

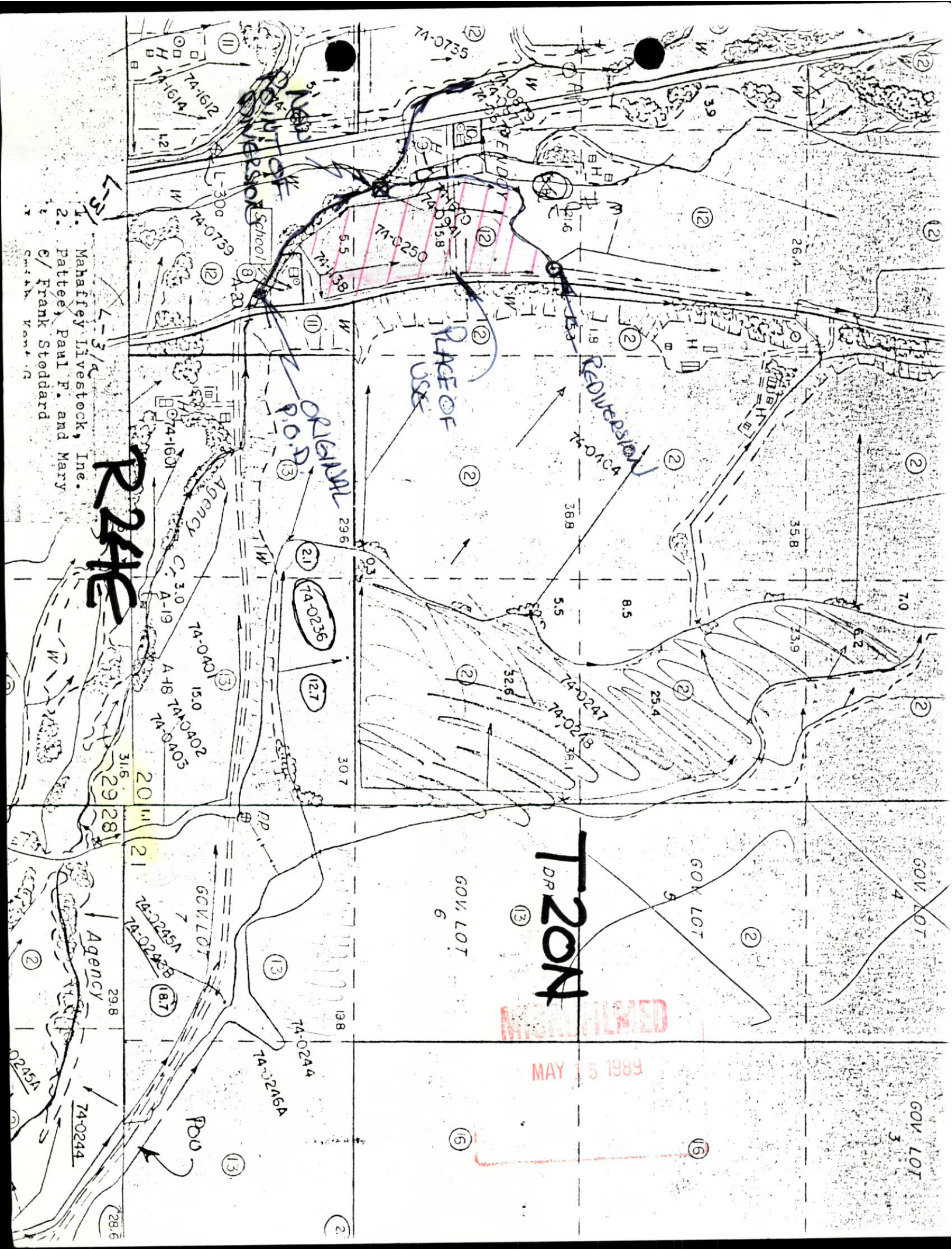
1. Mahafley Livestock, Inc.
2. Pattee, Paul F. and Mary
3. Frank Stoddard

R24E

T20N

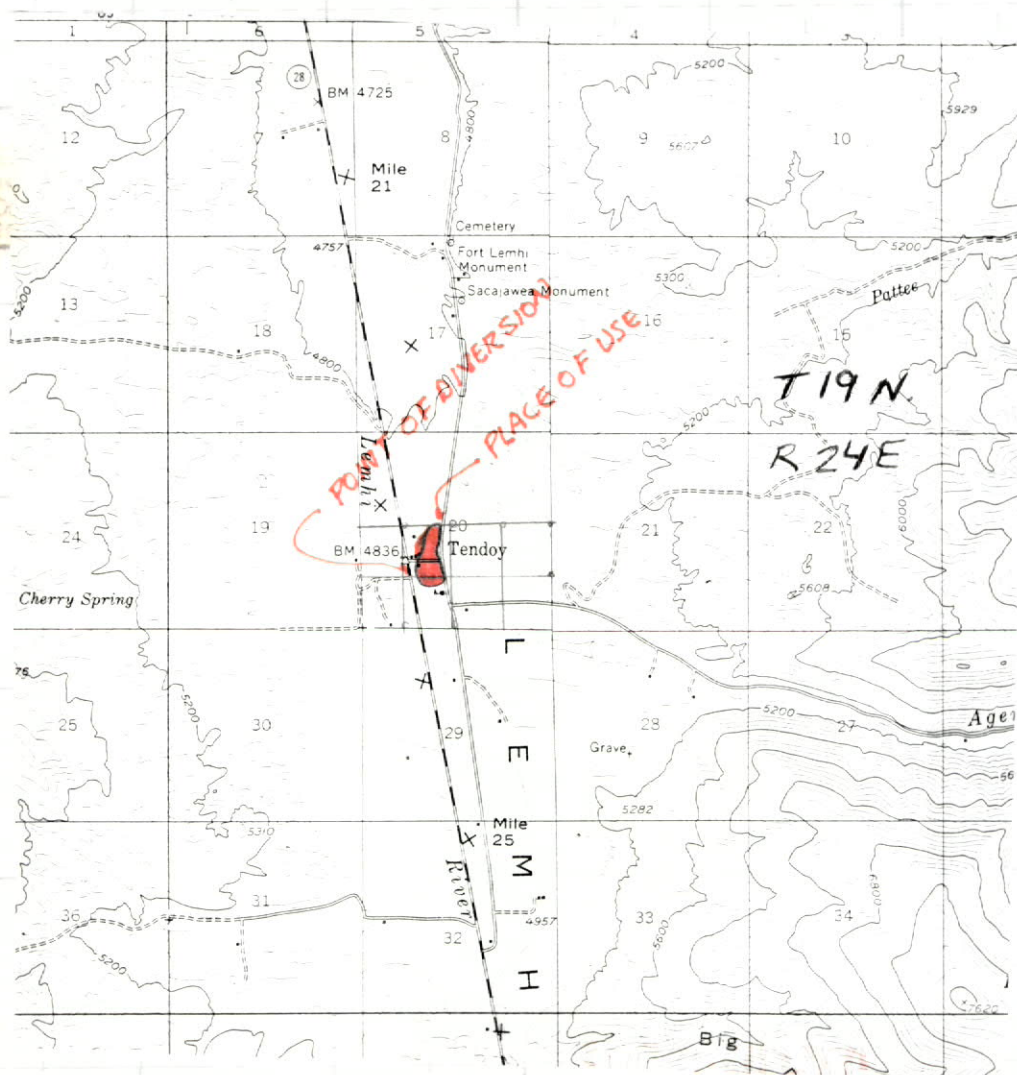
RECORDED

MAY 5 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



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

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 74-0250

Notice is hereby given that John F. Herbst, Tendoy, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of water from Agency Creek tributary to Lemhi River. The right sought to be changed is evidenced by Decree No. 74-0250 decreed to John F. Herbst in case of State of Idaho vs. Mary Adams, et al, dated December 30, 1982, in 7th Judicial District county of Lemhi and is recorded as follows:

AMOUNT: 0.30 cfs **PRIORITY:** October 1, 1909.

POINT OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M., Lemhi County;

The water is used to irrigate 15.5 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

TO BE CHANGED AS FOLLOWS

0.30 cfs of the water will be

diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before February 22, 1988.

R. KEITH HIGGINSON
Director

2-4-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

FEB 17 1988

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,

That the State of Idaho, Dept. of Water Resources, #74-0250

Change of water right, Herbst

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 Feb. 4, 1988 and ending with the issue dated Feb. 11, 1988.

Jerry G. Rosin

Subscribed and sworn to before me, this tenth

day of February, 1988

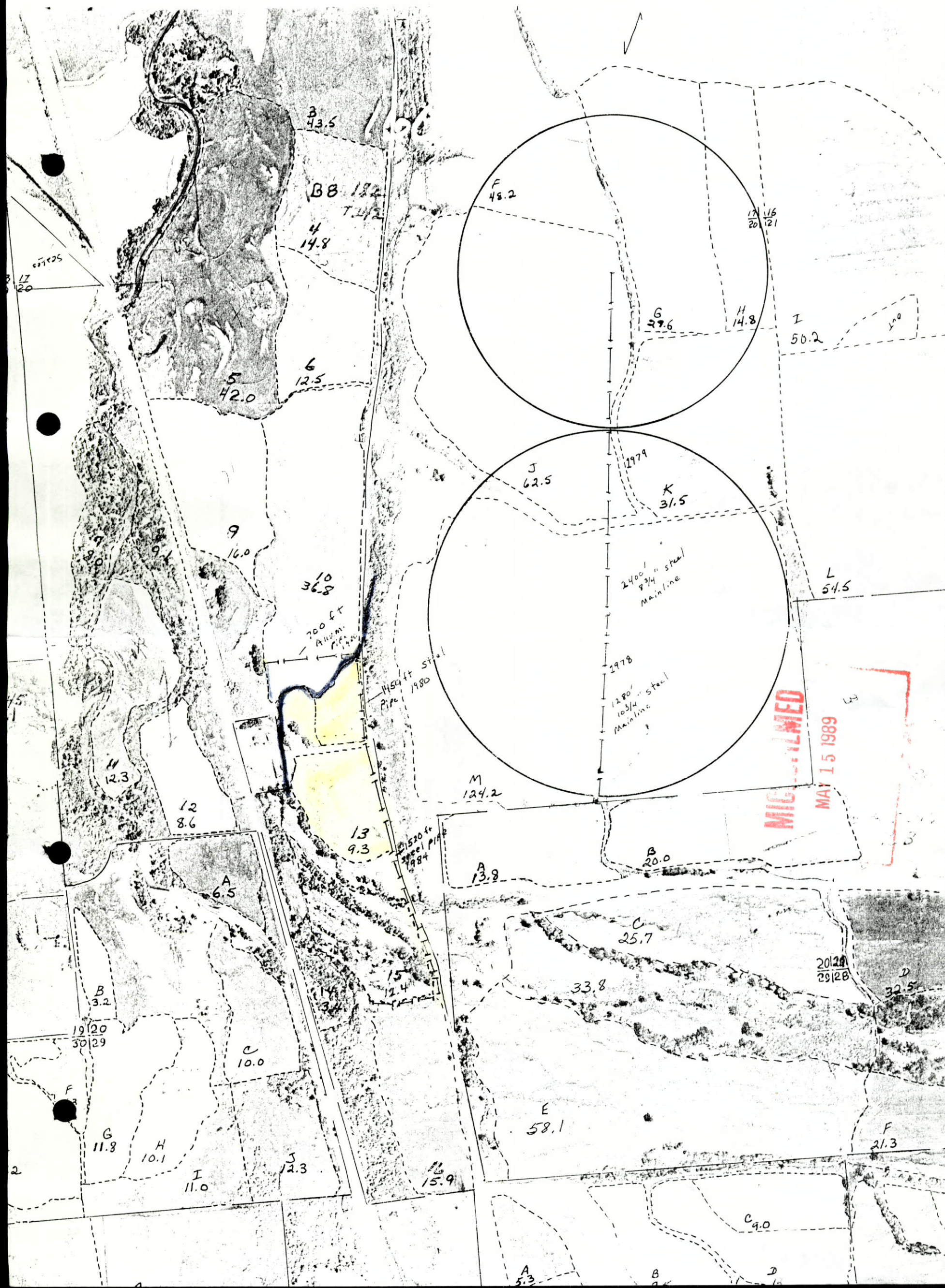
Carl Armstrong

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

Publication Fee \$ 34.44

RECORDED

MAY 15 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74-0250
3396APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant John F. Herbst Phone 756-2584
Post Office address Box 21, Tendoy, ID 83468

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 Changed irrigation practices to sprinkler
irrigation. Moved point of diversion downstream to more efficiently deliver
water to pump.

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>74-0250</u> | <u>10-01-1909</u> | <u>0.30 cfs</u> | <u>Irrigation</u> | <u>Mar 15</u> to <u>Nov 15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.30 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Agency Creek tributary to Lemhi River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SW	20	19N	24E	Lemhi	

5. 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	
19N	24E	20									10			5.5					15.5

Total acres 15.5

PART 1

6. General Information:

a. Description of diversion system Headgate from creek into ditch. Water is pumped from ditch into sprinkler system. Pump located in NENSW. Sec. 20, T. 19N, R. 24E

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ 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: No change in place of use.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 74-0250

And said application is hereby APPROVED

1. A lockable measuring device of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. 2. Use of water under this right is subject to the control of the watermaster of State Water District No. 74M, Agency Creek.

RECORDED

MAY 15 1989

Witness my hand this

day of

Chief, Water Alloc. Bureau
J. Van Stryker
F. L. Stryker

19 89

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. 74-0250 Decreed to John F. Herbst
 in case of State of Idaho vs. Mary Adams, et al,
 dated December 30, 1982 in 7th Judicial Dist. county of Lemhi
- 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 Agency Creek tributary to Lemhi River

4. Date or priority 10-01-1909

5. Water is used for the following purpose:

amount 0.30 cfs for Irrigation 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 0.30 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
		SE	SW	20	19N	24E	Lemhi	

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	
19N	24E	20									10			5.5					15.5

Total acres 15.5

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?

_____ 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

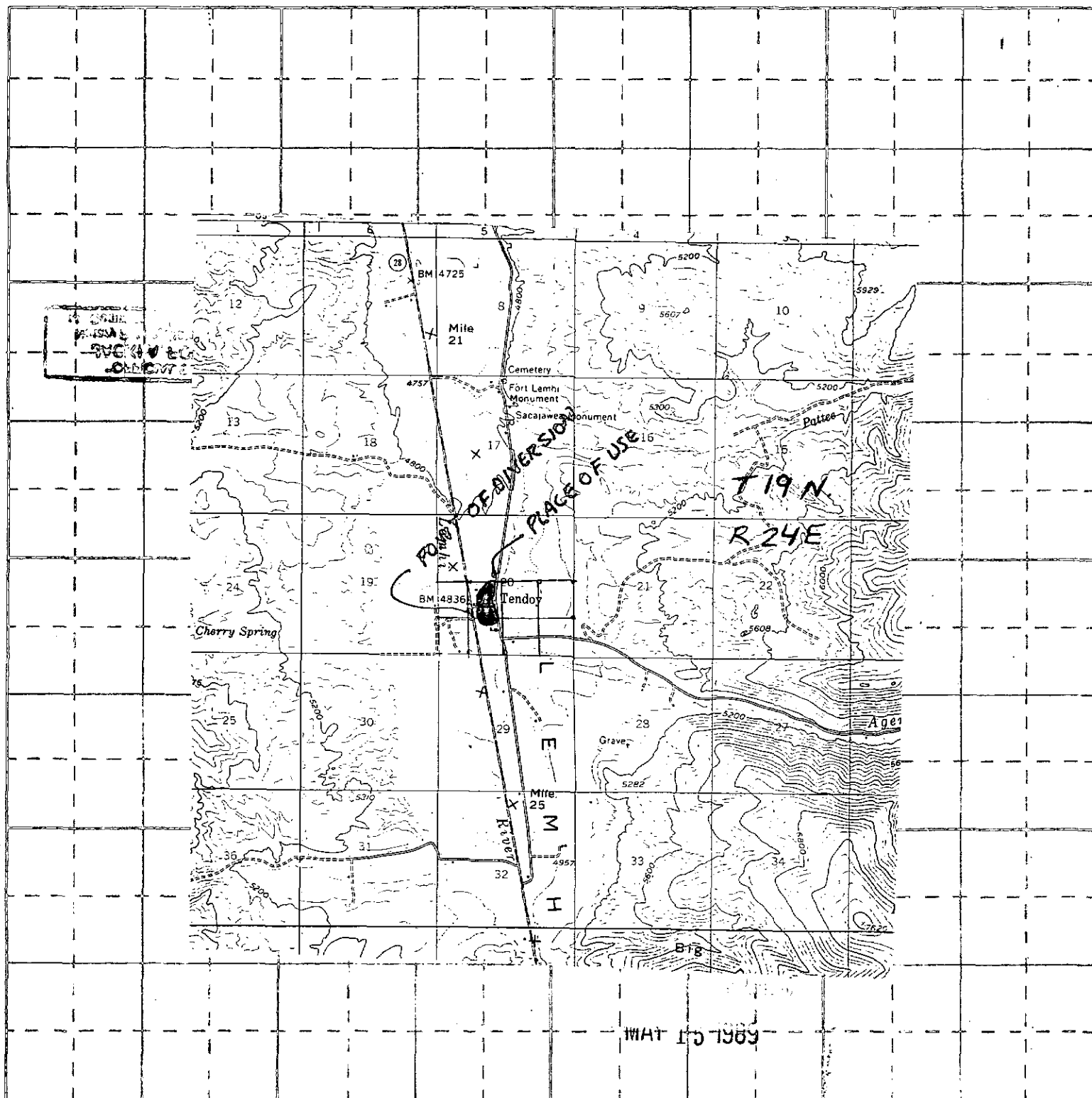
3. Lands irrigated or place of use:

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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

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.

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

x John F. Herbst
(Signature of Applicant)

Subscribed and sworn to before me this 12 day of JANUARY, 19 88



Jacki A. Powell
(Notary Public)

My commission expires 4-27-90

Amended By SSV YBB

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by ESV Date 1-19-88 Protest filed by _____

Prelim. check by SM Fee \$50.00

Received by ESV Date 1-19-88 #42194

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by Barbara Smith

Copy of transfer sent to lien holder _____

MICROFILMED

MAY 15 1989

05/04/83

INDICATES TOTAL

SOURCE: AGENCY CREEK

TRIBUTARY TO: LEWIS RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0245A	REMARKS: AC. IRR.=75.9.						
74-0245B	JONES, IVAN L. JONES, DORIS P.O. BOX 28 TENDON REMARKS: AC. IRR.=72.	01-11-1908	IRRIGATION 03-15 11-15	.80 CFS	SWW S27 T19N R24E	SENE(33) NESE(38) DECEE NASE(02) S29 T19N R24E	DECEE 15 1989
74-0236	ADAMS, RALSTON W. ADAMS, RACHEL P.O. BOX 52 TENDON REMARKS: AC. IRR.=90.7.	04-16-1909	IRRIGATION 03-15 11-15	2.40 CFS	NWNE S28 T19N R24E SENE S28 T19N R24E SWSE(02) SESE(13) S20 T19N R24E LT07 (SWSW)(19) SESW(02) S21 T19N R24E	DECEE NENW(29) LT01 (NWNW)(26) S28 T19N R24E SESW(02) LT07 (SWSW)(19) S21 T19N R24E	DECEE 7.8
74-0246A	ADAMS, RALSTON W. ADAMS, RACHEL P.O. BOX 52 TENDON REMARKS: AC. IRR.=75.9.	10-01-1909	IRRIGATION 03-15 11-15	.20 CFS	NWNE S28 T19N R24E SENE S28 T19N R24E SESW(02) LT07 (SWSW)(19) S21 T19N R24E	DECEE NENW(29) LT01 (NWNW)(26) S28 T19N R24E SESW(02) LT07 (SWSW)(19) S21 T19N R24E	DECEE 8.0
74-0246B	JONES, IVAN L. JONES, DORIS P.O. BOX 28 TENDON REMARKS: AC. IRR.=72.	10-01-1909	IRRIGATION 03-15 11-15	.20 CFS	SWW S27 T19N R24E	SENE(33) NESE(38) DECEE NASE(02) S29 T19N R24E	DECEE 2
74-0250	HERBST, JOHN F. HERBST, EMMA P.O. BOX 21 TENDON REMARKS: AC. IRR.=15.5.	10-01-1909	IRRIGATION 03-15 11-15	.30 CFS	SWW S20 T20N R24E	NESE(10) SESE(06) DECEE S20 T19N R24E	DECEE 8.5

WRD416

05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 3

TRIBUTARY TO: LEMHI RIVER

SOURCE: AGENCY CREEK

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	DECREE
--------------	------------------	---------------	-------------	---------------------	-----------------	--------------------------	--------

74-0250

74-0239

74-0240

74-1044

74-0249

7 MINERS INS. SHALL BE IN PREFERENCE TO RT. OF ANY OTHER PARTY ON AGENCY CK. WITH SAME PRIORITY DATE AS THIS RT. HOWEVER, THE RT. HOLDER TO 74-0250 AGREES THAT THE OPERATION OF A DIVERSION DAM ON AGENCY CK. WHERE THE DITCH FROM LEMHI RIVER DIVERSION L-32 CROSSES AGENCY CK. SHALL NOT BE INTERFERED WITH AS LONG AS 0.30 CFS (15 MINERS INS.) IS AVAILABLE AT THE P/D FOR 74-0250. CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.

ADAMS, RALSTON W.
ADAMS, RACHEL
P.O. BOX 52
TENDON

08-24-1910 IRRIGATION 03-15 11-15

1.40 CFS

NWS4 S19
T19N R25E
SWS4 S19
T19N R25E

DECREE

2.9

ID 83468

REMARKS: 2 P/D IN SWS4, S19, T19N, R25E.
P/U: T19N R24E S25 NENE(03)
S24 SESE(10)

P/U: T19N R25E S19 NWSW(02)

SWSW(09)

*

24 ACRES*

ALDER, CLAUDE
ALDER, JOSEPHINE
TENDON

01-20-1912 IRRIGATION 03-15 11-15

.50 CFS

SENE S28 S4NE(07) SENW(08)
T19N R24E LT02 (S4NW)(08)
S28 T19N R24E

DECREE

10.4

REMARKS: AC. IRR.=22.5.
ID 83468

ADAMS, RALSTON W.
ADAMS, RACHEL
P.O. BOX 52
TENDON

03-30-1917 IRRIGATION 03-15 11-15

.37 CFS

SENE S19 SENW(11)
T19N R25E LT02 (N4NE)(04)
N4NE S19 LT03 (N4NE)(04)
T19N R25E S19 T19N R25E

DECREE

10.77

REMARKS: AC. IRR.=18.4.
ID 83468

STODDARD, JAMES F.
STODDARD, JEAN L.
P.O. BOX 120
SALMON

11-27-1919 IRRIGATION 03-15 11-15

3.80 CFS

N4NW S28
T19N R24E

DECREE

14.57

REMARKS: AC. IRR.=209.8.
THIS RT. IS ONLY SUPPLEMENTAL TO RT. 74-0404 FOR THE SAME LAND AND MAY ONLY BE USED WHEN THE WATER AVAILABLE FROM THE LEMHI RIVER USING RT. 74-0404 CANNOT BE FILLED DUE TO ITS RELATIVE PRIORITY WHEN CONSIDERED TOGETHER WITH OTHER RTS. DIVERTED FROM THE LEMHI RIVER, PROVIDED FURTHER THAT SAID RT. SHALL BE LIMITED

MAY 15 1983

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
38,313	22-00	RP19N24E204801A	7325

FR T-722 LESS T-779
20 19 24

L 38, 313

WAC 28.000

AC 182.000 HERBST, JOHN F
C HERBST, EMMA

DELINQUENT CERT.

TENDUY, IDAHO 83468

READ REVERSE. RECEIPT VALID UPON CHECK CLEARANCE.
A FEE WILL BE ADDED FOR CHECKS RETURNED BY BANK.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1987 RP19N24E204801A
HERBST, JOHN F
& HERBST, EMMA 7325

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
			183.98		183.98
					PEN.
					SUB TOT.
					INT.
					TOT.

**PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO**

SHIRLEY R. HOY, LEMHI COUNTY
TREASURER AND TAX COLLECTOR
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467

DELINQUENT IF NOT PAID ON OR BEFORE **JUNE 20, 1988**
DATE PAID CHECK #
PAID BY CASH

I have reviewed John Herbst's proposed transfer of water right 74-0250. I have no objection to his changing the point of diversion of water right 74-0250 to the SW1/4NE1/4SW1/4, Sec. ~~20~~²⁰ PKC T. 19N, R. 24E, B.M.

Robert L. Charles

Date: 1/6/88

Co-owner of Ditch →

RECORDED

MAY 15 1989

{ Ditch agreement
H. H. Herbert
and other users on
ditch (see)

Tuesday, Idaho.
Nov. 25 1945.

This agreement made this day by and between Joe Patter and S. A. Mahaffey, whereby Joe Patter agrees to furnish a right of way without cost to S. A. Mahaffey and S. A. Mahaffey agrees to construct a ditch without cost to Joe Patter for the purpose of delivering water to and around the Joe Patter house and to the S. A. Mahaffey ranch, and not for the purpose of jeopardizing any other water right.

It is further agreed that from the river to a point where the ditch leaves the Joe Patter field, or that part which was constructed through the old river ditch which was enlarged to carry one-third more water, our respective interests are to be a two-thirds interest to the Joe Patter bottom ground, and a one-third interest to S. A. Mahaffey, and Joe Patter together, and from a point where the ditch leaves the Joe Patter field to the Joe Patter house and the S. A. Mahaffey ranch, the Joe Patter interest be a one-third interest, and that the interest of S. A. Mahaffey be a two-thirds interest, and that each party maintain his respective part.

Joe Patter further agrees to allow S. A. Mahaffey to use the decreed water of Patter Creek on his bar land, and that any time the above,

MAY 15 1989

ditch fails to deliver water to Joe Patter
the decreed water of Patter Creek is to return
back to Joe Patter.

Joe Patter
SA. Mahaffey

MAY 15 1984

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 74-0250

Notice is hereby given that John F. Herbst, Tendency, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of water from Agency Creek tributary to Lemhi River. The right sought to be changed is evidenced by Decree No. 74-0250 decreed to John F. Herbst in case of State of Idaho vs. Mary Adams, et al, dated December 30, 1982, in 7th Judicial District county of Lemhi and is recorded as follows:

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POINT OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M., Lemhi County;

The water is used to irrigate 15.5 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

TO BE CHANGED AS FOLLOWS

0.30 cfs of the water will be

diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before February 22, 1988.

R. KEITH HIGGINSON

Director

2-4-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

FEB 17 1988

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.

That the State of Idaho, Dept. of Water Resources, #74-0250

Change of water right, Herbst

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 Feb. 4, 19 88 and ending with the issue dated Feb. 11, 19 88

Jerry G. Rosin

Subscribed and sworn to before me, this tenth

day of February, 19 88

Carl Armstrong

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

Publication Fee \$ 34.44

RECORDED

MAY 15 1988

74-0246A ADAMS, RALSTON W.
ADAMS, RACHEL
P.O. BOX 52
TENDOO
10 83468
REMARKS: AC. IRR.=75.9.

10-01-1909 IRRIGATION 03-15 11-15

74-0246B JONES, IVAN L.
JONES, DORIS
P.O. BOX 28
TENDOO
10 83468
REMARKS: AC. IRR.=72.

10-01-1909 IRRIGATION 03-15 11-15

74-0250 HERBST, JOHN F.
HERBST, EMMA
P.O. BOX 21
TENDOO
10 83468
REMARKS: AC. IRR.=15.5.

10-01-1909 IRRIGATION 03-15 11-15

T#3396

.20 CFS T19N R24E LT01 (NWNW)(10)
SENE S28 S28 T19N R24E
T19N R24E SESE(02)
LT07 (SWSW)(19)
S21 T19N R24E
76 ACRES*

.20 CFS SWNW S27 SENE(33) NESE(38) DECREE
T19N R24E NWE(02)
S29 T19N R24E
73 ACRES*

.30 CFS SESE S20 NENE(10) SESE(06) DECREE
T20N R24E S20 T19N R24E

NR0416
05/06/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 3

INDICATES TOTAL

SOURCE: AGENCY CREEK

TRIBUTARY TO LEMHI 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
--------------	------------------	---------------	-----	--------------------	---------------------	-----------------	--------------------------	-----------------

74-0250	7 MINERS INS. SHALL BE IN PREFERENCE TO RT. OF ANY OTHER PARTY ON AGENCY CK. WITH SAME PRIORITY DATE AS THIS RT. HOWEVER, THE RT. HOLDER TO 74-0250 AGREES THAT THE OPERATION OF A DIVERSION DAM ON AGENCY CK. WHERE THE DITCH FROM LEMHI RIVER DIVERSION L-32 CROSSES AGENCY CK. SHALL NOT BE INTERFERED WITH AS LONG AS 0.30 CFS (15 MINERS INS.) IS AVAILABLE AT THE PVD FOR 74-0250. CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.						16 ACRES*	
74-0239	ADAMS, RALSTON W. ADAMS, RACHEL P.O. BOX 52 TENDOO 10 83468 REMARKS: 2 P/D IN SWSW, S19, T19N, R25E. AC. IRR.=23.8. P/U: T19N R24E S25 NENE(03) S24 SESE(10) P/U: T19N R25E S19 NWSW(02)	08-24-1910 IRRIGATION 03-15 11-15			1.40 CFS	NWSW S19 T19N R25E SWSW S19 T19N R25E	24 ACRES*	DECREE
74-0240	ALDER, CLAUDE ALDER, JOSEPHINE TENDOO 10 83468 REMARKS: AC. IRR.=22.5.	01-20-1912 IRRIGATION 03-15 11-15			.50 CFS	SENE S28 SANE(07) SENW(08) DECREE T19N R24E LT02 (SWNW)(08) S28 T19N R24E	23 ACRES*	
74-1044	ADAMS, RALSTON W. ADAMS, RACHEL P.O. BOX 52 TENDOO 10 83468 REMARKS: AC. IRR.=18.4.	03-30-1917 IRRIGATION 03-15 11-15			.37 CFS	SENE S19 SENW(11) DECREE T19N R25E LT02 (NWNW)(04) NWNW S19 LT03 (NWNW)(04) T19N R25E S19 T19N R25E	19 ACRES*	
74-0249	STODDARD, JAMES F. STODDARD, JEAN L. RT. 1 BOX 120 SALMON 10 83467 REMARKS: AC. IRR.=209.8. THIS RT. IS ONLY SUPPLEMENTAL TO RT. 74-0404 FOR THE SAME LAND AND MAY ONLY BE USED WHEN THE WATER AVAILABLE FROM THE LEMHI RIVER USING RT. 74-0404 CANNOT BE FILLED DUE TO ITS RELATIVE PRIORITY WHEN CONSIDERED TOGETHER WITH OTHER RTS. DIVERTED FROM THE LEMHI RIVER, PROVIDED FURTHER THAT SAID RT. SHALL BE LIMITED	11-27-1919 IRRIGATION 03-15 11-15			3.80 CFS	NWNW S28 T19N R24E		DECREE

MICROFILMED

MAY 15 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 20, 1989

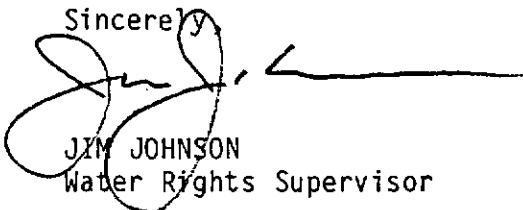
RE: Transfer of Water Right No. 74-0250

John F. Herbst
Box 21
Tendoy, ID 83468

Dear Mr. Herbst:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3396). Be sure to note the conditions of approval listed on the second page.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:hm
Enclosure

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MAY 15 1989

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: REVIEW OF TRANSFER APPLICATION NO. 3396

DATE: 17-FEB-1989

The purpose of this transfer application is to move the point of diversion downstream to a location that allows better access to the sprinkler system used to irrigate the lands identified on the water right.

Also, an error was found in the legal description on the decreed right. The decreed right list the Township as 20N for the point of diversion, it should have been 19N. The transfer application will serve to correct this error.

RECOMMENDED CONDITIONS OF APPROVAL

<<R01>> A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

<<R02>> A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

<<R04>> Use of water under this license is subject to the control of the watermaster of State Water District No.74M, Agency Creek.

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MAY 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEETINITIAL REVIEW BY: Steve McCamich

1. Right number 74-0250 Applicant John E. Herbst
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. REMARKS - THE DECREE APPEARS TO BE IN ERROR. P/D SHOULD BE IN T. 19 NORTH NOT T. 20 NORTH AS DESCRIBED IN DECREE. TRANSFER WILL CORRECT THE ERROR
- 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? District 24 - Lemhi River 74M 3-14-88 dg

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 3-26-88 Received on 4-4-88
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No protest date: 2-22-88

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* 1. subject to watermaster control. Any stream losses resulting from the transfer down stream may be charged against the applicant

4. By RDC Date 8/15/88Jim 2-17-89

RECEIVED

FEB 16 1989

Salmon office

Subject: Cons

to Water Resources

RECEIVED
MAY 15 1989

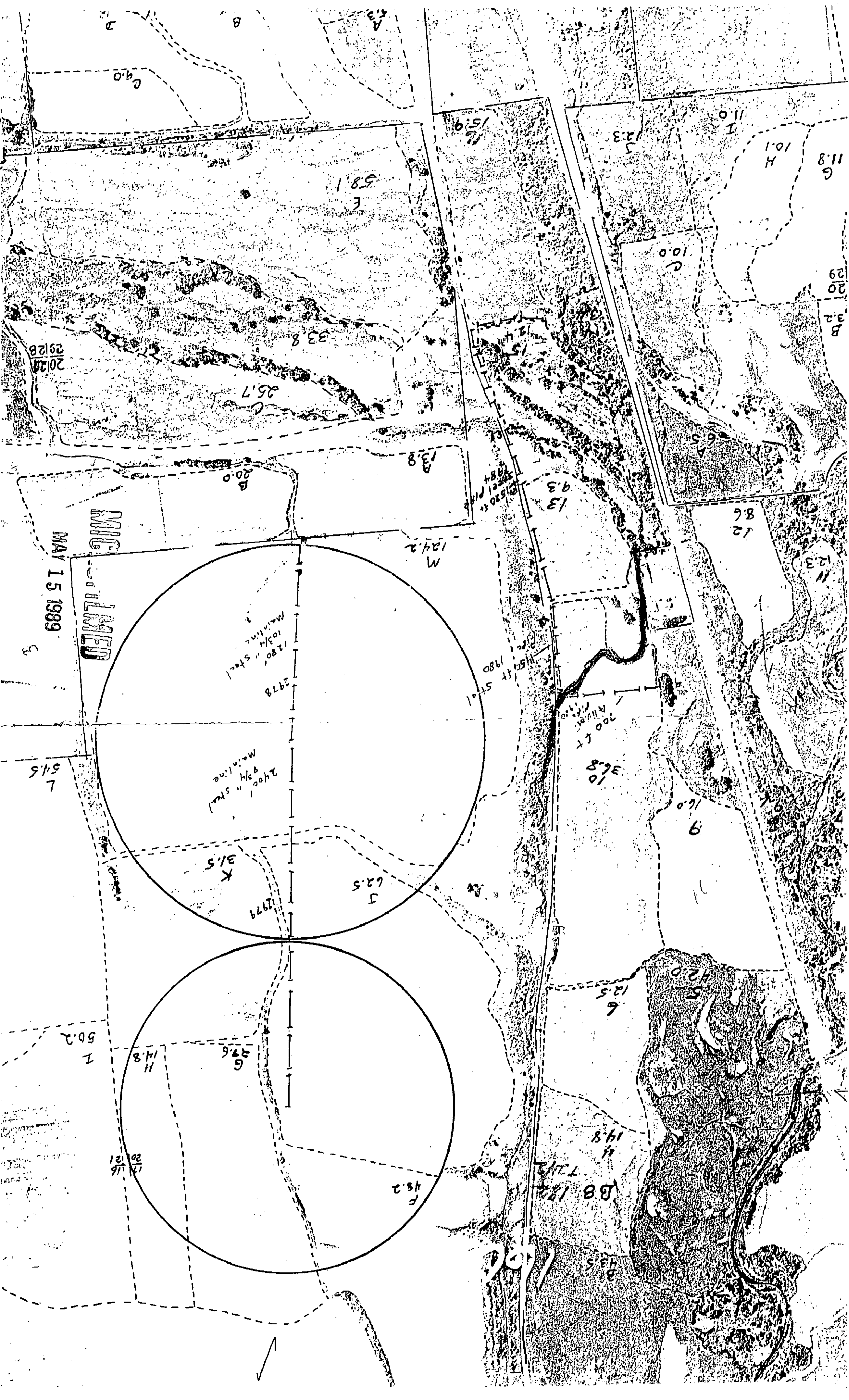
MAY 15 1989

Lynn Herbst requested documentation that certifies he installed a sprinkler system in 1980. The same was done and used in 1980. Cost shared by ASCS & designed by SCS.

Ralph Swift
District Cons.
Soil Conservation Service.
1/13/88

RECEIVED

MAY 15 1989



Trans - 74-020

3000
2000

File No. 74-0250

STATE OF IDAHO
Department of Water Resources

FIELD INSPECTION REPORT

1. Date: 3/7/88 Time: 1000 Photos: ☒ Yes ☐ No

2. Inspection Involves: ☒ Water Rights ☐ Dam Safety ☐ Well Construction or Driller
☐ Waste Well ☐ Stream Channel Alteration ☐ Water Distribution
☒ Other TRANSFER OF POD FOR 74-0250

3. Reason for inspection: VERIFY LEGALS & LAND USE

4. Stream name: AGENCY CREEK

5. Stream characteristics: MR. HERBST ^{HAD} IS LAST POSSIBLE
DIVERSION FROM AGENCY CREEK. ORIGINAL POD
W/ DITCHES STILL VISIBLE BUT HAVE BEEN ABANDONED

6. Stream width: _____ Depth: _____ Gradient: _____ Q: _____ est. _____
meas. _____

7. Location: SW 1/4 NE 1/4, Sec. SW, Twp. 19N, Rge. 24E, County LEMHI

Landmark: CONFLUENCE OF AGENCY CREEK AND ^{PRIVATE} LEMHI RIVER CANAL

8. Person(s) contacted: NONE

9. Dam name: _____ Spilling: _____ No _____ Yes ☐ Q _____

Outlet open: _____ No _____ Yes ☐ Q _____ Spillway open: _____ Yes _____ Fibrd _____ Gate open

Freeboard: Spillway _____ Crest _____ Res. stage: _____ Rising _____ Falling _____ Rate

10. Area characteristics: CANAL VERIFIED CANAL DELIVERS WATER
TO ONE OTHER USER BELOW HERBST PLACE -
STATEMENT FROM THIS OTHER USER (ROBERT CHARLES
ATTACHED).

11. Weather conditions: CLOUDY, COOL

12. Describe activity/conditions inspected: NO IRRIGATION @ THIS TIME

13. Are all requirements being met? ☒ Yes
If not, check type violated: _____ Statutory _____ Rules & Regs _____ Permit

14. Describe impact on others: NONE APPARENT

15. Describe alternatives: USING ORIGINAL POD PROBABLY LESS
EFFICIENT USE OF WATER.

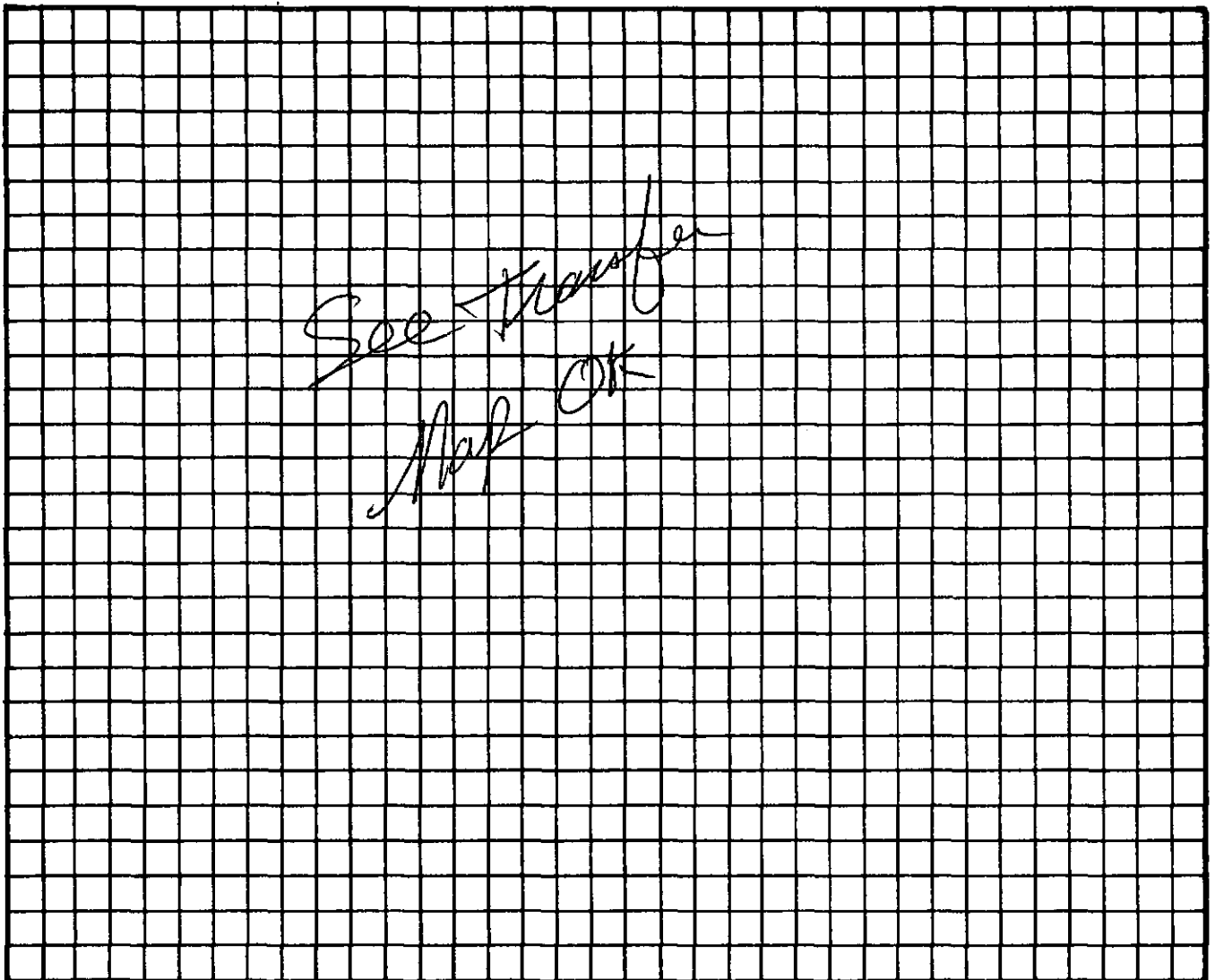
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MAY 15 1988

16. Remarks NEW DIVERSION SYSTEM INCLUDES APPROX. 20 hp. PUMP
THROUGH 4" MAINLINE TO HANDLINE SPRINKLERS

17. Followup Necessary: Yes ☒ No Describe: _____

18. Sketch: Include direction, important dimensions, photo locations, landmark or reference point



19. Action taken at time of inspection: _____

20. Signed: [Signature]

21. Follow up action: Date: _____ Additional Memo Prepared: Yes ☐ No ☐

Describe: _____

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MAY 15 1984

22. Signed: _____

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 74-0250

RECEIVED

APR 4 1988

Department of Water Resources
Eastern District Office

WATER DISTRICT 74-M

WATERMASTER

Ivan L Jones

DATE:

3/26/1988

COMMENTS:

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

yes

Ivan L Jones
Watermaster

MICROFILMED

MAY 15 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

March 28, 1988

Ivan Jones, Watermaster
Water District #74-M
Box 28
Tendoy, ID 83468

RE: Application for Transfer of Water Right No. 74-0250

Dear Watermaster:

Our files indicate we have not received your watermaster comments on the above captioned application for transfer which was forwarded to you on March 14, 1988. Therefore, enclosed please find a copy of the application and another watermaster recommendation form.

Section 42-222 of the Idaho Code states that watermaster recommendations must be submitted to the Department before proceeding with final administrative action. Since advertising of the application is completed, I urge you to give this matter immediate attention.

Your cooperation is appreciated.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosures

RECEIVED

MAY 15 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

March 14, 1988

Ivan Jones, Watermaster
Water District #74-M
Box 28
Tendoy, ID 83468

RE: Application for Transfer of Water Right
No. 74-0250

Dear Watermaster:

Please find enclosed a copy of the above referenced application and a water recommendation form. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

RECEIVED

MAY 15 1989

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 74-0250

RECEIVED

FEB 2 1988

Department of Water Resources
Eastern District Office

WATER DISTRICT # 174

WATERMASTER Everett DeCora

DATE: 2-1-88

COMMENTS: This would be for
more efficient use of this
water.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Everett DeCora
Watermaster

MICROFILMED

MAY 15 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

January 27, 1988

Everett DeCora, Watermaster
Water District #74
Rt. 1, Box 7-A
Salmon, ID 83467

RE: Application for Transfer of Water Right
No. 74-0250, Herbst

Dear Mr. DeCora:

Please find enclosed a copy of the above referenced application and a water recommendation form. Please review the application and complete the form, returning them to this office on or before February 22, 1988.

Thank you for your cooperation in this matter.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

MICROFILMED

MAY 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 27, 1988

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before FEBRUARY 22, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

MICROFILMED

MAY 15 1989

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 74-0250

Notice is hereby given that John F. Herbst, Tendency, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of water from Agency Creek tributary to Lemhi River. The right sought to be changed is evidenced by Decree No. 74-0250 decreed to John F. Herbst in case of State of Idaho vs. Mary Adams, et al, dated December 30, 1982, in 7th Judicial District county of Lemhi and is recorded as follows:

AMOUNT: 0.30 cfs PRIORITY:
October 1, 1909.

POINT OF DIVERSION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M., Lemhi County;

The water is used to irrigate 15.5 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

TO BE CHANGED AS FOLLOWS

0.30 cfs of the water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 19N, R. 24E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before February 22, 1988.

R. KEITH HIGGINSON

Director

2-4-2tc

MICROFILMED

MAY 15 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 74-0250

Notice is hereby given that John F. Herbst, Tendoy, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of water from Agency Creek tributary to Lemhi River. The right sought to be changed is evidenced by Decree No. 74-0250 decreed to John F. Herbst in case of State of Idaho vs. Mary Adams, et al, dated December 30, 1982, in 7th Judicial District county of Lemhi and is recorded as follows:

AMOUNT: 0.30 cfs PRIORITY: October 1, 1909

POINT OF DIVERSION: SE1/4SW1/4, Sec. 20, T. 19N,
R. 24E, B.M., Lemhi County;

The water is used to irrigate 15.5 acres within the
E1/2SW1/4, Sec. 20, T. 19N, R. 24E, B.M.

TO BE CHANGED AS FOLLOWS

0.30 cfs of the water will be diverted within the
SW1/4NE1/4SW1/4, Sec. 20, T. 19N, R. 24E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before February 22, 1988.

R. Keith Higginson

Director

Published February 4 & 11, 1988

RECORDED

MAY 15 1989