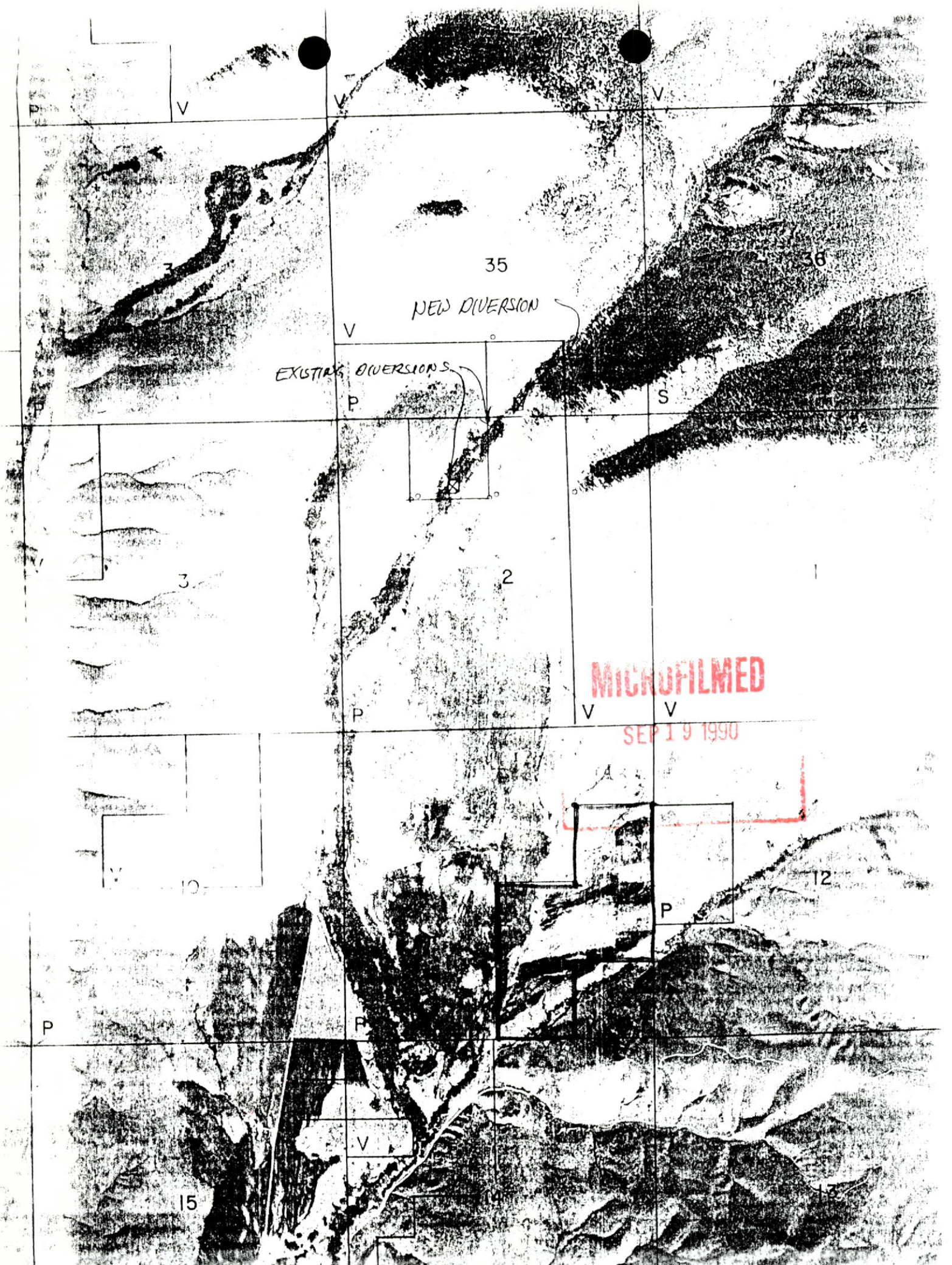




35

NEW DIVERSION

EXISTING DIVERSIONS

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SEP 19 1990

15

12

2

3

38

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3709APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Sawblow Ranch Phone 256-3438
Post Office address Rt. 1 Box 21 Salmon ID 83467

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To facilitate gravity flow sprinkler center
 pivots required ~~an~~ irrigation water at new point of diversion. Old diversion
 will continue being used to flood irrigate the corners not covered by center
 pivots.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>74-00183</u>	<u>April 1, 1874</u>	<u>0.70 cfs.</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>74-00377</u>	<u>July 10, 1912</u>	<u>2.80 cfs.</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 3.20 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Bellevue Creek tributary to Lehigh River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>		<u>NW</u>	<u>NE</u>	<u>2</u>	<u>21N</u>	<u>23E</u>	<u>Lehigh</u>	
<u>3</u>		<u>NE</u>	<u>1/4</u>	<u>2</u>	<u>21N</u>	<u>23E</u>		
<u>2</u>		<u>SW</u>	<u>SE</u>	<u>35</u>	<u>22N</u>	<u>23E</u>		

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>21N</u>	<u>23E</u>	<u>11</u>				<u>22</u>									<u>37</u>	<u>30</u>	<u>22</u>		<u>111</u>

RECORDED

SEP 19 1990

Total acres 111

PART 1**6. General Information:**

- a. Description of diversion system Headgate weir, open ditch. Upper diversion has buried main line to 3 center pivots. Lower diversions are open ditches.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Not proposing a change in the place of use.
- d. Remarks:
Pivots were installed in 1986, 1987 & 1988.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-0183/0377

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. Use of water under this right is subject to the control by the watermaster of State

Water District 74-C, Bohannon Creek.

2. A measuring device of a type approved by the Department shall be permanently installed and maintained as a part of the diversion works.

RECORDED

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Witness my hand this

31st day of

August

, 19 90

[Signature]
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-00183 Decreed to William B. Swahlen
in case of Lemhi River vs. _____
dated Oct 6, 1988 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Bohannon Creek tributary to Lemhi River4. Date or priority April 01, 1874

5. Water is used for the following purpose:

amount 0.40 for irrig. purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>		<u>NW</u>	<u>NE</u>	<u>2</u>	<u>21N</u>	<u>23E</u>	<u>Lemhi</u>	
<u>3</u>		<u>NE</u>	<u>NW</u>	<u>2</u>	<u>21N</u>	<u>23E</u>		

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>21N</u>	<u>23E</u>	<u>11</u>				<u>22</u>									<u>36</u>	<u>30</u>	<u>22</u>		<u>110</u>

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Total acres 1109. Describe any other water rights used for the same purpose as described above 74-00377

0. 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 _____

1. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 74-00377 Decreed to William B. Swankley
in case of Leah's Decree vs. _____
dated Oct 6, 1988 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Bohannon Creek tributary to Leah's River

4. Date or priority July 10, 1912

5. Water is used for the following purpose:

amount 2.80 cfs. for Drainage purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
2		NW	NE	2	21N	23E	Leah's	
3		NE	NW	2	21N	23E		

8. Lands irrigated or place of use:

Twp.	Rge.	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	11				22									37	30	22		111

Total acres 111

9. Describe any other water rights used for the same purpose as described above 74-00183

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 _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

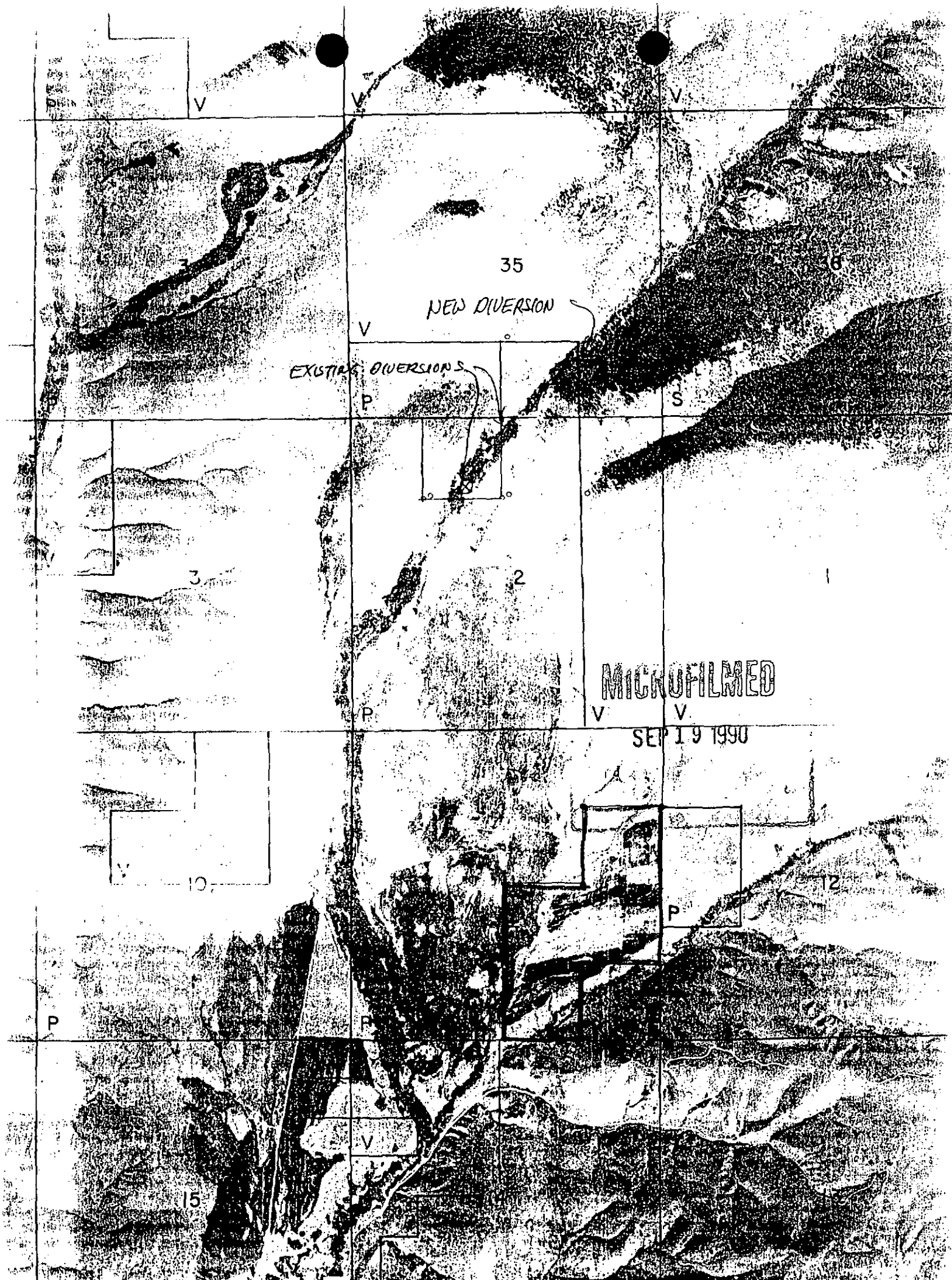
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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Total acres _____



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PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

W.B. Swahlen, managing partner
(Signature of Applicant)

Subscribed and sworn to before me this 25 day of April, 19 90.

Ernest C. Allen
(Notary Public)

My commission expires 6-14-1994.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by CEW Date 5-02-90 Protest filed by _____

Prelim. check by _____ Fee 50.00 #E014054

Receipted by HWT Date 5-29-90

Published in Recorder-Herald Copies of protest forwarded by _____

Pub. dates June 27 & 14-90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd.

Copy of transfer sent to lien holder _____

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SEP 19 1990

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 THE USE OF THE SURFACE WATERS)
AND TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

FILED
SEP 19 1990

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

WRD416

05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 32

INDICATES TOTAL

SOURCE: BOHANNON CREEK

TRIBUTARY TO: LEXHI RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0180B	STODDARD, JEAN L. RT. 1 SALMON ID 83467				2.60 CFS	T21N R23E	NE1/4(06) SW1/4(03) SE1/4(35) NE1/4(13) NE1/4(13) NW1/4(30) SE1/4(07) S29 T21N R23E * 128 ACRES*	
	REMARKS: AC. IRR.=128.4.							
74-0181	SWAHLEN, WILLIAM B. SWAHLEN, MARIAN H. SALMON ID 83467	05-05-1912	IRRIGATION	03-15 11-15	1.40 CFS	SWSE S35 T22N R23E	LT02(05) LT03(13) DECREE LT04(20) S35 T22N R23E LT01(14) S34 T22N R23E * 52 ACRES*	
	REMARKS: AC. IRR.=51.7.							
74-0174	SWAHLEN, WILLIAM B. SWAHLEN, MARIAN H. SALMON ID 83467	06-01-1912	IRRIGATION	03-15 11-15	.50 CFS	NW1/4 S11 T21N R23E	SENE(08) S10 T21N R23E * 8 ACRES*	DECREE
74-0377	SWAHLEN, WILLIAM B. SWAHLEN, MARIAN H. SALMON ID 83467	07-10-1912	IRRIGATION	03-15 11-15	2.80 CFS	NW1/4 S02 T21N R23E NEN1/4 S02 T21N R23E	SENE(22) NESE(37) DECREE NWSE(30) SWSE(22) S11 T21N R23E * 111 ACRES*	
	REMARKS: AC. IRR.=110.7. CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.							
74-0184	SWAHLEN, WILLIAM B. SWAHLEN, MARIAN H. SALMON ID 83467	07-11-1912	IRRIGATION	03-15 11-15	.50 CFS	NW1/4 S02 T21N R23E SWSE S35 T22N R23E	SWSE(22) LT02 (NW1/4)(10) S02 T21N R23E * 32 ACRES*	DECREE
	REMARKS: AC. IRR.=31.4.							
74-0182	SWAHLEN, WILLIAM B. SWAHLEN, MARIAN H. SALMON ID 83467	04-01-1913	IRRIGATION	03-15 11-15	1.10 CFS	NW1/4 S02 T21N R23E SWSE S35 T22N R23E	SENE(10) NESE(08) DECREE LT01 (NENE)(04) S03 T21N R23E * 22 ACRES*	
	REMARKS: AC. IRR.=22.2.							
74-0186	LOGAN, RALPH G.	05-01-1913	IRRIGATION	03-15 11-15		NWSE S22	SENE(04) NESE(07) DECREE	

SEP 19 1990
RECEIVED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPARTMENT MEMO

AUGUST 31, 1990

FROM: BRENDA MILLER

TO: FILE 74-0377

SUBJECT: TRANSFER NO. 3709

SEE FILE 74-0183 FOR ALL CORRESPONDENCE REGARDING THE
ABOVE REFERENCED TRANSFER.

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SEP 19 1990