, Jr.

SFF:si

Enclosure

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

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

RECEIVED

APR 23 1982

Department of Water Resources

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

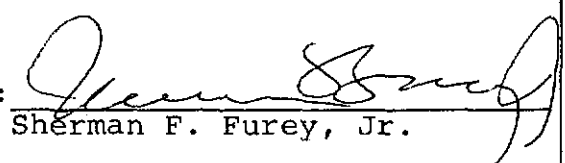
IN THE MATTER OF PROTESTS AGAINST APPROVAL )  
OF APPLICATION FOR TRANSFER OF WATER RIGHTS ) REQUEST FOR  
NO. 74-0006, 74-0007, 74-0918 AND 74-2272 IN ) REHEARING  
THE NAME OF BOLTON RANCH, INC. )

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

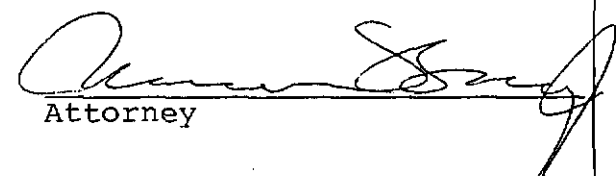
This request is made and based on the ground that the Memorandum Decision and Order dated April 7, 1982, of the director misconstrues and misapplies the facts and the law, particularly as expressed, and represented by, Paragraph 4 of the Order.

DATED: April 21, 1982.

FUREY & FUREY

By:   
Sherman F. Furey, Jr.

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

  
Attorney

FUREY & FUREY

ATTORNEYS AT LAW

116 N. CENTER STREET P.O. BOX 1127

SALMON, IDAHO 83467

(208) 756-2577

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

RECEIVED  
APR 29 1982

Department of Water Resources

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

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

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

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

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

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

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

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

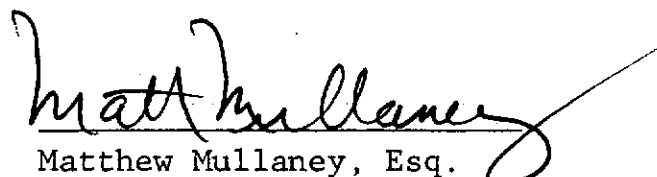
MATTHEW MULLANEY, ESQUIRE  
THE HOFF BUILDING / SUITE 308  
802 WEST BANNOCK STREET  
BOISE, IDAHO 83702  
208-344-2860

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

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

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

Dated: April 28, 1982.

  
Matthew Mullaney, Esq.



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

April 2, 1982

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

Gentlemen:

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

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

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

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rf

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

RECEIVED  
APR 10 1982

RECEIVED

APR 7 1982

Department of Water Resources  
Eastern District Office

March 30, 1982

Matthew Mullaney  
Attorney at Law  
The Hoff Building  
802 W. Lannock, Suite 308  
Boise, Idaho 83701

RE: Lemhi Adjudication - Geertson Creek

Dear Matt,

This letter is to reconfirm our phone conversation of yesterday and to notify the other Geertson Creek counsel of Water Resources' position regarding distribution of water during the pendency of Vergil Olson's appeal.

Since there is no stay in effect for the judgment adopting the stipulation, Water Resources will follow the stipulation until either a stay is granted or the district court judgment is reversed on appeal. Therefore, when Water Resources instructs the watermaster on Geertson Creek, it will follow the stipulation. In addition to the stipulation, Water Resources will follow the terms of any permits, licenses, or transfers on Geertson Creek granted since April 3, 1972. This is necessary because the Lemhi Adjudication extends only to the determination of water rights as they existed as of April 3, 1972. In some instances, a transfer may reflect changes from the stipulation.

The Lemhi Basin and Geertson Creek are within the boundaries of Water Resources' Eastern Regional office in Idaho Falls. Jerry Ramsey from that office will work directly with the watermaster on Geertson Creek. Since Jerry has been in the area several times most of the water users are already acquainted with him.

MICROFILMED

POOR QUALITY ORIGINAL

Matt Mullaney  
March 30, 1982  
Page 2

Please contact me if you have any questions about this procedure.

Very truly yours,

Josephine P. Beeman  
Deputy Attorney General  
Department of Water Resources

JFB:jh

POOR QUALITY ORIGINAL

RECEIVED

February 19, 1982

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

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

Dear Mr. Olson:

Subsequent to the Department's October 29, 1981 hearing on the above captioned application, the applicant has been granted a right-of-way by the Bureau of Land Management. This right-of-way allows for the applicant's gravity flow pipeline to remain in its present location where it crosses the W<sub>2</sub> (Lot 4), Section 3, T. 21N, R. 23E, B.M. A copy of this document is enclosed for your review.

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

Respectfully submitted,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw

Enclosure

cc: Bolton Ranch, Inc.  
Sherman Furey, Attorney

MICROFILMED

February 19, 1982

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

Verdell Olson  
Salmon,  
Idaho 83467

Dear Mr. Olson:

Subsequent to the Department's October 29, 1981 hearing on the above captioned application, the applicant has been granted a right-of-way by the Bureau of Land Management. This right-of-way allows for the applicant's gravity flow pipeline to remain in its present location where it crosses the W $\frac{1}{2}$  (Lot 4), Section 3, T. 21N, R. 23E, R.M. A copy of this document is enclosed for your review.

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

Respectfully submitted,

ERNEST CARLSEN  
Assistant Regional Supervisor

EC:cw

Enclosure

cc: Bolton Ranch, Inc.  
Sherman Furey, Attorney

RECEIVED

MAR 9 1982

Department of Water Resources  
Eastern District Office

March 5, 1982

Salmon, Idaho,

Dear Sirs,

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

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

Vergil G. Olson  
Salmon,  
Idaho.

P.S.

again I am opposing transfer No. 74-0006/0007/0918/2292 to this illegal point of diversion.

MICROFILMED

Kent W. Foster, Esq.  
HOLDEN, KIDWELL, HAHN & CRAPO  
P. O. Box 129  
Idaho Falls, Idaho 83402  
Telephone: (208) 523-0620

Filed in District Court Lemhi County  
Idaho, February 19 1982  
at 24 minutes past 1 o'clock P. M.  
Robert J. Anderson Clerk  
By Robert J. Anderson Deputy  
File of Anderson Co

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

|                               |   |                        |
|-------------------------------|---|------------------------|
| IN THE MATTER OF THE GENERAL  | ) |                        |
| DETERMINATION OF THE RIGHT TO | ) | Case No. 4948          |
| THE USE OF SURFACE WATERS AND | ) |                        |
| TRIBUTARIES FROM WHATEVER     | ) | RULE 54(b) JUDGMENT    |
| SOURCE OF THE LEMHI RIVER     | ) | REGARDING WATER RIGHTS |
| DRAINAGE BASIN.               | ) | ON GEERTSON CREEK      |
|                               | ) |                        |

IT IS HEREBY ORDERED, ADJUDGED and DECREED, pursuant to the findings of Fact and Conclusions of Law adopted December 16, 1981, by Memorandum Decision of this District Court, that the water rights on Geertson Creek be decreed in accordance with the formal Stipulation attached hereto as Exhibit "A" and incorporated herein by reference.

DATED this 11<sup>th</sup> day of February, 1982.

Boyd R. Thomas  
Boyd R. Thomas  
District Judge

MICROFILMED

Rule 54(b) Certificate

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

DATED this 11<sup>th</sup> day of February, 1982.

Boyd R. Thomas  
Boyd R. Thomas  
District Judge

MICROFILMED

EXHIBIT "A"

Kent W. Foster of  
HOLDEN, KIDWELL, HAHN & CRAPO  
P. O. Box 129  
Idaho Falls, Idaho 83401  
Telephone: 523-0620

Filed in District Court Lemhi County  
Date March 23 1981  
At 55 minutes past 4 o'clock P. M.  
Eleanor Aldous Clerk  
By Alberta Medusnick Deputy

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

|                                    |   |               |
|------------------------------------|---|---------------|
| IN THE MATTER OF THE GENERAL       | ) |               |
| DETERMINATION OF THE RIGHTS TO     | ) | Case No. 4948 |
| THE USE OF SURFACE WATERS AND      | ) |               |
| TRIBUTARIES FROM WHATEVER SOURCE   | ) | STIPULATION   |
| OF THE LEMHI RIVER DRAINAGE BASIN. | ) |               |

On the 26th day of September, 1979, the undersigned parties hereto, together with their respective attorneys of record, met at the Lemhi County Courthouse in Salmon, Idaho, pursuant both to notice previously received by each of said parties, and an "ORDER APPOINTING SPECIAL MASTER, SETTING PRETRIAL CONFERENCES, and SETTING CASE FOR TRIAL," entered by Boyd R. Thomas, Presiding District Judge, on the 5th day of September, 1979, a copy of which was duly served on each of the parties hereto and their respective attorneys of record. At the time and place scheduled for said pretrial conferences and trials, the parties hereto and their respective attorneys discussed at length the various objections referred to herein, and at the conclusion of said discussions, met in open court with the Honorable Milton A. Slavin, Magistrate for Lemhi County, the Special Master appointed by the District Court to hear the objections referred to herein, and stated for the record that an agreement for the resolution of all such objections had been reached, and that a formal stipulation setting forth the agreement of the parties hereto would be prepared and submitted

STATE OF IDAHO  
COUNTY OF LEMHI  
SS.

I, ELEANOR ALDOUS, CLERK OF THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 27 DAY OF Jan 1982

ELEANOR ALDOUS, CLERK  
BY Alberta Medusnick DEPUTY

RECEIVED

for review and approval. This Stipulation constitutes the written agreement of the parties hereto for the disposition of certain portions of the objections previously filed in this action with respect to the various rights to the use of the waters of Geertson Creek and its tributaries in Lemhi County, State of Idaho. The parties hereto have agreed as follows:

1. The record owners of all of the lands to which the rights to the use of the waters of Geertson Creek and its tributaries are appurtenant were present and each was represented by counsel at the time and place set for pretrial conferences and trials on certain objections previously filed to the "Proposed Finding of Water Rights in the Lemhi River Basin" of the Director of the Idaho Department of Water Resources, dated July 9, 1974. The names and addresses of said persons and the names and addresses of their respective attorneys of record are:

Land Owner and Address

Herbert or Katherine Aldous  
Rte 1  
Salmon, Idaho 83467

William B. and/or  
Rose Starr Boulton  
Box 6  
Salmon, Idaho 83467

William T. and/or  
Wilma A. Bramlette  
P. O. Box 336  
Salmon, Idaho 83467

E. Dale and/or  
Mildred H. Jolley  
Route 1  
Salmon, Idaho 83467

Frank J. and/or  
Betty Kohl  
Route 1  
Salmon, Idaho 83467

Attorney and Address

Kent W. Foster  
Holden, Kidwell, Hahn & Crapo  
P.O. Box 129  
Idaho Falls, Idaho 83401

Sherman F. Fury  
P. O. Box 1127  
Salmon, Idaho 83467

W. J. Anderson  
Sharp, Anderson and Bush  
P. O. Box 158  
Idaho Falls, Idaho 83401

Kent W. Foster  
Holden, Kidwell, Hahn & Crapo  
P. O. Box 129  
Idaho Falls, Idaho 83401

W. J. Anderson  
Sharp, Anderson & Bush  
P. O. Box 158  
Idaho Falls, Idaho 83401

Land Owner and Address

Vergil O. and/or  
Irene Olson  
Route 1  
Salmon, Idaho 83467

A. M. and/or  
Verne Santos  
Route 1  
Salmon, Idaho 83401

Ralph L. and/or  
Alta C. Yates  
Route 1 Box 12A  
Salmon, Idaho 83467

Attorney and Address

W. J. Anderson  
Sharp, Anderson and Bush  
P. O. Box 158  
Idaho Falls, Idaho 83401

Kent W. Foster  
Holden, Kidwell, Hahn & Crapo  
P. O. Box 129  
Idaho Falls, Idaho 83401

Kent W. Foster  
Holden, Kidwell, Hahn & Crapo  
P. O. Box 129  
Idaho Falls, Idaho 83401

(Ralph L. and Alta C. Yates are not shown as holders of water rights on Geertson Creek and its tributaries in the Director's Proposed Findings which were filed with the court on or about July 9, 1974. Subsequent thereto, on May 26, 1978, Ralph L. and Alta C. Yates entered into a contract with Herbert A. and Katherine E. Aldous for the purchase of the real property described in the Director's Findings in the name of Herbert or Katherine Aldous to be irrigated with waters from Geertson Creek and its tributaries. Both the Aldouses and the Yates were present and represented by counsel on September 26, 1979 for the purpose of protecting their respective rights under the above mentioned contract of sale).

The landowners named in this paragraph own all of the land entitled to be irrigated with, and are the only holders of the rights to the use of, the waters of Geertson Creek and its tributaries.

Present on behalf of and representing the Director of the Idaho Department of Water Resources and the State of Idaho were L. Glen Saxton, Chief of the Operations Bureau for the Department of Water Resources, and Josephine P. Beeman, Deputy Attorney General.

2. Geertson Creek together with its tributaries is a stream arising in the mountains on the east side of the Lemhi

River Valley in Lemhi County, some distance southeast of the City of Salmon. Although water flowing in Geertson Creek and its tributaries which is not withdrawn for irrigation purposes, ultimately flows into the Lemhi River, Geertson Creek and its tributaries, for the purposes of distribution of water pursuant to the rights mentioned herein, are not tributary to the Lemhi River.

3. Following the filing by the Director of the Idaho Department of Water Resources, of his "Proposed Finding of Water Rights in the Lemhi River Basin", on or about July 9, 1974, and pursuant to the provisions of Idaho Code, §42-1410, the following list of the above named landowners filed objections thereto on the dates set opposite their respective names:

|                                     |                |
|-------------------------------------|----------------|
| E. Dale and Mildred H. Jolley       | March 7, 1975  |
| William T. and Willima A. Bramlette | March 12, 1975 |
| Frank J. and Betty Kohl             | March 12, 1975 |
| Vergil and Irene Olson              | March 12, 1975 |

The Director of the Idaho Department of Water Resources responded to these objections on March 24, 1975, and subsequently determined that all landowners entitled to the use of waters on Geertson Creek and its tributaries would be potentially affected by the resolution of one or more of said objections; consequently, the notices of and the order setting the pretrial conferences and trials thereon were served on all of the landowners who were parties to this agreement. The rights to the use of waters of Geertson Creek and its tributaries shall henceforth be, and the court may award a decree in the manner, set forth in the exhibit attached hereto as "Exhibit A", consisting of revised pages 61 through 67 of the Director's Proposed Finding of Water Rights on file with the court in this matter. All changes in priority dates of the various water rights specified in Exhibit A from the

Director's Proposed Findings are the result of compromises made to facilitate the orderly distribution of the waters of Geertson Creek and its tributaries by the undersigned parties in a good faith effort to resolve the various disputes which have arisen in connection with this adjudication proceeding. The parties hereto all understand and represent that the landowners listed herein are the owners of all of the land entitled to the use of waters from Geertson Creek and its tributaries and that there are no other rights to the use of waters from Geertson Creek and its tributaries which are not listed in Exhibit A. However, in the event any claim, action, or suit is filed in the future for the establishment of any right to the use of the waters of Geertson Creek with a priority earlier than any of those specified in Exhibit A, it is understood that the landowners signatory hereto do not intend to waive or concede the earlier priorities which may have been recommended in the Director's Proposed Finding of Water Rights or which any may be able to establish by virtue of available evidence and information.

5. All objections of the undersigned landowners to the Director's Proposed Findings with respect to the use of the waters of Geertson Creek and its tributaries, are hereby withdrawn. Specifically, but without intention to limit or exclude objections which would be withdrawn by implication or inference, the following specific numbered paragraphs of the objections filed by the parties named in paragraph 3. above, are to be included as having been withdrawn hereby:

|                                |                                      |
|--------------------------------|--------------------------------------|
| E. Dale & Mildred Jolley       | Paragraphs V, VI, VII, VIII. and IX  |
| William T. & Wilma A Bramlette | Paragraphs Nos. 1.a), b), and c).    |
| Frank J. and Betty Kohl        | Paragraphs Nos. 1.a), b), c) and d). |
| Vergil O. & Irene Olson        | Paragraphs Nos. 1.a), b), and c).    |

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

LANDOWNERS:

Herbert Aldous  
Herbert Aldous

Katherine Aldous  
Katherine Aldous

William B. Boulton  
William B. Boulton

Rose Starr Boulton  
Rose Starr Boulton

William T. Bramlette  
William T. Bramlette

Wilma A. Bramlette  
Wilma A. Bramlette

E. Dale Jolley  
E. Dale Jolley

Mildred H. Jolley  
Mildred H. Jolley

Frank J. Kohl  
Frank J. Kohl

Betty Kohl  
Betty Kohl

Vergil O. Olson

Irene Olson

Verne Santos  
Verne Santos

A. M. Santos  
A. M. Santos

Ralph J. Yates

Alta C. Yates

ATTORNEYS FOR LANDOWNERS:

HOLDEN, KIDWELL, HAHN & CRAPO

By: Rent W. Foster  
Rent W. Foster

SHARP, ANDERSON & BUSH

By: W. J. Anderson  
W. J. Anderson

ATTORNEYS FOR LANDOWNERS:

*Sherman F. Furey*  
Sherman F. ~~Furey~~ Furey

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

By: *Josephine P. Beeman*  
Josephine P. Beeman  
Deputy Attorney General

The above Stipulation having been presented to the  
Court and the Court having read and considered the same, and  
being fully advised in the premises, it is hereby approved this  
\_\_\_\_\_ day of \_\_\_\_\_, 1980.

Milton A. Slavin, Magistrate,  
Sitting as Special Master

(Court Seal)



# United States Department of the Interior

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

IN REPLY REFER TO

R/W

I-17724

RECEIVED

FEB 12 1982

Department of Water Resources  
Eastern District Office

February 10, 1982

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

Dear Ernie:

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

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

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

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

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

Sincerely,

*Jerry Goodman*

Jerry Goodman  
Acting District Manager

Enclosures

MICROFILMED

-15-74

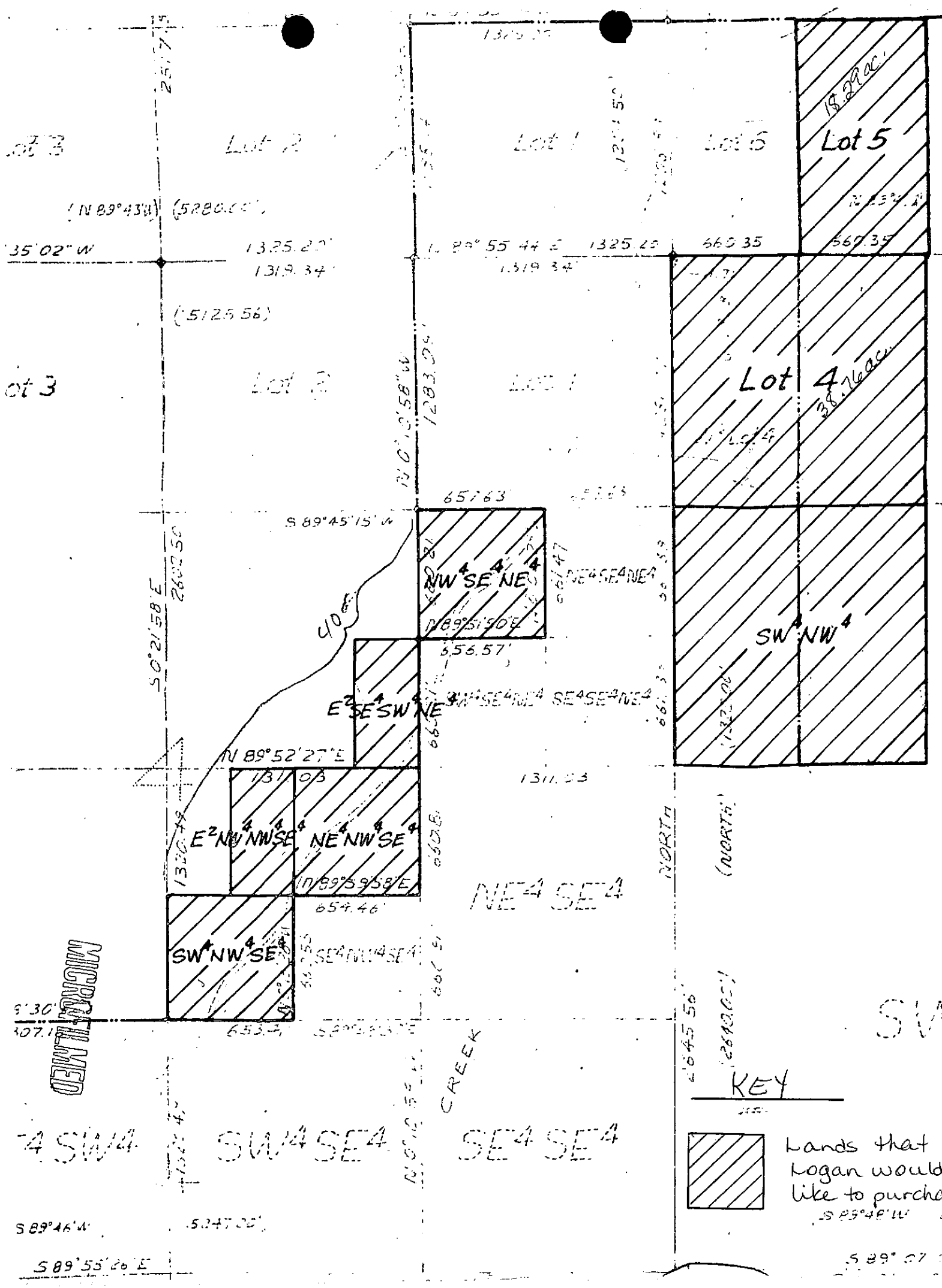
BLM-1-4

3-358-187



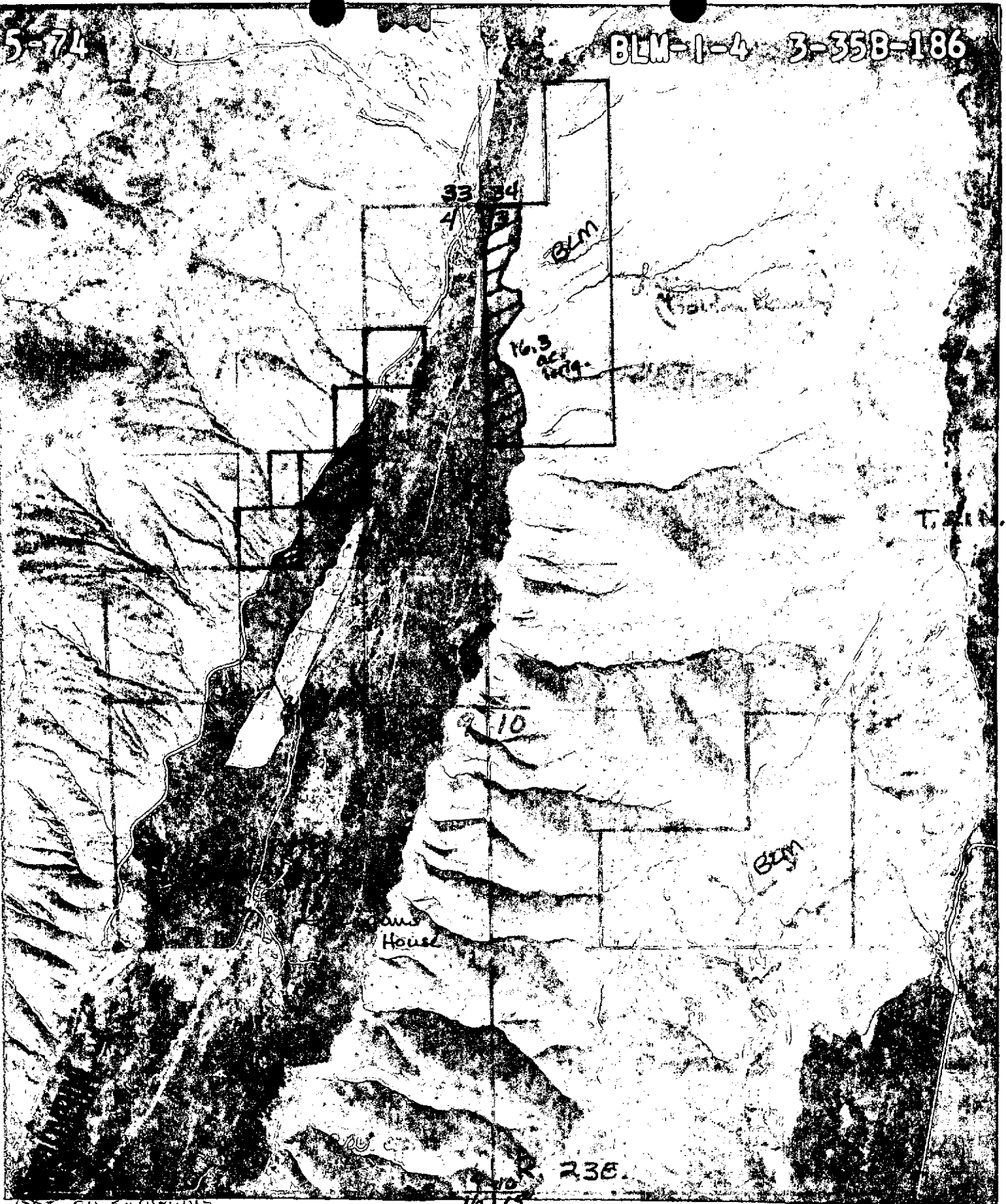
Goldstone mtn. Quad 415

RECEIVED  
JAN 10 1975



5-74

BLM-1-4 3-35B-186



Isolated tract  
identified for disposal



Tracts Logan would  
like BLM to sell



Unauthorized  
Irrigated & cultivated  
public lands

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

DECISION

RIGHT-OF-WAY GRANTED

Details of Grant

Serial Number of Grant: I-17724

Name of Grantee: Bolton Ranch, Inc.

Map showing the location and dimensions of grant:

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

Date filed: May 26, 1981

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

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

Regulations applicable to grant:

Code reference: 43 CFR 2800

Date of Grant: November 13, 1981

Expiration of Grant: 30 years from date of issuance

Rental:

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

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

Terms and Conditions of Grant

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

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

/s/ William E. Ireland

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

bcc: D.M., Salmon w/cy of 3(b)  
Yeary:ww:11/13/81

MICROFILMED

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

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

MICROFILMED

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

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

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

BOLTON RANCH, INC.

Accepted by

Signature

Title

Vice Pres. Manager  
Bolton Ranch Inc.

Date

10-30-81

MICROFILMED

BUREAU OF LAND MGMT  
IDAHO STATE OFFICE  
BOISE, IDAHO

NOV 9 - 1981

RECEIVED 11/15/81

|                     |                     |                     |                     |
|---------------------|---------------------|---------------------|---------------------|
|                     |                     |                     |                     |
|                     |                     | $\frac{10.7}{0007}$ | $\frac{34}{0007}$   |
|                     | $\frac{1}{2272}$    | $\frac{32.5}{0007}$ | $\frac{35}{0007}$   |
|                     | $\frac{14.6}{2222}$ | $\frac{36}{0918}$   | $\frac{15.3}{0006}$ |
|                     | $\frac{23.9}{0006}$ | $\frac{30}{0918}$   | $\frac{10.3}{0006}$ |
| $\frac{7}{2200}$    | $\frac{38.9}{2200}$ | $\frac{31.7}{0006}$ |                     |
| $\frac{27.2}{2200}$ | $\frac{37.6}{2200}$ |                     |                     |

MICROFILMED

Transfer 74-0006/0007/0918/2272.

Oct. 29, '81

Transfer 74-2200.

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

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

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

Does not intend to change the place of use.

74-2200.

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

Virgil Olson

442-222 requires hydrologic study.

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

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

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

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

Q. Are these rights included in the stipulation.

1881

AC CFC.

81 .6

1884

112 1.0

RECEIVED

HEARING.

10:39 A.M.

Bolton Ranch, Inc. represented by Sherman Furey Jr.

Virgil Olson, } representing self.  
Verdell Olson, }

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

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

74-2200 - Intent - record change in location of ditch ~~as~~ resulting from installation of gravity flow sprinkler system.

SENE Section 9 - new p.d.

NW SE " - believed to be traditional p.d. but not listed in Proposed Findings.

- NENE Section 4 - primary p.d.

- No change in P.O.U.

- No Injury.

74-0006 -

- Right-of-way through B.L.M. lands requested ~~at~~ 8 months.
- 10-22-81 - reply affirming recommendation for approval of right-of-way.

74-2200

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

MICROFILMED

Direct Virgil Olson -

- Fluctuation on creek ~~required~~ <sup>method of</sup> caused by operation of the sprinkler system.
- Are in trespass on B.L.M.

Direct Virgil Olson

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

X-Exam - Furey -

- There is vegetation along banks of channel.

MICROFILMED

x-exam - Virgil

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

x-exam Verdel -

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

Direct Neal Ankrum - Watermaster

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

x-exam - Virgil -

- Received instruction from Dept. to regulate rights

Tap #2 7:37  
11:24.

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

x-exam Verdel -

- Will in p.d. cause <sup>more</sup> loss thru evaporation & seepage

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

ENCLOSURE

74-0006 etc

74-2200

Conference

Sec. 42

~~74-2200~~

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

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

Issue

Trespass on BLM ground →

||

Hearing

Direct David Logan, Manager

Case 4948 -

Reason for filing - 74-0006

- To add a P.D. for gravity sprinkler system

- No change in PU is proposed.

- No ground added -

- No injury would be caused by the change -

Reason for filing 74-2200

There was a PD in NW NE that will be deleted, and PD added in SW N.  
The PD in NW SE always be in the no but not clear

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

RECEIVED  
JAN 11 1974

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

- Right of Way on Transfer 2580

Application applied for 8 months ago

Recent letter read into the record - from BLM

→ P.D. on private land but pipeline crosses

- BLM ground.

X-exam -

1. Has use been expanded - ?

2.

3. Changes

→ Changing sprinkling ~~in~~ system effects

→

→ Was a stream channel ~~and~~ application filed -

→ The Green Book shows PD in Sec 34.

Two ~~PD~~ Pumpo

!

Direct - Neil Ankram -

Rancher for 30 years - Retired - Now Watermaster

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

Would not adversely affect Olson

X-exam -

RECORDED

Statement by Virgil

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

~~Water~~

→

Verdell X-exam

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

There is

No

Protestant -

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

Protestant - Verdell Olson

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

X-exam

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

→

MICROFILMED

T 74-0006/etc. and 74-2200 - Bolton Ranch Inc.

Courtroom, Lemhi County Courthouse, Salmon, Idaho

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

ROSTER OF ATTENDANCE

Hearing Officer \_\_\_\_\_

| Name                  | Address                          | Representing          |
|-----------------------|----------------------------------|-----------------------|
| Sherman F. Firey, Jr. | Box 1127<br>Salmon, ID.<br>83467 | Bolton Ranch,<br>Inc. |
| Niel Askrum           | Rt 1 Box 47<br>Salmon Id.        |                       |
| Merry B. Logan        | Rt 1 Box 14<br>Salmon Id         | Bolton Ranch, Inc     |
| Stephanie Brady       | Box 430<br>Salmon                | B&M                   |
| Virgil O. Olson       | Rt 1 Box 12                      | Salmon Idaho -        |
| Verdell Olson         | Rt 1 <sup>st</sup> Box 17A       | Salmon, Idaho,        |

RECEIVED  
OCT 30 1981

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

|                                           |   |                   |
|-------------------------------------------|---|-------------------|
| IN THE MATTER OF APPLICATION FOR TRANSFER | } | COMBINED          |
| NO. 74-2200 AND 74-0006/0007/0918/2272 IN |   | NOTICE OF HEARING |
| THE NAME OF BOLTON RANCH, INC.            |   | AND/OR CONFERENCE |

---

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

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

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

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

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

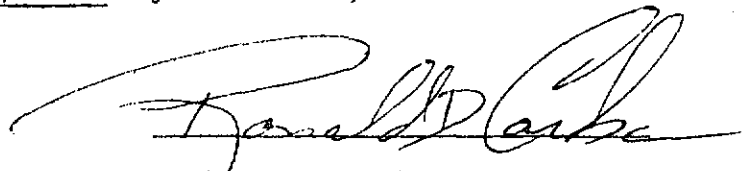
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OCT 30 1981  
IDAHO DEPT. OF WATER RESOURCES

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

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

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

Dated this 9<sup>th</sup> day of October, 1981.

  
Regional Supervisor

11/10/81

Affix stamp here if issued as  
certificate of mailing or for  
additional copies of this bill.  
**POSTMARK AND DATE OF RECEIPT**

MICROFILMED



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

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

October 16, 1981

Lemhi County Courthouse  
Lemhi County Clerk  
Salmon, Idaho 83467

Dear Beverly:

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

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

RECEIVED  
OCT 21 1981

August 5, 1981

RE: Application for Transfer No. 74-2200  
78-0006/0007/0918/2272 BOLTON RANCHES

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

Dear Mr. Olson:

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

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

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

**August 5, 1981**

RE: Application for Transfer No. 74-2200

74-0006/0007/0918/2272 BOLTON RANCHES

Verdell Olson  
Salmon,  
Idaho 83467

Dear Mr. Olson:

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

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

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC: CW

cc: IDWR - State Office

August 5, 1981

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

Bolton Ranch Inc.  
Rt. #7, Box 14  
Salmon, Idaho 83467

Gentlemen:

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

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

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

Enclosure

74-0006

Salmon, Idaho  
July 31, 1981

Water Dept State of Idaho

Dear Sir:

I protesting the change ~~the~~ of point of diversion that Bolton Ranchers Inc. are filing the following numbers. 74-0006; 740007; 740918, 74 22 72; 74-2200 -

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

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

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

RECEIVED

RECEIVED

AUG 3 1981

Department of Water Resources  
Eastern District Office

Thaddeus Wilson  
July 31, 1981

RECEIVED

AUG 8 1981

Department of Water Resources  
Eastern District OfficeSalmon Lake to  
July 31, 1981Water Dept. State of Idaho  
To Whom it may concern.

Dear Sir:

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

a. The point of diversion being sought is now in trespass of B. S. M. Grund.

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

C. If these point of diversion is granted it will ~~have~~ event all the users on Gilbertson creek.

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

Other rights include 74-2200 -

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

Vergil O. Olson

MICROFILMED

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: K. C. Wilson

1. Right number 74-0006, -0007, -0918, -2272 Applicant Bolton Rand Inc

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

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

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

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

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

d. ☒ Check description of place of use.

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

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

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

h. ☒ Check for expansion in use of right. Comments \_\_\_\_\_

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

Right number(s) 74-0619

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

If yes, what district? 74-A

QUAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on 7/9/81 Received on \_\_\_\_\_

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

#### COMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions\* \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

August 5, 1981

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

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

Gentlemen:

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

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

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

Enclosure

MICROFILMED

August 5, 1981

RE: Application for Transfer No. 74-2200  
76-0006/0007/0918/2272 BOLTON RANCHES

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

Dear Mr. Olson:

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

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

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

MICROFILMED

August 5, 1981

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

Verdell Olson  
Salmon,  
Idaho 83467

Dear Mr. Olson:

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

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

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

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

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED

74-0006 - 74-0007  
Identification No. 74-0918 - 74-2272

Transfer No. \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Niel Ankrum, watermaster of Geerts on Creek,  
of Water District No. 74-A, County of Lemhi, State of Idaho,  
whose address is Rt. 1, Box 47, Salmon, Idaho 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 Application for Transfer and recommend that the State  
Reclamation Engineer approve the Transfer subject to the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

B. I do not endorse approval of this Application for Transfer as requested  
for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Salmon, Idaho, this 29 day of July, 19 81.

Niel Ankrum  
(Signature)

MICROFILMED

RECEIVED

JUL 31 1981

Department of Water Resources  
Eastern District Office

July 9, 1981

RE: Applications for Transfer of Water Rights Nos. 74-2200 and 74-0006,  
74-0007, 74-0918 & 74-2272 BOLTON RANCH INC.

Neal Ankrum  
Watermaster  
Water District No. 74A  
Route #1, Box 47  
Salmon, ID 83467

Dear Mr. Ankrum:

Enclosed please find copies of the above referenced applications and watermaster recommendation forms. Please review the applications and complete the forms, returning them to this office on or before August 3, 1981.

Thank you for your cooperation in this matter.

Respectfully submitted,

ERNEST CARLSEN  
Sr. Resource Analyst

EC:kw  
Enclosures

RECEIVED  
JUL 14 1981  
WATER DISTRICT NO. 74A

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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

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

Right No. 74-0006

AMOUNT: 0.60 cfs

PRIORITY: 5/1/1881

POINT OF DIVERSION: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 9; Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 4; Twp. 21N, Rge. 23E, Lemhi County.

The water is used for irrigation purposes from April 1 to November 1 within the E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 9, Twp. 21N, Rge. 23E, for 81.2 acres.

Right No. 74-0007

AMOUNT: 1.00 cfs

PRIORITY: 6/1/1884

POINT OF DIVERSION: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 4, Twp. 21N, Rge. 23E, Lemhi County.

The water is used for irrigation purposes from April 1 to November 1 within the SE $\frac{1}{4}$ , Sec. 4, Twp. 21N, Rge. 23E, for 112.2 acres.

Right No. 74-0918

AMOUNT: 1.32 cfs

PRIORITY: 5/5/1893

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 9; SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, Twp. 21N, Rge. 23E, Lemhi County.

The water is used for irrigation purposes from April 1 to November 1 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 9, Twp. 21N, Rge. 23E, for 66 acres.

REPRODUCTION

Right No. 74-2272

AMOUNT: 0.54 cfs

PRIORITY: 5/23/1923

POINT OF DIVERSION: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), Sec. 4, Twp. 21N, Rge. 23E,  
Lemhi County.

The water is used for irrigation purposes from April 1 to November 1 within  
the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 4; NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 9; Twp. 21N, Rge. 23E, for 15.6 acres.

TO BE CHANGED AS FOLLOWS

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

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

A. KENNETH DUNN

Director

Published in the Recorder-Herald 7/16 & 7/23/1981.

MICROFILMED

February 13, 1975

Re: Transferred Right No. 322 (74-0006) Lemhi Irrigation and Orchard Company

Vergil Olson  
Route 1  
Salmon, ID 83467

Dear Mr. Olson

Pursuant to our discussion in this office, I have located a copy of the above referenced transfer. A copy of the Order Granting Transfer and Certificate of Water Right are enclosed for your information.

After some research, I think I have determined your question concerning the Elijah Schofield, Sr. License identified as 74-2264. This particular right was not claimed during the adjudication since you stated that water was released from storage at a faster rate. This practice is reflected on your right identified as 74-0832 on page 67 of the Proposed Finding of Water Rights. Since this use of water has apparently changed over the years, licensed right 74-2264 does not reflect your current use of water and has been recommended to be disallowed on page 436 of the Proposed Finding of Water Rights.

You likely could protest this recommendation but the result might be that you could release from storage at a rate of 0.4 cfs rather than 2.0 cfs as now recommended on 74-0832.

With regard to cancelled permit R-218, I could not locate any past correspondence from myself to Mr. Snook of Salmon.

If this office can be of further assistance, please contact me.

Sincerely

L. Glen Saxton

LGS:rib

September 12, 1922.

Re: Certificate Transfer #322.

Mr. Fred Grandall,  
Salmon, Idaho.

Dear Sir:-

Enclosed you will find certificate of transfer of water  
right issued to the Lemhi Irrigation & Orchard Co., together with  
receipt for fee paid.

Very truly yours,

W. G. SWANSEN,

Commissioner of Reclamation.

By

Chief Clerk.

OT322-R8252

RECORDED

FRED CRANDALL  
COUNTY SURVEYOR  
LEMHI COUNTY

FRED CRANDALL, C. E.  
STATE LICENSED ENGINEER  
U. S. DEPUTY MINERAL SURVEYOR  
PHONE 186 BLACK

SALMON, IDAHO

September 5, 1922

Mr. W.G. Swendsen,  
Commissioner of Reclamation,  
Boise, Idaho.

Dear Sir:

Enclosed please find affidavit of publication  
in connection with transfer of water right of the  
Lemhi Irrigation and Orchard Co. as requested by  
your letter of Aug. 29.

Yours very truly,

*Fred Crandall*

MICROFILMED

FRED CRANDALL

COUNTY SURVEYOR  
LEMHI COUNTY

FRED CRANDALL, C. E.  
STATE LICENSED ENGINEER  
U. S. DEPUTY MINERAL SURVEYOR  
PHONE 196 BLACK

SALMON, IDAHO

August 25, 1922

Mr. W.G. Swendsen,  
Commissioner of Reclamation,  
Boise, Idaho.

Dear Sir:

In reply to your notice of the 18th. inst.  
please find enclosed P.O. for \$1.00 fee in connection  
with certificate of transfer of water right in favor  
of the Lemhi Irrigation and Orchard Co.

Kindly mail same to me.

Yours very truly,

*Fred Crandall*

MICROFILMED

#322  
August 14, 1922.

Re: Peter McKinney transfer.

Mr. John H. Padgham,  
Attorney at law,  
Gooding, Idaho.

Dear Sir:-

Enclosed you will find copy of the order allowing  
the application of Peter McKinney for transfer of water right.  
The certificate is now being drawn.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

C-

MICROFILMED

JOHN H. PADGHAM  
ATTORNEY-AT-LAW  
SALMON, IDAHO

Salmon, Idaho,  
August 10, 1922.

Mr. W. G. Swendsen,  
Commissioner of Reclamation,  
Boise, Idaho.

Dear Sir:

When you have announced your decision in the matter of the application of Peter McKinney for the transfer of 0.6 second feet of the waters of Geertson Creek, please write me what your decision is in the case, and oblige,

Yours truly,

*John H. Padgham.*  
Attorney for Walter Schfield.

MICROFILMED

JHP:H

July 15, 1922.

In Re: Peter McKinney Transfer Case.

Mr. John H. Padgham,  
Attorney at Law,  
Salmon, Idaho.

Dear Sir:

Receipt is acknowledged of your communication  
of July 12th enclosing affidavits of Elijah and Walter E.  
Schoffield.

It is allowable that the showing at the hearing  
in the above case either be by affidavit or oral evidence  
or both, if deemed necessary by the protestant.

Very truly yours,

W. G. SWENDSEN  
Commissioner of Reclamation

By

Assistant

GNC:P

RECEIVED  
JUL 17 1922

JOHN H. PADGHAM  
ATTORNEY-AT-LAW  
SALMON, IDAHO

Salmon, Idaho,  
July 12, 1922.

Mr. W. G. Swendson,  
Commissioner of Reclamation,  
Boise, Idaho.

Dear Sir:

I am enclosing to you herewith affidavits of Elijah and Walter E. Schofield for answer to the application of Peter McKinney for transfer of 0.6 second feet of the water of Geertson Creek to Section 9 in Tp. 21 N. R. 23 E of the B. M. If further proof is desired in any particular relative to this matter it will be furnished and the said Elijah and Walter E. Schofield desire to furnish it to the end that the water aforesaid be not transferred.

The ground described in the application as the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  Section 27 Tp. 22 N. R. 23 E and W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Sec. 34 Tp. 21 N. R. 23 E. is the ground embraced within the boundary lines of the "FORCE ME TO" placer mining claim located many years ago, and since abandoned. Mr. McKinney never had any other title to that ground and, I am reliably informed that no part of the waters of Geertson Creek has been used on any part of that ground since the year 1916, other than that used by Walter E. Schofield on the part that he entered and now owns. In fact water has not been used for placer mining on that ground for a period of thirty years prior to this date.

Mr. Schofield mortgaged his land and the 0.6 second feet of water to the Federal Land Bank of Spokane, which mortgage is of record and will not be due for many years to come.

Kindly acknowledge receipt of these papers, and oblige,

Very respectfully,

*John H. Padgham*

JHP:H  
Enc.

IN THE MATTER OF THE PROPOSED TRANSFER OF WATER RIGHT

FROM:

The SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Section 34 in Township 22 North, Range 23, East of the Boise Meridian, water of Geertson Creek,

TO:

The E $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 21 North, Range 23 E. B. M., on application of Peter McKinney.

REASONS WHY A CERTIFICATE SHOULD NOT BE ISSUED BY THE COMMISSION OF RECLAMATION OF THE STATE OF IDAHO AUTHORIZING A TRANSFER OF THE RIGHT TO USE THE WATERS OF GEERTSON CREEK:

STATE OF IDAHO :  
: ss.  
COUNTY OF LEMHI:

Elijah Schofield being duly sworn deposes and says:

I am the owner of the right to the continuous use of thirty miners' inches of the waters of Geertson Creek measured under a four inch pressure, for the irrigation of my land; said right was awarded to me by the decree of the District Court of Lemhi County, Idaho, made and entered in said court on the 5th day of May in the year 1893, in an action wherein Lars C. Geertson was plaintiff and John Barrack and others were defendants; I was a party defendant in said action;

That I have used said amount of water, through and by virtue of the rights given me by said decree, every year since the year 1893; and said amount of water, and more, if I could have it, is necessary for the proper irrigation of my said land, which I owned at the time said decree was rendered;

I have been Water Master for the distribution of the waters of Geertson Creek several years past, and know of my own knowledge that in low water season of each year the water in said creek is very low and not sufficient to fill all the rights awarded by said decree;

That I will be injured if the water named in the application of Peter McKinney is transferred from Sections 27 and 34 in

Township 22 North, Range 23 East to Section 9 in Township 21 North,  
Range 23 East;

That I make this affidavit for the purpose of showing  
that said water should not be transferred from the land in Sections  
17 and 34 in Township 22 N. Range 23 East to lands in Section 9, in  
Township 21 N. Range 22 East, for the reason that I will be injured  
by not having the amount of water awarded to me by said decree, if  
said transfer is made;

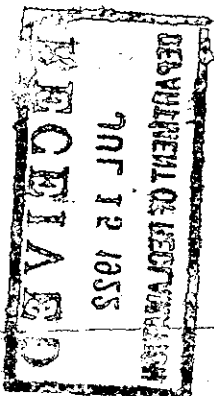
That I have read the affidavit of Walter E. Schofield  
and know the contents thereof, and that the statements therein  
made are true;

That one Mr. Gortney is the present Water Master for the  
distribution of the waters of Geertson Creek, who is an employee of  
Peter McKinney, the applicant for transfer of said water, and has  
been such employee for several years, last past.

Elijah Schofield

Subscribed and sworn to before me this 11<sup>th</sup> day of  
July, A. D., 1932.

Julius Merritt  
Notary Public for Idaho.  
Residing at Salmon, Idaho.



IN THE MATTER OF THE PROPOSED TRANSFER OF WATER RIGHT

**FROM:**

The SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Section 34 in Township 22 North, Range 23, East of the Boise Meridian, water of Geertson Creek,

**TO:**

The E $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 21 North, Range 23 E. B. M., on application of Peter McKinney.

REASONS WHY A CERTIFICATE SHOULD NOT BE ISSUED BY THE COMMISSION OF RECLAMATION OF THE STATE OF IDAHO AUTHORIZING A TRANSFER OF THE RIGHT TO USE THE WATERS OF GEERTSON CREEK:

STATE OF IDAHO :  
: ss.  
COUNTY OF LEMHI:

Elijah Schofield being duly sworn deposes and says:

I am the owner of the right to the continuous use of thirty miners' inches of the waters of Geertson Creek measured under a four inch pressure, for the irrigation of my land; said right was awarded to me by the decree of the District Court of Lemhi County, Idaho, made and entered in said court on the 5th day of May in the year 1893, in an action wherein Lars C. Geertson was plaintiff and John Barrack and others were defendants; I was a party defendant in said action;

That I have used said amount of water, through and by virtue of the rights given me by said decree, every year since the year 1893; and said amount of water, and more, if I could have it, is necessary for the proper irrigation of my said land, which I owned at the time said decree was rendered;

I have been Water Master for the distribution of the waters of Geertson Creek several years past, and know of my own knowledge that in low water season of each year the water in said creek is very low and not sufficient to fill all the rights awarded by said decree;

That I will be injured if the water named in the application of Peter McKinney is transferred from Sections 27 and 34 in

Township 22 North, Range 23 East to Section 9 in Township 21 North, Range 23 East;

That I make this affidavit for the purpose of showing that said water should not be transferred from the land in Sections 27 and 34 in Township 22 N. Range 23 East to lands in Section 9, in Township 21 N. Range 22 East, for the reason that I will be injured by not having the amount of water awarded to me by said decree, if said transfer is made;

That I have read the affidavit of Walter E. Schofield and know the contents thereof, and that the statements therein made are true;

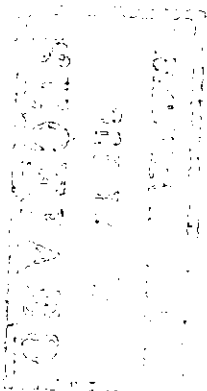
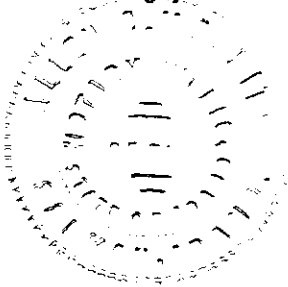
That one Mr. Gortney is the present Water Master for the distribution of the waters of Geertson Creek, who is an employee of Peter McKinney, the applicant for transfer of said water, and has been such employee for several years, last past.

Elijah Schofield

Subscribed and sworn to before me this 17th day of

July, A. D., 1922.

Allen O. Merrill  
Notary Public for Idaho.  
Residing at Salmon, Idaho.



IN THE MATTER OF THE PROPOSED TRANSFER OF WATER RIGHT

FROM:

The SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Section 34 in Township 22 North, Range 23, East of the Boise Meridian, water of Geertson Creek,

TO

The E $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 21 North, Range 23 East of the Boise Meridian, on application of Peter McKinney.

REASONS WHY A CERTIFICATE SHOULD NOT BE ISSUED BY THE COMMISSION OF RECLAMATION OF THE STATE OF IDAHO AUTHORIZING A TRANSFER OF THE RIGHT TO USE THE WATERS OF GEERTSON CREEK:

STATE OF IDAHO, :  
: ss.  
COUNTY OF LEMHI:

Walter E. Schofield being duly sworn deposes and says:

That before the Government Survey of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27 and the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Section 34 in Township 22 N. Range 23 E. B. M., the "FORCE ME TO" Placer Mining Claim embraced all of said last described land, and on, to-wit: July 8th in the year 1914, Peter McKinney, the applicant in this proceeding, was the owner of said placer mining claim with a right to the use of thirty (30) miners' inches of the waters of said creek, measured under a four inch pressure, which was decreed to the predecessor of Peter McKinney by decree of the District Court of Lemhi County, wherein and whereby the waters of Geertson Creek in said county, was awarded to the several owners of land adjacent thereto;

That on said last named date said Peter McKinney made, executed and delivered to the Lemhi Irrigation and Orchard Company a deed of said placer mining claim and water right, and said deed is the last named deed of said placer claim and water appurtenant, of record in Lemhi County;

That there has been no use of said placer mining claim and no work done thereon for the mining of mineral since a time long prior to the year 1902, and no use has been made of said amount

of water from said creek upon said mining claim for mining purposes, or any part thereof, since said last named date;

That I entered upon the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, the W $\frac{1}{2}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 34 in said Township 22, North Range 23 E. B. M., during the month of March in the year of 1916, and have continually since that time resided thereon and continually used the waters of said creek thereon to the amount of thirty inches in low water season and a larger amount during flood water seasons of every year since that time;

That I appropriated said amount of water in the month of March, 1916, in the following manner:

In the month of March in said year I cleaned and repaired an old ditch from the channel of said creek to my said land last above described, and enlarged said ditch where necessary to dimensions sufficient to convey more than 30 miners' inches of water;

That on the 25th day of March in said year I diverted from the channel of said creek into the head of said ditch 30 miners' inches of water from said channel and conveyed the same to said ranch and used it for the irrigation thereof during that year, and have so diverted and used said amount of water every year since that time for the irrigation of said land, and am now using said amount of water upon said land for the irrigation of the same;

That said water is the same water formerly diverted to, and used upon, said placer claim;

That after said land was surveyed by the government of the United States and platted, and on, to-wit: The 18th day of March in the year 1916, I made entry of said SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, the said W $\frac{1}{2}$  of the NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 34 in Township 22 North, Range 23 East, Serial No. 019598, as agricultural land, and have continued my residence thereon since that date; and in the month of May in the year 1921, I received a patent deed therefor, and now own the said land and the right to the use of said amount of water thereon. In addition to said amount of water I use flood water every season, and in low water season I am confined to the use of said amount of 30 inches;

That said Geertson Creek is a small stream of water, and in low water season there is not sufficient water therein to fill all the rights named in said decree;

That some of the later rights so decreed are often without the amount of water thereby awarded to them;

That the land on Section 9, Township 21 North, Range 23 East, to which it is proposed to transfer said water, is situated fully two and one-half miles down the creek from the head of the ditch that conveyed water to said placer mining claim;

That there are three other decreed rights, the owners of which will be injured by the transfer of said water, viz:

George Geertson, successor to Lars C. Geertson, Elijah Schofield and William Beattie, successor to James Beattie;

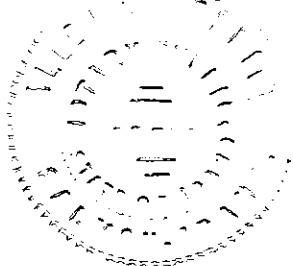
That I make this affidavit as an answer to the application of said Peter McKinney, and for the purpose of showing that said Peter McKinney abandoned all right to the use of said 30 inches of water for a period of time more than five successive years, and for the purpose of showing that said Peter McKinney does not own the land which I now claim, and has had no use of water upon said land since I entered the same and since I commenced to use said amount of water thereon, and that I will be injured by the transfer of said 30 inches of water to the lands claimed by said Peter McKinney.

Walter E. Schofield

Subscribed and sworn to before me this 11<sup>th</sup> day of July,

A. D., 1922.

Allen O. Merrill  
Notary Public for Idaho.  
Residing at Salmon, Idaho.



IN THE MATTER OF THE PROPOSED TRANSFER OF WATER RIGHT

FROM:

The SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Section 34 in Township 22 North, Range 23, East of the Boise Meridian, water of Geertson Creek,

TO

The E $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, Township 21 North, Range 23 East of the Boise Meridian, on application of Peter McKinney.

REASONS WHY A CERTIFICATE SHOULD NOT BE ISSUED BY THE COMMISSION OF RECLAMATION OF THE STATE OF IDAHO AUTHORIZING A TRANSFER OF THE RIGHT TO USE THE WATERS OF GEERTSON CREEK:

STATE OF IDAHO,:

: ss.

COUNTY OF LEMHI:

Walter E. Schofield being duly sworn deposes and says:

That before the Government Survey of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27 and the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of Section 34 in Township 22 N. Range 23 E. B. M., the "FORCE ME TO" Placer Mining Claim embraced all of said last described land, and on, to-wit: July 8th in the year 1914, Peter McKinney, the applicant in this proceeding, was the owner of said placer mining claim with a right to the use of thirty (30) miners' inches of the waters of said creek, measured under a four inch pressure, which was decreed to the predecessor of Peter McKinney by decree of the District Court of Lemhi County, wherein and whereby the waters of Geertson Creek in said county, was awarded to the several owners of land adjacent thereto;

That on said last named date said Peter McKinney made, executed and delivered to the Lemhi Irrigation and Orchard Company a deed of said placer mining claim and water right, and said deed in the last named deed of said placer claim and water appurtenant, of record in Lemhi County;

That there has been no use of said placer mining claim and no work done thereon for the mining of mineral since a time long prior to the year 1902, and no use has been made of said amount

of water from said creek upon said mining claim for mining purposes, or any part thereof, since said last named date;

That I entered upon the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 27, the W $\frac{1}{2}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 34 in said Township 22, North Range 23 E. B. M., during the month of March in the year of 1916, and have continually since that time resided thereon and continually used the waters of said creek thereon to the amount of thirty inches in low water season and a larger amount during flood water seasons of every year since that time;

That I appropriated said amount of water in the month of March, 1916, in the following manner:

In the month of March in said year I cleaned and repaired an old ditch from the channel of said creek to my said land last above described, and enlarged said ditch where necessary to dimensions sufficient to convey more than 30 miners' inches of water;

That on the 25th day of March in said year I diverted from the channel of said creek into the head of said ditch 30 miners' inches of water from said channel and conveyed the same to said ranch and used it for the irrigation thereof during that year, and have so diverted and used said amount of water every year since that time for the irrigation of said land, and am now using said amount of water upon said land for the irrigation of the same;

That said water is the same water formerly diverted to, and used upon, said placer claim;

That after said land was surveyed by the government of the United States and platted, and on, to-wit: The 16th day of March in the year 1916, I made entry of said SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 17, the said W $\frac{1}{2}$  of the NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 34 in Township 22 North, Range 23 East, Serial No. 019598, as agricultural land, and have continued my residence thereon since that date; and in the month of May in the year 1921, I received a patent deed therefor, and now own the said land and the right to the use of said amount of water thereon. In addition to said amount of water I use flood water every season, and in low water season I am confined to the use of said amount of 30 inches;

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NOTARY PUBLIC  
SALMON, IDAHO

That said Geertson Creek is a small stream of water, in low water season there is not sufficient water therein to give all the rights named in said decree;

That some of the later rights so decreed are often without the amount of water thereby awarded to them;

That the land on Section 9, Township 21 North, Range 23 East, to which it is proposed to transfer said water, is situated fully two and one-half miles down the creek from the head of the ditch that conveyed water to said placer mining claim;

That there are three other decreed rights, the owners of which will be injured by the transfer of said water, viz:

George Geertson, successor to Lars C. Geertson, Elijah Schofield and William Beattie, successor to James Beattie;

That I make this affidavit as an answer to the application of said Peter McKinney, and for the purpose of showing that said Peter McKinney abandoned all right to the use of said 30 inches of water for a period of time more than five successive years, and for the purpose of showing that said Peter McKinney does not own the land which I now claim, and has had no use of water upon said land since I entered the same and since I commenced to use said amount of water thereon, and that I will be injured by the transfer of said 30 inches of water to the lands claimed by said Peter McKinney.

Walter E Schofield

Subscribed and sworn to before me this 11th day of July,

A. D., 1922.

Allen O. Merritt  
Notary Public for Idaho.  
Residing at Salmon, Idaho.



(P. O.) Salmon, Idaho,

(Date) July 1, 1922.

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of 6/28 enclosing notice of ~~proof~~ <sup>transfer</sup> under  
of water right,  
Permit No. which will be published as you request, beginning with our issue of 7/5/22

EK A MICROFILMED  
for The Herald.

# Notice of Proposed Transfer of Water Right

Notice is hereby given that Peter McKinney of Salmon  
Idaho, has applied to the Commissioner of Reclamation of the State of Idaho  
 for a certificate authorizing him to transfer the use of 0.6 second feet  
 of the water of Geartson Creek,

from the land upon which it is now used, i. e. S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 27, and W<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub> Sec. 34, Twp. 22 N.,  
R. 23 E., B.M.

to the following described tract E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 9, Twp. 21 N., R. 23 E., B.M.

And that, on the 19th day of July, A. D. 1922  
at 10:30 a.m., at the Department of Reclamation of the State of Idaho, Boise,  
 before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and  
 all persons to appear and present for his consideration any reason or reasons why a certificate should  
 not be issued authorizing such transfer.

W. G. Swendsen,  
 Commissioner of Reclamation

**STATE OF IDAHO**  
**DEPARTMENT OF RECLAMATION**

**BOISE**

**MICROFILMED**

**The Herald,**

**Salmon, Idaho.**

**Boise, Idaho,**

**June 28<sup>th</sup>, 1922.**

**Dear Sirs:**

Enclosed find Notice for Publication for transfer of water right,  
under Permit no. which please publish  
once a week for <sup>two</sup>~~four~~ consecutive weeks in your paper. The expense of this publication will be paid by  
**Peter McKinney, of Salmon, Idaho,** to whom you will please  
furnish proof of publication of this notice on or before date of proof hearing.

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue contain-  
ing its publication that I may compare it with my records.

Yours truly,

**W. G. SWENDSEN,**

**Commissioner of Reclamation**

FRED CRANDALL

COUNTY SURVEYOR  
LEMHI COUNTY

FRED CRANDALL, C. E.

STATE LICENSED ENGINEER  
U. S. DEPUTY MINERAL SURVEYOR  
PHONE 196 BLACK

SALMON, IDAHO

June 23, 1922

Mr. W. G. Swendsen,

Commissioner of Reclamation,

Boise, Idaho.

Dear Sir:

Accompanying please find application of The Lemhi Irrigation and Orchard Co. by Peter McKinney, Manager, to transfer a water right.

Also certified copies of the transfer of water rights since the water was decreed.

Yours very truly,

*Fred Crandall*

RECORDED

That each and every of the claimants herein until further orders of this court be, and they are hereby perpetually, enjoined from the use of any of the waters of said Geertson Creek as against each and all and the rights of any other claimant as herein decreed.

That the defendants, Ellen F. Beattie and M. Hughes, be, and they are hereby perpetually, enjoined from the use of any of the waters of said Geertson Creek and the said two defendants last named are perpetually enjoined from interfering with any of the claimants in this decree named in their use of the waters of said Geertson Creek for mining, agricultural or other purposes as hereinbefore to them and each of them adjudged respectively.

It is hereby further ordered, adjudged and decreed that the plaintiff and each of the defendants in this decree named shall pay all of the costs incurred by him herein and that said plaintiff and each of said defendants shall pay an equal share pro rata of the costs and sheriff's fees in this case and that execution for each share of said costs may be issued against any of the parties to this decree for the amount of such costs for which he is liable under the provisions of this decree.

Done in open Court, this May 5th, 1893.

D. W. STANDROD,  
*Judge District Court.*

State of Idaho, County of Lemhi, ss.

I, William C. Smith, Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, do hereby certify that the foregoing is a full, true and correct copy of the decree rendered in the action of Lars C. Geertson vs. John Barracks et al., dated May 5th, 1893, and recorded in my office in Book "A" of Judgments on page 231 and of the whole thereof.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, this 4th day of April, 1903.  
(Seal.)

W. C. SMITH,  
*Clerk as Aforesaid.*

## SECOND DIVISION.

FRANK RIBLETT, *Commissioner.*

ALBION, IDAHO.

1903.

# DECREE WATER RIGHTS, Geertson Creek, Lemhi County.

## DECREE.

In the District Court of the Fifth Judicial District of Idaho, in and for Lemhi County.

Lars C. Geertson, Plaintiff,

vs.

John Barracks et al.

This cause having come on to be heard upon the pleadings and proofs, evidence of witnesses for the respective parties and the arguments of counsel herein, and the Court having found its findings of fact and made its conclusions of law and the same having been filed herein, and the court being sufficiently advised in the matter, it is ordered, adjudged and decreed:

1. That the plaintiff, Lars C. Geertson, be, and he is hereby, awarded the use of 90 inches, measured under a 4-inch pressure, of the flow of the water of Geertson Creek, continuously, for the irrigation of his lands described in his amended complaint filed herein, and that his said right commence with and date from the 1st day of June, 1868.

2. That the defendant, John Barracks, be, and he is hereby, awarded the right to the continuous use of forty-five inches, measured under a four-inch pressure of the flow of the waters of Geertson Creek for the irrigation of

the lands in his answer and cross-complaint described and filed herein, and that his said right commence with and date from the 1st day of May, 1870.

3. That the defendants, Thomas H. Ball and Chas. Jacks, are entitled to, and are hereby, awarded the continuous use of thirty inches, measured under a four-inch pressure of the flow of the waters of Geertson Creek for the irrigation of the lands described in their answer and cross-complaint and filed herein, and that their said right commence with and date from the 1st day of October, 1884.

4. That the defendant, Isaiah Bohannon, be, and he is hereby awarded the right to the continuous use of 100 inches, measured under a four-inch pressure of the flow of the waters of Geertson Creek at all times between the first day of March and the first day of August of each year for the purpose of working the mining claims owned by him and described in his answer and cross-complaint filed herein, and that his said right to the use of said waters commence and date from the 1st day of March, 1869.

5. That the defendant, James Light, be, and he is hereby, awarded the right to the continuous use of fifty inches of the flow of the waters of Geertson Creek, measured under a four-inch pressure, for the irrigation of his lands described in his answer and cross-complaint filed herein, and that his said right commence with and date from the 1st day of May, 1879.

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

7. That the defendant, Mary Wayant, be, and she is hereby, awarded the right to the continuous use of fifty inches of the flow of the waters of Geertson Creek, measured under a four-inch pressure, for the irrigation of the lands described in the answer and cross-complaint filed herein, and that her said right commence with and date from the 1st day of June, 1884.

8. That the defendant, Elijah Schofield, be, and he is hereby, awarded the right to the continuous use of thirty

inches, measured under a four-inch pressure of the flow of the waters of Geertson Creek for the irrigation of his lands described in his answer and cross-complaint filed herein; and that his said right commence with and date from the 1st day of May, 1887.

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

10. That the defendants, Frank Wayant and William Bohannon, be, and they are hereby, awarded the right to the continuous use of six hundred inches measured under a four-inch pressure of the flow of the waters of Geertson Creek between the 1st day of March and the 1st day of August of each year, for the purpose of working the mining claims owned by them and described in their answer and cross-complaint filed herein, and that their said right commence with and date from the 1st day of March, 1890. But in the use of said waters for said purpose the said defendants, Frank Wayant and William Bohannon, are hereby perpetually enjoined from damaging or injuring the lands or ditches of any and all the prior claimants herein, resulting from the flow of dirt or debris from their said mining claims.

It is further ordered, adjudged and decreed that all the waters herein decreed to the respective parties shall be measured at the head of the ditch or ditches of the respective claimant under a four-inch pressure.

And it is further ordered, adjudged and decreed that a commissioner of this court may be appointed to act in the absence of a commissioner elected and agreed upon by mutual consent of all of the parties herein adjudged the use of water from said stream whenever this court or the judge thereof shall deem the appointment of such commissioner necessary, to see that the provisions of this decree are carried out in the manner of measuring, diverting and using the water herein adjudged to the respective parties, the costs of which may be adjudged as the court or judge may direct.

THIS INDENTURE, made the twenty ninth day of January in the year of our Lord one thousand nine hundred and two (1902) between Delos Simons and Lucretia Simons, his wife, both of Salmon City, Lemhi County, State of Idaho, the parties of the first part, and George Preston of the County of Lemhi, State of Idaho the party of the second part, Witnesseth, that the said parties of the first part, for and in consideration of the sum of Fifteen Hundred (1500) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED, SOLD, REMISED, RELEASED and FOREVER QUITCLAIMED, and by these presents do grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns forever, all of that certain placer mining claim or placer ground, situate, lying and being in Geertson Mining District, County of Lemhi, State of Idaho, bounded and described as follows, to wit: All of the "Force me too" Placer Mining Claim, containing 120 acres of land more or less, said claim being more fully described in and by the location notice of same, which notice is duly recorded in the office of the County Recorder of said County in Book "E" of Mining Claims, on page 260 and is hereby referred to and made a part hereof, together with all water rights and ditches in any wise belonging or appertaining thereto, and especially the right to thirty inches of the waters of Geertson Creek awarded to said Delos Simons by Decree of the District Court of the Fifth Judicial District of Idaho, Dated May 5th, 1893, and recorded in Book "A" of Judgments at page 231, records of said Lemhi County. Also the following personal property now on said claim to wit. Four Plows, One Harrow, One Hay Derrick, One Mower, One Hay Rake, and One pair Bob Sleds.

Together with all the dips, spurs and angles, and also all the metals, ores, gold and silver bearing quartz, rocks and earth therein; and all rights, privileges and franchises thereto incident, appendant and appurtenant, or therewith usually had and enjoyed; and, also all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to said premises and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part his heirs and assigns forever. It is expressly covenanted that it is intended hereby to convey any and all right, title, interest and estate which may hereafter be acquired to said premises, or any part thereof, by virtue of any patent which may hereafter be issued by the United States Government therefor under proceedings heretofore instituted in that behalf by the said parties of the first part or their grantor.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered )  
in the presence of )  
Timothy Dore )

Delos Simons (SEAL)  
Lucretia Simons (SEAL)

STATE OF IDAHO, )

ss.

County of Lemhi.)

On this 29th day of January 1902 before me, Timothy Dore a Notary Public in and for said County, personally appeared Delos

RECORDED

Simons known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same, and on this 29th day of January in the year 1902 before me the officer above described, personally appeared Lucretia Simons known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

"Seal"

Timothy Dore  
Notary Public.

STATE OF IDAHO, )

ss.

County of Lemhi.)

I hereby certify that this instrument was filed for record at request of George Preston at 55 minutes past 12 o'clock P. M., this 1st day of April A. D. 1902, in my office, and duly recorded in Book M of Deeds at page 276.

J. P. Clough  
Ex-officio Recorder.

By . . . . . Deputy.

STATE OF IDAHO, )

ss.

COUNTY OF LEMHI.)

I, W. W. SIMMONDS, County Recorder in and for the County aforesaid, do hereby certify that the foregoing is a full, true and complete copy of a deed as the same appears of record in my office in Book M of Deeds, at page 276, Official Records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 13th day of June, A. D. 1922.

W. W. Simmonds  
County Recorder.

By Marcia Whitwell  
Deputy.

Instrument No. 14734.

This Indenture, Made the eighth day of July in the year of our Lord one thousand nine hundred and fourteen between George Preston of Lemhi County, State of Idaho, the party of the first part, and Peter McKinney of the same County of Lemhi the part of the second part, WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, Bargained, Sold, Remised, Released, and forever Quitclaimed, and by these presents do grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns All of the "Force-me too" placer mining claim, situate, lying and being in the Geertson or Eldorado Mining District (unorganized), in said County of Lemhi, State of Idaho, consisting of 120 acres of land, more or less, and being all and the same placer claim located by Delos Simons et al, the location notice of which is duly recorded in the office of the Recorder of said County of Lemhi in Book "E" of Mining Claims at page 260, and being all and the same placer claim conveyed by said Delos Simons et al to said George Preston by deed dated January 29, 1902, and recorded in said Recorder's office in Book "M" of Deeds at page 276.

Also all water rights and ditches in anywise belonging and appertaining to said premises, or used in connection therewith, and especially the right to thirty inches of the waters of said Geertson Creek awarded to said Delos Simons by decree of the District Court of the Fifth Judicial District of Idaho, in and for the County of Lemhi, dated May 5, 1893, and recorded in Book "A" of Judgments at page 231, in the records of said County of Lemhi; together with all improvements and additions thereon, or appurtenant thereto.

Together with all the metals, ores, gold and silver bearing rocks and earth therein; and all rights, privileges and franchises thereto incident, appendant and appurtenant, or therewith usually had and enjoyed; and also, all and singular the tenements, hereditaments and appurtenances thereto, belonging, or in anywise appertaining, and the rents, issues and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to said premises and every part and part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, his heirs and assigns forever.

IN TESTIMONY WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of

Geo. Preston (Seal)

State of Idaho, )

ss.

County of Lemhi.)

On this eighth day of July 1914, before me Enoch W. Whitcomb, a Notary Public in and for said County, personally appeared Geo. Preston, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Seal

Enoch W. Whitcomb  
Notary Public

State of Idaho, )  
                  ss.  
County of Lemhi.)

I hereby certify that this instrument was filed for record at request of E. W. Whitcomb at 5 minutes past 9 o'clock A. M., this 23rd day of July A. D., 1914, in my office and duly recorded in Book W of Deeds at page 324.

J. L. Kirtley *jr.*  
Ex-officio Recorder.

By W. W. Simmonds  
Deputy

STATE OF IDAHO, )  
                  ss.  
COUNTY OF LEMHI.)

I, W. W. SIMMONDS, County Recorder in and for the County aforesaid, do hereby certify that the foregoing is a full, true, and complete copy of a deed as the same appears of record in my office in Book W of Deeds, at page 324, Official Records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 13th day of June, A. D. 1922.

W. W. Simmonds  
County Recorder.

By Marcia Whitwell  
Deputy.

Instrument No. 17137

THIS INDENTURE, Made the 29th day of June in the year of our Lord one thousand nine hundred and sixteen between Peter McKinney, and Rose S. McKinney, husband and wife, of Carmen Precinct, County of Lemhi, State of Idaho, the parties of the first part, and the Lemhi Irrigation and Orchard Company, Limited, a corporation, doing business in the said County, the party of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TWENTY-FIVE HUNDRED DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED, SOLD, REMISED, RELEASED, and FOREVER QUITCLAIMED, and by these presents do grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part, and to its successors and assigns All of the "Force-me too" placer mining claim, situate, lying and being in the Geertson or Eldorado Mining District (unorganized), in said County of Lemhi, State of Idaho, consisting of 120 acres of land, more or less, and being all and the same placer claim located by Delos Simons, et. al., the location notice of which is duly recorded in the office of the Recorder of said County of Lemhi in Book "E" of Mining Claims at page 260, and being all and the same placer claim conveyed by said Delos Simons, et. al., to George Preston by deed dated January 29, 1902, and recorded in said Recorder's Office in Book "M" of Deeds at page 276.

Also all water rights and ditches in anywise belonging and appertaining to said premises, or used in connection therewith, and especially the right to thirty inches of the waters of Geertson Creek awarded to said Delos Simons by decree of the District Court of the Fifth Judicial District of Idaho, in and for the County of Lemhi, Dated May 5, 1893, and recorded in Book "A" of Judgments at page 231, in the records of said County of Lemhi; together with all improvements and additions thereon, or appurtenant thereto.

Being all and the same premises conveyed to said Peter McKinney by George Preston by deed, dated July 8, 1914, and recorded in Book "W" of Deeds at page 324, Records of Lemhi County, State of Idaho.

Together with all the metals, ores, gold and silver bearing rocks and earth therein; and all rights, privileges and franchises thereto incident, appendant and appurtenant, or therewith usually had and enjoyed; and, also, all and singular the tenements, hereditaments and appurtenances thereto, belonging, or in anywise appertaining, and the rents, issues and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to said premises and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and delivered ) Peter McKinney (SEAL)  
in the Presence of ) Rose McKinney (SEAL)

Revenue Stamps \$2.50, P M K, 6/29/16.

STATE OF IDAHO, )

SS.

County of Lemhi )

On this 29th day of June 1916, before me Enoch W. Whitcomb, a Notary Public in and for said County, personally appeared Peter McKinney and Rose S. McKinney, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

SEAL. Enoch W. Whitcomb  
Notary Public residing at Salmon, Idaho.

STATE OF IDAHO, )

52.

County of Lemhi. )

I hereby certify that this instrument was filed for record at request of E. W. Whitcomb at 45 minutes past 4 o'clock P. M., this 3rd day of July A. D. 1916, in my office, and duly recorded in Book Y of Deeds at page 41.

By W. W. Simmonds,  
Deputy.

J. L. Kirtley, Jr.,  
Ex-officio Recorder.

STATE OF IDAHO, )

55.

COUNTY OF LEMHI.)

I, W. W. SIMMONDS, County Recorder in and for the County aforesaid, do hereby certify that the foregoing is a full, true and complete copy of a deed as the same appears of record in my office in Book Y of Deeds at page 41, Official Records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and af-  
fixed my official seal this 13th day of June, A. D. 1922.

W. W. Simmonds  
County Recorder.

By Marcia Whitwell Deputy.

Deputy.

# AFFIDAVIT OF PUBLICATION

## THE SALMON HERALD

### NOTICE OF PROPOSED TRANSFER OF WATER RIGHT.

Notice is hereby given that Peter McKinney of Salmon, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 0.6 second feet of the water of Geertson Creek, from the land upon which is now use, i. e. SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 27, and W $\frac{1}{2}$  W $\frac{1}{2}$  Sec. 34, Twp. 22 N., R. 23 E. B. M. to the following described tract E $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 9, Twp. 21 N., R. 23 E. B. M.

And that, on the 19th day of July, A. D. 1922, at 1030 a. m., at the Department of Reclamation of the State of Idaho, Boise, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

W. G. SWENDSEN,  
Commissioner of  
Reclamation.

27-30.

State of Idaho, County of Lemhi, ss:

I, Edwin K. Abbott, Publisher of The Salmon Herald, a newspaper published weekly at Salmon, Idaho, do solemnly swear that a copy of the notice hereto attached,

### Notice of Proposed Transfer of Water Right

was published weekly, in the regular and entire issue of said newspaper, and not in a supplement thereof, for four consecutive weeks, commencing with the issue dated July 5, 1922, and ending with the issue dated July 26, 1922.

*Edwin K. Abbott*

Subscribed and sworn to before me this 27th  
day of July, 1922.

*Allen Merrill*

Notary Public,  
Residence at Salmon, Idaho.

August 29, 1922.

Re: Transfer-Lemhi Irrigation & Orchard Co.

Mr. Fred Crandall.  
Salmon, Idaho.

Dear Sir:-

In looking through the files of the above transfer we do not find the affidavit of publication from the Herald, at Salmon. Please have this sent in as soon as possible.

Your letter, with fees required received this morning.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

MICROFILMED

RECEIVED

JUN 26 1977

## Application for Transfer of Water Right

STATE OF IDAHO,

County of Lemhi

ss.

The Lemhi Irrigation and Orchard Co. Ltd. a Corporation

by Peter McKinney, Manager

being first duly sworn, deposes and says:

That his name is Peter McKinney; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Salmon, Lemhi County, Idaho.

That he is the owner and using a certain water right, bearing date of priority of May 1, 1881 for 0.6 cubic feet per second of the waters of Geertson Creek County of Lemhi, State of Idaho, decreed to Delos Simons by decree of Judge, D.W. Stanrod, of the 6th Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of Lars C. Geertson vs. John Barracks et al, said decree bearing date of May 5th, 1893

~~(for obtained by virtue of license No. xxxxxxxx issued by the State Engineer of the State of Idaho, and xxxxxxxx bearing date of priority of xxxxxxxx)~~

for the purpose of irrigating the following described lands situate, lying and being in Water District No 79 A in the County of Lemhi and State of Idaho, to wit:

(Then unsurveyed land) Now the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27 and the W $\frac{1}{2}$ W $\frac{1}{2}$ , Sec.

34 T. 22 N. R. 23 E. Boise Meridian. (Parts of each of above)

and is the person (or the representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By purchase from Delos Simons, and George Preston. as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream at

the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 27, T. 22 N. R. 23 E.

and conducted to the above described lands through a ditch

as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 0.6 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Lemhi and State of Idaho, to wit:

The E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , of Section 9, T. 21 N. R. 23 E.

Boise Meridian.

That his reasons for desiring to make such transfer are as follows:

That owing to a land controversy, we have lost title to this land but hold the decreed title to the water.

W. H. Herald - Salmon

That he intends to divert and convey said 0.6 second feet of water to the tract of land last above described in the following manner, to wit: By constructing two ditches, one on either side of Geertson Creek, with the points of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T. 21 N. R. 23 E. B.M.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master of Water District No. 79 A, in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

Subscribed and sworn to before me this 19th day of June  
A. D. 1922  
Peter McKinney Manager..  
W. W. Linnemore Clerk of the District Court, Lemhi County..  
By .....

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Geertson Creek

Where is the diversion point located? NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27, T. 22 N. R. 23 E.

Through what ditch is it now conducted? until recently, thru the Simons ditch,  
has been

How much land ~~is now~~ irrigated by the water sought to be transferred? about 40 acres

Give the description: partly in each of the following. SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 27 and  
the W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 34, T. 22 N. R. 23 E.

What is the total amount of water in inches, or second feet, dedicated to said land? 0.6 Sec. ft.

What kind of crops ~~are being~~ have been raised? hay.

How much water per acre is now required to irrigate said land? about one inch.

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

A high water right will be used on it.

From what stream will the water be diverted if the transfer is made?

Geertson Creek

Give location of new point of diversion NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 9, T. 21 N. R. 23 E.

Through what ditch will it be conducted after transfer? Lemhi Irrigation & Orch. Co. ditches

How much water will be required per acre to irrigate the land to which this water is transferred?

About one inch per acre.

Do you claim any other water right for the land from which you seek to abandon the use of this water? no.

Is there now any other water right for the land to which you seek to make this transfer? no, only  
the use of high water.

Signed Lemhi Irrigation and Orchard Co. Ltd.  
Applicant.  
by Peter McKinney, Mgr.

STATE OF IDAHO,

County of Lemhi

ss.

Amos Farris

and

Grover Farris

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Salmon (Lemhi Co., Idaho), that he is a user of water from Geertson Creek, in Water District No. 79A, County of Lemhi, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Lemhi Irrigation & Orchard Company and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Amos Farris  
Grover Farris

Subscribed and sworn to before me this 19th day of June

A. D. 1922.

W. W. Simmonds  
Clerk of the District Court

STATE OF IDAHO,

County of Lemhi

ss.

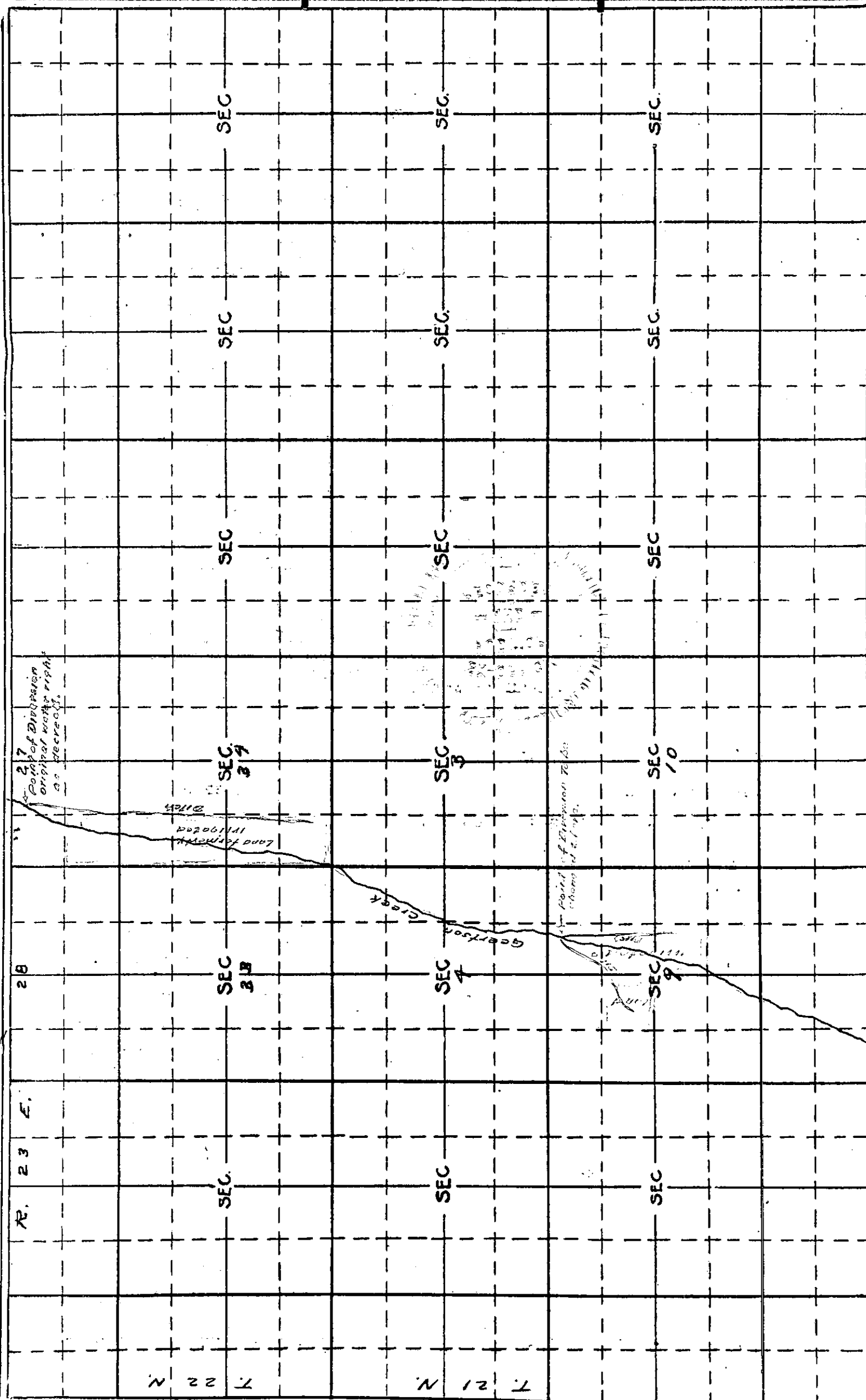
I, L.N. Gwartney

, Watermaster of Geertson Creek

Water District No. 79A, County of Lemhi, State of Idaho, whose postoffice address is Salmon, Idaho, have read or heard read the foregoing affidavit and petition of Lemhi Irrigation & Orchard Co., and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of transfer prayed for)~~ for the following reasons:

L. N. Gwartney  
Watermaster, Dist No. 79 A

Dated at Salmon, Idaho, this 19th day of June, 19 22



Scale: 2 Inches—1 Mile. Draw Plan in Ink

State of Idaho

DEPARTMENT OF RECLAMATION

Boise.

-----  
In re: Application for Transfer Water  
District No. 79-A Transfer Case No.104  
The Lemhi Irrigation and Orchard Company  
Ltd., a corporation, by Peter McKinney,  
Manager---Applicant.  
-----

ORDER GRANTING TRANSFER.

WHEREAS, under date of June 26, 1922, there was received in the Department of Reclamation, the application of the Lemhi Irrigation and Orchard Company Ltd., a corporation, praying for the transfer of .6 cubic feet per second of the waters of Geertson Creek, which water right is evidenced by a decree of the Judge of the Sixth Judicial District, State of Idaho, in the case of Lars C. Geertson Vs. John Barracks et al, the said decree bearing date of May 5, 1893, from lands described in the decree to certain other lands in the same county, and

WHEREAS, pursuant to the said application, a hearing was set on the 19th day of July, 1922 at 10:30 A.M. at the Department of Reclamation, State of Idaho, and same was duly advertised in The Herald, a newspaper of general circulation in the same county as are the lands from which water is sought to be transferred, and

WHEREAS, pursuant to the said notice, a hearing was duly convened at which no personal appearances were made, but the affidavits of Walter E. Schofield and Elijah Schofield protesting against the granting of the said transfer were received, and

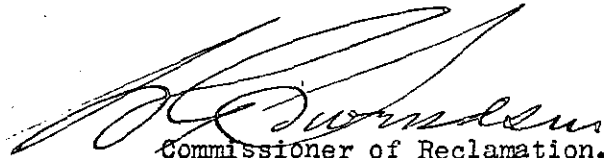
WHEREAS, pursuant to the statutes, rules and regulations of this Department, the petition for transfer, together with all available data relating thereto, including the protests of the said Schofields, has been duly considered and the following conditions are found to exist:

1. That the application for transfer is in proper form and accompanied by the necessary and requisite data and information.
2. That the affidavits in protest of the said Schofields, contain allegations and contentions which can only be determined by a court of competent jurisdiction, and that the granting of the said application for transfer will not in any way affect, change or jeopardize the interests of the said protestants or other water users upon the stream.
3. That insofar as this Department is able to ascertain, no person or persons will be injured through the granting of said transfer.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of the said Lemhi Irrigation and Orchard Company Ltd., praying for the transfer of .6 cubic feet per second of the waters of Geertson Creek, be granted, and that a certificate of transfer be accordingly issued.

RECEIVED  
JUL 27 1922  
DEPT. OF RECLAMATION

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
the seal of the Department of Reclamation this 28th day of July, 1922.



Commissioner of Reclamation.

August 18, 1922.

Re: Transfer of Water Right.

Mr. Fred Grandall,  
Salmon, Idaho.

Dear Sir:-

Upon receipt of statutory fee in the sum of \$1.00,  
the certificate of transfer of water right in favor of the  
Lenhi Irrigation & Orchard Company will be mailed to you.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

MICROFILMED