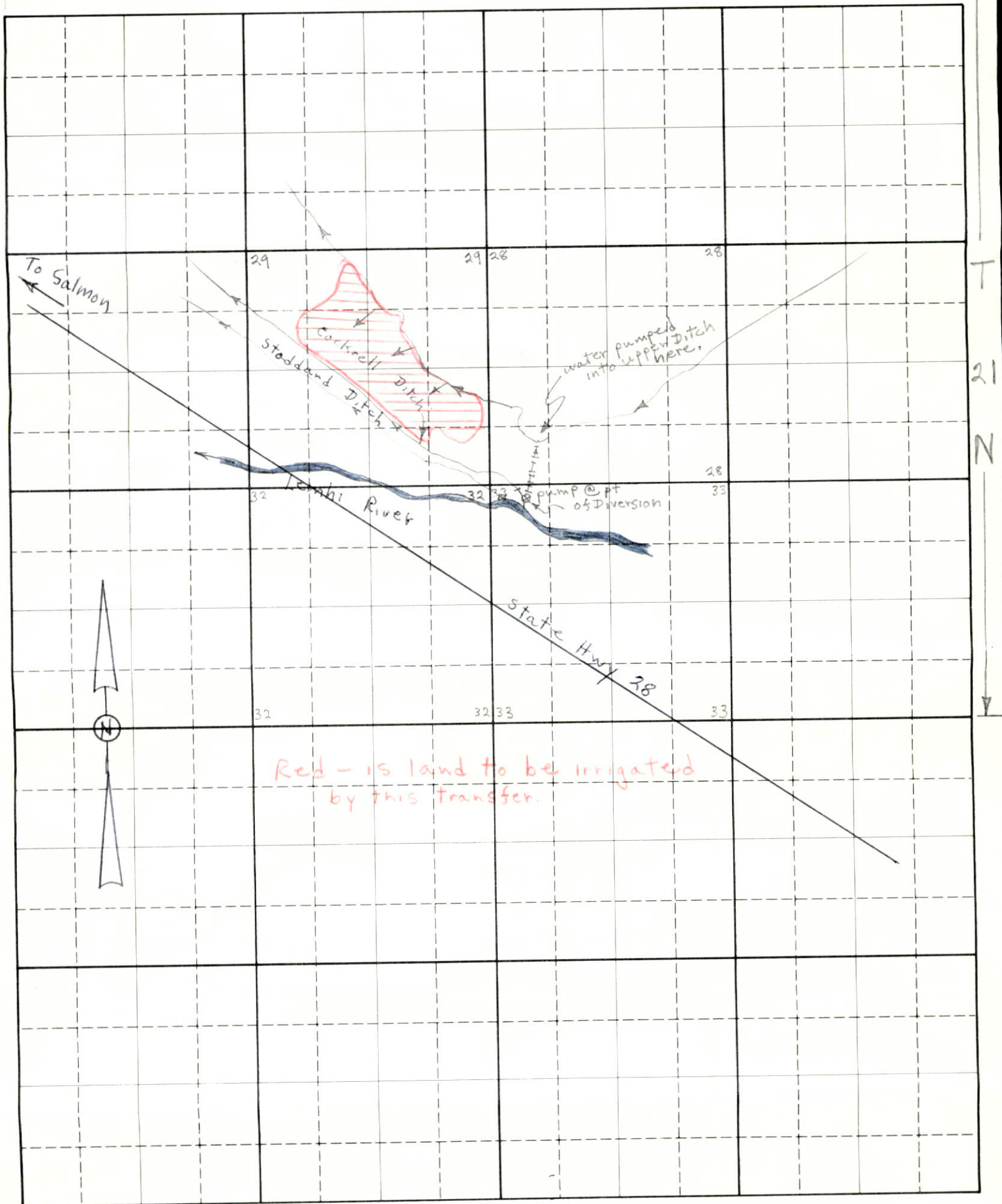


74-4006

R 23 E



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 74-4006**

Notice is hereby given that the legal notice in connection with the above referenced change of water right was published in error. The legal notice should have read as follows: James F. Stoddard of Salmon, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion of the waters of the Lemhi River. The right sought to be changed is evidenced by Claim to a Water Right No. 74-4006 and application of the water to beneficial use and is recorded as follows: Amount — 2.93 c.f.s Priority — April 1, 1959. Point of diversion — NW¼-NW¼ Sec. 33, T. 21N, R. 23E, B.M., Lemhi County. The water is used for irrigation purposes from April 1 to Nov. 1 within the W½NE¼, NE¼NW¼, S½NW¼, NE¼SW¼, N¼SE¼, SE¼SE¼, Sec. 29, T. 21N, R. 23E, B.M. TO BE CHANGED AS FOLLOWS: Point of diversion—NW¼NW¼ (2 points), Sec. 33, T. 21N, R. 23E, B.M.

Any protest against approval of this proposed change of water right application must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho 83707, on or before September 27, 1971.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho, September 9 and September 16, 1971.

9-9-2tc

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 of general circulation therein.

That the Notice of Proposed Change of Water Right-# 74-4006

James F. Stoddard a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Sept. 9, 19 71 and ending with the issue dated Sept. 16, 19 71

Jerry G. Rosin
sixteenth

Subscribed and sworn to before me, this

day of September, 19 71

Carl Armstrong

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

Publication Fee \$ 17.39

74-4006

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 74-4006**

Notice is hereby given that James F. Stoddard of Salmon, Idaho has applied to the Department of Water Administration for a change of point of diversion of the waters of Lemhi River, Tributary to the Salmon River. The right sought to be changed is evidenced by Claim to a Water Right No. 74-4006 and application of the water to a beneficial use, and is recorded as follows. Amount: 2.93 c. f. s. Priority: April 1, 1959 Point of Diversion: NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 33 TWP. 21N, Rge. 23E B.M., Lemhi County. The water is used for irrigation purposes from April 1 to November 1 within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$, SWNW $\frac{1}{4}$, NESE $\frac{1}{4}$, SE $\frac{1}{4}$ -SE $\frac{1}{4}$, (146.8 acres), Sec. 29, Twp. 21N, Rge. 23E, B. M.

TO BE CHANGED AS FOLLOWS

Amount: 2.93 c. f. s. Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, Twp. 21N, Rge. 23E, B. M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before August 30, 1971.

R. Keith Higginson
Director

Published in the Recorder Herald, Salmon, Idaho on August 12, 1971 and August 19, 1971.

8-12-2tc

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Jerry G. Rosin
nineteenth

Subscribed and sworn to before me, this day of August, 1971

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

Publication Fee \$ 16.28

74-4006

**NOTICE OF CLAIM TO A WATER RIGHT
NO. 74-4006**

Notice is hereby given that James F. Stoddard, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.93 cubic feet per second of water from Stoddard Ditch, tributary to Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 T. 21N, R. 23E, B. M., Lemhi County.

The water is claimed to be used from April 1 to Nov. 1 for the irrigation of 146.8 acres with a priority of April 1, 1959; the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 21N, R. 23E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. Keith Higginson
Director

Published in the Recorder-Herald, Salmon, Idaho on June 10 and June 17, 1971.

6-10-2tc

Affidavit of Publication

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County of Lemhi } ss.

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That the Notice of Claim to a Water Right # 74-4006

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Jerry G. Rosin
seventeenth

Subscribed and sworn to before me, this _____

day of June, 1971

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

Publication Fee \$ 11.84

74-4006

NOTICE OF CLAIM TO A WATER RIGHT
NO. 74-4006

Notice is hereby given that James F. Stoddard, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.93 cubic feet per second of water from Stoddard Ditch, tributary to Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 T. 21N, R. 23E, B. M., Lemhi County.

The water is claimed to be used from April 1 to Nov. 1 for the irrigation of 146.8 acres with a priority of April 1, 1959; the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 21N, R. 23E, B. M.

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R. Keith Higginson
Director

Published in the Recorder-Herald, Salmon, Idaho on June 10 and June 17, 1971.

6-10-2tc

Handwritten:
6-10-71

74-4006

INTER-DEPARTMENT MEMO — 1

FROM

Glen Gayton

DATE

2-12-85

TO

File 74-4006

SUBJECT

PLEASE NOTE

This Claim to a Water Rt has been
superceded by decree. For a
description of the water right
See the same Ident No in the
case of The State of Idaho, plaintiff
v.s. Mary A. Adams et.al.

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR TRANSFER OF WATER RIGHT APPROVED
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder James F. Stoddard
- Post office address Salmon, Idaho 83467
2. Right obtained by: Claim to a Water Right #74-4006
- a. Decree to in Case of
- (Name)
- vs. , Dated in
- (Name of Court)
- Court. County of
- b. License No. issued by the State of Idaho, Department of Reclamation.
3. Source of water Lemhi River tributary to Salmon River
- (Name of stream or source)
4. Date of Priority 1 April 1959
5. Amount of water a. 2.93 c.f.s. c.f.s. and/or
- b. acre feet/annum
6. Water is used for Irrigation from 1 April to 1 November
- (Month, Day) (Month, Day)
7. Original location of point of diversion is NW ¼ NW ¼ of Section 33

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

Remarks:

~~Additional points of diversion, if any~~ The diversions from Lemhi for the Stoddard Ditch and the Cockrell Ditch are both located in the NWNW, Section 33, Township 21 North, Range 23 East, Boise Meridian. Applicant previously pumped from the Stoddard Ditch, but by this transfer intends to pump from the Cockrell Ditch.

8. Lands presently irrigated or place of use:

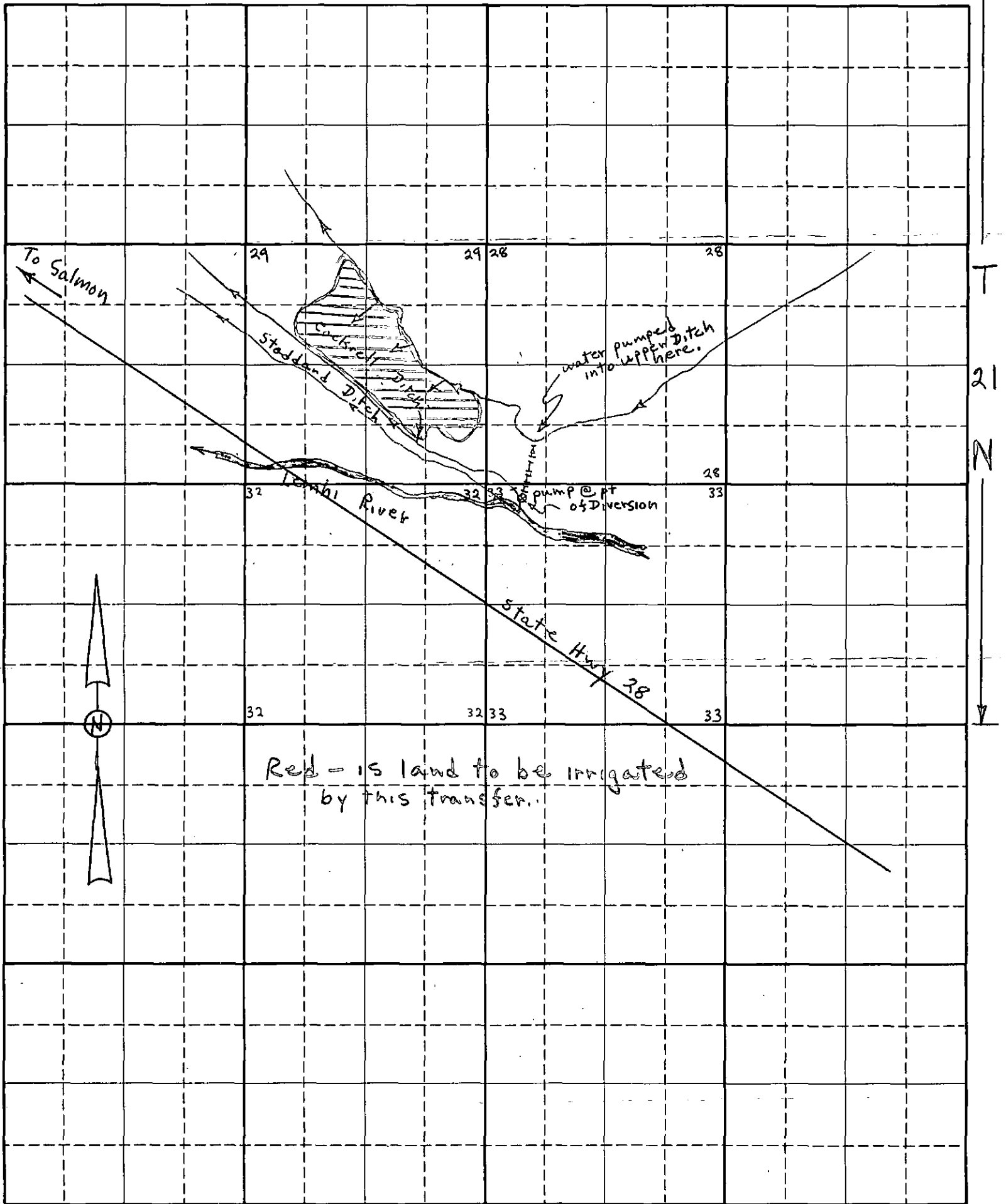
TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
21N	23E	29		1.8	0.0		6.0		2.9	35.3	5.5				12.0	35.4		7.3	146.8

Total number of acres presently irrigated 146.8

74-4006

74-4006

R 23 E



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: _____

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 2.93 c.f.s. and/or _____ acre feet

b. New point of diversion: ^{also in} NW 1/4 NW 1/4, Section 33, Township 21N
_____, Range 23E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: Lemhi River
water will be diverted into Cockrell Ditch and then will be diverted
by pump from Cockrell Ditch near head of ditch in NWNW, Section 33,
Township 21 N, Range 23EBM.

d. Is water to be conveyed to the lands previously irrigated? Yes XX No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

More economical pumping lift with the use of less pipe.

f. Do you intend to make the transfer permanent? yes

g. Do you intend to abandon completely the old point of diversion? yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

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	

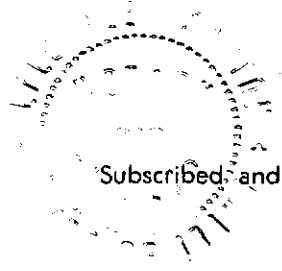
Total number of acres to be irrigated _____

74-4006

74-4006

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
- _____
- _____
- _____
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____
- _____
- _____
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.



James H. Stoddard
(signature of applicant)

Subscribed and sworn to before me this 2nd day of July, 19 71

Kyle Glen Layton
(notary public)

My commission expires 14 July 1974

APPROVED

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 74-4006,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:
Subject to the right upon which it is based being found to exist by the courts. Applicant shall install and maintain a permanent measuring device prior to diverting the water at the new point of diversion.
2. Denial of said application is for the following reasons: _____
- _____

Witness my hand this 4 day of October, 19 71

R. Kirk Higin
Director ~~State Reclamation Engineer~~

FOR DEPARTMENT USE ONLY

Received by <u>D</u>	Date <u>7-6-71</u>	Protest filed by:	Date
Prelim. check by <u>D</u>	Date <u>7-6-71</u>		
Fee received by <u>77</u>	Date <u>7/6/71</u>	Fee \$ <u>30.00</u>	# <u>6851</u>
Approved for publication by _____			
Recorder			
Published in <u>Herald</u> Dates <u>8-12 & 8-19</u> Republished: <u>9-9 & 9-16, 1971</u>			
Hearing held _____			
Watermaster Recommendation sent _____			

Identification No. 9

Claim No. 74-4006

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant JAMES F. STODDARD
post office address Salmon, Idaho 83467

2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 33 Township 21N
Range 23E B.M. located on (Stoddard Ditch out of Lemhi River
(name of source)
tributary to Salmon River in Lemhi County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

		Miners inches	
April 1st	<u>1959</u>	amount: <u>147.0</u>	<u>or</u> <u> </u> acre feet
		amount: <u> </u>	c.f.s. or <u> </u> acre feet
		amount: <u> </u>	c.f.s. or <u> </u> acre feet
		Total claimed	<u>2.93</u> c.f.s. or <u> </u> acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to Nov. 1 (both dates inclusive)
use period of use from to (both dates inclusive)
use period of use from to (both dates inclusive)
use period of use from to (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Wooden Headgate out of Lemhi and pump out of Stoddard Ditch length is feet; height is 3 feet; width at bottom is 5 feet; width at top is 7 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known No change known

b. Underground water diverting works: is well flowing or pumped ; depth of well is feet; diameter of well is inches; type of pump is capacity of pump is g.p.m.; name and address of well driller is

74-4006

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 1800 feet; width of ditch at top is 7 feet; width of bottom of ditch is 5 feet; depth of water is 3 feet; grade of ditch per 1000 feet is .30 feet; material through which ditch passes is Gravel; maximum length of pipe line to first place of use is 1300 feet; diameter of pipe line is 22 inches; type of pipe Steel Pipe; grade of pipe per 1000 feet is 150 feet

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. No change. Water is diverted out of river by headgate into Stoddard Ditch then pumped out of Stoddard Ditch and conveyed by pipelines into another higher ditch and then conveyed by ditch to place of use

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 146.8

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

No Change _____

Dates 6-10 + 6-17-71

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
	Total claimed:		<u>1.2 c.f.s.</u>	or	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 74-4006**

Notice is hereby given that the legal notice in connection with the above referenced change of water right was published in error. The legal notice should have read as follows: James F. Stoddard of Salmon, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion of the waters of the Lemhi River. The right sought to be changed is evidenced by Claim to a Water Right No. 74-4006 and application of the water to beneficial use and is recorded as follows: Amount — 2.93 c.f.s. Priority — April 1, 1959. Point of diversion — NW¼ NW¼ Sec. 33, T. 21N, R. 23E, B.M., Lemhi County. The water is used for irrigation purposes from April 1 to Nov. 1 within the W¼NE¼, NE¼NW¼, S¼NW¼, NE¼SW¼, N¼SE¼, SE¼SE¼, Sec. 29, T. 21N, R. 23E, B.M. TO BE CHANGED AS FOLLOWS: Point of diversion—NW¼NW¼ (2 points), Sec. 33, T. 21N, R. 23E, B.M.

Any protest against approval of this proposed change of water right application must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho 83707, on or before September 27, 1971.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho, September 9 and September 16, 1971.

9-9-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JERRY G. ROSIN

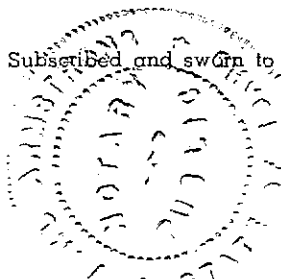
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James F. Stoddard a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Sept. 9, 19 71 and ending with the issue dated Sept. 16, 19 71

Jerry G. Rosin
sixteenth

Subscribed and sworn to before me, this _____ day of September, 19 71



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

Publication Fee \$ 17.39

74-4006

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 74-4006**

Notice is hereby given that James F. Stoddard of Salmon, Idaho has applied to the Department of Water Administration for a change of point of diversion of the waters of Lemhi River, Tributary to the Salmon River. The right sought to be changed is evidenced by Claim to a Water Right No. 74-4006 and application of the water to a beneficial use, and is recorded as follows. Amount: 2.93 c. f. s. Priority: April 1, 1959 Point of Diversion: NW 1/4 NW 1/4, Sec. 33 TWP. 21N, Rge. 23E B.M., Lemhi County. The water is used for irrigation purposes from April 1 to November 1 within the W 1/2 NE 1/4, NE 1/4 NW 1/4, SW NW 1/4, NE SE 1/4, SE 1/4, (146.8 acres), Sec. 29, Twp. 21N, Rge. 23E, B. M.

TO BE CHANGED AS FOLLOWS

Amount: 2.93 c. f. s. Point of Diversion: NW 1/4 NW 1/4, Sec. 33, Twp. 21N, Rge. 23E, B. M.

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R. Keith Higginson
Director

Published in the Recorder Herald, Salmon, Idaho on August 12, 1971 and August 19, 1971.

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Jerry G. Rosin

Subscribed and sworn to before me, this nineteenth

day of August, 1971

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

Publication Fee \$ 16.28

74-4006

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

Department of Water Administration

NOTICE OF CLAIM TO A WATER RIGHT NO. 74-4006

Notice is hereby given that James F. Stoddard, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.93 cubic feet per second of water from Stoddard Ditch, tributary to Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 T. 21N, R. 23E, B. M., Lemhi County.

The water is claimed to be used from April 1 to Nov. 1 for the irrigation of 146.8 acres with a priority of April 1, 1959; the place of use is within the W $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 21N, R. 23E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. Keith Higginson
Director

Published in the Recorder-Herald, Salmon, Idaho on June 10 and June 17, 1971.

6-10-2tc

JERRY G. ROSIN

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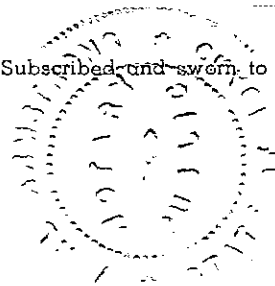
That the Notice of Claim to a Water Right # 74-4006

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated June 10, 1971 and ending with the issue dated June 17, 1971

Jerry G. Rosin
seventeenth

Subscribed and sworn to before me, this

day of June, 1971



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

Publication Fee \$ 11.84

74-4006

ACT
ION

N OWNER LAST NAME - STODDARD

FIRST NAME - JAMES F.

N CITY - SALMON

STATE - ID ZIP CODE - 83467

N SOURCE - COCKRELL DITCH

TRIBUTARY OF - LEMHI RIVER

N STAGE - STATRY CLM

PRIORITY - 04-01-1959

COUNTY - LEMHI

TOTAL DIV. RATE -

2.9300CFS

TRFR/AMEND - T

N DIVERSION POINT - NWNW 33 21N 23E

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - 2.9300CFS

N USE - IRRIGATION

PLACE OF USE - TWN 21N RNG 23E SEC 29 TRACT NWE

AC 02 TRACT SWNE

AC 10

N TRACT NENW

AC 06 TRACT SNNW

AC 03

N TRACT SENW

AC 35 TRACT NESW

AC 36

N TRACT NESE

AC 13

N USE - IRRIGATION

PLACE OF USE - TWN 21N RNG 23E SEC 29 TRACT NWSE

AC 35 TRACT SESE

AC 07

N REMARKS - AC. IRR.=146.8.

N TRANS. 1993.

COND. OF APPRVL - 01

IDENT. NO. 74-4006

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 74-4006
Old No. New No.

Record

1. Original Owner: James J. Stoddard

Present Owner: _____

2. Address:

3. City: Salmon State: ID Zip: 834674. A. Source of Water: Cockrell DitchB. Tributary of: Lemhi River5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 4-1-1959D. County: 59E. Total Diversion Rate: 2.93

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank): T

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWNW</u>	<u>33</u>	<u>21N</u>	<u>23E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 11-1 for A purposes. Amount 2.93
(cfs or AC=FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

October 5, 1971

Re: Application for Transfer of Water Right No. 74-4006

Mr. James F. Stoddard
Salmon,
Idaho 83467

Dear Mr. Stoddard:

Please find enclosed a copy of the APPROVED Application for Transfer, as referenced above.

We wish to direct your attention to the limitations and conditions of approval as listed on the fourth page of the transfer application.

If you should have any questions in reference to this matter, please do not hesitate to contact this Department.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CS

Enclosure

74-4006

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Box 1499

Salmon, Idaho 83467

(208) 756-3002

10/5/71 BDF

74-4006



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 30, 1971

Mr. Bob D. Fleenor
Assistant Director - Water Rights
Statehouse Annex 2
Boise, Idaho 83707

RECEIVED

OCT 4 1971

Dear Bob:

~~Department of Water Administration~~

This is the information Mr. Stoddard brought into the office to
send for record of transfer of diversion.

Thankyou.

Gary Funderburg

74-4006

IDAHO POWER COMPANY
ELECTRIC SERVICE AGREEMENT

DISTRICT Salmon RATE SCHEDULE No. 24 ACCT. No. 1678-1240-100011-50

Connected Load:

100 H.P. 4400 Volts 3 Phase 4 Wire
H.P. Volts Phase Wire
K.W. Volts Phase Wire

Frank Stoddard

Salmon, Idaho

(Name)

(Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 100 KW, in the form of 3 phase alternating current at approximately 60 cycles per second and 440 volts, for Customer's Irrigation operations, at or near Salmon, in Lemhi County, State of Idaho for a term of Ten (10) year(s) from and after 1960 Irrigation Season, 1960, in accordance with and subject to the Company's rules and regulations and Schedule No. _____, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near SE 1/4 of Section 29 T. 21 N. R. 23 E. Bm.

All payments shall be made at Company's office at Salmon, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements,

Customer guarantees a minimum annual payment in the amount of \$ 905.50 ✓ to the Company during the term of this contract, such annual minimum to run with the land and Pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

It is mutually understood and agreed, in consideration of the conditions and factors related to the construction of this extension and the use of electric service therefrom, that the customer will advance in cash to the Company the net cost (Non-salvageable part of total cost) of installing and removing the extension and facilities required for service to the Customer of \$ 935.00. After the Customer has used service each irrigation season during a period of five (5) years from the date of this contract, that amount by which the above cash advance payment exceeds the cash advance required to finance the extension and facilities under section D(1) of Company's Schedule No 71 will be subject to refund.

Dated Aug 25 19 51

Attest
Witness

Attest
Witness

E.R. or W.O. No.

1010-1500-5-58

By James B. Stoddard

Its Prov. Mgr

IDAHO POWER COMPANY,

74-4006

JAMES F. OR JEAN L. STODDARD
SALMON, IDAHO

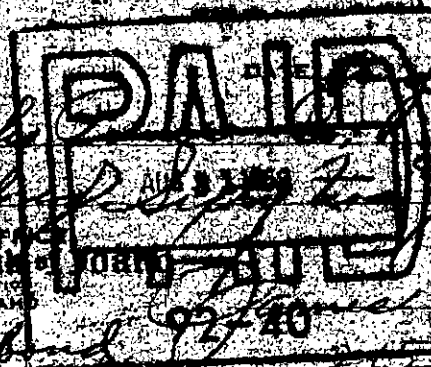
92.40
1243

PAY TO THE
ORDER OF

Deane
Deane Handley

IDAHO FALLS OFFICE
First Security Bank
NATIONAL ASSOCIATION
IDAHO FALLS IDAHO

1/2 of water bond
Delegation



25 1052 no 387

3462

300 DOLLARS

James C. Stoddard

92.40

71.8

74-4006

M E M O

Transfer # 74-4006

October 1, 1971

Talked with Glen Saxton this a.m., he advises that he has had complaints about the quantity and priority but that no protests were received. We should go ahead and approve, any problems can be worked out in the adjudication.



Don McEldowney

74-4006

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 24, 1971

Re: Application for Transfer No. 74-4006 - James F. Stoddard

Lemhi Irrigation District
P.O. Box 789
Salmon, Idaho 83467

ATTN: James C. Herndon

Gentlemen:

In reviewing your protest and petition for hearing with regard to the above numbered application for transfer, this office is somewhat confused as to what action you are protesting.

The matter now before the Department for consideration is a request from Mr. James F. Stoddard to change the point of diversion under a claim submitted in May of 1971. The transfer application as submitted would not in any way give the claim any credence that it did not enjoy before. The right claimed will still need to be reviewed and adjudicated in the present court proceeding. The transfer, if approved, would allow Mr. Stoddard to change his point of diversion from the Stoddard Ditch to the Cockrell Ditch while maintaining whatever water right that he is entitled to by prior use, yet to be determined by the court.

Section 42-222 of the Idaho Code prohibits any change in any water right without first applying for and receiving approval for that change. We feel that to prohibit any changes in water rights in the Lemhi until the adjudication is completed would be unnecessarily restrictive because it would not affect the pending adjudication.

Any approval regarding Mr. Stoddard's application to change his point of diversion would be conditioned to the effect that the approval in no manner confirms the claimed water right and is subject to the right being confirmed in the Lemhi River Adjudication.

Since it appears that you are objecting to the claim which Mr. Stoddard submitted, we are placing your protest in that file to be considered at the time our recommendations are prepared for the court. With regard to your petition for hearing, Section 42-225 of the Idaho Code does not provide for any action either approval or disapproval, upon a claim submitted for record purposes. As such, we can see no benefit in holding a

74-4006

Page 2

Lemhi Irrigation District

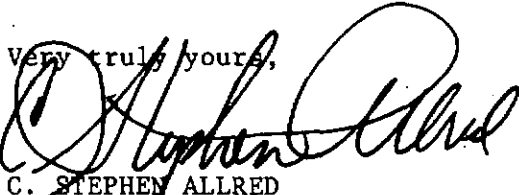
Re: Transfer No. 74-4006 - J. F. Stoddard

September 24, 1971

hearing upon the items described in the claim. Your protest should serve to place a sufficient cloud upon the claim so that the matter will be investigated when Mr. Stoddard submits his answer to the Lemhi Adjudication suit. However, you may wish to submit additional material to include in that file for our future reference.

With this understanding of the situation, I would appreciate being advised if our proposed actions would satisfy your objections or if you would desire other actions.

Very truly yours,



C. STEPHEN ALLRED

Deputy Director

CSA:cr

74-4006

PROSECUTING ATTORNEY

LEMHI COUNTY

JAMES C. HERNDON

ATTORNEY AT LAW

P. O. BOX 789

SALMON, IDAHO

83467

TELEPHONE 756-2412

AREA CODE 208

RECEIVED

SEP 15 1971

Department of Water Administration

September 13, 1971

Department of Water Administration
State of Idaho
Statehouse
Boise, Idaho

Attention: Bob Fleener

Dear Mr. Fleener:

Enclosed please find a Protest and Demand for Hearing
in the matter of Water Application No. 74-4006, as filed by
James F. Stoddard of Salmon, Idaho.

Very truly yours,



JAMES C. HERNDON

JCH/ts

Enclosures

74-4006

RECEIVED

SEP 20 1971

Department of Water Administration

In the Matter of :
:
:
WATER APPLICATION NO. 74-4006 :
:
:
_____ :

DEMAND FOR HEARING

Comes now the Lemhi Irrigation District and respectfully requests that this matter be set for hearing, and that notice be given all interested parties in accordance with the rules and regulations of the Idaho Department of Water Administration, and the statutes of the State of Idaho.



JAMES C. HERNDON
Attorney for Lemhi Irrigation
District

74-4006

RECEIVED
SEP 10 1971

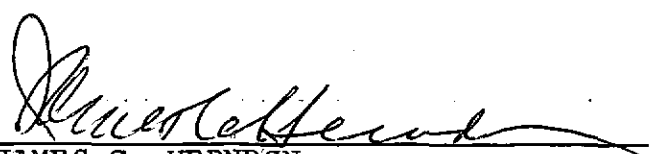
PROTEST

In the Matter of
:
:
:
WATER APPLICATION NO. 74-4006
:
:
:

Comes now the Lemhi Irrigation District, an irrigation district duly authorized and existing under the Laws of the State of Idaho, and files herewith its protest against the application for water permit described as follows:

"NOTICE OF PROPOSED CHANGE OF WATER RIGHT, No. 74-4006, as filed by James F. Stoddard of Salmon, Idaho, and published in the Recorder-Herald, Salmon, Lemhi County, Idaho, on August 12, 1971 and August 19, 1971, for 2.93 cubic feet per second of water from the Lemhi River."

This protest is based on the grounds that the river waters of the Lemhi River are presently being adjudicated in an equitable manner and that the permit filing is contrary to the adjudication now in process, and on the further grounds that factual evidence now available does not support the Petitioner's claim for the amount of water sought in the Petition herein described.


JAMES C. HERNDON
Attorney for Lemhi Irrigation
District

74-4006

September 1, 1971

Re: Transfer No. 74-4006 - James F. Stoddard

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

**BOBBY D. FLEENOR
Assistant Director**

Bill submitted 9-29-71 By cr

**BDF:DR
Enc: Legal notice**

74-4006

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-4006

Notice is hereby given that the legal notice in connection with the above referenced change of water right was published in error. The legal notice should have read as follows: James F. Stoddard of Salmon, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion of the waters of the Lemhi River. The right sought to be changed is evidenced by Claim to a Water Right No. 74-4006 and application of the water to beneficial use and is recorded as follows: Amount - 2.93 c.f.s. Priority - April 1, 1959 Point of diversion - NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, T. 21N, R. 23E, B.M., Lemhi County. The water is used for irrigation purposes from April 1 to Nov. 1 within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 21N, R. 23E, B.M. TO BE CHANGED AS FOLLOWS: Point of diversion - NW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 33, T. 21N, R. 23E, B.M.

Any protest against approval of this proposed change of water right application must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, on or before September 27, 1971.

R. KEITH HIGGINSON

Director

Published in the Recorder Herald, Salmon, Idaho, September 9 and September 16, 1971.

74-4006

August 9, 1971

Re: Transfer No. 74-4006

The Recorder-Herald
Post Office Box #310
Salmon, Idaho 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enclosure

*Bill submitted
9-1-71
js*

74-4006

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-4006

Notice is hereby given that JAMES F. STODDARD
of Salmon, Idaho has applied to the Department of Water
Administration for a change of point of diversion of the waters of
Lemhi River, Tributary to the Salmon River.

The right sought to be changed is evidenced by Claim to a Water Right No. 74-4006
and application of the water to a beneficial use. and is recorded as follows.

Amount: 2.93 c.f.s. Priority: April 1, 1959

Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, Twp. 21N, Rge. 23E, B.M., Lemhi County

The water is used for irrigation purposes from April 1 to November 1
within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, ^{SW $\frac{1}{2}$ NW}SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, (146.8 acres), Sec. 29,
Twp. 21N, Rge. 23E, B.M.

TO BE CHANGED AS FOLLOWS

Amount: 2.93 c.f.s.

Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, Twp. 21N, Rge. 23E, B.M.

~~THE WATER WILL BE USED FOR~~ ~~IRRIGATION~~

Any protests against approval of the proposed change of water right appli-
cation must be filed with the Department of Water Administration on or before
August 30, 1971.

R. KEITH HIGGINSON
Director

Published in the Recorder Herald, Salmon, Idaho
on August 12, 1971 and August 19, 1971.

74-4006

July 12, 1971

James P. Stoddard
Salmon,
Idaho 83467

Dear Mr. Stoddard:

Returned herewith is your receipt No. 6851 in the amount of \$30.00
for your transfer No. 74-4006,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

74-4006

June 23, 1971

Re: Claim to a Water Right No. 74-4006

James P. Stoddard
Salmon, Idaho 83467

Dear Mr. Stoddard:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

74-4006

June 2, 1971

Re: Application No. 74-4006 - James F. Stoddard
75-4004 - Harrold L. Sweeney

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enclosures

Bill submitted 6-23-71 By dr

74-4006

NOTICE OF CLAIM TO A WATER RIGHT
NO. 74-4006

Notice is hereby given that James F. Stoddard, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.93 cubic feet per second of water from Stoddard Ditch, tributary to Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 T. 21N, R. 23E, B. M., Lemhi County.

The water is claimed to be used from April 1 to Nov. 1 for the irrigation of 146.8 acres with a priority of April 1, 1959; the place of use is within the W $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 21N, R. 23E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. Keith Higginson
Director

Published in the Recorder-Herald, Salmon, Idaho on June 10 and June 17, 1971.

6-10-2tc

74-4006

NOTICE OF CLAIM TO A WATER RIGHT

No. 74-4006

Notice is hereby given that James F. Stoddard, Salmon, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 2.93 cubic feet per second ~~hereafter~~ of water from Stoddard Ditch, tributary to Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 21N, R. 23E, B.M., Lemhi, County

The water is claimed to be used from April 1 to Nov. 1 for the irrigation of 146.8 acres

with a priority of April 1, 1959;
the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 21N, R. 23E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho
on June 10 and June 17, 1971

74-4006

May 24, 1971

James F. Stoddard
Salmon,
Idaho 83467

Dear Mr. Stoddard:

Returned herewith is your receipt No. 6497 in the amount of \$10.00
for your claim application,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

74-4006